

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

Fax: (972) 450-7043

SPECIAL MEETING OF THE CITY COUNCIL

7:30 P.M.

DECEMBER 30, 2008

TOWN HALL

5300 BELT LINE ROAD

REGULAR SESSION

Pledge of Allegiance

Item #R1 - Consideration of Old Business.

Introduction of Employees

Discussion of Upcoming Events

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

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

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.

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.

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 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.

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.
5. Revise the Dedication Statement as required to match the Dedication Statement given in the Town of Addison Code of Ordinances.

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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

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.
5. Reference the adjoining plat, *Bent Tree Oaks, Vol. 76231, Pg. 1848*.

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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

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.

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

Attachments:

1. Council Agenda Item Overview
2. Policy #3.03

Administrative Recommendation:

Administration recommends approval.

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.

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

Attachment:

1. Fourth Quarter Financial Report.

Administrative Recommendation:

Administration recommends approval.

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 81st Regular Session of the Texas Legislature.

Attachments:

1. Council Agenda Item Overview
2. Resolution

Administrative Recommendation:

Administration recommends approval.

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.

Item #R15 - 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.

Attachment:

1. Council Agenda Item Overview

Administrative Recommendation:

Administration recommends approval.

Item #R16 - Discussion and consideration of any action relating to the appointment and duties of the City Secretary.

Item #R17 - 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.

Adjourn Meeting

Posted:
December 24, 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.

Mayor-Joe Chow

Attest:

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.

Mayor-Joe Chow

Attest:

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.

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 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.

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 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

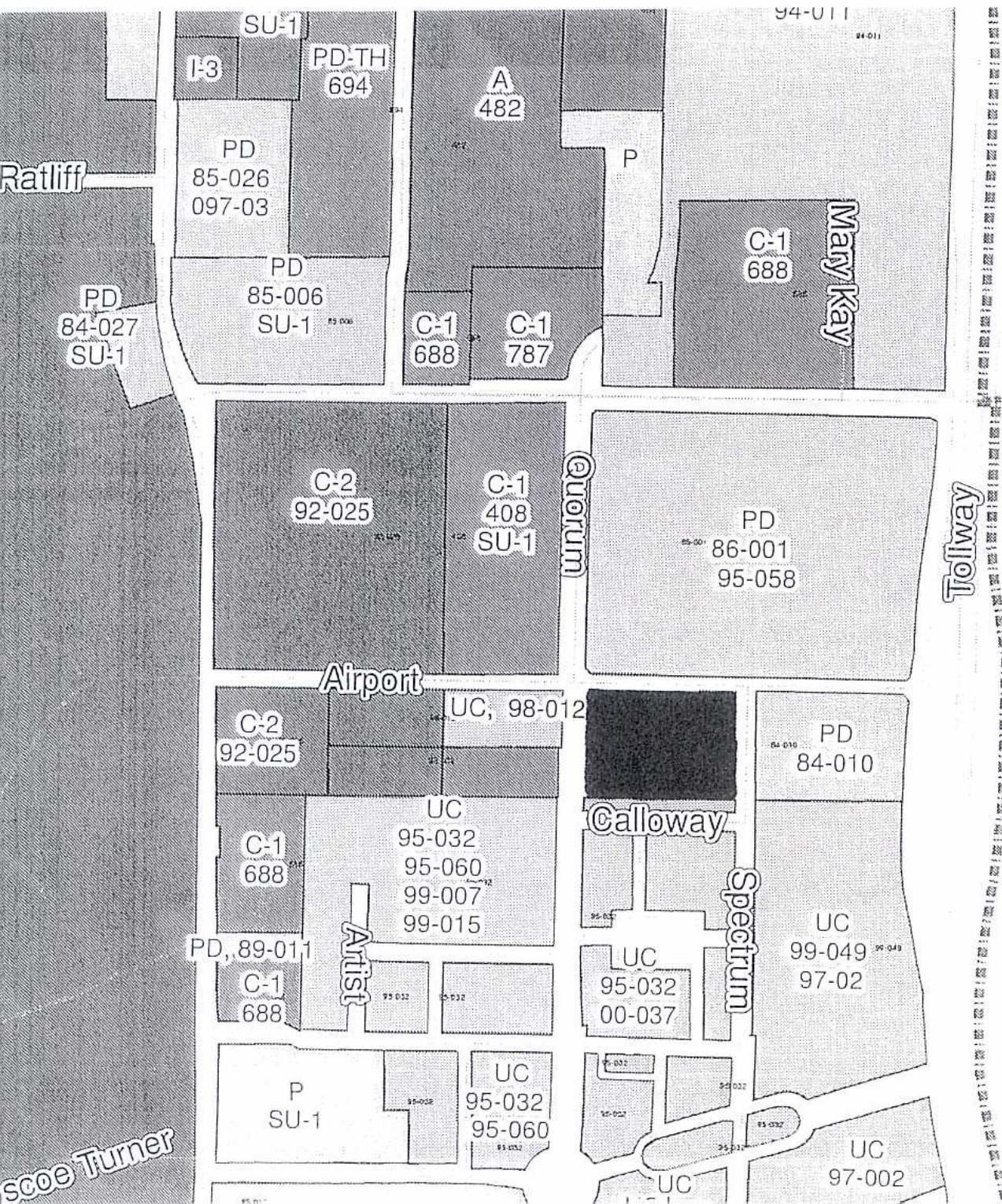
ALBERT B. FENTON

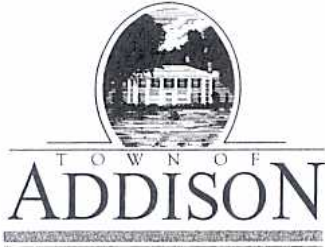
By: _____

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

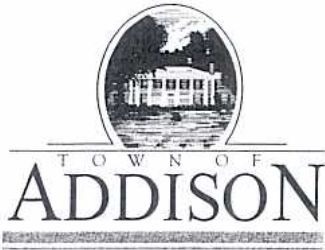
To: Carmen Moran
CC: Nancy Cline
From: Clay Barnett
Date: 11/12/2008
Re: Meridian Square

-
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.
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 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.
4. Amend the A&U.E. to convey and drainage easement rights.
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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



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.
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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.

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 2nd sign is to be located on the 1st 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 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 | Date: | 10/30/08 | Prepared By: | MWR/RF | <small>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.</small> | |
| Location: | ADDISON, TX | 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

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

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
 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



PERSONA
Sign Makers / Image Builders

Ph. 1-800-843-9888

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

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



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.

Prepared By: MWR/CM/RF
Date: 10-30-08
File Name: 53915 - R5 - 4X6 - 4X2 (4) - 6X4 (2) FACES

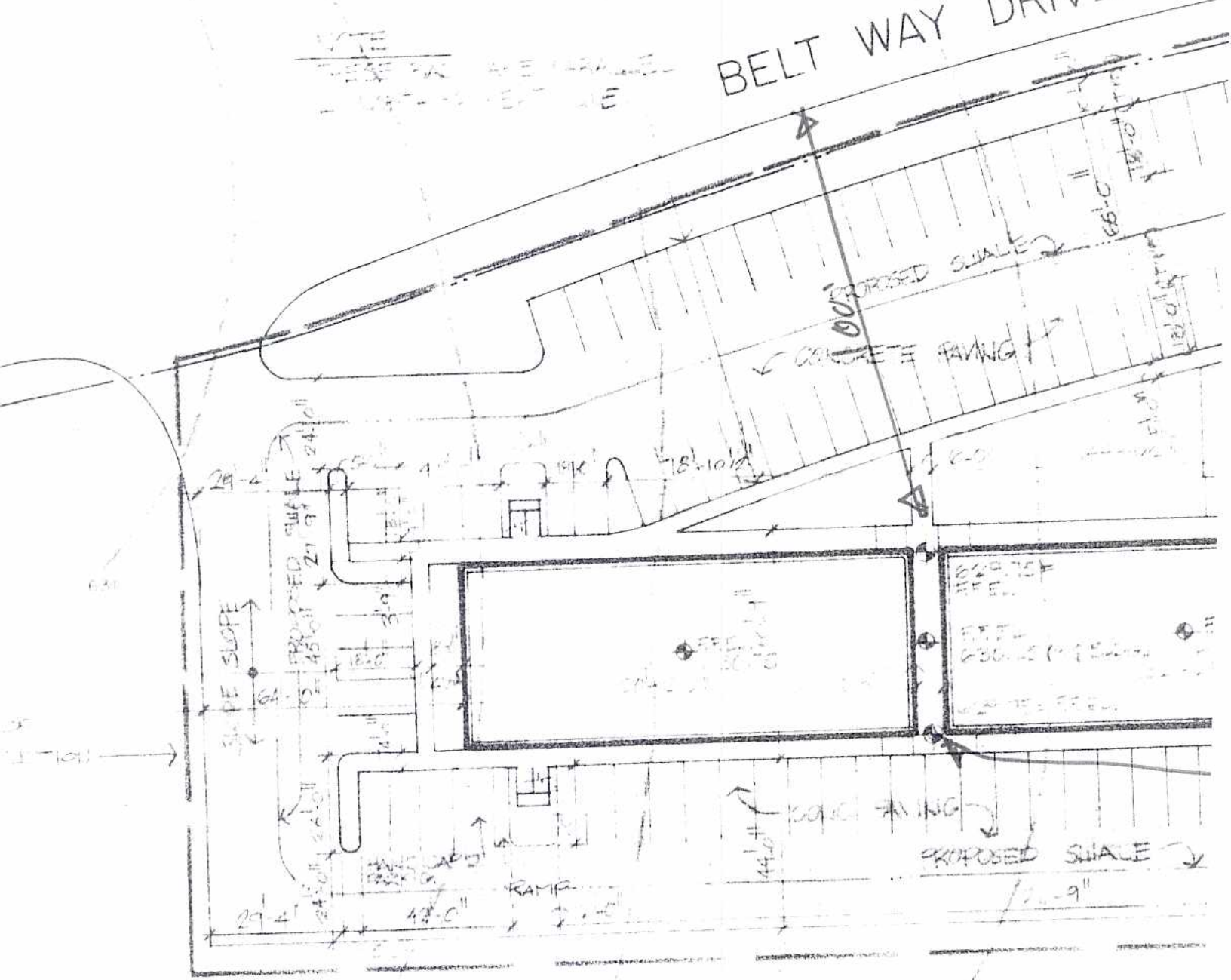
Customer: SUPER 8
Location: ADDISON, TX

ENG: X

PERSÓNÁ
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

BELT WAY DRIVE



SITE PLAN

1" = 40'-0"

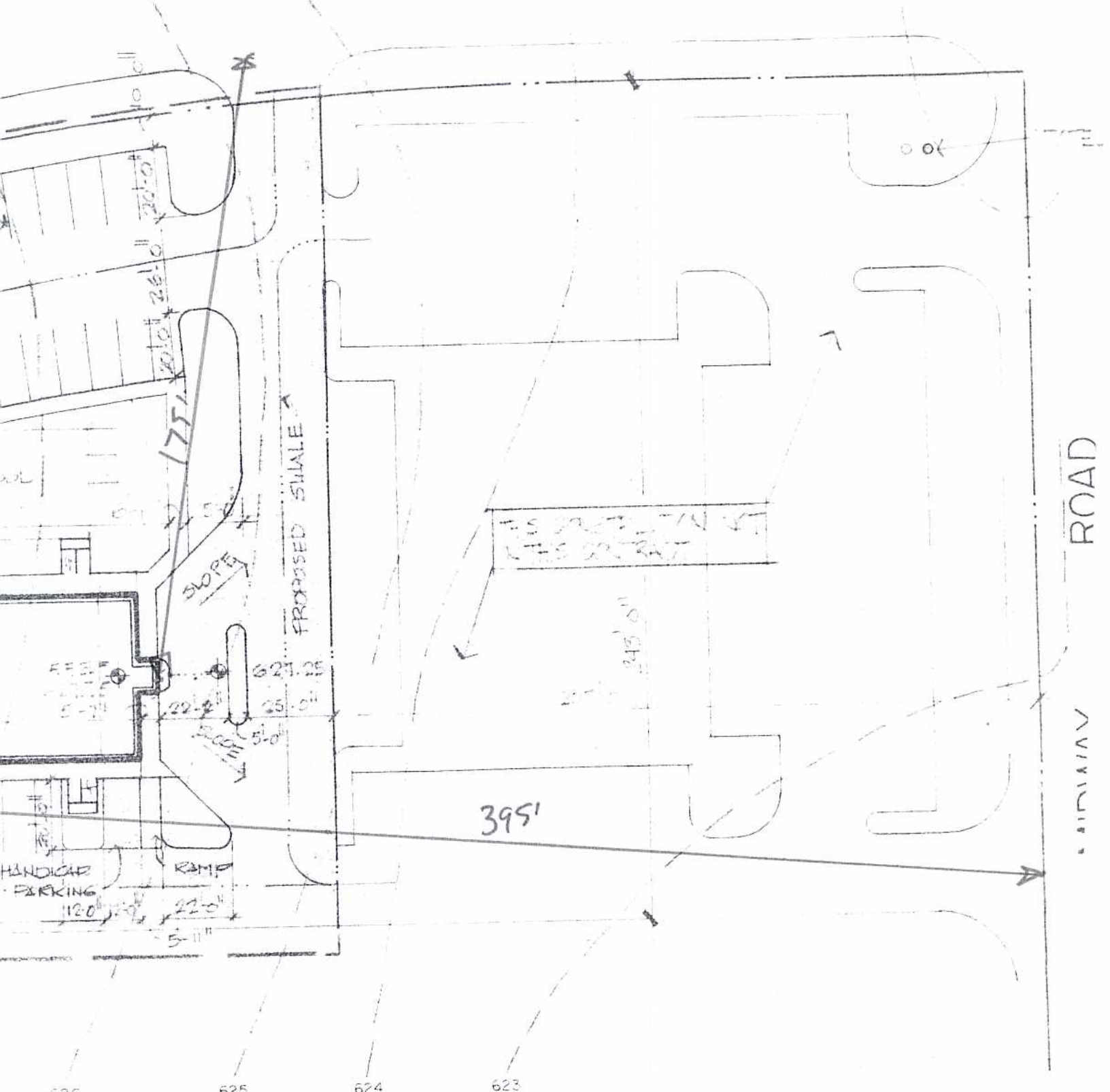


630

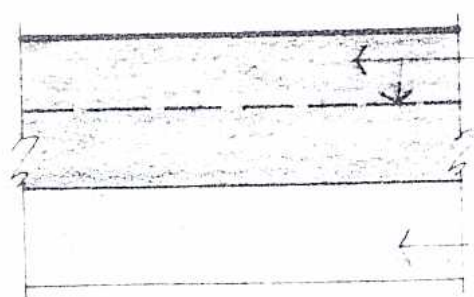
629

628

627



SEE SECTION TA 11
 SEE SECTION TA 12



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 (SEE SECTION TA)

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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 81ST REGULAR SESSION OF THE TEXAS LEGISLATURE.**

WHEREAS, the 81st 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 81st 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 81st 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.

Questions and Answers About Rail North Texas

If the initiative is called Rail North Texas, why is there not a greater focus on rail in the bill outline?

The bill outline was developed to be used statewide and other regions may want to focus on roadway improvements. The RTC may wish to amend the bill outline to bracket a section specific to the Dallas-Fort Worth region which states that the primary focus will be to design, build, finance, operate, and maintain passenger rail. This has long been the focus of Rail North Texas and will continue to be the focus.

Who is accountable under this model?

This is the strength of this approach. Three groups, working as partners, are all accountable. First, under this model, the Metropolitan Planning Organization policy body – the Regional Transportation Council in the Dallas-Fort Worth region – is responsible for making sure that projects stay on schedule. In DFW, the North Central Texas Council of Governments' Executive Board will hold the revenues, enter into interlocal agreements with implementing agencies, and disburse funds to local governments and transportation providers. As recommended by the three transportation authorities, the RTC will form a Transportation Implementers Subcommittee consisting of the three transportation authorities, TxDOT, and NTTA. This subcommittee will meet regularly to discuss project implementation, coordination, and funding issues. Second, subarea roundtables through public involvement will select the projects. Third, transportation authorities will extend already proven services to construct the projects.

What if I have a problem with the taxes and fees and don't have a representative on the RTC or Executive Board? Is there a way to address those bodies?

No projects can be built, or taxes and/or fees imposed, that voters have not approved. Internet-based reports will keep citizens up to date. The transportation funding area will convene a meeting separate from the normal MPO policy board meeting to hear from citizens or local government on any concerns. The Regional Transportation Council has been planning and expediting projects for over 30 years.

How will projects be selected by the transportation funding area?

- The transportation funding area (the Regional Transportation Council in the Dallas-Fort Worth region) will issue a call for projects to transportation authorities, cities, counties, TxDOT, and NTTA.
- Existing transportation authorities will be primarily responsible to submit rail projects.
- All entities will submit project applications back to the transportation funding area.
- Transportation funding area staff will evaluate projects based on whether they met basic criteria.
- Subarea roundtables will be convened in each county and will be made up of elected officials and technical staff for the county, each city, and transportation providers within that county. Transportation funding area staff will also participate.
- The subarea roundtables will determine the priority ranking of projects within each county and make a recommendation to the transportation funding area.
- Passenger rail will be given priority. Warranted rail lines have already been established by ~~task force~~ subarea roundtable members. Rail lines which cross multiple counties will need special priority attention if supported in neighboring counties.
- The transportation funding area will vote on the subarea roundtable recommendations.

This process is identical to recent projects selection efforts of the Regional Transportation Council.

How will taxes and fees be selected by the transportation funding area?

- When subarea roundtables are determining the projects they wish to fund, they will consider the revenue needed plus contingency construction funding for each project.
- Based on the revenue needed, the subarea roundtables will select an appropriate mix of taxes and fees at agreed-upon rates for that county and make a recommendation to the transportation funding area.
- The transportation funding area may propose a funding area-wide tax or fee for discussion during the subarea roundtable process.
- Subarea roundtables will approve the taxes and fees.
- The transportation funding area will vote on the subarea roundtable recommendation.

How will the election be held?

The transportation funding area will prepare a ballot for each county within the funding area and submit it to the elections administration of each county to be placed on the ballot. Voters will be asked to approve both the proposed projects and proposed taxes and/or fees. In each county where the majority of voters approve the taxes and/or fees for the transportation funding area, the taxes and/or fees will be imposed and projects constructed. Projects are fixed with the citizen elections and no changes can be made without voter approval.

Can a county opt out of Rail North Texas?

Yes, if the subarea roundtable determines not to select projects to participate in the Rail North Texas election within that county. If a regional revenue source was proposed by the transportation funding area, the subarea roundtable may wish to consider using that revenue source as a local match for projects through the Regional Toll Revenue Funding Initiative or subsequent funding initiatives.

What if a county votes no?

Through the Rail North Texas initiative, local elected officials looked at city-by-city, county-by-county, or regional votes. The county geography was selected as the most appropriate, but it could result in one or more counties voting not to join the funding area. Where this impacts construction of a passenger rail line in more than one county, the transportation funding area may have to postpone or delete the whole corridor due to lack of funding.

Will money raised in one county be used to subsidize projects in another county?

No. The transportation funding area will keep all funds raised in each county in separate accounts. Monthly reports will be distributed to the NCTCOG Executive Board, the transportation funding area, and the MPO policy board. An internet-based reporting system will be accessible to all cities, counties, and citizens of the region.

Will the taxes and fees ever go away?

Yes, for revenues raised for construction. There will be perpetual revenue needed to fund maintenance and operations of the passenger rail system, but this is a small part of the overall funding needed. Any taxes and/or fees for capital (building) expenses will expire when bonds are retired. If additional projects are identified by a subarea that will require additional revenue, a new vote called for by the transportation funding area within that subarea to build other projects could extend taxes and fees if a majority of voters approve.

Who will issue bonds?

The entity carrying out construction will issue bonds for each project. That will be either a transportation authority, city, county, TxDOT, or NTTA. Authority to issue debt is included in the bill outline because other areas of the state may wish for the transportation funding area to undertake this task, but Dallas-Fort Worth will be exempt from that authority.

Who will build the projects?

In the Dallas-Fort Worth region, the transportation funding area will not build projects. Projects will be built by Dallas Area Rapid Transit, Denton County Transportation Authority, The T, Texas Department of Transportation, North Texas Tollway Authority, cities, or counties.

If the transportation funding area isn't building projects, why should we create a transportation funding area?

Many of the passenger rail projects that are needed in the Dallas-Fort Worth region cross county boundaries. There is a need to coordinate the planning, financing, and implementation across the entire region, so a regional entity is best equipped to do that. In addition, in the DFW region, there is an established process to hold and disburse funds within the RTC/NCTCOG process so each county won't have to develop a new accounting and agreement system to implement multiple projects with different entities.

How long will it take to see rail being constructed?

That depends on several factors such as current freight rail use of the rail lines, environmental reviews, transportation authority staff availability, number of projected riders, and many other items. Generally, the rail lines in the plan could be open to riders starting in 2011 through 2030. The timeline will be known to voters and included in the subarea elections.

Aren't the taxes and fees regressive, meaning harder to be paid by lower income citizens?

In some cases, yes, but each subarea will be able to select the best taxes or fees for its residents. The rail lines proposed will benefit lower income populations by providing a transportation option at a much more affordable rate than owning a vehicle. The region will push for the vehicle registration fee to be implemented based on the value of the vehicle.

Transit carries such a small percent of overall commuters, why even bother?

While that may be true if you look at the whole region, our current transit system does not serve the entire region. Looking at highway corridors where there is parallel transit service, about one lane of traffic in each direction is removed by transit service. This benefits the people using transit and the people using the roadway that see reduced congestion. Looking at the rail map, new rail lines are proposed next to extremely congested corridors such as I-35W in Fort Worth, US 75 in Collin County, US 287 in Tarrant and Johnson counties, and SH 121 in Tarrant County. Rail in the U.S. 75 corridor carries the equivalent of two freeway lanes in each direction.

Will TxDOT just take away traditional funding if our region starts funding transportation from local sources?

We will make sure that doesn't happen and there is precedent for protecting state and federal funds. When our region began building toll roads, we obtained assurances from the Texas Transportation Commission, the TxDOT policy body, for state and federal funds to never be reduced to Dallas-Fort Worth. Similarly, the Legislature has required continued federal and state funds even after private-sector concession payments on toll roads. The bill outline contains a similar provision for Rail North Texas that advocates will seek during the upcoming legislative session.

Why not just try to get more federal and state funds?

That is part of the comprehensive legislative package to improve transportation, and we are actively seeking an increase in those funds as well. However, local funds are far more flexible and have less bureaucratic red tape so projects can be built for less money and much more quickly. So, by raising local funds to stay in our region, we are saving taxpayer dollars in the long run. Local funds are not impacted by donor/donee losses and revenue diversions.

Transit won't work in the Dallas-Fort Worth region because it's too spread out, why are we trying to do this?

The success of light rail through Dallas Area Rapid Transit as well as the success of the Trinity Railway Express proves that rail transit will work here. DART, DCTA, and The T have seen skyrocketing increases in passengers this year as gasoline prices soared. Even as gas prices start coming down, the transportation authorities are keeping most of those new passengers. Other areas of the country with density similar to or even less than Dallas-Fort Worth also have successful transit systems (San Francisco, Minneapolis, St. Louis, etc.)

Shouldn't we be able to elect or vote out of office people raising our taxes?

Most of the members of the Regional Transportation Council are elected officials and each city is represented by a member of the RTC. Alternatively, the boards of directors of the current transportation authorities – with authority to impose a sales tax – are not elected positions, in fact the members are not elected officials at all. Every person registered to vote will have the opportunity to vote for or against the taxes for the transportation funding area. These taxes will be for specific projects that can not be changed after the election. Elected officials (through the subarea roundtables) and citizens (through the election) will control the taxes and fees for selected projects.

Is this adding another level of government?

No. It will be adding a new tax or fee, but there will not be a new entity created with a new board and new staff. The existing Regional Transportation Council and NCTCOG Executive Board will oversee the funding area finances. These are unpaid positions. NCTCOG staff will administer all of the funds and contracts. While some additional staff may be needed, the administrative expenses will be minimal. Whether administered through a transportation funding area housed at the NCTCOG or through the existing transportation authorities, additional taxes and/or fees are needed to implement the regional rail system.

How will voters know what they're getting for the money?

Before going to voters in an election, subarea roundtables will select projects with specific timelines and related taxes and/or fees. Representatives of the counties, cities, transportation funding area, and other advocates will present the plans to the public in public meetings, brochures, websites, and other means before the election is held. This will be similar to bond issuance votes that occur periodically in cities and counties throughout the region. With voter approval, the projects are fixed in each subarea.

Would tax dollars be better spent on highways since transit doesn't pay for itself?

Almost no transit system in the world pays for itself out of passenger fares. Some amount of government assistance through taxes or fees is required. The Dallas-Fort Worth region has an extensive plan to build both rail and highway improvements. In order to serve an expected population of 9 million by 2030, we will need all modes of transportation to move people and goods within and through our region. Passenger rail systems are very reliable and run on schedule. Roadways often are unreliable due to incidents, accidents, weather, and construction.

Will the transportation funding area start telling the transportation authorities what to do?

The transportation planning process is extremely collaborative. Projects will be built that have been in the metropolitan transportation plan for decades. The transportation authorities will be assisting in the refinement of the rail plans for each subarea. Transportation authority board members sit on the RTC and are vital to the planning process and are the implementers of transit projects. The transportation funding area will not be involved with decisions the transportation authorities make on projects funded through current sales tax revenue. This is merely a way to generate and disburse additional money for projects that can't be built with exiting revenues.

Sales tax has been the way transit is funded up to this point, why is sales tax no longer a funding option?

During the last two legislative sessions the region has tried to get additional sales tax authority for transit, but it has been rejected. We have worked closely with the business community – the strongest opponents to raising the sales tax – to find new revenue options. Business is supportive of transit as a way to move employees and customers reliably. The Legislature has also asked repeatedly for the region to look at other options. The RTC is trying to balance the needs of all interested parties. The State may need sales tax to fund additional needs for Texas in the future.

Why are we not using the tri-party agreement from 2006?

Over 100 local governments and chambers of commerce signed onto the tri-party agreement, which called for the three existing transit authorities to work together to implement regional rail and called for an additional sales tax of up to 1 percent to be imposed outside of the DART and DCTA service areas. The support for that effort was overwhelming, but the Rail North Texas process is fundamentally different. Local governments and organizations should have an opportunity to evaluate the Rail North Texas proposal and choose to support it or not based on the new taxes and fees proposed and the idea to create an infrastructure fund for DART cities. Even though sales tax will not be used, the same three transportation authorities will be asked to design and construct the additional rail lines.

Will DART cities be double taxed?

Any new taxes and/or fees will be imposed for an entire county, so if Dallas County or Collin County vote to approve new taxes or fees, DART cities will pay these new taxes and/or fees as well as the current 1 percent DART sales tax. This will be for new service as agreed to by the cities within DART. It could be to speed up the construction of rail lines by decades or it could be to improve bridges or streets. All new revenues in the DART service area will remain for that service area to construct additional transportation. This special account is the result of not being able to add sales tax to non-DART cities.

Could the transportation funding area reallocate money away from transit projects when there is a shortfall of highway dollars?

No. By taking a set of specific projects with specific funding sources to the voters, the transportation funding area will be making a commitment to fund those projects. An internet-based tracking system will be created so anyone can see how much money is dedicated to each project and how it is being spent.

Will creating a transportation funding area slow down the process of building the rail lines?

No. The fact is that none of the rail lines on the map can be built until our region identifies funding. There are very few cities along the rail lines that can join a transportation authority because the sales tax cap has been met in nearly every city in the region. So, by using the transportation funding area to raise revenue, the region can move to construction. Additionally, the transportation funding area will pass along funds as the transportation authorities begin work.

Why are roadway improvements part of something called Rail North Texas?

The primary focus of Rail North Texas is funding a passenger rail system. Because a previous effort to allow higher sales taxes on a city-by-city basis failed, the Regional Transportation Council began looking at other taxes and fees, all of which need to be implemented on at least a county-by-county basis to be successful and not unduly influence buying or living decisions. This means that taxes or fees could be imposed over DART residents. Not wanting to double tax anyone for the same service, local elected officials determined that funds generated in the DART service area could be used to build supplemental roadway projects. In addition, because a fee may be used in 12 counties, revenues for areas that do not yet have warranted rail projects could go to roadway projects.

Why not just let the revenues go straight to the transportation authorities?

There must be supreme confidence that the money generated will be used for the purposes stated at the time of the vote. The RTC and its staff have already developed this type of accounting system for the State Highway 121 toll road payment. In addition, because rail projects will cross county, and sometimes transportation authority, boundaries, it makes sense for a regional entity to administer the funds. Finally, because roadway projects will most likely be involved, a regional planning agency will already have established processes for transferring funds to either TxDOT, cities, counties, or NTTA to implement projects.

The Rail North Texas Initiative is:

Not creating a new level of government or a fourth transit authority.

Not collecting money in one county and spending it in another county.

Not creating a “one size fits all” transportation solution.

Not creating an additional organization to plan, finance, or construct projects.

Not deciding for citizens on what they wish to do.

Not double taxing the DART service area since revenue collected within one area will go to regional rail, accelerating current rail projects or to build other transportation projects.

Not having construction fees or taxes stay on forever. Fees and taxes would only last the duration of the bond repayment period. Citizens would have to elect to build other projects.

Not putting our future on the roadway system only.

Not waiting on TxDOT or others to fund our needs.

Not delaying projects which would result in higher and higher costs.

Not following the current State and federal approach of raising revenues with no assurances that specific projects would advance.

RAIL NORTH TEXAS PROJECT SELECTION, FUNDING, AND IMPLEMENTATION PROCESS

RTC initiates “call for projects.” Project applications are received and technically evaluated. (Same process as currently being used.)



Subarea Roundtable (county geographic area) that includes citizens, transportation authorities/entities/departments, and local elected officials select priority for submitted projects.



RTC Regional system review; financing and revenue options are developed.



Projects and revenue options sent to Subarea Roundtables for review, refinement, and approval.



RTC requests voter approval for a funding package to proceed with construction of specific projects for subareas within a specified time frame.



Subarea funding accounts are developed and monitored.



Existing transportation authorities/entities/departments implement the specific projects authorized by the election. Formal RTC Transportation Implementers Subcommittee is created to monitor progress and coordinate the system.

Iteration of projects based on revenue needs.



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.

Joe Chow, Mayor

ATTEST:

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.



#R15

VIA E-MAIL

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

Dear Passion:

As per your request, we have enclosed model ordinances for your city to:

***Rescind the Annually Repeating
70% of CPI Increase to Annuitants
And
Adopt on an Ad Hoc (one time only) Basis
70% of CPI Increase to Annuitants***

Because your city is rescinding the annually repeating feature of granting CPI Increases to annuitants, there will be no advance funding of potential future ad hoc increases in calculating the contribution rate each year. It is most likely that future ad hoc increases (particularly if granted annually) will result in annual contribution rates increasing at an accelerated pace coupled with decreases in annual funding ratios.

Each city must determine the appropriate benefit level and contribution rate based on their unique situation. TMRS' role is to provide the city with a cost/benefit analysis of the options available and the respective impact on current and future contribution rates of adoption. Please feel free to call our office any time we can be of assistance.

With the adoption of these ordinances your city's full contribution rate for 2009, **assuming a 25-year amortization period**, will be **14.60%**, and the phase-in rate will be **14.36%**.

We will appreciate receiving copies of the executed ordinances as soon as possible after adoption.

If you need additional information or assistance, please do not hesitate to contact me at 1-800-924-8677

Sincerely,

Eric W. Davis
Deputy Executive Director

EWD/dh

Enclosure

Plan Change Study

For Informational Purposes Only
 Effective Date - January 1, 2009
 Report Date - December 17, 2008

00007 Addison



Proposed Plans

| | PUC / New Assumptions | | | Proposed Plans | |
|------------------------------|-----------------------|------------------|--|------------------|------------------|
| | Preliminary | Adjusted | | 1 | 2 |
| Plan Provisions | | | | | |
| Deposit Rate | 7.00% | 7.00% | | 7.00% | 7.00% |
| Matching Ratio | 2 to 1 | 2 to 1 | | 2 to 1 | 2 to 1 |
| Updated Service Credit | 100% (Repeating) | 100% (Repeating) | | 100% (Repeating) | 100% (Repeating) |
| Transfer USC ** | Yes | Yes | | Yes | Yes |
| Annuity Increase | 70% (Repeating) | 70% (Repeating) | | 70% (Ad-Hoc) ✓ | 70% (Ad-Hoc) |
| Buyback Provision | No | No | | No | No |
| 20 Year/Any Age Ret. | Yes | Yes | | Yes | Yes |
| Vesting | 5 years | 5 years | | 5 years | 5 years |
| Contribution Rates | | | | | |
| Normal Cost Rate | 2009 9.96% | 2009 11.46% | | 2009 9.63% | 2009 9.63% |
| Prior Service Rate | 4.17% | 8.69% | | 4.78% | 4.31% |
| Retirement Rate | 14.13% | 20.15% | | 14.41% | 13.94% |
| Supplemental Death Rate | 0.19% (A & R) | 0.19% (A & R) | | 0.19% (A & R) | 0.19% (A & R) |
| Total Rate | 14.32% | 20.34% | | 14.60% ✓ | 14.13% |
| Unfunded Actuarial Liability | \$12,301,240 | \$22,429,316 | | \$11,113,746 | \$11,113,746 |
| Amortization Period | 25 years | 30 years | | 25 years ✓ | 30 years |
| Funded Ratio | 78.5% | 66.7% | | 80.2% | 80.2% |
| Phase-In Total Rate | -- | 15.07% | | 14.36% ✓ | N/A |

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

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS TERMINATING THE AUTOMATICALLY REPEATING ALLOWANCE OF INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council of the Town of Addison, Texas (the "City") has heretofore adopted an ordinance under Section 853.404 of Subtitle G of Title 8, Government Code, as amended (the "TMRS Act"), authorizing the crediting of increases in prior and current service annuities to retirees and beneficiaries of deceased members on an annual basis; and

WHEREAS, Subsection (e)(4) of Section 853.404 provides that such an ordinance ceases to be in effect for future years if the City adopts an ordinance stating that the previous ordinance under Section 853.404 will cease to be in effect for future years; and

WHEREAS, the City Council desires to adopt an ordinance under Subsection (e)(4) of Section 853.404.

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

Section 1. By this Ordinance the City Council of the Town of Addison, Texas terminates the annually-repeating allowance of increases in prior and current service annuities to retirees and beneficiaries of deceased members as to all calendar years beginning after the effective date of this Ordinance; provided, however, that nothing contained in this Ordinance shall be deemed to preclude the City Council from again adopting an ordinance under Section 853.404 in the future.

Section 2. Provided that a signed copy of this Ordinance has been furnished to the Texas Municipal Retirement System prior to that date, this Ordinance becomes effective on **January 1, 2009**.

Section 3. The above and foregoing premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____ 2008.

Joe Chow, Mayor

ATTEST:

By: _____
Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

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

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

Section 1. Increase in Retirement Annuities.

(a) On the terms and conditions set out in Sections 854.203 and 853.404 of Subtitle G of Title 8, Government Code, as amended (the "TMRS Act"), the Tow of Addison, Texas (the "City") hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this section replaces any annuity or increased annuity previously granted to the same person.

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

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

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

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

Section 2. Effective Date. Subject to approval by the Board of Trustees of the System, this Ordinance shall be and become effective on the **1st day of January 2009**.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the ____ day of _____, 2008.

Joe Chow, Mayor

ATTEST:

By: _____
Mario Canizares, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

ITEM #R16

There are no Attachments for this Item.

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