

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

AGENDA

WORK SESSION OF THE CITY COUNCIL

6:30 P.M.

AND

REGULAR MEETING OF THE CITY COUNCIL

7:30 P.M.

DECEMBER 8, 2009

TOWN HALL

5300 BELT LINE ROAD

WORK SESSION

Item #WS1 - Discussion regarding Crowne Plaza Expansion request.

REGULAR SESSION

Pledge of Allegiance

Item #R1 - Consideration of Old Business.

Introduction of Employees

Discussion of Upcoming Events

Item #R2 - Consent Agenda

Item #2a - Approval of a Festival Consulting Agreement with World Affairs Council of Dallas/Fort Worth (WAC) in an amount not to exceed \$37,000.00 for WorldFest 2010, subject to City Attorney approval.

Item #R3 - Presentation, discussion and consideration of approval of the appointment of members to the Charter Review Commission.

Administrative Comment:

On November 10, 2009, the Council determined that it would appoint members to a Charter Review Commission, with the intent to have all members appointed by December 8, 2009.

Administrative Recommendation:

No recommendation.

Item #R4 - Presentation, discussion and consideration of approval of an ordinance providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the Town of Addison, and establishing an effective date for the ordinance.

Attachments:

1. TMRS Letter
2. Ordinance

Administrative Recommendation:

Administration recommends approval.

Item #R5 - **PUBLIC HEARING** Case 1588-Z/Town of Addison. Presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance #625 in order to amend Section 3, Paragraph 4, which sets forth parking regulations, located at 14275-14295 Midway Road (the Midway Atriums Office buildings) and 14315 Midway Road (the Holiday Inn Crowne Plaza Hotel), on application from the Town of Addison, represented by Carmen Moran, Director of Development Services.

Attachments:

1. Docket map, staff report, and Commission findings

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 19, 2009, voted to recommend approval of an ordinance amending Planned Development Ordinance #625 in order to amend Section 3, Paragraph 4, which sets forth parking regulations, in order to read as follows:

Section 3, Paragraph 4:

Required parking on the site shall be set as follows:

Office: (1/400 s.f.) One space per each 380 square feet of floor area. An office complex of 50,000 square feet or more (1/400 s.f.) square feet of net useable area.

Hotel/motel: One space per room. Banquet or meeting space in a hotel, one space per 500 square feet.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wood

Voting Nay: None

Absent: None

Administrative Recommendation:

Administration recommends approval.

Item #R6 - **PUBLIC HEARING** Case 1589-SUP/Holiday Inn Crowne Plaza Hotel. Presentation, discussion and consideration of approval of an ordinance amending an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in an existing hotel in order to add meeting rooms, located at 14315 Midway Road, on application from the Holiday Inn Crowne Plaza Hotel, represented by Mr. Ross Harle of Tabani Group, Inc.

Attachments:

1. Docket map, staff report, and Commission findings

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 19, 2009, voted to recommend approval of an ordinance amending an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in an existing hotel, subject to the following condition:

-The applicant shall submit detailed landscaping and irrigation plans prior to the issuance of a building permit.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wood

Voting Nay: None

Absent: None

Administrative Recommendation:

Administration recommends approval.

Item #R7 - **PUBLIC HEARING** Case 1590-SUP/Back Nine Restaurant. Presentation, discussion and consideration of approval of an ordinance amending an existing Special Use Permit for a restaurant, an amendment to a Special Use Permit for the sale of alcoholic beverages for on-premises consumption in an existing restaurant, and approval of a Special Use Permit for a billiard parlor, located at 4060 Belt Line Road, on application from Mr. Dallas Hale.

Attachments:

1. Docket map, staff report, and Commission findings

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 19, 2009, voted to recommend approval of the amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for a billiard parlor, subject to the following condition:

-all dead or missing landscaping on the site shall be replaced prior to the issuance of a Certificate of Occupancy.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wood

Voting Nay: none

Absent: Wheeler

Administrative Recommendation:

Administration recommends denial.

Item #R8 - Presentation, discussion and consideration of approval of Work Order No. 3 with HNTB Corporation for Bus Stop Design Development, construction drawings and specifications.

Attachments:

1. Council Agenda Item Overview
2. Work Order #3 Scope
3. Fee Schedule

Administrative Recommendation:

Administration recommends approval.

Item #R9 - Presentation, discussion and consideration of approval of an amendment to the professional services agreement with HNTB Corporation for an amount not to exceed \$25,000.00 for the independent design review of the Vitruvian public Infrastructure bridge design plans.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R10 - Presentation and discussion regarding the Fourth Quarter 2009 Fiscal Year Financial Review of the Town of Addison.

Attachment:

1. Quarterly Review
-

EXECUTIVE SESSION

#ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to deliberate the offer of a financial or other incentive to a business prospect that the City Council seeks to have locate, stay or expand in the territory of the Town of Addison and with which the City Council is conducting economic development negotiations.

#R11 - Consideration of any action in connection with and/or regarding the offer of a financial or other incentive to a business prospect that the City Council seeks to have locate, stay or expand in the territory of the Town of Addison and with which the City Council is conducting economic development negotiations.

Adjourn Meeting

Posted:
December 4, 2009 at 5:00 P.M.
Lea Dunn - 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.**

Council Agenda Item: #2a

SUMMARY: Subject to the final approval of the City Attorney, City Council approval is sought of a Festival Consulting Agreement with World Affairs Council of Dallas/Fort Worth (WAC) in an amount not to exceed \$37,000.00 for WorldFest 2010.

FINANCIAL IMPACT:

Proposed Budget Amount: Amount not to exceed \$37,000.

FY '11 budget has not yet been adopted by the City Council; however, the payment amount to WAC will need to be partially funded out of the current FY '10 budget through a mid-year budget amendment and partially funded out of the FY '11 budget as follows:

FY '10 Budget Amendment:	\$22,000
FY '11 Budget:	\$15,000

Payment to WAC as follows:

- 1) \$35,000 consulting management fee paid in three installments as follows from the WorldFest budget:
 - \$10,000 upon execution of Agreement
 - \$10,000 on June 4, 2010
 - \$15,000 upon completion of event
- 2) Up to \$2,000 toward the WAC's purchase of an insurance policy that names the Town of Addison as an additional insured during the contract period. Addison and WAC will equally split the cost of the insurance policy that is required by Addison's risk management team.
- 3) WAC will have the exclusive right to produce the Travel Journal on a turnkey basis which includes payment of all expenses plus the ability to solicit a sponsorship within PPI guidelines. Payment by sponsor will be paid directly to WAC.

BACKGROUND:

What is the World Affairs Council: The World Affairs Council serves as a gateway to the world for our region, providing a wide array of opportunities for the public and its members. The non-profit, nonpartisan organization has presented hundred of speakers in recent years, including *Newsweek International* editor, CNN host and bestselling author Fareed Zakaria, rock star and humanitarian Bono, former President of Mexico Vicente Fox, The New York Times columnist Thomas Friedman, author Walter Isaacson, human rights activist Ayaan Hirsi Ali, as well as journalists, ambassadors, foreign affairs experts and other newsmakers from around the world. The WAC also administers the following programs:

- International Education Initiative, which impacts more than 100,000 North Texas students each year
- U.S. Department of State-sponsored International Visitor Program
- City of Dallas Office of Protocol

WAC Consulting Services for WorldFest 2010: The attached contract will outline the services WAC will provide and the consulting fee associated with their services. Addison will benefit from this partnership with WAC in a number of ways but most notably through their credibility in the international community as well as through their connections to many potential participants, programs, and marketing opportunities.

WAC consulting assistance on the 2009 event proved to be beneficial and resulted in many connections in the areas of participant identification and solicitation, promotional partnerships with the Crow Collection of Asian Art, DALLAS Film Society, Dallas Museum of Art and more. Additionally, they secured more than 200 volunteers and arranged for \$37,500 in paid and in-kind sponsorships.

Budget: Because WorldFest takes place within the first few weeks of the '10-11 fiscal year, we ask that the Council pre-authorize the expenditure of these funds prior to the formal adoption of the budget so marketing and production efforts to produce a quality event may begin.

RECOMMENDATION: Staff recommends approval.

2) **Volunteer Solicitation** – assistance with securing and supervision of volunteers to help with various elements of the Festival, including but not limited to admission sales, ticket sales, information booth, greeters, gate monitors, stage management, stage hands, operations, vendor load-in/load-out;

3) **Marketing, Public Relations, and Sponsorship Support** –

(a) work with Addison Staff and their third-party advertising consultant, identified as Jimbobkrause (whose address is 5307 E. Mockingbird Lane, Suite 250, Dallas, Texas 75206), to develop marketing materials to promote the Festival, including but not limited to the following materials: print advertising, radio advertising, electronic advertising, posters, fliers, brochures, and the “Passport” booklet. Also assist with identifying distribution outlets for these materials;

(b) work with Addison Staff and their third-party public relations consultant, identified as Shiroma Southwest (whose address is 17311 North Dallas Parkway, Suite 110, Dallas, Texas 75248) for the purpose of providing provide advice and recommendations regarding publicity materials to promote the Festival, including but not limited to the following materials: press releases, newsletters, calendar advisories;

(c) work with Addison Staff and their third-party sponsorship consultant, identified as PPI Marketing (whose address is 15660 North Dallas Parkway, Suite 1250, Dallas, Texas 75248) (“PPI”), for the purpose of providing provide advice and recommendations regarding sponsorship materials to be used to secure cash and in-kind services for the Festival from third-party sponsors (“Third Party Sponsors” and sponsorships from Third-Party Sponsors being “Third Party Sponsorships”). Also assist with identifying potential Third-Party Sponsors; and

(d) use World Affairs Council resources (e.g., marketing materials, website, e-newsletters, trade, and other resources) to cross-promote WorldFest;

4) **Cross Cultural Guidance** - introduce Addison Staff to members of the diplomatic community such as the Consuls General, community Chambers of Commerce, community organizations and others plus provide advice about international protocol.

Performance Reports – World Affairs Council shall provide to the City, not later than the 25th day following the end of each calendar year quarter (or portion thereof, as applicable) while this Agreement is in effect, a report regarding the work and activities of World Affairs Council for the calendar year quarter immediately preceding the date of the report, including, without limitation, (i) all marketing activities of World Affairs Council, (ii) a report on expenses and the payment thereof (e.g., payments to performers, other third parties, and proof of such payment), (iii) all other of the above and foregoing Services provided by World Affairs Council. Each such report shall be in form and content satisfactory to the City, and World Affairs Council shall provide supporting information for its report, including any supporting information as the City may reasonably request. Upon the expiration or earlier termination of this Agreement, World

Affairs Council shall provide such report to the City not later than the 25th day following the Expiration Date or the date of termination, as applicable, and the obligation to provide such report shall survive the expiration or earlier termination of this Agreement.

B. In connection with the Services, World Affairs Council warrants and represents to the City that:

- 1) World Affairs Council has the skills, qualifications, expertise, experience and financial capability necessary to perform the Services with a high degree of quality and responsiveness;
- 2) The Services and work will be provided in a professional and timely manner, consistent with the commercially accepted best practices and standards;
- 3) The Services shall comply with all applicable federal, state or local statutes, ordinances, laws, rules, standards, codes and regulations;
- 4) World Affairs Council: (i) is a corporation duly organized, validly existing and in good standing under the laws of the State of Texas, and shall remain in good standing throughout the term of this Agreement; (ii) it has the requisite power and authority to carry on its business as it is now being conducted; (iii) it has the legal capacity to enter into this Agreement; and, (iv) the execution, delivery and performance of this Agreement and the consummation of the transactions contemplated by this Agreement have been authorized and approved by all action required on the part of World Affairs Council; and
- 5) The execution and delivery of this Agreement by World Affairs Council does not: (i) conflict with, or result in any violation or breach of, any provision of the World Affairs Council's charter documents; (ii) result in any violation or breach of, or constitute a default under, or require a consent or waiver under, any of the terms, conditions or provisions of any license, contract or other agreement to which World Affairs Council is a party; or (iii) materially conflict with or violate any franchise, license, judgment, order, statute, law, rule or regulation applicable to World Affairs Council.

C. All Services shall be provided by World Affairs Council in cooperation and coordination with the City Staff, and in particular with the Addison Special Events Administrator (the "Administrator"). Any and all promotional or other materials regarding the Festival which are to be prepared, given or delivered by World Affairs Council shall be first presented to the Administrator for the Administrator's review and approval prior to the public dissemination of any such materials. Standardized language agreed upon by both parties prior to any public dissemination thereof may, after such agreement, be disseminated in World Affairs Council materials without prior review of those materials. Prior to solicitation of any entertainers, activities and other vendors, World Affairs Council shall use its reasonable efforts to first obtain the pre-approval of the Administrator regarding such solicitation; however, the parties hereto recognize that World Affairs Council may not be able in all instances to obtain the pre-approval of the

Administrator prior to a solicitation, and in such event World Affairs shall nevertheless, in conducting any solicitation, abide by and comply with such communication standards as the Administrator shall establish. The Services shall be provided by World Affairs Council in a professional manner. In identifying, selecting, and recommending entertainers, activities, and vendors pursuant to this Agreement, and in performing all of its Services hereunder, World Affairs Council understands and recognizes that the Festival is for entertainment purposes only, is not a religious or political event (and is not an event that promotes or suggests any religious or political agenda), and World Affairs Council will perform its Services hereunder in accordance therewith.

3. **Compensation.** For the Services provided by World Affairs Council in accordance with the terms and conditions of this Agreement and subject to the termination provisions of this Agreement, the City will pay World Affairs Council a fee as follows:

The City will pay World Affairs Council Thirty Thousand and No/100 Dollars (\$35,000.00), to be paid in three installments as follows: (1) the first installment (“first installment”) of \$10,000.00 shall be paid upon the Effective Date, (2) the second installment (the “second installment”) of \$10,000.00 shall be paid by June 4, 2010, and (3) the third installment (the “third installment”) of \$15,000.00 shall be paid upon (i) the completion of the Festival, and (ii) the satisfactory performance as reasonably determined by the City of all of the Services by World Affairs Council, including, without limitation, the timely receipt by the City of all performance reports, in form and content reasonably acceptable to the City, to be prepared and provided to the City by World Affairs Council under this Agreement.

Further, the City agrees that the World Affairs Council may sell sponsorship of the Travel Journal subject, however, to the prior written approval of the City and of PPI, and the World Affairs Council may retain all revenue from such sponsorship. A suggested package is \$10,000.00.

4. **Termination.**

A. *Without cause.* Either party may terminate this Agreement at any time by giving to the other party at least 30 days written notice of such termination. Termination shall have no effect upon the rights and obligations of the parties arising out of any transaction occurring prior to the effective date of such termination. In the event of termination or upon the expiration of this Agreement, all finished or unfinished data, studies, reports and other materials and items (whether kept electronically, in writing, or otherwise) prepared by World Affairs Council shall be and become the property of the City and World Affairs Council shall promptly deliver such items to the City.

B. *With cause.*

- (i) If (a) World Affairs Council fails to perform any of World Affairs Council’s duties or responsibilities as reasonably determined by the City, or (b) if World Affairs Council fails to fulfill in a timely and professional manner World Affairs Council’s obligations under this Agreement, or (c) if World Affairs Council shall violate any of the terms or provisions of this Agreement (the said

- (a), (b) and (c) being referred to together in this paragraph as a “Failure”), or (d) if World Affairs Council, World Affairs Council’s agents or employees fail to exercise good behavior either during or outside of working hours that is of such a nature as to bring discredit upon the City, as determined reasonably but solely by the City, then City shall have the right to terminate this Agreement effective immediately upon the City giving notice thereof, either oral or in writing, to World Affairs Council.
- (ii) Notwithstanding the foregoing subparagraph B.(i), with respect to a Failure, such right of termination shall not be exercised by the City unless and until a Failure remains uncured by World Affairs Council for a reasonable period of time (as determined by the City) after notice thereof (which notice shall specifically identify the Failure) from the City is received by World Affairs Council.
- (iii) If the City’s termination of World Affairs Council for cause is defective for any reason, including but not limited to the City’s reliance on erroneous facts concerning World Affairs Council’s performance, or any defect in notice thereof, the City’s maximum liability shall not exceed the amount payable to World Affairs Council under Section 3 above.
- C. In the event of termination or upon the expiration of this Agreement, all finished or unfinished data, studies, reports and other items (whether kept electronically, in writing, or otherwise) prepared by World Affairs Council shall be and become the property of the City and World Affairs Council shall promptly deliver such items to the City.
- D. If this Agreement is terminated prior to June, 2010, World Affairs Council shall promptly reimburse the amount of the first installment to the City. If this Agreement is terminated: (i) in January, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$9,000.00; (ii) in February, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$7,000.00; (iii) in March, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$5,000.00; (iv) in April, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$4,000.00; (v) in May, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$3,000; (vi) in June, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$2,000 (unless the termination is on or after June 4, 2010, in which case World Affairs Council shall promptly reimburse to the City the sum of \$12,000.00; (vii) in July, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$10,000; (viii) in August, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$8,000; (ix) in September, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$6,000; (v) in October, 2010 and prior to the commencement of the Festival on October _____, 2010, World Affairs Council shall promptly reimburse to the City the sum of \$4,000.00. Following such termination, World Affairs Council shall be entitled to no further payment or compensation hereunder. The reimbursement obligation set forth herein shall survive the termination of this Agreement.

If this Agreement is terminated after the commencement of the Festival on October ___, 2010, World Affairs Council shall be entitled to payment of a ratable portion of the third installment for Services properly performed hereunder, as reasonably determined by the City.

5. **Relationship of Parties.** World Affairs Council is and shall be during the entire term of the Agreement an independent contractor, and nothing in this Agreement is intended nor shall be construed to create an employer-employee relationship, a joint venture relationship, a joint enterprise, or to allow the City to exercise discretion or control over the professional manner in which World Affairs Council performs the Services which are the subject matter of the Agreement; provided always however that the Services to be provided by World Affairs Council shall be provided in a manner consistent with all applicable standards, regulations, and laws governing such Services.

6. **Insurance.** At all times in connection with this Agreement, World Affairs Council shall purchase and maintain in a company or companies lawfully authorized to do business in Texas such insurance coverages as set forth below:

- | | | |
|----|--|--|
| a. | Commercial General Liability: | \$1,000,000.00 |
| b. | General Aggregate | \$1,000,000.00 |
| c. | Product/Completed Operations Aggregate | \$1,000,000.00 |
| d. | Personal & Adv. Injury | \$1,000,000.00 |
| e. | Per Occurrence | \$1,000,000.00 |
| f. | Medical Coverage | \$ 5,000.00 (any one person) |
| g. | Liquor Liability Endorsement | \$1,000,000.00 (if selling beer and/or wine) |
| h. | Fire Liability (any one fire) | \$ 50,000.00 |
| i. | Statutory Limits of Workers Compensation Insurance | |

All such insurance shall: (i) be issued by a carrier which is rated "A-1" or better by A.M. Best's Key Rating Guide and licensed to do business in the State of Texas, (ii) name the Town of Addison as an additional insured and contain a waiver of the subrogation endorsement in favor of the Town of Addison, (iii) endorsed to read as primary coverage regardless of the application of other insurance, (iv) contain no cross liability exclusions or insured versus insured restrictions applicable to the claims of the Town of Addison, and (v) include coverage for the period of time including the Festival days as well as set-up days (usually one day before and one day after the event). Certified copies of all such policies shall be delivered to Addison upon the execution of this Agreement, but in any event no later than two weeks prior to the event; provided, however, that Addison, in its sole discretion and in lieu of certified copies of such policies, may permit the delivery of certificates of insurance (listing each insurance coverage described and required herein) together with the declaration page of such policies, along with a copy of the endorsements necessary to meet the requirements and instructions contained herein, including, without limitation, the endorsement naming the Town of Addison as an additional insured, and shall specifically set forth the notice of cancellation and termination provisions to the Town of Addison. Each such policy shall provide that it shall not be canceled without at least 30-days written notice thereof being given to the

Town of Addison. Coverage for Products/ Completed Operations must be maintained at least two (2) years after this Agreement is terminated in its entirety, including any renewal thereof or extensions thereto.

The City agrees to pay one-half of the premium cost of such insurance, up to but not exceeding \$2,000.00 for all such insurance.

7. **Records.** World Affairs Council shall keep complete and accurate records for the Services performed pursuant to this Agreement and any records required by law or government regulation and shall make such records available to City upon request. World Affairs Council shall assure the confidentiality of any records that are required by law to be so maintained. World Affairs Council shall prepare and forward such additional or supplementary records as City may reasonably request.
8. **Notice.** For purposes of this Agreement, if written notice or other communication is given, such notice or other communication shall be in writing, addressed as provided hereinafter to the party to whom the notice or request is given, and shall be either (i) delivered personally, (ii) sent by United States certified mail, postage prepaid, return receipt requested, or (iii) placed in the custody of Federal Express Corporation or other nationally recognized carrier to be delivered overnight. Notice shall be deemed given: when received if delivered personally; seventy-two (72) hours after deposit if sent by mail; and twenty-four (24) hours after deposit if sent by Federal Express or other nationally recognized carrier. Addresses for notice are as follows:

To the City:
Town of Addison, Texas
16801 Westgrove
Addison, Texas 75001-3285
Attn: Chris Terry

To World Affairs Council:
World Affairs Council
325 N. St. Paul Street, Suite 2200
Dallas, TX 75201
Attn: Jim Falk

The addresses and addressees for the purpose of this Section may be changed by giving notice of such change in the manner herein provided for giving notice. Unless and until such written notice is received the last addresses and addressee stated by written notice, or provided herein if no written notice of change has been sent or received, shall be deemed to continue in effect for all purposes hereunder.

9. **Reports Confidential.** No reports, information (either in writing or oral), documents, or other materials given to or prepared by World Affairs Council under this Agreement which the City requests in writing to be kept confidential, shall be made available to any individual or organization by World Affairs Council without the prior written approval of the City.
10. **Authority to Execute.** The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

11. **Ownership of Reports.** The reports, documents and materials prepared by World Affairs Council under or pursuant to this Agreement shall be the sole property of the City.
12. **Assignment.** Inasmuch as this Agreement is intended to secure the specialized services of World Affairs Council, World Affairs Council has no authority or power to and may not assign, transfer, delegate, subcontract or otherwise convey any interest herein without the prior written consent of the City, and any such assignment, transfer, delegation, subcontract or other conveyance without the City's prior written consent shall be considered null and void *ab initio*.
13. **Rights and Remedies Cumulative; Non-Waiver.** The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise. The failure by either party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement for any reason whatsoever, including with respect to any such right, power or option or to such compliance or to any other or subsequent default or breach hereof, nor a waiver by either party of its rights at any time to exercise any such right, power or option or to require exact and strict compliance with all the terms hereof. Any rights and remedies either party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement.
14. **Applicable Law; Venue.** In the event of any action under this Agreement, exclusive venue for all causes of action shall be instituted and maintained in Dallas County, Texas. The parties agree that the laws of the State of Texas shall govern and apply to the interpretation, validity and enforcement of this Contract; and, with respect to any conflict of law provisions, the parties agree that such conflict of law provisions shall not affect the application of the law of Texas (without reference to its conflict of law provisions) to the governing, interpretation, validity and enforcement of this Agreement.
15. **Enforceability.** If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.
16. **Force Majeure.** In the event either the City or World Affairs Council shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, riots, insurrections, war or other reason of like nature, where such delay, hindrance or prevention of performance shall not be within the reasonable control of the party obligated to perform and not be avoidable by diligence, the party so delayed shall promptly give notice to the other party, and thereupon performance of such act shall be excused for such period of delay.

17. **No Third-Party Beneficiaries.** This Agreement and all of its terms and provisions are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.
18. **Incorporation of Recitals.** The above and foregoing Recitals to this Contract are true and correct and are incorporated herein and made a part hereof for all purposes.
19. **Construction of Certain Terms.** Section and subsection headings herein are for convenience only and shall not be used in interpretation of this Agreement. The words “includes” and “including” are terms of enlargement and not of limitation or exclusive enumeration, and use of the terms does not create a presumption that components not expressed are excluded.
20. **Severability.** The sections, paragraphs, sentences, phrases, words, and all other provisions of this Agreement are severable, and if any part of this Agreement is determined by a court of competent jurisdiction to be illegal, unlawful, unconstitutional, or void for any reason, the parties intend that the remaining provisions of this Agreement shall remain in full force and effect. In lieu of any such illegal, unlawful, unconstitutional, or void provision, the parties agree to seek to negotiate to add to this Agreement another provision that would be permitted that is as close to the intent of the original provision as possible.
21. **Entire Agreement and Modification.** This Agreement supersedes all previous Agreements and constitutes the entire understanding of the parties hereto. No changes, amendments or alterations shall be effective unless in writing and signed by both parties.

SIGNED by each of the respective parties on the date set forth below.

TOWN OF ADDISON, TEXAS

**WORLD AFFAIRS COUNCIL OF
DALLAS FORT WORTH**

By: _____
Chris Terry, Assistant City Manager

By: _____
James N. Falk, President and CEO

Date: _____

Date: _____

Council Agenda Item:#R3

There are no attachments for this Item.



#R4

October 8, 2009

Via E-MAIL

Ms. Passion Hayes
Director of Human Resources
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

Dear Passion:

We are pleased to enclose a model ordinance for your city to adopt :

70% CPI Increases to Annuitants

This provision allows for annuity increases for your city's retirees and is based on a percentage of the Consumer Price Index (inflation index).

With the adoption of this additional benefit your city's full contribution for 2010 will be **14.35%**.

We will appreciate receiving a copy of this ordinance as soon as possible after adoption.

Please feel free to contact me at 1-800-924-8677 if you need additional information or assistance.

Sincerely,

Eric W. Davis
Executive Director

Plan Change Study

GRID 2010

For Informational Purposes Only

Effective Date - January 1, 2010

Report Date - October 8, 2009

00007 Addison

Proposed Plans



<u>Plan Provisions</u>	<u>Current</u>	<u>1</u>
Deposit Rate	7.00%	7.00%
Matching Ratio	2 to 1	2 to 1
Updated Service Credits	100% (Repeating)	100% (Repeating)
Transfer USC **	Yes	Yes
Annuity Increase	0%	70% (Ad-Hoc) ✓
20 Year/Any Age Ret.	Yes	Yes
Vesting	5 years	5 years
<u>Contribution Rates</u>	2010	2010
Normal Cost Rate	9.97%	9.97%
Prior Service Rate	4.20%	4.20%
Retirement Rate	14.17%	14.17%
Supplemental Death Rate	0.18% (A & R)	0.18% (A & R)
Total Rate	14.35%	14.35%
Unfunded Actuarial Liability	\$11,151,180	\$11,165,995
Amortization Period	29 years	29 years
Funded Ratio	81.3%	81.3%
Phase-In Total Rate	--	N/A

** This is the addition to the Initial Prior Service Rate for USC for transfers. There were 34 eligible transfer employees on the valuation date.

GRS

Choose Another City Same City Print Return to Main Menu
 Different Options Report

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE TOWN OF ADDISON, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

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

Section 1. Increase in Retirement Annuities.

(a) On the terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended (the "TMRS Act"), the Town of Addison, Texas (the "City") hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the Texas Municipal Retirement System (the "System") to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **70%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of the increase under this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the Municipality Accumulation Fund of the System.

Section 2. Effective Date. Subject to approval by the Board of Trustees of the System, this Ordinance shall be and become effective on the 1st day of January 2010.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the
____ day of _____, 2009.

Joe Chow, Mayor

ATTEST:

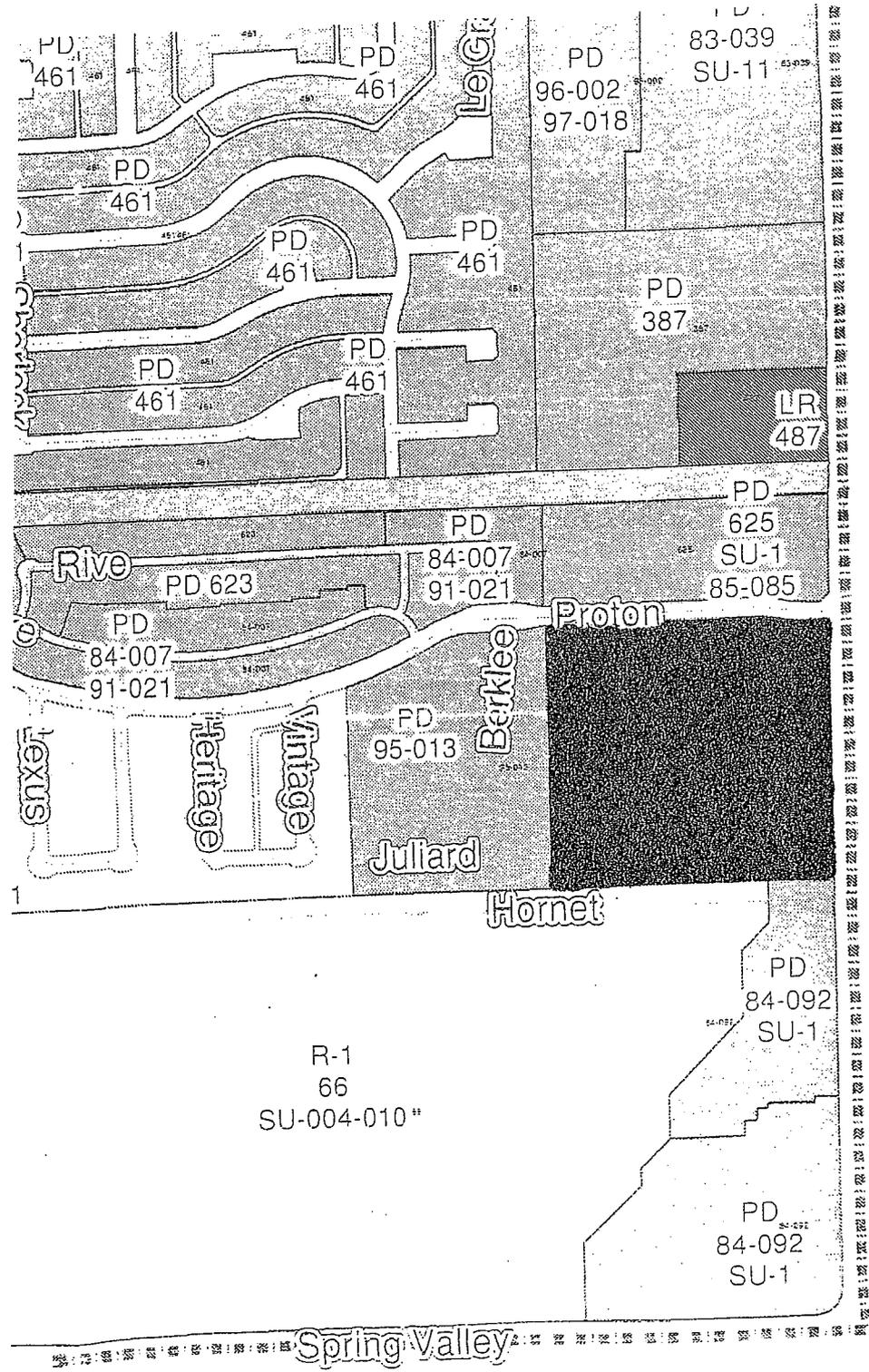
By: _____
Lea Dunn, City Secretary

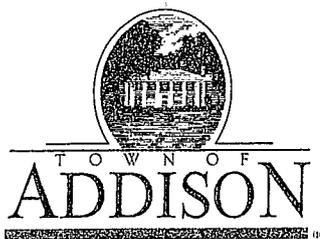
APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

1588-Z

PUBLIC HEARING Case 1588-Z/Town of Addison. Requesting approval of an ordinance amending Planned Development Ordinance #625 in order to amend Section 3, Paragraph 4, which sets forth parking regulations, located at 14275-14295 Midway Road (the Midway Atriums Office buildings) and 14315 Midway Road (the Holiday Inn Crowne Plaza Hotel), on application from the Town of Addison, represented by Carmen Moran, Director of Development Services.





DEVELOPMENT SERVICES

(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

November 11, 2009

STAFF REPORT

RE: Case 1588-Z/Town of Addison

LOCATION: 14275-14295 Midway Road (the Midway Atriums Office Building)
14315 Midway Road (The Holiday Inn Crowne Plaza Hotel)

REQUEST: Approval of an Ordinance amending An existing Planned Development Ordinance (Ordinance 625), in order to amend Section 3, Paragraph 4, which sets forth parking regulations

APPLICANT: Town of Addison, represented by Carmen Moran

DISCUSSION:

Background. The site involved in this request is actually two separate pieces of property. One piece contains the three Midway Atriums office buildings, which form an "L" shape around the piece that contains the Holiday Inn Crowne Plaza Hotel (map attached).

The site was zoned to a Planned Development district through Ordinance #625, which was approved by the City Council on October 14, 1980. In 1980, there were several pieces of land around town that were zoned to a Planned Development district, but there were not specific plans for the property. Development standards were written, but there were not specific plans to go with the standards. Then later, when the development plans were brought in, the plans were approved by the P&Z and Council, but there was not an ordinance written to document what was approved. The process was later changed to include the writing of an ordinance when the development plans were approved, but there are several projects in Town that were approved without an ordinance being written for the approval.

In 1982, the Harvey Hotel Corporation came in with a development plan that proposed three office buildings and a hotel on what was, at that time, one piece of property. The development plan was approved, but an ordinance was not written and there are no conditions reflected in the minutes. Therefore, the staff is not sure what the conditions might have been on the zoning approval in 1982. It only has the regulations in the original PD ordinance (625) to rely on for information. The staff has only the original ordinance and the plans, which is typical for zoning cases approved prior to 1983.

The Harvey Hotel Corporation constructed the Harvey Hotel, which operated for several years on the property before it was converted to the Holiday Inn Crowne Plaza. During that time, parking was shared between the office buildings and the hotel, with complete cross access allowed for parking.

In 1984, the property was subdivided into two tracts. One tract contained the three office buildings (Lot 1) and the other contained the hotel (Lot 2). The two tracts were then sold to separate owners. The plat designated a 49-foot access and parking easement on the office building lot (Lot 1) for the hotel lot (Lot 2). The parking easement contains 95 spaces. The site has been operating since 1984 as two separate pieces of property. However, the staff has never heard of a parking problem or a cross-parking issue.

Current Request. At this point, the Holiday Inn Crowne Plaze would like to expand its ability to hold meetings by adding 10,140 square feet of additional meeting space. The current building will expand to the north and take in an area that is currently a parking lot of 51 spaces. The staff was contacted by the Tabani Group, the owner of the hotel building, to discuss the expansion. At that time, the staff asked the owner to provide the parking totals for the hotel. The tally provided by the applicant indicated:

PARKING REQUIRED:

Parking spaces required for rooms, 1/per room	429
Parking for meeting space, 1/300 ratio	<u>79</u>
Parking required for existing hotel	508
Parking required for expansion of meeting space, 1/300 ratio	34

Total Parking required for expanded hotel: 542

PARKING PROVIDED:

Existing Parking Spaces on the site:	553
Parking to be removed for expansion	<u>-51</u>
Total parking provided on-site:	502

Additional spaces per easement 95

Total parking provided, including easement 597

Spaces in excess of required, including easement

55

The hotel, as it presently sits, meets the parking requirements within the site. It requires 508 parking spaces, and it provides 553. However, the hotel is looking to expand into an existing parking lot. Therefore, it is both increasing parking demand and reducing parking supply. The expanded hotel would require 542 parking spaces on-site, and it will only provide 502. Through the easement on Lot 1, the hotel has access to 95 additional spaces, which would give it more than enough parking to expand. Typically, the city does not let one property count parking spaces that are outside of its platted lot. However, since these spaces are in a platted easement which allows it to use parking spaces on the office building lot, the staff would agree that those spaces could be counted.

Since the hotel and the office building were zoned and developed as one piece of property, and the hotel is planning to make up required parking from the office building lot, the staff then set out to determine if the office building had sufficient parking.

The staff determined that the three Midway Atrium office buildings contain a total of 254,875 square feet. At a parking ratio of 1/300 on the net useable (allowed for office complexes of 50,000 or more square feet), the office building site should have 850 spaces. The staff counted the spaces in the field and found that it contains only 694 spaces, which is 156 spaces short of what it is required to have. No-one on the current staff was working for the city at the time the plan was approved, so we are not sure why the site was approved short of code parking. The staff thought that there might have been a different parking requirement set for this property when the PD ordinance was approved, so it went to Ordinance 625 to check.

Ordinance 625 states, in Section 3, paragraph 4:

Area regulations and parking regulations, unless contrary to specific provisions herein, shall be governed by those regulations set forth in the Local Retail District Classification of the Comprehensive Zoning Ordinance of the City of Addison.

The staff did not find any "specific provisions herein" in the rest of the ordinance.

The Local Retail District Classification of the Comprehensive Zoning Ordinance lists the following parking requirements:

Office: (1/300 s.f.) One space per each 300 square feet of floor area. An office complex of 50,000 square feet or more (1/300 s.f.) square feet of net useable area.

Hotel/motel: One space per room. Banquet or meeting space in a hotel, one space per 300 square feet.

The staff cannot determine why the site was approved short of the parking requirement specified in the PD ordinance. Even though the site was approved as a mixed use site, and allowed shared parking, there should have been enough parking on the site for both uses to meet the requirement.

However, the development plans for the total site, which were approved by the Town in 1982, show the same number of spaces that are on the site today. Therefore, even though there is not documentation to prove why the site plan was approved short the parking specified in the PD ordinance, the staff believes the plan approved by the Council is a valid plan, and that since all the parking spaces on the plan are still on the site, both the hotel and the office building are conforming as to parking. With that said, the staff doesn't have any basis on which to recommend the parking counts be made even shorter by allowing the hotel to expand, and by doing so, increase parking demand and reduce supply.

The staff met with the Tabani Group (hotel owner) and explained this complicated "paper problem." The staff explained that the site does not appear to meet the parking rules that were set in place in Ordinance 625. The building owner stated that there always seemed to be enough parking, and produced a shared parking agreement between the ownership and management of the Crowne Plaza Hotel and the ownership and management of the Atrium I, II, and III office buildings (attached). The staff also started driving by the site several times during the day and in the evenings, and noted that there always seemed to be sufficient parking for both the hotel and office buildings. The staff tentatively agreed with the the owner that even though the site has a "paper problem" it does not appear to have a "field problem."

The staff then asked the building owner to document that he had sufficient parking by conducting an informal traffic count for a period of two weeks. From September 9, 2009 to September 22, 2009 the owner counted the number of spaces that were occupied by a vehicle at 9:00 a.m. and at 6:00 p.m. (summary attached). The staff and owner agreed that those two times during the day would give a fair indication of the parking demand for the entire site. The informal analysis indicates that the peak demand for parking occurred at 9:00 a.m. on September 14, 2009. At that time, there were 588 parking spaces being used, which meant that there were 659 empty parking spaces on the site.

The staff understands that September may not be a peak month in terms of hotel parking demand, and that the number of spaces may be due to the fact that the office building occupancy is low, or that hotel guests are less likely to have cars. For whatever reason, there seems to be more than enough parking on this site to accommodate an expansion of the hotel.

RECOMMENDATION:

The staff does not feel that a "paper problem" should stop the hotel owner from expanding his ability to do business in Addison. The site appears to have sufficient parking, and the owner, the hotel operator, and the Town would all benefit from the additional hotel business the 10,140 additional square feet of meeting space would provide. In addition, the staff looked at the peak time for parking demand for the office building and the hotel. The peak demand for a hotel event will most likely be after 5:00 p.m., which is when most of the office tenants would be gone. The two uses are already sharing parking successfully, and the staff expects that could continue after the additional meeting space is added.

However, a "paper problem" cannot be totally ignored because it will eventually become a problem for the owners of both sites. Every time a property is sold or refinanced, the lender will require the city to certify that the site is conforming in all aspects and meets the parking requirements. While the staff can assume, because it has a plan approved by the Town, that the site meets its requirements at present, it cannot allow the situation to be worsened.

In summary, while the staff does not feel it is in either of these property owners' best interests to break the rules, it agrees with the owner that there is indeed sufficient parking on the site, and would recommend the rules be changed. The way to change the rules is to amend PD Ordinance #625 to change the parking requirements. The staff calculated new parking ratios for the office space and for the hotel as follows:

Office: (1/400 s.f.) One space per each 380 square feet of floor area. An office complex of 50,000 square feet or more (1/400 s.f.) square feet of net useable area.

Hotel/motel: One space per room. Banquet or meeting space in a hotel, one space per 500 square feet.

The staff did not change the one space per room ratio, but the new ratios of 1/400 and 1/500 square feet for hotel meeting space were calculated to match the supply of parking on the site, and then adjusted up slightly to allow the hotel and office building some flexibility. The actual expansion of the hotel may have to be made a little larger to accommodate code requirements. In addition, sometimes parking spaces have to be converted to handicapped spaces when the code requirements change, and the site would need a little flexibility to accommodate those requirements without throwing it into noncompliance. Also, the staff calculated the 1/500 square foot ratio for meeting space so that the hotel would be compliant for parking without the use of the easement spaces.

Staff recommends that Ordinance 625 be amended by amending Section 3, Paragraph 4, to state:

Required parking on the site shall be set as follows:

Office: (1/400 s.f.) One space per each 380 square feet of floor area. An office complex of 50,000 square feet or more (1/400 s.f.) square feet of net useable area.

Hotel/motel: One space per room. Banquet or meeting space in a hotel, one space per 500 square feet.

Respectfully submitted,

A handwritten signature in black ink that reads "C MORAN". The "C" is large and loops around the "M". The "O" is also large and loops around the "R". The "R" is tall and has a long tail that loops back under the "N". The "N" is tall and has a short tail.

Carmen Moran
Director of Development Services

Case 1588-Z/Town of Addison
November 20, 2009

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 19, 2009, voted to recommend approval of an ordinance amending Planned Development Ordinance #625 in order to amend Section 3, Paragraph 4, which sets forth parking regulations, in order to read as follows:

Section 3, Paragraph 4:

Required parking on the site shall be set as follows:

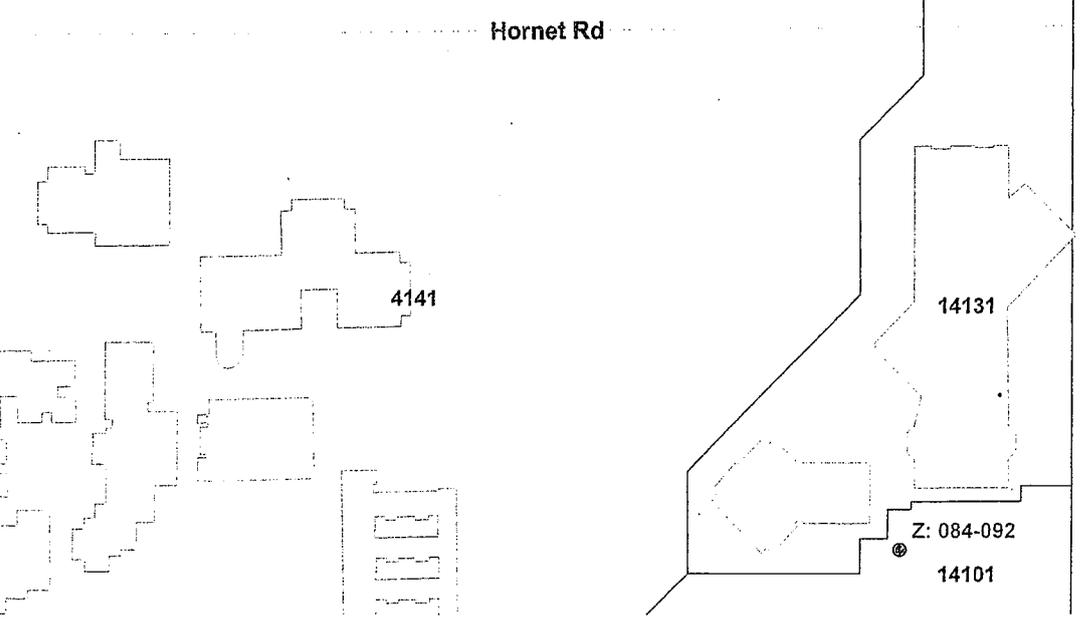
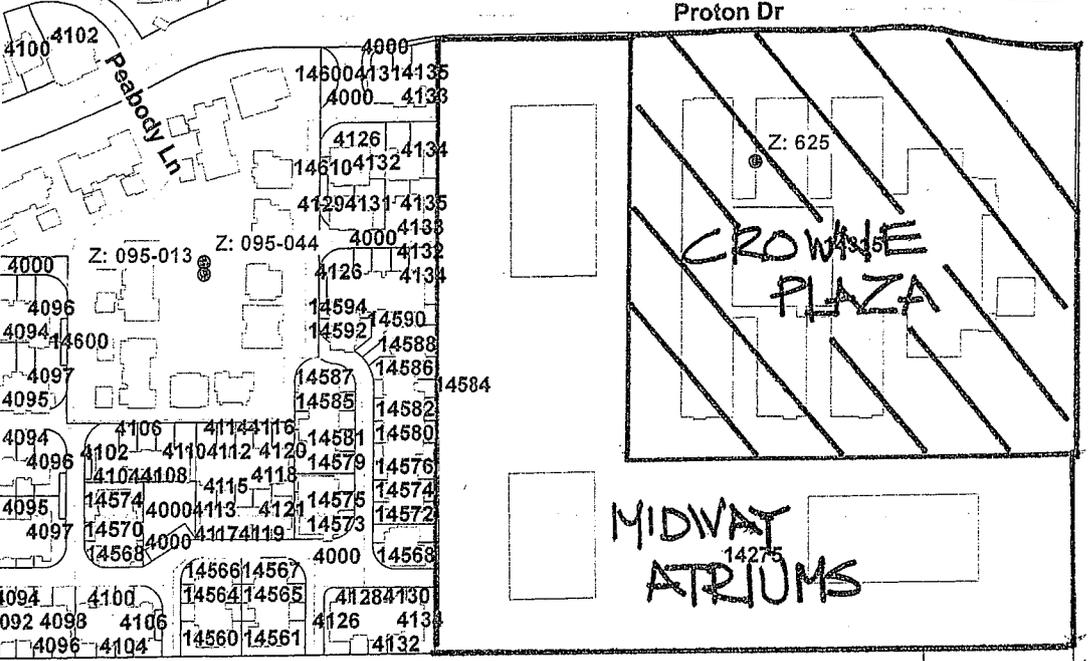
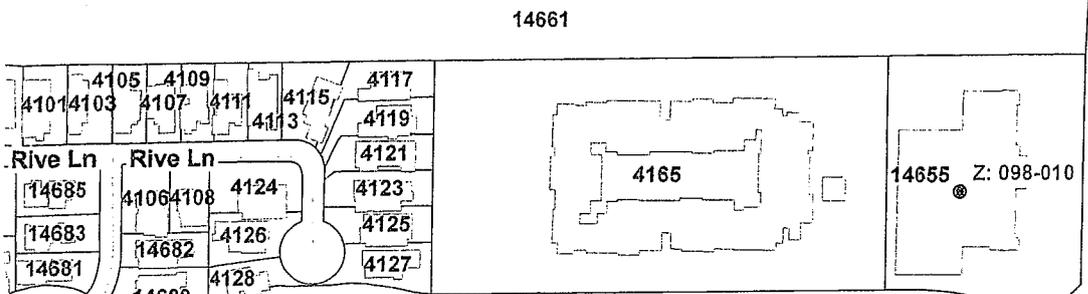
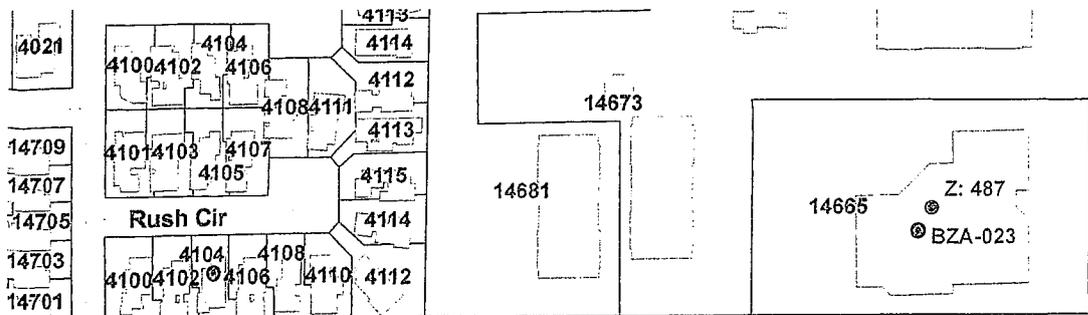
Office: (1/400 s.f.) One space per each 380 square feet of floor area. An office complex of 50,000 square feet or more (1/400 s.f.) square feet of net useable area.

Hotel/motel: One space per room. Banquet or meeting space in a hotel, one space per 500 square feet.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wood

Voting Nay: None

Absent: None



Midway Rd

CROWNE PLAZA

DALLAS
NEAR THE GALLERIA
THE PLACE TO MEET

Crowne Plaza Dallas - Near The Galleria
14315 Midway Road, Addison, Texas 75001
telephone 972-980-8877
facsimile 972-788-2758
website: <http://cpgalleria-nr.crowneplaza.com>

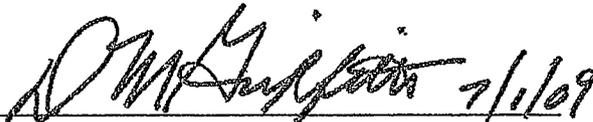
7/1/2009

Re: Parking

This document serves as a shared parking agreement between the ownership and management of the Crowne Plaza Hotel and the ownership and management of the Atrium I, II, and III office buildings. The actual property in this agreement is located in Addison, Texas and is bounded on the North by Proton Road and on the East by Midway Road.

It is agreed that the employees and visitors of the Atrium offices and the employees and guests of the Crowne Plaza Hotel may use any of the uncovered parking spaces at the aforementioned site.

David Griffith
Crowne Plaza Hotel
14315 Midway Road
Addison, TX 75001



Signature Date

DAVID M GRIFFITH

Printed Name Date

~~Sherry~~ Cheri Birdwell
Atrium I, II, and III
14275 Midway Road
Addison, TX 75001



Signature Date

Cheri S. Birdwell 7/8/09

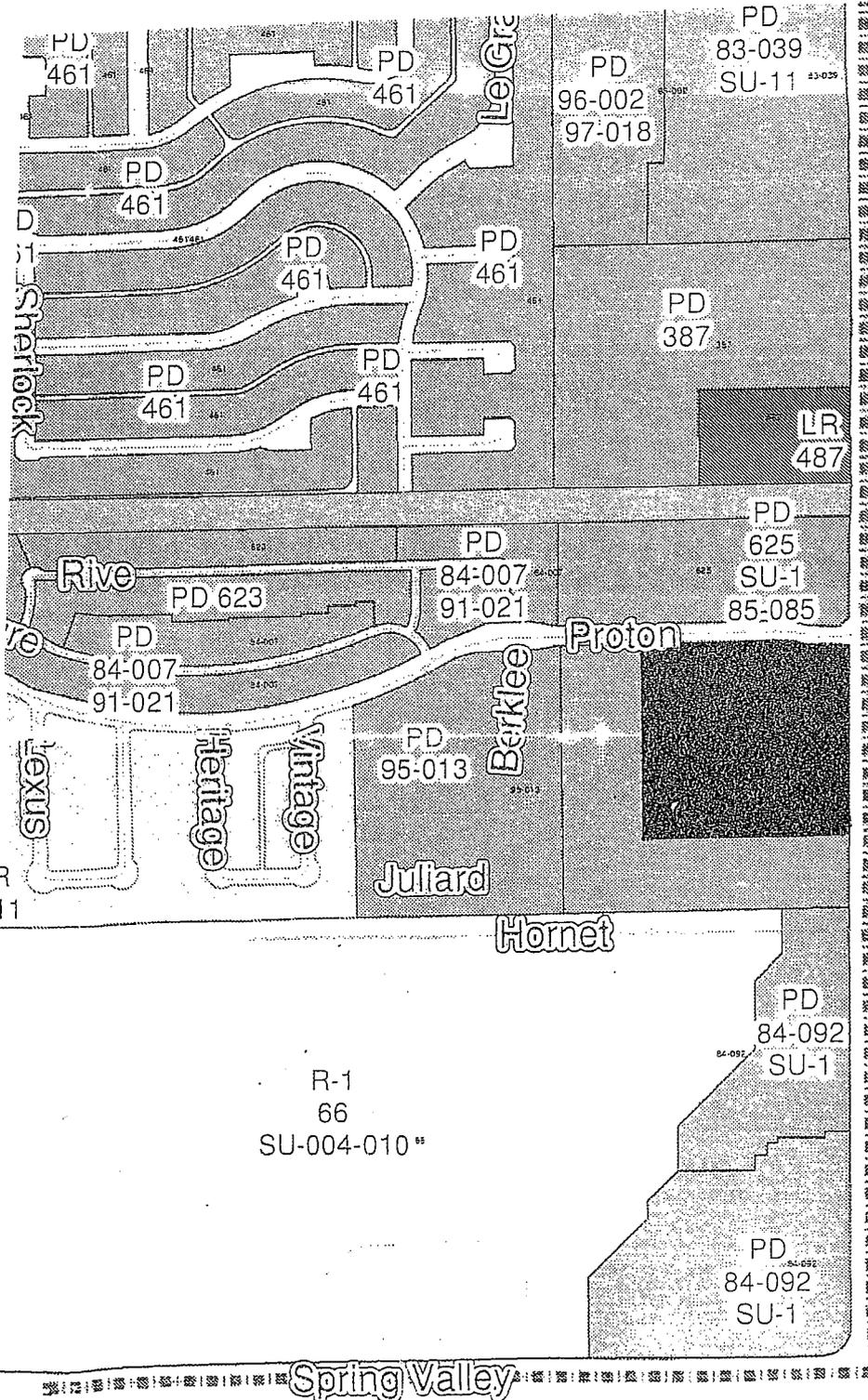
Printed Name Date

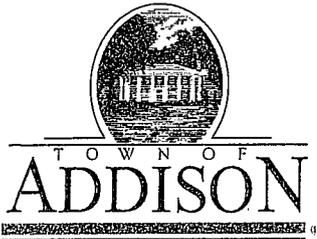
Crowne Plaza Parking Analysis

Date		Morning 9:00am	Evening 6:00pm	Available Parking	
				Hotel:	553
				Office Plaza:	694
				Total:	1247
9/9/2009	hotel	154	137		
	offices	333	161		
	total	487	298		
9/10/2009	hotel	238	284		
	offices	340	153		
	total	578	437		
9/11/2009	hotel	211	105		
	offices	354	93		
	total	565	198		
9/12/2009	hotel	303	178		
	offices	42	48		
	total	345	226		
9/13/2009	hotel	176	171		
	offices	39	28		
	total	218	199		
9/14/2009	hotel	222	105		
	offices	366	131		
	total	588	236		
9/15/2009	hotel	162	123		
	offices	355	93		
	total	517	216		
9/16/2009	hotel	179	124		
	offices	378	76		
	total	557	200		
9/17/2009	hotel	157	178		
	offices	360	75		
	total	517	253		
9/18/2009	hotel	197	203		
	offices	354	71		
	total	551	274		
9/19/2009	hotel	227	170		
	offices	49	56		
	total	276	226		
9/20/2009	hotel	270	146		
	offices	43	26		
	total	313	172		
9/21/2009	hotel	157	114		
	offices	357	105		
	total	514	219		
9/22/2009	hotel	163	179		
	offices	353	92		
	total	516	271		

1589-SUP

PUBLIC HEARING Case 1589-SUP/Holiday Inn Crowne Plaza Hotel. Requesting approval of an ordinance amending an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in an existing hotel in order to add meeting rooms, located at 14315 Midway Road, on application from the Holiday Inn Crowne Plaza Hotel, represented by Mr. Ross Harle of Tabani Group, Inc.





DEVELOPMENT SERVICES
(972) 450-2880 Fax: (972) 450-2837

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

November 12, 2009

STAFF REPORT

RE: Case 1589-SUP/Holiday Inn
Crowne Plaza Hotel

LOCATION: 14315 Midway Road (The Holiday
Inn Crowne Plaza Hotel)

REQUEST: Approval of an Ordinance amending
an existing Special Use Permit for a
restaurant, and an existing Special
Use Permit for the sale of alcoholic
beverages for on-premises
consumption, in an existing hotel

APPLICANT: Holiday Inn Crowne Plaza Hotel,
represented by Mr. Ross Harle
of the Tabani Group, Inc.

DISCUSSION:

Background. This hotel expansion request has been discussed extensively in Case 1588-Z/Town of Addison, which precedes this case on the agenda. It is necessary for Case 1588-Z to be heard in advance of this case being discussed. Staff will assume that Case 1588-Z is approved, and that by that approval, the parking requirement for this proposed expansion is resolved.

As discussed in Case 1588-Z, In 1982, the Harvey Hotel Corporation came in with a development plan that proposed three office buildings and a hotel on what was, at that time, one piece of property. The development plan was approved, but an ordinance was not written and there are no conditions reflected in the minutes. Therefore, the staff is not sure what the conditions might have been on the zoning approval in 1982. It only has the regulations in the original PD ordinance (625) to rely on for information. The staff has only the original ordinance and the plans, which is typical for zoning cases approved prior to 1983.

The Harvey Hotel Corporation constructed the 429-room hotel, which operated for several years before it was taken over by the Holiday Inn Crowne Plaza Hotel.

Current Request. At this point, the Holiday Inn Crowne Plaza would like to expand its ability to hold meetings by adding 10,140 square feet of additional meeting space. The current building will expand to the north and take in an area that is currently a parking lot of 51 spaces. The expansion will consist of three meetings rooms totaling 9,375 square feet, additional restrooms, and a food service/storage space. The addition will total 10,140 square feet.

Exterior Facades. The building addition will be a single floor, but will have an exterior building height of approximately 20 feet. The owner is contemplating using a metal wall system to construct the addition, but the metal wall will be finished on the exterior with stucco to match the existing hotel.

Landscaping. The Parks Director has reviewed the tree removal plan and notes that the addition will cause the removal of five large Live Oak trees. Three of the trees will be relocated to another part of the site. However, as this entire site is heavily planted already and far exceeds the landscaping requirement, there does not seem to be room anywhere else on the site to move the other two trees. The Parks Director recommends allowing the applicant to remove two existing trees without replacing them. The applicant will also need to submit more detailed landscape and irrigation plans prior to the issuance of a building permit.

Fire and Building Code. The applicant will be required to meet standards of the Fire and Building Code, which will require that all fire sprinkler and alarm systems be extended from the current hotel into the expansion.

Parking. As discussed extensively in Case 1588-Z/Town of Addison, the parking requirements can be adjusted, and provided that the Planning and Zoning Commission and Council see fit to adjust them, the hotel will have sufficient parking.

RECOMMENDATION:

Staff recommends approval of the proposed amendment to the existing Special Use Permit for a restaurant, and the existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to the following condition:

The applicant shall submit detailed landscaping and irrigation plans prior to the issuance of a building permit.

Respectfully submitted,



Carmen Moran
Director of Development Services

Case 1589-SUP/Crowne Plaza Hotel
November 20, 2009

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 19, 2009, voted to recommend approval of an ordinance amending an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in an existing hotel, subject to the following condition:

-The applicant shall submit detailed landscaping and irrigation plans prior to the issuance of a building permit.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wood
Voting Nay: None
Absent: None

Memorandum

Date: November 10, 2009
To: Carmen Moran, Director of Development Services
From: Slade Strickland, Director of Parks and Recreation
Subject: **Case 1589-SUP - Holiday Inn Crowne Plaza**

The landscape plan shows removal of five large live oak trees; however, three of the trees will be relocated elsewhere near the proposed meeting addition. Since there are so many existing trees on this site that exceed the number of trees required in the Landscape Regulations, staff recommends not requiring the applicant to replace the two remaining trees planned for removal.

More detailed landscape and irrigation plans will need to be submitted for review and approval when the building permit application is made.

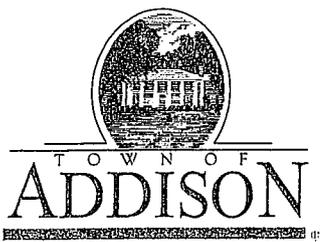
Carmen Moran

From: Gordon Robbins
Sent: Thursday, November 05, 2009 10:03 AM
To: Carmen Moran
Subject: Case 1589-SUP Crowne Plaza Hotel expansion

The Fire Department recommends approval with the condition that the existing fire sprinkler and alarm systems be extended into the added space.

Thank you.

Gordon C. Robbins | Deputy Fire Chief | Fire Marshal
Town of Addison | 4798 Airport Pkwy | Addison TX 75001
ofc 972.450.7220 | fax 972.450.7208 | grobbins@addisontx.gov



DEVELOPMENT SERVICES

(972) 450-2880 Fax: (972) 450-2837

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

November 12, 2009

STAFF REPORT

RE: Case 1590-SUP/Back Nine Restaurant

LOCATION: 4060 Belt Line Road

REQUEST: Approval of an amendment to an existing Special Use Permit for a restaurant and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, and approval of a Special Use Permit for billiard parlor

APPLICANT: Mr. Dallas Hale

DISCUSSION:

Background. This property was originally developed as a Shoney's Restaurant through Ordinance 092-049, which was approved by the City Council on July 28, 1992. Shoney's operated in the building until 1994. In 1994, Rock Bottom Brewery opened next door (4050 Belt Line) in a restaurant that had been a Dos Gringos Mexican Restaurant. Rock Bottom was very successful and found that it often needed more parking than it had on its site. The company that owned Rock Bottom bought the Shoney's Restaurant property and converted it into an Old Chicago Pizza Restaurant (Ordinance 095-030, approved on 6-27-1995). It also purchased the property to the south of the building and replatted all three tracts into one lot so that the two restaurants could share parking and utilize the lot to the south (Ordinance 095-031, approved on 6-27-1995). Later, the SUP for the Old Chicago Pizza Restaurant was amended so that a second patio could be added across the front of the building (Ordinance 097-009, approved on 3-11-1997).

Later, the Rock Bottom Brewery closed and the company sold it, the Old Chicago Pizza site, and the parking lot to the south to the Pappas Bros. restaurant company. The Pappas Brothers operated a Papa's Pizza in the Old Chicago building, and leased the Rock Bottom building to the Addison City Limits. The Papa's Pizza operation closed in approximately 2005, and the space was leased to Rock House Live, which was in

Location	Year	Minor Disturbance	Music Disturbance
4000 Block Belt Line	2007	21	10
4000 Block Belt Line	2008	65	18
4000 Block Belt Line	2009	7	0

These are actual calls to the Police Department and most are from residents in the Pecan Square Condominiums, Walnut Square Condominiums, and Hilton Garden Inn Hotel. In addition, the Police Department and Town Hall received calls and complaint letters from residents and the manager of the Hilton Garden Inn.

The staff discussed these calls and complaints with the applicant, and he correctly points out that they were not generated by his building, but the 4050 Belt Line operation, which closed in late 2008. However, while these calls were generated by the 4050 Belt Line operation, they were due to noise, loud music, and disturbances in the parking lot to the south of the building, not in the building itself. As noted earlier, this parking lot is shared by the 4050 and 4060 Belt Line buildings, and the applicant plans to utilize this parking lot for his business.

RECOMMENDATION:

The staff believes that this restaurant, and the parking lot that serves it, are in a "noise sensitive" location. The staff also believes that this applicant's operation will focus more on its night and evening business as opposed to a lunch business. The staff has not seen a menu, but it asked the applicant about the other operations he owned, and the other operations supplied were billiard operations and seemed to focus more on the bar end of the business than the restaurant end.

The staff has evidence from past night-oriented operations on this site that they are not a good neighbor for the people who live in the adjacent apartments and condominiums, or stay in the adjacent hotel. In other instances where night-oriented restaurants have been located close to residents, the Town has tried to manage noise issues through enforcement. However, this is very problematic in that some people are more sensitive to noise than others. In addition, enforcement is a constant task for the Police Department, and residents who are disturbed in their homes are not satisfied that the noise is quieted once the Police are called. They are irritated that it existed in the first place and they had to call the Police Department to get it stopped. Hotel operators are particularly sensitive to noise, as their customers have easy access to the front desk and can readily make a complaint.

The applicant is proposing to take over an existing restaurant, but circumstances on this site have changed since the original Shoney's was approved. The staff believes that this proposed operation, though probably fine in another location, is not suited to this

business less than a year. The Addison City Limits operation was opened in late 2006 and closed approximately a year ago.

Proposed Plan. The applicant is proposing a minor remodel to the former Rock House Live building and re-open it as the Back Nine Restaurant. He is not making major changes to the exterior, but is planning to add new exterior lighting and a new front entry door. In addition, he is proposing new canopies for the windows. On the interior, he is proposing new flooring and a new bar top. He is planning to remove the ceiling grid and raise the ceiling and remodel the interior lighting. He is planning to remove the existing buffet line and add a movable screen wall partition.

Parking. This restaurant is approximately 6,582 square feet and has 223 parking spaces. This means parking is provided at a 1/30 square feet ratio, which is more than ample parking for the restaurant

Pool tables. The applicant is planning to add two pool tables to the east end of the building. In Addison, more than one pool table in any commercial establishment is defined as a "billiard parlor" and requires a Special Use Permit.

Landscaping. The Parks Director notes that the landscaping is in good condition. However, any dead or missing plant material would need to be replaced according to the landscape plan submitted by the applicant prior to the issuance of a Certificate of Occupancy.

Fire Code. The Fire Marshal has examined the plans and states that a fire sprinkler system will be required in the building if the remodel exceeds either 50% of the area, or 50% of the value of the structure.

Noise Concerns. As you can see from the short history outlined in the background section of this report, this site has undergone several transitions. The site began as a family-oriented restaurant that did not serve alcohol, and was then converted into a pizza restaurant, and finally a live music venue. During these transitions, the staff and the city have tried to be sensitive to the proximity of residents to this project. When the additional parking lot to the south was added, the city required that the Rock Bottom owners build a brick wall between the parking lot and the Pecan Square Condominiums. Then after the parking lot was developed, the Hilton Garden Inn was constructed immediately to the east of the lot, and the Walnut Square apartments were built to the south and west of the site.

These changes have caused two things to happen in this area that do not make a good combination: the restaurant uses have gotten noisier, and more residents have moved in around them. When the Addison City Limits operation was going on, the Police Department started dealing with the results of this combination. The disturbance complaints in this area are listed below by year:

"noise sensitive" location. Staff recommends denial of this request for an amendment to an existing Special Use Permit for a restaurant, and amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for a billiard parlor.

Respectfully submitted,

A handwritten signature in black ink that reads "CMORAN". The letters are stylized and connected, with a large "C" and "M" at the beginning.

Carmen Moran
Director of Development Services

Case 1590-SUP/Back Nine Restaurant
November 20, 2009

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 19, 2009, voted to recommend approval of the amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for a billiard parlor, subject to the following condition:

-all dead or missing landscaping on the site shall be replaced prior to the issuance of a Certificate of Occupancy.

Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wood
Voting Nay: none
Absent: Wheeler

Memorandum

Date: November 10, 2009
To: Carmen Moran, Director of Development Services
From: Slade Strickland, Director of Parks and Recreation
Subject: **Case 1590-SUP – Back Nine**

The existing landscaping is in good condition. Staff recommends any dead or missing plant material be replaced according to the landscape plan submitted by the applicant.

Carmen Moran

From: Gordon Robbins
Sent: Thursday, November 05, 2009 10:03 AM
To: Carmen Moran
Subject: Case 1590-SUP/Back Nine Restaurant

After examining the submittal, it appears a fire sprinkler system will be required in the building if the remodel exceeds either 50% of the area or 50% of the value of the structure.

Thank you.

Gordon C. Robbins | Deputy Fire Chief | Fire Marshal

Town of Addison | 4798 Airport Pkwy | Addison TX 75001
ofc 972.450.7220 | fax 972.450.7208 | grobbins@addisontx.gov

Council Agenda Item: #R8

SUMMARY:

This item is to authorize the City Manager to execute Work Order No. 3 with HNTB Corporation, for the design development and construction drawings and specifications for four bus stops.

FINANCIAL IMPACT:

Contract Amount Work Order No. 3:	\$129,000
Source of Funds:	2002 Capital Project Fund

BACKGROUND:

Recognizing that the redevelopment of Belt Line would involve a series of engineering design services and that it would require a firm that could take the initial Belt Line vision and work with the various agency design standards and expectations, the Town entered into a Master Services Agreement with HNTB in August 2008. The Master Services agreement establishes the terms and conditions for future work orders that may be performed by HNTB Corporation. Each work order defines the scope of services to be performed, the location of the project and the agreed upon fees. To date, two work orders have been authorized by Council: the first work order addressed the Dallas North Tollway and Belt Line intersection and the second addressed the feasibility of the Pylon structures.

Work order No. 3 will provide professional design services for the design development, construction drawings and specifications for four bus stop locations.

RECOMMENDATION:

Staff recommends approval.

Work Order #3

BUS STOP DESIGN DEVELOPMENT and CONSTRUCTION DOCUMENTATION
BELT LINE ROAD STREETScape

SCOPE OF SERVICES

OVERVIEW

HNTB shall provide professional design services to the Town of Addison (Town) for the design development, construction drawings and specifications at four bus stop locations along Belt Line Road as indicated by the Town of Addison. Approximate locations include 5044 Belt Line Road at Quorum, 5320 Belt Line Road at Town Hall (this stop is to be designed in front of the Finance Building), 3719 Belt Line Road at Marsh and 3730 Belt Line Road at Marsh. Design shall incorporate elements of the two approved conceptual designs developed in the November 6th, 2009 working session with Town staff. Services will include inventory of the immediate site to identify locations of proposed site enhancements and the conceptual design of a new bus stop/shelter. A common design of the bus stop/shelter shall be applied to each site. Each site shall be unified by selection of similar elements but shall be designed uniquely to work with the context of the individual locations and to compliment the surrounding services. Limits of work shall include the immediate area of the bus stop with consideration of land use and circulation impacting the bus stop.

HNTB will provide site survey, design and construction documentation related to hardscape, softscape, and structural improvements allowed within the project budget and, space permitting, including a structural canopy element, transit stop ribbon monument, seating design, sidewalk enhancement, lighting enhancement, and planting. Construction Documentation will include materials site plan with layout, dimensioning and grading, planting and related details for four bus stop locations, structural designs for two approved conceptual shelter designs and one transit monument and one foundation design for each.

The Scope of Work is limited to improvements within the existing Right of Way as defined by the project area and may include easements acquired by the Town. Structural design changes that affect column support conditions, changes in linear members, varying foundation supports types or overall framing member layout, or any significant changes that require re-writing and designing of the structural model are not included in this Scope of Work.

HNTB will provide a planimetric and topographic (spot elevations only) survey at these bus stop locations as defined by the project area.

Geotechnical investigations, if required, will be performed for canopies and transit monuments. One (1) geotechnical soil boring will be drilled, sampled, and at each proposed bus stop location.

BASIC SERVICES

- Task 1. Bus Stop Inventory
 - 1.1. One (1) Kick-off Meeting/Site Tour to discuss final bus stop placement, character, needs, image, site adaptations and budget.

- 1.2. Bus Stop Site Inventory
HNTB will perform field observations to inventory user patterns, function, context, character, existing and future land use information, and site parameters of the four bus stops within the project scope; and review DART usage data and long range plans as provided by the Town of Addison.

Task 2. Bus Stop Design Development

- 2.1. Design Development
Based on inventory Task 1, HNTB will develop one (1) site design for each of the four bus stop locations using an approved conceptual designs from the November 6th, 2009 work session. Design will consider site specific concepts, adaptations and opportunities for a standard use of elements at each stop. Elements for consideration shall include the following:
 - Site Furnishings: Benches, Trash Receptacles, Bollards, Walls
 - Pedestrian Paving Materials and Patterns
 - Pedestrian Lighting – Fixture Selection Only
 - Bus Shelter Lighting
 - Planting Palette and concept
 - Easements Necessary for Town Acquisition/Coordination
- 2.2. Town Staff Review Meeting
HNTB will attend one (1) meeting to review the Conceptual Design for the bus stops/shelters in order to gain input and direction from all key Town Staff.
- 2.3. Bus Stop/Shelter Design Refinement
Based on input from Task 2.2, HNTB will provide one round of revisions to finalize the conceptual design for the four bus stops/shelters and prepare order-of-magnitude costs.
- 2.4. Town Staff Review Meeting
HNTB will attend one (1) meeting to present the Bus Stop/Shelter Designs for the four locations.
- 2.5. DART Review Meeting
The Town shall coordinate and HNTB will attend one (1) meeting to review the Bus Stop/Shelter Designs determined in Task 2.3 with DART and Town Staff Members to gain consensus on the Final Design.
- 2.6. Final Bus Stop/Shelter Design
Based on input from the Town Staff and DART Review Meetings in Task 2.4 & 2.5, HNTB will provide one (1) round of final refinements to the design presented in 2.4 & 2.5. An order of magnitude cost will be provided and both design and cost will be incorporated into a Town Council Presentation. This shall be considered a 30% Package for Construction Documentation.

DELIVERABLES FOR TASK 2:

- One (1) PowerPoint Presentation
- Order of Magnitude Cost Estimate

- Task 3. Town Council Presentation
- 3.1. PowerPoint
HNTB will provide one (1) PowerPoint presentation documenting the design process and deliverables for the final design for the four bus stop locations as identified in the Overview.
 - 3.2. Town Council Presentation
HNTB will attend one (1) Town Council meeting to present the design process, review the final designs and recommend the next steps to Town Council for their consideration.

DELIVERABLES FOR TASK 3:

- One (1) PowerPoint Presentation.

Task 4. Surveying, Utility and ROW Establishment

- 4.1 Utility Engineering
 - 4.1.1 Perform utility records research through the project area and map all known surface, subsurface, and overhead utilities
- 4.2 Land Surveying
 - 4.2.1 Establish project control using Texas State Plane Coordinate System NAD 1983
 - 4.2.2 Perform the necessary surveying and records research to create Microstation DGN files and ASCII files for detailed topographic and planimetric design survey information of the four (4) identified locations, also illustrating utilities, ROW, property lines, and ownership information.

Task 5. Geotechnical Investigations

- 5.1 Soil Borings
 - 5.1.1 Drill one (1) boring for each proposed bus stop ribbon structure, approximately 15ft deep. Borings are to be performed in accordance with the TxDOT Geotechnical Manual guidelines.
 - 5.1.2 Perform geotechnical laboratory testing, to include soil moisture content tests, Atterberg limits, grain sieve analysis, hydrometer tests, hand penetrometer and strength/swell profiling and dry unit weight determination.
 - 5.1.3 Prepare a geotechnical report that shall include: boring logs, plan of borings, laboratory test data, and foundation recommendations for the bus stop structures.

Task 6. Structural Design

- 6.1. Design Task Management
 - 6.1.1. Perform routine task management, supervision, coordination, administration, and communications.
- 6.2. Bus Stop Structure Design

- 6.2.1. Design the primary members and supports for two approved bus stop structure conceptual designs as determined by the November 6th, 2009 work session.
 - Create a base model of the bus stop shelter columns, walls, roof, and bench using structural analysis software.
 - Design the bus stop using standard pedestrian and wind loads per AASHTO LRFD code requirements.
- 6.2.2. Design column, walls, roof, and bench connection details
- 6.2.3. Design foundation supports and connection details for a single bus stop structure, to be re-used for all locations.
- 6.2.4. Design a single transit monument, to be located at each bus stop.
- 6.2.5. Design a single transit monument foundation and connection detail
- 6.2.6. Design connection details required for lighting installation.
- 6.2.7. Perform Quality Assurance & Quality Control.

Task 7. Construction Documents

One set of Construction Documents will be provided at 60%, 90% Review Sets with the Town's review and written comments required after both submittal packages.

7.1. 60% Package shall include refined:

7.1.1. General Site Plans:

- Existing Site Plan
- Proposed Site Plan
- Survey, Utility and Soil Boring Plan
- Construction Sequencing
- Traffic Control Plan and Construction Sequencing
- Storm Water Pollution Prevention Plans and Details
- Planting Plan – Layout and Materials List
- Materials Plan
- Preliminary Irrigation with Meters, Controllers, Water Source, and Equipment Types
- Outline of Preliminary Details

7.1.2. Structural Plans:

- Removal Plan
- Bus Stop Structural Plan and Elevation
- Transit Monument Structural Plan and Elevation
- Bus Stop Foundations and Details
- Transit Monument Foundation and Details

7.1.3. Other Construction Plans:

- Preliminary Opinion of Probable Cost
- Preliminary Estimate of Construction Duration
- General Construction Notes

7.2. 90% Package shall include refined:

7.2.1. General Site Plans:

- Existing Site Plan

- Proposed Site Plan
- Survey, Utility and Soil Boring Plan
- Traffic Control Plan and Construction Sequencing
- Storm Water Pollution Prevention Plans and Details
- Planting Plan – Layout and Materials List, Size, Quantity, Installation Details
- Materials Plan
- Preliminary Irrigation with Meters, Controllers, Water Source, and Equipment Types
- Outline of Preliminary Details
- Utility routing Plans for Lighting

7.2.2.

Structural Plans:

- Removal Plan
- Bus Stop Structural Plan and Elevation
- Transit Monument Structural Plan and Elevation
- Bus Stop Foundations and Details
- Transit Monument Foundation and Details
- Bus Stop Sections and Member Details
- Bus Stop Connection Details
- Transit Monument Section and Member Details
- Utility Access and Connection Details for Lighting

7.2.3.

Other Construction Plans:

- Final Opinion of Probable Cost
- Final Estimate of Construction Duration
- Construction Specifications and General Notes

DELIVERABLES FOR TASK 7:

- Eight (8) 22"x34" Bound Plan Sets on Bond for Department Review and Comment for each 60% and 90%.
- One (1) electronic PDF Plan Set on Disc

Task 8. Plans Production 100% Submittal – The 100% deliverables will incorporate all review comments.

DELIVERABLES FOR TASK 8:

- Eight (8) 22"x34" Bound Plan Sets on Bond
- One (1) 22"x34" Mylar Set
- One (1) electronic PDF Plan Set on Disc

END OF BASIC SERVICES

NOT INCLUDED IN BASIC SERVICES

The following services are not included as part of this Work Order: In general: design, analysis, presentation drawings and/or meetings beyond the scope described herein, to include but not limited to:

- Traffic Analysis
- Site surveys other than those outlined
- Preparation of materials and management of material not specified in this contract.
- Staff and Town Council meetings/presentations/field visits and any other meeting not specified in this contract.
- Community/neighborhood meetings and/or presentations and preparation of graphics, drawings, digital presentations not specified in this contract.
- Traffic or transportation studies
- Geotechnical reports, soil borings, testing, and/or analysis not specified in this contract.
- Irrigation Plans
- As Builts
- Engineering Plan & Profile Sheets
- Storm Water, MEP, Structural (beyond structural details as specified)
- Property Boundary Plans or Surveys not specified in this contract
- Bidding or Negotiating
- Construction Administration

TOWN SHALL PROVIDE

The following services/data shall be provided by the Town:

- Studies, reports and plans for proposed projects in the study area
- Traffic patterns, Land Use Plan, Thoroughfare Plan.
- Property Boundary Plans or Surveys
- Easement Acquisition and Revised Boundary Plans
- Coordination with internal City Departments for Plan Review
- Water and Electrical source for proposed irrigation within Right of Way
- Existing and planned major facilities, including trail, sidewalk and on-street bike facilities
- Existing environmental, planning and development guidelines and restrictions
- Existing data from TxDOT, the Town of Addison, City of Dallas, and Dallas County (including trail, sidewalk and bicycle master plans, traffic counts, sidewalk inventory if available for study area and adjacent areas)
- Current long range transportation plans (including non-motorized plans and commitments) from the Town of Addison, DART, and TxDOT, including committed improvements and travel forecast data
- Meeting coordination with required Town & DART staff
- Current transit service and facility planning data from DART
- Previous mobility and/or corridor studies
- Detailed Input at all Review Meetings including 60%, 90% Review Comments
- Permit, Scheduling and Review Fees as required by TDLR (Texas Department of Licensing and Regulation)

FEE SCHEDULE

Work Order #3 - BUS STOP/SHELTER DESIGN - PS&E
 BELT LINE ROAD STREETSCAPE IMPROVEMENTS
 Addison, TX

TASK	Principal Landscape Architect	Sr.LA/PM	Sr.Arch.	LA1	Project Engineer	Structural Tech.	Traffic Engineer	Traffic Tech.	Electrical Engineer	Electrical Tech.	Project Admin.	TOTAL
	\$225	\$150	\$150	\$100	\$150	\$80	\$150	\$80	\$150	\$80	\$100	
Task 1 Bus Stop Inventory												
Kick-off Meeting/Site Tour	4	4										8
Inventory		4		16								20
Task 2 Bus Stop Design Development												
Design Development	2	32	40	56								130
Town Staff Review Meeting		2										2
Bus Stop/Shelter Design Refinement		16	16	32								64
Town Staff Review Meeting		2										2
DART Review Meeting	2	2										4
Final Bus Stop/Shelter Design		4	8	16								28
Task 3 Town Council Presentation												
PowerPoint		4		8								12
Council Presentation	2	2										4
Task 4 Surveying, Utility and ROW Establishment												
Utility Engineering					4							4
Land Surveying					4							4
Task 5 Geotechnical Investigations												
Soil Borings					4							4
Task 6 Structural Design												
Design Task Management					8							8
Bus Stop Structure Design					16	40						56
Task 7 Construction Documents												
60% Package	2	16	24	48	42	48	16	32	24	32		284
90% Package	2	8	16	24	24	32	8	16	16	24		170
Task 8 Plan Production 100%												
100% Package	2	8		24	32	24	4	8	8	16		126
Project Administration											30	30
SUBTOTAL HOURS	16	104	104	224	134	144	28	56	48	72	30	960
SUBTOTAL FEE	\$3,600	\$15,600	\$15,600	\$22,400	\$20,100	\$11,520	\$4,200	\$4,480	\$7,200	\$5,760	\$3,000	\$113,460

EXPENSES	
Geotechnical Subconsultant	\$9,000
Survey Subconsultant	\$5,000
Misc. (printing/copying, travel)	\$1,540

PROJECT TOTAL COST	
TOTAL LABOR COST	\$113,460
TOTAL EXPENSES	\$15,540
FEE SUBTOTAL	\$129,000
TOTAL FEE	\$129,000

Council Agenda Item: #R9

SUMMARY:

This item is to authorize the City Manager to execute an amendment to the Professional Services agreement with HNTB Corporation for an amount not to exceed \$25,000.00 for the cursory design review of the Vitruvian Public Infrastructure bridge design plans.

FINANCIAL IMPACT:

Professional Services Contract Amendment:	\$25,000 (Original - \$25,000)
Total Professional Services Contract:	\$50,000

Source of Funds: Vitruvian Infrastructure Bond Funds

BACKGROUND:

The Vitruvian Park project includes the design and construction of two high profile arch vehicular bridges at Ponte and Bella and one pedestrian bridge. Staff executed an original contract for \$25,000 for a cursory design review of the bridge structures due to the complex design aspects. HNTB has reviewed the engineering plans provided by Viewtech, Inc. and provided comments and suggestions. They have answered Viewtech's questions regarding the design and detailing of the complicated true-arch design. HNTB reviewed the plans for general conformance with current AASHTO design standards, for consistency with established bridge engineering practices, and for constructability, maintenance and inspection considerations.

Viewtech has revised their bridge plans based on comments and subsequent consultation with HNTB. At least one more review by HNTB is necessary to verify Viewtech's plan revisions are consistent with the comments and recommendations provided by HNTB.

HNTB Corporation has relevant Texas experience in the design of arch bridge structures. They also have work experience in Addison. Engaging the services of an independent engineer to perform a cursory design review will improve constructability and help insure an overall successful project. The results of the cursory design review will provide staff with the necessary assurance to proceed with the design and construction of the bridges in Vitruvian Park.

RECOMMENDATION:

It is recommended that the Council authorize the City Manager to amend the professional services contract with HNTB Corporation in an amount of \$25,000 for a total of \$50,000 for the additional cursory design review of the Vitruvian Park Bridge design package.

Department of Financial & Strategic Services
Quarterly Review

For the Period and Year Ended September 30, 2009

*Town of Addison
December 2009*

Quarter Ended 09/30/09

Table of Contents

	Pages
Executive Dashboard	i-iii
Memorandum to the City Manager	1-2
Financial Section:	
Executive Summary of Major Operating Funds	3
General Fund, Quarterly Statement of Revenues Compared to Budget.....	4
General Fund, Quarterly Statement of Expenditures Compared to Budget	5
Hotel Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget	6
Street Capital Project Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget.....	7
Parks Capital Project Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget.....	7
2002 Capital Project Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget	8
2004 Capital Project Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget	8
2006 Capital Project Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget	9
2008 Capital Project Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget	9
Airport Fund, Quarterly Statement of Revenues and Expenditures Compared to Budget	10
Utility Fund, Quarterly Statement of Revenues, Expenditures and Changes in Working Capital Compared to Budget.....	11
Schedule of Sales Tax Collections and Related Analyses.....	12
Hotel Occupancy Tax Collection by Hotel Service Type	13
Interim Combined Statement of Cash Receipts and Disbursements	14
Collateral Summary.....	15
Statement of Compliance.....	16
Attachments:	
First Southwest Portfolio Report	Attached

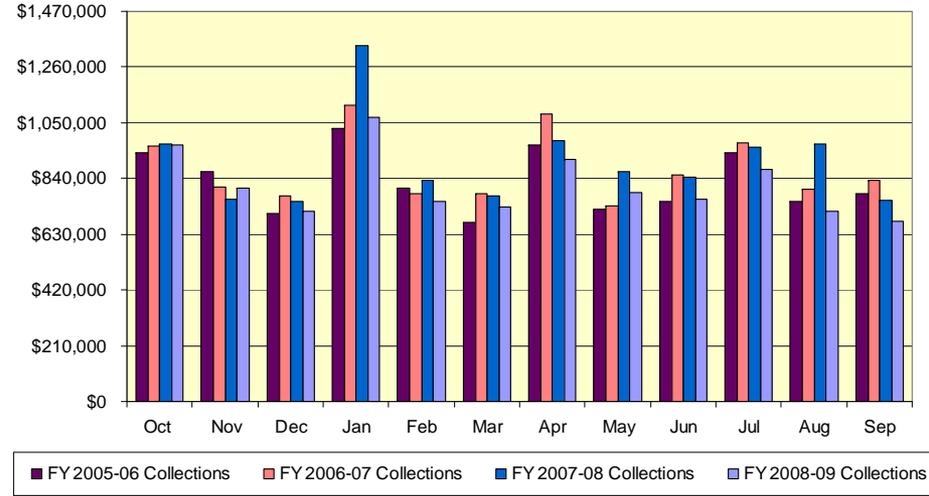
Executive Dashboard – 4th Quarter, 2009 Fiscal Year

Financial Indicators

Key Revenue Sources:

	FY09 Amended Budget	FY09 Actual*	Variance
Ad Valorem Taxes	\$9,950,000	\$9,744,498	(\$205,502)
Sales Taxes	\$9,900,000	\$9,778,531	(\$121,469)
Franchise Fees	\$2,559,680	\$2,762,577	\$202,897
Licenses and Permits	\$658,560	\$429,681	(\$228,879)
Court Fines	\$1,300,000	\$1,253,029	(\$46,971)
Hotel Tax	\$4,200,000	\$3,961,161	(\$238,839)
Fuel Flowage Fees	\$800,000	\$627,559	(\$172,441)
Water and Sewer Charges	\$9,542,000	\$9,085,586	(\$456,514)

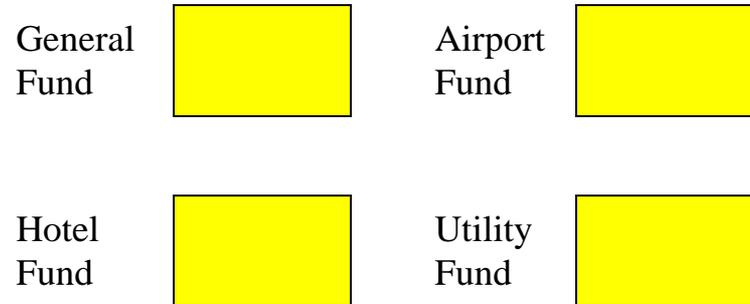
Addison Sales Tax Collections



Key Expenditures:

	FY09 Amended Budget	FY09 Actual*	Variance
General Fund	\$29,176,820	\$27,616,224	(\$1,560,596)
Hotel Fund	\$7,733,410	\$6,242,473	(\$1,490,937)
Airport Operations	\$3,408,640	\$2,934,973	(\$473,667)
Utility Dept.	\$2,544,310	\$2,346,565	(\$197,745)

Overall Fund Outlook:



*Pending FY 2009 Year-End Audit

Economic Indicators

Office Occupancy Indicators:

North Dallas / Addison  Down from 83.01% to 82.95%
 Dallas/Fort Worth Metroplex  Down from 80.92% to 77.97%

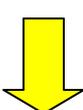
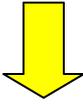
Source: Blacks Guide, Spring/Summer 2008 vs. Spring/Summer 2009

Hotel Indicators:

Hotel Occupancy  2009 down 16.9% from 2008
 RevPAR  2009 down \$15.42 from 2008

Source: STR Report – September 2008 vs. September 2009

Area Economic Indicators:

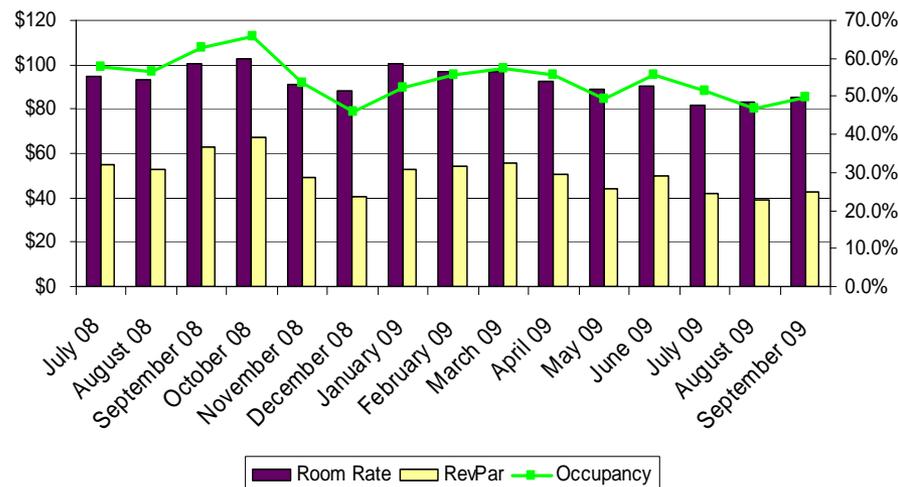
Area Employment  2009 down 3.0% from 2008
 Texas Leading Indicators Index  2009 down 7.78% from 2008

Source: Dallas Federal Reserve

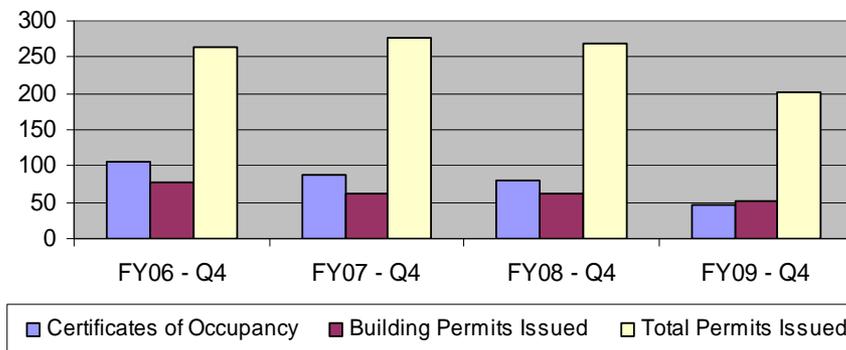
Building Permit Activity:

	FY 2008 (thru September 30st)	FY 2009 (thru September 30st)
Certificates of Occupancy	299	189
Building Permits Issued	289	252
Total Permits Issued	1053	835
Total Valuation	\$123,617,769	\$30,616,996

Hotel Industry Statistics



Comparison of Permit Activity



Executive Dashboard – 4th Quarter, 2009 Fiscal Year

Project Worksheet

Projects FY 2009-2010	Budget	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
1 Midway Road Repairs	\$50,000												
2 Arapaho Road Paver Repairs	\$45,000												
3 Street Joint and Crack Seal	\$100,000												
4 Arapaho Road Bridge Painting	\$50,000												
5 Quorum Drive Street Lights	\$200,000												
6 Midway Meadows Street Lights	\$110,000												
7 Proton/Les Lacs Street Lights	\$70,000												
8 Lifting/stabilizing Pavement	\$30,000												
9 Misc. Asphalt Road Repairs	\$25,000												
10 Misc. Concrete Road Repairs	\$95,440												
11 Mics Pavement Markings	\$60,000												
12 New Fleet Vehicle Purchases	\$160,000												
13 Conf Centre HVAC Replacement	\$440,000												
14 Unidirectional Flushing	\$55,000												
15 Chemical Monitoring Stations	\$80,000												
16 Vitruvian Park Phase 1C	\$4,461,170												
17 Vitruvian Park Phase 1D	\$3,879,900												
18 Belt Line Traffic Signal Painting	\$28,000												
19 Water Meter Replacement	\$100,000												
20 Belt Line Bus Stops	\$129,000												
21 Belt Line Lighting and Landscape	\$126,270												

-  Portion of the project from design through the bid process.
-  Portion of the project from award of contract until closing of construction or implementation.
-  Denotes a Public Works Department Project
-  Denotes a General Services Project



MEMO

To: Ron Whitehead, City Manager
From: Randy Moravec, CFO
Jason Cooley, Strategic Services Manager
Re: Fourth Quarter and End of Year Financial Review
Date: November 21, 2009

The information represented in this report is, pending audit adjustments, the concluding financial position of the Town's various fund statements. Also, for this quarter, the Contract Dashboard page has been replaced by a new Capital Projects Dashboard. The Contract Dashboard did not significantly change from one quarter to the next, conveying little useful information. The new dashboard will indicate whether projects are progressing as scheduled and within budget.

GENERAL FUND

- For the 2009 fiscal year, revenues totaled \$26.9 million, which is only 0.8% less than the amended budget but \$1.6 million less than received this time a year ago.
 - Current property tax collections of \$9.7 million are only 2.1% less than the amended budget, but 5.1% less than the original budget. The decline is directly attributed to the appeals of certified values. The Town's 2008 certified roll totaled \$3,725 million but was reduced to only \$3,471 million by the end of the fiscal year.
 - The negative amount reflected in the delinquent property tax category reflects refunds the Town has had to issue to tax payers who had appealed their appraised values, but paid the taxes based on their original assessment. If the appeals are successful, the Town is obligated to refund the tax associated with the different values.
 - Through twelve months, sales tax of \$9.8 million is more than \$1 million less than collected the previous year.
 - Building and construction permit revenue is less than half of the amount recorded in FY2008, reflecting the anemic regional and national economies. It had been anticipated that permit revenues would have been impacted by construction of the Methodist Spine Hospital, however the construction permit for this project has just been issued and the \$141k permit fee will be posted to the 2010 fiscal year.
 - Income from invested fund balances generated only \$274k, almost \$200k less than the previous year.
- Through twelve months, expenditures total \$27.6 million, which is 94.7% of budget and \$368k more than spent this time last year. Because of the planned reductions in operating expenditures

this year, all departments are within budget except for Council Projects, which exceeded its budget by less than \$1k.

HOTEL FUND

- Revenues for the year totaled \$5.9 million, a decline of \$1.5 million from last year. The lower level of revenue is due to a \$1.2 million decline in hotel occupancy taxes (HOT) caused by anemic business travel market. As reflected on the HOT statement on page 13 of this report, the decline in business travel has impacted all market segments. Special event income of \$1.3 million was 12.2% less than budget and conference centre rental was only 68.5% of budget.
- Operating expenditures amounted to \$6.9 million or 89.8% of budget, a decrease of \$229k, from last year.

AIRPORT FUND

- Operating revenue through the final quarter of the fiscal year totaled \$4.0 million, about \$90k less than last year. The largest decline was in fuel flowage fees which are down 20% from last year.
- Year-to-date operating expenses amounted to \$2.9 million, which resulted in \$988k to net income and a \$253k increase in working capital, which is \$45k more than budgeted.

UTILITY FUND

- Operating revenues through the fourth quarter of the fiscal year total \$9.2 million, which represents an increase of \$300k over this time last year. The Town's system sold 1.587 billion gallons of water which represents a 5.5% decline from the previous year. The system generated more revenue despite reduced volume because of the 11% increase in water and sewer rates implemented in November 2008.
- Operating expenses of \$6.8 million are up 3.7% due to higher rates charged by Dallas Water Utilities for water purchases and sewage treatment, resulting in a net income of \$1.8 million for the fiscal year. Working capital declined \$1.7 million compared to a budgeted decline of \$1.8 million.

CASH AND INVESTMENT REPORT

- Cash for all funds as of September 30, 2009 totaled \$65.5 million, a net decline of \$7.2 million from the third quarter. The decline is attributed to a \$2.2 million drawdown of capital project funds, a \$2.7 million reduction in the General fund, and a \$1.3 million reduction in the debt service funds. The fourth quarter typically represents the lowest cash position of the Town's General and G.O. Debt Service funds. These cash balances will begin increasing with property tax collections in the first and second quarters of the new fiscal year. The Arbor fund was closed out with all cash transferred to the new independent Arbor Foundation.
- The Town's average investment yield to maturity at the end of September 1.42% was compared to the 1.96% yield the previous quarter. The average weighted maturity declined from 185 days to 115 days.
- We concur with First Southwest Asset Management's recommended strategy of staying away from investments in commercial paper and shift to collateralized bank certificates of deposit, when practical. Investments will be kept relatively short in maturity until the yield curve justifies investing in instruments with 18 to 24 month maturities.

TOWN OF ADDISON

EXECUTIVE SUMMARY OF MAJOR OPERATING FUNDS FOR THE QUARTER ENDED SEPTEMBER 30, 2009
UNAUDITED ACTUAL AMOUNTS COMPARED TO THE 2009 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	9,975	9,752	9,905	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,975	\$ 9,752	\$ 9,905
Non-Property Tax	10,905	10,715	11,802	4,200	3,961	5,140	-	-	-	-	-	-	15,105	14,676	16,941
Franchise Fees	2,560	2,763	2,557	-	-	-	-	-	-	-	-	-	2,560	2,763	2,557
Service/Permitting/License Fees	1,943	1,821	2,213	1,475	1,294	1,490	837	668	825	9,612	9,193	8,893	13,867	12,977	13,420
Rental, Interest and Other Income	1,721	1,825	1,992	1,005	633	815	3,370	3,401	3,357	351	174	241	6,447	6,034	6,406
Transfers and Other Sources	-	-	-	-	-	-	-	-	-	-	-	6,278	-	-	6,278
Total Resources	27,103	26,875	28,468	6,680	5,889	7,444	4,207	4,070	4,182	9,963	9,368	15,412	47,953	46,201	55,506
APPLICATION OF RESOURCES															
Personal Services	19,289	18,575	17,934	1,620	1,585	1,558	286	270	338	1,404	1,231	930	22,599	21,661	20,761
Supplies and Materials	1,351	1,180	1,246	123	115	113	26	14	20	128	113	78	1,628	1,422	1,456
Maintenance	2,714	2,481	2,784	657	500	528	1,615	1,314	1,417	312	321	243	5,299	4,616	4,972
Contractual Services	4,594	4,353	4,159	4,521	3,912	4,058	1,481	1,338	1,447	5,185	5,063	4,340	15,781	14,666	14,004
Capital Equipment Amortization	862	861	1,077	61	61	61	-	-	-	18	18	13	941	939	1,151
Capital Equipment/Projects	172	167	48	52	70	153	200	490	883	1,748	1,286	-	2,171	2,012	1,084
Transfers and Other Uses**	-	-	-	700	700	700	390	392	386	2,987	2,987	2,543	4,077	4,078	3,629
Total Application of Resources	28,982	27,616	27,248	7,734	6,942	7,171	3,999	3,816	4,491	11,781	11,020	8,147	52,495	49,394	47,057
Net Change in Fund Balances	\$ (1,878)	\$ (741)	1,220	\$ (1,054)	\$ (1,054)	\$ 273	\$ 208	\$ 253	\$ (309)	\$ (1,818)	\$ (1,652)	7,265	\$ (4,542)	\$ (3,194)	8,449

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 2009 QUARTERLY STATEMENT OF REVENUES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Advalorem taxes:						
Current taxes	\$ 9,950,000	\$ (170,523)	9,744,498	97.9%	\$ 9,847,828	98.0%
Delinquent taxes	3,120	3,571	(14,883)	-477.0%	9,804	284.2%
Penalty & interest	21,830	32,806	22,352	102.4%	47,409	196.5%
Non-property taxes:						
Sales tax	9,900,000	2,273,703	9,778,531	98.8%	10,814,334	100.8%
Alcoholic beverage tax	1,005,060	460,133	936,038	93.1%	987,289	102.2%
Franchise / right-of-way use fees:						
Electric franchise	1,550,000	350,606	1,514,152	97.7%	1,574,944	98.4%
Gas franchise	301,680	0	329,963	109.4%	241,342	107.3%
Telecommunication access fees	575,000	202,181	739,702	128.6%	596,820	94.5%
Cable franchise	125,000	49,005	170,480	136.4%	128,020	115.6%
Wireless network fees	1,000	480	1,280	128.0%	8,400	56.0%
Street rental fees	7,000	1,250	7,000	100.0%	7,000	93.3%
Licenses and permits:						
Business licenses and permits	158,560	68,211	160,607	101.3%	153,964	104.9%
Building and construction permits	500,000	45,803	269,074	53.8%	640,221	155.7%
Intergovernmental revenue	-	-	-	0.0%	-	0.0%
Service fees:						
General government	600	160	465	77.5%	625	104.2%
Public safety	713,000	235,407	768,665	107.8%	805,262	111.1%
Urban development	5,000	435	2,840	56.8%	7,643	166.2%
Streets and sanitation	310,250	104,514	350,391	112.9%	333,645	112.4%
Recreation	74,100	26,777	86,985	117.4%	89,604	153.4%
Interfund	181,650	45,414	181,656	100.0%	181,656	100.0%
Court fines	1,300,000	344,562	1,253,029	96.4%	1,222,897	107.0%
Interest earnings	210,000	65,913	273,920	130.4%	472,156	84.2%
Rental income	156,500	41,846	151,721	96.9%	157,546	107.5%
Other	54,000	27,804	146,261	270.9%	139,597	284.9%
Total Revenues	\$ 27,103,350	\$ 4,210,058	\$ 26,874,727	99.2%	\$ 28,468,006	101.4%

TOWN OF ADDISON
GENERAL FUND
FY 2009 QUARTERLY STATEMENT OF EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
General Government:						
City manager	1,504,200	308,063	1,296,793	86.2%	\$ 1,405,247	101.8%
Financial & strategic services	1,052,050	221,291	921,014	87.5%	855,721	82.9%
General services	880,370	249,435	857,784	97.4%	934,165	97.3%
Municipal court	520,570	153,758	508,721	97.7%	438,538	95.9%
Human resources	572,960	164,010	502,741	87.7%	346,582	76.9%
Information technology	1,272,440	300,600	1,177,536	92.5%	1,361,255	96.3%
Combined services	794,020	194,260	733,601	92.4%	818,467	82.9%
Council projects	304,340	41,730	305,227	100.3%	284,955	93.0%
Public safety:						
Police	7,392,850	2,155,868	7,245,734	98.0%	7,119,749	95.8%
Emergency communications	1,150,000	277,308	1,038,330	90.3%	984,677	93.1%
Fire	6,115,870	1,693,409	5,939,587	97.1%	5,932,531	96.2%
Development services	975,160	255,996	856,978	87.9%	874,476	93.3%
Streets	2,448,180	871,979	2,390,097	97.6%	1,799,938	84.5%
Parks and Recreation:						
Parks	2,766,050	826,544	2,469,356	89.3%	2,528,230	95.9%
Recreation	1,427,760	427,191	1,372,725	96.1%	1,563,839	93.7%
Total Expenditures	\$ 29,176,820	\$ 8,141,441	\$ 27,616,224	94.7%	\$ 27,248,370	93.9%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON

HOTEL FUND

FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Hotel/Motel occupancy taxes	\$ 4,200,000	\$ 894,776	3,961,161	94.3%	\$ 5,139,775	98.8%
Intergovernmental	-	-	-	0.0%	-	0.0%
Proceeds from special events	1,474,600	1,043,185	1,294,142	87.8%	1,489,576	102.3%
Conference centre rental	640,000	95,349	438,662	68.5%	489,445	94.9%
Theatre centre rental	90,000	19,719	79,939	88.8%	86,487	98.3%
Interest and miscellaneous	275,000	25,586	114,798	41.7%	239,110	95.6%
Total Revenues	6,679,600	2,078,616	5,888,702	88.2%	7,444,393	99.1%
Expenditures and other uses:						
Visitor services	1,292,700	296,863	822,061	63.6%	879,540	78.0%
Marketing	1,178,980	241,333	971,113	82.4%	1,121,226	92.2%
Special events	2,961,750	1,234,462	2,894,758	97.7%	2,682,358	96.8%
Conference centre	1,038,910	337,774	997,254	96.0%	1,079,804	98.4%
Performing arts	561,270	49,416	557,286	99.3%	707,834	102.5%
Capital projects	-	-	-	0.0%	-	0.0%
Other financing uses:						
Transfer to debt service fund	699,800	-	699,800	100.0%	700,000	100.0%
Total Expenditures and Other	\$ 7,733,410	\$ 2,159,849	\$ 6,942,273	89.8%	\$ 7,170,762	94.3%

NOTES:

- 1) N/A - Not Applicable
- 2) Amounts spent by special project:

Public Relations	\$ 716,770	\$ 136,816	558,120	77.9%	\$ 739,349	103.2%
Oktoberfest	544,080	555,895	590,720	108.6%	631,830	100.4%
Kaboom Town	249,350	190,635	261,021	104.7%	235,722	85.9%
Calendar	50,000	4,358	52,641	105.3%	48,693	97.4%
Hotel Support Program	260,000	46,367	186,400	71.7%	197,321	75.9%
Taste Addison	670,950	8,555	643,446	95.9%	657,518	98.0%
Jazz Festival	198,340	21,844	171,911	86.7%	179,776	90.6%
Shakespeare Festival	34,500	-	35,475	102.8%	34,262	99.3%
Summer Jazz Festival	47,750	43,547	46,350	97.1%	59,294	124.2%
Cinema in the Circle	24,580	2,603	17,922	72.9%	16,329	66.4%
WorldFest (formerly International Fest.)	180,000	68,079	266,005	147.8%	9,709	48.5%
Urbanato	100,000	2,990	20,364	20.4%	-	0.0%
Book Fair	1,530	31	938	61.3%	-	0.0%
Weekend to Wipe Out Cancer	15,000	13,509	13,676	91.2%	308	2.1%
TOTAL	\$ 3,092,850	\$ 1,095,230	\$ 2,864,989	92.6%	\$ 2,810,111	94.4%

TOWN OF ADDISON
STREET CAPITAL PROJECT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Intergovernmental grants	\$ 600,000	\$ -	\$ 156,129	26.0%	\$ 561,992	57.8%
Interest income and other	100,000	8,634	54,151	54.2%	258,815	258.8%
Total Revenues	700,000	8,634	210,280	30.0%	820,807	76.6%
Expenditures:						
Personal services	-	-	-	0.0%	23,366	292.1%
Design and engineering	43,000	18,480	139,205	323.7%	126,152	841.0%
Construction and equipment:	1,200,000	491,422	1,499,737	125.0%	1,346,335	53.6%
Total Expenditures	\$ 1,243,000	\$ 509,902	\$ 1,638,942	131.9%	\$ 1,495,853	59.0%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON
PARKS CAPITAL PROJECT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Interest income and other	\$ 20,000	\$ 3,186	18,157	90.8%	\$ 33,887	N/A
Developer contributions	-	-	-	0.0%	-	0.0%
Transfer from street capital project fund	-	-	-	0.0%	-	0.0%
Total Revenues	20,000	3,186	18,157	90.8%	33,887	N/A
Expenditures:						
Personal services	2,000	2,243	4,238	211.9%	421	42.1%
Design and engineering	5,000	(35)	9,787	195.7%	28,165	56.3%
Construction and equipment:	934,340	226,427	503,226	53.9%	943	0.0%
Total Expenditures	\$ 941,340	\$ 228,635	\$ 517,251	54.9%	\$ 29,529	57.9%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON
2002 CAPITAL PROJECT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Interest earnings and other	\$ 75,000	\$ 10,460	\$ 44,408	59.2%	\$ 75,026	125.0%
Total Revenues	75,000	10,460	44,408	59.2%	75,026	125.0%
Expenditures and other uses:						
Personal services	-	-	-	0.0%	12,500	0.0%
Design and engineering	400,000	36,254	244,584	61.1%	56,653	13.2%
Arbitrage rebate	-	-	-	0.0%	56,681	N/A
Construction and equipment	1,200,000	40,821	43,236	3.6%	6,500	N/A
Total Expenditures	\$ 1,600,000	\$ 77,075	\$ 287,820	18.0%	\$ 132,334	29.1%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON
2004 CAPITAL PROJECT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Intergovernmental grants	\$ -	\$ -	\$ -	0.0%	\$ -	0.0%
Interest earnings and other	15,000	2,552	10,055	67.0%	15,580	77.9%
Total Revenues	15,000	2,552	10,055	67.0%	\$ 15,580	77.9%
Expenditures and other uses:						
Personal services	-	-	-	0.0%	-	0.0%
Design and engineering	15,000	-	-	0.0%	-	0.0%
Construction and equipment	-	-	-	0.0%	-	0.0%
Total Expenditures	\$ 15,000	\$ -	\$ -	0.0%	\$ -	N/A

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON
2006 CAPITAL PROJECT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Interest earnings and other	\$ 15,000	\$ 2,682	\$ 7,976	53.2%	\$ 12,597	68.6%
Total Revenues	15,000	2,682	7,976	53.2%	12,597	84.0%
Expenditures and other uses:						
Bond sale costs	-	-	-	0.0%	-	0.0%
Design and engineering	-	-	-	0.0%	-	0.0%
Construction and equipment	-	-	-	0.0%	-	0.0%
Total Expenditures	\$ -	\$ -	\$ -	0.0%	\$ -	0.0%

NOTES:

1) N/A - Not Applicable

TOWN OF ADDISON
2008 CAPITAL PROJECT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Revenues:						
Interest earnings and other	\$ 500,000	\$ 150,765	\$ 624,153	124.8%	211,992	121.1%
Bond proceeds	-	-	-	0.0%	28,222,000	100.0%
Total Revenues	500,000	150,765	624,153	124.8%	28,433,992	100.1%
Expenditures and other uses:						
Personal Services	50,000	-	87	0.2%	-	0.0%
Design and engineering	1,200,000	328,651	1,196,424	99.7%	11,714	4.7%
Construction and equipment	15,250,000	1,321,132	1,569,794	10.3%	872,492	N/A
Total Expenditures	\$ 16,500,000	\$ 1,649,783	\$ 2,766,305	16.8%	\$ 884,206	353.7%

NOTES:

1) N/A - Not Applicable

AIRPORT FUND
FY 2009 QUARTERLY STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES TO WORKING CAPITAL COMPARED TO BUDGET
With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Operating revenues:						
Operating grants	\$ 50,000	\$ 18,542	\$ 59,877	119.8%	\$ 48,873	97.7%
Fuel flowage fees	800,000	199,999	627,559	78.4%	784,783	94.0%
Rental	3,240,000	1,094,724	3,282,116	101.3%	3,226,103	107.1%
User fees	37,200	12,549	40,881	109.9%	40,204	114.9%
Total operating revenues	4,127,200	1,325,814	4,010,433	97.2%	4,099,963	104.3%
Operating expenses:						
Town - Personal services	285,650	117,685	269,626	94.4%	338,423	119.3%
Town - Supplies	26,300	4,422	14,271	54.3%	19,634	82.5%
Town - Maintenance	30,970	8,557	28,767	92.9%	32,494	18.4%
Town - Contractual services	550,200	189,053	506,053	92.0%	533,937	80.1%
Grant - Maintenance	100,000	-	-	0.0%	139,248	139.2%
Operator operation & maintenance	1,484,320	552,003	1,284,773	86.6%	1,245,577	83.7%
Operator service contract	931,200	210,468	831,482	89.3%	912,676	96.6%
Total operating expenses	3,408,640	1,082,189	2,934,973	86.1%	3,221,989	87.5%
Net operating income	718,560	243,625	1,075,460	149.7%	877,974	354.5%
Non-Operating revenues (expenses):						
Interest earnings and other	80,000	27,476	59,086	73.9%	81,938	46.8%
Interest on debt, fiscal fees & other	(145,270)	(37,633)	(146,585)	100.9%	(151,473)	98.6%
Total non-operating revenues (expenses)	(65,270)	(10,157)	(87,499)	134.1%	(69,535)	-326.0%
Net income (loss) (excluding depreciation)	\$ 653,290	\$ 233,468	\$ 987,961	151.2%	\$ 808,439	300.5%
CHANGES IN WORKING CAPITAL						
Net income (excluding depreciation)	\$ 653,290	\$ 233,468	\$ 987,961	151.2%	\$ 808,439	300.5%
Sources (uses) of working capital:						
Retirement of long-term debt	(245,000)	(61,250)	(245,000)	100.0%	(235,000)	100.0%
Net additions to fixed assets with grants	(200,000)	(40,624)	(40,624)	20.3%	(150,000)	75.0%
Other net additions to fixed assets	-	(223,466)	(449,125)	0.0%	(732,678)	0.0%
Net sources (uses) of working capital	(445,000)	(325,340)	(734,749)	165.1%	(1,117,678)	91.4%
Net increase (decrease) in working capital	208,290	(91,872)	253,212	121.6%	(309,239)	32.4%
Beginning fund balance	1,032,580	1,305,098	960,014	93.0%	1,693,503	125.8%
Ending fund balance	\$ 1,240,870	\$ 1,213,226	\$ 1,213,226	97.8%	\$ 1,384,264	352.6%

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.

UTILITY FUND

FY 2009 QUARTERLY STATEMENT OF REVENUES, EXPENDITURES AND CHANGES TO WORKING CAPITAL COMPARED TO BUDGET

With Comparative Information from Prior Fiscal Year

Category	2008-09 FY				2007-08	
	Amended Budget	4th Quarter	Year-to-Date	YTD as % of Budget	Year-to-Date	YTD as % of Budget
Operating revenues:						
Water sales	\$ 4,885,500	\$ 2,233,748	\$ 4,973,690	101.8%	\$ 4,607,951	110.1%
Sewer charges	4,656,500	1,450,002	4,111,896	88.3%	4,193,659	98.2%
Tap fees	10,000	9,635	24,210	242.1%	20,750	415.0%
Penalties	60,000	22,365	83,636	139.4%	70,235	127.7%
Total operating revenues	9,612,000	3,715,750	9,193,432	95.6%	8,892,595	104.4%
Operating expenses:						
Water purchases	2,610,200	933,981	2,555,048	97.9%	2,215,557	92.9%
Wastewater treatment	1,892,200	384,110	1,914,267	101.2%	1,783,053	87.6%
Utility operations	2,544,310	497,159	2,346,565	92.2%	2,571,689	99.3%
Total operating expenses	7,046,710	1,815,250	6,815,880	96.7%	6,570,299	93.7%
Net operating income	2,565,290	1,900,501	2,377,552	92.7%	2,322,296	153.8%
Non-Operating revenues (expenses):						
Interest income and other	351,000	38,856	174,195	49.6%	241,417	120.7%
Interest on bonded debt and fiscal charges	(790,530)	(197,630)	(790,530)	100.0%	(512,797)	100.0%
Total non-operating revenues (expenses)	(439,530)	(158,774)	(616,335)	140.2%	(271,380)	86.8%
Net income (excluding depreciation)	\$ 2,125,760	\$ 1,741,727	\$ 1,761,217	82.9%	\$ 2,050,916	171.4%
CHANGES IN WORKING CAPITAL						
Net income (loss)	2,125,760	1,741,727	1,761,217	82.9%	2,050,916	171.4%
Sources (uses) of working capital:						
Retirement of long-term debt	(2,196,060)	(549,015)	(2,196,060)	100.0%	(2,030,231)	96.2%
Proceeds from sale of bonds	-	-	-	N/A	6,278,000	100.0%
Net additions to fixed assets	(1,747,800)	(589,392)	(1,217,160)	69.6%	-	0.0%
Net sources (uses) of working capital	(3,943,860)	(1,138,407)	(3,413,220)	86.5%	4,247,769	175.7%
Net increase (decrease) in working capital	(1,818,100)	603,320	(1,652,003)	90.9%	6,298,685	174.3%
Beginning fund balance	8,964,360	6,828,250	9,083,573	101.3%	3,502,761	93.4%
Ending fund balance	\$ 7,146,260	\$ 7,431,570	\$ 7,431,570	104.0%	\$ 9,801,446	133.1%

NOTES:

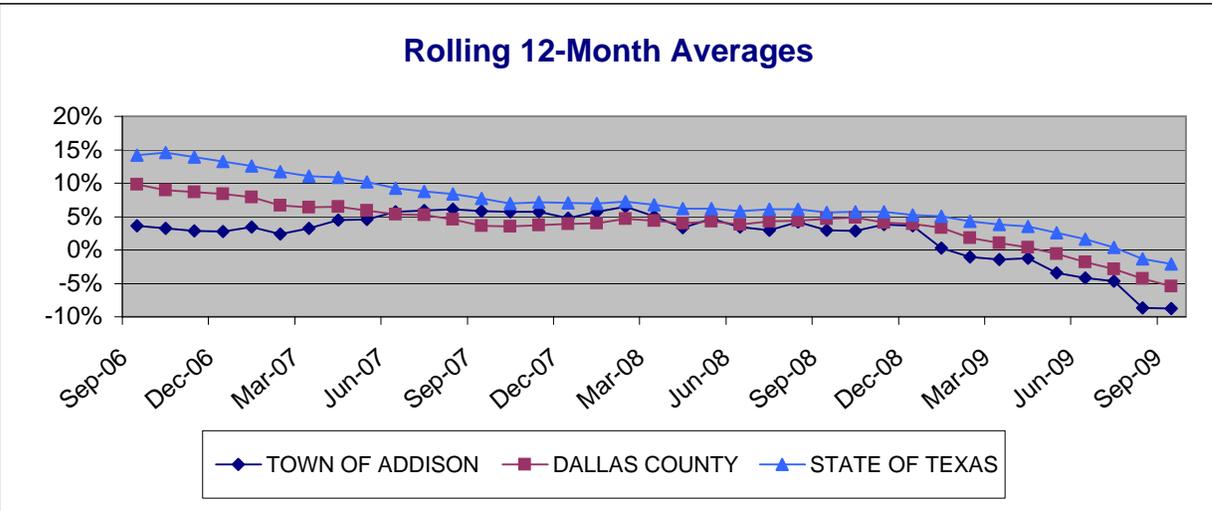
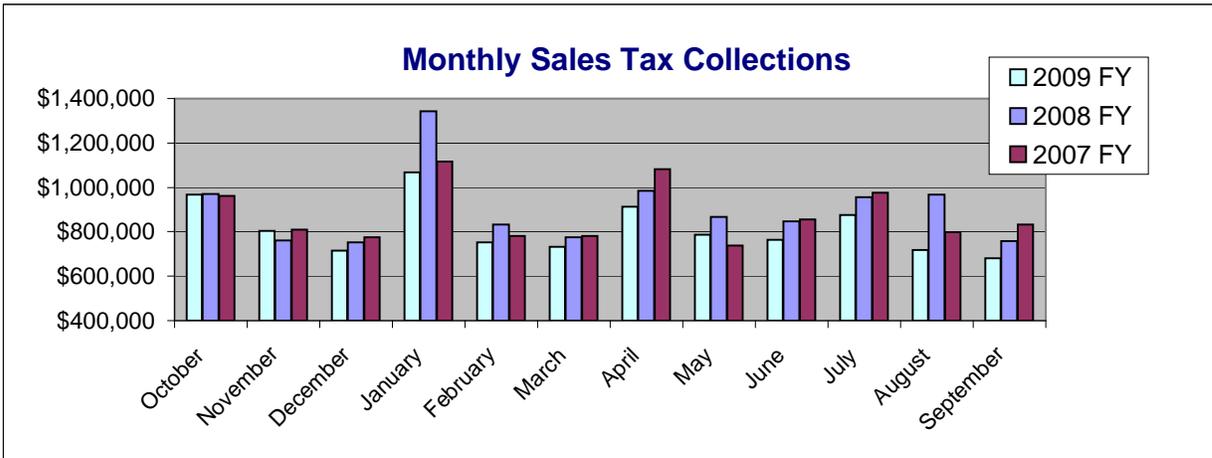
- 1) N/A - Not Applicable
- 2) Purchases of water and wastewater treatment services may be underreported by one to two months due to prior year accruals and delay in receiving billings from Dallas Water Utilities.

TOWN OF ADDISON

Schedule of Sales Tax Collections and Related Analyses

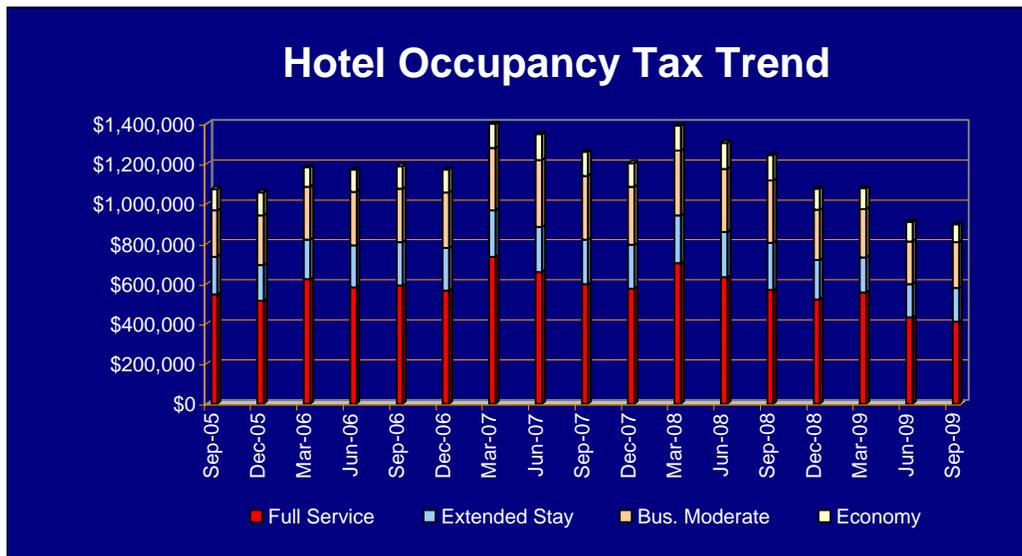
For the fiscal year ending September 30, 2009

	TOWN OF ADDISON				DALLAS COUNTY		STATE OF TEXAS	
	2008-09 Collections		% Change from Prior Year		% Change from Prior Year		% Change from Prior Year	
	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative
October	\$ 966,519	\$ 966,519	-0.4%	-0.4%	2.0%	2.0%	4.0%	4.0%
November	\$ 803,512	\$ 1,770,031	5.7%	2.3%	-1.3%	0.6%	9.5%	6.5%
December	\$ 715,722	\$ 2,485,753	-5.0%	0.1%	4.1%	1.6%	2.2%	5.2%
January	\$ 1,068,893	\$ 3,554,646	-20.4%	-7.1%	-3.1%	-1.4%	2.5%	4.3%
February	\$ 752,041	\$ 4,306,687	-9.7%	-7.6%	-9.2%	-1.4%	-0.7%	3.5%
March	\$ 732,882	\$ 5,039,569	-5.4%	-7.2%	-5.6%	-2.0%	-1.9%	2.7%
April	\$ 913,397	\$ 5,952,967	-7.1%	-7.2%	-7.4%	-2.9%	-2.8%	1.8%
May	\$ 787,975	\$ 6,740,942	-9.2%	-7.5%	-5.7%	-3.2%	-3.0%	1.2%
June	\$ 763,886	\$ 7,504,828	-9.8%	-7.7%	-12.0%	-4.2%	-8.8%	0.2%
July	\$ 875,614	\$ 8,380,442	-8.5%	-7.8%	-6.1%	-4.4%	-6.5%	-0.6%
August	\$ 717,697	\$ 9,098,138	-25.9%	-9.5%	-10.2%	-4.9%	-12.2%	-1.6%
September	\$ 680,393	\$ 9,778,531	-10.3%	-9.6%	-10.0%	-5.3%	-7.3%	-2.1%
Budget 08-09:	\$ 11,124,500							
Actual Year-End	\$ 9,778,531							



TOWN OF ADDISON HOTEL OCCUPANCY TAX COLLECTION
Hotels By Service Type for the Quarter and Year-To-Date Ended September 30, 2009
With Comparisons to Prior Year

	Rooms		4th Quarter FY 09		09 to 08 % Diff.	YTD FY 09		09 to 08 % Diff.
	Number	Percentage	Amount	Percentage		Amount	Percentage	
Full Service								
Marriott Quorum	535	14%	\$ 193,806	22%	-24%	\$ 735,100	19%	-25%
Intercontinental	532	13%	121,553	14%	-34%	708,744	18%	-22%
Crowne Plaza	429	11%	94,232	11%	-26%	474,018	12%	-19%
	<u>1,496</u>	<u>38%</u>	<u>409,591</u>	<u>46%</u>	<u>-28%</u>	<u>1,917,861</u>	<u>48%</u>	<u>-23%</u>
Extended Stay								
Budget Suites	344	9%	7,736	1%	139%	24,660	1%	-7%
Best Western	70	2%	8,753	1%	-54%	35,359	1%	-50%
Marriott Residence	150	4%	38,219	4%	-33%	182,162	5%	-22%
Summerfield Suites	132	3%	25,145	3%	-33%	108,234	3%	-30%
Homewood Suites	128	3%	38,498	4%	-20%	169,830	4%	-5%
Springhill Suites	159	4%	49,941	6%	-30%	188,956	5%	-26%
	<u>983</u>	<u>25%</u>	<u>168,293</u>	<u>19%</u>	<u>-29%</u>	<u>709,202</u>	<u>18%</u>	<u>-23%</u>
Business Moderate								
Marriott Courtyard Quorum	176	4%	63,573	7%	-27%	229,998	6%	-29%
LaQuinta Inn	152	4%	27,980	3%	-33%	128,467	3%	-26%
Marriott Courtyard Proton	145	4%	42,862	5%	-23%	152,978	4%	-30%
Holiday Inn Express	102	3%	29,683	3%	-23%	139,757	4%	-11%
Hilton Garden Inn	96	2%	34,011	4%	-24%	143,804	4%	-23%
Holiday Inn - Arapaho	101	3%	20,877	2%	-35%	100,607	3%	-25%
Comfort Inn	86	2%	8,850	1%	-25%	37,476	1%	-23%
	<u>858</u>	<u>22%</u>	<u>227,836</u>	<u>25%</u>	<u>-27%</u>	<u>933,087</u>	<u>24%</u>	<u>-25%</u>
Economy								
Motel 6	126	3%	17,080	2%	-10%	66,805	2%	0%
Hampton Inn	159	4%	39,557	4%	-27%	181,484	5%	-13%
Quality Inn	115	3%	9,562	1%	-48%	44,571	1%	-42%
Comfort Suites	78	2%	12,974	1%	-42%	67,336	2%	-24%
Super 8	78	2%	6,920	1%	-15%	29,864	1%	-12%
Best Value	60	2%	2,963	0%	-40%	10,952	0%	-34%
	<u>616</u>	<u>16%</u>	<u>89,056</u>	<u>10%</u>	<u>-30%</u>	<u>401,011</u>	<u>10%</u>	<u>-20%</u>
TOTAL	<u>3,953</u>	<u>100%</u>	<u>\$ 894,776</u>	<u>100%</u>	<u>-28%</u>	<u>\$ 3,961,161</u>	<u>100%</u>	<u>-23%</u>



TOWN OF ADDISON
INTERIM STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
For the Quarter Ending September 30, 2009

Fund	Balance 6/30/2009	Quarter Receipts	Quarter Disbursements	Balance 9/30/2009
General Fund	\$ 14,124,728	\$ 6,492,775	\$ 9,205,620	\$ 11,411,883
Special Revenue Funds:				
Hotel	4,944,748	2,783,939	3,111,456	4,617,231
Public Safety	9,843	925	45	10,723
Municipal Court	615,967	296,155	363,336	548,786
Arbor	193,176	397,492	590,668	-
Debt Service Funds:				
G. O. Bonds	2,352,815	376,192	1,512,257	1,216,750
Hotel Revenue Bonds	992,005	5,510	98,635	898,880
Capital Projects Funds:				
Streets	1,937,757	8,635	621,788	1,324,604
Parks	650,379	15,863	184,545	481,697
2002 G.O. Bonds	1,827,072	12,468	112,380	1,727,160
2004 G.O. Bonds	431,860	2,552	1,831	432,581
2006 G.O. Bonds	347,237	2,052	1,472	347,817
2008 G.O. Bonds	26,460,825	150,765	1,469,590	25,142,000
Enterprise Funds:				
Utility	9,132,090	2,937,330	2,549,336	9,520,084
Airport	1,997,342	1,021,553	1,188,751	1,830,144
Internal Service Funds:				
Capital Replacement	3,787,205	148,469	122,685	3,812,989
Information Services	2,890,292	122,630	866,850	2,146,072
TOTAL - ALL FUNDS	\$ 72,695,340	\$ 14,775,305	\$ 22,001,245	\$ 65,469,400

Note: Cash inflows and outflows represent revenues, expenditures, and investment transactions.

INVESTMENTS BY MATURITY AND TYPE				
For the Quarter Ending September 30, 2009				
	Type	% of Portfolio	Yield to Maturity	Amount
	Pools	35.71%	0.27%	\$ 23,702,285
	Agencies	45.80%	2.00%	30,406,889
	Bank CD's	18.49%	2.17%	12,274,309
	Commercial Paper	0.00%	0.00%	-
Total Investments		100.00%	1.42%	66,383,483
	Accrued Interest Earnings			277,041
	Demand Deposits			(1,191,124)
TOTAL				\$ 65,469,400

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 September 30, 2009

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: 15-Oct-37	\$ 2,597,598	\$ 1,743,783			
				<u>\$ 2,597,598</u>	<u>\$ 1,743,783</u>	<u>\$ 250,000</u>	<u>1,454,133</u>	<u>\$ 539,650</u>

**Quarterly Investment Report
Pooled Investment Funds
Quarter Ended September 30, 2009**

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 the City Council on October 13, 2009.

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
Chief Financial Officer



Jason L. Cooley
Strategic Services Manager



Investment Portfolio Summary
For the Quarter Ended
September 30, 2009

Prepared By

 **First Southwest Asset Management**

Third Quarter of Calendar Year 2009 Review

MAJOR EVENTS

The story of the third quarter was that after 19 or 20 months of severe recession, the U.S. economy appears to have resumed positive growth. The stock markets surged as the DOW enjoyed its biggest quarterly gain in more than a decade. The ISM factory index rose above the 50 mark in August, indicating *expansion*, after 19 straight months of contraction, while the non-manufacturing ISM index topped the 50 mark a month later. Total home sales have risen 16% since the year began. Home prices, after more than a 30% decline from their lofty 2005 peak, are finally creeping higher. Retail sales rose a huge 2.7% in August, the most in three years. The global economy is also moving in the right direction as Japan recently followed fellow G7 members France and Germany out of recession, while the Canadian economy is expected to show positive growth in the third quarter. Fed officials lined up to weigh in on signs of recovery, with Chairman Bernanke telling a Washington audience on September 15th that, from a technical perspective, the recession had “very likely” ended, while San Francisco Fed President Janet Yellen was quoted the day before in saying, “summer likely marked the end of the recession”. However, Yellen also expected recovery would be “tepid” ...and her expectation seemed to reflect a near consensus among market participants and economists. As encouraging as the data has been, there are still a number of lingering problems expected to contribute to an unusually choppy recovery in the months to come.

THE FED

The Federal Reserve continued its purchases of Treasuries, agency debt and mortgage-backed securities. These purchases have helped keep mortgage interest rates near historic lows during the third quarter. At both Federal Open Market Committee meetings held this quarter, the Fed reiterated its statement that “economic conditions are likely to warrant exceptionally low levels of the federal funds rate for an extended period,” although their statements also acknowledged that economic activity had improved compared to the beginning of the year.

Summary of FOMC Monetary Policy Actions:

- 1) August 12th – Held the fed funds target in a range of 0% to 0.25%
- 2) September 23rd – Held the fed funds target in a range of 0% to 0.25%

HOUSING

The housing market continued to recover during the quarter with new home sales surging by a combined 29% in the five-month period from March through July. The jump in sales paired with record lows in new construction during the spring, pushed the available inventory of new homes down to 7.3 months, the lowest in 2½ years and well below the record 12.4 month supply in January. Existing home sales rose by a total of 16.7% from January through July, before falling 2.7% in August. The available inventory of existing homes also fell to a 2½ year low, dropping to an 8.5 month supply in August. Only nine months earlier, inventories had stood at a bloated 11 month supply. Home prices are finally stabilizing and housing starts are increasing. According to S&P/Case Shiller, their 20-city home price index has now risen in each of the past three months, after falling for 33 straight.

But as strong as the housing news has appeared on the surface, the fuel that fed the rebound has been nearly consumed. The well received \$8,000 tax credit for first-time homebuyers is scheduled to expire at the end of November. A recent Zillow survey showed that almost 20% of prospective home buyers considered an extension of the tax credit to be the primary influence in determining whether they’d purchase a home in 2010, while another 52% said the tax credit would be either a “significant influence” or have “some influence”. Another critical bit of government support that has nearly run its course is the Fed’s massive \$1.25 trillion mortgage-backed securities purchase program, now scheduled to wrap up on March 30, 2010. Although it’s not possible to determine with any degree of accuracy just how much downward pressure Fed purchases have exerted, the average 30-year mortgage rate was well below 5% at quarter end. Another concern is that long term unemployment will keep the foreclosure rate high. The Wall

Street Journal reported in early September that *prime borrowers* now account for more than half of loans 90-days or more past due. And a Fitch study concluded that the “cure rate” for delinquent prime mortgages had fallen to 6.6% in July, a huge decrease from the 45% cure rate from 2000 to 2006.

EMPLOYMENT

Like many other indicators, the labor market has made positive strides away from extreme lows, but is still shedding jobs at a recessionary pace. Job loss has slowed from an average of 691k per month in the first quarter, to 428k in the second, to 256k in the third, but few expect non-farm payrolls to turn positive until sometime in 2010. According to the Bureau of Labor Statistics, the total number of unemployed persons has increased by 7.6 million to 15.1 million since the start of the recession in December 2007. Most losses are concentrated in the manufacturing and construction sectors with a total of 2.1 and 1.5 million jobs lost respectively. As a result of the concentration in these male-dominated fields, 74% of laid-off workers have been men.

The unemployment rate, which began the year at 7.2%, climbed to a 26-year high of 9.8% in September and would have been even higher if the civilian labor force participation rate had not declined by 0.3 percentage points. Teenagers are being hit particularly hard as the unemployment rate for teens exceeds 25%. One of the problems teenage job seekers are suddenly facing is competition from retirees who are willing to take whatever job is available to make up for investment income ravished by the equity market crash.

Most experts, including former Fed Chairman Greenspan, expect unemployment to top 10% in the final quarter of this year – double digit unemployment is probably a given considering that employment is a lagging indicator, but the bigger concern is the likely *duration* of unemployment. Economic recovery simply can't be sustained unless supplemented by a healthy dose of job growth, making non-farm payrolls the most important indicator to watch going forward.

CONSUMER SPENDING

Historically, the consumer has contributed about two-thirds of total GDP growth, but with battered household net worth, the unemployment rate at a 26-year high, and tighter credit standards imposed for most Americans, the ability to spend has shrunk dramatically. According to a Federal Reserve report, consumer credit fell at an annual rate of 10% in July, more than five times forecast and the sixth straight monthly decline, the longest streak in 18 years. The *desire* to spend may also be suffering. A survey released in September by *Discover Financial Services*, showed that more than half of all consumers expected to cut their discretionary spending in the future. An *ABC News/Washington Post* consumer sentiment survey showed that the buying climate at the beginning of September had fallen back to the same level as in mid-March when stock market levels reached a stomach-churning 13-year low.

The \$3 billion Car Allowance Rebate System (CARS), affectionately known as “cash for clunkers”, gave those consumers with good credit, steady jobs and a qualifying clunker in the garage, the incentive to make a big purchase during the summer. According to *Time Magazine*, the final tally for the popular program was roughly 700,000 vehicles sold with an economic net impact north of \$25 billion ...although this impact has been fiercely debated. Many critics believe that the \$4,200 average incentive merely pushed future sales into the present, and to some degree this has been confirmed - auto sales jumped from 9.7 million annualized units in June to 14.1 million in August, before crashing down to 9.2 million in September after the program ended.

INFLATION

There's a significant difference of opinion on the inflation front that probably won't be resolved until many years from now. The gist of it is whether the Fed should be more concerned with inflation or deflation. At the moment, price pressures are reflecting “disinflation” which is simply a reduction in the inflation rate. The overall consumer price index (CPI) rose by 0.4% in August, but due to a 50% drop in crude oil prices was down 2.1% year-over-year in July, the largest 12-month drop since 1950. The less volatile core CPI, arguably the more important measure, rose by 1.4% year-over-year in August, the lowest rate of increase in more than 5½ years. But Fed officials are more concerned with *future* price pressures, and to combat this they've suggested that they are fully prepared to raise interest rates long before core inflation becomes a problem. Of course, this is exactly the message the Fed needs to strongly convey if it hopes to retain credibility with a balance sheet at two trillion dollars and counting.

STOCK MARKET MOVEMENT

Following a solid 11% gain in the second quarter, the DOW enjoyed its best three-month performance in 11 years with a huge 15% third quarter gain. From the low point on March 9th, the DOW was up nearly 50%. There were a number of factors contributing to the rally, several of which suggest that it could continue for a while. One consideration is that cash deposits are paying virtually nothing, making alternate investments, like stocks, appear particularly attractive. In the third quarter alone, \$300 billion was pulled out of U.S. money market funds. Another important factor is that business balance sheets have improved significantly in recent periods. Corporate profits, which plunged by \$250 billion in the fourth quarter of 2008, have since rebounded with gains of \$59 billion in the first quarter and \$67 billion in the second.

	DOW	S & P 500	NASDAQ
6/30/09	8,447	919	1,835
9/30/09	9,712	1,057	2,122
% Change for Q3-2009	+ 15%	+15%	+ 15.6%

INTEREST RATES

		Fed Funds	3 mo T-bill	6 mo T-bill	2 yr T-note	5 yr T-note	10 yr T-note
Last	6/30/09	0.25%	0.19%	0.35%	1.11%	2.56%	3.54%
High			0.19%	0.32%	1.30%	2.82%	3.85%
Low			0.11%	0.17%	0.88%	2.22%	3.28%
End	9/30/09		0.11%	0.17%	0.95%	2.31%	3.31%

PORTFOLIO ACTIVITY SINCE JUNE 30TH

- There were seven maturities during the quarter totaling \$19.5 million. Of these maturities, six were agency securities and one was FDIC-insured commercial paper (the last piece of commercial paper held in the Town's portfolio).
- There was also one bond called away during the quarter - \$4 million of FHLMC 1.25% that had been purchased in March. The yield-to-call on this security was 1.25%.
- In September, the Town invested in two callable agency step-up bonds which did not settle until October. Both \$2 million investments were purchased on September 22nd and both were issued by the Federal Home Loan Bank (FHLB). The first is callable quarterly starting in January 2010, with a final maturity in October 2012. It has an initial coupon of 1.25%, and if it was not called, the coupon "steps-up" to 2% on 10/15/10, to 3% on 4/15/11, to 4% on 10/15/11 and finally to 5% on 4/15/12. The second bond is also callable quarterly, but has a longer final maturity in October 2014. If not called, the initial 2.50% coupon steps to 3% on 10/8/11, then to 4% on 10/8/12, to 5% on 10/8/13 and finally to 7% on 4/8/14.
- The Town also initiated a CD purchase from Comerica Bank that did not settle until October. \$2 million was invested at a rate of 0.93% until October of 2010 and another \$2 million was invested at 1.17% until January 2011.

SUMMARY / OUTLOOK

The U.S. economy appears to have turned the corner. Economic growth is expected to be positive in the third quarter as government stimulus dollars are finally spent and depleted business inventories are rebuilt. As a result, the outlook for the next several quarters is cautiously optimistic. Historians point to huge bounces in GDP growth following deep recessionary declines. After the severe 1973-75 recession, GDP growth jumped 6.2%, and in the year following the '81-'82 recession, economic growth rocketed 7.7%. As nice as it would be to see this level of growth in the coming year, it's unlikely, despite the extreme depth of this recession.

The most critical issue is whether or not government-supported economic growth will be sufficient and realistic enough to convince private employers to begin rehiring workers. Unfortunately, history doesn't suggest that brisk hiring is on the near horizon. Business Week reported that GDP growth turned positive before payroll growth resumed in each of the last four recessions. And the lag has grown longer in the most recent downturns. In both the 1981-82 and 1990-91 recessions, payroll growth lagged GDP recovery by three quarters, while it took a full seven quarters for job growth to turn positive after the 2001 recession.

In theory, the Fed would raise interest rates and tighten credit to slow economic growth, which would reduce consumer demand and lower price pressures. But, if economic conditions prove tepid, the rate of job growth doesn't push unemployment significantly lower, and inflation remains tame, the Fed will have a difficult time raising interest rates in 2010. In fact, according to the most recent Bloomberg economist survey, a majority of economists don't expect to see the first rate hike until the second or third quarter of next year, while several noted economists, included those at Bank of America and Mizuho, project the overnight funds target will stay at zero well into 2011. Fed officials are less precise on exactly when they expect to raise rates, but the now familiar words most recently appearing in the September FOMC statement reads that market conditions warranted an "exceptionally low level" of the fed funds rate for "an extended period".

What this means is that local governments and other normally conservative short-term investors will be faced with the ugly decision of retaining large percentages of their assets in investment pools and money market funds earning anywhere from zero to 0.25%, or extending maturities beyond normal risk parameters in hopes of earning multiple times what cash instruments are paying. The problem with this strategy is that when interest rates do eventually turn around, the rise could be dramatic. In fact, Fed officials are already paving the way for sharp increases when the time comes. Fed Governor and FOMC voting member, Kevin Warsh wrote in a much discussed Wall Street Journal op-ed piece in late September that "the velocity of the policy turn could be faster than many expect". Several days later, Dallas Fed President Richard Fisher was quoted as saying that when the time comes to tighten, the Fed would act "with speed and intensity equal to that with which they pursued monetary accommodation". These comments should probably be taken with a grain of salt, simply because the Fed's credibility is closely tied to their perceived inflation vigilance. There's a turning point ahead, and it's important for the markets to know that Fed officials are driving with their eyes wide open.

PROJECTED STRATEGY FOR THE FOURTH QUARTER 2009:

With pool yields below 0.20% and expected to fall into year-end, we will continue to focus on keeping balances in the local government investment pools as low as practical. We still perceive elevated levels of risk with commercial paper programs and will continue to refrain from CP purchases for the time being. New issue callable agency bonds offer attractive yield premiums over comparable non-callable bonds; we favor these callable bonds with final maturities in the 18- to 24-month range. We also favor agency step-up bonds (those whose coupon payments "step-up" from the initial coupon rate to higher rates if not called). We prefer those with large steps in the coupon rate, which we believe will protect the Town's portfolio in case the Fed raises interest rates sooner or more aggressively than currently expected. We continually monitor interest rates on collateralized bank certificates of deposit, but are seeing fewer institutions offering attractive yields. We still believe it is prudent to increase investment into CD's when yields surpass agency bond yields and will be on the lookout for those opportunities.

Town of Addison
FIXED INCOME DISTRIBUTION
September 30, 2009

Summary Information

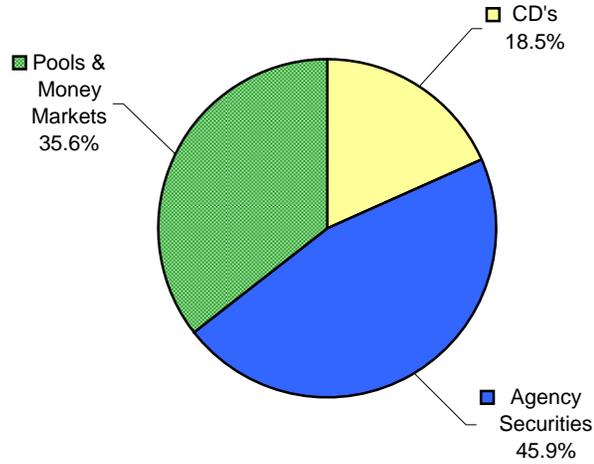
<u>Totals</u>		<u>Weighted Averages</u>	
Par Value	66,299,594.04	Average YTM	1.417
Market Value	66,502,465.66	Average Maturity (yrs)	0.3
Adjusted Cost	66,383,483.36	Average Coupon (%)	1.903
Net Gain/Loss	118,982.30	Average Duration	0.3
Annual Income	1,256,222.77		
Number of Issues	15		

Distribution by Maturity

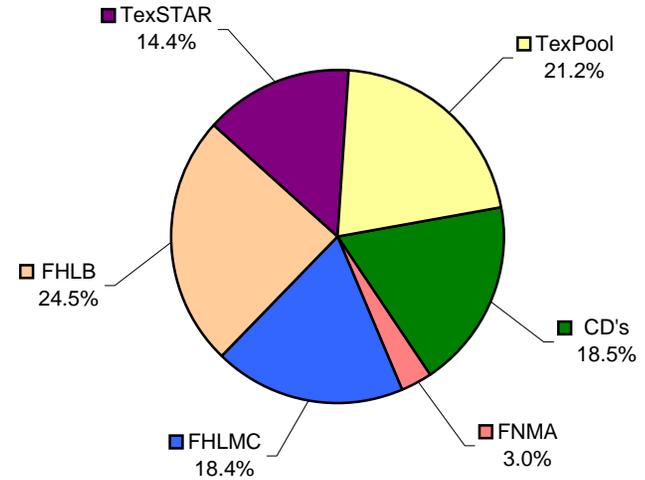
<u>Maturity</u>	<u>Number</u>	<u>Mkt Value</u>	<u>% Bond Holdings</u>	<u>Average Y T M</u>	<u>Average Coupon</u>	<u>Average Duration</u>
0 - 3 Months	7	37,073,327.65	55.7	1.066	1.530%	0.044
3 - 6 Months	3	10,127,187.50	15.2	1.724	3.281%	0.401
6 - 9 Months	14	15,275,246.51	23.0	1.893	1.838%	0.599
1 - 2 Years	1	4,026,704.00	6.1	2.142	2.125%	1.434

Town of Addison
Portfolio Composition
September 30, 2009

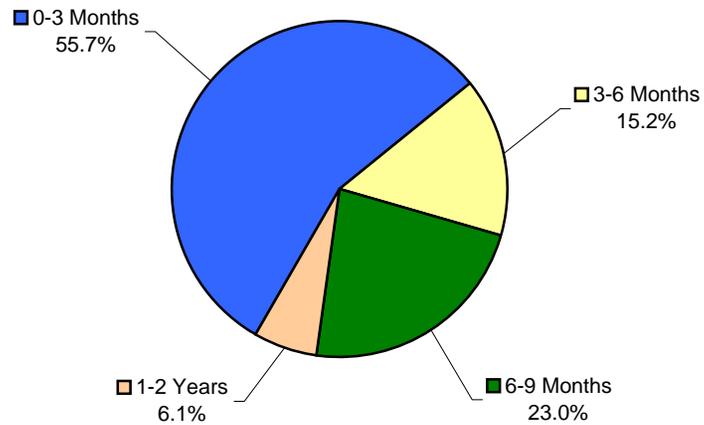
Portfolio Composition by Security Type



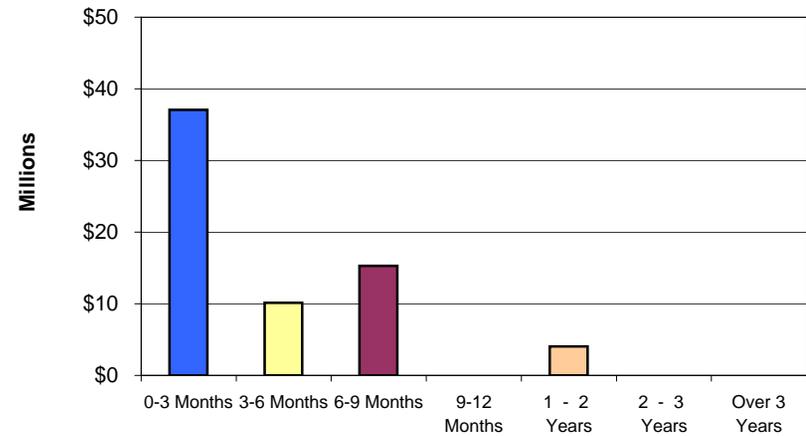
Portfolio Composition by Issuer



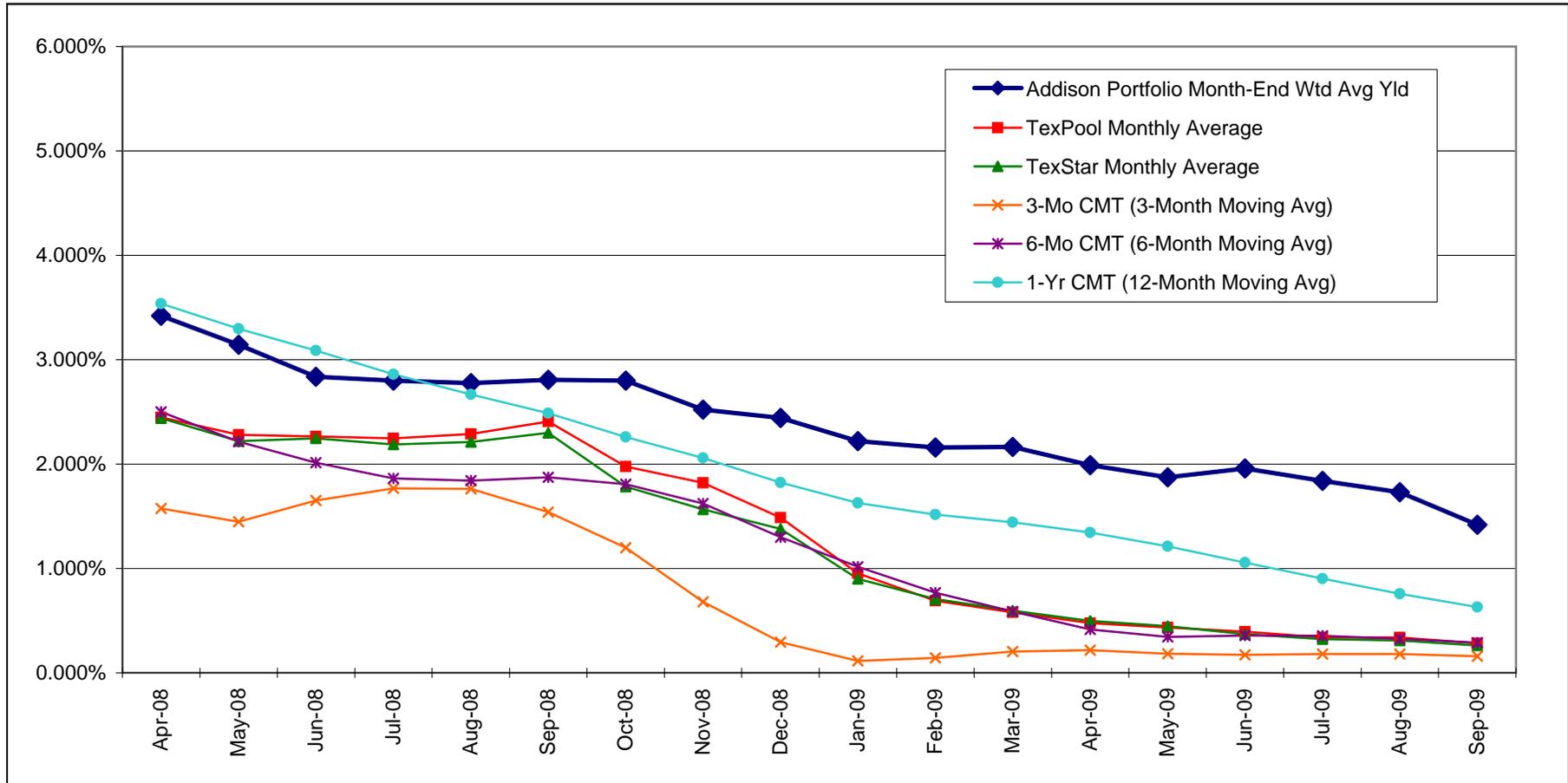
Portfolio Composition by Maturity (Percentage)



Portfolio Composition by Maturity (Amount)



**Town of Addison
Benchmark Comparison
September 30, 2009**



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
DETAIL OF SECURITY HOLDINGS
As of September 30, 2009

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																
TexSTAR	texstar	0.263				9,581,048.03	100.000	9,581,048.03	9,581,048.03	100.000	9,581,048.03	0.00	1		0.263	
TexPool	texpool	0.282				14,121,237.00	100.000	14,121,237.00	14,121,237.00	100.000	14,121,237.00	0.00	1		0.282	
FHLB	3133XMD40	4.500	10-07-08	10-09-09		4,000,000.00	101.806	4,072,240.00	4,001,567.47	100.094	4,003,750.00	86,000.00	9		2.668	
FHLMC	3137EAAK5	4.750	10-21-08	11-03-09		2,000,000.00	101.538	2,030,760.00	2,002,667.22	100.406	2,008,125.00	39,055.56	34		3.224	
FHLMC	3128X7SN5	2.750	11-12-08	11-13-09		2,000,000.00	100.644	2,012,880.00	2,001,512.64	100.277	2,005,542.00	21,083.33	44		2.098	
FHLB	3133XRHP8	3.000	11-13-08	12-15-09		4,250,000.00	100.894	4,287,995.00	4,257,207.29	100.531	4,272,578.12	37,541.67	76		2.164	
FHLMC	3134A4UW2	4.000	11-12-08	12-15-09		1,073,000.00	101.915	1,093,547.95	1,076,887.18	100.750	1,081,047.50	12,637.56	76		2.213	
FNMA	31398AKX9	3.250	11-25-08	02-10-10		2,000,000.00	101.178	2,023,560.00	2,007,018.51	101.062	2,021,250.00	9,208.33	133		2.254	
FHLB	3133XT4Z6	1.000	02-18-09	02-18-10		5,000,000.00	99.939	4,996,950.00	4,998,830.14	100.281	5,014,062.50	5,972.22	141		1.061	
FHLMC	3134A33L8	7.000	11-12-08	03-15-10		3,000,000.00	106.009	3,180,270.00	3,061,344.36	103.062	3,091,875.00	9,333.33	166		2.418	
PlainsCapital Bank CD	6000106	1.500	06-03-09	04-05-10		5,000,000.00	100.000	5,000,000.00	5,000,000.00	100.000	5,000,000.00	24,657.53	187		1.500	
View Pt Bk CD	VPB-CD 2010	5.200	04-05-07	04-05-10		2,000,000.00	100.000	2,000,000.00	2,000,000.00	100.000	2,000,000.00	282.61	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	06-30-07	04-05-10		24,504.12	100.000	24,504.12	24,504.12	100.000	24,504.12	3.46	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	09-30-07	04-05-10		26,534.88	100.000	26,534.88	26,534.88	100.000	26,534.88	3.75	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	12-31-07	04-05-10		26,882.66	100.000	26,882.66	26,882.66	100.000	26,882.66	3.80	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	03-31-08	04-05-10		26,866.18	100.000	26,866.18	26,866.18	100.000	26,866.18	3.80	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	06-30-08	04-05-10		27,212.72	100.000	27,212.72	27,212.72	100.000	27,212.72	3.85	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	09-30-08	04-05-10		27,867.46	100.000	27,867.46	27,867.46	100.000	27,867.46	3.94	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	12-31-08	04-05-10		28,231.72	100.000	28,231.72	28,231.72	100.000	28,231.72	3.99	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	03-31-09	04-05-10		28,054.79	100.000	28,054.79	28,054.79	100.000	28,054.79	3.96	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	06-30-09	04-05-10		28,731.09	100.000	28,731.09	28,731.09	100.000	28,731.09	4.06	187		5.234	
View Pt Bk CD	VPB-CD 2010	5.200	09-30-09	04-05-10		29,423.39	100.000	29,423.39	29,423.39	100.000	29,423.39	4.16	187		5.235	
Cathay Bank CD	791000173	1.450	06-05-09	06-05-10		5,000,000.00	100.000	5,000,000.00	5,000,000.00	100.000	5,000,000.00	23,438.36	248		1.450	
FHLB Step-up	3133XTXY7	0.500	06-19-09	06-15-10	12-15-09	3,000,000.00	100.000	3,000,000.00	3,000,000.00	100.031	3,000,937.50	4,250.00	258	76	0.752	0.500
FHLMC	3128X8RT1	2.125	03-16-09	03-16-11	03-16-10	4,000,000.00	99.995	3,999,800.00	3,999,854.52	100.668	4,026,704.00	3,541.67	532	167	2.128	2.130
		1.900				66,299,594.04	100.571	66,674,596.99	66,383,483.36	100.309	66,502,465.66	277,040.93	115		1.417	
GRAND TOTAL		1.900				66,299,594.04	100.571	66,674,596.99	66,383,483.36	100.309	66,502,465.66	277,040.93	115		1.417	

Town of Addison
Pooled Funds
INVESTMENT TRANSACTIONS
From 07-01-09 To 09-30-09

Settle Date	Security	CUSIP	Coupon	Mature Date	Call Date	Quantity	Unit Price	Amount
PURCHASES								
09-30-09	View Pt Bk CD	VPB-CD 2010	5.200	04-05-10		29,423	100.000	29,423.39
								29,423.39
CALLS								
09-23-09	FHLMC	3128X8SG8	1.250	03-23-10	09-23-09	4,000,000	100.000	4,000,000.00
	Accrued Interest							25,000.00
								4,025,000.00
MATURITIES								
07-01-09	FFCB	31331YZ37	3.125	07-01-09		3,000,000	100.000	3,000,000.00
	Accrued Interest							46,875.00
07-22-09	FNMA Disc Note	313589JL8	0.000	07-22-09		2,000,000	100.000	2,000,000.00
08-05-09	FHLB	3133XGEQ3	5.250	08-05-09		1,500,000	100.000	1,500,000.00
	Accrued Interest							39,375.00
08-07-09	FNMA Disc Note	313589KC6	0.000	08-07-09		2,000,000	100.000	2,000,000.00
08-17-09	GE Capital Corp CP TLGP (FDIC)	36161CVH2	0.000	08-17-09		5,000,000	100.000	5,000,000.00
09-15-09	FHLMC	3134A3M78	6.625	09-15-09		3,000,000	100.000	3,000,000.00
09-15-09	FHLMC	3134A3M78	6.625	09-15-09		3,000,000	100.000	3,000,000.00
	Accrued Interest							198,750.00
								19,785,000.00

Council Agenda Item **#ES1**

There are no attachments for this Item.

Council Agenda Item:#R11

There are no attachments for this Item.