

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

August 10, 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: Angie Logan (Visitor Services), Greg Woolf (Fire) and Ricky Smith (Parks).

Lea Dunn, Deputy City Manager announced the Council's Budget Worksession which will be held on Saturday, August 14, 2004 at 8:00 a.m. in the Stone Cottage at the Addison Conference Centre.

Item #R2 – Consent Agenda

Items #2l, #2n and #2p were considered separately.

Item #2a – Approval of the Minutes for the July 27, 2004 Council Meeting. (Approved as written)

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

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

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

Item #2e – Approval of a 9-1-1 billing agreement with Ernest Communicaitons, Inc., 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 LightCore, A CenturyTel Company, 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 Buy-Tel 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 New Access Communications, which has a Service Provider Certificate of Operating Authority (SPCOA) from the Texas Public Utilities Commission. (Approved)

Item #2i – Consideration of approval and a Resolution authorizing the City Manager to enter into an interlocal agreement with the U.S. Communities Government Purchasing Alliance for an efficient and cost effective procurement process. (Approved) (R04-054)

Item #2j – Consideration of approval of Office Depot as the Town's supplier of office supplies through the U.S. Communities Government Purchasing Alliance. (Approved)

Item #2k – Consideration of approval of construction and authorization of final payment in the amount of \$2,086.50 to Illuminations by Greenlee for the completion of the landscape lighting in the Oaks North subdivision common areas. (Approved)

Item #2m – Consideration of approval of construction and authorization of final payment in the amount of \$24,375.22 to Jim Bowman Construction Company, L.P., for the Airport Parkway Realignment. (Approved)

Item #2o – Consideration of approval of award of bid and Resolution authorizing the City Manager to enter into a contract in the amount of \$67,724.50 with Insituform Technologies for the trenchless internal lining of sanitary sewers along Westgrove Drive from Addison Road to Dallas Parkway. (Approved) (R04-057)

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

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

Voting Nay: None

Absent: None

Item #2l – Consideration of a Resolution approving the amendment of a contract in an amount not to exceed \$30,000.00 with DCC Inc. for display fountain and waterfall pumping system maintenance.

Councilmember Silver moved to duly pass Resolution No. R04-055 approving the amendment of a contract in an amount not to exceed \$30,000.00 with DCC Inc. for display fountain and waterfall pumping system maintenance. Councilmember Turner seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #2n – Consideration of a Resolution approving a Change Order in the amount of \$55,049.90 for the construction of Spectrum Drive North/South Extension Project.

Councilmember Silver moved to duly pass Resolution No. R04-056 approving a Change Order in the amount of \$55,049.90 for the construction of Spectrum Drive North/South Extension Project. Councilmember Niemann seconded. The motion carried.

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

Item #2p – Consideration of a Resolution authorizaing the City Manager to enter into an Interlocal Agreement with the City of Dallas for the design and installation of water main improvements related to the Arapaho Road Phase III project.

Councilmember Silver moved to duly pass Resolution No. R04-058 authorizing the City Manager to enter into an Interlocal Agreement with the City of Dallas for the design and installation of water main improvements related to the Arapaho Road Phase III project. Councilmember Chow seconded. The motion carried.

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

Item #R3 – Presentation of a dedication placard honoring the Korean War Veterans.

A dedication placard was presented to the Town of Addison honoring the Korean War Veterans. Mayor Wheeler accepted the placard.

Item #R4 – Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award to the Town of Addison for the fiscal year beginning October 1, 2003.

Mayor Wheeler presented the Distinguished Budget Presentation Award to Randy Moravec, Finance Director.

Item #R5 – Appointment of Mayor Pro Tempore and Deputy Mayor Pro Tempore.

Mayor Wheeler moved to duly appoint Deputy Mayor Pro Tempore Joe Chow as Mayor Pro Tempore and Councilmember Jimmy Niemann as Deputy Mayor Pro Tempore. Councilmember Turner seconded. The motion carried.

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

Item #R6 – Appointment of members to the Addison Visioning Committee.

The members to the Addison Visioning Committee are:

Mayor Scott Wheeler	Paula Jandura
Mayor Pro Tempore Joe Chow	Sharon Kilmartin
Deputy Mayor Pro Tempore Jimmy Niemann	Frank Klein
Councilmember Tom Braun	Paul Koch
Councilmember Greg Hirsch	Virginia Mulkey
Councilmember Fredric Silver	Mickey Munir
Councilmember Glynda Turner	Dave Oldfield
Richard Chamberlain	Mark Sommer
Jae Chung	Cathy Ways
Ann Crews	Brent Wicker
Steve Folsom	Allen Wood
Charles Heath	Ron Fredrick

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

Voting Nay: None

Absent: None

Item #R7 – Appointment of members to the 2004-2005 class of Leadership Metrocrest.

Councilmember Turner moved to duly appoint Ron Davis, Assistant Chief of Police as a member to the 2004-2005 class Leadership Metrocrest. Councilmember Niemann seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R8 – **PUBLIC HEARING** and consideration of an Ordinance approving development plans for a bank with drive-through facilities, located in an existing Planned Development district (#459), located at 4100 Belt Line Road, on application from Washington Mutual, represented by Mr. Jason Sheets of Design Forum Architects.

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. 004-033 approving development plans for a bank with drive-through facilities, located in an existing Planned Development district (#459), located at 4100 Belt Line Road, on application from Washington Mutual, subject to no conditions. Councilmember Silver seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R9 – **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverage for on-premises consumption only, located in the Addison Walk Shopping Center at 5000 Belt Line Road, Suite 300, on application from Baker Bros. Deli, represented by Mr. Brian Fletcher.

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. 004-034 approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverage for on-premises consumption only, located in the Addison Walk Shopping Center at 5000 Belt Line Road, Suite 300, on application from Baker Bros. Deli, subject to the following conditions:

1. The landscaping for the site shall be installed and the irrigation system for the site inspected prior to the issuance of a Certificate of Occupancy for this restaurant.
2. The applicant shall not use any terms, including the terms, including the term “bar”, “tavern”, or any graphic depictions that denote alcoholic beverages in exterior signs.

Councilmember Chow seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R10 – **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 beverage for on-premises consumption only, located at 5000 Belt Line Road, Suite 100, on application from Buffalo Wild Wings, represented by Mr. Joel. D. Rich, Attorney at Law.

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. 004-035 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverage for on-premises consumption only, located at 5000 Belt Line Road, Suite 100, on application from Buffalo Wild Wings, subject to no conditions. Councilmember Silver seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R11 – **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 beverage for on-premises consumption only, located at 15175 Quorum Drive, on application from Arthur’s Restaurant, represented by Mr. Moshen Heidari.

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. 004-036 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverage for on-premises consumption only, located at 15175 Quorum Drive, on application from Arthur’s Restaurant, subject to the following conditions:

1. The applicant shall finish this new building with the same brick and roofing materials that are on the existing restaurant.
2. Any dead or missing landscaping shall be replaced before a Certificate of Occupancy is issued for the new building.
3. The dumpster enclosures shall be reconstructed out of the same brick as the new building. It shall be large enough to contain all refuse containers, and it shall have a gate on the front. The new dumpster enclosure shall be completed prior to the issuance of a Certificate of Occupancy for the new office building.
4. All mechanical equipment on the new building shall be completely screened from view. The screening material shall be architecturally compatible to the building, and the Building Official shall make the determination of “architecturally compatible”.

Councilmember Chow seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R12 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-167, Government Sign, on application from Outer Marker, LLC., located at 16101 Addison Road.

Councilmember Hirsch moved to duly approve a meritorious exception to Chapter 62, Signs, Section 62-167, Government Sign, on application from Outer Marker, LLC, for a period of 60 days. Councilmember Chow seconded. The motion failed.

Voting Aye: Chow, Hirsch

Voting Nay: Wheeler, Braun, Niemann, Silver, Turner

Absent: None

Councilmember Niemann moved to deny a meritorious exception to Chapter 62, Signs, Section 62-167, Government Sign, on application from Outer Marker, LLC., located at 16101 Addison Road. Councilmember Braun seconded. The motion carried.

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

Voting Nay: Chow, Hirsch

Absent: None

Item #R13 – **PUBLIC HEARING** and consideration of an Ordinance for regulating the fees that may be charged for non-consent tows within the Town of Addison by Tow Truck Service Companies.

Mayor Wheeler opened the meeting as a public hearing.

Patrick Malloy of AJ's Wrecker and Virginia Jameson spoke on this item.

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

This item was tabled until the August 24, 2004 Council meeting.

Item #R14 – Consideration of a Resolution authorizing the City Manager to enter into an agreement with Museums+more LLC to assist the Town in conducting a Strategic Assessment of the proposed Cavanaugh Flight Museum development.

Councilmember Turner moved to duly pass Resolution No. R04-059 authorizing the City Manager to enter into an agreement with Museums+more LLC to assist the Town in conducting a Strategic Assessment of the proposed Cavanaugh Flight Museum development. Councilmember Niemann seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R15 – Consideration of a Resolution of the Town of Addison directing TXU Electric Delivery Company to file certain information with the Town of Addison as set forth herein; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the city's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the

city's rate case expenses; setting a public hearing for the purposes of determining if the existing rates of TXU Electric Delivery company are unreasonable or in any way in violation of any provision of law and the determination by the city of just and reasonable rates to be charged by TXU Electric Delivery Company; providing an effective date.

This item was withdrawn by staff.

Item #R16 – Consideration of a Resolution regarding certain matters pertaining to a Ground Lease at 4575 Claire Chennault Drive on Addison Airport between the Town, as Landlord, and Aquila Leasing, Inc. as Tenant (Assignor), and C.C. Hangar, L.P. (Assignee). C.C. Hangar, L.P. requests for Landlord approval of (i) First Amendment to Ground Lease, (ii) Proposed Structural Improvements, and (iii) Creation of a Leasehold Mortgage.

Councilmember Niemann moved to duly pass Resolution No. R04-060 for landlord approval of (i) First Amendment to Ground Lease, (ii) Proposed Structural Improvements, and (iii) Creation of a Leasehold Mortgage. Councilmember Turner seconded. The motion carried.

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

Voting Nay: None

Absent: None

Abstaining: Silver

Item #R17 – Consideration of award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$108,565.00 with Texas Standard Construction for the paving repair and storm sewer modifications for the Fuel Truck Roadway.

Councilmember Silver moved to duly pass Resolution No. R04-061 authorizing the City Manager to enter into a contract in the amount of \$108,565.00 with Texas Standard Construction for the paving repair and storm sewer modifications for the Fuel Truck Roadway. Councilmember Chow seconded. The motion carried.

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

Voting Nay: None

Absent: None

Item #R18 – Consideration of approval and authorization to transfer \$177,405.16 from the DART Local Assistance Program/Congestion Management System (LAP/CMS) funds from the Addison Road Widening and Cotton Belt Railroad Quiet Zone projects to the Arapaho Road Phase III and Town Wide Signals Upgrade projects and the Spectrum Drive Project.

Councilmember Turner moved to duly approve and authorize the transfer of \$177,405.16 from the DART Local Assistance Program/Congestion Management System (LAP/CMS) funds from the Addison Road Widening and Cotton Belt Railroad

Quiet Zone projects to the Arapaho Road Phase III and Town Wide Signals Upgrade projects and the Spectrum Drive Project. Councilmember Braun seconded. The motion carried.

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

Item #R19 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$168,552.73 with HNTB Corporation for the design and inspection of the resurfacing of Belt Line Road from Dallas Parkway to Marsh Lane.

Councilmember Chow moved to duly pass Resolution No. R04-062 authorizing the City Manager to enter into a contract in the amount of \$168,552.73 with HNTB Corporation for the design and inspection of the resurfacing of Belt Line Road from Dallas Parkway to Marsh Lane. Councilmember Niemann seconded. The motion carried.

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

Councilmember Niemann was recused from Council Chambers.

Item #R20 – Consideration of a Resolution authorizing the City Manager to enter into an agreement in the amount of \$282,948.00 with TXU Electric Delivery for the relocation and installation of electrical services in connection with the extension of Arapaho Road, Phase III.

Councilmember Chow moved to duly pass Resolution No. R04-063 authorizing the City Manager to enter into an agreement in an amount not to exceed \$292,948.00 (\$10,000.00 in excess of submitted amount) with TXU Electric Delivery for the relocation and installation of electrical services in connection with the extension of Arapaho Road, Phase II, subject to the approval of the City Manager. Councilmember Silver seconded. The motion carried.

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

Councilmember Niemann returned to the Council Chambers.

Item #R21 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$196,534.54 with Kimley-Horn and Associates for professional engineering services for the upgrade of the Town's traffic signal system software, hardware, and communications infrastructure.

Councilmember Silver moved to duly pass Resolution No. R04-064 authorizing the City Manager to enter into a contract in the amount of \$196,534.54 with Kimley-Horn and Associates for professional engineering services for the upgrade of the Town's traffic signal system software, hardware, and communications infrastructure.

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

Item #R22 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$55,964.00 with HNTB Corporation for construction administration and bridge shop drawing review on Arapaho Road, Phase III from Surveyor Boulevard to Addison Road.

Councilmember Turner moved to duly pass Resolution No. R04-065 authorizing the City Manager to enter into a contract in an amount not to exceed \$55,964.00 with HNTB Corporation for construction administration and bridge shop drawing review on Arapaho Road, Phase III from Surveyor Boulevard to Addison Road. Councilmember Silver seconded. The motion carried.

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

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

Mayor

Attest:

City Secretary