



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

AGENDA

FEBRUARY 28, 2006

**WORK SESSION OF THE CITY COUNCIL
6:00 P.M.
TOWN HALL CONFERENCE ROOM
5300 BELT LINE ROAD**

AND

**REGULAR SESSION OF THE CITY COUNCIL
7:30 P.M.
COUNCIL CHAMBERS
5300 BELT LINE ROAD**

WORK SESSION

Item #WS1 - Discussion and update on the status of the Town's efforts regarding the Cotton Belt Rail Line.

REGULAR SESSION

Item #R1 - Consideration of Old Business.

Item #R2 - Consent Agenda.

CONSENT AGENDA

- #2a - Approval of the Minutes for the February 14, 2006, Council Meeting.
-
- #2b - Consideration and approval of a resolution to award bid to Forest Hills Lawn Service, Inc. in an amount not to exceed \$11,900.00 for code enforcement mowing services – annual contract.
-
- #2c - Consideration and approval of a resolution authorizing the City Manager to enter into an interlocal agreement for cooperative purchasing between the Town of Addison and the City of Farmers Branch subject to final approval by the Town Attorney.
-
- #2d - Consideration and approval of an ordinance approving an amendment to Chapter 18, Article I and II, of the Code of Ordinances to incorporate the 2003 International Building Codes (IBC) and new fee schedule.
-
- #2e - Consideration and approval of an ordinance approving an amendment to Chapter 18, Article III, of the Code of Ordinances to incorporate the 2003 International Property Maintenance Codes (IPMC).
-
- #2f - Consideration and approval of an ordinance approving an amendment to Chapter 18, Article IV, of the Code of Ordinances to incorporate the 2003 ICC Electrical Codes and the 2005 National Electrical Codes (NEC).
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- #2g - Consideration and approval of an ordinance approving an amendment to Chapter 18, Article V, of the Code of Ordinances to incorporate the 2003 International Mechanical Codes (IMC).
-
- #2h - Consideration and approval of an ordinance approving an amendment to Chapter 18, Article VI, of the Code of Ordinances

to incorporate the 2003 International Plumbing Codes (IPC), International Fuel Gas Code (IFGC), and the International Private Sewage Disposal Codes (IPSDC).

#2i - Consideration and approval of an ordinance approving an amendment to Chapter 18, Article VII, of the Code of Ordinances to incorporate the 2003 International Residential Codes (IRC).

#2j - Consideration and approval of an ordinance approving an amendment to Chapter 38 of the Code of Ordinances incorporating the 2003 International Fire Codes (IFC).

Item #R3 - Police Department's annual report to the governing body of the municipality as required by Texas Racial Profiling Law (SB No. 1074).

Item #R4 - Consideration and approval of a resolution of the City Council of the Town of Addison demonstrating its endorsement and pledging its full support for the Cotton Belt Rail Line to become the Approved Northwest Crosstown Corridor in the DART 2030 Transit System Plan.

Attachments:

1. Council Agenda Item Overview
2. Resolution

Administrative Recommendation:

Administration recommends approval.

Item #R5 - Consideration of a resolution authorizing the City Manager to enter into an agreement with RTKL in an amount not to exceed \$35,000 to assist the Town with the implementation of the Comprehensive Plan updates and the Belt Line Redevelopment Strategy.

Attachments:

1. Council Agenda Item Overview
2. Agreement

Administrative Recommendation:

Administration recommends approval.

Item #R6 - Consideration and approval of a resolution authorizing the payment of utility billing refunds totaling \$2,661.11 and the waiver of \$19,991.51 in utility fees.

Attachments:

1. Council Agenda Item Overview
 2. Memorandum from Shanna Sims
-

Administrative Recommendation:

Administration recommends approval.

Item #R7 - Consideration and approval of a resolution accepting settlement with TXU Electric Deliver.

Attachments:

1. Council Agenda Item Overview
2. Resolution

Administrative Recommendation:

Administration recommends approval.

Item #R8 - Presentation of the Town of Addison Financial Quarterly Report for the quarter ended 12/31/05.

Adjourn Meeting

Posted 5:00 p.m.
February 23, 2006
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.**

Memorandum

To: The Honorable Mayor and City Council

From: Ron Whitehead, City Manager

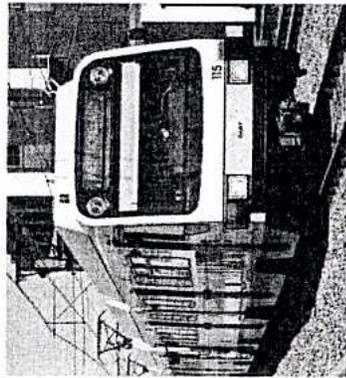
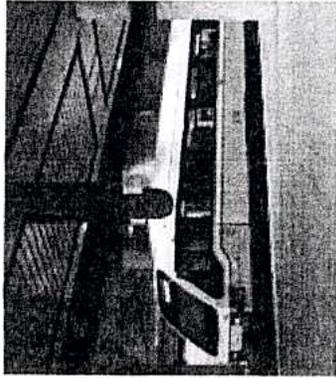
Date: February 23, 2006

Subject: Attachment Regarding Upcoming Cotton Belt Worksession

Attached is a copy of a presentation developed by Dallas Council members Natinsky and Koop. This presentation was made at the February meeting of the Metroplex Mayors and to the Board of the North Dallas Chamber. I wanted you to have an advance copy of it so that we can further discuss our position on this proposal at Tuesday's worksession.

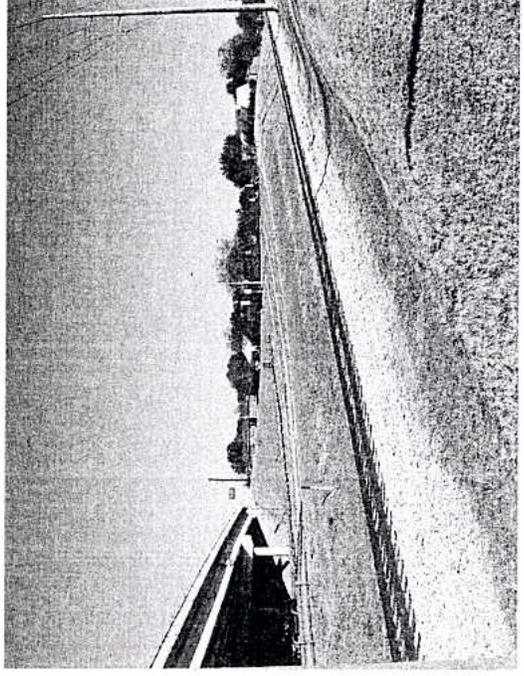
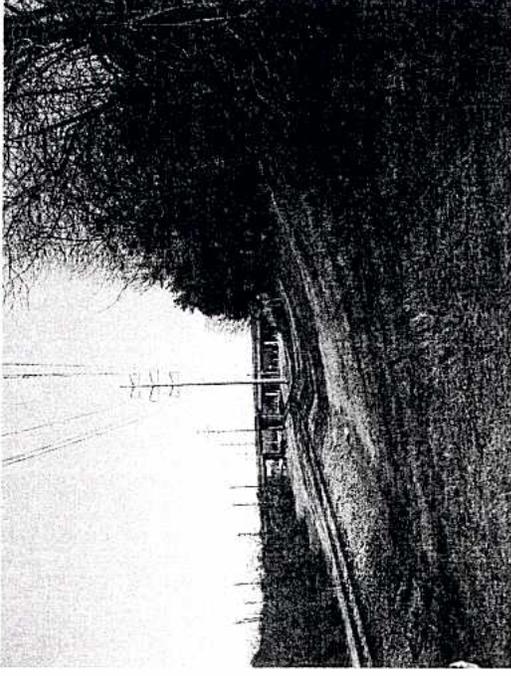
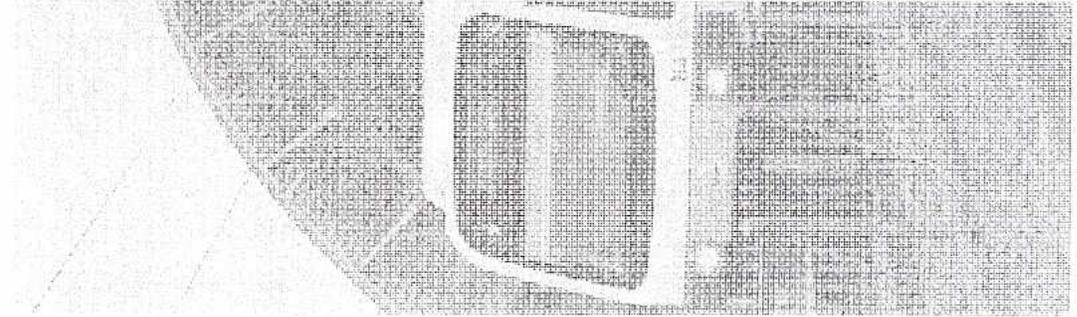
Cotton Belt Alignment – Corridor Plan

Dallas, Texas



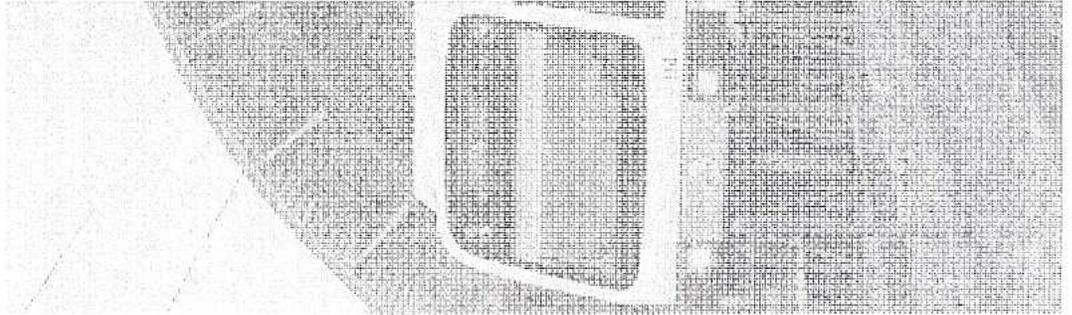
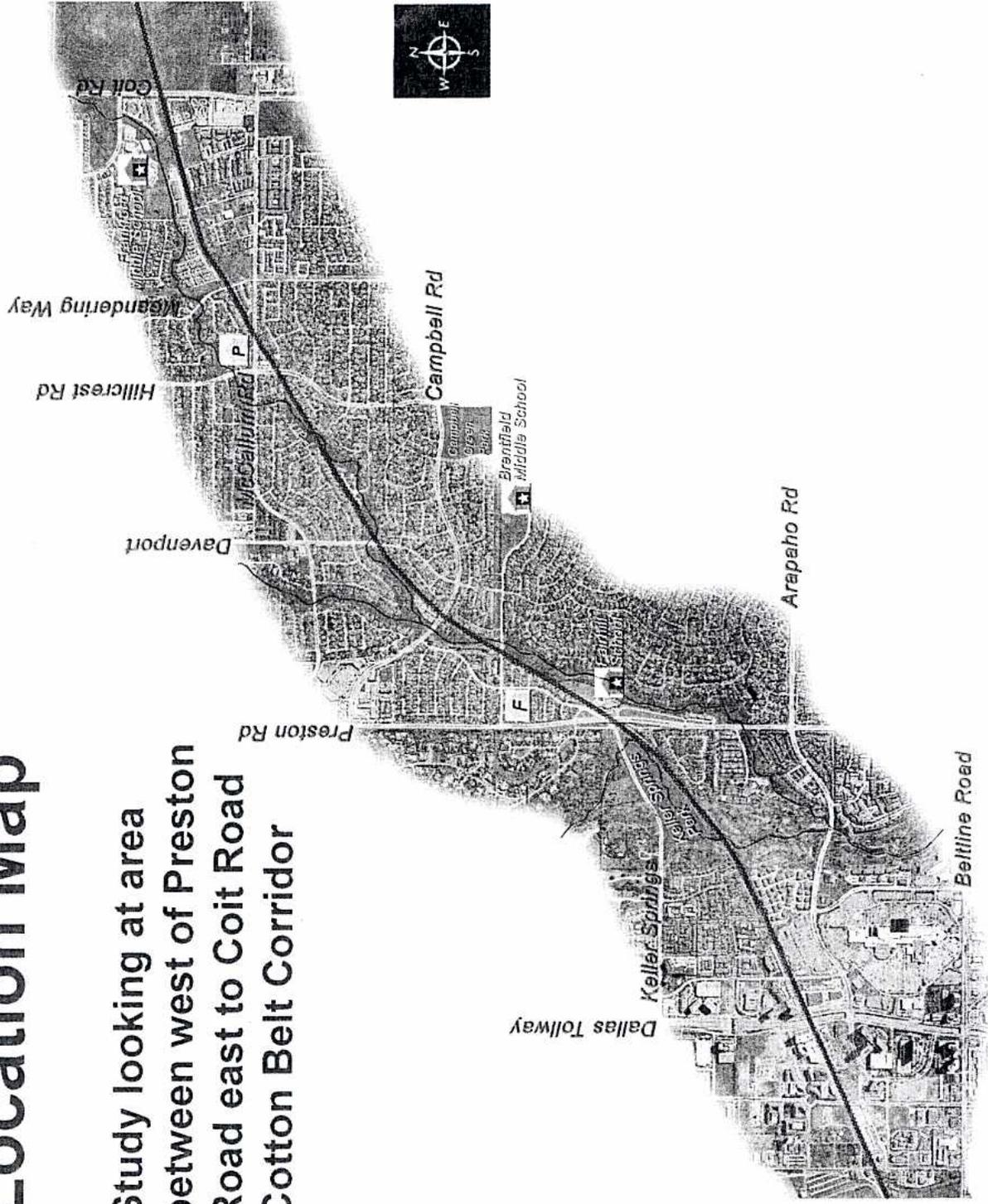
Purpose Statement

To develop a “win-win” solution that will enhance the affected Dallas residential neighborhoods with safety, sound mitigation, environmental and pedestrian trail access improvements while increasing access and ridership for the DART rail system.

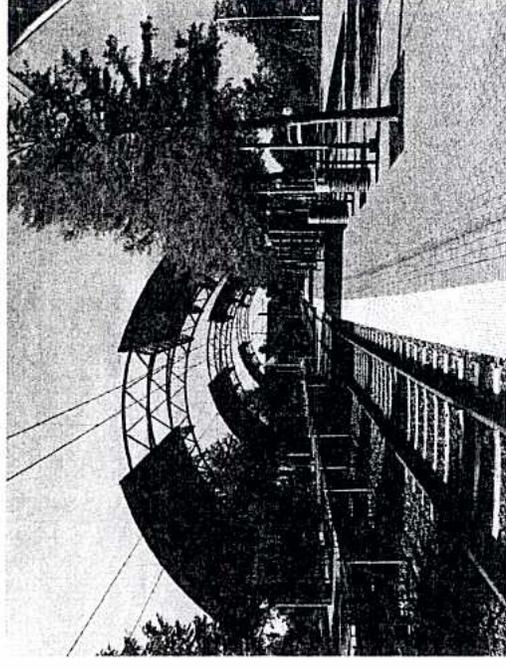
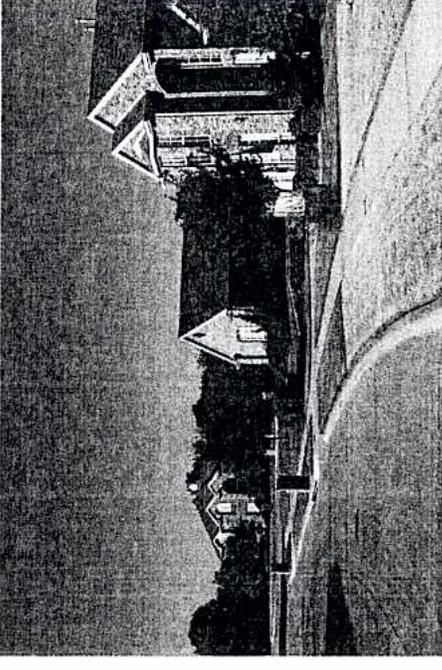
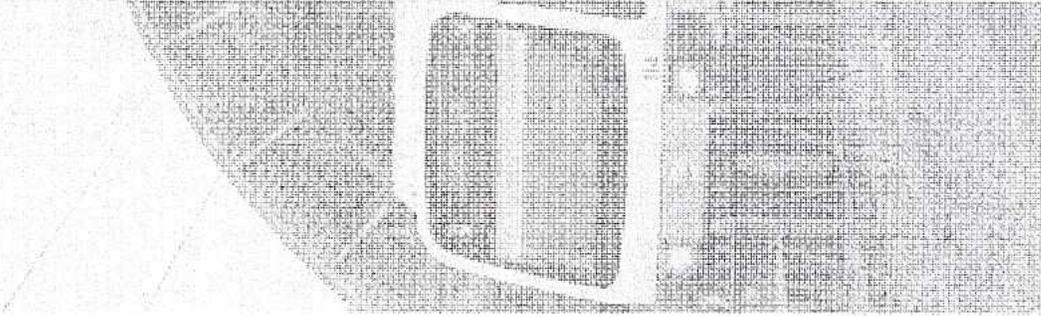


Location Map

- Study looking at area between west of Preston Road east to Coit Road
- Cotton Belt Corridor



Issues and Opportunities



Issues

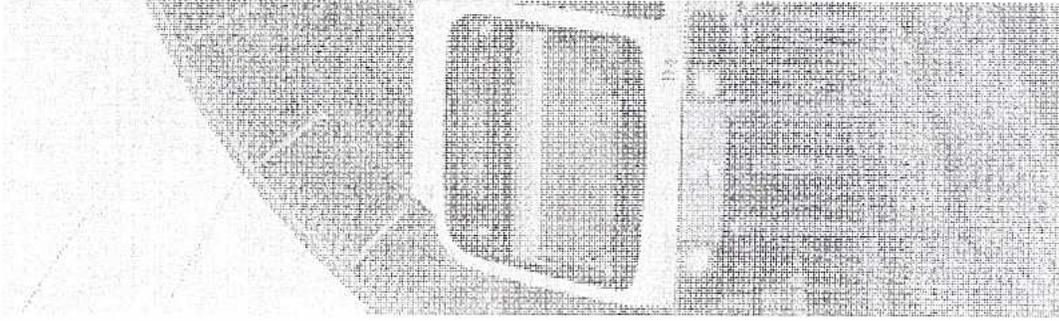
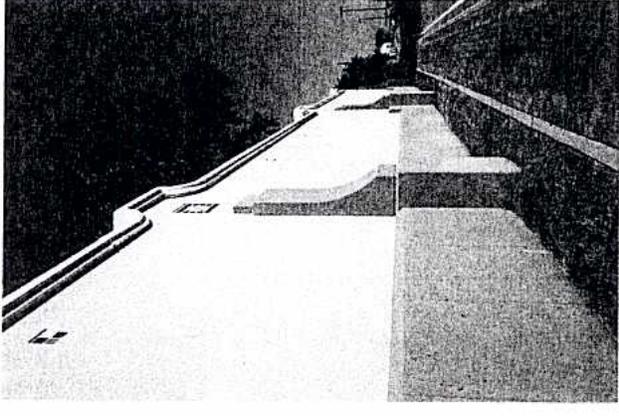
- Heavy Rail (diesel)
- Vehicular / rail conflicts
- Noise
- Vibration
- Environmental concerns
- Hike and bike trail plan stalled
- Lack of stations/access

Opportunities

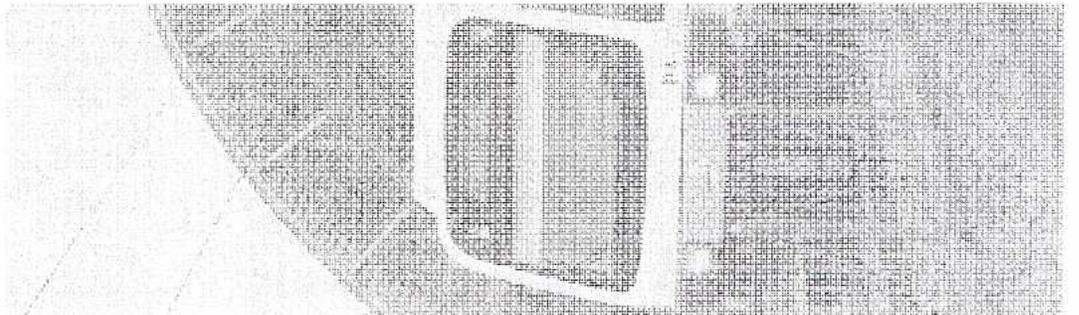
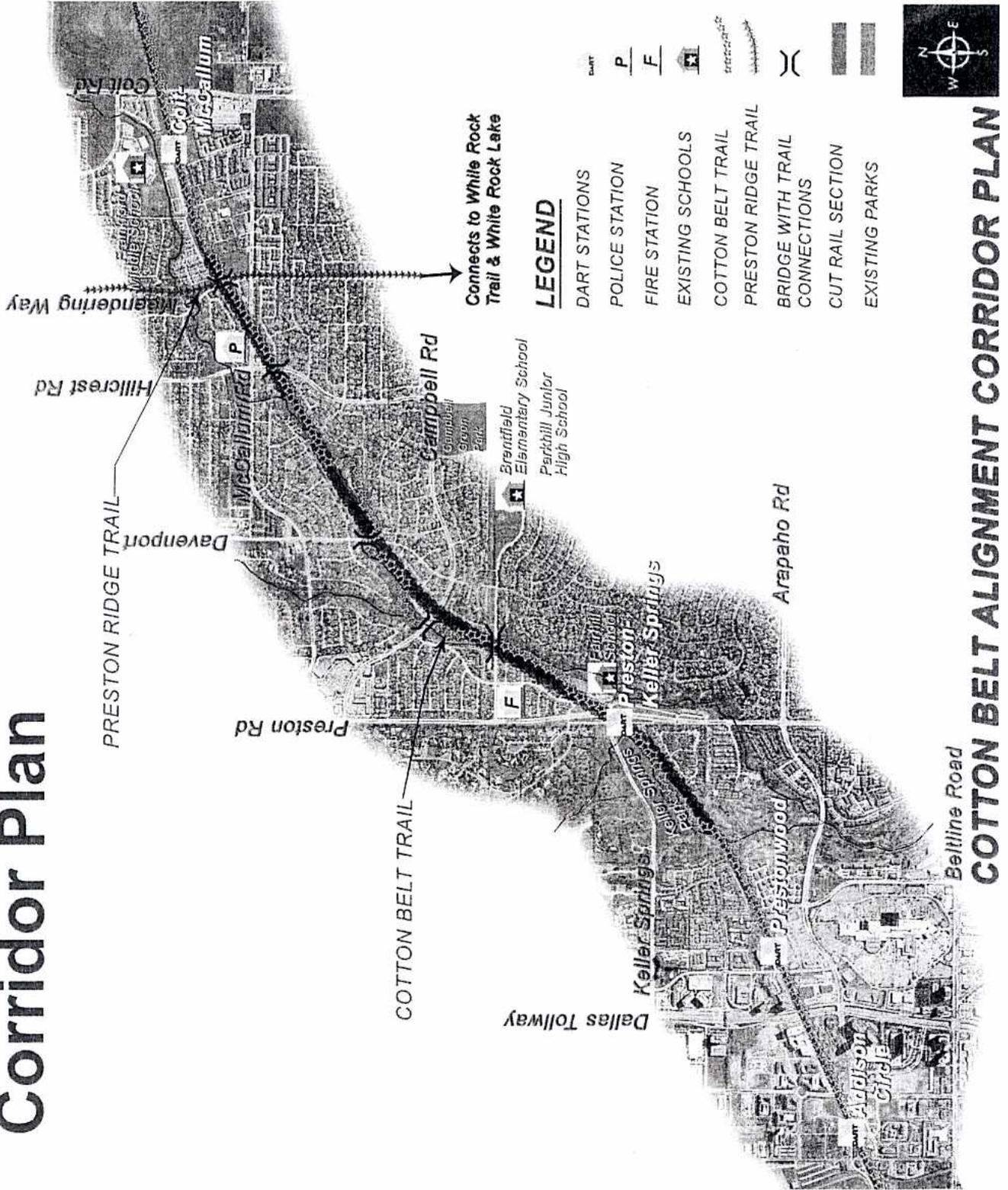
- Increased property values
- Increased mobility
- Cotton Belt Trail schedule to advance
- Connection to other trail systems
- Rail-Trail separation
- Multi-modal solution

Solution Components

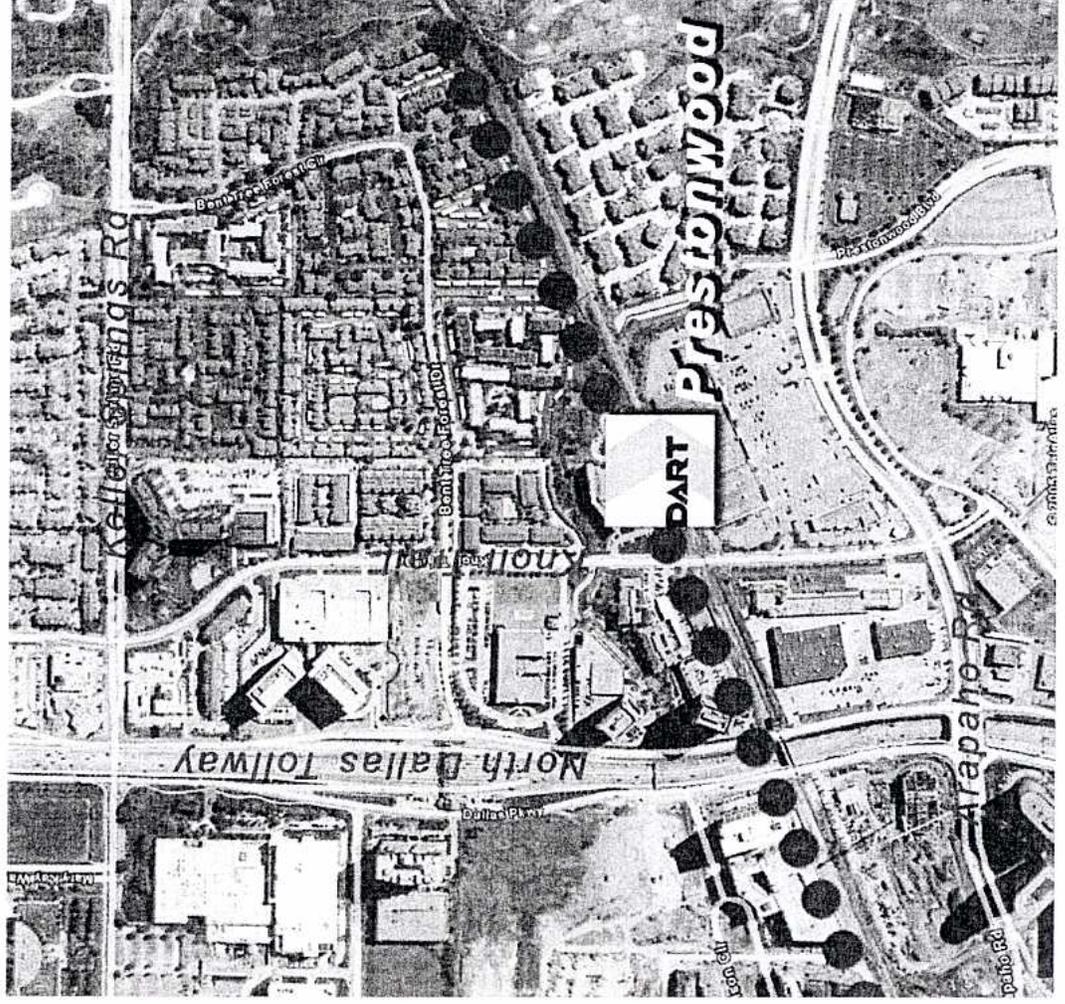
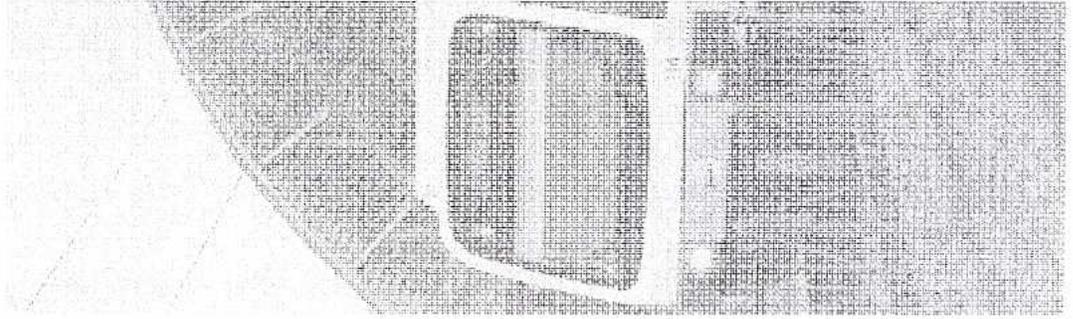
- Light Rail Transit (LRT) System
- Eliminate vehicular & pedestrian conflicts
 - rail tracks in a cut section
 - streets & pedestrians crossover
 - eliminate whistle/horn sound issue at crossings
- Landscape buffer
- Sound walls
- Hike and bike trail (Cotton Belt Trail)
- Relocate existing freight rail
- 3 stations, 2 TOD oriented and 1 neighborhood oriented



Corridor Plan

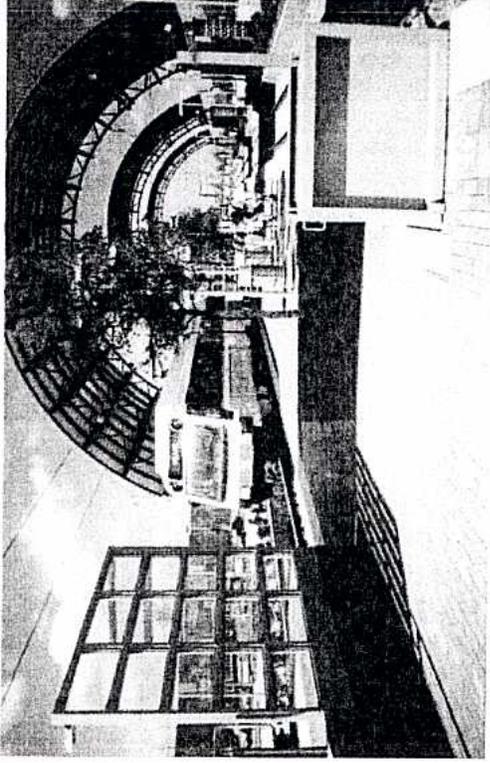


Potential LRT Stations - Prestonwood

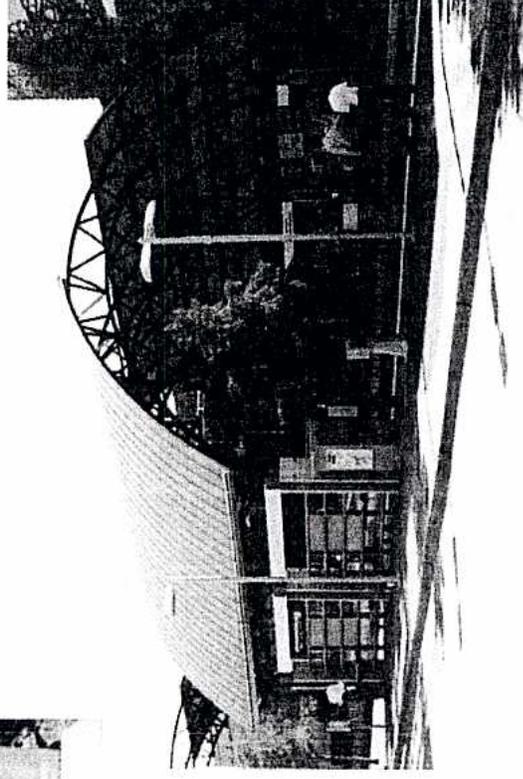
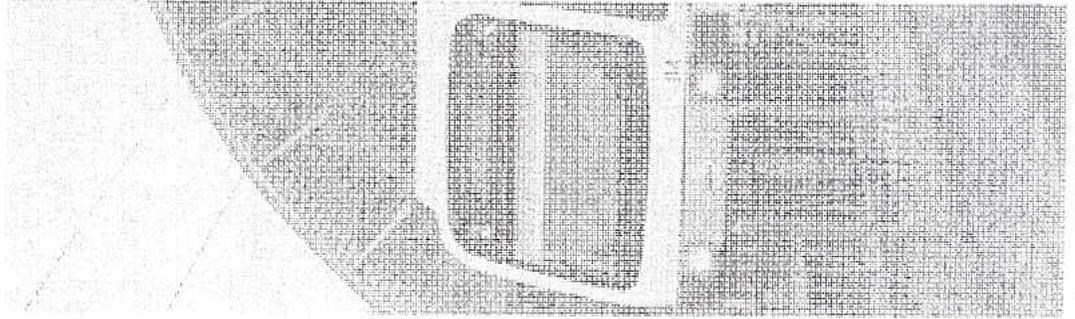


- Station amenities:
- drop off area
 - vehicular parking
 - pedestrian walkways
 - connection to Cotton Belt Trail
 - TOD

Potential LRT Stations - Prestonwood



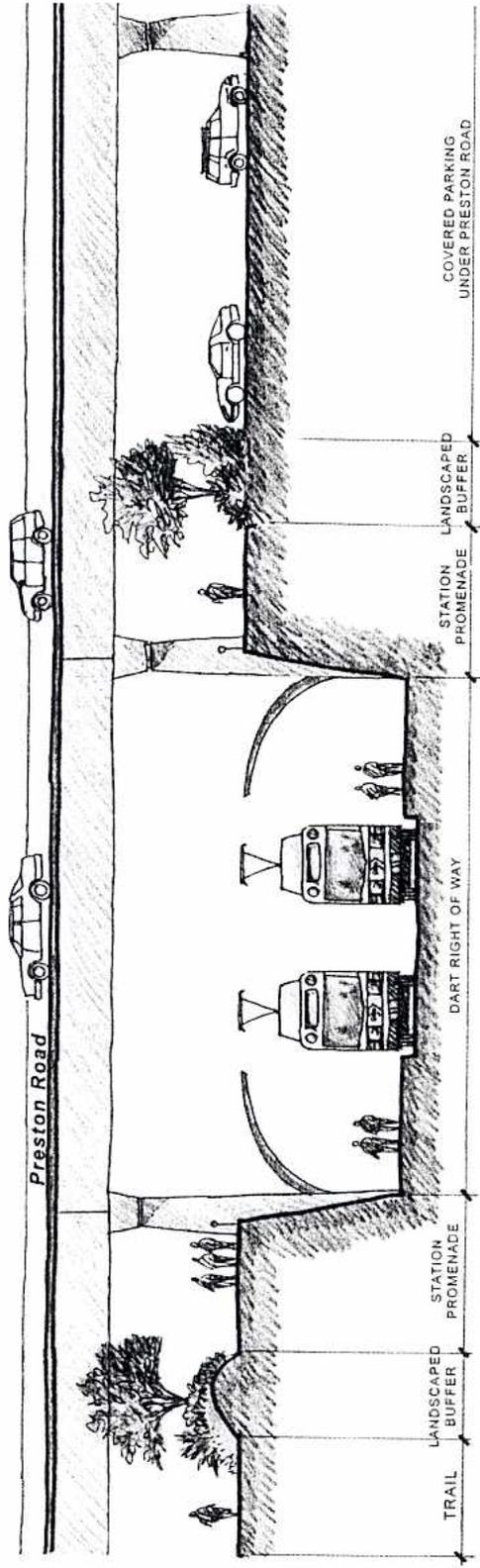
Clarendon Station



The Cedars Station

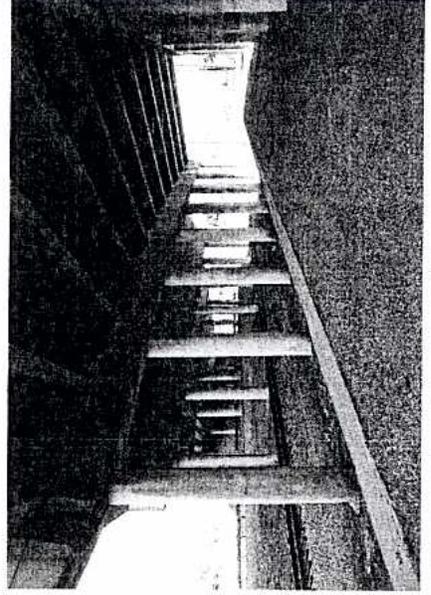
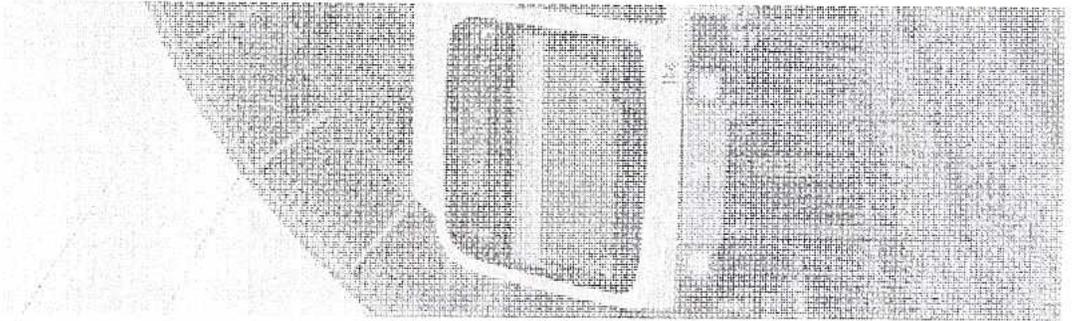
Existing Examples

Potential LRT Stations - Preston Road / KellerSprings

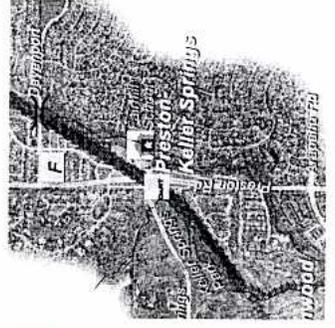


Station amenities:

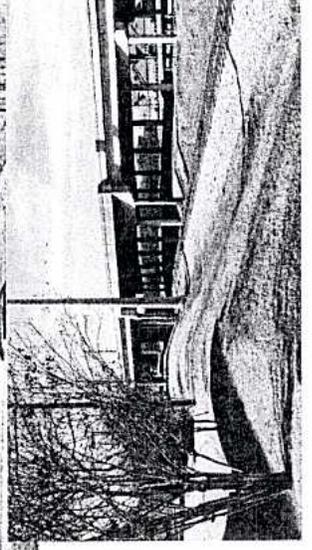
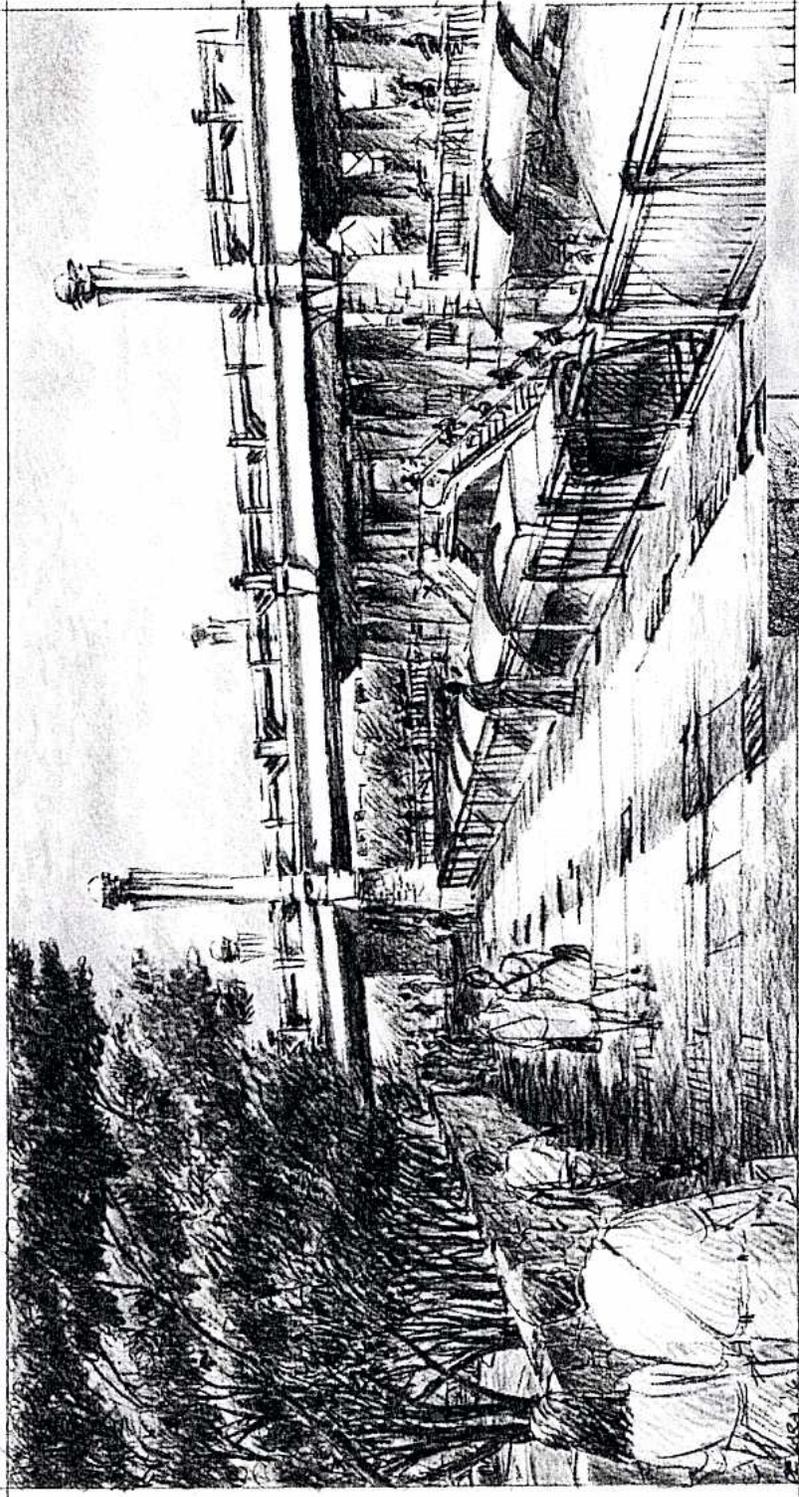
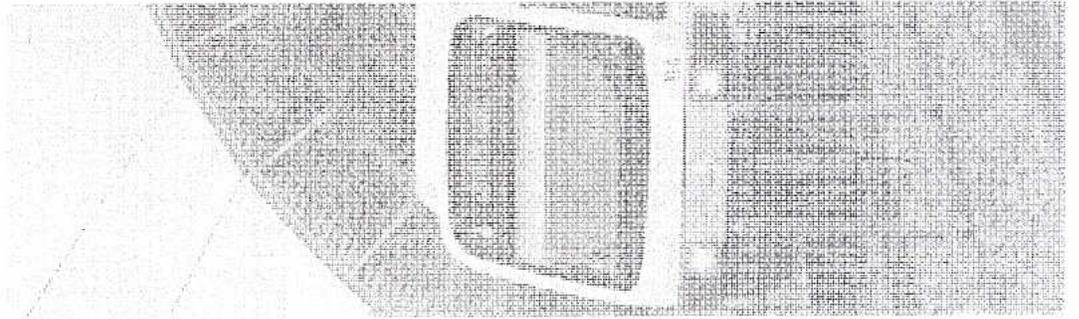
- drop off area
- covered vehicular parking
- pedestrian walkways
- connection to Cotton Belt Trail



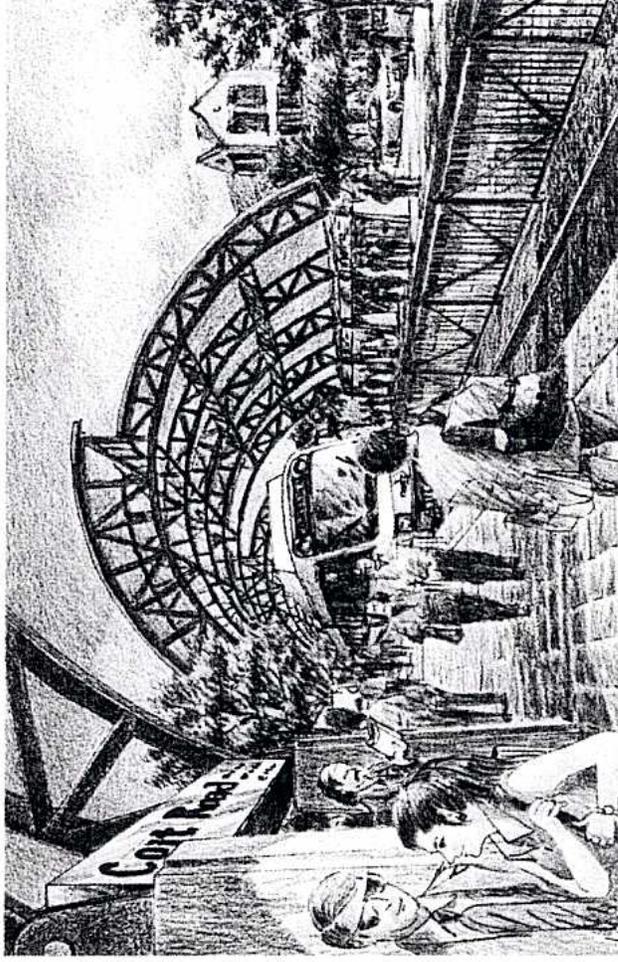
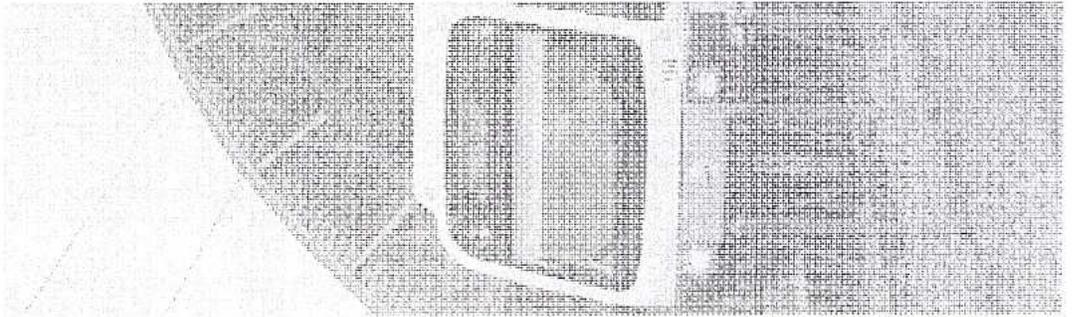
Under Preston Road looking north



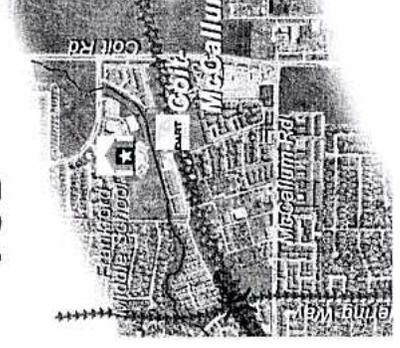
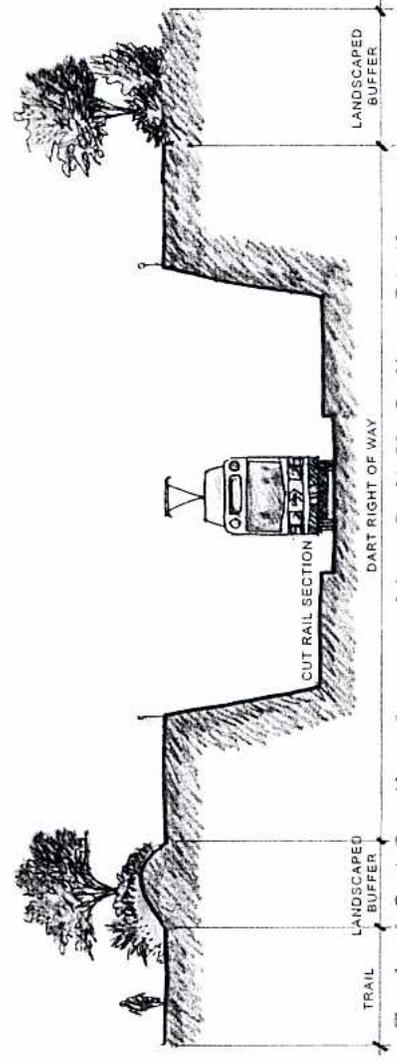
Potential LRT Stations - Preston Road / Keller Springs



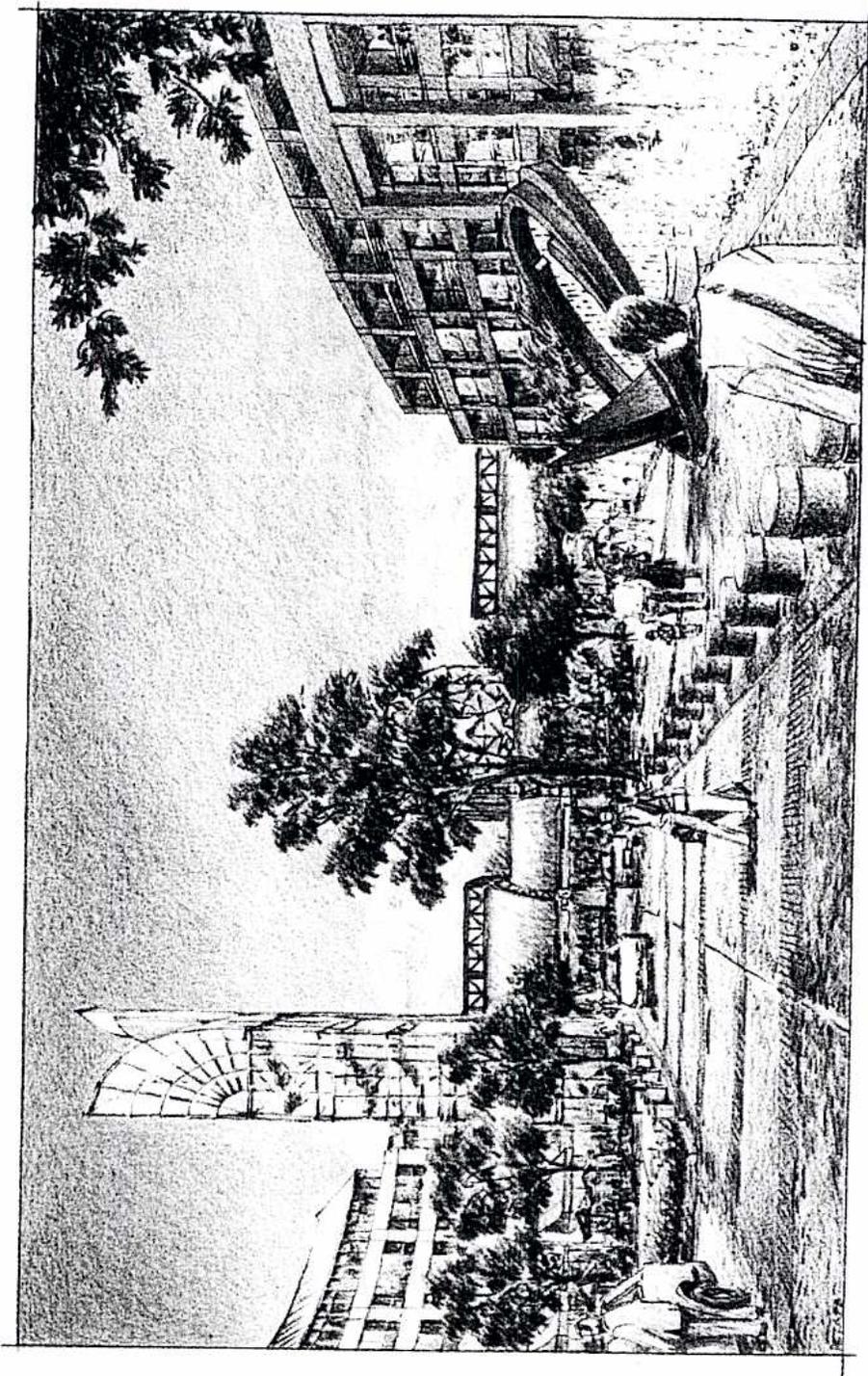
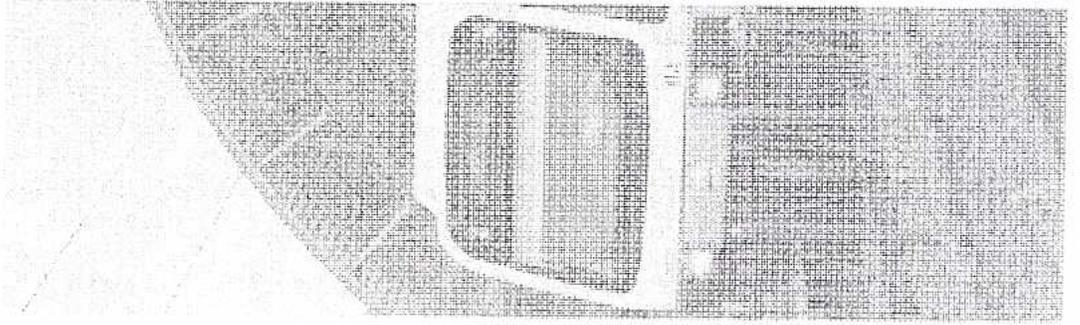
Potential LRT Stations - Coit / McCallum



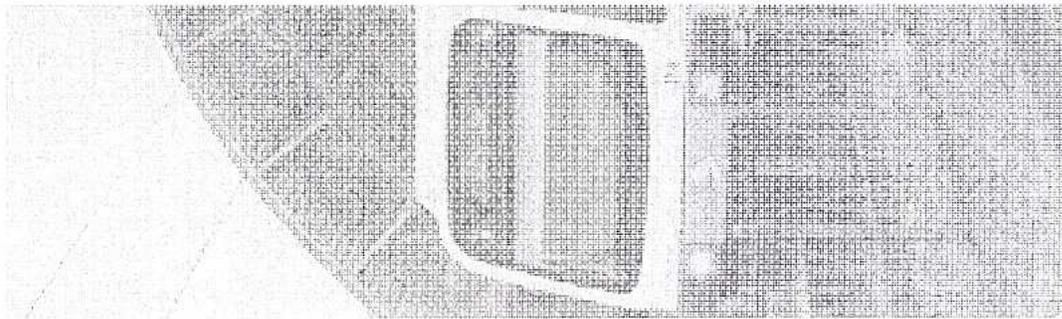
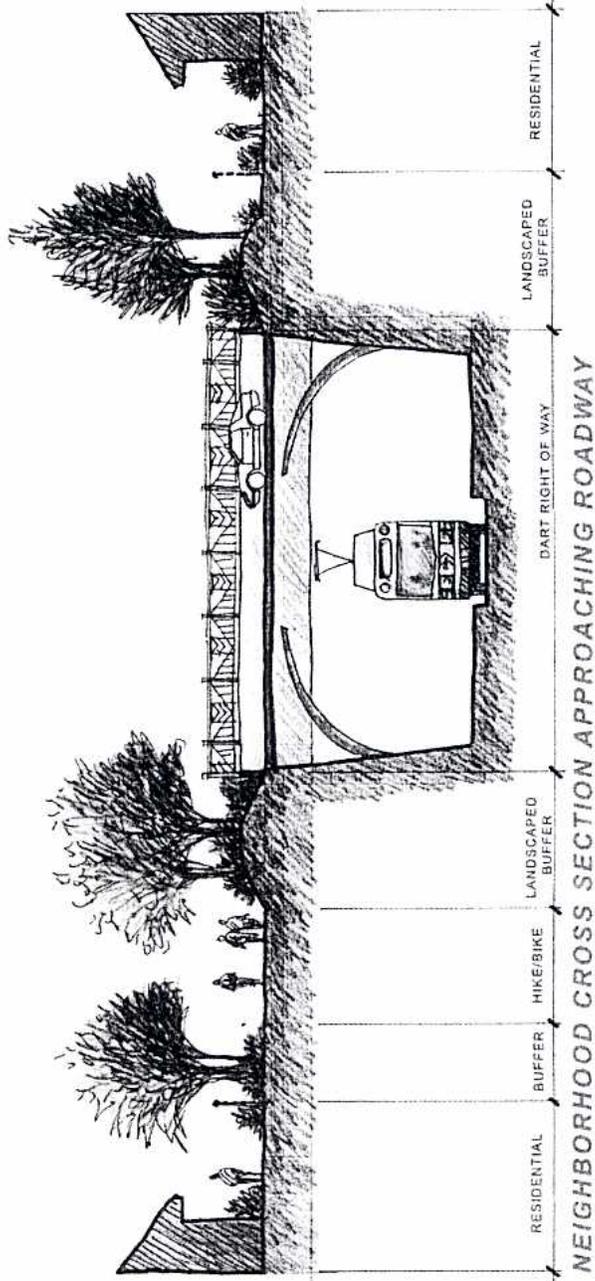
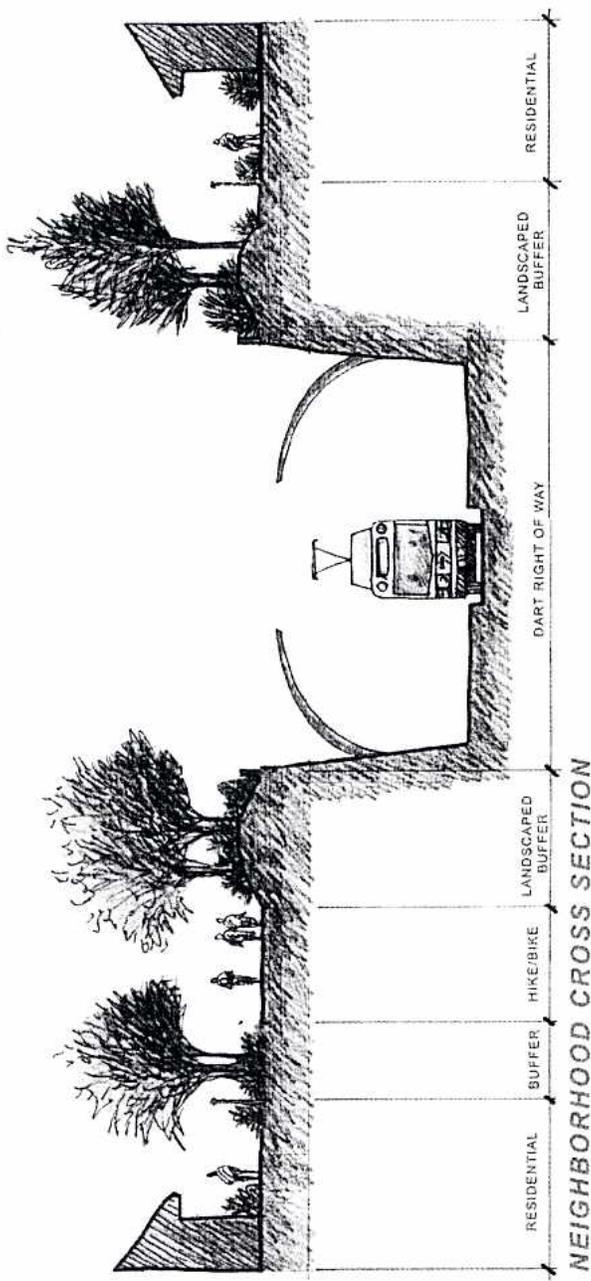
- Station amenities:
- drop off area
 - vehicular parking
 - pedestrian walkways
 - connection to Cotton Belt Trail
 - TOD



Potential LRT Stations - Coit / McCallum

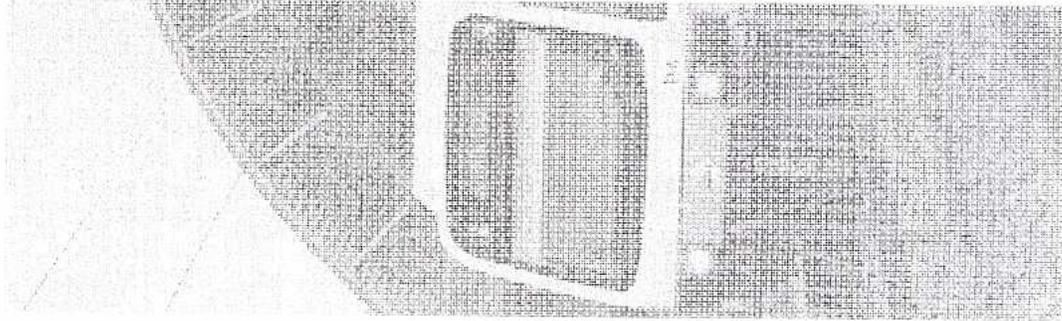


Cotton Belt Cut Rail Sections

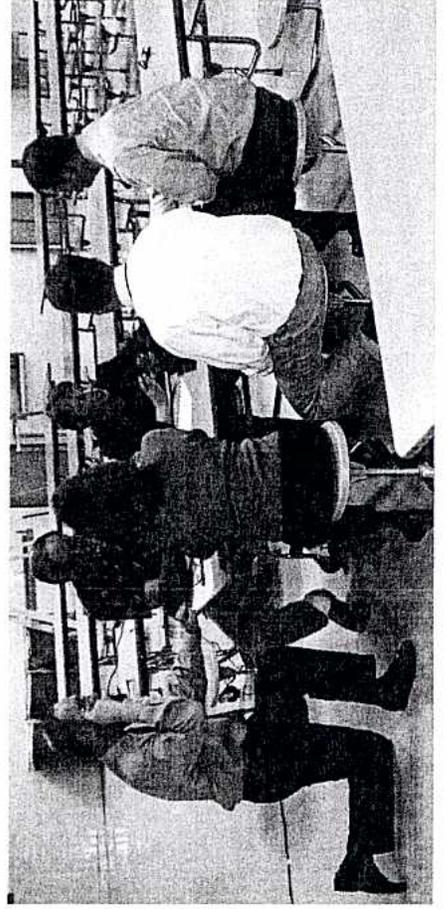
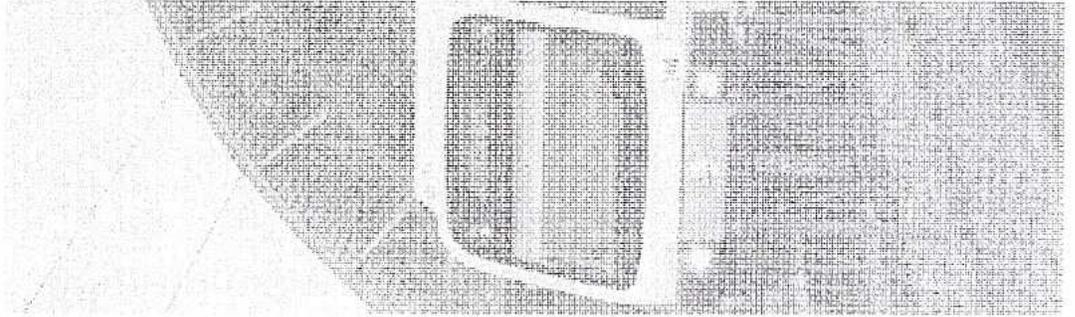


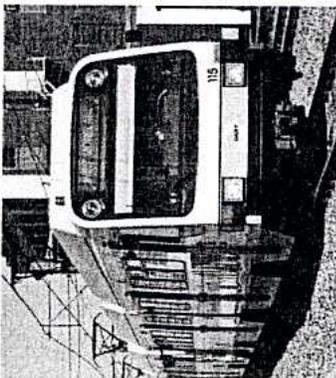
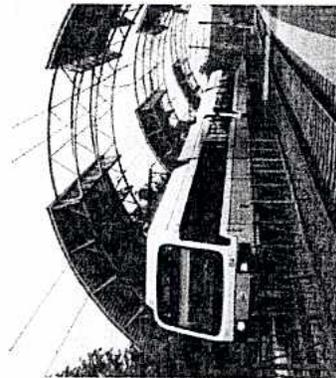
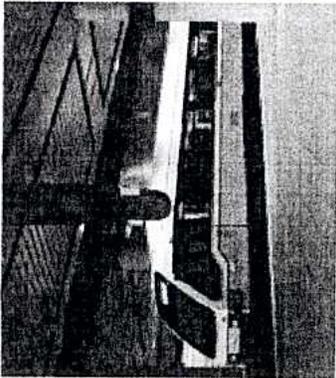
Corridor Benefits

- Increased residential property values
- Improved neighborhood public safety
- Improved access to the DART rail network
- Better access and quicker implementation of the Cotton Belt hike & bike trail with other Dallas trails
- Improved aesthetics for rail corridor
- Improved environmental quality for corridor and region
- Improved economic development opportunities near the proposed Prestonwood and Coit/McCallum stations
- Provides opportunity for TOD
- Win-Win solution for everyone with a stake in the corridor



Comments and Questions

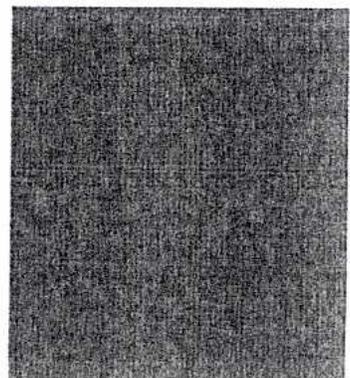




Cotton Belt Alignment – Corridor Plan

Dallas, Texas

Thank you for your input!



OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

February 14, 2006
6:00 p.m. - Council Chambers
5300 Belt Line Road

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

Item WS1 – Presentation and discussion of the proposed Belt Line Road Corridor Revitalization and Strategic Recommendations.

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Sandra Scarborough (Human Resources).

Item #R2 - Consent Agenda.

Item #2f was considered separately.

#2a – Approval of the Minutes for the January 24, 2006 Council Meeting.
(Approved as written)

#2b – Consideration and approval of an ordinance calling for a general election to be held on May 13, 2006, for the purpose of electing three Councilmembers.
(Approved Ordinance No. 006-003)

#2c – Consideration and approval of a resolution certifying that the ADA iVotronic v.8.0.1.0 provided by Election Systems and Software is an accessible voting system that may legally be used in Texas elections.
(Approved Resolution No. R06-004)

#2d – Consideration of a resolution authorizing the City Manager to enter into a joint election agreement in the approximate amount of \$4,500.00 with Dallas County to conduct Addison's Elections on May 13, 2006.
(Approved Resolution No. R06-005)

#2e – Consideration and approval of a resolution to award an annual contract to Tru Green Landcare for planting seasonal color totaling \$59,091.50. (Approved Resolution No. R06-006)

#2g – Consideration and approval of a resolution authorizing an increase to the current contract with Nortex Lift and Stabilization, Inc., by an amount up to, but not to exceed \$5,610.55, to a total of \$228,052.74, for additional raising and

undersealing concrete pavement on Midway Road. (Approved Resolution No. R06-007)

#2h – Consideration and approval of a resolution authorizing the City Manager to amend an existing advertising agreement with Krause Advertising to adjust the monthly retainer for providing marketing consultation, creative ad production services, administrative and account oversight for the Town marketing and special events initiatives. (Approved Resolution No. R06-008)

#2i – Consideration and approval of a resolution authorizing the City Manager to enter into an advertising contract with the Dallas Morning News to purchase 26 insertions in the Friday Guide. (Approved Resolution No. R06-009)

#2j – Consideration and approval of a resolution authorizing the City Manager to enter into an agreement with the Dallas County Health Department that would allow the Town of Addison to participate in the cost of providing selected public health services at reduced prices to Addison residents. (Approved Resolution No. R06-010)

Councilmember Mallory moved to duly approve the above listed items.
Councilmember Braun seconded. Motion carried.

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

#2f – Consideration and approval of an ordinance amending Section 78-165 of the Code of Ordinances of the Town, which section designates certain no parking and permitted parking areas, by removing the 14000 Block of Celestial Place from the table allowing the stopping, standing or parking vehicles, so that no stopping, standing or parking of vehicles shall be allowed within the 14000 Block of Celestial Place; providing a savings clause; providing a severability clause; providing an effective date.

Councilmember Niemann moved to duly approve Ordinance No. 006-004 amending Section 78-165 of the Code of Ordinances of the Town, which section designates certain no parking and permitted parking areas, by removing the 14000 Block of Celestial Place from the table allowing the stopping, standing or parking vehicles, so that no stopping, standing or parking of vehicles shall be allowed within the 14000 Block of Celestial Place; providing a savings clause; providing a severability clause; providing an effective date. Councilmember Braun seconded. Motion carried.

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

Item #R3 – Approval of a final plat for three lots on 2.006 acres, located at 14918 Lake Forest Drive, on application from Mr. Joseph P. Lane, represented by Macatee Engineering.

Councilmember Mallory moved to duly approve a final plat for three lots on 2.006 acres, located at 14918 Lake Forest Drive, on application from Mr. Joseph P. Lane, represented by Macatee Engineering, subject to the following conditions:

- Show a 10 ft. utility easement, with centerline being the common line between Lots 1 & 2.
- In lieu of showing top of slope of the existing creek along Lot 1, show limits of the 100 year flood plain and submit a drainage model identifying how the 100 year flood plain was established.
- Approval of proposed final plat should be subject to approval of civil drawings by the Town of Addison.
- A drainage easement should be dedicated along the length of the creek.
- The plat needs to provide a Certificate of Approval showing the date of approval by the Addison City Council, and signature lines for the Mayor and City Secretary.

Councilmember Braun seconded. Motion carried.

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

Item #R4 – Approval of a final plat for one lot of 4.212 acres, zoned Industrial-1, and located at the southeast corner of the intersection of Landmark Boulevard and Landmark Place, on application from Richard Busby of Raymond L. Goodson, Jr., Inc.

Councilmember Braun moved to duly approve a final plat for one lot of 4.212 acres, zoned Industrial-1, and located at the southeast corner of the intersection of Landmark Boulevard and Landmark Place, on application from Richard Busby of Raymond L. Goodson, Jr., Inc., subject to the following conditions:

- The property boundary is not drawn to scale, in accordance with bearings and distances in Owner's Certificate.
- Paragraph 7 of Owner's Certificate calls out for a bearing of South 01 degrees 39'54" West. The bearing should be South 01 degrees 39'54" East.

- Paragraph 7 of Owner's Certificate references Block 3, and should reference Lot 1, Block 3.
- Paragraph 8 of Owner's Certificate references Block 3, and should reference Lot 1, Block 3.
- Paragraph 8 of Owner's Certificate calls out a bearing of South 89 degrees 31'54" West. This is incorrect and should be changed to South 89 degrees 19'01" West.
- Paragraph 9 of Owner's Certificate references Block 3, and should reference Lot 1, Block 3.
- Paragraph 10 of Owner's Certificate references Block 3, and should reference Lot 1, Block 3.
- Existing right-of-way of Landmark Blvd, located south of the site, should be referenced as being in the City of Farmers Branch.
- The plat needs to provide a Certificate of Approval showing the date of approval by the Addison City Council, and signature lines for the Mayor and City Secretary.

Councilmember Niemann seconded. Motion carried.

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

Item #R5 – Approval of a final plat for one lot on 2.050 acres, located at 15175 Quorum Drive, on application from Mr. Moshen Heidari, represented by Pate Engineers.

Councilmember Mallory moved to duly approve a final plat for one lot on 2.050 acres, located at 15175 Quorum Drive, on application from Mr. Moshen Heidari, represented by Pate Engineers, subject to the following conditions:

- Quorum Drive is a minor arterial with a projected right-of-way width of 84 ft. The proposed addition to the existing property has an adjacent right-of-way width of 80 ft. Dedication of 2 ft. along this portion of Lot 3 should be included on final plat.
- The proposed 25 ft. building set-back line is not shown correctly along the entire eastern line of the property and should be adjusted.
- Expansion of the current structure to the north will require abandonment and relocation of existing 10 ft. utility easement. Existing facilities in this easement must be relocated accordingly.
- Certificate of approval should include a space for date of approval.

Councilmember Niemann seconded. Motion carried.

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

Item #R6 – Consideration and approval of an ordinance granting meritorious exception to Sec. 62-163, Area, for Capital One located at 14651 Dallas Parkway.

Councilmember Kraft moved to duly pass Ordinance No. 006-005 granting meritorious exception to Sec. 62-163, Area, for Capital One located at 14651 Dallas Parkway. Councilmember Mallory seconded. Motion carried.

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

Item #R7 – Consideration and approval of an ordinance granting meritorious exception to Sec. 62-185, Specifications, for Portfolio Addison Town Center Retail located at 3700 and 3800 Belt Line Road.

This item was withdrawn by Staff.

Councilmember Niemann recused himself and left the Council Chambers.

Item #R9 – Consideration and approval of a resolution approving a Commercial License agreement between the Town of Addison and TXU Electric Delivery Company to permit the Town to construct a dog park within the electric transmission easement area east of the Easement Park trail.

Councilmember Braun moved to duly pass Resolution No. R06-011 approving a Commercial License agreement between the Town of Addison and TXU Electric Delivery Company to permit the Town to construct a dog park within the electric transmission easement area east of the Easement Park trail. Councilmember Mallory seconded. Motion carried.

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

Councilmember Niemann returned to the Council Chambers.

Item #R8 – Discussion and authorization to release the 2005 Comprehensive Annual Financial Report (CAFR).

Councilmember Niemann moved to duly authorize the release of the 2005 Comprehensive Annual Financial Report (CAFR). Councilmember Mallory seconded. Motion carried.

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

Item #R10 – Presentation of Department of Homeland Security Urban Area Security Initiative (UASI) Grant for 2006 which would allow the Town to install a security surveillance camera/video monitoring system at the Addison Airport.

No action taken.

Item #R11 – Consideration and approval of a resolution authorizing the City Manager to enter into an agreement with Brookhaven College and Collin County Community College to provide students within the emergency medical programs an opportunity to observe firsthand pre-hospital emergency medical care techniques.

Councilmember Niemann moved to duly pass Resolution No. R06-012 authorizing the City Manager to enter into an agreement with Brookhaven College and Collin County Community College to provide students within the emergency medical programs an opportunity to observe firsthand pre-hospital emergency medical care techniques. Councilmember Kraft seconded. Motion carried.

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

Item #R12 – Consideration and approval of a resolution amending the Town's contract with ICMA-Retirement Corporation to allow employees participating in the deferred compensation plan to take loans from the plan.

Councilmember Kraft moved to duly pass Resolution No. R06-013 amending the Town's contract with ICMA-Retirement Corporation to allow employees participating in the deferred compensation plan to take loans from the plan, subject to corrections. Councilmember Braun seconded. Motion carried.

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

Item #R13 – Consideration and approval of a resolution to award bid to Wall Enterprises in the amount of \$88,850.00 for the purchase and installation of

black vinyl coated chain link, barbed wire security fence in three different areas on the Addison Airport Property.

Councilmember Niemann moved to duly pass Resolution No. R06-014 to award bid to Wall Enterprises in the amount of \$88,850.00 for the purchase and installation of black vinyl coated chain link, barbed wire security fence in three different areas on the Addison Airport Property. Councilmember Mallory seconded. Motion carried.

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

Item #R14 – Consideration and approval of a resolution authorizing the City Manager to accept and enter into a RAMP (Routine Airport Maintenance Program) Grant Agreement between the Texas Department of Transportation and the Town of Addison, to make airport improvements at Addison Airport.

Councilmember Niemann moved to duly pass Resolution No. R06-015 authorizing the City Manager to accept and enter into a RAMP (Routine Airport Maintenance Program) Grant Agreement between the Texas Department of Transportation and the Town of Addison, to make airport improvements at Addison Airport. Councilmember Mallory seconded. Motion carried.

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

Item #R15 – Consideration and approval of a resolution authorizing final payment to Texas Standard Construction Limited, in the amount of \$60,000 for emergency repairs to Taxiway Victor at Addison Airport.

Councilmember Mallory moved to duly pass Resolution No. R06-016 authorizing final payment to Texas Standard Construction Limited, in the amount of \$60,000 for emergency repairs to Taxiway Victor at Addison Airport. Councilmember Niemann seconded. Motion carried.

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

Item #R16 – Presentation of 1st Quarter Report for FY 2005/06

- Information Technology

No action taken.

Item #R17 – Discussion and presentation of the Federal Emergency Management Agency's (FEMA) reimbursement to the Town of Addison for expenses incurred in connection with the Hurricane Katrina and Rita disasters.

No action taken.

Item #R18 – Consideration and approval of a resolution authorizing the City Manager to enter into a contract with Kasner and Associates to perform sales and mixed beverage tax auditing services.

Councilmember Niemann moved to duly pass Resolution No. R06-017 authorizing the City Manager to enter into a contract with Kasner and Associates to perform sales and mixed beverage tax auditing services, subject to approval by the city attorney. Councilmember Kraft seconded. Motion carried.

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

EXECUTIVE SESSION. At 9:21 p.m., Mayor Chow announced that the Council would convene into Executive Session to discuss the following items:

Item #ES1 – Closed (executive) session of the City Council pursuant to Section 551.074, Texas Government Code, to deliberate a performance evaluation of the City Manager.

The Council came out of Executive Session at 10:07 p.m.

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

Mayor

Attest:

City Secretary

Council Agenda Item: #2b**SUMMARY:**

This item is to consider an award of a bid to Forest Hills Lawn Service, Inc. in an amount not to exceed \$11,900.00 for code enforcement mowing services – annual contract.

FINANCIAL IMPACT:

Budgeted Amount: \$11,900.00

Cost: Not to Exceed \$11,900.00

The estimated cost is based upon prior year's experience.

BACKGROUND:

Environmental Services utilizes an annual contract for mowing services on an as-needed basis to help maintain property standards on property within the Town of Addison. Property maintenance is divided into six categories with the approximate amount of work listed for each category:

- Residential Property Mowing – 5%
- Small Parcel Mowing – 50%
- Acreage Mowing – 5%
- Chemical Grass and Weed Control – 10%
- Weedeating – 25%
- Handwork – 5%

Environmental Services staff notifies the selected contractor when mowing services are needed and the contractor must complete the work within six days of receiving notice. Approximately \$8,000 was spent on miscellaneous property maintenance during Fiscal Year 2005.

The contract term is for April 1, 2006 through March 31, 2007. After the initial one year term, there are options to extend the contract for two one-year terms.

Staff utilized a weighted price evaluation method to ensure that there is an equitable bottom-line comparison of bids. Bidders were asked to specify unit prices, which were then multiplied by the weight factor (percentage of work) to develop a total weighted price. Attached is the weighted price bid tabulation.

133 vendors were notified of this bid and there were 15 planholders. Two bids were received. Because this bid is for an unknown quantity of work, it is difficult to find vendors willing to submit bids. Using the weighted price evaluation method, Forest Hills Lawn Service is the low bidder.

Forest Hills Lawn Services, Inc. is the current contractor for this work and has performed well. Based on the amount of contract mowing in prior years, staff recommends awarding this bid in an amount not to exceed the budgeted amount of \$11,900.00

RECOMMENDATION:

Staff recommends approval of this bid in an amount not to exceed \$11,900.00.

Mowing Services - Annual Contract
 Bid No. 06-11
 Weighted Prices

DUE: February 14, 2006
 2:00 PM

BIDDER	Signed	Residential	Small Parcel	Acreage Mowing	Chemical Grass/Weed Control	Weedeating	Handwork	TOTAL
Forest Hills Lawn Service Inc.	y	\$ 1.75	\$ 9.00	\$ 2.25	\$ 2.40	\$ 4.50	\$ 0.90	\$ 20.80
Priority Landscape Management	y	\$ 1.50	\$ 11.00	\$ 1.40	\$ 2.20	\$ 6.25	\$ 1.10	\$ 23.45

Shanna N. Sims

Shanna N. Sims, Strategic Services Manager

Katie H. Roller

Witness

Council Agenda Item: #2c

SUMMARY: The Town of Addison Fire Department desires to enter into a cooperative purchasing agreement with the City of Farmers Branch Fire Department. Such agreements may allow both jurisdictions to purchase off existing contracts and/or bid for services jointly. In many cases, these joint cooperative purchasing agreements can save both jurisdictions money.

FINANCIAL IMPACT:

Budgeted Amount: \$0.00

Cost: \$0.00

BACKGROUND: Both the Addison and Farmers Branch Fire Departments provide annual physical examinations to their employees. Due to the physical nature of the job and stress during emergency incidents, it is necessary to determine that fire department staff remains in good physical condition. Both Addison and Farmers Branch Fire Departments have bid for these services separately in past years. By jointly bidding these similar services, it is hoped that a reduction in overall costs will be achieved.

Such cooperative purchasing agreements between municipalities are common place.

RECOMMENDATION: The Addison Fire Department recommends the approval of an interlocal agreement for cooperative purchasing between the Town of Addison, Texas and the City of Farmers Branch, Texas subject to final approval by the Town Attorney.

**INTERLOCAL AGREEMENT FOR COOPERATIVE PURCHASING
BETWEEN THE CITY OF FARMERS BRANCH, TEXAS AND
THE TOWN OF ADDISON, TEXAS**

This Interlocal Agreement for Cooperative Purchasing is made and entered into this ____ day of _____, 2006, between the City of Farmers Branch, Texas and the Town of Addison, Texas (hereinafter "Agreement").

WITNESSETH:

WHEREAS, the City of Farmers Branch, Texas (hereinafter called "Farmers Branch") and the Town of Addison, Texas (hereinafter called "Addison") (collectively referred to as "Participants") as permitted under the authority of Section 271.101 – 271.102 of the Texas Local Government Code, wish to enter into this Interlocal Agreement to set forth the terms and conditions upon which Farmers Branch and Addison may purchase various goods and services commonly utilized by both entities;

WHEREAS, the Participants are authorized by the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791, to enter into joint contracts and agreements for the performance of governmental functions and services including administrative functions normally associated with the operation of government such as purchasing of necessary materials and supplies; and

WHEREAS, participation in a Cooperative Purchasing Program will be highly beneficial to the taxpayers of Farmers Branch and Addison through the anticipated savings to be realized.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein, Farmers Branch and Addison agree as follows:

1. Both Participants will work cooperatively to provide a program for the purchase of various goods and services commonly utilized by Participants ("Cooperative Purchasing Program"), and under such Cooperative Purchasing Program may purchase goods and services from vendors under present and future contracts with either entity.
2. The Participants will enter into individual contracts with vendors under the Cooperative Purchasing Program provided for under this Agreement. The Participants shall be individually responsible for payment directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such individual contracts.

3. The term of this Agreement shall be for five (5) years from the date hereof and may be renewed for two (2) additional five (5) year terms. Any renewal of this Interlocal Agreement shall be in writing and signed by each party hereto at least thirty (30) days prior to any termination date.
4. Notwithstanding anything herein to the contrary, participation in the Agreement by Farmers Branch or Addison may be terminated upon thirty (30) days written notice to the other entity.
5. Farmers Branch designates Linda Groomer, City Manager, or his or her designee, to act on its behalf in all matters relating to the Cooperative Purchasing Program and Town of Addison designates _____, or his or her designee, to act on its behalf in all matters relating to the Cooperative Purchasing Program.

6. Miscellaneous Provisions:

- a) Notice. Any notice required to be sent under this Agreement must be in writing and may be served by depositing same in the United States Mail, addressed to the party to be notified, postage pre-paid and registered or certified with return receipt requested, or by delivering the same in person to such party via a hand-delivery service, Federal Express or any courier service that provides a return receipt showing the date of actual delivery of same to the addressee thereof. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee. For purposes of notice, the addresses of the parties shall be as follows:

If to Farmers Branch, to: Linda, Groomer, City Manager
City of Farmers Branch
13000 William Dodson Pkwy.
Farmers Branch, Texas 75234

If to Addison, to:

- b) Entire Agreement. This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the parties hereto.
- c) Venue. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Dallas County, Texas

- d) Consideration. This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.
- e) Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.
- f) Authority to Execute. The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.
- g) Savings/Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- h) Representations. Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.
- i) Miscellaneous Drafting Provisions. This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document.
- j) Sovereign Immunity. The parties agree that no party has waived its sovereign immunity by entering into and performing their respective obligations under this Agreement.
- k) Assignment. This Agreement or any part thereof shall not be assigned or transferred by any party without the prior written consent of the other party.

EXECUTED hereto on the day and year first above written.

City of Farmers Branch, Texas

Town of Addison, Texas

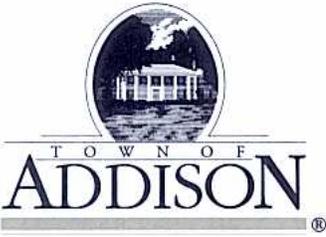
By: _____
Linda Groomer, City Manager

By: _____

Attest:

Attest:

Cindee Peters, City Secretary



BUILDING INSPECTION DEPARTMENT
(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove
Post Office Box 9010 Addison, Texas 75001-9010

To: Carmen Moran, Director Development Services

From: *ABC*
Lynn Chandler, Building Official

Date: February 10, 2003

Subject: 2003 IBC

The following changes were made to the 2003 IBC ordinance:

Sec. 18-1. Fee schedule increased

Sec. 18-31. Changed text to read 2003 codes.

Sec. 18-51.1. Amendment recommended by NCTCOG to allow use the of the International Building Code with approval from the Building Official

Sec. 18-53. Changed text to include all individual dwelling units.

Sec. 18-56. Amendment recommended by NCTCOG to define an atrium as an opening connecting three or more stories.

Sec. 18-57. Amendment recommended by NCTCOG to reflect regional practice.

Sec. 18-58. The requirements of this section dealing with projections was deleted because Sec 18-59. Unity Agreements may be used for that purpose. The section is being reused for an amendment recommended by NCTCOG to correspond with the amendment in Sec. 18-57.

Sec. 18-62., Sec. 18-63., Sec. 18-63.1., Sec. 18-63.2, Sec. 18-63.3, Sec. 18-63.4., and Sec. 18-63.5. were changed to reflect the changes to the fire code.

Sec. 18-65. and Sec. 18-66. were deleted because the 2003 IBC allows winder and spiral stairs in all occupancies as long as they are not part of the required exiting system.

Sec. 18-67. Changed text to reflect new 2003 IBC section number and deleted exception to corridors 75' or under in length, thus requiring them to have smoke detectors.

Sec. 18-68. Doors. And Sec. 18-69. Windows were deleted so the doors and windows located in a rated corridor would have to be rated as required in the 2003 IBC.

Sec. 18-71. Text rewritten to change International Conference of Building Officials (ICBO) to read International Code Council (ICC).

Sec. 18-72. Text rewritten to relocate the requirements of this section to subsection 1403.8 of the 2003 IBC and to change International Conference of Building Officials (ICBO) to read International Code Council (ICC).

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLES I AND II, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article I in its entirety to read as follows:

ARTICLE I. IN GENERAL

Sec. 18-1. Building permit fee schedule.

The building permit fee schedule shall be as follows:

Combined permits:

The term "combined permit" shall mean a single permit, issued for a single fee, authorizing all structural, plumbing, electrical, mechanical and fence work to be performed in the construction of a building or structure.

TABLE 1-A, BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 TO \$500.00	\$25.00
\$501.00 TO \$2,000.00	\$25.00 for the first \$500.00 plus \$3.00 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2,001.00 TO \$25,000.00	\$70.00 for the first \$2,000.00 plus \$15.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00.

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

\$25,001.00 to \$50,000.00	\$415.00 for the first \$25,000.00 plus \$10.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$665.00 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$1015.00 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3415.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5915. for the first \$1,000,000.00 plus \$4.00 for each additional \$1,00.00 or fraction thereof.

Other Inspections and Fees:

- | | |
|---|---------------------------------|
| 1. Inspections outside of normal business hours
(Minimum charge - two hours) | \$50.00 per hour ^① |
| 2. Reinspection fees | \$50.00 per hour ^① |
| 3. Inspections for which no fee is specifically
Indicated (minimum charge - one-half hour) | \$50.00 per hour ^① |
| 4. Additional plan review required by changes,
Additions or revisions to plans
(Minimum charge - one-half hour) | \$50.00 per hour ^① |
| 5. <u>For use of outside consultants for plan checking</u> | <u>Actual costs^②</u> |

^①Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

^②Actual costs include administrative and overhead costs.

Sec. 18-2. Subcontractor's and miscellaneous permit fee schedule.

The subcontractor's and miscellaneous permit fee schedule shall be as follows:

Subcontractor work:

"Subcontractor's work" shall mean the various types of work listed below which are not done as part of the work allowed under a combined permit.

Type of Work

Fee

Electrical work	Table 1-A
Plumbing work	Table 1-A
Mechanical work	Table 1-A
Irrigation sprinkler system	Table 1-A
Demolition	\$100.00
Zoning Verification Letter	\$30.00
Zoning Fee-Less than one acre	\$150.00
Zoning Fee-One acre, but less than 5 acres	\$300.00
Zoning Fee Five acres or more	\$500.00
Special Use Permit Fee	\$425.00
Variance Fee	\$50.00

Note: If ordered by the city to demolish a building, there is no fee charged.

Moving all buildings \$100.00

Sec. 18-3. Additional fee.

If any construction or other work pursuant to this chapter is attempted prior to any authority, permission or approval of the city to do so, and an application for a building permit is then sought, there shall be paid by the applicant for such building permit a fee equal to twice the amount of the applicable fee as set out hereinabove at section 18-1 and section 18-2. Payment of the additional fee does not excuse full compliance with provisions of this chapter.

Sec. 18-4. Licensing required.

(a) No person shall engage in the business of construction, or make any repairs, alterations or changes to an existing building unless that person is licensed as a building contractor by the town. However, no license is required for work that is not required to be permitted.

(b) There will be a fee of fifty dollars (\$50.00) for a building contractor's license.

(c) The building contractor's license shall be valid for one (1) year from the date of registration.

(d) The building contractor shall be subjected to the requirements and penalties of the Code of Ordinances of the Town of Addison.

Exception: Home owners are not required to be licensed as building contractors to perform work in their own home.

Sec. 18-5. Industry standards to be followed in excavations; indemnity.

In addition to all other building, plumbing, mechanical, electrical, dangerous building and fence code provisions, the applicant's or permittee's plans for all trenches whose depth will equal or will exceed five (5) feet shall include detailed plans and specifications showing a trench safety system which meets Occupational Safety and Health Administration (OSHA) standards. The applicant or permittee and a registered professional engineer or architect shall certify that the trench safety system set forth on the submitted plan meets and complies with all OSHA standards.

The applicant or permittee and the architect or engineer shall indemnify and hold the Town of Addison harmless from any damages or injuries resulting from a failure of the plan or its implementation to meet OSHA standards.

SECTION 2. That the Code of Ordinances of the Town of Addison be amended by rewriting chapter 18, Article II in its entirety to read as follows:

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 18-31. Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein, the International Building Code, 2003 Edition, the and the International Energy Conservation Code, 2003 Edition, (copies of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), are hereby adopted as the building code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto to provided in this article. Also, adopted are

Appendices E, F, G, I and J of the 2003 Edition of the International Building Code.

Sec. 18-51. Deletions, amendments and additions generally.

The International Building Code as adopted in this article, is hereby modified by the deletions, amendments and additions provided herein.

Sec. 18-51.1 Existing Buildings.

The International Building Code is amended by changing Section 101.2, exception 2 to read as follows:

2. Existing buildings undergoing repair, alterations or additions and change of occupancy shall be permitted to comply with the International Existing Building Code with prior approval of the Building Official. Otherwise see chapter 34.

Sec. 18-52. Exempted work.

The International Building Code is amended by deleting items 1, 2, and 9 from subsection 105.2.

Sec. 18-53. Certificate of Occupancy.

The International Building Code is amended by changing section 110 to read as follows:

110.1 Use or Occupancy. No building, structure or land may be occupied or used until a certificate of occupancy has been issued by the building official as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction. Individual dwelling units are exempt from the requirements of this section.

110.2 Change in Use. A certificate of occupancy shall be obtained for a building, structure, or land where there is a change in uses as found in the zoning ordinance of the Town of Addison, where there is a change in occupancy classification as found in the International Building Code, or where there is a change in owner, tenants or occupants of the

building, individual lease space, individual suite, structure, or land.

110.3 Certificate Issued. After all necessary inspections are conducted by the building inspection division and the fire department, and when it is determined that the building, individual lease space, individual suite, structure, or land complies with all applicable provisions of the ordinances of the Town of Addison, the building official shall issue a certificate of occupancy which may contain the following:

1. The address of the building, structure or land.
2. The name of the tenant or occupant who is occupying or using the building, individual lease space, individual suite, structure or land.
3. A statement concerning the approved use of the building, structure or land.
4. The maximum allowed occupancy load for assembly uses.
5. Other information deemed necessary by the building official.

110.4 Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

110.5 Revocation. The building official may revoke a certificate of occupancy when it is determined that it was issued in error or on the basis of incorrect information, or in the event of an unapproved additional use or occupancy or unapproved change in use or occupancy of the building, individual lease space, individual suite, structure, or land.

110.6 Temporary Certificate. If the building official finds that no substantial hazard will result from the occupancy of any building or portion thereof before the same is completed, he may issue a temporary certificate for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

110.7Fee. The fee for each certificate of occupancy will be in the following amounts:

Number of Square Feet In a Building	Certificate of Occupancy Fee
0-5000 square feet	\$50.00
5001-25,000 square feet	\$100.00
25001-50,000 square feet	\$150.00
50001-75,000 square feet	\$200.00
75001-100,000 square feet	\$250.00
100,001-125,000 square feet	\$300.00
125,001-150,000 square feet	\$350.00
150,001-175,000 square feet	\$400.00
175,001-200,000 square feet	\$450.00
200,001-225,000 square feet	\$500.00
225,001-250,000 square feet	\$550.00
250,001-275,000 square feet	\$600.00
275,001-300,000 square feet	\$650.00
300,001-325,000 square feet	\$700.00
325,001-350,000 square feet	\$750.00
350,001-375,000 square feet	\$800.00
375,001-400,000 square feet	\$850.00
400,001-425,000 square feet	\$900.00
425,001-450,000 square feet	\$950.00
450,001-475,000 square feet	\$1000.00
475,001-500,000 square feet	\$1050.00
Over 500,000 square feet	\$1100.00

Sec. 18-54. Board of Appeals.

The International Building Code is amended by deleting subsection 112.3 and changing subsection 112.1 to read as follows:

112.1. General. There is hereby created a board of appeals, consisting of three (3) members and two (2) alternates appointed by the City Council. The building official shall be an ex officio member and shall act as secretary of the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The powers of the board shall be as follows:

- (1) To hear appeals from decisions of the building official.
- (2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgement, the material or method of construction is at least equivalent to that prescribed and
- (3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the Town to perform construction work and shall have the power after hearing, to revoke or suspend said license for the following reasons:
 - (a) Chronic violation of code;
 - (b) Misrepresentation of material facts in obtaining said license or renewal thereof;
 - (c) Chronic failure to secure permits, inspections, or approvals as required by the code; or
 - (d) Use of said license to obtain a permit for another person, firm or corporation.

Sec. 18-55. Violation penalties.

The International Building Code is amended by adding a second paragraph to subsection 113.4 to read as follows:

"Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed five hundred dollars (\$500.00), and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense."

Sec. 18-56. Atrium.

The International Building Code is amended by changing the second paragraph of subsection 404.1.1 to read as follows:

ATRIUM. An opening connecting three or more stories other than

enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is enclosed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505.

Sec. 18-57. Separation.

The International Building Code is amended by adding item 4. to subsection 406.1.4 as follows:

4. A separation is not required between a Group R-2 and U carport provided that the carport is open on all sides and that the distance between the two is at least ten feet (3048 mm).

Sec. 18-58. Table 602.

The International Building code is amended by changing footnote b in Table 602 to read as follows:

b. Group R-3 and Group U when used as accessory to Group R-3, as applicable in 101.2 shall not be required to have a fire-resistive rating where fire separation distance is three feet or more. Group R-2 and Group U carport, as applicable in 406.1.4 exception 4 shall not be required to have a fire resistance rating where the fire separation is 10 feet or more.

Sec. 18-59. Unity agreements.

The International Building Code is amended by adding subsection 704.15 to read as follows:

704.15. Unity agreements.

(a) The building official may authorize the dissolution of common boundary lines between two (2) or more lots for purposes of this code if a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

1. Contain legal descriptions of the properties

- sharing the common boundary lines;
2. Set forth adequate consideration between the parties;
 3. State that all parties agree that the properties sharing the common boundary lines may be collectively treated as one lot for the limited purpose of meeting requirements of this code;
 4. State that the dissolution of the common boundary lines described in the agreement is only for the limited purpose of meeting requirements of this code, and that actual lines of property ownership are not affected;
 5. State that the agreement constitutes a covenant running with the land with respect to all properties sharing the common boundary lines;
 6. State that all parties agree to defend, indemnify and hold harmless the Town of Addison from and against all claims or liabilities arising out of or in connection with the agreement;
 7. State that the agreement will be governed by the laws of the State of Texas;
 8. State that the agreement may only be amended or terminated in accordance with subsection (d) of this section;
 9. Be approved by the building official and be proved as to form by the city attorney; and
 10. Be signed by all owners of the properties sharing the common boundary lines;
 11. Be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary lines or an improvement on those properties; and
 12. Be filed and made a part of the deed records of the county or counties in which the properties are located.

(c) An agreement is not effective until a true and correct copy of the approved agreement is filed in the deed records in accordance with subsection (b) and two (2) file-marked copies of the agreement are filed with the building official.

(d) An agreement may only be amended or terminated by written instrument that is executed in accordance with this subsection on a form provided by the city. The instrument must be:

1. Signed by an owner of property sharing the common boundary lines or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary lines or an improvement on such a property;
2. Proved by the building official;
3. Approved as to form by the city attorney; and
4. Filed and made a part of the deed records of the county or counties in which the properties are located.

(e) The building official shall approve an instrument amending or terminating an agreement if all properties governed by the agreement fully comply with this code. The amending or terminating instrument is not effective until it is filed in the deed records in accordance with subsection (d) and two (2) file-marked copies are filed with the building official.

Sec. 18-60. Reserved.

Sec. 18-61. Reserved.

Sec. 18-62. The international Building Code is amended by deleting 903.1.1 in its entirety.

Sec. 18-63. Automatic fire-extinguishing systems.

The International Building Code is amended by changing subsection 903.2 to read as follows:

903.2 Sprinklers required. An approved automatic fire sprinkler system shall be installed as follows:

- (1) In all buildings of any area, size or occupancy built or added to after December 8, 1992. In the case of an addition to an existing structure an approved automatic fire sprinkler system shall be installed in the addition and the existing building unless separated by an approved fire wall. Unless otherwise required in the code, the following exceptions apply:

Exception 1: Detached Group U occupancies that do not exceed 500 square feet in area and are located six feet from any other building.

Exception 2: Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

Exception 3: Existing, unsprinklered, single family detached dwellings which are added for the purpose of increasing livable area.

Exception 4: Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

Exception 5: Group S-2 occupancies used only for the storage or parking of aircraft. (NOTE: Aircraft hangars are subject to the provisions of NFPA 409.)

- (2) In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance where 50% or greater of either the square footage or the dollar value is involved.
- (3) In the attic of any building required by this section to have a fire sprinkler system, except the attics of single family detached dwellings.
- (4) In the occupancies and location as set forth in this section.

For provisions on special hazards and hazardous materials, see the fire code.

Sec. 18-63.1 NFPA 13 Sprinkler systems.

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

The International Building Code is amended by changing subsection 903.3.1.1 to read as follows:

903.3.1.1 NFPA sprinkler systems. Where the provisions of this ordinance require that a building or portion thereof be equipped with an automatic fire sprinkler system, sprinklers shall be installed in accordance with NFPA-13, or other standards as appropriate for the occupancy type and, in addition, sprinkler coverage shall include any area, regardless of size or use, that contains an energy source except as provided in Sections 903.3.1.1.1 exceptions (1) & (2).

Sec. 18-63.2 Sprinkler systems monitoring alarms.

The International Building Code is amended by changing subsection 903.4 to read as follows:

903.4 Sprinkler system monitoring alarms. All valves controlling the water supply and all water flow alarm switches on fire sprinkler systems shall be electronically supervised and monitored by an approved fire alarm monitoring agency, regardless of the number of sprinkler heads served. Valve and alarm monitoring on single family residence sprinkler systems shall be at the discretion of the property owner.

Sec. 18-63.3 Where required.

The International Building Code is amended by changing subsection 904.2 to read as follows:

904.2 Where required. Other types of fire extinguishing systems shall not be installed as an alternative or replacement for automatic fire sprinkler systems. Alternative systems may only be installed as a supplement to required fire sprinkler systems.

Sec. 18-63.4 General.

The International Building Code is amended by changing subsection 905.1 to read as follows:

905.1 General. Standpipe systems shall be provided as set forth in this section or as required by the Prevention Chief.

Sec. 18-63.5 Reserved.

Sec. 18-64. Reserved.

Sec. 18-65. Reserved.

Sec. 18-66. Reserved.

Sec. 18-66.1 Reserved.

Sec. 18-67. Corridor Construction.

The International Building Code is amended by adding Exception 5 to subsection 1016.1 to read as follows:

5. Nonrated construction within a single tenant space in the following circumstances:

- (i) Smoke detectors are installed along the path of travel per manufacturer's instructions, but in no case more than sixty (60) feet.
- (ii) The actuation of the smoke detectors provides an alarm audible within the space.
- (iii) The smoke alarms are connected to the building's fire alarm system where such a system is provided.

Sec. 18-68. Reserved.

Sec. 18-69. Reserved.

Sec. 18-69.1 Reserved.

Sec. 18-70. Wood supporting masonry or concrete.

The International Building Code is amended by adding an exception 5 to subsection 2304.12 to read as follows:

- 5. When designed by an engineer licensed by the State of Texas to provide such services.

Sec. 18-71. Exterior Plaster.

The International Building Code is amended by adding subsection 2512.10 to read as follows:

2512.10 3/8" One-Coat Stucco System. When this system is used, the following requirements shall be complied with:

1. Plans submitted for permit shall specifically identify the 3/8" one-coat stucco system.
2. Only systems with an International Code Council (ICC) Evaluation Report will be allowed, and before start of installation of the 3/8" one-coat stucco system, the holder of a building permit must submit for approval the International Code Council Evaluation Report on the specific system to be used.
3. The applicator to install the 3/8" one-coat stucco system must be approved by the manufacturer and must submit documentation to that effect before beginning work.
4. The architect or special instructor must supervise and oversee the installation of 3/8" one-coat stucco systems.
5. Upon completion of the project, the architect and applicator must submit all pertinent documentation called for in the ICC report and the manufacturer's recommendations for 3/8" one-coat stucco systems.
6. The final finish on any 3/8" one-coat stucco system shall be an elastomeric coating.

Sec. 18-72. Exterior insulation and finish systems (EIFS).

The International Building Code is amended by adding subsection 1403.8 to read as follows:

1403.8 Exterior insulation and finish systems (EIFS). When these systems are used, the following requirements shall be complied with:

1. Plans submitted for permit shall specifically identify the EIFS assembly.
2. Only systems with an International Code Council (ICC) Evaluation Report will be allowed, and before the start of installation of the EIFS assembly, the holder of a building permit must submit for approval the International Code Council Evaluation Report on the specific system to be used.

3. The applicator to install the EIFS assembly must be approved by the manufacturer and must submit documentation to that effect before beginning work.
4. The architect or a special inspector must supervise and oversee the installation of EIFS assemblies.
5. Upon completion of the project, the architect and applicator must submit all pertinent documentation called for in the ICC report and the manufacturer's recommendations for EIFS.
6. EIFS from six (6) feet and down on any building and where accessible to pedestrian and vehicular traffic shall be a "high impact" system.
7. EIFS assemblies shall not be used where the protection of openings is required.

Sec. 18-73. Reserved.

Sec. 18-74. Disposal of construction waste.

The International Building Code is amended by adding Section 3313 to read as follows:

Section 3313. Disposal of construction waste.

3313.1. General requirements.

(1) Each holder of permit under this code shall be required to provide a refuse container for disposal of waste and rubbish upon construction sites. The size of such container shall be approved by the building official and shall be sufficiently large to hold the rubbish and waste in such manner that it will not blow out or spill over. The location of such refuse container shall be approved by the building official.

(2) If the proposed improvement for which the permit has been issued is less than five thousand dollar (\$5,000.00), the building official may, in his sole discretion, waive the requirement of a refuse container if he deems it not necessary and other means of disposal have been approved by him.

(3) In this section:

- a. Waste means garbage and other decayable, nondecayable, used up, broken, rejected or worthless materials.
- b. Rubbish means trash, debris, rubble, stone, useless fragments of building materials and other miscellaneous useless wastes or rejected matter.
- c. Public right-of-way means the entire width between property lines of road, streets, ways, thoroughfares, bridges or parks in this city, not privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge or park is opened to the public for vehicular traffic.

(4) Upon determination by the building official that a permit holder has failed to maintain or use an approved refuse container, in violation of the provisions of this ordinance, an order to correct the offending condition will be issued to the permit holder. Such order shall be telephoned to the permit holder and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition and suggest actions necessary to correct the condition. Failure to properly correct the offending condition within three (3) days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order shall subject the permit holder to the issuance of a citation.

(5) In addition to the enforcement procedures provided in this ordinance, it shall be within the power and discretion of the building official to suspend or revoke the permit for violation of any provision of this ordinance. Suspension or revocation shall be mandatory for the third offense under this ordinance.

Sec. 18-75. Excavation, construction or demolition at night prohibited.

The International Building Code is amended by adding Section 3314 to read as follows:

Section 3314. Excavation, construction or demolition at night prohibited.

3314.1. General requirements.

(1) Intent and purpose. The city council of the Town of Addison finds and declares that:

- (a) The uncontrolled excavation, erection, construction or demolition at night upon buildings or structures presents an inconvenience or danger to the welfare and safety of those persons residing within or near the buildings or structures worked upon.
- (b) Such nocturnal activity causes inconvenience or danger to those persons residing within or near the buildings or structures worked upon so as to constitute a public nuisance.
- (c) It is a matter of public necessity that the Town of Addison protect those persons residing within or near the buildings or structures worked upon from the danger posed by such nocturnal activity.
- (d) The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the morals and general welfare of persons in the Town of Addison.
- (e) There is an immediate and present danger presented by the above described uncontrolled nocturnal activity, creating an emergency.

(2) Unlawful activity. It shall be unlawful for a person, firm or corporation to excavate, erect, build, construct, alter, repair or demolish any building or structure which has been issued or which is required to be issued a building permit by the Town of Addison between the hours of 7:00 P.M. and 7:00 A.M. Monday through Friday, and between the hours of 7:00 P.M. and 8:00 A.M. on Saturday and Sunday, if such activity is performed within a residential, apartment or townhouse zoned area, or within three hundred (300) feet of an occupied residence, except in cases of urgent necessity or in the interest of public safety and convenience, and then only by permission of the city manager.

(3) Exception. The provisions of this section shall not apply to the city and utility companies when engaged in the installation or repair of utility lines situated within such buildings or structures.

(4) Posting of sign. The owner of the property upon which activity is carried on or the general contractor shall be responsible for the posting of a sign in a clearly visible area at all entrances to construction sites that will state the hours during which construction is allowed.

Sec. 18-76. Storm water runoff.

The International Building Code is amended by adding Section 3315 to read as follows:

Section 3315. Storm water runoff.

3315.1. General requirements.

It shall be unlawful for any person on any construction site to allow excessive storm water runoff to be discharged directly into any public street, alley or private street so as to create a nuisance. Should surface runoff be declared a nuisance by the city, the owner, builder and/or developer of the site may be required to construct dikes or dams on site to form detention areas such that storm water may be temporarily detained until such storm abates at which point the trapped water may be slowly released. It shall be the responsibility of the owner, builder and/or developer at a construction site to remove any dirt or mud deposit on adjacent public streets, alleys or private streets as a result of storm water runoff.

Sec. 18-77. Building security.

The International Building Code is amended by adding Chapter 36 to read as follows:

Chapter 36
Building Security

Section 3601. Title, purpose and scope.

3601.1. Title. These regulations shall be known as the International Building Security Code.

3601.2. Purpose. The purpose of the provisions of this section is to protect the general health, safety and welfare of the public and the protection of persons and property by providing minimum requirements to safeguard property against burglary and other unlawful trespasses. These minimum requirements

will achieve this purpose by regulating and controlling the design, construction and quality of materials and equipment as they relate to the security of all buildings and structures hereafter constructed, remodeled or repaired within the boundaries of the Town of Addison.

3601.3. Scope. The provisions of this section shall apply to all new construction and, except as otherwise provided herein, to existing buildings and structures in the single family, multifamily and business classes as defined in the city's building code and/or these provisions to which additions, alterations or repairs are made except as specifically provided herein. When additions, alterations or repairs within any twelve-month period exceed fifty (50) percent of the replacement value of any existing building or structure, such building or structure shall be made to conform to the security requirements for new construction. Structures occupied at this time shall be deemed existing nonconformities.

3602. Definitions.

The following definitions are in addition to those set forth in the appropriate chapter(s) or section(s) of the city's building code.

Activate: To engage a locking device to make it effective in preventing unauthorized entry through a door, window, or other access point to which the device is attached.

Access point: Any opening in the exterior of a building or structure which as a clear cross section of ninety-six (96) square inches or more and which has as its smallest dimension a span in excess of six (6) inches, and which includes, but is not limited to, doors and windows.

Accessible: Any access point within eighteen (18) feet of the ground or within eighteen (18) feet of the roof of adjoining building or structure; or within fourteen (14) feet from directly or diagonally opposite windows, fire escapes, ledges or roofs; or within three (3) feet of another access point, fire escape or ledge which projects from the same or an adjacent wall and which leads to another building or structure.

A "roof" is any surface of a building or structure which provides a horizontal supporting surface of six (6) feet or

more in width. "Diagonally opposite" means that the angle measured from the horizontal planes of the access points or surfaces in question is not greater than forty-five (45) degrees.

Building Official: The building official of the Town of Addison or his designated representative.

Business establishment: An establishment which uses or occupies any building or structure or portion thereof for the purpose of manufacture, storage, warehousing, transfer, sale, display or purchase of goods, wares, merchandise or services.

Combination dead latch and deadbolt lock: A device combining a dead latch operable by knobs from inside and outside with a deadbolt lock operable from inside by a thumb turn or key and from outside by a key, both of which can be retracted from inside by turning the knob and from outside by a key.

Control device: A key or similar mechanical implement that is normally used by authorized persons to activate or deactivate a locking device.

Flush bolt: A deadbolt lock normally used on inactive door(s) that is attached to the top and bottom and/or side of the door and engages in the frame and/or base of the door.

Cylinder: The part of a lock set that has an entrance for the key used to activate the locking mechanism.

Dead-locking latch: A latch equipped with a locking device which, when in a closed position, causes the latch to resist being retracted by pressure applied to it (also called spring bolt with anti-shim device).

Dead bolt lock: A locking device with a bolt that has no automatic spring action and, therefore, must be operated manually by a key cylinder, thumb turn or lever, and is positively held fast when in the projected position.

Dead bolt lock, double cylinder: A Dead bolt lock that can be activated only by a key from the inside and the outside.

Dwelling, multiple-family: A building, including hotels, condominiums, motels and apartments, or portion thereof, designed for occupancy by more than one family living independently of other families.

Dwelling, single-family: A building, including duplexes, semi-detached dwellings and townhouses, designed exclusively for occupancy by one family.

Exterior: That portion of a building or structure that provides access from outside the building or structure. This shall include, but is not limited to, those portions of individual business establishments housed in a common building or structure which are accessible to the public, e.g., as in a shopping center, mall, hotel, motel or apartment complex. This definition also includes doors leading from garage areas into single-family dwellings.

Hardened steel: Heat-tempered steel. The steel is heated to a predetermined temperature and then quenched in oil or water for rapid cooling.

Locking device: A mechanical implement or combination of mechanical implements attached to a door, window or other access points of a building or structure, and which is designed to prevent unauthorized persons from entering the building or structure through the door, window or other access point on which the locking device is activated.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind.

Shell structures: A commercial or retail building with an unfinished interior consisting of a foundation with columns and/or walls supporting a complete roof assembly, which building or parts thereof are not enclosed until said space is leased.

Throw bolt: A manually operated Dead bolt lock for an inactive leaf, which is normally placed on the inside portion of a door, e.g., flush bolt.

3603. General requirements.

3603.1. *Responsibility for enforcement/compliance/right of entry/method of enforcement/approvals.*

Responsibility for enforcement. The provisions shall be administered and enforced by the building official of the Town of Addison.

Responsibility for compliance. The owner of record or his designated agent shall be responsible for compliance with the provisions set forth herein.

Right of entry. Whenever necessary, and with the consent of the owner, his agent, the tenant, or person in charge, the building official may make an inspection to enforce any of the provisions set forth herein. Such entry may be made at any reasonable hour. The building official shall present credentials which establish and provide evidence of his identity and authority. If the building official is refused entry, he may take action to gain access in accordance with and as provided by the International Building Code, Section 104.6.

Method of enforcement, appeals and variances. Methods for the enforcement, appeal and the grant of variances under these provisions shall be those set forth in the International Building Code, Section 112.

3603.2. *Alternate security provisions.* The provisions of this code are not intended to prevent the use of any other security devices, materials or methods of construction. The burden of proving to the building official that the requirements of these provisions have been met or surpassed shall be on the person responsible for compliance. Such other security devices, materials or methods of construction may only be used upon the approval of the building official.

3603.3. *Testing.* Whenever there is insufficient evidence that any security device, material or any method of construction does not conform to the requirements set forth herein, or in order to substantiate claims for alternate security devices, materials or methods of construction, the building official may require the person responsible for compliance to submit any such alternate to such tests as the building official deems necessary and proper to determine if it is at least equivalent to the prescribed herein in quality, strength, effectiveness, burglary resistance, durability and safety.

3603.4. *Life safety factor.* None of the provisions set forth herein shall supersede any local, state or federal laws, regulations or codes dealing with the life safety factor. Enforcement of these provisions shall be in cooperation with the local fire authority to avoid conflict with fire laws.

3603.5. *Security advisory committee.* There is hereby created

an ad hoc security advisory committee. The committee shall assist with the administration of the provisions set forth herein, provide counsel to interested parties as to these provisions, and periodically review these provisions to ensure that they remain responsive to local needs and conditions.

The committee shall be comprised of officials representing the following departments; building/engineering, fire, police and legal department. Members of the committee shall have a knowledge of these provisions and understand the purpose and intent of the city's crime prevention program, if one exists. The committee shall report to the chief administrative officer of the city.

3603.6. *General minimum specifications and standards.* The following minimum specifications shall be applicable to all building classes referenced in these provisions.

- (1) *Hinge pins.* Exterior doors with hinges located on the outside must have the hinge pins secured by using nonremovable pins or a safety stud. An alternative could be to weld the pin securely in place.
- (2) *Lock assembly specifications for exterior single swinging door.* In addition to being equipped with a dead latch with a half-inch minimum throw, each exterior single-swinging door shall be secured by a dead bolt lock with one-inch minimum throw having hardened steel inserts; alternatively, the dead bolt lock will be of a design which otherwise prevents a spreading threat. Firmly secured metal striker plates are required on the door jambs of all doors and are to be located at the point where the required lock engages the jamb. The striker plates shall be attached to the door frame with not less than two (2) number 8 three-inch screws and when attached to metal, at least two (2) number 8 machine screws.

The locking device also shall be so constructed and installed that when a door is closed the device cannot be made inactive through the removal of mounting screws or bolts. Locking devices and parts of locking devices shall not be used if they bear any numbers or letters which would reveal a combination from which a key or similar control device could be fashioned or selected and used to deactivate the locking device. These numbers or letters must be removed.

When a padlock-type locking device is used, it shall not

be capable of being deactivated through hammering or other shock techniques. The slide bolt or hasp-and-shackle to which the padlock is attached shall be constructed of hardened steel and shall be installed so that it cannot be removed when the door is closed and the padlock is activated.

- (3) *Exterior window specifications.* Each exterior window shall be so constructed that when the window is locked, it cannot be lifted from the mounting frame. In addition, hinges or pivots on windows opening outward shall be so constructed and installed that they cannot be removed when the window is closed. Each window shall have a secondary locking or securing device consisting of a track lock, inside removable pins or locks.

A minimum distance of four (4) feet or more is required between an exterior window and/or windows and an exterior door.

Alternatives to the four (4) feet requirement include the use of nonbreakable burglar proof glass or polycarbonate material in such windows and/or the use of a double cylinder Dead bolt lock if exterior window(s) are located less than the prescribed distance from an exterior door or if the door itself is partially constructed of glass or plastic material.

- (4) *Installation of exterior doors.* All exterior doors shall be so installed as to maintain a tight fit within its frame.
- (5) *Exterior sliding-type doors at ground level or which are otherwise accessible from the outside.* Each exterior sliding-type door at ground level or which is otherwise accessible from the outside shall be so constructed that the movable section shall slide inside the fixed portion of the door. Alternately, the door must be so protected that when it is locked, the sliding portion cannot be lifted from the track. A secondary locking device consisting of a track lock, inside removable pins, padlocks or a bar must be provided.
- (6) *Lock cylinders.* Lock cylinders on all individual doors shall be so designed or protected so they cannot be gripped by pliers or other wrenching devices and twisted out.

- (7) *Construction of exterior doors.* All exterior doors, other than sliding glass doors, shall be of a solid core construction. Glass panels are permitted providing the specified locking devices are used. No hollow core doors will be used for an exterior door, including doors from a garage area into a dwelling.

3603.7. *Single-family structures: Additional specifications and standards.* The following specifications and standards shall be applicable to single-family structures and shall be complied with in addition to, or as appropriate in lieu of, the general minimum specifications and standards section of these provisions.

- (1) *Garage doors.* Each metal, wooden or composition garage door, whether overhead, roller-type, swinging or sliding, shall be so equipped that it is capable of being locked. Specific locking devices to be employed shall be of one or more of the following types: Throw bolt or flush bolt, cylinder-type lock, padlock and hasp or an electronic power-operated mechanism with automatic locking capabilities. All such devices shall meet the general minimum specifications and standards of these provisions of such other standards as may be approved by the State of Texas.
- (2) *Lighting.* The street address of each single-family structure shall be illuminated by a light bulb of at least sixty (60) watts, and shall be easily visible from the street. The bulb(s) shall be protected by a weather and vandalism resistant globe or cover.
- (3) *Door viewers.* Door viewers shall be installed on all front entrance doors and shall cover at least one hundred eighty (180) degrees of viewing. Such viewer to be installed with the securing portion on the inside and nonremovable from the outside.
- (4) *Door and window bars.* Bars, grills, grates or similar devices may be installed over doors and windows provided such devices shall be equipped with a release mechanism which is operable from inside the structure without the use of a key or any special knowledge or effort.

3603.8. *Multifamily structures: Additional specifications and standards.* The following specifications and standards shall be

applicable to multifamily structures, and shall be complied with in addition to, or as appropriate in lieu of, the general minimum specifications and standards section of these provisions.

- (1) *Exterior single swinging door systems specifications.* Exterior single swinging doors, including doors leading to and from the garage areas into buildings, shall be equipped with self-closing devices, if not already required by other regulations, ordinances or codes.
- (2) *Lock assembly specifications for exterior doors.* Entrance doors to individual units shall not be master keyed to exterior doors, i.e., garage, stairwell, lobby, etc., located elsewhere on the premises of multifamily structures.

Exterior single swinging doors shall be equipped with a combination dead latch and Dead bolt lock.

Pairs of swinging doors shall be secured at the top and bottom of one leaf with vertical throw bolts, and secured at the center with the type of locking device required for single swinging doors in this subsection.

Swinging doors which do not permit a center lock, including, but not limited to, tempered glass doors, shall be secured at the top and bottom with locking devices meeting the requirements of this subsection for single swinging doors.

Entrance Door(s) other than a door at the location of vehicle ingress and egress, to a garage, a lobby or stairwell, shall be equipped with a keyed, self-locking dead latch.

- (3) *Lighting.* The address(es) on the exterior door(s) of all dwelling unit(s) shall be illuminated, at a minimum, by a sixty watt bulb(s). The bulb(s) shall be protected by a weather and vandalism resistant globe or cover. So as to be easily visible at all times, such light(s) shall not be switched except by a timer(s) or a light sensing device(s).
- (4) *Numbering.* There shall be positioned at each dwelling complex, so as to be easily read from the street by responding emergency units, an illuminated diagrammatic

representation of the complex which lists and locates each unit by address.

- (5) *Door viewers.* Door viewers shall be installed on all front entrance doors and shall cover at least one hundred eighty (180) degrees of viewing. Such viewer to be installed with the securing portion on the inside and nonremovable from the outside.
- (6) *Door and window bars.* Bars, grills, grates or similar devices may be installed over doors and windows provided such devices shall be equipped with a release mechanism which is operable from inside the structure without the use of a key or any special knowledge or effort.

3603.9. *B, F, M, S occupancies: Additional specifications and standards.* The following specifications and standards shall be applicable to B, F, M, S occupancies and shall be complied with in addition to, or as appropriate in lieu of, the general minimum specifications and standards section of these provisions.

- (1) *Lock assembly specifications for exterior doors.* Single swinging exterior doors shall be equipped with a double cylinder Dead bolt lock that can be deactivated, from the inside and outside, only with a key or similar control device, or with a single cylinder Dead bolt lock that cannot be deactivated from the inside, and that can be deactivated from the outside only with a key or similar control device.

Pairs of swinging doors shall be secured at the top and bottom of one leaf with vertical throw bolts and secured at the center with the type of locking device required for single swinging doors of this subsection.

Swinging doors which do not permit a center lock, including, but not limited to, tempered glass door, shall be secured at the top and bottom with locking devices meeting the requirements of this subsection for single swinging doors.

Where a door is locked by electric power operation, the circuit controlling the door shall be locked by an electric disconnect switch or by a signal locking device.

Lock cylinders will be so protected that they cannot be

gripped by pliers or other wrenching devices.

Exterior doors with hinges located on the outside must have the hinge pins secured by using nonremovable pins or a safety stud. An alternative could be to weld the pin securely in place.

- (2) *Chain and crank operated garage-type doors: Rolling, solid, swinging, sliding or accordion.* All chain and crank operated garage doors, regardless of their method of opening, when not controlled by electric power operation with automatic locking capabilities, shall be specifically secured. Chain-operated doors shall be equipped with a locking device for securing the chain. Crank-operated doors shall be equipped with a locking device for securing the operating shaft.

If such garage door or a hand-operated type is the only entrance to a building or structure, the door shall be secured by a locking device meeting the requirements of this section for single swinging doors.

Where a door is automatically locked by electrical power operations, the circuit controlling the door shall be locked by an electrical disconnect switch or by a signal locking device.

Rolling overhead doors, solid overhead swinging or sliding garage type doors shall be secured with a Dead bolt lock, cylinder lock, or padlock when not controlled or locked by electric power operation.

If a padlock is used to secure a door, the padlock must be constructed of hardened steel with a minimum of five-pin tumbler operation. All numbers or codes that could be used to have a key made must be removed from the padlock.

Any glass panels in a garage type door located within forty (40) inches of a locking device that could allow access to that locking device must be of burglar resistant material or covered with expanded metal screen or with iron bars.

- (3) *Exterior windows.* Louvered windows shall not be used within twelve (12) feet of the ground or adjacent to any structures or fire escapes.

Outside hinges on all accessible side and rear glass windows shall be provided with nonremovable pins. If the hinge screws are accessible, the screws shall be of the nonremovable type.

- (4) *Metal accordion, grate and grill-type doors.* Metal accordion, grate and grill-type doors shall be equipped with a metal guide track at the top and bottom. Such doors shall be so constructed and installed so they may not be lifted from the track when the door is closed.

Such doors shall be secured with a single or double cylinder Dead bolt lock which may be activated only with a key, which is constructed with hardened steel inserts, and which has a bolt with a minimum one-inch throw. Alternatively, a padlock and hasp or other locking device that resists a spreading threat, e.g., interlocking bolt, may be used.

- (5) *Accessible exterior sliding doors.* Accessible exterior single sliding doors shall be so constructed that the movable section shall slide inside the fixed portion of the door. Such doors shall be so constructed and installed that the movable portion of the door cannot be lifted from its track when the door is closed.

The movable portion of such doors shall be secured by vertical throw bolts at the top and bottom and with a center locking device as required for single swinging doors of this section. The bolt of the locking device shall engage the strike to sufficiently prevent its being disengaged by any possible movement of the door within the clearances provided when the door is closed and the locking device is activated.

Double sliding doors shall be secured by vertical bolts at the top and bottom of each door, and shall meet all other requirements set forth for single sliding doors for business structures.

- (6) *Roof opening.* Hatchways, doors to elevator shafts, roof doors and skylights that can be opened shall be so designed that they can be locked from the inside.

If the hatchway is of wooden material, it shall be covered on the inside with at least twenty-gauge sheet

steel or its equivalent attached with nonremovable screws.

The hatchway shall be secured from the inside with a slide bolt, a slide bar or a cross bar and padlock.

Hinges or pivots on such openings that open outward shall be so constructed and installed that they cannot be removed when the opening is closed.

Where mechanical equipment is roof-mounted, it shall be fixed to the roof so it cannot be readily removed to allow access through a resulting opening. Additionally, such equipment shall be so designed that entry to a building or structure cannot be accomplished through the equipment.

- (7) *Accessible access points not covered by other provisions.* All accessible access points not covered within the provisions of this section or the general minimum specifications and standards section, including, but not limited to, air ducts and/or vent openings exceeding eight (8) inches by fourteen (14) inches, shall be secured as follows: by steel bars of at least one-half inch diameter which are not spaced more than four (4) inches apart, and have dividers of at least one-quarter inch flat steel bars spaced not more than eighteen (18) inches apart, placed on the inside of the opening; or by an iron or steel grill of at least one-eighth inch diameter material of not more than two-inch mesh placed on the inside of the opening.
- (8) *Lighting.* The address(es) and the exterior doors(s) of all buildings and structures shall each be illuminated at a minimum by a sixty-watt bulb(s) so as to be easily visible at all times. The bulb(s) shall be protected by a weather and vandalism resistant globe or cover. Such light(s) shall not be switched except by a timer(s) or a light sensing device(s).
- (9) *Addresses.*
- a. Numbers revealing the location of a business shall be required at the front and rear of the building.
 - b. These address numbers shall be illuminated by at least a twenty-watt bulb or be reflective.
- (10) *Safes.*

- a. If the net weight of a safe is less than one thousand (1,000) pounds or if it rests upon wheels or dollies, it shall be firmly secured to the floor or have the wheels or dollies removed.
- b. It is recommended that where possible, the safe should be placed where visible from the street and be illuminated with light.

3603.10. *Shell structures.* Any shell structure which has a space leased and occupied, and the adjoining spaces are vacant, these vacant spaces shall be lighted during hours of darkness and shall be kept free of debris at all times.

Sec. 18-78. Airport noise.

The International Building Code is amended by adding Chapter 37 to read as follows:

Chapter 37
Airport Noise

SECTION 3701. Title, purpose and scope.

3701.1. *Title.* These regulations shall be known as the Airport Noise Code.

3701.2. *Purpose.* The purpose of this chapter is to safeguard health, property, and public welfare by regulating the construction of homes in certain areas of the city.

3701.3. *Scope.* This chapter pertains to the construction of Group R Occupancies which are located in those areas of the city which are within land use guidance zones C or D in the study of noise exposure contours conducted by Addison Municipal Airport. The noise exposure contours map which was a part of the study is to be considered a part of this chapter and is attached [hereto by reference].

3702. General requirements.

3702.1. *Application to existing buildings and structures.* Buildings in existence at the time of the adoption of this chapter which housed Group R Occupancies may have their use and occupancy continued without being required to comply with this chapter. Such buildings may also be altered or repaired without being required to comply with this chapter. Additions to such buildings, however, must comply with this chapter.

3702.2. *Construction requirements.*

- (a) *General.* Buildings constructed in areas specified in subsection 3701.3 must comply with the requirements of this section.
- (b) *Exterior walls.* Exterior walls must be constructed as follows:
- (1) The exterior walls of the structure must be brick veneer, stucco veneer or wood siding.
 - (2) Regardless of the type of exterior material used, sheathing must be used which is no less than one-half inch thick and is either gypsum, composition or foamed plastic material. The sheathing must be applied in the following manner:
 - Adjoining edges must be fitted tightly together.
 - Where adjacent edges occur over framing members the edges must be nailed.
 - Where adjacent edges do not occur over framing members the joint must be sealed with duct tape or in similar fashion, and
 - Edges of sheathing at the top and bottom of the wall must be nailed to the plates.
 - (3) The wall must be insulated to its full thickness.
 - (4) Gypsum wallboard no less than one-half inch thick must be installed on the inside surface of all walls. Any paneling or other finish material must be installed over the wallboard.
 - (5) Caulking is required under the bottom plate.
- (c) *Roofs/ceilings.* Roofs, ceiling, and roof/ceiling assemblies must be constructed as follows:
- (1) All roofs must be provided with wooden decking no less than one-half inch in thickness.
 - (2) All attic spaces and all spaces between the ceiling and the roof deck must have insulation not less than six (6) inches thick.

- (3) Gypsum wallboard no less than one-half inch in thickness must be provided on the underside of all ceiling joints. Any other finish material must be applied over the wallboard.
- (d) *Penetrations.* Penetrations of all exterior walls, of the ceilings or of the top plate of any wall must be sealed with a nonhardening caulk.
- (e) *Ventilation.* Vent fans, air conditioning ducts, and fireplaces must be constructed as follows:
 - (1) Vent fans in bathrooms, laundry rooms, and similar areas must be fitted with a sheet metal duct in the attic no less than five (5) feet long. The duct must be lined on the inside with fiberglass and must have one (1) ninety degree bend.
 - (2) All air conditioning and heating ducts must be lined on the inside with fiberglass not less than one inch thick.
 - (3) All fireplaces must have tight fitting dampers.
- (f) *Windows and glass patio doors.* Windows and glass patio doors must be constructed as follows:
 - (1) All windows must be double glazed, although custom decorative windows may have single glazing where the building official determines their individual sizes and the total square footage of all such windows is not excessive.
 - (2) Openable portions of windows and patio doors must close on a soft gasket.
 - (3) All window and patio door frames must be caulked with a nonhardening sealant.
 - (4) All framing openings around windows and patio doors must be filled with insulation or caulked.
- (g) *Exterior doors.* Exterior doors must be constructed as follows:
 - (1) All exterior doors should be no less than one and

three-quarter (1¾) inches thick and be either solid core wood doors or insulated hollow core doors.

- (2) The door must be weather stripped with a soft gasket around its edges.
- (3) A threshold seal must be provided.
- (4) All framing openings around doors must be filled with insulation or caulked.

SECTION 3. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 4. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the International Building Code, 2003 Edition, or the International Energy Conservation Code, 2003 Edition or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or the International Building Code, 2003 Edition, or the International Energy Conservation Code, 2003 Edition or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 5. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00) and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 6. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,
this the _____ day of _____, 2000.

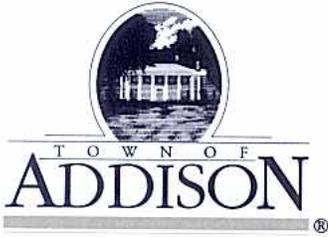
MAYOR

ATTEST:

CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.



BUILDING INSPECTION DEPARTMENT
(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove
Post Office Box 9010 Addison, Texas 75001-9010

To: Carmen Moran, Director Development Services

From: *Lynn* Chandler, Building Official

Date: February 10, 2003

Subject: 2003 IPMC

The following changes were made to the 2003 IPMC:

Sec. 18-101. Text changed to read 2003 IPMC.

Sec. 18-126. Text changed to read subsection 304.3.

Sec. 18-127. text changed to read subsection 304.14.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article III in its entirety to read as follows:

ARTICLE III PROPERTY MAINTENANCE CODE.

Sec. 18-101. Adopted.

The rules and regulations of the International Property Maintenance Code, 2003 Edition, a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, are hereby adopted as the rules and regulations to provide a just, equitable and practicable method to be cumulative with and in addition to, any other remedy provided by the International Building Code, 2003 Edition, or otherwise available at law, whereby buildings or health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired. The International Property Maintenance Code, 2003 Edition, is hereby adopted, a copy of which is attached to the ordinance from which this section is derived and made a part hereof for all purposes.

Sec. 18-102 - 18-120. Reserved.

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

Sec. 18-121. Generally.

The International Property Maintenance Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided in this division.

Sec. 18-122. Application of other codes.

The International Property Maintenance Code is amended by changing the last sentence in subsection 102.3 to read as follows:

"Nothing in this code shall be construed to cancel, modify or set aside provisions of the Addison Zoning Ordinance."

Sec. 18-123. Violation penalties.

The International Property Maintenance Code is amended by changing subsection 106.4 to read as follows;

No person, firm or corporation, whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the building official hereunder.

Any person, firm or corporation violating the provisions of this section shall be subject to a fine, upon conviction in the municipal court, in a sum not to exceed \$500.00, and each and every day of continuance thereof shall constitute a distinct and separate offense.

Sec. 18-124. Membership of board.

The International Property Maintenance Code is amended by changing subsection 111.2 to read as follows:

111.2. General. There is hereby created a board of appeals, consisting of three (3) members and two (2) alternates appointed by the city council. The building official shall be an ex officio member and shall act as

secretary of the board. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. The powers of the board shall be as follows:

(1) To hear appeals from decisions of the building official.

(2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgment, the material or method of construction is at least equivalent to that prescribed and

(3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the town to perform construction work and shall have the power after hearing, to revoke or suspend said license for the following reasons:

(a) Chronic violation of code

(b) Misrepresentation of material facts in obtaining said license or renewal thereof

(c) Chronic failure to secure permits, inspections, or approvals as required by the code

(d) Use of said license to obtain a permit for another person, firm or corporation.

Sec. 18-125. Weeds.

The International Property Maintenance Code is amended by changing the first sentence in subsection 302.4 to read as follows:

"All premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches for residential property and 12 inches for non-residential property."

Sec. 18-126. Premises identification.

The International Property Maintenance Code is amended by changing the last sentence in subsection 304.3 to read as

follows:

"Numbers shall be a minimum 3 inches high."

Sec. 18-127. Insect screens.

The International Property Maintenance Code is amended by changing subsection 304.14 to read as follows;

304.14. Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect. Nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the International Property Maintenance Code, 2003 Edition, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the International Property Maintenance Code, 2000 Edition, or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any

provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00), and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the _____ day of _____, 2000.

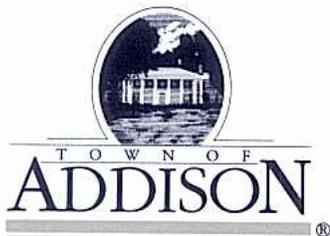
MAYOR

ATTEST:

CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.



BUILDING INSPECTION DEPARTMENT
(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove
Post Office Box 9010 Addison, Texas 75001-9010

To: Carmen Moran, Director Development Services

From:  Lynn Chandler, Building Official

Date: February 13, 2006

Subject: 2005 NEC

The following changes were made to the 2005 NEC ordinance:

Sec. 18-161. Text changed to read 2003 ICC Electrical Code-Administrative Provisions.

Sec. 18-222. Text changed to include electricians licensed by the State of Texas, exempt them from registration and fees, and to eliminate the reference to the Dallas County Regional Electrical Advisory Board.

Sec. 18-246.b Text changed to read 2005 NEC.

Sec. 18-269. Amendment recommended by the NCTCOG to allow more than six means of disconnect at one location in a multi occupancy building.

Sec. 18-271. Amendment recommended by NCTCOG allowing ceiling grid support wires to support electrical wiring.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article IV in its entirety to read as follows:

DIVISION I. GENERALLY

Sec. 18-141. Supervision of electrical work.

(a) In the actual work of installing, maintaining, altering, or repairing any electrical conductor or equipment for which a permit or voucher is required, there shall be present and in direct supervision a qualified electrician of the proper classification. Should it come to the notice of the building official that proper supervision and control are not being maintained, the building official may order the work to be discontinued, and the person to whom the permit or voucher has been issued shall discontinue further work until proper supervision has been employed or supplied; provided, that this requirement does not prohibit the employment of apprentices or unskilled laborers assisting a person duly registered and qualified under the provisions of article IV of chapter 18 of the Addison Code.

(b) A homeowner may perform electrical work without the above mentioned supervision under the following conditions:

(1) A homeowner may personally install electrical conductors or equipment within his own home if the owner files with the building official approved plans and specifications, satisfies the building official as to his ability to install electrical wiring, applies for and secures a permit, pays required fees, does work in accordance with article IV of chapter 18 of the Addison Code, and applies for inspections.

(2) Work performed by a homeowner under the provisions of this section must be done by himself on homestead premises owned and occupied by him, without compensation. A homeowner shall not employ another person to assist him in any way on the work.

Sec. 18-142 - 18-160. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 18-161. Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of all buildings and structures within the city and certain equipment specifically regulated herein, the ICC Electrical Code-Administrative Provisions, 2003 Edition (a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the building code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto to provided in this article.

Sec. 18-162. Deletions, amendments and additions generally.

The ICC Electrical Code-Administrative Provisions, as adopted in this article, is hereby modified by the deletions, amendments and additions provided herein.

Sec. 14-163. General Definitions.

The ICC Electrical Code is amended by adding the following definitions to Section 202:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

Electrical Construction means work and material used in installing, maintaining, or extending a system of electrical wiring, and all appurtenances, apparatus, or equipment used in that connection, inside or outside of, or attached to any building, structure, lot, or premises.

Electrical contractor means a person engaged in the business of installing or altering, by contract, electrical equipment. The term includes a person who subcontracts to do the work, but does not include bona fide employees employed by a contractor to do or supervise work.

Electrician means a person engaged in the trade or business of electrical construction and who is qualified under the provisions of article IV of chapter 18 of the Addison Code.

Elevator contractor means a person engaged in the business of servicing, maintaining, installing, or altering the electrical equipment used to operate, limit, or control electrically operated elevators. The term includes a person who subcontracts to do the work, but does not include bona fide employees employed by a contractor to do or supervise work.

Journeyman electrician means an individual who possesses the necessary qualifications, training, and technical knowledge to install, maintain, and extend electrical equipment and who is capable of doing this work in accordance with plans and specifications furnished him and in accordance with applicable laws and ordinances governing the work.

Maintenance electrician means an individual who possesses the necessary qualifications, training, and technical knowledge to repair, operate, and replace electrical equipment in a specific building or premises.

Master electrician means an individual who possesses the necessary qualifications, training, and technical knowledge to plan, layout, and supervise the installation, maintenance, and extension of electrical equipment.

Specialist electrician means an individual who possesses the necessary qualifications to construct, repair, install, or maintain specific electrical equipment under the specific classification of electrical work for which the specialist is qualified.

Fire rated means those types of construction defined as Type I, A & B, and II A in the International Building Code.

Sec. 14-164. Fee's.

The ICC Electrical Code is amended by changing subsection 404.2 to read as follows:

404.2 Schedule of permit fees. There shall be no fee charged for combined permits. The fee for each permit shall be as set forth in section 18-2 and section 18-3 of the Code of Ordinances of the Town of Addison, Texas.

Sec. 14-165. Board of appeals.

The ICC Electrical Code is amended by changing section 1102 to read as follows:

Section 1102
Membership

1102.1 General.

There is hereby created a board of appeals consisting of three members and two alternates appointed by the city council. The building official shall keep a record of the determinations made by the board of appeals. The powers of the board of appeals shall be as follows:

(1) To hear appeals from decisions of the building official;

(2) To hear requests for the use of a material or method of construction not prescribed by article IV of chapter 18 of the Addison Code and to authorize the use when, in the board of appeal's judgment, the material or method of construction is at least equivalent to that prescribed;

(3) To make amendments to article IV of chapter 18 of the Addison Code; and

(4) To hear complaints from the building official arising against any person, firm, or corporation

licensed by the town to perform electrical work and shall have the power, after hearing, to revoke or suspend such license for the following reasons:

a. Chronic violation of article IV of chapter 18 of the Addison Code;

b. Misrepresentation of material facts in obtaining such license or renewal thereof;

c. Chronic failure to secure permits, inspections, or approvals as required by article IV of chapter 18 of the Addison Code; or

d. Use of such license to obtain a permit for another person, firm, or corporation.

Sec. 18-167 - Sec. 18-205 Reserved.

DIVISION 3. ELECTRICIANS*

Subdivision I. In General

Secs. 18-206 - 18-220. Reserved.

Subdivision II. License

Sec. 18-221. Required.

(a) No person shall engage in the business of electrical construction or make any repairs, alterations, additions, or changes to an existing system of electrical wiring or equipment unless that person is licensed as a qualified electrician in one of the following classifications:

- (1) Electrical contractor.
- (2) Lighting maintenance contractor.
- (3) Elevator contractor.
- (4) Master electrician.
- (5) Journeyman electrician.
- (6) Maintenance electrician.

(7) Specialist electrician.

(8) Building maintenance operator.

(b) A person licensed in one of these classifications shall be permitted to perform the work of that classification as defined in this article IV of chapter 18 of the Addison Code.

Sec. 18-222. Registration procedure; examination and license fee; requirements.

(a) In order to be licensed in one of the classifications of electricians an applicant must either be licensed by the State of Texas, examined by the Southern Building Code Congress International, or produce proof of licensing in another city as outlined in this section.

(b) For master electricians, journeyman electricians, maintenance electricians, or specialist electricians wishing to be licensed in the Town, applications for a license must be made to the building official on the form provided for that purpose and the fee shown in this section must be paid. Electricians licensed by the State of Texas are exempt from the registration and fee. The examination to be given shall be that administered by the Southern Building Code Congress International. Upon satisfactory completion of the examination a license will be awarded.

(c) Applicants for a license as a master electrician shall:

(1) Have been licensed for one year as a journeyman electrician either in the Town or in another city as outlined in subsection (e) of this section;

(2) File with the application affidavits from past or present employers showing no less than five years' experience in the installation, alteration, and maintenance of electrical equipment (one-half of the time spent in attendance at an electrical technical school or college shall be considered toward satisfaction of this requirement); or

(3) Show evidence of being a professional engineer.

(d) Applicants for a license as a journeyman electrician

shall:

(1) Have been licensed with the Town, or with another city as outlined in subsection (e) of this section, as an electrician in any classification for four years; or

(2) File with the application affidavits from past or present employers showing not less than four years' experience in the installation, alteration, and maintenance of electrical equipment (one-half of the time spent in attendance at an electrical technical school or college shall be considered toward satisfaction of this requirement).

(e) An electrician holding a currently valid license with Southern Building Code Congress International, or any other city which administers an examination at least equal to that required by the Town and reciprocates with the Town, may apply for and receive a similar license upon payment of the appropriate registration fee. To receive such a reciprocal license the electrician must complete the license application form provided by the town and must accompany it with such proof of having a license elsewhere as may be required by the building official.

(f) The fee to be paid for both the initial electrical license and renewals is as follows, and is to be paid in addition to any examination fee:

- (1) Electrical contractor \$50.00
- (2) Lighting maintenance contractor \$50.00
- (3) Elevator contractor \$50.00
- (4) Building maintenance operator
..... \$50.00
- (5) Master electrician \$10.00
- (6) Journeyman electrician \$10.00
- (7) Maintenance electrician \$10.00
- (8) Specialist electrician \$10.00

(g) A person shall not lend, rent, or transfer his license to any other person. Every holder of a license as a master, journeyman, maintenance, or specialist electrician shall carry his registration card or license on his person at all times while doing electrical work and shall produce and exhibit it when requested by the building official.

(h) A license shall expire at midnight one year from the date of its issuance and must be renewed annually upon application to the town and payment of the licensing fee shown above. Should any license lapse for more than six months, the holder shall be considered as a new applicant and must either be re-examined or prove the existence of a license with a reciprocal city.

Sec. 18-223. Requirements for master electricians.

The following restrictions apply to the holders of a master electrician license:

(a) A master electrician who qualifies an electrical contracting business assumes responsibility for the business' complying with the provisions of article IV of chapter 18 of the Addison Code in its entirety, including payment for indebtedness to the town for permit fees.

(b) Whenever a master electrician leaves or is discharged from the employ of a person who is required by article IV of chapter 18 of the Addison Code to employ a master electrician, a notice in writing shall be given immediately by both the employer and the master electrician to the building official, and the permit privileges of the employer shall, without further order or action, be suspended until the employment and qualifying of another master electrician.

(c) A master electrician shall not qualify more than one electrical contracting business at any one time.

(d) A master electrician shall not knowingly permit his name to be used or himself to be held out as the master electrician who qualifies a specific electrical contracting business unless he:

(1) Is an owner or full-time employee of the business;

(2) Actively supervises the daily operation of the business;

(3) Is not engaged in or employed by any other business at the same time that the electrical contracting business is performing electrical work with in the town; and

(4) Is authorized to order employees of the business to correct defects, errors, and deficiencies in electrical work installed or performed by the business.

Sec. 18-224. Requirements for journeyman electricians.

A journeyman electrician's license shall entitle the holder to engage himself in the employ of any person registered under another classification under the provisions of article IV of chapter 18 of the Addison Code.

Sec. 18-225. Requirements for maintenance electricians.

A maintenance electrician's license shall entitle the holder to engage himself in the employ of any person holding an electrical building maintenance operator's license under the provisions of article IV of chapter 18 of the Addison Code.

Sec. 18-226. Requirements for specialist electricians.

(a) A specialist electrician's license shall entitle the holder to engage himself in the employ of any person holding a license to do the work for which the specialist has been qualified. A person may apply to be a specialist electrician in one of the following classes:

- (1) Specialist elevator electrician; or
- (2) Specialist residential electrician; or
- (3) Specialist sign electrician.

(b) Each applicant not holding a master or journeyman electrician's license shall be required to answer a reasonable number of questions in writing, to show that he has sufficient knowledge and training to perform the work for the class of

electrical specialist applied for.

Sec. 18-227. Requirements for building maintenance operators.

(a) The building maintenance operator's license shall entitle the holder to maintain, repair, relocate, or replace any electrical conductors or equipment on a single specific building, structure, or premises owned or controlled by the person and used exclusively by him to conduct his business but shall not permit the installation, enlargement, or addition of electrical conductors or equipment.

(b) The person engaged in building maintenance work on a given premises shall have a maintenance electrician, journeyman electrician, or master electrician in continuous employment on the premises, who shall have active supervision over the electrical maintenance work on the premises to which the building maintenance operator's license of registration is issued.

(c) At regular intervals the building official shall visit all premises where work will be done under an annual building maintenance operator's license and shall inspect all electrical equipment installed under such a permit since the date of his last inspection and shall, if requested, issue a certificate of approval for the work found to be in conformity with the provisions of article IV of chapter 18 of the Addison Code.

(d) The holder of a building maintenance operator's license shall keep a log describing any and all relocated electrical work. The log shall give the date, the description of the work, including quantities involved, the location on the premises, the name of the maintenance electrician performing the work and the name of the person ordering the work done. This log shall be made available at all times to the building official.

(e) Any person violating any of the provisions dealing with a building maintenance operator's license shall be subject to the penalties provided by article IV of chapter 18 of the Addison Code, and in addition, privileges conveyed by license may be revoked by the building official. Notice of revocation shall be in writing to the person holding the license.

Sec. 18-228. Requirements for electrical contractor.

An electrical contractor shall not engage in an electrical contracting business within the town unless the business is qualified by a master electrician who:

- (a) Is an owner or full-time employee of the business;
- (b) Actively supervises the daily operation of the business;
- (c) Is not engaged in or employed by any other business at the same time that the electrical contracting business is performing electrical work within the town; and
- (d) Is authorized to order employees of the business to correct defects, errors, and deficiencies in electrical work installed or performed by the business.

Sec. 18-229. Requirements for lighting maintenance contractors.

A lighting maintenance contractor's license shall entitle the holder to engage in the business of repair and maintenance of lighting fixtures only, and a person engaged in the lighting maintenance contracting business shall have active supervision over and be responsible for lighting maintenance work conducted by the contractor. The building official shall be notified in writing in the event the journeyman electrician is replaced by another journeyman electrician.

Sec. 18-230. Requirements for elevator contractors.

An elevator contractor's license shall entitle the holder to engage in the business of, and to secure permits for, the installation, repairs, and alteration of any electrical wiring and equipment connected with the installation of electrical elevators. The actual work of installation shall be under the direct supervision of a qualified master, journeyman or specialist elevator electrician.

Sec. 18-231 - 18-245. Reserved.

DIVISION 4. TECHNICAL STANDARDS

Subdivision I. In General

Sec. 18-246. Adopted.

(a) The rules and regulations of the International Fire Protection Association embodied in the National Electrical Code, 2005 edition, are hereby adopted as the rules and regulations to govern and be observed and followed in all the construction, installation, repair, alteration, operation and maintenance of electrical wiring, apparatus and fixtures in the town.

(b) The National Electrical Code, 2005 edition (a copy of which authenticated by the signature of the mayor and city secretary, and made a public record by ordinance, is on file in the city secretary's office) is hereby adopted as the National Electrical Code of the town as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article.

Secs. 18-247 - 18-265. Reserved.

Subdivision II. Deletions, Amendments and Additions

Sec. 18-266. Deletions, amendments, and additions.

The National Electrical Code as adopted in section 18-246 is hereby amended by the deletions, amendments, and additions provided in this division.

Sec. 18-267. Aluminum wiring.

Section 110.5 of the National Electrical Code is amended by adding the following:

Aluminum conductors shall be number 8 or larger and shall not be use on branch circuits.

Sec. 18-268. Unfused service entrance conductors.

Section 230.70 (A) (1) of the National Electrical Code is amended by adding the following:

Unfused service entrance conductors entering buildings shall be enclosed in rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, wireways, auxiliary gutters, or as busways. Unfused service conductors extending within buildings above the third floor shall be enclosed in at least two inches of concrete, except in meter rooms.

Sec. 18-269. Maximum Number of Disconnects

Section 230.71 of the National Electrical Code is amended by adding an exception as follows:

Exception: Multi-occupant Buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

Sec. 18-270. Overcurrent devices in closets.

Section 240.24(D) of the National Electrical Code is amended by adding the following:

Overcurrent devices shall be permitted in clothes closets if the working clearances required in section 110.26 are maintained.

Sec. 18-271. Securing and Supporting

Section 300.11 (A) of the National Electrical Code is amended by adding an exception as follows:

Exception: Ceiling grid support wires may be used for structural support when the associated wiring is located in that area, not more than two raceways or cables supported per wire, with a maximum nominal metric designation 16 (trade size ½ ").

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect. Nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the National Electrical Code, 2005 Edition, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the National Electrical Code, 2005 Edition, or revisions thereof as a

whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00) and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the _____ day of _____, 2005.

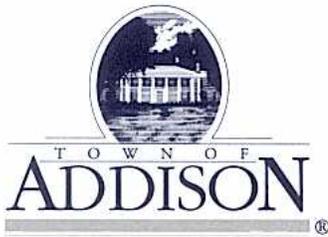
MAYOR

ATTEST:

CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.



BUILDING INSPECTION DEPARTMENT
(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove
Post Office Box 9010 Addison, Texas 75001-9010

To: Carmen Moran, Director Development Services

From: Lynn Chandler, Building Official

Date: February 13, 2006

Subject: 2003 IMC

The following changes were made to the 2003 IMC:

Sec.18-291. Text changed to read 2003 IMC.

Sec. 18-313.01. This section was added to reflect our three member board of appeals as opposed to the five member board mentioned in the original text of the 2003 IMC.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE V, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article V, in its entirety to read as follows:

ARTICLE V. MECHANICAL CODE
DIVISION 1. GENERALLY.

Sec. 18-291. Adopted.

(a) The rules and regulations of the International Mechanical Code, 2003 Edition, are hereby adopted as the rules and regulations regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances in the city.

(b) The International Mechanical Code, 2003 Edition (a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the mechanical code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto provided in this article.

Sec. 18-292 - 18-310. Reserved.

DIVISION 2. DELETIONS, AMENDMENTS, AND ADDITIONS

Sec. 18-311. Generally.

The International Mechanical Code, is hereby modified by the deletions, amendments and additions provided herein.

Sec. 18-312. Violation penalties.

The International Mechanical Code, is amended by changing subsection 108.4 to read as follows:

108.4. Violation penalties. Any person, firm or corporation violating any of the provisions of Article V of Chapter 18 of the Addison Code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed five hundred dollars (\$500.00), and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of Article V of Chapter 18 of the Addison Code, and the owner or owners of any premises wherein a violation of the provisions of Article V of Chapter 18 of the Addison Code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Sec. 18-313. Board of Appeals.

The International Mechanical Code, is amended by changing subsection 109.2 to read as follows:

109.2. Board of Appeals.

109.2.1 General. In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is hereby created a board of appeals consisting of three (3) members and two (2) alternates appointed by the city council. The building official shall be an ex officio member and shall act as secretary of the board. The board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing. The powers of the board of appeals shall be as follows:

- (1) To hear appeals from decisions of the building official.
- (2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgment, the material or method of construction is at least equivalent to that prescribed.
- (3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the town to perform air conditioning and refrigeration work and shall have the power, after hearing to revoke or suspend said license for the following reasons:
 - a. Chronic violation of the code
 - b. Misrepresentation of material facts in obtaining said license or renewal thereof
 - c. Chronic failure to secure permits inspections, or approvals as required by the code, or
 - d. Use of said license to obtain a permit for another person, firm, or corporation.

Sec. 18-313.01 Postponed hearing.

The International Mechanical Code is amended by changing subsection 109.5 to read as follows:

109.5 Postponed hearing. When three members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

Sec. 18-313.1 Board decisions.

The International Mechanical Code, is amended by changing subsection 109.6 to read as follows:

109.6. Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of two members.

Sec. 18-314. Licensing and registration of contractors.

The International Mechanical Code is amended by adding subsection 106.6 to read as follows:

106.6. Licensing.

(a) No person, corporation, firm, or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems or ventilation, without first obtaining an air conditioning and refrigeration contractor's license.

(b) To register with the town as a mechanical contractor, an application shall be made in writing on forms furnished for that purpose along with a fifty dollar (\$50.00) registration fee, and filed with the building official. This application shall contain a copy of the person's state air conditioning and refrigeration license.

Exception: a homeowner is not required to be licensed as a registered contractor to perform work in his own home.

(c) The air conditioning and refrigeration contractor's license shall be valid for one (1) year from the date of registration.

(d) The contractor shall be subject to the requirements and penalties of the code of ordinances of the Town of Addison.

(e) Any person who installs, repairs or alters environmental air conditioning, commercial refrigeration, or process cooling or heating systems or ventilation shall be licensed by the State of Texas to perform such work.

Sec. 18-315. Fee schedule.

Subsection 106.5.2 of the International Mechanical Code, 2000 Edition, is amended to read as follows:

"The fee for each permit shall be as set forth in sections 18-2 and 18-3 of the Code of Ordinance of the Town of Addison."

Sec. 18-316. Fee refunds.

Subsection 106.5.3 of the International Mechanical Code, is amended to read:

"The building official is authorized to establish a refund policy."

Sec. 18-317 - 18-341. Reserved.

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the International Mechanical Code, 2003 Edition, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the International Mechanical Code, 2003 Edition, or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00), and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the _____ day of _____, 2004.

MAYOR

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

ATTEST:

CITY SECRETARY



BUILDING INSPECTION DEPARTMENT
(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove
Post Office Box 9010 Addison, Texas 75001-9010

To: Carmen Moran, Director Development Services

From:  Lynn Chandler, Building Official

Date: February 13, 2006

Subject: 2003 IPC, IFGC, IPSDC

The following changes were made to the 2003 IPC ordinance:

Sec. 18-341. Text was changed to read 2003 Editions.

Sec. 18-361. Text was changed to read 2003 Editions.

Sec. 18-362. Text was changed to read 2003 Editions.

Sec. 18-363. Text was changed to read 2003 Editions.

Sec. 18-363.01. This section was added to reflect our three member board of appeals as opposed to the five member board mentioned in the original text of the 2003 IPC, IFGC, and IPSDC.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE VI OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article VI in its entirety to read as follows:

ARTICLE VI. PLUMBING CODE

DIVISION 1. GENERALLY

Sec. 18-341. Adopted.

(a) The rules and regulations of the International Plumbing Code, International Fuel Gas Code, and the International Private Sewage Disposal Code, 2003 Editions, are hereby adopted as the rules and regulations and controlling the design, construction, installation, quality of materials, location, operation and maintenance of plumbing apparatus and fixtures within the city.

(b) The International Plumbing Code, International Fuel Gas Code and International Private Sewage Disposal Code, 2003 Editions (copies of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, are on file in the city secretary's office) are hereby adopted as the plumbing code of the city as fully as if copied at length in this article, but with the following changes therein and additions thereto provided in this article.

Sec. 18-342 - 360. Reserved.

DIVISION 2. DELETIONS, AMENDMENTS, AND ADDITIONS

Sec. 18-361. Generally.

The International Plumbing Code, International Fuel Gas Code and International Private Sewage Disposal Code, 2000 Editions, as adopted in this article, are hereby modified by the deletions, amendments and additions provided herein.

Sec. 18-362. Violation penalties.

The International Plumbing Code, International Fuel Gas Code and International Private Sewage Disposal Code, 2003 Editions, are amended by changing subsection 108.4 to read as follows:

108.4. Violation penalties. Any person, firm or corporation violating any of the provisions of Article VI of Chapter 18 of the Addison Code shall be subject to a fine, upon conviction in the municipal court, in any sum not to exceed five hundred dollars (\$500.00), and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of Article VI of Chapter 18 of the Addison Code, and the owner or owners of any premises wherein a violation of the provisions of Article VI of Chapter 18 of the Addison Code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

Sec. 18-363. Board of Appeals.

The International Plumbing Code, International Fuel Gas Code and International Private Sewage Disposal Code, 2000 Editions, are amended by changing subsection 109.2 to read as follows:

109.2. Board of Appeals.

109.2.1. General. In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of Article VI of Chapter 18 of the Addison Code, there shall be and is hereby created a board of appeals consisting of three (3) members and two (2) alternates appointed by the city council.

The building official shall be an ex officio member and shall act as secretary of the board. The board of appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing. The powers of the board of appeals shall be as follows:

(1) To hear appeals from decisions of the building official.

(2) To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board's judgment, the material or method of construction is at least equivalent to that prescribed and

(3) To hear complaints from the building official arising against any person, firm, or corporation licensed by the town to perform plumbing work and shall have the power, after hearing, to revoke or suspend said license for the following reasons:

a. Chronic violation of Article VI of Chapter 18 of the Addison Code

b. Misrepresentation of material facts obtaining said license or renewal thereof

c. Chronic failure to secure permits, inspections, or approvals as required by Article VI of Chapter 18 of the Addison Code, or

d. Use of said license to obtain a permit for another person, firm, or corporation.

109.2.2. Limitations of authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Sec. 18-363.01 Postponed hearing.

The International Plumbing Code, International Fuel Gas Code and International Private Sewage Disposal Code are amended by changing subsection 109.5 to read as follows:

109.5. Postponed hearing. When three members are not present to hear an appeal, either the appellant or the

appellant's representative shall have the right to request a postponement of the hearing.

Sec. 18-363.1 Board decisions.

The International Plumbing Code, International Fuel Gas Code and International Private Sewage Disposal Code are amended by changing subsection 109.6 to read as follows:

109.6. Board decision. The board shall modify or reverse the decision of the code official by a concurring vote of two members.

Sec. 18-364. Licensing and registration of contractors.

The International Plumbing Code is amended by adding subsection 106.7 to read as follows:

106.7. Licensing.

(a) No person, corporation, firm, or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or a plumbing system unless licensed as a plumbing or irrigation contractor by the town. However, no license is required for work that is not required to be permitted.

(b) To register with the town as a plumbing or irrigation contractor, an application shall be made in writing on forms furnished for that purpose along with a fifty dollar (\$50.00) registration fee, and filed with the building official. This application shall contain a copy of the person's state plumbing or irrigation license.

Exception: A homeowner is not required to be licensed as a registered contractor to perform work in his own home.

(c) The plumbing contractor's license shall be valid for one (1) year from the date of registration.

(d) The contractor shall be subject to the requirements and penalties of the Code of Ordinances of the Town of Addison.

(e) Any person who installs, repairs or alters a plumbing or irrigation system shall be licensed by the State of Texas to perform such work.

Sec. 18-365. Fee schedule.

Subsection 106.6.2 of the International Plumbing Code, subsection 106.5.2 of the International Fuel Gas Code and subsection 106.4.2 of the International Private Sewage Disposal Code are amended to read as follows:

"The fee for each permit shall be as set forth in sections 18-2 and 18-3 of the Code of Ordinance of the Town of Addison."

Sec. 18-366. Fee refunds.

Subsection 106.6.3 of the International Plumbing Code, subsection 106.5.3 of the International Fuel Gas Code, and subsection 106.4.3 of the International Private Sewage Disposable Code are amended to read as follows:

"The building official is authorized to establish a refund policy."

Sec. 18-367. Sewer depth.

The International Plumbing Code is amended by changing subsection 305.6.1 to read as follows:

305.6.1. Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 6 inches (152mm) below the frost line and not less than 12 inches (305mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches (152mm) below the frost line and not less than 12 inches (305mm) below grade.

Sec. 18-368. - 18-369. Reserved.

Sec. 18-370. Administration approval.

The International Plumbing Code is amended by adding subsection 917.9 to read as follows:

917.9 Administrative approval. The administration shall have final approval of all locations of air admittance valves.

Sec. 18-371. Grease traps and grease interceptors.

The International Plumbing Code is amended by adding the following to subsection 1003.3:

In addition to the above requirements, grease traps shall comply with the following:

<i>Description of use</i>	<i>Minimum Size (In Pounds)</i>
Food service establishments with seating capacity of 50 or more	750
Food service establishments with seating capacity of less than 50 and with a 3-compartment sink	250
Minor food service establishments as defined by administrative authority	150

The administrative authority may require larger grease traps in particular businesses than shown above when it is felt that the quantity of grease may exceed the capacity of the grease traps shown. The administrative authority may also require grease traps for food preparation establishments other than food service facilities.

Grease traps shall be located outside of a building or structure in an area accessible for service.

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect; nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the

International Plumbing Code, International Fuel Gas Code, or the International Private Sewage Disposal Code, 2003 Editions, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the International Plumbing Code, International Fuel Gas Code or International Private Sewage Disposal Code, 2000 Editions, or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00), and each and every day that the prohibited condition remains shall constitute a separate offense.

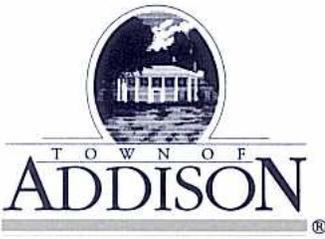
SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the _____ day of _____, 2004.

MAYOR

ATTEST:

CITY SECRETARY



BUILDING INSPECTION DEPARTMENT
(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove
Post Office Box 9010 Addison, Texas 75001-9010

To: Carmen Moran, Director Development Services

From: Lynn Chandler, Building Official

Date: February 13, 2006

Subject: 2003 IRC

The following changes were made to the 2003 IRC ordinance:

Sec. 18-401. Text changed to read 2003 IRC.

Sec. 18-426.1. This section was added so the definition of a townhouse would correspond to the definition in our zoning ordinance and it was also recommended by NCTCOG so it would be consistent with the terminology in this region.

Sec. 18-427. Exception 2 of this section was deleted. Sec. 18-428 Unity Agreements may be used for the purpose of this exception.

Sec. 18-249. Text changed to read R324.

Sec. 18-430. Text changed to read R325.

Sec. 18-431. Text changed to read R326.

Sec. 18-432. Text changed to read R327.

Sec. 18-433. Text changed to read R328.

Sec. 18-434. Text changed to read R329.

Sec. 18-436. Text changed to read subsection 1403.8 to be compatible with the IBC.

Sec. 18-436.1. Amendment recommended by NCTCOG to reflect regional practice.

Sec. 18-436.2. Amendment recommended by NCTCOG to provide a regional guideline.

Sec. 18-441. This section has been deleted. It previously eliminated the requirement for a barrier or warning system that serves a private pool and a residence.

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, TO PROVIDE MINIMUM STANDARDS TO SAFEGUARD LIFE OR LIMB, PROPERTY, AND PUBLIC WELFARE BY REGULATING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES. PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison be amended by rewriting Chapter 18, Article VII in its entirety to read as follows:

ARTICLE VII HOUSING CODE.

Sec. 18-401. Adopted.

For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials used, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated herein, the International Residential Code, 2003 Edition (a copy of which, authenticated by the signature of the mayor and the city secretary, and made a public record by ordinance, is on file in the city secretary's office), is hereby adopted as the building code of the city as fully as if copied at length in this article, but with the changes therein and additions thereto to provided in this article. Also, adopted are Appendices **E, F, G, H, I, J and K** of the 2003 Edition of the International Residential Code.

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

Sec. 18-402 - 18-420. Reserved.

Sec. 18-421. Deletions, amendments and additions generally.

The International Residential Code, as adopted in this article, is hereby modified by deletions, amendments and additions provided herein.

Sec. 18-422. Reserved

Sec. 18-423. Exempted work.

The International Residential Code is amended by deleting items 1 and 2 from subsection R105.2.

Sec. 18-424. Certificate of Occupancy.

The International Residential Code is amended by deleting section R110.

Sec. 18-425. Board of Appeals.

The International Residential Code is amended by deleting subsection R112.3 and changing subsection R112.1 to read as follows:

R112.1 General. See subsection 112.1 of the International Building Code.

Sec. 18-426. Violation penalties.

The International Residential Code is amended by changing subsection R113.4 to read as follows:

R113.4 Violation penalties. See subsection 113.4 of the International Building Code.

Sec. 18-426.1. Definitions.

The International Residential Code is amended by changing the definition of Townhouse in section 202 to read as follows:

Townhouse. A single family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.

Sec. 18-427. Exterior Walls.

The International Residential Code is amended by changing the exception in subsection R302.1 to read as follows;

Exception. Tool and storage sheds, play houses and similar structures where the floor area does not exceed 200 square feet are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

Sec. 18-428. Unity Agreements.

The International Residential Code is amended by adding subsection R302.4 to read as follows:

R302.4 Unity agreement. See subsection 704.15 of the International Building Code.

Sec. 18-429. Automatic Fire Extinguishing System.

The International Residential Code is amended by adding section R324 to read as follows:

SECTION R324

AUTOMATIC FIRE EXTINGUISHING SYSTEMS

R324.1. General. An automatic fire extinguishing system shall be installed according to Chapter 9 of the International Building Code.

Sec. 18-430. Disposal of Construction Waste.

The International Residential Code is amended by adding subsection R325 to read as follows:

SECTION R325

DISPOSAL OF CONSTRUCTION WASTE

R325.1 General. See Section 3313 of the International Building Code.

Sec. 18-431. Excavation, Construction or Demolition at night prohibited.

The International Residential Code is amended by adding section R326 to read as follows:

SECTION R326

EXCAVATION, CONSTRUCTION OR DEMOLITION AT NIGHT PROHIBITED

R326.1 General. See Section 3314 of the International Building Code.

Sec. 18-432. Stormwater Runoff.

The International Residential Code is amended by adding Section R327 to read as follows:

SECTION R327

STORMWATER RUNOFF

R327.1 General. See Section 3315 of the International Building Code.

Sec. 18-433. Building Security.

The International Residential Code is amended by adding Section R328 to read as follows:

SECTION R328

BUILDING SECURITY

R328.1 General. See Chapter 36 of the International Building Code.

Sec. 18-434. Airport Noise.

The International Residential Code is amended by adding Section R329 to read as follows:

SECTION R329

AIRPORT NOISE

R329.1 General. See Chapter 37 of the International Building Code.

Sec. 18-435. Exterior Plaster.

The International Residential Code is amended by adding subsection R703.6.3 to read as follows:

R703.6.3 3/8" One-coat stucco system. See subsection 2512.10 of the International Building Code.

Sec. 18-436. Exterior insulation and finish system (EIFS).

The International Residential Code is amended by adding subsection R703.9.3 to read as follows:

R703.9.3 Requirements: In addition to the above requirements the exterior insulation and finish system shall comply with subsection 1403.8 of the International Building Code.

Sec. 18-436.1. Sewer Depth.

The International Residential Code is amended by changing subsection P2603.6.1 to read as follows:

P2603.6.1 Sewer depth. Building sewers shall be a minimum of 12 inches(304 mm) below grade.

Sec. 18-436.2. Roof extension.

The International Residential Code is amended by changing subsection P3103.1 to read as follows:

P3103.1 Roof extensions. All vent pipes which extend through a roof shall be terminated at least 6 inches (152 mm) above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

Sec. 18-437. Administrative approval.

The International Residential Code is amended by adding subsection P3114.8 to read as follows:

P3114.8 Administrative approval. The administration shall have final approval of all location of air admittance valves.

Sec. 18-438. Location of clear spaces.

The International Residential Code is amended by adding a sentence to subsection E3305.4 to read as follows:

Overcurrent devices shall be permitted in clothes closets if the working clearances required in subsection E3305.2 are maintained.

Sec. 18-439. Minimum size of conductors.

The International Residential Code is amended by changing the first sentence of subsection E3306.3 to read as follows:

The minimum size of conductors for feeders and branch circuits shall be No. 14 copper and aluminum conductors shall be No. 8 or larger and shall not be used on branch circuits.

Sec. 18-440. Service disconnect location.

The International Residential Code is amended by adding sentences to subsection E3501.6.2 to read as follows:

Unfused service entrance conductors entering buildings shall be enclosed in rigid metal conduit, wireways, auxiliary gutters, or as busways. Unfused service conductors extending within the building above the third floor shall be enclosed in at least two inches of concrete, except in meter rooms.

Sec. 18-441-18-450 Reserved

SECTION 2. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same is hereby repealed, but the repeal of such ordinances or parts of ordinances shall not affect any right, property or claim which was or is vested in the Town of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect. Nor shall said repeals, amendments or changes effect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or sections thereof so repealed.

SECTION 3. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or the International Residential Code, 2003 Edition, or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance or of the International Residential Code, 2003 Edition, or revisions thereof as a whole or any part of provision other than the part so decided to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not to exceed five hundred dollars (\$500.00), and each and every day that the prohibited condition remains shall constitute a separate offense.

SECTION 5. That this ordinance shall become effective from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the _____ day of _____, 2004.

MAYOR

ATTEST:

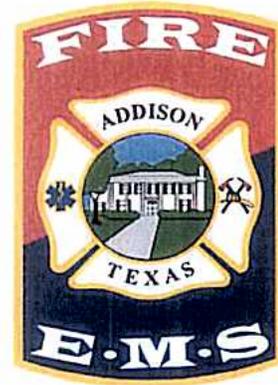
CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO.

Memorandum

To: Noel Padden, Fire Chief
From: Gordon C. Robbins, Deputy Fire Chief
Date: Wednesday, February 22, 2006
Re: 2003 Fire Code Adoption



Attached please find the proposed ordinance adopting the 2003 International Fire Code. For the most part there are only minor editorial differences between the 2000 and the 2003 Fire Codes. All changes from the current ordinance are shown in red on the attached draft of the new ordinance. However, only two significant changes are proposed and they are explained below.

1) In amending Section 903.2 of the Code (Fire sprinklers) I have added an exception for existing unsprinklered single family residences (i.e. If an existing unsprinklered residence is added on to, the owner will no longer be required to install fire sprinklers in the home). See page 4 of the proposed adoption ordinance.

2) Section 3404 of the Code (Flammable liquids) is amended to require Fire Department approval of the location for any hazardous material or flammable liquid bulk storage facilities. See page 6 of the proposed adoption ordinance.

Also, the section of the ordinance regulating Emergency Ambulance Services has been deleted, as that activity is now regulated by separate ordinance.

I appreciate your review of this material. Please contact me if you have any questions.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS REPEALING ORDINANCE 000-044 RELATING TO A FIRE CODE, AMENDING CHAPTER 38 (FIRE PREVENTION AND PROTECTION) OF THE CODE OF ORDINANCES OF THE TOWN BY ADOPTING THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE INCLUDING ALL APPENDICES THERETO, THEREBY PRESCRIBING REGULATIONS GOVERNING THE SAFETY OF LIFE AND PROPERTY FROM FIRE AND RELATED CONDITIONS; ESTABLISHING A FIRE PREVENTION DIVISION, PROVIDING OFFICERS THEREFOR AND DEFINING THEIR DUTIES AND POWERS; AMENDING THE SAID 2003 INTERNATIONAL FIRE CODE AS SET FORTH HEREIN; PRESCRIBING REGULATIONS GOVERNING THE OPERATION OF THE FIRE DEPARTMENT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF \$2,000 FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendments; Repeal.

A. The Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed.

1. Chapter 38 (Fire Prevention and Protection) is amended as set forth in Exhibit 1 attached hereto and incorporated herein.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting fire prevention, protection, and safety and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, liability, action, cause of action, or claim which, prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to any ordinance or portion of the Code of Ordinances repealed hereby, shall continue to be governed by the provisions of those

repealed ordinances or portions of the Code, and for that purposes such ordinances or portions of the Code shall be deemed to remain and shall continue in full force and effect.

Section 3. Penalty; Injunctive Relief. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. In addition to and cumulative to all other penalties, the Town of Addison shall have the right to seek injunctive relief for any and all violations of this Ordinance.

Section 4. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this _____ day of _____, 2006.

Joe Chow, Mayor

ATTEST:

By: _____
Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: _____
Ken Dippel, City Attorney

EXHIBIT 1

ARTICLE I: IN GENERAL

Sections 38-1 to 38-30 RESERVED

ARTICLE II: FIRE CODE

DIVISION 1. GENERALLY

Section 38-31 ADOPTION

There is hereby adopted by the Town of Addison, for the purpose of prescribing regulations governing the safety of life and property from fire and related conditions, that certain code known as the International Fire Code (for purposes of this Chapter 38, "Code"), including all appendices thereto, in particular the 2003 edition thereof, published by the International Code Council, Inc., hereinafter known as the "Fire Code" or the "Code", and the whole thereof except for such portions as are modified herein, and the same are incorporated as fully as if set out at length herein. From the date on which this Ordinance shall take effect, the provisions herein shall be controlling within the corporate limits of the Town of Addison, Texas.

Section 38-32 DEFINITIONS

Words, terms and phrases when used herein and in the Code shall have the meanings ascribed to them by ~~Chapter 2~~ of the Code unless otherwise expressly stated or unless the context clearly indicates a different meaning. Terms not defined by the Code shall have ordinarily accepted meanings such as the context implies.

Section 38-33 ENFORCEMENT

(a) The Fire Code shall be administered and enforced by the Fire Prevention Division of the Fire Department of the Town of Addison, said Division is hereby established and shall be operated under the supervision of the Fire Chief.

(b) The person in charge of the Fire Prevention Division, known as the Fire Prevention Chief, shall be appointed by the Fire Chief on the basis of proper qualifications.

(c) With the approval of the Fire Chief, the Fire Prevention Chief may appoint such qualified persons to the Fire Department as shall be necessary to serve as Inspectors. Each Inspector so assigned shall be authorized to enforce the provisions of the Fire Code as set forth in Section 103.3 of the Code. The Fire Chief may recommend to the City Manager the employment of technical specialists, who, if such authorization is made, shall be appointed on the basis of proper qualifications.

(d) Members of the Fire Prevention Division shall inspect, as often as may be necessary, any building, property, place or thing in the Town in accordance with Section 104 and other relevant sections of the Fire Code.

(e) Section 104.10 of the Code shall be amended to read:

Fire Investigations. The Fire Prevention Division is authorized to investigate promptly the cause, origin and circumstances of each fire occurring in the jurisdiction involving injury or loss of life to a person or damage or destruction of property. Such investigation shall be limited to the cause and origin of the fire. If, in the opinion of the assigned fire investigator such fire is of suspicious origin, the fire investigator shall immediately contact members of the Addison Police Department's Criminal Investigation Division. Said Police Investigators shall assume the criminal portion of the investigation and pursue it to its conclusion in accordance with the penal code with such assistance at the fire scene as may be necessary by the Fire Prevention Division.

(f) Section 109.3 of the Code shall be amended by the addition of:

a) Members of the Fire Prevention Division may issue citations as necessary for violations of the Fire Code or this Ordinance. Each day a violation continues shall be deemed a separate offense. Said violations shall be punishable by payment of a fine not to exceed \$2000.00 dollars as determined by the Municipal Judge of the Town of Addison.

Section 38-34 HAZARDOUS MATERIALS AND FALSE ALARM RESPONSE AND REMUNERATION

(a) HAZARDOUS MATERIAL RELEASE: Any party(ies) who accidentally, negligently or intentionally causes or is responsible for a spill of hazardous material as defined in the Code which affects public or private property within the Town, shall be liable for the payment of all costs incurred by the Town in the effort to mitigate and abate the hazard. The remedy provided by this Section shall be in addition to any other remedies provided by law.

(b) RECOVERABLE COSTS: For the purposes of this chapter, costs incurred by the Town shall include, but not be limited to, all actual out-of-pocket expenses attributable to the abatement or clean up of the hazardous material(s), including costs of equipment operations, costs of materials utilized, costs of third party specialists, experts or contract labor not in the full time employment of the Town, overhead costs, overtime costs and any other incidental costs incurred by the Town. Basic costs associated with Fire Department services shall be Four Hundred Dollars (\$400.00) per hour for each engine or truck company and Two Hundred Dollars (\$200.00) per hour for each medical unit.

(c) FALSE FIRE ALARMS: If, within a calendar year, the Addison Fire Department responds to three false fire alarms at the same address, the owner or manager of the property shall be assessed a fee of \$300.00 for each subsequent false alarm response during the remainder of the calendar year.

DIVISION 2. DELETIONS, AMENDMENTS AND MODIFICATIONS

Sec. 38-51 Generally

The 2003 edition of the International Fire Code is modified by the deletions, amendments and modifications provided for in this division.

Section 38-52 Permits

Section 105.1 of the Code shall be amended to read:

Scope. Permits shall be in accordance with Section 105 or as determined by the Fire Prevention Chief

Section 38-53 Provision for Fire Safety

(a) Section 304.1 of the Code shall be amended to read:

WASTE MATERIAL. Accumulations of **any type of waste or scrap** material shall not be allowed to remain in any location where, in the opinion of the Fire Prevention Chief, they may constitute a fire and life-safety hazard or impede Fire Department operations.

(b) Section 307.1 of the Code shall be amended to read:

GENERAL. Open burning, including recreational **or ceremonial**, fires shall not be permitted in the Town of Addison.
Exception: Outdoor cooking is permitted and shall be in accordance with Section ~~307.5~~ **308.3.1**

(c) Section 503.2.1 of the code shall be amended to read:

DIMENSIONS. Fire lanes and other fire apparatus access routes shall have an unobstructed width of not less than 24-feet and an unobstructed vertical clearance of not less than 14-feet.

(d) Section 903.1.1 is deleted in its entirety

(e) Section 903.2 of the code shall be amended to read:

SPRINKLERS REQUIRED. An approved automatic fire sprinkler system shall be installed as follows:

1) In all buildings of any area, size or occupancy built or added to after December 8, 1992. In the case of an addition to an existing structure an approved automatic fire sprinkler system shall be installed in the addition and the existing building unless separated by an approved area separation wall.

Unless otherwise required in the code, the following exceptions apply:

Exception 1: Detached Group U occupancies that do not exceed 500 square feet in area and are located six feet from any other building.

Exception 2: Open parking garages of noncombustible construction that have no other types of occupancies located above the garage.

Exception 3: Existing, unsprinklered, single-family detached dwellings which are added to for the purpose of increasing livable area.

Exception 4: Covered walkways or open canopies above fuel dispensing pumps, bus stops or other similar structures intended only for the temporary protection of persons from inclement weather but not including covered patios attached to buildings.

Exception 5: Group ~~S-1~~ S-2 occupancies used only for the storage or parking of aircraft. (NOTE: Aircraft hangars are subject to the provisions of NFPA 409.)

2) In any existing building of any size, area or occupancy remodeled or reconstructed after the effective date of this ordinance where 50% or greater of either the square footage or the dollar value is involved.

3) In the attic of any building required by this section to have a fire sprinkler system, except the attics of single family detached dwellings.

4) In the occupancies and locations set forth in Section 903 of the Fire Code

(f) Section 903.3.1.1 shall be amended to read:

NFPA-13 SPRINKLER SYSTEMS. Where the provisions of this ordinance require that a building or portion thereof be equipped with an automatic fire sprinkler system, sprinklers shall be installed in accordance with NFPA-13, or ~~NFPA-13R~~ other standards as appropriate for the occupancy type and, in addition, sprinkler coverage shall include any area, regardless of size or use, that contains an energy source except as provided in Sections 903.3.1.1.1 exceptions (1) & (2).

(g) Section 903.4 of the Code shall be amended to read:

SPRINKLER SYSTEM MONITORING AND ALARMS. All valves controlling the water supply and all water flow alarm switches on fire sprinkler systems shall be electronically supervised and monitored by an approved fire alarm monitoring agency, regardless of the number of sprinkler heads served.

Exception. Valve and alarm monitoring on single family residence sprinkler systems shall be at the discretion of the property owner.

(h) Section 904.2 shall be amended to read:

Other types of fire extinguishing systems shall not be installed as an alternative or replacement for automatic fire sprinkler systems. Alternative systems may only be installed as a supplement to required fire sprinkler systems.

(i) Section 905.1 of the Code shall be amended to read:

GENERAL. Standpipe systems shall be provided as set forth in this section or as required by the Prevention Chief.

(j) Section 3301.1 of the Code shall be amended to read:

SCOPE. The manufacture, possession, storage, sale, transportation, use and/or handling of explosive materials of any type is prohibited in the Town of Addison except as noted below:

Exception 1. Explosive materials used by the armed forces of the United States or other governmental agencies acting in an official capacity.

Exception 2. The possession, use and storage of small arms ammunition in accordance with Section 3306 of the Code.

Exception 3. Approved construction or demolition projects for which a permit has been obtained and where all necessary safety precautions are reviewed by the Fire Department and observed on site.

(k) Section 3308.1 of the Code is hereby amended to read:

GENERAL. The manufacture, possession, storage, sale, transportation, use and/or handling of fireworks or pyrotechnic material of any type is prohibited in the Town of Addison except as noted below:

Exception. Approved events organized and conducted by licensed fireworks and pyrotechnic professionals where all necessary safety precautions are reviewed by the Fire Department and observed on site.

(l) Section 3404 of the Code shall be amended by the addition of:

3404.1 LOCATION. Facilities storing hazardous, flammable or combustible liquids or materials in excess of the quantities listed in Table 2703.1.1, that are installed or relocated after the adoption of this provision, may only be located as approved by the Fire Prevention Chief.

(m) Section 3404.3.8 of the Code is hereby amended to read:

LIQUID STORAGE WAREHOUSES. The storage of flammable liquids in the manner defined by the Code as a "liquid storage warehouse" is prohibited in the Town of Addison.

~~ARTICLE III FIRE DEPARTMENT GENERALLY~~

~~Section 38-54 Emergency Ambulance Service~~

~~—— (a) SCOPE: Emergency ambulance service within the corporate limits of the Town of Addison shall be provided by, supervised by and under the control and authority of the Fire Department.~~

~~—— (b) FALSE STATEMENTS OF EMERGENCY: It shall be unlawful for any person to willfully request emergency ambulance service when such person knows that the need for emergency ambulance service does not exist at the reported place and time.~~

~~—— (c) FEES FOR SERVICE: A fee of Two Hundred Fifty Dollars (\$250.00) **Reasonable and customary fees** shall be charged per trip, per person for transportation by ambulance to a hospital, doctor's office or other location for the provision of emergency medical aid. Such fee shall be paid by the person(s) receiving or contracting for the emergency ambulance service. In the case of service received by a minor, the parent or guardian shall be responsible for payment of the fee.~~

~~—— (d) RIGHT TO REFUSE SERVICE: The Fire Chief or his designated representative retains the right to refuse emergency ambulance transportation to non-emergency medical facilities.~~

The Addison Police Department Annual Contact Report (2005)



Del Carmen Consulting, LLC

(I) Introduction

Opening Statement

January 18, 2006

Addison City Council
Addison, Texas 75001

Dear Distinguished Council Members,

It is clear that racial profiling continues to be regarded as a prevalent theme among law enforcement agencies in the United States. Almost four years ago, the Texas legislature, in an attempt to address the issue of racial profiling in policing, passed the Texas Racial Profiling Law. Since, the Addison Police Department, in accordance with the law, has collected and reported traffic-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices among police officers.

In this report, the reader will encounter three sections that contain information on traffic-based contact data along with documentation which aims at demonstrating the manner in which the Addison Police Department has complied with the Texas Racial Profiling Law. Specifically, section 1 contains the table of contents in addition to the Texas Senate Bill (SB1074) which introduced the Texas Racial Profiling Law. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) is included. In addition, sections 2 and 3 contain documentation which demonstrates compliance of the Addison Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, documents relevant to the implementation of an institutional policy banning racial profiling, the implementation of a racial profiling complaint process (which has been disclosed to the public), and the training administered to all law enforcement personnel are included.

The final component of this report provides statistical data relevant to contacts, made during the course of traffic stops, between 1/1/05 and 12/31/05. This information has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard and to the traffic-based contact data collected in 2002, 2003 and 2004. The final analysis and recommendations are also included in this report.

I am hopeful that the findings presented in this report serve as evidence of the Addison Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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TCLEOSE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE
STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy

adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing

body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~7~~] the date of conviction; and

(9) [~~8~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

(II) Responding to the Law

Institutional Policy on Racial Profiling

ARTICLE 99

Racial Profiling

I. Purpose

The purpose of the policy is to reaffirm the Addison Police Department's commitment to unbiased policing in all its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

II. Policy

- A. It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce Town ordinances, state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- B. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.
- C. This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

III. Definitions

Racial Profiling – A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

- A. Racial profiling pertains to persons who are viewed as suspects or potential suspects of

criminal behavior. The term is not relevant as it pertains to witnesses, complainants, or other citizen contacts.

B. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling.

C. Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic, where most other drivers are speeding, because of the cited driver's race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

D. A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it

pertains to witnesses, etc.

Race or Ethnicity - Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

Pedestrian Stop - An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop - A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

IV. Training

- A. Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- B. All officers shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 170 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.
- C. The chief of police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
- D. An individual appointed or elected as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

V. Complaint Investigation

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced

from filing a complaint, nor discriminated against because he or she filed such a complaint.

- B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address, and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
- C. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
- D. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- E. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

VI. Public Education

This department will inform the public of its policy against racial profiling and the complaint process.

Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

VII. Data Collection and Reporting

A. An officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating

traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:

1. A physical description of each person detained as a result of the stop, including:
 - a) the person's gender;
 - b) the person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
6. Whether the officer made an arrest as a result of the stop and/or search and, if so, a statement of the offense charged.
7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

By March of each year, the department shall submit a report to its municipal governing board that includes information gathered by the citations. The report will include:

1. a breakdown of citations by race or ethnicity;
2. number of citations that resulted in a search;
3. number of searches that were consensual; and
4. number of citations that resulted in custodial arrest for this cited violation

or any other violation.

VIII. Use of Video and Audio Equipment

A. It is the intent of this department to equip each motor vehicle regularly used by the department to make traffic and pedestrian stops with a video camera and transmitter-activated equipment. This department has submitted an application to the Texas Department of Public Safety for funding to equip the balance of the fleet with audio and video recording devices.

B. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, will be recorded.

C. This department shall retain the video and audiotapes, or the audiotape, of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotape, or the audiotape, of the stop until final disposition of the complaint.

D. Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Addison Police Department

One of the requirements of the Texas Racial Profiling Law is that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Addison Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area, information relevant to filing a complaint on a racial profiling violation by a Addison police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Addison police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Addison Police Department have completed the TCLEOSE basic training on racial profiling. The main outline used to train the officers of Addison has been included in this report.

It is important to recognize that the Chief of the Addison Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Addison Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
 3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/05---12/31/05, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

A check above indicates that the Addison Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/05 ---- 12/31/05.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Tables Illustrating Traffic Contact

Tier 1 Data

(I) Tier 1 Data

Traffic-Related Contact Information (1/1/05—12/31/05)

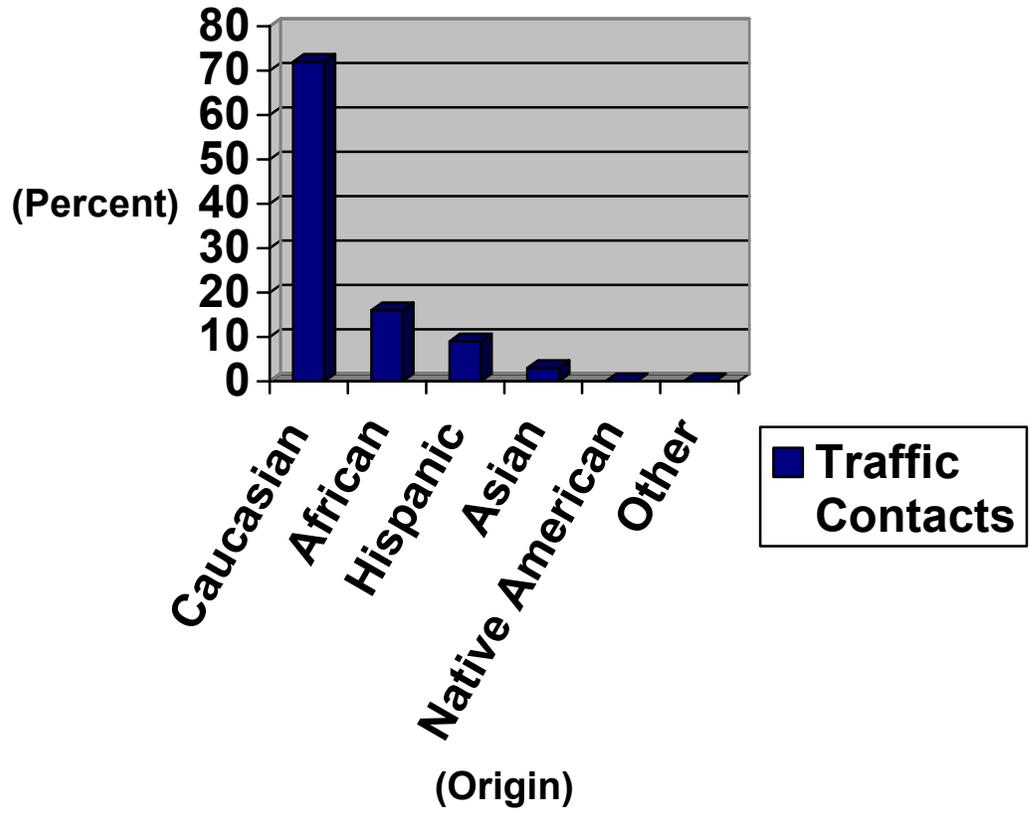
Race/Ethnicity *	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	5,096	72	600	52	136	55	593	51	567	51
African	1,112	16	281	24	64	26	282	25	271	25
Hispanic	660	9	259	22	46	18	259	23	253	23
Asian	221	3	14	1	3	1	16	1	15	1
Native American	2	.03	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Total	7,091	100**	1,154	100**	246	100**	1,150	100**	1,106	100

“N” represents “number” of traffic-related contacts

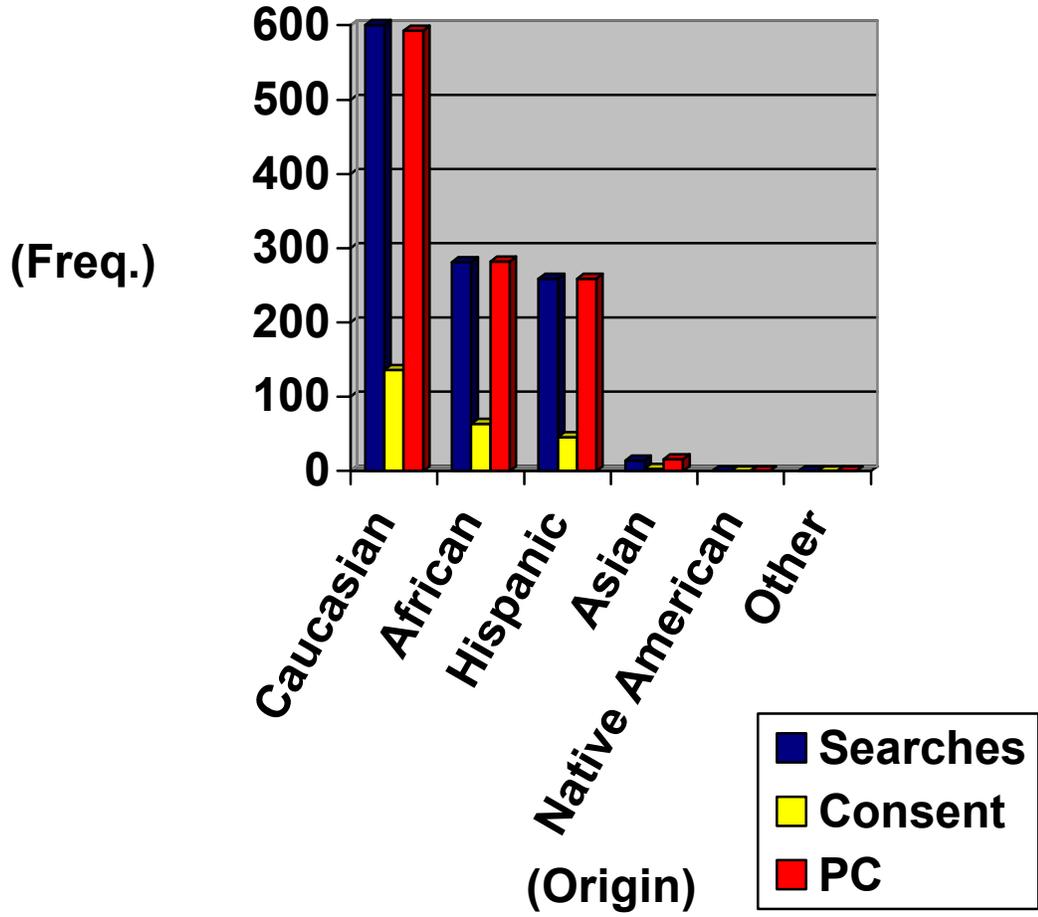
*Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

**Figure has been rounded

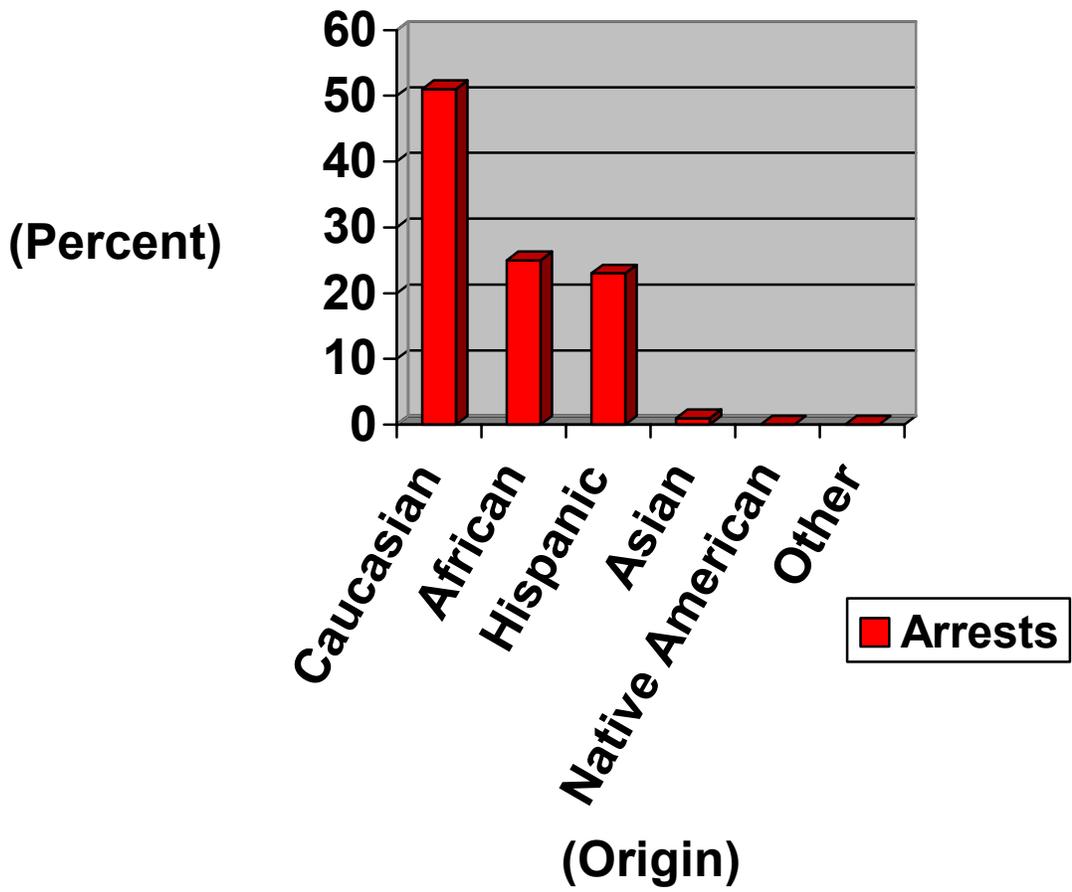
Tier 1 Data (Traffic Contacts)



Tier 1 Data (Searches)



Tier 1 Data (Arrests)



Tier 1 Baseline Comparison (Fair Roads Standard)

(II) Resident Traffic-Contacts and Fair Roads Standard Comparison

Comparison of resident traffic-related contacts with households in Addison that have vehicle access (in percentages). (1/1/05—12/31/05)

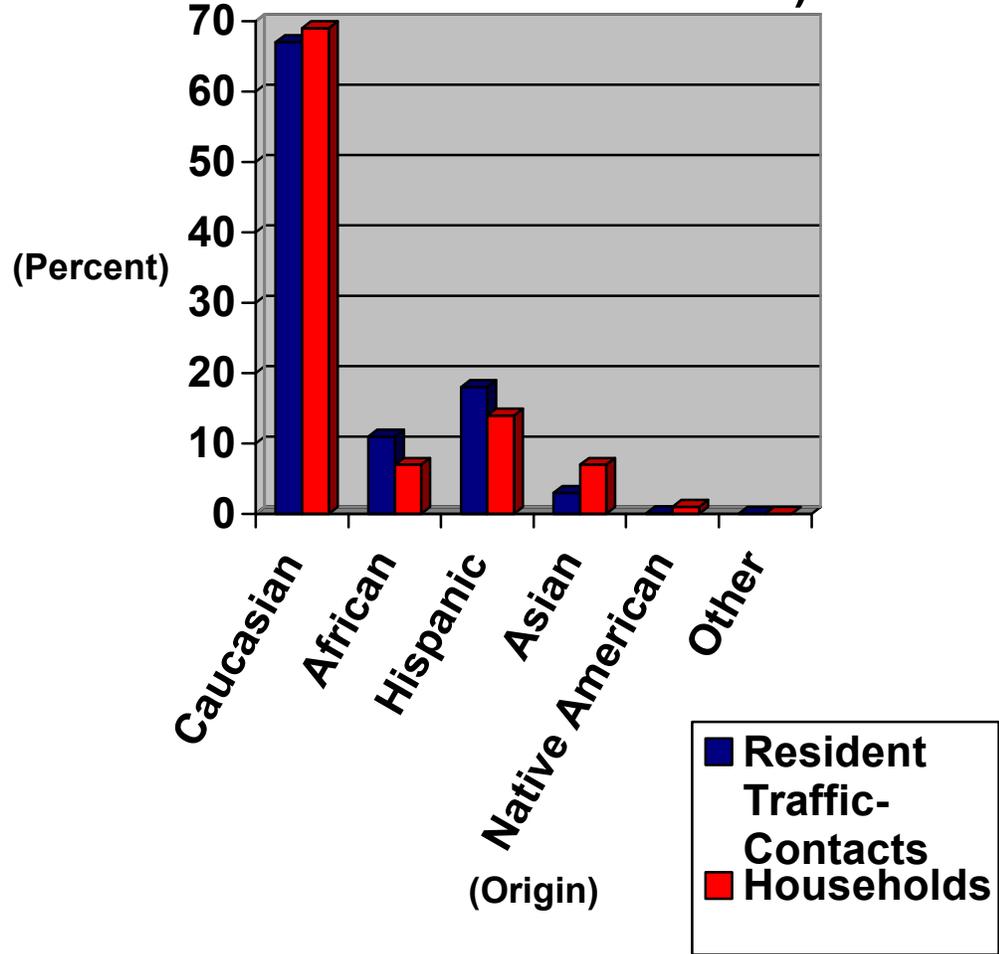
Race/Ethnicity*	Resident Traffic-Contacts (in percentages)	Households with Vehicle Access (in percentages)
Caucasian	67	69
African	11	7
Hispanic	18	14
Asian	3	7
Native American	.1	1
Other	0	N/A
Total	100**	98***

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

**Represents rounded figure

***Amount does not total 100% since Census data does provide value of “other” category.

Tier 1 (Resident Traffic-Contacts and Households/05)



Tier 1 Data
(Four-Year Comparative Analysis)
(2002—2005)

(III) Four-Year Tier 1 Data Comparison

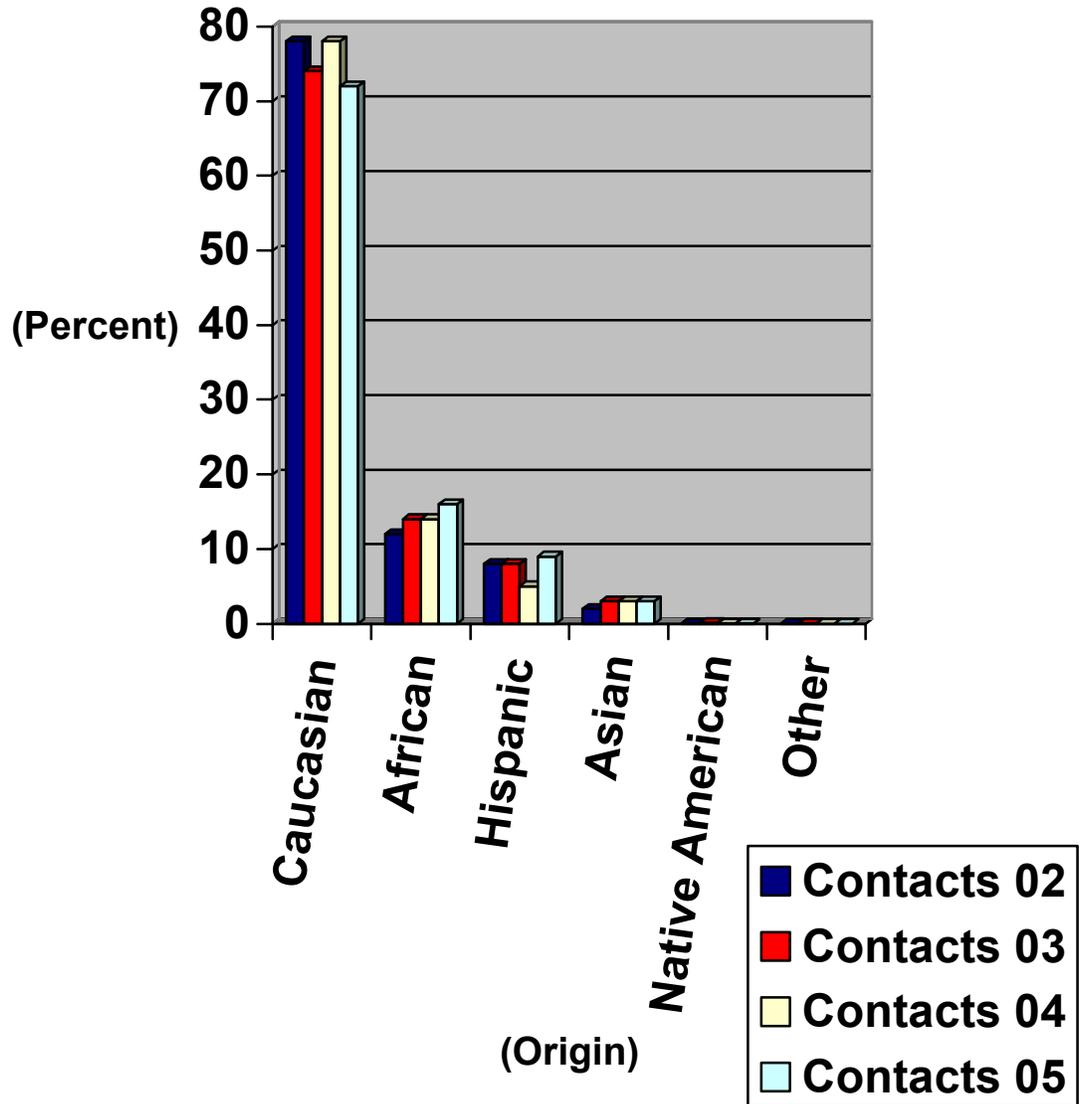
Percentage Comparison of Four-Year Traffic-Related Contacts (1/1/02---12/31/05)

Race/Ethnicity*	Traffic-Related Contacts (Percentages)			
	(02)	(03)	(04)	(05)
Caucasian	78	74	78	72
African	12	14	14	16
Hispanic	8	8	5	9
Asian	2	3	3	3
Native American	.04	.09	.02	.03
Other	0	.05	0	0
Total	100	100**	100	100**

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

Tier 1 Data (Traffic-Contacts 02-05)



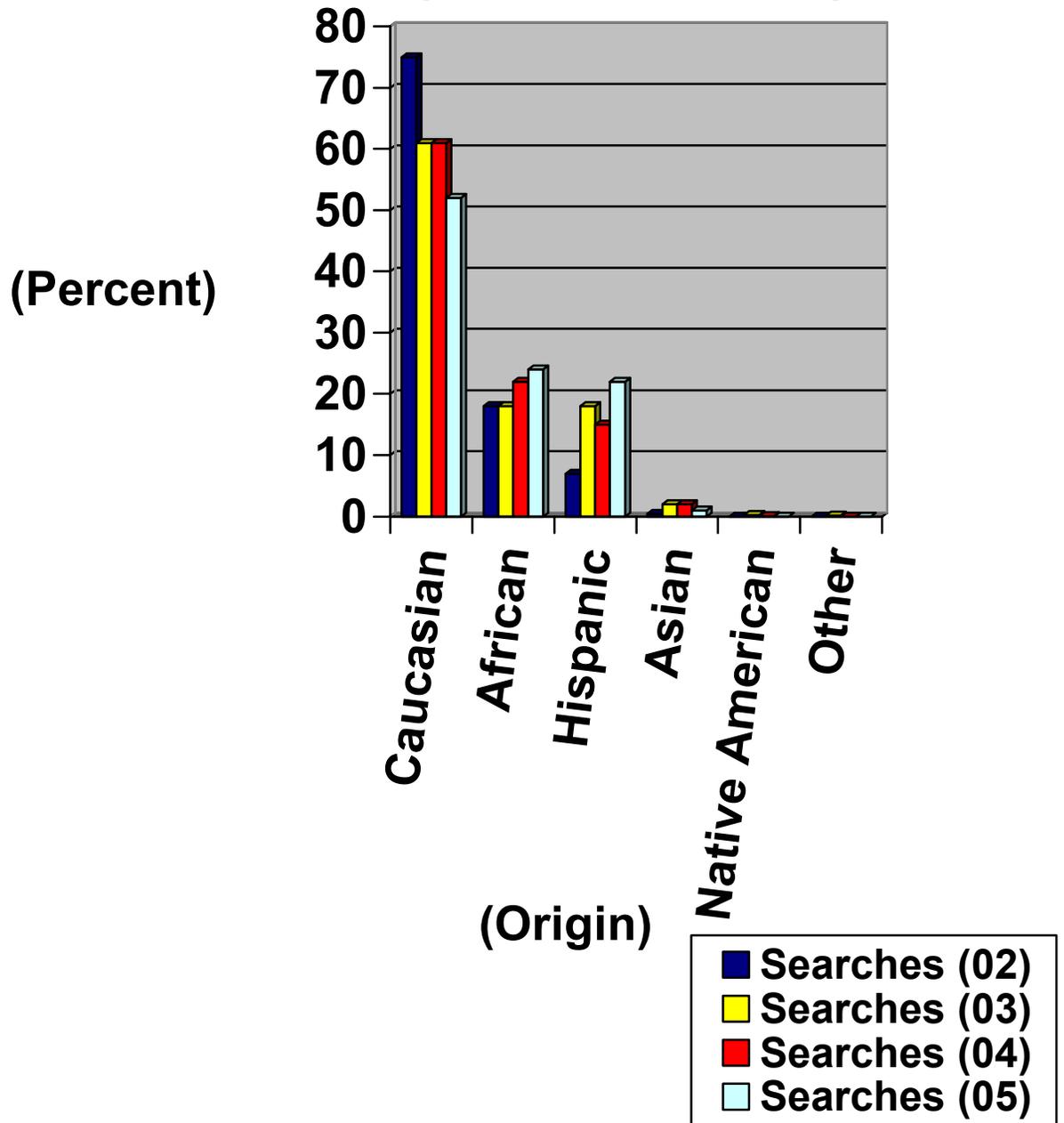
Percentage Comparison of Four-Year Traffic-Related Searches
(1/1/02---12/31/05)

Race/Ethnicity*	Traffic-Related Searches (Percentages)			
	(02)	(03)	(04)	(05)
Caucasian	75	61	61	52
African	18	18	22	24
Hispanic	7	18	15	22
Asian	.42	2	2	1
Native American	0	.26	.09	0
Other	0	.17	0	0
Total	100	100	100**	100**

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

Tier 1 Data (Searches 02-05)



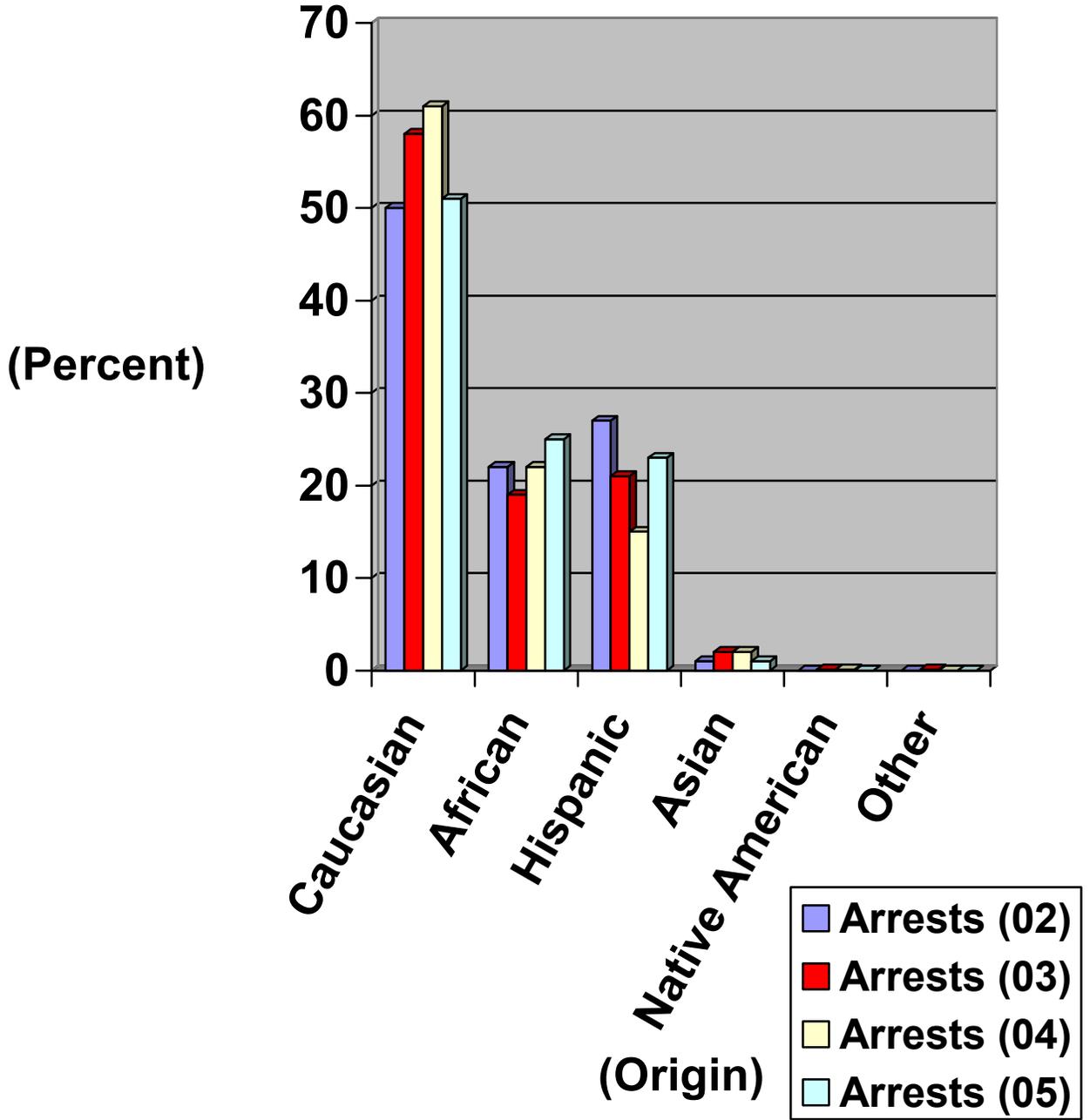
**Percentage Comparison of Four-Year Traffic-Related Arrests
(1/1/02---12/31/05)**

Race/Ethnicity*	Traffic-Related Arrests (Percentages)			
	(02)	(03)	(04)	(05)
Caucasian	50	58	61	51
African	22	19	22	25
Hispanic	27	21	15	23
Asian	1	2	2	1
Native American	0	.10	.1	0
Other	0	.10	0	0
Total	100	100**	100**	100

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

Tier 1 Data (Arrests 02-05)



Analysis and Interpretation of Data

Analysis

In 2001, the Texas Legislature passed Senate Bill 1074 which later became the Texas Racial Profiling Law. This particular law, which became effective January 1, 2002, requires that all police departments in the state collect traffic-related data and report this information to their local governing authority by March 1st of each year. The purpose in collecting and presenting this information is to determine if a police officer is engaging in the practice of profiling minority motorists.

As it is the case in other states with similar laws, the racial profiling law in Texas requires the interpretation of traffic data. Although most researchers would probably agree with the fact that it is a good idea for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if police departments are engaging in racial profiling, from a review of aggregate data. That is, it is challenging to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic-related contacts.

Despite this, the Addison Police Department, in an effort to comply with The Texas Racial Profiling Law (S.B. 1074), commissioned the analysis of its 2005 traffic contact data. Thus, three different types of analyses were conducted. The first of these involved a careful evaluation of the 2005 traffic stop data. This particular analysis measured, as required by S.B. 1074, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, and individuals belonging to the “other” category, that came in contact with the police and were issued a citation or arrested after an initial traffic-related contact, in 2005. In addition, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Finally, the data analysis highlighted the number and percentage of individuals who, after they came in contact with the police for a traffic-related reason, were arrested.

The second type of analysis was based on a comparison of the 2005 traffic-contact data with a particular baseline. When reviewing this particular analysis, one should keep in mind that there is a great deal of disagreement, in the academic literature, regarding the type/form of baseline to be used when analyzing traffic-related contact information. Of all the baseline measures available, the Addison Police Department decided to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2000) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Addison Police Department in 2005 but live outside city limits. In some cases, the percentage of the population that come in contact with the police but live outside city limits may range from 60 to 90 percent of all contacts.

Despite this, several civil rights organizations in Texas have expressed their desire and made recommendations that all police departments use, in their analysis, the Fair Roads Standard. This contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Addison Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to Addison.

The final analysis was conducted while using the 2002, 2003, 2004 and 2005 traffic contact data. Specifically, all traffic-related contacts made in 2005 were compared to similar figures reported in 2002, 2003 and 2004. Although most researchers do not support the notion that in four years, a “significant” trend can take place, when considering this analysis, it was determined that comparing four years of traffic contact data may highlight possible areas of consistency with regards to traffic-related contacts. That is, the four-year comparison has the potential of revealing early indicators that a possible trend of traffic-based contacts with regards to members of a specific minority group, may in fact, develop.

Tier 1 (2005) Traffic-Related Contact Analysis

The Tier 1 data collected in 2005 showed that most traffic-related contacts were made with Caucasian drivers. This was followed by African American and Hispanic drivers. With respect to searches, most of them were performed on Caucasian drivers. This was also followed by African Americans and Hispanics. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in traffic-related contacts; this was followed by African Americans and Hispanics. In addition, no arrests were made, in traffic related incidents, of drivers of “Native American” descent or those belonging to the “other” category.

Fair Roads Standard Analysis

When comparing Addison resident traffic contacts to the census data relevant to the number of “households” in Addison who indicated, in the 2000 census, that they had access to vehicles, the analysis produced interesting findings. That is, the percentage of individuals of “Caucasian”, “Asian” and “Native American” descent who came in contact with the police and resided in Addison was lower than the percentage of Caucasian, Asian and Native American households in Addison that claimed, in the 2000 census, to have access to vehicles. With respect to African American and Hispanic drivers, a higher percentage of resident contacts were detected. That is, the percentage of African American and Hispanic resident drivers that came in contact with the police in 2005 was higher than the percentage of African American and Hispanic households in Addison with access to vehicles.

Four-Year Comparison

The four-year comparison (02-05) showed remarkable similarities with respect to the traffic-related contacts. As evident in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the Addison Police in 2005 was almost identical to the percentage of drivers, from the same racial/ethnic groups that came in contact with the Addison Police Department in 2004, 2003 and 2002. There has been, however, an increase in percentage of contacts relevant to African American and Hispanic drivers while a decrease in percentage was detected among Caucasians.

The search figures for all four years showed similar patterns. However, an increase in 2005 was detected regarding the percentage of African American and Hispanic searches. A percentage decrease in searches was observed regarding Caucasians. When considering the arrests made, the data revealed that the percentage of arrests increased among African Americans and Hispanics while a decrease in percentage was evident among Caucasians.

Summary of Findings

As it is evident from the data reviewed, the Fair Roads Standard comparison showed that the Addison Police Department came in contact (in traffic-related incidents) with smaller percentages of Caucasian, Asian and Native American resident drivers than the percentage that resided in Addison and had access to vehicles. Further, the data suggested that the percentage of African American and Hispanic resident drivers that came in contact with the police in 2005 was higher than the percentage of African American and Hispanic Addison households with access to vehicles.

When reviewing the four-year traffic contact data comparison, the findings suggested that the Addison Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past 4 years is in place despite the fact the city demographics are expected to have changed, thus, increasing the number of subjects likely to come in contact with the police.

Overall, it is recommended that the Addison Police Department continue to collect and assess additional traffic-contact data (i.e., reason for PC searches, contraband detected) which may prove to be useful when determining, in subsequent reports, the nature of the traffic contacts police officers are making with all individuals, particularly with African American and Hispanic drivers. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all traffic contacts made with the public. As part of this effort, the Addison Police Department is also encouraged to:

- 1) Consider the utility of performing an independent search analysis on the search data collected in 2005.
- 2) Continue to commission data audits in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

It is clear that the Addison Police Department continues to address the issue of racial profiling in a serious manner. The information provided in this report serves as evidence that the Addison Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements were met by the Addison Police Department in accordance with The Texas Racial Profiling Law:

- Clearly defined act of actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Addison Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2006.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

For additional questions regarding the information presented in this report, please contact:

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3018 St. Amanda Drive

Mansfield, Texas 76063

817.681.7840

www.texasracialprofiling.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting, LLC, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

Council Agenda Item: #R4

SUMMARY:

The City Council consider a resolution demonstrating its endorsement and full support for the Cotton Belt Rail Line being the approved North Crosstown Corridor in the DART 2030 Transit System Plan.

FINANCIAL IMPACT:

Revenue Budgeted Amount: \$N/A

Cost: \$N/A

BACKGROUND:

When DART was formed in 1983, the Town of Addison was one of the founding member cities. Addison supported then and now the ideals of regional transportation in Dallas County. To be a member of DART a member city must contribute one-cent of its sales tax and since 1984 the one-cent contribution has equaled to an amount of \$128 million.

In 1990 DART purchased the 54 miles of the Cotton Belt right-of-way with hopes of one day having rail service along the corridor. Since the beginning Addison has been very supportive of the construction of light and commuter rail throughout Dallas and surrounding cities. The Council also passed a resolution in 2004 pledging its support for DART's request for \$700 million for the light rail expansion efforts of the Northwest/Southeast Corridors through Farmers Branch and Carrollton.

DART is considering the 2030 Transit System Plan for their long-term transit needs. We believe it is Addison's turn for rail service and the Cotton Belt is the most cost effective and efficient route to proceed. Through a cooperative effort with the City of Richardson, we have initiated a public affairs campaign that demonstrates the merits of the corridor. Although we have been successful in getting the word out and developing a coalition of supporters we are still receiving opposition from the North Dallas neighborhood that contested the effort in the past.

We are at a point where Addison has to take an aggressive position for this campaign. If the attached resolution is approved, staff would forward it to the DART member cities for their consideration

RECOMMENDATION:

Administration recommends approval.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS
DEMONSTRATING ITS ENDORSEMENT AND PLEDGING ITS FULL SUPPORT FOR
THE COTTON BELT RAIL LINE TO BECOME THE APPROVED NORTHWEST
CROSS-TOWN CORRIDOR IN THE DALLAS AREA RAPID TRANSIT'S 2030
TRANSIT SYSTEM PLAN**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS:**

WHEREAS, the Town of Addison is one of the thirteen founding member cities of the Dallas Area Rapid Transit (DART) when it was voted into being on August 13, 1983 to support the ideals of regional transportation in Dallas County; and

WHEREAS, the Town of Addison is committed to regional transportation and since its inception has contributed one-cent of its sales tax towards DART and since 1984 the one-cent contribution has equaled an amount to \$128 million; and

WHEREAS, the Town of Addison is one of the few cities that have never had a DART withdrawal election because of the citizen's commitment and support to regional transportation; and

WHEREAS, the Town of Addison has fully supported the construction of light rail (Red and Blue Lines), commuter rail (Trinity Railway Express) through the City of Dallas, its Central Business District (CBD), and certain DART cities; in addition, the Addison City Council through resolution has pledged support to DART's request from the Federal government for a Full Funding Grant Agreement (FFGA) for \$700 million for their light rail expansion efforts of the Northwest/Southeast Corridors (Orange Line); and

WHEREAS, the Town of Addison in the mid 1990s implemented its 2020 Vision process with the goal to create a standard of sustainable, new urbanism, transit orient developments throughout its community; and as a result, has created a successful mixed-use, transit oriented development called Addison Circle, partnered with DART to develop the Addison Transit Center adjacent to the Cotton Belt Rail Line, and has secured acres of property in that vicinity to allow further transit-oriented developments; and

WHEREAS, the Dallas Area Rapid Transit since 1990 has owned 54-miles of right-of-way along the Cotton Belt Rail Corridor that runs west-to-east from Downtown Fort Worth, through northern Tarrant County, to the north end of D/FW, through Irving, Coppell, Carrollton, Addison, Richardson, Plano, and potentially into east Texas, which makes this corridor very advantageous to accomplish the goals set out in DART's recent discussion paper titled, DART's Role in the Development of the Regional Rail Network for North Texas, and

WHEREAS, the development of the Cotton Belt Rail Line as the (sole or optimum) choice for the North Crosstown Corridor will accelerate DART ridership by offering seamless, cost effective east-west regional rail connectivity, provide connections to several major employment and education centers such as D/FW Airport, the Telecom Corridor, the University of Texas at Dallas, the new \$3 billion Texas Instruments plant along the President George Bush Tollway, and help reduce traffic in quickly growing Collin County all while still allowing funds to be made available for other high priority transportation projects in the southern Dallas area;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Town of Addison since 1983 has been a proud founding member of the Dallas Area Rapid Transit (DART) and is highly supportive of regional public transit.

Section 2. That the Town of Addison recognizes that since 1990, DART has owned 54-miles of right-of-way along the Cotton Belt Rail Line for its future rail expansion and provide an east-to- route along northern Tarrant and Dallas Counties.

Section 3. That the Town of Addison in the 1990s, relying on DART's representations about the Cotton Belt Rail Line, envisioned and successfully achieved the creation of sustainable, new urbanism, and transit orient developments. This achievement is evident through its nationally acclaimed Addison Circle development, Addison Circle Park, the miles of interconnected walking/jogging trails, Arapaho Road Bridge, the development of the Addison Transit Center, and the acquisition of land to further transit-oriented developments.

Section 4. That the Town of Addison believes that as a result of limited resources, the designation of the DART-owned Cotton Belt Rail Line as the North Crosstown Corridor will accelerate DART's development of its future rail initiatives in the entire Dallas region.

Section 5. That the Town of Addison believes that the decision on the technology utilized to transport people along the Cotton Belt is a decision that the DART Board should make at the time they are planning to design and construct the North Crosstown Corridor or the Cotton Belt.

Section 6. That the Town of Addison believes that the station locations, grade separations, and other details or questions regarding the uses of the Cotton Belt right-of-way should be considered by the DART Board at the time that is deemed appropriate.

Section 7. That the Town of Addison desires seamless, cost effective east-west regional rail connectivity, and that this objective can be achieved through the Cotton Belt. The Cotton Belt Rail Line is recognized as one of the most well-known assets of

DART, and that its merits of cost efficiency, regional connectivity, and seamlessness deserve to be the top priority when the 2030 Transit System Plan is considered.

DULY ADOPTED on the 28th of February 2006

APPROVED

Joe Chow, Mayor

ATTEST:

Carmen Moran, City Secretary

Council Agenda Item: #R5

SUMMARY:

Consideration and approval of a resolution authorizing the City Manager to enter into an agreement with RTKL in amount not to exceed \$35,000 to assist the Town in the implementation of the Comprehensive Plan updates and the Belt Line Corridor Redevelopment strategy.

FINANCIAL IMPACT:

Funding for the agreement would be provided from the Belt Line bond funds.

BACKGROUND:

As a result of the work associated with the Comprehensive Plan update and the redevelopment of the Belt Line corridor, additional work is needed to address the implementation efforts of the Belt Line Redevelopment strategy. Specifically staff needs assistance in the following areas:

- development of the appropriate light and street furniture standards to compliment the development guidelines;
- refine the current development district masterplans to better reflect the development intent of several corridor investors/developers;
- assist Town staff in review of the development standards and in public presentations of proposed concepts.

To date the Town has spent a total of \$151,645 with RTKL on the Belt Line reinvention and streetscape project. Staff anticipates that this agreement will address the remaining work on Belt Line.

RECOMMENDATION: Staff recommends that Council authorize the City Manager to enter into an agreement with RTKL in an amount not to exceed \$35,000.

February 9, 2006
Revised February 17, 2006



Via facsimile (972) 440-7043
& Mail

Mr. Lea Dunn
Deputy City Manager
Town of Addison
5300 Belt Line Road
Addison, Texas 75254

Baltimore

Chicago

Dallas

London

Los Angeles

Madrid

Miami

Shanghai

Tokyo

Washington

Re: Belt Line Redevelopment Strategy – Implementation Services

Dear Lea:

We appreciate the opportunity to continue working with the Town of Addison in its effort to redirect the development environment along the Belt Line Corridor. It is our understanding that the Town has several current needs to assist its implementation efforts. We have identified these tasks in the scope of services below.

Task One: We will work with Town Staff to determine the appropriate light and street furniture standards to compliment the development guidelines currently being prepared as part of the update to the Town's comprehensive plan.

Task Two: We will work with Town Staff to refine the current redevelopment district masterplans to better reflect the specific stated development intent of several corridor investors/developers. We anticipate this will include one revision for both plans.

Task Three: We will assist the Town Staff in its review of these development standards to provide input for its editing process. We anticipate this will include one edit process.

Task Four: We will assist the Town Staff and its consultants in public presentations of these concepts to the Planning and Zoning Commission and City Council. We anticipate this to include up to three such meetings.

Task Five: We will be available to assist the Town in other planning and presentation needs not identified here on an hourly time and material basis as authorized by the Town.

We have calculated the fees for the professional services described above, including expenses, to be the following lump sum amounts:

Task One:	Light and Street Furniture Standards	\$ 4,000
Task Two:	Masterplan Refinements	\$ 14,000
Task Three:	Guideline Review	\$ 8,000
Task Four:	Public Presentations	\$ 6,500
Task Five:	On-Going Services (as needed/authorized)	Hourly

Assumptions:

- This proposal assumes an approximate 5 week work plan from the time this contract is executed to complete Tasks One through Three, depending on the time taken for review.
- This proposal assumes three public meetings and three staff meetings. Additional meetings/presentations will be billed as an additional service at our standard hourly rates.
- That the work described herein is for the purpose of marketing and programming. Detailed site planning necessary for site development and building construction is not included.
- We assume that the Town of Addison will make available necessary information to complete these tasks and will obtain additional information as required.

REIMBURSABLE EXPENSES

Reimbursable Expenses are defined as those actual expenditures incurred directly in connection with the project. These expenses shall be billed at cost plus 10%. Reimbursable Expenses shall include, but are not limited to the following:

- Telephone; Facsimile
- Postage and Delivery
- Reproductions; Photocopies; Printing; and Computer Plotting
- Transportation; Travel
- Photography
- Other Professional Renderings or Models
- Additional Expense over normal hourly rates for Overtime Work approved by Client in advance of the work being performed

BILLING AND PAYMENT

RTKL's customary practice is to bill on a monthly basis for the work completed in the prior month. Fee invoices will be based on the actual hours charged in the month preceding the invoice, based on the Standard Hourly Rate Table by Classification enclosed.



Ms. Lea Dunn
Re: Belt Line Redevelopment Strategy – Implementation Services
February 9, 2006
Revised February 17, 2006
Page 3

RTKL

Compensation for Services and Expenses shall be due and payable within thirty (30) days of the invoice date. Invoices over sixty (60) days will be charged interest at the Bank of America, N.A. prime rate plus two (2) percent. If unpaid invoices become more than (60) days overdue, RTKL may, upon seven (7) days written notice to the Client, contact the Client directly for payment and/or stop work until payment is received. In the event of non-payment, Client shall reimburse RTKL for any attorney fees incurred to collect the unpaid receivables.

All payments may be wired directly to:

Bank of America, N.A.
10 Light Street
Baltimore, MD 21202
ABA number: 0260-0959-3
Account number: 3930249666
Account of: RTKL Associates Inc.

Reference: **Belt Line Redevelopment – Implementation Services**

CONTRACTS

RTKL fees are based upon the Detailed Scope of Services and RTKL's Standard Form of Agreement Between Client and Architect. All Client generated contracts will require review and acceptance by RTKL's legal counsel before any work may proceed.

TERMINATION

This Agreement may be terminated by either party at anytime with or without cause by written notice. Termination shall be effective seven (7) days after date of notice. Failure of the Client to make payments to RTKL under this agreement shall be cause for termination. In the event of a suspension of Services, RTKL shall have no liability for any damages to Client incurred because of such suspension. Termination or suspension of Services by RTKL shall in no way relieve Client of compensating RTKL for Services performed and Expenses incurred to the date of the termination.

AGREEMENT

Based upon RTKL's experience with similar redevelopment efforts, we believe we can provide the most creative, flexible, and cost-effective consultant services. We propose to provide only those services necessary to facilitate the earliest possible implementation of individual projects.

Ms. Lea Dunn
Re: Belt Line Redevelopment Strategy – Implementation Services
February 9, 2006
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Page 4



By executing and returning a copy of this letter, the Town of Addison agrees to the terms of this proposal and agrees to pay RTKL in accordance with those terms stated. If we can supplement this information or answer any questions, please feel free to contact me at (214) 871-8877. We appreciate the opportunity to submit this proposal and look forward to continue working with the Town on this exciting project.

Sincerely,

RTKL ASSOCIATES INC.

A handwritten signature in black ink that reads 'Paris Rutherford'.

Paris Rutherford, AICP
Vice President

cc: Larry Byars
File

Accepted by:

TOWN OF ADDISON

Name

Title

Date

Ms. Lea Dunn
Re: Belt Line Redevelopment Strategy – Implementation Services
February 9, 2006
Revised February 17, 2006
Page 5

RTKL

	<u>Hourly Rate</u>
Technical Assistant	\$ 45.00
Staff	60.00
Senior Staff Architect/Engineer/Planner	75.00
Project Architect/Engineer/Planner	90.00
Senior Project Architect/Engineer/Planner	110.00
Project Manager	125.00
Senior Project Manager	150.00
Vice President	225.00
Senior Vice President	250.00

NOTE: The above rates are subject to annual adjustments.



RTKL ASSOCIATES INC.

SCHEDULE OF STANDARD REIMBURSABLE EXPENSES

Reimbursable expenses are in addition to compensation for Basic and Additional Services and include expenses incurred by RTKL and RTKL consultants in the interest of the Project, including, but not limited to, the following:

1. Reproductions including but not limited to all Project printing of plans and specifications, and other Project related photocopying and photographic production;
2. Travel related costs for all Project matters including but not limited to Project meetings and construction administration matters, such as air and ground travel at commercial rate sustenance, automobile rental, overnight accommodation at a hotel/motel, tolls, parking, and mileage at the applicable IRS rate;
3. Telephone and facsimile transmission ("fax") charges related to Project matters including amount and time of long distance telephone calls and long distance fax connection charges;
4. Delivery of all project-related matters including express/overnight mail, courier charges;
5. Project meetings, including provision of the meeting room and any sustenance offered;
6. Renderings, models, and mock-ups requested by the Owner;
7. Insurance including professional liability insurance when the Owner requests additional coverage, specialty endorsements, or limits in excess of that normally carried by RTKL and RTKL's consultant;
8. Computer aided design and drafting (CADD) equipment time, when used in connection with the Project;
9. Legal fees of RTKL incurred in connection with review and revision of owners and lender's certifications, lien waivers, and similar documents presented to RTKL for execution, or in connection with collection of amounts due to RTKL from the Owner; and
10. Other costs, not described in categories 1 through 9 above, when requested by the Owner in connection with the rendering of RTKL's services for the Project.

Council Agenda Item: #R6**SUMMARY:**

Council approval is requested for the payment of utility billing refunds totaling \$2,661.11 and the waiver of \$19,991.51 in utility fees.

FINANCIAL IMPACT:

The Town has completed an audit of its utility meters and compared this information to our billing system. As a result, staff has determined that we overbilled customers \$2,661.11 and underbilled other customers by \$19,991.51 over the past six months.

BACKGROUND:

As you may recall, the Finance department reorganized into the Department of Financial and Strategic Services in June 2005. The principal goals of the reorganization were to provide the Town with an enhanced analytical focus and encourage a creative approach to providing core services. To this end, the department has completed the following tasks related to utility billing.

- ✓ Transitioned billing oversight from collections division to strategic services division.
- ✓ Developed billing procedures manual to standardize processes.
- ✓ Created utility billing cross training program for succession and contingency planning.
- ✓ Implemented lockbox arrangement to improve process efficiency and automate routine tasks.
- ✓ Worked with Information Technology to develop an online payment portal for utility payments.
- ✓ Outsourced the printing and mailing of utility statements.
- ✓ Developed analytical process to detect meter failure and/or billing issues.
- ✓ Began process with Chevron Energy Solutions to examine the efficiency of the utility system.
- ✓ Implemented new utility rate structure.

As part of this new focus, the department also began a joint initiative with the Department of Public Works in October to 1) verify that the billing system accurately reflected the meters in service, and 2) develop a systematic plan to test and replace aging meters. The first phase of the project involves developing an electronic inventory of the meters in service and then comparing this information to the Town's billing system. Staff has completed this process for two of the seven utility billing routes. This review has uncovered that we have underbilled customers by a net amount of \$17,330.40 over the

past six months. A summary of the meter inventory findings are summarized in the attached memorandum from Shanna Sims, Strategic Services Manager.

Since these discrepancies are not the fault of our customers, staff recommends that the Town refund charges when customers have been overbilled and waive charges when customers have been underbilled. In this way, the Town will settle all billing disputes in favor of the customer. Staff is currently working to complete the meter audit for the remainder of the Town's billing routes. This process is expected to be complete by April 1, 2006. At that time, staff will provide the Council with a complete list of all billing adjustments due to this process.

The second phase of the project with Public Works involves importing all of the information from the meter audit into the Town's financial computer system. The information will then be used to establish an approach to repair, test and / or replace meters on a systematic basis. It is expected that this project will be completed by summer 2006 so that the observations and recommendations can be incorporated into the budget process for FY 2007.

Going forward, staff will be implementing a peer review strategy for both the Public Works and Financial & Strategic Services departments so that these errors do not occur in the future. We will also be revisiting the meter inventory on a more frequent basis to verify that the meter information is accurate. Additionally, we will also be exploring new technologies that may assist our departments in accurately measuring and billing customers for consumption.

RECOMMENDATION:

Staff recommends that Council approve 1) the payment of utility billing refunds totaling \$2,661.11 and 2) the waiver of \$19,991.51 in utility fees.

Memo

To: Lea Dunn, Deputy City Manager
From: Shanna Sims, Strategic Services Manager
Copy: Randy Moravec, Bryan Langley
Nancy Cline, Jerry Davis
Date: February 17, 2006
Re: Review of Meter Data – Findings for Route 4 and Route 50

As part of the effort to continually improve the utility meter reading and billing systems, Public Works has recently begun reviewing all meters to ensure the accuracy of the meter information within the GEMS billing system. Public Works plans to complete their audit of all meters by April 2006. Audits of two of seven routes (Route 4 and Route 50) have been completed and this memo summarizes the findings of this audit. In addition, this memo highlights internal changes that have been made to ensure the accuracy of our meter data going forward.

Findings:

Review of the 440 meters in Route 4 found 181 total errors. 168 of the errors had no effect on the amount billed. Two errors were related to the incorrect user type being entered (i.e. Commercial Small account instead of Commercial Large Account). 11 of the errors were related to “perms” (i.e. 1 perm = 10 gallons, 2 perms = 100 gallons). Fortunately, 7 of these 11 accounts were Fire Meters with no consumption. Four of these accounts did have consumption which resulted in overbilling some accounts and underbilling other accounts.

Route 50 includes 455 meters and 95 total errors were found. 73 of the errors had not effect on the amount billed. 13 errors were related to the incorrect user type being entered - although only 4 of these errors will impact billing. 9 of the errors were related to perms, of which 6 accounts had consumption, resulting in underbilling of these accounts.

The estimated financial impact of the errors that were detected on Route 4 and Route 50 for a six month period was an underbilling of customers of \$17,330.40.

Recommendations:

Financial and Strategic Services staff recommends that for the accounts that were underbilled – no reimbursement be required since the error was on the Town’s part. The meter information has been updated so that all future billings will be accurate. The customers will be informed of the error and be made aware that future bills will likely be higher than in the past.

Financial and Strategic Services staff recommends that for the accounts that were overbilled – reimbursement for the past six months be made to these customers. The customer will be informed of the error and that they can anticipate receiving this reimbursement within the next two weeks.

Customers will be given the choice if they would like a credit placed on their account or if they would like to receive a check. Total expenditure related to these correct is estimated at \$2,661.11

Internal Process Changes:

Public Works and Financial and Strategic Services staff have committed to ensuring that meter information is 100% accurate in the GEMS billing systems. Public Works staff has instituted a procedure of having two staff members review the information that is filled out on a meter card for any new meters or changes in meters. Financial and Strategic Services will have two staff members review the meter card information and the information into the GEMS billing system to ensure that the meter card information is entered accurately.

If you have any questions or would like any additional information, please let me know.

Council Agenda Item: #R7**SUMMARY:**

Council approval is requested of a resolution accepting the Steering Committee's settlement with TXU Electric Delivery Company.

FINANCIAL IMPACT:

The Town of Addison's share of the distribution of funds over the next four years is detailed below:

Fiscal Years	2006	2007	2008	2009
\$8 million Rate Reimbursement	\$34,003	\$34,003	\$34,003	\$34,003
\$9 million Beneficial Public Use	26,750	26,750	-0-	-0-
Franchise Fee Adjustment (cumulative over 2005 payment)	31,295	47,572	63,219	78,866
Total	\$92,678	\$108,325	\$97,222	\$112,869

In addition to these amounts, the Town will benefit slightly from interest earnings derived from receiving its annual franchise payment in quarterly installments.

BACKGROUND:

The Town is a member of a city coalition known as the Steering Committee of Cities Served by TXU. The Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when TXU Cities gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been for years the primary public interest advocate before the Public Utility Commission (PUC), the Courts, and the Legislature on electric utility regulation matters dealing with TXU.

After months of consideration in 2004, the Steering Committee recommended that TXU be forced into a full-scale review of its historic cost of service, something that had not occurred in more than a decade. To facilitate the efforts of the Steering Committee, twenty (20) cities passed resolutions requiring TXU Electric Delivery to show cause why the non-bypassable transmission and distribution charges should not be reduced.

The rate inquiry was justified by several factors:

- a) The PUC had thrown municipal accounts in with broader commercial services in the 2001 rate proceedings that led to the deregulated environment. This resulted in unfair demand ratchets and higher charges for water pumping and excessive charges for street lighting.
- b) TXU had filed earnings monitoring reports at the PUC that established the Company was over-earning with their regulated rate tariffs.
- c) The Company had recently gone through massive reorganization and the hypothetical cost structures the PUC had used to justify current rates in 2001 were no longer valid.

The Steering Committee and TXU reached a settlement in early 2005 to delay the filing of rate information by TXU until the summer of 2006. The settlement terms called for TXU to work with

cities on certain items of concern and to make annual cash payments of \$8 million to the Steering Committee, which was then dispersed to member cities.

Over the past several months, TXU and the Steering Committee have been discussing the possibility of modifying and extending the terms of the original settlement agreement and delaying TXU's July 2006 rate case filing. After comparing the benefits to be derived from accepting the settlement and delaying the rate case against the likelihood of success in achieving positive outcomes for residential and city-specific issues in a rate case initiated in July 2006, the Steering Committee approved acceptance of the settlement agreement earlier this month. Key items of the Settlement Agreement are:

1. TXU will file a rate case in June 2008 with a December ending test year.
2. TXU will continue to make annual \$8 million payments to the Steering Committee until a final order is entered in the 2008 rate case, which probably will not be until the end of 2009. This is a two year extension to the previously negotiated agreement. This reimburses Cities for excessive street lighting and water pumping rates. It brings approximately \$38 million in value to the Steering Committee members between 2005 and 2009.
3. TXU will make two payments of \$9 million to Steering Committee cities before January 31, 2007 for "beneficial public use."
4. All unexpired provisions of the last agreement will be preserved and the task forces referenced in the earlier agreement will still be created.
5. The Company will reimburse up to \$40,000 per month to the Steering Committee for participation at ERCOT and the PUC. This is worth over \$2 million.
6. Separate from the rate settlement, but linked in benefit under the Settlement Agreement, is the Company's commitment to increase franchise fee factors and permit all Cities who desire to receive quarterly franchise fee payments as opposed to annual payments to obtain that result. The franchise fee factor increase will produce approximately \$27 million in benefit to Steering Committee members between 2006 and 2009 and approximately \$12 million annually thereafter.

The Steering Committee concluded that delaying a comprehensive rate case until June 2008 and immediately capturing beneficial financial terms was the optimal course of action for the reasons stated below.

- ◆ Most residential customers remain on price to beat (PTB) rates and no rate relief from successful prosecution of a rate case against the Company would flow to PTB customers. While the current PTB structure terminates January 1, 2007, policy makers at the Public Utility Commission (PUC) and the Legislature are discussing extending some form of PTB after January 1, 2007.
- ◆ Even if Cities won a considerable victory by reducing TXU's revenues by over \$100 million, numerous parties representing different types of customers would fight amongst themselves over how the revenue reduction should be allocated to reduce rates for the various classes of customers. There is no certainty that the residential and small commercial customers would receive any meaningful rate reduction. In the only major rate case to be litigated since deregulation occurred on January 1, 2002, the PUC found that the utility in question should have its overall revenues

reduced, but nonetheless raised residential rates. Furthermore, even if significant rate reductions to residential and commercial tariffs could be achieved, benefits would not necessarily be passed on to end-users by the retail electric providers (REPs) that serve customers who have entered the deregulated market. Much of the benefit in cutting TXU Electric Delivery's rates would, under the present market structure, simply flow to the TXU affiliated REP.

- ◆ The Settlement Agreement provides \$18 million for Cities to apply to "beneficial public use" in lieu of very uncertain residential rate reductions stemming from litigation.
- ◆ The annual \$8 million payment to Steering Committee members was based upon a belief that street lighting rates are excessive and that water pumping demand ratchets are inappropriate. While the Company is obligated under the 2004 Settlement (approved by Steering Committee members in 2005) to support reduction to street lighting and pumping rates consistent with the annual payments to Cities, there is no guarantee that the PUC would approve such proposal.
- ◆ The proposed Settlement Agreement contains a number of benefits that would not be available as relief in a litigated rate case. The PUC has no jurisdiction to increase franchise fee factors or address when or how franchise fee payments are made. Cities unsuccessfully attempted to achieve franchise fee escalation in the last two general sessions of the Legislature and a favorable franchise fee change for Cities is unlikely to occur independent of the Settlement Agreement. Additionally, the Commission is unable authorize payments to Cities or any consumer representative for participation in ERCOT or market design matters.
- ◆ The Settlement Agreement delays rather than terminates a rate review. The Settlement Agreement obligates the Company to cooperate with Cities in reaching an understanding of Company operations prior to the filing of a rate case, and further provides for reimbursement of Cities' expenses associated with review of Company affiliated transactions.

The Steering Committee values the total benefits of the Settlement Agreement with TXU at approximately \$85 million for the period 2005 – 2009 (this includes the franchise fee increases through 2009). It is unlikely that the PUC in 2007 would reach comparable value at the end of a rate case. Moreover, there is no certainty that residential customers would receive any benefit even if the Commission ultimately reduced overall rates by \$85 million.

RECOMMENDATION:

It is recommended Council adopts the resolution ratifying the Settlement Agreement. All Steering Committee member cities must take action to approve the settlement in order for the benefits to flow to any member. All payments to be made by TXU will not be released until the settlement is fully ratified.

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS RATIFYING THAT EXTENSION AND MODIFICATION OF SETTLEMENT AGREEMENT AND THAT AGREEMENT TO RESOLVE OUTSTANDING FRANCHISE ISSUES, BOTH DATED JANUARY 19, 2006, BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY TXU AND TXU ELECTRIC DELIVERY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas is a member of the Steering Committee of Cities served by TXU ("Steering Committee"); and

WHEREAS, the Steering Committee did encourage certain member cities to initiate show cause rate proceedings against TXU Electric Delivery ("Electric Delivery"); and

WHEREAS, Electric Delivery and the Steering Committee engaged in settlement discussions regarding abatement of any full-scale rate investigation and interim relief that may be available to Cities leading to a settlement in February, 2005 that made Steering Committee members whole for their alleged excess costs associated with street lighting and water pumping in exchange for delay in Show-Cause filing requirements; and

WHEREAS, Electric Delivery has desired to further extend for two years the currently scheduled June, 2006 rate case filing in exchange for extension of payments to Cities under the February, 2005 Agreement and other benefits to Cities; and

WHEREAS, the Steering Committee and Electric Delivery have reached a Settlement Agreement that extends the previously negotiated settlement terms by two years and adds benefits to Cities, including reimbursement for participation in ERCOT and market development activities and \$18 million in funds for beneficial public use as may be determined in the discretion of Steering Committee member cities and which may include, but which is not limited to, energy education for citizens, reductions in rates for city services, investments in community facilities, and investments in energy efficiency measures; and

WHEREAS, current electric market constraints make it impractical to pass the potential benefits of rate reductions on to residential ratepayers, because most consumers remain on price to beat rates which are fixed by statute and rule, and the minority of consumers who have switched to service from a competitive retail electric supplier may only realize rate reduction benefits if their REP contract requires a pass-through of such rate reduction; and

WHEREAS, the Steering Committee and Electric Delivery have reached a separate agreement wherein the Company will increase franchise fee factors over a four-year period producing increased revenues for each member city; and

WHEREAS, Electric Delivery has committed to the Steering Committee during the period of rate case abatement to share information on certain company operations and procedures that should enhance the Cities' ability to appropriately exercise regulatory responsibilities in the rate proceeding that Electric Delivery has agreed to file on or before July 1, 2008;

WHEREAS, the Settlement Agreement calls for immediate and long-term benefits to flow to all city members of the Steering Committee which in turn have indirect but positive benefit to all City residents and public safety in general; and

WHEREAS, the Steering Committee values the benefits of settlement to Cities at approximately \$85 million between 2005 and 2009 and comparable value is unlikely to be achieved through litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. The Extension and Modification of Settlement Agreement and Agreement to Resolve Outstanding Franchise Issues, both dated January 19, 2006, between the Cities' Steering Committee and TXU Electric Delivery is hereby ratified.

Section 2. This Resolution shall take effect from and after its adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ___ day of _____, 2006.

Joe Chow, Mayor

ATTEST:

By: _____
Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: _____
Ken Dippel, City Attorney

Finance Department's
Quarterly Review

For the Period Ended December 31, 2005

*Town of Addison
February 2006*

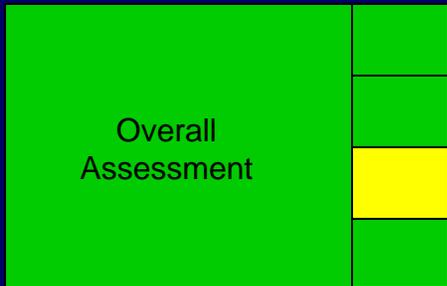
Quarter Ended 12/31/05

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First Southwest Portfolio Report	Attached



Revenues

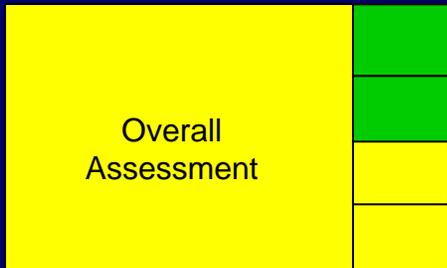


- Ad Valorem Taxes
- Sales Tax
- Franchise Fees
- Long Term Trend

Legend

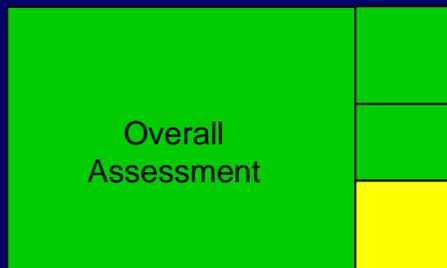
- Positive Outlook
- Area of Concern
- Negative Outlook

Expenses



- YTD Expenditures vs. Relative Position in Year
- Relative Position Compared to Prior Year
- Compensation Issues
- Long Term Trend

Fund Balance

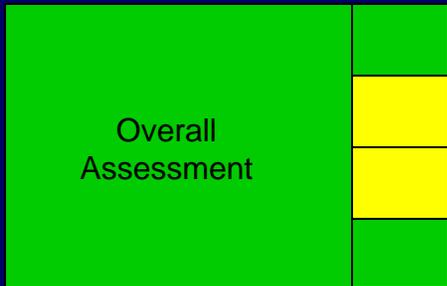


- Level Compared to FY 06 Budget Assumption
- Level Compared to 25% Requirement
- Long Term Trend



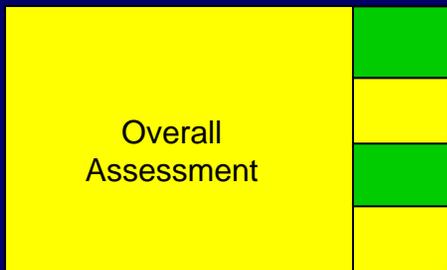
Hotel Fund

Revenues



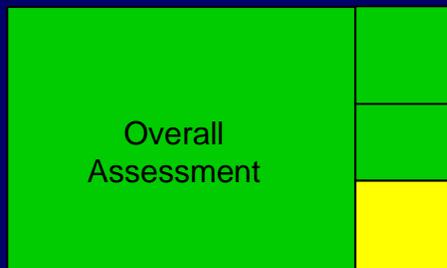
- Hotel Occupancy Taxes
- Special Event Fees
- Conference Centre Rental Fees
- Long Term Trend

Expenses



- YTD Expenditures vs. Relative Position in Year
- Relative Position Compared to Prior Year
- Overtime/Outside Labor Costs
- Long Term Trend

Fund Balance



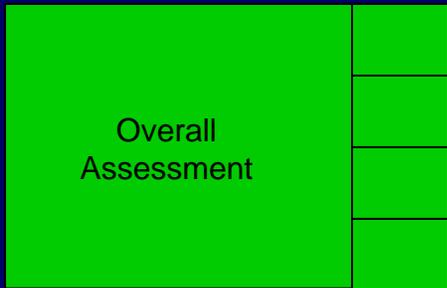
- Level Compared to FY 06 Budget Assumption
- Level Compared to 25% Requirement
- Long Term Trend

Legend

- Positive Outlook
- Area of Concern
- Negative Outlook

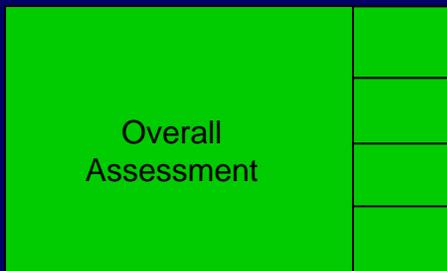


Revenues



- Fuel Flowage Fees
- Rental Fees
- Grant and Other Revenue
- Long Term Trend

Expenses



- YTD Expenditures vs. Relative Position in Year
- Relative Position Compared to Prior Year
- Impact of Potential Capital Projects
- Long Term Trend

Working Capital Balance



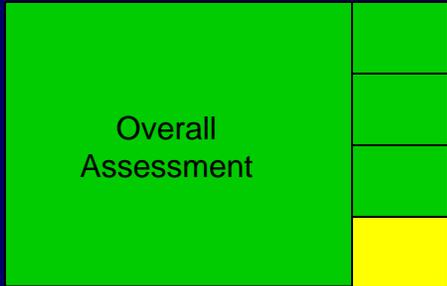
- Level Compared to FY 06 Budget Assumption
- Level Compared to 25% Requirement
- Long Term Trend

Legend

- Positive Outlook
- Area of Concern
- Negative Outlook



Revenues

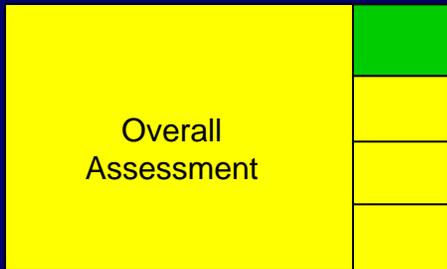


- Water Sales
- Sewer Charges
- Penalties and Other Revenue
- Long Term Trend

Legend

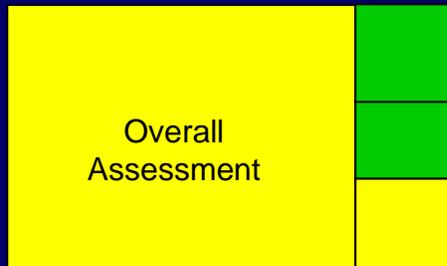
- Positive Outlook
- Area of Concern
- Negative Outlook

Expenses



- YTD Expenditures vs. Relative Position in Year
- Relative Position Compared to Prior Year
- Water Purchases and Treatment Costs
- Long Term Trend

Working Capital Balance



- Level Compared to FY 06 Budget Assumption
- Level Compared to 25% Requirement
- Long Term Trend

MEMO

To: Ron Whitehead, City Manager

From: Randy Moravec, Director, Financial & Strategic Services

Re: First Quarter FY 2006 Financial Report

Date: February 20, 2006

GENERAL FUND

- Revenues for the first quarter totaled \$4.8 million, which is 19.3% of budget and \$46k more than recorded the same period last.
- Sales tax of \$2.5 million is up 3.7% over last year. If this trend continues through the year, projected collections would exceed budget by \$268k. Despite the increase, Addison's experience pales in comparison to the increases enjoyed by Dallas County (up 9.5%) and State of Texas (up 13.2%).
- Property tax is up due to the higher tax rate levied for operations and maintenance, although most of the tax will not be collected until the second quarter.
- Telecommunication access line fees are not due until 45 days following the end of the quarter. Therefore the amount of \$45k does not reflect the full amount expected to be collected for the quarter ended 12/31/05.
- First quarter expenditures totaled \$4.9 million, but are somewhat understated since the \$263k transfer to the Parks capital project fund had not yet been made and the quarterly transfer of the fund's contributions to the capital replacement funds had not been recorded until after December's close. Accounting for these two transactions would increase total expenditures and uses by \$544k.

HOTEL FUND

- First quarter revenues totaled \$1.2 million. Hotel occupancy taxes posted revenues of \$1.1 million, a healthy 12.4% gain over the previous year. Nineteen of the Town's 22 hotels posted gains, with those in the business moderate category performing the best. Revenues for the next two quarters will be impacted by the remodeling of the Marriott Quorum, which will take out a third of their rooms for the next few months.
- Conference Center rental declined for the first time in over a year. Income totaled \$112k compared to \$141k collected the same period last year.
- Expenditures for the quarter totaled \$1.1 million or \$72k more than last year, primarily due to this year's larger marketing budget.

AIRPORT FUND

- Operating revenue at \$724k is 9% more than generated last year. Collections of fuel flowage fees and rental are up. The assessment of airport income is good, with the only area of concern being the status of through-the-fence fees.
- Operating expenses of \$493k contributed to net income of \$223k, substantially better than the \$93k loss recorded this time last year. Net income will be diminished the next two quarters as WSAAV begins its aggressive maintenance program that had been budgeted.
- Beginning working capital balance is significantly less than budgeted due to the rapid construction of the fuel farm and the recording of the judgment against the Town on the through-the-fence litigation. The judgment has yet to be paid pending appeals.
- The long-term trend for airport working capital is good, with revenue being sufficient for supporting operations and needed capital improvements.

UTILITY FUND

- A dry fall season caused a 34.7% increase in volume of water sold. The increased consumption resulted in operating revenues coming in \$459k more than received the prior year. The outlook for operating income has been upgraded from one of concern to positive due to the increased consumption and the implementation of new utility rates in December.
- The increased sale of water required the Town to purchase more water from Dallas Water Utilities. As a result, operating expenses of \$1.2 million were 18% greater than last year.
- Net income increased \$413k but was not enough to offset debt payments and working capital declined slightly. The overall assessment for the fund is still one of concern until we see how the new utility rates impact water consumption.

CASH AND INVESTMENT REPORT

- Cash for all funds as of December 31, 2005 totaled \$ 37.5 million, an increase of \$544k from the beginning of the quarter. The increase is due to the receipt of \$1.5 million in proceeds from the sale of general obligation bonds to complete the Arapaho Road project and complete maintenance of Midway Road.
- The Town's average investment yield to maturity as of 12/31/05 was 3.68%, a slight increase from the 3.14% of the previous quarter and the average weighted maturity was 159 days.
- The Town's return is still below the Texpool return but is within 49 basis points of this benchmark. As noted in previous reports, the Town's return lags that of Texpool due to the longer-term maturities that were purchased when Texpool rates were very low. However, these investments were redeemed at maturity and have been replaced with instruments earning a higher rate of interest.
- Although a flat yield curve remains, First Southwest Asset Management recommends, and Finance staff concurs, that we begin looking for opportunities to lock into yields at the 24-30 month maturity area.

TOWN OF ADDISON

EXECUTIVE SUMMARY OF MAJOR OPERATING FUNDS FOR THE QUARTER ENDED DECEMBER 31, 2005 UNAUDITED ACTUAL AMOUNTS COMPARED TO THE 2006 ADOPTED BUDGET AND PREVIOUS YEAR ACTUAL FOR SAME PERIOD

All Amounts Expressed in Thousands of Dollars

	General Fund			Hotel Fund			Airport Fund			Utility Fund			Total Major Operating Funds*		
	Budget	Actual	PY Actual	Budget	Actual	PY Actual	Budget	Actual	PY Actual	Budget	Actual	PY Actual	Budget	Actual	PY Actual
RESOURCES															
Ad Valorem Tax	\$ 8,465	\$ 1,578	\$ 1,465	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,465	\$ 1,578	\$ 1,465
Non-Property Tax	10,774	2,511	2,422	3,990	1,056	939	-	-	-	-	-	-	14,764	3,567	3,361
Franchise Fees	2,752	51	164	-	-	-	-	-	-	-	-	-	2,752	51	164
Service/Permitting/License Fees	1,633	295	328	1,049	(1)	4	1,112	201	174	9,013	1,789	1,330	12,808	2,285	1,836
Rental, Interest and Other Income	1,058	318	288	669	170	183	3,419	558	503	55	30	26	5,201	1,075	999
Transfers and Other Sources	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Resources	24,682	4,753	4,667	5,708	1,225	1,126	4,531	759	676	9,069	1,820	1,356	43,989	8,558	7,825
APPLICATION OF RESOURCES															
Personal Services	17,232	3,715	3,650	1,427	235	212	281	55	50	1,227	245	222	20,167	4,250	4,134
Supplies and Materials	1,042	179	176	209	39	33	22	2	(4)	99	12	12	1,372	232	217
Maintenance	1,762	221	326	371	66	70	1,849	144	155	304	19	31	4,286	451	582
Contractual Services	3,444	802	921	3,431	615	564	1,504	292	439	4,762	972	783	13,142	2,682	2,707
Capital Equipment Amortization	1,071	1	289	17	-	5	-	-	-	17	-	5	1,105	1	299
Capital Equipment/Projects	65	-	2	150	1	-	3,168	311	5	589	2	-	3,972	314	7
Transfers and Other Uses**	263	-	-	706	176	176	384	96	128	2,350	588	574	3,703	860	878
Total Application of Resources	24,879	4,918	5,364	6,311	1,133	1,060	7,208	900	774	9,349	1,838	1,627	47,747	8,789	8,825
Net Change in Fund Balances	\$ (197)	\$ (165)	(697)	\$ (603)	\$ 93	\$ 66	\$ (2,677)	\$ (141)	\$ (98)	\$ (280)	\$ (18)	(271)	\$ (3,758)	\$ (232)	(1,000)

Notes:

* Totals may not exactly match due to rounding.

** Transfers and other uses includes interfund transfers and and retirement of debt in the Airport and Utility funds.

TOWN OF ADDISON

GENERAL FUND

FY 2006 QUARTERLY STATEMENT OF REVENUES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Advalorem taxes:						
Current taxes	\$ 8,419,500	\$ 1,575,391	\$ 1,575,391	18.7%	\$ 1,441,026	20.8%
Delinquent taxes	25,710	1,910	1,910	7.4%	15,346	281.1%
Penalty & interest	19,290	1,031	1,031	5.3%	8,496	77.9%
Non-property taxes:						
Sales tax	9,924,100	2,511,028	2,511,028	25.3%	2,421,963	24.8%
Alcoholic beverage tax	849,750	-	-	0.0%	-	0.0%
Franchise / right-of-way use fees:						
Electric franchise	1,619,430	-	-	0.0%	-	0.0%
Gas franchise	194,980	-	-	0.0%	-	0.0%
Telecommunication access fees*	742,940	44,960	44,960	6.1%	164,418	20.7%
Cable franchise	107,430	-	-	0.0%	-	0.0%
Street rental fees	7,000	6,037	6,037	86.2%	-	0.0%
Sanitation	80,000	-	-	0.0%	-	0.0%
Licenses and permits:						
Business licenses and permits	149,030	16,837	16,837	11.3%	14,395	10.0%
Building and construction permits	303,130	94,536	94,536	31.2%	83,485	32.8%
Intergovernmental revenue	-	-	-	0.0%	40,547	0.0%
Service fees:						
General government	960	73	73	7.6%	161	22.7%
Public safety	759,270	131,876	131,876	17.4%	136,194	18.9%
Urban development	4,450	1,001	1,001	22.5%	1,245	60.7%
Streets and sanitation	184,680	39,168	39,168	21.2%	38,142	21.4%
Recreation	65,150	11,672	11,672	17.9%	11,332	16.5%
Interfund	166,400	-	-	0.0%	43,060	25.0%
Court fines	744,970	205,274	205,274	27.6%	188,337	25.5%
Interest earnings	167,000	49,616	49,616	29.7%	28,315	24.9%
Rental income	119,000	16,250	16,250	13.7%	27,083	20.8%
Other	27,500	46,594	46,594	169.4%	3,461	15.4%
Total Revenues	\$ 24,681,670	\$ 4,753,254	\$ 4,753,254	19.3%	\$ 4,667,006	20.5%

NOTES:

* Telecommunication fees are due 45 days following the end of the quarter. First quarter report completed prior to deadline which explains disparity compared to previous year.

TOWN OF ADDISON

GENERAL FUND

FY 2006 QUARTERLY STATEMENT OF EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
General Government:						
City manager	\$ 1,269,600	\$ 328,343	\$ 328,343	25.9%	\$ 327,393	27.0%
Financial & strategic services	1,014,140	214,925	214,925	21.2%	222,385	21.9%
General services	766,950	142,030	142,030	18.5%	152,799	23.6%
Municipal court	429,190	86,867	86,867	20.2%	84,755	20.5%
Human resources	371,570	92,541	92,541	24.9%	82,087	20.9%
Information technology	1,088,010	173,543	173,543	16.0%	154,956	14.8%
Combined services	782,120	132,138	132,138	16.9%	276,412	35.9%
Council projects	308,590	228,470	228,470	74.0%	162,633	43.5%
Public safety:						
Police	7,395,220	1,445,190	1,445,190	19.5%	1,644,223	22.5%
Fire	5,590,320	1,088,145	1,088,145	19.5%	1,198,889	23.0%
Development services	637,340	120,502	120,502	18.9%	122,391	21.6%
Streets	1,366,140	205,320	205,320	15.0%	256,429	18.2%
Parks and Recreation:						
Parks	2,378,830	452,070	452,070	19.0%	444,555	19.9%
Recreation	1,217,980	208,131	208,131	17.1%	233,943	18.1%
OTHER FINANCING USES						
Transfer to parks capital project fund	263,000	-	-	0.0%	-	0.0%
Total Expenditures	\$ 24,879,000	\$ 4,918,216	\$ 4,918,216	19.8%	\$ 5,363,851	22.5%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON

HOTEL FUND

FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Hotel/Motel occupancy taxes	\$ 3,990,000	\$ 1,056,359	\$ 1,056,359	26.5%	\$ 939,054	27.6%
Proceeds from special events	1,049,300	(672)	(672)	-0.1%	4,354	0.4%
Conference centre rental	490,000	111,891	111,891	22.8%	140,667	40.2%
Theatre centre rental	84,000	19,424	19,424	23.1%	17,976	24.0%
Interest and miscellaneous	94,700	38,491	38,491	40.6%	23,883	41.6%
Total Revenues	5,708,000	1,225,493	1,225,493	21.5%	\$ 1,125,934	22.8%
Expenditures and other uses:						
Visitor services	799,810	133,098	133,098	16.6%	123,735	16.1%
Marketing	996,710	259,963	259,963	26.1%	190,585	21.4%
Special events	2,246,230	135,856	135,856	6.0%	101,383	5.1%
Conference centre	1,056,260	184,292	184,292	17.4%	211,177	24.8%
Performing arts	506,010	242,285	242,285	47.9%	257,360	50.9%
Capital projects	-	600	600	0.0%	-	0.0%
Other financing uses:						
Transfer to debt service fund	705,890	176,473	176,473	25.0%	176,153	25.0%
Total Expenditures and Other	\$ 6,310,910	\$ 1,132,568	\$ 1,132,568	17.9%	\$ 1,060,392	18.5%

NOTES:

- 1) N/A - Not Applicable
- 2) Amounts spent by special project:

Public Relations	\$ 663,330	\$ 147,354	\$ 147,354	22.2%	\$ 145,805	23.9%
Oktoberfest	558,170	4,405	4,405	0.8%	1,312	0.3%
Kaboom Town	175,220	-	-	0.0%	-	0.0%
Calendar	44,480	39,438	39,438	88.7%	40,138	90.2%
Hotel Support Program	260,000	28,709	28,709	11.0%	28,422	14.2%
Taste Addison	613,470	341	341	0.1%	583	0.1%
Jazz Festival	251,400	4,326	4,326	1.7%	9,246	4.4%
Shakespeare Festival	31,000	16,528	16,528	53.3%	-	0.0%
Summer Jazz Festival	24,100	-	-	0.0%	-	0.0%
Weekend to Wipe Out Cancer	13,000	874	874	6.7%	741	5.7%
TOTAL	\$ 2,634,170	\$ 241,975	\$ 241,975	9.2%	\$ 226,247	9.8%

TOWN OF ADDISON
STREET CAPITAL PROJECT FUND
 FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
DART Grants	\$ 752,000	\$ -	\$ -	0.0%	\$ -	0.0%
Interest income and other	85,000	34,879	34,879	41.0%	37,575	44.2%
Total Revenues	837,000	34,879	34,879	4.2%	\$ 37,575	4.6%
Expenditures:						
Personal services	50,000	4,482	4,482	9.0%	6,373	12.7%
Design and engineering	138,000	1,043	1,043	0.8%	15,033	7.7%
Construction and equipment:	1,298,000	1,351	1,351	0.1%	2,372,222	51.9%
Total Expenditures	\$ 1,486,000	\$ 6,876	\$ 6,876	0.5%	\$ 2,393,628	49.7%

NOTES:

- 1) N/A - Not Applicable

TOWN OF ADDISON
PARKS CAPITAL PROJECT FUND
 FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Interest income and other	\$ 12,000	\$ 3,704	\$ 3,704	30.9%	\$ 3,227	64.5%
Developer contributions	184,000	-	-	0.0%	-	0.0%
Transfer from street capital project fund	263,000	-	-	0.0%	-	0.0%
Total Revenues	459,000	3,704	3,704	0.8%	\$ 3,227	64.5%
Expenditures:						
Personal services	5,000	666	666	13.3%	77	N/A
Design and engineering	53,000	17,588	17,588	33.2%	15,695	N/A
Construction and equipment:	779,000	35,230	35,230	4.5%	-	0.0%
Total Expenditures	\$ 837,000	\$ 53,484	\$ 53,484	6.4%	\$ 15,772	4.5%

NOTES:

- 1) N/A - Not Applicable

TOWN OF ADDISON
2000 CAPITAL PROJECT FUND
FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues and other sources:						
Interest earnings and other	\$ 2,000	\$ 710	\$ 710	35.5%	\$ 1,481	74.1%
Total Revenues	2,000	710	710	35.5%	1,481	74.1%
Expenditures:						
Personal services	12,000	11,206	11,206	93.4%	1,889	18.9%
Design and engineering	122,000	84,521	84,521	69.3%	-	0.0%
Construction and equipment	-	-	-	0.0%	-	0.0%
Total Expenditures	134,000	95,727	95,727	71.4%	1,889	0.8%

NOTES:

- 1) N/A - Not Applicable

TOWN OF ADDISON
2002 CAPITAL PROJECT FUND
FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Interest earnings and other	\$ 40,000	\$ 18,294	\$ 18,294	45.7%	\$ 18,849	25.1%
Total Revenues	40,000	18,294	18,294	45.7%	18,849	25.1%
Expenditures and other uses:						
Personal services	-	12,242	12,242	N/A	24,993	50.0%
Design and engineering	250,000	2,252	2,252	0.9%	1,090	0.4%
Construction and equipment	1,205,280	264,044	264,044	21.9%	337,590	11.9%
Total Expenditures	1,455,280	278,538	278,538	19.1%	363,673	11.4%

NOTES:

- 1) N/A - Not Applicable

TOWN OF ADDISON
2004 CAPITAL PROJECT FUND
FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Intergovernmental - county grant	\$ -	\$ -	\$ -	N/A	\$ 1,422,812	N/A
Interest earnings and other	150,000	28,130	28,130	18.8%	60,373	40.2%
Total Revenues	150,000	28,130	28,130	18.8%	\$ 1,483,185	988.8%
Expenditures and other uses:						
Personal services	50,000	325	325	0.6%	9,555	19.1%
Design and engineering	450,000	36,978	36,978	8.2%	79,957	17.8%
Construction and equipment	8,100,000	186,889	186,889	2.3%	159,625	2.0%
Total Expenditures	\$ 8,600,000	\$ 224,192	\$ 224,192	2.6%	\$ 249,137	2.9%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON
2006 CAPITAL PROJECT FUND
FY 2006 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Bond proceeds	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	100.0%	\$ -	0.0%
Interest earnings and other	5,000	-	-	0.0%	-	0.0%
Total Revenues	1,505,000	1,500,000	1,500,000	99.7%	\$ -	0.0%
Expenditures and other uses:						
Bond sale costs	12,000	-	-	0.0%	-	0.0%
Design and engineering	-	-	-	0.0%	-	0.0%
Construction and equipment	1,493,000	-	-	0.0%	-	0.0%
Total Expenditures	\$ 1,505,000	\$ -	\$ -	0.0%	\$ -	0.0%

NOTES:

1) N/A - Not Applicable

AIRPORT FUND
FY 2006 QUARTERLY STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES TO WORKING CAPITAL COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Operating revenues:						
Operating grants	\$ 30,000	\$ -	\$ -	0.0%	\$ -	0.0%
Fuel flowage fees	1,065,000	196,391	196,391	18.4%	164,642	16.5%
Rental	3,330,000	522,722	522,722	15.7%	490,805	16.0%
User fees	47,000	5,061	5,061	10.8%	8,920	25.5%
Total operating revenues	<u>4,472,000</u>	<u>724,174</u>	<u>724,174</u>	16.2%	<u>664,367</u>	16.1%
Operating expenses:						
Town - Personal services	281,130	55,092	55,092	19.6%	50,314	17.7%
Town - Supplies	22,300	1,715	1,715	7.7%	(4,016)	-26.8%
Town - Maintenance	26,250	268	268	1.0%	6,257	26.9%
Town - Contractual services	424,100	48,912	48,912	11.5%	97,802	24.0%
Grant - Maintenance	60,000	-	-	0.0%	-	0.0%
Operator operation & maintenance	1,762,660	144,231	144,231	8.2%	149,018	11.9%
Operator service contract	1,080,000	243,110	243,110	22.5%	341,527	32.8%
Total operating expenses	<u>3,656,440</u>	<u>493,328</u>	<u>493,328</u>	13.5%	<u>640,902</u>	20.8%
Net operating income	<u>815,560</u>	<u>230,846</u>	<u>230,846</u>	28.3%	<u>23,465</u>	2.2%
Non-Operating revenues (expenses):						
Interest earnings and other	59,000	34,893	34,893	59.1%	11,983	34.2%
Interest on debt, fiscal fees & other	(169,360)	(42,340)	(42,340)	25.0%	(128,014)	60.4%
Total non-operating revenues (expenses)	<u>(110,360)</u>	<u>(7,447)</u>	<u>(7,447)</u>	6.7%	<u>(116,031)</u>	65.6%
Net income (loss) (excluding depreciation)	<u>\$ 705,200</u>	<u>\$ 223,399</u>	<u>\$ 223,399</u>	31.7%	<u>\$ (92,566)</u>	-10.5%
CHANGES IN WORKING CAPITAL						
Net income (excluding depreciation)	<u>\$ 705,200</u>	<u>\$ 223,399</u>	<u>\$ 223,399</u>	31.7%	<u>(92,566)</u>	-10.5%
Sources (uses) of working capital:						
Retirement of long-term debt	(215,000)	(53,750)	(53,750)	0.0%	-	0.0%
Net additions to fixed assets with grants	(70,000)	(500)	(500)	0.7%	-	0.0%
Other net additions to fixed assets	(3,097,500)	(310,410)	(310,410)	0.0%	(5,066)	0.0%
Net sources (uses) of working capital	<u>(3,382,500)</u>	<u>(364,660)</u>	<u>(364,660)</u>	10.8%	<u>(5,066)</u>	2.0%
Net increase (decrease) in working capital	(2,677,300)	(141,261)	(141,261)	5.3%	(97,632)	-15.5%
Beginning fund balance	4,817,470	3,180,444	3,180,444	66.0%	1,573,835	103.9%
Ending fund balance	<u>\$ 2,140,170</u>	<u>\$ 3,039,183</u>	<u>\$ 3,039,183</u>	142.0%	<u>\$ 1,476,203</u>	68.8%

NOTES:

1) Operating income and portions of operating expenses are underreported by one month due to transactions being accounted for by operator one month and not reported to Town until following month.

TOWN OF ADDISON

UTILITY FUND

FY 2006 QUARTERLY STATEMENT OF REVENUES, EXPENDITURES AND CHANGES TO WORKING CAPITAL COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

Category	2005-06 FY				2004-05	
	Budget	1st Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Operating revenues:						
Water sales	\$ 4,210,800	\$ 933,517	\$ 933,517	22.2%	\$ 598,197	16.3%
Sewer charges	4,741,400	841,217	841,217	17.7%	716,379	17.5%
Tap fees	1,000	1,000	1,000	100.0%	-	0.0%
Penalties	60,000	13,723	13,723	22.9%	15,802	26.3%
Total operating revenues	9,013,200	1,789,457	1,789,457	19.9%	1,330,378	17.0%
Operating expenses:						
Water purchases	2,469,600	442,226	442,226	17.9%	330,431	14.5%
Wastewater treatment	1,814,800	453,735	453,735	25.0%	330,398	19.4%
Utility operations	2,125,260	352,032	352,032	16.6%	393,194	19.0%
Total operating expenses	6,409,660	1,247,994	1,247,994	19.5%	1,054,023	17.4%
Net operating income	2,603,540	541,463	541,463	20.8%	276,355	15.5%
Non-Operating revenues (expenses):						
Interest income and other	55,300	30,328	30,328	54.8%	25,542	22.5%
Interest on bonded debt and fiscal charges	(635,130)	(158,782)	(158,782)	25.0%	(206,695)	25.0%
Total non-operating revenues (expenses)	(579,830)	(128,454)	(128,454)	22.2%	(181,153)	25.4%
Net income (excluding depreciation)	\$ 2,023,710	\$ 413,009	\$ 413,009	20.4%	\$ 95,202	8.9%
CHANGES IN WORKING CAPITAL						
Net income (loss)	2,023,710	413,009	413,009	20.4%	95,202	8.9%
Sources (uses) of working capital:						
Retirement of long-term debt	(1,715,000)	(428,750)	(428,750)	25.0%	(367,250)	25.0%
Net additions to fixed assets	(589,200)	(2,240)	(2,240)	0.4%	-	0.0%
Net sources (uses) of working capital	(2,304,200)	(430,990)	(430,990)	18.7%	(367,250)	16.4%
Net increase (decrease) in working capital	(280,490)	(17,981)	(17,981)	6.4%	(272,048)	23.3%
Beginning fund balance	1,841,940	1,869,466	1,869,466	101.5%	3,151,828	86.5%
Ending fund balance	\$ 1,561,450	\$ 1,851,485	\$ 1,851,485	118.6%	\$ 2,879,780	116.3%

NOTES:

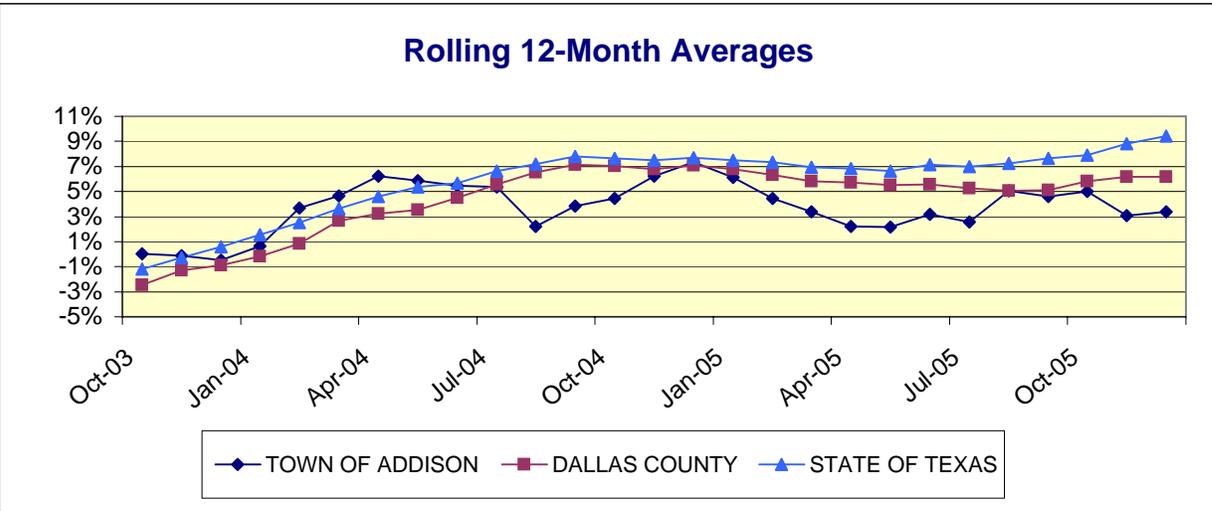
- 1) N/A - Not Applicable
- 2) Purchases of water and wastewater treatment services are underreported by one to two months due to prior year accruals and delay in receiving billings from Dallas Water Utilities.

TOWN OF ADDISON

Schedule of Sales Tax Collections and Related Analyses

For the fiscal year ending September 30, 2006

	TOWN OF ADDISON				DALLAS COUNTY		STATE OF TEXAS	
	2005-06 Collections		% Change from Prior Year		% Change from Prior Year		% Change from Prior Year	
	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative
October	\$ 937,156	\$ 937,156	8.0%	4.4%	11.1%	11.1%	8.6%	8.6%
November	\$ 864,460	\$ 1,801,616	-2.1%	1.2%	8.4%	10.0%	15.8%	11.7%
December	\$ 709,412	\$ 2,511,028	10.6%	3.7%	8.4%	9.5%	16.6%	13.2%
January								
February								
March								
April								
May								
June								
July								
August								
September								
Budget 05-06:		\$ 9,924,100						
Projected Year-End		\$ 10,192,400						



TOWN OF ADDISON HOTEL OCCUPANCY TAX COLLECTION
Hotels By Service Type for the Quarter and Year-To-Date Ended December 31, 2005
With Comparisons to Prior Year

	Rooms		1st Quarter FY 06		06 to 05	YTD FY 06		06 to 05
	Number	Percentage	Amount	Percentage	% Diff.	Amount	Percentage	% Diff.
Full Service								
Marriott Quorum	548	14%	\$ 205,524	19%	-4%	\$ 205,524	19%	-4%
Intercontinental	529	13%	204,990	19%	17%	204,990	19%	17%
Crown Plaza	429	11%	102,866	10%	27%	102,866	10%	27%
	<u>1,506</u>	<u>38%</u>	<u>513,381</u>	<u>49%</u>	<u>9%</u>	<u>513,381</u>	<u>49%</u>	<u>9%</u>
Extended Stay								
Budget Suites	344	9%	10,275	1%	10%	10,275	1%	10%
Best Western	70	2%	12,496	1%	79%	12,496	1%	79%
Marriott Residence	150	4%	41,175	4%	11%	41,175	4%	11%
Summerfield Suites	132	3%	36,430	3%	-14%	36,430	3%	-14%
Homewood Suites	128	3%	29,999	3%	-12%	29,999	3%	-12%
Springhill Suites	159	4%	48,900	5%	14%	48,900	5%	14%
	<u>983</u>	<u>24%</u>	<u>179,275</u>	<u>17%</u>	<u>4%</u>	<u>179,275</u>	<u>17%</u>	<u>4%</u>
Business Moderate								
Marriott Courtyard Quorum	176	4%	70,007	7%	19%	70,007	7%	19%
LaQuinta Inn	152	4%	35,557	3%	18%	35,557	3%	18%
Marriott Courtyard Proton	147	4%	42,854	4%	19%	42,854	4%	19%
Country Inn	102	3%	23,907	2%	17%	23,907	2%	17%
Hilton Garden Inn	96	2%	36,017	3%	21%	36,017	3%	21%
Holiday Inn - Arapaho	101	3%	27,490	3%	57%	27,490	3%	57%
Comfort Inn	86	2%	13,315	1%	28%	13,315	1%	28%
	<u>860</u>	<u>21%</u>	<u>249,148</u>	<u>24%</u>	<u>22%</u>	<u>249,148</u>	<u>24%</u>	<u>22%</u>
Economy								
Motel 6	168	4%	18,506	2%	15%	18,506	2%	15%
Hampton Inn	160	4%	40,129	4%	36%	40,129	4%	36%
Holiday Inn	118	3%	23,397	2%	22%	23,397	2%	22%
Quality Inn	78	2%	21,918	2%	27%	21,918	2%	27%
Addison Inn	78	2%	6,972	1%	7%	6,972	1%	7%
Sleep Inn	63	2%	3,634	0%	7%	3,634	0%	7%
	<u>665</u>	<u>17%</u>	<u>114,556</u>	<u>11%</u>	<u>25%</u>	<u>114,556</u>	<u>11%</u>	<u>25%</u>
TOTAL	<u>4,014</u>	<u>100%</u>	<u>\$ 1,056,359</u>	<u>100%</u>	<u>12%</u>	<u>\$ 1,056,359</u>	<u>100%</u>	<u>12%</u>

TOWN OF ADDISON
INTERIM STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
For the Quarter Ending December 31, 2005

Fund	Balance 9/30/2005	Quarter Receipts	Quarter Disbursements	Balance 12/31/2005
General Fund	\$ 7,168,690	\$ 7,449,222	\$ 8,367,779	\$ 6,250,133
Special Revenue Funds:				
Hotel	5,187,389	2,239,360	2,814,880	4,611,869
Public Safety	40,677	13,075	1,244	52,508
Municipal Court	276,295	287,761	260,360	303,696
Arbor	102,827	12,270	23,513	91,584
Debt Service Funds:				
G. O. Bonds	1,399,997	1,853,858	912,582	2,341,273
Hotel Revenue Bonds	770,023	32,351	13,013	789,361
Capital Projects Funds:				
Streets	3,800,581	168,033	76,133	3,892,481
Parks	457,600	10,680	78,278	390,002
2000 G. O. Bonds	122,228	4,579	93,639	33,168
2002 G.O. Bonds	2,317,072	80,023	318,318	2,078,777
2004 G.O. Bonds	3,915,416	705,651	1,513,409	3,107,658
2006 G.O. Bonds	-	1,500,000	-	1,500,000
Enterprise Funds:				
Utility	3,575,211	2,647,813	2,215,653	4,007,371
Airport	3,941,760	1,168,692	958,313	4,152,139
Internal Service Funds:				
Capital Replacement	2,164,493	52,584	74,506	2,142,571
Information Services	1,667,309	69,232	28,298	1,708,243
TOTAL - ALL FUNDS	\$ 36,907,568	\$ 18,295,184	\$ 17,749,918	\$ 37,452,834

Note: Cash inflows and outflows represent revenues, expenditures, and investment transactions.

INVESTMENTS BY MATURITY AND TYPE				
For the Quarter Ending December 31, 2005				
	Type	% of Portfolio	Avg. Weighted Yield to Maturity	Amount
	Pools	29.11%	4.17%	\$ 10,695,322
	Commercial Paper	8.14%	4.30%	2,983,725
	Agencies	49.17%	3.47%	18,071,442
	Treasuries	13.58%	3.02%	4,987,894
Total Investments		100.00%		36,738,383
	Accrued Interest Earnings			109,270
	Demand Deposits			605,181
TOTAL				\$ 37,452,834

COLLATERAL SUMMARY

The first and most important objective for public funds investments is safety of assets. Therefore, all non-government security investments and bank accounts in excess of FDIC coverage must be secured by collateral. The bank balances and investments are monitored on a regular basis for appropriate coverage by marking the collateral to market. Collateral levels are adjusted to secure the varying levels of receipts throughout the fiscal year.

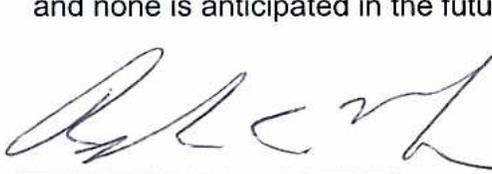
Town of Addison Collateral Analysis Demand Deposit Cash December 31, 2005

Pledging Institution	Safekeeping Location	Account Title	Pledged Security Description	Security Par Value	Market Value	FDIC Insurance	Ending Bank Balance	Difference Over(Under)
Frost Bank	Federal Reserve	Operating	GNMA due: 20-Feb-28	\$ 967,526	\$ 1,001,185			
				<u>\$ 967,526</u>	<u>\$ 1,001,185</u>	<u>\$ 100,000</u>	<u>454,876</u>	<u>\$ 646,309</u>

**Quarterly Investment Report
Pooled Investment Funds
Quarter ending December 31, 2005**

This quarterly Investment report has been prepared in compliance with Section 2256.023 "Internal Management Reports", of the Public Funds Investment Act, and in accordance with reporting requirements contained in the Town of Addison Investment Policy as approved by City Council on September 27, 2005.

Activity in the Town's portfolio during this quarter is in compliance with the investment strategy as specified in the Town's Investment Policy. All investments are high-quality securities with no perceived default risk. Securities reflect active and efficient secondary markets in the event of an unanticipated cash requirement. Operating funds require the greatest short-term liquidity. Investment pools have been utilized to provide short-term fund requirements. Investment maturities have been staggered throughout the budget cycle to provide cash flow based on anticipated operating needs of the Town. Diversifying the appropriate maturity structure has reduced market cycle risk. There has been no loss of principal during this quarter of activity, and none is anticipated in the future.



Randolph C. Moravec
Director of Financial & Strategic Services



Bryan Langley
Asst. Director of Financial & Strategic Services

Fourth Quarter of Calendar Year 2005 Review

If it seemed like a dull quarter, it was. Although near record energy prices, especially at the gas pump, created much angst and might have prompted some to rethink the wisdom of driving larger gas guzzling vehicles, consumer spending was alive and well. Consumer confidence simply bounced around with energy prices. A slight increase in mortgage lending rates didn't put an end to the real estate boom. In fact, a rapid spike in rates during the quarter awoke the fence-sitters who responded by pushing new home sales to record highs. Auto sales suffered a bit in the fall months as incentives weren't as sweet as they were in the summer. Manufacturing was solid. The labor market was okay. Third quarter economic growth, earlier projected to fall below 3.0% due to hurricane damage, somehow managed to weigh in at a very healthy 4.3%. The DOW faded as the year drew to a close and ended 2005 in negative territory. But the biggest story in a ho-hum quarter was inflation, or more specifically, an unexpected easing of inflationary pressure during the quarter. However, Fed officials weren't quite ready to declare victory and kept on tightening rates, boosting the fed funds target two more times in 25 bps increments which brought overnight rates to 4.25%. While rates on the short-end continued to rise, the long-end continued to fall and in late December, the 10-year Treasury note yield hit 4.32% briefly inverting the curve. This would normally foreshadow an economic slowdown on the horizon as each of the last four recessions have been preceded by yield curve inversion. Ironically, a major reason for the decrease in long-term rates this time is confidence by investors that the Fed has done a fine job of controlling inflation by raising short-term rates.

Key Economic Indicators:

➤ **MANUFACTURING**

With the exception of domestic auto makers, U.S. manufacturing continues to expand at a healthy pace. Although the Institute for Supply Management's factory index declined from 59.4 in September to 54.2 in December, the index marked its 31st consecutive month over 50, a level which indicates growth. The institute's measure of how much companies pay for raw materials spiked to 84 in October, led by rising energy prices, before tapering off to 63 in December.

➤ **EMPLOYMENT**

As expected the late summer hurricanes did reduce the growth in jobs early in the fourth quarter, but the large declines that were feared never materialized. Non-farm payrolls grew by a slight 25k in October before rebounding to a whopping 305k in November and 108k in December. For the year the economy added 2.02 million jobs, just below 2004's 2.19 million. The unemployment rate ended the year at 4.9%.

➤ **INFLATION**

Aside from energy prices inflation data has been fairly benign. Headline CPI did rise 4.7% year-over-year in September as gas prices rocketing above \$3 per gallon. But as gas prices declined in subsequent months, so did the CPI, which was up a smaller 3.5% year-over-year through November. Core CPI, which excludes food and energy was up just 2.1% year-over-year through November. The core personal consumption expenditures index, a favorite of the Fed, is now up 1.8% year-over-year through November. That's lower than the 2.0% reading reached in September (the high-end of the Fed's comfort range).

➤ **RETAIL SALES**

Retail sales continued its familiar up and down pattern, but on a year-over-year basis through November sales are up 6.3%. A strong reading, but well below the 10% plus

readings seen last summer. When auto sales are excluded, retail sales are up 8.7%. The hurricanes and high gasoline prices seem to have had little effect on retail sales.

➤ **AUTOS**

Domestic auto makers continue to lose market share and sales of the once highly profitable SUV's have dwindled as gas prices have pushed consumers towards more economical cars. After reaching a peak of 20.9 million annualized units in July, sales have fallen sharply. Auto sales came in at 16.4, 14.7, and 15.7 million annual units in September, October, and November respectively.

➤ **HOUSING**

Housing starts defied the experts rising 5.3% in November and will set another record for 2005. Existing home sales fell each month from August's 7.29 million annual units down to 6.97 million in November, still a high level by historical standards. New home sales reached yet another new record high in October, hitting 1.404 million annual units. Both new and existing sales are on pace for a fourth consecutive record year in 2005. Anecdotal evidence suggests home sales should slow, but so far a strong economy and relatively low mortgage rates are still feeding the boom.

➤ **OIL**

The spike in gas prices proved short lived as \$3 per gallon gasoline quickly gave way to prices closer to \$2. But oil prices have remained north of \$55 per barrel and have recently climbed into the low \$60's. Thus far the inflationary effects of this have been fairly limited, but this is something economists and the Fed are watching closely.

Fed Meetings:

- Nov 1st – *Rates increased 25 bps* – 4.00% target – The FOMC continued on its steady course of 25 bps rate hikes at every meeting. The statement retained much of the now standard language including “monetary policy remains accommodative” and the “measured pace” phrase.
- Dec 13th – *Rates increased 25 bps* – 4.25% target – Once again the Fed raised the target funds rate by 25 bps. But more importantly, the language was modified. The Fed removed the “remains accommodative” sentence, indicating that they no longer believe the stance of monetary policy is stimulating economic growth. The “measured pace” phrase was retained but altered to say that *“The Committee judges that some further measured policy firming is likely to be needed to keep the risks to the attainment of both sustainable economic growth and price stability roughly in balance.”* The markets have taken this as a hint that the Fed may soon end its tightening campaign.

Market Movement:

- Contrary to the past few quarters, Treasury movements were held in a fairly narrow range in Q4 as the Fed's methodical pace helped to reduce volatility. The six-month Treasury-bill yield, which opened the quarter at 3.93%, rose 45 bps to close at 4.38%. The two-year Treasury-note yield opened the quarter at 4.17% and climbed as high as 4.49% before closing at 4.41%, up 24 bps for the quarter.
- Stock markets had a mildly positive quarter but are mixed for the year. The DOW was up 1.4% for the quarter, but still down 65 points and 0.61% for the year. The S&P 500 was up 1.6% in Q4 and gained 36 points for a 3.0% advance during 2005. The NASDAQ gained 2.5% in Q4 and rose a meager 30 points or 1.4% for the year.
- The TexPool average rate during the fourth quarter came in at 3.98%, up 54 basis points from the third quarter's 3.437%. This rate will continue to rise along with the overnight fed funds rate and is currently near 4.25%.

U.S. Treasury Yields:

		Fed Funds	3 mo T-bill	6 mo T-bill	2 yr T-note	3 yr T-note	10 yr T-note
Last	9/30/05	3.75%	3.55%	3.93%	4.17%	4.18%	4.33%
High			4.08%	4.38%	4.49%	4.53%	4.66%
Low			3.55%	3.93%	4.17%	4.18%	4.33%
End	12/31/05	4.25%	4.08%	4.38%	4.41%	4.37%	4.40%

Portfolio Activity since September 30th:

- There was one maturity in late October for \$3 million. These funds were not reinvested as they were needed for capital projects expenditures.
- A mid-November maturity of \$3 million was reinvested into 3-month commercial paper maturing in February 2006 at a yield of 4.37%. This purchase matched our investment strategy of staying short to allow funds to be reinvested as yields move higher along with the fed funds rate. Commercial paper was chosen due to a 17 bps yield advantage versus discount notes, a significant premium.
- A \$3 million maturity in early December was reinvested into a callable security. The FHLMC 5% note matures on 12/28/2007 and is callable one-time only in June 2006. The bond was purchased at par for a yield to maturity of 5%, nearly 30 bps higher in yield than non-callable bonds.

Outlook for the Fourth Quarter 2005:

The Fed has recently lowered their forecast for economic growth in 2006 and the FOMC meeting minutes show a Fed that is becoming less concerned with an overheating economy and the accompanying inflationary pressures. In fact the minutes even say that views are divided on the likely extent of further tightening. There is a strong belief in the market that the Fed will raise rates to 4.50% at the January 31st meeting. Additional rate hikes cannot be ruled out and Fed action will be very dependent on incoming economic data. In addition, Greenspan's term as chairman will expire and Ben Bernanke will take over, adding another variable into the mix. The yield curve has become extremely flat, even slightly inverted. This hints that the market sees an end to the Fed's tightening campaign. A flat yield curve is typically a signal that it is time to extend maturities. However, there is a risk that rates will continue to rise further, and investment decisions will have to be mindful of that risk.

Projected Strategy for the Fourth Quarter 2005:

The short-end of the yield curve remains relatively steep, reflecting the expectations for another rate hike. Beyond about 12 months, the curve is very flat and at some spots is actually inverted. Although it seems counter-intuitive, the flat curve is a sign that it is time to lock in a portion of the portfolio in longer term investments. History tells us that the peak in yields will precede the peak in the fed funds rate. The yield curve will anticipate future Fed moves, and investors will want to lock in today's high yields before the market begins pricing in the possibility of future rate cuts. However, we must acknowledge the possibility that the Fed *raises* rate more than the market currently expects. Therefore, a well diversified portfolio with investments spread out along the maturity spectrum is called for. Implementing this strategy will call for a mix of short (6-9 months), medium (12-18 months), and longer (24-30 month) term investments.



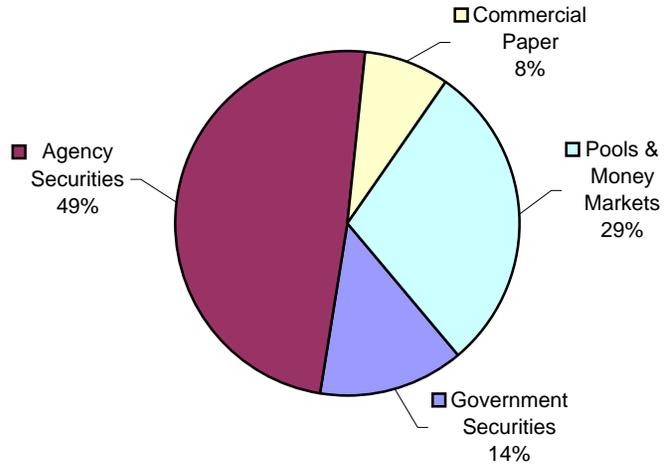
Investment Portfolio Summary
For the Month Ended
December 31, 2005

Prepared By

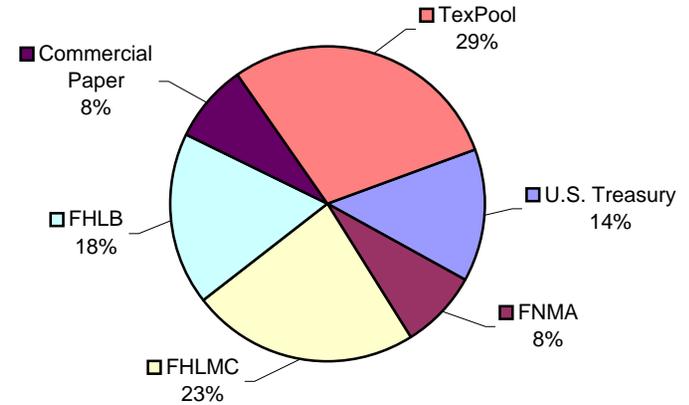
 **First Southwest Asset Management, Inc.**
An Affiliate of First Southwest Company

Town of Addison Portfolio Composition December 31, 2005

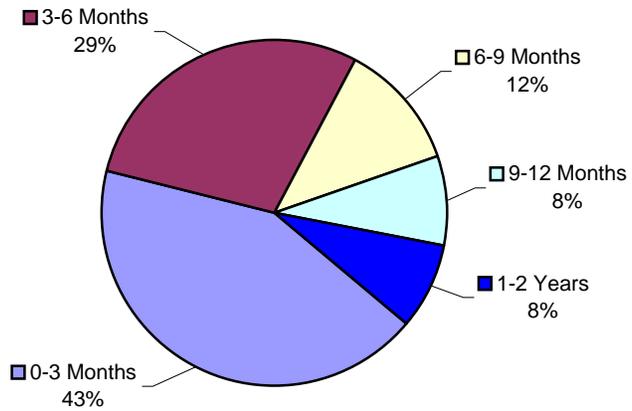
Portfolio Composition by Security Type



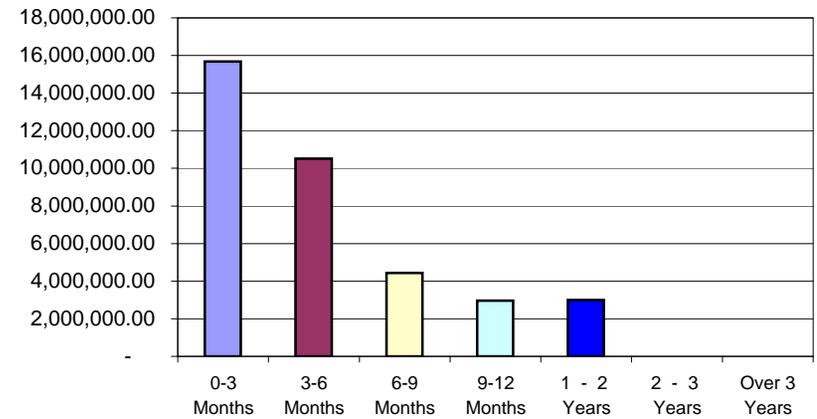
Portfolio Composition By Issuer



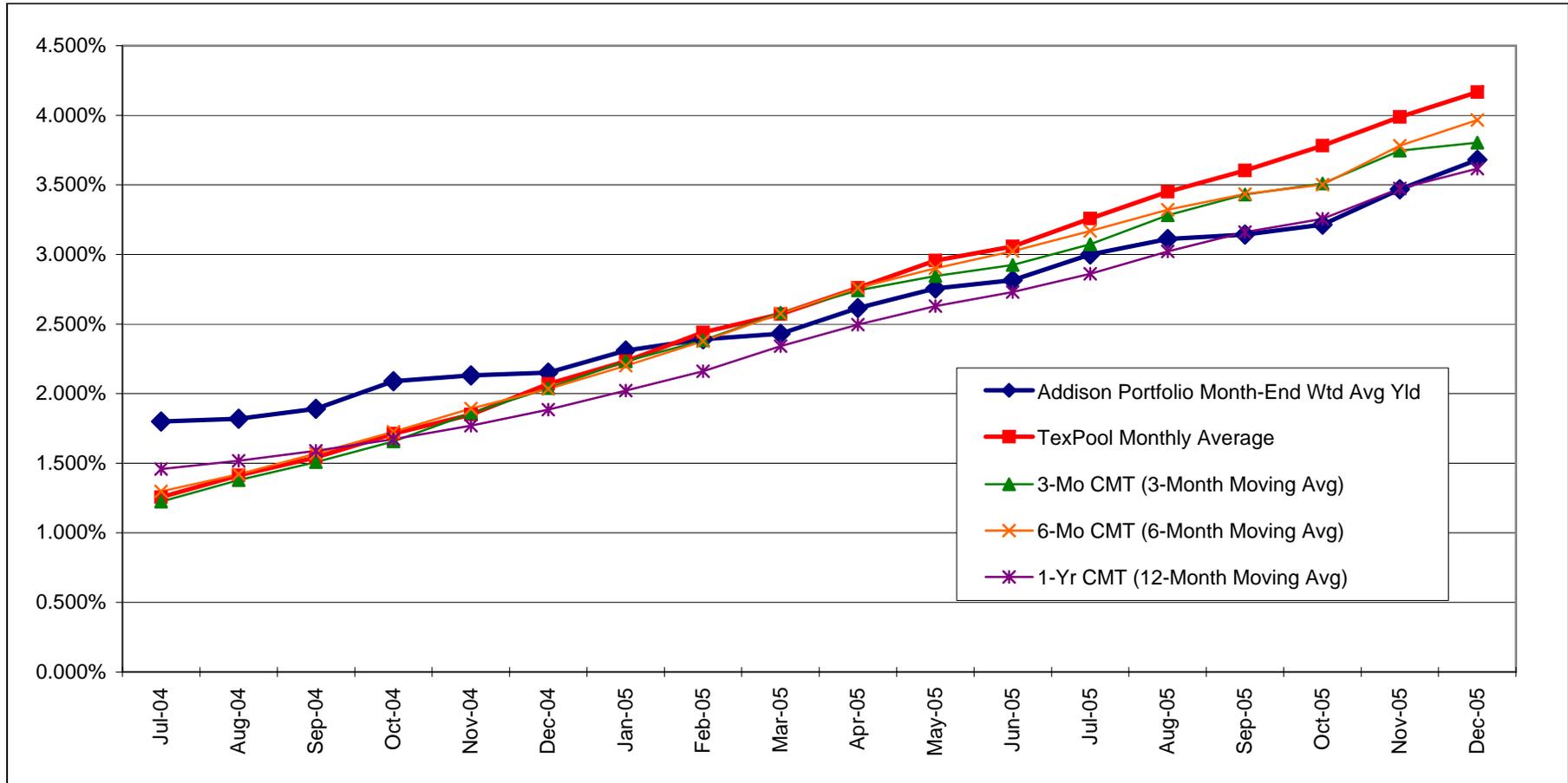
Portfolio Composition by Maturity (Percentage)



Portfolio Composition by Maturity (Amount)



**Town of Addison
Benchmark Comparison
December 31, 2005**



Notes:

- 1.) Benchmark data for TexPool is the monthly average yield.
- 2.) CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities.
- 3.) The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year CMT is the daily average for the previous 12-months.

Town of Addison
Pooled Funds
FIXED INCOME DISTRIBUTION
December 31, 2005

Summary Information

Totals		Weighted Averages		
Par Value	36,775,321.63	Average	YTM	3.678
Market Value	36,592,255.33	Average	Maturity (yrs)	0.4
Adjusted Cost	36,738,382.92	Average	Coupon (%)	3.138
Net Gain/Loss	-146,127.59	Average	Duration	0.4
Annual Income	1,153,098.22			
Number of Issues	11			

Distribution by Maturity

Maturity	Number	Mkt Value	% Bond Holdings	Average Y T M	Average Coupon	Average Duration
0 - 3 Months	3	15,672,171.63	42.8	4.168	3.137%	0.044
3 - 6 Months	4	10,517,383.66	28.7	3.169	2.826%	0.377
6 - 9 Months	2	4,444,218.75	12.1	2.647	2.647%	0.619
9 - 12 Months	1	2,961,562.50	8.1	3.136	3.110%	0.799
1 - 2 Years	1	2,996,918.79	8.2	5.000	5.000%	1.875

Town of Addison
DETAIL OF SECURITY HOLDINGS
As of December 31, 2005

Security Description	Security CUSIP	Coupon	Settlement Date	Maturity Date	Next Call Date	Par Value	Purchase Price	Purchase Cost	Book Value	Market Price	Market Value	Accrued Interest	Days to Maturity	Days to Next Call	Yield to Maturity	Yield to Next Call
Pooled Funds																
TEXPOOL	texpool	4.168				10,695,321.63	100.000	10,695,321.63	10,695,321.63	100.000	10,695,321.63	0.00	1		4.168	
NEW CENTER ASSET CP	64351VBE1	0.000	11-15-05	02-14-06		3,000,000.00	98.926	2,967,770.83	2,984,416.67	99.457	2,983,725.00	0.00	45		4.296	
FHLB	3133X43E9	2.300	07-26-05	02-27-06		2,000,000.00	99.037	1,980,732.00	1,994,915.39	99.656	1,993,125.00	15,844.44	58		3.976	
FHLMC	3128X3XE8	2.700	10-12-04	04-12-06		3,000,000.00	100.000	3,000,000.00	3,000,000.00	99.471	2,984,115.14	17,775.00	102		2.700	
U.S. T-Note	912828CF5	2.250	05-11-04	04-30-06		3,000,000.00	99.367	2,981,015.63	2,996,857.01	99.344	2,980,312.50	11,560.77	120		2.581	
FHLMC	3128X4CQ2	3.700	07-22-05	06-20-06	03-20-06	2,580,000.00	99.730	2,573,046.10	2,576,449.96	99.557	2,568,581.01	2,916.83	171	79	4.001	4.120
U.S. T-Note	912828CM0	2.750	07-12-05	06-30-06		2,000,000.00	99.121	1,982,421.88	1,991,036.65	99.219	1,984,375.00	151.93	181		3.682	
FHLB	3133X07J2	2.570	08-18-03	08-18-06	02-18-06	3,000,000.00	100.000	3,000,000.00	3,000,000.00	98.719	2,961,562.50	28,484.17	230	49	2.570	2.570
FHLB	3133X3U84	2.800	02-25-04	08-25-06	02-25-06	1,500,000.00	100.000	1,500,000.00	1,500,000.00	98.844	1,482,656.25	14,700.00	237	56	2.800	2.800
FNMA	3136F6GH6	3.110	10-27-04	10-27-06	01-27-06	3,000,000.00	99.950	2,998,500.00	2,999,385.62	98.719	2,961,562.50	16,586.67	300	27	3.136	3.154
FHLMC	3128X4WA5	5.000	12-28-05	12-28-07	06-28-06	3,000,000.00	100.000	3,000,000.00	3,000,000.00	99.897	2,996,918.79	1,250.00	727	179	5.000	5.000
		3.137				36,775,321.63	99.738	36,678,808.07	36,738,382.92	99.502	36,592,255.33	109,269.82	159		3.678	
GRAND TOTAL		3.137				36,775,321.63	99.738	36,678,808.07	36,738,382.92	99.502	36,592,255.33	109,269.82	159		3.678	

Town of Addison
Pooled Funds
INVESTMENT TRANSACTIONS
From 12-01-05 To 12-31-05

Settle Date	Security	CUSIP	Coupon	Mature Date	Call Date	Quantity	Unit Price	Amount
PURCHASES								
12-28-05	FHLMC	3128X4WA5	5.000	12-28-07	06-28-06	3,000,000	100.000	<u>3,000,000.00</u>
								3,000,000.00
MATURITIES								
12-09-05	FNMA Disc Note	313589QG1	0.000	12-09-05		3,000,000	100.000	<u>3,000,000.00</u>
								3,000,000.00

Town of Addison
EARNED INCOME
From 11-30-05 To 12-31-05

	Beginning Accrued Interest	Purchased Interest	Sold Interest	Interest Received	Earned Interest	Ending Accrued Interest	Amortization/ Accretion	Adjusted Earned Income
Pooled Funds								
TEXPOOL (texpool)	0.00	0.00	0.00	-41,783.32	41,783.32	0.00	0.00	41,783.32
FNMA Disc Note 0.000% Due 12-09-05 (313589qg1)	0.00	0.00	0.00	0.00	0.00	0.00	2,490.00	2,490.00
NEW CENTER ASSET CP 0.000% Due 02-14-06 (64351vbe1)	0.00	0.00	0.00	0.00	0.00	0.00	10,979.17	10,979.17
FHLB 2.300% Due 02-27-06 (3133x43e9)	12,011.11	0.00	0.00	0.00	3,833.33	15,844.44	2,765.31	6,598.65
FHLMC 2.700% Due 04-12-06 (3128x3xe8)	11,025.00	0.00	0.00	0.00	6,750.00	17,775.00	0.00	6,750.00
U.S. T-Note 2.250% Due 04-30-06 (912828cf5)	5,780.39	0.00	0.00	0.00	5,780.39	11,560.77	818.76	6,599.15
FHLMC 3.700% Due 06-20-06 (3128x4cq2)	42,691.83	0.00	0.00	-47,730.00	7,955.00	2,916.83	647.36	8,602.36
U.S. T-Note 2.750% Due 06-30-06 (912828cm0)	23,016.30	0.00	0.00	-27,500.00	4,635.63	151.93	1,543.69	6,179.32
FHLB 2.570% Due 08-18-06 (3133x07j2)	22,059.17	0.00	0.00	0.00	6,425.00	28,484.17	0.00	6,425.00
FHLB 2.800% Due 08-25-06 (3133x3u84)	11,200.00	0.00	0.00	0.00	3,500.00	14,700.00	0.00	3,500.00
FNMA 3.110% Due 10-27-06 (3136f6gh6)	8,811.67	0.00	0.00	0.00	7,775.00	16,586.67	63.70	7,838.70
FHLMC 5.000% Due 12-28-07 (3128x4wa5)	0.00	0.00	0.00	0.00	1,250.00	1,250.00	0.00	1,250.00
	136,595.47	0.00	0.00	-117,013.32	89,687.67	109,269.82	19,307.99	108,995.66
GRAND TOTAL	136,595.47	0.00	0.00	-117,013.32	89,687.67	109,269.82	19,307.99	108,995.66