

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

January 27, 2004
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Hirsch, Mallory, Niemann, Silver,
Turner
Absent: None

Item #R1 – Consideration of Old Business

The following employees was introduced to the Council: Brady Phipps (Police) and Modesto Orono (Parks).

Ron Whitehead, City Manager, announced upcoming events: Employee Meritorious Luncheon at the Conference Center on January 28, 2004 at 11:30 a.m.; Groundbreaking Ceremony for the Addison Airport Tower on January 28, 2004 at 4:00 p.m.; Oaks North Homeowners Association Meeting on January 29, 2004 and Metrocrest Chamber of Commerce Banquet on January 30, 2004.

Mayor Wheeler confirmed that Council had received e-mail from Judy Stafford, Human Resources Director, regarding the City Manager's performance evaluation.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the December 11, 2003 and January 13, 2004 Council Meetings.

Councilmember Silver moved to duly approve the Minutes of the December 11, 2003 and January 13, 2004 Council Meetings as written. Councilmember Mallory seconded. The motion carried.

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

Item #R3 – Appointment of a member to the Planning and Zoning Commission.

Carol Doepfner's second term on the Planning and Zoning Commission will expire on February 8, 2004. Ms. Doepfner was appointed by Councilmember Ways. The appointment now belongs to Councilmember Hirsch.

This item was tabled.

Councilmember Chow recused himself and left the council chambers.

Item #R4 – Consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4801 Belt Line Road, Pei Wei Asian Diner, on application from Albert-Addison LLC, represented by Mr. Bob Borson of Birnbaum Magadini Architects.

Mayor Wheeler opened the meeting as a public hearing. Bob Borson spoke on behalf of the applicant. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved for approval, subject to staff recommendations and plans submitted reflecting a sidewalk on Addison Road. The motion died for lack of a second.

Councilmember Turner moved to duly pass Ordinance No. 004-008 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4801 Belt Line Road, Pei Wei Asian Diner, subject to the following conditions:

1. The applicant shall submit a revised landscaping plan for approval by the Parks Director prior to the issuance of a building permit (This has been done).
2. The screening fence on the north side of the building shall be made of solid metal or stucco panels. The Building Official shall have final approval over the appearance of the fence.
3. The restaurant shall not use the term “bar”, “tavern”, or any equivalent terms or graphic depictions that relate to alcoholic beverages, in exterior signs.
4. If the electrical demand for the building increases over what is currently provided, the electrical service will have to be placed underground.

Councilmember Mallory seconded. The motion carried.

Voting Aye: Hirsch, Mallory, Niemann, Turner

Voting Nay: Wheeler, Silver

Absent: None

Abstaining: Chow

Councilmember Chow returns to the council chamber.

Item #R5 – **PUBLIC HEARING** and consideration of a Resolution approving a joint application with Dallas County and surrounding cities for consideration of funding through the Federal Juvenile Accountability Block Grant Program (JABG) and waiving the Town’s right to file an individual application.

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 Niemann moved to duly pass Resolution No. R04-004 approving a joint application with Dallas County and surrounding cities for consideration of funding through the Federal Juvenile Accountability Block Grant Program (JABG) and waiving the Town's right to file an individual application. Councilmember Turner seconded. The motion carried.

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

Item #R6 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$48,630.26 with Toshiba America Information Systems, Inc. for the purchase of 23 tablet PC's.

Councilmember Mallory moved to duly pass Resolution No. R04-005 authorizing the City Manager to enter into a contract in the amount of \$48,630.26 with Toshiba America Information Systems, Inc. for the purchase of 23 tablet PC's. Councilmember Turner seconded. The motion carried.

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

Item #R7 – Consideration of a Resolution approving the purchase of a 0.0790 acre temporary construction easement and approving the fee simple purchase of a 0.1934 acre tract of land for permanent right-of-way, both tracts generally located at 4455 Belt Line Road, and approving a contract for said purchases.

Councilmember Silver moved to duly pass Resolution No. R04-006 approving the purchase of a 0.0790 acre temporary construction easement and approving the fee simple purchase of a 0.1934 acre tract of land for permanent right-of-way, both tracts generally located at 4455 Belt Line Road, and approving a contract for said purchases. Councilmember Turner seconded. The motion carried.

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

Item #R8 – Consideration of a Resolution approving the purchase of a 0.041 acre easement in a tract of land generally located at 15180 Addison Road, Outback Steakhouse, for street right-of-way and other public purposes, and approving an easement agreement for said purchase.

Councilmember Silver moved to duly pass Resolution No. R04-007 approving the purchase of a 0.041 acre easement in a tract of land generally located at 15180 Addison Road, Outback Steakhouse, for street right-of-way and other public purposes,

and approving an easement agreement for said purchase. Councilmember Turner seconded. The motion carried.

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

EXECUTIVE SESSION. At 8:25 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following items:

Item #ES1 – Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code to consult with its attorney to seek advice regarding certain pending litigation, to wit: Transcontinental Realty Investors, Inc. et al, v. The Town of Addison, Texas, et al., Civil Action No. 3:03-CV-2132L, US District Court, Northern District of Texas, Dallas Division.

Item #ES2 – Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code to consult with its attorney to seek advice regarding proposed settlement in *Town of Addison, Texas v. Absolute Systems, LTD. et al*, Cause No. CC-03-01967-B, Dallas County, Texas.

The Council came out of **Executive Session** at 9:29 p.m.

Item #R9 – Consideration of accepting proposed settlement in *Town of Addison, Texas v. Absolute Systems, LTD. et al*, Cause No. CC-03-01967-B, Dallas County, Texas.

Councilmember Mallory moved to duly accept the proposed settlement in *Town of Addison, Texas v. Absolute Systems, LTD. et al*, Cause No. CC-03-01967-B, Dallas County, Texas. Councilmember Chow seconded. The motion carried.

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

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

Mayor

Attest:

City Secretary