

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

AGENDA

WORK SESSION OF THE CITY COUNCIL

6:30 P.M.

AND

REGULAR MEETING OF THE CITY COUNCIL

7:30 P.M.

FEBRUARY 10, 2009

TOWN HALL

5300 BELT LINE ROAD

WORK SESSION

Item #WS1 - Discussion regarding the Town of Addison Worldfest Special Event for 2009.

Item #WS2 - Discussion regarding tree replacement and protection provisions of the Town's comprehensive zoning ordinance.

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:

January 27, 2009, Regular City Council Meeting and Work Session

Item #R3 - Discussion and consideration of approval of award of a contract to One Hall Environmental, Dallas, Texas, to demolish structures at 15810 and 15812 Addison Road, and remove and recycle resultant debris and recyclable materials.

Attachments:

1. Council Agenda Item Overview
2. Demolition Request for Bid-15810 & 15812
3. Picture-15810 Addison Road
- 4.. Picture-15812 Addison Road

Administrative Recommendation:

Administration recommends approval.

Item #R4 - Discussion and consideration of approval of a contract with Schwartz Construction Company, Inc., totaling \$47,298.00, for park structure painting and repairs.

Attachments:

1. Council Agenda Item Overview
2. Bid Sheet

Administrative Recommendation:

Administration recommends approval.

Item #R5 - Discussion and consideration of approval of a contract with American Landscape Systems totaling \$44,144.75, for miscellaneous landscape renovation work.

Attachments:

1. Council Agenda Item Overview
2. Bid Sheet

Administrative Recommendation:

Administration recommends approval.

Item #R6 - Discussion and consideration of approval of maintaining Airport Access Fee Rates at their current levels of \$.08 per gross square foot of land area for Commercial Aviation Uses and \$750/year flat rate for Recreational/Incidental Business Use through September 30, 2010.

Attachments:

1. Council Agenda Item Overview
2. Fee Adjustment Rate Recommendation

Administrative Recommendation:

Administration recommends approval.

Item #R7 - Presentation, discussion and **PUBLIC HEARING** regarding a proposed structure for the management agreement for Addison Airport.

Item #R8 - PUBLIC HEARING (Case 1570-SUP/The Melting Pot) on and discussion and consideration of approval of an ordinance approving an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4900 Belt Line Road, Suite 200, on application from The Mad Mango Group, Dallas, represented by Mr. Jeff Raines.

Attachments:

1. Docket Map
2. Staff Report
3. Plans

The Addison Planning and Zoning Commission, meeting in regular session on January 22, 2009, voted to recommend approval of an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to the following condition:

-The remainder of this building shall be fully provided with fire sprinklers prior to the issuance of a Certificate of Occupancy for the expansion of this restaurant.

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

Voting Nay: None

Absent: Daseke

Administrative Recommendation:

Administration recommends approval.

Item #R9 - PUBLIC HEARING (Case 1573-Z/Town of Addison) on and discussion and consideration of an ordinance amending Planned Development Ordinance #007-034, in order to amend Exhibit D, Street Standards, Street A – Residential Boulevard, located on a 99.176 acre tract of land located in the Brookhaven Club area of the Town (an area being bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven Community College and the City of Farmers Branch, and on the west by Marsh Lane), on application from the Town of Addison.

Attachments:

1. Docket Map
2. Staff Report
3. Proposed Street Sections A1, A2 and A3

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on January 22, 2009m voted to recommend approval of an ordinance amending Planned Development Ordinance #007-034, in order to amend Exhibit D, Street Standards, Street A – Residential Boulevard, subject to no conditions.

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

Voting Nay: None

Absent: Daseke

Administrative Recommendation:

Administration recommends approval.

Item #R10 - Discussion and consideration of approval of an appointment of a member to the Board of Zoning Adjustment to replace Bianca Noble (appointed by Councilmember Niemann).

Item #R11 - Presentation by the Addison Planning and Zoning Commission Chairman and discussion of a proposed Green Building Program for the Town.

Attachment:

1. Addison Green Building Program
-

Item #R12 - Presentation by the Addison Planning and Zoning Commission Chairman and discussion of the Commission's 2008 Annual Report to the City Council.

Attachment:

1. 2008 Annual Commission Report

Item #R13 - Discussion and consideration of approval of a resolution endorsing certain legislative changes to enhance the competitive electric market supported by the Cities Aggregation Power Project.

Attachments:

1. Council Agenda Item Overview
2. Resolution
3. Unplugged Report

Administrative Recommendation:

Administration recommends approval.

Item #R14 - Discussion and consideration of approval of a resolution to enter into a joint election agreement and election service agreement in the amount of \$6,000.00, with Dallas County to conduct Addison's Municipal Elections on May 9, 2009.

Attachments:

1. Council Agenda Item Overview
2. Resolution
3. Agreement

Administrative Recommendation:

Administration recommends approval.

Item #R15 - Consideration and approval of (i) an ordinance calling for a general election to be held on May 9, 2009 for the purpose of electing one (1) Mayor for a two (2) year term and three (3) Councilmembers for two (2) year terms each, and of (ii) a resolution calling for a special election to be held on May 9, 2009 for the purpose of electing one (1) Councilmember for a one (1) year unexpired term.

Attachments:

1. Council Agenda Item Overview
2. Ordinance
3. Resolution

Administrative Recommendation:

Administration recommends approval.

Item #R16 - Discussion and consideration of approval of the Comprehensive Analysis and Strategic Plan for Delivery of Police, Fire and Code Enforcement. by the International City Manager's Association (ICMA).

Attachments:

1. Council Agenda Item Overview
2. Proposal

Administrative Recommendation:

Administration recommends approval.

Item #R17 - Discussion and consideration of the acceptance of the resignation of Todd Meier as a Councilmember of the Addison City Council.

Attachment:

1. Todd Meier Resignation Letter
-

Item #R18 - Discussion regarding filling the vacancy on the City Council created by the resignation of Todd Meier.

EXECUTIVE SESSION

Item #ES1 - Closed (executive) session of the City Council pursuant to Section 551.074, Texas Government Code, to deliberate a performance evaluation and employment of the City Manager.

Adjourn Meeting

Posted:
February 6, 2009 at 5:00 P.M.
Lea Dunn - City Secretary

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

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

January 27, 2009
6:00 P.M. – Town Hall
5300 Belt Line Road
Upstairs Conference Room

Council Members Present:

Mayor Chow, Councilmembers Braun, Hirsch, Lay, Meier, Mellow and Niemann

Absent: None

Work Session

Item #WS1 - Discussion with Royce Trout regarding American-Made and other Fireworks.

Mr. Royce Trout with Atlas Fireworks, led the discussion regarding American-Made and other Fireworks.

There was no action taken.

Item #WS2 - Discussion regarding Expanding Shakespeare in the Park.

Barbara Kovacevich and Rafael Parry with Shakespeare, Dallas, led the discussion regarding Expanding Shakespeare in the Park.

There was no action taken.

Item #WS3 - Discussion regarding Worldfest 2009.

Barbara Kovacevich led the discussion regarding Worldfest 2009.

There was no action taken.

Item #WS4 - Discussion regarding Crowne Plaza Contract for Services for meeting space and sleeping rooms for the 2011 North Texas Jazz Festival.

Barbara Kovacevich led the discussion regarding Crowne Plaza Contract for Services for meeting space and sleeping rooms for the 2011 North Texas Jazz Festival.

There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn

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

January 27, 2009
7:30 P.M. – Town Hall
5300 Belt Line Road
Council Chambers

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

Absent: None

Regular Session

Item #R1 - Consideration of Old Business.

The following employees were introduced to the Council: Stacy Love with the Human Resources Department and Ron Lee with the Parks Department.

Item #R2 - Consent Agenda.

#2a - Approval of the Minutes for:

January 13, 2009, Regular City Council Meeting and Work Session

#2b - Approval of a contract for services with Atlas Enterprises for production of the 2009 Addison Kaboom Town® Fireworks Show with the option to renew for two additional years, subject to City Attorney approval.

#2c - Approval of a contract for services with Shakespeare Dallas for the Town's sponsorship of "Shakespeare in the Park" in Addison Circle Park annually from October 2009–October 2010, subject to City Attorney approval.

#2d - Approval of a contract with Crowne Plaza Hotel for the meeting space and sleeping room guarantee for the 2011 North Texas Jazz Festival, subject to City Attorney approval.

Councilmember Braun moved to duly approve the above listed Items #2a, #2c and #2d. Item #2b was pulled for clarification.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Lay, Mallory, Mellow, Niemann
Voting Nay: None

Absent: None

After clarification, Councilmember Meier moved to duly approve Item #2b.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Lay, Mallory, Mellow, Niemann
Voting Nay: None
Absent: None

Item #R3 - Council recognition of patrol shift “Nights B” and dispatchers for actions beyond their normal scope of duty that resulted in saving the life of a critically injured person in the City of Dallas.

Mayor Chow recognized Addison Police Department patrol shift “Nights B” and dispatchers for actions beyond their normal scope of duty that resulted in saving the life of a critically injured person in the City of Dallas.

Item #R4 - Discussion and consideration of approval of an agreement with Cima Solutions Group, for the purchase of three (3) IBM servers, in the amount of \$65,820.71.

Councilmember Niemann moved to duly approve an agreement with Cima Solutions Group, for the purchase of three (3) IBM servers, in the amount of \$65,820.71.

Councilmember Meier seconded. Motion carried.

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

Item #R5 - Discussion and consideration of approval of a contract with AT&T Corp. for construction and installation of a full-band Opt-E-Man network to replace the Town’s existing T1(s) communication lines, subject to the City attorney’s final approval.

Councilmember Mellow moved to approve a contract with AT&T Corp. for construction and installation of a full-band Opt-E-Man network to replace the Town’s existing T1(s) communication lines, subject to the City attorney’s final approval.

Councilmember Lay seconded. Motion carried.

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

Item #R6 - Discussion of Cities Aggregation Power Project Long-Term Power Purchase Initiative.

Randy Moravec led the discussion of Cities Aggregation Power Project Long-Term Power Purchase Initiative.

There was no action taken.

Item #R7 - Presentation of the completed RSA (Runway Safety Area) Project at Addison Airport.

Joel Jenkinson led the presentation of the completed RSA (Runway Safety Area) Project at Addison Airport.

There was no action taken.

Item #R8 - Presentation of the FAA Class "B" airspace update related to Addison Airport and consideration of approval of a Resolution related to FAA Class "B" airspace.

Joel Jenkinson led the presentation of the FAA Class "B" airspace update related to Addison Airport and consideration of approval of a Resolution related to FAA Class "B" airspace.

Councilmember Niemann moved to duly approve Resolution R09-001 related to the FAA Class "B" airspace.

Councilmember Braun seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Lay, Meier, Mellow and Niemann

Voting Nay: None

Absent: None

Item #R9 - Discussion and consideration of approval of final payment to Fairfield Addison Circle, L.P., in the amount of \$471,947.74, for the construction of a portion of Quorum Drive in accordance with the Fourth Amendment to the Master Facilities Agreement for Addison Circle.

Councilmember Braun moved to duly approve final payment to Fairfield Addison Circle, L.P., in the amount of \$471,947.74, for the construction of a portion of Quorum Drive in accordance with the Fourth Amendment to the Master Facilities Agreement for Addison Circle.

Councilmember Mellow seconded. Motion carried.

Voting Aye: Chow, Braun, Hirsch, Lay, Meier, Mellow and Niemann

Voting Nay: None

Absent: None

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

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn

Council Agenda Item: #R3

SUMMARY:

Award of contract to One Hall Environmental, Dallas, Texas to demolish structures at 15810 & 15812 Addison Rd. and remove & recycle resultant debris and recyclable materials.

FINANCIAL IMPACT:

Budgeted Amount:

Unspecified: Payment will come from monies allocated for the acquisition of and road extension through the described property.

Cost: \$33,450

If over budget or not budgeted, what is the budget impact?

N/A

BACKGROUND:

The Town of Addison recently acquired above-described property for future road extension and land redevelopment. A Phase I and limited Phase II environmental assessment revealed the property suitable for redevelopment with no conditions. Asbestos survey indicates remediation is required for 15810 being and is being addressed by separate contract. To prepare properties for razing, all air conditioning units have been purged of freon and utilities & related equipment (water, sewer, gas, electricity, telephone & cable tv) have been disconnected from the buildings and terminated in the public ROW.

Four proposals for demolition were received and One Hall Environmental of Dallas, Texas was the low qualified bidder. References and onsite consultation/walk-thru were very positive. Demolition materials will be reclaimed/recycled to the maximum extent practicable and property restored to a condition satisfactory for re-vegetation.

RECOMMENDATION:

Staff recommends approval

ATTACHMENTS

Addison!

REQUEST FOR BID

BUILDING DEMOLITION & REMOVAL OF THREE (3) BUILDINGS

15810 & 15812 ADDISON RD. ADDISON, TEXAS 75001

• Demolition Contractor Information:

Company Name: F. Hall Mowing

Address: P.O. Box 271101

City/State/Zip: Dallas, Texas 75227

Company Contact: Devin Hall

Phone: 214-876-1235

Email: halldevin@msn.com

• Town of Addison Contact Information:

Neil Gayden, Environmental Services Official
PO Box 9010
16801 Westgrove Dr.
Addison, Texas 75001
972-450-2821
ngayden@addisontx.gov

- **Submission Deadline:** N/A
No bids/proposals shall be accepted after established deadline. Incomplete bids will be disqualified from consideration
- **Firm Offer Period:** Bids shall remain firm for 180 days from date of submission deadline
- **Date & Time of Pre-bid Meeting and/or Walk-thru:** N/A

PREPARATION REQUIREMENTS & SCOPE OF WORK

Contractor Shall:

- **Install silt fencing and obtain SWPPP as required**
- **Assume possession of building contents and be entitled to any salvage contained therein**
- **Demolish both buildings and load, transport and dispose or recycle/reuse resultant materials & debris and all other miscellaneous debris on the property in approved landfill**
- **Remove building slabs, fencing, abandoned utility & sign poles and all flatwork & paving and legally dispose or prepare for recycle/reuse**
- **Utilize wet teardown practices for demolition and removal of building debris and all flatwork & paving to effectively control dust**
- **Grade property to be consistent with the original drainage characteristics and those of adjoining properties and in a manner that will not impound storm water for longer than 24 hours after a rain event. Final grade shall be free of surface debris and trash to an extent that will accommodate foot traffic without causing a trip hazard.**
- **Commence work within ten (10) days of award of bid and complete job within fifteen (15) days of startup**

- Failure to meet the above timetable without reasonable mitigating circumstances (rain, etc.) may result in assessment of liquidated damages

Demolition contractor shall minimize landfill waste by diverting concrete, brick, asphalt, steel, aluminum, copper, etc and any other salvageable building materials and contents to recycling/reuse centers. At the conclusion of the job, the demolition contractor shall supply a final report of materials diverted from landfill. The name & location of each recycling vendor utilized and weight or volume for each category of recycled material shall be supplied in a final report to The Town of Addison. Copies of all trip tickets or waste manifests shall be included in that report.

Proposal for this project must contain this executed document and contractor must address/reference all conditions contained herein.

Signature of company representative: *Don Hall*

Date: 1-13-08





bentreesports.com

972-991-AUTO

BENT TREE
Sports & Imports
bentreesports.com

Council Agenda Item: #R4

SUMMARY:

Staff recommends that the Council award a bid to Schwartz Construction Company, Inc. totaling \$47,298.00 for painting and repairs to various park structures in town. The three bids received are summarized on the attached bid tabulation form.

FINANCIAL IMPACT:

Funds Available: **\$62,500.00**

Cost: **\$47,298.00**

Project Manager: **Ron Lee, Parks Operations Manager**

The majority of this contract is a budgeted item in the parks operations budget. The Addison Circle Park related painting is budgeted in the Special Events budget, which totals \$13,093.

BACKGROUND:

The following is a summary of the scope of work covered under this contract for each site.

1. **White Rock Creek Jogging Trail** – Repair and paint the metal trail bollards.
2. **Winnwood Park Gazebo and Bridge** – Replacement of the existing shake shingle roof and removal and replacement of the bridge walkway.
3. **Addison Conference Centre** – Painting of the bench seating along Addison Circle Drive in front of the Conference Centre and the Stone Cottage.
4. **Beltway Drive Right-of-way** – Painting of the decorative metal fencing sections in the perimeter residential wall.
5. **Town Park** – Re-roofing of the park pavilion next to the playground.
6. **Quorum Park** – Painting of all metal park benches and trash receptacles.
7. **Les Lacs Park Pavilion** – Cleaning and sealing of the pavilion ceiling.
8. **Easement Park Playground** – Cleaning and sealing of the wood playground structures.
9. **Addison Circle Park** – Painting of the perimeter metal fencing, metal railings in the water gardens and six ticket kiosks.
10. **Service Center** – Replacement of the wood on the entry way bench seat.

RECOMMENDATION:

Schwartz Construction Company's references check out favorably. They have completed extensive work for Lincoln Properties. Staff recommends approval.

Attachment: Bid Tabulation Form

Parks Upgrades and Repairs

BID NO 09-04

DUE: January 26, 2009

10:00 AM

BIDDER	Signed	Bid Bond	Bid Total
Schwartz Construction Company, Inc	Y	Y	\$ 47,298.00
Maffco General Contractors, Inc	Y	Y	\$ 52,700.00
Bill D Bennett Construction, Inc	Y	Y	\$ 134,320.00

Matthew E. McCombs

Matt McCombs, Management Analyst

Katie H. Roller

Witness

Council Agenda Item: #R5

SUMMARY:

Staff recommends that the Council award a bid to American Landscape Systems, Inc. totaling \$44,144.75 for landscape renovation and tree replacement planting in various parts of town. The three bids received are summarized on the attached bid tabulation form.

FINANCIAL IMPACT:

Funds Available:	<u>\$60,000.00</u>
Cost:	<u>\$44,144.75</u>
Requested Threshold Amount:	<u>\$11,000.00</u>
Total Amount Recommend for Approval:	<u>\$55,145.00</u>
Project Manager:	<u>Ron Lee, Parks Operations Manager</u>

This project is a budgeted item in the parks operations budget. Staff is requesting approval of an \$11,000 threshold not to exceed 25 percent of the total contract in the event it becomes necessary to make changes in the quantity of work to be performed. There are some locations in Oaks North and in the Easement Park behind the club where additional sod is needed, so staff would recommend taking advantage of this bid to accomplish this additional work.

BACKGROUND:

The parks department establishes a budget each year to address refurbishment of old landscaping in town. Last year much of the work focused on upgrading the landscaping in Addison Circle, particularly Esplanade Park. The primary goal this year is to continue replacement of diseased and storm damaged trees in Addison Circle, Esplanade Park, as well as, re-establishment of plantings in the tree wells along Quorum Drive and the Addison Circle roundabout area. The following is a summary of the scope of work covered under this contract for each site.

1. **Addison Circle District – Quorum Drive/Roundabout** – Re-plant tree wells to create continuity in the street planting.

2. **Addison Circle District - McEntire Place** – Replace diseased pear trees with live oaks. Staff plans to eventually have all pears in the Addison Circle District phased out by next year. The pear trees are dying due to cotton root rot, a soil born disease that is prevalent in this area. The replacements are ‘Highrise’ Live Oaks, which have proven to be ideal street trees that have an upright and tighter canopy to avoid interference with vehicles and buildings.
3. **Addison Circle District – Esplanade Park** – Replace dead ‘Athena’ Elm trees with Chinese Pistache trees which are not susceptible to cotton root rot. The existing ‘Athena’ Elms died from cotton root rot.
4. **Proton Drive right-of-way** – Sodding of sloped bare dirt areas with St. Augustine grass where erosion is occurring on the north and east sides of the greenbelt outside the perimeter masonry wall.
5. **North Midway Road Center Median** – Refurbish old landscaping on the center median north of the railroad tracks underneath the Arapaho Road Bridge to match the landscaping on the south side.

RECOMMENDATION:

The town is presently under contract with American Landscape Systems for all landscape maintenance in the Addison Circle District, as well as, Addison Circle Park. They have also successfully completed landscaping in Addison Circle Park, Arapaho Road Phase III, Addison Athletic Club building expansion and other town landscape renovation projects.

Staff recommends approval.

Attachment: Bid Tabulation Form

Misc. Landscape Projects

BID NO 09-05

DUE: January 26, 2009

10:15 AM

BIDDER	Signed	Bid Bond	Bid Total
A Lawn and Landscape Services Co.	Y	Y	\$ 54,764.48
American Landscape Systems	Y	Y	\$ 44,144.75
Yellow Rose Landscape Services	Y	Y	\$ 57,475.00

Matthew E. McCombs

Matt McCombs, Management Analyst

Katie H. Roller

Witness

Council Agenda Item: #R6

SUMMARY:

Consideration and approval authorizing the City Manager to continue the Airport Access Fee Rates at their current levels of \$.08 per gross square foot of land area for Commercial Aviation Uses and \$750/year flat rate for Recreational/Incidental Business Use through September 30, 2010.

BACKGROUND:

Per the Town's current Off-Airport Access ordinance, on or before December 1 of every other year, the Airport Director is to determine the prevailing Airport Public Area Maintenance Rate and then recommend to the Town Council an adjustment, if any, to the published Access Fee Rate used for new permit applications and renewals only. Existing access permits are subject to bi-annual CPI adjustments over their 25 year term, unless earlier terminated.

Pursuant with Section 14-107(b) of the ordinance, the City may, at its discretion, reduce this rate for the purpose of establishing the Access Fee by an amount determined appropriate to, among other things, "promote the economic development and use of the airport and the development of aeronautical properties adjacent to the airport and for other proper and beneficial purposes."

As a new proposed rate would only be used for new access permit applications received after January 1, 2009 and the number of applicants for this permit is anticipated to be minimal, therefore, continuing the current Access Fee has a negligible, if any, economic impact for the airport.

RECOMMENDATION:

Staff and Airport Management after giving due regard and consideration to the airport public area and the airport public area expenses, recommends the Town continue the Access Fee Rates at their current levels of \$.08 per gross square foot of land area for Commercial Aviation Uses and \$750/year flat rate for Recreational/Incidental Business Use through September 30, 2010.



Memorandum

To: Mark Acevedo
From: Joel Jenkinson
CC: Bill Dyer
Date: 11/11/2008
Re: Adjustment to Off-Airport Access Fee Recommendation

Per the Town's current Off-Airport Access ordinance, on or before December 1 of every other year, the Airport Director is to determine the prevailing Airport Public Area Maintenance Rate and then recommend to the Town Council an adjustment, if any, to the published Access Fee Rate used for new permit applications and renewals only. Existing access permits are subject to bi-annual CPI adjustments over their 25 year term, unless earlier terminated.

The Town may recall the current Access Fee Rates are:

- for *Commercial Aviation Use*: \$.08 per gross square foot of legal parcel area;
- for *Recreational/Incidental Business Use*: \$750/year flat rate.

The Airport Public Area Maintenance Rate is that dollar per square foot rate determined by dividing the airport public area expenses for the preceding two years by the total gross land area of all non-public airport facilities (that is areas of the airport subject to exclusive use agreements) and total off-airport properties. Pursuant to the Ordinance, Airport Management has performed the required analyses and has determined the Airport Public Area Maintenance Rate to be **\$0.48** per gross square foot for the two-year period ending September 30, 2008. Considering all the various factors used to determine this rate, this represents an effective increase of nearly 33% from the previous rate (\$.36/sf) based upon FY-2005 operating costs.

Notwithstanding the above, pursuant with Section 14-107(b), the City may, at its discretion, reduce this rate for the purpose of establishing the Access Fee by an amount determined appropriate to, among other things, "promote the economic development and use of the airport and the development of aeronautical properties adjacent to the airport and for other proper and beneficial purposes."

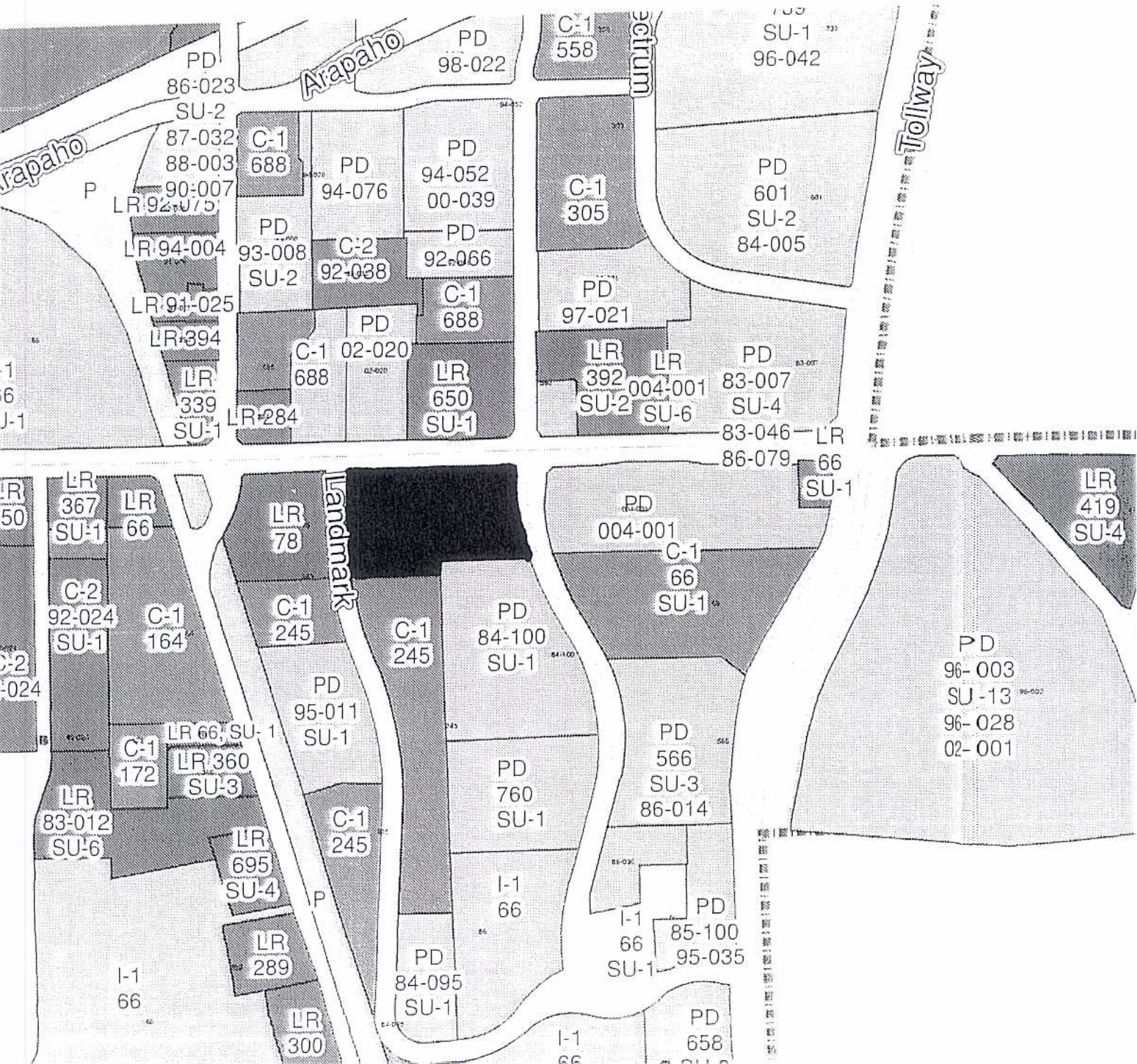
Therefore, after giving due regard and consideration to the airport public area and the airport public area expenses, Airport Management hereby recommends the Town to continue the Access Fee Rates at their current levels of \$.08 per gross square foot of land area for Commercial Aviation Uses and \$750/year flat rate for Recreational/Incidental Business Use through September 30, 2010.

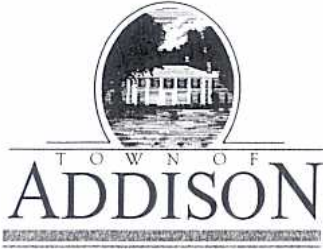
ITEM #R7

There are no attachments for this Item.

1570-SUP

PUBLIC HEARING Case 1570-SUP/The Melting Pot. Requesting approval of an ordinance approving an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4900 Belt Line Road, Suite 200, on application from The Mad Mango Group, Dallas, represented by Mr. Jeff Raines.





DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

January 16, 2009

STAFF REPORT

RE: Case 1570-SUP/The Melting Pot

LOCATION: 4900 Belt Line Road, Suite 200

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

APPLICANT: The Mad Mango Group, Dallas, Inc.,
Represented by Mr. Jeff Raines

DISCUSSION:

Background. The Melting Pot was originally opened as Simply Fondue in 1991. It changed to The Melting Pot in 1995 and has been in continuous operation at this location since 1995. At this point, The Melting Pot wants to take over the former beauty salon space next door (to the east) and convert it to additional open booths, two private dining rooms, a party room, additional prep and food service space, and additional restrooms.

Proposed Plan. The floor plan indicates the current restaurant is 6,225 square feet. The addition will be 2,975 square feet. The addition will not be connected directly to the restaurant, but be accessed through the common hall that runs through the center of the building.

Fire Code. The Fire Marshal has been working with the property owner to get this building fully sprinklered. The owner has been waiting to see where the Melting Pot expansion landed, as there was some discussion that it would take the south end of the building as opposed to the north end. Those discussions were going on when the salon was still a tenant in the north end of the building. After the salon closed, The Melting Pot decided to take the north space, which has better visibility to Belt Line Road. Now that the location of the Melting Pot expansion has been settled, the space needs to be fire sprinklered.

Landscaping. The landscaping for this center is already in place. The Parks Department notes that it meets the requirements of the ordinance and is generally well-maintained.

Parking. Restaurant uses within this center park at a ratio of one space per 160 square feet, unless they have designated valet parking, which this proposed restaurant does not have. This is a center that the staff constantly monitors for parking compliance, as there are several restaurants in the center. However, the center was recently sold, and the new managers are changing the tenant mix. The Valencia Restaurant has closed and the space will not be re-opened as a restaurant. Dunkin Doughnuts recently opened at 2,401 square feet, and it took a portion of the space that was allocated to Valencia. The staff processed a case for a Smashburger in the fall of last year that would have taken some of the restaurant spaces allocated to the center, but Smashburger is not going to open. The staff and manager constantly monitor the parking allocation, and this addition of 2,975 square feet for The Melting Pot will take an additional 19 spaces. That will take all the available parking for restaurants in the center. However, there is sufficient parking for this proposed use.

Food Service Code. The restaurant expansion will be subject to all regulations contained in the Addison Food Service Ordinance. might want to consider using the available grease trap rather than installing a new one.

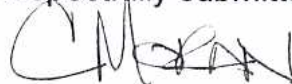
Signage. The applicant does not shows some revised signs on his drawings. The applicant should be aware that all signage for the restaurant must comply with the requirements of the Addison Sign Ordinance.

RECOMMENDATION:

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

-The remainder of this building shall be fully provided with fire sprinklers prior to the issuance of a Certificate of Occupancy for the expansion of this restaurant.

Respectfully submitted,



Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on January 22, 2009, voted to recommend approval of an amendment to an existing Special Use Permit for a restaurant, and an amendment to an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to the following condition:

-The remainder of this building shall be fully provided with fire sprinklers prior to the issuance of a Certificate of Occupancy for the expansion of this restaurant.

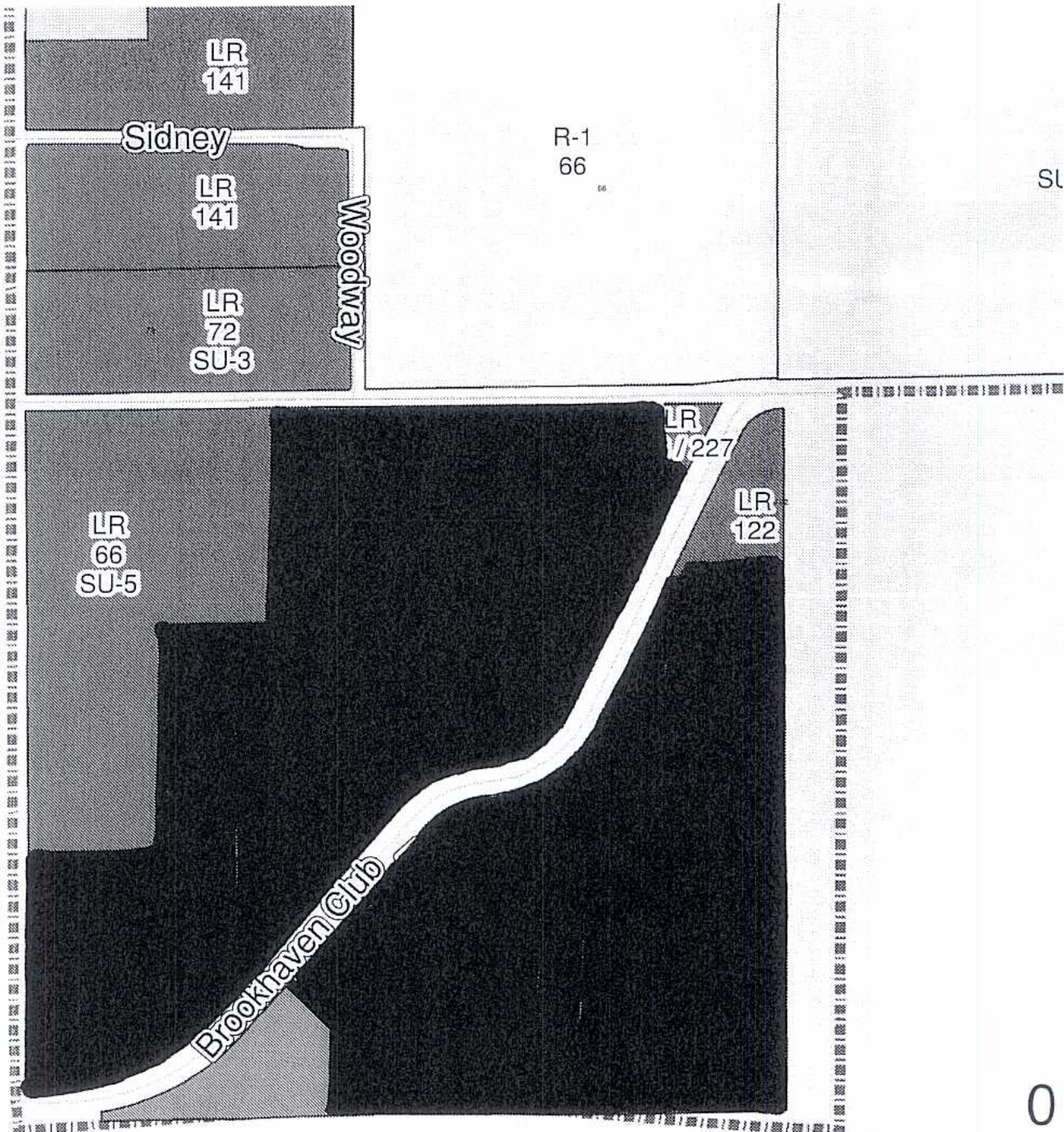
Voting Aye: Bernstein, Doherty, Gaines, Hewitt, Jandura, Wood

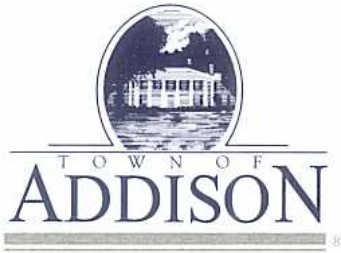
Voting Nay: None

Absent: Daseke

1573-Z

PUBLIC HEARING Case 1573-Z/Town of Addison. Requesting approval of an ordinance amending Planned Development Ordinance #007-034, in order to amend Exhibit D, Street Standards, Street A – Residential Boulevard, located on a 99.176 acre tract of land located in the Brookhaven Club area of the Town (an area being bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven Community College and the City of Farmers Branch, and on the west by Marsh Lane, on application from the Town of Addison.





January 15, 2009

STAFF REPORT

RE:

Case 1573-Z/Town of Addison

LOCATION:

Nine tracts located on 99.176 acres in the Brookhaven Club Drive neighborhood, bounded on the north by Spring Valley Road, on the east by the City of Farmers Branch, on the south by Brookhaven Community College and the City of Farmers Branch, and on the west by Marsh Lane

REQUEST:

Approval of an amendment to an Existing Planned Development Ordinance #007-034, so as to amend Exhibit D, Street Standards, Street A – Residential Boulevard, the same being the street standard for Brookhaven Club Drive

APPLICANT:

Town of Addison .

DISCUSSION:

Background. In 2007, United Dominion Realty (UDR) purchased nine multi-family complexes in the Brookhaven Club Drive area of Addison. The Planning and Zoning Commission worked with UDR for several months on the Planned Development regulations and cross sections for the proposed streets. The cross-sections were added to the Ordinance as Exhibit D. The street section for Brookhaven Drive, which will be repaved and improved with sidewalks and street trees, was Street A of Exhibit D.

At this point, the staff would like to amend the Section for Street A to provide for three revised sections.

Section A-1 – RESIDENTIAL BOULEVARD – 100' R.O.W. (attached) is the original section for Brookhaven Club Drive. In the original PD, it ran the entire length of Brookhaven Club Drive adjacent to the property covered by the PD. It did not run along

the street in front of the Brooktown Town Homes (at the southeast corner of Marsh Lane and Brookhaven Club Drive) because the Brooktown Town Homes were not a part of the PD. At this point, the Town is proposing to change the cross section in three places. The first place it will be changed in the section that runs northeast from the proposed cross street, Ponte Avenue. The cross section is the same width as the original, but there have been slight changes to the make-up of the section. The paving strip between the curb and the tree wells has been reduced by six inches, the tree well width has been reduced from six feet to five feet, and the paving between the tree well and the build-to line has been widened by 18 inches. The overall width of sidewalk, tree well, and paving is the same as it was in the original Section, A-1. However, the staff felt that the paving would be more usable in the sidewalk than in the paving strip, and the narrowing the tree wells would give us a wider sidewalk for pedestrians and bicyclists trying to access the trail along the creek. Section A1 covers the section of Brookhaven Club Drive that runs northeast from Ponte Avenue (the proposed cross street) to Spring Valley Road.

Section A-2, RESIDENTIAL BOULEVARD – 100' R.O.W. is the revised cross section for the area of Brookhaven that is between Ponte Avenue and the Brooktown Town Homes. It has been revised to accommodate the first project, which is now under construction. There was a considerable grade change in the street at this point, and in order to get the building to meet the "build-to line", the sidewalk in this area had to be narrowed on the south side of the street only. The north side of the street, and the remaining street, will have the standard nine-foot public access easement. However, in the area covered by Section A2, the public access easement on the south side of the street will be six feet. The paving strip and tree wells have also been narrowed to give us more room in the sidewalk.

Section A-3, RESIDENTIAL BOULEVARD – 100' R.O.W. is the section of street in front of the Brooktown Town Homes. United Dominion Realty has determined that it would like to improve the street frontage within the right-of-way in front of the Brooktown Town Home property. There will not be any construction work done, or any changes made to the property owned by the Brooktown Town Homes. In addition, there will not be any changes made to the access or driveways into the property. However, UDR feels that the Townhome property is the front door to their development, and it would like to make the street treatment in front of the Townhomes match the rest of the district. Section A3 reflects the work that will be done in the right-of-way. It will consist of a 5-foot grass parkway between the curb and a new sidewalk, a new 5-foot sidewalk, and another 5-foot grass parkway, with trees evenly spaced on 22-foot centers. The staff believes that the new improvements to the right-of-way in front of the Brooktown Town Homes will benefit the townhome owners without impacting any of Brooktown's private property.

RECOMMENDATION:

Staff recommends approval of an amendment to an existing Planned Development Ordinance #007-034, so as to amend Exhibit D, Street Standards, Street A – Residential Boulevard, the same being the street standard for Brookkhaven Club Drive, in order to provide for three new cross sections: Section A1, A2, and A3.

Respectfully submitted,

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

Carmen Moran
Director of Development Services

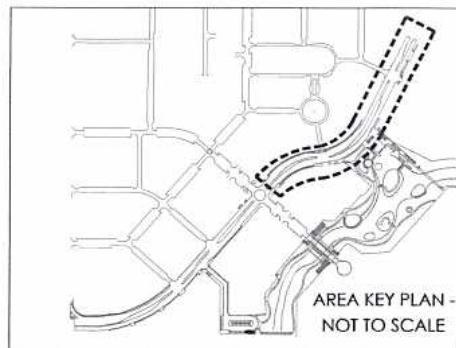
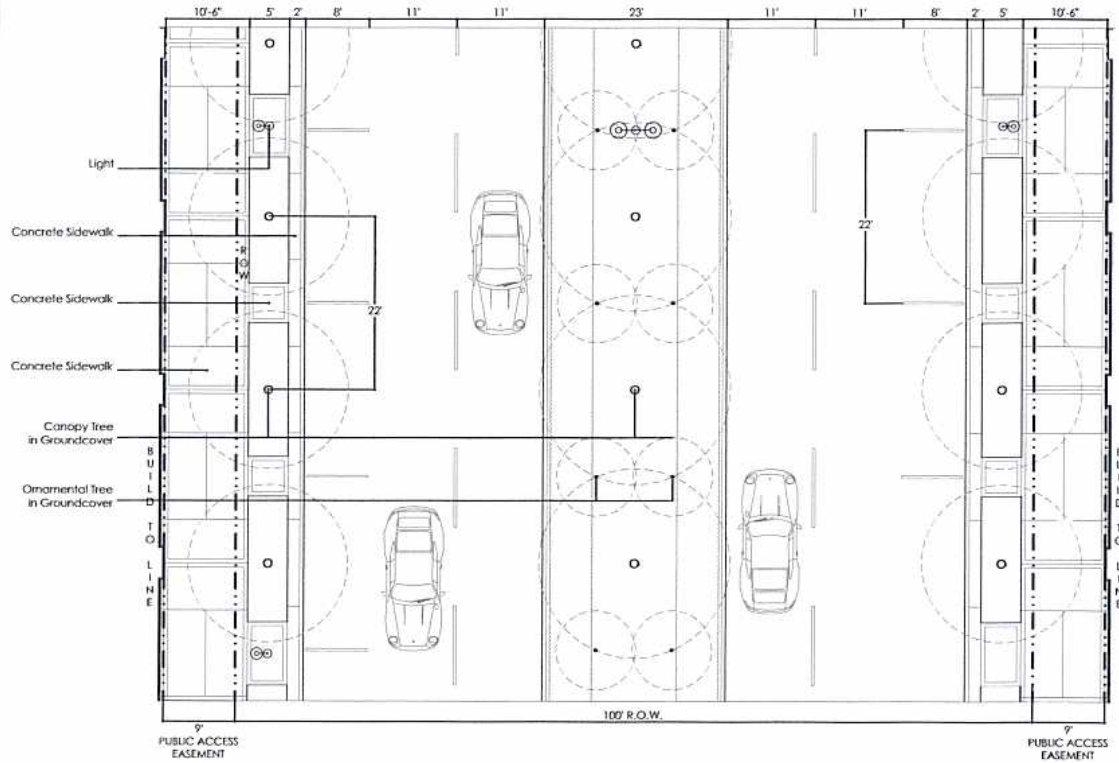
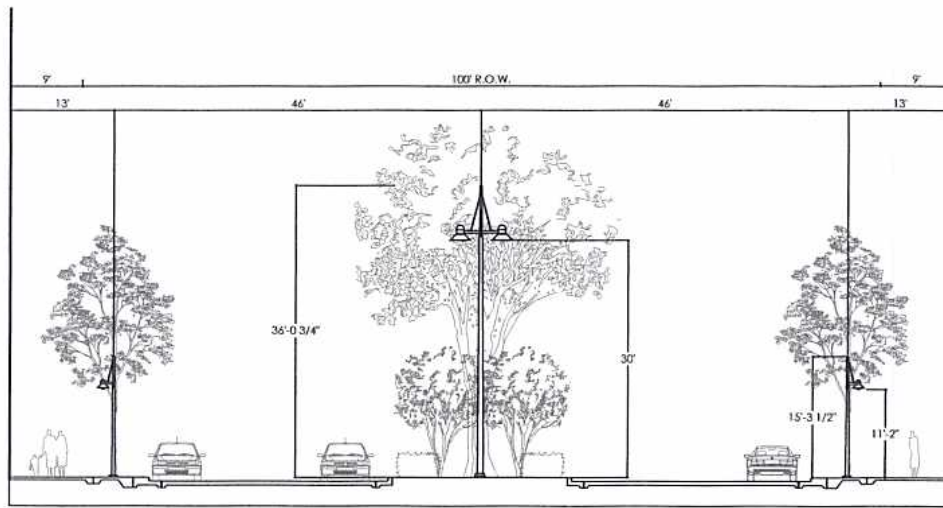
COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on January 22, 2009m voted to recommend approval of an ordinance amending Planned Development Ordinance #007-034, in order to amend Exhibit D, Street Standards, Street A – Residential Boulevard, subject to no conditions.

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

Voting Nay: None

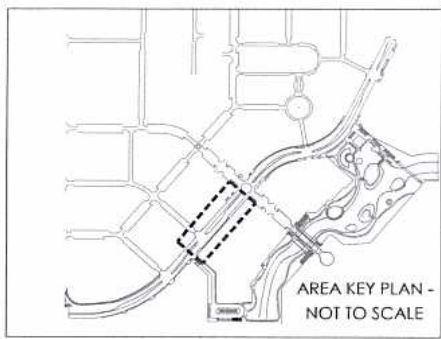
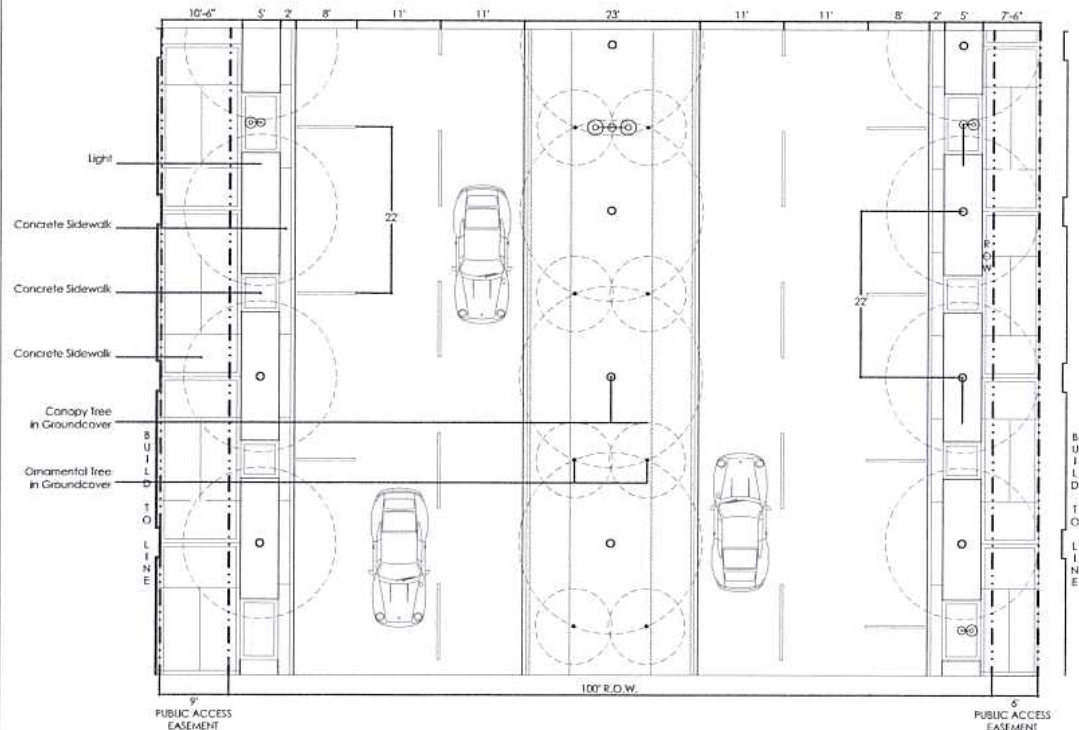
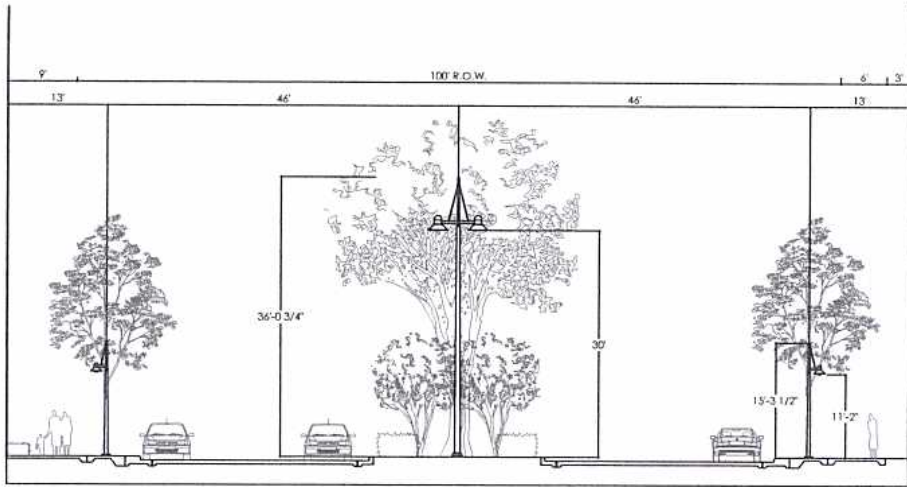
Absent: Daseke



A1 - RESIDENTIAL BOULEVARD - 100' R.O.W.
 EXHIBIT D - STREET STANDARDS

0 4' 8' 16' 24' 40'

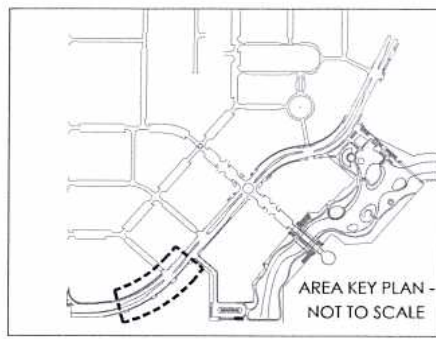
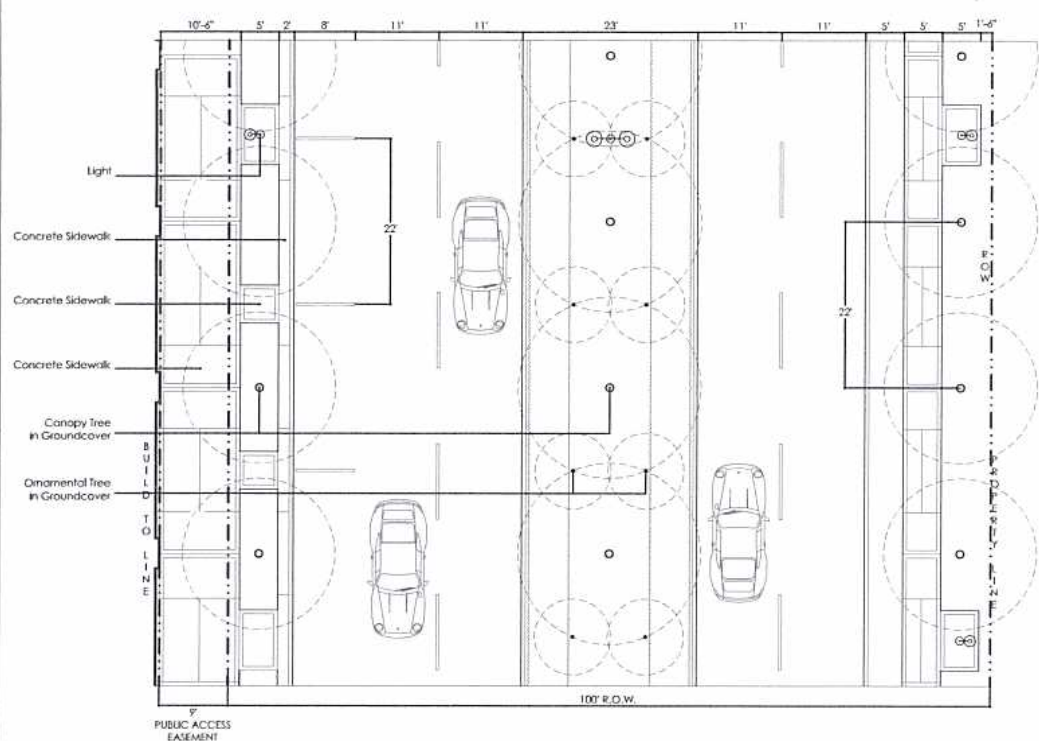
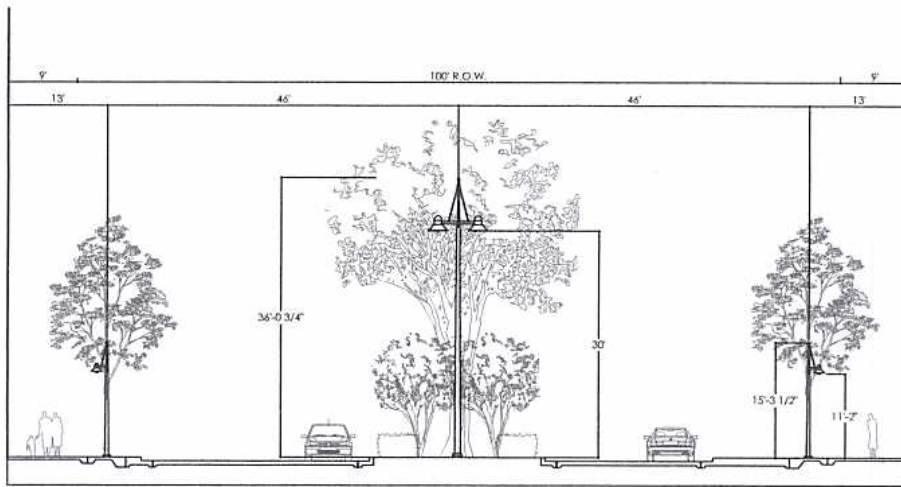




A2 - RESIDENTIAL BOULEVARD - 100' R.O.W.

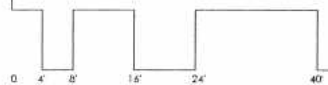
EXCEPTION - PHASE 1 SOUTH
EXHIBIT D - STREET STANDARDS





A3 - RESIDENTIAL BOULEVARD - 100' R.O.W.

EXCEPTION - BROOKHAVEN TOWNHOMES
EXHIBIT D - STREET STANDARDS



ITEM #R10

There are no attachments for this Item.

ADDISON GREEN BUILDING**P&Z Goals, Policy Statements, and Suggested Actions****I. Planning and Zoning**

Goal:

Endorse and encourage compact development, higher densities and a mix of land uses for both new development and redevelopment.

Policy Statement:

Compact, livable urban neighborhoods, like Addison Circle and Vitruvian Park, attract people and businesses. In keeping with The Addison 2030 Vision Project Recommended “A” List Priorities, Addison shall pursue “more high quality, high-density developments that move to a more urban feel.”¹ Further, creating higher density neighborhoods helps protect and preserve our environment by reducing urban sprawl.

P&Z Suggested Action:

The Town of Addison will continue to adopt zoning policies and redevelopment strategies that further the vision for a network of compact communities interwoven by usable open space, walking and bicycle trails, and transit-friendly hubs.

II. Town of Addison’s Municipal Buildings

Goal:

Energy-efficient construction in municipal buildings.

Policy Statement:

To show its commitment to green building practices, Addison shall hold itself to a green building standard higher than that required of private development.

P&Z Suggested Action:

The Town of Addison shall design and construct all future municipal buildings to meet the Leadership in Energy Efficient Design² - New Construction (LEED NC)

¹ The Addison 2030 Vision Project, Recommended “A” List Priorities for the 2030 Vision, Feb. 2005, p. 4.

² Leadership in Energy Efficient Design (LEED) is a system developed by the United States Green Building Council (USGBC) that serves as a benchmark and rating system for the design, performance, and operation of green buildings. Currently, LEED’s rating systems include the following: New Construction, Existing Building, Commercial Interiors, Core and Shell, Schools, Retail, Healthcare, Homes, and Neighborhood Development. The rating systems address the following six issues: (1) sustainable sites, (2) water efficiency, (3) energy and atmosphere, (4) materials and resources, (5) indoor environmental quality, and (6) innovation and design process. Building owners must pay a fee and show that they have met the required prerequisites and attained a set number of points for a building to be certified. Certification levels include Certified, Silver, Gold, and Platinum. See www.usgbc.org and

Silver standard. The Town shall design and construct all future remodels of existing municipal buildings to meet the LEED NC (new construction and major remodels) or LEED – Existing Building (LEED EB) Silver standard.

III. New Commercial and Multi-family Construction

Goal:

Incorporate green building practices for new commercial and multi-family construction into the existing Building Code.

Policy Statement:

Demands on global and regional resources have escalated as our entire world and North Texas face increased population growth, high levels of consumption, and the need to fuel growing economies. Green building practices can help lower water and energy consumption in buildings thus reducing the impact on our environment. The Town of Addison desires to be part of the solution by utilizing green building techniques for new commercial construction and multi-family development to help protect and preserve our environment.

P&Z Suggested Action:

Addison will adopt some semblance of the Dallas Green Ordinance for new construction of all commercial and multi-family buildings. The ordinance will be come effective one calendar year after its adoption by the City Council.

In Phase I, buildings under 50,000 square feet must meet the following criteria:

- Be constructed to use at least 15% less energy³ than the provisions of the 2006 International Energy Conservation Code (IECC)⁴
- Contain water fixtures that perform at a standard 20% better than EPA Act 1992.
- Include cool roofs⁵ for slopes 2:12 or less, outdoor lighting restrictions, and building owners will allow utility companies to release annual consumption data to Town

http://en.wikipedia.org/wiki/Leadership_in_Energy_and_Environmental_Design#Benefits_and_Disadvantages.

³ Improvement may be measured by using energy modeling software. Alternately, the builder may show compliance by installing a system that has been certified by a national, state or local accredited energy efficiency program and approved by the Energy Systems Laboratory. The United States Environmental Protection Agency's ENERGY STAR Program certification of energy code equivalency is an approved program. See Dallas Ordinance, Section 4303.3.2.

⁴ The IECC is a model energy code developed by the International Code Council, with the most recent version released in 2006. The code contains minimum energy efficiency provisions for residential and commercial buildings. Many states and municipalities look to model codes as a starting point for their own codes, either adopting parts of them or adopting the code in its entirety. The State of Texas and Addison have adopted the 2004 version of the IECC. See http://www.reca-codes.org/pages/current_code.html

DRAFT

In Phase I, buildings over 50,000 square feet must meet the following criteria:

- Show an 85% LEED certified level of compliance under any of the applicable LEED rating systems or equivalent (example: must achieve at least 22 LEED NC v2.2 points)⁶
- For 85% LEED certified compliance, points required must include: one point under the water efficiency credit titled “Water Use Reduction” (20% Reduction) and a minimum of two (2) points (14% better than ASHRAE⁷ 90.1-2004) under the energy and atmosphere credit titled “Optimize Energy Performance.”

In Phase II, all new commercial construction must meet the following criteria:

- Be certifiable under LEED, Green Built North Texas or an approved equivalent green building standard at the minimum certification level.⁸ The ordinance does not require formal certification by the USGBC, Green Built North Texas or any equivalent green building standard.
- The points required for new commercial construction to be certifiable must include at least one point under the water efficiency credit titled “Water Use Reduction” (a 20% reduction). and a minimum of three (3) points under the energy and atmosphere credit titled “Optimize Energy Performance.” (17.5% better than ASHRAE 90.1-2004).

IV. Commercial and Multi-family Building Remodel and Redevelopment

Goal:

Energy efficient construction for certain remodels and redevelopment of commercial and multi-family construction.

⁵ According to the Cool Roof Rating Council, in most climate zones, cool roofs can significantly reduce a building’s cooling load. Cool roofs stay 50 to 60 degrees F cooler in the summer sun than a traditional roof by reflecting and emitting the sun’s heat back to the sky instead of transferring it to the building below. Initial material costs for a cool roof are comparable to the costs of a traditional roof, with a cool roof providing an average 20% saving in air conditioning costs. Cool roofs are recommended for steep slope roofs (2:12 or greater). See www.coolroofs.org and <http://www.consumerenergycenter.org/coolroof/faq.html#faqs-01>.

⁶ While builder/developer/owner must provide documentation to show compliance, the ordinance does not require formal certification by the USGBC or any other entity.

⁷ ASHRAE, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers sets standards and develops guidelines for heating, ventilation, air-conditioning, and refrigeration. Building Codes often reference these standards. ASHRAE periodically revises its standards so the year of a particular standard is important for code compliance. See www.ashrae.org and <http://en.wikipedia.org/wiki/ASHRAE>.

⁸ In the Dallas Ordinance multi-family developments have the option of using LEED NC, LEED for Homes, Green Built North Texas or an equivalent green building standard.

Policy Statement:

As commercial and multi-family buildings begin to be remodeled and redeveloped, it is to the Town's advantage that green building standards be met, both to protect the environment and to bring the quality of the buildings in line with newer buildings, with regards to water conservation and energy efficiency. Yet, remodeling/redevelopment standards should not be so strict that building owners will delay or forego a project that needs to be remodeled/redeveloped.

P&Z Suggested Action:

1. Addison shall waive building permit fees for property owners to install energy-saving fixtures or equipment in existing commercial and multi-family buildings and lease spaces. Eligible improvements shall include the following: (1) more efficient HVAC system, (2) installation of energy star appliances, (3) increased insulation, and (4) low-emissivity windows.
2. The Town's web page shall include information on various energy-saving fixtures and equipment that owners of a commercial building might install and the anticipated payoff to encourage commercial and multi-family property owners to install energy-saving fixtures or equipment in buildings and lease spaces.
3. The new Addison ordinance shall require that certain remodels or redevelopment of existing commercial and multi-family buildings meet the same standards as new construction (see above). This requirement only applies to remodels or redevelopment of existing commercial and multi-family buildings when the construction work to be done consists of 50% or more of the entire building or 50% or more of the value of the existing building.

V. Residential, both new construction and remodel

Goal:

Encourage energy efficiency in the construction of new single-family detached and duplex residences. Likewise, owners of existing single-family detached and duplex residences shall be encouraged to employ energy efficiency in remodels and adaptations. At no time shall a remodel or adaptation interfere with the neighborhood aesthetic, or another neighbor's enjoyment of his residence.

Policy Statement:

Addison encourages energy efficient construction in all new single family detached and duplex homes. At this time, no additional building requirements will be mandated for new residential construction for the following reasons: (1) our housing stock is relatively new, (2) the IECC already sets efficiency standards for residential construction, and (3) currently only five (5) new home residential lots exist in the entire town.

DRAFT

Addison encourages energy efficient remodels and adaptations in all existing single family detached and duplex homes. As residents take great pride in the appearance of their neighborhoods, no remodel or adaptation shall affect any neighbor's ability to enjoy his home or the quality of his neighborhood. For example, we encourage more energy efficient windows and added insulation, but we do not encourage rainwater harvesting barrels in front yards, wind energy systems mounted above rooflines, or solar power systems mounted on fences or too high above rooflines.

P&Z Suggested Action:

Addison will encourage the owners of new or existing single-family homes to install upgrades and replacements that are considered energy efficient through information on its web site. The web site will list the various energy saving fixtures and equipment that might be installed in a single family home, if possible, in order of the highest pay-off.

Add info on what we want to encourage and restrict as far as solar, wind, rain-water etc.

**DEVELOPMENT SERVICES**

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

Memorandum

January 12, 2009

TO: Mayor Chow and the Members of the City Council
FROM: Jamie Gaines and the Members of the Planning and Zoning Commission
SUBJECT: Annual Report to the Council

The Planning and Zoning Commission is governed by Rules, Regulations, and Procedures. These Rules stipulate under Article III, DUTIES OF THE COMMISSION, Paragraph (j), that the Commission shall:

Submit each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of Commission officers.

Please let this memo serve as the Commission's progress report. The attendance record of all members is also attached.

The Commission's theme for this year is:

REINVENTION - CHAPTER 2

Reinventing Belt Line

During the past year, we saw several of the ideas we brought forward during 2006 and 2007 take hold. Asbury Circle, the first project to come forward as a part of our vision for the reinvention of Belt Line Road, came out of the ground with four townhome models and four pre-sold units. Unfortunately home sales have plummeted all over the country, and Ashton-Woods (the builder at Asbury Circle), was not immune to the collapse. However, the infrastructure, which was partially funded by the Town, is all in place and it will be in ready when residential building starts again.

Reinventing the Brookhaven Club Neighborhood

We continued the reinvention of the Brookhaven Club area. In 2007, the Commission worked for several months on the regulations for the new Vitruvian Park neighborhood, which were approved by Council as a Planned Development zoning district for the entire 99.5-acre Brookhaven area. In addition, the Council approved a Public-Private Partnership agreement to fund the public infrastructure for the neighborhood. During 2008, the Commission and Council approved the first development plan for the multi-phased project. United Dominion Realty began construction on a 363-unit multi-family project, and the Town began design work on the public infrastructure. Phase I should be complete by summer of 2009, and the Town will soon begin construction work on the 12-acre creek-side park and the rebuilding of Brookhaven Club Drive.

Reinventing North Addison

In the fall of 2008, the Town was delighted to learn that it was a prime candidate for a “boutique” hospital. The Methodist Hospital for Special Surgery – a new 36-bed hospital specializing in spine surgery, was considering a site in Richardson, one in Dallas, and two in Addison. It settled on a site in Addison at the southwest corner of Excel Parkway and Dallas Parkway, and in November the Commission approved development plans for a multi-phase project that may eventually result in a 200-300 bed hospital and three medical office buildings. The project was to be funded jointly by Nueterra Real Estate, Methodist Hospital, and a group of 20 surgeons.

At this point, Nueterra Real Estate has dropped out of the project and Methodist has entered into a development agreement with Advanta, another hospital development group. The project is moving to a site at the northwest corner of Sojourn Drive and Dallas Parkway. The staff is thrilled to have a medical use brought to the Town. Addison has never had a hospital, and our Fire and EMS staff members look forward to having an emergency room in the city for our emergency service customers. We are also thrilled to have a quality, long-term land user, such as a medical complex, locate in the city. We believe it will serve as a catalyst to generate a demand for support and spin-off users such as labs and medical supply offices. We have both vacant office space and raw land in north Addison that those associated users can develop, and we are glad to see more variety in the types of land uses in the north part of the Town.

Reinventing the Development Process

The Council charged the Commission with the task of crafting a policy for reinventing the Town’s building development and redevelopment processes in order to make Addison greener and more sustainable. The Commission began serious work on the task in July. It researched various city policies already in

place, visited green building projects, and interviewed green and LEED AP consultants. The Commission has most of the work completed on a policy that recommends the Town follow the model adopted by the City of Dallas for new development. However, in addition, the Commission's policy will set goals for compact, urban development, and for all city-funded construction. Commissioner Jamie Gaines led the group in drafting the policy, and it should be ready to present to the Council in late January.

LOOKING AHEAD TO CHAPTER 3

The Commission plans to continue reinventing Addison in 2009. In January, the Commission will consider a major change in the Town's policy on the location of residential uses within the noise contours of the Addison Airport. That policy is actually codified in the Belt Line Road zoning district, which is the zoning classification that was created in 2006 to govern the redevelopment of Belt Line Road. For many years, the Town has prohibited single-family or multi-family uses within the 65 and 70 DNL noise contours for the Addison Airport, but the Commission will consider amending that policy to allow multi-family uses within the noise contours, provided that adequate noise attenuation is built into all projects constructed within the contours. If approved, this change will open up the area along Belt Line between Midway Road and Quorum Drive for residential development. It is hoped that the ability to mix multi-family residential into a mixed-use project will allow some interesting new projects to develop in the heart of Addison.

In addition, the P&Z will likely consider some revisions to the master plan for the Vitruvian Park neighborhood. United Dominion Realty has purchased the Greenhaven Village Shopping Center, located at the corner of Marsh Lane and Spring Valley Road. UDR's control of that retail center will allow a much better connection between it and the new Vitruvian Park neighborhood, and UDR is already exploring revisions to the master plan that it will bring forward for City approval.

The Commission will also reinvent itself for 2009. It recently welcomed Jennifer Hewitt as a new member, and just this week welcomed Ralph Doherty as the replacement for Kimberly Lay, who was appointed to the Council. The final terms for Commissioners Jandura and Bernstein will expire in April, so there will be four relatively new members on the Board for most of the year. The Commission will be exploring some training opportunities at local venues or through DVD training available from the American Planning Association.

The Planning and Zoning Commission was busy during 2008. Aside from the projects already discussed, it also reviewed development schemes for SNK Realty and Meridian Square in Addison Circle, and an assortment of restaurant expansions and remodels. The group continues to have an excellent working relationship among its members, As always, the Commission enjoys the support

it receives from the Council and looks forward to another year of accomplishing good things for Addison.

Council Agenda Item: #R13

SUMMARY:

Council approval is sought of a resolution that supports the Cities Aggregation Power Project (CAPP) legislative agenda.

FINANCIAL IMPACT:

There is no financial impact directly associated with the resolution.

BACKGROUND:

The Town of Addison is a founding member of CAPP. Although the organization's primary responsibility is the purchase of reliable, low-priced electricity for its member cities, CAPP also strives to transform the current deregulated electric power market in Texas into a truly competitive market that will benefit consumers. In 1999, Texas lawmakers adopted Senate Bill 7, the state's electric deregulation law. The legislation expanded competition in the wholesale electricity market and opened the door to competition among electric retailers. SB 7 was passed with the expectation that a deregulated power market would result in lower electric prices. However, Texas consumers who had paid prices below the national average prior to SB7, now pay prices above the national average. In fact, residential electric prices have increased by a greater percentage in Texas than in almost every other state – including every other deregulated state with retail competition. Included with this memo is a report issued by CAPP that reveals the high rates paid by Texas consumers in the current market.

CAPP believes that many of the current problems that keep the market from achieving the promise of full competition stem from defects in the deregulated electricity market. For example, some generators are able to exercise monopoly-like control in large swaths of Texas. That has hindered healthy competition. Efforts to address market design issues by the Electric Reliability Council of Texas (ERCOT) have been misguided, mismanaged, gone over budget and fallen behind schedule. As an active market participant, CAPP is in the unique position to identify problems that have developed in the deregulated marketplace and provide a consumer's perspective to legislators interested in fixing those problems.

Based upon this point of view, CAPP has developed a legislative agenda that aims to transition the electric market from a deregulated market to a truly competitive one by limiting market power, eliminating cost shifting, and creating competitive options for all customers. The CAPP legislative agenda items reflect CAPP's desire for a truly healthy electric market where consumers can save and competition can flourish. Such a market - one where power remains affordable and reliable - will mean more economic development for Texas cities and a better standard of living for our citizens.

Legislative change is necessary to better protect cities' budgets, enhance cities' ability to protect their citizens, and increase competition among retail providers. The CAPP Board proposes the following changes:

- All generators, regardless of size, should explicitly be barred from the unlawful exercise of market power. Current regulations exempt smaller generators from market power prohibitions.
- Entities harmed by wholesale market abuse such as municipalities, commercial customers or retail electric providers, should be given explicit standing to participate in enforcement actions brought by the Public Utility Commission (“PUC”). Affected parties are currently barred from participating in such proceedings.
- Ownership and control of generation capacity should be limited to no more than twenty percent (20%) of total generation capacity within the functional market (ERCOT zone) in order to enhance competition and mitigate market power and the ability of any one generator to affect prices. In the alternative, the PUC should be directed to create a single ERCOT-wide market with uniform congestion pricing.
- Permit cities to create and implement opt-out citizen aggregation programs, or alternatively to become Retail Electric Providers or Municipally Owned Utilities.
- Direct the Electric Reliability Council of Texas (“ERCOT”), the organization that administers the state power grid, to abandon all efforts to transition to a nodal market and direct the PUC to open a proceeding to consider other market design options.

RECOMMENDATION:

In the years since passage of SB7, the only parties to have benefited from deregulation have been electric power generators. The legislative agenda pursued by CAPP will help make Texas’ deregulated market into a truly competitive market that benefits the consumers who are Addison’s constituents. It is recommended Council approve the attached resolution.

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF ADDISON, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES TO ENHANCE THE COMPETITIVE ELECTRIC MARKET SUPPORTED BY CITIES AGGREGATION POWER PROJECT, INC.; DIRECTING THAT THE RESOLUTION BE DELIVERED TO THE MEMBERS OF THE TEXAS SENATE AND THE TEXAS HOUSE OF REPRESENTATIVES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) is a member of Cities Aggregation Power Project, Inc. (“CAPP”), a non-profit organization created by cities throughout Texas to secure affordable energy for its members in the deregulated electric market; and

WHEREAS, affordable and reliable power means economic development for our cities and a better standard of living for our citizens; and

WHEREAS, by deregulating the retail electric market, Senate Bill 7 of 1999 (“SB 7”) intended to allow competitive forces to drive down the price of electricity; and

WHEREAS, CAPP's seven-year experience with the deregulated market, including negotiating power contracts with several different retail electric providers, indicates that the Texas electric retail market has failed to develop into a truly competitive market as envisioned by the Texas Legislature and that prices are higher, not lower, after deregulation; and

WHEREAS, competition has failed to develop in the deregulated electric market because certain power generation companies own or control enough generation capacity to exercise market power to the detriment of customers and non-affiliated retail electric providers; and

WHEREAS, alleged market power abuse inquiries conducted by the Public Utility Commission (“PUC”) are hampered by the lack of adequate resources because the parties hurt by the illegal activity, like cities, are not allowed to participate in the investigations; and

WHEREAS, residential customers in Texas communities are unable to obtain lower power prices that may be available to them through bulk purchasing because current law makes the creation of citizen aggregation groups unworkable; and

WHEREAS, the Electric Reliability Council of Texas (“ERCOT”) is expected to spend at least \$660 million to implement a nodal market in Texas, an unproven market design program that is several years behind schedule and several hundred million dollars over budget; and

WHEREAS, the City supports all legislative initiatives that promote a truly healthy electric market where competition can flourish and consumers can save money; and

WHEREAS, the City endorses efforts proposed by CAPP to modify the electric deregulation legislation to enhance competition, implement the original intent of SB 7 and reduce costs to the City and its residents.

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

Section 1. The City supports the introduction and adoption of legislation in the 81st Session of the Texas State Legislature that promotes affordable power and the transition of the Texas electric market from a deregulated market to a fully competitive one. Specifically, the City supports legislation that will address the following issues:

- All generators, regardless of size, should explicitly be barred from the unlawful exercise of market power.
- Ownership and control of generation capacity should be limited to no more than twenty percent (20%) of total generation capacity within the market in order to enhance competition and mitigate market power and the ability of any one generator to affect prices. This is in accordance with basic anti-trust principles and as originally designed in SB 7, although the "market" should be redefined as the functional market (an ERCOT zone) to reflect real-world conditions. In the alternative, the PUC should be directed to create a single ERCOT-wide market with uniform congestion pricing.
- Entities such as municipalities, commercial customers or retail electric providers harmed by wholesale market abuse should be given explicit standing to participate in market power abuse enforcement actions brought by the PUC.
- Cities should be permitted to create citizen aggregation groups to combine the power needs of residents that have not specifically asked to be excluded in order to facilitate bulk power purchasing and enhance the opportunities for residential customers to benefit from deregulation and benefit the entire state by increasing competition. Citizens who have signed a contract with a retail provider would be excluded, as would those citizens who otherwise opt out.
- All efforts to transition to a nodal market in ERCOT should be abandoned and other market design options that benefit all market participants should be considered.

Section 2. A copy of this Resolution shall be sent to the elected lawmakers representing the City's interests in the Texas House and Senate and to the Chairman and legal counsel of CAPP.

Section 3. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas on this _____ day of _____, 2009, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the Town of Addison, Texas.

Joe Chow, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Unplugged: High Prices Under Texas Electric Deregulation

November 2008

For more Information
Cities Aggregation Power Project, Inc
R.A. Dyer
512 658-0017

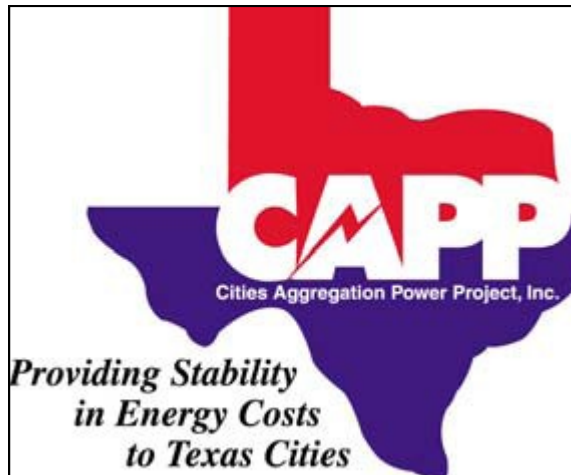
Unplugged High Prices Under Texas Electric Deregulation A new study from the Cities Aggregation Power Project, Inc.

Texans, before deregulation, enjoyed some of the most affordable electricity in the nation. Yes, Texas summers could be scorching hot. Yes, bills could be high. But rates — that is, what Texans paid per kilowatt-hour to cool their homes — remained well below the national average.

No longer. Since lawmakers deregulated the state's retail electricity market in 1999, Texas has suffered some of the steepest residential price increases in the nation. Even compared with prices in *other* deregulated states, the Texas model fairs poorly. Here's a fact: since 1999, no state with retail competition has seen residential prices increase by a larger percentage than has Texas.

Also, contrary to a commonly-held misconception, the high prices paid in Texas relative to prices paid in other states cannot be ascribed solely to the reliance in Texas on natural gas-fired power plants. About half of the state's generation comes from such plants. But a review of states with a similar dependence on natural gas shows that ratepayers here continue getting a raw deal.

The following report, commissioned by the Cities Aggregation Power Project, is based on several years of data compiled by the United States Energy Information Administration, an agency charged with collecting and analyzing information related to the electricity, petroleum and natural gas industries. The report compares residential rates in Texas with residential rates in other states, compares prices in regulated against prices in deregulated states, and looks at the impact of natural gas on prices.



About CAPP

The Cities Aggregation Power Project is a non-profit organization that fights for affordable energy in Texas. Created in 2001, CAPP pools the energy needs of its more than 100 member municipalities in order to negotiate for better prices from power generators. Since 2002, CAPP member cities have saved more than \$90 million. For more information, visit www.capptx.com.

Unplugged: High Prices Under Texas Electric Deregulation

Key Findings:

*In the years since deregulation Texas residential ratepayers have endured some of the steepest price increases in the nation.

*Although electric rates are up everywhere, in general rates have increased more steeply in deregulated states.

*Even compared to residents in other deregulated states, Texans pay too much. Residential electricity prices have increased by a greater percentage in Texas than residential prices in any other deregulated state with retail competition.

*Contrary to a common misconception, Texas' dependence on natural gas to fuel many of its power plants cannot explain the state's poor showing. Even when considering natural gas, residents paid more under retail competition than they have paid in systems that never deregulated. Likewise, average residential prices have increased by a greater percentage in gas-dependent states with deregulation than they have in gas-dependent states without deregulation.

*Under deregulation, Texans have paid more for electricity and have seen steeper rate increases than have residents of a neighboring regulated state that also uses a similar fuel mix to power its generators. This provides further evidence that the dependence on natural gas in Texas does not explain the state's comparably high rates.

CAPP's Recommendations:

As a coalition of more than 100 Texas municipalities, the Cities Aggregation Power Project has a direct interest in ensuring that city residents and city governments have access to affordable electricity. Affordable power means economic development for our cities and a better life for our citizens. The findings in this report confirm CAPP's experience as consumers in the state's deregulated electric market: that it has resulted in unnecessarily high prices.

CAPP supports all market improvements that will help transform the deregulated market into a truly competitive one. Priority should be given to improvements that curb abuses in both the wholesale and retail power markets. Barriers to bulk energy purchasing for residential customers need to be removed so that more Texans have access to stable and affordable electricity. CAPP believes that a healthy competitive market for electricity benefits all Texans.

The Background

On June 18, 1999, then-Gov. George W. Bush signed into law Senate Bill 7, the legislation to deregulate the state's retail electricity markets. Under SB 7, electric companies would gain the freedom to set their own rates. The legislation also was supposed to usher in a new era of competition among wholesale electric providers. Lawmakers sold SB 7 to the public by promising consumer savings.

But lawmakers adopted Senate Bill 7 at a time when Texas ratepayers already paid rates below the national average. And according to the Texas Public Utility Commission, even those rates charged in 1999 were higher than necessary. That's because the utility industry, according to the PUC, was an industry then facing declining costs. "With declining costs and the strong load growth in the state, it is likely that the Commission could find itself facing a never-ending stream of rate cases in an attempt to harness utility over-earnings," the PUC stated in its 1999 Scope of Competition report. This means that despite the lower-than-average rates enjoyed by Texans in 1999, even *lower rates* could have been in order had Texas continued its regulated system.

But instead Texas lawmakers opted for Senate Bill 7. In anticipation of deregulation, the PUC also allowed utilities in Houston, Dallas and elsewhere to continue charging rates that included those excess earnings discussed above. The agency's rationalization was that utilities were due the extra money as a sort of reimbursement for nuclear plants and other investments that could become less economical under deregulation. The PUC also allowed utilities to accelerate the collection of certain fuel charges.

As a result of these decisions — again, both made in anticipation of deregulation — rates in Texas spiked above the national average just prior to the opening of the new market. This spike, in turn, would bedevil later analyses of deregulation in Texas. That's because many of these analyses — typically ones conducted by industry groups — compared the inflated rates charged in 2001 to the rates that later came about under Senate Bill 7. Such comparisons provide a misleading impression of the relative affordability of electricity in Texas before and after Senate Bill 7.

Lawmakers adopted SB 7 in 1999. A transition period then followed in which the Electric Reliability Council of Texas, the operator of the state's power grid, overhauled its computer systems. On January 1, 2002 — the first day of the new market — the state's new electric competitors were given authority to begin charging their own rates. At the same time, big retailers associated with the state's traditional utilities could only charge semi-fixed rates known as the "Price To Beat." Under SB 7, these semi-fixed rates were dropped by six percent when the market opened. Millions of dollars in fuel charges also expired at that time.

This meant that the spike seen in 2001 became a trough in 2002. For a brief period average rates in Texas again dipped below the national average. But at the request of retailers, Price-To-Beat rates were increased repeatedly upwards, and average residential rates crept up steadily

Unplugged: High Prices Under Texas Electric Deregulation

behind them. This report shows after years of comparably affordable electricity, Texans under Senate Bill 7 have consistently paid rates above the national average. Price-To-Beat rates expired completely in 2007 and now all retailers in deregulated areas of the state are free to set their own rates.

About the findings:

The review examines residential electric rates in Texas and the 49 other states, plus the District of Columbia, for the years 1999 through 2007. The report compares pricing in deregulated states against pricing in regulated states and examines prices in states heavily dependent on natural gas as a fuel source for generation. Those natural gas-dependent states were identified through US Energy Information Administration data.

In most cases, the earliest data referenced in the report comes from 1999 because it was in that year that Texas lawmakers adopted Senate Bill 7. Using 2001 as a starting point — that is, the last year before retail competition — is inappropriate. That's because rates in 2001 were unusually high because of the accelerated fuel charges and excess earnings that were specifically allowed *because of deregulation*, as discussed above.

The review ends in 2007 because that is the last year for which there was complete annual data from the federal government. The US Energy Information Administration reports that 2007 data remains provisional, but represents its best estimate at this time.

The report focused on residential prices because they provide one of the best indicators of the overall health of the market.

About the Exhibits:

Figure 1 shows that Texans enjoyed rates below the national average for the years prior to the adoption of Senate Bill 7, in 1999, and then paid rates above the national average after Texas moved to retail competition, in 2002.

Figure 2 shows that when considering all states both regulated and deregulated between 1999 and 2007, only Nevada, Hawaii and Florida experienced percentage increases in residential rates larger than those experienced in Texas.

Figure 3 compares price increases in deregulated states between 1999 and 2007. It shows that residential rates in Texas increased by a greater percentage than residential rates in any other deregulated state with retail competition.

Figure 4 shows that since 1999, residential rates have increased by a greater percentage in deregulated states with retail competition, as compared to states that have never deregulated their electricity markets.

The next three exhibits compare only states with a heavy reliance on natural gas to fuel generating plants. Some deregulation enthusiasts have blamed relatively high rate increases in Texas – as compared to increases in other states — on the reliance in Texas on natural gas-fired power plants. However, the data presented here shows that even when considering natural gas-fired generation, ratepayers typically pay more in deregulated areas. About half the electricity generated in Texas comes from natural gas.

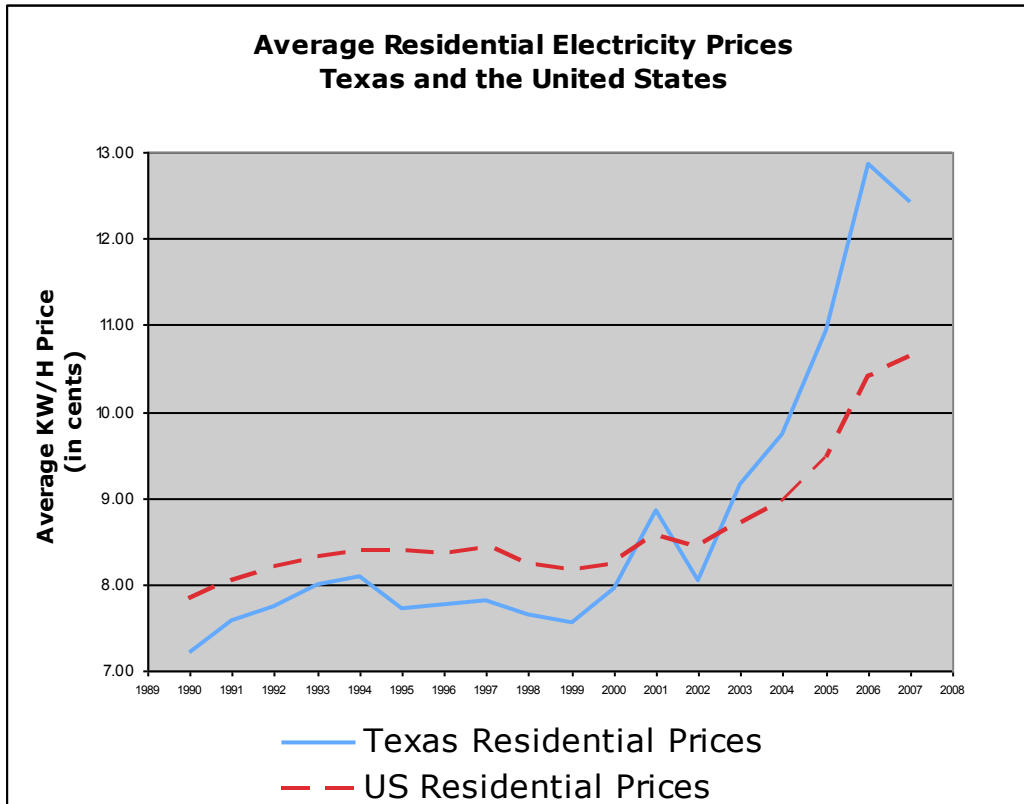
Figure 5 shows that average residential rates charged in 2007 are higher in gas-dependent states with retail competition, as compared to gas-dependent states that never deregulated. That is, even when considering the effect of natural gas, prices remain higher under deregulation.

Figure 6 is similar to Figure 5, except this exhibit compares the change in rates over time. The exhibit shows that even when considering the effect of natural gas, rates have increased by a greater percentage in deregulated states.

Figure 7 compares Texas to neighboring Louisiana, a state with a similar fuel mix and a similar reliance on natural gas to fuel generating plants. However, Texas is deregulated, and Louisiana is not. As Figure 7 illustrates, prices have increased more steeply in deregulated Texas than they have in regulated Louisiana.

Unplugged: High Prices Under Texas Electric Deregulation

Figure 1: Electric Deregulation in Texas: From Low Rates to High Rates



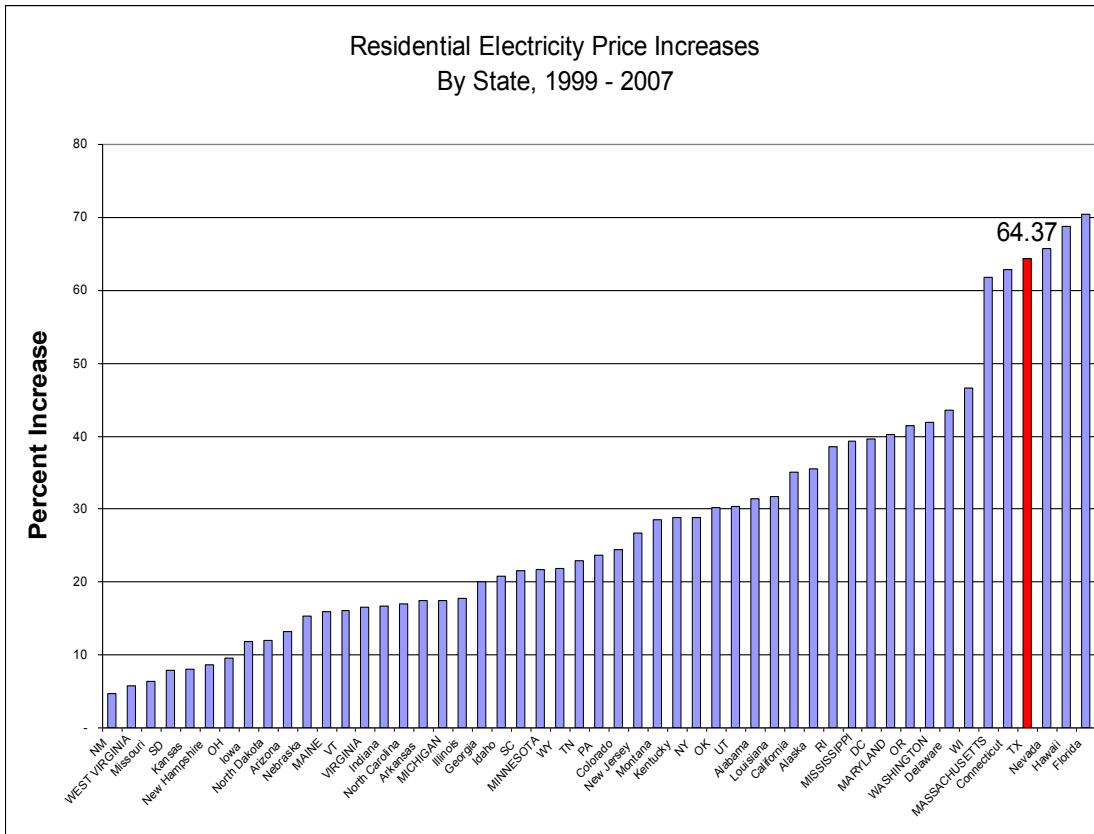
Source: The U.S. Energy Information Administration

For years Texans enjoyed electricity prices below the national average. But after the state deregulated, residential prices shot up above the national average. Note this exhibit shows a spike in rates in 2001, just prior to the beginning of retail electric competition. This spike reflects regulatory decisions that allowed utilities in Texas to recover excess earnings in their rates during that period as well as regulatory decisions that also allowed utilities to accelerate the collection of fuel surcharges from ratepayers. Regulators made these decisions in anticipation of the state's move to deregulation. Rates then briefly dropped after the market opened. This drop reflects the expiration of fuel surcharges, plus a rate cut included in Senate Bill 7. Residential rates in Texas then climbed upward and remained above the national average in every year after 2002.

Other analyses have compared rates to those in existence in 2001. But, as discussed above, the rates in effect that year, just prior to market opening, were already inflated not because of regulation — but *because of deregulation*. To get a clearer sense of the impact of SB 7, one must look at earlier rates. In this report, we compare rates to those in effect in 1999, which was the actual year that lawmakers adopted Senate Bill 7.

Unplugged: High Prices Under Texas Electric Deregulation

Figure 2: Electric Prices Up in the Lone Star State

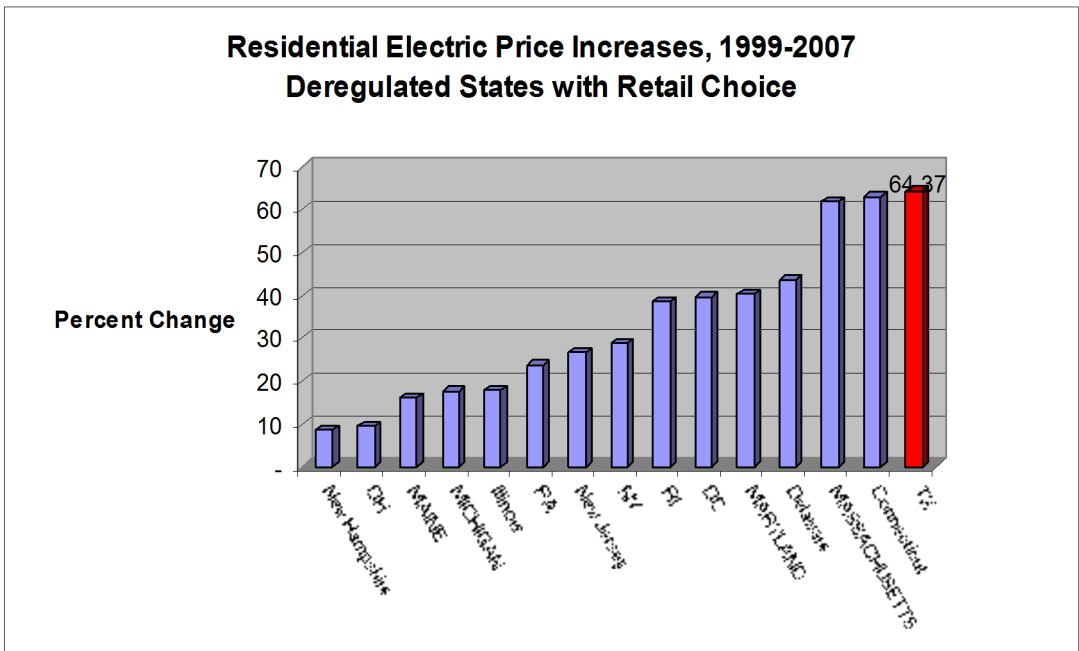


Source: U.S. Energy Information Administration

Few states have had electric prices increase more than they have in Texas. This chart shows that only people living in Nevada, Hawaii and Florida have suffered percentage increases in residential rates greater than those experienced in Texas.

Unplugged: High Prices Under Texas Electric Deregulation

Figure 3: Texas Leads All Deregulated States for Price Increases



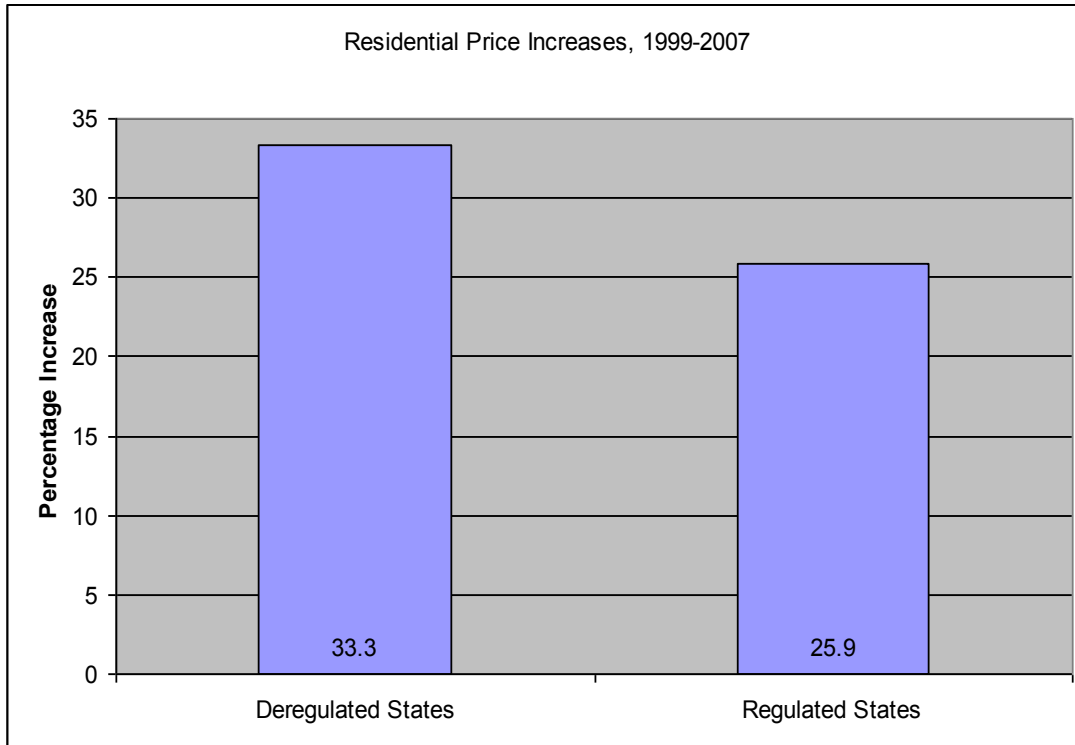
Source: U.S. Energy Information Administration

On average, residential electricity rates have increased by greater percentages in deregulated states than they have in regulated states. And among deregulated states, nowhere has it increased by a greater percentage than it has in Texas. A review of federal data shows that since 1999, electricity prices for residential users have increased by more than 64 percent in Texas.

Unplugged: High Prices Under Texas Electric Deregulation

Figure 4: Deregulation short-changing American consumers

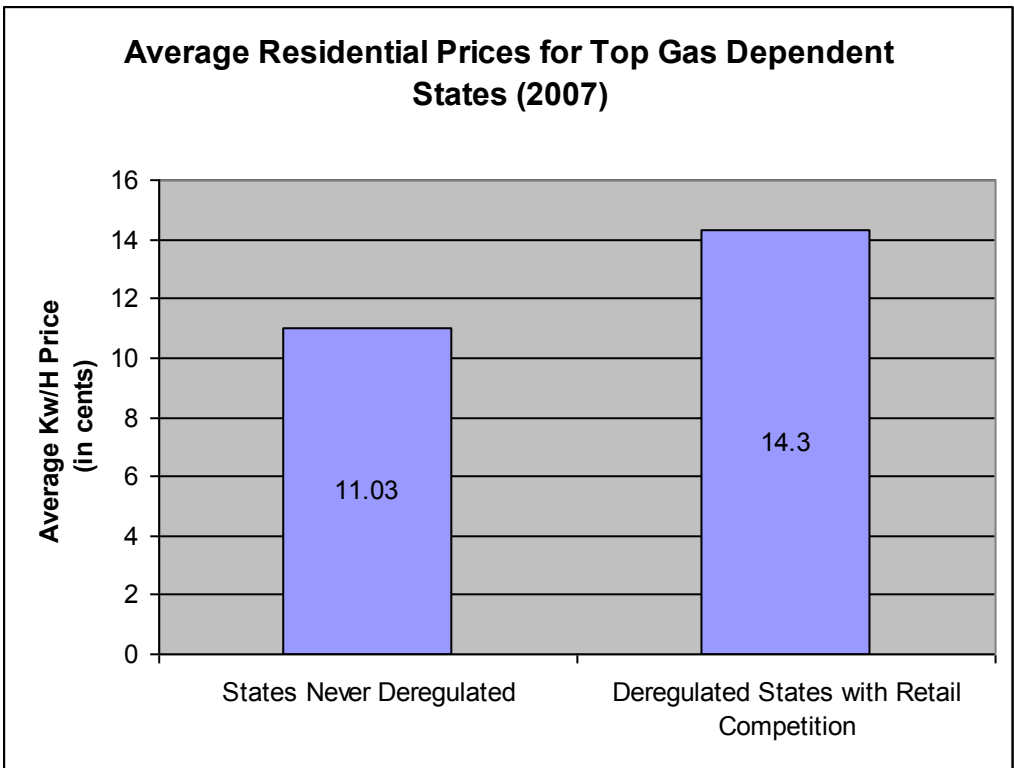
Figure 4



Source: The U.S. Energy Information Administration

It's true that the price of electricity is up everywhere. But it's *really up* in deregulated states. Between 1999 and 2007, the average price of electricity for residential users in deregulated states with retail competition increased by more than 33 percent. During that same period, the average price of electricity for residential users in states that never deregulated increased by 25.9 percent.

Figure 5: Natural Gas Does Not Explain High Prices

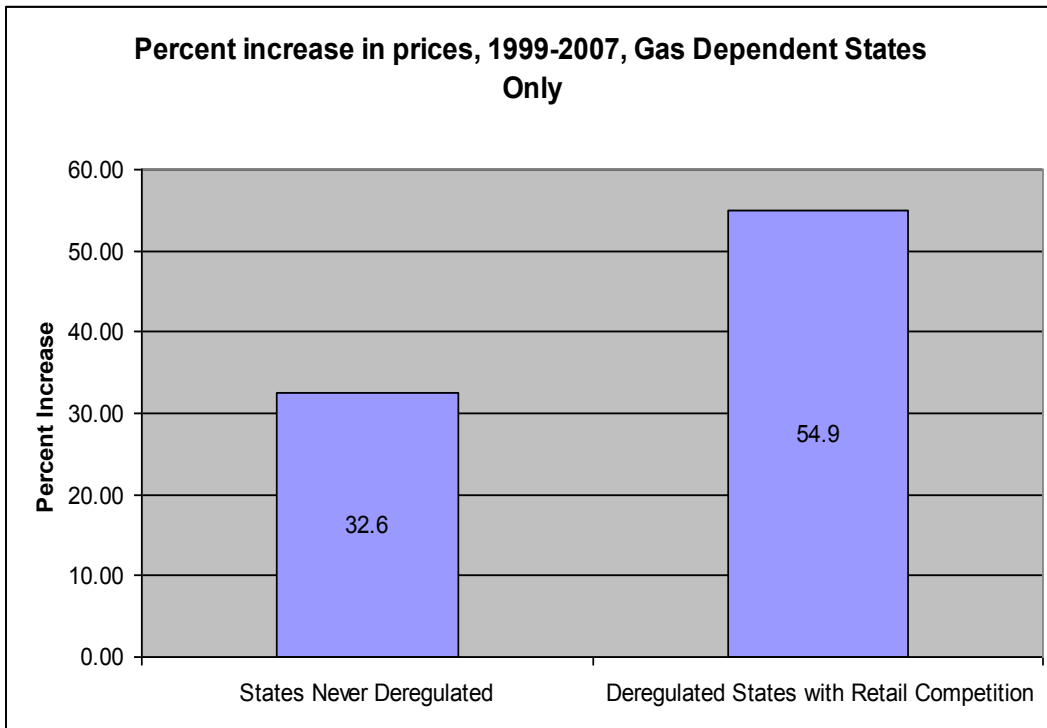


Source: The U.S. Energy Information Administration

This exhibit compares average residential rates (in kilowatt/hours) among states heavily dependent on natural gas to fuel generating plants. A common misconception is that it's not deregulation that contributes to high electric rates in Texas, but rather the state's dependence on natural gas as a fuel source. But as this exhibit illustrates, even among natural-gas dependent states, electricity is less affordable in deregulated states.

As of 2007, the top gas-dependent states that have never been deregulated are Alaska, Louisiana and Oklahoma. The top gas-dependent deregulated states with retail competition are Rhode Island, Massachusetts and Texas.

Figure 6: Natural Gas Does Not Explain Increase in Prices

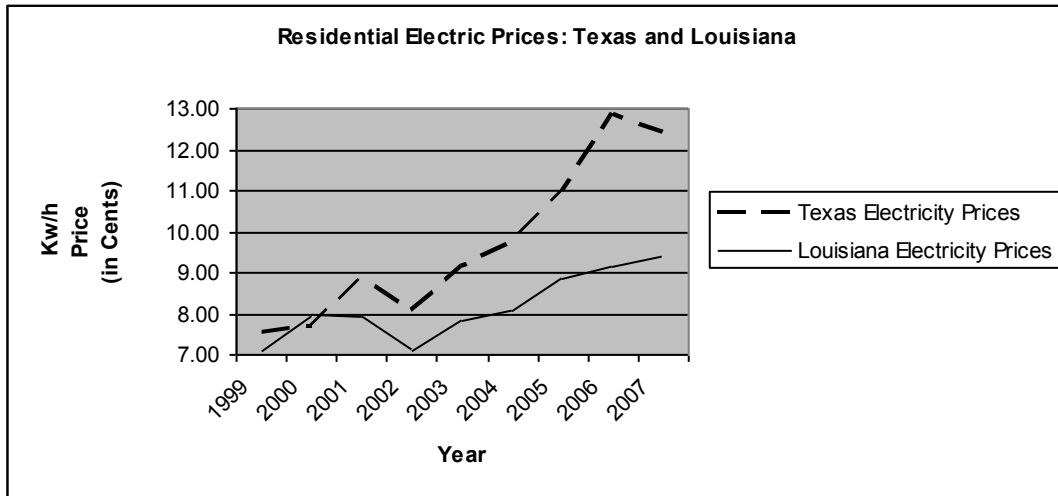


Source: The U.S. Energy Information Administration

This chart is similar to the one presented in Figure 5, except rather than looking at average residential rates charged in a single year, we consider the overall increase in residential rates from the year 1999 until 2007. As in the preceding exhibit, we consider here only states most dependent on natural gas to fuel generating plants. This exhibit illustrates that the price of electricity has increased by a greater percentage in deregulated states, even when one considers the reliance on natural gas to fuel generating plants.

Unplugged: High Prices Under Texas Electric Deregulation

Figure 7: A Tale of Two States: Texas versus Louisiana



Source: The U.S. Energy Information Administration

A common misconception about energy prices in Texas is that the state's dependence on natural gas-fired generation explains why prices have increased here more than in other states. However, a comparison of prices in a neighboring state with a similar fuel mix tells a different story. Like Texas, Louisiana depends heavily on natural gas-fired plants for its electricity needs. According to McCullough Research, an Oregon-based energy consulting firm, generation in Louisiana is far more susceptible to natural gas prices than generation in Texas. However, electricity in Louisiana – a state that has remained regulated -- has remained consistently more affordable than it has in Texas. In fact, the price of electricity for residential customers has increased twice as fast in Texas as it has in Louisiana!

This exhibit shows the average residential kw/h price of electricity in Texas in 1999 was 7.55 cents. In Louisiana, it was 7.12 cents. In 2007, the average Texas price was 12.41 cents. In Louisiana, it was 9.38 cents.

This data indicates that the price of electricity in deregulated Texas increased by more than 64 percent, while in regulated Louisiana it increased by only 31.7 percent over the same period.

Council Agenda Item: #R14

SUMMARY:

Staff requests the Council to authorize the City Manager to enter into a joint election agreement in an approximate amount of \$6,000.00 with Dallas County to conduct Addison's Municipal Election on May 9, 2009.

On February 10, 2009, the Council is considering the approval of an ordinance calling for the 2009 Municipal Election. Staff is recommending that the Town contract with Dallas County Elections to hold the election. We have met with the staff at Dallas County, and they have offered the draft of the final contract, which is attached. Because it is a joint election, Dallas County cannot give us the final cost until all cities that are going to participate have committed. The election typically runs less than \$6,000.00; however, we will not know the exact amount until after the election is over and all costs are determined.

FINANCIAL IMPACT:

Budgeted Amount: \$6,000.00

BACKGROUND:

Staff would like to continue using the Dallas County Elections Division to conduct our election. Overall, we have been very pleased with the service Dallas County has provided to us for our last elections, and the countywide election system provides more opportunities for our residents to vote during early voting.

RECOMMENDATION:

Staff recommends approval or a Resolution authorizing the City Manager to enter into a joint election agreement in an approximate amount of \$6,000.00 with Dallas County to conduct Addison's Municipal Election on May 9, 2009.

JOINT ELECTION AGREEMENT
AND
ELECTION SERVICE CONTRACT
BETWEEN
DALLAS COUNTY

AND

TOWN OF ADDISON (TOA)
CITY OF BALCH SPRINGS (COBS)
CITY OF CARROLLTON (COC)
CITY OF CEDAR HILL (COCdH)
CITY OF COCKRELL HILL (COckH)
CITY OF COPPELL (COCp)
CITY OF DALLAS (COD)
CITY OF DESOTO (CODe)
CITY OF DUNCANVILLE (CODu)
CITY OF FARMERS BRANCH (COFB)
CITY OF GARLAND (COG)
CITY OF GLENN HEIGHTS (COGH)
CITY OF GRAND PRAIRIE (COGP)
CITY OF HUTCHINS (COH)
CITY OF IRVING (COI)
CITY OF MESQUITE (COM)
CITY OF RICHARDSON (COR)
CITY OF SACHSE (COS)
CITY OF SEAGOVILLE (COSe)
TOWN OF SUNNYVALE (TOS)
CITY OF WILMER (COW)
DALLAS COUNTY SCHOOL BOARD
CARROLLTON-FARMERS BRANCH INDEPENDENT SCHOOL DISTRICT (CFBISD)
CEDAR HILL INDEPENDENT SCHOOL DISTRICT (CHISD)
COPPELL INDEPENDENT SCHOOL DISTRICT (CPISD)
DESOTO INDEPENDENT SCHOOL DISTRICT (DeISD)
DUNCANVILLE INDEPENDENT SCHOOL DISTRICT (DuISD)
GARLAND INDEPENDENT SCHOOL DISTRICT (GISD)
GRAND PRAIRIE INDEPENDENT SCHOOL DISTRICT (GPISD)
HIGHLAND PARK INDEPENDENT SCHOOL DISTRICT (HPISD)
IRVING INDEPENDENT SCHOOL DISTRICT (IISD)
LANCASTER INDEPENDENT SCHOOL DISTRICT (LISD)
MESQUITE INDEPENDENT SCHOOL DISTRICT (MISD)
RICHARDSON INDEPENDENT SCHOOL DISTRICT (RISD)
SUNNYVALE INDEPENDENT SCHOOL DISTRICT (SuISD)

FOR THE CONDUCT OF A JOINT ELECTION
TO BE HELD SATURDAY, MAY 9, 2009

TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT (DCED)

1. JURISDICTION

- 1.1 The Town of Addison (TOA) plans to hold a Special Election on May 9, 2009 to fill a vacancy in one (1) City Councilmember position at-large unexpired term and a General Municipal Election for 3 City Councilmembers at-large and Mayoral position in 4 Dallas County voting precincts. The City of Balch Springs (COBS) plans to hold a Special Election for a proposition for a "Street Maintenance Tax", and a General Municipal Election on May 9, 2009 for City Councilmember Places 3,5,7, and Mayoral position in 12 Dallas County voting

precincts. The City of Carrollton (COC) plans to hold a General Municipal Election for Councilmember Places 1,3,5, and 7 on May 9, 2009 in 12 Dallas County voting precincts and 17 Denton County voting precincts. The City of Cedar Hill (COCdH) plans to hold a General Municipal Election for City Councilmember Places 1 and 4 on May 9, 2009 in 11 Dallas County voting precincts and 1 Ellis County voting precinct. The City of Cockrell Hill (COCKH) plans to hold a General Municipal Election on May 9, 2009 for Alderman Places 3, 4 and 5 in 1 Dallas County voting precinct. The City of Coppell (COCp) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Places 2,4,6 and Mayoral position in 11 Dallas County voting precincts and 1 Denton County voting precinct. The City of Dallas plans to hold a Special Charter Amendment Election and a General Municipal Election on May 9, 2009 for City Councilmember Places 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 in 398 Dallas County voting precincts and 9 Collin County voting precincts, and 8 Denton County voting precinct. The City of DeSoto (CODE) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Places 6 and 7 in 21 Dallas County voting precincts. The City of Duncanville (CODu) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Districts 1, 3, 5 and a Council Member at-large in 12 Dallas County voting precincts. The City of Farmers Branch (COFB) plans to hold a Special Bond Election, a Special Charter Amendment Election, and a General Municipal Election on May 9, 2009 for City Councilmember Places 3 and 5 in 13 Dallas County voting precincts. The City of Garland plans to hold a General Municipal Election for City Councilmember Districts 3,6,7,8, and Mayoral position in 64 Dallas County voting precincts and 2 Collin County voting precincts. The City of Glenn Heights plans to hold a Special Local Option Election, and a General Municipal Election for City Councilmember Places 1, 3 and 5 in 1 Dallas County voting precinct and 1 Ellis County voting precinct. The City of Grand Prairie (COGP) plans to hold a Special Election for a proposition and a General Municipal Election on May 9, 2009 for City Councilmember Districts 5, 6, and 8 at-large in 29 Dallas County voting precincts and 1 Ellis County voting precinct. The City of Hutchins (COH) plans to hold a General Municipal Election on May 9, 2009 for three (3) City Councilmembers at-large in 3 Dallas County voting precincts. The City of Irving (COI) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Places 4, 6, and 8 in 53 Dallas County voting precincts. The City of Mesquite (COM) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Places 1, 2, 6 and Mayoral position in 36 Dallas County voting precincts and 2 Kaufman County voting precincts. The City of Richardson (COR) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Places 1,2,3,4,5,6, and 7 in 23 Dallas County voting precincts, and 6 Collin County voting precincts. The City of Sachse (COS) plans to hold a General Election on May 9, 2009 for City Councilmember Places 1 and 2 in 5 Dallas

County voting precincts and 2 Collin County voting precincts. The City of Seagoville (COSe) plans to hold a General Municipal Election on May 9, 2009 for City Councilmember Places 2,4 and Mayoral position in 3 Dallas County voting precincts and 1 Kaufman County voting precinct. The Town of Sunnyvale (TOS) plans to hold a General Election on May 9, 2009 for two (2) Councilmembers at-large, and Mayoral position in 1 Dallas County voting precinct. The City of Wilmer (COW) plans to hold a General Municipal Election on May 9, 2009 for three (3) City Councilmembers at-large and Mayoral position, in 1 Dallas County voting precinct.

1.2 The Dallas County School Board (DCSB) plans to hold on May 9, 2009 a Board of Trustee's Election for two (2) Board of Trustee positions at-large, in 694 Dallas County voting precincts located wholly or partially within the District and Dallas County.

1.3 The Carrollton Farmers Branch Independent School District (CFBISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 3 and 4 in 38 Dallas County voting precincts and 10 Denton County voting precincts located wholly or partially within the District. The Cedar Hill Independent School District (CHISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 6 and 7 in 22 Dallas County voting precincts located wholly or partially within the District. The Coppell Independent School District (CpISD) plans to hold a Special Bond Election and a Board of Education Trustee Election on May 9, 2009 for Places 6 and 7 in 19 Dallas County voting precincts located wholly or partially within the District. The DeSoto Independent School District (DeISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 6 and 7 in 23 Dallas County voting precincts located wholly or partially within the District. The Duncanville Independent School District (DuISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 6 and 7 in 32 Dallas County voting precincts located wholly or partially within the District. The Garland Independent School District (GISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 6 and 7 in 67 Dallas County voting precincts located wholly or partially within the District. The Grand Prairie Independent School District (GPISD) plans to hold a Board of Education Trustee Election for Places 5, 6, and 7 on May 9, 2009 in 41 Dallas County voting precincts located wholly within the District. The Highland Park Independent School District (HPISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Districts 1 and 2 in 18 Dallas County voting precincts located wholly or partially within the District. The Irving Independent School District (IISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 3 and 4 in 47 Dallas County voting precincts located wholly or partially within the District. The Lancaster Independent School District (LISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Districts 1,2 and 7 in 11

Dallas County voting precincts located wholly or partially within the District. The Mesquite Independent School District (MISD) plans to hold a Board of Trustee Election on May 9, 2009 for Places 6 and 7 in 47 Dallas County voting precincts located wholly or partially within the District. The Richardson Independent School District (RISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 1 and 2 in 74 Dallas County voting precincts located wholly or partially within the District. The Sunnyvale Independent School District (SuISD) plans to hold a Board of Education Trustee Election on May 9, 2009 for Places 3,4 and 5 in 1 Dallas County voting precinct located wholly or partially within the District. Subchapter D of Chapter 31, Texas Election authorizes this contract for election services between the Contracting Authorities, and Dallas County Elections Administrator Bruce R. Sherbet, who is the Department Head of Dallas County Elections Department (DCED).

- 1.5 A list of each election precinct or partial election precinct (each precinct unit) involved in the Joint Election, together with the name of the participating authority holding an election in that precinct unit, and the number of registered voters in that precinct unit, is shown in Attachment "E". DCED will forward an updated version of Attachment "E" to each participating authority showing registered voters as of the deadline for registering to vote in the election.

2. ADMINISTRATION

DCED agrees to coordinate, supervise and handle all aspects of administering the Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this agreement. Each participating authority agrees to pay DCED for equipment, supplies, services and administrative costs as outlined in this agreement. DCED will serve as administrator for the election; however, each participating authority remains responsible for the lawful conduct of their respective election.

3. LEGAL DOCUMENTS

- 3.1 Each participating authority will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing bodies.
- 3.2 DCED will be responsible for making the submission required by the Federal Voting Rights Act of 1965, as amended, with regard to administration of the Joint Election. A copy of the submission will be furnished to each participating authority. Any other changes which require preclearance by the U.S. Department of Justice will be the responsibility of each participating authority. Preparation of necessary bilingual materials for notices and preparation of the text for the official ballot will also be the responsibility of each participating authority. Each participating authority will provide a copy of their respective election notices and justice submission to DCED.

4. DIRECT RECORD VOTING SYSTEM/OPTICAL SCAN

- 4.1 Each participating authority agrees that voting at the Joint Election will be by use of a direct record and optical scan voting system approved by the Secretary of State in accordance with the Texas Election Code. DCED will be responsible for the preparation of programs and the testing of the direct record system and optical scan system used for tabulating the ballots. Testing of the direct record equipment will be conducted at the Elections Department, 2377 N. Stemmons Frwy, Suite 820, Dallas beginning Thursday, April 23, 2009 at 10:00 am and testing of the optical scan equipment will be conducted at the Election Equipment Warehouse, 1506 East Langdon Road, Hutchins beginning Monday, April 6, 2009 at 10:00 am, and before ballots are tabulated at the scheduled polling locations listed in Section 13 of this contract and Attachment "B" by the presiding judges. DCED agrees to establish ten (10) regional sites and a central counting station to receive and tabulate the voted ballots and provisional ballots as outlined in Section 9 of this agreement.
- 4.2 DCED agrees to provide direct record tabulators, precinct tabulators and voting booths for the Joint Election. The Gemini voting booth allocation will be based on providing one (1) Gemini for each 300 registered voters in each election precinct unit, not to exceed six (6) Gemini voting booths in any given precinct unit, one (1) ADA Terminal per location, one (1) precinct tabulator in any given precinct unit, and not to exceed at any given time eight (8) iVotronics and two (2) Master PEB's per early voting location.
- 4.3 It is estimated that 1567 geminis, 379 precinct tabulators, 312 iVotronics, 430 ADA Terminals, and 51 Master PEB's will be needed to conduct the May 9, 2009 Joint Election. The cost of the direct record voting system for the election will be determined by multiplying the total number of iVotronics by \$250.00 each, ADA Terminals by \$300.00 each, and Master PEB's at no cost each. The cost for the use of the gemini voting booths will be \$35.00 each. The cost for the use of the precinct tabulators will be \$468.00 each (See Attachment "A"). It is agreed by all entities that ADA voting terminals will be used during the Joint Election in accordance with the Help America Vote Act (HAVA), and that the said terminals will be part of the Joint Election Agreement.

5. VOTING LOCATIONS

- 5.1 DCED will select and arrange for the use of and payment for all voting locations, subject to the approval of each participating authority. Voting locations will be, whenever possible, the usual voting locations for the precincts. Voting precincts may be combined by mutual agreement between the participating authorities. The proposed voting locations are listed in Attachment "B" of this agreement. In the event a voting location is not available, DCED will arrange for use of an alternate location with the approval of each participating authority affected by the change. DCED will be responsible for submitting any polling location changes to the Department of Justice for pre-clearance. DCED will notify each participating authority of any changes from the locations listed in Attachment "B".
- 5.2 DCED will send each participating authority a final version of Attachment "B" which reflects the actual locations to be used on the day of the election.

6. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL

- 6.1 DCED will be responsible for the appointment of the presiding judge and alternate for each polling location subject to the approval of each participating authority. DCED shall arrange for the training and compensation of all presiding judges and clerks. The proposed election judges are listed in Attachment "C" of this agreement. If a person is unable or unwilling to serve, DCED will name a judge for the precinct and notify each participating authority affected by the change.
- 6.2 In compliance with the Federal Voting Rights Act of 1965, as amended, precincts containing more than 5% Hispanic population, according to the 2000 census statistics, are required to have interpreter assistance. If a presiding judge is not bilingual and is unable to hire a bilingual clerk, DCED may make a recommendation. If DCED is unable to make a recommendation, the participating authorities shall be notified and responsible for providing a recommendation for the precinct.
- 6.3 DCED is responsible for notifying all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve. The presiding judge, with assistance from DCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

- 6.4 If a participating authority recommends a person not listed in Attachment "C", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, DCED will conduct a drawing from the recommendations to determine the election judge. Once a person has been notified of his/her selection as election judge, no changes may be made by any of the participating authorities.
- 6.5 DCED will send joint participants an updated version of Attachment "C" which reflects the names of judges who were sent the letter requesting service for this election. A final version for Attachment "C" which reflects the name of the judges who actually presided on the day of the election will be sent to each participating authority.
- 6.6 DCED will hold two (2) public schools of instruction on the use of optical scan card voting equipment, ADA terminals and election laws on Saturday, May 2, 2009 from 10am - 12pm, and Thursday, May 7, 2009, from 7pm -9pm in the Central Jury Room, Frank Crowley Courthouse, 133 N. Industrial Blvd, Dallas, Texas 75207. No election judge will be appointed unless he/she has attended an election judge training session taught by DCED in the past eighteen (18) months and on the optical scan and direct record systems. However, participating entities have requested that judges appointed for the Joint Election should attend one of the two scheduled training sessions.
- 6.7 The election judges are responsible for picking up election supplies at the time and place determined by DCED (which will be set forth in the election judge letter requesting service for this election). Each election judge will receive \$9.00 per hour and each clerk will receive \$8.00 per hour (for a maximum of 14 hours). The election judge will receive an additional \$25.00 for picking up the election supplies prior to election day and for delivering election returns and supplies to their designated regional drop off site.
- 6.8 DCED will employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment assistance during the period of early voting and on election day, and for the efficient tabulation of ballots at the central counting station and regional sites. Part-time personnel will be paid an amount agreed to by the participating authorities as outlined in Attachment "A". Part-time personnel working in support of the central counting station and regional sites on election night will receive pay for at least four hours, minimum call for service, regardless of the actual hours worked. (Attachment E)

7. SUPPLIES AND PRINTING

- 7.1 DCED will arrange for all election supplies and election printing, including, but not limited to, all forms, signs and other materials used by the election judges at the voting locations.
- 7.2 DCED will provide maps, if necessary, instructions and other information needed to enable the election judges to conduct a proper election.
- 7.3 Each participating authority shall furnish to DCED a list of candidates and/or propositions showing the order and the exact manner in which their candidate names and/or proposition(s) in both English and Spanish as they are to appear on the official ballot. The list will be delivered to DCED as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority will be responsible for proofreading and approving the ballot in so far as it pertains to that authority's candidates and/or propositions.

8. OPTICAL SCAN CARD BALLOTS

- 8.1 The ballot allocation for this election is based on providing enough ballots in every reporting precinct to handle the same turnout as in comparable elections plus twenty-five percent (25%) of that number, for an original allocation of no less than 25% of the registered voters.
- 8.2 Ballot allocation for Local Option Election will be allocation in accordance to Chapter 501.104 of the Texas Election Code.
- 8.3 Approximately 5,000 additional ballots will be available for Early Voting By Mail and for use on Election Day to respond to any precinct requesting additional ballots.

9. RETURNS OF ELECTIONS

- 9.1 DCED will be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

9.2 The participating authorities hereby, in accordance with Section 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Manager - Bruce R. Sherbet
Dallas County
Elections Administrator

Tabulating Supervisor - Mark Allison
ES & S Representative

Presiding Judge - (TBD)
Joint Election Rep.

9.3 The manager or his representative will deliver timely cumulative reports of the election results as precincts are tabulated. The manager will be responsible for releasing cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies or electronic transmittals (where accessible). DCED will operate an election result center to release election results in the Health and Human Services Building, 2377 N. Stemmons Frwy, Suite 820, Dallas, Texas. Any participating authority, upon request, may require release of returns be given only at a specified location other than from the result center. Any participating entity that would like the DCED web-site linked to their web-site, must provide their web-site address to the Central Counting Station Manager.

9.4 DCED will prepare the unofficial canvass report after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating authority as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but in no event no later than 10:00am Monday, May 18, 2009. All participating authorities will be responsible for the official canvass of their respective elections.

9.5 DCED will be responsible for conducting the post election manual recount, unless a waiver is given from the Secretary of State in accordance with Section 127.201 of the Texas Election Code. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office. Each political subdivision must notify the Elections Department if waiver has been granted or denied twenty (20) days before the election.

10. ELECTION EXPENSES

- 10.1 The participating authorities agree to share the costs of administering the May 9, 2009 Joint Election. A general supervisory fee not to exceed 10% of the total cost of the election shall be assessed as authorized by the Texas Election Code, Sec. 31.100. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on average cost per polling place (unit cost) as determined by adding together the overall expenses and dividing expenses equally among the total number of polling places. Any participants requesting a combination of polling places which exceeds the average cost (Unit Cost), shall be billed directly for any excess expenditures (supplies, equipment, personnel, etc..). The cost of any special request from a participant, which is not agreed upon by all authorities, shall be borne by that participant. Each participating authority agrees that no participant shall be billed less than minimum of one full unit cost. Each stand alone precinct shall be billed to the requesting entity at no less than twenty-five percent of the cost of a full unit \$1,183.87 only if being combined with an established polling place. A stand alone precinct is created when two or more entities are located within a precinct and the participating entities are unable to agree upon a common polling place. See Attachment "A".
- 10.2 The expenses for early voting by mail and personal appearance will be paid equally by each participating authority, unless otherwise amended.
- 10.3 Final election expenses will be determined within 120 business days after the election. DCED will provide each participating authority with a final accounting in writing of all funds deposited into the Joint Election account and an accounting of all payments from the Joint Election account.
- 10.4 If additional funds are needed, DCED will bill each participating authority in accordance with the expense formula enumerated herein. Any amount remaining will be refunded accordingly to each participating authority.

11. DEPOSIT OF FUNDS

11.1 Each participating authority agrees to deposit with the Dallas County Treasurer's Office, by no later than Friday, March 20, 2009, a sum equal to 50% of the total estimated cost of election expenses to be paid to Dallas County as administrator of the Joint Election, and the remaining 50% is due by April 10, 2009; however, any participating entity may pay the total sum on or before March 20, 2009. Entities being billed for a minimum full unit cost are required to deposit total sum due no later than Friday, March 20, 2009. Such funds will be placed in a joint election account to be used by the County for paying expenses as outlined in this agreement. No funds will be expended by Dallas County except for supplies and services outlined in this agreement, or except as may be agreed to, in writing, by each participating authority. No adjustments will be made to deposits for partial withdrawals after contract has been signed by all participating authorities.

11.2 The amounts to be deposited are as follows (calculated on the basis of a cost of \$4,735.48 (per polling place):

	<u>March 20</u>	<u>April 10</u>
TOA	\$ 4,735.48	
COBS	\$ 3,551.61	\$ 3,551.61
COC	\$ 7,103.22	\$ 7,103.22
COCH	\$ 4,735.48	
COCKH	\$ 4,735.48	
COCp	\$ 4,870.48	\$ 4,870.48
COD	\$ 280,774.42	\$ 280,744.41
CODe	\$ 4,870.48	\$ 4,870.48
CODu	\$ 5,287.95	
COFB	\$ 5,919.35	\$ 5,919.35
COG	\$ 23,362.00	\$ 23,361.99
COGH	\$ 4,735.48	
COGP	\$ 13,377.73	\$ 13,377.72
COH	\$ 4,735.48	
COI	\$ 9,470.96	\$ 9,470.95
COM	\$ 6,392.90	\$ 6,392.89
COR	\$ 18,941.92	\$ 18,941.91
COS	\$ 4,735.48	
COSe	\$ 4,735.48	
TOS	\$ 4,735.48	
COW	\$ 4,735.48	
DCSB	\$ 368,025.61	\$368,025.61
CFBISD	\$ 14,995.68	\$ 14,995.68
CHISD	\$ 5,445.80	
CPISD	\$ 5,130.10	
DeISD	\$ 3,433.22	\$ 3,433.22
DUISD	\$ 6,313.97	\$ 6,313.97
GISD	\$ 26,518.68	\$ 26,518.68
GPISD	\$ 13,811.82	\$ 13,811.81

	<u>March 20</u>	<u>April 10</u>
HPISD	\$ 7,103.22	\$ 7,103.22
IISD	\$ 10,457.52	\$ 10,457.51
LISD	\$ 9,470.96	\$ 9,470.96
MISD	\$ 11,128.38	\$ 11,128.37
RISD	\$ 42,224.69	\$ 42,224.68
SuISD	\$ 4,735.48	
 Total deposit	 <u>\$1,846,915.58</u>	

Deposits should be delivered within the mandatory time frame to:

Joe Wells
Dallas County Treasurer
303 Records Building
509 Main Street
Dallas, Texas 75202

12. RECORDS OF THE ELECTION

- 12.1 Bruce Sherbet, Elections Administrator is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.
- 12.2 Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Frwy, Suite 820, Dallas, Texas, at any time during normal business hours. DCED shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.
- 12.3 Under the law created by HB 1580, 79th Regular Session, 2005 which amended Section 66.058 (Texas Election Code), the DCED will retain election records for 60 days. After 60 days, DCED will make arrangements to deliver the Joint Election records to Dallas County Record Storage. The Joint Election records will then become the responsibility of Dallas County Record Storage for the remainder of the 22 month preservation period. Dallas County Record Storage will be responsible for the destruction of the Joint Election records after the preservation period.

13. EARLY VOTING

13.1 Bruce R. Sherbet, Elections Administrator, will be appointed as early voting clerk in compliance with Sections 271.006 of the Texas Election Code. Other deputy early voting judges/clerks will be appointed, subject to the approval of Joint Election participants, as needed to process early voting mail and to conduct early voting at the main location and branch locations. If a participating authority recommends a person not listed in Attachment "D", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, DCED will conduct a drawing from the recommendations to determine the deputy early voting judge/clerk. Once a person has been notified of his/her selection as deputy early voting judge/clerk, no changes may be made by any of the participating authorities. The recommended deputy early voting judges/clerks for the main and branch early voting locations are listed in Attachment "D".

13.2 Early voting by personal appearance will be conducted at the main and branch locations on weekdays beginning Monday, April 27, 2009, and continuing through Friday, May 1, 2009, between 8:00am and 5:00pm; Saturday, May 2, 2009 between 8:00 am and 5:00pm; Sunday, May 3, 2009, between 1:00pm and 6:00pm; Monday, May 4, 2009, and continuing through Tuesday, May 5, 2009 between 7:00am and 7:00pm.

Any qualified voter for the Joint Election may vote early by personal appearance at either the main early voting location, branch locations, or temporary branch locations.

MAIN EARLY VOTING POLLING PLACE:

DALLAS COUNTY RECORDS BUILDING
509 Main Street
Dallas 75202

BRANCH EARLY VOTING POLLING PLACES:

ADDISON FIRE STATION
4798 AIRPORT PKWY
ADDISON, TEXAS 75240

AUDELIA ROAD LIBRARY
10045 AUDELIA ROAD
DALLAS, TEXAS 75238

BALCH SPRINGS CITY HALL
3117 HICKORY TREE RD
BALCH SPRINGS, TEXAS 75180

BECKLEY SANER RECREATION CENTER
114 W. HOBSON AVE
DALLAS, TEXAS 75224

BOZE SECONDARY LEARNING CTR
202 COLLEGE
GRAND PRAIRIE, TEXAS 75050

CARROLLTON-FARMERS BRANCH ISD Admin. Bldg.
1445 N. PERRY
CARROLLTON, TEXAS 75006

CEDAR HILL GOVT. CENTER
285 UPTOWN BLVD
CEDAR HILL, TEXAS 75104

CHURCHILL REC CENTER
6906 CHURCHHILL WAY
DALLAS, TEXAS 75230

COCKRELL HILL CITY HALL
4125 W. CLARENDON
DALLAS, TEXAS 75211

COPPELL TOWN CENTER
255 W. PARKWAY BLVD.
COPPELL, TEXAS 75019

BRANCH EARLY VOTING POLLING PLACES cont.:

DALLAS CITY HALL
1500 MARILLA ST.
DALLAS, TEXAS 75201

DUNCANVILLE LIBRARY
201 JAMES COLLINS
DUNCANVILLE, TEXAS 75137

FRANKFORD TOWN HOMES
18110 MARSH LANE
DALLAS, TEXAS 75287

GARLAND CITY HALL
200 N. FIFTH ST.
GARLAND, TEXAS 75040

GARNER ELEMENTARY
145 POLO ROAD
GRAND PRAIRIE, TEXAS 75052

GRAUWYLER PARK REC CENTER
7780 HARRY HINES BLVD.
DALLAS, TEXAS 75235

HEBRON & JOSEY LIBRARY
4220 N JOSEY LN.
CARROLLTON, TEXAS 75010

HIGHLAND PARK ADMIN BLDG.
7015 WESTCHESTER DR.
DALLAS, TEXAS 75205

IRVING ARTS CENTER
3333 N. MACARTHUR BLVD.
IRVING, TEXAS 75061

JOSEY RANCH LIBRARY
1700 KELLER SRINGS
CARROLLTON, TEXAS 75006

LANCASTER ISD ADMIN BLDG
422 S CENTRE
LANCASTER, TEXAS 75146

MARTIN LUTHER KING CORE BUILDING
2922 MARTIN LUTHER KING JR BLVD
DALLAS, TEXAS 75215

MOUNTAIN CREEK LIBRARY
6102 MOUNTAIN CREEK
DALLAS, TEXAS 75249

OAK CLIFF SUBCOURTHOUSE
410 S. BECKLEY AVE.
DALLAS, TEXAS 75203

PLEASANT OAKS REC CENTER
8701 GREENMOUND
DALLAS, TEXAS 75227

REVERCHON REC CENTER
3505 MAPLE
DALLAS, TEXAS 75219

DESOTO EAST MIDDLE SCHOOL
601 E BELT LINE RD.
DESOTO, TEXAS 75115

FARMERS BRANCH CITY HALL
13000 WILLIAM DODSON
FARMERS BRANCH, TEXAS 75234

FRETZ PARK RECREATION CENTER
6950 BELT LINE
DALLAS, TEXAS 75240

GISD STUDENT SERVICE CENTER
720 STADIUM DR
GARLAND, TEXAS 75040

GLENN HEIGHTS CITY HALL
1938 S. HAMPTON RD
GLENN HEIGHTS, TEXAS 75154

HARRY STONE RECREATION CENTER
2403 MILLMAR DR.
DALLAS, TEXAS 75228

HIGHLAND HILLS LIBRARY
3624 SIMPSON STUART
DALLAS, TEXAS 75241

HUTCHINS CITY HALL
321 N. MAIN ST.
HUTCHINS, TEXAS 75141

IRVING CITY HALL
825 W. IRVING BLVD.
IRVING, TEXAS 75060

LAKESIDE ACTIVITY CENTER
101 HOLLEY PARK DRIVE
MESQUITE, TEXAS 75149

LANCASTER LIBRARY
1600 VETERANS MEMORIAL PKWY
LANCASTER, TEXAS 75134

MARTIN WEISS RECREATION CENTER
1111 MARTINDELL AVE
DALLAS, TEXAS 75211

NORTHWAY BAPTIST CHURCH
3877 WALNUT HILL LN
DALLAS, TEXAS 75229

OUR REDEEMER LUTHERAN CHURCH
7611 PARK LANE
DALLAS, TEXAS 75225

RENNER-FRANKFORD LIBRARY
6400 FRANKFORD
DALLAS, TEXAS 75252

RICHARDSON CIVIC CENTER
411 W ARAPAHO
RICHARDSON, TEXAS 75080

BRANCH EARLY VOTING POLLING PLACES cont.:

ROWLETT LIBRARY
3900 MAIN STREET
ROWLETT, TEXAS 75088

SACHSE CITY HALL
5560 HWY 78
SACHSE, TEXAS 75048

SEAGOVILLE CITY HALL
702 N HWY 175
SEAGOVILLE, TEXAS 75159

ST. LUKE COMMUNITY CHURCH
6211 EAST GRAND AVE.
DALLAS, TEXAS 75223

SUNNYVALE TOWN HALL
127 COLLINS RD.
SUNNYVALE, TEXAS 75182

VETERANS MEDICAL CENTER (MAIN LOBBY)
4500 S LANCASTER
DALLAS, TEXAS 75216

WEST DALLAS MULTIPURPOSE CENTER
2828 FISHTRAP
DALLAS, TEXAS 75212

WILMER COMMUNITY CENTER
101 DAVIDSON PLAZA
WILMER, TEXAS 75172

- 13.3 All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8th Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.
- 13.4 All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code. Each participating authority will appoint one member to the board/committee and will notify DCED of the person's name, telephone number and address no later than March 27, 2009. The participating authorities agree to appoint Chorsia Davis as presiding judge and Bonnie Wells as alternate judge of the early voting ballot board.
- 13.5 A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating authority.
14. ELECTION REPORTS
- 14.1 DCED will be responsible for ensuring the delivery of the reports titled Early Voting Daily Vote Totals and Daily Early Voter Listing (Alphabetical by precinct) to each participating authority each day of Early Voting for the previous day's voting activity. On the day after the conclusion of Early Voting, a Daily Early Voter Listing by precinct report inclusive of all days of Early Voting is to be delivered to each participating authority. When possible, the Early Voters' reports will be delivered by electronic means via e-mail, facsimile, or website.

15. RUNOFF ELECTION

15.1 In the event a runoff is necessary, the agreement will automatically be extended to cover the runoff, unless a participating authority states in writing before Monday, May 11, 2009 that it does not wish to participate in a joint runoff. DCED will provide each participating authority in the Joint Runoff Election with an estimate of funds to be deposited in a special joint runoff election account. The funds must be deposited no later than five (5) days after the runoff estimate figures are received from DCED.

16. CONTRACT WITHDRAWAL

16.1 Any participating authority that certifies their election in accordance with Section 2.051, 2.052 and 2.053 of the Texas Election Code, may withdraw from the Joint Election contract. Any expenditure incurred prior to withdrawal shall be billed separately and that contracting authority shall be removed from the contract. An addendum to the contract shall be provided to the remaining participants no later than five (5) days after notification of all intents to withdraw have been received in writing by DCED.

17. NOTICE

17.1 Whenever this agreement requires any consent, approval notice, request or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it as shown below:

If to DCED:

Bruce R. Sherbet
Dallas County Elections Administrator
Elections Department - Eighth Floor
Health and Human Service Building - 2377 N. Stemmons Frwy
Dallas, Texas 75207
(214)819-6300

If to the Participants:

Dea Dunn, (TOA)
Town Secretary/Asst. City Mgr.
300 Beltline Road
Addison, Texas 75240
(972) 450-7017

Cindy Gross, (COBS)
City Secretary
3117 Hickory Tree Rd.
Balch Springs, Texas 75180
(972)557-6066

Ashley Mitchell, (COC)
City Secretary
1945 N Jackson St.
Carrollton, Texas 75006
(972) 466-3021

Lynn Hill, (COCdH)
City Secretary
202 Cedar Street
Cedar Hill, Texas 75104
(972) 291-5100 ext. 1018

Brett Haney, (COckH)
Chief Operating Officer
4125 W. Clarendon Dr.
Dallas, Texas 75211
(214) 330-6333

Libby Ball, (COCp)
City Secretary
255 Parkway Blvd.
Coppell, Texas 75019
(972) 304-3670

Rosa Rios, (COD)
City Secretary
1500 Marilla St., 5DS
Dallas, Texas 75202
(214) 670-5654

Cindee Peters, (COFB)
City Secretary
13000 William Dodson Pkwy
Farmers Branch, Texas 75234
(972) 919-2503

Cathy DiMaggio (COGP)
City Secretary
317 W. College
Grand Prairie, Texas 75050
(972) 237-8039

Sonja Land, (COM)
City Secretary
1515 N. Galloway
Mesquite, Texas 75149
(972) 216-6401

Terry Smith, (COS)
City Secretary
5560 Hwy 78
Sachse, Texas 75048
(972) 495-1212 ext. 23

Alice Holloway, (COW)
City Secretary
128 N. Dallas Ave
Wilmer, Texas 75172
(972) 441-6373

Kim Lewis, (CHISD)
Associate Superintendent
270 S. HWY. 67
Cedar Hill, Texas 75104
(972) 291-1581 ext. 223

Jennifer Wilson, (DUISD)
Assistant Superintendent
802 S. Main
Duncanville, Texas 75137
(972) 708-2011

Scott Layne, (IISD)
Assistant Superintendent
of Support Services
621 West Airport Frwy
Irving, Texas 75062-6020
(972) 215-5400

Laura Hallmark, (CODE)
City Secretary
211 E. Pleasant Run Rd, Ste A
DeSoto, Texas 75115
(972) 230-9646

Mary Kayser, (COG)
City Secretary
200 N. Fifth St.
Garland, Texas 75040
(972) 205-2404

Janis Daniels, (COH)
City Secretary
321 N. Main Street
Hutchins, Texas 75141
(972) 225-6121

Pamela Schmidt, (COR)
City Secretary
411 Arapaho
Richardson, Texas 75080
(972) 744-4290

Janie Willman, (COSe)
City Secretary
702 N. Hwy 175
Seagoville, Texas 75159
(972) 287-2050 ext. 123

Olga Esparza (DCSB)
Secretary to Superintendent
612 N. Zang
Dallas, Texas 75208
(214) 944-4525

Kay Ryon, (CpISD)
Secretary to Superintendent
200 S. Denton Tap Road
Coppell, Texas 75019
(214) 496-8002

Dr. Rene Barajas, (GISD)
Assistant Superintendent
for Business Operations
501 S. Jupiter
Garland, Texas 75042
(972) 487-3101

Joyce Brein, (LISD)
Asst. to Superintendent
422 S. Centre Ave
Lancaster, Texas 75146
(972) 218-1400

Dara Crabtree, (CODU)
City Secretary
203 E. Wheatland Road
Duncanville, Texas 75116
(972) 780-5004

Othell Murphree (COGH)
City Secretary
1938 S. Hampton Rd.
Glenn Heights, Texas 75154
(972) 223-1690 ext. 203

Janice Carroll, (COI)
City Secretary
825 W. Irving Blvd
Irving, Texas 75060
(972) 721-2605

Susie Quinn, (CORw)
City Secretary
4000 Main Street
Rowlett, Texas 75088
(972) 412-6109

Kathryn Dewey, (TOS)
City Secretary
127 Collins Road
Sunnyvale, Texas 75182
(972) 226-7177

Mark Hyatt, (CFBISD)
Asst. Supt. of Support Svcs
1445 N. Perry Rd
Carrollton, Texas 75006
(972) 968-9104

Ron Cagle, (DeISD)
Assistant Superintendent
For Community Engagements
200 E. Beltline Road
DeSoto, Texas 75115
(972) 223-6666 ext.214

Dave Crittenden (GPISD)
Buyer-Purchasing Dept
2602 S. Beltline Rd
Grand Prairie, Texas 75052
(972) 237-5592

Patricia Gonzales, (HPISD)
Admin. Asst./Elections
Coordinator
7015 Westchester Drive
Dallas, Texas 75205
(214) 780-3016

Michael Coffey, (MISD)
Assistant Superintendent
Administrative Services
405 East Davis
Mesquite, Texas 75149
(972) 882-7313

Judy Whitenton, (RISD)
Exec Asst. to Asst. Supt
Of Finance
400 S. Greenville Ave.
Richardson, Texas 75080
(469) 593-0331

Seth Adams, (SISD)
Supt. of Schools
417 E. Tripp Rd
Sunnyvale, Texas 75182
(972) 226-5974

18. INDEMNITY.

All parties agree to be responsible each for their own negligent acts or omissions, or other tortious conduct in the course of performance of this Contract without waiving any sovereign immunity, governmental immunity or other defenses available to the parties under federal or State law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities. All parties agree that any such liability or damages occurring during the performance of this Contract caused by the joint or comparative negligence of the parties, or their employees, agents or officers shall be determined in accordance with comparative responsibility laws of Texas.

19. SEVERABILITY

If any provision of this Contract is construed to be illegal or invalid, this will not affect the legality or validity of any of the other provisions. The illegal or invalid provision will be deemed stricken and deleted, but all other provisions shall continue and be given effect as if the illegal or invalid provisions had never been incorporated.

20. ENTIRE CONTRACT

This Contract, including all Exhibits and attachments, constitutes the entire Contract between the parties and supersedes any other Contract concerning the subject matter of this transaction, whether oral or written.

21. ORDER OF PRECEDENCE

In the event of any inconsistency between the provisions of this Contract and any incorporated documents as described herein, all parties agree that the provisions of this Contract shall take precedence.

22. SIGNATORY WARRANTY

The parties represent that each has the full right, power and authority to enter and perform this Contract in accordance with all of the terms and conditions, and that the execution and delivery of this Contract has been made by authorized representatives of the parties to validly and legally bind the parties to all terms, performances and provisions set forth in this Contract.

3. COUNTERPARTS.

This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

RECOMMENDED FOR APPROVAL BY:

APPROVED AS TO FORM*
COUNTY DISTRICT ATTORNEY*:

BRUCE R. SHERBET,
DALLAS COUNTY ELECTIONS ADMINISTRATOR

BEN STOOL
STAFF ATTORNEY

*By law, the District Attorneys' Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACCEPTED AND AGREED TO BY THE TOWN OF ADDISON:

APPROVED AS TO FORM:

ATTEST:

RON WHITEHEAD,
CITY MANAGER

LEA DUNN,
TOWN SECRETARY/DEPUTY CITY MANAGER

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COUNTY DISTRICT ATTORNEY*:

BRUCE R. SHERBET,
DALLAS COUNTY ELECTIONS ADMINISTRATOR

BEN STOOL
STAFF ATTORNEY

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ACCEPTED AND AGREED TO BY THE TOWN OF ADDISON:

APPROVED AS TO FORM:

ATTEST:

RON WHITEHEAD,
CITY MANAGER

LEA DUNN,
TOWN SECRETARY/DEPUTY CITY MANAGER

Council Agenda Item: #R15

SUMMARY:

Staff requests the Council pass an resolution calling for a Special Election on May 9, 2009, to fill a vacancy in one (1) City Councilmember position for a one (1) year unexpired term and an ordinance calling for a General Municipal Election for a Mayor for a two (2) year term and three (3) Council Members for two (2) year terms each. The proposed resolution and ordinance are attached.

FINANCIAL IMPACT:

Budgeted Amount: \$N/A
Cost: \$N/A

BACKGROUND:

Candidates for the office of Mayor and Council Member may begin filing for a place on the ballot on February 9, 2009, and have until March 9, 2009 to file. The Town contracts with the Dallas County Elections Department to hold our election in conjunction with other elections in Dallas County.

RECOMMENDATION:

Staff recommends the Council approve the attached resolution calling a Special Election and the attached ordinance calling a General Municipal Election for May 9, 2009.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 009-000

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS CALLING A GENERAL ELECTION TO BE HELD ON MAY 9, 2009, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR FOR A TWO (2) YEAR TERM AND THREE (3) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH; DESIGNATING POLLING PLACES WITHIN THE CITY; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DALLAS COUNTY; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (the "Code"), specifies that the second Saturday in May shall be a uniform election date and that a general election may be held on such day; and

WHEREAS, the City Council of the Town of Addison, Texas (the "City") has determined that the City shall conduct its general municipal election, in conjunction with Dallas County, on the second Saturday in May, 2009; and

WHEREAS, Section 8.04 of the City Charter provides that in each even-numbered year three (3) Council Members shall be elected; and

WHEREAS, the City Council desires to and hereby calls a general election for the purpose of electing one (1) Mayor for a two (2) year term and three (3) Council Members for two (2) year terms each.

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

Section 1. Incorporation of Preamble. All of the above premises are true and correct and are incorporated into the body of this Ordinance as if copied herein in their entirety.

Section 2. Election Date; Purpose of Election; Officers and Terms of Office. That a general election shall be held in and throughout the City on Saturday, May 9, 2009, for the purpose of electing the following officers:

One (1) Mayor for a two (2) year term, and three (3) Council Members for two (2) year terms each.

Section 3. Eligibility for Candidacy. In accordance with the City's Charter, no person shall be eligible for the office of Mayor or Council Member unless that person is a qualified voter of the City, shall have resided in the City for at least one year prior to the election, and shall never have been convicted of a felony offense involving moral turpitude.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the offices hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than February 9, 2009 and not later than 5:00 p.m. on March 9, 2009. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Runoff Election. If two or more candidates for a particular office tie for the number of votes required to be elected, there shall be a runoff election held in accordance with law.

Section 6. Election Precinct; Polling Place; Election Hours. The presently existing boundaries and territory of the Dallas County election precincts that are wholly or partly within the corporate limits of the City (there being four (4) such election precincts) shall constitute the election precincts for the election. The precinct numbers for the same shall be the corresponding Dallas County precinct numbers. The polling places for the general election shall be the Country Place Elementary School (2115 Raintree, Carrollton, Texas 75006) (for Precinct _____), Addison Fire Department building (4798 Airport Parkway, Addison, Texas 75001) (for Precinct _____), and Addison Fire Station II (3950 Beltway Drive, Addison, Texas 75001) (for Precinct _____) In accordance with and pursuant to the requirements of the Code, said polling places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 7. Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. The election shall be held as a joint election with Dallas County and other municipalities and school districts pursuant to that Joint Election Agreement for the conduct of a joint election to be held on May 9, 2009 (the "Joint Election Agreement", a copy of which is on file in the Office of the City Secretary), and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation.

Section 8. Method of Voting. Pursuant to the Joint Election Agreement, Dallas County shall be responsible for an optical scanning voting system. Dallas County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for one (1) Mayor for a two year term,, three (3) Council Members for two (2) year terms each.

No voter shall vote for more than one (1) Mayor for a two (2) year term or more than three (3) Council Members for two (2) years terms each.

Section 9. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas, the Code, and all resident, qualified voters of the City shall be eligible to vote at the election. In addition, the election materials

enumerated in the Code shall be printed in both English and Spanish as required by law, including for use at the polling place and for early voting for the election.

Section 10. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at Town Hall, 5300 Belt Line Road, Dallas, Texas 75254 on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or if none, then in a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election.

In addition thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit, which complies with the requirements of the Election Code.

Section 11. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Texas Election Code. Bruce R. Sherbet, Dallas County Elections Administrator, is hereby appointed the Deputy Early Voting Clerk. Early voting by personal appearance will be conducted beginning Monday, April 27, 2009, and continue through Tuesday, May 5, 2009. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

DALLAS COUNTY RECORDS BUILDING
509 Main Street
Dallas, TX 75202

Or at any of the branch locations set forth in the Joint Election Agreement

All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8th Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code. Addison hereby waives its right to appoint a member to the Board, and will have Dallas County appoint a member for the Town. The participating authorities agree to appoint other deputy early voting judges/clerks.

A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating authority.

Section 12. Delivery of Returns; Preservation of Election Records. A general custodian of the voted ballots and all records of the joint Election as authorized by Section 271.010 of the Texas Election Code shall be appointed.

Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Freeway, Dallas, Texas, at any time during normal business hours. The Election Administrator shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with Addison's records retention schedules, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Act, the Election Administrator shall maintain the records until final resolution or until final judgement, whichever is applicable. It is the responsibility of any participating authority to bring to the attention of the Elections Administrator any notice of any pending election contest, investigation, litigation, or Texas Public Information Act request, which may be filed with a participating authority. Upon request to maintain records beyond eligibility for preservation according with Section 66.058 of the Texas Election Code, the Elections Administrator shall supply a written cost estimate for storage to requesting participant.

On the first business day that follows the date that the records of the election are eligible for destruction, the Election Administrator will notify in writing each participating authority of the planned destruction of any records of the election. Within fifteen days of receipt of the Election Administrator's notice of intent to destroy the records, each participating authority will provide the Election Administrator with written authorization to proceed with destruction or written instructions to withhold destruction.

Section 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on May 18, 2009, at 7:30 o'clock p.m. to canvass the returns of the election.

Section 14. Necessary Actions. The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Effective Date. This Ordinance shall be in full force and effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,
the 10th day of February 2009.

MAYOR-JOE CHOW

ATTEST:

CITY SECRETARY-LEA DUNN

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD ON MAY 9 2009, FOR THE PURPOSE OF ELECTING ONE (1) COUNCIL MEMBER TO SERVE AN UNEXPIRED ONE (1) YEAR TERM OF OFFICE; DESIGNATING POLLING PLACES WITHIN THE TOWN; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DALLAS COUNTY; ESTABLISHING A DATE FOR CANVASSING RETURNS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a single vacancy in the office of Council Member of the City Council of the Town of Addison, Texas (the “City”) occurred on November __, 2008 with the death of Council Member Dennis Kraft; and

WHEREAS, the term of the said office of Council Member will not expire until the general election for the election of members of the City Council to be held in May, 2010; and

WHEREAS, in accordance with Section 2.05 of the City Charter, the City Council filled the vacancy in the said office by a vote of the remaining members of the Council; and

WHEREAS, Section 2.05 of the Charter further provides that the person selected to fill the vacancy serves until the next general City election shall be held to fill the unexpired term or regular term, as the case may be; and

WHEREAS, the next general City election is to be held on May 9, 2009; and

WHEREAS, Section 8.01 of the City Charter provides in part that the City Council may, by Resolution, order a special election, fix the time and place for holding the election, and provide all means for holding the special election; and

WHEREAS, the City Council has determined that the City shall conduct its general municipal election to be held on the first Saturday in May, 2009 in conjunction with Dallas County, and the Council desires to conduct the special election ordered herein in the same manner; and

WHEREAS, in accordance with law, the City Council desires to order and call an election to be held in conjunction with the general election of officers for the City on May 9, 2009, for the purpose of electing one (1) Council Member to serve the said unexpired term of office.

NOW, THEREFORE, BE IT RESOLVED 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. Election Date; Purpose of Election; Officer and Term of Office. A special election shall be held in and throughout the City on Saturday, May 9, 2009, for the purpose of electing the following officer:

One (1) Council Member for a one (1) year unexpired term, to expire in May, 2010.

Section 3. Eligibility for Candidacy. In accordance with the City's Charter, no person shall be eligible for the office of Council Member unless that person is a qualified voter of the City, shall have resided in the City for at least one year prior to the election, and shall never have been convicted of a felony offense or any offense involving moral turpitude.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the office hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than February 9, 2009 and not later than 5:00 p.m. on March 9, 2009. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Runoff Election. If two or more candidates for the said office tie for the number of votes required to be elected, there shall be a runoff election held in accordance with law.

Section 6. Election Precinct; Polling Place; Election Hours. The presently existing boundaries and territory of the Dallas County election precincts that are wholly or partly within the corporate limits of the City (there being four (4) such election precincts) shall constitute the election precincts for the election. The precinct numbers for the same shall be the corresponding Dallas County precinct numbers. The polling places for the general election shall be the Country Place Elementary School (2115 Raintree, Carrollton, Texas 75006) (for Precinct _____), Addison Fire Department building (4798 Airport Parkway, Addison, Texas 75001) (for Precinct _____), and Addison Fire Station II (3950 Beltway Drive, Addison, Texas 75001) (for Precinct _____) In accordance with and pursuant to the requirements of the Code, said polling places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 7. Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. The election shall be held as a joint election with Dallas County and other municipalities and school districts pursuant to that Joint Election Agreement for the conduct of a joint election to be held on May 9, 2009 (the "Joint Election Agreement", a copy of which is on

file in the Office of the City Secretary), and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation.

Section 8. Method of Voting. Pursuant to the Joint Election Agreement, Dallas County shall be responsible for an optical scanning voting system. Dallas County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for one (1) Council Member for a one (1) year unexpired term. No voter shall vote for more than one (1) Council Member for a one (1) year unexpired term.

Section 9. Governing Law; Qualified Voters. The election shall be held in accordance with the Constitution of the State of Texas, the Code, and all resident, qualified voters of the City shall be eligible to vote at the election. In addition, the election materials enumerated in the Code shall be printed in both English and Spanish as required by law, including for use at the polling place and for early voting for the election.

Section 10. Publication and Posting of Notice. Notice of the election shall be given by posting a notice of election in both English and Spanish at Town Hall, 5300 Belt Line Road, Dallas, Texas 75254 on the bulletin board or other location used for posting notices of the meetings of the City Council not less than twenty-one (21) days prior to the date upon which the election is to be held, and by publication of said notice at least once in a newspaper published in the City or if none, then in a newspaper of general circulation within the City, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the election.

In addition thereto, a copy of the notice shall also be filed with the City Secretary at least twenty-one (21) days before the election. Upon publication of the election notice, the City Secretary shall secure a publisher's affidavit, which complies with the requirements of the Election Code.

Section 11. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Texas Election Code. Bruce R. Sherbet, Dallas County Elections Administrator, is hereby appointed the Deputy Early Voting Clerk. Early voting by personal appearance will be conducted beginning Monday, April 27, 2009, and continue through Tuesday, May 5, 2009. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

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509 Main Street
Dallas, TX 75202

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for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code. Addison hereby waives its right to appoint a member to the Board, and will have Dallas County appoint a member for the Town. The participating authorities agree to appoint other deputy early voting judges/clerks.

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Section 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene on May 18, 2009, at 7:30 o'clock p.m. to canvass the returns of the election.

Section 14. Necessary Actions. The Mayor, City Manager and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carrying out and conducting the election, whether or not expressly authorized herein.

Section 15. Effective Date. This Resolution shall be in full force and effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the _____ day of _____, 2005.

Mayor Joe Chow

ATTEST:

By: _____
Lea Dunn, City Secretary

Council Agenda Item: #R16

SUMMARY:

The City Manager's Office has sought a proposal from the International City/County Management Association (ICMA) to perform an in-depth analysis of current and future operations in our Fire, Police, and Code Enforcement departments. The goal of this study is to assist the Town in developing enhanced strategies for the delivery of fire, EMS, police, and code enforcement services.

FINANCIAL IMPACT:

The cost for the study is \$75,000 and will be prorated to the three affected departments based upon their 2009 annual budgets. The consulting fees will be distributed as follows: \$38,275 to Police, \$31,550 to Fire, and \$5,175 to Development Services. Although this study was not anticipated in the 2009 budget, there are sufficient resources in the General Fund to support this investment and the fees will be recognized with mid-year budget amendments.

BACKGROUND:

ICMA staffers who will work on this project visited Addison in late 2008 to discuss our needs, interview key Addison personnel (including the City Manager, Deputy City Manager, Assistant City Manager, Fire Chief, Police Chief, and Development Services Director), and tour the community to gain a better understanding of our current operational environment and our goals for such an analysis. Based on this initial site visit, ICMA has developed the attached proposal for the City Council's consideration.

The ICMA team assembled to perform these consulting services is highly experienced in all pertinent areas of study and offers the Town an opportunity to conduct an objective analysis that can take these service operations to the next level of efficiency and effectiveness.

The proposed project manager(s) from ICMA will be in attendance at the February 10, 2009, City Council meeting to expand on the proposal and answer any questions. Lea Dunn will be the project manager for this study.

RECOMMENDATION:

The resources dedicated to Police, Fire and Development Services total over \$14.5 million. It is important that these departments are structured to make optimal use of the public's resources. Staff recommends approval.

Town of Addison, Texas

Proposal for

Comprehensive Analysis and Strategic Plan for the Delivery of
Police, Fire, EMS and Code Enforcement Services

I C M A C O N S U L T I N G S E R V I C E S

PUBLIC SAFETY SERVICES



*Helping Local Governments Achieve
Measurable Results*

ICMA

Leaders at the Core of Better Communities

Submitted by:

Public Safety Services

ICMA Consulting Services

International City/County Management Association

777 North Capitol Street, NE – Suite 500

Washington, DC 20002



Leaders at the Core of Better Communities

December 20, 2008

Lea Dunn
Deputy City Manager
5300 Belt Line Rd.
Addison, TX 75001

Dear Mrs. Dunn:

The Public Safety Services team of ICMA *Consulting Services* is pleased to submit this proposal for a comprehensive analysis and strategic plan for the delivery of Fire, EMS and Police Code Enforcement Services to the Town of Addison, Texas.

As you know, ICMA has provided direct services to local governments nationwide for decades, which have helped to improve the quality of life for millions of residents in the United States and abroad.

This proposal is specifically designed to provide your town with a thorough and unbiased solution to the questions facing your community regarding the delivery of fire, EMS and police services. Because this issue will have a dramatic impact on your town and because one of our goals is to ensure that you have complete confidence in the outcome of our report, we have assembled what must be considered a premier team of subject matter experts with nationally recognized expertise in a wide range of public safety services related areas.

Our entire project management staff has decades of experience supporting clients in the local government, state and private sectors as well. Because of the expertise that each of these persons bring, you can expect the highest quality solution at a cost equal to approximately that of one full time firefighter with benefits for one year or less.

From an enterprise-wide perspective, we guarantee an honest-broker solution for your jurisdiction's challenge. I, along with my colleagues at ICMA, greatly appreciate this opportunity and would be pleased to address any comments you may have. You may contact me at 202.962.3585 or via email at agarnett@icma.org.

Sincerely,

A handwritten signature in black ink that reads "A.T. Garnett". The signature is written in a cursive, flowing style.

A.T. Garnett
Senior Manager, Marketing and Operations
ICMA *Consulting Services*

ICMA Background

International City/County Management Association (ICMA)

The International City/County Management Association (ICMA) is the premier local government leadership and management organization. Since 1914, ICMA's mission has been to create excellence in local governance by developing and fostering professional local government management worldwide. Toward this end, ICMA provides an information clearinghouse, technical assistance, and training and professional development to more than 9,100 chief appointed administrators, assistant administrators, and other individuals throughout the world. The organization's resources and services reach thousands of local, state, and federal government personnel, academics, private sector professionals, citizens, and other individuals with an interest in effective management at the local government level.

ICMA's members represent the administrative center of professional municipal, county, and regional services that affect millions of urban and rural citizens on a daily basis and are responsible for the leadership that ensures strategic economic growth and management of public services and infrastructure planning, investment, and development. Every day, local government managers determine policy, programming, funding, and strategic decisions that impact the ability of local resources to deal with situations of all types, including the management and operations of public safety and legal departments. Local government managers serve as the "hub of the wheel," coordinating efforts and implementing strategies for maximum effectiveness and efficiency.

ICMA Consulting Services

The ICMA *Consulting Services* team helps communities solve critical problems by providing management consulting support to local governments. One of ICMA *Consulting Services'* expertise is public safety services, which encompasses the following areas and beyond: organizational development, leadership and ethics, training, assessments of calls for service workload, staffing requirements analysis, designing standards and hiring guidelines for police and fire chief recruitment, police/fire consolidation, community oriented policing, and city/county/regional mergers.

The ICMA Public Safety Services team is led by Leonard Matarese, director of public safety services, ICMA *Consulting Services*. Leonard, along with a team of highly experienced, hand selected consultants support a number of public safety services projects for jurisdictions nationwide.

Qualifications

Among ICMA's many activities, it assists local governments through a variety of programs that focus on specific local government concerns including public safety and fire and police protection. ICMA's focus is on the management perspective in organizing and operating these areas. For this purpose, ICMA *Consulting Services* acts as an objective and trusted broker tapping into the knowledge of the association's membership base and combining expertise from other appropriate experts to offer innovative ideas, lessons learned, and leading practices to communities facing similar challenges. The program provides practical advice and resources that local government managers and staff need to improve services and service delivery in their communities.

Project Staffing and Organization

The ICMA *Consulting Services* team (the Team) includes local government practitioners and subject matter authorities from across the country. The team will consist of a program director, senior operations manager, and several senior public safety consultants.

Program Director, ICMA Consulting Services Director of Public Safety Programs

Leonard Matarese, ICMA-CM, MPA, IPMA-CP, SPHR

Duties

Mr. Matarese will serve as the team leader and on-site coordinator for the project. He will communicate with administrative staff and coordinate all on-site team efforts. He will also contribute to development of a community policing/problem solving strategy which will contribute to the ultimate scheduling configuration recommended. He is the individual to contact concerning questions about this proposal. See bio for Leonard Matarese in Appendix One

Director, ICMA Consulting Services

Craig Rapp, ICMA-CM

Duties

Mr. Rapp will co-ordinate and facilitate a day long work session with a community team identified by the City Manager. This process will review, critique and rank alternative delivery systems identified by the ICMA Team. See bio for Craig Rapp in Appendix One

Director, Management Services, ICMA Consulting Services

Charles J. Schwabe, MPA, ICMA-CM

Duties

Mr. Schwabe will act as the subject matter expert in the Code Enforcement aspects of the project. He will focus on the relationships between the code enforcement and fire plan review activities of the Department of Community Development. See bio for Charles Schwabe in Appendix One

Senior Public Safety Consultant

**Kenneth R. Chelst, Ph.D., ICMA Senior Public Safety Consultant, Chair of the
Department of Industrial and Manufacturing Engineering of Wayne State University**

Duties

Dr. Chelst will serve as chief researcher, responsible for supervision of all data collection and analysis. See bio for Kenneth Chelst in Appendix One.

Senior Public Safety Consultant

James Gabbard, ICMA Senior Public Safety Consultant, City Manager and Retired Police Chief, of Vero Beach, Florida

Duties

Mr. Gabbard will coordinate the police aspects of the project including issues related to the interpretation in variation of calls for service, and specific matters related to workload, and officer deployment. See bio for James Gabbard in Appendix One.

Senior Manager, Public Safety Programs

Thomas Wieczorek, Senior Manager, Public Safety Programs, ICMA Consulting Services, Former Executive Director of the Center for Public Safety Excellence, Inc. (formerly the Commission on Fire Accreditation International, Inc.)

Duties

Mr. Wieczorek will act as the subject matter expert regarding the analysis and use of fire and EMS operations. Mr. Wieczorek will provide recommendations for objectives, as well as methods for meeting objectives and for insuring their accuracy. See bio for Thomas Wieczorek in Appendix One.

Senior Public Safety Consultant

David Martin, Ph.D., ICMA Senior Public Safety Consultant, Senior Researcher in the Center for Urban Studies, Wayne State University

Duties

Dr. Martin will perform computer programming to support data collection, statistical analyses, geographical information systems (GIS) analyses and presentation of alternative allocation plans. See bio for David Martin in Appendix One.

Additional ICMA Team Members

Dov Chelst, PhD, ICMA Senior Quantitative Analyst

Duties

Dr. Dov Chelst will be the primary day-to-day liaison with the Police Department and Communications. He will assist in gathering the data and provide support for the weekly meetings. He will also be involved in direct observations of the communications and dispatch center. See bio for Dov Chelst in Appendix One.

Project Understanding Based Upon Site Visit

Based upon a site visit conducted by Leonard Matarese, ICMA *Consulting Services* offers the following synopsis of Addison's current need to hire a team of experienced public safety services consultants.

The Town of Addison is a bustling business community, and home to several large commercial business headquarters. The town has worked steadily over the past several

decades to maintain a safe community, and has taken several precautions to reduce the number of structure fires in the jurisdiction, including mandating the installation of sprinklers throughout newly constructed and reconstructed buildings. Having been recognized as an innovative town in the state of Texas, Addison is seeking to develop a long range strategy to provide 21st Century, public safety services to the community at a level consistent with the community's ability to finance these operations.

While the request to hire ICMA began with a discussion about fire services, the need to address other areas of public safety became evident during the on site meeting. Mr. Matarese stressed the values in seeing the delivery of Police, Fire, EMS and Code Enforcement services as a system rather than as independent operations. It became clear to the Addison management team that to develop a strategic plan for the delivery of these services would require a comprehensive analysis of these four units to establish current levels of performance and workload.

Once the current and projected workloads are established, the ICMA Team will develop alternative delivery methods designed to enhance performance and/or reduce costs. These alternative delivery methods will be presented to a Town team identified by the City Manager and reviewed, critiqued and ranked in a day long work session lead by a highly experienced ICMA facilitator, Craig Rapp, Director of ICMA Consulting Services. We envision that upon completion of this exercise the Town will have identified and agreed upon a long term strategy for the community.

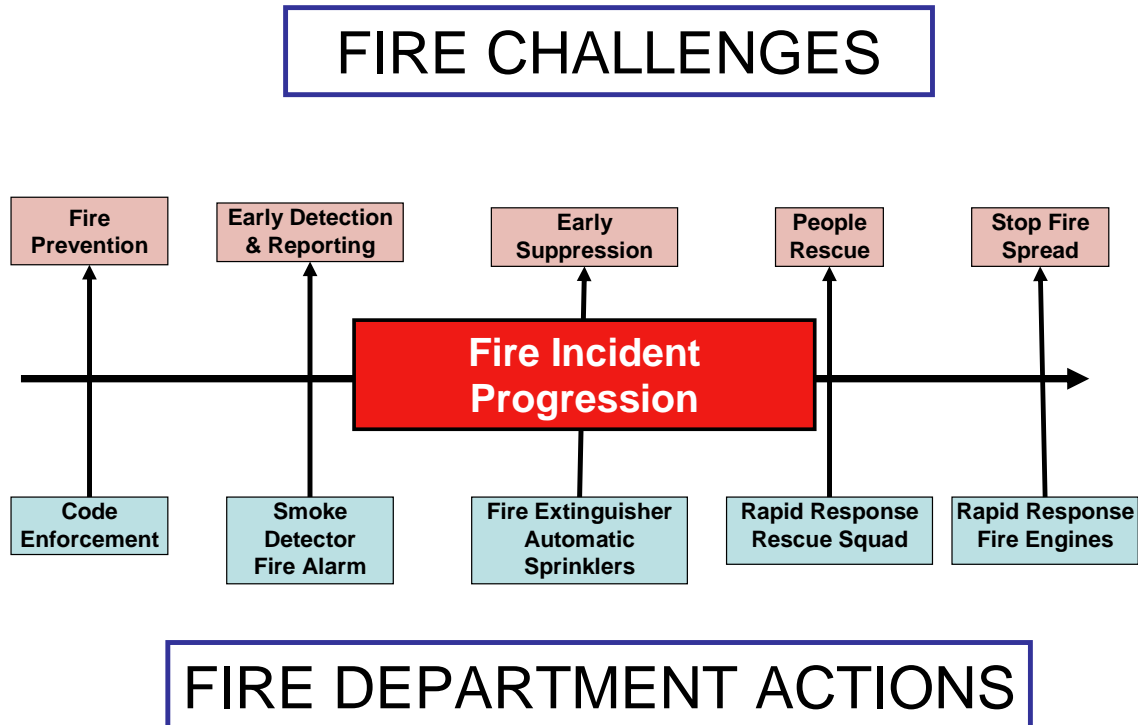
While the town's data collection processes are advanced for a jurisdiction of its size, during our on-site assessment, we concluded that there are some gaps in the data collection processes which may affect estimates of workloads. With the help of town officials, we anticipate being able to devise techniques to extract the necessary information from the existing data base. We will expect that Addison will provide to us dispatch data in a computer readable form, such as an Excel spreadsheet. We will work with designated personnel to help them accomplish this task.

Our goal is to provide Addison not only with a long range plan but also with insight on how to monitor the operations for continuous improvement and to identify the key variables that should be tracked routinely and to assist them with the information needed in order to make budgetary and policy decisions.

Fire Suppression and Emergency Medical Services

Fire Department –

Fire departments staff their stations and train their personnel to respond to a wide array of fire and vehicular accident emergencies. In addition, many departments use the long intervals between calls for service for a variety of prevention activities. These can include building code enforcement and support for widespread placement and continuous maintenance of smoke detectors. They may also certify fire extinguishers and automatic sprinkler systems. All of these prevention and rapid response activities are laid out below.



The Fire Department of Addison services the Town with a paid fire department operating out of two stations staffed continuously seven days a week, 24 hours a day. It provides EMS and fire suppression services as well as fire prevention / inspections duties.

In this project we will analyze 2008 fire call data to provide a comprehensive review of fire services including a detailed analysis of workloads and response times. We will pay special attention to the role and activities of the fire inspectors unit. The analysis of the workloads will begin with an in-depth study of the types of calls handled and their severity. The goal is to explicate the fundamental nature of the fire and EMS challenge faced by the Fire Department.

We will focus on fires reported in residences or building. We will use a number of measures of severity to categorize these reported building fires. Some examples are: Did the fire spread beyond local source? What was the extent of the damage? How long did the engine companies work at the scene?

For each call type, we will determine the time spent on-scene and the manpower personnel who worked the scene. These data will be aggregated to determine an

overall average total time spent on fire calls per 24-hour period for each engine company. We will document any dramatic variations by time of day and day of week as well as seasonal variations. We will review the department's fire prevention activities that fire personnel carry out between emergency calls.

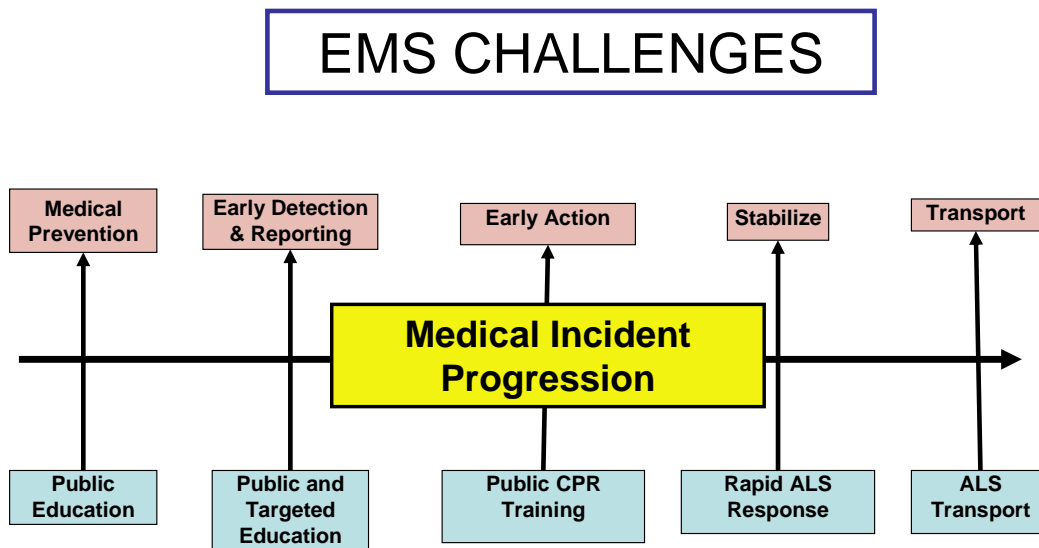
Response time is an important statistic in emergency service systems. We will determine:

- Average response time
- Distribution of response times for different call categories
- Response time for the second arriving engine company, where possible

We will also identify and review calls that experienced unusually long response times.

Emergency Medical Services –

Fire departments often provide emergency medical services as first responders and may also transport the patients to hospitals. One key variable is the level of training and equipment of the EMS responders. In between calls they may be actively involved in public education programs. Numerous studies have documented the importance of widespread CPR training especially when witnessing a sudden heart attack. All of these prevention and rapid response activities are laid out below.



EMS DEPARTMENT ACTIONS

□

The Fire Department of Addison provides emergency medical services and transport for the town. The medical units are staffed with two fire fighters / Paramedics continuously. Because of the high percentage of EMS calls as a total of Fire Department calls (but relatively few actual incidents), ICMA will pay special attention the training levels and performance of medical first responders.

In this project we will analyze 2008 EMS call data to provide a comprehensive review of emergency medical services including a detailed analysis of workloads and response times. The analysis of the workloads will begin with an in-depth study of the types of calls

handled and their severity. The goal is to explicate the fundamental nature of the emergency medical challenge faced by the Addison Fire Department. We will pay special attention to the most critical emergencies such as heart attack and serious vehicular accidents.

For each call type, we will determine the time spent on-scene and the manpower personnel who worked the scene. These data will be aggregated to determine an overall average total time spent on fire calls per 24-hour period for each ambulance company. We will also determine how much EMS calls contribute to the workload of fire engine companies since they also respond to most calls. We will document any dramatic variations by time of day and day of week as well as seasonal variations.

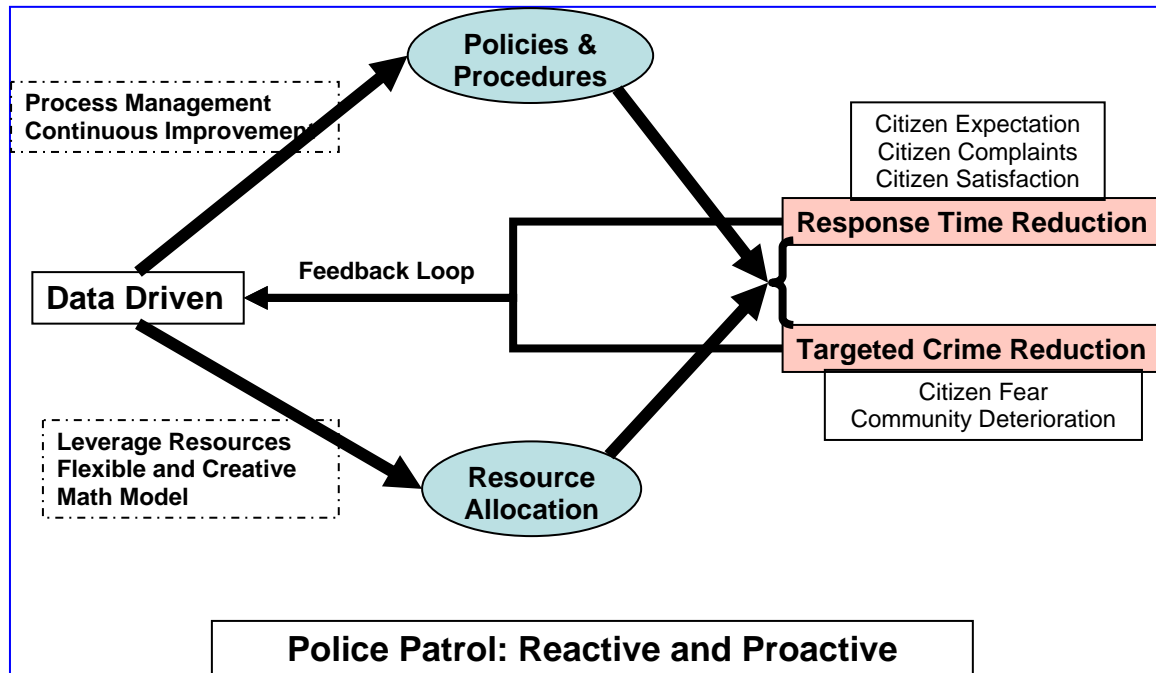
Response time is an important statistic in emergency service systems. We will determine not only average response time but also the distribution of response times for different call categories. We will also identify and review calls that experienced unusually long response times.

Police Services

Patrol Force – Analysis of Data and Patrol Force Planning

Background – Police Patrol –

Police departments utilize their patrol forces in two modes: reactively to respond to calls for service and proactively to address crime problems as well ongoing nuisance issues. (See Figure 1.) Detectives provide another element of a primarily reactive force, seeking to solve crimes that have already been committed.



Reactively – citizen initiated calls

- ❑ High priority calls – citizens expect extremely rapid response
- ❑ Moderate Priority calls – Best practice departments manage citizens' expectation by letting them know a realistic response time and then meeting or surpassing their expectation. If there is an unexpected further delay, the citizen is contacted with up-to-date information
- ❑ Low priority calls – Best practice departments find creative strategies such as a telephone crime reporting so as to free up the patrol force for either rapid response to a high priority call or to continue with crime-directed activities
- ❑ On-Scene handling: The manner in which a police officer handles himself or herself on-scene plays a critical role in developing or discouraging citizen support for the police department

Rapid response to the highest priority calls can sometimes mean the difference between life and death but is unlikely to broadly influence the crime rate. Meeting or exceeding citizen expectations reduces the number of citizen complaints and increases community support for the police department. Community support is a critical element in developing a proactive crime directed patrol force. With accurate and timely data, a police department can reduce response time by adopting a philosophy of data driven continuous improvement that usually entails first finding the multiple root causes of slow response and then changing operating policies that contribute to the problem. They can also reduce response time by making data driven strategic decisions that better match patrol force levels with police patrol workloads.

Proactively – Police initiated in cooperation with citizenry

- ❑ Police departments use detailed crime data to develop both short-term targeted activities and long lasting strategic initiatives
- ❑ Police departments can use specially assigned units in conjunction with the in-between call time of the patrol force
- ❑ Performance measures and accountability of management is a critical element of this strategy
- ❑ Activities need to be tracked so as to determine their effectiveness and to continually evolve so as to respond to changing crime patterns

Proposed Study –

1. Document current police patrol performance and workload levels.
2. Establish a range of performance goals and objectives for the Police.
3. Identify opportunities to improve on performance with existing resources.
4. Estimate the manpower requirements and associated costs that would be needed to achieve town and police management specified performance objectives.
5. Provide guidance on routine standard reports that should be used to track performance.

Current Performance –

We will analyze in-depth four weeks of summer data and four weeks of winter data and assess variations by time of day, day of week, season and district. The analysis will include all of the following:

- a) Patrol deployment levels
- b) Average response time to different call priorities
- c) Proportion of calls in each category for which response times are unacceptably long. For example, we will determine the proportion of high priority calls that experience response times of longer than 10 minutes
- d) Document time periods during the week in which response times seem excessive
- e) Average and median time spent on calls with different priorities
- f) Proportion of calls with unusually long time spent on-scene
- g) Proportion of calls requiring more than one patrol unit
- h) Resources allocated to proactive patrol
- i) Resources consumed on non-value added activities

Opportunities for Improvement –

To examine whether or not patrol resources are efficiently deployed over 24-7 time period, we will graph deployment levels against workloads by time of day, day of week, and by patrol areas. We will analyze and graph police response time by call priority level and shift to identify significant patterns/differences in police response. These response time analyses will also separate out and analyze the components of police response -- call queue time, travel time, and time on scene. Consequently, a series of trend charts, maps and data tables will describe police response time in detail and will provide the variables needed for developing a plan based on Operations Research methods.

We will observe and meet with dispatch operations to determine the extent of best practices employed to efficiently dispatch patrol units. We will discuss and document the extent that the police patrol management is applying principles of performance based management and continuous improvement to efficiently utilize police resources. We will then employ Operations Research models of police patrol to determine how much

response time and proactive patrol might be improved with better alignment of resources and workloads.

Code Enforcement / Fire Plan Review

Addison prides itself on quality code enforcement services which are currently delivered by the Community Development Department. Additionally, Fire Prevention officers conduct plan review for this department. A significant issue within the community is the enforcement of sign ordinances. Addison has successfully implemented a sign ordinance which limits the types of permissible signs in the community. Enforcement of the sign ordinance provides a challenge to the department.

Managing and minimizing risks to people requires an effective and integrated code enforcement process. Information developed by the International Code Council, based upon more than 70 years of actual experience and research in the United Kingdom (beginning with the Tinsdale Commission in 1936), shows that communities utilizing the traditional standards for deployment of resources spend more, are not able deliver the right resources at the right time and endanger both citizens as well as responders. To truly manage the risk to responders and citizens requires integrating the risk management and deployment of resources with code enforcement and prevention the keys for successful outcome.

Tom Wieczorek has served as a resource to the Vision 20/20 project that created a landmark report on fire safety. "*Vision 20/20 National Strategies for Fire Loss Prevention,*" culminates more than a year's work by fire safety experts from across the nation, including experts from the International Code Council. The report looks at where gaps exist in developing and delivering comprehensive fire safety to the nation's citizens. One of the report's five critical strategies addresses the need to refine and improve the application of codes and standards that enhance public and firefighter safety and preserve community assets. A Department of Homeland Security Fire Prevention and Safety Grant to the Institution of Fire Engineers USA Branch funded the project.

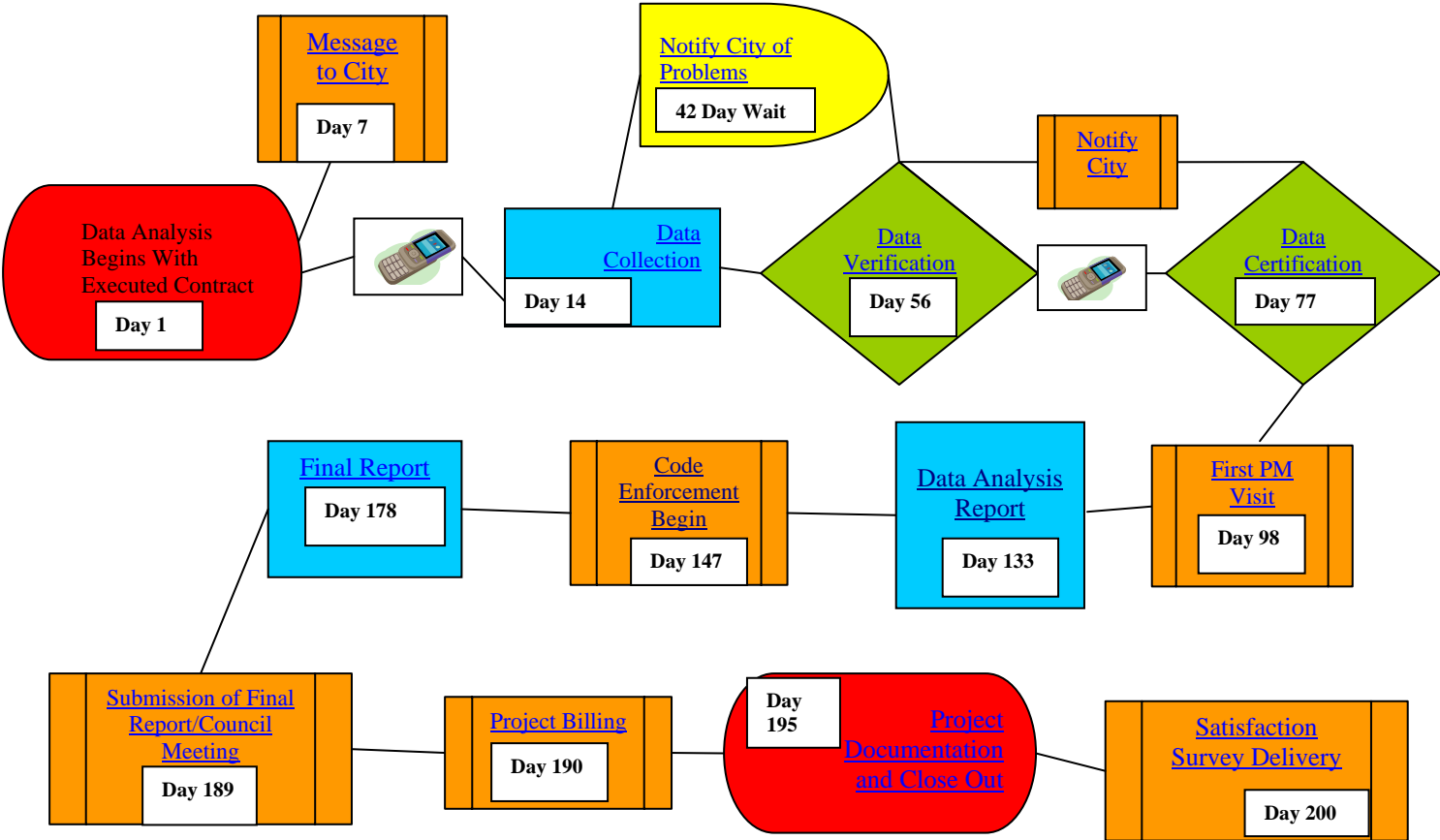
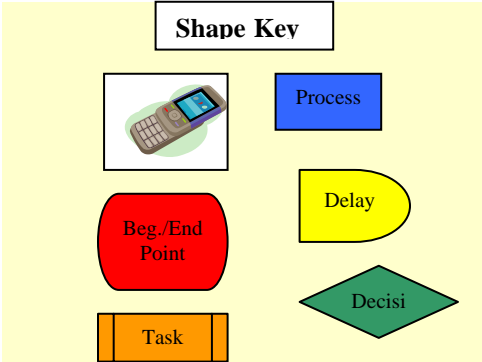
<http://www.iccsafe.org/government/fire/vision2020.html>

Timeline

Similar projects of this magnitude that ICMA has managed were completed from between 180 to 240 days. Any proposed dates to submit the data analysis and final police reports are contingent upon our receipt of the necessary data eight weeks prior. A key factor to the final delivery date is the quality of the Computer Aided Dispatch data received from dispatch. The quality of the data and ability to transfer its information to ICMA impacts the final completion date because ICMA bases its conclusions on the raw, collected data of the agency and not solely on opinion of subject matter experts (SME's).

Below is a typical project flowchart for ICMA *Consulting Services* projects. This flowchart gives you a visual understanding of the level of work involved in any project. As a result, we proposed that the data analysis for fire, EMS, police and code enforcement report by May 30, 2009 and a final report by June 30, 2009. This schedule allows for a longer data collection process.

Public Safety Services Project Flowchart



Reporting

The Team Leader will report project status to the identified Town contacts at specific identified intervals using an acceptable and agreed upon reporting template. Beyond this however, communication will be maintained and coordinated through the Team Leader with these contacts and other identified relevant personnel on a regular basis.

Proposed Fees

The quotation of fees and compensation shall remain firm for a period of 90 days from this proposal submission. Three payments shall be invoiced to the Town: one at the beginning of the project period; the second after submission of the data assessment report and the third after submission of the final report upon acceptance. If some other arrangement is deemed more appropriate by the Town, ICMA will work cooperatively for an agreement on the payment terms.

ICMA agrees to conduct the project as described above for the sum of \$75,000.00 exclusive of travel costs associated with the project. All three (3) installments shall be for \$25,000.00 and made out to the International City/County Management Association upon invoicing as according to the aforementioned payment schedule. ICMA agrees to work cooperatively with the client in order to reduce such costs to the greatest extent possible while still meeting the expectations of the Town.

Contract Administrator

The individual who can make final decisions regarding the contract and has the authority to contract for ICMA is:

Julie Pike
Director, Grants & Contract Administration
International City/County Management Association (ICMA)
777 North Capitol Street, Suite 500
Washington, DC 20002

Primary Point of Contact

The primary point of contact regarding this contract and that has the authority to speak with all involved parties for ICMA is:

Akia Garnett
Senior Manager, Marketing and Operations
ICMA Consulting Services
International City/County Management Association (ICMA)
777 North Capitol Street, Suite 500
Washington, DC 20002

Summary – Conclusion

Part of ICMA's mission is to assist local governments in achieving excellence through information and assistance. Following this mission, *ICMA Consulting Services* acts as a trusted advisor, assisting local governments in an objective manner. In particular, ICMA's experience in dealing with public safety issues combined with its background in performance measurement, achievement of efficiencies, and genuine community engagement, makes ICMA a unique and beneficial partner in dealing with issues such as those being presented in this proposal. We look forward to working with you further.

Summary – Conclusion

Part of ICMA's mission is to assist local governments in achieving excellence through information and assistance. Following this mission, ICMA *Consulting Services* acts as a trusted advisor, assisting local governments in an objective manner. In particular, ICMA's experience in dealing with public safety issues combined with its background in performance measurement, achievement of efficiencies, and genuine community engagement, makes ICMA a unique and beneficial partner in dealing with issues such as those being presented in this proposal. We look forward to working with you further.

Program Director, ICMA Consulting Services Director of Public Safety Programs

Leonard Matarese, MPA, ICMA-CM, IPMA-CP, SPHR

- **Duties**

Mr. Matarese will serve as the team leader and on-site coordinator for the project. He will communicate with administrative staff and coordinate all on-site team efforts. He will also contribute to development of a community policing / problem solving strategy which will contribute to the ultimate scheduling configuration recommended. He is the individual to contact concerning questions about this proposal.

- **Background**

Mr. Matarese is a specialist in public sector administration with particular expertise in public safety issues. He has 35 years experience as a law enforcement officer, police chief, public safety director, city manager and major city Human Resources Commissioner. He was one of original advisory board members and trainer for the first NIJ/ICMA Community Oriented Policing Project which has subsequently trained thousands of municipal practitioners on the techniques of the community policing philosophy over the past 15 years. He has conducted numerous studies of emergency services agencies with particular attention to matching staffing issues with calls for service workload, and is intimately familiar with the constraints on manpower deployment resulting from a 10 hour workday. Recognized as an innovator by his law enforcement colleagues he served as the Chairman of the SE Quadrant, Florida, Blue Lighting Strike Force, a 71 agency, U.S. Customs Service anti-terrorist and narcotics task force and as president of the Miami-Dade County Police Chief's Association.

Director, ICMA Consulting Services

Craig Rapp, MPA, ICMA-CM

- **Duties**

Mr. Rapp will coordinate and facilitate the day long session with the city's team to help the group reach consensus on the appropriate structure for the future delivery of public safety services in the community.

- **Background**

Director of ICMA Consulting Services, Mr. Rapp provides a broad range of services to local governments across the country. He oversees ICMA's consulting practice, and speaks on a variety of subjects relating to management excellence. His specific areas of emphasis are organizational improvement, strategic planning, and economic development. He has facilitated numerous strategic planning sessions throughout the country on a wide variety of issues.

Prior to joining ICMA, Mr. Rapp worked for over twenty-nine years as a senior executive in both the public and private sectors, holding the positions of City Manager in three cities, Community Development

Director for the Metropolitan Council of the Minneapolis-St. Paul region, and Vice President of a local government consulting firm. Mr. Rapp is a Certified Baldrige Evaluator for the 2007 Minnesota Quality Award Program. He has a Master's degree in Public Administration and a Bachelor's degree in Urban Studies.

Director, Management Services, ICMA Consulting Services

Charles J. Schwabe, MPA, ICMA-CM

- **Duties**

Mr. Schwabe will act as the subject matter expert in the Code Enforcement aspects of the project. He will focus on the relationships between the code enforcement and fire plan review activities of the Department of Community Development. See bio for Charles Schwabe in Appendix One

- **Background**

Mr. Schwabe brings demonstrated, practical experience in designing and implementing proven approaches in solving the complex challenges facing cities and counties today, after having gained more than 35 years in local government management. As a former city manager, his areas of expertise include organizational assessments, performance measurement and management, cost containment and revenue enhancement, individual and organizational performance excellence, strategic planning, and leadership development. Mr. Schwabe developed and implemented performance excellence initiatives for cities in two different states that earned state awards for performance excellence, including the first city to receive the Malcolm Baldrige National Quality Award. Mr. Schwabe has served in key leadership positions throughout his career. He has worked for jurisdictions such as Coral Springs, Florida; Oakland Park, Florida; Sunnyvale, California; and Barrington, Illinois.

Senior Public Safety Consultant

Kenneth R. Chelst, Ph.D., ICMA Senior Public Safety Consultant, Chair of the Department of Industrial and Manufacturing Engineering of Wayne State University

- **Duties**

Dr. Chelst will serve as chief researcher, responsible for supervision of all data collection and analysis.

- **Background**

Dr. Chelst is an expert in the application of advanced mathematical models for all emergency resources planning, especially police. He lead a demonstration project for the City of Detroit Police Department which cut response times by 40% using continuous improvement and data driven decision making. Over the past two decades he has studied several dozen emergency services operations using data driven techniques to determine the most efficient organizational structures to provide public safety services. He holds a Ph.D. degree in operations research from M.I.T. where his dissertation topic was Mathematical Models of Police Patrol Deployment. His research interests include operations research models applied to emergency services, structured decision making. He is a nationally recognized expert on the merger of police and fire services into a public safety

department and on the relative performance of one versus two officer patrol units.

Senior Public Safety Consultant

James Gabbard, ICMA Senior Public Safety Consultant, City Manager AND Retired Police Chief of Vero Beach, Florida

- **Duties**
Mr. Gabbard will coordinate the police aspects of the project including patrol, criminal investigations, crime scene processing and internal affairs investigations.
- **Background**
James M. Gabbard is the City Manager of Vero Beach, Florida, appointed in 2005. Prior to his appointment as City Manager he completed 37 years of law enforcement service in a series of increasingly responsible positions. Mr. Gabbard formerly served as the Police Chief of the Vero Beach Police Department. During his tenure as chief he served as interim city manager on several occasions. Prior to his service with Vero Beach he was a member of the West Palm Beach Police Department, serving in all divisions of the Department and in many assignments including Detective Lieutenant of Homicide. Upon his promotion to Captain he was placed in command of organized crime and organized drug crime investigations. He retired from West Palm Beach in 1986 to accept the chief's position in Vero Beach.

Mr. Gabbard has received numerous professional recognitions and was elected President of the Florida Police Chiefs Association, one of the largest organizations of senior police managers in the United States. He was cited for bravery by Governor Jeb Bush before a joint session of the Florida Legislature for his actions during several hurricanes which struck Vero Beach.

Senior Manager, Public Safety Programs, ICMA *Consulting Services*

Thomas Wieczorek, ICMA Senior Manager, Public Safety Programs, Former Executive Director of the Center for Public Safety Excellence, Inc. (formerly the Commission on Fire Accreditation International, Inc.)

- **Duties**
Mr. Wieczorek will act as a subject matter expert regarding the analysis and use of fire and EMS operations. Mr. Wieczorek will provide recommendations for objectives, as well as methods for meeting objectives and for insuring their accuracy.
- **Background**
Thomas Wieczorek is an expert in fire and emergency medical services operations. He has served as a fire chief, director of public safety and city manager and is currently the Executive Director of the Center for Public Safety Excellence (formerly the Commission on Fire Accreditation International, Inc.). He has taught a number of programs at Grand Valley State University, the National Highway Traffic Safety Administration (NHTSA) and Grand Rapids Junior College. He has testified frequently for the Michigan Municipal League before the legislature and in several courts as an expert in the field of accident reconstruction. He is the past-president of the Michigan Local Government Manager's Association; served as the vice-

chairperson of the Commission on Fire Officer Designation; and serves as a representative of ICMA on the NFPA 1710 career committee.

He received the Mark E. Keane "Award for Excellence" in 2000 from the ICMA, the Association's highest award and was honored as City Manager of the Year (1999) and Person of the Year (2003) by the Rural Water Association of Michigan, and distinguished service by the Michigan Municipal League in 2005.

Senior Public Safety Consultant

David Martin, Ph.D., ICMA Senior Public Safety Consultant, Senior Researcher in the Center for Urban Studies, Wayne State University

- **Duties**

Dr. Martin will perform computer programming to support data collection, statistical analyses, geographical information systems (GIS) analyses and presentation of alternative allocation plans.

- **Background**

Dr. Martin specializes in public policy analysis and program evaluation. He has worked with several police departments to develop crime mapping and statistical analysis tools. In these projects he has developed automated crime analysis tools and real-time, dashboard-style performance indicator systems for police executive and command staff. Dr. Martin teaches statistics at Wayne State University. He is also the program evaluator for four Department of Justice Weed and Seed sites.

ICMA Public Safety Consulting Services Senior Team Member

Dov Chelst, Ph.D., Senior Quantitative Analyst, ICMA *Consulting Services*

- **Duties**

Dr. Dov Chelst will be the primary day-to-day liaison with the Police Department and Communications. He will assist in gathering the data and provide support for the weekly meetings. He will also be involved in direct observations of the communications and dispatch center.

- **Background**

Dr. Chelst specializes in data and statistical analysis. He's taught the subject matter for nearly 10 years and has a Ph.D. in Mathematics from Rutgers University and a B.A. Summa Cum Laude in Mathematics and Physics from Yeshiva University.

#R17

2/2/09

TODD MEIER

Dear Ron, Mayor Snow & Fellow Councilmembers,

As required by our charter, I submit my resignation as an Addison Council member. I have enjoyed my service with each of you and I am very proud of the way we have represented Addison. I admire and respect each one of you, I hope to work with you again soon.
Sincerely, Todd Meier

ITEM #R18

There are no attachments for this Item.