

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

April 12, 2005
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Braun, Hirsch, Mellow, Niemann,
Ryland, Turner
Absent: None

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Tyrone Cogshell (Visitor Services), JJ Kaiser (Fire), Jose Flores (Parks).

Item #R2 - Consent Agenda.

Item #2b was considered separately.

#2a – Approval of the Minutes for the March 22,2005 Council Meeting. (Approved as written)

#2c – Consideration of approval of a final plat for Beltway-Quorum Addition, Lot 1A and 2, Block A, 2 lots on 6.407 acres, located at the northeast corner of Addison Road and Belt Line Road, on application from Beltway Development Company, represented by Mr. Brian J. Parker of Kimley-Horn Associates, Inc. (Approved, subject to no conditions)

Councilmember Niemann moved to duly approve the above listed items.
Councilmember Turner seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #2b – Consideration of approval of award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$57,077.00 to Battson Contracting Company, Inc. for the construction of a storm drainage system in the Easement Linear Park behind the Addison Athletic Club.

Councilmember Braun moved to duly approve Resolution No. R05-040 authorizing the City Manager to enter into a contract in the amount of \$57,077.00 to Battson Contracting Company, Inc. for the construction of a storm drainage system in the Easement Linear Park behind the Addison Athletic Club.
Councilmember Ryland seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R3 – Appointment of two members to the Planning and Zoning Commission.

Councilmember Ryland moved to reappoint Ted Bernstein to the Planning and Zoning Commission. Councilmember Mellow seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Mayor Wheeler nominated Alan Wood of 14609 Lexus Avenue to the Planning and Zoning Commission. Councilmember Ryland moved to appoint Alan Wood to the Planning and Zoning Commission. Councilmember Turner seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R4 – Presentation on the funding status of the Arapaho Road Extension Project.

No action was taken.

Item #R5 – Consideration of approval of Change Order No. 3, in the amount of \$124,766.25, for the construction of Arapaho Road, Phase III, from Surveyor Blvd. to Addison Road.

Councilmember Niemann moved to duly approve Change Order No. 3, in the amount of \$124,766.25, for the construction of Arapaho Road, Phase III, from Surveyor Blvd. to Addison Road. Councilmember Turner seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R6 – Consideration of approval of an amendment to the Engineering Services Agreement with HNTB Corporation, in an amount not to exceed \$149,874.00, for additional inspection services on the Arapaho Road, from Surveyor Blvd. to Addison Road, project.

Councilmember Turner moved to duly approve an amendment to the Engineering Services Agreement with HNTB Corporation, in an amount not to exceed \$149,874.00, for additional inspection services on the Arapaho Road, from Surveyor Blvd. to Addison Road, project. Councilmember Ryland seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted 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 amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5100 Belt Line Road, Suite 852 (Village on the Parkway), on application from Gloria’s Restaurant, represented by Mr. Matthew Stevens Crittenden.

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. 005-013 approving an amendment to an existing Special Use Permit for a restaurant and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5100 Belt Line Road, Suite 852 (Village on the Parkway), on application from Gloria’s Restaurant, represented by Mr. Matthew Stevens Crittenden subject to no conditions. Councilmember Braun seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R8 – **PUBLIC HEARING** and consideration of an Ordinance approving a change of zoning from Commercial-1 to a Planned Development district with restaurant, and sale of alcoholic beverages for on-premises consumption as allowed uses, subject to the approval of a Special Use Permit, located on 1.760 acres 300 feet east of the application from Beltway Commercial Real Estate Company.

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. 005-014 approving a change of zoning from Commercial-1 to a Planned Development district with restaurant, and sale of alcoholic beverages for on-premises consumption as allowed uses, subject to the approval of a Special Use Permit located on 1.760

acres 300 feet east of the application from Beltway Commercial Real Estate Company. Councilmember Turner seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted 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 beverages for on-premises consumption, located on 1.760 acres 300 feet east of the northeast corner of Addison Road and Belt Line Road, on application from On the Border Mexican Grill & Cantina, represented by Mr. Brian J. Parker on Kimley-Horn and Associates, Inc.

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 Ordinance 005-015 approving a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located on 1.760 acres 300 feet east of the northeast corner of Addison Road and Belt Line Road, on application from On the Border Mexican Grill & Cantina, represented by Mr. Brian J. Parker of Kimley-Horn and Associates, Inc, subject to the following conditions:

- all engineering plans and specifications must be approved prior to the issuance of a building permit.
- the proposed east-west ingress/egress design must be coordinated directly with proposed engineering design of Addison Road.
- all cementitious siding shown on the proposed elevations for On the Border be replaced with either stone or brick, with the drawings for the revised elevations subject to the approval of the Director of Development Services.

Councilmember Ryland seconded. Motion failed

Voting Aye: Hirsch, Ryland
Voting Nay: Wheeler, Braun, Mellow, Niemann, Turner
Absent: none

Councilmember Niemann moved to duly pass Ordinance 005-015 approving a Special Use Permit for a restaurant, and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located on 1.760 acres 300 feet east of the northeast corner of Addison Road and Belt Line Road, on

application from On the Border Mexican Grill & Cantina, represented by Mr. Brian J. Parker of Kimley-Horn and Associates, Inc, subject to the following conditions:

- all engineering plans and specifications must be approved prior to the issuance of a building permit.

- the proposed east-west ingress/egress design must be coordinated directly with proposed engineering design of Addison Road.

- all cementitious siding shown on the proposed elevations for On the Border be replaced with either stone or brick or stucco, with the drawings for the revised elevations subject to the approval of the Director of Development Services.

Councilmember Turner seconded. Prior to a vote on the item, Councilmember Hirsch proposed the following amendment to Councilmember Niemann's motion:

- all cementitious siding shown on the proposed elevations for the banquet room, on the west end of the On the Border building, be replaced with either stone or brick. The remaining cementitious siding shown on the front and east side of the building, shall be replaced with brick, stone, or stucco, with the drawings for the revised elevations subject to the approval of the Director of Development Services.

Councilmember Ryland seconded. Motion on the amendment carried.

Voting Aye on the amendment: Braun, Hirsch, Mellow, Ryland

Voting Nay on the amendment: Wheeler, Niemann, Turner

Absent: None

Councilmember Niemann's motion, as amended, was as follows:

- all engineering plans and specifications must be approved prior to the issuance of a building permit.

- the proposed east-west ingress/egress design must be coordinated directly with proposed engineering design of Addison Road.

- all cementitious siding shown on the proposed elevations for the banquet room, on the west end of the On the Border building, be replaced with either stone or brick. The remaining cementitious siding shown on the front and east side of the building, shall be replaced with brick, stone, or stucco, with the drawings for the revised elevations subject to the approval of the Director of Development Services.

The amended motion carried.

Voting Aye: Braun, Hirsch, Mellow, Ryland
Voting Nay: Wheeler, Niemann, Turner
Absent: None

Item #R10 – Consideration of an Ordinance approving a meritorious exception to Sec. 62-183, Number of Signs, for Asian Fusion restaurant located at 4980 Belt Line Road, Suite 100.

Councilmember Niemann moved to deny the request for a meritorious exception to Sec. 62-183, Number of Signs, for Asian Fusion restaurant located at 4980 Belt Line Road, Suite 100. Councilmember Turner seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R11 – Presentation on the revised Airport Fund Long-Term Plan.

No action taken.

Item #R12 – Consideration of approval of award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$103,562.00 with Jeske Construction Co., for the Airport Vehicle Access Road Paving Improvements.

Councilmember Ryland moved to duly approve Resolution No. R05-041 authorizing the City Manager to enter into a contract in the amount of \$103,562.00 with Jeske Construction Co., for the Airport Vehicle Access Road Paving Improvements. Councilmember Turner seconded.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R13 – Consideration of approval and a Resolution authorizing the City Manager to enter into a sponsorship contract with Star Brand Imports in the amount of \$20,000 plus in-kind benefits subject to the review and approval of the city attorney for Paulaner to be primary import draft beer sponsor of the 2005 Addison Oktoberfest with the option to mutually renew for the 2006 and 2007 events.

Councilmember Braun moved to duly approve Resolution No. R05-042 authorizing the City Manager to enter into a sponsorship contract with Star Brand Imports in the amount of \$20,000 plus in-kind benefits subject to the final approval of the city attorney for Paulaner to be primary import draft beer sponsor

of the 2005 Addison Oktoberfest with the option to mutually renew for the 2006 and 2007 events. Councilmember Ryland seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R14 – Consideration of approval of proposal for the construction of two kiosks in Addison Circle Park to be used by Event Sponsors.

Councilmember Niemann approved the proposal for construction of two kiosks in Addison Circle Park to be used by Event sponsors. Councilmember Mellow seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

Item #R15 – Consideration of approval and a Resolution authorizing the City Manager to enter into an agreement with Huitt-Zollars, Inc. in the amount of \$38,500 for professional design services for Quorum Drive Parking and Streetscape Improvements, located on the west side of Quorum Drive from Goodman Avenue to the north district boundary of Addison Circle.

Councilmember Ryland moved to duly approve Resolution No. R05-043 authorizing the City Manager to enter into an agreement with Huitt-Zollars, Inc. in the amount of \$38,000 for professional design services for Quorum Drive Parking and Streetscape Improvements, located on the west side of Quorum Drive from Goodman Avenue to the north district boundary of Addison Circle. Councilmember Turner seconded. Motion carried.

Voted Aye: Wheeler, Braun, Hirsch, Mellow, Niemann, Ryland, Turner
Voted Nay: None
Absent: None

EXECUTIVE SESSION. At 10:35 p.m., Mayor Wheeler announced that the Council would convene into Executive Session to discuss the following item:

Item #ES1 - Closed (executive) session of the 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: *Aventura Condominium Association, Inc. v. Addison Spectrum, L.P., et al v. Town of Addison, et al*, Case No. 03-09222-H, 160th Judicial District Court, Dallas County, Texas, and on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 552, Tex. Gov. Code.

The Council came out of Executive Session at 11:56 p.m.

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

Attest:

Mayor

City Secretary