

Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road
(972) 450-7000 Fax: (972) 450-7043

AGENDA

WORK SESSION AND

JOINT PLANNING AND ZONING COMMISSION MEETING

OF THE CITY COUNCIL

6:00 P.M.

AND

REGULAR MEETING OF THE CITY COUNCIL

7:30 P.M.

AUGUST 12, 2008

TOWN HALL

5300 BELT LINE ROAD

WORK SESSION

Item #WS1 - Joint Meeting with City Council and Planning and Zoning Commission to discuss a Sustainability Program for Commercial Development within the Town.

REGULAR SESSION

Item #R1 - Consideration of Old Business.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

July 08, 2008, Regular City Council Meeting and Work Session
August 2, 2008, Special Meeting and Work Session
August 4, 2008, Special Meeting and Work Session

Item #R3 - Presentation by the Metrocrest Chamber of Commerce Chairman, Mike Shost, of a plaque to the Town in recognition of Addison's support of the Chamber as one of their Major Investors.

Item #R4 - **PUBLIC HEARING** Case 1559-SUP/Soka Gakkai, International. Public hearing on and consideration of approval of an ordinance approving a Special Use Permit for a religious institution in a Planned Development District, located in the Gateway Center at 4821-A Keller Springs Road, on application from Soka Gakkai, International, represented by Mr. Dale Mowrer.

Attachments:

1. Docket map
2. Staff report
3. Plan

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 24, 2008, voted to recommend approval of the request for a Special Use Permit for a religious institution, on application from Soka Gakkai, International, subject to no conditions.

Voting Aye: Bernstein, Daseke, Lay, Wood
Voting Nay: None
Absent: Gaines Jandura, Hewitt (late)

Administrative Recommendation:

Administration recommends approval

Item #R5 - **PUBLIC HEARING** Case 1560-Z/SNK Realty. Public hearing on and consideration of approval of an ordinance approving a concept plan for multi-family project of 135 units, located in the UC – Commercial sub-district, on a 1.231-acre tract in Addison Circle, at the northwest corner of the intersection of Dallas Parkway and Spruill Avenue, on application from SNK Realty, represented by Mr. Derrick Turnbull.

Attachments:

1. Docket map
2. Staff report
3. Plan

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 24, 2008, voted to recommend approval of a concept plan for a multi-family project of 135 units, subject to no conditions, on application from SNK Realty, represented by Mr. Derrick Turnbull.

Voting Aye: Bernstein, Daseke, Hewitt
Voting Nay: Lay, Wood
Absent: Gaines, Jandura

Administrative Recommendation:

Administration recommends denial.

Item #R6 - Discussion and consideration of approval of a resolution re-appointing John Murphy, Councilmember, City of Richardson, as the Town's representative to the Regional Transportation Council.

Attachments:

1. Letter from Regional Transportation Council
2. Resolution

Administrative Recommendation:

Administration recommends approval.

Item #R7 - Discussion and consideration and approval of an ordinance to add Ryan Adams, Finance Director, as a designated representative to transact business with TexPOOL.

Attachment:

1. Council Agenda Item Overview
2. Resolution

Administrative Recommendation:

Administration recommends approval.

Item #R8 - Discussion and consideration of approval of an Ordinance of the Town of Addison, Texas, amending the existing gas franchise between the Town and Atmos Energy Corporation by increasing the consideration paid by Atmos Energy Corporation to the Town for the rights and privileges granted to Atmos Energy Corporation under the franchise from four percent (4%) to five percent (5%) of Gross Revenues as defined in the franchise ordinance; providing for acceptance of the Ordinance by Atmos Energy; providing an effective date and for other related matters.

Attachments:

1. Council Agenda Item Overview
2. Ordinance

Administrative Recommendation:

Administration recommends approval.

Item #R9 - Discussion and consideration of approval of a 9-1-1 billing agreement with the following communication carrier which has received a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission: BullsEye Telecom, Inc.

Attachments:

1. Council Agenda Item Overview
2. Agreement

Administrative Recommendation:

Administration recommends approval.

Item #R10 - Discussion and consideration of approval of an amendment to the lease between Concourse Plaza, as landlord, and the Town, as tenant, of certain office space located at 16051 Addison Road, Suite 220 for Airport management office purposes, providing for, among other things, an extension of the term of the lease for an additional twenty-five (25) months.

Attachments:

1. Council Agenda Item Overview
2. Memorandum from Bill Dyer
3. Lease

Administrative Recommendation:

Administration recommends approval.

Item #R11 - Consideration and approval of the following in connection with a Ground Lease at Addison Airport of property located generally at 15841 Addison Road and a Hangar Lease of certain hangar facilities at Addison Airport located on property adjacent to 15841 Addison Road:

(a) Consent to Assignment of Ground Lease from the C.E. Wagley Children's Trust dated January 17, 1992, Dee Dee Planas, Trustee (successor in interest to Charles E. Wagley) to Victory Jet, Inc., a Texas corporation;

(b) Consent to Assignment of Hangar Lease from the C.E. Wagley Children's Trust dated January 17, 1992, Dee Dee Planas, Trustee

(successor in interest to Charles E. Wagley) to Victory Jet, Inc., a Texas corporation;

(c) Amendment to Ground Lease by and between the Town of Addison, Texas, as Landlord and Victory Jet, Inc., a Texas corporation, as Tenant; and

(d) Amendment to Hangar Lease by and between the Town of Addison, Texas, as Landlord and Victory Jet, Inc., a Texas corporation, as Tenant; and

(e) Memorandum of Ground Lease and Hangar Lease by and between the Town of Addison, Texas, as Landlord, the C.E. Wagley Children's Trust (dated January 17, 1992), Dee Dee Planas, Trustee as Assignor and Victory Jet, Inc., a Texas corporation, as Assignee.

Attachments:

1. Memorandum from Bill Dyer
2. Lease

Administrative Recommendation:

Administration recommends approval.

Item #R12 - Discussion and consideration of approval of an Easement for Utility Facilities on the Addison Airport.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R13 - Discussion and consideration of approval authorizing the City Manager to execute a Master Services Agreement with HNTB Corporation for engineering design of the Belt Line Road re-design.

Attachments:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R14 - Discussion and consideration of approval of purchasing one hundred and forty (140) water meters from Hersey Meter Company in an amount not to exceed \$43,422.40.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R15 - Discussion and consideration of and approval of awarding a contract for rehabilitation of the sanitary sewer line serving customers along Addison Road from Addison Circle Drive to Airport Parkway and the sanitary sewer line serving customers along Wright Brothers Road.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R16 - Discussion and consideration of approval of Change Order No. 1, in the amount of \$5,000, for various items and approval of final payment to N.G. Painting, L.P., in the amount of \$81,000.00, for the painting of the two ground storage reservoirs.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R17 - Discussion and consideration of approval of Appointment(s) to the Metrocrest Chamber of Commerce's Leadership Metrocrest.

Attachments:

1. Council Agenda Item Overview
2. List of Interested Participants

Administrative Recommendation:

Administration recommends approval.

Item #R18 - Discussion of the Cavanaugh Flight Museum.

EXECUTIVE SESSION

Item #ES1- Closed (executive) session of the Addison City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: ***City of San Antonio, Texas, on Behalf of Itself and All other Similarly Situated Texas Cities v. Hotels.com, et al.***; Case No. SA-06-CA-0381-OG; pending in the United States District Court for the Western District of Texas-San Antonio Division.

Item #R19 - Discussion and consideration of approval of any action regarding certain pending litigation, to wit: ***City of San Antonio, Texas, on Behalf of Itself and All other Similarly Situated Texas Cities v. Hotels.com, et al.***; Case No. SA-06-CA-0381-OG; pending in the United States District Court for the Western District of Texas-San Antonio Division.

Item #R20 - Discussion by Mr. Brian Cleveland regarding his concerns about the Addison Police Department and traffic enforcement.

Adjourn Meeting

Posted:
August 8, 2008 at 5:00 P.M.
Mario Canizares - City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

Council Agenda Item **#WS1**

There are no attachments for this Item.

**OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
WORK SESSION**

July 8, 2008
6:00 P.M. – Town Hall
5300 Belt Line Road
Kitchen Meeting Room

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier and Mellow

Absent: Councilmember Niemann

Work Session

Item #WS1 - Presentation and discussion regarding a heliport on Addison Airport.

Bill Dyer led the discussion. There was no action taken.

Item #WS2 - Presentation and discussion regarding the Cavanaugh Flight Museum.

Lea Dunn led the discussion. There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Mario Canizares

**OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
REGULAR SESSION**

July 8, 2008
7:30 P.M. – Town Hall
5300 Belt Line Road
Council Chambers

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier, and Mellow

Absent: Councilmember Niemann

Regular Session

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Matt Ferguson with the Fire Department and Brandy Prehoda with the Police Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

June 23, 2008, Special Meeting and Work Session
June 24, 2008, Regular City Council Meeting and Work Session

The Minutes for June 23, 2008, Special Meeting and Work Session, were approved as written.

The Minutes for June 24, 2008, Regular City Council Meeting and Work Session, were approved with the following addition to Item #R8: "Council agreed to ask Staff to implement the recommendations from the Business Retention Pilot Program."

Councilmember Meier moved to duly approve Item #2a with the foregoing change.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow

Voting Nay: None

Absent: Councilmember Niemann

Item #R3 - Discussion regarding the appointment(s) by the City Council to the 20th Class of the Leadership Metrocrest Program.

Kelvin Keith and Roy Stockard led the discussion. There was no action taken.

Item #R4 - Presentation, briefing and discussion regarding the Town wide WiFi network upgrade by a representative from RedMoon.

Ryan Thompson with Red Moon presented this Item. There was no action taken.

Item #R5 - Presentation and discussion of Salary and Benefits Analysis by Waters Consulting.

Rollie Waters with Waters Consulting presented this Item. There was no action taken.

Item #R6 - Discussion and consideration of approval of a contract with Sigma Surveillance, Inc., for the purchase and installation of a Video Camera Monitoring System at the Addison Conference Centre in the amount of \$38,918.00 and of authorizing the City Manager to execute the same, subject to the City Attorney's final approval.

Councilmember Kraft moved to duly approve a contract with Sigma Surveillance, Inc., for the purchase and installation of a Video Camera Monitoring System at the Addison Conference Centre in the amount of \$38,918.00 and of authorizing the City Manager to execute the same, subject to the City Attorney's final approval.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow

Voting Nay: None

Absent: Niemann

Item #R7 - Discussion regarding and consideration of the rejection of all the received proposals for the purchase of a Land Management Software System.

Councilmember Kraft moved to approve the rejection of all the received proposals for the purchase of a Land Management Software System.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow

Voting Nay: None

Absent: Niemann

Item #R8 - REPLAT/Westgrove and Airborn Addition. Discussion and consideration of approval of a replat of two lots located in Block A, Carroll Estates, one tract located at 4201 Airborn Drive, and the adjoining tract located at the southeast corner of Westgrove Drive and Sojourn Drive, on application from Kalisher Properties, Ltd., represented by Ms. Wendy Kalisher of Kalisher Properties, Ltd.

Councilmember Mellow moved to duly approve a replat of two lots located in Block A, Carroll Estates, one tract located at 4201 Airborn Drive, and the adjoining tract located at the southeast corner of Westgrove Drive and Sojourn Drive, on application from Kalisher Properties, Ltd., represented by Ms. Wendy Kalisher of Kalisher Properties, Ltd., subject to the following conditions:

1. Add a four foot (4') right-of-way dedication along Westgrove Drive.
2. Add a four foot (4') right-of-way dedication along Sojourn Drive.
3. Add a twenty foot (20') right-of-way dedication corner clip at the intersection of Westgrove and Sojourn.
4. Remove the fire lane easement and add a twenty-four foot (24') non-exclusive ingress/egress, drainage and utility easement along the lot line between Lots 1 & 2.
5. Fire hydrants are required on a 300' interval along a fire lane. As a result a looped water main is required. The water main must be centered in a fifteen foot (15') water easement and fire hydrants centered in a 10' x 10' water easement. Please add the easements to the face of the plat.
6. Add a 10' x 20' water easement around the fire service vault.
7. Add a detention area easement around the limits of the detention area and include the detention area easement statement.
8. Show all recorded easements that affect the platted area. This includes the recent electric easement as well as the easements along the south property line.
9. The one-hundred foot (100') ingress/egress easement can be abandoned by this plat. However, a new fifty-six foot (56') non-exclusive ingress/egress, drainage and utility easement must be added along the south property line.
10. Label the Point of Beginning on the face of the plat.
11. Show the existing adjoiners along the southern boundary of the platted property.
12. Label Airborne Drive on the face of the plat.
13. The Owner's Certificate does not appear to describe the entire platted property. Additionally, the Owner's Certificate must reference all owners.
14. Revise the Dedication Statement to match the Dedication Statement contained in the Town of Addison Code of Ordinances.
15. Add a signature block under the Dedication Statement for all owners.
16. Change all references of the "City of Addison" to the "Town of Addison."
17. Provide a closure sheet.

Councilmember Meier seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow
Voting Nay: None
Absent: Niemann

Item #R9 - Discussion and consideration of approval of a Resolution of the Town of Addison, Texas, expressing the support of the Addison City Council for a request to be made to the District Superintendent of the United States Postal Service to have the Addison, Texas 75001 address assigned to all postal addresses within the Town of Addison.

Councilmember Mellow moved to duly approve Resolution R08-012 of the Town of Addison, Texas, expressing the support of the Addison City Council for a request to be made to the District Superintendent of the United States Postal Service to have the Addison, Texas 75001 address assigned to all postal addresses within the Town of Addison.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow
Voting Nay: None
Absent: Niemann

Item #R10 - Discussion and consideration of approval of award of bid to Concord Commercial Services, Inc., for the painting of three municipal facilities in the amount not to exceed of \$158,264.00.

Councilmember Braun moved to duly approve award of bid to Concord Commercial Services, Inc., for the painting of three municipal facilities in the amount not to exceed of \$158,264.00.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow
Voting Nay: None
Absent: Niemann

Item # R11 - Discussion and consideration of approval of a contract with Reliable Paving, Inc., for \$57,736.40, for Sidewalk and Curb Replacement Bid 08-21.

Councilmember Braun moved to duly approve a contract with Reliable Paving, Inc., for \$57,736.40, for Sidewalk and Curb Replacement Bid 08-21.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow
Voting Nay: None

Absent: Niemann

Item #R12 - Discussion and consideration of approval of a professional service agreement between the Town of Addison and Freese & Nichols, Inc., in the amount not to exceed \$64,980.00, for preparation of a Water Quality Action Plan.

Councilmember Mellow moved to duly approve a professional service agreement between the Town of Addison and Freese & Nichols, Inc., in the amount not to exceed \$64,980.00, for preparation of a Water Quality Action Plan.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow

Voting Nay: None

Absent: Niemann

Item #R13 - Discussion and consideration of approval of a professional service agreement between the Town of Addison and Halff Associates, Inc. in the amount of \$326,800.00 for preparation of a Phase I of a Stormwater Masterplan for the Town of Addison.

This Item was withdrawn by Staff.

There was no action taken.

Item #R14 - **PUBLIC HEARING** on and second reading of an Ordinance of the Town of Addison, Texas amending the existing gas franchise between the Town and Atmos Energy Corporation by increasing the consideration paid by Atmos Energy Corporation to the Town for the rights and privileges granted to Atmos Energy Corporation under the franchise from four percent (4%) to five percent (5%) of Gross Revenues as defined in the franchise ordinance; providing for acceptance of the Ordinance by Atmos Energy; providing an effective date and for other related matters.

Mayor Chow opened the meeting as a public hearing. No one spoke. Mayor Chow closed the meeting as a public hearing.

There was no action taken.

Item #R15 - Discussion and consideration of approval of an Ordinance amending the Town of Addison 2007-2008 annual budget and declaring an emergency.

Councilmember Meier moved to duly approve Ordinance 008-024 amending the Town of Addison 2007-2008 annual budget and declaring an emergency.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow
Voting Nay: None
Absent: Niemann

Item #R16 - Discussion and consideration of approval of a Resolution suspending the August 8, 2008, effective date of ONCOR electric delivery company requested rate change to permit the Town of Addison time to study the request and to establish reasonable rates.

Councilmember Kraft moved to duly approve Resolution R08-013 suspending the August 8, 2008, effective date of ONCOR electric delivery company requested rate change to permit the Town of Addison time to study the request and to establish reasonable rates.

Councilmember Meier seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow
Voting Nay: None
Absent: Niemann

At 10:35 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following Items:

Item #ES1 - Closed (executive) session of the Addison City Council, pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney about contemplated litigation, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter, 551, Tex. Gov. Code, regarding and relating to the institution of eminent domain proceedings to acquire certain real property for street right-of-way and other public purposes.

Item #ES2 - Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: *Thielsch Engineering, Inc. v. Town of Addison, Texas*, Cause No. 08-00463, 95th District Court, Dallas County, Texas.

The Council came out of Executive Session at 11:05 P.M.

Item #R17 - Discussion and consideration of approval of a resolution authorizing the City Attorney to institute eminent domain proceedings to acquire certain real property within the Town of Addison located generally at the southwest corner of Brookhaven Club Drive and Spring Valley Road for street right-of-way and other public uses.

Councilmember Meier moved to duly approve Resolution R08-014 authorizing the City Attorney to institute eminent domain proceedings to acquire certain real property within the Town of Addison located generally at the southwest corner of Brookhaven Club Drive and Spring Valley Road for street right-of-way and other public uses.

Councilmember Kraft seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier and Mellow

Voting Nay: None

Absent: Niemann

There being no further business before the Council, the meeting was adjourned.

Mayor-Joe Chow

Attest:

City Secretary-Mario Canizares

**OFFICIAL ACTIONS OF SPECIAL MEETING AND WORKSESSION
OF THE CITY COUNCIL**

August 2, 2008
9:00 A.M.
Addison Service Center
16801 Westgrove

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier, Mellow and Niemann

Absent: None

Item #S1 - Discussion of Compensation.

Passion Hayes and Chris Hartung with Waters Consulting led this discussion. No action was taken.

Item #S2 - Hotel Fund Long Term Update.

Randy Moravec led this discussion. No action was taken.

Item #S3 - Budget Discussion of the following Departments:

Streets
Utilities
Police
Fire
Parks
Recreation
General Services

Budget Discussions:

Nancy Cline led the Budget Discussion for Capital Projects and Streets/Utilities.
Ron Davis led the Budget Discussion for Police.
Noel Padden led the Budget Discussion for Fire.
Slade Strickland led the Budget Discussion for Parks and Recreation.
Mark Acevedo led the Budget Discussion for General Services.

There was no action taken.

Item #S4 - Capital Projects Update.

Nancy Cline led this discussion. There was no action taken.

There being no further business before the Council, the meeting was adjourned.

Mayor-Joe Chow

Attest:

City Secretary-Mario Canizares

**OFFICIAL ACTIONS OF SPECIAL MEETING AND WORKSESSION
OF THE CITY COUNCIL**

August 4, 2008
6:00 P.M.
Council Chambers
5300 Belt Line Road

Present: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier, Mellow and Niemann

Absent: None

Item #S1 - Non-Profit Recommendations and Presentations.

Presentations were made by each of the following Non-Profit Organizations:

Metrocrest Chamber of Commerce
Communities in Schools Dallas, Inc.
The Dance Council, Inc.
Metrocrest Family Medical Clinic
Metrocrest Social Service Center
Richardson Symphony Orchestra
Special Care and Career Services
The Family Place
WaterTower Theatre
Senior Adult Services

No action was taken.

Item #S2 - Vote of Council to propose a tax increase.

Randy Moravec and Ryan Adams led this discussion.

Councilmember Niemann moved to adopt the proposed tax increase of .4692 percent and to provide public hearings on August 19 and August 26.

Councilmember Roger Mellow seconded the motion. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Niemann and Mellow
Voting Nay: None
Absent: None

Item #S3 - City Manager's General and Hotel Fund Recommendations.

Randy Moravec led the discussion for the City Manager's General Fund.

No action was taken.

The Hotel Fund Recommendations were discussed during the August 2, 2008, Special Meeting.

No action was taken.

Item #S4 - Budget Discussion of the following Departments:

Information Technology
City Manager's Office
Council Projects
Financial & Strategic Services
Combined Services
Human Resources

Budget Discussions:

Hamid Khaleghipour led the Budget Discussion for Information Technology.
Ron Whitehead and Mario Canizares led the Budget Discussion for City Manager's Office, which included Municipal Courts.
Mario Canizares led the Budget Discussion for Council Projects.
Mario Canizares led the Budget Discussion for Combined Services.
Passion Hayes led the Budget Discussion for Human Resources.

There was no action taken.

There being no further business before the Council, the meeting was adjourned.

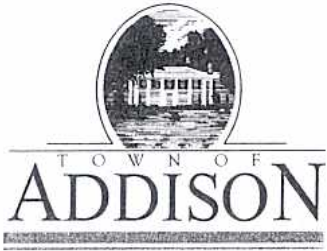
Mayor-Joe Chow

Attest:

City Secretary-Mario Canizares

ITEM #R3

There are no Attachments for this Item.



DEVELOPMENT SERVICES

(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

July 16, 2008

STAFF REPORT

RE: Case 1559-SUP/Soka Gakkai, International

LOCATION: 4821-A Keller Springs Road

REQUEST: Approval of a Special Use Permit for a Religious institution in a Planned Development District

APPLICANT: Soka Gakkai International, SGI-USA, Represented by Mr. Dale Mowrer

DISCUSSION:

Background. Soka Gakkai, International is described, on its web page, as a Buddhist Association for peace, culture, and education. The applicant in this request seeks to open an approximately 2,500 square foot facility in a lease space in this strip center. The applicant has to get a Special Use Permit for an institution of a religious nature. A Special Use Permit for an institution of a religious, educational or philanthropic nature in any district.

Proposed Plan. The floor plan indicates the facility will contain approximately 2,500 square feet. It will house a bookstore, seating area, receptions desk, men's and women's restrooms, a kitchenette, two conference rooms, an office, and an assembly area. The applicant is not making any changes to the outside of the lease space.

Landscaping. The landscaping for this center is already in place. The Parks Department notes that it meets the requirements of the ordinance and is generally well-maintained.

Fire Code. The Fire Marshall has reviewed the plans and notes that this remodel will likely result in the requirement for fire sprinklers to be installed in the space. The Fire Sprinkler requirement is a requirement of the Fire Code, and is not an item that can be waived by the Planning and Zoning Commission.

Parking. There is not a specific parking ratio for a religious institution. However, there is a requirement for one car per three seats in the main sanctuary, which the staff would assume is the assembly area. The applicant did not indicate seats on the plan, and the

staff expects that the seating will be temporary, and therefore not a fixed number. The staff determined that the entire facility should provide parking at a ratio of one space per 200 square feet, which is the same requirement as a dance or exercise studio where classes are held. Under the 1/200 requirement, the use will require 13 spaces, which the center can provide.

Signage. The applicant did not indicate any signs on the space. The applicant should be aware that all signs must be permitted under the requirements of the Addison sign ordinance and cannot be approved through this process.

RECOMMENDATION:

Staff recommends approval of the Special Use Permit for a religious institution in a Planned Development district subject to no conditions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. MORAN'.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 24, 2008, voted to recommend approval of the request for a Special Use Permit for an institution of a religious institution, on application from Soka Gakkai, International, subject to no conditions.

Voting Aye: Bernstein, Daseke, Lay, Wood

Voting Nay: None

Absent: Gaines Jandura, Hewitt (late)

Memorandum

To: Carmen Moran, Director of Development Services
From: Gordon C. Robbins, Deputy Fire Chief / Fire Marshal
Date: Monday, July 07, 2008
Re: Case 1559-SUP/Soka Gakkai



The Fire Department has no objection to this SUP request.

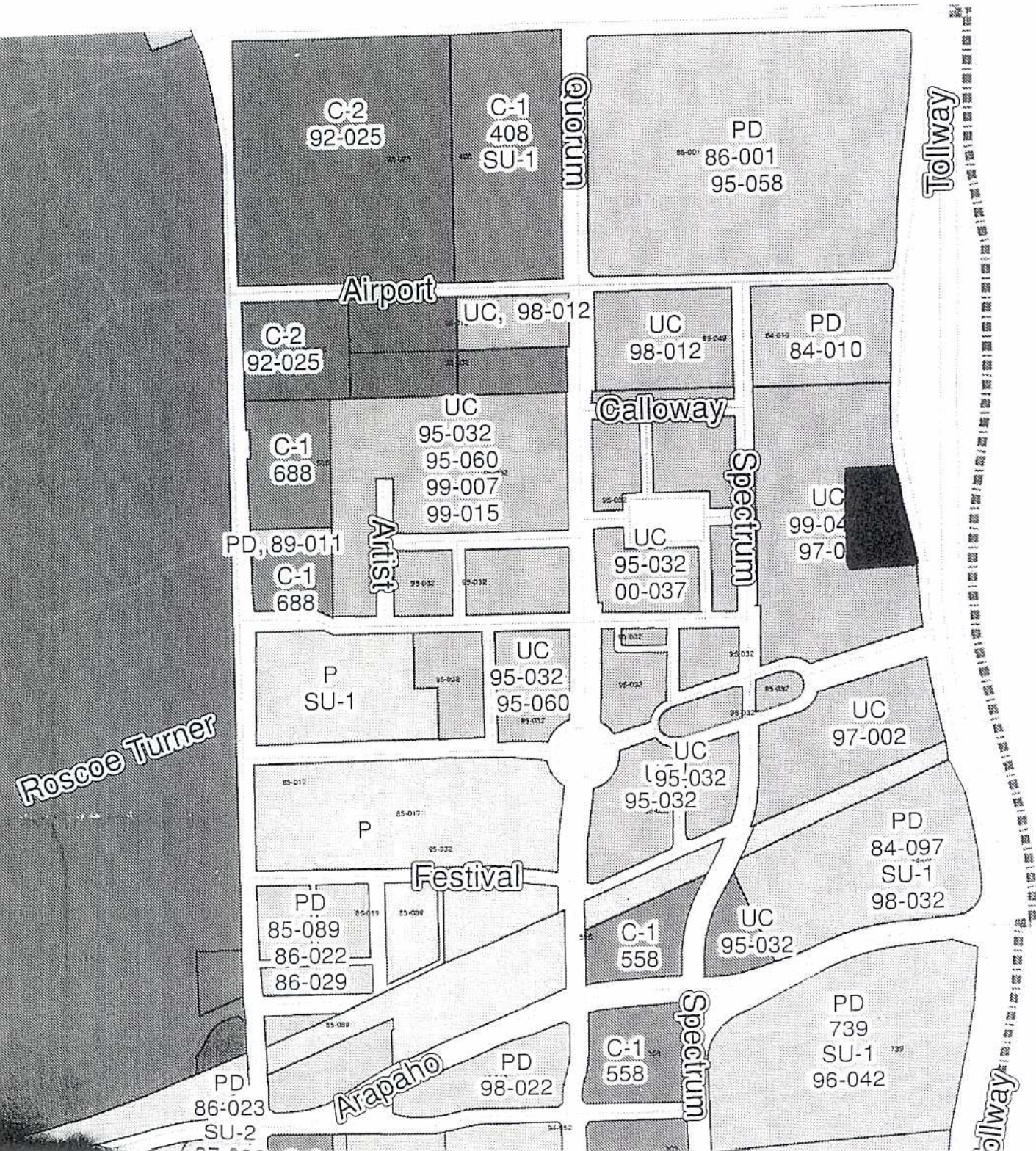
The applicant should be made aware that the scope of the proposed remodel will likely result in the requirement for fire sprinklers to be installed in the space.

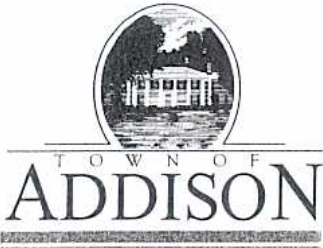
Thank you,

GCR/g

1560-Z

PUBLIC HEARING Case 1560-Z/SNK Realty. Requesting approval of an ordinance approving a concept plan for multi-family project of 135 units, located in the UC – Commercial sub-district, on a 1.231-acre tract in Addison Circle, at the northwest corner of the intersection of Dallas Parkway and Spruill Avenue, on application from SNK Realty, represented by Mr. Derrick Turnbull.





DEVELOPMENT SERVICES

(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

July 16, 2008

STAFF REPORT

RE: Case 1560-Z/SNK Development, Inc.

LOCATION: 1.231 acres at the northwest corner of the intersection of Dallas Parkway and Spruill Avenue in Addison Circle

REQUEST: Approval of an ordinance approving a concept plan for a multi-family project of 135 units

APPLICANT: SNK Development, Inc. represented by Mr. Derrick Turnbull

DISCUSSION:

Background. In 2006, SNK Development received zoning approval for two, 4-story-multi-family buildings. SNK is currently under construction on the project. Building One, on the north side of Spruill Avenue, will contain 157 units. It will have a 2,373 square-foot retail space on the ground floor, at the corner of Spectrum and Spruill. Building Two, on the south side of the street, will contain 115 units.

The development plan that was approved for SNK Realty in 2006 was actually the second plan for the site. In 2005, SNK had proposed a plan for the entire site that contained:

Multi-family (apartment)

1, 4-story building of 232 units with 360 parking spaces with a health club on the ground floor

Condominium

2, 13-story towers that are "bridged" with additional units in between the towers. The condominium towers will have 342 units with 620 parking spaces

Townhome

6, 2-story townhome units

Retail

21,000 square feet of retail on the ground floor of the two buildings.

SNK determined that it could not sell the condominiums and in 2006 it returned to the P&Z and Council with a revised plan that reduced the development from 580 units and 21,000 square feet of retail to 272 units and 2,373 square feet of retail. The revised plan left the 1.231-acre tract adjacent to the Tollway, which is the site involved in this request, and at that time, SNK assured the P&Z and Council that this site would be held for high-density condominiums.

At this point, SNK has again determined that it cannot sell condominiums and has filed a concept plan for one building of 135-unit multi-family units and 2,550 square feet of retail space. The building will have what appears to be five (or six, the top floor may contain 2-stories) units above a 2-story podium garage. As this is a concept plan, there is not a lot of detail given as to how the units and garage work. It appears that there is a roof-top deck on the building, but the staff is not sure. The staff is also not sure how the garage works. It appears that the garage is buried into the site and is two stories along the Tollway side and only one story on the west side, but the staff is not sure. There are also 20 spaces indicated as "surface" spaces, and the staff cannot find those on the plan.

RECOMMENDATION

The staff realizes that this is a concept plan and that if approved, a final development plan with sufficient details, would have to follow. However, the staff has several concerns about this concept plan.

The staff never anticipated that multi-family units would be located directly adjacent to the Tollway. This plan calls for 9 units on each floor that will face directly onto the Tollway with only a 30-foot setback from the curb of the frontage road. The staff realizes that there are units on the north side of Spuill that are against the Tollway, but there are far fewer units. In 2006, the staff had, and still has, concerns about the viability of those units directly adjacent to the Tollway. It does not seem to make sense to add even more residential units in a spot that will be noisy and congested.

In addition, the staff has a concern about the two-story podium garage and its appearance from the Tollway. The plans do not indicate whether it will be an enclosed or open garage, but the staff has concerns with both. An open garage will have a fortress-like appearance against the Tollway, and an open garage will provide for unattractive views into a parking garage. Staff understands a desire to raise the units up off grade level, but the plan for the garage provides a bad edge to the Tollway. In addition, the staff is concerned about the appearance of the podium garage from the

other sides of the building. A podium garage does not put active uses at the street level. The staff has worked hard in other phases of Addison Circle to minimize open garages at the street edge because they are not pleasant to walk by and discourage pedestrian activity, especially at night. Staff has concerns about what this garage will look like from the Tollway side and all other sides of the building.

Staff welcomes the limited amount of retail in the project, and has noted that it is located against the street and screens the garage from Spruill Avenue. However, staff believes that this retail needs parking in front of it to be successful. The staff did not see the 20 spaces on the plan listed as surface spaces. There are no spaces in the street in front of this proposed retail, and the staff is concerned that it will not be viable because it is too far on the edge of the district to be patronized by the Addison Circle residents, and it does not have parking to allow it to be patronized by drivers from the frontage road.

Staff accepts that the condominium idea may not work in this location due to the small size of the site that has been left. However, the staff would like for the applicant to explore other uses or combinations of uses. The staff realizes that the applicant has an investment in the land and needs to develop it. However, part of the problem with this small site was self-made by the choices the developer made for development of Phase I. This is the last site on the Tollway in Addison Circle, and the staff feels that whatever goes on this site should be the perfect "fit." Staff does not feel that this project, though a marked improvement from other plans the staff has seen, is the right "fit."

Respectfully submitted,

A handwritten signature in black ink that reads "C Moran". The signature is stylized with a large, looped "C" and a more fluid, cursive "Moran".

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 24, 2008, voted to recommend approval of a concept plan for a multi-family project of 135 units, subject to no conditions, on application from SNK Realty, represented by Mr. Derrick Turnbull.

Voting Aye: Bernstein, Daseke, Hewitt

Voting Nay: None

Absent: Lay, Wood

Carmen Moran

From: Clay Barnett
Sent: Friday, July 11, 2008 10:50 AM
To: Carmen Moran
Cc: Nancy Cline
Subject: Zoning Case 1560-Z/SNK Realty

Carmen,

I have reviewed the development plan for SNK Realty and have no engineering comments.

If you have any questions, please let me know.

Thanks,
Clay Barnett, P.E.
Assistant Town Engineer
Town of Addison
16801 Westgrove Drive
Addison, TX 75001-2818
Office: (972) 450-2857

Memorandum

Date: July 15, 2008
To: Carmen Moran, Director of Development Services
From: Slade Strickland, Director of Parks and Recreation
Subject: **Case 1560-Z/SNK**

1. The streetscape plans should comply with the UC-Urban Center standards for lighting, paving, site furniture and planting along Spruill Avenue. All street trees need to be specified as 4 inch caliper, 100 gallon, container grown trees. The applicant's conceptual plan shows 3 inch caliper trees. 'Highrise' Live Oaks are required along Spruill Avenue to match the trees planted in the Phase I SNK project. The 'Little Gem' Magnolias need to be specified as 8-10 feet high.
2. All streetscape irrigation shall be tied to a centrally controlled, Rainmaster controller that meets the town's irrigation standards.
3. The sidewalk along Dallas Parkway needs to be pulled away from the curb to align with the sidewalk on the north side of Spruill Avenue and with the Two Addison Circle Building sidewalk on the south side of the site.
4. The tree wells shown along Spruill Avenue need subsurface drainage matching the system used for SNK Phase I.

Memorandum

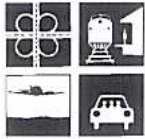
To: Carmen Moran, Director of Development Services
From: Gordon C. Robbins, Deputy Fire Chief / Fire Marshal
Date: Monday, July 07, 2008
Re: Case 1560-Z / SNK



Thank you for the opportunity to review this site plan.

Emergency access as shown on the submittal appears to be acceptable. There are no fire hydrants shown on the plan. Hydrants would be required at 300-foot intervals along streets and fire lanes serving the property.

GCR/g



Regional Transportation Council

The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)



June 23, 2008

RECEIVED
JUN 25 2008

CITY MANAGER

The Honorable Steve Mitchell
Mayor
City of Richardson
P.O. Box 830309
Richardson, TX 75083

The Honorable Joe Chow
Mayor
City of Addison
P.O. Box 9010
Addison, TX 75001-9010

The Honorable John Mondy
Mayor
City of Wylie
2000 Highway 78 North
Wylie, TX 75098

The Honorable Mike Felix
Mayor
City of Sachse
5560 Highway 78
Sachse, TX 75048

The Honorable Bret Baldwin
Mayor
City of Murphy
206 North Murphy Road
Murphy, TX 75094

Dear Mayors Mitchell, Chow, Mondy, Felix and Baldwin:

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Regional Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

Membership on the Regional Transportation Council is either by direct membership or group representation. Currently, the Cities of Richardson, Addison, Wylie, Sachse, and Murphy share a seat on the Regional Transportation Council (RTC). The RTC's Bylaws and Operating Procedures state that "The person representing a group of several cities shall be selected by the mayors/county judges using a weighted vote of the maximum of the daytime or nighttime population of the cities/counties represented." Please notify us upon completion of your deliberations. One-third of the representatives for Dallas and Fort Worth may be from the private sector; all other representatives must be public sector members from the entities they represent. A table containing population and employment figures is enclosed.

Your current representative on the RTC is John Murphy, Councilmember, City of Richardson. You may choose to keep your current representative or appoint a new representative. The RTC Bylaws Revision Subcommittee is currently reviewing its Bylaws and Operating Procedures and pending its recommendation and RTC approval, some modifications to membership groupings may occur which would require a change to your appointments. We will notify you in the next few months if any modifications are necessary. Please mail or fax (817/640-3028) your correspondence to Vercie Pruitt-Jenkins of NCTCOG. Please note that your designation should be confirmed in writing by all entities included in this group.

June 23, 2008

As required by the RTC Bylaws, enclosed is a table containing meeting attendance from August 2007 to June 2008. This quarterly transmittal to member agencies is standard practice and not indicative of any particular problem.

In addition, the Bylaws state "All RTC members must adhere to Chapter 171 of the Local Government Code and to the Code of Ethics for their respective local governments and public agencies." Please remind your representative to be cognizant of this request.

Please contact Vercie Pruitt-Jenkins at 817/608-2325 if you have any questions. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Linda Koop". The signature is written in a cursive style with a large, stylized "L" and "K".

Linda Koop, Chair
Regional Transportation Council
Councilmember, City of Dallas

VPJ:al
Enclosures

cc: The Honorable John Murphy, Councilmember, City of Richardson (RTC Member)
Mr. Allen Barnes, City Manager, City of Sachse
Mr. James Fisher, City Manager, City of Murphy
Mr. Bill Keffler, City Manager, City of Richardson
Ms. Mindy Mason, City Manager, City of Wylie
Mr. Ron Whitehead, City Manager, City of Addison

REGIONAL TRANSPORTATION COUNCIL ATTENDANCE ROSTER

August 2007 – June 2008

RTC MEMBERS	8/09/07	9/13/07	10/11/07	11/8/07	12/13/07	1/10/08	1/24/08	3/13/08	4/10/08	4/15/08	5/08/08	6/12/08
Ron Brown (2/93)	P	P	P	P	R(1)	P	P	P	P	P	P	P
Mike Cantrell (01/07)	P	P	P	R(1)	P	P	P	P	P	P	P	P
Sheri Capehart (07/06)	P	R(1)	P	R(1)	P	P	P	A	P	P	P	R(1)
Maribel Chavez (1/02)	R(1)	P	R(4)	P	P	P	P	P	P	P	P	R(1)
Maurine Dickey (4/05)	R(1)	R(1)	P	P	P	P	P	R(1)	R(1)	P	R(1)	P
Lee Dunlap (6/08)	--	--	--	--	--	--	--	--	--	--	--	A(1)
Rudy Durham (7/07)	P	P	P	P	P	P	P	P	P	P	P	P
Charles Emery (4/04)	P	P	P	P	P	P	P	P	P	P	P	P
Mark Enoch (12/06)	P	A	P	P	P	P	P	P	P	P	P	P
Salvador Espino (01/08)	--	--	--	--	--	--	--	A(1)	P	P	P	P
Robert Franke (01/08)	--	--	--	--	--	P	P	P	P	P	P	P
Bill Hale (11/03)	P	P	P	P	P	P	P	P	P	P	R(1)	P
Roger Harmon (1/02)	A	P	P	A	P	P	P	P	P	P	P	A(4)
Kathleen Hicks (10/05)	P	R(1)	P	R(1)	P	P	P	R(1)	P	R(1)	P	P
Joe Jaynes (6/07)	P	P	P	P	P	P	P	P	P	A(1)	P	P
Ron Jensen (6/03)	P	P	P	P	P	P	P	P	R(1)	P	A(1)	P
Ron Jones (7/07)	P	P	P	1	P	P	R(1)	P	P	P	A(1)	P
Vonciel Jones Hill (11/07)	--	--	--	P	P	P	P	P	P	P	P	P
Jungus Jordan (04/07)	P	P	P	P	P	P	P	P	P	P	P	P
Pete Kamp (7/04)	P	P	P	P	R(1)	P	P	P	P	P	P	P
Linda Koop (7/05)	P	P	P	P	P	P	P	P	P	P	A	P
Mike Leyman (7/07)	P	P	P	P	P	P	P	P	P	P	P	P
John Loza (4/08)	--	--	--	--	--	--	--	--	P	A(1)	P	P
Bill McLendon (7/07)	P	P	P	P	P	P	P	P	P	P	P	P
Pauline Medrano (11/07)	--	--	--	P	P	P	P	P	P	A(1)	R(1)	P
John Monaco (6/08)	--	--	--	--	--	--	--	--	--	--	--	P
Rich Morgan (01/04)	A	P	P	P	P	P	P	P	P	P	P	P
John Murphy (7/93)	P	P	P	P	P	P	P	P	P	P	P	P
Ron Natinsky (6/07)	P	P	P	P	P	P	P	P	P	P	P	P
Robert Parmelee (1/08)	--	--	--	--	--	P	P	P	P	P	--	P
Rick Stopfer (8/06)	P	R(1)	P	R(1)	P	P	P	P	P	P	P	P
John Tatum (11/02)	A	P	A	P	P	P	P	P	P	A	P	A
Oscar Trevino (6/02)	P	P	R	P	P	P	P	P	R(1)	P	A(1)	P
Marti VanRavenswaay (2/97)	3	R(1)	R	A(4)	R(1)	P	R(1)	P	P	A(1)	P	P
Paul Wageman (11/07)	--	--	--	P	P	--	R(1)	--	P	P	P	P
Cynthia White (10/02)	P	P	P	P	P	A	R(1)	P	R(1)	P	P	R(1)
Bill Whitfield (6/03)	P	P	R	P	P	P	P	R(1)	P	P	P	P
B. Glen Whitley (2/97)	P	P	R	1	P	P	R(1)	P	R(1)	P	P	P
Kathryn Wilemon (6/03)	P	P	P	P	P	P	P	P	P	A(1)	P	P
Vacant – City of Carrollton												

P = PRESENT A = ABSENT (1) Local Government Business Conflict

-- = NOT YET APPOINTED (2) Jury Duty

R = REPRESENTED (3) Personal Illness

NOTE: Date in parenthesis indicates when member was first eligible to attend RTC meetings. (4) Family Emergency

RTC BYLAWS - 2008 REPRESENTATION DATA

<u>City/County</u>	<u>Population</u>	<u>Employment</u>	<u>Pop/Emp Maximum</u>
<u>Collin County</u>			
Plano	260,900	157,738	260,900
Allen	78,850	18,105	78,850
McKinney	118,200	41,571	118,200
Frisco	97,600	36,967	97,600
Wylie	37,000	10,652	37,000
Murphy	12,900	3,910	12,900
<u>Dallas County</u>			
Dallas	1,300,350	1,080,320	1,300,350
Carrollton	120,550	104,350	120,550
Garland	228,450	106,374	228,450
Irving	210,150	272,080	272,080
Mesquite	137,550	67,542	137,550
Grand Prairie	166,650	81,115	166,650
Richardson	97,450	135,901	135,901
Rowlett	54,150	7,534	54,150
Duncanville	38,400	20,051	38,400
DeSoto	48,100	20,852	48,100
Addison	15,300	78,744	78,744
Coppell	39,550	47,562	47,562
Cedar Hill	44,900	15,858	44,900
Farmers Branch	28,750	110,050	110,050
Lancaster	35,800	14,084	35,800
University Park	22,850	18,878	22,850
Balch Springs	19,600	6,469	19,600
Seagoville	13,300	6,739	13,300
Sachse	18,050	4,831	18,050
Highland Park	8,600	11,845	11,845
Glenn Heights	11,650	1,043	11,650
<u>Denton County</u>			
Denton	106,050	59,903	106,050
Lewisville	92,850	44,601	92,850
Flower Mound	62,450	11,911	62,450
The Colony	39,850	11,572	39,850
Highland Village	15,100	2,612	15,100
Corinth	19,650	6,576	19,650
Trophy Club	7,500	857	7,500
Lake Dallas	7,000	2,530	7,000
Little Elm	22,650	1,931	22,650

RTC BYLAWS - 2008 REPRESENTATION DATA

<u>City/County</u>	<u>Population</u>	<u>Employment</u>	<u>Pop/Emp Maximum</u>
<u>Tarrant County</u>			
Fort Worth	702,850	455,356	702,850
Arlington	369,150	174,365	369,150
N. Richland Hills	65,750	27,560	65,750
Bedford	49,450	25,988	49,450
Eules	54,000	29,874	54,000
Hurst	38,750	32,030	38,750
Grapevine	47,150	92,073	92,073
Haltom City	39,500	19,853	39,500
Mansfield	53,200	18,630	53,200
Benbrook	23,450	7,455	23,450
Watauga	24,250	8,888	24,250
Keller	38,400	12,502	38,400
Southlake	26,100	25,786	26,100
Colleyville	22,500	12,968	22,500
Forest Hill	11,950	5,611	11,950
White Settlement	16,150	22,788	22,788
Saginaw	19,250	11,001	19,250
Azle	10,950	5,335	10,950
Crowley	11,750	3,523	11,750
River Oaks	7,300	3,408	7,300
Everman	5,800	2,146	5,800
Kennedale	6,450	4,359	6,450
Richland Hills	8,350	8,797	8,797
<u>Ellis County (partial) minus cities of</u>	62,978	53,554	62,978
Ennis	18,900	12,198	18,900
Waxahachie	28,300	17,753	28,300
Midlothian	14,550	7,416	14,550
Red Oak	9,350	3,915	9,350
<u>Johnson County (partial) minus cities of</u>	71,126	60,784	71,126
Burleson	33,250	14,224	33,250
Cleburne	30,300	22,657	30,300
Keene	6,300	3,273	6,300
<u>Rockwall County minus city of</u>	44,600	22,631	44,600
Rockwall	31,400	13,468	31,400
<u>Kaufman County (partial) minus city of</u>	22,369	58,506	58,506
Forney	12,400	4,235	12,400
<u>Parker County (partial)</u>	25,720	71,325	71,325

RESOLUTION NO. R08-000

A RESOLUTION BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, RE-APPOINTING JOHN MURPHY, COUNCILMEMBER, CITY OF RICHARDSON, AS THE TOWN'S REPRESENTATIVE TO THE REGIONAL TRANSPORTATION COUNCIL, EFFECTIVE _____.

WHEREAS, the North Central Texas Council of Governments is the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area and the Denton and Lewisville Urbanized Areas; and,

WHEREAS, the Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO; and,

WHEREAS, the Town's current representative on the RTC is John Murphy, Councilmember, City of Richardson; and

WHEREAS, the Town desires to re-appoint John Murphy as its representative to the RTC; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

THAT, the City Council does hereby re-appoint John Murphy, Councilmember, City of Richardson, as the Town's representative to the Regional Transportation Council, effective _____.

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS**, this the 12th day of August, 2008.

Mayor-Joe Chow

ATTEST:

City Secretary-Mario Canizares

Council Agenda Item: #R7

SUMMARY:

Council approval is requested of a resolution that authorizes the Town to designate representatives that can transact business with the TexPool local government investment pool.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

BACKGROUND:

In addition to investing in individual securities, the Town also invests a portion of our investment portfolio in a local government investment pool known as TexPool. The pool invests primarily in short term securities maturing in less than 7 days, and Town funds are available at any time without penalty. As such, TexPool offers the Town a competitive short term investment yield with the added flexibility of immediate funds availability.

Due to the addition of Ryan Adams as Director of Financial and Strategic Services and promotion of Randy Moravec to Chief Financial Officer, the list of authorized representatives with TexPool needs to be amended to include these changes. To make these changes, TexPool requires that the City Council approve a resolution.

The Financial Services Manager is also retained as an authorized representative that can conduct transactions with TexPool. The CFO, Director, and Financial Services Manager are also currently authorized to conduct transactions with the Town's other investment pool known as TexSTAR.

RECOMMENDATION:

Staff recommends approval of the resolution to amend the list of the Town's authorized representatives that can transact business with the TexPool local government investment pool.



RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, Town of Addison (Location Number 77333)

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

XISTING
NEW
TITLE

1. Name RANDOLPH C. MORAVEC Title CHIEF FINANCIAL OFFICER
 Signature X Phone Number 972-450-7050

ORIGINALS REQUIRED

TEX – REP

NEW 2. Name RYAN ADAMS Title DIRECTOR OF FINANCIAL AND STRATEGIC SERVICES
 Signature X Phone Number 972-450-7055

EXISTING 3. Name BRIAN HOGAN Title FINANCIAL SERVICES MANAGER
 Signature X B. HOGAN Phone Number 972-450-7064

4. Name _____ Title _____
 Signature _____ Phone Number _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name BRIAN HOGAN
 Email BHOGAN@ADDISONTX.GOV Fax Number 972-450-7096

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name _____ Title _____

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the 12th day AUGUST, 2008.

NAME OF PARTICIPANT: TOWN OF ADDISON

BY: X
 Signature _____
RON WHITEHEAD
 Printed Name _____
CITY MANAGER
 Title _____

ATTEST: X
 Signature _____
MARIO CANIZALES
 Printed Name _____
CITY SECRETARY
 Title _____

This document supersedes all prior Authorized Representative designations.

Council Agenda Item: #R8

SUMMARY:

Council approval is requested of an ordinance amending a franchise agreement with Atmos Gas Company to increase the franchise fee from four percent of gross receipts to five percent of gross receipts.

FINANCIAL IMPACT:

Currently the amount the Town receives for allowing Atmos Gas Company to utilize the city's right-of-way is four percent of the company's annual gross receipts. The amount included in the 2008 budget is \$225,000, and the Town actually received \$241,342 this fiscal year. Based on the actual receipt, an increase of the franchise fee to five percent would generate an additional \$60,335. The franchise fee will be passed along to the company's customers in Addison.

BACKGROUND:

As part of the settlement agreed to between the company and the Atmos Cities Steering Committee, and approved by Council in January, the company agreed to increase the fees paid to cities for use of public right-of-way to a uniform five percent of gross receipts. One of the Town's financial policies is to seek diversification of revenue to protect the Town from declines in its two major revenues: property and sales taxes. Increasing the franchise fee will go towards the Town diversifying its revenue sources.

The process for approving franchise agreements is established in the Town's charter. Now that the ordinance has been read at two council meetings, Council may now vote on the ordinance amending the franchise agreement. The ordinance will then be published in the paper for the next four consecutive weeks and will finally become effective September 11, 2008.

RECOMMENDATION:

It is recommended Council adopt the attached franchise ordinance.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE TOWN AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Atmos Energy Corporation (“Company”) is engaged in the business of furnishing and supplying gas to the general public in the Town of Addison, Texas (the “City”), including the transportation, delivery, sale, and distribution of gas in, out of, and through the City for all purposes, and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance duly passed by the governing body of the City and duly accepted by Company or its predecessor in interest; and

WHEREAS, the City and Company desire to amend said franchise ordinance to provide for a different consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON TEXAS:

Section 1. The consideration payable by Company for the rights and privileges granted to Company by the franchise ordinance duly passed by the governing body of the Town of Addison, Texas and accepted by Company or its predecessor in interest is hereby changed to be five percent (5%) of the Gross Revenues, as defined in the franchise ordinance.

Section 2. Franchise payments shall be made on the dates prescribed in the existing franchise and shall be for the rights and privileges as set forth in the existing franchise.

Section 3. In accordance with the City Charter and having conducted two readings of and two (2) public hearings on this Ordinance, this Ordinance shall take effect on September 11, 2008 (the said date being thirty (30) days after the date of passage of this Ordinance). Company shall, within thirty (30) days from the receipt of this Ordinance, file its written acceptance of this Ordinance with the Office of the City Secretary in substantially the following form:

To the Honorable Mayor and City Council:

Atmos Energy Corporation, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the ____ day of _____, 2008, Ordinance No. _____ amending the current gas franchise between the City and Atmos Energy Corporation.

Atmos Energy Corporation

By: _____
Vice President, Mid-Tex Division

Section 4. In all respects, except as specifically and expressly amended by this Ordinance, the existing franchise ordinance heretofore duly passed by the governing body of the City shall remain in full force and effect.

Section 5. The City shall provide a copy of this Ordinance to Mr. David Park, VP of Rates and Regulatory Affairs, Atmos Energy Corp., 5420 LBJ Freeway, Suite 1800, Dallas, Texas 75240, no later than ten (10) business days after its final passage and approval.

Section 6. It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required.

First Reading and Public Hearing Held and Conducted: _____, 2008

Second Reading and Public Hearing Held and Conducted: _____, 2008

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the ___ day of _____, 2008, at which meeting a quorum was present and voting.

Joe Chow, Mayor

ATTEST:

By: _____
Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R9

SUMMARY:

Council approval is requested of a 9-1-1 billing agreement with the following communication carrier which has received a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission:

BullsEye Telecom, Inc.

FINANCIAL IMPACT:

9-1-1 fees generated just under \$400,000 in FY 2007. The revenue is collected by the telephone companies from their customers. The fee of the base rate approximates 62 cents on a monthly single-family residential bill. Theoretically, any revenue generated from this billing agreement will simply replace the fees the Town would have received from AT&T (formerly Southwestern Bell).

BACKGROUND:

Section 82.202 of the Town's Code of Ordinances requires that all 9-1-1 carriers establish an agreement with the Town. Many carriers are operating without a formal agreement and we are attempting to document each carrier. The carrier listed above has submitted signed 9-1-1 billing agreements developed by the Town attorney (one copy attached for information). With the addition of the above company, Addison will have approximately 42 current 9-1-1 contracts of which 34 are currently active and remitting fees.

RECOMMENDATION:

It is recommended Council authorize the City Manager to enter into a 9-1-1 agreement with the provider listed above.

9-1-1 EMERGENCY SERVICE AGREEMENT

This 9-1-1 Emergency Service Agreement ("Agreement") establishes the rates, terms, and conditions for 9-1-1 emergency service interconnection by BullsEye Telecom, Inc. ("Company") with the Town of Addison 9-1-1 Emergency Network ("9-1-1 Entity") (collectively "Parties").

WHEREAS, the Texas Legislature and the United States Congress have authorized the provision of telecommunications service in the local marketplace by service suppliers other than the holders of certificates of convenience and necessity ("CCN"); and,

WHEREAS a CCN holder is the incumbent local exchange company that holds a certificate of convenience and necessity granted by the Public Utility Commission of Texas ("PUC") on September 1, 1995, for each service area(s) within the territory of the 9-1-1 Entity; and,

WHEREAS, Company is a holder of a service provider certificate of operating authority that has received certificate number 60517 from the PUC and, therefore, a service supplier and a service provider of local telecommunications service ("service supplier") pursuant to Chapter 771 or Chapter 772 of the Texas Health and Safety Code, §§ 771.001 *et seq.*, 772.001 *et seq.*, or other applicable law pertaining to home rule cities (collectively "the Applicable Laws"), as amended, that must provide 9-1-1 emergency service to that portion of the Company's service area located within the territory of the 9-1-1 Entity; and,

WHEREAS, the 9-1-1 Entity is a political subdivision of the State of Texas established pursuant to the Applicable Laws and must interconnect service suppliers into the 9-1-1 emergency service area served by the 9-1-1 Entity; and,

WHEREAS, this 9-1-1 emergency service interconnection must protect, maintain, and further the high quality, standards-based 9-1-1 emergency service and not inappropriately and unreasonably increase the costs of 9-1-1 emergency service to the 9-1-1 Entity;

NOW, THEREFORE, in consideration of the listed mutual promises and benefits, the Parties agree as follows:

1. Company must comply with all provisions of the Applicable Laws and any requirements implementing or interpreting the Applicable Laws promulgated by the 9-1-1 Entity pursuant to the authority vested in the 9-1-1 Entity.
2. Company shall bill, collect, and remit the appropriate 9-1-1 emergency service

fee to the Town of Addison as provided in the Applicable Laws and reflected in Attachment No. 1.

Company shall remit the appropriate fees and/or, if applicable, surcharge per the rules and schedules established by the Comptroller of Public Accounts, and Texas Health and Safety Code Sections 771.071, 771.073, and 771.077. At all times Company shall be responsible for the accuracy of the report. From time to time, the Commission on State Emergency Communications ("CSEC") may change the 9-1-1 emergency service fee. Such changes shall be communicated to Company for changes in Company's collection and remittance of 9-1-1 emergency service fee, according to the provisions of the Applicable Laws. CSEC or the Comptroller shall notify Company of any change Company must make in Company's collection and remittance of 9-1-1 emergency service fee with sufficient advance time, but not to exceed 91 days before the date the change takes effect, to permit Company's billing system to comply timely with the change. Furthermore, also pursuant to the Applicable Laws, Company may retain an administrative fee equal to one percent (1%) of the fees Company collects.

3. This service agreement shall be in full force and effect so long as Company's status is strictly that of a reseller and the Company does not use any facilities. Company shall inform the 9-1-1 Entity of any changes or expansion of its service, or in the use of facilities, in its calling area or service territory 60 days in advance of such change or expansion.

4. Any notice required or permitted to be given by the 9-1-1 Entity to Company under this agreement shall be mailed to Company certified or registered U. S. Mail, postage prepaid, return receipt requested to the following address:

(Name and Address of Company)

BullsEye Telecom, Inc.
25900 Greenfield Rd, ste 330
Oak Park, MS 48237

Attention: Peter LaRose

Any notice required or permitted to be given by the Company to 9-1-1 Entity under this agreement shall be mailed by certified or registered U. S. Mail, postage prepaid, return receipt requested or delivered to the following address:

Town of Addison Finance Dept.
P. O. Box 9010
Addison, TX 75001-9010
Attention: Katie Roller, Financial Services Supervisor

5. The Company and the 9-1-1 Entity will provide and periodically update a contact list. The contact list is found in Attachment No. 2.

6. The 9-1-1 Entity shall not impose on Company any requirement, service, feature, standard, or rate that is not required of the incumbent local exchange company CCN holder.

7. This Agreement, together with all attachments, sets forth the entire understanding of the Parties. No representation, promise, or statement of intention has been made by either Party that is not embodied herein.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the last date signed below.

Town of Addison, Texas

Company

Bulls Eye Telecom, Inc

(Printed Name)



(Printed Name) Peter LaRose

(Title)

(Title) VP - Finance

Date: _____

Date: 6/27/08

ATTACHMENT NO. 1

TOWN OF ADDISON

9-1-1 Emergency Service Fee Remittance Form

Company: Bullseye Telecom, Inc. Month/Year: _____

Customer Accounts	Number of <u>Lines</u>	9-1-1 Monthly <u>Charge</u>	Total <u>Charges</u>
Business/Commercial	_____	\$1.52	\$ _____
Residential/Personal	_____	\$0.62	\$ _____
PBX Trunk	_____	\$2.40	\$ _____
		+/- Adjustments	\$ _____
		Total Monthly Charges	\$ _____
		Less 1% Collection Fee	\$ _____
		Total Remittance	\$ _____

Please make remittance to: Town of Addison
Finance Department
PO Box 9009
Addison, TX 75001-9009

ATTACHMENT NO. 2

9-1-1 ENTITY ESCALATION & CONTACT LIST

Database & Billing

Town of Addison
Financial & Strategic Services/Collections
(972) 450-7051

PSAP Operations

Janet Cowart
Communications Supervisor
Town of Addison Police Department
(972) 450-7159

9-1-1 Entity Management

Joni Ramsey
Manager, Public Safety Communications
Town of Addison Police Department
(972) 450-7122

Company Service Order

Name: *Rose Mary Albanese*
Title: *VP Client Svcs.*
Phone #: *248-784-2500*

Company Management

Name: *Peter La Rose*
Title: *VP - Finance*
Phone #: *248-784-2500*

Company Billing

Name: *Garth Rouble*
Title: *Billing Director*
Phone #: *248-784-2500*

Council Agenda Item: #R10

SUMMARY:

Consideration and approval of an Amendment to a Lease Agreement between Concourse Plaza II, Ltd. (Landlord) and the Town of Addison for office space at 16051 Addison Road, Suite 220 (Addison Airport Office Center) to be used as airport management’s business office.

FINANCIAL IMPACT:

Per the terms of the Amendment, rent for the 25-month period is anticipated to be \$156,190.92. Funds are budgeted annually in the Airport Fund for this rental.

Period	Basic Rental	Total Annual Cost	Annual Rent/RSF
9/1/08-8/31/09 Months 1-12	\$6,183.33	\$74,199.96	\$17.50
9/1/09-8/31/10 Months 13-24	\$6,307.00	\$75,683.96	\$17.85
9/1/010-9/30/10 Month 25	\$6,307.00	\$6,307.00	\$17.85

BACKGROUND:

In September 2003, the Town of Addison approved and executed a five-year Lease Agreement with Concourse Plaza II, Ltd. (Landlord) for 4,240 square feet of office space at 16051 Addison Road, Suite 220 (Addison Airport Office Center) to be used as airport management’s business office, which lease expires August 31, 2008. Landlord has agreed to extend the lease term 25 months or to September 30, 2010 by way of Amendment to Lease Agreement to coincide with the expiration of Airport Management’s Airport Operating Agreement with the Town of Addison.

RECOMMENDATION:

To ensure an uninterrupted work environment and to avoid the additional costs associated with relocation, staff recommends the Town Council execute the Amendment to the Lease Agreement. The City Attorney has reviewed the Amendment and finds it acceptable for the Town’s use. Staff recommends approval.

- Attachments: Bill Dyer - Memorandum
Exhibit 1 - Original Lease Agreement (available upon request)
Exhibit 2 - Location Map and Aerial View of Subject Property
Exhibit 3 - Amendment to Lease Agreement



M e m o r a n d u m

To: Mark Acevedo, Director
General Services - Town of Addison

From: Bill Dyer, Real Estate Manager

cc: Lisa A. Pyles, A.A.E., Airport Director
Joel Jenkinson, C.M., Assistant Airport Director

Date: July 31, 2008

Re: Requested Action by the Town of Addison Regarding
Airport Management's Office Lease at Addison Airport Office Center

Summary of Requested Action and Recommendation by Airport Manager

Airport Management's office lease with Concourse Plaza II, Ltd. expires August 31, 2008. We are requesting the Town's approval of an Amendment to Lease Agreement wherein the lease is extended for a period of 25 months, or to September 30, 2010. Aside from the Basic Rent being adjusted per the terms of the Amendment, all other provisions of the original lease remain unchanged. To ensure an uninterrupted work environment, and to avoid the additional costs associated with relocation, we recommend the Town approve this Amendment. The City Attorney has reviewed the Amendment and finds it acceptable for the Town's use.

Background Information

In September 2003, the Town of Addison approved and executed a five-year Lease Agreement with Concourse Plaza II, Ltd. (Landlord) for 4,240 square feet of office space at 16051 Addison Road, Suite 220 (Addison Airport Office Center) to be used as airport management's business office, which lease expires August 31, 2008. Landlord has agreed to extend the lease term 25 months by way of Amendment to Lease Agreement to coincide with the expiration of Airport Management's Airport Operating Agreement with the Town of Addison.

Financial Impact

Currently, rent is \$6,065.30 per month or \$72,783.60 per year, which equates to \$17.17 per rentable square foot. Per the terms of the Amendment, rent for the 25-month period is anticipated to be \$156,190.92. This is considered within the mid-market range for similar full-service buildings in the immediate market area. The following chart depicts rent per year and per square foot, and considers a 2% rate adjustment in Year 2.

Period	Basic Rental	Total Annual Cost	Annual Rent/RSF
9/1/08-8/31/09 Months 1-12	\$6,183.33	\$74,199.96	\$17.50
9/1/09-8/31/10 Months 13-24	\$6,307.00	\$75,683.96	\$17.85
9/1/010-9/30/10 Month 25	\$6,307.00	\$6,307.00	\$17.85

Conclusion and Recommendation of Airport Manager

Airport Management's office lease with Concourse Plaza II, Ltd. expires August 31, 2008. To ensure an uninterrupted work environment and to avoid the additional costs associated with relocation, we recommend the Town execute the Amendment to Lease Agreement. The City Attorney has reviewed the Amendment and finds it acceptable for the Town's use.

Attachments

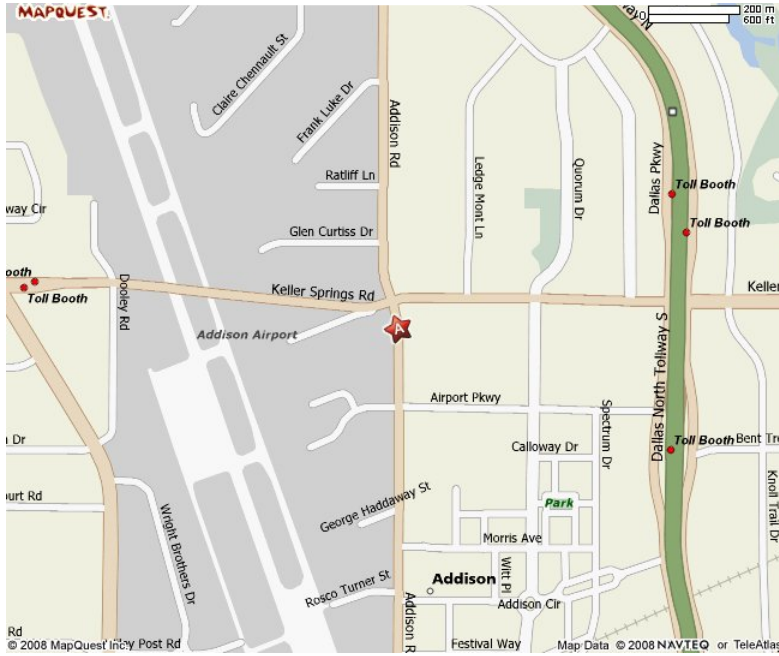
- Exhibit 1 - Original Lease Agreement (available upon request)
- Exhibit 2 - Location Map and Aerial View of Subject Property
- Exhibit 3 - Amendment to Lease Agreement

Exhibit 1

Original Lease Agreement is available upon request
of Airport Management

Exhibit 2

Location Map of Subject Property



Aerial View of Subject Property - 16051 Addison Road



Exhibit 3

Proposed Amendment to Lease Agreement

AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO LEASE AGREEMENT (“**Amendment**”), dated as of the ____ day of _____, 2008, by and between **CONCOURSE PLAZA II, Ltd.**, a Texas limited partnership, as Landlord (“**Landlord**”), and **TOWN OF ADDISON, TX**, as Tenant (“**Tenant**”);

W I T N E S S E T H

Recitals

- A. Reference is made to Lease Agreement dated September, 1, 2003 (the “**Lease**”), executed by and between Landlord and Tenant, covering 4,240 square feet of net rentable space in Landlord’s building located at 16051 Addison Road, Suite 220, Addison, Dallas County, Texas 75001, known as “**Addison Airport Office Center,**” formerly known as “Concourse Plaza,” (the “**Premises**”).
- B. Landlord and Tenant desire to amend the Lease as set forth hereinafter.

NOW, THEREFORE, in consideration of the Premises and the consideration as set forth herein, the parties hereby agree as follows:

1. Extension of Lease Term.

The current term of the Lease expires August 31, 2008. The parties agree that the term of the Lease is hereby renewed and extended for a period of twenty-five (25) months, so that the term of the Lease shall expire on September 30, 2010.

2. Rental Adjustment.

The “Base Rental” shall be revised to the sum of \$6,183.33 per month for the extended term (the period beginning September 1, 2008 and ending September 30, 2010 (the “extended term”). The other rental provisions of the Lease, including the provisions regarding additional rental on account of pass-through operating expenses, shall remain unchanged, subject to adjustments per the terms of the Lease.

3. Effective Date.

This Amendment shall be effective upon the full execution hereof by both parties.

4. Alterations, Additions, Improvements.

Landlord acknowledges and agrees that any and all alternations, physical additions and/or improvements Tenant has made to the Premises to date have been consented to in writing by Landlord in accordance with the terms and provisions of the Lease, and are hereby approved and consented to by Landlord.

5. No Other Amendments; Binding Agreement.

Except as specifically modified by this Amendment, all other terms and conditions of the Lease are hereby ratified and confirmed. In the event of a conflict between the terms of the Lease and this Amendment, the terms of this Amendment shall prevail. This Amendment is and shall be for the benefit of, and binding upon, the parties hereto and their respective successors and assigns.

6. Authorized Persons.

The undersigned officers and/or agents of the parties hereto are properly authorized and have the necessary authority to execute this Amendment on behalf of the parties hereto.

This Amendment is executed as of the day and year first above written.

LANDLORD: CONCOURSE PLAZA II, LTD.

By: _____
William J. Harkinson, President
Harkinson Investment Corp., General Partner

TENANT: TOWN OF ADDISON, TEXAS

By: _____
Ron Whitehead, City Manager



William M. Dyer
Real Estate Manager
16051 Addison Road
Suite #220
Addison, Texas 75001

Main: 972-392-4650
Direct: 972-392-4856
Fax: 972-788-9334
bill.dyer@staubach.com

To: Mark Acevedo

From: Bill Dyer

Cc: Lisa A Pyles, Joel Jenkinson

Re: Request for the Town's Consideration and Consent to the Proposed Sale and Assignment of Property Located at 15841 Addison Road., Subject to a Certain Ground Lease and Hangar Lease by C.E. Wagley Children's Trust (dated January 17, 1992), Dee Dee Planas, Trustee (Assignor) to Victory Jet, Inc. (Assignee)

The C.E. Wagley Children's Trust dated January 17, 1992 with Dee Dee Planas as Trustee (hereinafter referred to as the "Trust" or "Assignor") is the successor in interest to a certain Ground Lease and Hangar Lease (the "Leases") formerly held by Henley's Aviation Investments, Inc., affecting the property at 15841 Addison Road at Addison Airport. The Trust is requesting the Town consent to the proposed sale and assignment of the building improvements together with their leasehold interests in the Ground Lease and Hangar Lease to Victory Jet, Inc. a Texas corporation ("Victory Jet" or "Assignee"). Airport Management is recommending the Town give its consent on the condition that:

1. The proposed transaction is consummated by the parties no later than 6:00 p.m. on August 15, 2008 and evidence thereof is delivered to the office of the Airport Manager by that time and date;
2. Victory Jet executes and delivers the proposed Amendment to Ground Lease and Amendment to Hangar Lease to the office of the Airport Manager by the required deadline.

Should the transaction fail to close on or before the required deadline the City Council authorizes the City Manager and City Attorney to take all appropriate and necessary actions to take immediate control and possession of the leased premises, including the discharge of any property tax liens, termination of Leases and subleases (as such pertain to individual hangar units) and file as a matter of public record the agreed-to Deed-In-Lieu Agreement from the Trust to the Town of Addison pursuant to the Settlement Agreement.

The following agreements are attached hereto as indicated for the Council's discussion and consideration of approval in connection with this matter:

- Consent to Assignment of Ground Lease from the C.E. Wagley Children's Trust dated January 17, 1992, Dee Dee Planas, Trustee (successor in interest to Charles E. Wagley) to Victory Jet, Inc., a Texas corporation (Exhibit A);
- Consent to Assignment of Hangar Lease from the C.E. Wagley Children's Trust dated January 17, 1992, Dee Dee Planas, Trustee (successor in interest to Charles E. Wagley) to Victory Jet, Inc., a Texas corporation (Exhibit B);
- Proposed Amendment to Ground Lease by and between the Town of Addison, Texas, as Landlord and Victory Jet, Inc., a Texas corporation, as Tenant (Exhibit C); and
- Proposed Amendment to Hangar Lease by and between the Town of Addison, Texas, as Landlord and Victory Jet, Inc., a Texas corporation, as Tenant (Exhibit D).
- Memorandum of Ground Lease and Hangar Lease by and between the Town of Addison, Texas, as Landlord, the C.E. Wagley Children's Trust (dated January 17, 1992), Dee Dee Planas, Trustee as Assignor and Victory Jet, Inc., a Texas corporation, as Assignee (Exhibit E).

The City Attorney has reviewed the aforementioned documents and finds them acceptable for the Town's purposes. All matters relating to the above-requested transaction are to be expeditiously concluded under the City Attorney's review and oversight.

Background Information:

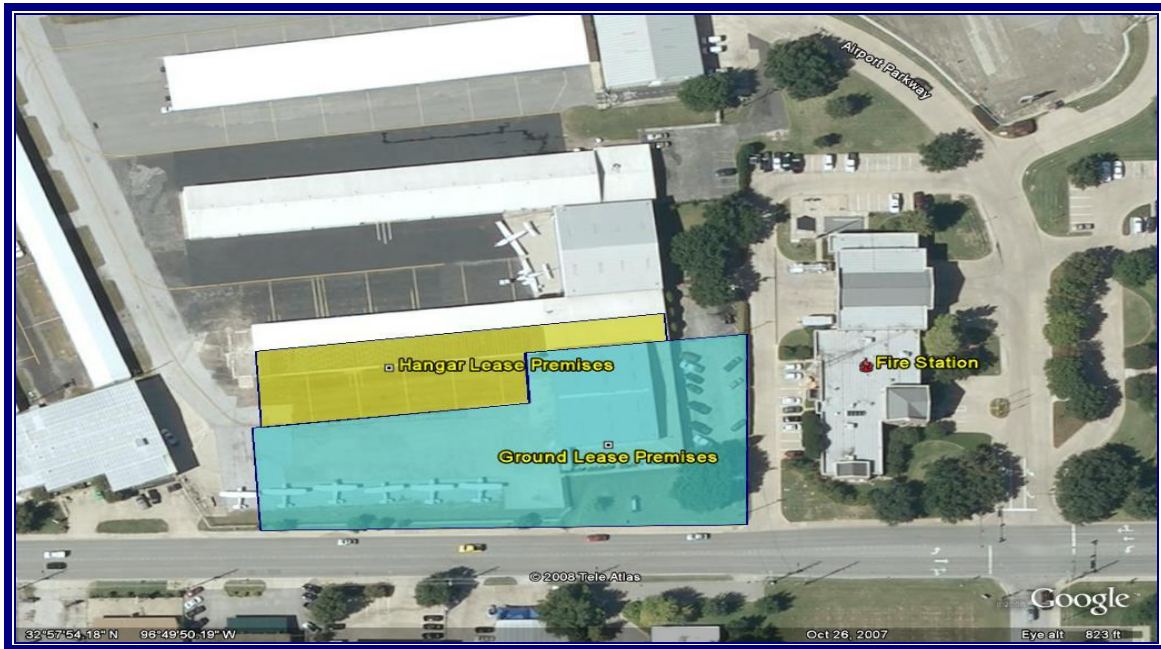
Description of the Ground Lease: The Ground Lease was executed on April 1, 1978 between the City and AATI as the landlord and Charles E. Wagley as tenant. It includes 1.3 acres (58,836 SFL) located at 15841 Addison Road. The permitted use of the leased premises required the construction of the existing building improvements that were constructed in 1979 and consists of an 8,000 square-foot conventional aircraft hangar with 3,900 square feet of attached office and shop space.

Charles Wageley assigned the Ground Lease to Henley's Aviation Investments, Inc. (Henley) on March 1, 1996. Simultaneously, with the assignment to Henley, Henley entered into an Amendment to the Ground Lease of the same date which, among other things incorporated: (1) should the Ground Lease remain in full force and effect as of its scheduled expiration date of August 31, 2018, the Ground Lease is to be automatically extended an additional eighteen (18) years or until December 31, 2036; (2) reference to the Hangar Lease described below; and (3) should the T-hangars subject to the Hangar Lease ever be demolished or removed by Landlord, a portion of the Hangar Leased premises (11,125 square of land that now serves as aircraft apron for the T-hangars) is to

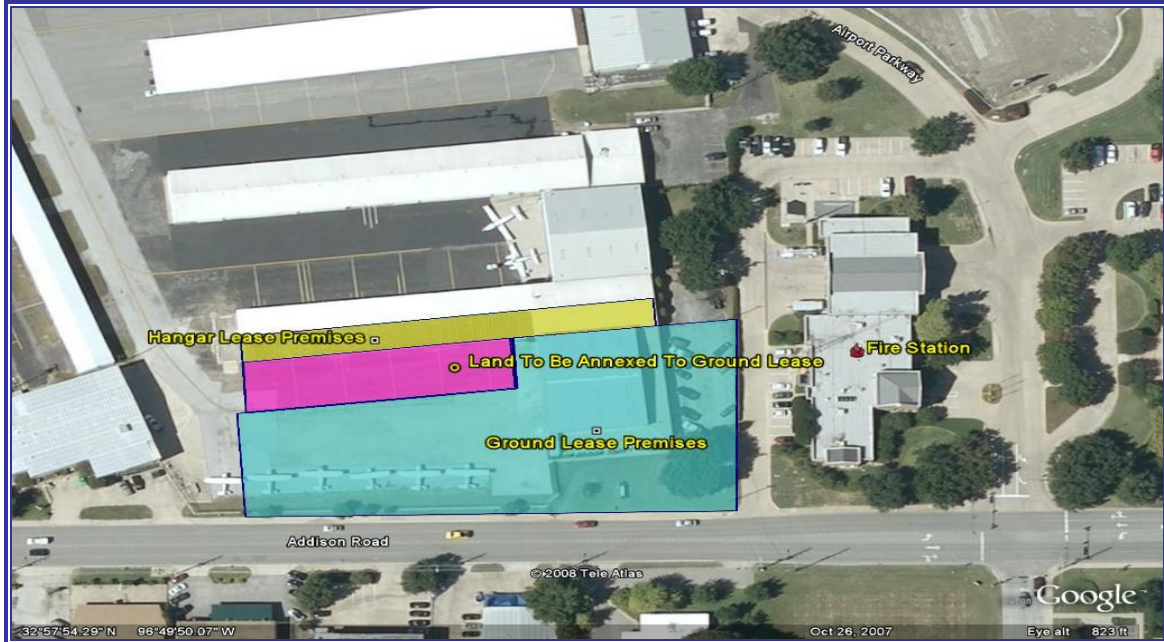
be automatically annexed into and made a part of the Ground-leased Premises with the ground rental adjusted accordingly.

Presently, the annual ground rent is \$31,641.48 per year (or \$2,636.79 per month) which is 54¢ per square foot of land, subject to bi-annual adjustments based upon change in the Consumer Price Index. The next scheduled CPI adjustment is January 1, 2009.

Description of the Hangar Lease: the Hangar Lease is a long-term arrangement affecting seven of 14 city-owned T-hangar units located at 4768 Airport Parkway (Building R-5). The term of the Hangar Lease commenced March 1, 1996 (simultaneously with the assignment of the Ground Lease from Wagley to Henley) and is to continue until one of the following occurs first: (1) the hangar units are removed by the Landlord; or (2) the Ground Lease, as described above, expires, or is otherwise terminated. According to the Hangar Lease, the stipulated rental for six of the seven hangars is \$35 less than the then published Airport rental rate for similar hangar units. According to the Hangar Lease, there is no rent for the seventh unit. At today's rates, the Hangar Lease's annual rental is \$28,080 (\$2,340 per month). It should be noted that among the terms and conditions of the Hangar Lease, the tenant is responsible to keep the hangar units in good condition, including hangar and building maintenance, pavement, air conditioning, lights, plumbing, hangar doors and drains, at its sole cost and expense.



Aerial View of the Ground Lease (shaded blue) and Hangar Lease Premises (shaded yellow) with Addison Road at the bottom.



In the event the T-hangars are demolished, the land area shaded in magenta is to be annexed by amendment and made a part of the Ground Lease

The Hangar Lease is the result of a multi-party agreement with Henley, neighboring Flite Electronics and the Landlord. Flite Electronics has a hangar lease agreement with similar terms and conditions affecting three T-hangars in the same building but on the west side. It is surmised that the purpose of the multi-party arrangement was to provide Henley and Flite Electronics additional hangar storage facilities adjoining their respective ground-leased premises, to protect the apron area immediately in front of their respective office and hangar, and to avoid potential conflicts with T-hangar users.

The Henley's Aviation Investment, Inc. Bankruptcy and the Settlement Agreement: Henley acquired the Ground Lease with the assistance of seller financing evidenced by a \$400,000 Promissory Note secured by a leasehold Deed of Trust held by the Trust, successor in interests to Charles Wagley. Ever since taking possession of the property, Henley operated an aircraft maintenance and flight school facility; however, most of these years were challenged by financial and management difficulties. In 2002, Henley Aircraft Services, Inc., a related entity, filed bankruptcy in an effort to reorganize much of its debt. Nevertheless, Henley's financial troubles continued as it became continually delinquent on the Promissory Note payments to the Trust, rental to the Town and, among other things, accrued and unpaid property taxes. On October 2, 2007 Henley filed a voluntary petition under Chapter 11 of Title 11, 11 U.S.C. §§101, et. seq., in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division entitled *In re Henley's Aviation Investments, Inc.* During these proceedings, it became apparent that Henley did not have the means to restructure its debt and continue the Leases. The Trust, at risk of losing its collateral to the Town if Henley succeeded with its petition to obtain its stay of bankruptcy and terminate the leases, negotiated an agreement by and between Henley, the Trust and the Town referred to as the "Settlement Agreement."

The Settlement Agreement became effective February 28, 2008 upon the Court's approval of the Settlement Agreement and its dismissal of Henley's bankruptcy case. Among other things, the Settlement Agreement required/requires the following:

1. Upon the effective date of the Settlement Agreement, Henley was to convey all its rights, title and interests in the Ground Lease to the Trust by a Deed-in-Lieu Agreement, which Deed is filed as a matter of public record as Instrument #20080211049 in the Official Public Records of Dallas County, Texas.
2. Henley was to assign all of its rights and interests in the Hangar Lease to the Trust by that Hangar Lease Agreement (between?) made effective February 28, 2008.
3. In turn, the Trust executed a similar Deed-in-Lieu of Foreclosure, with the Town as the beneficiary, conveying all of its right, title and interests in and to the Leases *to be held in escrow with counsel of the Town* pending either the expiration of the Marketing Period, as defined below, or default by the Trust pursuant the Settlement Agreement.
4. A "Marketing Period" of 120 days from the effective date of the Settlement Agreement was established, allowing the Trust the opportunity to market and sell or assign its interests in the Leases, subject to the Town's consent. Due to the Town's council meeting schedule and other factors, the expiration of the Marketing Perio has been extended to 6:00 p.m. Friday, August 15, 2008.
5. The Trust is required to pay all post-petition rental to the Town on or before the first day of each month during the Marketing Period.
6. Proceeds of any such sale, assignment or transfer conveying the leasehold interests must be sufficient to pay, at a minimum, all property taxes due and payable at the time of closing of such sale (est. at \$65,000), all pre-petition rental payments due and payable (approximately \$14,000), and the Town's attorney fees and costs incurred to the date of closing (est. \$30,000). Excess proceeds, after payment of the above items are to be applied to the Trust's attorney fees and costs (est. \$30,000) and the Trust's lien (\$323,000) with any remaining balance to go to Henley.

As a pre-condition for the Town's consent to any sale, assignment, transfer or other conveyance of the Leases, the proposed purchaser or assignee is to submit to the Town a building condition report prepared by a licensed and professionally qualified engineer or inspector indicating the condition of the building improvements (including the aircraft apron, parking lot, building, hangars, and related systems). The purchaser is to propose a plan, consistent with industry standards, to remedy any deferred maintenance conditions reported. The purchaser's plan is to be incorporated into the Leases by written agreement so the Town can enforce the assignee's performance to timely complete the plan.

Proposed Assignee – Victory Jet, Inc.

Victory Jet, Inc. has been operating as a Texas corporation since February 2000 and is owned and operated by Mr. Ray Kinney and his business partner and associate of 30 years, Mr. Finley Ledbetter. Both are pilots and aviation enthusiasts. Mr. Kinney is a Dallas native, graduate of North Texas State University and a Certified Public

Accountant. Mr. Kinney currently serves as Chairman of several companies, including Circuit Breaker Sales Co., Inc., which specializes in the testing, repair, upgrading and building of large electrical power distribution components and systems. Mr. Kinney and Mr. Ledbetter own and manage about 60,000 square feet of aircraft hangars at Gainesville and Denton airports.

Victory Jet proposes to use the leased premises for the purpose of storage of corporate-owned aircraft, leasing of aircraft storage and tie-down space, aircraft sales, aircraft maintenance and distribution of aviation power-related equipment. These are all permitted uses under the Ground Lease. Mr. Kinney projects employment at Victory Jet may grow to 20 full-time employees and contract personnel. Upon review of corporate and personal financial statements presented by Victory Jet and its principals, it appears the proposed assignee and its principals are corporately and personally creditworthy as long-term tenants for Addison Airport.

Building Condition and the Assignee's Obligation to Remedy Deferred Maintenance

Pursuant to the Leases, the Tenant has the responsibility and duty to maintain the building improvements and the personal property thereon in good condition over their term. Given the extent and duration of Henley's financial troubles, it became apparent that insufficient resources were being allocated to maintain the building improvements in the required "good" condition. Furthermore, considering the improvements are already over 30 years old and the prospect that the Leases can continue another 28 years or until 2036 (as a result of the 1996 Amendment to Ground Lease), without any requirement to renovate or upgrade the facilities the property improvements can easily become economically, physically and/or functionally obsolete well before the lease term ends. Often when this occurs, the tenant faces the prospect of early terminating the lease or defaulting all together. To avoid this scenario, it is Airport Management's objective to keep building improvement values in balance with the tenant's remaining lease liability.

As a condition of the Town's consent, Victory Jet procured a building condition report prepared by Garver Engineers dated July 28, 2008. A copy of this report was delivered to and is on file with the Airport Manager. The reported identified conditions on the property that require remediation including:

- All paved surfaces (parking and aircraft apron) need reconstruction and repair;
- Surface drainage need to be improved
- All heating, ventilation and air-conditioning systems, plumbing and electrical systems shall be repaired or replaced to be fully operational and in conformance with City building codes and industry standards.
- At a minimum, Tenant shall prune, irrigate and keep landscaping in first-class condition in full and complete satisfaction of City building codes and standards.
- All roofing systems are to be inspected and restored to good condition.
- All exterior metal siding and hangar doors are to be repaired, replaced or otherwise made to be in good working order and condition; and repainted with a paint and color approved in advance by Landlord.

- Building areas occupied as office space shall be equipped and maintained at all times with an automated fire suppression system pursuant to the City building codes and standards.
- Any portion of the building improvements designed and intended to be used for aircraft maintenance and repair shall be equipped and maintained at all times with an automated fire suppression system as required by City building codes and standards.
- Tenant shall comply with all other requirements of the City for the purpose of obtaining and keeping a valid Certificate of Occupancy pursuant to City building code and standards.

Victory Jet has proposed amending the Leases to require these and other repairs to be completed within the first eighteen (18) months after taking possession of the leased premises.

Summary of the Terms and Conditions of the Proposed Agreements: The following is a brief summary of the terms and conditions contained within each of the Agreements presented for the Council's consideration:

- Assignment of Ground Lease Agreement (Exhibit A): The Assignor (the Trust) agrees to assign its leasehold interests to the Assignee (Victory Jet) and Victory Jet agrees to be bound by the terms and conditions of the Ground Lease as amended and modified. As evidenced in the Landlord's Consent, the Assignor is not released of any of its duties and obligations under the Ground Lease. As a material inducement for the Town's consent, it is relying on Victory Jet's representation and warranties that it will execute the Amendment to Ground Lease and complete the building repairs required therein. The consent is also given on the condition the transaction is consummated, with all executed documents and proceeds of sale due the Town being delivered to the Airport Manager by no later than 6:00 p.m. Friday, August 15, 2008.
- Assignment of Hangar Lease Agreement (Exhibit B): This Agreement contains similar terms and conditions as the Assignment of Ground Lease described above.
- Amendment to Ground Lease (Exhibit C): The Amendment specifies certain repairs (the "Scheduled Repairs") required by the Tenant to be made to the Demised Premises within the first full eighteen (18) calendar months after the effective date of the Amendment. Work is to commence immediately upon the effective date and prosecuted diligently until completed in accordance to City building codes and standards. Tenant's failure to complete the required repairs is a default under the Ground Lease. Section 2.G of the Amendment reiterates and underscores Tenant's duty and obligation to continue to maintain the Demised Premises, including the Scheduled Repairs, in good condition throughout the remaining lease term. Section 2.H. adds a provision that serves as a cross defaulting of the Leases. If Tenant defaults under one lease, Tenant has defaulted under both leases and Landlord may pursue all rights and remedies under both Leases as provided for by law and by contract.

- Amendment to Hangar Lease (Exhibit D): This Agreement contains similar terms and conditions as the Amendment to Ground Lease described above.
- Memorandum of Ground Lease and Hangar Lease (Exhibit E): This is to be used to record as a matter of public record the assignment of the leases by and between the Trust and Victory Jet, and that the Town and Victory Jet have subsequently amended the Leases as of the Amendment's Effective Date.

Conclusion and Recommendation:

C.E. Wagley Children's Trust (dated January 17, 1992), Dee Dee Planas, Trustee is the successor in interest to the Ground Lease and Hangar Lease formerly held by Henley's Aviation Investments, Inc. The Trust succeeded Henley as a result of the Settlement Agreement reached by and between Henley, the Trust and the Town of Addison as a consequence of Henley's bankruptcy petition. Pursuant the Settlement Agreement, the Trust has until 6:00 p.m., Friday August 15, 2008 to sell and assign the Leases subject to the Town's consent. The Trust has petitioned the Town of Addison to consider and give its consent to the proposed sale and assignment of the Leases to Victory Jet, Inc., a Texas corporation. As a condition to the sale and assignment, the Town of Addison is requiring Victory Jet, by way of an amendment to each of the Leases, to, among other things, make certain repairs to the building improvements necessary to bring the property into good condition as required under the Leases.

Alternative Consideration: Pursuant to the Settlement Agreement, should the Town of Addison decline to give its consent or if the contemplated transaction fails to be consummated by the required deadline, the Town of Addison is to take immediate possession of the leased premises, file and record the Trust's Deed-in-Lieu Agreement held by the City Attorney in escrow and immediately terminate each of the Leases. Upon taking title to the property, the Town of Addison will be required to pay all accrued but unpaid real property taxes up to the title transfer date. As a municipality, the Town is exempt from paying property taxes thereafter. Additionally, it is unlikely the Town will be able to recover its legal fees incurred in the matter. Consequently, the Town can anticipate incurring approximately \$100,000 in total costs just to take sole possession of the property. Airport Management would then analyze the various alternative uses for the property, possibly restoring the existing structures to market condition or, perhaps, demolish and clear the site for future redevelopment.

In consideration of the above alternative, Airport Management is recommending the Town to give its consent to the Trust's requested action on the condition that: (1) the proposed transaction is consummated by the parties no later than 6:00 p.m. on August 15, 2008 and evidence thereof is delivered to the office of the Airport Manager by that date and time; (2) Victory Jet executes and delivers the proposed Amendment to Ground Lease and Amendment to Hangar Lease to the office of the Airport Manager by that date and time; and (3) should the transaction fail to close by the required deadline, the City Council authorizes the City Manager and City Attorney to take all appropriate and necessary actions to take immediate control and possession of the leased

premises, including the discharge of any property tax liens, terminate the Leases and file as a matter of public record the agreed to Deed-in-Lieu of Foreclosure from the Trust to the Town of Addison pursuant to the Settlement Agreement.

Council Agenda Item #R12

SUMMARY:

Consideration of the Approval of an Easement for Utility Facilities on the Addison Airport.

FINANCIAL IMPACT:

None

BACKGROUND:

The airport tenant, Keith Products, L.P., located at 4554 Claire Chennault has request that AT&T install high speed telecommunications to their lease space. In order to accomplish this, AT&T must place fiber optic cable in and along Claire Chennault. According to the Plat of the Addison Airport, Claire Chennault is a 60' Ingress/Egress Easement and does not have a provision for the installation of underground utilities. Therefore, it is necessary to grant AT&T an easement for this installation.

Since the FAA prohibits a permanent encumbrance of airport property unless the property is purchased from the airport, it is necessary to define the duration of the easement. The easement is for a period of ten (10) years and can be renewed in ten (10) year periods for up to forty (40) years.

RECOMMENDATION:

Staff recommends the council approve the Easement for Utilities.

Council Agenda Item #R13

SUMMARY:

This item is to authorize the City Manager to execute a Master Services Agreement with HNTB, Inc. for engineering design of the Belt Line Road re-design.

FINANCIAL IMPACT:

None

BACKGROUND:

Recognizing a series of needs for engineering design services for the Belt Line Road project, staff solicited proposals and conducted interviews. A representative from Cunningham Architects was also a participant in the interviews. Staff was looking for a firm that would be able to take the vision that was created for the Belt Line Road project and work with the various agency design standards and expectations from Town of Addison, City of Dallas, NTTA and Dallas County. This agreement sets forth terms and conditions for subsequent written Work Orders for engineering design to be performed by HNTB, Inc. Each Work Order will define the scope of services to be performed, the location of the project, the time period for performance, and the agreed upon fees.

This agreement will remain valid for a period of two years or until terminated by either party. Either party may terminate this agreement or any Work Order governed by it at any time, with or without cause, by providing not less than ten days advance written notice to the other party.

RECOMMENDATION:

It is recommended that the Council authorize the City Manager to execute a Master Services Agreement with HNTB, Inc. for engineering design of the Belt Line Road re-design subject to legal review.

Council Agenda Item: #R14

SUMMARY:

This item is for the approval of purchasing 140 water meters from Hersey Meter Company in the amount not to exceed \$43,430.00.

FINANCIAL IMPACT:

Budgeted Amount: \$100,000.00

Cost: \$43,430.00

Funds are available in the Meter Service Connections portion of the Utility Budget for FY 2007-2008.

BACKGROUND:

After completion of the 2006 water meter audit Public Works staff found 75% of our water meters would need to be replaced in the next five years due to old age and high consumption. Monies were approved in the 2007-08 budget for the purchase of water meters that will replace over 400 meters. Included are 180 single family 5/8" water meters in the Les Lacs I & Grand Addison I sub-divisions as part of our twelve-year, one-inch and smaller meter change out program. The majority of the 220 water meters left to replace will be 1.5" & 2" multi-family and irrigation meters in the Northeastern area of town. The purchase of the water meters from Hersey Meter Company will also include an electronic register that can be upgraded to an automatic meter reading network without replacing the meter.

RECOMMENDATION:

Staff recommends approval to purchase 140 water meters from Hersey Meter Company in the amount not to exceed \$43,422.40.

Council Agenda Item: #R15

SUMMARY:

This item is to award a contract for rehabilitation of the sanitary sewer line serving customers along Addison Rd. from Addison Circle Dr. to Airport Parkway and the sanitary sewer line serving customers along Wright Brothers Drive.

FINANCIAL IMPACT:

Budgeted Amount: \$162,300.00

Cost: \$154,230.00

Funding Source: Utilities Capital Projects Fund

BACKGROUND:

The 8-inch sanitary sewer line on Addison Rd. is a clay pipe line that is approximately 30 years old. This pipe has deteriorated at the joints and is allowing rain water infiltration. Additionally, one manhole will be installed for accessibility. The 6-inch sewer line along Wright Brothers Drive is also a clay pipe line approximately 30 years old. This pipe has offset connections and cracks allowing infiltration of water and tree roots.

Insituform is a participant with the Texas Statewide Cooperative Purchasing Contract administered through the BuyBoard. Insituform Technologies has worked in Addison for over 15 years. They have submitted a proposal to rehabilitate approximately 3,500 feet of sanitary sewer line using a lining process that seals all joints and abandoned service connections for a cost of \$154,230.00. This repair process is made from manhole to manhole without street excavations with the exception of the additional manhole installation and will be performed during the late night thru the early morning hours.

RECOMMENDATION:

Staff recommends Council authorize the City Manager to enter into a contract with Insituform Technologies in the amount of \$154,230.00 for the trenchless internal lining of sanitary sewers under Addison Rd. from Addison Circle Dr. to Airport Parkway and the sanitary sewer line serving customers along Wright Brothers Drive.

Council Agenda Item: #R16

SUMMARY:

This item is for consideration and approval of Change Order No. 1, in the amount of \$5,000.00, for various items and approving final payment to N.G. Painting, L.P., in the amount of \$81,000.00 for the painting of the two ground storage reservoirs.

FINANCIAL IMPACT:

Original Contract Amount:	\$ 76,000.00
Proposed Change Order No. 1:	\$ 5,000.00
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Total Contract Amount	\$ 81,000.00

Source of Funds: Funds are available in the FY 2007-2008 Utility Fund

BACKGROUND:

The twenty year old 6 million gallon concrete storage tank at Celestial and the thirty year old 2 million gallon concrete storage tank at Surveyor were proposed to be painted in the FY 2007-2008 Utility Fund budget. This project was awarded at the June 24th Council meeting for \$76,000. Neither of the two tanks had been painted and sealed since they were built. Cracks and chipping have occurred over the years and needed to be sealed and painted to prevent further damage.

RECOMMENDATION:

Staff recommends approval of Change Order No. 1 in the amount of \$5,000.00 for various items and approving the final payment to N.G. Painting, L.P. in the amount of \$81,000.00 for the painting of the two ground storage reservoirs.

Council Agenda Item: #R17

SUMMARY:

The Metrocrest Chamber of Commerce is in the process of recruiting nominations for the Leadership Metrocrest program.

FINANCIAL IMPACT:

Budgeted Amount: \$1,620.00 (cost covers two participants)

Cost: \$1,620.00

BACKGROUND:

Nominations for the 2008/09 Class of Leadership Metrocrest are currently being solicited. The Leadership Metrocrest program takes place over a nine-month period beginning with a two-day retreat in September. Participants gain knowledge on a wide range of community and governmental issues, meet community leaders, and generally broaden their knowledge of the Metrocrest community.

The Town has generally sponsored two individuals to attend Leadership Metrocrest. Feedback from attendees indicates that this has been a very valuable experience. The attendees gain knowledge, understanding, and insights that benefit the Town and the community as a whole. To assist in the recruitment efforts for this program, a letter was sent to all the residents that have graduated from the Citizen Academy program. Attached is a listing of those that have indicated they would be interested in participating in the program.

RECOMMENDATION:

Staff recommends that Council consider sponsoring two participants to the 2008/2009 Leadership Metrocrest class.

ITEM #R18

There are no Attachments for this Item.

Council Agenda Item **#ES1**

There are no attachments for this Item.

ITEM #R19

There are no Attachments for this Item.

ITEM #R20

There are no Attachments for this Item.