



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

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

AND / OR

WORK SESSION OF THE CITY COUNCIL

6:00 PM

JUNE 11, 2013

TOWN HALL

5300 BELT LINE RD., ADDISON, TX 75254 6:00PM WORK
SESSION; 7:30PM REGULAR MEETING

WORK SESSION

Item
#WS1 - Presentation of pedestrian connectivity conceptual designs for the North and South Quorum Districts and the Beltway Drive/Proton Drive corridors, including sidewalk/trail, lighting, wayfinding, bus stop, public art and streetscape schemes.

Item
#WS2 - Presentation and discussion of the Town's purchasing policies and procedures.

Attachment(s):

1. Purchasing Review - PP
2. Updated Bid Flow Chart
3. Table of Contents

REGULAR MEETING

Pledge of Allegiance

Item #R1- Announcements and Acknowledgements regarding Town and Council Events and Activities

Introduction of Employees

Discussion of Events/Meetings

Item #R2- Consent Agenda.

#2a- Approval of the Minutes for the May 28, 2013 Work Session and Regular Council Meeting.

#2b- Consideration of approval of a landscape architectural design services contract in the amount of \$158,084 with Talley Associates for the pedestrian connectivity project in North and South Quorum.

#2c- Consideration of approval of a landscape architectural design services contract in the amount of \$72,370 with Mesa Design Group for the pedestrian connectivity project in the Beltway, Proton, Midway area.

Item #R3 Presentation of a proclamation honoring Polka Dot Bakery.

- Item #R4 Discussion and consideration of action regarding
- sponsorship of Addison residents and/or employees for the
25th class of Leadership Metrocrest.

Attachment(s):

1. Leadership Metrocrest Scholarship Matrix 2013
-

- Item #R5 Presentation from the Planning and Zoning Commission to
- the City Council and discussion of the Land Use Analysis
portion of the Town of Addison Comprehensive Land Use
Plan.
-

- Item #R6 FINAL PLAT/Lot 3, Block A Vitruvian Park Addition.
- Presentation, discussion, and consideration of approval of
a final plat one lot of 15.173 acres, located on the south
and east bank of Farmers Branch Creek, south of Ponte
Avenue on the west and Bella Lane on the east, on
application from UDR, represented by Mr. Bruce Dunne of
Icon Engineering.

COMMISSION FINDINGS: The Addison Planning and
Zoning Commission, meeting in regular session on May 23,
2013, voted to recommend approval of the request for Final
Plat approval for Lot 3, Block A, Vitruvian park Addition,
subject to the following conditions:

1. Call out the length of all arcs, radii internal angles,
points of curvature, length, and bearing of the
tangents
2. Add building setback lines
3. Add private restrictions
4. Correct discrepancies between written metes and
bounds and plat drawing.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard,

Wheeler,

Voting Nay: none

Absent: Oliver

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

Item #R7 FINAL PLAT/Lot 1, Block D Vitruvian Park Addition.

-

Presentation, discussion, and consideration of approval of a final plat for one lot of 13.245 acres located at the northeast corner of the intersection of Marsh Lane and Vitruvian Way, on application from UDR, represented by Mr. Bruce Dunne of Icon Engineering.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on May 23, 2013, voted to recommend approval of the request for Final Plat approval for Lot 1, Block D, Vitruvian park Addition, subject to the following conditions:

1. Need to add dimensions to plat on sheet 1 of 2
2. Add bearing of tangents
3. Add building setback lines
4. Add dimensions for rights-of-way
5. Correct discrepancies between written metes and bounds and plat drawing.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler,

Voting Nay: none

Absent: Oliver

Attachment(s):

1. docket map, staff report, and Commission findings

Recommendation:

Administration recommends approval.

Item #R8 Discussion and consideration of approval of an award to
- CitiTech Systems, Inc., for an asset and work order management software package including inventory control for the Infrastructure, Operations, and Services Department in the amount of \$57,900.

Recommendation:

Administration recommends approval.

Item #R9 **PUBLIC HEARING.** Public hearing on, and presentation,
- discussion, and consideration of approval of, an Ordinance finding that a Rate Review Mechanism Tariff, that permits the Town to review requested rate increases of Atmos Energy Corp., Mid-Tex Division, is reasonable and in the public interest, and adopting the Rate Review Mechanism Tariff and providing that it is in force and effect in the Town.

Attachment(s):

1. Atmos RRM Ordinance V2
2. Summary of RRM Tariff

Recommendation:

Administration recommends approval.

Item
#R10 - Presentation, discussion, and consideration of approval of a resolution relating to the giving of notice of intention to issue Town of Addison, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013.

Attachment(s):

1. Notice of Intent CO Resolution - V@
2. 2013 Certificates of Obligation Schedule

Recommendation:

Administration recommends approval.

Item
#ES1 - Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the purchase or value of certain real property located within the Town and concerning Addison Airport, and pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, concerning Addison Airport.

Adjourn Meeting

Posted:

Chris Terry, 06/07/13, 5:00pm

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: #WS3

AGENDA CAPTION:

Presentation of pedestrian connectivity conceptual designs for the North and South Quorum Districts and the Beltway Drive/Proton Drive corridors, including sidewalk/trail, lighting, wayfinding, bus stop, public art and streetscape schemes.

FINANCIAL IMPACT:

This project is funded from the \$3.5 million 2012 Bond Program under Proposition 6 - Public Park Improvements to Town pedestrian/bicycle trails, including neighborhood lighting, signage and acquisition of land.

BACKGROUND:

Staff completed design charrettes with three landscape architecture firms to collect ideas on providing streetscape and wayfinding improvements to enhance the pedestrian experience from hotels, and to enhance lighting and trail access along commercial and residential corridors.

RECOMMENDATION:

Staff will provide a progress report and presentation for discussion.

COUNCIL GOALS:

Maintain and enhance our unique culture of creativity and innovation, Raise Property Values, Attract new businesses to Addison, Brand Protection and Enhancement, Infrastructure improvement and maintenance, Fully integrate the Arts as part of our brand, Implement bond propositions, Promote Sustainability

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #WS4

AGENDA CAPTION:

Presentation and discussion of the Town's purchasing policies and procedures.

FINANCIAL IMPACT:

N/A

BACKGROUND:

Purchasing is revising the current purchasing manual and is proposing some policy changes since the last revision in 2007. These changes have been researched and reviewed by City staff and will be proposed on the June 25th agenda. At this work session we will provide a background of purchasing and the procedures in order to give a foundation for the recommended changes.

RECOMMENDATION:

N/A

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Maintain and enhance our unique culture of creativity and innovation, Identify opportunities for improved governance

ATTACHMENTS:

Description:

📎 [Purchasing Review - PP](#)

📎 [Updated Bid Flow Chart](#)

📎 [Table of Contents](#)

Type:

Backup Material

Backup Material

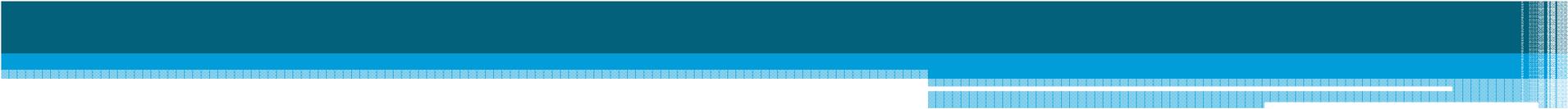
Backup Material

Overview of Purchasing

Work Session- June 11, 2013

By: Chelsea Gonzalez MPA

Carol Cooper CPM, CPPO



Purchasing Mission Statement

The Purchasing Department strives to create the best value for the Town of Addison by managing all procurement needs. Its responsibility includes purchasing of supplies and services, coordinating the bid process, maintaining vendor information, complying with State legislature, managing the disposal and sale of surplus materials, and providing expertise in the procurement process.

Public Sector vs. Private Sector Purchasing

Public Sector

- State Legislature Mandates
 - Bidding Requirements
 - Legal Advertising
 - Sole Source/Emergency Purchases
 - Construction/Change Orders
 - Awarding a Contract
- City Charter/City Ordinances
- Records Retention
- Public Accountability
- Fair, Open, & Transparent

Private Sector

- Stakeholder Accountability
- Internal Policies and Procedures
- Uniform Commercial Code

Common Purchasing Terms

- P-Card: Procurement card used for low value/high volume purchases.
 - Limited by single transaction dollar limit
 - Limited by monthly transaction dollar limit
 - Merchant Category Code (MCC) and Standard Industrial Classification (SIC) Exclusion
- Example: Charles goes to Office Depot



Common Purchasing Terms

Interlocal and Cooperatives

Name	Function
BuyBoard	Coop
HGAC	Coop
US Communities	Coop
State of Texas	Coop
Tarrant County	Interlocal
Fort Worth	Interlocal
Garland	Interlocal
Farmers Branch	Interlocal
Carrollton	Interlocal
North Richland Hills	Interlocal
Plano	Interlocal

Common Purchasing Terms

- HUB- Historically Underutilized Business- State mandated to contact two HUBs for bids between \$3,000- \$50,000
- BidSync- Electronic Solicitation System
- Formal Bid- a bid that must be submitted in a sealed envelope and received and opened on a specific date and at a specific time.



Expenditure Authority

- City Council- approval over \$25,000
- City Manager-
 - Authority over all expenditures
 - May delegate as needed
- Department Head- authority up to \$25,000



Internal Purchasing Authority

- City Manager has delegated this responsibility to the Purchasing Agent
- Purchasing- Solicitations over \$25,000 managed through Purchasing Agent
- Additionally, selected personnel in the City's requesting departments are authorized to make purchases within procedural parameters

Purchases \$3,000 to \$25,000

Current Procedures

- Departments obtains quotes for a good/service
- Finalize the Procurement
- Process through Finance system for payment

Recommended Procedures

- Departments will use Electronic Solicitation System-BidSync
- Purchasing Agent will release the bid ensuring applicable documentation is included

Benefits of BidSync

- Maintains bids in a central location
- Keeps bids per records retention laws
- Helps the City comply with State laws
 - HUB requirements
 - Sealed bid requirements
- Can be used as a search engine for similar specifications or interlocal agreements with other entities
- Departments will use Quick Quote

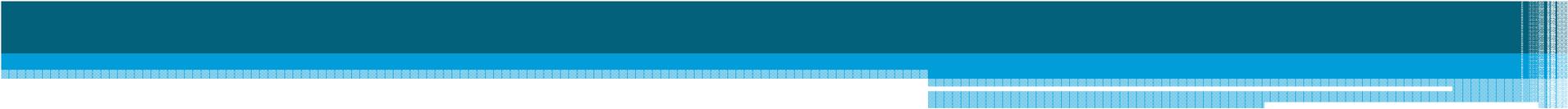
Purchases Greater Than \$25,000

Current Procedures

- Council approval- \$25,000+
- Formal bids required at \$50,000
 - Department provides specifications of project
 - Purchasing creates invitation to bid
- Advertisement requirement
- Upon approval, obtain required documents & execute Purchase Order/Contract

New Procedures

- Propose City Council approval increase to \$50,000
- Addition of Commercial Daily Record as official newspaper for notice to bidders



City Council Approval- DFW

- City of Carrollton- **\$25,000**
- Frisco- **\$25,000**
- The Colony- **\$50,000**
- Farmers Branch- **\$50,000**
- City of Plano- **\$50,000**
- Richardson- **\$50,000**
- Allen- **\$50,000**
- Lancaster- **\$50,000**
- City of Denton- **\$100,000**
- City of Garland- **\$100,000**

Advertisement Comparison

Dallas Morning News

Bid #13-21: \$237.80

Bid #13-22: \$191.00

Bid #13-10: \$237.80

Total: \$666.60

Commercial Daily Record

Bid #13-21: \$95.48

Bid #13-22: \$75.28

Bid #13-10: \$95.48

Total: \$266.24

Savings: \$400.36

Disposal of Unclaimed and Surplus Property

Recommended revision Code of Ordinances Articles VI,
Section 2-301, 2-302, 2-307

- Remove \$100 replacement value and advertising Requirement

Responsible Director would determine value using these guidelines

- Discard – does not have any value and is considered junk
- Cannibalize – dismantled and spare parts used internally
- Sell or Transfer – to another department or sold

Purchasing will coordinate the disposal of unclaimed or surplus/salvage materials



Proposed Policy Changes

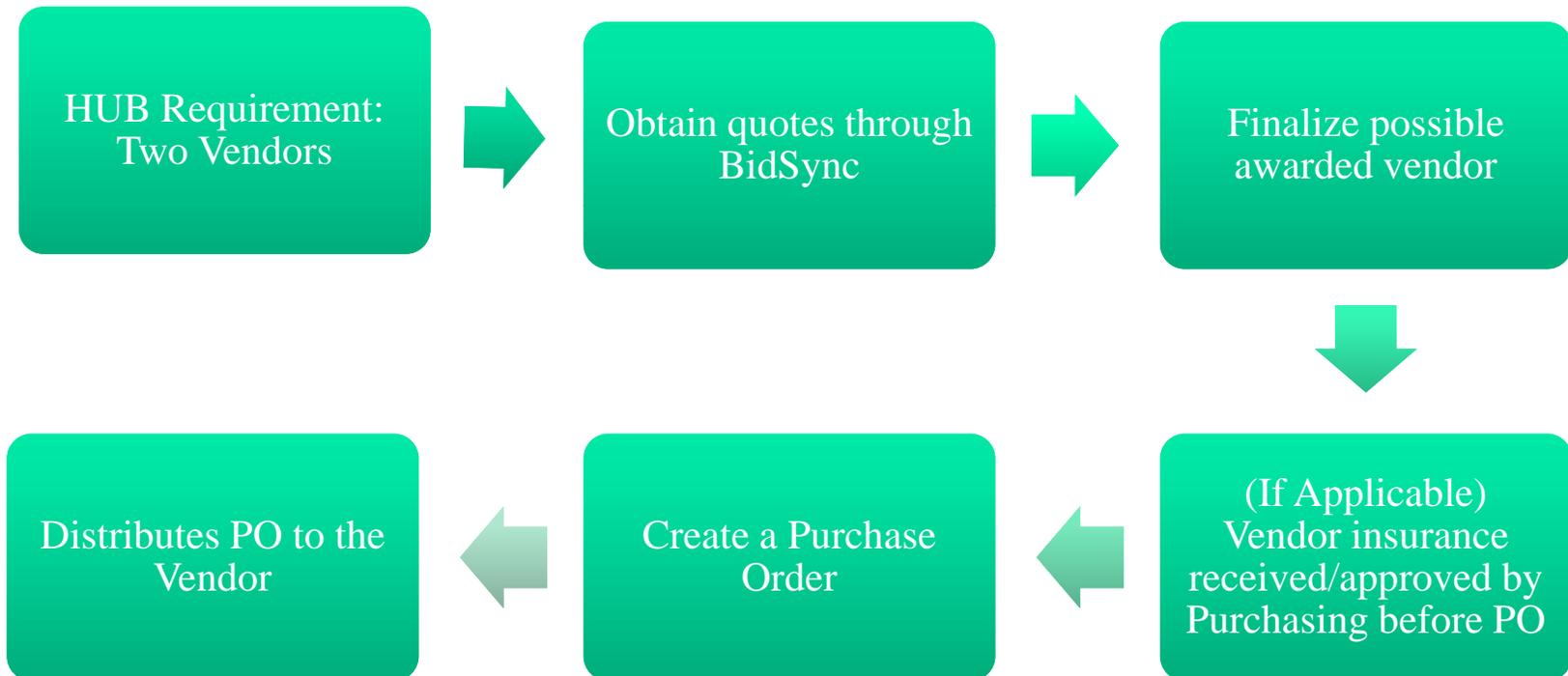
- Council dollar approval increase \$50,000
- No longer have to advertise disposal of surplus materials
- Removal of \$100 replacement value
- Bid notices in Commercial Daily Record



Questions?

We appreciate your help and support!

Procedures for \$3,000 to \$25,000



Procedures for \$25,000+

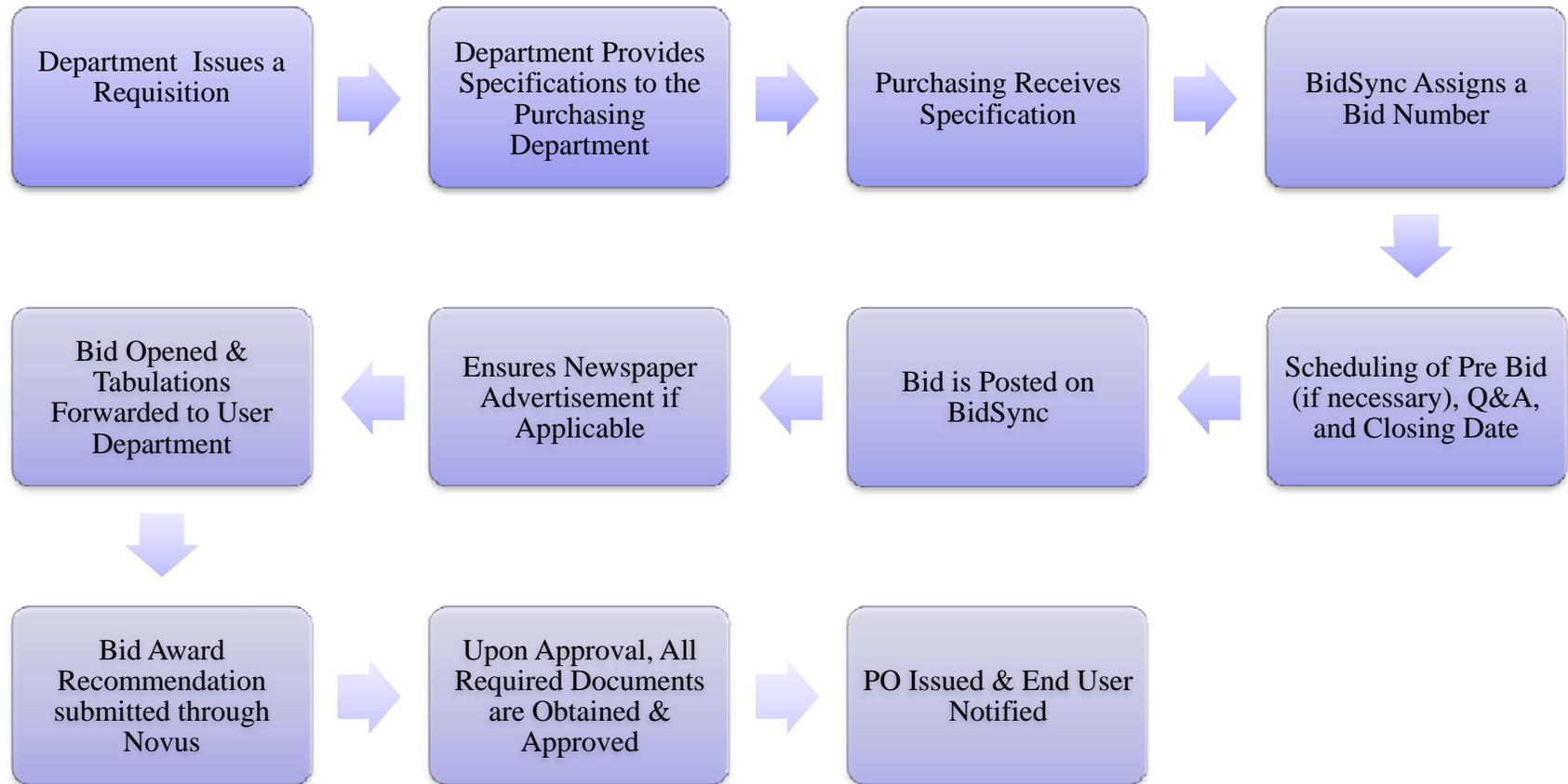


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Council Agenda Item: # R 2a

AGENDA CAPTION:

Approval of the Minutes for the May 28, 2013 Work Session and Regular Council Meeting.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

N/A

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

 [Minutes for May 28 Council Meeting](#)

Type:

Backup Material

**OFFICIAL ACTIONS OF THE ADDISON CITY
COUNCIL
WORK SESSION**

May 28, 2013

6:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254 6:00PM Work
Session; 7:30PM Regular Meeting
Upstairs Conference Room

Council Members Present:

Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Absent:

None

Work Session

Item #WS1 - Presentation and discussion of the proposed sale of
General Obligation Bonds and Certificates of Obligation for airport
purposes, and stormwater and Midway Road improvements.

Item #WS2 - Discussion regarding Kaboom Town activities.

Item #WS3 - Discussion and update regarding the Addison
Community Partners Bureau and its 2013 Service Evaluation Report.

Mayor-Todd Meier

Attest:

City Secretary-Chris Terry

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL REGULAR MEETING

May 28, 2013

6:00 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254 6:00PM Work
Session; 7:30PM Regular Meeting

Chris Terry, 05/24/13, 5:00pm

Council Members Present:

Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Absent:

None

REGULAR MEETING

Item #R1 - Announcements and Acknowledgements regarding Town
and Council Events and Activities

Item #R2 - Consent Agenda

#2a - Approval of the Minutes for the May 14, 2013 Work Session and
Regular Council Meeting.

This item was pulled by Mayor Meier to request that the May 14, 2013
minutes reflect that Council Member Resnik was not present at, nor
voted on any items at the Regular Council meeting.

A motion to Approve w/ Conditions was made by Council Member

Blake Clemens.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

#2b - Consideration of approval of an award of bid to Roof USA, LLC and Trumble Construction, Inc., for hangar roof repairs of city-owned facilities at Addison Airport in the amount of \$251,161.38.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

#2c - Consideration of approval of an award to Allegra Print and Imaging for the Town's annual printing services contract.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

#2d - Consideration of approval of an award of bid to Affiliated Western, Inc., for ADA/ TAS (Americans with Disabilities Act / Texas Accessibilities Standards) facilities modifications at the Addison Conference & Theatre Centre and Athletic Club.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik
Voting Nay: None

Item #R3 - Presentation, discussion and consideration of approval of the appointment of Mayor Pro Tempore and Deputy Mayor Pro Tempore.

Mayor Meier and Council Members Clemens and Arfsten spoke on this item.

A motion to Approve was made by Mayor Todd Meier.
The motion was seconded by Council Member Janelle Moore.
The motion result was: Passed
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik
Voting Nay: None

Item #R4 - Discussion and consideration of approval of an appointment of a member to the Board of Zoning Adjustment.

Council Member Moore made a motion to appoint Troy Cooper as her appointee to the BZA.

A motion to Approve was made by Council Member Janelle Moore.
The motion was seconded by Mayor Todd Meier.
The motion result was: Passed
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik
Voting Nay: None

Item #R5 - Discussion and consideration of adoption of a resolution approving a governing policy for the Community Partners Bureau.

Matt McCombs, Assistant to the City Manager/Assistant City

Secretary, spoke on this item. Kathie Wood, Bureau Chair, also spoke on this item.

A motion to Approve was made by Council Member Margie Gunther. The motion was seconded by Council Member Chris DeFrancisco. The motion result was: Passed
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik
Voting Nay: None

Item #R6 - PUBLIC HEARING, Case 1667-Z/Hard Six Holdings, LLC. Public hearing, discussion and consideration of approval of an ordinance changing the zoning on property located at 15100 Midway Road, which property is currently zoned PD – Planned Development, Ordinance 095-016, to I-1, Industrial-1 District, on application from Hard Six Holdings, LLC, represented by Mr. Michael Montgomery.

Carmen Moran, Director of Development Services, and Slade Strickland, Director of Parks and Recreation, spoke on this item. Motion was made to approve the item subject to the conditions set forth regarding landscaping improvements.

A motion to Approve w/ Conditions was made by Council Member Neil Resnik. The motion was seconded by Council Member Blake Clemens. The motion result was: Passed
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik
Voting Nay: None

Item #R7 - PUBLIC HEARING, Case 1668-SUP/Zoe's Kitchen. Public hearing, discussion and consideration of approval of an ordinance changing the zoning on property located at 5100 Belt Line Road, Suite1056, which property is currently zoned PD – Planned

Development through Ordinance 012-002, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Zoe's Kitchen, represented by Mr. Matt Wells.

Carmen Moran, Director of Development Services, presented this item.

A motion to Approve was made by Council Member Blake Clemens. The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R8 - PUBLIC HEARING, Case 1669-SUP/Hot N Juicy Crawfish. Public hearing, discussion and consideration of approval of an ordinance changing the zoning on property located at 4145 Belt Line Road, Suite 214, which property is currently zoned LR – Local Retail, by approving for that property a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, on application from Hot N Juicy Crawfish, represented by Ms. Laina Vo.

Carmen Moran, Director of Development Services, presented this item.

A motion to Approve was made by Council Member Bruce Arfsten. The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R9 - PUBLIC HEARING, Case 1670-SUP/Lawry's The Prime Rib. Public hearing, discussion, and consideration of approval of an ordinance changing the zoning on property located at 14655 Dallas Parkway, which property is currently zoned PD - Planned Development 517, by approving for that property an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to expand a patio at an existing restaurant, on application from Lawry's The Prime Rib, represented by Mr. Lars Staberg.

Carmen Moran, Director of Development Services, presented this item. Carl Thoma, owner of Lawry's The Prime Rib, also spoke on this item.

A motion to Approve was made by Council Member Chris DeFrancisco.

The motion was seconded by Council Member Margie Gunther.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R10 - Discussion and consideration of approval of a resolution in support of privately managed Trap, Neuter, Release (TNR) programs to effectively and humanely control the community cat population in the Town of Addison.

Mark Gooch, Assistant to the City Manager, presented this item.

A motion to Approve was made by Council Member Bruce Arfsten.

The motion was seconded by Council Member Janelle Moore.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R11 - Presentation and discussion of contracts for services with non-profits and their annual funding requests for Fiscal Year 2013-2014.

Matt McCombs, Assistant to the City Manager, presented this item. John Hill, City Attorney, also spoke on this item.

There was no action taken.

Item #R12 - Presentation, discussion and consideration of approval of BYOD (Bring Your Own Device) policy to define standards, procedures, and restrictions for end users who are connecting a personally-owned device to the Town of Addison network for business purposes.

Hamid Khaleghipour, Director of Information Technology, presented this item.

A motion to Approve was made by Council Member Neil Resnik. The motion was seconded by Council Member Chris DeFrancisco. The motion result was: Passed
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik
Voting Nay: None

Item #R13 - Presentation, discussion and consideration of approval of a contract with BlueLine Services for the purchase of a computer server and a storage array in the amount of \$30,835.66.

Hamid Khaleghipour, Director of Information Technology, presented this item.

A motion to Approve was made by Council Member Blake Clemens. The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R14 - Presentation, discussion and consideration of approval of a contract with Brazos Technology for the purchase and installation of a Digital Citation System in the amount of \$61,101.

Hamid Khaleghipour, Director of Information Technology, presented this item.

A motion to Approve was made by Council Member Neil Resnik.

The motion was seconded by Council Member Bruce Arfsten.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R15 - Presentation, discussion and consideration of approval of a contract with BRITEMARK in an amount not to exceed \$40,000.00 for producing, removing and installation of new police fleet decals.

Ron Davis, Chief of Police, presented this item.

A motion to Approve was made by Council Member Neil Resnik.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R16 - Presentation of the Government Finance Officers Association (GFOA) "Distinguished Budget Presentation Award" for

the fiscal year beginning October 1, 2012.

Eric Cannon, Chief Financial Officer, presented this item.

There was no action taken.

Item #R17 - Presentation of Texas Comptroller Leadership GOLD Circle Award for financial transparency for the fiscal year beginning October 1, 2012.

Eric Cannon, Chief Financial Officer, presented this item.

There was no action taken.

Item #ES1 - Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the purchase or value of certain real property located within the Town and concerning Addison Airport.

Council entered Executive Session at 8:37pm
Concil exited Executive Session at 9:01pm

There was no action taken.

Item #R18 - Discussion and consideration of any action regarding certain real property located within the Town of Addison and concerning Addison Airport, including the purchase or value of such property, and related matters.

A motion to Approve was made by Council Member Blake Clemens.
The motion was seconded by Council Member Neil Resnik.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Mayor-Todd Meier

Attest:

City Secretary-Chris Terry

Council Agenda Item: # R 2b

AGENDA CAPTION:

Consideration of approval of a landscape architectural design services contract in the amount of \$158,084 with Talley Associates for the pedestrian connectivity project in North and South Quorum.

FINANCIAL IMPACT:

This project is funded from the \$3.5 million 2012 Bond Program under Proposition 6 - Public Park Improvements to Town pedestrian/bicycle trails, including neighborhood lighting, signage and acquisition of land.

BACKGROUND:

Staff completed design charrettes with three landscape architecture firms to look at ways to enhance pedestrian connectivity and user experience in Addison. The design teams focused on three major areas: North Quorum; South Quorum; and Beltway/Proton/Midway. The teams were asked to address lighting, signage, landscape, shade, crosswalks and public art as a part of their design. Talley Associates was selected for North and South Quorum based on their 'big idea' and the Town's ability to implement their plan in phases (both through development, re-development, partnerships, and Proposition 6 Bond money).

RECOMMENDATION:

Administration recommends approval. Talley Associates was a successful candidate of the IDIQ (Indefinite Delivery, Indefinite Quantity) process for consultant selection. Talley Associates has completed the following projects in the Town of Addison: Parkview Park and Spruill Park.

COUNCIL GOALS:

Create raving fans of the Addison Experience, Raise Property Values, Attract new businesses to Addison, Brand Protection and Enhancement, Infrastructure improvement and maintenance, Fully integrate the Arts as part of our brand, Implement bond propositions, Develop Next Great Idea, Promote Sustainability, Enhance Public Safety

ATTACHMENTS:

Description:

 [Landscape Architectural Services Proposal - Talley Associates](#)

Type:

Backup Material

29 May 2013
Revised 4 June 2013



Mr. Slade Strickland, Director and Mr. Michael Kashuba, Landscape Architect
Parks and Recreation
Town of Addison
PO Box 9010
Addison, Texas 75001-9010

Re: Landscape Architectural Services Proposal
Town of Addison Quorum Pedestrian Connection Project – Surveying/Schematic Design
TA 13026.00

Dear Mr. Strickland and Mr. Kashuba:

Talley Associates, Inc. ("Talley") is pleased to submit to the Town of Addison ("Client") this proposal for landscape architectural services for the Town of Addison Quorum Pedestrian Connection Project (Project).

We understand that the goal of the Project is to enhance the pedestrian experience of the Quorum area through the development of stronger, clearer pedestrian linkages, providing ways to protect pedestrians from the weather along these linkages, providing lighting and landscape upgrades as part of the pedestrian linkages and providing way-finding elements. The design should be based upon the product of our design charette package (Addison Quorum ArtWalk) and additional input and collaboration with the Town of Addison. The North and South Quorum districts are illustrated in the attached exhibit.

We further understand that a \$3.5 million bond proposal is in place to fund design and construction.

Upon acceptance of the terms and conditions provided herein by Client (as evidenced by the execution of this document by Client in the space indicated below), this document shall become the fully binding and exclusive agreement between the parties with respect to the Project (this document, whether accepted or not, shall be referred to herein as this "Agreement"). Based on our understanding of the Project, Talley proposes to provide Client with the following services with respect to the Project:

A. PRE-DESIGN SERVICES (PROJECT INITIATION AND SURVEY RELATED SERVICES)

1. Project Initiation

- a. Project Initiation – Talley shall meet with the Client to discuss the concepts developed in the Design Charette Phase. At this meeting, the Client will identify specific items of concentration along with feedback, goals and expectations.
- b. Make site visits to evaluate the Project Area conditions, take photographs of the area and assess relevant adjacency considerations.

2. Surveying Services

- a. The boundaries of the scope of work for the "South Quorum" district are limited to: the Town's right-of-way plus 50-feet (50') of adjacent property on the interior side of the loop and 20-feet (20') of adjacent property on the exterior side of the loop. The boundaries for the "North Quorum" district are limited to the approximate centerline of Quorum Drive to its east right-of-way plus 20-feet (20') of adjacent property, the Town's right-of-way for Edwin Lewis Drive plus 20-feet (20') of adjacent property, the Town's right-of-way for Spectrum Drive plus 20-feet (20') of adjacent

Planning
Landscape Architecture
Urban Design

1925 San Jacinto
Suite 400
Dallas, Texas 75201
T 214.871.7900
F 214.871.7985

property, and the western right-of-way for the Dallas North Tollway plus 40-feet (40') of adjacent property.

3. Right-of-Entry Agreements

- a. Prepare Right-of-Entry agreements (approximately forty (40) properties) to the adjacent landowners along Quorum Drive, Spectrum Drive, Edwin Lewis Drive and Landmark Boulevard as shown on the attached Exhibit "A" and Exhibit "B". Preparation of the Town's Right-of-Entry agreements will include:
 1. Utilization of the tax appraisal and county clerk's websites to gather ownership and deed information for the tracts of land adjacent to the existing rights-of-way. The information gathered will be used to create the agreements.
 2. Obtaining the Town's signature on the agreements.
 3. Submitting agreements to the adjacent land owners utilizing the U.S. Postal Service via mail and certified mail with self-addressed stamped envelopes included in the mailings.
 4. Tracking receipt of executed agreements.
 5. Coordinating with landowners to secure approval of the agreements.

4. Right-of-Way/Boundary Verification

- a. Prepare and submit a CADD file to be utilized as a base map displaying the apparent existing rights-of-way for Quorum Drive, Spectrum Drive, Edwin Lewis Drive, Landmark Boulevard and the Dallas North Tollway while displaying the record lot or property lines, land ownership and addresses obtained as described above. Preparation of the file will include:
 1. Obtaining existing plats, right-of-way maps, and recent deeds to identify existing boundary monuments and witness markers within the existing rights-of-way. Review easements and property/deed restrictions provided to us by the owner, the Town of Addison, or a title company.
 2. Establishing sufficient horizontal control to locate boundary monuments and visible improvements inside the rights-of-way.
 3. Analyzing information gathered in the field to establish the apparent existing rights-of-way. Per the Town of Addison, the apparent right-of-way is defined as the existing right-of-way with a plus/minus 1-foot tolerance.
 4. Establishing tract boundaries by field survey once we receive the necessary Right-of-Entry agreement from the landowner.
 5. Indicate easements and encumbrances and show graphically where applicable.

5. Topographic Survey

- a. Prepare and submit a CADD file to be used in conjunction with the Right-of-Way/Boundary Verification file depicting the topographic features found in the project boundaries (see attached Exhibit "A" and Exhibit "B"). The limits of the work area are described above. Preparation of the file will include:
 1. Established vertical control based on a known vertical datum system.
 2. Locating existing visible improvements inside the limits of the work area.
 3. Obtaining elevation on a grid sufficient to produce one-foot contours.
 4. Sectioning streets and alleys at 50-foot stations to the far edge of pavement.
 5. Obtaining vertical and horizontal location of visible on-site utilities.
 - a. Obtain flow line elevations on manholes.
 - b. Note direction of flow and size of lines in manholes.

6. Showing underground utilities in their approximate locations based on utility maps provided by the Town or utility companies.
7. Locating trees 6-inches (6") and larger in caliper measured three feet (3') above the ground and identify by their common name.
8. Researching the county clerk's website for easements and encumbrances and show graphically where applicable.

6. Survey Control Map

- a. The Survey Control Map shall be signed and sealed by the Registered Professional Land Surveyor responsible for the survey. The map shall become part of the final construction documents.
- b. Prepare and submit a Survey Control Map illustrating in a graphical format the following:
 1. The apparent existing Rights-of-Way established in Section II.
 2. Existing easements identified in Sections II and III.
 3. If provided to us, proposed permanent and temporary easements.
 4. Project control line(s) including all points of inflection.
 5. Permanent and temporary Horizontal Control and Vertical Control bench marks with three (3) point tie details.
 6. Coordinates of all horizontal/vertical control points.
 7. Other relevant data necessary to provide field parameters for construction.

7. Easements by Separate Instrument (Performed on a Fee per Exhibit Basis)

- a. Prepare and submit a metes & bounds description with an exhibit for each proposed easement inside the limits of the work area. Preparation will include:
 1. An exhibit depicting the location of each easement utilizing the CADD files mentioned in Sections II and III above.
 2. A metes & bounds description of the easement corresponding with the exhibit.
 3. Placement of monuments in the field at easement corners. Note: Monuments will be placed one time only. Replacement of monuments will be an additional service.
 4. Original signature and seal will be affixed to the exhibit and metes & bounds description.
 5. Submit exhibit and metes & bounds description to the Town for review and attachment to easement language.
 6. Easement documents are to be filed at the county by the Town.

8. Survey Related Reimbursable Expenses

- a. Reimbursable items such as reproduction, travel, deliveries, filing fees, recording fees, etc., will be billed at cost plus 10 percent. Agency review fees shall be paid by the Owner or they will be billed separately at Talley cost plus ten percent (10%).

B. DESIGN SERVICES

1. Project Deliverables

- a. **Preliminary Construction Documents – Schematic Design (30% Review Set).** The Preliminary Construction Documents - Schematic Design Submittal shall reflect comments from the design charette phase. Submittal package shall include, at a minimum, the following documents and activities:

1. Site plans showing the proposed street sections, pedestrian trails, bus stops, shelters, plazas, lighting and other design elements included in this project. These design elements shall be placed based on the survey information, Town Standards and other site constraints.
2. Enlarged plan graphics and details of design elements with elevations and other graphics as necessary to communicate the concept.
3. Develop a typical bus stop for South Quorum.
4. Develop an enhanced lighting scheme.
5. Identify and develop key pedestrian plaza locations.
6. Prepare an Opinion of Probable Construction Cost estimate, based on the latest unit prices in Dallas County for similar work and include adjustments to reflect the ease or difficulty of constructing the Project.
7. Furnish Client with three (3) paper copies and one (1) Adobe Acrobat PDF copy of the Preliminary Construction Documents - Schematic Design Submittal (30%).

D. ADDITIONAL SERVICES. The following additional services related to the Project may be provided if mutually agreed upon by the parties, and if so provided shall become part of the Services:

1. Design development, construction documentation and bidding and negotiation/construction administration services;
2. Any rezoning related services;
3. Services for special Site features or amenity, i.e. fountain mechanical;
4. Professional model building services;
5. Additional travel beyond that provided in this Agreement;
6. Construction staking;
7. Subdivision platting;
8. Compliance with the latest ALTA/ACSM requirements;
9. Identifying future or proposed streets or rights-of-way;
10. Flood study or flood plain determination;
11. Location of underground utilities;
12. Traffic studies or development impact studies;
13. Illustrative renderings beyond those described in this Agreement;
14. Special investigations involving detailed consideration of operations, maintenance, and overhead expenses; special feasibility studies, appraisals and valuations; and material audits or inventories required by Client;
15. Environmental impact studies or assessments or audits and/or Regulatory Agency Permitting; and
16. Maintenance manuals.

E. EXCLUDED SERVICES. The following services will not be provided by Talley, and shall not be considered part of the services:

1. Subsurface/geotechnical conditions;
2. Soil/geotechnical issues;
3. Contractor insurance requirements;
4. Contractor bidding requirements; and
5. Subsurface drainage design.

F. ESTIMATED SCHEDULE AND PROJECT BUDGET.

1. Talley shall render its services as expeditiously as is consistent with professional skill and care. During the course of the Project, anticipated and unanticipated events may impact any Project schedule. We understand the overall schedule to be in accordance with the attached exhibit.

2. As of the date of this Agreement, we understand that a \$3.5 million bond proposal is in place to fund design and construction. We anticipate that the survey phase will commence in July - August 2013, and that the design phase will commence in August – September 2013 and be completed in November 2013. Client agrees to promptly notify Talley if Client's schedule or budget changes. Client acknowledges that significant changes to the Project schedule, budget or the scope of the Project may require Additional Services from Talley.

G. COMPENSATION AND PAYMENTS. Client agrees to pay Talley as follows:

A. Pre-Design Services:

1. Project Initiation	\$ 2,000
2. Surveying Services (Items 2 through 6)	\$87,120
3. Easements by Separate Instrument (Item 7)	\$1,650/Easement
4. Survey Related Reimbursable Expenses (Estimate Only)	\$ 2,640

Subtotal **\$ 89,120**
(Excluding Easements by Separate Instrument and Survey Related Reimbursable Expenses)

B. Design Services:

1. Prelim. Construction Documents – Schematic Design (30% Review Set)	\$61,575
2. Design Services Reimbursable Expenses (Estimated/Used as Needed)	\$ 7,389

Subtotal **\$ 68,964**

GRAND TOTAL **\$158,084**
(Excluding Easements by Separate Instrument and Survey Related Reimbursable Expenses).

D. Additional Services: On an hourly basis, in accordance with the Hourly Rate Schedule below:

Hourly Rate Schedule

Talley Associates:

Principal	\$250.00
Associate Principal	\$155.00
Associate	\$125.00
Professional Staff - Level Three	\$ 90.00
Professional Staff - Level Two	\$ 80.00
Professional Staff - Level One	\$ 75.00
Administrative Support Staff	\$ 55.00

Civil/Survey/Structural/Other:

Principal	\$180.00
Senior Associate	\$165.00
Associate	\$125.00
Senior Project Manager	\$110.00
Project Manager	\$100.00
Senior Structural Designer	\$110.00
Senior Project Engineer	\$ 95.00
Project Engineer	\$ 90.00

Design Engineer II	\$ 80.00
Design Engineer I	\$ 75.00
Senior Project Technician	\$ 85.00
Project Technician	\$ 75.00
Technician III	\$ 65.00
Technician II	\$ 60.00
Technician I	\$ 40.00
Survey Department Manager	\$140.00
Survey Project Manager	\$100.00
Survey Crew – 3 Man	\$160.00
Survey Crew – 2 Man	\$125.00
Survey Crew – 1 Man	\$ 75.00

E. Design Services Reimbursable Expenses: All reasonable expenses incurred by Talley in providing the Services, multiplied by 1.10, including, but not limited to, reproduction, postage, document handling, long distance and facsimile charges, authorized travel, and Client requested renderings and models. **Design Services Reimbursable Expenses are estimated to be 12% of the fee and are indicated as a line item above, and shall be used and reimbursed on an as-needed basis.**

F. Invoicing: Talley shall bill Client for Basic and Additional Services, as well as Reimbursable Expenses, once a month. A service charge of 1.5% per month will be charged on all amounts due more than 30 days after the date of invoice.

H. TERMINATION.

1. If the Project is suspended for more than 30 consecutive days, for reasons other than the fault of Talley, Talley shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, Talley's compensation shall be equitably adjusted to provide for expenses incurred in the interruption and resumption of Talley's services.
2. If the Project is abandoned by the Client because of the Owner's abandonment of the Project for more than 90 consecutive days, Talley may terminate this Agreement by giving written notice.
3. This Agreement may be terminated by either party upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

I. DISPUTE RESOLUTION. Client and Talley agree to mediate claims or disputes arising out of or relating to this Agreement as a condition precedent to litigation. The mediation shall be conducted by a mediation service mutually acceptable to both parties. A demand for mediation shall be made within a reasonable time after a claim or dispute arises and the parties agree to participate in mediation in good faith. Mediation fees shall be shared equally. In no event shall any demand for mediation be made after such claim or dispute would be barred by the applicable law.

J. OWNERSHIP OF DOCUMENTS.

1. All documentation prepared by Talley, including, but not limited to, drawings and specifications, are the property of Talley, and these documents shall not be reused on other projects without Talley's written permission. Talley retains all rights, including the copyright in its documents. Client or others cannot use Talley's documents to complete this Project with others unless Talley is found to have materially breached this Agreement.

- 2. Client hereby grants Talley the right to include descriptions of the Project in its promotional and professional materials.

K. GOVERNING LAW. This Agreement is governed by the law of the state in which the Site is located.

L. ENTIRE AGREEMENT AND SEVERABILITY.

- 1. This Agreement is the entire and integrated agreement between Client and Talley and supersedes all prior negotiations, statements or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Client and Talley.
- 2. In the event that any term or provision of this Agreement is found to be void, invalid or unenforceable for any reason, that term or provision shall be deemed to be stricken from this Agreement, and the balance of this Agreement shall survive and remain enforceable.

M. ASSIGNMENT. Neither party can assign this Agreement without the other party's written permission.

N. NO THIRD PARTY BENEFICIARIES. Nothing in this Agreement is intended to create a contractual relationship for the benefit of any third party. There are no intended beneficiaries of this Agreement except Talley and Client.

O. EXPIRATION OF PROPOSAL. If this Agreement is not signed by Client in the space indicated below and returned to Talley within 30 days, this proposal to perform the Services is withdrawn and shall be null and void.

We appreciate the opportunity to collaborate on the Project, and look forward to working with you. Should you have any questions with respect to this Agreement, please feel free to contact me.

Sincerely,



Kevin G Bernauer ASLA AICP
Associate Principal

AGREED AND ACCEPTED:

Authorized signature for Client
cc: File

Date

Council Agenda Item: # R 2c

AGENDA CAPTION:

Consideration of approval of a landscape architectural design services contract in the amount of \$72,370 with Mesa Design Group for the pedestrian connectivity project in the Beltway, Proton, Midway area.

FINANCIAL IMPACT:

This project is funded from the \$3.5 million 2012 Bond Program under Proposition 6 - Public Park Improvements to Town pedestrian/bicycle trails, including neighborhood lighting, signage and acquisition of land.

BACKGROUND:

Staff completed design charrettes with three landscape architecture firms to look at ways to enhance pedestrian connectivity and user experience in Addison. The design teams focused on three major areas: North Quorum; South Quorum; and Beltway/Proton/Midway. The teams were asked to address lighting, signage, landscape, shade, crosswalks and art as a part of their design. Mesa Design Group was the design firm selected by staff for the Beltway/Proton/Midway area.

RECOMMENDATION:

Administration recommends approval. Mesa Design Group was a successful candidate of the IDIQ (Indefinite Delivery, Indefinite Quantity) process for consultant selection. Mesa Design Group has completed the following projects for the Town of Addison: Quorum Park and the Arapho Streetscape.

COUNCIL GOALS:

Create raving fans of the Addison Experience, Raise Property Values, Attract new businesses to Addison, Brand Protection and Enhancement, Infrastructure improvement and maintenance, Fully integrate the Arts as part of our brand, Implement bond propositions, Develop Next Great Idea, Promote Sustainability, Enhance Public Safety

ATTACHMENTS:

Description:

Type:

 [Proposal and Contract for Professional Services - Mesa Design Group](#) Backup Material

Proposal and Contract for Professional Services

June 3, 2013

Michael Kashuba
Parks, Recreation and Landscape Development
Town of Addison
P.O. Box 9010
Addison, TX 75001

Project: Pedestrian Connection Project: Beltway-Proton-Midway
Addison, Texas

Dear Mr. Kashuba,

We are pleased to present this letter of proposal describing landscape architectural services to be provided by MESA, the costs of these services and general conditions under which these services would be executed. This proposal addresses initial design charrette through construction documentation and assistance with bidding and construction observation. We have included the surveying, landscape, hardscape, overhead structures, signage and lighting design for the areas provided in Exhibit 'B' of the overall RFP received on April 30, 2013.

Our proposal is as follows:

SCOPE OF SERVICES:

Task One: Project Initiation and Initial Design Charrette Review

MESA will coordinate a kick-off meeting with the Town of Addison to discuss deliverables, schedules, and critical milestones regarding the connectivity design as determined in the Design Charrette Phase. During the meeting, MESA will work with the Client to discuss the key goals and expectations for the design and conceptual design ideas.

Following the meeting with the Town, MESA will prepare the following documents:

1. Organization chart showing responsibilities for design services and subconsultants
2. Outline Specifications
3. Representative sample of Construction Documentation deliverable documents
4. Bid Form and Bid Tab template

Product: Above information in digital format.

Meetings: One (1) kickoff meeting.

Task Two: Site Survey

Following the project kick-off meeting, a site survey will be completed to evaluate the existing landscape as it pertains to the physical condition and health of the existing trees, shrubs and ground cover. In addition, MESA will inventory particular resources and opportunities inherent in the site and/ or its interface with surrounding areas by means of a contextual analysis of the roadway hierarchy by identifying gateways, internal nodes/key intersections, and driveway locations as cognitive elements to be represented in the proposed landscape design. The assessment will identify the gateway, nodes and driveway locations along with areas of existing vegetation that should remain, areas to be enhanced, and areas to be completely renovated. Boundary and Topography survey (performed by registered surveyor) are included in this task. Relevant Site conditions include:

1. Identification of the geographic limits of the Planning Area.
2. Base information in AutoCAD format.

3. Aerial Photography (DFW Maps.com or Google Earth images only)
4. Consideration of traffic flow (vehicular and pedestrian) and special relationship between the key amenities
5. Development Control Information (existing development controls/ policies, ordinances, public commitments, and private plans in progress, all to be provided by the Client as and when required, if applicable)
6. Right of Way easements and agreements to adjacent landowners
7. Topography and significant vegetation
8. Coordination of Geotechnical and Material Testing Services

Product: MESA will prepare various assessment diagrams, matrices, and presentations in order to communicate the collected data to the Client.

Meetings: None

Task Three: Schematic Design

MESA will develop a schematic design including plan enlargements, diagrams, sections, sketches and/or images to delineate the design intent of the open space, drainage, and hardscape areas based on the comments from the previous task and charrette. This task includes quantity take-offs for inclusion into the opinion of probable construction costs for the Client to use in establishing a final budget. In conjunction with this analysis, the engineering consultant will provide necessary input to evaluate any grading implications of the design. Elements of the schematic design will include:

1. Street sections and ROW Improvement
2. Pedestrian trails and pavement surface selections
3. Landscape planting selections
4. Site furnishing selections
5. Preliminary lighting locations and selections
6. Provide coordination for development of the preliminary color palette, identify finishes and major materials

Product: One (1) rendered final schematic design plan, image boards representing hardscape ,site finishes and furnishings, and landscape design through enlarged plans, sketches, diagrams, sections, elevations, and inspirational imagery. Landscape plans will not include a specific plant schedule but rather represent form and intent.

Meetings: One (1) coordination meeting and one (1) final design presentation meeting with the Town at MESA offices in Dallas.

COST OF SERVICES

The below scope of services will be billed on a percentage completion basis as applicable (in accordance with the fee schedule specified below) with the total cost of services not to exceed the amount specified for each without a written addendum to this contract. The fees provided are based on a variable construction cost and associated complexity of deliverables.

Task	Basic Services
PART I: Preliminary Design	
Task One: Project Initiation and Initial Design Charrette Review <i>Lump Sum</i>	\$11,020.00
Task Two: Site Survey <i>Not To Exceed</i>	\$25,000.00
Task Three: Schematic Design <i>Lump Sum</i>	\$36,350.00
Total Cost of Base Services (Tasks One-Three):	\$72,370.00

REIMBURSABLE EXPENSES

Reimbursable non-labor costs for this project are anticipated at approximately 12% of the professional fee billings. Reimbursable Expenses have been distributed within the Lump Sum Fees

Please note that Travel & Mileage expenses are not accounted for within this reimbursable estimate and will be billed separately, as incurred.

ADDITIONAL SERVICES/HOURLY FEE SCHEDULE

Services requested, but not specifically included in the scope of services listed above, will be considered additional services. Modifications to drawings, after approval by Town, as a result of changes requested by Town or other consultant will be considered additional services and billed at an hourly rate as follows:

Senior Principal	\$235.00
Principal	\$180.00
Associate Principal	\$150.00
Associate	\$130.00
Senior Project Manager	\$110.00
Project Manager	\$100.00
Senior Designer	\$ 90.00
Designer	\$ 75.00
Intern	\$ 50.00
Marketing/Acct./Admin	\$ 75.00

PROPOSAL AND CONTRACT CONDITIONS

The following is a listing of contractual conditions that apply to this proposal:

1. The Client will provide the following and MESA has the right to rely on this information and rely on any information provided by others:
 - a. Boundary and general topographic survey locating structures, existing vegetation, existing property lines and underground utilities that cross the property on AutoCAD file.
 - b. Architectural Site Plan on AutoCAD file.
 - c. Budgetary Considerations.
 - d. Soils and/or Geotechnical Report (if required)

2. Not included are the following:
 - a. Utilities (water, sewer, storm, electrical, cable, telephone, etc.)
 - b. Electrical or mechanical engineering
 - c. Landscape lighting plans (MESA will provide the lighting locations and selections. Electrical consultant to provide electrical layout)
 - d. Civil, structural, mechanical and electrical engineering if required.
 - e. Project signage environmental graphics.
 - f. Tree mitigation plans or application.
 - g. Roof garden/building waterproofing and associated appurtenances of any kind
 - h. Design of any related off-site improvements
 - i. Illustrative plans, models, and drawings not specifically described in Scope of Services.
 - j. Redesign of elements due to site plan changes (i.e., buildings relocate, site grading changes)
 - k. Subsurface detention design
 - l. Geotechnical information.
 - m. As Built Drawings
 - n. TDLR Submittal

3. MESA Design Associates may subcontract consultants in the performance of any services described in this agreement.

4. MESA Design Associates does not act as General Contractor in any way, or accept responsibility for poor craftsmanship.
- 5. The above-described compensation for MESA Design Associates does not include the following non-labor costs:**

Reimbursables:

- a. Photostats/photocopying/plotting
- b. Binding
- c. Printing/reprographics
- d. Photography/film/film processing
- e. Mylars and reproducibles
- f. Federal Express, courier and/or delivery fees
- g. Mailing/Postage
- h. Microfilming/scanning/digitizing
- i. Blue printing, printing or binding for bid sets
- j. Long distance telephone calls and faxes
- k. Mileage (percentage allowed by IRS) currently @ .56.5/mi.
- l. Permits and/or registration fees
- m. Travel expenses outside of Dallas such as airfare and lodging
- n. Other products and services requested by the Town and not specifically described herein.
- o. Any and all Jurisdictional Submittal, Permitting or Review Fees.
- p. TDLR Fees and Expenses.

There will be a 15% Administrative Fee added to all reimbursable expenses.

6. Should the Client or Owner cancel scheduled meetings with less than 72 hours notice, MESA reserves the right to invoice the Client or Owner for all related National and International travel and accommodation expenses incurred.
7. Either Party may terminate this contract with (7) seven days written notice to the other party. Upon termination, MESA will be paid for all work performed, including reimbursable expenses, through the date of termination.
8. Should the project go "on hold" for more than sixty (60) days, the Consultant reserves the right to charge a \$600.00 restart fee when the project resumes. MESA's fees for the remaining services and the time schedules shall be equitably adjusted.
9. This agreement is to be governed by the laws of the State of Texas. Compensation for all services shall be paid in Dallas, Dallas County, Texas.
10. In the event disputes are not satisfactorily resolved through informal discussions, the Client and MESA agree that all disputes between them arising out of or relating to this agreement or the Project shall be submitted to nonbinding mediation. In the event the parties to this agreement are unable to reach a settlement through mediation, then such disputes shall be settled by litigation, in a court of competent jurisdiction.
11. Invoice Terms: Net thirty (30) days from invoice date. A finance charge of 1.5% per month (18% per annum) will be added to accounts over thirty (30) days past due. Client agrees to pay reasonable attorney's fees incurred by MESA to collect on unpaid invoices. MESA reserves the right to file a property lien if invoices go over sixty (60) days past due.
12. If the client fails to make payments to MESA in accordance with this agreement, such failure shall be considered substantial non-performance and cause for termination or, at MESA's option, cause for suspension of performance of service under this agreement. If MESA elects to suspend service, prior to suspension of services, MESA shall give seven (7) days written notice to the Client. In the event of a suspension of services,

MESA shall have no liability to the Client for delay or damage caused to the Client because of such suspension of services. Client agrees to hold MESA harmless and completely indemnify MESA from and against any and all damages, costs, attorney's fees, and/or other expenses which MESA may incur as a result of any claim by any person or entity arising out of such suspension of work. Before resuming services, MESA shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of MESA's services. MESA's fees for the remaining services and the time schedules shall be equitably adjusted.

13. The hourly rates and multiples for services of the Consultant and Consultant's sub consultants as set forth in this Agreement shall be adjusted in accordance with their normal salary review practices annually or as agreed upon between the Client and Consultant. MESA reserves the right to adjust hourly-based contracts and additional service fees to compensate for inflation increases annually.
14. The initial payment of \$ 0 Dollars (\$ Zero) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Client's account at final payment. Subsequent payments for services shall be made monthly and, where applicable, shall be in proportion to services performed on the basis set forth in this Agreement.
15. The Texas Board of Architectural Examiners has jurisdiction over complaints regarding the professional practices of persons registered as Landscape Architects in Texas. Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337; tele: 512.305.9000; fax: 512.305.9005; e-mail: www.tbae.state.tx.us.
- 16. LIMITATION OF LIABILITY: to the maximum extent permitted by law, the Client agrees to limit MESA's liability for the Client's damages to two times the fees indicated in this proposal. This limitation shall apply regardless of the cause of action or legal theory pled or asserted.**
17. By making visits to the site, MESA is not assuming the responsibilities of the builder, Construction Manager, Construction Superintendent or any of their agents or subcontractors.
18. Plans, drawings and specifications or other writings or documents prepared or provided by MESA hereunder are prepared for this Project only, but may be used by MESA for purposes of illustrating the scope and nature of project involvement. MESA shall provide Client with a reproducible set of drawings and specifications for its records. They shall not be used by Client for other projects or extensions to the project without the express written permission of MESA.
19. It is expressly understood and agreed that MESA shall not have control of, or charge of, or be responsible for construction, means, methods, techniques, sequences or procedures, or for safety precautions or programs in connection with the Project or for the acts or omissions of any contractor, subcontractor or other persons performing work for the Project and Client shall indemnify MESA and hold MESA harmless from and against any and all claims, demands, losses, costs, third party beneficiaries, liabilities and damages including, without limitation, reasonable attorney's fees and expenses, incurred by MESA and arising out of or related to any of the aforesaid.
20. Notwithstanding any other provision of this Agreement, MESA and MESA's sub consultants shall have no responsibility for the discovery, presence, handling, removal, disposal or exposure of persons to hazardous materials in any form at the project site, including but not limited to asbestos, asbestos products, mold, polychlorinated biphenyl (PCB) or other toxic substances.
21. The Client agrees to waive consequential damages for claims, disputes or other matters in question arising out of or relating to this agreement.
22. Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either MESA or the Client. MESA 's services under this agreement are being performed

solely for the Client's benefit, and no other party or entity shall have any claim against MESA because of this agreement or the performance or nonperformance of services hereunder.

23. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless MESA, its officers, directors, employees and sub consultants (collectively, MESA) against all damages, liabilities or costs, including reasonable attorney's fees and costs, to the extent caused by the Clients negligent acts or breach of this agreement, and the acts of its contractors, subcontractors or consultants or anyone for whom the Client is legally liable. Neither the Client nor MESA shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.

24. This document supercedes all previous discussions and documents, if any, and may only be amended by written agreement between the parties.

Respectfully submitted,
MESA Design Associates, Inc.

Acceptance of Proposal and Contract Terms and
Conditions:

<p>_____</p> <p>Stan Cowan, ASLA Principal</p>	<p>By: _____ Town of Addison</p>
<p></p> <p>_____</p> <p>Fred Walters, ASLA Principal</p>	<p>_____</p> <p>Date</p>

Note: Please return a signed copy to MESA for execution.

Council Agenda Item: #R3

AGENDA CAPTION:

Presentation of a proclamation honoring Polka Dot Bakery.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R4

AGENDA CAPTION:

Discussion and consideration of action regarding sponsorship of Addison residents and/or employees for the 25th class of Leadership Metrocrest.

FINANCIAL IMPACT:

Funds are available in the Fiscal Year 2013 General Fund. Fiscal Year 2012 costs totaled \$6,200.

BACKGROUND:

Last summer, Council approved a scholarship "matrix" for determining the sponsorship level of Addison Residents to the Leadership Metrocrest program. The main idea was that the funding level increased based on several variables, including level of community involvement and length of residency.

Last year's class consisted of Reggie Carney, Phil Griggs, Fran Powell, Billy Dreis, and Ivan Hughes, with Charles Goff (City Manager's Office) and Paul Spencer (Police) also attending as Town employees.

A copy of the scholarship matrix from last year has been updated to reflect 2013 applicants.

This item is being brought forward well in advance of the Chamber's July 15 deadline to allow for sufficient time to review and adjust the matrix, as well as identify prospective attendees for this year's Leadership Metrocrest class.

RECOMMENDATION:

COUNCIL GOALS:

Maintain and enhance our unique culture of creativity and innovation, Enhance sense of community for all stakeholders/Expand Volunteer Opportunities

ATTACHMENTS:

Description:

 [Leadership Metrocrest Scholarship Matrix 2013](#)

Type:

Backup Material



Town of Addison's Scholarship Matrix for Residents Participating in Leadership Metrocrest

Addison Board or Organization	Percentage of Scholarship Offered	Leadership Metrocrest Fee	ToA's Contribution
Council Member or P&Z Member	100%	\$1,000	\$1,000
Citizen Academy Graduate	80%	\$1,000	\$800
Volunteer for Arbor Foundation, Addison Addvocates, Water Tower Theatre	70%	\$1,000	\$700
Addison Residency greater than 5 years	50%	\$1,000	\$500
Addison Residency 4 years or less	25%	\$1,000	\$250

The scholarship received will be at the highest level that a resident qualifies.

Town of Addison Scholarship Contribution – Class XXV

Applicant	Highest Qualification Level	Percentage of Scholarship Offered	Leadership Metrocrest Fee	TOA Contribution
Ilene Cohen	Addison Resident 4 years or Less	25%	\$1,000	\$250
Kathy Perkins	Addison Resident 5 years or more	50%	\$1,000	\$500
Nino Torres	Volunteer for Addison Addvocates	70%	\$1,000	\$700
Shanna Nugent	Addison Resident 5 years or more	50%	\$1,000	\$500
TOTAL ADDISON CONTRIBUTION				\$1,950

Council Agenda Item: #R5

AGENDA CAPTION:

Presentation from the Planning and Zoning Commission to the City Council and discussion of the Land Use Analysis portion of the Town of Addison Comprehensive Land Use Plan.

FINANCIAL IMPACT:

N/A

BACKGROUND:

Hard copies of the Plan will be distributed in the Council Packets.

RECOMMENDATION:

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Maintain and enhance our unique culture of creativity and innovation, Create and implement a Comprehensive Land Use/Revitalization Plan, Develop Next Great Idea, Promote Sustainability

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R6

AGENDA CAPTION:

FINAL PLAT/Lot 3, Block A Vitruvian Park Addition. Presentation, discussion, and consideration of approval of a final plat one lot of 15.173 acres, located on the south and east bank of Farmers Branch Creek, south of Ponte Avenue on the west and Bella Lane on the east, on application from UDR, represented by Mr. Bruce Dunne of Icon Engineering.

COMMISSION FINDINGS:The Addison Planning and Zoning Commission, meeting in regular session on May 23, 2013, voted to recommend approval of the request for Final Plat approval for Lot 3, Block A, Vitruvian park Addition, subject to the following conditions:

1. Call out the length of all arcs, radii internal angles, points of curvature, length, and bearing of the tangents
2. Add building setback lines
3. Add private restrictions
4. Correct discrepancies between written metes and bounds and plat drawing.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler,

Voting Nay: none

Absent: Oliver

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Raise Property Values

ATTACHMENTS:

Description:

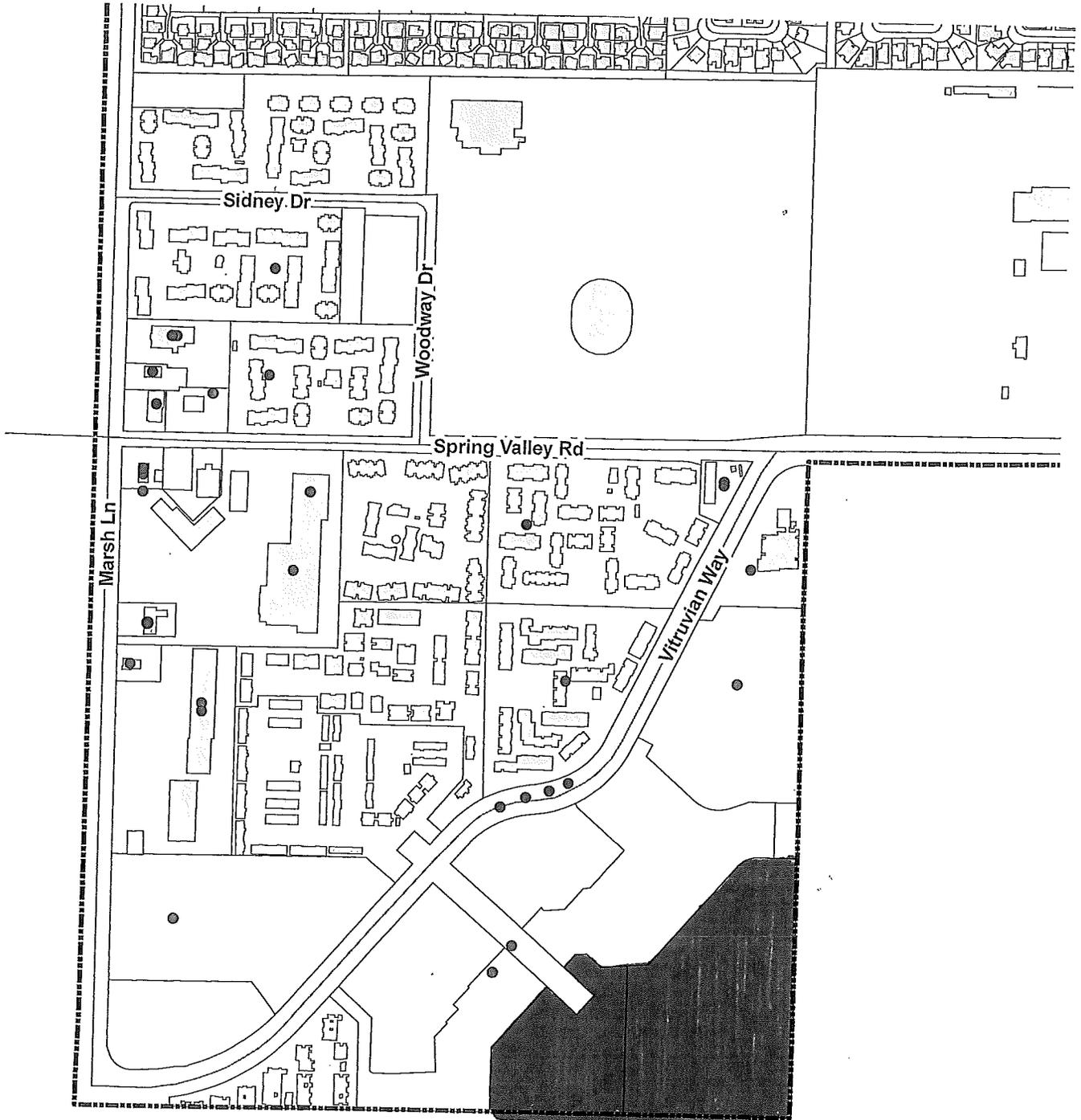
 [docket map, staff report, and commission findings](#)

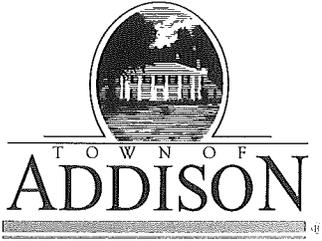
Type:

Cover Memo

Lot 3, Block A, Vitruvian Park Addition

FINAL PLAT/Lot 3, Block A Vitruvian Park Addition. Requesting approval of a final plat one lot of 15.173 acres, located at on the south and east bank of Farmers Branch Creek, south of Ponte Avenue on the west and Bella Lane on the east, on application from UDR, represented by Mr. Bruce Dunne of Icon Engineering.





May 7, 2013

STAFF REPORT

RE: FINAL PLAT/Lot 3, Block A,
Vitruvian Park Addition

LOCATION: One lot of 15.173 acres located
at the south and east bank of
Farmers Branch Creek, south of
Ponte Avenue on the west and
Bella Lane on the east.

REQUEST: Approval of a final plat

APPLICANT: UDR, represented by Mr. Bruce
Dunne or Icon Engineering

DISCUSSION:

Background. This property is part of the Vitruvian Park development and is located immediately south of Farmers Branch Creek and south of the first three phases (Savoye, Savoye2, and Fiori) of Vitruvian Park.

Public Works Review. The City's Engineers have reviewed the proposed plat, and notes the following items that need to be corrected:

1. Call out the length of all arcs, radii internal angles, points of curvature, length, and bearing of the tangents
2. Add building setback lines
3. Add private restrictions
4. Correct discrepancies between written metes and bounds and plat drawing.

RECOMMENDATION:

Staff recommends approval of the final plat for Lot 3, Block A, Vitruvian Park Addition, subject to the corrections listed above. A mark-up of the plat has been provided to the applicant.

Respectfully submitted,

A handwritten signature in black ink that reads "C MORAN". The letters are somewhat stylized and connected.

Carmen Moran
Director of Development Services

FINAL PLAT/Lot 3, Block A, Vitruvian Park Addition
May 24, 2013

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on May 23, 2013, voted to recommend approval of the request for Final Plat approval for Lot 3, Block A, Vitruvian park Addition, subject to the following conditions:

1. Call out the length of all arcs, radii internal angles, points of curvature, length, and bearing of the tangents
2. Add building setback lines
3. Add private restrictions
5. Correct discrepancies between written metes and bounds and plat drawing.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler,
Voting Nay: none
Absent: Oliver

FINAL PLAT
LOT 3, BLOCK A
VITRUVIAN PARK ADDITION
Section IX. - Final plat and plans.

The developer or his engineer shall submit the final plat and complete construction plans to the development services department for review. Submittal shall include a letter of transmittal requesting review and payment of the required filing fees.

Once submitted, the director of development services shall check and verify the plat, or shall cause the plat to be checked and verified by appropriate and qualified personnel, as to its completeness and compliance with all requirements within ten days of its submission. If the final plat is incomplete or does not comply with all requirements, it shall be deemed not to have been submitted or filed until any and all deficiencies are corrected. The official date of filing shall be the date that the director of development services or the director's designee confirms that the plat is complete and complies with all requirements. The director or the director's designee shall provide to the applicant a written confirmation of his or her determination, which shall provide the official date of filing and specify the meeting of the planning and zoning commission scheduled for review of the final plat. If the director or the director's designee determines that the plat is incomplete or does not meet all requirements, he or she shall provide written confirmation of the determination and the reasons therefore. If the applicant disagrees with a determination that the plat does not comply with all requirements, the applicant shall submit a written objection to the director within five business days of the postmark date of the written confirmation. If a written objection is submitted, the director shall schedule the plat for consideration by the planning and zoning commission. The official filing date for any plat that is not checked and verified as to its completeness within ten days of its submission shall be the 11th day after its submission.

The final plat shall conform to the approved preliminary plat where applicable, and shall contain the following:

- A. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
- B. True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
- C. An accurate location of the subdivision with reference to the abstract and survey records of Dallas County.
- D. The exact layout including:
 1. Street names;
 2. The length of all arcs, radii internal angles, points of curvature, length, and bearing of the tangents; → NOT SHOWN
 3. All easements for rights-of-way provided for public services or utilities and any limitations of the easements; and
 4. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
- E. The accurate location, material, and approximate size of all monuments.
- F. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

w/a

- G. Setback building lines. *NONE SHOWN*
- H. Private restrictions. *NONE SHOWN*
- I. Proposed name of the subdivision.
- J. Name and address of the subdivider.
- K. North point, scale and date.
- L. Certification by a registered professional surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown.
- M. Proof of ownership of the property. *- NOT PROVIDED*
- N. A certificate of ownership and dedication of all streets, fire lanes, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land along with complete and accurate description of the land subdivided and the streets dedicated.
- O. Names of lenders and lienholders on the property. *- NOT PROVIDED*
- P. Additional certificates to properly dedicate easements or right-of-way as may be necessary and in the form as required by the town. Such easement certificates shall be in the following form, which form shall be required to be attached to and made a part of the final plat: *NONE SHOWN*

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

✓ That _____ ("Owner") does hereby adopt this plat designating the hereinabove property as _____, an addition to the Town of Addison, Texas, and subject to the conditions, restrictions and reservations stated hereinafter, owner dedicates to the public use forever the streets and alleys shown thereon.

The easement shown on this plat are hereby reserved for the purposes as indicated, including, but not limited to, the installation and maintenance of water, sanitary sewer, storm sewer, drainage, election, telephone, gas and cable television. Owner shall have the right to use these easements, provided, however, that it does not unreasonably interfere or impede with the provision of the services to others. Said utility easements are hereby being reserved by mutual use and accommodation of all public utilities using or desiring to use the same. An express easement of ingress and egress is hereby expressly granted on, over and across all such easements for the benefit of the provider of services for which easements are granted. Any drainage and floodway easement shown hereon is hereby dedicated to the public's use forever, but including the following covenants with regards to maintenance responsibilities. The existing channels or creeks traversing the drainage and floodway easement will remain as an open channel, unless required to be enclosed by ordinance, at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage and floodway easement. The town will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury of private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of water runoff shall be permitted by construction of any type building, fence or any other structure within the drainage and floodway easement. Provided, however, it is understood that in the event it becomes necessary for the town to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the town shall have the right, but not the obligation, to enter upon the drainage and floodway easement at any point, or points, with all rights of ingress and egress to investigate, survey, erect, construct or maintain any drainage facility deemed necessary by the town for maintenance or efficiency of its respective system or service.

Water main and sanitary sewer easements shall also include additional area of working space

for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water service and sewer services from the main to curb or pavement line, and the descriptions of such additional easements herein granted shall be determined by their locations as installed.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Addison, Texas.

The construction plans shall be prepared by or under the supervision of a registered professional engineer in the State of Texas and shall bear his seal on each sheet.

The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the standard specifications of the Town of Addison.

Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

After review of the plat and plans by the public works department and town engineer, the plat and plans shall be submitted to the planning and zoning commission and the city council for their consideration. If approved by those bodies subject to changes, the engineer for the owner shall make all changes required. The director of public works or his designated agent will approve all plans and return sufficient approved sets of the plans to the engineer for the owner for use by the contractors. Each contractor shall maintain one set of the plans, stamped with town approval, on the project at all times during construction.

(Ord. No. 087-069, § 2, 10-13-1987; Ord. No. 004-056, § 7, 12-14-04)

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	05/11/2010
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3	ISSUED FOR PERMITS	05/11/2010
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5	ISSUED FOR PERMITS	05/11/2010
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10	ISSUED FOR PERMITS	05/11/2010

LOT 3, BLOCK A
VITRUVIAN PARK ADDITION
 NOAH GOOD SURVEY ABSTRACT NO. 520
 ADDISON, DALLAS COUNTY, TEXAS

DCO Addition At Brownhollow LP
 100 Brownhollow LP
 3872 Fortia Avenue, Suite 400
 Addison, TX 75001
 972-718-5500

PREPARED BY
KADLECK ASSOCIATES
 10000 Katy Road, Suite 100
 Houston, TX 77024
 281-416-2222

DATE: APR 28, 2010
 SHEET: 3 OF 3

SEE SHEET 2 FOR LEGS, DESCRIPTION AND DECLARATION STATEMENT
 SHEET 1 OF 2
 FINAL PLAT

DATE AC: 12/14/09
 DEDICATION SUBJECT: 12/14/09

10041.1 Acres
 DCO Addition At Brownhollow LP
 Inst. No. 20100302810
 O.P. SUBJECT.

4.7814 Acres
 DCO Greenhollow LP
 Inst. No. 20080402810
 O.P. SUBJECT.

1041.1 Acres
 DCO Addition At Brownhollow LP
 Inst. No. 20080402810
 O.P. SUBJECT.

1041.1 Acres
 DCO Addition At Brownhollow LP
 Inst. No. 20080402810
 O.P. SUBJECT.

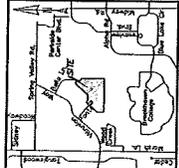
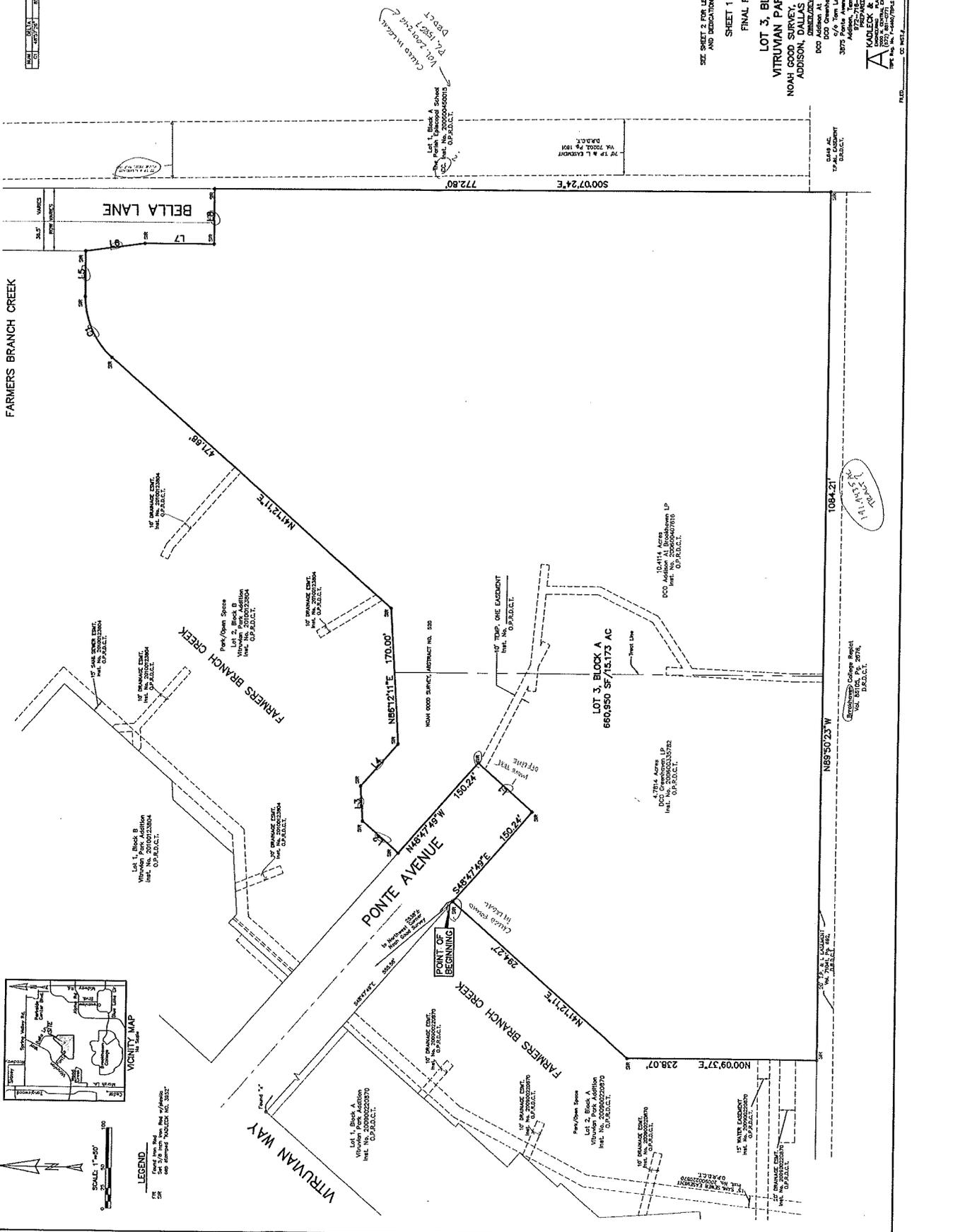
1041.1 Acres
 DCO Addition At Brownhollow LP
 Inst. No. 20080402810
 O.P. SUBJECT.

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 DCO Addition At Brownhollow LP
 Inst. No. 20080402810
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 Inst. No. 20080402810
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1041.1 Acres
 DCO Addition At Brownhollow LP
 Inst. No. 20080402810
 O.P. SUBJECT.



LEGEND
 Solid line: Boundary of Addition
 Dashed line: Boundary of Block
 Dotted line: Boundary of Lot

DATE: APR 28, 2010
 SHEET: 3 OF 3

Council Agenda Item: #R7

AGENDA CAPTION:

FINAL PLAT/Lot 1, Block D Vitruvian Park Addition. Presentation, discussion, and consideration of approval of a final plat for one lot of 13.245 acres located at the northeast corner of the intersection of Marsh Lane and Vitruvian Way, on application from UDR, represented by Mr. Bruce Dunne of Icon Engineering.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on May 23, 2013, voted to recommend approval of the request for Final Plat approval for Lot 1, Block D, Vitruvian park Addition, subject to the following conditions:

1. Need to add dimensions to plat on sheet 1 of 2
2. Add bearing of tangents
3. Add building setback lines
4. Add dimensions for rights-of-way
5. Correct discrepancies between written metes and bounds and plat drawing.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler,

Voting Nay: none

Absent: Oliver

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Raise Property Values

ATTACHMENTS:

Description:

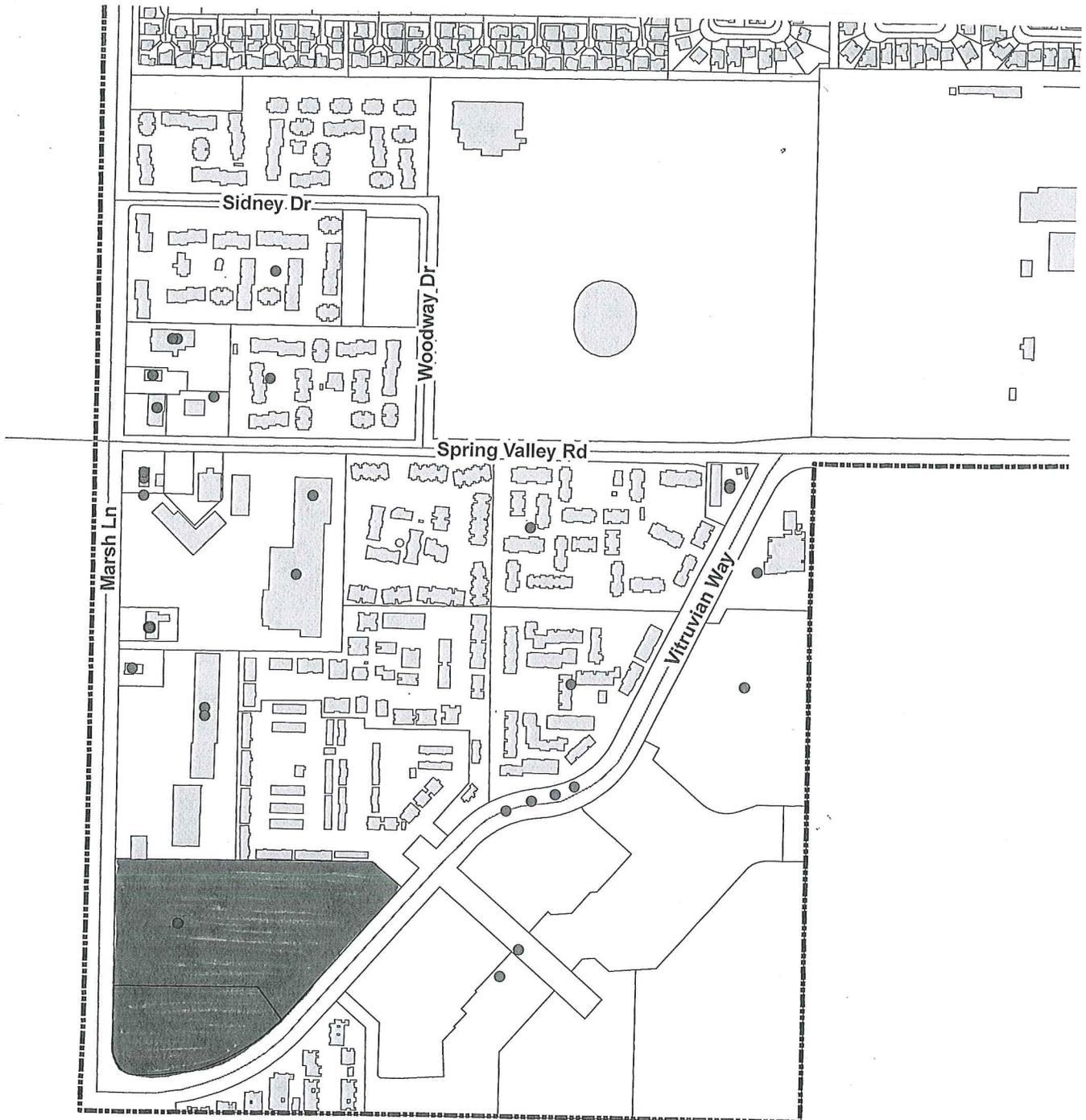
[docket map, staff report, and Commission findings](#)

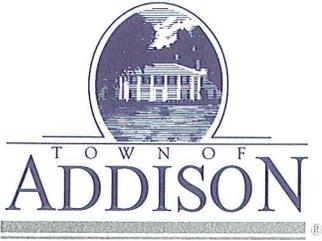
Type:

Cover Memo

Lot 1, Block D, Vitruvian Park Addition

FINAL PLAT/Lot 1, Block D Vitruvian Park Addition. Requesting approval of a final plat one lot of 13.245 acres located at the northeast corner of the intersection of Marsh Lane and Vitruvian Way, on application from UDR, represented by Mr. Bruce Dunne of Icon Engineering.





May 7, 2013

STAFF REPORT

RE: FINAL PLAT/Lot 1, Block D,
Vitruvian Park Addition

LOCATION: One lot of 13.245 acres located
at the northeast corner of the
intersection of Marsh Lane and
Vitruvian Way

REQUEST: Approval of a final plat

APPLICANT: UDR, represented by Mr. Bruce
Dunne or Icon Engineering

DISCUSSION:

Background. This property is part of the Vitruvian Park development and is currently serving as the "tree farm." UDR demolished the multi-family units that were on the property in 2008, and they have been using the site to store trees that they plan to put on other sites within the district.

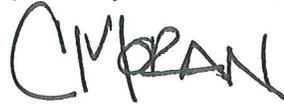
Public Works Review. The City's Engineers have reviewed the proposed plat, and notes the following items that need to be corrected:

1. Need to add dimensions to plat on sheet 1 of 2
2. Add bearing of tangents
3. Add building setback lines
4. Add dimensions for rights-of-way
5. Correct discrepancies between written metes and bounds and plat drawing.

RECOMMENDATION:

Staff recommends approval of the final plat for Lot 1, Block D, Vitruvian Park Addition, subject to the corrections listed above. A mark-up of the plat has been provided to the applicant.

Respectfully submitted,

A handwritten signature in black ink that reads "C. MORAN". The signature is written in a cursive, slightly stylized font.

Carmen Moran
Director of Development Services

FINAL PLAT/Lot 1, Block D, Vitruvian Park Addition
May 24, 2013

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on May 23, 2013, voted to recommend approval of the request for Final Plat approval for Lot 1, Block D, Vitruvian park Addition, subject to the following conditions:

1. Need to add dimensions to plat on sheet 1 of 2
2. Add bearing of tangents
3. Add building setback lines
4. Add dimensions for rights-of-way
5. Correct discrepancies between written metes and bounds and plat drawing.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler,
Voting Nay: none
Absent: Oliver

*Final Plat
Lot 1, Block D
Vitruvian Park Addition*

*Reviewed by
CobbFendley
Mickey D. Nowell RPLS
May 6, 2013*

Section IX. - Final plat and plans.

The developer or his engineer shall submit the final plat and complete construction plans to the development services department for review. Submittal shall include a letter of transmittal requesting review and payment of the required filing fees.

Once submitted, the director of development services shall check and verify the plat, or shall cause the plat to be checked and verified by appropriate and qualified personnel, as to its completeness and compliance with all requirements within ten days of its submission. If the final plat is incomplete or does not comply with all requirements, it shall be deemed not to have been submitted or filed until any and all deficiencies are corrected. The official date of filing shall be the date that the director of development services or the director's designee confirms that the plat is complete and complies with all requirements. The director or the director's designee shall provide to the applicant a written confirmation of his or her determination, which shall provide the official date of filing and specify the meeting of the planning and zoning commission scheduled for review of the final plat. If the director or the director's designee determines that the plat is incomplete or does not meet all requirements, he or she shall provide written confirmation of the determination and the reasons therefore. If the applicant disagrees with a determination that the plat does not comply with all requirements, the applicant shall submit a written objection to the director within five business days of the postmark date of the written confirmation. If a written objection is submitted, the director shall schedule the plat for consideration by the planning and zoning commission. The official filing date for any plat that is not checked and verified as to its completeness within ten days of its submission shall be the 11th day after its submission.

The final plat shall conform to the approved preliminary plat where applicable, and shall contain the following:

*Need dims on
plat sheet 1 of 2.*

- ✓ A. The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract.
- ✓ B. True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
- ✓ C. An accurate location of the subdivision with reference to the abstract and survey records of Dallas County.
- D. The exact layout including:
 - 1. Street names;
 - 2. The length of all arcs, radii internal angles, points of curvature, length, and bearing of the tangents;
 - 3. All easements for rights-of-way provided for public services or utilities and any limitations of the easements; and
 - 4. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and with bearings and angles to street and alley lines.
- ✓ E. The accurate location, material, and approximate size of all monuments.
- NA F. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

*bearing of tangents
not shown - chord
bearing is*

- G. Setback building lines. *None Shown*
- H. Private restrictions. *None Shown*
- ✓ I. Proposed name of the subdivision.
- ✓ J. Name and address of the subdivider.
- ✓ K. North point, scale and date.
- ✓ L. Certification by a registered professional surveyor to the effect that the plat represents a survey made by him and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown.
- M. Proof of ownership of the property. *Not provided to CobbFendley*
- ✓ N. A certificate of ownership and dedication of all streets, fire lanes, alleys, parks and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land along with complete and accurate description of the land subdivided and the streets dedicated.
- O. Names of lenders and lienholders on the property. *Not provided to CobbFendley*
- P. Additional certificates to properly dedicate easements or right-of-way as may be necessary and in the form as required by the town. Such easement certificates shall be in the following form, which form shall be required to be attached to and made a part of the final plat: *None Shown*

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

✓ That _____ ("Owner") does hereby adopt this plat designating the hereinabove property as _____, an addition to the Town of Addison, Texas, and subject to the conditions, restrictions and reservations stated hereinafter, owner dedicates to the public use forever the streets and alleys shown thereon.

✓ The easement shown on this plat are hereby reserved for the purposes as indicated, including, but not limited to, the installation and maintenance of water, sanitary sewer, storm sewer, drainage, election, telephone, gas and cable television. Owner shall have the right to use these easements, provided, however, that it does not unreasonably interfere or impede with the provision of the services to others. Said utility easements are hereby being reserved by mutual use and accommodation of all public utilities using or desiring to use the same. An express easement of ingress and egress is hereby expressly granted on, over and across all such easements for the benefit of the provider of services for which easements are granted.

✓ Any drainage and floodway easement shown hereon is hereby dedicated to the public's use forever, but including the following covenants with regards to maintenance responsibilities. The existing channels or creeks traversing the drainage and floodway easement will remain as an open channel, unless required to be enclosed by ordinance, at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage and floodway easement. The town will not be responsible for the maintenance and operation of said creek or creeks or for any damage or injury of private property or person that results from the flow of water along said creek, or for the control of erosion. No obstruction to the natural flow of water runoff shall be permitted by construction of any type building, fence or any other structure within the drainage and floodway easement. Provided, however, it is understood that in the event it becomes necessary for the town to channelize or consider erecting any type of drainage structure in order to improve the storm drainage, then in such event, the town shall have the right, but not the obligation, to enter upon the drainage and floodway easement at any point, or points, with all rights of ingress and egress to investigate, survey, erect, construct or maintain any drainage facility deemed necessary by the town for maintenance or efficiency of its respective system or service.

✓ Water main and sanitary sewer easements shall also include additional area of working space

for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water service and sewer services from the main to curb or pavement line, and the descriptions of such additional easements herein granted shall be determined by their locations as installed.

✓ This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Addison, Texas.

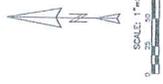
The construction plans shall be prepared by or under the supervision of a registered professional engineer in the State of Texas and shall bear his seal on each sheet.

The plans shall contain all necessary information for construction of the project, including screening walls. All materials specified shall conform to the standard specifications of the Town of Addison.

Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made.

After review of the plat and plans by the public works department and town engineer, the plat and plans shall be submitted to the planning and zoning commission and the city council for their consideration. If approved by those bodies subject to changes, the engineer for the owner shall make all changes required. The director of public works or his designated agent will approve all plans and return sufficient approved sets of the plans to the engineer for the owner for use by the contractors. Each contractor shall maintain one set of the plans, stamped with town approval, on the project at all times during construction.

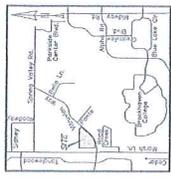
(Ord. No. 087-069, § 2, 10-13-1987; Ord. No. 004-056, § 7, 12-14-04)



SCALE: 1"=50'

LEGEND

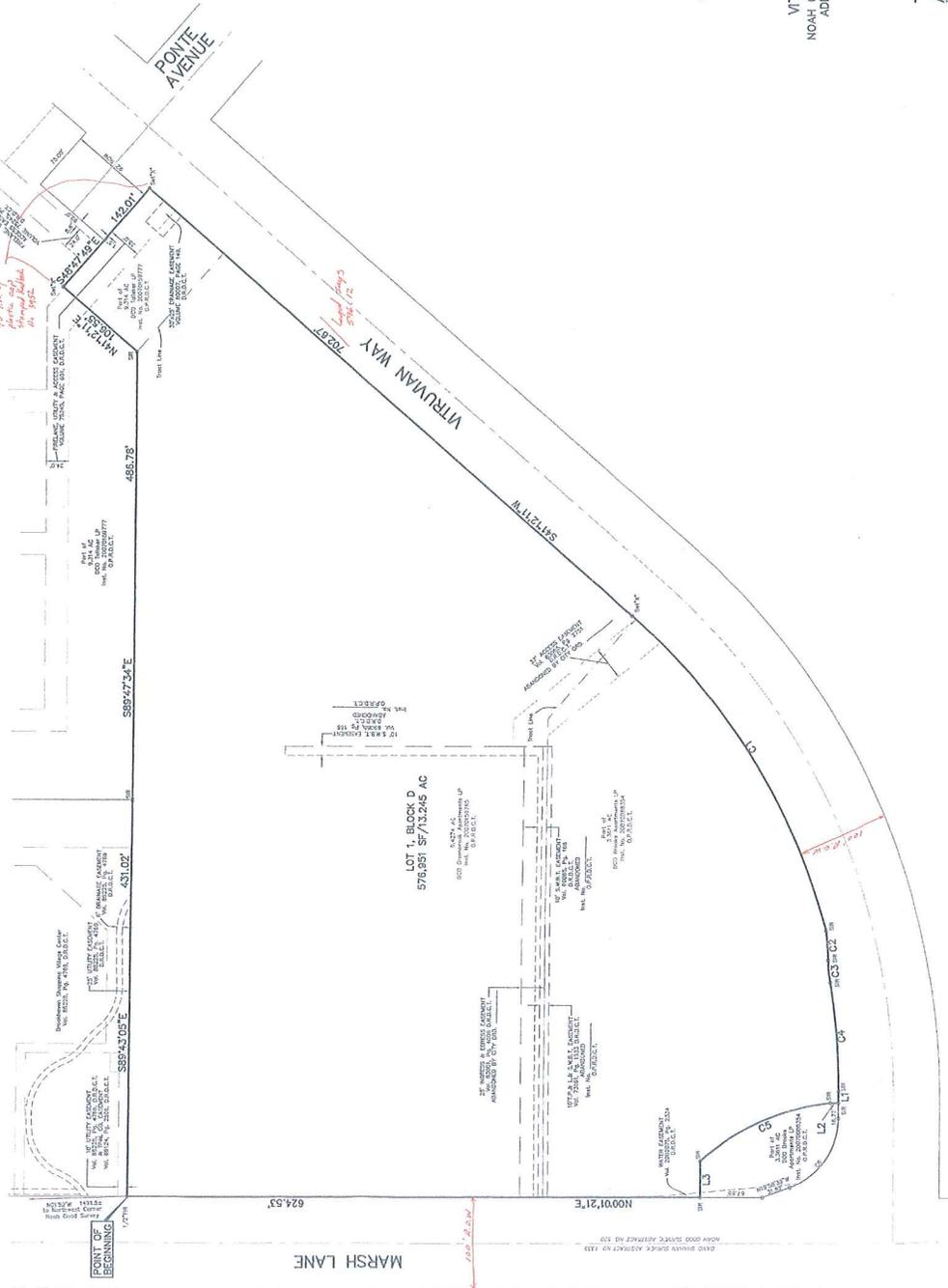
- Survey Line
- Proposed Right-of-Way
- Easement
- Boundary



VICINITY MAP

LINE	BEARING	DISTANCE
1	S 89° 43' 05" E	431.02'
2	S 89° 43' 05" E	486.75'
3	S 89° 43' 05" E	486.75'
4	S 89° 43' 05" E	431.02'

AREA	AREA	RADIUS	CLEARING DISTANCE
1	10,000.00	100.00	100.00
2	10,000.00	100.00	100.00
3	10,000.00	100.00	100.00
4	10,000.00	100.00	100.00
5	10,000.00	100.00	100.00
6	10,000.00	100.00	100.00
7	10,000.00	100.00	100.00
8	10,000.00	100.00	100.00
9	10,000.00	100.00	100.00
10	10,000.00	100.00	100.00



SHEET 1 OF 2

FINAL PLAT

LOT 1, BLOCK D
VITRUVIAN PARK ADDITION
 NOAH GOOD SURVEY, ABSTRACT No. 520
 ADDISON, DALLAS COUNTY, TEXAS

DDO Brown Apartments LP
 5000 Brown Apartments LP
 5000 Tom Lamberth
 Addison, Texas 75001
 3175 7/6 Tom Lamberth
 Addison, Texas 75001

KADLECK & ASSOCIATES
 3000 Ross Street, Suite 100
 Dallas, Texas 75201
 972-342-1111
 TXS Reg. No. 1-468793-PC Reg. No. 100059-00

Council Agenda Item: #R8

AGENDA CAPTION:

Discussion and consideration of approval of an award to CitiTech Systems, Inc., for an asset and work order management software package including inventory control for the Infrastructure, Operations, and Services Department in the amount of \$57,900.

FINANCIAL IMPACT:

Funding for the work order system is allocated in the Utilities Fund.

BACKGROUND:

In order to implement a formal process for work order and asset management in the Infrastructure Operations and Services Department, staff initiated a paper format work order system that would begin to document the work structure and work processes. Through an assessment of the paper process, it was determined that an electronic system that can be used in the field, will greatly increase productivity and work flow.

In conjunction with the IT department the Infrastructure, Operations, and Services team conducted several demonstrations with various electronic Work Order and Asset Management systems. Staff also reached out to other municipalities in the surrounding area to determine what systems, if any, they are using. One of the most competitive firms during the demonstration was CitiTech Systems. Their system provides a “fits all” solution that would greatly benefit the Town for many reasons:

- The system is developed into multiple modules giving it great expandability as the need grows .
- The system is very user friendly with simple graphical user interface (GUI) displays.
- The system easily integrates into other programs that the Town is currently using (e.g. GIS).

- The system is extremely customizable and can be tailored to each user so that only the information necessary is accessible.
- The system is already developed for mobile applications, such as tablets or laptops.
- The not to exceed cost includes up to 40 hours to migrate/import the Town's GIS data into their system

With the flexibility to add or remove modules and user licensing as needed Cititech Systems is able to offer competitive pricing without sacrificing the ability to expand the software to meet future requirements.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Define, measure, evaluate, and improve success for all Town businesses

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R9

AGENDA CAPTION:

PUBLIC HEARING. Public hearing on, and presentation, discussion, and consideration of approval of, an Ordinance finding that a Rate Review Mechanism Tariff, that permits the Town to review requested rate increases of Atmos Energy Corp., Mid-Tex Division, is reasonable and in the public interest, and adopting the Rate Review Mechanism Tariff and providing that it is in force and effect in the Town.

FINANCIAL IMPACT:

There is no financial impact.

BACKGROUND:

In 2007, Atmos Cities Steering Committee and the Atmos Energy Corporation, Mid-Tex Division agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). This first RRM tariff expired in 2011. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012.

The Atmos Cities Steering Committee and the Atmos Energy Corporation, Mid-Tex Division renewed discussions to develop revisions to the Rate Review Mechanism (RRM) tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Mindful Stewardship of Town Resources

ATTACHMENTS:

Description:

 [Atmos RRM Ordinance V2](#)

 [Summary of RRM Tariff](#)

Type:

Ordinance

Backup Material

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE TOWN FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION AND TO ATMOS CITIES STEERING COMMITTEE LEGAL COUNSEL.

WHEREAS, the Town of Addison, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC’s Executive Committee and ACSC’s legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

WHEREAS, the attached Rate Schedule “RRM – Rate Review Mechanism” (“RRM Tariff”) provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

WHEREAS, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

WHEREAS, the RRM Tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

WHEREAS, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex's requested rate increase of at least \$3 million; and

WHEREAS, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the RRM Tariff, which is attached hereto and incorporated herein as Attachment A, is reasonable and in the public interest, and is hereby adopted and in force and effect in the City.

Section 3. That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.

Section 4. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That if any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 6. That this Ordinance shall become effective from and after its passage.

Section 7. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this _____ day of June, 2013.

Todd Meier, Mayor

ATTEST:

By: _____
Chris Terry, City Secretary

OFFICE OF THE CITY SECRETARY

Page 2 of 3

ORDINANCE NO. _____

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

MODEL STAFF REPORT

The City, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). This first RRM tariff expired in 2011, and although ACSC and Atmos Mid-Tex met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012 in G.U.D. No. 10170.

ACSC and the Company renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process. For the reasons outlined below, the ACSC Executive Committee and ACSC legal counsel recommend approval of the new RRM tariff by all ACSC member cities.

RRM Background:

The RRM tariff was originally approved by ACSC member cities as part of the settlement agreement resolving the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP rate adjustment process. GRIP, like the RRM, is a form of expedited rate relief for gas utilities that avoids the long and costly process of a full rate filing. However, ACSC strongly opposes the GRIP process because it constitutes piecemeal ratemaking, does not allow any review by cities of the reasonableness of capital expenditures, and does not allow participation by cities in the Railroad Commission’s review of the annual GRIP filings, or recovery by cities of their rate case expenses. The Railroad Commission undertakes only an administrative review of GRIP filings (instead of a full hearing) and the rate increases go into effect without any material adjustments. In ACSC’s view, the GRIP process unfairly raises customers’ rates without any real regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

Purpose of the Ordinance:

The purpose of the Ordinance is to approve the RRM tariff (“Attachment A”) that reflects the negotiated RRM process. For the RRM process to continue, cities exercising original jurisdiction must approve a tariff that authorizes the process.

Reasons Justifying Approval of the Negotiated RRM Tariff:

In the opinion of ACSC's Executive Committee, the RRM process is a better deal for customers than the GRIP process. Atmos Mid-Tex has stated if it were to file for a rate adjustment in 2013 under the GRIP provisions, it would request approximately \$5 million more in rate relief than it plans to request in a filing under this revised RRM tariff. ACSC assumes that is because the GRIP process only evaluates changes to capital investment. The RRM process looks at revenues (that may be increasing) and expenses (that may be declining), as well as capital investment.

Additionally, the statute authorizing the GRIP rate adjustment process allows the Company to place the entirety of any rate increase in the unavoidable monthly customer charge portion of its rates. If the Company were to file for an increase under the GRIP provisions, the entire amount of the increase would be collected through the fixed portion of the bill, rather than the volumetric charge that varies by a customer's usage. Between 2007 and 2012, ACSC was able to negotiate rate design results that constrained residential customer charges to the \$7.00 to \$7.50 range. However, the Railroad Commission has recently raised the residential customer charge to \$17.70.

The Company has agreed that for the first filing under the revised RRM tariff, there will be no increase to the residential customer charge. Thus, some of the primary benefits of the attached RRM tariff are that it moderates the impact of rate adjustments on residential customers by not changing the residential customer charge for the first RRM period. In subsequent years only 40% of the proposed increase in revenues to the residential class will be recovered through the fixed customer charge, and in no event will the residential customer charge increase by more than \$.50 per month. No such constraints exist under the GRIP process.

Additionally, the attached RRM tariff provides a discount as an incentive for cities permitting the Company annual rate relief. The RRM tariff includes an adjustment amount that is a reduction to the Company's requested increase. The adjustment lowers the Company's rate request by at least \$3 million each year. Additional reductions will also be made each year depending on the size of the Company's requested increase. The attached RRM tariff also caps at 55% the percentage of equity that can be used to calculate the Company's capital structure. Railroad Commission policy allows rates to be based on a parent company's actual capital structure, which for Atmos could mean increases in equity above the most recent level of 52%.

Under the RRM tariff, cities are also able to review the Company's annual expenses and capital investments and make adjustments, or disallowances, for any such expenses or investments that are considered to be unreasonable or unnecessary. The cities' costs in reviewing the annual filings, such as fees associated with the hiring of expert consultants and legal counsel, will be reimbursed by the Company on a monthly basis.

If cities do not approve the RRM tariff, the Company has stated that it will reinstitute its annual filings under the GRIP provisions. The anticipated GRIP adjustment for 2013 would be approximately \$5 million higher than the Company anticipates requesting through an RRM filing. Additionally, GRIP rate adjustments would place the entire amount of the Company's

requested increase into the customer charge. The ACSC Executive Committee recommends that ACSC city members take action to approve the Ordinance authorizing the RRM tariff.

Explanation of “Be It Ordained” Paragraphs:

1. This section approves all findings in the Ordinance.
2. This section adopts the attached RRM Tariff (“Attachment A”) and finds the adoption of the tariff to be just, reasonable, and in the public interest. Note that only the new tariff being revised is attached to the Ordinance. The initial RRM Tariff has expired by its own terms, and other existing tariffs not being changed in any way are not attached to the Ordinance.
3. This section repeals any resolution or ordinance that is inconsistent with this Ordinance.
4. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
5. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Ordinance. This section further directs that the remaining provisions of the Ordinance are to be interpreted as if the offending section or clause never existed.
6. This section provides for an effective date upon passage.
7. This section paragraph directs that a copy of the signed Ordinance be sent to a representative of the Company and legal counsel for ACSC.

Council Agenda Item: #R10

AGENDA CAPTION:

Presentation, discussion, and consideration of approval of a resolution relating to the giving of notice of intention to issue Town of Addison, Texas Combination Tax and Revenue Certificates of Obligation, Series 2013.

FINANCIAL IMPACT:

The debt service payments for the proposed certificates of obligation, series 2013 will be supported by the Airport and Stormwater funds.

BACKGROUND:

As was discussed at the May 28 Council meeting, staff is recommending that \$3,000,000 in certificates of obligation be issued to enable the Town to accelerate needed airport capital improvement projects and leverage grant funding. The debt service payments for the proposed \$3,000,000 in certificates of obligation would be supported by the Airport Fund. In addition staff is recommending that \$7,000,000 in certificates of obligation be issued to fund proposed stormwater capital improvement projects. The debt service payments for the proposed \$7,000,000 in certificates of obligation would be supported by the Stormwater Fund.

The proposed resolution provides notice that the Town intends to issue certificates of obligation in an amount not to exceed \$11,000,000; that amount encompasses both the proposed airport and stormwater certificates of obligation and the costs incurred in issuing the certificates. The resolution also requires that the notice be published two consecutive weeks at least 30 days before the proposed sale.

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

Mindful Stewardship of Town Resources, Create a vision for the airport to maximize the value, Infrastructure improvement and maintenance

ATTACHMENTS:

Description:

- 📎 [Notice of Intent CO Resolution - V@](#)
- 📎 [2013 Certificates of Obligation Schedule](#)

Type:

Resolution Letter
Backup Material

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION RELATING TO THE GIVING OF NOTICE OF INTENTION TO ISSUE TOWN OF ADDISON, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Addison, Texas (the "Town"), pursuant to Chapter 271, Subchapter C, Texas Local Government Code, as amended, is authorized to issue its certificates of obligation for the purpose of paying contractual obligations to be incurred for the purposes set forth below; and

WHEREAS, the City Council of the Town has found and determined that a notice of intention to issue certificates of obligation should be published in accordance with the requirements of applicable law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, THAT:

Section 1. The findings and determinations set forth in the preambles hereto are hereby incorporated by reference for all purposes.

Section 2. The City Secretary of the Town is hereby authorized and directed to issue a notice of intention to issue certificates of obligation in substantially the form attached hereto as Exhibit A.

Section 3. The foregoing notice shall be published once a week for two consecutive weeks, the date of the first publication being before the thirtieth (30th) day prior to the date set forth in the foregoing notice for passage of the ordinance authorizing the Combination Tax and Revenue Certificates of Obligation. Such notice shall be published in a newspaper of general circulation in the area of the Town of Addison, Texas.

Section 4. That this resolution shall take effect from and after the date of its passage.

FINALLY PASSED, APPROVED AND EFFECTIVE this 11th day of June, 2013.

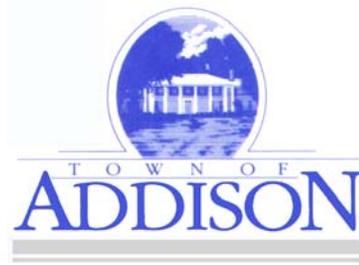
EXHIBIT A

NOTICE OF INTENTION TO ISSUE TOWN OF ADDISON, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2013

NOTICE IS HEREBY GIVEN that on July 15, 2013, the City Council of the Town of Addison, Texas, at 7:30 p.m. at a special meeting of the City Council to be held in the Council Chambers at the Addison Town Hall, 5300 Belt Line Road, Dallas, Texas 75254, the regular meeting place of the City Council, intends to pass an ordinance authorizing the issuance of not to exceed \$11,000,000 principal amount of Certificates of Obligation for the purpose of paying contractual obligations to be incurred for the following purposes, to wit: (a) designing, acquiring, improving, constructing and renovating facilities and infrastructure at the Addison Municipal Airport and the acquisition and improvement of land and interests in land to provide improvements, additions and access to the airport, (b) designing, acquiring, improving, constructing, and renovating City drainage and stormwater infrastructure and facilities, ((a) and (b) together, the "Project") and (c) paying professional services of attorneys, financial advisors and other professionals in connection with the Project and the issuance of the Certificates. The Certificates shall be issued in one or more series, shall bear interest at a rate not to exceed ten percent (10%) per annum, and shall have a maximum maturity date of not later than twenty-five (25) years after their date. Said Certificates shall be payable from the levy of a direct and continuing ad valorem tax against all taxable property within the Town sufficient to pay the interest on this series of Certificates as due and to provide for the payment of the principal thereof as the same matures, as authorized by Chapter 271, Subchapter C, Texas Local Government Code, as amended, and from all or a part of the surplus revenues of the Town's waterworks and sewer system, such pledge of surplus revenues being limited to \$1,000.

THIS NOTICE is given in accordance with law and as directed by the City Council of the Town of Addison, Texas.

GIVEN THIS June 11, 2013
/s/ Chris Terry, City Secretary
Town of Addison, Texas



\$4,875,000 General Obligation Bonds, Series 2013

\$1,875,000 General Obligation Bonds, Series 2013A

\$1,250,000 General Obligation Bonds, Taxable Series 2013

\$10,675,000 Combination Tax and Revenue Certificates of Obligation, Series 2013

Projected Schedule of Events

Jun-13						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Jul-13						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Aug-13						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Sep-13						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Complete By	Day	Event
11-Jun-13	Tuesday	City Council passes resolution authorizing Notice of Intent Publication for Certificates of Obligation
5-Jun-13	Wednesday	Provide initial draft of Preliminary Official Statement ("POS") to Town and Bond Counsel for comments and modifications
12-Jun-13	Wednesday	Receive POS information from Town & Bond Counsel First Publication of Notice of Intent to Issue Certificates (<u>no later than June 15, 2013</u>)
13-Jun-13	Thursday	Send revised draft Preliminary Official Statement to City and Bond Counsel for comments and modifications and to credit rating agencies
19-Jun-13	Wednesday	Second Publication of Notice of Intent to Issue Certificates (<u>same day of the week following 1st publication</u>)
24-Jun-13	Week of	Rating calls with Moody's and S&P
3-Jul-13	Wednesday	Receive credit ratings
3-Jul-13	Wednesday	Distribute Preliminary Official Statement electronically through i-Deal Prospectus
11-Jul-13	Thursday	Potential Bond Pricing
15-Jul-13	Monday	Bond Sale: City Council awards Bonds
20-Aug-13	Tuesday	Closing and delivery of funds

Council Agenda Item: #ES1

AGENDA CAPTION:

Closed (executive) session of the Addison City Council, pursuant to Section 551.072, Texas Government Code, to deliberate the purchase or value of certain real property located within the Town and concerning Addison Airport, and pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, concerning Addison Airport.

FINANCIAL IMPACT:

To be provided.

BACKGROUND:

To be provided.

RECOMMENDATION:

COUNCIL GOALS:

Create a vision for the airport to maximize the value

ATTACHMENTS:

Description:

Type:

No Attachments Available