

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

October 14, 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: Rodney Johnson with the General Services Department, Eugenio Morales with the Parks Department and Zienia Cabrera with the Police Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

September 23, 2008, Regular City Council Meeting

Tom Braun moved to duly approve Item #2a, Minutes for September 23, 2008, Regular City Council Meeting and Work Session.

Councilmember Meier seconded. Motion carried.

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

Item #R3 - Introduction of Blaine Herron, Addison Airport Air Traffic Control Tower Manager.

Joe Chow introduced Blaine Herron, Addison Airport Air Traffic Control Tower Manager.

Item #R4 - Presentation of the *Arts and Cultural Awareness Month in the Town of Addison* Proclamation.

Barbara Kovacevich presented the *Arts and Cultural Awareness Month in the Town of Addison* Proclamation.

Item #R5 - Presentation of the International Festivals and Events Association Award to the Special Events Team for winning the Silver Grand Pinnacle Award.

Barbara Kovacevich made the presentation of the International Festivals and Events Association Award to the Special Events Team for winning the Silver Grand Pinnacle Award.

Item #R6 - Discussion and consideration of approval of a resolution to continue with the Selective Traffic Enforcement Program (STEP) grant for traffic safety.

Councilmember Mellow moved to duly approve Resolution R08-018 to continue with the Selective Traffic Enforcement Program (STEP) grant for traffic safety.

Councilmember Meier seconded. Motion carried.

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

Voting Nay: Kraft

Absent: Niemann

Item #R7- Discussion and consideration of approval of a resolution giving commemorative names to three Addison Parks Facilities.

Councilmember Meier moved to approve Resolution R08-019 giving commemorative names to three Addison Parks Facilities.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R8 - REPLAT/Asbury Circle. Discussion and consideration of approval of a replat for 73 lots on 8.140 acres, located at the southeast and southwest corners of the intersection of Belt Line Road and Commercial Drive, on application from Dowdey, Anderson & Associates, represented by Mr. Casey Ross.

Councilmember Meier moved to duly approve a replat for 73 lots on 8.140 acres, located at the southeast and southwest corners of the intersection of Belt Line Road and Commercial Drive, on application from Dowdey, Anderson & Associates, represented by Mr. Casey Ross.

Councilmember Kraft seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R9 - **PUBLIC HEARING** Case 1565-SUP/Patton's Christmas Trees. Public hearing on and discussion and consideration of approval of an ordinance approving a Special Use Permit for a Christmas tree lot, located at 14639 Dallas Parkway, on application from Mr. Jeff Patton of Patton's Corner.

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 Ordinance 008-042 approving a Special Use Permit for a Christmas tree lot, located at 14639 Dallas Parkway, on application from Mr. Jeff Patton of Patton's Corner.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R10 - **PUBLIC HEARING** Case 1564-SUP/Antonio Ristorante. Public hearing on and 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, in order to add a patio, located at 4985 Addison Circle, on application from Mr. Luciano Cola.

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

Councilmember Kraft moved to approve Ordinance 008-043 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, in order to add a patio, located at 4985 Addison Circle, on application from Mr. Luciano Cola.

Councilmember Hirsch seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item # R11 - **PUBLIC HEARING** Case 1566-SUP/Smashburger. Public hearing on and discussion and consideration of approval of an ordinance approving a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located at 4980 Belt Line Road, on application from Smashburger, represented by Ms. Lisa Davis of Intertech Design Services.

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

Councilmember Mellow moved to duly approve Ordinance 008-044 approving a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located at 4980 Belt Line Road, on application from Smashburger, represented by Ms. Lisa Davis of Intertech Design Services.

Councilmember Kraft seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R12 - **PUBLIC HEARING** Case 1567-SUP/Twin Peaks. Public hearing on and 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, located at 5260 Belt Line Road, on application from Front Burner, LLC, represented by Mr. Bruce Russo of Techcon Dallas, Inc.

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 Ordinance 008-045 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, located at 5260 Belt Line Road, on application from Front Burner, LLC, represented by Mr. Bruce Russo of Techcon Dallas, Inc.

Councilmember Kraft seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R13 - **PUBLIC HEARING** Case 1568-Z/Town of Addison. Public hearing on and discussion and consideration of approval of an ordinance amending the Code of Ordinances, Appendix A (the Comprehensive Zoning Ordinance), Article XX, Special Uses, to add a new paragraph, paragraph 38, in order to require a Special Use Permit for a wind energy system, and amending Article XXX, Definitions, to add a definition for a Wind Energy System, on application from the Town of Addison.

Mayor Chow opened the meeting as a public hearing.

The following residents spoke:

Bianca Noble, 4008 Bobbin

Bill Perry, 3837 Azure
Chris Mulvaney, 3867 Lakeview Court

Mayor Chow closed the meeting as a public hearing.

Councilmember Mellow moved to approve Ordinance 008-046 amending the Code of Ordinances, Appendix A (the Comprehensive Zoning Ordinance), Article XX, Special Uses, to add a new paragraph, paragraph 38, in order to require a Special Use Permit for a wind energy system, and amending Article XXX, Definitions, to add a definition for a Wind Energy System, on application from the Town of Addison.

Councilmember Kraft seconded. Motion carried.

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

Item #R14 - Discussion and consideration of approval of a request from United Dominion Realty (UDR) for an exception to Chapter 62, Signs, Section 62-210, Construction signs, to be placed in the Brookhaven Club area along Brookhaven Club Drive and Marsh Lane.

Councilmember Braun moved to duly approve Ordinance 008-047, a request from United Dominion Realty (UDR) for an exception to Chapter 62, Signs, Section 62-210, Construction signs, to be placed in the Brookhaven Club area along Brookhaven Club Drive and Marsh Lane.

Councilmember Meier seconded. Motion carried.

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

Item #R15 - Presentation of Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year 2008, October 1, 2007-September 30, 2008.

This Item was withdrawn by Staff. The award will be presented at a future City Council Meeting.

Item #R16 - **PUBLIC HEARING** on and discussion and consideration of approval of an Ordinance of the Town finding that Oncor Electric Delivery Company's requested increases to its electric transmission and distribution rates and charges within the Town should be denied, finding that the Town's reasonable rate case expenses shall be reimbursed by Oncor Electric Delivery Company, and including other provisions related thereto.

Mayor Chow opened the meeting as a public hearing.

The following resident spoke:

Bill Perry, 3837 Azure

Mayor Chow closed the meeting as a public hearing.

Councilmember Meier moved to duly approve Ordinance 008-048 of the Town finding that Oncor Electric Delivery Company's requested increase to its electric transmission and distribution rates and charges within the Town should be denied, finding that the Town's reasonable rate case expenses shall be reimbursed by Oncor Electric Delivery Company, and including other provisions related thereto.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R17 - Discussion and consideration of approval of an Ordinance of the Town of Addison Texas ("City") approving an electric power contract with Cities Aggregation Power Project, Inc. ("CAPP") for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the Town, pledging and levying an ad valorem tax to such payments, providing for energy payments for electric energy, providing for the assignment of such capacity payments to support debt issued by CAPP incurred to acquire electric capacity rights from Luminant Generation Company and related entities pursuant to a 24-year Power Purchase Agreement, and including other matters related thereto.

Councilmember Kraft moved to duly approve Ordinance 008-049 of the Town of Addison Texas ("City") approving an electric power contract with Cities Aggregation Power Project, Inc. ("CAPP") for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the Town, pledging and levying an ad valorem tax to such payments, providing for energy payments for electric energy, providing for the assignment of such capacity payments to support debt issued by CAPP incurred to acquire electric capacity rights from Luminant Generation Company and related entities pursuant to a 24-year Power Purchase Agreement, and including other matters related thereto, subject to City Attorney's approval.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R18 - Discussion and consideration of approval of a Joint Election Agreement and Election Service Contract in the amount of \$9,902.03, between the Dallas County Elections Administrator and the Town of Addison to conduct a joint election to be held November 4, 2008.

Councilmember Braun moved to duly approve a Joint Election Agreement and Election Service Contract in the amount of \$9,902.03, between the Dallas County Elections Administrator and the Town of Addison to conduct a joint election to be held November 4, 2008.

Councilmember Hirsch seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R19 - Discussion and consideration of approval of an Interlocal Agreement with Dallas County for the Town of Addison to join the Household Hazardous Waste Network (HHW Network) with Dallas County and other interested jurisdictions, to participate in an HHW collection program.

Councilmember Braun moved to duly approve an Interlocal Agreement with Dallas County for the Town of Addison to join the Household Hazardous Waste Network (HHW Network) with Dallas County and other interested jurisdictions, to participate in an HHW collection program.

Councilmember Kraft seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R20 - Discussion and consideration of approval of a construction contract with Tri Dal Celina, Ltd., in the amount of \$369,746.79, with a contract duration of 40 calendar days for Vitruvian Park Public Infrastructure – Phase 1.

Councilmember Braun moved to duly approve a construction contract with Tri Dal Celina, Ltd., in the amount of \$369,746.79, with a contract duration of 40 calendar days for Vitruvian Park Public Infrastructure – Phase 1.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None

Absent: Niemann

Item #R21 - Discussion and consideration of approval for the City Manager to execute an estoppel and non-disturbance agreement relating to MSF Properties III, LLC's acquisition of executive hangar condominium leasehold interests at Addison Airport, as requested by United Community Bank, N.A.

Councilmember Meier moved to duly approve for the City Manager to execute an estoppel and non-disturbance agreement relating to MSF Properties III, LLC's acquisition of executive hangar condominium leasehold interests at Addison Airport, as requested by United Community Bank, N.A.

Councilmember Braun 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