

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

October 8, 2002
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Barrett, Chow, Mallory, Silver, Turner
Absent: Ways

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Jo Ann Shuffield (Parks) and John Cahudi (Police).

Ron Whitehead, City Manager, announced the upcoming Addison Health Fair on October 15, 2002, Texas Municipal League meeting on October 17, 2002, 4a and 4b meeting on October 22, 2002, Mayor's meeting with Addison restaurants on October 24, 2002, Citizen Academy on October 25-26, 2002 and Addison Garage Sale on October 26, 2002.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the September 24, 2002 Council meeting. (Approved)

Item #2b – Approval of construction and authorization of final payment in the amount of \$53,325.67 to Rycon, Inc. for completion of the Marsh Lane Water main replacement project. (Approved)

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

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

Item #R3 – **PUBLIC HEARING** and Consideration of an Ordinance requesting approval of development plans in an existing Planned Development district (093-057), located on 3.396 acres on the south side of Airborn Drive (a private street), approximately 500 feet east of Westgrove Drive, on application from Kennington Properties.

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. 002-037 approving development plans in an existing Planned Development district (093-057), located on 3.396 acres on the south side of Airborn Drive (a private street), approximately 500 feet east of Westgrove Drive, on application from Kennington Properties, subject to the following condition:

1. At the time of building permit application, the applicant shall submit complete civil design drawings.

Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

Item #R4 – **PUBLIC HEARING** and Consideration of an Ordinance requesting 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, located at 4660 Belt Line Road (formerly the Black-Eyed Pea), on application from Clay Pit, Amar Unlimited, 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 Silver moved to duly pass Ordinance No. 002-038 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, located at 4660 Belt Line Road (formerly the Black-Eyed Pea), on application from Clay Pit, Amar Unlimited, Inc., subject to the following condition:

1. The restaurant shall be prohibited from using any terms or graphic depictions that relate to the sale of alcoholic beverages in exterior signs.

Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

Item #R5 – **PUBLIC HEARING** and Consideration of an Ordinance requesting approval of a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, located at 5100 Belt Line Road, Suite 544, on application from Mercy Wine Bar, 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 Chow moved to duly pass Ordinance No. 002-039 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 5100 Belt Line Road, Suite 544, on application from Mercy Wine Bar, Inc., subject to the following conditions:

1. The applicant/operator shall not use any terms (such as “bar”, “tavern”, etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.
2. The building must meet all applicable food service, building and fire safety codes.

Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner,
Voting Nay: None
Absent: Ways

Item #R6 – **PUBLIC HEARING** and Consideration of an Ordinance extending the term of Ordinance No. 783 of the Town granting a franchise to provide gas utility service within the Town to Lone Star Gas Company, predecessor in interest to TXU Gas Distribution, a division of TXU Gas Company, such extension being until the earlier of (i) December 31, 2002, or (ii) such time as a new franchise ordinance regarding the provision of gas services within the Town by the said Company is effective; providing for two readings of this Ordinance; providing for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

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 Mallory moved to duly pass Ordinance No. 002-032 extending the term of Ordinance No. 783 of the Town granting a franchise to provide gas utility service within the Town to Lone Star Gas Company, predecessor in interest to TXU Gas Distribution, a division of TXU Gas Company, such extension being until the earlier of (i) December 31, 2002, or (ii) such time as a new franchise ordinance regarding the provision of gas services within the Town by the said Company is effective; providing for two reads of this Ordinance; providing for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

Item #R7 – Consideration of an Ordinance requesting a variance to the Town of Addison Ordinance Appendix B, Section XVI, G2, which requires underground construction of utility and service lines for an existing building located at 15510 Wright Brothers Drive.

Councilmember Mallory moved to duly pass Ordinance No. 002-040 approving a variance to the Town of Addison Ordinance Appendix B, Section XVI, G2, which requires underground construction of utility and service lines for an existing building located at 15510 Wright Brothers Drive. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

Item #R8 – Consideration of a Resolution re-appointing John Murphy, Mayor Pro Tem, City of Richardson, as the Town's representative to the Regional Transportation Council, effective October 2002.

Councilmember Silver moved to duly pass Resolution No. R02-085 re-appointing John Murphy, Mayor Pro Tem, City of Richardson, as the Town's representative to the Regional Transportation Council, effective October 2002. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

Item #R9 – **PUBLIC HEARING** and Consideration of a Resolution authorizing the City Manager to sign and thereby certify that the Addison Airport F.A.R. Part 150 Noise Exposure Maps and accompanying documents are true and complete; that interested parties have had an opportunity to comment on the maps and that the 2002 maps are fair and reasonable representations of existing conditions at the airport.

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 Barrett moved to duly pass Resolution No. R02-086 authorizing the City Manager to sign and thereby certify that the Addison Airport F.A.R. Part 150 Noise Exposure Maps and accompanying documents are true and complete; that interested parties have had an opportunity to comment on the maps and that the 2002 maps are

fair and reasonable representations of existing conditions at the airport. Councilmember Mallory seconded. The motion carried.

Voting Aye: Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways
Abstaining: Wheeler

EXECUTIVE SESSION. At 8:35 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following items:

Item #ES1 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase or condemnation of a 0.476 acre tract of land for permanent right-of-way along Arapaho Road, of a 0.1170 acre tract of land for a parkway easement along Addison Road; and of a 0.5045 acre tract of land for a temporary construction easement, each of such tracts being from Lot 2, Block 1, Addison Car Care Addition within the Town (located generally at 15223 Addison Road) and being owned by 15211 Addison Road Joint Venture.

The Council came out of Executive Session at 9:04 p.m.

Item #R10 – Consideration of a Resolution authorizing condemnation of a 0.476 acre tract of land for permanent right-of-way along Arapaho Road, of a 0.1170 acre tract of land for a parkway easement along Addison Road; and of a 0.5045 acre tract of land for a temporary construction easement, each of such tracts being from Lot 2, Block 1, Addison Car Care Addition within the Town (located generally at 15223 Addison Road) and being owned by 15211 Addison Road Joint Venture.

Councilmember Mallory moved to duly pass Resolution No. R02-087 authorizing condemnation or other appropriate action for the acquisition of aa 0.476 acre tract of land for permanent right-of-way along Arapaho Road, of a 0.1170 acre tract of land for a parkway easement along Addison Road; and of a 0.5045 acre tract of land for a temporary construction easement, each of such tracts being from Lot 2, Block 1, Addison Car Care Addition within the Town (located generally at 15223 Addison Road) and being owned by 15211 Addison Road Joint Venture. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner
Voting Nay: None
Absent: Ways

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

Mayor

Attest:

City Secretary