

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

June 8, 2004

7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Braun, Chow, Hirsch, Niemann, Silver,
Turner

Absent: None

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Jeff King (Public Works), Corey Gayden (Finance) and Kyle Fortenberry (Fire).

Ron Whitehead, City Manager, announced the following upcoming events: Lone Star Park Movie Night on June 12, 2004 at 8:45 p.m.; Big Daddy Car Show on June 19, 2004; Ice Tea Festival on June 26, 2004 and Kaboom Town on July 3, 2004.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the May 25, 2004 Council Meeting.

Councilmember Niemann moved to duly approve the Minutes of the May 25, 2004 Council meeting as written. Councilmember Turner seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R3 – Appointment of Mayor Pro Tempore and Deputy Mayor Pro Tempore.

Mayor Wheeler tabled this item.

Item #R4 – Presentation of Results of Council Survey.

No action taken.

Item #R5 – **PUBLIC HEARING** and approval of a replat of one lot of 63.845 acres, located generally at the northwest corner of Midway Road and Spring valley Road, on application from Greenhill School, represented by Mr. Brad Moss of Pacheo-Koch Consulting Engineers.

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 approve a replat of one lot of 63.845 acres, located generally at the northwest corner of Midway Road and Spring valley Road, on application from Greenhill School. Councilmember Silver seconded. The motion carried

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

Item #R6 – Consideration of approval of a final plat for two lots on 3.69 acres, located at 3870 Belt Line Road (formerly Bayside Seafood Buffet), on application from Mr. Skip Bailey.

Councilmember Turner moved to duly approve a final plat for two lots on 3.69 acres, located at 3870 Belt Line Road (formerly Bayside Seafood Buffet), subject to the following conditions:

1. Show location of Commercial Drive on replat.
2. A dashed line shown on the north end of lot 2, Block A (near Belt Line Road) is not designated.
3. Accent easement lines overlap on northwest corner of Lot 1, Block A. Both access easements reference the same volume and page.
4. A 24 ft. access and utility easement is situation both proposed lots. The terms of the easement should be reviewed to determine if the location of the easement on each lot is allowed as shown.
5. Change vicinity map to reflect the construction of Arapaho Road and elimination of Realty Road.

Councilmember Braun seconded. The motion carried.

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

Item #R7 – **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, Sports City Café, located at 14905 Midway Road (formerly Baja California Grill), on application from Millennium Restaurant Group, represented by Mr. Tyler Duncan of Duncan Design Group.

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 Hirsch moved to duly pass approval of 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, Sports City Café, located at 14905 Midway Road (formerly Baja California Grill), subject to the following conditions and approval of the City Manager.

1. The applicant shall submit a landscaping plan to the Parks Department, for its approval, which shows the conversion of vacant building pad on the site (immediately south of existing Super 8 motel) to irrigated landscaping and parking. Not less than 50% of the pad shall be converted to landscaping, the remainder may be converted to additional parking spaces.
2. The acoustic specifications for outside speakers on the patio (on the east side of the building) shall be submitted to the Council for review and approval.

The motion died for lack of a second.

Councilmember Niemann moved to deny approval of 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, Sports City Café, located at 14905 Midway Road (formerly Baja California Grill). Councilmember Turner seconded.

Councilmember Niemann moved to amend his motion to deny approval without prejudice. Councilmember Turner seconded.

Councilmember Niemann withdrew the motion and the amended motion and moved to table the item. Councilmember Turner seconded.

The consensus of the Council was to table this item. This item was tabled until the June 22, 2004 Council meeting.

Item #R8 – PUBLIC HEARING and consideration of an Ordinance amending the Appendix A, “Zoning”, of the Code of Ordinances of the City, the same being Ordinance No. 66 of the City, by amending Article XIX, “UC” Urban Center District Regulations, Section 9, Paragraphs C through F, in order to require City Council approval for a final development plan, on application from the Town of Addison.

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. 004-025 amending the Appendix A, “Zoning”, of the Code of Ordinances of the City, the same being Ordinance No. 66 of the City, by amending Article XIX, “UC” Urban Center District Regulations,

Section 9, Paragraphs C through F, in order to require City Council approval for a final development plan. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Braun, Chow, Hirsch, 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 Potbelly Sandwich Works, located at 4945 Belt Line Road, on application from Potbelly Sandwich Works.

Councilmember Silver moved to duly pass Ordinance No. 004-026 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Potbelly Sandwich Works, located at 4945 Belt Line Road to allow 30” letters on the south and east façade and an allowable area of 35 square feet on the south façade and an allowable area of 79.5 square feet on the east façade. Councilmember Turner seconded.

Councilmember Niemann amended the motion to allow 30” letters with an increase in allowable area to 37.9 square feet for the south facade. Councilmember Turner second. The motion carried.

Voting on amended motion:

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

Voting on motion:

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

Item #R10 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Mattress Firm, located at 5000 Belt Line Road, Suite 105, on application from Walton Enterprises, LTD.

Councilmember Hirsch moved to duly pass Ordinance No. 004-027 approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Mattress Firm, located at 5000 Belt Line Road, Suite 105. Councilmember Chow seconded. The motion did not carry.

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

Item #R11 – Consideration of an Ordinance of the Town of Addison, Texas approving a license agreement by and between the City and Barrett Burke Wilson Castle Daffin & Frappier, L.L.P. to use a portion of Surveyor Boulevard for the installation and use of a telecommunications cable between two properties as described in the license agreement; providing an effective date.

Councilmember Turner moved to duly pass Ordinance No. 004-028 approving a license agreement by and between the City and Barrett Burke Wilson Castle Daffin & Frappier, L.L.P. to use a portion of Surveyor Boulevard for the installation and use of a telecommunications cable between two properties as described in the license agreement; providing an effective date. Councilmember Silver seconded. The motion carried.

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

Item #R12 – Consideration of a Resolution authorizing the Town of Addison to participate in HUD's Community Development Block Grant (CDBG) in fiscal year 2005.

Councilmember Turner moved that the Town of Addison do not participate in HUD's Community Development Block Grant (CDBG) in fiscal year 2005. Councilmember Braun seconded. The motion carried.

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

Item #R13 – Consideration of approval of award of bid and a Resolution authorizing the City Manager to enter into an agreement in an amount not to exceed \$34,000.00 with TEECO Safety, Inc. for the purchase of twelve (12) Code 3 light bars for the new police patrol vehicles.

Councilmember Niemann moved to duly pass Resolution No. R04-042 approving an award of bid and authorizing the City Manager to enter into an agreement in an amount not to exceed \$34,000.00 with TEECO Safety, Inc. for the purchase of twelve (12) Code 3 light bars for the new police patrol vehicles. Councilmember Silver seconded. The motion carried.

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

Item #R14 – Consideration of approval and authorization of a final payment in the amount of \$41,863.58 to the City of Carrollton for system acceptance of radio equipment at the Spectrum Center.

Councilmember Silver moved to duly approve and authorize a final payment in the amount of \$41,863.58 to the City of Carrollton for system acceptance of radio equipment at the Spectrum Center. Councilmember Turner seconded. The motion carried.

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

Item #R15 – Consideration of a Resolution regarding certain matters pertaining to a ground lease at 4575 Claire Chennault on Addison Airport between the Town, as Landlord, and Aquila Leasing, Inc. as Tenant, as follows: (i) consent to the assignment of their leasehold estate to C.C. Hangar, L.P., (ii) the request and transaction is subject to C.C. Hangar simultaneously securing the City’s preliminary but non-binding consent to certain proposed actions affecting the lease.

Councilmember Turner moved to duly pass Resolution No. R04-043 regarding certain matters pertaining to a ground lease at 4575 Claire Chennault on Addison Airport between the Town, as Landlord, and Aquila Leasing, Inc. as Tenant, as follows: (i) consent to the assignment of their leasehold estate to C.C. Hangar, L.P., (ii) the request and transaction is subject to C.C. Hangar simultaneously securing the City’s preliminary but non-binding consent to certain proposed actions affecting the lease. Councilmember Braun seconded. The motion carried.

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

EXECUTIVE SESSION. At 9:55 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.

Item #ES1 – Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney about contemplated litigation related to the Addison Airport.

Item #ES2 – Closed (executive) session of the Addison City Council pursuant to Section 661.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney regarding a complaint filed with the Federal Aviation Administration by the Aircraft Owners and Pilots Association concerning Addison Airport.

Item #ES3 – Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to

seek the advice of its attorney about pending litigation to wit: LaTaste Enterprises v. City of Addison, No. DV980-02259, 116th District Court, Dallas County, Texas.

The Council came out of Executive Session at 10:45 p.m.

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

Mayor

Attest:

City Secretary