



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

7:30 PM

AUGUST 9, 2011

TOWN HALL

ADDISON TOWN HALL, 5300 BELT LINE, DALLAS, TX 75254

REGULAR MEETING

Pledge of Allegiance

Item #R1- Announcements and Acknowledgements regarding Town and Council Events and Activities

Introduction of Employees

Discussion of Events/Meetings

Item #R2- Consent Agenda.

#2a- Approval of Minutes for the July 26, 2011 Regular Council

Meeting.

#2b- Award of contract for BTA Services in the amount of \$51,465.55 for the installation of pavement markings in various locations around Town.

#2c- Award of a bid to Weisz Selection Lawn and Landscape in the amount of \$145,000 for mowing services.

Item #R3 Discussion and consideration of approval of a Resolution supporting the election of Laura Maczka, Mayor Pro Tempore of the City of Richardson, to the position of alternate representative to the Regional Transportation Council.

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Attachment(s):

1. Town of Addison Resolution
2. COR Resolution

Item #R4 Discussion regarding Metrocrest Leadership Class XXIII.

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Attachment(s):

1. Leadership Metrocrest Application

Item #R5- Discussion of and consideration of action regarding Metrocrest Chamber lease of Visit Addison.

Attachment(s):

1. Metrocrest Chamber attachments

Item #R6- Discussion and consideration of appointments to the Addison Bond Committee.

Item #R7 **PUBLIC HEARING** Case 1640-Z/Embrey Partners. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 006-047 which ordinance zoned a 7.37 acre tract located at the intersection of Addison Road and Keller Springs Road, in order to provide for revised development plans for a development of approximately 353 multi-family units, located on the said 7.37 acres on application from Embrey Partners, represented by Mr. Daniel Zunker.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of an ordinance amending Planned Development Ordinance 006-046 in order to provide for revised development plans for a development of approximately 353 multi-family units, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and commission findings
2. Objection Letter

Recommendation:

Administration recommends approval.

Item #R8 **PUBLIC HEARING** Case 1635-SUP/Target. Public hearing on presentation, discussion and consideration of approval of an ordinance changing the zoning by approving a Special Use Permit for the sale of beer and wine for off-

premises consumption only, in a Planned Development District 093-018, located at 3730 Belt Line Road, on application from Target Corporation, represented by Mr. Andrew Lee.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

Item #R9 **PUBLIC HEARING** Case 1636-SUP/La Zaranda. Public hearing on, presentation, discussion and consideration of approval of an ordinance changing the zoning by approving an amendment to an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in order to add a patio, located at 5000 Belt Line Road, Suite 850, on application from La Zaranda Restaurant, represented by Mr. Gustavo San Roman.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a amendment for a

Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, in order to provide for a patio, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

Item
#R10 -

PUBLIC HEARING Case 1637-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending the Town's Code of Ordinances by amending Appendix A - Zoning thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending (i) Article XX (Special Uses) thereof by adding thereto a "beverage container recycling facility" as a use that may be authorized at a location upon the approval of an ordinance in accordance with Article XX, and (ii) Article XXX (Definitions) by adding thereto a definition of "beverage container recycling facility," on application from the Town of Addison, represented by Carmen Moran.

Attachment(s):

1. 1637-Z Packet

Recommendation:

Administration recommends approval.

Item
#R11 -

PUBLIC HEARING Case 1638-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District (the same being PD No. 093-018), by adding to Ordinance No. 093-018 a “beverage container recycling facility” as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance (the same being Appendix A - Zoning of the Town's Code of Ordinances), on application from Town of Addison, represented by Carmen Moran.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28 2011, voted to recommend approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District, by adding to Ordinance No. 093-018 a “beverage container recycling facility” as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler.

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

Item #R12 - **PUBLIC HEARING** Case 1639-SUP/Reimagine Beverage Containers. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending the zoning on a tract of land generally located within the Town at 3770 Belt Line Road, the said zoning being Planned Development District (PD No. 093-018) adopted by Ordinance No. 093-018 of the Town, by approving a Special Use Permit for a beverage container recycling facility, on application from Reimagine Beverage Containers, represented by Mr. Reed Tibbetts, General Manager.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for a beverage container recycling facility, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

Attachment(s):

1. docket map, staff report, and commission findings

Item #R13 - **PUBLIC HEARING**, consideration and discussion of the City Manager's proposed 2011-2012 fiscal year annual budget for the Town.

Item #R14 - Discussion and consideration of a resolution establishing a vote of record that proposes a property tax rate for the

Town's fiscal year beginning October 1, 2011 and ending September 30, 2012, and designating dates for the holding of a public hearing regarding, and a date for the adoption of, the property tax rate for the said 2011/2012 fiscal year.

Attachment(s):

1. Vote of Record Resolution
2. Notice of Net Effective Tax Rate
3. Sample Notice of Tax Rate Increase

Recommendation:

Because the city manager's proposed budget provides for a tax rate exceeding the net effective rate, it is recommended that Council establish a rate through the attached resolution.

Item
#R15 -

Discussion and consideration of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (including the Town) and Atmos Energy Corp, Mid-Tex Division regarding Atmos Energy Corp.'s fourth annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; and providing for the matters in connection therewith.

Attachment(s):

1. Atmos 2011 RRM Tariffs
2. Atmos Settlement Ordinance

Recommendation:

It is recommend Council approve the attached ordinance.

Item #R16 - Discussion and consideration of adoption of an Ordinance amending Section 2-93(11) of the Code of Ordinances, a portion of the Town's code of ethics, by providing that an official of the Town is not prohibited from using his official position to promote or encourage economic development and businesses within the town, provided the official and certain related persons do not receive a benefit from the promotion or encouragement.

Attachment(s):

1. Ethics Policy Revision Ordinance

Item #R17 - Discussion and consideration of any action relating to the appointment and duties of the City Secretary and Assistant City Secretary.

Item #R18 - Consideration and action on a Resolution of the City Council, approving policies and procedures for an economic development incentives program under Chapter 380 of the Texas Local Government Code.

Attachment(s):

1. Resolution Economic Development Incentive Policy
2. Exhibit A Chapter 380 Policies & Procedures

Recommendation:

City staff recommends approval.

Item #ES1 - Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from 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, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

Item
#R19 -

Consideration of any action regarding commercial or financial information that the City Council has received from 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, and/or any action regarding the offer of a financial or other incentive to such business prospect or business prospects.

Adjourn Meeting

Posted:

Lea Dunn, 8/5/2011, 5:00 PM

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: #R 2a

AGENDA CAPTION:

Approval of Minutes for the July 26, 2011 Regular Council Meeting.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

N/A

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[July 26 Minutes](#)

Type:

Backup Material

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL REGULAR MEETING

July 26, 2011

7:30 PM - Town Hall

Addison Town Hall 5300 Belt Line Road

Lea Dunn, 7/22/2011, 5:00 PM

Council Members Present:

Arfsten, Clemens, Lay, Meier, Mellow, Resnik

Absent:

DeFrancisco

REGULAR MEETING

Item #R1 - Announcements and Acknowledgements regarding Town and Council Events and Activities

The following employees were introduced:

Kyle Coffelt, Police Department

Monica Hernandez, Fire Department

Sheryl Donihoo, IT Department

There was no action taken.

Item #R2 - Consent Agenda

#2a - Approval of Minutes for the July 7, 2011 Special Council Meeting.

A motion to Approve was made by Councilmember Neil Resnik.

The motion was seconded by Councilmember Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, Lay, Meier, Mellow, Resnik
Voting Nay: None

Absent: DeFrancisco

#2b - Approval of Minutes for the July 12, 2011 Regular Council Meeting.

A motion to Approve was made by Councilmember Neil Resnik.
The motion was seconded by Councilmember Blake Clemens.
The motion result was: Passed
Voting Aye: Arfsten, Clemens, Lay, Meier, Mellow, Resnik
Voting Nay: None

Absent: DeFrancisco

#2c - Approval of Minutes for the July 19, 2011 Special Council Meeting.

A motion to Approve was made by Councilmember Neil Resnik.
The motion was seconded by Councilmember Blake Clemens.
The motion result was: Passed
Voting Aye: Arfsten, Clemens, Lay, Meier, Mellow, Resnik
Voting Nay: None

Absent: DeFrancisco

Item #R3 - Discussion and consideration of appointments to the Addison Bond Committee.

Kimberly Lay appointed Paul Yazbec, 15714 Quorum Drive and Donna Hugly, 3809 Azure Lane.

Blake Clemens appointed JJ Horan, 14757 Celestial Place.

Roger Mellow appointed Jimmy Neimann, 14921 Bellbrook Drive.

Bruce Arfsten appointed Tom Hunse, 14784 Winnwood Road and Suzie Oliver, 14605 Hemingway Court.

Neil Resnik appointed John Barker, 15580 Quorum Drive and Ginger Morgan, 15730 Seabolt Place.

Todd Meier appointed Phil Griggs, 4067 Beltway Drive and Billy Dreis, 4025 Mormon Lane.

A motion to Approve was made by Councilmember Blake Clemens.

The motion was seconded by Councilmember Kimberly Lay.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, Lay, Meier, Mellow, Resnik

Voting Nay: None

Absent: DeFrancisco

Item #R4 - Discussion regarding a potential municipal bond program.

There was no action taken.

Item #R5 - City Council consideration and approval authorizing the City Manager to execute the revised Dallas County Agreement for Mutual Aid and the revised Agreement for Automatic Assistance with City of Dallas.

Fire Chief John O'Neal spoke regarding this item.

A motion to Approve was made by Councilmember Kimberly Lay.

The motion was seconded by Councilmember Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, Lay, Meier, Mellow, Resnik

Voting Nay: None

Absent: DeFrancisco

Item #R6 - Discussion regarding fiscal year 2011-2012 budget.

Ron Whitehead and Randy Moravec spoke regarding this item.

There was no action taken.

Item #R7 - Consideration and approval of revisions to the Tuition Reimbursement Policy #4.08 of the Town of Addison Employee Handbook.

Passion Hayes spoke regarding this item.

A motion to Approve was made by Councilmember Blake Clemens.
The motion was seconded by Councilmember Roger Mellow.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, Lay, Meier, Mellow

Voting Nay: Resnik

Absent: DeFrancisco

Item #R8 - Discussion regarding the May 2012 municipal election.

Lea Dunn spoke regarding this item.

There was no action taken.

Mayor-Todd Meier

Attest:

City Secretary-Lea Dunn

Council Agenda Item: #R 2b

AGENDA CAPTION:

Award of contract for BTA Services in the amount of \$51,465.55 for the installation of pavement markings in various locations around Town.

FINANCIAL IMPACT:

This project was budgeted in the 2011 Streets Operations Budget.

BACKGROUND:

On an annual basis the Street Division contracts the replacement of worn and missing pavement markings. This project replaces pavement markings at numerous intersections including major and secondary thoroughfares throughout the Town.

Bids were opened on July 21, 2011. Of the four contractors that submitted bids, BTA Services Ltd was the low bidder at \$51,465.55. BTA has successfully completed similar pavement marking projects in Addison.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

Promote Quality Transportation Services

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R 2c

AGENDA CAPTION:

Award of a bid to Weisz Selection Lawn and Landscape in the amount of \$145,000 for mowing services.

FINANCIAL IMPACT:

Staff budgeted \$109,000 this year based on the previous contract, which was unexpectedly terminated by Trugreen Landcare. Additional funding will need to be added to the FY 2011-2012 budget to cover the cost of this bid.

The contract term may be extended for four additional twelve-month periods, under the same terms and conditions, provided the extensions are acceptable to the Town and the contractor. 4 bids were received, which are summarized on the attached bid tabulation form.

BACKGROUND:

Trugreen Landcare sent the Town a 60-day termination notice the first of July 2011, so they will finish their contract at the end of August. Trugreen was purchased by a California landscape company who decided to terminate all of the unprofitable accounts.

The Town received a good value for the year and a half that Trugreen held the account; however, staff had to quickly re-bid the work in order to get a new contractor online to complete the 2011 mowing season. The low bid of \$145,000 is more consistent with the cost staff was expecting based on the bids that were received on the 2010 annual mowing bid. The second low bid on the 2010 bid was \$141,459.82 for the exact same scope of services.

The scope of work includes 33 weekly mowings for irrigated turf, 17 bi-weekly mowings for non-irrigated turf and 52 mowings for the fescue lawns at Town Hall and the Finance Building. The Parks Department held a pre-bid meeting and provided a van tour for 10 contractors to make sure they had a clear understanding of the scope of work.

Weisz Selection Lawn and Landscape's references checked out

favorably, and staff visited their operations facility to assess their staffing, fleet and equipment they plan to use to service the Town's account. Based on staff's observations, they appear to be capable of performing the work. Weisz currently holds contracts with Denton County, City of Melissa and the Mckinney Housing Authority in addition to various commercial accounts.

RECOMMENDATION:

Staff recommends approval.

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible Manner

ATTACHMENTS:

Description:

- [Bid Tabulation Form](#)
- [2010 Bid Tabulation Form](#)

Type:

- Backup Material
- Backup Material

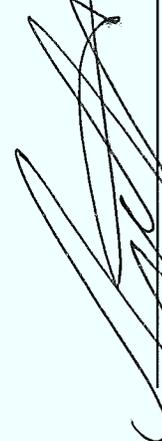
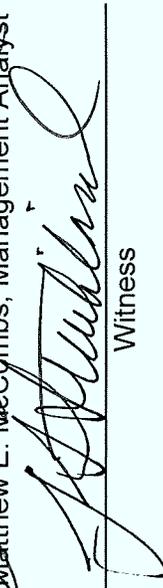
Parks Turf Mowing

BID NO 11-21

DUE: July 25, 2011

10:00 AM

BIDDER	Signed	Bid Bond	Bid Total
Good Earth Landscaping	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	149,087.00
Lawns of Dallas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	148,885.00
Weisz Selection Inc	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	145,000.00
JBA Land Management	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	170,992.80


 Matthew E. McCombs, Management Analyst

 Witness

Parks Turf Mowing
BID NO 10-13
DUE: February 22, 2010
10:00 AM

BIDDER	Signed	Bid Bond	Bid Total
Forest Hills	Y	Y	\$ 194,965.00
Good Earth Corp.	Y	Y	\$ 179,150.00
Lawns of Dallas	Y	Y	\$ 206,718.07
Hoover	Y	Y	\$ 182,364.00
Carruthers Landscape Mgmt.	Y	Y	\$ 174,549.00
I&E Services	Y	Y	\$ 210,589.00
Greener Pastures	Y	Y	\$ 154,637.36
American Landscape Systems	Y	Y	\$ 174,405.00
Tru Green	Y	Y	\$ 109,201.78
LMI Landscapes	Y	Y	\$ 141,459.82
SLM Landscape	Y	Y	\$ 171,507.80
Landworks	Y	N	\$ 206,290.00

Matthew E. McCombs

Purchasing Agent

Slade Strickland

Witness

Council Agenda Item: #R3

AGENDA CAPTION:

Discussion and consideration of approval of a Resolution supporting the election of Laura Maczka, Mayor Pro Tempore of the City of Richardson, to the position of alternate representative to the Regional Transportation Council.

FINANCIAL IMPACT:

na

BACKGROUND:

na

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

- [Town of Addison Resolution](#)
- [COR Resolution](#)

Type:

Cover Memo
Cover Memo

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS SUPPORTING THE ELECTION OF LAURA MACZKA AS ALTERNATE TO THE AGGREGATED POSITION OF REPRESENTATIVE TO THE REGIONAL TRANSPORTATION COUNCIL OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, WHICH FRACTIONAL ALLOCATION MEMBERSHIP IS SHARED BY THE TOWN WITH THE CITIES OF RICHARDSON, MURPHY, SACHSE, AND WYLIE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the North Central Texas Council of Governments is the metropolitan planning organization for transportation planning and the Regional Transportation Council (“**RTC**”) is the decision-making group for regional transportation policy for the Dallas-Fort Worth urbanized area; and

WHEREAS, the RTC is comprised of representatives of local governments in the Dallas-Fort Worth metropolitan area, either by direct membership or representation, who make recommendations involving the regional transportation system to the counties and cities, the State of Texas, and the authorities for all modes of transportation; and

WHEREAS, for purposes of RTC representation, the Town of Addison, Texas (the “**City**”) is, under the RTC’s Bylaws, combined in a group with the Cities of Richardson, Wylie, Sachse, and Murphy (the City and those Cities collectively being the “**Cities**”), and together the Cities have a single RTC representative who is Kimberly Lay, the City’s Deputy Mayor Pro Tempore; and

WHEREAS, the City Council desires that a person be elected to serve as an alternate RTC representative in the event of the absence or disability of Kimberly Lay.

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

Section 1. The City Council does hereby support the election of Laura Maczka, Mayor Pro Tem for the City of Richardson, to serve as Alternate to the Regional Transportation Council of the North Central Texas Council of Governments.

Section 2. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the 9th day of August, 2011.

Todd Meier, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

RESOLUTION NO. 11-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHARDSON, TEXAS, APPOINTING LAURA MACZKA AS ALTERNATE TO THE AGGREGATED POSITION OF REPRESENTATIVE TO THE REGIONAL TRANSPORTATION COUNCIL OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, WHICH FRACTIONAL ALLOCATION MEMBERSHIP IS SHARED WITH THE TOWN OF ADDISON, AND THE CITIES OF MURPHY, SACHSE, AND WYLIE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, regional transportation planning and improved mobility are goals of the City of Richardson; and

WHEREAS, the City of Richardson desires to have a representative on the Regional Transportation Council; and

WHEREAS, the Deputy Mayor Pro Tem for the Town of Addison, Kimberly Lay, is presently representing the City of Richardson on the Regional Transportation Council.

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

SECTION 1. That Laura Maczka, Mayor Pro Tem for the City of Richardson, is hereby appointed as Alternate to the Regional Transportation Council of the North Central Texas Council of Governments.

SECTION 2. This resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Richardson, Texas, on this the 25th day of July 2011.

CITY OF RICHARDSON, TEXAS

MAYOR

APPROVED AS TO FORM:

ATTEST:

CITY ATTORNEY
(PGS:07-20-11:50334)

CITY SECRETARY

Council Agenda Item: #R4

AGENDA CAPTION:

Discussion regarding Metrocrest Leadership Class XXIII.

FINANCIAL IMPACT:

The cost for an individual to participate in the program is \$1,000.

BACKGROUND:

Historically City Council has sponsored individuals participation in the Metrocrest Leadership program.

RECOMMENDATION:

COUNCIL GOALS:

Work to instill a "Sense of Community" in Addison's residents

ATTACHMENTS:

Description:

[Leadership Metrocrest Application](#)

Type:

Cover Memo



LEADERSHIP
METROCREST

CLASS XXIII APPLICATION FOR ENROLLMENT

DEADLINE: Friday, August 19, 2011

This application will not be processed until the \$10.00 non-refundable enrollment fee has been received. You may send a check payable to Metrocrest Chamber of Commerce, or pay by Credit Card over the phone or at www.metrocrestchamber.com.

Date of Application _____

Full Name _____

Company _____ Title _____

Position/Responsibilities _____

Company Address _____

City/St/Zip _____ Phone _____

E-Mail _____ Fax _____

Home Address _____

City/State/Zip _____ Phone _____

E-Mail _____ Cell _____

Birthday (mm/dd) _____ Male Female

Contact preference Home Work

Do you have full support of your employer for the time required to participate in this program?
 YES NO

The tuition for the program is \$1,000 for Chamber members (or individuals sponsored by Chamber members), and \$1,200 for non-members. The tuition is due by Friday, September 7, 2011. Is your employer paying the tuition?
 YES NO

What specific leadership competencies do you hope to enhance through your participation in Leadership Metrocrest?

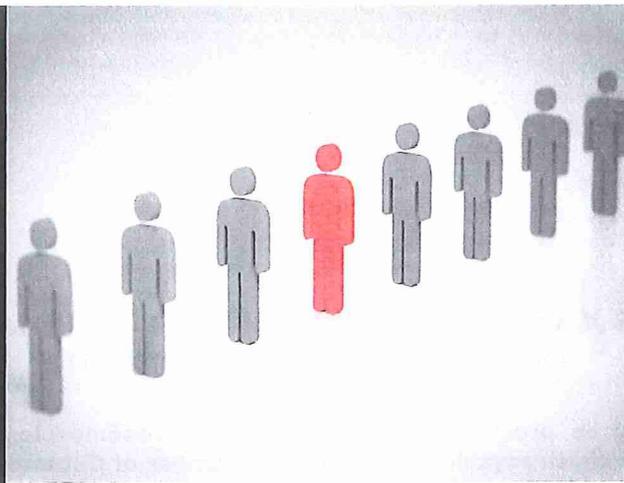
It is my understanding the Leadership Metrocrest program is to be a learning experience and requires attendance at the monthly meetings. I also understand that I will be automatically dropped from the program if I miss more than 16 hours from the remaining class.

Name

Date

**Return to: Metrocrest Chamber of Commerce; 5100 Belt Line Rd. #430; Dallas, TX 75254
Fax: 469-587-0428; info@metrocrestchamber.com**

LEADERSHIP
METROCREST



Community.
Friendship.
Leadership.

CLASS XXIII - September 2011

Leadership Metrocrest is a program of the Metrocrest Chamber of Commerce which identifies, educates, and motivates future community leaders. The goal is to provide an extensive knowledge base of understanding and communication links that allow graduates to take leadership roles in Metrocrest civic, business and non-profit organizations.

Leadership Metrocrest offers...

- ❖ Participants an increased knowledge, understanding and sensitivity to community issues.
- ❖ Businesses an increased insight into the community and access to community leaders and resources.
- ❖ The community a pool of well-trained and energized leaders ready to serve.

Leadership Metrocrest is a nine month course that begins with a mandatory two day class. For the remaining eight months, participants meet one day per month to study the various aspects of the Metrocrest's inner workings.

There are many ways to support Leadership Metrocrest. From attending the class to sponsoring sessions and the Graduate lunch, you can help this program and your Chamber, our chamber, The Metrocrest Chamber of Commerce.

Interested in...

- ...Learning more about your community?**
- ...Building lifetime friendships?**
- ...Being equipped to be the best leader possible?**

Call 469.587.0420 or e-mail info@metrocrestchamber.com for more information on our next Leadership Metrocrest class.



METROCREST
CHAMBER OF COMMERCE
ADDISON • CARROLLTON • FARMERS BRANCH

August 1, 2011

VIA HAND DELIVERY

TOWN OF ADDISON
P.O. Box 9010
Addison, Texas 75001-9010

ATTN: Mr. Chris Terry, Assistant City Manager

Dear Chris:

As requested in your email dated, July 21, 2011 to Tracy Eubanks, the Interim President of the Metrocrest Chamber of Commerce, we have compiled the following documents:

1. June 30, 2011-P&L and Balance Sheets
2. December 31, 2010-P&L and Balance Sheets
3. Recovery Plan
4. Addison Rent Relief Request document dated June 21, 2011

Chris, please let us know what else you and the council need to evaluate our request.

Sincerely,

Tracy Eubanks
Interim President
Metrocrest Chamber of Commerce

June 21, 2011

VIA HAND DELIVERY

TOWN OF ADDISON
P.O. Box 9010
Addison, Texas 75001-9010

ATTN: Mr. Ron Whitehead, City Manager

Dear Ron:

Thank you again for meeting with the Metrocrest Chamber representatives on June 17, 2011. As we discussed in our meeting, the Chamber, 450 members strong, is making bold changes to move forward with its mission to stimulate economic growth by providing programs, resources and support that directly benefit its membership, including the Town of Addison.

The support the Town of Addison has provided to the Metrocrest Chamber throughout its history has been invaluable, and we desire to continue to thrive upon the mutual supportive relationship that the Chamber and the Town have enjoyed over the years.

Based on our conversation, the Chamber will embark on the following endeavors to add value for the Town of Addison, and the Town will help support the Chamber's efforts in these matters through underwritings, sponsorships, new member introductions, and staff assistance:

1. Work with Addison Economic Development staff to identify areas which the Chamber can provide assistance.
2. Develop communication programs specifically tailored to groups of businesses in Addison, such as large office complexes, to ensure critical information is shared that is relevant to them.
3. Develop custom educational programs focusing on Best Practices and other relevant topics.
4. Provide volunteer labor for Addison events as needed.
5. Provide regular updates to the Town of Addison regarding the Chamber's progress.

As we discussed, the Chamber is experiencing some current financial challenges which have diminished our ability to provide the resources necessary to support our mission. With the initiation of our new, bold changes, we are confident we can overcome this predicament, but we will need some assistance along the way. Accordingly, we as a Chamber are officially requesting that the Town provide a measure of rent relief relating to the Sub-Lease that exists between the Town of Addison and the Metrocrest Chamber of Commerce.

Town of Addison

June 21, 2011

Page 2

The Chamber requests that beginning July 1, 2011 and ending June 30, 2012 that the Chamber pay only the expenses related to the lease space and that the payment of base rent and deferred base rent up to and through the date of June 30, 2012 be forgiven and abated. Let us know what additional documentation you require.

The granting of this rent relief request is critical to the Chamber's ability to provide necessary services over the coming year while at the same time developing a long-term plan to reinvigorate the Chamber's role in the communities it serves, and especially in providing a series of planned, beneficial services to the Town of Addison in the manner as outlined above.

We greatly appreciate your attention to this request, and we sincerely thank you for all that you, the Town Council, and the remaining staff of the Town of Addison continually do to support and encourage the efforts of the Metrocrest Chamber of Commerce.

Sincerely,

Darren Gardner
Chairman, Board of Directors

Metrocrest Chamber of Commerce Recovery Plan 2011-2012

Overview

The Chamber's Recovery Plan began in the spring of 2011 at the request of the Metrocrest Chamber of Commerce's Board of Directors. This document is a work in process and is constantly changing as we actively and aggressively put new management, people and processes in place. The discovery process is constant; its implementation is on-going .

Because the Chamber is a three-city regional chamber in a rapidly changing atmosphere, the chamber has been forced to challenge itself by re-defining its identity, purpose and relevance to support its mission. Currently the Mission of the chamber is essentially as follows:

The purpose of the Metrocrest Chamber of Commerce is to stimulate economic growth by providing programs, resources and support that benefits business, government and citizens resulting in a premier place to live and work.

While the Mission itself remains relevant, our processes are being upgraded to accomplish the Mission in ways that have not been effectively focused upon in the past.

Staff

Beginning in the spring of 2011 the chamber began to evaluate its leadership and its staff strength. The following action has occurred:

1. Programs Director-In May the current Programs Director departed. A search is under way for an individual to take this position whose skills fit the needs of the "new" chamber and can develop more robust programs and marketing support.
2. President-The president resigned as of July 1, 2011 and was replaced by Tracy Eubanks, as Interim President.
3. Other-All staff will be reviewed as we begin to change direction and strengthen financial processes and cash management.

Programs

The chamber relies heavily on successful and profitable programs. To better prepare and evaluate existing events/programs we have instituted the following:

1. A robust checklist for each event.
2. A P&L for every event with a profitability goal for each.
3. A detailed contract review regarding each venue.
4. A more robust and creative marketing plan for each event. This will be a key role for the new Programs Director.

We are beginning to develop a more extensive database of potential participants that go well beyond the current chamber member database. This allows us to target specific groups based on the program content.

We will develop additional programs that align with the needs of the community and key partners. For instance, we just launched the Women's Business Forum (WBF). The inaugural event attracted 108 attendees which is the most attended event of the year thus far. There will be four more WBF events (an identified Series) over the next 12 months that have been fueled with a year-long Series sponsor,

and several other event sponsors are signing up for the individual events within the Series. We expect an increasing greater attendance at each event, culminating in a special dinner/awards banquet for a "Business Woman of the Year" recognition and award in July 2012.

We are reviewing the potential development of new series such as "Best Practices" and "Social Media Strategy" that will be rolled out in a periodic educational event format in 2011-2012.

One of the Chamber's hallmark programs is Leadership Metrocrest. Leadership Metrocrest Class XXIII launches on September 16, 2011. The steering committee is working closely with the president to recruit candidates and to develop a more robust curriculum for educating the class in leadership principles and strategy for the purpose of developing and better preparing future community and business leaders. We believe this program, which has lost some of its luster in the last couple of years, is being re-focused and re-committed to being the premier leadership program in the region. This is in large part thanks to those who have been in the program before who have offered sincere and poignant feedback and guidance on how to improve and re-vitalize it.

The chamber will continue to focus on business retention programs such as the networking events which occur throughout each month. But retention will also undertake a keen redefinition of direction in that we will work closely with our cities to assist on specific business retention efforts that they suggest. For instance, we will initiate targeted contact with office complex owners and operators to provide venues to share critical information. We will also dialogue with area manufacturers to identify their job training and education needs. We believe this will dovetail nicely as a resource for the school districts whose goals are to streamline their student population to be not only college-prepared, but also market-ready.

Lastly, the chamber is developing a more aggressive sponsorship program to create opportunities for area businesses, municipalities, etc. to receive added recognition at chamber functions. We want to achieve the goal of having many of our educational/informational events fully sponsored for the benefit of our members on a no-to-low cost basis, and otherwise modestly-priced for non-members who may be interested in the topics that are presented.

Financial Management

The entire financial processes have been reviewed and will be refined over the next six months. Cash management is being improved to create free cash flow for the organization to meet its obligations as well as fund existing and future programs. The chamber will operate as a lean organization.

A few of the changes to the current system include:

1. A rolling 12 month cash projection.
2. AR collection and invoicing adjustments leading to stronger cash flow.
3. Detailed AP review including competitive price evaluation.
4. Improving current additional financial statement content for fiscal 2012 (calendar year).

Membership

The chamber relies heavily on its members for dues income and for participation at events. The chamber membership has declined over the past few years which is a common theme with this type of organization. We are seeking to aggressively pursue previous members who have dropped their membership as well as new members who have yet to be exposed to the benefits of the chamber. We are evaluating the following:

1. Dues structure-We are benchmarking with area chambers regarding dues amount, dues structure and member benefits.
2. We will be developing a survey for members to assist the Chamber in many ways including:
 - a. Defining its identity. What purpose do we serve? Why are we valuable to members and the community?
 - b. Developing new programs that provide value to members.
 - c. Developing a volunteer base to assist with Chamber activities. A strong chamber is volunteer and committee driven.

Chamber Leadership and Operation Strategies

The chamber is examining three areas of focus for improving the leadership of the organization and how we operate our organization going forward.

The first is to strengthen the chamber's Board of Directors. We will develop a Board of Directors job description that clarifies the contributions, financial and otherwise, that are expected from each board member. The nominating committee meets in the fall to review new candidates. We will implement our new guidelines for the 2012 board.

The second area of focus is the role of the President. Once we hire our new Programs Director (in August 2011) we will write the Job Description for the President's role. To assist us we are meeting with area chamber executives to begin a benchmarking process. We have met with the North Dallas Chamber and the Garland Chamber thus far. Other possibilities are the chamber executives in Arlington, Frisco and Lewisville, among others.

The last area of focus is the development of engaged and relevant committees. Committees are essential to a successful chamber. Committees such as the Education Committee and Leadership Metrocrest Committee can make a Program an enormous success with little staff intervention. We are developing other committees as we evaluate the priorities for the year.

Fundraising

Much of what the chamber does falls under the category of fundraising. Existing programs must be profitable and compelling and new programs must be developed. We are evaluating new program ideas that provide positive cash flow and also align with the needs of our membership and the business community. We intend, as much as possible, to be an engaged informational arm for not only our membership, but for all of the businesses in the area. This focus on relevance should drive profitability through fund-raising efforts.

Municipal Partnerships

The chamber is fortunate to have three key city partners. While all three have expectations of the chamber, some of which overlap, but each city also has individualized requirements. The chamber is meeting with multiple representatives of each city to develop an overall plan.

The chamber will continue to be a conduit for multi-city interaction with programs such as The Mayor's Forum and Leadership Metrocrest, as well as the inclusion of Bush Elementary as part of the annual Educator Appreciation luncheon.

We know that we are not in the business of being the primary economic development generator within the Metrocrest region. Fortunately, each of our representative cities has a strong economic

development arm within their structures to pursue, attract, and land worthy business interests into our region. The Chamber's role is to assist in that regard by providing area information, opportunities for contact and involvement, and to be an open and obvious cheerleader for the region to help welcome new business into the communities. Further we should serve the role not only to assist the new businesses to assimilate into the community, but to be a resource for the cities to help retain all of their business citizens. Toward that end, the Chamber is committed to be that vital resource for each of our cities to help develop, streamline, and carry-out an active program to effectively communicate with our local businesses in a hearty business-retention effort. We will need to count on the full partnership support of our cities, both conceptually and financially, to help foster and promote this very necessary retention side of economic development.

Summary

While the chamber has struggled during the past few years and has challenges ahead, we are confident that a well-run organization with a clear direction and with solid leadership can provide results that are significantly better than the recent past. Our current focus is essentially one of "Back-To-Basics". We are focusing on what we do best and will do it exceptionally well. Running parallel with that short-term focus is a longer term evaluation of the chamber's purpose.

We are beginning a process of recovery that will take some time for the fruit to bear. But we ARE beginning the process, and we ARE committed to its success, and we have some very capable area leaders who have expressed their appreciation and support for what we are seeking to accomplish. We appreciate our members and city partners for bearing with us through this mighty transformation as we strive to regain our ability to remain dynamic, relevant, and meaningful in this region. Because the process of transformation is a fluid one, we certainly remain open to, and welcome, all offers of constructive thought and insight that will help us to achieve our goal of recovery.

Metrocrest Chamber of Commerce
2011 Budget

	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	Jul 11	Aug 11	Sep 11	Oct 11	Nov 11	Dec 11	Jan - Dec 11
Income													
30200 - Renewals	8,333.34	8,333.34	8,333.34	8,333.34	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	8,333.33	100,000.00
30300 - New Members	3,334.00	3,334.00	3,334.00	5,555.00	5,556.00	5,556.00	12,221.00	12,221.00	12,221.00	5,556.00	5,556.00	5,556.00	80,000.00
32800 - Chamber Fundraiser									10,000.00	10,000.00	10,000.00	10,000.00	40,000.00
33200 - General Membership	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00	27,000.00
33300 - Metrocrest Connect	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	12.50	150.00
33401 - Sponsorships	833.34	833.34	833.34	833.33	833.33	833.34	833.33	833.33	833.33	833.33	833.33	833.33	10,000.00
34100 - Leadership								5,000.00	5,000.00	5,000.00			15,000.00
35000 - Interest	41.67	41.67	41.67	41.67	41.67	41.67	41.67	41.67	41.66	41.66	41.66	41.66	500.00
37500 - Economic Development	2,333.00	2,332.00	2,333.00	2,333.00	2,333.00	2,333.00	2,333.00	2,333.00	2,333.00	15,668.00	15,668.00	15,668.00	68,000.00
38100 - Membership Directory	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.66	1,666.66				10,000.00
38400 - Annual Banquet	6,666.67	6,666.67	6,666.66	6,666.66	6,666.66	6,666.66	6,666.67	6,666.66	6,666.66				20,000.00
Total Income	<u>25,471.19</u>	<u>25,470.19</u>	<u>25,471.18</u>	<u>19,358.84</u>	<u>19,359.83</u>	<u>19,358.84</u>	<u>27,691.50</u>	<u>32,691.49</u>	<u>42,691.48</u>	<u>47,694.82</u>	<u>42,694.82</u>	<u>42,694.82</u>	<u>370,650.00</u>
Gross Profit	<u>25,471.19</u>	<u>25,470.19</u>	<u>25,471.18</u>	<u>19,358.84</u>	<u>19,359.83</u>	<u>19,358.84</u>	<u>27,691.50</u>	<u>32,691.49</u>	<u>42,691.48</u>	<u>47,694.82</u>	<u>42,694.82</u>	<u>42,694.82</u>	<u>370,650.00</u>
Expense													
40300 - Bank Fees	266.67	266.67	266.67	266.67	266.67	266.67	266.67	266.67	266.66	266.66	266.66	266.66	3,200.00
40500 - Accounting/Legal	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,000.00
40600 - Liability Insurance	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	4,200.00
40700 - Automobile	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	6,000.00
40800 - Office Supplies	483.34	483.34	483.34	483.34	483.33	483.33	483.33	483.33	483.33	483.33	483.33	483.33	5,800.00
40850 - Office Lease	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	4,433.33	4,433.33	4,433.33	4,433.33	4,433.34	4,433.34	44,600.00
40900 - Equipment Rental & Maint.	583.34	583.34	583.34	583.34	583.33	583.33	583.33	583.33	583.33	583.33	583.33	583.33	7,000.00
41000 - Dues & Subscriptions	166.67	166.67	166.67	166.67	166.67	166.67	166.67	166.66	166.66	166.66	166.66	166.66	2,000.00
41200 - Telephone	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	1,200.00
41400 - Postage	416.67	416.67	416.67	416.67	416.67	416.67	416.67	416.67	416.66	416.66	416.66	416.66	5,000.00
41900 - Property Taxes		115.00											115.00
42000 - Computer Expenses	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	9,000.00
42100 - Marketing Expense	225.00	225.00	225.00	225.00	225.00	225.00	225.00	225.00	225.00	225.00	225.00	225.00	2,700.00
44500 - Contract Labor	1,833.34	1,833.34	1,833.34	1,833.34	1,833.33	1,833.33	1,833.33	1,833.33	1,833.33	1,833.33	1,833.33	1,833.33	22,000.00
44600 - Mileage	41.67	41.67	41.67	41.67	41.67	41.67	41.67	41.67	41.66	41.66	41.66	41.66	500.00
45100 - Wages	13,166.67	13,166.67	13,166.67	13,166.67	13,166.67	13,166.67	13,166.67	13,166.67	13,166.66	13,166.66	13,166.66	13,166.66	158,000.00
45200 - Payroll Taxes	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	15,000.00
45500 - Retirement	416.67	416.67	416.67	416.67	416.67	416.67	416.67	416.67	416.66	416.66	416.66	416.66	5,000.00
45600 - Business Promotion	83.34	83.34	83.34	83.34	83.33	83.33	83.33	83.33	83.33	83.33	83.33	83.33	1,000.00
45700 - Management Training	166.67	166.67	166.67	166.67	166.67	166.67	166.67	166.67	166.66	166.66	166.66	166.66	2,000.00
45800 - Employee Insurance	833.34	833.34	833.34	833.34	833.33	833.33	833.33	833.33	833.33	833.33	833.33	833.33	10,000.00
46000 - Worker's Comp	91.67	91.67	91.67	91.67	91.67	91.67	91.67	91.67	91.66	91.66	91.66	91.66	1,100.00
51300 - Annual Banquet	3,333.34	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	3,333.33	10,000.00
52000 - Gen. Membership	1,416.67	1,416.67	1,416.67	1,416.67	1,416.67	1,416.67	1,416.67	1,416.67	1,416.66	1,416.66	1,416.66	1,416.66	17,000.00
52300 - Metrocrest Comm.	19.59	19.59	19.59	19.59	19.58	19.58	19.58	19.58	19.58	19.58	19.58	19.58	235.00
52800 - Membership Sales	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,000.00
52900 - Ambassador Program	83.34	83.34	83.34	83.34	83.33	83.33	83.33	83.33	83.33	83.33	83.33	83.33	1,000.00
53100 - Executive/Board of Dir	41.67	41.67	41.67	41.67	41.67	41.67	41.67	41.67	41.66	41.66	41.66	41.66	500.00
53500 - Chamber Fundraiser									4,500.00	4,500.00	4,500.00	4,500.00	18,000.00
54100 - Leadership/Main	333.34	333.34	333.34	333.34	333.33	333.33	333.33	333.33	333.33	333.33	333.33	333.33	4,000.00
55000 - Members Directory			7,500.00										7,500.00
56300 - Chairman's Council	83.34	83.34	83.34	83.34	83.33	83.33	83.33	83.33	83.33	83.33	83.33	83.33	1,000.00
Total Expense	<u>30,536.35</u>	<u>30,651.34</u>	<u>38,036.34</u>	<u>27,203.01</u>	<u>27,202.92</u>	<u>27,202.92</u>	<u>28,636.25</u>	<u>28,636.25</u>	<u>33,136.15</u>	<u>33,136.15</u>	<u>33,136.15</u>	<u>33,136.16</u>	<u>370,650.00</u>
Net Income	<u>-5,065.16</u>	<u>-5,181.15</u>	<u>-12,565.16</u>	<u>-7,844.17</u>	<u>-7,843.09</u>	<u>-7,843.08</u>	<u>-944.75</u>	<u>4,055.24</u>	<u>9,555.33</u>	<u>14,558.67</u>	<u>9,558.66</u>	<u>9,558.66</u>	<u>0.00</u>

12:40 PM
01/20/11
Accrual Basis

Metrocrest Chamber of Commerce
Balance Sheet
As of December 31, 2010

	<u>Dec 31, 10</u>
ASSETS	
Current Assets	
Checking/Savings	
10800 · Plains Capital Bank- CD'S	50,389.31
11200 · ViewPoint Bank	-505.21
11300 · PayPal Deposit Account	2,987.38
11400 · Capital One Bank	500.00
11500 · Petty Cash	100.00
Total Checking/Savings	<u>53,471.48</u>
Other Current Assets	
12006 · Misc Receivable	1,636.89
Total Other Current Assets	<u>1,636.89</u>
Total Current Assets	55,108.37
Fixed Assets	
15300 · Computer	28,857.42
15500 · Furniture & Fixtures	18,370.75
16000 · Accumulated Depreciation	-46,274.17
Total Fixed Assets	<u>954.00</u>
TOTAL ASSETS	<u>56,062.37</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
20500 · Payroll Taxes/Unemployment	168.00
20600 · Federal Withholding Tax	586.00
20700 · FICA/Medicare	1,051.84
Total Other Current Liabilities	<u>1,805.84</u>
Total Current Liabilities	<u>1,805.84</u>
Total Liabilities	1,805.84
Equity	
28000 · Fund Balance - Unrestricted	127,124.24
Net Income	-72,867.71
Total Equity	<u>54,256.53</u>
TOTAL LIABILITIES & EQUITY	<u>56,062.37</u>

12:44 PM
01/11/11
Accrual Basis

Economic Development
Balance Sheet
As of December 31, 2010

	<u>Dec 31, 10</u>
ASSETS	
Current Assets	
Checking/Savings	
1020 · Checking Town North Bank	8,170.14
Total Checking/Savings	<u>8,170.14</u>
Total Current Assets	<u>8,170.14</u>
TOTAL ASSETS	<u><u>8,170.14</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	4,114.26
3909 · Beginning Balance Equity	9,912.82
Net Income	<u>-5,856.94</u>
Total Equity	<u>8,170.14</u>
TOTAL LIABILITIES & EQUITY	<u><u>8,170.14</u></u>

**Metrocrest Chamber of Commerce
Income Statement
12/31/2010**

	<u>Current Actual</u>	<u>Current Budget</u>	<u>Y-T-D Actual</u>	<u>Y-T-D Budget</u>	<u>Annual Budget</u>
Income					
30200 · Renewals	4,253.00	8,938.75	109,854.00	107,265.00	107,265.00
30300 · New Members	1,135.00	4,000.00	37,746.00	48,000.00	48,000.00
30500 · Processing Fees	-	166.67	325.00	2,000.00	2,000.00
31100 · Golf Tournament	-	-	14,578.00	30,000.00	30,000.00
32100 · TX Hold'Em	-	-	80.00	-	-
32700 · Red Ribbon Breakfast	-	-	20.00	-	-
32800 · Chamber Fundraiser	325.00	13,333.34	14,170.00	40,000.00	40,000.00
32900 · On-Hold Message	-	25.00	-	300.00	300.00
33200 · General Membership	-	2,250.00	19,526.00	27,000.00	27,000.00
33201 · GIML Sponsorship	1,000.00	-	7,730.00	-	-
33300 · Metrocrest Connect	-	100.00	106.00	1,200.00	1,200.00
33401 · Misc. Sponsorships	1,000.00	833.34	1,100.00	10,000.00	10,000.00
34100 · Leadership	1,000.00	-	12,100.00	18,000.00	18,000.00
34600 · Leadership App. Fee	-	-	150.00	-	-
36500 · Interest	236.91	166.66	579.85	2,000.00	2,000.00
36800 · Internet Promotion	-	133.33	685.00	1,600.00	1,600.00
37000 · Brochures/Donations	100.00	125.00	729.11	1,500.00	1,500.00
37500 · Economic Development	2,541.67	2,541.67	30,500.00	30,500.00	30,500.00
38000 · Newsletter Sponsorship	-	166.67	250.00	2,000.00	2,000.00
38100 · Membership Directory	-	-	9,520.00	20,000.00	20,000.00
38300 · Donations	-	-	(80.00)	-	-
38400 · Annual Banquet	-	-	20,155.00	15,000.00	15,000.00
Total Income	11,591.58	32,780.43	279,823.96	356,365.00	356,365.00

Expense

Expenses-Operations					
40300 · Bank Fees	287.54	333.33	2,912.83	4,000.00	4,000.00
40500 · Accounting/Legal	-	125.00	2,620.66	1,500.00	1,500.00
40600 · D & O Liab. + B. O. Insurance	-	458.33	3,518.82	5,500.00	5,500.00
40700 · Automobile	500.00	583.34	6,000.00	7,000.00	7,000.00
40800 · Office Supplies	939.99	375.00	6,714.92	4,500.00	4,500.00
40850 · Office Lease	-	1,687.50	15,000.00	20,250.00	20,250.00
40900 · Equipment Rental & Maint.	263.24	375.00	7,152.10	4,500.00	4,500.00
41000 · Dues & Subscriptions	324.80	166.66	1,112.60	2,000.00	2,000.00
41100 · Building & Maintenance	(67.10)	-	451.97	-	-
41200 · Telephone	450.75	100.00	7,200.04	3,500.00	3,500.00
41320 · Utilities	350.36	-	10,664.52	3,000.00	3,000.00
41400 · Postage	500.00	416.66	3,081.72	5,000.00	5,000.00
41800 · Mortgage Interest	-	-	(9.77)	-	-
41900 · Personal Property Tax	-	-	112.66	-	-
42000 · Computer Expenses	633.19	500.00	9,045.16	6,000.00	6,000.00
42100 · Marketing Expense	-	208.33	-	2,500.00	2,500.00
Total Operating Expense	4,182.77	5,329.15	75,578.23	69,250.00	69,250.00
Expenses-Administrative					
42200 · Moving Expense	40.00	-	1,217.00	3,000.00	3,000.00
42500 · Interest Expense	-	-	726.25	-	-
44500 · Contract Labor	2,075.00	1,833.33	27,056.25	22,000.00	22,000.00
44600 · Mileage	-	-	200.48	-	-
45100 · Wages	13,249.16	13,600.00	158,989.92	163,200.00	163,200.00
45200 · Payroll Taxes	1,275.82	1,225.00	15,069.34	14,700.00	14,700.00
45500 · Retirement	-	411.66	-	4,940.00	4,940.00
45600 · Business Promotion	47.45	83.33	725.13	1,000.00	1,000.00
45700 · Management Training	-	166.66	51.81	2,000.00	2,000.00
45800 · Employee Insurance	669.66	764.58	8,035.92	9,175.00	9,175.00
45900 · HSA Insurance	1,000.00	-	2,072.00	-	-
46000 · Worker's Comp	-	91.67	611.89	1,100.00	1,100.00

	18,357.09	18,176.23	214,755.99	221,115.00	221,115.00
Total Administrative Expense					
Expenses-Program					
51100 - Golf Tournament	-	-	10,294.90	9,000.00	9,000.00
51200 - Red Ribbon Breakfast	-	-	250.00	-	-
51300 - Annual Banquet	-	-	9,527.44	10,000.00	10,000.00
52000 - General Membership	-	1,437.50	16,544.51	17,250.00	17,250.00
52100 - Governmental Affairs	-	166.67	-	2,000.00	2,000.00
52300 - Metrocrest Connect	-	16.67	221.17	200.00	200.00
52600 - Business After Hours	-	-	90.66	-	-
52800 - Membership Sales	-	83.33	668.85	1,000.00	1,000.00
52900 - Ambassador Program	-	41.67	216.88	500.00	500.00
53100 - Executive/Board of Directors	-	41.67	938.05	500.00	500.00
53500 - Celebrate Metrocrest/New FR	311.19	3,333.34	12,098.89	10,000.00	10,000.00
54100 - Leadership	72.70	375.00	2,790.10	4,500.00	4,500.00
55000 - Membership Directory	-	-	8,716.00	10,000.00	10,000.00
56300 - Chairman's Council	-	66.67	-	800.00	800.00
56800 - Internet Promotion	-	20.83	-	250.00	250.00
Total Program Expenses	383.89	5,583.35	62,357.45	66,000.00	66,000.00
66900 - Reconciliation Discrepancies	-	-	-	-	-
Total Expense	22,923.75	29,088.73	352,691.67	356,365.00	356,365.00
NET INCOME(LOSS)	(11,332.17)	3,691.70	(72,867.71)	-	-

11:14 AM
07/15/11
Accrual Basis

Metrocrest Chamber of Commerce
Balance Sheet
As of June 30, 2011

	<u>Jun 30, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
10800 · Plains Capital Bank- CD'S	25,715.81
11200 · ViewPoint Bank	261.87
11300 · PayPal Deposit Account	247.90
11400 · Capital One Bank	500.00
11500 · Petty Cash	225.00
Total Checking/Savings	<u>26,950.58</u>
Total Current Assets	26,950.58
Fixed Assets	
15300 · Computer	28,857.42
15500 · Furniture & Fixtures	18,370.75
16000 · Accumulated Depreciation	-46,274.17
Total Fixed Assets	<u>954.00</u>
TOTAL ASSETS	<u><u>27,904.58</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
20500 · Payroll Taxes/Unemployment	193.48
Total Other Current Liabilities	<u>193.48</u>
Total Current Liabilities	<u>193.48</u>
Total Liabilities	193.48
Equity	
Retained Earnings	-72,867.71
28000 · Fund Balance - Unrestricted	127,124.24
Net Income	-26,545.43
Total Equity	<u>27,711.10</u>
TOTAL LIABILITIES & EQUITY	<u><u>27,904.58</u></u>

2:00 PM
07/11/11
Accrual Basis

Economic Development
Balance Sheet
As of June 30, 2011

	<u>Jun 30, 11</u>
ASSETS	
Current Assets	
Checking/Savings	
1020 - Checking Town North Bank	10,990.27
Total Checking/Savings	<u>10,990.27</u>
Total Current Assets	<u>10,990.27</u>
TOTAL ASSETS	<u><u>10,990.27</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	-1,742.68
3909 - Beginning Balance Equity	9,912.82
Net Income	2,820.13
Total Equity	<u>10,990.27</u>
TOTAL LIABILITIES & EQUITY	<u><u>10,990.27</u></u>

**Profit/Loss Statement
06/30/2011**

	Current Actual	Current Budget	Current Variance	Y-T-D Actual	Y-T-D Budget	Y-T-D Variance	Annual Budget
Income							
30200 - Renewals	7,897.00	8,333.33	(436.33)	58,955.00	50,583.35	8,371.65	100,000.00
30300 - New Members	2,390.00	5,556.00	(3,166.00)	18,939.00	26,669.00	(7,730.00)	80,000.00
30500 - Processing Fees	-	-	0.00	-	-	0.00	-
32800 - Chamber Fundraiser	125.00	-	125.00	606.63	-	606.63	40,000.00
33200 - General Membership	2,065.00	2,250.00	(185.00)	10,265.00	13,500.00	(3,235.00)	27,000.00
33300 - Metrocrest Connect	65.00	12.50	52.50	215.00	75.00	140.00	150.00
33401 - Sponsorships	2,500.00	833.34	1,666.66	2,850.00	5,000.02	(2,150.02)	10,000.00
34000 - Ambassadors	720.00	-	720.00	720.00	-	720.00	-
34010 - Business After Hours	-	-	0.00	310.00	-	310.00	-
34100 - Leadership	-	-	0.00	-	-	0.00	15,000.00
36500 - Interest	133.92	41.67	92.25	448.66	250.02	198.64	500.00
36800 - Internet Promotion	-	-	0.00	-	-	0.00	-
37000 - Brochures/Donations	-	-	0.00	435.00	-	435.00	-
37500 -Economic Development	1,701.17	2,333.00	(631.83)	12,270.17	13,998.00	(1,727.83)	68,000.00
38000 - Newsletter Sponsorship	-	-	0.00	-	-	0.00	-
38100 - Membership Directory	-	-	0.00	510.00	5,000.01	(4,490.01)	10,000.00
38300 - Donations	-	-	0.00	-	-	0.00	-
38400 - Annual Banquet	-	-	0.00	18,430.00	20,000.00	(1,570.00)	20,000.00
Total Income	17,597.09	19,359.84	(1,762.75)	124,954.46	135,075.40	(10,120.94)	370,650.00

	Current Actual	Current Budget	Current Variance	Y-T-D Actual	Y-T-D Budget	Y-T-D Variance	Annual Budget
Expenses-Operations							
40300 - Bank Fees	171.23	266.67	(95.44)	1,659.82	1,600.02	59.80	3,200.00
40500 - Accounting/Legal	220.00	250.00	(30.00)	660.00	1,500.00	(840.00)	3,000.00
40600 - Liability Insurance	190.89	350.00	(159.11)	2,283.45	2,100.00	183.45	4,200.00
40700 - Automobile	500.00	500.00	0.00	3,000.00	3,000.00	0.00	6,000.00
40800 - Office Supplies	300.72	483.33	(182.61)	2,000.20	2,900.02	(899.82)	5,800.00
40850 - Office Lease	2,839.97	3,000.00	(160.03)	11,940.62	18,000.00	(6,059.38)	44,600.00
40900 - Equipment Rental & Maint.	45.74	583.33	(537.59)	2,923.58	3,500.02	(576.44)	7,000.00

	Current Actual	Current Budget	Current Variance	Y-T-D Actual	Y-T-D Budget	Y-T-D Variance	Annual Budget
41000 · Dues & Subscriptions	-	166.67	(166.67)	150.00	1,000.02	(850.02)	2,000.00
41200 · Telephone	400.00	100.00	300.00	381.51	600.00	(218.49)	1,200.00
41400 · Postage	-	416.67	(416.67)	661.00	2,500.02	(1,839.02)	5,000.00
41800 · Mortgage Interest	-	-	0.00	-	-	0.00	-
41900 · Personal Property Tax	-	-	0.00	115.59	115.00	0.59	115.00
42000 · Computer Expenses	763.96	750.00	13.96	4,029.79	4,500.00	(470.21)	9,000.00
42100 · Marketing Expense	-	225.00	(225.00)	-	1,350.00	(1,350.00)	2,700.00
Total Operating Expense	5,432.51	7,091.67	(1,659.16)	29,805.56	42,665.10	(12,859.54)	93,815.00

	Current Actual	Current Budget	Current Variance	Y-T-D Actual	Y-T-D Budget	Y-T-D Variance	Annual Budget
Expenses-Administrative	-	-	0.00	185.25	-	185.25	-
42500 - Interest Expense	5,941.25	1,833.33	4,107.92	17,478.75	11,000.02	6,478.73	22,000.00
44500 · Contract Labor	-	41.67	(41.67)	-	250.02	(250.02)	500.00
44600 - Mileage	8,912.66	13,166.67	(4,254.01)	74,981.97	79,000.02	(4,018.05)	158,000.00
45100 - Wages	717.38	1,250.00	(532.62)	7,305.81	7,500.00	(194.19)	15,000.00
45200 · Payroll Taxes	-	416.67	(416.67)	-	2,500.02	(2,500.02)	5,000.00
45500 - Retirement	-	83.33	(83.33)	249.02	583.31	(334.29)	1,000.00
45600 · Business Promotion	-	166.67	(166.67)	100.00	1,166.69	(1,066.69)	2,000.00
45700 · Management Training	419.60	833.33	(413.73)	4,341.40	5,000.03	(658.63)	10,000.00
45800 · Employee Insurance	-	-	0.00	-	-	0.00	-
45900 · HSA Insurance	56.74	91.67	(34.93)	376.88	550.02	(173.14)	1,100.00
46000 - Worker's Comp	-	-	-	-	-	-	-
Total Administrative Expense	16,047.63	17,883.34	(1,835.71)	105,019.08	107,550.13	(2,531.05)	214,600.00

	Current		Current		Y-T-D		Y-T-D		Y-T-D		Annual	
	Actual	Budget	Budget	Variance	Actual	Budget	Budget	Variance	Budget	Variance	Budget	Budget
Expenses-Program												
51300 - Annual Banquet	-	-	-	0.00	10,507.10	10,000.00	10,000.00	507.10	10,000.00		10,000.00	10,000.00
52000 - General Membership	-	1,416.67	1,416.67	(1,416.67)	164.80	8,500.02	8,500.02	(8,335.22)	17,000.00		17,000.00	17,000.00
52100 - Governmental Affairs	-	-	-	0.00	-	-	-	0.00	-		-	-
52300 - Metrocrest Connect	-	19.58	19.58	(19.58)	116.63	107.52	107.52	9.11	235.00		235.00	235.00
52600 - Business After Hours	-	-	-	0.00	134.88	-	-	134.88	-		-	-
52800 - Membership Sales	-	250.00	250.00	(250.00)	403.91	1,500.00	1,500.00	(1,096.09)	3,000.00		3,000.00	3,000.00
52900 - Ambassador Program	7.50	83.33	83.33	(75.83)	305.79	499.98	499.98	(194.19)	1,000.00		1,000.00	1,000.00
53100 - Executive/Board of Directors	83.92	41.67	41.67	42.25	389.80	250.02	250.02	139.78	500.00		500.00	500.00
53500 - Fundraiser	-	-	-	0.00	4,462.44	-	-	4,462.44	18,000.00		18,000.00	18,000.00
54100 - Leadership	-	333.33	333.33	(333.33)	189.90	2,000.02	2,000.02	(1,810.12)	4,000.00		4,000.00	4,000.00
55000 - Membership Directory	-	-	-	0.00	-	7,500.00	7,500.00	(7,500.00)	7,500.00		7,500.00	7,500.00
56300 - Chairman's Council	-	83.33	83.33	(83.33)	-	416.69	416.69	0.00	1,000.00		1,000.00	1,000.00
56800 - Internet Promotion	-	-	-	0.00	-	-	-	0.00	-		-	-
Total Program Expenses	91.42	2,227.91	2,227.91	(2,136.49)	16,675.25	30,774.25	30,774.25	(14,099.00)	62,235.00		62,235.00	62,235.00
Total Expense	21,571.56	27,202.92	27,202.92	(5,631.36)	151,499.89	180,989.48	180,989.48	(29,489.59)	370,650.00		370,650.00	370,650.00
NET INCOME(LOSS)	(3,974.47)	(7,843.08)	(7,843.08)	3,868.61	(26,545.43)	(45,914.08)	(45,914.08)	19,368.65	-		-	-

Council Agenda Item: #R7

AGENDA CAPTION:

PUBLIC HEARING Case 1640-Z/Embrey Partners. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 006-047 which ordinance zoned a 7.37 acre tract located at the intersection of Addison Road and Keller Springs Road, in order to provide for revised development plans for a development of approximately 353 multi-family units, located on the said 7.37 acres on application from Embrey Partners, represented by Mr. Daniel Zunker.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of an ordinance amending Planned Development Ordinance 006-046 in order to provide for revised development plans for a development of approximately 353 multi-family units, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[docket map, staff report, and commission findings](#)

[Objection Letter](#)

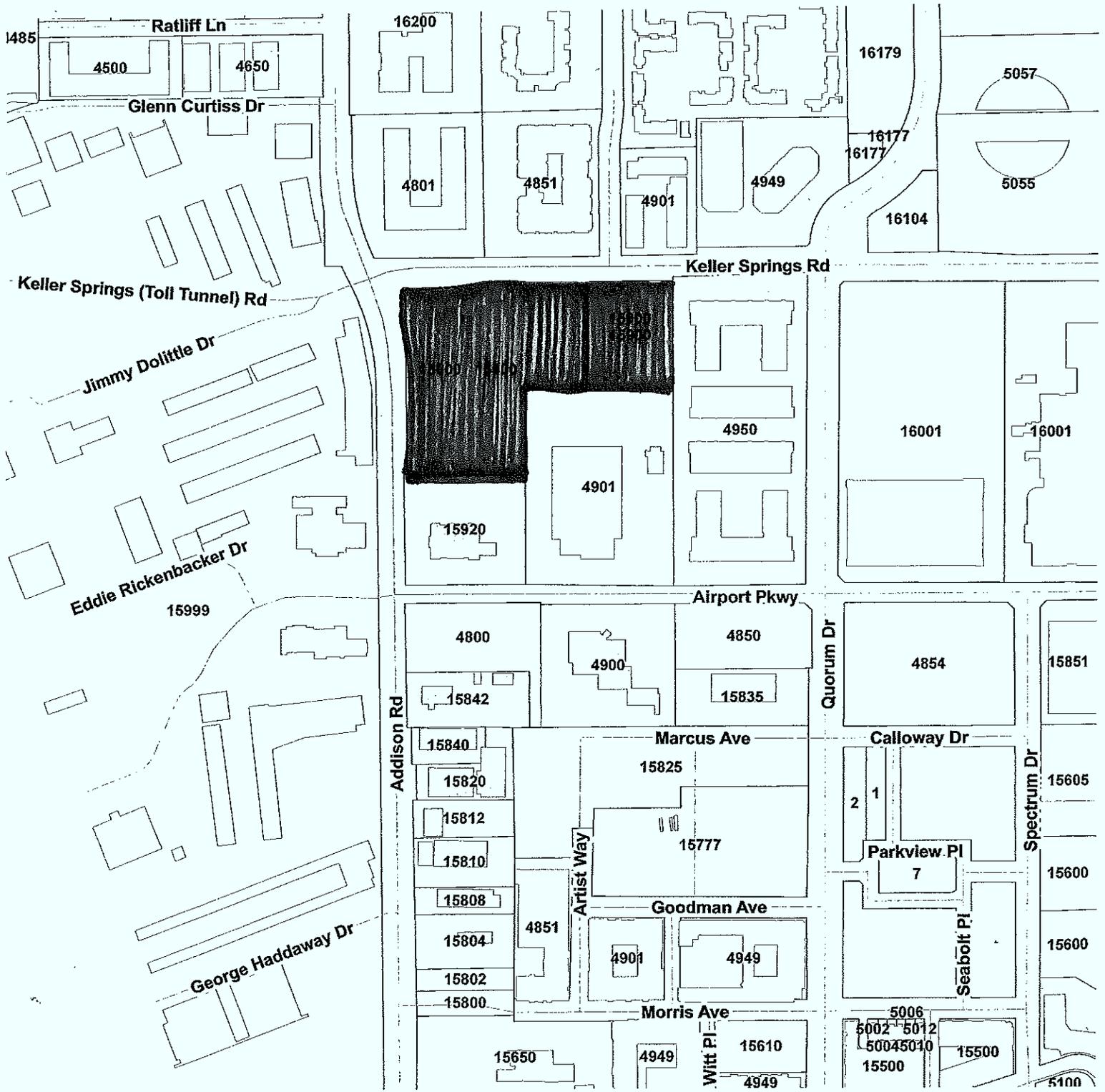
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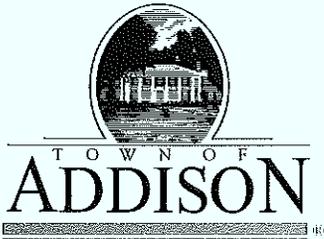
Cover Memo

Backup Material

1640-Z

PUBLIC HEARING Case 1640-Z/Embrey Partners. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending Planned Development Ordinance 006-047 in order to provide for revised development plans for a development of approximately 353 multi-family units, located on 7.37 acres at the intersection of Addison Road and Keller Springs Road, on application from Embrey Partners, represented by Mr. Daniel Zunker.





STAFF REPORT

RE: Case 1640-Z/Embrey Partners

LOCATION: 7.37 acres at the southeast corner of Addison Road and Keller Springs Road

REQUEST: Approval of an amendment to a previously-approved Planned Development zoning ordinance (006-047) in order to provide for revised development plans for a development of approximately 353 multi-family units

APPLICANT: Embrey Partners, represented by Mr. Daniel Zunker

DISCUSSION:

Background. In 2006, this site was zoned Commercial-2. It was rezoned to Planned Development District #006-047, and development plans were approved for a multi-family development of 341 units and 13,415 square feet of retail space. The plans for the development that was approved through Ordinance 006-047 are attached.

The plans were developed all the way through building permit, and all landscaping and engineering issues were resolved. The site was platted and the plans were put on our counter – ready for the developer to pick up and pay the building permit fee. The plans were on our counter for six months, and finally we got word from the developer that he was not going to build the project.

As the Commission and Council are aware, a development plan is tied to a site, not to an applicant. Any developer who wants to build the exact plans that have been approved can pick up the project and build the project. BGO, the architects on the project, contacted one of their clients, Embrey Partners out of San Antonio, and let them know that a project in Addison had gone through the entitlement and permitting process, and was ready to build. Embrey examined

the plans and the site, and decided it would like to pick up the project and construct it.

Embrey is keeping the footprints of the building, the parking layout, the driveways, and the landscaping as approved in the original plans. It is not changing any of those major elements of the plans. All of the issues with regard to the civil and engineering work had been resolved, and none of those items will be changed. The Public Works and Landscaping Departments have reviewed the revised plans, and find that they are consistent with the previous plans and ready for permit.

However, after thoroughly reviewing the plans, Embrey decided there were some minor things about that plans that it wanted to change.

1. Remove the retail space shown on the approved plans and replace it with additional residential units.

The previously approved final development plan was for 341 residential units with 13,415 SF of retail and the current proposed development plan is for 353 units with no retail.

2. Remove the majority of the sub-grade portion of the parking garage by continuing the upper level of the garage to provide for a completed upper deck.

The originally approved garage had been one floor below grade. Embrey Partners has had bad experiences with flooding in sub-grade garages, and would like to pop the garage up so that all floors are above grade. The parking count and exterior finish of the garage will not be changed.

3. Minor elevation changes including changing CMU elements to brick.

The original facades combined concrete masonry units with stucco, and Embrey Partners would like to change those portions that were CMU to brick. There were also a couple of metal canopies in the original project that have been eliminated. However, the height, scale, and massing of the project is unchanged.

RECOMMENDATION:

The staff is pleased to see this project actually begin construction. There were a lot of engineering, platting, and construction items that had to be worked out for the initial permit. The staff worked several months to resolve the issues, and was disappointed to see all that work lay on the counter and then not be permitted.

Staff believes the minor changes made to the plans are acceptable, and recommends approval of the revised development plans subject to no conditions.

Respectfully submitted,

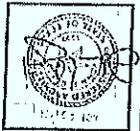
A handwritten signature in black ink that reads "CMORAN". The letters are stylized and connected, with a large initial "C" and "M".

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of an ordinance amending Planned Development Ordinance 006-046 in order to provide for revised development plans for a development of approximately 353 multi-family units, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler
Voting Nay: none
Absent: none

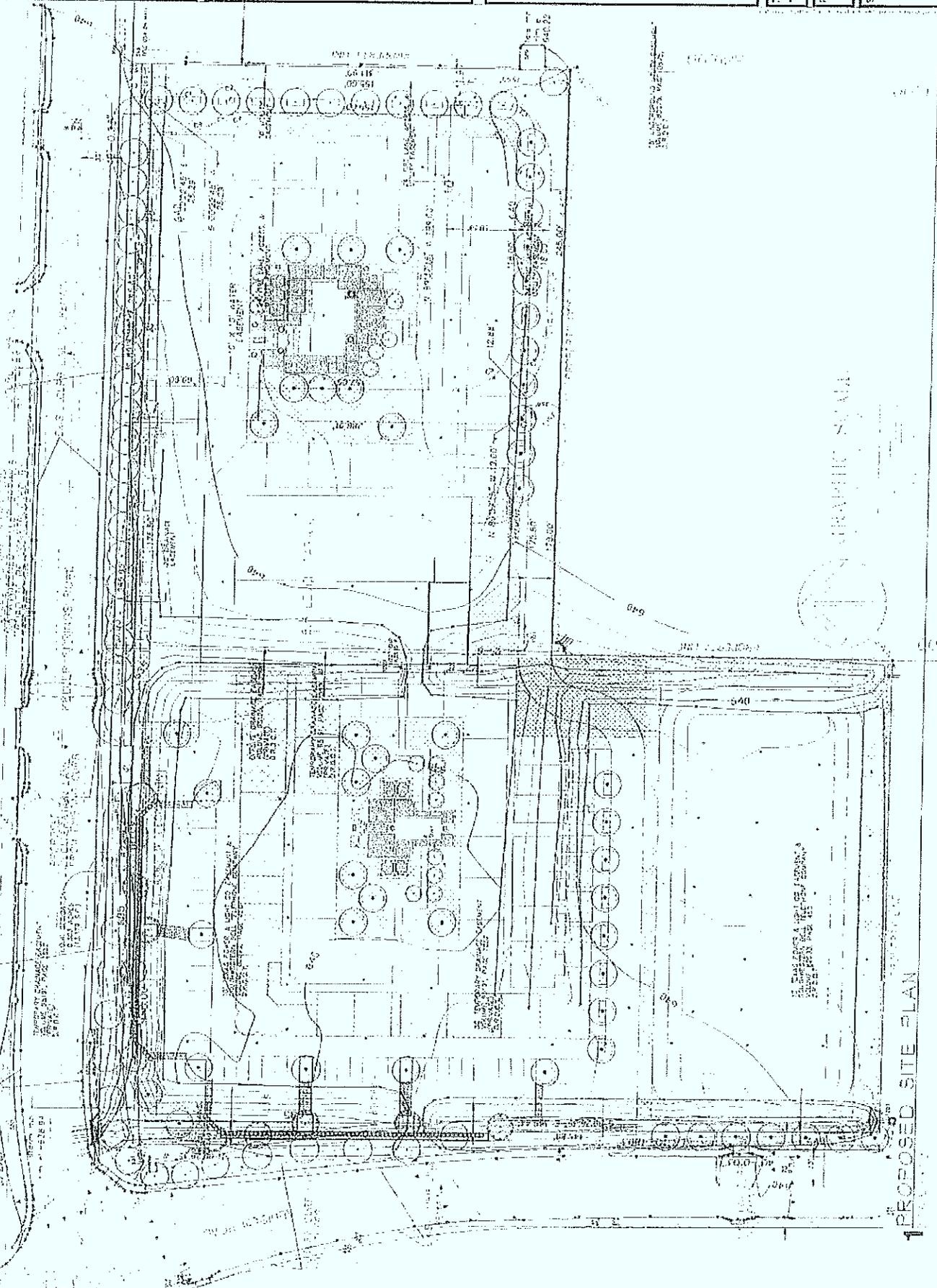


PLANNING
DIVISION

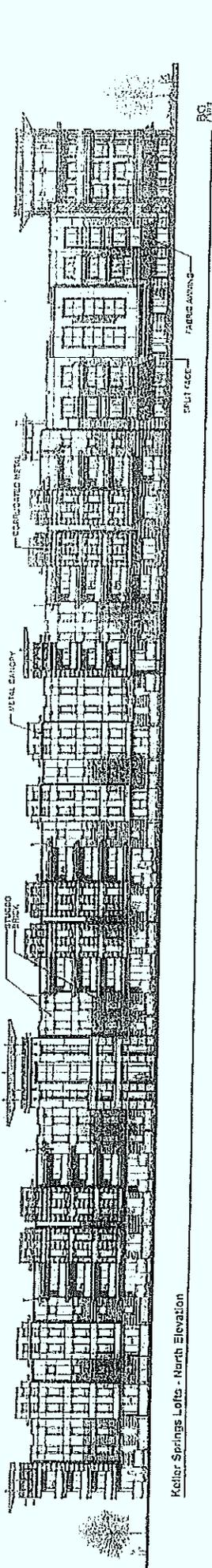
PLANNING DIVISION
CITY OF PORTLAND

DATE: 10-05-06
PROJECT: 05156
SHEET NUMBER: 4

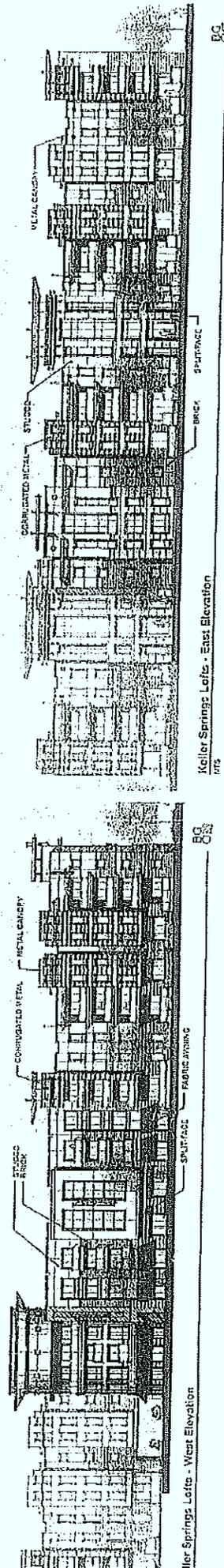
DATE: 10-05-06
PROJECT: 05156
SHEET NUMBER: 4



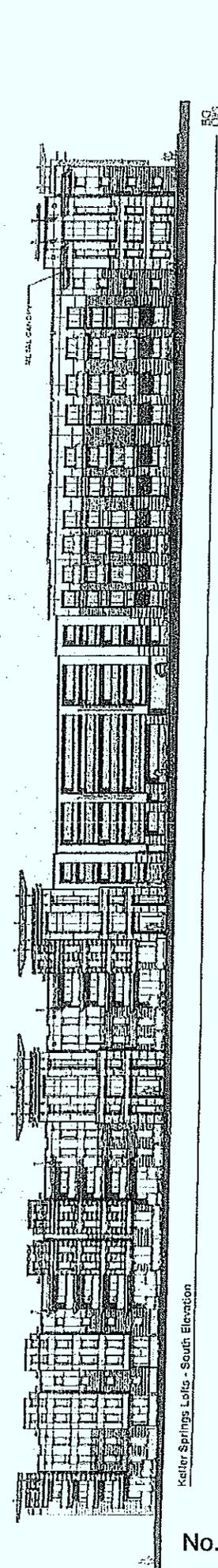
PROPOSED SITE PLAN



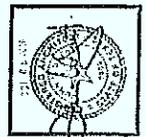
Keller Springs Lofts - North Elevation



Keller Springs Lofts - East Elevation



Keller Springs Lofts - South Elevation



DILANKI
REVISED

KELLER SPRINGS LOFTS
 2007 LEASING AND DEVELOPMENT, L.P.
 1000 WEST WOODMONT, L.P.

BO
 BUILDING CONSULTANTS
 1000 WEST WOODMONT, L.P. • 409 • 2007 LEASING AND DEVELOPMENT, L.P.

DATE 10-05-06
 PROJECT 05156
 SHEET NUMBER 5
 ELEVATIONS



VIA FAX & FEDEX OVERNIGHT LETTER

July 28, 2011

Ms. Carmen Moran
Town of Addison
Development Services
16801 Westgrove
Addison, TX 75001-9010

RE: Case 1640-Z/Embrey Partners, LTD

Dear Ms. Moran:

This letter is provided to voice objection to the above referenced case and the plan to develop approximately 353 multi-family housing units on the 7.37 acre land tract in the southeast corner of Addison Road and Keller Springs Road.

FedEx is the sole tenant of a building located at 4901 Airport Parkway in Addison, Texas. The FedEx land site shares two property lines with the proposed development site.

The Addison, Texas FedEx facility is a local distribution center that also contains administrative office space and a World Service Center for customer drop-off and pick-up of packages. FedEx has an extended operational day commencing at approximately 6:00 a.m. and extending to as late as 11:00 p.m. Local delivery vans and tractor trailers operate at this location.

Because of the noise generated by the operation, vehicle movements and experience with operating similar operations in other locations, we attempt to avoid locating this type of FedEx facility adjacent to residential housing. In this instance, we do not believe that residential development is compatible with the surrounding properties that are developed for commercial use; and believe this development will simply invite future issues between potential residents and pre-existing businesses.

We respectfully request that the Addison Planning and Zoning Commission consider FedEx's concern and reject the application or incorporate adequate mitigation measures in the development plan.

Please feel free to contact me directly at 901-434-6063 if you have any questions or would like to discuss this matter further.

Sincerely,

Federal Express Corporation



Dan Prior

Sr. Real Estate Agent

Cc: ADSA Sr. Manger
DGO District Director

Council Agenda Item: #R8

AGENDA CAPTION:

PUBLIC HEARING Case1635-SUP/Target. Public hearing on presentation, discussion and consideration of approval of an ordinance changing the zoning by approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, in a Planned Development District 093-018, located at 3730 Belt Line Road, on application from Target Corporation, represented by Mr. Andrew Lee.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

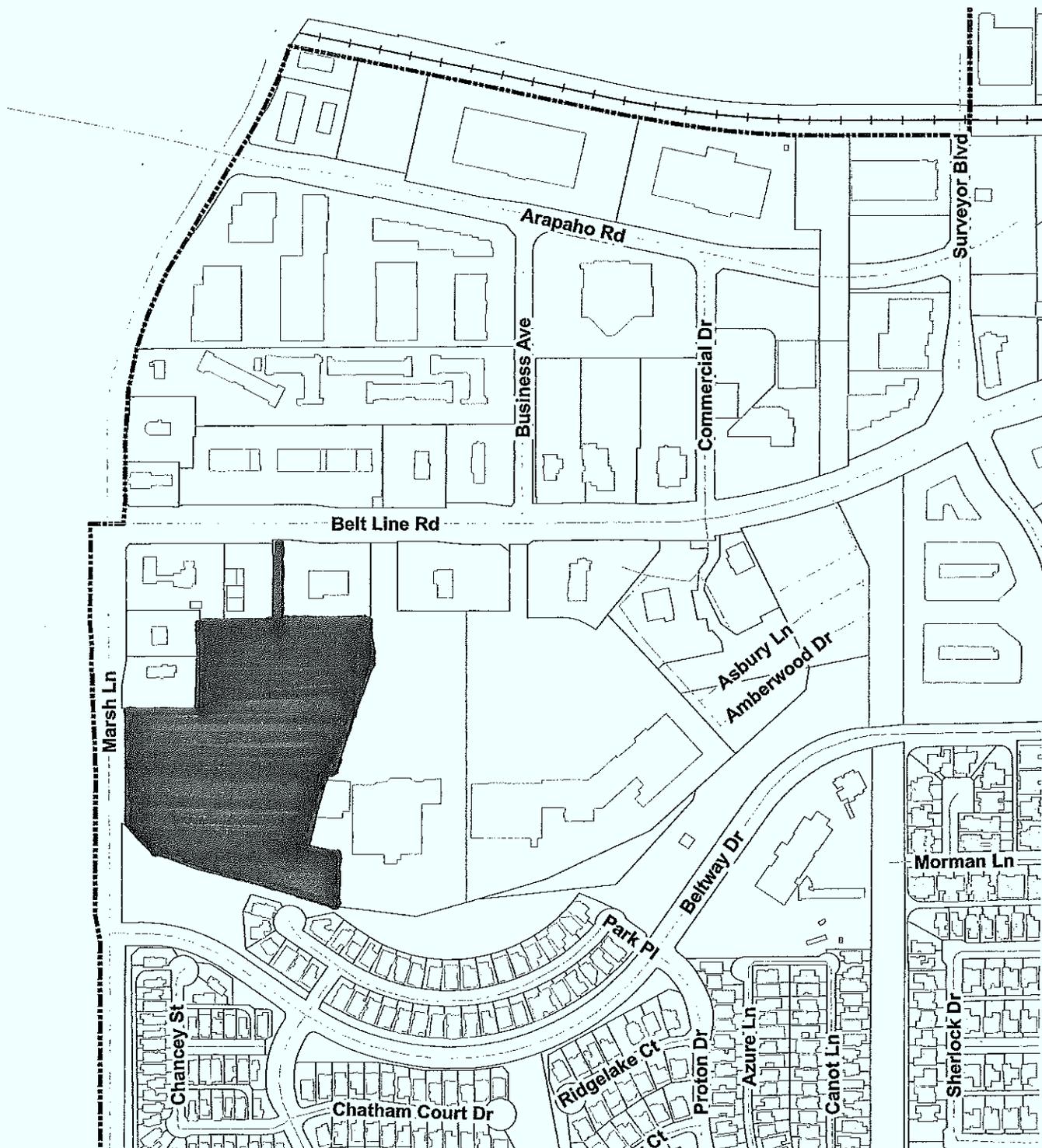
[docket map, staff report, and commission findings](#)

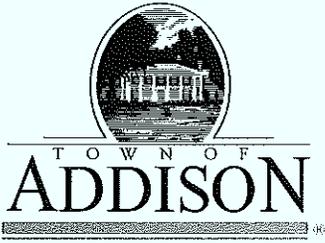
Type:

Cover Memo

1635-SUP

PUBLIC HEARING Case 1635-SUP/Target. Requesting approval of an ordinance approving a Special Use Permit for the sale of beer and wine for off-premises consumption only, in a Planned Development District 093-018, located at 3730 Belt Line Road, on application from Target Corporation, represented by Mr. Andrew Lee.





July 18, 2011

STAFF REPORT

RE: Case 1635-SUP/Target

LOCATION: Planned Development District 093-018
generally located at 3770 Belt Line Road

REQUEST: Approval of a Special Use Permit for
the sale of beer and wine for off-premises
consumption only for the said property

APPLICANT: Target Corporation, represented by Mr.
Andrew Lee

DISCUSSION:

Background. In 1993, this site was developed with a shopping center containing a K-Mart and a Winn-Dixie Grocery Store. The K-Mart closed and was replaced with a Target store. Target has been operating in this location since August of 2003.

On January 27, 2011, the Council approved Ordinance 011-010, which amended Planned Development zoning district 093-018 to allow for the sale of beer and wine for off-premises consumption only, subject to the approval of a Special Use Permit. A Special Use Permit for beer and wine sales was approved for the Kroger Food Store in this shopping center on the same date.

Proposed Plan. Target occupies a 121,783 square foot space in the Addison Town Center shopping Center. The beer and wine sales will be added to the existing floor plan in the southwest corner of the store. There will not be any other changes to the floor plan.

Facades. Target is not proposing any changes to the existing facades of the store.

Parking. The Target store parks at a 1/200 standard retail parking ratio. Beer and wine sales are a standard retail use and currently park at 1/200. The addition of beer and wine sales to this existing store does not change the required parking.

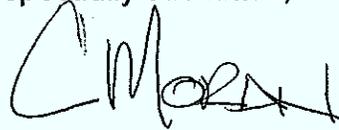
Landscaping. During the Kroger request, the Planning and Zoning Commission and Council addressed the problem of improper pruning, which had been damaging the

trees in this center. The damaged trees have been replaced and the landscaping issues on the site have been resolved.

RECOMMENDATION:

Staff recommends approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only for the Target store.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C Moran', written in a cursive style.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for the sale of beer and wine for off-premises consumption only, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

Council Agenda Item: #R9

AGENDA CAPTION:

PUBLIC HEARING Case 1636-SUP/La Zaranda. Public hearing on, presentation, discussion and consideration of approval of an ordinance changing the zoning by approving an amendment to an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in order to add a patio, located at 5000 Belt Line Road, Suite 850, on application from La Zaranda Restaurant, represented by Mr. Gustavo San Roman.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a amendment for a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, in order to provide for a patio, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

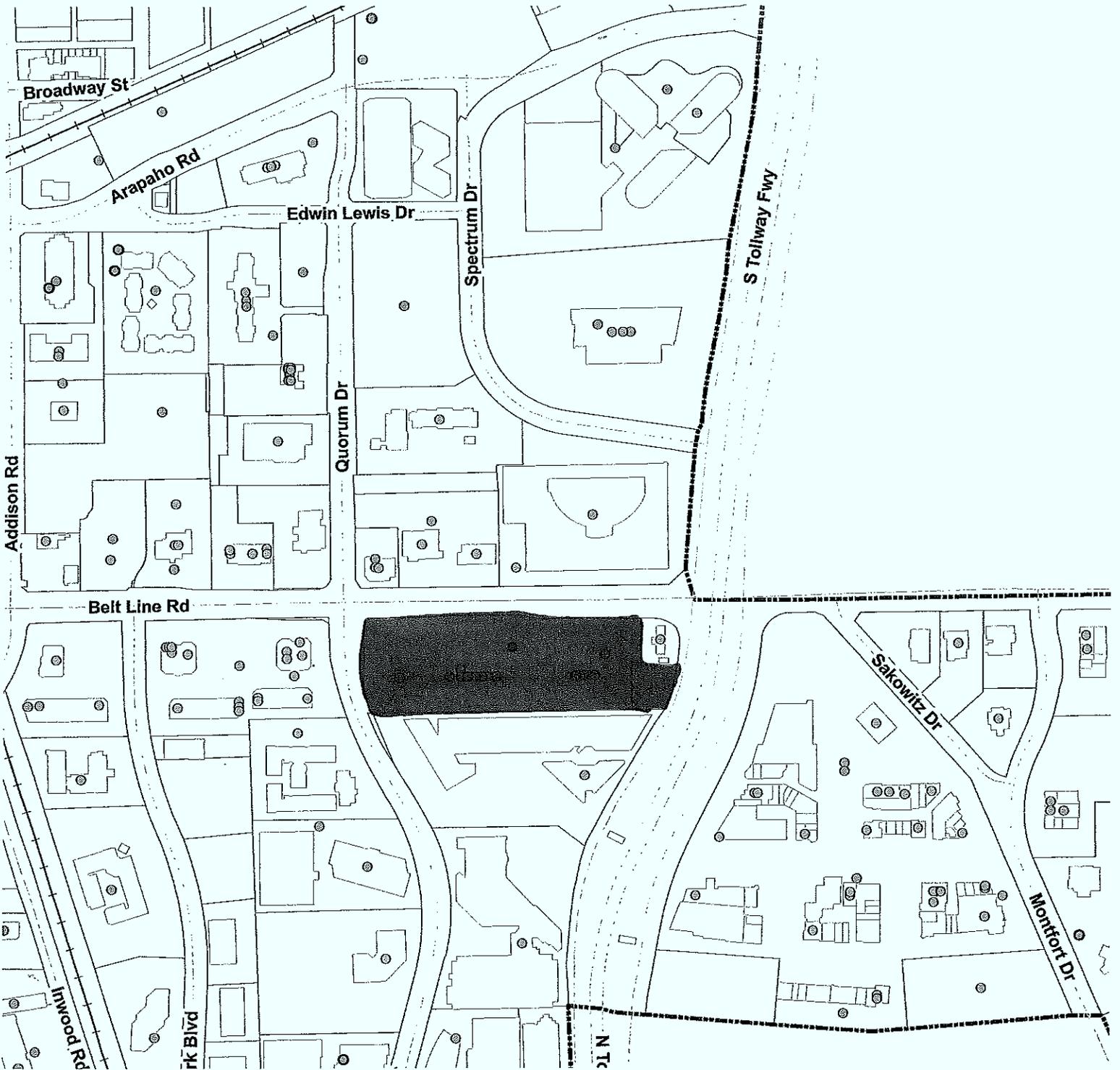
[docket map, staff report, and commission findings](#)

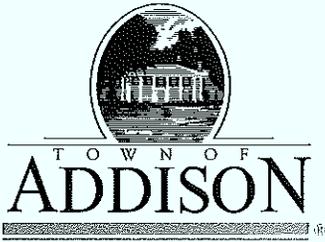
Type:

Cover Memo

1636-SUP

PUBLIC HEARING Case 1636-SUP/La Zaranda. Requesting approval of an ordinance approving an amendment to an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption, in order to add a patio, located at 5000 Belt Line Road, Suite 850, on application from La Zaranda Restaurant, represented by Mr. Gustavo San Roman.





July 18, 2011

STAFF REPORT

RE: Case 1636-SUP/La Zaranda

LOCATION: 5000 Belt Line Road, Suite 850

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

APPLICANT: Mesea Enterprises, LLC, represented By Mr. Gustavo San Roman

DISCUSSION:

Background. The owners of the Addison Walk shopping center at 5000 Belt Line Road have made some revisions to the center. They chopped off a portion of the center to reduce the square footage and increase the parking. The owners gained 40 additional parking spaces by chopping off the front of the furniture store and replacing that area with parking spaces. They subdivided the former Baker Brothers Furniture Store lease space into two new lease spaces, and on December 16, 2010, the Council approved Ordinance 011-006, which approved a Special Use Permit for a restaurant with sale of alcoholic beverages for on-premises consumption for the La Zaranda restaurant. La Zaranda took the east end-cap space in the center, and Jason's Deli will take the restaurant space immediately west of the end space. When LaZaranda came through for the original SUP approvals, it did not include a patio. However, at this time, the restaurant would like to add a patio of 1,190 square feet.

Proposed Plan. LaZaranda will feature Mexican coastal seafood. The owner currently operates restaurants in Mexico, and this will be his first restaurant in the US. The restaurant will contain 5,909 square feet. The restaurant will be a full-service restaurant with waiters. The restaurant contains a bar area with seating and two separate dining areas. The patio will be added to the northeast corner of the building, adjacent to the parking area.

Landscaping. The landscaping in the center was recently renovated and is generally well maintained.

Parking. This center is in a Planned Development district which provides parking for restaurants at one space per 160 square feet. This restaurant contains 5,909 square feet and will require 37 parking spaces. This patio will add 1,190 square feet, which will require 8 additional spaces. The center currently has 73 additional spaces. There is sufficient parking for this patio with 65 spaces left above demand.

RECOMMENDATION:

Staff recommends approval of the request for the amendment to an existing Special Use Permit for a restaurant, and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, in order to provide for a patio, subject to no conditions.

Respectfully submitted,

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

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a amendment for a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, in order to provide for a patio, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

Council Agenda Item: #R10

AGENDA CAPTION:

PUBLIC HEARING Case 1637-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending the Town's Code of Ordinances by amending Appendix A - Zoning thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending (i) Article XX (Special Uses) thereof by adding thereto a "beverage container recycling facility" as a use that may be authorized at a location upon the approval of an ordinance in accordance with Article XX, and (ii) Article XXX (Definitions) by adding thereto a definition of "beverage container recycling facility," on application from the Town of Addison, represented by Carmen Moran.

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

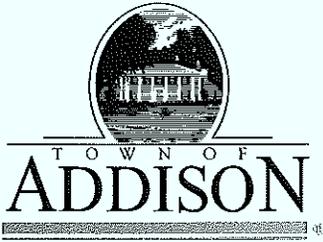
ATTACHMENTS:

Description:

[1637-Z Packet](#)

Type:

Backup Material



DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

**A PUBLIC HEARING BEFORE THE ADDISON
PLANNING AND ZONING COMMISSION**

JULY 28, 2011

6:00 P.M.

**ADDISON TOWN HALL
5300 BELT LINE ROAD
COUNCIL CHAMBERS**

1. **PUBLIC HEARING** Case 1637-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending the Town's Code of Ordinances by amending Appendix A - Zoning thereof, the same being the Comprehensive Zoning Ordinance of the Town, by amending (i) Article XX (Special Uses) thereof by adding thereto a "beverage container recycling facility" as a use that may be authorized at a location upon the approval of an ordinance in accordance with Article XX, and (ii) Article XXX (Definitions) by adding thereto a definition of "beverage container recycling facility," on application from the Town of Addison, represented by Carmen Moran.

**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.**



DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

July 19, 2011

RE: Case 1637-Z/Town of Addison

LOCATION: Amendment to Appendix A, the Addison Zoning Ordinance, Article XX (Special Uses) there of and Article XXX (Definitions)

REQUEST: Approval of an ordinance amending the Town's Code of Ordinances by amending Appendix A – Zoning thereof, the same Being the Comprehensive Zoning Ordinance of the Town, by amending (i) Article XX (Special Uses) thereof by adding thereto a "beverage container recycling facility" as a use that may be authorized at a location upon the approval of an ordinance

APPLICANT: Town of Addison, represented by Carmen Moran

DISCUSSION:

Cases 1637-Z, 1638-Z, and 1639-SUP are related. The Town is working with Reimagine Beverage Containers on the installation of a unique facility in the Town. It is a machine that collects and compacts metal and plastic beverage containers. A facility of this type is currently not allowed within the Town. In order to allow this compacting machine to be installed in the Town, the Town must first amend the Special Use category of the zoning ordinance in order to define a beverage container recycling facility, and then make it an allowed use, subject to the approval of a Special Use Permit (Case 1637-Z).

Then the Town would need to amend Planned Development zoning district 093-018 in order to make a beverage container recycling facility an allowed use, subject to the approval of a Special Use Permit (Case 1638-Z). Planned Development zoning district 093-018 covers the Addison Town Center shopping center, and more specifically the Kroger Food Store and associated parking lot.

Finally, the Town would need to approve a Special Use Permit for a beverage container recycling facility to be located within the Kroger parking lot (Case 1639-SUP).

This case, case 1637-Z, is the first step in the process. It amends Article XXX, the definitions article of the zoning ordinance, in order to define a beverage container recycling facility, and amends Article XX, the Special Use article of the zoning ordinance, in order to add a beverage container recycling facility to the Town's list of uses that are allowed, subject to the approval of a Special use Permit.

John Hill, the Town's attorney, has prepared the attached ordinance amending Articles XXX and XX of Appendix A, the Addison Zoning Ordinance.

RECOMMENDATION:

The Town currently provides curbside recycling for its single-family neighborhoods. Our curbside recycling takes all materials, including glass, paper, and cardboard. However, the Town does not provide recycling for multi-family residents or businesses. The Town has looked into providing multi-family and business recycling, but has not been able to come up with a workable plan. Even if the Town had a plan, it would be expensive to implement.

The staff believes that this beverage container recycling facility, while not the ultimate solution for multi-family and business recycling, is a start. It provides a limited recycling ability for multi-family residents and businesses. In addition, the Town can provide this service without having to go into that business itself. Reimagine will cover all costs of providing the facility and will maintain and operate it. The Town can promote it through its Addison Green web portal and through the Town's blogs and newsletters, but it does not have to bear any of the operating cost. In addition, the Town can promote the new elementary school and the Town's events through the point redemption prizes.

The staff believes the ability to offer beverage container recycling facilities in the Town is a step toward a greener community. The Town only has one facility proposed at this time, but as the city's residents get more attuned to recycling, there could be additional facilities in other parts of Town. By adding a Beverage Container Recycling Facility as a use that can be approved with a Special Use Permit, the Town can provide recycling facilities while still maintaining control over their location. Staff recommends approval of the attached ordinance.

Respectfully submitted,

A handwritten signature in black ink that reads "C Moran". The "C" is large and loops around the "M", which is also large and stylized. The "ORAN" part is written in a more standard, slightly slanted font.

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of an ordinance amending the Code of Ordinances of the Town of Addison by amending Appendix A – Zoning thereof, the same being the comprehensive zoning ordinance, by amending Article XX (Special Uses), thereof by adding thereto a “beverage container recycling facility” as a use that may be authorized at a location upon the approval of an ordinance in accordance with Article XX, and (ii) Article XXX (Definitions) by adding thereto a definition of “beverage container recycling facility,”

Voting Aye, Angel, Doherty, Groce, Gunther Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX A – ZONING THEREOF, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN, BY AMENDING ARTICLE XX, SPECIAL USES, SECTION 1 THEREOF TO ADD “BEVERAGE CONTAINER RECYCLING AND PROCESSING FACILITY” AS A USE THAT MAY BE AUTHORIZED IN ANY DISTRICT UPON THE ADOPTION OF ORDINANCE FOR THE SAME; AMENDING ARTICLE XXX, DEFINITIONS, OF APPENDIX A – ZONING BY ADDING THERETO A DEFINITION OF “BEVERAGE CONTAINER RECYCLING AND PROCESING FACILTY” AND RELATED DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “City”) recognizes that its citizens and the general public has dramatically increased their use of personal beverage containers over the last decade;

WHERAS, the City recognizes that personal beverage containers create a burden on the environment, trash collection, and landfills;

WHEREAS, the majority of beverage containers are made of aluminum and plastic and are recyclable, and the collection and recycling of those beverage containers will benefit the community and the environment.

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

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

Section 2. The Code of Ordinances of the Town of Addison, Texas is hereby amended by amending Appendix A – Zoning, the same being the City’s comprehensive Zoning Ordinance, in part as follows (additions are underlined; deletions are ~~struck-through~~; where asterisks (***) are used, the same represents text that is not included herein and is not amended or modified by this Ordinance):

A. Article XX, Special Uses, of the said Appendix A – Zoning is amended by amending Section 1 (Special uses in specified districts) thereof adding a new subsection (8) thereto to read as follows:

Section 1. Special uses in specified districts.

A. The city council may, after public hearing and proper notice to all parties affected, and, after recommendation from the planning and zoning commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the following specified districts:

- (1) Any public building to be erected or used by the town, county, state or federal government in any district.
- (2) Private schools, kindergartens and nurseries teaching the same subjects as public elementary and high schools in any district, provided the building or buildings are set back from all required yard lines in the district in which they are to be located two feet for each foot of building height and provided off-street parking facilities are provided. For schools and kindergartens, a minimum building area of 30 square feet per pupil and minimum site area of 200 square feet per pupil shall be provided, in any district.
- (3) Institutions of a religious, educational or philanthropic nature in any district.
- (4) Portable school buildings in the R-1, R-2 and R-3 districts.*
- (5) Airport or landing field or airport facilities in any district.
- (6) Day nurseries keeping more than four children in any district.
- (7) Dog kennels and veterinarian hospitals in the commercial district or on sites of five acres or more, in any district.
- (8) Beverage container recycling and processing facility in any district.~~Reserved.~~
- (9) Riding academy or public stable on sites of five acres or more in any district.
- (10) Hotel and motel.
- (11) Any installation of public utility, either privately or publicly owned, fire stations, public museums, public libraries, water supply reservoir, water pumping plant, water tower, artisan wells, or sewage lift stations in any district.
- (12) Gas and electrical public utility regulating stations in any district.
- (13) Hospitals, children's homes, convalescent homes, old people's homes, maternity homes, in any district.

- (14) Homes for the insane, alcoholics, feeble-minded, and narcotics in the commercial-1 and commercial-2 district or in any district where a site of 20 acres or more is provided.
- (15) Lodges, fraternity and sorority houses, boardinghouses, roominghouses in the "A" district.
- (16) Private clubs and community buildings in an apartment district or on a site of three acres or more in any district.
- (17) Drive-in theaters in the local retail district or on sites of ten acres or more in any district.
- (18) Greenhouses and nurseries in any district.
- (18a) Lots and/or business operating the sale of Christmas trees between the dates of November 15 and December 26 in any district.
- (19) Dance halls, when located in the commercial-1 and commercial-2 district or on sites of ten acres or more in any district.
- (20) Trailer parks in the commercial-1 and commercial-2 district or on sites of 20 acres or more in any district.
- (21) Rock quarries, sand, gravel, and earth excavations in any district.
- (22) Dental and medical offices and clinics in the apartment district.
- (23) Railway right-of-way and tracks, railway passenger station but not including railroad yards, team tracks or storage yards in any district.
- (24) Golf course, but not including miniature golf course, driving range or any forms of commercial amusement in any district.
- (25) Farm, truck garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail or wholesale business is maintained on the premises and provided further that no poultry or livestock, other than normal household pets, shall be housed within 100 feet of any property line in any district.
- (26) Sale of alcoholic beverages for off-premises consumption only in any local retail district.
- (27) Sale of beer and wine for off-premises consumption only in any local retail district.

- (28) Sale of alcoholic beverages for on-premises consumption only in any local retail district or in any planned development district wherein the sale of alcoholic beverages for on-premises consumption is specifically allowed in the ordinance establishing such planned development.
- (29) Private clubs where alcoholic beverages may be served in any local retail district.
- (30) Restaurants without drive-in service (service to be entirely within the building); and restaurants with drive-in facilities, provided that no food or drink may be served to vehicles parked on the public street in any district.
- (31) Arcade, billiard parlor, or bowling alley, which shall be permitted only in a local retail district or in a planned development district where such use is specifically allowed in the article establishing the planned development.
- (32) Self-service storage facilities, only in commercial-1, commercial-2, industrial-1, industrial-2 and industrial-3 districts.
- (33) Gasoline service stations and/or convenience stores in any district.
- (34) Movie picture theater in any district.
- (35) Reserved.
- (36) Brewpub, to be permitted only in local retail districts and in any planned development district wherein the use is specifically allowed in the article establishing such planned development.
- (37) Retail, wholesale, or retail and wholesale businesses in excess of 50,000 square feet in floor area.
- (38) Wind energy systems in any district.

*If authorized, a special use permit for a portable school building and any ordinance authorizing the same shall be subject to review and reconsideration at least every 18 months following the date of such authorization.

B. Article XXX, Definitions, of the said Appendix A – Zoning is amended by amending Section 1 (Terms defined) thereof by adding a new subsection 10.1 to read as follows:

Article XXX. Definitions

Section 1. Terms defined.

Certain words in this appendix are defined for the purpose hereof as follows:

* * * * *

10.1 *Beverage container recycling and processing facility* means a facility or structure, for use by the public, for the deposit and processing of beverage containers only and that promotes and facilitates beverage container recycling. A beverage container recycling facility includes primarily a mechanized process that allows members of the public to deposit beverage containers therein, and automatically (i) conveys and recognizes the types of beverage containers (e.g., plastic bottles, aluminum cans) deposited, (ii) separates plastic bottles and aluminum cans from all other beverage containers, (iii) distributes plastic bottles and aluminum cans to a compactor that immediately reduces them, (iv) stores the reduced plastic bottles and aluminum cans in a storage bin for later retrieval, and (v) distributes other beverage containers to a storage bin for later retrieval and proper handling in accordance with law. A beverage container recycling and processing facility may not exceed the following dimensions: 40 feet in length, 15 feet in width, and 15 feet in height.

For purposes of this definition: (i) *beverage container* means any individual bottle, can, jar, carton or similar receptacle used to contain a beverage, including potable water, and (ii) *plastic bottles* means plastic bottles made from polyethylene terephthalate (#1 PET).

* * * * *

Section 3. Purpose. The amendment to zoning herein made has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

Section 4. No Other Amendment; Savings. Except for the amendment and change made herein, Appendix A - Zoning of the City's Code of Ordinances is not otherwise amended hereby, and all other provisions thereof shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 5. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 6. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid, void, unlawful or unconstitutional by a Court of competent jurisdiction, such holding shall not affect

the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, voidness, unlawfulness or unconstitutionality, which remaining portions shall remain in full force and effect.

Section 7. Effective date. This Ordinance shall become effective from and after its passage and approval and after publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ____ day of _____, 2011.

Todd Meier, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R11

AGENDA CAPTION:

PUBLIC HEARING Case 1638-Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District (the same being PD No. 093-018), by adding to Ordinance No. 093-018 a “beverage container recycling facility” as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance (the same being Appendix A - Zoning of the Town's Code of Ordinances), on application from Town of Addison, represented by Carmen Moran.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28 2011, voted to recommend approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District, by adding to Ordinance No. 093-018 a “beverage container recycling facility” as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler.

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

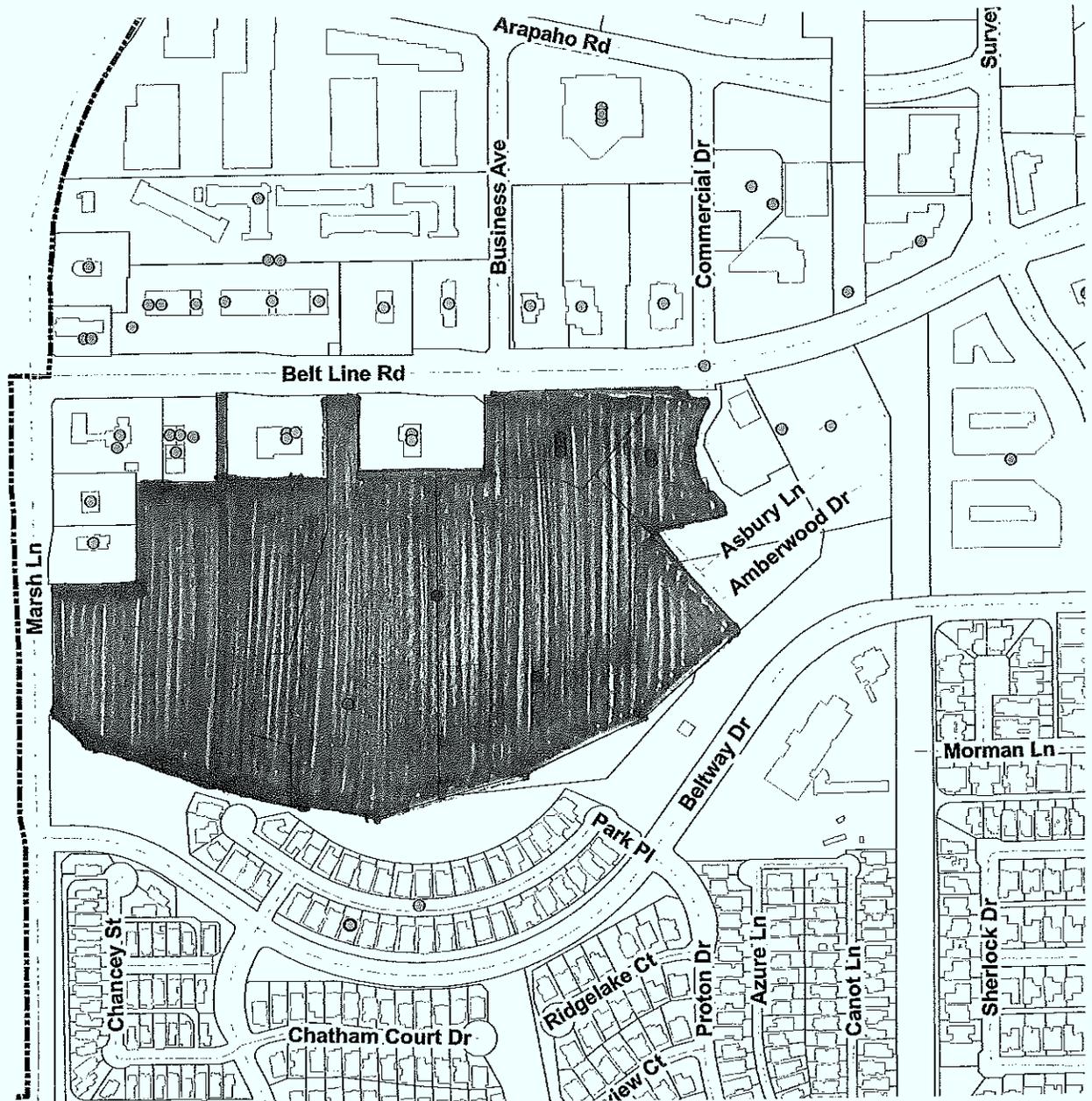
[docket map, staff report, and commission findings](#)

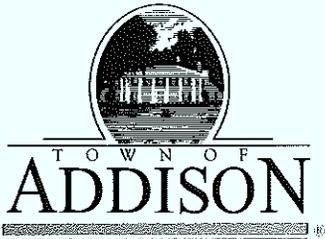
Type:

Cover Memo

1638-Z

PUBLIC HEARING Case 1638 -Z/Town of Addison. Public hearing on, presentation, discussion, and consideration of approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District (the same being PD No. 093-018), by adding to Ordinance No. 093-018 a "beverage container recycling facility" as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance (the same being Appendix A - Zoning of the Town's Code of Ordinances), on application from Town of Addison, represented by Carmen Moran.





DEVELOPMENT SERVICES

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

16801 Westgrove

Post Office Box 9010 Addison, Texas 75001-9010

July 19, 2011

RE: Case 1638 Z/Town of Addison

LOCATION: Planned Development District 093-018
generally located at 3770 Belt Line Road

REQUEST: Approval of an ordinance amending Ordinance No. 093-018 of the Town, by adding to Ordinance No. 093-018 a "beverage container recycling facility" as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses)

APPLICANT: Town of Addison, represented by Carmen Moran

DISCUSSION:

Cases 1637-Z, 1638-Z, and 1639-SUP are related. The Town is working with Reimagine Beverage Containers on the installation of a unique facility in the Town. It is a machine that collects and compacts metal and plastic beverage containers. A facility of this type is currently not allowed within the Town. In order to allow this compacting machine to be installed in the Town, the Town must first amend the Special Use category of the zoning ordinance in order to define a beverage container recycling facility, and then make it an allowed use, subject to the approval of a Special Use Permit (Case 1637-Z).

Then the Town would need to amend Planned Development zoning district 093-018 in order to make a beverage container recycling facility an allowed use, subject to the approval of a Special Use Permit (Case 1638-Z). Planned Development zoning district 093-018 covers the Addison Town Center shopping center, and more specifically the Kroger Food Store and associated parking lot.

Finally, the Town would need to approve a Special Use Permit for a beverage container recycling facility to be located within the Kroger parking lot (Case 1639-SUP).

This case, case 1638-Z, is the second step in the process, which proposes to amend the Planned Development zoning district, 093-018.

Background. In 1993, this site was developed with a shopping center containing a K-Mart and a Winn-Dixie Grocery Store. The K-Mart closed and was replaced with a Target store, and the Winn-Dixie closed and was replaced with a Kroger Food Store. Kroger has been operating in this location for approximately five years.

The staff at Reimagine Beverage Containers, Inc. would like to locate a beverage container recycling facility in the parking lot adjacent to the Kroger Store in this center. Reimagine Beverage Containers, Inc. is owned by the Coca-Cola Company, which is working to reduce its "Carbon Footprint." The intent of Reimagine is to recover, through recycling, 100% of the beverage containers produced and distributed by Coca-Cola. Toward that end, Reimagine has created a beverage container recycling machine.

Proposed Facility. Reimagine intends to install the facility on the north end of the Kroger parking lot, behind the building that contains Einstein Bros. Bagels and Schlotzsky's Sandwiches. The facility is approximately the size of a recreational motor home and has a metal façade. It is decorated with graphics and has a painted sign showing the name of the facility at the top. It is not designed to be a full-scale recycling facility. It takes only plastic and aluminum beverage containers. It does not take glass, or any plastic container larger than a 2-liter beverage bottle.

The Recycling Process. The facility is self-service. There is not an attendant on the site. The individual customers feed the cans and plastic bottles through a chute into the machine. Once inside the machine, they are sorted into large bins where they are compacted. A truck comes and picks up the materials on a regular schedule. The customer is not paid for the recyclable material, but is given a card on which he/she accumulates points. Accumulated points can be redeemed through the mail for various items. The items that can be obtained vary by community. In Arlington, the points can be redeemed for Rangers tickets. In Plano, they can be accumulated toward school supplies at neighborhood elementary schools. In other cities, they can be redeemed for discounts at Kroger or discounts at restaurants. The staff can work with the Reimagine company on the items that it would like to see redeemed with points. The staff is considering discounts on Addison Event tickets such as Taste Addison and Oktoberfest, or points that can be contributed to school supplies at the George H.W. Bush Elementary School.

Site Maintenance. The staff had questions about some items:

How is the site kept clean?

The staff has seen the trash, stained concrete and other debris that can collect around a recycling facility, and it had concerns about how this site would be maintained. The Reimagine staff stated that there are maintenance men who visit all the sites and clean the area around the facilities, including hosing down the concrete and taking away trash that is left at the facility. In addition, Kroger

will be tasked with patrolling the site and taking away trash or other kinds of recyclables that are left there.

What happens if a glass bottle is put in the machine?

The Reimagine staff says that a glass bottle will fit into the chute and is not rejected, but is sorted into a separate bin inside the machine where it is not compacted. The truck that picks up the compacted materials also picks up the separate bin that contains ineligible materials.

What if someone tries to use the machine and it doesn't work?

The staff had a concern that someone would pull up with a load of recyclables, find that the machine was malfunctioning and leave their materials in the parking lot. The Reimagine staff stated that there are service technicians on call at all times. The machine is designed to initiate a service call to the technician when it is malfunctioning. The Technician is typically at the site within 3 hours, and the technician picks up the materials that were not recycled and recycles them once the machine has been repaired. In the event the machine cannot be repaired, the technician would take the recyclables to another machine.

While there might be other problems that did not occur to the staff, the staff did feel that Reimagine has thought through possible issues, and is prepared to keep the facility clean and operating efficiently. In addition, the staff has visited the facility in Plano, and found it clean. Reimagine also has other operating facilities that give it experience in managing the issues that can come up with a recycling facility.

The list of allowed uses for Planned Development District 093-018 is listed below. The additional use is shown in **bold type**.

SECTION 2. In the hereinabove described land, no land or building shall be used, erected or converted to any use other than:

- Antique shop
- Aquarium
- Art gallery
- Automotive goods, retail sales only
- Automotive service, limited to the K-Mart store only
- Bakery, retail sales only
- Bank, office, wholesale sales office or sample room
- Barber and beauty shops
- Beverage container recycling facility (subject to Special Use Permit approval)**
- Bird and pet shops, retail
- Book or stationery store
- Camera shop
- Candy, cigars and tobaccos, retail sales only
- Caterer and wedding service, offices only

Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned
 Cleaning and pressing shops having an area of not more than 6,000 square feet
 Curtain cleaning shop having an area of not more than 6,000 square feet
 Department store, novelty or variety shop, retail sales only
 Drug store, retail sales only
 Florist, retail sales only
 Furniture store, retail only
 Grocery store, retail sales only
 Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
 Household and office furniture, furnishings, and appliances, retail only
 Job printing
 Jewelry, optical goods, photographic supplies, retail sales only
 Library, rental
 Meat market, retail sales only
 Office building
 Photographers or artists studio
 Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
 Professional offices for architect, attorney, engineer, and real estate
 Piano and musical instruments, retail sales only
 Restaurant with or without sale of alcohol for on-premises consumption (subject to Special Use Permit approval)
 Retail store/shop for custom work or the making of articles to be sold for retail on the premises
 Sale of beer and wine for off-premises consumption only (subject to Special Use Permit approval)
 Seamstress, dressmaker or tailor
 Shoe repair shop, retail sales only
 Studios, dance, music, drama, health, reducing
 Studio for the display and sale of glass, china, art objects, cloth and draperies
 Taxi stand
 Video stores, sales and rental of video cassettes and players
 Washateria, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of their laundry
 Wearing apparel, including clothing, shoes, hats, millinery and accessories
 Accessory buildings and uses customarily incident to the above uses.

RECOMMENDATION:

The Town currently provides curbside recycling for its single-family neighborhoods. Our curbside recycling takes all materials, including glass, paper, and cardboard. However, the Town does not provide recycling for multi-family residents or businesses. The Town has looked into providing multi-family and business recycling, but has not

been able to come up with a workable plan. Even if the Town had a plan, it would be expensive to implement.

The staff believes that this beverage container recycling facility, while not the ultimate solution for multi-family and business recycling, is a start. It provides a limited recycling ability for multi-family residents and businesses. In addition, the Town can provide this service without having to go into that business itself. Reimagine will cover all costs of providing the facility and will maintain and operate it. The Town can promote it through its Addison Green web portal and through the Town's blogs and newsletters, but it does not have to bear any of the operating cost. In addition, the Town can promote the new elementary school and the Town's events through the point redemption prizes.

The staff believes a beverage container recycling facility in this parking lot is a reasonable step toward a greener community, and it recommends that Planned Development ordinance 093-018 be amended to allow a "beverage container recycling facility" as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses).

Respectfully submitted,

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

Carmen Moran
Director of Development Services

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of an ordinance amending Ordinance No. 093-018 of the Town, which Ordinance zones a tract of land generally located within the Town at 3770 Belt Line Road as a Planned Development District, by adding to Ordinance No. 093-018 a "beverage container recycling facility" as a special use that may be permitted upon the adoption of an ordinance authorizing such special use in accordance with Article XX (Special Uses) of the Town's Comprehensive Zoning Ordinance.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler,

Voting Nay: none

Absent: none

Council Agenda Item: #R12

AGENDA CAPTION:

PUBLIC HEARING Case 1639-SUP/Reimagine Beverage Containers. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending the zoning on a tract of land generally located within the Town at 3770 Belt Line Road, the said zoning being Planned Development District (PD No. 093-018) adopted by Ordinance No. 093-018 of the Town, by approving a Special Use Permit for a beverage container recycling facility, on application from Reimagine Beverage Containers, represented by Mr. Reed Tibbetts, General Manager.

COMMISSION FINDINGS: The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for a beverage container recycling facility, subject to no conditions.

Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler

Voting Nay: none

Absent: none

FINANCIAL IMPACT:

NA

BACKGROUND:

NA

RECOMMENDATION:

Administration recommends approval.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

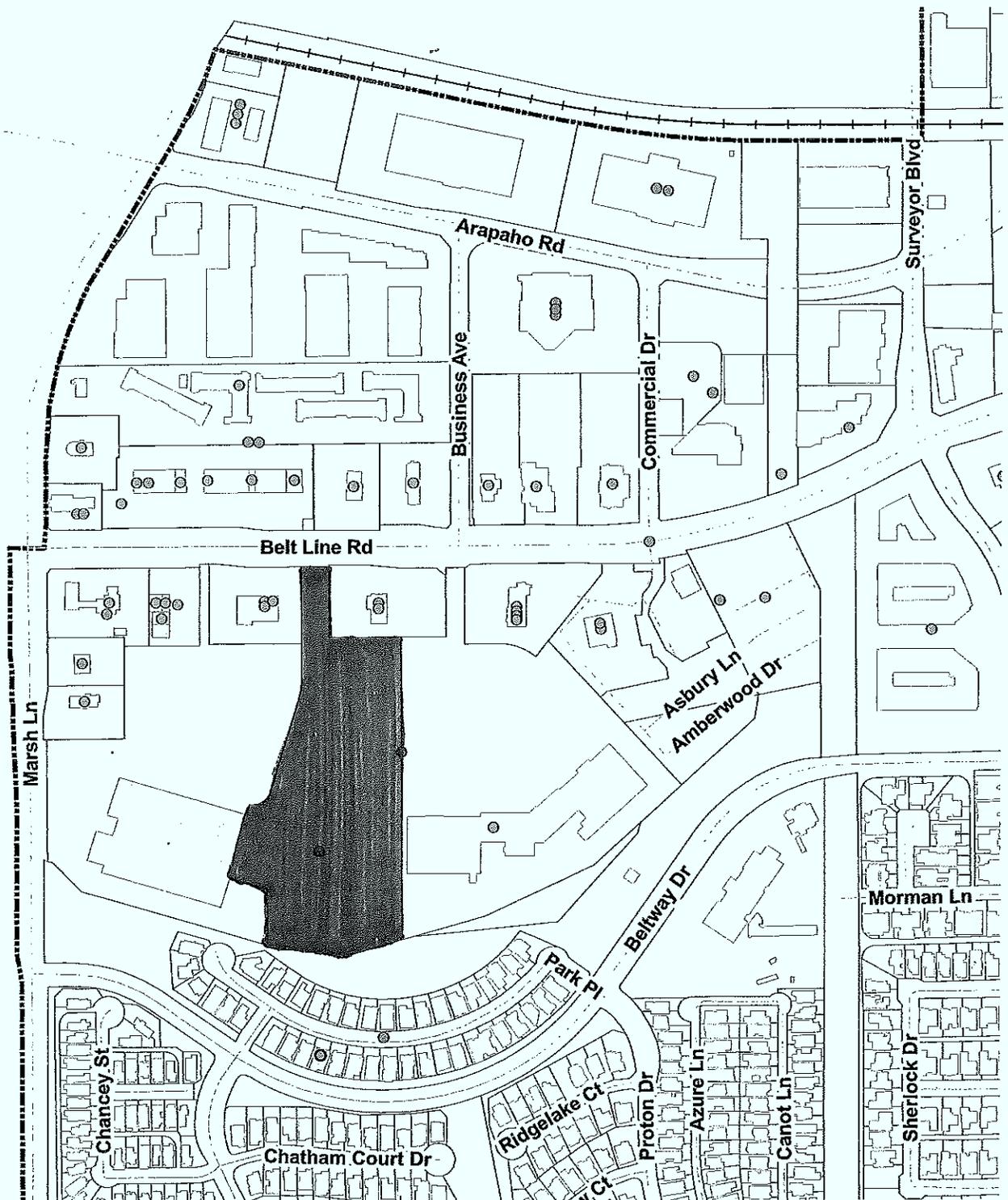
[docket map, staff report, and commission findings](#)

Type:

Cover Memo

1639-SUP

PUBLIC HEARING Case 1639-SUP/Reimagine Beverage Containers. Public hearing on, presentation, discussion and consideration of approval of an ordinance amending the zoning on a tract of land generally located within the Town at 3770 Belt Line Road, the said zoning being Planned Development District (PD No. 093-018) adopted by Ordinance No. 093-018 of the Town, by approving a Special Use Permit for a beverage container recycling facility, on application from Reimagine Beverage Containers, represented by Mr. Reed Tibbetts, General Manager.





July 19, 2011

RE: Case 1639-SUP/Town of Addison

LOCATION: Planned Development District 093-018
generally located at 3770 Belt Line Road

REQUEST: Approval of a Special Use Permit for a
Beverage container recycling facility

APPLICANT: Reimagine Beverage Containers,
represented by Mr. Reed Tibbetts,
General Manager

DISCUSSION:

Cases 1637-Z, 1638-Z, and 1639-SUP are related. The Town is working with Reimagine Beverage Containers on the installation of a unique facility in the Town. It is a machine that collects and compacts metal and plastic beverage containers. A facility of this type is currently not allowed within the Town. In order to allow this compacting machine to be installed in the Town, the Town must first amend the Special Use category of the zoning ordinance in order to define a beverage container recycling facility, and then make it an allowed use, subject to the approval of a Special Use Permit (Case 1637-Z).

Then the Town would need to amend Planned Development zoning district 093-018 in order to make a beverage container recycling facility an allowed use, subject to the approval of a Special Use Permit (Case 1638-Z). Planned Development zoning district 093-018 covers the Addison Town Center shopping center, and more specifically the Kroger Food Store and associated parking lot.

Finally, the Town would need to approve a Special Use Permit for a beverage container recycling facility to be located within the Kroger parking lot (Case 1639-SUP).

This case, case 1639-SUP, is the third step in the process, which proposes to approve the Special Use Permit for the beverage container recycling facility.

Proposed Facility. Reimagine intends to install the facility on the north end of the Kroger parking lot, behind the building that contains Einstein Bros. Bagels and

Schlotsky's Sandwiches. The facility is approximately the size of a recreational motor home and has a metal façade. It is decorated with graphics and has a painted sign showing the name of the facility at the top. It is not designed to be a full-scale recycling facility. It takes only plastic and aluminum beverage containers. It does not take glass, or any plastic container larger than a 2-liter beverage bottle.

The Recycling Process. The facility is self-service. There is not an attendant on the site. The individual customers feed the cans and plastic bottles through a chute into the machine. Once inside the machine, they are sorted into large bins where they are compacted. A truck comes and picks up the materials on a regular schedule. The customer is not paid for the recyclable material, but is given a card on which he/she accumulates points. Accumulated points can be redeemed through the mail for various items. The items that can be obtained vary by community. In Arlington, the points can be redeemed for Rangers tickets. In Plano, they can be accumulated toward school supplies at neighborhood elementary schools. In other cities, they can be redeemed for discounts at Kroger or discounts at restaurants. The staff can work with the Reimagine company on the items that it would like to see redeemed with points. The staff is considering discounts on Addison Event tickets such as Taste Addison and Oktoberfest, or points that can be contributed to school supplies at the George H.W. Bush Elementary School.

Site Maintenance. The staff had questions about some items:

How is the site kept clean?

The staff has seen the trash, stained concrete and other debris that can collect around a recycling facility, and it had concerns about how this site would be maintained. The Reimagine staff stated that there are maintenance men who visit all the sites and clean the area around the facilities, including hosing down the concrete and taking away trash that is left at the facility. In addition, Kroger will be tasked with patrolling the site and taking away trash or other kinds of recyclables that are left there.

What happens if a glass bottle is put in the machine?

The Reimagine staff says that a glass bottle will fit into the chute and is not rejected, but is sorted into a separate bin inside the machine where it is not compacted. The truck that picks up the compacted materials also picks up the separate bin that contains ineligible materials.

What if someone tries to use the machine and it doesn't work?

The staff had a concern that someone would pull up with a load of recyclables, find that the machine was malfunctioning and leave their materials in the parking lot. The Reimagine staff stated that there are service technicians on call at all times. The machine is designed to initiate a service call to the technician when it is malfunctioning. The Technician is typically at the site within 3 hours, and the technician picks up the materials that were not recycled and recycles them once

the machine has been repaired. In the event the machine cannot be repaired, the technician would take the recyclables to another machine.

While there might be other problems that did not occur to the staff, the staff did feel that Reimagine has thought through possible issues, and is prepared to keep the facility clean and operating efficiently. In addition, the staff has visited the facility in Plano, and found it clean. Reimagine also has other operating facilities that give it experience in managing the issues that can come up with a recycling facility.

Parking. A grocery store parks at a 1/200 standard retail parking ratio. This facility will take approximately three parking spaces. However, the center was constructed with more parking spaces than are required by code, and has sufficient spaces to accommodate this facility.

Landscaping. The staff does not feel that it is appropriate to provide landscaping for this facility. The center has sufficient landscaping, and several trees were recently replaced in the center so that it currently meets the landscaping requirements for maintenance.

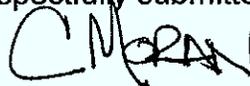
RECOMMENDATION:

The Town currently provides curb-side recycling for its single-family neighborhoods. Our curb-side recycling takes all materials, including glass, paper, and cardboard. However, the Town does not provide recycling for multi-family residents or businesses. The Town has looked into providing multi-family and business recycling, but has not been able to come up with a workable plan. Even if the Town had a plan, it would be expensive to implement.

The staff believes that this beverage container recycling facility, while not the ultimate solution for multi-family and business recycling, is a start. It provides a limited recycling ability for multi-family residents and businesses. In addition, the Town can provide this service without having to go into that business itself. Reimagine will cover all costs of providing the facility and will maintain and operate it. The Town can promote it through its Addison Green web portal and through the Town's blogs and newsletters, but it does not have to bear any of the operating cost. In addition, the Town can promote the new elementary school and the Town's events through the point redemption prizes.

The staff believes a beverage container recycling facility in this parking lot is a reasonable step toward a greener community, and it recommends approval of the Special Use Permit for a beverage container recycling facility, subject to no conditions.

Respectfully submitted,

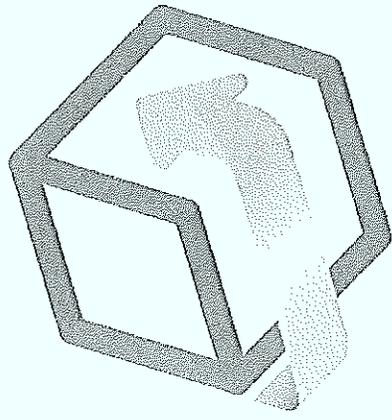


Carmen Moran
Director of Development Services

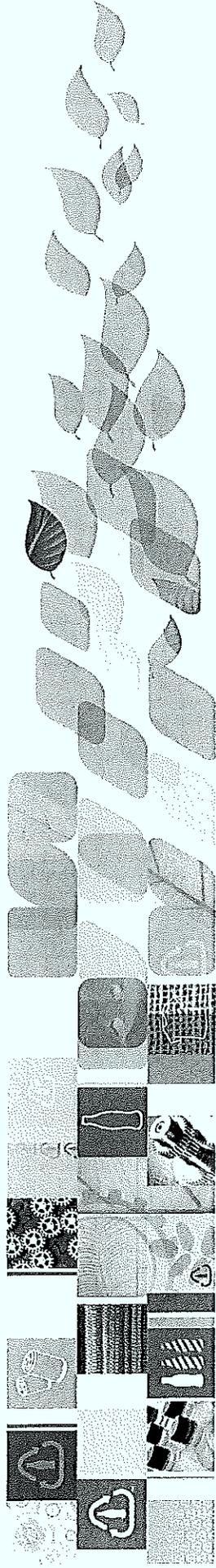
COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on July 28, 2011, voted to recommend approval of a Special Use Permit for a beverage container recycling facility, subject to no conditions.

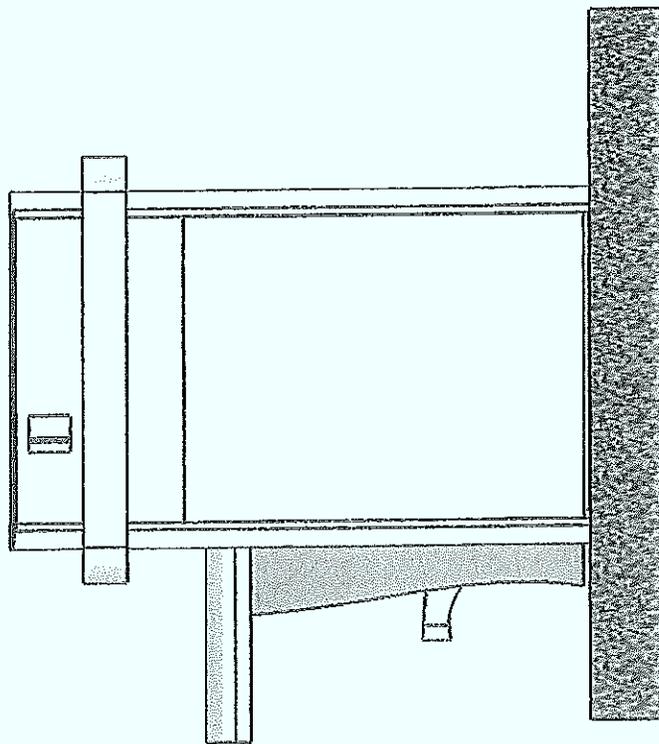
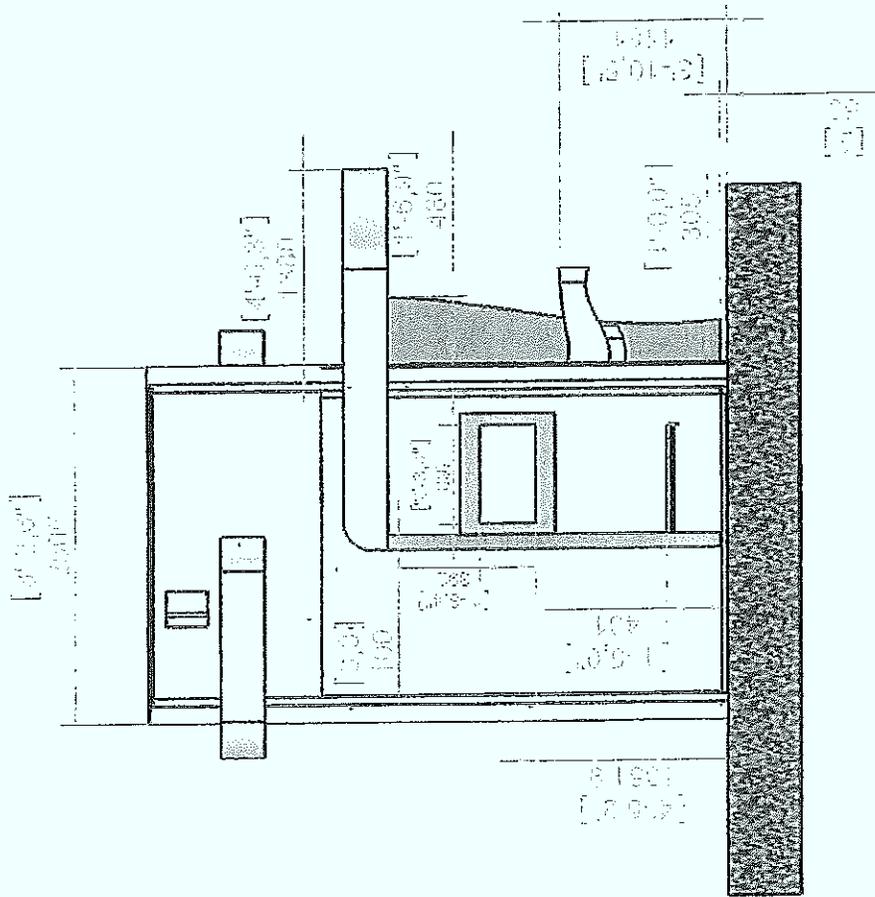
Voting Aye: Angell, Doherty, Groce, Gunther, Hewitt, Oliver, Wheeler
Voting Nay: none
Absent: none

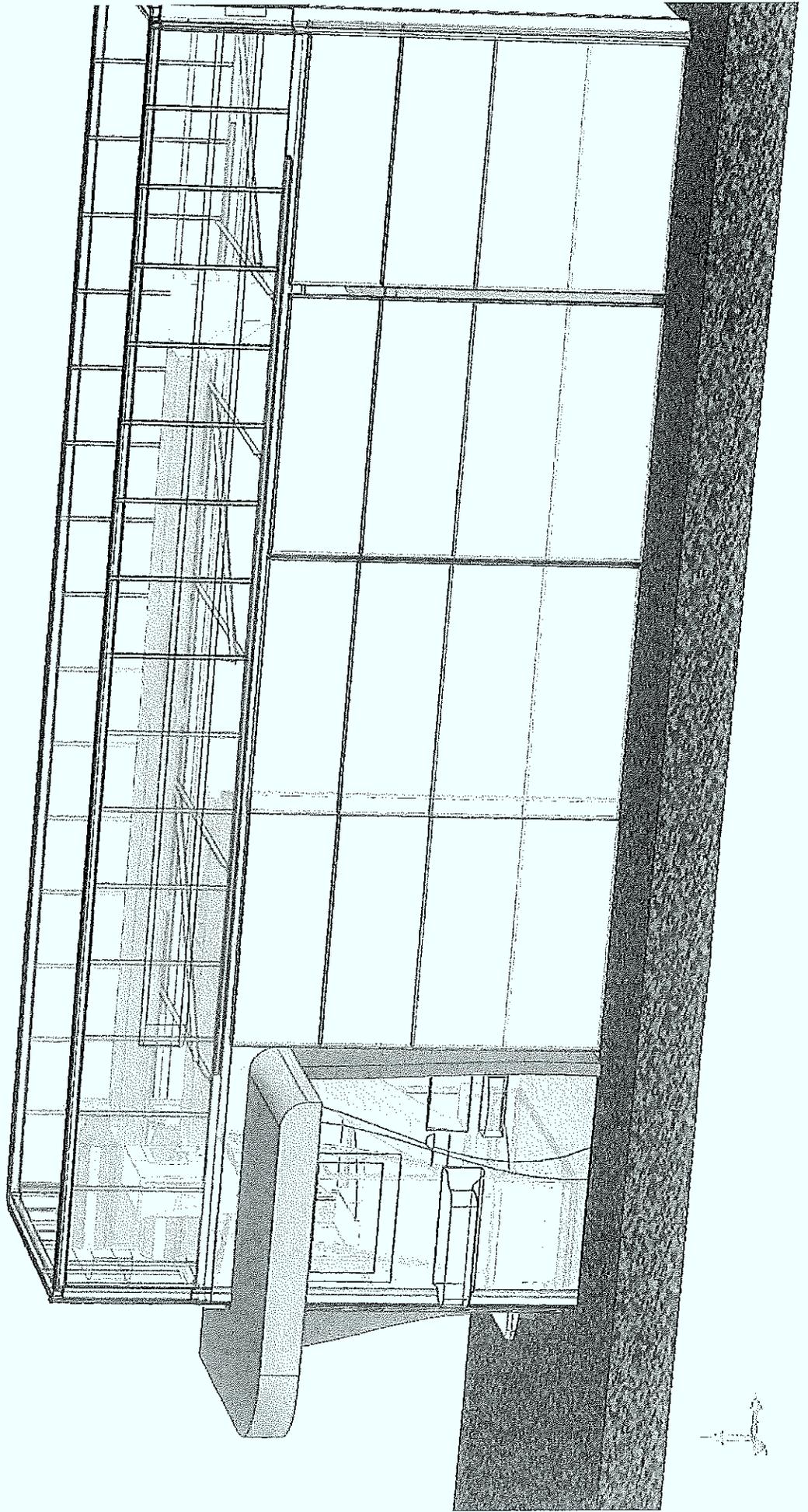


reimagining™









Reimagine Recycling Center FAQ's

What is the Reimagine Recycling Center?

Reimagine is a state of the art, self-contained recycling center for the use of consumers. These units are designed to provide convenient access to recycling of PET bottles and aluminum cans, the most common beverage container materials.

How does Reimagine work?

Consumers who bring their beverage containers to Reimagine can use a touch screen, similar to an ATM screen, to identify themselves and earn points for each container they recycle. The points can be used help a local school purchase supplies and equipment through the "My Coke Rewards" program, enter a sweepstakes drawing, or earn rewards like discounted or free offers. If a consumer doesn't want to earn points, they can proceed to recycle their containers without identifying themselves. When the consumer is ready to begin, a door to the in-feed chute opens and the consumer drops their containers onto a tray. The containers move onto an internal conveyor belt and an optical recognition system sorts them by container type. The #1PET plastic bottles and aluminum cans travel by separate internal conveyors to a compactor that reduces their size. They are then dropped into a storage bin to await pick up. Containers other than PET and aluminum are automatically separated into a bin for proper handling.

When does the unit operate?

Reimagine operates during the same hours as the shopping center in which it is housed.

What materials does the center accept?

Reimagine accepts only #1 PET plastic beverage bottles and aluminum cans. Other materials that are put in the center are separated from these two materials and are properly disposed of.

What happens to the containers that are recycled?

Because the containers have already been sorted, they can go directly from the Reimagine unit to a local processor to be baled. Once they are baled and a full truckload (roughly 40,000 lbs) is created, it is shipped to another facility for further processing. PET bottles can be turned into clothing, carpeting, or even new bottles. More than 95% of recycled cans are used to make new cans, but they can also be used to make automobile parts, construction materials, and other products.

How many containers can the center hold before it needs to be emptied?

The center can hold up to 18,000 PET bottles and 65,000 aluminum cans

How do you know when to empty the storage bins?

The center has sensors that can tell how full the bins are. When the bins are nearly full, the center will send a signal using cell phone technology to dispatch a truck to empty it.

How is the Reimagine Recycling Center maintained?

Full-time personnel based in the local area are responsible for the maintenance of the unit. Each unit is visited by a Reimagine employee regularly to make certain that the unit is clean and operating properly.

What happens if the machine jams?

Technology has been incorporated into Reimagine to self-diagnose and correct some simple maintenance issues. If the machine is not able to fix itself, it will recognize the failure, turn the machine off, put a message on the touch screen indicating that it is out of service, and contact a service technician via cell phone to make the repair. The technician is typically able to respond to issues within 4 hours of being notified.

Is there a website that contains more information about Reimagine?

More information is available at www.ReimagineRecycling.com

If a consumer has a problem at a Reimagine Center, what should she do?

Consumers can call 1-800-RecycleTX or 1-800-738-7389 to alert the call center about the problem.

Who runs the Reimagine Beverage Containers Recycling Center?

Reimagine is the result of a partnership between Envipco and Coca-Cola Recycling LLC. Envipco is a leader in reverse vending technology and has operations worldwide. Coca-Cola Recycling is a subsidiary of Coca-Cola Refreshments and supports beverage container recycling efforts throughout North America. More information is provided on the following websites:

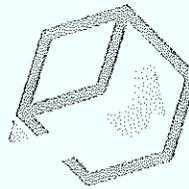
www.reimagine recycling.com

www.envipco.com

www.cokerecycling.com

Interesting Recycling Facts

1. Recycling one aluminum can saves 95% of the power needed to create a new can from raw material.
2. Recycling one aluminum can saves enough energy to run a television for three hours.
3. PET plastic is highly recyclable and can be turned into carpet, clothing, or new PET bottles.
4. It takes 34 cans to make one pound of aluminum. Twenty years ago, it took 23 cans to make one pound of aluminum. This is the result of light weighting efforts by the can making industry that produces containers that are lighter, but retain the same strength.
5. Aluminum can be recycled again and again and again with no loss of quality.
6. It can take as little as 60 days from the time a can is recycled until it appears on a store shelf as a can again.
7. 89% of the population of the DFW area has access to curbside recycling. Yet, only 25% of the beverage containers purchased is captured in curbside recycling.
8. DFW area consumers purchase roughly 3.5 billion aluminum cans and PET bottles per year.
9. More than 75% of all of the aluminum ever produced is still in use.
10. As of 2008, 27% of the PET bottles sold in the United States were recycled. 1.45 billion pounds of PET bottles were recycled that year.
11. Coca-Cola opened the world's largest PET recycling plant in Spartanburg, South Carolina. The facility is a \$60 million joint venture between Coca-Cola and the United Resource Recovery Corporation. The plant will have the capacity, when fully operational, to produce 50,000 tons of recycled PET plastic chips—enough to produce 2 billion 20-ounce bottles.
12. As of 2009, the recycling rate for used aluminum beverage containers was 57.4%. This amounts to 55.5 billion aluminum cans in 2009 alone.



reimagine™
BEVERAGE CONTAINERS

Help your school and the environment

When consumers recycle used beverage containers at a Reimagine Beverage Containers recycling center, your school can earn points redeemable for school supplies and equipment.



It's easy to donate:

1. Your school registers for My Coke Rewards for Schools at www.mycokerewards.com/schools
2. Consumers recycle empty aluminum cans and #1 PET plastic bottles at the Reimagine Beverage Containers recycling center (*no crushed cans, please*)
3. The Reimagine machine will total the number of containers recycled and the Recycler can select a reward or **DONATE POINTS TO A LOCAL SCHOOL.**
4. When a Recycler selects your school, My Coke Rewards points will be credited to your school account. Points can be redeemed by the school representative for supplies/equipment at www.mycokerewards.com/schools

From now until May 30, 2011 ... Let your parents and students know that they can Recycle and your school could win a special incentive

GRAND PRIZE: \$2,000 of teaching materials, books and/or supplies
(one school will win!)

FIRST PRIZE: \$500 of teaching materials, books and/or supplies
(two schools per Reimagine unit – six schools will win!)

See official rules for more details or email Schools@reimaginerecycling.com

Reimagine Beverage Containers Locations:

- Kroger shopping center at 2210 South Fielder Road, Arlington
- Kroger shopping center at Hwy 121 and Coit Rd. (9700 Coit Road), Plano
- Shiloh Springs Shopping Center, (6850 N. Shiloh Road), Garland



Council Agenda Item: #R13

AGENDA CAPTION:

PUBLIC HEARING, consideration and discussion of the City Manager's proposed 2011-2012 fiscal year annual budget for the Town.

FINANCIAL IMPACT:

There is no direct financial impact associated with this item.

BACKGROUND:

In accordance with Addison's City Charter, the city manager filed with the city secretary his proposed budget for the 2012 fiscal year. The City Council must adopt a budget by September 16, 2011 in order for Dallas County to distribute property tax bills.

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, Promote Quality Transportation Services, Employ High-Quality, Service-Oriented Personnel, Provide For A Diversified Business Climate, Continue to Attract Visitors, Provide Quality Leisure Opportunities, Work to instill a "Sense of Community" in Addison's residents, Develop and utilize the Addison Airport as an engine to drive economic growth in 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: #R14

AGENDA CAPTION:

Discussion and consideration of a resolution establishing a vote of record that proposes a property tax rate for the Town's fiscal year beginning October 1, 2011 and ending September 30, 2012, and designating dates for the holding of a public hearing regarding, and a date for the adoption of, the property tax rate for the said 2011/2012 fiscal year.

FINANCIAL IMPACT:

The costs associated with publishing notices of the tax rate are approximately \$6,000 and will be paid from the Financial & Strategic Services department.

BACKGROUND:

The State's Truth in Taxation law requires calculation and publication of each taxing entity's net effective tax and rollback tax rates. These rates have been calculated by the Dallas County Tax Appraiser to be \$0.550795 and \$0.594774 per \$100, respectively. These rates will be published in the August 4, 2011 edition of the Dallas Morning News. Included with this agenda item is a copy of the publication notice.

The city manager's proposed budget assumes a property tax rate of \$0.557300, which exceeds the net effective tax rate. Should the council consider a rate higher than the net effective rate, the Truth in Taxation law requires a vote of record, publication of the result of the vote of record and two public hearings. Also included with this agenda item is a sample of the notice that would be published if a higher rate is considered. Whatever tax rate council adopts for next year's budget, it can be no higher than the rate established by the vote of record, although it can be less than that rate.

RECOMMENDATION:

Because the city manager's proposed budget provides for a tax rate exceeding the net effective rate, it is recommended that Council establish a rate through the attached resolution.

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible

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

ATTACHMENTS:

Description:

- [Vote of Record Resolution](#)
- [Notice of Net Effective Tax Rate](#)
- [Sample Notice of Tax Rate Increase](#)

Type:

- Resolution Letter
- Backup Material
- Backup Material

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON PROPOSING A PROPERTY TAX RATE OF \$ _____ FOR THE CITY'S FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; PROVIDING THAT A PUBLIC HEARING ON THE PROPOSED TAX RATE WILL BE CONDUCTED AT MEETINGS OF THE CITY COUNCIL TO BE HELD ON AUGUST 23, 2011 AND AUGUST 30, 2011, EACH MEETING COMMENCING AT 7:30 P.M.; PROVIDING THAT THE CITY COUNCIL WILL VOTE ON THE PROPERTY TAX RATE FOR THE SAID 2011/2012 FISCAL YEAR AT A REGULAR MEETING TO BE HELD ON SEPTEMBER 13, 2011, COMMENCING AT 7:30 P.M.; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the Town of Addison, Texas (the "City") is in the process of evaluating and establishing a budget and a property tax rate for its fiscal year that begins October 1, 2011 and ends September 30, 2012; and

WHEREAS, Section 26.05(d) of the Texas Tax Code (the "Code") provides in part that the governing body of a municipality may not adopt a tax rate that exceeds the lower of the rollback tax rate or the effective tax rate until the governing body has held two public hearings on the proposed tax rate; and

WHEREAS, Section 26.06(b) of the Code specifies certain information to be included in the notice of such public hearings, including the percentage by which the proposed tax rate exceeds the lower of the rollback tax rate or the effective tax rate, and the names of all members of the governing body, showing how each voted on the proposal to consider the tax increase; and

WHEREAS, the City's tax assessor/collector, being the Dallas County Tax Assessor/Collector, has calculated the City's net effective tax rate to be \$0.550795 and the rollback rate to be \$0.594774, and each of those rates have been published in accordance with State law; and

WHEREAS, the City Council is considering the adoption of a property tax rate for the City's fiscal year beginning October 1, 2011 and ending September 30, 2012 that exceeds the lower of the said net effective tax rate and rollback rate as set forth herein.

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

Section 1. The property tax rate that the City Council is considering and proposes for the City's fiscal year beginning October 1, 2011 and ending September 30, 2012 (the "2011/2012 Fiscal Year") is \$ _____. A public hearing on this proposed tax rate has been scheduled for and will be held during two (2) meetings of the City Council, the first such meeting to be held on August 23, 2011 and the second to be held on August 30, 2011, with each meeting to

commence at 7:30 p.m. Notice of the said meetings will be published in accordance with State law.

Section 2. The adoption of the property tax rate for the 2011/2012 Fiscal Year will be considered by the City Council at a special meeting of the City Council to be held on September 13, 2011, commencing at 7:30 p.m.

Section 3. The above and foregoing recitals are true and correct and are incorporated into and made a part of this Resolution.

Section 4. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this ninth day of August, 2011.

AYES: _____

NAYS: _____

Todd Meier, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

2011 Property Tax Rates in Town of Addison

This notice concerns the 2011 property tax rates for Town of Addison. It presents information about three tax rates. Last year's tax rate is the actual tax rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers start rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$10,646,746
Last year's debt taxes	\$5,572,786
Last year's total taxes	\$16,219,532
Last year's tax base	\$3,060,289,057
Last year's total tax rate	\$0.530000/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$16,201,129
÷ This year's adjusted tax base (after subtracting value of new property)	\$2,941,408,054
=This year's effective tax rate	\$0.550795/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate, and/or enhanced indigent healthcare expenditures)	\$10,635,777
÷ This year's adjusted tax base	\$2,941,408,054
=This year's effective operating rate	\$0.361588/\$100
x 1.08=this year's maximum operating rate	\$0.390515/\$100
+ This year's debt rate	\$0.204259/\$100
= This year's total rollback rate	\$0.594774/\$100

Statement of Increase/Decrease

If Town of Addison adopts a 2011 tax rate equal to the effective tax rate of \$0.550795 per \$100 of value, taxes would increase compared to 2010 taxes by \$506,302.

Schedule A - Unencumbered Fund Balance

The following estimated balances will be left in the unit's property tax accounts at the end of the fiscal year. These balances are not encumbered by a corresponding debt obligation.

Type of Property Tax Fund	Balance
General Fund	8,987,530
General Obligation Debt Service Fund	1,138,930

Schedule B - 2011 Debt Service

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
GO Refunding Bonds, Series 2001	640,000	42,310	500	682,810
GO Bonds Series 2002	1,045,000	285,056	500	1,330,556
GO Bonds Series 2004	700,000	258,538	500	959,038
GO Bonds Series 2005	945,000	162,237	500	1,107,737
Combination Tax & Revenue CO Series 2008	638,040	1,227,982	500	1,866,522
Other	0	0	256,031	256,031
Total required for 2011 debt service			\$6,202,694	
- Amount (if any) paid from Schedule A			\$0	
- Amount (if any) paid from other resources			\$0	
- Excess collections last year			\$0	
= Total to be paid from taxes in 2011			\$6,202,694	
+ Amount added in anticipation that the unit will			\$0	

collect only 100.00% of its taxes in 2011

= Total debt levy

\$6,202,694

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 500 Elm St., Dallas, TX 75202.

Name of person preparing this notice: John R. Ames

Title: Dallas County Tax Assessor/Collector

Date Prepared: 07/26/2011

Notice of Public Hearing on Tax Increase

The Town of Addison, Texas will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 4.1 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on Aug. 23, 2011, 7:30 pm at Addison Town Hall, 5300 Belt Line Rd.

The second public hearing will be held on Aug. 30 2011, 7:30 pm at Addison Town Hall, 5300 Belt Line Rd.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:
AGAINST:
PRESENT and not voting:
ABSENT:

The average taxable value of a residence homestead in Town of Addison last year was \$ 225,434.00 (average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). Based on last year's tax rate of \$ 0.5300 (preceding year's adopted tax rate) per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$ 1,194.80 (tax on average taxable value of a residence homestead in the taxing unit for the preceding tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

The average taxable value of a residence homestead in Town of Addison this year is \$ 220,003.00 (average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older). If the governing body adopts the effective tax rate for this year of \$ 0.550795 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ 1,211.77 (tax on average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

If the governing body adopts the proposed tax rate of \$ 0.5573 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$ 1,266.08 (tax on the average taxable value of a residence homestead in the taxing unit for the current tax year, disregarding residence homestead exemptions available only to disabled persons or persons 65 years of age or older).

Members of the public are encouraged to attend the hearings and express their views.

Special Provisions if Applicable

Criminal Justice Mandate (use for counties, if applicable):

The _____ County Auditor certifies that _____ County has spent \$ _____ in the previous 12 months beginning _____, _____, for the maintenance and operations cost of keeping inmates sentenced to the Texas Department of Criminal Justice. _____ County Sheriff has provided information on these costs, minus the state revenues received for reimbursement of such costs.

Enhanced Indigent Health Care Expenditures (use if applicable):

The _____ spent \$ _____ from _____ to _____ on enhanced indigent health care at the increased minimum eligibility standards, less the amount of state assistance. For the current tax year, the amount of increase above last year's enhanced indigent health care expenditures is _____.

Council Agenda Item: #R15

AGENDA CAPTION:

Discussion and consideration of an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (including the Town) and Atmos Energy Corp, Mid-Tex Division regarding Atmos Energy Corp.'s fourth annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; and providing for the matters in connection therewith.

FINANCIAL IMPACT:

Although natural gas rates impact both Town revenues (through franchise fees based on percentage of gross receipts) and expenditures (most Town buildings are heated with natural gas), the rate increase contemplated in the ordinance is so small the financial impact to the Town will not be material.

BACKGROUND:

The Town of Addison, along with approximately 154 other cities served by Atmos Energy Mid-Tex Division, is a member of the Atmos Cities Steering Committee that represents city interests in natural gas rate cases. The beginning of April, Atmos filed with the Town an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff approved by the Town as part of the settlement of the Company's 2007 Statement of Intent to increase rates. This is the fourth annual RRM filing.

With this RRM filing, Atmos sought a \$15.7 million rate increase. The Steering Committee hired consultants to analyze the schedules and evidence offered by Atmos to support its request to increase rates. The Ordinance and attached rate and RRM tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The Ordinance resolves the Company's RRM filing by authorizing supplemental revenue of \$6.6 million (less than half the amount requested by the Company) to be recovered through the customer charge component of rates to cover direct incremental costs associated with a steel service line replacement

program approved as part of last year's rate adjustment. All other relief requested by Atmos is denied. The ACSC Settlement Committee (of which Addison's CFO is a member) and ACSC legal counsel recommend that all ACSC Cities adopt the Ordinance implementing the rate change.

The rate increase will not have a significant impact to Addison residential and commercial natural gas bills. The average residential customer (using 4.5 Mcf a month) will have an increase of \$0.31 per month or 0.66%. The average commercial customer (using 34.8 Mcf a month) will have an increase of \$0.88 per month or 0.88%.

RECOMMENDATION:

It is recommend Council approve the attached ordinance.

COUNCIL GOALS:

Conduct the Business of the Town in a Fiscally Responsible Manner, Provide For A Diversified Business Climate

ATTACHMENTS:

Description:

- [Atmos 2011 RRM Tariffs](#)
- [Atmos Settlement Ordinance](#)

Type:

- Backup Material
- Ordinance

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 7.50 per month
Commodity Charge – All Mcf	\$ 2.5116 per Mcf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 3,000 Mcf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Mcf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 16.75 per month
Commodity Charge - All Mcf	\$ 1.0217 per Mcf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 450.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2750 per MMBtu
Next 3,500 MMBtu	\$ 0.2015 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0433 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	All Cities except the City of Dallas	
EFFECTIVE DATE:	Bills Rendered on or after 9/1/2011	

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR “STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S FOURTH ANNUAL RATE REVIEW MECHANISM (“RRM”) FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

WHEREAS, the Town of Addison, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”), a coalition of approximately 154 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area (such participating cities are referred to herein as “ACSC Cities”); and

WHEREAS, pursuant to the terms of the agreement settling the Company’s 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company’s 2007 rate case and authorizing the RRM Tariff; and

WHEREAS, the 2008 Settlement Agreement contemplates reimbursement of ACSC Cities’ reasonable expenses associated with RRM applications; and

WHEREAS, the Steering Committee and Atmos Mid-Tex agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, on or about April 1, 2011, the Company filed with the city its fourth annual RRM filing, requesting to increase natural gas base rates by \$15.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing by designating a Settlement Committee made up of ACSC representatives, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing; and

WHEREAS, independent analysis by ACSC's rate expert concluded that Atmos Mid-Tex is unable to justify an increase over current rates except for undisputed costs of \$6.6 million to cover the steel service line replacement program initiated in 2010; and

WHEREAS, the ACSC Settlement Committee, as well as ACSC lawyers and consultants, recommend that ACSC Cities approve the attached rate tariffs ("Attachment A" to this Ordinance), which will increase the Company's revenue requirement by \$6.6 million to extend current recovery of incremental direct costs of the steel service line replacement program authorized by ACSC Cities in ordinances passed in 2010; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest.

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's rate application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That this Ordinance shall become effective from and after its passage with rates authorized by attached Tariffs to be effective for bills rendered on or after September 1, 2011.

Section 8. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 9th day of August, 2011.

Todd Meier, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R16

AGENDA CAPTION:

Discussion and consideration of adoption of an Ordinance amending Section 2-93(11) of the Code of Ordinances, a portion of the Town's code of ethics, by providing that an official of the Town is not prohibited from using his official position to promote or encourage economic development and businesses within the town, provided the official and certain related persons do not receive a benefit from the promotion or encouragement.

FINANCIAL IMPACT:

None.

BACKGROUND:

Attached is a proposed Ordinance that amends Section 2-93(11) of the Code of Ordinances, a portion of the Town's code of ethics. Section 2-93(11) states that no official (including a member of the Council) shall:

(11) Use his official position or town-owned facilities, personnel, equipment, supplies, vehicles, printing facilities, postage facilities, long-distance telephone services or any other resources for private purposes, personal advantage, pecuniary gain for such official or for others or for any political campaign for himself or others.

As currently drafted, the section, among other things, prohibits a member of the Council from using the member's official position "for private purposes...[or] pecuniary gain for others..." Read strictly, the language could prohibit a member of the Council from using the member's official position to promote economic development within the Town, if the promotion resulted in a pecuniary gain for a business. For example, the provision could be read as prohibiting a member of the Council, in the member's official capacity, from attending an event promoting a restaurant if the member's promotion might result in a pecuniary gain for the restaurant. Likewise, the section could be read as prohibiting customary activities of the Mayor, such as a ribbon cutting ceremony for a new business that attracts customers and so could result in a pecuniary gain for the new business.

The proposed amendment would allow Town officials (including members of the Council, employees, and persons appointed to boards established by Town ordinance or Charter, interlocal contract, or state law) to use their official position to promote and encourage economic development and businesses within the Town, provided the official (and certain relatives of the official) don't receive a benefit.

A "benefit" is defined in Section 2-91 of the Code of Ordinances as:

anything reasonably regarded as economic gain or economic advantage, other than incidental or remote interests. The term applies to the official and also to any person who is related to such official within the second degree by consanguinity or affinity.

An "incidental interest" is defined in that same section as:

an interest in a person, entity or property which is not a substantial interest and which has insignificant value, or which would be affected only in a de minimis fashion by a decision. This division does not establish dollar limits on the terms "insignificant value" and "de minimis," which shall have their usual meanings and be subject to interpretation on a case by case basis.

A "remote interest" is:

an interest of a person or entity, including an official who would be affected in the same way as the general public. The interest of a in the property tax rate, general town fees, town utility charges or a comprehensive zoning ordinance or similar decisions is incidental to the extent that the council member would be affected in common with the general public.

A person related within the second degree by consanguinity or affinity includes:

Consanguinity: your parents and children (related within the first degree);you're your grandparents and grandchildren, brothers and sisters (related within the second degree);

Affinity: your spouse, mother-in-law, father-in law, son-in-law,

daughter-in-law, stepson, stepdaughter, stepmother, stepfather (related within the first degree); your brother-in-law, sister-in-law, spouse's grandparents, spouse's grandchildren, the spouse of your grandparent, the spouse of your grandchild (related within the second degree).

RECOMMENDATION:

Staff recommends approval of the Ordinance.

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

[Ethics Policy Revision Ordinance](#)

Type:

Ordinance

TOWN OF ADDISON, TEXSA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE TOWN’S CODE OF ORDINANCES BY AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE III (OFFICERS AND EMPLOYEES), DIVISION 2 (CODE OF ETHICS), SECTION 2-93 (STANDARDS OF CONDUCT) THEREOF BY AMENDING SUBSECTION (11) OF SECTION 2-93 REGARDING USE OF OFFICIAL POSITION BY PROVIDING AN EXCEPTION THERETO FOR THE PROMOTION OF BUSINESSES AND ECONOMIC DEVELOPMENT WITHIN THE TOWN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendment. The Code of Ordinances of the Town of Addison, Texas (“City”) is hereby amended by amending Chapter 2 (Administration), Article III (Officers and Employees), Division 2 (Code of Ethics) thereof as set forth below, and no other chapters, articles, divisions, sections, paragraphs, sentences, phrases or words of the said Code of Ordinances are amended hereby:

A. Section 2-93(11) of the said Code of Ordinances is amended so that it shall hereafter read as follows (additions are underlined; deletions are ~~struck through~~; where asterisks (*****) are used, the same represents text of a section that is not included herein and is not amended or modified by this Ordinance):

Section 2-93. Standards of conduct.

No official shall:

* * * * *

(11) Use his official position or town-owned facilities, personnel, equipment, supplies, vehicles, printing facilities, postage facilities, long-distance telephone services or any other resources for private purposes, personal advantage, pecuniary gain for such official or for others or for any political campaign for himself or others. However, this shall not prohibit an official from using his official position to promote or encourage economic development and businesses within the town, provided the official, and any person related to the official within the second degree by consanguinity or affinity, does not receive a benefit from such promotion or encouragement.

* * * * *

Section 2. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in

those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective from and after its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 8th day of August, 2011.

Todd Meier, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

Council Agenda Item: #R17

AGENDA CAPTION:

Discussion and consideration of any action relating to the appointment and duties of the City Secretary and Assistant City Secretary.

FINANCIAL IMPACT:

BACKGROUND:

NA

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

No Attachments Available

Type:

Council Agenda Item: #R18

AGENDA CAPTION:

Consideration and action on a Resolution of the City Council, approving policies and procedures for an economic development incentives program under Chapter 380 of the Texas Local Government Code.

FINANCIAL IMPACT:

Funding is established in the economic development fund per the FY 2011 Budget.

BACKGROUND:

The formal policy developed by the City Attorney is the culmination of the incentives program presentations made in prior work sessions over the last two months with City Council.

RECOMMENDATION:

City staff recommends approval.

COUNCIL GOALS:

Provide For A Diversified Business Climate

ATTACHMENTS:

Description:

- [Resolution Economic Development Incentive Policy](#)
- [Exhibit A Chapter 380 Policies & Procedures](#)

Type:

- Cover Memo
- Cover Memo

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING POLICIES AND PROCEDURES FOR AN ECONOMIC DEVELOPMENT PROGRAM PURSUANT TO AND IN CONNECTION WITH POTENTIAL ECONOMIC DEVELOPMENT INCENTIVES UNDER CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (“City”) is a home rule municipality possessing the full powers of local self government pursuant to Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, Chapter 380 of the Texas Local Government Code (“Chapter 380”), in accordance with Article 3, Section 52-a of the Texas Constitution, authorizes municipalities to establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the City Council of the City desires to establish a program by which the City might, in its sole discretion, provide incentives to promote economic development and to stimulate business and commercial activity within the City as authorized by Chapter 380, including guidelines for the making of grants and loans by the City.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part of this Resolution for all purposes.

Section 2. Chapter 380 Program Policies. The “Chapter 380 Economic Development Program Policies and Procedures,” attached hereto as Exhibit A (the “Chapter 380 Policies”), is hereby approved and adopted. The Chapter 380 Policies are subject to applicable provisions of the Texas Constitution, State law, and the City Charter. The Town of Addison, Texas (“City”) is not obligated, and nothing in the Chapter 380 Policies shall imply or suggest, that the City is under any obligation to provide any incentive to any person, entity, or applicant. The purpose of the Chapter 380 Policies is to establish guidelines for providing economic development incentives; notwithstanding, however, the City Council retains the right to take any action allowed by law without the necessity of amending the Policies. The Chapter 380 Policies shall superseded any general policies regarding Chapter 380 incentives previously adopted by the City Council.

Section 3. Documents. The City Staff is authorized to create and develop such applications, forms, and other documents and information as may be needed to implement the Chapter 380 Policies.

OFFICE OF THE CITY SECRETARY

RESOLUTION NO. _____

Section 4. Effective Date. This Resolution shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the _____ day of _____, 2011.

Todd Meier, Mayor

ATTEST:

By: _____
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: _____
John Hill, City Attorney

EXHIBIT A TO RESOLUTION NO. _____

**Town of Addison, Texas
Chapter 380 Economic Development Program
Policies and Procedures**

General Overview

Chapter 380 of the Texas Local Government Code (“Chapter 380”) authorizes the Town of Addison, Texas (“City”) to establish and provide for the administration of one or more programs, including programs for making loans and grants of public money and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the City. These Chapter 380 Economic Development Program Policies and Procedures (“Policies”) are established in accordance with Chapter 380.

The City desires to promote and retain high quality development and to improve the quality of life for its citizens. These Policies are established in an effort to develop and expand the local economy by promoting and encouraging development and redevelopment projects, including promoting employment opportunities, that enhance the City’s economic base and have a positive impact on the strategic economic development of the community. The ultimate goal and public purpose of programs established hereunder is to protect and enhance the City’s fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of the City’s residents.

In connection with these objectives, the City may, on a case-by-case basis, give consideration to providing incentives, including grants and loans of monies and lending of personnel and services, to promote economic development in the City in accordance with the procedures and criteria outlined herein. Incentives will be evaluated based on the type of industry, job creation, wages and benefits to be provided to new employees, capital investment, potential for growth, and strength of the applicant. Nothing herein shall imply or suggest that the City is under any obligation to provide any incentive to any applicant, and the City has full and absolute discretion whether or not to provide a loan, grant or other incentive under these Policies. All applicants pursuant to these Policies shall be considered on a case-by-case basis. These Policies shall serve as a guide for Chapter 380 incentives that may be considered by the City.

Each applicant granted an economic incentive pursuant to these Policies must enter into an agreement with the City containing all terms required by these Policies, by state law, and by such other terms as the City may require, to protect the public interest of receiving a public benefit in exchange for public funds, assets and services invested to stimulate economic development in the City.

Incentive Criteria

- A. Minimum Criteria for Business Relocation, Retention, and Expansion Projects.

1. In addition to other provisions of these Policies, a proposed project under these Policies that involves the relocation, retention, or expansion of a business must meet the following minimum criteria:

- Create a minimum of 20 new full-time jobs within the first year of operation.
- If the business will lease premises in connection with a project, the lease must be of a minimum of 10,000 square feet of class A or class B space.
- The business must make a minimum \$1,000,000 capital investment in real property or in business personal property (or combination of real property and business personal property).
- Average wages paid to all employees whose employment is at the site of the project must be greater than the average wage for Dallas County for all industries during the term of an agreement hereunder.
- The business must provide a competitive employee benefits program.
- The business must be within one of these targeted areas:
 - Headquarters for small and/or medium size enterprises
 - Creative Services (marketing, media production, architectural firms, etc.)
 - Information Technology
 - Back office for administrative and professional services
 - Aviation-related industries
 - Healthcare
 - Small, fast-growing firms (entrepreneurship across sectors)
- The business must demonstrate strength (years in business, growth sector, Fortune magazine rankings), and promote positive business ethics.

2. In addition to the criteria listed above, the City will give consideration to projects where the business will commit to utilize the Addison Airport by establishing the business's flight department (if any) at the Airport or commit to utilize services provided by tenants of the Airport.

3. Business Retention and Expansion Projects will be evaluated on a case by case basis taking into account the investment a business has made in the community, strength of the company, and categorical determination of targeted industry sector.

4. Businesses seeking to tap into incentives for expansion, must demonstrate that the actual incentive is a catalyst for their expansion and/or that the incentive will help maintain their presence in Addison.

5. Expansion projects will only be considered if such expansion is within the business's existing location and/or if the business's expansion will require space elsewhere in the community in addition to the space currently occupied.

B. Minimum Criteria for Redevelopment Projects

1. In connection with and as part of a proposed project under these Policies that involves the relocation, retention, or expansion of a business, the City will consider support to such businesses where the business's investment focuses on the redevelopment of aged buildings

or structures or land sites with existing buildings or structures. The intent is to increase the value of the property, the overall aesthetics, and to optimize land-use.

A redevelopment project under these Policies will focus on the potential impact as described in part A of this Incentive Criteria above in addition to the total capital investment proposed by the project to address financing gaps. The City, through the City Manager and the Director of Economic Development, may negotiate (subject to City Council approval) reimbursement to a business of up to 50% of a business's capital costs of such redevelopment if a project meets a majority of the following criteria:

- The project will result in an increase of a minimum 10% of real property taxes annually.
- The project addresses a public nuisance.
- The project will help attract higher quality tenants.
- The project developer agrees to pass savings to future tenants through competitive market lease rates.
- The project enhances overall aesthetics of the immediately surrounding area.
- The project results in major transformation which results in abiding to current building codes.
- The project results in Leadership in Energy and Environmental Design (LEED) (or LEED equivalent) certification.

C. Other Criteria

In addition to the criteria set forth above and other provisions of these Policies, the following are applicable to a proposed project and will be considered by the City in connection therewith:

1. Company History. The City strongly believes in fostering a local business community that upholds a strong business ethical culture. Business looking at securing financial support from the City must demonstrate that they are in good standing with the Texas Secretary of State, the Texas Comptroller of Public Accounts, and are current on payment of business property and real property taxes. A company must also demonstrate a positive historical trend in these areas over the last five years.

2. Job Creation. To be considered for an incentive from the City under these Policies, a business must create a minimum of 20 new full-time equivalent jobs in the City. Redevelopment projects must indicate and establish how the project will lead to such increased jobs.

3. Average Wages. The City desires the creation of quality jobs in the community. For this reason, in evaluating a proposed project, the City will consider whether or not the project will create good-paying jobs with competitive benefit packages. In addition to creating a minimum of 20 new full-time jobs, a business's average wage for such new jobs must be above the average Dallas County wage for all industries. For headquarter locations, the wage of the company's principal (e.g., chief executive officer) will not be taken into consideration in calculating the average wage unless the principal maintains full-time residence in Addison.

4. Capital Investment. To be considered for an incentive hereunder, a project must include an investment of a minimum of \$1,000,000 in business personal property or real property within the City (or a combination of business personal property or real property). If a project includes a capital investment of over \$5,000,000 in business personal property or real property (or a combination of business personal property and real property), the City may consider waiving some of the other criteria requirements listed above.

5. Discretionary Evaluation: At the City Council's discretion, the City may waive some of the criteria described in parts A and B of this Incentive Criteria above if a project not only generates a positive economic impact in the community but also has a credible impact on the quality of life of the citizens.

Incentive Calculation

An incentive pursuant to these Policies may only be made in one or more of the following categories:

- Relocation assistance: assistance for every 1,000 square feet of leased with a minimum of 10,000 square feet.
- Job creation assistance: incentive only for full-time equivalent jobs with higher than average wages above the Dallas County wages for all industries.
- Capital investment assistance: a minimum of \$1,000,000 investment in real property or business personal property (or a combination of real property and business personal property) must be made.

An agreement entered into pursuant to these Policies will include a full reimbursement or "claw-back" clause in the agreement for the first three years of the agreement. The reimbursement or claw-back may cease following the first three years of operation or may be extended depending on the level of award, proposed corporate investment, and job creation schedule.

Process; Miscellaneous

A. In order to be considered for an incentive pursuant to these Policies, a business must submit a completed Incentive Request Form (to be prepared by City Staff). The City may require such information in connection with such Form as the City may deem appropriate or necessary.

B. An initial offer or offers to provide an incentive to a business will be for discussion and negotiation purposes only. The same is and will be only an offer and an agreement to negotiate, and is expressly conditioned upon and subject to the City and a business entering into a definitive written agreement regarding the incentive and related matters. All such agreements must be approved by the City Manager and City Council upon a recommendation by the Director of Economic Development.

C. The City Council may consider a proposed agreement pursuant to these Policies and may take action on the proposal as it deems appropriate in its sole and absolute discretion. Nothing in these Policies and nothing in the application form and process shall create any

Exhibit A to Resolution No. _____

property, contract, or other legal right in any person or entity to have the City Council consider or grant any incentive.

D. A project is not eligible for an incentive under these Policies if a building permit has been issued for the project prior to making application in accordance with these Policies.

E. The City may include and require in any agreement with a business pursuant to these Policies such other conditions, terms and provisions as the City may determine are appropriate or necessary.

Council Agenda Item: #ES1

AGENDA CAPTION:

Closed (Executive) session of the Addison City Council pursuant to Section 551.087, Texas Government Code, to discuss or deliberate regarding commercial or financial information that the City Council has received from 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, and/or to deliberate the offer of a financial or other incentive to such business prospect or business prospects.

FINANCIAL IMPACT:

N/A

BACKGROUND:

N/A

RECOMMENDATION:

COUNCIL GOALS:

N/A

ATTACHMENTS:

Description:

Type:

No Attachments Available

Council Agenda Item: #R19

AGENDA CAPTION:

Consideration of any action regarding commercial or financial information that the City Council has received from 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, and/or any action regarding the offer of a financial or other incentive to such business prospect or business prospects.

FINANCIAL IMPACT:

N/A

BACKGROUND:

Under Chapter 380 of the Local Government Code, municipalities are authorized to provide economic development grants, loans, city personnel time and city services in order to attract key businesses.

RECOMMENDATION:

N/A

COUNCIL GOALS:

Provide For A Diversified Business Climate

ATTACHMENTS:

Description:

Type:

No Attachments Available