

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

January 9, 2007
7:30 p.m. – Town Hall
5300 Belt Line Road

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

Absent: None

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Will Gilleland with the General Services Department, Judi Steiner with City Manager's Office, Sue Ellen Fairley with City Manager's Office and Zach Crase with the Fire Department.

Item #R2 - Consent Agenda.

Items #2e, #2f, #2g, #2h were considered separately.

#2a - Approval of the Minutes for the December 12, 2006, Council Meeting.
(Approved as written)

#2b - Consideration and approval of an agreement authorizing the City Manager to enter into a 9-1-1 billing agreement with Pac-West Telecomm, Inc. (Approved)

#2c - Consideration and approval of an agreement authorizing the City Manager to enter into a 9-1-1 billing agreement with IBFA Acquisition Co., LLC. (Approved)

#2d - Consideration and approval of a contract with Allied Builders, Inc., totaling \$64,000 for painting of the Blueprints sculpture art panels. (Approved)

Councilmember Braun moved to duly approve the above listed items.

Councilmember Mallory seconded. Motion carried.

#2e - Consideration and approval to authorize the City Manager to execute a Discretionary Service Agreement with TXU Electric Delivery Co. for placing the existing overhead electric service lines crossing Addison Road within the project limits of Phase I of the Addison Road Paving and Drainage Improvements project underground.

Councilmember Mallory duly moved to approve Discretionary Service Agreement with TXU Electric Delivery Company.

Councilmember Braun seconded. Motion carried.

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

#2f - Consideration and approval to authorize the City Manager to execute a Master Services Agreement with Kleinfelder for Construction Materials Engineering and Testing. (Approved)

#2g - Consideration and approval to authorize the City Manager to execute a Construction Materials Testing contract with Kleinfelder for the Addison Road Paving and Drainage Improvements project - Phase I pursuant to the Master Services Agreement for Construction Materials Engineering and Testing. (Approved)

#2h - Consideration and approval to authorize the City Manager to execute a supplemental agreement to the Engineering Services Agreement with Birkhoff, Hendricks and Conway, Inc. in the amount not to exceed \$22,000, for engineering and construction design services on Addison Road. (Approved)

Councilmember Kraft moved to duly approve the above listed Items #2f, #2g, #2h.

Councilmember Mellow seconded. Motion carried.

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

Item #R3 - Presentation of the Planning and Zoning Commission Annual Report.

Alan Wood introduced members Ted Bernstein and Todd Meier. The Presentation was made by Alan Wood, with assistance from Todd Meier.

Item #R4 - **PUBLIC HEARING**, regarding, and consideration of approval of, an amendment to a Special Use Permit for a restaurant and an amendment to a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, for 29° Tavern, located at 5260 Belt Line Road (currently Bennigan's Tavern), on application from Metro Media Restaurant Group, represented by Mr. Rick Civitarese of ID Group.

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 Mallory made a motion to approve Ordinance #006-058 for a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, for 29° Tavern, located at 5260 Belt Line Road (currently Bennigan's Tavern), on application

from Metro Media Restaurant Group, represented by Mr. Rick Civitarese of ID Group, subject to an upgrade of landscaping.

Councilmember Niemann seconded. Motion carried.

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

Item #R5 - PUBLIC HEARING, regarding, and consideration of approval of, a Special Use Permit for a restaurant (yogurt shop), Berry Berry Yogurt, located at 4135 Belt Line Road, on application from VBY, Inc., represented by Charlie Kim.

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 Kraft made a motion to approve Ordinance 006-059, a Special Use Permit for a restaurant (yogurt shop), Berry Berry Yogurt, located at 4135 Belt Line Road, on application from VBY, Inc., represented by Charlie Kim.

Councilmember Mallory seconded. Motion carried.

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

Item #R6 – Consideration and approval to authorize the City Manager to execute a Construction contract, in the amount of \$2,076,920.33, with JRJ Paving, L.P., for the Addison Road Paving and Drainage improvements project – Phase 1.

Councilmember Niemann duly moved to approve the construction contract with JRJ Paving, L.P., subject to approval of Dallas County and City Attorney review.

Councilmember Mellow seconded. Motion carried.

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

Item #R7 - Consideration and approval of an ordinance granting meritorious exception to Sec. 62-185, Specifications of Signs, for Charter Furniture, located at 15101 Midway Road.

Councilmember Niemann duly moved to table item to a future meeting.

Councilmember Mellow seconded. Motion carried.

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

Item #R8 – Consideration and approval of an ordinance granting meritorious exception to Sec. 62-185, Specifications of Signs, for Enterprise Rent a Car, located at 15500 Midway Road.

Councilmember Braun duly moved to deny meritorious exception for granting an exception to Enterprise Rent a Car, located at 15500 Midway Road.

Councilmember Mallory seconded. Motion carried.

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

Item #R9 – Consideration and approval of an ordinance granting meritorious exception to Sec. 62-163, Area of Signs, for Enterprise Rent a Car, located at 15500 Midway Road.

Councilmember Mallory moved to deny meritorious exception for granting an exception to Enterprise Rent a Car, located at 15500 Midway Road.

Councilmember Braun seconded. Motion carried.

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

Item #R10 - Consideration and approval of an ordinance granting meritorious exception to Sec. 62-163, Area of Signs, for Sprint, located at 3719 Belt Line Road.

Councilmember Kraft duly moved to approve Ordinance No. 006-060, for a meritorious exception for Sprint, located at 3719 Belt Line Road, with a maximum letter height of 24” and a maximum logo height of 30”.

Councilmember Mallory seconded. Motion carried.

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

At 9:42 P.M., Mayor Chow announced that 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(s) to seek the advice of its attorney(s) about pending litigation, to wit: *Town of Addison v. Bullough/Lykos Office Building No. 1 L.P., et al*, Cause No. 02-14363-B, County Court at Law No. 2, Dallas County, Texas.

The Council came out of Executive Session at 9:55 p.m.

Item #R11- Consideration of any action regarding pending litigation, to wit: *Town of Addison v. Bullough/Lykos Office Building No. 1, L.P., et al*, Cause No. 02-14363-B, County Court at Law No. 2, Dallas County, Texas.

Councilmember Niemann duly moved to approve the settlement regarding the pending litigation, to wit: *Town of Addison v. Bullough/Lykos Office Building No. 1, L.P., et al*, Cause No. 02-14363-B, County Court at Law No. 2, Dallas County, Texas, in the amount identified in the closed session and subject to the determination of title and true ownership of the property.

Councilmember Braun seconded. 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.

Mayor

Attest:

City Secretary