

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

June 24, 2003
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Hirsch, Mallory, Niemann, Silver, Turner
Absent: Chow

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Jason Hyman (Police), Phil Kagarice (Public Works) and Stephen Seidel (City Manager).

Ron Whitehead, City Manager, announced the following upcoming events: Grand Opening of the Addison Athletic Club on June 30, 2003, Council photographs on July 1, 2003 and a Special Meeting of the Council on July 1, 2003.

Item #R2 – Consent Agenda

Item #2a was considered separately.

Item #2b – Approval of construction and authorization of final payment in the amount of \$27,842.30 to Barson Utilities, Inc. for the Brookhaven Club Sanitary Sewer Line Project. (Approved)

Item #2c – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$90,502.02 with J&J Sprinkler and Landscape, Inc. for the Brookhaven Club Drive median and parkway landscape improvements. (Approved) (R03-062)

Item #2d – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$68,600.00 with Teague Nall and Perkins, Inc. for engineering services associated with the design of the Talisker Apartments, located at 3925 Brookhaven Club Drive, Water System Improvements Project. (Approved) (R03-063)

Item #2e – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$97,432.00 with Fast Forward Demolition for demolition of structures at three sites on the Arapaho Road, Phase III Project. (Approved) (R03-064)

Councilmember Mallory moved to duly approve the above items. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

#2a – Approval of the Minutes for the June 3, 2003 and June 10, 2003 Council Meetings.

Councilmember Silver noted a correction to Item #R8 in the June 10, 2003 Minutes. Item #R8 was seconded by Councilmember Mallory and the words “or the Manager’s designee” should be removed. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R3 – Appointment of a Councilmember as the Council’s representative to Senior Adult Services.

Councilmember Mallory moved to appointed Councilmember Niemann as the Council’s representative to Senior Adult Services. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R4 - **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant in an Industrial-1 (I-1) district, New York Subs, located at 16250 Midway Road, on application from Greater DFW Delis, Inc., represented by Mr. Donald R. Harris.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 003-016 approving a Special Use Permit for a restaurant in an Industrial-1 (I-1) district, New York Subs, located at 16250 Midway Road, on application from Greater DFW Delis, Inc., subject to no conditions. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R5 – **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant, Ice Cream and Coffee Shop, located in Addison Circle at 15615 Quorum Drive, on application from Artan Musliu.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 003-017 approving a Special Use Permit for a restaurant, Ice Cream and Coffee Shop, located in Addison Circle at 15615 Quorum Drive, subject to the following conditions:

1. Restroom modifications completed to specifications outlined by staff.
2. Submittal of revised plans depicting the patio area.

Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R6 – Consideration of approval of a final plat for one lot of 1.98 acres, Lot 1, Block A, Aircorp Addition, located at 15900 Dooley Road, on application from George Kondos, represented by Mr. Luis D. Carrera of Carrera Consulting Engineers.

Councilmember Silver moved to approve a final plat for one lot of 1.98 acres, Lot 1, Block A, Aircorp Addition, located at 15900 Dooley Road, subject to the following conditions:

1. Bearing of N 00 degrees 07' 32" E, along the east right-of-way line of Dooley Road., and bearing of S20 degrees 44' 54" E, at southeast corner of the property, do not correspond with plate, dated 6/9/98.
2. Prior to any development or redevelopment of the site, the developer must submit plans to the FAA for review and subsequent approval, in order to determine compliance with the Town's height hazard zoning.
3. Access to the Airport requires clarification of Aviation use. An access agreement between the Town, AATI, FAA and Texas Department of Transportation (Aviation Division) is necessary.
4. This property is located within the 70 to 75 ldn noise contours. In accordance with the adopted airport master plan, an aviation easement is required as a component of this plat.

5. Prior to development of the site, engineering plans and specifications must be prepared and approved by the Town of Addison, and include the following:
 - (a) Existing and proposed utility mains and service connections.
 - (b) A five-foot wide sidewalk along Dooley Road.
 - (c) Stormwater Detention as part of the overall grading and drainage plan.
 - (d) Proposed drive approach(s), fire protection, and other appurtenances deemed necessary by the Town of Addison.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R7 – Consideration of approval of a final plat on one lot of 373.7 acres, Addison Airport, located east of Midway Road, south of Sojourn Drive, west and south of Westgrove Drive, and west of Addison Road, on application from the Town of Addison, represented by Mark Acevedo.

Councilmember Mallory moved to duly approve a final plat on one lot of 373.7 acres, Addison Airport, located east of Midway Road, south of Sojourn Drive, west and south of Westgrove Drive, and west of Addison Road, on application from the Town of Addison, subject to the following conditions:

1. Mayor Scott Wheeler's name shall replace Ron Whitehead's name as the owner.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R8 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Sigel's Liquor, located at 15003 Inwood Road, on application from Sigel's Liquor.

Councilmember Silver moved to duly pass Ordinance No. 003-018 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Sigel's Liquor,

located at 15003 Inwood Road, subject to no conditions. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R9 – Consideration of a Resolution authorizing an expenditure in an amount not to exceed \$165,300.00 for the Addison Circle Park Grand Opening Party, Media Tour and Marketing Materials.

Councilmember Silver moved to duly pass Resolution No. R03-065 authorizing an expenditure in an amount not to exceed \$165,300.00 for the Addison Circle Park Grand Opening Party, Media Tour and Marketing Materials. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R10 – Presentation of a sign package for Addison Circle Park, Addison Circle, and directional signs.

No action taken.

Item #R11 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$438,778.10 with Jim Bowman Construction Co., L.P. for construction of the Inwood/South Quorum Access, Phase II: Inwood Connection project.

Councilmember Mallory moved to duly pass Resolution No. R03-066 authorizing the City Manager to enter into a contract in the amount of \$438,778.10 with Jim Bowman Construction Co., L.P. for construction of the Inwood/South Quorum Access, Phase II: Inwood Connection project. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R12 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$106,115.03 with Forsythe Solutions, Inc. for the purchase of two (2) IBM AIX servers.

Councilmember Mallory moved to duly approve Resolution No. R03-067 authorizing the City Manager to enter into a contract in the amount of \$106,115.03 with Forsythe Solutions, Inc. for the purchase of two (2) IBM AIX servers. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R13 – Consideration of a Resolution approving a Change Order in the amount of \$134,339.75 to a previously approved contract with Abstract Construction Company to provide for the fabrication of ticket kiosks and a one-year landscaping maintenance contract for Addison Circle Park.

Councilmember Mallory moved to duly pass Resolution No. R03-068 approving a Change Order in the amount of \$134,339.75 to a previously approved contract with Abstract Construction Company to provide for the fabrication of ticket kiosks and a one-year landscaping maintenance contract for Addison Circle Park. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R14 – Consideration of a Resolution approving and authorizing the City Manager to enter into a contract in the amount of \$551,674.00 with Motorola to purchase equipment as part of the public safety radio system upgrade.

Councilmember Silver moved to duly pass Resolution No. R03-069 approving and authorizing the City Manager to enter into a contract in the amount of \$551,674.00 with Motorola to purchase equipment as part of the public safety radio system upgrade. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R15 – Consideration of a Resolution authorizing the City Manager to enter into agreements with the Town's six (6) wireless providers for the implementation of Phase I Wireless 9-1-1 service.

Councilmember Turner moved to duly pass Resolution No. R03-070 authorizing the City Manager to enter into agreements with the Town's six (6) wireless providers for the implementation of Phase I Wireless 9-1-1 service. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R16 – Consideration of a Resolution approving a rate structure and fees for Landlord’s consent for re-negotiation of leases at Addison Airport.

Mayor Wheeler opened the meeting as a courtesy public hearing. Tom Dell from Keith Products spoke on this item. Mayor Wheeler closed the meeting as a courtesy public hearing.

Councilmember Silver moved to deny the approval of a rate structure and fees for Landlord’s consent for re-negotiation of leases at Addison Airport. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R17 – Consideration of a Resolution regarding certain matters pertaining to a Ground Lease at Addison Airport between the Town, as Landlord, and 4532 Glenn Curtiss Associates, Ltd. as Tenant, as follows: (i) Consent to the change in control of Partnership, (ii) Assignment of Partnership Interest; and (iii) consent to a sublease of the premises.

Councilmember Niemann moved to duly pass Resolution No. R03-071 regarding certain matters pertaining to a Ground Lease at Addison Airport between the Town, as Landlord, and 4532 Glenn Curtiss Associates, Ltd. as Tenant, as follows: (i) Consent to the change in control of Partnership, (ii) Assignment of Partnership Interest; and (iii) consent to a sublease of the premises. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: Chow

Item #R18 – Consideration of a Resolution approving and accepting a proposal for professional services in the amount of \$129,600.00 with Washington Group International for the development of a scope of work, design, and construction management of a new bulk fuel storage and dispensing facility (Fuel Farm) for the Addison Airport.

Councilmember Mallory moved to duly pass Resolution No. R03-072 approving and accepting a proposal for professional services in the amount of \$129,600.00 with

Washington Group International for the development of a scope of work, design, and construction management of a new bulk fuel storage and dispensing facility (Fuel Farm) for the Addison Airport. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Turner
Voting Nay: Silver
Absent: Chow

Item #R19 – Consideration and approval of a request to the Town of Addison from Mercury Air Center-Addison, Inc. at Addison Airport to obtain the Town of Addison conditional consent to the following inter-related items: (i) The sale, assignment and transfer of all leasehold interests and improvements now owned by Mercury Air Center – Addison, Inc. at Addison Airport to MaxPort Projects-Addison, LLC. (ii) The Sublease of the very same leasehold interests and improvements assigned to MaxPort Projects-Addison, LLC to MaxPort Holdings, LLC. (iii) The Sub-sublease of the same leasehold interests and improvements to Mercury Air Center, Inc. (iv) The leasehold mortgage by MaxPort Projects-Addison, LLC to MaxPort Holdings, LLC. (v) The consent to MaxPort Holdings’ pledging the leasehold interests to a Master Indenture Trustee.

Councilmember Niemann moved to approve a request to the Town of Addison from Mercury Air Center-Addison, Inc. at Addison Airport to obtain the Town of Addison conditional consent to the following inter-related items: (i) The sale, assignment and transfer of all leasehold interests and improvements now owned by Mercury Air Center – Addison, Inc. at Addison Airport to MaxPort Projects-Addison, LLC. (ii) The Sublease of the very same leasehold interests and improvements assigned to MaxPort Projects-Addison, LLC to MaxPort Holdings, LLC. (iii) The Sub-sublease of the same leasehold interests and improvements to Mercury Air Center, Inc. (iv) The leasehold mortgage by MaxPort Projects-Addison, LLC to MaxPort Holdings, LLC. (v) The consent to MaxPort Holdings’ pledging the leasehold interests to a Master Indenture Trustee, subject to the following conditions:

1. Maxport Holdings, LLC to be a guarantor of the lease to Maxport Projects-Addison, LLC.
2. Guarantorship of Maxport Holdings, LLC to be provided in writing prior to final consent of the Council.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Hirsch, Mallory, Niemann, Turner
Voting Nay: Silver
Absent: Chow

Item #R20 – Discussion of the FY 2003-2004 Hotel Fund.

No action taken.

EXECUTIVE SESSION. At 11:45 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following item:

Item #ES1 – Closed (Executive) session of the City Council pursuant to Section 551.072 of the Texas Government Code to review and deliberate values of certain real properties located adjacent to Addison Airport and the possibility of future purchase of those properties.

The Council came out of **Executive Session** at 12:12 a.m.

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

Mayor

Attest:

City Secretary