

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

March 9, 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

Chris Terry, Assistant City Manager, was in attendance upon the absence of City Manager, Ron Whitehead.

The following employees were introduced to the Council: Diane Leary (Visitor Services), Loyd Campbell (Fire) and Charles Mitchell (Police).

### Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the February 24, 2004 Council Meeting. (Approved)

Item #2b – Consideration of approval and authorization for the release of the 2004 Comprehensive Annual Financial Report (CAFR). (Approved)

Item #2c – Consideration of approval of construction and authorization of final payment in the amount of \$49,654.39 to Jim Bowman Construction Company, L.P. for construction of the Inwood/South Quorum Access, Phase II: Inwood Connection Project. (Approved)

Item #2d – Consideration of approval of construction and authorization of final payment in the amount of \$98,311.98 to AUI Contractors for construction of the Addison Athletic Club expansion and outdoor leisure pool project. (Approved)

Item #2e – Approval of a 9-1-1 billing agreement with Total Telephone Service Co., which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2f – Approval of a 9-1-1 billing agreement with Capital Telecommunications, Inc., which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2g – Approval of a 9-1-1 billing agreement with NOS Communications, Inc., which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2h – Approval of a 9-1-1 billing agreement with Lightyear Communications, which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2i – Approval of a 9-1-1 billing agreement with American Fiber Network, Inc., which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2j – Approval of a 9-1-1 billing agreement with Westel, Inc. which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2k – Approval of a 9-1-1 billing agreement with United Communications Systems, which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2l – Approval of a 9-1-1 billing agreement with nii Communications, Ltd., which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Councilmember Niemann moved to duly approve the above items. Councilmember Silver 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 Board of Zoning Adjustment (BZA).

Councilmember Silver moved to table this item until the March 23, 2004 Council meeting. Councilmember Hirsch seconded. The motion carried.

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

Item #R4 – **PUBLIC HEARING** and 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 4440 Belt Line Road, Red Baron, (formerly Landry's), on application from 4440 Belt Line, Ltd., represented by Ms. Susie Russell.

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 Silver moved to duly pass Ordinance No. 004-014 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 4440 Belt line Road, Red Baron, (formerly Landry's), subject to conditions.

Mayor Wheeler moved to amend Councilmember Silver's motion subject to additional conditions. Councilmember Niemann seconded the motion for the amendment. Motion for the amendment carried.

Voting Aye on the amendment to the motion: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay on the amendment to the motion: None  
Absent: None

1. A revised landscaping plan shall be submitted by the applicant that indicates all landscaping on the site. A Landscape Architect licensed in the state of Texas must provide the plan.
2. Any new mechanical equipment shall be screened from all adjacent properties. The screening mechanism shall be architecturally compatible, and the Building Official shall make the determination of "architecturally compatible".
3. The applicant shall not use any terms, including the term "bar", "tavern", or any graphic depictions that denote alcoholic beverages in exterior signs.
4. The applicant will adhere to the Town's Ordinance requirement of at least sixty percent (60%) of their gross revenues from the sale of food.
5. There shall not be any "live" performances outdoors on the deck.
6. The Town's Noise Ordinance will be enforced.
7. Landscaping shall not be allowed to be less than 20% of site. The site shall not have less than 20% landscaping.

Voting Aye on the amended motion: Wheeler, Chow, Hirsch, Mallory, Silver, Turner  
Voting Nay on the amended motion: Niemann  
Absent: None

Item #R5 – Consideration of approval of a final plat for two lots on 7.7656 acres in a Commercial-2 zoning district, located at the southeast corner of Addison Road and Keller Springs Road, on application form Stonemason Partners, represented by Mr. Toby Rodgers of Wier and Associates, Inc.

Councilmember Mallory moved to duly approve a final plat for two lots on 7.7656 acres in a Commercial-2 zoning district, located at the southeast corner of Addison Road and Keller Springs Road, subject to the following conditions:

1. Change all "Temporary Drainage Easement" designations to "Drainage Easement".

2. Change all "Offsite Drainage Easement" designations to "Drainage Easement".
3. Designate all drainage easements adjacent to Addison Road and Keller Springs Road as "Drainage and Landscape Easements".
4. Plat shall be revised to add a Certificate of Approval, which should contain a line for the date the plat was approved by the City Council, and signature lines for the Mayor and City Secretary.

Councilmember Chow seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R6 – Consideration of approval of a final plat for Block A, Lots 1 and 2, Block B, Lots 1-5, Block C, Lot 1, Block D, Lots 1-5, and Block E, Lots 1 and 2 located on 9.016 acres bounded by Morris Avenue on the south, Quorum Drive on the west, a proposed street on the north, and Spectrum Drive on the east, on application from CityHomes, represented by Mr. Robert Jebavi of Brockette/Davis/Drake.

Councilmember Mallory moved to duly approve a final plat for Block A, Lots 1 and 2, Block B, Lots 1-5, Block C, Lot 1, Block D, Lots 1-5, and Block E, Lots 1 and 2 located on 9.016 acres bounded by Morris Avenue on the south, Quorum Drive on the west, a proposed street on the north, and Spectrum Drive on the east, subject to the following conditions:

1. The proposed 34.5 ft. right-of-way dedication along Spectrum Drive was previously dedicated to the Town by separate instrument. The plat should reflect existing right-of-way, along with the volume and page in which it was filed.
2. All 20-ft. fire lane, utility and access easements must also include a drainage easement.
3. All mews streets (Parkview, Seabolt, and Breedlove) should be called out with a "Place" designation. Streets should be re-labeled as Parkview Place North, Parkview Place South, Seabolt Place, and Breedlove Place. Calloway Drive can stay a "Drive".
4. Plat shall be revised to reflect modified park dedication, as shown in the exhibit from Robert Jebavi (attached to staff report).
5. Brett Pedigo's title to be correctly reflected on the plat.

Councilmember Turner seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R7 - Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-184, Setback, area and height, for Addison Walk, located at 5000 Belt Line Road, on application from Direct Development.

Item withdrawn by applicant.

Item #R8 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, and Section 62-186, Monument Signs, for Champps Restaurant, located at 4951 Belt Line Road, on application from Signtech Electrical Advertising, Inc.

Councilmember Silver moved to duly pass Ordinance No. 004-015 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, and Section 62-186, Monument Signs, for Champps Restaurant, subject to the following conditions:

1. South Façade – 50% of the letters up to 32.5”, the remaining 50% are 26” or less.
2. West Façade – 50% of the letter up to 35” in height, the remaining 50% are 28” or less.
3. East Façade – no increase at all.
4. Attached sign square footage to exceed 200 square feet is not allowed.
5. No monument sign allowed.

Councilmember Niemann seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R9 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Authetix Inc., located at 4355 Excel Parkway, Suite 100, on application from Authentix, Inc.

Councilmember Turner moved to duly pass Ordinance No. 004-016 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Authentix Inc., subject to no conditions. Councilmember Mallory seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R10 – Consideration of a Resolution for the Town of Addison support for Dallas Area Rapid Transit's (DART's) federal funding request for securing a Full Funding Grant Agreement (FFGA) for \$700 million for the expansion of DART's light rail system.

Councilmember Turner moved to duly pass Resolution No. R04-015 approving the Town of Addison support for Dallas Area Rapid Transit's (DART's) federal funding request for securing a Full Funding Grant Agreement (FFGA) for \$700 million for the expansion of DART's light rail system. Councilmember Silver seconded. The motion carried.

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

Item #R11 – Consideration of a Resolution approving a Change Order in the amount of \$101,587.00 to a previously approved contract with Site Concrete, Inc. for the construction of the Spectrum Drive North/South Extension Project.

Councilmember Turner moved to duly pass Resolution No. R04-016 approving a Change Order in the amount of \$101,587.00 to a previously approved contract with Site Concrete, Inc. for the construction of the Spectrum Drive North/South Extension Project. Councilmember Niemann seconded. The motion carried.

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

Item #R12 – Consideration of approval of a purchase in the amount of \$130,802.67 to Houston-Galveston Area Council (HGAC) for vehicles and equipment.

Councilmember Chow moved to duly approve the purchase in the amount of \$130,802.67 to Houston-Galveston Area Council (HGAC) for vehicles and equipment. Councilmember Mallory seconded. The motion carried.

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

Item #R13 – Consideration of approval and award of bid in the amount of \$408,772.56 to Dallas Dodge Chrysler Jeep for the purchase of fourteen (14) 2004 Dodge Durango Sport Utility Vehicles.

Councilmember Chow moved to duly approve and award of bid in the amount of \$408,772.56 to Dallas Dodge Chrysler Jeep for the purchase of fourteen (14) 2004 Dodge Durango Sport Utility Vehicles. Councilmember Silver seconded. The motion carried.

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

Item #R14 – Consideration of an Ordinance amending Ordinance No. 088-049 allowing employees the option to buy back TMRS service credit.

Steve Blum, 17030 Planters Row, spoke in clarification of this item in response to a direct question he received from Councilmember Chow. Councilmember Mallory moved to table this item. Councilmember Hirsch seconded. The motion carried.

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

Item #R15 – Consideration of approval to rename the Facilities and Fleet Services Department to General Services Department and approval of a position adjustment level change from Administrator of Facilities and Fleet Services to Director of General Services.

Councilmember Turner moved to duly approve the renaming of the Facilities and Fleet Services Department to General Services Department and approval of a position adjustment level change from Administrator of Facilities and Fleet Services to Director of General Services. Councilmember Chow seconded. The motion carried.

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

Item #R16 – Consideration of an Ordinance authorizing the Town of Addison to consider applications for the performance of depository services for the Town and to consider applications received from a bank, credit union, or savings association that is not doing business within the Town.

Councilmember Turner moved to duly pass Ordinance No. 004-017 authorizing the Town of Addison to consider applications for the performance of depository services for the Town and to consider applications received from a bank, credit union, or savings association that is not doing business within the Town. Councilmember Chow seconded. The motion carried.

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

**EXECUTIVE SESSION.** Council did not convene into Executive Session.

Item #ES1 – Discussion of personnel regarding a performance evaluation for the City Manager, pursuant to Section 551.074 of the Texas Government Code.

Item #R17 – Consideration of a Resolution approving a merit increase and salary adjustment for the City Manager.

Councilmember Mallory moved to table the Executive Session and Item #R17 until the March 23, 2004 Council Meeting. Councilmember Silver 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.

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Mayor

Attest:

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City Secretary