

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

November 11, 2008  
7:30 P.M. – Town Hall  
5300 Belt Line Road  
Council Chambers

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

Absent: None

Regular Session

Item #R1 - Consideration of Old Business.

The Mayor made a presentation of a Special Proclamation for Addison Veterans of the Armed Forces.

The following employees were introduced to the Council: Joe Castaldo with the Police Department, Ryan Haley with the Fire Department, Michelle Laurence with the Public Works Department and Joe McAnally with the Addison Airport.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

October 28, 2008, Regular City Council Meeting  
November 1, 2008, Special Meeting and Work Session

The Minutes for November 1, 2008, Special Meeting and Work Session were approved as written.

The Minutes for October 28, 2008, Regular City Council Meeting, were approved with the following correction to Item #R7: Councilmember Niemann requested a correction to the wording. Change the sentence "Item passed" to read "Final motion carried."

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

Councilmember Kraft seconded. Motion carried.

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

#2b - Approval of a Contract for Services with the non-profit: Communities in Schools - Dallas.

#2c - Approval of a Contract for Services with the non-profit: Senior Adult Services.

#2d - Approval of a Contract for Services with the non-profit: Metrocrest Social Services.

#2e - Approval of a Contract for Services with the non-profit: Metrocrest Family Medical Clinic.

#2f - Approval of a Contract for Services with the non-profit: Metrocrest Chamber of Commerce.

#2g - Approval of a Contract for Services with the non-profit: The Family Place.

#2h - Approval of a Contract for Services with the non-profit: Special Care and Career Services.

#2i - Approval of a Contract for Services with the non-profit: The Dance Council.

#2j - Approval of a Contract for Services with the non-profit: Richardson Symphony Orchestra.

#2k - Approval of a Contract for Services with the non-profit: WaterTower Theatre, Inc.

Councilmember Braun moved to duly approve the above listed Items #2b-#2k. Item #2l was pulled for clarification.

Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

Absent: None

#2l - Approval of an Agreement for Use of Addison Theatre Centre with WaterTower Theatre, Inc.

Councilmember Meier requested clarification on the rent schedule for Item #2l.

After clarification of rent schedule, Councilmember Kraft moved to duly approve Item #2l.

Councilmember Mellow 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 to enter into a Professional Services Agreement with Freese & Nichols, Inc., in an amount not to exceed \$550,000.00, for engineering services of the proposed 1.5 Million Gallon Elevated Storage Tank.

Councilmember Kraft moved to approve a Professional Services Agreement with Freese & Nichols, Inc., in an amount not to exceed \$550,000.00, for engineering services of the proposed 1.5 Million Gallon Elevated Storage Tank.

Councilmember Niemann seconded. Motion carried.

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

Mayor Chow moved Items #R8 and #R9 to be heard before Item #R4.

Councilmember Niemann recused himself for Items #R8, #R9 and #R4, and left Council Chambers.

Item #R8 - **PUBLIC HEARING** Case 1563-Z/Town of Addison. Public hearing on and discussion and consideration of approval of an ordinance amending Article XIX, UC (Urban Center) District, Appendix A, Streetscape Cross-sections, in order to add two new streetscape cross sections, on application from the Town of Addison.

Mayor Chow opened the meeting as a public hearing.

The following resident spoke:

Charles Hansen, 5055 Addison Circle, #54

Mayor Chow closed the meeting as a public hearing.

Councilmember Braun moved to duly approve Ordinance 008-052, amending Article XIX, UC (Urban Center) District, Appendix A, Streetscape Cross-sections, in order to add two new streetscape cross sections, on application from the Town of Addison.

Councilmember Mellow seconded. Motion carried.

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

Item #R9 - **PUBLIC HEARING** Case 1562-Z-1/Meridian Square. Public hearing on and discussion and consideration of approval of an ordinance approving a final development plan for 48 townhomes and approximately 90 condominium units, located in the UC (Urban Center) district, Residential Subdistrict, located on 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.

The following resident spoke:

Charles Hansen, 5055 Addison Circle, #54

Mayor Chow closed the meeting as a public hearing.

Councilmember Braun moved to duly approve Ordinance 008-053, approving a final development plan for 48 townhomes and approximately 90 condominium units, located in the UC (Urban Center) district, Residential Subdistrict, located on 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, subject to the following conditions:

#### WAIVERS FOR DAVID WEEKLEY TOWNHOMES

Waiver of design standards in order to allow lot widths to be 16 feet as opposed to the 25 feet required by the ordinance

Waiver to design standards in order to allow depths of 45 feet as opposed to the 55 feet required by the ordinance.

Waiver to design standards in order to allow lot coverage of 100% of the lot as opposed to the 65% of the lot required by the ordinance

Waiver to design standards in order to allow a minimum three-foot setback against the Category C, (Residential) Streets (Calloway), as opposed to the five-foot setback required by the ordinance, and a waiver to design standards in order to allow a seven-foot setback against the Category D (Quorum, Spectrum, Airport Parkway) streets, as opposed to the ten-foot setback required by the ordinance.

Waiver to design standards in order to use hardi-plank siding as a siding material on an exterior façade.

Waiver to design standards in order to use composition shingles as a roofing material.

## WAIVERS FOR SAVANNAH HOMES CONDOMINIUMS

Waiver to the design standard for minimum width and minimum depth for a lot.

Waiver to design standards in order to allow a minimum seven-foot setback against a Category D street (Spectrum Drive), as opposed to the ten-foot setback required by the ordinance.

Waiver to design standards in order to allow for not less than 70 percent of the exterior cladding of all exterior walls fronting or visible from public streets (including above grade parking structures) be brick or stone construction.

### CONDITIONS FOR APPROVAL:

-David Weekley townhomes shall contain the following design elements:

- Divided light windows
- Shutters at the third floor windows
- Overhangs and gables
- Standing seam roof at the "tower" element
- Brick cladding on all sides of all chimneys
- Stone at base of buildings carried to second floor elevation
- Front yard enclosures are to be provided on buildings facing Quorum Drive, Spectrum Drive, and Calloway Drive
- Wrought iron with added "detail" shall be installed on balconies and front yard enclosures as shown on sketch provided and attached as part of the development plans
- Iron fencing shall be provided around third-floor roof "decks" and mechanical units. Wood fencing is prohibited"
- GAF "Grand Slate" composition shingles, with lifetime warranty, shall be used on all roofs.
- All roof vents, plumbing stacks, and mechanical vents shall be installed on the back side of the roof ridge line to the fullest extent possible.

-Units in Block C, units 9-16, (as shown on the approved final development plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the dwelling unit, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for units 9-16 to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once they are constructed, and verify that the required noise level has been attained. The applicant shall bear all costs for hiring the certified acoustical engineer.

-The tree wells on all public streets be designed to match the Fairfield Development tree wells, which include a concrete curb edge separating the pavers from the planting bed.

-Where possible, plantings (shrubs or vines) shall be added in the alleys to soften the appearance from the streets.

-The dead-end alleys shall have appropriate signage.

-A 5-foot sidewalk easement shall be added along the Spectrum Drive frontage.

-Any encroachments into the public right-of-way shall comply with Chapter 32 of the 2006 IBC and must be approved by the Public Works Department.

-The townhomes shall comply with the requirements of the 2006 IRC. These homes are to be constructed on separate lots and the developer should be aware that Table R302.1 of the 2006 IRC limits openings and projections such as soffits and balconies in proximity to the property line. The Town does have an exception to this section if a unity agreement has been executed.

Fire hydrants shall be placed at 300-foot intervals along streets and fire lanes serving the property.

Councilmember Meier seconded. Motion carried.

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

Voting Nay: None

Absent: None

Abstained: Niemann

Item #R4 - Discussion and consideration of approval of a request by SNK Realty Group at 15750 Spectrum Drive and 15800 Spectrum Drive, for an ordinance for a meritorious exception to Chapter 62, Signs, Sec. 62-285, Luminescent gaseous tubing.

Councilmember Hirsch moved to approve a request by SNK Realty Group at 15750 Spectrum Drive and 15800 Spectrum Drive, for Ordinance 008-050 for a meritorious exception to Chapter 62, Signs, Sec. 62-285, Luminescent gaseous tubing, for accent lighting on the Tollway (east) end of the building only, and for accent lighting shown on the buildings along the north and south sides of Spruill Avenue. No accent lighting shall be allowed on Spectrum Drive (except for lighting allowed by ordinance in attached signs). Should SNK Realty Group wish to submit another alternative for the Spectrum Drive frontage at a later date, the application fee would be waived.

Councilmember Braun seconded. Motion carried.

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

Voting Nay: None  
Absent: None  
Abstaining: Niemann

Councilmember Niemann returned to Council Chambers.

Item #R5 - Discussion and consideration of approval of a request by Holiday Inn at 4355 Beltway Drive, for an ordinance for a meritorious exception to Chapter 62, Signs, Sec. 62-186, Monument signs.

Councilmember Braun moved to deny a request by Holiday Inn at 4355 Beltway Drive, for an ordinance for a meritorious exception to Chapter 62, Signs, Sec. 62-186, Monument signs.

Councilmember Kraft seconded. Motion to deny carried.

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

Item #R6 - Discussion and consideration of approval of a request by Holiday Inn at 4355 Beltway Drive, for an ordinance for a meritorious exception to Chapter 62, Signs, Sec 62-163, Area.

Councilmember Niemann moved to approve a request by Holiday Inn at 4355 Beltway Drive, for Ordinance 008-051 for a meritorious exception to Chapter 62, Signs, Sec 62-163, Area.

Councilmember Mellow seconded. Motion carried.

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

Item #R7 - FINAL PLAT/7920-3939 Belt Line Addition, Lot 1, Block A. Discussion and consideration of approval of a final plat for one lot of .93 acres, located at the northeast corner of Belt Line Road and Commercial Drive, on application from Mr. Sepehr Parnian.

Councilmember Niemann moved to approve a final plat for one lot of .93 acres, located at the northeast corner of Belt Line Road and Commercial Drive, on application from Mr. Sepehr Parnian.

Councilmember Mellow seconded. Motion carried.

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

Voting Nay: None  
Absent: None

Item #R10 - **PUBLIC HEARING** Case 1569-Z/Dallas Spine Hospital. Public hearing on and discussion and consideration of approval of an ordinance approving a Special Use Permit for a hospital in a Planned Development District, and approving development plans for a hospital in a Planned Development District, located on 11.6 acres at the southwest corner of Dallas Parkway and Excel Parkway, on application from Dallas Spine Hospital, represented by Mr. Michael Krach of Nueterra Real Estate Companies, LLC.

Mayor Chow opened the meeting as a public hearing.

The following residents spoke:

William James, 4095 Oberlin Way  
Neil Reznick, 15707 Spectrum  
Levi Davis, 15757 Addison Road

Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to approve Ordinance 008-054, approving a Special Use Permit for a hospital in a Planned Development District, and approving development plans for a hospital in a Planned Development District, located on 11.6 acres at the southwest corner of Dallas Parkway and Excel Parkway, on application from Dallas Spine Hospital, represented by Mr. Michael Krach of Nueterra Real Estate Companies, LLC.

Councilmember Braun seconded. Motion carried.

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

Item #R11 - Discussion and consideration of approval of an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., for and regarding the management of the construction of Vitruvian Park Public Infrastructure – Phase I (water and sanitary sewer) within that area of the Town known generally as Vitruvian Park, in the amount of \$29,593.36.

Councilmember Mellow moved to duly approve an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., for and regarding the management of the construction of Vitruvian Park Public Infrastructure – Phase I (water and sanitary sewer) within that area of the Town known generally as Vitruvian Park, in the amount of \$29,593.36, subject to the approval of the City Attorney and the City Manager.



Councilmember Kraft seconded. Motion carried.

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

Item #R12 - Discussion and consideration of approval for the award of bid to BMW Motorcycles of North Dallas in the amount of \$43,029.34, for the purchase of two (2) 2009 BMW Police Motorcycles.

Councilmember Meier moved to duly approve the award of bid to BMW Motorcycles of North Dallas in the amount of \$43,029.34, for the purchase of two (2) 2009 BMW Police Motorcycles.

Councilmember Mellow seconded. Motion carried.

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

Item #R13 - Discussion and consideration of approval to enter into an agreement with The Margulies Communication Group to assist the Town with media communications in the amount of \$42,000.00.

Councilmember Niemann moved to approve an agreement with The Margulies Communication Group to assist the Town with media communications in the amount of \$42,000.00.

Councilmember Mellow seconded. Motion carried.

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

Item #R14 - Discussion and consideration of approval of an Identity Theft Prevention Program in connection with the Town of Addison's utility services.

Councilmember Niemann moved to duly approve an Identity Theft Prevention Program in connection with the Town of Addison's utility services.

Councilmember Kraft 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