



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

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## AGENDA

### REGULAR MEETING OF THE CITY COUNCIL

AND / OR

### WORK SESSION OF THE CITY COUNCIL

6:00 PM

FEBRUARY 12, 2013

TOWN HALL

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

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### WORK SESSION

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Item            Discussion regarding philosophy on restaurant inspections.  
#WS1 -

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Item            Discussion regarding communications equipment and  
#WS2 -        Town-wide wireless network infrastructure, including the  
                  possible impact of the FirstNet "First Responder Network  
                  Authority."

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### REGULAR MEETING

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## **Pledge of Allegiance**

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

Introduction of Employees

Discussion of Events/Meetings

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Item #R2- Consent Agenda.

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#2a- Approval of Minutes for the January 22, 2013 Regular Council Meeting.

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#2b- Consideration of a resolution authorizing the City Manager to enter into a Federal Aviation Administration Grant Agreement administered by the Texas Department of Transportation, to make airport improvements.

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#2c- Approval of an ordinance calling for a general municipal election to be held on May 11, 2013 for the purpose of electing one (1) Mayor for a two (2) year term and three (3) Council Members for two (2) year terms each. (Aprobación de una ordenanza que pide una elección municipal general ser creída el 11 de mayo de 2013 para elección de uno (1) alcalde por dos (2) anos y tres (3) miembros de Consejo por dos (2) años cada uno).

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#2d- Approval of a joint election agreement in an amount not to exceed \$25,000 with Dallas County to conduct Addison's Municipal Election on May 11, 2013. (Aprobación de una resolución para entrar en un acuerdo de elección conjunta por una cantidad a no excederse \$25,000 con el Condado de Dallas para llevar a cabo las elecciones municipales de

Addison el 11 de Mayo de 2013.

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Item #R3 **PUBLIC HEARING** Case 1662-SUP/Presence Church Addison, Inc. Public hearing, discussion, and consideration of approval of an ordinance changing the zoning on property located at 15350 Addison Road, which is currently zoned Planned Development (PD 084-103) by approving for that property a Special Use Permit for an institution of a religious, educational or philanthropic nature in any district, on application from Presence Church Addison, Inc., represented by Mr. Steven Kirlin.

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on January 24, 2013, voted to approve the request for approval of an ordinance approving a Special Use Permit for an institution of a religious, educational or philanthropic nature in any district, located at 15350 Addison Road, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler

Voting Nay: none

Absent: Oliver

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

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Item #R4 **PUBLIC HEARING** Case 1663-SUP/LaZaranda Mexican Restaurant. Public hearing, discussion, and consideration of approval of an ordinance amending the Special Use Permit Ordinance for La Zaranda Mexican Restaurant, located at 5000 Belt Line Road, Suite 850, that being Ordinance 011-006, Section 2, Paragraph 9, in order to delete a Special Condition prohibiting the use of any terms (such as “bar”, “tavern”, etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs, on application from La Zaranda Mexican Restaurant, represented by Mr. Mario Letayf.

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on January 24, 2013, voted to approve the request to amend Ordinance 011-006, Section 2, Paragraph 9, in order to delete a Special Condition prohibiting the use of any terms (such as “bar”, “tavern”, etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler

Voting Nay: none

Absent: Oliver

Attachment(s):

1. docket map, staff report, and commission findings

Recommendation:

Administration recommends approval.

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Item #R5 Presentation, discussion, and consideration of approval of  
- a Resolution approving revised Chapter 380 Economic  
Development Program Policies and Procedures.

Attachment(s):

1. ED Chapter 380 Policy Revisions

Recommendation:

Staff recommends approval.

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Item #R6 Discussion regarding the Town of Addison 60th  
- Anniversary Committee.

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Adjourn Meeting

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Posted:

Chris Terry, 2/8/2013, 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: #WS1

**AGENDA CAPTION:**

Discussion regarding philosophy on restaurant inspections.

**FINANCIAL IMPACT:**

N/A

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

Type:

No Attachments Available

## Council Agenda Item: #WS2

**AGENDA CAPTION:**

Discussion regarding communications equipment and Town-wide wireless network infrastructure, including the possible impact of the FirstNet "First Responder Network Authority."

**FINANCIAL IMPACT:**

N/A

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

Type:

No Attachments Available

## Council Agenda Item: # R 2a

**AGENDA CAPTION:**

Approval of Minutes for the January 22, 2013 Regular Council Meeting.

**FINANCIAL IMPACT:**

N/A

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

**COUNCIL GOALS:**

N/A

**ATTACHMENTS:**

Description:

 [January 22 Minutes](#)

Type:

Cover Memo

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

January 22, 2013

7:30 PM - Town Hall

Addison Town Hall, 5300 Belt Line, Dallas, TX 75254

Chris Terry, 1/18/2013, 5:00 pm.

Council Members Present:

Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Absent:

None

**REGULAR MEETING**

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

Item #R2 - Consent Agenda

#2a - Approval of Minutes for the January 8, 2013 Regular Council Meeting.

A motion to Approve was made by Council Member Blake Clemens.

The motion was seconded by Council Member Chris DeFrancisco.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

#2b - Approval authorizing the City Manager to execute a cooperative purchasing agreement with the City of Carrollton, subject to final review and approval by the City Attorney and City Manager.

A motion to Approve was made by Council Member Blake Clemens.  
The motion was seconded by Council Member Chris DeFrancisco.  
The motion result was: Passed  
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore,  
Resnik  
Voting Nay: None

#2c - Approval authorizing the City Manager to execute a contract with Scodeller Construction in an amount not to exceed \$50,000 for joint and crack sealing on various streets throughout the Town.

A motion to Approve was made by Council Member Blake Clemens.  
The motion was seconded by Council Member Chris DeFrancisco.  
The motion result was: Passed  
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore,  
Resnik  
Voting Nay: None

#2d - Approval of final payment to Ark Contracting Service in an amount not to exceed \$9,023.04 for construction of the downstream weir and drop structure in Vitruvian Park.

A motion to Approve was made by Council Member Blake Clemens.  
The motion was seconded by Council Member Chris DeFrancisco.  
The motion result was: Passed  
Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore,  
Resnik  
Voting Nay: None

Item #R3 - Presentation of and discussion regarding the Fiscal Year 2013 Budget Book.

Eric Cannon, Chief Financial Officer, presented and spoke regarding this item.

There was no action taken.

Item #R4 - Discussion and consideration of approval of appointment of a Member to the Planning and Zoning Commission.

Council Member Margie Gunther moved approval of appointment of Ralph Doherty.

A motion to Approve was made by Council Member Margie Gunther. The motion was seconded by Council Member Janelle Moore.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #R5 - Presentation by and discussion regarding feral and domestic cat populations in Addison, requested by Barbara Arnold.

Barbara Arnold presented and spoke regarding this item.

The following people also spoke regarding this item:

Debra Brandes, 1200 Mackie Drive, Carrollton

Karen Perry 14957 Greenleaf Court

Olivia Youngblood 14597 Princeton Court

Mary Ann Redmond 14608 Hemingway Court

Pat Adkins 3769 Chatham Court Drive

There was no action taken.

Item #R6 - Presentation of the Planning and Zoning Commission Annual Report for 2012 by Planning and Zoning Chairman, Ralph Doherty.

Ralph Doherty, Planning and Zoning Commissioner, presented and spoke regarding this item.

There was no action taken.

Item #R7 - Presentation of and discussion regarding the Metrocrest Chamber of Commerce's year end report as part of the Chamber's Fiscal Year 2012 Service Agreement with the Town of Addison.

Orlando Campos, Director of Economic Development, presented and spoke regarding this item. Tracy Eubanks, President of the Metrocrest Chamber of Commerce.

There was no action taken.

Item #R8 - Presentation and discussion regarding the Legacy Foundation.

Ivan Hughes presented and spoke regarding this item.

There was no action taken.

Item #R9 - Discussion and update regarding Addison Code Enforcement practices and procedures.

Carmen Moran presented and spoke regarding this item.

There was no action taken.

Item #R10 - Presentation, discussion, and consideration of approval of a Resolution approving revised Chapter 380 Economic Development Program Policies and Procedures.

Orlando Campos presented and spoke regarding this item.

Council Member Resnik moved to table the item pending further discussion and analysis.

A motion to Defer was made by Council Member Neil Resnik.

The motion was seconded by Council Member Blake Clemens.

The motion result was: Passed

Voting Aye: Arfsten, Clemens, DeFrancisco, Gunther, Meier, Moore, Resnik

Voting Nay: None

Item #ES1 - Closed (executive) session of the City Council, pursuant to Section 551.071 of the Texas Government Code, to conduct a private consultation with its attorney(s) to seek the advice of its attorney(s) regarding certain pending litigation, to wit: Town of Addison, Texas v. North Texas Contracting, Inc., Cause No. 12-6525-C, 68th Judicial District Court, Dallas County, Texas.

Item was pulled from the agenda.

There was no action taken.

Item #R11 - Discussion and consideration of any action regarding certain pending litigation, to wit: Town of Addison, Texas v. North Texas Contracting, Inc., Cause No. 12-6525-C, 68th Judicial District Court, Dallas County, Texas.

Item was pulled from the agenda.

There was no action taken.

\_\_\_\_\_

Mayor-Todd Meier

Attest:

\_\_\_\_\_

City Secretary-Chris Terry

## **Council Agenda Item: # R 2b**

### **AGENDA CAPTION:**

Consideration of a resolution authorizing the City Manager to enter into a Federal Aviation Administration Grant Agreement administered by the Texas Department of Transportation, to make airport improvements.

### **FINANCIAL IMPACT:**

Funds required for the Town's share of \$20,000 and \$13,000 is available in the Airport fund.

### **BACKGROUND:**

The Town of Addison is scheduled to receive two FAA grants. One project is estimated to cost a total of \$200,000 and the other project \$130,000. Through FAA grants administered by the Texas Department of Transportation, Aviation Division under the State Block Grant program, the first project will consist of an Airport Master Plan Update and the second project is to conduct a Wildlife Hazard Assessment at the airport.

Addison Airport's current Master Plan was last updated in 2004. Airport Master Plans are typically updated every 5 to 10 years. Wildlife can be an extreme hazard to airports. The FAA is placing a very high importance on reducing the impacts of wildlife within the National Airspace System. Many GA (General Aviation) airports will be mandated in the future to have detailed mitigation plans in place, to ensure aircraft safety. Both projects are to be accomplished in FY 2013. The grant will require a ten percent local contribution with the FAA paying the remaining ninety percent.

### **RECOMMENDATION:**

Staff recommends approval.

### **COUNCIL GOALS:**

# Mindful Stewardship of Town Resources, Create a vision for the airport to maximize the value

## ATTACHMENTS:

Description:

 [Cover Memo](#)

 [Resolution](#)

Type:

Cover Memo

Resolution Letter

**Council Agenda Item: \_\_\_\_\_**

**SUMMARY:**

Consideration of a resolution authorizing the City Manager to enter into a Federal Aviation Administration Grant Agreement administered by the Texas Department of Transportation, to make airport improvements.

**BACKGROUND:**

The Town of Addison is scheduled to receive two FAA grants. One project is estimated to cost a total of \$200,000 and the other project \$130,000. Through FAA grants administered by the Texas Department of Transportation, Aviation Division under the State Block Grant program, the first project will consist of an Airport Master Plan Update and the second project is to conduct a Wildlife Hazard Assessment at the airport.

Addison Airport's current Master Plan was last updated in 2004. Airport Master Plans are typical updated every 5 to 10 years. Wildlife can be an extreme hazard to airports. The FAA is placing a very high importance on reducing the impacts of wildlife within the National Airspace System. Many GA (General Aviation) airports will be mandated in the future to have detailed mitigation plans in place, to ensure aircraft safety. Both projects are to be accomplished in FY 2013. The grant will require a ten percent local contribution with the FAA paying the remaining ninety percent.

Funds required for the Town's share of \$20,000 and \$13,000 is available in the Airport fund.

**RECOMMENDATION:**

Staff recommends approval.

Attachments: Resolution

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**Airport Grant Agreement for Federal & State Funding (TxDOT acting as Agent)**

WHEREAS, the Town of Addison intends to make certain improvements to the Addison Municipal Airport; and

WHEREAS, the general description of the projects are described as: an Airport Master Plan Update; and a Wildlife Habitat Project; and

WHEREAS, the Town of Addison intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project costs for this project are estimated to be \$200,000, and \$130,000, and the Town of Addison will be responsible for 10% of the total project costs currently estimated to be \$20,000 and \$13,000.;

WHEREAS, the Town of Addison names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Addison hereby directs Ron Whitehead, City Manager to execute on behalf of the Town of Addison, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Addison Municipal Airport.

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 12<sup>th</sup> day of February, 2013.**

\_\_\_\_\_  
Todd Meier – Mayor

ATTEST:

\_\_\_\_\_  
Chris Terry, City Secretary

OFFICE OF THE CITY SECRETARY

RESOLUTION NO. \_\_\_\_\_

## Council Agenda Item: # R 2c

### **AGENDA CAPTION:**

Approval of an ordinance calling for a general municipal election to be held on May 11, 2013 for the purpose of electing one (1) Mayor for a two (2) year term and three (3) Council Members for two (2) year terms each. (Aprobación de una ordenanza que pide una elección municipal general ser creída el 11 de mayo de 2013 para elección de uno (1) alcalde por dos (2) anos y tres (3) miembros de Consejo por dos (2) años cada uno).

### **FINANCIAL IMPACT:**

Included in current budget.

### **BACKGROUND:**

This is the ordinance which, if passed, will call the 2013 General Election scheduled for May 11.

### **RECOMMENDATION:**

Staff recommends approval.

### **COUNCIL GOALS:**

Identify opportunities for improved governance

### **ATTACHMENTS:**

Description:

- ▯ [General Election Ordinance](#)
- ▯ [General Election Ordinance \(Spanish\)](#)

Type:

- Backup Material
- Backup Material

**TOWN OF ADDISON, TEXAS**

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON MAY 11, 2013, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR FOR A TWO (2) YEAR TERM AND THREE (3) COUNCIL MEMBERS FOR TWO (2) YEAR TERMS EACH; DESIGNATING POLLING PLACES WITHIN THE TOWN; ESTABLISHING OTHER PROCEDURES FOR THE CONDUCT OF THE ELECTION, INCLUDING PROVIDING THAT THE ELECTION IS TO BE HELD AS A JOINT ELECTION IN CONJUNCTION WITH DALLAS COUNTY; PROVIDING FOR CANVASSING RETURNS; PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council of the Town of Addison, Texas (the “City”) has determined that the City shall conduct its general municipal election, in conjunction with Dallas County, on the second Saturday in May, 2013; and

**WHEREAS**, Section 8.04 of the City Charter provides that in each odd-numbered year three (3) council members and a mayor shall be elected; and

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

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

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

Section 2. Election Date; Purpose of Election; Officers and Terms of Office. A general election shall be held in and throughout the City on Saturday, May 11, 2013 for the purpose of electing the following officers:

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

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

turpitude from which the person has not been pardoned or otherwise released from the resulting disabilities.

Section 4. Application for a Place on the Ballot. In accordance with Section 143.007 of the Code, any eligible and qualified person may have that person's name printed upon the official ballot as a candidate for the offices hereinbefore set forth by filing the person's sworn application with the City Secretary not earlier than January 30, 2013 and not later than 5:00 p.m. on March 1, 2013. Each such application shall be on a form as prescribed by Section 141.031 of the Code. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing of the City Secretary as provided by Section 52.094 of the Code. Notice of the time and place for such drawing shall be given in accordance with the Code.

Section 5. Runoff Election. If two or more candidates for a particular office tie for the number of votes required to be elected, the tie shall be broken in accordance with the Code, including Section 2.002 thereof.

Section 6. Election Precinct; Polling Place; Election Hours. The presently existing boundaries and territory of the Dallas County election precincts that are wholly or partly within the corporate limits of the City shall constitute the election precincts for the election. The precinct numbers for the same shall be the corresponding Dallas County precinct numbers. The polling places for the general election shall be as set forth in the Joint Election Agreement (as defined in Section 7, below). In accordance with and pursuant to the requirements of the Code, said polling places shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

Section 7. Joint Election; Appointment of a Presiding Election Judge and Alternate Presiding Election Judge; Qualifications to Serve as Election Judge; Confirmation of Appointments; Notice of Appointments. The election shall be held as a joint election with Dallas County and other municipalities and school districts pursuant to a Joint Election Agreement for the conduct of a joint election to be held on May 11, 2013 (the "Joint Election Agreement", a copy of which is or will be placed on file in the Office of the City Secretary), and the County shall be responsible for appointing all election judges and clerks, and shall be responsible for their compensation. Election judges and clerks shall have the qualifications required by law, and notice of appointment shall be given to such judges and clerks by the Administrator (as defined in Section 11) in accordance with law.

Section 8. Method of Voting. Pursuant to a Joint Election Agreement, Dallas County shall be responsible for a voting system that complies with law. Dallas County shall be responsible for the preparation of the official ballots for the election, and they shall conform to the requirements of the Code, and in so doing shall permit the voter to vote for one (1) Mayor for a two (2) year term and for three (3) Council Members for two (2) year terms each. No voter shall vote for more than one (1) Mayor for a two (2) year term or for more than three (3) Council Members for two (2) years terms each.

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

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

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

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

Section 11. Early Voting. Early voting by personal appearance shall be conducted in accordance with Section 271.006 of the Texas Election Code. Antoinette "Toni" Pippins-Poole, Dallas County Elections Administrator ("Administrator"), is hereby appointed as the Early Voting Clerk. Early voting by personal appearance will be conducted beginning Monday, April 29, 2013 and continue through Tuesday, May 7, 2013, in accordance with the Joint Election Agreement and law. Any qualified voter for the Joint Election may also vote early by personal appearance at the main early voting location:

DALLAS COUNTY RECORDS BUILDING  
509 Main Street  
Dallas, TX 75202

and at Addison Fire Station No. 1, 4798 Airport Parkway, Addison, Texas 75001; and at any of the branch locations set forth in the Joint Election Agreement (such locations being subject to change in accordance with law).

Dates and times of early voting by personal appearance are as follows (subject to change by the Administrator in accordance with law):

Monday, April 29, 2013 through Friday, May 3, 2013	8:00 a.m. to 5:00 p.m.
Saturday, May 4, 2013	8:00 a.m. to 5:00 p.m.
Sunday, May 5, 2013	1:00 p.m. to 6:00 p.m.
Monday, May 6, 2013 through Tuesday, May 7, 2013	7:00 a.m. to 7:00 p.m.

Applications for ballot for early voting by mail shall be requested from and mailed to the Dallas County Elections Department, 2377 N. Stemmons Fwy., Suite 820, Dallas, Texas 75207, and such applications must be received by a date and time in accordance with the Code. All

requests for early voting ballots by mail that are received by authorities participating in the Joint Election Agreement (“participating authorities”) will be transported by runner on the day of receipt to the Dallas County Elections Department, 8<sup>th</sup> Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

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

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

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

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

Records of the election will be retained and disposed of in accordance with the City’s records retention schedules, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205 Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission.

Section 13. Canvassing of Returns. In accordance with the Code, the City Council of the City shall convene in accordance with the Code to canvass the returns of the election.

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

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

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, the 12th day of February, 2013**

Todd Meier, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Chris Terry, City Secretary

**MUNICIPIO DE ADDISON, TEXAS**

**ORDENANZA N.º \_\_\_\_\_**

**UNA ORDENANZA DEL MUNICIPIO DE ADDISON, TEXAS QUE ORDENA UNA ELECCIÓN GENERAL A CELEBRARSE EL 11 DE MAYO DE 2013, CON EL FIN DE ELEGIR A UN (1) ALCALDE POR UN PERÍODO DE DOS (2) AÑOS Y A TRES (3) MIEMBROS DEL CONCEJO POR PERÍODOS DE DOS (2) AÑOS CADA UNO; DESIGNAR CENTROS ELECTORALES DENTRO DEL MUNICIPIO; ESTABLECER OTROS PROCEDIMIENTOS PARA EL DESARROLLO DE LA ELECCIÓN, INCLUIDA LA DISPOSICIÓN QUE DETERMINA QUE LA ELECCIÓN SE CELEBRARÁ COMO UNA ELECCIÓN CONJUNTAMENTE CON EL CONDADO DE DALLAS; PROPORCIONAR PARA EL ESCRUTINIO DE LOS RESULTADOS ELECTORALES; Y ESTABLECER UNA FECHA DE ENTRADA EN VIGENCIA.**

**POR CUANTO**, la Sección 41.001 del Código Electoral de Texas, y sus enmiendas (el “Código”), especifica que el segundo sábado de mayo debe ser una fecha de elección uniforme y que una elección general puede celebrarse en dicho día; y

**POR CUANTO**, el Concejo Municipal del Municipio de Addison, Texas (la “Ciudad”) ha determinado que la Ciudad debe llevar a cabo su elección municipal general, conjuntamente con el Condado de Dallas, el segundo sábado de mayo de 2013; y

**POR CUANTO**, la Sección 8.04 de la Carta orgánica de la Ciudad determina que en cada año con número impar, se debe elegir a tres (3) miembros del concejo y a un alcalde; y

**POR CUANTO**, el Concejo Municipal desea y por la presente convoca una elección general con el fin de elegir a un (1) alcalde por un período de dos (2) años y a tres (3) miembros del concejo por períodos de dos (2) años cada uno.

**AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DEL MUNICIPIO DE ADDISON, TEXAS, ORDENA:**

Sección 1. Incorporación del preámbulo. Todas las premisas citadas anteriormente son verdaderas y correctas y están incorporadas en el cuerpo de esta Ordenanza como si estuvieran copiadas en su totalidad en este documento.

Sección 2. Fecha de la elección, finalidad de la elección, funcionarios y período de mandato. Se celebrará una elección general dentro y en toda la Ciudad el día sábado 11 de mayo de 2013 con el fin de elegir a los siguientes funcionarios:

Un (1) alcalde por un período de dos (2) años, y tres (3) miembros del concejo por un período de dos (2) años cada uno.

Sección 3. Elegibilidad para la candidatura. De acuerdo con lo dispuesto en la Carta Orgánica de la Ciudad, ninguna persona puede ser elegible para el cargo de Alcalde o para el cargo de Miembro del Concejo a menos que dicha persona sea un votante calificado de la Ciudad, haya residido en la Ciudad durante al menos un año antes de la elección, y nunca haya sido condenado por un delito felonía o un delito que conlleve corrupción moral de que la persona no ha sido perdonada o por otra parte liberada de la invalidez que resulta.

Sección 4. Solicitud de un espacio en la boleta de votación. De conformidad con la Sección 143.007 del Código, cualquier persona calificada y elegible puede tener su nombre impreso en la boleta de votación oficial como un candidato para los cargos detallados más arriba al presentar una solicitud jurada de la persona ante el Secretario de la Ciudad a partir del 30 de enero de 2013 y hasta las 5:00 p.m. del 1 de marzo de 2013, a más tardar. Cada solicitud debe estar en un formulario según lo establecido por la Sección 141.031 del Código. El orden en el que se imprimirán los nombres de los candidatos en la boleta de votación se determinará mediante un sorteo del Secretario de la Ciudad según lo establecido en la Sección 52.094 del Código. Se debe notificar acerca de la fecha y el lugar de dicho sorteo de conformidad con el Código.

Sección 5. Elección de desempate. Si dos o más candidatos que pugnan por un cargo particular empatan en la cantidad de votos necesarios para ser elegidos, el empate se desglosarán de conformidad con el Código, incluyendo su sección 2.002.

Sección 6. Precinto electoral, centro electoral y horario de la elección. Los límites y territorios de los precintos electorales actualmente existentes del Condado de Dallas que están en su totalidad o en parte dentro de los límites de la Ciudad constituirán los precintos electorales para la elección. Los números de precinto para los mismos serán los números de precinto del Condado de Dallas correspondientes. Los centros electorales para la elección general serán tan expuesto en el Acuerdo de Elecciones Conjuntas (como definido en el Artículo 7, abajo). De conformidad con y en virtud de los requisitos del Código, dichos centros electorales abrirán desde las 7:00 a.m. hasta las 7:00 p.m. en la fecha de la elección.

Sección 7. Elección conjunta, nombramiento del juez electoral presidente y el juez electoral presidente alternativo, requisitos para fungir como juez electoral, confirmación de los nombramientos y notificación de los nombramientos. La elección se celebrará como una elección conjunta con el Condado de Dallas y otros municipios y distritos escolares de conformidad con el Acuerdo de Elecciones Conjuntas para el desarrollo de una elección conjunta celebrada el 12 de mayo de 2013 (el “Acuerdo de Elecciones Conjuntas”, una copia del mismo es o será colocado archivada en la Oficina del Secretario de la Ciudad), y el Condado será responsable del nombramiento de todos los jueces y oficiales electorales, y será responsable de su compensación. Los jueces electorales y de los escribanos deberán tener las condiciones requeridas por la ley, Y aviso de nombramiento deberá ser dado a esos jueces y secretarios judiciales por el Administrador (como definido en el Artículo 11) de acuerdo con ley.

Sección 8. Método de votación. De conformidad con el Acuerdo de Elecciones Conjuntas, el Condado de Dallas será responsable que cumpla con la ley. El Condado de Dallas será responsable de la preparación de las boletas de votación oficiales para la elección, y tendrán que cumplir los requisitos del Código, y al hacerlo deben permitir que el votante vote por un (1)

alcalde por un período de dos años, y por tres (3) miembros del concejo por períodos de dos (2) años cada uno. Ningún votante puede votar por más de un (1) alcalde por un período de dos (2) años o por más de tres (3) miembros del concejo por períodos de dos (años) cada uno.

Sección 9. Ley vigente y votantes calificados. La elección debe celebrarse de conformidad con la Constitución del Estado de Texas, el Código, y todos los votantes calificados residentes de la Ciudad serán elegibles para votar en la elección. Además, los materiales electorales enumerados en el Código deben imprimirse tanto en inglés como en español según lo exigido por ley, incluso para el uso en los centros electorales y para la votación temprana de la elección.

Sección 10. Divulgación y publicación del aviso. Se debe dar una notificación de la elección mediante la publicación de un aviso electoral en inglés y en español en el predio de la Alcaldía (Town Hall), 5300 Belt Line Road, Dallas, Texas 75254, en el tablero de anuncios o en otra ubicación utilizada para publicar los avisos de las reuniones del Concejo Municipal no menos de veintiún (21) días antes de la fecha en que se celebrará la elección, y por medio de la publicación de dicho aviso como mínimo una vez en un periódico publicado en la Ciudad o si no existiera ninguno, en un periódico de circulación general dentro de la Ciudad, el aviso debe publicarse como mínimo diez (10) días antes de la fecha establecida para la elección y no más de treinta (30) días antes de dicha fecha.

Además, una copia del aviso se debe entregar al Secretario de la Ciudad como mínimo veintiún (21) días antes de la elección. En el momento de la publicación del aviso electoral, el Secretario de la Ciudad debe obtener una declaración jurada del editor, que cumpla con los requisitos del Código Electoral.

Sección 11. Votación temprana. La votación temprana por presentación personal debe llevarse a cabo de conformidad con la Sección 271.006 del Código Electoral de Texas. Antoinette “Toni” Pippins-Poole, Administradora de Elecciones del Condado de Dallas (“Administrador”), es designada Oficial de la Votación Temprana por el presente documento. La votación temprana por presentación personal se llevará a cabo a partir del lunes 29 de abril de 2013 y continuará hasta el jueves 7 de mayo de 2013, de conformidad con el Acuerdo de Elecciones Conjuntas y la ley. Cualquier votante calificado para la Elección Conjunta también puede votar con anticipación por presentación personal en el centro principal de votación temprana:

EDIFICIO DE REGISTROS DEL CONDADO DE DALLAS  
509 Main Street  
Dallas, TX 75202

, y en la Estación de Bomberos N.º 1 de Addison, 4798 Airport Parkway, Addison, Texas 75001, y en cualquiera de las sucursales establecidas en el Acuerdo de Elecciones Conjuntas (dichas ubicaciones están sujetas a cambios de conformidad con la ley).

Las fechas y horarios de la votación temprana por presentación personal son como sigue (sujetas a cambios por el Administrador de conformidad con la ley):

Desde el lunes 29 de abril de 2013 hasta el viernes 3 de mayo de 2013	8:00 a.m. a 5:00 p.m.
Sábado 4 de mayo de 2013	8:00 a.m. a 5:00 p.m.
Domingo 5 de mayo de 2013	1:00 p.m. a 6:00 p.m.
Desde el lunes 6 de mayo de 2013 hasta el martes 7 de mayo de 2013	7:00 a.m. a 7:00 p.m.

Las solicitudes de boletas de votación para la votación temprana por correo deben solicitarse y enviarse por correo postal a: Dallas County Elections Department, 2377 N. Stemmons Fwy., Suite 820, Dallas, Texas 75207; dichas solicitudes deben recibirse en una fecha y hora de conformidad con el Código. Todas las solicitudes de boletas para la votación temprana por correo recibidas por las autoridades participantes (“autoridades participantes”) serán llevadas el día de la recepción por una transportadora al Departamento de Elecciones del Condado de Dallas, 8<sup>vo</sup> piso, edificio de Servicios Humanos y de Salud, 2377 N. Stemmons Frwy, Dallas, Texas 75207 para su procesamiento. Las personas que voten por correo enviarán sus boletas de votación completadas al Departamento de Elecciones del Condado de Dallas.

Todas las boletas de votación temprana se prepararán para ser contadas por un Consejo de Boletas de Votación Temprana designado de acuerdo con lo dispuesto en la Sección 87.001 del Código. Por el presente documento, Addison renuncia al derecho que tiene conforme al Acuerdo de Elecciones Conjuntas de nombrar a un miembro del Consejo, y permitirá que el Condado de Dallas nombre a un miembro para el Municipio. Las autoridades participantes acuerdan nombrar a otros jueces/oficiales delegados de la votación temprana.

Se designará un comité de verificación de firmas de conformidad con la Sección 87.027 del Código. Se proporcionará una lista de los miembros del comité de verificación de firmas a cada autoridad participante.

Sección 12. Entrega de los resultados electorales y preservación de los registros de la elección. Se nombrará a un custodio general de las boletas de votación completadas y de todos los registros de la Elección conjunta como lo autoriza la Sección 271.010 del Código Electoral de Texas.

El acceso a los registros de la elección estará disponible para la autoridad participante y para el público de conformidad con la Ley de Información Pública de Texas, Capítulo 552, Código de Gobierno, en el Departamento de Elecciones, 2377 N. Stemmons Freeway, Dallas, Texas, en todo momento durante el horario normal de oficina. El Administrador de la Elección debe asegurar que los registros se mantengan de manera ordenada, para que los registros en cada contenedor de almacenamiento de registros sean identificables y recuperables.

Los registros de la elección se retendrán y eliminarán de conformidad con los programas de retención de registros de la Ciudad, y de conformidad con las disposiciones del Título 6, Subtítulo C, Capítulo 201 al 205 del Código de Gobierno Local de Texas, incluidos los requisitos

mínimos de retención establecidos por la Comisión de Bibliotecas y Archivos del Estado de Texas (Texas State Library and Archives Commission).

Sección 13. Escrutinio de los resultados electorales. De conformidad con el Código, el Consejo Municipal de la Ciudad deberá reunirse de conformidad con el Código para escutar los resultados de la elección.

Sección 14. Acciones necesarias. El Alcalde, el Administrador de la Ciudad y el Secretario de la Ciudad, tras consultar con el Abogado de la Ciudad, están autorizados y facultados por la presente para tomar todas y cada una de las medidas necesarias para cumplir con las disposiciones del Código al ejecutar y llevar a cabo la elección, aunque esté o no expresamente autorizado en el presente documento.

Sección 15. Fecha de entrada en vigencia. Esta Ordenanza tendrá plena vigencia y efecto a partir de su adopción.

**DEBIDAMENTE ADOPTADO POR EL CONCEJO MUNICIPAL DEL MUNICIPIO DE ADDISON, TEXAS, a los 12 días del mes de febrero de 2013.**

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Todd Meier, Alcalde

**DA FE:**

Por: \_\_\_\_\_  
Chris Terry, Secretaria de la Ciudad

## Council Agenda Item: # R 2d

### **AGENDA CAPTION:**

Approval of a joint election agreement in an amount not to exceed \$25,000 with Dallas County to conduct Addison's Municipal Election on May 11, 2013. (Aprobación de una resolución para entrar en un acuerdo de elección conjunta por una cantidad a no excederse \$25,000 con el Condado de Dallas para llevar a cabo las elecciones municipales de Addison el 11 de Mayo de 2013.

### **FINANCIAL IMPACT:**

\$38,000 is budgeted for anticipated "Election Expenses" in the City Manager's Office departmental budget.

### **BACKGROUND:**

Each year in which the Town of Addison conducts a municipal election, we enter into an agreement with Dallas County Elections Department to administer the election proceedings on our behalf. Each political subdivision pays Dallas County a pro-rata share based on the total number of polling places in the entire County and the total cost of the "Joint Municipal Elections" incurred by Dallas County Elections Department (the County's expenses include polling equipment, voting machines, payment to election judges for their services, etc.). Within the next few weeks, Dallas County will determine what those total costs are for each political subdivision and will notify us of our exact 2013 election expenses. Approval of the agreement for services with Dallas County is being brought to the City Council now in "an amount not to exceed \$25,000" in order to meet Dallas County's deadline for approval of the agreement. The "not to exceed" expenditure City Council is requested to approve is based on the 2011 Addison Municipal Election when there were no special propositions added to the ballot.

### **RECOMMENDATION:**

Staff recommends approval.

### **COUNCIL GOALS:**

Identify opportunities for improved governance

### **ATTACHMENTS:**

Description:

 [Joint Election Agreement-Dallas County](#)

Type:

Cover Memo

**DRAFT**

**DRAFT**  
**JOINT ELECTION CONTRACT**

**DRAFT**

**AND**

**ELECTION SERVICES AGREEMENT**

**BETWEEN**

**THE DALLAS COUNTY ELECTIONS ADMINISTRATOR**

**AND**

**TOWN OF ADDISON (TOA)**  
**CITY OF BALCH SPRINGS (COBS)**  
**CITY OF CEDAR HILL (COCdH)**  
**CITY OF COCKRELL HILL (COCKH)**  
**CITY OF DALLAS (COD)**  
**CITY OF DESOTO (CODe)**  
**CITY OF DUNCANVILLE (CODu)**  
**CITY OF FARMERS BRANCH (COFB)**  
**CITY OF GARLAND (COG)**  
**CITY OF GLENN HEIGHTS (COGH)**  
**CITY OF GRAND PRAIRIE (COGP)**  
**CITY OF HUTCHINS (COH)**  
**CITY OF IRVING (COI)**  
**CITY OF LANCASTER (COL)**  
**CITY OF MESQUITE (COM)**  
**CITY OF RICHARDSON (COR)**  
**CITY OF ROWLETTE (CORw)**  
**CITY OF SACHSE (COsa)**  
**CITY OF SEAGOVILLE (COSe)**  
**CITY OF WILMER (COW)**  
**TOWN OF SUNNYVALE (TOS)**  
**NORTHWEST DALLAS COUNTY FLOOD CONTROL (NWDCFC)**  
**CARROLLTON-FARMERS BRANCH INDEPENDENT SCHOOL DISTRICT (CFBISD)**  
**CEDAR HILL INDEPENDENT SCHOOL DISTRICT (CHISD)**  
**COPPELL INDEPENDENT SCHOOL DISTRICT (CPISD)**  
**DALLAS INDEPENDENT SCHOOL DISTRICT (DISD)**  
**DALLAS COUNTY SCHOOL BOARD (DCSB)**  
**DESOTO INDEPENDENT SCHOOL DISTRICT (DeISD)**  
**DUNCANVILLE INDEPENDENT SCHOOL DISTRICT (DuISD)**  
**GARLAND INDEPENDENT SCHOOL DISTRICT (GISD)**  
**GRAND PRAIRIE INDEPENDENT SCHOOL DISTRICT (GPISD)**  
**HIGHLAND PARK ISD (HPISD)**  
**IRVING INDEPENDENT SCHOOL DISTRICT (IISD)**  
**LANCASTER INDEPENDENT SCHOOL DISTRICT (LISD)**  
**MESQUITE INDEPENDENT SCHOOL DISTRICT (MISD)**  
**RICHARDSON INDEPENDENT SCHOOL DISTRICT (RISD)**  
**SUNNYVALE INDEPENDENT SCHOOL DISTRICT (SUISD)**

**FOR THE CONDUCT OF A JOINT ELECTION**  
**TO BE HELD SATURDAY, MAY 11, 2013**

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

1. **JURISDICTION AND PARTICIPATING POLITICAL SUBDIVISIONS**

- 1.1 The Town of Addison (**TOA**) plans to hold a General Municipal Election May 11, 2013 for 3 City Council Members at-large and a Mayoral Position in 6 Dallas County voting precincts. The City of Balch Springs (**COBS**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Places 3, 5, 7 and a Special Proposition Election and a Mayoral position in 13 Dallas County voting precincts. The City of Cedar Hill (**COCdH**) plans to hold a General Municipal Election for City Councilmember Places 3 and 5 and a Mayoral position on May 11, 2013 in 16 Dallas County voting precincts and 1 Ellis County voting precinct. The City of Cockrell Hill (**COckH**) plans to hold a General Municipal Election on May 11, 2013 for Alderman Places 3, 4 and 5 in 1 Dallas County voting precinct. The City of Dallas (**COD**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Places 1 - 14 in 415 Dallas County voting precincts, 13 Collin County Precincts, 3 Denton County voting precincts and 1 Rockwall County voting precincts. The City of DeSoto (**CODe**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Places 3 and 5 and a Mayoral position in 23 Dallas County voting precincts. The City of Duncanville (**CODu**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember at large and for Districts 1, 3 and 5 and place at large in 13 Dallas County voting precincts. The City of Farmers Branch (**COFB**) plans to a General Municipal Election on May 11, 2013 for City Councilmember Places 1 and 4 and a Special Bond Election in 13 Dallas County voting precincts. The City of Garland (**COG**) plans to hold a General Municipal Election for City Councilmember Districts Place 3, 6, 7 and 8 and a Mayoral position in 51 Dallas County voting precincts and 2 Collin County voting precincts. The City of Glenn Heights (**COGH**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Place 2 unexpired term in 2 Dallas County Precinct and 1 Ellis County Precinct. The City of Grand Prairie (**COGP**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Districts 2 and 4, a Mayoral position, a Special Election for Districts 1 and 6 unexpired term and Special Sales Tax Election in 37 Dallas County voting precincts and 1 Ellis County voting precinct. The City of Hutchins (**COH**) plans to hold a General Municipal Election on May 11, 2013 for three (3) City Councilmembers at large in 1 Dallas County voting precincts. The City of Irving (**COI**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember District 1 and 7 – single member districts, Place 2 – at large in 65 Dallas County voting precincts. The City of Lancaster (**COL**) plans to hold a General Municipal Election on May 11, 2013 for a Mayoral Position and a Councilmember District 1, 3 and 5 in 8 Dallas County voting precincts. The City of Mesquite (**COM**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Places 1, 2 and 6 and a Mayoral position in 40 Dallas County voting precincts and 1 Kaufman County voting precincts. The City of Richardson (**COR**) plans to hold a General Municipal Election on May 11, 2013 for six (6) Councilmember places and a Mayoral position in 23 Dallas County voting precincts and 6 in Collin County voting precincts. The City of Rowlett (**CORw**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Places 2, 4 and 6 and a Mayoral position in 10 Dallas County voting precincts and 2 Rockwall County voting precincts. The City of Sachse (**COSa**) plans to hold a General Election on May 11, 2013 for City Councilmember Places 5 and 6, Mayoral position, Special Tax Election and a Special Charter Amendment Election in 3 Dallas County voting precincts and (3) Collin County voting precincts. The City of Seagoville (**COSe**) plans to hold a General Municipal Election on May 11, 2013 for City Councilmember Places 2, 4 and a Mayoral position in 5 Dallas County voting precincts and 1 Kaufman County voting precinct. The City of Wilmer (**COW**) plans to hold a General Municipal Election on May 11, 2013 for three (3) City Councilmembers at-large in 1 Dallas County voting precinct. The Town of Sunnyvale (**TOS**) plans to hold a General Election on May 11, 2013 for two (2) Councilmember seats and a Special Charter Amendment Election in 2 Dallas County voting precinct. The Northwest Dallas County Flood Control (**NWDCFC**) plans to hold an election on May 11, 2013 for three (3) Board of Directors positions in 2 Dallas County voting precincts.

1.2 The Dallas County School Board (**DCSB**) plans to hold a Board of Education Trustees election on May 11, 2013 for Place at large in 759 Dallas County precincts and for District 2 in 182 Dallas County Voting precincts and District 3 in 187 Dallas County voting precincts located wholly or partially within the District. The Carrollton Farmers Branch Independent School District (**CFBISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 5, 6 and 7 in 37 Dallas County voting precincts and 9 Denton County voting precincts located wholly or partially within the District. The Cedar Hill Independent School District (**CHISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 1 and 2 in 18 Dallas County voting precincts located wholly or partially within the District. The Coppell Independent School District (**CpISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 1, 2, 3 and a Special Bond Election in 20 Dallas County voting precincts located wholly or partially within the District. The Dallas Independent School District (**DISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for District 4, 5, and 7 in 22 Dallas County voting precincts located wholly or partially within the District. The DeSoto Independent School District (**DeISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 1 and 2 in 132 Dallas County voting precincts located wholly or partially within the District. The Duncanville Independent School District (**DuISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 1, 2 and 3 in 26 Dallas County voting precincts located wholly or partially within the District. The Garland Independent School District (**GISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 1, 2 and 3 in 67 Dallas County voting precincts located wholly or partially within the District. The Grand Prairie Independent School District (**GPISD**) plans to hold a Board of Education Trustee Election for Places 1 and 2 on May 11, 2013 in 38 Dallas County voting precincts located wholly within the District. The Highland Park Independent School District (**HPISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Districts 3, 4 and 5 in 14 Dallas County voting precincts located wholly or partially within the District. The Irving Independent School District (**IISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 5, 6 and 7 at large in 61 Dallas County voting precincts located wholly or partially within the District. The Lancaster Independent School District (**LISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Districts 3 and 6 in 5 Dallas County voting precincts located wholly or partially within the District. The Mesquite Independent School District (**MISD**) plans to hold a Board of Trustee Election on May 11, 2013 for Places 1 and 2 in 48 Dallas County voting precincts located wholly or partially within the District. The Richardson Independent School District (**RISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 3, 4 and 5 in 74 Dallas County voting precincts located wholly or partially within the District. The Sunnyvale Independent School District (**SuISD**) plans to hold a Board of Education Trustee Election on May 11, 2013 for Places 6 and 7 in 2 Dallas County voting precinct located wholly or partially within the District.

1.3 A list of each election precinct or partial election precinct (each precinct unit) involved in the Joint Election, together with the name of the participating political subdivision holding an election in that precinct unit, and the number of registered voters in that precinct unit, is shown in Attachment "E". DCED will forward an updated and amended version of Attachment "E" to each participating political subdivision showing registered voters as of the deadline for registering to vote in the elections listed in Section 1 of this Election Services Contract and Joint Election Agreement.

## 2. **ADMINISTRATION AND STATUTORY AUTHORITY**

2.1 Antoinette "Toni" Pippins-Poole (hereafter referred to as Toni Pippins-Poole) is the duly appointed County Elections Administrator of Dallas County, Texas and the Department Head of the Dallas County Elections Department (DCED). As such, Mrs. Pippins-Poole is the County Election Officer of Dallas

County, Texas and is thereby authorized by Subchapter D of Chapter 31 of Title 3 of the Texas Election Code to enter into this joint election agreement and election services contract with the contracting authorities of the participating political subdivisions listed in Section 1 of this contract.

2.2 The contracting authorities of the political subdivisions listed in Section 1 of this joint election agreement and election services contract are hereby participating in the joint election to be held in Dallas County, Texas on May 11, 2013 pursuant to Chapter 271 of Title 16 of the Texas Election Code and are hereby contracting with the Elections Administrator of Dallas County, Texas to perform the election services set forth herein pursuant to Subchapter D of Chapter 31 of Title 3 of the Texas Election Code.

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

### 3. **LEGAL DOCUMENTS**

3.1 Each participating political subdivision will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing bodies.

3.2 Each participating entity will be responsible for making the submission required by the Federal Voting Rights Act of 1965, as amended, with regard to administration of the Joint Election. A copy of the submission will be furnished to DCED by each participating political subdivision. Any other changes which require preclearance by the U.S. Department of Justice will be the responsibility of each participating political subdivision. Preparation of necessary bilingual materials for notices and preparation of the text for the official ballot will also be the responsibility of each participating political subdivision. Each participating political subdivision will provide a copy of their respective election notices and justice submission to DCED.

### 4. **DIRECT RECORD VOTING SYSTEM/OPTICAL SCAN**

4.1 Each participating political subdivision agrees that voting at the Joint Election will be by use of a direct record and optical scan voting system approved by the Secretary of State in accordance with the Texas Election Code. DCED will be responsible for the preparation of programs and the testing of the direct record system and optical scan system used for tabulating the ballots. Testing of the direct record equipment will be conducted at the Elections Department, 2377 N. Stemmons Frwy, Suite 820, Dallas beginning Tuesday, April 23, 2013 at 10:00 am and testing of the optical scan equipment will be conducted at the Election Equipment Warehouse, 1506 East Langdon Road, Hutchins beginning Thursday, April 11, 2013 at 10:00 am, and before ballots are tabulated at the scheduled polling locations listed in Section 13 of this contract and Attachment "B" by the presiding judges. At least 48 hours before the date and hour of the first testing of each type of equipment, DCED shall publish a newspaper notice of the date, hour, and place of the testing. DCED agrees to establish ten (10) regional sites and a central counting station to receive and tabulate the voted ballots and provisional ballots as outlined in Section 9 of this agreement.

4.2 DCED agrees to provide direct record tabulators, precinct tabulators, and voting booths for the Joint

Election. The Gemini voting booth allocation will be based on providing one (1) Gemini for each 300 registered voters in each election precinct unit, not to exceed six (6) Gemini voting booths in any given precinct unit, one (1) Americans with Disabilities Act (ADA) Terminal per location, one (1) precinct tabulator in any given precinct unit, and not to exceed at any given time eight (8) iVotronics and two (2) Master PEB's per early voting location.

- 4.3 It is estimated that 1,300 Gemini's, 380 precinct tabulators, 290 iVotronics, 380 ADA Terminals, and Master PEB's will be needed to conduct the May 11, 2013 Joint Election. The cost of the direct record voting system for the election will be determined by multiplying the total number of iVotronics by \$250.00 each, ADA Terminals by \$300.00 each, and Master PEB's at no cost. The cost for the use of the Gemini voting booths will be \$35.00 each. The cost for the use of the precinct tabulators will be \$468.00 each (See Attachment "A"). It is agreed by all of the participating political subdivisions that ADA voting terminals will be used during the Joint Election in accordance with the Help America Vote Act of 2002 (HAVA), and that the said terminals will be part of the Joint Election Agreement.

## **5. VOTING LOCATION**

- 5.1 DCED will select and arrange for the use of and payment for all voting locations, subject to the approval of each participating political subdivision. Voting locations will be, whenever possible, the usual voting locations for the precincts. Voting precincts may be combined by mutual agreement between the participating authorities. The proposed voting locations are listed in Attachment "B" of this agreement. In the event a voting location is not available, DCED will arrange for use of an alternate location with the approval of each participating political subdivision affected by the change. DCED will be responsible for submitting any polling location changes to the Department of Justice for pre-clearance. DCED will notify each participating political subdivision of any changes from the locations listed in Attachment "B".
- 5.2 DCED will send each participating political subdivision a final version of Attachment "B", as amended which reflects the actual locations to be used on the day of the election. DCED will send a written notice by U.S. Mail to any registered voter whose precinct polling place location has changed since the preceding election ordered by each political subdivision.

## **6. ELECTION JUDGES, ALTERNATE JUDGES, CLERKS AND OTHER ELECTION PERSONNEL**

- 6.1 DCED will be responsible for the appointment of the presiding judge and alternate judge for each polling location subject to the approval of each participating political subdivision. DCED shall arrange for the training of all presiding judges and alternate judges. The proposed election judges and alternates are listed in Attachment "C" of this agreement. If a person is unable or unwilling to serve, DCED will name a judge for the precinct and notify each participating political subdivision affected by the change.
- 6.2 In compliance with the Federal Voting Rights Act of 1965, as amended, precincts containing more than 5% Hispanic population, according to the 2010 census statistics, are required to have interpreter assistance. If a presiding judge of such a precinct is not bilingual and is unable to hire a bilingual clerk, DCED may recommend an individual to provide interpreter assistance. If DCED is unable to recommend an individual to provide interpreter assistance for such a precinct, DCED shall notify the participating political subdivision which shall then be responsible for recommending an individual to provide interpreter assistance for such a precinct. In the event that a bilingual clerk is hired by DCED for a precinct required to have interpreter assistance, the bilingual clerk shall be paid according to a rate set by DCED. DCED shall then charge that expense to the funds deposited with the Dallas County Treasurer

for the conduct of the elections listed in Section 1 of this joint election agreement and election services contract. A participating political subdivision may pay a greater amount of money to a bilingual clerk than the rate set by DCED, however that expense shall be borne by that participating political subdivision individually and that expense shall not be charged to the funds deposited with the Dallas County Treasurer for the conduct of the elections listed in Section 1 of this agreement.

6.3 DCED is responsible for notifying all election judges of the eligibility requirements of Subchapter C of Chapter 32 of Title 3 of the Texas Election Code and Section 271.005 of the Texas Election Code, and will take the necessary steps to insure that all election judges and alternate judges appointed for the Joint Election are eligible and qualified to serve. According to Section 32.031 (a) of the Texas Election Code, the presiding judge for each election precinct shall appoint the election clerks to assist the judge in the conduct of an election at the polling place served by the judge.

6.4 If a participating political subdivision recommends a person not listed in Attachment "C", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, DCED will conduct a drawing by lot from the recommendations to determine the election judge. Once a person has been notified of his/her selection as election judge, no changes may be made by any of the participating authorities, unless that person becomes ineligible to serve as an election judge in the Joint Election.

DCED will send each of the joint participating political subdivisions an updated version of Attachment "C" which reflects the names of judges who were sent the letter requesting service for this election. A final version for Attachment "C" which reflects the name of the judges who actually presided on the day of the election will be sent to each participating political subdivision. Any entity electing to pay their election workers for attending a training class or lab must bear that expense separately from the funds deposited into the joint election account.

6.5 DCED will hold two (2) public schools of instruction on the use of optical scan card voting equipment, ADA terminals and election laws on Saturday, May 4, 2013 from 10am – 12pm, and Thursday, May 9, 2013, from 7pm - 9pm in the Central Jury Room, Frank Crowley Courthouse, 133 N. Industrial Blvd, Dallas, Texas 75207. Election Judge training labs are scheduled for Thursday, May 2, 2013 from 10am – 4pm, Saturday, May 4, 2013 from 9am – 4pm, Tuesday, May 7, 2013 6pm – 9pm, Friday, May 10, 2013 from 10am – 2pm at 2377 N. Stemmons Frwy. 8<sup>th</sup> Floor, Dallas, Texas 75207. No election judge will be appointed unless he/she has attended an election judge training session taught by DCED in the past eighteen (18) months and on the optical scan and direct record systems. However, participating entities may request that judges appointed for the Joint Election should attend one of the scheduled training sessions.

The election judges are responsible for picking up election supplies at the time and place determined by DCED (which will be set forth in the election judge letter requesting service for this election). Each election judge will receive \$9.00 per hour and each clerk will receive \$8.00 per hour (for a maximum of 14 hours). The election judge will receive an additional \$25.00 for picking up the election supplies prior to Election Day and for delivering election returns and supplies to their designated regional drop off site.

6.6 DCED will employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment assistance during the period of early voting and on election day, and for the efficient tabulation of ballots at the central counting station and regional sites. Part-time personnel will be paid

an amount agreed to by the participating authorities as outlined in Attachment "A".

Part-time personnel working in support of the central counting station and regional sites on election night will receive pay for at least four hours, minimum call for service, regardless of the actual hours worked. (Attachment F)

**7. SUPPLIES AND PRINTING**

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

**8. OPTICAL SCAN CARD BALLOTS**

- 8.1 The ballot allocation for this election is based on providing enough ballots in every reporting precinct to handle the same turnout as in comparable elections plus thirty-five percent 35% of that number, for an original allocation of no less than 25% of the registered voters.
- 8.2 Approximately 5,000 additional ballots will be available for Early Voting by Mail and for use on Election Day to respond to any precinct requesting additional ballots.

**9. RETURNS OF ELECTIONS**

- 9.1 DCED will be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.
- 9.2 The participating authorities hereby, in accordance with Section 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Manager - Toni Pippins-Poole  
Dallas County  
Elections Administrator

Tabulating Supervisor - Jana Onyon  
Central Counting Station

Presiding Judge - Rosa Rios  
City of Dallas

- 9.3 The manager or her representative will deliver timely cumulative reports of the election results as

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

- 9.4 DCED will prepare the unofficial canvass report after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating political subdivision as soon as possible after all returns, provisional ballots, and late overseas ballots have been tabulated, but in no event no later than 10:00 A.M. Friday, May 17, 2013. All participating authorities will be responsible for the official canvass of their respective elections.
- 9.5 DCED will be responsible for conducting the post election manual recount, unless a waiver is given from the Secretary of State in accordance with Section 127.201 of the Texas Election Code. Notification and copies of the recount, if waiver is denied, will be provided to each participating political subdivision and the Secretary of State's Office. Each political subdivision must notify DCED if such a waiver has been granted or denied twenty (20) days before the election.

## 10. ELECTION EXPENSES

- 10.1 The participating authorities agree to share the costs of administering the May 11, 2013 Joint Election. A general supervisory fee not to exceed 10% of the total cost of the election shall be assessed as authorized by the Texas Election Code, Sec. 31.100. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on average cost per polling place (unit cost) as determined by adding together the overall expenses and dividing expenses equally among the total number of polling places. Any participating political subdivisions requesting a combination of polling places which exceeds the average cost (Unit Cost), shall be billed directly for any excess expenditures (supplies, equipment, personnel, etc.). **The cost of any special request from a participating political subdivision, which is not agreed upon by all participating political subdivisions, shall be borne by the participating political subdivision making the special request.** Each participating political subdivision agrees that no participating political subdivision shall be billed less than the minimum of one full unit cost. See Attachment "A".
- 10.2 The expenses for early voting by mail and personal appearance will be paid equally by each participating political subdivision, unless otherwise agreed by the participating authorities and the Dallas County Elections Department.
- 10.3 Final election expenses will be determined within 120 business days after the election. DCFD will provide each participating political subdivision with a final accounting in writing of all funds deposited into the Joint Election account and an accounting of all payments from the Joint Election account.
- 10.4 If additional funds are needed, DCED will bill each participating political subdivision in accordance with the expense formula enumerated herein. Any amount remaining will be refunded accordingly to each participating political subdivision.

**11. DEPOSIT OF FUNDS**

11.1 Each participating political subdivision agrees to deposit with the Dallas County Treasurer's Office, the election expenses to be paid to Dallas County as administrator of the Joint Election, the full balance for your election by April 5, 2013. Such funds will be placed in a joint election account to be used by the County for paying expenses as outlined in this agreement. No funds will be expended by Dallas County except for supplies and services outlined in this agreement, or except as may be agreed to, in writing, by each participating political subdivision. No adjustments will be made to deposits for partial withdrawals after contract has been signed by all participating authorities.

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

Entity	March 8, 2013	April 5, 2013
TOA	TBD	TBD
COBS	TBD	TBD
COCdH	TBD	TBD
COCKH	TBD	TBD
COD	TBD	TBD
CODe	TBD	TBD
CODu	TBD	TBD
COFB	TBD	TBD
COG	TBD	TBD
COGH	TBD	TBD
COGP	TBD	TBD
COH	TBD	TBD
COI	TBD	TBD
COL	TBD	TBD
COM	TBD	TBD
COR	TBD	TBD
CORw	TBD	TBD
COSa	TBD	TBD
COSe	TBD	TBD
COW	TBD	TBD
TOS	TBD	TBD
NWDCFC	TBD	TBD
DCSB	TBD	TBD
CFBISD	TBD	TBD
CHISD	TBD	TBD
CPISD	TBD	TBD
DISD	TBD	TBD
DeISD	TBD	TBD
DuISD	TBD	TBD
GISD	TBD	TBD
GPISD	TBD	TBD
HPISD	TBD	TBD
IISD	TBD	TBD
LISD	TBD	TBD
MISD	TBD	TBD

RISD	TBD	TBD
SuISD	TBD	TBD

Total deposit      \$TBD

Deposits should be delivered within the mandatory time frame to:

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

**12. RECORDS OF THE ELECTION**

- 12.1 Toni Pippins-Poole, Elections Administrator, is hereby appointed general custodian of the voted ballots and all records of the Joint Election as authorized by Section 31.096 of the Texas Election Code.
- 12.2 Access to the election records will be available to each participating political subdivision as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 2377 N. Stemmons Frwy, Suite 820, Dallas, Texas, at any time during normal business hours. DCED shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container. However, access to election records that contain confidential information that must be redacted pursuant to federal or state law may be provided at the offices of the Civil Division of the Criminal District Attorney's Office of Dallas County, Texas at 411 Elm Street, 5<sup>th</sup> Floor, Dallas, Texas.
- 12.3 Pursuant to Section 66.058 of the Texas Election Code, DCED will retain the election records for 60 days after the date of the election. 60 days after the date of the election, DCED will make arrangements to deliver the Joint Election records to Dallas County Record Storage. The Joint Election records will then become the responsibility of Dallas County Record Storage for the remainder of the 6 month preservation period. Dallas County Record Storage will be responsible for the destruction of the Joint Election records after the preservation period. DCED will provide each entity a letter of destruction.

**13. EARLY VOTING**

- 13.1 Toni Pippins-Poole, County Elections Administrator, is appointed the early voting clerk for all of the participating political subdivisions in compliance with Sections 271.006 of the Texas Election Code. Other deputy early voting judges/clerks will be appointed, subject to the approval of the contracting authorities of the participating political subdivisions, as needed to process early voting mail and to conduct early voting at the main location and branch locations. If a participating political subdivision recommends a person not listed in Attachment "D", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, DCED will conduct a drawing by lot from the recommendations to determine the deputy early voting judge/clerk.

Once a person has been notified of his/her selection as deputy early voting judge/clerk, no changes may be made by any of the participating authorities.

The recommended deputy early voting judges/clerks for the main and branch early voting locations are listed in Attachment "D". DCED shall request the Dallas County Human Resource Department to conduct a criminal background check of election officials, staff and temporary workers who are hired to work in this election.

- 13.2 Early voting by personal appearance will be conducted at the main and branch locations on weekdays beginning Monday, April 29, 2013 and continuing through Friday, May 3, 2013 between 8:00 A.M. and 5:00 P.M.; Saturday, May 4, 2013 between 8:00 A.M. and 5:00 P.M.; Sunday, May 5, 2013, between 1:00 P.M. and 6:00 P.M.; Monday, May 6, 2013 and continuing through Tuesday, May 7, 2013 between 7:00 A.M. and 7:00 P.M. Any qualified voter for the Joint Election may vote early by personal appearance at either the main early voting location or branch locations.

**MAIN EARLY VOTING POLLING PLACE:**

DALLAS COUNTY RECORDS BUILDING  
509 Main Street  
Dallas 75202

**EARLY VOTING BRANCH POLLING PLACES:**

ADDISON FIRE STATION #1  
4798 AIRPORT PARKWAY  
ADDISON, TEXAS 75001

CEDAR HILL GOV'T CENTER  
285 UPTOWN BLVD  
CEDAR HILL, TEXAS 75104

COPPELL TOWN CENTER  
255 WEST PARKWAY BLVD  
COPPELL, TEXAS 75019

DALLAS CITY HALL  
1500 MARILLA STREET  
DALLAS, TEXAS 75201

DALLAS ISD ADMIN BUILDING  
3700 ROSS AVENUE  
DALLAS, TX 75204

DUNCANVILLE LIBRARY  
201 JAMES COLLINS  
DUNCANVILLE, TEXAS 75116

FRANKFORD TOWN HOMES  
18110 MARSH LANE  
DALLAS, TEXAS 75287

RICHLAND COLLEGE – GARLAND CAMPUS  
675 W. WALNUT ST.  
GARLAND, TEXAS 75040

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

COCKRELL HILL CITY HALL  
4125 WEST CLAREDON  
COCKRELL HILL, TEXAS 75211

CROSSWINDS HIGH SCHOOL  
1100 N. CARRIER PKWY  
GRAND PRAIRIE, TEXAS 75050

DALLAS WEST LIBRARY  
2332 SINGLETON BLVD  
DALLAS, TEXAS 75212

DESOTO TOWN CENTER LIBRARY  
211 E PLEASANT RUN RD  
DESOTO, TEXAS 75115

FARMERS BRANCH CITY HALL  
13000 WILLIAM DIDSON PKWY  
FARMERS BRANCH, TEXAS 75234

FRETZ PARK LIBRARY  
6990 BELT LINE ROAD  
DALLAS, TEXAS 75254

GARNER ELEMENTARY  
145 POLO ROAD  
GRAND PRAIRIE, TEXAS 75052

GLENN HEIGHTS CITY HALL  
1938 SOUTH HAMPTON ROAD  
GLENN HEIGHTS, TEXAS 75154

HEBRON & JOSEY LIBRARY  
4220 N JOSEY LANE  
CARROLLTON, TEXAS 75010

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

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

LAKE HIGHLANDS NORTH REC CENTER  
9940 WHITE ROCK TRAIL  
DALLAS, TEXAS 75238

LANCASTER VETERANS MEMORAL LIBRARY  
1600 VETERANS MEMORIAL PKWY  
LANCASTER, TEXAS 75134

MARSH LANE BAPTIST CHURCH  
10716 MARSH LANE  
DALLAS, TEXAS 75229

MARTIN WEISS RECREATION CENTER  
1111 MARTINDELL  
DALLAS, TEXAS 75211

OAK CLIFF SUB – COURTHOUSE  
410 S BECKLEY AVE  
DALLAS, TEXAS 75203

PRAIRIE CREEK LIBRARY  
9609 LAKE JUNE ROAD  
DALLAS, TEXAS 75217

RECORDS BUILDING (MAIN LOCATION)  
509 MAIN STREET  
DALLAS, TEXAS 75206

REVERCHON RECREATION CENTER  
3505 MAPLE AVE  
DALLAS, TEXAS 75219

RICHARDSON ISD ADMIN BUILDING  
400 S GREENVILLE AVE  
RICHARDSON, TEXAS 75081

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

HIGHLAND HILLS LIBRARY  
3624 SIMPSON STURART  
DALLAS, TEXAS 75241

IRVING ARTS CENTER  
3333 N. MCARTHUR  
IRVING, TEXAS 75062

JOSEY RANCH LIBRARY  
1700 KELLER SPRINGS  
CARROLLTON, TEXAS 75006

LAKESIDE ACTIVITY CENTER  
101 HOLLEY PARK DRIVE  
MESQUITE, TEXAS 75149

LOCHWOOD LIBRARY  
11221 LOCHWOOD BLVD  
DALLAS, TEXAS 75218

MARTIN LUTHER KING CORE BLDG  
2922 MLK BLVD.  
DALLAS, TEXAS 75215

MOUNTAIN CREEK LIBRARY  
6102 MOUNTAN CREEK PKWY  
DALLAS, TEXAS 75249

OUR REDEEMER LUTHERAN CHURCH  
7611 PARK LANE  
DALLAS, TEXAS 75225

PRESTON ROYAL LIBRARY  
5626 ROYAL LANE  
DALLAS, TEXAS 75229

RENNER – FRANKFORD LIBRARY  
6400 FRANKFORD ROAD  
DALLAS, TEXAS 75252

RICHARDSON CIVIC CENTER  
411 W ARAPAHO ROAD  
RICHARDSON, TEXAS 75080

ROWLETT CITY HALL ANNEX  
4004 MAIN STREET  
ROWLETT, TEXAS 75088

SACHSE CITY HALL  
3815-B SACHSE ROAD  
SACHSE, TEXAS 75048

SOUTH OAK CLIFF HIGH SCHOOL  
3601 S MARSALIS AVE  
DALLAS, TEXAS 75216

SUNNYVALE TOWN CENTER  
127 NORTH COLLINS ROAD  
SUNNYVALE, TEXAS 75182

VETERANS MEDICAL CENTER  
4500 S LANCASTER ROAD  
DALLAS, TEXAS 75216

SEAGOVILLE CITY HALL  
702 N HWY 175  
SEAGOVILLE, TEXAS 75159

ST LUKE COMMUNITY LIFE CENTER  
6211 EAST GRAND AVE  
DALLAS, TEXAS 75223

VALLEY RANCH LIBRARY  
401 CIMARRON TRAIL  
IRVING, TEXAS 75063

WILMER COMMUNITY CENTER  
101 DAVIDSON PLAZA  
WILMER, TEXAS 75172

EARLY VOTING TEMPORARY BRANCH VOTING PLACES:

HIGHLAND PARK ISD ADMIN BLDG  
7015 WESTCHESTER DRIVE  
HIGHLAND PARK, TEXAS 75205

April 29 – (Monday – Friday) May 3, 2013      8:00 AM – 4:30 PM  
May 6 – (Monday – Tuesday) May 7, 2013      7:00 AM – 7:00 PM

- 13.3 All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 8th Floor, Health and Human Service Building, 2377 N. Stemmons Frwy, Dallas, Texas 75207 for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.
- 13.4 All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Subchapter A of Chapter 87 of the Texas Election Code. Each participating political subdivision will appoint one member to the board/committee and will notify DCED of the person's name, telephone number and address no later than March 29, 2013. The participating political subdivisions agree to appoint SeGwen Tyler as presiding judge of the early voting ballot board.
- 13.5 A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating political subdivision.

**14. ELECTION REPORTS**

- 14.1 DCED will be responsible for ensuring the delivery of the reports titled Early Voting Daily Vote Totals and Daily Early Voter Listing (Alphabetical by precinct) to each participating political subdivision each day of Early Voting for the previous day's voting activity. On the day after the conclusion of Early Voting, a Daily Early Voter Listing by precinct report inclusive of all days of Early Voting is to be delivered to each participating political subdivision. When possible, the Early Voters' reports will be delivered by electronic means via e-mail, facsimile, or website.

**15. RUNOFF ELECTION**

15.1 In the event a runoff is necessary, the date would be June 15, 2013 and the agreement will automatically be extended to cover the runoff, unless a participating political subdivision states in writing before Monday, May 13, 2013 that it does not wish to participate in a joint runoff. DCED will provide each participating political subdivision in the Joint Runoff Election with an estimate of funds to be deposited in a special joint runoff election account. The funds must be deposited no later than five (5) days after the runoff estimate figures are received from DCED.

**16. CONTRACT WITHDRAWAL**

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

**17. NOTICE**

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

Address for notice to DCED:

Toni Pippins-Poole  
Dallas County Elections Administrator  
Elections Department – Eighth Floor  
Health and Human Service Building – 2377 N. Stemmons Frwy  
Dallas, Texas 75207  
(214)819-6300

Addresses for notice to the participating political subdivisions:

**Chris Terry, (TOA)**

Town Secretary  
5300 Beltline Road  
Addison, Texas 75240  
(972) 450-7017

**Brett Haney, (COCKH)**

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

**Angie Wade, (CODu)**

City Secretary  
203 E. Wheatland Road  
Duncanville, Texas 75116  
(972) 780-5017

**Cindy Gross, (COBS)**

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

**Brylon D. Franklin (COD)**

Elections Manager  
1500 Marilla St., CH 5DS  
Dallas, Texas 75201  
(214) 670-5657

**Angela Kelly, (COFB)**

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

**Lyn Hill, (COCdH)**

City Secretary  
285 Uptown Blvd. Bldg. 100 4th Fl  
Cedar Hill, Texas 75104  
(972) 291-5100 ext. 1018

**Kisha Morris, (CODe)**

City Secretary  
211 E. Pleasant Run Rd, Ste A  
DeSoto, Texas 75115  
(972) 230-9664

**Lisa Palomba, (COG)**

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

**Othel Murphree, (COGH)**  
City Secretary  
1938 S. Hampton Road  
Glenn Heights, Texas 75154  
(972) 223-1690

**Shanae Jennings, (COI)**  
City Secretary  
825 W. Irving Blvd  
Irving, Texas 75060  
(972) 721-2605

**Aimee Nemer (COR)**  
City Secretary  
411 W. Arapaho Rd., Room 202  
Richardson, Texas 75080  
(972) 744-4290

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

**Pete Eckert (NWDCFC)**  
Board Attorney  
3906 Broadway Blvd #205  
Garland, Texas 75043  
(972) 271-3201

**Kim Lewis, (CHISD)**  
Chief Operating Officer  
285 Uptown Blvd. Bldg. 300  
Cedar Hill, Texas 75104  
(972) 291-1581 ext. 4023

**Connie Jones (DeISD)**  
Operations Specialist  
200 E. Beltline Road  
DeSoto, Texas 75115  
(972) 223-3873

**Mike Wallace, (GPISD)**  
Director of Purchasing  
2602 S. Beltline Rd  
Grand Prairie, Texas 75052  
(972) 237-5592

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

**Dolle Downe, (COL)**  
City Secretary  
211 N. Henry St.  
Lancaster, Texas 75134  
(972) 218-1311

**Laura Hallmark (CORw)**  
City Secretary  
4000 Main St.  
Rowlett, TX 75088  
(972) 412-6109

**Shelia Martin, (COW)**  
City Secretary  
128 N. Dallas Ave  
Wilmer, Texas 75172  
(972) 441-6373

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

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

**Ronald Kuehler, (DuISD)**  
Chief Financial Officer  
802 S. Main  
Duncanville, Texas 75137  
(972) 708-2029

**Tim Turner, (HPISD)**  
Assistant Superintendent  
For Business Services  
7015 Westchester Drive  
Dallas, Texas 75205  
(214) 780-3016

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

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

**Terry Smith, (COSa)**  
City Secretary  
3815 Sachse Rd., Building B  
Sachse, Texas 75048  
(972) 495-1212 ext. 23

**Leslie Malone, (TOS)**  
City Secretary  
127 Collins Road  
Sunnyvale, Texas 75182  
(972) 226-7177

**Mark Hyatt, (CFBISD)**  
Asst. Supt. for Admin & Support Svc.  
1445 N. Perry Rd  
Carrollton, Texas 75006  
(972) 968-6104

**Deno Harris, (DISD)**  
Director of Board Services  
3700 Ross Ave., Box 1  
Dallas, Texas 75204  
(972) 925-3720

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

**Ralph Diaz, (IISD)**  
Special Assistant to Superintendent  
ATTN: Nora Gonzalez  
2621 West Airport Frwy  
Irving, Texas 75062-6020  
(972) 600-5005

**Fran Allen, (LISD)**  
Asst. to Superintendent  
422 S. Centre Ave  
Lancaster, Texas 75146  
(972) 218-1400

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

**Judy Whitenton, (RISD)**  
Exec Asst. to Assistant  
Superintendent of Finance  
400 S. Greenville Ave.  
Richardson, Texas 75080  
(469) 593-0331

**Doug Williams, (SuISD)**  
Superintendent of Schools  
417 E. Tripp Rd  
Sunnyvale, Texas 75182  
(972) 226-5974

**18. LIABILITY FOR NEGLIGENCE**

All parties agree to be responsible, in accordance with applicable state or federal law, each for their own negligent acts or omissions, or other tortious conduct in the course of performance of this Contract without waiving any sovereign immunity, governmental immunity, statutory immunity, or other defenses available to the parties under federal or State law. **NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, IN OR TO ANY THIRD PERSONS OR ENTITIES.** All parties agree that any such liability or damages occurring during the performance of this Contract caused by the joint or comparative negligence of the parties, or their employees, agents or officers shall be determined in accordance with comparative responsibility laws of Texas, but only to the extent such laws are applicable to the party.

**19. VENUE**

Venue for any cause of action, injunction, or petition for extraordinary relief arising out of the performance of this contract shall lie exclusively in Dallas County, Texas.

**20. SEVERABILITY**

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

**21. ENTIRE CONTRACT**

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

**22. ORDER OF PRECEDENCE**

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

23. **SIGNATORY WARRANTY**

The Elections Administrator of Dallas County, Texas and all of the contracting authorities of all of the participating political subdivisions listed in Section 1 of this joint election contract and election services agreement represent that each has the full right, power and authority to enter and perform this Contract in accordance with all of the terms and conditions, and that the execution and delivery of this Contract has been made by authorized representatives of the parties to validly and legally bind the parties to all terms, performances and provisions set forth in this Contract.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

24. COUNTERPARTS.

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

Main body of election contract,  
excluding attachments,  
Approved as to Form\*

DALLAS COUNTY  
Craig Watkins  
District Attorney

Teresa Guerra Snelson  
Chief, Civil Division

---

TONI PIPPINS-POOLE  
COUNTY ELECTIONS ADMINISTRATOR  
DALLAS COUNTY, TEXAS

---

BEN STOOL  
ASSISTANT DISTRICT ATTORNEY  
CIVIL DIVISION  
DALLAS COUNTY, TEXAS

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

ACCEPTED AND AGREED TO BY THE TOWN OF ADDISON:

APPROVED AS TO FORM:

ATTEST:

---

RON WHITEHEAD,  
CITY MANAGER

---

CHRIS TERRY,  
CITY SECRETARY / ASST. CITY MANAGER

## Council Agenda Item: #R3

### **AGENDA CAPTION:**

**PUBLIC HEARING** Case 1662-SUP/Presence Church Addison, Inc.  
Public hearing, discussion, and consideration of approval of an ordinance changing the zoning on property located at 15350 Addison Road, which is currently zoned Planned Development (PD 084-103) by approving for that property a Special Use Permit for an institution of a religious, educational or philanthropic nature in any district, on application from Presence Church Addison, Inc., represented by Mr. Steven Kirlin.

### **COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on January 24, 2013, voted to approve the request for approval of an ordinance approving a Special Use Permit for an institution of a religious, educational or philanthropic nature in any district, located at 15350 Addison Road, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler

Voting Nay: none

Absent: Oliver

### **FINANCIAL IMPACT:**

NA

### **BACKGROUND:**

NA

### **RECOMMENDATION:**

Administration recommends approval.

### **COUNCIL GOALS:**

N/A

### **ATTACHMENTS:**

Description:

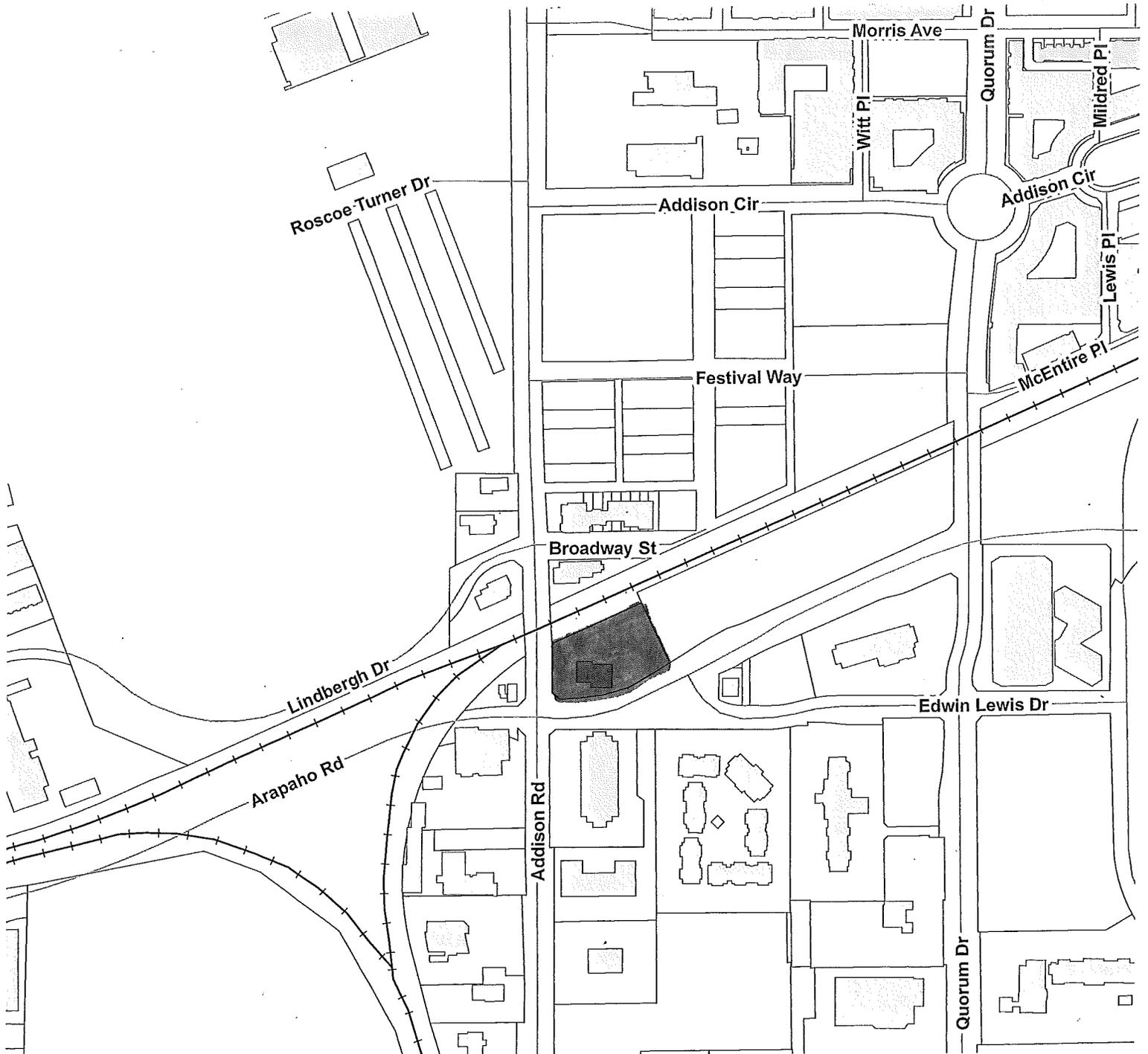
[doctet map, staff report, and commission findings](#)

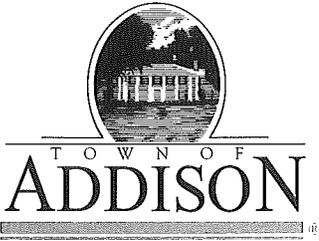
Type:

Backup Material

# 1662-SUP

**PUBLIC HEARING** Case 1662-SUP/Presence Church Addison, Inc. Public hearing, discussion, and consideration of approval of an ordinance changing the zoning on property located at 15350 Addison Road, which property is currently zoned Planned Development (PD 084-103) by approving for that property a Special Use Permit for an institution of a religious, educational or philanthropic nature in any district, on application from Presence Church Addison, Inc., represented by Mr. Steven Kirlin.





January 17, 2013

STAFF REPORT

RE: Case 1662-SUP/Presence Church  
Addison, Inc.

LOCATION: 15350 Addison Road

REQUEST: Approval of a Special use Permit for an  
institution of a religious, educational or  
philanthropic nature in any district

APPLICANT: Presence Church Addison, represented  
by Mr. Steven Kirlin

DISCUSSION:

Background. The lease space located at 15350 Addison Road is zoned Planned Development through Ordinance 084-103. The lease space was formerly occupied by a Perry's C-Store convenience store. Presence Church is a local congregation that is seeking to establish a location in Addison. The Addison Zoning Ordinance requires a Special Use Permit for an institution of a religious, educational, or philanthropic nature in any district.

Proposed Plan. The floor plan indicates the facility will contain 2,300 square feet. The space indicates two restrooms, an office, and a storage space. The bulk of the space will be taken up with the meeting space. The church intends to serve coffee and snacks during services, and may be open during the week as an informal "coffee house" for members and guests of the congregation.

Façade. The applicant is not making any changes to the façade of the space.

Parking. There is not a specific parking ratio for a religious institution. However, there is a requirement for one car per three seats in the main sanctuary. The plans indicate there will be 67 seats in the main sanctuary, which will require 22 parking spaces. The site provides sufficient parking for this use.

Landscaping. The landscaping on the site meets the requirements of the ordinance, and is generally well-maintained.

Food Service Code. The staff has talked at length with the applicant about the coffee service and pastries that will be provided. The staff has been assured that it is not the church's intent to operate a coffee house or restaurant in this space. Therefore, a Special Use Permit is not required. However, the use may require a food service license.

Signs. The applicant did not indicate any signs on the space. The applicant should be aware that all signs must be permitted under the requirements of the Addison sign ordinance and cannot be approved through this process.

**RECOMMENDATION:**

Staff recommends approval of the Special Use Permit for a religious institution in a Planned Development district, subject to no conditions.

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 loops around the "RAN".

Carmen Moran  
Director of Development Services

Case 1662-SUP/Presence Church Addison, Inc.  
January 25, 2013

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on January 24, 2013, voted to approve the request for approval of an ordinance approving a Special Use Permit for an institution of a religious, educational or philanthropic nature in any district, located at 15350 Addison Road, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler

Voting Nay: none

Absent: Oliver

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

### **AGENDA CAPTION:**

**PUBLIC HEARING** Case 1663-SUP/LaZaranda Mexican Restaurant. Public hearing, discussion, and consideration of approval of an ordinance amending the Special Use Permit Ordinance for La Zaranda Mexican Restaurant, located at 5000 Belt Line Road, Suite 850, that being Ordinance 011-006, Section 2, Paragraph 9, in order to delete a Special Condition prohibiting the use of any terms (such as “bar”, “tavern”, etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs, on application from La Zaranda Mexican Restaurant, represented by Mr. Mario Letayf.

### **COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on January 24, 2013, voted to approve the request to amend Ordinance 011-006, Section 2, Paragraph 9, in order to delete a Special Condition prohibiting the use of any terms (such as “bar”, “tavern”, etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler

Voting Nay: none

Absent: Oliver

### **FINANCIAL IMPACT:**

NA

### **BACKGROUND:**

NA

### **RECOMMENDATION:**

Administration recommends approval.

### **COUNCIL GOALS:**

N/A

## ATTACHMENTS:

Description:

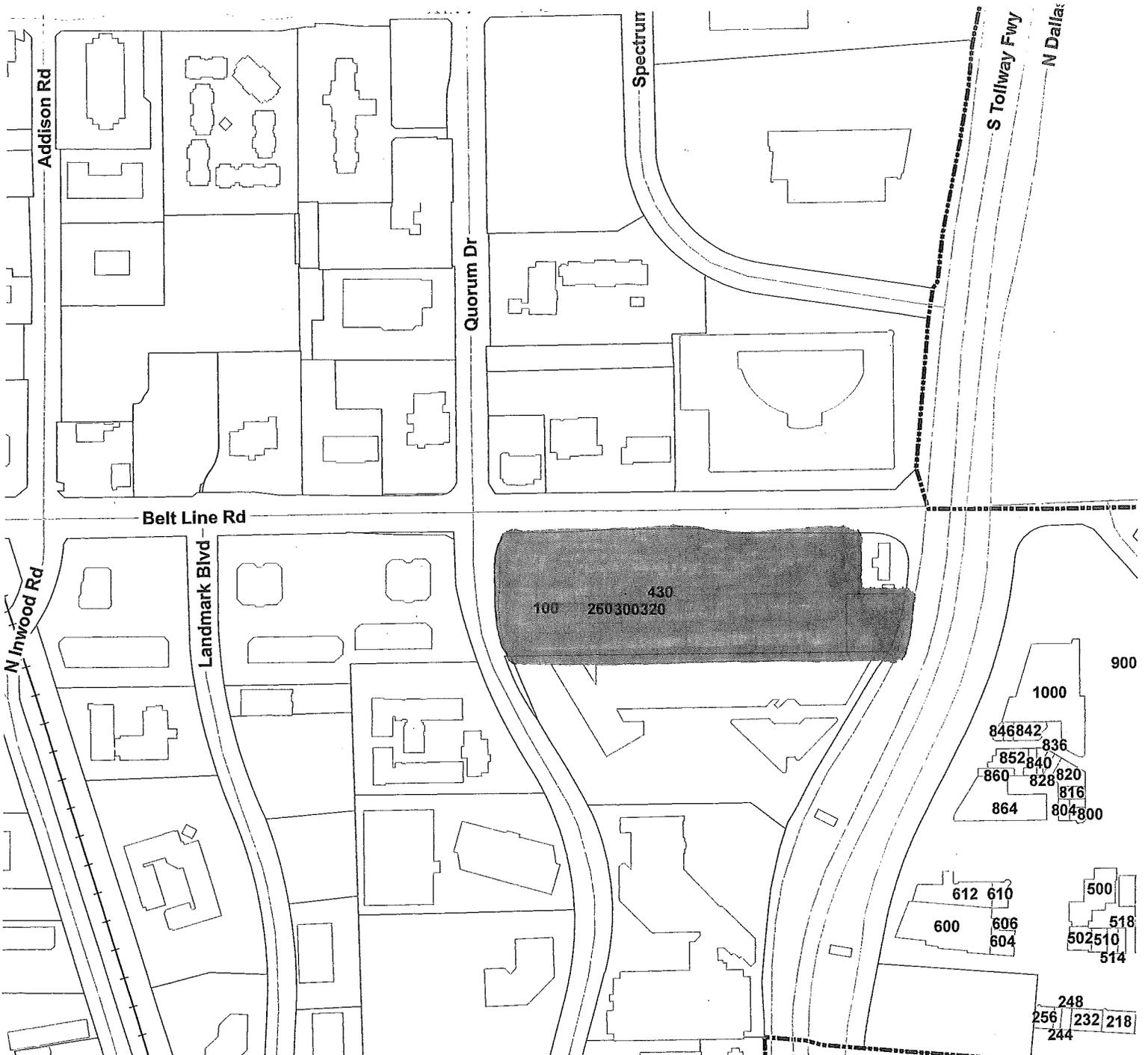
 [docket map, staff report, and commission findings](#)

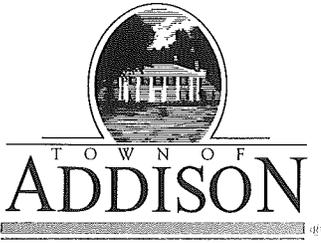
Type:

Backup Material

# 1663-SUP

**PUBLIC HEARING** Case 1663-SUP/LaZaranda Mexican Restaurant. Public hearing, discussion, and consideration of approval of an ordinance amending the Special Use Permit Ordinance for La Zaranda Mexican Restaurant, located at 5000 Belt Line Road, Suite 850, that being Ordinance 011-006, Section 2, Paragraph 9, in order to delete a Special Condition prohibiting the use of any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs, on application from La Zaranda Mexican Restaurant, represented by Mr. Mario Letayf..





January 17, 2013

STAFF REPORT

RE: Case 1663-SUP/La Zaranda Mexican Restaurant

LOCATION: 5000 Belt Line Road, Suite 850

REQUEST: Approval of an amendment to the existing Special Use Permit Ordinance for La Zaranda Mexican Restaurant, Ordinance 011-006, in order to delete Paragraph 9 of Section 2, a Special Condition prohibiting the use of any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.

APPLICANT: La Zaranda Mexican Restaurant, represented by Mr. Mario Letayf

DISCUSSION:

Background. La Zaranda Mexican Restaurant was approved through Special Use Permit ordinance 011-006 (attached), approved by the Addison City Council on January 11, 2011. Section 2 of that ordinance contained the Special Conditions, which are attached to all Special Use Permits for restaurants that include the sale of alcoholic beverages for on-premises consumption. Paragraph 9 of Section 2 contains the Town's standard condition relating to the use of alcoholic beverage terms in exterior signs. The clause reads as follows:

The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.

Mr. Mario Letayf is the owner of La Zaranda Mexican Restaurant, and at this point he would like to re-brand his restaurant to distinguish it as an authentic Mexican restaurant as opposed to a "Tex-Mex" restaurant. He would like to include the term "modern kitchen & tequila" in his exterior sign. His sign contractor submitted a proposed sign to Building Inspection, but it was rejected because it contained the term "tequila." The

staff visited with Mr. Letayf about the condition prohibiting the use of the term, and he would like to have that clause removed from his Special Use Permit. He has submitted a drawing of the proposed sign and an explanation as to how the use of the term tequila will help him market his restaurant.

The P&Z and Council have, on other occasions, allowed alcoholic beverage terms in exterior signs. Brew-pub restaurants have been allowed to have the term "brewery" on their exterior signs, and On the Border was allowed to keep the term "cantina" on its exterior sign when it moved from Midway and Belt Line to its current location at 4855 Belt Line Road. Cantina Laredo also has the term "cantina" in its exterior sign, but it predates the policy against allowing alcoholic beverage terms in exterior signs.

On April 28<sup>th</sup> of 2011, the staff revisited the policy prohibiting alcoholic beverage terms in exterior signs with the Planning and Zoning Commission in light of the fact that the Town held an election that removed the Inwood Road restriction on the sale of beer and wine for off-premises consumption. Package beer and wine sales are now allowed on Belt Line Road, and signs advertising beer and wine sales are common in the convenience stores on Belt Line, and in other locations, that sell beer and wine for off-premises consumption. The staff and Commission discussed the logic of having beer and wine signs in convenience stores, yet still prohibiting restaurants from having alcoholic beverage terms in their signs. The Commission directed the staff to continue with the current policy of prohibiting the use of alcoholic beverage terms in exterior signs for restaurants.

**RECOMMENDATION:**

Staff recommends denial of the applicant's request to amend Special Use Permit Ordinance 011-006, Section 2, Paragraph 9 in order to delete a Special Condition prohibiting the use of any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.

Respectfully submitted,

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

Carmen Moran  
Director of Development Services

Case 1663-SUP/LaZaranda Mexican Restaurant  
January 25, 2013

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on January 24, 2013, voted to approve the request to amend Ordinance 011-006, Section 2, Paragraph 9, in order to delete a Special Condition prohibiting the use of any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs, subject to no conditions.

Voting Aye: Doherty, Groce, Hewitt, Hughes, Stockard, Wheeler

Voting Nay: none

Absent: Oliver

**TOWN OF ADDISON, TEXAS  
ORDINANCE NO. 011-006**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, SO AS TO APPROVE A SPECIAL USE PERMIT FOR A RESTAURANT AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM LA ZARANDA MEXICAN RESTAURANT, LOCATED AT 5000 BELT LINE ROAD, SUITE 850,, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A NO SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.**

**WHEREAS**, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

**WHEREAS**, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

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

**SECTION 1.** The Comprehensive Zoning Ordinance of the Town of Addison, Texas, as heretofore amended, be amended, by amending the zoning map of the Town of Addison, Texas, so as to grant a special use permit for a restaurant and a special use permit for the sale of alcoholic beverages for on-premises consumption only, on application from LaZaranda Mexican Restaurant. Said special use permit shall be granted subject to the special conditions on the following described property, to-wit:

Being a 5,909 square foot lease space, addressed as 5000 Belt Line Road, Suite 850, and being a part of Site 4 Block 1, an 8.000 acre tract of land situated in the Josiah Pancoast Survey, Abstract No. 1146, and the G. W. Fisher Survey Abstract No. 482, included in a 70 acre tract conveyed to Fannie Noell by deed filed October 14, 1926, in volume 1358, page 20, and all of the land conveyed to Carroll N. Rather by Fannie Noell Rather in two deeds recorded in volume 70244, page 1539, and volume 70244, page 1533 together with the Gifford Touchstone tract recorded in volume 759, page 1992, all recorded in the deed records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the South right-of-way line of Belt Line Road (100 foot R.O.W.), said point being N 89° 46' 47" E, a distance of 400.00 feet from the Northwest corner of said 70 acre tract.

THENCE N 89° 46' 47" E along the South line of said Belt Line Road for a distance of 755.10 feet to a point for corner;

THENCE S 89° 24' 30" E, continuing with said South line of Belt Line Road for a distance of 203.19 feet to a point for corner;

THENCE S 00° 10' 14" E for a distance of 175.00 feet to a point for corner;

THENCE S 89° 58' 48" E for a distance of 208.35 feet to a point in the West right-of-way line of Dallas Parkway (120 foot R.O.W.) said point being in a curve to the right whose center bears N 83° 01' 59" W, said curve having a radius of 894.93 feet a tangent of 78.33 feet, and an internal angle of 10° 00' 14";

THENCE Southwesterly along said curve to the right and along said West line of Dallas Parkway for an arc distance of 156.26 feet to a point for corner;

THENCE S 89° 46' 47" W for a distance of 1117.79 feet to a point in a curve to the right whose center bears N. 72° 06' 50" E, said curve having a radius of 590.88, a tangent of 123.39 feet, and an internal angle of 23° 35' 26";

THENCE along said curve to the right for an arc distance of 243.48 feet to the point of tangency thereof;

THENCE N 05° 42' 16" E for a distance of 91.47 feet to the POINT OF BEGINNING, Containing 348,476.28 square feet of 8.000 acres of land.

SECTION 2. That the Special Use Permit is granted subject to the following conditions:

1. That prior to the issuance of a Certificate of Occupancy, said property shall be improved in accordance with the floor plan and elevation drawings, which are attached hereto and made a part hereof for all purposes.
2. That the Special Use Permit granted herein shall be limited to a restaurant only and to that particular area designated on the final site plan as outlined and encompassing a total area not to exceed 5,909 square feet.
3. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Liquor Control Act of the State of Texas, and any sign ordinance of the Town of Addison Texas.
4. That the sale of alcoholic beverages under this special use permit shall be permitted in restaurants. Restaurants are hereby defined as establishments that receive at least sixty percent (60%) or their gross revenues from the sale of food.
5. Said establishment shall make available to the city or its agents, during reasonable hours its bookkeeping records for inspection, if required, by the city to insure that the conditions of Paragraph 4 are being met.
6. Any use of property considered as a nonconforming use under the Comprehensive Zoning Ordinance of the Town of Addison shall not be permitted to receive a license or permit for the sale of alcoholic beverages.
7. That if the property for which the special use permit is granted is not used for the purposes for which said permit was granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purposed of considering a change of zoning.
8. That if a license or permit to sell alcoholic beverages on property covered by this special use permit is revoked, terminated, or canceled by proper authorities, the City Council may authorize hearings to be held for the purpose for considering a change of zoning.
9. The applicant/operator shall not use any terms (such as "bar", "tavern", etc.) or graphic depictions which relate to alcoholic beverages in any exterior signs.

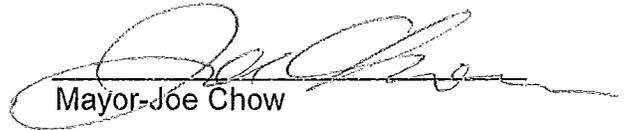
SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the

Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

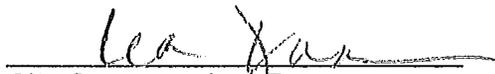
SECTION 4. It is the intention of the City Council that this ordinance be considered in its entirety, as one ordinance, and should any portion of this ordinance be held to be void or unconstitutional, then said ordinance shall be void in its entirety, and the City Council would not have adopted said ordinance if any part or portion of said ordinance should be held to be unconstitutional or void.

SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect. That this ordinance shall specifically repeal Ordinance

**DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS**, on this the 11th day of January, 2011.

  
Mayor-Joe Chow

ATTEST:

  
City Secretary-Lea Dunn

CASE NO. 1616-SUP/La Zaranda Mexican Restaurant

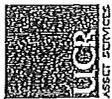
APPROVED AS TO FORM:

  
Director of Development Services  
Carmen Moran

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 011-006

PUBLISHED ON: 4-6

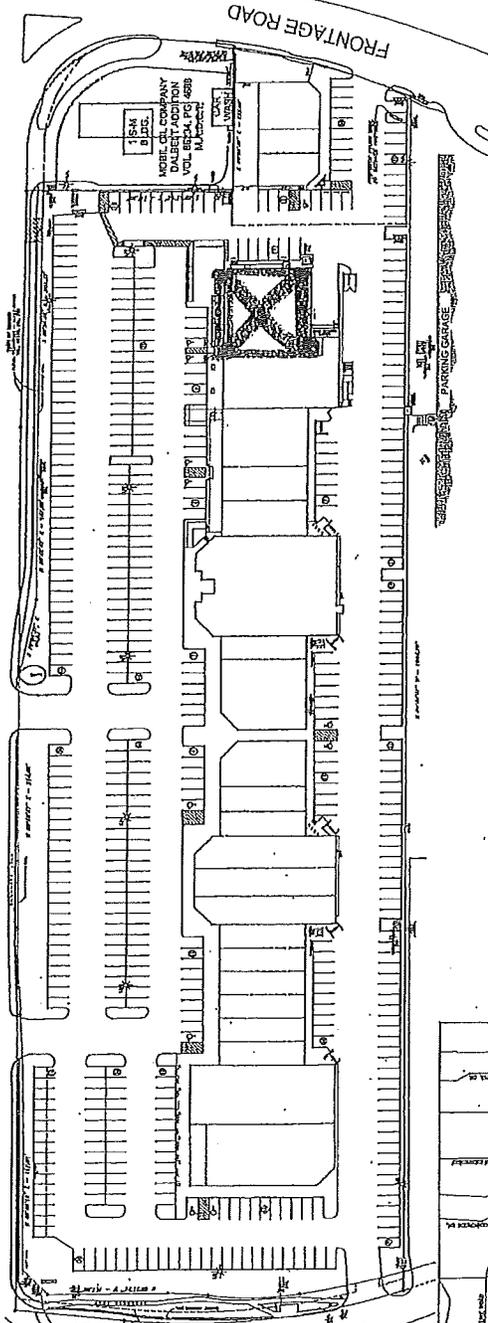


MARCEY LANE  
(100' R.O.W.)

QUORUM DRIVE  
(VARIABLE WIDTH R.O.W.)

BELT LINE ROAD

DALLAS PARKWAY  
(120' R.O.W.)



# Addison Walk

5000 Beltline Road Addison, Texas 75240

UCR ASSET SERVICES  
7001 BRISTOL ROAD, SUITE 215  
DALLAS, TEXAS 75206  
469.232.3400 FAX 469.232.3455  
10/9/70



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 san pedro garza garcía  
 N.L. México C.P. 66220  
 tel/cax. [52] [81] 88.38.82.75

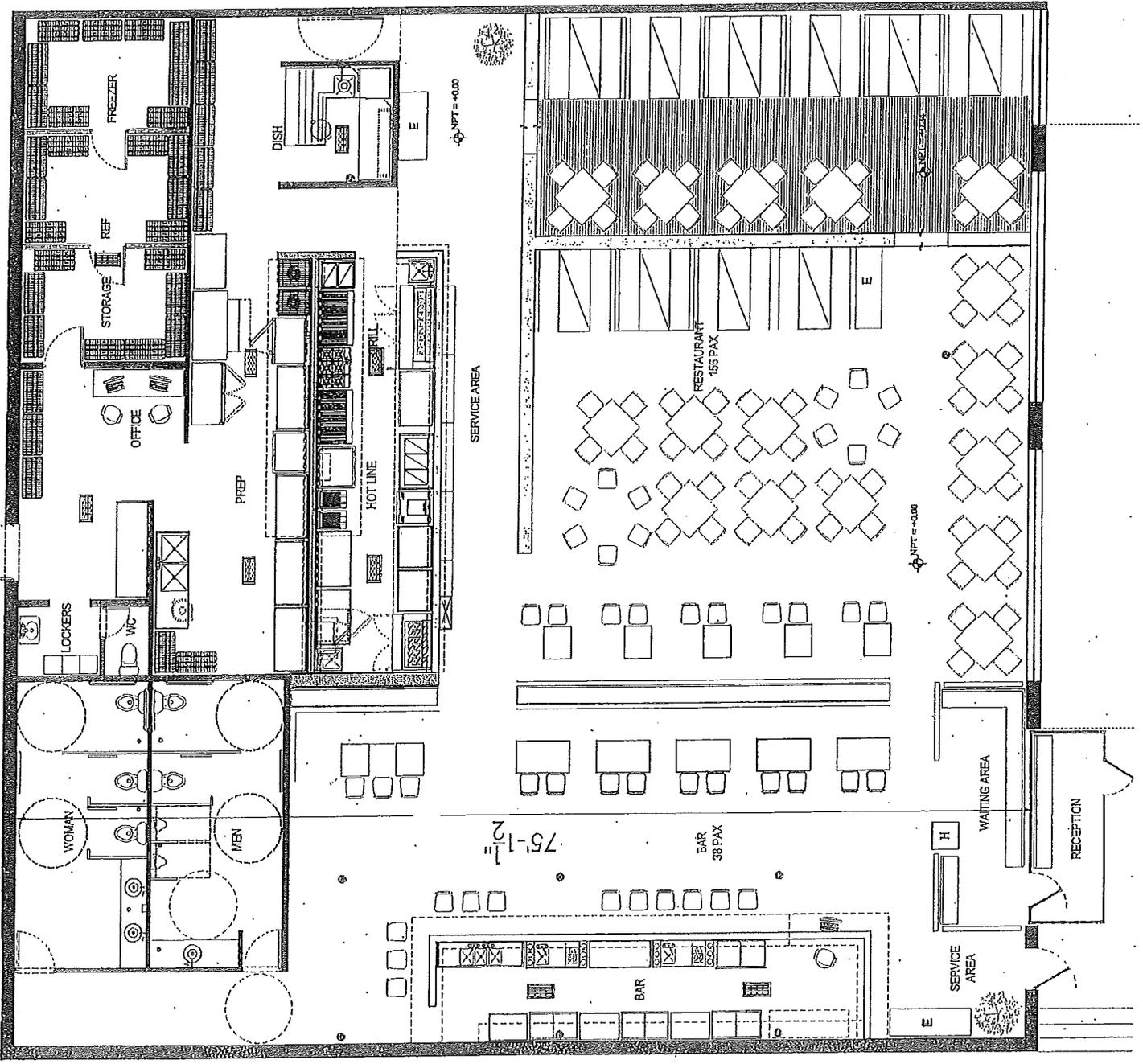
arq. ramiro villanueva canales

PROYECTO DATOS PLANO SIMBOLOGIA DISEÑO NORTE

escala: 1:125  
 acotaciones en metros

ar-01 / 01  
 planta arquitectónica  
 arquitectónicos  
 02 / 12 / 10  
 actualización

zarandaz



## Council Agenda Item: #R5

**AGENDA CAPTION:**

Presentation, discussion, and consideration of approval of a Resolution approving revised Chapter 380 Economic Development Program Policies and Procedures.

**FINANCIAL IMPACT:**

N/A

**BACKGROUND:**

On August 9, 2011, Town Council approved resolution number R11-011 establishing a formal policies and procedures for Chapter 380 corporate incentives to assist with the economic development endeavors of the Town of Addison. The policies focused on corporate recruitment, business retention & expansion, and on redevelopment. Since its approval, suggestions have been made to include provisions to the policy that would address lease terms as a criteria for consideration of corporate clients being considered for corporate incentives. The attached revisions address this. In addition to this, clarity has been provided addressing the Town's support for entrepreneurial programs which the Town, at their discretion may want to support under our Chapter 380 Policies and Procedures. The revisions to be considered provide a list of criteria by which the Economic Development Department will evaluate projects for such support in anticipation of recommendations to the Town Council

**RECOMMENDATION:**

Staff recommends approval.

**COUNCIL GOALS:**

Attract new businesses to Addison

**ATTACHMENTS:**

Description:

 [ED Chapter 380 Policy Revisions](#)

Type:

Cover Memo

# MEMO

To: Addison Town Council  
City Manager

From: Orlando Campos, Director of Economic Development

Date: February 7, 2013

RE: Chapter 380 Policies & Procedures Revisions

The Economic Development Department is requesting consideration and action on the adoption of proposed revisions to the Chapter 380 Economic Development Program Policies and Procedures. The proposed revisions are highlighted in red in the attached Exhibit A document. It is important to note, that the revisions are only additions to the previously adopted policies. These policies were adopted by Town Council in the fall of 2011. No deletions are being recommended to the previously approved policies. Supportive documents are found in the attached.

Proposed revisions address lease terms in the evaluation criteria for relocation, retention, or expansion of businesses being considered for incentives. A recommendation is being proposed to include criteria that projects must make a minimum lease commitment for five years. The recommendation was integrated into the policies following a suggestion from a Council Member. This addition to the policies runs in line with Town Council's strategy to raise property values in the community.

Further revisions also provide criteria that will be utilized to evaluate potential entrepreneurial projects the Town may want to pursue. The proposed wording indicates that entrepreneurial projects must submit a business plan for evaluation that will define the company and provide specifics on potential growth. In addition to this, such projects must also provide information on other sources of business start-up funding to demonstrate that any support from the Town will not be the sole source of funding.

Finally, the proposed policy updates also addresses start-ups that emanate from an institution of higher education or program from which the Town may have a formal agreement to provide support for such businesses. Such evaluation criteria for these businesses will be covered in the formal agreement with the school and therefore separate from the evaluation criteria for all other entrepreneurial projects. Policies in support of entrepreneurial projects not only run in line with Town Council's strategy to attract new businesses to the community and to develop the next great idea, but are also tangent with the Town's values to be innovative and promote creativity.

To sustain revisions to the policies regarding entrepreneurial projects, it was also necessary to provide updated recommendations on incentive calculations. Typical incentive programs in the current policies are in the form of cash grants executed by a formal agreement with each project. In lieu of cash grants, the Town may want to consider providing free office space in a Town owned/leased property for entrepreneurial projects. If so, such arrangements may force business start-ups to encumber potential expenses such as building insurance to satisfy the Town's own insurance provider. To eliminate such cost barriers and remedy the situation, the Town may consider reimbursing businesses for such expenses.

The last recommended update basically states that a formal agreement with an entrepreneurial project may not be needed if such a project emanates from a formal agreement the Town may already have with an established entrepreneurial program from an institution of higher education. Such arrangements will be addressed in the formal agreement with the school.

These recommended changes to the Town's Chapter 380 Program and Policies will not change the approval process. Our incentive program is not an entitlement. All projects will be evaluated on a case by case basis, and all projects being considered for incentives will be presented to council for review, consideration, and action. Based on Council's recommendations following formal presentation, Town staff will work with the City Attorney and City Manager to draft and finally execute the formal agreement if direction is provided by Town Council to proceed.

Town Staff recommends approval of these policy revisions pending any further recommendation by Town Council.

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING AMENDED 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”) previously adopted program policies and procedures regarding the promotion of economic development and the stimulation of business and commercial activity within the City as described in Chapter 380 of the Texas Local Government Code, and the City Council desires to modify those program policies and procedures as set forth herein.

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

Section 1. Chapter 380 Program Policies. The Chapter 380 Economic Development Program Policies and Procedures, previously adopted by the City Council of the Town of Addison, Texas pursuant to Resolution No. \_\_\_\_\_ of the City, are modified and shall hereafter read as set forth in Exhibit A attached hereto and incorporated herein (the “Chapter 380 Policies”).

The Chapter 380 Policies are subject to applicable provisions of the Texas Constitution, State law, and the City Charter. The 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.

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.

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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Todd Meier, Mayor

ATTEST:

By: \_\_\_\_\_  
Chris Terry, 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 lease terms of a project must be for a minimum of five years.**
- 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, **terms of the lease** 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 or additional space is acquired elsewhere in the community in addition to the existing space, unless (i) in instances where the business leases its existing location, the landlord cannot accommodate the planned space expansion with space that is reasonably adjacent to the existing location, or (ii) in instances where the business owns fee simple title to its existing location, the expansion cannot be reasonably accommodated within the existing location. If a relocation is necessary as a result, the business must lease or otherwise acquire space that is larger and of the same or of higher quality than its existing space.

6. To further the long-term economic growth of the community, the Town may waive items listed in the minimum criteria list above (paragraphs 1 through 5 of this Section A) and elsewhere in these Policies for firms included in the targeted sector of “small, fast-growing start-up firms (entrepreneurship across all sectors) in their business infancy stage” (“business start-ups”). Such firms will be evaluated on the following criteria to determine levels of support:

- Credible evidence in the form of a business plan must be provided to address the potential for growth. Emphasis will be placed on whether the business start-up falls within one of the Town’s targeted economic sectors.
- A business start-up must demonstrate specific sources of angel or seed funding from credible sources to initiate start-up costs.

Additionally, the Town may waive items listed in the foregoing provisions of this paragraph 6 and the minimum criteria list above (paragraphs 1 through 5 of this Section A) and elsewhere in these Policies, for business start-ups emanating from an entrepreneurship program conducted by an accredited institution of higher education (“program business start-ups”) with which the Town has an agreement regarding support of such program business start-ups that have undergone (as determined by the Town) a credible and favorable business vetting process and who have received seed funding.

#### 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.
- Office/Staff Support: assistance provided to entrepreneurship projects (program business start-ups) only.
- Business Expense Reimbursements: assistance provided to entrepreneurship projects (program business start-ups) only to help pay business expenses (e.g., building insurance) incurred in occupying office space provided by the Town.

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.

An agreement for program business start-ups emanating from an institution of higher education may not be required as long as the Town of Addison has an executed Memorandum of Understanding with the institution regarding business start-ups.

**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 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.



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# Proposed Revisions to Chapter 380 Policies and Procedures (Exhibit A)

Economic Development Department  
February 12, 2013

# Two Issues Addressed in Revisions

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- **One:** Establishes five-year minimum lease term evaluation criteria for business relocation, retention, and expansion projects (Page 2 of Exhibit A).
- **Two:** Defines criteria for supporting “small, fast-growing start-ups” (entrepreneurial firms) (Page 3 of Exhibit A).
  - Business plan submission for evaluation.
  - Specific sources of angel or seed funding from credible sources.
  - Business start-ups from an institution of higher education which the town has an agreement regarding support for such programs.

# Incentive Calculations Additions

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Revisions to this item in the Policies & Procedures address type of support that will be provided specifically to entrepreneurship projects (Page 5 of Exhibit A).

- **Office/Staff Support.**
- **Business Expense Reimbursements.**

*A formal agreement will not be required from a business start-up emanating from an institution of higher education as long as the Town has an executed a formal agreement with the institution regarding business start-ups.*

# Impact of Proposed Revisions

*Addison!*

- Strategy to increase property values by setting minimum tenant lease term for our office and commercial buildings.
- Strategy to attract new businesses to the community.
- Town Values: To be innovative and creative.
- Provides innovative mechanism for Town to support entrepreneurialism which is part of community's business culture.
- Allows Town to collaborate with colleges and universities on innovative, established entrepreneurial programs.
- Revisions do not establish a formal business incubator open to the public.

# Provisions do NOT change approval process

*Addison!*

- All projects are evaluated on a case by case basis and negotiated by Town staff first.
- All formal requests will be brought to council for review, discussion, and approval.
- Company will be informed of council's recommendation.
- Formal agreement drafted by Town attorney incorporating Council and City Manager's recommendations.
- Final step: Agreement Execution pending final review by City Attorney and City Manager.

# Pending State Legislation

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*In the current legislative session, two bills have been presented in response to series of articles written by New York Times. The primary focus is on local tax abatements, which Addison does not provide. Despite this, the bills will be followed.*

- SB 106: Requires Sunset Advisory Commission to conduct study and make recommendations regarding certain tax preferences related to Ad Valorem Tax Incentives. Report due January 1, 2015.
- SB 140: Establishes periodic review and expiration dates of state and local tax preferences.

# How do we compare

*Addison!*

- Since Town Council's adoption of our formal Chapter 380 Policies and Procedures, our weighted average incentive award has been \$544 per job created or retained.
- As a comparison: On a per capita basis for all projects, Texas' incentive investment is \$759 per job created compared to Addison's \$24.
- Our incentive program is not an entitlement.
- All projects are evaluated on a case by case basis.
- All negotiations have been focused on generating the greatest return on investment for the Town while demonstrating community's commitment to be business friendly and share business risk.

## **Council Agenda Item: #R7**

**AGENDA CAPTION:**

Discussion regarding the Town of Addison 60th Anniversary Committee.

**FINANCIAL IMPACT:**

n/a

**BACKGROUND:**

Item is intended as a discussion point for the 60th Anniversary Committee, including structure and format.

**RECOMMENDATION:**

**COUNCIL GOALS:**

Create raving fans of the Addison Experience, Maintain and enhance our unique culture of creativity and innovation, Brand Protection and Enhancement, Enhance sense of community for all stakeholders/Expand Volunteer Opportunities, Develop Next Great Idea

**ATTACHMENTS:**

Description:

Type:

No Attachments Available