

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

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**AGENDA**

**WORK SESSION OF THE CITY COUNCIL**

**6:00 P.M.**

**AND**

**REGULAR MEETING OF THE CITY COUNCIL**

**7:30 P.M.**

**JUNE 10, 2008**

**TOWN HALL**

**5300 BELT LINE ROAD**

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**WORK SESSION**

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Item #WS1 - Discussion regarding Fairfield Development Future Park Design Review.

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Item #WS2 - Discussion and update regarding the Cotton Belt Rail Line and Dallas Area Rapid Transit (DART).

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**REGULAR SESSION**

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Item #R1 - Consideration of Old Business.

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Item #R2 - Consent Agenda.

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#2a - Approval of the Minutes for:

May 20, 2008, Special Meeting and Work Session  
May 27, 2008, Regular City Council Meeting and Work Session

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Item #R3 - Discussion and consideration of appointment of members and alternates to the Board of Zoning Adjustment.

Attachments:

1. List of Board of Zoning Adjustment Members
  2. List of Citizen Academy Graduates Interested in BZA
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Item #R4 - Discussion and consideration of appointment of a member to the Planning & Zoning Commission.

Jamie Gaines' first term on the Planning and Zoning Commission expires on June 13, 2008. Ms. Gaines was appointed by Councilmember Hirsch.

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Item #R5 - Discussion and consideration of approval of an agreement between the Town of Addison and Oncor Electric Delivery Company to purchase street light facilities in the Belt Line Road median between Marsh Lane and the Dallas North Tollway.

Attachments:

1. Staff Report
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Item #R6 - **PUBLIC HEARING** Case 1558-Z/UDR, Inc. Public hearing on and discussion and consideration of approval of an ordinance approving development plans for a multi-family project in a Planned Development District, (007-034), located at 3900 Brookhaven Club Drive, on application from United Dominion Realty, represented by Mr. Matt Brendel.

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Attachments:

1. Docket Map
2. Staff report
3. Plans
4. Letter from Stelian Nita
5. Memo from John Hill

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on May 22, 2008, voted to recommend approval of an ordinance approving development plans for a multi-family project in a Planned Development district, (007-034), on application from UDR, Inc., subject to the following conditions:

-The applicant needs to clarify where the trash/recycling rooms are located and verify that they are large enough to hold facilities for both trash and recycling.

-A solid screening wall, eight feet in height, and the double row of trees, as shown on the plan, between this project and the Brooktown Townhomes, located to the west of this project, shall be installed prior to the issuance of a Certificate of Occupancy for any building in the proposed development.

Voting Aye: Bernstein, Chafin, Gaines, Lay

Voting Nay: None

Absent: Daseke, Jandura, Wood

Administrative Recommendation:

Administration recommends approval

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Item #R7 - Preliminary Plat/Vitruvian Park I. Discussion and consideration of approval of a preliminary plat for Lots 1-3, Block A, Lots 1-3, Block B, Lots 1, Block C, and Lot 1, Block D, located on 45.16 acres at 3900 and 4010 Brookhaven Club Drive (south side of Brookhaven Club Drive), on application from UDR, Inc., represented by Mr. Bruce Dunne of Icon Consulting Engineers.

Attachments:

1. Docket Map
2. Staff report

3. Plat

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on May 22, 2008, voted to recommend denial of the preliminary plat on application from Icon Consulting Engineers, subject to the following conditions:

1. Provide street names.
2. The property lines along the south and east boundaries of the platted property do not appear to be identified. Additionally, the electric easement along the east property line is not shown. Please insure that all property lines and easements within 150' of the property boundary are shown and labeled on any and all final plat submittals.
3. The official name of the waters passing through the project is "Farmers Branch" as opposed to "Farmers Branch Creek." Please correct this on any and all final plat submittals.
4. Several of the recording information labels for the adjacent properties do not appear to be correct. Please correct this on any and all final plat submittals.

Voting Aye: Bernstein, Chafin, Gaines, Lay

Voting Nay: None

Absent: Daseke, Jandura, Wood

Administrative Recommendation:

Administration recommends approval.

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Item #R8 - Discussion and consideration of an Ordinance approving and adopting the new Town of Addison Employee Handbook, providing for the repeal of the Town of Addison Employee Handbook adopted by the Town Council on November 11, 1996 and all ordinances, resolutions, and/or other actions related thereto, and providing for other related matters.

Attachments:

1. Council Agenda Item Overview
2. Employee Manual (Revised Sections Only)
3. Ordinance

Administrative Recommendation:

Administration recommends approval.

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## EXECUTIVE SESSION

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Item #ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit:

A. *Eddins Enterprises, Inc. dba Friendly Aviation and RSP Management Services, Inc. v. The Town of Addison, Texas*, Case No. 05-08-00194-CV, Fifth District Court of Appeals, Dallas, Texas.

B. *Thielsch Engineering, Inc. v. Town of Addison, Texas*, Cause No. 08-00463, 95<sup>th</sup> District Court, Dallas County, Texas.

C. *AN Collision Center of Addison, Inc. d/b/a Bankston Collision Center v. Dallas Area Rapid Transit (DART) and The Town of Addison, et al*, Cause No. 07-11965-A, 14th Judicial District Court, Dallas County, Texas.

D. *In re Calla Davis, et al*, Case No. 07-0147, Supreme Court of Texas.

Item #ES2 Closed (Executive) session of the Addison City Council, pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, regarding and relating to the taxation of improvements at Addison Airport.

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Adjourn Meeting

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Posted:  
June 6, 2008 at 5:00 P.M.  
Mario Canizares - City Secretary

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

**OFFICIAL ACTIONS OF SPECIAL MEETING AND WORKSESSION  
OF THE CITY COUNCIL**

May 20, 2008  
7:30 P.M.-Town Hall  
5300 Belt Line Road  
Council Chambers

Present: City Council Members: Mayor Chow, Councilmembers Braun, Hirsch, Kraft, Meier, Mellow and Niemann

Absent: None

Item #S1 - Consideration and approval of an Ordinance canvassing the results of the Municipal Election held on May 10, 2008.

Councilmember Niemann moved to duly approve Ordinance 008-019, canvassing the results of the Municipal Election held on May 10, 2008, with the following changes:

Section 1 - Change the word "ballots" to "votes."

Section 2 – Change the word "ballots" to "votes."

Councilmember Hirsch seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Councilmembers Braun, Kraft and Mellow were sworn in by Mayor Joe Chow.

Item #S2 - Discussion regarding amendments to the City Charter:

- a. Charter review process
- b. Off premise consumption of alcohol sales
- c. Terms of Addison City Council members

Lea Dunn led the discussion on this item.

No action was taken.

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

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Mayor-Joe Chow

Attest:

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City Secretary-Mario Canizares

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

May 27, 2008  
6:00 P.M. – Town Hall  
5300 Belt Line Road  
Upstairs Conference Room

Present: Mayor Chow, Councilmembers Braun, Kraft, Meier, Mellow and Niemann

Absent: Councilmember Hirsch

Work Session

Item #WS1 - Discussion regarding Addison Visitor Center.

Ron Whitehead and Bob Phillips led the discussion. There was no action taken.

Item #WS2 - Discussion regarding a new ground lease at Addison Airport between the Town of Addison (Landlord) and EHOAA, Inc., (Tenant) providing for the construction of new condominium hangars, an associated Leasehold Condominium Declaration, and a related developer participation agreement for the construction of certain public improvements (storm water drainage) at the Airport (Taxiway Romeo) and the payment of a portion of the cost of such public improvements.

Bill Dyer led the discussion. There was no action taken.

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Mayor-Joe Chow

Attest:

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City Secretary-Mario Canizares



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

May 27, 2008  
7:30 P.M. – Town Hall  
5300 Belt Line Road  
Council Chambers

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

Absent: None

Regular Session

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Oscar Martinez with the Parks Department and Veronica Limone with the Police Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

May 13, 2008, Regular City Council Meeting and Work Session

Councilmember Niemann moved to duly approve the Minutes for:

May 13, 2008, Regular City Council Meeting and Work Session.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R3 - Recognition of and presentation of proclamation to Bob Phelps for his outstanding service to the community.

There was no action taken.

Item #R4 - Consideration and designation of Mayor Pro Tempore and Deputy Mayor Pro Tempore.

Councilmember Niemann moved to duly approve the designation of Roger Mellow as Mayor Pro Tempore and Dennis Kraft as Deputy Mayor Pro Tempore.

Councilmember Hirsch seconded. Motion carried.

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

Item #R5 - Consideration and approval of the appointment of Ray Noah to the Dallas Area Rapid Transit (DART) Board of Directors.

Councilmember Meier moved to duly approve the appointment of Ray Noah to the Dallas Area Rapid Transit (DART) Board of Directors.

Councilmember Kraft seconded. Motion carried.

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

Item #R6 - Discussion and consideration of appointment of members and alternates to the Board of Zoning Adjustment.

Councilmember Mellow nominated Roy Stockard as an Alternate to the Board of Zoning Adjustment.

Councilmember Meier seconded. Motion carried.

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

Mayor Chow nominated Blake Clemens as an Alternate to the Board of Zoning Adjustment.

No one seconded. Motion failed for lack of a second.

Councilmember Niemann nominated Bianca Noble as an Alternate to the Board of Zoning Adjustment.

Councilmember Meier seconded. Motion carried.

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

Councilmember Hirsch recommended that his appointment be delayed until a future meeting.

Councilmember Niemann recommended that his second appointment be delayed until a future meeting.

Item #R7 - Discussion and consideration of appointment of a member(s) to the Planning and Zoning Commission.

Councilmember Niemann moved to appoint Jennifer Hewitt as a member to the Planning and Zoning Commission.

Councilmember Meier seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R8 - Discussion and consideration of approval of final payment to Hollman, Inc., in the amount of \$31,298 for installation of full length lockers and card lock systems in the Addison Athletic Club.

Councilmember Mellow moved to duly approve the final payment to Hollman, Inc., in the amount of \$31,298 for installation of full length lockers and card lock systems in the Addison Athletic Club.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R9 - Discussion and consideration of approval of the award of a bid for the annual service agreement with Kana Electric, LLC, for outdoor park, sidewalk and trail lighting maintenance, and miscellaneous park electrical repairs.

Councilmember Kraft moved to duly approve the award of a bid for the annual service agreement with Kana Electric, LLC, for outdoor park, sidewalk and trail lighting maintenance, and miscellaneous park electrical repairs.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Kraft, Meier, Mellow, Niemann

Voting Nay: None

Absent: None

Item #R10 - Discussion and consideration of approval of an Ordinance approving a Developer Participation Agreement between the Town of Addison and Ashton Dallas Residential, LLC, in connection with the construction of certain public streetscape improvements in the Asbury Circle town home development located generally at the southeast and southwest corners of the intersection of Belt Line Road and Commercial Drive within the Town, and authorizing the expenditure by the Town for such improvements of an amount not to exceed the lesser of \$1,000,000 or 30% of the total construction contract price, and authorizing the City Manager to execute the said Agreement.

Councilmember Braun moved to duly approve Ordinance 008-020 approving a Developer Participation Agreement between the Town of Addison and Ashton Dallas Residential, LLC, in connection with the construction of certain public streetscape improvements in the Asbury Circle town home development located generally at the southeast and southwest corners of the intersection of Belt Line Road and Commercial Drive within the Town, and authorizing the expenditure by the Town for such improvements of an amount not to exceed the lesser of \$1,000,000 or 30% of the total construction contract price, and authorizing the City Manager to execute the said Agreement.

Councilmember Mellow seconded. Motion carried.

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

Item # R11 - Discussion and consideration of approval of a new ground lease at Addison Airport between the Town of Addison (Landlord) and EHOAA, Inc., (Tenant), a Texas non-profit corporation, and an associated Leasehold Condominium Declaration, for the purpose of constructing new condominium hangars on Addison Airport, and authorizing the City Manager to execute the same.

Councilmember Niemann moved to duly approve a new ground lease at Addison Airport between the Town of Addison (Landlord) and EHOAA, Inc., (Tenant), a Texas non-profit corporation, and an associated Leasehold Condominium Declaration, for the purpose of constructing new condominium hangars on Addison Airport, and authorizing the City Manager to execute the same, subject to City Attorney's review and approval.

Councilmember Meier seconded. Motion carried.

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

Item #R12 - Discussion and consideration of approval of an Ordinance approving a Developer Participation Agreement between the Town of Addison and EHOAA, Inc, a Texas non-profit corporation, in connection with the construction of certain public improvements at Addison Airport (being generally certain storm water drainage improvements to that portion of the Airport identified as Taxiway Romeo), and authorizing the expenditure by the Town for such improvements of an amount not to exceed the lesser of \$150,000 or 30% of the total construction contract price, and authorizing the City Manager to execute the said Agreement.

Councilmember Niemann moved to duly approve Ordinance 008-021 approving a Developer Participation Agreement between the Town of Addison and EHOAA, Inc, a Texas non-profit corporation, in connection with the construction of certain public improvements at Addison Airport (being generally certain storm water drainage improvements to that portion of the Airport identified as Taxiway Romeo), and authorizing the expenditure by the Town for such improvements of an amount not to exceed the lesser of \$150,000 or 30% of the total construction contract price, and authorizing the City Manager to execute the said Agreement.

Councilmember Meier seconded. Motion carried.

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

Item #R13 - Discussion and consideration of approval of a resolution authorizing the City Manager to accept and enter into a RAMP (Routine Airport Maintenance Program) Grant Agreement between the Texas Department of Transportation and the Town of Addison, for airport improvements at Addison Airport.

Councilmember Kraft moved to duly approve Resolution R08-010 authorizing the City Manager to accept and enter into a RAMP (Routine Airport Maintenance Program) Grant Agreement between the Texas Department of Transportation and the Town of Addison, for airport improvements at Addison Airport.

Councilmember Braun seconded. Motion carried.

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

Item #R14 - Discussion and consideration of approval of the Employee Handbook.

This Item was withdrawn by Staff.

There was no action taken.

Items #R15 - Presentation and discussion of the Department of Financial & Strategic Services Quarterly Financial Review for the quarter and year ended March 31, 2008.

Randy Moravec presented this Item. There was no action taken.

Item #R16 - Presentation and discussion of budgeting fundamentals and distribution of council budget survey.

Randy Moravec presented this Item. There was no action taken.

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

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Mayor-Joe Chow

Attest:

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City Secretary-Mario Canizares

## BOARD OF ZONING ADJUSTMENT

### MEMBERS

#### **Bob Baumann**

4004 Sherry Lane  
Addison, TX 75001-3129  
(H) 972-866-0070

Term Expires: 08-14-2009 1st Term  
Appointed by: Braun

#### **Charles "Chick" Martin**

14810 Lochinvar Drive  
Dallas, TX 75254-7528  
(H) 972-239-6044

Term Expired: 12-13-2007 2<sup>nd</sup> Term  
Appointed by: Chow

#### **Maggie McQuown**

14600 Brookwood Lane  
Addison, TX 75001-0234  
(W) 972-247-0234

Term Expired: 04-11-2008 2<sup>nd</sup> Term  
Appointed by: Hirsch

#### **Becky Thompson**

17112 Vinland Drive  
Addison, TX 75001-5054  
(H) 972-250-1801

Term Expires: 08-14-2009 1<sup>st</sup> Term  
Appointed by: Kraft

#### **Kathryn Wheeler**

14925 Havenshire Place  
Dallas, TX 75254-7650  
(H) 972-503-6777

Term Expires: 06-13-2008 1<sup>st</sup> Term  
Appointed by: Meier

### ALTERNATES

#### **Virgil Burkhardt**

4007 Winter Park Lane  
Addison, TX 75001-4904  
(H) 972-490-8517

Term Expires: 09-26-2008 2<sup>nd</sup> Term  
Appointed by: Mellow

#### **William Green**

3845 Canot Lane  
Addison, TX 75001-7904  
(W) 214-263-5661  
(H) 972-484-3234

Term Expires: 09-26-2008 2<sup>nd</sup> Term  
Appointed by: Niemann

#### **Roy Stockard**

14853 Oaks North Place  
Dallas, TX 75254  
972-490-9704

Term Expires: 05-27-2010 1st Term  
Appointed by: Mellow

#### **Bianca Noble**

4008 Bobbin Lane  
Addison, TX 75001  
(H) 972-385-8573

(O) 972-385-1880 ex. 257  
Term Expires: 05-27-2010 1st Term  
Appointed by: Niemann

#### **Carmen Moran**

Staff Liaison  
Town of Addison  
P.O. Box 9010  
Addison, TX 75001  
972-450-2886

### Board of Zoning Adjustment Interest List (Summary)

FirstName	LastName	Street	City	St	Zip	Home Phone	Office Phone	Email Address	Class
Maureen	Anderson	14593 Evergreen Ct.	Addison	TX	75001	(972) 243-6234		<a href="mailto:maureenanderson@ebby.com">maureenanderson@ebby.com</a>	CA06
Georgiana	Andrews	14584 Greenleaf Ct	Addison	TX	75001	(972) 241-8220		<a href="mailto:gg.andrews@yahoo.com">gg.andrews@yahoo.com</a>	CA06
John	Bailey	4093 Oberlin Way	Addison	TX	75001	(214) 727-1347	(972) 661-8472	<a href="mailto:johnalexbailey@yahoo.com">johnalexbailey@yahoo.com</a>	CA04
Judy	Barrett	14637 Lexus Ave.	Addison	TX	75001	(972) 386-7944	(972) 386-7944	<a href="mailto:jrbrib@tx.rr.com">jrbrib@tx.rr.com</a>	CA00
Fan	Benno-Caris	3883 Weller Run Ct	Addison	TX	75001	(972) 243-3512		<a href="mailto:fan@fanbenno-caris.com">fan@fanbenno-caris.com</a>	CA06
Stephen	Blum	17030 Planters Row	Addison	TX	75001	(214) 394-7827	(972) 720-6645	<a href="mailto:AJBlum@AwealthPlan.com">AJBlum@AwealthPlan.com</a>	CA02
Brad	Bradbury	3918 Bobbin Ln.	Addison	TX	75001	(927) 980-8106		<a href="mailto:HCBradbury@tx.rr.com">HCBradbury@tx.rr.com</a>	CA02
Robert	Brewster	3781 Waterside Ct.	Addison	TX	75001	972-247-5968		<a href="mailto:brewsterlpc@aol.com">brewsterlpc@aol.com</a>	CA98
Lary	Brown	3883 Lakeview Court	Addison	TX	752001	(972) 620-7098	(972) 997-0700	<a href="mailto:larybrown@museumarts.net">larybrown@museumarts.net</a>	CA98
Gilbert	Bruneman	14848 Winnwood Rd.	Dallas	TX	75254	(972) 233-3304	(972) 489-7678	<a href="mailto:gilbruneman@sbcglobal.net">gilbruneman@sbcglobal.net</a>	CA00
Burk	Burkhalter	3824 Waterford Drive	Addison	TX	75001	(972) 243-7110		<a href="mailto:iasburk@sbcglobal.net">iasburk@sbcglobal.net</a>	CA06
John	Caris	3883 Weller Run Ct.	Addison	TX	75001	(972) 247-2988		<a href="mailto:iccaris@gmail.com">iccaris@gmail.com</a>	CA98
James	Christensen	3880 Emerald Ct.	Addison	TX	75001	(972) 620-1270	(972) 650-3434	<a href="mailto:jimeychristensen@yahoo.com">jimeychristensen@yahoo.com</a>	CA04
Doreen	Cluck	3734 Brookhaven Club Dr.	Addison	TX	75001	(972) 241-3905		<a href="mailto:cluckdoreen@aol.com">cluckdoreen@aol.com</a>	CA98
Barbara	Colegrove	15022 Bellbrook Drive	Dallas	TX	75254	(972) 387-1557		<a href="mailto:baracole@aol.com">baracole@aol.com</a>	CA02
John	Cummings	3817 Azure Ln.	Addison	TX	75001	(972) 247-1384		<a href="mailto:ic9164@sbcglobal.net">ic9164@sbcglobal.net</a>	CA98
Chris	DeFrancisco	3917 Bobbin Ln.	Addison	TX	75001	(972) 392-3572	(214) 515-4964	<a href="mailto:cdefran@plainscapital.com">cdefran@plainscapital.com</a>	CA04
Carol	Doepfner	4006 Bobbin Ln.	Addison	TX	75001	(972) 233-9722	(972) 307-3229	<a href="mailto:caroldeopfner@hotmail.com">caroldeopfner@hotmail.com</a>	CA98
Shirley	Farley	14621 Lexus Avenue	Addison	TX	75001	(972) 490-7727		<a href="mailto:farley.s@att.net">farley.s@att.net</a>	CA06
Kathryn	Farrer	4815 Westgrove Dr. #301	Addison	TX	75001	(972) 713-9293	n/a	<a href="mailto:kfarrer@att.net">kfarrer@att.net</a>	CA04
Neil	Hewitt	4014 Morman Ln.	Addison	TX	75001	(972) 934-1260	(972) 280-6716	<a href="mailto:nhewitt@us.ibm.com">nhewitt@us.ibm.com</a>	CA00
David	Holmes	3880 Lakeview Ct.	Addison	TX	75001	(972) 620-9755	(972) 888-9382	<a href="mailto:david.holmes@TDIndustries.com">david.holmes@TDIndustries.com</a>	CA98
Bob	Jacoby	4016 Rive Lane	Addison	TX	75001	(972) 233-4536	(214) 651-1447	<a href="mailto:bjacoby10@yahoo.com">bjacoby10@yahoo.com</a>	CA02
Albert	Jandura	14936 Oaks North Dr.	Dallas	TX	75254	(972) 702-0202	(972) 702-0202	<a href="mailto:AJANDURA@tx.rr.com">AJANDURA@tx.rr.com</a>	CA04
Richard	Jeffcoat	15725 Artist Way #11040	Addison	TX	75001	(972) 385-1835	n/a	<a href="#">n/a</a>	CA04



**Board of Zoning Adjustment Interest List (Summary)**

FirstName	LastName	Street	City	St	Zip	Home Phone	Office Phone	Email Address	Class
Kelvin	Keith	3876 Emerald Court	Addison	TX	75001	(972) 241-5035		<a href="mailto:kemke22@aol.com">kemke22@aol.com</a>	CA06
Elizabeth	Knott	14925 Oaks North Dr.	Dallas	TX	75254	(214) 295-5208	(214) 505-6555	<a href="mailto:Elizabeth@knott.org">Elizabeth@knott.org</a>	CA00
John	Meleky	17030 Vinland Dr.	Addison	TX	75001	(972) 248-4799	(972) 739-5252	<a href="mailto:jmeleky@vri.com">jmeleky@vri.com</a>	CA98
Margaret	Miles	14664 Bentwater Ct.	Addison	TX	75001	(972) 243-6068		<a href="mailto:fancitoo@yahoo.com">fancitoo@yahoo.com</a>	CA02
Robin Jo	Moss	3918 Dome Dr.	Addison	TX	75001	(972) 726-0957		<a href="mailto:robin@ribit.com">robin@ribit.com</a>	CA06
Bianca	Noble	4008 Bobbin Ln.	Addison	TX	75001	(972) 385-8573	(972) 385-1880 ex. 257	<a href="mailto:bnbl4@yahoo.com">bnbl4@yahoo.com</a>	CA04
Phyllis	Silver	15720 Artist Way #4912	Addison	TX	75001	(972) 622-4340	(972) 622-4340		CA02
Sandra	Silver	3822 Canot Ln.	Addison	TX	75001	(972) 243-0023	(972) 458-0400	<a href="mailto:sandrasilver@sbcglobal.net">sandrasilver@sbcglobal.net</a>	CA04
Roy	Stockard	14853 Oaks North Place	Dallas	TX	75254	(972) 490-9704		<a href="mailto:roy.stockard@tx.rr.com">roy.stockard@tx.rr.com</a>	CA06
Alden	Tinnin	4130 Proton Dr. , #50-B	Addison	TX	75001	(972) 387-4244	(972) 764-9386	<a href="mailto:binaryal@gmail.com">binaryal@gmail.com</a>	CA04
Virginia	Wallace	14820 Le Grande Dr.	Addison	TX	75001	(972) 450-7038	(972) 980-2665	<a href="mailto:vbwallace@tx.rr.com">vbwallace@tx.rr.com</a>	CA00
Lori	Ward	14801 Lake Forest Dr.	Dallas	TX	75254	(972) 392-9295		<a href="mailto:Loriward@deloitte.com">Loriward@deloitte.com</a>	CA04
Dale	Wilcox	3868 Lakeview Ct.	Addison	TX	75001	(972) 523-5052		<a href="mailto:Dalew@wilcoxgroup.net">Dalew@wilcoxgroup.net</a>	CA98
Katherine	Wood	14609 Lexus Avenue	Addison	TX	75001	(972) 991-2911	n/a	<a href="mailto:Wood_family@sbcglobal.net">Wood_family@sbcglobal.net</a>	CA04

**ITEM #R4**

There are no Attachments for this Item.

**Council Agenda Item: #R5**

**SUMMARY:**

This item is for consideration and approval of an agreement between the Town of Addison and Oncor to purchase street light facilities in the Belt Line Road median between Marsh Lane and Dallas North Tollway.

**FINANCIAL IMPACT:**

Purchase of existing conduit, cable and foundation	\$16,007.59
Possible Removal of street light controllers and adjustment of facilities for metering	\$2,788.00
Contingency amount	<u>\$1,204.40</u>
<b>Total estimated cost</b>	<b>\$18,795.59</b>

The Belt Line redevelopment project was approved as part of the 2000 Bond program and there are adequate funds available to cover the funding request.

By acquiring the maintenance of street lights along Belt Line Road, the Town will be paying Oncor approximately \$600 less per month. However, should there be any damage to existing poles; the Town will be responsible for their replacement. The cost to replace the existing standards will be approximately \$3000 - \$4000 per pole damaged. We estimate based on past experience that four to five poles will be knocked down each year on Belt Line Road. We recommend ordering four poles for an amount of \$16,000 as replacements until the new permanent installation is completed. It may be necessary to submit a budget adjustment request for the \$16,000 this summer.

**BACKGROUND:**

The Belt Line Road Improvement project includes new street lights in the plan. Staff plans to install two test street light fixtures in the median in front of Capitol One on Belt Line Road. Parks has installed up-lighting in the same median. Oncor is requiring that we enter into an agreement before installing the test lighting poles; that agreement will address, among other things, (i) the Town's acquisition of the existing street light conduit, cable, and foundations, (ii) the installation of new street lights by the Town where the current ones are located, and (iii) once the new street lights are installed, the return of the existing poles to Oncor. In connection with that agreement, Staff requested that Oncor provide cost details for the Town to take over maintenance of the facilities on Belt Line between Marsh Lane and Dallas North Tollway. The Town's acquisition of the conduit, cable, and foundations will also allow the Town to install more unique fixtures and provide more timely maintenance. The Town is charged a monthly tariff rate for the lights if Oncor maintains them. If the Town takes ownership of the lights, all maintenance and replacement costs will be the Town's responsibility. Staff currently is responsible for the maintenance of lights on Arapaho Road, Addison Circle area, Spectrum and Addison Road. The Town will enter into the appropriate agreement to accomplish allowing the Town to assume ownership and maintenance of all of the facilities.

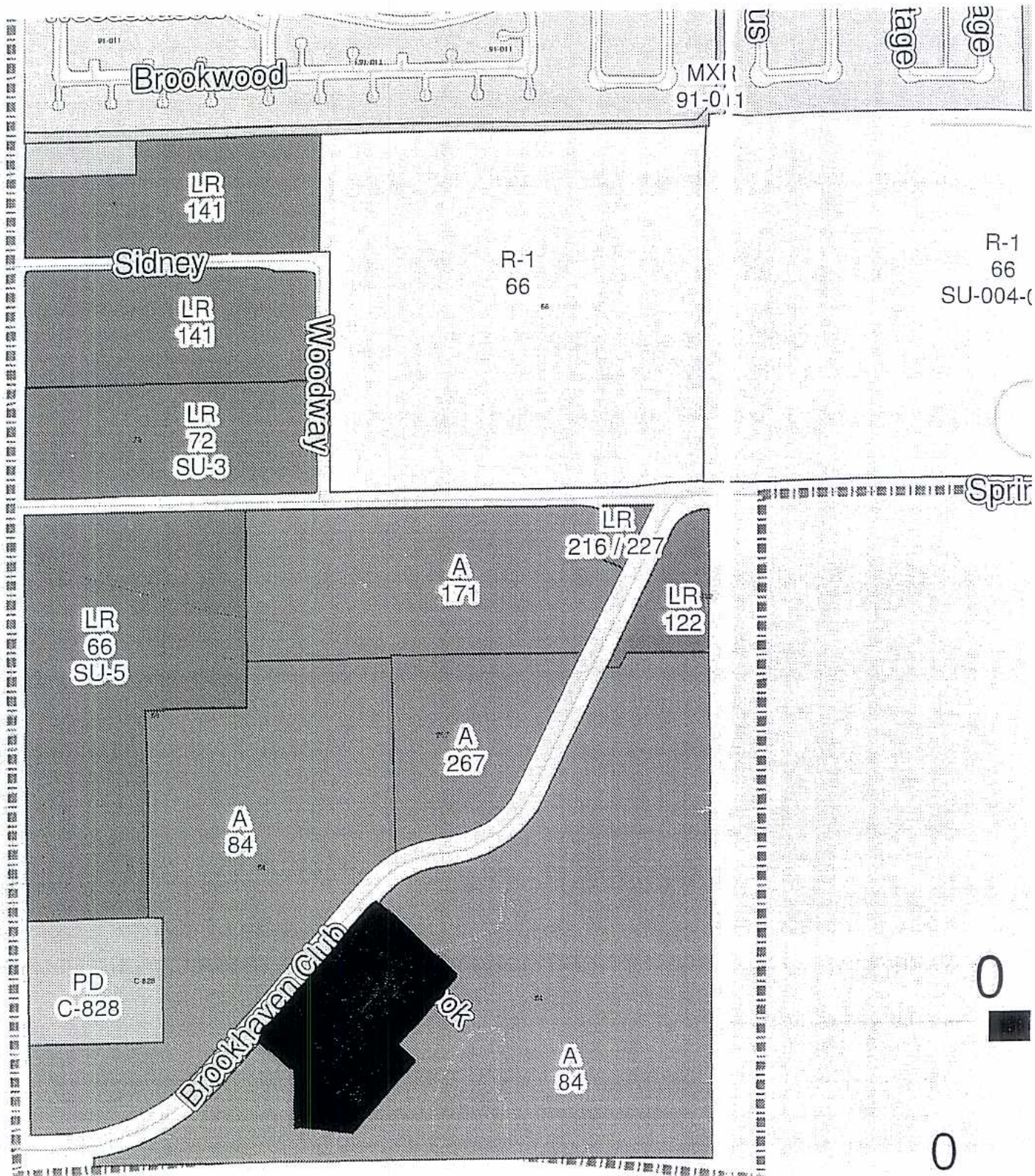
**RECOMMENDATION:**

Staff recommends approval authorizing the City Manager to execute an agreement with Oncor for the acquisition of existing conduit, cable, foundation, and maintenance responsibilities for Belt Line Road street lights in the amount not to exceed \$20,000.00.

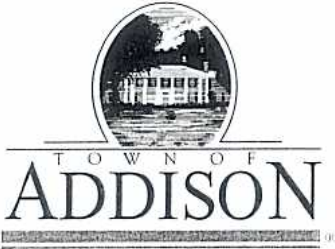


# 1558-Z

**PUBLIC HEARING** Case 1558-Z/UDR, Inc. Requesting approval of an ordinance approving development plans for a multi-family project in a Planned Development District, (007-034), located at 3900 Brookhaven Club Drive, on application from United Dominion Realty, represented by Mr. Matt Brendel.







May 15, 2008

STAFF REPORT

RE: Case 1558-Z/UDR, Inc.

LOCATION: 3900 Brookhaven Club Drive

REQUEST: Approval of an ordinance approving final development plans for a multi-family project in a Planned Development District (007-034)

APPLICANT: URD, Inc., represented by Mr. Matthew Berndel

DISCUSSION:

Background. This property was rezoned from the A (Apartment) and PD-CC (Planned Development – Condominium Conversion) zoning district to a Planned Development District in October 9, 2007, through Ordinance 007-034. The Planned Development district zoning approved a concept plan, and provided that prior to the issuance of a building permit for any development on the within the PD district, a development plan for the project must be approved by the Planning and Zoning and the City Council. This plan is the first development plan to be filed in PD district 007-034.

Proposed Plan. The proposed project is for 393 multi-family units and 15,900 square feet of retail space. The project will contain a 5-story building with three sections that extend out to the creek, and a 7-story building that borders the proposed street (called Street B at this point) that runs diagonally through the project and extends toward Brookhaven College.

The staff determined that the best way to work through a review of this first project was to include the standards, and then note how the project matched up against the standards after each section. The discussion of the project will be in **bold print**.

Uses.

- a. Authorized Uses: Prohibited Uses. Only those uses identified herein as permitted uses, special uses, or accessory uses are authorized uses (subject to the terms, conditions and provisions of this Ordinance) within the Property. All other uses are expressly prohibited.
- b. Permitted Uses. The following uses of land are authorized as permitted uses within the Property. Uses are further classified according to general categories of land uses. To the extent expressly authorized by these PD District regulations, a general use category (e.g., "retail") may be identified on the Concept Plan or, except for residential uses, on a development plan. Upon approval of the Concept Plan or a development plan which includes a general use category, any use appearing or classified under such general use category in the use list set forth below, is authorized in accordance with the Concept Plan or development plan, as the case may be, any conditions attached thereto, and all other provisions of this Ordinance, the Zoning Ordinance, and any other ordinance, law, rule, regulation, code, and standard applicable thereto:

1. *Residential.* Residential uses within the Property are limited to the following:

Townhouse  
Condominium  
Multifamily

2. *Retail.* Retail uses within the Property are limited to the following (all uses listed below are for retail use only (whether or not so specified), and are subject to the General Conditions set forth in subsection e. of this Section 5):

Antique shop  
Aquarium  
Art gallery  
ATM facilities  
Bakery, retail sales only  
Bank  
Barber and beauty shop  
Bicycle sales and service  
Book or stationery store  
Business support services  
Camera shop  
Candy, cigars and tobaccos, retail sales only  
Caterer and wedding service (office only)  
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual cleaning, dyeing, or laundering work is to be done on the premises  
Coffee shop (no seating on premises)  
Convenience store  
Cosmetic and beauty supplies  
Dance studios  
Department store  
Donut and pastry shop, no seating on premises  
Drug store, retail sales only  
Electrical goods and fixtures for consumer use  
Electronics store  
Film developing and printing  
Financial services  
Fix-it shops, bicycle repair, saw filing and lawn mower sharpening, retail sales



only  
Florist, retail sales only  
Furniture sales, repairs and upholstery  
Gallery, for the display and sale of artworks  
Grocery store, retail sales only  
Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only  
Health club, private and public  
Household and office furniture, furnishings and appliances, retail sales or rental only  
Jewelry, optical goods, photographic supplies, retail sales only  
Laundromat, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of their laundry  
Magazine store  
Meat market, retail sales only  
Medical and dental clinics  
Movie DVD and VHS rental and sales  
Optician and optical store  
Pet and pet supplies  
Photographer or artist studio  
Pizza delivery shop, no seating on premises  
Piano and musical instruments  
Plumbing shop, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)  
Printing and copy shop, retail sales only  
Professional offices for architect, attorney, engineer and real estate  
Public garage, parking, no repairs  
Retail Store  
Seamstress, dressmaker, or tailor  
Shoe repair shop, retail sales only  
Sporting goods, toy & hobby store  
Studio for the display and sale of glass, china, art objects, cloth and draperies  
Studios, dance, music, drama, martial arts  
Tailors  
Telephone stores  
Title companies  
Travel services  
Wearing apparel, including clothing, shoes, hats, millinery and accessories

3. *Office.* (Defined under article XXX of the Zoning Ordinance)
4. *Home office.* For the purposes of this PD District, "home office" means and includes office uses that are performed in a residential dwelling unit or in an office attached to a residential dwelling unit, that do not involve any structural change to the building or premises in which the use is conducted. A home office use, which is located on the ground floor of a building may include the employment of not more than three employees, including the person who is the primary resident of the residential dwelling unit where the home office use is conducted. A home office use which is located on any floor of a building other than the ground floor may not include the employment of any employee other than a person who is a primary resident of the residential dwelling unit where the home office use is conducted.
5. *Civic.* (Defined under article XXX of the Zoning Ordinance)
6. *Mixed use (with residential).* (Defined under article XXX of the Zoning Ordinance)

7. *Mixed use (with nonresidential)*. (Defined under article XXX of the Zoning Ordinance)
- c. Special Uses. A use listed below in this subsection may be permitted within the Property provided the same is first authorized by the approval of a special use permit in accordance with and subject to Article XX, Special Uses, of the City's Zoning Ordinance (and as the same may be modified or superseded):
1. Hotel.
  2. Cleaning, dyeing and laundry pick-up station, with cleaning, dyeing and/or laundry work done on the premises.
  3. Library, for loan of books and other materials typically performed by a public library.
  4. Public safety facilities.
  5. Restaurant.
  6. Retirement home.
  7. Sale of alcohol for on-premises consumption.
  8. Transit facilities.
- d. Accessory Uses. The following are permitted as accessory uses within the Property:
1. Community, social, hobby, or laundry facilities, for use by occupants of a residential development within the Property which are customary to residential developments.
  2. Recreation space and facilities.
  3. Parking and parking structures.
  4. Other uses customarily incidental and subordinate to permitted uses and any special uses.

**The applicant is proposing multi family and retail uses, with a community room and a recreation facility (health club) as accessory uses. The proposed uses meet the standards contained in the ordinance.**

- e. General Conditions. Development, occupancy, and use of the Property shall comply with the following conditions, as applicable:
1. *Retail use*. A retail use may be operated or conducted only in accordance with the following:
    - (a) Except as provided in subsection (b) below (regarding kiosks), a retail use is permitted only in connection with and as a part of a "mixed use (with residential)," as the same is defined in Article XXX of the Zoning Ordinance.
    - (b) Notwithstanding subsection (a) above (regarding a mixed use (with residential)), a retail use may be provided or conducted from and within a portable kiosk. For purposes hereof, "kiosk" means a small, free-standing one-story building or structure having a maximum floor area of 500 square feet which is portable in nature, is not permanent, and can be easily and readily moved from location to location. If a portable kiosk is to be occupied, it shall have a minimum floor area of 25 square feet. A portable kiosk for the purpose of providing or conducting a retail use is permitted anywhere within the Property.
    - (c) Except as the same may be provided or conducted from a portable kiosk, free-standing retail is prohibited. For purposes hereof, "free-standing retail" means the use or occupancy of a free-standing building for a retail use.



**The retail space proposed will be on the first floor of the 7-story building. The building is a mixed use building and the proposed retail space meets the standards of the ordinance.**

6. **Development Standards.**

- a. For purposes of determining parking and open space compliance, the entire Property shall be considered as one lot. For example, retail parking in one phase of development, such as parking in a parking structure, may be applied to the required parking in another phase of retail development. Notwithstanding the consideration of the entire Property as one lot for parking and open space compliance purposes, parking for each development or phase of a development within the Property must be sufficient (and satisfy all of the standards set forth herein) for the development or phase thereof.

**The proposed project will require 525 total parking spaces, and 612 spaces are provided. Therefore, it meets the requirement that the phase contain sufficient parking to meet its demand.**

- b. Development, occupancy, and use of the Property shall comply with the development standards set forth in the following Table A:

<b>TABLE A: DEVELOPMENT STANDARDS</b>	
<p><b><u>Street Build-to Line</u></b></p> <p>All primary buildings, structures, walls, fences, and other improvements shall be constructed, located, placed, and erected along and contiguous to the applicable build-to line; provided, however, that not more than 30 percent of any street frontage may vary from the build-to line, except in that portion of the Property identified on the Concept Plan as "Subarea 1" not more than 50 percent of any street frontage may vary from the build-to line. The build-to line shall be measured from the closest right-of-way line of the adjacent street.</p>	<p><i>Street build-to lines within the Property are as follows (streets are as shown or identified on the Concept Plan):</i></p> <ul style="list-style-type: none"> <li>• 9 feet along A streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034)</li> <li>• No less than 6 feet, no more than 9 feet along B streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034)</li> <li>• No less than 6 feet, no more than 9 feet along all C streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034)</li> <li>• 4 feet along all D streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034)</li> <li>• No less than 6 feet, no more than 9 feet along all E streets (as shown on the attached Exhibit "C" to this Ordinance No. 007-034)</li> </ul>
<p><b><u>Side Yard Setback</u></b></p>	<p>None, except as required by the City's Fire Code (and as the same may be amended or superseded from time to time)</p>
<p><b><u>Rear Yard Setback</u></b></p>	<p>None, except as required by the City's Fire Code (and as the same may be amended or superseded from time to time)</p>
<p><b><u>Maximum height of building</u></b></p>	<p>No maximum height; except the portion of any building or other structure which is located within 100 feet of the property line of</p>

	a lot or other parcel of land which is zoned for single family or apartment use or which is otherwise used or occupied for a residential use shall not exceed 60 feet in height. All heights are subject to FAA approval.	
<b>Minimum lot area</b>	No minimum lot area	
<b>Minimum lot width</b>	No minimum lot width	
<b>Minimum lot depth</b>	No minimum lot depth	
<b>Minimum area per Residential dwelling unit</b>	Efficiency	450 sq. ft.
	One- Bedroom	600 sq. ft.
	Two-Bedroom	850 sq. ft.
	Three-Bedroom	1,000 sq. ft.
	Townhouse	1,600 sq. ft.
	Office uses	500,000 sq. ft.
<b>Maximum nonresidential square footage</b>	Retail, restaurant and personal service uses	500,000 sq. ft.
<b>Maximum lot coverage</b>	95%	

**Building Line on Street A (Brookhaven Club Drive) is not clearly shown, but it appears that the development meets the 9-foot standard. The building Line on Street B meets the not less than 6-feet, not more than 9-foot standard. There are no other streets in the project.**

**Side and rear yard setbacks meet the standards.**

**Maximum height of the building that is within 100 feet of the Brooktown Town Homes, to the west, appears to be 67 feet. However, the top 13 feet of the structure is a tower, which is allowed to extend another 15 feet higher than the maximum permitted height. The tower is a decorative element and does not contain any windows. The proposed height meets the standards of the ordinance.**

**All units proposed meet the standard for minimum area per residential dwelling unit.**

c. Miscellaneous development standards:

1. Lot coverage:

- (a) The area of a porch or arcade fronting a public street is not included in the calculation of lot coverage.
- (b) The area of an above-grade parking structure is included in the calculations of lot coverage.

2. Height: Architectural features including, but not limited to, turrets, spires and towers may exceed maximum height of building provided that any such structure is no more than 15 feet higher than the maximum permitted height and has a floorplate which is ten percent, or less, of the ground floor area of the building of which it is a part.



3. Setbacks:

- (a) *Overhangs and fireplaces.* The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof stairways may extend up to a maximum of five feet into the required setbacks.
- (b) *Patios.* Patios may be constructed within the required setback zones.

**As noted above, the project contains a tower, which is allowed under Section 2 above. Proposed project meets all other standards.**

7. Open Space.

- a. Two acres for every 1,000 residents shall be dedicated for public open space use by the project applicant up to the point that dedication has been provided for 2,250 residents. After sufficient open space has been dedicated to meet the requirement for 2,250 residents, 1 1/2 acres of open space for each 1,000 residents shall be dedicated for public use by the project applicant. For purposes of this section, the number of residents expected to reside in the Property (or applicable portion thereof) shall be determined by estimating the number of dwelling units authorized for a proposed project, multiplied by a factor of 1.5 persons per dwelling unit.
- b. Land proposed to be dedicated as public open space shall be clearly shown on the Concept Plan and final development plan submittals.
- c. Land to be dedicated for public open space shall be approved initially by the planning and zoning commission and thereafter shall be submitted to the city council for consideration of acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the city council in the form of a written "acceptance of dedication." Failure of the city council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.
- d. In its approval of any development plan, the Town may impose such conditions as deemed necessary to assure that the intent and purpose of this section is satisfied.

**The applicant is dedicating 8.30 acres of open space to the Town. Based on the standard of 1.5 persons per multi-family unit, the 393-unit project would bring 590 persons to the development. Under that standard, the development would be required to dedicate less than 1.5 acres. Therefore, the project exceeds the standard for open space dedication. The acceptance of dedication mentioned above can be accomplished through the approval of the final plat showing the dedication of the 8.30 acres. A preliminary plat, showing the dedication, has been filed by the applicant and will be considered on the May 22, 2008 agenda.**

8. Parking.

- a. *Generally.* Off-street parking must be provided for the appropriate building use classification according to the following ratios:
  - 1. *General retail.* (1/250 s.f.) One space per each 250 square feet of gross floor area.
  - 2. *Furniture store.* (1/1,000 s.f.) One space per each 1,000 square feet of gross floor area.
  - 3. *Medical or dental clinics.* (1/200 s.f.) One space per each 200 square feet of gross floor area.
  - 4. *Bank or savings and loans.* (1/300 s.f.) One space per each 300 square feet of gross

- floor area.
5. *Office.* (1/300 s.f.) One space per each 300 square feet of gross floor area. An office building or group of buildings, which shall total 50,000 square feet or more: (1/300 s.f.). One space per 300 square feet of gross leaseable area.
  6. *Health club or studio for dance, music, drama, health and reducing.* (1/100 s.f.) One space per each 100 square feet of gross floor area.
  7. *Residential.* One space/bedroom to a maximum of two spaces/unit.
  8. *Hotel.* One space/hotel room plus one parking space per every 300 square feet of gross floor area of conference/banquet facilities.
  9. *Civic.* To be determined by parking demand analysis study for proposed use and approved by the town's director of development services.
  10. *Mixed use.* Number of spaces resulting from application of ratios provided above for respective uses in the development.
- b. *Shared parking.* Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period as determined by a parking analysis study approved by the town's director of development services.
  - c. *Below-grade parking.* Off-street below-grade parking is permitted to the lot lines, but must be designed to allow planting of landscape.
  - d. *Parking garages.* Parking garage ramps shall not be expressed on the facades of parking structures fronting, or visible from public streets. Steel parking garages and steel guard cables on the garage facades are prohibited. The maximum length of an exposed parking structure along a street is 200 feet.
  - e. *Bicycle parking.* Bicycle parking shall be provided for all multi-family and commercial uses.

**The proposed project will require 461 parking spaces for the residential units and 64 parking spaces for the retail space. It required 525 spaces total, and it provides 612 spaces. All parking garages meet the requirements contained in Section d.**

9. **Streets.** All streets and blocks in the Property shall conform to the provisions of this section.
  - a. *Street standards.* Standards for streets within the Property shall be as set forth in Exhibit "D," which is attached to this Ordinance, No. 007-034 and made a part hereof by reference. The Town's Master Thoroughfare Plan is amended to conform to Exhibit "D" for streets within this planned development district.
  - b. *Street type and pattern.* The location of streets on the master thoroughfare plan is approximate. Precise location of streets shall be determined in conjunction with the approved Concept Plan and the approval of development plans.
  - c. *Block length.* The length of a block shall not be less than 200 feet, nor more than 750 feet.

**The project meets all standards for streets and block length.**

10. **Exterior Appearance.**

- a. *Materials:*
  1. At least 80 percent of the exterior cladding of all exterior walls fronting or visible from public streets (including above grade parking structures) shall be masonry construction.



For purposes of this planned development district, "masonry construction" includes, but is not limited to brick, stone, cultured stone, glazing and plate glass, and split face concrete masonry units. An applicant, however may submit a design for construction of parking structures that employs alternative construction materials for exterior cladding with an application for a development plan. The alternative may be approved by the city upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.

2. At least 60 percent of exterior cladding of all walls not fronting on, or not visible from, public ways (including above grade parking structures) may be constructed of noncombustible materials including exterior stucco and fibrous cementitious material (e.g. hardi-material) construction.
3. The exterior cladding (excluding glass) of all buildings, (including above grade parking structures) shall be composed of not more than three materials (excluding roofs).
4. The following materials are prohibited as primary cladding materials:  
  
Aluminum siding or cladding  
Wood roof shingles  
Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material).
5. The following materials are prohibited as primary roofing materials:  
  
Wood roof shingle  
Composite shingles with less than a 50-year life
6. Balcony and patio railings and fences shall be constructed of wrought iron or metal. Wood fences and railings and chain-link fencing are prohibited.

**The buildings proposed are predominantly brick and burnished concrete masonry units, with stucco trim. The buildings meet the standards for materials.**

b. *Windows:*

1. Where a retail use occupies the first floor, at least 70 percent of the first floor exterior wall facing a thoroughfare, street, boulevard or parking plaza shall be transparent glazing.
2. The exterior wall surface of all buildings above the first floor shall not be more than 50 percent glass.
3. Glass is to be clear or tinted, not reflective.

**The buildings proposed meet all standards for windows.**

- c. *Walls.* Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

**The buildings proposed meet all standards for walls.**

- d. *Color.* The dominant color of all buildings (including above-grade parking structures) shall be muted shades of color. Black and stark white shall not be used except as accent color. There are no restrictions on accent colors which comprise less than 1.0% of the building face, except that

fluorescent colors are prohibited.

**The buildings proposed meet all standards for color.**

11. **Landscape.** Landscaping within the Property shall comply with the provisions in this section and with the standards contained in Article XXI, landscaping regulations of the Zoning Ordinance. Where conflicts exist between this section and the landscaping regulations, requirements in this section shall control.

- a. **Streetscape Zone.** In the district, all streetscape elements, including street trees, lighting and other furnishings must be provided in the right-of-way, exclusive of driveways and access ways at points of ingress and egress to and from each lot.
  1. **Street Trees** – Street trees shall be provided in accordance with the following:
    - (a) Each street (except treeless mews streets) shall have street trees planted at uniform spacing, commencing no closer than 40 feet from the face of curb of intersecting streets.
    - (b) Typically, street trees shall be planted as shown on Exhibit “D”.
    - (c) Street trees shall be large shade species having a minimum of four (4) caliper inches, selected in accordance with the Town’s landscape regulations.
  2. **Street Lighting** – Street lighting shall be provided in accordance with the following :
    - (a) Each street shall have street lamps uniformly spaced between trees as shown on Exhibit “D(b)On A and B streets (as shown on the attached Exhibit “D”), locate street lamps at intervals no greater than 200 feet.
    - (c) Street lamps shall be selected in accordance with Exhibit “E”, attached to this Ordinance No. 007-034 showing acceptable selections.
  3. **Street Furnishings** – Street furnishings shall be provided in accordance with the following:
    - (a) Street furnishings shall include, but not be limited to, benches, trash receptacles, and bicycle racks.
    - (b) Street furnishings shall be located at the discretion of the developer, subject to the approval of the town’s Director of Parks and Recreation.
    - (c) Street furnishings shall be selected in accordance with Exhibit “E”, attached to this Ordinance No. 007-034, showing acceptable selections.
  4. **Landscaping for Non-residential ground floor frontages.** Non-Residential ground floor frontages may pave the area between the building face and sidewalk.
  5. **Landscaping for Residential ground floor frontages.** Residential ground floor frontages shall be required to landscape the entire area between the edge of sidewalk and the primary building façade, excluding access to sidewalks, stairs, stoops, porches and patios. This area must be irrigated, and may be landscaped with ground cover, low shrubs, and ornamental trees.

**The landscaping along the street will be designed and installed by the Town. The staff will see that it meets the requirements of the ordinance. The street**



**landscaping shown on the plans meets the standards of the ordinance.**

- b. Private Open Space. Private open space, which is owned and maintained by the developer, shall be landscaped and irrigated. The landscaping plan for the private open space shall be approved by the Town as a part of the development plan approval for each development.

**The only private open space shown on the project appears to be the courtyards between the arms of the building that extend out toward the creek. There is not a landscaping plan provided at this point, but the staff will make sure that a planting and landscaping plan is provided for the courtyard spaces prior to the issuance of a building permit.**

- c. Parking Lot Screening. Screening must be provided for all surface parking lots within the Property from all adjacent streets. The screening must extend along the entire street frontage of each surface parking lot, exclusive of (i) driveways and access ways at points of ingress and egress to and from the site, and (ii) visibility triangles. Screening shall be provided in accordance with the standards contained in Article XXI, Landscaping Regulations.

**There is a parking lot shown on the west end of the project, adjacent to the creek. The parking lot is on property that will be dedicated to the Town, and it is anticipated that the Town will install the lot. The lot is not visible from any street, but the staff will make sure that it is screened from the adjacent neighbors to the west and south.**

12. Sustainability.

All land contained within this Planned Development District shall be developed, and all buildings within this Planned Development District shall be constructed with the goal of providing a sustainable neighborhood. All developments shall conform to the requirements of the Brookhaven Neighborhood Sustainability Program, which is attached as Exhibit "F", attached to this Ordinance No. 007-034, and incorporated herein for all purposes.

**The applicant agreed, through the Brookhaven Sustainability Program, to provide trash rooms, with capacity for trash and recycling bins, in all buildings. Staff could not determine from the floor plans which rooms are the trash rooms. Applicant also committed to use daylight wherever possible, and appears to have met that guideline. In addition, applicant is specifying R-13 insulation in walls in line with IECC 2006 standard, has designed building truss space to be filled with noncombustible insulations, has used R-410a in all HVAC equipment, and has oriented buildings, where possible, to orient longer faces of buildings to face Northwest, northeast, and southwest.**

13. Screening:

- a. Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion off each lot. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.
- b. Loading, service, and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or



through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

- c. All roof-mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

**Staff cannot determine whether screening is adequate at this time because equipment has not been designed and located. However, staff will check building permit plans to see that all mechanical equipment is screened.**

14. **Flexible Standards.** It is intended that all of the standards set forth in Sections 5-13 herein shall be flexible in order to encourage development within the Property. The planning and zoning commission and the city council may approve waivers to any standards set forth herein as part of the development plan provided any such waiver does not authorize a use not authorized in this planned development district, and does increase the allowable intensity or density of any land use.

**Applicant is not requesting any waivers to the design standards of the ordinance.**

#### RECOMMENDATION:

Staff finds that the applicant is proposing a project that meets all of the standards of the ordinance, which should be expected, as the staff and the applicant wrote the standards around the product that the applicant wanted to build.

Staff has some questions and thoughts on the proposed plans that will be resolved through the design process, but should be discussed at this point.

- The plans do not show a screening wall between this project and the townhomes to the west. The buffer strip, driveway, and parking lot shown against the west property line are proposed to be dedicated to the Town, and may be constructed as a part of the park improvements. The staff wants to nail down the timing of this installation to make sure that the screening wall and double row of trees, which were promised to the Brooktown townhome residents during the zoning process, are installed before any units in the new development are occupied.
- The parking lot shown at the southwest corner of the site is an item that the staff is trying to insure remains a positive facility for the neighborhood. On one hand, the staff welcomes the addition of visitor parking, particularly next to the creek trail. On the other hand, the parking lot will be isolated at night and is not visible from the street. The staff wants to insure that the lot is safe at all times. The Police Department is investigating the use of motion-sensor lights, and the staff may even try video surveillance cameras.
- The retail spaces do not seem to allow for merchants to differential their storefront from an adjacent storefront. In looking at other mixed-use developments around the country, the retail appears to do better if it can be



“popped out” architecturally from the façade of the building. In addition, the retail is more interesting if each tenant can modify the storefront – within reason – to make their business look different than the ones next to them. Even malls have adopted the practice of allowing different storefronts among tenants, and the staff recommends the applicant explore ways to make differentiate the retail on the bottom from the rest of the building.

As staff noted, those items will be worked out during the design process. The staff and applicant have worked closely on the design for the parks and streets, and will continue to do so.

Staff recommends approval of the proposed development plans for 393 multi-family units and 15,900 square feet of retail space, subject to the following conditions:

-The applicant needs to clarify where the trash/recycling rooms are located and verify that they are large enough to hold facilities for both trash and recycling.

-A solid screening wall, eight feet in height, and the double row of trees, as shown on the plan, between this project and the Brooktown Townhomes, located to the west of this project, shall be installed prior to the issuance of a Certificate of Occupancy for any building in the proposed development.

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





Stelian Nita  
3770 Brookhaven Club Dr.  
Addison, Tx, 75001  
Brookhaven Townhomes Association  
(214) 459-0307

214 459 0307

To the Planning and Zoning Department  
Attention: **CARMEN MORAN**,  
Director of Development Services

Regarding the Phase I Project ... 1558 Z/UDR, Inc. 3900 Brookhaven Club Dr.  
Addison, 75001 [007 - 034].

This Project and especially the Garage Building planned to be built  
adjoined to our Properties is in default and interferes with the city, state,  
and federal laws of real estate and environmental laws as follows:

1. Interfering and invading our air rights: By exceeding 2 floors maximum height for the first 1000 Ft. from the property line;
2. Obstructing and blocking our view by having 6 - 8 floor buildings around our properties similar to a prison wall;
3. Blocking our rights to collect solar energy in order to reduce our expenses on electricity and heating, and making solar panels ineffective and useless in this particular case. This will be a permanent damage to our properties;
4. Interferes with and violates: The federal 1970 "**CLEAN AIR ACT**" [42 U.S.C. & 7401 et seq.], **NATIONAL AMBIENT AIR QUALITY STANDARDS**; and **STATE IMPLEMENTATION PLANS** must be required, provided, and delivered to Congress for review and approval, in order to decide whether to approve the proposed Garage Building or not.  
The architect, developer, and builder will be required to prepare and consider an:

**ENVIRONMENTAL IMPACT STATEMENT** that analyzes the combined impacts of the Garage Building and the additional road traffic designed to facilitate this Project.

Examples:

A - Boomer vs. Atlantic Cement Company  
257 N.E. 2d 754 (9th Cir. 1985)  
[Permanent Damages Allocated to Plaintiffs]

B - Thomas vs. Peterson  
753 F. 2d 754 (9th Cir. 1985)

*Verall Deem*  
3904  
*Patrick David*  
3722

*[Signature]*  
#3766

*[Signature]*  
#3754

*[Signature]*  
#3799

*[Signature]*  
#3770

*[Signature]*  
#3798

*[Signature]*  
3740

*[Signature]* 3772

*[Signature]*  
3780  
*Pedro GARCIA Luna*

*[Signature]*  
ELVIS R. VARGAS  
3752

Activities such as :

A - Peeping Toms

B - Voyiors ( who will Photographe and / or video tape Residents in their homes with the intent to publish or play them on the internet);

C - Auto theft and Burglars will be able to gather information about Residents ( as far as when they are home and when they leave; what is their personal schedul, etc. ) in order for them to calculate the perfect strike;

D - Also an open chance for Sharp Shooters to target Residents in any Direction.  
Unless you want this to Occure First and Take action later. Which will qualify you for future Punitive and Permanent Damages by Approving this Project in it's current State.

6. Free access and open oportunity to any terrorist to park a car bomb in the future.

  
#3770



**Carmen Moran**

**From:** Ext\_mail John Hill  
**Sent:** Wednesday, May 21, 2008 3:12 PM  
**To:** Carmen Moran  
**Subject:** Garage

\*\*\*\*\*  
IMPORTANT/CONFIDENTIAL: This message contains information from the law firm of Cowles & Thompson, P.C. which may be privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee, or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number  
(214) 672-2000  
\*\*\*\*\*

Carmen, below are some thoughts regarding the Brookhaven parking garage. In the first paragraph, the last sentence (shown in italics) may or may not be accurate, so please review and delete or modify as needed. Please let me know if you have any questions/comments.

To the best of our knowledge at this time, the Clean Air Act does not impact the proposed garage building. A summary of the Clean Air Act from the website of the Environmental Protection Agency (<http://www.epa.gov/lawsregs/laws/caa.html>) is below, and it provides in part that its purpose is "to protect health and public welfare and to regulate emissions of hazardous air pollutants." A search on the EPA website for parking garages did not show any rules or regulations affecting the construction of a parking garage. While motor vehicles will be parked in the garage, the garage itself does not emit any hazardous air pollutants. *Further, the proposed project will include open walls and/or ventilation systems as required by the Building Code, to prevent collection or concentration of vehicle emissions in the garage. These systems would ensure that fumes from moving and idling vehicles within the garage would be mechanically dispersed.*

**Summary of the Clean Air Act****42 U.S.C. §7401 et seq. (1970)**

The Clean Air Act (CAA) is the comprehensive federal law that ***regulates air emissions from stationary and mobile sources***. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and ***to regulate emissions of hazardous air pollutants***.

One of the goals of the Act was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order



to achieve these standards. The Act was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines.

Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source.

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk

Regarding an environmental impact statement, the National Environmental Policy Act (42 U.S.C. 4321 et seq) requires such a statement to be filed by the federal government when a "major federal action" (action that may have a significant effect on the quality of the environment as it affects humans and ecosystem) which affects the environment is taken:

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet this requirement, federal agencies prepare a detailed statement known as an Environmental Impact Statement (EIS). EPA reviews and comments on EISs prepared by other federal agencies, maintains a national filing system for all EISs, and assures that its own actions comply with NEPA.

From the Environmental Protection Agency website (<http://www.epa.gov/compliance/nepa/index.html>). Further description from the EPA website is below (emphasis added):

### **NEPA Requirements**

Title I of NEPA contains a Declaration of National Environmental Policy which requires the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony. Section 102 requires federal agencies to incorporate environmental considerations in their planning and decision-making through a systematic interdisciplinary approach. *Specifically, all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions significantly affecting the environment.* These statements are commonly referred to as *environmental impact statements (EISs)*. Section 102 also requires federal agencies to lend appropriate support to initiatives and programs designed to anticipate and prevent a decline in the quality of mankind's world environment.

Based on the above, this does not appear to be a case in which an environmental impact statement must

be filed.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on May 22, 2008, voted to recommend approval of an ordinance approving development plans for a multi-family project in a Planned Development district, (007-034), on application from UDR, Inc., subject to the following conditions:

-The applicant needs to clarify where the trash/recycling rooms are located and verify that they are large enough to hold facilities for both trash and recycling.

-A solid screening wall, eight feet in height, and the double row of trees, as shown on the plan, between this project and the Brooktown Townhomes, located to the west of this project, shall be installed prior to the issuance of a Certificate of Occupancy for any building in the proposed development.

Voting Aye: Bernstein, Chafin, Gaines, Lay

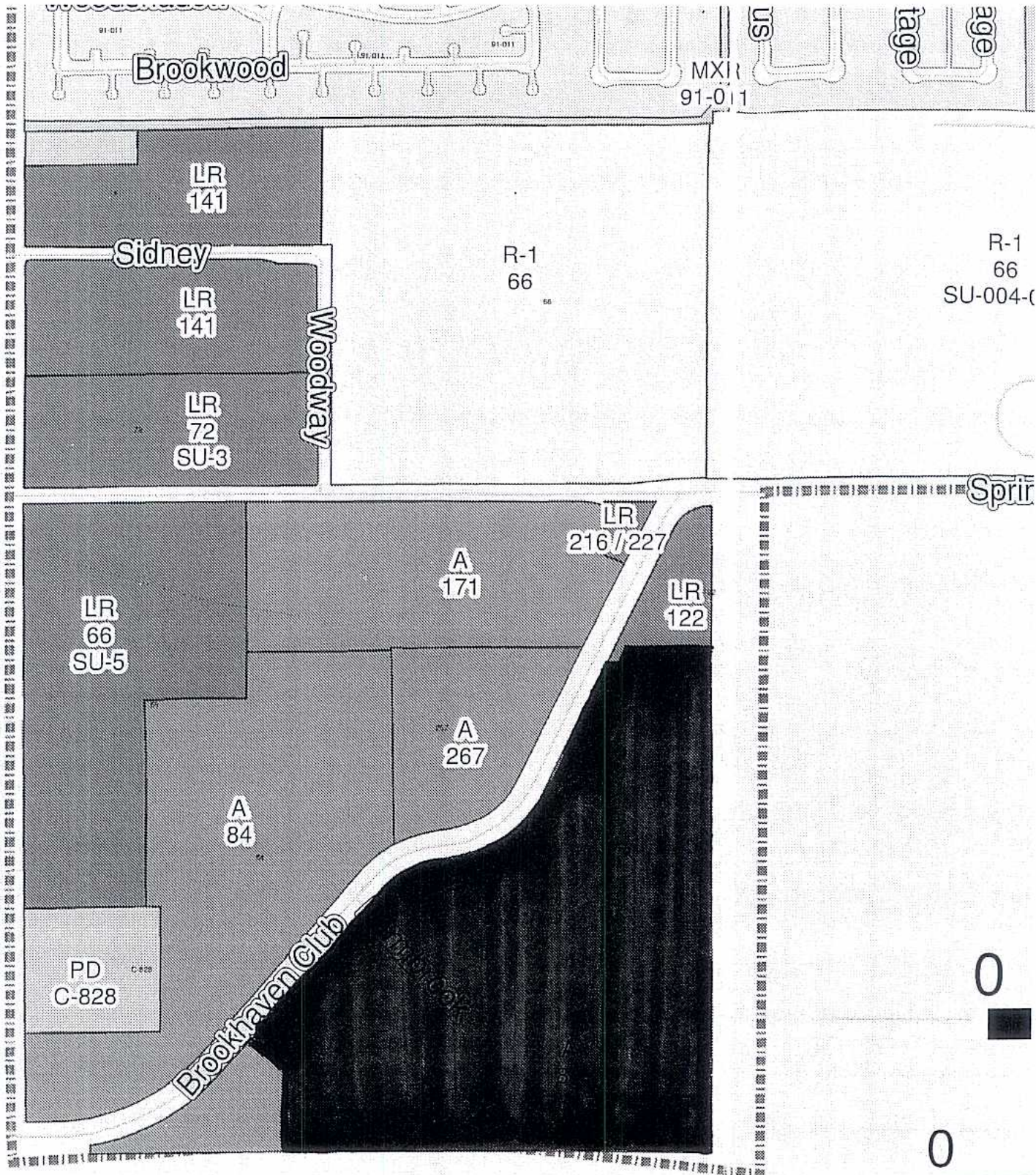
Voting Nay: None

Absent: Daseke, Jandura, Wood

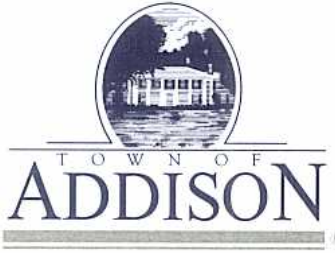


# Preliminary Plat/Vitruvian Park I

Preliminary Plat/Vitruvian Park I, Requesting approval of a preliminary plat for Lots 1-3, Block A, Lots 1-3, Block B, Lots 1, Block C, and Lot 1, Block D, located on 45.16 acres located in a Planned Development district (007-034), on the south side of Brookhaven Club Drive, on application from UDR, Inc., represented by Mr. Bruce Dunne of Icon Consulting Engineers.







DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

May 15, 2008

STAFF REPORT

RE: PRELIMINARY PLAT/Vitruvian Park I

LOCATION: 3900 and 4010 Brookhaven Club Drive, containing 45.16 acres

REQUEST: Approval of a preliminary plat

APPLICANT: UDR, Inc., represented by Mr. Bruce Dunne of Icon Consulting Engineers

DISCUSSION:

Background. This is the first plat for the Vitruvian Park development. It contains lots 1-3, Block A, Lots 1-3, Block B, Lot 1, Block C and Lot 1, Block D. Lot 2, Block B contains the proposed creek park, which will be dedicated to the Town. The Town, through a Master Facilities Agreement with UDR, is supervising the design of the streets and parks in this development. Icon Engineers has been working with the Public Works staff on the design of the infrastructure and platting, and will continue to work with the staff through final design and construction.

Public Works Review. The Public Works Department has noted that most of the items on the plat will be worked out through the design process. However, the staff had the following comments on the preliminary plat.

1. Provide street names.
2. The property lines along the south and east boundaries of the platted property do not appear to be identified. Additionally, the electric easement along the east property line is not shown. Please insure that all property lines and easements within 150' of the property boundary are shown and labeled on any and all final plat submittals.
3. The official name of the waters passing through the project is "Farmers Branch" as opposed to "Farmers Branch Creek." Please correct this on any and all final plat submittals.

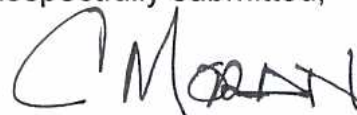
4. Several of the recording information labels for the adjacent properties do not appear to be correct. Please correct this on any and all final plat submittals.

The staff understands that UDR has a naming scheme for street names based on the Vitruvian theme; however, the staff has not seen any of the names.

RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Vitruvian Park I, subject to the conditions listed above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C Moran'.

Carmen Moran  
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on May 22, 2008, voted to recommend denial of the preliminary plat on application from Icon Consulting Engineers, subject to the following conditions:

1. Provide street names.
2. The property lines along the south and east boundaries of the platted property do not appear to be identified. Additionally, the electric easement along the east property line is not shown. Please insure that all property lines and easements within 150' of the property boundary are shown and labeled on any and all final plat submittals.
3. The official name of the waters passing through the project is "Farmers Branch" as opposed to "Farmers Branch Creek." Please correct this on any and all final plat submittals.
4. Several of the recording information labels for the adjacent properties do not appear to be correct. Please correct this on any and all final plat submittals.

Voting Aye: Bernstein, Chafin, Gaines, Lay

Voting Nay: None

Absent: Daseke, Jandura, Wood



# Memorandum

**To:** Carmen Moran  
**CC:** Nancy Cline  
**From:** Clay Barnett  
**Date:** 5/15/2008  
**Re:** Preliminary Plat of Vitruvian Park I

- 
1. Provide street names.
  2. The property lines along the south and east boundaries of the platted property do not appear to be identified. Additionally, the electric easement along the east property line is not shown. Please insure that all property lines and easements within 150' of the property boundary are shown and labeled on any and all final plat submittals.
  3. The official name of the waters passing through the project is "Farmers Branch" as opposed to "Farmers Branch Creek." Please correct this on any and all final plat submittals.
  4. Several of the recording information labels for the adjacent properties do not appear to be correct. Please correct this on any and all final plat submittals.

## **Council Agenda Item: #R8**

### **SUMMARY:**

Consideration and adoption of the revised Employee Handbook

### **FINANCIAL IMPACT:**

N/A

### **BACKGROUND:**

The Town of Addison's Employee Handbook had not been updated in a number of years. Therefore, the Town contracted with former Human Resources Director, Judy Stafford, in conjunction with Bettye Lynn, Attorney at Law, to review and ensure that the Town's current policies and practices are reflected in the handbook. In addition, staff, including the City Attorney, Department Directors and the Human Resources staff, has had the opportunity to review and suggest changes.

On April 22, 2008, the Employee Handbook was presented to Council for discussion. After further consultation with Bettye Lynn, John Hill and Mayor Chow, the attached policies have been revised and staff will be prepared to discuss those revisions at the Council meeting.

Attached Revisions:

Employee Handbook Receipt Form  
Table of Contents  
Section 1.03 Town Government  
Section 1.09 Solicitations  
Section 1.10 Gifts  
Section 3.04 Probationary Period  
Section 3.07 Separations  
Section 9.01 Glossary of Terms

### **RECOMMENDATION:**

Staff recommends adoption of the revised Employee Handbook.

**EMPLOYEE HANDBOOK RECEIPT FORM**

I acknowledge receipt of the Town of Addison’s Employee Handbook **and understand that it does not constitute a contract of employment.** The policies contained in this Handbook shall apply consistently and uniformly to all Town of Addison employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council.

**Fire and Police department employees should also refer to their Standard Operating Procedures to ensure compliance with departmental policies which may impose more specific guidelines.**

I understand that this Handbook provides the Town of Addison’s policies in effect on the date of publication and that policies are continually evaluated and may be amended, modified or terminated at any time. The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of the policies, procedures or benefits discussed herein. The Town also reserves the right to make final decisions as to the interpretation and intent of all information contained in the Employee Handbook.

**I agree to become familiar with and abide by these policies. If I have any questions or need clarification on any section, I will contact the Human Resources Department.**

Signature \_\_\_\_\_

Date \_\_\_\_\_

Please print your name legibly \_\_\_\_\_



# **Town of Addison Employee Handbook**

*Revised April 2008*

## **Chapter I: Governing Principles of Employment**

- Section 1.01 Objectives of Employee Policies
- Section 1.02 At-Will Employment
- Section 1.03 Town Government
- Section 1.04 Council Meetings
- Section 1.05 Management Authority
- Section 1.06 Departmental Policies
- Section 1.07 Political Activity
- Section 1.08 Conflict of Interest
- Section 1.09 Solicitations
- Section 1.10 Gifts
- Section 1.11 Nepotism
  - A. Definitions
  - B. Restrictions
  - C. Applicants
  - D. Promotion or Reorganization
  - E. Marriage of Current Employees
  - F. Application of Policy
- Section 1.12 Employee Activities

## **Chapter II: Operational Policies**

- Section 2.01 Job Descriptions
- Section 2.02 Performance Evaluation System
  - A. Schedule
  - B. Supervisory Responsibilities
  - C. Director or Human Resources Responsibilities
  - D. Employee Responsibilities
- Section 2.03 Personnel Records
- Section 2.04 Confidentiality of Medical Information
- Section 2.05 Individuals with Disabilities
  - A. Procedure for Requesting an Accommodation
  - B. Complaints
- Section 2.06 Dress and Appearance
- Section 2.07 Electronic Communications and Systems Access Use
  - A. Internet and Email Access
  - B. Acceptable Use of Electronic Communications Systems
  - C. Unacceptable Use of Electronic Communications System
  - D. Filtering



- E. Responsibility
- F. No Right of Privacy/Monitoring
- G. Copyright Restriction
- Section 2.08 Cellular Phone Use in the Workplace
- Section 2.09 Private Telephone
- Section 2.10 Town Property and Equipment Use
  - A. General Rules for Property/Equipment Issuance and Use
  - B. Personal Use Prohibited
  - C. Tobacco Use Prohibited
  - D. Alcohol Use Prohibited
  - E. Use of Town Vehicles and Personal Vehicles for Town Business
  - F. Vehicle Allowance
  - G. Take Home Vehicles
  - H. Personal Property
- Section 2.11 Use of Town Funds
  - A. Purchase of Meals Related to Business Meetings
  - B. Purchase of Flowers
- Section 2.12 Outside and Self-Employment
- Section 2.13 Travel
  - A. Transportation
  - B. Travel Approval and Cash Advances
  - C. Lodging
  - D. Meal Allowance
  - E. Long Distance Phone Calls
  - F. Non-Allowable Expenses
  - G. Request for Reimbursement and Return of Unexpended Funds
  - H. Travel to Training
  - I. Expenses Not Covered in Policy
  - J. Compliance
- Section 2.14 Residency Requirement

### **Chapter III: Employment Status Policies**

- Section 3.01 Equal Employment Opportunity
- Section 3.02 Recruitment and Selection
  - A. Recruitment Requirements
  - B. Applications
  - C. Hiring Process
  - D. Disqualification
- Section 3.03 Employment Status
  - A. Definitions of Status
  - B. Exempt or Non-Exempt
- Section 3.04 Probationary Period
  - A. Seasonal/Temporary Employees
  - B. Change in Assignment of Probationary Employee

- C. Absences during Probationary Period
- D. Transferred or Promoted Employees
- E. Probationary Performance Evaluations
- F. Extensions to Probationary Period
- G. Probationary Period in Conjunction with Disciplinary Action
- H. Successful Completion of Probation/Regular Status Granted
- I. Failure of Probation
- J. Termination of Probationary Employment
- K. Sexual and Other Unlawful Harassment
- Section 3.05 Promotions
  - A. Definition
  - B. Promotional Opportunities
  - C. Change in Pay
  - D. Probationary Period
- Section 3.06 Transfers
- Section 3.07 Separations
  - A. Resignation
  - B. Retirement
  - C. Reductions in Force/Reorganization
  - D. Dismissal/Termination
  - E. Reference Policy for Separated Individuals
  - F. Death
- Section 3.08 Reappointment and Bridging of Service
- Section 3.09 Reduction in Force
- Section 3.10 Exit Interviews

#### **Chapter IV: Benefits**

- Section 4.01 Insurance
- Section 4.02 Group Health Continuation Coverage (COBRA)
- Section 4.03 Disability Benefits
  - A. Short-Term Disability
  - B. Long-Term Disability
- Section 4.04 Social Security and Medicare
- Section 4.05 Workers Compensation
  - A. Eligibility for Workers' Compensation
  - B. Accident and Injury Reporting Procedures
  - C. Injuries Occurring during Physical Fitness Activities
  - D. Returning to Work
  - E. Maximum Time Limits
  - F. Eligibility for Salary Continuation
- Section 4.06 Deferred Compensation Plan
- Section 4.07 Flexible Spending Plan
- Section 4.08 Tuition Reimbursement
- Section 4.09 Employee Assistance Program (EAP)

- Section 4.10 Retirement
  - A. Eligibility for Retirement
  - B. Retirement Benefit Options
  - C. Survivor Benefits
  - D. Supplemental Death Benefits
  - E. Occupational Disability Retirement
- Section 4.11 Retiree Health Insurance

## **Chapter V: Compensation**

- Section 5.01 Compensation Plan
- Section 5.02 Method of Payment
  - A. Regular Payroll
  - B. First Paycheck
  - C. Final Paycheck
  - D. Wages in Lieu of Notice
- Section 5.03 Overtime and Time Management
  - A. Overtime Compensation
  - B. Non-Exempt Employees
  - C. Adjusting the Work Schedule
  - D. Exempt Employees
  - E. Additional Pay for Exempt Employees
- Section 5.04 On-Call and Call Back Compensation
  - A. Return to Work Provisions
  - B. Compensation
  - C. Departmental Policies
- Section 5.05 Vehicle Allowance and Take Home Vehicles
  - A. Vehicle Allowance
  - B. Proof of Insurance
  - C. Take Home Vehicles
  - D. Vehicle Maintenance
- Section 5.06 Longevity Pay
- Section 5.07 Payroll Deductions

## **Chapter VI: Attendance and Leave Policies**

- Section 6.01 Attendance and Work Hours
  - A. Definitions
  - B. Regular Work Hours
  - C. Adjustment to Work Hours
  - D. Meal Periods
  - E. Breaks
  - F. Attendance Records
  - G. Attendance and Punctuality



- Section 6.02 Holidays
  - A. Scheduling of Holiday
  - B. Definition of Holiday Time
  - C. Employees Scheduled to Work on a Holiday
  - D. Non-Exempt Employees Called in to Work on a Holiday
  - E. Employees Scheduled “Off Duty” on a Holiday
  - F. Regular Part-Time Employees
  - G. Temporary and Seasonal Employees
  - H. Ineligibility for Holiday Pay
  - I. Holiday Occurring During Vacation Leave
  - J. Holiday Occurring During Workers’ Compensation Leave
  - K. Separating Employees
  - L. Other Religious Holidays
  - M. Fire Department Holiday and Birthday Accrual
  - N. Fire Department Pay Out for Unused Annual Accrual
  - O. Maximum Holiday Accrual for Police Officers and Dispatchers
- Section 6.03 Employee Birthday
- Section 6.04 Vacation Leave
  - A. Scheduling Vacation
  - B. Vacation Accrual Rate
  - C. Maximum Vacation Accrual
  - D. Compensation for Vacation Leave
  - E. Regular Part-Time Employee Eligibility for Vacation Accrual
  - F. Temporary/Seasonal Employees
  - G. Vacation during Trial Period
  - H. Holidays during Vacation
  - I. Required Vacation Leave
  - J. Vacation Buyback
- Section 6.05 Sick Leave
  - A. Accrual Rate and Eligibility
  - B. Maximum Accrual
  - C. Authorized Use of Sick Leave
  - D. Minimum Increments
  - E. Failure to Report Absence /Abuse of Sick Leave
  - F. Other Employment during Sick Leave
  - G. Use of Other Leave
  - H. Documentation
  - I. Family and Medical Leave Act
  - J. Sick Leave Buyback
- Section 6.06 Family and Medical Leave Act (FMLA) Leave
  - A. Definition of Serious Health Condition
  - B. Employee Eligibility
  - C. Leave Entitlement
  - D. Employee’s Notice Requirements
  - E. Medical Certification and Other Required Documentation

- F. Intermittent Leave
- G. FMLA Leave Runs Concurrently With Other Types of Leave
- H. Benefits During FMLA Leave
- I. TMRS
- J. Job Restoration after FMLA Leave
- K. Leave Due to Birth/Adoption
- L. FLSA Considerations
- M. Other Employment
- N. Military Family Leave
- O. Other Provisions
- Section 6.07 Military Leave and Differential Military Pay
  - A. Paid Leave for Short-Term Training and Duty
  - B. Absence for Military Duty Beyond Any Available Paid Leave
  - C. Differential Military Pay for Extended Tours of Duty
  - D. Returning from Military Leave
  - E. Military Family Leave
- Section 6.08 Military Family Leave
- Section 6.09 Jury Duty
- Section 6.10 Bereavement Leave
- Section 6.11 Administrative Leave
- Section 6.12 Unpaid Leave of Absence
  - A. Requests for Unpaid Leave of Absence
  - B. Use of All Other Available Leave
  - C. Criteria
  - D. Reasons for LOA
  - E. Documentation
  - F. Other Employment during Leave
  - G. Reinstatement
  - H. Benefits/Premium Payments
  - I. Revocation
- Section 6.13 Inclement Weather/Emergency Closing

## **Chapter VII: Standards of Conduct**

- Section 7.01 Employee Conduct and Work Rules/Disciplinary Action
  - A. Supervisory Responsibility
  - B. Prohibited Activities
  - C. Felonies and Misdemeanors
  - D. Progressive Discipline
  - E. Probationary Period in Conjunction with Disciplinary Action
  - F. Administrative Leave
  - G. Documentation
  - H. Review by Director of Human Resources
  - I. Appeal Rights
- Section 7.02 Grievance/Appeal

- Section 7.03 A. Definition of Grievance
- Section 7.03 Sexual and Other Unlawful Harassment
  - A. Sexual Harassment
  - B. Other Prohibited Harassment
  - C. Mandatory Reporting
  - D. Investigation
  - E. Retaliation Prohibited
  - F. Responsive Action
- Section 7.04 Blogging Policy
- Section 7.05 Weapons Ban and Violence Prevention Policy
  - A. Zero Tolerance
  - B. Town's Response to Threats or Acts of Violence
  - C. All Weapons Banned
  - D. Mandatory Reporting
  - E. Protective Orders
  - F. Confidentiality
  - G. Town Property
  - H. Documentation
  - I. Policy Violations
- Section 7.06 Searches
- Section 7.07 Drug and Alcohol Use Policy
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  - E. Police and Fire Department Exemptions
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## **Chapter VIII: Health and Safety**

- Section 8.01 Employee Safety
  - A. Safety Rules
  - B. Accident Reporting
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- Section 8.02 Health/Medical Examinations/Fitness for Duty
  - A. Serious Health Condition/Disabilities
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## **Chapter IX: Glossary of Terms**

- Section 9.01 Glossary of Terms



***Note: Throughout this document the masculine terms “he” or “his” are used in reference to both male and female employees.***

## **SECTION 1.03 TOWN GOVERNMENT**

The Town of Addison is a home rule city. The chief administrative officer is the City Manager. The Council is the Town's legislative body and is composed of a Mayor and six Council members, each elected for a term of two years for up to three terms. The Mayor and each of the Council members have a vote in decisions related to Town affairs.

The City Manager attends all Council meetings and may offer advice on matters before the Council but has no vote on actions taken. The City Manager is responsible for carrying out the decisions of the Council, enforcing ordinances and the hiring of all Town employees. All Department Directors report to the City Manager through either the Deputy City Manager or Assistant City Managers. By charter, Department Directors are subject to appointment and removal by the City Manager.

## **SECTION 1.09 SOLICITATIONS**

Solicitation of funds or anything of value for any purpose whatsoever shall be permitted by Town employees on **work time** only with the approval of the City Manager **and/or his designee**. No employee may be required to make any contribution nor may an employee be penalized in any way concerning his or her employment according to his or her response to a solicitation.

## SECTION 1.10 GIFTS

The Town strives to treat all employees, citizens and individuals conducting business with the Town in a fair and equitable manner. An employee (and his relatives and significant others) may not receive any income or other material gain from anyone outside the Town for services provided by the employee in the performance of his job with the Town. Individual Town employees are prohibited from accepting or agreeing to accept any gift, gratuity, favor, benefit or anything else of value from any person, organization, or other entity who has done business, is doing business, seeks to do business, with the Town or is regulated by the Town.

An employee who accepts the following will not be in violation of this policy:

- an award publicly presented in recognition of public service;
- an occasional meal where public business is discussed;
- t-shirts, caps and other similar promotional material;
- any gift which would have been offered or given to the employee even if the employee were not a Town employee; or
- any item under \$25 in value.

Routine food coupons, frequent flier awards, discounts and other promotional items awarded to employees while carrying out Town business may be accepted by employees and will not be considered a violation of this policy due to the administrative difficulty and cost involved in recapturing the discount or award for the Town. If the item is non-routine, or of more than minimal value, the employee must check with his or her Department Director to see if the item should be returned or, in the alternative, turned over to the Town.

Town employees are allowed to accept nominal gifts where the gratuity can be shared by a significant number of Town employees (e.g., all employees of a particular department or building sharing a holiday gift basket; Town employees participating in events sponsored by vendors, such as receptions held during the TML Conference).

Employees may not give their supervisor or anyone else in Town management any gift or other item of more than a minimal value. If offered, supervisors may not accept such gifts or other items. Giving and accepting cards, food items (such as cakes and cookies) or token gifts for birthdays, Bosses' Day, holiday celebrations, bereavement or similar events is not a violation of this policy.



The Town takes this policy very seriously and violations may result in disciplinary action up to and including termination of employment. If an employee receives a prohibited gift, the gift shall be immediately returned with a letter stating that Town policy does not permit employees to accept such gifts. Copies of all letters shall be sent to the Director of Human Resources.

Any questions regarding the prohibitions imposed by this policy generally, or in connection with a specific situation, should be directed to the Director of Human Resources.

## **SECTION 3.04 PROBATIONARY PERIOD**

All new employees hired to fill regular full-time or part-time positions, or former employees who are rehired, must satisfactorily complete a performance probationary period of six months, except for Police Officers and Firefighter/Paramedics whose probationary period is one year. Additionally, all current employees who are transferred or promoted must satisfactorily complete a performance probationary period of six months in their new position.

The probationary period assists the Town in maintaining an effective, productive and efficient workforce to provide quality services to the citizens. During the employee's probationary period, his/her supervisor will work closely with the employee to ensure that the employee has the necessary orientation and training to perform the job to the best of his ability. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees.

Each probationary employee is responsible for knowing, understanding and meeting the expectations and standards for his position. In addition, each employee is also responsible for performing his job in a safe, productive and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the probationary period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attendance, attitude or conduct. Employees are considered probationary employees until they have proven that they can perform their regular job duties and can meet acceptable standards of work performance and conduct for their position.

### **A. Seasonal/Temporary Employees**

Seasonal and temporary employees do not serve a performance probationary period and have no right of appeal when terminated at any time.

### **B. Change in Assignment of Probationary Employee**

Probationary employees may not request or make application for reassignment, promotion or voluntary transfer during the probationary period without approval from the City Manager, or his designee, as requested by the employee's Department Director. If the reassignment, promotion or transfer is approved, the employee will serve a six month performance probationary period in the new position beginning with the date of the position change.

### **C. Absences During Probationary Period**

During the performance probationary period, an employee is eligible to use sick leave for qualifying illnesses or injuries, with the approval of his Department Director.

Paid vacation leave will not be authorized during the probationary period except for an absence due to illness or injury where all sick leave has been exhausted and only if approved by the employee's Department Director and the Director of Human Resources. All requests for unpaid leave during this period must first be approved by the Department Director, and should only be used for unplanned emergencies. If the employee leaves the Town of Addison's employment for any reason during the probationary period, he will not be entitled to payment for accrued, unused vacation leave.

Probationary employees will be allowed time off for holidays and birthday, as scheduling permits and as approved by their Department Director.

#### **D. Transferred or Promoted Employees**

Transferred or promoted employees serving probationary periods retain their eligibility for all types of leave, as well as all other rights of regular employees, as established by Town of Addison policy.

#### **E. Probationary Performance Evaluations**

All probationary employees shall be constantly evaluated and will receive a performance review near the end of the regular probationary period. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. **Employees are not eligible for merit increases during their probationary period.** Newly hired employees who successfully complete their probationary period may receive a salary increase if they were hired within the six month period preceding the distribution of annual merit increases on October 1.

#### **F. Extensions to Probationary Period**

A probationary period may be extended for time spent on an approved Leave of Absence, including leaves due to injury, illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full day absence incurred by an employee during the probationary period will normally extend the probationary period by an additional day.

The decision to extend or not to extend an employee's probationary period will be at the sole discretion of the Department Director and the Director of Human Resources and may not be appealed.

If an extension is granted to an employee's probationary period, the employee will be advised in writing of the reasons for the extension and what he must accomplish to successfully complete the probationary period. He will also be advised of the date by which these accomplishments must be met.

#### **G. Probationary Period in Conjunction with Disciplinary Action**

In conjunction with an employee receiving serious disciplinary action, the Department Director and the Director of Human Resources may impose a probationary period, not to

exceed six months. The reasons for the probationary period, as well as the length and desired outcomes, will be included in the written disciplinary action.

#### **H. Successful Completion of Probation/Regular Status Granted**

An employee is granted “regular” status in the new position if the employee satisfactorily completes the probationary period.

#### **I. Failure of Probation**

An employee is considered to have failed probation when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. An employee who fails probation will normally be terminated from the Town’s employment.

Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training and other efforts to help employees during the probationary period. All documentation must be reviewed by the Director of Human Resources before a probationary employee can be terminated.

#### **J. Termination of Probationary Employment**

Probationary employees are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. A probationary employee who is terminated has no right of appeal. Probationary employees are not entitled to progressive levels of discipline. Probationary employees are otherwise subject to all policies and procedures of the Town.

#### **K. Sexual and Other Unlawful Harassment**

Probationary employees are subject in all respects to the Town’s Sexual and Other Unlawful Harassment Policy. While probationary employees have no right of appeal of disciplinary actions, if they believe they have been subjected to unlawful harassment or discrimination, they must immediately report such conduct as set out in Town Policy.



## **SECTION 3.07 SEPARATIONS**

The Town of Addison designates all employee separations as one of the following types:

### **A. Resignation**

An employee who intends to resign is requested to notify in writing his/her supervisor and/or the Director of Human Resources at least two weeks prior to the last day of work. Employees who fail to give a two week notice are typically not eligible for rehire. The employee's Department Director is responsible for immediately notifying the Director of Human Resources when he/she is notified of a resignation.

### **B. Retirement**

An employee who intends to retire is requested to notify in writing his/her Department Director, supervisor and the Director of Human Resources 30 days prior to the date of retirement to ensure that all required paperwork is timely prepared and submitted.

### **C. Reductions in Force/Reorganization**

An employee may be separated from Town service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization.

### **D. Termination**

The Town may terminate any employee for any reason and at any time, with or without cause. Any separation of employment that does not fall under one of the other defined categories in this policy will be considered a **termination**.

### **E. Reference Policy for Separated Individuals**

**In the absence of a signed release by the former employee**, the Town's policy is to provide neutral references for former employees, regardless of the reason for their departure. Neutral references consist of verification of hiring and termination dates, position held and salary. All inquiries concerning former employees shall be referred to the Human Resources Department.

### **F. Death**

If a Town of Addison employee dies, his designated beneficiary or estate will be paid all earned pay and payable benefits.

## **Section 9.01 Glossary of Terms**

**Essential employees** – includes employees that are required to be at work in emergency situations and generally include Police and Fire employees. Department Directors will designate and notify those employees that are considered essential employees.

**Exempt employee** – an exempt employee is not required by federal law to receive compensation for hours worked in excess of 40 hours in a work week.

**Non-essential employees** – includes employees that may not be required to at work in emergency situations. Department Directors will designate and notify those employees that are considered non-essential employees.

**Non-exempt employee** – a non exempt employee is required by federal law to receive compensation for hours worked in excess of 40 hours in a work week.

**Overtime compensation** – is paid to all non-exempt employees in accordance with federal and state wage and hour requirements at one and a half times the employee's hourly rate when the employee has worked in excess of 40 hours in a work week. Overtime pay will begin the eighth minute over the regular work period and will be paid in even 15 minute intervals.

**Probationary period** – all employees will serve six months on probationary period status in their new position which includes newly hired, transferred and promoted employees.

**Unpaid leave of absence (LOA)** – in extraordinary circumstances, the Town may grant employees an unpaid leave of absence which must be submitted in writing and must fully explain the reasons for the request. Whenever possible, an employee must request the LOA at least thirty days in advance of the beginning date the LOA. A LOA of up to 30 days may be authorized by the Department Director but any LOA beyond that time must be approved by the City Manager not to exceed a total of 180 days away from work.