

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

April 11, 2006  
6:00 p.m. - Council Chambers  
5300 Belt Line Road

Present: Councilmembers Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Absent: Mayor Chow

Item #WS1 – Discussion and presentation of Policies and Strategies for Belt Line Road Redevelopment.

No action taken.

Item #WS2 – Discussion regarding the fuel license for the receipt, storage, and dispensing of fuel at Addison Airport.

No action taken.

Mayor Chow entered the Council Chambers.

Item #R1 - Consideration of Old Business.

The City Manager announced that visiting employees would be introduced later in the meeting.

Item #R2 - Consent Agenda.

Item #2a and Item #2b were considered separately.

#2c – Consideration and approval of a resolution to award bid to Dowager Construction, Inc., in the amount of \$105,000 for construction of the Chatham Court, Phase I, Water Service Replacement Project.

Councilmember Niemann moved to duly approve the above listed item.  
Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

#2a – Approval of the Minutes for the March 28, 2006, Council Meeting.

Councilmember Mallory moved to duly approve the minutes for the March 28, 2006, Council Meeting subject to changes. Councilmember Hirsch seconded.  
Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

#2b – Consideration and approval of a resolution authorizing the City Manager to enter into an agreement with NICE Systems, Inc., through Houston Galveston Area Cooperative (HGAC), in the amount of \$31,005, to replace and install the equipment used to record phone and radio traffic.

Councilmember Niemann moved to duly approve Resolution No. R06-035 authorizing the City Manager to enter into an agreement with NICE Systems, Inc., through Houston Galveston Area Cooperative (HGAC), in the amount of \$31,005, to replace and install the equipment used to record phone and radio traffic. Councilmember Hirsch seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R3 – Appointment of one member to the Planning and Zoning Commission

This item was tabled.

Item #R4 – Appointment of one member to the Addison Board of Zoning Adjustment (BZA).

Councilmember Mallory moved to reappoint Maggie McQuowan to the Addison Board of Zoning Adjustment (BZA). Councilmember Hirsch seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R6 was taken out of sequence.

Item #R6 – **PUBLIC HEARING** regarding, and consideration of approval 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 at 3716 Belt Line Road, on application from Quizno's Sub Shop represented by Mr. George Kriske of JKLA Architects, Inc.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Braun moved to duly approve Ordinance No. 006-015 approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located at 3716 Belt Line Road, on application from Quizno's Sub Shop represented by Mr. George Kriske of JKLA Architects, Inc., subject to the following condition. Councilmember Niemann seconded. Motion carried.

- All dead and missing landscape material shall be replaced on the site prior to the issuance of a Certificate of Occupancy for the space.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Councilmember Kraft recused himself and left the Council Chambers.

Item #R5 – PUBLIC HEARING regarding, and consideration of approval of, an Ordinance approving an amendment to an existing Planned Development district (085-047), in order to provide for residential (townhome) as an allowed use, and provide for revised development plans, located on 2.37 acres at the southeast corner of Montfort Road and Celestial Road, on application from Zachary Custom Builders, represented by Jones and Boyd, Inc.

Mayor Chow opens the meeting as a public hearing.

The following persons spoke in opposition to the request:

Tom Hunse, 14784 Winnwood Road  
Dorothy Singhal, 14678 Winnwood Road  
John Branch, 15060 Winnwood  
Blake Clemmons, 14754 Celestial Place  
Ed Copeland, 5600 Celestial Road  
Debbie Freed, 14932 Winnwood  
Howard Freed, 14932 Winnwood  
Ralph Matthews, 14804 Bellbrook Drive  
Robert Weinstein, 14912 Havenshire Place  
Cindy Brackensick, 15000 Winnwood  
Lou Navias, 14900 Winnwood  
Mike Emmett, 14530 Winnwood  
Newt Singhal, 14678 Winnwood  
Denise Hunse, 14784 Winnwood  
Barbara Colegrove, 15022 Bellbrook  
Steve Foote, 14924 Havenshire Place  
Al Angel, 14540 Winnwood  
Virginia Hinsley, 15016 Winnwood

Riccardo Bertocco, 14820 Bellbrook  
Dallas Hinsley, 15016 Winnwood  
T.R. Viswanathan, 14725 Celestial Place

The following persons spoke in favor of the request:

Micky Munir, 14929 Havenshire Place  
Chris Mims, parent of student at Walden School  
Justine Willardson, teacher at Walden School  
Mike Irvine, 14819 Bellbrook Drive  
John Stockton, 14745 Celestial Place  
Lisa Cobol, parent of Walden School student  
J.J. Horan, 14757 Celestial Place  
Will Fulton, board member for Walden School  
Pamela Ezell, director of Walden School  
Chris Cobol, student of Walden School  
Paul Wonderlich, parent of Walden School student  
Earl Jones, 14750 Celestial Place

Mayor Chow closed the meeting as a public hearing.

Councilmember Hirsch moved to table this item. Councilmember Braun seconded. Motion failed.

Voting Aye: Braun, Hirsch  
Voting Nay: Chow, Mallory, Mellow, Niemann  
Absent: None  
Abstain: Kraft

Councilmember Hirsch moved again to table the item. Councilmember Braun seconded. Motion was not voted on.

Councilmember Niemann moved to table this item. Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Mallory, Niemann  
Voting Nay: Mellow  
Absent: None  
Abstain: Kraft

Councilmember Kraft returned to the Council Chambers.

Item #R7 – **PUBLIC HEARING** regarding, and consideration of approval of, an Ordinance approving development plans for a drive-through bank in a Planned Development district (093-018), located at 3790 Belt Line Road, on application

from Capital One Bank Corporation, represented by Mr. Michael Rosson of Levinson Associates, L.P.

Mayor Chow opened the meeting as a public hearing. There were no questions or comments. Mayor Chow closed the meeting as a public hearing.

Councilmember Hirsch moved to duly approve Ordinance No. 006-016 approving development plans for a drive-through bank in a Planned Development district (093-018), located at 3790 Belt Line Road, on application from Capital One Bank Corporation, represented by Mr. Michael Rosson of Levinson Associates, L.P., subject to the following conditions. Councilmember Mallory seconded. Motion carried.

- Staff recommends revising the tree planting alignment and sidewalk location along Belt Line to match as closely as possible to the goals established for the development of the concept plans. In addition, staff recommends revising the plans showing elimination of the shrub bed along the Belt Line frontage where no parking spaces are planned, which is also in keeping with the master plan to provide an open ground plane for visibility from the street into the site. Some of this proposed planting can be massed with the shrub bed shown on the northwest corner of the property.
- The massed trees shown on the northwest corner will need to be revised to avoid blocking the Kroger Center sign from view when looking toward the west on Belt Line Road.
- There is not adequate room for planting the proposed red oaks along the east end of the property. The existing row of live oaks addresses the tree planting requirement for this side of the property. One of the existing live oaks has declined to a point that it will need to be removed and replaced with a 5 inch caliper tree. This will need to be coordinated with the Kroger Center management since this area is a shared landscape buffer that falls on the edge of the retail center's property.
- The trees shown on the west side of the property are spaced too closely and should be spaced 35 feet apart.
- The final plan will need to show the total landscape area percentage versus the gross site area calculation.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R8 – Approval of a replat for one lot of 1.731 acres, located at 3790 Belt Line Road, on application from Capital One Bank Corporation, represented by Mr. Matthew Thomas of Carter Burgess, Inc.

Councilmember Braun moved to duly approve a replat for one lot of 1.731 acres, located at 3790 Belt Line Road, on application from Capital One Bank Corporation, represented by Mr. Matthew Thomas of Carter Burgess, Inc., subject to the following conditions. Councilmember Niemann seconded. Motion carried.

- Staff will provide plat boundary closure comments in the next seven days to the applicant's engineer.
- Engineering plans should be approved before plat is filed.
- Please provide a detail of what utility lines are in the easements proposed to be abandoned. Staff will okay the abandonment of the utility lines at time of engineering plan approval.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R9 – **PUBLIC HEARING** regarding, and in consideration of approval of, an Ordinance amending Chapter 14 (Aviation) of the Code of Ordinances by amending Article III (Municipal Airport) thereof by adding a new Division 2A regarding a fuel license for the receipt, storage and dispensing of fuel at Addison Airport, and deleting Division 4 (Airport Fuel Farm Facilities) from Article III, including Section 14-110 relating to fuel tank lease rates.

Mayor Chow opened the meeting as a courtesy public hearing.

The following spoke in opposition of the request:

Steve Wagner representing Ray Stern  
Steve Whitlock, AirSure Limited  
Bob Jacobi  
Ken Horn Baker  
Ray Stern, World Wide Jets

Mayor Chow closed the meeting as a public hearing.

Councilmember Niemann moved to duly approve Ordinance No. 006-017 amending Chapter 14 (Aviation) of the Code of Ordinances by amending Article III (Municipal Airport) thereof by adding a new Division 2A regarding a fuel license for the receipt, storage and dispensing of fuel at Addison Airport, and deleting Division 4 (Airport Fuel Farm Facilities) from Article III, including Section 14-110 relating to fuel tank lease rates, subject to revisions that were spelled out in a revised exhibit that was distributed to the Council during the meeting. Councilmember Hirsch seconded. Motion carried.

Voting Aye: Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: Chow  
Absent: None

Item #R10 – Consideration and approval of an Ordinance granting meritorious exception to Sec. 62-123, Area, for AMF Fun Fest, located at 3805 Belt Line Road.

Councilmember Mallory moved to duly approve Ordinance No. 006-018 granting meritorious exception to Sec. 62-123, Area, for an attached sign on the southwest façade and an attached sign on the southeast façade, with a logo 5’3” in height, numerals 3’9” and 2’9” in height, and an area of 81.5 square feet, on application from AMF Fun Fest Lanes, located at 3805 Belt Line Road. Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow  
Voting Nay: Niemann  
Absent: None

Item #R11 – Consideration and approval of a resolution approving Change Order #6 in the amount of \$44,688.62 and an extension of 28 calendar days for the construction of Arapaho Road Phase III from Surveyor Boulevard to Addison Road.

Councilmember Niemann moved to table this item. Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

The City Manager announced visiting employees: Felix Matos (Public Works).

Item #R12 – Consideration and approval of a resolution authorizing the payment of utility billing refunds totaling \$2,702.37 and approving the waiver of \$49,831.31 in utility fees.

Councilmember Kraft moved to duly approve Resolution No. R06-037 authorizing the payment of utility billing refunds totaling \$2,702.37 and approving the waiver of \$49,831.31 in utility fees. Councilmember Mallory seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
Voting Nay: None  
Absent: None

Item #R13 – Consideration and approval of an ordinance of the Town of Addison, Texas amending Chapter 82 of the Code of Ordinances of the Town by amending Section 82-79 Definitions; 82.79.5 Security Deposit Refunds; 82.80.1 Payment; 82.80.2 Billing Dispute; 82.80.3 Service Termination Procedures; 82.83.1 Miscellaneous Charges and Provisions; and 82-83.2 Discrepancies in Amount of Bill; Providing a savings clause; Providing a severability clause; Providing an effective date.

Councilmember Mallory moved to duly approve Ordinance No. 006-019 amending Chapter 82 of the Code of Ordinances of the Town by amending Section 82-79 Definitions; 82.79.5 Security Deposit Refunds; 82.80.1 Payment; 82.80.2 Billing Dispute; 82.80.3 Service Termination Procedures; 82.83.1 Miscellaneous Charges and Provisions; and 82-83.2 Discrepancies in Amount of Bill; Providing a savings clause; Providing a severability clause; Providing an effective date. Councilmember Hirsch seconded. Councilmember Niemann proposed an amendment to the motion extending the time that a bill is considered over-due from the 10<sup>th</sup> day after it is due to the 12<sup>th</sup> day after it is due. Councilmember Mallory accepted the amendment to the motion. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Mallory, Mellow, Niemann  
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