

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

September 9, 2008  
6:00 P.M. – Town Hall  
5300 Belt Line Road  
Council Chambers

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

Absent: None

Arrived Late: Councilmember Hirsch arrived at 6:10 P.M.  
Councilmember Braun arrived at 6:13 P.M.

Work Session

Item #WS1 - Discussion regarding the design of the Town's new elevated storage tank.

Jessica Brown and Brad Goldberg with Freese and Nichols led the discussion. There was no action taken.

Item #WS2 - Discussion regarding potential participation in a hospital development.

Ron Whitehead and Carmen Moran led the discussion. There was no action taken.

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Mayor-Joe Chow

Attest:

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City Secretary-Mario Canizares

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

Regular Session

Council Members Present:

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

Absent:       None

Regular Session

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Shaun Calloway with the Police Department, Joel Cruz with the Utilities Division of the Public Works Department and Katie Roller with the Finance Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

August 21, 2008, Special Meeting and Work Session  
August 25, 2008, Special Meeting and Work Session  
August 26, 2008, Regular City Council Meeting and Work Session

The following Minutes were approved as written:

August 21, 2008, Special Meeting and Work Session  
August 25, 2008, Special Meeting and Work Session  
were approved as written.

The Minutes for August 26, 2008, Regular City Council Meeting and Work Session, were approved with the following change to Item #R2, #2a: Delete "Mayor Braun" and replace with "Councilmember Braun."

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

Councilmember Braun seconded. Motion carried.

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

Item #R3 - Discussion and consideration of approval of a Proclamation recognizing October 7, 2008, as National Night Out and encouraging all Addison residents to participate.

Mayor Chow read the Proclamation recognizing October 7, 2008, as National Night Out and encouraging all Addison residents to participate. There was no action taken.

Item #R4 - **PUBLIC HEARING**, discussion and consideration of approval of an ordinance of the Town of Addison, Texas, approving and adopting the annual budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009; providing that said expenditures for said fiscal year shall be made in accordance with said budget; providing for a repeal clause.

Mayor Chow opened the meeting as a public hearing.

The following residents spoke:

- Earl Jones, 14750 Celestial Place, Dallas, TX 75254
- Bob Jacoby, 4016 Rive Lane, Addison, TX 75001

Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to duly approve Ordinance 008-031 of the Town of Addison, Texas, approving and adopting the annual budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009; providing that said expenditures for said fiscal year shall be made in accordance with said budget; providing for a repeal clause.

Councilmember Hirsch seconded. Motion carried.

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

Item #R4a - Consideration and approval of a resolution ratifying the property tax increase reflected in the annual budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009.

Councilmember Niemann moved to duly approve Resolution R08-016, ratifying the property tax increase reflected in the annual budget for the fiscal year beginning October 1, 2008, and ending September 30, 2009.

Councilmember Braun seconded. Motion carried.

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

Absent: None

Item #R5 - Discussion and consideration of approval of an ordinance levying taxes for the Town of Addison, Texas, and fixing and adopting the tax rate on all taxable property for the year 2008 at a rate of \$0.4535 per one hundred dollars (\$100.00) valuation on all taxable property within the corporate limits of the Town of Addison as of January 1, 2008; providing for a penalty and interest for delinquent taxes; declaring an emergency and providing an effective date.

Councilmember Niemann moved to increase property taxes and duly approve Ordinance 008-032, levying taxes for the Town of Addison, Texas, and fixing and adopting the tax rate on all taxable property for the year 2008 at a rate of \$0.4535 per one hundred dollars (\$100.00) valuation on all taxable property within the corporate limits of the Town of Addison as of January 1, 2008; providing for a penalty and interest for delinquent taxes; declaring an emergency and providing an effective date.

Councilmember Mellow seconded. Motion carried.

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

Item #R6 - Discussion and consideration of approval of an ordinance of the Town of Addison, Texas, amending Chapter 82 of the Code of Ordinances of the Town by amending sewage rates and water rates for all customer classifications; providing a savings clause; providing a severability clause, providing an effective date.

The City Attorney confirmed that the 8,000 cap on sewer consumption rate is in the Ordinance.

Councilmember Niemann moved to duly approve Ordinance 008-033, of the Town of Addison, Texas, amending Chapter 82 of the Code of Ordinances of the Town by amending sewage rates and water rates for all customer classifications; providing a savings clause; providing a severability clause, providing an effective date.

Councilmember Kraft seconded. Motion carried.

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

Item #R7 - Discussion and consideration of approval of an ordinance of the Town of Addison, Texas, amending Chapter 67 (Special Events), Article II (District and Non-District Events) of the Code of Ordinances of the City by amending Section 67-17 by stating space rental fees for various Town of Addison facilities; providing a savings clause, providing a severability clause and providing an effective date.

Councilmember Niemann moved to approve Ordinance 008-034, of the Town of Addison, Texas, amending Chapter 67 (Special Events), Article II (District and Non-District Events) of the Code of Ordinances of the City by amending Section 67-17 by stating space rental fees for various Town of Addison facilities; providing a savings clause, providing a severability clause and providing an effective date.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R8 - Discussion and consideration of approval of an ordinance amending the Code of Ordinances by amending Chapter 66 (Solid Waste) Article II (Collection and Disposal), Division 2 (Service Charge), by amending Section 66-52, increasing from \$10.67 to \$11.65 the monthly fee for single family residential garbage and recycling collection.

Councilmember Mellow moved to approve Ordinance 008-035, amending the Code of Ordinances by amending Chapter 66 (Solid Waste) Article II (Collection and Disposal), Division 2 (Service Charge), by amending Section 66-52, increasing from \$10.67 to \$11.65 the monthly fee for single family residential garbage and recycling collection.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R9 - REPLAT/Lot 1R4, Block A, Addison Storage Addition. Discussion and consideration of approval of a replat of one lot, located west of Addison Road, between Glenn Curtiss Drive and Ratliff Road, on application from Mr. George Kelly, represented by Stovall Associates.

Councilmember Niemann moved to approve a replat of one lot, located west of Addison Road, between Glenn Curtiss Drive and Ratliff Road, on application from Mr. George Kelly, represented by Stovall Associates.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item #R10 - FINAL PLAT/Vitruvian Park. Discussion and consideration of approval of a final plat for Lots 1 and 2, Block A, of the Vitruvian Park I subdivision within the Town

located on approximately 10.32 acres at 3900 and 4010 Brookhaven Club Drive (south side of Brookhaven Club Drive), on application from UDR, Inc., represented by Mr. Bruce Dunne of Icon Consulting Engineers.

Councilmember Niemann moved to approve a final plat for Lots 1 and 2, Block A, of the Vitruvian Park I subdivision within the Town located on approximately 10.32 acres at 3900 and 4010 Brookhaven Club Drive (south side of Brookhaven Club Drive), on application from UDR, Inc., represented by Mr. Bruce Dunne of Icon Consulting Engineers, subject to the following conditions:

1. Revise plat to show dedication of required street easements as shown in PD.
2. Revise plat to show dedication of Lot 2 as right-of-way dedication to town, including right-of-way dedication language.

Councilmember Kraft seconded. Motion carried.

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

Voting Nay: None

Absent: None

Item # R11 - PUBLIC HEARING Case 1561-SUP/Blue Mesa Grill. Public hearing, discussion, and consideration of approval of an ordinance amending an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, for property located at 5100 Belt Line Road, Suite 500, on application from Blue Mesa Grill, represented by Mr. Jason Romano.

Mayor Chow opened the meeting as a public hearing.

No one spoke.

Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to duly approve Ordinance 008-036, amending an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, for property located at 5100 Belt Line Road, Suite 500, on application from Blue Mesa Grill, represented by Mr. Jason Romano, subject to the following condition:

1. The sign is to be removed or relocated so as that it will not interfere with the walkway.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

Councilmember Niemann recused himself for Item #R12.

Item #R12 - **PUBLIC HEARING** Case 1562-Z/Meridian Square. Public hearing, discussion, and consideration of approval of a concept plan for 48 townhomes and approximately 90 condominium units, located in the UC (Urban Center) district, Residential Subdistrict, located on approximately 3.98 acres at the southeast corner of Airport Parkway and Quorum Drive, on application from Addison Urban Development partners, LLC, represented by Mr. Matt Alexander of Dowdey, Anderson & Associates.

Mayor Chow opened the meeting as a public hearing.

No one spoke.

Mayor Chow closed the meeting as a public hearing.

Councilmember Braun moved to duly approve a concept plan for 48 townhomes and approximately 90 condominium units, located in the UC (Urban Center) district, Residential Subdistrict, located on approximately 3.98 acres at the southeast corner of Airport Parkway and Quorum Drive, on application from Addison Urban Development partners, LLC, represented by Mr. Matt Alexander of Dowdey, Anderson & Associates.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

Abstained: Niemann

Councilmember Niemann returned to Council Chambers.

Item #R13 - Discussion and consideration of approval of the Official Ballot for Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election to elect officials to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Councilmember Mellow moved to duly approve the Official Ballot for Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election to elect officials to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees, as marked on the ballot.

Councilmember Meier seconded. Motion carried.

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

Voting Nay: None

Absent: None

At 10:20 P.M., Mayor Chow announced that Council would convene into Executive Session to discuss the following Item:

Item #ES1 - Closed (executive) session of the 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: **Cause No. 07-11965; AN Collision Center of Addison, Inc. d/b/a Bankston Collision Center v. Dallas Area Rapid Transit (DART), The Town of Addison, Regional Rail Right-Of-Way Company, Explorer Pipeline Company, and Sprint Communications Company L.P.**, in the 14th District Court of Dallas County, Texas.

The Council came out of Executive Session at 10:47 P.M.

Item #R14 -Consideration to authorize the City Manager to enter into settlement negotiation, by and through mediation, in **Cause No. 07-11965; AN Collision Center of Addison, Inc. d/b/a Bankston Collision Center v. Dallas Area Rapid Transit (DART), The Town of Addison, Regional Rail Right-Of-Way Company, Explorer Pipeline Company, and Sprint Communications Company L.P.**, in the 14th District Court of Dallas County, Texas.

Councilmember Niemann moved to duly authorize the City Manager to enter into settlement negotiation, by and through mediation, in **Cause No. 07-11965; AN Collision Center of Addison, Inc. d/b/a Bankston Collision Center v. Dallas Area Rapid Transit (DART), The Town of Addison, Regional Rail Right-Of-Way Company, Explorer Pipeline Company, and Sprint Communications Company L.P.**, in the 14th District Court of Dallas County, Texas.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: None

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

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Mayor-Joe Chow

Attest:



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City Secretary-Mario Canizares