

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

December 14, 2004
7:30 p.m. - Council Chambers
5300 Belt Line Road

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

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Wendell Pickens (Fire), Marty Zielke (Police).

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the November 23, 2004 Council Meeting.
(Approved)

Item #2b – Consideration of authorization for final payment of \$10,922.50 to Davis Excavation, and construction of the Westfield Addition Water Service Replacement Project. (Approved)

Item #2c – Consideration of approval of award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$105,500 with Nortex Concrete Lift and Stabilization for raising and undersealing concrete pavement on Midway Road. (Approved R04-119)

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

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

Item #R3 – Consideration of a Resolution by the City Council of the Town of Addison, Texas authorizing the re-appointment of Larry Dwight as Municipal Judge of Addison Municipal Court of Record No. 1 and authorizing the City Manager to enter into a compensation agreement with Larry Dwight to perform services as a Municipal Judge.

Councilmember Turner moved to duly pass Resolution No. R04-120 authorizing the City Manager to enter into a compensation agreement with Larry Dwight to perform services as a Municipal Judge. Councilmember Chow seconded. The motion carried.

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

Item #R4 – Consideration of a Resolution by the City Council of the Town of Addison, Texas authorizing the re-appointment of U.H. Specht as Alternate City Judge of Addison Municipal Court of Record No. 1 and authorizing the City Manager to enter into a compensation agreement with U.H. Specht to perform services as a Municipal Judge.

Councilmember Niemann moved to duly pass Resolution No. R04-121 authorizing the City Manager to enter into a compensation agreement with Larry Dwight to perform services as an Alternate Municipal Judge. Councilmember Turner seconded. The motion carried.

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

Voting Nay: None

Absent: Hirsch

Item #R5 – Consideration of a Resolution by the City Council of the Town of Addison, Texas authorizing the re-appointment of Albert Fenton as Alternate City Judge of Addison Municipal Court of Record No. 1 and authorizing the City Manager to enter into a compensation agreement with Albert Fenton to perform services as a Municipal Judge.

Councilmember Chow moved to duly pass Resolution No. R04-122 authorizing the City Manager to enter into a compensation agreement with Albert Fenton to perform services as an Alternate Municipal Judge. Councilmember Braun seconded. The motion carried.

Mayor Wheeler administered the Oath of Offices to Judges Larry Dwight, Albert Fenton and U.H. Specht.

Item #R6 – **PUBLIC HEARING** and consideration of approval of a final plat for one lot of 5.43 acres and one lot of 2.933 acres, located at 5055 Keller Springs Road and 5057 Keller Springs Road, on application from Holt Lunsford Commercial, Inc. represented by Mr. David Parker.

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 duly to pass approval of a final plat for one lot of 5.43 acres and one lot of 2.933 acres, located at 5055 Keller Springs Road and 5057 Keller Springs Road, on application from Holt Lunsford Commercial, Inc. represented by Mr. David Parker, subject to the following condition:

1. Remove parking easement from plat.

Councilmember Silver seconded. The motion carried.

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

Voting Nay: None

Absent: Hirsch

Item #R7 – **PUBLIC HEARING** and consideration of approval of a replat for one lot of .599 acres and one lot of .370 acres, located on the east and west sides of the Landmark Extension, 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 and approve a replat for one lot of .599 acres and one lot of .370 acres, located on the east and west sides of the Landmark Extension, on application from the Town of Addison, subject to the following conditions.

-The 0.912 acres between Lots 1 & 2 should be designated as a right-of-way dedication for Landmark Extension.

-The block of the replat should read as “Lots 1 & 2, Block 3, Quorum West Addition”

Councilmember Silver seconded. The motion carried.

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

Voting Nay: None

Absent: Hirsch

Item #R8 – **PUBLIC HEARING** and consideration of an Ordinance amending Appendix B, “Subdivisions” of the Code of Ordinances of the City, the same being Ordinance No. 261 of the City, by amending Section III, “Definitions,” to amend the definition of the term “Subdivision” and add a definition for the term “Plat;” amending Section VI, “Zoning,” by providing that all subdivisions must conform to applicable zoning regulations: amending Section XVII by Authorizing the Director of Development Services to approve certain amending plats; Amending Sections IV, VII, VIII, IX, X, XI, and XII as set forth herein; providing a savings clause; providing a severability clause; and providing an effective date, on application from the Town of Addison, represented by Ms. Carmen Moran.

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 Ordinance No. 004-056 amending Appendix B, “Subdivisions” of the Code of Ordinances of the City, the same being Ordinance No. 261 of the City, by amending Section III, “Definitions,” to amend the definition of the term “Subdivision” and add a definition for the term “Plat;” amending Section VI, “Zoning,” by providing that all subdivisions must conform to applicable zoning regulations: amending Section XVII by Authorizing the Director of Development Services to approve certain amending plats; Amending Sections IV, VII, VIII, IX, X, XI, and XII as set forth herein; providing a savings clause; providing a severability clause; and providing an effective date,

on application from the Town of Addison, represented by Ms. Carmen Moran, subject to changes in Sections 3, 7 and 9 and final review by the City Attorney.

Councilmember Chow seconded. The motion carried.

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

Voting Nay: None

Absent: Hirsch

Item #R9 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Studio Salon & Fashion, located at 4900 Belt Line Road, Suite 250, on application from Studio Salon & Fashion.

Councilmember Niemann moved to deny the request for a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Studio Salon & Fashion, located at 4900 Belt Line Road, Suite 250, on application from Studio Salon & Fashion, represented by Mr. Robert Brooks, Studio Owner.

Councilmember Silver seconded. The motion carried.

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

Voting Nay: None

Absent: Hirsch

Item #R10 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-185, Specifications, for Lawry's, located at 14655 Dallas Pkwy, on application from Brown Graphics, Inc. Represented by Mr. Wayne Wood, General Manager at Lawry's.

Councilmember Silver moved to duly pass Ordinance No. 004-057 approving a meritorious exception to Chapter 62, Signs, Section 62-185, Specifications, for Lawry's, located at 14655 Dallas Pkwy, on application from Brown Graphics, Inc. subject to the following conditions:

1. Exposed neon shall not be allowed.
2. Dimension of sign face shall be six feet wide by 19 feet tall, with a total square footage of 114 square feet, and a total height of total sign to be 35 feet tall.

Councilmember Chow seconded. The motion carried.

Voting Aye: Braun, Chow, Silver, Turner

Voting Nay: Wheeler, Niemann

Absent: Hirsch

Item #R11 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Hometeriors, located at 14350 Marsh Lane, on

application from Hometeriors/The Gardner Group represented by Mr. Jim Gardner.

Councilmember Chow moved to approve the request for a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Hometeriors, located at 14350 Marsh Lane, on application from Hometeriors/The Gardner Group, represented by Mr. Jim Gardner. The motion died for lack of a second.

Councilmember Silver moved to deny the request for a meritorious exception to Chapter 62, Signs, Section 62-163, Area, for Hometeriors, located at 14350 Marsh Lane, on application from Hometeriors/The Gardner Group, represented by Mr. Jim Gardner. Councilmember Turner seconded. The motion carried.

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

Item #R12 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-162, Premises Sign, for Sam’s, located at 4150 Belt Line Road, on application from Ben Bell.

Councilmember Turner moved to duly pass Ordinance 004-058 approving a meritorious exception to Chapter 62, Signs, Section 62-162, Premises Sign, for Sam’s, located at 4150 Belt Line Road, on application from Ben Bell.

Councilmember Chow seconded. The motion carried.

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

EXECUTIVE SESSION. At 9:02 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.

Item #ES1 – Closed (executive) session of the City Council pursuant to Chapter 551.071 Texas Government code, to conduct a private consultation with its attorney to seek the advice of its attorney about contemplated litigation and on a matter in which the duty of the attorney to the governmental body under the Texas Disiplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 552, Texas Government Code, City Council Agenda 10-26-04.

The Council came out of Executive Session at 9:30 p.m.

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

Mayor

Attest:

City Secretary