



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

AGENDA

REGULAR MEETING OF THE CITY COUNCIL

AND / OR

WORK SESSION OF THE CITY COUNCIL

6:00 PM

FEBRUARY 23, 2010

TOWN HALL

5300 BELT LINE ROAD, DALLAS, TX 75254

WORK SESSION

Item #WS1 - Discussion regarding Human Resources Advocate Volunteer Program.

Item #WS2 - Discussion regarding Branding for the Town of Addison.

Item #WS3 - Update and Discussion regarding Elevated Storage Tank Design at Surveyor Boulevard and Arapaho Road.

REGULAR MEETING

Pledge of Allegiance

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

Discussion of Upcoming Events

Item #R2- Consent Agenda.

#2a- Approval of Minutes for:
02/09/2010 Minutes for Regular City Council Meeting and Work Session

#2b- Approval of the purchase of 10 Lifefitness treadmills and a 19 piece Lifefitness weight circuit. These items will replace the existing 10 Lifefitness treadmills and 18 piece Cybex weight circuit as part of General Service's Capital Equipment Replacement Plan.

#2c- Approval of a contract with TBG Partners totaling \$78,806.00 for landscape architecture design services relating to the recreation trail section proposed between the George H.W. Bush Elementary School site and Greenhill School. In addition, the scope of services includes the design of the school campus landscaping, playgrounds and learning garden contingent upon the approval of an interlocal agreement between the Town of Addison and the Dallas Independent School District.

#2d- Approval of award of a bid to Flagship Facility Services, Inc., for custodial services at the Service Center, Police and Police sub-station, Central Fire, Finance and Athletic Club facilities.

Item #R3 - Presentation by Ralph Doherty, Planning and Zoning Commission Chairman, of the Planning and Zoning Commission Annual Report for 2009.

Attachment(s):

1. Planning and Zoning Commission Annual Report
 2. P&Z attendance for 2009
-

Item #R4 - Presentation, discussion and consideration of approval to authorize the City Manager to release the 2009 Comprehensive Annual Financial Report.

Recommendation:

Staff recommends that the Council authorize the release of the 2009 Comprehensive Annual Financial Report.

Item #R5 - Presentation of 2009 Racial Profiling Report.

Attachment(s):

1. 2009 Racial Profiling Report

Item #R6 - Presentation, discussion and consideration of approval of the Dallas County Capital Improvement Program Project Supplemental Agreement to the Master Agreement governing major capital transportation improvement projects for the Addison Trail Phase 3 and 4 (Vitruvian Park).

Attachment(s):

1. Dallas County Agreement

Recommendation:

Staff recommends Council authorize the City Manger to enter into the Dallas County Capital Improvement Program Project Supplemental Agreement to the Master Agreement governing major capital transportation improvement projects for Addison Trail Phases 3 and 4 (Vitruvian Park) and receive financial participation of \$2,100,000 minus \$100,000 for In-House Project Delivery cost, for a net reimbursable amount of \$2,000,000 from Dallas County, subject to City Manager and legal review.

Item #R7 - Presentation, discussion and consideration of approval of an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., in the amount of \$548,890.52 for and regarding the management of the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C).

Attachment(s):

1. Contract Management Attachment

Recommendation:

It is recommended that the Council authorize the City Manager to execute an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., in the amount of \$548,890.52 for and regarding the management of the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C) subject to the approval of the City Manager and City Attorney.

Item #R8 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a Professional Services Agreement with Half Associates, Inc., for an amount not to exceed \$370,000.00 for the design of certain public infrastructure (including two (2) vehicular bridges, one (1) pedestrian bridge and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1D).

Attachment(s):

1. Exhibit

Recommendation:

It is recommended that the Council authorize the City Manager to execute a Professional Services Agreement with Halff Associates, Inc., for an amount not to exceed \$370,000.00 for the design of certain public infrastructure (including two (2) vehicular bridges, one (1) pedestrian bridge and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1D).

Item #R9 - Presentation and Discussion of 1st Quarter Financial Review.

Attachment(s):

1. 1st Qtr 2010 Financial Review

Adjourn Meeting

Posted:

02/19/2010, 5:00PM 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.**

Council Agenda Item: #WS1

AGENDA CAPTION:

Discussion regarding Human Resources Advocate Volunteer Program.

FINANCIAL IMPACT:

No financial impact.

BACKGROUND:

Staff would like to present an update on Human Resources Advocate Volunteer Program.

RECOMMENDATION:

COUNCIL GOALS:

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community, Conduct the Business of the Town in a Fiscally Responsible Manner, Continue to Attract Visitors, Work to instill a "Sense of Community" in Addison's residents

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #WS2

AGENDA CAPTION:

Discussion regarding Branding for the Town of Addison.

FINANCIAL IMPACT:

N/A

BACKGROUND:

This discussion will include Krause Advertising.

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #WS3

AGENDA CAPTION:

Update and Discussion regarding Elevated Storage Tank Design at Surveyor Boulevard and Arapaho Road.

FINANCIAL IMPACT:

Work Session item

BACKGROUND:

Work Session item to update Council

RECOMMENDATION:

COUNCIL GOALS:

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community, Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R 2a

AGENDA CAPTION:

Approval of Minutes for:

02/09/2010 Minutes for Regular City Council Meeting and Work Session

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[02-09-2010 Minutes for Regular City Council Meeting and Work Session](#)

Type:

Cover Memo

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

February 9, 2010
6:00 PM - Town Hall
5300 Belt Line Road, Dallas, TX 75254
Upstairs Conference Room

Council Members Present:

Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble

Absent:

None

Work Session

Item #WS1 - Discussion regarding the Police Department and Fire Department update for the NBA Tournament.

Chief Davis and Deputy Chief Robbins led the discussion regarding the NBA Tournament Update.

There was no action taken.

Item #WS2 - Update on Vitruvian Development.

Lea Dunn led the discussion regarding the Vitruvian Development Update.

There was no action taken.

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn

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

February 9, 2010
6:00 PM - Town Hall
5300 Belt Line Road, Dallas, TX 75254
02-05-2010, 5:00 P.M. Lea Dunn - City Secretary - Work Session started at 6:00PM - Regular Meeting started at 7:30PM. Executive Session started at 8:36PM. Executive Session ended 9:18PM.

Council Members Present:

Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble

Absent:

None

REGULAR MEETING

Item #R1 - Consideration of Old Business

Visitors were: Kevin Kimbrell with the Visitor Services Department and Linda Hicks with the Human Resources Department.

There was no action taken.

Item #R2 - Consent Agenda

#2a - Approval of the Minutes for the January 26, 2010, Regular City Council Meeting.

A motion to Approve was made by Councilmember Tom Braun.

Minutes Editor

The motion was seconded by Councilmember Blake Clemens.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble
 Voting Nay: None

#2b - Approval of an ordinance calling for a General Municipal Election for three (3) Councilmembers for two (2) year terms each. The proposed ordinance is attached. (Aprobación de una ordenanza que requiere una Elección Municipal General de tres (3) miembros del Consejo por dos (2) años cada uno. La ordenanza propuesta esta incluida.)

A motion to Approve was made by Councilmember Tom Braun.
 The motion was seconded by Councilmember Blake Clemens.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble
 Voting Nay: None

#2c - Approval of a resolution to enter into a joint election agreement in an approximate amount of \$6,000 with Dallas County to conduct Addison's Municipal Election on May 8, 2010. (Aprobación de una resolución para entrar en un acuerdo de elección conjunta por una cantidad de aproximadamente de \$6000 con el Condado de Dallas para llevar a cabo las elecciones municipales de Addison el 8 de Mayo de 2010.)

A motion to Approve was made by Councilmember Tom Braun.
 The motion was seconded by Councilmember Blake Clemens.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble
 Voting Nay: None

#2d - FINAL PLAT/Loos Addition. Approval of a final plat for one lot of 40.649 acres, located in an R-1 (Residential-1) district, on the north side of Spring Valley Road, approximately 1,100 feet east of Marsh Lane, on application from the Dallas Independent School District, represented by Mr. Karl Crawley of Masterplan. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 28, 2010, voted to recommend approval of the request for final plat approval for Loos Addition, subject to the following conditions: 1. Right-of-way is required to be dedicated in accordance with the Town of Addison Transportation Plan at the proposed intersection of Spring Valley and Brookhaven Club Drive. 2. Revise easements based on latest construction plans. 3. Change all references of "City of Addison" to "Town of Addison." 4. Provide a closure sheet. Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wheeler, Wood Voting Nay: none Absent: none

A motion to Approve w/ Conditions was made by Councilmember Tom Braun.
 The motion was seconded by Councilmember Blake Clemens.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble
 Voting Nay: None

#2e - FINAL PLAT/Lots 1 and 2, Block B, Vitruvian Park Addition. Approval of a final plat for two lots totaling 11.6054 acres in the Vitruvian Park development, located at 3900 Brookhaven Club Drive, on application from UDR, represented by Mr. Bruce Dunne of Icon Consulting Engineers, Inc. COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on January 28, 2010, voted to recommend approval of the request for Final Plat approval for Lots 2 and 2, Block B, Vitruvian Park Addition, subject to the following conditions: 1. The location of the property line along the east boundary is unclear. Additionally, there is no instrument reference for the property. There is an electric easement in this area that is not shown. The boundary between the Town of Addison and Farmers Branch should be labeled along with any and all abstract lines. Address as required. 2. Change all "sani" sewer easements to "sanitary" sewer easements. 3. Place a label for DCO Addison at Brookhaven on the face of the plat. 4. On Call 13, South 89d 50m 23s East needs to be revised to North 89d 50m 23s West. 5. Provide a closure sheet. Voting Aye: DeFrancisco, Doherty, Hewitt, Oliver, Resnik, Wheeler, Wood Voting Nay: none Absent: none

This Item was pulled for clarification.

A motion to Approve w/ Conditions was made by Councilmember Blake Clemens.
 The motion was seconded by Councilmember Don Daseke.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble
 Voting Nay: None

#2f - Approval to award a bid in the amount of \$45,500 to Triad Painting to paint the Arapaho Road Bridge.

A motion to Approve was made by Councilmember Tom Braun.
 The motion was seconded by Councilmember Blake Clemens.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble
 Voting Nay: None

#2g - Approval of an ordinance changing the name of Brookhaven Club Drive, within the Town, to Vitruvian Way; amending the Code of Ordinances of the Town where Brookhaven Club Drive is referenced by changing such reference to Vitruvian Way.

This item was pulled for clarification.

A motion to Approve was made by Councilmember Blake Clemens.
 The motion was seconded by Councilmember Don Daseke.
 The motion result was: Passed
 Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble

Minutes Editor

Voting Nay: None

Item #R3 - Presentation, discussion and consideration of approval to authorize the City Manager to enter into agreement with Tabini Group for a grant of public money as an incentive to expand the Crowne Plaza Hotel.

Randy Moravec presented this Item. Kevin Van Dyke with the Tabini Group responded to questions.

This Item was approved subject to the condition that details of the agreement be approved by Senior Staff, City Manager and City Attorney.

A motion to Approve w/ Conditions was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble

Voting Nay: None

Item #R4 - Presentation and discussion regarding the Summer Musical.

This Item was presented by Barbara Kovacevich.

There was no action taken.

Item #R5 - Presentation, discussion and consideration of approval of a Supplemental Agreement to the Agreement for Professional Service with Icon Consulting Engineers, Inc., in the amount not to exceed \$118,775.00, for additional professional services on the Vitruvian Park Phase 1 Infrastructure project.

Councilmember Braun recused himself for Items #R5, #R6 and #R7 and left Council Chambers. He did not participate in the discussion or vote.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble

Voting Nay: None

Abstain: Braun

Item #R6 - Presentation, discussion and consideration of approval of an Amendment to the Master Facilities Agreement, between the Town, UDR, Inc., and various property owners regarding public infrastructure improvements in the Vitruvian Park Area.

This item was approved subject to City Attorney approval.

A motion to Approve w/ Conditions was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble

Voting Nay: None

Abstain: Braun

Item #R7 - Presentation, discussion and consideration of approval to authorize the City Manager to execute a Construction Contract and Change Order No. 1 with North Texas Contracting, Inc., in the amount of \$8,611,131.54 with contract duration of 550 calendar days for the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C).

This Item was approved subject to the execution of a Project Specific Agreement with Dallas County on 2/23/2010, the new Construction Management Agreement with UDR and with final review by and approval of the City Attorney.

Councilmember Braun returned to Chambers after completion of voting for Item #R7.

A motion to Approve w/ Conditions was made by Councilmember Roger Mellow.

The motion was seconded by Councilmember Bianca Noble.

The motion result was: Passed

Voting Aye: Chow, Clemens, Daseke, Lay, Mellow, Noble

Voting Nay: None

Abstain: Braun

Item #ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate commercial or financial information that the City Council has received from, and/or to deliberate the offer of a financial or other incentive to, a business prospect or business prospects that the City Council seeks to have locate, stay or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations.

Item #ES2 - Closed (Executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: Thielsch Engineering, Inc. v. Town of Addison, Texas, et al, Cause No. 08-00463, 95th District Court, Dallas County, Texas.

Item #R8 - Consideration of any action regarding commercial or financial information that the City Council has received from, and/or action regarding the offer of a financial or other incentive to, a business prospect or business prospects that the City Council seeks to have locate, stay or expand in the territory of the Town of Addison and with which the City Council is conducting economic development negotiations.

A motion was made to proceed as discussed in Executive Session.

A motion to Approve was made by Councilmember Tom Braun.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble

Voting Nay: None

Item #R9 - Consideration of any action regarding pending litigation, to wit: Thielsch Engineering, Inc. v. Town of Addison, Texas, et al, Cause No. 08-00463, 95th District Court, Dallas County, Texas.

Staff authorized the City Manager to enter into a settlement agreement as discussed.

A motion to Approve was made by Councilmember Bianca Noble.

The motion was seconded by Councilmember Don Daseke.

The motion result was: Passed

Voting Aye: Braun, Chow, Clemens, Daseke, Lay, Mellow, Noble

Voting Nay: None

Mayor-Joe Chow

Attest:

City Secretary-Lea Dunn

Council Agenda Item: #R 2b

AGENDA CAPTION:

Approval of the purchase of 10 Lifefitness treadmills and a 19 piece Lifefitness weight circuit. These items will replace the existing 10 Lifefitness treadmills and 18 piece Cybex weight circuit as part of General Service's Capital Equipment Replacement Plan.

FINANCIAL IMPACT:

Treadmills	\$53,285.40	Weight Circuit	\$62,219.42
Trade-in	<u>-\$3,000.00</u>	Trade-in	<u>-\$4,350.00</u>
Treadmill Total	\$50,285.40		\$57,869.42

Grand Total: \$108,154.82

Budgeted Amount: \$110,000.00

Pricing was obtained through the Texas Multiple Award Schedule (TXMAS) and the General Services Administration (GSA) contract #GS07F9380G. By using this collective purchasing program, we are able to take advantage of the lowest prices available to government agencies.

Life fitness is offering a trade-in allowance on the treadmills of \$3,000 and \$4,350 for the weight equipment. By trading in the equipment, we are working with one vendor to pick up the old equipment and deliver/set up the new equipment. This should help reduce downtime for the members and make the transition more efficient.

BACKGROUND:

The existing treadmills were purchased in FY 2004; however, we went one extra year beyond the five year replacement threshold based on General Service's Capital Replacement Plan. This equipment was rated first in the "most used" category on our 2008 survey. The main reasons to replace are the wear and tear appearance, repair costs, and downtime for repairs. It is costing about \$3,000 per year to maintain these treadmills and they are sometimes placed out-of-order for up to a week. The new treadmills offer new technology and are more user friendly. The existing Cybex weight circuit was purchased in FY 1998 and has been in use an extra 5 years beyond the seven year threshold according to the replacement plan. We were able to continue using this equipment because it was the top of the line equipment at the time of purchase and very well made. This type of equipment was rated second in the "most used" category on our 2008 survey. Although this equipment does not cost much to maintain, its appearance and function is less than satisfactory. The new equipment offers safer and more ergonomically correct movements. In addition, the new equipment is easier and safer to use for the beginner, and it will provide a much more streamlined and updated look to the cardio and weight equipment room.

Project Manager: Randy Rogers

RECOMMENDATION:

When researching equipment, staff toured the 100,000 square foot Frisco Athletic Center. They have a 22,000 square foot fitness area and about 90% of their equipment is the Lifefitness series. Staff was able to tour the facility and try out all the equipment. Based on this visit, research of other vendors, and past experience with Lifefitness equipment; staff believes

this is the best equipment available for the Athletic Club.

Staff recommends approval.

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible Manner, Provide Quality Leisure Opportunities

ATTACHMENTS:

Description:

- [Treadmill Brochure](#)
- [Weight Equipment Main](#)
- [Weight Equipment Supplement](#)
- [Treadmill Quote](#)
- [Weight Equipment Quote](#)

Type:

- Backup Material
- Backup Material
- Backup Material
- Backup Material
- Backup Material



95T INSPIRE™ TREADMILL

At Life Fitness we stand at the forefront of innovation, constantly elevating the user experience. The 95T Inspire will set your facility apart with its sophisticated design and provide users with a full set of features to keep them motivated. Everything about the 95T Inspire from the DX3™ Belt and Deck System and Flexdeck™ technology to the open sightlines to the Activity Zone that places the most-used controls at the user's fingertips, is designed to deliver the ultimate cardio experience.

PERFORMANCE FEATURES

ADVANCED CONSOLE TECHNOLOGY

Inspire the senses with seamless iPod® integration, USB compatibility, Virtual Trainer and Workout Landscape™ Perspectives. Sight, sound and performance come together in the Inspire™ Console, built on the most advanced technology in the fitness industry.

DX3™ BELT AND DECK SYSTEM

This ground-breaking system combines a lubricant-infused belt, Advanced Belt Tracking System (ABTS™) and our patented FlexDeck™ Shock Absorption System for the ultimate in durability and comfort.

HEART RATE MONITORING

Lifepulse™ digital heart rate monitoring hand sensors are conveniently placed on the easy-to-grip Ergo™ bar to provide walkers with precise heart rate monitoring, and Polar® telemetry* provides runners with accurate, "hands-free" heart rate monitoring.

*Requires optional chest strap.

USER-FRIENDLY DESIGN

An intuitive Activity Zone makes startup simple, and two removable cup holders and integrated iPod®/accessory tray provide additional convenience.

MOTIVATING WORKOUT VARIETY

Zone Training+™ workouts automatically adjust the incline level to keep users in their target heart rate zone. Other workouts include 5K and 10K Run, goal-based workouts, Gerkin, Fit Test and Military PRT/PFT fitness protocols.

HIGHLIGHTED FEATURE

FLEXDECK™ SHOCK ABSORPTION SYSTEM



Reduces knee and joint stress by up to 30% more than non-cushioned surfaces, decreasing the chance for injury. Eight incredibly durable Lifespring™ shock absorbers deliver smooth cushioning throughout the deck, regardless of user weight or running stride.

TREADMILL DETAILS

- ✔ DX3™ Belt and Deck System
- ✔ Patented FlexDeck™ shock absorption system
- ✔ Activity Zone conveniently places most-often used controls on the Ergo™ bar
- ✔ Powerful 4-HP AC motor
- ✔ Large 22" x 60" running surface
- ✔ Low 9.5" step-up height
- ✔ Small 37" x 80" footprint
- ✔ Large 26" x 5" handrails with soft grips
- ✔ Patented Lifepulse™ digital heart rate monitoring

ELEVATION™
SERIES

LifeFitness

THE INSPIRE™ CONSOLE

ARE YOU READY FOR INSPIRATION
TO GO ABOVE AND BEYOND?

Reach a new level of engagement with the Inspire™ Console. Get touch screen access to iPod® music, utilize the USB connectivity to create, customize and track workouts, get motivated by the built-in Virtual Trainer and visualize workout progress with Workout Landscape™ Perspectives. Whatever their fitness levels, whatever their goals, the Inspire™ Console captivates your users throughout their workout and keeps them coming back to your facility. Are you ready for inspiration to go above and beyond?



FEATURES



INTEGRATED 7" LCD WITH TOUCH SCREEN TECHNOLOGY



iPod® COMPATIBILITY | Seamless iPod integration allows users to view music/video lists and make selections directly on the LCD screen



USB CONNECTIVITY | Create and save workouts and personal settings; use data to track performance and workout results



VIRTUAL TRAINER | Help users meet their goals and provide motivating encouragement and feedback on progress



WORKOUT LANDSCAPE™ PERSPECTIVES | Offer users program variety and motivation with ability to watch progress in real time on three workout landscapes including Mountain, 400 Meter Track, and 5K Nature Trail



ZOOM FEATURE | Enlarge speed, incline and time displays for larger workout data viewing

CONSOLE DETAILS

- Integrated 7" LCD with Touch Screen Technology
- Integrated connector allows exercisers to view iPod® music lists and make selections directly on the 7" LCD screen
- Users can create and save workouts and personal settings, as well as track workout results on any USB stick
- Charge iPod
- Built-in Virtual Trainer provides motivating encouragement, tips and feedback on progress
- Workout Landscape™ Perspectives
- Zoom feature enlarges speed, incline and time displays

**ELEVATION™
SERIES**

LifeFitness

KEY

● STANDARD

○ OPTIONAL*

— UNAVAILABLE

SPECIFICATIONS

95T INSPIRE

HEART RATE MONITORING		
Polar® Telemetry (optional chest strap required)		●
Lifepulse™ Digital Heart Rate Monitoring with DSP (Digital Signal Processing)		●
WORKOUTS		
Manual, Quick Start		●
Zone Training+™ Heart Rate Workouts	Cardio, Fat Burn	●
	Heart Rate Hill, Heart Rate Interval, Extreme Heart Rate	●
Interval Workouts	Random, Hill	●
	Around the World, Cascades, Foothills, Kilimanjaro	●
	5k, 10k, Speed Interval Training, Speed Training	●
Goal Workouts	Time, Calories, Distance, Distance Climbed, Time in Zone, Pace	●
Custom Workouts	8 Customized Workouts	●
	2 Create Your Own™ Workouts	●
Fitness Test Protocols	Gerkin Protocol	●
	Navy PRT, Army PFT, Marine PFT, Air Force PRT, Physical Efficiency Battery (PEB)	●
	Fit Test	●
Customized Cool Down		●
SPECIAL FEATURES		
DX3™ Belt and Deck System		●
FlexDeck® Shock Absorption System: 8 Lifespring™ shock absorbers		●
Speed Range: 0.5–14 mph (0.8–23 kph)		●
Rollers: 3.5" (9 cm) precision crowned steel rollers, front and back		●
Elevation		0%–15%
Motor System: 4.0 HP AC motor with MagnaDrive™ motor controller		●
Ergo™ Bar		●
Ergo™ Side Handrails		26" x 5" (66 cm x 13 cm) flared
Activity Zone: Most often used buttons located on Ergo bar		●
Walk, Jog, Run		●
Stride Sensor		●
Integrated Reading Rack		●
Integrated iPod®/Accessory Tray		●
2 Removable Cup Holders		●
Steel Frame, Front Roller Lift Wheels and Rear Levelers		●
Networking Capabilities: CSAFE-Ready, FitLinxx™ Certified		●
Attachable TV Personal Entertainment Solutions		○
SERVICE ENHANCEMENTS		
Manager's Menu Options		●
Flash Programmable via USB Stick		●
Proactive Belt Wear Notification		●
TECHNICAL SPECIFICATIONS		
Maximum User Weight		400 lbs (181 kg)
Power Requirements: Dedicated 120 volts / 20 amp circuit (voltage may vary outside U.S.)		●
Running Surface: 22" x 60" (55 cm x 152 cm)		●
Length		80" (203 cm)
Width		37" (94 cm)
Height		62.25" (158 cm)
Unit Weight		450 lbs (209 kg)
Step-up Height		9.5" (24 cm)
Warranty†	7-year on Lifespring shock absorbers; 2-year on all electrical components; 1-year on all mechanical components and labor	●
	7-year on motor and frame	●
	Optional Attachable TV: 2-years electrical and mechanical parts; 90 days labor	●

* Optional features are available with the purchase of an Attachable TV at an additional charge. † Warranties outside the U.S. may vary. Specifications subject to change.

KEY

● STANDARD

○ OPTIONAL*

— UNAVAILABLE

DISPLAY TECHNOLOGY

95T INSPIRE

CONSOLE OPTIONS		
7" Integrated LCD with Touch Screen Technology		●
TV VIEWING OPTIONS		
Attachable 17" Diagonal TV (wide screen format)		○
DISPLAY READOUT		
Workout Feedback	Speed, Incline, Heart Rate, Pace	●
	Elapsed Time, Time Remaining, Time in Zone, Time of Day	●
	Distance, Distance Climbed, Distance Remaining	●
	Calories, Calories per Hour, Watts, METs	●
Custom Messaging		●
Profile Display		●
Language Choices:		13 languages
-English, Spanish, Portuguese, Italian, French, German, Dutch and Turkish		●
-Chinese (traditional and simplified), Japanese, Korean and Russian		●
SPECIAL FEATURES		
Intel® Microprocessor		●
iPod® Compatibility	iPod video capability on Attachable TV	○
	iPod playlist management on LCD screen	●
	iPod charging	●
Virtual Trainer		●
USB Connectivity		●
Workout Landscape™ Perspectives		●
Manager-Defined Marathon Mode (unlimited workout time)		●
Manager-Defined/User-Selected Languages		●
User Units Selection (mph/kph and lbs/kg)		●
Zoom Feature		●
TV Controls: Touch Screen		○
Channel Memory	1000 available channels	○
Previous Channel Viewed		○
Channel Renumbering		○
Secondary Audio Programs (SAP) - SAP TV broadcast required		○
Closed Captioning		○
Mute Feature		○
Asset Management and Advanced Diagnostics		●
Screen Protection: Protective top layer, internal shock mounts, gasket		●
TECHNICAL SPECIFICATIONS		
Available Tuner Systems: NTSC/ATSC, PAL/SECAM/DVB		○
Headphone Jack: 3.5 mm Stereo		●
Easy-to-Remove Headphone Jack		●

* Optional features are available with the purchase of an Attachable TV at an additional charge. Specifications subject to change.

**ELEVATION™
SERIES**
LifeFitness



SIGNATURE SERIES S T R E N G T H

Irresistible resistance training

The Signature Series defies traditional selectorized equipment and gives new meaning to the word approachability. We packed more than 20 years of industry insight, biomechanical expertise, and customer feedback into this powerful line of resistance training equipment. The result is an uncommon blend of aesthetic sensibility with uncompromising craftsmanship, specifically designed to bridge the gap between intimidation and confidence. In your facility, the Signature Series will do as much for your business as it will for your users.

Integration. Consistency. Confidence.

- A low and consistent profile, contoured cushions, and full shrouds and pulley covers are all beautifully integrated throughout the elegant Signature Series line.
- A unique increment weight system, which is integrated into the weight stack, allows users to simply turn a dial for gradual increases in their resistance training program.
- Converging and diverging axes that correctly align with the user's joint movement, provide a natural, comfortable feel throughout the range of motion.
- Visually enhanced instructional placards are clearly marked, located in the most visible position, and provide simple instructions for correctly performing each exercise.
- Full shrouds and pulley covers make the equipment more approachable, less intimidating, and visually appealing to all users.
- Stainless steel fasteners, precision welds, and internally lubricated cables give Signature Series its uncompromised durability.

STRENGTH IQ

EQUIPMENT CLASSIFICATION KEY:



FUNDAMENTAL: Equipment specifically designed for all types of users.



□ **Chest Press** FZCP

- Overhead pivot creates natural arc of movement
- Adjustable start lever located on press arm allows user to control range of motion from a seated position
- Converging press arms produce a natural forward pressing movement for a superior feel



□ **Row/Rear Delt** FZRW

- Diverging pattern follows the natural path of movement for a superior feel
- Multiple grips for exercise variety on lats and rear deltoids
- Adjustable chest pad to accommodate users of all sizes



□ **Shoulder Press** FZSP

- Converging press arms create a natural overhead pressing movement for superior feel
- Neutral and pronated hand grips for exercise variety



□ **Lat Raise** FZLR

- Pad positions are optimized for middle deltoid muscle stimulation
- Pivoting handles accommodate users of all sizes



□ **Pulldown** FZPD

- Easy-to-use defined path of motion
- Diverging movement creates a natural downward pulling exercise pattern for a superior feel
- Angled thigh pad is fixed for simple operation and thigh stabilization



□ **Biceps Curl** FZBC

- Upper arm pads are configured to align elbow with the axis of rotation
- Independent arms allow for exercise variety
- Handles pivot automatically to fit all forearm lengths



□ **Triceps Press** FZTP

- Angled back pad provides stabilization without need for seat belt
- Easy access allows users to comfortably perform exercise
- Oversized pressing handles and traditional dip-style handles rotate in two positions, to provide exercise variety and adapt to different size users



□ **Seated Leg Press** FZSLP

- Upright exercise position is especially applicable for novice or deconditioned users
- Adjustable seat carriage and large foot plate accommodates a variety of user sizes and desired range of motion
- Force is transmitted through hips, minimizing spinal compression



□ **Leg Extension** FZLE

- 100-degree angle between seat and back pad increases comfort and encourages full quadricep contraction without hamstring flexibility limitations
- Handles positioned at side to provide stability
- Back pad, tibia pad, and range-of-motion adjustments are easily accessible from a seated position



□ **Abdominal** FZAB

- Combination of elbow and back pads with hand grips provide upper body stabilization
- Unique AbCam™ System allows natural crunch-style movement for maximum abdominal contraction



□ **Hip Adduction** FZHAD

- Ratchet mechanism allows users to adjust start position in 10-degree increments
- Knee pads and dual foot positions provide leg support and reduce torque around the knees
- Elevated weight stack is easily accessible from seated position



□ **Hip Abduction** FZHAB

- Adjustable start position facilitates easy entry and exit
- Knee pads and dual foot positions provide leg support and reduce torque around the knees
- Elevated weight stack is easily accessible from seated position



□ **Glute** FZGL

- Upright body position is comfortable and nonintimidating
- Adjustable torso pad accommodates users of all sizes
- Linear design maximizes full range of motion for muscle stimulation



□ **Back Extension** FZBE

- Adjustable footplate accommodates users of all sizes and is adjustable from a seated position
- Lumbar pad helps users easily find correct position relative to the axis of rotation
- 5-position adjustable start mechanism for individual range of motion



□ **Torso Rotation** FZTR

- Adjustable chest pad accommodates users of all sizes
- Handles and knee supports provide stabilization
- Kneeling position minimizes low back stress

Product Specs

FRAME COLORS*

STANDARD	PREMIUM
 BLACK	 ICE BLUE METALLIC
 PLATINUM	 MIDNIGHT METALLIC
 WHITE	 NICKEL

UPHOLSTERY COLORS*

 AMERICAN BEAUTY RED	 NORTHWOODS GREEN
 AZURE	 REGIMENTAL BLUE
 BLACK	 ROYAL BLUE
 CRANBERRY	 SLATE
 HUNTER GREEN	 SUEDE

*Black, Platinum, and White frame and all upholstery colors shown above are standard. Premium frame colors shown above and custom frame and upholstery colors are available for an additional charge.

A second, clear-coat top layer is standard on machines with Ice Blue Metallic, Midnight Metallic, Nickel, and Platinum frames.

Actual frame and upholstery colors may differ from printed color samples shown.

FRAME

- 11-gauge steel frame ensures maximum structural integrity
- Each frame receives an electrostatic powder coat finish which ensures maximum adhesion and durability

CUSHIONING

- Contoured cushions utilize a molded frame for superior comfort and durability

ADJUSTMENTS

- Gas-assisted springs (where applicable) make seat adjustments quick and easy

INSTRUCTIONAL PLACARDS

- Easy-to-follow instructions illustrate proper use and muscles trained

SHROUD

- Full front and back shrouds and pulley covers

WEIGHT PLATES AND GUIDE RODS

- Solid-steel weight plates
- Top weight plate is fitted with self-lubricating bushings
- 7/16" (1 cm) diameter weight selector pin magnetically locks in place and is connected to stack to prevent loss
- Incremental weight system is integrated on top plate. Simple turn of dial allows users to select 5 lbs (2.5 kg), 10 lbs (5 kg), or 15 lbs (7.5 kg) weight increments for gradual increase in resistance

CABLES AND PULLEYS

- 7 x 19 strand construction, lubricated, nylon-coated cable meets U.S. military specifications
- 4-1/2" (11 cm) and 6" (15 cm) diameter fiberglass-impregnated nylon pulleys feature sealed bearings

HAND GRIPS

- Hand grips are an extruded thermo rubber compound that is non-absorbing and wear-and-tear resistant
- Grips retained with aluminum collars preventing them from slipping during use

FOOT PLATFORMS

- All foot platforms are molded rubber with a slip-resistant texture

STATION	PRODUCT CODE	TOTAL WEIGHT	WEIGHT STACK	DIMENSIONS (L x W x H)
Chest Press	FZCP	600 lbs (273 kg)	290 lbs (145 kg)	57" x 52" x 71" (145 cm x 132 cm x 180 cm)
Row/Rear Delt	FZRW	580 lbs (264 kg)	290 lbs (145 kg)	58" x 43" x 64" (146 cm x 109 cm x 163 cm)
Shoulder Press	FZSP	500 lbs (227 kg)	190 lbs (95 kg)	60" x 52" x 64" (152 cm x 132 cm x 163 cm)
Lat Raise	FZLR	525 lbs (239 kg)	190 lbs (95 kg)	48" x 43" x 64" (122 cm x 109 cm x 163 cm)
Pulldown	FZPD	570 lbs (259 kg)	290 lbs (145 kg)	54" x 52" x 78" (137 cm x 132 cm x 198 cm)
Biceps Curl	FZBC	545 lbs (248 kg)	190 lbs (95 kg)	36" x 60" x 64" (92 cm x 152 cm x 163 cm)
Triceps Press	FZTP	640 lbs (291 kg)	290 lbs (145 kg)	64" x 43" x 64" (163 cm x 109 cm x 163 cm)
Seated Leg Press	FZSLP	810 lbs (368 kg)	390 lbs (195 kg)	79" x 43" x 70" (201 cm x 109 cm x 178 cm)
Leg Extension	FZLE	640 lbs (291 kg)	290 lbs (145 kg)	57" x 42" x 64" (145 cm x 107 cm x 163 cm)
Hip Adduction	FZHAD	555 lbs (252 kg)	290 lbs (145 kg)	63" x 29" x 64" (160 cm x 74 cm x 163 cm)
Hip Abduction	FZHAB	555 lbs (252 kg)	290 lbs (145 kg)	63" x 29" x 64" (160 cm x 74 cm x 163 cm)
Glute	FZGL	490 lbs (223 kg)	190 lbs (95 kg)	72" x 36" x 64" (183 cm x 91 cm x 163 cm)
Abdominal	FZAB	475 lbs (216 kg)	190 lbs (95 kg)	52" x 47" x 64" (132 cm x 119 cm x 163 cm)
Back Extension	FZBE	595 lbs (270 kg)	290 lbs (145 kg)	53" x 44" x 64" (135 cm x 112 cm x 163 cm)
Torso Rotation	FZTR	520 lbs (236 kg)	190 lbs (95 kg)	48" x 36" x 64" (122 cm x 91 cm x 163 cm)

Specifications subject to change.

WARRANTY

10-year limited warranty on the structural frame (coatings excluded); five years on the pulleys, weight plates, and guide rods; one year on the linear bearings, cables, and grips; and 90 days on the upholstery, springs and any items not specified. Warranties outside the U.S. may vary. Contact Life Fitness for details.



PRO2 SERIES STRENGTH

Built For the long haul

Pro2 Series is strength equipment that stands up to your countless demands. Your facility. Your users. Your trainers. This lineup is tough, with smart biomechanics and reliable features. Pro2 Series Strength. It's fundamental to any facility's strength offering. And it's one of the many strength-training choices from your single source... Life Fitness.

Equipment that works as hard as you do

- Pro2 Series is easy enough for any novice to use, yet powerful enough to stand up to your more experienced clientele.
- Sturdy 2" x 4" and 2" x 3" steel tubing, precision welds, stainless steel fasteners, and internally lubricated cables all contribute to making Pro2 the ideal choice for demanding fitness environments.
- Convenient, easy-to-use Pro2 seat adjustments firmly lock seat into place keeping your users in safe, stable training positions at all times.
- Simple-to-follow, instructional placards integrated into the design of each Pro2 Series machine illustrate proper use and muscles trained.
- Weight selector pin magnetically locks in place and is conveniently connected to the weight stack with a flexible, coated coil to prevent pin loss.
- Available in base and more fully featured SE models.

STRENGTH IQ
EQUIPMENT CLASSIFICATION KEY:

		
>> FUNDAMENTAL	DEVELOPMENTAL	SPECIALIZED

FUNDAMENTAL: Equipment specifically designed for all types of users.



□ **Leg Curl** PSLCSE

- Divergent angle between hip and chest pads minimizes lower-back stress
- Standard adjustable start position on Pro2 SE model provides five positions for individual preferences



□ **Pectoral Fly/Rear Deltoid** PSFLY

- Incorporates two different exercise choices in one machine
- Machine arms pivot to accommodate individual forearm length and natural path of motion
- Handle positions are optimized to eliminate readjusting the seat between exercises

STATION	PRODUCT CODE	TOTAL WEIGHT	WEIGHT STACK	DIMENSIONS (L x W x H)
Pectoral Fly/Rear Deltoid	PSFLYSE	580 lbs (263 kg)	295 lbs (138 kg)	49" x 56" x 71" (124 cm x 142 cm x 180 cm)
Leg Curl	PSLCSE	475 lbs (216 kg)	200 lbs (95 kg)	65" x 39" x 55" (165 cm x 99 cm x 140 cm)

Specifications

FRAME

- 11-gauge steel frame ensures maximum structural integrity
- Each frame receives an electrostatic powder coat finish to ensure maximum adhesion and durability
- Standard rubber feet protect base of the frame and prevent the machine frame from slipping

CUSHIONING

- Pads are molded with radius on edge for improved comfort
- All edges are stitched to eliminate any folds in the material that would limit durability

ADJUSTMENTS

- Optional adjustable start on Leg Extension, Leg Curl, Seated Leg Curl, and Back Extension
- Roller mechanism on seat adjustment provides smooth operation

INSTRUCTIONAL PLACARDS

- Easy-to-follow instructions illustrate proper use and muscles trained
- Axis of rotation marked with red indicator to help cue correct alignment

SHROUD

- Standard rear shroud on SE models
- Optional full front shroud on SE models

WEIGHT PLATES AND GUIDE RODS

- Solid-steel weight plates
- Top weight plate is fitted with self-lubricating bushings
- 7/16" (1 cm) diameter weight selector pin magnetically locks in place and is connected to stack to prevent loss
- Drop down incremental weight system (standard on SE models)

CABLES AND PULLEYS

- 7 x 19 strand construction, lubricated, nylon-coated cable meets U.S. military specifications
- 4 1/2" (11 cm) and 6" (15 cm) diameter fiberglass-impregnated nylon pulleys feature sealed bearings

HAND GRIPS

- Hand grips are an extruded thermo rubber compound that is non-absorbing and wear-and-tear resistant
- Grips retained with aluminum collars preventing them from slipping during use

FOOT PLATFORMS

- Polyethylene spray-coated for impact, corrosion, and abrasion resistance

Dual Adjustable Pulley

LifeFitness



Product Highlights

- ▶ ENLARGE
- ▶ WEIGHT STACK
- ▶ PULLEY SYSTEM
- ▶ ADJUSTABLE PULLEY
- ▶ Video
- ▶ Color Configurator

Dual Adjustable Pulley

Meeting the demands for greater functional training capabilities and advanced training options, the Life Fitness Dual Adjustable Pulley is the right solution for virtually any commercial facility.

Key Features

- ▶ 1:4 resistance level on weight stack provides lower starting resistance ideal for less experienced users. Also allows for higher speed movements that are suitable for sport-specific training
- ▶ Dual roller mechanism or pulley housing provides a smooth and easy adjustment. 20 adjustment positions per column create a wide variety of exercises
- ▶ Standard accessory kit with 9 different handles, an instructional poster and instructional CD provide all the training tools necessary for a complete strength training program
- ▶ Attachments Include: 2 Short Strap Handles, 2 Long Strap Handles, 1 Ankle Strap, 1 Leg Extension/Leg Curl Strap, 1 Long Bar, 1 Short Bar (a.k.a. Sport Bar), 1 Triceps Rope

Specifications

	Dual Adjustable Pulley
Machine Weight	1265 lbs (575 kg)
Weight Stack	2 x 390 lbs (2 x 195 kg)
Dimensions (L x W x H)	44" x 62" x 93" (112 cm x 157 cm x 236 cm)
Product Code	CMDAP



5100 River Rd.
Schiller Park, IL 60176

TOLL FREE (800) 634-8637

Quote

BILL TO:

Town of Addison
3900 Belt Way Dr
Addison, TX 75001
Attn: Randy Rogers

SHIP TO:

Town of Addison
3900 Belt Way Dr
Addison, TX 75001
Attn: Randy Rogers

SALESPERSON	DATE	PRICES GOOD THRU	TERMS	F.O.B.	FREIGHT
Tressa Matteo	2/20/2010	1-May-10	net 30	Destination	Pre-paid

QTY.	DESCRIPTION	UNIT PRICE	NET AMOUNT
10	95TI 95T Inspire Tread with 7" LCD console	4,840.00	\$48,400.00
10	Extraction of Current Treadmills	0.00	\$0.00
10	Trade in Allowance	-300.00	(\$3,000.00)
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00

Signature

Date

SUB-TOTAL:	<u>\$45,400.00</u>
Freight:	<u>\$4,885.40</u>
INSIDE DELIVERY:	<u>Included</u>
INSTALLATION:	<u>included</u>
TAX:	_____
SUB-TOTAL:	<u>\$50,285.40</u>
Deposit	_____
Grand Total	<u>\$50,285.40</u>

5100 River Rd.
Schiller Park, IL 60176

TOLL FREE (800) 634-8637

Quote

BILL TO:Town of Addison
3900 Belt Way Dr
Addison, TX 75001
Attn: Randy Rogers**SHIP TO:**Town of Addison
3900 Belt Way Dr
Addison, TX 75001
Attn: Randy Rogers

SALESPERSON	DATE	PRICES GOOD THRU	TERMS	F.O.B.	FREIGHT
Tressa Matteo	2/20/2010	1-May-10	net 30	Destination	Pre-paid
QTY.	DESCRIPTION			UNIT PRICE	NET AMOUNT
1	FZAB SIGNATURE ABDOMINAL			2,567.00	\$2,567.00
1	FZBC SIGNATURE BICEP CURL			2,493.00	\$2,493.00
1	FZBE SIGNATURE BACK EXTENTION			2,643.00	\$2,643.00
1	FZCP SIGNATURE CHEST PRESS			2,719.00	\$2,719.00
1	FZCP SIGNATURE GLUTE PRESS			2,567.00	\$2,567.00
1	FZHAB SIGNATURE HIP ABDUCTION			2,492.00	\$2,492.00
1	FZHAD SIGNATURE HIP ADDUCTION			2,492.00	\$2,492.00
1	FZLE SIGNATURE LEG EXTENTION			2,794.00	\$2,794.00
1	FZLR SIGNATURE LATERAL RAISE			2,567.00	\$2,567.00
1	FZPD SIGNATURE PULL DOWN			2,643.00	\$2,643.00
1	FZRW SIGNATURE ROW			2,567.00	\$2,567.00
1	FZSLP SIGNATURE LEG PRESS			4,078.00	\$4,078.00
1	FZSP SIGNATURE SHOULDER PRESS			2,567.00	\$2,567.00
1	FZTP SIGNATURE TRICEP PRESS			2,492.00	\$2,492.00
1	FZTR SIGNATURE TORSO ROTATION			2,719.00	\$2,719.00
2	CMDAP CABLE MOTION DAP			3,323.00	\$6,646.00
1	PSLCSE PRO2 SE LEG CURL			2,174.00	\$2,174.00
1	PSFLYSE PRO2 SE FLY/REAR DELT			2,174.00	\$2,174.00
1	TRADE IN OF EXISTING STRENGTH			-4,350.00	(\$4,350.00)
20	EXTRACTION OF EXISTING STRENGTH			0.00	\$0.00

SUB-TOTAL: \$47,044.00Freight: \$10,825.42INSIDE DELIVERY: IncludedINSTALLATION: included

TAX: _____

SUB-TOTAL: \$57,869.42

Deposit: _____

Grand Total \$57,869.42

Signature _____

Date _____

Council Agenda Item: #R 2c

AGENDA CAPTION:

Approval of a contract with TBG Partners totaling \$78,806.00 for landscape architecture design services relating to the recreation trail section proposed between the George H.W. Bush Elementary School site and Greenhill School. In addition, the scope of services includes the design of the school campus landscaping, playgrounds and learning garden contingent upon the approval of an interlocal agreement between the Town of Addison and the Dallas Independent School District.

FINANCIAL IMPACT:

Total cost of the project, including this contract, is estimated to total \$880,000.00. Of this amount, approximately \$325,000.00 is available in the Parks Capital Projects fund and another \$261,000.00 will be contributed by DISD. The Town will seek grants and private contributions for the remaining \$294,000.00. All funding will be in place prior to the Town awarding a construction bid. The 2010 budget will have to be amended to recognize the cost of the design contract.

A detailed fee matrix is attached that summarizes the landscape architecture and engineering scope of services by position and and manhours.

BACKGROUND:

In accordance with the Town's professional services procurement policy, an advertisement was placed requesting Qualifications Statements or landscape architecture design services. Ten firms submitted their qualifications, which were reviewed and rated by Ron Whitehead, Carmen Moran, Alison Ream and Slade Strickland. Two firms were shortlisted for interviews, and the TBG Partners team exhibited the right mix of experience for this project.

TBG Partners services will include complete design with construction documents, as well as, bidding and construction administration services. The engineering sub-consultant services will consist of topographic survey, geo-technical report, civil, structural and electrical engineering.

The proposed design schedule is attached.

Project Manager: Slade Strickland

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

Provide Quality Leisure Opportunities, Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

ATTACHMENTS:

Description:

- [Scope of Services and Fee Proposal](#)
- [Design Schedule](#)
- [Aerial Trail Site](#)

Type:

- Cover Memo
- Cover Memo
- Cover Memo



February 10, 2010

Slade Strickland
Director of Parks and Recreation
Town of Addison
P.O. Box 9010
Addison, Texas 75001-9010

Re: Addison Trail – George Herbert Walker Bush Elementary School Playground Design
Addison, Texas
TBG Project No. D010407

Dear Mr. Strickland:

The Broussard Group, Inc. dba TBG Partners (TBG) is pleased to submit this proposal for professional services in connection with the project referenced above. This agreement is by and between TBG Partners (Consultant) and the Town of Addison (Client).

The extent of this project may be generally described as site survey, trail, new school site and playground design for the extension of the existing Les Lacs Trails, connecting the end of the existing trail system to Spring Creek Road. Please refer to Exhibit C for site and location. This proposal is for landscape architectural services, site survey, structural engineering services and environmental graphics. TBG will serve as prime consultant for the City of Addison in association with the following sub-consultants: Huitt-Zollars, (survey, geo-technical), PPO (structural), AOS Engineering (MEP) and focus EDG (Environmental Graphics). The scope of the new school site and playground shall be dependant on the approval of an inter-local agreement between the Town of Addison and D.I.S.D. If this is not approved, the school site and playground scope shall be removed from TBG's contract.

SCOPE

TBG's scope will include improvements to the trails located in Addison, Texas as described above, and will include the following trail related documents, services and improvements:

- A. TBG will contract with Huitt-Zollars to provide a topographic and tree survey for the proposed areas and two (2) geotechnical borings.
- B. TBG will contract with PPO, to provide structural engineering for the proposed areas
- C. TBG will contract with AOS Engineers, to provide MEP for the proposed areas
- D. TBG will contract with Focus EDG, to provide environmental graphics for the proposed areas
- E. Demolish and remove selected trees and obstructions



- F. Provide new trail extensions for the areas noted above
- G. Provide two (2) new playground designs, learning garden and landscape site design for the George Herbert Walker Bush Elementary School
- H. Provide a new plaza and furnishings at trail entries (if desired by the City)

BASIC SERVICES

TBG's services will consist of the following six (6) phases, topographic survey, schematic design, design development, construction documents and construction observation, including TDLR inspection described as follows. This project is scoped to provide one (1) complete bid and construction package; it is not intended to be bid in multiple packages.

TASK ONE: SPECIAL SERVICES

- A. Description of Services
 - 1. TBG will provide geo-technical report, two (2) borings and a surveyor, Huitt-Zollars, to visit the site and provide electronic topographic and tree survey data of the proposed trail alignments. Huitt-Zollars will also coordinate with Pacheco-Koch in gaining survey information for Greenhill and the DISD school. Huitt-Zollars will also coordinate with the city's engineer to gain base data on the new intersection alignment of Spring Valley and Brookhaven Drive. The topographic survey information will be used to facilitate site design and documentation and compliance with ADA/TAS requirements for new construction. *(NOTE: All fees associated with the provision of a survey for this project are included within this proposal).*
 - 2. A boundary survey will not be provided for this effort, as it is not deemed to be necessary by the City. Should the City request a boundary survey at a later date, such services will be deemed additional services.
 - 3. TBG will provide structural engineering drawings provided by PPO
 - 4. TBG will provide MEP drawings provided by AOS Engineering
 - 5. TBG will provide an environmental graphics company, Focus EDG, to provide design and documentation for the trail entry signs and educational graphics signs at the new playground.
- B. Deliverables
 - 1. TBG will submit a full-sized set of construction documents and specifications to the Texas Department of Licensing and Regulation or an independent contract provider for *Texas Accessibility Standards* review. Based on this review, TBG will revise the construction documents as necessary.
 - 2. TBG will coordinate an inspection of the completed project for *Texas Accessibility Standards* review by the Texas Department of Licensing and Regulation or an independent contract provider.

TASK TWO: SCHEMATIC DESIGN

- A. TBG will, based upon the survey provided above, visit the site to verify and inventory existing conditions. This will include an assessment of the following:
 - 1. Existing and proposed pedestrian circulation
 - 2. Existing improvements and vegetation, if any
 - 3. Existing grades and relationship to adjacent areas and land uses
- B. TBG will attend and facilitate two (2) kick-off coordination/design charrette meetings
- C. TBG will attend up to four (4) other design meetings as needed with possible stakeholders.
- D. TBG will prepare two (2) illustrative site plan options, sections or perspectives to convey the intent of the design
- E. TBG will prepare a preliminary estimate of probable construction cost, based upon the preferred schematic design drawing
- F. Deliverables will be the prepared illustrative schematic design site plan, and preliminary estimate of probable construction cost, presented to the City. The above documents will be provided to the City in electronic format upon request.

TASK THREE: DESIGN DEVELOPMENT

Based on the written approval of the schematic design drawing and estimate of probable construction cost, TBG will work in coordination with the Town of Addison to provide design development documents consisting of drawings, sketch details, and other documents to fix and describe the size and character of the project as to the elements described above. Design development will include selection of materials and finishes.

- A. TBG will submit to the Town of Addison, a refinement of the estimate of probable construction cost
- B. Deliverables will include three (3) sets of 24" x 36" prints of the design development plans for review by the City
- C. TBG will present and attend up to four (4) meetings with stakeholders and city staff.

TASK FOUR: CONSTRUCTION DOCUMENTS

- A. Based on the written approval of the design development documents and refined estimate of probable construction cost, TBG will prepare for approval by Town of Addison, construction documents for components consisting of:
 - 1. Cover sheet showing vicinity map for project, signature block, index of drawings and contact list
 - 2. Demolition showing removal of existing elements as required to accommodate improvements
 - 3. Layout and materials plan(s) providing horizontal control and detail references
 - 4. Grading and drainage plan(s) indicating ties to elevational datums, accessible gradients on walkways, and drainage and connections to underground storm drainage, if any



- 5. Hardscape and site furnishing details as required
- 6. Landscape, slope stabilization and irrigation drawings
- 7. Technical specification sections (Division 2 – 16 as necessary)
- B. Deliverables will include two (2) sets of half-size and three (3) sets of full size 30%, 60% and 95% review prints, as requested by the City
- C. Final deliverables will include one (1) set of reproducible drawings, one set of unbound technical specifications, and one electronic file of the construction documents in AutoCAD compatible format, as requested by the City.

TASK FIVE: BIDDING AND NEGOTIATIONS

Based on the approved construction documents, TBG will provide bidding services to include the following:

- A. Prepare a bid form in a format provided by the City
- B. Provide plans and specifications to contractors
- C. Hold pre-bid meeting at the Town of Addison’s offices
- D. Answer questions during the bidding process, as needed
- E. Issue addendum if required

TASK SIX: CONSTRUCTION OBSERVATION

During construction, TBG will perform the following construction observation services:

- A. Review submittals and shop drawings as required and requested

SITE VISITS

TBG will make twelve (12) site visits, to observe contractor progress and plan compliance. Additional visits will be considered additional services. These visits will consist of the following

Pre-Construction	1
Grading	2
Trail Alignment	3
Hardscape	2
Planting and Irrigation	3
Final Punch	1
Total Site Visits	12



CONSULTANT TEAM

The TBG consultant team will include:

- A. Topographic Survey and Geo-technical – Huitt-Zollars
- B. Structural Engineer - PPO
- C. MEP Engineer – AOS Engineering
- D. Environmental Graphics – focus EDG

LIMITATIONS

Limitations to the work are as follows:

- A. Boundary survey
- B. Engineering other than that specifically stated in proposal

FEES

For the basic services outlined above, the town of Addison agrees to pay TBG a fee of **(\$78,806)**, to be billed monthly based on the percentage of the work completed. The fee is broken down as follows and detailed in Exhibit A.

Task One: Special Services (Includes Survey, Structural & TDLR)	\$ 32,676
Task Two: Schematic Design	\$ 8,195
Task Three: Design Development	\$ 8,640
Task Four: Construction Documents	\$ 19,395
Task Five: Bidding	\$ 1,340
Task Six: Construction Observation	\$ 4,560
Reimbursable Fees	<u>\$ 4,000</u>

Total Fee **\$ 78,806**

REIMBURSABLES

The following costs shall be reimbursed as part of the contract. These costs are estimated not to exceed **\$4,000** without further approval from the Client and include the following:

- A. Cost of copies for drawings, specifications, reports, cost estimates, xerography and photographic reproduction of drawings and other documents furnished or prepared in connection with the work of this contract
- B. Travel associated with the project, including, but not limited to, mileage (\$0.50/mile), airfare, automobile rental, hotel and meals



- C. Cost of postage and shipping expenses other than first class mail
- D. Long-distance telephone and facsimile charges
- E. Photographic services, film and processing
- F. Cost of digital scanning
- G. Cost of printing for small and large format plots black and white as well as color plots
- H. Cost of models, special renderings, promotional photography, special process printing, special equipment, special printed reports or publications, maps and documents approved in advance by the Client
- I. Fees for additional consultants retained with the approval of the Client

ADDITIONAL SERVICES

Additional services must receive written authorization from the client before being performed. The following hourly rates will be utilized for additional services:

STAFF I	\$35 - \$45
STAFF II	\$50 - \$70
STAFF III	\$75 - \$95
STAFF IV	\$ 100 - \$125
STAFF V	\$ 130 - \$200



We look forward to the opportunity of working with you. Please do not hesitate to call if you have any questions or need additional information.

Sincerely,

Mark T. Meyer, RLA
Principal

Accepted: City Manager

BY _____

DATE _____

Accepted: Director of Parks and Recreation

BY _____

DATE _____

The Texas Board of Architectural Examiners, 333 Guadalupe, Suite 2-350, Austin, Texas 78701, telephone (512) 305-9000, has jurisdiction over individuals licensed under the Architects Registration Law, Article 249.a, and the Landscape Architects Registration Law, Article 249.c, Vernon's Texas Civil Statutes.

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CONTRACT TERMS AND CONDITIONS

A. Effective Date Payment

This agreement will become effective upon its execution by client or when client provides written authorization to TBG to begin its work.

B. Standard of Care

TBG will perform its services in accordance with the standard of care expected of landscape architects doing projects of similar scope in the State of Texas. In performing these services, TBG cannot ensure perfection and therefore does not make any warranties, either expressed or implied, as to the quality of its services or of its drawings. To the extent that TBG is relying upon documents supplied to it by the owner or the owner's consultants, it will be entitled to rely upon the accuracy of those documents in preparing its drawings.

C. Parties to this Agreement

This is a professional services agreement which TBG is entering into for the exclusive benefit of the client. There are no intended third-party beneficiaries of the agreement, and both TBG and client agree not to assign this agreement or any causes of action which arise under it without the express consent of the other party.

D. Statements and Payment

Fees for professional services and reimbursable expenses will be invoiced to the client monthly based on the percentage of the work completed for each task. A task-by-task description of work performed will be submitted with each invoice at client's request. TBG reserves the right to suspend services in the event that invoices exceeding a total amount of \$5,000 remain unpaid for more than thirty (30) days.

E. Termination

The client may terminate this agreement upon written notice to TBG, in which event client will compensate TBG for all work performed by TBG prior to termination.

TBG may terminate this agreement upon ten (10) days' written notice to owner after the occurrence of any of the following:

1. The client's failure to pay TBG's invoices within thirty (30) days;
2. Suspension of the project for more than sixty (60) days;
3. The client's material default of any terms of this agreement; or
4. The client's failure to execute this agreement.

F. Risk Allocation

TBG will be responsible only for its own work and not for defects in the work designed or built by others. TBG will not be responsible for consequential damages either to the client or to other members of the construction team, including without limitation damages for delay or for construction inefficiencies for any cause whatsoever; In no event will TBG be liable for damages to the client, assignees, the contractor or its subcontractors for any claims or damages in excess of the amount of the fees paid to TBG by the client.

G. Dispute Resolution

As a condition precedent to either client or TBG's filing of any claim in litigation, the President of TBG and the client will meet within thirty (30) days of a request by either party to attempt to resolve the dispute. TBG will not be required to participate in any mediation or arbitration proceeding with any parties other than the client without TBG's consent. In the event of a dispute, neither TBG nor client will be entitled to the award of attorneys' fees. Venue for any dispute arising out of the services provided by TBG under this agreement will be in the District Court of Travis County, Texas. Any applicable statute of limitations will commence to run and any cause of action will be deemed to have accrued not later than the date of substantial completion of the project on which TBG's services are provided.

H. Revised Project Budget

If the project budget defined by the scope of services is increased or decreased by more than ten percent (10%) after the design/development phase of the work, the time and effort required to redesign the project within the new budget will be considered additional services to this agreement.

I. Additional Services

Additional services are services that may be needed by the client, but which are not included in the basic services. Additional services will be provided only with prior approval of the client, and include but are not limited to the following:

1. Preparation and presentation of graphic exhibits other than those described in the basic scope of services.
2. Revisions and changes in drawings, specifications or other documents previously given by the client, or the preparation of alternates or deductive change orders requested by the client.
3. Preparation of record drawings or of measured drawings of existing conditions.
4. Providing prolonged construction observation should the construction time be substantially extended through no fault of TBG.
5. Providing services if, in Guaranteed Maximum Price (GMP) projects, the construction budget for TBG scope items is reduced through no fault of TBG.

Addison Trail -George Herbert Walker Bush Elementary School Playground Design
Town of Addison - Park and Recreation Department

Exhibit A

TBG Partners - Proposed Task / Fee Matrix

February 9, 2010

Task	Manhours (by Position)	Extended Fee Estimate (by Task)
Special Services		
Sub - Consultant Services		
HZ Topographic Survey	Lump Sum	\$12,500.00
HZ Geo-Technical	Lump Sum	\$3,500.00
PPO Structural	Lump Sum	\$3,500.00
AOS MEP	Lump Sum	\$3,000.00
foucs EDG Environmental Graphics	Lump Sum	\$8,620.00
Subtotal Fee Estimate - Sub - Consultant Services		\$31,120.00
Prime Consulant Management Fee (TBG)		0.05%
Total Fee Estimate - Sub - Consultant Services		\$1,556.00
		\$32,676.00

Basic Services

TBG Partners

Schematic Design

Site Visit / Inventory and Analysis		
Principal @ \$140.00	4	\$560.00
Associate @ \$75.00	4	\$300.00
Kick-off meetings (2)		
Principal @ \$140.00	8	\$1,120.00
Associate @ \$75.00	8	\$600.00
Stakeholder meetings (2)		
Principal @ \$140.00	8	\$1,120.00
Associate @ \$75.00	8	\$600.00
Site Design		
Principal @ \$140.00	4	\$560.00
Associate @ \$75.00	4	\$300.00
Staff @ \$50.00	24	\$1,200.00
Illustrative Graphics - Plans, Sections and Elevations		
Principal @ \$140.00	2	\$280.00
Staff @ \$50.00	18	\$900.00
SD Cost Estimate		
Principal @ \$140.00	2	\$280.00
Staff @ \$50.00	6	\$300.00
Reproduction Coordination		
Associate @ \$75.00	1	\$75.00
Subtotal Fee Estimate - Schematic Design		\$8,195.00

Design Development

Materials Research / Selection		
Senior Associate @ \$95.00	8	\$760.00
Staff @ \$50.00	40	\$2,000.00
Site Grading / Drainage Design		
Senior Associate @ \$95.00	8	\$760.00
Staff @ \$50.00	40	\$2,000.00
Outline Specifications		
Principal @ \$140.00	2	\$280.00
Senior Associate @ \$75.00	8	\$760.00
Clerical @ \$35.00	12	\$420.00
Updated Cost Estimate		
Senior Associate @ \$95.00	4	\$380.00
Staff @ \$50.00	16	\$800.00
Clerical @ \$35.00	8	\$280.00
Printing / Set Compilation		
Staff @ \$50.00	4	\$200.00
Subtotal Fee Estimate - Design Development		\$8,640.00

Construction Documents

Cover Sheet		
Staff @ \$50.00	4	\$200.00
Demolition Plans		
Principal @ \$140.00	2	\$280.00
Senior Associate @ \$95.00	8	\$760.00
Associate @ \$75.00	12	\$900.00
Staff @ \$50.00	32	\$1,600.00
Layout and Materials Plans		
Principal @ \$140.00	4	\$560.00
Senior Associate @ \$95.00	12	\$1,140.00
Associate @ \$75.00	18	\$1,350.00
Staff @ \$50.00	32	\$1,600.00
Grading and Drainage Plans		
Principal @ \$140.00	2	\$240.00
Senior Associate @ \$95.00	6	\$570.00
Associate @ \$75.00	12	\$900.00
Staff @ \$50.00	32	\$1,600.00
Hardscape Plans		
Principal @ \$140.00	2	\$280.00
Senior Associate @ \$95.00	6	\$570.00
Associate @ \$75.00	12	\$900.00
Staff @ \$50.00	40	\$2,000.00
Specifications (Technical Sections Only)		
Principal @ \$140.00	2	\$240.00
Senior Associate @ \$95.00	4	\$380.00
Associate @ \$75.00	8	\$600.00
Clerical @ \$35.00	18	\$630.00
Updated Cost Estimate		
Principal @ \$140.00	2	\$280.00
Senior Associate @ \$95.00	4	\$380.00
Staff @ \$50.00	12	\$600.00
Clerical @ \$35.00	1	\$35.00
Printing / Bid Set Compilation		
Associate @ \$75.00	4	\$300.00
Staff @ \$50.00	4	\$200.00
TDLR Coordination		
Associate @ \$75.00	4	\$300.00
Subtotal Fee Estimate - Construction Documents		<hr/> \$19,395.00

Bidding and Negotiation

Coordination Prepare bid Format		
Principal @ \$140.00	1	\$140.00
Senior Associate @ \$75.00	8	\$600.00
Staff @ \$50.00	12	\$600.00
		<hr/> \$1,340.00

Construction Phase Services

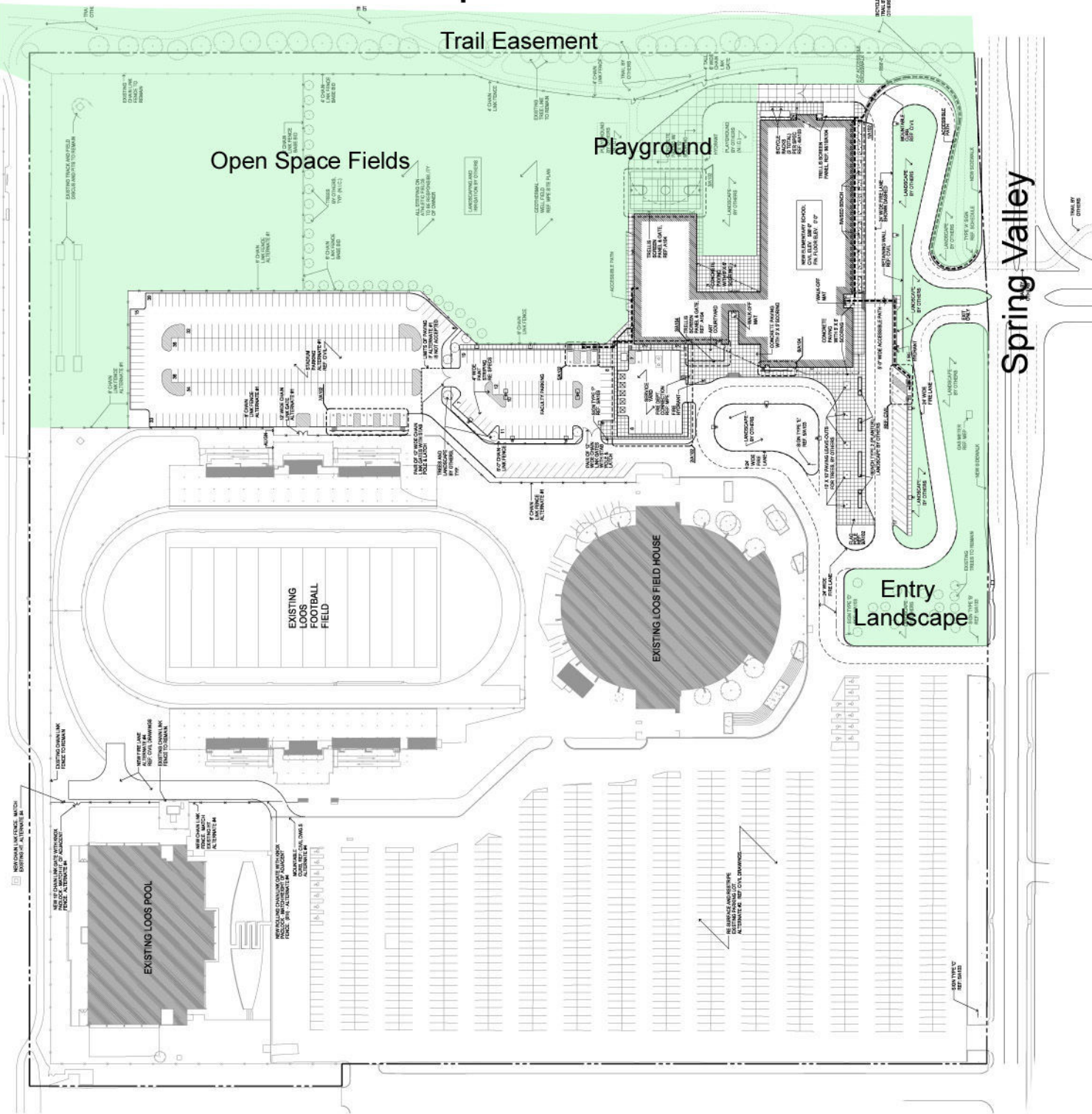
Site Visits (12 at 6 hours each)		
Senior Associate @ \$95.00	48	\$4,560.00
		<hr/> \$4,560.00

Total Manhour Estimate (by Task Estimate) \$74,806.00

Reimbursable Expenses \$4,000.00

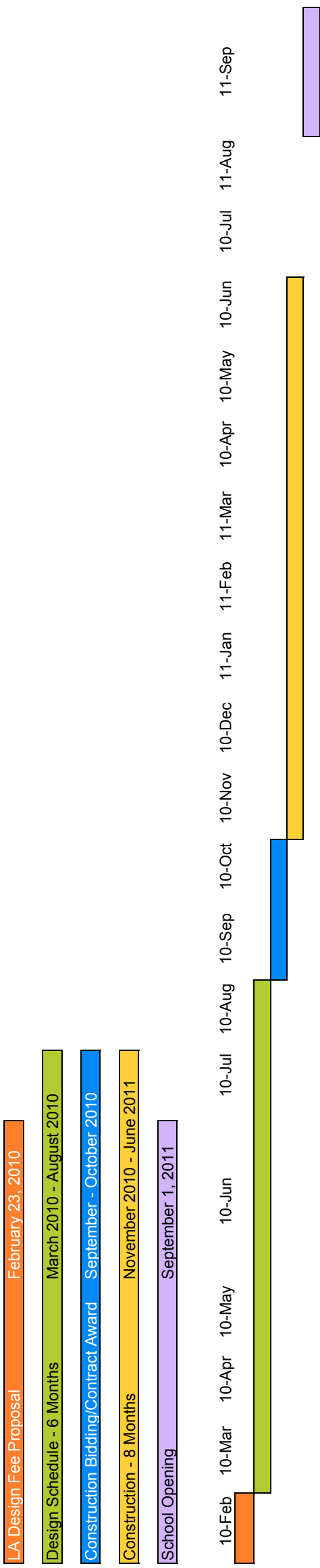
Total Estimate - Fees and Reimbursable Expenses \$78,806.00

Exhibit C Scope Area



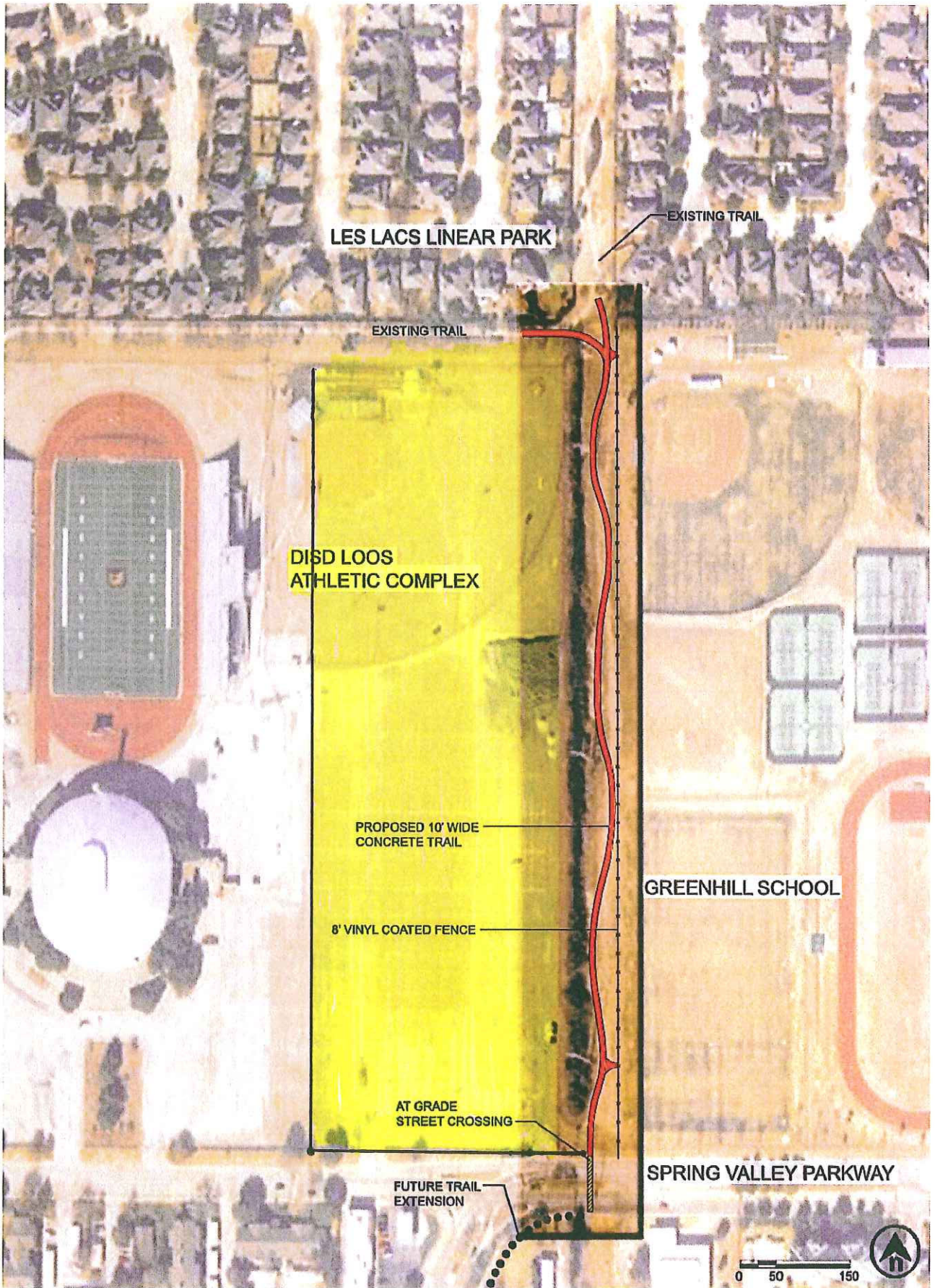
Spring Valley

George W. Bush Elementary School Grounds/Trail Development Schedule



Other Critical Path Items Relating to the School/Trail Site Design and Development

1. Complete Joint-Use/Interlocal Agreement
2. DISD Budget for Landscaping/Playgrounds
3. Per John Hill provide clause in LA design contract stipulating that design is contingent upon approval of the Joint-Use/Interlocal Agreement between the Town of Addison and DISD.



LES LACS LINEAR PARK

EXISTING TRAIL

EXISTING TRAIL

DISD LOOS
ATHLETIC COMPLEX

PROPOSED 10' WIDE
CONCRETE TRAIL

8' VINYL COATED FENCE

GREENHILL SCHOOL

AT GRADE
STREET CROSSING

SPRING VALLEY PARKWAY

FUTURE TRAIL
EXTENSION



ADDISON TRAIL
GREENHILL SCHOOL SECTION SITE PLAN

Council Agenda Item: #R 2d

AGENDA CAPTION:

Approval of award of a bid to Flagship Facility Services, Inc., for custodial services at the Service Center, Police and Police sub-station, Central Fire, Finance and Athletic Club facilities.

FINANCIAL IMPACT:

Cost: \$48,069.96 (\$4005.83 per mo.) Funds are budgeted and available in each department's operating budget.

BACKGROUND:

The Town contracts with outside vendors for custodial cleaning services for the ServiceCenter, Police & Police sub-stations, Central Fire, and Athletic Club facilities. Staff has not been satisfied with the number of man-hours being spent to clean each of these facilities as well as the attention to detail that our specifications require. Per our specifications, the Town can terminate our custodial agreement with 60 days written notice. Per Councils' approval of this award of bid, staff will terminate the current agreement with Jani-King International, Inc., for custodial services at each of these facilities. Staff issued a Request for Proposals (RFP) for custodial services and received 22 proposals. Proposal costs ranged from \$2,700 per month to \$11,000 per month. Proposals were evaluated and scored based on the following criteria:

§Proposer's reputation based on reference checks and examination of reference properties

§Experience in performance of comparable engagements

§Conformance with the terms of this Request for Proposal

§Proposed cleaning procedures

§Reasonableness of costs

Flagship's proposal met all of the evaluation criteria and scored the highest of all the proposals received. Their proposal will result in a 26% annual cost savings from the current contract.

All of Flagship's employees that will be working in the Town's facilities will be processed through the Police Departments security check.

RECOMMENDATION:

Staff has received favorable references and recommends awarding the bid in the amount of \$48,060.96 to Flagship Facility Services, Inc., for custodial services.

COUNCIL GOALS:

Provide Superior Public Safety, Customer Service, Social and Health Services to the

Community, Conduct the Business of the Town in a Fiscally Responsible Manner

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R3

AGENDA CAPTION:

Presentation by Ralph Doherty, Planning and Zoning Commission Chairman, of the Planning and Zoning Commission Annual Report for 2009.

FINANCIAL IMPACT:

No funding required

BACKGROUND:

No action needed by Council

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Planning and Zoning Commission Annual Report](#)

[P&Z attendance for 2009](#)

Type:

Cover Memo

Backup Material

Memorandum

February 10, 2010

TO: Mayor Chow and the Members of the City Council
FROM: Ralph Doherty 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.

Overview

We had an eventful year at the Planning and Zoning Commission level, best characterized as featuring New Commissioners and New Leadership. The Commission welcomed four new members. Commissioner Daseke resigned in January to run for Council, and Chris DeFrancisco was appointed. Commissioner Bernstein resigned to run for Council in March, and Commissioner Kathryn Wheeler was appointed. Commissioner Jandura fulfilled her three terms in April, and Neil Resnik was appointed. Chairman Jamie Gaines moved to Florida in August, and John Oliver was appointed.

The Commission was led by long service member Alan Wood and supported, quite ably, by Carmen Moran, Director of Development Services.

We held our annual officer election in January, and Ralph Doherty has been elected as our Chairman for the coming year, with Chris DeFrancisco as our Vice Chairman. Let me briefly highlight some important activities as follows:

Methodist Hospital for Special Surgery

.We began by hearing the zoning case for the Methodist Hospital for Special Surgery – a new 36-bed hospital specializing in spine surgery. The multi-phase project may eventually result in a 200-300 bed hospital and three medical office buildings. The project is being developed jointly by Advanta Medical Development, Methodist Hospital, and a group of 20 surgeons.

The case went smoothly at the P&Z hearing, but after that hearing, opposition to the project began to mount. The Trinity Christian Academy families had several concerns about how a hospital would impact their school. The Council hearing on that issue was one of the most difficult the Council has encountered. However, the hospital was finally approved and is now under construction. The staff has been very pleased with how smoothly the construction has gone, and both the developer and the school management team have been very cooperative.

Residential development in the Noise Contours

In February the Commission considered a request to reexamine the Town's prohibition of residential uses within the noise contours of the Addison Airport. The request came from a developer who owned some property between Addison Road and Quorum, north of Belt Line. The developer had residential uses fronting Belt Line, and wanted to put a residential project behind it, but he did not contemplate a true vertically mixed use project. The Commission decided not to change the restriction at this time.

Meridian Square

In May the Commission reviewed another revision to the development plan for the Meridian Square project at Quorum Drive and Airport Parkway. This last plan has finally resulted in construction on the site, although the original applicant, Ryland Homes, pulled out of the project. Savannah Homes, the developer of the 90 condominiums proposed for the northern half of the site, decided to construct the townhomes itself, and it is currently framing up the first units.

Vitruvian Park, Phase I-B

The transformation of the Brookhaven Club neighborhood continues. In September the Commission reviewed the second building (Phase I-B) in the

Vitruvian Park development. The 355-unit project will also contain office space for United Dominion Realty and support retail space. The Town is currently under construction on the rebuilding of Brookhaven Club Drive, and will soon begin construction on Vitruvian Park. It is very exciting to watch this new urban neighborhood take shape.

Looking Ahead

The staff is looking forward to working with TIP (Theory into Practice) on the economic development study for Addison and hopes that a thorough economic development study of Addison's assets and challenges will offer some guidance for the Town's development which can be brought to the Commission in the form of new policies and ideas.

The Commission continues to be a dynamic group that works well together. Our Commissioners are committed to Addison, and some serve the city in other significant capacities. Neil Resnik is on the Charter Review Commission and Kathryn Wheeler recently served on the Arbor Foundation. The group remains committed to supporting the Council in its unending efforts to develop and redevelop the Town always using "The Addison Way" as a touchstone for decisions.

Commissioner Attendance Record - 2009

Commissioner	January	February	March	April	May	June	July	August	September	October	November	December
Bernstein, Ted	Present	Present										
Daseke, Don	Absent											
DeFrancisco, Chris	Present	Present	Present	Present	Present	Present	Absent	Present	Absent	Present	Present	Present
Doherty, Ralph	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
Gaines, Jamie	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
Hewitt, Jennifer	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present	Present
Jandura, Paula	Present	Present	Present									
Oliver, John												
Resnik, Neil					Present	Present	Present	Absent	Present	Present	Present	Present
Wheeler, Kathryn				Present	Present	Present	Absent	Present	Present	Present	Absent	Present
Wood, Alan	Present	Present	Present	Present	Absent	Absent	Present	Absent	Present	Present	Present	Present

Council Agenda Item: #R4

AGENDA CAPTION:

Presentation, discussion and consideration of approval to authorize the City Manager to release the 2009 Comprehensive Annual Financial Report.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

BACKGROUND:

Included with this memorandum is the Town's 2009 Comprehensive Annual Financial Report (CAFR) that describes the Town's financial condition as of September 30, 2009. Within the CAFR is the independent auditor's report prepared by Weaver and Tidwell. The auditor's report reflects a "clean" opinion, indicating the Town's finances are managed and reported in conformity with generally accepted accounting principles.

RECOMMENDATION:

Staff recommends that the Council authorize the release of the 2009 Comprehensive Annual Financial Report.

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible Manner

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R5

AGENDA CAPTION:

Presentation of 2009 Racial Profiling Report.

FINANCIAL IMPACT:

Budgeted Amount: \$7,500.00

Cost: \$7,500.00

This is a police department budgeted item Year 2009-2010.

BACKGROUND:

In 2001 the Texas Legislature enacted a law prohibiting racial profiling, Code of Criminal Procedure, Article 2.131. This law requires police department to implement public information regarding internal complaint procedures, collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of these stops, and to prepare an annual report and present to their governing entities. The department, in accordance with the law, has collected and reported traffic-related contact data. Del Carmen Consulting, L.L.C. conducted audits, performed a search study and made recommendations, providing an ongoing assessment of racial profiling data relevant to the Texas Racial Profiling law and prepared our 2009 report for presentation.

RECOMMENDATION:

COUNCIL GOALS:

Provide Superior Public Safety, Customer Service, Social and Health Services to the Community

ATTACHMENTS:

Description:

[2009 Racial Profiling Report](#)

Type:

Presentation

The Addison Police Department Annual Traffic Contact Report (2009)



**DEL CARMEN
CONSULTING, LLC**

(I) Introduction

Opening Statement

January 18, 2010

Addison City Council
Addison, Texas 75001

Dear Distinguished Members of the City Council,

Racial profiling has been regarded as one of the most pressing themes currently affecting law enforcement agencies in the United States. In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. Since 2001, the Addison Police Department, in accordance with the law, has collected and reported traffic-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. During the past legislative session, the Racial Profiling Law was modified and new requirements are now in place. These will be represented, as prescribed by the law, in the 2010 racial profiling report due March 1, 2011.

In this particular report, you will find three sections that contain information on traffic-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Addison Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074) which later became the Texas Racial Profiling Law. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education) is included. In addition, you will find, in sections 2 and 3, documentation which demonstrates compliance by the Addison Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel, are included.

The last section of this report provides statistical data relevant to contacts, made during the course of traffic stops, between 1/1/09 and 12/31/09. This information has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard and to traffic-based contact data collected between 2002 and 2008. The final analysis and recommendations are also included in this report.

I am hopeful that the findings presented in this report serve as evidence of the Addison Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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- a) Institutional Policy on Racial Profiling
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- a) Checklist
- b) Contact Information

TCLEOSE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE
STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy

adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing

body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [(7)] the date of conviction; and

(9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

(II) Responding to the Law

Institutional Policy on Racial Profiling

--Insert Policy Here--

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Addison Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Addison Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area, information relevant to filing a complaint on a racial profiling violation by a Addison Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Addison Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Addison Police Department have completed the TCLEOSE basic training on racial profiling. The main outline used to train the officers of Addison has been included in this report.

It is important to recognize that the Chief of the Addison Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Addison Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

**Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001**

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
 3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/09---12/31/09, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

A check above indicates that the Addison Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/09 ---- 12/31/09.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Tables Illustrating Traffic Contact

Tier 1 Data

(I) Tier 1 Data

Traffic-Related Contact Information (1/1/09—12/31/09)

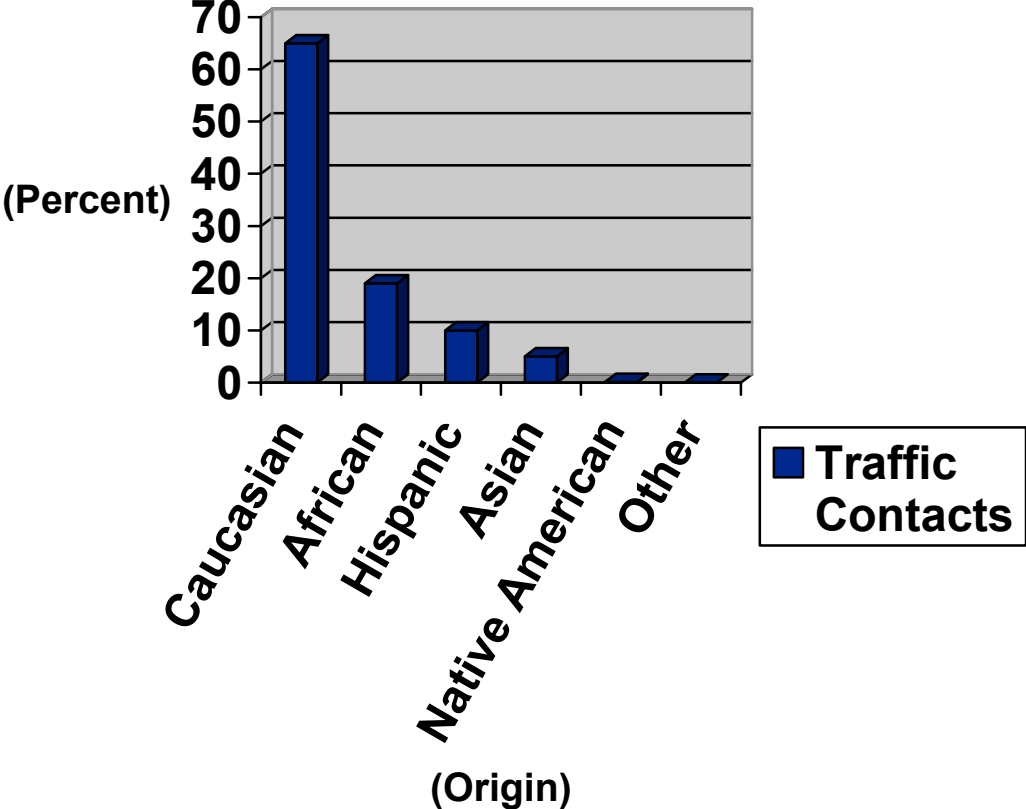
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	5,621	65	439	47	55	59	384	47	378	47
African	1,637	19	316	34	25	27	291	35	270	33
Hispanic	907	10	146	16	12	13	121	15	138	17
Asian	475	5	26	3	1	.5	25	3	23	3
Native American	10	.1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
Total	8,650	100**	927	100	93	100**	821	100	809	100

"N" represents "number" of traffic-related contacts

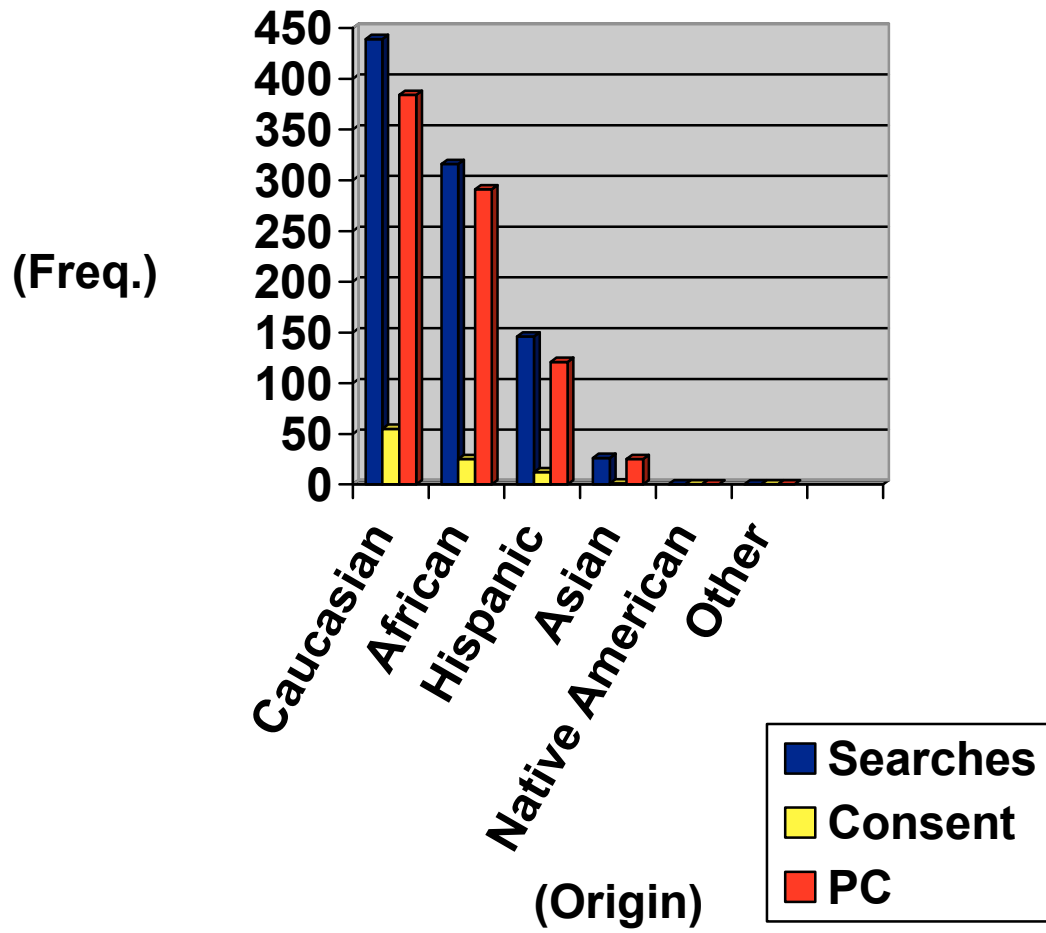
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

**Figure has been rounded

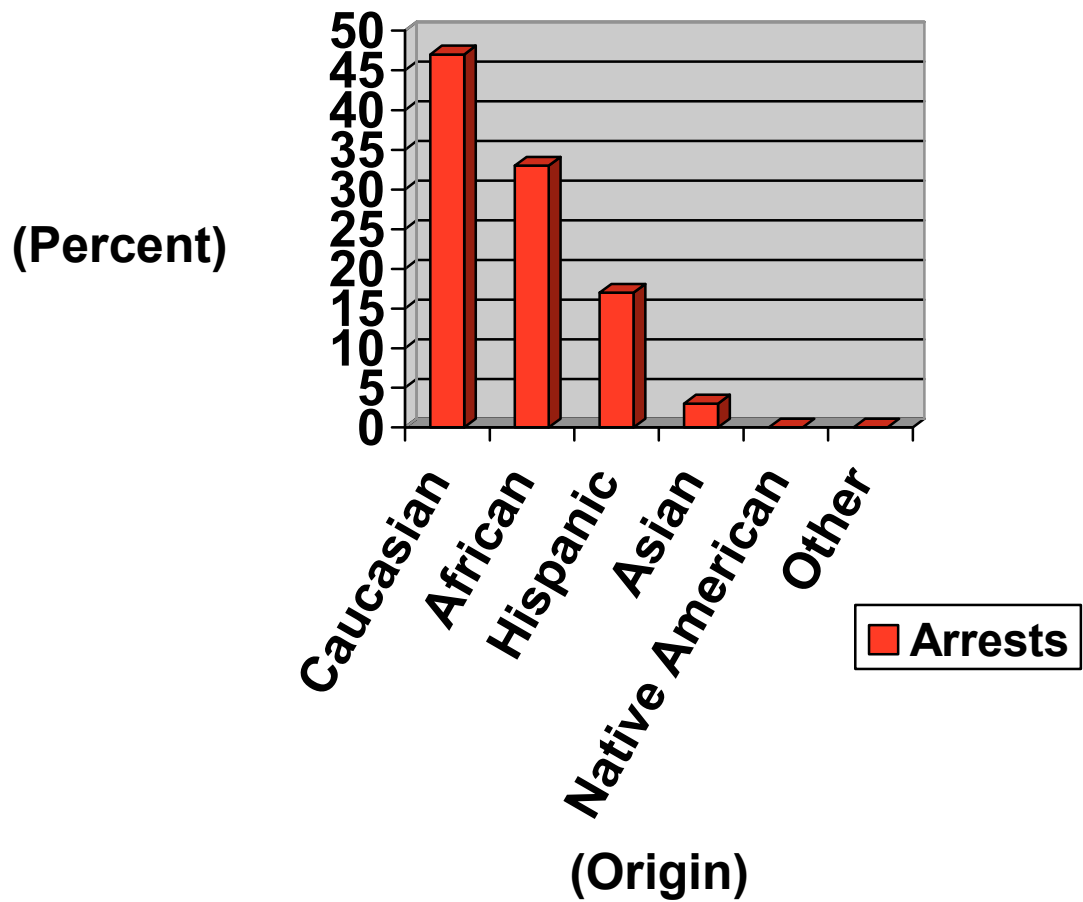
Tier 1 Data (Traffic Contacts)



Tier 1 Data (Searches)



Tier 1 Data (Arrests)



**Tier 1 Baseline Comparison
(Fair Roads Standard)**

(II) Traffic-Contacts and Fair Roads Standard Comparison

Comparison of traffic-related contacts with households in Addison that have vehicle access (in percentages). (1/1/09—12/31/09)

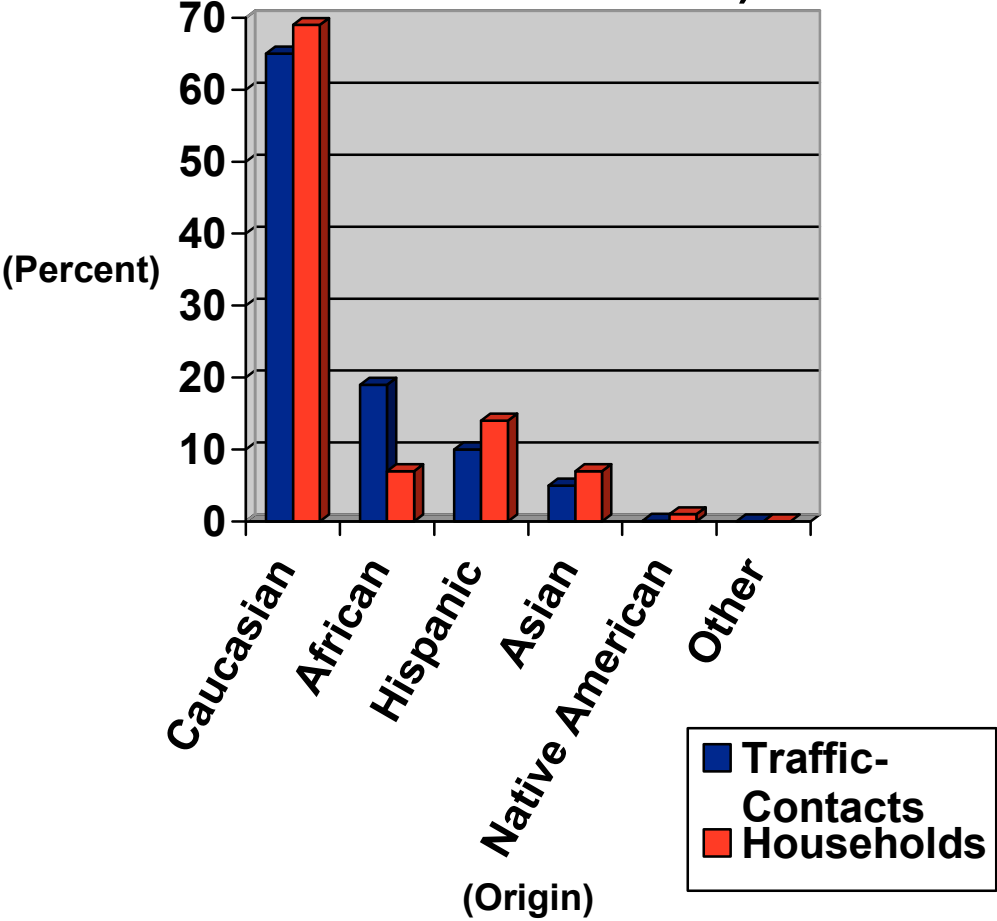
Race/Ethnicity*	Traffic-Contacts (in percentages)	Households with Vehicle Access (in percentages)
Caucasian	65	69
African	19	7
Hispanic	10	14
Asian	5	7
Native American	.1	1
Other	0	N/A
Total	100**	98***

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

**Represents rounded figure

***Amount does not total 100% since Census data does provide value of “other” category.

Tier 1 (Traffic-Contacts and Households/09)



Tier 1 Data
(Eight-Year Comparative Analysis)
(2002—2009)

(III) Eight-Year Tier 1 Data Comparison

Comparison of Eight-Year Traffic-Related Contact Information (1/1/02---12/31/09)

Race/Ethnicity*	Traffic-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
Caucasian	78	74	78	72	70	61	66	65
African	12	14	14	16	15	17	19	19
Hispanic	8	8	5	9	11	18	10	10
Asian	2	3	3	3	4	4	5	5
Native American	.04	.09	.02	.03	.03	.04	.01	.1
Other	0	.05	0	0	0	0	0	0
Total	100	100**	100	100**	100**	100	100	100**

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

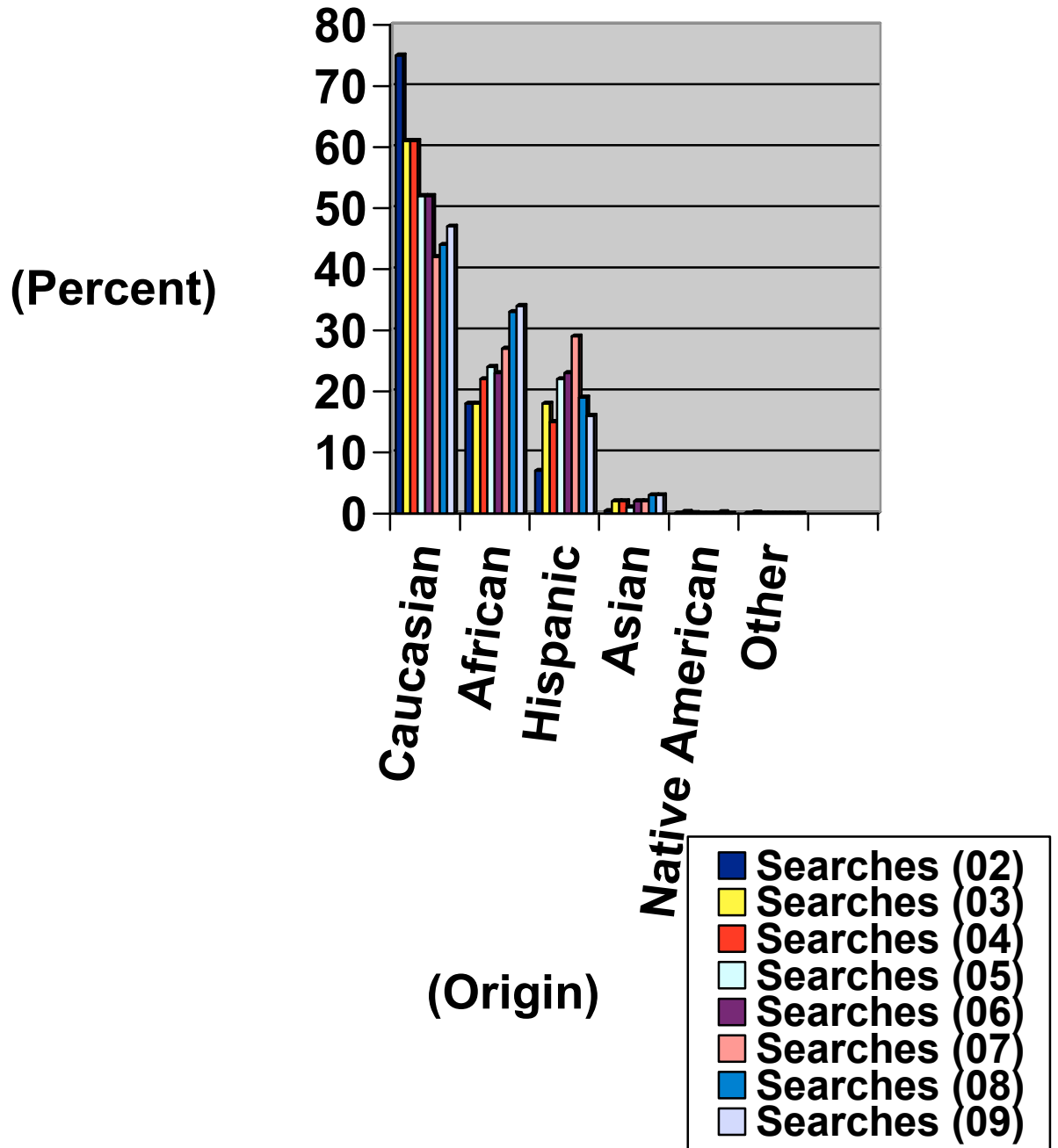
**Comparison of Eight-Year Traffic-Related Search Information
(1/1/02---12/31/09)**

Race/Ethnicity*	Search-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
Caucasian	75	61	61	52	52	42	44	47
African	18	18	22	24	23	27	33	34
Hispanic	7	18	15	22	23	29	19	16
Asian	.42	2	2	1	2	2	3	3
Native American	0	.26	.09	0	0	0	.2	0
Other	0	.17	0	0	0	0	0	0
Total	100	100	100**	100**	100	100	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

Tier 1 Data (Searches 02-09)



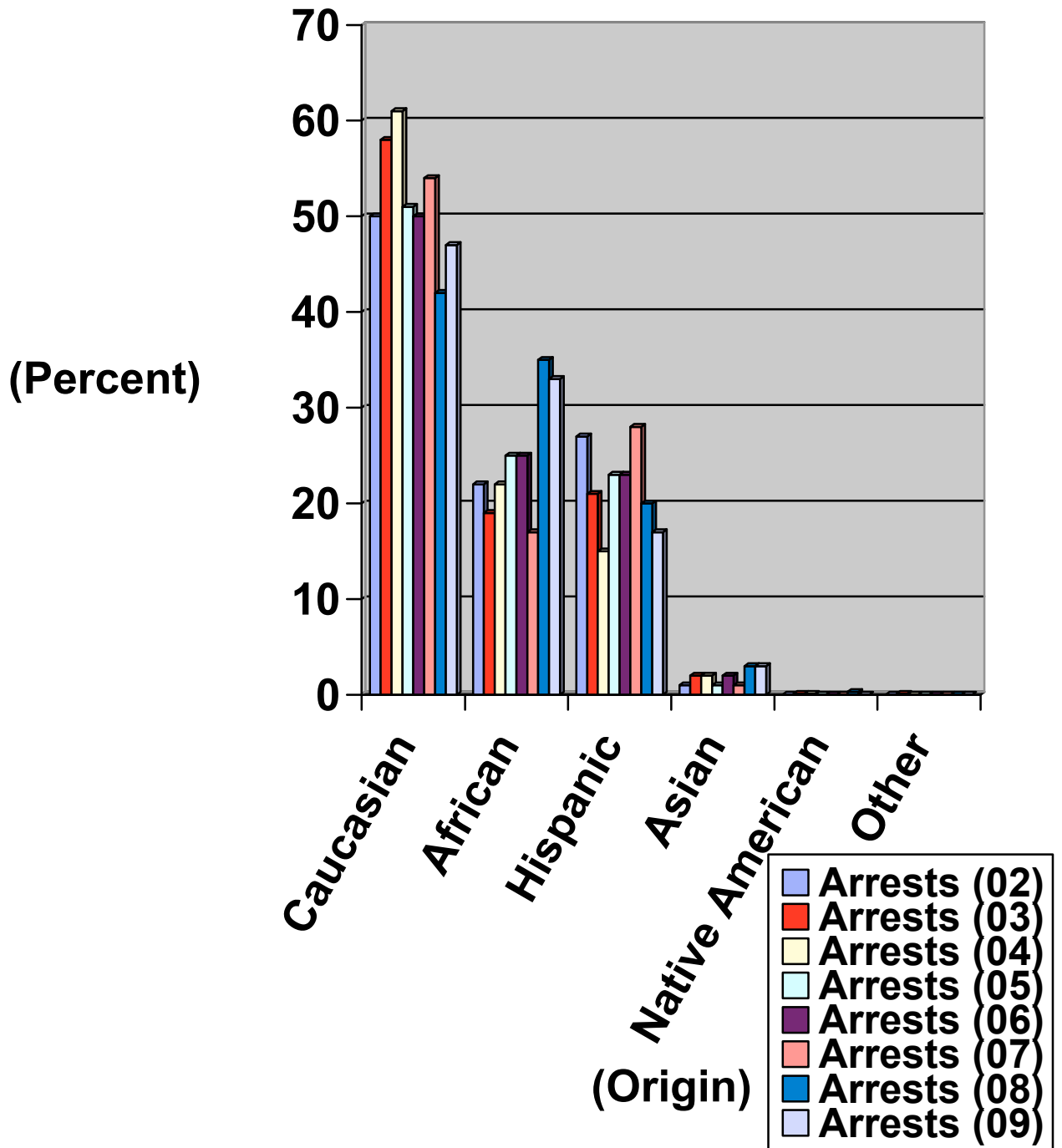
**Comparison of Eight-Year Traffic-Related Arrest Information
(1/1/02---12/31/09)**

Race/Ethnicity*	Traffic-Related Contacts (in percentages)							
	(02)	(03)	(04)	(05)	(06)	(07)	(08)	(09)
Caucasian	50	58	61	51	50	54	42	47
African	22	19	22	25	25	17	35	33
Hispanic	27	21	15	23	23	28	20	17
Asian	1	2	2	1	2	1	3	3
Native American	0	.10	.1	0	0	0	.3	0
Other	0	.10	0	0	0	0	0	0
Total	100	100**	100**	100	100	100	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

Tier 1 Data (Arrests 02-09)



Analysis and Interpretation of Data

Analysis

In 2001, the Texas Legislature passed Senate Bill 1074 which later became the Texas Racial Profiling Law. The law came into effect on January 1, 2002 and requires that all police departments in Texas collect traffic-related data and report this information to their local governing authority by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret traffic-related data. Although most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if police departments are engaging in racial profiling, from a review or analysis of aggregate data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic-related contacts.

During the past legislative session, the Texas Legislature passed House Bill 3389 which modified the existing Racial Profiling Law by adding new requirements; this was due to take effect on January 1st, 2010. These new changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it will require officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the new law requires adding "middle eastern" to the racial and ethnic category and submitting the annual traffic data report to TCLEOSE before March 1st of each year, starting March 1st, 2011. I am pleased to inform you that these changes have already been addressed by the Addison Police Department. Further, the report to be submitted in 2011 will illustrate these changes, are required by law.

The Addison Police Department, in an effort to comply with The Texas Racial Profiling Law (S.B. 1074), commissioned the analysis of its 2009 traffic contact data. Thus, three different types of data analyses were performed. The first of these involved a careful evaluation of the 2009 traffic stop data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, and individuals belonging to the "other" category, that came in contact with the police in the course of a traffic-related stop, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also, the data analysis included the number and percentage of individuals who, after they came in contact with the police for a traffic-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2009 traffic-contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate

baseline to be used when analyzing traffic-related contact information. Of the baseline measures available, the Addison Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2000) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Addison Police Department in 2009 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all traffic-related contacts made in a given year.

Throughout the years, several civil rights groups in Texas have expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Addison Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to Addison.

The final analysis was conducted while using the 2002--2009 traffic contact data. Specifically, all traffic-related contacts made in 2009 were compared to similar figures reported in 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Although some researchers may not support the notion that in eight years, a “significant” and “permanent” trend can take effect, when considering this analysis, it was determined that comparing eight years of traffic contact data may highlight possible areas of consistency with regards to traffic-related contacts. That is, the eight-year comparison has the potential of revealing indicators that a possible trend of traffic-based contacts with regards to members of a specific minority group, may in fact, develop.

Tier 1 (2009) Traffic-Related Contact Analysis

When analyzing the Tier 1 data collected in 2009, it was evident that most traffic-related contacts were made with Caucasian drivers. This was followed by African American and Hispanic drivers. With respect to searches, most of them were performed on Caucasian drivers. This was followed by African Americans and Hispanics. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in traffic-related contacts; this was followed by African Americans and Hispanics.

Fair Roads Standard and U.S. Census Analysis

The data analysis of traffic contacts to the census data relevant to the number of “households” in Addison who indicated, in the 2000 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American descent that came in contact with the police was higher than the percentage of African American households in Addison that claimed, in the 2000 census, to have access to vehicles. With respect to Caucasian, Hispanic, Asian and Native American drivers, a lower percentage of contacts were detected. That is, the percentage of Caucasian, Hispanic, Asian and Native American drivers that came in contact with the police in 2009 was lower than the percentage of Caucasian, Hispanic, Asian and Native American households in Addison with access to vehicles.

Eight-Year Comparison

The eight-year comparison (02-09) of traffic-contact data showed some similarities. As illustrated in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the Addison Police in 2009 was similar to the percentage of drivers, from the same racial/ethnic groups that came in contact with the Addison Police Department in 2008, 2007, 2006, 2005, 2004, 2003 and 2002. When comparing 2009 to the previous years, there was a decrease in percentage among Caucasians.

It is clear that commonalities in the data existed, when analyzing the search-related contacts for all eight years. An increase in percentage was detected among Caucasians and African Americans while a percentage decrease was noted among Hispanics. When considering the arrests made, the data revealed that the percentage of arrests increased among Caucasians while a decrease in percentage was evident among African Americans and Hispanics.

Summary of Findings

The comparison of traffic contacts showed that the Addison Police Department came in contact (in traffic-related incidents) with a smaller percentage of Caucasian, Hispanic, Asian and Native American drivers than the percentage that resided in Addison and had access to vehicles. Further, the data suggested that the percentage of African American drivers that came in contact with the police in 2009 was higher than the percentage of African American households in Addison with access to vehicles.

A careful examination of the eight-year traffic-related contact data suggested that the Addison Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past 8 years is in place despite the fact the city demographics may have

changed, thus, increasing the number of subjects likely to come in contact with the police.

While considering the findings made in this analysis, it is recommended that the Addison Police Department should continue to collect and evaluate additional information on traffic-contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the traffic-related contacts police officers are making with all individuals; particularly with African Americans. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all traffic contacts made with the public. It should be noted that the Addison Police Department has addressed all previous recommendations as these pertained to independent audits. The results of these audits suggest that the Department is collecting and reporting data in an accurate manner. With regard to the current report, the Addison Police Department is encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2010.
- 2) Commission quarterly audits in 2010 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The information and analysis provided in this report serves as evidence that the Addison Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements **were** met by the Addison Police Department in accordance with The Texas Racial Profiling Law:

- Clearly defined act or actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Addison Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2010.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting, LLC
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting, LLC, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

Council Agenda Item: #R6

AGENDA CAPTION:

Presentation, discussion and consideration of approval of the Dallas County Capital Improvement Program Project Supplemental Agreement to the Master Agreement governing major capital transportation improvement projects for the Addison Trail Phase 3 and 4 (Vitruvian Park).

FINANCIAL IMPACT:

Budgeted Amount: \$2,000,000 Cost: \$2,000,000 This agreement provides for reimbursement to the Town of Addison from Dallas County of up to \$2,000,000.

BACKGROUND:

Staff has pursued additional funding sources for the Vitruvian Park project, requesting Dallas County participation in the cost of design and construction. The attached agreement formalizes the commitment by Dallas County, and accepts their financial participation. With the completion of this agreement, Dallas County will reimburse the Town for up to \$2,100,000 minus \$100,000 for In-House Project Delivery costs, for a net reimbursement of \$2,000,000.

The Town received bids for the proposed construction of the Vitruvian Park Phase 1C project, including trails on December 3, 2009. The project was awarded to North Texas Contracting, Inc. on February 9th, 2010 for \$8,611,131.54 with \$1,000,000 allocated to be received from Dallas County. The other \$1,000,000 expected to be received from Dallas County is allocated to additional trail construction along Vitruvian Way south of Spring Valley, the one pedestrian bridge and two vehicular bridges. The agreement with Dallas County anticipates Dallas County contributing up to 50 percent for items specifically related to the pedestrian trail construction.

RECOMMENDATION:

Staff recommends Council authorize the City Manger to enter into the Dallas County Capital Improvement Program Project Supplemental Agreement to the Master Agreement governing major capital transportation improvement projects for Addison Trail Phases 3 and 4 (Vitruvian Park) and receive financial participation of \$2,100,000 minus \$100,000 for In-House Project Delivery cost, for a net reimbursable amount of \$2,000,000 from Dallas County, subject to City Manager and legal review.

COUNCIL GOALS:

Promote Quality Transportation Services, Take actions to make Addison a leader in sustainable development and operations that protect and enhance the Town's quality of life

ATTACHMENTS:

Description:

[Dallas County Agreement](#)

Type:

Cover Memo

STATE OF TEXAS §
COUNTY OF DALLAS §

**DALLAS COUNTY CAPITAL IMPROVEMENT PROGRAM
PROJECT SUPPLEMENTAL AGREEMENT
TO THE MASTER AGREEMENT GOVERNING
MAJOR CAPITAL TRANSPORTATION IMPROVEMENT PROJECTS**

WHEREAS, the Town of Addison, Texas, hereinafter called “TOWN”, and the County of Dallas, Texas, hereinafter called “COUNTY”, desire to enter into a PROJECT SUPPLEMENTAL AGREEMENT, hereinafter called “PSA”, in order to contract for the implementation of the Major Capital Improvement Project authorized by Court Order 2002-1375 dated July 30, 2002 which approved specified projects including **ADDISON TRAIL PHASES 3 AND 4, (VITRUVIAN TRAIL) MCIP PROJECT 10307**, hereinafter called “PROJECT”; and

WHEREAS, TOWN has requested that it be designated as the LEAD AGENCY for the Project and provide the Project Manager; and

WHEREAS, CHAPTER 791 OF THE TEXAS GOVERNMENT CODE and TEXAS TRANSPORTATION CODE ARTICLE 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of road or street projects.

NOW THEREFORE THIS PSA is made by and entered into by the TOWN, and the COUNTY, for the mutual consideration stated herein.

W I T N E S S E T H

ARTICLE I.

PROJECT SUPPLEMENTAL AGREEMENT

This PSA is to specifically identify the PROJECT, changes in the rights and responsibilities of each of the parties as set forth in the MASTER AGREEMENT and additions thereto as incorporated herein. This PSA will be an addition to the MASTER AGREEMENT and incorporate each of its terms and conditions. All terms of the MASTER AGREEMENT remain in full force and effect except as modified herein. In the event of any conflict between the MASTER AGREEMENT and this PSA, this PSA shall control.

ARTICLE II
INCORPORATED DOCUMENTS

This PSA incorporates, as if fully reproduced herein word for word and number for number, the following items:

1. MASTER AGREEMENT authorized by County Commissioners Court Order 2002- 1375 dated July 30, 2002;
2. Project Location and Context, as shown in ATTACHMENT “A”
3. Project Scoping Sheets, as shown in ATTACHMENT “A1”;
4. Current Cost Estimates and Funding Sources, as shown in ATTACHMENT “B”.

ARTICLE III
TERM OF AGREEMENT

This PSA becomes effective when signed by the last party whose signing makes the respective agreement fully executed (The “Effective Date”) and shall terminate upon the completion and acceptance of the Project by Dallas County Commissioners Court or upon the terms and conditions in the MASTER AGREEMENT, Article IV. Section 1, Termination.

ARTICLE IV
PROJECT DESCRIPTION

This PSA is entered into by the parties for public transportation improvements to “PROJECT”, in the Town of Addison, Texas. The PROJECT is the construction of transportation infrastructure that facilitates pedestrian and bicycle access to local destinations both nearby and within an extensive pedestrian-oriented mixed-use neighborhood providing connections between home, work, recreation, retail, dining and education. The intent of this project is to enhance capacity on regional thoroughfares by significantly improving pedestrian and bicycle mobility and multimodal access in this northern portion of Dallas County.

Article V
FISCAL FUNDING

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of COUNTY funding for each item and obligation contained herein. TOWN shall have no right of action against the County of Dallas as regards this PSA, specifically including any funding by COUNTY of the Project in the event that the COUNTY is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the COUNTY, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Notwithstanding anything to the contrary herein, this **PSA** is expressly contingent upon the availability of TOWN funding for each item and obligation contained herein. COUNTY shall have no right of action against the TOWN as regards this **PSA**, specifically including any funding by TOWN of the PROJECT in the event that the TOWN is unable to fulfill its obligations under this **PSA** as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this **PSA** or failure of any funding party to budget or authorize funding for this **PSA** during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the TOWN, as its sole discretion, may provide funds from a separate source or terminate this **PSA**. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

ARTICLE VI

AGREEMENTS

COUNTY AND TOWN DO COVENANT AND AGREE AS FOLLOWS

1. TOWN will be the LEAD AGENCY for the PROJECT from commencement of planning to completion of construction. TOWN and COUNTY mutually agree that the PROJECT limits are as follows: Spring Valley Road on the north and Brookhaven Community College on the south.
2. The agreed upon STANDARD BASIC PROJECT DESIGN for the project is as defined in the PROJECT SCOPING SHEETS, ATTACHMENT "A1". Such design shall be the STANDARD BASIC PROJECT DESIGN for the PROJECT and specifically does not include PAVING and DRAINAGE AMENITIES or UTILITY BETTERMENTS as defined in the MASTER AGREEMENT.
3. The PROJECT may require the acquisition of right-of-way, which is specifically all real property needed or convenient for roadway and/or drainage purposes as shown in the PROJECT design or right-of-way plans and specifically includes all real property outside of the designed right-of-way needed, if applicable, or convenient to the construction, drainage, interface with adjoining streets or alleys, driveways or other access ways or other PROJECT permanent or temporary easements which is approved by TOWN and COUNTY. Such right-of-way acquisition, if deemed necessary, shall be the responsibility of the TOWN as LEAD AGENCY, and shall be funded as part of PROJECT costs.

ARTICLE VII

TOWN COVENANTS AND AGREES AS FOLLOWS

1. To execute the necessary agreements for the implementation of design and construction of the PROJECT mutually agreed upon and incorporated herein by this PSA.
2. This PSA is TOWN approval of the preferred alignment, proposed estimated budget and funding as shown in the CURRENT COST ESTIMATES AND FUNDING SOURCES, ATTACHMENT "B", and commitment to meet PROJECT funding for each milestone.

3. If the TOWN requests to add relocation or adjustment of TOWN UTILITIES or UTILITY BETTERMENTS, as defined in the MASTER AGREEMENT, TOWN covenants and agrees that it will pay 100% of the costs of these additions.
4. This PSA is specifically conditioned upon the TOWN providing supplemental funding.
5. To ensure that all COUNTY funded transportation infrastructure elements are dedicated to the public right-of-way or for public usage.
6. The TOWN agrees that COUNTY may include any such item as an optional item to the construction bidding. TOWN further agrees to review the bids submitted, the bid specifications, quantities, bid amount and any other item the TOWN shall choose to review and furnish a written acceptance or rejection of the bid within ten (10) days. In the event the bid is accepted, TOWN agrees to encumber an amount adequate, as determined by the COUNTY within thirty (30) days of notification by the COUNTY, for the total estimated project costs as indicated in ATTACHMENT "B". No optional ROAD or STREET AMENITIES, relocation or adjustment of CITY UTILITIES or UTILITY BETTERMENT construction contract or bid will be accepted without the complete amount funded by TOWN. In the event the PAVING and DRAINAGE AMENITIES or UTILITY BETTERMENTS bid is rejected, it will not be included in the construction contract.
7. In order to certify compliance with the expenditure of the PROJECT funding for this PSA, the TOWN agrees to furnish to the COUNTY, its Auditor, or its designated representative(s) the unrestricted right to audit any and all accounting and other records regarding any funds paid or claimed under this agreement, including, but not limited to all books, records, reports, tickets, deposits, expenditure, budget or any item therein, supporting data, computer records and programs, and all items of hardware, software or firmware, or any other item utilized by the TOWN regarding this PSA (records). TOWN contracts and agrees that all records shall be kept and maintained for a period of time not less than four (4) years from the date of the termination of this PSA. Such records shall be provided to the COUNTY in Dallas County, Texas and available for any audit at any time upon request.
 - a. The results of any audit may be furnished to TOWN for comment. In the event that any audit shall determine that moneys are owed to COUNTY such sums are deemed to be due and payable to Dallas County, Texas, within thirty (30) days of the date of an invoice for such cost being deposited in the US Mail, Certified Mail, and Return Receipt Requested.
 - b. The audit provisions of this agreement shall survive the termination of this agreement until all PROJECT claims to which Dallas County, Texas, is or may be a party, are fully paid or reduced to judgment not subject to appeal and barred by the Texas Statute regarding limitation of actions.
8. TOWN will accomplish all tasks and responsibilities of the LEAD AGENCY as set forth in the MASTER AGREEMENT GOVERNING MAJOR CAPITAL IMPROVEMENT PROJECTS cited above, and as specifically referred to but not limited to in Article I. Definitions, h); Article VII, P.; Article IX, F,G and L.
9. To utilize all funding provided by COUNTY solely for the purpose of construction and plan review for the named PROJECT.

ARTICLE VIII.

COUNTY COVENANTS AGREES AS FOLLOWS:

1. Provide PROJECT funding in an amount not to exceed **TWO MILLION ONE HUNDRED THOUSAND and no hundred DOLLARS. (\$2,100,000)** towards transportation infrastructure elements identified in ATTACHMENTS “A,” “A1,” and “B” that are eligible for County MCIP funding, per the MCIP Master Agreement. Funding for the trail related items of Addison Trail Phase 3 is NTE \$1,000,000 as detailed in Table B.1 of ATTACHMENT “B”. From the aforesaid \$2,100,000, COUNTY project delivery costs including but not limited to design review and construction inspection in an amount to not exceed \$100,000 will be deducted from County financial participation further detailed in ATTACHMENT “B”.
2. COUNTY will retain the right to review plans, change orders and amendments prior to and during construction. TOWN shall be the LEAD AGENCY for this PROJECT and TOWN will provide project management of the Project from commencement of planning to completion of construction.
3. Provide MCIP funding for multimodal pathways dedicated for public usage that enhance non-vehicular mobility.
4. Provide MCIP funding for strategic sidewalk connections within the public right of way that link together nearby off-street trails into a regional multimodal route. Funding of sidewalks extending beyond the public right of way shall be by others.
5. Provide MCIP funding for the portion of bridges facilitating pedestrian connections to trails dedicated for public usage and sidewalk connections within the public right-of-way.
6. Provide MCIP funding for County approved multimodal access that provides enhanced capacity on regional thoroughfares.

ARTICLE IX.

FUNDING

1. COUNTY and TOWN mutually agree to proportionately fund the DIRECT PROJECT and PROGRAM cost as follows.
2. Notwithstanding any provision in the MASTER AGREEMENT, any amendment thereto, if any, this PSA or any other agreement between the parties, COUNTY’s total obligation to this PROJECT is to provide funding in an amount not to exceed **TWO MILLION ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$2,100,000.00)** for the **Total Project Costs**, less \$100,000 for in-house project delivery costs. If the total PROJECT costs excluding trail amenities or utility betterments should exceed this amount, the TOWN and COUNTY agree to amend the project's scope to remain within the current estimated **Not To Exceed Amount** or all County Commissioners Court approved, additional PROJECT costs. MCIP funding of \$1,600,000 shall be

combined with \$500,000 which shall be transferred from Road and Bridge District 1 funding to Fund 196, Project 08201 for use in the above stated PROJECT.

3. TOWN agrees to encumber an amount adequate for total estimated project costs as determined prior to the commencement of each PROJECT milestone. TOWN shall invoice COUNTY for payment as defined in the CURRENT COST ESTIMATES AND FUNDING SOURCES, ATTACHMENT “B”. The COUNTY will pay PROJECT costs as invoiced by the TOWN in accordance with the Texas Prompt Payment Act.
4. TOWN covenants and agrees that it has included PAVING and DRAINAGE AMENITIES, UTILITY BETTERMENTS as defined in the MASTER AGREEMENT, and relocation or adjustment of TOWN UTILITIES in the PROJECT. TOWN and COUNTY agree that TOWN, in addition to the above listed PROJECT cost, shall pay 100% of each item and all additional County DIRECT PROJECT and PROGRAM COST for the inclusion of such items in the PROJECT.
5. The TOWN will be responsible for all costs which are estimated not to exceed **Fourteen Million Dollars and no cents (\$14,000,000.00)**. If the total project costs should exceed this amount, the TOWN agrees to amend the project’s scope to remain within the current estimated **not to exceed amount** or be responsible for all additional project costs.

ARTICLE X.

MISCELLANEOUS:

1. **No Third Party Beneficiaries**, The terms and provisions of this PSA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of TOWN and COUNTY that any entity other than TOWN or COUNTY receiving services or benefits under this PSA shall be deemed an incidental beneficiary only. This PSA is intended only to set forth the contractual right and responsibilities of the parties hereto.
2. **Applicable Law**. This PSA is and shall be expressly subject to the Sovereign Immunity of COUNTY and Governmental Immunity of TOWN, Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable Federal and State Law. This PSA shall be governed by and construed in accordance with the laws and case decisions of the State of Texas. Exclusive venue for any legal action regarding this PSA filed by either TOWN or COUNTY shall be in Dallas County, Texas.
3. **Notice**. Any notice provided for in this Agreement to be given by either party to the other, shall be required to be in writing and shall be deemed given when personally delivered, or two (2) business days after being deposited in the United States Mail, postage prepaid, certified, returned receipt requested, or registered addressed as follows:

- a) To County: County of Dallas
Mr. Donald Holzwarth, P.E.
Director of Public Works
Dallas County Administration Building
411 Elm Street, Fourth Floor
Dallas County, Texas 75202-3389
- b) To TOWN: Ms. Nancy Cline, P.E.
Town of Addison

Director of Public Works
16801 Westgrove Dr.
Addison, Texas 75001

- c) Either party may change its address for notice by giving the other party notice thereof.
4. **Assignment.** This PSA may not be assigned or transferred by either party without the prior written consent of the other party.
 5. **Binding Agreement; Parties Bound.** This PSA has been duly executed and delivered by both parties and constitutes a legal, valid and binding obligation of the parties, their successors and permitted assigns.
 6. **Amendment.** This PSA may not be amended except in a written instrument specifically referring to this PSA and signed by the parties hereto.
 7. **Number and Gender.** Words of any gender used in this PSA shall be held and construed to include any other gender and words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise.
 8. **Effective Date.** This PSA shall commence on the Effective Date. The Effective Date of this PSA shall be the date it is executed by the last of the parties. Reference to the date of execution shall mean the Effective Date.
 9. **Counterparts.** This PSA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. **Severability.** If one or more of the provisions in this PSA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this PSA to be invalid, illegal or unenforceable, but this PSA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this PSA, which shall remain in full force and effect.
 11. **Entire Agreement.** This PSA embodies the complete agreement of the parties, supersedes all oral or written previous and contemporary agreements between the parties and relating to matters in the PSA.
 12. **Contingent.** This Agreement is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by resolution of the respective Town's Councils.

The Town of Addison, State of Texas, has executed the Agreement pursuant to duly authorized TOWN Council Resolution _____, Minutes _____ Dated the ____ day of _____, 200_ .

The County of Dallas, State of Texas, has executed this agreement pursuant to Commissioners Court Order Number _____ and passed on the ____ day of _____, 200_ .

TOWN OF ADDISON

COUNTY OF DALLAS

BY _____
TITLE

BY _____
JIM FOSTER, COUNTY JUDGE

ATTEST:

APPROVED AS TO FORM*:

TOWN SECRETARY \ ATTORNEY

Robert Schell, Civil Section
Assistant District Attorney

*By law, the District Attorney's 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).

ATTACHMENT A
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**

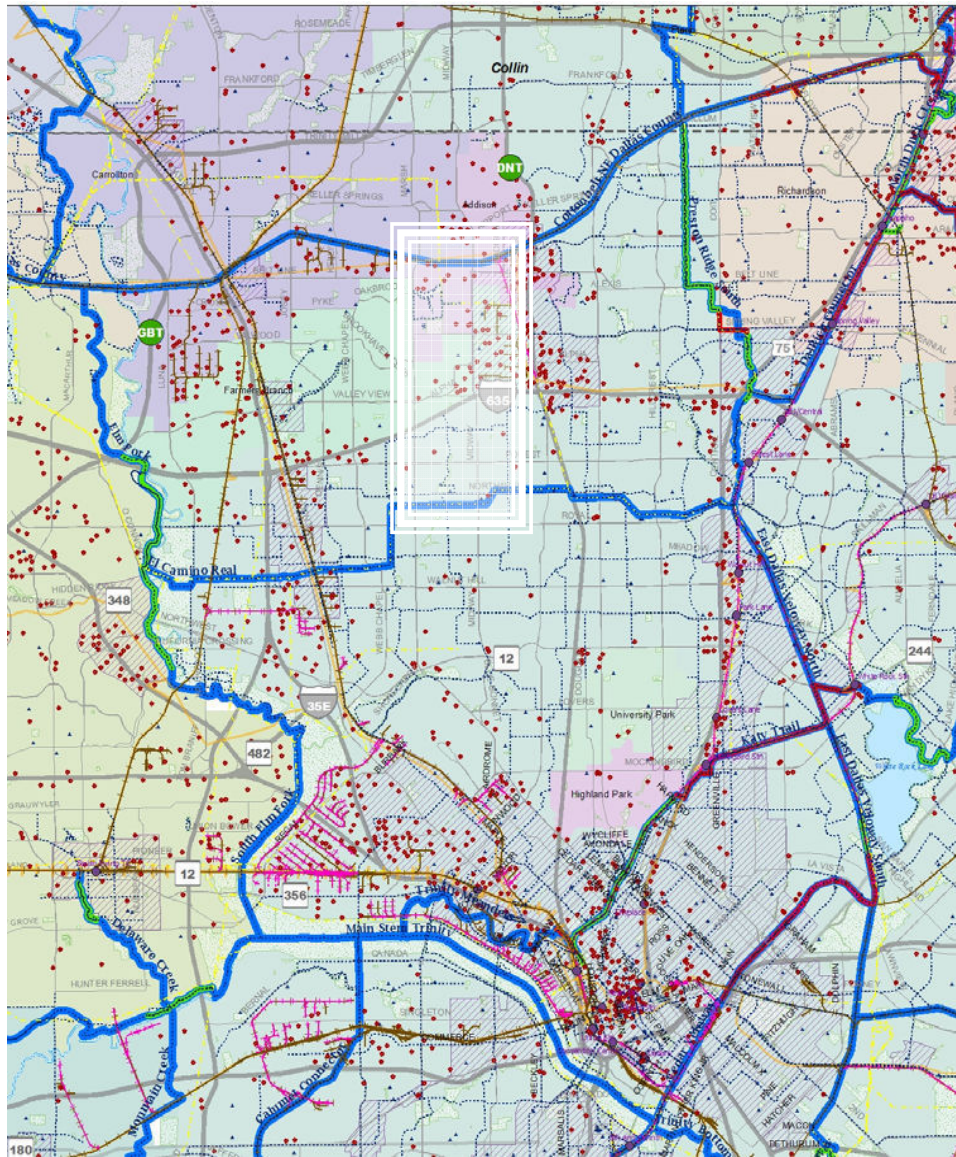
PROJECT CONTEXT AND SCOPE

Project Name: Addison Trail (Phases 3&4)
MCIP Project: 10307

The PROJECT is the construction of multi-use transportation infrastructure facilitating pedestrian, bicycle and other non-vehicular travel between surrounding destinations and within a pedestrian-oriented mixed-use neighborhood providing connections between home, work, recreation, retail, dining and education.



Figure A.1: Conceptual aerial image of Vitruvian Park pedestrian-oriented neighborhood at full vertical build-out showing context for the proposed transportation infrastructure improvements. Note Brookhaven College is located in the lower left portion of image.
(Source: Vitruvian Park website)



Legend

- Regional Veloweb Alignment
- Completed Regional Veloweb
- Funded Regional Veloweb
- Bicycle and Pedestrian Transportation District
- Bike Trails - Undergoing Updates
- Existing Rail Station
- Existing TRE Rail Line
- Future Commuter Rail Line, Mobility 2030
- Abandoned Rail Corridor
- - - Utility Corridor
- Rail Line, TxDOT Data
- Major Employer (100+)
- ▲ School
- Park
- Lakes and Streams
- MPA Boundary
- County Boundary

Breakout Mapping Key

- Functional Trail
- Needs Improvement - Deteriorating Facilities
- Missing Connections - Trail is Incomplete
- Location for possible trail re-alignment or expansion

Figure A.2: Regional context for Addison Trail route within white rectangular frame detailed in Figure A.3 (Source: NCTCOG website, 1/28/2010)

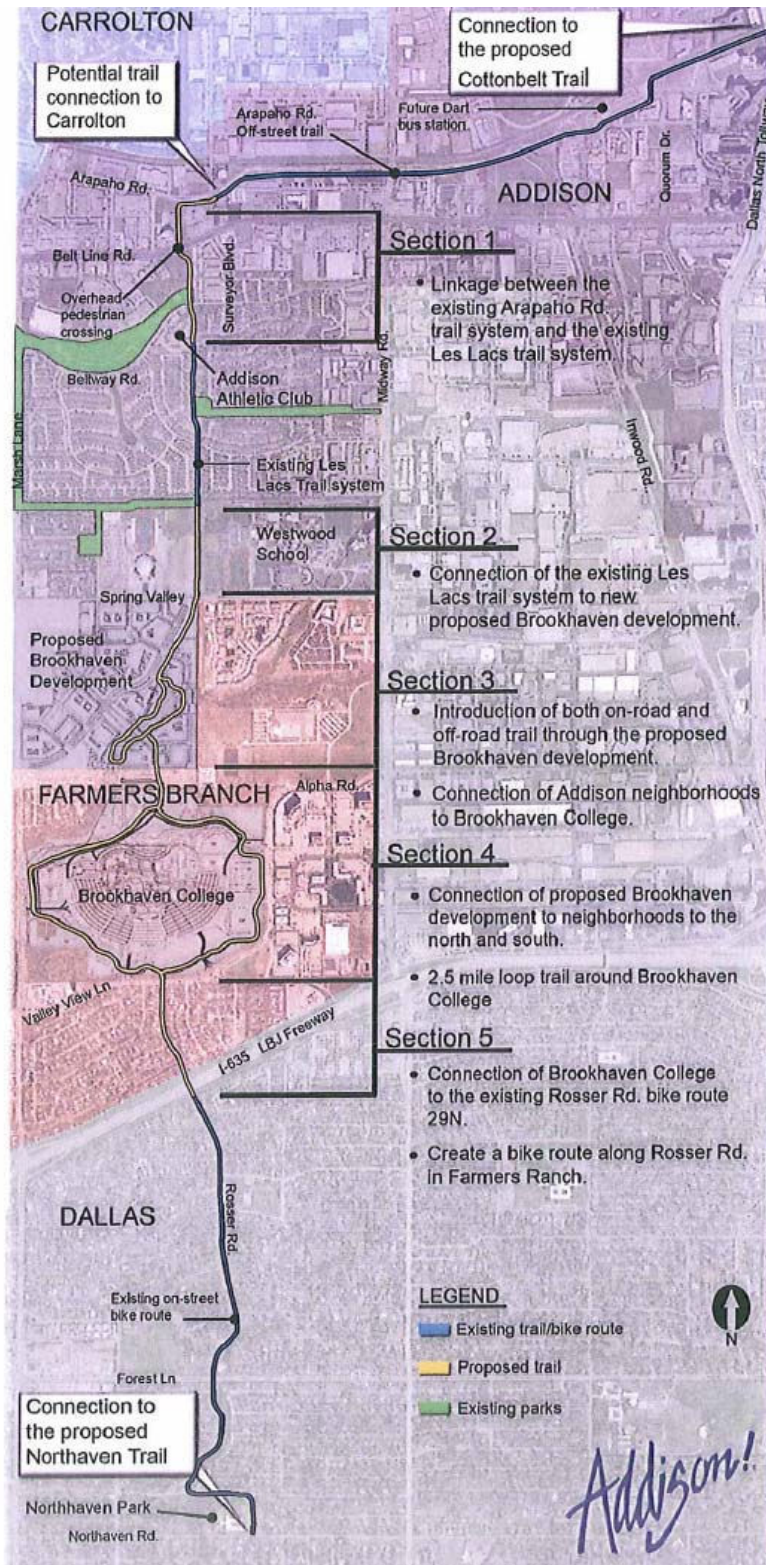


Figure A.3: Detailed context of Addison Trail within 6.5-mile regional connection between future Northaven Trail and Cottonbelt Trail. Proposed improvements in this PSA to occur in Sections 3 and 4. Note “Proposed Brookhaven Development” on this map is the current Vitruvian Park pedestrian-oriented development (Source: Town of Addison MCIP 5th Call application)

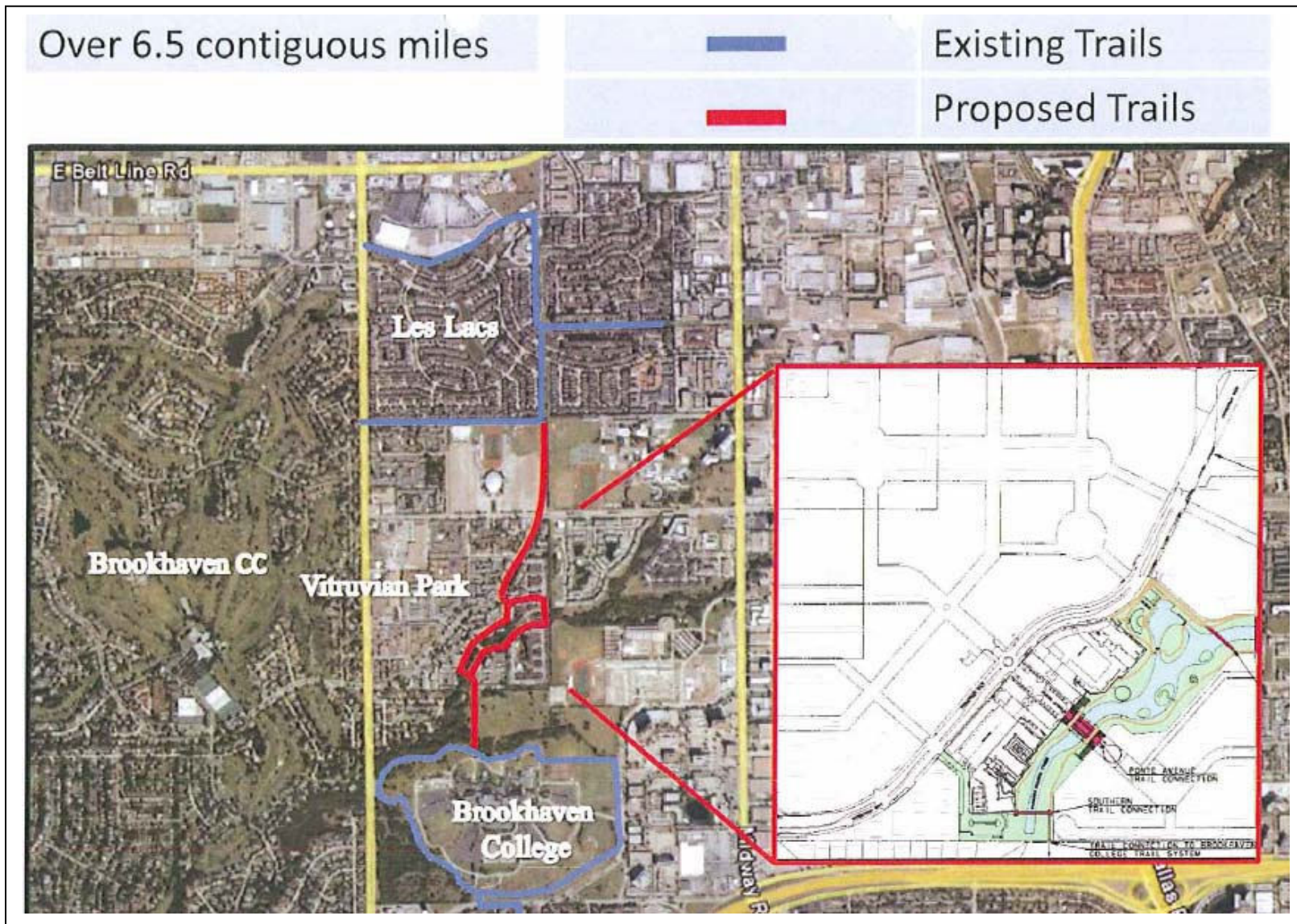


Figure A.4: Local area context of Addison Trail route highlighting area for improvements addressed in this PSA detailed in Figure A.5. Note that existing Brookhaven Loop Trail surrounding Brookhaven College is only 4-foot wide does not meet current AASHTO minimum bicycle trail width of 8-feet.

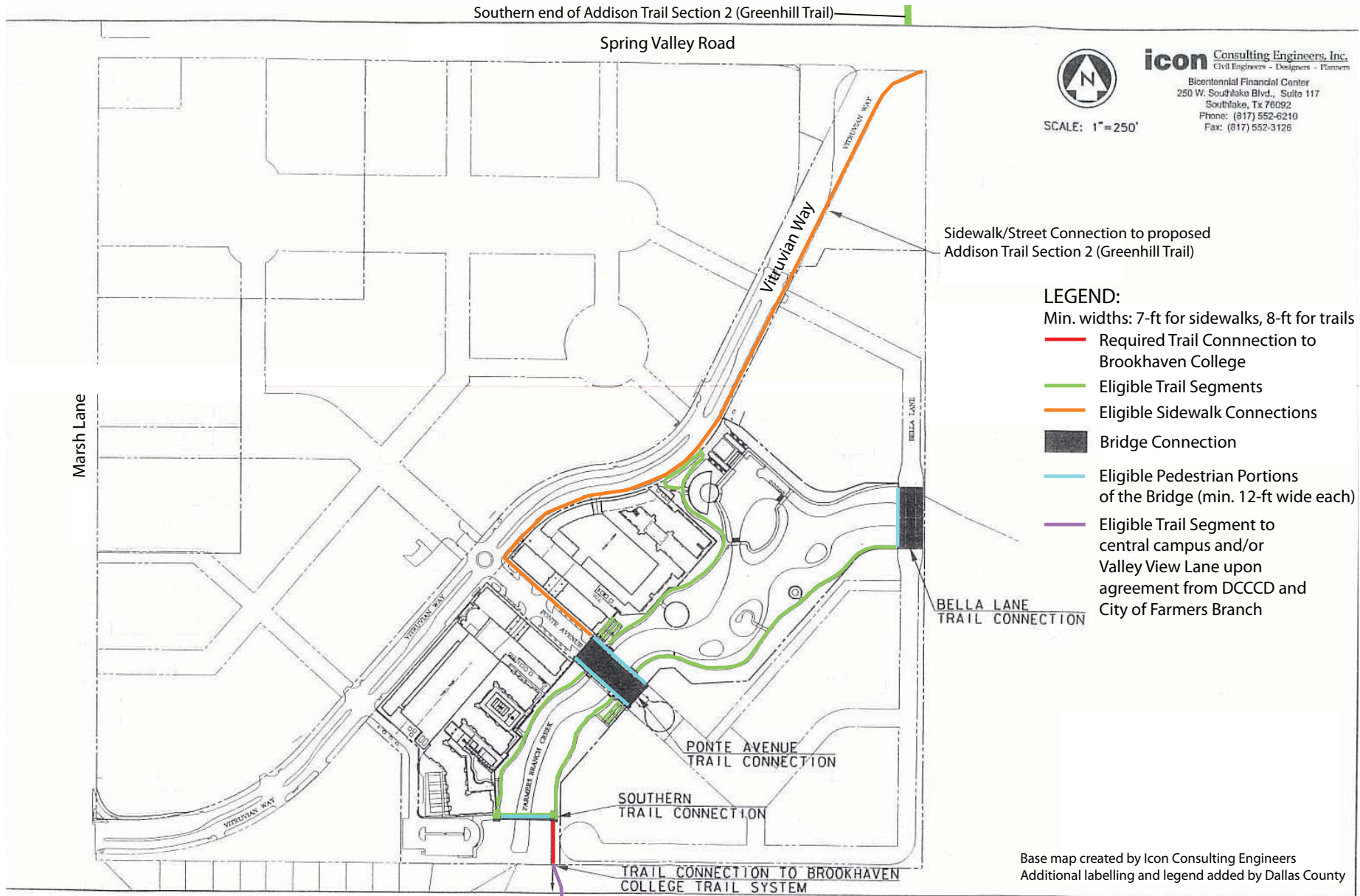


Figure A.5: Location of transportation infrastructure elements eligible for funding as described in the Legend. (Source: Town of Addison MCIP 5th Call application, attachment from 8/14/2009 letter). Note that Addison Trail Section 2 was also selected for MCIP funding.

ATTACHMENT A1
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**
PROJECT SCOPING SHEETS

Project Name: Addison Trail (Phases 3&4)
MCIP Project: 10307

SPECIFIC R.O.W. ALIGNMENT DESCRIPTION

City Council approves of the Financing, Construction or Improvement on Addison Trail (Phases 3&4) beginning at Spring Valley Rd and ending at Brookhaven College, with a minimum eight foot wide trail, and minimum twelve foot wide bridge crossings for bicycles and pedestrians or as otherwise necessary and convenient for construction of the project, as more fully described in the Attachment A1 and consent to acquire by condemnation, right of way or easement which Dallas County Commissioners Court determines is necessary or convenient to the project.

LEAD AGENCY:	Town of Addison
LEAD AGENCY'S PROJECT MANAGER:	Clay Barnett
CONTACT INFORMATION:	(972) 450-2857
PROJECT LIMITS:	(See attachment A1)
PROJECT LENGTH:	(See attachment A1)

Section 1.01 PAVEMENT AND ALIGNMENT TOPICS

1) PAVEMENT SECTION

PAVING DESIGN CRITERIA Town of Addison and AASHTO guidelines

ROW WIDTH:

Existing: See attachment A1

Proposed: See attachment A1

PAVEMENT WIDTH:

Existing: Dirt

Proposed: 8 to 12 ft Concrete Pavement

No. of lanes proposed: N/A

PAVEMENT CROSSFALL:

PROPOSED	<input type="text"/>
MINIMUM	<input type="text"/>
MAXIMUM	<input type="text" value="2% Max"/>

2)
3) MEDIANS N/A

MEDIAN WIDTH

ANY MID BLOCK OPENINGS TO CONSIDER? YES NO

ANY SIDE STREETS TOO CLOSE FOR OPENING? YES NO

STANDARD TURN LANE WIDTH

STANDARD NOSE WIDTH

PARKWAY:

Proposed Width	<input type="text"/>
Proposed Sidewalk Width	<input type="text"/>
Parkway cross fall slope maximum	<input type="text"/>

GRADE REQUIREMENTS:

Is TC 6" below adjacent ground criteria to be followed? YES NO N/A

Any deep cuts, high fills? YES NO

VERTICAL GRADE:

MINIMUM	<input type="text" value="0.5%"/>
MAXIMUM	<input type="text" value="4.9%"/>

CENTERLINE ALIGNMENT POSITION:

IN CENTER OF EXISTING ROW? YES NO

OFFSET FROM CENTER? YES NO If yes, what distance?

ON BRAND NEW ALIGNMENT? YES NO

LEFT TURN LANES: YES NO N/A

If yes, are left turn lanes designated or continuous? DESIGNATED CONTINUOUS

MINIMUM LENGTH:

MINIMUM STORAGE:

WIDTH:

ANY DUAL LEFT TURN LANES? YES NO

ANY FREE RIGHT TURN LANES? YES NO

CRASH CUSHIONS/ATTENUATORS INVOLVED? YES NO

RAILROAD CROSSINGS INVOLVED? YES NO

(ii) NOTE: IF CURRENT CROSSING IS NOT USED, IS ABANDONMENT AN OPTION?
 YES NO N/A

1) PAVEMENT STRUCTURE

DESIGN LOAD

BUS AND HEAVY TRUCK TRAFFIC? YES NO

ROADWAY CLASSIFICATION

MINIMUM PAVEMENT STRUCTURE THICKNESS:

MINIMUM PAVEMENT BASE OR SUBGRADE THICKNESS:

DESIGN SPEED

POSTED SPEED

2)

3) DRIVEWAYS

MAXIMUM RESIDENTIAL GRADE (%)

MAXIMUM COMMERCIAL GRADE (%)

MINIMUM COMMERCIAL DRIVEWAY WIDTH

(iii) SIDE STREET CONSIDERATIONS:

TURNING RADIUS, MINIMUM

PAVEMENT THICKNESS

COMMERCIAL DRIVEWAY THICKNESS

a) DRAINAGE TOPICS

STORM SEWER DESIGN CRITERIA:

TxDOT CITY HYDRO-35 TP-40

INLET DEPTHS (APPROPRIATE FOR PAVEMENT THICKNESS)

MINIMUM COVER FOR LATERALS

BRIDGES/BOX CULVERTS INVOLVED? YES NO

If yes, specify involvement: BRIDGE(S) BOX CULVERT(S)

100 YEAR FLOOD PLAIN CONSIDERATION? YES NO

If yes, how many feet of freeboard are required?

(b)

(c) **PERMITS**

COE 404 PERMITS NEEDED YES NO

TNRCC 401 PERMIT YES NO

CDC PERMIT YES NO

EIS YES NO

ADA PERMIT YES NO

ANY OTHER PERMITS FROM OTHER AGENCIES SUCH AS TxDOT, DFW AIRPORT, DART, ETC.? YES NO

If yes, please document below:

To be determined by Town of Addison

Section 1.02 UTILITIES

LIST OF ALL KNOWN UTILITIES:

To be determined by Town of Addison

DOCUMENT KNOWN RISKS (TRA lines, Transmission Towers, Lone Star Gas Valve Stations) FOR OUR UTILITY PARTNERS:

To be determined by Town of Addison

ARE UTILITIES ON EXISTING STREET R.O.W.? YES NO

DO UTILITIES OWN THEIR R.O.W. OR HAVE PREVIOUS EASEMENTS?

YES NO UNDETERMINED

If yes, please describe below:

To be determined by Town of Addison

(i) HAS WORK ORDER BEEN ISSUED FOR SUE (Subsurface Utility Engineering)?

YES NO

ANY UNUSUAL CONSIDERATIONS? YES NO

If yes, please document below:

To be determined by Town of Addison

Section 1.03

Section 1.04

Section 1.05 R-O-W ACQUISITION

RIGHT OF WAY CONSTRAINTS, IF ANY, PROVIDE A LIST AND DESCRIPTION ALONG WITH DATA FOR RISK ASSESSMENT: YES NO

To be determined by Town of Addison

ANY NON-ROUTINE, i.e., CEMETARY, JUNK YARD, OLD CHURCHES, SERVICE STATIONS, CONTAMINATED SOILS, LANDFILLS, NOISE WALL CONSIDERATIONS, TRAILER PARKS, TREE ORDINANCES? YES NO

If yes, please define below:

To be determined by Town of Addison

ANY NON-CONFORMING ISSUES? YES NO

R.O.W. MAP NEEDED? YES NO

- FIELD NOTES NEEDED? YES NO
- R.O.W. PLATS NEEDED? YES NO
- RELOCATION ASSISTANCE INVOLVED? YES NO
- PARKING/LOSS OF PARKING CONSIDERATIONS? YES NO
- HISTORICAL SITE CONSIDERATION? YES NO

Section 1.06 USUAL CITY TOPICS OF CONCERN

DESIGN STANDARDS TO BE USED?

Town of Addison and AASHTO guidelines

ORDER OF PRECEDENCE OF STANDARDS

Town of Addison and AASHTO guidelines

AUXILIARY LANES? YES NO

PROVISIONS FOR FUTURE WIDENING? YES NO

LANDSCAPING? YES NO

EXPOSED AGGREGATE DRIVEWAYS, SIDEWALKS? YES NO

STAMPED/COLORED CONCRETE? YES NO

IRRIGATION? YES NO

BRICK PAVERS? YES NO

If yes, please define location(s):

(i) STREET LIGHTING? YES NO

TRAFFIC SIGNALS? YES NO

PAVEMENT MARKINGS? YES NO

BIKE LANES (EXTRA WIDTH)? YES NO If yes, specify width:

NEW SIDEWALKS? YES NO

BUS TURNOUTS? YES NO

BUS STOPS OR BUS SHELTERS? YES NO

WATER UTILITY BETTERMENTS? YES NO

WATER UTILITY RELOC.? YES NO

SAN. SEWER BETTERMENTS? YES NO

SAN. SEWER RELOC.? YES NO

RETAINING WALLS? YES NO

If yes, please specify wall type (stone, blocks, gabions, proprietary types, etc.):

SOD, SEEDING, TOPSOIL?

SOD SEEDING TOPSOIL OTHER:

DRAINAGE IMPROVEMENTS? YES NO

RR CROSSING IMPROVEMENTS? YES NO N/A

GRADE SEPARATIONS? YES NO N/A

RAMPS OR CONNECTORS TO TxDOT FACILITIES? YES NO

If yes, please specify facility(ies) below:

SPECIAL SCHOOL OR EMERGENCY VEHICLE CONSIDERATIONS

ANY NEARBY OR ADJACENT SCHOOLS, CITY HALL, FIRE OR POLICE DEPARTMENT REQUIRING SPECIAL CONSIDERATION? YES NO

If yes, please list the special consideration(s) below:

1) **PUBLIC INVOLVEMENT**

CITY COUNCIL APPROVAL OF ALIGNMENT REQUIRED? YES NO

NEIGHBORHOOD MEETING, REQUIRED? YES NO

HAVE ALL NEIGHBOR GROUPS PROVIDED EARLY INPUT?

YES NO N/A

IF REQUIRED WHO CONDUCTS, CITY OR COUNTY?

CITY COUNTY N/A

DOCUMENT POTENTIAL SITES FOR PUBLIC AND/OR NEIGHBORHOOD MEETINGS:

Section 1.07 CONSTRUCTIBILITY REPORT

FROM INSPECTION STAFF, DOCUMENT ANY AND ALL ISSUES THAT MAY AFFECT PROJECT SCOPE, BUDGET, CONSTRUCTIBILITY, THE PROJECT SCHEDULE AND/OR THE SAFETY OF PROJECT?

ATTACHMENT B

SUPPLEMENTAL AGREEMENT TO MASTER AGREEMENT GOVERNING TRANSPORTATION MAJOR CAPITAL IMPROVEMENT PROJECTS

ADDISON TRAIL (PHASES 3&4) MCIP PROJECT 10307 (Spring Valley Rd to Brookhaven College)

CURRENT COST ESTIMATES AND FUNDING SOURCES

On January 19, 2010 Dallas County Commissioners Court approved participation in Transportation Major Capital Improvement Projects for the Program Years 2010 through 2017 by Court Order 2010-0139 with a list of proposed accepted projects attached to the Court Order. This Court Order allocated a total not to exceed amount of \$2,100,000 for MCIP Project 10307, with \$500,000 allocated in FY 2010 and \$1,600,000 allocated in FY 2011. From the aforesaid \$2,100,000, COUNTY project delivery costs including but not limited to design review and construction inspection in an amount to not exceed \$100,000 will be deducted from County financial participation.

TOTAL ESTIMATED PROJECT COSTS	\$14,000,000
TOWN AND/OR OTHERS PARTICIPATION	\$12,000,000
DALLAS COUNTY PARTICIPATION (less project delivery costs)	\$2,000,000

The Dallas County financial participation will be allocated according to the following:

The first \$1,000,000 of County funding will be allocated to the Vitruvian Trail segment of Addison Trail Phase 3 and eligible associated improvements listed in Table B1 below. Of this \$1,000,000 for the Vitruvian Trail segment, up to \$500,000 will be eligible for payment in FY 2010 on a reimbursement basis, while the remaining \$500,000 will be paid no sooner than FY 2011, upon final completion of Vitruvian Trail.

The other \$1,000,000 of County funding will be allocated in FY 2011 and beyond for the following eligible items:

- Construction of a pedestrian bridge near the southern town limit connecting two segments of Addison Trail Phase 3
- Design and construction of seven-foot wide or greater sidewalk connection along Brookhaven Club Drive (Vitruvian Way) between Addison Trail Phase 3 and southern end of Addison Trail 2 at intersection with Spring Valley Road
- Construction of pedestrian portions of vehicular bridges that provide non-vehicular connections and access to Addison Trail Phase 3 within the context of a mixed-use pedestrian-oriented development
- Design and construction of Addison Trail Phase 4, from the southern end of Vitruvian Trail to the central campus of Brookhaven College and to a possible future bike pathway of width 8-ft or greater to the southern entrance of the campus at Valley View Lane
- Design and construction of Addison Trail Phase 2 from Spring Valley Road to the existing Les Lacs trail system.

TABLE B1: Eligible items associated with construction of the trail related items of Addison Trail Phase 3 and the corresponding Not To Exceed (NTE) amounts. The locations of these items are identified in green and red in Figure A.5 in ATTACHMENT “A”. Note the total NTE amount for all these items is \$1,000,000:

ITEM	NTE AMOUNT
Mobilization	\$100,000
Compliance with Storm Water Pollution Prevention Plan Including Maintenance of Erosion Control Devices	\$12,500
Removal & Recycling of Existing Concrete Curb and Gutter	50% of invoicing
Temporary Creek Diversions including De-watering, Pumps, Rock Check Dams, Sedimentation Ponds, By-pass Piping, etc. for Upper and Lower Basins (Reference Special Provision 110)	\$50,000
Clearing and Grubbing of Site	\$62,500
Unclassified Excavation and Controlled Density Placement of Embankment Materials (Reference Special Provision 73)	\$232,000
Fine Grading and Soil Preparation of Park Area Property including All Landscape Areas (+ 0.3') and Areas to be Paved (+ 0.1'); Lake Area Not Included	\$3,500
6" Reinforced Concrete Park Path Pavement (4200 psi) with Rock Salt Finish	\$85,000
6" Reinforced Concrete Sidewalk Pavement (4200 psi) with Saw Cut Pattered Finish	50% of invoicing
Reinforced Concrete Lake Edge Wall and Monolithic Concrete Cap with Medium Sand Blast Finish (3' AFG) - Ref. Special Provision 83	\$120,000
Reinforced Concrete Lake Edge Wall and Monolithic Concrete Cap with Medium Sand Blast Finish (4' AFG) - Ref. Special Provision 83	\$32,000
Reinforced Concrete Site Retaining Walls on upside of Park Path with Medium Sand Blast Finish (0' to 2.5' AFG) - Ref. Special Provision 84	50% of invoicing
Reinforced Concrete Site Retaining Wall on downside of Park Path with Medium Sand Blast Finish (0' to 2' AFG) - Ref. Special Provision 84	50% of invoicing
Furnishing and Installing Enkamat 7020 TRM Slope Reinforcement (Ref. Sheet SP 500)	50% of invoicing
Furnishing and Placing 3' Diameter Cut Limestone Rock Slope Reinforcement on Embankments immediately Downstream of Ponte Bridge Between Trail and Lake Edge (Ref. Special Provision 92)	50% of invoicing
Furnishing and Installing Light Fixture Type 2, 24'-7" Concrete Tapered Round Pole with Triple Side Mount Inserts, Complete in Place	50% of invoicing
Furnishing and Installing Light Fixture Type 3, 24'-7" Concrete Tapered Round Pole with Quadtriple Side Mount Inserts, Complete in Place	50% of invoicing
Furnishing and Installing Light Fixture Type 4, 9'-8" Aluminum Tapered Round Pole with Hinged Base, Complete in Place	50% of invoicing
Furnishing and Installing Pavestone Concrete Paver "C" - Holland Stone 1, Size 7-13/16" L x 3-7/8" W x 2-3/8" H, Bellows Brown	50% of invoicing
Furnishing and Installing Pavestone Concrete Paver "D" - ADA Paver Size 7-13/16" L x 3-7/8" W x 2-3/8" H, Antique Pewter	50% of invoicing
Furnishing and Installing Pavestone Concrete Paver "E" - Holland Stone Size 7-13/16" L x 3-7/8" W x 2-3/8" H, Antique Pewter, Running Bond	50% of invoicing
Furnishing and Installing 20" Dia. x 32" Tall Granite Bollards with Stainless Steel Cap, Dakota Mahogany, Flame Finish	50% of invoicing
Furnishing and Installing 6' x 6' Paver Grate - Ironsmith Model 6224	50% of invoicing
Furnishing and Installing Horsetail Reed, 1 Gallon, Planted 18" On Center	50% of invoicing

Furnishing and Installing Area Identification Sign including Structural Foundation, Base Plate, Post, Sign Face and Finial, complete in place.	50% of invoicing
Furnishing and Installing Primary Wayfinding Sign including Structural Foundation, Base Plate, Post, Sign Face and Finial, complete in place.	50% of invoicing
Furnishing and Secondary Wayfinding Sign including Structural Foundation, Base Plate, Post, and Sign Panel, complete in place.	50% of invoicing
Construction of South Pedestrian Bridge Landing (West Side) including Structural Concrete for Pier and Wall Construction, and Sawcut Patterned Concrete Pavement w/ Elephant Grey Medium Float Finish, Complete in Place (Ref. Spec. Prov. 87)	50% of invoicing
Construction of South Pedestrian Bridge Landing (East Side) including Structural Concrete for Pier and Wall Construction, and Sawcut Patterned Concrete Pavement w/ Elephant Grey Medium Float Finish, Complete in Place (Ref. Spec. Prov. 87)	50% of invoicing
Construction of Concrete Handicap Accessible Ramps (West Side of Creek) including Structural Walls and Concrete Ramps, Handrails and Appurtances, Complete in Place (Ref. Special Provision 89)	50% of invoicing
Construction of Concrete Handicap Accessible Ramps (East Side of Creek) including Structural Walls and Concrete Ramps, Handrails and Appurtances, Complete in Place (Ref. Special Provision 89)	50% of invoicing
Construction of Ponte Ave. Bridge Staircase (West Side) including Structural Concrete, Handrails & Appurtanances, Complete in Place (Ref. Special Provision 90)	50% of invoicing
Construction of Ponte Ave. Bridge Staircase (East Side) including Structural Concrete, Handrails & Appurtanances, Complete in Place (Ref. Special Provision 90)	50% of invoicing

Council Agenda Item: #R7

AGENDA CAPTION:

Presentation, discussion and consideration of approval of an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., in the amount of \$548,890.52 for and regarding the management of the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C).

FINANCIAL IMPACT:

Construction Management Contract Amount: \$548,890.52 Source of Funds: Certificates of Obligation for Vitruvian Park (From the \$9,204,467 Allocated for Phase 1C by the Master Facilities Agreement, Revised Exhibit "C1")
Project Manager: Clay Barnett, P.E.

BACKGROUND:

Included in the Master Facilities Agreement with UDR, Inc., which was approved by Council on October 9, 2007 and amended on February 9, 2010, was a provision to assign the construction management of the Vitruvian Park Infrastructure to UDR, Inc. The provision specifies that eight percent (8%) of the Town's portion of the construction cost was established for Construction Management Services. The Town's portion for Phase 1C is \$6,861,131.54. Eight percent (8%) of this figure is \$548,890.52. Below is a table of expenditures for the Phase 1C project as specified in the Master Facilities Agreement:

Phase 1C Allocation from Master Facilities Agreement	\$ 9,204,467	
Professional Services Fees (Allocated)	\$ 1,309,999	
Potion of Construction Costs Paid by Certificates of Obligation	\$ 6,861,132	* 0.08 = \$548,891
Construction Phase Services		
Kleinfelder (4%)	\$ 344,445	
UDR (8%)	\$ 548,891	
Remaining Funds	\$ 140,000	

This provision was added to insure proper coordination between the contractor for the public infrastructure and the contractor for the private infrastructure, thus both parties will be responsible to UDR, Inc. for construction coordination. The objective was to insure that there are no delays to either party due to a lack of coordination and to insure that there is a single point of contact for all construction related activities.

RECOMMENDATION:

It is recommended that the Council authorize the City Manager to execute an Assignment and Construction Services Agreement between the Town of Addison and UDR, Inc., in the amount of \$548,890.52 for and regarding the management of the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C) subject to the approval of the City Manager and City Attorney.

COUNCIL GOALS:

Maintain Diversified Residential Housing Opportunities

ATTACHMENTS:

Description:

[Contract Management Attachment](#)

Type:

Backup Material

2. Master Facilities Agreement

Recommendation:

Staff recommends approval.

Item #R7- Presentation, discussion and consideration of approval to authorize the City Manager to execute a Construction Contract and Change Order No. 1 with North Texas Contracting, Inc., in the amount of \$8,611,131.54 with contract duration of 550 calendar days for the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C).

Attachment(s):

1. Summary Sheet
2. Funding Commitment-Court Order

Recommendation:

It is recommended that the Council authorize the City Manager to execute a Construction Contract and Change Order No. 1 with North Texas Contracting, Inc., in the amount of \$8,611,131.54 with contract duration of 550 calendar days for the construction of certain public infrastructure (including park, streetscape and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1C).

Item #ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate commercial or financial information that the City Council has received from, and/or to deliberate the offer of a financial or other incentive to, a business prospect or business prospects that the City Council seeks to have locate, stay or expand in or near the territory of the Town of Addison and with which the City Council is conducting economic development negotiations.

Item #ES2 - Closed (Executive) session of the City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) about pending litigation, to wit: Thielsch Engineering, Inc. v. Town of Addison, Texas, et al, Cause No. 08-00463, 95th District Court, Dallas County, Texas.

Item #R8 - Consideration of any action regarding commercial or financial information that the City Council has received from, and/or action regarding the offer of a financial or other incentive to, a business prospect or business prospects that the City Council seeks to have locate, stay or expand in the territory of the Town of Addison and with which the City Council is conducting economic development negotiations.

Recommendation:

Summary for Phase 1C

Base Bid	\$8,759,270.30
Add Alternate 1	\$313,385.00
Add Alternate 2	\$68,160.00
Change Order #1	(\$679,683.76)
Contengency	\$150,000.00
Total Cost of Project	<u>\$8,611,131.54</u>

Certificates of Obligation	\$6,861,131.54
Funds from Dallas County	\$1,000,000.00
Frunds From UDR, Inc.	\$750,000.00
Total Cost of Project	<u>\$8,611,131.54</u>

Council Agenda Item: #R8

AGENDA CAPTION:

Presentation, discussion and consideration of approval to authorize the City Manager to execute a Professional Services Agreement with Halff Associates, Inc., for an amount not to exceed \$370,000.00 for the design of certain public infrastructure (including two (2) vehicular bridges, one (1) pedestrian bridge and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1D).

FINANCIAL IMPACT:

Contract Amount: \$370,000.00 Source of Funds: Certificates of Obligation for Vitruvian Park (From the \$3,630,056 Allocated for Phase 1D by the Master Facilities Agreement, Revised Exhibit "C1") Project Manger: Clay Barnett, P.E.

BACKGROUND:

On February 12, 2008, Council approved a Master Facilities Agreement with UDR, Inc. that provides for the Town to fund public improvements in the amount of \$39,879,336 with the First Funding being limited to \$23,290,007. On February 9, 2010, Council authorized the First Amendment to the Master Facilities Agreement with UDR, Inc. that specified that \$3,630,056 of the funds is for the design and construction of Vitruvian Park Public Infrastructure, Phase 1D. Additionally, DallasCounty has committed to contribute an additional \$1,000,000 in funds for the construction of the bridges. Therefore the total of amount for design and construction is \$4,630,056, which includes the eight percent (8%) specified to be used for Construction Management and an additional four percent (4%) for inspection and testing services. Below is a table of how it is anticipated that the \$3,630,056 that was allocated to Phase 1D by the Master Facilities Agreement as outline in the Revised Exhibit "C1" will be utilized:

Phase 1D Design & Construction Costs	\$ 3,630,056.00
Professional Services Fees	\$ 370,000.00
PonteAvenueBridge	\$ 2,000,000.00
BellaLaneBridge	\$ 1,545,050.00
PedestrianBridge	\$ 330,000.00
Revenue: Funds from DallasCounty	\$(1,000,000.00)
Construction Phase Services	
Kleinfelder (4%)	\$ 155,002.00
UDR (8%)	\$ 230,004.00

Staff received the attached proposal from Halff Associates, Inc. for the design of the Vitruvian Park Public Infrastructure, Phase 1D. The proposed design fee is \$370,000.00, which is approximately ten percent (10%) of the amount established for construction. The estimated cost for construction phase services as detailed in the proposal is \$5,000.00. Staff will authorize the construction phase services as necessary.

RECOMMENDATION:

It is recommended that the Council authorize the City Manager to execute a Professional Services Agreement with Halff Associates, Inc., for an amount not to exceed \$370,000.00 for the design of certain public infrastructure (including two (2) vehicular bridges, one (1) pedestrian bridge and other public infrastructure improvements) within that area of the Town generally known as Vitruvian Park (Vitruvian Park Public Infrastructure Phase 1D).

COUNCIL GOALS:

Promote Quality Transportation Services

ATTACHMENTS:

Description:

[Exhibit](#)

Type:

Exhibit



SCALE: 1"=250'

Infrastructure Improvements	
Phase 1A	\$ 428,228
Phase 1B	\$ 7,100,774
Phase 1C	\$ 9,204,467
Phase 1D	\$ 3,630,056
Phase 1E	\$ 1,451,699
Phase 2	\$ 1,474,783

TOTAL FUNDING \$23,290,007

- Phase 1A - Wastewater Improvements in Farmers Branch Creek
- Phase 1B - Paving, Drainage & Utility Improvements for Vitruvian Way
- Phase 1C - Park & Streetscape Improvements
- Phase 1D - Bridge Improvements
- Phase 1E - Vitruvian Way Realignment at Intersection of Spring Valley Road
- Phase 2 - Bella Lane from Vitruvian Way to Bridge

Phase 101:
392 Residential Units
16,000 sq ft Retail
\$67,750,000 Private Investment
Estimated Delivery January 2010

Phase 102:
352 Residential Units
10,500 sq ft Retail
17,600 sq ft Office
\$68,000,000 Private Investment
Estimated Delivery June 2011

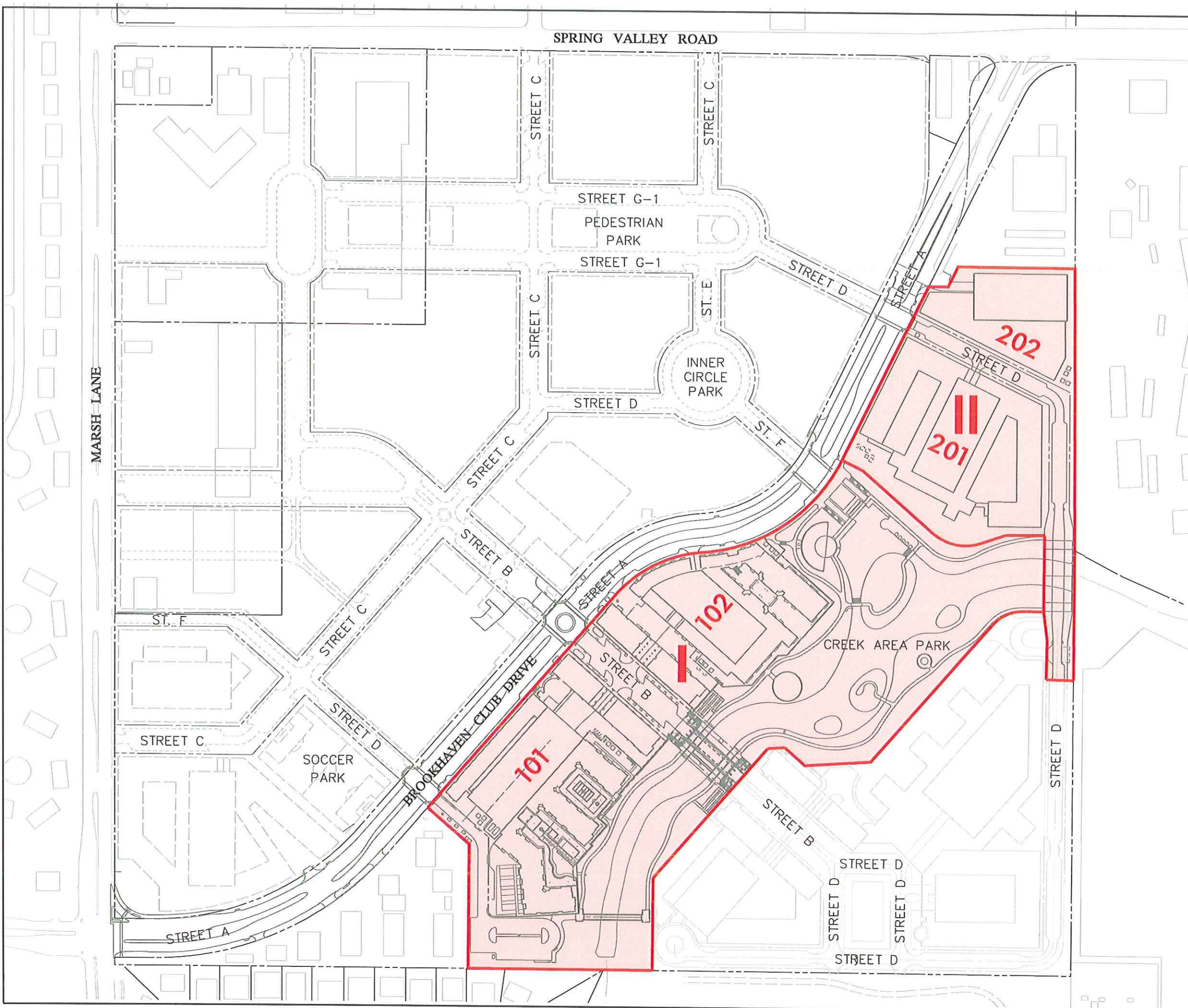
Phase 201 (Based on 5-story Design):
422 Residential Units
\$70,000,000 Private Investment
Estimated Delivery June 2012

Phase 202: TBD
Total Private Development:
1166 Residential Units
26,500 sq ft Retail
17,600 sq ft Office
\$205,750,000 Private Investment

* Private Development Figures and Timing are Current Estimates and are Subject to Change Based on Design Refinement and/or Market Influence.

REVISED EXHIBIT "C-1" FUNDING NO. 1

02/05/10



Council Agenda Item: #R9

AGENDA CAPTION:

Presentation and Discussion of 1st Quarter Financial Review.

FINANCIAL IMPACT:

N/A

BACKGROUND:

Presentation and Discussion of 1st Quarter Financial Review.

RECOMMENDATION:

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible Manner

ATTACHMENTS:

Description:

[1st Qtr 2010 Financial Review](#)

Type:

Presentation

Department of Financial & Strategic Services
Quarterly Review

For the Period Ended December 31, 2009

*Town of Addison
February 2010*

Quarter Ended 12/31/09

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Attachments:	
First Southwest Portfolio Report	Attached

Executive Dashboard – 1st Quarter, 2010 Fiscal Year

Financial Indicators

Key Revenue Sources:

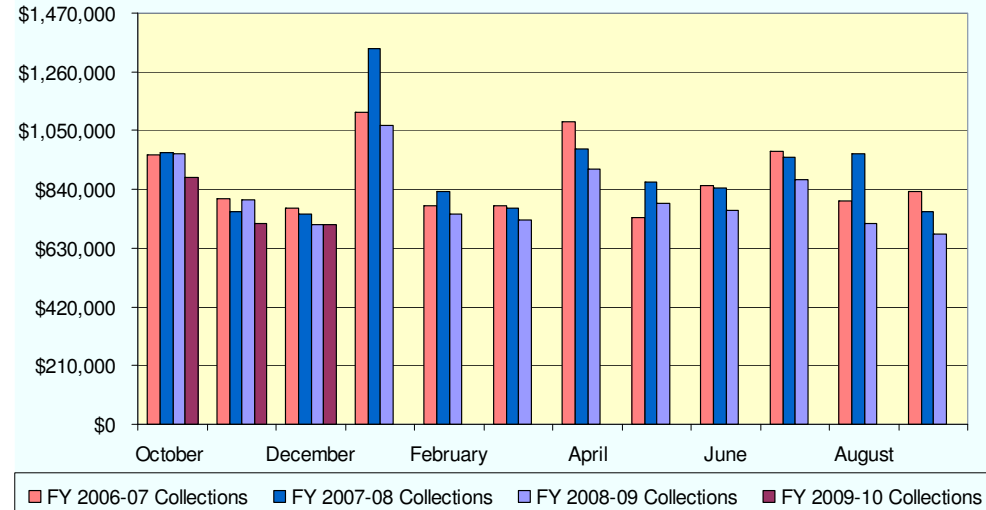
	FY10 Budget	FY10 Projection*	Variance
Ad Valorem Taxes	\$10,680,130	\$10,680,130	-0-
Sales Taxes	\$9,760,000	\$9,490,000	(\$270,000)
Franchise Fees	\$2,522,000	\$2,400,000	(\$122,000)
Licenses and Permits	\$360,000	\$600,000	\$240,000
Court Fines	\$1,200,000	\$1,350,000	\$150,000
Hotel Tax	\$4,250,000	\$2,950,000	(\$1,300,000)
Fuel Flowage Fees	\$650,000	\$700,000	\$50,000
Water and Sewer Charges	\$9,334,700	\$7,338,000	(\$1,996,700)

Key Expenditures:

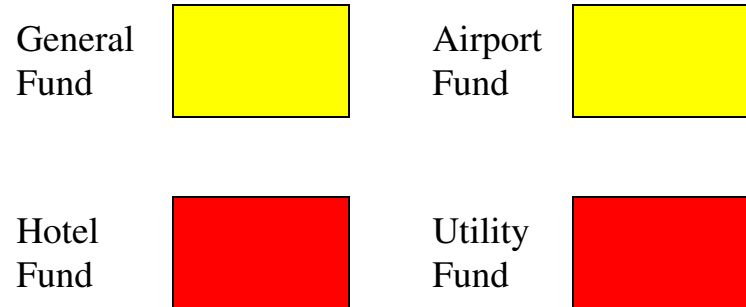
	FY10 Budget	FY10 Projection*	Variance
General Fund	\$27,274,990	\$27,274,990	-0-
Hotel Fund	\$7,739,060	\$7,739,060	-0-
Airport Operations	\$3,162,340	\$3,162,340	-0-
Utility Dept.	\$2,692,450	\$2,692,450	-0-

*Using data through December 31, 2009

Addison Sales Tax Collections




Overall Fund Outlook:

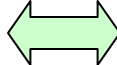


Executive Dashboard – 1st Quarter, 2010 Fiscal Year

Economic Indicators


Occupancy Indicators:


Office Occupancy  Down from 79.8% to 74.7%

Retail Occupancy  Down from 87.9% to 87.4%

Source: CoStar Report Q1 2009 vs. Q1 2010


Hotel Indicators:

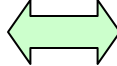
Hotel Occupancy  2009 down 16.9% from 2008

RevPAR  2009 down \$15.42 from 2008

Source: STR Report – September 2008 vs. September 2009

Area Economic Indicators:

Area Employment  2010 down 2.0% from 2009

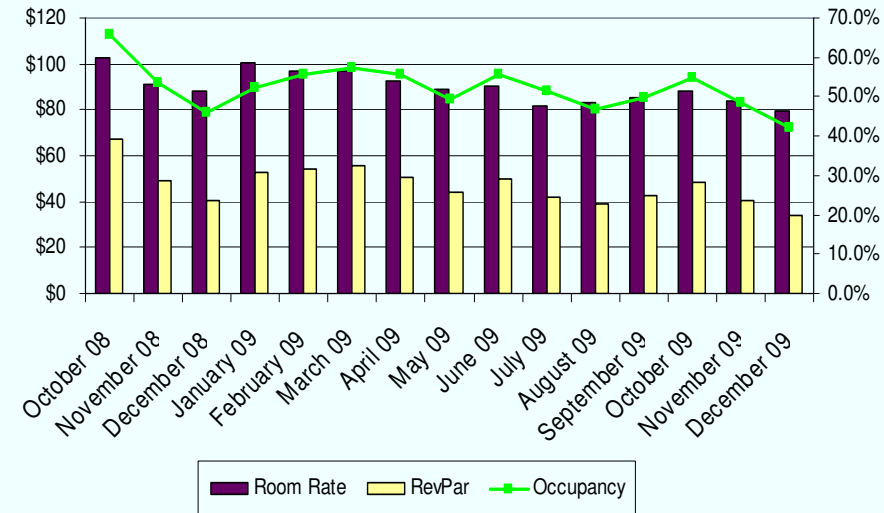
Texas Leading Indicators Index  2009 down 0.4% from 2008

Source: Dallas Federal Reserve

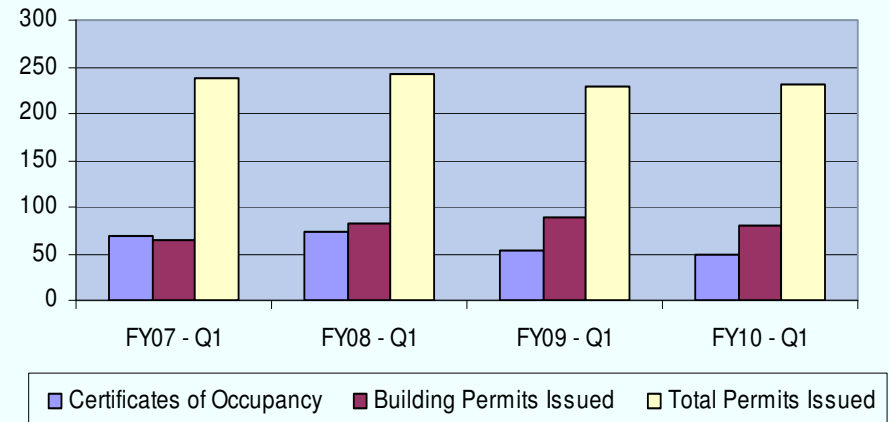
Building Permit Activity:

	FY 2009 (thru December 31st)	FY 2010 (thru December 31st)
Certificates of Occupancy	53	50
Building Permits Issued	89	80
Total Permits Issued	229	230
Total Valuation	\$9,900,405	\$44,579,998

Hotel Industry Statistics



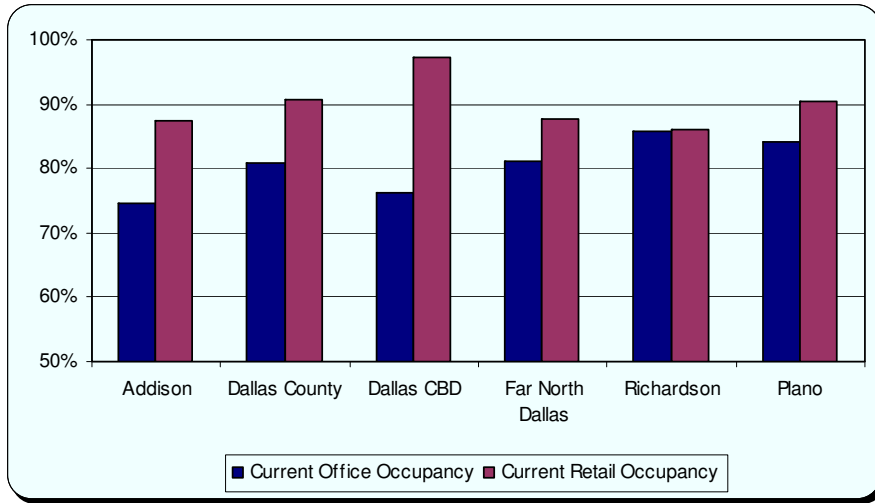
Comparison of Permit Activity



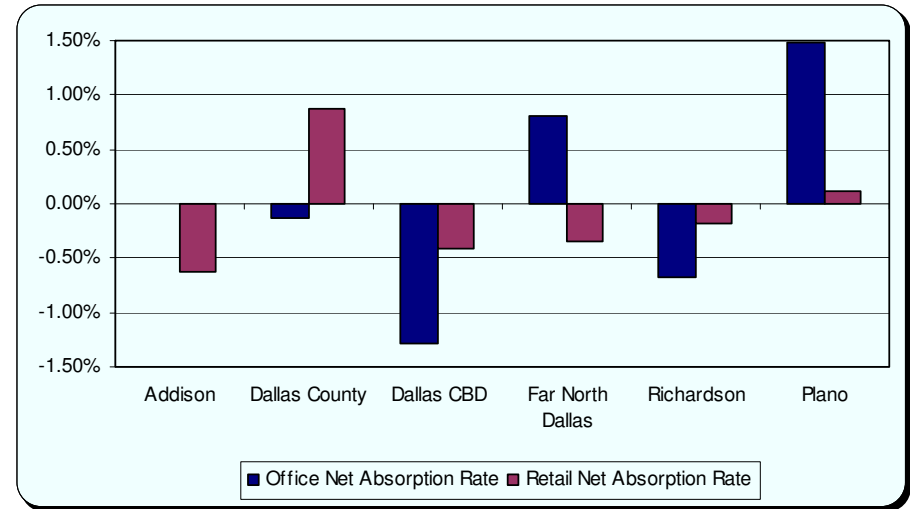
Executive Dashboard – 1st Quarter 2010 Fiscal Year

Office and Retail Occupancy Summary

Occupancy as of December 31, 2009:



Net Absorption Rate* FY10 YTD Average:



Office Indicators as of December 31, 2009:

Measure	FY09 Q1	FY10 Q1	% Change
Office Occupancy Rate	79.8%	74.7%	-6.4%
Average Rental Rate**	\$22.20	\$20.63	-7.1%

Retail Indicators as of December 31, 2009:

Measure	FY09 Q1	FY10 Q1	% Change
Retail Occupancy Rate	87.9%	87.4%	-0.6%
Average Rental Rate*	\$17.66	\$18.32	3.7%

*Net absorption in the net change in occupied space.

**Rate is the annual cost per square foot. For office the amount is the direct gross rent. For retail the amount is the triple net rent.

Source: CoStar.



MEMO

To: Ron Whitehead, City Manager
From: Randy Moravec, CFO
Jason Cooley, Strategic Services Manager
Re: First Quarter Financial Review
Date: February 23, 2010

CHANGE OF FORMAT

- The format for this quarter's financial review has changed. The new format shows fund revenues and expenditures in four columns which illustrate quarterly totals and year to date totals for the current quarter and the corresponding information for last fiscal year. Also, a new dashboard has been included in this quarter's report to illustrate the Town's quarterly indicators for office and retail occupancy levels.
- Staff feels that this new format presents quarterly financial data in a clear and concise format and encourages Council to suggest any future changes or additions.

GENERAL FUND

- Revenues for the first quarter totaled \$5.7 million, which is roughly \$769k or 15% more than received this time last year.
- Property tax revenue of \$1.5 million is up \$435k or roughly 40% from the \$1.1 million received through the first quarter last year. The bulk of this increase is due the resolution of the problems Dallas County experienced last year with their billing and collections of tax. The County instituted a new billing system in 2008 and had significant conversion issues.
- Sales tax of \$2.3 million is \$170k less than received through the first quarter last year. This represents a 7% decrease from this time last year.
- Through three months, operating expenditures total approximately \$6.1million, which is 22.4% of budget and \$204k more than spent this time last year. Several factors contributed to the increase in department expenditure for the first quarter of the fiscal year.
 - In 2008, the sixth full (non-accrual) pay period fell on January 2nd, the same pay period fell on December 31st this fiscal year, thus increasing expenditures in the 1st quarter across all departments.

- To take advantage of current low interest rates, liability, property, and workers compensation insurance expenses of \$322k were paid in the first quarter instead of over four quarters, thus realizing a 3% cost discount.

HOTEL FUND

- Revenues for the year totaled \$1.1 million, a decline of \$259k from this time last year. The reduction in revenue is due to the 26% decline in hotel occupancy taxes caused by an anemic business travel market. At this rate, occupancy tax is estimated to come in at approximately \$2.9 million, or \$1.3 million under the \$4.2 million budget.
- Operating expenditures amounted to \$1.6 million or 18.8% of budget, an increase of \$185k, from this time last year. Hotel fund expenditures through the first quarter were inflated for the same reason as in the General Fund.
 - Expenditures in Visitor Service were also inflated by \$40k in legal fees associated with negotiating a lease for a visitor services center at Village on the Parkway.
 - Special Events has spent \$441k in the first quarter, or \$68k more than last year. The increase is a result of expanding Worldfest from one day to two days.

AIRPORT FUND

- Operating revenue through three months totaled \$798k, up \$146k from last year.
- Year-do-date operating expenses amounted to \$543k or \$55k more than this time last year. Net income of \$295k is \$155k more than last year.

UTILITY FUND

- Operating revenues through the first quarter of the fiscal year total \$1.3 million, which represents a decrease of \$284k over this time last year. The declines in revenue are a result of the Town selling 23 % less water. All customer categories are down, but the greatest declines are with irrigation (down 33%) and single-family residential (down 31%). Typically, the Town realizes only 18% of its revenue through the first quarter. However, if the consumption patterns continue, Utility fund operating income is projected to total only \$7.2 million compared to the \$9.4 million budgeted.
- Operating expenses of \$923k are down \$149k or 14% from the first quarter last year.

CASH AND INVESTMENT REPORT

- Cash for all funds as of December 31, 2009 totaled \$63.6 million, a net decline of \$1.9 million from the previous quarter. These cash balances will begin increasing with property tax collections in the second quarter of this fiscal year.
- The Town's average investment yield to maturity at the end of December remained 1.42%. The average weighted maturity increased from 178 days to 204 days.
- We concur with First Southwest Asset Management's recommended strategy of staying away from investments in commercial paper and shift to collateralized bank certificates of deposit, when practical. Investments will be kept relatively short in maturity until the yield curve justifies investing in instruments with 18 to 24 month maturities.

TOWN OF ADDISON
GENERAL FUND REVENUES
For the Period Ended December 31, 2009

	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE			1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
Advalorem taxes:												
Current taxes	\$ 1,526,785	\$ 10,680,130	14.3%	\$ 1,526,785	\$ 10,680,130	14.3%	1,091,583	\$ 10,270,470	10.6%	\$ 1,091,583	\$ 10,270,470	10.6%
Delinquent taxes	(1,410)	3,390	-41.6%	(1,410)	3,390	-41.6%	(36,062)	3,120	-1155.8%	(36,062)	3,120	-1155.8%
Penalty & interest	4,443	23,710	18.7%	4,443	23,710	18.7%	(4,511)	21,830	-20.7%	(4,511)	21,830	-20.7%
Non-property taxes:												
Sales tax	2,315,667	9,760,000	23.7%	2,315,667	9,760,000	23.7%	2,485,753	11,124,500	22.3%	2,485,753	11,124,500	22.3%
Alcoholic beverage tax	-	975,000	0.0%	-	975,000	0.0%	-	1,005,060	0.0%	-	1,005,060	0.0%
Franchise / right-of-way use fees:												
Electric franchise	415,170	1,500,000	27.7%	415,170	1,500,000	27.7%	443,296	1,550,000	28.6%	443,296	1,550,000	28.6%
Gas franchise	-	325,000	0.0%	-	325,000	0.0%	13,388	301,680	4.4%	13,388	301,680	4.4%
Telecommunication access fees	162,068	560,000	28.9%	162,068	560,000	28.9%	173,102	575,000	30.1%	173,102	575,000	30.1%
Cable franchise	53,110	130,000	40.9%	53,110	130,000	40.9%	36,086	125,000	28.9%	36,086	125,000	28.9%
Wireless network fees	-	-	0.0%	-	-	0.0%	400	1,000	40.0%	400	1,000	40.0%
Street rental fees	2,250	7,000	32.1%	2,250	7,000	32.1%	2,250	7,000	32.1%	2,250	7,000	32.1%
Licenses and permits:												
Business licenses and permits	302,631	160,000	189.1%	302,631	160,000	189.1%	35,262	158,560	22.2%	35,262	158,560	22.2%
Building and construction permits	234,372	200,000	117.2%	234,372	200,000	117.2%	85,746	500,000	17.1%	85,746	500,000	17.1%
Intergovernmental revenue	-	198,450	0.0%	-	198,450	0.0%	-	-	0.0%	-	-	0.0%
Service fees:												
General government	22	600	3.7%	22	600	3.7%	123	600	20.5%	123	600	20.5%
Public safety	224,562	725,000	31.0%	224,562	725,000	31.0%	134,020	713,000	18.9%	134,020	713,000	18.8%
Urban development	740	5,000	14.8%	740	5,000	14.8%	1,220	5,000	24.4%	1,220	5,000	24.4%
Streets and sanitation	65,707	350,000	18.8%	65,707	350,000	18.8%	71,606	310,250	23.1%	71,606	310,250	23.1%
Recreation	12,225	80,000	15.3%	12,225	80,000	15.3%	13,822	74,100	18.7%	13,822	74,100	18.7%
Interfund	46,075	184,300	25.0%	46,075	184,300	25.0%	45,414	181,650	25.0%	45,414	181,650	25.0%
Court fines	291,609	1,200,000	24.3%	291,609	1,200,000	24.3%	257,373	1,300,000	19.7%	257,373	1,300,000	19.8%
Interest earnings	23,032	177,500	13.0%	23,032	177,500	13.0%	67,536	552,500	12.2%	67,536	552,500	12.2%
Rental income	42,633	156,500	27.2%	42,633	156,500	27.2%	42,485	156,500	27.1%	42,485	156,500	27.1%
Other	15,432	75,000	20.6%	15,432	75,000	20.6%	7,799	54,000	14.4%	7,799	54,000	14.4%
Total Revenues	\$ 5,737,123	\$ 27,476,580	20.9%	\$ 5,737,123	\$ 27,476,580	20.9%	\$ 4,967,692	\$ 28,990,820	17.1%	\$ 4,967,692	\$ 28,990,820	17.1%

TOWN OF ADDISON
GENERAL FUND EXPENDITURES
For the Period Ended December 31, 2009

CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009

	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
General Government:						
City manager	\$ 303,292	\$ 1,296,640	23.4%	\$ 303,292	\$ 1,296,640	23.4%
Financial & strategic services	212,048	881,030	24.1%	212,048	881,030	24.1%
General services	191,571	795,280	24.1%	191,571	795,280	24.1%
Municipal court	115,801	520,440	22.3%	115,801	520,440	22.3%
Human resources	123,988	583,490	21.2%	123,988	583,490	21.2%
Information technology	232,244	1,236,440	18.8%	232,244	1,236,440	18.8%
Combined services	216,293	694,510	31.1%	216,293	694,510	31.1%
Council projects	143,760	462,470	31.1%	143,760	462,470	31.1%
Public safety:						
Police	1,709,521	7,390,520	23.1%	1,709,521	7,390,520	23.1%
Emergency communications	319,010	1,135,680	28.1%	319,010	1,135,680	28.1%
Fire	1,267,385	5,719,570	22.2%	1,267,385	5,719,570	22.2%
Development services	214,170	955,580	22.4%	214,170	955,580	22.4%
Streets	353,569	1,677,600	21.1%	353,569	1,677,600	21.1%
Parks and Recreation:						
Parks	408,698	2,527,050	16.2%	408,698	2,527,050	16.2%
Recreation	285,659	1,398,690	20.4%	285,659	1,398,690	20.4%
Total Expenditures	\$ 6,097,009	\$ 27,274,990	22.4%	\$ 6,097,009	\$ 27,274,990	22.4%

COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008

	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
General Government:						
City manager	\$ 326,007	\$ 1,504,200	21.7%	\$ 326,007	\$ 1,504,200	21.7%
Financial & strategic services	222,676	1,052,050	21.2%	222,676	1,052,050	21.2%
General services	178,240	880,370	20.2%	178,240	880,370	20.2%
Municipal court	98,006	520,570	18.8%	98,006	520,570	18.8%
Human resources	84,932	572,960	14.8%	84,932	572,960	14.8%
Information technology	270,823	1,272,440	21.3%	270,823	1,272,440	21.3%
Combined services	168,302	794,020	21.2%	168,302	794,020	21.2%
Council projects	170,934	249,340	68.6%	170,934	249,340	68.6%
Public safety:						
Police	1,543,226	7,392,850	20.9%	1,543,226	7,392,850	20.9%
Emergency communications	286,108	1,150,000	24.9%	286,108	1,150,000	24.9%
Fire	1,256,557	6,115,870	20.5%	1,256,557	6,115,870	20.5%
Development services	183,510	975,160	18.8%	183,510	975,160	18.8%
Streets	383,894	2,308,180	16.6%	383,894	2,308,180	16.6%
Parks and Recreation:						
Parks	451,370	2,766,050	16.3%	451,370	2,766,050	16.3%
Recreation	267,682	1,427,760	18.7%	267,682	1,427,760	18.7%
Total Expenditures	\$ 5,892,267	\$ 28,981,820	20.3%	\$ 5,892,267	\$ 28,981,820	20.3%

TOWN OF ADDISON
HOTEL FUND REVENUES
For the Period Ended December 31, 2009

	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009					
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Hotel/Motel occupancy taxes	805,153	\$ 4,250,000	18.9%	805,153	\$ 4,250,000	18.9%
Proceeds from special events	96,517	1,337,000	7.2%	96,517	1,337,000	7.2%
Conference centre rental	163,938	500,000	32.8%	163,938	500,000	32.8%
Theatre centre rental	21,868	70,000	31.2%	21,868	70,000	31.2%
Interest and miscellaneous	13,468	100,000	13.5%	13,468	100,000	13.5%
Total Revenues	\$ 1,100,944	\$ 6,257,000	17.6%	\$ 1,100,944	\$ 6,257,000	17.6%

	COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
	\$ 1,074,028	\$ 5,200,000	20.7%	\$ 1,074,028	\$ 5,200,000	20.7%
	78,877	1,474,600	5.3%	78,877	1,474,600	5.3%
	138,332	640,000	21.6%	138,332	640,000	21.6%
	19,631	90,000	21.8%	19,631	90,000	21.8%
	40,202	275,000	14.6%	40,202	275,000	14.6%
	\$ 1,351,070	\$ 7,679,600	17.6%	\$ 1,351,070	\$ 7,679,600	17.6%

TOWN OF ADDISON
HOTEL FUND EXPENDITURES
For the Period Ended December 31, 2009

	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009					
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Expenditures and other uses:						
Visitor services	\$ 190,479	\$ 881,940	21.6%	\$ 190,479	\$ 881,940	21.6%
Marketing	194,837	805,460	24.2%	194,837	805,460	24.2%
Special events	441,076	2,707,860	16.3%	441,076	2,707,860	16.3%
Conference centre	229,358	1,453,370	15.8%	229,358	1,453,370	15.8%
Performing arts	356,951	565,430	63.1%	356,951	565,430	63.1%
Capital projects	-	1,325,000	0.0%	-	1,325,000	0.0%
Other financing uses:						
Transfer to debt service fund	167,500	670,000	25.0%	167,500	670,000	25.0%
Total Expenditures and Other	\$ 1,580,201	\$ 8,409,060	18.8%	\$ 1,580,201	\$ 8,409,060	18.8%
Expenditures by Project:						
Public Relations	77,383	404,250	19.1%	77,383	404,250	19.1%
Oktoberfest	13,264	599,430	2.2%	13,264	599,430	2.2%
Kaboom Town	170	287,080	0.1%	170	287,080	0.1%
Calendar	19,989	50,000	40.0%	19,989	50,000	0.0%
Hotel Support Program	21,277	260,000	8.2%	21,277	260,000	0.0%
Taste Addison	1,507	626,680	0.2%	1,507	626,680	0.2%
Jazz Festival	-	-	0.0%	-	-	0.0%
Shakespeare Festival	32,058	46,500	68.9%	32,058	46,500	68.9%
Summer Jazz Festival	127	46,210	0.3%	127	46,210	0.3%
Cinema in the Circle	-	24,580	0.0%	-	24,580	0.0%
WorldFest (formerly International Fest.)	247,991	301,930	82.1%	247,991	301,930	82.1%
Urbanato	-	100,000	0.0%	-	100,000	0.0%
Book Fair	2,824	2,540	111.2%	2,824	2,540	111.2%
Weekend to Wipe Out Cancer	85	15,000	0.6%	85	15,000	0.0%
TOTAL	\$ 416,675	\$ 2,764,200	15.1%	\$ 416,675	\$ 2,764,200	15.1%

	COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
	\$ 174,940	\$ 1,292,700	13.5%	\$ 174,940	\$ 1,292,700	13.5%
	182,328	1,178,980	15.5%	182,328	1,178,980	15.5%
	372,766	2,961,750	12.6%	372,766	2,961,750	12.6%
	199,981	1,038,910	19.2%	199,981	1,038,910	19.2%
	289,842	561,270	51.6%	289,842	561,270	0.0%
	-	-	0.0%	-	-	0.0%
	174,950	699,800	25.0%	174,950	699,800	25.0%
	\$ 1,394,806	\$ 7,733,410	18.0%	\$ 1,394,806	\$ 7,733,410	18.0%
	103,366	716,770	14.4%	103,366	716,770	14.4%
	20,033	544,080	3.7%	20,033	544,080	3.7%
	-	249,350	0.0%	-	249,350	0.0%
	19,411	50,000	38.8%	19,411	50,000	38.8%
	44,274	260,000	17.0%	44,274	260,000	17.0%
	1,500	670,950	0.2%	1,500	670,950	0.2%
	8,883	198,340	4.5%	8,883	198,340	4.5%
	19,975	34,500	57.9%	19,975	34,500	57.9%
	280	47,750	0.6%	280	47,750	0.6%
	6,485	24,580	26.4%	6,485	24,580	26.4%
	170,986	180,000	95.0%	170,986	180,000	95.0%
	17,374	100,000	17.4%	17,374	100,000	17.4%
	907	1,530	59.3%	907	1,530	59.3%
	167	15,000	1.1%	167	15,000	1.1%
	\$ 413,641	\$ 3,092,850	13.4%	\$ 413,641	\$ 3,092,850	13.4%

TOWN OF ADDISON
STREETS CAPITAL PROJECT FUND
For the Period Ended December 31, 2009

CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Intergovernmental grants	\$ -	\$ 985,130	0.0%	\$ -	\$ 985,130	0.0%
Interest income and other	4,014	50,000	8.0%	4,014	50,000	8.0%
Total Revenues	4,014	1,035,130	0.4%	4,014	1,035,130	0.4%
Expenditures:						
Personal services	-	-	0.0%	-	-	0.0%
Design and engineering	19,580	22,000	89.0%	19,580	22,000	89.0%
Construction and equipment:	360,115	1,548,800	23.3%	360,115	1,548,800	23.3%
Total Expenditures	\$ 379,695	\$ 1,570,800	24.2%	\$ 379,695	\$ 1,570,800	24.2%

COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008						
	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
	\$ -	\$ 600,000	0.0%	\$ -	\$ 600,000	0.0%
	19,342	100,000	19.3%	19,342	100,000	19.3%
	19,342	700,000	2.8%	19,342	700,000	2.8%
	-	-	0.0%	-	-	0.0%
	390	43,000	0.9%	390	43,000	0.9%
	-	1,200,000	0.0%	-	1,200,000	0.0%
	\$ 390	\$ 1,243,000	0.0%	\$ 390	\$ 1,243,000	0.0%

TOWN OF ADDISON
PARKS CAPITAL PROJECT FUND
For the Period Ended December 31, 2009

CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Interest earnings and other	\$ 1,349	\$ 10,000	13.5%	\$ 1,349	\$ 10,000	13.5%
Developer contributions	-	-	0.0%	-	-	0.0%
Total Revenues	1,349	10,000	13.5%	1,349	10,000	13.5%
Expenditures:						
Personal services	-	-	0.0%	-	-	0.0%
Design and engineering	4,256	85,100	5.0%	4,256	85,100	5.0%
Construction and equipment:	-	-	0.0%	-	-	0.0%
Total Expenditures	\$ 4,256	\$ 85,100	5.0%	\$ 4,256	\$ 85,100	5.0%

COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008						
	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
	\$ 6,287	\$ 20,000	6.7%	\$ 6,287	\$ 20,000	31.4%
	-	-	0.0%	-	-	0.0%
	6,287	20,000	31.4%	6,287	20,000	31.4%
	296	2,000	0.0%	296	2,000	14.8%
	445	5,000	85.1%	445	5,000	85.1%
	-	934,340	0.0%	-	934,340	0.0%
	\$ 741	\$ 941,340	0.1%	\$ 741	\$ 936,340	0.1%

TOWN OF ADDISON
2002 CAPITAL PROJECT FUND
For the Period Ended December 31, 2009

CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Interest income and other	\$ 5,648	\$ 35,000	16.1%	\$ 5,648	\$ 35,000	16.1%
Total Revenues	5,648	35,000	16.1%	5,648	35,000	16.1%
Expenditures:						
Design and engineering	38,440	100,000	38.4%	38,440	100,000	38.4%
Construction and equipment:	5,102	400,000	1.3%	5,102	400,000	1.3%
Total Expenditures	\$ 43,542	\$ 500,000	8.7%	\$ 43,542	\$ 500,000	8.7%

COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008										
	1ST QUARTER			YEAR TO DATE				YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%		YTD Actual	Annual Budget	%
Revenues:										
Interest income and other	\$ 13,866	\$ 75,000	18.5%	\$ 13,866	\$ 75,000	18.5%	\$ 13,866	\$ 75,000	18.5%	
Total Revenues	13,866	75,000	18.5%	13,866	75,000	18.5%	13,866	75,000	18.5%	
Expenditures:										
Design and engineering	7,798	400,000	1.9%	7,798	400,000	1.9%	7,798	400,000	1.9%	
Construction and equipment:	-	1,200,000	0.0%	-	1,200,000	0.0%	-	1,200,000	0.0%	
Total Expenditures	\$ 7,798	\$ 1,600,000	0.5%	\$ 7,798	\$ 1,600,000	0.5%	\$ 7,798	\$ 1,600,000	0.5%	

TOWN OF ADDISON
2004 CAPITAL PROJECT FUND
For the Period Ended December 31, 2009

CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Interest income and other	\$ 1,418	\$ 7,500	18.9%	\$ 1,418	\$ 7,500	18.9%
Total Revenues	1,418	7,500	18.9%	1,418	7,500	18.9%
Expenditures:						
Personal services	-	-	0.0%	-	-	0.0%
Design and engineering	-	-	0.0%	-	-	0.0%
Construction and equipment:	-	100,000	0.0%	-	100,000	0.0%
Total Expenditures	\$ -	\$ 100,000	0.0%	\$ -	\$ 100,000	0.0%

COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008										
	1ST QUARTER			YEAR TO DATE				YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%		YTD Actual	Annual Budget	%
Revenues:										
Interest income and other	\$ 2,974	\$ 15,000	19.8%	\$ 2,974	\$ 15,000	19.8%	\$ 2,974	\$ 15,000	19.8%	
Total Revenues	2,974	15,000	19.8%	2,974	15,000	19.8%	2,974	15,000	19.8%	
Expenditures:										
Personal services	-	-	0.0%	-	-	0.0%	-	-	0.0%	
Design and engineering	-	15,000	0.0%	-	15,000	0.0%	-	15,000	0.0%	
Construction and equipment:	-	-	0.0%	-	-	0.0%	-	-	0.0%	
Total Expenditures	\$ -	\$ 15,000	0.0%	\$ -	\$ 15,000	0.0%	\$ -	\$ 15,000	0.0%	

TOWN OF ADDISON
2006 CAPITAL PROJECT FUND
For the Period Ended December 31, 2009

	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009					
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Interest income and other	\$ 1,140	\$ 5,000	22.8%	\$ 1,140	\$ 5,000	22.8%
Total Revenues	1,140	5,000	22.8%	1,140	5,000	22.8%
Expenditures:						
Personal services	-	-	0.0%	-	-	0.0%
Design and engineering	-	180,000	0.0%	-	180,000	0.0%
Construction and equipment:	-	-	0.0%	-	-	0.0%
Total Expenditures	\$ -	\$ 180,000	0.0%	\$ -	\$ 180,000	0.0%

	COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
Revenues:						
Interest income and other	\$ 2,392	\$ 15,000	7.6%	\$ 2,392	\$ 15,000	15.9%
Total Revenues	2,392	15,000	7.6%	2,392	15,000	15.9%
Expenditures:						
Personal services	-	-	0.0%	-	-	0.0%
Design and engineering	-	-	0.0%	-	-	0.0%
Construction and equipment:	-	-	0.0%	-	-	0.0%
Total Expenditures	\$ -	\$ -	0.0%	\$ -	\$ -	0.0%

TOWN OF ADDISON
2008 CAPITAL PROJECT FUND
For the Period Ended December 31, 2009

	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009					
	1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%
Revenues:						
Interest income and other	\$ 81,442	\$ 450,000	18.1%	\$ 81,442	\$ 450,000	18.1%
Total Revenues	81,442	450,000	18.1%	81,442	450,000	18.1%
Expenditures:						
Personal services	-	-	0.0%	-	-	0.0%
Design and engineering	-	-	0.0%	-	-	0.0%
Construction and equipment:	424,638	19,500,000	2.2%	424,638	19,500,000	2.2%
Total Expenditures	\$ 424,638	\$ 19,500,000	2.2%	\$ 424,638	\$ 19,500,000	2.2%

	COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE		
	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
Revenues:						
Interest income and other	\$ 188,643	\$ 500,000	37.7%	\$ 188,643	\$ 500,000	37.7%
Total Revenues	188,643	500,000	37.7%	188,643	500,000	37.7%
Expenditures:						
Personal services	87	50,000	0.2%	87	50,000	0.2%
Design and engineering	374,209	1,200,000	31.2%	374,209	1,200,000	31.2%
Construction and equipment:	-	15,250,000	0.0%	-	15,250,000	0.0%
Total Expenditures	\$ 374,296	\$ 16,500,000	2.3%	\$ 374,296	\$ 16,500,000	2.3%

TOWN OF ADDISON
AIRPORT FUND REVENUES, EXPENDITURES AND CHANGES IN WORKING CAPITAL
For the Period Ended December 31, 2009

	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE			1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
Operating revenues:												
Operating grants	\$ 48,530	\$ 50,000	97.1%	\$ 48,530	\$ 50,000	97.1%	\$ -	\$ 50,000	0.0%	\$ -	\$ 50,000	0.0%
Fuel flowage fees	134,196	650,000	20.6%	134,196	650,000	20.6%	117,723	800,000	14.7%	117,723	800,000	14.7%
Rental	544,501	3,250,000	1210.0%	544,501	3,250,000	16.8%	529,632	3,240,000	16.3%	529,632	3,240,000	16.3%
User fees	3,886	45,000	8.6%	3,886	45,000	8.6%	4,431	37,200	11.9%	4,431	37,200	11.9%
Total operating revenues	798,499	3,995,000	20.0%	798,499	3,995,000	20.0%	651,786	4,127,200	15.8%	651,786	4,127,200	15.8%
Operating expenses:												
Town - Personal services	57,245	294,960	19.4%	57,245	294,960	19.4%	50,926	285,650	17.8%	50,926	285,650	17.8%
Town - Supplies	1,005	47,420	2.1%	1,005	47,420	2.1%	4,157	26,300	15.8%	4,157	26,300	15.8%
Town - Maintenance	6,304	29,270	21.5%	6,304	29,270	21.5%	6,657	30,970	21.5%	6,657	30,970	21.5%
Town - Contractual services	132,456	479,320	27.6%	132,456	479,320	27.6%	80,980	550,200	14.7%	80,980	550,200	14.7%
Grant - Maintenance	1,470	100,000	1.5%	1,470	100,000	1.5%	-	100,000	0.0%	-	100,000	0.0%
Operator - Operations & Maintenance	148,966	1,382,870	10.8%	148,966	1,382,870	10.8%	155,007	1,484,320	10.4%	155,007	1,484,320	10.4%
Operator - Service Contract	195,257	828,500	23.6%	195,257	828,500	23.6%	190,365	931,200	20.4%	190,365	931,200	20.4%
Total operating expenses	542,703	3,162,340	17.2%	542,703	3,162,340	17.2%	488,092	3,408,640	14.3%	488,092	3,408,640	14.3%
Net operating income	255,796	832,660	30.7%	255,796	832,660	30.7%	163,693	718,560	22.8%	163,693	718,560	22.8%
Non-Operating revenues (expenses):												
Interest earnings and other	73,531	45,000	163.4%	73,531	45,000	163.4%	12,571	80,000	15.7%	12,571	80,000	15.7%
Interest on debt, fiscal fees, & other	(33,750)	(135,000)	25.0%	(33,750)	(135,000)	25.0%	(36,317)	(145,270)	25.0%	(36,317)	(145,270)	25.0%
Net non-operating revenues (expenses)	39,781	(90,000)	-44.2%	39,781	(90,000)	-44.2%	(23,746)	(65,270)	36.4%	(23,746)	(65,270)	36.4%
Net income (excluding depreciation)	\$ 295,577	\$ 742,660	39.8%	\$ 295,577	\$ 742,660	39.8%	\$ 139,947	\$ 653,290	21.4%	\$ 139,947	\$ 653,290	21.4%
CHANGES IN WORKING CAPITAL												
Net income (excluding depreciation)	\$ 295,577	\$ 742,660	39.8%	\$ 295,577	\$ 742,660	39.8%	\$ 139,947	\$ 653,290	21.4%	\$ 139,947	\$ 653,290	21.4%
Sources (uses) of working capital:												
Retirement of long-term debt	(62,500)	(255,000)	24.5%	(62,500)	(255,000)	24.5%	(61,250)	(245,000)	25.0%	(61,250)	(245,000)	25.0%
Net additions to fixed assets with grants	(1,575)	(1,338,000)	0.1%	(1,575)	(1,338,000)	0.1%	(7,158)	(200,000)	3.6%	(7,158)	(200,000)	3.6%
Other net additions to fixed assets	-	(29,020)	0.0%	-	(29,020)	0.0%	-	-	0.0%	-	-	0.0%
Net sources (uses) of working capital	(64,075)	(1,622,020)	4.0%	(64,075)	(1,622,020)	4.0%	(68,408)	(445,000)	15.4%	(68,408)	(445,000)	15.4%
Net increase (decrease) in working capital	231,502	(879,360)	-26.3%	231,502	(879,360)	-26.3%	71,539	208,290	34.3%	71,539	208,290	34.3%
Beginning fund balance	1,179,004	1,196,780	98.5%	1,179,004	1,196,780	98.5%	1,384,264	1,032,580	134.1%	1,384,264	1,032,580	134.1%
Ending fund balance	\$ 1,410,506	\$ 317,420	444.4%	\$ 1,410,506	\$ 317,420	444.4%	\$ 1,455,803	\$ 1,240,870	117.3%	\$ 1,455,803	\$ 1,240,870	117.3%

TOWN OF ADDISON
UTILITY FUND REVENUES, EXPENDITURES AND CHANGES IN WORKING CAPITAL
For the Period Ended December 31, 2009

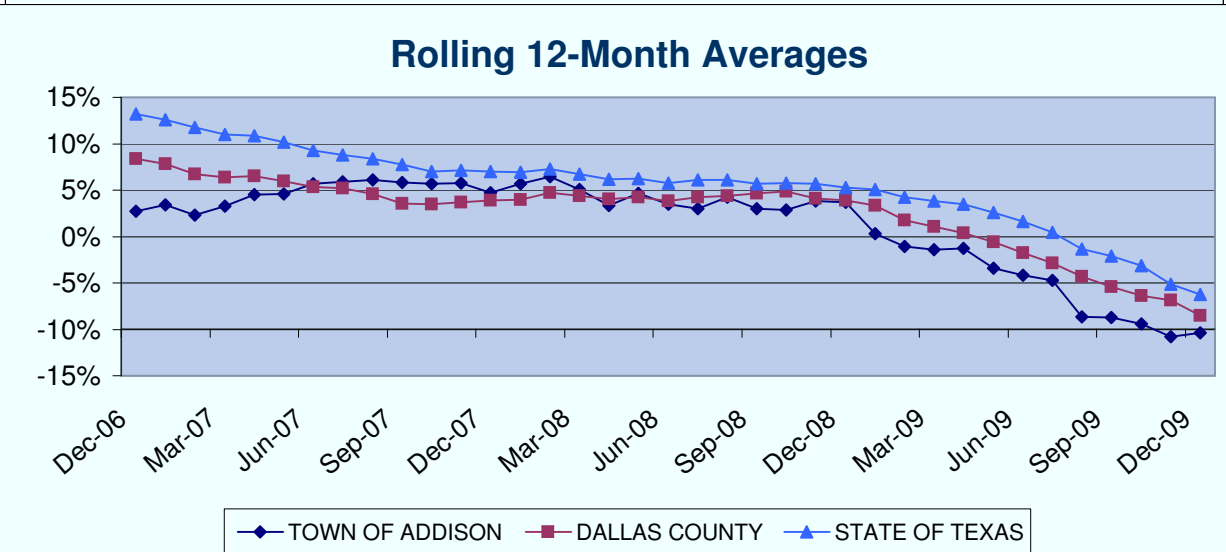
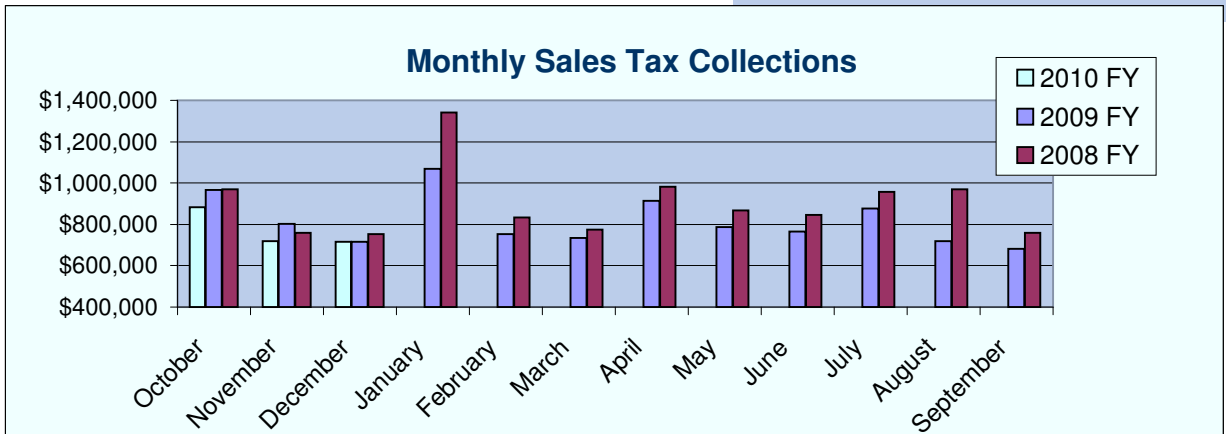
	CURRENT AND YEAR-TO-DATE AT DECEMBER 31, 2009						COMPARISON TO PRIOR FISCAL YEAR AT DECEMBER 31, 2008					
	1ST QUARTER			YEAR TO DATE			1ST QUARTER			YEAR TO DATE		
	Actual	Annual Budget	%	Actual	Annual Budget	%	YTD Actual	Annual Budget	%	YTD Actual	Annual Budget	%
Operating revenues:												
Water sales	\$ 675,028	\$ 5,059,700	13.3%	\$ 675,028	\$ 5,059,700	13.3%	876,381	\$ 4,885,500	17.9%	876,381	\$ 4,885,500	17.9%
Sewer charges	641,807	4,275,000	15.0%	641,807	4,275,000	15.0%	721,810	4,656,500	15.5%	721,810	4,656,500	15.5%
Tap fees	1,800	10,000	3.0%	1,800	10,000	18.0%	2,870	10,000	28.7%	2,870	10,000	28.7%
Penalties	20,576	60,000	34.3%	20,576	60,000	34.3%	22,250	60,000	37.1%	22,250	60,000	37.1%
Total operating revenues	1,339,211	9,404,700	14.2%	1,339,211	9,404,700	14.2%	1,623,311	9,612,000	16.9%	1,623,311	9,612,000	16.9%
Operating expenses:												
Water purchases	199,932	2,653,400	7.5%	199,932	2,653,400	7.5%	397,961	2,610,200	15.2%	397,961	2,610,200	15.2%
Wastewater treatment	190,680	1,745,200	10.9%	190,680	1,745,200	10.9%	227,576	1,892,200	12.0%	227,576	1,892,200	12.0%
Utility operations	532,076	2,692,450	19.8%	532,076	2,692,450	19.8%	446,604	2,544,310	17.6%	446,604	2,544,310	17.6%
Total operating expenses	922,688	7,091,050	13.0%	922,688	7,091,050	13.0%	1,072,141	7,046,710	15.2%	1,072,141	7,046,710	15.2%
Net operating income	416,523	2,313,650	18.0%	416,523	2,313,650	18.0%	551,170	2,565,290	21.5%	551,170	2,565,290	21.5%
Non-Operating revenues (expenses):												
Interest earnings and other	13,824	175,000	7.9%	13,824	175,000	7.9%	63,536	351,000	18.1%	63,536	351,000	18.1%
Interest on debt, fiscal fees, & other	(157,098)	(628,390)	25.0%	(157,098)	(628,390)	25.0%	(197,632)	(790,530)	25.0%	(197,632)	(790,530)	25.0%
Net non-operating revenues (expenses)	(143,274)	(453,390)	31.6%	(143,274)	(453,390)	31.6%	(134,096)	\$ (439,530)	30.5%	(134,096)	\$ (439,530)	30.5%
Net income (excluding depreciation)	\$ 273,249	\$ 1,860,260	14.7%	\$ 273,249	\$ 1,860,260	14.7%	\$ 417,074	\$ 2,125,760	19.6%	\$ 417,074	\$ 2,125,760	19.6%
CHANGES IN WORKING CAPITAL												
Net income (excluding depreciation)	\$ 273,249	\$ 1,860,260	14.7%	\$ 273,249	\$ 1,860,260	14.7%	\$ 417,074	\$ 2,125,760	19.6%	\$ 417,074	\$ 2,125,760	19.6%
Sources (uses) of working capital:												
Retirement of long-term debt	(622,820)	(2,491,280)	25.0%	(622,820)	(2,491,280)	25.0%	(549,015)	(2,196,060)	25.0%	(549,015)	(2,196,060)	25.0%
Net additions to fixed assets	(146,748)	(2,358,900)	6.2%	(146,748)	(2,358,900)	6.2%	(132,922)	(1,747,800)	7.6%	(132,922)	(1,747,800)	7.6%
Net sources (uses) of working capital	(769,568)	(4,850,180)	15.9%	(769,568)	(4,850,180)	15.9%	(681,937)	(3,943,860)	17.3%	(681,937)	(3,943,860)	17.3%
Net increase (decrease) in working capital	(496,319)	(2,989,920)	16.6%	(496,319)	(2,989,920)	16.6%	(264,863)	(1,818,100)	14.6%	(264,863)	(1,818,100)	14.6%
Beginning fund balance	7,431,570	7,578,060	98.1%	7,431,570	7,578,060	98.1%	9,801,446	8,964,360	109.3%	9,801,446	8,964,360	109.3%
Ending fund balance	\$ 6,935,251	\$ 4,588,140	151.2%	\$ 6,935,251	\$ 4,588,140	151.2%	\$ 9,536,583	\$ 7,146,260	133.4%	\$ 9,536,583	\$ 7,146,260	133.4%

TOWN OF ADDISON

Schedule of Sales Tax Collections and Related Analyses

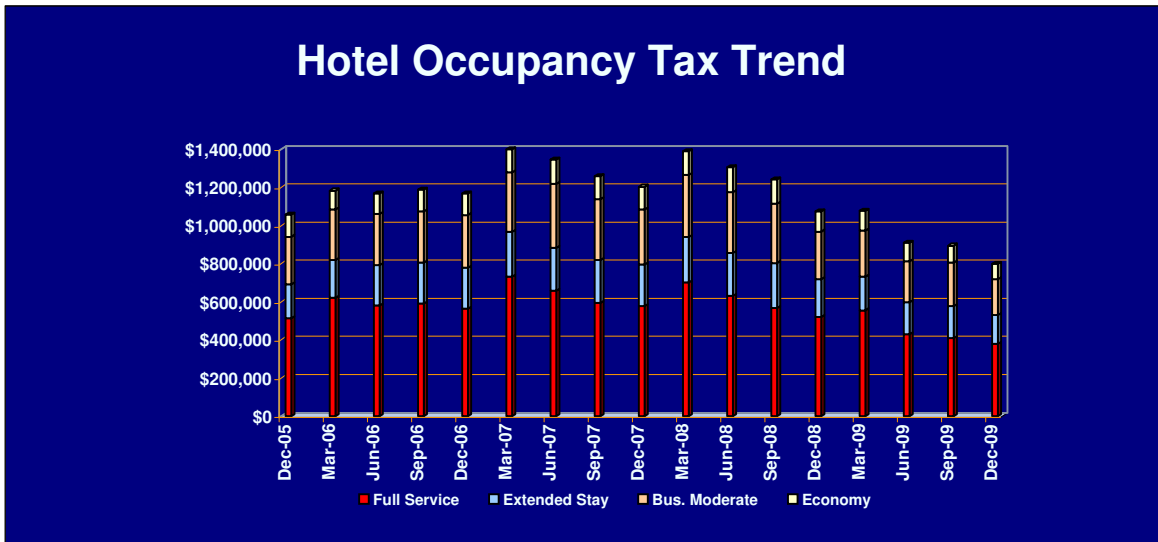
For the fiscal year ending September 30, 2010

	TOWN OF ADDISON				DALLAS COUNTY		STATE OF TEXAS	
	2009-10 Collections		% Change from Prior Year		% Change from Prior Year		% Change from Prior Year	
	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative
October	\$ 882,896	\$ 882,896	-8.7%	-8.7%	-9.6%	-9.6%	-8.3%	-8.3%
November	\$ 718,293	\$ 1,601,190	-10.6%	-9.5%	-7.5%	-8.7%	-14.9%	-11.4%
December	\$ 714,477	\$ 2,315,667	-0.2%	-6.8%	-15.3%	-10.7%	-11.4%	-11.4%
January	\$ -							
February	\$ -							
March	\$ -							
April	\$ -							
May	\$ -							
June	\$ -							
July	\$ -							
August	\$ -							
September	\$ -							
Budget 09-10:		\$ 9,760,000						
Projected Year-End		\$ 9,490,000						



TOWN OF ADDISON HOTEL OCCUPANCY TAX COLLECTION
Hotels By Service Type for the Quarter and Year-To-Date Ended December 31, 2009
With Comparisons to Prior Year

	Rooms		1st Quarter FY 10		10 to 09 % Diff.	YTD FY 09		10 to 09 % Diff.
	Number	Percentage	Amount	Percentage		Amount	Percentage	
Full Service								
Marriott Quorum	535	14%	\$ 146,545	18%	-26%	\$ 146,545	18%	-26%
Intercontinental	532	13%	135,733	17%	-30%	135,733	17%	-30%
Crown Plaza	429	11%	97,729	12%	-25%	97,729	12%	-25%
	1,496	38%	380,006	47%	-27%	380,006	47%	-27%
Extended Stay								
Budget Suites	344	9%	2,570	0%	-66%	2,570	0%	-66%
Best Western	70	2%	10,058	1%	6%	10,058	1%	6%
Marriott Residence	150	4%	36,516	5%	-27%	36,516	5%	-27%
Summerfield Suites	132	3%	25,593	3%	-24%	25,593	3%	-24%
Homewood Suites	128	3%	39,621	5%	-15%	39,621	5%	-15%
Springhill Suites	159	4%	35,842	4%	-28%	35,842	4%	-28%
	983	25%	150,200	19%	-26%	150,200	19%	-26%
Business Moderate								
Marriott Courtyard Quorum	176	4%	49,786	6%	-18%	49,786	6%	-18%
LaQuinta Inn	152	4%	27,195	3%	-27%	27,195	3%	-27%
Marriott Courtyard Proton	145	4%	29,719	4%	-23%	29,719	4%	-23%
Holiday Inn Express	102	3%	29,095	4%	-22%	29,095	4%	-22%
Hilton Garden Inn	96	2%	32,751	4%	-15%	32,751	4%	-15%
Holiday Inn - Arapaho	101	3%	19,358	2%	-30%	19,358	2%	-30%
Comfort Inn	86	2%	6,644	1%	-34%	6,644	1%	-34%
	858	22%	194,549	24%	-24%	194,549	24%	-24%
Economy								
Motel 6	126	3%	15,516	2%	1%	15,516	2%	1%
Hampton Inn	159	4%	36,669	5%	-29%	36,669	5%	-29%
Quality Inn	115	3%	8,231	1%	-39%	8,231	1%	-39%
Comfort Suites	78	2%	11,619	1%	-42%	11,619	1%	-42%
Super 8	78	2%	5,689	1%	-21%	5,689	1%	-21%
Best Value	60	2%	2,674	0%	-10%	2,674	0%	-10%
	616	16%	80,398	10%	-23%	80,398	10%	-23%
TOTAL	3,953	100%	\$ 805,153	100%	-25%	\$ 805,153	100%	-25%



TOWN OF ADDISON
INTERIM STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
For the Quarter Ending December 31, 2009

Fund	Balance 9/30/2009	Quarter Receipts	Quarter Disbursements	Balance 12/31/2009
General Fund	\$ 11,411,883	\$ 8,068,499	\$ 9,936,695	\$ 9,543,687
Special Revenue Funds:				
Hotel	4,617,231	1,932,128	3,144,708	3,404,651
Public Safety	10,723	3,614	-	14,337
Municipal Court	548,786	224,397	283,417	489,766
Debt Service Funds:				
G. O. Bonds	1,216,750	1,484,197	874,177	1,826,770
Hotel Revenue Bonds	898,880	1,345,374	670,000	1,574,254
Capital Projects Funds:				
Streets	1,324,604	154,476	524,110	954,970
Parks	481,697	2,523	90,785	393,435
2002 G.O. Bonds	1,727,160	10,006	44,520	1,692,646
2004 G.O. Bonds	432,581	2,518	-	435,099
2006 G.O. Bonds	347,817	2,025	-	349,842
2008 C.O. Bonds	25,142,000	147,131	644,884	24,644,247
Enterprise Funds:				
Utility	9,520,084	2,329,396	1,647,580	10,201,900
Airport	1,830,144	1,277,827	1,028,246	2,079,725
Internal Service Funds:				
Capital Replacement	3,812,989	24,091	665	3,836,415
Information Services	2,146,072	13,539	36,484	2,123,127
TOTAL - ALL FUNDS	\$ 65,469,401	\$ 17,021,741	\$ 18,926,271	\$ 63,564,871

Note: Cash inflows and outflows represent revenues, expenditures, and investment transactions.

INVESTMENTS BY MATURITY AND TYPE

For the Quarter Ending December 31, 2009

Type	% of Portfolio	Yield to Maturity	Amount
Pools	32.30%	0.20%	\$ 20,212,287
Agencies	35.19%	1.77%	22,025,887
Bank CD's	32.51%	1.69%	20,347,594
Commercial Paper	0.00%	0.00%	-
Total Investments	100.00%	1.42%	62,585,768
Accrued Interest Earnings			197,746
Demand Deposits			781,356
TOTAL			\$ 63,564,871

COLLATERAL SUMMARY

The first and most important objective for public funds investments is safety of assets. Therefore, all non-government security investments and bank accounts in excess of FDIC coverage must be secured by collateral. The bank balances and investments are monitored on a regular basis for appropriate coverage by marking the collateral to market. Collateral levels are adjusted to secure the varying levels of receipts throughout the fiscal year.

Town of Addison Collateral Analysis Demand Deposit Cash December 31, 2009

Pledging Institution	Safekeeping Location	Account Title	Pledged Security Description	Security Par Value	Market Value	FDIC Insurance	Ending Bank Balance	Difference Over(Under)
Frost Bank	Federal Reserve	Operating	GNMA due: 15-Oct-37	\$ 2,199,159	\$ 2,310,790			
				<u>\$ 2,199,159</u>	<u>\$ 2,310,790</u>	<u>\$ 250,000</u>	<u>1,014,636</u>	<u>\$ 1,546,154</u>

Fourth Quarter of Calendar Year 2009 Review

MAJOR EVENTS

By the end of the third quarter, a majority of economists believed that the United States had finally emerged from what many were calling “the Great Recession”; a year of negative growth in which the U.S. economy contracted by 3.8%, the worst 12-month performance in seven decades. The GDP report for the third quarter of 2009, originally released in October, showed a 3.5% positive annualized growth rate, but subsequent revisions pushed growth down to 2.8% and finally to 2.2%; *still positive, but less so*. Although the recession appeared to be over, the economic news was, at best, mixed.

On the first day of the quarter, the Congressional Budget Office announced that the budget deficit had tripled to \$1.4 trillion for the 2009 fiscal budget year. This was no surprise, but still shocking to see in print. Two months later, Moody’s would warn that the U.S. and Britain could lose their AAA ratings due to “deteriorating finances”. Although the Moody’s announcement raised some eyebrows, the market reaction was limited. The ISM factory index reached a 3-year high in October, suggesting that the manufacturing sector would help lead the fledgling recovery. Retail sales were unexpectedly brisk in the first two months of the quarter, and initial indications were that the holiday shopping season was apparently much better than last year. The labor market, although still shedding jobs, was losing fewer and fewer every month. A weak dollar combined with a recovering global economy to boost U.S. exports. And although the same weak dollar helped fuel a run-up in the price of crude oil and other commodities, core inflation measures were well-contained, allowing the Fed to keep the overnight funds rate between zero and 0.25% for all of 2009. In fact, the company line coming from Fed officials at both FOMC meetings during the quarter was the now familiar “economic conditions, including low rates of resource utilization, subdued inflation trends, and stable inflation expectations, are likely to warrant exceptionally low levels of the fed funds rate for an extended period.” The big question was (and still is) *exactly how long would this extended period be?* The general consensus among economists during the quarter was for the first rate hike to occur at either the August or September 2010 FOMC meeting, but nearly all of the remaining 18 Primary Dealers expected no tightening before 2011.

Although they couldn’t cut overnight funds any lower in 2009, the Fed continued to indirectly support mortgage lending rates at near record lows by purchasing agency and mortgage-back securities. This program is scheduled to wrap up at the end of the first quarter of 2010 before beginning a gradual unwind. Perhaps in anticipation of this, on Christmas Eve, the Treasury Department quietly lifted the \$200 billion dollar borrowing caps for Freddie Mac and Fannie Mae, who up to this point had borrowed only \$51 and \$60 billion respectively. Although the exact reasoning behind the move was unclear, the Wall Street Journal speculated that *“the relaxed portfolio limits calmed investor worries that Fannie and Freddie would be forced to sell some of their mortgage holdings just as the Federal Reserve was preparing to wind down its purchases of mortgage-backed securities next spring.*

EMPLOYMENT

The economy lost another 85k jobs in December while November data was revised into positive territory, climbing from an originally reported loss of 11k to a gain of 4k. But that was basically offset by a nearly equal downward revision to October. The unemployment rate held steady in December at 10.0%. The U-6 measure, which adds in those who have given up the search or taken a part-time job, has climbed to 17.3%. There were a few positive signs in the most recent report including an increase in temporary help, which normally leads full time hiring, and the fact that the job loss numbers in manufacturing and services continue to shrink. So at least things are heading in the right direction.

It now appears that actual job growth could begin soon. The hiring of temporary workers has increased for four straight months, while weekly claims have declined significantly and even the average workweek is on the rise. The Census Bureau will hire more than 1 million temporary workers to conduct the census. But the simple fact that job losses have nearly ended is hardly cause for celebration - *Nouriel Roubini*, the infamous "Doctor Gloom" and Professor of Economics at New York University, recently pointed out that average length of unemployment is at an all-time high and the ratio of job applicants to vacancies is now 6 to 1. Nobel Prize winning economist Paul Krugman wrote in the *New York Times* that the U.S. economy would probably need to add 100,000 jobs per month just to keep up with the growing population, and around 18 million jobs over the next five years, or 300,000 a month, in order to return to full employment. This prospect looks especially dim considering that a net total of 464,000 non-farm payroll jobs were created during the past decade. By contrast, nearly 22 million new jobs were generated between 1989 and 1999. One area that is adding jobs is the troubled mortgage business – According to the *Wall Street Journal* – Wells Fargo has nearly doubled its restructuring group, adding 7,000 employees in 2009, while Citigroup has added 1,400 mortgage workout positions.

HOUSING

The housing market, fueled by an \$8,000 first-time homebuyer tax credit, government-orchestrated record low lending rates and home prices down an average of 30%, has staged a respectable rally. Existing homes sales followed-up a sharp 10.1% October rise with an unexpected 7.4% jump in November. According to Bloomberg News, on a year-over-year basis, existing home sales have rebounded by a huge 44%. In January 2009, the unit sales pace had dropped to 4.49 million, the lowest level in recorded history. By contrast, the 6.5 million November 2009 level was the highest since February 2007 and less than 10% below the 2005 peak. Interestingly enough, the 10-year average is only 5.8 million. New home sales haven't fared nearly as well, still down almost 75% from their 2005 historical high to a sluggish 355k pace in November 2009.

CONSUMER SPENDING

Consumer spending was surprisingly brisk during the quarter, a primary reason for recently optimistic GDP forecasts. November retail sales rose by 1.3%, following a revised 1.1% increase in October. On a year-over-year basis, retail sales have now risen 1.9%, the first positive reading in 15 months. After slumping from a 14 million unit pace in August to 9.2 million in September, auto sales have increased from 10.5 to 10.9 million in the past two months. But as in the case of the housing and labor markets, there's an abundance of less savory data waiting in the wings that should eventually assert itself and keep a lid on future consumer spending. Total household credit dropped for the fourth quarterly period in a row, plunging by a record \$88 billion in the third quarter after a \$53 billion drop in the second, while credit card companies have reduced available credit by a huge \$1.6 trillion. As a result, budget conscious consumers continue to adjust their lifestyles and rein in their spending, while paying down debt. The savings rate was 4.7% in both October and November. Although down from a high of 6.4% in May, savings remains well above the recent April 2008 low of 0.8%. Obviously, it can be tough to spend money during troubled economic times, but in October, the *Wall Street Journal* reported that mortgage defaults were actually contributing to economic recovery by freeing up funds for discretionary spending that would normally be used to make house payments.

INFLATION

Crude oil rose above \$81 per barrel in November to a 12-month high while gold topped \$1,200 per ounce for the first time ever, but core inflationary readings remain historically low, and are expected to remain on the low side for the foreseeable future. As long as inflation and inflation expectations are contained, the Fed can maintain an accommodative overnight funds target. The overall consumer price index (CPI) was up 2.7% during 2009. Much of the increase was due to a rise in energy prices, a trend not generally expected to continue in 2010. The core rate, which excludes food and energy, climbed a more modest 1.8% in 2009. This is very low from a historical perspective and supports the argument that price pressures are under control. This will in turn allow the Fed to keep interest rates low for the foreseeable future.

THE FED

The Federal Reserve's FOMC meet twice during the quarter and reiterated their now long standing official policy statement... "economic conditions, including low rates of resource utilization, subdued inflation trends, and stable inflation expectations, are likely to warrant

exceptionally low levels of the fed funds rate for an extended period.” The Fed continued to indirectly support mortgage lending rates at near record lows by purchasing agency and mortgage-backed securities. In addition, the Fed has funneled huge amounts of cash into the banking system in hopes of making credit readily available to further stimulate economic growth. These actions have stabilized the financial markets, but created significant challenges for investors on the short end of the curve with interest rates near zero.

Summary of FOMC Monetary Policy Actions:

- 1) November 4th – Held the fed funds target in a range of 0% to 0.25%
- 2) December 16th – Held the fed funds target in a range of 0% to 0.25%

STOCK MARKET MOVEMENT

The Wall Street Journal reported that stock market performance during the decade of the 00’s, with average annual returns of -0.5%, was the worst of any calendar decade in 200 years of history. In a huge dose of irony, the Journal reported days later that the DOW had climbed 61% off its 12-year low in March and 20% for the year. Broader indices also staged strong recoveries, with the S&P 500 up 23% for the year and 65% from the March low and the Nasdaq up 44% on the year and a whopping 79% from the lows.

	DOW	S & P 500	NASDAQ
9/30/09	9,712	1,057	2,122
12/31/09	10,428	1,115	2,269
% Change for Q4-2009	+ 7.4%	+5.5%	+ 6.9%
% Change for Year 2009	+ 18.8%	+23.4%	+ 43.9%

INTEREST RATES

		Fed Funds	3 mo T-bill	6 mo T-bill	2 yr T-note	5 yr T-note	10 yr T-note
Last	9/30/09	0.00%	0.11%	0.17%	0.95%	2.31%	3.31%
High			0.10%	0.20%	1.14%	2.68%	3.84%
Low			0.01%	0.13%	0.67%	2.00%	3.18%
End	12/31/09	0.00%	0.05%	0.19%	1.14%	2.68%	3.84%

PORTFOLIO ACTIVITY SINCE DECEMBER 31st

- Five agency securities totaling \$13.3 million matured during the quarter and one agency step-up bond for \$3 million was called away.
- The Town purchased three collateralized CD’s during the quarter, two at Comerica Bank for \$2mm each and one at ViewPoint Bank for \$4mm. The Comerica CD’s mature in October 2010 and January 2011 with yields of 0.93% and 1.17% respectively. The ViewPoint CD matures in December 2010 with a yield of 0.85%. For comparison, agency securities with similar maturities offered yields of less than 0.50%.
- In October, the Town settled on two investments made in September in callable agency step-up bonds. These two \$2 million investments were both issued by the Federal Home Loan Bank (FHLB). The first is callable quarterly starting in January 2010, with a final maturity in October 2012. It has an initial coupon of 1.25%, and if it was not called, the coupon will “step-up” to 2% on 10/15/10, to 3% on 4/15/11, to 4% on 10/15/11 and finally to 5% on 4/15/12. The second bond is also callable quarterly, but has a longer final maturity in October 2014. If not called, the initial 2.50% coupon steps to 3% on 10/8/11, then to 4% on 10/8/12, to 5% on 10/8/13 and finally to 7% on 4/8/14.
- Finally, the Town bought a six-month FHLMC discount note in December at a yield of 0.20%. This purchase was made to diversify and reduce pool holdings which now yield about 0.15%.

SUMMARY / OUTLOOK

The near term economic outlook, at least on the surface, is likely to appear much improved. A number of factors are expected to lift fourth quarter GDP well above the 2.2% growth rate of the third quarter. One major contributor could be the U.S. consumer, who despite less credit availability, lower wages and bleak employment prospects, has seen considerable improvement in household net worth and now seems willing to spend money again. Although still down more than 19% from the peak two years ago, the Federal Reserve reported that second and third quarter U.S. household net worth had increased by a total of 10%, topping \$53 trillion at the end of September 2009 to reach the highest level in a year. Much of the rebound is tied to stock market gains, although stabilization in housing prices is also a factor.

Remaining stimulus dollars could also make a substantial contribution to economic growth in the coming months. According to Congressional Budget Office forecasts, only 21% of the stimulus funds have been consumed thus far, with 38% expected to be spent in 2010 and another 22% in 2011 before trickling off. Another positive addition to future economic growth will be the rebuilding of inventories. For much of the past year, businesses scaled back on their inventories. As the pace of consumer spending has picked up, lean stockpiles were quickly depleted which will now require a boost in future production to replenish supply. Even the housing sector is expected to make a slight contribution in the coming months as the inventory of new homes for sale stands at the lowest level in 38 years.

The global economy should be more of a help than a hindrance with almost all major economies now out of recession and gaining strength. In fact, according to *Business Week*, the unemployment rate in most developed countries is well below the current 10% rate of the U.S. And optimism is running high relative to a year ago. The Bloomberg Global Confidence Index, a relatively new measure that had sunk below 4 in October 2008, moved to a record high of 61.7 in October 2009 and has hovered within a narrow range near the top ever since.

But the biggest obstacle to sustained growth continues to be a very weak labor market, with any improvement expected to be painfully slow. A recent *Bloomberg* survey of 57 top economists shows a median unemployment rate of 10% for 2010 and 9.3% for 2011. As of December, the percentage of the 15 million unemployed workers who haven't received a company paycheck within the last six months stands at one-third, the highest in nearly 70 years. The safety net of extended unemployment benefits is wearing thin. Fortunately, a couple weeks ago, another round of legislation extended unemployment benefits that were scheduled to expire at the end of 2009 for another two months. As terrible as it sounds, doling out unemployment checks may be one of the most effective uses of government dollars. According to a report on *Moody's Economy.com*, a \$1 increase in unemployment benefits will produce roughly \$1.64 in GDP as unemployed workers have a tendency to spend benefits checks almost immediately.

Few economists expect the U.S. to reenter recession in 2010, but neither do they expect particularly brisk growth. The most likely scenario is for the Fed to remain on hold for much of the next year. The thing to keep in mind is that while the Fed may be able to anchor the overnight rate at zero, long-term rates are free to drift higher in anticipation, and most experts are forecasting exactly that.

PROJECTED STRATEGY FOR THE FIRST QUARTER 2010:

Investment conditions have changed little during the last quarter and our strategy will remain much the same. Yields on local government investment pools have fallen to around 0.15%. As such we will seek to minimize balances held here. Unfortunately, there are not many palatable alternatives for short-term investments as six-month agency securities yield just 0.17% and one-year agencies yield less than 0.40%. CD's are likely to remain a relatively attractive option. We will continue to avoid commercial paper as the meager returns offered do not justify the added risk. As was the case last quarter, new issue callable agency bonds offer attractive yield advantages over comparable non-callable bonds; we favor these callable bonds with final maturities in the 18- to 24-month range. We also favor agency step-up bonds (those whose coupon payments "step-up" from the initial coupon rate to higher rates if not called). We prefer those with large steps in the coupon rate, which we believe will protect the Town's portfolio in case the Fed raises interest rates sooner or more aggressively than currently expected.




For the Quarter Ended
December 31, 2009

This report is prepared for the **Town of Addison** (the "Entity") in accordance with Chapter 2256 of the Texas Public Funds Investment Act ("PFIA"). Section 2256.023(a) of the PFIA states that: "Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of the investment transactions for all funds covered by this chapter for the preceding reporting period." This report is signed by the Entity's investment officers and includes the disclosures required in the PFIA. To the extent possible, market prices have been obtained from independent pricing sources.

The investment portfolio complied with the PFIA and the Entity's approved Investment Policy and Strategy throughout the period. All investment transactions made in the portfolio during this period were made on behalf of the Entity and were made in full compliance with the PFIA and the approved Investment Policy.

Officer Names and Titles:

 C.F.O.
Jason L. Cooley, Strategic Services Manager



Investment Portfolio Summary

Town of Addison

Addison!

For the Quarter Ended

December 31, 2009

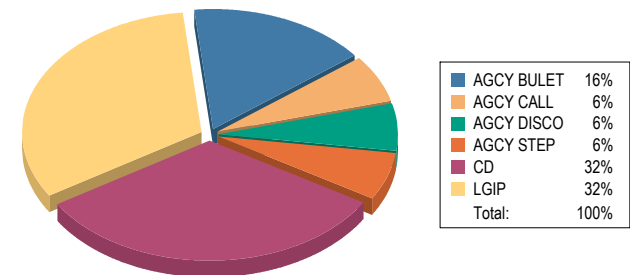
Account Summary

Allocation by Security Type

Beginning Values as of 09/30/09

Ending Values as of 12/31/09

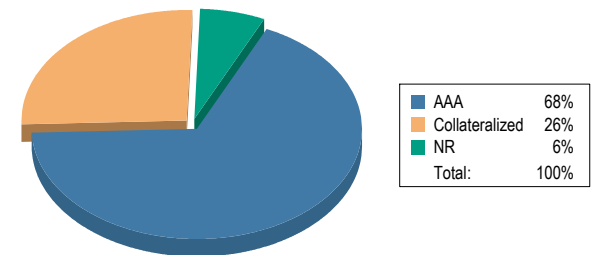
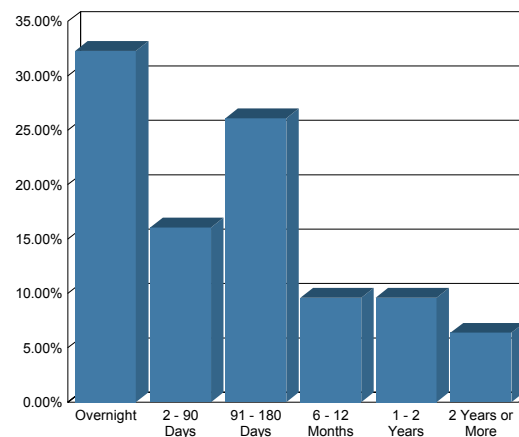
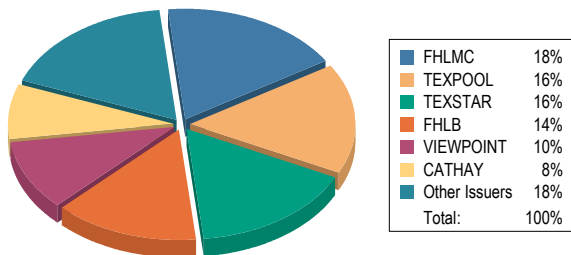
Par Value	66,299,594.04	62,559,880.68
Market Value	66,473,042.28	62,616,420.68
Book Value	66,384,125.64	62,585,768.12
Unrealized Gain / Loss	88,916.64	30,652.56
Market Value %	100.26%	100.09%
Weighted Avg. YTW	1.390%	1.155%
Weighted Avg. YTM	1.390%	1.235%



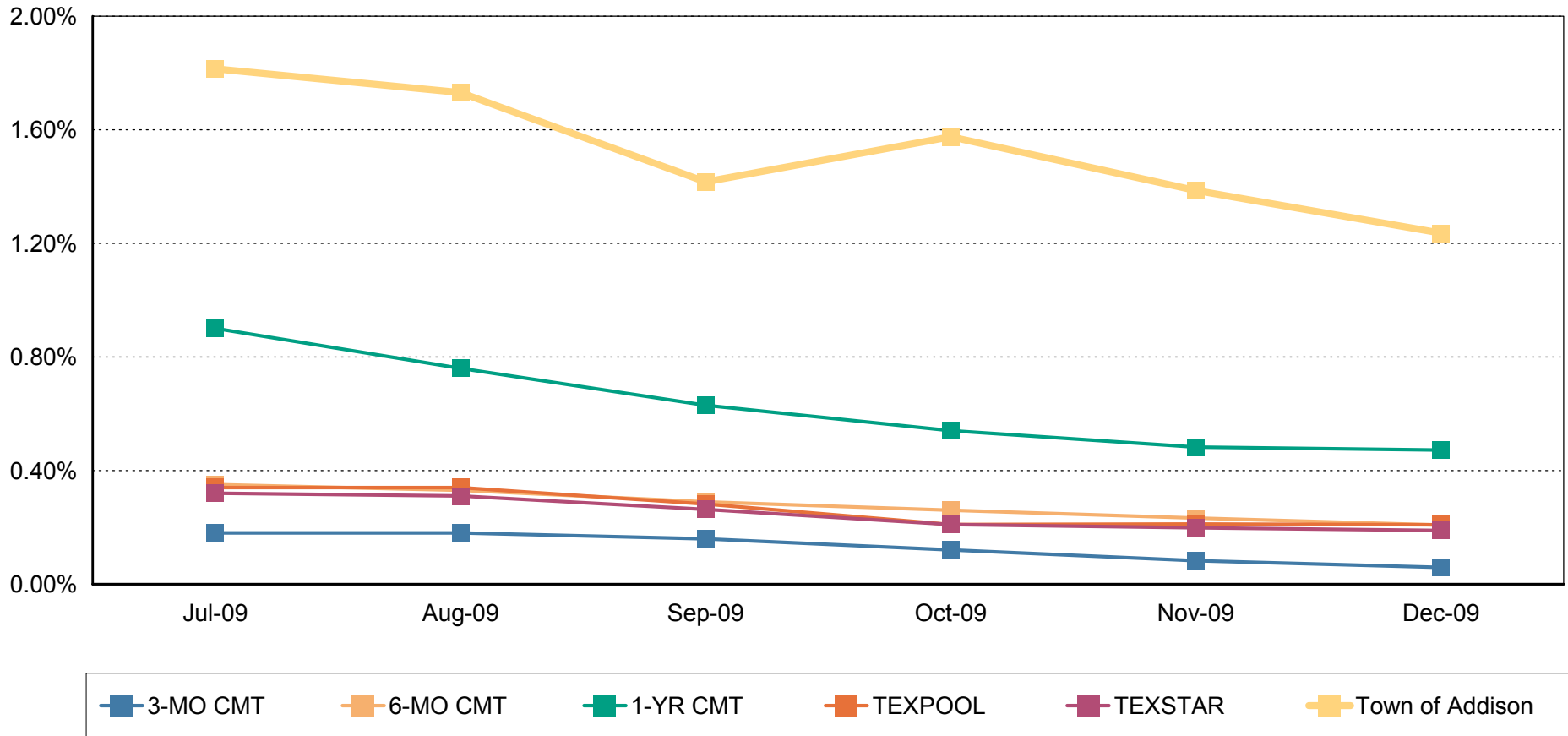
Allocation by Issuer

Maturity Distribution %

Credit Quality



Weighted Average Days to Maturity: 203



Note 1: CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year CMT is the daily average for the previous 12-months.

Note 2: Benchmark data for TexPool is the monthly average yield.

Note 3: Benchmark data for TexSTAR is the monthly average yield.



Town of Addison
Detail of Security Holdings
 As of 12/31/2009

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty	Days to Call	YTM	YTW
Pooled Funds																	
TEXPOOL		LGIP	TexPool					10,126,634.46	100.000	10,126,634.46	10,126,634.46	100.000	10,126,634.46	1		0.209	0.209
TEXSTAR		LGIP	TexSTAR					10,085,652.30	100.000	10,085,652.30	10,085,652.30	100.000	10,085,652.30	1		0.189	0.189
31398AKX9	11/25/08	AGCY BULET	FNMA	3.250	02/10/10			2,000,000.00	101.178	2,023,560.00	2,002,133.06	100.310	2,006,200.00	41		2.254	2.254
3133XT4Z6	02/18/09	AGCY BULET	FHLB	1.000	02/18/10			5,000,000.00	99.939	4,996,950.00	4,999,600.75	100.105	5,005,250.00	49		1.061	1.061
3134A33L8	11/12/08	AGCY BULET	FHLMC	7.000	03/15/10			3,000,000.00	106.009	3,180,270.00	3,027,919.83	101.355	3,040,650.00	74		2.418	2.418
6000106	06/03/09	CD-IAM	PlainsCapital Bank CD	1.500	04/05/10			5,000,000.00	100.000	5,000,000.00	5,000,000.00	100.000	5,000,000.00	95		1.500	1.500
CD-2010	04/05/07	CD	ViewPoint Bank CD	5.200	04/05/10			2,304,112.04	100.000	2,304,112.04	2,304,112.04	100.000	2,304,112.04	95		5.200	5.200
791000173	06/05/09	CD	Cathay Bank CD	1.450	06/05/10			5,036,459.59	100.000	5,036,459.59	5,036,459.59	100.000	5,036,459.59	156		1.450	1.450
313397YB1	12/16/09	AGCY DISCO	FHLMC Disc Note		06/14/10			4,000,000.00	99.900	3,996,000.00	3,996,355.56	99.930	3,997,200.00	165		0.200	0.200
CD-8985	10/19/09	CD	Comerica Bank CD	0.930	10/19/10			2,003,109.70	100.000	2,003,109.70	2,003,109.70	100.000	2,003,109.70	292		0.930	0.930
CD-4211	12/16/09	CD	ViewPoint Bank CD	0.850	12/16/10			4,000,000.00	100.000	4,000,000.00	4,000,000.00	100.000	4,000,000.00	350		0.831	0.831
CD-8993	10/19/09	CD	Comerica Bank CD	1.170	01/19/11			2,003,912.59	100.000	2,003,912.59	2,003,912.59	100.000	2,003,912.59	384		1.172	1.172
3128X8RT1	03/16/09	AGCY CALL	FHLMC	2.125	03/16/11	03/16/10	ONE TIME	4,000,000.00	99.995	3,999,800.00	3,999,878.24	100.280	4,011,200.00	440	75	2.128	2.128
3133XV3D1	10/15/09	AGCY STEP	FHLB	1.250	10/15/12	01/15/10	QRTLY	2,000,000.00	100.000	2,000,000.00	2,000,000.00	99.947	1,998,940.00	1,019	15	2.719	1.250
3133XUWP4	10/08/09	AGCY STEP	FHLB	2.500	10/08/14	01/08/10	QRTLY	2,000,000.00	100.000	2,000,000.00	2,000,000.00	99.855	1,997,100.00	1,742	8	3.539	2.500
Total for Pooled Funds								62,559,880.68	100.317	62,756,460.68	62,585,768.12	100.091	62,616,420.68	204		1.235	1.155
Total for Town of Addison								62,559,880.68	100.317	62,756,460.68	62,585,768.12	100.091	62,616,420.68	204		1.235	1.155



Town of Addison
Investment Transactions
 From 10/01/2009 to 12/31/2009

Trade Date	Settle Date	CUSIP	Security Type	Security Description	Cpn	Mty Date	Call Date	Price	Quantity	Total Amount	Realized G/L	YTM	YTW
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Total for All Portfolios

Transaction Type	Quantity	Total Amount	Realized G/L	YTM	YTW
Total Sales	29,423.39	29,427.58			
Total Calls	3,000,000.00	3,000,000.00			
Total Maturities	13,323,000.00	13,323,000.00			
Total Purchases	15,996,000.00	15,996,000.00		1.303	
Total Income Payments	0.00	312,355.66			
Total Capitalized Interest	102,708.30	102,708.30			