



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

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**REGULAR MEETING OF THE CITY COUNCIL**

**7:30 P.M.**

**DECEMBER 9, 2008**

**TOWN HALL**

**5300 BELT LINE ROAD**

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**REGULAR SESSION**

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Pledge of Allegiance

Item #R1 - Consideration of Old Business.

Introduction of Employees

Discussion of Upcoming Events

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Item #R2 - Consent Agenda.

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#2a - Approval of the Minutes for:

November 25, 2008, Regular City Council Meeting and Work Session

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Item #R3 - Mr. Phil Busch will speak to Council in reference to the Bond Election and his voting concerns.

Attachment:

1. E-mail from Mr. Busch
- 

Item #R4 - Discussion and consideration of approval of an ordinance appointing Larry Dwight as Municipal Court Judge to Addison Municipal Court of Record No. 1; and authorizing the City Manager to enter into a compensation agreement with Larry Dwight for services rendered as municipal court judge.

Attachments:

1. Council Agenda Item Overview
2. Ordinance
3. Compensation Agreement

Administrative Recommendation:

Administration recommends approval.

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Item #R5 - Discussion and consideration of approval of an ordinance appointing U.H. Specht as an alternate City Judge to Addison Municipal Court of Record No. 1; and authorizing the City Manager to enter into a compensation agreement with U.H. Specht for services rendered as a Municipal Court Judge.

Attachments:

1. Council Agenda Item Overview
2. Ordinance
3. Compensation Agreement

Administrative Recommendation:

Administration recommends approval.

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Item #R6 - Discussion and consideration of approval of an ordinance appointing Albert Fenton as an alternate City Judge to Addison Municipal Court of Record No. 1; and authorizing the City Manager to enter into a

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compensation agreement with Albert Fenton for services rendered as a Municipal Court Judge.

Attachments:

1. Council Agenda Item Overview
2. Ordinance
3. Compensation Agreement

Administrative Recommendation:

Administration recommends approval.

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Item #R7 - FINAL PLAT/Meridian Square. Discussion and consideration of approval of a final plat for forty-eight (48) townhome lots and three (3) condominium lots, located at the southeast corner of Quorum Drive and Airport Parkway, on application from Addison Urban Land Development Partners, LLC, represented by Mr. Matt Alexander of Dowdey, Anderson & Associates.

Attachments:

1. Staff Report
2. Application
3. Plat w/picture

Administrative Recommendation:

Administration recommends approval.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 20, 2008, voted to recommend approval of the final plat on application from Addison Urban Land Development Partners, LLC, subject to the following conditions:

1. Civil plans will need to be submitted for review and approval.
2. Add a reference to the building line amendment to the UC Zoning to the face of the plat.
3. Add center lines and the dimensions to the centerlines to the existing streets.
4. Add a 5' Sidewalk Easement along the Spectrum Drive frontage.

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5. Revise the Dedication Statement as required to match the Dedication Statement given in the Town of Addison Code of Ordinances.
  6. Will a 5' Utility Easement along the alleys be needed? If so, please add.
  7. Add the POINT OF BEGINNING to the face of the plat.
  8. Provide a closure sheet.

Voting Aye: Bernstein, Daseke, Gaines, Hewitt, Jandura, Wood

Voting Nay: none

Absent: Lay

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Item #R8 - REPLAT/Hanover Park Addition. Discussion and consideration of approval of a replat of Lot 1R-A, and Lot 1R-B, Block 1, located at the southwest corner of Dallas North Tollway and Excel Parkway, on application from Nueterra Real Estate Companies, LLC, represented by Mr. Michael Krach.

Attachments:

1. Staff Report
2. Application
3. Plat w/picture

Administrative Recommendation:

Administration recommends approval.

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 20, 2008, voted to recommend approval of your request for approval of a replat subject to the following conditions:

1. Please verify the location of the centerline of Addison Road and the location of the existing rights-of-way along Addison Road. Addison Road requires an 82' Right-of-Way. If the right-of-way requirement has been met, then no additional right-of-way is needed.
2. Add the right-of-way required for a right-turn lane at Addison Road and Excel Parkway in accordance with the Town of Addison Transportation Plan.
3. Add a 20' x 20' right-of-way dedication to the corner of Addison Road and Excel Parkway.
4. Amend the A&U.E. to convey and drainage easement rights.

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5. Reference the adjoining plat, *Bent Tree Oaks, Vol. 76231, Pg. 1848.*
  6. Three callouts on the west right-of-way line do not match the plan; *08"* on line 9, *point* on line 10, and *cap found* on line 12 of 13.
  7. Add *Lot 1R-B* on the first line, first paragraph of the dedication statement.
  8. Add "s" to easement on the first line, second paragraph of the dedication statement.
  9. Add a detention area easement that encompasses the detention area and include the attached detention statement.
  10. Provide a closure sheet.

Voting Aye: Bernstein, Daseke, Gaines, Hewitt, Jandura, Wood

Voting Nay: none

Absent: Lay

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Item #R9 - Discussion and consideration of approval of a request by the Super 8 Hotel located at 4150 Beltway Drive for an ordinance for a meritorious exception to Chapter 62, Signs, Sec 62-163 Area.

Attachments:

1. Staff Report
2. Application
3. Plat w/picture

Administrative Recommendation:

Administration recommends approval of the 25.25" number 8 on the north and south facades and denial of the 39" number 8 on the east facade.

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Item #R10 - Discussion and consideration of approval of revisions to the Employment Status Policy #3.03 of the Town of Addison Employee Handbook.

Attachment:

1. Council Agenda Item Overview
2. Policy #3.03

Administrative Recommendation:

Administration recommends approval.

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Item #R11 - Discussion and consideration of approval of the purchase of four (4) 2009 CID Vehicles, two (2) 2009 1/2 Ton Trucks, and one (1) 2009 ¾ Ton Truck under the Town's Inter-local Agreement with the Houston-Galveston Area Council (HGAC).

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

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Item #R12 - Presentation of the Fourth Quarter Financial Report.

Attachment:

1. Fourth Quarter Financial Report.

Administrative Recommendation:

Administration recommends approval.

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Item #R13 - Discussion and consideration of approval of a resolution of the City Council of the Town of Addison, Texas, supporting the Dallas Area Rapid Transit (DART) State Legislative Agenda for the 81<sup>st</sup> Regular Session of the Texas Legislature.

Attachments:

1. Council Agenda Item Overview
2. Resolution

Administrative Recommendation:

Administration recommends approval.

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Item #R14 - Discussion and consideration of approval of a resolution of the City Council of the Town of Addison, Texas, supporting the Rail North Texas initiative and a legislative position on a primary rail legislative program with supplemental roadway improvements.

Attachments:

1. Council Agenda Item Overview
2. Resolution

Administrative Recommendation:

Administration recommends approval.

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Item #R15 - Discussion and consideration of approval of and action regarding adoption of a resolution filling a vacancy (by appointment) in the position of City Council Member of the Town of Addison until the May 9, 2009, general Town election, and take appropriate action.

Attachment:

1. Proposed Resolution

Administrative Recommendation:

Administration recommends approval.

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Adjourn Meeting

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Posted:  
December 5, 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 THE ADDISON CITY COUNCIL  
WORK SESSION**

November 25, 2008  
6:00 P.M. – Town Hall  
5300 Belt Line Road  
Upstairs Conference Room

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

Absent: Kraft

Work Session

Item #WS1 - Discussion regarding Texas Municipal Retirement System.

Passion Hayes and Anthony Mills with TMRS 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

November 25, 2008  
7:30 P.M. – Town Hall  
5300 Belt Line Road  
Council Chambers

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

### Regular Session

The Pledge of Allegiance was led by Mayor Chow.

#### Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Brian Pietsch with the Police Department, Steve Torres, Jr., with the Fire Department and Ricky Smith with the Parks Department.

Ron Whitehead highlighted upcoming events to the Council.

#### Item #R2 - Consent Agenda.

##### #2a - Approval of the Minutes for:

November 11, 2008, Regular City Council Meeting  
November 17, 2008, Special Meeting

The Minutes for November 17, 2008, Special Meeting were approved as written.

The Minutes for November 11, 2008, Regular City Council Meeting, were approved with the following corrections:

Items #2k and #2l, "Voting Aye" – delete Mallory, add Meier.  
Items #R4, #R8 and #R9, "Voting Aye" – delete Niemann.

Councilmember Niemann moved to duly approve Item #2a with the foregoing changes.

Councilmember Braun seconded. Motion carried.

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

#2b - Approval of a supplemental agreement to the Engineering Services Agreement with Kimley-Horn and Associates, Inc., in an amount not to exceed \$20,000, for additional services on the Traffic Signal System Upgrade project.

Councilmember Mellow moved to duly approve Item #2b.

Councilmember Niemann seconded. Motion carried.

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

Item #R3 - Mrs. Tamara Whitman will speak to Council in reference to the Bond Election and her voting concerns.

Mrs. Tamara Whitman spoke to Council in reference to the Bond Election and her voting concerns. There was no action taken.

Item #R4 - Discussion and consideration of approval of an Ordinance authorizing and allowing updated service credits in the Texas Municipal Retirement System for service performed by qualifying members of TMRS who are presently members, providing for increased prior and current service annuities for retirees and beneficiaries, and providing for other matters related thereto.

Item #R4 was removed for consideration and will be addressed during a December 30, 2008, Special Meeting and Work Session.

Item #R5 - Presentation of and discussion regarding the Town of Addison marketing video.

Bob Phillips made the presentation and led the discussion regarding the Town of Addison marketing video.

Item #R6 - Discussion and consideration of approval of an amendment to the Local Project Advance Funding Agreement between the Town of Addison and the State of Texas regarding a traffic signal system upgrade project.

Councilmember Mellow moved to approve an amendment to the Local Project Advance Funding Agreement between the Town of Addison and the State of Texas regarding a traffic signal system upgrade project.

Councilmember Meier seconded. Motion carried.

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

Item #R7 - Discussion and consideration of a Discretionary Service Agreement with Oncor Electric Delivery Company LLC regarding Belt Line Road street lights and facilities.

Councilmember Meier moved to approve of a Discretionary Service Agreement with Oncor Electric Delivery Company LLC regarding Belt Line Road street lights and facilities.

Councilmember Niemann seconded.

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

Item #R8 - Discussion and consideration of approval of the City Manager's recommended incentive compensation to Washington Staubach Addison Airport Venture for 2008.

Councilmember Niemann moved to approve the City Manager's recommended incentive compensation to Washington Staubach Addison Airport Venture for 2008.

Councilmember Mellow seconded. Motion carried.

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

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

**From:** Tamara Whitman [tswitman@yahoo.com]  
**Sent:** Tuesday, December 02, 2008 5:15 PM  
**To:** Joe Chow  
**Cc:** Sue Ellen Fairley  
**Subject:** Council Meeting Agenda

Mr. Mayor,

I would like to be on Tuesday's agenda to speak regarding voter fraud and voter intimidation regarding the recent bond proposition.

Thank you,

Phil Busch

## **Council Agenda Item: #R4**

### **SUMMARY:**

Council approval is requested of the ordinances appointing to the Addison Municipal Court of Record, Larry Dwight as presiding municipal judge, and U.H. (Woody) Specht and Albert Fenton as alternate municipal judges.

### **FINANCIAL IMPACT:**

Judge Dwight is paid a monthly salary and Judges Specht and Fenton are paid contractually on an hourly basis. All costs associated with the Associate Judges' compensation are included in the municipal court budget. The cost for the increase for Judge Dwight would require a mid-year budget amendment.

### **BACKGROUND:**

Judge Dwight has served as a Municipal Court Judge for the past twenty-two years, serving as a Presiding Judge for the last eight-terms. Judge Specht and Judge Fenton have both served seven full terms with the Addison Municipal Court.

For the past six years, the Addison Court has worked under an arrangement whereby Judge Dwight works an average 25 hours per week to assist people who appear at the window and require some judicial discretion to dispose of their case. These individuals then do not have to return to a scheduled court day. On weekends, holidays, and the few other times when Judge Dwight is unavailable, either Judge Specht or Judge Fenton are called in to process defendants who have been arrested and held in the Addison jail. This arrangement has worked very well and allows the Addison Court to facilitate the efficient processing of cases brought before the Court.

Since 2006, Judge Dwight's annual salary has been \$70,058, which converts to \$53.89/hr., \$1,347.25/week, and \$5,838.17/month, with no benefits. Because of the increased activity in the Court, Judge Dwight has averaged 30 hours worked (see attached Memorandum from Paula Dale) for 2008 and the activity will continue in 2009. As a result, we would like for Judge Dwight's contract to reflect the additional time (30 hours/week, 130/monthly, 1,560/annually) but at the same hourly rate of \$53.89 which converts to \$1,616.70/week, \$7,005.70, and \$84,068.40/annually. In regards to the associate judges is it recommended that their compensation remain the same at \$100 per hour. From October 2007 through September 2008 the Town was billed a total of 188.75 hours or \$18,875 for their services.

### **RECOMMENDATION:**

The Judges have the respect and confidence of the Addison Police Department, the Town's Prosecutor, Larry McCallum, and opposing counsel. It is recommended Council adopt the attached ordinances appointing Judges Dwight, Specht, and Fenton.



# MEMO

**To: Mario Canizares, Assistant City Manager**

**From: Paula Dale, Court Administrator**

**Re: Reappointment of Municipal Court Judge**

**Date: December 3, 2008**

Every two years the Judges for the Municipal Court must be reappointed. Judge Dwight originally took office on April 6, 1986. The last appointment was on December 15, 2006. At that time Judge Dwight was appointed Monday through Friday for 25 hours a week.

Judge Dwight is responsible to see each prisoner in the jail whether for an Addison charge or warrants from another jurisdiction. He reviews and determines probable cause on the majority of non traffic cases filed by the Addison Police Dept including setting a bond if applicable. If the Court is not having formal court in the court room he will see persons at the window to help resolve the case if possible, without getting into the merits of the case and to approve payment arrangements. We currently have four arraignment dockets, one Spanish docket, two pretrial dockets, one attorney docket, one juvenile docket, four dockets for trials before the judge, and jury trials every other month.

From December 2006 through 2008, there have been increases in his workload due to full staffing of the police department which has resulted in an increase in case filings. Cases filed have increased from 12,205 in the calendar year 2006 to a projected 19,089 calendar year. This is a 56.4% increase over the two year period. The jail census has increased from 914 arraignments of prisoners charged with a Class B Misdemeanor or above offense in December 2006 to a projected 1,019 at the end of 2008 or an 11.5% increase in arraignments.

The additional case load has lead to a steady increase in the Judge's time to an average of 30 hours per week as of October 2008. Currently, Judge Dwight's contract is for 25 hours a week. In November 2008, the Court added four additional dockets, two in the morning and two in the afternoon per month. This also makes more efficient use of the Police Officer's time by having an afternoon docket for both night shifts. We anticipate adding additional formal court dockets during the early part of 2009 to reduce the time for disposal of cases.

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, RE-APPOINTING LARRY DWIGHT AS PRESIDING MUNICIPAL JUDGE OF ADDISON MUNICIPAL COURT OF RECORD NO. 1; APPROVING A COMPENSATION AGREEMENT WITH LARRY DWIGHT TO PERFORM SERVICES AS A MUNICIPAL JUDGE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAID AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the Town of Addison has determined that a Municipal Judge is necessary to perform the judicial functions of the Municipal Court of Record No. 1; and

**WHEREAS**, the City Council of the Town of Addison has determined that Larry Dwight should be re-appointed as presiding Municipal Judge of Addison Municipal Court of Record No. 1; and

**WHEREAS**, the City Council of the Town of Addison has determined that a compensation agreement should be entered into with Larry Dwight to perform services as Municipal Judge of Addison Municipal Court of Record No. 1.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Appointment. The City Council of Addison hereby re-appoints Larry Dwight as presiding Municipal Judge of Addison Municipal Court of Record No. 1 to serve for a two-year term, which term shall begin on December 15, 2008 and shall end on December 14, 2010. Larry Dwight may not serve beyond the said term except upon the express authorization of the City Council, and this provision shall control over any law, rule, or regulation in conflict herewith.

Section 3. Authorization to Execute. The Compensation Agreement by and between the City and Larry Dwight regarding Larry Dwight's service as the presiding Municipal Judge of the Addison Municipal Court of Record No. 1, a true and correct copy of which is attached hereto, is hereby approved. The City Manager or the City Manager's designee is authorized to execute the said Compensation Agreement on behalf of the City.

Section 4. Effective Date. This Ordinance shall take effect from and after its adoption.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 9th day of December, 2008.

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MAYOR-JOE CHOW

ATTEST:

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CITY SECRETARY-MARIO CANIZARES

APPROVED AS TO FORM:

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CITY ATTORNEY-JOHN HILL



STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

**KNOW ALL MEN BY THESE PRESENTS**

**AGREEMENT**

For and in consideration of the mutual terms, conditions and covenants herein contained, the following Agreement is entered into by and between the TOWN OF ADDISON, TEXAS (hereinafter referred to as "City") and LARRY DWIGHT (hereinafter referred to as "Dwight").

I.

The City does hereby appoint Dwight as presiding Municipal Judge of Addison Municipal Court of Record No. 1 for a term of two (2) years. Said term shall commence on December 15, 2008 and will expire December 15, 2010.

II.

In consideration for such services, Dwight shall receive:

1. a monthly salary of \$7,005.70 monthly per month paid in the same manner as are other employees of the City;
2. the City's obligations are funded from current funds.

III.

Dwight may be removed from office by the City at any time for incompetency, misconduct, malfeasance, or disability. Dwight shall be required to provide thirty (30) days' notice of resignation.

IV.

All other provisions of the City Charter relating to removal from office shall be applicable.

V.

The terms, obligations, and requirements of this Agreement shall be construed in accordance with the laws of the State of Texas without regard to its conflicts of laws provisions. The obligations and requirements of the parties hereto are performable in Dallas County, and any dispute relating to this Agreement shall be tried in Dallas County.

VI.

The Parties further agree that Dwight may only serve beyond the term of this Contract upon the express authorization of the governing body of the City. The Parties agree that this provision shall control over any law, rule, or regulation in conflict herewith.

VII.

This Agreement is executed on behalf of the City by the City Manager or his designee who is authorized to execute this instrument by order heretofore passed and duly recorded in its minutes.

VIII.

This instrument shall be the entire agreement and understanding between the parties and supersedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed orally.

WITNESS the signatures of all parties hereto in single or multiple originals on this the \_\_\_\_ day of December, 2008, in Dallas County, Texas.

TOWN OF ADDISON, TEXAS

\_\_\_\_\_  
LARRY DWIGHT

By: \_\_\_\_\_

Title: \_\_\_\_\_

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

### **SUMMARY:**

Council approval is requested of the ordinances appointing to the Addison Municipal Court of Record, Larry Dwight as presiding municipal judge, and U.H. (Woody) Specht and Albert Fenton as alternate municipal judges.

### **FINANCIAL IMPACT:**

Judge Dwight is paid a monthly salary and Judges Specht and Fenton are paid contractually on an hourly basis. All costs associated with the Associate Judges' compensation are included in the municipal court budget. The cost for the increase for Judge Dwight would require a mid-year budget amendment.

### **BACKGROUND:**

Judge Dwight has served as a Municipal Court Judge for the past twenty-two years, serving as a Presiding Judge for the last eight-terms. Judge Specht and Judge Fenton have both served seven full terms with the Addison Municipal Court.

For the past six years, the Addison Court has worked under an arrangement whereby Judge Dwight works an average 25 hours per week to assist people who appear at the window and require some judicial discretion to dispose of their case. These individuals then do not have to return to a scheduled court day. On weekends, holidays, and the few other times when Judge Dwight is unavailable, either Judge Specht or Judge Fenton are called in to process defendants who have been arrested and held in the Addison jail. This arrangement has worked very well and allows the Addison Court to facilitate the efficient processing of cases brought before the Court.

Since 2006, Judge Dwight's annual salary has been \$70,058, which converts to \$53.89/hr., \$1,347.25/week, and \$5,838.17/month, with no benefits. Because of the increased activity in the Court, Judge Dwight has averaged 30 hours worked (see attached Memorandum from Paula Dale) for 2008 and the activity will continue in 2009. As a result, we would like for Judge Dwight's contract to reflect the additional time (30 hours/week, 130/monthly, 1,560/annually) but at the same hourly rate of \$53.89 which converts to \$1,616.70/week, \$7,005.70, and \$84,068.40/annually. In regards to the associate judges is it recommended that their compensation remain the same at \$100 per hour. From October 2007 through September 2008 the Town was billed a total of 188.75 hours or \$18,875 for their services.

### **RECOMMENDATION:**

The Judges have the respect and confidence of the Addison Police Department, the Town's Prosecutor, Larry McCallum, and opposing counsel. It is recommended Council adopt the attached ordinances appointing Judges Dwight, Specht, and Fenton.

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, RE-APPOINTING U. H. (WOODY) SPECHT AS ALTERNATE MUNICIPAL JUDGE OF ADDISON MUNICIPAL COURT OF RECORD NO. 1; APPROVING A COMPENSATION AGREEMENT WITH U. H. (WOODY) SPECHT TO PERFORM SERVICES AS AN ALTERNATE MUNICIPAL JUDGE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAID AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the Town of Addison has determined that an alternate Municipal Judge of Addison Municipal Court of Record No. 1 is necessary to perform certain judicial functions in the Town of Addison; and

**WHEREAS**, the City Council of the Town of Addison has determined that U. H. (Woody) Specht should be re-appointed as presiding Municipal Judge of Addison Municipal Court of Record No. 1; and

**WHEREAS**, the City Council of the Town of Addison has determined that a compensation agreement should be entered into with U. H. (Woody) Specht to perform services as an alternate Municipal Judge of Addison Municipal Court of Record No. 1.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Appointment. The City Council of Addison hereby re-appoints U. H. (Woody) Specht as alternate Municipal Judge of Addison Municipal Court of Record No. 1 to serve for a two-year term, which term shall begin on December 15, 2008 and shall end on December 14, 2010. U. H. (Woody) Specht may not serve beyond the said term except upon the express authorization of the City Council, and this provision shall control over any law, rule, or regulation in conflict herewith.

Section 3. Authorization to Execute. The Compensation Agreement by and between the City and U. H. (Woody) Specht regarding U. H. (Woody) Specht's service as an alternate Municipal Judge of the Addison Municipal Court of Record No. 1, a true and correct copy of which is attached hereto, is hereby approved. The City Manager or the City Manager's designee is authorized to execute the said Compensation Agreement on behalf of the City.

Section 4. Effective Date. This Ordinance shall take effect from and after its adoption.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 9th day of December, 2008.

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MAYOR-JOE CHOW

ATTEST:

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CITY SECRETARY-MARIO CANIZARES

APPROVED AS TO FORM:

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CITY ATTORNEY-JOHN HILL

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

**KNOW ALL MEN BY THESE PRESENTS**

**AGREEMENT**

For and in consideration of the mutual terms, conditions and covenants herein contained, the following Agreement is entered into by and between the TOWN OF ADDISON, TEXAS (hereinafter referred to as "City") and U. H. (WOODY) SPECHT (hereinafter referred to as "Specht").

I.

The City does hereby appoint, Specht as Alternate City Judge of Addison Municipal Court of Record No. 1 for a term of two (2) years. Said term shall commence on December 15, 2008 and will end on December 14, 2010.

II.

As Alternate City Judge, Specht shall perform such functions as arraignment of prisoners and any other functions requested of him to assist the Municipal Judge. Specht is employed on an on-call basis and is expected to be reasonably available to perform his role as Alternate City Judge as requested by the City. Specht is required to provide his own robe. Specht is further required to spend a reasonable amount of time participating in judicial continuing legal education programs so as to enhance his abilities to perform as Alternate City Judge and to enhance the stature of such office.

III.

In consideration for such services, Specht shall receive:

1. compensation of One Hundred and No/100 Dollars (\$100.00) per hour, with a minimum of one hour's compensation to be paid to Specht per sitting in his judicial capacity; and
2. the City's obligations are funded from current funds.

IV.

The City makes no warranties or representations as to the amount of work Specht will receive under this Agreement.

V.

Specht may be removed from office by the City at any time for incompetency, misconduct, malfeasance, or disability. Specht shall be required to provide thirty (30) days' notice of resignation.

VI.

The terms, obligations, and requirements of this Agreement shall be construed in accordance with the laws of the State of Texas without regard to its conflicts of laws provisions. The obligations and requirements of the parties hereto are performable in Dallas County, and any dispute relating to this Agreement shall be tried in Dallas County.

VII.

The Parties further agree that Specht may only serve beyond the term of this Contract upon the express authorization of the governing body of the City. The Parties agree that this provision shall control over any law, rule, or regulation in conflict herewith.

VIII.

This Agreement is executed on behalf of the City by the City Manager or his designee who is authorized to execute this instrument by order heretofore passed and duly recorded in its minutes.

IX.

This instrument shall be the entire agreement and understanding between the parties and supersedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed orally.

WITNESS the signatures of all parties hereto in single or multiple originals on this the \_\_\_\_ day of December, 2008, in Dallas County, Texas.

TOWN OF ADDISON, TEXAS

\_\_\_\_\_  
U.H. (WOODY) SPECHT

By: \_\_\_\_\_

Title: \_\_\_\_\_

## **Council Agenda Item: #R6**

### **SUMMARY:**

Council approval is requested of the ordinances appointing to the Addison Municipal Court of Record, Larry Dwight as presiding municipal judge, and U.H. (Woody) Specht and Albert Fenton as alternate municipal judges.

### **FINANCIAL IMPACT:**

Judge Dwight is paid a monthly salary and Judges Specht and Fenton are paid contractually on an hourly basis. All costs associated with the Associate Judges' compensation are included in the municipal court budget. The cost for the increase for Judge Dwight would require a mid-year budget amendment.

### **BACKGROUND:**

Judge Dwight has served as a Municipal Court Judge for the past twenty-two years, serving as a Presiding Judge for the last eight-terms. Judge Specht and Judge Fenton have both served seven full terms with the Addison Municipal Court.

For the past six years, the Addison Court has worked under an arrangement whereby Judge Dwight works an average 25 hours per week to assist people who appear at the window and require some judicial discretion to dispose of their case. These individuals then do not have to return to a scheduled court day. On weekends, holidays, and the few other times when Judge Dwight is unavailable, either Judge Specht or Judge Fenton are called in to process defendants who have been arrested and held in the Addison jail. This arrangement has worked very well and allows the Addison Court to facilitate the efficient processing of cases brought before the Court.

Since 2006, Judge Dwight's annual salary has been \$70,058, which converts to \$53.89/hr., \$1,347.25/week, and \$5,838.17/month, with no benefits. Because of the increased activity in the Court, Judge Dwight has averaged 30 hours worked (see attached Memorandum from Paula Dale) for 2008 and the activity will continue in 2009. As a result, we would like for Judge Dwight's contract to reflect the additional time (30 hours/week, 130/monthly, 1,560/annually) but at the same hourly rate of \$53.89 which converts to \$1,616.70/week, \$7,005.70, and \$84,068.40/annually. In regards to the associate judges is it recommended that their compensation remain the same at \$100 per hour. From October 2007 through September 2008 the Town was billed a total of 188.75 hours or \$18,875 for their services.

### **RECOMMENDATION:**

The Judges have the respect and confidence of the Addison Police Department, the Town's Prosecutor, Larry McCallum, and opposing counsel. It is recommended Council adopt the attached ordinances appointing Judges Dwight, Specht, and Fenton.



**TOWN OF ADDISON, TEXAS  
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, RE-APPOINTING ALBERT B. FENTON AS ALTERNATE MUNICIPAL JUDGE OF ADDISON MUNICIPAL COURT OF RECORD NO. 1; APPROVING A COMPENSATION AGREEMENT WITH ALBERT B. FENTON TO PERFORM SERVICES AS AN ALTERNATE MUNICIPAL JUDGE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAID AGREEMENT; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the Town of Addison has determined that an alternate Municipal Judge of Addison Municipal Court of Record No. 1 is necessary to perform certain judicial functions in the Town of Addison; and

**WHEREAS**, the City Council of the Town of Addison has determined that Albert B. Fenton should be re-appointed as presiding Municipal Judge of Addison Municipal Court of Record No. 1; and

**WHEREAS**, the City Council of the Town of Addison has determined that a compensation agreement should be entered into with Albert B. Fenton to perform services as an alternate Municipal Judge of Addison Municipal Court of Record No. 1.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Appointment. The City Council of Addison hereby re-appoints Albert B. Fenton as alternate Municipal Judge of Addison Municipal Court of Record No. 1 to serve for a two-year term, which term shall begin on December 15, 2008 and shall end on December 14, 2010. Albert B. Fenton may not serve beyond the said term except upon the express authorization of the City Council, and this provision shall control over any law, rule, or regulation in conflict herewith.

Section 3. Authorization to Execute. The Compensation Agreement by and between the City and Albert B. Fenton regarding Albert B. Fenton's service as an alternate Municipal Judge of the Addison Municipal Court of Record No. 1, a true and correct copy of which is attached hereto, is hereby approved. The City Manager or the City Manager's designee is authorized to execute the said Compensation Agreement on behalf of the City.

Section 4. Effective Date. This Ordinance shall take effect from and after its adoption.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 9th day of December, 2008.

---

MAYOR-JOE CHOW

ATTEST:

---

CITY SECRETARY-MARIO CANIZARES

APPROVED AS TO FORM:

---

CITY ATTORNEY-JOHN HILL

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

**KNOW ALL MEN BY THESE PRESENTS**

**AGREEMENT**

For and in consideration of the mutual terms, conditions and covenants herein contained, the following Agreement is entered into by and between the TOWN OF ADDISON, TEXAS (hereinafter referred to as "City") and ALBERT B. FENTON (hereinafter referred to as "Fenton").

I.

The City does hereby appoint, Fenton as Alternate City Judge of Addison Municipal Court of Record No. 1 for a term of two (2) years. Said term shall commence on December 15, 2008 and will end on December 14, 2010.

II.

As Alternate City Judge, Fenton shall perform such functions as arraignment of prisoners and any other functions requested of him to assist the Municipal Judge. Fenton is employed on an on-call basis and is expected to be reasonably available to perform his role as Alternate City Judge as requested by the City. Fenton is required to provide his own robe. Fenton is further required to spend a reasonable amount of time participating in judicial continuing legal education programs so as to enhance his abilities to perform as Alternate City Judge and to enhance the stature of such office.

III.

In consideration for such services, Fenton shall receive:

1. compensation of One Hundred and No/100 Dollars (\$100.00) per hour, with a minimum of one hour's compensation to be paid to Fenton per sitting in his judicial capacity; and
2. the City's obligations are funded from current funds.

IV.

The City makes no warranties or representations as to the amount of work Fenton will receive under this Agreement.

V.

Fenton may be removed from office by the City at any time for incompetency, misconduct, malfeasance, or disability. Fenton shall be required to provide thirty (30) days' notice of resignation.

VI.

The terms, obligations, and requirements of this Agreement shall be construed in accordance with the laws of the State of Texas without regard to its conflicts of laws provisions. The obligations and requirements of the parties hereto are performable in Dallas County, and any dispute relating to this Agreement shall be tried in Dallas County.

VII.

The Parties further agree that Fenton may only serve beyond the term of this Contract upon the express authorization of the governing body of the City. The Parties agree that this provision shall control over any law, rule, or regulation in conflict herewith.

VIII.

This Agreement is executed on behalf of the City by the City Manager or his designee who is authorized to execute this instrument by order heretofore passed and duly recorded in its minutes.

IX.

This instrument shall be the entire agreement and understanding between the parties and supersedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed orally.

WITNESS the signatures of all parties hereto in single or multiple originals on this the \_\_\_\_ day of December, 2008, in Dallas County, Texas.

TOWN OF ADDISON, TEXAS

\_\_\_\_\_  
ALBERT B. FENTON

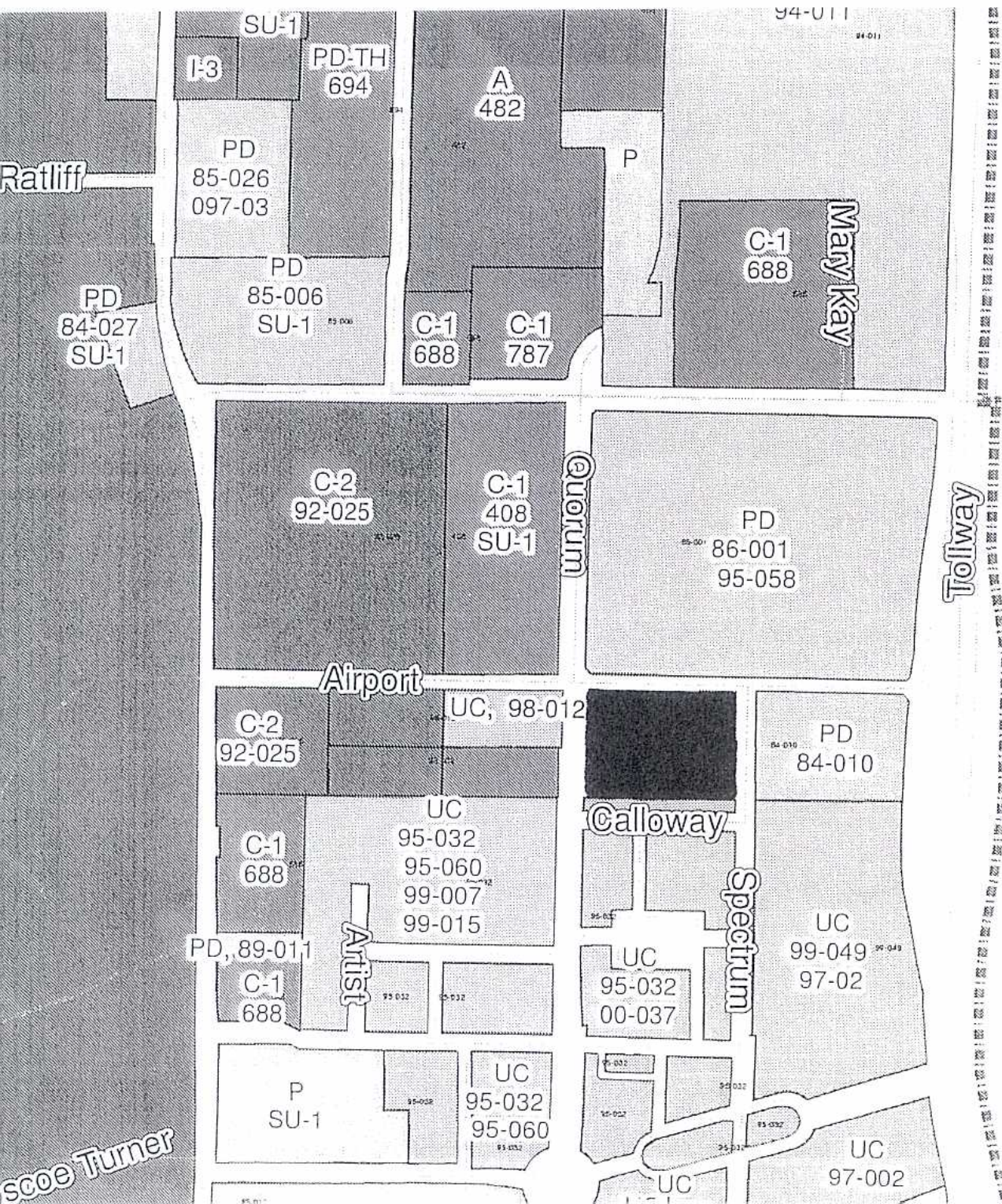
By: \_\_\_\_\_

Title: \_\_\_\_\_

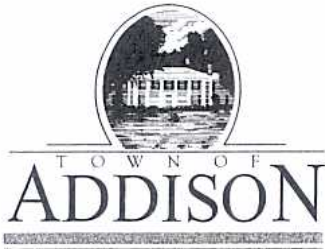


# FINAL PLAT/Meridian Square

FINAL PLAT/Meridian Square. Requesting approval of a final plat for 48 townhome lots and 3 condominium lots, located at the southeast corner of Quorum Drive and Airport Parkway, on application from Addison Urban Land Development Partners, LLC, represented by Mr. Matt Alexander of Dowdey, Anderson & Associates.







**DEVELOPMENT SERVICES**

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

November 12, 2008

**STAFF REPORT**

**RE:** FINAL PLAT/Meridian Square

**LOCATION:** 48 townhome lots and three Condominium lots, on 3.98 acres at the southeast corner of Airport Parkway and Quorum Drive

**REQUEST:** Approval of a final plat

**APPLICANT:** Addison Urban Development Partners, LLC, represented by Mr. Matt Alexander of Dowdey, Anderson, & Associates

**DISCUSSION:**

Background. Addison Urban Development Partners, LLC, submitted a concept plan for approval, which was approved by the City Council on September 9, 2008. Addison Urban Development Partners, LLC then returned to the final development plan that was approved by the City Council on November 11, 2008.

At this point, the applicant is ready to begin the civil engineering work to develop the property.

Public Works Review. The Public Works Department has reviewed the proposed final plat, and recommends the following changes and corrections.

1. Civil plans will need to be submitted for review and approval.
2. Add a reference to the building line amendment to the UC Zoning to the face of the plat.
3. Add center lines and the dimensions to the centerlines to the existing streets.
4. Add a 5' Sidewalk Easement along the Spectrum Drive frontage.
5. Revise the Dedication Statement as required to match the Dedication Statement given in the Town of Addison Code of Ordinances.
6. Will a 5' Utility Easement along the alleys be needed? If so, please add.
7. Add the POINT OF BEGINNING to the face of the plat.
8. Provide a closure sheet.

RECOMMENDATION:

Staff recommends approval of the final plat for Meridian Square subject to the conditions listed above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C Moran', with a stylized flourish at the end.

Carmen Moran  
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 20, 2008, voted to recommend approval of the final plat on application from Addison Urban Land Development Partners, LLC, subject to the following conditions:

1. Civil plans will need to be submitted for review and approval.
2. Add a reference to the building line amendment to the UC Zoning to the face of the plat.
3. Add center lines and the dimensions to the centerlines to the existing streets.
4. Add a 5' Sidewalk Easement along the Spectrum Drive frontage.
5. Revise the Dedication Statement as required to match the Dedication Statement given in the Town of Addison Code of Ordinances.
6. Will a 5' Utility Easement along the alleys be needed? If so, please add.
7. Add the POINT OF BEGINNING to the face of the plat.
8. Provide a closure sheet.

Voting Aye: Bernstein, Daseke, Gaines, Hewitt, Jandura, Wood  
Voting Nay: none  
Absent: Lay





**PUBLIC WORKS DEPARTMENT**  
Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871 FAX (972) 450-2837  
16801 Westgrove

# Memorandum

**To:** Carmen Moran  
**CC:** Nancy Cline  
**From:** Clay Barnett  
**Date:** 11/12/2008  
**Re:** Meridian Square

- 
1. Civil plans will need to be submitted for review and approval.
  2. Add a reference to the building line amendment to the UC Zoning to the face of the plat.
  3. Add center lines and the dimensions to the centerlines to the existing streets.
  4. Add a 5' Sidewalk Easement along the Spectrum Drive frontage.
  5. Revise the Dedication Statement as required to match the Dedication Statement given in the Town of Addison Code of Ordinances.
  6. Will a 5' Utility Easement along the alleys be needed? If so, please add.
  7. Add the POINT OF BEGINNING to the face of the plat.
  8. Provide a closure sheet.

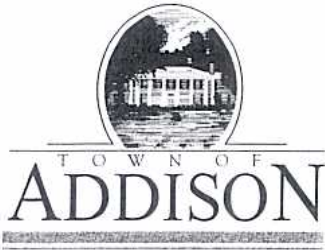


# REPLAT/Hanover Park Addition

REPLAT/Hanover Park Addition. Requesting approval of a replat of Lot 1R-A, and Lot 1R-B, Block 1, located at the southwest corner of Dallas North Tollway and Excel Parkway, on application from Nueterra Real Estate Companies, LLC, represented by Mr. Michael Krach.







DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

November 13, 2008

STAFF REPORT

RE: REPLAT/Hanover Park Addition

LOCATION: 11.6 acres at the southwest corner of Dallas Parkway and Excel Parkway

REQUEST: Approval of a replat

APPLICANT: Nueterra Real Estate Companies, LLC, represented by Mr. Michael Krach

DISCUSSION:

Background. Nueterra Real Estate Companies is partnering with a group of doctors and the Methodist Hospital System to construct a spine specialty hospital on this tract. A Special Use Permit for the hospital, and approval of the development plans within the Planned Development district, were approved by the City Council on November 11, 2008. At this point, Nueterra has submitted engineering drawings and a replat to begin the civil engineering work to begin construction on the property.

Public Works Review. The Public Works Department has reviewed the proposed replat, and recommends the following changes and corrections.

1. Please verify the location of the centerline of Addison Road and the location of the existing rights-of-way along Addison Road. Addison Road requires an 82' Right-of-Way. If the right-of-way requirement has been met, then no additional right-of-way is needed.
2. Add the right-of-way required for a right-turn lane at Addison Road and Excel Parkway in accordance with the Town of Addison Transportation Plan.
3. Add a 20' x 20' right-of-way dedication to the corner of Addison Road and Excel Parkway.
4. Amend the A&U.E. to convey and drainage easement rights.
5. Reference the adjoining plat, *Bent Tree Oaks, Vol. 76231, Pg. 1848.*
6. Three callouts on the west right-of-way line do not match the plan; 08" on line 9, point on line 10, and cap found on line 12 of 13.

7. Add *Lot 1R-B* on the first line, first paragraph of the dedication statement.
8. Add "s" to easement on the first line, second paragraph of the dedication statement.
9. Add a detention area easement that encompasses the detention area and include the attached detention statement.
10. Provide a closure sheet.

RECOMMENDATION:

Staff recommends approval of the replat for Hanover Park Addition subject to the conditions listed above.

Respectfully submitted,

A handwritten signature in black ink that reads "C Moran". The "C" is large and loops around the "M", and "ORAN" is written in a slightly different style.

Carmen Moran  
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on November 20, 2008, voted to recommend approval of your request for approval of a replat subject to the following conditions:

1. Please verify the location of the centerline of Addison Road and the location of the existing rights-of-way along Addison Road. Addison Road requires an 82' Right-of-Way. If the right-of-way requirement has been met, then no additional right-of-way is needed.
2. Add the right-of-way required for a right-turn lane at Addison Road and Excel Parkway in accordance with the Town of Addison Transportation Plan.
3. Add a 20' x 20' right-of-way dedication to the corner of Addison Road and Excel Parkway.
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8. Add "s" to easement on the first line, second paragraph of the dedication statement.
9. Add a detention area easement that encompasses the detention area and include the attached detention statement.
10. Provide a closure sheet.

Voting Aye: Bernstein, Daseke, Gaines, Hewitt, Jandura, Wood  
Voting Nay: none  
Absent: Lay





# Memorandum

To: Carmen Moran  
CC: Nancy Cline  
From: Clay Barnett  
Date: 11/13/2008  
Re: Hanover Park Addition

- 
1. Please verify the location of the centerline of Addison Road and the location of the existing rights-of-way along Addison Road. Addison Road requires an 82' Right-of-Way. If the right-of-way requirement has been met, then no additional right-of-way is needed.
  2. Add the right-of-way required for a right-turn lane at Addison Road and Excel Parkway in accordance with the Town of Addison Transportation Plan.
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  7. Add *Lot IR-B* on the first line, first paragraph of the dedication statement.
  8. Add "*s*" to easement on the first line, second paragraph of the dedication statement.
  9. Add a detention area easement that encompasses the detention area and include the attached detention statement.
  10. Provide a closure sheet.

## DETENTION AREA EASEMENT

This plat is approved by the Town of Addison and accepted by the owner(s), subject to the following conditions which shall be binding upon the owner(s), his heirs, grantees and successors, and assigns:

The proposed detention area easement(s) within the limits of this addition, will remain as detention area(s) to the line and grade shown on the plans at all times and will be maintained by the individual owner(s) of the lot or lots that are traversed by or adjacent to the detention area(s). The Town of Addison will not be responsible for the maintenance and operation of said detention area(s) or any damage or injury to private property or person that results from the flow of water along, into or out of said detention area(s), or for the control of erosion.

No obstruction to the natural flow of storm water run-off shall be permitted by filling or construction of any type of dam, building, bridge, fence, walkway or any other structure within the designated detention area(s) unless approved by the Director of Public Works, provided; however, it is understood that in the event it becomes necessary for the Town of Addison to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by the streets and alleys in or adjacent to the subdivisions, then, in such event, the Town of Addison shall have the right to enter upon the detention area(s) at any point, or points, to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the detention area(s) traversing or adjacent to his property clean and free of debris, silt and any substance which would result in unsanitary conditions or blockage of the drainage. The Town of Addison shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner(s), or to alleviate any undesirable conditions, which may occur.

The detention area(s) as in the case of all detention areas are subject to storm water overflow(s) to an extent which cannot be clearly defined. The Town of Addison shall not be held liable for any damages of any nature resulting from the occurrences of these natural phenomena, nor resulting from the failure of any structure or structures, within the detention area(s) or subdivision storm drainage system.

The detention area easement line identified on this plat shows the detention area(s) serving this addition.



**MERITORIOUS EXCEPTION TO THE ADDISON SIGN ORDINANCE  
STAFF REPORT**

ME 2008-10

Business: Super 8

Date: December 2, 2008  
Address: 4150 Beltway Dr

Ordinance Requirement

Sec. 62-163. Area.  
Total effective area of attached signs shall not exceed the following schedules:  
(1) On an attached sign located at a height of up to 36 ft, the effective area is limited to 1 sq ft of sign area for each linear foot of building frontage not to exceed 100 sq ft  
(2) An attached sign located at or exceeding a height of 36 ft shall be permitted an increase in maximum effective area. Such increases shall not exceed 4 sq ft in effective area for each additional 1 ft of height above 36 ft measured from the base of the sign to the building grade.  
(3) Attached signs may be located on each façade; however, the sum of the effective area of all attached signs shall not exceed twice the allowable effective area as specified in subsections (1) and (2) of this section.  
(4) Building with 4 or more stories in height may have not more than 2 attached signs per façade provided that:  
a. Each sign is designated for a separate tenant.  
b. One sign must be located on or near the uppermost story of the building while the 2<sup>nd</sup> sign is to be located on the 1<sup>st</sup> or ground level floor.  
c. Signs may be no closer than 30 ft apart.  
d. The combined effective sq footage of both signs may not exceed twice the allowed effective sq footage as specified in subsections (1) and (2) of this section.  
(5) Maximum letter/logo height of attached signs shall not exceed twice the allowable effective area as specified in subsections (1) and (2) of this section. Maximum letter/logo height of attached signs shall be determined by the following schedule:  

Sign Height (feet)	Maximum Letter/Logo Height (inches)
0 - 36	16
37 - 48	36
49 - 100	48
101 - 150	60
151 and up	7

a. Letter heights in excess of 72 inches must be approved by the city council.  
b. Not more than 50% of the letters in each individual sign height category may be 25% taller than the specified maximum letter/logo height.  
(6) Copy on awnings is allowed in accordance with the above regulations for area and letter height. For back-lit awnings, the area of the sign shall be based on the area of the awning that is back-lit or illuminated.

Request

The applicant is requesting:  
1. Attached signs on the north and south façades with the number 8 at 25.25" in height.  
2. An attached sign on the east façade with the number 8 at 39" in height.

Variance

The ordinance allows a maximum letter height of 20" for 50% of the letters with the remaining letters to be 16" or less in height.

**STAFF RECOMMENDATION:** The sign on the north façade will be located approximately 100' from Beltway Dr, the sign on the south façade will be located approximately 395' from Midway Rd and the sign on the east façade will be located approximately 175' from Beltway Dr. Staff recommends approval of the 25.25" number 8 on the north and south façades and denial of the 39" number 8 on the east façade.

#R9

**STAFF:**   
Lynn Chandler, Building Official





BUILDING INSPECTION DEPARTMENT 16801 Westgrove Dr Addison Texas 75001 972/450-2881 fax: 972/450-2837

**Application for Meritorious Exception to the Town of Addison  
Sign Ordinance**

Application Date: 12-1-08

Filing Fee: \$200.00

Applicant: Signs manufacturing & Maint Corp

Address: 4660 Mint Way Suite#: \_\_\_\_\_

DAWAS TX 75236 Phone#: 214 339-2227  
City State Zip

Fax#: 214 339 9987

Status of Applicant: Owner \_\_\_\_\_ Tenant \_\_\_\_\_ Agent X

Location where exception is requested:

4150 Belt way DR Addison, TX

Reasons for Meritorious Exception:

To exceed the 20" max height allowance  
because the logo is nearly unreadable  
if the number is 20" tall.

The Super 8 National Brand has a  
large 8 with small super. IF the "8"  
is 20" the total sign is insufficient  
for the business

YOU MUST SUBMIT THE FOLLOWING:

12 COPIES OF THE PROPOSED SIGN SHOWING:

- |                                   |  |
|-----------------------------------|--|
| 1. Lot Lines                      | 5. Proposed Signs  |
| 2. Names of Adjacent Streets      | 6. Sketch of Sign with Scale and<br>Dimensions Indicated |
| 3. Location of Existing Buildings | (8.5 x 11 PLEASE)  |
| 4. Existing Signs                 |  |

Date Fees Paid 12-1-08 Check # 450301 Receipt # \_\_\_\_\_

William Watson





Beltway Dr

Towne Lake

4150

1001

NBIS

SIGN

Beltway Dr

FERRIS

Traffic

More...

Map

3951

SIGN

1751

FERRIS



4'-0" X 2'-7 7/8" FACE  
"S" HEIGHT = 10 1/4"  
"8" HEIGHT = 25 1/4"

NORTH



Customer:	SUPER 8	Prepared By:	MWR/RF	Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.	
Location:	ADDISON, TX	Date:	10/30/08	ENG:	X
		File Name:	53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES		



DISTRIBUTED BY SIGN UP COMPANY  
700 21st STREET SOUTHWEST  
PO BOX 210  
WATERTOWN, SD 57201-0210

Ph.J 1-800-943-9888



4'-0" X 2'-7 7/8" FACE  
"S" HEIGHT = 10 1/4"  
"8" HEIGHT = 25 1/4"

SOUTH



Customer: SUPER 8  
Location: ADDISON, TX

Date: 10/30/08  
Prepared By: MWR/RF

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name: 53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES

ENG: X



DISTRIBUTED BY SIGN UP COMPANY  
700 21st STREET SOUTHWEST  
PO BOX 210  
WATERTOWN, SD 57201-0210



6'-10 1/4" X 4'-4" FACE  
 "S" HEIGHT = 15 5/8"  
 "8" HEIGHT = 39"  
 EAST



Customer: SUPER 8  
 Location: ADDISON, TX

Date: 10-30-08  
 Prepared By: MWR/CM/RF

File Name: 53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES  
 ENG: X

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.



DISTRIBUTED BY SIGN UP COMPANY  
 700 21st STREET SOUTHWEST  
 PO BOX 210  
 WATERTOWN, SD 57201-0210  
 Ph. 1-800-843-9888



City Code

4'-0" X 2'-7 7/8" FACE  
"S" HEIGHT = 8 1/4"  
"8" HEIGHT = 20"

NORTH



Customer:

SUPER 8

Date:

10/30/08

Prepared By:

MWR/RF

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:

ADDISON, TX

File Name:

53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES

ENG:

X



DISTRIBUTED BY SIGN UP COMPANY  
700 71st STREET SOUTHWEST  
PO BOX 210  
WATERTOWN, SD 57201-0210

Ph. 1-800-843-9888



City Code

4'-0" X 2'-7 7/8" FACE  
"S" HEIGHT = 8 1/4"  
"8" HEIGHT = 20"

SOUTH



Customer:

**SUPER 8**

Location:

**ADDISON, TX**

Date:

**10/30/08**

Prepared By:

**MWR/RF**

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

File Name:

**53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES**

ENG:

**X**



**PERSONA**  
Sign Makers / Image Builders

PH./ 1-800-843-9888

DISTRIBUTED BY SIGN UP COMPANY  
700 21st STREET SOUTHWEST  
PO BOX 210  
WATERTOWN, SD 57201-0210



City Code

6'-11" X 4'-4" FACE  
"S" HEIGHT = 8 1/4"  
"8" HEIGHT = 20"

EAST



Customer:

SUPER 8

Location:

ADDISON, TX

Prepared By:

MWR/CM/RF

Date:

10-30-08

File Name:

53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES

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ENG:

X

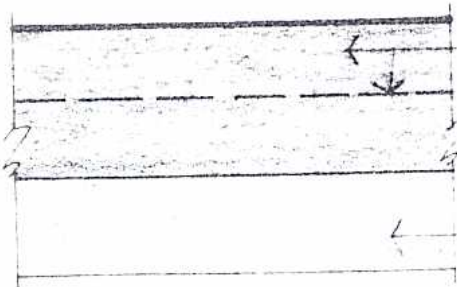
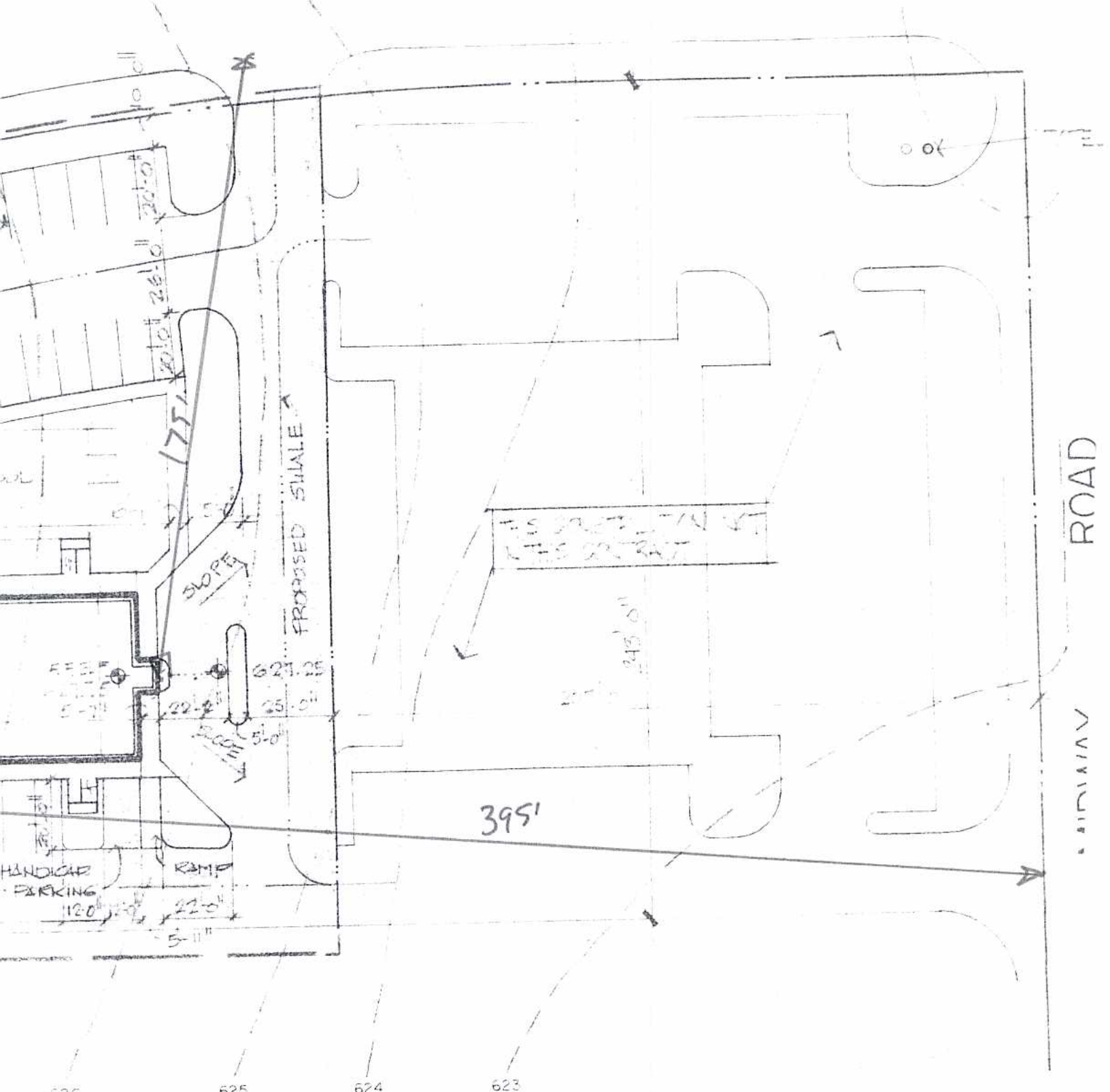
**PERSONA**  
Sign Makers / Image Builders

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**CONC. PAVING DETAIL**

## **Council Agenda Item: #R10**

### **SUMMARY:**

Consideration and approval of revisions to the Employment Status Policy #3.03 of the Town of Addison Employee Handbook.

### **FINANCIAL IMPACT:**

N/A

### **BACKGROUND:**

The Town of Addison's Employee Handbook was adopted by Council on June 10, 2008 which included the Employment Status Policy #3.03. This policy lists the different classifications of Town employees including probationary, regular full time, regular part time, temporary/seasonal and volunteers. It also clarifies the difference between an exempt and non-exempt employee.

The Police department utilizes, as necessary, temporary jailers and temporary dispatchers to assist in their operation. To clarify the status and benefit eligibility of these positions, the Employment Status Policy has been revised to list both positions as having temporary/seasonal status.

### **RECOMMENDATION:**

Staff recommends adopting the revisions to the Employment Status Policy #3.03.

## SECTION 3.03 EMPLOYMENT STATUS

The Town of Addison classifies Town employees for the purpose of employment status and benefit eligibility as follows:

### **A. Definitions of Status**

- **Probationary**

A full-time or part-time employee during the probation period of initial employment.

Newly hired probationary employees are not entitled to progressive levels of discipline and are not eligible to use the Town's Grievance/Appeal Policy.

*A promoted or transferred employee is considered probationary in the new position for a period of six months but, if he/she has successfully completed the initial new hire probationary period, he is entitled to progressive levels of discipline and use of the Town's Grievance/Appeal Policy.*

- **Regular Full-Time**

An employee in a budgeted position with an officially scheduled work week of 40 hours or more each work week (except for certain fire and police shift personnel who have different work cycles) who has successfully completed his initial probationary period.

Generally, regular full-time employees are eligible for the Town's full benefit package, subject to the terms, conditions and waiting periods of any benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

- **Regular Part-Time**

An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed the initial probationary period.

Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, if they work at least 1000 hours in a year, are eligible to participate in TMRS.

- **Temporary/Seasonal**

An employee who is employed for only a specific time period or for a special assignment (e.g. temporary jailer and temporary dispatcher position).

Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary and seasonal employees hired by the Town receive all legally mandated benefits, such as workers' compensation insurance coverage, but are not eligible for the Town's other employment benefits.

Temporary workers who are placed with the Town but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such workers are not eligible for benefits from the Town.

- **Volunteers**

Volunteers are not employed by the Town in any capacity.

Volunteers may donate time and service as a volunteer for the Town without any expectation of compensation. Volunteers are not paid and are generally not entitled to any benefits other than workers' compensation insurance.

### **B. Exempt or Non-Exempt**

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt from federal and state wage and hour laws. Exempt employees are employed on a salary basis and are generally not eligible for overtime compensation. Non-exempt employees are employed based on an hourly rate and are eligible to receive overtime compensation when they work in excess of the number of hours in their defined workweek, or work period for Police Officers and Fire Department shift employees.

Employees are advised of their status as exempt or non-exempt at the time of their initial employment and are subsequently advised if their classification changes for any reason. An employee's exempt or non-exempt classification may be changed only upon written notification by the Director of Human Resources.

**Council Agenda Item: #R11**

**SUMMARY:**

Council approval is requested for the purchase of (4) 2009 CID Vehicles, (2) 2009 1/2 Ton Trucks, and (1) 2009 3/4 Ton Truck under the Town's Inter-local Agreement with the Houston-Galveston Area Council (HGAC).

**FINANCIAL IMPACT:**

Capital Equipment Replacement Fund - Budgeted Amount: \$72,000.00  
Police (Four vehicles) Cost: \$73,721.00

Auction proceeds and interest income is available in the CERF to fund the cost difference.

Airport Fund - Budgeted Amount: \$25,000.00  
(One vehicle) Cost: \$22,907.00

Utilities Fund - Budgeted Amount: \$30,000.00  
(Two vehicles) Cost: \$36,156.00

Funds were allocated in the Utilities Fund for one vehicle. The second vehicle is associated with the new utilities position (Utility Pump Technician) which was added towards the end of the budget process. The vehicle was mistakenly excluded from the budget, but there are sufficient funds to support this vehicle's acquisition. A budget amendment recognizing the additional expense will be included in the mid-year budget review.

**BACKGROUND:**

HGAC issues request for bids for vehicles and equipment every year and receives extremely competitive prices because of the large volume of purchases the council generates. In the past, the prices received from HGAC have been 25% below the manufacturer's suggested prices. State statute exempts the Town from formal bid requirements when purchasing through the Inter-local Agreement with HGAC.

The (4) 2009 CID Police vehicles replace (4) 2002 vehicles. The (2) 2009 1/2 Ton Trucks for the Utilities Department includes one new addition to the Utilities fleet and a replacement of a 2000 model truck service truck. The 2009 3/4 ton truck replaces a 2001 truck for the Airport Operations.

The replaced vehicles will be auctioned at the next Town auction.

There are sufficient funds in the Capital Equipment Replacement Fund, Airport Fund and Utilities Fund to cover the total recommended expenditure of \$132,784.00.

**RECOMMENDATION:**

Staff recommends approval.

**ITEM #R12**

There are no Attachments for this Item.

## **Council Agenda Item: #R13**

### **SUMMARY:**

Council approval is requested of two resolutions that support the legislative initiatives of the Dallas Area Rapid Transit (DART) agency and the Regional Transit Council.

### **FINANCIAL IMPACT:**

There is no direct financial impact associated with this item.

### **BACKGROUND:**

A major goal of the Town of Addison is to obtain commuter and light rail service along the Cotton Belt Line. In pursuit of this goal, the Town supports the legislative agendas of two entities. Addison is a member of DART and that agency has included rail service on the Cotton Belt in its long-term capital program. However, DART's ability to fund any large capital project is limited by its ability to issue debt. Currently, DART can only issue long-term debt that is supported with a voter-approved sales tax revenue pledge. DART desires the ability to issue debt for projects that combines a sales tax pledge with other income, such as fare box revenue, without having to obtain voter approval. This ability would give DART greater flexibility in funding projects and could advance the funding of the Cotton Belt rail line. Although DART believes it currently has the authority to issue such debt, it seeks legislation that clarifies the matter.

The construction of commuter and light rail in the north Texas region is also handicapped by funding limitations. Many area cities that are not members of a transit agency desire rail service but are unwilling to dedicate any of their sales tax to fund these projects. The Texas legislature has been adamant that it will not increase the existing local option sales tax ceiling. Therefore, any funding of large rail or highway programs will have to come from other sources. The Regional Transit Council, of which Addison is a member, believes that the legislature will be receptive to other funding sources so long as the voters approve the levying of these fees and/or taxes. The Council will be seeking legislative approval for this funding mechanism.

### **RECOMMENDATION:**

Since the Cotton Belt Line has been identified by both entities as a high-priority rail project, construction of commuter or light rail along the line would be advanced if new methods of funding were made available. For this reason, it is requested council approve the two resolutions supporting the legislative agendas of these transit agencies.



**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS  
SUPPORTING THE DALLAS AREA RAPID TRANSIT (DART) STATE LEGISLATIVE  
AGENDA FOR THE 81<sup>ST</sup> REGULAR SESSION OF THE TEXAS LEGISLATURE.**

**WHEREAS**, the 81<sup>st</sup> Session of the Texas Legislature convenes on January 13, 2009, and will be considering issues of interest and importance to DART; and

**WHEREAS**, the DART Board desires to adopt a State Legislative Agenda that is consistent with the mission of the Agency and in the best interest of the public it serves; and

**WHEREAS**, DART's staff, DART's counsel, and DART's Austin legislative counsel will work under the direction of the Chairman of the Board and President/Executive Director to affirmatively pursue DART's Legislative Agenda; and

**WHEREAS**, the Town of Addison, as a member of DART, has goals and objectives that are closely aligned with those of DART; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS** that the Town of Addison supports DART's State Legislative Agenda as contained in Attachment 1 to this resolution during the 81<sup>st</sup> Session of the Texas Legislature.

**Passed and approved**, this, the ninth day of December, 2008.

\_\_\_\_\_  
Joe Chow, Mayor

ATTEST:

\_\_\_\_\_  
Mario Canizares, Secretary

## **ATTACHMENT 1**

### **DART State Legislative Agenda For the 81<sup>st</sup> Session of the Texas Legislature**

#### **ACTIVELY PURSUE:**

Amend Chapter 452 of the Texas Transportation Code to allow DART to pledge its sales and use taxes and other revenues, such as fare box revenues, as a first pledge to pay back bonds. The statute currently only allows DART to issue "junior" or "subordinate" lien pledges for bonds.

Amend Chapter 452 to provide DART the statutory authority to charge differential rates for parking.

#### **WORK WITH OTHER METROPOLITAN TRANSIT AUTHORITIES TO:**

Exempt Transportation Authorities from the payment of the state motor fuels tax.

#### **ACTIVELY MONITOR:**

Legislation filed relating to the Regional Transportation Council's "Rail North Texas" initiative toward achieving a possible menu of funding options to expand passenger rail service in the region.

## **Council Agenda Item: #R14**

### **SUMMARY:**

Council approval is requested of two resolutions that support the legislative initiatives of the Dallas Area Rapid Transit (DART) agency and the Regional Transit Council.

### **FINANCIAL IMPACT:**

There is no direct financial impact associated with this item.

### **BACKGROUND:**

A major goal of the Town of Addison is to obtain commuter and light rail service along the Cotton Belt Line. In pursuit of this goal, the Town supports the legislative agendas of two entities. Addison is a member of DART and that agency has included rail service on the Cotton Belt in its long-term capital program. However, DART's ability to fund any large capital project is limited by its ability to issue debt. Currently, DART can only issue long-term debt that is supported with a voter-approved sales tax revenue pledge. DART desires the ability to issue debt for projects that combines a sales tax pledge with other income, such as fare box revenue, without having to obtain voter approval. This ability would give DART greater flexibility in funding projects and could advance the funding of the Cotton Belt rail line. Although DART believes it currently has the authority to issue such debt, it seeks legislation that clarifies the matter.

The construction of commuter and light rail in the north Texas region is also handicapped by funding limitations. Many area cities that are not members of a transit agency desire rail service but are unwilling to dedicate any of their sales tax to fund these projects. The Texas legislature has been adamant that it will not increase the existing local option sales tax ceiling. Therefore, any funding of large rail or highway programs will have to come from other sources. The Regional Transit Council, of which Addison is a member, believes that the legislature will be receptive to other funding sources so long as the voters approve the levying of these fees and/or taxes. The Council will be seeking legislative approval for this funding mechanism.

### **RECOMMENDATION:**

Since the Cotton Belt Line has been identified by both entities as a high-priority rail project, construction of commuter or light rail along the line would be advanced if new methods of funding were made available. For this reason, it is requested council approve the two resolutions supporting the legislative agendas of these transit agencies.

## RESOLUTION NO.

### A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS SUPPORTING THE RAIL NORTH TEXAS INITIATIVE AND A LEGISLATIVE POSITION ON A PRIMARY RAIL LEGISLATIVE PROGRAM WITH SUPPLEMENTAL ROADWAY IMPROVEMENTS

**WHEREAS**, the North Central Texas Council of Governments is designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

**WHEREAS**, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions; and,

**WHEREAS**, the Regional Transportation Council has advocated for additional transportation funding and flexibility for over ten years, with a special focus on identifying additional funding to construct and operate a seamless regional rail system for the past five years; and,

**WHEREAS**, the Rail North Texas effort has been a bottom-up process to include local elected officials, business leaders, the public, and State legislators and has resulted in a specific legislative proposal; and,

**WHEREAS**, the Town of Addison has been a strong proponent for regional rail systems to accommodate the region's growing population; now, therefore,

#### BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS

- Section 1.** The Town of Addison supports the Regional Transportation Council's initiative in seeking legislative authority to create a Transportation District for the purpose of levying taxes or fees in order to generate revenue to fund rail and supplemental roadway improvements.
- Section 2.** The Town of Addison supports the principles contained in the three transportation authorities' "Joint Recommendation for Regional Rail in North Central Texas," This rail initiative will be constructed by existing transportation providers.
- Section 3.** The Town of Addison does not support the creation of any new transportation authorities or transportation providers within the Dallas-Fort Worth region.
- Section 4.** The Town of Addison supports the elements of the draft proposal outlined in Attachment 1.
- Section 5.** The Town of Addison supports the efforts of the Regional Transportation Council to implement a "transportation district" for the sole purpose of implementing rail and supplemental roadway improvements.

**Section 7.** The NCTCOG Transportation Director is authorized to communicate these positions on behalf of the Regional Transportation Council.

**Passed and approved,** this, the ninth day of December, 2008.

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Joe Chow, Mayor

ATTEST:

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Mario Canizares, Secretary

## **ATTACHMENT 1 DRAFT Outline**

### **District-wide Local Voter Option**

The bill shall authorize the eight Transportation Management Areas within Texas to establish a transportation district. The purpose of the transportation district is to levy fees and taxes to generate revenue necessary to fund identified metropolitan area mobility needs. The metropolitan planning organization (MPO) policy making body may establish a transportation district by a two thirds vote of its members following a public hearing. The boundary of the metropolitan planning area shall be the boundary of the transportation district. If the metropolitan planning area boundary changes, the boundary of the transportation district changes identically and simultaneously. If the metropolitan planning area boundary splits a county and the commissioners court of that county resolves that the entire county be included in the transportation district, then the district boundary shall expand to include the entire county.

The transportation district shall be governed by a board of directors. The board of directors of the district shall be the MPO policy making body, unless the MPO policy-making body elects not to serve as the district board of directors, in which case it may establish an alternative board of directors. At least two thirds of the membership of any alternative board of directors shall consist of local elected officials of cities and counties within the district.

The bill shall authorize a transportation district to:

- Levy fees and taxes subject to voter approval.
- Issue debt.
- Fund operations, maintenance, capital and debt service expenses for passenger rail, transit, roadways and freight rail.
- Contract with other entities to provide mobility services and implement projects.

The transportation district shall use revenue generated from fees and taxes in a particular county to fund mobility needs in that county. The district may levy the following fees and taxes if approved by voters at an election on a date authorized by statute:

- A vehicle registration fee, not to exceed \$150 per vehicle per year.
- A motor fuels excise tax, not to exceed ten cents per gallon.
- A mileage fee, not to exceed one cent per vehicle mile driven.
- A property tax, not to exceed five cents per \$100 appraised value.
- A driver's license fee, not to exceed \$50.
- New resident impact (vehicle registration) non-recurring fee, not to exceed \$250.

The transportation district shall use the established process and criteria of the MPO in identifying mobility needs and selecting projects to fund, using the following protocol:

- The MPO issues a call for projects.
- Cities, counties, and transportation authorities within the transportation district submit projects.
- The MPO evaluates and ranks projects on a county-by-county basis.
- The MPO develops a ballot specific to each county within the MPO listing the highest ranked projects and recommended fees and taxes to generate revenue to fund

- the projects, correlating projects on the sample ballot to estimated revenues generated by fees and taxes levied on a county basis so that the fee and tax revenue generated in a particular county funds projects in that county.
- On a date authorized by the legislature, the transportation district shall submit all ballots for voter approval. Ballot language adopted by the district board shall list:
    - each tax or fee to be levied,
    - the rate of each tax or fee to be levied,
    - the month and year in which the tax or fee levy shall be levied,
    - the transportation operations, maintenance and capital projects to be funded,
    - the month and year in which a tax or fee levied for a capital project shall cease, and,
    - the estimated time frame for the implementation of each project.

The vote results shall be tabulated on a county basis. Fees and taxes will be levied only in a county in which a majority vote is cast in favor of the projects, fees, and taxes listed on the ballot. The bill shall indemnify jurisdictions within metropolitan areas. Jurisdictions within metropolitan planning areas shall not be penalized in terms of losing traditional transportation funding by virtue of their establishing a transportation district and their voters agreeing to pay additional transportation taxes or fees. The Texas Department of Transportation shall not reduce any allocation of traditional transportation funding to any of its districts by virtue of a district being in a metropolitan planning area that establishes a transportation district and levies additional transportation taxes or fees.

**RESOLUTION NO. R08-000**

**A RESOLUTION BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, FILLING THE EXISTING SINGLE VACANCY IN THE OFFICE OF COUNCIL MEMBER OF THE CITY COUNCIL BY NAMING AND APPOINTING A PERSON TO FILL THE VACANCY; PROVIDING THAT THE PERSON APPOINTED TO FILL THE VACANCY SHALL SERVE UNTIL THE NEXT GENERAL TOWN ELECTION TO BE HELD ON MAY 9, 2009; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, a single vacancy in the office of Council Member of the Town of Addison, Texas (the "City") was heretofore created and currently exists as a result of the death of Councilmember Dennis Kraft.

WHEREAS, the term of the said vacated office will not expire until the general election for the election of members of the City Council to be held on May 9, 2009; and,

WHEREAS, Section 2.02 of the City Charter provides in part that a single vacancy in the City Council shall be filled by a majority vote of the remaining members of the Council within 30 days of the vacancy at a meeting subsequent to the date on which the vacancy occurs, and that the person selected may not be one of the remaining members of the Council; and,

WHEREAS, Section 2.02 further provides that, once chosen, the person selected shall serve until the next general Town election to be held to fill the unexpired term or regular term, as the case may be; and,

WHEREAS, the City Council desires to fill the single vacancy in accordance with the City Charter, applicable State law, and as set forth herein.



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

Section 1. The above and foregoing premises are true and correct and are incorporated herein made a part hereof for all purposes.

Section 2. There being a single vacancy in the office of Council Member of the City Council of the Town of Addison, the Council does hereby name and appoint \_\_\_\_\_ to fill the vacancy. \_\_\_\_\_ shall serve as a member of the City Council until the next general Town election to be held on May 9, 2009, and until a person is elected to fill the unexpired term of the said office at a special election to be held on the same date and is duly qualified.

Section 3. This Resolution shall be effective immediately from and after its date of adoption.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this 9th day of December 2008.

\_\_\_\_\_  
Joe Chow, Mayor

ATTEST:

\_\_\_\_\_  
Mario Canizares, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
John Hill, City Attorney