

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

February 8, 2005
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Braun, Hirsch, Niemann, Ryland, Turner
Absent: None
One Seat Vacant

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Justin Pollard (Recreation), Candy Stewart (Human Resources).

Item #R2 – Consent Agenda

Items #2c, #2d, #2f, and #2g were considered separately.

Item #2a – Approval of the Minutes for the January 10, 2005, January 24, 2005, January 25, 2005, January 31, 2005, and February 1, 2005. (Approved as written)

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 \$254,162.00 with J&J Hardscape Construction, Inc., for the construction of Parkview Park in the Cityhomes Development. (R05-014)

Item #2e – Consideration of approval of a final plat for three lots on 2.974 acres located at 4553 Glenn Curtiss Drive, on application from the Addison Jet Center, represented by Mr. Steve Wilson. (Approved subject to the following conditions:

- Revise plat to indicate location of Frank Luke on the re-plat, including bearing and distance to nearest site boundary line.
- Correctly designate proposed adjacent property lines with legend.
- Proposed civil construction plans must be submitted and approved by the Town before the issuance of a building permit).

Councilmember Niemann moved to duly approve the above-listed items, with the approval of plats being subject to all conditions recommended by the Planning & Zoning Commission. Councilmember Turner seconded. The Motion carried.

Voting Aye: Wheeler, Braun, Hirsch, Niemann, Ryland, , Turner
Voting Nay: None
One seat vacant.

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 \$25,318.00 with Smith Pump Company, Inc., for the replacement of two waterfall circulation pumps and one fountain display pump. (R05-015)

Councilmember Turner moved to duly approve Resolution R01-015 approving an award of bid and authorizing the City Manager to enter into a contract in the amount of \$25,318.00 with Smith Pump Company, Inc., for the replacement of two waterfall circulation pumps and one fountain display pump. Councilmember Braun seconded. Motion carried.

Voting Aye: Wheeler, Braun, Hirsch, Niemann, Ryland, , Turner
Voting Nay: None
One seat vacant.

Item #2d – Consideration of approval of a final plat for one lot of 378.6 acres, located east of Midway Road, south of Sojourn Drive, west and south of Westgrove Road, and west of Addison Road, on application from the Town of Addison, represented by Mark Acevedo.

Councilmember Niemann moved to approve a final plat for one lot of 378.6 acres, located east of Midway road, south of Sojourn Drive, west and south of Westgrove Road, and west of Addison Road, on application from the Town of Addison, represented by Mark Acevedo, subject to the following condition:

-Mayor Scott Wheeler's name shall replace Ron Whitehead's name as the owner.

Councilmember Turner seconded. Motion carried.

Voting Aye: Wheeler, Braun, Hirsch, Niemann, Ryland, , Turner
Voting Nay: None
One seat vacant.

Item #2f – Consideration of approval of a final plat for one lot of .7839 acres, located at 14523 Winnwood Road, in a Planned Development District (Ordinance 091-038), on application from Mr. Venugopal B. Menon, represented by Tom Knicker of NKR Engineering.

This item was withdrawn at the request of the applicant.

Item #2g – Consideration of approval of an award of bid to Covenant Industries in an amount not to exceed \$22,937.50 for roof replacement and repairs at the Town's Finance Building, located at 5350 Belt Line Road. (Approved)

Councilmember Braun moved to award a bid to Covenant Industries in an amount not to exceed \$22,937.50 for roof replacement and repairs at the Town's Finance Building,

located at 5350 Belt Line Road. Councilmember Niemann seconded. Motion carried.
(Approved)

Voting Aye: Wheeler, Braun, Hirsch, Niemann, Ryland, , Turner
Voting Nay: None
One seat vacant.

Item #R3 – Appointment of three members to the Addison Board of Zoning Adjustment (BZA).

This item was tabled by the Council.

Item #R4 – Consideration of a Resolution authorizing the City Manager to enter into a Right-of-Way License and Municipal Facilities Use Agreement with RedMoon BROADBAND, for installation of a WiFi mesh network in Addison to provide high speed Internet services to the resident and business community subject to the final review and approval of the Town attorney.

Councilmember Turner moved to duly pass Resolution R05-016 to authorize the City Manager to enter into a Right-of-Way License and Municipal Facilities Use Agreement with RedMoon BROADBAND, for installation of a WiFi mesh network in Addison to provide high speed Internet services to the resident and business community subject to the final review and approval of the Town attorney. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Braun, Hirsch, Niemann, Ryland, Turner
Voting Nay: None
One seat vacant

Item #R5 – 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 beverages for on-premises consumption only, located at 4930 Belt Line Road, Suite 100, on application from Monica’s Restaurant, represented by Mr. K. Steven Roberts, 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 Niemann moved to duly pass Ordinance 005-006 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 only, located at 4930 Belt Line Road, Suite 100, on application from Monica’s Restaurant, represented by Mr. K. Steven Roberts, Attorney at Law, subject to the following conditions:

- The irrigation controllers for this center will need to be inspected to ensure the rain and freeze sensors are operable before issuance of a Certificate of Occupancy.

-The applicant shall not use any terms, including the term “club,” or graphic depictions that denote alcoholic beverages in exterior signs.

Councilmember Ryland seconded. Motion carried.

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

Voting Nay: None

One seat vacant

Item #R6 – 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 beverages for on-premises consumption only, located at 4930 Belt Line Road, Suite 190, on application from Go Fish Restaurant.

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 005-007 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 only, located at 4930 Belt Line Road, Suite 190, on application from Go Fish Restaurant, subject to the following conditions:

-The irrigation controllers for this center will need to be inspected to ensure the rain and freeze sensors are operable before issuance of a Certificate of Occupancy.

-The applicant shall not use any terms, including the term “club,” or graphic depictions that denote alcoholic beverages in exterior signs.

Councilmember Braun seconded. The motion carried.

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

Voting Nay: None

One seat vacant

Item #R7 – PUBLIC HEARING and consideration of an Ordinance approving a Special Use Permit for a restaurant, located at 5290 Belt Line Road, on application from Extreme Pita, represented by Ms. Beverly Scott.

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 005-008 approving a Special Use Permit for a restaurant, located at 5290 Belt Line Road, on application from Extreme Pita, represented by Ms. Beverly Scott, subject to the following conditions:

-The irrigation controllers for this center will need to be inspected to ensure the

rain and freeze sensors are operable before issuance of a Certificate of Occupancy.

Councilmember Niemann seconded. The motion carried.

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

Voting Nay: None

One seat vacant

Item #R8 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-162, Premises Sign for Century Bank, located at 3701 Belt Line Road, on application from Century Bank.

Councilmember Niemann moved to duly pass Ordinance 005-009 approving a meritorious exception to Chapter 62, Signs, Section 62-162, Premises Sign, for Century Bank, located at 3701 Belt Line Road, on application from Century Bank. Councilmember Braun seconded. Motion carried.

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

Voting Nay: None

One seat vacant

Councilmember Niemann moved to deny the request for a meritorious exception to Chapter 62, Signs, Section 62-185 for a non-conforming pole sign. Councilmember Ryland seconded. Motion carried.

Voting Aye: Braun, Hirsch, Niemann, Ryland

Voting Nay: Wheeler, Turner

One seat vacant

Item #R9 – Consideration of a Resolution endorsing certain legislative changes to Senate Bill 7 supported by the Cities Aggregation Power Project.

Councilmember Turner moved to duly pass Resolution R05-017 to endorse certain legislative changes to Senate Bill 7 supported by the Cities Aggregation Power Project. Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

One seat vacant.

Item #R10 – Consideration of a Resolution authorizing the City Manager to enter into a contract with Mastec & Hanson Pipe & Products, Inc., in an amount not to exceed \$79,650.00, for the construction of the Marsh Lane Emergency Water Interconnection.

Councilmember Turner moved to duly pass Resolution R05-018 authorizing the City Manager to enter into a contract with Mastec & Handon Pipe & Products, Inc., in an amount not to exceed \$79,650.00, for the construction of the Marsh Lane Emergency Water Interconnection. Councilmember Niemann seconded. Motion carried.

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

Voting Nay: None

One seat vacant.

Councilmember Hirsch recused himself and left the Chamber.

Item #R11 – Discussion and presentation of information regarding a lease between the Town of Addison, as landlord, and Amar Unlimited, Inc., as the real tenant in interest, concerning the Clay Pit Grill & Curry House located at 4460 Belt Line Road.

There was no action taken on this item.

EXECUTIVE SESSION. At 9:37 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.

Item #ES1 – Closed (executive) session of the City Council pursuant to Section 551.072, Texas Government Code, to deliberate the lease and value of certain real property located at 4460 Belt Line Road.

The Council came out of Executive Session at 10:02 p.m.

Item #R12 – Consideration of possible modification of or amendment to a Lease between the Town of Addison, as landlord, and Amar Unlimited, Inc., as the real tenant in interest, concerning property Located at 4460 Belt Line Rd. (Clay Pit Grill & Curry House).

No action taken. Item withdrawn.

Councilmember Hirsch returned to the Chamber at this time.

The Council went back into Executive Session at 10:03 p.m.

Item #ES2 – Closed (executive) session of the City Council pursuant to Section 551.0724, Texas Government Code, to deliberate a performance evaluation of the City Manager.

The Council came out of Executive Session at 11:30 p.m.

Item #R13 – Consideration of a Resolution approving a (i) merit increase and salary adjustment for the City Manager, and (ii) compensation plan (bonus) for the City Manager and other City employees including the Deputy City Manager, Assistant City Manager, Assistant to the City Manager, Department Heads and Assistant Department Heads.

Councilmember Niemann moved to duly pass Resolution No. R04-019 approving a 4% merit increase and salary adjustment for the City Manager, and no compensation plan (bonus) for the City Manager and other City employees including the Deputy City Manager, Assistant City Manager, Assistant to the City Manager, Department Heads and Assistant Department Heads. Councilmember Braun seconded. The motion carried.

Voting Aye: Wheeler, Braun, Hirsch, Niemann, Ryland, Turner
Voting Nay: None
One seat vacant.

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

Mayor

Attest:

City Secretary