



Addison 50!

50 YEARS OF FUN!

Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road (972) 450-7000
FAX (972) 450-7043

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

APRIL 27, 2004

7:30 P.M.

COUNCIL CHAMBERS
5300 BELT LINE ROAD

REGULAR SESSION

Item #R1 – Consideration of Old Business

Item #R2 – Consent Agenda

CONSENT AGENDA

#2a – Approval of the Minutes for the April 13, 2004 Council Meeting.

Item #R3 – Presentation of Peace Officers Memorial Day Proclamation.

Item #R4 – Presentation and discussion of proposed co-sponsorship from Annheuser-Busch at Taste Addison.

Attachment:

1. Council Agenda Item Overview
-

Item #R5 – Consideration of a Resolution approving the revised plan and authorization to solicit bids for the fabrication and installation of an identification and directional sign package for the Addison Circle Park.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R6 – Consideration of a Resolution approving the purchase of Ballistic Vests in an amount not to exceed \$43,200.00 for the Addison Police Department.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R7 – Consideration of a Resolution approving an award of bid and authorizing the City Manager to enter into a contract in the amount of \$81,700.00 with Nortex Concrete Lift and Stabilization, Inc. for raising and undersealing concrete pavement on Midway Road.

Attachments:

1. Council Agenda Item Overview
 2. Bid Sheet
-

Administrative Recommendation:

Administration recommends approval.

Item #R8 – Consideration of a Resolution authorizing the City Manager to enter into an Interlocal Agreement in the amount of \$31,489.00 with Dallas County to utilize county forces and matching funds to resurface Addison Road from the railroad crossing north to Morris Avenue.

Attachments:

1. Council Agenda Item Overview
2. Interlocal Agreement

Administrative Recommendation:

Administration recommends approval.

Item #R9 – Consideration of a Resolution approving a compensation plan (bonus) for the City Manager, and for other City employees including the Deputy City Manager, Assistant City Manager, Assistant to the City Manager, Department heads and assistant Department heads.

Adjourn Meeting

Posted 5:00 p.m.
April 22, 2004
Carmen Moran
City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

April 13, 2004
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Hirsch, Mallory, Niemann, Silver,
Turner
Absent: None

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Kyle Drake (Parks), Scott Ledet (Fire) and Kimberly Bettis (City Manager).

Ron Whitehead, City Manager, announced the following upcoming events: Employee Meritorious Luncheon on April 15, 2004; Bone Star Jam Concert on April 17, 2004; National Arbor Day on April 24, 2004 and the Addison Business Association (ABA) Picnic on April 24, 2004.

Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the March 23, 2004 Council Meeting. (Approved)

Item #2b – Consideration of approval of a Change Order in an amount not to exceed \$117,795.00 to a previously approved contract with Abstract Construction Company for changes to Addison Circle Park. (Approved)

Councilmember Silver moved to duly approve the above items. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

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

Councilmember Niemann moved to duly appoint Roger Chafin, 3761 Park Place, to the Planning and Zoning Commission. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R4 – **PUBLIC HEARING** and consideration of an Ordinance approving development plans for a bank with drive-through facilities in an existing Planned Development District, Ordinance No. 460, as amended, located on 1.29 acres at the southeast corner of Belt Line Road and Surveyor Boulevard, on application from SouthTrust Bank, represented by Mr. Bryan M. Burger of Lawrence A. Cates and Associates, LLP.

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. 004-020 approving development plans for a bank with drive-through facilities in an existing Planned Development District, Ordinance No. 460, as amended, located on 1.29 acres at the southeast corner of Belt Line Road and Surveyor Boulevard, subject to the following conditions:

1. All mechanical equipment must be screened from view.
2. The landscaping plan shall be revised to replace the Cedar Elm Tree shown on the plan with Live Oak trees.
3. The dumpster enclosure shall be constructed out of the same brick as the building.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R5 – Consideration of approval of a final plat for two lots on 2.8958 acres in a Planned Development District, located at the southeast corner of the intersection of Belt Line Road and Surveyor Boulevard, on application from SouthTrust Bank, represented by Mr. Bryan M. Burger of Lawrence A. Cates and Associates, LLP.

Councilmember Mallory moved to duly approval a final plat for two lots on 2.8958 acres in a Planned Development District, located at the southeast corner of the intersection of Belt Line Road and Surveyor Boulevard, subject to the following conditions:

1. The plat shall be revised to indicate a joint access easement along the property line that is shared by Lots 1A and 2A.
2. The plat shall also be revised to add a Certificate of Approval, which should contain a line for the date the plat was approved by the City Council and signatures lines for the Mayor and the City Secretary.

Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

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 4939 Belt Line Road, on application from Potbelly Sandwich Works, represented by Mr. Steve Young.

Councilmember Silver moved to duly pass Ordinance No. 004-021 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 4939 Belt Line Road, on application from Potbelly Sandwich Works, subject to the following condition:

1. 144 square feet of additional space may be allotted to the restaurant for outside tables, but no landscaping shall be removed to accommodate the tables.

Councilmember Turned seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting 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 existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4350 Belt Line Road, on application from Tokyo One Restaurant, represented by Mr. Chaucer Chern.

Councilmember Turner moved to duly pass Ordinance No. 004-022 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 4350 Belt Line Road, on application from Tokyo One Restaurant, subject to the following conditions:

1. Four Crape Myrtles will be removed when the building is expanded; therefore, four new Crape Myrtles will need to be planted elsewhere on the site to mitigate these removed trees.
2. Some of the existing trees near the building are wrapped with holiday lights. The lights need to be removed immediately, as they are affecting the growth of the trees. The Crape Myrtles that will remain have been severely pruned and need to be allowed to grow back to

their natural growth habit. The Red Oak on the northwest corner of the building will also need the holiday lighting removed.

3. The existing 8" Caliper Red Oak underneath the Tokyo One sign on Belt Line Road has declined to a point that it needs replacing. This tree will need to be mitigated within the Belt Line Road street frontage with two (2) 4-inch Caliper Red Oaks.
4. The detention area on the south side of the property needs to be mowed and routinely maintained. Three (3) Bald Cypress are missing and need replacing in this area. In addition, the southeast corner planting bed needs refurbishing with ground cover and new Wax Myrtle.
5. The applicant will need to submit a revised planting plan showing the location of the new trees.

Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R8 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$31,000.00 with the Shakespeare Festival of Dallas for Shakespeare In the Park, June 4-6, 2004.

Councilmember Turner moved to duly pass Resolution No. R04-025 authorizing the City Manager to enter into a contract in an amount not to exceed \$31,000.00 with the Shakespeare Festival of Dallas for Shakespeare In the Park, June 4-6, 2004. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R9 – Consideration of a Resolution authorizing the City Manager to enter into an agreement with MAXIMUS, Inc. to assist the Town in a strategic review of its finance function.

Councilmember Turner moved to duly pass Resolution No. R04-026 authorizing the City Manager to enter into an agreement with MAXIMUS, Inc. to assist the Town in a strategic review of its finance function. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner
Voting Nay: None
Absent: None

Item #R10 – Consideration of a Resolution authorizing the City Manager to enter into an agreement with ICMA-RC for administration of the Town’s deferred compensation program and issue notice to Nationwide Retirement Solutions for termination of that company’s services to the Town.

Councilmember Turner moved to duly approve Ron Whitehead, City Manager, to negotiate an agreement with ICMA-RC for administration of the Town’s deferred compensation program and issue notice to Nationwide Retirement Solutions for termination of that company’s services to the Town. After completion of negotiation, staff will present this item to Council for approval. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

EXECUTIVE SESSION. At 8:28 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.

Item #ES1 – Closed (executive) session of the Addison 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 contemplated litigation related to the Addison Airport.

Item #ES2 – Closed (executive) session of the Addison City Council pursuant to Section 551.074, Texas Government Code, to deliberate the evaluation of the City Manager.

The Council came out of Executive Session at 9:46 p.m.

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

Mayor

Attest:

City Secretary

**THERE ARE NO
ATTACHMENTS
FOR ITEM #R3**

Council Agenda Item: #R4

SUMMARY:

Discussion of a proposal from Annheuser-Busch to co-sponsor the main stage at Taste Addison in the amount of \$25,000.

FINANCIAL IMPACT:

Budgeted Amount: N/A

Cost: N/A

Revenue to Addison: \$25,000

BACKGROUND:

The Xelerate Group has been in negotiations with Annheuser-Busch (A-B) for their brand “Bud Light” to be a sponsor at some of the Addison events. We are excited about this opportunity to develop a partnership with A-B. A-B will share the main stage recognition at Taste Addison with MIX 102.9.

RECOMMENDATION:

Staff recommends proceeding with the proposal from Annheuser-Busch.

Council Agenda Item: #R5**SUMMARY:**

Staff requests Council approval of a revised plan for an identification and directional sign package for the Addison Circle Park.

FINANCIAL IMPACT:

Budgeted Amount: Item was not budgeted, but funds are available in the Capital Projects Fund for the Addison Arts and Events District.

Unallocated bond funds available:	\$431,205
Approximate cost:	\$187,000
Unallocated bond funds remaining:	\$ 244,205

BACKGROUND:

On February 24, 2004, the Council approved a directional sign package for Addison Circle Park. However, prior to getting the package out to bid, the staff made some changes to the package that will cause the costs to increase. Those changes are:

SPONSORSHIP MENTION ON THREE SIGNS

Eric Terry was hired by the Town to sell sponsorships to Addison's events, and part of the package Eric has put together includes a sponsor's name on the three signs that are on Quorum Drive at Belt Line Road, Arapaho Road, and Keller Springs Road. The staff has "mocked up" a sign with "Bud Light Stage" on it as an example of how a sponsor's name on a sign might look (Exhibit 1).

SPONSOR SIGNS AT STAGE

Eric's sponsorship package also includes two signs, one on either side of the stage, which would contain the sponsor's name. A "mock-up" of that sign is also attached (Exhibit 2).

ADDITIONAL SIGN AT KELLER SPRINGS

The staff originally did not propose a sign at Keller Springs and the Tollway, but after fitting the actual-size signs in the medians and checking visibility around them, staff has determined that one can be located in the median at Keller Springs and the Tollway. Staff wants to add that sign to the package (number 8 on the map). Photos of a real-size directional sign in the locations the staff is proposing are attached as Exhibit 3.

REVISED ARROWS

When we add a sponsor's name to the lower part of the signs, that name will take up the space that was designed for our magnetic parking arrows. We have re-designed the arrows from rectangular to round, and they will now fit over the permanent directional discs. They will be on a magnetic disc that is larger than the permanent disc, and they will direct visitors to go right, left, or straight ahead

(Exhibit 4). Since they are the same magnetic material as our original parking arrows, we will still have the easy and efficient installation and removal we were after. We actually feel that this re-design is more attractive and works better than our original design. We are also recommending that we order some extra arrow signs in case some are lost or damaged.

EXTRA SIGNS AND BREAK-AWAY BASE

The staff worked with Robin Jones in Public Works on re-designing the base of the directional signs to a "break-away" base so that if the signs are hit, they will fall over without knocking the foundation loose in the ground. In addition, Robin suggested we order some extra signs so that we could replace one quickly if it is damaged. The staff is recommending six extra blank signs. We don't feel that we will need that many, but as we noted in the first presentation, we hope to get additional locations in Phase II of the project. We feel that if we get six extra signs now, we can have signs ready to put in additional locations without having to go through the bid process again, and still have some extra signs for back-ups. We are also recommending two additional Site Map signs to have in case any of those are damaged.

The blank signs will be cheaper because we do not have to install them and put the text on them, but we are specifying protective packaging that will take up some of that savings. We will store the additional signs in the yard at the Service Center, so they should be "crated" to protect them from the weather and accidental damage. For budget purposes, we set them at the same cost as the signs with text.

The cost for the package has increased from \$150,000 to \$187,000 due to the 7 additional Site Directional signs (type RLM) 4 additional Site Map signs (type SM) and 6 additional magnetic arrows.

RECOMMENDATION:

Staff recommends the Council approve the resolution authorizing the staff to solicit bids for the fabrication and installation of a revised identification sign package for Addison Circle Park. The revised budget (Exhibit 5) and map and schedule of signs (Exhibit 6) are attached.

Addison Circle District

Site Directionals - Sign Type RLM

Size
As shown

Quantity
See Schedule of Signs

Material
Sign Face/.080" Steel pans painted w/Matthews primer and paint
Arrow Disk/.125" Painted Steel
Post/7" OD steel tubing painted w/Matthews primer and paint
Base Plate/.75" steelpainted w/Matthews primer and paint
Text/3M High performance reflective vinyl
Arrow/3M High performance reflective vinyl

Color
Sign Face/As shown
Arrow Disk/As shown
Post/As shown
Base Plate/As shown
Text/3M 580-10 White reflective
Arrow/As shown

Finish
Sign Face/Satin
Arrow Disk/Satin
Post/Satin
Base Plate/Satin
Text/3M 580-10 White
Arrow/3M 580-71 Yellow

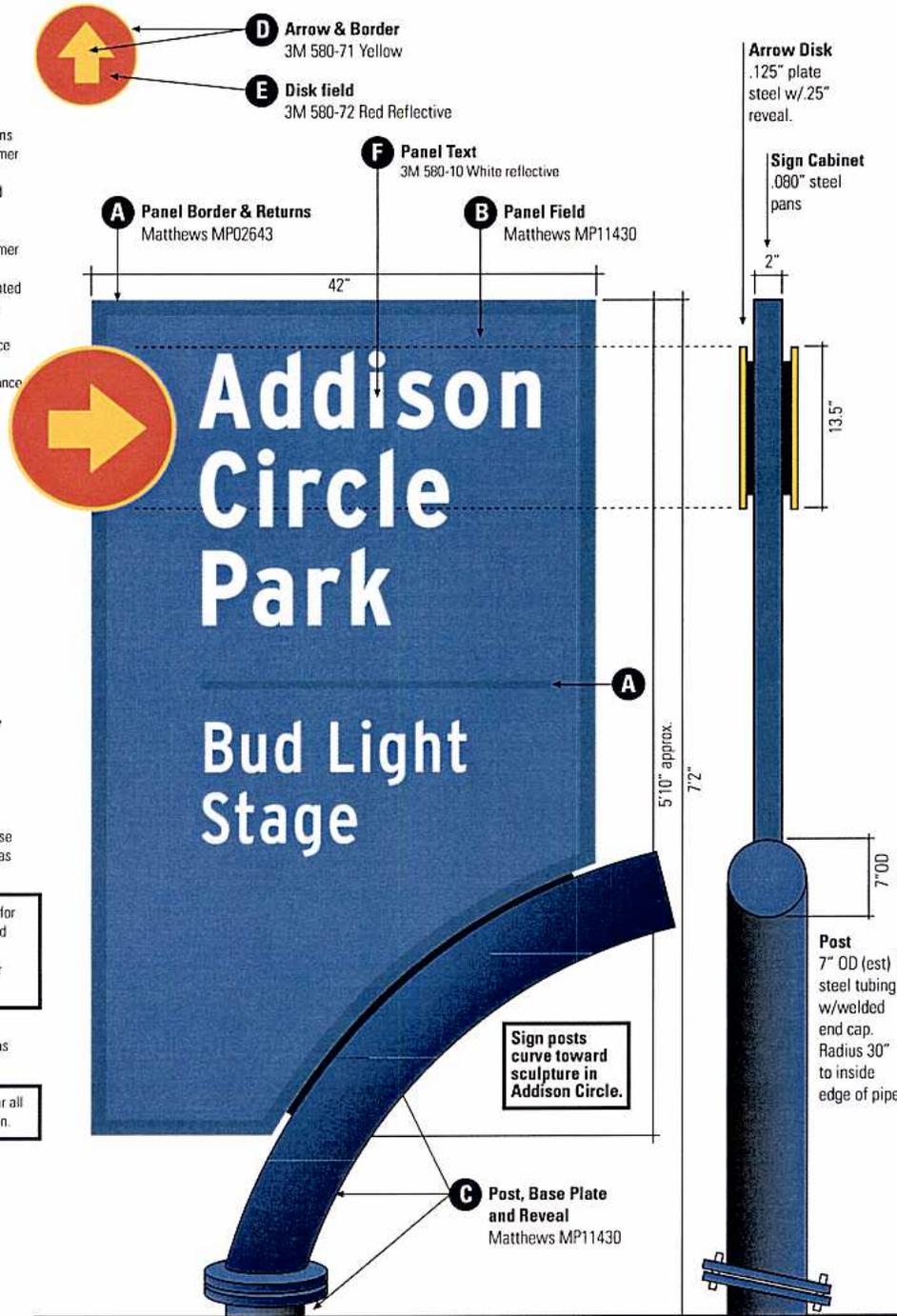
Typography
As shown

Installation
Mounts to breakaway base with non-corrosive bolts as required.

Fabricator is responsible for structural engineering and must submit stamped construction drawings for approval.

Field verify exact locations and conditions.

Town of Addison will clear all utilities before installation.



Base Plate
.5" plate steel seam welded to post.

Sign posts curve toward sculpture in Addison Circle.



Addison Circle District

Site Map - Sign Type SM Stage Sponsor

Size
As shown

Quantity
See Schedule of Signs

Material
Sign Panel/Porcelain enameled steel
Post/4" OD schedule 40 tubing
Base Plate/.5" Aluminum
Sponsor Logotype/Vinyl decal

Color
Sign Panel/2/c as shown
Post/As shown
Base Plate/As shown

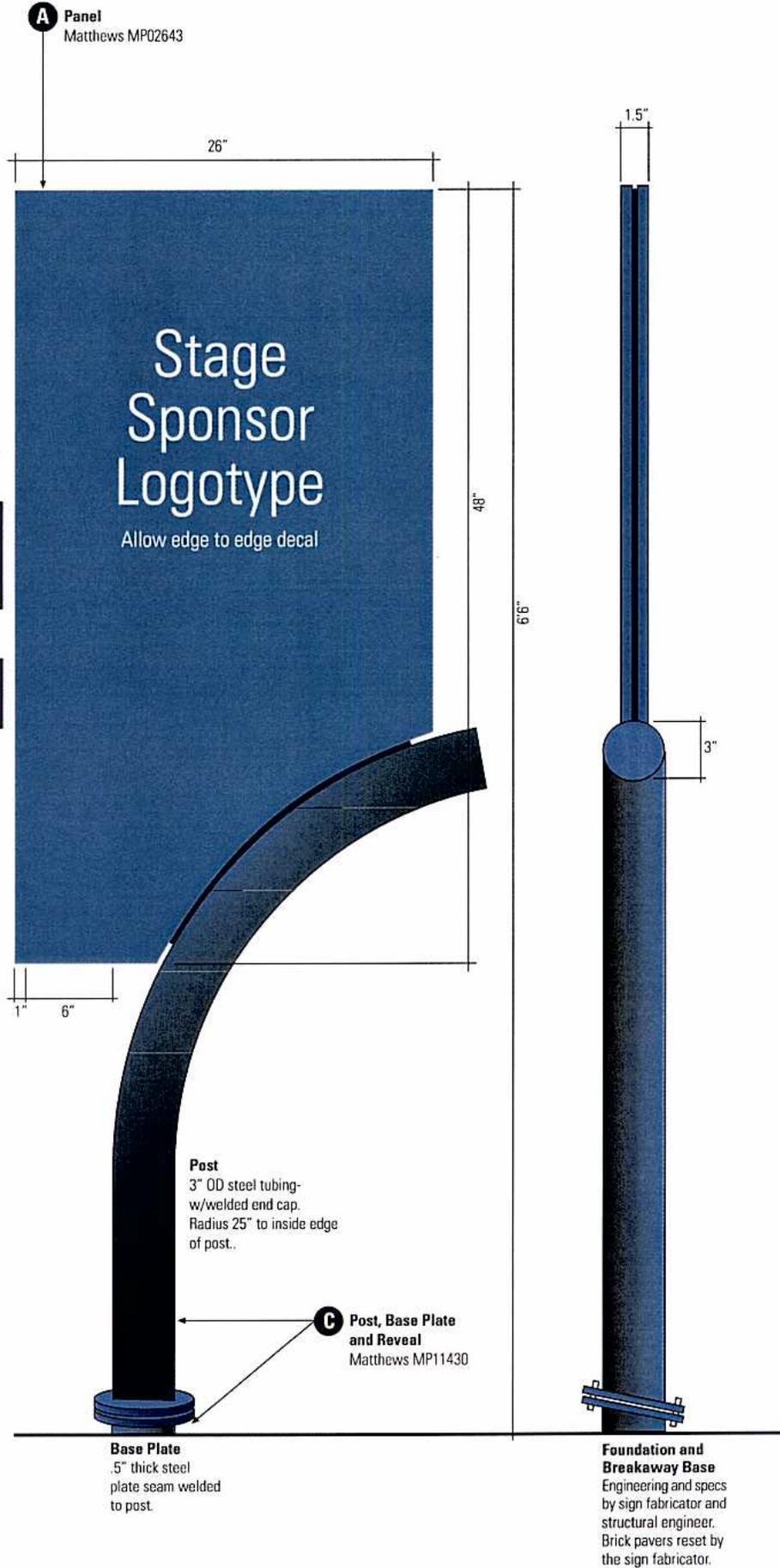
Finish
Sign Panel/Satin
Post/Satin
Base Plate/Satin

Installation
Mounts to breakaway base with non-corrosive bolts as required.

Fabricator is responsible for structural engineering and must submit stamped construction drawings for approval.

Field verify exact locations and conditions.

Town of Addison will clear all utilities before installation.



Addison Circle Park Directional Signs (examples of signs in the field)



Tollway at Arapaho Road



Tollway at Keller Springs Road

Addison Circle Park Directional Signs (examples of signs in the field)



Keller Springs Road at Quorum Drive



Tollway at Addison Circle

Addison Circle Park Directional Signs (examples of signs in the field)



Quorum Drive at Arapaho Road



Belt Line Road at Quorum Drive

Addison Circle District

Site Directionals - Sign Type MPK

Size

As shown

Quantity

See Schedule of Signs
Match pair consists of 1 right
arrow and 1 left arrow

Material

Sign Panel/60 mil thick
magnetic sheeting on back of
.125" thick black Centra
Graphics/3M High
performance reflective vinyl
as shown

Color

As shown

Finish

Vinyl/Satin

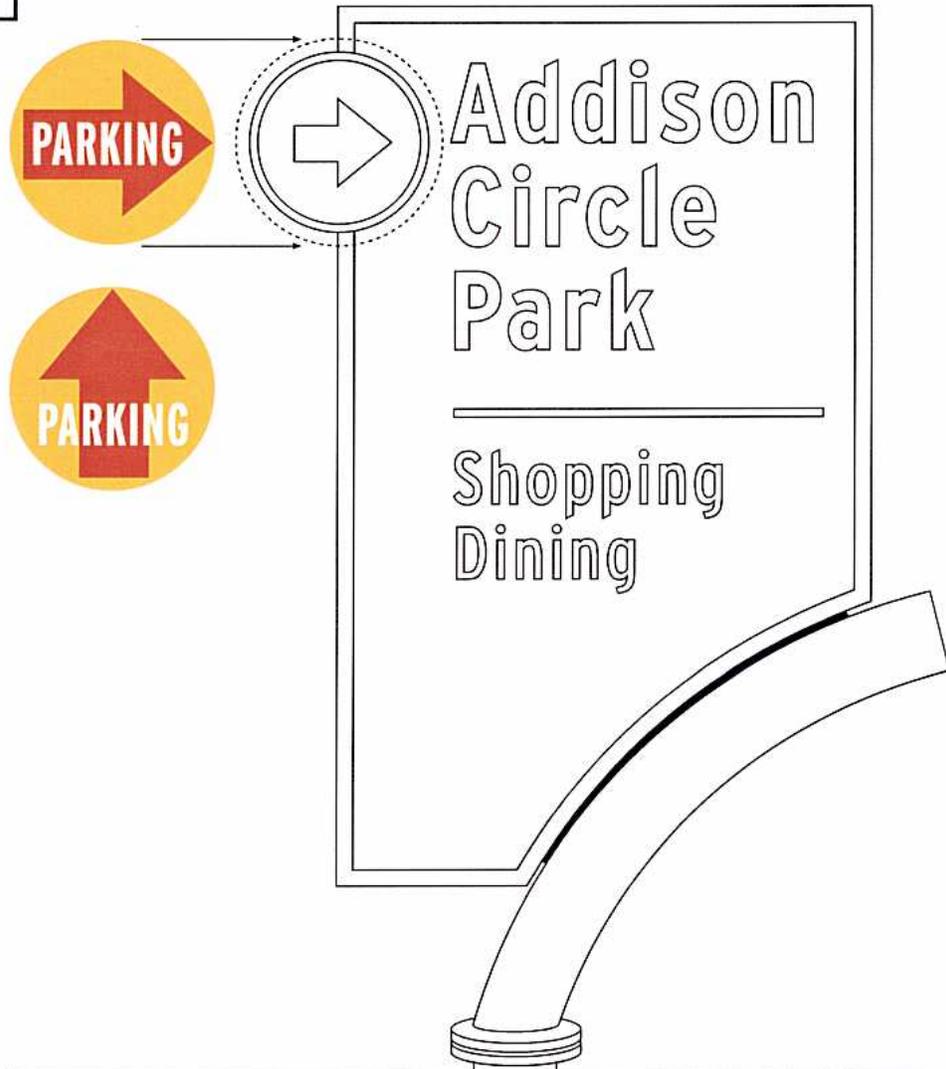
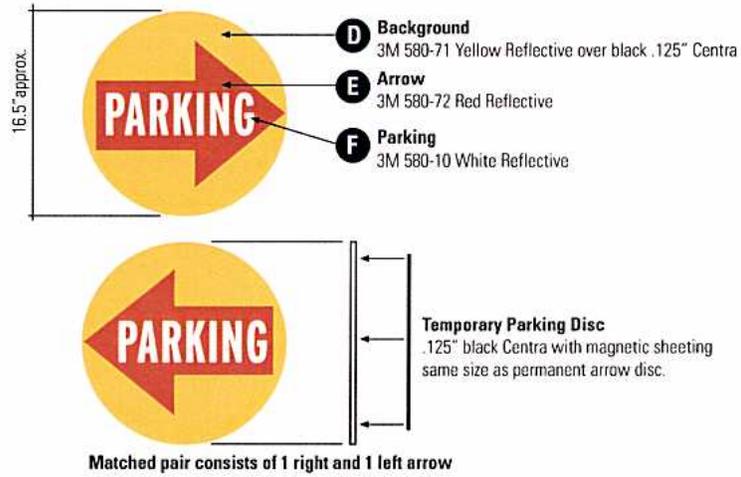
Typography

As shown

Installation

Mounts to directional arrow
disc for event parking

Field verify exact dimensions
of pans signs and text
alignment before fabrication.



Price List for Directional and ID Sign Package

Town of Addison

Sign Type	Unit Cost	Quantity	Total cost by sign type
Message Board, type SD Concrete base, wiring and structure Daktronics Galaxy RGB 3156 Series Outdoor LED Matrix Display Extended Platinum Service Plan (years 2-5)	\$ 82,000.00	1	\$ 82,000.00
Site Directionals, Sign Type RLM, with text	\$ 5,000.00	6	\$ 30,000.00
Site Directionals, Sign Type RLM, blank	\$ 5,000.00	6	\$ 30,000.00
Site Maps SM, with directional maps	\$ 4,500.00	5	\$ 22,500.00
Site Maps, type SM, for stage sponsor signs	\$ 4,500.00	2	\$ 9,000.00
Site Maps, type SM, blank	\$ 4,500.00	2	\$ 9,000.00
Parking Arrows, type MPK, right turn	\$ 250.00	8	\$ 2,000.00
Parking Arrows, type MPK, left turn	\$ 250.00	8	\$ 2,000.00
Parking Arrows, type MPK, up	\$ 250.00	2	\$ 500.00
Total Sign Package			\$ 187,000.00



Town of Addison

Addison Circle Wayfinding

19, April 2004,

Schedule of Signs

Installation Punchlist

Item	Location	Quantity	Sign Type	Description	Legend	Checkoff and Notes
1	Belt Line & Quorum North Median	1 DF	RLM	Site Directional	(east face) > Addison Circle Park (stage sponsor name to be provided by Addison) (west face) < Addison Circle Park (stage sponsor name to be provided by Addison)	<input type="checkbox"/> Client Final Approval <input type="checkbox"/> Installers Notes and Punchlist
2	Addison Rd & Addison Circle NE	1 DF	SD	Matrix Display RGB	(south face) (Addison script logo) (north face) (Addison script logo)	<input type="checkbox"/> Client Final Approval <input type="checkbox"/> Installers Notes and Punchlist

Town of Addison

Addison Circle Wayfinding

19, April 2004,

Schedule of Signs

Installation Punchlist

Item	Location	Quantity	Sign Type	Description	Legend	Checkoff and Notes
3	Keller Springs & Quorum Drive	1 DF	RLM	Site Directional	(east face) < Addison Circle Park (stage sponsor name to be provided by Addison) (west face) > Addison Circle Park (stage sponsor name to be provided by Addison)	<input type="checkbox"/> Client Final Approval <input type="checkbox"/> Installers Notes and Punchlist
4	Toll Access & Addison Circle	1 DF	RLM	Site Directional	(north face) > Addison Circle Park Shopping Dining (south face) < Addison Circle Park Shopping Dining	<input type="checkbox"/> Client Final Approval <input type="checkbox"/> Installers Notes and Punchlist

Town of Addison

Addison Circle Wayfinding

19, April 2004,

Schedule of Signs

Installation Punchlist

Item	Location	Quantity	Sign Type	Description	Legend	Checkoff and Notes
5	Toll Access & Arapaho West Median	1	RLM	Site Directional	(east face) ^ Addison Circle Park Shopping Dining	<input type="checkbox"/> Client Final Approval <input type="checkbox"/> Installers Notes and Punchlist
6	Qurom & Arapaho NE corner	1 DF	RLM	Site Directional	(east face) > Addison Circle Park (stage sponsor name to be provided by Addison) (west face) < Addison Circle Park (stage sponsor name to be provided by Addison)	<input type="checkbox"/> Client Final Approval <input type="checkbox"/> Installers Notes and Punchlist

Town of Addison

Addison Circle Wayfinding

19, April 2004,

Schedule of Signs

Installation Punchlist

Item	Location	Quantity	Sign Type	Description	Legend	Checkoff and Notes
7	2 Esplande	5 (3 DF w/map)	SM	Site Map	Addison Circle (artwork of map and ground floor retail tenant listings provided by the designer) (stage sponsor will be added to the tenant list and will be shown in position on the map)	<input type="checkbox"/> Client Final Approval <hr/> <input type="checkbox"/> Installers Notes and Punchlist
	3 Circle Park	2 SF map)				
8	Keller Springs and Toll access median west of toll	1	RLM	Site Directional	(north face) > Addison Circle Park	<input type="checkbox"/> Client Final Approval <hr/> <input type="checkbox"/> Installers Notes and Punchlist

Town of Addison

Addison Circle Wayfinding

19, April 2004,

Schedule of Signs

Installation Punchlist

Item	Location	Quantity	Sign Type	Description	Legend	Checkoff and Notes
9	For temporary use on RLM	18 8 right turn and 8 left turn 2 up	MPK	Magnetic Parking	<p>(right arrow) PARKING</p> <p>(left arrow) PARKING</p> <p>(up arrow) PARKING</p>	<input type="checkbox"/> Client Final Approval <hr/> <input type="checkbox"/> Installers Notes and Punchlist
10	Flanking stage	2 DF	SM	Site Map Sponser	<p>(east face) (stage sponsor name to be provided by Addison)</p> <p>(west face) (stage sponsor name to be provided by Addison)</p>	<input type="checkbox"/> Client Final Approval <hr/> <input type="checkbox"/> Installers Notes and Punchlist

Council Agenda Item: #R6

SUMMARY:

Ballistic vests worn by Addison police officers have shown some degradation in laboratory and departmental range testing greater than what is acceptable for officer safety.

FINANCIAL IMPACT:

Budgeted Amount: This is not a budgeted item.

Cost: Estimated between \$ 28,800 and \$43,200. We are currently meeting with various vendors and conducting tests on different types of ballistic vests to determine the most appropriate model. Costs vary between \$400-\$600 per vest. We have 63 full-time and 9 reserve officers (72) who we require to wear ballistic vests.

BACKGROUND:

In September 2003, Second Chance Vests, Inc. notified hundreds of police departments that testing at their labs indicated that the zylon material used in their ballistic vests had shown some degradation. The company advised that, due to this concern, they were discontinuing use of zylon in their vests. Addison police officers are currently wearing zylon vests. The company further advised that they would be shipping an upgrade packet (front and back panels) to the department for each officer or they would send a replacement vest for a reduced fee. After careful consideration, the decision was made to accept the upgrade packet but to test the panels upon their arrival.

The upgrade packet did not arrive until April 2004, at which time we tested the original vest and the upgrade packet panels on our own range. The tests were conducted (as could be feasibly duplicated) according to the National Institute of Justice (NIJ) standards for vest material. Both of our tests results were outside our comfort zone, allowing penetration to the original vest and depressions greater than allowed by NIJ standards after the upgrade panels were inserted in the vest. Several other agencies conducted their own tests with similar results. Furthermore, recent tests conducted by NIJ at the direction of the Department of Justice, showed degradation of the vest material containing zylon. During this intervening period we have also received news of zylon vest failures resulting in officer injury.

Based on Second Chance Vests, Inc. discontinuing the use of zylon vests, officer injuries, laboratory testing by NIJ indicating degradation of the vest material and our and other departments' nonperformance test results, it is recommended that in the interest of officer safety, we seek funding for immediate replacement of our ballistic vests.

RECOMMENDATION:

Staff recommends approval.

Council Agenda Item: #R7

SUMMARY:

This item is to award a bid to Nortex Concrete Lift and Stabilization, Inc. for raising and undersealing concrete pavement on Midway Road.

FINANCIAL IMPACT:

Budgeted Amount: \$100,000

Cost: \$81,700

This project is funded for 2004 in the Street Department Operations Budget.

BACKGROUND:

For the past two years the Street Division has been using Uretek USA to inject high-density polyurethane material under concrete pavement to lift and stabilize the pavement. In the fall of 2003, the patent for this process held by Uretek USA, Incorporated expired.

Nortex Concrete Lift and Stabilization has been injecting polyurethane material in new construction for a number of years and began lifting and stabilizing street pavement after the patent held by Uretek expired.

On April 6, 2004, bids were opened on a project to inject 18,000 pounds of high-density polyurethane material under the concrete pavement at various locations on north Midway Road. As the size of the voids under each concrete panel varies, we intend to raise and stabilize until the 18,000 pounds are used. Based on past costs, we expect to spend \$100,000 to inject the 18,000 pounds of material. The only two bidders on this project were Uretek (\$95,400) and Nortex (\$81,700).

RECOMMENDATION:

Staff recommends awarding this project in the amount of \$81,700 for raising and stabilizing concrete pavement on Midway Road to Nortex Concrete Lift and Stabilization, Inc.

**Raising and Undersealing Concrete Pavement
BID NO 04-13**

DUE: April 6, 2004

2:00 PM

BIDDER	SIGNED	Bid Bond	Total for Materials and Services	Equipment List
Nortex Concrete	y	y	\$81,700.00	y
Uretek USA, Inc.	y	y	\$95,400.00	y

Minok Suh

Minok Suh, Purchasing Coordinator

Corey Gayden

Corey Gayden, Witness

Council Agenda Item: #R8

SUMMARY:

Enter into a Interlocal Agreement with Dallas County to utilize county forces and matching funds to resurface Addison Road from the railroad crossing north to Morris Avenue.

FINANCIAL IMPACT:

Budgeted Amount: \$70,000

Cost: \$31,489

This project is approved and funded for 2004 in the Street Department Operations Budget.

BACKGROUND:

Because Addison road was at one time a County maintained road, Dallas County will participate in up to 50% of the cost (\$62,978) of repairs to the roadway. This maintenance project is designed to improve the riding surface and extend the service life (7 to 10 years) of this roadway. Addison Road was previously resurfaced in 1992.

This project will be completed over a two-week period between July 15 and August 30.

RECOMMENDATION:

Staff recommends approval of this Interlocal Agreement with Dallas County and the expenditure of \$31,489.

STATE OF TEXAS §
COUNTY OF DALLAS §

APR 07 2004

INTERLOCAL AGREEMENT
BETWEEN DALLAS COUNTY AND TOWN OF ADDISON
FOR ADDISON ROAD
NORTH FROM RAILROAD TRACKS TO MORRIS AVENUE

WHERE AS, the Town of Addison, Texas, hereinafter called "Town", and the County of Dallas, Texas, hereinafter called "County", desire to enter into an interlocal agreement for the purpose of improving Addison Road, as further described by Exhibit "A"; and,

WHERE AS, Chapter 791 of the Texas Government Code, as amended, provides authorization for local governments to enter into interlocal contracts;

NOW THEREFORE, THIS AGREEMENT is hereby made and entered into by Town and County for the mutual consideration stated herein:

WITNESSETH

I.

Town has requested and County agrees to participate in improvements to Addison Road north from Railroad Tracks to Morris Avenue, hereinafter called the "Project", as further described in Exhibit "A" attached hereto and incorporated herein for all purposes. The Project is classified as a County Type "B" road project.

II.

County agrees to furnish materials, labor and equipment necessary and to perform the Project construction at a cost not to exceed \$62,978.00, hereinafter called the "Not to Exceed Amount". All expenditures by the County for the performance of these governmental functions of improving this street shall be made from current revenues available to the County of Dallas.

III.

Town agrees to pay to County the sum of \$31,489.00 as Town's portion of the cost of the Project. Such amount will be deposited with County prior to the commencement of construction and County is authorized to expend such amount for periodic payments of Project cost. All expenditures by the Town for the performance of these governmental functions of improving this street shall be made from current revenues available to the Town of Addison. The Town agrees that these payments are a fair compensation for the services and functions performed under this agreement.

IV.

Town agrees to accomplish the following items, if required by the project, in a timely manner to insure that such items will not delay the County construction schedule; (1) inform the public of the proposed reconstruction of the Project; (2) locate all manholes, water valves, and other utilities within the Project; and (3) make or cause to be made all utility relocations or adjustments necessary for the Project at no cost to County.

V.

In the event that the cost of the Project shall exceed the Not to Exceed Amount, Town and County agree to either reduce the scope of construction or seek additional funding to complete the project. At the termination of the Project, County will do a final cost accounting of the Project. In the event that the amount paid by Town exceeds the actual cost, the difference will be remitted to Town. In the event that additional funds are due, County will bill Town who agrees to pay such funds within thirty (30) days of receipt of such billing.

VI.

The term of this agreement shall be from the date of the last signature approving the agreement until the completion of the Project and final payment as provided herein.

VII.

The Town agrees that County shall have the right to enter upon the Project area for the time period necessary for the completion of the Project. The County will provide traffic control through its contractor as described by Exhibit "A".

VIII.

The County agrees to be responsible for any liability or damages the County may suffer as a result of claims, demands, costs or judgments, including all reasonable attorneys fees, against the County, including workers compensation claims, arising out of the performance of the construction and services under this agreement, or arising from any accident, injury or damage, whatsoever, to any person or persons, or to the property of any person(s) or corporation(s) occurring during the performance of this agreement and caused by the sole negligence of the County, its agents, officers and/or employees.

IX.

The Town agrees to be responsible for any liability or damages the Town may suffer as a result of claims, demands, costs or judgments, including reasonable attorneys fees, against the Town, including workers compensation claims, arising out of the performance of the construction and services under this agreement, or arising from any accident, injury or damage, whatsoever, to any person or persons, or to the property of any person(s) or corporations(s) occurring during the performance of the agreement and caused by the sole negligence of the Town, its agents, officers and/or employees.

X.

Town and County agree that any liability or damages as stated above occurring during the performance of this agreement caused by the joint or comparative negligence of their employees,

agents and officers shall be determined in accordance with the comparative responsibility laws of the State of Texas.

XI.

Town and County agree that County's obligation to perform the Project construction is contingent upon the receipt of Town's payment of \$31,489.00 and no construction on the Project will commence prior to the receipt by County of such payment.

XII.

This Agreement shall be expressly subject to the sovereign immunity of County and the governmental immunity of Town, Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable federal and state law. This Agreement shall be governed by and construed in accordance with the laws and case decisions of the State of Texas. Exclusive venue for any legal action regarding this Agreement filed by either Town or County shall be in Dallas County, Texas.

The Town of Addison, State of Texas, has executed the Agreement pursuant to duly authorized Town Council Resolution _____, Minutes _____ Dated the _____ day of _____, 2004.

The County of Dallas, State of Texas, has executed this agreement pursuant to Commissioners Court Order Number _____ and passed on the _____ day of _____, 2004.

TOWN OF ADDISON

COUNTY OF DALLAS

By _____

By _____
Margaret Keliher, County Judge

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Town Secretary/Attorney

Mona Pruitt for Bob Schell

Dallas County District Attorney
Civil Section

Exhibit "A"

The Town of Addison has requested the County's participation in the improvement of Addison Road, north from Railroad Tracks to Morris Avenue, consisting of the following operations:

Scope: Addison Rd.					
(North from Railroad Tracks to Morris Avenue)		8,400 SY			
Materials:					
H.M.A.C. 2.5" Type "D"	1,155 Tons	@	\$ 34.50	\$ 39,848.00	
Ton Mile Haul	1,155 X 5.6	@	\$.30	\$ 1,940.00	
Labor/Equipment:					
Milling and Removal	8,400 SY	@	\$ 1.50	\$ 12,600.00	
Traffic Control:	5 Days	@	\$375.00	\$ 1,875.00	
Lane Tabs	792	@	\$ 1.25	\$ 990.00	
Sub Total:				\$ 57,253.00	
Contingency:		@	10%	\$ 5,725.00	
Total Cost:				\$ 62,978.00	
Total Cost To Town:				\$ 31,489.00	
Total Cost To County:				\$ 31,489.00	
Cost Per Square Yard:				\$ 7.50	

The County agrees to rotomill approximately 8,400 square yards of existing asphalt on the street mentioned above to a depth of 1.5". This includes milling, hauling, detailing, and sweeping, at an estimated cost of \$1.50 per square yard for a total cost of \$12,600. The County will sell the reclaimed asphalt pavement (RAP) material to the County's contractor for the highest bid per ton. This money will be deducted from the total project costs, but there will be a 15.36% administrative fee added to the project costs to cover this service. The County will furnish the Town an accounting of the RAP material sold. In the event the County is unsuccessful in securing a contractor due to the lack of marketability of the RAP material and/or the County's contractor rejects the RAP material due to contamination, the County will dispose of the material at Town's request.

The County will provide for the overlay of the project with 2.5" of Type "D" hot mix asphaltic concrete (HMAC), to be laid in place by the County's annual contractor, at an estimated cost of \$41,788.

The County will provide for traffic control, including temporary lane tabs, through its contractor, at

an estimated cost of \$2,865.

In addition, a 10% contingency, or \$5,725, has been included in the project estimate to provide for unanticipated conditions.

The Town will pay 50% of the total estimated project costs, \$31,489, to the County prior to approval of the Interlocal Agreement by the Commissioners Court.

**THERE ARE NO
ATTACHMENTS
FOR ITEM #R9**