REGULAR WORK SESSION & MEETING OF THE CITY COUNCIL

May 24, 2016

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

5:30 PM DINNER & EXECUTIVE SESSION

6:00 PM WORK SESSION

7:30 PM REGULAR MEETING

Executive Session

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1. Closed (executive) session of the Addison City Council pursuant to:

   Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, pertaining to

   - **Town of Addison v. Landmark Structures I, L.P. and Urban Green Energy Cause No. DC-15-0761 44th Judicial District Court, Dallas County, Texas**

   - **Attorney Client Privilege In Regards To Open Records Requests**

   - **Mayor's Newsletter**

2. **RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on any matter discussed in Executive Session.

WORK SESSION

3. Presentation And Discussion Of A **Public Art Policy.**

REGULAR MEETING

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

4. Public Comment.
The City Council invites citizens to address the City Council on any topic not on this agenda. Please fill out a **City Council Appearance Card** and submit it to a city staff member prior to Public Participation. Speakers are allowed **up to three (3) minutes per speaker** with **fifteen (15) total minutes** on items of interest or concern and not on items that are on the current agenda. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. The Council may choose to place the item on a future agenda.

5. Present A **Proclamation Declaring May 20, 2016 As *Put On Purple Day For Lupus Awareness Month.***

6. Present A **Proclamation Declaring May As *Motorcycle Safety And Awareness Month***.

Consent Agenda:

All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.

7. Consider **Approval Of The April 26, 2016 Regular Meeting Minutes**.

8. Consider A **Resolution Adopting A Public Art Policy.**

9. Consider A **Resolution Authorizing The City Manager To Enter Into A Professional Services Agreement With Garver, LLC, To Complete A Detailed Assessment and Evaluation of the Kellway Sanitary Sewer Lift Station And To Develop A Capital Improvement Program** For The Contract Amount of $81,488.

10. Consider Approval Of Bid #1603-001 From American Landscape Systems, Inc. For **Landscape Maintenance Of Addison Circle District And Addison Circle Park** In An Amount Not To Exceed $135,000.

11. Consider **Approval Of Change Order 6 To John Burns Construction, Inc. For The Belt Line Road Underground Utilities Project** In An Amount Not To Exceed $129,950.

12. Consider A **Resolution Authorizing The City Manager To Enter Into A Contract With Kleinfelder, Inc., For Design And Construction Observation Services For the Surveyor Ground Storage Tank Rehabilitation and Pipeline Improvements Project** In The Amount of $243,969.

13. Consider A **Resolution For A Proposal For The Naming Rights To The Main Space Of The Addison Theatre Centre**.

Regular Items

14. Hold A Public Hearing, Discuss, Consider, And Take Action Regarding The **Termination Of The Mayor's Weekly Newsletter**.

15. Discuss And Consider Action Needed For **Reimbursement Of Legal Expenses For The Mayor's Defense Of Complaints Filed With The Texas Ethics Commission That The Mayor's Newsletter Is "Political Advertising."**

16. Discuss And Consider A Resolution For **Installation Of The "Lost In Wisconsin" Public Art Piece At The Southeast Corner of Beltway and Proton Drives**.

17. Hold A Public Hearing, Discuss, Consider And Approve An **Ordinance Establishing Standards Of Care For Youth Recreation Programs Conducted By The Town For Elementary Age Children Ages 5 Through 13; Providing For Compliance With Section 42.041(b)(14) Of The Texas Human Resources Code.**

18. Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Approving A Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only, On Property Located At 5290 Belt Line Road, Suite 115 On Application From Gyu KaKu**.Case 1736-SUP/Gyu Kaku.

19. Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Amending Ordinance No. O07-034 As Amended By Ordinance No. O13-026 That Zones That Area Of The Town Known As Vitruvian Park And Containing Approximately 121 Acres Of Land Generally Located At The Southeast Corner Of Marsh Lane And Spring Valley Road In Order To Adopt A New Concept Plan, Add Additional Permitted Uses, And Revise Various Development Standards, On Application From UDR** . Case 1735-Z/UDR.

20. Hold A Public Hearing, Discussion And Consider Action On An **Ordinance Approving A Development Plan For The Construction Of 383 Multi-Family Units And An Amenity Center, Located on 5.091 Acres On The North East Corner Of Vitruvian Way And Marsh Lane, On Application From UDR**. Case 1734-Z/Vitruvian West Phase I.

21. Hold A Public Hearing, Discussion And Consider Action On An **Ordinance Approving A Development Plan For The Redevelopment Of Approximately 86,310 Square Feet Of Retail Space Within The Brookhaven Village Shopping Center Located On The South East Corner Of Spring Valley Road And Marsh Lane, On Application From UDR**. Case 1727-Z/Brookhaven Village Shopping Center.

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22. Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Approving A Development Plan For The Development The Addison Grove Project Including A Site Plan, Landscape Plan And Building Elevations And Floor Plans For 57 Townhomes In Accordance With The Planned Development District (PD), Established By Ordinance No. O16-003 On Property Located At 4150 Belt Line Road, On Application From Fenway Development, Inc**. Case 1729-Z/Addison Grove Block B

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23. Presentation And Discuss The **Belt Line Utility Relocation Update.**

Adjourn Meeting

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Posted:
Laura Bell, 5/20/2016, 9:00 pm

THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS WITH DISABILITIES. PLEASE CALL (972) 450-7017 AT LEAST 48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.

AI-1684 **Item # 1.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: City Manager

AGENDA CAPTION:

Closed (executive) session of the Addison City Council pursuant to:

Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney(s) on a matter in which the duty of the attorney(s) to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, pertaining to

- **Town of Addison v. Landmark Structures I, L.P. and Urban Green Energy Cause No. DC-15-0761 44th Judicial District Court, Dallas County, Texas**

- **Attorney Client Privilege In Regards To Open Records Requests**

- **Mayor's Newsletter**

BACKGROUND:

n/a

RECOMMENDATION:

n/a

AI-1685 **Item # 2.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: City Manager

AGENDA CAPTION:

RECONVENE INTO REGULAR SESSION: In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on any matter discussed in Executive Session.

BACKGROUND:

N/A

RECOMMENDATION:

N/A

AI-1623 **Item # 3.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Parks & Recreation

AGENDA CAPTION:

Presentation And Discussion Of A **Public Art Policy.**

BACKGROUND:

The Public Art Policy was drafted by Staff in 2013, in conjunction with the Addison Arbor Foundation, and has served as the unofficial policy for accepting, displaying, acquiring and maintaining works in the Town of Addison. Council action on this item will make the Public Art Policy an official Town document.

Public Art has been identified and encouraged in the 2013 Town of Addison Comprehensive Plan and through the long-range vision for the Town in the 2020 and 2030 Strategic Vision Plan.

The 2030 Vision Project placed public art and design aesthetics in the recommended "A" list priorities. The vision states, "recommit Addison to the promotion and installation of design aesthetics in all public spaces to include landscaping and public art. "Design matters" is a phrase the 2030 Committee members used repeatedly in this regard."

The 2020 Vision Project 'encourages the development of the Arts and art in public spaces' and the 2013 Comprehensive Land Use Plan has a goal of "incorporating public art into the community in a way that is strategic, selective, and impactful.

RECOMMENDATION:

Information only, no action required.

Attachments

Accession Record

Proposed Policy

ADDISON PUBLIC ART ARCHIVES

16801 Westgrove Drive, Addison, Texas 75001

(972) 450-2851

ACCESSION RECORD

ACCESION INFORMATION:

Accession Number:_____

Date:_____

Date received:_____

Location: _____

Received from:_____

Address and telephone:_____

_____

Accession Title: _____

Provenance:_____

Biographical information: _____

CONTENTS:

__ Public Art __ Paintings, Prints, Drawings

__ Other (describe)_____

ARTIST INFORMATION

Artist Name: _____

Name of Art Piece: _____

Artist Location:_____

Date of Creation: _____

Material: _____

Description:_____

_____

_____

ACQUISITION INFORMATION

__ Donation __ Transfer

__ Purchase /$:_____ __ Other: _____

Restrictions:_____

_____

Donor Name(s) :_____

_____

_____

_____

Notes:_____

Date acknowledged: _____

Archivist:_____

Insurable Value:_____

TOWN OF ADDISON POLICY ON PUBLIC ART

The Town of Addison recognizes the cultural importance of public art and its impact on our Town's identity, economy, and community. The Town will continue to maintain a policy of encouraging donated works for public display. Policies and guidelines included in this document provide a general direction when the Town is making decisions about public art; however, the policies and guidelines are intended to be flexible, are not absolute, and may be changed or modified by the City Council as deemed appropriate.

PUBLIC ART -POLICY OUTLINE

I. PUBLIC ART PURPOSE AND GOALS
II. GENERAL GUIDELINES FOR ACCEPTING DONATED WORKS OF ART
III. GENERAL GUIDELINES FOR PURCHASING PUBLIC ART
IV. PROCESS
V. INSTALLATION AND MAINTENANCE GUIDELINES
VI. DE-ACCESSION AND STORAGE GUIDELINES

I. PUBLIC ART PURPOSE AND GOALS

a. The goal of this public art policy is to update our current standards of conservation and bring public art back to its original intent of:

I. Making art accessible to the citizens of the Town
II. Visually improving public spaces in Addison
III. Supporting the arts community

b. In keeping with the long-range vision for the Town, as set forth by the 2020 and 2030 Vision Plans, public art will improve our parks and central nodes, be integrated into new developments, and encourage a walkable, urban feel.

II. GENERAL GUIDELINES FOR ACCEPTING DONATED WORKS OF ART – In evaluating the acceptance of a donated work of art, the following will serve as general guidelines:

a. Residents, businesses, or nonprofits interested in donating a sculpture to the Town shall contact the Addison Arbor Foundation regarding donation.

b. ~~A citizen or group of citizens, such as the~~ The Addison Arbor Foundation, may bring forth an original work of art to be considered for acceptance and public display by the Town. The Town shall make no financial commitment when acquiring legal ownership of the work. Prior to accepting a work of art, the Town shall require the Private Donor to provide recent appraisal documentation, or valuation by the artist. Residents, businesses, or nonprofits interested in donating a sculpture to the Town shall contact the Addison Arbor Foundation regarding donation.

~~b~~c. Works of art should be accessible and appropriate for viewing by all citizens, and be of high, enduring quality and reflect the values of the community and the Addison Way, inviting visitors and making residents feel at home.

~~c~~d. The quality of work and cost of maintenance will be considered by the Town when evaluating acceptance of a work of art.

~~d~~e. The Town will have discretion in determining whether or not to accept, where to locate, how to maintain, and all other matters pertaining to donated works of art. A specific location and placement of the work may be proposed along with the donation. Donated works of art should visually enhance and complement the area of proposed placement, including the relation to other works of art in the space, such as a Town park, trail, or gateway into the community.

III. GENERAL GUIDELINES FOR PURCHASING PUBLIC ART

a. The Town of Addison may purchase existing works of art or commission new works of art through an artist selection process.

b. Payment for works of art will be in accordance with State and Town purchasing guidelines.

c. The same general guidelines for accepting donated works of art apply to purchased or commissioned works; however, other guidelines and standards may be applied.

IV. PROCESS

a. The Addison Arbor Foundation and Parks Department will review proposals from potential donors or artists through the selection process. They will work with citizens and groups to ensure the proposed work of art is appropriate and aligns with Town goals and guidelines for public art.

b. The Parks Department and the Addison Arbor Foundation will determine an appropriate location for the work.

c. The Addison Arbor Foundation will present the proposed public art and location to Council. Council action is required before: accepting works of art; commissioning artists; or any other work related to the installation of public art.

d. If both the acceptance of the public art piece and site plan are approved, a contractor approved by the Town will install the work. The Parks Department will oversee the installation of the art piece, administration and general maintenance once the art piece is accessioned and ownership conveyed to the Town of Addison (if applicable).

V. INSTALLATION AND MAINTENANCE GUIDELINES

a. The Addison Arbor Foundation (or other person or entity, pursuant to an agreement with the Town) is responsible for the costs associated with the design and installation of the public art. This includes all surveys, easements/license agreement requirements, structural, electrical, landscape and any other elements associated with the public art. Construction documents will be submitted and reviewed by staff prior to the installation of new public art. A contractor approved by the Town will install the work.

b. The Town shall be responsible for the general administration, maintenance and care of the public art once installed.
c. The Parks Department shall keep proper records of inventory, including an accession ledger (Attached as Exhibit 'A').
d. A sign or plaque may be placed permanently near the work to identify the artist, title, year made, and materials (if known). The identifying sign should not detract from the work visually and should match the existing sculpture monoliths.
e. The Parks Department shall conduct an inventory of public art every five years.
f. The Town of Addison may insure the work.
g. Upon installation of the Public Art and associated elements, the Addison Arbor Foundation (or other person or entity, pursuant to an agreement with the Town) shall convey ownership of the Public Art to the Town of Addison.

VI. DE-ACCESSION AND STORAGE GUIDELINES

a. De-accessioning an art piece means removing it from the collection permanently. The decision to remove a piece should not be taken lightly. De-accessioning may be considered when one or more of the following is true:
    1. The art piece is damaged beyond reasonable repair, destroyed, or stolen.
    2. The art piece is believed to be fraudulent.
    3. The art piece is a safety liability.
    4. The art piece has been in storage for more than two years with no plans to display it in the future.
b. The Parks Department may recommend that a work of art be de-accessioned, and shall present their recommendations for consideration of approval by the Town Council.
    1. Should de-accession be approved, the artist, if known, may be notified in writing of the de-accession and provided an opportunity to acquire the work of art.
    2. The Town may seek professional guidance to sell the art piece, subject to the rules and regulations for the disposal of property set forth in the Town Purchasing Manual.
c. A work of art on public display may be put into storage by the Parks Department if it requires repair or restoration. It may also be moved to storage if the site where it is located must be renovated or altered and the renovation or alteration cannot be made without moving the art piece.
    1. The storage facility must maintain proper standards of security and shelter for the art piece.
    2. When an art piece must go into storage, a timeline should be in place for its eventual return to public view. An art piece should not go to storage indefinitely; once the art piece has reached the maximum time of two years in storage, it is eligible for de-accession.

AI-1679 **Item # 5.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: City Secretary

AGENDA CAPTION:

Present A **Proclamation Declaring May 20, 2016 As *Put On Purple Day For Lupus Awareness Month.***

BACKGROUND:

n/a

RECOMMENDATION:

n/a

AI-1678 **Item # 6.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: City Secretary

AGENDA CAPTION:

Present A **Proclamation Declaring May As *Motorcycle Safety And Awareness Month***.

BACKGROUND:

n/a

RECOMMENDATION:

n/a

AI-1683 **Item # 7.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: City Secretary

AGENDA CAPTION:

Consider **Approval Of The April 26, 2016 Regular Meeting Minutes**.

BACKGROUND:

n/a

RECOMMENDATION:

n/a

Attachments

Minutes

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL
WORK SESSION

April 26, 2016
Addison Town Hall, 5300 Belt Line Rd., Dallas, TX 75254
5:30 PM Executive Session
6:00 PM Work Session
7:30 PM Regular Meeting

Present: Arfsten; Carpenter; Heape; Hughes; Mayor Meier; Moore; Wilcox

Executive Session

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1. Closed (executive) session of the Addison City Council pursuant to:

   Section 551.071, Tex. Gov. Code, to conduct a private consultation with its attorney:

   (A): to seek advice about (a) pending litigation or contemplated litigation; or (b) a settlement offer

   - **Town of Addison v. Ashton Dallas Residential, LLC Cause No. CC-15-01583-E**
   - **Town of Addison v. Ashton Dallas Residential, LLC Cause No. CC-15-01588-A**

   (B): on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Tex. Gov. Code, pertaining to

   - **The ponds or lakes at Vitruvian Park located within the vicinity and east of the intersection of Vitruvian Way and Ponte Ave., and Farmers Branch Creek**
   - **4150 Beltway**

   Section 551.087: To deliberate commercial or financial information that was received from a business prospect that seeks to locate, stay or expand in or near the territory of the governmental body, and with which the governmental body is conducting economic development negotiations.

   - **Addison Grove Development Agreement**

   Council convened into Executive Session at 5:30 pm.
   Council recessed out of Executive Session at 5:56 pm.
   Councilmember Carpenter moved to settle the claim as discussed in Executive Session for Town of Addison v Ashton Dallas Residential, LLC Cause No CC-15-01583-E & Town of Addison v Ashton Dallas Residential, LLC Cause No. CC-15-01588-A.
   Councilmember Arfsten seconded the motion.
   The vote was cast 7-0 in favor of the motion.

   Council reconvened into Executive Session at 5:47 pm.

Council recessed out of Executive Session at 7:13 pm.

2. **RECONVENE INTO REGULAR SESSION:** In accordance with Texas Government Code, Chapter 551, the City Council will reconvene into Regular Session to consider action, if any, on matter discussed in Executive Session.

WORK SESSION

3. Present And Discuss **Updates On Taste Addison 2016**.

   This item was not discussed due to time constraints for the meeting.

4. Present An **Update On The Master Transportation Plan And Discuss Appointments To The Master Transportation Plan Advisory Committee**.

   Mayor & Council made their nominations to the Master Transportation Plan Committee. Staff will reach out to these members in the next few weeks to inform them of their appointment.

   There is a companion item on the agenda creating the committee and allowing members to be appointed.

REGULAR MEETING

Pledge of Allegiance

Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

Public Comment.
The City Council invites citizens to address the City Council on any topic not on this agenda. Please fill out a **City Council Appearance Card** and submit it to a city staff member prior to Public Participation. Speakers are allowed **up to three (3) minutes per speaker** with **fifteen (15) total minutes** on items of interest or concern and not on items that are on the current agenda. In accordance with the Texas Open Meetings Act, the City Council cannot take action on items not listed on the agenda. The Council may choose to place the item on a future agenda.

6. Presentation Of **Appreciation for City Prosecutor Larry McCallum.**

Consent Agenda:
All items listed under the Consent Agenda are considered routine by the City Council and will be enacted by one motion with no individual consideration. If individual consideration of an item is requested, it will be pulled from the Consent Agenda and discussed separately.

Mayor Pro Tem Moore made a motion to approve Items 7-9 on The Consent Agenda. Councilmember Arfsten seconded the motion.

The vote was cast 7-0 in favor of the motion.

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7. Consider Approval Of **The March 22, 2016 Regular Meeting Minutes**.

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8. Consider Approval Of An Ordinance **Amending Chapter 46 (Health and Sanitation) Article II (Food) In Order To Adopt The 2015 Texas Food Establishment Rules With Local Amendments** .

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9. Consider Approval Of Consent To Assignment Of **Ground Lease #0560-1201 (Addison Express II, L.P.) Commonly Known As 4500 Claire Chennault Drive To Cutter Aviation Deer Valley I, L.P. And Its Creation Of A Leasehold Mortgage**.

Regular Items

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10. Consider Approval Of A **Resolution For The Appointments To The Master Transportation Plan Advisory Committee**.

This item was discussed during the Work Session. This item is to approve the appointment of members to the committee.

Councilmember Hughes made a motion to approve Item #10 as presented. Councilmember Carpenter seconded the motion.

The vote was cast 7-0 in favor of the motion.

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11. Discuss, Consider, And Approve A **Resolution Approving An Incentive Agreement With Beltline Beltway Investments, Ltd. and Urban Intownhomes, LLC For The Addison Grove Redevelopment Project At 4150 Belt Line Road Commonly Known As The Former Sam's Wholesale Club Property And Authorizing The City Manager To Execute The Contract.**.

Councilmember Wilcox made a motion to approve Item #12 as submitted and discussed in Executive Session. Councilmember Hughes seconded the motion.

Councilmember Hughes asked for clarification on the parameters of this agreement and if everything was in line with the Letter of Intent presented in January.

City Attorney Brenda McDonald stated that the agreement formalizes the parameters contained in the Letter of Intent.

Council voted 7-0 in favor of the motion.

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12. Presentation And Acceptance Of The **Fiscal Year 2015 Comprehensive Annual Financial Report**.

Interim CFO, Scott Neils, presented Sara Dempsey from the auditing firm, Weaver, to present the findings for the report.

Ms. Dempsey presented the report and findings to Council.

Councilmember Carpenter moved to accept the report as presented. Councilmember Arfsten seconded the motion.

The vote was cast 7-0 in favor of the motion.

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13. Presentation And Discussion Of **Final Report From Kanter Forensics, LLC**.

Mr. Larry Kanter, of Kanter Forensics, presented his final report to Council. He stated that he was pleased with the progress made by staff and the recommendations that have been implemented.

Mr. Kanter agreed that changes will continue to happen as the Finance and Municipal Court staff finds the perfect balance of controls and staffing needs.

Council agreed they were pleased with the outcome of the report and thanked Mr. Kanter for his service.

Adjourn Meeting

NOTE: The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

_____
Mayor-Todd Meier

Attest:

_____
City Secretary-Laura Bell

AI-1627 **Item # 8.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Parks & Recreation

AGENDA CAPTION:

Consider A **Resolution Adopting A Public Art Policy.**

BACKGROUND:

The Public Art Policy was drafted by Staff in 2013, in conjunction with the Addison Arbor Foundation, and has served as the unofficial policy for accepting, displaying, acquiring and maintaining works in the Town of Addison. Council action on this item will make the Public Art Policy an official Town document.

Public Art has been identified and encouraged in the 2013 Town of Addison Comprehensive Plan and through the long-range vision for the Town in the 2020 and 2030 Strategic Vision Plan.

The 2030 Vision Project placed public art and design aesthetics in the recommended "A" list priorities. The vision states, "recommit Addison to the promotion and installation of design aesthetics in all public spaces to include landscaping and public art. "Design matters" is a phrase the 2030 Committee members used repeatedly in this regard."

The 2020 Vision Project 'encourages the development of the Arts and art in public spaces' and the 2013 Comprehensive Land Use Plan has a goal of "incorporating public art into the community in a way that is strategic, selective, and impactful.

RECOMMENDATION:

Administration recommends approval.

Attachments

Resolution

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ADOPTING AND APPROVING A PUBLIC ART POLICY FOR THE TOWN OF ADDISON AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Addison City Council recognizes the importance of displaying public art in the community and the cultural impact that public art can have on the Town of Addison's identity, economy and community; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town of Addison and its residents to adopt a Public Art Policy for accepting, displaying, acquiring and maintaining works of art donated to the Town of Addison.

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

Section 1. That the Town of Addison Policy on Public Art, a copy of which is attached hereto as **Exhibit A**, should be, and is hereby approved and adopted by the City Council as the Town's Policy on Public Art.

Section 2. This Resolution shall take effect from and after its date of adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

TOWN OF ADDISON POLICY ON PUBLIC ART

The Town of Addison recognizes the cultural importance of public art and its impact on our Town's identity, economy, and community. The Town will continue to maintain a policy of encouraging donated works for public display. Policies and guidelines included in this document provide a general direction when the Town is making decisions about public art; however, the policies and guidelines are intended to be flexible, are not absolute, and may be changed or modified by the City Council as deemed appropriate.

PUBLIC ART POLICY OUTLINE

I. PUBLIC ART PURPOSE AND GOALS
II. GENERAL GUIDELINES FOR ACCEPTING DONATED WORKS OF ART
III. GENERAL GUIDELINES FOR PURCHASING PUBLIC ART
IV. PROCESS
V. INSTALLATION AND MAINTENANCE GUIDELINES
VI. DE-ACCESSION AND STORAGE GUIDELINES

I. PUBLIC ART PURPOSE AND GOALS

a. The goal of this public art policy is to update our current standards of conservation and bring public art back to its original intent of:
    I. Making art accessible to the citizens of the Town
    II. Visually improving public spaces in Addison
    III. Supporting the arts community
b. In keeping with the long-range vision for the Town, as set forth by the 2020 and 2030 Vision Plans, public art will improve our parks and central nodes, be integrated into new developments, and encourage a walkable, urban feel.

II. GENERAL GUIDELINES FOR ACCEPTING DONATED WORKS OF ART – In evaluating the acceptance of a donated work of art, the following will serve as general guidelines:

a. Residents, businesses, or nonprofits interested in donating a sculpture to the Town shall contact the Addison Arbor Foundation regarding donation.
b. The Addison Arbor Foundation, may bring forth an original work of art to be considered for acceptance and public display by the Town. The Town shall make no financial commitment when acquiring legal ownership of the work. Prior to accepting a work of art, the Town shall require the Private Donor to provide recent appraisal documentation, or valuation by the artist.
c. Works of art should be accessible and appropriate for viewing by all citizens, and be of high, enduring quality and reflect the values of the community and the Addison Way, inviting visitors and making residents feel at home.
d. The quality of work and cost of maintenance will be considered by the Town

when evaluating acceptance of a work of art.

e. The Town will have discretion in determining whether or not to accept, where to locate, how to maintain, and all other matters pertaining to donated works of art. A specific location and placement of the work may be proposed along with the donation. Donated works of art should visually enhance and complement the area of proposed placement, including the relation to other works of art in the space, such as a Town park, trail, or gateway into the community.

III. GENERAL GUIDELINES FOR PURCHASING PUBLIC ART

a. The Town of Addison may purchase existing works of art or commission new works of art through an artist selection process.

b. Payment for works of art will be in accordance with State and Town purchasing guidelines.

c. The same general guidelines for accepting donated works of art apply to purchased or commissioned works; however, other guidelines and standards may be applied.

IV. PROCESS

a. The Addison Arbor Foundation and Parks Department will review proposals from potential donors or artists through the selection process. They will work with citizens and groups to ensure the proposed work of art is appropriate and aligns with Town goals and guidelines for public art.

b. The Parks Department and the Addison Arbor Foundation will determine an appropriate location for the work.

c. The Addison Arbor Foundation will present the proposed public art and location to Council. Council action is required before: accepting works of art; commissioning artists; or any other work related to the installation of public art.

d. If both the acceptance of the public art piece and site plan are approved, a contractor approved by the Town will install the work. The Parks Department will oversee the installation of the art piece, administration and general maintenance once the art piece is accessioned and ownership conveyed to the Town of Addison (if applicable).

V. INSTALLATION AND MAINTENANCE GUIDELINES

a. The Addison Arbor Foundation (or other person or entity, pursuant to an agreement with the Town) is responsible for the costs associated with the design and installation of the public art. This includes all surveys, easements/license agreement requirements, structural, electrical, landscape and any other elements associated with the public art. Construction documents will be submitted and reviewed by staff prior to the installation of new public art. A contractor approved by the Town will install the work.

b. The Town shall be responsible for the general administration, maintenance and care of the public art once installed.

c. The Parks Department shall keep proper records of inventory, including an accession ledger (Attached as Exhibit ‘A’).

d. A sign or plaque may be placed permanently near the work to identify the artist, title, year made, and materials (if known). The identifying sign should not detract from the work visually and should match the existing sculpture monoliths.
e. The Parks Department shall conduct an inventory of public art every five years.
f. The Town of Addison may insure the work.
g. Upon installation of the Public Art and associated elements, the Addison Arbor Foundation (or other person or entity, pursuant to an agreement with the Town) shall convey ownership of the Public Art to the Town of Addison.

VI. DE-ACCESSION AND STORAGE GUIDELINES

a. De-accessioning an art piece means removing it from the collection permanently. The decision to remove a piece should not be taken lightly. De-accessioning may be considered when one or more of the following is true:
    1. The art piece is damaged beyond reasonable repair, destroyed, or stolen.
    2. The art piece is believed to be fraudulent.
    3. The art piece is a safety liability.
    4. The art piece has been in storage for more than two years with no plans to display it in the future.
b. The Parks Department may recommend that a work of art be de-accessioned, and shall present their recommendations for consideration of approval by the Town Council.
    1. Should de-accession be approved, the artist, if known, may be notified in writing of the de-accession and provided an opportunity to acquire the work of art.
    2. The Town may seek professional guidance to sell the art piece, subject to the rules and regulations for the disposal of property set forth in the Town Purchasing Manual.
c. A work of art on public display may be put into storage by the Parks Department if it requires repair or restoration. It may also be moved to storage if the site where it is located must be renovated or altered and the renovation or alteration cannot be made without moving the art piece.
    1. The storage facility must maintain proper standards of security and shelter for the art piece.
    2. When an art piece must go into storage, a timeline should be in place for its eventual return to public view. An art piece should not go to storage indefinitely; once the art piece has reached the maximum time of two years in storage, it is eligible for de-accession.

EXHIBIT A

ADDISON PUBLIC ART ARCHIVES
16801 Westgrove Drive, Addison, Texas 75001
(972) 450-2851

ACCESSION RECORD

ACCESION INFORMATION:

Accession Number:_____

Date:_____

Date received:_____

Location: _____

Received from:_____

Address and telephone:_____

_____

Accession Title: _____

Provenance:_____

Biographical information: _____

CONTENTS:

__ Public Art __ Paintings, Prints, Drawings

__ Other (describe)_____

ARTIST INFORMATION

Artist Name: _____

Name of Art Piece: _____

Artist Location:_____

Date of Creation: _____

Material: _____

Description:_____

_____

_____

EXHIBIT A

ACQUISITION INFORMATION

__ Donation __ Transfer

__ Purchase /$:_____ __ Other: _____

Restrictions:_____

_____

Donor Name(s) :_____

_____

_____

_____

Notes:_____

Date acknowledged: _____

Archivist:_____

Insurable Value:_____

AI-1586 **Item # 9.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Consider A **Resolution Authorizing The City Manager To Enter Into A Professional Services Agreement With Garver, LLC, To Complete A Detailed Assessment and Evaluation of the Kellway Sanitary Sewer Lift Station And To Develop A Capital Improvement Program** For The Contract Amount of $81,488.

BACKGROUND:

The Town owns a sanitary sewer lift station located on Kellway Circle. Since sewer services are designed to flow on a gravity basis, it is sometimes necessary to install a lift station that will pump wastewater or sewage from a lower elevation to a higher elevation so that it can continue to flow by gravity. The Town's sewer system feeds into the Kellway Lift Station and is there lifted to a higher elevation so that it can continue to flow by gravity from there.

The Kellway Lift Station was built in 1998 to convey wastewater from the northern part of Town south into a deep sewer tunnel system that is then treated at a Trinity River Authority (TRA) wastewater treatment plant. This facility houses very complex components, such as pumps, motors, intricate piping, complex electrical and control systems, and detailed structural elements. Town staff performs routine maintenance of the facility based on industry best practices and monitors the operations of the pumps and motors. These measures help to ensure that the various assets remain viable components of the lift station throughout their normal service lives. Although staff can perform these routine tasks, more in-depth assessments should be performed by specialized wastewater engineers and contractors. To date, an assessment has never been performed on this facility. As part of our overall asset management program, we are currently performing assessments of all the infrastructure facilities to determine their general state of repair and develop a comprehensive capital improvement program. Garver, LLC is qualified to perform these services.

As a part of this assessment, Garver will perform the following services:

- Prepare and perform an asset inventory
- Assess each asset and document its condition including structural, electrical and instrumentation, and process and mechanical sub-fields
- Provide improvement recommendations for the Town's computerized monitoring system Supervisory Controls and Data Acquisition System (SCADA)
- Evaluate and recommend capacity and process control improvements

- Evaluate the facilities current compliance with the Texas Administrative Code (TAC) Chapter 217
- Provide opinion of probable costs for projects
- Prepare Capital Improvements Plan (CIP)

A detailed description of each task can be found in the Exhibit A Scope of Services in the agreement that is attached.

Upon completion of this assessment and evaluation the Town will be able to incorporate the CIP recommendations into the overall Utility Fund CIP. This CIP will be the basis for future funding and rate discussions.

The overall project is expected to take 6 months to complete upon receipt of the notice to proceed (NTP). The cost for the project is not expected to exceed $81,488 and is budgeted for in the Utilities Capital Projects Fund.

RECOMMENDATION:

Administration recommends approval.

Attachments

Resolution and Professional Engineer Services Agreement

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING THE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE TOWN OF ADDISON AND GARVER, LLC FOR ASSESSMENT OF AN EXISTING WASTEWATER LIFT STATION, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Agreement for Professional Engineering Services between the Town of Addison and Garver, LLC for assessment of an existing Wastewater Lift Station, a copy of which is attached to this Resolution as **Exhibit A,** is hereby approved. The City Manager is hereby authorized to execute the agreement.

Section 2. This Resolution shall take effect from and after its date of adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

EXHIBIT A

AGREEMENT
BETWEEN
THE TOWN OF ADDISON, TEXAS (TOWN)
AND
GARVER, LLC (CONSULTANT)

FOR

PROFESSIONAL ENGINEERING SERVICES

Made as of the ____ day of _____ in the year 2016,

BETWEEN the Town: The Town of Addison, Texas
16801 Westgrove Drive
Addison, Texas 75001
Telephone: (972) 450-7001

and the Consultant: Garver, LLC
3010 Gaylord Parkway
Suite 190
Frisco, Texas 75034
Telephone: 972-377-7480

for the following Project: Professional Engineering Services for Wastewater Lift Station

The Town and the Consultant agree as set forth below.

THIS AGREEMENT is made and entered by and between the **Town of Addison, Texas**, a Home-Rule Municipal Corporation, hereinafter referred to as "Town," and **Garver, LLC**, hereinafter referred to as "Consultant," to be effective from and after the date as provided herein, hereinafter referred to as "Agreement."

WHEREAS, the Town desires to engage the services of the Consultant to provide professional services which shall include, but not be limited to, professional engineering services for a wastewater lift station within the Town of Addison, Texas; hereinafter referred to as "Project"; and

WHEREAS, the Consultant desires to render such professional engineering services for the Town upon the terms and conditions provided herein.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

ARTICLE 1
CONSULTANT'S SERVICES

1.1 **Employment of the Consultant** – The Town hereby agrees to retain the Consultant to perform professional engineering services in connection with the Project. Consultant agrees to perform such services in accordance with the terms and conditions of this Agreement.

1.2 **Scope of Services** – The parties agree that Consultant shall perform such services as are set forth and described in Exhibit "A," which is attached hereto and incorporated herein by reference for all purposes. The parties understand and agree that deviations or modifications to the scope of services described in Exhibit "A," in the form of written change orders, may be authorized from time to time by the Town.

1.2.1 **Requirement of Written Change Order** – "Extra" work, or "claims" invoiced as "extra" work, or "claims" which have not been issued as a duly executed, written change order by the Addison Town Manager, will not be authorized for payment and/or shall not become part of the subcontracts. A duly executed written change order shall be preceded by the Addison Town Council's authorization for the Addison Town Manager to execute said change order.

1.2.2 **DO NOT PERFORM ANY EXTRA WORK AND/OR ADDITIONAL SERVICES WITHOUT A DULY EXECUTED WRITTEN CHANGE ORDER ISSUED BY THE ADDISON TOWN MANAGER**. Project Managers, Superintendents, and/or Inspectors of the Town are not authorized to issue verbal or written change orders.

1.3 **Schedule of Work** – The Consultant agrees to commence work immediately upon the execution of this Agreement and receipt of written Notice to Proceed, and to proceed diligently with said work to completion as described in the Compensation Schedule / Project Billing / Project Budget attached hereto as **Exhibit "B"** and incorporated herein by reference for all purposes, but in no event shall the Project be completed any later than as identified in **Exhibit "A"**.

1.4 **Failure to Meet Established Deadlines** – Consultant acknowledges that time is of the essence in the performance of services under this

Agreement as set forth in the Compensation Schedule / Project Billing / Project Budget attached hereto as Exhibit "B."

ARTICLE 2
THE TOWN'S RESPONSIBILITIES

Town shall do the following in a timely manner so as not to delay the services of Consultant:

2.1 **Project Data** – The Town shall furnish required information that is currently has in its possession, as expeditiously as necessary for the orderly progress of the work, and the Consultant shall be entitled to rely upon the accuracy and completeness thereof.

2.2 **Town Project Manager** – The Town shall designate, when necessary, a representative authorized to act on the Town's behalf with respect to the Project (the "Project Manager"). The Town or such authorized representative shall examine the documents submitted by the Consultant and shall render any required decisions pertaining thereto as soon as practicable so as to avoid unreasonable delay in the progress of the Consultant's services. The Project Manager is not authorized to issue verbal or written change orders for "extra" work or "claims" invoiced as "extra" work.

ARTICLE 3
CONSULTANT'S COMPENSATION

3.1 **Compensation for Consultant's Services** – As described in "Article 1, Consultant's Services," compensation for this Project shall be on a Type of Payment Basis not to exceed **Eighty-One Thousand Four Hundred Eighty-Eight and 00/100 Dollars ($81,488.00)**, ("Consultant's Fee") and shall be paid in accordance with Article 3 and the Compensation Schedule / Project Billing / Project Budget as set forth in Exhibit "B." **The final five percent (5%) of the Consultant's Fee, or Four Thousand Seventy-Four and 40/100 Dollars ($4,074.40), shall not be paid until the Consultant has completed all of the services described in Exhibit "A" and delivered to the Town all of the documents, plans, data, maps, and/or other information required in Exhibit "A."**

3.1.1 **Completion of Final Report** – Town and Consultant agree that the Final Report shall be completed, submitted to, and accepted by the Town prior to payment of the **final five percent (5%) of the Consultant's Fee, or Four Thousand Seventy-Four and 40/100 Dollars ($4,074.40).** The electronic formatting shall be consistent with the standards established in Town of Addison

Guidelines for Computer Aided Design and Drafting ("CADD"). Completion of the Record Documents and/or "As-Built" documents, if any, shall be included in the Consultant's Fee and considered to be within the Scope of Services defined under this Agreement.

3.1.2 **Disputes between Town and Construction Contractor** – intentionally omitted.

3.1.3 Consultation and Approval by Governmental Authorities and Franchised Utilities – intentionally omitted.

3.2 **Direct Expenses – Direct Expenses are included in the Consultant's Fee as des**cribed in Article 3.1 and include actual reasonable and necessary expenditures made by the Consultant and the Consultant's employees and subcontractors in the interest of the Project. All submitted Direct Expenses are to be within the amounts as stated in the Compensation Schedule / Project Billing / Project Budget set forth in Exhibit "B," and consistent with Exhibit "C," Town of Addison Guidelines for Direct Expenses, General and Administrative Markup, and Travel and Subsistence Expenses. The Consultant shall be solely responsible for the auditing of all Direct Expenses, including the subcontractors, prior to submitting to the Town for reimbursement, and shall be responsible for the accuracy thereof. Any over-payment by the Town for errors in submittals for reimbursement may be deducted from the Consultant's subsequent payment for services; provided, however this shall not be the Town's sole and exclusive remedy for said overpayment.

3.3 **Additional Services** – The Consultant shall provide the services as described in the Scope of Services as set forth in Exhibit "A" of this Agreement. If authorized in writing by the Town, the Consultant shall provide additional services, to be compensated on an hourly basis in accordance with this paragraph ("Additional Services"). These services may include, but are not limited to:

3.3.1 Additional meetings, hearings, work-sessions, or other similar presentations which are not provided for or contemplated in the Scope of Services described in Exhibit "A."

3.3.2 Additional drafts and revisions to the Project which are not provided for or contemplated in the Scope of Services as described in Exhibit "A." Drafts or revisions required as the result of errors or omissions by the Consultant shall not be considered Additional Services, but shall fall within the Scope of Services.

3.3.3 Additional copies of final reports and construction plans which are not provided for or contemplated in the Scope of Services as described in Exhibit "A."

3.3.4 Photography, professional massing models which are not provided for or contemplated in the Scope of Services as described in Exhibit "A."

3.3.5 Compensation for Additional Services authorized by the Town shall be in addition to the Consultant's Fee and shall be based on direct billable labor rates and expenses.

3.3.6 Compensation for Additional Services authorized by the Town shall be in addition to the Consultant's Fee and shall be based on an hourly basis according to the following personnel rates. The rates set forth in this chart are subject to reasonable change provided prior written notice of said change is given to Town.

Hourly Billable Rates by Position

Classification	Rates
Engineers / Architects	
E-1	99.00
E-2	121.00
E-3	148.00
E-4	168.00
E-5	192.00
E-6	250.00
Planners / Environmental Specialist	
P-1	113.00
P-2	141.00
P-3	180.00
Designers	
D-1	87.00
D-2	102.00
D-3	122.00
D-4	141.00
Technicians	
T-1	68.00
T-2	87.00
T-3	105.00
Management/Administration	

X-1	54.00
X-2	75.00
X-3	102.00
X-4	139.00

3.4 **Invoices** – No payment to Consultant shall be made until Consultant tenders an invoice to the Town. Invoices are to be mailed to Town immediately upon completion of each individual task listed in Exhibit "B." On all submitted invoices, Consultant shall include appropriate background materials to support the submitted charges on said invoice. Such background material shall include, but is not limited to, employee timesheets, invoices for work obtained from other parties, and receipts and/or log information relating to Direct Expenses. All invoices for payment shall provide a summary methodology for administrative markup and/or overhead charges.

3.5 **Timing of Payment** – Town shall make payment to Consultant for said invoices within thirty (30) days following receipt and acceptance thereof. The parties agree that payment by Town to Consultant is considered to be complete upon mailing of payment by Town. Furthermore, the parties agree that the payment is considered to be mailed on the date that the payment is postmarked.

3.6 **Disputed Payment Procedures** – In the event of a disputed or contested billing by Town, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. Town shall notify Consultant of a disputed invoice, or portion of an invoice, in writing by the twenty-first (21st) calendar day after the date the Town receives the invoice. Town shall provide Consultant an opportunity to cure the basis of the dispute. If a dispute is resolved in favor of the Consultant, Town shall proceed to process said invoice, or the disputed portion of the invoice, within the provisions of Article 3.5. If a dispute is resolved in favor of the Town, Consultant shall submit to Town a corrected invoice, reflecting any and all payment(s) of the undisputed amounts, documenting the credited amounts, and identifying outstanding amounts on said invoice to aid Town in processing payment for the remaining balance. Such revised invoice shall have a new invoice number, clearly referencing the previous submitted invoice. Town agrees to exercise reasonableness in contesting any billing or portion thereof that has background materials supporting the submitted charges.

3.7 **Failure to Pay** – Failure of the Town to pay an invoice, for a reason other than upon written notification as stated in the provisions of Article

3.6 to the Consultant within sixty (60) days from the date of the invoice shall grant the Consultant the right, in addition to any and all other rights provided, to, upon written notice to the Town, suspend performance under this Agreement, and such act or acts shall not be deemed a breach of this Agreement. However, Consultant shall not suspend performance under this Agreement prior to the tenth (10th) calendar day after written notice of suspension was provided to Town, in accordance with Chapter 2251, Subchapter "D" ("Remedy for Nonpayment") of the *Texas Government Code*. The Town shall not be required to pay any invoice submitted by the Consultant if the Consultant breached any provision(s) herein.

3.8 **Adjusted Compensation** – If the Scope of the Project or if the Consultant's services are materially changed due to no error on behalf of Consultant in the performance of services under this Agreement, the amounts of the Consultant's compensation shall be equitably adjusted as approved by Town. Any additional amounts paid to the Consultant as a result of any material change to the Scope of the Project shall be authorized by written change order duly executed by both parties before the services are performed.

3.9 **Project Suspension** – If the Project is suspended or abandoned in whole or in part for more than three (3) months, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of Town in accordance with the provisions of this Agreement prior to suspension or abandonment. In the event of such suspension or abandonment, Consultant shall deliver to Town all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any other items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment. If the Project is resumed after being suspended for more than three (3) months, the Consultant's compensation shall be equitably adjusted as approved by the Town. Any additional amounts paid to the Consultant after the Project is resumed shall be agreed upon in writing by both parties before the services are performed.

ARTICLE 4
OWNERSHIP OF DOCUMENTS

4.1 **Documents Property of the Town** – The Project is the property of the Town, and Consultant may not use the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any materials for any other purpose not relating to the Project without Town's prior written consent. Town shall be furnished with such reproductions of the Project, plans, data, documents, maps, and any other information as defined in Exhibit "A." Upon completion of the

work, or any earlier termination of this Agreement under Article 3 and/or Article 7, Consultant will revise plans, data, documents, maps, and any other information as defined in Exhibit "A" to reflect changes while working on the Project and promptly furnish the same to the Town in an acceptable electronic format. All such reproductions shall be the property of the Town who may use them without the Consultant's permission for any purpose relating to the Project, including, but not limited to, completion of the Project, and/or additions, alterations, modifications, and/or revisions to the Project.

4.2 **Documents Subject to Laws Regarding Public Disclosure** – Consultant acknowledges that Town is a governmental entity and that all documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or Sub-consultants) under this Agreement are instruments of service in respect of the Project and property of the Town and upon completion of the Project shall thereafter be subject to the Texas Public Information Act (*Texas Government Code*, Chapter 552) and any other applicable laws requiring public disclosure of the information contained in said documents.

ARTICLE 5
CONSULTANT'S INSURANCE REQUIREMENTS

5.1 **Required Professional Liability Insurance** – Consultant shall maintain, at no expense to Town, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall require the provision of written notice to Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

5.2 **Required General Liability Insurance** - Consistent with the terms and provisions of Exhibit "D," Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to Town, a general liability insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other

equivalent rating service(s), authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall name the Town, its officers, agents, representatives, and employees as additional insured as to all applicable coverage. Such policy shall provide for a waiver of subrogation against the Town for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

5.3 **Required Workers Compensation Insurance** – Consistent with the terms and provisions of Exhibit "D," Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to Town, all Statutory Workers Compensation Insurance as required by the laws of the State of Texas. Such insurance policy shall be with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent service(s), and authorized to transact business in the State of Texas. Such policy shall provide for a waiver of subrogation against the Town for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

5.4 **Circumstances Requiring Umbrella Coverage or Excess Liability Coverage** – If Project size and scope warrant, Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to the Town, an umbrella coverage or excess liability coverage insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount of Two Million and 00/100 Dollars ($2,000,000.00). Consistent with the terms and provisions of Exhibit "F," such policy shall name the Town, its officers, agents, representatives, and employees as additional insured as to all applicable coverage. Such policy shall provide for a waiver of subrogation against the Town for injuries, including death, property damage, or any other loss to the extent that the same is covered by the

proceeds of the insurance. Such policy shall require the provision of written notice to the Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, or ten (10) days for non-payment of premium, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

ARTICLE 6
CONSULTANT'S ACCOUNTING RECORDS

Records of Direct Expenses and expenses pertaining to services performed in conjunction with the Project shall be kept on the basis of generally accepted accounting principles. Invoices will be sent to the Town as indicated in Article 3.4. Copies of employee time sheets, receipts for direct expense items and other records of Project expenses will be included in the monthly invoices.

ARTICLE 7
AUDITS AND RECORDS / PROHIBITED INTEREST / VENDOR DISCLOSURE

The Consultant agrees that at any time during normal business hours and as often as the Town may deem necessary, Consultant shall make available to representatives of the Town for examination all of its records with respect to all matters covered by this Agreement, and will permit such representatives of the Town to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement, and for a period of four (4) years from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

The Consultant agrees that it is aware of the prohibited interest requirement of the Town Charter, which is repeated on the Affidavit, attached hereto as Exhibit "E" and incorporated herein for all purposes, and will abide by the same. Further, a lawful representative of Consultant shall execute the Affidavit attached hereto as Exhibit "E". Consultant understands and agrees that the existence of a prohibited interest during the term of this Agreement will render the Agreement voidable.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, Local Government Code, as amended, and will abide by the same. In this connection, a lawful representative of Consultant shall execute the Conflict of Interest Questionnaire, Form CIQ, attached hereto as Exhibit "F" and incorporated herein for all purposes.

If the Agreement is required to go to the City Council for approval, then the Consultant shall execute and deliver to the Town the Form 1295 Certificate of

Interested Parties, as required by section 2252.908, Texas Government Code, as amended, prior to the City's execution of this Agreement.

ARTICLE 8
TERMINATION OF AGREEMENT / REMEDIES

Town may, upon thirty (30) days written notice to Consultant, terminate this Agreement, for any reason or no reason at all, before the termination date hereof, and without prejudice to any other remedy it may have. If Town terminates this Agreement due to a default of and/or breach by Consultant and the expense of finishing the Project exceeds the Consultant's Fee at the time of termination, Consultant waives its right to any portion of Consultant's Fee as set forth in Article 3 herein and agrees to pay any costs over and above the fee which the Town is required to pay in order to finish the Project. On any default and/or breach by Consultant, Town may elect not to terminate the Agreement, and in such event it may make good the deficiency in which the default consists, and deduct the costs from the Consultant's Fee due Consultant as set forth in Article 3 herein. If Town terminates this Agreement and Consultant is not in default of the Agreement, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of the Town in accordance with the provisions of this Agreement prior to termination.

In the event of any termination, Consultant shall deliver to Town all finished and/or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment.

The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

ARTICLE 9
DISPUTE RESOLUTION / MEDIATION

In addition to all remedies at law, the parties may resolve/mediate any controversy, claim or dispute arising out of or relating to the interpretation or performance of this Agreement, or breach thereof, by voluntary mediation to be conducted by a mutually acceptable mediator.

ARTICLE 10

INDEMNITY

CONSULTANT SHALL HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, INDEMNIFY AND HOLD HARMLESS TOWN AND ITS TOWN COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES FROM AND AGAINST ALL DAMAGES, INJURIES

(INCLUDING DEATH), INTELLECTUAL PROPERTY INFRINGEMENT CLAIMS (INCLUDING PATENT, COPYRIGHT AND TRADEMARK INFRINGEMENTS), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEYS' FEES AND EXPENSES INCURRED IN ENFORCING THIS INDEMNITY), CAUSED OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY CONSULTANT, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES, OR ANY OTHER ENTITY OVER WHICH THE CONSULTANT EXERCISES CONTROL, IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT AND/OR ARISING OUT OF PROFESSIONAL SERVICES PROVIDED BY CONSULTANT PURSUANT TO THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE TOWN (HEREINAFTER "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST TOWN BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONSULTANT AND ITS EMPLOYEES OR SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH THE CONSULTANT, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE. THIS INDEMNIFICATION SHALL EXTEND TO THE PAYMENT OR REIMBURSEMENT OF THE TOWN'S REASONABLE ATTORNEYS FEES AND ASSOCIATED COSTS, COURT COSTS, AND SETTLEMENT COSTS IN PROPORTION TO THE CONSULTANT'S LIABILITY.

CONSULTANT SHALL PROMPTLY NOTIFY TOWN OF THE DEFENSE COUNSEL RETAINED BY CONSULTANT IN FULFILLING ITS OBLIGATION HEREUNDER, AND TIMELY NOTIFY TOWN OF ANY AND ALL LEGAL ACTIONS TAKEN BY THE DEFENSE COUNSEL REGARDING ANY AND ALL CLAIMS.

THIS ARTICLE SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

ARTICLE 11
NOTICES

Consultant agrees that all notices or communications to Town permitted or required under this Agreement shall be delivered to Town at the following addresses:

City Manager
Town of Addison
5300 Belt Line Road
Dallas, Texas 75254

Town agrees that all notices or communication to Consultant permitted or required under this Agreement shall be delivered to Consultant at the following addresses:

Garver, LLC
Name, Position
Address
City, State, Zip

Any notice provided in writing under the terms of this Agreement by either party to the other shall be in writing and may be effected by registered or certified mail, return receipt requested.

All notices or communication required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is postmarked by the sending party. Each party may change the address to which notice may be sent to that party by giving notice of such change to the other party in accordance with the provisions of this Agreement.

ARTICLE 12
MISCELLANEOUS

12.1 **Complete Agreement** – This Agreement, including the exhibits hereto labeled "A" through "F," all of which are incorporated herein for all purposes, constitute the entire Agreement by and between the parties regarding the subject matter hereof and supersedes all prior and/or contemporaneous written and/or oral understandings. This Agreement may not be amended, supplemented, and/or modifies except by written agreement duly executed by both parties. The following exhibits are attached below and made a part of this Agreement:

12.1.1 Exhibit "A," Scope of Services.

12.1.2 Exhibit "B," Compensation Schedule / Project Billing / Project Budget.

12.1.3 Exhibit "C," Town of Addison Guidelines for Direct Expenses; General and Administrative Markup; Travel and Subsistence Expenses.

12.1.6 Exhibit "D," Town of Addison Contractor Insurance Requirements.

12.1.7 Exhibit "E," Affidavit.

12.1.8 Exhibit "F", Conflict of Interest Questionnaire, Form CIQ.

12.2 **Assignment and Subletting** – The Consultant agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of the Town. The Consultant further agrees that the assignment or subletting or any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Consultant of its full obligations to the Town as provided by this Agreement. All such approved work performed by assignment or subletting shall be billed through Consultant, and there shall be no third party billing.

12.3 **Successors and Assigns** – Town and Consultant, and their partners, assigns, successors, subcontractors, executors, officers, agents, employees, representatives, and administrators are hereby bound to the terms and conditions of this Agreement.

12.4 **Severability** – In the event of a term, condition, or provision of this Agreement is determined to be invalid, illegal, void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained herein.

12.5 **Venue** – This entire Agreement is performable in Dallas County, Texas and the venue for any action related directly or indirectly, to this Agreement or in any manner connected therewith shall be in Dallas County, Texas, and this Agreement shall be construed under the laws of the State of Texas.

12.6 **Execution / Consideration** – This Agreement is executed by the parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.

12.7 **Authority** – The individuals executing this Agreement on behalf of the respective parties below represent to each other that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for an on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the other party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

12.8 **Waiver** – Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.

12.9 **Headings** – The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.

12.10 **Multiple Counterparts** – This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

12.11 **Sovereign Immunity** – The parties agree that the Town has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.

12.12 **Additional Representations** – Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had the opportunity to confer with its counsel.

12.13 **Miscellaneous Drafting Provisions** – This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply.

12.14 **No Third Party Beneficiaries** -- Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the latest day as reflected by the signatures below.

Effective Date: _____

TOWN:
Town of Addison, Texas

By:_____
Wesley S. Pierson, City Manager

Date: _____

CONSULTANT:
Garver, LLC

By: Herbert J. Parker, Sr. V.P./CAO
Name, Title

Date: 5/10/2016

STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Wesley S. Pierson**, Town of Addison, Texas City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 2016.

_____
Notary Public In and For the State of Texas
My commission expires: _____

STATE OF Arkansas §
§
COUNTY OF Pulaski §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of ~~Texas,~~ Arkansas on this day personally appeared ~~Herbert J Parker~~ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10th day of May, 2016.

_____
Notary Public In and For the State of ~~Texas~~ Arkansas
My commission expires: 3-16-2024

NANCY KAY KELMER
COMM. EXP. 3-16-2024
No. 12397454
PULASKI COUNTY
NOTARY PUBLIC - ARKANSAS

Exhibit "A"
Scope of Services
Agreement by and between the Town of Addison, Texas (Town)
and Garver, LLC (Consultant)
to perform Professional Engineering Services for
Wastewater Lift Station

I. PROJECT DESCRIPTION/SCOPE OF SERVICES

General

The Town of Addison (Owner) requests assistance to conduct a assessment of an existing wastewater lift station. The anticipated work will assess the existing condition of the facility, recommend operational improvements, identify regulatory deficiencies, optimization strategies, and process improvements.

1. Asset Inventory and Assessment Form Development

The Owner will assist Garver with developing a list of all assets for the lift station facility that the Owner wishes Garver to assess. Garver will coordinate with the Owner to identify what information is currently available for each asset. In addition, Garver and the Owner will determine what additional assets or missing information that Garver will gather while on site.

Garver will develop a standard assessment form specific to the Owner for the field condition assessments. This one page, front and back, form will contain fields for all identified information that the Owner would like Garver to obtain. Garver will provide one form in draft format for Owner review.

Deliverables:

- One draft form in Word format
- One final form in Word format, incorporating Owner review comments

2. Assessments

Prior to beginning the evaluations, the Owner will provide Garver with the following documentation,
If available:

- Owner will provide access to view as-built drawings of the facility if available
- Previous applicable studies and reports
- Equipment maintenance records and O&M manuals
- Contractor submittals

Garver will provide an FTP site for documentation to be shared between parties.

Garver will conduct field investigations for the lift station facility, including visual inspection of the overall equipment and structures identified in the asset inventory. This assessment will include multi-discipline engineers completing a visual assessment for condition based items. The assessments will occur over one (1) day on-site and include:

Structural
A Garver structural engineer will perform a visual structural analysis of the existing concrete and steel
structures. This concrete analysis will assess the structural integrity of the existing concrete
structures based on at-grade visual observations and record drawings.

Electrical and Instrumentation
A Garver electrical engineer will perform a visual inspection of all above grade electrical
equipment including transformers, PLCs, MCCs, generators, automatic transfer switches, and distribution centers. The visual inspection will denote corrosion and replacement items. The existing SCADA system will also be visually assessed.

Process and Mechanical
A Garver process/mechanical engineer will perform a visual inspection of all process
equipment related to the treatment processes. This visual inspection will denote corrosion,
condition, and estimated end of useful life. Replacement and rehabilitation recommendations will be noted.

While on site, Garver will also conduct the following:

- Photographs of each asset, with unique identifiers reflecting the Owner's naming convention
- Name plate information as applicable
- Provide guidance to Owner staff for the condition assessment process

If the assessments require additional time on-site beyond the estimated one (1) day due to unforeseen conditions, the additional time will be considered as Extra Work. This work will be as directed by the Owner in writing for an additional fee as agreed upon by the Owner and Garver. Garver will not proceed with the Extra Work without written authorization to do so.

Deliverables:
- One PDF of completed assessment forms
- Photographs of each asset in .JPG format

3. SCADA Improvements Recommendation

Following the field assessments, Garver will prepare a technical memorandum which documents the lift station's existing methods of control and interface with the Owner's SCADA network. Garver will also document existing SCADA components, including local PLCs, remote I/O cabinets, and communication pathways such as fiber optic or radios and antennas.

The technical memorandum will identify recommended SCADA upgrades to improve remote monitoring and operations. Identified upgrades will include an Opinion of Probable Construction Cost (OPCC).

Deliverables:

- One PDF of technical memorandum

4. Capacity and Process Control Optimization

Garver will evaluate the existing operation of the lift station, including existing flow rates (available through existing flow meter), current pump control schemes, alternation, and current setpoints. Garver will provide a technical memorandum which documents the existing pump performance and operation, and recommends any potential improvements to the existing control setpoints to optimize the pump operation. Garver will also evaluate and identify the trigger point for the uninstalled spare third pump.

Deliverables:

- One PDF of technical memorandum

5. Regulatory Assessment

Garver will evaluate the lift station facility's current compliance with the Texas Administrative Code (TAC) Chapter 217, Rules 59-64 pertaining to lift station design requirements. The design requirements, along with observed deviation, will be noted and summarized in a technical memorandum.

Deliverables:

- One PDF of technical memorandum

6. Business Risk Exposure

Garver will utilize the WERF Business Risk Exposure (BRE) tool to provide rankings of each of the major assets. Assets will be grouped by hierarchy. Garver will update this Excel file and provide it back to the Owner. Garver will assign information for each of the following categories in the tool:

- Build/Install Date
- Refurb/Replace Date
- Expected Design Life
- Imminent Failure Mode
- At-Risk Components
- Performance Element Rankings

Garver will assist the Owner is assigning Consequence of Failure rankings for asset classes. The information will allow a Core Risk Score to be assigned to each asset. Following the delivery of the completed Core Risk Score spreadsheet with applicable assets, Garver will conduct a workshop at the Owner's location. The purpose of the workshop will be to confirm scoring of each asset with the Owner's staff. Garver will also provide a list of potential condition monitoring techniques for assets with a critical score. Following the workshop, Garver will deliver a final BRE tool.

Deliverables:

- One completed BRE tool draft with compiled condition assessment data
- One final BRE tool with compiled condition assessment data, and incorporating the workshop comments

7. OPCC of High Risk Assets

Garver will provide an Opinion of Probable Construction Cost (OPCC) for the assets identified to be at a high risk category by the BRE tool and in need of replacement. The OPCC will assume full removal and replacement with identical structures, processes, and equipment. The cost for installation of third pump and appurtenances will be provided. No additional capacity or process improvements will be considered beyond what is described herein.

Deliverables

- OPCC of each high risk asset in PDF and Excel

8. Capital Improvements Plan Development

Garver will evaluate the high risk assets in need of replacement, along with any deviations from TAC Chapter 217 regulations, and develop projects to reflect replacement of those assets or improvements to comply with the Chapter 217 standards. The projects will be grouped according to discipline (to allow for discipline-specific contractors to address each item), location, and Owner budget. Each project will be identified in a Project Identification Form, which will provide general background, need for the project, items to be replaced, and impact to the Owner.

For this task, it is anticipated that a maximum of 5 projects (grouping of work) will be identified. If greater than 5 projects are identified, additional project identification and development will be considered Extra Work.

Following development of the projects, Garver will coordinate with the Owner to establish a timeframe for implementation. Upon establishment of the timeframe, Garver will develop a Capital Improvements Program which details anticipated professional services and construction costs relative to the timeframe at which each project is implemented. This Plan will be formatted in Excel, and will reflect the City's intended timeframe and budget for the improvements.

Garver will provide a final binder combining all reports, Technical Memorandums, and CIP into one deliverable document.

Deliverables

- PDF of Project Identification Forms
- Excel file of Capital Improvements Program
- Compiled assessment Binder with all reports (five copies)

9. Project Meetings

This task includes five (5) separate meetings to be held at Owner's request with up to two (2) Garver Staff at any time during the schedule of this project. No deliverables are anticipated for this task. This work will be billed on a per meeting basis and will only be utilized if requested by the Owner.

10. Extra Work

The following items are not included under this agreement, but may be deemed necessary at a later date and will be considered as Extra Work. Extra Work will be as directed by the City in writing for an additional fee as agreed upon by the Owner and Garver.

1. Life cycle cost analysis.
2. Performance testing.
3. Additional site visits requested by the Owner.
4. Process modeling.
5. Identification of alternative processes or improvements.
6. Energy improvements evaluations.
7. Survey of any kind.
8. Design services of any kind.
9. Bidding or construction phase services.
10. SCADA integration or design.
11. Maintenance schedule recommendations.
12. Operations and Maintenance manuals.
13. Submittals or deliverables in addition to those listed herein.
14. Invasive or non-invasive structural evaluation techniques beyond visual

observation of existing structures at grade and existing record drawings.

15. Geotechnical services.
16. Surveying services.
17. Floodplain delineation and coordination with FEMA.
18. Environmental services.
19. TWDB or TCEQ coordination.
20. Risk Mitigation Strategy Development

Extra Work will be as directed by the City in writing for an additional fee as agreed upon by the City and Garver.

EXHIBIT "B"
COMPENSATION SCHEDULE / PROJECT BILLING / PROJECT BUDGET

Agreement by and between the Town of Addison (Town)
and COMPANY NAME (Consultant)
to perform Professional Engineering Services for
Wastewater Lift Station

I. COMPENSATION SCHEDULE / PROJECT BILLING SUMMARY.

Tasks	Fee
Task 1 - Asset Inventory and Assessment Form	$2,947.00
Task 2 - Assessments	$29,992.00
Task 3 - SCADA Improvements Recommendation	$4,060.00
Task 4 - Capacity and Process Control Optimization	$10,268.00
Task 5 - Regulatory Assessment	$3,188.00
Task 6 - Business Risk Exposure	$1,740.00
Task 7 - OPCC of High Risk Assets	$5,700.00
Task 8 - CIP Development	$14,593.00
Task 9 - Project Meetings	$9,000.00
Subtotal for Lump Sum Professional Services	**$81,488.00**
Total Fee	**$81,488.00**
TOTAL CONSULTANT'S FEE (NOT-TO-EXCEED)	**$ 81,488.00**

EXHIBIT "C"
TOWN OF ADDISON GUIDELINES FOR DIRECT EXPENSES; GENERAL AND ADMINISTRATIVE MARKUP; TRAVEL AND SUBSISTENCE EXPENSES

I. **CONSULTANT'S RESPONSIBILITY**. The Consultant shall be solely responsible for the auditing of all direct expense, approved markup (general and/or administrative), and approved travel and/or subsistence charges, including those to be included under a sub-contract, prior to the Town for reimbursement, and Consultant shall be responsible for the accuracy thereof. Any overpayment by the Town for errors in submittals for reimbursement may be deducted from the Consultant's subsequent payment(s) for services; however, this shall not be the Town's sole and exclusive remedy for said overpayment.

II. **GUIDELINES FOR DIRECT EXPENSES**.

A. **Local Transportation** – Transportation in connection with the Project, when such transportation is not a function of routine performance of the duties of the Consultant in connection with the Project, and when such transportation exceeds beyond fifty (50) miles from the Project site, shall be reimbursed at a standard mileage rate consistent with that as issued, and periodically revised, by the United States Internal Revenue Service (IRS). Under no circumstances shall Town reimburse Consultant at a higher standard mileage rate or pay additional markup on charges for local transportation. Completion of Town's Standard Mileage Log is required for submittal of these charges for reimbursement, including justification for each submitted expense.

Under no circumstances are charges associated with rental cars for local transportation eligible for reimbursement by Town. Toll road subscriptions or toll plaza receipts are not reimbursable. Consultant agrees to place these standards in all subcontracts for work on the Project.

B. **Supplies, Material, Equipment** – Town shall reimburse the actual cost of other similar direct Project-related expenses, which are duly presented in advance and approved by Town's Project Manager in writing.

C. **Commercial Reproduction** – Town shall reimburse the actual cost of reproductions, specifically limited to progress prints prepared for presentation to Town at each phase of progress, and final Construction Documents prepared for distribution at bidding phase, provided that the Consultant has duly obtained at least three (3) quotations from commercial firms and has chosen the best value for the Town. Consultant shall provide such documentation to Town for review prior to submitting these expenses for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

D. **In-House Reproduction** - Consultant shall make arrangements with the Town for prior approval of in-house reproduction rates prior to submitting these expenses for reimbursement. Town shall provide Consultant with a standard format for documenting these charges. Completion of the Town's reproduction log is required as a prerequisite for payment, including the number or

reproductions, the date, time, description, the approved standard rate, and a justification for each submitted expense for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

E. **Commercial Plotting** – Town shall reimburse the actual cost of plots, specifically limited to final documents, provided the Consultant has duly obtained at least three (3) quotations from commercial firms and has chosen the best value for the Town. Consultant shall provide such documentation to Town for review prior to submitting these expenses for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

F. **In-House Plotting** – Consultant shall make arrangements with Town for prior written approval of in-house plotting rates prior to submitting these charges for reimbursement. Town shall provide Consultant with a standard format for documenting these charges. Completion of the Town's reproduction log is required as a prerequisite for payment, including the number of plots, the date, time, description, the approved standard rate, and a justification for each submitted charge for reimbursement.

G. **Communications** – Reimbursement for expenses relating to electronic communications shall be limited to long-distance telephone or fax toll charges specifically required in the discharge of professional responsibilities related to the Project. Telephone service charges including office or cellular phones, WATTS, or Metro line services or similar charges are not reimbursable.

H. **Postage, Mail, and Delivery Service** – Town shall reimburse the actual cost of postage and delivery of Instruments of Service, provided the Consultant duly considers all circumstances (including available time for assured delivery) of the required delivery and selects the best value for the Town, which may require comparison of delivery costs offered by three (3) or more sources or methods of delivery, which at a minimum shall include U.S. Mail. Courier service is acceptable only in circumstances requiring deadline-sensitive deliveries and not for the convenience of the Consultant and/or the Consultant's employees. Consultant agrees to place these standards in all subcontracts for work on the Project.

I. **Meals and Other Related Charges** – Meals or any other related expenses are not reimbursable unless incurred outside a fifty (50) mile radius of the Project, and then only reimbursable for the actual cost subject to compliance with the Town's currently adopted policy. Non-allowable costs include, but are not limited to, charges for entertainment, alcoholic beverages, and gratuities.

III. GUIDELINES FOR GENERAL AND ADMINISTRATIVE MARKUP.

1. **Requirement of Prior Approval** – Consultant may be allowed to charge a General and/or Administrative Markup on work completed if Consultant can clearly define to Town specifically what costs are included in the markup calculation. To apply General and/or Administrative Markup, Consultant must also document to Town what costs would be considered direct costs. Town shall issue approval in writing to allow Consultant to charge General and/or Administrative Markup. Town reserves the right to reject any and all requests for General and/or Administrative Markup.

IV. GUIDELINES FOR TRAVEL AND SUBSISTENCE EXPENSES.

1. **Adherence to Currently Adopted Town Travel Policy** – Unless otherwise stated within this Agreement, reimbursements shall be governed by the same travel policies provided for Town employees according to current adopted policy. All lodging and meals are reimbursed in accordance with IRS rules and rates as shown on the U.S. General Services Administration website for the Town: http://www.gsa.gov/portal/category/21287.

2. Prior to the event, Consultant shall request, and the Town shall provide the provisions and the restrictions that apply to out-of-town reimbursements.

EXHIBIT "D"
TOWN OF ADDISON PROFESSIONAL SERVICES/CONSULTANT INSURANCE GUIDELINES

REQUIREMENTS

Contractors performing work on CITY OF ADDISON property or public right-of-way shall provide the CITY OF ADDISON a certificate of insurance or a copy of their insurance policy(s) (and including a copy of the endorsements necessary to meet the requirements and instructions contained herein) evidencing the coverages and coverage provisions identified herein within ten (10) days of request from CITY OF ADDISON. Contractors shall provide CITY OF ADDISON evidence that all subcontractors performing work on the project have the same types and amounts of coverages as required herein or that the subcontractors are included under the contractor's policy. Work shall not commence until insurance has been approved by CITY OF ADDISON.

All insurance companies and coverages must be authorized by the Texas Department of Insurance to transact business in the State of Texas and must have a A.M. Best's rating A-:VII or greater.

Listed below are the types and minimum amounts of insurances required and which must be maintained during the term of the contract. CITY OF ADDISON reserves the right to amend or require additional types and amounts of coverages or provisions depending on the nature of the work.

	TYPE OF INSURANCE	AMOUNT OF INSURANCE	PROVISIONS
1.	**Workers' Compensation Employers' Liability** to include: (a) each accident (b) Disease Policy Limits (c) Disease each employee	Statutory Limits per occurrence Each accident $1,000,000 Disease Policy Limits $1,000,000 Disease each employee$1,000,000	**CITY OF ADDISON to be provided a *WAIVER OF SUBROGATION AND 30 DAY NOTICE OF CANCELLATION or*** material change in coverage. **Insurance company must be A-:VII rated or above.**
2.	**Commercial General (Public) Liability** to include coverage for: a) Bodily Injury b) Property damage c) Independent Contractors d) Personal Injury e) Contractual Liability	Bodily Injury/Property Damage per occurrence $1,000,000, General Aggregate $2,000,000 Products/Completed Aggregate $2,000,000, Personal Advertising Injury per occurrence $1,000,000, Medical Expense 5,000	***CITY OF ADDISON to be listed as ADDITIONAL INSURED and provided 30 DAY NOTICE OF CANCELLATION*** **or material change in coverage.** **Insurance company must be A-:VII rated or above.**
3.	**Business Auto Liability** to include coverage for: a) Owned/Leased vehicles b) Non-owned vehicles c) Hired vehicles	Combined Single Limit $1,000,000	***CITY OF ADDISON to be listed as ADDITIONAL INSURED and provided 30 DAY NOTICE OF CANCELLATION*** **or material change in coverage.** **Insurance company must be A:VII- rated or above.**

Certificate of Liability Insurance forms (together with the endorsements necessary to meet the requirements and instructions contained herein)may be **faxed** to the Purchasing Department: **972-450-7074 or emailed to: purchasing@addisontx.gov.** Questions regarding required insurance should be directed to the Purchasing Manager.

With respect to the foregoing insurance,

1. All liability policies shall contain no cross liability exclusions or insured versus insured restrictions applicable to the claims of the City of Addison.

2. All insurance policies shall be endorsed to require the insurer to immediately, or no later than thirty (30) days, notify the City of Addison, Texas of any material change in the insurance coverage.

3. All insurance policies shall be endorsed to the effect that the City of Addison, Texas will receive at least thirty (30) days' notice prior to cancellation or non-renewal of the insurance.

4. All insurance policies, which name the City of Addison, Texas as an additional insured, must be endorsed to read as primary coverage regardless of the application of other insurance.

5. Insurance must be purchased from insurers that are financially acceptable to the City of Addison and licensed to do business in the State of Texas.

All insurance must be written on forms filed with and approved by the Texas Department of Insurance. Upon request, Contractor shall furnish the City of Addison with complete copies of all insurance policies certified to be true and correct by the insurance carrier.

This form must be signed and returned with your quotation. You are stating that you do have the required insurance and if selected to perform work for CITY OF ADDISON, will provide the certificates of insurance (and endorsements) with the above requirements to CITY OF ADDISON within 10 working days.

A CONTRACT/PURCHASE ORDER WILL NOT BE ISSUED WITHOUT EVIDENCE AND APPROVAL OF INSURANCE.

AGREEMENT

I agree to provide the above described insurance coverages within 10 working days if selected to perform work for CITY OF ADDISON. I also agree to require any subcontractor(s) to maintain insurance coverage equal to that required by the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

Project/Bid# WASTEWATER LIFT STATION CONDITION ASSESSMENT

Company: GARVER, LLC

Printed Name: HERBERT J. PARKER

Signature: Herbert J. Parker **Date:** 5/10/2016

EXHIBIT "E"
AFFIDAVIT

THE STATE OF TEXAS §
§
THE COUNTY OF DALLAS §

I, Herbert J. Parker, a member of Garver, LLC, make this affidavit and hereby on oath state the following:

I, and/or a person or persons related to me, have the following interest in a business entity that would be affected by the work or decision on the Project (Check all that apply):

_____ Ownership of 10% or more of the voting shares of the business entity.

__X__ Ownership of Twenty Five Thousand and 00/100 Dollars ($25,000.00) or more of the fair market value of the business entity.

_____ Funds received from the business entity exceed ten percent (10%) of my income for the previous year.

_____ Real property is involved, and I have an equitable or legal ownership with a fair market value of at least Twenty Five Thousand and 00/100 Dollars ($25,000.00).

_____ A relative of mine has substantial interest in the business entity or property that would be affected by my business decision of the public body of which I am a member.

_____ Other: _____.

_____ None of the Above.

Upon filing this affidavit with the Town of Addison, Texas, I further affirm that no relative of mine, in the first degree by consanguinity or affinity, as defined in Chapter 573 of the Texas Government Code, is a member of a public body which took action on the agreement.

Signed this 10TH day of MAY, 2016.

Herbert J. Parker
Signature of Official / Title

BEFORE ME, the undersigned authority, this day personally appeared Herbert J. Parker and on oath stated that the facts hereinabove stated are true to the best of his / her knowledge or belief.

Sworn to and subscribed before me on this 10th day of May, 2016.

Nancy Kay Fulmer
Notary Public in and for the State of Texas
My commission expires: 3-16-2024

NANCY KAY FULMER
COMM. EXP. 3-16-2024
No. 12397454
PULASKI COUNTY
NOTARY PUBLIC - ARKANSAS

EXHIBIT "F"
CONFLICT OF INTEREST QUESTIONNAIRE, FORM CIQ

FORM CIQ CONFLICT OF INTEREST QUESTIONNAIRE For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code. A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1. **Name of person who has a business relationship with local governmental entity.**

HERBERT J. PARKER / GARVER, LLC

2. **Check this box if you are filing an update to a previously filed questio** ☐

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3. **Name of local government officer with whom filer has employment or business relationship.**

NONE

Name of Local Government Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire? Yes ☐ No ☐

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes ☐ No ☐

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes ☐ No ☐

D. Describe each employment or business relationship with the local government officer named in this section.

EXHIBIT "F"
CONFLICT OF INTEREST QUESTIONNAIRE, FORM CIQ

4. **Signature of person doing business with the governmental entity Date:**

Herbert J. Parker — Signature

5/10/2016 — Date

Local Government Officers Town of Addison, Texas

For purposes of completion of the required Conflict of Interest Questionnaire for the Town of Addison Texas (required by all Vendors who submit bids/proposals), Local Government Officers are:

Mayor:	Todd Meier
Council Members:	Al Angel, Council Member
	Jim Duffy, Council Member
	Bruce Arfsten, Council Member
	Paul Walden, Council Member
	Ivan Hughes, Council Member
	Dale Wilcox, Council Member
City Manager:	Wesley S. Pierson

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY
CERTIFICATION OF FILING

Certificate Number:
2016-52854

Date Filed:
05/10/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.
Garver, LLC
Frisco, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.
Town of Addison

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.
16088080
Engineering Services for Lift Station Improvements

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary
Holder, Jr. , Jerry	Frisco, TX United States	X	
Griffin, Michael	Frisco, TX United States	X	
Jones, Steven	Frisco, TX United States	X	
Hoskins, Brock	Frisco, TX United States	X	
McIllwain, Frank	Frisco, TX United States	X	
Parker, Herbert	Frisco, TX United States	X	
Williams, Daniel	Frisco, TX United States	X	

5 Check only if there is NO Interested Party. ☐

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

HEATHER A. COMPTON
Notary Public, State of Texas
My Commission Expires
June 20, 2017

AFFIX NOTARY STAMP / SEAL ABOVE

Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Frank McIllwain, this the 10th day of May, 20 16, to certify which, witness my hand and seal of office.

Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath
Heather Compton	Heather Compton	Notary

AI-1658 **Item # 10.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Parks & Recreation

AGENDA CAPTION:

Consider Approval Of Bid #1603-001 From American Landscape Systems, Inc. For **Landscape Maintenance Of Addison Circle District And Addison Circle Park** In An Amount Not To Exceed $135,000.

BACKGROUND:

Bid #1603-001 is an annual renewable contract that can be extended for four (4) twelve-month periods under the same terms and conditions as the original contract. The scope of work involved under this contract includes turnkey maintenance of all planted trees, shrubs, turf, groundcover, annuals, perennials, irrigation, mulch and decomposed granite within the Addison Circle District.

The bidder's were requested to submit a unit cost for: turnkey maintenance, irrigation pricing; application of post emergent and pre-emergent herbicides; fertilizer application; minor tree pruning; manual weeding; hardwood mulch; cedar mulch; mowing; tree fertilization; supplemental hand watering; pesticide application; irrigation checks and repairs; emptying trash receptacles; aerifications; seasonal color; overseeding; and, application of TopChoice. Heavy tree pruning has been removed from this bid in order to minimize the cost increase in the bid award. Any heavy tree pruning will be done utilizing the Interlocal Agreement with the City of Coppell.

Based on the total of the bid items, American Landscape Services is the low bidder. In addition to being the low bidder, American Landscape Services has successfully maintained the Addison Circle District since the Fall of 2004. The bid amount is $46,800 higher than the previous contract with American. The increase is based on two major factors: 1) Labor Costs - the contractor did not receive any consumer price index (CPI) increases over the course of the 5 year contract, and 2) Material Costs. Upon approval, the increase will be included in the Fiscal Year 2017 budget.

RECOMMENDATION:

Administration recommends approval.

Fiscal Impact

Budgeted Yes/No: Yes

Funding Source: General Fund - Parks Department Operating Budget

Amount: $135,000

Attachments

Bid Summary #1603-001

Contract

Bid #1603-001

Landscape Maintenance Addison Circle District and Addison Circle Park

Line Item	Description	Unit	Pricing		
			American	Carruthers	Terracare
1	Turnkey Maintenance	Lump Sum	$ 121,275.00	$ 116,000.00	$ 291,815.00
2	Irrigation Pricing	Hourly Rate	$ 85.00	$ 65.00	$ 90.00
3	Application of Post-emergent Herbicides	Per Acre	$ 125.00	$ 175.00	$ 166.00
4	Application of Pre-emergent Herbicides	Per Acre	$ 85.00	$ 225.00	$ 255.00
5	Fertilizer Application	Per Acre	$ 165.00	$ 225.00	$ 190.00
6	Minor Pruning	Lump Sum	$ 4,200.00	$ 3,500.00	$ 1,381.00
7	Manual Weeding	Lump Sum	$ 3,600.00	$ 3,500.00	$ 863.00
8	Hardwood Mulch	Per Square Foot	$ 0.55	$ 10,000.00	$ 0.60
9	Cedar Mulch	One Application	$ 410.00	$ 3,500.00	$ 0.60
10	Mowing	Per Acre	$ 70.00	$ 75.00	$ 87.00
11	Tree Fertilization	Each	$ 11.00	$ 45.00	$ 23.00
12	Supplementa Hand Watering	Per Hours	$ 35.00	$ 35.00	$ 62.00
13	Pesticide Application	Per Acre	$ 65.00	$ 225.00	$ 264.00
14	Irrigation Checks & Repairs	Each	$ 2,500.00	$ 12,000.00	$ 2,435.00
15	Emptying Trash Cans	Lump Sum	$ 55.00	$ 1,200.00	$ 220.00
16	Aerifications	Per Acre	$ 435.60	$ 81.00	$ 166.00
17	Seasonal Color	Lump Sum	$ 810.00	$ 2,500.00	$ 746.00
18	Overseeding	Lump Sum	$ 370.00	$ 1,200.00	$ 466.00
19	TopChoice Application	Per Acre	$ 285.00	$ 2,500.00	$ 591.00
TOTALS			**$ 134,582.15**	**$ 157,051.00**	**$ 299,821.20**

CONTRACT AGREEMENT

STATE OF TEXAS

COUNTY OF DALLAS

THIS AGREEMENT is made and entered into this 24th day of May, 2016, by and between the Town of Addison, of the County of Dallas and State of Texas, acting through its Mayor, thereunto duly authorized so to do, Party of the First Part, hereinafter termed the OWNER, and American Landscape Systems, Inc., of the City of Lewisville, County of Denton, State of Texas, Party of the Second Part, hereinafter termed CONTRACTOR.

WITNESSETH: That for and in consideration of the payment and agreement hereinafter mentioned, to be made and performed by the OWNER, the said CONTRACTOR hereby agrees with the said OWNER to commence and complete the services of your response to our bid:

Landscape Maintenance Addison Circle & Addison Circle Park, Bid 1603-001

and all extra work in connection therewith, under the terms as stated in the General and Specific Provisions of the AGREEMENT; and at his own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and other accessories and services necessary to complete the said service, in accordance with the conditions and prices stated in the Bid attached hereto and in accordance with the Advertisement for Bids, Instructions to Bidders printed or written explanatory matter thereof, and the Technical Specifications and Addenda thereto, as prepared by the OWNER, each of which has been identified by the endorsement of the CONTRACTOR and the OWNER thereon, together with the CONTRACTOR's written Bid and the General Provisions, all of which are made a part hereof and collectively evidence and constitute the entire AGREEMENT.

The OWNER agrees to pay the CONTRACTOR $ 134,582.15 in current funds for the performance of the Contract in accordance with the Bid submitted thereof, subject to additions and deductions, as provided in the General Provisions, and to make payments of account thereof as provided therein.

IN WITNESS WHEREOF, the parties of these presents have executed this AGREEMENT in the year and day first above written.

TOWN OF ADDISON
(OWNER)

By: _____

ATTEST:

_____
City Secretary

AMERICAN LANDSCAPE SYSTEMS, INC.
(CONTRACTOR)

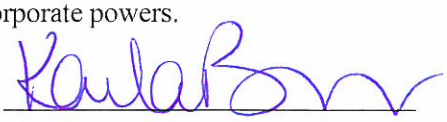
By: _____
Joseph T. Angelone

ATTEST:

_____
Controller

The following to be executed if the CONTRACTOR is a corporation:

I, Karla Berumen, certify that I am the Controller of the corporation named as CONTRACTOR herein; that Joseph T. Angelone, who signed this Contract on behalf of the CONTRACTOR is the Vice President of said corporation; that said Landscape Maintenance Addison Circle & Addison Circle Park, Bid 1603-001 Contract was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

Signed: 

Corporate Seal

AI-1657 **Item # 11.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Consider **Approval Of Change Order 6 To John Burns Construction, Inc. For The Belt Line Road Underground Utilities Project** In An Amount Not To Exceed $129,950.

BACKGROUND:

Change order 6 proposes a shift of work from Oncor to John Burns Construction for the installation of concrete pads. This change order will not increase the overall project cost or add additional time, but will increase the payment to John Burns Construction.

Construction on the Belt Line Road Utility Relocation from Marsh Lane to Midway Road began in late 2014. The project includes removing the overhead power and telecommunication lines and placing them in underground concrete duct structures. There are also a number traffic signal, sidewalk, ramp, and Americans with Disabilities (ADA) improvements in the project as well.

Council has previously approved 4 change orders for this project:

Change Order #1 approved the addition of 180 days (6 months) of construction time and a $27,972 cost increase for concrete due to the delay from the time of bid award to the placement of the concrete order. This was due to the decision to delay the award of the bid and hold public meetings concerning the overall project budget.

Change Order #2 was never finalized and therefore was voided.

Change Order #3 upgraded the pedestrian crossings along Belt Line Road to incorporate new ADA regulations. The new pedestrian buttons will include audible notifications. The increase contract amount for Change Order #3 was $31,990 and added no additional time.

Change Order #4 was for the cost to remove contaminated soils encountered during excavation operations on the west side of the intersection of Belt Line Road and Marsh Lane. The increased contract amount for Change Order #4 was $11,172 and added 10 days to the contract time.

Change Order #5 included several items: additional duct bank conduit to aid in tying the north and south sections of telecommunication duct banks together, additional tree removal and replacement to remove the double row of trees located in several medians with a single row of high-rise live oaks, installation of updated traffic detection equipment

at the Business Drive and Marsh Lane intersections, and the shifting of the AT&T cable installation (pulling) effort from AT&T to John Burns Construction.

Change Order #6 proposes to shift some of the installation work from Oncor Electric to John Burns Construction (JBC). During the initial bid for the project, the installation of the concrete pads on which the electrical transformers and switch gears will sit was to be the responsibility of the successful bidder. The bid amount to perform this work was $139,260. Since only one bid was received in the first bid posting, the project was re-bid. In the second bid posting the installation of these concrete pads was shifted to Oncor to perform as part of the agreement with them. We do not have bid prices from Oncor, but they concurred that the bid amount was in line with their costs. Due to recent workload demands, Oncor has now indicated that their construction crews are behind schedule on other projects and they are not available to do the Belt Line work in the timeframe that we need. The installation of the concrete pads is critical to being able to move forward on the rest of the construction activities. Therefore, we proposed to Oncor that John Burns Construction do this work instead as was originally intended. Oncor has agreed to this change. This change will allow us to maintain the current schedule for completion of the civil construction as December 2016. John Burns has also agreed to perform this work at cost, with no markup. The original bid amount for this work was anticipated to be $139,260. John Burns will now do the work for $129,950, a savings of $9,310 from the original bid price. The change also has no impact on the schedule for completion of the project.

The attached change order has been reviewed by Town staff and the project manager and it has been found to be fair and reasonable. Completion of the John Burns Construction related work is currently set for December 2016. Once JBC's construction contract work has been completed, Oncor and the telecom companies will remove their wires from the overhead poles. Oncor will then remove the poles after all of the lines have been taken down.

The overlay of Belt Line will be bid upon the completion of the JBC construction contract work and is estimated to take 8-10 months for full construction after bids are received.

RECOMMENDATION:

Administration recommends approval.

Attachments

Change Order Doc

Map

TOWN OF ADDISON CHANGE ORDER FORM

Change Order Number: 6
Project Name: Belt Line Road Underground Utilities
Project Number(s): 14-10
Project Manager: Kent Power/Ryan Reynolds
Date: 5/24/2016

A. INTENT OF CHANGE ORDER

Change Order reallocates effort to install 26 concrete pads and associated foundation piers from Oncor's construction team to Addison's contractor, John Burns Construction Co (JBC).

B. DESCRIPTION OF CHANGE

13 Vista Gear, 2 PME, and 11 Transformer pre-cast concrete pads and associated foundation piers are reallocated from Oncor's construction team to Addison's construction contract with JBC. This includes all material and labor for excavation and backfill, installing 26 pre-cast concrete pads, and required cast in place concrete pier foundations. Effort will also include the PVC bends and plumbing from the mainline duct as well as the required rodding/proof of duct.

C. REASON FOR CHANGE

Prior to the re-bidding of the Belt Line Rd UGE construction contract, RHSI and Halff & Associates evaluated the bid items determine if alternative procurement could be used for some of the more common items or items that are commonly provided by utilities. It was determined that Addison could delete the concrete switch gear and transformer pads (original bid of $139,260) from the construction contract for addition to the Oncor discretionary services agreement. Oncor could provide the pads with piers at cost plus management fee.

Oncor's construction crew is currently behind schedule due to a surge in projects in the wake of this spring's weather events. JBC has offered to provide the work at cost and as originally specified to ensure adherence to the schedule. This arrangement allows Addison to procure the concrete pads with piers at cost (with no markup) while maintaining a higher level of control over the project schedule.

D. EFFECT OF CHANGE ON CONTRACT PRICE

This change order will have the following effect on the cost of this project:

Item Number/Description	Quantity	UT	Amount
6. Switch Gear and Transformer Pads			
Additions			
1. Vista Gear Pad	13	EA	$ 64,350
2. PME Pad	2	EA	$ 9,500
3. Transformer Pad	11	EA	$ 56,100
Deletions			
1. None			
Switch Gear and Transformer Pads Total Cost:			**$ 129,950**
Original Contract Amount			$8,820,801.80
Total Contract Amount (Including Previous Change Orders)			$9,149,822.48
Amount of this Change Order			$129,950
Revised Contract Amount			$9,279,722.48
% Increase/Decrease Civil Construction (Including Prev. CO)			1.8%
% Increase/Decrease due to Reallocation (Including Prev. CO)			3.4%
Total % Increase/Decrease (Including Prev. CO)			5.2%

E. EFFECT OF CHANGE ON CONTRACT TIME

The work required under this change will add the following time to the contract:

Item Number/Description	Quantity
6. Switch Gear and Transformer Pads	0
Original Contract Time (in days)	468
Total Contract Time Including Previous Change Orders (in days)	722
Increase/Decrease in Time from this Change Order (in days)	0
Revised Contract Time (in days)	722

F. AGREEMENT

By the signatures below, duly authorized agent of the Town of Addison, John Burns Construction Company of Texas, Inc. do hereby agree to append this Change Order Number 6 to the original contract between themselves, dated 01/11/2014 (insert original contract date).

John Burns Construction Company of Texas, Inc.
Company Name

P.O. Box 1117

Lewisville TX 75067
City State Zip

(972) 434-6789
Phone

Project Manager

Contractor's Signature

Department Director

Design Engineer's Signature

Fin. & Strat. Services Representative

Design Engineer's Signature

City Manager

Copies: Contractor (2)
Department
City Secretary
Strategic Services Manager

Council Agenda: Agenda Date _____
(if applicable) Item Number _____
Approved _____

john burns
construction company
of Texas, Inc.

P.O. BOX 1117
LEWISVILLE, TEXAS 75067
METRO (972) 434-6789
FAX NO. (972) 221-8301

DRISKOLL TUBBS
Executive Vice President

MIKE BORSTAD
Vice President - Operations

CLAUDIA THOMAS
Secretary

JEROME P. KAMRADT
Treasurer

May 11, 2016

Town of Addison – Infrastructure and Operations Services
16801 Westgrove Dr.
Addison, Texas 75001

Attn: Ms. Lisa Pyles

Re: Belt Line Road Electrical Underground PH I – PCO #6 – Addition of Transformer and Switch Gear Pad Construction

Dear Ms. Pyles:

John Burns Construction would like to present this potential change order to add the construction of the Oncor Transformer and Switch Gear Pads to the contract. The plans show the pads as being constructed by others but it will be beneficial to the project schedule and budget to have JBCCO construct the pads.

Since the finalized pad design has not been completed by Oncor, JBCCO quoted the following as a standard size. Anything required beyond that will be an increased charge for material.

- 75x127.5x06 w/ 15" collar – 5 to 6 way Vista Pad
- 8'-6"x8'-1"x1'-8" 25kV PME Pad
- 114x132x08 1500-2500 kVA 3-Phase Transformer Pad

This price of this contract change is One Hundred Twenty-Nine Thousand Nine Hundred Fifty Dollars and Zero Cents ($129,950.00). The addition of this work will extend the substantial completion date for civil construction to 11/27/16. Please see the attached sheet for a unit price break down.

Sincerely,

Kyle Pedigo
Project Manager

ATTACHED SHEET FOR
BELT LINE ROAD UNDERGROUND ELECTRICAL
ADDISON, TEXAS

Item #	Description	Quantity	Unit	Unit Price	Total
	PADS				
6.23	VISTA GEAR PAD	13	EA	4950.00	64350.00
6.24	PME PAD	2	EA	4750.00	9500.00
6.25	TRANSFORMER PAD	11	EA	5100.00	56100.00
	TOTAL PADS				**$ 129,950.00**

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY
CERTIFICATION OF FILING

Certificate Number:
2016-54762

Date Filed:
05/12/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

John Burns Construction Company of Texas, Inc.
Addison, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Town of Addison, of the County of Dallas and State of Texas

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

14-10
Construction of Electrical and Telecommunications underground duct packages between Marsh Lane and Midway Road on Belt Line Road in Addison, TX. CO #6 adds Switch Gear and Transformer pad construction

4 Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is NO Interested Party. [X]

6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

PAM G. CRABLE
Notary Public
STATE OF TEXAS
My Comm. Exp. August 25, 2017

Pam G. Crable

AFFIX NOTARY STAMP / SEAL ABOVE

Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Driskoll Tubbs, this the 13th day of May, 20 16, to certify which, witness my hand and seal of office.

Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath
	Driskoll Tubbs	Exec. V.P.

Marsh Lane
Midway Road
Arapaho Rd
Arapaho Rd
Arapaho Rd
Addison Town Center
Les Lacs Park

Dallas North Tollway
Arapaho Rd
Belt Line Rd
Belt Line Rd
Brantley Cleaners

In Progress

AI-1571 **Item # 12.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Consider A **Resolution Authorizing The City Manager To Enter Into A Contract With Kleinfelder, Inc., For Design And Construction Observation Services For the Surveyor Ground Storage Tank Rehabilitation and Pipeline Improvements Project** In The Amount of $243,969.

BACKGROUND:

In 2012, the Town issued a Request For Qualifications to qualify a pool of professional engineers that could be utilized for various Town projects. Kleinfelder Inc,. was selected as one of these firms. In September 2013, Council authorized a contract with Kleinfelder Inc., to perform an assessment and evaluation of all of the Town's water storage facilities. The purpose of this assessment and evaluation was to inspect and assess the external and internal condition of the water storage facilities and to develop a capital improvement program that would include recommendations for prioritization and an opinion of probable cost for each of the identified projects. That report, dated May 14, 2014, identified several projects that were considered important to maintain and preserve the physical assets that support the Town of Addison's water storage operations, programs, and services.

All projects identified in the report were entered into a Likelihood of Failure/Consequence of Failure priority matrix. The projects were then prioritized based on the overall risk factor as identified in the matrix. According to that matrix, the top priority was the repairs to the Addison Circle Elevated Storage Tank. Those repairs were completed in early 2015. The second highest priority is the repairs to the Surveyor Ground Storage Tank (GST).

The scope of the Surveyor project will include replacement of the exterior coating on the roof of the ground storage tank, repairs to several areas of failed concrete on both the interior and exterior of the ground storage tank, several safety and operational improvements, and the installation of a secondary pipe that is used to fill the storage tank.

The Town owns four water storage facilities and listed below are the projects ranked in priority order:

- Addison Circle Elevated Storage Tank - 1 million gallons- COMPLETE
- Surveyor Ground Storage Tank - 2 million gallons
- Celestial Ground Storage Tank - 6 million gallons
- Surveyor Elevated Storage Tank - 1.5 million gallons

Staff recommends that Kleinfelder design the improvements and provide construction management for the project. Below is a list of the services they will perform :

- Preparation of the plans and specifications
- Coordination with outside agencies, such as Dallas Water Utilities and the Texas Commission on Environmental Quality
- Opinion of probable construction cost
- Design project management
- Assistance during the bid phase
- Assistance during the construction phase
- Construction observation
- Construction materials testing

A detailed description of each task can be found in the Exhibit A Scope of Services in the agreement that is attached.

The total budget for the design services is $300,000. The design and project management services will be provided for the amount of $188,400. The construction observation services will be charged on a time and materials basis and are not expected to exceed $55,569. This amount will not be exceeded without prior approval. The total estimated amount of the contract is not expected to exceed $243,969 Funding for this project was included in the FY2016 Utility Fund CIP budget.
The Surveyor Ground Storage tank is located at Surveyor and Arapaho.

The design for this project is budgeted in the Utilities Capital Projects Fund and is expected to take 6 months. The project will begin in June 2016.

Next steps: Once design is complete the Town will request bids from contractors to complete the rehabilitation and pipeline improvements. Based on the current design scope, construction is estimated to take 12 months.

RECOMMENDATION:
Administration recommends approval.

Attachments

Resolution and Professional Engineer Services Agreement

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING THE AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE TOWN OF ADDISON AND KLEINFELDER, INC FOR DESIGN AND CONSTRUCTION MANAGEMENT OF THE REHABILITATION OF A SURVEYOR GROUND STORAGE TANK AND PIPELINE IMPROVEMENTS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Agreement for Professional Engineering Services between the Town of Addison and Kleinfelder, Inc. for design and construction management of the rehabilitation of a surveyor ground storage tank and pipeline improvements, a copy of which is attached to this Resolution as **Exhibit A,** is hereby approved. The City Manager is hereby authorized to execute the agreement.

Section 2. This Resolution shall take effect from and after its date of adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

EXHIBIT A

AGREEMENT
BETWEEN
THE TOWN OF ADDISON, TEXAS (TOWN)
AND
KLEINFELDER, INC. (CONSULTANT)

FOR

PROFESSIONAL ENGINEERING SERVICES

Made as of the _____ day of _____ in the year 2016,

BETWEEN the Town:	The Town of Addison, Texas 16801 Westgrove Drive Addison, Texas 75001 Telephone: (972) 450-7001
and the Consultant:	Kleinfelder, Inc. 7805 Mesquite Bend Drive Suite 100 Irving, Texas 75063
for the following Project:	Professional Design and Construction Management Services of the Rehabilitation of 2.0 MG Surveyor Ground Storage Tank (GST) and Pipeline Improvements

The Town and the Consultant agree as set forth below.

THIS AGREEMENT is made and entered by and between the **Town of Addison, Texas**, a Home-Rule Municipal Corporation, hereinafter referred to as "Town," and **Kleinfelder, Inc.**, hereinafter referred to as "Consultant," to be effective from and after the date as provided herein, hereinafter referred to as "Agreement."

WHEREAS, the Town desires to engage the services of the Consultant to provide professional services which shall include, but not be limited to, design and construction services for a ground storage tank within the Town of Addison, Texas; hereinafter referred to as "Project"; and

WHEREAS, the Consultant desires to render such professional engineering services for the Town upon the terms and conditions provided herein.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties agree as follows:

ARTICLE 1
CONSULTANT'S SERVICES

1.1 **Employment of the Consultant** – The Town hereby agrees to retain the Consultant to perform professional engineering services in connection with the Project. Consultant agrees to perform such services in accordance with the terms and conditions of this Agreement.

1.2 **Scope of Services** – The parties agree that Consultant shall perform such services as are set forth and described in Exhibit "A," which is attached hereto and incorporated herein by reference for all purposes, including all assumptions and limitations stated therein. The parties understand and agree that deviations or modifications to the scope of services described in Exhibit "A," in the form of written change orders, may be authorized from time to time by the Town, upon Consultant's written approval.

1.2.1 **Requirement of Written Change Order** – "Extra" work, or "claims" invoiced as "extra" work, or "claims" which have not been issued as a duly executed, written change order by the Addison Town Manager and Consultant, will not be authorized for payment and/or shall not become part of the subcontracts. A duly executed written change order shall be preceded by the Addison Town Council's authorization for the Addison Town Manager to execute said change order.

1.2.2 **DO NOT PERFORM ANY EXTRA WORK AND/OR ADDITIONAL SERVICES WITHOUT A DULY EXECUTED WRITTEN CHANGE ORDER ISSUED BY THE ADDISON TOWN MANAGER**. Project Managers, Superintendents, and/or Inspectors of the Town are not authorized to issue verbal or written change orders.

1.2.3 Consultant will perform its services in a manner consistent with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license as expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect ("Standard of Care"). Consultant makes no representation, guarantee or warranty, express or implied, regarding the services, or any communication (oral or written), certification, report, opinion, or instrument of service provided pursuant to this Agreement.

1.3 **Schedule of Work** – The Consultant agrees to commence work immediately upon the execution of this Agreement and receipt of written Notice to Proceed, and to proceed diligently with said work to completion as described in the Compensation Schedule / Project Billing / Project Budget attached hereto as **Exhibit "B"** and incorporated herein by reference for all purposes, but in no event shall the Project be completed any later than **three hundred sixty five (365) calendar days**.

1.4 **Failure to Meet Established Deadlines** – Consultant acknowledges that time is of the essence in the performance of services, in accordance with sound professional practices, under this Agreement as set forth in the Compensation Schedule / Project Billing / Project Budget attached hereto as Exhibit "B."

ARTICLE 2
THE TOWN'S RESPONSIBILITIES

Town shall do the following in a timely manner so as not to delay the services of Consultant:

2.1 **Project Data** – The Town shall furnish required information that is currently has in its possession, as expeditiously as necessary for the orderly progress of the work, and the Consultant shall be entitled to rely upon the accuracy and completeness thereof.

2.2 **Town Project Manager** – The Town shall designate, when necessary, a representative authorized to act on the Town's behalf with respect to the Project (the "Project Manager"). The Town or such authorized representative shall examine the documents submitted by the Consultant and shall render any required decisions pertaining thereto as soon as practicable so as to avoid unreasonable delay in the progress of the Consultant's services. The Project Manager is not authorized to issue verbal or written change orders for "extra" work or "claims" invoiced as "extra" work.

ARTICLE 3
CONSULTANT'S COMPENSATION

3.1 **Compensation for Consultant's Services** – As described in "Article 1, Consultant's Services," compensation for this Project shall be on a Type of Payment Basis not to exceed Two Hundred Forty-Three Thousand Nine Hundred Sixty-Nine **and 00/100 Dollars ($243,969.00)**, ("Consultant's Fee") and shall be paid in accordance with Article 3 and the Compensation Schedule / Project Billing / Project Budget as set forth in Exhibit "B." **The final five percent (5%) of the Consultant's Fee, or Twelve Thousand One Hundred Ninety-Eight and 45/100 Dollars ($12,198.45), shall not be paid until the Consultant has completed all of the services described in Exhibit "A" and delivered to the Town all of the documents, plans, data, maps, and/or other information required in Exhibit "A."**

3.1.1 **Completion of Record Documents** – Town and Consultant agree that the completion of the Record Documents and/or "As-Built" Documents, including hard copy formatting and electronic formatting, shall be completed, submitted to, and accepted by the Town prior to payment of

the **final five percent (5%) of the Consultant's Fee, or Twelve Thousand One Hundred Ninety-Eight and 45/100 Dollars ($12,198.45).** The electronic formatting shall be consistent with the standards established in Town of Addison Guidelines for Computer Aided Design and Drafting ("CADD"). Completion of the Record Documents and/or "As-Built" documents shall be included in the Consultant's Fee and considered to be within the Scope of Services defined under this Agreement.

3.1.2 **Disputes between Town and Construction Contractor** – If the Project involves the Consultant performing Construction Administration Services relating to an agreement between a Construction Contractor (the "Contractor") and the Town, and upon receipt of a written request by Town, Consultant shall research previous and existing conditions of the Project, and make a determination whether or not to certify that sufficient cause exists for the Town to declare the Contractor in default of the terms and conditions of the agreement. Consultant shall submit his findings in writing to the Town, or submit a written request for a specific extension of time (including the basis for such extension), within fifteen (15) calendar days of receipt of the written request from the Town. Town and Consultant agree that if requested by the Town, completion of this task shall be included in the Consultant's Fee and considered to be within the Scope of Services as defined under this Agreement.

3.1.3 **Consultation and Approval by Governmental Authorities and Franchised Utilities** – Consultant shall be responsible for identifying and analyzing the requirements of governmental agencies and all franchise utilities involved with the Project, and to participate in consultation with said agencies in order to obtain all necessary approvals and/or permissions. The Consultant shall be responsible for preparation and timely submittal of documents required for review, approval, and/or recording by such agencies. The Consultant shall be responsible for making such changes in the Construction Documents as may be required by existing written standards promulgated by such agencies at no additional charge to Town.

3.2 **Direct Expenses** – Direct Expenses are included in the Consultant's Fee as described in Article 3.1 and include actual reasonable and necessary expenditures made by the Consultant and the Consultant's employees and subcontractors in the interest of the Project. All submitted Direct Expenses are to be within the amounts as stated in the Compensation Schedule / Project Billing / Project Budget set forth in Exhibit "B," and consistent with Exhibit "C," Town of Addison Guidelines for Direct Expenses, General and Administrative Markup, and Travel and Subsistence Expenses. The Consultant shall be solely responsible for the auditing of all Direct Expenses, including the subcontractors, prior to submitting to the Town for reimbursement, and shall be responsible for the accuracy thereof. Any over-payment by the Town for errors in submittals for reimbursement may be deducted from the Consultant's subsequent payment for services; provided, however this shall not be the Town's sole and exclusive remedy for said overpayment.

3.3 **Additional Services** – The Consultant shall provide the services as described in the Scope of Services as set forth in Exhibit "A" of this Agreement. If authorized in writing by the Town, the Consultant shall provide additional services, to be compensated on an hourly basis in accordance with this paragraph ("Additional Services"). These services may include, but are not limited to:

3.3.1 Additional meetings, hearings, work-sessions, or other similar presentations which are not provided for or contemplated in the Scope of Services described in Exhibit "A."

3.3.2 Additional drafts and revisions to the Project which are not provided for or contemplated in the Scope of Services as described in Exhibit "A." Drafts or revisions required as the result of errors or omissions by the Consultant shall not be considered Additional Services, but shall fall within the Scope of Services.

3.3.3 Additional copies of final reports and construction plans which are not provided for or contemplated in the Scope of Services as described in Exhibit "A."

3.3.4 Photography, professional massing models which are not provided for or contemplated in the Scope of Services as described in Exhibit "A."

3.3.5 Compensation for Additional Services authorized by the Town shall be in addition to the Consultant's Fee and shall be based on direct billable labor rates and expenses.

3.3.6 Compensation for Additional Services authorized by the Town shall be in addition to the Consultant's Fee and shall be based on an hourly basis according to the following personnel rates. The rates set forth in this chart are subject to reasonable change provided prior written notice of said change is given to Town.

Hourly Billable Rates by Position

Position	***Rate***
Project Manager	$185 / hour
Project Engineer	$135 / hour
Staff Professional II	$125 / hour
Senior Principal Professional	$230 / hour
Project Control Specialist II	$85 / hour
Project Administration I	$75 / hour
Principal Professional	$190 / hour
Senior Professional	$135 / hour
Construction Inspector	$80 / hour

3.4 **Invoices** – No payment to Consultant shall be made until Consultant tenders an invoice to the Town. Invoices are to be mailed to Town immediately upon completion of each individual task listed in Exhibit "B." On all submitted invoices, Consultant shall include appropriate background materials to support the submitted charges on said invoice. Such background material shall include, but is not limited to, employee timesheets, invoices for work obtained from other parties, and receipts and/or log information relating to Direct Expenses. All invoices for payment shall provide a summary methodology for administrative markup and/or overhead charges.

3.5 **Timing of Payment** – Town shall make payment to Consultant for said invoices within thirty (30) days following receipt and acceptance thereof. The parties agree that payment by Town to Consultant is considered to be complete upon mailing of payment by Town. Furthermore, the parties agree that the payment is considered to be mailed on the date that the payment is postmarked.

3.6 **Disputed Payment Procedures** – In the event of a disputed or contested billing by Town, only that portion so contested may be withheld from payment, and the undisputed portion will be paid. Town shall notify Consultant of a disputed invoice, or portion of an invoice, in writing by the twenty-first (21st) calendar day after the date the Town receives the invoice. Town shall provide Consultant an opportunity to cure the basis of the dispute. If a dispute is resolved in favor of the Consultant, Town shall proceed to process said invoice, or the disputed portion of the invoice, within the provisions of Article 3.5. If a dispute is resolved in favor of the Town, Consultant shall submit to Town a corrected invoice, reflecting any and all payment(s) of the undisputed amounts, documenting the credited amounts, and identifying outstanding amounts on said invoice to aid Town in processing payment for the remaining balance. Such revised invoice shall have a new invoice number, clearly referencing the previous submitted invoice. Town agrees to exercise reasonableness in contesting any billing or portion thereof that has background materials supporting the submitted charges.

3.7 **Failure to Pay** – Failure of the Town to pay an invoice, for a reason other than upon written notification as stated in the provisions of Article 3.6 to the Consultant within sixty (60) days from the date of the invoice shall grant the Consultant the right, in addition to any and all other rights provided, to, upon written notice to the Town, suspend performance under this Agreement, and such act or acts shall not be deemed a breach of this Agreement. However, Consultant shall not suspend performance under this Agreement prior to the tenth (10th) calendar day after written notice of suspension was provided to Town, in accordance with Chapter 2251, Subchapter "D" ("Remedy for Nonpayment") of the *Texas Government Code*. The Town shall not be required to pay any invoice submitted by the Consultant if the Consultant breached any provision(s) herein.

3.8 **Adjusted Compensation** – If the Scope of the Project or if the Consultant's services are materially changed due to no error on behalf of Consultant in the performance of services under this Agreement, the amounts of the Consultant's compensation shall be equitably adjusted as approved by Town. Any additional amounts paid to the Consultant as a result of any material change to the Scope of the Project shall be authorized by written change order duly executed by both parties before the services are performed.

3.9 **Project Suspension** – If the Project is suspended or abandoned in whole or in part for more than three (3) months, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of Town in accordance with the provisions of this Agreement prior to suspension or abandonment. In the event of such suspension or abandonment, Consultant shall deliver to Town all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any other items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment. If the Project is resumed after being suspended for more than three (3) months, the Consultant's compensation shall be equitably adjusted as approved by the Town. Any additional amounts paid to the Consultant after the Project is resumed shall be agreed upon in writing by both parties before the services are performed.

ARTICLE 4
OWNERSHIP OF DOCUMENTS

4.1 **Documents Property of the Town** – The Project is the property of the Town, and Consultant may not use the documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any materials for any other purpose not relating to the Project without Town's prior written consent. Town shall be furnished with such reproductions of the Project, plans, data, documents, maps, and any other information as defined in Exhibit "A." Upon completion of the work, or any earlier termination of this Agreement under Article 3 and/or Article 7, Consultant will revise plans, data, documents, maps, and any other information as defined in Exhibit "A" to reflect changes while working on the Project and promptly furnish the same to the Town in an acceptable electronic format. All such reproductions shall be the property of the Town who may use them without the Consultant's permission for any purpose relating to the Project, including, but not limited to, completion of the Project, and/or additions, alterations, modifications, and/or revisions to the Project. All re-use of, or reliance on, Consultant's documents outside the intended scope or project shall be at the user's sole risk and without liability to Consultant.

4.2 **Documents Subject to Laws Regarding Public Disclosure** – Consultant acknowledges that Town is a governmental entity and that all documents, plans, data, studies, surveys, drawings, maps, models, reports, photographs, and/or any items prepared or furnished by Consultant (and Consultant's professional associates and/or Sub-consultants) under this Agreement are instruments of service in respect of the Project and property of the Town and upon completion of the Project shall thereafter be subject to the Texas Public Information Act (*Texas Government Code*, Chapter 552) and any other applicable laws requiring public disclosure of the information contained in said documents.

ARTICLE 5
CONSULTANT'S INSURANCE REQUIREMENTS

5.1 **Required Professional Liability Insurance** – Consistent with the terms and provisions of Exhibit "D," Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to Town, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each claim, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall name the Town, its officers, representatives, and employees as additional insured as to all applicable coverage. Such policy shall require the provision of written notice to Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

5.2 **Required General Liability Insurance** - Consistent with the terms and provisions of Exhibit "D," Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to Town, a professional liability (errors and omissions) insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount not less than One Million and 00/100 Dollars ($1,000,000.00) for each occurrence, and Two Million and 00/100 Dollars ($2,000,000.00) in the aggregate. Such policy shall name the Town, its officers, agents, representatives, and employees as additional insured as to all applicable coverage. Such policy shall provide for a waiver of subrogation against the Town for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

5.3 **Required Workers Compensation Insurance** – Consistent with the terms and provisions of Exhibit "D," Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to Town, all Statutory Workers Compensation Insurance as required by the laws of the State of Texas. Such insurance policy shall be with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent service(s), and authorized to transact business in the State of Texas. Such policy shall provide for a waiver of subrogation against the Town for injuries, including death, property damage, or any other loss to the extent that same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

5.4 **Circumstances Requiring Umbrella Coverage or Excess Liability Coverage** – If Project size and scope warrant, and if identified on the checklist located in Exhibit "F," Town of Addison Contractor Insurance Requirements, Consultant shall maintain, at no expense to the Town, an umbrella coverage or excess liability coverage insurance policy with a company that maintains a minimum rating of "A" by A.M. Best's Key Rating Guide, or other equivalent rating service(s), authorized to transact business in the State of Texas, in an amount of Two Million and 00/100 Dollars ($2,000,000.00). Consistent with the terms and provisions of Exhibit "F," such policy shall name the Town, its officers, agents over which the Consultant exercises control, representatives, and employees as additional insured as to all applicable coverage. Such policy shall provide for a waiver of subrogation against the Town for injuries, including death, property damage, or any other loss to the extent that the same is covered by the proceeds of the insurance. Such policy shall require the provision of written notice to the Town at least thirty (30) days prior to cancellation, non-renewal, or material modification of any policies, evidenced by return receipt or United States Certified Mail. Consultant shall furnish Town with certificates evidencing such coverage prior to commencing work on the Project.

ARTICLE 6
CONSULTANT'S ACCOUNTING RECORDS

Records of Direct Expenses and expenses pertaining to services performed in conjunction with the Project shall be kept on the basis of generally accepted accounting principles. Invoices will be sent to the Town as indicated in Article 3.4. Copies of employee time sheets, receipts for direct expense items and other records of Project expenses will be included in the monthly invoices.

ARTICLE 7
AUDITS AND RECORDS / PROHIBITED INTEREST / VENDOR DISCLOSURE

The Consultant agrees that at any time during normal business hours and as often as the Town may deem necessary, Consultant shall make available to representatives of the Town for examination all of its records with respect to all matters covered by this Agreement, and will permit such representatives of the Town to audit, examine, copy and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement, and for a period of four (4) years from the date of final settlement of this Agreement or for such other or longer period, if any, as may be required by applicable statute or other lawful requirement.

The Consultant agrees that it is aware of the prohibited interest requirement of the Town Charter, which is repeated on the Affidavit, attached hereto as Exhibit "E" and incorporated herein for all purposes, and will abide by the same. Further, a lawful representative of Consultant shall execute the Affidavit attached hereto as Exhibit "E". Consultant understands and agrees that the existence of a prohibited interest during the term of this Agreement will render the Agreement voidable.

Consultant agrees that it is further aware of the vendor disclosure requirements set forth in Chapter 176, Local Government Code, as amended, and will abide by the same. In this connection, a lawful representative of Consultant shall execute the Conflict of Interest Questionnaire, Form CIQ, attached hereto as Exhibit "F" and incorporated herein for all purposes.

If the Agreement is required to go to the City Council for approval, then the Consultant shall execute and deliver to the Town the Form 1295 Certificate of Interested Parties, as required by section 2252.908, Texas Government Code, as amended, prior to the City's execution of this Agreement.

ARTICLE 8
TERMINATION OF AGREEMENT / REMEDIES

Town may, upon thirty (30) days written notice to Consultant, terminate this Agreement, for any reason or no reason at all, before the termination date hereof, and without prejudice to any other remedy it may have. If Town terminates this Agreement due to a default of and/or breach by Consultant and the expense of finishing the Project exceeds the Consultant's Fee at the time of termination, Consultant waives its right to any portion of Consultant's Fee that is equal to the amount expended by the Town to complete the Project as set forth in Article 3 herein and agrees to pay any costs over and above the fee which the Town is required to pay in order to finish the Project. On any default and/or breach by Consultant, Town may elect not to terminate the Agreement, and in such event it may make good the deficiency in which the default consists, and charge the costs due to Consultant as set forth in Article 3 herein. If Town terminates this Agreement and Consultant is not in default of the Agreement, Consultant shall be entitled to compensation for any and all work completed to the satisfaction of the Town in accordance with the provisions of this Agreement prior to termination.

In the event of any termination, Consultant shall deliver to Town all finished and/or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs and/or any items prepared by Consultant in connection with this Agreement prior to Consultant receiving final payment.

The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. These rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

ARTICLE 9
DISPUTE RESOLUTION / MEDIATION

In addition to all remedies at law, the parties may resolve/mediate any controversy, claim or dispute arising out of or relating to the interpretation or performance of this Agreement, or breach thereof, by voluntary mediation to be conducted by a mutually acceptable mediator.

ARTICLE 10
INDEMNITY

CONSULTANT SHALL HEREBY COVENANT AND CONTRACT TO WAIVE ANY AND ALL CLAIMS, RELEASE, INDEMNIFY AND HOLD HARMLESS TOWN AND ITS TOWN COUNCIL MEMBERS, OFFICERS, AGENTS, REPRESENTATIVES AND EMPLOYEES FROM AND AGAINST ALL DAMAGES, INJURIES (INCLUDING DEATH), INTELLECTUAL PROPERTY INFRINGEMENT CLAIMS (INCLUDING PATENT, COPYRIGHT AND TRADEMARK INFRINGEMENTS), CLAIMS, PROPERTY DAMAGES (INCLUDING LOSS OF USE), LOSSES, DEMANDS, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND EXPENSES (INCLUDING ATTORNEYS' FEES AND EXPENSES INCURRED IN ENFORCING THIS INDEMNITY), CAUSED OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY CONSULTANT, ITS OFFICERS, AGENTS, REPRESENTATIVES, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES, OR ANY OTHER ENTITY OVER WHICH THE CONSULTANT EXERCISES CONTROL, IN ITS/THEIR PERFORMANCE OF THIS AGREEMENT AND/OR ARISING OUT OF PROFESSIONAL SERVICES PROVIDED BY CONSULTANT PURSUANT TO THIS AGREEMENT, REGARDLESS OF THE JOINT OR CONCURRENT NEGLIGENCE OR STRICT LIABILITY OF THE TOWN (HEREINAFTER "CLAIMS"). THIS INDEMNIFICATION PROVISION AND THE USE OF THE TERM "CLAIMS" IS ALSO SPECIFICALLY INTENDED TO APPLY TO, BUT NOT LIMITED TO, ANY AND ALL CLAIMS, WHETHER CIVIL OR CRIMINAL, BROUGHT AGAINST TOWN BY ANY GOVERNMENT AUTHORITY OR AGENCY RELATED TO ANY PERSON PROVIDING SERVICES UNDER THIS AGREEMENT THAT ARE BASED ON ANY FEDERAL IMMIGRATION LAW AND ANY AND ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS AND CAUSES OF ACTION OF EVERY KIND AND NATURE, KNOWN AND UNKNOWN, EXISTING OR CLAIMED TO EXIST, RELATING TO OR ARISING OUT OF ANY EMPLOYMENT RELATIONSHIP BETWEEN CONSULTANT AND ITS EMPLOYEES OR SUBCONTRACTORS AS A RESULT OF THAT SUBCONTRACTOR'S OR EMPLOYEE'S EMPLOYMENT AND/OR SEPARATION FROM EMPLOYMENT WITH THE CONSULTANT, INCLUDING BUT NOT LIMITED TO ANY DISCRIMINATION CLAIM BASED ON SEX, SEXUAL ORIENTATION OR PREFERENCE, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE OR DISABILITY UNDER FEDERAL, STATE OR LOCAL LAW, RULE OR REGULATION, AND/OR ANY CLAIM FOR WRONGFUL TERMINATION, BACK PAY, FUTURE WAGE LOSS, OVERTIME PAY, EMPLOYEE BENEFITS, INJURY SUBJECT TO RELIEF UNDER THE WORKERS' COMPENSATION ACT OR WOULD BE SUBJECT TO RELIEF UNDER ANY POLICY FOR WORKERS COMPENSATION INSURANCE, AND ANY OTHER CLAIM, WHETHER IN TORT, CONTRACT OR OTHERWISE. THIS INDEMNIFICATION SHALL EXTEND TO THE PAYMENT OR REIMBURSEMENT OF THE TOWN'S REASONABLE ATTORNEYS FEES AND ASSOCIATED COSTS, COURT COSTS, AND SETTLEMENT COSTS IN PROPORTION TO THE CONSULTANT'S LIABILITY.

CONSULTANT SHALL PROMPTLY NOTIFY TOWN OF THE DEFENSE COUNSEL RETAINED BY CONSULTANT IN FULFILLING ITS OBLIGATION HEREUNDER, AND TIMELY NOTIFY TOWN OF ANY AND ALL LEGAL ACTIONS TAKEN BY THE DEFENSE COUNSEL REGARDING ANY AND ALL CLAIMS.

THIS ARTICLE SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

ARTICLE 11
NOTICES

Consultant agrees that all notices or communications to Town permitted or required under this Agreement shall be delivered to Town at the following addresses:

City Manager
Town of Addison
5300 Belt Line Road
Dallas, Texas 75254

Town agrees that all notices or communication to Consultant permitted or required under this Agreement shall be delivered to Consultant at the following addresses:

Kleinfelder Inc.
David R. Boes, VP Regional Manager
7805 Mesquite Bend Drive
Irving, Texas 75063

Any notice provided in writing under the terms of this Agreement by either party to the other shall be in writing and may be effected by registered or certified mail, return receipt requested.

All notices or communication required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is postmarked by the sending party. Each party may change the address to which notice may be sent to that party by giving notice of such change to the other party in accordance with the provisions of this Agreement.

ARTICLE 12
MISCELLANEOUS

12.1 **Complete Agreement** – This Agreement, including the exhibits hereto labeled "A" through "F," all of which are incorporated herein for all purposes, constitute the entire Agreement by and between the parties regarding the subject matter hereof and supersedes all prior and/or contemporaneous written and/or oral understandings. This Agreement may not be amended, supplemented, and/or modified except by written agreement duly executed by both parties. The following exhibits are attached below and made a part of this Agreement:

12.1.1 Exhibit "A," Scope of Services.

12.1.2 Exhibit "B," Compensation Schedule / Project Billing / Project Budget.

12.1.3 Exhibit "C," Town of Addison Guidelines for Direct Expenses; General and Administrative Markup; Travel and Subsistence Expenses.

12.1.4 Exhibit "D," Town of Addison Contractor Insurance Requirements.

12.1.5 Exhibit "E," Affidavit.

12.1.6 Exhibit "F", Conflict of Interest Questionnaire, Form CIQ.

12.2 **Assignment and Subletting** – The Consultant agrees that neither this Agreement nor the work to be performed hereunder will be assigned or sublet without the prior written consent of the Town. The Consultant further agrees that the assignment or subletting or any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Consultant of its full obligations to the Town as provided by this Agreement. All such approved work performed by assignment or subletting shall be billed through Consultant, and there shall be no third party billing.

12.3 **Successors and Assigns** – Town and Consultant, and their partners, assigns, successors, subcontractors, executors, officers, agents, employees, representatives, and administrators are hereby bound to the terms and conditions of this Agreement.

12.4 **Severability** – In the event of a term, condition, or provision of this Agreement is determined to be invalid, illegal, void, unenforceable, or unlawful by a court of competent jurisdiction, then that term, condition, or provision, shall be deleted and the remainder of the Agreement shall remain in full force and effect as if such invalid, illegal, void, unenforceable or unlawful provision had never been contained herein.

12.5 **Venue** – This entire Agreement is performable in Dallas County, Texas and the venue for any action related directly or indirectly, to this Agreement or in any manner connected therewith shall be in Dallas County, Texas, and this Agreement shall be construed under the laws of the State of Texas.

12.6 **Execution / Consideration** – This Agreement is executed by the parties hereto without coercion or duress for any substantial consideration, the sufficiency of which is forever confessed.

12.7 **Authority** – The individuals executing this Agreement on behalf of the respective parties below represent to each other that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for an on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the other party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

12.8 **Waiver** – Waiver by either party of any breach of this Agreement, or the failure of either party to enforce any of the provisions of this Agreement, at any time, shall not in any way affect, limit, or waive such party's right thereafter to enforce and compel strict compliance.

12.9 **Headings** – The headings of the various sections of this Agreement are included solely for convenience of reference and are not to be full or accurate descriptions of the content thereof.

12.10 **Multiple Counterparts** – This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

12.11 **Sovereign Immunity** – The parties agree that the Town has not waived its sovereign immunity by entering into and performing its obligations under this Agreement.

12.12 **Additional Representations** – Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had the opportunity to confer with its counsel.

12.13 **Miscellaneous Drafting Provisions** – This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any party shall not apply.

12.14 **No Third Party Beneficiaries** -- Nothing in this Agreement shall be construed to create any right in any third party not a signatory to this Agreement, and the parties do not intend to create any third party beneficiaries by entering into this Agreement.

12.15 **Site Access** -- CLIENT shall, as may be required by KLEINFELDER for the successful and timely completion of Services: (i) provide unimpeded and timely access to the site, including third party sites, if required.

12.16 **Warranty of Title, Waste Ownership** -- KLEINFELDER will not take title to any hazardous materials found at the project site. Any risk of loss with respect to all materials shall remain with the project site owner, who shall be considered the generator of such materials, execute all manifests as the generator of such materials, and be liable for the arrangement, transportation, treatment, and/or disposal of all material. All samples shall remain the property of the CLIENT. CLIENT shall promptly, at its cost, remove and lawfully dispose of samples, cuttings, and hazardous materials.

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the latest day as reflected by the signatures below.

Effective Date: _____

TOWN:
Town of Addison, Texas

By:_____
Wesley S. Pierson, City Manager

Date: _____

CONSULTANT:
Kleinfelder, Inc.

By: _____
David R. Boes, VP, Regional Manager

Date: 5-11-16

STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Wesley S. Pierson**, Town of Addison, Texas City Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, 2016.

_____
Notary Public In and For the State of Texas
My commission expires: _____

STATE OF TEXAS §
§
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared David R. Boes, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day of May, 2016.

Donna B. Mann
_____
Notary Public In and For the State of Texas
My commission expires: 9-30-16

DONNA B MANN
Notary Public, State of Texas
My Commission Expires
September 30, 2016

Exhibit "A"
Scope of Services
Agreement by and between the Town of Addison, Texas (Town)
and Kleinfelder Central, Inc. (Consultant)
to perform Professional Engineering Services for
Rehabilitation of 2.0 Ground Storage Tank (GST) and
Pipeline Improvements

I. PROJECT DESCRIPTION

PURPOSE AND SCOPE OF BASIC SERVICES

The following scope of services describes the detailed tasks that will be performed by Kleinfelder to successfully execute this project.

Task 1 – Project Management Services

Kleinfelder's project manager will interface with Town of Addison's project manager on a regular basis. Regularly scheduled monthly meetings will be conducted by the project manager to review schedule, budget, and project coordination issues.

Manage the project scope of work for a period of 12 months, including monitoring schedule and budget, making staff assignments to maintain the project schedule, and general management and coordination of project staff and the Client as described below:

- Prepare a Project Execution Plan. The Project Execution Plan will assemble and document the basic plan and procedures to be followed during the execution of the work and will include the following: project team organization, team contact list, communication protocol, scope of work, budget, quality control procedures, and schedule.
- Project Schedule. The work described herein has been based on the project duration of 12 months that includes the design, construction administration, and construction observation phases. A MS project schedule will be prepared for this project.
- Monthly Invoice. Prepare and submit monthly invoices including budget status, and expenditures during the previous month with the cover letter.
- Meet with the Town, DWU and Prime Controls to go over the Electrical and SCADA scope for Prime Controls. Prime Controls will provide a detailed scope and fee that will be included as a part of the contract documents.
- Regularly schedule monthly meetings will be conducted by the project manager to review schedule, budget, and technical and departmental coordination issues. Up to six (6) meetings are anticipated for this project.

TASK 2 – DESIGN PHASE SERVICES

Kleinfelder will prepare a set of construction plans, specifications and opinion of probable construction cost for the rehabilitation of the Surveyor GST. For the purposes of this proposal, the Scope of Services are anticipated to include the following:

- Acquisition and review of record information provided by the Town.
- Tank roof repair:
  - Coordinate with the TCEQ about bringing the roof into the compliance.
- Inlet pipe alignment evaluation:
  - Topographical and Boundary survey for the project site.
    - Topographical survey to locate all visible improvements and features located within the project area
    - Sufficient ground shots at +/- 25 foot grid
    - Establish 3 control points with horizontal/vertical coordinates referenced to the Town survey network
    - Locate trees 4" and greater in diameter within the project area
    - Prepare 3D AutoCAD (.dwg) file with 1 foot contour intervals
  - Provide the inlet pipe alignment as well as the opinion of probable construction cost.
  - Two (2) meetings with the Dallas Water Utilities and Town of Addison to discuss the alignments, piping, vault and electrical improvements.
  - Remove and replace the yard piping with the new ductile iron pipe and the suction and discharge piping inside the pump station with the new steel pipe.
- Geotechnical investigation for the overflow box installation will include:
  - Two (2) borings will be drilled to a depth of 15 feet and one (1) boring to a depth of 20 feet below existing grade with a truck-mounted drill rig. The boring will be logged by a staff professional.
  - The laboratory tests will include moisture contents, Atterberg Limits and No. 200 sieve for classification, soluble sulfate, chloride, electrical resistivity, pH, redox, and unconfined compression strength tests.
  - The letter report will include a brief description of the field and laboratory test results, potential vertical movement value, subgrade treatment (if required) and allowable bearing capacity for the culvert. We will also include a brief description of corrosion test results.

Design Services

- Inlet pipe modification/Installation:
  - Design of water main (size varies from 12" to 24") up to 250 linear feet (LF) in total length for the new inlet pipe and emergency bypass system pipe in accordance with the recommended option in the preliminary design phase.
  - Design of the existing 24" piping between the Ground Storage Tank and the pump house.
    - Design of 24" water main up to 300 lineal feet (LF) in total length for the piping from the outlet of the Ground Storage Tank to the Pump Station as well as the suction and discharge piping in the pump station. Replacement of the existing ductile iron and steel pipe with new pipes. 24-inch ductile iron outlet pipe segments beneath the tank foundation will be rehabilitated instead of the replacement.

- Coating:
  - Remove grout coating and recoat roof
- Structure:
  - Repair spalling and reinforcing corrosion
  - Add material to provide slope with positive drainage.
  - Extend the sidewalk around the tank for the better tank assessment access.
- Safety & Security:
  - Remove and replace the existing site fence
  - Remove ladder cages and cable climb system. Install safety climb rail system.
- Operational:
  - Remove roof vent and replace with larger necked vent.
  - Extend the existing overflow apron to the street.
- Miscellaneous Improvements
  - Removal and Mitigation of vegetation around tank base.

Task 2.1 - Preparation of Plans

Intermediate submittals of the construction plans, specifications and contract documents shall be submitted to the Town of Addison at 60%, and 100% completion levels. A maximum of one (1) week will be allotted for internal review of the documents by the Town of Addison at each complete level before proceedings to the next level.

Task 2.2 – Design Review Submittals

Submittal	Drawings	Specifications	Opinion of Cost	No. of Copies
60%	Plans, Sections, Water Main design and Details	Draft	Preliminary	1
100%	Final	Final	Final	1

It has been assumed that Town of Addison will reproduce and distribute drawings and specifications for bidders during the bid phase.

Task 2.3 – Opinion of Probable Construction Cost

Prepare updated opinion of probable construction costs at the 60% and 100% completion stages.

Deliverables

- One (1) hard copy (11"x17") and one (1) electronic copy of rehabilitation drawings, pipeline improvement drawings, and specifications at 60% design level.
- One (1) hard copy (11"x17") and one (1) electronic copy of rehabilitation drawings, pipeline improvement drawings, and specifications at 100% design level.

- One (1) set of specifications and contract documents will be delivered as part of the 60% and 100% design submittal.
- One (1) set of opinion of probable construction cost will be submitted as part of the 60% and 100% design submittal.

TASK 3 – BID PHASE AND CONSTRUCTION ADMINISTRATION ENGINEERING SUPPORT SERVICES

Kleinfelder will provide Bid Phase and construction administration services to include the following:

Task 3.1 – Bid Phase Services

Kleinfelder will attend the pre-bid meeting for the project, prepare meeting notes, log questions for bidders, and prepare up to three (3) addendums. In addition, Kleinfelder will assist the Town of Addison in tabulating and comparing the bids, and evaluating bidder qualifications, based on reference checks. It is assumed that Town of Addison will advertise for bids, reproduce and distribute contract documents to bidders, maintain a list of bidders, and host the pre-bid meeting.

Task 3.2 – Construction Coordination Meetings

Kleinfelder will attend the pre-construction meeting. Kleinfelder will attend construction meetings with the contractor, subcontractors, and Town staff on a monthly basis to discuss the progress of the project. Attendance at up to seven (7) meetings is included as a part of this scope.

Task 3.3 – File Preparation

Kleinfelder will maintain a file of shop drawings with review comments, RFIs, change orders, and other documents processed by Kleinfelder.

Task 3.4 – Shop Drawing Review

Receive and review technical documents submitted by contractor. Submittals will be reviewed by the Kleinfelder for general conformance to the contract documents. Subsequent to Kleinfelder's review, we will return the submittal to the contractor. Kleinfelder will maintain a log of shop drawings that have been submitted, and the disposition. We estimate that approximately twenty (20) shop drawings submittals will be reviewed.

Task 3.5 – Requests for Information

Review, coordinate with Town staff and respond to contractor's request for information (RFIs). When appropriate, suggestions and alternatives will be provided to the contactor and/or Town staff. A log of RFIs will be maintained. Up to ten (10) RFIs are included as a part of this contract.

Task 3.6 – Contract Change Orders

Analyze and make recommendations to Town staff regarding contract change orders during the course of the construction projects. Change orders will be evaluated from an engineering perspective. Up to two (2) change order requests are included as a part of this contract.

Task 4 – Record Drawings

Prepare record drawings based on information/red lines supplied by the contractor. One (1) hard copy (11"x17") and one (1) electronic copy of record drawings after construction completion will be prepared.

Task 5 – Construction Material Testing

Material testing, i.e. density, proctor, concrete & backfill material, for the inlet, yard pipe and meter vault installation.

Earthwork

- Obtain and perform laboratory moisture/density relations (standard proctor-ASTM D698) and soil classification tests (liquid limit, plastic limit and percent finer than no. 200 sieve analysis) for each soil type;

Cast-In-Place Concrete

Perform testing during concrete placements, which will include:

- Ambient and concrete temperature determinations;
- Entrained air content determination;
- Slump determination;
- Cast six inch by twelve inch or four inch by eight inch concrete test cylinders at the rate of 1 set of 4 cylinders per 100 cubic yards of concrete paving or fraction thereof placed per day, or as shown in project specifications;
- Compressive strength determination of concrete test cylinders with one tested at 7 days, two tested at 28 days and one retained as hold cylinder.

Task 6 – Construction Observation Phase

During the rehabilitation construction phase, Kleinfelder will provide a project representative meeting the Town of Addison requirements to perform periodic field visits and construction observation services for six (6) months (8 hrs per day, including travel and reporting, for 3 days a week) of the duration. During the field visits, the project representative will observe the prime contractor to review the overall activities and progress of the project. In a proactive manner, we intend to identify potential issues that may impede project progress or potentially add cost to the successful completion of the project. If there are any issues identified, they will be discussed with the contractor to manage both the schedule and cost through project completion. The actual cost for field inspection may vary from our estimate due to factors beyond our control. We will

coordinate closely with the Town during the construction and keep you apprised of the actual effort expended versus our projections. Several observations are required during the construction phase, and include the following:

Task 6.1 – Inlet Pipeline installation

- Visual assessment and documentation of existing site conditions;
- Review of the pipe and other material delivered to the project site (quantity, type, and quality);
- Monitoring the pipe installation for project specific requirements;

Task 6.2 – Construction Observations for the tank improvements

- Visual assessment and documentation of existing tank conditions;
- Review of products delivered to the project site (quantity, type, and quality);
- Monitoring the roof repair process for project specific requirements;
- Review of contractor construction practices to determine if the roof repair may be adversely affected (such as construction sequence and other improvements).

Because the duties of the field representative vary from day to day, and sometimes from hour to hour, the field representative from Kleinfelder will be on site. Weekly reports with daily entries will be generated to document the onsite quality assurance program.

ADDITIONAL SERVICES

The following services are not included in the *Scope of Basic Services* and will be considered as *Additional Services*, if and when they are required or requested:

- The services of specialty sub-consultants or other special outside services other than those described in the above Scope.
- Assessment of third party communication systems installed on the tanks.
- Costs, including equipment replacement, associated with decontamination of personnel/equipment as a result of encountering hazardous/toxic materials at site.
- No Hydraulic modeling is included in this proposal and the Town of Addison will provide the size of the inlet and emergency bypass line.
- Meetings, other than those described in the above Scope.
- Additional report copies or submittals; or report revisions after final submission.
- Additional or increased insurance coverage (if available) other than described in the Services Agreement.
- Coordination with regulatory agencies other than described in the above Scope.
- Environmental coordination with the regulatory agencies except as described in the above scope.
- Any other services not specifically included in the above Scope.
- Electrical and Instrumentation (SCADA) work is excluded from this proposal.

If Kleinfelder is obligated to prepare for or appear in litigation or arbitration proceedings on behalf of the Owner, Kleinfelder shall receive additional compensation to be mutually agreed upon.

EXHIBIT "B"
COMPENSATION SCHEDULE / PROJECT BILLING / PROJECT BUDGET

Agreement by and between the Town of Addison (Town)
and COMPANY NAME (Consultant)
to perform Professional Engineering Services for
PROJECT NAME

I. COMPENSATION SCHEDULE / PROJECT BILLING SUMMARY.

TASK TO BE COMPLETED		DOLLAR AMOUNT
Task 1 - Project Management and Planning		$21,762.00
Task 2 – Design Phase Services		$109,544.00
Task 3 – Bid Phase and Construction Administration Services		$43,464.00
Task 4 – Record Documents		$ 6,130.00
Task 5 – Construction Material Testing		$ 7,500.00
	Total Lump Sum Fee	**$188,400.00**
Task 6 – Construction Observance Services (6 months)		$55,569.00
TOTAL CONSULTANT'S FEE (NOT-TO-EXCEED)	**$243,969.00**	

EXHIBIT "C"
TOWN OF ADDISON GUIDELINES FOR DIRECT EXPENSES; GENERAL AND ADMINISTRATIVE MARKUP; TRAVEL AND SUBSISTENCE EXPENSES

I. **CONSULTANT'S RESPONSIBILITY**. The Consultant shall be solely responsible for the auditing of all direct expense, approved markup (general and/or administrative), and approved travel and/or subsistence charges, including those to be included under a sub-contract, prior to the Town for reimbursement, and Consultant shall be responsible for the accuracy thereof. Any overpayment by the Town for errors in submittals for reimbursement may be charged to the Consultant; however, this shall not be the Town's sole and exclusive remedy for said overpayment.

II. **GUIDELINES FOR DIRECT EXPENSES**.

A. **Local Transportation** – Transportation in connection with the Project, when such transportation is not a function of routine performance of the duties of the Consultant in connection with the Project, and when such transportation exceeds beyond fifty (50) miles from the Project site, shall be reimbursed at a standard mileage rate consistent with that as issued, and periodically revised, by the United States Internal Revenue Service (IRS). Under no circumstances shall Town reimburse Consultant at a higher standard mileage rate or pay additional markup on charges for local transportation. Completion of Town's Standard Mileage Log is required for submittal of these charges for reimbursement, including justification for each submitted expense.

Under no circumstances are charges associated with rental cars for local transportation eligible for reimbursement by Town. Toll road subscriptions or toll plaza receipts are not reimbursable. Consultant agrees to place these standards in all subcontracts for work on the Project.

B. **Supplies, Material, Equipment** – Town shall reimburse the actual cost of other similar direct Project-related expenses, which are duly presented in advance and approved by Town's Project Manager in writing.

C. **Commercial Reproduction** – Town shall reimburse the actual cost of reproductions, specifically limited to progress prints prepared for presentation to Town at each phase of progress, and final Construction Documents prepared for distribution at bidding phase, provided that the Consultant has duly obtained at least three (3) quotations from commercial firms and has chosen the best value for the Town. Consultant shall provide such documentation to Town for review prior to submitting these expenses for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

D. **In-House Reproduction** - Consultant shall make arrangements with the Town for prior approval of in-house reproduction rates prior to submitting these expenses for reimbursement. Town shall provide Consultant with a standard format for documenting these charges. Completion of the Town's reproduction log is required as a prerequisite for payment, including the number or reproductions, the date, time, description, the approved standard rate, and a justification for each submitted expense for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

E. **Commercial Plotting** – Town shall reimburse the actual cost of plots, specifically limited to final documents, provided the Consultant has duly obtained at least three (3) quotations from commercial firms and has chosen the best value for the Town. Consultant shall provide such documentation to Town for review prior to submitting these expenses for reimbursement. Consultant agrees to place these standards in all subcontracts for work on the Project.

F. **In-House Plotting** – Consultant shall make arrangements with Town for prior written approval of in-house plotting rates prior to submitting these charges for reimbursement. Town shall provide Consultant with a standard format for documenting these charges. Completion of the Town's reproduction log is required as a prerequisite for payment, including the number of plots, the date, time, description, the approved standard rate, and a justification for each submitted charge for reimbursement.

G. **Communications** – Reimbursement for expenses relating to electronic communications shall be limited to long-distance telephone or fax toll charges specifically required in the discharge of professional responsibilities related to the Project. Telephone service charges including office or cellular phones, WATTS, or Metro line services or similar charges are not reimbursable.

H. **Postage, Mail, and Delivery Service** – Town shall reimburse the actual cost of postage and delivery of Instruments of Service, provided the Consultant duly considers all circumstances (including available time for assured delivery) of the required delivery and selects the best value for the Town, which may require comparison of delivery costs offered by three (3) or more sources or methods of delivery, which at a minimum shall include U.S. Mail. Courier service is acceptable only in circumstances requiring deadline-sensitive deliveries and not for the convenience of the Consultant and/or the Consultant's employees. Consultant agrees to place these standards in all subcontracts for work on the Project.

I. **Meals and Other Related Charges** – Meals or any other related expenses are not reimbursable unless incurred outside a fifty (50) mile radius of the Project, and then only reimbursable for the actual cost subject to compliance with the Town's currently adopted policy. Non-allowable costs include, but are not limited to, charges for entertainment, alcoholic beverages, and gratuities.

III. GUIDELINES FOR GENERAL AND ADMINISTRATIVE MARKUP.

1. **Requirement of Prior Approval** – Consultant may be allowed to charge a General and/or Administrative Markup on work completed if Consultant can clearly define to Town specifically what costs are included in the markup calculation. To apply General and/or Administrative Markup, Consultant must also document to Town what costs would be considered direct costs. Town shall issue approval in writing to allow Consultant to charge General and/or Administrative Markup. Town reserves the right to reject any and all requests for General and/or Administrative Markup.

IV. GUIDELINES FOR TRAVEL AND SUBSISTENCE EXPENSES.

1. **Adherence to Currently Adopted Town Travel Policy** – Unless otherwise stated within this Agreement, reimbursements shall be governed by the same travel policies provided for Town employees according to current adopted policy. All lodging and meals are reimbursed in accordance with IRS rules and rates as shown on the U.S. General Services Administration website for the Town: http://www.gsa.gov/portal/category/21287.

2. Prior to the event, Consultant shall request, and the Town shall provide the provisions and the restrictions that apply to out-of-town reimbursements.

EXHIBIT "D"
TOWN OF ADDISON PROFESSIONAL SERVICES/CONSULTANT INSURANCE GUIDELINES

The use of the "City of Addison", herein, is synonymous with the use of the "Town of Addison" elsewhere.

REQUIREMENTS

Contractors performing work on CITY OF ADDISON property or public right-of-way shall provide the CITY OF ADDISON a certificate of insurance or a copy of their insurance policy(s) (and including a copy of the endorsements necessary to meet the requirements and instructions contained herein) evidencing the coverages and coverage provisions identified herein within ten (10) days of request from CITY OF ADDISON. Contractors shall provide CITY OF ADDISON evidence that all subcontractors performing work on the project have the same types and amounts of coverages as required herein or that the subcontractors are included under the contractor's policy. Work shall not commence until insurance has been approved by CITY OF ADDISON.

All insurance companies and coverages must be authorized by the Texas Department of Insurance to transact business in the State of Texas and must have a A.M. Best's rating A-:VII or greater.

Listed below are the types and minimum amounts of insurances required and which must be maintained during the term of the contract. CITY OF ADDISON reserves the right to amend or require additional types and amounts of coverages or provisions depending on the nature of the work.

	TYPE OF INSURANCE	AMOUNT OF INSURANCE	PROVISIONS
1.	**Workers' Compensation Employers' Liability** to include: (a) each accident (b) Disease Policy Limits (c) Disease each employee	Statutory Limits per occurrence Each accident $1,000,000 Disease Policy Limits $1,000,000 Disease each employee$1,000,000	**CITY OF ADDISON to be provided a *WAIVER OF SUBROGATION AND 30 DAY NOTICE OF CANCELLATION or*** material change in coverage. **Insurance company must be A-:VII rated or above.**
2.	**Commercial General (Public) Liability** to include coverage for: a) Bodily Injury b) Property damage c) Independent Contractors d) Personal Injury e) Contractual Liability	Bodily Injury/Property Damage per occurrence $1,000,000, General Aggregate $2,000,000 Products/Completed Aggregate $2,000,000, Personal Advertising Injury per occurrence $1,000,000, Medical Expense 5,000	***CITY OF ADDISON to be listed as ADDITIONAL INSURED and provided 30 DAY NOTICE OF CANCELLATION*** **or material change in coverage.** **Insurance company must be A-:VII rated or above.**
3.	**Business Auto Liability** to include coverage for: a) Owned/Leased vehicles b) Non-owned vehicles c) Hired vehicles	Combined Single Limit $1,000,000	***CITY OF ADDISON to be listed as ADDITIONAL INSURED and provided 30 DAY NOTICE OF CANCELLATION*** **or material change in coverage.** **Insurance company must be A:VII-rated or above.**

Certificate of Liability Insurance forms (together with the endorsements necessary to meet the requirements and instructions contained herein)may be **faxed** to the Purchasing Department:

972-450-7074 or emailed to: purchasing@addisontx.gov. Questions regarding required insurance should be directed to the Purchasing Manager.
With respect to the foregoing insurance,

1. ll liability policies shall contain no cross liability exclusions or insured versus insured restrictions applicable to the claims of the City of Addison.

2. All insurance policies shall be endorsed to require the insurer to immediately notify the City of Addison, Texas of any material change in the insurance coverage.

3. All insurance policies shall be endorsed to the effect that the City of Addison, Texas will receive at least thirty (30) days' notice prior to cancellation or non-renewal of the insurance.

4. All insurance policies, which name the City of Addison, Texas as an additional insured, must be endorsed to read as primary coverage regardless of the application of other insurance.

5. Insurance must be purchased from insurers that are financially acceptable to the City of Addison and licensed to do business in the State of Texas.

All insurance must be written on forms filed with and approved by the Texas Department of Insurance. Upon request, Contractor shall furnish the City of Addison with complete copies of all insurance policies certified to be true and correct by the insurance carrier.

This form must be signed and returned with your quotation. You are stating that you do have the required insurance and if selected to perform work for CITY OF ADDISON, will provide the certificates of insurance (and endorsements) with the above requirements to CITY OF ADDISON within 10 working days.

A CONTRACT/PURCHASE ORDER WILL NOT BE ISSUED WITHOUT EVIDENCE AND APPROVAL OF INSURANCE.

AGREEMENT
I agree to provide the above described insurance coverages within 10 working days if selected to perform work for CITY OF ADDISON. I also agree to require any subcontractor(s) to maintain insurance coverage equal to that required by the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

Project/Bid# Professional Design and Construction Management Services of the Rehabilitation of 2.0 MG Surveyor GST and Pipeline Improvements.

Company: Kleinfelder Inc.

Printed Name: David R. Boes

Signature: _____ **Date:** 5-11-16

EXHIBIT "E"
AFFIDAVIT

THE STATE OF TEXAS §
§
THE COUNTY OF DALLAS §

I, David R. Boes, a member of the Kleinfelder Inc., make this affidavit and hereby on oath state the following:

I, and/or a person or persons related to me, have the following interest in a business entity that would be affected by the work or decision on the Project (Check all that apply):

_____ Ownership of 10% or more of the voting shares of the business entity.

_____ Ownership of Twenty Five Thousand and 00/100 Dollars ($25,000.00) or more of the fair market value of the business entity.

_____ Funds received from the business entity exceed ten percent (10%) of my income for the previous year.

_____ Real property is involved, and I have an equitable or legal ownership with a fair market value of at least Twenty Five Thousand and 00/100 Dollars ($25,000.00).

_____ A relative of mine has substantial interest in the business entity or property that would be affected by my business decision of the public body of which I am a member.

_____ Other: _____.

✓ None of the Above.

Upon filing this affidavit with the Town of Addison, Texas, I further affirm that no relative of mine, in the first degree by consanguinity or affinity, as defined in Chapter 573 of the Texas Government Code, is a member of a public body which took action on the agreement.

Signed this 11th day of May, 2016.

_____
Signature of Official / Title
VP, REGIONAL MANAGER

BEFORE ME, the undersigned authority, this day personally appeared David R. Boes and on oath stated that the facts hereinabove stated are true to the best of his / her knowledge or belief.

Sworn to and subscribed before me on this 11th day of May, 2016.

_____
Notary Public in and for the State of Texas
My commission expires: 9-30-16

DONNA B MANN
Notary Public, State of Texas
My Commission Expires
September 30, 2016

EXHIBIT "F"
CONFLICT OF INTEREST QUESTIONNAIRE, FORM CIQ

FORM CIQ CONFLICT OF INTEREST QUESTIONNAIRE For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a). By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code. A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1. Name of person who has a business relationship with local governmental entity.

N/A

2. Check this box if you are filing an update to a previously filed questionnaire. ☐

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3. Name of local government officer with whom filer has employment or business relationship.

N/A
Name of Local Government Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire? Yes ☐ No ☐

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?
Yes ☐ No ☐

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?
Yes ☐ No ☐

D. Describe each employment or business relationship with the local government officer named in this section.

4. Signature of person doing business with the governmental entity Date:

Signature

5-11-16
Date

EXHIBIT "F"
CONFLICT OF INTEREST QUESTIONNAIRE, FORM CIQ

Local Government Officers Town of Addison, Texas

For purposes of completion of the required Conflict of Interest Questionnaire for the Town of Addison Texas (required by all Vendors who submit bids/proposals), Local Government Officers are:

Mayor:	Todd Meier
Council Members:	Al Angel, Council Member
	Jim Duffy, Council Member
	Bruce Arfsten, Council Member
	Paul Walden, Council Member
	Ivan Hughes, Council Member
	Dale Wilcox, Council Member
City Manager:	Wesley S. Pierson

AI-1661 **Item # 13.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Conference & Theatre

AGENDA CAPTION:

Consider A **Resolution For A Proposal For The Naming Rights To The Main Space Of The Addison Theatre Centre**.

BACKGROUND:

At the April 12 Regular Meeting, the City Council approved the Naming Rights Policy for the Addison Theatre Centre that authorizes the WaterTower Theatre exclusive rights to the naming of areas within the Theatre in exchange for donations. The WaterTower Theatre received a proposal from James and Michael Canterbury and would like to name the Main Stage "The Canterbury Family Main Stage". The Canterbury's pledged $50,000 paid over a five year period in annual installments of $10,000 for the naming rights.

Holly Canterbury was a resident of the Town of Addison for more than 25 years and contributed in many ways to the Addison community. Holly was one of the founding members of the Addison Business Association, serving one of the longest terms in its history as Treasurer and President. Holly also started the original Carnival at Addison's Oktoberfest. Theatre was also one of Holly's passions and she was an instrumental supporter of WaterTower Theatre's as one of its original subscribers, a member its Board of Directors, and a founding member of Women of WaterTower. Her belief in the importance of the arts to our community was demonstrated by the impact of her many years of support to WaterTower Theatre and, especially, by the enduring legacy of her lead gift to establish WaterTower Theatre's Endowment Fund in 2012. Holly Canterbury passed away on September 1, 2012. Her two sons, James and Michael, have pledged to carry on Holly's legacy. Michael joined the WaterTower Theatre board in 2013 and has been a leading donor to WaterTower Theatre. The Canterbury's are major donors to the company who consistent support for and interest in our work is an inspiration to all on the board and within the company.

Per the adopted policy, the donor must submit a proposal to WaterTower Theatre. The WaterTower Theatre Board must approve the donor's proposal before submitting it to the Town of Addison. Once approved by the Board, the application is reviewed by Town staff and then placed on the next possible regular agenda of the City Council for final approval.

For additional information, see the attached Application and Naming Rights Policy.

RECOMMENDATION:

Administration recommends approval.

Attachments

Application
Theatre Naming Rights Policy
Resolution

ADDISON THEATRE CENTRE
NAMING RIGHTS APPLICATION

Please review the application criteria below to assure that the nomination you are submitting meets the criteria for this honor. If the application does not meet the criteria or is incomplete, it will not be considered.

Criteria

1. Recognition includes only areas within the Addison Theatre Centre, the Courtyard, and the Garden.
2. The nominee donor must not have any potentially embarrassing allegations or convictions against them.
3. The donor must gift the funds to either the WaterTower Theatre Endowment or its Cash Reserves Account.
4. Include the donor's proposal.
5. Include a rendering with specifications of the recognition plaque/device.

Date Submitted: April 15, 2016

Name of Donor: James and Michael Canterbury

Address of Donor: 1500 3 Brides Drive, Flower Mount, Texas 75022

Donor Phone Number: 972-824-1675

Donor Email Address: mdcanterbury@gmail.com

Attach supporting documentation based on the criteria above.

Amount of Donation: $50,000 paid over 5 years - 4/29/16

Space to be Named: 3 options are being considered: the Canterbury Family Main Stage; the Bob and Holly Canterbury Main Stage; the Robert and Hollis Canterbury Main Stage

Space Named After: Main Stage

Duration of Naming: 5 years

ACTC Review: _____ **Date:** 4/29/16

General Services Review: _____ **Date:** 4/28/16

Agenda Date Recommendation or Denial: May 24th Agenda

If you have questions about this process, please contact the ACTC General Manager at 972.450.7021.

Submit completed applications and supporting documentation to:

Recognition Application mgooch@addisontx.gov

Mark Gooch

From: Greg Patterson <gpatterson@watertowertheatre.org>
Sent: Friday, April 29, 2016 2:36 PM
To: Mark Gooch
Subject: Naming Rights

Mark,

The Canterbury's have arrived at a name:

The Canterbury Family Main Stage

Thanks.

Greg Patterson
Director of Development & Marketing
WaterTower Theatre
15650 Addison Road
Addison, Texas 75001
Office: 972.450-6227
Cell : 469-652-3466
Fax: 972-450-6244
www.watertowertheatre.org

WaterTower Theatre gratefully acknowledges the support of:
The Town of Addison,
TACA, Texas Commission on the Arts

WaterTower Theatre gratefully acknowledges the generosity of the following season sponsors: American Bank of Texas, Atmos Energy, Barbara and Bob Bigham, Don and Barbara Daseke, Frost Bank, Liberty Capital Bank, The Shubert Foundation, Mary Kay, Inc., Million Air Dallas, Pinnacle, Rainmaker Advertising, The Nissan Foundation, The President's Circle, Slalom Consulting, Target Corporation, Wells Fargo Bank, Women of WaterTower Theatre, WaterTower Theatre Board of Directors

The Corporate Council:
The Addison Airport, Addison The Magazine, Allied Affiliated Funding, American Bank of Commerce, Atmos Energy, Barbara Elliott Interiors, Dallas Business Journal, BKM Sowan Horan, Edward Baumann Clothiers, CPWR CPA, Direct Auto Dallas, Barbara Elliott Interiors, Happy State Bank, Fast Signs Carrollton, Guaranty Bank, Neil and Eileen Resnik, Frost Bank, Fogo de Chao, Hand and Stone, Phil Griggs LPL Financial, Liberty Capital Bank, Mary Kay, Inc., Million Air Dallas,

Methodist Hospital for Surgery, Relax the Back, Oncor, Plains Capital Bank, Post Properties, Pinnacle, Rainmaker Advertising, Regions Bank, Signature Floors & Flooring, Stockman's Bank, Slalom Consulting, Sovereign Bank, Table 13, Craig & Kelly Thompson, Union Park Gastropub, United Surgical Partners International, Whole Foods Addison, Wildcat Lending.

Media Sponsors:
TheaterJones.com, WFAA, The Dallas Observer, The Dallas Voice,
Addison -- the Magazine of the North Dallas Corridor

WaterTower Theatre is a 501(c) (3) organization as designated by the IRS and as such contributions are tax-deductible to the extent and manner allowed by law.

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WaterTower Theatre

Addison Theatre Centre

Naming Rights

POLICY

It is the policy of the Town of Addison that the naming rights to areas within the Addison Theatre Centre be reserved for donors providing monetary gift donations to the WaterTower Theatre and that the naming process comply and adhere to the guidelines and procedures stated in this policy.

PURPOSE

These policies and procedures are intended to a) establish a consistent and systematic naming rights policy for the Addison Theatre Centre; b) establish the areas that may be named within the Addison Theatre Centre; c) provide potential donors, the WaterTower Theatre, and the Town of Addison with the criteria, standards, and process for 1) approval or denial of proposal; 2) duration of the naming rights; 3) installation; and 4) removal of the recognition.

NAMING CRITERIA & STANDARDS

The naming of areas within the Addison Theatre Centre is solely reserved for donors who have made substantial financial contributions to the WaterTower Theatre. The term "donors" comprises individuals, corporations and other organizations. The following criteria and standards will be incorporated into the process and procedures of this naming rights policy:

1) The Town will consider proposals from the WaterTower Theatre for naming rights, but it is under no obligation to approve a proposal.
2) The duration of the naming rights is a maximum of five years as agreed upon by the donor and the WaterTower Theatre. The duration begins the day of the recognition plaque installation.
3) Donor gifts are exclusive to the WaterTower Theatre and will be restricted to either its Endowment Fund or Cash Reserves Fund.
4) Names of the areas within the Addison Theatre Centre will portray a positive image of the Town of Addison.
5) Names shall not:
    a. Be associated with a donor that will cast a negative image of the Town of Addison as the result of their actions or are derogatory or discriminatory in nature.
    b. Improperly diminish the character, integrity of the community or aesthetic quality of the building, Town of Addison, or unreasonable interference with its enjoyment or use;
    c. Have obscene connotations, be, or be perceived to be, of a sexual-oriented nature or business;
    d. Result in inappropriate abbreviations or acronyms.

ELIGIBLE SPACES FOR THE ADDISON THEATRE CENTRE

1) The exterior of the Addison Theatre Centre building is not eligible for naming rights.

2) The areas eligible for naming within the building are:

    a. Main Stage Theatre

    b. Main Stage Lobby

    c. Upper Main Stage Lobby

    d. The Box Office

    e. The Studio Theatre

    f. The Administrative Offices

    g. Dressing Rooms

    h. The Rehearsal Room/Education Centre

i. Individual seats in both the Main Stage and Studio Theatre

NAMING APPLICATION AND APPROVAL PROCESS

1) Donor must submit a proposal to WaterTower Theatre that will include but is not limited to:

    a. Amount donated.

    b. Restriction Donation donated to:

        b.i. WaterTower Theatre Endowment

        b.ii. WaterTower Theatre Cash Reserves Account

    c. Space or area to be named.

    d. Individual, corporation or organization after which it will be named.

    e. Duration of the recognition, not to exceed five years.

2) The WaterTower Theatre Board must approve the donor's proposal before submitting an approval application to the Town of Addison.

3) WaterTower Theatre will submit the related Addison Theatre Centre - Naming Rights Application to the Town for review and approval.

    a. Application will be submitted to, and reviewed by, the Addison Conference and Theatre Centre General Manager and the Assistant Director of General Services.

    b. If approved at the first level, the application will be submitted with a recommendation to the City Manager's Office to be placed on the next possible Regular Agenda Meeting of the City Council for final approval.

        b.i. If an application is denied, WaterTower Theatre may appeal the denial and request approval from the City Council at the next possible Regular Agenda Meeting.

POST-APPROVAL INSTALLATION

1) WaterTower Theatre will submit the final specs of the plaque for final review by the ACTC General Manager and General Services Assistant Director.

2) The Town will approve the final design, wording, and placement of any permanent signs, inscriptions or other recognitions with due consideration for the architectural style of a building and for consistency throughout the Addison Theatre Centre.

3) The Town will install the plaque and invoice the WaterTower Theatre to be reimbursed for the cost of the installation.

DURATION AND REMOVAL PROCEDURE

1) Recognition is limited to five years from the day it is installed.

2) If WaterTower Theatre is no longer the resident company at the Addison Theatre Centre, the recognition will be uninstalled the last day of WaterTower Theatre's lease or the agreed upon move-out date with the Town.

3) If upon after recognition installation, the name or sponsor is associated with a crime, accused of a crime, or their actions may reflect negatively on the Town of Addison, the City Council may consider a temporary or permanent removal of the name at a Work Session and/or Regular City Council Agenda meeting based on the facts of the case and/or impact it has on the public image of the Town.

    a. The naming rights may be reinstated by the City Council at a Work Session and/or Regular City Council Agenda meeting if the donor is exonerated of the crime of which they were accused.

4) Removal of the recognition plaque will be coordinated and paid for by the Town with one of its preferred vendors and will be reimbursed by the WaterTower Theatre.

TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS ACKNOWLEDGING A DONATION IN THE AMOUNT OF $50,000 TO THE WATERTOWER THEATRE AND NAMING THE MAIN STAGE OF THE WATERTOWER THEATER "THE CANTERBURY FAMILY MAIN STAGE" AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison City Council, in Resolution R16-020, approved the Naming Rights Policy for the Addison Theatre Centre (the "Policy"); and

WHEREAS, in accordance with the Policy, the WaterTower Theatre received an application to name the Main Stage of the Addison Theatre Centre as "The Canterbury Family Main Stage" to honor Holly Canterbury's lifetime commitment to the arts, in exchange for a $50,000 donation; and

WHEREAS, the WaterTower Theatre Board has approved the Canterbury Family's application to name the Main Stage on honor of their family.

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

Section 1. The recitals set forth above are true and correct and are incorporated herein for all purposes.

Section 2. The Addison City Council hereby acknowledges the donation of $50,000 made to the WaterTower Theatre, and the Main Stage of the WaterTower Theatre shall hereafter be known and referred to as "The Canterbury Family Main Stage."

Section 2. This Resolution shall take effect from and after its date of adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

AI-1677 **Item # 14.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Council

AGENDA CAPTION:

Hold A Public Hearing, Discuss, Consider, And Take Action Regarding The **Termination Of The Mayor's Weekly Newsletter**.

BACKGROUND:

The Mayor's Newsletter began on July 1, 2011 as a weekly publication from the Mayor that provides an update to subscribers on activities around Addison. The Mayor authors the content and sends to staff for distribution to the subscriber list. To date, it has 2,014 subscribers with an average open rate of 40%.

In July 2014, seven separate newsletters, one for each Council Member and Mayor, were approved so that Council Members could have their own publication sent to the same subscription list.

RECOMMENDATION:

Staff requests direction from Council on the continuation or termination of the Mayor's Weekly Newsletter.

Attachments

Town of Addison Mayor's Newsletter Request to TEC

Response to Notice of Ethics Complaints

MESSER * ROCKEFELLER * FORT
THE MUNICIPAL LAW FIRM

Sent via E-Mail – ian.steusloff@ethics.state.tx.us

March 1, 2016

Mr. Ian Steusloff
General Counsel
Texas Ethics Commission
P. O. Box 12070
Austin, TX 78711-2070

Re: Town of Addison – Mayor's Newsletter

Dear Mr. Steusloff,

I am writing to follow up on my call to you several weeks ago regarding the Town of Addison's (the "Town") practice of assisting in the preparation and distribution of the Mayor's Newsletter. The Town has a vocal resident who continually complains that the Mayor's Newsletter is illegal and that the Town cannot use its resources to assist in the preparation and distribution of the Mayor's Newsletter. Thus, the Town is requesting an informal opinion from your office regarding the newsletter. I am including 3 example newsletters for your review, the most controversial of which is the January 29th newsletter regarding a hotly contested zoning case. I certainly understand that every newsletter must be evaluated individually because the determination regarding whether the newsletter constitutes "political advertising" as defined by the Election Code is made on an individual basis.

The Mayor initially drafts the newsletter in rough form and submits it to the Town staff for editing, formatting and distribution. As the City Attorney, I have been asked to edit the newsletter each week to make sure that the content does not constitute political advertising. The Town's Director of Public Communications usually gathers the photos, inserts links to videos and adds the upcoming events to the end of the newsletter. The newsletter is distributed by the staff via email and it is also posted on the Town's website.

As background to assist your office in its review, the Mayor is currently serving his final term in office and cannot seek re-election because of term limits contained in the Town's Charter. In addition, there are no ballot measures planned for the May 2016 election nor in the future. The three current councilmembers seeking re-election are Mayor pro tempore Janelle Moore, Deputy Mayor pro tempore David Heape and Councilwoman Mary Carpenter. The three other candidates for City Council in the May election are Paul Walden, Al Angell, and Jim Duffy.

The Town seeks an informal opinion regarding a sampling of the newsletters to give us better guidance regarding appropriate edits to the newsletter and to help us insure that we are fully compliant with the statutory requirements regarding the use of public funds and resources. Thank you in advance for your willingness to provide the Town and me, as the City Attorney, with your thoughts regarding the content of the Mayor's Newsletter. If you have any questions, please do not hesitate to contact me directly at 972-668-6400 (office) or 972-978-9866 (cell).

Grateful for your assistance,

Brenda N. McDonald
Town of Addison City Attorney

Attachments
Mayor's Newsletter – November 13, 2015
Mayor's Newsletter – January 29, 2016
Mayor's Newsletter – February 26, 2016

MAYOR'S NEWSLETTER – NOVEMBER 13, 2015

Dear Neighbor,

This has been a beautiful fall weather week. As you may know our City Management team has begun a national search for our next permanent Police Chief and we would like to have you share your thoughts on what type of person would best fill that role. In order to gather your input, we have created a survey that you can reach here – all answers will be kept anonymous. Your feedback is invaluable so don't miss this opportunity to play a part in this important Town decision. The survey will be available from November 16 - November 30.

Council News

Tuesday evening, November 10, we had a packed agenda! In an effort to free up some time for staff and Council the week of Thanksgiving, we eliminated our 4th Tuesday of the month Regular Council Meeting for November this year. The Council packets arrived on Friday evening with over 600 pages of material to review before Tuesday's meeting and, judging from the questions delivered to staff by Council before our meeting began, it looked like all of us were well prepared for the meeting. Staff provided answers to those pre-Council meeting questions well before we ever began our Tuesday evening, giving us time to review the feedback and proceed accordingly. With the guidance of our city attorney, we were able to ask questions of the staff and receive responses all in compliance with the

requirements of the Texas Open Meetings Act. As a result we were able to do the work effectively and efficiently.

We began our evening's work early at 5:30pm with an Executive Session that included a review of several pending items. We received staff and legal guidance on an issue with Duke's Roadhouse; the former Sam's Club property; the automotive uses at 15600 Midway Road; Town of Addison v. Landmark Structures and Urban Green energy case no. DC-15-0761 44th Judicial District Court, Dallas County Texas; and the ponds or lakes at Vitruvian Park located within the vicinity and east of the intersection of Vitruvian Way and Ponte Ave, and Farmers Branch Creek.

For our Work Session, we began at 7pm and covered the good news about the costs of the health insurance options for our Town employees for calendar year 2016 which we plan to adopt next Tuesday at a Special Council Meeting. Our second Work Session item was an update from staff on the status of the redevelopment of the former Sam's Club site, which is an approximately 17.3 acre tract at 4150 Belt Line Road. The site is currently under contract with a developer, Lovett Homes, which is proposing a mixed-use development with townhomes, apartments and ground level retail. While there are still many details to be worked through, the hope is that the plan will go before our P&Z Commission in December and then to Council in January. This proposed plan is entirely consistent with the policy direction Council has given staff based on the study that was done last year.

We began our Regular Council Session on time at 7:30pm with our pledge and a recognition of all of our Veterans in honor of Veterans Day. No one chose to speak during our Public Comment Section.

This being Charles Daniels final Regular Council Meeting with us as our interim city manager, Charles took time at the beginning of our meeting to make a few

remarks, thanking all of us for treating him so well and helping him be successful with us here in Addison the last seven months. We presented Charles with a standing ovation and an official proclamation naming Tuesday, November 10, 2015 as Charles Daniels Day in Addison. It was a very well-deserved honor for Charles.

Our consent agenda was very lengthy and included the approval of the following items that the staff had fully vetted and presented to Council with supporting materials and their recommendations for approval:

- new contracts with Shiroma Southwest for PR, media publicity and website content management services;
- contract with Rodney Hand Associates for the production of *Addison - the Magazine of the North Dallas Corridor* in an amount not to exceed $132,000;
- new contract with Kimley-Horn to update our Master Transportation Plan in an amount not to exceed $76,597;

- a contract with Harris Corporation for maintenance of all Town-owned portable mobile and control station radio equipment for a five year agreement;
- an ordinance amending our investment policy and adoption of an investment strategy for 2016
- a final plat for one lot totaling 6.484 acres at 14675 Dallas Parkway;
- final payment for our very popular and well received new playground equipment at Les Lacs Park for $9,969.70 to Lea Park and Play, Inc.;
- grant funding and service agreements with Launchability for $2,500, Metrocrest Chamber of Commerce for $35,000, Metrocrest Community Clinic for $3,000, Metrocrest Services for $61,000 and the Family Place for $12,000;
- an agreement with the WaterTower Theatre for their use of the Addison Theatre Center; and
- an ordinance amending Chapter 10, animals of the Code of Ordinances for the Town of Addison, dealing with our duck feeding issue.

The Council also approved a resolution authorizing the City Manager to apply for a grant to purchase and install in 12 spots in our park system recycling stations that are high tech, solar powered and able to let our staff know when they need to be serviced! This is "Addison Cool" and best of all, the North Texas Council of Government will be paying for them with this grant!

We held four Public Hearings for the evening. Our first one was to consider an ordinance amending the Planned Development of 8 tracts of land totaling approximately 40 acres from 3712 to 3910 Belt Line Road in order to grant additional allowed uses and amend requirements relating to parking and building elevations. This is the Addison Town Center location near the corner of Belt Line Road and Marsh Lane that contains Target and Kroger as anchor tenants. The discussion centered around the suggestion that all of these uses should require a special use permit and then eventually the discussion centered around the need to require medical and dental office uses to require a special use permit. One of the complicating factors was that certificates of occupancy had previously been granted erroneously for a dental office, i.e. Comfort Dental, and for the Crunch Fitness Health Club. Ultimately in a 6-1 vote, Council Members Arfsten, Hughes, Carpenter, Wilcox, Heape and Meier voting in favor and Council Member Moore voting against, the Council approved a recommendation from staff and our city

attorney to add medical, dental office, massage and chiropractic office, and health club as permitted uses without the need to apply for a special use permit, just like we have it in our other centers around town. A gasoline service center would still require a special use permit.

Our very next item concerned the long-awaited **remodel and exterior upgrade of the Kroger within the same Addison Town Center.** The Council unanimously approved the special use permit for the fuel center and incorporated the P&Z Commission's recommendation to tie the issuance of the Certificate of Occupancy for the fuel center to the beginning of the work on the exterior facade of the Kroger. The interior remodel has already begun and both the exterior facade work and fuel center are expected to be completed by the end of the first quarter of 2016! Finally!

Our 26th Regular Council agenda item of the evening was a Public Hearing to consider an ordinance approving a special use permit for the sale of alcoholic beverages for on-premises consumption only on property located at 15650 Addison Road, our Addison Conference and Theatre Centre. This also passed unanimously, enabling the WaterTower Theatre to apply to the Texas Alcoholic Beverage Commission for a license to sell alcoholic beverages during their performances.

The final Public Hearing of the evening was the consideration of an ordinance amending Article XXI of our Landscape Regulations by **revising the requirements relating to the maintenance of irrigation systems and enforcement.** After a lengthy discussion the Council decided to revise the proposed language for purposes of simplification and clarity. With that important revision the ordinance was passed that will now require **commercial and residential property owners to insure that their sprinkler systems do not create an unsafe condition on sidewalks or roadways.**

Items 28 and 29 were the approval of a lease assignment and lease extension for ground leases at Addison Airport and item 30 was a resolution authorizing our City Manager to accept a grant from TxDOT Aviation for a Runway Incursion Mitigation Study at our airport.

Item 32 was a very **clear and well-presented update on the various capital improvement projects program that we have going on here in Town.** I have attached the chart of the status of each project here for your review.

Our final item of the evening was a report from our Council subcommittee **of Ivan Hughes, Mary Carpenter and David Heape** on our **plans to introduce our new City Manager Wes Pierson to our community.** We will fold his introduction into our annual Holiday Open house on December 6, 2015 from 10am to 2pm at the Addison Conference Centre. We will introduce Wes from the stage and he will be available to get to know all those who attend. Our subcommittee will continue their work as they **explore additional opportunities to familiarize Wes with our community** and vice versa over the next few months and we will make you aware of those opportunities here and in other media. You can make your reservation here to attend the Holiday Open House.

Given the large volume of work and the many things we accomplished, it was a very productive and respectful evening. We adjourned at the very reasonable time of about 10:30 pm.

Business Development

On Tuesday morning, November 10, I joined Interim City Manager **Charles Daniels** and Deputy City Manager **Cheryl Delaney** for our monthly **Metroplex Mayors Association** meeting at our Marriott Quorum Hotel. I was very pleased to

hear so much positive feedback from our fellow area city mangers on our selection of **Wes Pierson as our new City Manager**. Wes' previous service in Allen and his work at the International City Managers Association have helped him earn **a well-deserved, very positive reputation**, which of course bodes very well for us here in Addison. The mayors and city mangers spent the entire meeting discussing and planning for our feedback and participation in the next Texas Legislative Session. In the past this has generally been a fractured effort often left to lobbyists. I believe the concern level is so high among mayors, councils and city managers in our area that you will see a much more effectively coordinated personal effort at the next session to ensure the legislature understands the impact their efforts have on limiting the ability of local governments to provide services to their communities. I'll share more on this as we work to develop our upcoming legislative agenda.

Later on Tuesday I stopped by our Addison Conference Centre to welcome the **Network of Executive Women** and their Fall Luncheon to Addison and to thank them for choosing our Addison Conference Centre as the site for their event. Their attendance of almost 125 exceeded their expectations and made the celebration of **their organization's 10 year anniversary** all the more special.

Spring Luncheon
2013

Around Town

Last Saturday, November 7, the **Addison Arbor Foundation** held their final quarterly educational seminar of 2015. Arbor Foundation President **Dr. Jay Ihrig** began the meeting by welcoming everyone and recognizing his board member colleagues. He then invited me to share a Mayoral Proclamation recognizing Arbor Day in Addison! The program "Bulbs for Dallas and Bulbs for the Holidays" was presented by Master Gardener C. A. Hiscock. It was a fun event enjoyed by many, including our very own **City Attorney Brenda McDonald,** and we all appreciated the **complimentary coffee from Dunn Bros!**

It's hard to believe that Thanksgiving is just around the corner. I wanted to make sure that all of our Pacesetters have marked Monday, November 23 from 6pm – 8pm on their calendar for the annual Pacesetters Thanksgiving Dinner at the Addison Athletic Club. As always, the club will provide the turkey and stuffing and the attendees provide the sides and desserts. Reservations are required, so please drop by the front desk of Athletic Club and let them know you will be joining them.

Our Addison Fire Department is also getting ready for the holidays by again collecting new, unwrapped toys for Toys for Tots. We will be collecting toys at the Resident Holiday Open House, but we also have donation boxes available around town at the following locations through December 12:

- Town Hall
- Central Fire-Station 1-Airport Pkwy
- Fire Station 2-Beltway Dr.
- Police Department
- Finance Building
- Athletic Club
- Addison Treehouse-Midway Rd.
- Service Center
- Addison Conference Centre
- Water Tower Theater
- Addison Airport Office

The following businesses have also partnered with us:

- Million Air Dallas-4300 Westgrove Dr.
- BB&T Bank-3939 Belt Line Rd.
- The Crowne Plaza-14315 Midway Rd
- Stadium Café: 4872 Belt Line Rd
- Vernon's Gastropub: 5290 Belt Line Rd
- The Quarter Grill: 15201 Addison Rd
- First Community Bank: 4135 Belt Line Rd
- The Hub Sports Grill: 4145 Belt Line Rd
- Ron's Place: 4145 Belt Line Rd

Boxes are also available in the following lobbies:

- 14841 Dallas Pkwy, The Aberdeen Bldg, managed by Sooner Management
- 16479 Dallas Pkwy, managed by Cushman Wakefield
- 14800 Landmark Blvd, The Landmark Bldg, managed by Cushman Wakefield

- 14900 Landmark Blvd, Emerald Plaza Bldg, managed by Cushman Wakefield

One last **very important item** for our neighbors in Les Lacs. ***Next Thursday, November 19 and Friday, November 20 around 10am you will be experiencing scheduled power outages*.** The outages should not last more than one hour each. Oncor will be replacing the electrical gear box located at the corner of Beltway in conjunction with the Beltway/Proton Pedestrian Connectivity Project. If you would like to receive regular email updates on the project's progress you can register here. We will use the Beltway/Proton list list to email you when the power is going off and when it is restored, so I encourage you to register. We are so sorry for any inconvenience, but wanted to make sure you are aware so you can power down computers those days, contact your alarm company and make any other necessary arrangements you might need to. Power to the Athletic Club and Fire Station are not on the same circuit so will not be cut. If you need a place to hang out, I'm sure the Athletic Club staff would be happy to help you out.

Coming Events

Tuesday November 17, 6:30pm, Town Hall: Council Work Session to review our debt policy and possible future plans. We will also consider approval of the new health Insurance plans for our employees for calendar year 2015 and we will have an Executive Session to consider our options regarding our continued participation in DART.

Thursday November 19, 6pm: Third Thursday of the Month Coffee with the Mayor will be hosted by Hector Sandoval at Union Park in Addison Circle at 5076 Addison Circle. I hope you will come share your thoughts and enjoy this fairly new addition to the Addison Circle community, a fun place! Here is a bit more information about Union Park: www.unionparkdallas.com.

Friday, November 20, 6:30pm: 2015 Addison Circle Tree Lighting**.** Kick off your holiday season at the annual Addison Circle Tree Lighting in Beckert Park.

Thank you again for the honor of being your Mayor. See you soon . .

.

Todd

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You are receiving this email because you opted in to receive the weekly Mayor's Newsletter.

Our mailing address is:
Town of Addison
P.O. Box 9010
Addison, TX 75001

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unsubscribe from this list update subscription preferences

MAYOR'S NEWSLETTER – JANUARY 29, 2016

Dear Neighbor,

It was a very busy news week in Addison! Wow, TV coverage, large crowds, cheers and jeers - all a part of local government in action. I believe in the media business that may be called a headline designed to capture your attention, so I do hope you will read on.

Council News

The biggest news of the week includes all the pieces of the headline. Our Regular Council Meeting was relocated from our Town Hall to the Addison Conference Centre to accommodate **a very large crowd of intensely interested** and vocal residents interested in the next steps the Council would take in our process of **evaluating the redevelopment of the former Sam's site.** Before we began our Regular Council Meeting, we had a brief Executive Session next door at the Stone Cottage to have an update on the legal issues around the Farmers Branch creek dispute.

After this brief meeting and on the walk over to the Conference Centre, Council and staff were met **by a group of about 30 very vocal and passionate picketers with signs who unfortunately expressed their displeasure in the form**

of insults and threats directed at me, my fellow Council Colleagues and our staff as we made our way to the Conference Centre for our Regular Council Meeting. All of this was covered by TV news. It appeared to me that some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison.**

We began our Regular Council Meeting with our pledge and receipt of recognition from the North Central Texas Council of Governments of the Silver Fleet Award for our fleet department. From there we moved right into our Public Comment section. The Council agreed to waive the restriction in our Public Comment section that limits speakers to comment on items not on our agenda and limits the number of speakers to five. Since we closed the Public Hearing on the rezoning of the Sam's site in our January 12 meeting, with the Council's unanimous support, we were able to remove the limitations and proceed with a very long and intense Public Comment section where all of the speakers commented on the proposed redevelopment of the former Sam's site. **This was certainly the longest Public Comment section in the relatively brief history of this opportunity for our community**. **Most of the speakers were very polite and civil and shared their firmly held opinions with our Council who listened attentively. This Public Comment section is captured on video and available for your review on our website with a link to the public comment sections** here **and** here**.**

After the almost two-hour Public Comment section was completed, with everyone in the room who had not already spoken on this case given every opportunity to share their opinion with the Council, we resumed our discussion and consideration of an ordinance rezoning approximately 17.4 acre property located at 4150 Belt Line Road, case 1725/Addison Groves with Mr. Frank Liu as the applicant. Frank Liu resumed his presentation with an updated presentation that **included a clear graphic showing the actual breakout of the proposed redevelopment by land**

use. The land uses include approximately 17% for the apartment project, which is limited to no more than 350 units, would include retail on the first floor and would wrap around the building's parking garage. The balance of the land use would be for necessary **infrastructure, green space and parks, and 180 fee simple townhomes, projected to be valued at an average of $400,000 each.** I encourage you to take a look at this visual, I believe it will answer some of your potential questions. After his presentation Mr. Liu and his partner David Foor answered questions from the Council concerning their flexibility on certain aspects of the project. Both were open to revisions of the project.

After Mr. Liu and Mr. Foor spoke, **the developer's traffic engineer,** from the well-respected engineering firm Kimley-Horn, spoke. **(Incidentally, Kimley-Horn has served as the Town's engineering firm for more than a decade.)** He responded to questions from the Council and referenced his **200-plus page report** which had been validated by Cobb Fendley & Associates, another well-respected firm that has served as the Town's review engineers for many years. This visiting professional endured several rude interruptions from a few in the audience.

Charles Goff, our Assistant Director of Development Services, returned to the podium to answer Council questions, **reaffirm the staff recommendation for approval** of this project and review the process for this redevelopment that actually began back in 2006. Since then the process has proceeded through the many meetings and iterations of the plan including **the Council's conceptual approval of this specific plan in an open and public work session in 2015, which included the approximate use mix and numbers of apartments, retail and fee simple housing reflected in this proposal.**

Next up with his report and recommendation for approval of the project was our **Director of Economic Development Orlando Campos**. Orlando reviewed the project's economic impact on Addison and confirmed his support of this

redevelopment. His excellent report is attached here for you review.

City Manager Wes Pierson added his comments and **reiterated his support for staff's recommentation that Council approve the project.**

Now very deep into the evening after our entire Addison professional team expressed their recommendation for approval of the proposed redevelopment of the Sam's site, it was time for the Council to finally consider a motion. **Mayor Pro Tempore Janelle Moore made the below described motion and Deputy Mayor Pro Tempore David Heape seconded the motion and the discussion that followed is linked** here (comments begin at 105:32) **for your review.**

The motion and second were as follows - to approve the project as recommended by staff **with the following changes and conditions:**

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.

2. The townhouses and live/work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.

3. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's

wastewater study.

4. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.

5. Medical and health related uses shall be permitted upon approval of a Special Use Permit.

6. All construction traffic shall access the site from Runyon Road and Belt Line Road only.

7. The existing screening wall along the southern property line shall not be removed until construction has commenced on the townhome units along the wall. (the wall will be replaced with $400,000+ townhomes facing Beltway)

8. A short, wrought iron or decorative fence or wall shall be installed to delineate the front yards of the townhomes facing Beltway from the public green space/park.

9. At least 25 live/work and/or townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage building.

10. A maximum of 330 multifamily units shall be allowed. (a reduction from the previous ceiling of 350 units)

11. The proposed street shown on the east side of the development shall be constructed with retractable bollards at Beltway Drive to provide for public safety access only.

12. The proposed street shown on that east side shall also be constructed with speed/traffic calming devices.

13. The multifamily units shall be constructed as follows:

- The entire multifamily building and parking garage shall be LEED certified;
- There will be no linoleum or Formica surfaces in the units;
- All units shall be equipped with energy efficient appliances;
- All countertops must be granite, stone or better material.

14. Courtyards shown on the Concept Plan will be designed and constructed with enhanced architectural and landscaping features including such elements as water features, landscaping and art features.

I added my clarifying comments in the parentheses on conditions #7, and #10.

After thoughtful and respectful comments and discussion among the Council, I called the vote on the motion. I encourage you once again **to watch the** video (comments begin at 105:32) of the Council Member comments on this motion. While it was very late in the evening, actually early morning, each Council Member shared their rationale for their intended vote. The motion to approve the redevelopment project with the 14 conditions listed above passed 5-2. **Voting in favor of the motion were Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape, Council Member Mary Carpenter, Council Member Dale Wilcox and Mayor Todd Meier. Voting against the motion were Council Members Ivan Hughes and Bruce Arfsten.**

After the approval of the project, the Council entered Executive Session with our staff to discuss and **consider an economic development incentive for infrastructure reimbursement.** Following the Executive Session, the Council

returned to the Conference Centre to openly discuss and consider a motion to approve the terms of a staff-negotiated Letter of Intent for an economic development incentive. **The following economic development incentive for reimbursement of infrastructure funds was approved by the Council 6-1. Council Members Dale Wilcox, Mary Carpenter, Ivan Hughes, Deputy Mayor Pro Tempore David Heape, Mayor Pro Tempore Janelle Moore and Mayor Todd Meier all voting in favor of the motion and Council Member Bruce Arfsten voting against.** Staff will use the Letter of Intent to create an economic development incentive agreement that will be brought back for Council approval.

The basic elements of the agreement are outlined below:

1. **The Redevelopment Project** (generally as depicted and described in the DRAFT ordinance)(the "Project")

- Total estimated project cost - $86,663,450
- Total estimated ad valorem value - $121,200,000
- Demolition of existing Sam's Club building
- Mixed Use development consisting of approximately 20,000 square feet of retail, 17 live/work units, 161 townhomes and not more than 330 multi-family units

2. **The Economic Development Incentives**

- Maximum Incentive of $6,500,000 as a reimbursement for the construction of public infrastructure to facilitate the Project.
    - Infrastructure eligible for reimbursement will be agreed upon by the parties.
    - Infrastructure reimbursement will be controlled by the following:

        - Maximum of $250,000 of the total Incentive will be given in the nature of permit/development fee waivers
        - Maximum of $1,000,000 for infrastructure qualifying for utility fund funding
        - Maximum of $1,000,000 for infrastructure qualifying for stormwater fund funding
        - Maximum of $4,250,000 to provide funding for street and park development
    - Incentive Payment terms
        - 1/3 of total potential award upon successful completion of public infrastructure and acceptance by the Town of Addison
        - 1/3 of the total potential award upon completion of 40 percent of the townhomes/live-work units
        - 1/3 of the total potential award upon completion of 75 percent of the townhomes/live-work units
- The Town of Addison will support the process to acquire the right-of-way for Runyan Road. Any acquisition costs will be the responsibility of the Developer.

3. **Incentive Conditions**

- Developer has offered to deed restrict the multi-family property and garage building to prohibit the use of government subsidies to construct, operate or rent the multi-family units. The developer shall present a recorded copy of the deed restrictions prior to Incentive Payment by the Town.
- Developer will provide to the Town for its review and approval any infrastructure/quality/amenity removals from the Project that the Developer makes to reconcile the difference between the $8.463 million in economic development assistance requested by the Developer and the $6.5 million Incentive provided by the Town.

- The apartment developer/operator will be subject to reasonable approval by the City Council. If the developer chooses an apartment developer not approved by the City Council, the Incentive Payment will be forfeited and the Town will have no obligation to make any Incentive Payment.

While at times during the evening I was deeply disappointed by some of my Addison neighbors' very rude and disrespectful behavior, **I was very proud of the diligence, thought and respectfulness of our entire Council throughout this challenging process**. In the end, I believe we completed this almost two-year long process by producing a very exciting result that incorporated **in true collaborative fashion** the recommendations of our entire professional staff; the recommendations of our P&Z Commissioners; our proposed Addison investor and home builder; and the concerns and opinions of many of our neighbors.

I realize change is very difficult, even frightening at times. As I get older I realize that even more, I have also come to know that change is inevitable. We had a choice here; we could fight change or we could embrace change and shape it. I am very pleased that a majority of the Council chose to embrace change and shape it. In fact 10 of the 14, or 71%, of the elected Council members and appointed P&Z Commissioners voted in favor of approving this redevelopment project. Interestingly enough our two youngest Council Members, with the most future ahead and the greatest risk, showed the way with their courage to make the motion and the second and lead the conversation and collaboration to arrive at a point that bridged many of the gaps.

I know it may be difficult for some at this moment to realize, but given time and the staff and Council's commitment to hold our new Addison Groves developer accountable, I believe this redevelopment project will make us all very proud.

Around Town

What a **fun way to start a week and a Monday**. Channel 8 met us at Addison Circle bright and early to do a story about the return of Taste Addison on May 13-15 and the uniqueness of Addison Circle. As you know about two years ago our previous City Manager recommended to Council that we drop Taste Addison and bring in a new concept called Fork and Cork. Now we are going to take the best pieces of Fork and Cork, weave in more food, and much better music to elevate the entire profile of the event and bring back lots of fun. It was fun to share the exciting news about the return of Taste Addison, as well as one of the important lessons we have learned with Addison Circle, density brings us retail success. **Thanks to Nicole Margulies at** Mad Batter Baker **and Chef Antonio at** Antonio's **for helping us make this such a fun media event, as well as publicizing the return of** Taste Addison**!**

With a crowd of over 200 family, friends, residents, Council Members, coworkers and well-wishers, the positive energy and enthusiasm for the **swearing in ceremony of our new Police Chief Paul Spencer** felt great! City Manager Wes Pierson began the formal part of the event with a greeting and voiced his pride and confidence in Paul as his first hire as our new City Manager, indicating that Chief Spencer and City Manager Pierson would forever be linked together. Wes then gave me a few moments to thank Paul's family for their support and dedication and to recognize the sacrifice they all make. I noted Paul's 20 years with our Town and the fact that I have had the good fortune to know Paul and watch him progress through his career that entire time. It is very gratifying to see a man with such high values and strong work ethic succeed and rise to the top leadership position in our organization. It also gave me a chance to acknowledge and recognize all of our first responders and their dedication to helping keep us all safe here in Addison. I then had the very special honor of swearing in Paul Spencer as our new Town of Addison Police Chief.

After we completed the official oath of office, Paul made an excellent speech that I have included here for your enjoyment. Congratulations, Chief Spencer, we are all so very proud of you.

At the Athletic Club open house a couple weeks ago, we unveiled a new survey. I'd like to encourage everyone – member or not – to fill out the survey. The staff is always looking for ways to improve our services and your input is critical.

Business Development

On Thursday morning I joined with **Erin Carney, president of the Metrocrest Chamber of Commerce,** to welcome to Addison and cut the ribbon for **Methodist Hospital for Surgery and Center for Wound Care and Hyperbarics,** led by Medical Director Dr. J.R.Williams and his team of professionals: Tricia Muse, program director; Janna Seddon, clinical nurse manager; Liz Johnson, RN; Jamaar Wright, HBO safety director; and Amanda Heddin, front office coordinator. This unique center, managed by Healogics™, provides specialized treatment for chronic or non-healing wounds using clinically proven methods, protocols and technologies that facilitate the body's innate ability to heal. Inside the two new hyperbaric oxygen chambers, patients breathe 100% oxygen in a pressurized environment, which stimulates new blood vessel growth allowing plasma in the blood to carry oxygen, reduce swelling, inactivate toxins of certain bacteria and enhance white blood cells' ability to kill bacteria. Considering that more than 8 million people in the U.S. are affected by chronic wounds, I am sure Methodist's recent addition will be able to help many people across North Texas.

Coming Events

Monday, February 1, 11:30am – 1pm: Monthly Economic Development Luncheon at Osteria Panevino, 5000 Belt Line Road

Tuesday, February 2, 4pm - 8pm: City Council Strategic Planning Session, Addison Conference and Theatre Centre, 15650 Addison Road

Wednesday, February 4, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road.

It's kind of appropriate that I welcomed the folks from the Methodist Hospital Wound Care Clinic to Addison yesterday. There certainly have been some

wounds in Addison over the last few days and I hope we can all look to the future and let those negative feelings subside with time and the recognition that we are all neighbors and want the best for our Town of Addison.

See you soon,

Todd

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MAYOR'S NEWSLETTER – FEBRUARY 26, 2016

Dear Neighbor,

It's been another exciting week in Addison as we head toward our Special Events season with **Taste Addison back with us on May 13-15**. Preparations are well underway with plans for the best one ever! This is the time of year when much of the hard work of our Parks team comes to life with the blooming of **our Addison tulips!** Check out this picture of our Service Center and please be sure to send us your favorite Addison pics and we will include them in our newsletter next week.

MAYOR'S NEWSLETTER – FEBRUARY 26, 2016

Council News

There were a number of very interesting topics for our Regular Council Meeting on Tuesday, February 23. During our Work Session we reviewed the staff's report and recommendation for a **small increase in our airport fuel flowage fee** to be effective on April 1 this year. That fee has not been changed since 1994 and is the source of important revenue for maintaining our airport at very high standards. As mentioned above, our staff presented detailed plans of all the food, music and fun headed our way with **the return this year of Taste Addison on May 13-15.**

We also received a staff report on the **life cycle cost analysis of our police vehicles**; there was significant media interest in this topic, which means we are still reaping media interest from the innovative use of Volvos as our Addison police cars back in the 1980s. After our **first ever and very informative life cycle cost analysis**, the staff recommended that we move forward with the **Ford Explorers** as our choice for this year. The Council will take up that recommendation at our first meeting next month.

The Council gave direction to our City Manager to move forward **with additional work** with **Mr. Larry Kanter of Kanter Financial Forensic after hearing Mr. Kanter's disconcerting and ultimately encouraging update.** After a review of his extensive credentials for his work, Mr. Kanter read his remarks to the Council and included reference to specific examples of what he found as part of a brief PowerPoint presentation. I encourage you to **watch the video including the very well informed questions from our Council Members.** We have attached a link to the video here.

A few of the key points that resonated with me include: "In general, **when a system of internal controls is poor, bad things happen."** In referring to his early work in 2014 Mr. Kanter said, "…in fact the Town's accounting systems lacked what are considered to be basic elements of a well-designed accounting system. Our work indicated that **the Town was at risk of an inability to detect and prevent fraud, waste and or misapplication of assets.** We observed that the Town's finance department was significantly understaffed and basic accounting tasks were simply not being performed. **The Town's basic checks and balances were so weak or nonexistent that it will be very difficult or even impossible to determine if money and or assets were misappropriated in the past."**

Mr. Kanter's review of our Special Events and handling of cash led him to observe, "…we noted that it was virtually impossible to determine if all of the cash collected

from the patrons of Oktoberfest was actually deposited in the Town's bank account."

Last year Mr. Kanter spent time working with our Municipal Court system and he revealed these observations: "It became very clear that the Municipal Courts had never been subjected to a detailed study of their accounting processes and procedures. It was also apparent that the transactions generated by the Municipal Courts have never been properly reconciled. The reconciliation of transactions helps ensure that the amounts that are collected from the public are properly calculated, recorded and deposited into the Town's bank." Part of Mr. Kanter's remaining scope of work will be to follow up with our Municipal Courts. **The need for and value of this transitional audit became abundantly and undeniably clear with the conclusion of Mr. Kanter's prepared comments.** We have attached a link to the video here.

That is the past.

As Mr. Kanter reported when Interim City Manager Charles Daniels arrived last April, everything changed because the tone at the top changed. The staff became very cooperative and **"requests that previously took days to be fulfilled now took minutes."** Mr. Kanter went on to **laud the new tone at the top with City Manager Wes Pierson** and **commended our current Finance staff and expressed confidence that we are on our way to significant improvement in all areas.** He suggested that the new software installed at our Municipal Courts in February of this year may go a long way in addressing many of his concerns.Mr. Kanter hopes to complete the authorized scope of work by the end of March and will report back then.

This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is

broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction here and the path is now clear for success.

Our **new Police Chief Paul Spencer** delivered a report to Council on **past** police protocols with underperforming hotels when he shared that **in the past** "over time the lack of targeted enforcement, in conjunction with our education efforts, **facilitated an environment where criminal elements felt free to act with impunity and set up permanent roots in our community."** Now? Since Chief Spencer has been the leader of our Police Department, the entire department has begun targeting these criminal elements: "Recent activity suggests we are beginning to accomplish the goal of **reversing criminal activity at our targeted hotels** and sending the message Addison is not the place you want to operate if you're a criminal. Based on recent arrests, we also anticipate a reduction in burglaries and property thefts within the residential areas."

As this new much more proactive approach develops, the Chief and his team will be developing data and metrics that will help us determine staffing and enforcement priorities in the future. In the short term this new approach may cause the actual crime statistics to surge since we are now aggressively looking for finding criminal activity and making arrests. This new balanced approach of recognizing the problem, confronting it with education, measurement and enforcement was met with applause from the entire Council Chambers and thanks for the new approach from Chief Spencer and his entire team. You can watch the entire uplifting video from Chief Spencer here. **Once again the new "tone at the top" and good people working hard have us headed in the right direction**.

Other items on our agenda for the evening included an **Executive Session** item reviewing **past separation agreements**, consent approval of a resolution adopting a public information act policy update, designation of representatives to the

TexPool, TexStar and the local government investment pool, a contract with Halff Associates to update the bids on the **work for the Winnwood pond dredging project**, and final payment authorization to Pavecon for the rehabilitation of Addison Road. The Council also decided to create a **liaison position** with the **Cavanaugh Flight Museum** with our Communities Partner Bureau in addition to authorizing their $50,000 grant request.

Other Regular Council Meeting items included a presentation and introduction of our **new Crisis Communication team**. Public Communications Director Mary Rosenbleeth introduced us to the Addison-based firm **Gray Hair PR,** and their principals each spoke and gave us their experience and backgrounds. Their work will begin on March 1, 2016. The Council approved a resolution authorizing our staff to enter into a contract with the Texas Coalition for Affordable Power to provide electricity for the Town for 2018-2022. Based on current prices we could expect to receive several hundred thousand dollars of annual savings.

Our new Interim CFO Scott Neils presented the Finance Department Quarterly Financial Review of the first quarter of our financial year that ended December 31, 2015. For the first time in quite a while, **all of our funds are in the "green"** and we are off to a good start for the financial year. The report is linked here for your review.

Our Director of IT **Hamid Khaleghipour** and Police **Chief Paul Spencer** gave us an update on our **combined dispatch and radio project**. We are actually a bit under budget and just a few weeks behind schedule on this very large multi city project. Farmers Branch successfully went live with the first phase of the dispatch system this week, and Addison is scheduled to transition to the new dispatch center on March 3. Our radio system that's part of the project has hit some technical difficulties, so we have taken it off line and gone back to our old system until the technical issues are resolved. The Council was effusive in their praise of

our team moving forward on this very important project that is one of the nation's largest and most expressive examples of the **new business model called "Shared Services."** As our City Manager said, "**This is a big story. It is very special to see four cities work together to create a system that improves the level of service at lower cost. This a new model of how business will be done in the future."**

Our final agenda item was the presentation of the annual Town of Addison Police department **2015 racial profiling report.** For the fifth year in a row we did not have any racial profiling complaints in our department. The report concluded that there is no systemic racial profiling in our police department, and we are in full compliance with state law. As you may recall we have had body cameras for all of our officers, as well as video in all of the police vehicles, for quite some time.

We adjourned our Council Meeting before 10:30pm.

More Council News!

We will be having a Council election this spring in Addison. Filing for the May 7 election closed last Friday at 5pm and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angel, Jim Duffy and Paul Walden.** Early voting ends today, February 26, at 7pm. As mentioned above, Election Day is Saturday, May 7 with results posted soon after the polls close at 7pm.

This time of year with national, statewide and now local election campaigns underway, I am often **asked if current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section

2-93(11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember)** in connection with **any election for public office** or in connection with any election ordered by the Town on a proposition or measure."

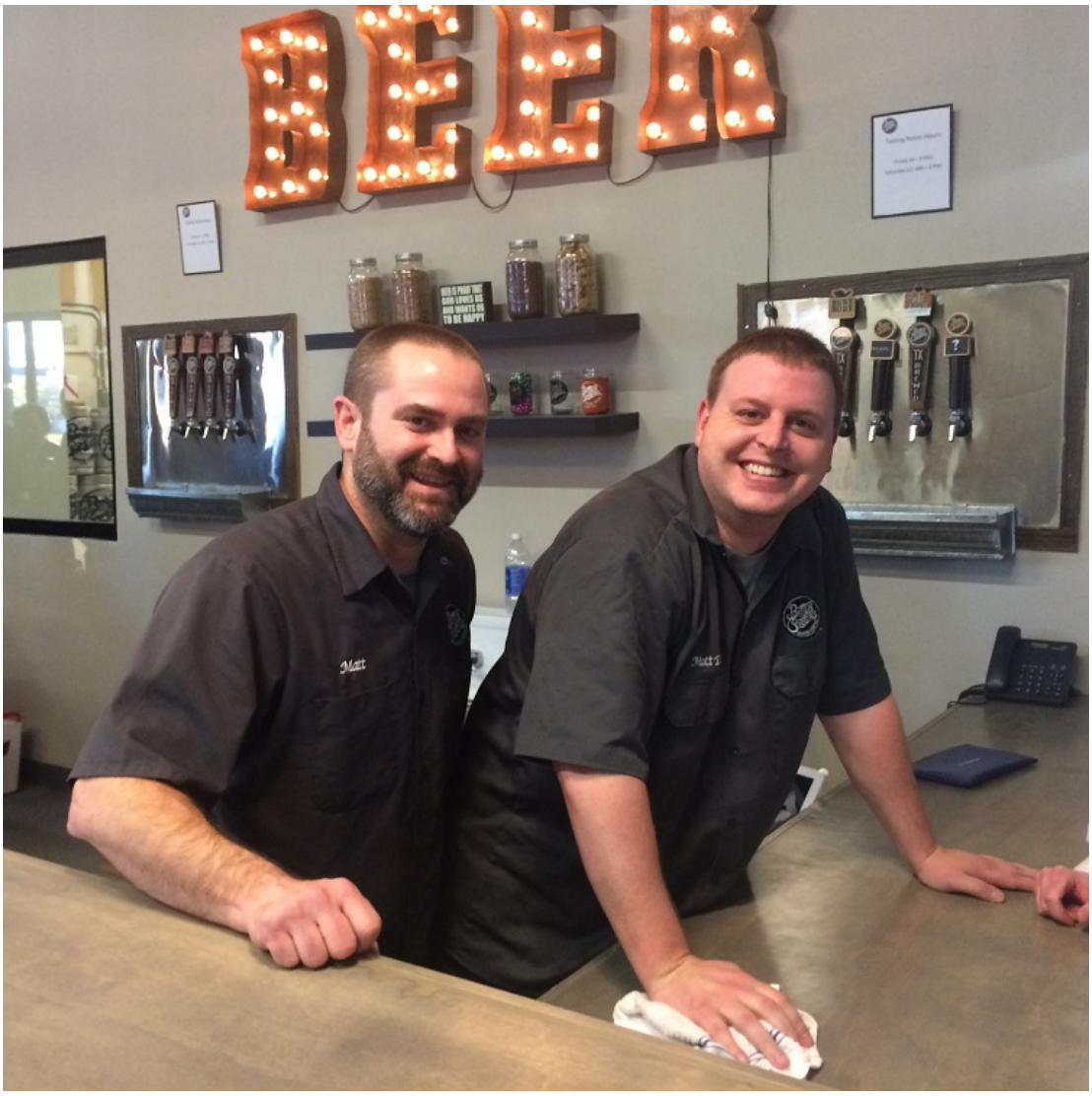
Business Development

On the afternoon of Wednesday, February 24, 2016, I dropped by for the special **Grand Opening celebration of a new very interesting store here in Addison. Dody D Home Decor is located at 4750 Ratliff Lane, just off of Addison Road and a couple of blocks north of Keller Springs Road**. Open 10am to 6pm each day, they have a wide variety of high quality home furnishings and decor items that are all brand new and sold at near wholesale prices. They have a one-of-a-kind inventory with new merchandise arriving weekly. Co-owner **Cheryl Pembleton** shared with me that their business model is pretty simple: **buy low, then sell low**. They have access to very unique items from all over the world and because of their very low rent factor, they are able to pass along great savings to their customers. All items are clearly marked, and they even leave the whole price tags on some so you can compare!

Mayor Pro Tempore **Janelle Moore**, our Council liaison with the North Dallas Chamber of Commerce, Director of Economic Development **Orlando Campos**, Manager of Economic Development **Drew Dietrich** and I joined Janelle in helping to co-host an event here in Addison on Thursday, February 25 at the very fun and entertaining Bitter Sisters microbrewery. The reception for members of the North Dallas Chamber began at about 5:30pm and ran until about 7pm with lots of good folks **learning all** about the brewery, its unique history and of course enjoying Addison hospitality. This is another great way for us to partner with successful

organizations and build our brand. **Many thanks to Janelle** for helping to bring this event to Addison and her work as our liaison with the North Dallas Chamber of Commerce.

BITTER SISTERS
BREWING COMPANY
BUSY BODY
CAT FIGHT
KNOCK OUT
IRISH RED ALE
HiSSy Fit
MARZEN LAGER



On the afternoon of Thursday, February 25, Director of Economic Development **Orlando Campos**, manager of Economic Development **Drew Dietrich** and I represented Addison at **the ribbon cutting** for **Abilene Christian University's brand new Addison campus** located in the Hanover Building at 16633 Dallas Parkway. We met several enthusiastic members of the University staff that are very pleased to be with us here in Addison. They have now taken the entire 8th floor of the Hanover Building with plans to take over most of the 6th floor for even greater expansion. The **President of the University, Phil Schubert,** spoke

to the large group about the University's future and the enthusiasm they have for expanding beyond their Abilene campus and joining us here in Addison, even offering us opportunities to share their space for meetings or events. The addition **of a well-respected University campus to our Addison portfolio of diverse customers is an excellent addition to our community**. We are very proud to have the Abilene Christian University Wildcats as part of our Addison.

Around Town

Late Thursday afternoon on February 25, our **Addison Legacy Foundation** Board met at the offices of UDR for the monthly meeting that rotates each month at different board members' offices. This month our host was board member **Tom Lamberth with UDR**. **Mayor Pro Tempore Janelle Moore** joined our additional board members **Chic Martin, Tamela Thornton, Debbie Staggs, Bob Kantner, Ray Ryland** and **Board Chair Blake Clemens**. In addition to important administrative issues, Tamela and Chic gave us an update on our visioning and forward-looking goals. Blake gave us an update on our tentatively scheduled

December 2, 2016 Vitruvian Lights Run. Additionally, the board approved payment for the new Celestial Park pet and people water fountain. Chic Martin and Ray Ryland shared with us the exciting news that we found a location for the restoration work to be performed on our 1930 fire truck! Blake and Ray worked with **Scott Buzzell**, who owns a hangar on Dooley Road that he has graciously loaned to us for the restoration project. In fact as you can see from the photo below, the fire truck has been moved from its spot in the bays at Fire Station #1 to its new location where the work will begin. **Now we need your help!** If you would like to donate your funds or time to this fun project **contact Blake Clemens** at blake.clemens@tx.rr.com.

I will have the honor tonight of **presenting our Rising Star of 2016 Award** to our very deserving **Deputy City Manager Cheryl Delaney** at the Metrocrest Chamber of Commerce annual awards event. Here with us since 2014, Cheryl helped us navigate through some very challenging transition times. Thanks to her extensive background in finance, she served in the dual roles of Deputy City Manager and CFO through our budget season and until recently with the new hire of Interim CFO Scott Neils. Cheryl combines her work history with professional service in municipal government finance positions in Round Rock Texas and San Antonio

with work in the private sector at Deloitte Consulting and HEB Grocery. An avid and passionate member and supporter of all that we are doing to improve our Athletic Club, Cheryl definitely qualifies as an Addison Rising Star!
Congratulations Cheryl, we are all very proud of you.

Coming Events

Wednesday, March 2, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting of the Town's Master Transportation Plan, 15650 Addison Road

We continue to be very busy here in Addison, and that is a very good thing. Our business environment has never been better. Addison Airport is continuing to improve and draw new customers. Our 10 million square feet of office space continues to fill with exciting new office products coming online. Two new hotels are under construction to add to our impressive 22 hotel portfolio. New restaurants are opening virtually every month. Addison TreeHouse continues to be the hip space for new entrepreneurs to plant the seeds of new businesses, and our commercial property valuations are at all-time highs. With our new "Tone at the Top" in our own organization, we are in the best positon ever here in Addison to meet and embrace a very positive future.

I am very proud to be your mayor and to work with our outstanding Council

and amazing staff every day to make sure this very positive trend continues.

See you soon,

Todd

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P.O. Box 12070, Capitol Station
Austin, Texas 78711-2070

Re: Response to Notice of Ethics Complaints SC-3160388 and SC-3160389

Dear Texas Ethics Commission,

This letter is submitted for your consideration in response to two Notices of Complaint received by Todd Meier, the Mayor of the Town of Addison. The first is Notice of Complaint, SC-3160388, which was filed by Mr. James F. Duffy. The second is Notice of Complaint, SC-3160389, which was filed by Mr. John F. Oliver. Mayor Meier received the first notice and corresponding sworn complaint via certified mail on March 24, 2016, and he received the second notice and corresponding sworn complaint on April 8, 2016.

Considering the similarities between these two Notices of Complaint, and with approval from TEC Assistant General Counsel Anitra Abdullah-Levy to do so by May 16, 2016, Mayor Meier provides this response to both complaints pursuant to Section 571.1242 of the Texas Ethics Commission Government Code and Section 12.52(a) of the Texas Ethics Commission Rules.

ALLEGATIONS

Within their sworn complaints, Complainant Duffy and Complainant Oliver allege that Mayor Meier used public funds for political advertising, in violation of the Texas Election Code, Section 255.003.[1]

[1] The Notice of Complaint for SC-3160389 also notes that Mr. Oliver appears to allege that Mayor Meier violated the Open Records Act, Chapter 552 of the Government Code, but that the Texas Ethics Commission has no jurisdiction to administer or enforce this act. As such, this response does not address these allegations, though Mayor Meier denies any wrongdoing with regard to this act as well.

Specifically, both Complaints allege that, within the weekly newsletters that his office published on February 26, 2016 and March 4, 2016, the Mayor's characterization of candidates running for City Council in the May 7 election constituted "Political Advertising" under Section 255.003. *See* SC-3160388 at Section IV, Page 1; SC-3160389 at Section IV, Page 1. The Mayor's characterization is identical in both newsletters and includes the following language:

> **We will be having a Council election this spring in Addison**. Filing for the May 7 election closed last Friday at 5:00pm and **current Council members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council member Mary Carpenter will be standing for reelection. Running against them are Al Angel, Jim Duffy and Paul Walden.** Early voting ends today, February 26, at 7pm. As mentioned above, Election Day is Saturday, May 7 with results posted soon after the polls close at 7pm.
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> *Id.* (Citing Newsletters, February 26, 2016 and March 4, 2016 (emphasis in original)).

In addition, Complainant Oliver alleges that "[t]aken individually and as a body of work judged over time, the Newsletter written by Meier is clearly self-promotional, and also regularly supports and praises sitting councilmembers perceived to be allies." SC-3160389 at Section IV, Page 1. He further states that "[w]hether viewed in detail or from a macro level, … Meier's one-sided commentary has the impact of supporting, directly and indirectly, councilmembers and candidates for office." *Id.* at Section IV, Pages 1-2.

To support these allegations, Complainant Oliver makes reference to various passages in five of Mayor Meier's newsletters, claiming that they mischaracterize events, are self-promotional, and/or show support of certain councilmembers over others. He also references multiple emails between council members and citizens of Addison to support his claims, though the emails appear nowhere in the newsletters. *See id.* at Section V.

Complainant Oliver divides his claims into four categories:

1. Self-promotion/support of councilmembers in Addison's January 29, 2016 Newsletter (including three who were then expected to, and have now filed for reelection in May 2016).

2. Improper support of Janelle Moore's candidacy in 2014.

3. Attacks on prior management and employees as a way of supporting current councilmembers.

4. Number of mentions/photos/photo coverage.

See id. at Section IV.

Mayor Meier denies any wrongdoing with regard to the publication of his weekly newsletters. For the reasons stated below, Mayor Meier urges this Commission to find that there was not a violation of the law and dismiss both Complaints.

RELEVANT REGULATIONS AND DEFINITIONS

Section 255.003 of the Texas Election Code provides as follows:

> (a) An officer or employee of a political subdivision may not spend or authorize the spending of public funds for political advertising.
>
> (b) This section does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.
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> (c) A person who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

This Commission defines "political advertising," in relevant part, as "a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that: … (B) appears:

> (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
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> (ii) on an Internet website." Tex. Election Code, §251.001(16).

This Commission has previously held that "[t]he critical issue in determining whether an advertisement is 'political advertising' is whether it is a communication supporting or opposing a candidate or a public officer. … Whether a particular communication supports or opposes a candidate or a public officer is a fact question." Ethics Advisory Opinion 476 (2007) (internal citations omitted).

The Commission specifically excludes newsletters from this definition under the Ethics Commission Rule 26.2(1)-(3), so long as the newsletter in question fulfills the following requirements:

(1) It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;

(2) It includes no more than eight personally phrased references (such as the public officer's name, "I", "me", "the city council member") on a page that is 8 ½" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 ½" x 11"; and

(3) When viewed as a whole and in the proper context:

(A) is informational rather than self-promotional;

(B) does not advocate passage or defeat of a measure; and

(C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

When viewed as a whole and in the proper context, Mayor Meier's newsletters satisfy the requirements under the Ethics Commission Rule 26.2(1)-(3) and do not constitute "political advertising" within the meaning of Texas Election Code Section 255.003.

ARGUMENTS AND LEGAL SUPPORT

A. Each newsletter must be viewed individually and not "as a body of work judged over time."

Complainant Oliver's contention that Mayor Meier's newsletters constitute political advertising "as a body of work judged over time" and when viewed "from a macro level" is misguided and an improper application of the relevant rules. The Texas Election Code and Ethics Commission Rules each define political advertisements using references to individual communications:

1. Tex. Election Code, §251.001(16) uses the singular article "a communication" in its definition of political advertising.

2. Ethics Commission Rule 26.2(1)-(3) uses the singular article "a newsletter" and describes the analysis of each newsletter individually, "[w]hen viewed as a whole and in the proper context."

In addition, all advisory opinions discussing newsletters and other publications as potential political advertisements analyze individual documents based on the documents themselves and not extraneous evidence. *See, e.g.*, Ethics Advisory Opinion 211 (1994) (discussing a brochure); Ethics Advisory Opinion 476 (2007) (discussing a four-page newsletter); Ethics Advisory Opinion 506 (2012) (discussing a refrigerator magnet).

Each of Mayor Meier's newsletters is produced and distributed individually each week. Once a newsletter is emailed to those recipients who have requested to be included on the mailing list, it is then published on its own page and linked to the Addison city website for archive purposes.[2] The Mayor has published hundreds of these weekly newsletters since July 1, 2011, and each newsletter contains numerous pages of information. Analyzing these newsletters as a homogeneous mass is unrealistic and improper under the rules.

In fact, Complainant Oliver himself does not analyze the hundreds of newsletters "as a body of work judged over time." Instead, he selectively references factual passages from five newsletters over a two-year period—combined with emails and other extraneous information completely unrelated to the newsletters themselves—to fabricate what can only be described as a subliminal political advertising campaign by Mayor Meier. It is clear that Complainant Oliver dislikes the way Mayor Meier recounts certain community events, but this does not create grounds for classifying any of the newsletters as political advertising. Complainant Oliver's unfounded arguments and "conspiracy theory" analysis methods find no support in the relevant rules and should be rejected by this Commission.

B. The language in question does not constitute political advertising by the plain meaning of the applicable regulations.

When reviewing each of Mayor Meier's newsletters individually and in their entirety, it is nearly impossible to see how they would constitute political advertising under the definitions of the Texas Election Code and Ethics Commission Rules. Ethics Commission Rule 26.2(3) specifically states that the newsletter must be viewed "as a whole and in the proper context." Yet both Complainants isolate three factual sentences that list the date of an upcoming election and the names of the six candidates involved to support the allegation that the entire purpose of the newsletters (indeed, the six-year existence of weekly newsletters) is to support three incumbent candidates.

The three sentences in question express no opinion about any of the candidates, either positive or negative. They simply reference the fact that three candidates are incumbents, listing

[2] The archive links may be found here: http://blog-addisontx.info/category/mayor (last accessed on May 5, 2016).

the titles under which they operate as councilmembers to give context to their incumbency. It is unreasonable to consider such factual statements as promoting a campaign, and doing so would stifle the ability for public officials to properly inform their community of any local elections in the future.

After repeating almost all of Complainant Duffy's Complaint verbatim, Complainant Oliver attempts to find support of Mayor Meier's perceived bias using selective passages from various newsletters dating back to March 2014. Once again, none of the newsletters containing the referenced passages, when viewed in context of the corresponding newsletter as a whole, come close to the definition of political advertising under Ethics Commission Rule 26.2(1)-(3).

In fact, Complainant Oliver—likely realizing that the three sentences discussed above were completely innocuous on their face and insufficient to support an ethics violation claim—returns to that passage later in his Complaint to bolster the argument. He states that "[b]rief background is needed to fully appreciate the nature of the problems with the February 26, 2016 Newsletter," and then describes the events of an unrelated council meeting, among other things. SC-3160389 at Section IV, Page 9. He argues that these facts show "Meier's keen awareness of the upcoming election" and thus his political purpose in referencing the upcoming election and candidates as he did. *Id*. Once again, this extraneous information is irrelevant to this Commission's analysis and merely emphasizes the fact that the newsletters are not political advertising under the rules.

In another example, Complainant Oliver cites the following two sentences within the March 7, 2014 newsletter to claim that the entire fourteen-page document—as well as future newsletters—should be considered political advertising:

> Council Member **Janelle Moore** whose outstanding academic career from Ursuline to University of North Texas undergraduate degree and her MBA from UT at Dallas, 12 years of professional success in the medical sales and business development field and remarkable community service work from Africa to Addison, was honored with the Chamber's **Rising Star Award**. Congratulations Janelle, you make Addison very proud.
>
> SC-3160389 at Section IV, Page 8 (emphasis in original).

The language in question simply commends a council member for receiving an award, listing her accomplishments to give context as to why she received it. It makes no reference to any election, is situated unremarkably at the end of a paragraph in the middle of the fourth page of text, and is surrounded by acknowledgements of other individuals and descriptions of other

events and accomplishments within the city over the previous week. Further, it is not accompanied by any picture of the council member, nor is it emphasized in any way.

In this context, it is clear that the purpose of the newsletter is not to promote an electoral candidate, but to educate readers on weekly events in Addison and highlight the successes within the city by community members, including those in leadership positions.

Considering the volume of information provided in each of the newsletters, and the relevant nature of the information that they provide for subscribers regarding Council activities, community economic development, and upcoming events, the Complainants' argument that they each constitute political advertising holds no weight.

C. The newsletters do not support or oppose a candidate for nomination or election to a public office.

Under the Ethics Commission Rules and Ethics Advisory Opinions, it is clear that Mayor Meier's newsletters do not support or oppose any candidate for public office, as they do not reference any candidates in an "unduly conspicuous way." As previously stated, the newsletter must be viewed as a whole and in the proper context, and the determination regarding whether each newsletter constitutes "political advertising" as defined by the Election Code is made on an individual basis. *See* Ethics Commission Rule 26.2.

The three sentences in which Mayor Meier describes the May 2016 election is the only language referenced in either Complaint that pertains to an upcoming election and the associated candidates. They constitute one paragraph near the end of the text in the two associated newsletters, each of which is over a dozen pages long.

This Commission previously found that a brochure featuring an incumbent candidate's identifying information, including his title and duties, was not political advertising under 251.001(16):

> The text of the brochure merely describes the duties of the justice of the peace court. The name of the incumbent justice of the peace appears only on the letterhead, and this is not done in an unduly conspicuous way or in a way that would lead one to believe that the purpose of the brochure was to support the incumbent.
>
> Ethics Advisory Opinion 211 (1994).

The brochure under consideration in Opinion 211 listed the duties of a justice of the peace and included detailed information about a particular incumbent justice of the peace. Even though the brochure included the name, current title, specific duties, courthouse address, and courthouse phone number of the incumbent, this Commission did not consider it political advertising.

Much like in the brochure analyzed in Ethics Advisory Opinion 211 (1994), Mayor Meier's newsletters did not highlight the names of the committee members in an "unduly conspicuous way." Indeed, Major Meier's use of names and titles were less conspicuous than that in Opinion 211 in numerous ways:

1. Although the incumbents' names are in boldface in the Mayor's newsletters, so too are the other three candidates' names and all other names he references, along with significant portions of other text throughout the newsletters.

2. The brochure in Opinion 211 did not mention any other candidates, whereas Mayor Meier's newsletters recite all the candidates.

3. Finally, the brochure in Opinion 211 restricted its topic to information about the justice of the peace and his personal information and duties, whereas the section at issue in Mayor Meier's newsletters make up only one informational paragraph in over a dozen pages of material covering a wide range of topics.

See Newsletters, February 26, 2016 and March 4, 2016.

The newsletters' references to these candidates are far from "unduly conspicuous," and thus do not show sufficient support or opposition to raise the newsletters to the level of political advertising under the rules.

D. **The distribution of the newsletters is not campaign related**.

Mayor Meier's newsletters should not be considered political advertising because their weekly distribution is not related to any campaign. The timing of any publication and the targeted nature of its distribution are important considerations for whether the publication constitutes political advertising. *See* Ethics Advisory Opinion 211 (1994). In Opinion 211, the Commission noted that an incumbent justice of the peace was featured on a brochure that the justice of the peace handed out "when speaking at meetings." *Id*. Still, the Commission found that "[n]o facts [were] indicated that would lead the commission to believe that distribution of the brochure [was] campaign related. Therefore, we do not believe that the brochure provided for

our inspection constitutes political advertising as that term is defined in section 251.001(16) of the Election Code." *Id.*

Mayor Meier's newsletters have been published almost every week since July 2011 and are distributed to all individuals who subscribe to the newsletter mailing list, which currently contains approximately 2,500 email addresses. These subscriptions are voluntary and available to anyone on the Town of Addison website.[3]

When viewed in their entirety, Mayor Meier's newsletters—much like the brochure in Opinion 211—are clearly not campaign related, as they are published regularly regardless of the proximity to any election, and distributed to voluntary recipients. Indeed, they are less like political advertisements than the brochure in Opinion 211, as they discuss numerous topics unrelated to the candidates in the pending election or their leadership roles, and they are sent to anyone who signs up to the distribution list online.

E. The newsletters are informational rather than self-promotional.

The Complainants' argument that Mayor Meier's newsletters are self-promotional under Ethics Commission Rule 26.2(3)(A) is unfounded and illogical.[4] The Mayor is not up for reelection. He is at the end of his third two-year term, and could not run for any other council position, as the deadline to file for such positions passed in February. Once he completes this term, he does not intend to seek public office, and would not benefit from publishing a self-promotional political advertisement, much less one that would subject him to scrutiny by this Commission.

Also, the fact that Mayor Meier's photos are present in the newsletters does not make them self-promotional, and Complainant Oliver's reliance on Ethics Advisory Opinion 476 to imply otherwise is misplaced. Even that opinion notes that "[t]he mere fact that the name of a public officer or the picture of a public officer appears in a newsletter would not determine whether the communication constitutes political advertising." Ethics Advisory Opinion 476 (2007). The newsletter under scrutiny in that opinion contained 23 pictures of the public official in just four pages of content, making up over 50 percent of the entire newsletter. *See id.* This Commission determined that the use of pictures was excessive in that case and considered the newsletter to be political advertising, taking the opportunity to outline the newsletter guidelines

[3] http://www.addisontexas.net/index.php?section=mayors_newsletter.

[4] Although the Complainants do not argue that Mayor Meier's newsletters advocate the passage or defeat of any measure under Ethics Commission Rule 26.2(3)(B), it is important to note that the newsletters satisfy this requirement as well, as none of the measures that were discussed in the referenced newsletters were pending for a vote.

later codified in Ethics Commission Rule 26.2(2). *See id*. While photographs of Mayor Meier periodically appear in his newsletters, their frequency and size abide by this Rule and are far from excessive in the context of the newsletters as a whole. Thus, they should not be considered self-promotional.

On the contrary, as they have been since their inception over five years ago, Mayor Meier's newsletters are informational tools that describe weekly council activities, special occasions, local economic development, and upcoming meetings and events, which periodically include pending elections. When elections are approaching, the mayor simply provides voting location information and the names of the candidates. The fact that he mentions candidates' incumbency is not dispositive, particularly because doing so provides additional information for the reader as required under Ethics Commission Rule 26.2(3)(A).

Indeed, the anti-establishment sentiment permeating much of the political landscape of the past few years calls into question the assumption that providing such additional information would even benefit an incumbent's candidacy, especially considering the rise of the Tea Party and the state of the current presidential race.

F. The newsletters are vetted using an extensive internal review process to ensure compliance with legal and ethical requirements.

Mayor Meier takes the ethical requirements of his office very seriously and makes every effort to ensure that his newsletters are compliant. He has published the newsletters for over five years without a complaint such as these being raised and investigated by this commission. Not only that, he and his office helped develop and implement an extensive internal review process for the weekly newsletters almost three years ago.

On September 24, 2013, the Addison City Council held a public hearing to discuss the future of the newsletter. After hearing from multiple speakers and debating at length, the council established a new process whereby the City Attorney would review and make any necessary edits to each newsletter before publication to ensure that it was compliant with any relevant ethical requirements. The attending council members, including Neil Resnik, Bruce Arfsten, Blake Clemens, Janelle Moore, Chris Defrancisco, and Mayor Meier, voted unanimously in favor of the motion.

Every Thursday evening since that motion was approved, the Mayor has circulated a draft newsletter about the events of the previous week to the City Attorney and numerous other city officials on Town staff for review. One of the primary goals of the review is to ensure that the

newsletters do not fall within the definition of "Political Advertising" under section 251.001(16) of the Election Code and section 26.2(3)(A) of the Ethics Commission Rules.

Once the City Attorney and other reviewing officials finish editing Mayor Meier's newsletter, they approve the newsletter's content for publication the following morning. At that point, the City Director of Marketing and Communications reformats the final newsletter, emails it to all the mailing list subscribers, and publishes it on its own web page that is linked to the Addison City website. The Mayor is restricted from seeing, editing, or giving further input for the newsletter from the time he submits the draft on Thursday night until the newsletter is published.

In fact, Mayor Meier and his office sought to remedy any ethical concerns in this instance long before the concerns were brought before this Commission. For example, in an abundance of caution, the Mayor completely removed any reference to the May election and its candidates from his draft for the March 7, 2016 newsletter[5] after Complainant Duffy sent him an email on March 4, 2016 objecting to the language used therein.[6] Then, although the City Attorney and other reviewing city officials found nothing objectionable about the language in question, the City Attorney requested an advisory opinion regarding the newsletters from this Commission on March 1, 2016,[7] but did not receive a response before Complainant Duffy filed his Complaint with this Commission.

G. Conclusion

Based on the facts described above, it is clear that Mayor Meier is committed to the ethical requirements set forth by this Commission and applicable regulations, and he has published the newsletters for the Town of Addison with diligence and respect for these requirements for over five years. His newsletters, when viewed as a whole and in proper context, are informational rather than self-promotional, and they do not promote any candidate for public office. The Complainants' arguments to the contrary are based on irrelevant facts and a misinterpretation of the law. Mayor Meier urges this Commission to find that there was not a violation of the law and dismiss both Complaints so that he and other Texas leadership may continue to promulgate informative newsletters for the benefit of their local communities.

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[5] Published version is marked as Exhibit F in Complaint SC-3160389.

[6] Marked as Exhibit C in Complaint SC-3160388.

[7] Included as Exhibit A.

Sincerely,

William B. Mateja
Attorney Representative of

Mayor Todd Meier
Respondent

Enclosure
086054 / 544586

AI-1682 **Item # 15.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: City Secretary

AGENDA CAPTION:

Discuss And Consider Action Needed For **Reimbursement Of Legal Expenses For The Mayor's Defense Of Complaints Filed With The Texas Ethics Commission That The Mayor's Newsletter Is "Political Advertising."**

BACKGROUND:

On March 24, 2016, Mayor Todd Meier received a Notice of Complaint filed by James Duffy from the Texas Ethics Commission. On April 8, 2016, Mayor Meier received a second Notice of Complaint filed by John Oliver. Within their sworn complaints, Complainant Duffy and Complainant Oliver allege that Mayor Meier used public funds for political advertising, in violation of the Texas Election Code, Section 255.003.

The complaints and the Mayor's response are attached to this agenda item. This item is to allow the Council to discuss and consider reimbursement of legal expenses.

RECOMMENDATION:

Staff seeks direction from Council.

Attachments

Response to Notice of Ethics Complaints
Town of Addison TEC Opinion Request
Complaint-Duffy
Complaint-Oliver

POLSINELLI

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May 11, 2016
Via Certified Mail

William B. Mateja
(214) 754-5751
(214) 397-0033 Fax
bmateja@polsinelli.com

Texas Ethics Commission
c/o Ms. Anitra Abdullah-Levy
Assistant General Counsel
P.O. Box 12070, Capitol Station
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Specifically, both Complaints allege that, within the weekly newsletters that his office published on February 26, 2016 and March 4, 2016, the Mayor's characterization of candidates running for City Council in the May 7 election constituted "Political Advertising" under Section 255.003. *See* SC-3160388 at Section IV, Page 1; SC-3160389 at Section IV, Page 1. The Mayor's characterization is identical in both newsletters and includes the following language:

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(3) When viewed as a whole and in the proper context:

(A) is informational rather than self-promotional;

(B) does not advocate passage or defeat of a measure; and

(C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

When viewed as a whole and in the proper context, Mayor Meier's newsletters satisfy the requirements under the Ethics Commission Rule 26.2(1)-(3) and do not constitute "political advertising" within the meaning of Texas Election Code Section 255.003.

ARGUMENTS AND LEGAL SUPPORT

A. Each newsletter must be viewed individually and not "as a body of work judged over time."

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B. The language in question does not constitute political advertising by the plain meaning of the applicable regulations.

When reviewing each of Mayor Meier's newsletters individually and in their entirety, it is nearly impossible to see how they would constitute political advertising under the definitions of the Texas Election Code and Ethics Commission Rules. Ethics Commission Rule 26.2(3) specifically states that the newsletter must be viewed "as a whole and in the proper context." Yet both Complainants isolate three factual sentences that list the date of an upcoming election and the names of the six candidates involved to support the allegation that the entire purpose of the newsletters (indeed, the six-year existence of weekly newsletters) is to support three incumbent candidates.

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[2] The archive links may be found here: http://blog-addisontx.info/category/mayor (last accessed on May 5, 2016).

the titles under which they operate as councilmembers to give context to their incumbency. It is unreasonable to consider such factual statements as promoting a campaign, and doing so would stifle the ability for public officials to properly inform their community of any local elections in the future.

After repeating almost all of Complainant Duffy's Complaint verbatim, Complainant Oliver attempts to find support of Mayor Meier's perceived bias using selective passages from various newsletters dating back to March 2014. Once again, none of the newsletters containing the referenced passages, when viewed in context of the corresponding newsletter as a whole, come close to the definition of political advertising under Ethics Commission Rule 26.2(1)-(3).

In fact, Complainant Oliver—likely realizing that the three sentences discussed above were completely innocuous on their face and insufficient to support an ethics violation claim—returns to that passage later in his Complaint to bolster the argument. He states that "[b]rief background is needed to fully appreciate the nature of the problems with the February 26, 2016 Newsletter," and then describes the events of an unrelated council meeting, among other things. SC-3160389 at Section IV, Page 9. He argues that these facts show "Meier's keen awareness of the upcoming election" and thus his political purpose in referencing the upcoming election and candidates as he did. *Id*. Once again, this extraneous information is irrelevant to this Commission's analysis and merely emphasizes the fact that the newsletters are not political advertising under the rules.

In another example, Complainant Oliver cites the following two sentences within the March 7, 2014 newsletter to claim that the entire fourteen-page document—as well as future newsletters—should be considered political advertising:

> Council Member **Janelle Moore** whose outstanding academic career from Ursuline to University of North Texas undergraduate degree and her MBA from UT at Dallas, 12 years of professional success in the medical sales and business development field and remarkable community service work from Africa to Addison, was honored with the Chamber's **Rising Star Award**. Congratulations Janelle, you make Addison very proud.
>
> SC-3160389 at Section IV, Page 8 (emphasis in original).

The language in question simply commends a council member for receiving an award, listing her accomplishments to give context as to why she received it. It makes no reference to any election, is situated unremarkably at the end of a paragraph in the middle of the fourth page of text, and is surrounded by acknowledgements of other individuals and descriptions of other

events and accomplishments within the city over the previous week. Further, it is not accompanied by any picture of the council member, nor is it emphasized in any way.

In this context, it is clear that the purpose of the newsletter is not to promote an electoral candidate, but to educate readers on weekly events in Addison and highlight the successes within the city by community members, including those in leadership positions.

Considering the volume of information provided in each of the newsletters, and the relevant nature of the information that they provide for subscribers regarding Council activities, community economic development, and upcoming events, the Complainants' argument that they each constitute political advertising holds no weight.

C. The newsletters do not support or oppose a candidate for nomination or election to a public office.

Under the Ethics Commission Rules and Ethics Advisory Opinions, it is clear that Mayor Meier's newsletters do not support or oppose any candidate for public office, as they do not reference any candidates in an "unduly conspicuous way." As previously stated, the newsletter must be viewed as a whole and in the proper context, and the determination regarding whether each newsletter constitutes "political advertising" as defined by the Election Code is made on an individual basis. *See* Ethics Commission Rule 26.2.

The three sentences in which Mayor Meier describes the May 2016 election is the only language referenced in either Complaint that pertains to an upcoming election and the associated candidates. They constitute one paragraph near the end of the text in the two associated newsletters, each of which is over a dozen pages long.

This Commission previously found that a brochure featuring an incumbent candidate's identifying information, including his title and duties, was not political advertising under 251.001(16):

> The text of the brochure merely describes the duties of the justice of the peace court. The name of the incumbent justice of the peace appears only on the letterhead, and this is not done in an unduly conspicuous way or in a way that would lead one to believe that the purpose of the brochure was to support the incumbent.
>
> Ethics Advisory Opinion 211 (1994).

The brochure under consideration in Opinion 211 listed the duties of a justice of the peace and included detailed information about a particular incumbent justice of the peace. Even though the brochure included the name, current title, specific duties, courthouse address, and courthouse phone number of the incumbent, this Commission did not consider it political advertising.

Much like in the brochure analyzed in Ethics Advisory Opinion 211 (1994), Mayor Meier's newsletters did not highlight the names of the committee members in an "unduly conspicuous way." Indeed, Major Meier's use of names and titles were less conspicuous than that in Opinion 211 in numerous ways:

1. Although the incumbents' names are in boldface in the Mayor's newsletters, so too are the other three candidates' names and all other names he references, along with significant portions of other text throughout the newsletters.

2. The brochure in Opinion 211 did not mention any other candidates, whereas Mayor Meier's newsletters recite all the candidates.

3. Finally, the brochure in Opinion 211 restricted its topic to information about the justice of the peace and his personal information and duties, whereas the section at issue in Mayor Meier's newsletters make up only one informational paragraph in over a dozen pages of material covering a wide range of topics.

See Newsletters, February 26, 2016 and March 4, 2016.

The newsletters' references to these candidates are far from "unduly conspicuous," and thus do not show sufficient support or opposition to raise the newsletters to the level of political advertising under the rules.

D. **The distribution of the newsletters is not campaign related**.

Mayor Meier's newsletters should not be considered political advertising because their weekly distribution is not related to any campaign. The timing of any publication and the targeted nature of its distribution are important considerations for whether the publication constitutes political advertising. *See* Ethics Advisory Opinion 211 (1994). In Opinion 211, the Commission noted that an incumbent justice of the peace was featured on a brochure that the justice of the peace handed out "when speaking at meetings." *Id*. Still, the Commission found that "[n]o facts [were] indicated that would lead the commission to believe that distribution of the brochure [was] campaign related. Therefore, we do not believe that the brochure provided for

our inspection constitutes political advertising as that term is defined in section 251.001(16) of the Election Code." *Id.*

Mayor Meier's newsletters have been published almost every week since July 2011 and are distributed to all individuals who subscribe to the newsletter mailing list, which currently contains approximately 2,500 email addresses. These subscriptions are voluntary and available to anyone on the Town of Addison website.[3]

When viewed in their entirety, Mayor Meier's newsletters—much like the brochure in Opinion 211—are clearly not campaign related, as they are published regularly regardless of the proximity to any election, and distributed to voluntary recipients. Indeed, they are less like political advertisements than the brochure in Opinion 211, as they discuss numerous topics unrelated to the candidates in the pending election or their leadership roles, and they are sent to anyone who signs up to the distribution list online.

E. The newsletters are informational rather than self-promotional.

The Complainants' argument that Mayor Meier's newsletters are self-promotional under Ethics Commission Rule 26.2(3)(A) is unfounded and illogical.[4] The Mayor is not up for reelection. He is at the end of his third two-year term, and could not run for any other council position, as the deadline to file for such positions passed in February. Once he completes this term, he does not intend to seek public office, and would not benefit from publishing a self-promotional political advertisement, much less one that would subject him to scrutiny by this Commission.

Also, the fact that Mayor Meier's photos are present in the newsletters does not make them self-promotional, and Complainant Oliver's reliance on Ethics Advisory Opinion 476 to imply otherwise is misplaced. Even that opinion notes that "[t]he mere fact that the name of a public officer or the picture of a public officer appears in a newsletter would not determine whether the communication constitutes political advertising." Ethics Advisory Opinion 476 (2007). The newsletter under scrutiny in that opinion contained 23 pictures of the public official in just four pages of content, making up over 50 percent of the entire newsletter. *See id.* This Commission determined that the use of pictures was excessive in that case and considered the newsletter to be political advertising, taking the opportunity to outline the newsletter guidelines

[3] http://www.addisontexas.net/index.php?section=mayors_newsletter.

[4] Although the Complainants do not argue that Mayor Meier's newsletters advocate the passage or defeat of any measure under Ethics Commission Rule 26.2(3)(B), it is important to note that the newsletters satisfy this requirement as well, as none of the measures that were discussed in the referenced newsletters were pending for a vote.

later codified in Ethics Commission Rule 26.2(2). *See id*. While photographs of Mayor Meier periodically appear in his newsletters, their frequency and size abide by this Rule and are far from excessive in the context of the newsletters as a whole. Thus, they should not be considered self-promotional.

On the contrary, as they have been since their inception over five years ago, Mayor Meier's newsletters are informational tools that describe weekly council activities, special occasions, local economic development, and upcoming meetings and events, which periodically include pending elections. When elections are approaching, the mayor simply provides voting location information and the names of the candidates. The fact that he mentions candidates' incumbency is not dispositive, particularly because doing so provides additional information for the reader as required under Ethics Commission Rule 26.2(3)(A).

Indeed, the anti-establishment sentiment permeating much of the political landscape of the past few years calls into question the assumption that providing such additional information would even benefit an incumbent's candidacy, especially considering the rise of the Tea Party and the state of the current presidential race.

F. The newsletters are vetted using an extensive internal review process to ensure compliance with legal and ethical requirements.

Mayor Meier takes the ethical requirements of his office very seriously and makes every effort to ensure that his newsletters are compliant. He has published the newsletters for over five years without a complaint such as these being raised and investigated by this commission. Not only that, he and his office helped develop and implement an extensive internal review process for the weekly newsletters almost three years ago.

On September 24, 2013, the Addison City Council held a public hearing to discuss the future of the newsletter. After hearing from multiple speakers and debating at length, the council established a new process whereby the City Attorney would review and make any necessary edits to each newsletter before publication to ensure that it was compliant with any relevant ethical requirements. The attending council members, including Neil Resnik, Bruce Arfsten, Blake Clemens, Janelle Moore, Chris Defrancisco, and Mayor Meier, voted unanimously in favor of the motion.

Every Thursday evening since that motion was approved, the Mayor has circulated a draft newsletter about the events of the previous week to the City Attorney and numerous other city officials on Town staff for review. One of the primary goals of the review is to ensure that the

newsletters do not fall within the definition of "Political Advertising" under section 251.001(16) of the Election Code and section 26.2(3)(A) of the Ethics Commission Rules.

Once the City Attorney and other reviewing officials finish editing Mayor Meier's newsletter, they approve the newsletter's content for publication the following morning. At that point, the City Director of Marketing and Communications reformats the final newsletter, emails it to all the mailing list subscribers, and publishes it on its own web page that is linked to the Addison City website. The Mayor is restricted from seeing, editing, or giving further input for the newsletter from the time he submits the draft on Thursday night until the newsletter is published.

In fact, Mayor Meier and his office sought to remedy any ethical concerns in this instance long before the concerns were brought before this Commission. For example, in an abundance of caution, the Mayor completely removed any reference to the May election and its candidates from his draft for the March 7, 2016 newsletter[5] after Complainant Duffy sent him an email on March 4, 2016 objecting to the language used therein.[6] Then, although the City Attorney and other reviewing city officials found nothing objectionable about the language in question, the City Attorney requested an advisory opinion regarding the newsletters from this Commission on March 1, 2016,[7] but did not receive a response before Complainant Duffy filed his Complaint with this Commission.

G. Conclusion

Based on the facts described above, it is clear that Mayor Meier is committed to the ethical requirements set forth by this Commission and applicable regulations, and he has published the newsletters for the Town of Addison with diligence and respect for these requirements for over five years. His newsletters, when viewed as a whole and in proper context, are informational rather than self-promotional, and they do not promote any candidate for public office. The Complainants' arguments to the contrary are based on irrelevant facts and a misinterpretation of the law. Mayor Meier urges this Commission to find that there was not a violation of the law and dismiss both Complaints so that he and other Texas leadership may continue to promulgate informative newsletters for the benefit of their local communities.

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[5] Published version is marked as Exhibit F in Complaint SC-3160389.

[6] Marked as Exhibit C in Complaint SC-3160388.

[7] Included as Exhibit A.

Sincerely,

William B. Mateja
Attorney Representative of

Mayor Todd Meier
Respondent

Enclosure
086054 / 544586

MESSER * ROCKEFELLER * FORT
THE MUNICIPAL LAW FIRM

Sent via E-Mail – ian.steusloff@ethics.state.tx.us

March 1, 2016

Mr. Ian Steusloff
General Counsel
Texas Ethics Commission
P. O. Box 12070
Austin, TX 78711-2070

Re: Town of Addison – Mayor's Newsletter

Dear Mr. Steusloff,

I am writing to follow up on my call to you several weeks ago regarding the Town of Addison's (the "Town") practice of assisting in the preparation and distribution of the Mayor's Newsletter. The Town has a vocal resident who continually complains that the Mayor's Newsletter is illegal and that the Town cannot use its resources to assist in the preparation and distribution of the Mayor's Newsletter. Thus, the Town is requesting an informal opinion from your office regarding the newsletter. I am including 3 example newsletters for your review, the most controversial of which is the January 29th newsletter regarding a hotly contested zoning case. I certainly understand that every newsletter must be evaluated individually because the determination regarding whether the newsletter constitutes "political advertising" as defined by the Election Code is made on an individual basis.

The Mayor initially drafts the newsletter in rough form and submits it to the Town staff for editing, formatting and distribution. As the City Attorney, I have been asked to edit the newsletter each week to make sure that the content does not constitute political advertising. The Town's Director of Public Communications usually gathers the photos, inserts links to videos and adds the upcoming events to the end of the newsletter. The newsletter is distributed by the staff via email and it is also posted on the Town's website.

As background to assist your office in its review, the Mayor is currently serving his final term in office and cannot seek re-election because of term limits contained in the Town's Charter. In addition, there are no ballot measures planned for the May 2016 election nor in the future. The three current councilmembers seeking re-election are Mayor pro tempore Janelle Moore, Deputy Mayor pro tempore David Heape and Councilwoman Mary Carpenter. The three other candidates for City Council in the May election are Paul Walden, Al Angell, and Jim Duffy.

The Town seeks an informal opinion regarding a sampling of the newsletters to give us better guidance regarding appropriate edits to the newsletter and to help us insure that we are fully compliant with the statutory requirements regarding the use of public funds and resources. Thank you in advance for your willingness to provide the Town and me, as the City Attorney, with your thoughts regarding the content of the Mayor's Newsletter. If you have any questions, please do not hesitate to contact me directly at 972-668-6400 (office) or 972-978-9866 (cell).

Grateful for your assistance,

Brenda N. McDonald
Town of Addison City Attorney

Attachments
Mayor's Newsletter – November 13, 2015
Mayor's Newsletter – January 29, 2016
Mayor's Newsletter – February 26, 2016

MAYOR'S NEWSLETTER – NOVEMBER 13, 2015

Dear Neighbor,

This has been a beautiful fall weather week. As you may know our City Management team has begun a national search for our next permanent Police Chief and we would like to have you share your thoughts on what type of person would best fill that role. In order to gather your input, we have created a survey that you can reach here – all answers will be kept anonymous. Your feedback is invaluable so don't miss this opportunity to play a part in this important Town decision. The survey will be available from November 16 - November 30.

Council News

Tuesday evening, November 10, we had a packed agenda! In an effort to free up some time for staff and Council the week of Thanksgiving, we eliminated our 4th Tuesday of the month Regular Council Meeting for November this year. The Council packets arrived on Friday evening with over 600 pages of material to review before Tuesday's meeting and, judging from the questions delivered to staff by Council before our meeting began, it looked like all of us were well prepared for the meeting. Staff provided answers to those pre-Council meeting questions well before we ever began our Tuesday evening, giving us time to review the feedback and proceed accordingly. With the guidance of our city attorney, we were able to ask questions of the staff and receive responses all in compliance with the

requirements of the Texas Open Meetings Act. As a result we were able to do the work effectively and efficiently.

We began our evening's work early at 5:30pm with an Executive Session that included a review of several pending items. We received staff and legal guidance on an issue with Duke's Roadhouse; the former Sam's Club property; the automotive uses at 15600 Midway Road; Town of Addison v. Landmark Structures and Urban Green energy case no. DC-15-0761 44th Judicial District Court, Dallas County Texas; and the ponds or lakes at Vitruvian Park located within the vicinity and east of the intersection of Vitruvian Way and Ponte Ave, and Farmers Branch Creek.

For our Work Session, we began at 7pm and covered the good news about the costs of the health insurance options for our Town employees for calendar year 2016 which we plan to adopt next Tuesday at a Special Council Meeting. Our second Work Session item was an update from staff on the status of the redevelopment of the former Sam's Club site, which is an approximately 17.3 acre tract at 4150 Belt Line Road. The site is currently under contract with a developer, Lovett Homes, which is proposing a mixed-use development with townhomes, apartments and ground level retail. While there are still many details to be worked through, the hope is that the plan will go before our P&Z Commission in December and then to Council in January. This proposed plan is entirely consistent with the policy direction Council has given staff based on the study that was done last year.

We began our Regular Council Session on time at 7:30pm with our pledge and a recognition of all of our Veterans in honor of Veterans Day. No one chose to speak during our Public Comment Section.

This being Charles Daniels final Regular Council Meeting with us as our interim city manager, Charles took time at the beginning of our meeting to make a few

remarks, thanking all of us for treating him so well and helping him be successful with us here in Addison the last seven months. We presented Charles with a standing ovation and an official proclamation naming Tuesday, November 10, 2015 as Charles Daniels Day in Addison. It was a very well-deserved honor for Charles.

Our consent agenda was very lengthy and included the approval of the following items that the staff had fully vetted and presented to Council with supporting materials and their recommendations for approval:

- new contracts with Shiroma Southwest for PR, media publicity and website content management services;
- contract with Rodney Hand Associates for the production of *Addison - the Magazine of the North Dallas Corridor* in an amount not to exceed $132,000;
- new contract with Kimley-Horn to update our Master Transportation Plan in an amount not to exceed $76,597;

- a contract with Harris Corporation for maintenance of all Town-owned portable mobile and control station radio equipment for a five year agreement;
- an ordinance amending our investment policy and adoption of an investment strategy for 2016
- a final plat for one lot totaling 6.484 acres at 14675 Dallas Parkway;
- final payment for our very popular and well received new playground equipment at Les Lacs Park for $9,969.70 to Lea Park and Play, Inc.;
- grant funding and service agreements with Launchability for $2,500, Metrocrest Chamber of Commerce for $35,000, Metrocrest Community Clinic for $3,000, Metrocrest Services for $61,000 and the Family Place for $12,000;
- an agreement with the WaterTower Theatre for their use of the Addison Theatre Center; and
- an ordinance amending Chapter 10, animals of the Code of Ordinances for the Town of Addison, dealing with our duck feeding issue.

The Council also approved a resolution authorizing the City Manager to apply for a grant to purchase and install in 12 spots in our park system recycling stations that are high tech, solar powered and able to let our staff know when they need to be serviced! This is "Addison Cool" and best of all, the North Texas Council of Government will be paying for them with this grant!

We held four Public Hearings for the evening. Our first one was to consider an ordinance amending the Planned Development of 8 tracts of land totaling approximately 40 acres from 3712 to 3910 Belt Line Road in order to grant additional allowed uses and amend requirements relating to parking and building elevations. This is the Addison Town Center location near the corner of Belt Line Road and Marsh Lane that contains Target and Kroger as anchor tenants. The discussion centered around the suggestion that all of these uses should require a special use permit and then eventually the discussion centered around the need to require medical and dental office uses to require a special use permit. One of the complicating factors was that certificates of occupancy had previously been granted erroneously for a dental office, i.e. Comfort Dental, and for the Crunch Fitness Health Club. Ultimately in a 6-1 vote, Council Members Arfsten, Hughes, Carpenter, Wilcox, Heape and Meier voting in favor and Council Member Moore voting against, the Council approved a recommendation from staff and our city

attorney to add medical, dental office, massage and chiropractic office, and health club as permitted uses without the need to apply for a special use permit, just like we have it in our other centers around town. A gasoline service center would still require a special use permit.

Our very next item concerned the long-awaited **remodel and exterior upgrade of the Kroger within the same Addison Town Center.** The Council unanimously approved the special use permit for the fuel center and incorporated the P&Z Commission's recommendation to tie the issuance of the Certificate of Occupancy for the fuel center to the beginning of the work on the exterior facade of the Kroger. The interior remodel has already begun and both the exterior facade work and fuel center are expected to be completed by the end of the first quarter of 2016! Finally!

Our 26th Regular Council agenda item of the evening was a Public Hearing to consider an ordinance approving a special use permit for the sale of alcoholic beverages for on-premises consumption only on property located at 15650 Addison Road, our Addison Conference and Theatre Centre. This also passed unanimously, enabling the WaterTower Theatre to apply to the Texas Alcoholic Beverage Commission for a license to sell alcoholic beverages during their performances.

The final Public Hearing of the evening was the consideration of an ordinance amending Article XXI of our Landscape Regulations by **revising the requirements relating to the maintenance of irrigation systems and enforcement.** After a lengthy discussion the Council decided to revise the proposed language for purposes of simplification and clarity. With that important revision the ordinance was passed that will now require **commercial and residential property owners to insure that their sprinkler systems do not create an unsafe condition on sidewalks or roadways.**

Items 28 and 29 were the approval of a lease assignment and lease extension for ground leases at Addison Airport and item 30 was a resolution authorizing our City Manager to accept a grant from TxDOT Aviation for a Runway Incursion Mitigation Study at our airport.

Item 32 was a very **clear and well-presented update on the various capital improvement projects program that we have going on here in Town.** I have attached the chart of the status of each project here for your review.

Our final item of the evening was a report from our Council subcommittee **of Ivan Hughes, Mary Carpenter and David Heape** on our **plans to introduce our new City Manager Wes Pierson to our community.** We will fold his introduction into our annual Holiday Open house on December 6, 2015 from 10am to 2pm at the Addison Conference Centre. We will introduce Wes from the stage and he will be available to get to know all those who attend. Our subcommittee will continue their work as they **explore additional opportunities to familiarize Wes with our community** and vice versa over the next few months and we will make you aware of those opportunities here and in other media. You can make your reservation here to attend the Holiday Open House.

Given the large volume of work and the many things we accomplished, it was a very productive and respectful evening. We adjourned at the very reasonable time of about 10:30 pm.

Business Development

On Tuesday morning, November 10, I joined Interim City Manager **Charles Daniels** and Deputy City Manager **Cheryl Delaney** for our monthly **Metroplex Mayors Association** meeting at our Marriott Quorum Hotel. I was very pleased to

hear so much positive feedback from our fellow area city mangers on our selection of **Wes Pierson as our new City Manager**. Wes' previous service in Allen and his work at the International City Managers Association have helped him earn **a well-deserved, very positive reputation**, which of course bodes very well for us here in Addison. The mayors and city mangers spent the entire meeting discussing and planning for our feedback and participation in the next Texas Legislative Session. In the past this has generally been a fractured effort often left to lobbyists. I believe the concern level is so high among mayors, councils and city managers in our area that you will see a much more effectively coordinated personal effort at the next session to ensure the legislature understands the impact their efforts have on limiting the ability of local governments to provide services to their communities. I'll share more on this as we work to develop our upcoming legislative agenda.

Later on Tuesday I stopped by our Addison Conference Centre to welcome the **Network of Executive Women** and their Fall Luncheon to Addison and to thank them for choosing our Addison Conference Centre as the site for their event. Their attendance of almost 125 exceeded their expectations and made the celebration of **their organization's 10 year anniversary** all the more special.

Spring Luncheon
2013

Around Town

Last Saturday, November 7, the **Addison Arbor Foundation** held their final quarterly educational seminar of 2015. Arbor Foundation President **Dr. Jay Ihrig** began the meeting by welcoming everyone and recognizing his board member colleagues. He then invited me to share a Mayoral Proclamation recognizing Arbor Day in Addison! The program "Bulbs for Dallas and Bulbs for the Holidays" was presented by Master Gardener C. A. Hiscock. It was a fun event enjoyed by many, including our very own **City Attorney Brenda McDonald,** and we all appreciated the **complimentary coffee from Dunn Bros!**

It's hard to believe that Thanksgiving is just around the corner. I wanted to make sure that all of our Pacesetters have marked Monday, November 23 from 6pm – 8pm on their calendar for the annual Pacesetters Thanksgiving Dinner at the Addison Athletic Club. As always, the club will provide the turkey and stuffing and the attendees provide the sides and desserts. Reservations are required, so please drop by the front desk of Athletic Club and let them know you will be joining them.

Our Addison Fire Department is also getting ready for the holidays by again collecting new, unwrapped toys for Toys for Tots. We will be collecting toys at the Resident Holiday Open House, but we also have donation boxes available around town at the following locations through December 12:

- Town Hall
- Central Fire-Station 1-Airport Pkwy
- Fire Station 2-Beltway Dr.
- Police Department
- Finance Building
- Athletic Club
- Addison Treehouse-Midway Rd.
- Service Center
- Addison Conference Centre
- Water Tower Theater
- Addison Airport Office

The following businesses have also partnered with us:

- Million Air Dallas-4300 Westgrove Dr.
- BB&T Bank-3939 Belt Line Rd.
- The Crowne Plaza-14315 Midway Rd
- Stadium Café: 4872 Belt Line Rd
- Vernon's Gastropub: 5290 Belt Line Rd
- The Quarter Grill: 15201 Addison Rd
- First Community Bank: 4135 Belt Line Rd
- The Hub Sports Grill: 4145 Belt Line Rd
- Ron's Place: 4145 Belt Line Rd

Boxes are also available in the following lobbies:

- 14841 Dallas Pkwy, The Aberdeen Bldg, managed by Sooner Management
- 16479 Dallas Pkwy, managed by Cushman Wakefield
- 14800 Landmark Blvd, The Landmark Bldg, managed by Cushman Wakefield

- 14900 Landmark Blvd, Emerald Plaza Bldg, managed by Cushman Wakefield

One last **very important item** for our neighbors in Les Lacs. ***Next Thursday, November 19 and Friday, November 20 around 10am you will be experiencing scheduled power outages*.** The outages should not last more than one hour each. Oncor will be replacing the electrical gear box located at the corner of Beltway in conjunction with the Beltway/Proton Pedestrian Connectivity Project. If you would like to receive regular email updates on the project's progress you can register here. We will use the Beltway/Proton list list to email you when the power is going off and when it is restored, so I encourage you to register. We are so sorry for any inconvenience, but wanted to make sure you are aware so you can power down computers those days, contact your alarm company and make any other necessary arrangements you might need to. Power to the Athletic Club and Fire Station are not on the same circuit so will not be cut. If you need a place to hang out, I'm sure the Athletic Club staff would be happy to help you out.

Coming Events

Tuesday November 17, 6:30pm, Town Hall: Council Work Session to review our debt policy and possible future plans. We will also consider approval of the new health Insurance plans for our employees for calendar year 2015 and we will have an Executive Session to consider our options regarding our continued participation in DART.

Thursday November 19, 6pm: Third Thursday of the Month Coffee with the Mayor will be hosted by Hector Sandoval at Union Park in Addison Circle at 5076 Addison Circle. I hope you will come share your thoughts and enjoy this fairly new addition to the Addison Circle community, a fun place! Here is a bit more information about Union Park: www.unionparkdallas.com.

Friday, November 20, 6:30pm: 2015 Addison Circle Tree Lighting**.** Kick off your holiday season at the annual Addison Circle Tree Lighting in Beckert Park.

Thank you again for the honor of being your Mayor. See you soon . .

.

Todd

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You are receiving this email because you opted in to receive the weekly Mayor's Newsletter.

Our mailing address is:
Town of Addison
P.O. Box 9010
Addison, TX 75001

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MAYOR'S NEWSLETTER – JANUARY 29, 2016

Dear Neighbor,

It was a very busy news week in Addison! Wow, TV coverage, large crowds, cheers and jeers - all a part of local government in action. I believe in the media business that may be called a headline designed to capture your attention, so I do hope you will read on.

Council News

The biggest news of the week includes all the pieces of the headline. Our Regular Council Meeting was relocated from our Town Hall to the Addison Conference Centre to accommodate **a very large crowd of intensely interested** and vocal residents interested in the next steps the Council would take in our process of **evaluating the redevelopment of the former Sam's site.** Before we began our Regular Council Meeting, we had a brief Executive Session next door at the Stone Cottage to have an update on the legal issues around the Farmers Branch creek dispute.

After this brief meeting and on the walk over to the Conference Centre, Council and staff were met **by a group of about 30 very vocal and passionate picketers with signs who unfortunately expressed their displeasure in the form**

of insults and threats directed at me, my fellow Council Colleagues and our staff as we made our way to the Conference Centre for our Regular Council Meeting. All of this was covered by TV news. It appeared to me that some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison.**

We began our Regular Council Meeting with our pledge and receipt of recognition from the North Central Texas Council of Governments of the Silver Fleet Award for our fleet department. From there we moved right into our Public Comment section. The Council agreed to waive the restriction in our Public Comment section that limits speakers to comment on items not on our agenda and limits the number of speakers to five. Since we closed the Public Hearing on the rezoning of the Sam's site in our January 12 meeting, with the Council's unanimous support, we were able to remove the limitations and proceed with a very long and intense Public Comment section where all of the speakers commented on the proposed redevelopment of the former Sam's site. **This was certainly the longest Public Comment section in the relatively brief history of this opportunity for our community**. **Most of the speakers were very polite and civil and shared their firmly held opinions with our Council who listened attentively. This Public Comment section is captured on video and available for your review on our website with a link to the public comment sections** here **and** here**.**

After the almost two-hour Public Comment section was completed, with everyone in the room who had not already spoken on this case given every opportunity to share their opinion with the Council, we resumed our discussion and consideration of an ordinance rezoning approximately 17.4 acre property located at 4150 Belt Line Road, case 1725/Addison Groves with Mr. Frank Liu as the applicant. Frank Liu resumed his presentation with an updated presentation that **included a clear graphic showing the actual breakout of the proposed redevelopment by land**

use. The land uses include approximately 17% for the apartment project, which is limited to no more than 350 units, would include retail on the first floor and would wrap around the building's parking garage. The balance of the land use would be for necessary **infrastructure, green space and parks, and 180 fee simple townhomes, projected to be valued at an average of $400,000 each.** I encourage you to take a look at this visual, I believe it will answer some of your potential questions. After his presentation Mr. Liu and his partner David Foor answered questions from the Council concerning their flexibility on certain aspects of the project. Both were open to revisions of the project.

After Mr. Liu and Mr. Foor spoke, **the developer's traffic engineer,** from the well-respected engineering firm Kimley-Horn, spoke. **(Incidentally, Kimley-Horn has served as the Town's engineering firm for more than a decade.)** He responded to questions from the Council and referenced his **200-plus page report** which had been validated by Cobb Fendley & Associates, another well-respected firm that has served as the Town's review engineers for many years. This visiting professional endured several rude interruptions from a few in the audience.

Charles Goff, our Assistant Director of Development Services, returned to the podium to answer Council questions, **reaffirm the staff recommendation for approval** of this project and review the process for this redevelopment that actually began back in 2006. Since then the process has proceeded through the many meetings and iterations of the plan including **the Council's conceptual approval of this specific plan in an open and public work session in 2015, which included the approximate use mix and numbers of apartments, retail and fee simple housing reflected in this proposal.**

Next up with his report and recommendation for approval of the project was our **Director of Economic Development Orlando Campos**. Orlando reviewed the project's economic impact on Addison and confirmed his support of this

redevelopment. His excellent report is attached here for you review.

City Manager Wes Pierson added his comments and **reiterated his support for staff's recommentation that Council approve the project.**

Now very deep into the evening after our entire Addison professional team expressed their recommendation for approval of the proposed redevelopment of the Sam's site, it was time for the Council to finally consider a motion. **Mayor Pro Tempore Janelle Moore made the below described motion and Deputy Mayor Pro Tempore David Heape seconded the motion and the discussion that followed is linked** here (comments begin at 105:32) **for your review.**

The motion and second were as follows - to approve the project as recommended by staff **with the following changes and conditions:**

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.

2. The townhouses and live/work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.

3. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's

wastewater study.

4. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.

5. Medical and health related uses shall be permitted upon approval of a Special Use Permit.

6. All construction traffic shall access the site from Runyon Road and Belt Line Road only.

7. The existing screening wall along the southern property line shall not be removed until construction has commenced on the townhome units along the wall. (the wall will be replaced with $400,000+ townhomes facing Beltway)

8. A short, wrought iron or decorative fence or wall shall be installed to delineate the front yards of the townhomes facing Beltway from the public green space/park.

9. At least 25 live/work and/or townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage building.

10. A maximum of 330 multifamily units shall be allowed. (a reduction from the previous ceiling of 350 units)

11. The proposed street shown on the east side of the development shall be constructed with retractable bollards at Beltway Drive to provide for public safety access only.

12. The proposed street shown on that east side shall also be constructed with speed/traffic calming devices.

13. The multifamily units shall be constructed as follows:

- The entire multifamily building and parking garage shall be LEED certified;
- There will be no linoleum or Formica surfaces in the units;
- All units shall be equipped with energy efficient appliances;
- All countertops must be granite, stone or better material.

14. Courtyards shown on the Concept Plan will be designed and constructed with enhanced architectural and landscaping features including such elements as water features, landscaping and art features.

I added my clarifying comments in the parentheses on conditions #7, and #10.

After thoughtful and respectful comments and discussion among the Council, I called the vote on the motion. I encourage you once again **to watch the** video (comments begin at 105:32) of the Council Member comments on this motion. While it was very late in the evening, actually early morning, each Council Member shared their rationale for their intended vote. The motion to approve the redevelopment project with the 14 conditions listed above passed 5-2. **Voting in favor of the motion were Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape, Council Member Mary Carpenter, Council Member Dale Wilcox and Mayor Todd Meier. Voting against the motion were Council Members Ivan Hughes and Bruce Arfsten.**

After the approval of the project, the Council entered Executive Session with our staff to discuss and **consider an economic development incentive for infrastructure reimbursement.** Following the Executive Session, the Council

returned to the Conference Centre to openly discuss and consider a motion to approve the terms of a staff-negotiated Letter of Intent for an economic development incentive. **The following economic development incentive for reimbursement of infrastructure funds was approved by the Council 6-1. Council Members Dale Wilcox, Mary Carpenter, Ivan Hughes, Deputy Mayor Pro Tempore David Heape, Mayor Pro Tempore Janelle Moore and Mayor Todd Meier all voting in favor of the motion and Council Member Bruce Arfsten voting against.** Staff will use the Letter of Intent to create an economic development incentive agreement that will be brought back for Council approval.

The basic elements of the agreement are outlined below:

1. **The Redevelopment Project** (generally as depicted and described in the DRAFT ordinance)(the "Project")

- Total estimated project cost - $86,663,450
- Total estimated ad valorem value - $121,200,000
- Demolition of existing Sam's Club building
- Mixed Use development consisting of approximately 20,000 square feet of retail, 17 live/work units, 161 townhomes and not more than 330 multi-family units

2. **The Economic Development Incentives**

- Maximum Incentive of $6,500,000 as a reimbursement for the construction of public infrastructure to facilitate the Project.
    - Infrastructure eligible for reimbursement will be agreed upon by the parties.
    - Infrastructure reimbursement will be controlled by the following:

        - Maximum of $250,000 of the total Incentive will be given in the nature of permit/development fee waivers
        - Maximum of $1,000,000 for infrastructure qualifying for utility fund funding
        - Maximum of $1,000,000 for infrastructure qualifying for stormwater fund funding
        - Maximum of $4,250,000 to provide funding for street and park development
    - Incentive Payment terms
        - 1/3 of total potential award upon successful completion of public infrastructure and acceptance by the Town of Addison
        - 1/3 of the total potential award upon completion of 40 percent of the townhomes/live-work units
        - 1/3 of the total potential award upon completion of 75 percent of the townhomes/live-work units
- The Town of Addison will support the process to acquire the right-of-way for Runyan Road. Any acquisition costs will be the responsibility of the Developer.

3. **Incentive Conditions**

- Developer has offered to deed restrict the multi-family property and garage building to prohibit the use of government subsidies to construct, operate or rent the multi-family units. The developer shall present a recorded copy of the deed restrictions prior to Incentive Payment by the Town.
- Developer will provide to the Town for its review and approval any infrastructure/quality/amenity removals from the Project that the Developer makes to reconcile the difference between the $8.463 million in economic development assistance requested by the Developer and the $6.5 million Incentive provided by the Town.

- The apartment developer/operator will be subject to reasonable approval by the City Council. If the developer chooses an apartment developer not approved by the City Council, the Incentive Payment will be forfeited and the Town will have no obligation to make any Incentive Payment.

While at times during the evening I was deeply disappointed by some of my Addison neighbors' very rude and disrespectful behavior, **I was very proud of the diligence, thought and respectfulness of our entire Council throughout this challenging process**. In the end, I believe we completed this almost two-year long process by producing a very exciting result that incorporated **in true collaborative fashion** the recommendations of our entire professional staff; the recommendations of our P&Z Commissioners; our proposed Addison investor and home builder; and the concerns and opinions of many of our neighbors.

I realize change is very difficult, even frightening at times. As I get older I realize that even more, I have also come to know that change is inevitable. We had a choice here; we could fight change or we could embrace change and shape it. I am very pleased that a majority of the Council chose to embrace change and shape it. In fact 10 of the 14, or 71%, of the elected Council members and appointed P&Z Commissioners voted in favor of approving this redevelopment project. Interestingly enough our two youngest Council Members, with the most future ahead and the greatest risk, showed the way with their courage to make the motion and the second and lead the conversation and collaboration to arrive at a point that bridged many of the gaps.

I know it may be difficult for some at this moment to realize, but given time and the staff and Council's commitment to hold our new Addison Groves developer accountable, I believe this redevelopment project will make us all very proud.

Around Town

What a **fun way to start a week and a Monday**. Channel 8 met us at Addison Circle bright and early to do a story about the return of Taste Addison on May 13-15 and the uniqueness of Addison Circle. As you know about two years ago our previous City Manager recommended to Council that we drop Taste Addison and bring in a new concept called Fork and Cork. Now we are going to take the best pieces of Fork and Cork, weave in more food, and much better music to elevate the entire profile of the event and bring back lots of fun. It was fun to share the exciting news about the return of Taste Addison, as well as one of the important lessons we have learned with Addison Circle, density brings us retail success. **Thanks to Nicole Margulies at** Mad Batter Baker **and Chef Antonio at** Antonio's **for helping us make this such a fun media event, as well as publicizing the return of** Taste Addison**!**

With a crowd of over 200 family, friends, residents, Council Members, coworkers and well-wishers, the positive energy and enthusiasm for the **swearing in ceremony of our new Police Chief Paul Spencer** felt great! City Manager Wes Pierson began the formal part of the event with a greeting and voiced his pride and confidence in Paul as his first hire as our new City Manager, indicating that Chief Spencer and City Manager Pierson would forever be linked together. Wes then gave me a few moments to thank Paul's family for their support and dedication and to recognize the sacrifice they all make. I noted Paul's 20 years with our Town and the fact that I have had the good fortune to know Paul and watch him progress through his career that entire time. It is very gratifying to see a man with such high values and strong work ethic succeed and rise to the top leadership position in our organization. It also gave me a chance to acknowledge and recognize all of our first responders and their dedication to helping keep us all safe here in Addison. I then had the very special honor of swearing in Paul Spencer as our new Town of Addison Police Chief.

After we completed the official oath of office, Paul made an excellent speech that I have included here for your enjoyment. Congratulations, Chief Spencer, we are all so very proud of you.

At the Athletic Club open house a couple weeks ago, we unveiled a new survey. I'd like to encourage everyone – member or not – to fill out the survey. The staff is always looking for ways to improve our services and your input is critical.

Business Development

On Thursday morning I joined with **Erin Carney, president of the Metrocrest Chamber of Commerce,** to welcome to Addison and cut the ribbon for **Methodist Hospital for Surgery and Center for Wound Care and Hyperbarics,** led by Medical Director Dr. J.R.Williams and his team of professionals: Tricia Muse, program director; Janna Seddon, clinical nurse manager; Liz Johnson, RN; Jamaar Wright, HBO safety director; and Amanda Heddin, front office coordinator. This unique center, managed by Healogics™, provides specialized treatment for chronic or non-healing wounds using clinically proven methods, protocols and technologies that facilitate the body's innate ability to heal. Inside the two new hyperbaric oxygen chambers, patients breathe 100% oxygen in a pressurized environment, which stimulates new blood vessel growth allowing plasma in the blood to carry oxygen, reduce swelling, inactivate toxins of certain bacteria and enhance white blood cells' ability to kill bacteria. Considering that more than 8 million people in the U.S. are affected by chronic wounds, I am sure Methodist's recent addition will be able to help many people across North Texas.

Coming Events

Monday, February 1, 11:30am – 1pm: Monthly Economic Development Luncheon at Osteria Panevino, 5000 Belt Line Road

Tuesday, February 2, 4pm - 8pm: City Council Strategic Planning Session, Addison Conference and Theatre Centre, 15650 Addison Road

Wednesday, February 4, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road.

It's kind of appropriate that I welcomed the folks from the Methodist Hospital Wound Care Clinic to Addison yesterday. There certainly have been some

wounds in Addison over the last few days and I hope we can all look to the future and let those negative feelings subside with time and the recognition that we are all neighbors and want the best for our Town of Addison.

See you soon,

Todd

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MAYOR'S NEWSLETTER – FEBRUARY 26, 2016

Dear Neighbor,

It's been another exciting week in Addison as we head toward our Special Events season with **Taste Addison back with us on May 13-15**. Preparations are well underway with plans for the best one ever! This is the time of year when much of the hard work of our Parks team comes to life with the blooming of **our Addison tulips!** Check out this picture of our Service Center and please be sure to send us your favorite Addison pics and we will include them in our newsletter next week.

MAYOR'S NEWSLETTER – FEBRUARY 26, 2016

Council News

There were a number of very interesting topics for our Regular Council Meeting on Tuesday, February 23. During our Work Session we reviewed the staff's report and recommendation for a **small increase in our airport fuel flowage fee** to be effective on April 1 this year. That fee has not been changed since 1994 and is the source of important revenue for maintaining our airport at very high standards. As mentioned above, our staff presented detailed plans of all the food, music and fun headed our way with **the return this year of Taste Addison on May 13-15.**

We also received a staff report on the **life cycle cost analysis of our police vehicles**; there was significant media interest in this topic, which means we are still reaping media interest from the innovative use of Volvos as our Addison police cars back in the 1980s. After our **first ever and very informative life cycle cost analysis**, the staff recommended that we move forward with the **Ford Explorers** as our choice for this year. The Council will take up that recommendation at our first meeting next month.

The Council gave direction to our City Manager to move forward **with additional work** with **Mr. Larry Kanter of Kanter Financial Forensic after hearing Mr. Kanter's disconcerting and ultimately encouraging update.** After a review of his extensive credentials for his work, Mr. Kanter read his remarks to the Council and included reference to specific examples of what he found as part of a brief PowerPoint presentation. I encourage you to **watch the video including the very well informed questions from our Council Members.** We have attached a link to the video here.

A few of the key points that resonated with me include: "In general, **when a system of internal controls is poor, bad things happen."** In referring to his early work in 2014 Mr. Kanter said, "…in fact the Town's accounting systems lacked what are considered to be basic elements of a well-designed accounting system. Our work indicated that **the Town was at risk of an inability to detect and prevent fraud, waste and or misapplication of assets.** We observed that the Town's finance department was significantly understaffed and basic accounting tasks were simply not being performed. **The Town's basic checks and balances were so weak or nonexistent that it will be very difficult or even impossible to determine if money and or assets were misappropriated in the past."**

Mr. Kanter's review of our Special Events and handling of cash led him to observe, "…we noted that it was virtually impossible to determine if all of the cash collected

from the patrons of Oktoberfest was actually deposited in the Town's bank account."

Last year Mr. Kanter spent time working with our Municipal Court system and he revealed these observations: "It became very clear that the Municipal Courts had never been subjected to a detailed study of their accounting processes and procedures. It was also apparent that the transactions generated by the Municipal Courts have never been properly reconciled. The reconciliation of transactions helps ensure that the amounts that are collected from the public are properly calculated, recorded and deposited into the Town's bank." Part of Mr. Kanter's remaining scope of work will be to follow up with our Municipal Courts. **The need for and value of this transitional audit became abundantly and undeniably clear with the conclusion of Mr. Kanter's prepared comments.** We have attached a link to the video here.

That is the past.

As Mr. Kanter reported when Interim City Manager Charles Daniels arrived last April, everything changed because the tone at the top changed. The staff became very cooperative and **"requests that previously took days to be fulfilled now took minutes."** Mr. Kanter went on to **laud the new tone at the top with City Manager Wes Pierson** and **commended our current Finance staff and expressed confidence that we are on our way to significant improvement in all areas.** He suggested that the new software installed at our Municipal Courts in February of this year may go a long way in addressing many of his concerns.Mr. Kanter hopes to complete the authorized scope of work by the end of March and will report back then.

This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is

broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction here and the path is now clear for success.

Our **new Police Chief Paul Spencer** delivered a report to Council on **past** police protocols with underperforming hotels when he shared that **in the past** "over time the lack of targeted enforcement, in conjunction with our education efforts, **facilitated an environment where criminal elements felt free to act with impunity and set up permanent roots in our community."** Now? Since Chief Spencer has been the leader of our Police Department, the entire department has begun targeting these criminal elements: "Recent activity suggests we are beginning to accomplish the goal of **reversing criminal activity at our targeted hotels** and sending the message Addison is not the place you want to operate if you're a criminal. Based on recent arrests, we also anticipate a reduction in burglaries and property thefts within the residential areas."

As this new much more proactive approach develops, the Chief and his team will be developing data and metrics that will help us determine staffing and enforcement priorities in the future. In the short term this new approach may cause the actual crime statistics to surge since we are now aggressively looking for finding criminal activity and making arrests. This new balanced approach of recognizing the problem, confronting it with education, measurement and enforcement was met with applause from the entire Council Chambers and thanks for the new approach from Chief Spencer and his entire team. You can watch the entire uplifting video from Chief Spencer here. **Once again the new "tone at the top" and good people working hard have us headed in the right direction**.

Other items on our agenda for the evening included an **Executive Session** item reviewing **past separation agreements**, consent approval of a resolution adopting a public information act policy update, designation of representatives to the

TexPool, TexStar and the local government investment pool, a contract with Halff Associates to update the bids on the **work for the Winnwood pond dredging project**, and final payment authorization to Pavecon for the rehabilitation of Addison Road. The Council also decided to create a **liaison position** with the **Cavanaugh Flight Museum** with our Communities Partner Bureau in addition to authorizing their $50,000 grant request.

Other Regular Council Meeting items included a presentation and introduction of our **new Crisis Communication team**. Public Communications Director Mary Rosenbleeth introduced us to the Addison-based firm **Gray Hair PR,** and their principals each spoke and gave us their experience and backgrounds. Their work will begin on March 1, 2016. The Council approved a resolution authorizing our staff to enter into a contract with the Texas Coalition for Affordable Power to provide electricity for the Town for 2018-2022. Based on current prices we could expect to receive several hundred thousand dollars of annual savings.

Our new Interim CFO Scott Neils presented the Finance Department Quarterly Financial Review of the first quarter of our financial year that ended December 31, 2015. For the first time in quite a while, **all of our funds are in the "green"** and we are off to a good start for the financial year. The report is linked here for your review.

Our Director of IT **Hamid Khaleghipour** and Police **Chief Paul Spencer** gave us an update on our **combined dispatch and radio project**. We are actually a bit under budget and just a few weeks behind schedule on this very large multi city project. Farmers Branch successfully went live with the first phase of the dispatch system this week, and Addison is scheduled to transition to the new dispatch center on March 3. Our radio system that's part of the project has hit some technical difficulties, so we have taken it off line and gone back to our old system until the technical issues are resolved. The Council was effusive in their praise of

our team moving forward on this very important project that is one of the nation's largest and most expressive examples of the **new business model called "Shared Services."** As our City Manager said, "**This is a big story. It is very special to see four cities work together to create a system that improves the level of service at lower cost. This a new model of how business will be done in the future."**

Our final agenda item was the presentation of the annual Town of Addison Police department **2015 racial profiling report.** For the fifth year in a row we did not have any racial profiling complaints in our department. The report concluded that there is no systemic racial profiling in our police department, and we are in full compliance with state law. As you may recall we have had body cameras for all of our officers, as well as video in all of the police vehicles, for quite some time.

We adjourned our Council Meeting before 10:30pm.

More Council News!

We will be having a Council election this spring in Addison. Filing for the May 7 election closed last Friday at 5pm and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angel, Jim Duffy and Paul Walden.** Early voting ends today, February 26, at 7pm. As mentioned above, Election Day is Saturday, May 7 with results posted soon after the polls close at 7pm.

This time of year with national, statewide and now local election campaigns underway, I am often **asked if current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section

2-93(11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember)** in connection with **any election for public office** or in connection with any election ordered by the Town on a proposition or measure."

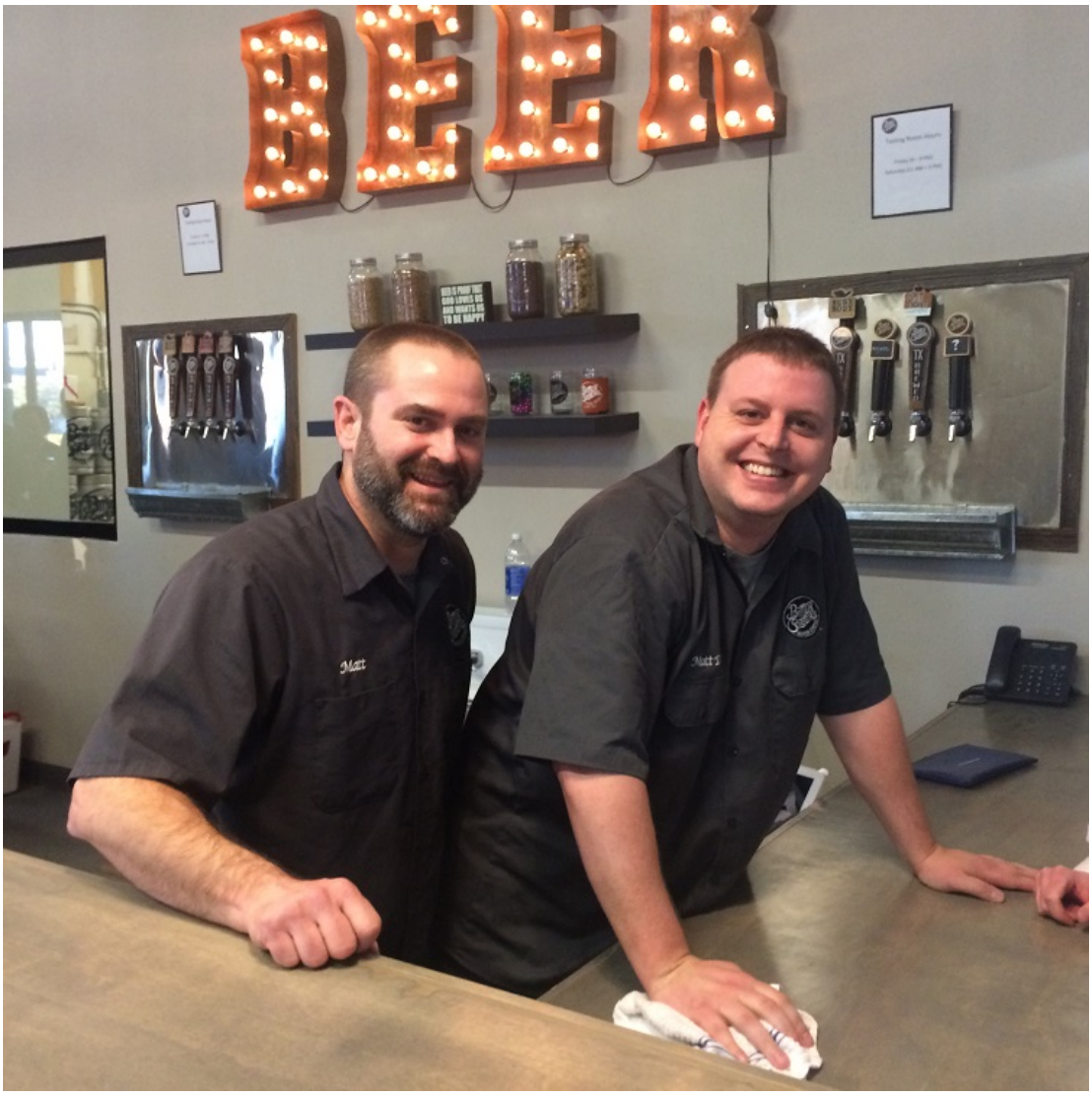
Business Development

On the afternoon of Wednesday, February 24, 2016, I dropped by for the special **Grand Opening celebration of a new very interesting store here in Addison. Dody D Home Decor is located at 4750 Ratliff Lane, just off of Addison Road and a couple of blocks north of Keller Springs Road**. Open 10am to 6pm each day, they have a wide variety of high quality home furnishings and decor items that are all brand new and sold at near wholesale prices. They have a one-of-a-kind inventory with new merchandise arriving weekly. Co-owner **Cheryl Pembleton** shared with me that their business model is pretty simple: **buy low, then sell low**. They have access to very unique items from all over the world and because of their very low rent factor, they are able to pass along great savings to their customers. All items are clearly marked, and they even leave the whole price tags on some so you can compare!

Mayor Pro Tempore **Janelle Moore**, our Council liaison with the North Dallas Chamber of Commerce, Director of Economic Development **Orlando Campos**, Manager of Economic Development **Drew Dietrich** and I joined Janelle in helping to co-host an event here in Addison on Thursday, February 25 at the very fun and entertaining Bitter Sisters microbrewery. The reception for members of the North Dallas Chamber began at about 5:30pm and ran until about 7pm with lots of good folks **learning all** about the brewery, its unique history and of course enjoying Addison hospitality. This is another great way for us to partner with successful

organizations and build our brand. **Many thanks to Janelle** for helping to bring this event to Addison and her work as our liaison with the North Dallas Chamber of Commerce.

BITTER SISTERS
BREWING COMPANY
BUSY BODY
CAT FIGHT
KNOCK OUT
IRISH RED ALE
HiSSy Fit
MARZEN LAGER



On the afternoon of Thursday, February 25, Director of Economic Development **Orlando Campos**, manager of Economic Development **Drew Dietrich** and I represented Addison at **the ribbon cutting** for **Abilene Christian University's brand new Addison campus** located in the Hanover Building at 16633 Dallas Parkway. We met several enthusiastic members of the University staff that are very pleased to be with us here in Addison. They have now taken the entire 8th floor of the Hanover Building with plans to take over most of the 6th floor for even greater expansion. The **President of the University, Phil Schubert,** spoke

to the large group about the University's future and the enthusiasm they have for expanding beyond their Abilene campus and joining us here in Addison, even offering us opportunities to share their space for meetings or events. The addition **of a well-respected University campus to our Addison portfolio of diverse customers is an excellent addition to our community**. We are very proud to have the Abilene Christian University Wildcats as part of our Addison.

Around Town

Late Thursday afternoon on February 25, our **Addison Legacy Foundation** Board met at the offices of UDR for the monthly meeting that rotates each month at different board members' offices. This month our host was board member **Tom Lamberth with UDR**. **Mayor Pro Tempore Janelle Moore** joined our additional board members **Chic Martin, Tamela Thornton, Debbie Staggs, Bob Kantner, Ray Ryland** and **Board Chair Blake Clemens**. In addition to important administrative issues, Tamela and Chic gave us an update on our visioning and forward-looking goals. Blake gave us an update on our tentatively scheduled

December 2, 2016 Vitruvian Lights Run. Additionally, the board approved payment for the new Celestial Park pet and people water fountain. Chic Martin and Ray Ryland shared with us the exciting news that we found a location for the restoration work to be performed on our 1930 fire truck! Blake and Ray worked with **Scott Buzzell**, who owns a hangar on Dooley Road that he has graciously loaned to us for the restoration project. In fact as you can see from the photo below, the fire truck has been moved from its spot in the bays at Fire Station #1 to its new location where the work will begin. **Now we need your help!** If you would like to donate your funds or time to this fun project **contact Blake Clemens** at blake.clemens@tx.rr.com.

I will have the honor tonight of **presenting our Rising Star of 2016 Award** to our very deserving **Deputy City Manager Cheryl Delaney** at the Metrocrest Chamber of Commerce annual awards event. Here with us since 2014, Cheryl helped us navigate through some very challenging transition times. Thanks to her extensive background in finance, she served in the dual roles of Deputy City Manager and CFO through our budget season and until recently with the new hire of Interim CFO Scott Neils. Cheryl combines her work history with professional service in municipal government finance positions in Round Rock Texas and San Antonio

with work in the private sector at Deloitte Consulting and HEB Grocery. An avid and passionate member and supporter of all that we are doing to improve our Athletic Club, Cheryl definitely qualifies as an Addison Rising Star!
Congratulations Cheryl, we are all very proud of you.

Coming Events

Wednesday, March 2, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting of the Town's Master Transportation Plan, 15650 Addison Road

We continue to be very busy here in Addison, and that is a very good thing. Our business environment has never been better. Addison Airport is continuing to improve and draw new customers. Our 10 million square feet of office space continues to fill with exciting new office products coming online. Two new hotels are under construction to add to our impressive 22 hotel portfolio. New restaurants are opening virtually every month. Addison TreeHouse continues to be the hip space for new entrepreneurs to plant the seeds of new businesses, and our commercial property valuations are at all-time highs. With our new "Tone at the Top" in our own organization, we are in the best positon ever here in Addison to meet and embrace a very positive future.

I am very proud to be your mayor and to work with our outstanding Council

and amazing staff every day to make sure this very positive trend continues.

See you soon,

Todd

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An individual must be a resident of the state of Texas to be eligible to file a sworn complaint with the Texas Ethics Commission. The complainant is required to attach to the complaint a copy of one of the following documents:

- complainant's driver's license or personal identification certificate issued under Chapter 521 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

An individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

OFFICE USE ONLY

Docket Number: SC-3160388

Date Hand-delivered or Date Postmarked

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MAR 16 2016
Texas Ethics C...

I. IDENTITY OF COMPLAINANT # 23564

1 COMPLAINANT NAME (REQUIRED)	~~MS / MRS~~ / MR	FIRST: James	MI: F.		
	NICKNAME: Jim	LAST: Duffy	SUFFIX:		
2 COMPLAINANT PHYSICAL ADDRESS (REQUIRED)	ADDRESS: 3887 Ridgelake Ct.	APT / SUITE #:	CITY: Addison	STATE: TX	ZIP CODE: 75001
	(Full home or business address, including street, city, state, and zip code)				
3 COMPLAINANT MAILING ADDRESS ☑ (check if same as above) (REQUIRED)	ADDRESS:	APT / SUITE #:	CITY:	STATE:	ZIP CODE:
	(Full street or mailing address, including city, state, and zip code)				
4 COMPLAINANT TELEPHONE NUMBER (REQUIRED)	AREA CODE / PHONE NUMBER / EXT: 972-998-5078		5 COMPLAINANT E-MAIL ADDRESS (REQUIRED IF KNOWN): jfdgroup@flash.net		

II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME (REQUIRED)	MS / MRS / MR	FIRST: Todd	MI:		
	NICKNAME:	LAST: Meier	SUFFIX:		
7 RESPONDENT POSITION OR TITLE (REQUIRED)	Mayor, Town of Addison, Texas				
8 RESPONDENT PHYSICAL ADDRESS (REQUIRED)	ADDRESS: 5300 Belt Line Rd.	APT / SUITE #:	CITY: Dallas, TX 75254-7606	STATE:	ZIP CODE:
	(Full home or business address, including street, city, state, and zip code)				
9 RESPONDENT MAILING ADDRESS ☑ (check if same as above)	ADDRESS:	APT / SUITE #:	CITY:	STATE:	ZIP CODE:
	(Full street or mailing address, including city, state, and zip code)				
10 RESPONDENT TELEPHONE NUMBER (REQUIRED)	AREA CODE / PHONE NUMBER / EXT: 972-450-7000		11 RESPONDENT E-MAIL ADDRESS (REQUIRED IF KNOWN): tmeier@addisontx.gov		

GO TO PAGE 2

III. NATURE OF ALLEGED VIOLATION

Include the specific law(s) or rule(s) alleged to have been violated. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572, 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Subchapter C, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; (5) § 2152.064 and § 2155.003 of the Gov't Code; (6) § 306.005 of the Gov't Code.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be nocompliant and rejected.

See Attached

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

See Attached

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

See Attached

ATTACH ADDITIONAL PAGES AS NEEDED

VI. AFFIDAVIT

BASED ON PERSONAL KNOWLEDGE

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

I, James F. Duffy, complainant, swear that I am a resident of the state of Texas. I swear that I have knowledge of the facts alleged in this complaint and that the information contained in this complaint is true and correct.

KYUNGMI LEE
Notary Public
STATE OF TEXAS
My Comm. Exp. 05-14-18
AFFIX NOTARY STAMP / SEAL ABOVE

Signature of Complainant

Sworn to and subscribed before me, by the said James F. Duffy, this the 15 day of
(Complainant)

March, 20 16, to certify which, witness my hand and seal of office.

Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath
Kyungmi	Kyungmi Lee	Notary Public

VII. AFFIDAVIT

BASED ON INFORMATION AND BELIEF

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, _____, complainant, swear that I am a resident of the state of Texas. I swear that I have reason to believe and do believe that the violation alleged in this complaint has occurred. The source of my information and belief is

_____

_____

_____

_____
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of
(Complainant)

_____, 20 ____, to certify which, witness my hand and seal of office.

Signature of officer administering oath	Printed name of officer administering oath	Title of officer administering oath

III Nature of Alleged Violation

Addison Mayor Todd Meier has violated the Election Code[1] by using Addison resources to publish "political advertising" in a Town-owned and Town-funded newsletter that is distributed to Addison residents via email. The newsletter is also stored and made available on the Town of Addison's website.

Complainant makes specific reference to the Texas Election Code, Title 15, titled "Regulating Political Funds and Campaigns." First, the act applies to officeholders:

Sec. 251.002. Officeholders Covered
(a) The provisions of this title applicable to an officeholder apply only to a person **who holds an elective public office** and to the secretary of state.
(b) For purposes of this title, a state officer-elect or a member-elect of the legislature is considered an officeholder beginning on the day after the date of the general or special election at which the officer-elect or member-elect was elected. This subsection does not relieve a state officer-elect or member-elect of the legislature of any reporting requirements the person may have as a candidate under this title.

Tex. Election Code, §251.002(a), (b) (emphasis added).

Fundamentally, this complaint originates with Chapter 255, titled "Regulating Political Advertising and Campaign Communications." Section 255.003 states:

§ 255.003. Unlawful Use of Public Funds for Political Advertising
(a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

Tex. Election Code, §255.003(a).

The code defines "political advertising" as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:
(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
(B) appears:
(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
(ii) on an Internet website.

Election Code, §251.001 (16)(A),(B) (emphasis and highlighting added).

[1] Texas Election Code, Chapter 258.

In addition, this commission has promulgated Texas Ethics Commission Rule 26.2 regarding newsletters of public officers. In relevant part, the rules state that a newsletter is not "political advertising" if:

> (1) It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
> (2) It includes no more than eight personally phrased references (such as the public officer's name, "I", "me", "the city council member") on a page that is 8 ½" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 ½" x 11"; and
> (3) When viewed as a whole and in the proper context:
> (A) Is informational rather than self-promotional;
> (B) does not advocate passage or defeat of a measure; and
> (C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

Ethics Commission Rule 26.2(1)-(3).

The Ethics Commission also publishes "A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election," which emphasizes that "it is important to remember that the Texas Election Code prohibits the use of political subdivision resources to produce or distribute political advertising in connection with an election." Further:

> "Not only does this mean that the political subdivision may not purchase or authorize the purchase of new materials for use in creating political advertising, it also means that a political subdivision would violate the prohibition by using existing paper and machinery to generate, display or distribute political advertising."
>
> "Also, it is not permissible to use or authorize the use of the paid time of an employee of a political subdivision to create or distribute political advertising."

Pamphlet, p. 2. These comments regarding elections resonate in particular here, where Addison is conducting an election for three council seats on May 7, 2016, and it is very clear that Mayor Meier is supporting the three incumbents. Complainant urges that no amount of discussion with Meier or Addison officials has caused any adjustment in the content of Addison's Town-owned and taxpayer-funded newsletter, which Complainant urges contains political advertising on a consistent basis.

The Ethics Commission has considered issues relating to newsletters authored by public officials in the past. In Advisory Opinion 476, the Ethics Commission addressed the appropriate analysis:

> "The critical issue in determining whether an advertisement is 'political advertising' is whether it is a communication supporting or opposing a candidate or a public officer. Whether a particular communication supports or opposes a candidate or a public officer is a fact question."

Ethics Advisory Opinion 476 (2007), citing Ethics Advisory Opinion 102 (1992). Further:

> "A factor in determining whether a particular communication supports or opposes a public officer is whether the communication provides information and discussion of official activities without promotion of the public officer. The mere fact that the name of a public officer or the picture of a public officer appears in a newsletter would not determine whether the communication constitutes political advertising. However, the context and frequency with which the name or picture appears are relevant to making that determination."

Ethics Advisory Opinion 476 (2007). In Opinion 476, the Ethics Commission reviewed a council newsletter and calculated the number of times the councilmember's photo appeared and the percentage of the pages it covered. The Ethics Commission also reviewed the number of times the councilmember's name appeared as well as the typeset of the name (i.e., bolded and/or larger typeset). The Ethics Commission ultimately concluded that the newsletter "is a self-promotion of the public officer and thus, when viewed as a whole, constitutes support of a public officer for purposes of 'political advertising' as defined in section 251.001(16) of the Election Code." *Id.* The Ethics Commission therefore held that the use of public funds to pay for the newsletter was prohibited by the Election Code. The Ethics Commission further commented:

> "We stress that whether a particular communication supports or opposes a candidate or a public officer is a fact question that can be answered only when the communication is viewed as a whole. However, a public officer's newsletter that excessively uses pictures in which the public officer appears will almost always be political advertising. In our opinion, a public officer's newsletter that contains no more than two pictures of the public officer per page is not excessive use if the total amount of area covered by the pictures is no more than 20 percent of any page on which the pictures appear. Additionally, we caution on the use of personally phrased references, such as the use of the public officer's name, in particular when those references are set apart from other text."

Id.

In Ethics Advisory Opinion 506, the Ethics Commission held that a refrigerator magnet constituted "political advertising." From a factual standpoint, the Ethics Commission noted:

> The refrigerator magnet at issue prominently displays an individual photograph of a public officer standing in front of a representation of a city seal. Below the photograph, the name of the public officer appears in a print type size that is larger than any other text on the magnet. Additionally, the magnet includes the name of the public office held, the public officer's contact information, and the Internet website address for information about the public officer on the city's website. **The magnet also prominently features the phrase "DEDICATION to . . ."and a list of three items relating to activities of the public office: (1) Timely Constituent Response! (2) Responsible City Spending! (3) Standing up for residents, businesses, and for what is right andjust!** After the first item appear the words "Our #1 Priority.""

Id. (bolding added). The bolded language in particular will be applicable to an examination of the newsletters at issue in this case, where Meier consistently bolds and draws attention to matters favoring his perceived allies on the council, and disparaging and/or criticizing perceived foes on the council.

Ultimately, the Ethics commission made the following comments regarding the issue of the refrigerator magnet:

> "In our opinion, the refrigerator magnet is a self-promotion of a public officer because the name and photograph of the public officer appear in an unduly conspicuous way and the three-item list promotes the public officer's priorities. When viewed as a whole, the magnet constitutes "political advertising" as defined in section 251.001(16) of the Election Code and for purposes of section 255.003 of the Election Code. Consequently, public funds may not be used to pay for the magnet.

Id.

IV Statement of Facts

Addison Mayor Todd Meier ("Meier") has violated the Government Code, the Election Code and the Ethics Commission Rules by using Addison resources to publish "political advertising" in a Town-owned and Town-funded newsletter that is distributed to Addison residents via email each Friday (the "Newsletter").

Addison has an election coming up on May 7, 2016. Six residents have filed and are currently candidates for three seats. Meier is supporting three incumbent councilmembers, with the clear hope of preserving his majority on the council.

In Newsletters distributed on February 26, 2016 and March 4, 2016, Meier characterized the upcoming May election as follows:

> **We will be having a City Council election this spring in Addison.** Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.**

Newsletters, February 26, 2016 and March 4, 2016 (bolding is original).[1] This description is inaccurate and completely misleading. The fact that three candidates are incumbents and three are not does not in any way change the character of the election, i.e., there are six residents running for three seats. It is not three incumbents and three citizens. It is six citizens for three spots.

The purpose of the description is to lend support to the three Meier-supported incumbents. It is political advertising, and was distributed using taxpayer resources. That is improper.

The description also makes a point of using the titles of the Meier-supported candidates, again trying to influence voters and thereby support these three elected officials/candidates. Further, the description omits any reference to Mr. Duffy's prior service on the Addison Council, Mr. Walden's prior service on the Farmer's Branch Council, and Mr. Angell's prior service on the Addison Planning and Zoning Commission. Again, the description is one-sided and constitutes political advertising as defined by the statute.

On March 4, 2016, Complainant wrote an email to Meier demanding that an appropriate correction be sent to all those who received the Newsletters.[2] Meier responded on March 5, 2016, stating that he would wait until the next Newsletter, but would then "outline the parameters of the election this next week more explicitly."[3]

To start, the notion that the description above simply needed to be "outlined more explicitly" demonstrates that Meier is acting with clear intent. The description above doesn't need "outlining." It is blatantly misleading and needs to be retracted and corrected. If Meier is going to mention the

[1] These Newsletters are included as Exhibits A and B. Note as well that Mr. Angell's name was misspelled in the February 26th Newsletter.
[2] See Exhibit C, Duffy Email.
[3] See Exhibit D, Meier Email.

election in a Town-owned and taxpayer funded publication, it needs to be described accurately. Further, the suggestion that Meier can use titles of incumbents without identifying the same council service among other candidates again evidences the intent to find explicit and implicit ways to support Meier's favored incumbents. Again, the intent and design is to favor the Meier-supported incumbents by touting their credentials, even as the other three candidates have identical or similar credentials that are intentionally omitted. It is political advertising.

On March 11, 2016, the next edition of Addison's Newsletter was published. It contained no retraction or correction of the two prior Newsletters. Again, this confirms Meier's intent to allow the public to be misled, and to provide support to the incumbents he is supporting.

Complainant asks the Ethics Commission to find that Meier has violated the Election Code and that the two referenced newsletters constituted political advertising as that terms is defined in applicable Texas law and the Ethics Commission's rules.

Complainant asks for expedited consideration and relief, in light of the May 2016 election.

V - EXHIBIT LIST

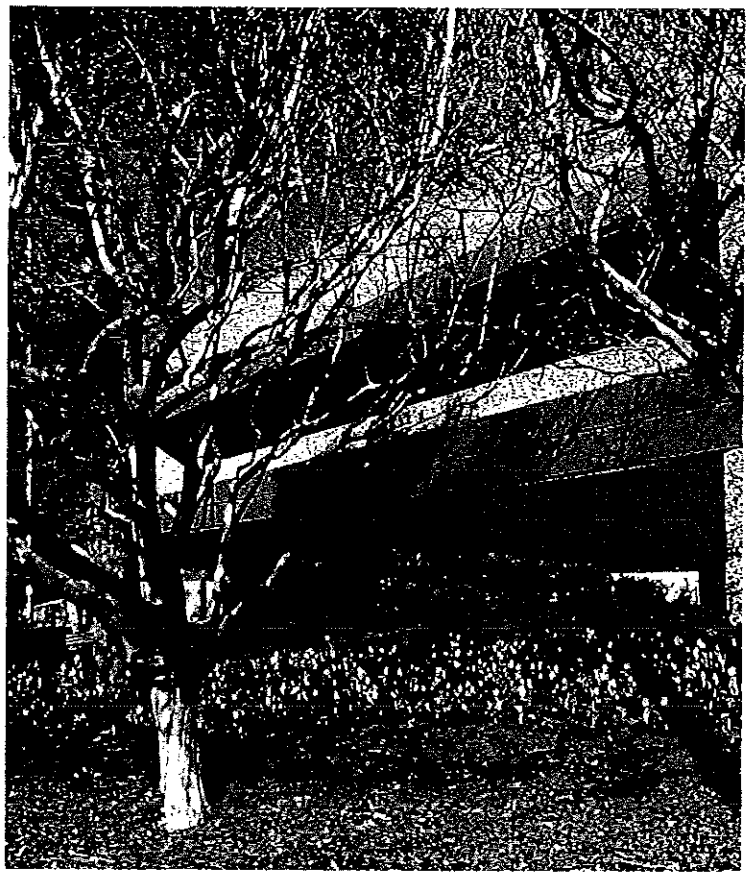
No.	Document
A	February 26, 2016 Addison Newsletter
B	March 4, 2016 Addison Newsletter
C	March 4, 2016 Email, Duffy to Meier
D	March 5, 2016 Email, Meier to Duffy
E	March 11, 2016 Newsletter

From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, February 26, 2016 4:01 PM
To: >
Subject: Update from Mayor Todd Meier, 2.26.16

Dear Neighbor,

It's been another exciting week in Addison as we head toward our Special Events season with **Taste Addison back with us on May 13-15.** Preparations are well underway with plans for the best one ever! This is the time of year when much of the hard work of our Parks team comes to life with the blooming of **our Addison tulips!** Check out this picture of our Service Center and please be sure to send us your favorite Addison pics and we will include them in our newsletter next week.

Exhibit A



Council News

There were a number of very interesting topics for our Regular Council Meeting on Tuesday, February 23. During our Work Session we reviewed the staff's report and recommendation for a **small increase in our airport fuel flowage fee** to be effective on April 1 this year. That fee has not been changed since 1994 and is the source of important revenue for maintaining our airport at very high standards. As mentioned above, our staff presented detailed plans of all the food, music and fun headed our way with **the return this year of Taste Addison on May 13-15.**

We also received a staff report on the **life cycle cost analysis of our police vehicles**; there was significant media interest in this topic, which means we are still reaping media interest from the innovative use of Volvos as our Addison police cars back in the 1980s. After our **first ever and very informative life cycle cost analysis**, the staff recommended that we move forward with the **Ford Explorers** as our choice for this year. The Council will take up that recommendation at our first meeting next month.

The Council gave direction to our City Manager to move forward **with additional work** with **Mr. Larry Kanter of Kanter Financial Forensic after hearing Mr. Kanter's disconcerting and ultimately encouraging update.** After a review of his extensive credentials for his work, Mr. Kanter read his remarks

Exhibit A

to the Council and included reference to specific examples of what he found as part of a brief PowerPoint presentation. I encourage you to **watch the video including the very well informed questions from our Council Members.** We have attached a link to the video here.

A few of the key points that resonated with me include: "In general, **when a system of internal controls is poor, bad things happen."** In referring to his early work in 2014 Mr. Kanter said, "...in fact the Town's accounting systems lacked what are considered to be basic elements of a well-designed accounting system. Our work indicated that **the Town was at risk of an inability to detect and prevent fraud, waste and or misapplication of assets.** We observed that the Town's finance department was significantly understaffed and basic accounting tasks were simply not being performed. **The Town's basic checks and balances were so weak or nonexistent that it will be very difficult or even impossible to determine if money and or assets were misappropriated in the past."**

Mr. Kanter's review of our Special Events and handling of cash led him to observe, "...we noted that it was virtually impossible to determine if all of the cash collected from the patrons of Oktoberfest was actually deposited in the Town's bank account."

Last year Mr. Kanter spent time working with our Municipal Court system and he revealed these observations: "It became very clear that the Municipal Courts had never been subjected to a detailed study of their accounting processes and procedures. It was also apparent that the transactions generated by the Municipal Courts have never been properly reconciled. The reconciliation of transactions helps ensure that the amounts that are collected from the public are properly calculated, recorded and deposited into the Town's bank." Part of Mr. Kanter's remaining scope of work will be to follow up with our Municipal Courts. **The need for and value of this transitional audit became abundantly and undeniably clear with the conclusion of Mr. Kanter's prepared comments.** We have attached a link to the video here.

That is the past.

As Mr. Kanter reported when Interim City Manager Charles Daniels arrived last April, everything changed because the tone at the top changed. The staff became very cooperative and **"requests that previously took days to be fulfilled now took minutes."** Mr. Kanter went on to **laud the new tone at the top with City Manager Wes Pierson** and **commended our current Finance staff and expressed confidence that we are on our way to significant improvement in all areas.** He suggested that the new software installed at our Municipal Courts in February of this year may go a long way in addressing many of his concerns.Mr. Kanter hopes to complete the authorized scope of work by the end of March and will report back then.

This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction here and the path is now clear for success.

Our **new Police Chief Paul Spencer** delivered a report to Council on **past** police protocols with underperforming hotels when he shared that **in the past** "over time the lack of targeted enforcement, in conjunction with our education efforts, **facilitated an environment where criminal elements felt free to**

act with impunity and set up permanent roots in our community." Now? Since Chief Spencer has been the leader of our Police Department, the entire department has begun targeting these criminal elements: "Recent activity suggests we are beginning to accomplish the goal **of reversing criminal activity at our targeted hotels** and sending the message Addison is not the place you want to operate if you're a criminal. Based on recent arrests, we also anticipate a reduction in burglaries and property thefts within the residential areas."

As this new much more proactive approach develops, the Chief and his team will be developing data and metrics that will help us determine staffing and enforcement priorities in the future. In the short term this new approach may cause the actual crime statistics to surge since we are now aggressively looking for finding criminal activity and making arrests. This new balanced approach of recognizing the problem, confronting it with education, measurement and enforcement was met with applause from the entire Council Chambers and thanks for the new approach from Chief Spencer and his entire team. You can watch the entire uplifting video from Chief Spencer here. **Once again the new "tone at the top" and good people working hard have us headed in the right direction.**

Other items on our agenda for the evening included an **Executive Session** item reviewing **past separation agreements,** consent approval of a resolution adopting a public information act policy update, designation of representatives to the TexPool, TexStar and the local government investment pool, a contract with Halff Associates to update the bids on the **work for the Winnwood pond dredging project,** and final payment authorization to Pavecon for the rehabilitation of Addison Road. The Council also decided to create a **liaison position** with the **Cavanaugh Flight Museum** with our Communities Partner Bureau in addition to authorizing their $50,000 grant request.

Other Regular Council Meeting items included a presentation and introduction of our **new Crisis Communication team.** Public Communications Director Mary Rosenbleeth introduced us to the Addison-based firm **Gray Hair PR,** and their principals each spoke and gave us their experience and backgrounds. Their work will begin on March 1, 2016. The Council approved a resolution authorizing our staff to enter into a contract with the Texas Coalition for Affordable Power to provide electricity for the Town for 2018-2022. Based on current prices we could expect to receive several hundred thousand dollars of annual savings.

Our new Interim CFO Scott Neils presented the Finance Department Quarterly Financial Review of the first quarter of our financial year that ended December 31, 2015. For the first time in quite a while, **all of our funds are in the "green"** and we are off to a good start for the financial year. The report is linked here for your review.

Our Director of IT **Hamid Khaleghipour** and Police **Chief Paul Spencer** gave us an update on our **combined dispatch and radio project.** We are actually a bit under budget and just a few weeks behind schedule on this very large multi city project. Farmers Branch successfully went live with the first phase of the dispatch system this week, and Addison is scheduled to transition to the new dispatch center on March 3. Our radio system that's part of the project has hit some technical difficulties, so we have taken it off line and gone back to our old system until the technical issues are resolved. The Council was effusive in their praise of our team moving forward on this very important project that is one of the nation's largest and most expressive examples of the **new business model called "Shared Services."** As our City

Manager said, **"This is a big story. It is very special to see four cities work together to create a system that improves the level of service at lower cost. This a new model of how business will be done in the future."**

Our final agenda item was the presentation of the annual Town of Addison Police department **2015 racial profiling report.** For the fifth year in a row we did not have any racial profiling complaints in our department. The report concluded that there is no systemic racial profiling in our police department, and we are in full compliance with state law. As you may recall we have had body cameras for all of our officers, as well as video in all of the police vehicles, for quite some time.

We adjourned our Council Meeting before 10:30pm.

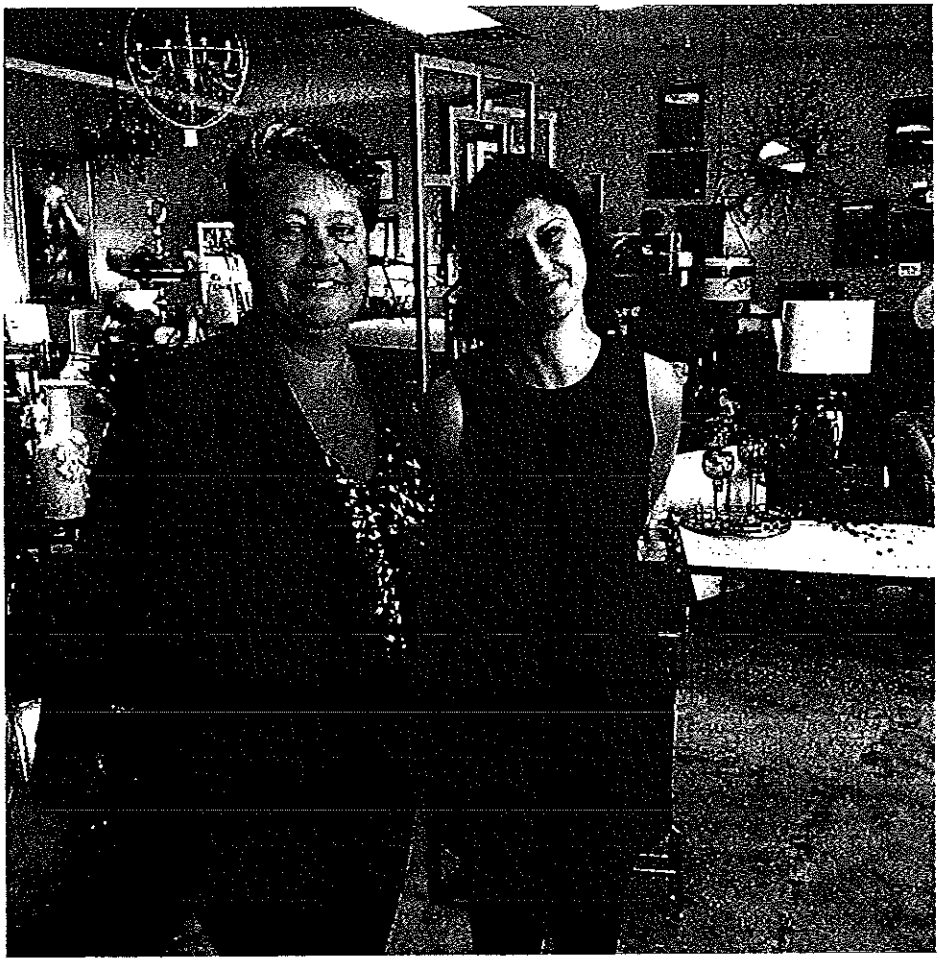
More Council News!

We will be having a Council election this spring in Addison. Filing for the May 7 election closed last Friday at 5pm and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angel, Jim Duffy and Paul Walden.** Early voting ends today, February 26, at 7pm. As mentioned above, Election Day is Saturday, May 7 with results posted soon after the polls close at 7pm.

This time of year with national, statewide and now local election campaigns underway, I am often **asked if current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section 2-93 (11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember)** in connection with **any election for public office** or in connection with any election ordered by the Town on a proposition or measure."

Business Development

On the afternoon of Wednesday, February 24, 2016, I dropped by for the special **Grand Opening celebration of a new very interesting store here in Addison. Dody D Home Decor is located at 4750 Ratliff Lane, just off of Addison Road and a couple of blocks north of Keller Springs Road.** Open 10am to 6pm each day, they have a wide variety of high quality home furnishings and decor items that are all brand new and sold at near wholesale prices. They have a one-of-a-kind inventory with new merchandise arriving weekly. Co-owner **Cheryl Pembleton** shared with me that their business model is pretty simple: **buy low, then sell low.** They have access to very unique items from all over the world and because of their very low rent factor, they are able to pass along great savings to their customers. All items are clearly marked, and they even leave the whole price tags on some so you can compare!



Mayor Pro Tempore **Janelle Moore**, our Council liaison with the North Dallas Chamber of Commerce, Director of Economic Development **Orlando Campos**, Manager of Economic Development **Drew Dietrich** and I joined Janelle in helping to co-host an event here in Addison on Thursday, February 25 at the very fun and entertaining Bitter Sisters microbrewery. The reception for members of the North Dallas Chamber began at about 5:30pm and ran until about 7pm with lots of good folks **learning all** about the brewery, its unique history and of course enjoying Addison hospitality. This is another great way for us to partner with successful organizations and build our brand. **Many thanks to Janelle** for helping to bring this event to Addison and her work as our liaison with the North Dallas Chamber of Commerce.

Exhibit A

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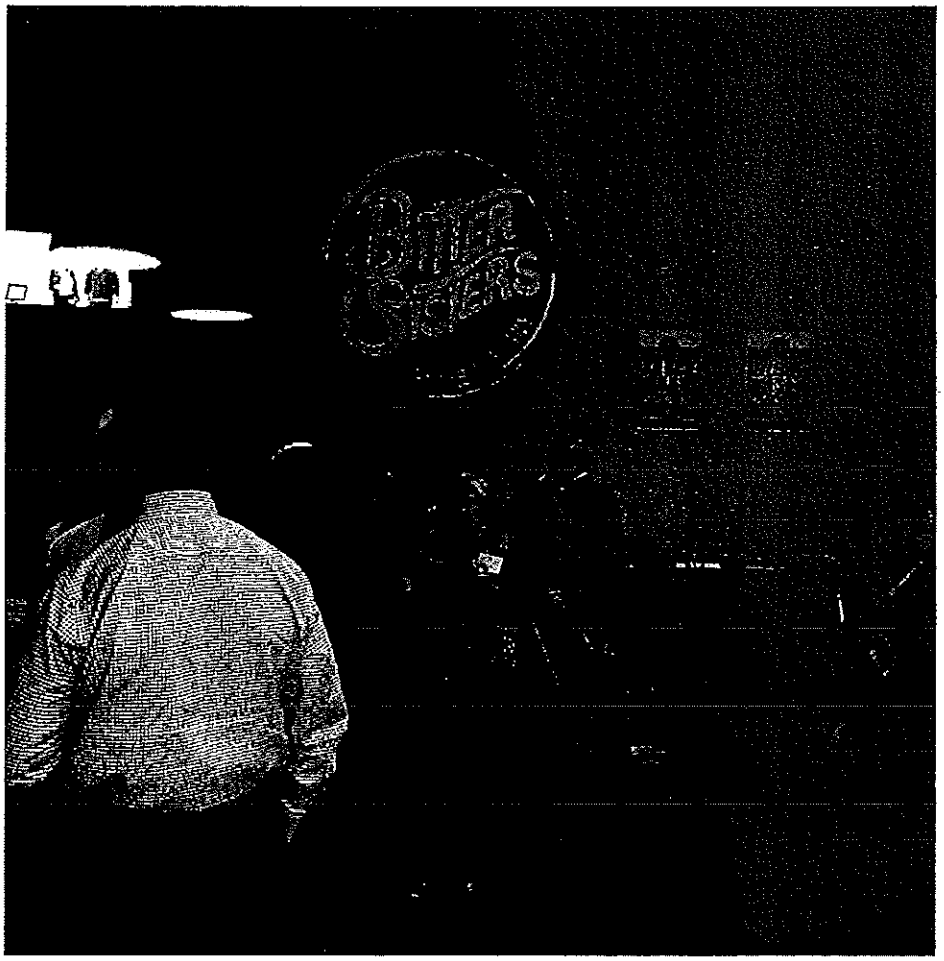

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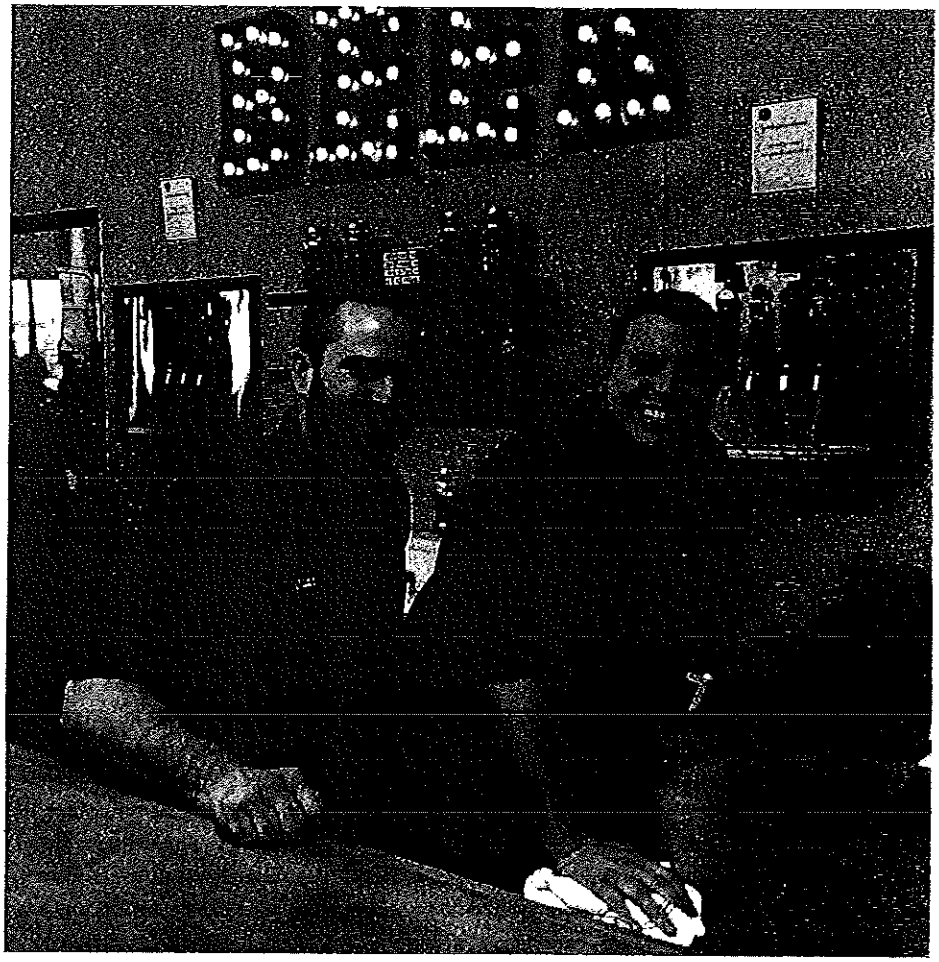
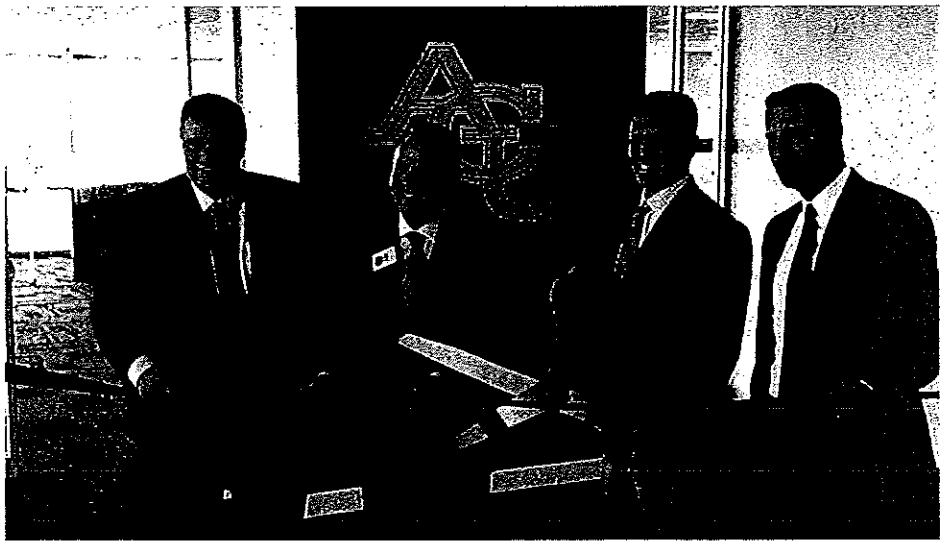


On the afternoon of Thursday, February 25, Director of Economic Development **Orlando Campos**, manager of Economic Development **Drew Dietrich** and I represented Addison at **the ribbon cutting** for **Abilene Christian University's brand new Addison campus** located in the Hanover Building at 16633 Dallas Parkway. We met several enthusiastic members of the University staff that are very pleased to be with us here in Addison. They have now taken the entire 8th floor of the Hanover Building with plans to take over most of the 6th floor for even greater expansion. The **President of the University, Phil Schubert,** spoke to the large group about the University's future and the enthusiasm they have for expanding beyond their Abilene campus and joining us here in Addison, even offering us opportunities to share their space for meetings or events. The addition **of a well-respected University campus to our Addison portfolio of diverse customers is an excellent addition to our community.** We are very proud to have the Abilene Christian University Wildcats as part of our Addison.

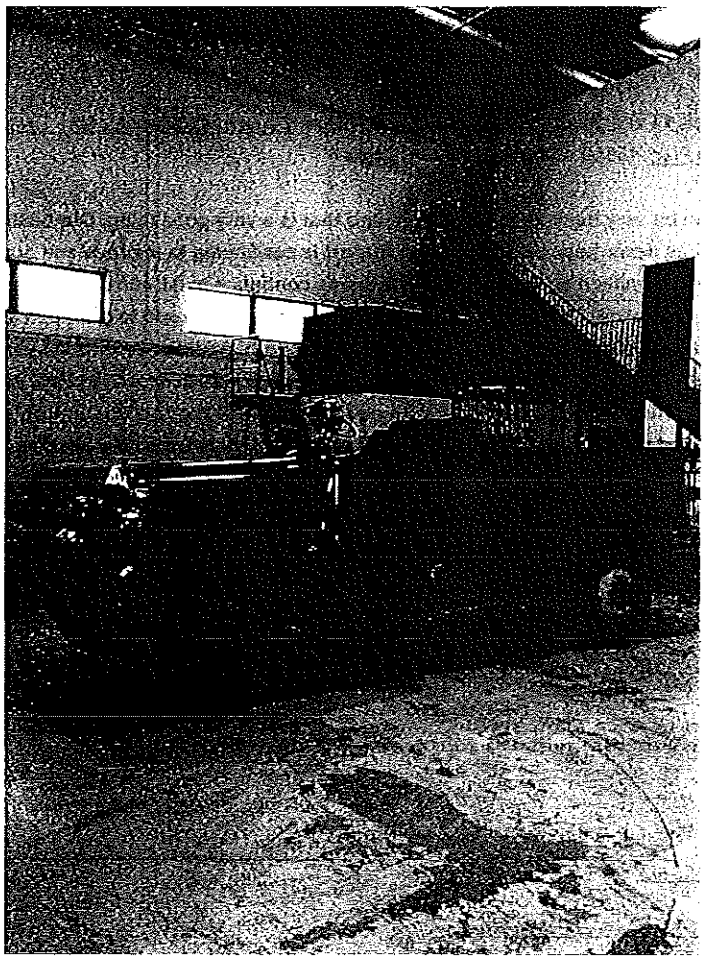
Exhibit A



Around Town

Late Thursday afternoon on February 25, our **Addison Legacy Foundation** Board met at the offices of UDR for the monthly meeting that rotates each month at different board members' offices. This month our host was board member **Tom Lamberth with UDR. Mayor Pro Tempore Janelle Moore** joined our additional board members **Chic Martin, Tamela Thornton, Debbie Staggs, Bob Kantner, Ray Ryland** and **Board Chair Blake Clemens**. In addition to important administrative issues, Tamela and Chic gave us an update on our visioning and forward-looking goals. Blake gave us an update on our tentatively scheduled December 2, 2016 Vitruvian Lights Run. Additionally, the board approved payment for the new Celestial Park pet and people water fountain. Chic Martin and Ray Ryland shared with us the exciting news that we found a location for the restoration work to be performed on our 1930 fire truck! Blake and Ray worked with **Scott Buzzell**, who owns a hangar on Dooley Road that he has graciously loaned to us for the restoration project. In fact as you can see from the photo below, the fire truck has been moved from its spot in the bays at Fire Station #1 to its new location where the work will begin. **Now we need your help!** If you would like to donate your funds or time to this fun project **contact Blake Clemens** at blake.clemens@tx.rr.com.

Exhibit A



I will have the honor tonight of **presenting our Rising Star of 2016 Award** to our very deserving **Deputy City Manager Cheryl Delaney** at the Metrocrest Chamber of Commerce annual awards event. Here with us since 2014, Cheryl helped us navigate through some very challenging transition times. Thanks to her extensive background in finance, she served in the dual roles of Deputy City Manager and CFO through our budget season and until recently with the new hire of Interim CFO Scott Neils. Cheryl combines her work history with professional service in municipal government finance positions in Round Rock Texas and San Antonio with work in the private sector at Deloitte Consulting and HEB Grocery. An avid and passionate member and supporter of all that we are doing to improve our Athletic Club, Cheryl definitely qualifies as an Addison Rising Star! **Congratulations Cheryl, we are all very proud of you.**

Coming Events

Wednesday, March 2, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road

Exhibit A

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting of the Town's Master Transportation Plan, 15650 Addison Road

We continue to be very busy here in Addison, and that is a very good thing. Our business environment has never been better. Addison Airport is continuing to improve and draw new customers. Our 10 million square feet of office space continues to fill with exciting new office products coming online. Two new hotels are under construction to add to our impressive 22 hotel portfolio. New restaurants are opening virtually every month. Addison TreeHouse continues to be the hip space for new entrepreneurs to plant the seeds of new businesses, and our commercial property valuations are at all-time highs. With our new "Tone at the Top" in our own organization, we are in the best positon ever here in Addison to meet and embrace a very positive future.

I am very proud to be your mayor and to work with our outstanding Council and amazing staff every day to make sure this very positive trend continues.

See you soon,

Todd

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Addison, TX 75001

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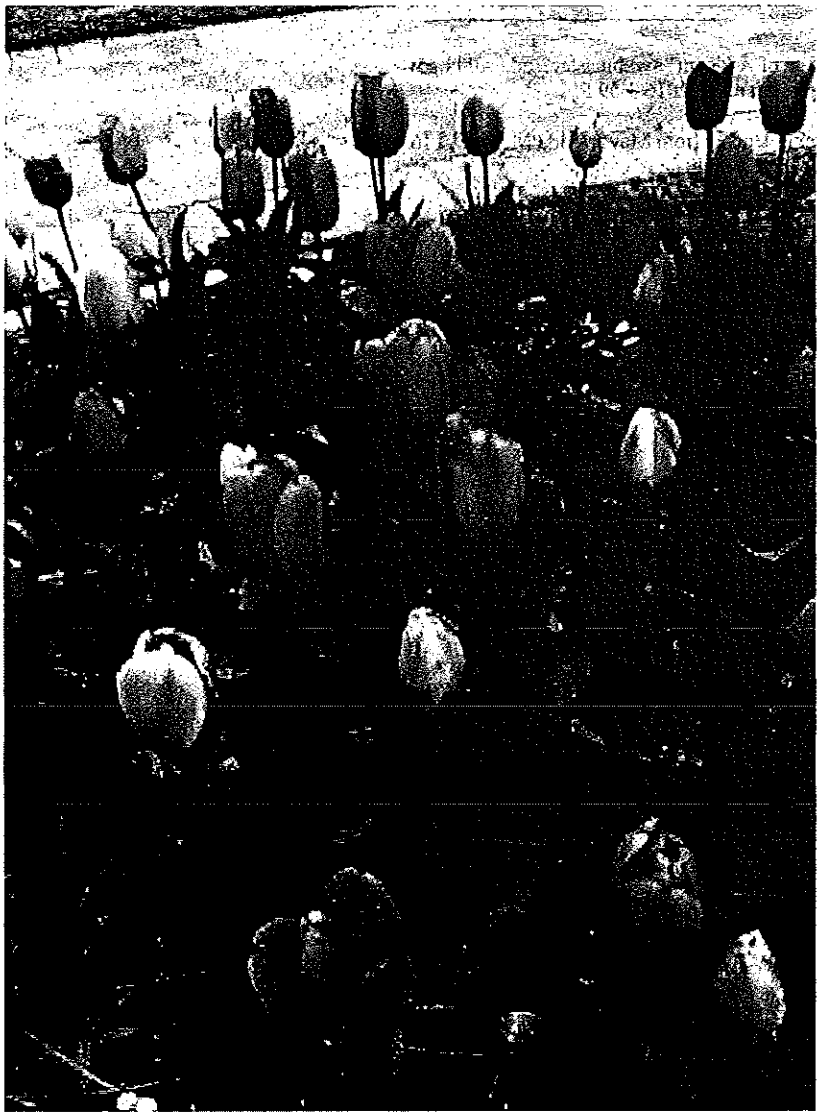
Exhibit A

From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, March 4, 2016 3:59 PM
To:
Subject: Weekly Update from Mayor Todd Meier, 3.4.16

Exhibit B



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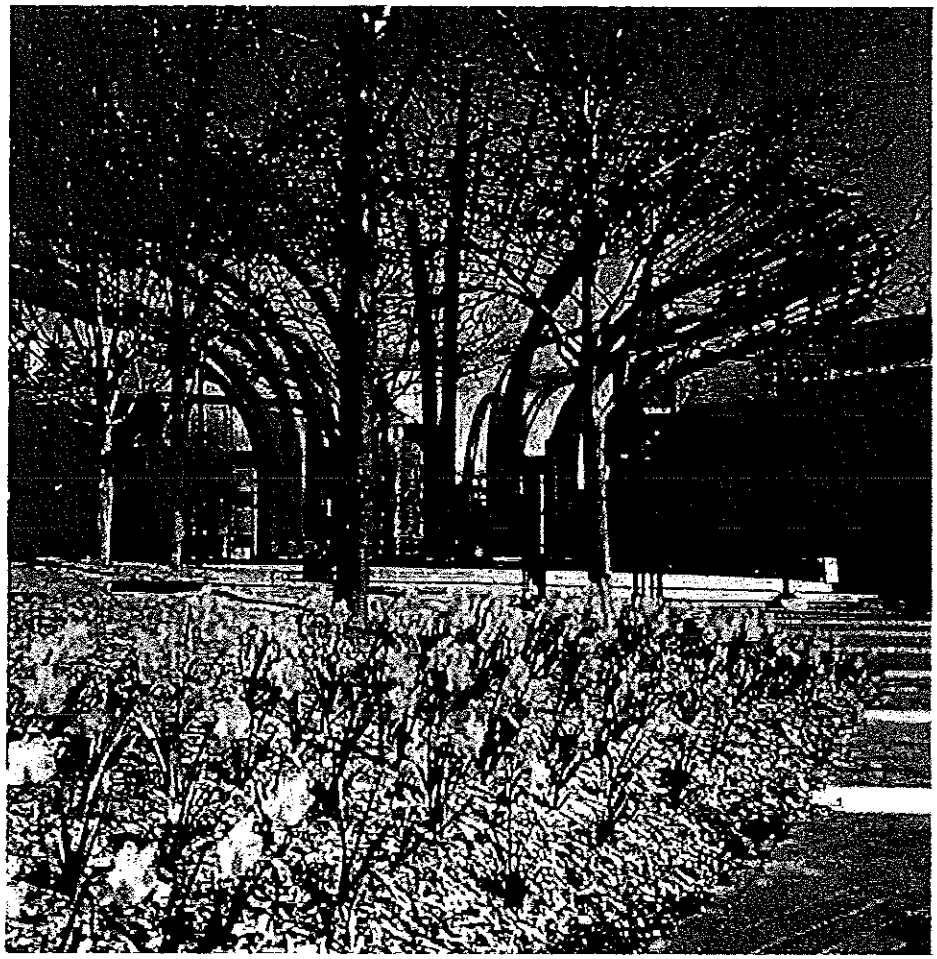

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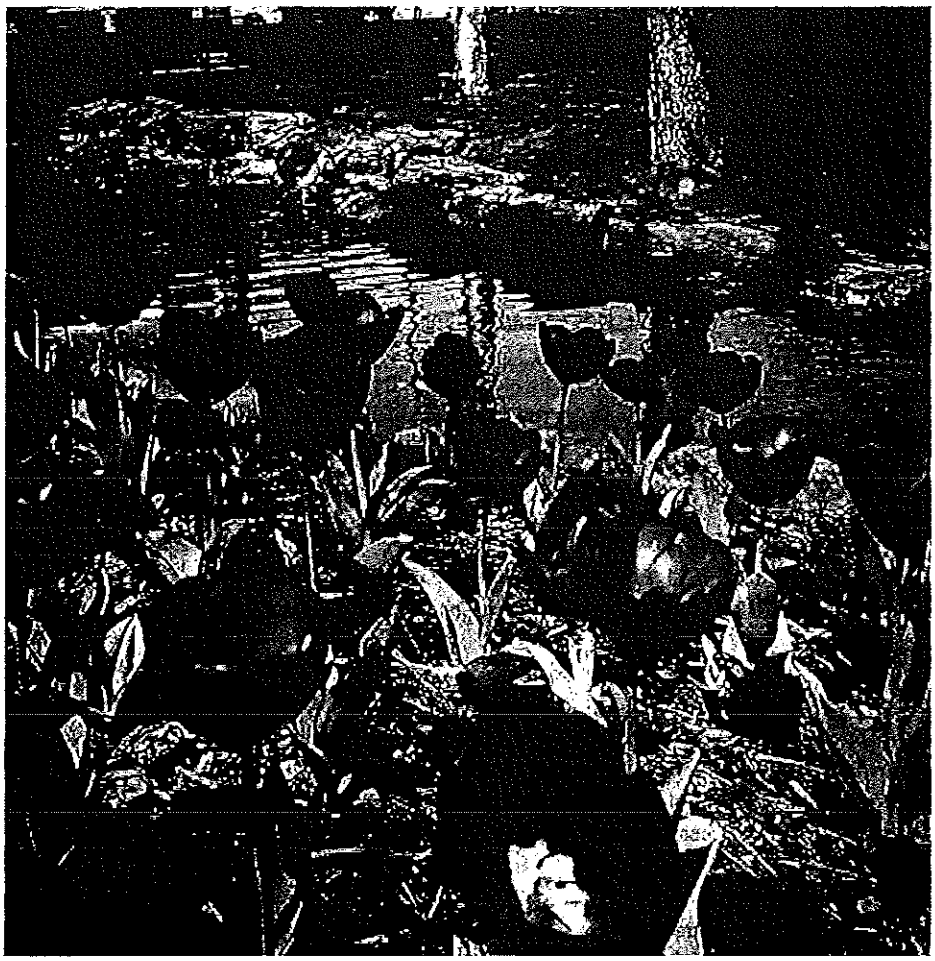


Council News

There was no Council Meeting this week; however, we are preparing the agenda for next week's meeting, which is set for Tuesday, March 8. We will begin at 6pm with a Work Session covering the possibility of a new dog park for Spruill Park and a discussion about the City Manager's signature authority. As well we will have an Executive Session to discuss legal matters regarding the Town's website developer.

Our Regular Session will begin at 7:30pm and cover items related to a contract for the installation of new illuminated street signs, the purchase of 14 new Ford police vehicles and a resolution increasing the fuel flowage fees at our airport by 2 cents. We will also consider a construction contract for drainage channel improvements on Addison Airport and refunding bonds.

As I mentioned above, **our next Spring Town Meeting is planned for Monday evening April, 11, beginning at 7pm at our Addison Conference Centre.** We will have a number of exciting presentations and plenty of time for your questions. I hope you will plan to join us for this fun spring Addison tradition.

Exhibit B

We will be having a City Council election this spring in Addison. Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.**

Early Voting: Monday, April 25 – Friday, April 29 (8am - 5pm); Saturday, April 30 (8am - 5pm); Sunday, May 1 (1pm - 6pm); Monday, May 2 - Tuesday, May 3 (7am - 7pm).

- Addison location for ALL precincts for Early Voting : Addison Fire Station (Central Fire Station), 4798 Airport Parkway.
- Dallas County residents can Early Vote at any Dallas County Early Voting Location. Additional locations are available on the Dallas County election website.

Election Day May 7: (7am - 7pm) Residents will need to vote at the location that corresponds to their precinct number.

- Precincts 2900 & 2901: Addison Fire Station #2, 3950 Beltway Drive
- Precincts 2902, 2903, 2904, 2905: Addison Fire Station #1 (Central Fire Station), 4798 Airport Parkway

A new opportunity for you to participate! Last week the Council approved adding a **liaison role to the Community Partners Bureau for the Cavanaugh Flight Museum.** As a Bureau liaison, you will represent the Town of Addison with the Museum. If you have questions about this role or the Community Partners Bureau, please contact one of the Council liaisons to the Community Partners Bureau, either Bruce Arfsten at barfsten@addisontx.gov or Ivan Hughes at ihughes@addisontx.gov.

If you would like to be considered for this role, please let City Secretary Laura Bell know by next Friday, March 11. Please send Laura your contact information and a brief statement why you would like to be the Community Partner Bureau liaison for the Cavanaugh Flight Museum. Laura's e-mail is lbell@addisontx.gov and her phone number is 972-450-7000.

Business Development

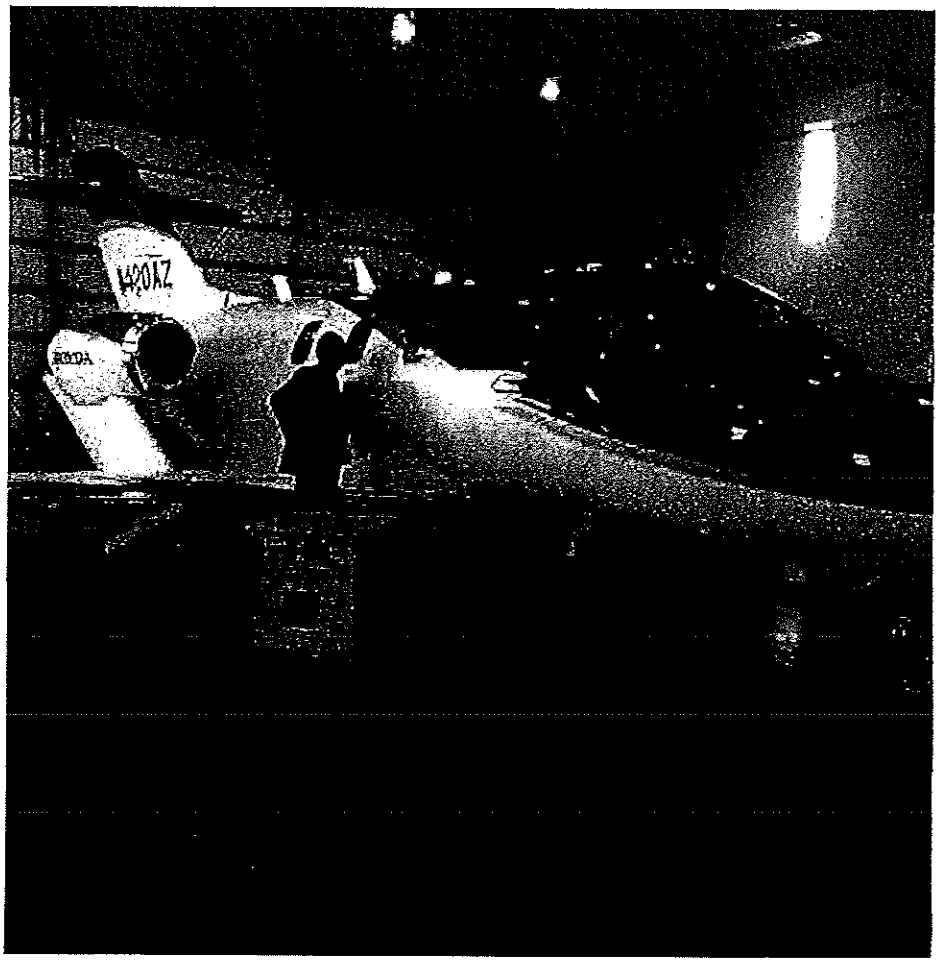
The Lewisville City Council met at our Addison TreeHouse on Monday evening! Yes, the Mayor and a quorum of the Lewisville City Council, along with their City Manager and staff, convened at our **TreeHouse to learn more about our success** with that important part of our economic development strategy. Director of Economic Development Orlando Campos, Economic Development Manager Drew Dietrich, Co-Founder/CEO Trey Bowles of the Dallas Entrepreneur Center and I welcomed their group and provided an overview of the TreeHouse's purpose, benefits and structure. In addition to a tour of our facilities, we were able to answer questions and help them think through the issues related to adding their own similar program in Lewisville.

I emphasized the very important role the TreeHouse plays as part of our five pillar Addison economy; our

office space, airport, restaurants, hotels and, of course, our TreeHouse where entrepreneurs grow their dreams into Addison-based reality. In just our first 18 months, we have helped provide support to over 120 startup businesses. **It was an excellent conversation and opportunity for us share the success of our TreeHouse venture in hopes of helping Lewisville replicate our success.**

On a beautiful Addison Thursday afternoon I joined Council Colleagues **Dale Wilcox and Ivan Hughes, along with our City Manager Wes Pierson,** for a visit with our Addison Airport customer Cutter Aviation, at 400 Claire Chenault Drive, to take a look at their newest addition. What a beauty! **HondaJet Southwest and Cutter Aviation** held a showing of the newly certified HondaJet. With its clean sheet design and cutting edge innovation, "the HondaJet is truly the world's most advanced light business jet." **Cutter Aviation's Director of Special Projects Mike Livezey was on hand to answer questions and provide tours of this new concept aircraft.** This jet is a twin turbofan aircraft with a low fixed wing. With a range of just over 1,300 miles and a speed of over 460 miles per hour, this aircraft comes equipped with all the latest avionics and is made of very high tech materials. Cabin space is very comfortable for four adults and each passenger seat is capable of reclining. As you might be able to tell from my photos the aircraft is relatively short, with an overall length of almost 43 feet, and has a wingspan of just under 40 feet. This photo includes **Mike Livezey of Cutter Aviation, John DeLawyer** Regional sales Manager for HondaJet southwest and **HondaJet Southwest Chief Pilot Hall Lewallen.** Very impressive! And as you might guess, they are available for purchase.

Exhibit B



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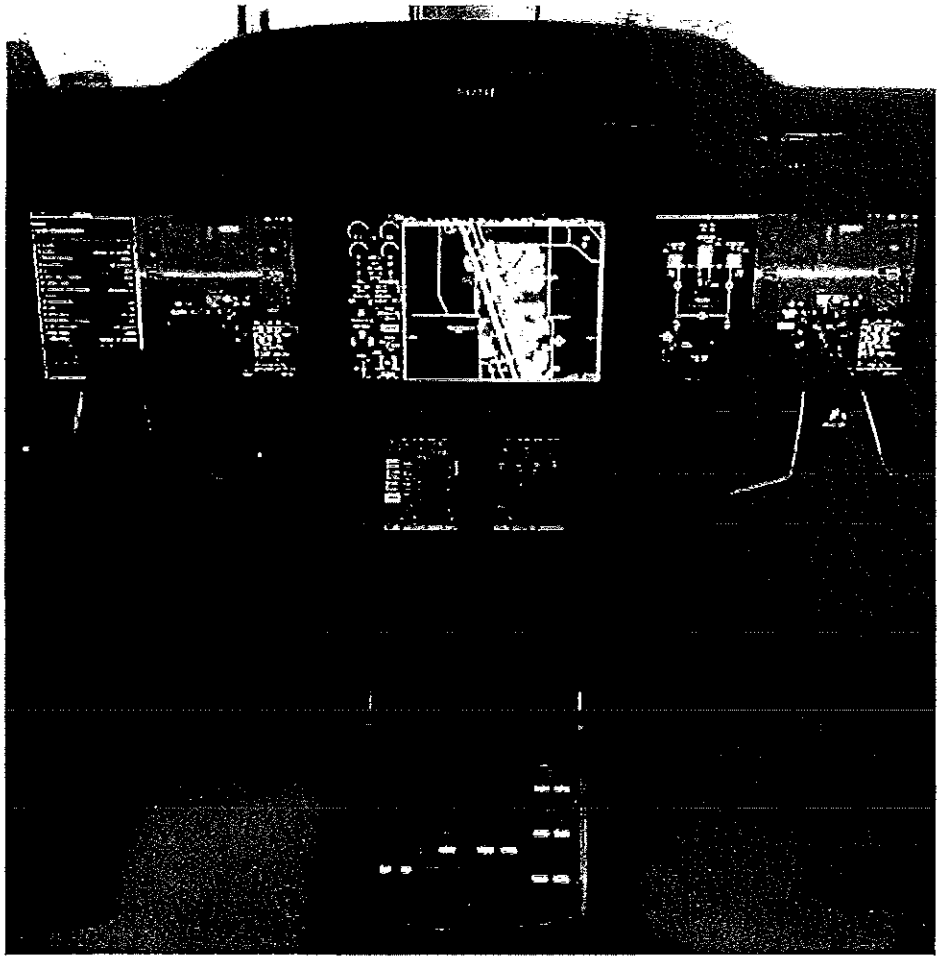

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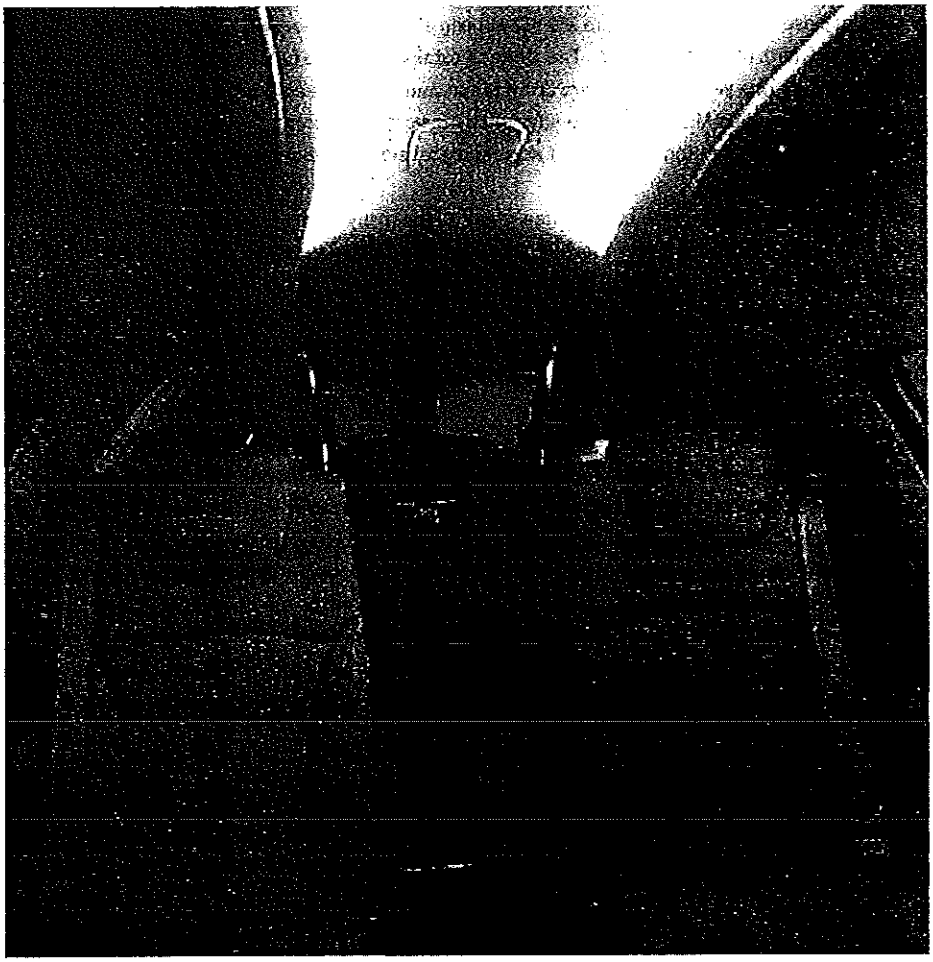

Around Town

Over 40 folks showed up for our First Wednesday of the Month Coffee with the Mayor at Dunn Bros at 10am with their usual list of very good questions. We began our conversation **recognizing each of my Council Colleagues, Janelle Moore, David Heape, Mary Carpenter, Ivan Hughes, Dale Wilcox and Bruce Arfsten, who were all present, and our crowd of our neighbors warmly thanked each of them for their service to Addison.** I spoke briefly about **our booming Addison economy** with the new office building under construction and more planned, two new hotels under construction, our new Addison Grove development, exciting developments for our airport, more restaurants and, of course, our TreeHouse as mentioned above. I also mentioned that our **Beltway/Proton trail and lighting project is coming along and that a crosswalk and stop signs will be added at the corner of Beltway and Les Lacs to further slow traffic and discourage cut through traffic.**

One of the questions asked on Wednesday, as it is at every Mayor coffee, was an inquiry about **the status of our Wind Turbines project.** As you may know we are in litigation with the manufactures and

installers of those wind turbines that are still not working on top of our new water tower on Surveyor Boulevard just north of Belt Line Road. **The Council retained outside counsel to represent Addison in this lawsuit over one year ago; they are John Sloan and Doug Lukasik with the construction specialty law firm SloanMatney. I have attached a memo those attorneys prepared and sent to Council this week containing a couple of surprising revelations about the status of our case.**

I did bring for those in attendance at the coffee copies of the memo from our attorneys about the wind turbines, another about the Addison Grove development, copies of the remarks our transitional audit consultant Larry Kanter provided to Council last week and copies of the report police Chief Spencer provided to Council last week about his new policies with respect to underperforming hotels. If you would like copies of any or all of those documents or reports just let me know. **Our next Coffee with the Mayor will be Thursday, March 17 at 6pm at the Sidewalk Café in Addison Circle.**

Addison-The Magazine of the North Dallas Corridor held their annual Top Female Executive of the Year award luncheon on Wednesday and Council **Colleagues Janelle Moore, Mary Carpenter, David Heape, Ivan Hughes, Dale Wilcox and I were joined by City Manager Wes Pierson and Director of Public Communications Mary Rosenbleeth** to celebrate the recognition of **our own Addison resident Andrea "Andi" Jennings, who is President and CEO at the Lucas Group, as the winner of the 2016 Top Female Executive.** Andi thanked her entire professional team who are national leaders in the executive recruitment field and expressed great enthusiasm for the award and the opportunity to be part of our Addison community. **Congratulations, Andi, we are very proud of you!** It was a sold out event that has become an annual tradition - a very **well done tradition - by Addison Magazine publisher Rodney Hand and his great team.**

I am happy to report that yesterday, the Town of Addison successfully transitioned its 911 dispatch to the new NTECC facility and is operating without any issues. The transition went smoothly and our staff's preparation allowed them to execute this complex transition in an impressive fashion.

On March 14 and 16 we will be hosting community meetings to gain your input on the Master Transportation Plan, specifically on the current master transportation plan; transportation goals; traffic/congestion/intersections; connectivity and alternative modes of transportation. The meetings, which will be held from 6pm-9pm at the Addison Conference Centre, will be conducted in an open house format so feel free to come when your schedule allows. There will be a brief presentation at 7pm on both nights.

Coming Events

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Tuesday, March 8, 7:30pm: Addison City Council Meeting, Addison Town Hall, 5300 Belt Line Road

Thursday, March 10, 4pm – 8pm: City Council Strategic Planning Session, Greenhill School Library, 4141 Spring Valley Road

Exhibit B

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting for the Town's Master Transportation Plan, 15650 Addison Road

I am so proud of our Council and staff working closely together to work through the challenges of our past and consistently and conscientiously putting what is best for Addison at the forefront of all of our work and looking ahead to our future.

All is well in Addison, Texas.

Todd

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Addison, TX 75001

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Exhibit B

From: Jim Duffy [redacted]
Sent: Friday, March 4, 2016 6:57 PM
To: Todd Meier
Cc: Wesley Pierson
Subject: Mayor's Update

Mayor Meier,

I request you immediately clarify and correct your statement in today's Weekly Update from Mayor Todd Meier regarding the upcoming election.

Your statement:

We will be having a City Council election this spring in Addison. Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.**

That statement is inaccurate, totally misleading and clearly political, although I suspect you knew that when you wrote it. In Addison we have three council seats available in the upcoming election and six candidates have filed to fill those three positions. Three are incumbents and three are not. This is not three citizens running against three incumbents, it is six citizens running for three seats.

As this newsletter is represented as a Town of Addison publication and Town resources are used to produce it I request a proper correction be released to everyone who received the "newsletter". In the interest of fairness I suggest future listing of council candidates be in alphabetical order. If you are going to continue to use the incumbents titles with their names in this context I think the other candidates' listings should include their former titles, i.e. former Councilman Jim Duffy, former Farmers Branch Councilman Paul Walden, former Commissioner Al Angell.

I fully expect you will continue to use this publication to promote the incumbent council members which is totally inappropriate if not illegal. I am asking City Manager Pierson to monitor your missives to assure fair and honest representation of all candidates in the upcoming election. I will leave this as a request for now.

Jim Duffy

Exhibit C

From: Todd Meier <tmeier@addisontx.gov>
Subject: Re: Mayor's Update
Date: March 5, 2016 at 9:30:41 AM CST
To: Jim Duffy [redacted]
Cc: Wesley Pierson <wpierson@addisontx.com>

Jim, thank you for your suggestions. I will outline the parameters of the election this next week more explicitly. I am very careful to avoid anything that would amount to political advertising so mentioning your past council service or work with Spring Valley Constriction Co. may not be appropriate for the newsletter. Todd

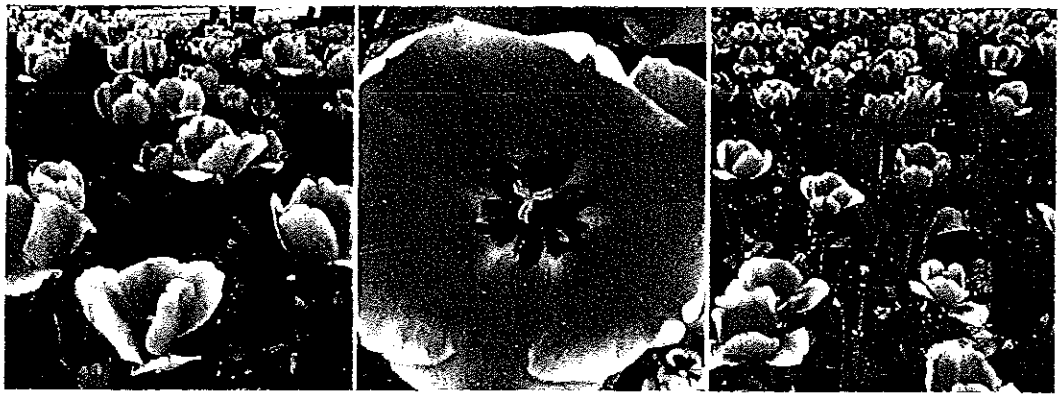
Sent from my iPad

Exhibit D

From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, March 11, 2016 4:00 PM
To: <halpern@mindspring.com>
Subject: Weekly Update from Mayor Todd Meier, 3.11.16

Dear Neighbor,

It's been a spring-like week, a rainy week, that will bring out the Addison color and get our beautiful tree canopies budding! As you can see from our tulip photos this week and last, our Parks and Recreation Department crew has been very busy and hard at work.



I hope you noticed our post card in the mail this week about our **Community Meetings** next week where we will be seeking your input on our **Master Transportation Plan.** On Monday evening, March 14 from 6pm to 9pm and again on Wednesday evening, March 16, from 6pm to 9pm Addison staff will conduct an open house format meeting with a presentation beginning at 7pm. The topics will include the current Master Transportation Plan, transportation goals, traffic/congestion/intersections, and connectivity and alternative modes of transportation. I hope you will plan to come join us; there will be graphics for you to review and plenty of opportunity for your input. Both meetings will be **held at the Addison Conference Centre.**

Council News

Our first Work Session item for our **meeting on Tuesday, March 8** was a discussion of **a possible new dog**

Exhibit E

park for Spruill Park in Addison Circle. Our Interim Parks and Recreation Director **Michael Kashuba** brought the Council an excellent concept for converting about half an acre of that 1.56-acre park into a very nice dog park. Michael presented a PowerPoint that showed Addison Circle is an underserved neighborhood. The Spruill Park location makes good sense since it is very close to that densely populated, under-served community currently using it as a dog park and because the current infrastructure would easily support this additional use. **Billy Dries**, the chairman of our Dog Park Committee, and other members of the committee have worked with Michael and our staff in helping to develop this concept and endorse this new plan. To view the Dog Park Study presentation, please click here.

The projected budget for the park would be about $150,000 and we already have raised $40,000 from the good folks at Post Properties as a private donation to the Addison Legacy Foundation earmarked for this project. Each of the Council Members expressed enthusiasm for the project and we all agreed to let the private community have more time to generate donations for the new dog park before the Council takes it up as a funding option. Hopefully we can generate additional private funds and reduce the reliance on the Town budget for funding. **Several very excited residents have offered to help generate these donations before the Council takes the matter up this summer during our budget discussion for 2016-2017.**

Our second Work Session item was **a discussion of the signature authority of the City Manager. This agenda item was prompted by our new City Manager Wes Pierson.** When he started with us he had the natural question of understanding the clear direction from Council on his signature authority. Addison's City Attorney Brenda McDonald reviewed all of Addison's documents, including our Charter, and brought forward a proposed ordinance that consolidated the language and authority from all of our current documents into one ordinance. **It was an excellent discussion and brought clarity to an important issue.**

We had two speakers during our **Public Comment section**. Resident **Neil Hewitt** spoke in opposition to the new stop signs planned for the intersection of Les Lacs and Beltway. Resident **John Price** spoke and suggested that in the past several years more than $58,000 has been directed toward private rotary clubs and that those funds may be better directed toward paying Addison police officers.

During the Regular Meeting, the Council approved the minutes from our last meeting on February 23, including a resolution establishing guidelines for signage for Open Carry at open public meetings and a contract for the installation of 137 illuminated name street signs with durable specialties in an amount not to exceed $71,925.

Item 10 concerning the resolution to **increase the fuel flowage fee at Addison Airport, which had not been changed since 1994, by 2 cents was discussed more fully.** The original presentation was re-presented by staff and then the council considered a request from our newest customer at the airport, Sky BB, to be grandfathered into the lower past fuel flowage fee. After lengthy discussion, the Council decided that such a provision would be unfair to our current customers and **unanimously approved the staff's recommended fuel flowage fee increase of 2 cents per gallon effective April 1 this year.**

Item 9 concerning the purchase of our **14 Ford Police Pursuit Vehicles (PPV)** was discussed further as well. There was extensive comment and discussion that covered costs and financial analysis, as well as our Addison brand, our value proposition and working conditions for Addison officers. I encourage you to take a quick look at this link for the entire, interesting conversation. **The Council did approve the staff's recommendation to purchase the 14 Ford Police Vehicles including the latitude to create some unique and distinctive graphic designs.**

Exhibit E

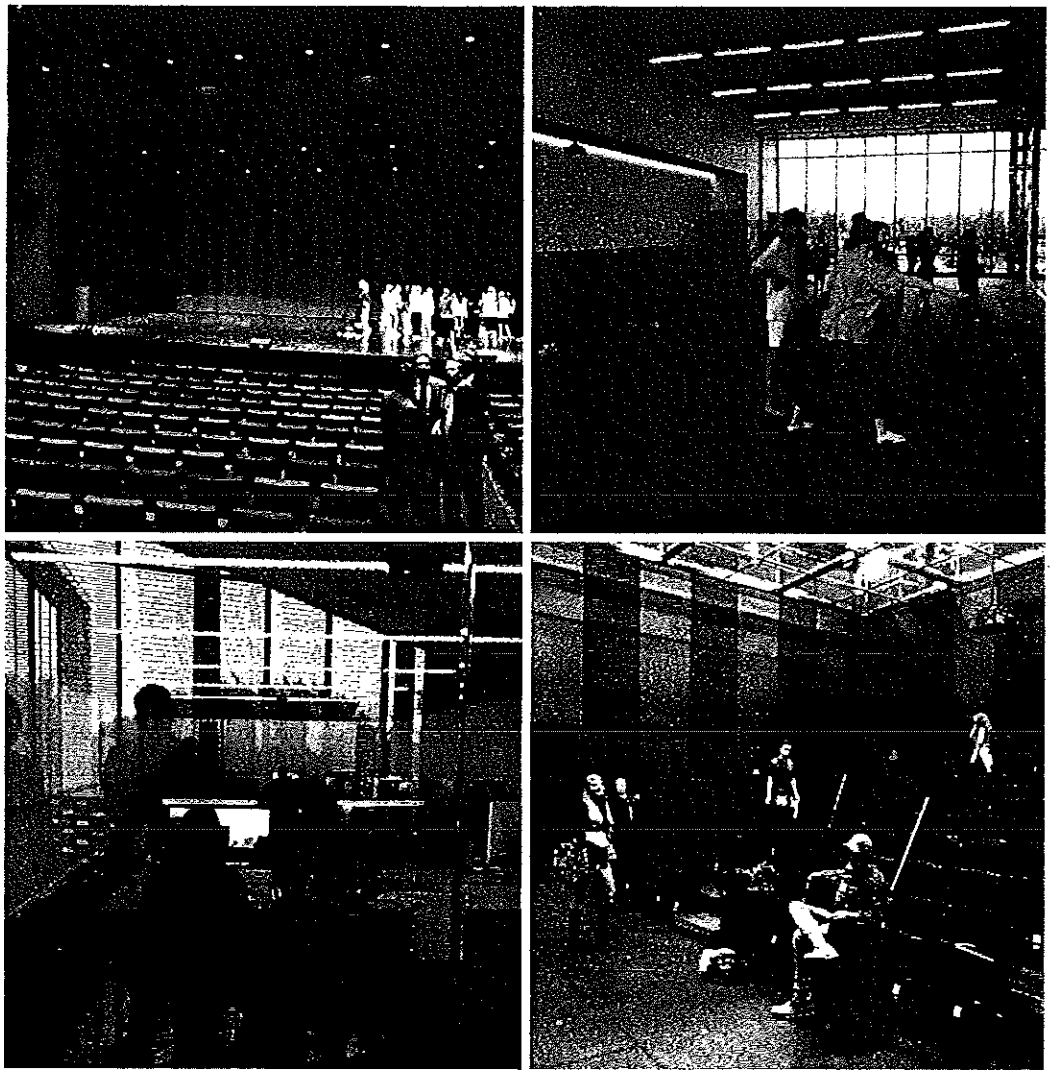
The Council approved the staff-recommended construction contract with McMahon Contracting for the construction of the **northwest drainage improvements located on Addison Airport in an amount not to exceed $762,470.09.** This is a plan and project that was approved last summer during our budget sessions and is within the projected budget parameters with funds coming **from our stormwater fund.** The project is expected to take 6 months to complete.

The most exciting news for the evening came from our CFO Scott Neils who let us know that we are able to refund and refinance $26,540,000 of our bonds. We will be reducing our interest rate from 4.95% to 2.81% and we will not be extending the maturity dates! The result? **We will be saving $2.8 million over the terms of the bonds or $160,000 per year in interest costs! This is great news for us all.**
Our final action of the evening was the Council **approval of the new ordinance outlining the signature authority of the City Manager that we reviewed in our Work Session earlier in the evening.**

Some of you have noticed some issues with our website. As you may recall three years ago we embarked on a project to completely redesign and upgrade our website. During an Executive Session the Council was advised by our city attorney of legal action that was taken against our supplier, New York-based Jesse James Creative, to enforce their performance on the contract. Council made a motion to affirm staff's decision to pursue this legal action.

We adjourned at a very reasonable 8:26pm.

On Thursday afternoon, March 10, the Council met in the library of Greenhill School for the third in a series of **Strategic Planning and Visioning sessions**. Before we began our formal session, Head of School Scott Griggs gave us a tour of their spectacular new Performing Arts Center. After almost two years of work, the 55,000-square-foot facility was completed in February. I'm not sure if you can tell from the photos, however the main performance hall seats 600, the very innovative black box theatre seats up to 125 and there is plenty of space for construction of sets, classrooms, a dance studio with a suspended floor and finally a spectacular film lab that is already producing award-winning work from students. **Scott was very quick to praise our professional staff for working so closely with the construction folks to help bring this spectacular facility to fruition.**



After our tour we went to the library for our formal Work Session to continue our Strategic Planning and Visioning process. **Our entire Council, Mary Carpenter, David Heape, Janelle Moore, Ivan Hughes, Dale Wilcox, Bruce Arfsten and I, was once again present and very actively and creatively engaged in the process.** For this third, almost four-hour session, we built on the important work we had done in the first two stages with a discussion led by our facilitator on developing a picture of "what success looks like." We took a look ahead at what we would like to see for Addison in 2025 with a very creative idea exchange and collaborative process which, when completed, will give us some "fence posts" to focus on over the next few years. As our facilitator Mike Mowery with Strategic Government Resources said, this process will help us have "eyes on the points out in the future and then we get where we want to go." Mike also commented that **"we have a great team in place that is focused on the big picture and works very well together."** The Council will continue our work and we will keep you well informed along the way of this very important planning journey.

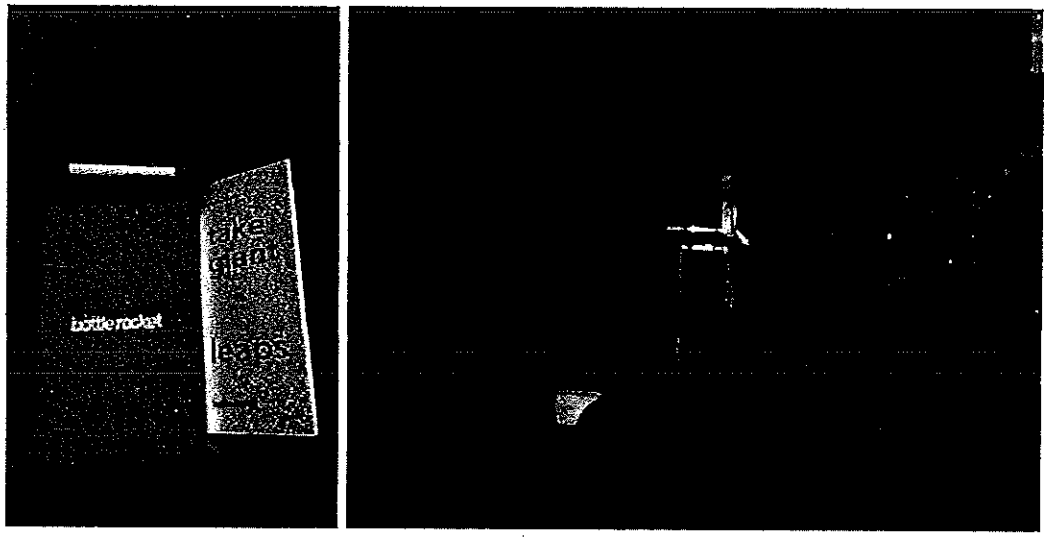
Exhibit E

Business Development

Congratulations to **Frost Bank on being recognized as the 2015 Metrocrest Chamber of Commerce Business of the Year.** The Addison branch is led by Senior Vice President Jeff Laceky, who attributes their success to a focus on "personal service, advanced technologies and Texas values." Their award was presented last Friday evening, March 4, at the annual Metrocrest Chamber of Commerce Awards Dinner at Addison's Crowne Plaza hotel. At that very same event, Addison's **Deputy City Manager Cheryl Delaney was presented with the award for Addison Rising Star for 2015.**

On Thursday, March 10, **Addison-based Bottle Rocket hosted over 150** of their top clients and potential clients at the Addison Conference and Theatre Centre for their Annual Mobile Summit to discuss new innovations in app development. The event brought in representatives from many well-known brands from around the country. I had the opportunity to welcome them to Addison, brag a little bit about our community and say how proud we are to have Bottle Rocket based in Addison. I also had the opportunity to introduce Bottle Rocket Founder and CEO, Calvin Carter.

Calvin made the big announcement that the company has now gone international! Aside from being headquartered in Addison and having an office in New York City, the company just opened a new location in London this week. To date, Bottle Rocket has launched more than 150 mobile apps for companies such as Coca Cola, the Food Network, Starwood Hotels, Chick-Fil-A, and NPR – just to name a few. The company has won many prestigious marketing awards, including an unprecedented four Apple Hall of Fame awards. This speaks very highly of the creative employee talent found right in our own backyard. Their summit concludes Friday, March 11 around noon and immediately following the close of their session here, Bottle Rocket will take some of the participants on a chartered bus to Austin's South by Southwest Festival.



Around Town

Last Friday afternoon, March 4, Addison's Police Department held their first **Coffee with a Cop** at the Original Pancake House on Belt Line Road from noon to 2pm. This new program is **part of Police Chief Paul Spencer's**

new Community Outreach Program, which includes plenty of opportunities to connect with our law enforcement professionals and help them keep us safe. **Lt. Denise Keith and three Addison police officers,** including our animal control officer, were on hand to answer questions and discuss some of the new programs that they have developed including upcoming Community Education Seminars, Tip411 which you can call to provide information and remain anonymous about crime in the neighborhood and Operation ID which is a nationally recognized burglary prevention program. With our new RAIDS online and offender watch, knowledge is power. You have the resources to know what is happening in your neighborhood by clicking on the "Crime Statistics" tab on the Police Department section of Addison's website, www.AddisonTexas.net. For a direct link to the Crime Statistics page, please click here. The Addison Police Department also has a Facebook page to further connect with our community. These are all very positive indications that Chief Spencer and the Addison Police Department place high value on community policing: "Crime prevention is a partnership with our community."

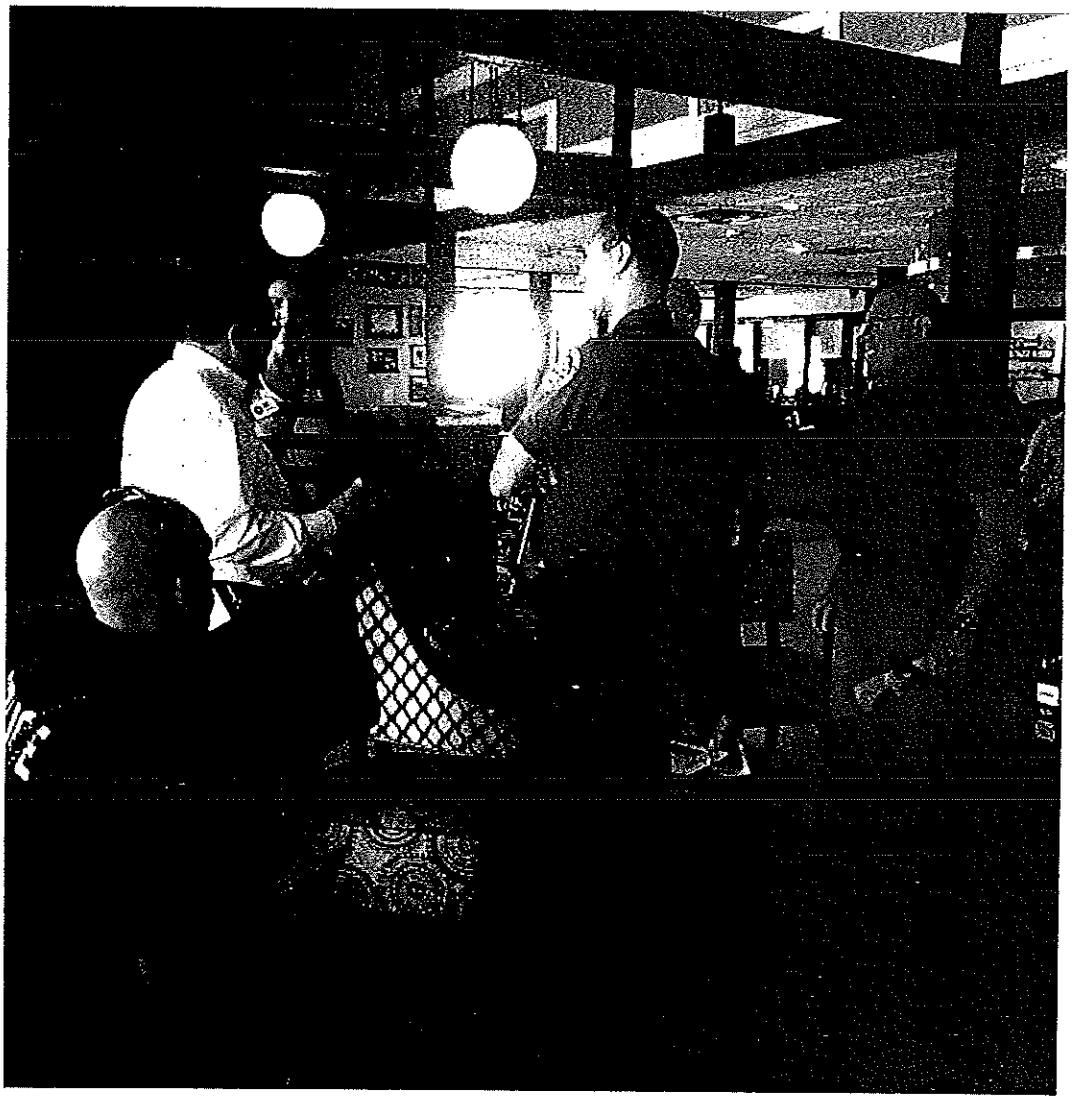
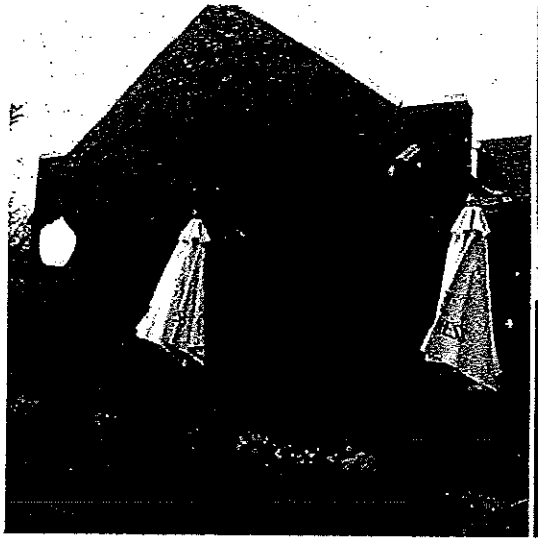


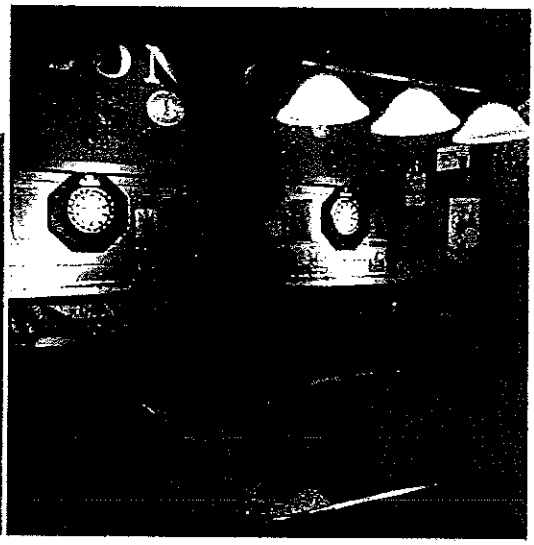
Exhibit E

On Monday morning, March 7, **we celebrated the life and community and Council service of Frank Klein, who served on our Council from 1997-2001, with the dedication of a beautiful red oak tree planted in his honor and donated by Frank's family just to the east of Town Hall.** This special event honoring Frank Klein and his devotion to Addison was attended by Frank's wife Marge and their entire family from around the country who came in town. They were joined by me and current Council Colleagues **Mary Carpenter, Ivan Hughes and Bruce Arfsten** along with past Council Members **Blake Clemens and Jimmy Niemann,** our entire city management leadership team and our Parks and Recreation team, who did all the hard work.

I am afraid the England-like weather may have hurt our attendance a bit at our monthly **Economic Development Luncheon** as only about a dozen of us braved the rainy weather to help celebrate The Londoner's recognition as the **"best place in America to watch soccer."** Director of Economic Development & Tourism **Orlando Campos** and Council Colleagues **Mary Carpenter, David Heape and Ivan Hughes** joined some of our most hardy neighbors for an excellent, very reasonably-priced lunch. The ambiance is clearly inspired by an English pub and the menu is similar with a few nice Texas touches. The Londoner is located at the northeastern corner of Midway Road and Beltway Drive; maybe you could go by, say hello to Rosie, congratulate their team on their new honor from ESPN Sports and stay awhile!

Exhibit E





On Tuesday morning, March 8, I joined Addison **residents Ilene Cohen and Carol Blair** for the monthly **Addison Circle Neighborhood Association** Morning Mixer **at the Sidewalk Cafe** in Addison Circle. This group meets to help create more neighbor-to-neighbor connections, build a greater sense of community for the folks who live and work in the Circle and bring the business folks together to help promote their businesses. Council Colleague **Ivan Hughes** joined us for a very good discussion that included their expressed enthusiasm for the possible new dog park at Spruill Park. In fact, Ilene and Carol both volunteered to help raise some private donations to get the park done! Now that is great enthusiasm for making a difference in our community. The Addison Circle Neighborhood Association meets monthly on the second Tuesday from 7:30am to 9am.

Coming Events

Monday, March 14 and Wednesday, March 16 from 6pm to 9pm: Community Meetings for the Town's Master Transportation Plan at the Addison Conference Centre, 15650 Addison Road

Thursday, March 17 at 6pm: Third Thursday Coffee with the Mayor at Sidewalk Café, 5030 Addison Circle. Bring your questions and comments for good discussion and I will buy the coffee!

I am so proud of our Council and staff for working closely together through the challenges of our past and consistently and conscientiously putting what is best for Addison at the forefront of all of our work while looking ahead to our future.

All is well in Addison, Texas.

I hope you enjoy your Addison weekend,

Todd

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You are receiving this email because you opted in to receive the weekly Mayor's Newsletter.

Exhibit E

Our mailing address is:
Town of Addison
P.O. Box 9010
Addison, TX 75001

Add us to your address book

unsubscribe from this list update subscription preferences

Exhibit E

James F. Duffy
3887 Ridgelake Ct.
Addison, TX 75001

Texas Ethics Commission
201 East 14th St.
10th Floor
Austin, TX 78701

RECEIVED
MAR 16 2015
Texas Ethics Commission

FROM: James F. Duffy (972) 998-5078
3887 RIDGELAKE CT
ADDISON TX 75001
US

SHIP DATE: 15MAR16
ACTWGT: 0.40 LB
CAD: 6990208/G5FO1621
DIMMED: 10 X 9 X 1 IN

TO Texas Ethics Commison
201 East 14th St
10th Fl
Austin TX 78701
(000) 000-0000 (US)
REF:
DEPT:

FedEx Ground

TRK# 7825 9695 4725

78701

9622 0019 0 (000 359 3871) 3 00 7825 9695 4725

SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

An individual must be a resident of the state of Texas to be eligible to file a sworn complaint with the Texas Ethics Commission. The complainant is required to attach to the complaint a copy of one of the following documents:

- complainant's driver's license or personal identification certificate issued under Chapter 521 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

An individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

OFFICE USE ONLY

Docket Number: SC-3160389

Date Hand-delivered or Date Postmarked

RECEIVED
MAR 30 2016
Texas Ethics Commission

I. IDENTITY OF COMPLAINANT #23605

1 COMPLAINANT NAME (REQUIRED)	MS / MRS (MR)	FIRST: John	MI: F.		
	NICKNAME	LAST: Oliver	SUFFIX		
2 COMPLAINANT PHYSICAL ADDRESS (REQUIRED)	ADDRESS: 14605 Hemingway Court;	APT / SUITE #:	CITY: Addison,	STATE: TX	ZIP CODE: 75001-7970
	(Full home or business address, including street, city, state, and zip code)				
3 COMPLAINANT MAILING ADDRESS [X] (check if same as above) (REQUIRED)	ADDRESS	APT / SUITE #:	CITY:	STATE:	ZIP CODE
	(Full street or mailing address, including city, state, and zip code)				
4 COMPLAINANT TELEPHONE NUMBER (REQUIRED)	AREA CODE / PHONE NUMBER / EXT: 972-488-0730	5 COMPLAINANT E-MAIL ADDRESS (REQUIRED IF KNOWN):	jfo3@tx.rr.com		

II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME (REQUIRED)	MS / MRS (MR)	FIRST: Todd	MI: O.		
	NICKNAME	LAST: Meier	SUFFIX		
7 RESPONDENT POSITION OR TITLE (REQUIRED)	Mayor, Town of Addison, TX				
8 RESPONDENT PHYSICAL ADDRESS (REQUIRED)	ADDRESS: 3785 Park Place;	APT / SUITE #:	CITY: Addison,	STATE: TX	ZIP CODE: 75001-4402
	(Full home or business address, including street, city, state, and zip code)				
9 RESPONDENT MAILING ADDRESS [X] (check if same as above)	ADDRESS	APT / SUITE #:	CITY:	STATE:	ZIP CODE
	(Full street or mailing address, including city, state, and zip code)				
10 RESPONDENT TELEPHONE NUMBER (REQUIRED)	AREA CODE / PHONE NUMBER / EXT: 972-978-9126	11 RESPONDENT E-MAIL ADDRESS (REQUIRED IF KNOWN):	tmeier@addisontx.gov		

GO TO PAGE 2

III. NATURE OF ALLEGED VIOLATION

Include the specific law(s) or rule(s) alleged to have been violated. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572, 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Subchapter C, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; (5) § 2152.064 and § 2155.003 of the Gov't Code; (6) § 306.005 of the Gov't Code.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be nocompliant and rejected.

SEE ATTACHED

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

SEE ATTACHMENTS

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

SEE ATTACHED

ATTACH ADDITIONAL PAGES AS NEEDED

VI. AFFIDAVIT

BASED ON PERSONAL KNOWLEDGE

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

I, _____, complainant, swear that I am a resident of the state of Texas. I swear that I have knowledge of the facts alleged in this complaint and that the information contained in this complaint is true and correct.

_____
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of
(Complainant)

_____, 20 ____, to certify which, witness my hand and seal of office.

_____ _____ _____
Signature of officer administering oath | Printed name of officer administering oath | Title of officer administering oath

VII. AFFIDAVIT

BASED ON INFORMATION AND BELIEF

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, John F. Oliver, complainant, swear that I am a resident of the state of Texas. I swear that I have reason to believe and do believe that the violation alleged in this complaint has occurred. The source of my information and belief is

SEE ATTACHED

NOTARY PUBLIC STATE OF TEXAS
VIRGINIA B WALLACE
My Commission Expires
October 7, 2018

John F. Oliver
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said John F. Oliver, this the 28 day of
(Complainant)

March, 20 16, to certify which, witness my hand and seal of office.

Virginia Wallace Virginia B Wallace
Signature of officer administering oath | Printed name of officer administering oath | Title of officer administering oath

III Nature of Alleged Violation

Addison Mayor Todd Meier has repeatedly violated the Election Code[1] by using Addison resources to publish "political advertising" in a Town-owned and Town-funded newsletter that is distributed to Addison residents via email each Friday, and that is also stored and made available on the Town of Addison's website.[2]

Complainant makes specific reference to the Texas Election Code, Title 15, titled "Regulating Political Funds and Campaigns." First, the act applies to officeholders:

Sec. 251.002. Officeholders Covered
(a) The provisions of this title applicable to an officeholder apply only to a person **who holds an elective public office** and to the secretary of state.
(b) For purposes of this title, a state officer-elect or a member-elect of the legislature is considered an officeholder beginning on the day after the date of the general or special election at which the officer-elect or member-elect was elected. This subsection does not relieve a state officer-elect or member-elect of the legislature of any reporting requirements the person may have as a candidate under this title.

Tex. Election Code, §251.002(a), (b) (emphasis added).

Fundamentally, this complaint originates with Chapter 255, titled "Regulating Political Advertising and Campaign Communications." Section 255.003 states:

§ 255.003. Unlawful Use of Public Funds for Political Advertising
(a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

Tex. Election Code, §255.003(a).

The code defines "political advertising" as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:
(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
(B) appears:
(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
(ii) on an Internet website.

[1] Texas Election Code, Chapter 258.
[2] The newsletter began as a staff publication, but was ultimately taken over by Meier, who used the list provided to the Town of Addison for purposes of receiving is newsletter. The Town of Addison maintains all past issues of the newsletter on its website (addisontexas.net). Addison's website also provides a link through which anyone can ask to be added to the email list for purposes of receiving the newsletter presently authored by Meier.

Election Code, §251.001 (16)(A),(B) (emphasis and highlighting added).

In addition, this commission has promulgated Texas Ethics Commission Rule 26.2 regarding newsletters of public officers. In relevant part, the rules state that a newsletter is not "political advertising" if:

> (1) It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
> (2) It includes no more than eight personally phrased references (such as the public officer's name, "I", "me", "the city council member") on a page that is 8 ½" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 ½" x 11"; and
> (3) When viewed as a whole and in the proper context:
> (A) is informational rather than self-promotional;
> (B) does not advocate passage or defeat of a measure; and
> (C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

Ethics Commission Rule 26.2(1)-(3).

The Ethics Commission also publishes "A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election," which emphasizes that "it is important to remember that the Texas Election Code prohibits the use of political subdivision resources to produce or distribute political advertising in connection with an election." Further:

> "Not only does this mean that the political subdivision may not purchase or authorize the purchase of new materials for use in creating political advertising, it also means that a political subdivision would violate the prohibition by using existing paper and machinery to generate, display or distribute political advertising."
>
> "Also, it is not permissible to use or authorize the use of the paid time of an employee of a political subdivision to create or distribute political advertising."

Pamphlet, p. 2. These comments regarding elections resonate in particular here, where Addison is conducting an election for three council seats on May 7, 2016, and it is very clear that Mayor Meier is supporting the three incumbents. Complainant urges that no amount of discussion with Meier or Addison officials has caused any adjustment in the content of Addison's Town-owned and taxpayer-funded newsletter, which Complainant urges contains political advertising on a consistent basis.

The Ethics Commission has considered issues relating to newsletters authored by public officials in the past. In Advisory Opinion 476, the Ethics Commission addressed the appropriate analysis:

> "The critical issue in determining whether an advertisement is 'political advertising' is whether it is a communication supporting or opposing a candidate or a public officer. Whether a particular communication supports or opposes a candidate or a public officer is a fact question."

Ethics Advisory Opinion 476 (2007), citing Ethics Advisory Opinion 102 (1992). Further:

> "A factor in determining whether a particular communication supports or opposes a public officer is whether the communication provides information and discussion of official activities without promotion of the public officer. The mere fact that the name of a public officer or the picture of a public officer appears in a newsletter would not determine whether the communication constitutes political advertising. However, the context and frequency with which the name or picture appears are relevant to making that determination."

Ethics Advisory Opinion 476 (2007). In Opinion 476, the Ethics Commission reviewed a council newsletter and calculated the number of times the councilmember's photo appeared and the percentage of the pages it covered. The Ethics Commission also reviewed the number of times the councilmember's name appeared as well as the typeset of the name (i.e., bolded and/or larger typeset). The Ethics Commission ultimately concluded that the newsletter "is a self-promotion of the public officer and thus, when viewed as a whole, constitutes support of a public officer for purposes of 'political advertising' as defined in section 251.001(16) of the Election Code." *Id.* The Ethics Commission therefore held that the use of public funds to pay for the newsletter was prohibited by the Election Code. The Ethics Commission further commented:

> "We stress that whether a particular communication supports or opposes a candidate or a public officer is a fact question that can be answered only when the communication is viewed as a whole. However, a public officer's newsletter that excessively uses pictures in which the public officer appears will almost always be political advertising. In our opinion, a public officer's newsletter that contains no more than two pictures of the public officer per page is not excessive use if the total amount of area covered by the pictures is no more than 20 percent of any page on which the pictures appear. Additionally, we caution on the use of personally phrased references, such as the use of the public officer's name, in particular when those references are set apart from other text."

Id.

In Ethics Advisory Opinion 506, the Ethics Commission held that a refrigerator magnet constituted "political advertising." From a factual standpoint, the Ethics Commission noted:

> The refrigerator magnet at issue prominently displays an individual photograph of a public officer standing in front of a representation of a city seal. Below the photograph, the name of the public officer appears in a print type size that is larger than any other text on the magnet. Additionally, the magnet includes the name of the public office held, the public officer's contact information, and the Internet website address for information about the public officer on the city's website. **The magnet also prominently features the phrase "DEDICATION to . . ."and a list of three items relating to activities of the public office: (1) Timely Constituent Response! (2) Responsible City Spending! (3) Standing up for residents, businesses, and for what is right andjust!** After the first item appear the words "Our #1 Priority.""

Id. (bolding added). The bolded language in particular will be applicable to an examination of the newsletters at issue in this case, where Meier consistently bolds and draws attention to matters favoring his perceived allies on the council, and disparaging and/or criticizing perceived foes on the council. Ultimately, the Ethics commission made the following comments regarding the issue of the refrigerator magnet:

> "In our opinion, the refrigerator magnet is a self-promotion of a public officer because the name and photograph of the public officer appear in an unduly conspicuous way and the three-item list promotes the public officer's priorities. When viewed as a whole, the magnet constitutes "political advertising" as defined in section 251.001(16) of the Election Code and for purposes of section 255.003 of the Election Code. Consequently, public funds may not be used to pay for the magnet.

Id.

IV Statement of Facts

Addison Mayor Todd Meier ("Meier") has repeatedly violated the Government Code, the Election Code and the Ethics Commission Rules by using Addison resources to publish "political advertising" in a Town-owned and Town-funded newsletter that is distributed to Addison residents via email each Friday (the "Newsletter").

The Newsletter began as a staff publication but was taken over by Meier, who used the list of emails that had been provided to the Town of Addison by residents and others for purposes of receiving the staff's Newsletter. The list has since expanded, including through a link maintained on the Town of Addison's website (www.addisontexas.net) that allows people to request that they be added to the list. The Town of Addison maintains current and past issues of the Newsletter on its website.

Although Meier is not a "governmental body," the Town of Addison claims that the email list used to distribute the Newsletter is exempted from disclosure under the Open Records Act. *See* Government Code §552.137 (exempting from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body."). When residents obtained the list through an Open Records Act request and used it to publish "Addison Watch," an alternative newsletter, Addison reversed course and claimed that the production was in error. Meier then threatened those in possession of the list with litigation, demanding that they cease using it as a condition to resolving the matter without filing a lawsuit.

The effect of all this has given Meier has a virtual monopoly on what residents hear and don't hear, as well as how issues and events are characterized. Meier regularly supports his allies and attacks his perceived foes, all using taxpayer money. As but one of many examples, and to provide the Ethics Commission with some initial perspective, here is how Meier is characterizing the upcoming May election, where six residents have filed for 3 seats:

> **We will be having a City Council election this spring in Addison.** Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.**

Newsletters, February 26, 2016 and March 4, 2016 (bolding is original).[1] The obvious support for sitting councilmembers is political advertising. Among other things, in contrast to the conspicuous use of the incumbent's titles, the description omits any reference to Mr. Duffy's prior service on the Addison Council, Mr. Walden's prior service on the Farmer's Branch Council, and Mr. Angell's prior service on the Addison Planning and Zoning Commission. Meier has been asked by Mr. Duffy to issue a correction, and at least one other resident has pointedly challenged the propriety of this description.

Taken individually and as a body of work judged over time, the Newsletter written by Meier is clearly self-promotional, and also regularly supports and praises sitting councilmembers perceived to be allies. Meier attacks foes on and off the council, including as a way of lending further support to sitting councilmembers. Whether viewed in detail or from a macro level, Complainant urges that Meier's one-

[1] These Newsletters are included as Exhibits A and B. Note as well that Mr. Angell's name was misspelled in the February 26th Newsletter.

sided commentary has the impact of supporting, directly and indirectly, councilmembers and candidates for office.

Complainant requests that the Commission find that Meier has committed violations of the Government Code, the Election Code and the Commission's rules as described herein, order him to repay Addison all sums associated with the use of Addison's resources to publish the offending Newsletters, and direct that Meier cease using Town resources in violation of these provisions.

Further, Complainant asks the Commission to find that Meier cannot use an email list as to which Addison has claimed an exemption from Open Records Act production under Section 552.137. Alternatively, Complainant asks that if Meier is provided access to such emails, that the Commission find that they are not subject to exemption under Section 552.137, and that the email list is therefore subject to being provided in response to an Open Records Act request.

In addressing particular issues herein, such as the Sam's redevelopment, Complainant is not trying to revisit the substance of the decisions. Rather, the focus of this Complaint is the continual characterization of events and people that are designed as self-promotion and support of both Meier and his perceived allies, all office holders on Addison's Council.

A. Self-promotion/support of councilmembers in Addison's January 29, 2016 Newsletter (including three who were then expected to, and have now filed for reelection in May 2016)

During December 2015 and January 2016, Addison residents learned that a proposal for redevelopment of a former Sam's store was being brought forward to P&Z, and ultimately to the council. Residents mounted opposition, culminating in organized picketing at the council meeting held on January 26, 2016. At the January 26th meeting, the proposal was considered and ultimately approved.

Three days later, on January 29, 2016, Addison residents received a Newsletter in which Meier purported to describe the events of January 26, 2016.[2] Meier went well beyond simply describing the council's action. Meier criticized and attacked those opposing the redevelopment project, sending a clear message that those who disagree with him can expect to be publicly attacked.[3]

Viewed in detail and taken as a whole, the Newsletter is self-promotional and also supports sitting councilmembers, including the three who were at the time expected to file for reelection (and now have done so). The Newsletter cannot be fairly characterized as informational. Meier started by describing his encounter with the picketers as follows (bolding is all original):

> After this brief meeting and on the walk over to the Conference Centre, Council and staff were met **by a group of about 30 very vocal and passionate picketers with signs who unfortunately expressed their displeasure in the form of insults and threats directed at me, my fellow Council Colleagues and our staff as we made our way to the Conference Centre for our Regular Council Meeting.** All of this was covered by TV news. It appeared to me that some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and**

[2] A copy of this Newsletter is included as Exhibit C.

[3] Of course, as noted, those attacked have no way to combat the tactics, given Meier's monopoly on the use of Addison's email list.

intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison.

As noted, the bolding is original. The characterizations of the opposition to the development as "threats" and "insults" is inaccurate and inappropriate. For the record, the picketers chanted "The Voters Say No" as councilmembers exited an executive session held in a separate building (the "Stone Cottage") and walked to the conference center where the open council meeting was to be held. After publishing this accusation, Meier was asked repeatedly to describe any supposed "threat" or "insult," as those present heard and said nothing of the sort. Meier has never responded. Indeed, there was a significant police presence at the meeting, and had anything untoward actually occurred, there were plenty of officers around to address it. Nothing happened.

Here is a photo that appeared in the Dallas Morning News, which provides a good example of the signs used by the picketers:

The Stone Cottage is seen in the background; the walk to the conference center would be from the front porch (where the white columns are) to the left.

Here is another photo with other views of the picketer's signs:

Complainant urges that none of the signs are insulting or threatening. They were examples of citizens exercising their First Amendment rights to criticize elected officials, to voice their opposition to the proposed development, and in some instances to state that citizens' votes would be influenced by the positions taken by councilmembers on this issue.[4] Attacking citizens for exercising their rights and characterizing that exercise as the casting of "insults" or "threats" sends a message to those who would disagree, and was unquestionably designed to have a chilling effect on First Amendment activities. Suggesting otherwise is an affront to democratic principles.

The statement that "some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison**" (emphasis original) is a characterization designed to paint councilmembers as victims, and to support the councilmembers who voted for the proposal. The majority of five included the three who have now filed for reelection in May (Heape, Moore, Carpenter), as was clearly expected when Meier wrote the January 29, 2016 newsletter. They are Meier allies and he supported them in the 2014 election.

The intent to support both the five voting in favor and the proposal itself is further evidenced by additional descriptions of the meeting. Regarding the developer's traffic engineer:

> **the developer's traffic engineer,** from the well-respected engineering firm Kimley-Horn, spoke. **(Incidentally, Kimley-Horn has served as the Town's engineering firm for more**

[4] Meier and at least one other councilmember responded to emails with an "I'll remember this at the polls" theme by calling such comments "threats." Two emails on this point are included as Exhibits D-1 and D-2.

than a decade.) He responded to questions from the Council and referenced his **200-plus page report** which had been validated by Cobb Fendley & Associates, another well-respected firm that has served as the Town's review engineers for many years. This visiting professional endured several rude interruptions from a few in the audience.

Again, the bolding is original. The clear effort of this paragraph is to support a position in favor of the proposed redevelopment, including by reinforcing the supposed qualifications of the traffic engineer. Again, this is designed to support both the vote for the proposal as well as the 5 who were the voters, which includes the three now up for reelection. The passage also continues Meier's attacks on the opposition. Meier continued:

Charles Goff, our Assistant Director of Development Services, returned to the podium to answer Council questions, **reaffirm the staff recommendation for approval** of this project and review the process for this redevelopment that actually began back in 2006. Since then the process has proceeded through the many meetings and iterations of the plan including **the Council's conceptual approval of this specific plan in an open and public work session in 2015, which included the approximate use mix and numbers of apartments, retail and fee simple housing reflected in this proposal.**

Emphasis is again original, and the passage again is written to support the plan and justify the vote for the plan, thereby lending support to the councilmembers Meier favors. Of course, the information is decidedly one-sided. For example, there is no mention that the concept plan had three times the amount of retail that was ultimately included in THIS plan, a point of *significant* contention amongst the opposition. Stated simply, in this and other descriptions, Meier continually twisted the facts to lead the reader to the conclusion that the proposal was sound, omitting all reference to the substance of opposing opinions. Meier bolstered these positions by attacking opponents as being "rude" and subjecting Meier and others to "insults" and "threats," when in reality opponents of the plan were merely exercising their First Amendment rights. At the same time, implicitly and explicitly, Meier continually supported the five who voted for the proposal and the proposal itself.

Meier continued:

Now very deep into the evening after our entire Addison professional team expressed their recommendation for approval of the proposed redevelopment of the Sam's site, it was time for the Council to finally consider a motion.

The comment about the "entire Addison professional team" is again designed to convince the reader of the propriety of the action, and thus is clear support of those councilmembers who voted for it. If the Commission watches the video (available on Addison's website), you will see that the substance of the motion was already written on a pad and read into the record. It did not appear to those in attendance that this writing was done during the meeting, suggesting that the motion was already prepared prior to the lengthy meeting. These important facts were not mentioned in Meier's one-sided description of the events.

Meier's discussion of this matter contained a three paragraph conclusion, and then a final paragraph at the end of the Newsletter. These four paragraphs confirmed and added to the violations by Meier. First:

> While at times during the evening I was deeply disappointed by some of my Addison neighbors' very rude and disrespectful behavior, **I was very proud of the diligence, thought and respectfulness of our entire Council throughout this challenging process**. In the end, I believe we completed this almost two-year long process by producing a very exciting result that incorporated **in true collaborative fashion** the recommendations of our entire **professional** staff; the recommendations of our P&Z Commissioners; our proposed Addison investor and home builder; and the concerns and opinions of many of our neighbors.

Emphasis is original. Complainant respectfully suggests that Meier's comments again violate the Government Code, the Election Code and the Ethics Commission's rules, dismissing opponents as "rude and disrespectful" and describing the council as being "diligent, thoughtful and respectful." This is political advertising.

Many residents also disagree that members of the council acted appropriately in connection with this entire discussion. For example, the reference to citizens' comments about how they would vote in May as "threats" evidenced a fundamental disconnect with the rights of voters to make decisions based on criteria of their own choosing.[5] As well, another councilmember actually threatened legal action against a citizen who participated in distributing leaflets about the proposed development, accusing him of "harassing" the council.[6] Where do concerned citizens let Addison's residents know about these highly inappropriate responses by councilmembers so as to correct Meier's inaccurate, self-serving, self-promotional, pro-his-people-on-council, selective rendition?

Substantively, many also found this paragraph misleading regarding the length of the process. As noted, THIS proposal differed in significant respects from the earlier concept plan. THIS proposal was first advanced publicly at the P&Z meeting in December 2015. Thus, many remain of the firm belief that this was, in reality, a 6-week process. This viewpoint was ignored by Meier's recitations, clearly designed to support what the council did, which in turn supports those who voted to approve the plan. The characterization of the proposal as "exciting" and the result as "collaborative" likewise lends support to the proposal and those who voted for it, all in violation of the law and the Ethics Commission's rules.

In addition, characterizing the result as incorporating "the concerns and opinions of many of our neighbors" is simply inaccurate. At three key meetings: P&Z, City Council I (1/12/16) and Council II (1/26/16), the vast, overwhelming majority of the public was opposed to this development. At the meeting at which the vote was taken, 46 people spoke, with 39 opposing the plan. The key components of the opposition were leaving the Beltway wall in place and putting no cut through street between Belt Line and Beltway. Neither was adopted, although the cut through street will initially have access limited to safety vehicles. In any event, the point of Meier's claim that "the concerns and opinions of many of our neighbors" were addressed was to continue his theme of leading the reader to conclude that the council was reasonable and responsible, while the opposition was "rude" and "threatening." This effort to support those voting in favor of the proposal is improper.

The first part of the second closing paragraph:

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[5] *See* emails are included at Exhibits D-1 and D-2.

[6] *See*, emails sent by Councilmember Janelle Moore, included as Exhibit E.

I realize change is very difficult, even frightening at times. As I get older I realize that even more, I have also come to know that change is inevitable. We had a choice here; we could fight change or we could embrace change and shape it. I am very pleased that a majority of the Council chose to embrace change and shape it. In fact 10 of the 14, or 71%, of the elected Council members and appointed P&Z Commissioners voted in favor of approving this redevelopment project.

Emphasis is original. Again, the attacks on the opposition are that they inappropriately "fought change," while the presumably more enlightened councilmembers "embraced change" and "shaped change." This is support of the proposal and those who voted for it, and is improper and violates the law and the Ethics Commission's rules. Note as well, the selective bolding of passages like this. The final sentence of the second closing paragraph:

Interestingly enough our two youngest Council Members, with the most future ahead and the greatest risk, showed the way with their courage to make the motion and the second and lead the conversation and collaboration to arrive at a point that bridged many of the gaps.

This statement is nothing less than boldly defiant of the law and the Ethics Commission's rules. It references two of the three now up for reelection (Moore and Heape), who are called "courageous" for making the motion (Moore) and seconding the motion (Heape). They are also described as "leading the conversation and collaboration to arrive at a point that bridged many of the gaps." And all of this was magnified by their youth because they supposedly had "the most future ahead and the greatest risk." Complainant urges that these statements, particularly in light of the upcoming May election, are unquestionably over the line in providing support for sitting councilmembers.

Complainant urges that this type of tactic, employed regularly by Meier in this weekly Newsletter, has skewed and distorted the political landscape and discussion in Addison for quite some time. Further, Meier is a lawyer, and the subject of this Newsletter (including the applicable legal authority) has been raised repeatedly at council meetings and in countless emails to the entire council, the City Manager and Addison's attorney. Meier defiantly continues these improper practices. The third closing paragraph:

I know it may be difficult for some at this moment to realize, but given time and the staff and Council's commitment to hold our new Addison Groves developer accountable, I believe this redevelopment project will make us all very proud.

Again, the opposition is marginalized as simply having "difficulty realizing" that this project was the right thing, and that the project will ultimately "make us all proud." Thus, the reader must conclude that the "enlightened" and apparently more intelligent councilmembers are in the right. And, of course, there is a clear hope that with such supportive statements from Meier, the readers will remember all this in connection with the May elections. It is political advertising and the use of taxpayer funds to publish the Newsletter is improper.

Meier concluded the Newsletter with one final commentary on the matter:

It's kind of appropriate that I welcomed the folks from the Methodist Hospital Wound Care Clinic to Addison yesterday. There certainly have been some wounds in Addison over the last few days and I hope we can all look to the future and let those negative feelings subside with time and the recognition that we are all neighbors and want the best for our Town of Addison.

The reference is clearly to the controversy surrounding the development, and again, the opposition is marginalized with references to the "negative feelings." It is extraordinary hubris. The opposition is repeatedly attacked throughout the Newsletter, taxpayer dollars are used to present an extraordinarily one-sided rendition of the events, the opposition is labeled unfavorably while councilmembers voting for the proposal are "courageous" and "enlightened," and now, having had one last round of attacks on the opposition, it's time to realize that "we are all neighbors."

And, of course as noted, there is no method for those who believe that this Newsletter was completely inappropriate, to reach the same audience with corrections and the other side of the story.

Taken in part or as a whole, this Newsletter is self-promotional and supportive of elected officials, including those who are now candidates. Complainant asks that the Ethics Commission hold that this letter constitutes political advertising and further, that its preparation and distribution using taxpayer resources violated the Government Code, the Election Code and the Ethics Commission's rules.

B. Improper support of Janelle Moore's candidacy in 2014.

There is precedent for Meier's improper use of the Town's Newsletter to support candidates, and thus deep concern that he will continue to use the Newsletter for this purpose. The tenor of the January 29, 2016 Newsletter foreshadowed what was to come, and the inappropriate description of the May election contained in the February 26, 2016 and March 4, 2016 Newsletters, as well as the substance of other issues contained therein, all confirm Meier's intention to continue to publish political advertising using Addison's resources, all in an effort to influence the upcoming May 2016 election.

Complainant's concerns are based on history. In 2014, Meier arranged for councilmember Janelle Moore to receive the "Rising Star" award from the Metrocrest Chamber. Literally, Meier alone chose the recipient of the award, and simply notified the Chamber of his choice. Complainant is aware of no other process for the award.

In March 2014, Moore was once again one of six candidates then running for council. In the March 7, 2014 Newsletter, Meier used the award he had arranged as a reason for publishing favorable information about Moore's resume:

> Council Member **Janelle Moore** whose outstanding academic career from Ursuline to University of North Texas undergraduate degree and her MBA from UT at Dallas, 12 years of professional success in the medical sales and business development field and remarkable community service work from Africa to Addison, was honored with the Chamber's **Rising Star Award.** Congratulations Janelle, you make Addison very proud.[7]

As with all quotes, the bolding is original. No other candidate had their resume included in the Newsletter in this fashion. Complainant urges that this was likewise political advertising, it was prepared and published using taxpayer resources, and it likewise violated the Government Code and the Ethics Commission's rules.

C. Attacks on prior management and employees as a way of supporting current councilmembers.

At the council meeting on February 23, 2016, Meier unquestionably began his reelection campaign for

[7] Exhibit F.

his three incumbent allies who had by then filed for reelection. Meier then used the February 26, 2016 Newsletter to continue the themes adopted at the meeting, all of which promoted and supported these three candidates. In the February 26, 2016 Newsletter, Meier continued the disparagement of Addison's prior management, staff and councils, essentially claiming that the current council, including the three incumbent candidates, had saved Addison from its purportedly awful past.

Brief background is needed to fully appreciate the nature of the problems with the February 26, 2016 Newsletter. Meier's began by arranging for a report from an accountant named Larry Kanter. Kanter had been retained by the Meier-led council more than two years ago, ostensibly to conduct what was then called a "transitional audit." Many were skeptical at the time that the council's real purpose in retaining Kanter was to find a way to attack then City Manager Lea Dunn and/or her predecessors.[8]

At the council meeting on February 23, 2016, Kanter gave his presentation, disparaging former management while effusively praising current management.[9] Kanter accused prior management of refusing to cooperate with him, but made no mention of the fact that (a) his accusations in this regard were more than a year old, and (b) management had strongly refuted Kanter's accusations *in writing*, also more than a year ago. These facts were unquestionably necessary to provide the listening public with a fair and complete picture of the events, but neither Kanter nor any member of council provided this information. Request had previously been made under the Open Records Act for records relating to this dialog between Kanter and prior management, but Addison took the position that such documents were privileged.

The purpose, timing and the incomplete nature of Kanter's discussion, including the more-than-a-year-old allegations of non-cooperation, were suspect to many.

All questions about Kanter's point and purpose were answered in the February 26, 2016 Newsletter. First, as previously noted, this is the Newsletter in which Meier first mischaracterized the upcoming May election:

> **We will be having a City Council election this spring in Addison.** Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.**

Newsletter, February 26, 2016 (bolding original).[10] This is political advertising in and of itself. But, while the description is horribly misleading and favors and supports incumbents, it also confirms Meier's keen awareness of the upcoming election.

The remainder of the Newsletter, including countless uses of bold typeface, defines the reelection campaign Meier apparently intends to run for his three incumbent allies. Meier repeatedly attacks the past, and extols the virtues of the present, thereby supporting the present council, all of whom are

[8] Lea Dunn left Addison by offering her resignation to the council, subject to receiving the severance package available to her by contract for a "without cause" termination.
[9] Many questioned both sides of that equation, including because under American Institute of CPA Professional Conduct Rules, accounting professionals are required to maintain objectivity and impartiality.
[10] Exhibits A.

portrayed as essentially saving Addison from its supposedly terrible past.

Meier starts by addressing the controversial decision to retain Kanter, in bold type: "The need for and value of this transitional audit became abundantly and undeniably clear with the conclusion of Mr. Kanter's prepared comments." This was designed to support those who voted in favor of this controversial decision, as well as those who have supported Kanter's continuing (seemingly never ending) work in Addison. This remark is followed closely by a dramatic, once-sentence paragraph that says: "That is the past." From there, Meier cites Kanter as saying that when the Interim City Manager arrived, i.e., the CM who followed Lea Dunn, "everything changed" and "the staff because very cooperative." Meier used "buzz phrases" like "tone at the top" and claims that Addison is on its way "to significant improvement in all areas." Concluding:

> **This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction her and the path is now clear for success.**

Newsletter, February 26, 2016 (bolding original). Complainant urges that this is shameless self-promotion, and an effort to support sitting councilmembers, including the three incumbent Meier allies who are up for reelection. The suggestion is that "all" was broken, it was not acknowledged, the tone at the top was bad, Addison wasn't headed in the right direction, and wasn't on a successful path. It is political advertising.

The controversial nature of Kanter's work and his presentation were in no way acknowledged, even as Addison continued to conceal documents that would present a very different perspective from prior management. In considering the political nature of Meier's one-sided comments, Complainant offers the comments of retiring Addison employee Louise Calvillo, who posted the following comments on the Truth In Addison Facebook page:

> "I have worked for the Addison Police Department nearly 23 years and always been proud to say I worked for the Town of Addison. I'm 67 and could have retired a few years ago, but chose not to because it was a great place to work. I always said when it's not fun anymore, I'll retire. I did my exit interview today, as I'm retiring tomorrow. One of the questions was: On a scale of 1 to 10, how would you rate Addison as a place to work and why? I think it might be appropriate to answer this question on Truth in Addison. In the past, I would have said 10. Currently I would say 5. The "transitional audit" has unjustly caused fear and intimidation among employees. False accusations have been made without giving the accused a chance to answer for themselves. Misleading comments have been made, planting seeds of doubt regarding employees who have always performed their duties in a professional and ethical manner. I also find it inappropriate and disheartening to hear former management and employees spoken of in a way that paints them in a negative light, giving the impression their tenure was less than satisfactory. When one speaks disparagingly of their predecessors, their comments speak volumes about the integrity and ethics of the speaker. I still have mixed emotions about retiring, as my coworkers are more like family than coworkers. This says something about the quality people that work for Addison. That said, I hope the hostile atmosphere will change and Addison will once again be a place people want to work for, not a place they want to leave...."

Again, the purpose here is not to resolve the dispute, but rather to provide the Ethics Commission with the alternative perspective that is helpful to appreciate the truly political nature of Meier's writings in the February 26, 2016 Newsletter.

Meier next turned to police matters, continuing his "past/present," politically motivated and charged theme. Here, Meier presents "the past" as "facilitat[ing] an environment where criminal elements felt free to act with impunity and set up permanent roots in our community," a shockingly irresponsible and inaccurate description of Addison. Here is the paragraph in full:

> Our **new Police Chief Paul Spencer** delivered a report to Council on **past** police protocols with underperforming hotels when he shared that **in the past** "over time the lack of targeted enforcement, in conjunction with our education efforts, **facilitated an environment where criminal elements felt free to act with impunity and set up permanent roots in our community."** Now? Since Chief Spencer has been the leader of our Police Department, the entire department has begun targeting these criminal elements: "Recent activity suggests we are beginning to accomplish the goal of **reversing criminal activity at our targeted hotels** and sending the message Addison is not the place you want to operate if you're a criminal. Based on recent arrests, we also anticipate a reduction in burglaries and property thefts within the residential areas."

Bolding and underlining is all original. Meier characterizes this as a "new much more proactive approach," continuing:

> In the short term this new approach may cause the actual crime statistics to surge since we are now aggressively looking for finding criminal activity and making arrests. This new balanced approach of recognizing the problem, confronting it with education, measurement and enforcement was met with applause from the entire Council Chambers and thanks for the new approach from Chief Spencer and his entire team. You can watch the entire uplifting video from Chief Spencer here. **Once again the new "tone at the top" and good people working hard have us headed in the right direction.**

It is self-promotional, all premised on the suggestion that all that came before was inadequate, while Meier and the rest of the council are saving the day. The purpose of the "past/present" is hopelessly political, painting a picture to the public that the current council is taking Addison in a supposedly new and better direction. Meier attacks everyone and everything that came before, by way of painting the current council in a supportive way, including the three Meier allies up for reelection. The passage is self-promotional and constitutes political advertising.

Later, Meier describes the combined 911 center that has various communities sharing resources. This concept has been used by Addison in conjunction with other communities in North Central Texas for many, many years. But Meier still wrote:

> The Council was effusive in their praise of our team moving forward on this very important project that is one of the nation's largest and most expressive examples of the **new business model called "Shared Services."**

Again, it is self-promotional and designed to lend support to councilmembers, including those up for reelection. It is political advertising, and its preparation and dissemination using Addison's resources

violates the Government Code, the Election Code and the Ethics Commission's rules.

Meier concludes with a comment about Addison's Ethics Ordinance, but fails to tell readers all the facts. Here is what Meier writes:

> This time of year with national, statewide and now local election campaigns underway, I am often **asked if current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section 2-93(11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember)** in connection with **any election for public office** or in connection with any election ordered by the Town on a proposition or measure."

What Meier doesn't mention is that in the 2014 election, the ordinance read differently, and prohibited officeholders from using their official position to support candidates. Meier was accused of violating this provision, and was warned by then-City Attorney John Hill that his conduct may well have violated the Addison Ethics Ordinance. Meier responded by (a) trying to have the council pass a resolution absolving him of any violations (ultimately abandoned after repeated warnings from John Hill that the council had no jurisdiction to consider it), and then (b) by lowering the standard in the ethics ordinance so that it favored the incumbents by allowing them to use their titles to support candidates for office. Effectively Meier and the three who are now up for reelection gutted this aspect of Addison's ordinance.

Where do citizens who know "the rest of the story" on all these issues combat the self-promotional, politically motivated and misleading descriptions of events like this? Effectively, Meier owns the media in Addison. His misuse of the Newsletter is all that is wrong with an elected officer using public resources for political advertising.

Taken in pieces or as a whole, the February 26, 2016 Newsletter constitutes political advertising. The use of public resources to prepare and distribute this Newsletter violates the Government Code, the Election Code and the Ethics Commission rules.

D. Number of mentions/photos/photo coverage.

Complainant also asks the Ethics Commission to consider whether the Newsletters included herein constitute political advertising simply through use of personal references and photographs, all as discussed in Ethics Advisory Opinion 476 (2007). If the Ethics Commission determines that the Newsletters run afoul of these standards as well, Complainants asks for a finding from the Ethics Commission.

E. Irreconcilable positions regarding the email list Meier uses each week.

As noted, within the last two years, one or more citizens submitted an Open Records Act Request for the email list used by Meier. It was provided by the Town of Addison. During 2015, a group of citizens used the list to publish a Newsletter named "Addison Watch."[11] The effort was to provide an alternative source of information to the public in Addison.

[11] Attached as Exhibit G.

Almost immediately, Addison posted a notice on its website in red letters that stated that Addison was investigating the use of the email list and a possible data breach used to obtain it. Without question, this was an accusation that the list was obtained illegally. It was subsequently removed and Addison later claimed it had no screen shot of the statement.

Thereafter, in the May 1, 2015 Newsletter[12], Meier wrote:

> Here is a quick update to an item many of you have asked about. The Town was made aware that during the weeks of April 13 and April 27, many residents and Addison employees received an unsolicited email entitled "Addison Watch." We are continuing to research this matter and will share more information as it becomes available.

In response to a subsequent Open Records Act request asking for information about "many" who had supposedly posed questions, Addison produced only three emails. One was from Mary Carpenter, one of the three incumbents Meier continues to support, and two were fairly benign emails asking if Meier had seen Addison Watch. Claims that "many" questioned something is a frequent tactic.

Thereafter, Addison, through Meier, advanced the position that the publishers of Addison Watch had no right to possess or use the email list used each week by Meier. In support, Addison cited Government Code §552.137(a), which exempts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body." Effectively, Addison took the position that the production of the email list in response to an Open Records Act request was a mistake.

On this basis, Meier led the council and the Town to threaten those involved with Addison Watch with litigation, unless they agreed to cease further use of the email list they had obtained through the Open Records Act. Facing expensive litigation, they capitulated, and agreed to cease further use of the email list they had obtained. Addison never publicly explained that its alleged "mistake" in producing the list, nor was there any public apology for the false accusations regarding data breaches.

And, of course, Addison has continued to make the email list available to Meier. Effectively, Addison has supported and endorsed Meier's monopoly on the provision of information, while actively preventing efforts to correct Meier's misinformation.

Addison's provision of the email list to a politician on a weekly basis is irreconcilable with Addison's claim that the list is exempt from disclosure under the Open Records Act. Simply stated, Meier is not a "governmental body." Governmental body is defined in Government Code §552.003(1) as follows:

(1) "Governmental body":
(A) means:
  (i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;
  (ii) a county commissioners court in the state;
  (iii) a municipal governing body in the state;
  (iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

[12] Attached as Exhibit H.

(v) a school district board of trustees;
(vi) a county board of school trustees;
(vii) a county board of education;
(viii) the governing board of a special district;
(ix) the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;
(x) a local workforce development board created under Section 2308.253;
(xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and
(xii) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds; and
(B) does not include the judiciary.

Meier is not a Governmental body, and his use of the email list is not use by a Governmental body.

If someone other than a Governmental body is using the email list, then Addison cannot claim that the list is exempt under the cited provision of the Open Records Act. Alternatively, if Addison will continue to claim that the list is exempt because it is for use by a Governmental body, then it cannot continue to provide the list to someone who is not a Governmental body, including Meier. These positions are irreconcilable.

Complainant urges that Addison must either prevent further use by Meier or return the list to those who previously demanded it under the Open Records Act and otherwise make it available upon request under the Open Records Act.

F. Conclusion

Meier has claimed for himself a monopoly on the provision of information to Addison's citizens and unfortunately, has convinced the Town to support this position. Before the Ethics Commission today are only a few of countless Newsletters that Complainant urges violate the Government Code, the Election Code and the Commission's rules. The message from Meier is clear: left unchecked, he will continue to use taxpayer resources to publish political advertising in Addison's Newsletter.

Complainant respectfully suggests that the situation in Addison exemplifies everything that is wrong about a politician writing a Newsletter using taxpayer resources. It is exacerbated by Addison's irreconcilable positions regarding the email list used by Meier to distribute the Newsletter. The hubris evident in the Newsletters cited herein has been fed by inaction, something Complaint now asks the Ethics Commission to change.

Complainant asks for expedited consideration and relief.

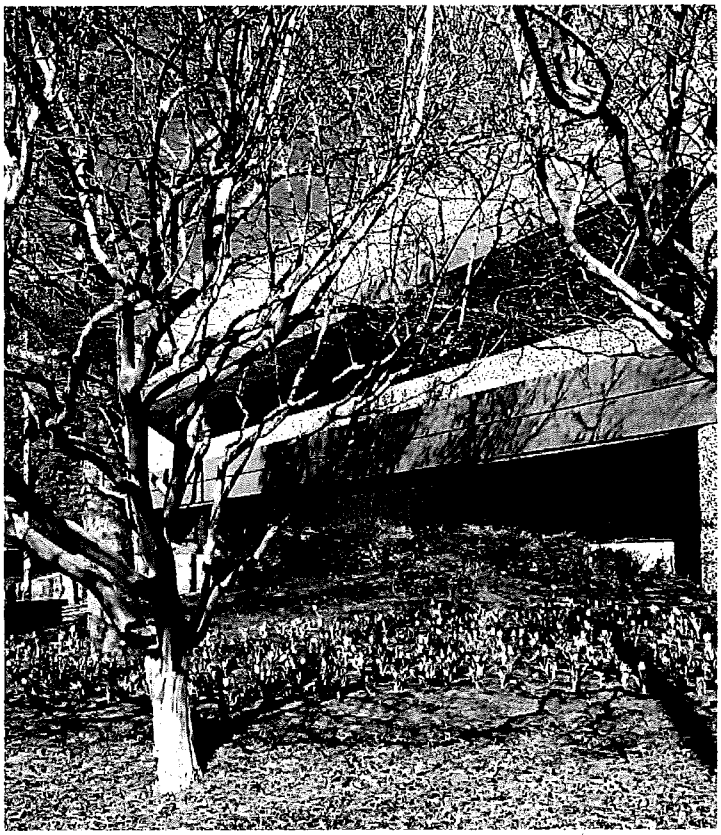
V - EXHIBIT LIST

No.	Document
A	February 26, 2016 Addison Newsletter
B	March 4, 2016 Addison Newsletter
C	January 29, 2016 Addison Newsletter
D-1	Meier Emails Regarding "threats"
D-2	Wilcox Email Regarding "threat"
E	Moore Email
F	March 7, 2014 Addison Newsletter with Moore resume
G	Addison Watch, First Edition
H	May 1, 2015 Addison Newsletter with Addison Watch

From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, February 26, 2016 4:01 PM
To: >
Subject: Update from Mayor Todd Meier, 2.26.16

Dear Neighbor,

It's been another exciting week in Addison as we head toward our Special Events season with **Taste Addison back with us on May 13-15**. Preparations are well underway with plans for the best one ever! This is the time of year when much of the hard work of our Parks team comes to life with the blooming of **our Addison tulips!** Check out this picture of our Service Center and please be sure to send us your favorite Addison pics and we will include them in our newsletter next week.



Council News

There were a number of very interesting topics for our Regular Council Meeting on Tuesday, February 23. During our Work Session we reviewed the staff's report and recommendation for a **small increase in our airport fuel flowage fee** to be effective on April 1 this year. That fee has not been changed since 1994 and is the source of important revenue for maintaining our airport at very high standards. As mentioned above, our staff presented detailed plans of all the food, music and fun headed our way with **the return this year of Taste Addison on May 13-15.**

We also received a staff report on the **life cycle cost analysis of our police vehicles**; there was significant media interest in this topic, which means we are still reaping media interest from the innovative use of Volvos as our Addison police cars back in the 1980s. After our **first ever and very informative life cycle cost analysis**, the staff recommended that we move forward with the **Ford Explorers** as our choice for this year. The Council will take up that recommendation at our first meeting next month.

The Council gave direction to our City Manager to move forward **with additional work** with **Mr. Larry Kanter of Kanter Financial Forensic after hearing Mr. Kanter's disconcerting and ultimately encouraging update.** After a review of his extensive credentials for his work, Mr. Kanter read his remarks

to the Council and included reference to specific examples of what he found as part of a brief PowerPoint presentation. I encourage you to **watch the video including the very well informed questions from our Council Members.** We have attached a link to the video here.

A few of the key points that resonated with me include: "In general, **when a system of internal controls is poor, bad things happen."** In referring to his early work in 2014 Mr. Kanter said, "...in fact the Town's accounting systems lacked what are considered to be basic elements of a well-designed accounting system. Our work indicated that **the Town was at risk of an inability to detect and prevent fraud, waste and or misapplication of assets.** We observed that the Town's finance department was significantly understaffed and basic accounting tasks were simply not being performed. **The Town's basic checks and balances were so weak or nonexistent that it will be very difficult or even impossible to determine if money and or assets were misappropriated in the past."**

Mr. Kanter's review of our Special Events and handling of cash led him to observe, "...we noted that it was virtually impossible to determine if all of the cash collected from the patrons of Oktoberfest was actually deposited in the Town's bank account."

Last year Mr. Kanter spent time working with our Municipal Court system and he revealed these observations: "It became very clear that the Municipal Courts had never been subjected to a detailed study of their accounting processes and procedures. It was also apparent that the transactions generated by the Municipal Courts have never been properly reconciled. The reconciliation of transactions helps ensure that the amounts that are collected from the public are properly calculated, recorded and deposited into the Town's bank." Part of Mr. Kanter's remaining scope of work will be to follow up with our Municipal Courts. **The need for and value of this transitional audit became abundantly and undeniably clear with the conclusion of Mr. Kanter's prepared comments.** We have attached a link to the video here.

That is the past.

As Mr. Kanter reported when Interim City Manager Charles Daniels arrived last April, everything changed because the tone at the top changed. The staff became very cooperative and **"requests that previously took days to be fulfilled now took minutes."** Mr. Kanter went on to **laud the new tone at the top with City Manager Wes Pierson** and **commended our current Finance staff and expressed confidence that we are on our way to significant improvement in all areas.** He suggested that the new software installed at our Municipal Courts in February of this year may go a long way in addressing many of his concerns.Mr. Kanter hopes to complete the authorized scope of work by the end of March and will report back then.

This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction here and the path is now clear for success.

Our **new Police Chief Paul Spencer** delivered a report to Council on **past** police protocols with underperforming hotels when he shared that **in the past** "over time the lack of targeted enforcement, in conjunction with our education efforts, **facilitated an environment where criminal elements felt free to**

act with impunity and set up permanent roots in our community." Now? Since Chief Spencer has been the leader of our Police Department, the entire department has begun targeting these criminal elements: "Recent activity suggests we are beginning to accomplish the goal of **reversing criminal activity at our targeted hotels** and sending the message Addison is not the place you want to operate if you're a criminal. Based on recent arrests, we also anticipate a reduction in burglaries and property thefts within the residential areas."

As this new much more proactive approach develops, the Chief and his team will be developing data and metrics that will help us determine staffing and enforcement priorities in the future. In the short term this new approach may cause the actual crime statistics to surge since we are now aggressively looking for finding criminal activity and making arrests. This new balanced approach of recognizing the problem, confronting it with education, measurement and enforcement was met with applause from the entire Council Chambers and thanks for the new approach from Chief Spencer and his entire team. You can watch the entire uplifting video from Chief Spencer here. **Once again the new "tone at the top" and good people working hard have us headed in the right direction.**

Other items on our agenda for the evening included an **Executive Session** item reviewing **past separation agreements**, consent approval of a resolution adopting a public information act policy update, designation of representatives to the TexPool, TexStar and the local government investment pool, a contract with Halff Associates to update the bids on the **work for the Winnwood pond dredging project**, and final payment authorization to Pavecon for the rehabilitation of Addison Road. The Council also decided to create a **liaison position** with the **Cavanaugh Flight Museum** with our Communities Partner Bureau in addition to authorizing their $50,000 grant request.

Other Regular Council Meeting items included a presentation and introduction of our **new Crisis Communication team**. Public Communications Director Mary Rosenbleeth introduced us to the Addison-based firm **Gray Hair PR,** and their principals each spoke and gave us their experience and backgrounds. Their work will begin on March 1, 2016. The Council approved a resolution authorizing our staff to enter into a contract with the Texas Coalition for Affordable Power to provide electricity for the Town for 2018-2022. Based on current prices we could expect to receive several hundred thousand dollars of annual savings.

Our new Interim CFO Scott Neils presented the Finance Department Quarterly Financial Review of the first quarter of our financial year that ended December 31, 2015. For the first time in quite a while, **all of our funds are in the "green"** and we are off to a good start for the financial year. The report is linked here for your review.

Our Director of IT **Hamid Khaleghipour** and Police **Chief Paul Spencer** gave us an update on our **combined dispatch and radio project**. We are actually a bit under budget and just a few weeks behind schedule on this very large multi city project. Farmers Branch successfully went live with the first phase of the dispatch system this week, and Addison is scheduled to transition to the new dispatch center on March 3. Our radio system that's part of the project has hit some technical difficulties, so we have taken it off line and gone back to our old system until the technical issues are resolved. The Council was effusive in their praise of our team moving forward on this very important project that is one of the nation's largest and most expressive examples of the **new business model called "Shared Services."** As our City

Manager said, "**This is a big story. It is very special to see four cities work together to create a system that improves the level of service at lower cost. This a new model of how business will be done in the future.**"

Our final agenda item was the presentation of the annual Town of Addison Police department **2015 racial profiling report.** For the fifth year in a row we did not have any racial profiling complaints in our department. The report concluded that there is no systemic racial profiling in our police department, and we are in full compliance with state law. As you may recall we have had body cameras for all of our officers, as well as video in all of the police vehicles, for quite some time.

We adjourned our Council Meeting before 10:30pm.

More Council News!

We will be having a Council election this spring in Addison. Filing for the May 7 election closed last Friday at 5pm and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angel, Jim Duffy and Paul Walden.** Early voting ends today, February 26, at 7pm. As mentioned above, Election Day is Saturday, May 7 with results posted soon after the polls close at 7pm.

This time of year with national, statewide and now local election campaigns underway, I am often **asked if current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section 2-93 (11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember)** in connection with **any election for public office** or in connection with any election ordered by the Town on a proposition or measure."

Business Development

On the afternoon of Wednesday, February 24, 2016, I dropped by for the special **Grand Opening celebration of a new very interesting store here in Addison. Dody D Home Decor is located at 4750 Ratliff Lane, just off of Addison Road and a couple of blocks north of Keller Springs Road.** Open 10am to 6pm each day, they have a wide variety of high quality home furnishings and decor items that are all brand new and sold at near wholesale prices. They have a one-of-a-kind inventory with new merchandise arriving weekly. Co-owner **Cheryl Pembleton** shared with me that their business model is pretty simple: **buy low, then sell low.** They have access to very unique items from all over the world and because of their very low rent factor, they are able to pass along great savings to their customers. All items are clearly marked, and they even leave the whole price tags on some so you can compare!

Mayor Pro Tempore **Janelle Moore**, our Council liaison with the North Dallas Chamber of Commerce, Director of Economic Development **Orlando Campos**, Manager of Economic Development **Drew Dietrich** and I joined Janelle in helping to co-host an event here in Addison on Thursday, February 25 at the very fun and entertaining Bitter Sisters microbrewery. The reception for members of the North Dallas Chamber began at about 5:30pm and ran until about 7pm with lots of good folks **learning all** about the brewery, its unique history and of course enjoying Addison hospitality. This is another great way for us to partner with successful organizations and build our brand. **Many thanks to Janelle** for helping to bring this event to Addison and her work as our liaison with the North Dallas Chamber of Commerce.

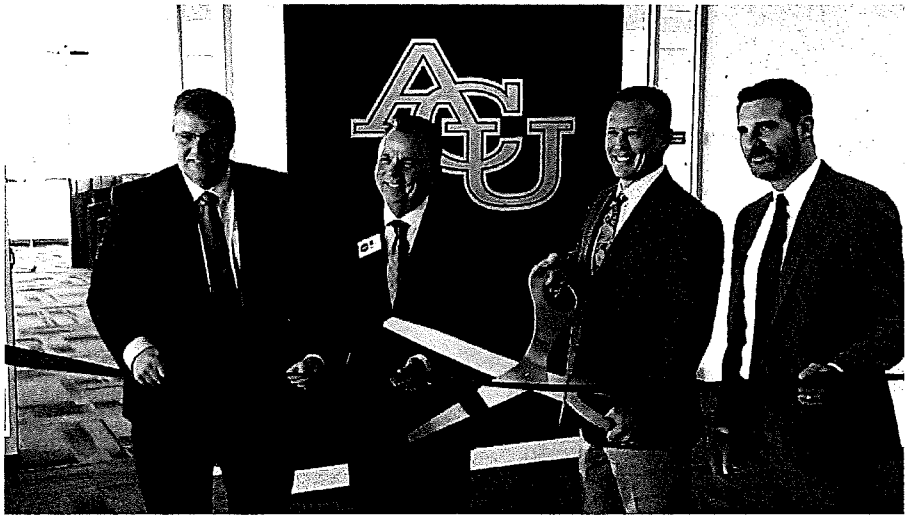
Exhibit A

Exhibit A

Exhibit A

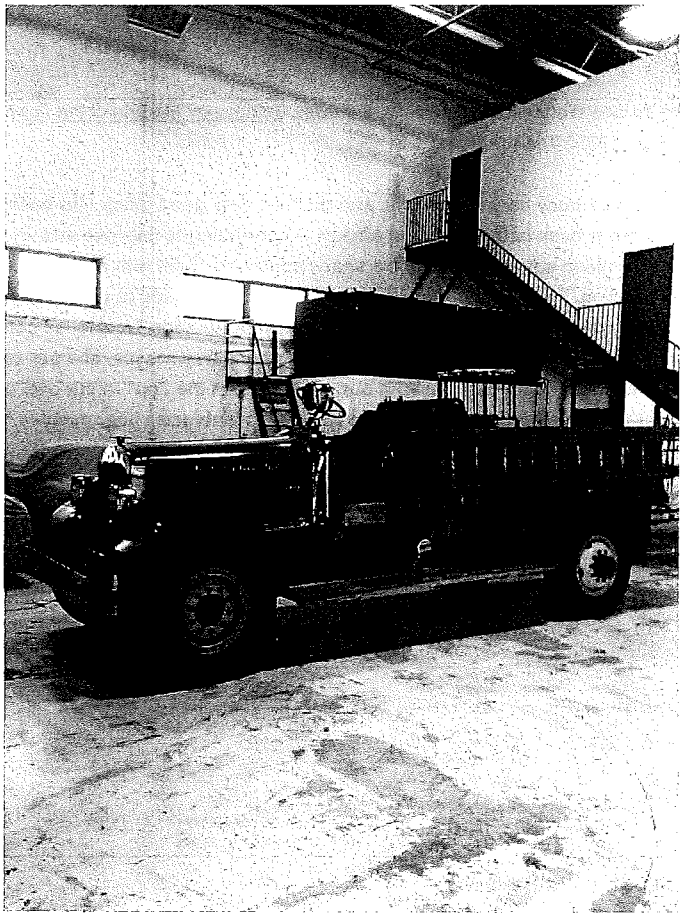
On the afternoon of Thursday, February 25, Director of Economic Development **Orlando Campos**, manager of Economic Development **Drew Dietrich** and I represented Addison at **the ribbon cutting** for **Abilene Christian University's brand new Addison campus** located in the Hanover Building at 16633 Dallas Parkway. We met several enthusiastic members of the University staff that are very pleased to be with us here in Addison. They have now taken the entire 8th floor of the Hanover Building with plans to take over most of the 6th floor for even greater expansion. The **President of the University, Phil Schubert,** spoke to the large group about the University's future and the enthusiasm they have for expanding beyond their Abilene campus and joining us here in Addison, even offering us opportunities to share their space for meetings or events. The addition **of a well-respected University campus to our Addison portfolio of diverse customers is an excellent addition to our community**. We are very proud to have the Abilene Christian University Wildcats as part of our Addison.

Exhibit A



Around Town

Late Thursday afternoon on February 25, our **Addison Legacy Foundation** Board met at the offices of UDR for the monthly meeting that rotates each month at different board members' offices. This month our host was board member **Tom Lamberth with UDR. Mayor Pro Tempore Janelle Moore** joined our additional board members **Chic Martin, Tamela Thornton, Debbie Staggs, Bob Kantner, Ray Ryland** and **Board Chair Blake Clemens.** In addition to important administrative issues, Tamela and Chic gave us an update on our visioning and forward-looking goals. Blake gave us an update on our tentatively scheduled December 2, 2016 Vitruvian Lights Run. Additionally, the board approved payment for the new Celestial Park pet and people water fountain. Chic Martin and Ray Ryland shared with us the exciting news that we found a location for the restoration work to be performed on our 1930 fire truck! Blake and Ray worked with **Scott Buzzell**, who owns a hangar on Dooley Road that he has graciously loaned to us for the restoration project. In fact as you can see from the photo below, the fire truck has been moved from its spot in the bays at Fire Station #1 to its new location where the work will begin. **Now we need your help!** If you would like to donate your funds or time to this fun project **contact Blake Clemens** at blake.clemens@tx.rr.com.



I will have the honor tonight of **presenting our Rising Star of 2016 Award** to our very deserving **Deputy City Manager Cheryl Delaney** at the Metrocrest Chamber of Commerce annual awards event. Here with us since 2014, Cheryl helped us navigate through some very challenging transition times. Thanks to her extensive background in finance, she served in the dual roles of Deputy City Manager and CFO through our budget season and until recently with the new hire of Interim CFO Scott Neils. Cheryl combines her work history with professional service in municipal government finance positions in Round Rock Texas and San Antonio with work in the private sector at Deloitte Consulting and HEB Grocery. An avid and passionate member and supporter of all that we are doing to improve our Athletic Club, Cheryl definitely qualifies as an Addison Rising Star! **Congratulations Cheryl, we are all very proud of you.**

Coming Events

Wednesday, March 2, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road

Exhibit A

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting of the Town's Master Transportation Plan, 15650 Addison Road

We continue to be very busy here in Addison, and that is a very good thing. Our business environment has never been better. Addison Airport is continuing to improve and draw new customers. Our 10 million square feet of office space continues to fill with exciting new office products coming online. Two new hotels are under construction to add to our impressive 22 hotel portfolio. New restaurants are opening virtually every month. Addison TreeHouse continues to be the hip space for new entrepreneurs to plant the seeds of new businesses, and our commercial property valuations are at all-time highs. With our new "Tone at the Top" in our own organization, we are in the best positon ever here in Addison to meet and embrace a very positive future.

I am very proud to be your mayor and to work with our outstanding Council and amazing staff every day to make sure this very positive trend continues.

See you soon,

Todd

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You are receiving his email because you opted in to receive the weekly Mayor's Newsletter.

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Addison, TX 75001

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From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, March 4, 2016 3:59 PM
To:
Subject: Weekly Update from Mayor Todd Meier, 3.4.16

Exhibit B

Exhibit B

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Exhibit B

Council News

There was no Council Meeting this week; however, we are preparing the agenda for next week's meeting, which is set for Tuesday, March 8. We will begin at 6pm with a Work Session covering the possibility of a new dog park for Spruill Park and a discussion about the City Manager's signature authority. As well we will have an Executive Session to discuss legal matters regarding the Town's website developer.

Our Regular Session will begin at 7:30pm and cover items related to a contract for the installation of new illuminated street signs, the purchase of 14 new Ford police vehicles and a resolution increasing the fuel flowage fees at our airport by 2 cents. We will also consider a construction contract for drainage channel improvements on Addison Airport and refunding bonds.

As I mentioned above, **our next Spring Town Meeting is planned for Monday evening April, 11, beginning at 7pm at our Addison Conference Centre.** We will have a number of exciting presentations and plenty of time for your questions. I hope you will plan to join us for this fun spring Addison tradition.

Exhibit B

We will be having a City Council election this spring in Addison. Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.**

Early Voting: Monday, April 25 – Friday, April 29 (8am - 5pm); Saturday, April 30 (8am - 5pm); Sunday, May 1 (1pm - 6pm); Monday, May 2 - Tuesday, May 3 (7am - 7pm).

- Addison location for ALL precincts for **Early Voting** : Addison Fire Station (Central Fire Station), 4798 Airport Parkway.
- Dallas County residents can Early Vote at any Dallas County Early Voting Location. Additional locations are available on the Dallas County election website.

Election Day May 7: (7am - 7pm) Residents will need to vote at the location that corresponds to their precinct number.

- **Precincts 2900 & 2901:** Addison Fire Station #2, 3950 Beltway Drive
- **Precincts 2902, 2903, 2904, 2905**: Addison Fire Station #1 (Central Fire Station), 4798 Airport Parkway

A new opportunity for you to participate! Last week the Council approved adding a **liaison role to the Community Partners Bureau for the Cavanaugh Flight Museum**. As a Bureau liaison, you will represent the Town of Addison with the Museum. If you have questions about this role or the Community Partners Bureau, please contact one of the Council liaisons to the Community Partners Bureau, either Bruce Arfsten at barfsten@addisontx.gov or Ivan Hughes at ihughes@addisontx.gov.

If you would like to be considered for this role, please let City Secretary Laura Bell know by next Friday, March 11. Please send Laura your contact information and a brief statement why you would like to be the Community Partner Bureau liaison for the Cavanaugh Flight Museum. Laura's e-mail is lbell@addisontx.gov and her phone number is 972-450-7000.

Business Development

The Lewisville City Council met at our Addison TreeHouse on Monday evening! Yes, the Mayor and a quorum of the Lewisville City Council, along with their City Manager and staff, convened at our **TreeHouse to learn more about our success** with that important part of our economic development strategy. Director of Economic Development Orlando Campos, Economic Development Manager Drew Dietrich, Co-Founder/CEO Trey Bowles of the Dallas Entrepreneur Center and I welcomed their group and provided an overview of the TreeHouse's purpose, benefits and structure. In addition to a tour of our facilities, we were able to answer questions and help them think through the issues related to adding their own similar program in Lewisville.

I emphasized the very important role the TreeHouse plays as part of our five pillar Addison economy; our

office space, airport, restaurants, hotels and, of course, our TreeHouse where entrepreneurs grow their dreams into Addison-based reality. In just our first 18 months, we have helped provide support to over 120 startup businesses. **It was an excellent conversation and opportunity for us share the success of our TreeHouse venture in hopes of helping Lewisville replicate our success.**

On a beautiful Addison Thursday afternoon I joined Council Colleagues **Dale Wilcox and Ivan Hughes, along with our City Manager Wes Pierson,** for a visit with our Addison Airport customer Cutter Aviation, at 400 Claire Chenault Drive, to take a look at their newest addition. What a beauty! **HondaJet Southwest and Cutter Aviation** held a showing of the newly certified HondaJet. With its clean sheet design and cutting edge innovation, "the HondaJet is truly the world's most advanced light business jet." **Cutter Aviation's Director of Special Projects Mike Livezey was on hand to answer questions and provide tours of this new concept aircraft.** This jet is a twin turbofan aircraft with a low fixed wing. With a range of just over 1,300 miles and a speed of over 460 miles per hour, this aircraft comes equipped with all the latest avionics and is made of very high tech materials. Cabin space is very comfortable for four adults and each passenger seat is capable of reclining. As you might be able to tell from my photos the aircraft is relatively short, with an overall length of almost 43 feet, and has a wingspan of just under 40 feet. This photo includes **Mike Livezey of Cutter Aviation, John DeLawyer** Regional sales Manager for HondaJet southwest and **HondaJet Southwest Chief Pilot Hall Lewallen**. Very impressive! And as you might guess, they are available for purchase.

Exhibit B

Exhibit B

Exhibit B

Around Town

Over 40 folks showed up for our First Wednesday of the Month Coffee with the Mayor at Dunn Bros at 10am with their usual list of very good questions. We began our conversation **recognizing each of my Council Colleagues, Janelle Moore, David Heape, Mary Carpenter, Ivan Hughes, Dale Wilcox and Bruce Arfsten, who were all present, and our crowd of our neighbors warmly thanked each of them for their service to Addison**. I spoke briefly about **our booming Addison economy** with the new office building under construction and more planned, two new hotels under construction, our new Addison Grove development, exciting developments for our airport, more restaurants and, of course, our TreeHouse as mentioned above. I also mentioned that our **Beltway/Proton trail and lighting project is coming along and that a crosswalk and stop signs will be added at the corner of Beltway and Les Lacs to further slow traffic and discourage cut through traffic.**

One of the questions asked on Wednesday, as it is at every Mayor coffee, was an inquiry about **the status of our Wind Turbines project**. As you may know we are in litigation with the manufactures and

installers of those wind turbines that are still not working on top of our new water tower on Surveyor Boulevard just north of Belt Line Road. **The Council retained outside counsel to represent Addison in this lawsuit over one year ago; they are John Sloan and Doug Lukasik with the construction specialty law firm SloanMatney. I have** attached a memo **those attorneys prepared and sent to Council this week containing a couple of surprising revelations about the status of our case.**

I did bring for those in attendance at the coffee copies of the memo from our attorneys about the wind turbines, another about the Addison Grove development, copies of the remarks our transitional audit consultant Larry Kanter provided to Council last week and copies of the report police Chief Spencer provided to Council last week about his new policies with respect to underperforming hotels. If you would like copies of any or all of those documents or reports just let me know. **Our next Coffee with the Mayor will be Thursday, March 17 at 6pm at the Sidewalk Café in Addison Circle.**

Addison-The Magazine of the North Dallas Corridor held their annual Top Female Executive of the Year award luncheon on Wednesday and Council **Colleagues Janelle Moore, Mary Carpenter, David Heape, Ivan Hughes, Dale Wilcox and I were joined by City Manager Wes Pierson and Director of Public Communications Mary Rosenbleeth** to celebrate the recognition of **our own Addison resident Andrea "Andi" Jennings, who is President and CEO at the Lucas Group, as the winner of the 2016 Top Female Executive.** Andi thanked her entire professional team who are national leaders in the executive recruitment field and expressed great enthusiasm for the award and the opportunity to be part of our Addison community. **Congratulations, Andi, we are very proud of you!** It was a sold out event that has become an annual tradition - a very **well done tradition - by Addison Magazine publisher Rodney Hand and his great team.**

I am happy to report that yesterday, the Town of Addison successfully transitioned its 911 dispatch to the new NTECC facility and is operating without any issues. The transition went smoothly and our staff's preparation allowed them to execute this complex transition in an impressive fashion.

On March 14 and 16 we will be hosting community meetings to gain your input on the Master Transportation Plan, specifically on the current master transportation plan; transportation goals; traffic/congestion/intersections; connectivity and alternative modes of transportation. The meetings, which will be held from 6pm-9pm at the Addison Conference Centre, will be conducted in an open house format so feel free to come when your schedule allows. There will be a brief presentation at 7pm on both nights.

Coming Events

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Tuesday, March 8, 7:30pm: Addison City Council Meeting, Addison Town Hall, 5300 Belt Line Road

Thursday, March 10, 4pm – 8pm: City Council Strategic Planning Session, Greenhill School Library, 4141 Spring Valley Road

Exhibit B

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting for the Town's Master Transportation Plan, 15650 Addison Road

I am so proud of our Council and staff working closely together to work through the challenges of our past and consistently and conscientiously putting what is best for Addison at the forefront of all of our work and looking ahead to our future.

All is well in Addison, Texas.

Todd

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Update from Mayor Todd Meier, 1.29.16

JANUARY 29, 2016 BY TODD MEIER, MAYOR

Dear Neighbor,

It was a very busy news week in Addison! Wow, TV coverage, large crowds, cheers and jeers – all a part of local government in action. I believe in the media business that may be called a headline designed to capture your attention, so I do hope you will read on.

Council News

The biggest news of the week includes all the pieces of the headline. Our Regular Council Meeting was relocated from our Town Hall to the Addison Conference Centre to accommodate **a very large crowd of intensely interested** and vocal residents interested in the next steps the Council would take in our process of **evaluating the redevelopment of the former Sam's site.** Before we began our Regular Council Meeting, we had a brief Executive Session next door at the Stone Cottage to have an update on the legal issues around the Farmers Branch creek dispute.

After this brief meeting and on the walk over to the Conference Centre, Council and staff were met **by a group of about 30 very vocal and passionate picketers with signs who unfortunately expressed their displeasure in the form of insults and threats directed at me, my fellow Council Colleagues and our staff as we made our way to the Conference Centre for our Regular Council Meeting.** All of this was covered by TV news. It appeared to me that some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison.**

We began our Regular Council Meeting with our pledge and receipt of recognition from the North Central Texas Council of Governments of the Silver Fleet Award for our fleet department. From there we moved right into our Public Comment section. The Council agreed to waive the restriction in our Public Comment section that limits speakers to comment on items not on our agenda and limits the number of speakers to five. Since we closed the Public Hearing on the rezoning of the Sam's site in our January 12 meeting, with the Council's unanimous support, we were able to remove the limitations and proceed with a very long and intense Public Comment section where all of the speakers commented on the proposed redevelopment of the former Sam's site. **This**

was certainly the longest Public Comment section in the relatively brief history of this opportunity for our community. Most of the speakers were very polite and civil and shared their firmly held opinions with our Council who listened attentively. This Public Comment section is captured on video and available for your review on our website with a link to the public comment sections here **and** here**.**

After the almost two-hour Public Comment section was completed, with everyone in the room who had not already spoken on this case given every opportunity to share their opinion with the Council, we resumed our discussion and consideration of an ordinance rezoning approximately 17.4 acre property located at 4150 Belt Line Road, case 1725/Addison Groves with Mr. Frank Liu as the applicant. Frank Liu resumed his presentation with an updated presentation that **included a clear graphic showing the actual breakout of the proposed redevelopment by land use. The land uses include approximately 17% for the apartment project, which is limited to no more than 350 units, would include retail on the first floor and would wrap around the building's parking garage.** The balance of the land use would be for necessary **infrastructure, green space and parks, and 180 fee simple townhomes, projected to be valued at an average of $400,000 each.** I encourage you to take a look at this visual, I believe it will answer some of your potential questions. After his presentation Mr. Liu and his partner David Foor answered questions from the Council concerning their flexibility on certain aspects of the project. Both were open to revisions of the project.

After Mr. Liu and Mr. Foor spoke, **the developer's traffic engineer,** from the well-respected engineering firm Kimley-Horn, spoke. **(Incidentally, Kimley-Horn has served as the Town's engineering firm for more than a decade.)** He responded to questions from the Council and referenced his **200-plus page report** which had been validated by Cobb Fendley & Associates, another well-respected firm that has served as the Town's review engineers for many years. This visiting professional endured several rude interruptions from a few in the audience.

Charles Goff, our Assistant Director of Development Services, returned to the podium to answer Council questions, **reaffirm the staff recommendation for approval** of this project and review the process for this redevelopment that actually began back in 2006. Since then the process has proceeded through the many meetings and iterations of the plan including **the Council's conceptual approval of this specific plan in an open and public work session in 2015, which included the approximate use mix and numbers of apartments, retail and fee simple housing reflected in this proposal.**

Next up with his report and recommendation for approval of the project was our **Director of Economic Development Orlando Campos**. Orlando reviewed the project's economic impact on Addison and confirmed his support of this redevelopment. His excellent report is attached here for you review.

City Manager Wes Pierson added his comments and **reiterated his support for staff's recommendation that Council approve the project.**

Now very deep into the evening after our entire Addison professional team expressed their recommendation for approval of the proposed redevelopment of the Sam's site, it was time for the Council to finally consider a motion. **Mayor Pro Tempore Janelle Moore made the below described motion and Deputy Mayor Pro Tempore David Heape seconded the motion and the discussion that followed is linked** here (comments begin at 105:32) **for your review.**

The motion and second were as follows – to approve the project as recommended by staff **with the following changes and conditions:**

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.

2. The townhouses and live/work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.

3. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.

4. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.

5. Medical and health related uses shall be permitted upon approval of a Special Use Permit.

6. All construction traffic shall access the site from Runyon Road and Belt Line Road only.

7. The existing screening wall along the southern property line shall not be removed until construction has commenced on the townhome units along the wall. (the wall will be replaced with $400,000+ townhomes facing Beltway)

8. A short, wrought iron or decorative fence or wall shall be installed to delineate the front yards of the townhomes facing Beltway from the public green space/park.

9. At least 25 live/work and/or townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage building.

10. A maximum of 330 multifamily units shall be allowed. (a reduction from the previous ceiling of 350 units)

11. The proposed street shown on the east side of the development shall be constructed with retractable bollards at Beltway Drive to provide for public safety access only.

12. The proposed street shown on that east side shall also be constructed with speed/traffic calming devices.

13. The multifamily units shall be constructed as follows:

- The entire multifamily building and parking garage shall be LEED certified;
- There will be no linoleum or Formica surfaces in the units;
- All units shall be equipped with energy efficient appliances;
- All countertops must be granite, stone or better material.

14. Courtyards shown on the Concept Plan will be designed and constructed with enhanced architectural and landscaping features including such elements as water features, landscaping and art features.

I added my clarifying comments in the parentheses on conditions #7, and #10.

After thoughtful and respectful comments and discussion among the Council, I called the vote on the motion. I encourage you once again **to watch the** video (comments begin at 105:32) of the Council Member comments on this motion. While it was very late in the evening, actually early morning, each Council Member shared their rationale for their intended vote. The motion to approve the redevelopment project with the 14 conditions listed above passed 5-2. **Voting in favor of the motion were Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape, Council Member Mary Carpenter, Council Member Dale Wilcox and Mayor Todd Meier. Voting against the motion were Council Members Ivan Hughes and Bruce Arfsten.**

After the approval of the project, the Council entered Executive Session with our staff to discuss and **consider an economic development incentive for infrastructure reimbursement.** Following the Executive Session, the Council returned to the

Conference Centre to openly discuss and consider a motion to approve the terms of a staff-negotiated Letter of Intent for an economic development incentive. **The following economic development incentive for reimbursement of infrastructure funds was approved by the Council 6-1. Council Members Dale Wilcox, Mary Carpenter, Ivan Hughes, Deputy Mayor Pro Tempore David Heape, Mayor Pro Tempore Janelle Moore and Mayor Todd Meier all voting in favor of the motion and Council Member Bruce Arfsten voting against.** Staff will use the Letter of Intent to create an economic development incentive agreement that will be brought back for Council approval.

The basic elements of the agreement are outlined below:

1. **The Redevelopment Project** (generally as depicted and described in the DRAFT ordinance)(the "Project")

- Total estimated project cost – $86,663,450
- Total estimated ad valorem value – $121,200,000
- Demolition of existing Sam's Club building
- Mixed Use development consisting of approximately 20,000 square feet of retail, 17 live/work units, 161 townhomes and not more than 330 multi-family units

2. **The Economic Development Incentives**

- Maximum Incentive of $6,500,000 as a reimbursement for the construction of public infrastructure to facilitate the Project.
    - Infrastructure eligible for reimbursement will be agreed upon by the parties.
    - Infrastructure reimbursement will be controlled by the following:
        - Maximum of $250,000 of the total Incentive will be given in the nature of permit/development fee waivers
        - Maximum of $1,000,000 for infrastructure qualifying for utility fund funding
        - Maximum of $1,000,000 for infrastructure qualifying for stormwater fund funding
        - Maximum of $4,250,000 to provide funding for street and park development
    - Incentive Payment terms
        - 1/3 of total potential award upon successful completion of public infrastructure and acceptance by the Town of Addison
        - 1/3 of the total potential award upon completion of 40 percent of the townhomes/live-work units
        - 1/3 of the total potential award upon completion of 75 percent of the townhomes/live-work units
- The Town of Addison will support the process to acquire the right-of-way for Runyan Road. Any acquisition costs will be the responsibility of the Developer.

3. **Incentive Conditions**

- Developer has offered to deed restrict the multi-family property and garage building to prohibit the use of government subsidies to construct, operate or rent the multi-family units. The developer shall present a recorded copy of the deed restrictions prior to Incentive Payment by the Town.
- Developer will provide to the Town for its review and approval any infrastructure/quality/amenity removals from the Project that the Developer makes to reconcile the difference between the $8.463 million in economic development assistance requested by the Developer and the $6.5 million Incentive provided by the Town.
- The apartment developer/operator will be subject to reasonable approval by the City Council. If the developer chooses an apartment developer not approved by the City Council, the Incentive Payment will be forfeited and the Town will have no obligation to make any Incentive Payment.

While at times during the evening I was deeply disappointed by some of my Addison neighbors' very rude and disrespectful behavior, **I was very proud of the diligence, thought and respectfulness of our entire Council throughout this challenging process**. In the end, I believe we completed this almost two-year long process by producing a very exciting result that incorporated **in true collaborative fashion** the recommendations of our entire professional staff; the recommendations of our P&Z Commissioners; our proposed Addison investor and home builder; and the concerns and opinions of many of our neighbors.

I realize change is very difficult, even frightening at times. As I get older I realize that even more, I have also come to know that change is inevitable. We had a choice here; we could fight change or we could embrace change and shape it. I am very pleased that a majority of the Council chose to embrace change and shape it. In fact 10 of the 14, or 71%, of the elected Council members and appointed P&Z Commissioners voted in favor of approving this redevelopment project. Interestingly enough our two youngest Council Members, with the most future ahead and the greatest risk, showed the way with their courage to make the motion and the second and lead the conversation and collaboration to arrive at a point that bridged many of the gaps.

I know it may be difficult for some at this moment to realize, but given time and the staff and Council's commitment to hold our new Addison Groves developer accountable, I believe this redevelopment project will make us all very proud.

Around Town

What a **fun way to start a week and a Monday**. Channel 8 met us at Addison Circle bright and early to do a story about the return of Taste Addison on May 13-15 and the

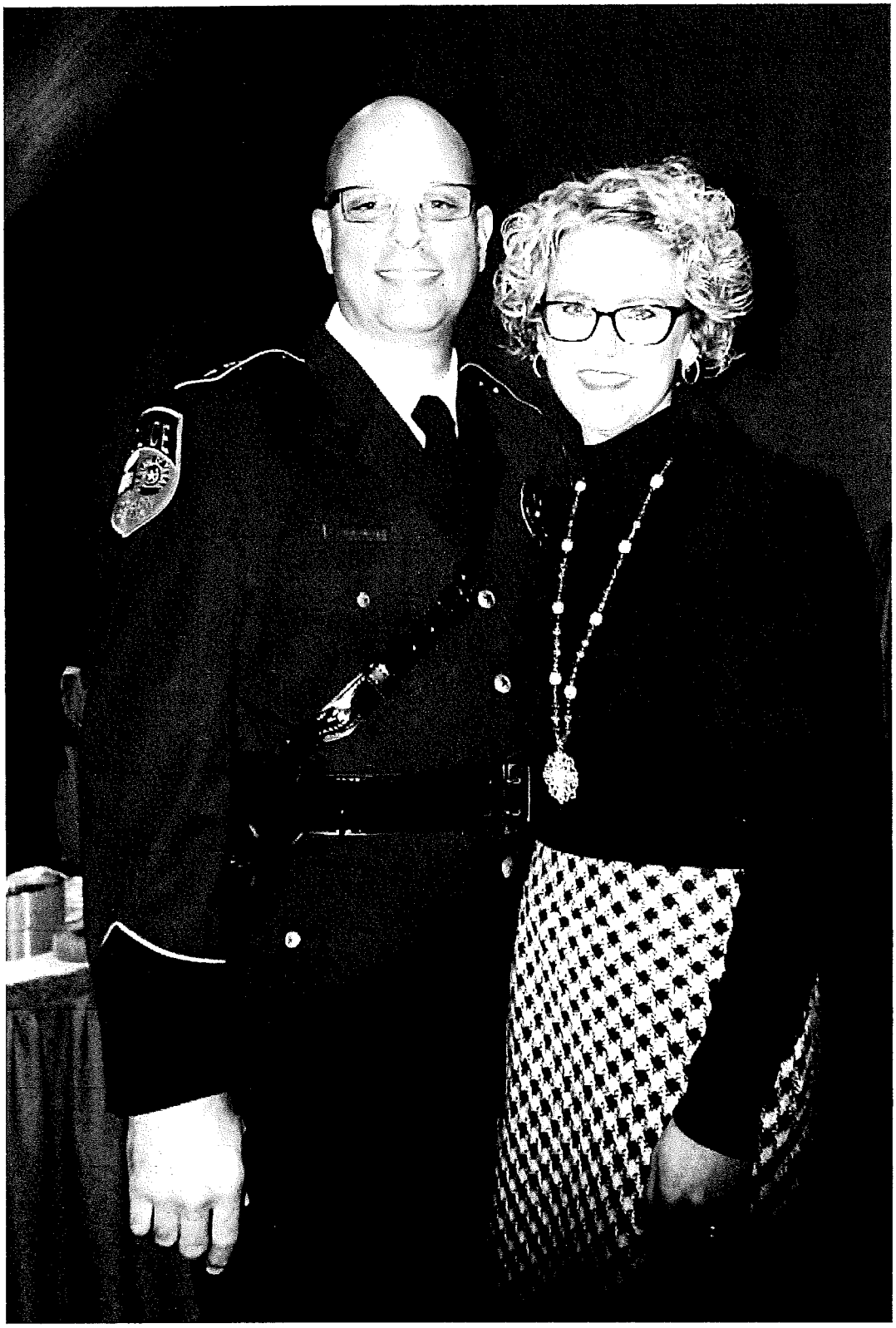
uniqueness of Addison Circle. As you know about two years ago our previous City Manager recommended to Council that we drop Taste Addison and bring in a new concept called Fork and Cork. Now we are going to take the best pieces of Fork and Cork, weave in more food, and much better music to elevate the entire profile of the event and bring back lots of fun. It was fun to share the exciting news about the return of Taste Addison, as well as one of the important lessons we have learned with Addison Circle, density brings us retail success. **Thanks to Nicole Margulies at** Mad Batter Baker **and Chef Antonio at** Antonio's **for helping us make this such a fun media event, as well as publicizing the return of** Taste Addison**!**

With a crowd of over 200 family, friends, residents, Council Members, coworkers and well-wishers, the positive energy and enthusiasm for the **swearing in ceremony of our new Police Chief Paul Spencer** felt great! City Manager Wes Pierson began the formal part of the event with a greeting and voiced his pride and confidence in Paul as his first hire as our new City Manager, indicating that Chief Spencer and City Manager Pierson would forever be linked together. Wes then gave me a few moments to thank Paul's family for their support and dedication and to recognize the sacrifice they all make. I noted Paul's 20 years with our Town and the fact that I have had the good fortune to know Paul and watch him progress through his career that entire time. It is very gratifying to see a man with such high values and strong work ethic succeed and rise to the top leadership position in our organization. It also gave me a chance to acknowledge and recognize all of our first responders and their dedication to helping keep us all safe here in Addison. I then had the very special honor of swearing in Paul Spencer as our new Town of Addison Police Chief.

After we completed the official oath of office, Paul made an excellent speech that I have included here for your enjoyment. Congratulations, Chief Spencer, we are all so very proud of you.

Exhibit C

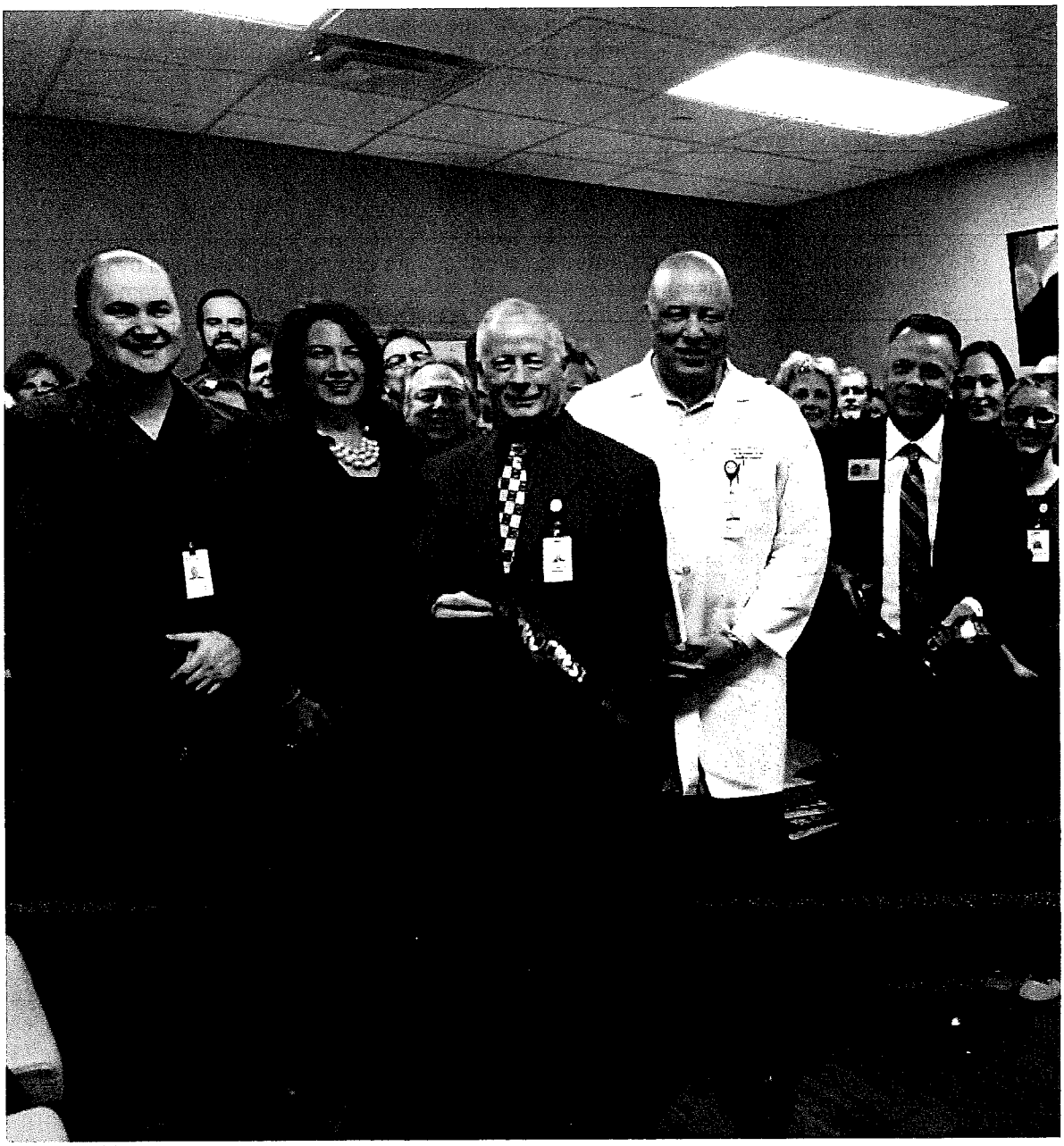
Exhibit C



At the Athletic Club open house a couple weeks ago, we unveiled a new survey. I'd like to encourage everyone – member or not – to fill out the survey. The staff is always looking for ways to improve our services and your input is critical.

Business Development

On Thursday morning I joined with **Erin Carney, president of the Metrocrest Chamber of Commerce,** to welcome to Addison and cut the ribbon for **Methodist Hospital for Surgery and Center for Wound Care and Hyperbarics,** led by Medical Director Dr. J.R.Williams and his team of professionals: Tricia Muse, program director; Janna Seddon, clinical nurse manager; Liz Johnson, RN; Jamaar Wright, HBO safety director; and Amanda Heddin, front office coordinator. This unique center, managed by Healogics™, provides specialized treatment for chronic or non-healing wounds using clinically proven methods, protocols and technologies that facilitate the body's innate ability to heal. Inside the two new hyperbaric oxygen chambers, patients breathe 100% oxygen in a pressurized environment, which stimulates new blood vessel growth allowing plasma in the blood to carry oxygen, reduce swelling, inactivate toxins of certain bacteria and enhance white blood cells' ability to kill bacteria. Considering that more than 8 million people in the U.S. are affected by chronic wounds, I am sure Methodist's recent addition will be able to help many people across North Texas.



Coming Events

Monday, February 1, 11:30am – 1pm: Monthly Economic Development Luncheon at Osteria Panevino, 5000 Belt Line Road

Exhibit C

Tuesday, February 2, 4pm – 8pm: City Council Strategic Planning Session, Addison Conference and Theatre Centre, 15650 Addison Road

Wednesday, February 4, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road.

It's kind of appropriate that I welcomed the folks from the Methodist Hospital Wound Care Clinic to Addison yesterday. There certainly have been some wounds in Addison over the last few days and I hope we can all look to the future and let those negative feelings subside with time and the recognition that we are all neighbors and want the best for our Town of Addison.

See you soon,

Todd

From: Todd Meier <tmeier@addisontx.gov>
Subject: Re: Requesting change of venue for January 26th Council Meeting
Date: January 19, 2016 at 2:28:24 PM CST
To: Lorrie Semler <semler@kw.com>
Cc: Wesley Pierson <wpierson@addisontx.gov>

Lorrie, since you have stated you are speaking on behalf of your 104 member community I am curious when you had your HOA meeting to develop your community wide policy directive? You are a frequent critic of our process here and on other matters, just curious if you posted a meeting and gave your residents and members of the public an opportunity to attend your policy formulation meeting? I believe I sent you a copy of my response to Paul concerning my rationale for holding our Charter mandated Regular council meetings at Town Hall. One of the reasons we stream the meetings live is so that folks can watch from home if it is inconvenient to come to Town hall. On another note, if you do plan on attending this next Tuesday evening I would ask that you help us keep the room chatter down a bit so that folks in attendance can hear the presentations and discussions. We have had a couple of folks express displeasure with the conversations taking place during the meetings, I believe they are most likely referring to conversations that may have been taking place in the Town Hall living room. I certainly do hear your threat. Todd

Sent from my iPad

Exhibit D-1

On Jan 17, 2016, at 3:56 PM, Lorrie Semler <[redacted] wrote:

Mayor and Council,

On behalf of the 104 members of the Addison Timbers HOA, I am requesting that you hold the January 26th council meeting at the Addison Conference Center rather than at Town Hall. We do not approve of the rezoning for Sam's Club and will be watching VERY closely to see who votes for and who votes against the proposal and we will remember come election time in May.

Lorrie Semler
President, Addison Timbers Homeowners Association

Lorrie Semler, e-PRO, GRI, SRES, CPRES, CRS
Keller Williams Dallas Premier
972-416-3417
[redacted]
Blog: http://www.activerain.com/blogs/lorrie
Websites: www.LorrieSemler.com & www.AddisonUpdate.com

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Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, sellers, tenants and landlords: http://www.trec.state.tx.us/pdf/contracts/OP-K.pdf

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On Jan 25, 2016, at 1:39 PM, Dale Wilcox <dwilcox@addisontx.gov> wrote:

Dear Ms. Williams,

If you really think that I made and will continue to make bad decisions for all of Addison then you *should* vote against me and work for my opposition if you so choose!

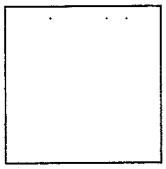
Do you really think the anti-project Midway Meadows residents are helping their cause by continually threatening the Council? Something to think about.

Exhibit D-2

Would you please explain why, in your opinion, you don't think we have performed our due diligence or fiduciary duties?

And the big question, What project would you like to see instead?

Dale



DALE WILCOX | Councilman
Town of Addison | 5300 Belt Line Road
P.O. Box 9010 | Addison, Texas 75001
office: (972) 450-7000
email: dwilcox@addisontx.gov
ADDISONTEXAS.NET

IT ALL COMES TOGETHER.

On Jan 25, 2016, at 1:17 PM, "[redacted]" <[redacted]> wrote:

> To the Mayor and City Council,
>
> My name is Nancy Williams, I live on Bobbin Lane and I am deeply opposed to the plan for the redevelopment of the Sam's Club site.
> I feel you have not done your due diligence or your fiduciary duty to and for the citizens of Addison and would hope that you will correct your error by voting down this ill-conceived plan.
> I am fully prepared to use my vote to show my displeasure and also to work for and back any candidates that run against those who vote for this plan.
> I have been shocked at the tone used against citizens of Addison on this subject. You should be encouraging debate and also transparency in this matter. I hope you will correct your tone and stance.
>
> Sincerely,
> Nancy Williams

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On Monday, January 25, 2016 2:11 PM, Janelle Moore <[redacted]> wrote:

Hello Paul,

The legal ramifications are interpreted by legal council and legal council alone. Because there is a flyer being disbursed with, yes, free speech jargon, yet free speech disparities conveying falsehoods and defamation of my fellow council members and the like, free speech turns into a diatribe of misgivings and unrelenting reflection of falsehoods gone awry. This, sir, is no free speech. This is hate. This is relentless inflammatory reproach at its finest and it will no longer be tolerated by any persons on such brochure. You sir, are wreaking havoc on our town. Not the other way around. It is my recommendation you stop harassing us. It is up to you, yes. But it is my recommendation you stop with the falsehoods and untruths flying by the seat of your pants. You, sir, have no right of those in the least. And no, our meeting will not be had. Feel free to come to the meeting tomorrow evening. We would all love to see you there.

All my best to you,

Janelle Marie Moore
Councilwoman, Town of Addison

On Jan 25, 2016, at 10:52 AM, Paul Walden <[redacted]> wrote:

> I wanted to respond to your email of 1/23/16 at 4:27 PM. You offered to meet with me, and all that was happening was that we were trying to find a time. You email came out of nowhere.
>
> I am greatly disturbed at the tone and content of your message to me. You have threatened me with "legal ramifications" and say you will be meeting with an attorney, all because I am exercising my first amendment right of free speech. You signed this threat under the color of your office as a Council Member, so are you speaking for the Town of Addison and the Town Council? Exactly what "legal ramifications" are there in our country for disagreeing with the government?

Exhibit E

It is a very sad time in the history of our Town where a citizen is threatened by their government with "legal ramifications" for redressing their grievances and having a political disagreement. How truly un-American.

I take it that you are now refusing to meet with me to discuss the Sam's redevelopment?

Paul

On Saturday, January 23, 2016 4:27 PM, Janelle Moore <[redacted]> wrote:

Hi Paul,

Thank you for the update. I want you to know that your tactics are not a safe haven for many. Instead, they are striking the notion which some would say are irresponsible and unethical to say the least. I have read the brochure. It is unaligned with the truth. It is screaming falsified data and is stirring unnecessary and unwelcome wonderment to people who have yet to understand or know all the details of the facts and not the fiction in which you are distributing. I am sorry to say but there are legal ramifications to your actions. I am at my wits end with you and your untruths being spread all over town. We can discuss this at a later date. But before we meet, I will be meeting with the an attorney.

Thank you very much,

Janelle Marie Moore
Councilwoman, Town of Addison

On Jan 23, 2016, at 1:22 PM, Personal Email <[redacted]> wrote:

Jane
Got my brochures distributed. Already hit my 10,000 steps on my Fitbit!

I have about an hour now if you are available. If that does not work how about lunch on Monday?

Paul

Begin forwarded message:

> **From:** Personal Email <[redacted]>
> **Date:** January 23, 2016 at 9:07:02 AM CST
> **To:** JANELLE MOORE <[redacted]>
> **Subject: Re: Meet**

Would still like to get together. Passing out brochures currently (the politicking never ends it seems) but will reach out to you when I am done.

Paul

Exhibit E

On Jan 22, 2016, at 4:41 PM, JANELLE MOORE <[redacted]> wrote:

Ok, I'm headed to whole foods and will be there for an hour if you get free. I'm not sure about my schedule for tomorrow yet.
Janelle
On Jan 22, 2016 4:34 PM, "Personal Email" <[redacted]> wrote:

Janelle, I am stuck at my appointment and I am not sure how long I will be. I don't want to tie you up. I am open in the morning if you have some time?

Let me know.

Paul

On Jan 22, 2016, at 10:43 AM, JANELLE MOORE
<[redacted]> wrote:

Paul,
I have a doctors appointment until 4:30ish, so I could meet after that. Would 5pm work for you?
Janelle
On Jan 22, 2016 7:28 AM, "Personal Email"
<[redacted]> wrote:

Janelle,

I understand fluid schedules. I have a 2:00 appointment this afternoon that I anticipate would last 1.5 hours so maybe around 4:00? I am still good with Whole Foods if that is convenient.

Let me know.

Paul

On Jan 22, 2016, at 5:46 AM, JANELLE MOORE
<[redacted]> wrote:

Paul,
I have had a personal matter come up that I need to tend to this morning, so I will not be able to meet you at 9am as planned. However, if you are available this afternoon or over the weekend please let me know. My apologies for the change, I hope you understand.
Best,
Janelle

Exhibit E

ADDISON NEWS

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3.7.14 Weekly Update from Mayor Todd Meier

MARCH 7, 2014 BY TODD MEIER, MAYOR

Dear Neighbor,

The weather this week has been so strange-last weekend we were in the 80s and then a 60 degree drop in less than 24 hours! You could get a sunburn and then frostbite—let's hope this is the last of the winter weather! Our awesome street crews were working all afternoon Sunday and all night Sunday into early

Monday morning to insure our Addison streets were useable. Great job guys—thank you!

Council News

As you may know, since this was the first week of the month we did not have a formal Council meeting or work session. That is not to say we were not busy as you will see below.

Final filings and candidate ballot spots were chosen this week for our final slate of Council candidates. On Thursday, at 3:00 pm at Town Hall, our final pool of candidates gathered for the random draw to determine the order of candidate names on the official ballot for May 10. The order of names on the ballot for our May 10 City Council election will be; **Mary Carpenter, Diane Mallory, Margie Gunther, Janelle Moore, David Heape, Neil Resnik**.

Our **next Regular Council Meeting is Tuesday, March 11** beginning 6:00 pm with a work session to discuss a transition audit, our upcoming budget process, and meet the new assistant prosecutor for our municipal court. Our Regular session will cover new appointments to our P&Z Commission, and BZA Board. We will also have 3 public hearings for requested Special Use Permits for new restaurants, review next steps for our Airport Master plan process, funding of airport improvements and have a presentation on our Department of Finance Quarterly Financial Review. **You are of course welcome to join us in person for any portion or all of the meeting, or you may** watch from home streamed live from our website**.**

Around Town

Our **Historic Transition event** last Friday drew over 450 folks; elected officials from all over North Texas, staff, past staff, residents, family and friends gathered to thank retiring City manager **Ron Whitehead** for his 32 years of service and for all of the many things he has done to help make Addison such a special place.

With brief remarks from all of our past mayors; **Lynn Spruill, Rich Beckert, Scott Wheeler and Joe Chow** and me as your current mayor, we covered everything from the personal inspirations from Ron, the importance and value of "trust," to the amusing and entertaining use of the "Top Ten" things about Ron to the "you may be Ron Whitehead if"; all emotions were covered. Emotional, touching, personal, humble and funny; just the right tone that so symbolizes Ron's Addison legacy.

With recognition that one of Ron's true passions is building people and careers, we acknowledged some of his finest work with the bridge he built to our future with the development of **Lea Dunn as our next City Manager**. Lea's years of experience working in many of the Town departments, being mentored by and working with Ron, her passion and understanding of our Addison customer service culture and her intellect have Lea Dunn very well equipped to be an outstanding City Manager for us here in Addison Texas. I know that **all** of my colleagues on the Council join me in congratulating Lea and assuring her of our full confidence and support with best wishes for Great Success with us here in Addison. The future is indeed very bright for Addison. Special **thanks to Rich and Scott** for helping to put together a great event and **all** my Council colleagues **Blake Clemens, Janelle Moore, Bruce Arfsten, Chris DeFrancisco, Margie Gunther and Neil Resnik** for their support.

Exhibit F

Immediately following our Transition event for Ron and Lea, we headed over to the Crowne Plaza Hotel to attend the 45th annual Metrocrest Chamber of Commerce Awards banquet. Joined by Mayor Pro Tempore **Blake Clemens** and new City Manager **Lea Dunn** and her husband Jeff, we celebrated the recognition of Metrocrest Services CEO **Tracy Eubanks as Citizen of the Year** and our own **Crowne Plaza Hotel as Business of the Year**! Speaking of our very own! Council Member **Janelle Moore** whose outstanding academic career from Ursuline to University of North Texas undergraduate degree and her MBA from UT at Dallas, 12 years of professional success in the medical sales and business development field and remarkable community service work from Africa to Addison, was honored with the Chamber's **Rising Star Award.** Congratulations Janelle, you make Addison very proud.

Please check out the **Metrocrest Services' annual fund raiser** breakfast on Tuesday, March 18 at 7:15 am at the **DoubleTree Hotel at 4099 Valley View Lane,** just a few tickets left. Contact Mike Harris at 972-446-2130. All of the proceeds go directly to helping our community be a better place.

I hope you caught the very nice piece the folks at **WFAA** did on our Addison Wednesday afternoon at just after 4pm. They have begun a new segment on **"Love Where You Live"** and of course have started the entire series with a very cool look at **our Addison--check it out**.

Special thanks to past Council member, Shriner and neighbor **Fred Silver** for helping us present a proclamation recognizing the good work of the **Hella Shrine Temple** and **the Shriners Hospitals** and declaring March 4 as the **Shriners Hospitals for Children Day**. Generous community participation and partnership with the our Addison IHOP on Belt Line Road with the National Pancake Day raised much needed

Exhibit F

funds for the benefit of the Shriner Hospitals and burn centers. Thanks to all of the folks that helped out, well done.

On Tuesday, City Manager **Lea Dunn**, Director of Infrastructure **Lisa Pyles and I** met with **Dallas City Council Member Lee Kleinman** who represents the Dallas Council District with whom Addison shares a border. It was an excellent meeting where we asked Council Member Kleinman for **some help** with **traffic congestion** areas on the southbound service road of the Tollway just north of Belt Line and the signal sequencing at Arapaho and the service road. We also asked him to consider partnering with us to **continue our rejuvenation of the Belt Line medians** east of the Tollway, including continuing our lighting enhancements. We offered to take over the management of the Belt Line bridge over the Tollway since we currently have Belt Line on both the west and east side of the Tollway; this would help us in a variety of ways from First Responder coordination to traffic flow. We also shared with the Council Member the likely need for a new traffic signal on Montfort maybe a year from now after the new AMC Theatre is open on the south side of the Village on the Parkway. We further discussed trail connectivity and the variety of projects we all have in the area of common interest. All in all, **an excellent and very cordial meeting with a very important representative of our neighbor to the south, east and north of us!** We will keep you informed as we develop progress on these issues.

Our First Wednesday of the month coffee at 10am at Dunn bros was **S**tanding **R**oom **O**nly as over 47 folks had coffee on me and tucked into our space for a great conversation. We covered a review of our Transition event, Lea Dunn's impressive start as our new City Manager, the upcoming Citizen Academy, our new Fork & Cork culinary event, continued questions about Budget Suites and Neighborhood watch groups, upcoming Council elections, in fact Council member **Janelle Moore** was there to help with a question about our zip code project. As always an impressive group of very well informed Addison neighbors. We hope to see you next month at 10:00 am on Wednesday, April 2.

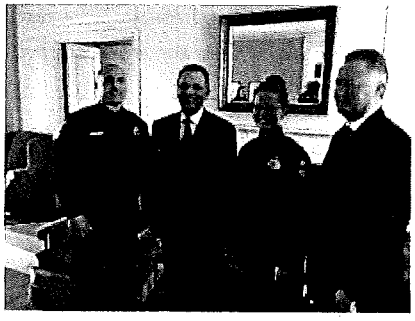
Exhibit F

Frequent DART customer and neighbor **Jane Lenz** wanted me to pass along to you that the **Addison Transit Center** has extended their hours to now include weekends! Great news for Addison visitors in particular, much easier to buy tickets and get around—station monitor hours are now Mon-Friday, 5am-9pm; Saturday and Sunday, 8am-4pm. Thanks for the info Jane!

Bright and early on Thursday, Mayor Pro Tempore **Blake Clemens and I** represented our Council colleagues in showing support for our First Responders by attending the swearing in ceremony for Firefighter/paramedic **Juston Love.** The brief warm and traditional ceremony was one to the highlights of my week! We are so fortunate to have young professionals like Juston on our team! As you can see form the photo Juston's 2-year-old son plans to follow in dad's footsteps—very cute.

Later on Thursday I had the honor and privilege to **swear in two of Addison's newest and now finest Police Officers**! Surrounded by family, friends and our entire Town leadership team from our **City Manager's**

office, Police Department and representing our Council Mayor Pro Tempore Blake Clemens, we saw officers Robert Martino and Paige Stevens take their oath of office.



Immediately following experiencing the enthusiasm so obvious on the faces of Paige and Robert, I received a call on my cell phone from one of our long time Addison residents. She called to commend one of our Addison Officers, **Brad Freis** who has been with us for 33 years. She just went on and on about how "nice he was and such an asset to Addison, he just made my day." Linking these three events together gives us all an appreciation for the kind of folks we are fortunate to attract and retain here in Addison that are committed to looking after us—no wonder so many of us Love Addison!

Exhibit F

Business Development

Special shout out to Bill Remington and his team at **Remington's Seafood Grill** at 4580 Belt Line Road as today is their **35th anniversary**! Pretty amazing, given the challenges in the restaurant business. Only way to thrive and survive that long is outstanding food, superior customer service, special people, and of course a great location right here in Addison on Belt Line Road!

I met this week with **Adam Suleman** with Equinox Hospitality who represents the new owners of our **Hilton Garden Inn** on Belt Line to hear more about their exciting plans for their remodel that they plan to have completed by July. Adam and his company own and operate several real estate and hospitality properties here and around the country and it would be great if we could increase their portfolio of investments here in Addison, maybe even lure their corporate headquarters here from California?

On Wednesday, the Addison Business Association featured an excellent presentation from our Director of Special Events **Barbara Kovacevich** with a great preview of our upcoming **Fork and Cork** event on May 16 and 17. **Designed for the Epicurious**, this intimate two day event brings together celebrated chefs, craft breweries, wineries and spirit makers for lots of fun with food as the focus of the entertainment. Tickets are now on sale at www.addisonforkandcork.com. **Beth Huddleston from the Council of World Affairs** previewed our plans for the upcoming year's Worldfest. The Worldfest program will **spotlight Mexico this in 2014,** announcing the first event will be a lunch on April 9 at our Marriott Quorum—a celebration of 20 years of the North American Free Trade Agreement (NAFTA). Economic Director **Orlando Campos** tied it all together with an excellent business presentation on the importance of Mexico to our national and Texas economies. Council members **Janelle Moore, Blake Clemens, Bruce Arfsten, Chris DeFrancisco** and **Margie Gunther** and I all took time to be at this important event to help host and connect with our business community here in Addison.

Arezzo Italian Street Food at 4515 Belt Line Road was the perfect site and host for our First Monday of the month Mayor's Lunch on Monday, March 3. It was very cold and still a bit icy outside, but inside the warm hospitality and great neighbors made for a fun event. With 15 neighbors sampling everything from the PaDeena wrap, the chopped Salad, Pasta Bowl or PaNini sandwich, and topped off with complimentary cannoli chips. A tasty treat from one of newest and already most popular Addison restaurants!

I stopped in for a tour of the **newly remodeled Courtyard Marriott** at 4165 Proton. Marketing Director **Lauren Volcansek** showed off the new lobby area with all sorts of advanced technology, the new landscape, the outdoor lounge area including a new fire pit, Starbucks coffee bar, health club, all adding to the totally redecorated rooms! Wow, really an amazing makeover and now offered at a price point that is bound to make for a full hotel! A great place to add to your list of possible spots for visiting family, friends or business associates...stop in and see Lauren for your own tour soon.

Calendar

Next Council meeting: Tuesday, March 11 beginning at 6:00 pm with a work session. The Regular Council Meeting begins at 7:30pm—both at Town Hall.

Save the Date: Our Spring Town Meeting will be at 7pm on Tuesday, April 15 at the Addison Conference Centre.

Our **annual Candidates Forum**, co-sponsored by the Metrocrest Chamber of Commerce and the Addison Business Association, will be held on Monday, April 21 at 7:00 pm at our Addison Conference Centre. This will be a **free event** with a moderator and an opportunity for you to get to know the candidates better. More details later, just wanted to be sure you add this important event to your calendar.

I hope you have a great weekend enjoying our community.

See you soon,

Todd

FILED UNDER: MAYOR

ABOUT ADDISON, TEXAS

Addison is the perfect place for your business to thrive, the perfect place to call home, and always the perfect answer for fun. With 170+ restaurants, 22 hotels, tons of attractions, limitless events and activities, countless unique retail shops and 12 million+ sq. ft. of office space all in just 4.4 square

miles...it's easy to see why Addison is where it all comes together.

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* indicates required

Email Address *

First Name

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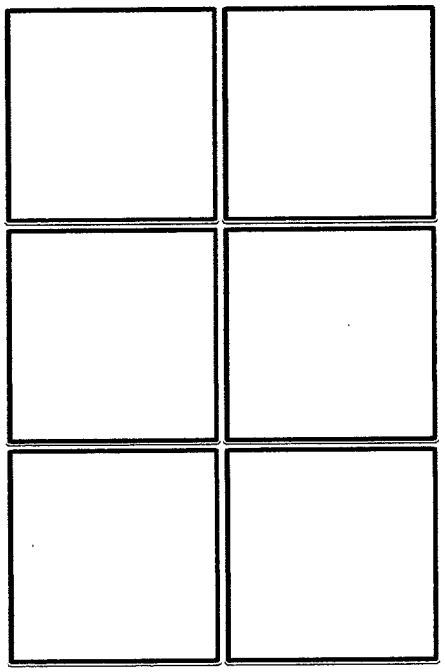

ADDISON, TEXAS TV

RECENT POSTS

Update from Mayor Todd Meier, 1,29,16

Court System Computer Upgrade Will Limit Services on Jan. 28, Jan. 29 and Feb. 1

Addison Police Chief Paul Spencer Officially Sworn In

Addison Receives Silver Fleet Award from NTCOG

How Quickly Would Your House Burn?

CATEGORIES

Airport Airport Businesses Airport Operations Airport Safety Airport Security Airport Tenants Airspace Aviation Employment City Happenings Community Outreach Conference Centre Economic Development FAA Featured Flight Instruction Fun in Addison Kaboom Town Maintenance Mayor Noise Abatement Parks and Rec Podcast

Exhibit F

Public Safety Special Events

Theatre Centre Todd Meier

Uncategorized Visit Addison!

POPULAR LINKS

Addison Arbor Foundation
Addison Business Association
Addison Legacy Foundation
Addison Mid-Day Rotary
Dallas Entrepreneur Center
Metrocrest Chamber
Metrocrest Services
North Texas Small Business Development Center
Tri-County Regional Hispanic Chamber of Commerce

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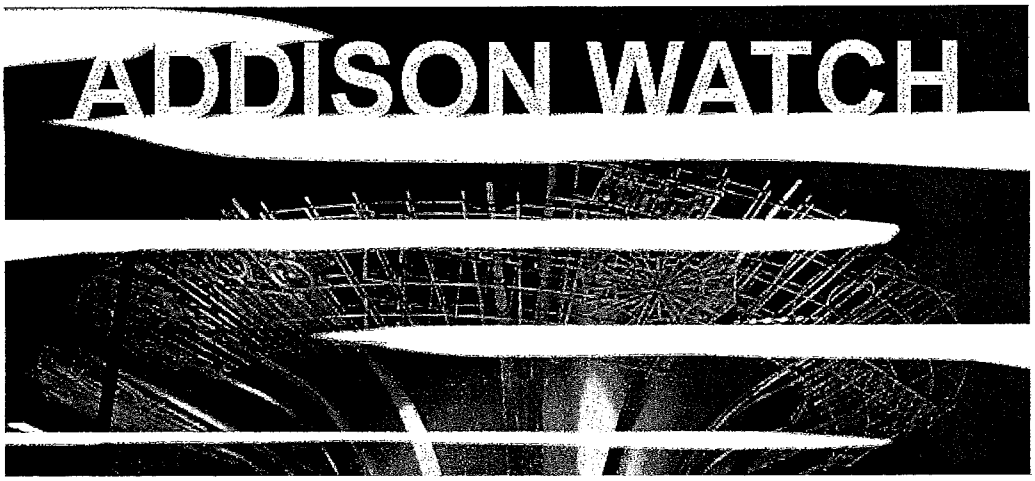
From: "Truth in Addison" <truthinaddison@gmail.com>
Date: Thursday, April 16, 2015 4:30 PM
To:
Subject: Addison Watch



April 16, 2015

Why This Newsletter?

Without a daily newspaper to cover happenings in the Town, many residents have no source of accurate information regarding Town activities, so Addison Watch was born.

We plan to produce a bi-weekly newsletter, to be distributed via e-mail on the second and fourth Thursdays of each month.

Our content will include general news about the Town and town-sponsored activities and events, reports of city council actions and some employee and business news - all in a succinct format that will keep residents up-to-date.

City Manager Lea Dunn Resigns

City Manager Lea Dunn offered her resignation to the Addison City Council March 20, 2015, subject to the terms of her contract, and vacated her office the same day. After an Executive Session during the regular Council meeting on March 24, the Council accepted her resignation after a motion was made by Mayor Todd Meier.

Exhibit G

Since there was no agenda item posted regarding her resignation, the Council quickly posted the proper notice and met again on Saturday, March 28 at 1:15 pm. The Council formally voted to accept her resignation and approve the terms of her separation agreement which called for a severance package totaling $248,110.

At the same meeting, the Council named Deputy City Manager Cheryl Dulaney acting interim city manager. They also authorized the hiring of two search firms to find both an interim and permanent city manager.

Many residents continue to have questions regarding Ms. Dunn's sudden resignation after 19 years with the Town.

Council Notes 4.14.15

NAMING POLICY - Agreed to use Proton/Beltway Plaza site for a wall to recognize selected honorees. Will hold a public hearing at the 4/28 meeting to discuss policy on major naming projects - buildings, parks, etc. Current thinking is to only honor former mayors and city managers. Plan to come 4/28 to give Council YOUR advice. The discussion is a result of a request by UDR (developer of Vitruvian Park) to honor the late Development Services Director Carmen Moran by naming the Vitruvian Park amphitheater after her.

CITY MANAGER SEARCH - Retained SGR (Strategic Government Resources) to find an interim city manager (SGR already has a recommendation for a probable candidate which they did not reveal). Heard presentations from SGR and WhitneySmith as to qualifications to search for permanent city manager. Will hear from two other firms on 4/28 and plan to make a selection then.

THE HUB - Approved a special use permit for The Hub to add a billiard parlor and arcade as well as a separate, smoke-free dining area to their space at 4145 Belt Line Road.

PLANNING & ZONING APPOINTMENT - Delayed action.

VOLUNTEER WEEK - Issued a proclamation declaring National Volunteer Week to honor the 108 Addison volunteers who have donated 3,862 hours of work to the Town.

Candidates Forum is Monday, April 20

Remember that the Candidates Forum is Monday night, April 20 at 7 p.m. at the Conference Center. Bring your questions for the Council candidates.

truthinaddison@gmail.com

Forward this email

SafeUnsubscribe

Exhibit G

This email was sent to [redacted] by truthinaddison@gmail.com | Update Profile/Email Address | Rapid removal with SafeUnsubscribe™ | Privacy Policy.

Trusted Email from Constant Contact Try it FREE today.

Truth in Addison | P.O. Box 2711 | Addison | TX | 75001

Exhibit G

From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, May 1, 2015 3:50 PM
To:
Subject: Update from Addison Mayor Todd Meier, 5.1.15

Dear Neighbor,

Tomorrow is Addison Garage Sale time! It looks like the weather is going to be ideal, so get there early for the best deals. Don't forget to bring any electronic gear that you want to have recycled. The Garage Sale will be in the Sam's Club parking lot from 8am until 2pm.

Council News

Big news at our Tuesday, April 28 Council Meeting: the Council **unanimously approved the selection of Charles Daniels as interim city manager**. Charles will serve with the full authority of city manager until the search for our permanent city manager is completed, most likely sometime before the end of this calendar year. The **process** to select Charles Daniels as our interim city manager began about 30 days ago when the Council **Committee consisting of Mary Carpenter, David Heape, Deputy City Manager Cheryl Delaney, Assistant City Manager Chris Terry and I met to review the criteria and develop a profile of the ideal interim city manager** for us and to select a search consultant to help find just the right person. After the recent very successful searches performed for Addison to secure our Deputy City Manager Cheryl Delaney and our City Attorney Brenda McDonald, the committee recommended, and the Council unanimously approved, the selection of SGR as our search consultant.

After the committee reviewed our criteria and profile of the ideal candidate with SGR's CEO Ron Holifield, SGR went to work developing a list of well-suited candidates who matched the profile for us to review. **After a review of each candidate, our committee agreed that one in particular rose above all the rest in terms of qualifications and fit: Charles Daniels**. With over 35 years working in municipal governments, including an eight-year term as Assistant City Manager in Dallas and seven years as Assistant City Manager in Ft. Worth where he retired in January, Charles Daniels has an impressive resume and portfolio of work and service. We will attach his resume here for you. A day of interviews was arranged and Charles spent that entire day making himself available to each Council Member for one-on-one interviews, and he spent plenty of time with Cheryl and Chris. Thorough background and

reference checks were performed by SGR. Previous co-workers remarked that Charles is "even tempered," "uses the collaborative process well," is a "good thinker," and is a "good mentor." **Deputy City Manager Cheryl Delaney and Assistant City Manager Chris Terry both provided very strong and critically important endorsements of Charles.**

After the interviews and all the background checks were completed, the Council discussed Charles appointment at Tuesday evening's Council Meeting and we heard comments from Council Members that included, "Charles has our full confidence and support," "We are so excited to have Charles join our team," "His fantastic experience will be a great addition," and "He is perfect for the job." All of these comments flow from an inclusive process where we learned that Charles has lots of energy and a strong work ethic, is a good listener, is willing to make the tough decisions, and, he says,he, "**... like[s] for us to find a way to say 'Yes.'" That sounds a lot like our Addison Way! It's no wonder the Council voted unanimously to approve Charles. Council Members Blake Clemens, Janelle Moore, Chris DeFrancisco, Bruce Arfsten, Mary Carpenter, David Heape and Todd Meier each voted to approve Charles Daniels as our interim city manager to begin officially on May 4, 2015.** Charles is exceptionally well qualified and will be a good fit for Addison. Congratulations, Charles Daniels, and welcome to our Addison team.

During our Council Work Session, we reviewed an exciting **new opportunity to replace the aging seats in the Main Space of the Addison Conference and Theatre Centre**, the home of the WaterTower Theatre. The likely costs of replacing the old seats, which have been in place since 2002 and are a frequent source of concerns from patrons, may well be about $122,000. The good news is that, through the WaterTower Theatre's budget and generous private benefactors, the portion of the cost left for Addison would be between $24,000 and $34,000.

On a related topic, the Council heard **an excellent presentation from our Conference Centre General Manager Mark Gooch on the recent progress they are making in reducing expenditures, increasing revenue, adopting best business practices and developing specific metrics to evaluate our progress.** It was an impressive presentation that illustrates our focus on operating the Conference Centre more like a business, rather than a government operation.

In other Council news, we approved a long list of administrative matters on the consent agenda and read proclamations recognizing Foot Health Month and Motorcycle Safety and Awareness Month. We had a relatively light turnout for our Public Hearing for feedback on the plans and criteria for our recognition and naming policy. Four speakers shared their concerns and suggestions, which will be integrated into the work our staff is doing in developing recommendations for the Council's consideration that will be coming forward in the next month or so.

The Council approved asking the staff to research best practices and making recommendations to revise our practice concerning public comment at Council Meetings. We hope to take that recommendation up very soon and implement the new procedure in May or June.

Police Chief Ron Davis presented the Police Department's **2014 Annual Report, showing the very positive trend of a decreasing rate of major Uniform Crime Report crimes in Addison, which is consistent with our entire region.** While overall activity is slightly up, with more minor traffic accidents

and motor vehicle burglaries, we are very fortunate to see good statistics in almost every category. One of the highlights of the chief's report was **the recognition of three of our officers for their quick thinking and actions that resulted in saving or prolonging lives of three people.** These three officers were awarded the Life Saving bar for "the saving of a human life" or the "prolonging of a human life to the extent of the victim being released to the care of medical personnel." **Congratulations and a big Addison thank you to Sergeant Kirk McFarland, Officer Jeff Sharp and Officer Kyle Coffelt for their bravery and actions**. If you would like to see the details of their heroics and the entire Annual 2014 Police Report, please click here.

The Council heard two excellent presentations from **prospective search firms aspiring to earn the opportunity to help us select our next Great Addison City Manager.** Longtime Addison business and frequent search consultant for Addison over the years **Rollie Waters of the executive recruitment firm Waters and Company,** reviewed his credentials and extensive inclusive process,and then he responded to questions from the Council. Renee Narloch, President of **Renee Narloch and Associates** based in Tallahassee, Florida and Georgetown, Texas, gave her firm's presentation next. She reviewed her credentials, experience and her corporate philosophy that "leadership is the most important thing in government," and that she would help us find "someone who sets everyone up for success." Her process would involve developing a profile of the ideal candidate, utilizing as much of our input as possible to ensure just the right fit. The Council has now heard four excellent presentations from nationally recognized search consultants. **Now our committee, made up of Mayor Pro Tempore Blake Clemens, Deputy Mayor Pro Tempore Janelle Moore and Council Member Bruce Arfsten, will review all of the information we have received and do any additional research necessary to bring the Council a recommendation for the selection of our search consultant to help us find our next great city manager.**

Several items were covered in Executive Session and we adjourned after a very productive and positive meeting at about 11pm.

Our next Regular Council Meeting will be Tuesday evening, May 12. We will begin at 6pm with a Work Session that will include a review of our Storm Water Fund. Our tentative plans for the Regular Council agenda include consideration of three Special Use Permits for local restaurants, our Quarterly Report on Addison financials and a Cotton Belt Rail Line update.

On May 18, the Council will meet in a Special Session to canvass the election results and swear in the new Council Members.

Next week on Monday, May 4, we will have our Economic Development Luncheon with the Mayor and Council Members at Dream Café in Village on the Parkway, 5100 Belt Line Rd., from 11:30am to 1pm. Come help us celebrate their new location and their recommitment to Addison!

Then on Wednesday, May 6 at 10am at Dunn Brothers Coffee, 3725 Belt Line Rd., we will have our First Wednesday of the Month Coffee with the Mayor. Join us for a fun,informal conversation about all the good things going on in Addison. The coffee is on me!

Business Development

On Wednesday morning Director of Economic Development and Tourism **Orlando Campos**,Tourism Coordinator **Alisha Holmberg** and I met with **Pastor Shaji K. Daniel,** senior founder of Agape Church, and his team to begin **to plan for their very large conference planned for late June or early July 2016**. They will have their conference at Addison's InterContinental Hotel, and with an expected attendance of more than **5,000 people coming from our surrounding five-state region** we can expect most of our hotels and restaurants will benefit from this important book of business.

We had a busy Thursday evening, April 30! First we celebrated the Grand Opening of Pure Barre **Addison, 5000 Belt Line Rd. in Addison Walk, with Giselle** and her team of trainers and guests. We cut their ribbon and officially welcomed them to Addison. The business is off to a great start with very positive feedback from folks who feel the healthiest they ever have! Note that the catering was provided by Snap Kitchen with their fresh, healthy take-away right across the street from Pure Barre at 4941 Belt Line Rd.

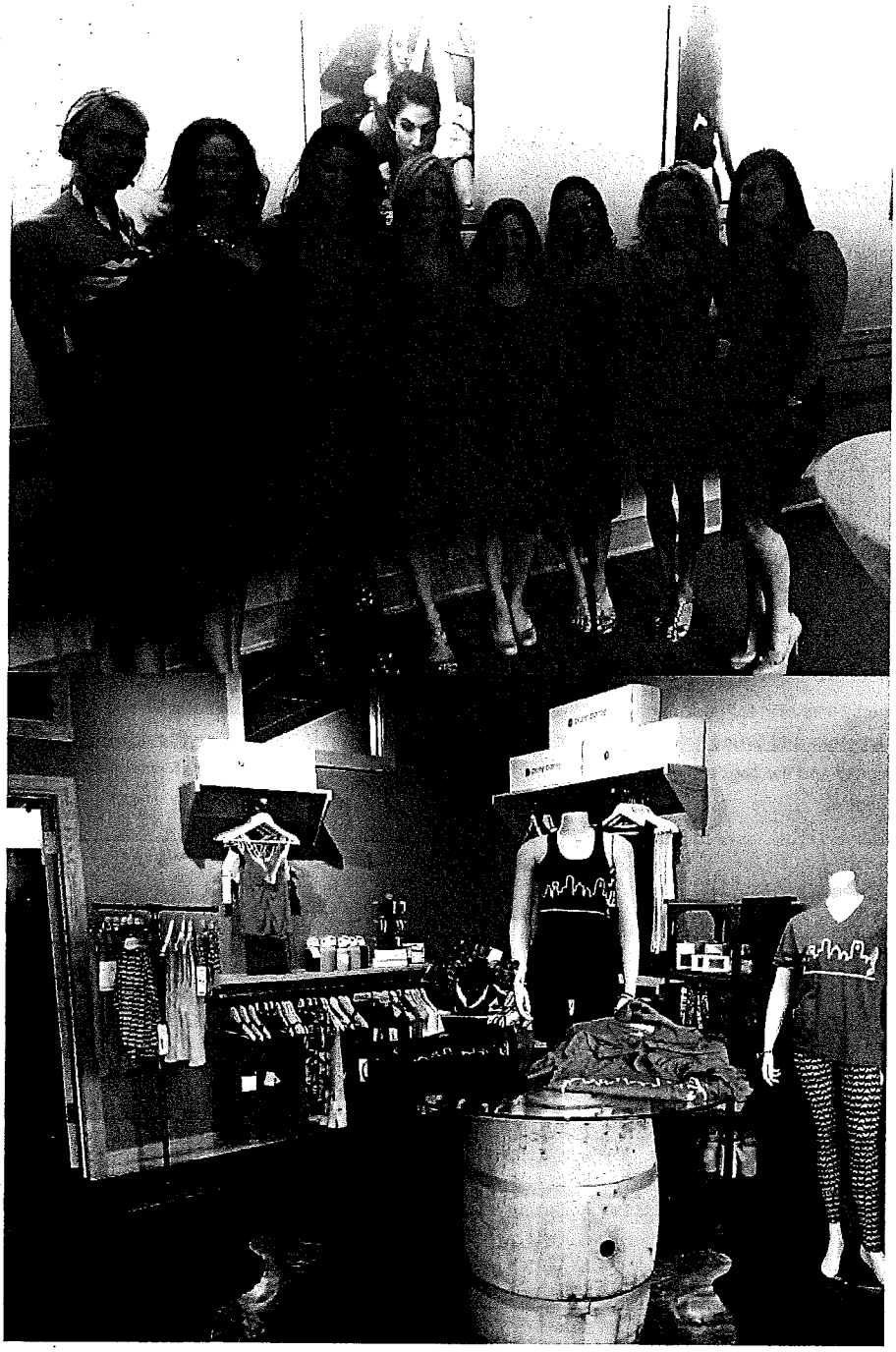
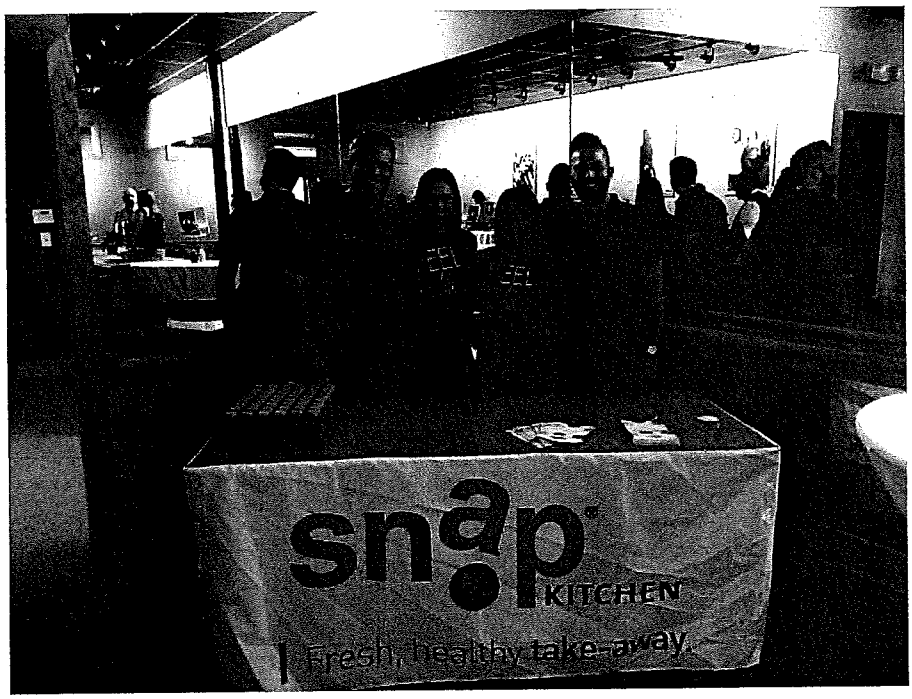


Exhibit H



Then it was over to Frost Bank **where Council Colleagues Blake Clemens, Janelle Moore, Mary Carpenter and Bruce Arfsten joined me to thank and congratulate Senior Vice President Jeff Laceky** and the bank's supporters for their outstanding **sponsorship and support of WaterTower Theatre.**

Exhibit H

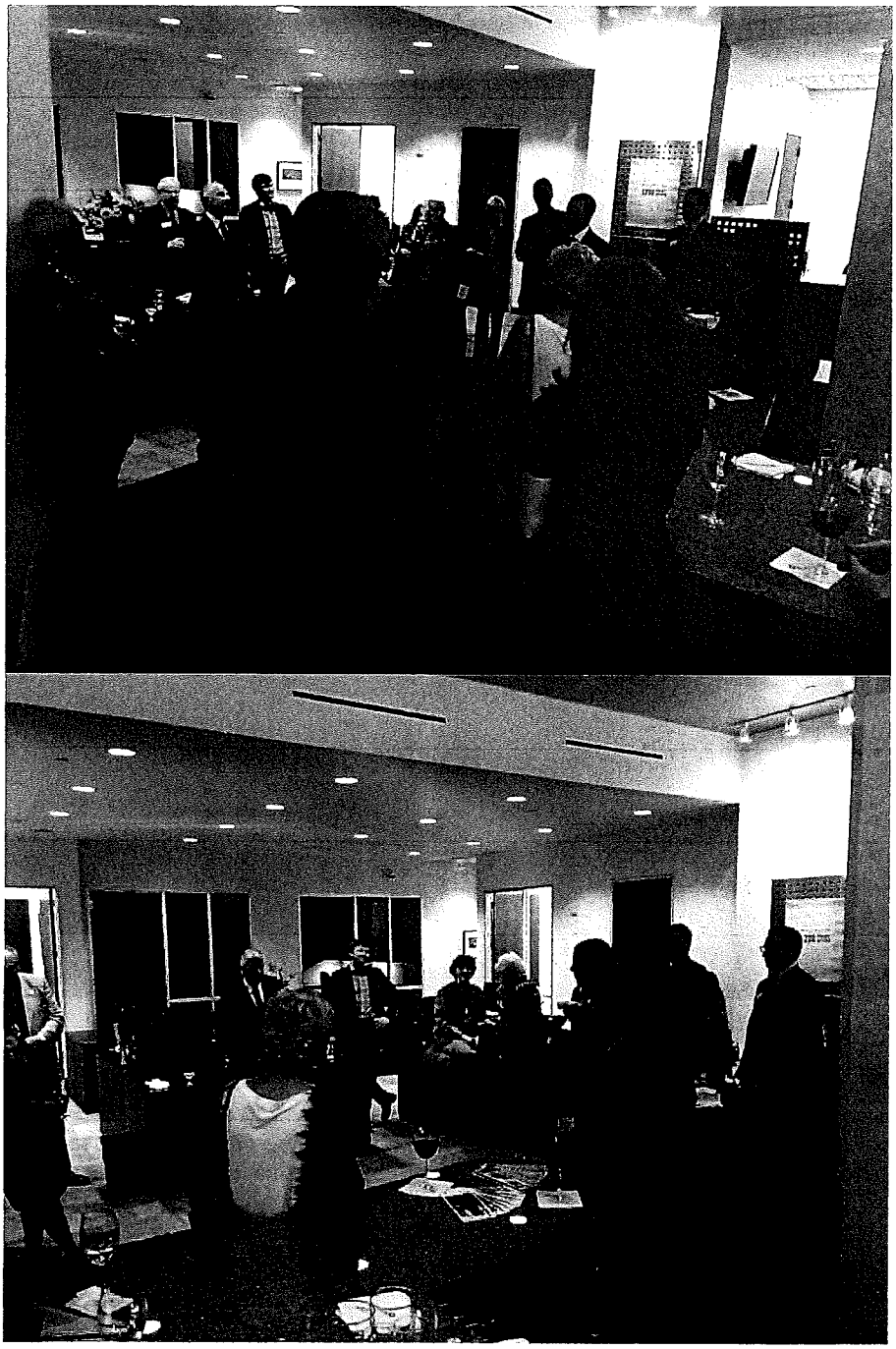


Exhibit H

Finally **Blake, Janelle and I headed over to** Edward Baumann Clothiers **at 4801 Arapaho Rd., right next to the DART station.** Bob Baumann, his wife and co-workers were celebrating 25 years in the business of making fine, custom-made menswear, including suits, sport coats, jeans and shoes. Bob started his business 25 years ago today on May 1, 1991.Through hard work, attention to detail, and a knack for creating a relaxed environment where men feel welcome, his client list has grown to include some incredibly successful and influential businessmen and professionals. With his store's outstanding location and view of the south end of the Addison Airport runway, it might be a great idea to be shopping at Edward Baumann Clothiers on July 3 for an amazing view of Kaboom Town! fireworks! **2014 was Bob's best business year ever and business is already up 10% for 2015, which is great for Bob and Addison! Congratulations Bob!**

Around Town

Mayor Pro Tempore **Blake Clemens and Council Member David Heape** had the not-so-rough duty of representing Addison at the recent North Dallas Chamber of Commerce BBQ competition. I have it on good authority that they weathered the storm and did all they could to have our **Addison team of Al Dent, Phil Kagarice, Mark Gooch, Drew Dietrich and Orlando Campos** feel the love.

Then, just to maintain their momentum of service, **Blake was joined by Council Colleague Mary Carpenter to represent City Council at the Quarterly Arbor Foundation Educational Seminar on Saturday morning, April 25, at the Athletic Club.**

On Saturday evening, April 25, I was honored to represent Addison at the **annual fundraiser for**

CHETNA **at Addison's InterContinental Hotel.** CHETNA is a grass roots organization that provides information and unique services to South Asian victims of domestic violence in the DFW area during times of crisis through peer support and counseling. Their mission is "to empower South Asian victims of domestic violence by bringing them safety, helping them rebuild their lives and putting an end their cycle of violence." It was very well attended, with over 500 folks from all over the DFW and the country. Special guest, tennis great and U.S. Open champion **Vijay Amritraj** was also around to show his support for the cause. The keynote speaker was frequent Addison visitor and Addison Airport customer **Indra Nooyi, chairman and CEO of PEPSICO.** I did have a chance to visit with Ms. Nooyi to let her know how much we appreciate their business at Addison Airport and to assure her we are available at any time to be of service. She had very high praise for our airport. It was an extremely well-done event that championed a very important cause that we are very proud to have here in Addison.

Exhibit H

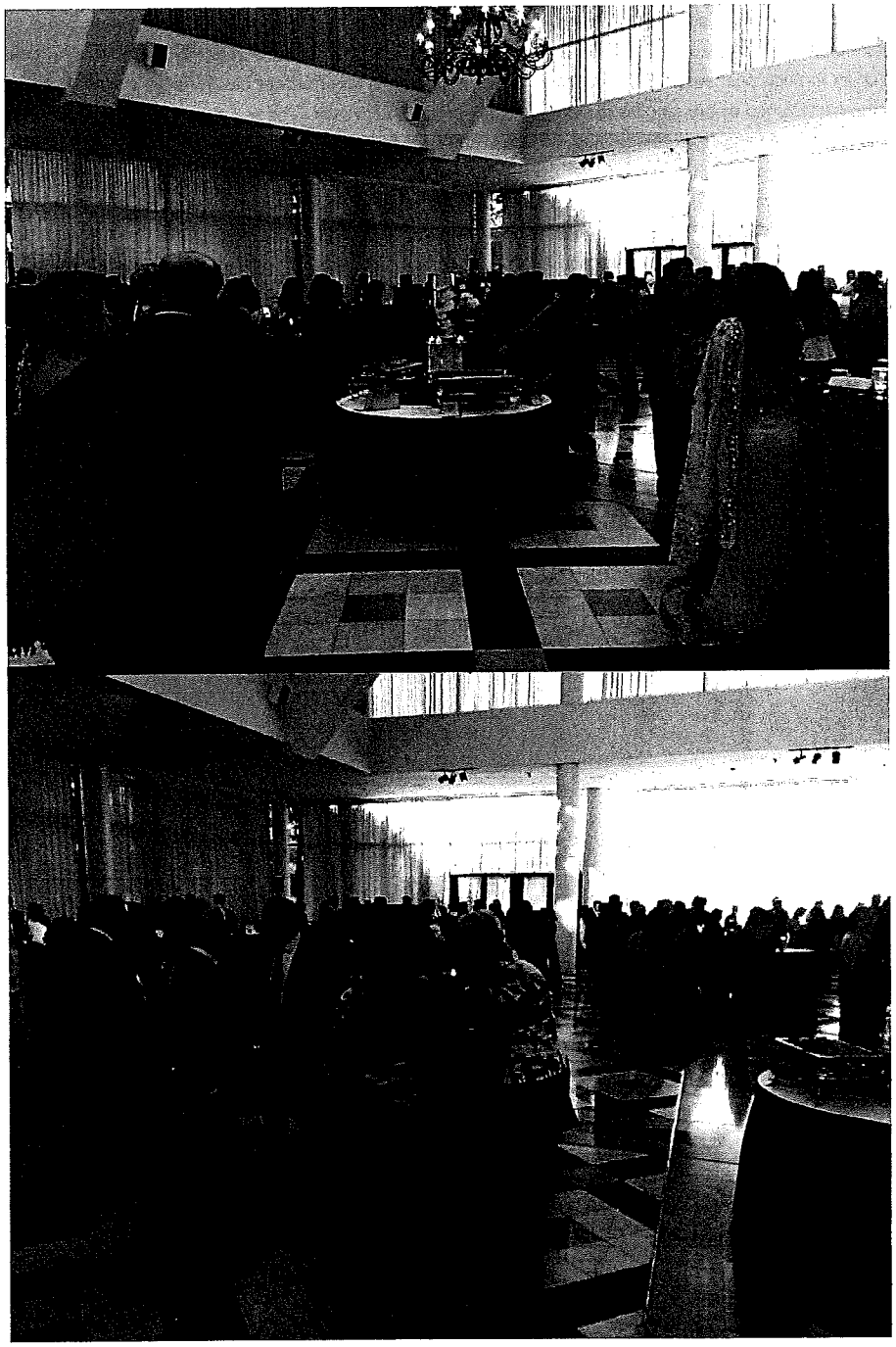


Exhibit H

On Sunday afternoon, April 26, **I was pleased to represent Addison, along with Mayor Pro Tempore Blake Clemens, Deputy Mayor Pro Tempore Janelle Moore and Council Member Bruce Arfsten, at the annual neighborhood get-together for the Waterside Court neighbors. Julie Griffith and Tom Schaeffer** joined efforts this year and brought about 90 folks from the entire area, including Waterside Court and Chatham Court, together to get to know each other better and hear an update on Addison, as well as our **Crime Watch program which Tom leads.** There was lots of great food, conversation and a presentation from **Addison Police Officer Justin Pierce** on the importance of all of us working together to keep our community safe. Thank you Tom, Julie and Jim for all you did to make this a special Addison neighborhood event . . .very well done!

On Wednesday evening, April 29, **Nelly and I joined about 20 friends for a night at the** WaterTower Theatre**.** The play was "All My Sons," which is set in post-World War II. Arthur Miller's landmark drama examines the relationships between fathers and sons and the price of living the American Dream. An explosive secret threatens to tear the family apart in this powerful play about the conflict between business ethics and taking responsibility for one's actions. This play is based on a true story and the plot line will keep you guessing and on the edge of your seat until the very last moment. The acting is up to the usual very high standards for our WaterTower Theatre featuring frequent WaterTower star Diana Sheehan. **WaterTower's very own producing artistic director Terry Martin made a rare acting appearance as the lead and delivered an amazing better-win-a-big-award performance.** This remarkable work runs through May 10 and even if you do not have a high interest in live theatre, **you really owe it to yourself to experience this work and theatre at its finest**. You can purchase tickets here.

Here is a quick update to an item many of you have asked about. The Town was made aware that during the weeks of April 13 and April 27, many residents and Addison employees received an unsolicited email entitled "Addison Watch." We are continuing to research this matter and will share more information as it becomes available.

Coming Events

Next week on **Monday, May 4,** we will have our **Economic Development Luncheon with the Mayor and Council Members at** Dream Café **in Village on the Parkway,** 5100 Belt Line Rd., from 11:30am to 1pm. Come help us celebrate their new location and their recommitment to Addison!

Then on **Wednesday, May 6 at 10am at** Dunn Brothers Cafe **at 3725 Belt Line Rd.**, we will have our First Wednesday of the Month **Coffee with the Mayor**. Come join us for a fun, informal conversation about all the good things going on in Addison. The coffee is on me!

Saturday, May 9 is Addison Election Day. Polls close at 7pm sharp.

Looks like a beautiful Addison weekend ahead, I hope you find time to enjoy and share time with loved ones and friends.

See you soon,

Exhibit H

Todd

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You are receiving his email because you opted in to receive the weekly mayor's newsletter

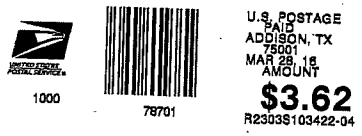
Our mailing address is:
Town of Addison
P.O. Box 9010
Addison, TX 75001

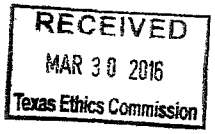
Add us to your address book

unsubscribe from this list update subscription preferences

Exhibit H

J. Oliver
14605 Hemingway Court
Addison, TX 75001





Texas Ethics Commission
201 East 14th Street
10th Floor
Austin, TX 78701

AI-1624 **Item # 16.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Parks & Recreation

AGENDA CAPTION:

Discuss And Consider A Resolution For **Installation Of The "Lost In Wisconsin" Public Art Piece At The Southeast Corner of Beltway and Proton Drives**.

BACKGROUND:

The 'Lost In Wisconsin' art piece was donated to the Addison Arbor Foundation by artist Nic Noblique. The art piece had been an outdoor installation and so the Arbor Foundation agreed to pay the cost to have the piece powder-coated in preparation for the installation. The piece was delivered to the Town of Addison on 8/27/2013 by the artist.

The placement of 'Lost in Wisconsin' was taken to Council on July 9th, 2013 (Item #R4) for approval along with two other pieces ('Cut One Plant One' by Nic Noblique and the 'untitled' plane sculpture for the Wright Brother and Wiley Post median). The approved location for the 'Lost In Wisconsin' was the southeast corner of Beltway and Proton Drives. Instead of being a stand-alone installation, the art piece was incorporated into the Beltway/Proton Pedestrian Connectivity Project as the central design feature. During a Council work session on 10/13/2015 (Recognition Garden at the corner of Beltway/Proton), the Council directed staff to delay installation of the art piece.

With the connectivity project now complete, Staff is seeking direction on how to proceed. Staff recommends installation of 'Lost in Wisconsin' at this location.

RECOMMENDATION:

Administration recommends approval.

Attachments

Map

Picture of Entry

Resolution

LIMIT OF WORK

ROW

BELTWAY DR.

8'-0"

COMMUNITY GARDEN

A

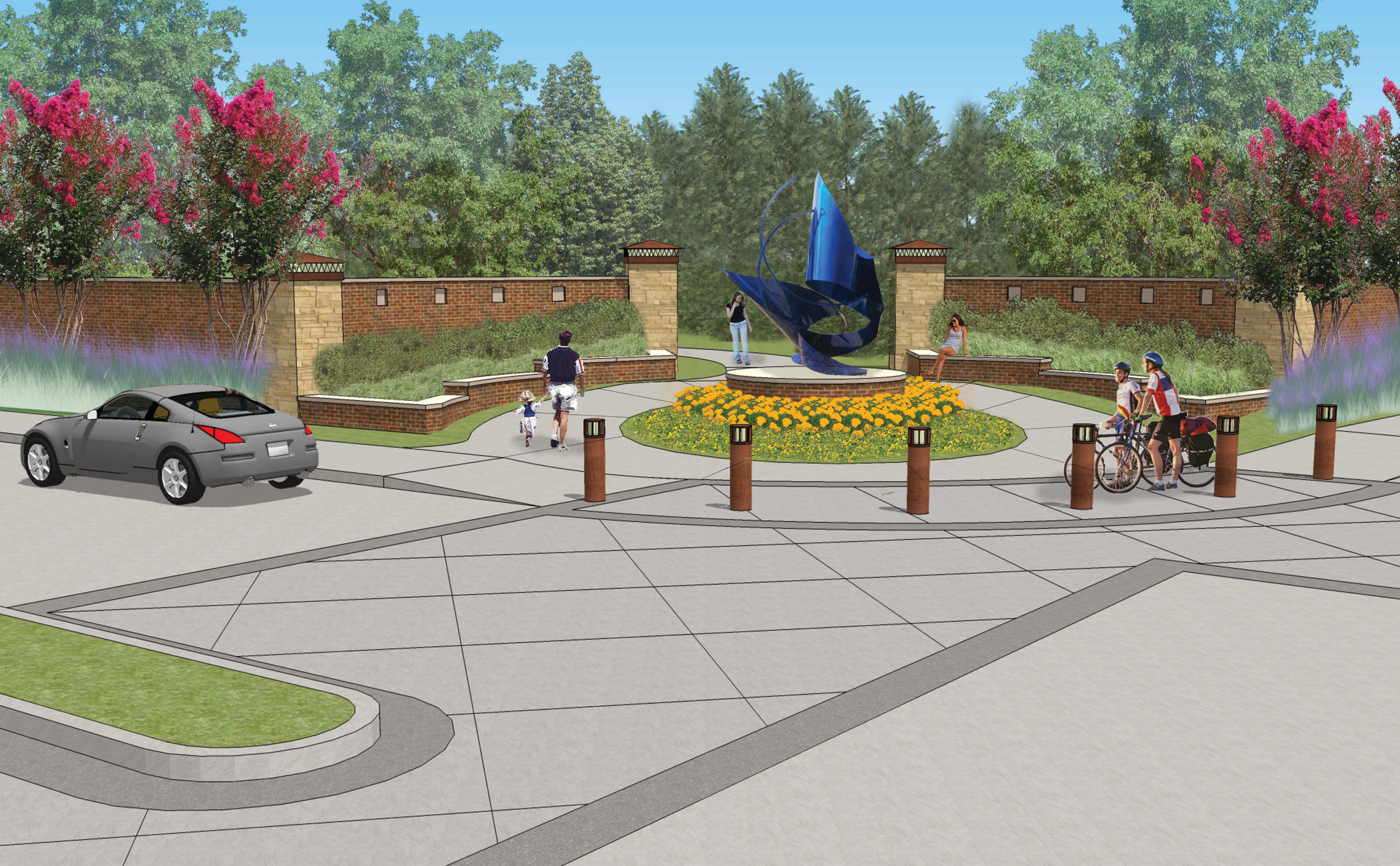
B

C

D

8'-0"

8'-0"



TOWN OF ADDISON, TEXAS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING THE INSTALLATION OF THE PUBLIC ART PIECE KNOWN AS "LOST IN WISCONSIN" AT THE SOUTHEAST CORNER OF BELTWAY DRIVE AND PROTON DRIVE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Addison Arbor Foundation received for the Town of Addison, the donation of a public art piece known as "Lost in Wisconsin;" and

WHEREAS, at its July 9, 2013, City Council meeting, the Council approved the placement of the sculpture at the southeast corner of Beltway Drive and Proton Drive; and

WHEREAS, the Town staff has recommended installation of the public art piece at the southeast corner of Beltway Drive and Proton Drive.

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

Section 1. The recitals set forth above are true and correct and are incorporated herein for all purposes.

Section 2. The Addison City Council hereby approves installation of the public art piece known as "Lost in Wisconsin" at the southeast corner of Beltway Drive and Proton Drive.

Section 2. This Resolution shall take effect from and after its date of adoption.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

By: _____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: _____
Brenda N. McDonald, City Attorney

AI-1660 **Item # 17.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Athletic Club

AGENDA CAPTION:

Hold A Public Hearing, Discuss, Consider And Approve An **Ordinance Establishing Standards Of Care For Youth Recreation Programs Conducted By The Town For Elementary Age Children Ages 5 Through 13; Providing For Compliance With Section 42.041(b)(14) Of The Texas Human Resources Code.**

BACKGROUND:

Municipalities that operate youth programs are required by state law to develop a standards of care document for youth camps, hold a public hearing, and have the standards approved by ordinance on an annual basis. This document serves as a guide for staff to operate the camp, including but not limited to staff ratios, hiring practices, training, facility requirements, programming, healthy, safety, and discipline. Once approved, the ordinance is posted to the website and copies are available for parents when they sign up their kids for camp.

Attached is the ordinance adopted last year, with no changes, that is intended to provide minimum standards for youth programs as required by Section 42.041 of the Texas Human Resources Code. The Standards of Care attached as Exhibit A cover guidelines for operating youth programs by the Town of Addison Recreation Department.

RECOMMENDATION:

Administration recommends approval.

Attachments

Ordinance

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ESTABLISHING STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS CONDUCTED BY THE CITY FOR ELEMENTARY AGE CHILDREN AGES 5 THROUGH 13; PROVIDING FOR COMPLIANCE WITH STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") is a home rule municipality pursuant to article 11, section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City operates recreation programs for children, including elementary age children (ages 5 through 13); and

WHEREAS, Section 42.041 of the Texas Human Resources Code provides that no person may operate a child-care facility or a child-placing agency without a license issued by the Texas Department of Family and Protective Services, but provides an exception from that requirement in Section 42.041(b)(14) of the said Code for an elementary-age (ages 5 through 13) recreation program operated by a municipality, provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and

WHEREAS, the City Council held a public hearing on May 12, 2015 regarding standards of care for its recreation program for elementary age children (ages 5 through 13) and thereafter passed and approved Ordinance No. 015-012 that adopted such standards of care; and

WHEREAS, in accordance with Section 42.041(b)(14) of the Human Resources Code, on May 24, 2016 the City Council conducted an annual public hearing regarding the adoption of standards of care for its recreation programs for elementary age children (ages 5 through 13) as set forth herein, and following such public hearing the City Council desires by this Ordinance to adopt such standards of care.

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

Section 1. The standards of care set forth in Exhibit A attached hereto and made a part of this Ordinance for all purposes (the "Standards of Care") are hereby adopted as the standards of care for all elementary age (ages 5 through 13) recreation programs operated by the Town of Addison, Texas (collectively "Programs" and each a "Program"), including, without limitation, any summer camp program or any spring break program.

Section 2. All Programs are to be operated by the City's Department Recreation ("Department"). The Director of the Department, or the Director's designee, (individually or collectively, the "Director"), shall administer the Programs in accordance with the Standards of Care. The Director may adopt rules in writing relating to the operation of Programs, which rules may be more restrictive than the Standards of Care. The Programs shall be operated in accordance with the Standards of Care (or, in the event the Director adopts rules that are more restrictive than the Standards of Care, in accordance with such rules).

Section 3. The Director Recreation ("Director") for the Town of Addison, Texas ("City"), or the Director's designee, shall provide the Standards of Care to the parents of each Program participant (and, in the event the Director adopts rules that are more restrictive than the Standards of Care, shall provide such rules to the parents of each Program participant). Further, the Director, or the Director's designee, shall inform the parents of each Program participant that the Program is not licensed by the State of Texas.

Section 4. The Program shall not be advertised as a child-care facility.

Section 5. The Director is authorized to take any and all steps, if any, as may be necessary to confirm the Program's exemption from State law as set forth in Section 42.041 of the Texas Human Resources Code.

Section 6. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 7. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 8. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 9. This Ordinance shall take effect upon its passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

By:_____
Laura Bell, City Secretary

APPROVED AS TO FORM:

By:_____
Brenda N. McDonald, City Attorney

EXHIBIT A
TO ORDINANCE NO. _____

STANDARDS OF CARE
FOR ELEMENTARY AGE (5 – 13) RECREATION PROGRAMS

The following Standards of Care are adopted in compliance with Section 42.041(b)(14) of the Texas Human Resources Code. The Standards of Care herein set forth herein are intended to be minimum standards applicable to all elementary age (ages 5 through 13) recreation Programs operated by the Town of Addison Recreation Department, including, without limitation, any summer camp program and any spring break program. The Programs are not licensed by the State of Texas, and shall not be advertised as a child-care facility.

GENERAL ADMINISTRATION

1. Organization.

   A. The governing body of the Youth Programs is the City Council of the Town of Addison, Texas.

   B. Implementation of the Youth Programs Standards of Care is the responsibility of the Recreation Department Director or his or her designee and Department employees.

   C. These Standards of Care will apply to all Programs, including, without limitation, the Summer Camp Program and Spring Break Program.

   D. Each Program Site will have available for public and staff review a current copy of the Standards of Care.

   E. Parents of participants will be provided a current copy of the Standards of Care during the registration process for a Program. Further, a copy of the Standards of Care shall be placed online on the City's primary website.

   F. Criminal background checks will be conducted on prospective Program employees. If results of a criminal background check indicate that a prospective Program employee has been arrested, charged with, or convicted of any of the following offenses, the prospective Program employee will not be considered for employment:

      (1) a felony or a misdemeanor classified as an offense against a person or family member;

      (2) a felony or misdemeanor classified as public indecency;

      (3) any offense for which a person is required to register as a sex

offender under Chapter 62, Texas Code of Criminal Procedure;

(4) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(5) any offense involving moral turpitude;

(6) any offense that would, in the Director's sole opinion, potentially put youth participants or the City at risk.

2. Definitions. For purposes of these Standards of Care, the following words shall have the respective meanings ascribed to them:

A. *City* means the Town of Addison, Texas.

B. *City Council* means the City Council of the City.

C. *Department* means the Recreation Department of the City.

D. *Director* means the Recreation Department Director of the City or his or her designee.

E. *Employee(s)* means people who have been hired to work for the Town of Addison and have been assigned responsibility for managing, administering, or implementing some portion of a Program.

F. *Parent(s)* means one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in a Program.

G. *Participant* means a youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Program.

H. *Programs* means all (and *Program* means any of the) elementary age (ages 5 through 13) recreation programs operated by the Department, including, without limitation, the City Summer Camp Program (*Summer Camp* Program) and the City Spring Break Camp Program (*Spring Break Program*).

I. *Program Coordinator or Coordinator* means a full-time Department employee who is a recreation coordinator and has been assigned administrative responsibility for the Programs.

J. *Program Manual* means a notebook of policies, procedures, required forms, and organizational and programming information relevant to each Program.

K. *Program Site* means area and facilities where a Program is held, consisting

of the Addison Athletic Club, 3900 Beltway Drive, Addison, Texas 75001.

L. *Program Summer Camp Counselor* or *Counselor* means a Department part-time or seasonal employee who has been assigned responsibility by the Recreation Manager to implement the City's Summer Camp Program.

M. *Recreation Manager* means a full-time Department employee and who oversees the Program Coordinator and the operation of all Programs.

3. Inspections/Monitoring/Enforcement.

A. A written inspection report will be prepared by the Program Coordinator each month to confirm the Standards of Care are being adhered to.

(1) Each monthly inspection report will be sent by the Program Coordinator to the Recreation Manager for review and kept on record in accordance with the City's records retention policy.

(2) The Recreation Manager will review the report and establish deadlines and criteria for compliance with the Standards of Care where failure to comply is determined.

B. The Recreation Manager will make visual inspections of the Programs based on the following schedule:

(1) The Summer Camp Program will be inspected a minimum of two times during the Summer Camp Program's schedule.

(2) The Spring Break Camp Program will be inspected at least once during the Spring Break Camp Program schedule.

(3) Each other Program will be inspected at least once each week during the schedule for the Program.

C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to address any complaints and to resolve the problem(s), if any. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded in writing by the Coordinator. All complaints regarding enforcement of the Standards of Care where a deficiency is determined will be forwarded to the Recreation Manager, with the complaint and the resolution noted.

4. Enrollment. Before a child can be enrolled in a Program, the parents must sign registration forms that contain the following information about the child:

A. name, address, home telephone number;

B. name and address of parent(s) and telephone number(s) during Program hours;

C. the names and telephone numbers of people to whom the child can be released;

D. a statement of the child's physical health, including a physician's signed statement and current immunization (shot) records, detailing any special problems or needs of the child;

E. proof of residency within the City when appropriate; and

F. a fully executed liability waiver and release.

5. Suspected Abuse.

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where an employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Recreation Manager. The Recreation Manager will then immediately notify the Director, the City Police Department, and any other agency as may be appropriate.

Texas state law requires the employees of the Programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to $1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

STAFFING - RESPONSIBILITIES AND TRAINING

1. Program Coordinator Qualifications.

A. The Coordinator will be a full-time, professional employee of the Department.

B. The Coordinator must be at least 21 years old

C. The Coordinator must have received a bachelor's degree from an accredited college or university. Acceptable degrees include:

(1) Recreation Administration or General Recreation;

(2) Physical Education; and

(3) Any other comparable degree plan or experience that would lend itself to working in a public recreation environment.

D. The Coordinator must have at least two years experience planning and implementing recreational activities.

E. The Coordinator must pass a background investigation, including, including testing for alcohol and illegal and unauthorized drugs.

F. The Coordinator must have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.

2. Coordinator's Responsibilities.

A. The Coordinator is responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.

B. The Coordinator is responsible to recommend for hire, supervise, and evaluate Program seasonal employees.

C. The Coordinator is responsible to plan, implement, and evaluate Programs.

3. Program Summer Camp Counselor Qualifications.

A. Counselors will be part-time or seasonal employees of the Department.

B. Counselors working with children must be age 18 or older.

C. Counselors must be able to consistently exhibit competency, good judgment, and self-control when working with children.

D. Counselors must relate to children with courtesy, respect, tolerance, and patience.

E. Counselors must have successfully completed a course in first aid and CPR based on either American Heart Association or American Red Cross standards.

F. Counselors must pass a background investigation, including testing for alcohol and illegal and unauthorized drugs.

4. Counselor Responsibilities.

A. Counselors will be responsible to provide Program participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.

B. Counselors will be responsible to know and follow all City, Department,

and Program standards, policies, and procedures that apply to the Program.

C. Counselors must ensure that Program participants are released only to a parent or an adult designated by the parent. The Program Site will have a copy of the approved plan to verify the identity of a person authorized to pick up a Program participant if that person is not known to the Counselor.

5. Training/Orientation.

A. The Department is responsible for providing training and orientation to Program employees working with children and for specific job responsibilities. The Coordinator will provide each Counselor with a Program manual specific to the applicable Program.

B. Program employees must be familiar with the Standards of Care for Program operation as adopted by the City Council.

C. Program employees must be familiar with the Program's policies, including discipline, guidance, and release of Program participants as outlined in the Program Manual.

D. Program employees will be trained in appropriate procedures to handle emergencies.

E. Program employees will be trained in areas including City, Department, and Program policies and procedures, provision of recreation activities, safety issues, and organization goals.

F. Program employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

1. Staff-Participant Ratio.

A. The standard ratio of Program participants to employees will be 15 to 1. In the event an employee assigned to a Program is unable to report to the Program Site, a replacement will be assigned.

B. Each participant shall have a Program employee who is responsible for the participant and who is aware of the participant's habits, interests, and any special problems as identified by the participant's parent(s) during the registration process.

2. Discipline.

A. Program employees will implement discipline and guidance in a consistent

manner based on the best interests of Program participants.

B. There must be no cruel, harsh or corporal punishment or treatment used a method of discipline.

C. Program employees may use brief, supervised separation from the group if necessary.

D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.

E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a participant being suspended or removed from the Program or all Programs.

F. In instances where there is a danger to participants or employees, offending participants will be removed from the Program Site as soon as possible.

3. Programming.

A. Program employees will attempt to provide activities for each Program group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.

B. Program employees will attempt to provide indoor and outdoor time periods that include:

(1) alternating active and passive activities;

(2) opportunity for individual and group activities, and

(3) outdoor time each day weather permits.

C. Program employees will be attentive and considerate of participants' safety on field trips and during any transportation provided by the Program.

(1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.

(2) Program employees must have a written list of the participants in the Program group and must check the roll frequently.

(3) Program employees must have first aid supplies and a guide to first

aid and emergency care available on field trips.

4. Communication.

A. The Program Site will have a cell phone to allow the Program employees to be contacted by Department recreation employees and vice versa.

B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees:

(1) City ambulance or emergency medical services;

(2) City Police Department

(3) City Fire Department

(4) The Addison Athletic Club front desk; and

(5) Numbers at which parents may be reached.

5. Transportation.

A. Before a participant may be transported to and from City-sponsored activities, a transportation form, completed by the parent of the participant, must be filed with the Coordinator.

B. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.

C. Program employees will carry a cell phone at all times.

FACILITY STANDARDS

1. Safety.

A. Program employees will inspect Program Sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.

B. Buildings, grounds, and equipment on the Program Site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

C. Program equipment and supplies must be safe for the participants' use.

D. Program employees must have first aid supplies readily available at the Program Site, during transportation to an off-site activity, and for the duration of any off-site activity.

2. Fire.

A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.

B. The Program Site will have an annual fire inspection by the local Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Recreation Manager who will review and establish deadlines and criteria for compliance if any deficiencies or concerns are determined to exist.

C. The Program Site must have at least one fire extinguisher readily available to all Program employees. All Program employees will be trained in the proper use of fire extinguishers.

D. Fire drills will be initiated at Program Sites based on the following schedule:

(1) Summer Camp Program: A fire drill twice during the session.
(2) Spring Break Camp Program: A fire drill once during the session.
(3) Other Programs: A fire drill at least once during the session.

3. Health.

A. Illness or Injury.

(1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to a Program.

(2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.

(3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.

(4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication (limited only to an epinephrine pen (auto-injector) and an asthma inhaler) to participants only if:

(1) Parent(s) complete and sign a medication form provided by the Town (to include, among other things, an indemnity and hold

harmless provision, and a waiver and release provision) that provides authorization for Program employees to dispense the medication, with details as to time and dosages.

(2) The medication is in its original container labeled with the participant's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the medication's expiration date.

Program employees will not administer any other medication.

C. Toilet Facilities.

(1) The Program Site will have inside toilets located and equipped so participants can use them independently and Program employees can supervise as needed.

(2) An appropriate and adequate number of lavatories will be provided.

D. Sanitation.

(1) The Program facilities will have adequate light, ventilation, and heat.

(2) The Program will have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.

(3) Program employees will see that garbage is removed from buildings daily.

AI-1616 **Item # 18.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Approving A Special Use Permit For A Restaurant And A Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only, On Property Located At 5290 Belt Line Road, Suite 115 On Application From Gyu KaKu** .Case 1736-SUP/Gyu Kaku.

BACKGROUND:

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of ordinance changing the zoning on property located at 5290 Belt Line Road Suite 115 by approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to the following condition:

- The applicant shall not use any terms or graphic depictions relating to alcoholic beverages in exterior signage.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

Additional information regarding this item can be found in the attached staff report.

RECOMMENDATION:

Administration recommends approval.

Attachments

1736-SUP Plans
1736-SUP Staff Report

Ordinance

SITE PLAN

Prestonwood Place

ADDISON, TX

LOT 1

SUITE	TENANT	SF
102A	Chipotle	2,582
102B	SOHO / Okeano's By Avaner	1,443
103	AVAILABLE	1,300
105	i Fratelli Pizza	1,112
104	Foto Spa	1,275
100	Pollo Tropical	3,722
108	Addison Cafe	2,000
110	The Great Outdoors	2,300
112	La Madeleine	5,840
113	Pho Bowl	1,852
114	Gyu Kaku	3,351
116	Cafe Gecko	2,440
118	Sunstone Yoga Sport	4,500
122	AVAILABLE	8,125
124	Castle Nail Spa	2,300
132	Momo's Pasta	3,000
134	Planned Parenthood	3,000
136	AVAILABLE	3,000
138	AVAILABLE	3,000
142	Vernon's Grille	3,500
144	Chow Thai Restaurant	3,500
150	Logan's	5,200
150B	AVAILABLE	1,800
152	AVAILABLE	1,984
156	Orange Theory Fitness	1,517
158	Orange Theory Fitness	999
168	SMART Learning Center *(operating but available 2017)*	29,755

2ND FLOOR

168B	*not available*	32,853

LOT 2

SUITE	TENANT	SF
1	El Fenix	8,700
2	Twin Peaks	7,174
3	DeMassi's Buffet	7,397
4	Flying Saucer	5,500

ucr.com

CBRE | UCR

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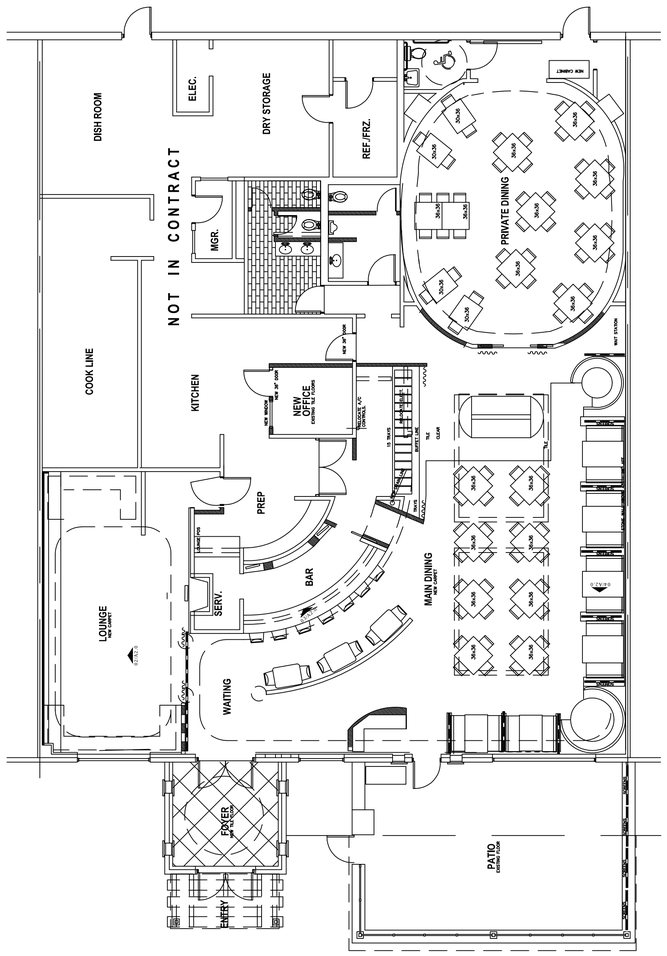
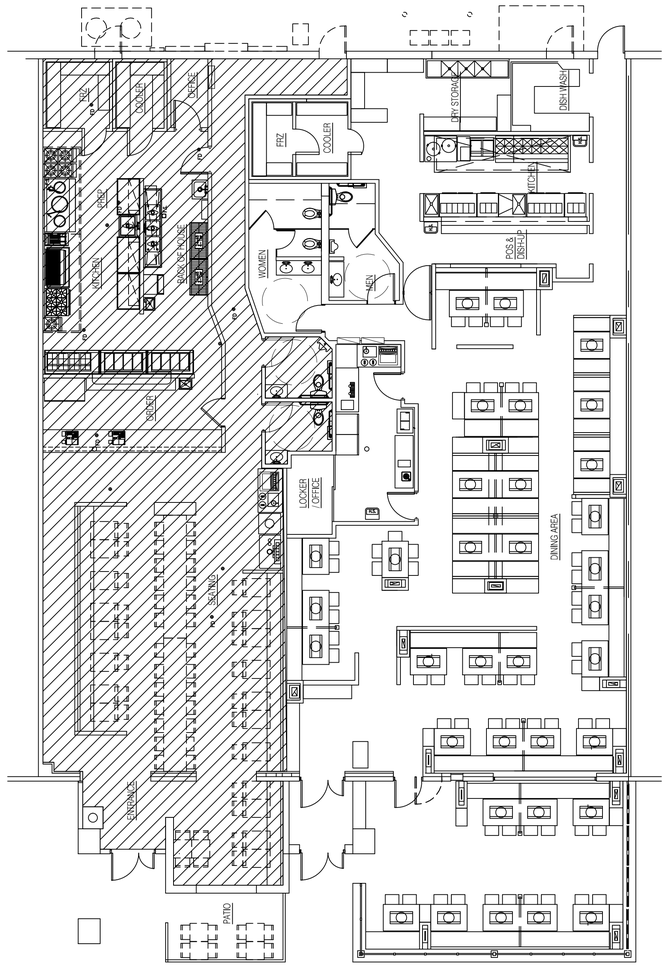
EVER DESIGN & BUILD CORP.
2515 FABENS RD,
Dallas TX 75229
TEL: 972.484.3500
FAX: 972.426.7095

JWK ENGINEERING , LLC
ENGINEERING
CONSTRUCTION
DEVELOPMENT
1301 E. DEBBIE LN, SUITE
102-164 MANSFIELD,
TX 76063
TEL: 817.308.6243
FAX: 972.539.9933

GYU KA KU
5290 BELTLINE RD, STE115,
ADDISON, TEXAS75254

DRAWN BY:	MK
CHECKED BY:	JL
DATE:	4.26.16
REVISIONS:	
TITLE:	
SHEET NO.:	





01 PREVIOUS KEBAB & CURRY
SCALE: NTS

SQUARE FOOTAGE : 5,300.1 S.F.
SQUARE FOOTAGE PATIO : 524.1 S.F.

02 NEW FLOOR PLAN LAYOUT
SCALE: NTS

TOTAL INTERIOR SQUARE FOOTAGE : 5,300.1 S.F.
TOTAL PATIO SQUARE FOOTAGE : 621.6 S.F.

03 PHO BOWL FLOOR PLAN
SCALE: NTS

PHO BOWL INTERIOR : 2,400.1 S.F.
PHO BOWL PATIO : 97.5 S.F.

04 GYU KA KU FLOOR PLAN
SCALE: NTS

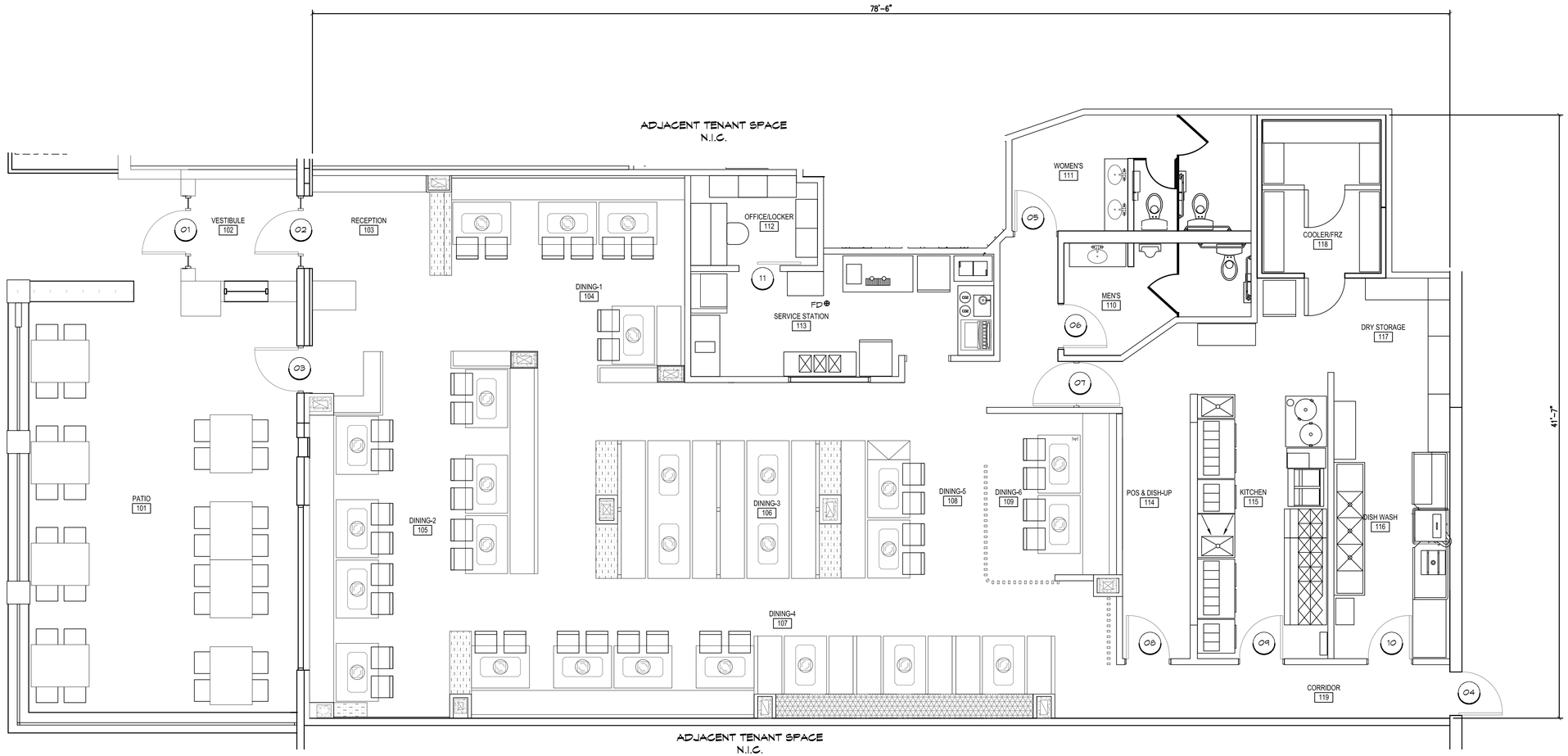
GYU KA KU INTERIOR : 2,900 S.F.
GYU KA KU PATIO : 524.1 S.F.

EVER DESIGN & BUILD CORP.
2515 FABENS RD,
Dallas TX 75229
TEL: 972.484.3500
FAX: 972.426.7095

GYU KAKU RESTAURANT

5290 BELTLINE RD, STE 114&115 ADDISON,
TEXAS75254

DRAWN BY:	MK
CHECKED BY:	JL
DATE:	04.08.16
REVISIONS:	
PROJECT NO.:	
SHEET NO.:	



01 FLOOR PLAN

SCALE: 1/4" = 1'-0"

EVER DESIGN & BUILD CORP.

2515 FABENS RD,
Dallas TX 75229
TEL: 972.484.3500
FAX: 972.426.7095

J. Lee, Architect

6822 Winding Rose Trail
Dallas, TX 75252

Phone 469-235-6196
FAX 972-248-6401
Email: juneelee41@yahoo.com

BLANK DESIGN

25 Broadway, Brooklyn, NY 11249
T: 347-889-6975
F: 347-889-6974

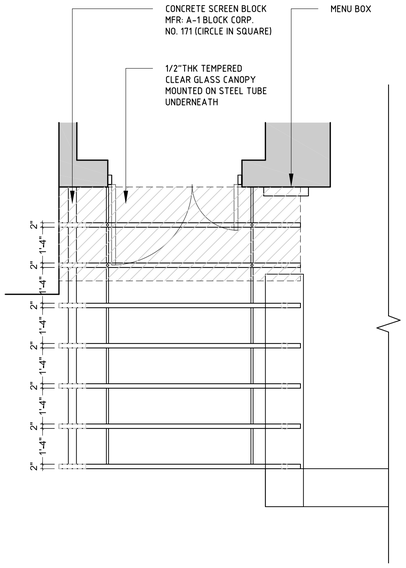
REGISTERED ARCHITECT
JUNE LEE
18905
STATE OF TEXAS

DATE: 02/15/2016

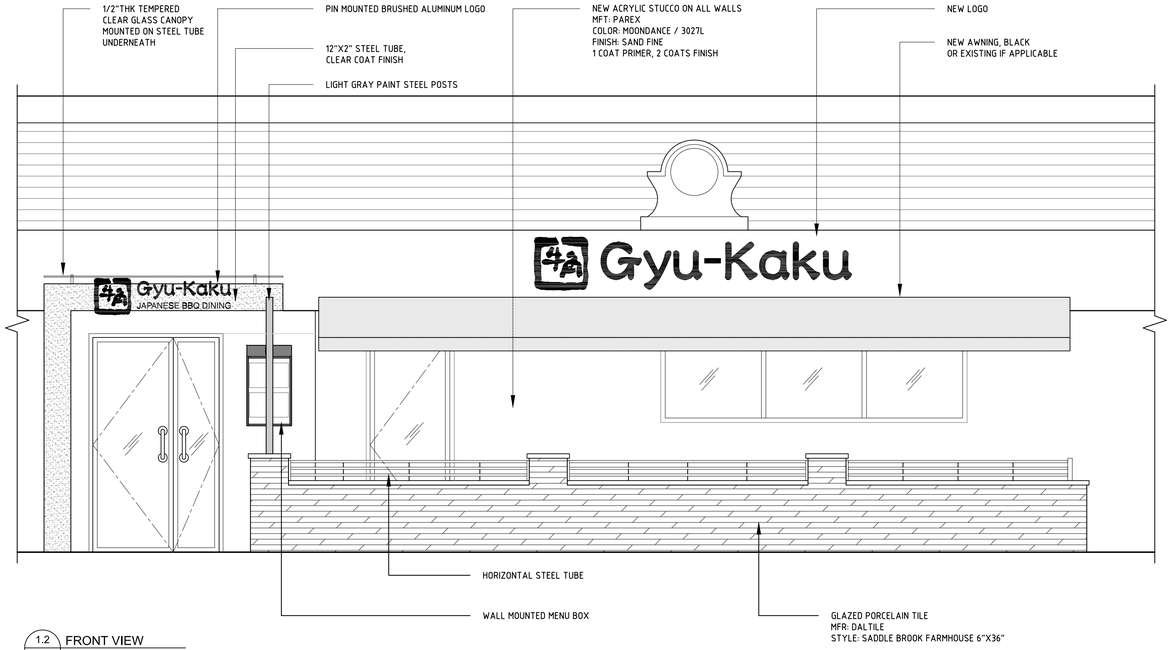
GYU KA KU

5290 BELTLINE RD, STE115,
ADDISON, TEXAS75254

DRAWN BY:	KS
CHECKED BY:	JL
DATE:	02/15/2016
REVISIONS:	
PROJECT NO.:	
TITLE:	FLOOR PLAN
SHEET NO.:	A101

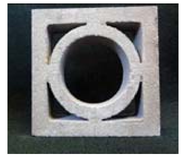


1.1 A-4.1 TOP VIEW
SCALE: 3/8"=1'-0"



1.2 A-4.1 FRONT VIEW
SCALE: 3/8"=1'-0"

1.3 A-4.1 RENDERING IMAGE
N.T.S.

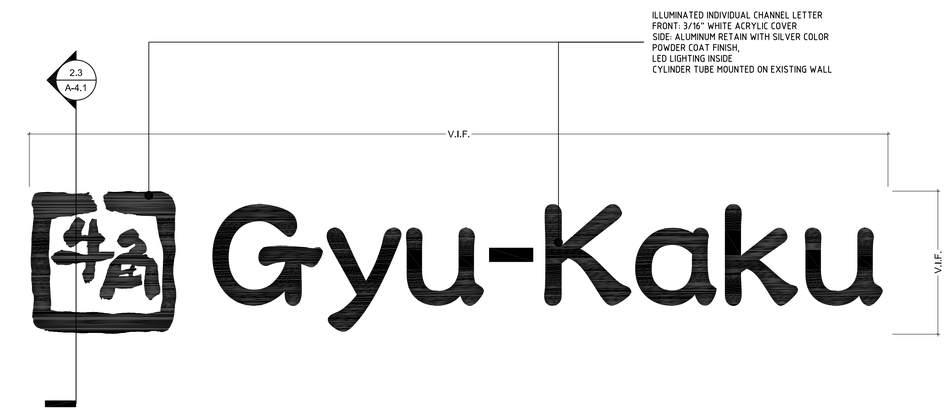


GLAZED PORCELAIN TILE
MFR: DALTILE
STYLE: SADDLE BROOK FARMHOUSE 6"X36"

MFR: A-1 BLOCK CORP.
NO. 171

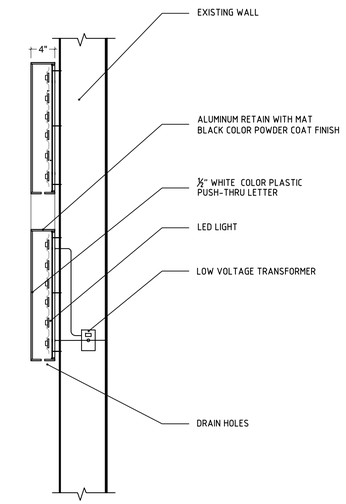
1. FACADE DETAILS — AS NOTED

NOTES:
1. ALL DIMENSIONS MUST BE VERIFIED IN FIELD.
2. PROVIDE SHOP DRAWINGS FOR ARCHITECT APPROVAL BEFORE FABRICATING.



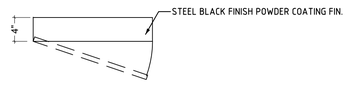
2.1 A-4.1 FRONT VIEW
SCALE: 1"=1'-0"

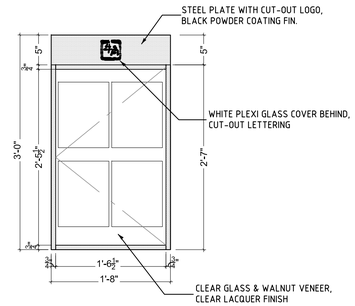
2.2 A-4.1 FRONT VIEW
SCALE: 1"=1'-0"

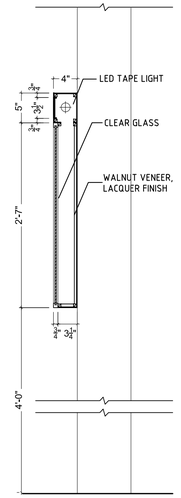


2.3 A-4.1 SIDE VIEW
SCALE: 1"=1'-0"

2. FACADE SIGNAGE LETTER — AS NOTED







3. MENU BOX — SCALE: 1" = 1'-0"

EVER DESIGN & BUILD CORP.
2515 FABENS RD,
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TEL: 972.484.3500
FAX: 972.426.7095

J. Lee, Architect
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Email: junelee41@yahoo.com

BLANK DESIGN
25 Broadway, Brooklyn, NY 11249
T: 347-889-6975
F: 347-889-6974

REGISTERED ARCHITECT
JUNE LEE
12800
STATE OF TEXAS

DATE: 02/15/2016

GYU KA KU
5290 BELTLINE RD, STE115,
ADDISON, TEXAS75254

DRAWN BY:	KS
CHECKED BY:	JL
DATE:	02/15/2016
REVISIONS:	

PROJECT NO.:

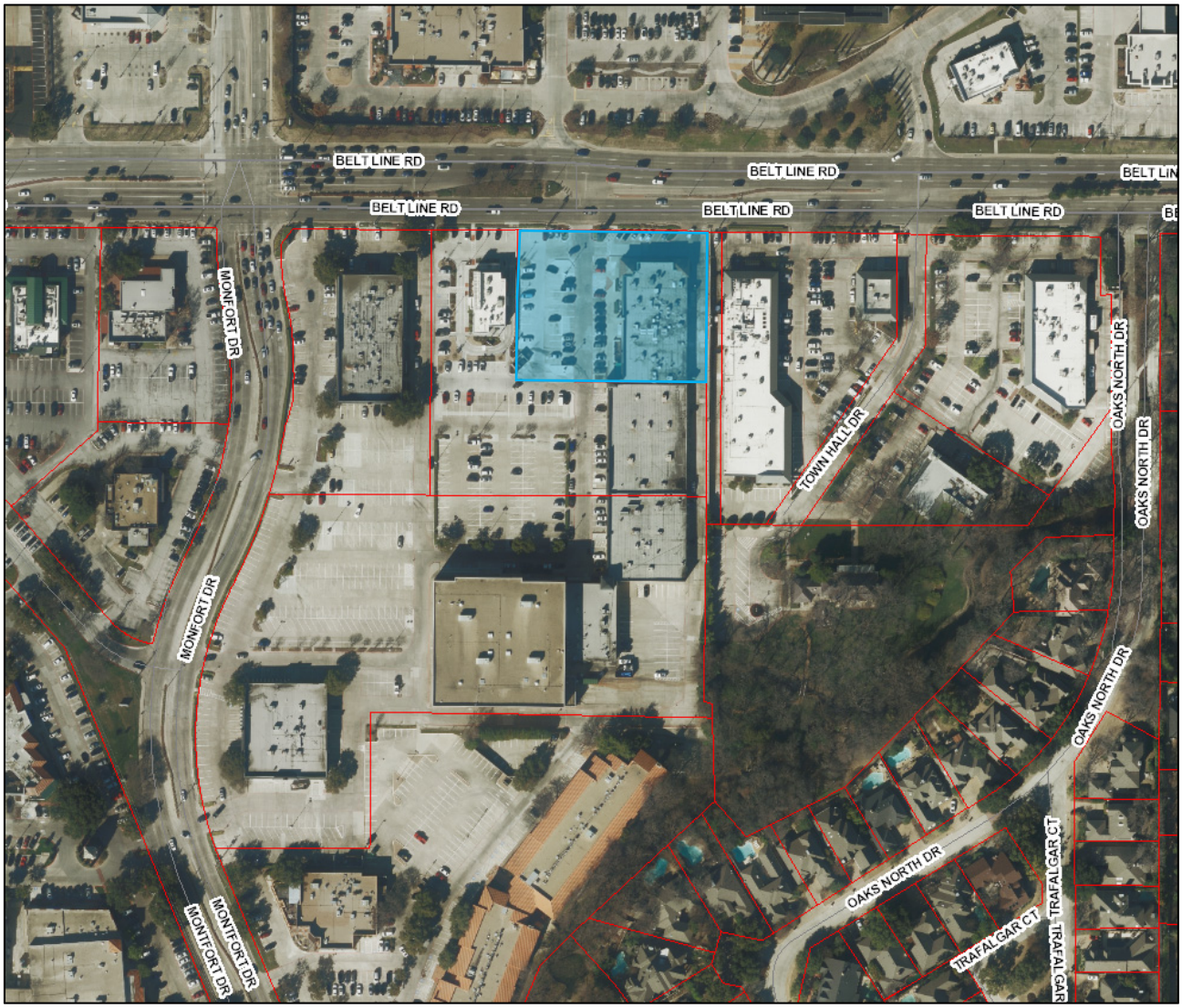
TITLE:
FACADE AND SIGNAGE DETAILS

SHEET NO.:
A401

1736-SUP

PUBLIC HEARING Case 1736-SUP/Gyu-KaKu. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 5290 Belt Line Road, Suite 115, which property is currently zoned LR, Local Retail, by approving a new Special Use Permit for a restaurant and a new Special Use Permit for the sale of alcoholic beverages for on-premises consumption only.

LOCATION MAP



April 15, 2016

STAFF REPORT

RE:	Case 1736-SUP/Gyu-Kaku
LOCATION:	5290 Belt Line Road Suite 115
REQUEST:	Approval of a new Special Use Permit for a restaurant and a new Special Use Permit for the sale of alcoholic beverages for on-premises consumption only
APPLICANT:	Gyu-Kaku represented by Mr. Christian Le

DISCUSSION:

Background: This leased space is part of the Prestonwood Place retail center at the corner of Belt Line Road and Montfort Drive and is zoned Local Retail. This suite first received SUP approval in 1996 for a restaurant named Mattito's Café Mexicano. Most recently, this space was occupied by India West, which closed about a year ago. The previous tenant occupied approximately 5,825 square feet, including a small patio.

Proposed Plan: The property owner is planning to subdivide the large existing space into two restaurant spaces. New SUPs are required due to the extent of the renovation. The first to come in for SUP approval is a concept called Gyu-Kaku (Gew-Kah-Koo). This is a Japanese barbeque concept with 35 other locations around the United States and Canada. This would be their first location in Dallas and second in Texas. Gyu-Kaku is Japanese for "Horn of the Bull." The concept includes a small grill at each table for patrons to cook their own meat, similar to the Melting Pot concept.

Gyu-KaKu is proposing to occupy 2,900 square feet of interior space and the existing 525 square foot patio with total seating for 136.

Facades: The applicant is proposing a minor change to the exterior of the building by adding an entry feature around their door.

Parking: As this restaurant is occupying a previous restaurant space, compliance with required parking ratios will not be impacted.

Landscaping: The Parks Department will assess the condition of the landscaping during the construction process. Any deficiencies will need to be corrected prior to the issuance of a certificate of occupancy.

RECOMMENDATION: **APPROVAL WITH CONDITION**

Gyu-KaKu appears to be a quality restaurant and is a new concept to Addison. This should be a good fit for the center. Staff recommends approval subject to the following condition:

- The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage.

Land Use Analysis

Attributes of Success Matrix

Gyu-KaKu, 5290 Belt Line Road, Suite 115 **1735-SUP**

Attribute	Comment	Score
Competitive	This is a competitive corner and this concept has a successful tract record.	
Safe	This development is safe.	
Functional	The floor plan is a good design and appears functional.	
Visually Appealing	The entryway feature will add visual interest to the façade of the space.	
Supported with Amenities	The site is a good location for restaurants, retail, and other support services.	
Environmentally Responsible	Reoccupying a vacant space is an environmentally responsible development pattern.	
Walkable	The sidewalks adjacent to this property are narrow and immediately back of curb with no good connections through the parking lot.	
Overall Assessment	**This new concept that will add a unique restaurant to the Town.**	

Case 1736-SUP/Gyu-KaKu
April 19, 2016

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of ordinance changing the zoning on property located at 5290 Belt Line Road Suite 115 by approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, subject to the following condition:

- The applicant shall not use any terms or graphic depictions relating to alcoholic beverages in exterior signage.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO REPEAL ORDINANCE NO. O96-058 AND TO GRANT SPECIAL USE PERMITS FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM GYU-KAKU, FOR PROPERTY LOCATED AT 5290 BELT LINE ROAD SUITE 115; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS ($2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; SAVINGS, NO SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the property located at 5290 Belt Line Road is part of the Prestonwood Place retail center and is zoned LR - Local Retail; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at a public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this ordinance promotes the general welfare and safety of this community.

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

Section 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

Section 2. That Ordinance No. O96-058 is repealed.

Section 3. That a Special Use Permit authorizing a restaurant and a Special Use Permit authorizing the sale of alcoholic beverages for on-premises consumption only, on the property located at 5290 Belt Line Road Suite 115, are hereby granted subject to the following conditions:

(a) Prior to the issuance of a Certificate of Occupancy, said Property shall be improved in accordance with the site plan, floor plan, and the elevation drawings, which are attached hereto as **Exhibit A** and made a part hereof for all purposes.

(b) The Special Use Permit granted herein for a restaurant with the sale of alcoholic beverages for on-premises consumption only shall be limited to that particular area designated on the final site plan as encompassing a total area not to exceed 3,425 square feet.

(c) No signs advertising 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.

(d) The sale of alcoholic beverages under this Special Use Permit shall be permitted in restaurants. Restaurants are hereby defined as establishments which receive at least sixty percent (60%) of their gross revenues from the sale of food.

(e) 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 subparagraph (d) above are being met.

(f) 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.

(g) If the property for which these Special Use Permits are granted is not used for the purposes for which said permits were granted within one (1) year after the adoption of this ordinance, the City Council may authorize hearings to be held for the purpose of considering a change of zoning and repeal of the Special Use Permits granted herein.

(h) If a license or permit to sell alcoholic beverages on property covered by this Special Use Permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning repeal of the Special Use Permits granted herein.

(i) The establishment shall not use the term "bar", "tavern", or any other terms or graphic depictions that relate to the sale of alcoholic beverages on any signs visible from the exterior of the premises.

Section 4. 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 5. That 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 6. 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.

Section 7. That this Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

_____
Laura Bell, City Secretary

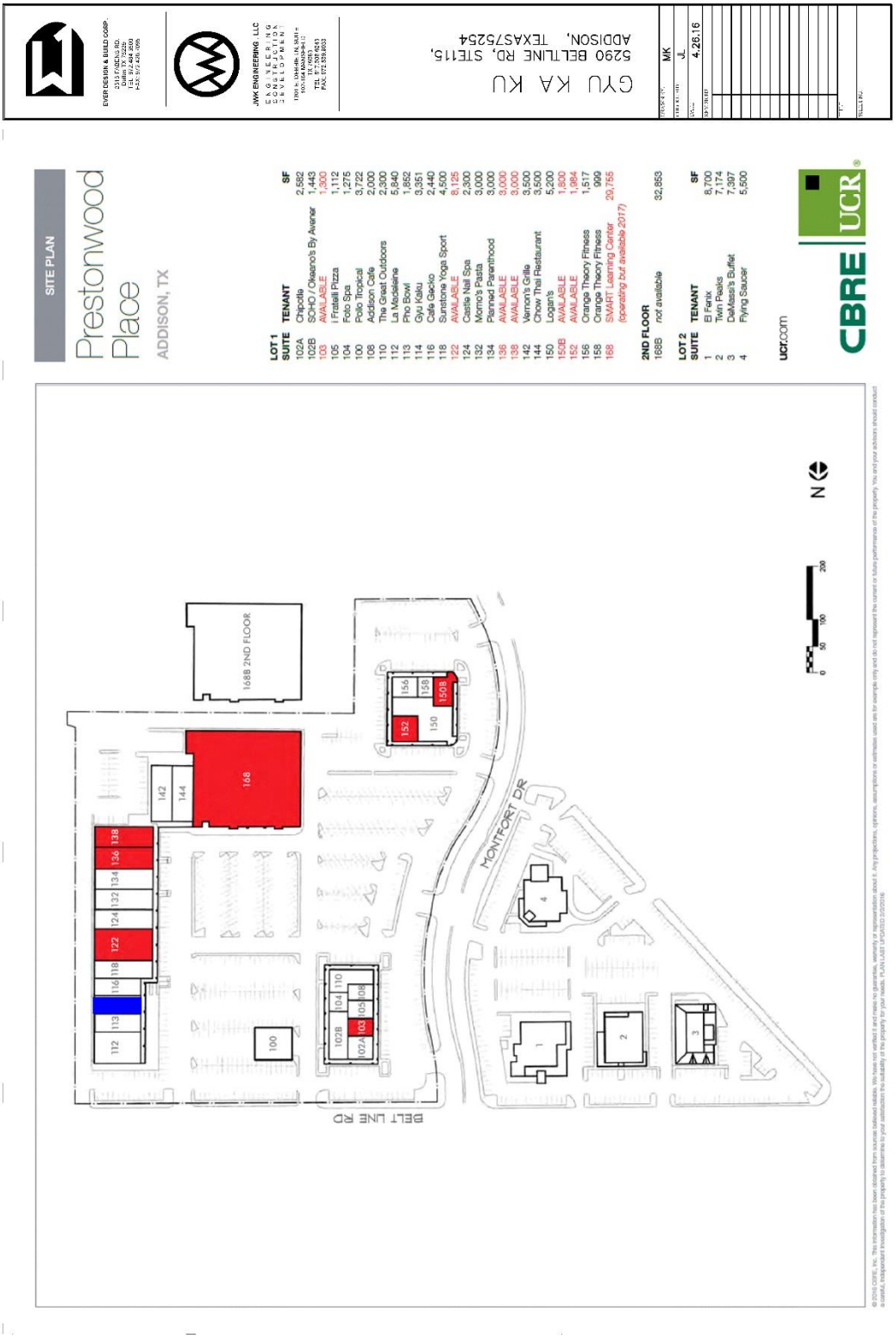
CASE NO: 1736-SUP/Gyu-Kaku

APPROVED AS TO FORM:

_____
Brenda N. McDonald, City Attorney

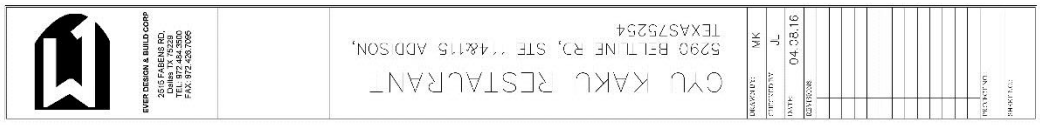
PUBLISHED ON: _____

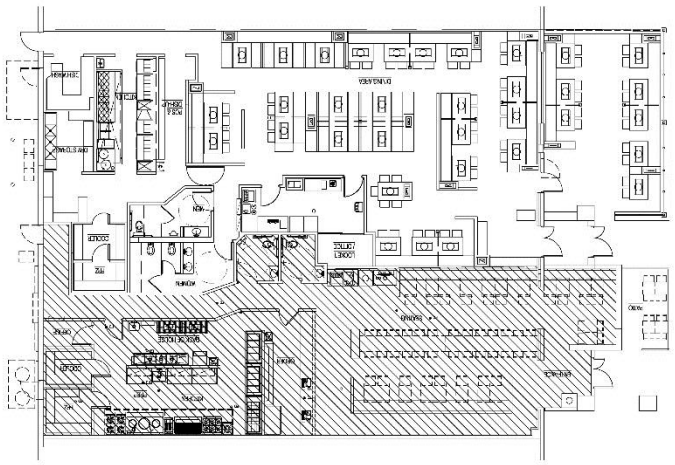
EXHIBIT A

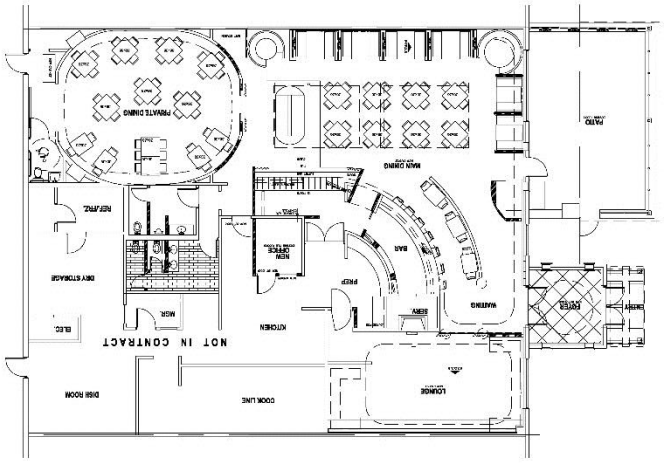


Ordinance No. _____

EXHIBIT A


EVER DESIGN & BUILD CORP
2515 FABENS RD.
Dallas TX 75229
TEL: 972.484.8880
FAX: 972.426.7095
CYL KAKL RESTAURANT
5290 BELT LINE RD, STE 114115 ADDISON,
TEXAS75254
MK
JL
04.28.16





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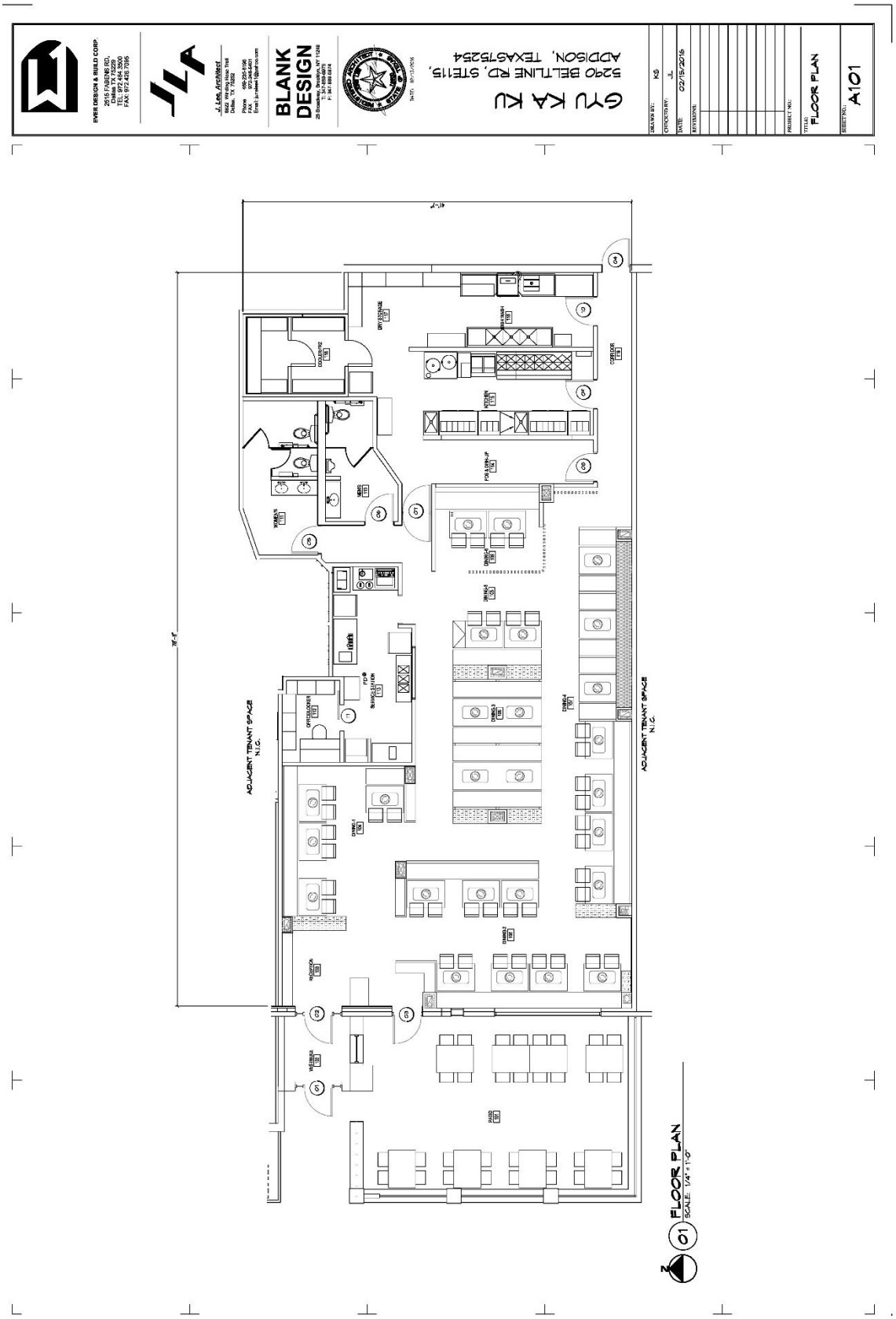
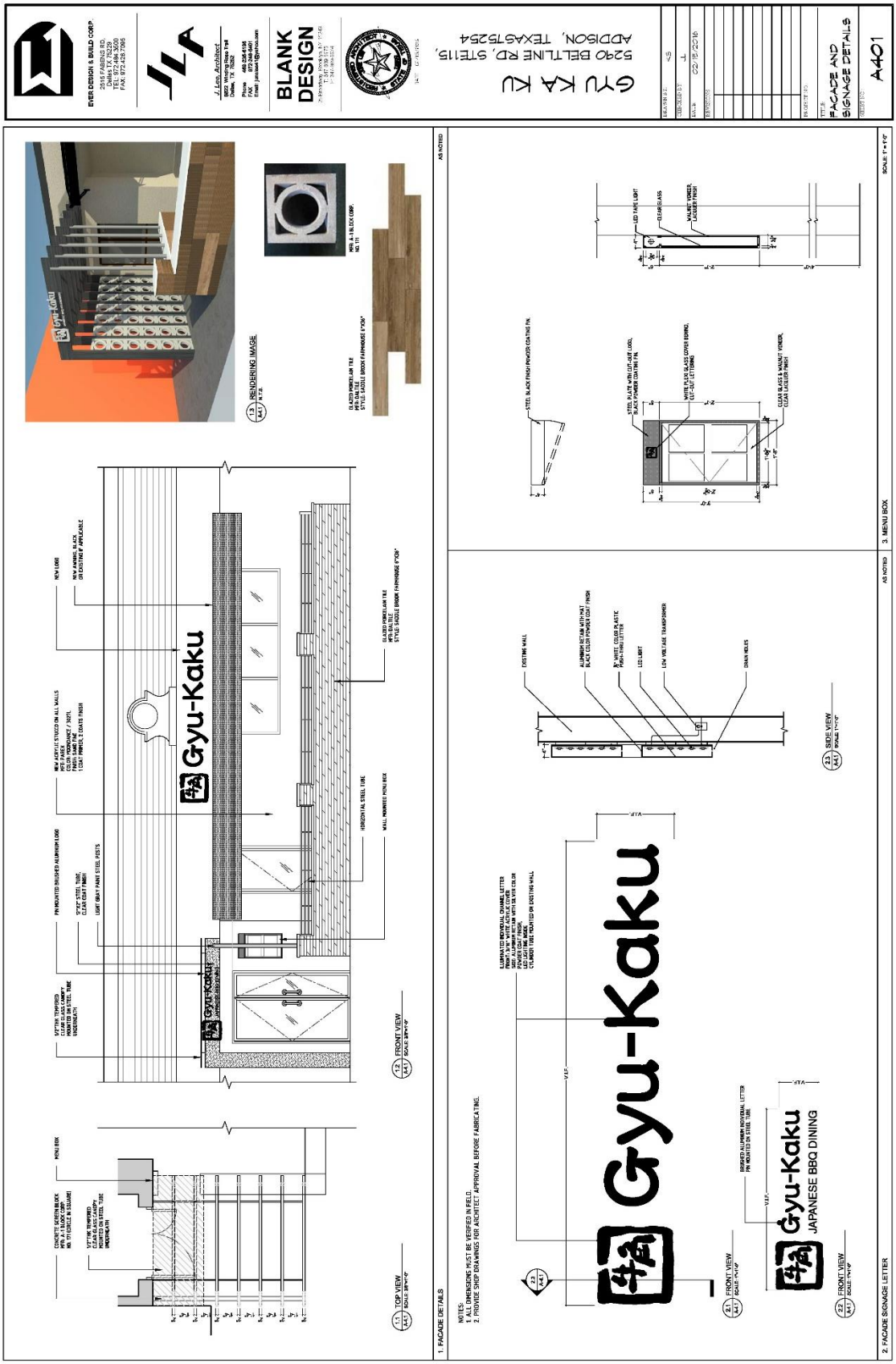


Ordinance No. _____

EXHIBIT A



Ordinance No. _____

AI-1613 **Item # 19.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Amending Ordinance No. O07-034 As Amended By Ordinance No. O13-026 That Zones That Area Of The Town Known As Vitruvian Park And Containing Approximately 121 Acres Of Land Generally Located At The Southeast Corner Of Marsh Lane And Spring Valley Road In Order To Adopt A New Concept Plan, Add Additional Permitted Uses, And Revise Various Development Standards, On Application From UDR** . Case 1735-Z/UDR.

BACKGROUND:

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance amending Ordinance O07-034 as amended by Ordinance No. O13-026 that zones the area of Town known as Vitruvian Park in order to adopt a new concept plan, add additional permitted uses, and revise various development standards.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: Abdul Hadwani – 14330 Marsh Lane

Additional information regarding this item can be found in the attached staff report.

RECOMMENDATION:

Administration recommends approval.

Attachments

1735-Z Concept Plan
1735-Z Staff Report

BLOCK 101

Residential	392 Units
Retail	13,000 SF

BLOCK 102

Residential	347 Units
Retail	17,000 SF
Office	17,000 SF

BLOCK 103

Residential	391 Units

BLOCK 201

Residential	383 Units

BLOCK 202

Residential	300 Units

BLOCK 203

Residential	340 Units

BLOCK 204

Office	130,000 SF
Retail (Below)	18000 SF

BLOCK 205

Retail (Below)	40,000 SF
Office (Above)	18,000 SF
Residential	31 Units

BLOCK 206

Hotel (Above)	200 Keys
Retail (Below)	14,000 SF

BLOCK 207

Residential	310 Units

BLOCK 208

Residential	146 Units

BLOCK 209

Office (Above)	24,000 SF
Retail (Below)	25,000 SF
Entertainment	45,000 SF

BLOCK 210

Office (Above)	152,000 SF
Retail (Below)	35,000 SF

BLOCK 211

Retail	87,000 SF

BLOCK 213

Residential	298 Units

BLOCK 214

Residential	338 Units

BLOCK 215

Residential	265 Units

BLOCK 216

Residential	382 Units

BLOCK 217

Residential	396 Units

BLOCK 301

Residential	411 Units

BLOCK 302

Residential	541 Units

BLOCK 303

Residential	290 Units

TOTAL

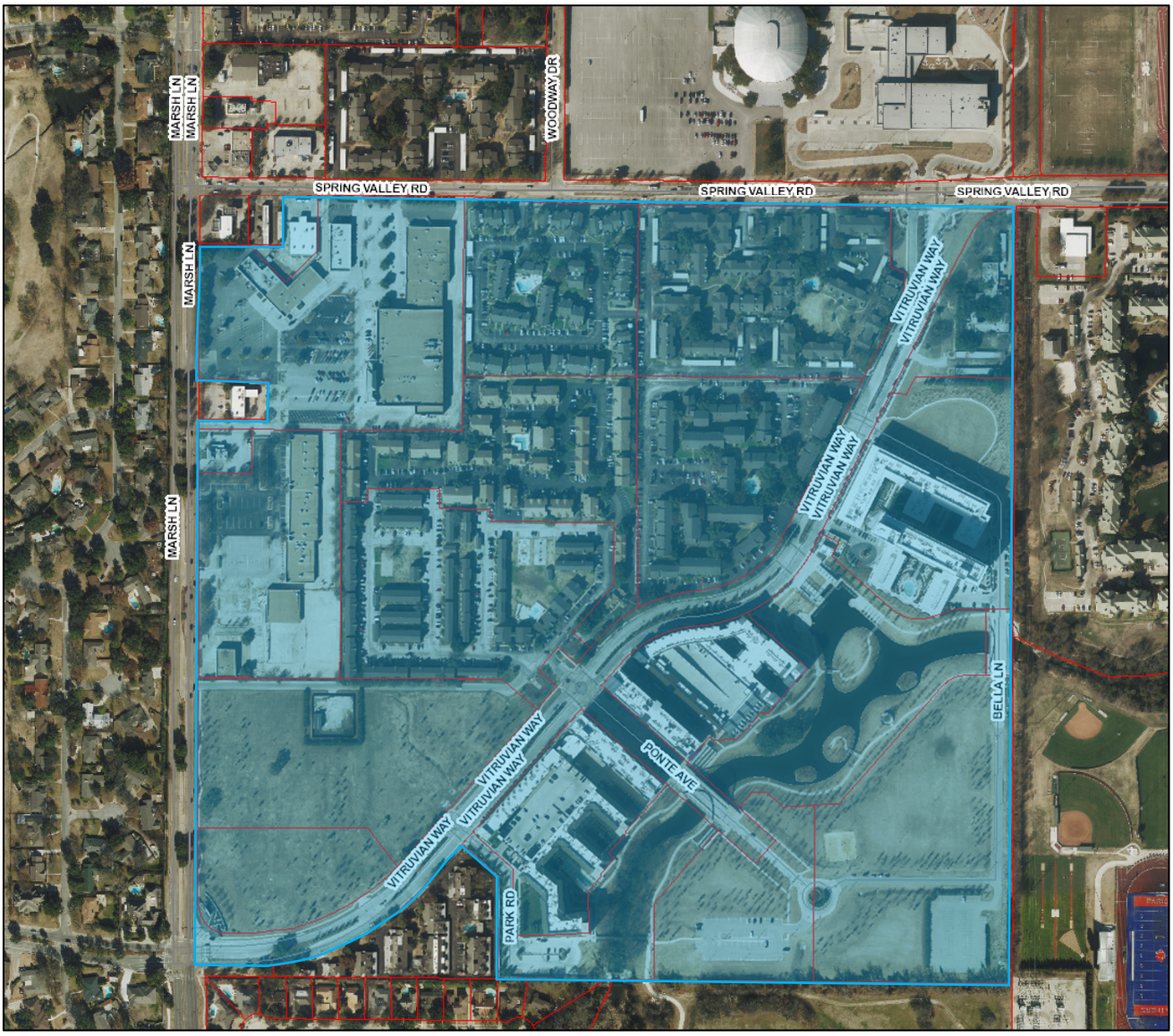
Residential	5561 Units
Retail	300,000 SF
Office	350,000 SF

0 50 200

1735-Z

PUBLIC HEARING Case 1735-Z/UDR. Public hearing, discussion, and take action on a recommendation regarding an ordinance amending Ordinance No. O07-034 as amended by Ordinance No. O13-026 that zones that area of the Town known as Vitruvian Park and containing approximately 121 acres of land generally located at the southeast corner of Marsh Lane and Spring Valley Road in order to adopt a new concept plan, add additional permitted uses, and revise various development standards.

LOCATION MAP



April 15, 2016

STAFF REPORT

RE:	Case 1735-Z/UDR
LOCATION:	Approximately 121 acres of land located generally at the southeast corner of Marsh Lane and Spring Valley Road
REQUEST:	To amend the Planned Development regulations established by Ordinance No. O07-034 as previously amended by Ordinance No. O13-026.
APPLICANT:	UDR, represented by Mr. Tom Lamberth

DISCUSSION:

Background: On October 9, 2007, UDR obtained approval to rezone a 99-acre neighborhood, which is bordered by Spring Valley Road on the north, The City of Farmers Branch on the east, Farmers Branch and Brookhaven College on the south, and Marsh Lane on the west, from the A (Apartment) and PD-CC (Planned Development – Condominium Conversion) zoning districts to a Planned Development District. The planned development district zoning established development standards and a concept plan.

The first development plan for Savoye was approved in 2008. The development plan for the second building, Savoye 2, was approved in 2009. The development plan for the third phase, Fiori, was approved in 2011.

Following the original zoning approval, UDR purchased four additional tracts totaling 21.7 acres. This integrated the Brookhaven Village Shopping Center into the project, as well as an office tract on the corner of Spring Valley Road and Vitruvian Way. To accommodate this, a new concept plan was approved by the City Council on July 9, 2013. Additionally, the PD ordinance was amended to establish development standards for the shopping center and add permitted uses in the district, including pet grooming and overnight boarding.

The PD anticipated a primarily residential, mixed use development, which entitles UDR to unlimited residential density as well as 500,000 square feet each of office and retail space.

Proposed Conceptual Plan: To date, the focus of the development has been on residential use. UDR has spent several years studying options on how to implement both the retail and office components. They believe that there is a market for more office space within the development than originally contemplated in the current concept plan. In an attempt to capture this demand for office, four office

buildings are being proposed totaling 350,000 square feet. This could be scaled up to a maximum of 500,000 square feet as permitted by the PD, if demand warrants. Additionally, UDR has established a more definitive orientation for the retail corridor (Ponte Avenue). Instead of a diagonal orientation shown in the current concept plan, Ponte would curve west and intersect with Marsh Lane. This will increase the visibility of retail along that street.

The other main difference between the current and proposed concept plan is the treatment of public park space. Previously, the additional public open space was shown in a very geometric 4 acre park bounded and bisected by public streets. Under the proposed concept plan, these streets have been eliminated, and the park flows more organically between buildings. This change will allow direct park access from the adjacent multi-family buildings and eliminate vehicular traffic from the park area. It also results in a slightly larger park space of about 4.5 acres.

Proposed Planned Development Text Amendments: In addition to the new concept plan, a few revisions to the text of the Planned Development ordinance are being proposed. Some of these are intended to better accommodate the direction established by the revised concept plan and others are merely intended to clean up some interpretation and drafting issues in the existing ordinance.

Special Uses: Three uses are being added to the list of permitted uses that require a special use permit. These are movie picture theater, gasoline service stations (in Block 211 only), and restaurants with drive through facilities (in Block 211 only).

General Conditions for Retail: Currently, the ordinance only allows retail outside of Block 211 in mixed use buildings with a residential component. Under the new concept plan, there would be a retail ground floor in office buildings and parking garages. To allow this, the ordinance would be adjusted to allow retail in a mixed use building with other non-residential uses.

The intent of this provision originally was to maintain an urban, mixed use character to the development. Allowing retail below commercial uses as well as residential uses not only maintains the original intent, but also promotes the continuation of mixed use in the commercial areas of the plan as well as the residential.

Development Standards – Street Build-to Line: When the development standards were revised in 2013, the section related to the street build-to line was amended to read as follows:

> Within all blocks shown on the Concept Plan, except Blocks 209, 210, and 211, all primary buildings, structures, walls, fences, and other improvements shall be constructed, located, placed, and erected along and continuous to the applicable build-to line; provided, however that not more than 30 percent of any street frontage may vary from the build-to line. Not more than 50 percent of any street frontage may vary from the build-to line.

This appears to establish conflicting regulations stating in one sentence that not more than 30 percent can vary and then that no more than 50 percent may vary. In the original document, it stated that not more than 30% of the building could deviate from the build-to line, except for an area identified as “Subarea 1” (Savoye 2), which allowed up to 50% to deviate. When the new concept plan was adopted, a new block number scheme was established and “Subarea 1” became Block 102. It appears that the drafters struck the mention of “Subarea 1,” but neglected to replace it with Block 102. Staff proposes to revise the ordinance accordingly to clear up any potential confusion going forward.

Parking Standards: The ordinance does not currently provide a standard for restaurant parking. Typically, the Town requires a ratio of 1 space per 100 square feet in mixed use centers and staff proposes to do the same here. Also, the movie picture theater requirement of 1 space per 4 seats needs to be included since this is being added as a permitted use.

Parking Garage Requirements: The ordinance currently limits exposed parking garages to a maximum length along a street to 200 feet. Wrapping parking structures works well with apartment buildings, but is not feasible for commercial garages. Staff is proposing to add language to allow garages for non-residential buildings to be exposed only if there are enhanced façade elements to the garage such as living walls or unique articulation and design of an artistic nature.

Traffic Impact Analysis: A traffic impact analysis was conducted at the time of the original zoning approval in 2007. The analysis determined that the adjacent roadway network could accommodate the additional traffic caused by the Vitruvian Development with minimal negative impacts. The plan currently being proposed will likely result in less of an impact on traffic than previous iterations of the plan. Retail square footage has roughly stayed the same between the two plans. Residential unit count has decreased, while office square footage has increased. Instead of residential traffic that would likely be headed out of the development together and back in together, the additional office traffic will have an opposite flow from residential. Although the total number of vehicles on the road would not change much, they would be dispersed in opposite directions.

RECOMMENDATION: **APPROVAL**

Given the time horizon of this project, the Concept Plan was always intended to be an evolving document that would adapt to market demand. This is the third iteration of the concept plan with more iterations likely to follow in the years ahead. Additional office space presents a positive opportunity. This will diversify the development and establish a daytime population that will be valuable to the current and future retail in the area. The text changes are important to clarify current requirements as well as to accommodate the revised direction. Staff recommends approval of the request with no conditions.

Land Use Analysis

Attributes of Success Matrix

Vitruvian Park **1735-Z**

Attribute	Comment	Score
Competitive	Vitruvian Park is a very desirable location. The adjustments will help the developer attract future office and retail users.	
Safe	Vitruvian Park is a very safe development. Staff is working with UDR to finalize a police store front to establish a permanent police presence in the area.	
Functional	The concept plan integrated the various elements well and will be functional.	
Visually Appealing	The high quality standards and landscaping requirements will continue to make Vitruvian Park a visually appealing development.	
Supported with Amenities	The Vitruvian Park development is a high quality mixed use self-contained development with many amenities.	
Environmentally Responsible	This is an infill redevelopment site and represents an environmentally responsible development pattern.	
Walkable	This plan reduces the number of streets, improving walkability.	
Overall Assessment	**This is the next evolution in the future of Vitruvian Park and sets a very positive direction for the development.**	

Case 1735-Z/UDR
April 19, 2016

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance amending Ordinance O07-034 as amended by Ordinance No. O13-026 that zones the area of Town known as Vitruvian Park in order to adopt a new concept plan, add additional permitted uses, and revise various development standards.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: Abdul Hadwani – 14330 Marsh Lane

Dear City Council of Addison,

I recently had the opportunity to speak at the Planning and Zoning meeting which was held on 4/19/16. At the meeting I attempted to speak about the following concern in my three minutes, but I was so distraught that it left me at a loss for words.

Our store has been part of the Addison community for 20 years. Over our years here, we have seen it transition into a beautiful city and community. Not only that, but we are proud to say that we are committed to the well-being of this city. We have stood through good times and bad times with our store. There was a time when all the old apartments were closed and we were losing money every month, but we continued business by having faith in the new developments that would come as a result. Our enthusiasm to serve the community of Addison has allowed us to connect with the people, having some of the same returning customers to our store since we opened! We truly believe the Vitruvian establishments have only enhanced the area, and are willing to work with them, like we have with this city, in order to make this community we love even better.

With that being said we'd like to express our concerns with the prospective Tom Thumb gas station next to our store. We know that it will take away some of our gasoline business. We have the capacity to handle the demand of the new customers coming from all the developments in the area. As discussed in the Planning and Zoning meeting, we also understand that this gas station is necessary for Tom Thumb-our great 20-year business neighbor-to bring the customers inside their store and be competitive with other supermarkets. At the end of the meeting, I discovered that they are also planning to put a convenience store with the gas station by selling soft drinks, cigarettes, beer, ice bags, chips, and candy. By replicating the services of my business, they will be taking away a lot of our valued customers, possibly extinguishing our long-standing community store. We believe that adding a convenience store aspect to the Tom Thumb will serve the greater purpose of attempting to run me out of business.

I am truly proud of the work you've done to better our community of Addison and we want to continue to be part of this city. If you have any questions, or something you would like to discuss in person, feel free to contact me [redacted] or by email at [redacted]. Thank you for your time and commitment to this city!

Sincerely,

Abdul Hadwani
Cell: [redacted]

Shell Gas Station
14330 Marsh Lane
Addison, Texas 75001

AI-1615 **Item # 20.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Hold A Public Hearing, Discussion And Consider Action On An **Ordinance Approving A Development Plan For The Construction Of 383 Multi-Family Units And An Amenity Center, Located on 5.091 Acres On The North East Corner Of Vitruvian Way And Marsh Lane, On Application From UDR**. Case 1734-Z/Vitruvian West Phase I.

BACKGROUND:

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance granting development plan approval for a development of 383 multi-family units and an amenities center in an existing Planned Development District (PD O07-036), subject to the following waivers of design standards:

1. Minimum area per dwelling unit for 1 bedroom units may be 577 square feet, instead of 600 square feet
2. Masonry percentage requirement for the northeastern elevation may be 76 percent masonry, instead of 80 percent
3. Maximum number of building materials may be four, instead of three

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

Additional information regarding this item can be found in the attached staff report.

RECOMMENDATION:

Administration recommends approval.

Attachments

1734-Z Plans
1734-Z Staff Report
Ordinance

N

SCALE: 1" = 40' - 0" (24"x36" SHEET)

0' 40' 80' 160'

PHASE 1 SITEPLAN

VICINITY MAP

NOT TO SCALE

(MAPSCO GRID 13 & 14)

VITRUVIAN 201					***UDR***	2013514
UNIT TABULATION - 5 STORY WRAP - MULTIFAMILY						4-11-16
UNIT NAME	**UNIT TYPE**	**NET AREA(SF)**	**UNIT COUNT**	**PERCENTAGE**	**TOTAL AREA**	**% BREAKDOWN**
E1	studio	480	10	2.61%	4,800	10.4%
E2	studio	485	30	7.83%	14,550	
A1	1br/1ba	577	4	1.04%	2,308	53.5%
A2	1br/1ba	618	40	10.44%	24,720	
A3	1br/1ba	650	88	22.98%	57,200	
A4	1br/1ba	736	65	16.97%	47,840	
A5	1br/1ba	703	3	0.78%	2,109	
A1ALT	2br/2ba	635	5	1.31%	3,175	
B1	2br/2ba	833	14	3.66%	11,662	28.2%
B2	2br/2ba	944	24	6.27%	22,656	
B3	2br/2ba	1,048	46	12.01%	48,208	
B4	2br/2ba	1,101	10	2.61%	11,010	
B5	2br/2ba	1,279	4	1.04%	5,116	
B6	2br/2ba	1,232	5	1.31%	6,160	
B7	2br/2ba	1,429	5	1.31%	7,145	
C1	3br/2ba	1,415	5	1.31%	7,075	7.8%
C2	3br/2ba	1,468	5	1.31%	7,340	
C3	3br/2ba	1,375	20	5.22%	27,500	
TOTALS			**383**	**100.00%**	**310,574**	100.00%

UNIT AVERAGE NET SF : 811

* NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE A/C SPACE. IT DOES NOT INCLUDE PATIOS, BALCONIES, PATIO/BALCONY STORAGE.

PROJECT DATA

BLDG. HEIGHT: 67'-11"

BLDG. TYPE I - AREAS

NET AREA:	310,574 S.F.
GROUND LEVEL GROSS AREA:	78,153 S.F.
TYPICAL LEVEL GROSS AREA:	79,560 S.F.
GROSS AREA:	396,393 S.F. (GROUND LEVEL+ (TYPICAL LEVEL x 4))
AREA EFFICIENCY:	78%
COURTYARDS:	17,488 S.F.
GARAGE:	27,523 S.F.
CLUB HOUSE:	11,314 S.F.
OPEN SPACE:	137,107 S.F.

BLDG. TYPE I PKG. STRUCTURE- AREAS

GROUND LEVEL GROSS AREA:	29,023 S.F.
TYPICAL LEVEL GROSS AREA:	27,652 S.F.
6TH LEVEL GROSS AREA:	27,759 S.F.
7TH LEVEL GROSS AREA:	17,606 S.F.
GROSS AREA:	184,996 S.F. (GROUND+(TYPICAL LEVEL x 4)+6th fl. +7th fl.)

UNIT AVERAGE NET SF :		811 S.F.
ACREAGE:		4.68 ACRES
DENSITY:		81.8 UNITS/ACRE
PARKING:		
	REQUIRED	521 MINIMUM SPACES
		766 MAXIMUM SPACES
	PROVIDED	599 TOTAL SPACES
		580 GARAGE SPACES
		19 ON-STREET SPACES
		1.56 SPACES/UNIT
		1.09 SPACES/BED

ACTION

APPROVED DENIED

STAFF ________ Date ________ Initials

COUNCIL ________ Date ________ Initials

See the Staff Approval Letter or Council Result Memo for any conditions associated with the approval of the project

OWNER:
TOM LAMBERT
UDR
3875 PONTE AVE. SUITE 400 . ADDISON,TX 75001
PHONE: 972.774.0552

CIVIL:
ICON CONSULTING ENGINEERS, IN
2840 W.SOUTHLAKE BLVRD.,
SUITE 110
SOUTHLAKE, TX 76092
Phone: 817.552.6210

ZONING: PD

ADDISON, TX
4.68 ACRES
(town of addison project # 1734-Z

Designed by: MS
Drawn by:
Architect of Record:
Date Plotted: 4/11/16

Issue for Pricing / Bidding:		
Issue for Permit Application:		
Issue for Construction		
Revisions:		
#	DATE	COMMENTS

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VITRUVIAN WEST 1
ADDISON, TX
4.68 ACRES

These drawings are for preliminary coordination only and not to be used for regulatory approval or construction.

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(972) 701 - 9636 (972) 704 - 9639 FAX
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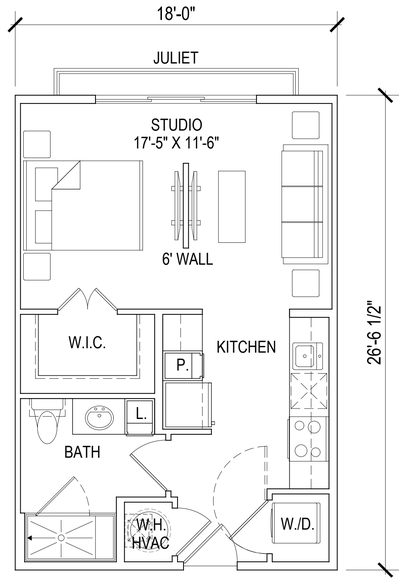
SHEET CONTENTS:
SITEPLAN

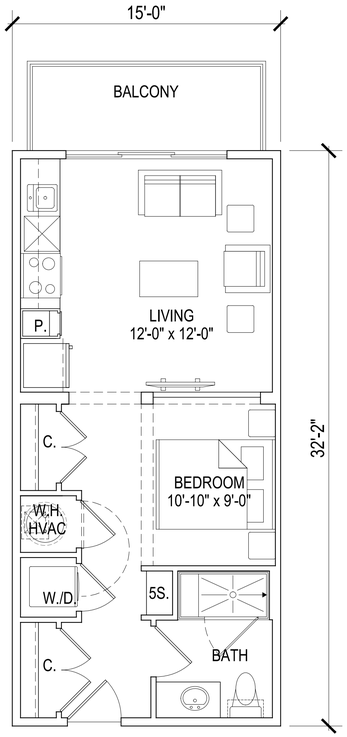
SHEET NO.
A202

#13514



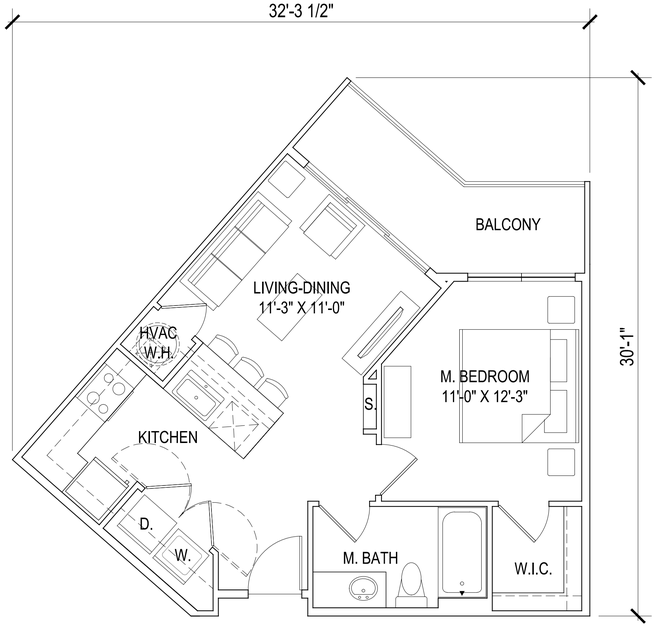
UNIT E1

NET - 480 SQ. FT.



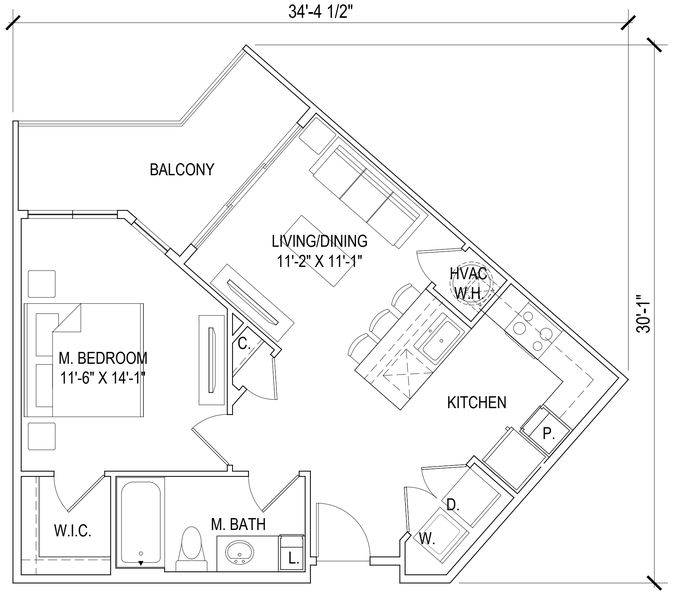
UNIT E2

NET - 485 SQ. FT.



UNIT A1

NET - 577 SQ. FT.



UNIT A1 ALT.1

NET - 635 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

A 301

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VITRUVIAN WEST 1

UDR

ADDISON, TX

Apr 11, 2016

HPA#13514

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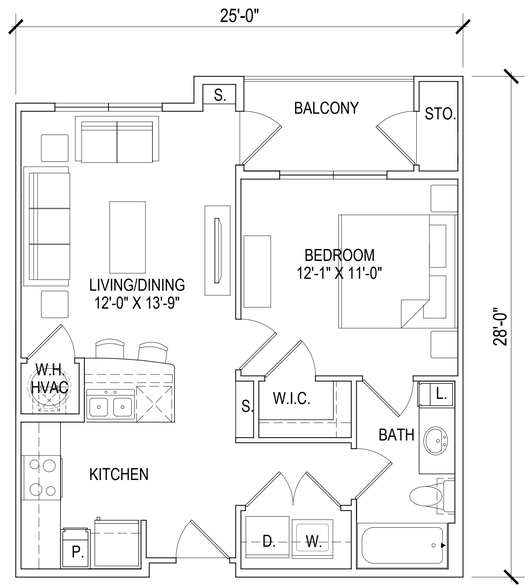
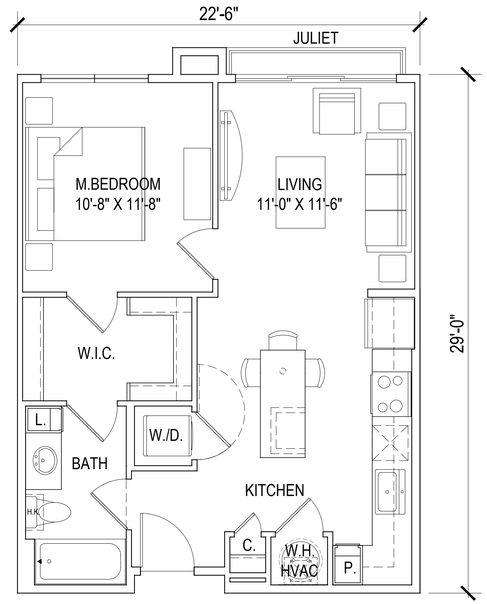


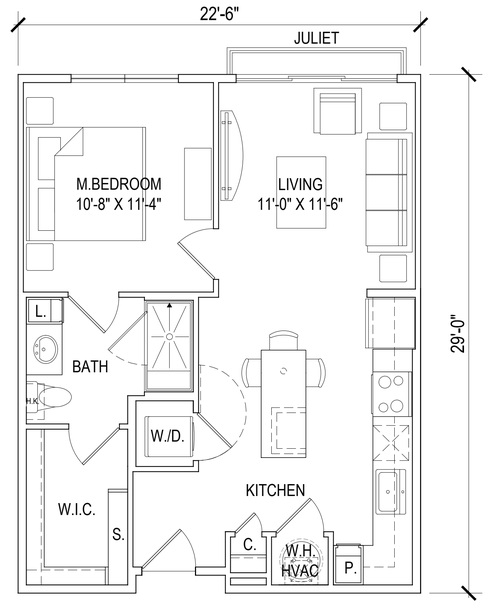
UNIT A2

NET - 618 SQ. FT.



UNIT A3

NET - 650 SQ. FT.



UNIT A3 OP02

NET - 650 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

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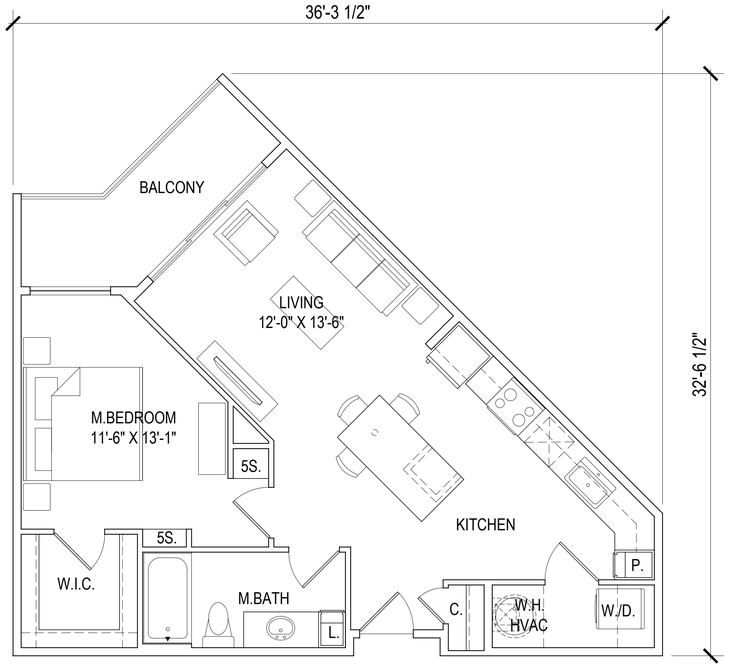
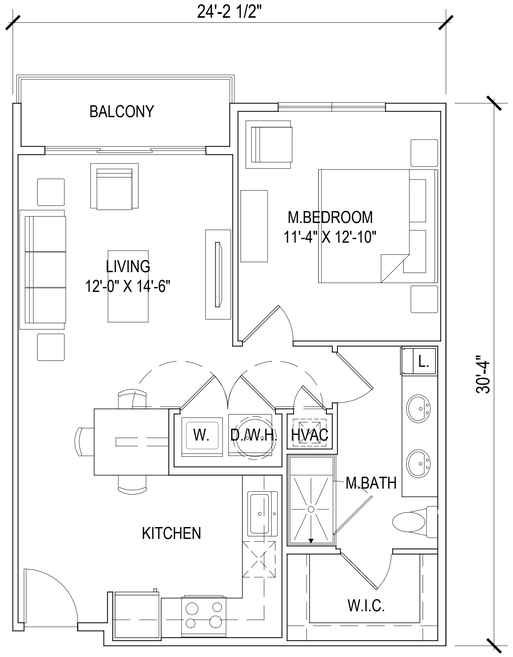


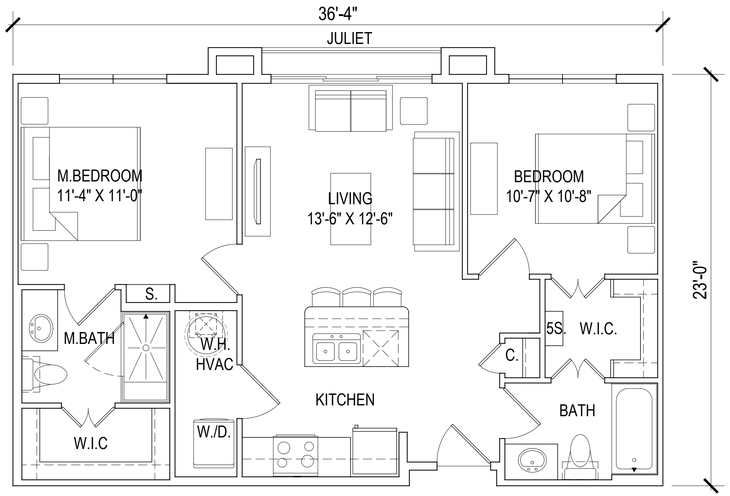
UNIT A4

NET - 736 SQ. FT.



UNIT A5

NET - 703 SQ. FT.



UNIT B1

NET - 833 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

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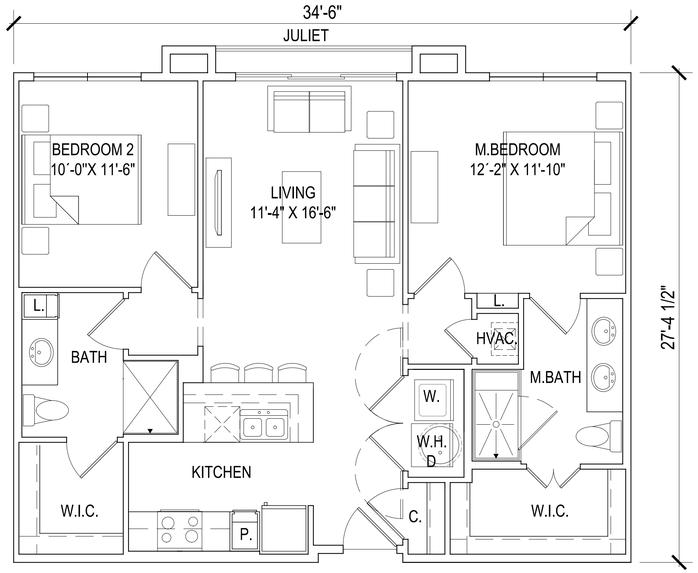
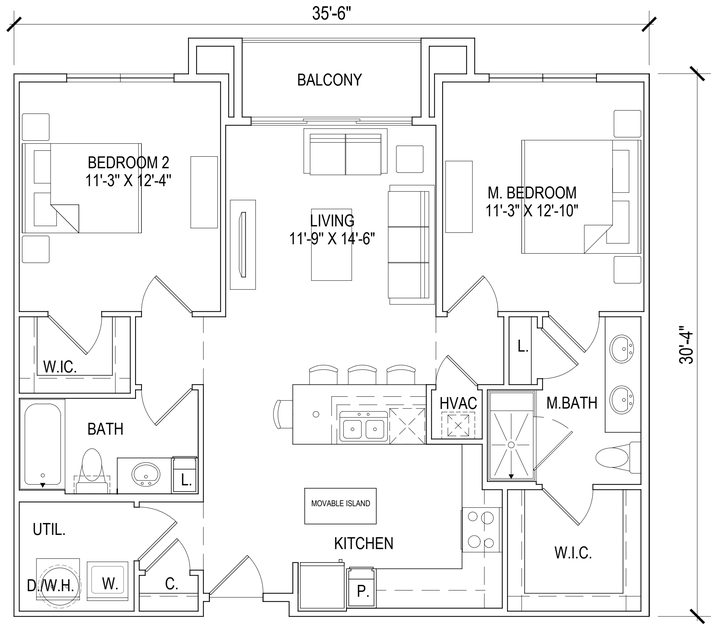


UNIT B2

NET - 944 SQ. FT.



UNIT B3

NET - 1048 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

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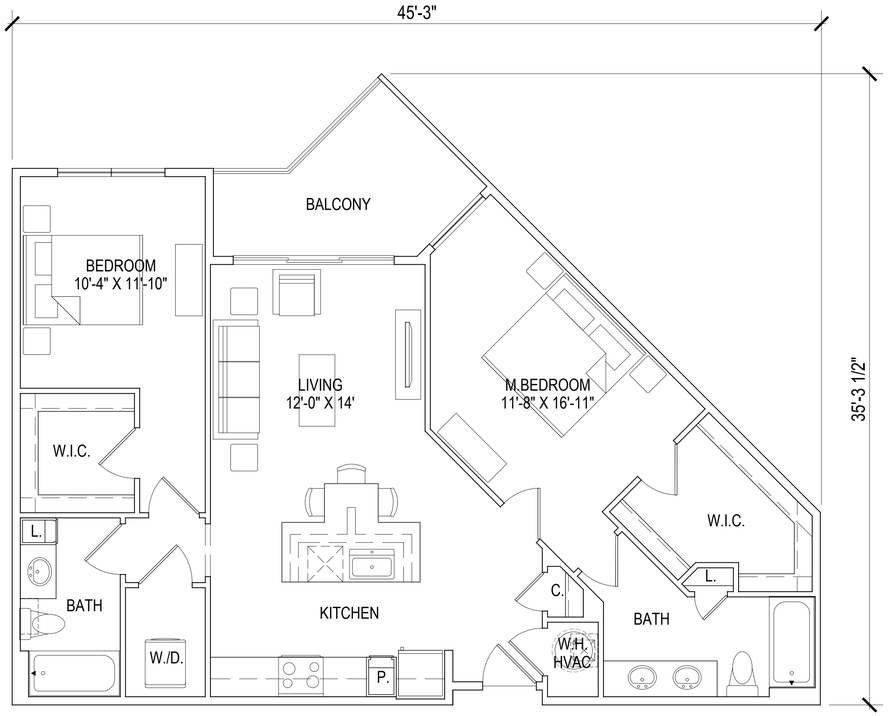
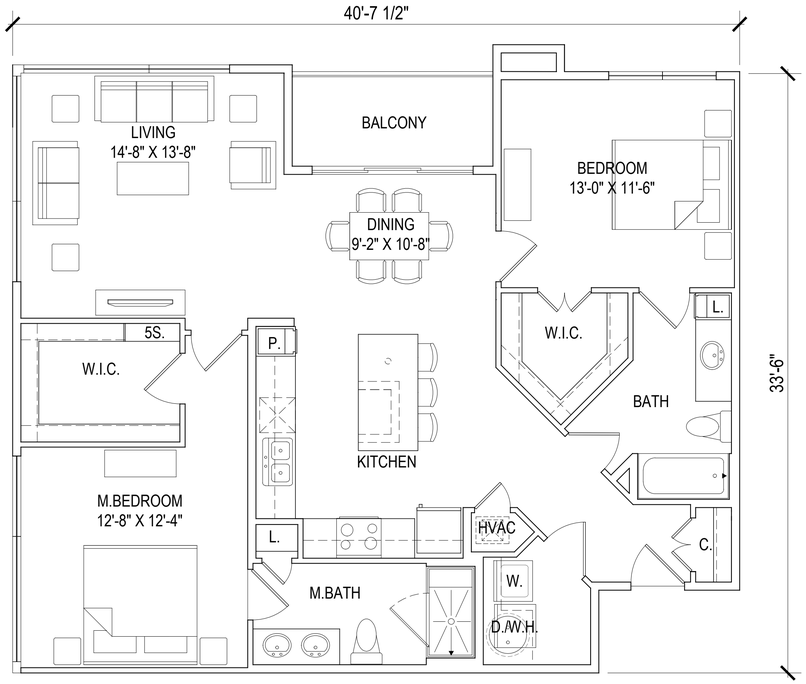


UNIT B4

NET - 1101 SQ. FT.



UNIT B5

NET - 1279 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

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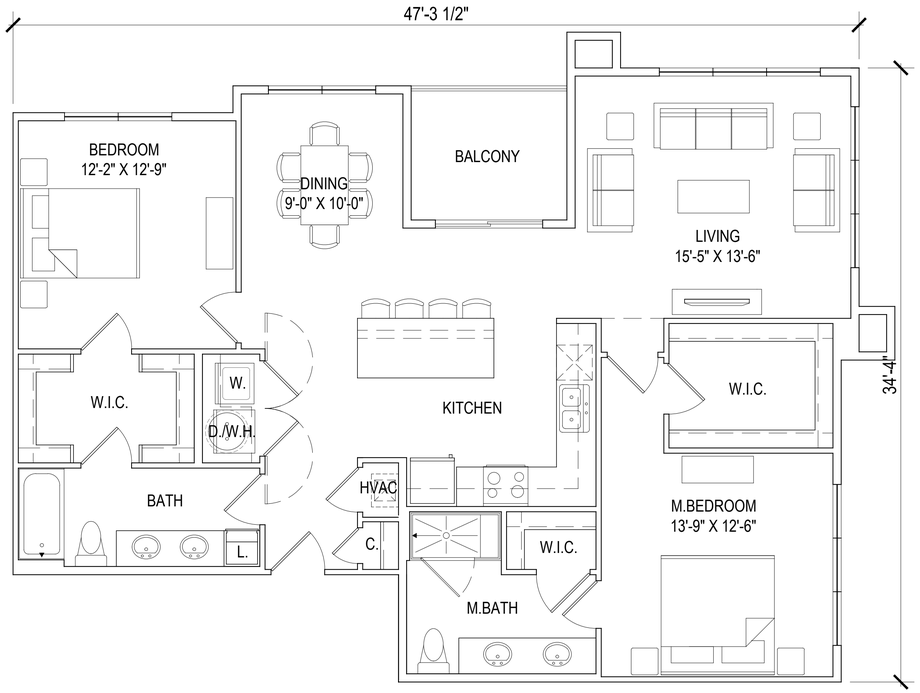
UNIT B6

NET - 1232 SQ. FT.



UNIT B7 OP01

NET - 1429 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

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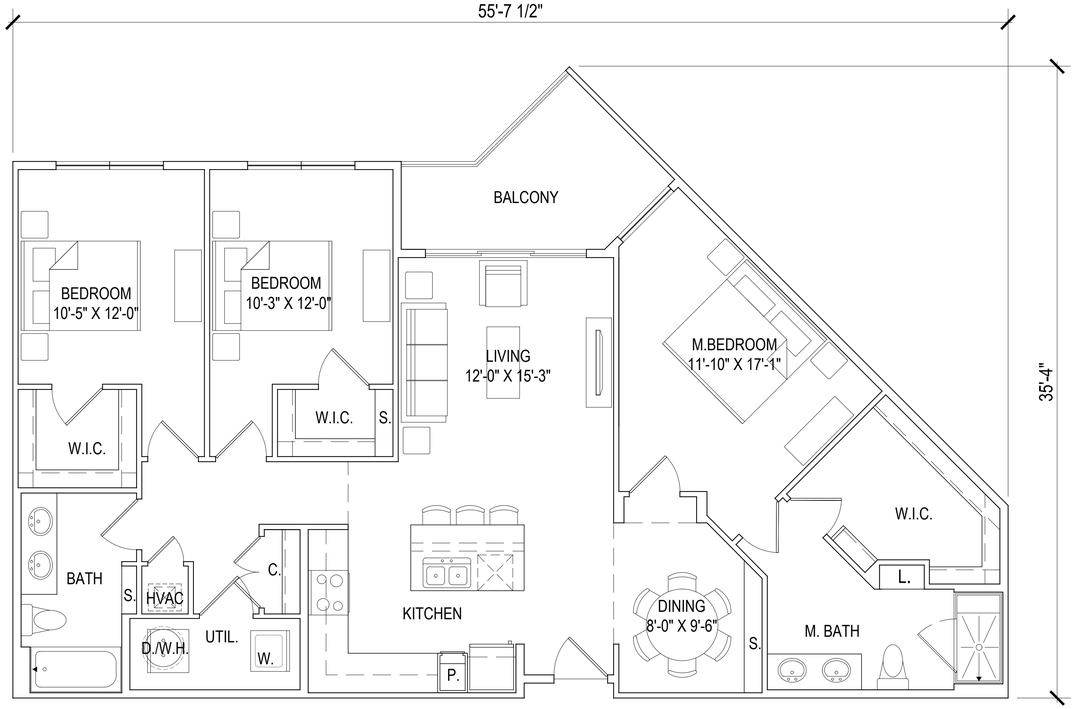

UNIT C1

NET - 1415 SQ. FT.

UNIT C2

NET - 1468 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

A 307

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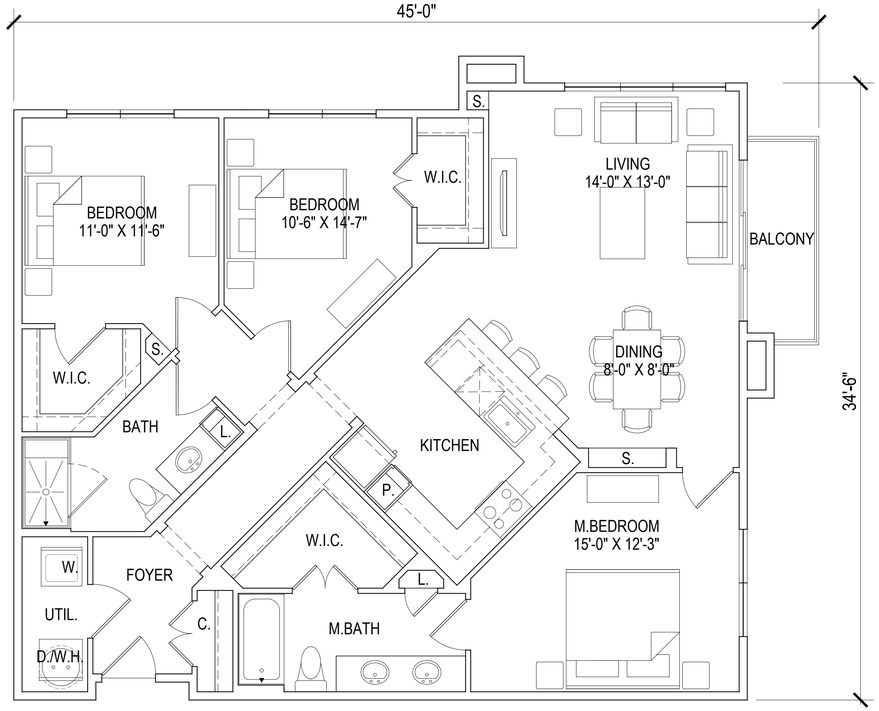

UNIT C3

NET - 1375 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

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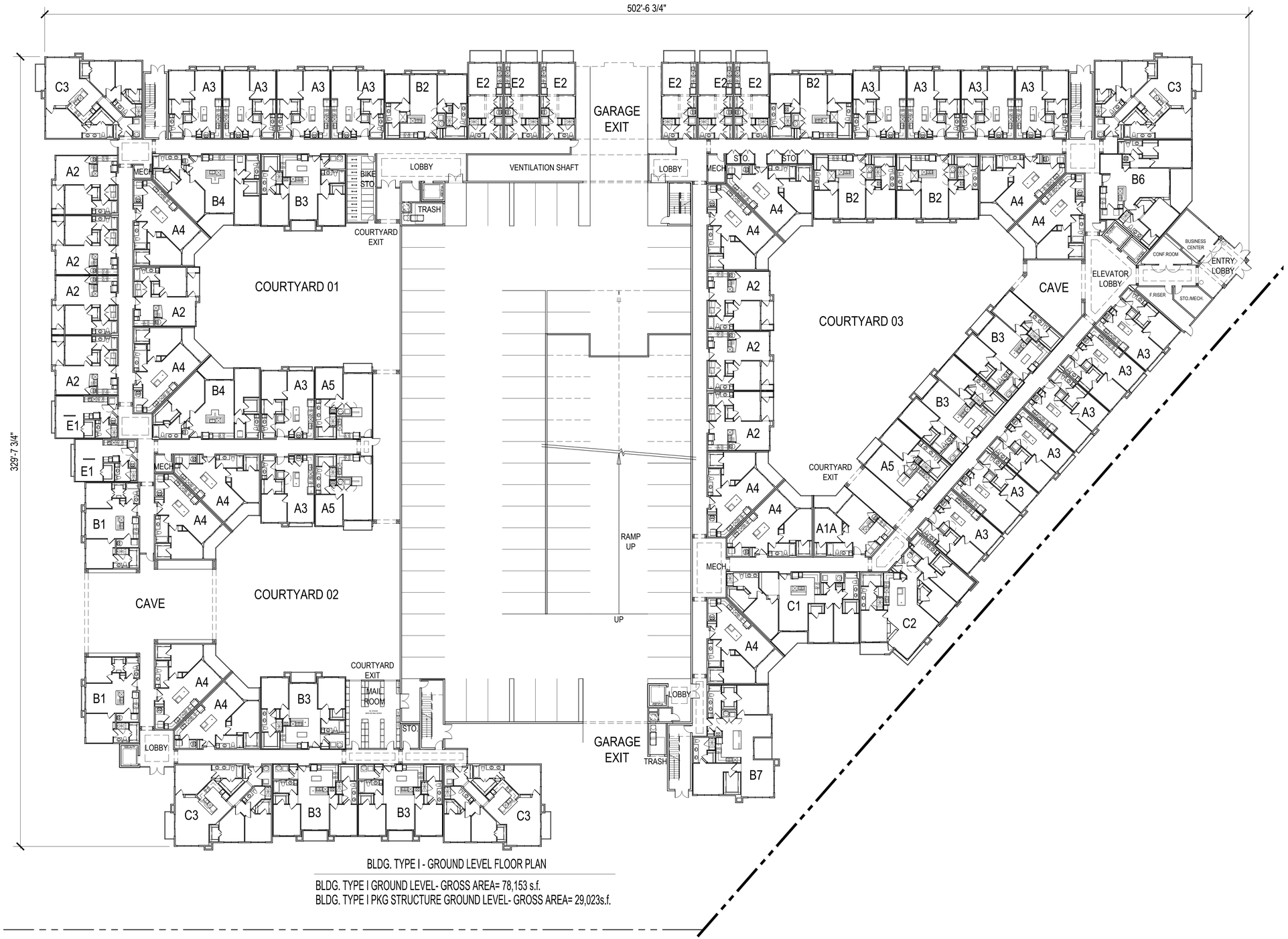

BLDG. TYPE I - GROUND LEVEL FLOOR PLAN

BLDG. TYPE I GROUND LEVEL- GROSS AREA= 78,153 s.f.
BLDG. TYPE I PKG STRUCTURE GROUND LEVEL- GROSS AREA= 29,023s.f.

SCALE: 1" = 20' - 0" (24"x36" SHEET)

0' 20' 40' 80'

BUILDING TYPE I GROUND FLOOR PLAN

A 410

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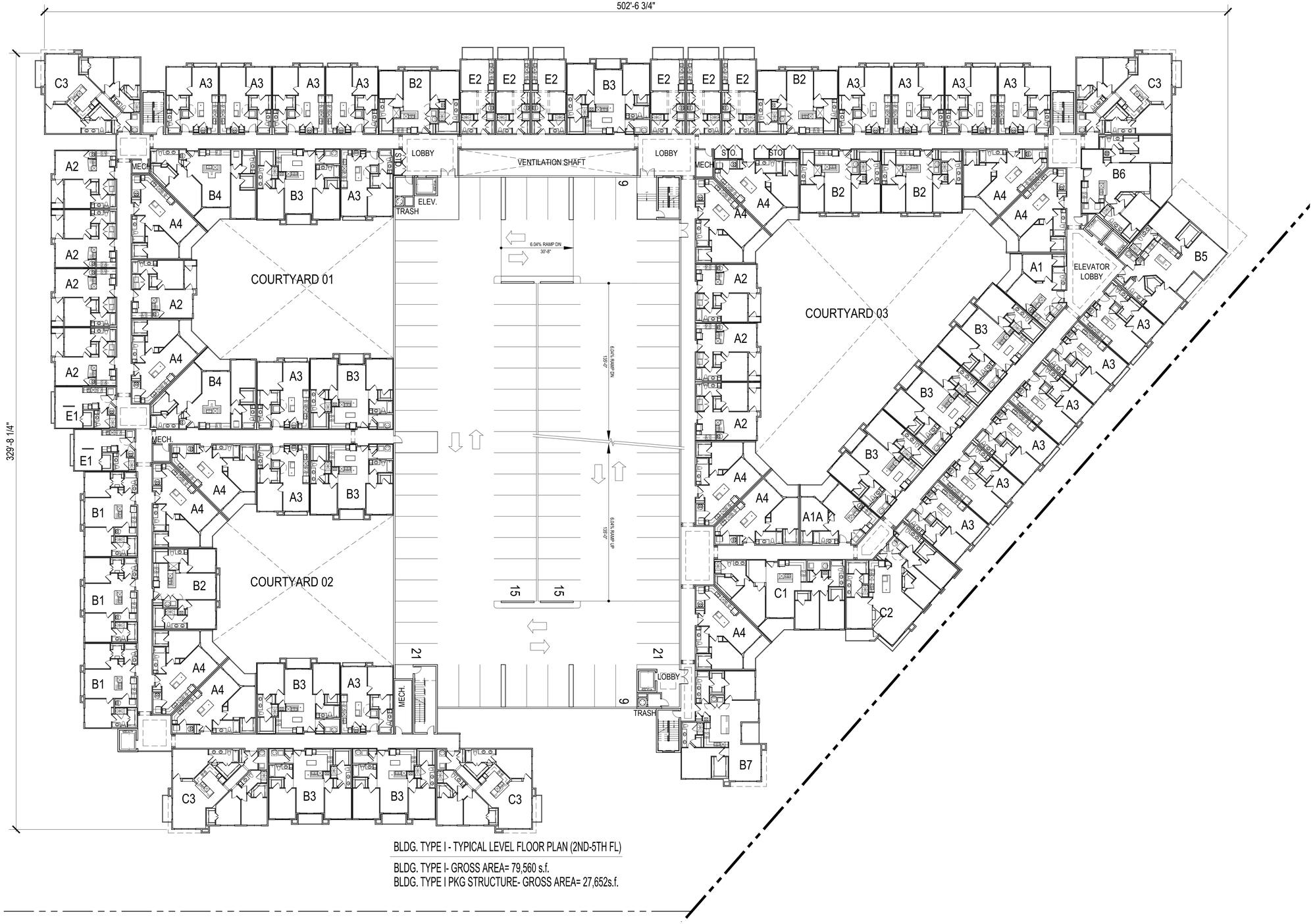

BLDG. TYPE I - TYPICAL LEVEL FLOOR PLAN (2ND-5TH FL)

BLDG. TYPE I- GROSS AREA= 79,560 s.f.
BLDG. TYPE I PKG STRUCTURE- GROSS AREA= 27,652s.f.

SCALE: 1" = 20' - 0" (24"x36" SHEET)

0' 20' 40' 80'

BUILDING TYPE I TYPICAL FLOOR PLAN (2ND-5TH FL.)

A 411

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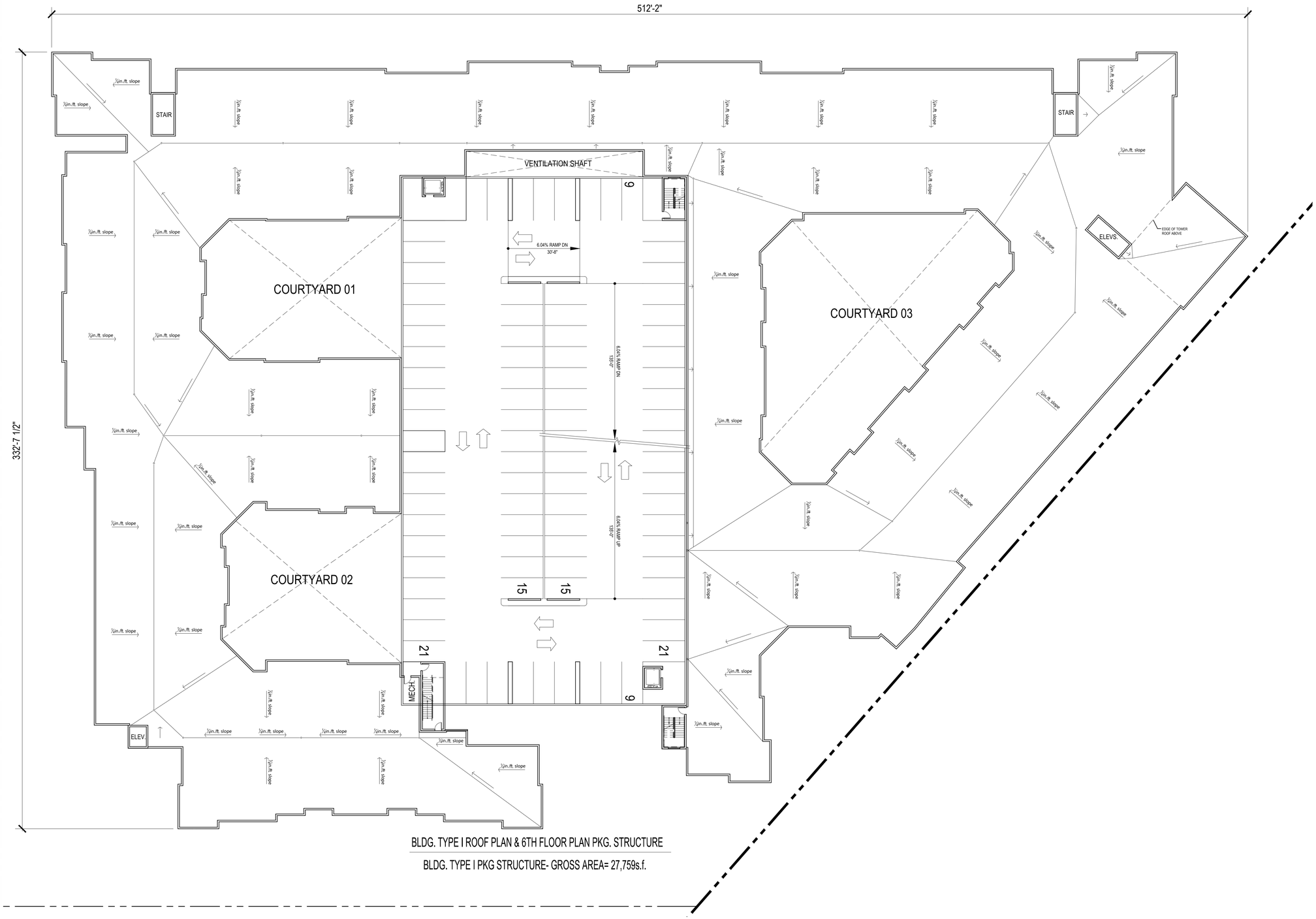

BLDG. TYPE I ROOF PLAN & 6TH FLOOR PLAN PKG. STRUCTURE

BLDG. TYPE I PKG STRUCTURE- GROSS AREA= 27,759s.f.

SCALE: 1" = 20' - 0" (24"x36" SHEET)

0' 20' 40' 80'

BUILDING TYPE I ROOF PLAN & 6TH FLOOR PLAN PKG. STRUCTURE

A 412

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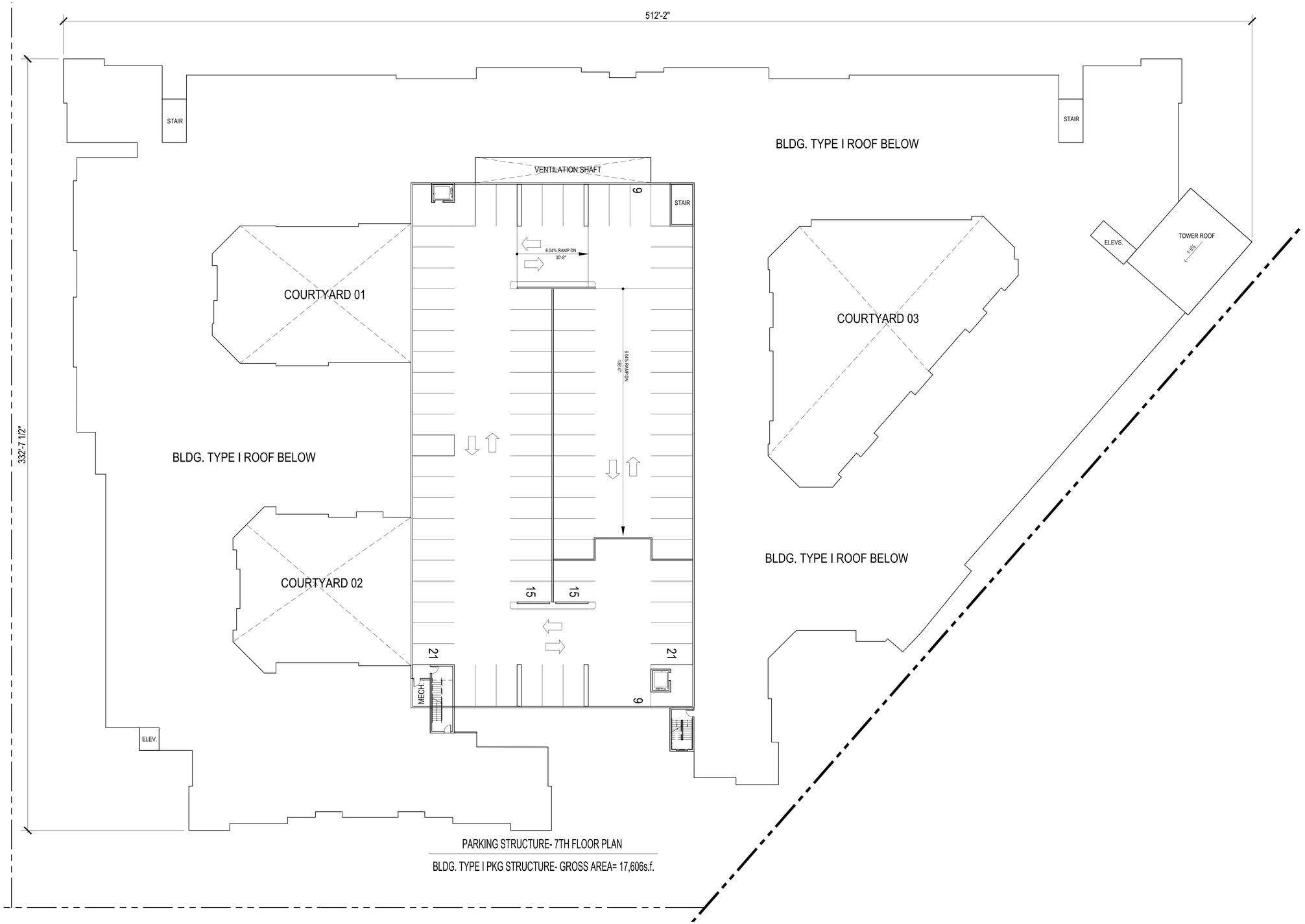

PARKING STRUCTURE- 7TH FLOOR PLAN

BLDG. TYPE I PKG STRUCTURE- GROSS AREA= 17,606s.f.

SCALE: 1" = 20' - 0" (24"x36" SHEET)

0' 20' 40' 80'

PARKING STRUCTURE- 7TH FLOOR PLAN

A 413

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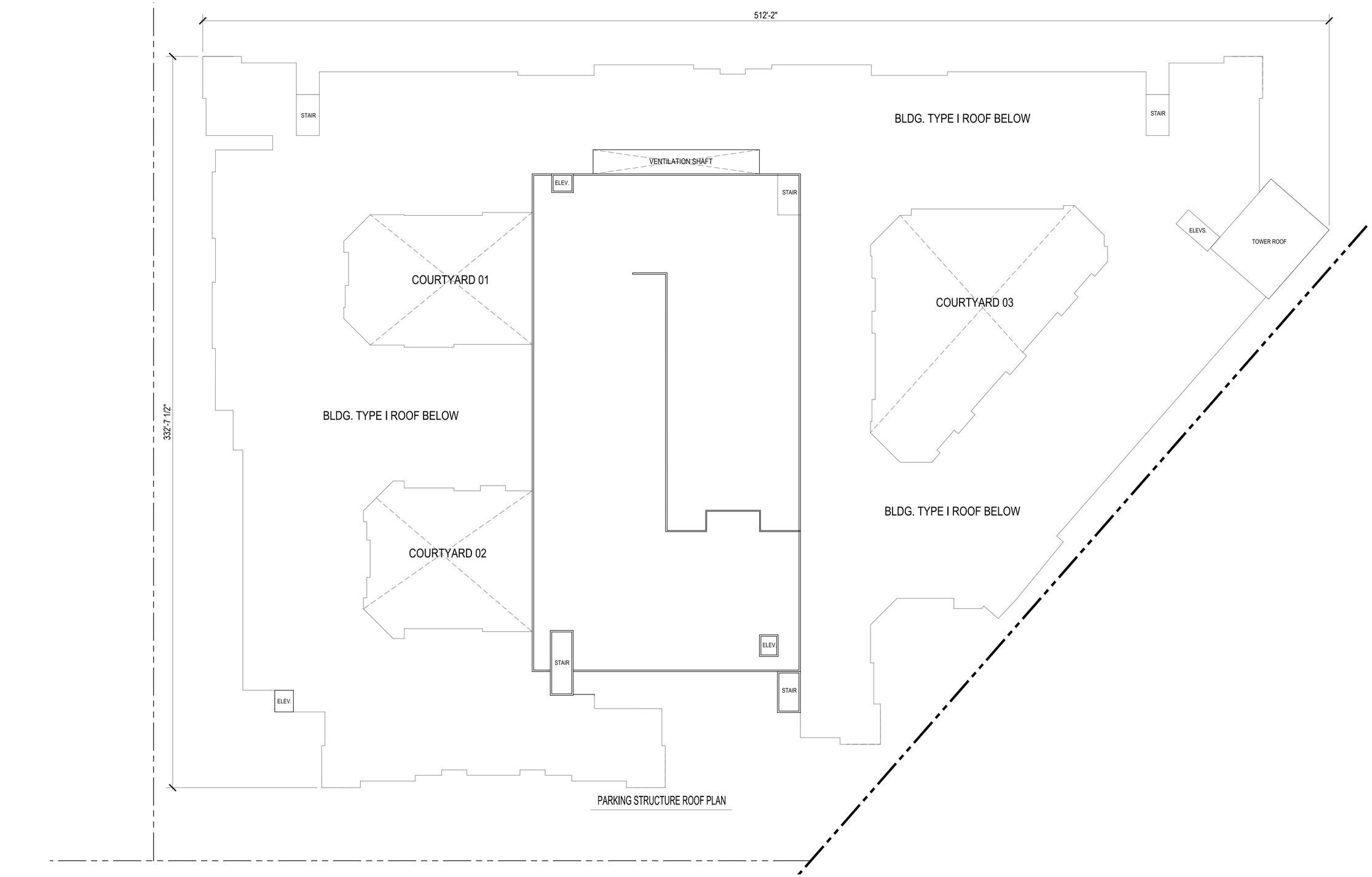

PARKING STRUCTURE ROOF PLAN

SCALE: 1" = 20' - 0" (24"x36" SHEET)

0' 20' 40' 80'

PARKING STRUCTURE- ROOF PLAN

A 414

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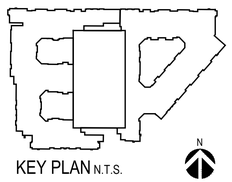
EAST ELEVATION

GLASS 45%
STONE 20%
STUCCO 20%
METAL 3%
SIDING 12%

NORTHEAST ELEVATION

GLASS 40%
STONE 16%
STUCCO 20%
METAL 17%
SIDING 7%



KEY PLAN N.T.S.

NOTES:
1. THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
2. ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE.
3. WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
4. ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES.
5. ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.

ZONING:
VITRUVIAN PD
Town of Addison
project # 1734-Z

SCALE: 3/32" = 1'-0" (24"x36" SHEET)

0' 16' 32' 64'

ELEVATIONS

A 420

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VITRUVIAN 200 SERIES BLOCK 201

UDR

Apr 11, 2016 ADDISON, TX HPA#13514

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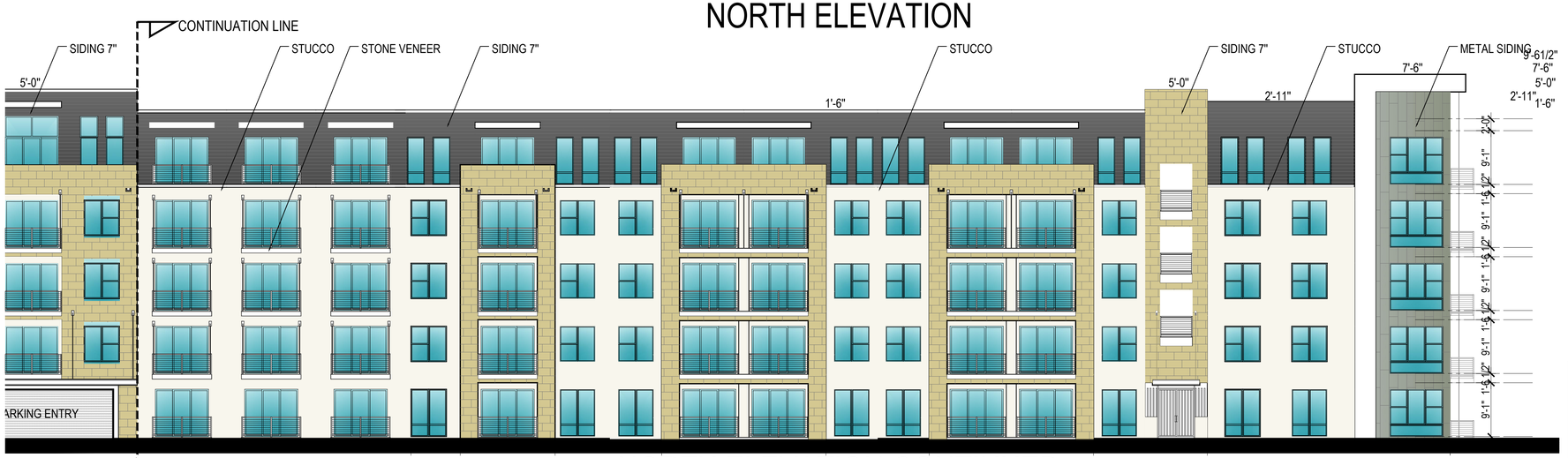
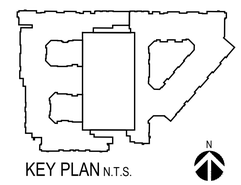
GLASS 35%
STONE 19%
STUCCO 30%
METAL 5%
SIDING 11%

NORTH ELEVATION (scale: 1/16´´=1´)

73% ON BUILD-TO LINE

NORTH ELEVATION





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ZONING:
VITRUVIAN PD
Town of Addison
project # 1734-Z

NORTH ELEVATION CONTINUED

SCALE: 3/32" = 1'-0" (24"x36" SHEET)

0' 16' 32' 64'

ELEVATIONS

A 421

VITRUVIAN WEST 1

UDR

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WEST ELEVATION

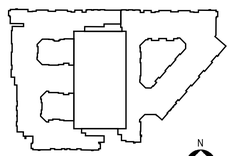
NOT SUBJECT TO BUILD-TO LINE

GLASS 24%
STONE 38%
STUCCO 22%
METAL 4%
SIDING 12%

SOUTH ELEVATION

NOT SUBJECT TO BUILD-TO LINE

GLASS 23%
STONE 15%
STUCCO 42%
METAL 10%
SIDING 10%



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ZONING:
VITRUVIAN PD
Town of Addison
project # 1734-Z

SCALE: 3/32" = 1'-0" (24"x36" SHEET)

0' 16' 32' 64'

ELEVATIONS

A 422

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VITRUVIAN WEST 1

UDR

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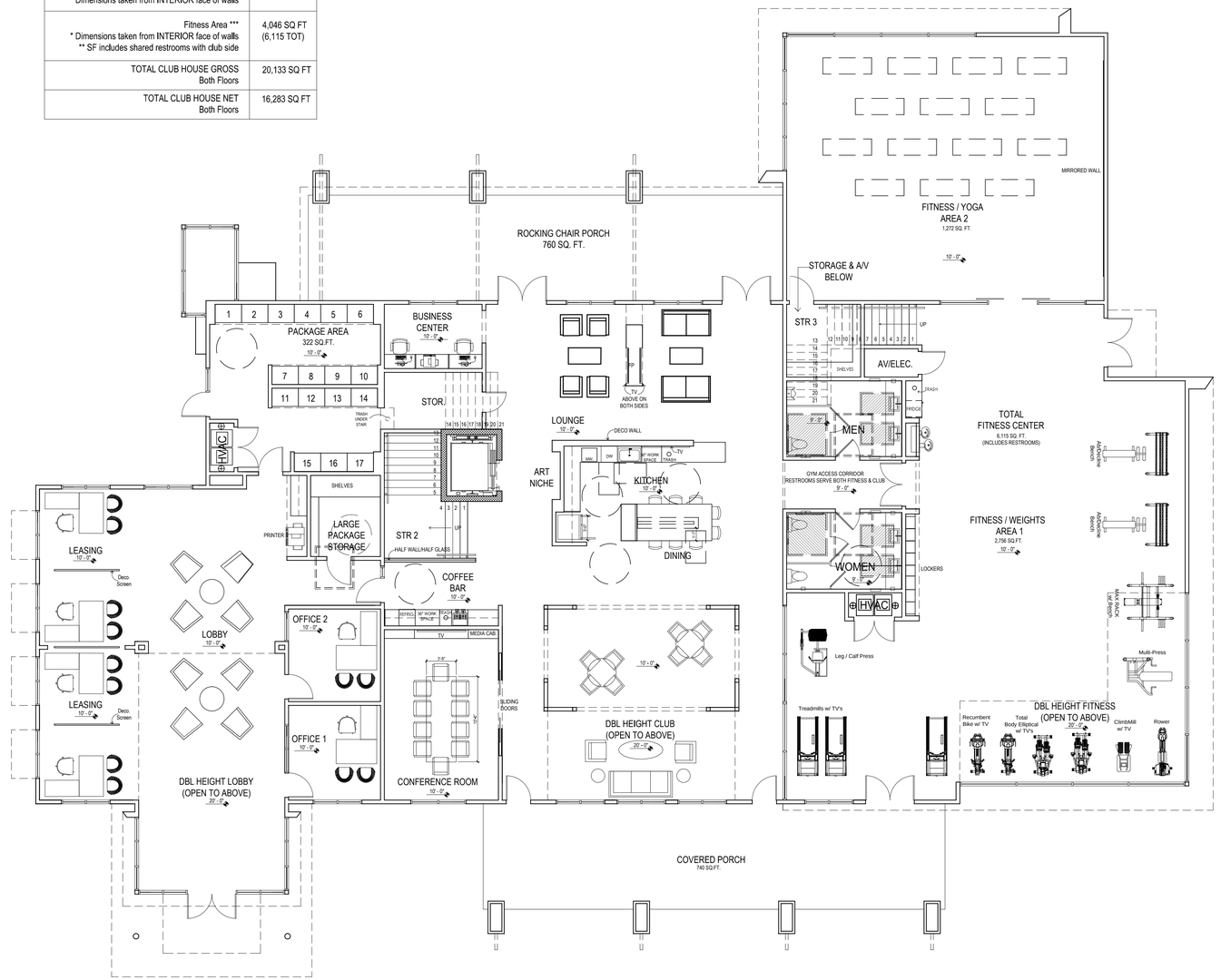
1st FLOOR	
Gross *** * Includes Patios/Balconies ** Dimensions taken from EXTERIOR face of walls	11,201 SQ FT
Conditioned Areas (Net) *** * Dimensions taken from EXTERIOR face of stud walls	9,701 SQ FT
Secured Areas * * Dimensions taken from INTERIOR face of walls	2,276 SQ FT
Fitness Area *** * Dimensions taken from INTERIOR face of walls ** SF includes shared restrooms with club side	4,046 SQ FT (6,115 TOT)
TOTAL CLUB HOUSE GROSS Both Floors	20,133 SQ FT
TOTAL CLUB HOUSE NET Both Floors	16,283 SQ FT



SCALE: 1/8" = 1'-0" (24"x36" SHEET)

0' 8' 16' 32'

CLUBHOUSE FIRST FLOOR PLAN

A 801

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VITRUVIAN WEST 1
UDR
ADDISON, TX

Apr 11, 2016

HPA#13514

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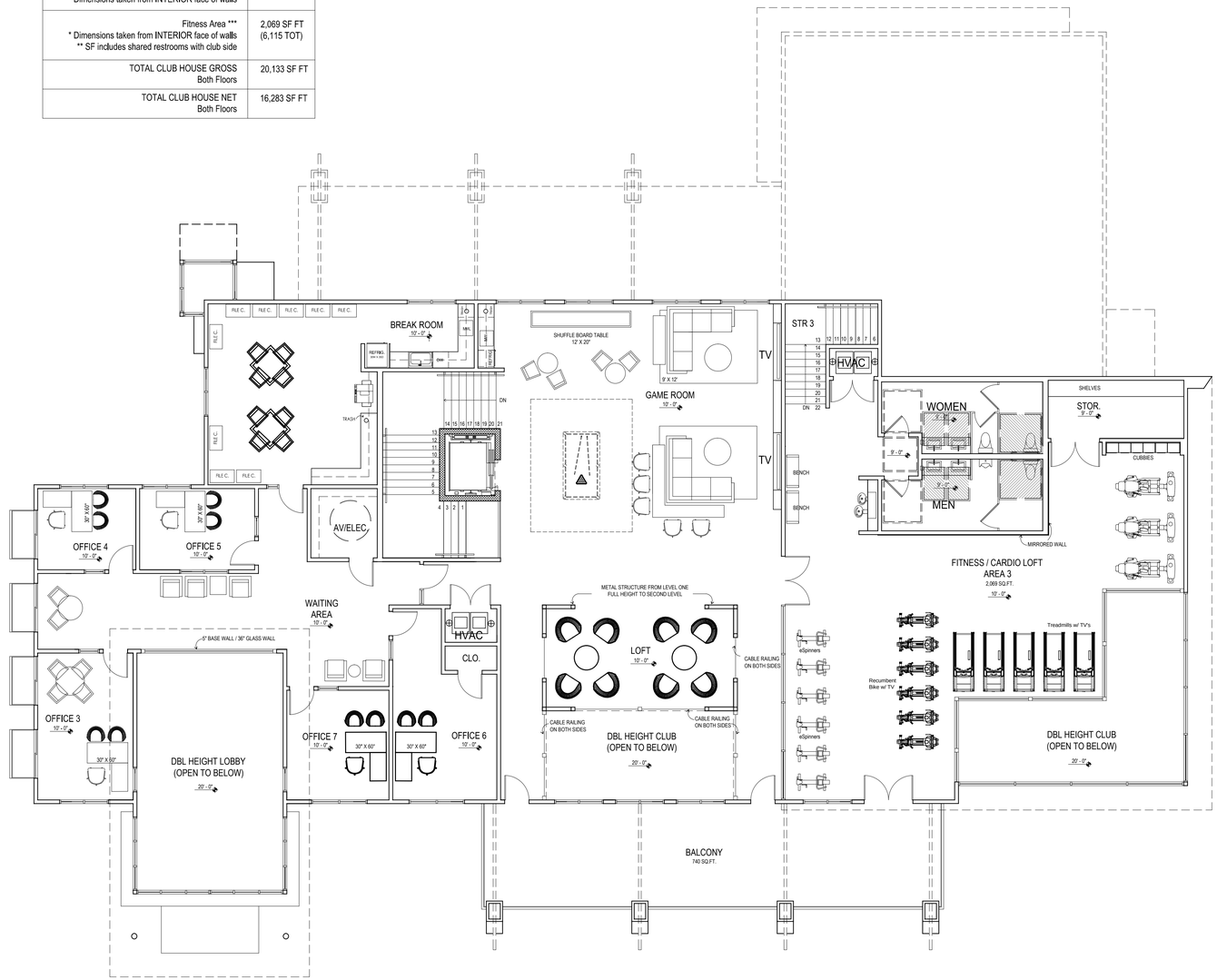
2nd FLOOR	
Gross *** * Includes Pations/Balconies ** Dimensions taken from EXTERIOR face of walls	8,932 SF FT
Conditioned Areas (Net) *** * Dimensions taken from EXTERIOR face of stud walls	6,582 SF FT
Secured Areas * * Dimensions taken from INTERIOR face of walls	2,197 SF FT
Fitness Area *** * Dimensions taken from INTERIOR face of walls ** SF includes shared restrooms with club side	2,069 SF FT (6,115 TOT)
TOTAL CLUB HOUSE GROSS Both Floors	20,133 SF FT
TOTAL CLUB HOUSE NET Both Floors	16,283 SF FT



SCALE: 1/8" = 1'-0" (24"x36" SHEET)

0' 8' 16' 32'

CLUBHOUSE SECOND FLOOR PLAN

A 802

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VITRUVIAN WEST 1
UDR
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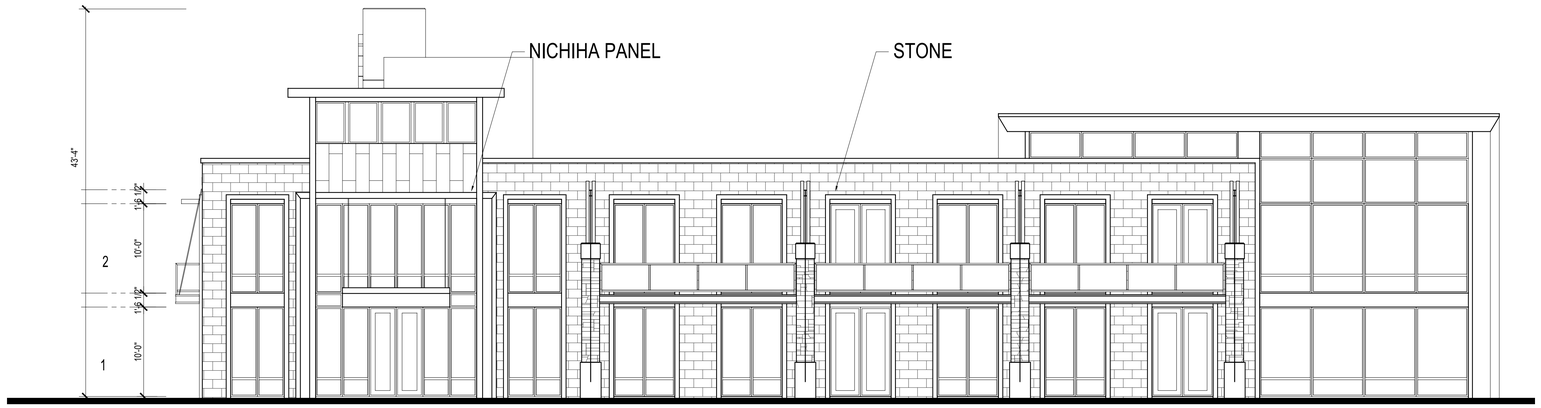
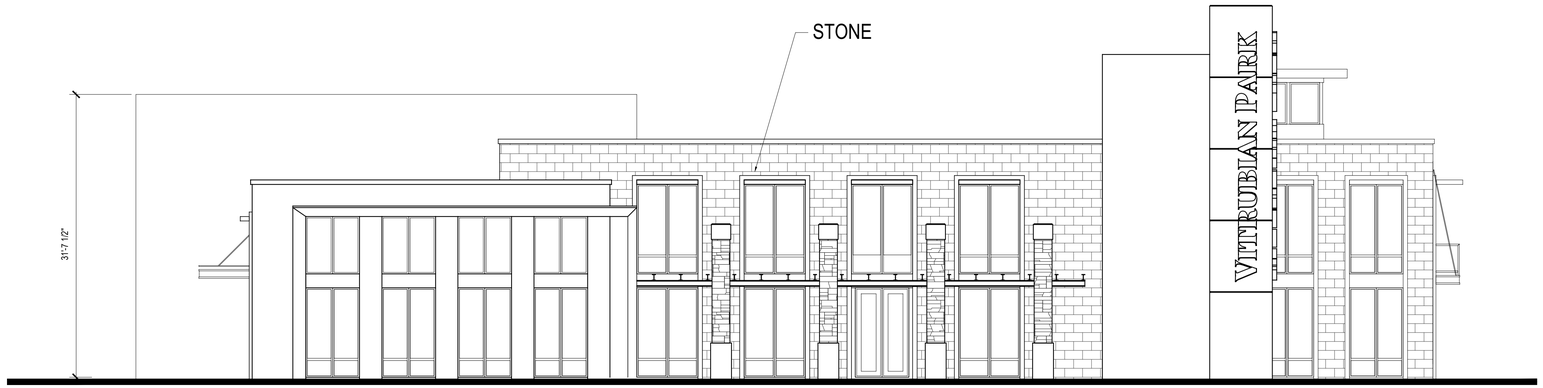


FRONT ELEVATION



REAR ELEVATION

SCALE: 1/8" = 1'-0" (24"x36" SHEET)

0' 8' 16' 32'

CLUBHOUSE ELEVATIONS

A 811

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VITRUVIAN WEST 1

UDR

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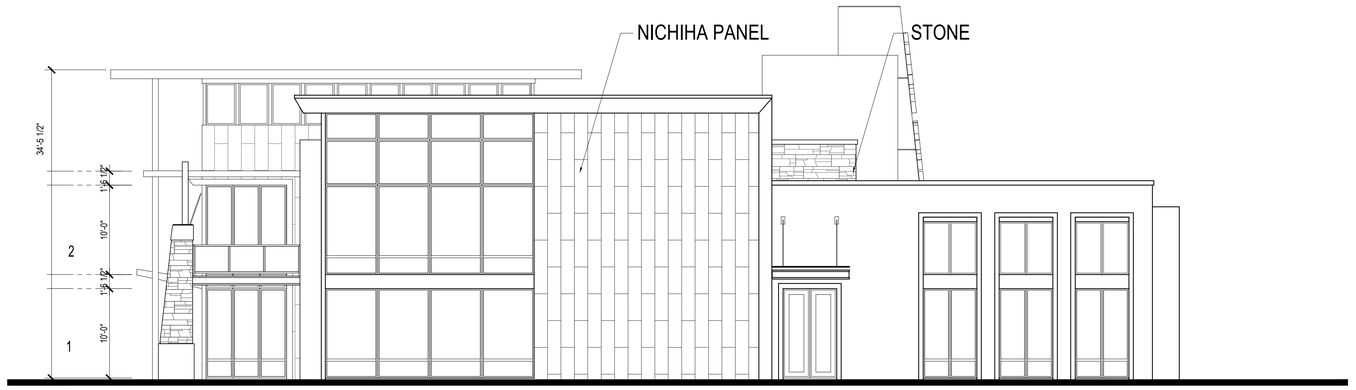

SIDE ELEVATION 1

SIDE ELEVATION 2

SCALE: 1/8" = 1'-0" (24"x36" SHEET)

0' 8' 16' 32'

CLUBHOUSE ELEVATIONS

A 812

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VITRUVIAN WEST 1
UDR
ADDISON, TX

Apr 11, 2016

HPA#13514

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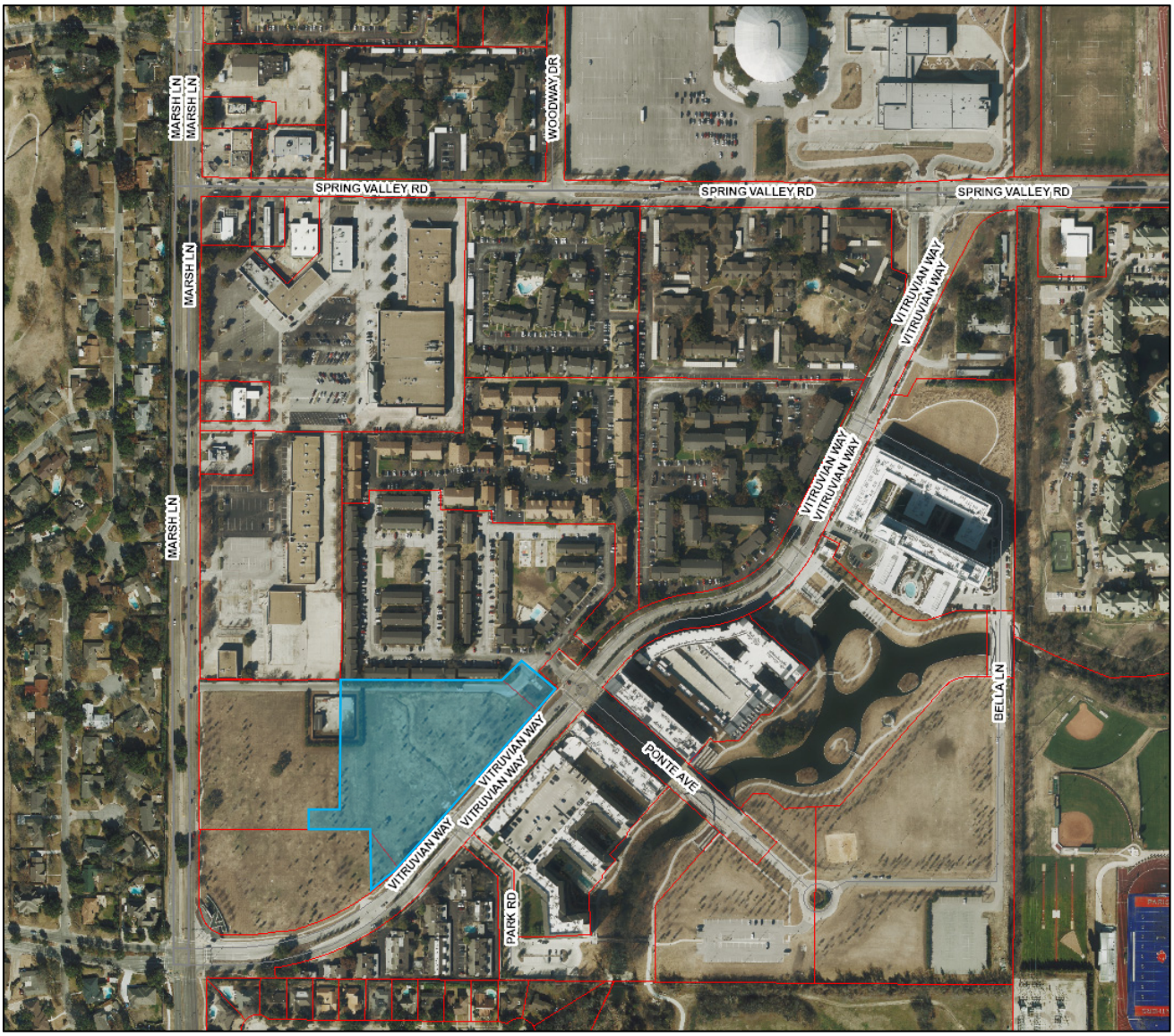
1734-Z

PUBLIC HEARING Case 1734-Z/Vitruvian West I. Public hearing, discussion, and take action on a recommendation regarding a development plan for the development of 383 multi-family units and an amenities center in an existing Planned Development District (PD O07-034) located on approximately 5.2 acres addressed at 3737 Vitruvian Way and 3801 Vitruvian Way and approving waivers to unit size, construction materials, and building setback requirements.

LOCATION MAP



April 15, 2016

STAFF REPORT

RE:	1734-Z/Vitruvian West I
LOCATION:	Approximately 5.2 acres of land located at 3737 Vitruvian Way and 3801 Vitruvian Way
REQUEST:	Development Plan Approval in an existing Planned Development District (PD O07-034) with a waiver regarding limits to the number of building materials.
APPLICANT:	UDR, represented by Mr. Michael Smith of Humphreys and Partners

DISCUSSION:

Background: On October 9, 2007, UDR obtained approval to rezone a 99-acre neighborhood. Six years later in 2013, the zoning for the project was expanded to include 4 additional tracts totaling 21.7 acres. The planned development district zoning established development standards and a concept plan. It also established that prior to the issuance of a building permit for any project within the PD district, a development plan for the project must be approved by the Planning and Zoning Commission and the City Council.

This property held some of the oldest apartments that were part of the previous development. These were taken down at the outset of the project. The broader site at the northeast corner of Marsh Lane and Vitruvian Way will hold three multi-family apartment buildings with a centralized amenity center and pool, collectively known as Vitruvian West.

Proposed Plan: Vitruvian West I will sit at the northeast corner of the site. The plan contemplates a five story multi-family apartment building with 383 units. The project is 100% residential and does not contain any retail or office space. The building itself is almost triangular in shape wrapping a parking garage with three interior courtyards. The units in this phase will have an average unit size of 811 square feet and will be at a slightly lower price point than the existing phases. The design of the building is intended to represent a modern Texas Hill Country esthetic.

The amenities center and pool would also be constructed in conjunction with this building. The amenities building is 16,283 square feet and will house the leasing office, game room, and television room for this phase as well as a two story 6,115 square foot workout facility.

The project is bounded by Vitruvian Way to the southeast and along a new street that will be named Westgate Lane to the north. Construction is expected to start within 90 days and be completed in 18 months.

Staff Review: Development Plan approval differs from a typical zoning case. While zoning is a legislative decision with wide latitude given during the consideration process, development plan approval is a ministerial function more like plat approval. The purpose of the development plan approval process is to review the proposal in the context of the existing zoning requirements for the site. If the proposal meets the requirements, then it must be approved.

The remainder of the staff report will address each section of the ordinance and how the proposed plan complies. This case is being taken forward in conjunction with various amendments to the governing ordinance detailed in case 1735-Z. During the meeting, the Commission will consider case 1735-Z prior to hearing this case. For the sake of this analysis, staff will include the new requirements as if they were approved.

Uses: The applicant is proposing 383 multi-family units. **The proposed uses meet the standards in the ordinance.**

Development Standards: Development standards regulate the setbacks, building heights, lot sizes, and square footages of certain uses. The development plan is in compliance with all development standards, except as noted below.

> *Street Build-to Line:* The development standards require that at least 70% of the building be at the build-to line along Vitruvian Way. The building is in compliance. Along Westgate Lane, a type B street, there is a build-to zone of between 6 and 9 feet. The building complies with the requirement. **The proposal meets the building to line standard in the ordinance.**
>
> *Minimum area per dwelling unit.* The development standards establish the following minimum unit size criteria:
>
> - Efficiency: 450 square feet
> - One-Bedroom: 600 square feet
> - Two-Bedroom: 850 square feet
> - Three-Bedroom: 1,000 square feet
>
> The development plans show 18 unit types ranging from efficiency up to three bedroom units. All comply with the minimum requirements, except for one of the one-bedroom floor plan, A1. This unit is 577 square feet, which is 23 square feet below the minimum. There are only 4 of this sized unit in the development. **The proposal does not meet the minimum area per dwelling unit standard in the ordinance. Waiver requested.**

Open Space: Open space is required with residential uses and is calculated to require two acres for every 1,000 residents up to 2,250 and then 1.5 acres per 1,000 residents above 2,250. The code assumes 1.5 persons per unit. With the 383 additional units being proposed, the development will have

1,513 units with an assumed resident count of 2,269.5. This requires that 4.53 acres of open space be provided. The applicant has already dedicated 12 acres with Vitruvian Park. **The proposal exceeds the standard for open space dedication at this phase.**

Parking: The ordinance requires that one space be provided per bedroom with a maximum of two spaces per unit.

Number of units:	383
Parking required:	521 (766 maximum)
Parking provided:	599

The proposal meets the parking requirements in the ordinance.

Streets: The proposal anticipates the addition of a new Type B street as well as improvements to Vitruvian Way to add on-street parking. **The proposal meets the standards for streets in the ordinance.**

Exterior Appearance: The amenity center meets all requirements regarding exterior appearance.

The multi-family building is required to have 80% masonry construction on all sides visible from a public street and a maximum of three building materials, excluding glass. The building is proposed to include four materials: stucco, stone, siding, and metal paneling. The glass, stucco, and stone count towards the masonry requirement. While all other elevations comply with the 80% standard, the northeastern elevation is at 76% masonry. The metal paneling is being used as an accent material at certain corners of the building. There is a main entry feature and architectural element that is especially prevalent in the northeastern elevation, which is causing the building to not comply at this corner. **The proposal does not meet the exterior appearance requirements in the ordinance relating to the masonry requirement and the number of building materials. Waivers requested.**

Landscape: The landscaping regulations in the ordinance govern the street edge as well as private landscaping. The plan has been reviewed by the Parks Department and no issues were identified. **The proposal meets the standards for landscape in the ordinance.**

Sustainability: The zoning ordinance includes a variety of suggestions for a more environmentally conscious development. The applicant has indicated that the building will qualify for LEED certification and will incorporate many of the sustainable aspects noted in the ordinance. **The proposal meets the standards for sustainability in the ordinance.**

Screening: The ordinance requires that mechanical equipment as well as loading, service, and trash storage areas be screened from view of all public roadways. Staff cannot determine whether screening is adequate at this time because equipment has not been designed and located. However, staff will check building permit plans to see that all mechanical equipment is screened. **The proposal will comply prior to the issuance of a building permit.**

Flexible standards: The ordinance grants the Planning and Zoning Commission and City Council the authority to approve waivers from the standards included in the ordinance. **The applicant is requesting the following waivers**

- **Minimum area per dwelling unit for 1 bedroom units**
- **Masonry percentage requirement for northeastern elevation**
- **Maximum number of building materials**

RECOMMENDATION: **APPROVAL**

Vitruvian West I represents the next phase of multi-family units in Vitruvian Park. These will be a slightly smaller unit size with a slightly lower price point. This reflects the goals established at the outset of Vitruvian Park to establish a variety of unit types and prices. The plan shows a quality and attractive building with an abundance of amenities, which is in keeping with the type of development the Town has seen in the previous three phases.

Staff is supportive of the waivers requested. The waiver regarding the minimum area per dwelling unit only impacts 4 units and does not impact the livability of the unit. The intent behind the masonry requirement is to ensure a certain construction quality. While not included in the definition of masonry, the metal paneling being proposed is actually of higher quality and cost than the masonry materials. This gives the building an attractive modern look and should age well. Because of this, staff is not concerned with the slightly low masonry percentage on the northeastern elevation or the number of building materials.

Staff recommends approval subject to no conditions.

Land Use Analysis

Attributes of Success Matrix

Vitruvian West I, 3801 Vitruvian Way **1734-Z**

Attribute	Comment	Score
Competitive	Vitruvian Park is a desirable location. These units will be at a slightly lower price point, which will hit a broader market segment than previous phases.	
Safe	Vitruvian Park continues to be a safe development. Staff is working with UDR to finalize a police store front to establish a permanent police presence in the area.	
Functional	The site plan is functional.	
Visually Appealing	The design of the building is a modern Texas hill country esthetic. The site will be well landscaped and the parking garage will be mostly hidden.	
Supported with Amenities	The Vitruvian Park development is a high quality mixed use development with many amenities.	
Environmentally Responsible	The building will be LEED certified and is part of a high density, mixed use development. This is an environmentally responsible development pattern.	
Walkable	The site will be bounded by wide sidewalks with connections to other areas of the development.	
Overall Assessment	**This project represents a continuation of the high quality development seen in previous phases by UDR and will serve Vitruvian Park and the Town well.**	

Case 1734-Z/Vitruvian West I
April 19, 2016

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance granting development plan approval for a development of 383 multi-family units and an amenities center in an existing Planned Development District (PD O07-036), subject to the following waivers of design standards:

1. Minimum area per dwelling unit for 1 bedroom units may be 577 square feet, instead of 600 square feet
2. Masonry percentage requirement for the northeastern elevation may be 76 percent masonry, instead of 80 percent
3. Maximum number of building materials may be four, instead of three

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR APPROVAL OF A DEVELOPMENT PLAN FOR A MULTI-FAMILY BUILDING AND AMENITIES CENTER IN A PLANNED DEVELOPMENT ZONING DISTRICT (016-____) LOCATED ON 5.2 ACRES LOACTED AT 3737 VITRUVIAN WAY AND 3801 VITRUVIAN WAY, ON APPLICATION FROM UNITED DOMINION REALTY, PROVIDING FOR APPROVAL OF A WAIVER TO DEVELOPMENT STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the area generally known as Vitruvian Park was zoned PD, Planned Development, with development standards and a concept plan governing the entire property through Ordinance O07-034 and was amended through Ordinances O13-026 and O16-____; and

WHEREAS, the PD requires development plan approval prior to the issuance of a building permit; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at the public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this ordinance promotes the general welfare and safety of this community.

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

Section 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

Section 2. The property shall be improved in accordance with the development plans which are attached hereto as **Exhibit A** and made hereof for all purposes.

Section 3. The following waivers to development standards are hereby placed on the property.

1. Minimum area per dwelling unit for 1 bedroom units may be 577 square feet, instead of 600 square feet
2. Masonry percentage requirement for the northeastern elevation may be 76 percent masonry, instead of 80 percent

3. Maximum number of building materials may be four, instead of three.

Section 4. 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 5. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

Section 6. 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.

Section 7. That this Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

_____
Laura Bell, City Secretary

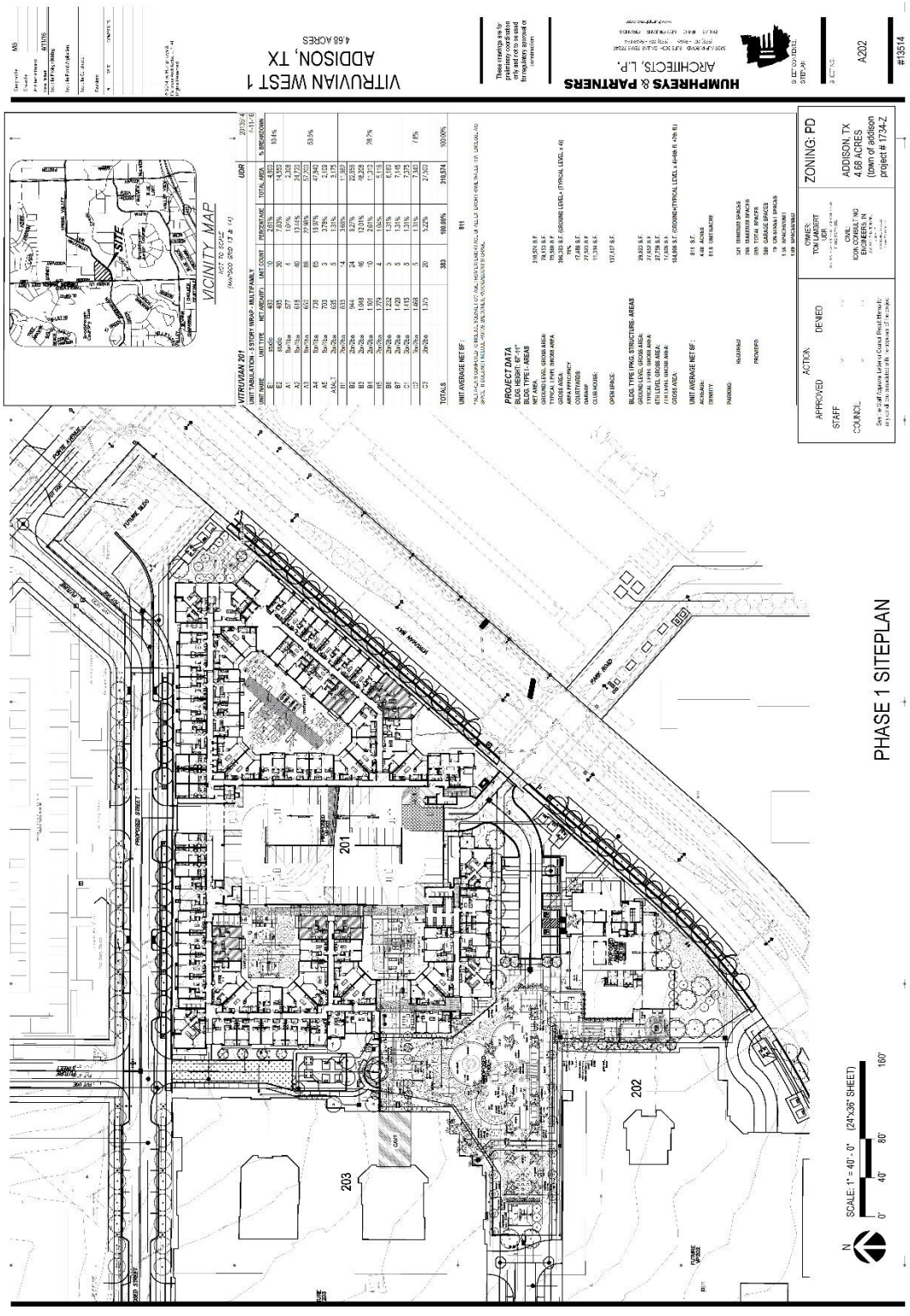
CASE NO: 1734-Z/Vitruvian West I

APPROVED AS TO FORM:

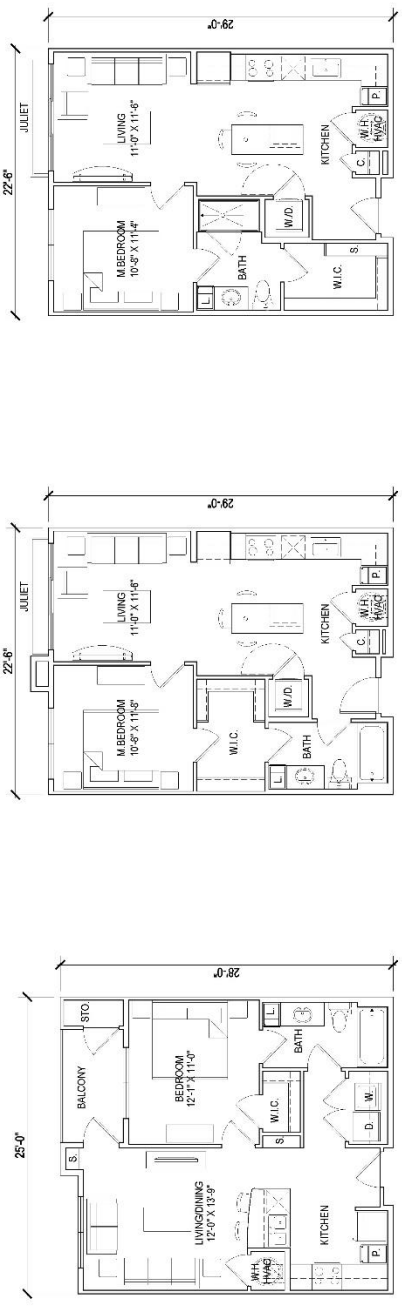
_____
Brenda N. McDonald, City Attorney

PUBLISHED ON: _____

EXHIBIT A: DEVELOPMENT PLANS



UNIT E1
NET - 480 SQ. FT.
UNIT E2
NET - 485 SQ. FT.
UNIT A1
NET - 577 SQ. FT.
UNIT A1 ALT.1
NET - 635 SQ. FT.
UNITS
A 301
VITRUVIAN WEST 1
UDR
ADDISON, TX
Apr 11, 2016
HPA#13514
HUMPHREYS & PARTNERS ARCHITECTS L.P.
SCALE: 1/4" = 1'-0" (24"x36" SHEET)



UNITS

A 302

VITRUVIAN WEST 1
UDR
ADDISON, TX

Apr 11, 2016

HPA#13514

HUMPHREYS & PARTNERS ARCHITECTS L.P.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

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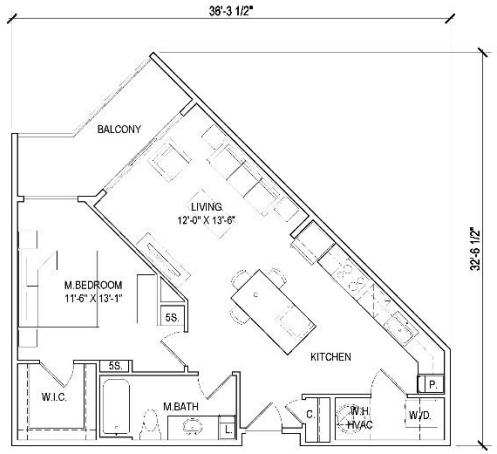
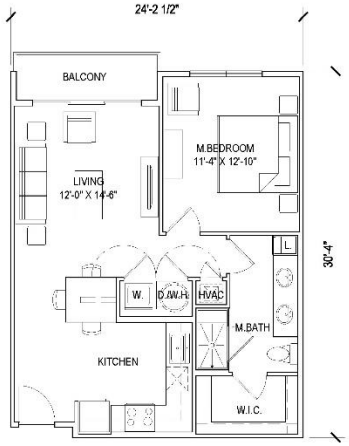
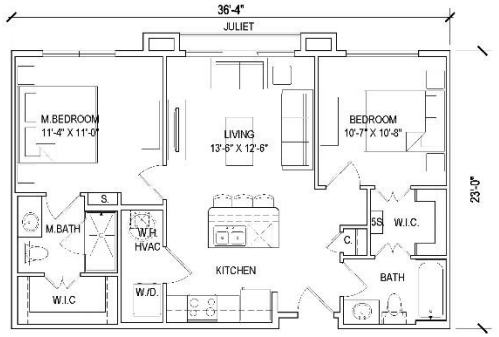


UNIT A4
NET - 736 SQ. FT.



UNIT A5
NET - 703 SQ. FT.



UNIT B1
NET - 833 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)

0' 4' 8' 16'

UNITS

A 303

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VITRUVIAN WEST 1
UDR
ADDISON, TX

Apr 11, 2016

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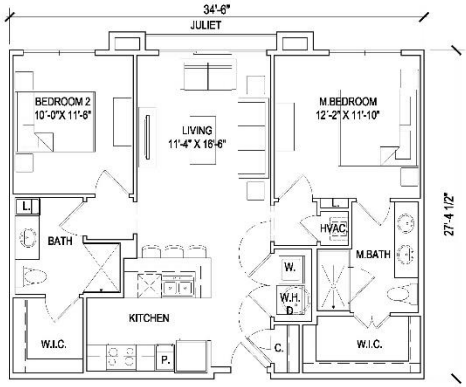
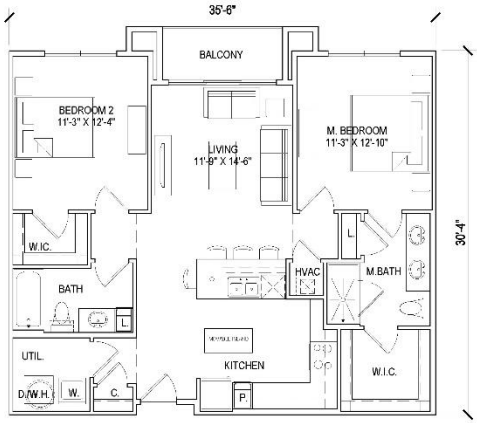


UNIT B2
NET - 944 SQ. FT.



UNIT B3
NET - 1048 SQ. FT.

SCALE: 1/4" = 1'-0" (24"x36" SHEET)
0' 4' 8' 16'

UNITS

A 304

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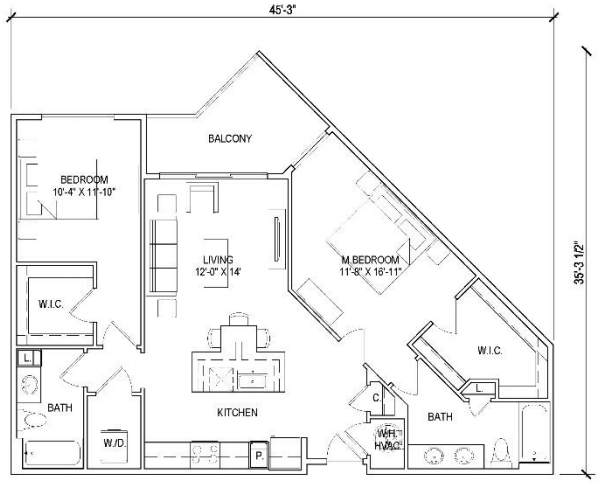
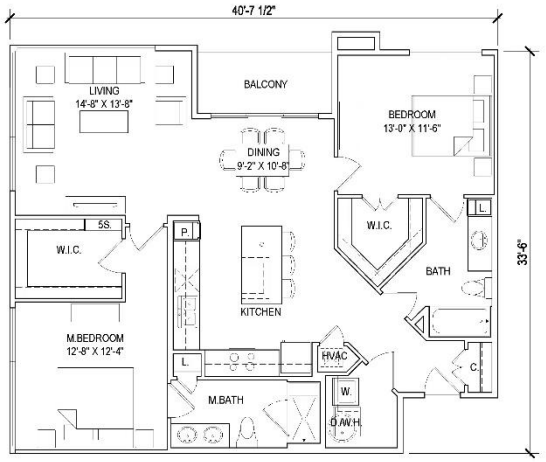


UNIT B4
NET - 1101 SQ. FT.



UNIT B5
NET - 1279 SQ. FT.

SCALE: 1/4" = 1'-0" (24"X36" SHEET)
0' 4' 8' 16'

UNITS

A 305

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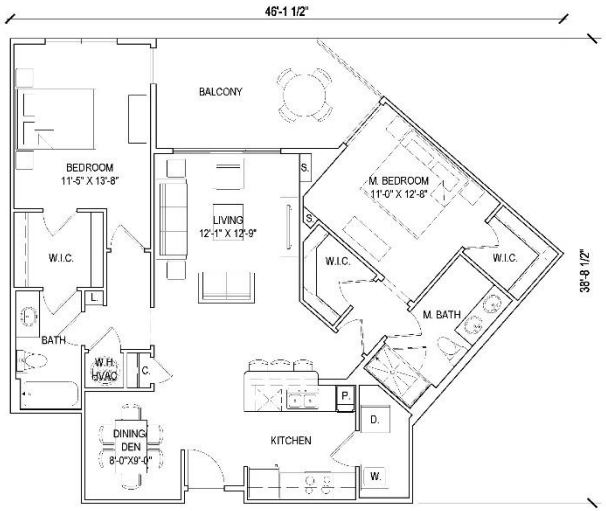
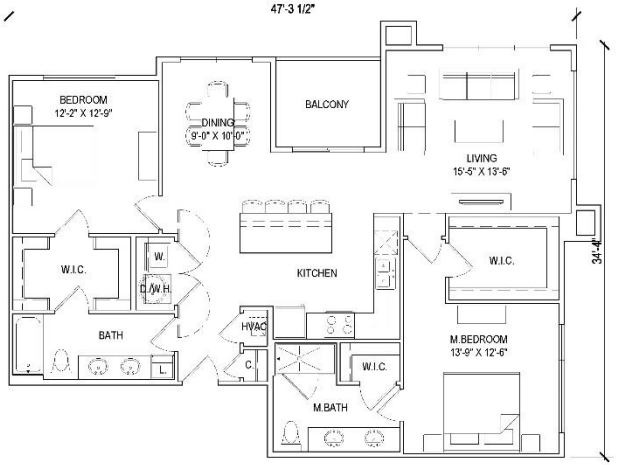


UNIT B6
NET - 1232 SQ. FT.



UNIT B7 OP01
NET - 1429 SQ. FT.

SCALE: 1/4" = 1'-0" (24"X36" SHEET)
0' 4' 8' 16'

UNITS

A 306

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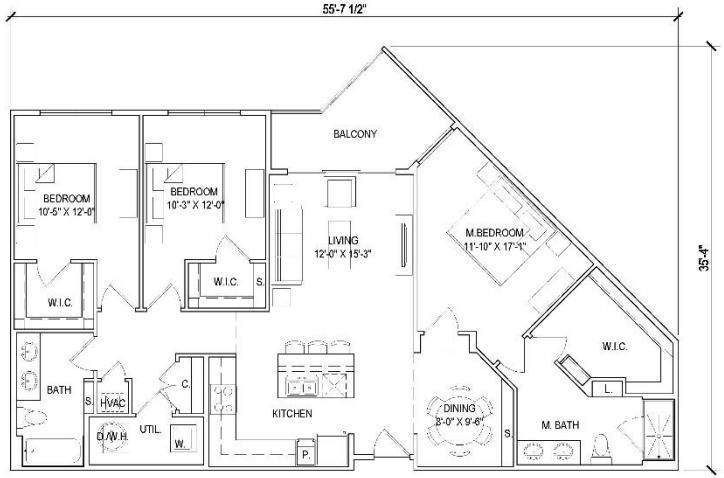

UNIT C1
NET - 1415 SQ. FT.

UNIT C2
NET - 1468 SQ. FT.

SCALE: 1/4" = 1'-0" (24"X36" SHEET)
0' 4' 8' 16'

UNITS

A 307

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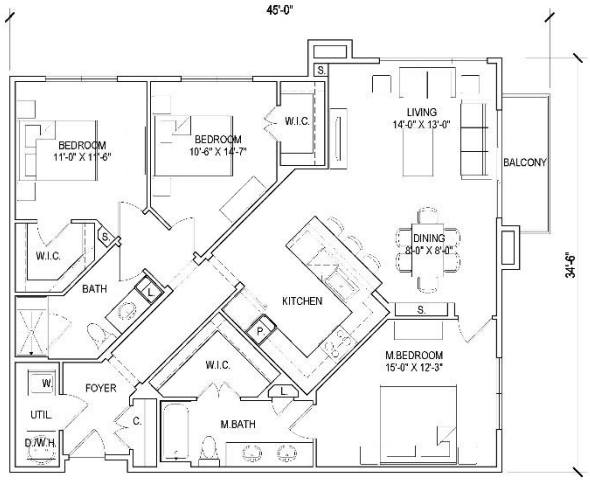

UNIT C3
NET - 1375 SQ. FT.

SCALE: 1/4" = 1'-0" (24"X36" SHEET)
0' 4' 8' 16'

UNITS

A 308

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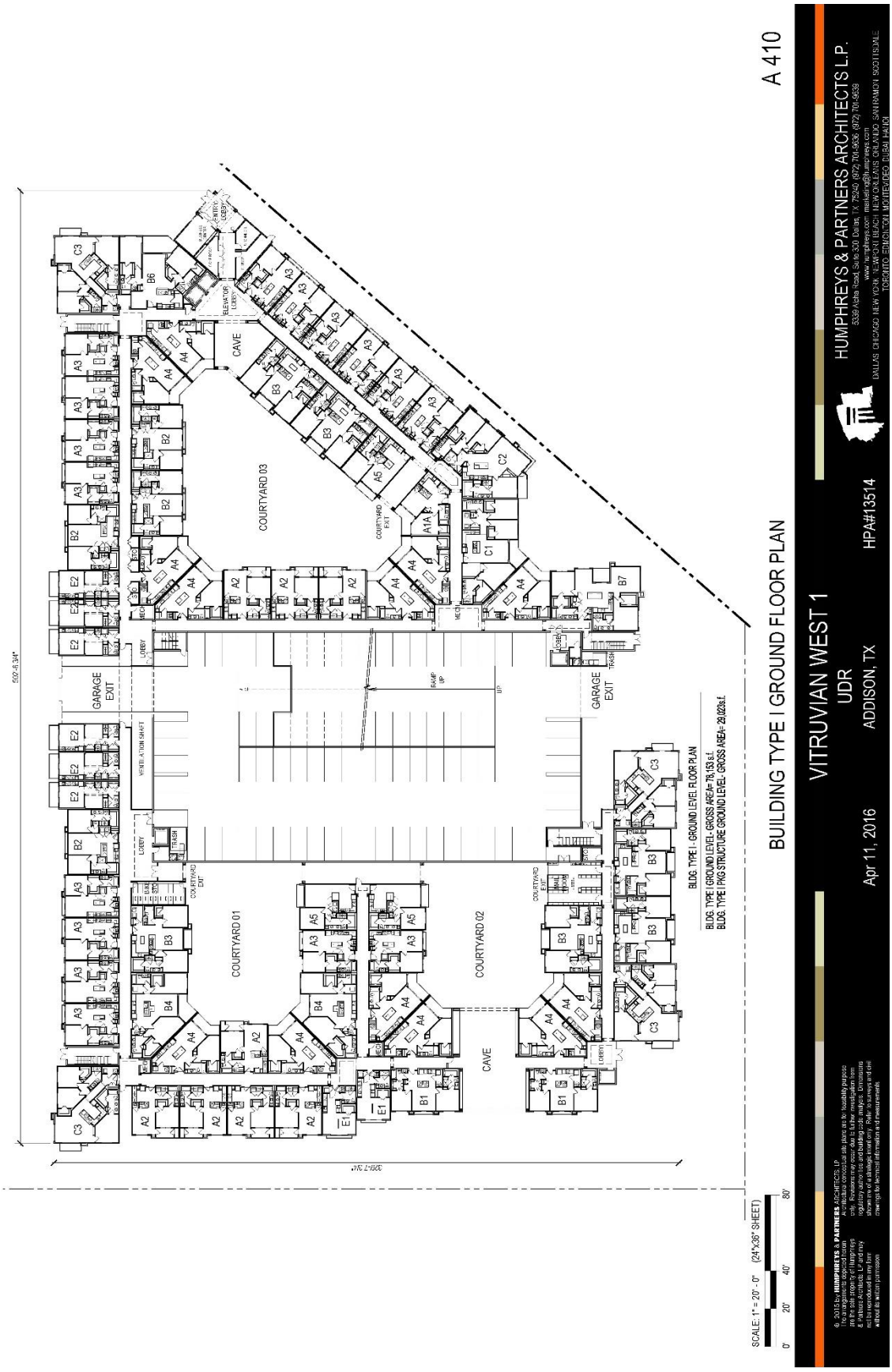
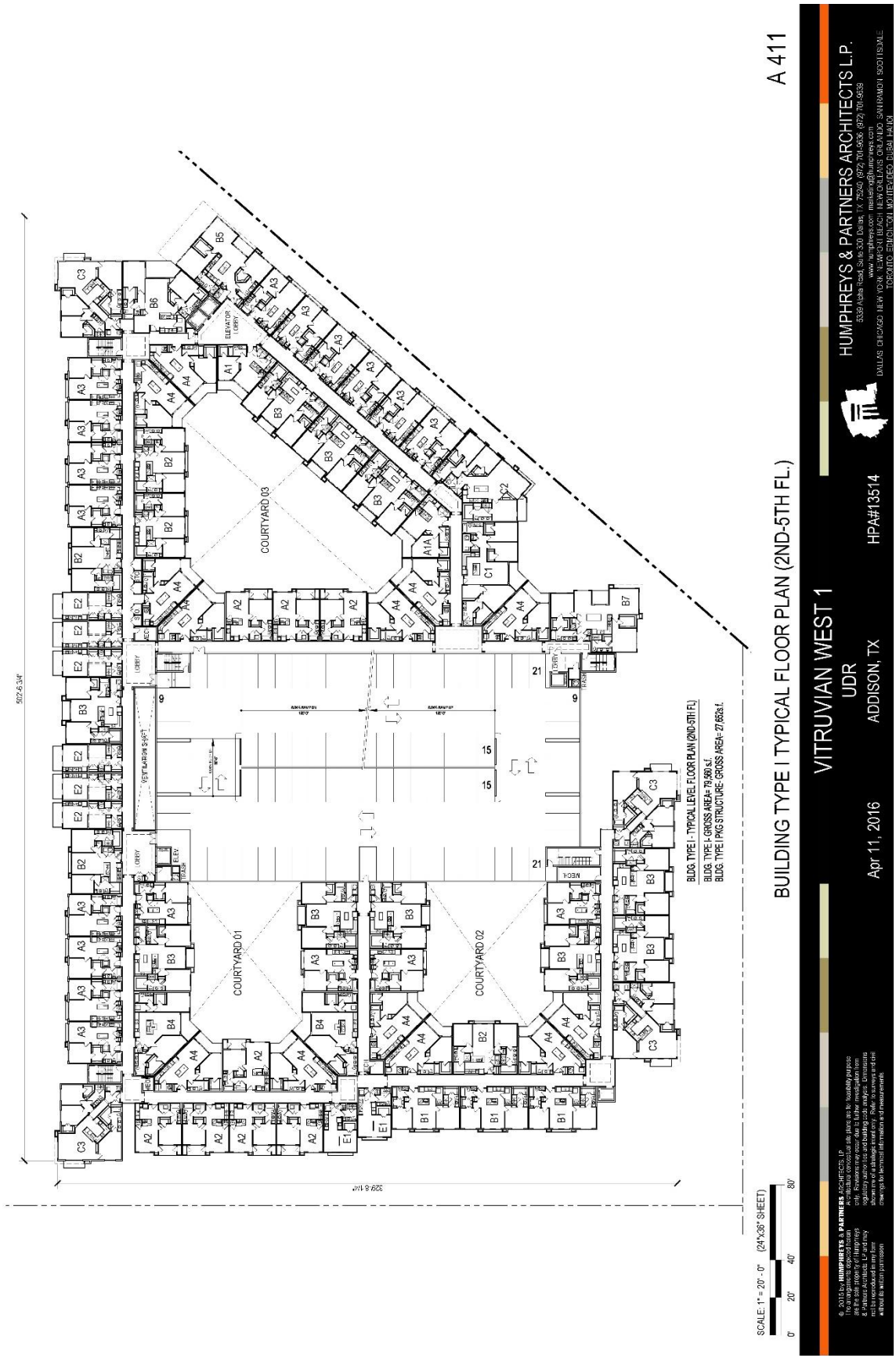
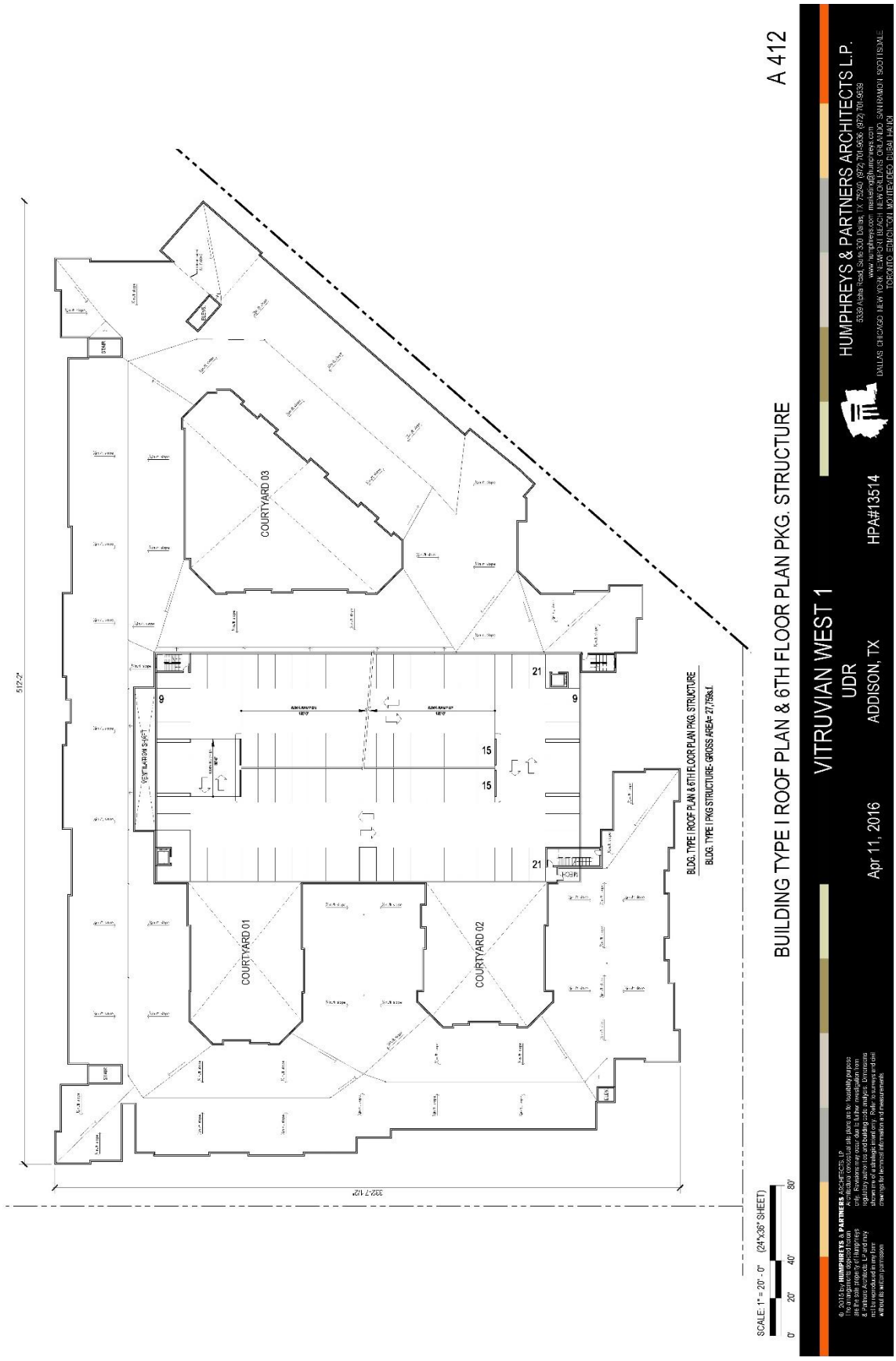

BUILDING TYPE I GROUND FLOOR PLAN
A 410
VITRUVIAN WEST 1
UDR
ADDISON, TX
Apr 11, 2016
HPA#13514
HUMPHREYS & PARTNERS ARCHITECTS L.P.
SCALE: 1" = 20' - 0" (24"x36" SHEET)
BLDG. TYPE I GROUND LEVEL GROSS AREA= 76,153 s.f.
BLDG. TYPE I PKG STRUCTURE GROUND LEVEL- GROSS AREA= 29,023s.f.
COURTYARD 01
COURTYARD 02
COURTYARD 03
CAVE
GARAGE EXIT
RAMP UP
VENTILATION SHAFT
ELEVATOR LOBBY


BUILDING TYPE I TYPICAL FLOOR PLAN (2ND-5TH FL.)
A 411
VITRUVIAN WEST 1
UDR
ADDISON, TX
Apr 11, 2016
HPA#13514
HUMPHREYS & PARTNERS ARCHITECTS L.P.
BLDG. TYPE I - TYPICAL LEVEL FLOOR PLAN (2ND-5TH FL)
BLDG. TYPE I - GROSS AREA= 79,580 s.f.
BLDG. TYPE I PKG STRUCTURE- GROSS AREA= 27,652s.f.
COURTYARD 01
COURTYARD 02
COURTYARD 03
SCALE: 1" = 20' - 0" (24"x36" SHEET)


COURTYARD 03
COURTYARD 01
COURTYARD 02
VENTILATOR SHAFT
STAIR
ELEV.
BLDG. TYPE I ROOF PLAN & 6TH FLOOR PLAN PKG. STRUCTURE
BLDG. TYPE I PKG. STRUCTURE- GROSS AREA= 27,758s.f.
512'-2"
332'-7 1/2"
SCALE: 1" = 20' - 0" (24"x36" SHEET)
0' 20' 40' 80'
BUILDING TYPE I ROOF PLAN & 6TH FLOOR PLAN PKG. STRUCTURE
A 412
VITRUVIAN WEST 1
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HPA#13514
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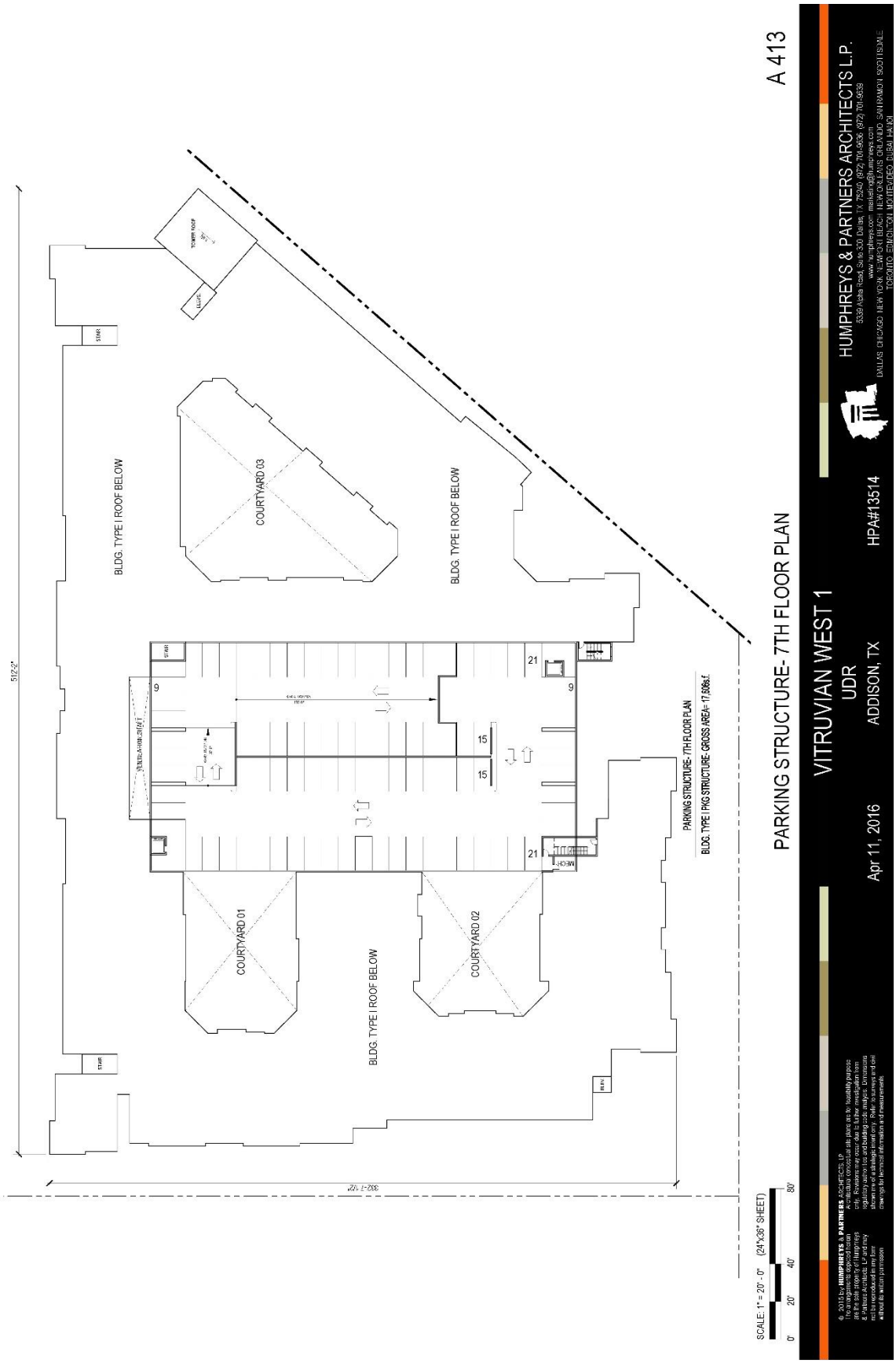
DALLAS CHICAGO NEW YORK HOUSTON AUSTIN


BLDG. TYPE I ROOF BELOW
COURTYARD 03
BLDG. TYPE I ROOF BELOW
COURTYARD 01
COURTYARD 02
BLDG. TYPE I ROOF BELOW
PARKING STRUCTURE- 7TH FLOOR PLAN
BLDG. TYPE I PKG STRUCTURE- GROSS AREA= 17,5066 s.f.
PARKING STRUCTURE- 7TH FLOOR PLAN
A 413
VITRUVIAN WEST 1
UDR
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Apr 11, 2016
HPA#13514
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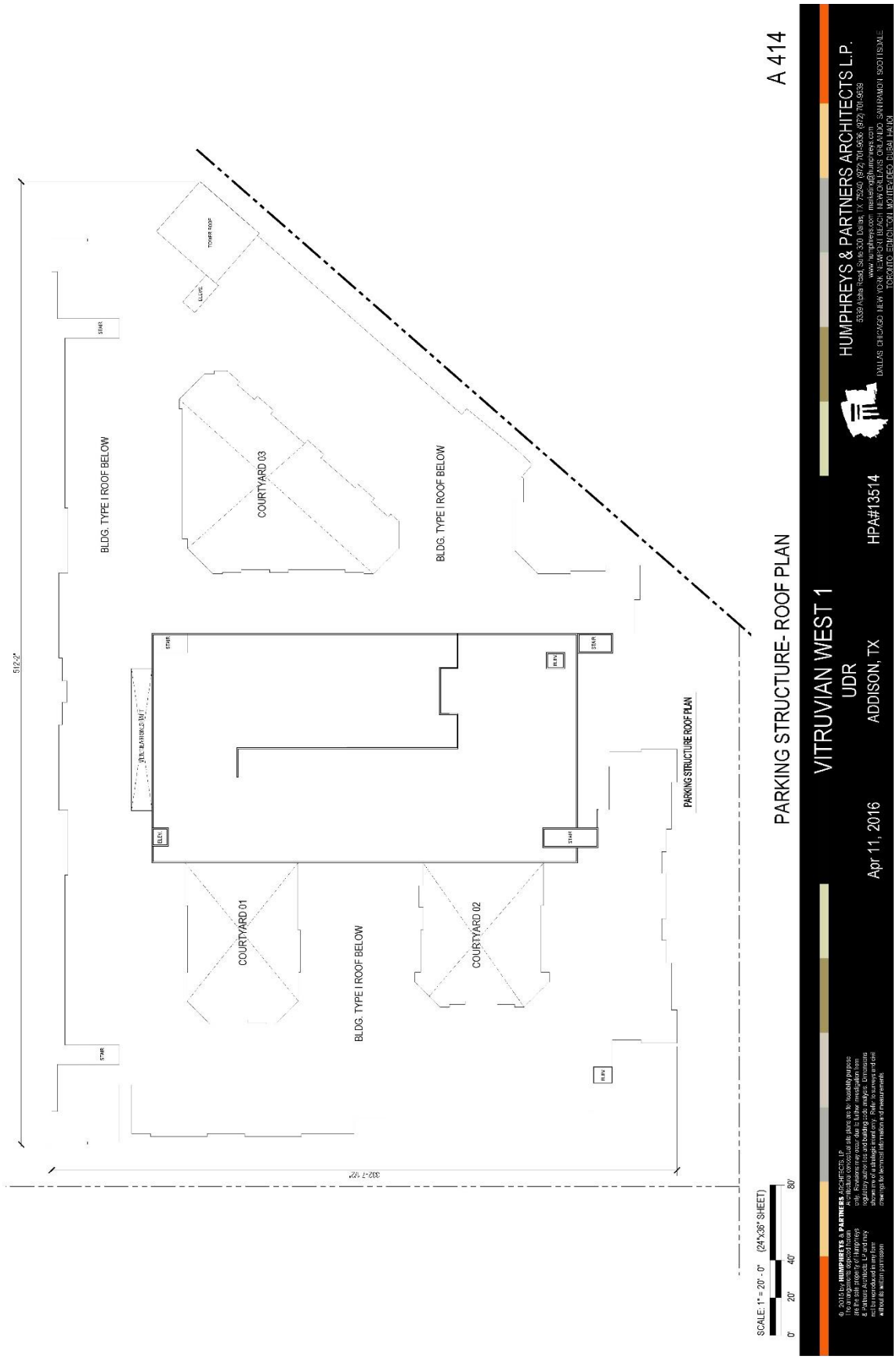
SCALE: 1" = 20' - 0" (24"x36" SHEET)


A 414
PARKING STRUCTURE- ROOF PLAN
VITRUVIAN WEST 1
UDR
ADDISON, TX
HPA#13514
Apr 11, 2016
HUMPHREYS & PARTNERS ARCHITECTS L.P.
BLDG. TYPE I ROOF BELOW
COURTYARD 03
COURTYARD 01
COURTYARD 02
PARKING STRUCTURE ROOF PLAN
STAIR
ELEV
512'-2"
332'-7 1/2"
SCALE: 1" = 20' - 0" (24"x36" SHEET)
0' 20' 40' 80'

EAST ELEVATION
GLASS 45%
STONE 20%
STUCCO 20%
METAL 3%
SIDING 12%
NORTHEAST ELEVATION
GLASS 40%
STONE 16%
STUCCO 20%
METAL 17%
SIDING 7%
KEY PLAN N.T.S.
ZONING:
VITRUVIAN PD
Town of Addison
project # 1734-Z
ELEVATIONS
A 420
SCALE: 3/32" = 1'-0" (24"x36" SHEET)
0'
16'
32'
64'
VITRUVIAN 200 SERIES BLOCK 201
UDR
ADDISON, TX
Apr 11, 2016
HPA#13514
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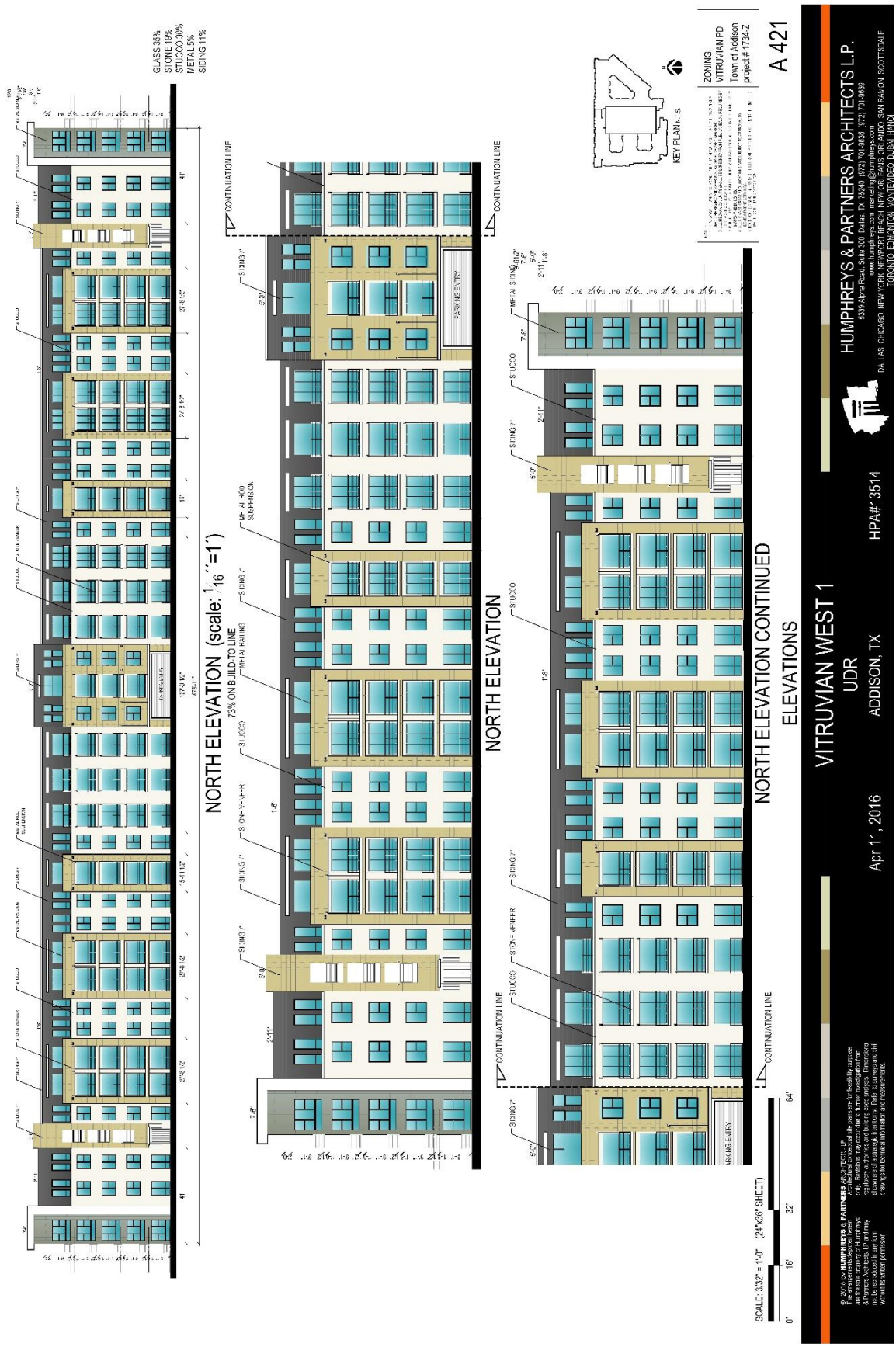
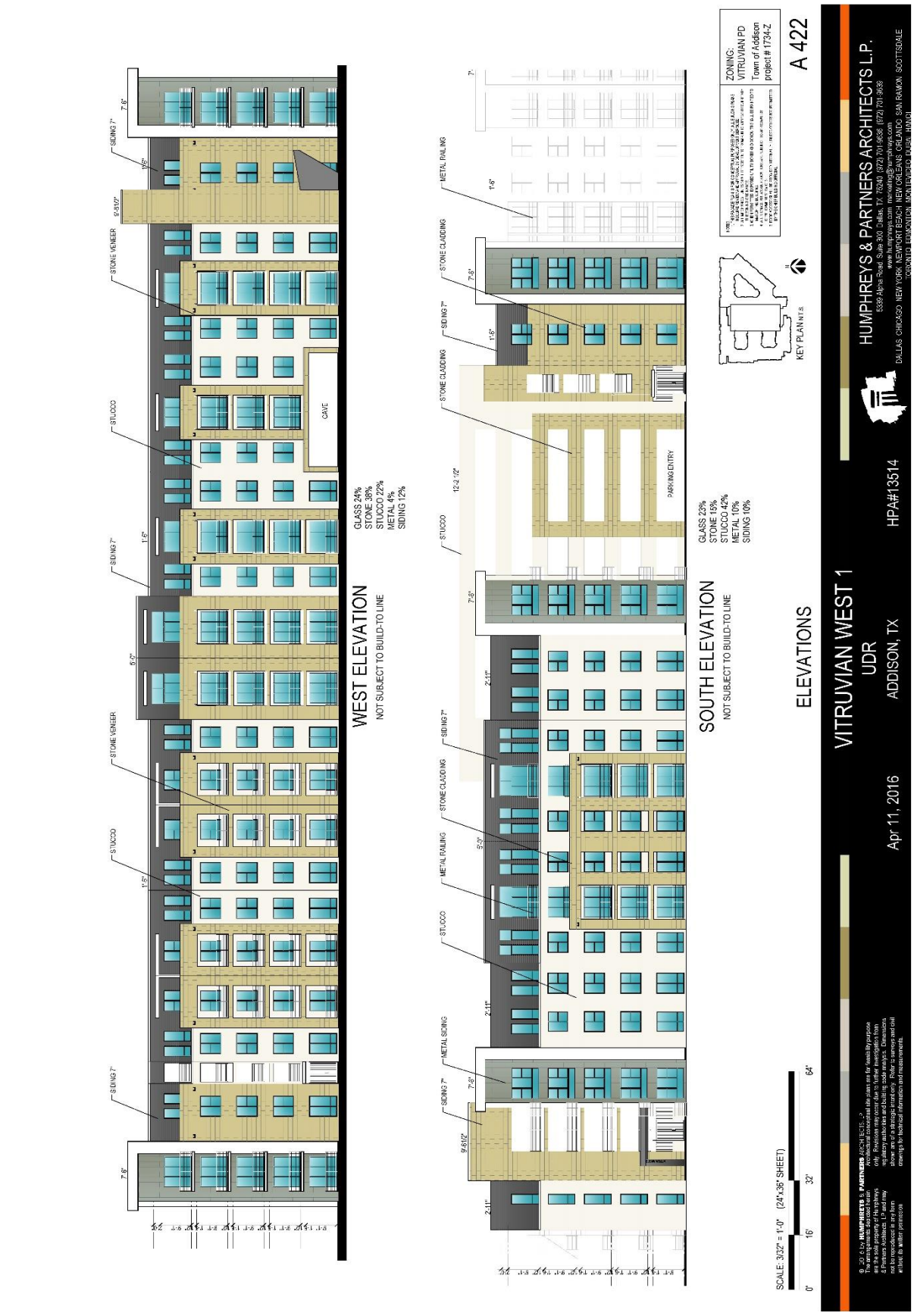
TORONTO BROOKLYN MONTERREY CANCUN


NORTH ELEVATION (scale: 1/16"=1')
NORTH ELEVATION
NORTH ELEVATION CONTINUED
ELEVATIONS
VITRUVIAN WEST 1
UDR
ADDISON, TX
Apr 11, 2016
HPA#13514
A 421
HUMPHREYS & PARTNERS ARCHITECTS L.P.
ZONING:
VITRUVIAN PD
Town of Addison
project # 1734-Z
KEY PLAN
CONTINUATION LINE
73% ON BUILD-TO LINE
GLASS 35%
STONE 18%
STUCCO 30%
METAL 5%
SIDING 11%
SCALE: 3/32" = 1'-0" (24"X36" SHEET)


WEST ELEVATION
NOT SUBJECT TO BUILD-TO LINE
GLASS 24%
STONE 38%
STUCCO 22%
METAL 4%
SIDING 12%
SOUTH ELEVATION
NOT SUBJECT TO BUILD-TO LINE
GLASS 23%
STONE 15%
STUCCO 42%
METAL 10%
SIDING 10%
KEY PLAN N.T.S.
ZONING:
VITRUVIAN PD
Town of Addison
project # 1734-Z
ELEVATIONS
A 422
SCALE: 3/32" = 1'-0" (24"x36" SHEET)
0'
16'
32'
64'
VITRUVIAN WEST 1
UDR
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Apr 11, 2016
HPA#13514
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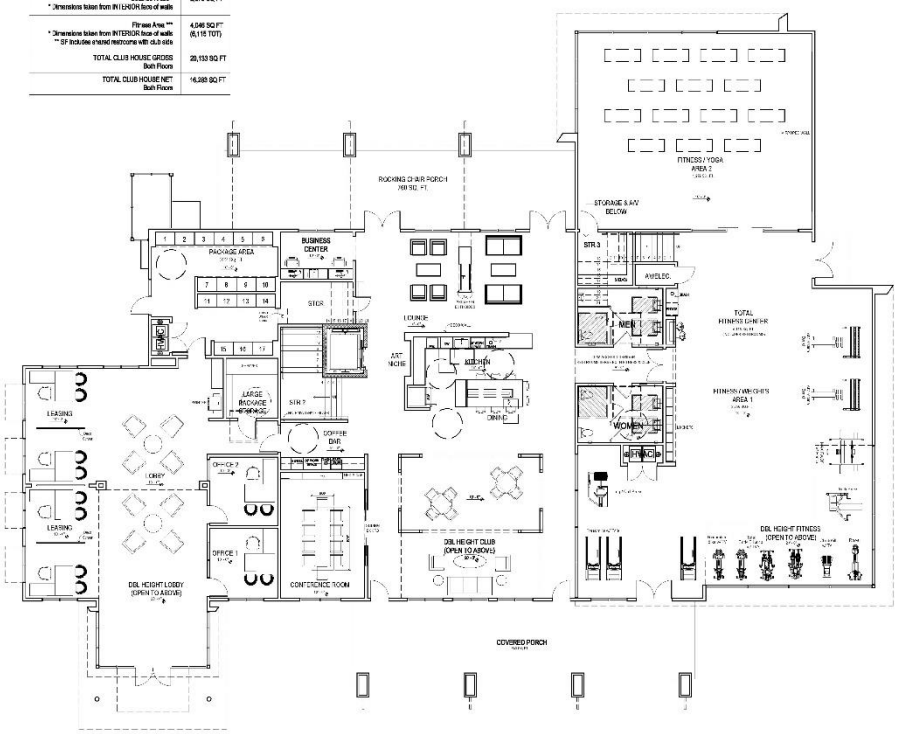
Ordinance No. _____

Case No. 1734-Z/Vitruvian West I

1st FLOOR	
Gross ** * Includes Patios/Balconies ** Dimensions taken from EXTERIOR face of walls	11,391 SQ FT
Conditioned Areas (Net) ** * Dimensions taken from EXTERIOR face of stud walls	9,701 SQ FT
Secured Areas * * Dimensions taken from INTERIOR face of walls	2,676 SQ FT
Fitness Area ** * Dimensions taken from INTERIOR face of walls ** SF includes shared restrooms with club side	4,046 SQ FT* (6,116 TOT)
TOTAL CLUB HOUSE GROSS Both Floors	29,133 SQ FT
TOTAL CLUB HOUSE NET Both Floors	16,398 SQ FT



SCALE: 1/8" = 1'-0" (24"X36" SHEET)

0' 8' 16' 32'

CLUBHOUSE FIRST FLOOR PLAN

A 801

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UDR
Apr 11, 2016 ADDISON, TX HPA#13514

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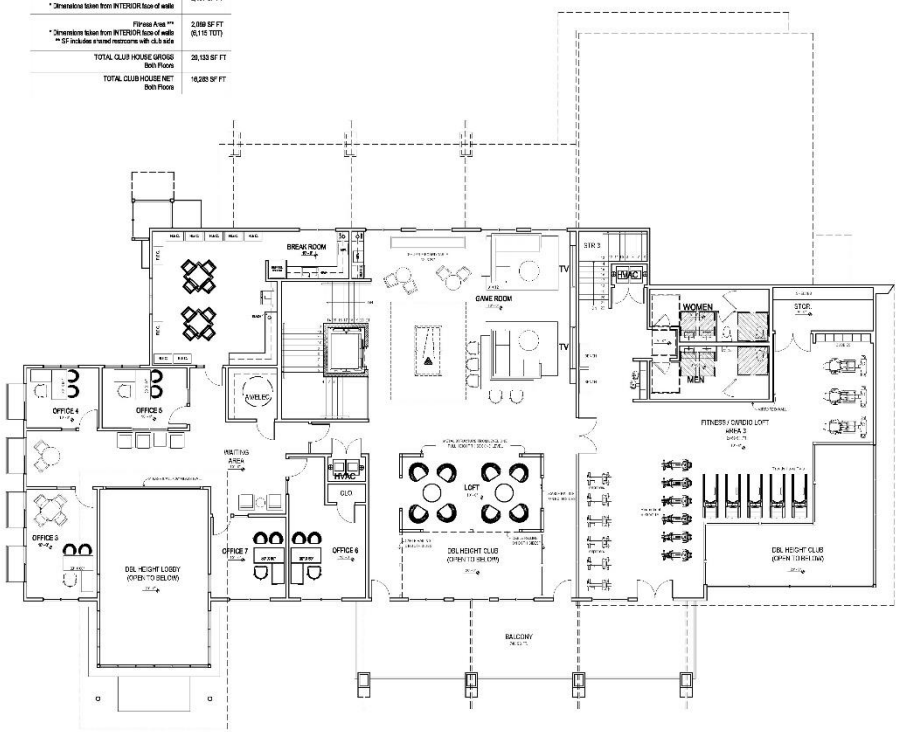
Ordinance No. _____

Case No. 1734-Z/Vitruvian West I

2nd FLOOR	
Gross *** * Includes Patios/Balconies ** Dimensions taken from EXTERIOR face of walls	8,932 SF FT
Conditioned Areas (Net) *** * Dimensions taken from EXTERIOR face of stud walls	6,582 SF FT
Secured Areas *	2,197 SF FT
* Dimensions taken from INTERIOR face of walls	
Fitness Area *** * Dimensions taken from INTERIOR face of walls ** SF includes shared restrooms with club side	2,069 SF FT (6,115 TOT)
TOTAL CLUB HOUSE GROSS Both Floors	28,133 SF FT
TOTAL CLUB HOUSE NET Both Floors	16,283 SF FT



SCALE: 1/8" = 1'-0" (24"X36" SHEET)

0' 8' 16' 32'

CLUBHOUSE SECOND FLOOR PLAN

A 802

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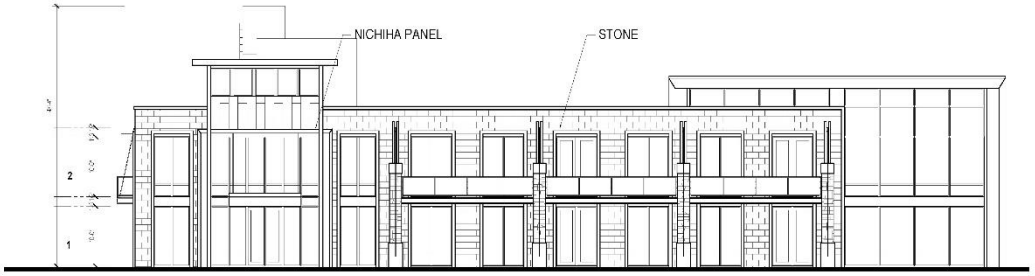
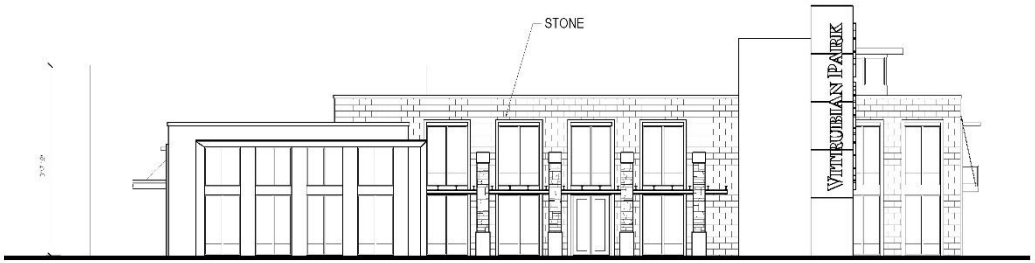
TORONTO EDMONTON MONTEVIDEO DUBAI HANOI

Ordinance No. _____

Case No. 1734-Z/Vitruvian West I



FRONT ELEVATION



REAR ELEVATION

SCALE: 1/8" = 1'-0" (24"X36" SHEET)

0' 8' 16' 32'

CLUBHOUSE ELEVATIONS

A 811

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VITRUVIAN WEST 1
UDR
ADDISON, TX

Apr 11, 2016

HPA#13514

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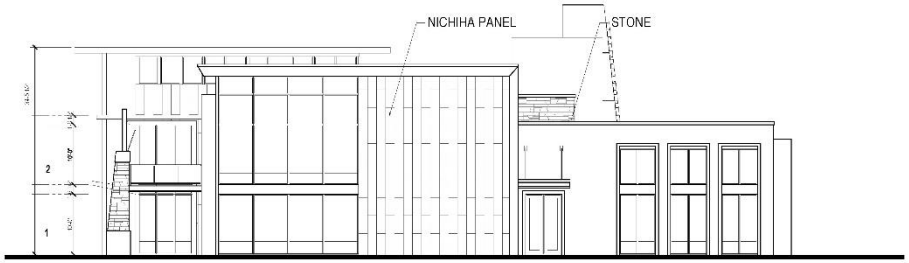
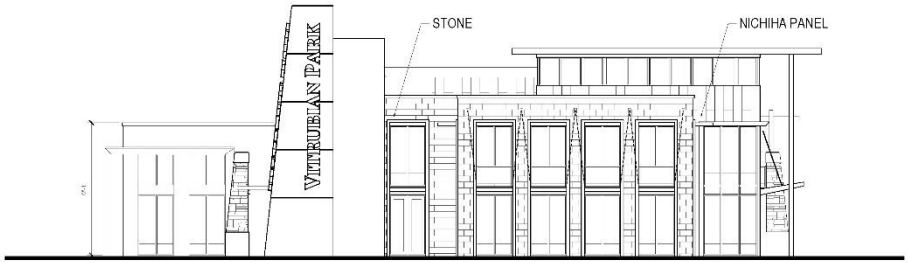


SIDE ELEVATION 1



SIDE ELEVATION 2

SCALE: 1/8" = 1'-0" (24"X36" SHEET)

0' 8' 16' 32'

CLUBHOUSE ELEVATIONS

A 812

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AI-1614 **Item # 21.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Hold A Public Hearing, Discussion And Consider Action On An **Ordinance Approving A Development Plan For The Redevelopment Of Approximately 86,310 Square Feet Of Retail Space Within The Brookhaven Village Shopping Center Located On The South East Corner Of Spring Valley Road And Marsh Lane, On Application From UDR**. Case 1727-Z/Brookhaven Village Shopping Center.

BACKGROUND:

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance granting development plan approval for a development of a retail center of approximately 86,310 square feet or retail and restaurant space in an existing Planned Development District (PD O07-036), subject to the following waivers of design standard:

1. Number of building materials on Building B may be 6 materials, instead of 3

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

Additional information regarding this item can be found in the attached staff report.

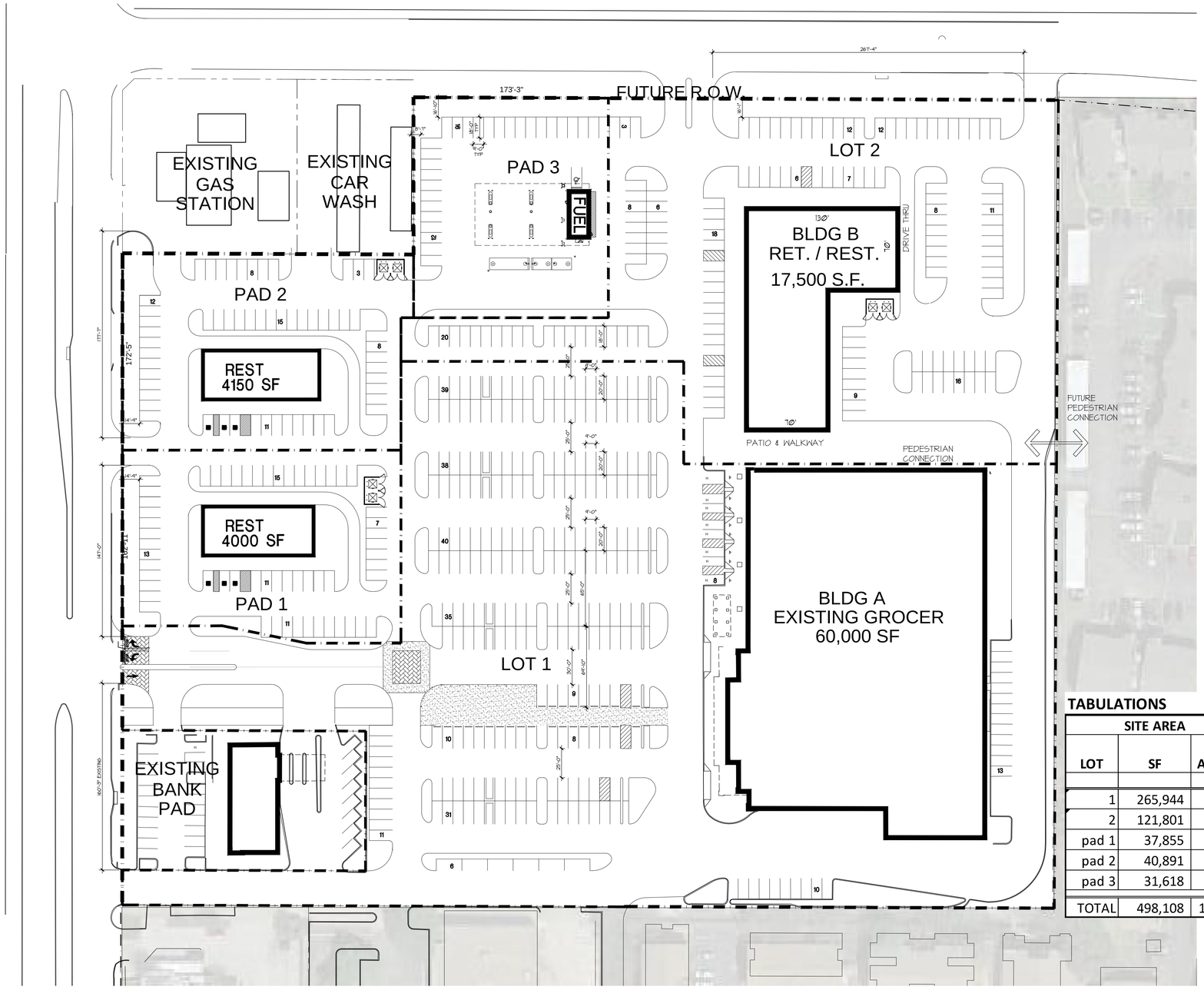
RECOMMENDATION:

Administration recommends approval.

Attachments

1727-Z Plans
1727-Z Staff Report

Ordinance



OWNER:
UDR
3875 PONTE AVENUE SUITE 400
ADDISON, TEXAS 75001
972 716 3560

ARCHITECT / APPLICANT:
LISA SWIFT
GSO ARCHITECTS
5310 HARVEST HILL ROAD SUITE 226
DALLAS, TEXAS 75230
972 385 9651

TOWN OF ADDISON SITE PLAN NOTES:

1. ANY REVISION TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
2. OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
3. BUILDINGS WITH AN AGGREGATE SUM OF 5,000 SF OR GREATER ON A LOT SHALL HAVE AUTOMATIC FIRE SPRINKLERS INSTALLED THROUGHOUT ALL STRUCTURES. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
4. ALL SIGNAGE IS SUBJECT TO TOWN APPROVAL.
5. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.

TABULATIONS

LOT	SITE AREA SF	ACRES	BLDG	BUILDING AREA		COVERAGE	PARKING REQUIRED Retail 1 PER 250	PARKING REQUIRED Rest. 1 PER 100	TOTAL REQ'D	TOTAL PROV.	PARKING RATIO	
								freestanding rest 1 PER 100				
1	265,944	6.105	A	60,000	SF	22.6%	240		240	258	4.300	/1000 sf
2	121,801	2.796	B	17,500	SF	14.4%	50% 35	50% 88	123	136	7.771	/1000 sf
pad 1	37,855	0.869	rest	4,000	SF	10.6%		40	40	57	14.250	/1000 sf
pad 2	40,891	0.939	rest	4,150	SF	10.1%		42	42	57	13.735	/1000 sf
pad 3	31,618	0.726	fuel	660	SF	2.1%	2.64		3	28	42.424	/1000 sf
TOTAL	498,108	11.435	TOTAL	86,310	SF	17.3%			447	536	6.210	/1000 SF

NOTE: HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS

01 SITE PLAN
1" =50'-0"

10' 30' 50' 80' 100'

NORTH

PHASE 1

SP27

JOB#: 15-063
ISSUE DATE: 04/08/16
SCALE: AS NOTED
APPROVED BY:

DATE:

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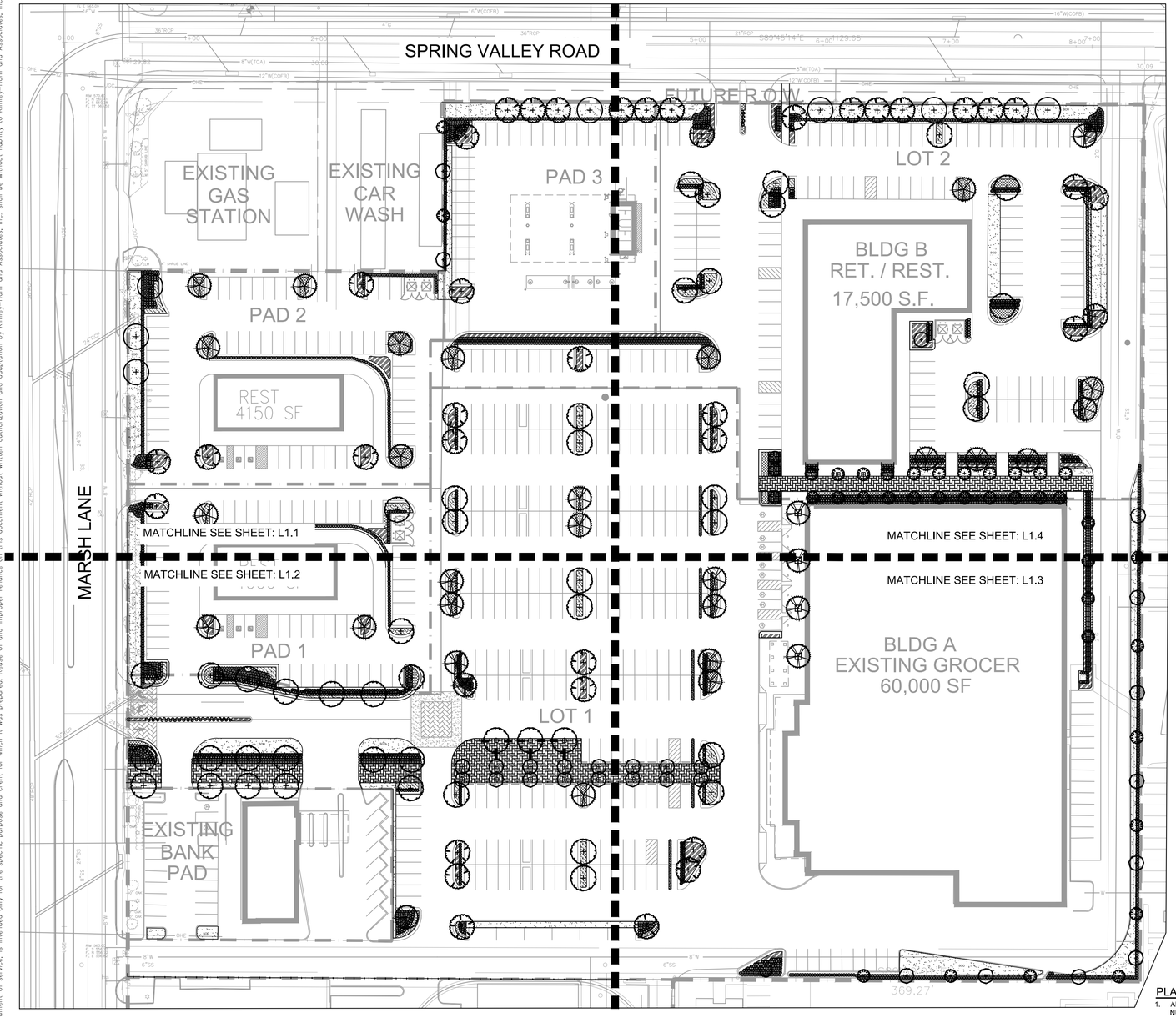
VITRUVIAN PARK
ADDISON, TEXAS
UDR



LANDSCAPE DESIGN STANDARDS:

	REQUIRED	PROVIDED
LANDSCAPE AREA SITE AREA: 523,275 SF / 12.01AC	NONE	11% OF GROSS SITE
STREET LANDSCAPE BUFFER 1 - 4" TREE/ 30 LF	20' WIDTH LA STRIP	20' WIDTH LA STRIP
NORTH - 484 LF 484/ 30 = SCREENING	16 TREES EVGRN HEDGE 36"-42" OC	16 TREES EVGRN HEDGE 36" OC
WEST - 307 LF 307/ 30 = SCREENING	10 TREES EVGRN HEDGE 36"-42" OC	4 PROPOSED TREES (7 EXISTING TREES*) EVGRN HEDGE 36"-42" OC
VISIBILITY TRIANGLES CLEAR TREE TRUNK 18" SHRUBS 9'	YES	YES
OFF-STREET LOADING AREAS EVGRN SHRUBS 3' OC	SCREENED	YES
PARKING LOT SCREENING	EVGRN HEDGE 36"-42" OC	EVGRN HEDGE 36" OC
PARKING LOT PERIMETER 1-4" CAL TREE/ 35 LF 1568 LF(EAST+WEST) / 35 = EVGRN SHRUBS 3' OC	5' WIDE LANDSCAPE STRIP 45 TREES EVGRN SHRUBS 3' OC	5' WIDE LANDSCAPE STRIP 19 ORNAMENTAL TREES** EVGRN SHRUBS 3' OC

*EXISITING TREES USED TO SATISFY TREE REQUIREMENT
** ORNAMENTAL TREES USED IN LIEU OF CANOPY TREES DUE TO OVERHEAD UTILITIES

NORTH

GRAPHIC SCALE IN FEET
0 25 50 100

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	SPECIFICATIONS	REMARKS
	QS	47	Quercus shumardii / Shumard Red Oak	4" cal, 12` ht, 4` spr	Full, Straight, Single Leader
	QV	7	Quercus virginiana / Southern Live Oak	4" cal, 12` ht, 4` spr	Full, Straight, Single Leader
	TD	33	Taxodium distichum / Bald Cypress	4" cal, 12` ht, 4` spr	Full, Straight, Single Leader
	UP	38	Ulmus parvifolia / Lacebark Elm	4" cal, 12` ht, 4` spr	Full, Straight, Single Leader

UNDERSTORY TREE	CODE	QTY	BOTANICAL NAME / COMMON NAME	SPECIFICATIONS	REMARKS
	CO	28	Cercis canadensis `Oklahoma` / Oklahoma Redbud	3" cal, 10`-12` ht x 4` spr	Standard, Full
	LT	41	Lagerstroemia indica `Tuscarora` / Crape Myrtle Tuscarora	3" cal, 8` ht x 3` spr	Multi-trunk, 3 cane min, Full

SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	SPECIFICATIONS	REMARKS
	BEB	721	Berberis thunbergii `Atropurpurea Nana` / Dwarf Redleaf Japanses Barberry	24" ht, 18" spr, 24" oc	Full
	HES	964	Hesperaloe parviflora / Red Yucca	18" ht, 18" spr, 30" oc	Full
	IC	619	Ilex cornuta / Chinese Holly	36" ht, 24" spr, 36" oc	Full
	LEU	978	Leucophyllum frutescens / Texas Sage	36" ht, 24" spr, 36" oc	Full
	MIS	323	Miscanthus sinensis `Adagio` / Adagio Eulalia Grass	24" ht, 18" spr, 24" oc	Full
	PEN	684	Pennisetum alopecuroides / Fountain Grass	18" ht, 18" spr, 30" oc	Full

GROUND COVERS	CODE	QTY	BOTANICAL NAME / COMMON NAME	SPECIFICATIONS	SPACING	REMARKS
	LAL	1,969	Lantana montevidensis `Lavender` / Lavender Lantana	12" ht, 12" spr, 18" oc	18" o.c.	Full, 1 gallon min.
	ROP	1,799	Rosmarinus officinalis `Prostratus` / Dwarf Rosemary	12" ht, 12" spr, 18" oc	18" o.c.	Full, 1 gallon min.
	TRA	4,216	Trachelospermum asiaticum `Asiatic` / Asiatic Jasmine	12" ht, 12" spr, 18" oc	12" o.c.	Full, 1 gallon min.

MISC	CODE	QTY	BOTANICAL NAME / COMMON NAME	SPECIFICATIONS
	SOD	TBD	Cynodon dactylon / Bermuda Grass	Solid, rolled tight sand filled joints, 100% pest, weed, and disease free
	DG	TBD	Decomposed Granite	See Detail
	MULCH	TBD	Hardwood	3" depth, all trees within sod areas shall receive 4' diameter mulch ring

NOTE: PLANT QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF A DISCREPANCY, THE DRAWING SHALL TAKE PRECEDENCE.

NOTE: PLANTS ARE SPECIFIED BY HEIGHT AND SPREAD, NOT CONTAINER SIZE. ALL PLANTINGS ARE EXPECTED TO MEET ALL SPECIFICATIONS PROVIDED.

PLANTING NOTES:

1. ALL PLANT MATERIAL SHALL BE INSTALLED ACCORDING TO SOUND NURSERY PRACTICES AND SHALL MEET ALL STANDARDS AS STATED IN THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
2. NO SUBSTITUTIONS IN PLANT MATERIALS SHALL BE MADE WITHOUT WRITTEN AUTHORIZATION FROM OWNER OR LANDSCAPE ARCHITECT. IN THE EVENT OF DISCREPANCIES BETWEEN THE DRAWING AND THE PLANT LIST, THE DRAWING SHALL PREVAIL.
3. LOCATE ALL UTILITIES PRIOR TO ANY DIGGING OPERATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGES TO EXISTING UTILITIES INCURRED BY HIS WORK.
4. REFERENCE IRRIGATION PLAN FOR BED IRRIGATION INFORMATION.
5. STAKING AND GUYING ALTERNATIVES: METHODS INDICATED IN DRAWING DETAILS ARE PREFERRED. CONTRACTOR MAY SUGGEST ALTERNATE METHODS, ASSUMING FULL RESPONSIBILITY FOR THEIR IMPLEMENTATION. CONTRACTOR SHALL REPLACE, PLANT, OR UPRIGHT ANY TREES BLOWN OVER OR DAMAGED DUE TO INADEQUATE STAKING AT NO ADDITIONAL COST TO THE OWNER.
6. PLANTS MASSED IN BEDS SHALL BE ARRANGED USING TRIANGULAR SPACING.
7. PROVIDE A STEEL EDGE OR CONCRETE MOW STRIP BETWEEN ALL PLANTING BEDS AND LAWN AREAS, REFERENCE SITE PLAN.
8. ALL PLANTING BEDS TO BE TOP DRESSED WITH A MINIMUM OF 3" SHREDDED HARDWOOD MULCH.
9. PROVIDE GRASS SEEDING OR LAY BERMUDA SOD FOR PROPOSED LAWN AREAS TO ALL EDGES OF PAVEMENT AND/ OR LIMITS OF DISTURBANCE OUTSIDE R.O.W. OR PROPOSED LANDSCAPE EASEMENT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING UNTIL FINAL ACCEPTANCE. ALL REQUIRED LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THE WORK SHALL INCLUDE, BUT NOT TO BE LIMITED TO, MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING, AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. ALL PLANT MATERIALS SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR. PLANT MATERIAL THAT DIES SHALL BE REPLACED WITH THE PLANT MATERIAL OF SIMILAR SIZE AND VARIETY.
11. CONTRACTOR SHALL WARRANTY PLANT MATERIAL TO REMAIN ALIVE AND HEALTHY FOR A PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE. WARRANTY SHALL NOT INCLUDE DAMAGE FOR LOSS OF PLANT MATERIAL DUE TO NATURAL CAUSES, ACTS OF VANDALISM OR NEGLIGENCE ON THE PART OF THE OWNER.
12. ALL DISTURBED AREAS WITHIN LIMITS OF CONSTRUCTION NOT CALLED TO BE SODDED, SHALL BE REESTABLISHED WITH BERMUDA SOD.
13. ALL LANDSCAPE BED AREAS TO BE PREPARED USING "READY TO PLANT BEDDING MIX" BY SOIL BUILDING SOLUTIONS (OR APPROVED EQUAL). INSTALL TO DEPTHS, PER PLANTING DETAILS (12" DEPTH MIN.) FINISHED GRADES OF PLANTING BEDS TO BE 2" BELOW FINISHED GRADE OF ADJACENT PAVING OR AS SHOWN ON GRADING PLAN.
14. ALL SOD AREAS TO RECEIVE 4" DEPTH (MIN) TOPSOIL PRIOR TO INSTALLATION. ALL PLANTING AREAS TO RECIEVE 24" DEPTH (MIN) OF TOPSOIL. TOPSOIL SHALL BE NATURAL, FRIABLE, FERTILE, pH RANGE OF 6.0-6.5, AND FREE OF TRASH, DEBRIS, STONES, WEEDS, AND TWIGS/BRANCHES.

No.	REVISIONS	DATE	BY

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Kimley»Horn
P.L.A. LEAH M. CAMPBELL
L.A. No. 2900 Date 04/11/16

KHA PROJECT
DATE 4/8/2016
SCALE AS SHOWN
DESIGNED BY LRH
DRAWN BY LRH
CHECKED BY LMC

OVERALL LANDSCAPE PLAN

VITRUVIAN PARK
PREPARED FOR
UDR
ADDISON TEXAS

SHEET NUMBER
L1.0

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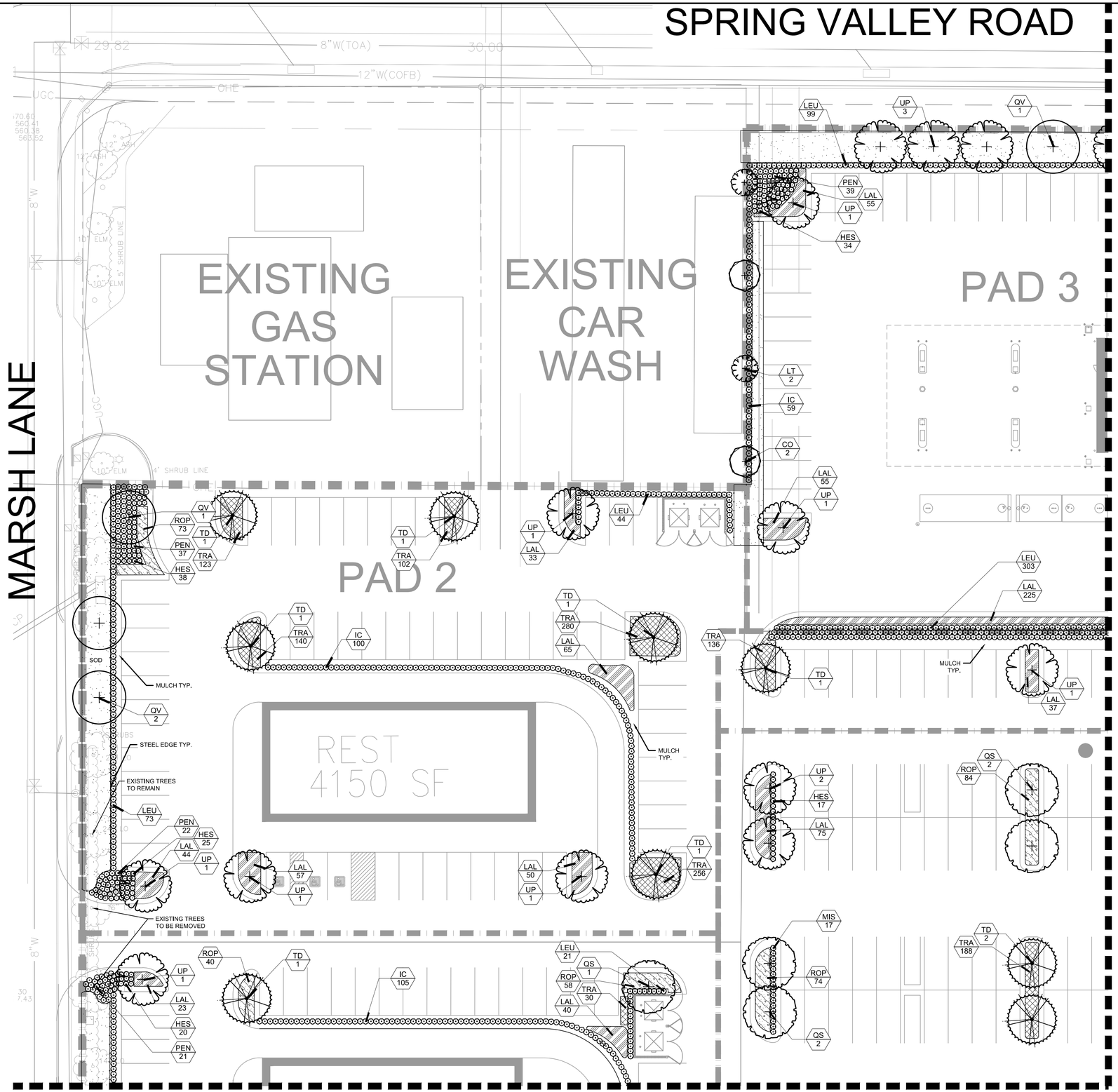

MATCHLINE SEE SHEET:VITRUVIAN PARK LA PLANS

NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME
	QS	Quercus shumardii / Shumard Red Oak
	QV	Quercus virginiana / Southern Live Oak
	TD	Taxodium distichum / Bald Cypress
	UP	Ulmus parvifolia / Lacebark Elm

UNDERSTORY TREE	CODE	BOTANICAL NAME / COMMON NAME
	CO	Cercis canadensis `Oklahoma` / Oklahoma Redbud
	LT	Lagerstroemia indica `Tuscarora` / Crape Myrtle Tuscarora

SHRUBS	CODE	BOTANICAL NAME / COMMON NAME
	BEB	Berberis thunbergii `Atropurpurea Nana` / Dwarf Redleaf Japanses Barberry
	HES	Hesperaloe parviflora / Red Yucca
	IC	Ilex cornuta / Chinese Holly
	LEU	Leucophyllum frutescens / Texas Sage
	MIS	Miscanthus sinensis `Adagio` / Adagio Eulalia Grass
	PEN	Pennisetum alopecuroides / Fountain Grass

GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME
	LAL	Lantana montevidensis `Lavender` / Lavender Lantana
	ROP	Rosmarinus officinalis `Prostratus` / Dwarf Rosemary
	TRA	Trachelospermum asiaticum `Asiatic` / Asiatic Jasmine

MISC	CODE	QTY	BOTANICAL NAME / COMMON NAME
	SOD	TBD	Cynodon dactylon / Bermuda Grass
	DG	TBD	Decomposed Granite
	MULCH	TBD	Hardwood

NOTE: PLANT QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF A DISCREPANCY, THE DRAWING SHALL TAKE PRECEDENCE.

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No.	REVISIONS	DATE	BY

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P.L.A. LEAH M. CAMPBELL
L.A. No. 2900 Date 04/11/16

KHA PROJECT

DATE	4/8/2016
SCALE	AS SHOWN
DESIGNED BY	LRH
DRAWN BY	LRH
CHECKED BY	LMC

LANDSCAPE ENLARGEMENT A

VITRUVIAN PARK
PREPARED FOR
UDR
ADDISON TEXAS

SHEET NUMBER
L1.1

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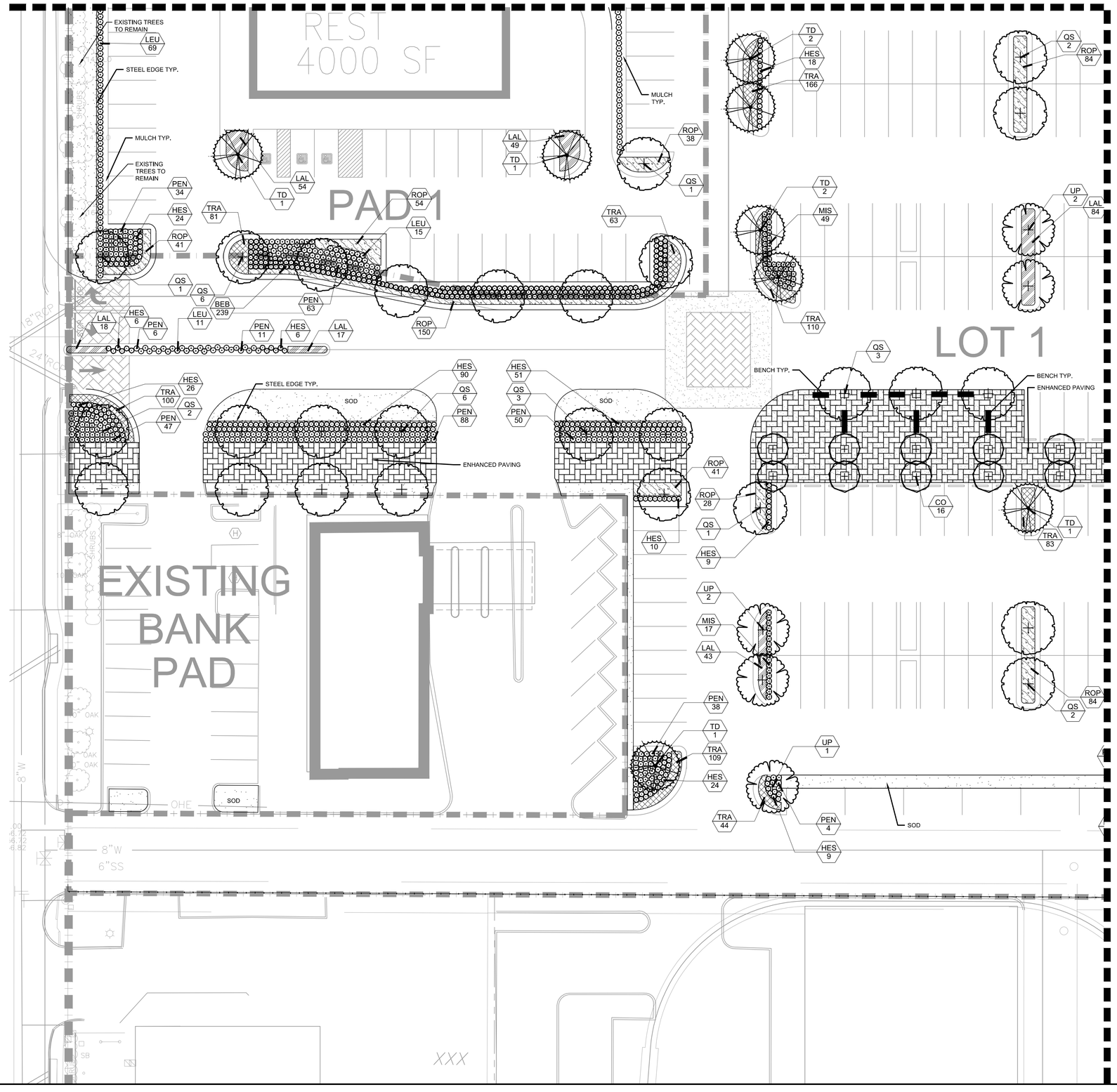

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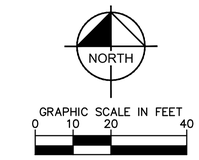

PLANT SCHEDULE

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	BEB	Berberis thunbergii `Atropurpurea Nana` / Dwarf Redleaf Japanses Barberry
	HES	Hesperaloe parviflora / Red Yucca
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	MULCH	TBD	Hardwood

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L.A. No. 2900 Date 04/11/16

KHA PROJECT		
DATE	4/8/2016	
SCALE	AS SHOWN	
DESIGNED BY	LRH	
DRAWN BY	LRH	
CHECKED BY	LMC	

LANDSCAPE ENLARGEMENT B

VITRUVIAN PARK
PREPARED FOR
UDR
ADDISON TEXAS

SHEET NUMBER
L1.2

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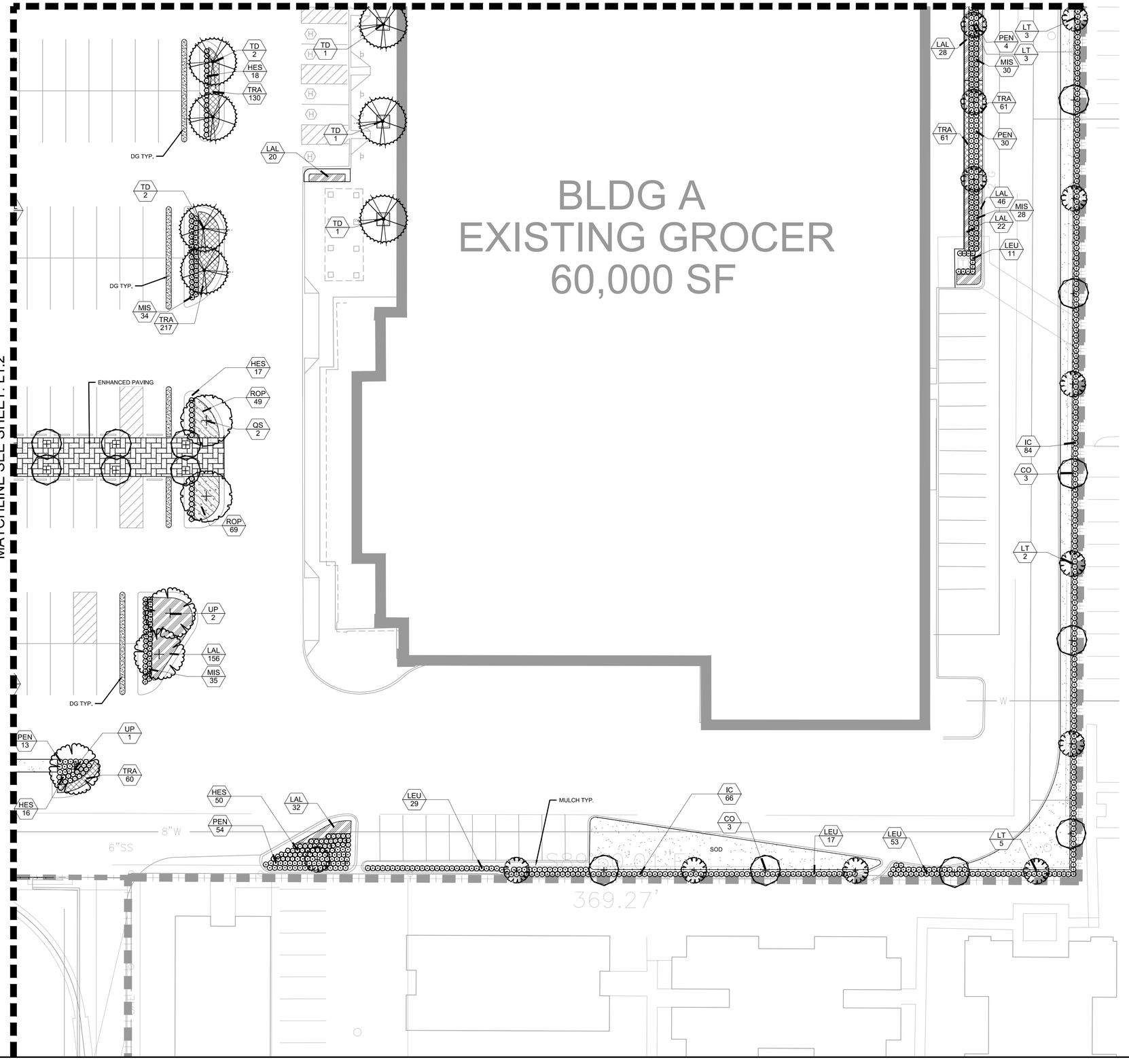
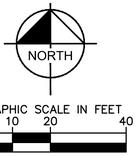
MATCHLINE SEE SHEET: L1.2

MATCHLINE SEE SHEET: L1.4





PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME
	QS	Quercus shumardii / Shumard Red Oak
	QV	Quercus virginiana / Southern Live Oak
	TD	Taxodium distichum / Bald Cypress
	UP	Ulmus parvifolia / Lacebark Elm

UNDERSTORY TREE	CODE	BOTANICAL NAME / COMMON NAME
	CO	Cercis canadensis `Oklahoma` / Oklahoma Redbud
	LT	Lagerstroemia indica `Tuscarora` / Crape Myrtle Tuscarora

SHRUBS	CODE	BOTANICAL NAME / COMMON NAME
	BEB	Berberis thunbergii `Atropurpurea Nana` / Dwarf Redleaf Japanses Barberry
	HES	Hesperaloe parviflora / Red Yucca
	IC	Ilex cornuta / Chinese Holly
	LEU	Leucophyllum frutescens / Texas Sage
	MIS	Miscanthus sinensis `Adagio` / Adagio Eulalia Grass
	PEN	Pennisetum alopecuroides / Fountain Grass

GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME
	LAL	Lantana montevidensis `Lavender` / Lavender Lantana
	ROP	Rosmarinus officinalis `Prostratus` / Dwarf Rosemary
	TRA	Trachelospermum asiaticum `Asiatic` / Asiatic Jasmine

MISC	CODE	QTY	BOTANICAL NAME / COMMON NAME
	SOD	TBD	Cynodon dactylon / Bermuda Grass
	DG	TBD	Decomposed Granite
	MULCH	TBD	Hardwood

NOTE: PLANT QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF A DISCREPANCY, THE DRAWING SHALL TAKE PRECEDENCE.

NOTE: PLANTS ARE SPECIFIED BY HEIGHT AND SPREAD, NOT CONTAINER SIZE. ALL PLANTINGS ARE EXPECTED TO MEET ALL SPECIFICATIONS PROVIDED.

No.	REVISIONS	DATE	BY

Kimley»Horn
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PRELIMINARY
FOR REVIEW ONLY
Not for construction or permit purposes.
Kimley»Horn
P.E.A. LEAH M. CAMPBELL
L.A. No. 2900 Date 04/11/16

KHA PROJECT

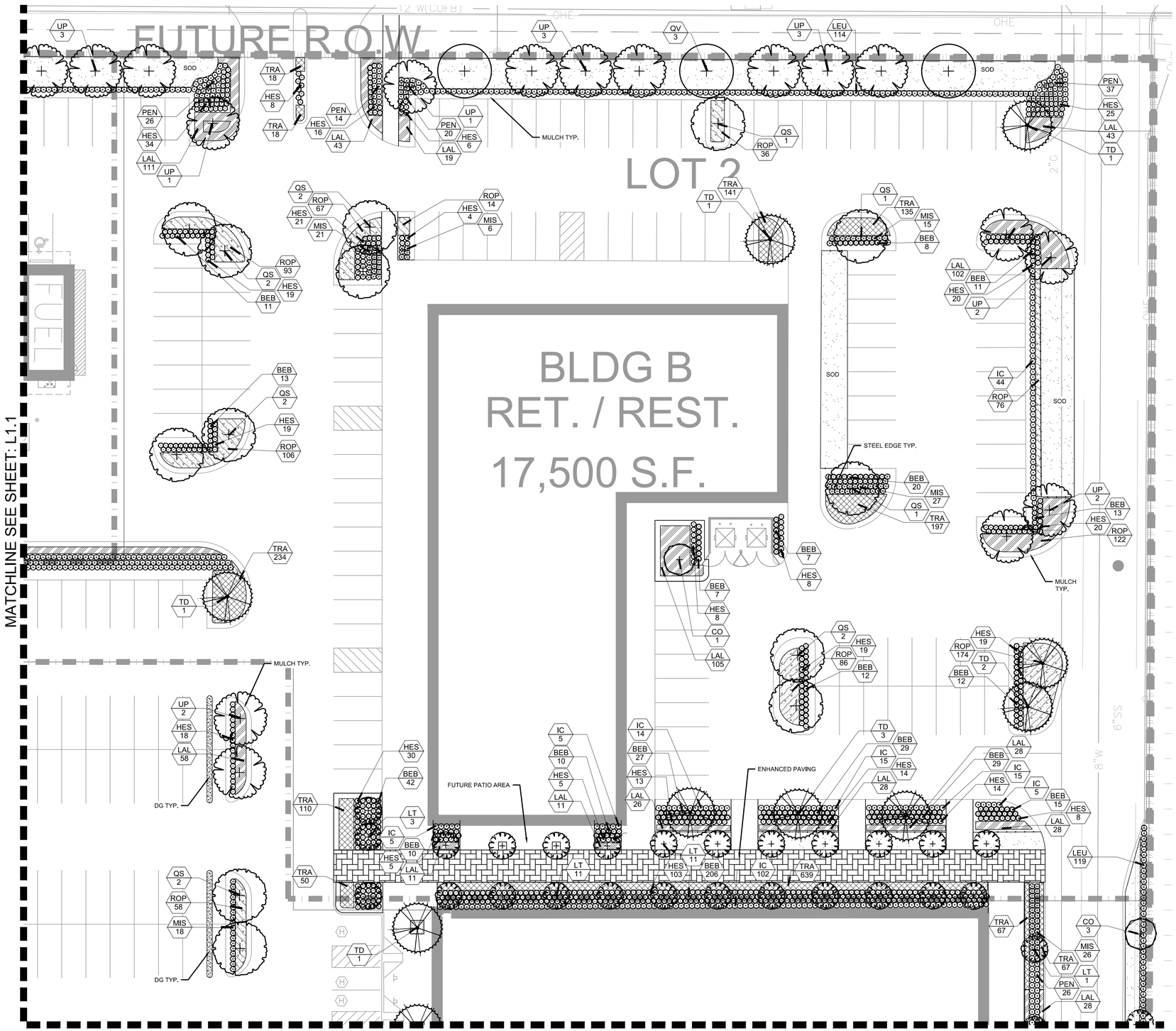
DATE	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY
4/8/2016	AS SHOWN	LRH	LRH	LMC

LANDSCAPE ENLARGEMENT C

VITRUVIAN PARK
PREPARED FOR
UDR

ADDISON TEXAS

SHEET NUMBER
L1.3



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NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

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DRAWN BY LRH
CHECKED BY LMC

LANDSCAPE ENLARGEMENT D

VITRUVIAN PARK
PREPARED FOR
UDR
ADDISON TEXAS

SHEET NUMBER
L1.4

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

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1. 3" EARTH SAUCER
2. 3" MULCH PER SPECIFICATIONS
3. ROOT BALL: REMOVE BURLAP, BURLAP TIES, AND WIRE BASKET FROM TOP 1/3 OF ROOTBALL. REMOVE ALL NYLON STRINGS, PLASTIC LINERS, AND OTHER SYNTHETIC MATERIALS FROM THE ENTIRE ROOTBALL.
4. PLANTING PIT EXCAVATED 12" LARGER (MIN.) THAN WIDTH OF ROOTBALL. PIT DEPTH AS NEEDED TO SET ROOTBALL COLLAR AT PROPOSED FINISHED GRADE. PLACE ROOTBALL ON SOLID SOIL AND NOT LOOSE BACKFILL.
5. PIT BACKFILL SOIL PER SPECIFICATIONS
6. UNDISTURBED EARTH
7. SECURE TREES WITH TREE STAPLES, PROVIDE 3 PER TREE, TOP OF STAPLE TO BE BELOW TOP OF MULCH.

A TREE PLANTING
N.T.S.

1. 3" EARTH SAUCER
2. 3" MULCH PER SPECIFICATIONS
3. ROOT BALL: REMOVE BURLAP, BURLAP TIES, AND WIRE BASKET FROM TOP 1/3 OF ROOTBALL. REMOVE ALL NYLON STRINGS, PLASTIC LINERS, AND OTHER SYNTHETIC MATERIALS FROM THE ENTIRE ROOTBALL.
4. PLANTING PIT EXCAVATED 12" LARGER (MIN.) THAN WIDTH OF ROOTBALL. PIT DEPTH AS NEEDED TO SET ROOTBALL COLLAR AT PROPOSED FINISHED GRADE. PLACE ROOTBALL ON SOLID SOIL AND NOT LOOSE BACKFILL.
5. PIT BACKFILL SOIL PER SPECIFICATIONS
6. UNDISTURBED EARTH
7. SECURE TREES WITH TREE STAPLES, PROVIDE 3 PER TREE, TOP OF STAPLE TO BE BELOW TOP OF MULCH.

B MULTI-TRUNK TREE PLANTING
N.T.S.

1. 3" MULCH PER SPECIFICATIONS
2. 3" HIGH EARTH SAUCER
3. PLANTING PIT: EXCAVATE 6" LARGER (MIN.) THAN WIDTH OF ROOTBALL, W/ PIT DEPTH AS NEEDED TO SET ROOTBALL @ PROPOSED FINISHED GRADE. PLACE ROOTBALL ON SOLID SOIL AND NOT LOOSE BACKFILL. SCARIFY SIDES OF PIT. PROVIDE CONTINUOUS PIT FOR MASSED BED PLANTINGS.
4. ROOT BALL: REMOVE FROM CONTAINER. GENTLY SCARIFY GIRDERED ROOTS AS NEEDED. REMOVE ALL TAGS & TWINE.
5. PIT BACKFILL W/ PREPARED SOIL BED MIX PER SPECIFICATIONS. PROVIDE CONTINUOUS SOIL BED MIX IN MASS PLANTINGS.
6. UNDISTURBED EARTH

C SHRUB PLANTING
N.T.S.

1. DIFFERENT PLANTING TREATMENTS.
2. METAL EDGING
3. BED SOIL. 12" MINIMUM DEPTH. REF: NOTES AND/OR SPECS FOR MIX. & DEPTH.
4. NATIVE SOIL
5. 4" TOPSOIL. REF: NOTES AND/OR SPECS FOR MIX. & DEPTH.

D STEEL EDGING
N.T.S.

1. GROUNDCOVER
2. 3" MULCH PER SPECIFICTIONS
3. EXISTING SUBGRADE
4. BED SOIL PER SPECIFICATIONS

E GROUNDCOVER PLANTING
N.T.S.

1. GRADE LEVEL WITH TOP OF STEEL EDGING
2. STEEL EDGING, SEE DETAIL D
3. 4" DECOMPOSED GRANITE, COMPACTED TO 95% SPD
4. WEED BLOCK/ FILTER FABRIC PINNED AT 24" O.C. EACH WAY
5. 4" WASHED LIMESTONE COMPACTED TO 95% SPD
6. SUBGRADE COMPACTED TO 95% SPD
7. 4" TOPSOIL. REF: NOTES AND/OR SPECS FOR MIX. & DEPTH.

F DECOMPOSED GRANITE
N.T.S.

GENERAL LANDSCAPE SPECIFICATIONS AND NOTES

A. SCOPE OF WORK

1. THE WORK CONSISTS OF FURNISHING ALL LABOR, MATERIALS, EQUIPMENT, TOOLS, TRANSPORTATION, AND ANY OTHER APPURTENANCES NECESSARY FOR THE COMPLETION OF THIS PROJECT AS SHOWN ON THE DRAWINGS, AS INCLUDED IN THE PLANT LIST, AND AS HEREIN SPECIFIED.

2. WORK SHALL INCLUDE MAINTENANCE AND WATERING OF ALL PLANTING AREAS OF THIS CONTRACT UNTIL CERTIFICATION OF ACCEPTABILITY BY THE OWNER.

B. PROTECTION OF EXISTING STRUCTURES

ALL EXISTING BUILDINGS, WALKS, WALLS, PAVING, PIPING, AND OTHER ITEMS OF CONSTRUCTION AND PLANTING ALREADY COMPLETED OR ESTABLISHED SHALL BE PROTECTED FROM DAMAGE BY THIS CONTRACTOR UNLESS OTHERWISE SPECIFIED. ALL DAMAGE RESULTING FROM NEGLIGENCE SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE OWNER.

C. PROTECTION OF EXISTING PLANT MATERIALS OUTSIDE LIMIT OF WORK

THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNAUTHORIZED CUTTING OR DAMAGE TO TREES AND SHRUBS EXISTING OR OTHERWISE, CAUSED BY CARELESS OPERATION OF EQUIPMENT, STOCKPILING OF MATERIALS, ETC. THIS SHALL INCLUDE COMPACTION BY DRIVING OR PARKING INSIDE THE DRIP-LINE OR THE SPILLING OF OIL, GASOLINE, OR OTHER DELETERIOUS MATERIALS WITHIN THE DRIP-LINE. NO MATERIALS SHALL BE BURNED WHERE THE HEAT WILL DAMAGE ANY PLANT. TREES KILLED OR DAMAGED SO THAT THEY ARE MISSHAPEN AND/ OR UNSIGHTLY SHALL BE REPLACED AT THE COST TO THE CONTRACTOR OF ONE HUNDRED DOLLARS ($100) PER CALIPER INCH ON AN ESCALATING SCALE WHICH ADDS AN ADDITIONAL TWENTY (20) PER CENT PER INCH OVER FOUR (4) INCHES CALIPER AS FIXED AND AGREED LIQUIDATED DAMAGES. CALIPER SHALL BE MEASURED SIX (6) INCHES ABOVE GROUND LEVEL FOR TREES UP TO AND INCLUDING FOUR (4) INCHES IN CALIPER AND TWELVE (12) INCHES ABOVE GROUND LEVEL FOR TREES OVER FOUR (4) INCHES IN CALIPER.

D. MATERIALS

1. GENERAL

SAMPLES OF MATERIALS AS LISTED BELOW SHALL BE SUBMITTED FOR APPROVAL, ON THE SITE OR AS OTHERWISE DETERMINED BY THE OWNER. UPON APPROVAL OF SAMPLES, DELIVERY OF MATERIALS MAY BEGIN.

MATERIALS	SAMPLES
MULCH	ONE (1) CUBIC FOOT
TOPSOIL	ONE (1) CUBIC YARD
PLANTS	ONE (1) OF EACH VARIETY

2. PLANT MATERIALS

A. PLANT SPECIES AND SIZE SHALL CONFORM TO THOSE INDICATED ON THE DRAWINGS. NOMENCLATURE SHALL CONFORM TO STANDARDIZED PLANT NAMES, 1942 EDITION. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS AS STATED IN THE LATEST EDITION OF "AMERICAN STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERYMEN. ALL PLANTS SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL-BRANCHED AND FREE OF DISEASE AND INSECTS, INSECT EGGS AND LARVAE AND SHALL HAVE ADEQUATE ROOT SYSTEMS. TREES FOR PLANTING IN ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE OWNER. WHERE ANY REQUIREMENTS ARE OMITTED FROM THE PLANT LIST, THE PLANTS FURNISHED SHALL BE NORMAL FOR THE VARIETY. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY UPON THE APPROVAL OF THE OWNER.

B. MEASUREMENTS: THE HEIGHT AND/OR WIDTH OF TREES SHALL BE MEASURED FROM THE GROUND OR ACROSS THE NORMAL SPREAD OF BRANCHES WITH THE PLANTS IN THEIR NORMAL POSITION. THIS MEASUREMENT SHALL NOT INCLUDE THE IMMEDIATE TERMINAL GROWTH. PLANTS LARGER IN SIZE THAN THOSE SPECIFIED IN THE PLANT LIST MAY BE USED IF APPROVED BY THE OWNER. IF THE USE OF LARGER PLANTS IS APPROVED, THE BALL OF EARTH OR SPREAD OF ROOTS SHALL BE INCREASED IN PROPORTION TO THE SIZE OF THE PLANT.

C. INSPECTION: PLANTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL AT THE PLACE OF GROWTH, OR UPON DELIVERY TO THE SITE, AS DETERMINED BY THE OWNER, FOR QUALITY, SIZE, AND VARIETY; SUCH APPROVAL SHALL NOT IMPAIR THE RIGHT OF INSPECTION AND REJECTION AT THE SITE DURING PROGRESS OF THE WORK OR AFTER COMPLETION FOR SIZE AND CONDITION OF BALLS OR ROOTS, LATENT DEFECTS OR INJURIES. REJECTED PLANTS SHALL BE REMOVED IMMEDIATELY FROM THE SITE. NOTICE REQUESTING INSPECTION SHALL BE SUBMITTED IN WRITING BY THE CONTRACTOR AT LEAST ONE (1) WEEK PRIOR TO ANTICIPATED DATE.

E. TOPSOIL

1. ASTM D5268, NATURAL, FRIABLE, FERTILE, FINE LOAMY SOIL POSSESSING CHARACTERISTICS OF REPRESENTATIVE TOPSOIL IN THE VICINITY THAT PRODUCES HEAVY GROWTH. TOPSOIL SHALL HAVE A PH RANGE OF 5.5 TO 7.4 PERCENT, FREE FROM SUBSOIL, OBJECTIONABLE WEEDS, LITTER, SODS, STIFF CLAY, STONES LARGER THAN 1-INCH IN DIAMETER, STUMPS, ROOTS, TRASH, HERBICIDES, TOXIC SUBSTANCES, OR ANY OTHER MATERIAL WHICH MAY BE HARMFUL TO PLANT GROWTH OR HINDER PLANTING OPERATIONS. TOP SOIL SHALL CONTAIN A MINIMUM OF THREE PERCENT ORGANIC MATERIAL.
2. SALVAGED OR EXISTING TOPSOIL: REUSE SUITABLE TOPSOIL STOCKPILED ON-SITE OR EXISTING TOPSOIL UNDISTURBED BY GRADING OR EXCAVATION OPERATIONS. CLEAN TOPSOIL OF ROOTS, PLANTS, SOD, STONES, CLAY LUMPS, AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.
3. VERIFY AMOUNT OF SUITABLE TOPSOIL STOCKPILED IF ANY, AND SUPPLY ADDITIONAL IMPORTED TOPSOIL AS NEEDED. FOUR (4) INCHES OF TOPSOIL TO BE PROVIDED FOR ALL TURF AREAS. TWENTY FOUR (24) INCHES OF TOPSOIL TO BE PROVIDED FOR ALL PLANTING BEDS.
4. IMPORTED TOPSOIL: SUPPLEMENT SALVAGED TOPSOIL WITH IMPORTED TOPSOIL FROM OFF-SITE SOURCES WHEN EXISTING QUANTITIES ARE INSUFFICIENT.
1. OBTAIN TOPSOIL DISPLACED FROM NATURALLY WELL-DRAINED SITES WHERE TOPSOIL OCCURS AT LEAST 6 INCHES DEEP; DO NOT OBTAIN FROM AGRICULTURAL LAND, BOGS, OR MARSHES.
2. VERIFY BORROW AND DISPOSAL SITES ARE PERMITTED AS REQUIRED BY STATE AND LOCAL REGULATIONS. OBTAIN WRITTEN CONFIRMATION THAT PERMITS ARE CURRENT AND ACTIVE.
3. OBTAIN PERMITS REQUIRED BY STATE AND LOCAL REGULATIONS FOR TRANSPORTING TOPSOIL. PERMITS SHALL BE CURRENT AND ACTIVE.
5. AMEND EXISTING AND IMPORTED TOPSOIL AS INDICATED BELOW.

F. ORGANIC SOIL AMENDMENTS

1. MANURE: WELL-ROTTED, UNLEACHED, STABLE OR CATTLE MANURE CONTAINING NOT MORE THAN 25 PERCENT BY VOLUME OF STRAW, SAWDUST, OR OTHER BEDDING MATERIALS; FREE OF TOXIC SUBSTANCES, STONES, STICKS, SOIL, WEED SEED, AND MATERIAL HARMFUL TO PLANT GROWTH.
2. BACK TO NATURE COTTON BURR COMPOST OR APPROVED EQUIVALENT.
3. COMPOST: DECOMPOSED ORGANIC MATERIAL INCLUDING LEAF LITTER, MANURE, SAWDUST, PLANT TRIMMINGS AND/OR HAY, MIXED WITH SOIL.
4. PECAN HULLS: COMPOSTED PECAN HULLS FOR LOCAL SOURCE.
5. BIOSOLIDS: USE GRADE 1 CONTAINING LOWER PATHOGEN LEVELS.
6. WORM CASTINGS: EARTHWORMS.

G. INORGANIC SOIL AMENDMENTS

1. LIME: ASTM C602, CLASS O AGRICULTURAL LIMESTONE CONTAINING A MINIMUM OF 80 PERCENT CALCIUM CARBONATE EQUIVALENT WITH A MINIMUM OF 95 PERCENT PASSING NO. 8 SIEVE AND MINIMUM OF 55 PERCENT PASSING NO. 60 SIEVE.
2. SULFUR: GRANULAR, BIODEGRADABLE, CONTAINING A MINIMUM OF 90 PERCENT SULFUR, WITH A MINIMUM OF 99 PERCENT PASSING NO. 6 SIEVE AND A MAXIMUM OF 10 PERCENT PASSING NO. 40 SIEVE.
3. IRON SULFATE: GRANULATED FERROUS SULFATE CONTAINING A MINIMUM OF 20 PERCENT IRON AND 10 PERCENT SULFUR.
4. AGRICULTURAL GYPSUM: FINELY GROUND, CONTAINING A MINIMUM OF 90 PERCENT CALCIUM SULFATE.
5. SAND: CLEAN, WASHED, NATURAL OR MANUFACTURED, FREE OF TOXIC MATERIALS.

H. PLANTING SOIL MIX

1. PLANTING MEDIUM CONTAINING 75 PERCENT SPECIFIED TOPSOIL MIXED WITH 15 PERCENT ORGANIC SOIL AMENDMENTS AND 10 PERCENT SHARP WASHED SAND. INSTALL TO DEPTHS, PER PLANTING DETAILS (12" MIN.) FINISHED GRADES OF PLANTING BEDS TO BE 2" BELOW FINISHED GRADE OF ADJACENT PAVING OR AS SHOWN ON GRADING PLAN.

2. SOD/SEED AREA TOPSOIL
ALL SOD AREAS TO RECEIVE 4" DEPTH (MIN) TOPSOIL PRIOR TO INSTALLATION. TOPSOIL SHALL BE NATURAL, FRIABLE, FERTILE, PH RANGE OF 6.0-6.5 WITH 25% (MIN.) ORGANIC MATERIAL, AND FREE OF TRASH, DEBRIS, STONES, WEEDS, AND TWIGS/BRANCHES. THE PARTICLE SIZES SHALL BE SUCH THAT 98.5% OF THE TOPSOIL WILL PASS THROUGH A 1/2 INCH SCREEN, AND 99% MORE SHALL PASS THROUGH A 3/4 INCH SCREEN. TOPSOIL SHALL BE REVIEWED/APPROVED BY OWNER/LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR TO SUBMIT SAMPLES IN 1 GAL (MIN.) CONTAINER.

I. WATER

WATER NECESSARY FOR PLANTING AND MAINTENANCE SHALL BE OF SATISFACTORY QUALITY TO SUSTAIN AN ADEQUATE GROWTH OF PLANTS AND SHALL NOT CONTAIN HARMFUL, NATURAL OR MAN-MADE ELEMENTS DETRIMENTAL TO PLANTS. WATER MEETING THE ABOVE STANDARD SHALL BE OBTAINED ON THE SITE FROM THE OWNER, IF AVAILABLE, AND THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE ARRANGEMENTS FOR ITS USE BY HIS TANKS, HOSES, SPRINKLERS, ETC. IF SUCH WATER IS NOT AVAILABLE AT THE SITE, THE CONTRACTOR SHALL PROVIDE SUCH SATISFACTORY WATER FROM SOURCES OFF THE SITE AT NO ADDITIONAL COST TO THE OWNER.

J. COMMERCIAL FERTILIZER

COMMERCIAL FERTILIZER SHALL BE A COMPLETE FORMULA; IT SHALL BE UNIFORM IN COMPOSITION, DRY AND FREE FLOWING. THIS FERTILIZER SHALL BE DELIVERED TO THE SITE IN THE ORIGINAL UNOPENED CONTAINERS, EACH BEARING THE MANUFACTURER'S GUARANTEED STATEMENT OF ANALYSIS.

FIFTY PERCENT (50%) OF THE NITROGEN SHALL BE DERIVED FROM NATURAL ORGANIC SOURCES. THE FOLLOWING FERTILIZERS SHALL BE USED AND APPLIED AT RATES AS SUGGESTED BY MANUFACTURER'S SPECIFICATIONS:

1. SHRUBS AND TREES - MILORGANITE, OR APPROVED EQUAL
2. ANNUALS AND GROUNDCOVERS - OSMOCOTE/SIERRA BLEND 14-14-14
3. SOD - 8-8-8 FERTILIZER

IN ADDITION TO SURFACE APPLIED FERTILIZERS, ALL CONTAINER GROWN AND FIELD GROWN PLANT MATERIAL SHALL RECEIVE "AGRIFORM" PLANTING TABLETS 24-10-5 FORMULA, 21 GRAM OR EQUAL. THESE TABLETS SHALL BE PLACED AT A DEPTH OF ROOT BALL AT THE RATE AS SPECIFIED BY MANUFACTURER.

K. MULCH

MULCH MATERIAL SHALL BE MOISTENED AT THE TIME OF APPLICATION TO PREVENT WIND DISPLACEMENT, AND APPLIED AT A DEPTH OF 3 INCHES. SEE PLANT LIST FOR TYPE OF MATERIAL AND GRADE.

L. DIGGING AND HANDLING

1. PROTECT ROOTS OR BALLS OF PLANTS AT ALL TIMES FROM SUN AND DRYING WINDS, WATER AND FREEZING, AS NECESSARY UNTIL PLANTING. PLANT MATERIALS SHALL BE ADEQUATELY PACKED TO PREVENT BREAKAGE AND DRYING OUT DURING TRANSIT. TREES TRANSPORTED MORE THAN TEN (10) MILES OR WHICH ARE NOT PLANTED WITHIN THREE (3) DAYS OF DELIVERY TO SITE SHALL BE SPRAYED WITH AN ANTI-TRANSPIRANT PRODUCT ("WILTPRUF" OR EQUAL) TO MINIMIZE TRANSPIRATIONAL WATER LOSS.

2. BALLED AND BURLAPPED PLANTS (B&B) SHALL BE DUG WITH FIRM, NATURAL BALLS OF SOIL OF SUFFICIENT SIZE TO ENCOMPASS THE FIBROUS AND FEEDING ROOTS OF THE PLANTS. NO PLANTS MOVED WITH A BALL SHALL BE PLANTED IF THE BALL IS CRACKED OR BROKEN. PLANTS BALLED AND BURLAPPED OR CONTAINER GROWN SHALL NOT BE HANDLED BY STEMS.

3. PLANTS MARKED "BR" IN THE PLANT LIST SHALL BE DUG WITH BARE ROOTS. THE ROOTS SHALL NOT BE CUT WITHIN THE MINIMUM SPREAD SPECIFIED IN THE PLANT LIST. CARE SHALL BE EXERCISED THAT THE ROOTS DO NOT DRY OUT IN MOVING AND PRIOR TO PLANTING.

4. PROTECTION OF PALMS (IF APPLICABLE): ONLY A MINIMUM OF FRONDS SHALL BE REMOVED FROM THE CROWN OF THE PALM TREES TO FACILITATE MOVING AND HANDLING. CLEAR TRUNK (CT) SHALL BE AS SPECIFIED AFTER THE MINIMUM OF FRONDS HAVE BEEN REMOVED. ALL PALMS SHALL BE BRACED PER DETAIL.

5. EXCAVATION OF TREE PITS SHALL BE DONE USING EXTREME CARE TO AVOID DAMAGE TO SURFACE AND SUBSURFACE ELEMENTS SUCH AS UTILITIES OR HARDSCAPE ELEMENTS, FOOTERS AND PREPARED SUB- BASES.

M. CONTAINER GROWN STOCK

1. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS WHICH ARE OF GOOD QUALITY AND ARE IN A HEALTHY GROWING CONDITION.

2. AN ESTABLISHED CONTAINER GROWN PLANT SHALL BE TRANSPLANTED INTO A CONTAINER AND GROWN IN THAT CONTAINER SUFFICIENTLY LONG FOR THE NEW FIBROUS ROOTS TO HAVE DEVELOPED SO THAT THE ROOT MASS WILL RETAIN ITS SHAPE AND HOLD TOGETHER WHEN REMOVED FROM THE CONTAINER. CONTAINER GROWN STOCK SHALL NOT BE HANDLED BY THEIR STEMS.

3. PLANT ROOTS BOUND IN CONTAINERS SHALL NOT BE ACCEPTABLE.

4. SUBSTITUTION OF NON-CONTAINER GROWN MATERIAL FOR MATERIAL EXPLICITLY SPECIFIED TO BE CONTAINER GROWN WILL NOT BE PERMITTED UNLESS WRITTEN APPROVAL IS OBTAINED FROM THE OWNER AND LANDSCAPE ARCHITECT.

N. COLLECTED STOCK

WHEN THE USE OF COLLECTED STOCK IS PERMITTED AS INDICATED ON THE PLANT LIST SCHEDULE, THE MINIMUM SIZES OF ROOTBALLS SHALL BE EQUAL TO THAT SPECIFIED FOR THE NEXT LARGER SIZE OF NURSERY GROWN STOCK OF THE SAME VARIETY.

O. NATIVE STOCK

PLANTS COLLECTED FROM WILD OR NATIVE STANDS SHALL BE CONSIDERED NURSERY GROWN WHEN THEY HAVE BEEN SUCCESSFULLY REESTABLISHED IN A NURSERY ROW AND GROWN UNDER REGULAR NURSERY CULTURAL PRACTICES FOR A MINIMUM OF TWO (2) GROWING SEASONS AND HAVE ATTAINED ADEQUATE ROOT AND TOP GROWTH TO INDICATE FULL RECOVERY FROM TRANSPLANTING INTO THE NURSERY ROW.

P. MATERIALS LIST

QUANTITIES NECESSARY TO COMPLETE THE WORK ON THE DRAWINGS SHALL BE FURNISHED BY THE CONTRACTOR. QUANTITY ESTIMATES HAVE BEEN MADE CAREFULLY, BUT THE LANDSCAPE ARCHITECT OR OWNER ASSUMES NO LIABILITY FOR OMISSIONS OR ERRORS. SHOULD A DISCREPANCY OCCUR BETWEEN THE BIDDERS TAKE OFF AND THE PLANT LIST QUANTITY, THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED FOR CLARIFICATION PRIOR TO THE SUBMISSIONS OF BIDS. ALL DIMENSIONS AND/OR SIZES SPECIFIED SHALL BE THE MINIMUM ACCEPTABLE SIZE

Q. FINE GRADING

1. FINE GRADING UNDER THIS CONTRACT SHALL CONSIST OF FINAL FINISHED GRADING OF LAWN AND PLANTING AREAS THAT HAVE BEEN ROUGH GRADED BY OTHERS. BERMING AS SHOWN ON THE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR, UNLESS OTHERWISE NOTED.

2. THE LANDSCAPE CONTRACTOR SHALL FINE GRADE THE LAWN AND PLANTING AREAS TO BRING THE ROUGH GRADE UP TO FINAL FINISHED GRADE ALLOWING FOR THICKNESS OF SOD AND/OR MULCH DEPTH. THIS CONTRACTOR SHALL FINE GRADE BY HAND AND/OR WITH ALL EQUIPMENT NECESSARY INCLUDING A GRADING TRACTOR WITH FRONT-END LOADER FOR TRANSPORTING SOIL WITHIN THE SITE.

3. ALL PLANTING AREAS SHALL BE GRADED AND MAINTAINED TO ALLOW FREE FLOW OF SURFACE WATER. AREAS ADJACENT TO BUILDINGS SHALL SLOPE AWAY FROM THE BUILDINGS.

R. PLANTING PROCEDURES

1. CLEANING UP BEFORE COMMENCING WORK: THE CONTRACTOR SHALL CLEAN UP WORK AND SURROUNDING AREAS OF ALL RUBBISH OR OBJECTIONABLE MATTER. ALL MORTAR, CEMENT, AND TOXIC MATERIAL SHALL BE REMOVED FROM THE SURFACE OF ALL PLANT BEDS. THESE MATERIALS SHALL NOT BE MIXED WITH THE SOIL. SHOULD THE CONTRACTOR FIND SUCH SOIL CONDITIONS BENEATH THE SOIL WHICH WILL IN ANY WAY ADVERSELY AFFECT THE PLANT GROWTH, HE SHALL IMMEDIATELY CALL IT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT OR OWNER. FAILURE TO DO SO BEFORE PLANTING SHALL MAKE THE CORRECTIVE MEASURES THE RESPONSIBILITY OF THE CONTRACTOR.

2. VERIFY LOCATIONS OF ALL UTILITIES, CONDUITS, SUPPLY LINES AND CABLES, INCLUDING BUT NOT LIMITED TO: ELECTRIC, GAS (LINES AND TANKS), WATER, SANITARY SEWER, STORMWATER LINES, CABLE AND TELEPHONE. PROPERLY MAINTAIN AND PROTECT EXISTING UTILITIES.

3. SUBGRADE EXCAVATION: SITE CONTRACTOR IS RESPONSIBLE TO REMOVE ALL EXISTING AND IMPORTED LIMEROCK AND LIMEROCK SUB-BASE FROM ALL LANDSCAPE PLANTING AREAS TO A MINIMUM DEPTH OF 36". SITE CONTRACTOR IS RESPONSIBLE TO BACKFILL THESE PLANTING AREAS TO ROUGH FINISHED GRADE WITH CLEAN TOPSOIL FROM AN ON-SITE SOURCE OR AN IMPORTED SOURCE. IF LIMEROCK OR OTHER ADVERSE CONDITIONS OCCUR IN PLANTED AREAS AFTER 36" DEEP EXCAVATION BY SITE CONTRACTOR, AND POSITIVE DRAINAGE CAN NOT BE ACHIEVED, LANDSCAPE CONTRACTOR SHALL UTILIZE PLANTING DETAIL THAT ADDRESSES POOR DRAINAGE.

4. FURNISH NURSERY'S CERTIFICATE OF COMPLIANCE WITH ALL REQUIREMENTS AS HEREIN SPECIFIED AND REQUIRED. INSPECT AND SELECT PLANT MATERIALS BEFORE PLANTS ARE DUG AT NURSERY OR GROWING SITE.

5. GENERAL: COMPLY WITH APPLICABLE FEDERAL, STATE, COUNTY, AND LOCAL REGULATIONS GOVERNING LANDSCAPE MATERIALS AND WORK. CONFORM TO ACCEPTED HORTICULTURAL PRACTICES AS USED IN THE TRADE. PLANTS SHALL BE PROTECTED UPON ARRIVAL AT THE SITE BY BEING THOROUGHLY WATERED AND PROPERLY MAINTAINED UNTIL PLANTED. PLANTS SHALL NOT REMAIN UNPROTECTED FOR A PERIOD EXCEEDING TWENTY-FOUR (24) HOURS. AT ALL TIMES WORKMANLIKE METHODS CUSTOMARY IN GOOD HORTICULTURAL PRACTICES SHALL BE EXERCISED.

6. THE WORK SHALL BE COORDINATED WITH OTHER TRADES TO PREVENT CONFLICTS. COORDINATE THE PLANTING WITH THE IRRIGATION WORK TO ASSURE AVAILABILITY OF WATER AND PROPER LOCATION OF IRRIGATION ITEMS AND PLANTS.

7. ALL PLANTING PITS SHALL BE EXCAVATED TO SIZE AND DEPTH IN ACCORDANCE WITH THE USA STANDARD FOR NURSERY STOCK 260.1, UNLESS SHOWN OTHERWISE ON THE DRAWINGS, AND BACKFILLED WITH THE PREPARED PLANTING SOIL AS SPECIFIED HEREIN BEFORE (SECTION E). TEST ALL TREE PITS WITH WATER BEFORE PLANTING TO ASSURE PROPER DRAINAGE PERCOLATION IS AVAILABLE. NO ALLOWANCE WILL BE MADE FOR LOST PLANTS DUE TO IMPROPER DRAINAGE. IF POOR DRAINAGE EXISTS, UTILIZE PLANTING DETAIL THAT ADDRESSES THIS CONDITION. TREES SHALL BE SET PLUMB AND HELD IN POSITION UNTIL THE PLANTING MIXTURE HAS BEEN FLUSHED INTO PLACE WITH A SLOW, FULL HOSE STREAM. ALL PLANTING SHALL BE PERFORMED BY PERSONNEL FAMILIAR WITH PLANTING PROCEDURE AND UNDER THE SUPERVISION OF A QUALIFIED PLANTING FOREMAN. PROPER "JETTING IN" SHALL BE ASSURED TO ELIMINATE AIR POCKETS AROUND THE ROOTS. "JET STICK" OR EQUAL IS RECOMMENDED.

8. TAKE ALL NECESSARY PRECAUTIONS TO AVOID DAMAGE TO BUILDINGS AND BUILDING STRUCTURES WHILE INSTALLING TREES.

9. SOIL MIXTURE SHALL BE AS SPECIFIED IN SECTION E OF THESE SPECIFICATIONS. IN ADDITION, EACH PLANTING PIT SHALL RECEIVE 21-GRAM "AGRIFORM" PLANTING TABLETS PER MANUFACTURER'S SPECIFICATIONS OR AS FOLLOWS:

- TWO (2) TABLETS PER 1 GAL. PLANT
- THREE (3) TABLETS PER 3 GAL. PLANT
- FOUR (4) TABLETS PER 10 GAL. PLANT
- LARGER MATERIAL - TWO (2) TABLETS PER 1/2" OF TRUNK CALIPER

10. TREES AND SHRUBS SHALL BE SET STRAIGHT AND AT SUCH A LEVEL THAT AFTER SETTLEMENT, THE PLANT CROWN WILL STAND ONE (1) TO TWO (2) INCHES ABOVE GRADE. EACH PLANT SHALL BE SET IN THE CENTER OF THE PIT. PLANTING SOIL MIXTURE SHALL BE BACKFILLED AND THOROUGHLY TAMPED AROUND THE BALL AND SHALL BE SETTLED BY WATER AFTER TAMPING.

11. FILL HOLE WITH SOIL MIXTURE, MAKING CERTAIN ALL SOIL IS SATURATED. TO DO THIS, FILL HOLE WITH WATER AND ALLOW TO SOAK MINIMUM TWENTY (20) MINUTES, STIRRING IF NECESSARY TO GET SOIL THOROUGHLY WET. PACK LIGHTLY WITH FEET. ADD MORE WET SOIL MIXTURE. DO NOT COVER TOP OF BALL WITH SOIL MIXTURE, ONLY WITH MULCH. ALL BURLAP, ROPE, WIRES, ETC., SHALL BE REMOVED FROM THE SIDES AND TOPS OF BALLS, BUT NO BURLAP SHALL BE PULLED FROM UNDERNEATH.

12. PRUNING: EACH TREE SHALL BE PRUNED TO PRESERVE THE NATURAL CHARACTER OF THE PLANT AS SHOWN ON THE DRAWINGS. ALL SOFT WOOD OR SUCKER GROWTH AND ALL BROKEN OR BADLY DAMAGED BRANCHES SHALL BE REMOVED WITH A CLEAN CUT.

13. SHRUBS AND GROUND COVER PLANTS SHALL BE EVENLY SPACED IN ACCORDANCE WITH THE DRAWINGS AND AS INDICATED ON THE PLANT LIST. CULTIVATE ALL PLANTING AREAS TO A MINIMUM DEPTH OF 6", REMOVE AND DISPOSE ALL DEBRIS. TILL INTO TOP 4" THE PLANTING SOIL MIX AS SPECIFIED IN SECTION E. THOROUGHLY WATER ALL PLANTS AFTER INSTALLATION.

14. TREE GUYING AND BRACING SHALL BE INSTALLED BY THE LANDSCAPE CONTRACTOR IN ACCORDANCE WITH THE PLANS TO INSURE STABILITY AND MAINTAIN TREES IN AN UPRIGHT POSITION. IF THE LANDSCAPE CONTRACTOR AND OWNER DECIDE TO WAIVE THE TREE GUYING AND BRACING, THE OWNER SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING OF THEIR INTENTIONS AND AGREE TO HOLD HARMLESS THE LANDSCAPE ARCHITECT IN THE EVENT ANY TREES FALL DOWN AND DAMAGE PERSON OR PROPERTY.

15. MULCHING: PROVIDE A THREE (3) INCH MINIMUM LAYER OF SPECIFIED MULCH OVER THE ENTIRE AREA OF EACH SHRUB BED, GROUND COVER AND VINE BED AND TREE PIT.

16. HERBICIDE WEED CONTROL: ALL PLANT BEDS SHALL BE KEPT FREE OF NOXIOUS WEEDS UNTIL FINAL ACCEPTANCE OF WORK. IF DIRECTED BY THE OWNER, "ROUND-UP" SHALL BE APPLIED FOR WEED CONTROL BY QUALIFIED PERSONNEL TO ALL PLANTING AREAS IN SPOT APPLICATIONS PER MANUFACTURER'S PRECAUTIONS AND SPECIFICATIONS. PRIOR TO FINAL INSPECTION, TREAT ALL PLANTING BEDS WITH AN APPROVED PRE-EMERGENT HERBICIDE AT AN APPLICATION RATE RECOMMENDED BY THE MANUFACTURER.

S. LAWN SODDING

1. THE WORK CONSISTS OF LAWN BED PREPARATION, SOIL PREPARATION, AND SODDING COMPLETE, IN STRICT ACCORDANCE WITH THE SPECIFICATIONS AND THE APPLICABLE DRAWINGS TO PRODUCE A GRASS LAWN ACCEPTABLE TO THE OWNER.

2. LAWN BED PREPARATION: ALL AREAS THAT ARE TO BE SODDED SHALL BE CLEARED OF ANY ROUGH GRASS, WEEDS, AND DEBRIS, AND THE GROUND BROUGHT TO AN EVEN GRADE. THE WHOLE SURFACE SHALL BE ROLLED WITH A ROLLER WEIGHING NOT MORE THAN ONE-HUNDRED (100) POUNDS PER FOOT OF WIDTH. DURING THE ROLLING, ALL DEPRESSIONS CAUSED BY SETTLEMENT OF ROLLING SHALL BE FILLED WITH ADDITIONAL SOIL, AND THE SURFACE SHALL BE REGRADED AND ROLLED UNTIL PRESENTING A SMOOTH AND EVEN FINISH THAT IS UP TO THE REQUIRED GRADE.

3. SOIL PREPARATION: PREPARE LOOSE BED FOUR (4) INCHES DEEP. APPLY FERTILIZER AT RATE OF TWENTY (20) POUNDS PER ONE THOUSAND (1000) SQUARE FEET. APPLICATION SHALL BE UNIFORM, UTILIZING APPROVED MECHANICAL SPREADERS. MIX FERTILIZER THOROUGHLY WITH THE SOIL TO A DEPTH OF THREE (3) INCHES. HAND RAKE UNTIL ALL BUMPS AND DEPRESSIONS ARE REMOVED. WET PREPARED AREA THOROUGHLY.

4. SODDING

A. THE CONTRACTOR SHALL SOD ALL AREAS THAT ARE NOT PAVED OR PLANTED AS DESIGNATED ON THE DRAWINGS WITHIN THE CONTRACT LIMITS, UNLESS SPECIFICALLY NOTED OTHERWISE.

B. THE SOD SHALL BE CERTIFIED TO MEET THE STATE PLANT BOARD SPECIFICATIONS, ABSOLUTELY TRUE TO VARIETAL TYPE, AND FREE FROM WEEDS, FUNGUS, INSECTS AND DISEASE OF ANY KIND.

C. SOD PANELS SHALL BE LAID TIGHTLY TOGETHER SO AS TO MAKE A SOLID SODDED LAWN AREA. SOD SHALL BE LAID UNIFORMLY AGAINST THE EDGES OF ALL CURBS AND OTHER HARDSCAPE ELEMENTS, PAVED AND PLANTED AREAS. ADJACENT TO BUILDINGS, A FOUR INCH MULCH STRIP SHALL BE PROVIDED. IMMEDIATELY FOLLOWING SOD LAYING, THE LAWN AREAS SHALL BE ROLLED WITH A LAWN ROLLER CUSTOMARILY USED FOR SUCH PURPOSES, AND THEN THOROUGHLY IRRIGATED. IF, IN THE OPINION OF THE OWNER, TOP-DRESSING IS NECESSARY AFTER ROLLING TO FILL THE VOIDS BETWEEN THE SOD PANELS AND TO EVEN OUT INCONSISTENCIES IN THE SOD, CLEAN SAND AS APPROVED BY THE LANDSCAPE ARCHITECT OR OWNER SHALL BE UNIFORMLY SPREAD OVER THE ENTIRE SURFACE OF THE SOD AND THOROUGHLY WATERED IN.

5. DURING DELIVERY, PRIOR TO AND DURING THE PLANTING OF THE LAWN AREAS, THE SOD PANELS SHALL AT ALL TIMES BE PROTECTED FROM EXCESSIVE DRYING AND UNNECESSARY EXPOSURE OF THE ROOTS TO THE SUN. ALL SOD SHALL BE STACKED SO AS NOT TO BE DAMAGED BY SWEATING OR EXCESSIVE HEAT AND MOISTURE.

6. LAWN MAINTENANCE:

A. WITHIN THE CONTRACT LIMITS, THE CONTRACTOR SHALL PRODUCE A DENSE, WELL ESTABLISHED LAWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND RE-SODDING OF ALL ERODED, SUNKEN OR BARE SPOTS UNTIL CERTIFICATION OF ACCEPTABILITY BY THE LANDSCAPE ARCHITECT OR OWNER. REPAIRED SODDING SHALL BE ACCOMPLISHED AS IN THE ORIGINAL WORK (INCLUDING REGRADING IF NECESSARY).

B. WATER EVERY DAY FOR TEN (10) SUCCESSIVE DAYS, THEN WATER THREE (3) TIMES PER WEEK (AT EVEN INTERVALS) FOR TWO (2) ADDITIONAL WEEKS. ALL WATERING SHALL BE OF SUFFICIENT QUANTITY TO WET OR RESTORE WATER TO DEPTH OF FOUR (4) INCHES. CONTRACTOR TO DETERMINE IF SITE IS IN A DROUGHT RESTRICTION AREA AND MUST FOLLOW CITY/ COUNTY PROTOCOL IF ANY ARE IN PLACE.

T. CLEAN-UP

UPON COMPLETION OF ALL PLANTING WORK AND BEFORE FINAL ACCEPTANCE, THE CONTRACTOR SHALL REMOVE ALL MATERIAL, EQUIPMENT, AND DEBRIS RESULTING FROM HIS WORK. ALL PAVED AREAS SHALL BE BROOM CLEANED AND THE SITE LEFT IN A NEAT AND ACCEPTABLE CONDITION AS APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE.

U. PLANT MATERIAL MAINTENANCE

ALL PLANTS AND PLANTING INCLUDED UNDER THIS CONTRACT SHALL BE MAINTAINED BY WATERING, CULTIVATING, SPRAYING, AND ALL OTHER OPERATIONS (SUCH AS RE-STAKING OR REPAIRING GUY SUPPORTS) NECESSARY TO INSURE A HEALTHY CONDITION BY THE CONTRACTOR UNTIL CERTIFICATION OF ACCEPTABILITY BY THE LANDSCAPE ARCHITECT OR OWNER. MAINTENANCE AFTER THE CERTIFICATION OF ACCEPTABILITY SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS IN THIS SECTION. CONTRACTORS ARE REQUESTED TO PROVIDE A BID ESTIMATE TO COVER LANDSCAPE AND IRRIGATION MAINTENANCE FOR A PERIOD OF 90 CALENDAR DAYS COMMENCING AFTER ACCEPTANCE.

V. MAINTENANCE (ALTERNATE BID ITEM)

1. CONTRACTORS ARE REQUESTED TO PROVIDE A BID ESTIMATE FOR MAINTENANCE FOLLOWING THE INITIAL 90-DAY MAINTENANCE PERIOD ON A COST PER MONTH BASIS.

W. GUARANTEE

1. THE LIFE AND SATISFACTORY CONDITION OF ALL 15 GALLON AND LARGER PLANT MATERIAL INSTALLED BY THE LANDSCAPE CONTRACTOR SHALL BE GUARANTEED BY THE CONTRACTOR FOR A MINIMUM OF ONE (1) CALENDAR YEAR COMMENCING AT THE TIME OF CERTIFICATION OF ACCEPTABILITY BY THE LANDSCAPE ARCHITECT OR OWNER.

2. THE LIFE AND SATISFACTORY CONDITION OF ALL OTHER PLANT MATERIAL (INCLUDING SOD) INSTALLED BY THE LANDSCAPE CONTRACTOR SHALL BE GUARANTEED BY THE CONTRACTOR FOR A MINIMUM OF 90 CALENDAR DAYS, COMMENCING AT THE TIME OF CERTIFICATION OF ACCEPTABILITY BY THE LANDSCAPE ARCHITECT OR OWNER.

3. REPLACEMENT: ANY PLANT NOT FOUND IN A HEALTHY GROWING CONDITION AT THE END OF THE GUARANTEE PERIOD SHALL BE REMOVED FROM THE SITE AND REPLACED AS SOON AS WEATHER CONDITIONS PERMIT. ALL REPLACEMENTS SHALL BE PLANTS OF THE SAME KIND AND SIZE AS SPECIFIED IN THE PLANT LIST. THEY SHALL BE FURNISHED PLANTED AND MULCHED AS SPECIFIED UNDER "PLANTING", AT NO ADDITIONAL COST TO THE OWNER.

4. IN THE EVENT THE OWNER DOES NOT CONTRACT WITH THE CONTRACTOR FOR LANDSCAPE (AND IRRIGATION) MAINTENANCE, THE CONTRACTOR IS ENCOURAGED TO VISIT THE PROJECT SITE PERIODICALLY DURING THE ONE YEAR WARRANTY PERIOD TO EVALUATE MAINTENANCE PROCEDURES BEING PERFORMED BY THE OWNER, AND SHALL NOTIFY THE OWNER IN WRITING OF MAINTENANCE PROCEDURES OR CONDITIONS WHICH THREATEN VIGOROUS AND HEALTH PLANT GROWTH. IT IS SUGGESTED SUCH SITE VISITS SHALL BE CONDUCTED A MINIMUM OF ONCE PER MONTH FOR A PERIOD OF TWELVE (12) MONTHS FROM THE DATE OF ACCEPTANCE.

X. FINAL INSPECTION AND ACCEPTANCE OF WORK

FINAL INSPECTION AT THE END OF THE GUARANTEE PERIOD SHALL BE ON PLANTING, CONSTRUCTION AND ALL OTHER INCIDENTAL WORK PERTAINING TO THIS CONTRACT. ANY REPLACEMENT AT THIS TIME SHALL BE SUBJECT TO THE SAME ONE (1) YEAR GUARANTEE (OR AS SPECIFIED BY THE LANDSCAPE ARCHITECT OR OWNER IN WRITING) BEGINNING WITH THE TIME OF REPLACEMENT AND ENDING WITH THE SAME INSPECTION AND ACCEPTANCE HEREIN DESCRIBED.

No.	REVISIONS	DATE	BY

Kimley»Horn

© 2016 KIMLEY-HORN AND ASSOCIATES, INC.
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TEXAS REGISTERED ENGINEERING FIRM F-928

PRELIMINARY
FOR REVIEW ONLY
Not for construction or permit purposes.
Kimley»Horn
P.L.A. LEAH M. CAMPBELL
L.A. No. 2900 Date 04/11/16

KHA PROJECT
DATE 4/8/2016
SCALE AS SHOWN
DESIGNED BY LRH
DRAWN BY LRH
CHECKED BY LMC

LANDSCAPE DETAILS

VITRUVIAN PARK
PREPARED FOR
UDR
ADDISON TEXAS

SHEET NUMBER
L1.5

OVERALL WEST ELEVATION

NOT TO SCALE

01 SOUTH ELEVATION

1/32"=1'-0"

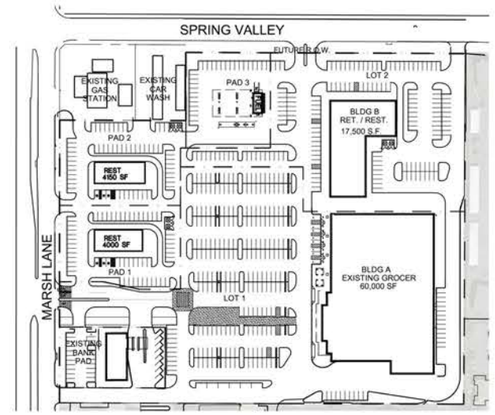
02 EAST ELEVATION

1/32"=1'-0"

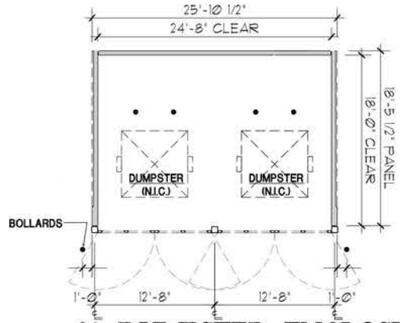
MATERIAL CALCULATIONS:

SOUTH		
BRICK	264	8.73%
STONE	0	0.00%
CONCRETE	1741	57.55%
MASONRY W/O GLASS	**2005**	**66.28%**
GLASS	671	22.18%
MASONRY W/ GLASS	**2676**	**88.46%**
EIFS	163	5.39%
METAL	54	1.79%
WOOD	132	4.36%
OTHER TOTAL	**349**	**11.54%**
TOTAL	**3025**	

EAST		
BRICK	0	0.00%
STONE	232	4.66%
CONCRETE	3649	73.23%
MASONRY TOTAL	**3881**	**77.88%**
GLASS	372	7.47%
MASONRY W/ GLASS	**4253**	**85.35%**
EIFS	116	2.33%
METAL	96	1.93%
WOOD	518	10.40%
OTHER TOTAL	**730**	**14.65%**
TOTAL	**4983**	

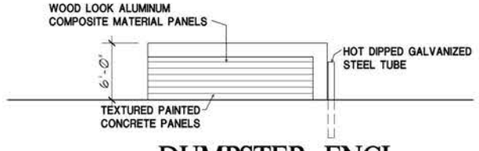


KEY PLAN



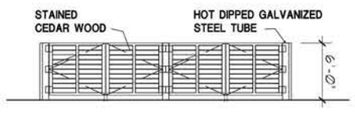
03 DUMPSTER ENCLOSURE PLAN

1/16"=1'-0"



DUMPSTER ENCL. 05 SIDE ELEVATION

1/16"=1'-0"



DUMPSTER ENCL. 04 FRONT ELEVATION

1/16"=1'-0"

OWNER:
UDR
3875 PONTE AVENUE SUITE 400
ADDISON, TEXAS 75001
972 716 3560

ARCHITECT / APPLICANT:
LISA SWIFT
GSO ARCHITECTS
5310 HARVEST HILL ROAD SUITE 226
DALLAS, TEXAS 75230
972 385 9651

NOTES:
THE FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE.
WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES.
ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.

GSO ARCHITECTS

5310 Harvest Hill Rd. Suite 226
Dallas, Texas 75230
972-385-9651
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VITRUVIAN PARK
ADDISON, TEXAS
UDR

ELEV11

JOB#: 15-063
ISSUE DATE: 04/08/16
SCALE: AS NOTED
APPROVED BY:

DATE:

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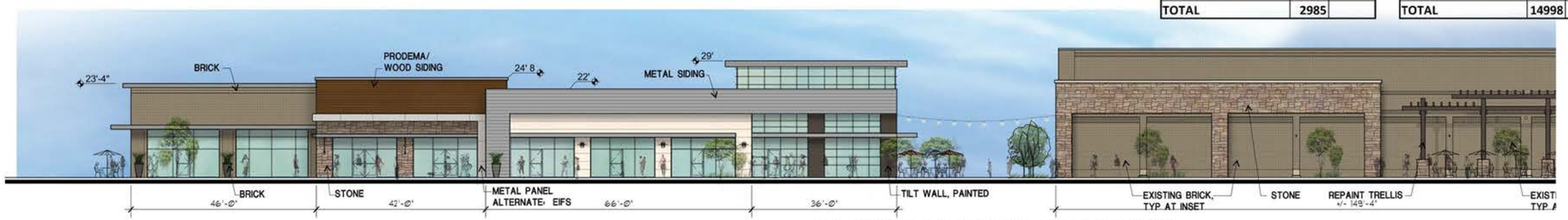
OVERALL WEST ELEVATION

NOT TO SCALE

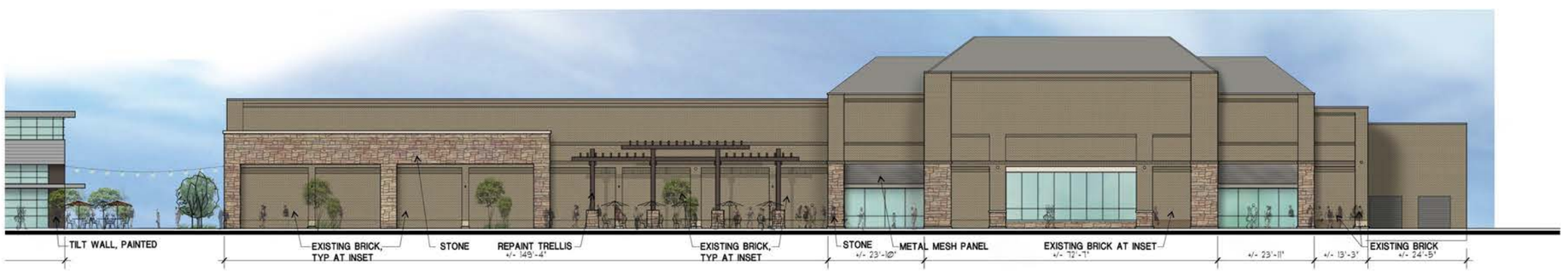
01 NORTH ELEVATION

1/32"=1'-0"



02 PARTIAL WEST ELEVATION

1/32"=1'-0"



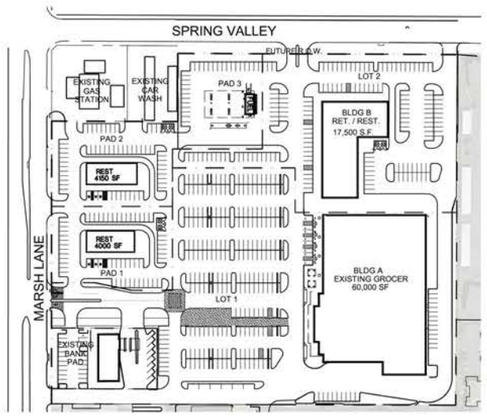
03 PARTIAL WEST ELEVATION

1/32"=1'-0"

MATERIAL CALCULATIONS:

NORTH		
BRICK	385	12.90%
STONE	340	11.39%
CONCRETE	587	19.66%
MASONRY W/O GLASS	**1312**	**43.95%**
GLASS	1064	35.64%
MASONRY W/ GLASS	**2376**	**79.60%**
EIFS	125	4.19%
METAL	184	6.16%
WOOD	300	10.05%
OTHER TOTAL	**609**	**20.40%**
TOTAL	**2985**	

WEST		
BRICK	8228	54.86%
STONE	1502	10.01%
CONCRETE	558	3.72%
MASONRY TOTAL	**10288**	**68.60%**
GLASS	2697	17.98%
MASONRY W/ GLASS	**12985**	**86.58%**
EIFS	264	1.76%
METAL	1388	9.25%
WOOD	361	2.41%
OTHER TOTAL	**2013**	**13.42%**
TOTAL	**14998**	



KEY PLAN

OWNER:
UDR
3875 PONTE AVENUE SUITE 400
ADDISON, TEXAS 75001
972 716 3560

ARCHITECT / APPLICANT:
LISA SWIFT
GSO ARCHITECTS
5310 HARVEST HILL ROAD SUITE 226
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VITRUVIAN PARK
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DATE:

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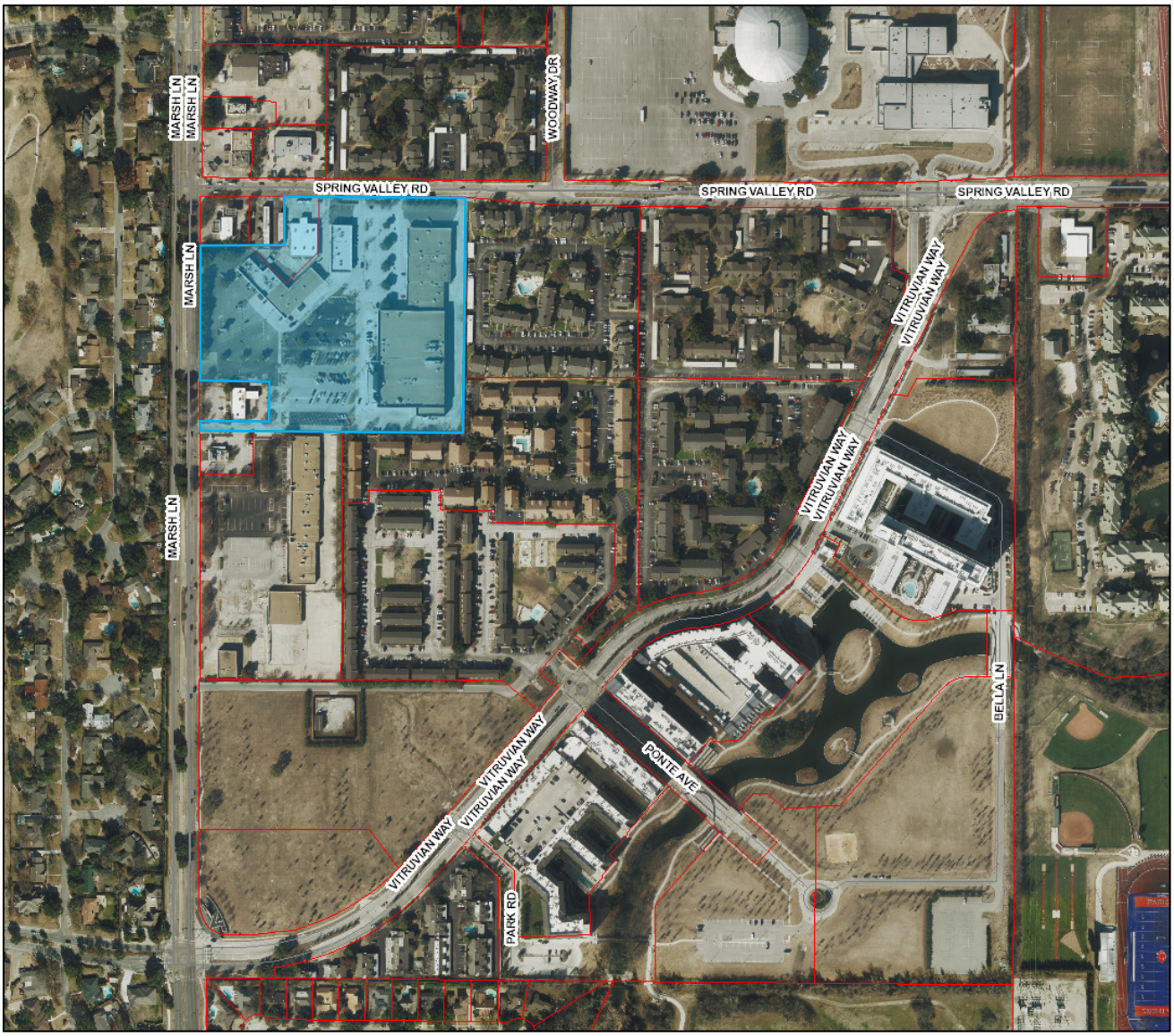
1727-Z

PUBLIC HEARING Case 1727-Z/Brookhaven Village. Public hearing, discussion, and take action on a recommendation regarding a development plan for the development of approximately 86,310 square feet of retail and restaurant space in an existing Planned Development District (PD O07-034) located on approximately 11.5 acres located generally at the southeast corner of Marsh Lane and Spring Valley Road and approving a wavier to construction material requirements.

LOCATION MAP



April 15, 2016

STAFF REPORT

RE:	Case 1727-Z/Brookhaven Village
LOCATION:	Approximately 11.5 acres of land located generally at the southeast corner of Marsh Lane and Spring Valley Road.
REQUEST:	Development Plan Approval in an existing Planned Development District (PD O07-034) with a waiver regarding limits to the number of construction materials.
APPLICANT:	UDR, represented by Ms. Amy Sumners of GSO Architects

DISCUSSION:

Background: On October 9, 2007, UDR obtained approval to rezone a 99-acre neighborhood. Six years later in 2013, the zoning for the project was expanded to include 4 additional tracts totaling 21.7 additional acres including the Tom Thumb-anchored Brookhaven Village shopping center, the Burger House site at 14248 Marsh Lane, and the KinderCare site at 3710 Spring Valley Road. The planned development district zoning established development standards and a concept plan. It also established that prior to the issuance of a building permit for any project within the PD district, a development plan for the project must be approved by the Planning and Zoning Commission and the City Council.

The shopping center, as it currently exists, sits on 17.893 acres and consists of 176,860 square feet of retail. UDR is coming forward with a development plan to reconstitute this as a smaller retail center around Tom Thumb.

Proposed Plan: The proposed project requires the demolition of the KinderCare facility as well as two of the existing buildings in the northern half of the retail center. The plan is to create a new center with a total of 86,310 square feet of retail. This would include the existing 60,000 square foot Tom Thumb grocer, a new multi-tenant retail building of 17,500 square feet, and three pad sites for two drive-through restaurants and one gasoline service station for Tom Thumb. Additional retail would be incorporated in future phases of the Vitruvian development.

In addition, Tom Thumb would receive an exterior renovation that would tie it into the new look of the center. The site improvements also contemplate upgraded landscaping and pedestrian connections. There will be a clear pedestrian connection and entry feature extending from Marsh Lane to Tom

Thumb. Additionally, a pedestrian connection has been proposed between the two retail buildings that will promote walkability once the residential properties to the east are redeveloped.

Staff Review: Development Plan approval differs from a typical zoning case. While zoning is a legislative decision with wide latitude given during the consideration process, development plan approval is a ministerial function more like plat approval. The purpose of the development plan approval process is to review the proposal in the context of the existing zoning requirements for the site. If the proposal meets the requirements, then it must be approved.

The remainder of the staff report will address each section of the ordinance and how the proposed plan complies. This case is being taken forward in conjunction with various amendments to the governing ordinance detailed in case 1735-Z. During the meeting, the Commission will consider case 1735-Z prior to hearing this case. For the sake of this analysis, staff will include the new requirements as if they were approved.

Uses: Standalone retail is permitted in this section of the Vitruvian development. Grocery stores are a permitted use in the ordinance and any future tenant will need to comply with the permitted uses listed as well. Staff will determine this at the time a certificate of occupancy is requested. The amendments being taken forward in case 1735-Z add restaurants with drive-through service and gasoline service stations as permitted uses with approval of an SUP. This is to accommodate the uses shown on the three pad sites. **The proposed uses meet the standards in the ordinance.**

Development Standards: Development standards regulate the setbacks, building heights, lot sizes, and square footages of certain uses. Retail and restaurant space is limited to 500,000 square feet throughout the entire Vitruvian Park development. Including the proposed improvements to the shopping center, the development will have approximately 107,000 square feet. **The proposal meets the development standards in the ordinance.**

Open Space: Open Space is required with residential uses. Since this proposal is entirely retail, no additional open space is required. **Not applicable.**

Parking: The development plan includes a total of 536 parking spaces. Assuming a mixture of retail and restaurant tenants, it is anticipated that 447 spaces will be required to meet the necessary parking ratios. This includes the proposed 1 space per 100 square foot ratio for restaurants being added to the PD ordinance in case 1735-Z. Exact compliance will be assessed and managed as certificates of occupancy are requested for future tenants. **The proposal meets the parking requirements in the ordinance.**

Streets: There are no public streets in this area of the development and the center is exempted from the block length requirements. **Not applicable.**

Exterior Appearance: The shopping center is exempted from the masonry requirements applied to the other parts of the development. The applicant is proposing to use a variety of materials including

glass, brick, stone, and concrete, with small amounts of EIFS, metal, and wood. This wood paneling, known as Prodema, is the same used on the exterior of Fiori and is a high quality, resilient material.

The ordinance requires that at least 70% of the ground floor wall of retail uses be transparent glass. The proposed retail building has 79.6% glass fronting Spring Valley and 86.6% glass fronting Marsh.

The ordinance stipulates that a building not use more than three materials, excluding glass. The applicant is requesting a waiver from this requirement and is proposing to use six on the multi-tenant retail building. Typically, a large number of building materials can cause a building to look disjointed. However, in a retail setting, there is a competing interest in distinguishing the various retail spaces. In this case, staff believes that the number of materials and the specific design of the multi-tenant building do not distract from the esthetic and actually help tie in the shopping center to the rest of the development. **The proposal does not meet the exterior appearance requirements in the ordinance relating to the number of building materials. Waiver requested.**

Landscape: The shopping center is exempt from the landscaping requirement of the ordinance. That being said, the applicant has worked closely with staff to add landscaping in key areas. Additional tree islands and plantings are being proposed in the parking lot, at entry points to the center, and along pedestrian paths. Landscaping is proposed on the eastern edge of the property along the parking lot and behind the Tom Thumb building. This will provide screening and buffering to the current and future residential uses adjacent to the site. **Not applicable.**

Sustainability: The shopping center is exempt from the sustainability requirements of the ordinance. **Not applicable.**

Screening: The ordinance requires that mechanical equipment as well as loading, service, and trash storage areas be screened from view of all public roadways. Service and trash storage areas are in compliance. Staff cannot determine whether screening is adequate at this time because equipment has not been designed and located. However, staff will check building permit plans to see that all mechanical equipment is screened. **The proposal meets the screening requirements in the ordinance or will comply prior to the issuance of a building permit.**

Flexible standards: The ordinance grants the Planning and Zoning Commission and City Council the authority to approve waivers from the standards included in the ordinance. **The applicant is requesting a waiver to the number of building materials permitted in order to have six materials on Building B.**

RECOMMENDATION: **APPROVAL**

The redevelopment of the Brookhaven Village Shopping Center represents an important step for Vitruvian Park. Maintaining a quality grocer is vital to a successful large scale mixed use development. Reconstituting the shopping center to accommodate the existing Tom Thumb while anticipating future integration into the rest of Vitruvian is a delicate task. It was important to staff that while the center needs to stand on its own for the time being, upon full buildout it should not seem

disintegrated or unconnected from the rest of the development. Steps were taken architecturally to tie the development esthetically into certain design elements of Vitruvian Park as well as through the pedestrian connection between the Tom Thumb building and building B that will eventually align with a street and sidewalk running to the east. While all retail requires a “backside,” this has been mitigated as much as possible through the proposed landscaping and additional architectural elements included on eastern façades.

Staff is supportive of the waiver request regarding the number of building materials. Allowing the tenant spaces to be differentiated through a mixture of materials adds visual interest to the center. This is not unlike the retail fronting Belt Line in Village on the Parkway, which includes five materials.

The three pad sites that are being shown as restaurants and a gasoline service station for Tom Thumb will be assessed in more detail during the Special Use Permitting process to determine both compliance and appropriateness.

Staff recommends approval subject to no conditions.

Land Use Analysis

Attributes of Success Matrix

Brookhaven Village, Southeast corner Marsh and Spring Valley **1727-Z**

Attribute	Comment	Score
Competitive	The existing configuration of the buildings is not conducive to a competitive shopping center. The proposed changes will help reinvigorate the center. Fuel service will improve Tom Thumb's ability to attract customers.	
Safe	Adding vibrancy to the development will increase customer traffic and promote a safer environment.	
Functional	The reoriented retail will be more functional than it is now. The site has also been designed to integrate well with future phases of the redevelopment.	
Visually Appealing	The proposed materials will add visual interest to the buildings. Additional landscaping will also help improve the visibility of the project.	
Supported with Amenities	This will provide important new retail amenities to the adjacent residential properties and will eventually be incorporated into the redevelopment.	
Environmentally Responsible	Redeveloping the center and creating a mixed use development is an environmentally responsible development pattern.	
Walkable	The new plan improves walkability.	
Overall Assessment	**This will be an important entry point to Vitruvian Park. The proposed plan updates and improves the design of this center and plans ahead for future integration with the broader development.**	

Case 1727-Z/Vitruvian West I
April 19, 2016

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance granting development plan approval for a development of a retail center of approximately 86,310 square feet or retail and restaurant space in an existing Planned Development District (PD O07-036), subject to the following waivers of design standard:

1. Number of building materials on Building B may be 6 materials, instead of 3

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer, Smith
Voting Nay: none
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR APPROVAL OF A DEVELOPMENT PLAN FOR RETAIL CENTER IN A PLANNED DEVELOPMENT ZONING DISTRICT (016-____) LOCATED ON 11.5 ACRES LOACTED AT THE SOUTHEAST CORNER OF MARSH LANE AND SPRING VALLEY ROAD, ON APPLICATION FROM UNITED DOMINION REALTY, PROVIDING FOR APPROVAL OF A WAIVER TO DEVELOPMENT STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the area generally known as Vitruvian Park was zoned PD, Planned Development, with development standards and a concept plan governing the entire property through Ordinance O07-034 and was amended through Ordinances O13-026 and O16-____; and

WHEREAS, the PD requires development plan approval prior to the issuance of a building permit; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at the public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this ordinance promotes the general welfare and safety of this community.

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

Section 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

Section 2. The property shall be improved in accordance with the development plans which are attached hereto as **Exhibit A** and made hereof for all purposes.

Section 3. The following waivers to development standards are hereby placed on the property.

1. Number of building materials on Building B may be 6 materials, instead of 3.

Section 4. 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 5. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

Section 6. 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.

Section 7. That this Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

_____
Laura Bell, City Secretary

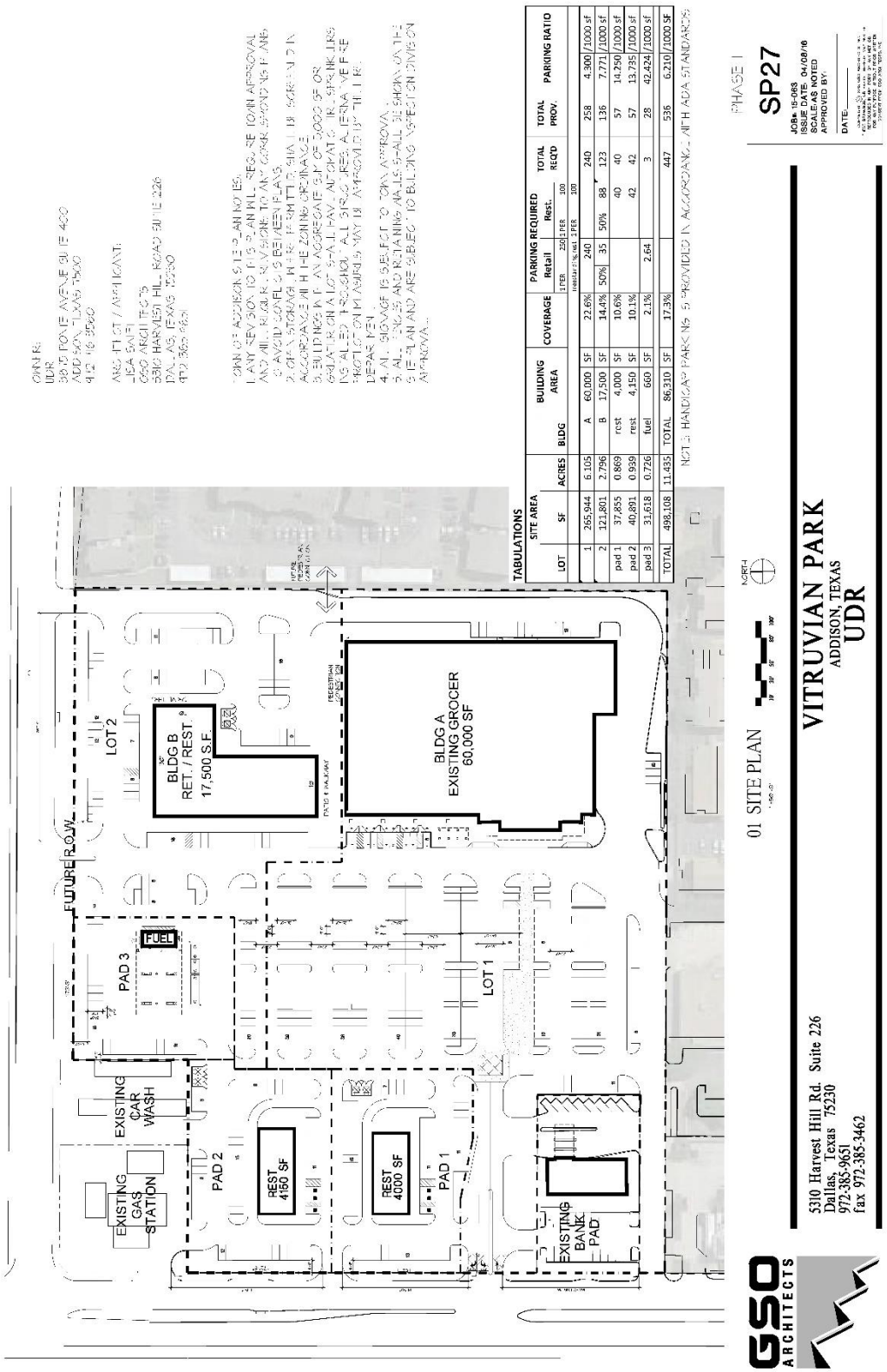
CASE NO: 1727-Z/Brookhaven Village

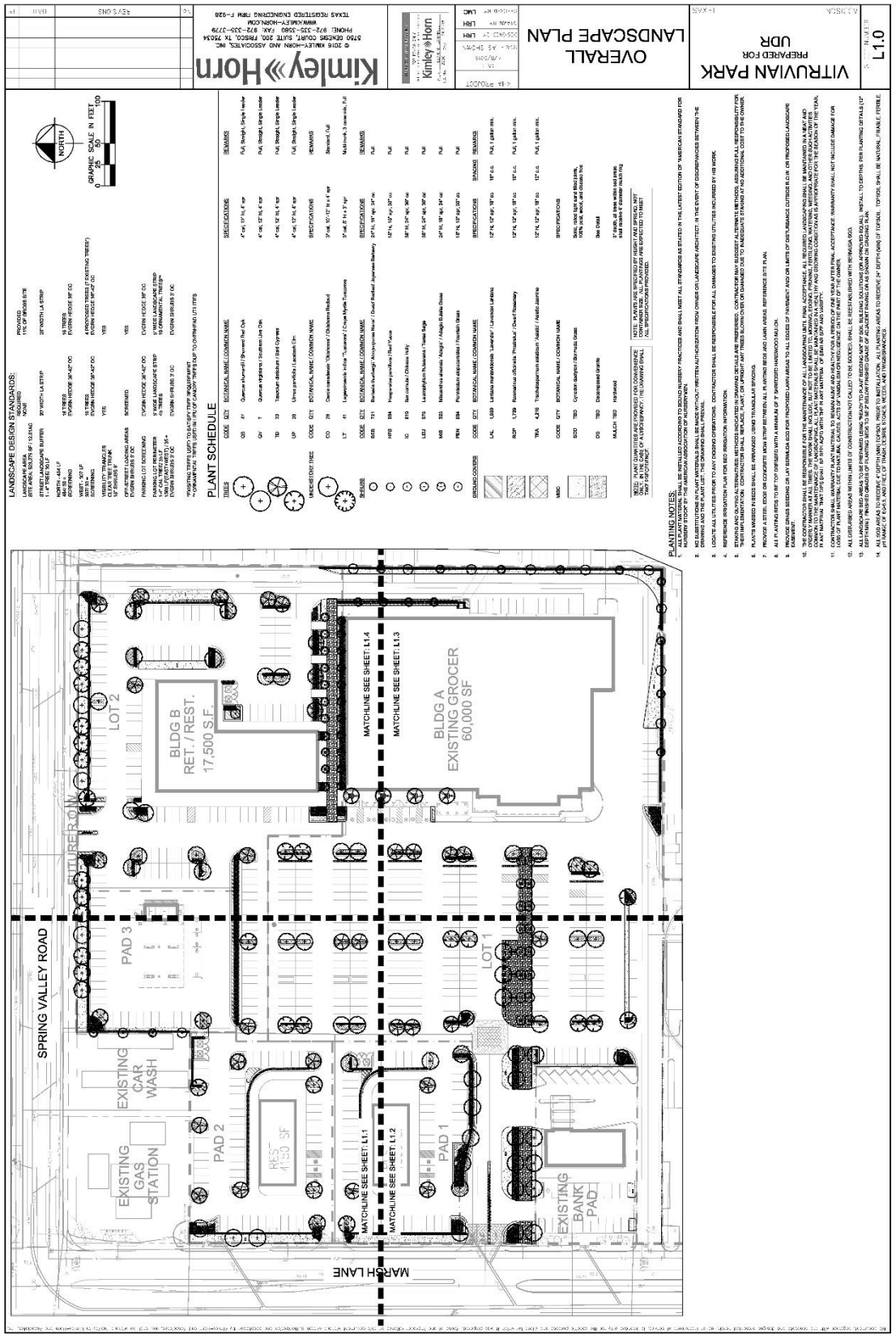
APPROVED AS TO FORM:

_____
Brenda N. McDonald, City Attorney

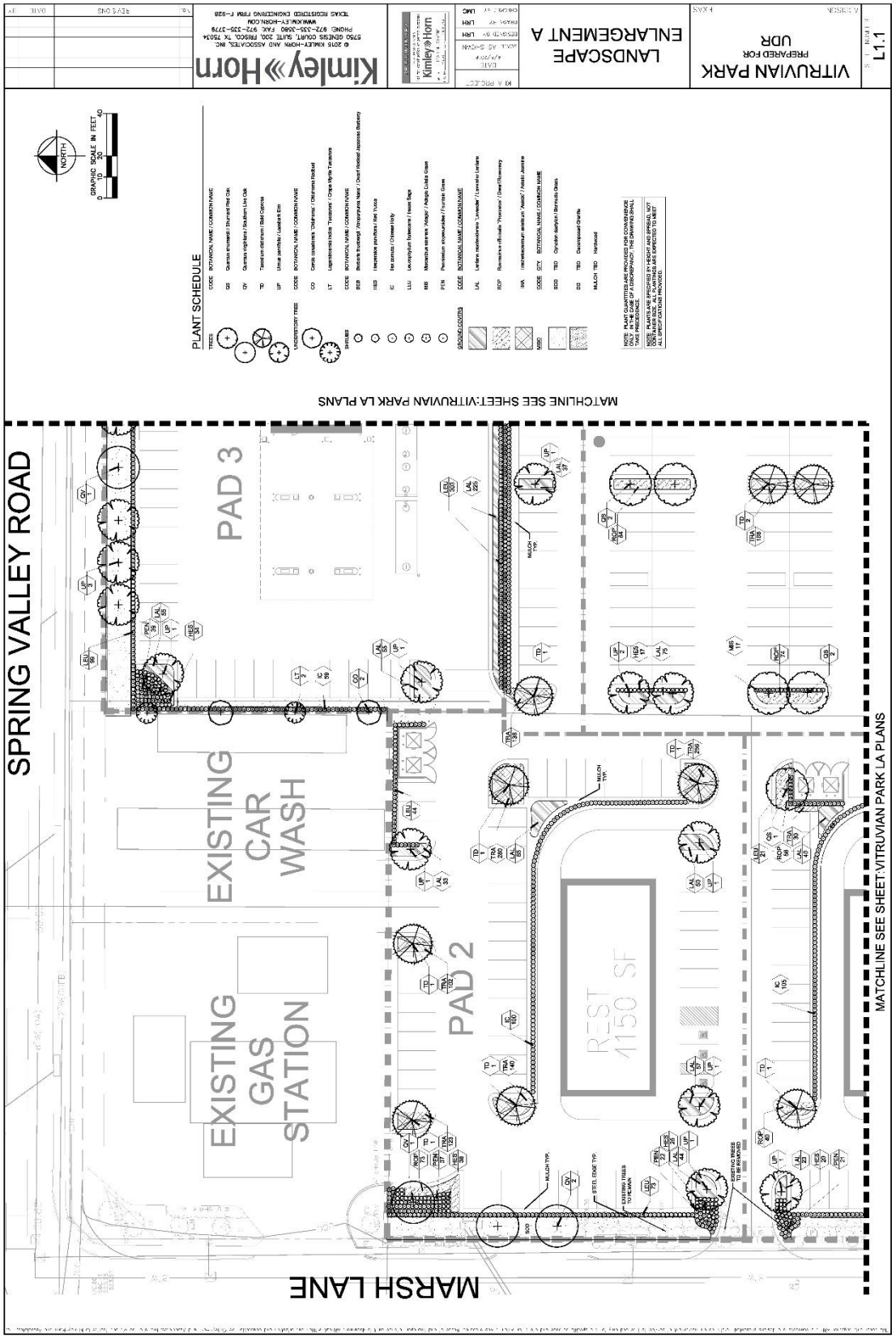
PUBLISHED ON: _____

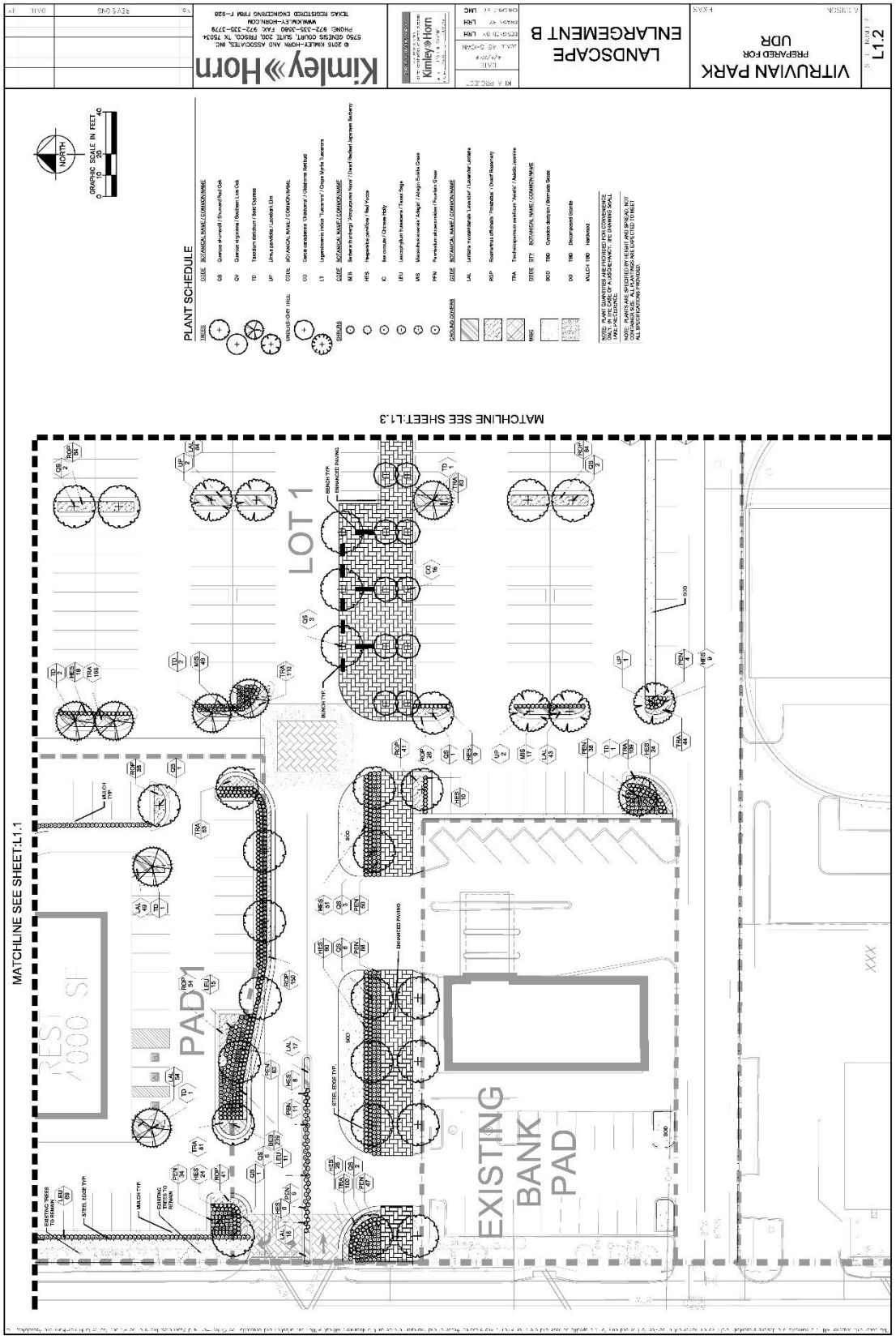
EXHIBIT A: DEVELOPMENT PLANS

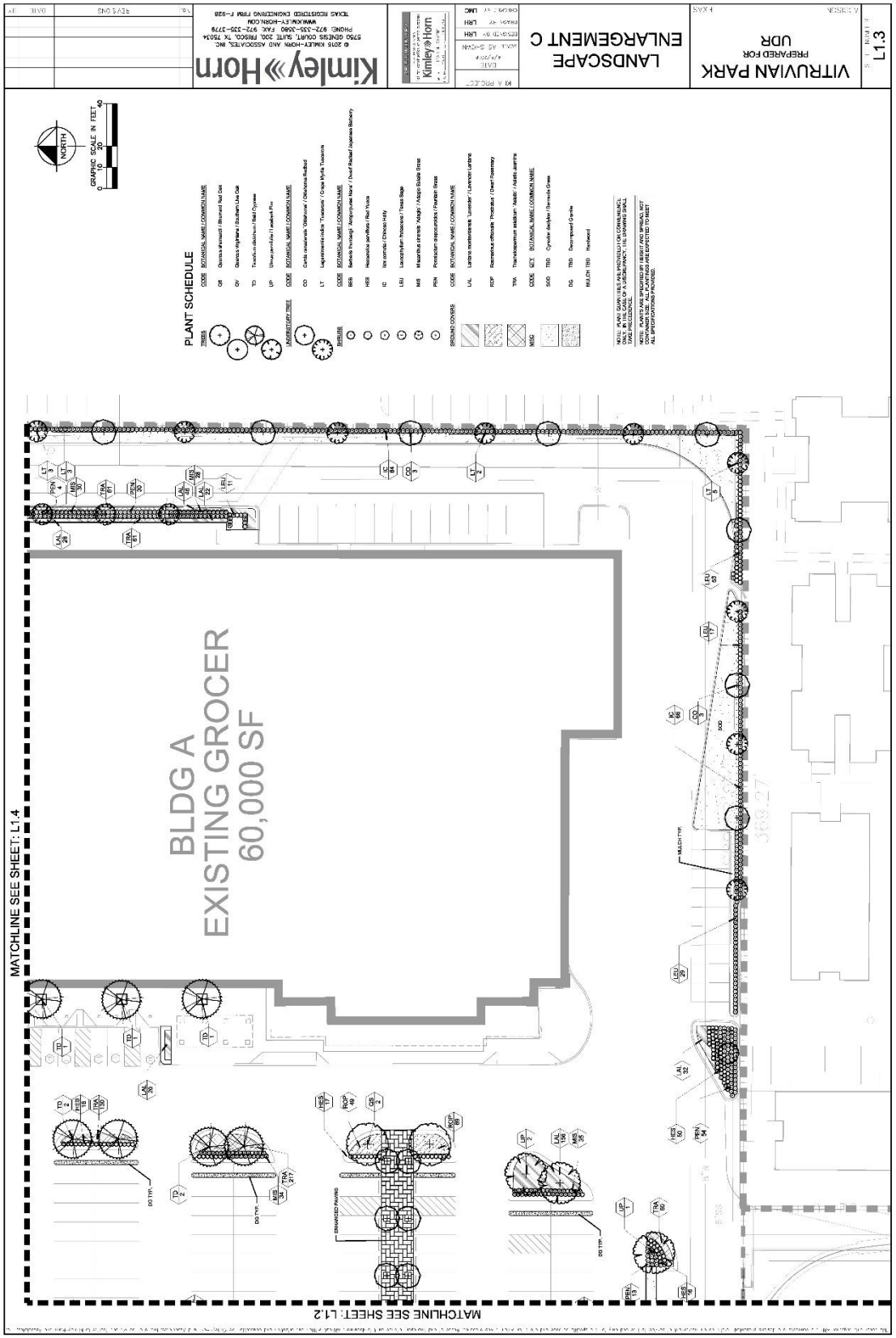


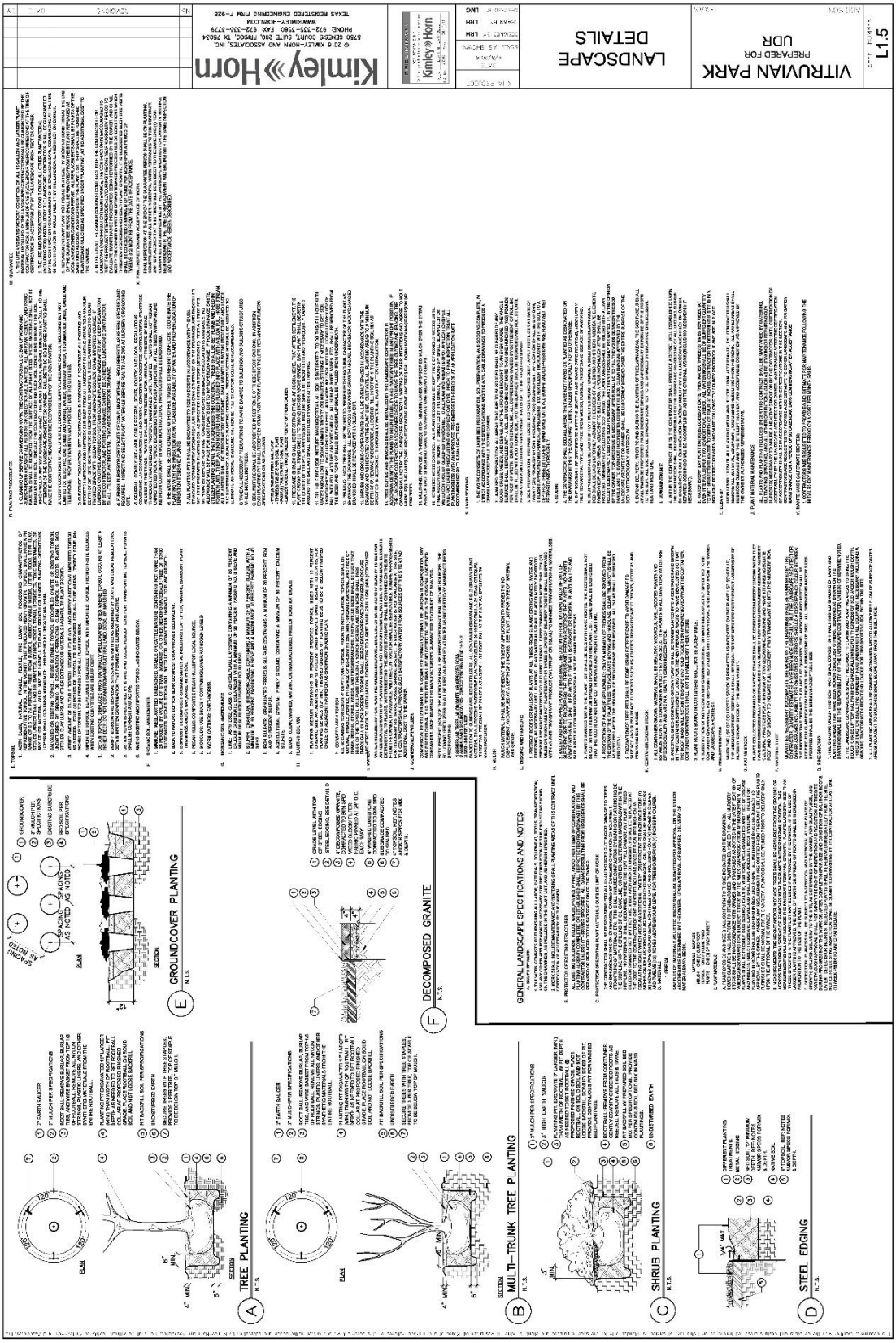


Ordinance No. _____


VITRUVIAN PARK
PREPARED FOR
UDR
LANDSCAPE
ENLARGEMENT A
L1.1
Kimley»Horn
PLANT SCHEDULE
SPRING VALLEY ROAD
MARSH LANE
PAD 3
PAD 2
EXISTING CAR WASH
EXISTING GAS STATION
REST
4150 SF
MATCHLINE SEE SHEET:VITRUVIAN PARK LA PLANS
MATCHLINE SEE SHEET:VITRUVIAN PARK LA PLANS


VITRUVIAN PARK
PREPARED FOR
UDR
LANDSCAPE
ENLARGEMENT B
L1.2
Kimley»Horn
PLANT SCHEDULE
GRAPHIC SCALE IN FEET
NORTH
MATCHLINE SEE SHEET:L1.3
MATCHLINE SEE SHEET:L1.1
LOT 1
PAD 1
REST
4000 SF
EXISTING
BANK
PAD
XXX


VITRUVIAN PARK
PREPARED FOR
UDR
LANDSCAPE
ENLARGEMENT C
L1.3
Kimley»Horn
PLANT SCHEDULE
GRAPHIC SCALE IN FEET
NORTH
BLDG A
EXISTING GROCER
60,000 SF
MATCHLINE SEE SHEET: L1.4
MATCHLINE SEE SHEET: L1.2


VITRUVIAN PARK
PREPARED FOR
UDR
LANDSCAPE
DETAILS
L1.5
Kimley»Horn
GENERAL LANDSCAPE SPECIFICATIONS AND NOTES
A TREE PLANTING
B MULTI-TRUNK TREE PLANTING
C SHRUB PLANTING
D STEEL EDGING
E GROUNDCOVER PLANTING
F DECOMPOSED GRANITE

OVERALL WEST ELEVATION

NOT TO SCALE

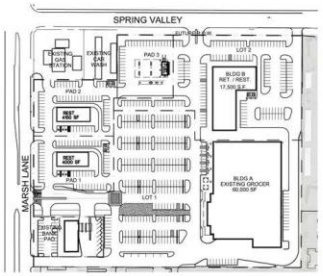
01 SOUTH ELEVATION

1/32"=1'-0"

MATERIAL CALCULATIONS:

SOUTH		
BRICK	264	8.73%
STONE	0	0.00%
CONCRETE	1741	57.55%
MASONRY W/O GLASS	**2005**	**66.28%**
GLASS	671	22.18%
MASONRY W/ GLASS	**2676**	**88.46%**
EIFS	163	5.39%
METAL	54	1.79%
WOOD	132	4.36%
OTHER TOTAL	**349**	**11.54%**
TOTAL	**3025**	

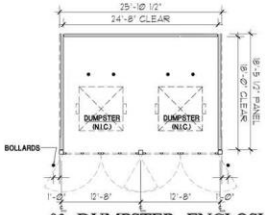
EAST		
BRICK	0	0.00%
STONE	232	4.66%
CONCRETE	3649	73.23%
MASONRY TOTAL	**3881**	**77.88%**
GLASS	372	7.47%
MASONRY W/ GLASS	**4253**	**85.35%**
EIFS	116	2.33%
METAL	96	1.93%
WOOD	518	10.40%
OTHER TOTAL	**730**	**14.65%**
TOTAL	**4983**	



KEY PLAN

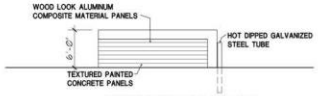
02 EAST ELEVATION

1/32"=1'-0"



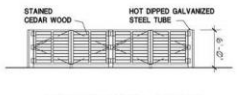
03 DUMPSTER ENCLOSURE PLAN

1/16"=1'-0"



05 DUMPSTER ENCL. SIDE ELEVATION

1/16"=1'-0"



04 DUMPSTER ENCL. FRONT ELEVATION

1/16"=1'-0"

OWNER:
UDR
3875 PONTE AVENUE SUITE 400
ADDISON, TEXAS 75001
972 716 3560

ARCHITECT / APPLICANT:
LISA SWIFT
GSO ARCHITECTS
5310 HARVEST HILL ROAD SUITE 226
DALLAS, TEXAS 75230
972 385 9651

NOTES:
THE FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE.
WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING.
ALL SIGNAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES.
ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.

GSO ARCHITECTS

5310 Harvest Hill Rd. Suite 226
Dallas, Texas 75230
972-385-9651
fax 972-385-3462

VITRUVIAN PARK

ADDISON, TEXAS

UDR

ELEV11

JOB#: 15-063
ISSUE DATE: 04/08/16
SCALE: AS NOTED
APPROVED BY:

DATE:

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Ordinance No. _____

Case No. 1727-Z/Brookhaven Village

OVERALL WEST ELEVATION

NOT TO SCALE

01 NORTH ELEVATION

1/32"=1'-0"

MATERIAL CALCULATIONS:

NORTH		
BRICK	385	12.90%
STONE	340	11.39%
CONCRETE	587	19.66%
MASONRY W/O GLASS	**1312**	**43.95%**
GLASS	1064	35.64%
MASONRY W/ GLASS	**2376**	**79.60%**
EIFS	125	4.19%
METAL	184	6.16%
WOOD	300	10.05%
OTHER TOTAL	**609**	**20.40%**
TOTAL	**2985**	

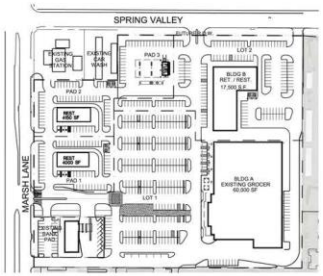
WEST		
BRICK	8228	54.86%
STONE	1502	10.01%
CONCRETE	558	3.72%
MASONRY TOTAL	**10288**	**68.60%**
GLASS	2697	17.98%
MASONRY W/ GLASS	**12985**	**86.58%**
EIFS	264	1.76%
METAL	1388	9.25%
WOOD	361	2.41%
OTHER TOTAL	**2013**	**13.42%**
TOTAL	**14998**	

02 PARTIAL WEST ELEVATION

1/32"=1'-0"

03 PARTIAL WEST ELEVATION

1/32"=1'-0"



KEY PLAN

OWNER:
UDR
3515 PONTE AVENUE SUITE 400
ADDISON, TEXAS 75001
972 716 3560

ARCHITECT / APPLICANT:
LISA SWIFT
GSO ARCHITECTS
5310 HARVEST HILL ROAD SUITE 226
DALLAS, TEXAS 75230
972 385 9651

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ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.

GSO ARCHITECTS

5310 Harvest Hill Rd. Suite 226
Dallas, Texas 75230
972-385-9651
fax 972-385-3462

VITRUVIAN PARK

ADDISON, TEXAS

UDR

ELEV11

JOB#: 15-063
ISSUE DATE: 04/08/16
SCALE: AS NOTED
APPROVED BY:

DATE:

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AI-1617 **Item # 22.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Hold A Public Hearing, Discuss And Consider Action On An **Ordinance Approving A Development Plan For The Development The Addison Grove Project Including A Site Plan, Landscape Plan And Building Elevations And Floor Plans For 57 Townhomes In Accordance With The Planned Development District (PD), Established By Ordinance No. O16-003 On Property Located At 4150 Belt Line Road, On Application From Fenway Development, Inc**. Case 1729-Z/Addison Grove Block B

BACKGROUND:

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance granting development plan approval for the overall site plan and landscape plan as well as building elevations and floor plans for 57 Townhomes in an existing Planned Development District (PD o16-003), subject to the following condition:

- The fences shown on the site plan along Beltway Park be revised to provide public access between the Townhomes.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer
Voting Nay: Smith
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

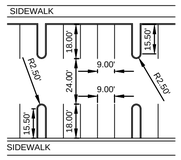
For: none
On: none
Against: none

In January 2016, the City Council approved a Planned Development (PD) for this site through Ordinance No. O16-003. The PD for that site requires the property owner to request development plan approval prior to beginning construction. During the approval process, the proposed development plans are compared to the concept plan and development standards included in the PD. If the development plan conforms with PD requirements, the Town is obligated to approve the request. Additional information regarding this item can be found in the attached staff report.

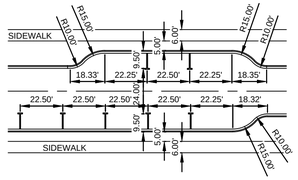
RECOMMENDATION:
Administration recommends approval.

Attachments

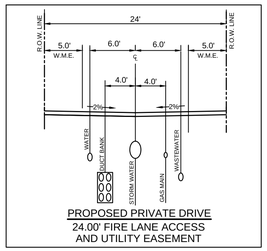
1729-Z Conceptual Renderings
1729-Z Site and Landscape Plans
1729-Z Block B Floor Plans and Building Elevations
1729-Z Staff Report
Ordinance



HEAD-IN PARKING
DETAIL (TYPICAL)
SCALE: 1" = 40'

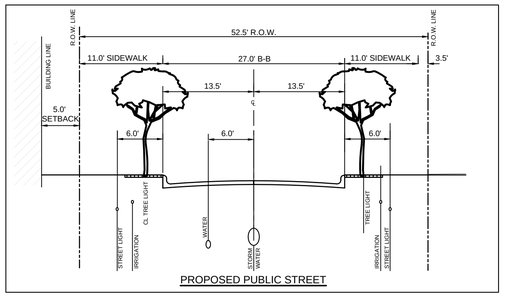


ON-STREET PARKING
DETAIL (TYPICAL)
SCALE: 1" = 40'



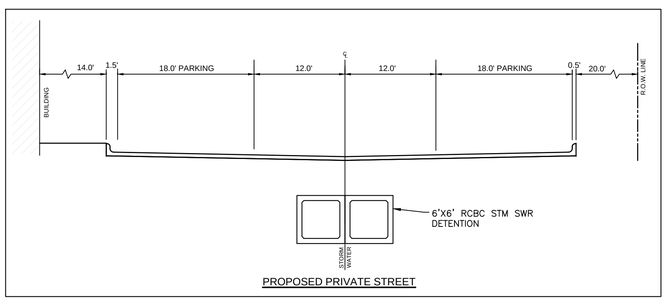
PROPOSED PRIVATE DRIVE
24.00' FIRE LANE ACCESS
AND UTILITY EASEMENT

SECTION D-D



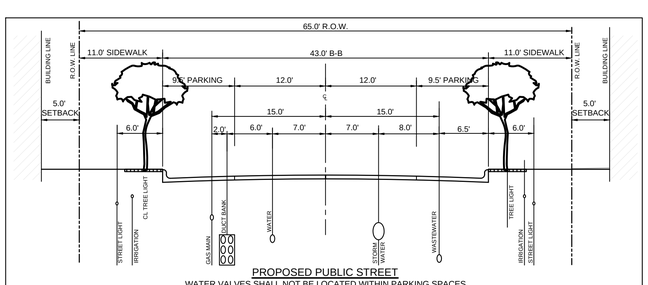
PROPOSED PUBLIC STREET

SECTION C-C



PROPOSED PRIVATE STREET

SECTION B-B

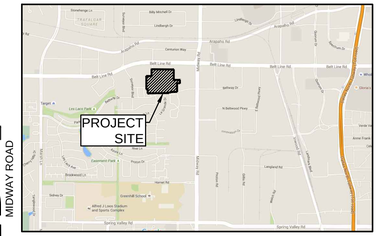


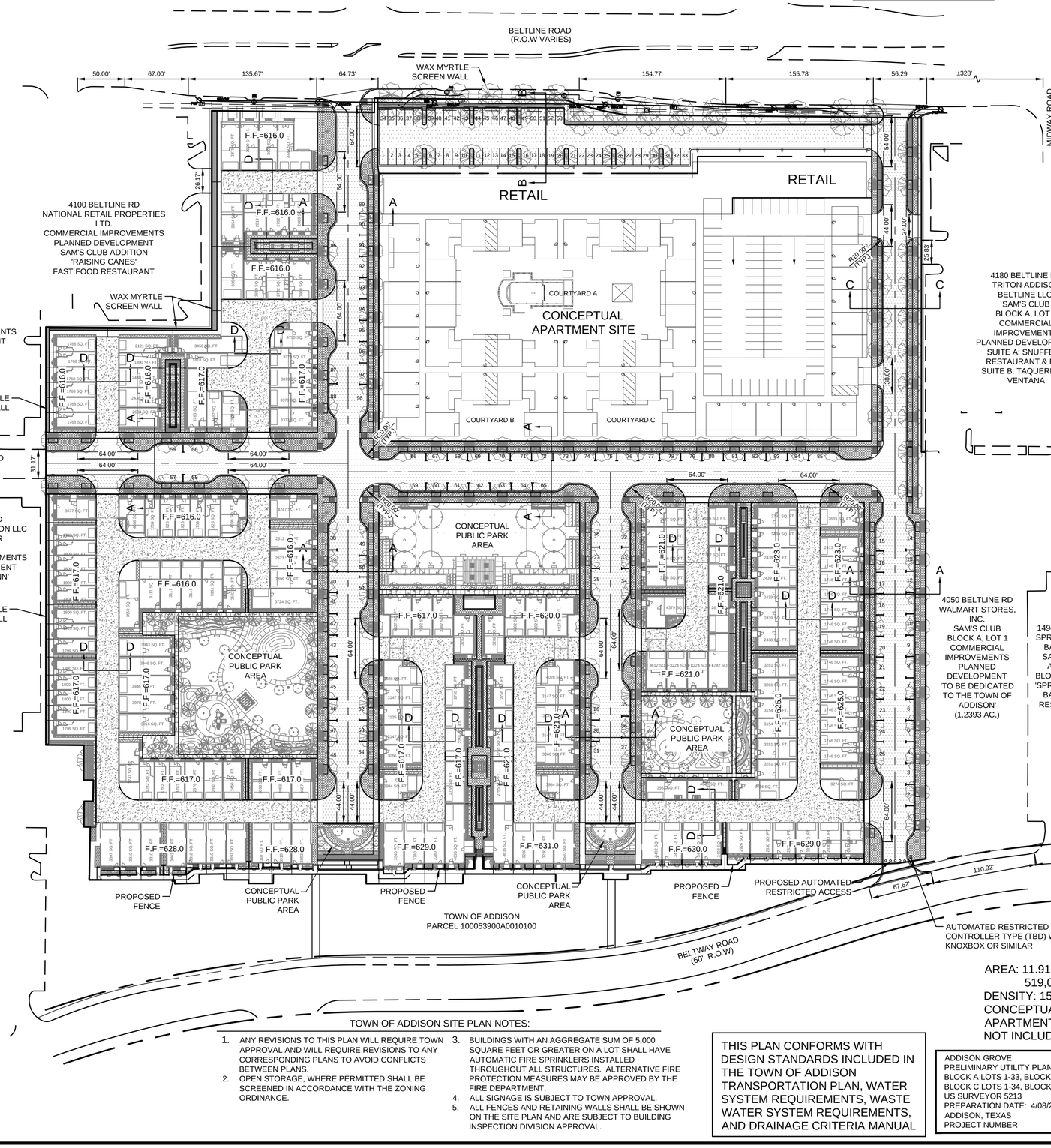
PROPOSED PUBLIC STREET
WATER VALVES SHALL NOT BE LOCATED WITHIN PARKING SPACES
VALVES TO BE ACCESSIBLE AT ALL TIMES

SECTION A-A

NO FLOODPLAIN
EXISTS ON THE SITE

VICINITY MAP





UTILITY LEGEND

- PROPOSED TREE WELL
- 1-100 — PARKING SPACES (PUBLIC STREETS) W/ 3 ADA ACCESSIBLE PARKING SPACES AND 1 ADA VAN PARKING SPACE
- 1-53 — PRIVATE STREET CONCEPTUAL PARKING SPACES W/ 2 ADA ACCESSIBLE PARKING SPACES AND 1 ADA VAN PARKING SPACE
- PUBLIC R.O.W. (SECTION B–B, C–C & D–D) FIRE LANE ACCESS
- CONCRETE PRIVATE DRIVE–24.00' FIRE LANE ACCESS AND UTILITY EASEMENT
- SIDEWALK RAMP
- SIDEWALK

0' 60' 120'
SCALE: 1" = 60'

TOWN OF ADDISON SITE PLAN NOTES:

1. ANY REVISIONS TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
2. OPEN STORAGE, WHERE PERMITTED SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
3. BUILDINGS WITH AN AGGREGATE SUM OF 5,000 SQUARE FEET OR GREATER ON A LOT SHALL HAVE AUTOMATIC FIRE SPRINKLERS INSTALLED THROUGHOUT ALL STRUCTURES. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
4. ALL SIGNAGE IS SUBJECT TO TOWN APPROVAL.
5. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.

THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL

AREA: 11.9147 AC.
519,005 SF.
DENSITY: 15 D.U./AC.
CONCEPTUAL
APARTMENT SITE
NOT INCLUDED

ADDISON GROVE
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57,
BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
PREPARATION DATE: 4/08/2016
ADDISON, TEXAS
PROJECT NUMBER

ACTION

APPROVED DENIED

STAFF _____ DATE _____ INITIALS

COUNCIL _____ DATE _____ INITIALS

SEE THE STAFF APPROVAL LETTER OR COUNCIL RESULT MEMO FOR ANY CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE PROJECT.

SITE PLAN

ADDISON GROVE

SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
1520 OLIVER STREET, HOUSTON, TEXAS 77007
(713) 961-3877
TBPE FIRM: F–9171

SCALE: 1" = 60'	PROJ. NO.	
DRAWN BY: JDS	DATE	SHEET
CHK'D BY: CDP	04/08/2016	1 OF 7
APPROVED: CDP		

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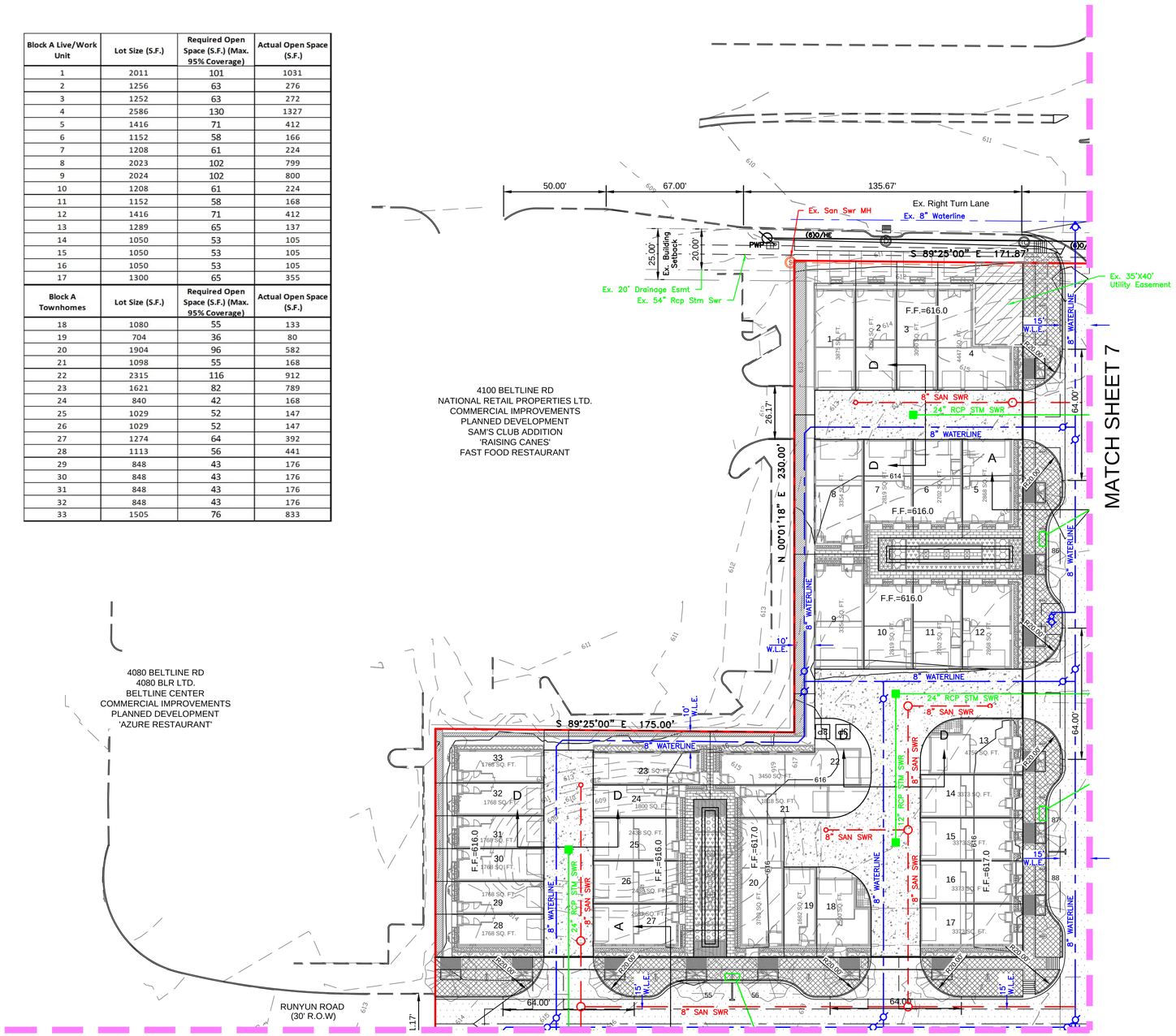
Block A Live/Work Unit	Lot Size (S.F.)	Required Open Space (S.F.) (Max. 95% Coverage)	Actual Open Space (S.F.)
1	2011	101	1031
2	1256	63	276
3	1252	63	272
4	2586	130	1327
5	1416	71	412
6	1152	58	166
7	1208	61	224
8	2023	102	799
9	2024	102	800
10	1208	61	224
11	1152	58	168
12	1416	71	412
13	1289	65	137
14	1050	53	105
15	1050	53	105
16	1050	53	105
17	1300	65	355

Block A Townhomes	Lot Size (S.F.)	Required Open Space (S.F.) (Max. 95% Coverage)	Actual Open Space (S.F.)
18	1080	55	133
19	704	36	80
20	1904	96	582
21	1098	55	168
22	2315	116	912
23	1621	82	789
24	840	42	168
25	1029	52	147
26	1029	52	147
27	1274	64	392
28	1113	56	441
29	848	43	176
30	848	43	176
31	848	43	176
32	848	43	176
33	1505	76	833



NO FLOODPLAIN EXISTS ON THE SITE

UTILITY LEGEND

- SANITARY SEWER AND MANHOLE
- SANITARY SEWER AND CLEANOUT
- EXISTING SANITARY SEWER AND MANHOLE
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED WATERLINE WITH GATE VALVE AND BOX WITH 10' W.L.E.
- EXISTING WATERLINE WITH GATE VALVE AND BOX
- PROPOSED STORM SEWER WITH MANHOLE AND INLETS
- PROPOSED PRIVATE STORM SEWER
- PROPOSED DETENTION
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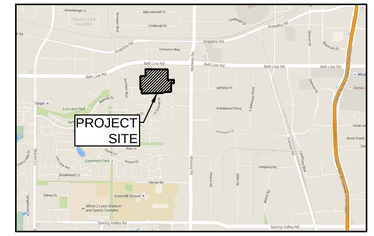
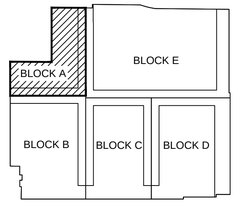
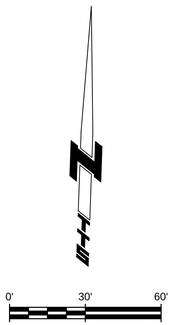
- SIDEWALK RAMP
- SIDEWALK

VICINITY MAP





LOCATION MAP



0' 30' 60'

SCALE: 1" = 30'

TOWN OF ADDISON SITE PLAN NOTES:

1. ANY REVISIONS TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
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ACTION

APPROVED DENIED

STAFF _____ DATE _____ INITIALS

COUNCIL _____ DATE _____ INITIALS

SEE THE STAFF APPROVAL LETTER OR COUNCIL RESULT MEMO FOR ANY CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE PROJECT.

THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL

ADDISON GROVE
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
PREPARATION DATE: 4/08/2016
ADDISON, TEXAS
PROJECT NUMBER

SITE PLAN AND UTILITY PLAN BLOCK A

ADDISON GROVE

SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
1520 OLIVER STREET, HOUSTON, TEXAS 77007
(713) 961-3877
TBPE FIRM: F-9171

SCALE: 1" = 30'	PROJ. NO.	
DRAWN BY: JDS	DATE	SHEET
CHK'D BY: CDP	04/08/2016	2 OF 7
APPROVED: CDP		

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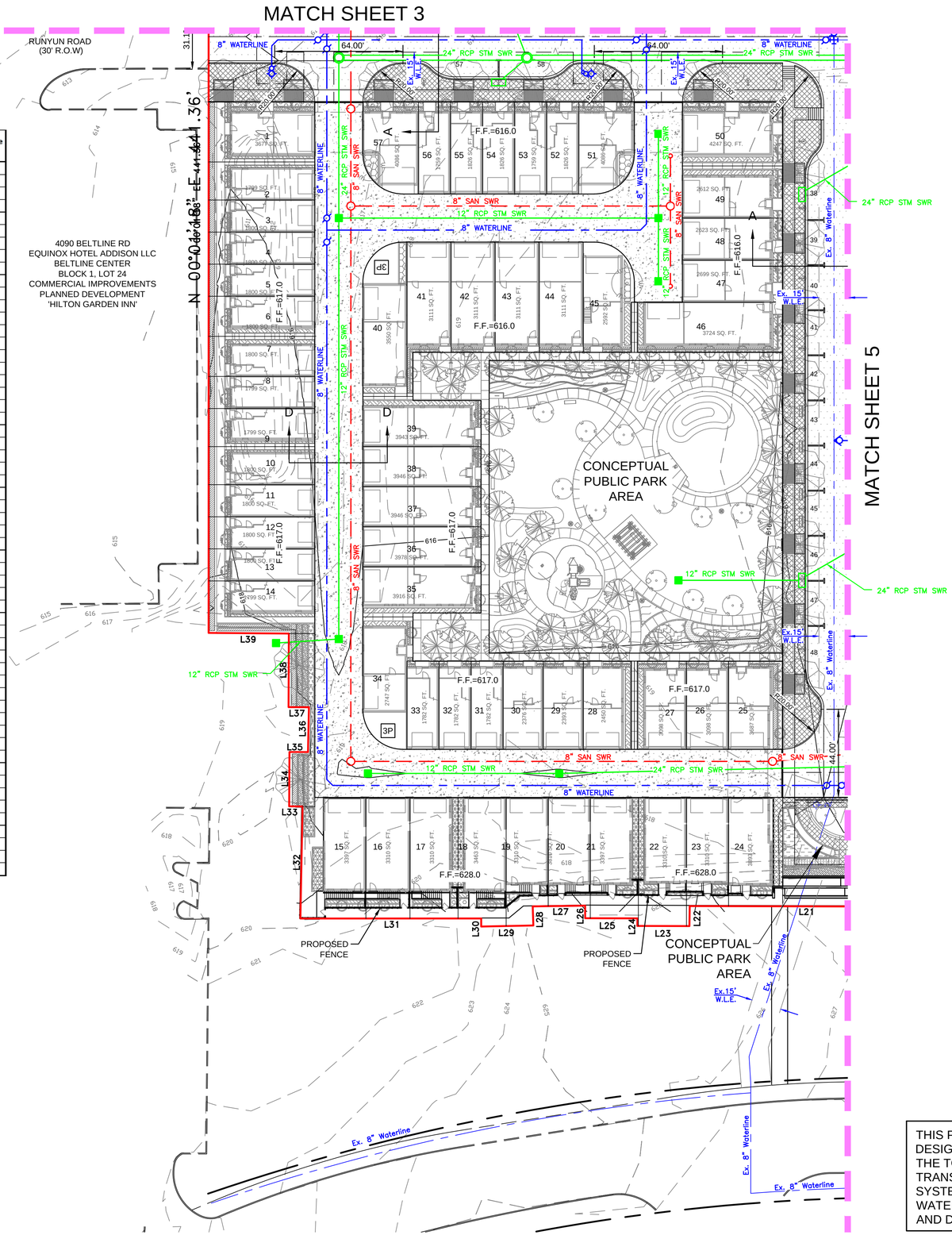
Block B	Lot Size (S.F.)	Required Open Space (S.F.) (Max. 95% Coverage)	Actual Open Space (S.F.)
1	1696	85	666
2	1113	56	338
3	848	43	176
4	848	43	176
5	848	43	176
6	848	43	385
7	848	43	391
8	1113	56	176
9	1113	56	332
10	848	43	338
11	848	43	176
12	848	43	176
13	848	43	176
14	1385	70	710
15	1983	100	945
16	1196	60	316
17	1196	60	482
18	1253	63	531
19	1196	60	304
20	1196	60	185
21	1538	77	480
22	1481	75	573
23	1196	60	187
24	1538	77	455
25	1189	60	306
26	925	47	85
27	1145	58	305
28	1123	57	282
29	881	45	61
30	881	45	61
31	704	36	48
32	704	36	48
33	704	36	48
34	1434	72	177
35	1407	71	294
36	1180	60	70
37	1180	60	70
38	1180	60	70
39	1407	71	294
40	1608	81	113
41	1276	64	136
42	1210	61	70
43	1210	61	70
44	1210	61	70
45	1317	66	309
46	1850	93	446
47	1050	53	105
48	1050	53	105
49	1300	65	355
50	1600	80	610
51	1191	60	230
52	736	37	81
53	736	37	81
54	736	37	81
55	736	37	81
56	736	37	81
57	1191	60	140



NO FLOODPLAIN EXISTS ON THE SITE

UTILITY LEGEND

- SANITARY SEWER AND MANHOLE
- SANITARY SEWER AND CLEANOUT
- EXISTING SANITARY SEWER AND MANHOLE
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED WATERLINE WITH GATE VALVE AND BOX WITH 10' W.L.E.
- EXISTING WATERLINE WITH GATE VALVE AND BOX
- PROPOSED STORM SEWER WITH MANHOLE AND INLETS
- PROPOSED PRIVATE STORM SEWER
- PROPOSED DETENTION
- EXISTING STORM SEWER AND MANHOLE
- EXISTING INLET
- [P] [3P] PROPOSED TRANSFORMER SINGLE OR 3-PHASE
- PROPOSED TREE WELL
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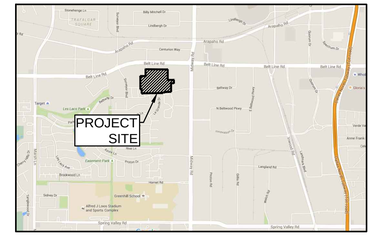
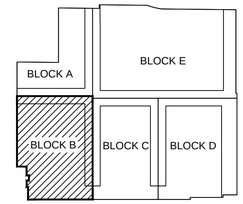
- PUBLIC R.O.W. (SECTION B-B, C-C & D-D) FIRE LANE ACCESS
- CONCRETE PRIVATE DRIVE- 24.00' FIRE LANE ACCESS AND UTILITY EASEMENT
- SIDEWALK RAMP
- SIDEWALK

LINE	BEARING	DISTANCE
L21	N 89°52'58" W	97.97'
L22	S 00°50'42" W	9.97'
L23	N 89°51'34" W	26.00'
L24	N 01°13'34" E	3.78'
L25	N 89°50'28" W	26.13'
L26	N 00°03'21" W	6.29'
L27	S 89°11'29" W	26.17'
L28	S 01°57'56" E	9.55'
L29	S 88°51'00" W	26.04'
L30	N 00°03'17" E	4.02'
L31	S 89°59'14" W	90.27'
L32	N 01°06'11" E	55.89'
L33	N 89°05'26" W	6.66'
L34	N 00°17'52" E	27.11'
L35	S 89°42'08" E	9.26'
L36	N 01°12'33" E	22.36'
L37	N 89°42'08" W	10.17'
L38	N 00°12'51" E	36.71'
L39	N 89°32'21" W	40.05'

VICINITY MAP





LOCATION MAP

TOWN OF ADDISON SITE PLAN NOTES:

1. ANY REVISIONS TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
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0' 30' 60'

SCALE: 1" = 30'

ACTION

APPROVED DENIED

STAFF _____ DATE _____ INITIALS

COUNCIL _____ DATE _____ INITIALS

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ADDISON GROVE
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57,
BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
PREPARATION DATE: 4/08/2016
ADDISON, TEXAS
PROJECT NUMBER

SITE PLAN AND UTILITY PLAN BLOCK B

ADDISON GROVE

SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
1520 OLIVER STREET, HOUSTON, TEXAS 77007
(713) 961-3877
TBPE FIRM: F-9171

SCALE: 1" = 30'	PROJ. NO.	
DRAWN BY: JDS	DATE	SHEET
CHK'D BY: CDP	04/08/2016	3 OF 7
APPROVED: CDP		

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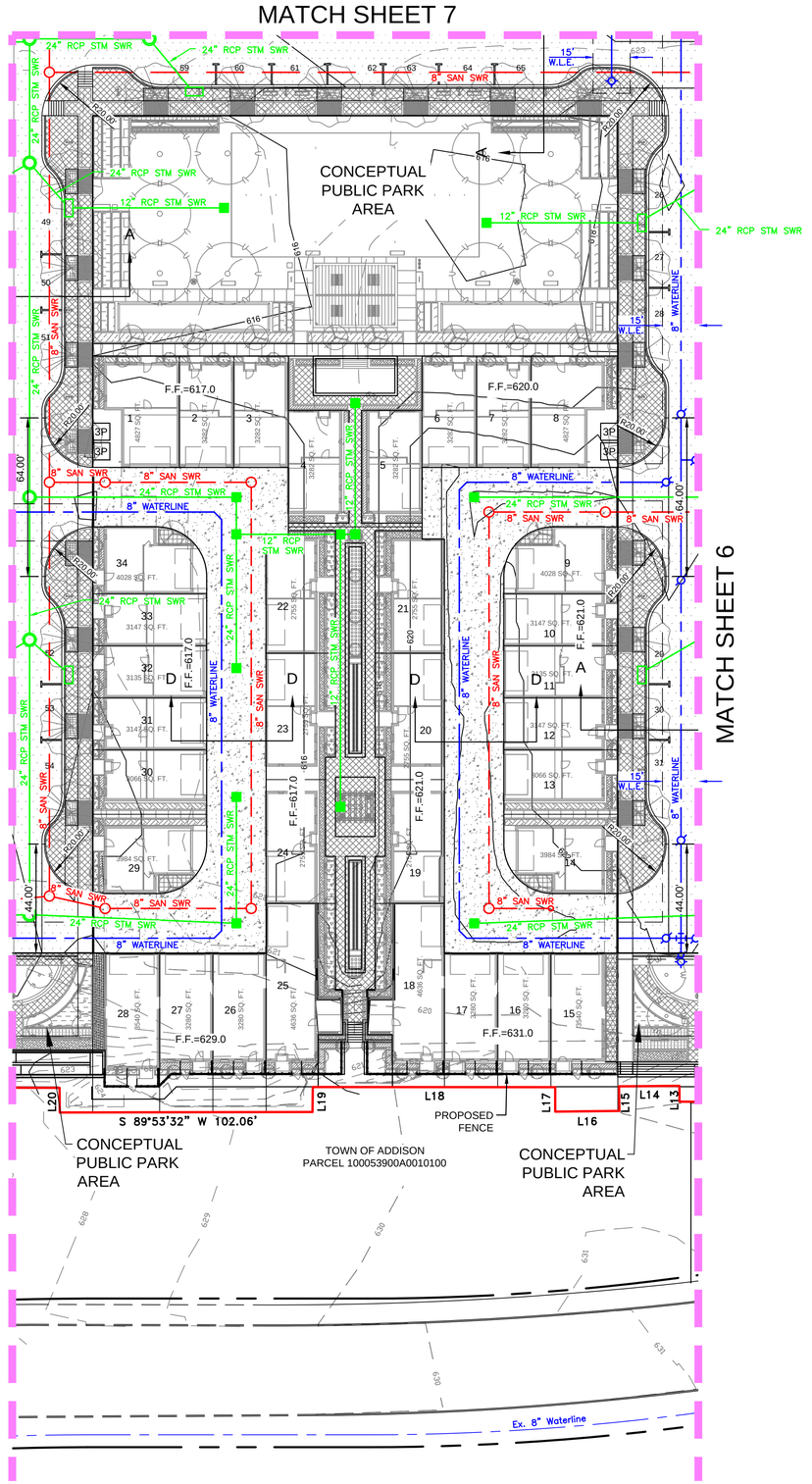
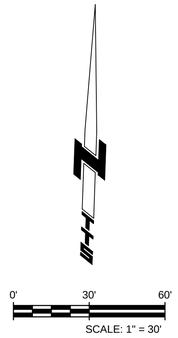
Block C	Lot Size (S.F.)	Required Open Space (S.F.) (Max. 95% Coverage)	Actual Open Space (S.F.)
1	1574	79	314
2	989	50	65
3	989	50	65
4	1114	56	191
5	1114	56	190
6	989	50	66
7	989	50	66
8	1574	79	315
9	1156	58	135
10	966	49	105
11	966	49	105
12	966	49	105
13	1196	60	335
14	1388	70	375
15	1538	77	671
16	1225	62	218
17	1225	62	218
18	2042	103	490
19	1276	64	331
20	1392	70	428
21	1355	68	390
22	1355	68	390
23	1392	70	428
24	1276	64	331
25	2042	103	675
26	1225	62	435
27	1225	62	435
28	1538	77	706
29	1388	70	452
30	1196	60	335
31	966	49	105
32	966	49	105
33	966	49	105
34	1156	58	135





NO FLOODPLAIN EXISTS ON THE SITE

UTILITY LEGEND

- SANITARY SEWER AND MANHOLE
- SANITARY SEWER AND CLEANOUT
- EXISTING SANITARY SEWER AND MANHOLE
- PROPOSED FIRE HYDRANT ASSEMBLY
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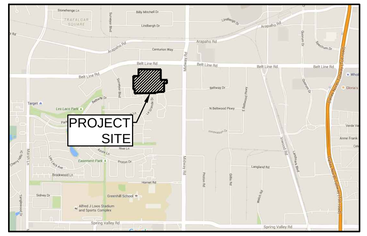
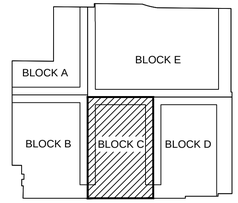
- SIDEWALK

LINE	BEARING	DISTANCE
L13	N 00°18'21" W	6.39'
L14	S 89°29'21" W	24.40'
L15	S 00°49'51" E	9.91'
L16	S 89°21'47" W	25.89'
L17	N 00°01'17" W	9.87'
L18	N 89°58'07" W	97.86'
L19	S 00°43'23" W	10.07'
L20	N 00°23'00" W	9.95'

VICINITY MAP





LOCATION MAP

TOWN OF ADDISON SITE PLAN NOTES:

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ACTION

APPROVED DENIED

STAFF _____ DATE _____ INITIALS

COUNCIL _____ DATE _____ INITIALS

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ADDISON GROVE
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
PREPARATION DATE: 4/08/2016
ADDISON, TEXAS
PROJECT NUMBER

SITE PLAN AND UTILITY PLAN BLOCK C

ADDISON GROVE

SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
1520 OLIVER STREET, HOUSTON, TEXAS 77007
(713) 961-3877
TBPE FIRM: F-9171

SCALE: 1" = 30'	PROJ. NO.	
DRAWN BY: JDS	DATE	SHEET
CHK'D BY: CDP	04/08/2016	4 OF 7
APPROVED: CDP		

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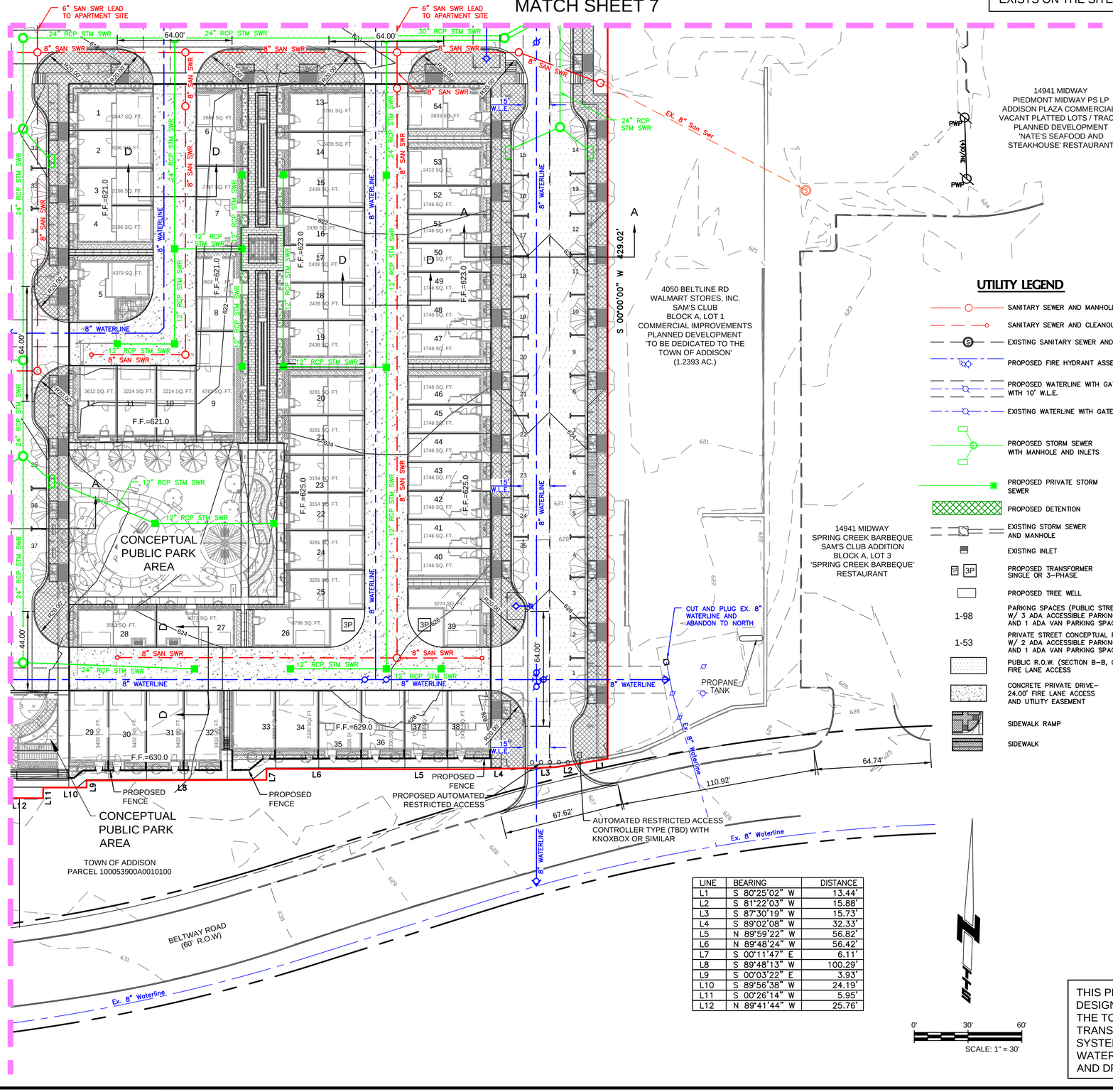
MATCH SHEET 7

MATCH SHEET 5

NO FLOODPLAIN EXISTS ON THE SITE



UTILITY LEGEND

- SANITARY SEWER AND MANHOLE
- SANITARY SEWER AND CLEANOUT
- EXISTING SANITARY SEWER AND MANHOLE
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED WATERLINE WITH GATE VALVE AND BOX WITH 10' W.L.E.
- EXISTING WATERLINE WITH GATE VALVE AND BOX
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- 1-53 PRIVATE STREET CONCEPTUAL PARKING SPACES W/ 2 ADA ACCESSIBLE PARKING SPACES AND 1 ADA VAN PARKING SPACE
- PUBLIC R.O.W. (SECTION B-B, C-C & D-D) FIRE LANE ACCESS
- CONCRETE PRIVATE DRIVE- 24.00' FIRE LANE ACCESS AND UTILITY EASEMENT
- SIDEWALK RAMP
- SIDEWALK

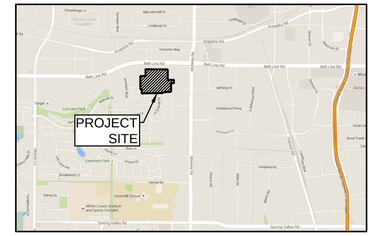
LINE	BEARING	DISTANCE
L1	S 80°25'02" W	13.44'
L2	S 81°22'03" W	15.88'
L3	S 87°30'19" W	15.73'
L4	S 89°02'08" W	32.33'
L5	N 89°59'22" W	56.82'
L6	N 89°48'24" W	56.42'
L7	S 00°11'47" E	6.11'
L8	S 89°48'13" W	100.29'
L9	S 00°03'22" E	3.93'
L10	S 89°56'38" W	24.19'
L11	S 00°26'14" W	5.95'
L12	N 89°41'44" W	25.76'

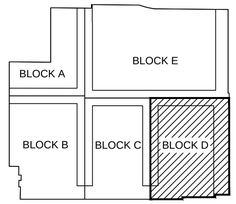
0' 30' 60'
SCALE: 1" = 30'

THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL

Block D	Lot Size (S.F.)	Required Open Space (S.F.) (Max. 95% Coverage)	Actual Open Space (S.F.)
1	1222	62	340
2	987	50	105
3	987	50	105
4	1222	62	340
5	1747	88	419
6	1334	67	432
7	1286	65	384
8	1286	65	386
9	1798	90	500
10	946	48	66
11	946	48	66
12	1161	59	300
13	1323	67	399
14	1029	52	147
15	1029	52	147
16	989	50	107
17	973	49	91
18	1029	52	147
19	1274	64	392
20	1323	67	399
21	1050	53	126
22	945	48	63
23	945	48	63
24	990	50	66
25	1056	53	132
26	1321	67	278
27	1177	59	252
28	1178	59	252
29	1538	77	405
30	1253	63	113
31	1253	63	112
32	1538	77	360
33	1303	66	405
34	1018	51	113
35	1018	51	114
36	1018	51	115
37	1018	51	115
38	1326	67	355
39	1491	75	549
40	974	49	312
41	742	38	80
42	742	38	80
43	742	38	80
44	742	38	80
45	742	38	80
46	974	49	312
47	974	49	312
48	742	38	80
49	742	38	80
50	742	38	80
51	742	38	80
52	742	38	80
53	1205	61	337
54	1437	72	569

VICINITY MAP





LOCATION MAP

TOWN OF ADDISON SITE PLAN NOTES:

1. ANY REVISIONS TO THIS PLAN WILL REQUIRE TOWN APPROVAL AND WILL REQUIRE REVISIONS TO ANY CORRESPONDING PLANS TO AVOID CONFLICTS BETWEEN PLANS.
2. OPEN STORAGE, WHERE PERMITTED SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
3. BUILDINGS WITH AN AGGREGATE SUM OF 5,000 SQUARE FEET OR GREATER ON A LOT SHALL HAVE AUTOMATIC FIRE SPRINKLERS INSTALLED THROUGHOUT ALL STRUCTURES. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
4. ALL SIGNAGE IS SUBJECT TO TOWN APPROVAL.
5. ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING INSPECTION DIVISION APPROVAL.

ACTION

APPROVED DENIED

STAFF _____ DATE _____ INITIALS

COUNCIL _____ DATE _____ INITIALS

SEE THE STAFF APPROVAL LETTER OR COUNCIL RESULT MEMO FOR ANY CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE PROJECT.

SITE PLAN AND UTILITY PLAN BLOCK D

ADDISON GROVE

SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
1520 OLIVER STREET, HOUSTON, TEXAS 77007
(713) 961-3877
TBPE FIRM: F-9171

ADDISON GROVE
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
PREPARATION DATE: 4/08/2016
ADDISON, TEXAS
PROJECT NUMBER

SCALE: 1" = 30'	PROJ. NO.	
DRAWN BY: JDS	DATE	SHEET
CHK'D BY: CDP	04/08/2016	5 OF 7
APPROVED: CDP		

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NO FLOODPLAIN EXISTS ON THE SITE

MATCH SHEET 3

CONSTRUCT PROP SAN SWR MH ON EX. 8" SAN SWR

ROOT BARRIER TO BE INSTALLED ON ALL SIDES FOR PROPOSED TREES (TYP.)

BELTLINE ROAD (R.O.W VARIES)

L65.01'
R317.00'
Δ=11°45'03"
C LEN64.90'
BRGAZ 103°56'48"

64.73' | 154.77' | 155.78' | 56.29' | ±328'

MIDWAY ROAD

Ex. Right Turn Lane

Ex. 8" Waterline

Ex. San Swr MH

Ex. Stm Swr MH

Ex. 48" Rcp Stm Swr

S 89°25'00" E 202.08'

S 89°25'00" E 312.32'

EX. 8" San Swr

25' BUILDING SETBACK

25.00'

10.00'

64.00'

36" RCP STM SWR

54.00'

35" RCP STM SWR

30" RCP STM SWR

8" SAN SWR

48" RCP STM SWR

42" RCP STM SWR

6" SAN SWR LEAD TO RETAIL SITE

PROPOSED 25' DETENTION EASEMENT TO BE DEDICATED TO THE TOWN

PROP. DETENTION
710 LF~6'X6' RCBC STM SWR (STORAGE 25,560 CF)

PROPOSED 10' ST.S.E. TO BE DEDICATED TO THE TOWN

RETAIL

RETAIL

8" FIRE LINE

6" DOMESTIC WATERLINE

Ex. 8" Waterline

Ex. 15' W.L.E.

44.00'

24.00'

25.83'

R10.00' (TYP.)

6" SAN SWR LEAD TO APARTMENT SITE

COURTYARD A

CONCEPTUAL APARTMENT SITE

COURTYARD B

COURTYARD C

Ex. 8" Waterline

38.00'

S 00°01'18" W 352.96'

N 89°57'48" E 4.50'

6" SAN SWR LEAD TO APARTMENT SITE

6" SAN SWR LEAD TO APARTMENT SITE

Ex. 8" Waterline

Ex. 15' W.L.E.

Ex. 15' W.L.E.

Ex. 15' W.L.E.

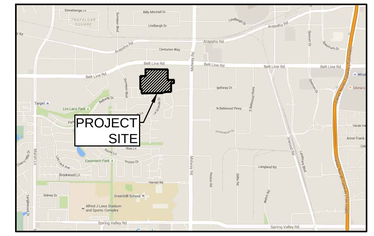
MATCH SHEET 6

LINE	BEARING	DISTANCE
L40	N 00°33'47" E	15.00'

4180 BELTLINE RD
TRITON ADDISON BELTLINE LLC.
SAM'S CLUB
BLOCK A, LOT 2
COMMERCIAL IMPROVEMENTS
PLANNED DEVELOPMENT
SUITE A: SNUFFERS RESTAURANT & BAR
SUITE B: TAQUERIA LA' VENTANA

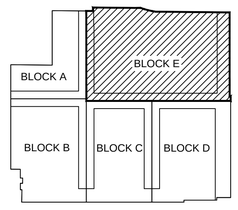
0' 30' 60'
SCALE: 1" = 30'

VICINITY MAP



UTILITY LEGEND

- SANITARY SEWER AND MANHOLE
- SANITARY SEWER AND CLEANOUT
- EXISTING SANITARY SEWER AND MANHOLE
- PROPOSED FIRE HYDRANT ASSEMBLY
- PROPOSED WATERLINE WITH GATE VALVE AND BOX WITH 10' W.L.E.
- EXISTING WATERLINE WITH GATE VALVE AND BOX
- PROPOSED STORM SEWER WITH MANHOLE AND INLETS
- PROPOSED PRIVATE STORM SEWER
- PROPOSED DETENTION
- EXISTING STORM SEWER AND MANHOLE
- EXISTING INLET
- PROPOSED TRANSFORMER SINGLE OR 3-PHASE
- PROPOSED TREE WELL
- 1-98 PARKING SPACES (PUBLIC STREETS) W/ 3 ADA ACCESSIBLE PARKING SPACES AND 1 ADA VAN PARKING SPACE
- 1-53 PRIVATE STREET CONCEPTUAL PARKING SPACES W/ 2 ADA ACCESSIBLE PARKING SPACES AND 1 ADA VAN PARKING SPACE
- PUBLIC R.O.W. (SECTION B-B, C-C & D-D) FIRE LANE ACCESS
- CONCRETE PRIVATE DRIVE- 24.00' FIRE LANE ACCESS AND UTILITY EASEMENT
- SIDEWALK RAMP
- SIDEWALK



LOCATION MAP

TOWN OF ADDISON SITE PLAN NOTES:

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THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL

ADDISON GROVE
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
PREPARATION DATE: 4/08/2016
ADDISON, TEXAS
PROJECT NUMBER

ACTION

APPROVED DENIED

STAFF _____ DATE _____ INITIALS

COUNCIL _____ DATE _____ INITIALS

SEE THE STAFF APPROVAL LETTER OR COUNCIL RESULT MEMO FOR ANY CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE PROJECT.

SITE PLAN AND UTILITY PLAN BLOCK E

ADDISON GROVE

SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
1520 OLIVER STREET, HOUSTON, TEXAS 77007
(713) 961-3877
TBPE FIRM: F-9171

SCALE: 1" = 30'	PROJ. NO.	
DRAWN BY: JDS	DATE	SHEET
CHK'D BY: CDP	04/08/2016	6 OF 7
APPROVED: CDP		

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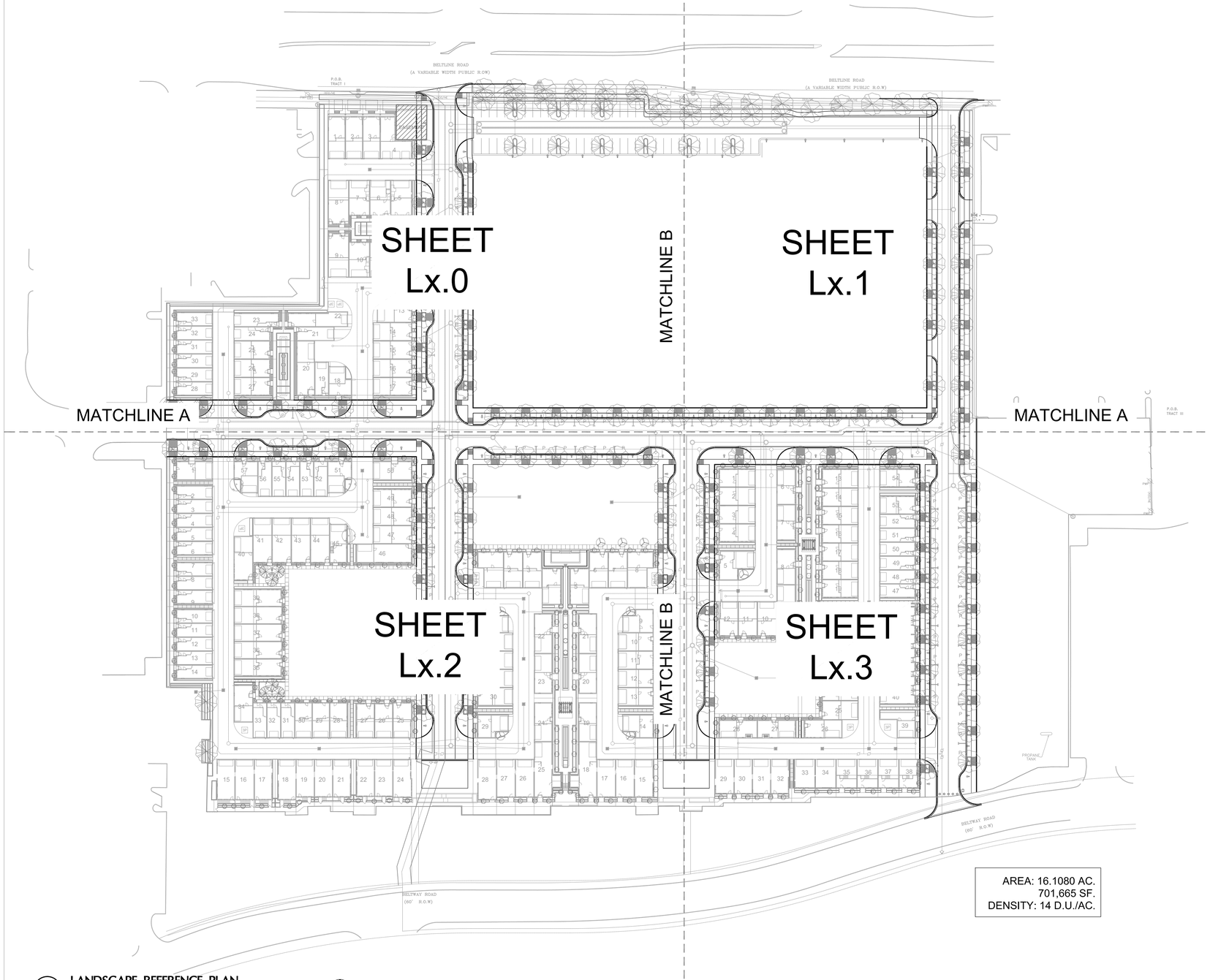

1 LANDSCAPE REFERENCE PLAN

SCALE: 1" = 60'-0"

0 30 60 120

AREA: 16.1080 AC.
701,665 SF.
DENSITY: 14 D.U./AC.

TOTAL PUBLIC PARK AND GREEN SPACE AREAS

PUBLIC PARK AREA 1	= 0.5711 ACRES
PUBLIC PARK AREA 2	= 0.6015 ACRES
PUBLIC PARK AREA 3	= 0.2707 ACRES
PUBLIC PARK AREA 4	= 0.0515 ACRES
PUBLIC PARK AREA 5	= 0.0658 ACRES
TOTAL PUBLIC PARK AREA	= 1.5606 ACRES

GREEN SPACE 1	= 0.0579 ACRES
GREEN SPACE 2	= 0.1343 ACRES
GREEN SPACE 3	= 0.0534 ACRES
GREEN SPACE 4	= 0.1384 ACRES
TOTAL GREEN SPACE	= 0.3840 ACRES

STATE OF TEXAS
KEIJI ASAKURA
1170
REGISTERED
LANDSCAPE ARCHITECT

04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION

asakura robinson
Planning Urban Design Landscape Architecture

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PREPARED BY:

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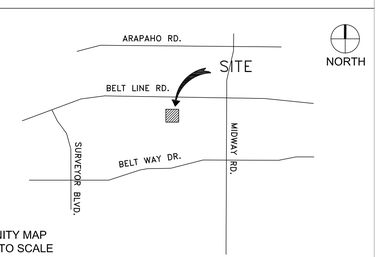


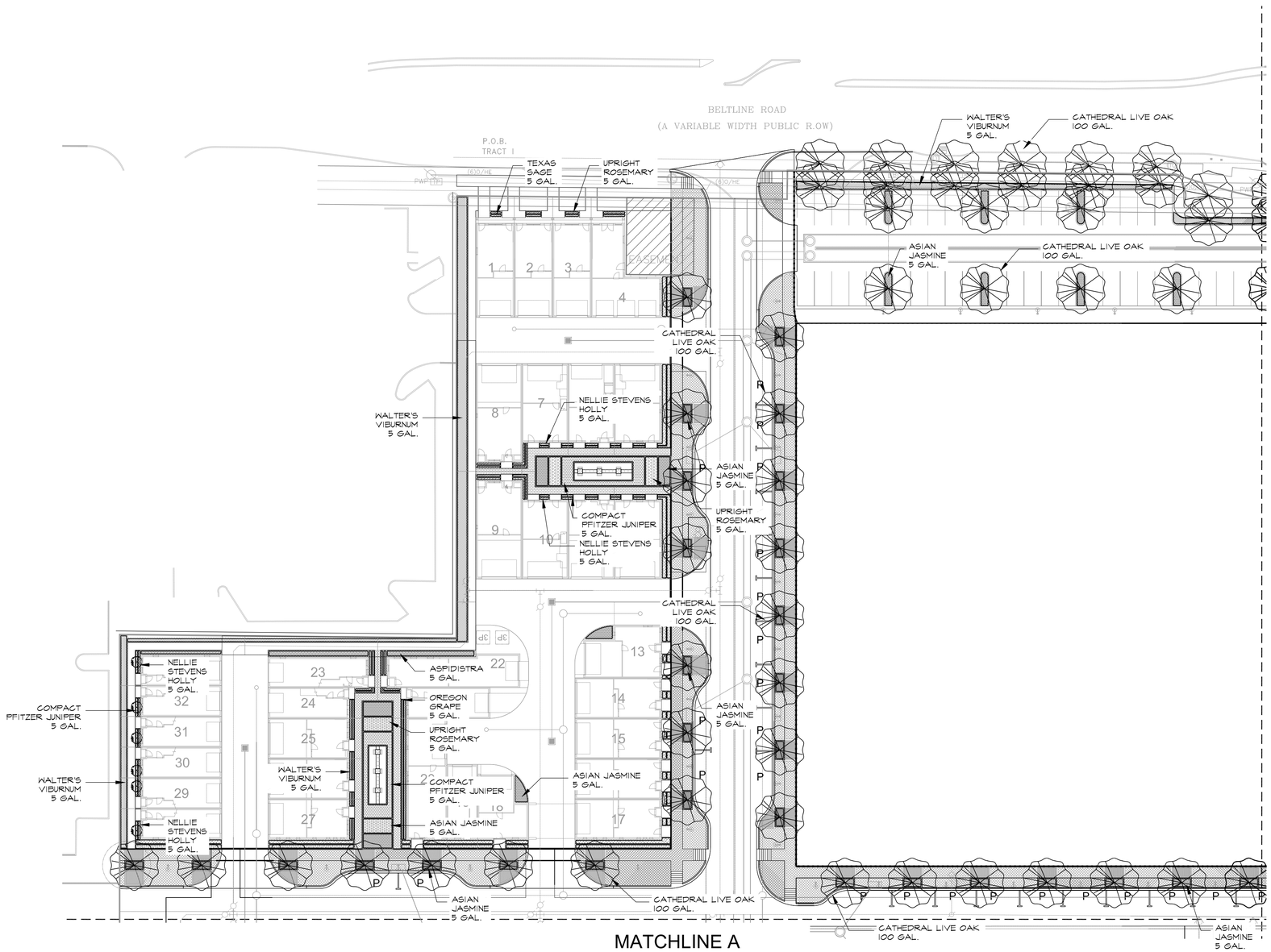
VICINITY MAP
NOT TO SCALE

L0.0 LANDSCAPE REFERENCE PLAN

ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016



1 LANDSCAPE PLAN

SCALE: 1" = 30'-0"

0 15 30 60

PLANT LEGEND

- CATHEDRAL LIVE OAK 100 GAL.
- 'LITTLE GEM' MAGNOLIA 65 GAL.
- 'NATCHEZ' CRAPE MYRTLE 65 GAL.
- YAUPON HOLLY 65 GAL.
- NELLIE STEVENS HOLLY 65 GAL.
- WALTER'S VIBURNUM 5 GAL.
- NELLIE STEVENS HOLLY 5 GAL.
- TEXAS SAGE 5 GAL.
- UPRIGHT ROSEMARY 5 GAL.
- OREGON GRAPE 5 GAL.
- COMPACT PFITZER JUNIPER 5 GAL.
- ASIAN JASMINE 5 GAL.
- ASPIDISTRA 5 GAL.
- TEXAS WISTERIA 5 GAL.
- STAR JASMINE 5 GAL.
- BERMUDA TIFWAY 419 SOD SOLID SOD

EXISTING PARKING LOT TREE NOTES:

1. ALL EXISTING PARKING LOT TREES UP TO 8" CALIPER SHALL BE RELOCATED WITHIN PROPOSED OPEN SPACE AREAS.

STATE OF TEXAS
KEIJI ASAKURA
1170
REGISTERED LANDSCAPE ARCHITECT

04-11-2016
Issued for PD Submittal
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Planning Urban Design Landscape Architecture
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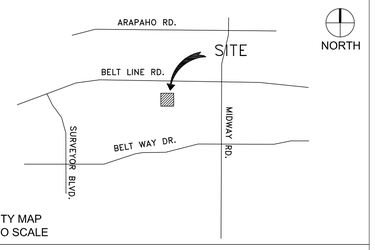
EMAIL: KEIJI@ASAKURAROBINSON.COM



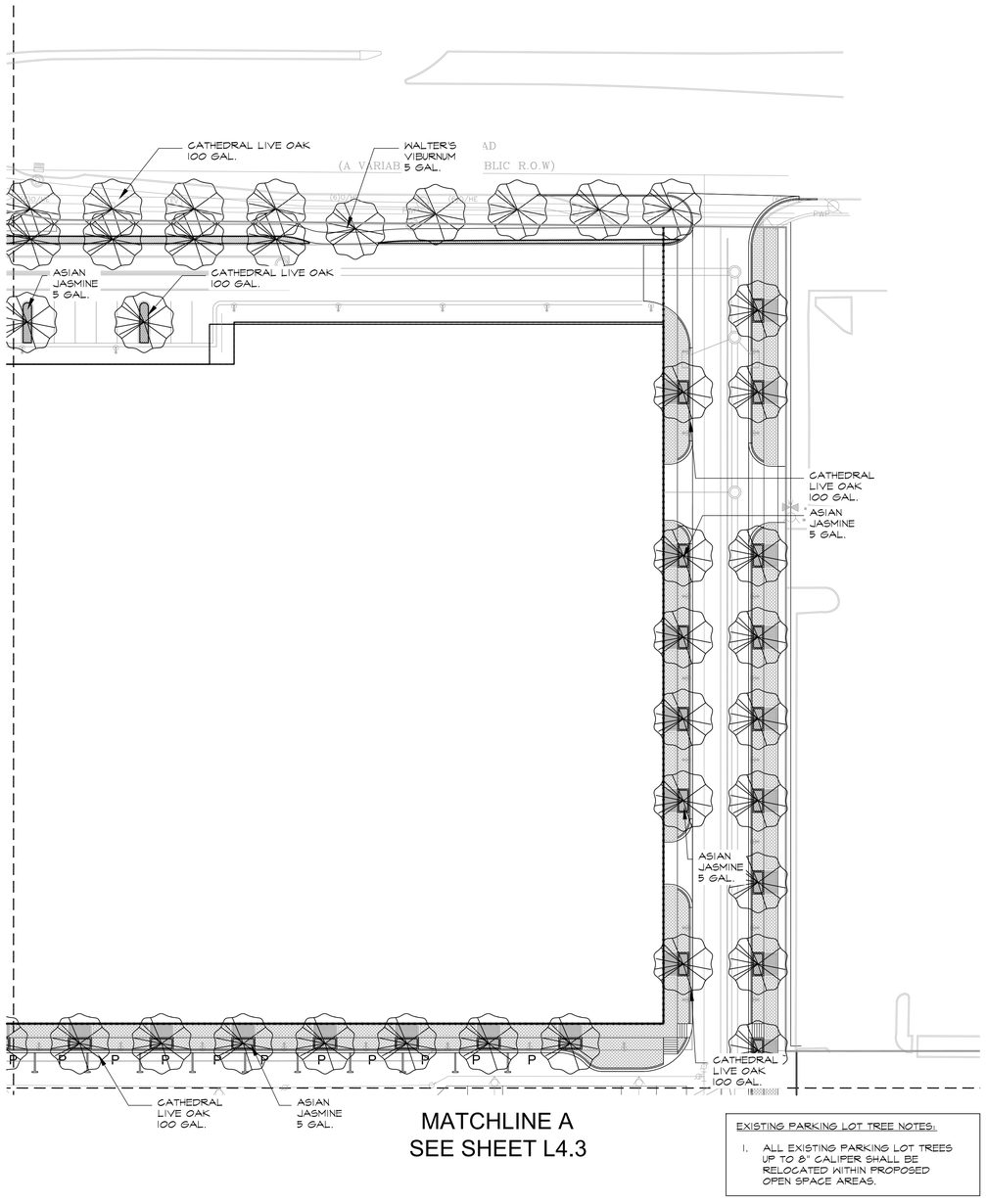
VICINITY MAP
NOT TO SCALE

L4.0 LANDSCAPE PLAN

ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016



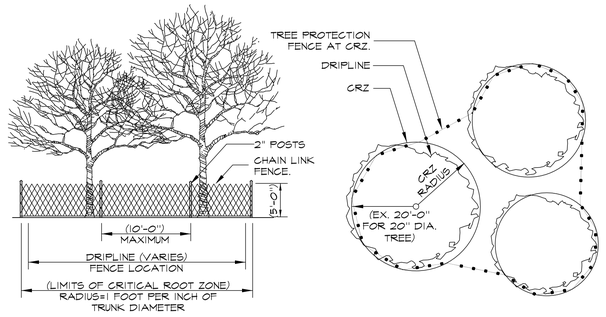
EXISTING PARKING LOT TREE NOTES:

1. ALL EXISTING PARKING LOT TREES UP TO 8" CALIPER SHALL BE RELOCATED WITHIN PROPOSED OPEN SPACE AREAS.

1 LANDSCAPE PLAN

SCALE: 1" = 30'-0"

0 15 30 60



2 TYP. TREE PROTECTION DETAIL

N.T.S.

TREE PROTECTION NOTES:

1. IT IS CRUCIAL THAT TREE PROTECTION FENCE MUST BE ERECTED PRIOR TO ANY SITE DEMOLITION BEGIN.
2. TREE PROTECTION FENCE SHALL BE A MIN. 5'-0' HIGH CHAIN LINK FENCE MOUNTED ON VERTICAL PIPES DRIVEN 2'-0" MIN. INTO THE GROUND, AT APPROX. 6'-8' O.C. REFER TO PLAN FOR LOCATIONS
3. PROTECTION FENCE SHALL BE PLACED AROUND CRITICAL ROOT ZONE OF ALL TREES TO BE RETAINED.
4. UPON APPROVAL BY OWNER OR LANDSCAPE ARCHITECT, OTHER FENCING MATERIAL MAY BE USED IN LIEU OF CHAIN LINK FENCE. SUCH AS:
   A. T-POSTS AT 8'-0" O.C. W/ 4' HT. BRIGHT ORANGE, LIGHT WEIGHT, REUSABLE MESH SAFETY FENCING MADE OF HIGH DENSITY POLYETHYLENE WITH 1 1/2" X 3" SIZE MESH OR SIMILAR MATERIAL.
   B. WOOD BARRICADES WHICH INCLUDED INSTALLING 2 X 4 AS POST AT 4' ABOVE GROUND AT EVERY 6' O.C. WITH (3) -2 X 4 RAILS MINIMUM.
5. UNDER NO CIRCUMSTANCES, DO NOT DRIVE OR PARK MACHINERY ON TREE ROOTS OR UNDER THE DRIPLINE.
6. AVOID DISTURBING ROOTS IN CRITICAL ROOT ZONE. IF ROOT CUTTING IS NECESSARY OR ANY DAMAGED ROOTS OCCURRED, THEY SHALL BE CUT CLEANLY WITH AN AXE A FEW INCHES CLOSER TO THE TRUNK. ANY COVERED/EXPOSED OR PRUNED TREE ROOTS MUST BE COVERED IMMEDIATELY WITH DIRT AND MULCH TO PREVENT ROOTS FROM DRYING OUT.
7. NO STORAGE OR CONCRETE DUMPING IS PERMITTED ON TREE ROOTS AND/OR UNDER DRIPLINE.
8. NO BUILDING MATERIALS ARE TO BE STACKED OR STOCKPILED WITHIN THE DRIPLINE OR WITHIN 6 FEET OF ANY TREE TO BE PRESERVED, WHICHEVER IS GREATER.
9. TOPSOIL SHALL NOT BE STOCKPILED WITHIN THE DRIP LINE OR WITHIN 6 FEET OF ANY TREE TO BE PRESERVED, WHICHEVER IS GREATER.
10. TREE BOARDING SHALL BE USED IS WORK IS REQUIRED WITH IN FENCING.
11. AVOID DISTURBING ROOTS IN CRITICAL ROOT ZONE. ANY DAMAGED ROOTS SHALL BE CUT CLEANLY WITH AN AXE A FEW INCHES CLOSER TO THE TRUNK.
12. ANY UNCOVERED/EXPOSED TREE ROOTS SHALL BE IMMEDIATELY COVERED WITH MULCH.
13. ANY UNDERSTORY CLEARING WITHIN SIX FEET OF EXISTING TREE TRUNKS SHOULD BE DONE BY HAND.

PLANT LEGEND

- CATHEDRAL LIVE OAK 100 GAL.
- 'LITTLE GEM' MAGNOLIA 65 GAL.
- 'NATCHEZ' CRAPE MYRTLE 65 GAL.
- YAUPON HOLLY 65 GAL.
- NELLIE STEVENS HOLLY 65 GAL.
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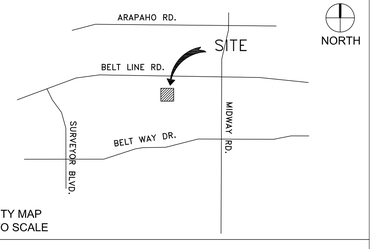

VICINITY MAP
NOT TO SCALE

L4.1 LANDSCAPE PLAN

ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016

MATCHLINE A
SEE SHEET L4.0

MATCHLINE B
SEE SHEET L4.3

PUBLIC PARK AREA 1

PUBLIC PARK AREA 2

PUBLIC PARK AREA 4

PUBLIC PARK AREA 5

BELTWAY ROAD
(60' R.O.W)

NELLIE STEVENS HOLLY 5 GAL.
ASPIDISTRA 5 GAL.
WALTER'S VIBURNUM 5 GAL.
YAUPON HOLLY 65 GAL.
COMPACT PFITZER JUNIPER 5 GAL.
UPRIGHT ROSEMARY 5 GAL.
ASIAN JASMINE 5 GAL.
CATHEDRAL LIVE OAK 100 GAL.
'NATCHEZ' GRAPE MYRTLE 65 GAL.
TEXAS SAGE 5 GAL.
'NELLIE STEVENS' HOLLY 65 GAL.
'LITTLE GEM' MAGNOLIA 65 GAL.
OREGON GRAPE 5 GAL.
TEXAS WISTERIA 5 GAL.
STAR JASMINE 5 GAL.

EXISTING PARKING LOT TREE NOTES:

1. ALL EXISTING PARKING LOT TREES UP TO 8" CALIPER SHALL BE RELOCATED WITHIN PROPOSED OPEN SPACE AREAS.

1 LANDSCAPE PLAN
SCALE: 1" = 30'-0"
0 15 30 60

PLANT LEGEND

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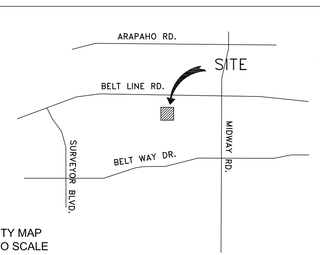
PHONE:713-337-5830
EMAIL: KEIJI@ASAKURAROBINSON.COM



VICINITY MAP
NOT TO SCALE

L4.2 LANDSCAPE PLAN

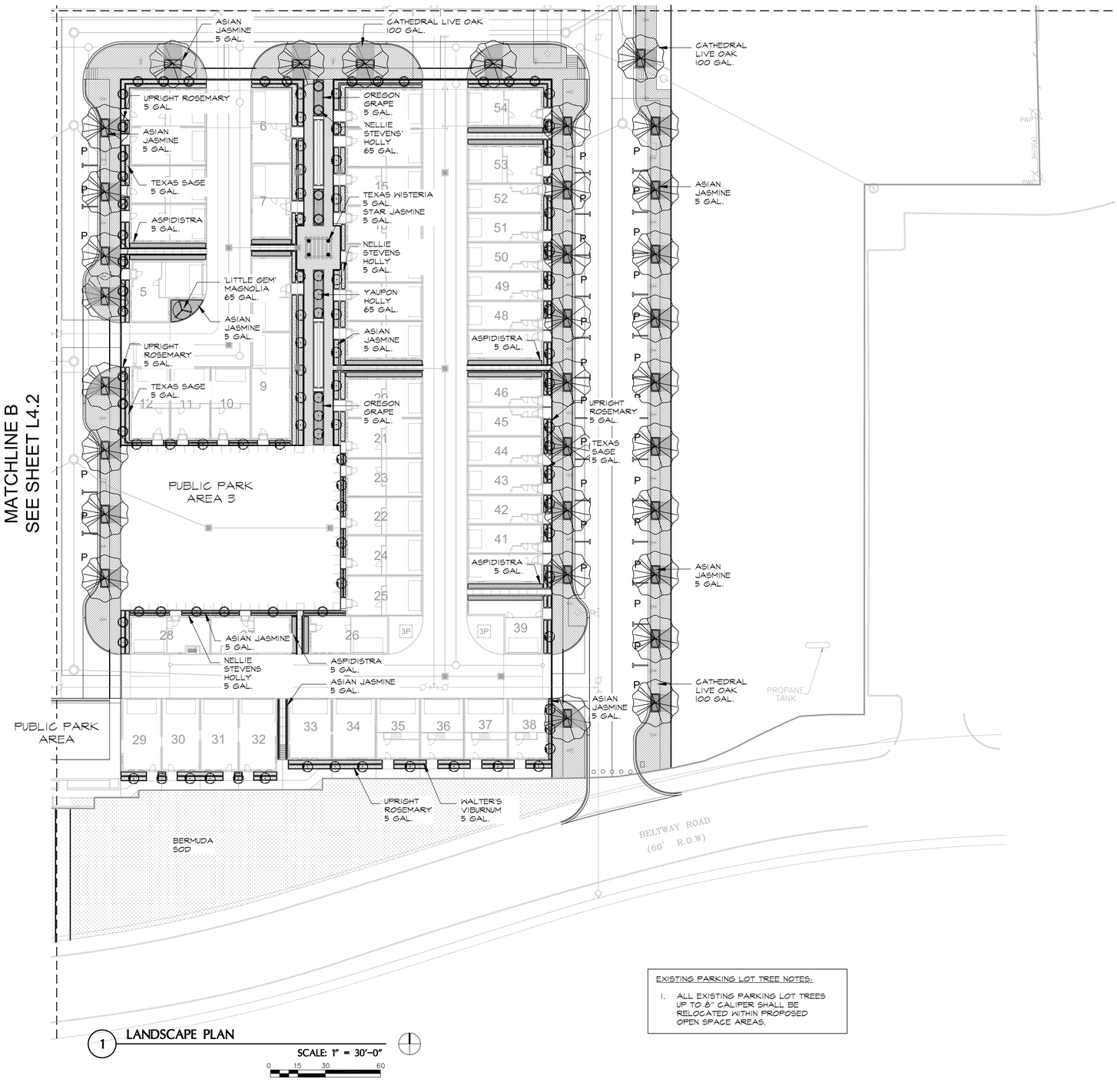
ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016

MATCHLINE A
SEE SHEET L4.1

MATCHLINE B
SEE SHEET L4.2



1 LANDSCAPE PLAN
SCALE: 1" = 30'-0"
0 15 30 60

EXISTING PARKING LOT TREE NOTES:

1. ALL EXISTING PARKING LOT TREES UP TO 8" CALIPER SHALL BE RELOCATED WITHIN PROPOSED OPEN SPACE AREAS.

PLANT LEGEND

- CATHEDRAL LIVE OAK 100 GAL.
- 'LITTLE GEM' MAGNOLIA 65 GAL.
- 'NATCHEZ' CRAPE MYRTLE 65 GAL.
- YAUPON HOLLY 65 GAL.
- NELLIE STEVENS HOLLY 65 GAL.
- WALTER'S VIBURNUM 5 GAL.
- NELLIE STEVENS HOLLY 5 GAL.
- TEXAS SAGE 5 GAL.
- UPRIGHT ROSEMARY 5 GAL.
- OREGON GRAPE 5 GAL.
- COMPACT PFITZER JUNIPER 5 GAL.
- ASIAN JASMINE 5 GAL.
- ASPIDISTRA 5 GAL.
- TEXAS WISTERIA 5 GAL.
- STAR JASMINE 5 GAL.
- BERMUDA TIFWAY 419 SOD SOLID SOD

STATE OF TEXAS
KEIJI ASAKURA
1170
REGISTERED LANDSCAPE ARCHITECT

04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION

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PREPARED BY:

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HOUSTON, TEXAS 77007

CONTACT: KEIJI ASAKURA
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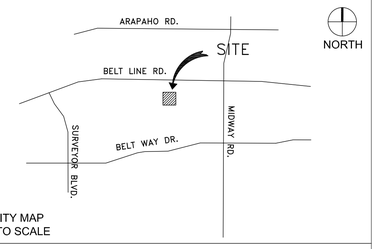


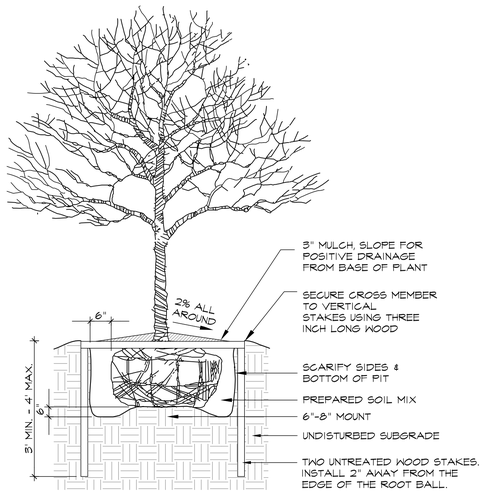
VICINITY MAP
NOT TO SCALE

L4.3 LANDSCAPE PLAN

ADDISON GROVE

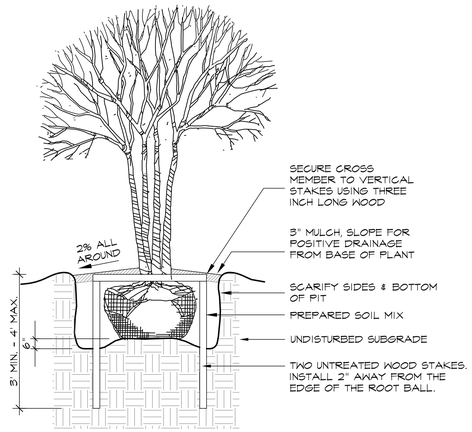
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016



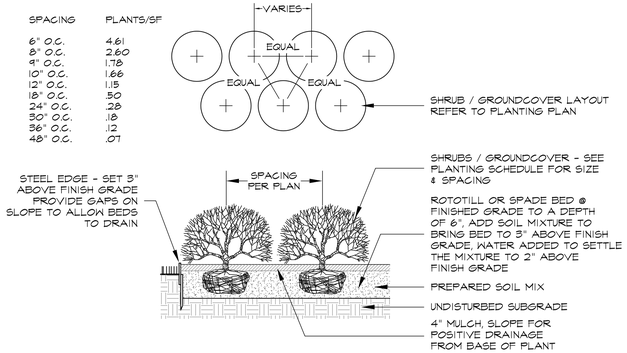
1 TYP. TREE PLANTING DETAIL

N.T.S.



2 TYP. MULTI-TRUNKS TREE PLANTING DETAIL

N.T.S.



3 TYP. SHRUB / GROUND COVER PLANTING DETAIL & SPACING CHART

N.T.S.

PLANT SCHEDULE

	PLANT QUANTITY	COMMON NAME / BOTANICAL NAME	SIZE	HEIGHT	SPREAD	COMMENTS
		CANOPY TREES / ORNAMENTAL TREES				
	159	Cathedral Live Oak Quercus Virginiana 'Cathedral'	100 Gal. 4"-5"	14'-16'	8'-10'	CONTAINER GROWN, FULL & WELL BRANCHED
	13	'Little Gem' Magnolia Magnolia grandiflora 'Little Gem'	100 Gal. 4"-5"	14'-16'	8'-10'	CONTAINER GROWN, FULL & WELL BRANCHED
	42	Natchez Crape Myrtle Lagerstroemia x 'Natchez'	65 Gal. 3"-4"	10'-12'	5'-6'	CONTAINER GROWN, FULL & WELL BRANCHED
	185	Yaupon Holly Ilex vomitoria	65 Gal. 3"-4"	10'-12'	5'-6'	CONTAINER GROWN, FULL & WELL BRANCHED
	75	Nellie Stevens Holly Ilex x 'Nellie R. Stevens'	65 Gal. 3"-4"	10'-12'	5'-6'	CONTAINER GROWN, FULL & WELL BRANCHED
		SHRUBS / GROUND COVER				
	6,600 sf	Walter's Viburnum Myrica cerifera	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	5,300 sf	Nellie Stevens Holly Podocarpus macrophyllus	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	1,600 sf	Texas Sage Leucophyllum frutescens	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	3,300 sf	Upright Rosemary Rosmarinus officinalis	5 Gal.	18"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	1,200 sf	Oregon Grape Mahonia aquifolium	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	4,800 sf	Compact Pfitzer Juniper Juniperus chinensis var. chinensis 'Compact Pfitzer'	5 Gal.	18"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	9,000 sf	Asian Jasmine Trachelospermum asiaticum	5 Gal.	10"-12"	12"-14"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 12" O.C. TRIANGULAR SPACING
	3,900 af	Aspidistra Aspidistra elatior	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 24" O.C. TRIANGULAR SPACING
		ORNAMENTAL VINES				
	29	Texas Wisteria Wisteria macrostachya	1 Gal.	10"-12"	8"-10"	CONTAINER GROWN, FULL & WELL ROOTED 3 PLANTS PER CONTAINER / 36" O.C. ALONG WALL
	29	Star Jasmine Trachelospermum jasminoides	1 Gal.	10"-12"	8"-10"	CONTAINER GROWN, FULL & WELL ROOTED 3 PLANTS PER CONTAINER / 36" O.C. ALONG WALL
		TURF GRASS				
	110,000 sf	Bermuda Tifway 419 Cynodon dactylon 'Tifway 419'				SOLID SOD

PLANTING NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF THESE UTILITIES.
2. CONTRACTOR SHOULD NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED, WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS AND/OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING THE DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT UP TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH PLANTING OPERATION.
4. LANDSCAPE CONTRACTOR TO RECEIVE SITE GRADE TO +0.10. CONTRACTOR SHALL OBTAIN LETTER OF GRADE CERTIFICATION FROM OWNER PRIOR TO PROJECT EXECUTION.
5. CONTRACTOR SHALL NOTIFY OWNER'S AUTHORIZED REPRESENTATIVE 72 HOURS (WEEKENDS NOT INCLUDED) PRIOR TO COMMENCEMENT OF WORK TO COORDINATE PROJECT OBSERVATION SCHEDULE.
6. IF CONFLICTS ARISE BETWEEN SIZE OF AREAS ON PLANS OR LAYOUT OF PLANS, CONTRACTOR SHOULD CONTACT LANDSCAPE ARCHITECT FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE LANDSCAPE ARCHITECT WILL RESULT IN CONTRACTORS LIABILITY TO RELOCATE THE MATERIAL.
7. PROTECT ALL EXISTING TREES TO REMAIN. CONTRACTOR SHALL REPLACE ANY TREES DAMAGED DURING CONSTRUCTION. CONTRACTOR SHALL PROVIDE FENCING, IF NECESSARY, AT THE TREE DRIP LINE TO PROTECT TRUNK AND ROOTS AND TO PREVENT COMPACTION FROM VEHICLE TRAFFIC OR MATERIAL STORAGE ON THE SOIL BELOW TREES. CONTRACTOR SHALL PROVIDE FOR THE FEEDING, WATERING AND GENERAL MAINTENANCE OF TREES TO KEEP THEM IN A HEALTHY CONDITION DURING CONSTRUCTION.
8. CONTRACTOR SHALL SUBMIT PHOTOS OF REPRESENTATIVE TREES AND SHRUBS WITH SPECIFICATIONS ON THE BACK OF PHOTO INCLUDING HEIGHT, WIDTH AND CALIPER. IF A NURSERY VISIT IS REQUIRED THE CONTRACTOR WILL ARRANGE TO HAVE THE PARTICULAR NURSERIES PREPARED TO SHOW TREES. SHOULD CONTRACTOR INSTALL PLANT MATERIAL INFERIOR TO INDUSTRY STANDARD, IT IS AT HIS OWN RISK. ALL PHOTO SUBMITTALS ARE TO BE APPROVED PRIOR TO PLANTING.
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FURNISH PLANT MATERIALS FREE OF PESTS AND DISEASES. PRE-SELECTED OR "TAGGED" MATERIAL MUST BE INSPECTED BY THE CONTRACTOR AND CERTIFIED PEST AND DISEASE FREE. IT IS THE CONTRACTOR'S OBLIGATION TO GUARANTEE ALL PLANT MATERIALS PER THE SPECIFICATIONS.
10. CONTRACTOR SHALL STAKE ALL FINAL TREE LOCATIONS AND PLANTING BED LIMITS IN THE FIELD FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
11. STEEL EDGING SHALL BE PLACED BETWEEN ALL SHRUB BEDS AND TURF AREAS, AS WELL AS BETWEEN GRAVEL BED AND PLANTING BEDS.
12. UPON INSTALLATION ALL TREE MATERIALS SHALL BE STAKED ACCORDING TO SPECIFICATIONS AND PLANTING DETAILS.
13. IF REQUESTED BY OWNER CONTRACTOR SHALL INSTALL DEEP/ROOT BARRIERS AT ALL TREES WITHIN 5'-0" OF CONCRETE WALKWAYS, STRUCTURES, WALLS, CURBS, ETC.
14. ALL PLANTS SHALL BE TRIANGULARLY SPACED UNLESS OTHERWISE INDICATED.
15. ALL PLANTING BEDS SHALL RECEIVE A MINIMUM OF 3" OF APPROVED SHREDDED MULCH.
16. CONTRACTOR SHALL FINE GRADE ALL DISTURBED AREAS TO PROVIDE FOR PROPER DRAINAGE.
17. AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)/AMERICAN ASSOCIATION OF NURSERYMEN (AAN): ANSI Z60.1 1-069 "NURSERY STOCK".
18. "GRADES AND STANDARDS", LATEST EDITION OF TEXAS ASSOCIATION OF NURSERYMEN SPECIFICATIONS, AUSTIN, TEXAS 78704.
19. PERFORM WORK IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES, AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK AND PROVIDE FOR ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE, AND LOCAL AUTHORITIES IN FURNISHING, TRANSPORTING, AND INSTALLING MATERIALS.
20. PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1. PROVIDE HEALTHY, VIGOROUS STOCK, GROWN IN RECOGNIZED NURSERY IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE AND FREE OF DISEASE, INSECTS, EGGS, LARVAE AND DEFECTS SUCH AS KNOTS, SUN-SCALD, INJURIES, ABRASIONS OR DISFIGUREMENT.
21. PLANTING SOIL QUALITY ASSURANCE:
    A. IF REQUESTED BY OWNER, ALL SOIL COMPONENTS SHALL BE TESTED BY LOCAL OR STATE TESTING LABORATORY FOR CONFORMITY TO THE SPECIFICATIONS:
    B. CONTRACTOR SHALL SUBMIT PROPOSED LABORATORY NAME, ADDRESS, AND TELEPHONE NUMBERS FOR APPROVAL.

04-11-2016
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EMAIL: KEIJI@ASAKURAROBINSON.COM

L4.4 LANDSCAPE DETAILS

ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016

Surround Style Planting with Deeproot Universal Barriers

When selecting the Surround style planting application you will have the greatest success by following these simple steps as illustrated below:

A. Prepare the initial planting hole as illustrated below. This is based upon the combination of desired barrier diameter and depth. Consider if drainage devices or amendments are needed to correct any adverse soil or planting conditions in the backfill area.

B. Assemble the appropriate number of DeepRoot Universal Barrier panels. The vertical root deflecting ribs on the panel must face inward, toward the root ball. (This is very important, otherwise the roots will become girdled by traveling around the smooth walled surface)

C. Next place the barrier in the center of the planting hole, keeping in mind that the double top edge of the barrier should be positioned approximately 1/2" (13mm) above grade. This helps retard potential root overgrowth. Failing to position the top edge above grade can allow root overgrowth which can lead to uprooted hardscapes.

D. Backfill and compact with soil inside the barrier to the level where the bottom of the root ball will be when positioned correctly with the crown of the root ball approximately 1" (26mm) above grade.

E. Remove the tree from its container, or cut away the top portion of burlap and position in the center of the barrier. Complete the backfill of the soil. Distribute evenly to maintain the shape of the barrier and compact the backfill every 4"–6" (10cm–15cm). Roots will die quickly if left exposed to the elements so keep exposure of the roots to a minimum.

F. If staking or guying is required we recommend using the soft, safe and economical alternative to traditional wire and hose, ArborTie (see www.deeproot.com for details)

G. If the tree(s) will be subject to maintenance work such as lawn mowing or weed trimming we strongly recommend the installation of ArborGard+ Tree Trunk Protectors which are placed around the base of young trees to protect them from damage by weed trimmers, lawn mowers and small rodents. (See www.deeproot.com)

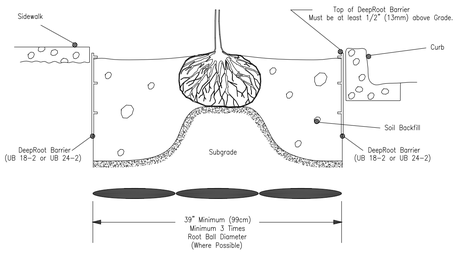
H. Water and follow proper tree maintenance practices.

Trees do require care and nurturing after planting. Consult with your local supplier for proper care procedures for the species you are planting. The planting instructions given here are by no means a comprehensive guide. Rather they are general guidelines to planting with DeepRoot Barriers and a survey of current planting methods. Conditions will vary however and it is recommended that an Arborist be consulted before planting.

For additional information please visit our website at www.deeproot.com

For information regarding distributors please call: 1 800 ILV ROOT (458.7668). For help with drainage or other difficult installation questions please call DeepRoot Technical Support at: 1 800 ROOT TEK (766.8835).

A Typical Surround Planting Installation Using DeepRoot Universal Barrier



1 TYP. ROOT BARRIER DETAIL @ SIDEWALK

N.T.S.

UB 24-2 Specifications
24" DeepRoot® Tree Root Barrier

Specified tree root barrier is a mechanical barrier and root deflector used to prevent tree roots from damaging hardscapes and landscapes. Assembled in 24" (609 mm) long modules to create varying lengths for linear applications, or perimeter surround applications in varying sizes.

A. Materials

1. The contractor shall furnish and install tree root barrier as specified. The tree root barrier shall be either product #UB 24-2 as manufactured by DeepRoot® Green Infrastructure, LLC, 530 Washington Street, San Francisco, CA, www.deeproot.com (800.458.7668).

2. Root barrier shall be recyclable, black, injection molded panels with 0.80" (2.03 mm) wall thickness in modules 24" (609 mm) long and 24" (609 mm) deep.

3. Root barrier shall be manufactured with 75% reprocessed polypropylene with added ultraviolet inhibitors.

4. Root barrier shall be comprised of 24" (60.96 cm) panels. Each panel shall have no less than four (4) Molded Integral Vertical Root Directing Ribs of a minimum 0.075" (1.90 mm) thickness, protruding 1/2" (12.7 mm) at 90° from interior of the barrier panel, spaced 6" (152.4 mm) apart. (See Details A & D)

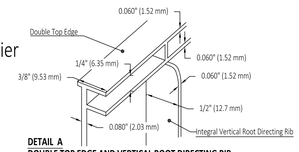
5. Root barrier shall have a Double Top Edge consisting of two parallel, integral, horizontal ribs at the top of the panel at 0.060" (1.52 mm) thickness, 3/8" (9.53 mm) wide and 1/4" (6.35 mm) apart with the lower rib attached to the vertical Root Directing Ribs (See Detail A).

6. Root barrier shall have a minimum of twelve (12) Anti-Lift Ground Lock Tabs consisting of integral horizontal ridges of minimum 0.075" (1.90 mm) thickness in the shape of a segment of an oblong, the 2" (50.8 mm) chord of the segment joining the panel wall and the segment, protruding 3/8" (9.53 mm) from the panel. The twelve ground locks on each panel shall be about equally spaced between each of the vertical root directing ribs (Four (4) between each set of ribs, see Details B & D).

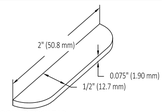
7. Root barrier shall have an integrated Zipper Joining System for assembly by sliding one panel into another (See Detail C).

U.S. Patents: 5,305,549; and 5,528,857. Other Patents Pending.

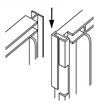
Properties	Typical Value	ASTM Test Method
Tensile strength @ yield - Wall	2.354 PSI	D638
Tensile strength @ yield - Hinge	2.846 PSI	D638
Yield Elongation - Wall	7.44%	D638
Yield Elongation - Hinge	7.01%	D638
Flexural Modulus	119,625 PSI	D790B
Notched Izod Impact - Wall	3.84 (ft-lbs)	D256A
Rockwell Hardness r. scale - Wall	84.4	D785A



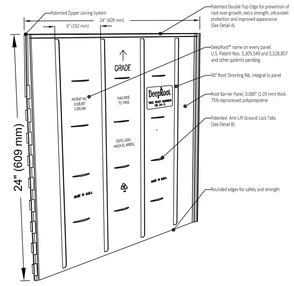
DETAIL A
DOUBLE TOP EDGE AND VERTICAL ROOT DIRECTING RIB



DETAIL B -
ANTI-LIFT GROUND LOCK TAB



DETAIL C - ZIPPER JOINING SYSTEM



DETAIL D - TREE ROOT BARRIER PANEL

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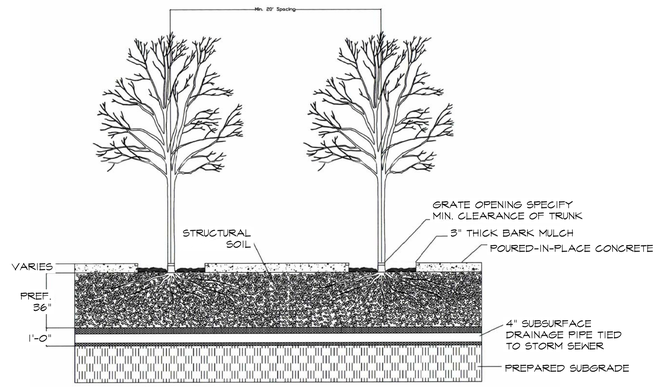
NOTE:
CONTRACTOR TO INSTALL DEEPROOT TREE ROOT BARRIER AT ALL SIDES OF EXISTING TREE ROOT. VERIFY WITH DEEPROOT REP FOR EXACT REQUIREMENTS AND SPECIFICATIONS PRIOR TO INSTALLATION.

2 TYP. ROOT BARRIER DETAIL @ SIDEWALK

N.T.S.



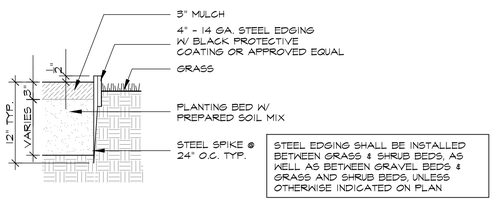
TYPICAL STREET TREE PLANTING - VIEW 2

NOTES:

1. STRUCTURAL SOIL SHALL BE INSTALLED BETWEEN ALL TREE WELLS TO CREATE A CONTINUOUS 5' WIDE SOIL TRENCH.
2. CONTRACTOR TO USE CU-SOIL STRUCTURAL SOIL OR APPROVED EQUAL. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
3. SOIL MIXTURE SHALL BE COORDINATED WITH THE MANUFACTURER AND APPROVED BY THE CITY.

3 TYPICAL SECTION DETAIL AT STRUCTURAL SOIL

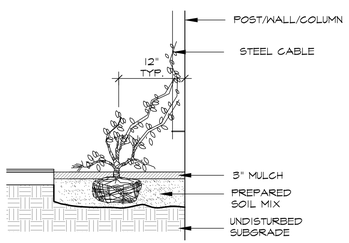
N.T.S.



STEEL EDGING SHALL BE INSTALLED BETWEEN GRASS & SHRUB BEDS, AS WELL AS BETWEEN GRAVEL BEDS & GRASS AND SHRUB BEDS, UNLESS OTHERWISE INDICATED ON PLAN

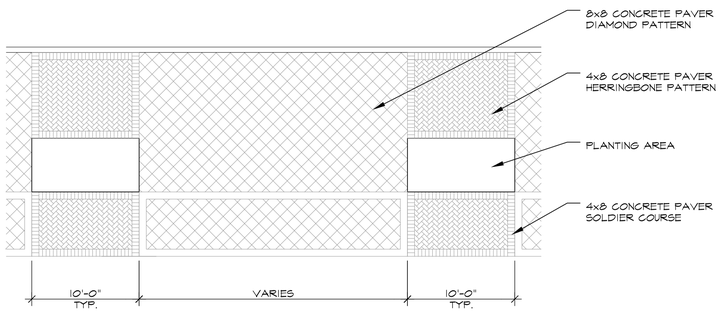
4 TYP. STEEL EDGING DETAIL

N.T.S.



5 TYP. VINE PLANTING DETAIL

NTS



6 TYPICAL PAVING DETAIL

N.T.S.

STATE OF TEXAS
KEIJI ASAKURA
1170
REGISTERED LANDSCAPE ARCHITECT

04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION

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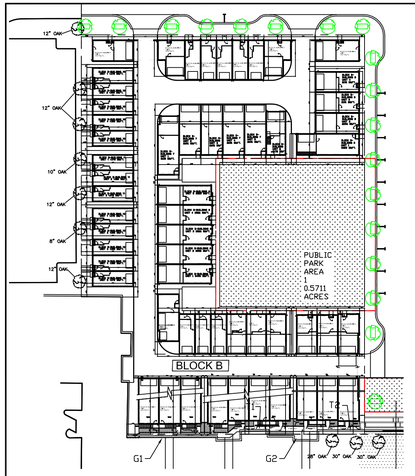
EMAIL: KEIJI@ASAKURAROBINSON.COM

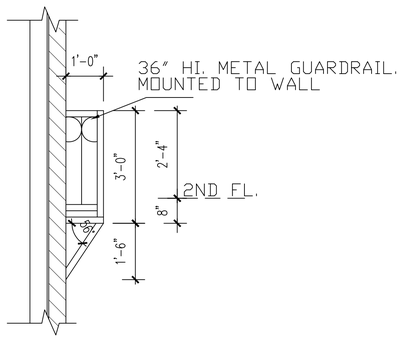
L4.5 LANDSCAPE DETAILS

ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

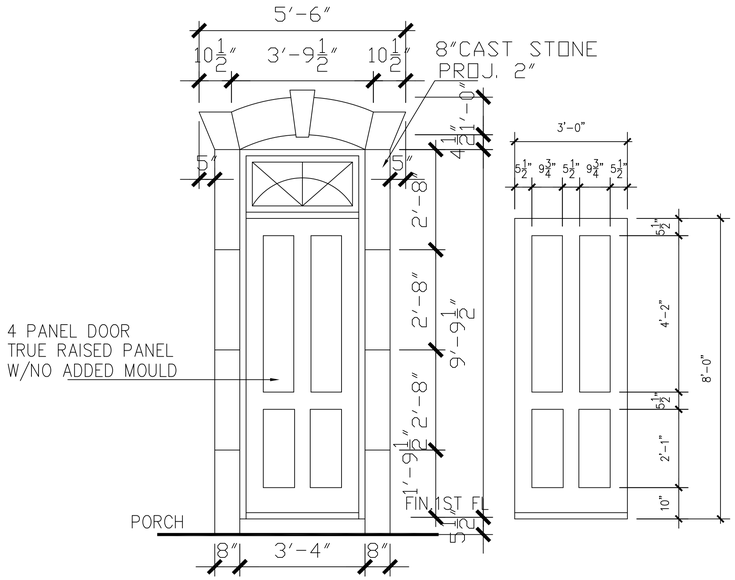
DATE PREPARED: APRIL 11, 2016





METAL RAIL. (C)

SCALE:1/2"=1'-0"



PEDIMENT 1

SCALE: 1/2" = 1'-0"

ADDITIONAL BUILDING MATERIALS

LEGEND:

BRICK

CAST STONE OR SPLIT FACED CMU

UNIT 1&3
- CAST STONE PEDIMENT AT ENTRY
- CAST STONE KEY STONES
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- FIXED SHUTTERS
- 4"X4"X8" WOOD OR EIFS BLOCKS
- GALV. METAL FLASHING CAP.
- CONC. STEP

UNIT 2
- BRICK PEDIMENT AT ENTRY
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- FIXED SHUTTERS
- 4"X4"X8" WOOD OR EIFS BLOCKS
- CONC. STEP

SOUTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	0	0
BRICK	1857	93.9%
CAST STONE OR SPLIT FACED CMU	121	6.1%
GLAZING	698	26.1%
TOTAL SURFACE AREA	2676	

FACADE PLAN NOTES

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UNIT 1 UNIT 2 UNIT 3

south/front elevation

SCALE: 1/4" = 1'-0"

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

ADDISON GROVE

Drawn By/Checked By: E.C./F.M.
Original Date Issued: 01/29/2016
Scale: 1/4" = 1'-0"
Final Date Issue: 04/07/2016

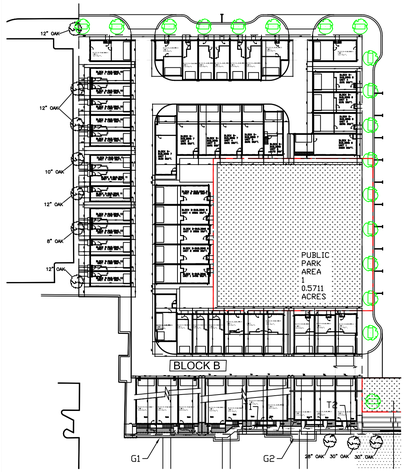
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 1

FRONT ELEVATION

PLAN NO.'S
UNIT 1 2929
UNIT 2 3061
UNIT 3 2929

SHEET NO.
A-3.1



LEGEND:

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

UNIT 1&3
- * STANDING SEAM METAL ROOF
- * METAL CLAD WOOD WINDOWS
- * 42" HI. IRON WROUGHT RAIL.
- * GALV. METAL FLASHING CAP.
- * OGEE GUTTER

UNIT 2
- * STANDING SEAM METAL ROOF
- * METAL CLAD WOOD WINDOWS
- * 42" HI. IRON WROUGHT RAIL.
- * OGEE GUTTER

NORTH/REAR

MATERIAL CALCULATION TABLE		
SIDING	201	8.6%
BRICK	2134	91.4%
CAST STONE OR SPLIT FACED CMU	0	0%
GLAZING	660	22.0%
TOTAL SURFACE AREA	2995	

FACADE PLAN NOTES

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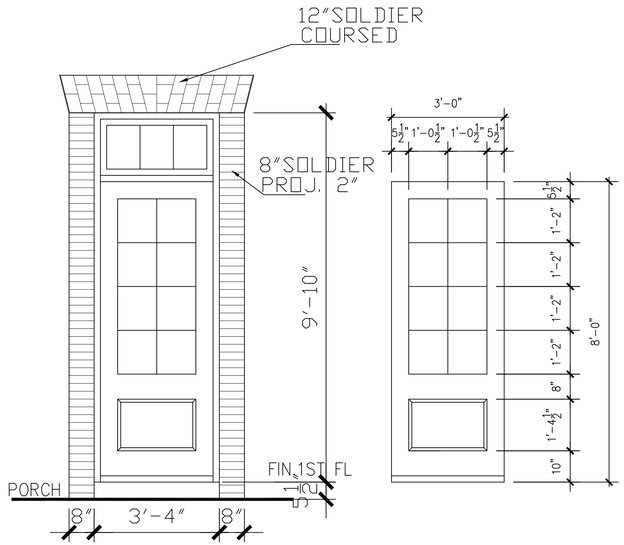


PEDIMENT 2

SCALE: 1/2" = 1'-0"

north/rear elevation

SCALE: 1/4" = 1'-0"

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: E.C./F.M.
Original Date Issued: 01/29/2016
Scale: 1/4" = 1'-0"
Final Date Issue:

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

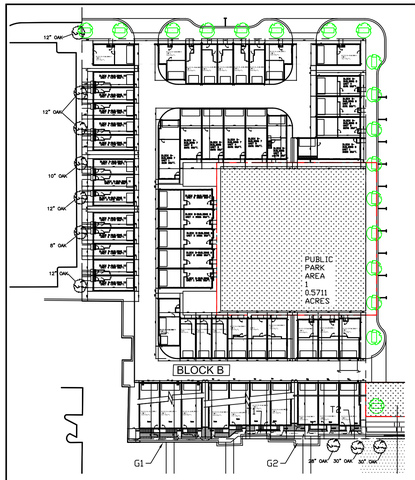
BLOCK B - BUILDING 1

REAR ELEVATIONS

PLAN NO.'S	
UNIT 1	2929
UNIT 2	3061
UNIT 3	2929

SHEET NO.

A-3.2



LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

ADDITIONAL BUILDING MATERIALS

- CAST STONE KEY STONES
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- 42" HI. IRON WROUGHT RAIL.
- FIXED SHUTTERS
- GALV. METAL FLASHING CAP.
- OGEE GUTTER

WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	74	3.2%
BRICK	1807	78.1%
CAST STONE OR SPLIT FACED CMU	432	18.7%
GLAZING	200	8.0%
TOTAL SURFACE AREA	2513	

FACADE PLAN NOTES

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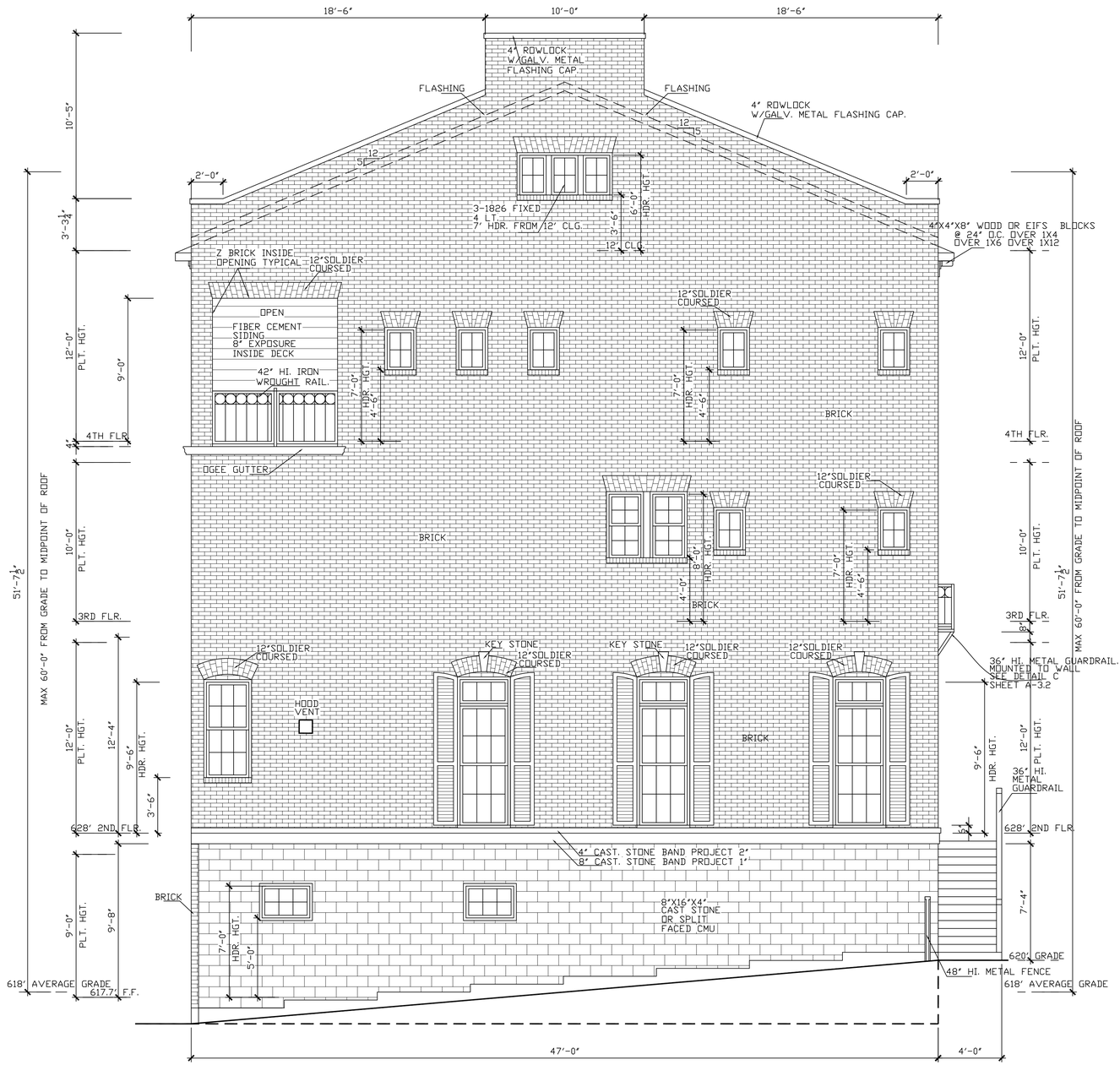

UNIT 1

west/left elevation

SCALE: 1/4" = 1'-0"

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ADDISON GROVE

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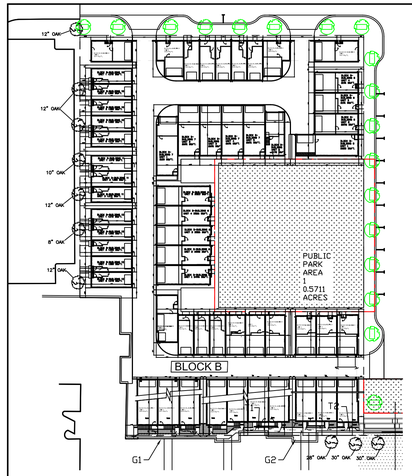
BLOCK B - BUILDING 1

LEFT ELEVATIONS

PLAN NO.'S
UNIT 1 2929
UNIT 2 3061
UNIT 3 2929

SHEET NO.
A-3.3



ADDITIONAL BUILDING MATERIALS

LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

- CAST STONE KEY STONES
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- 42" HI. IRON WROUGHT RAIL.
- FIXED SHUTTERS
- GALV. METAL FLASHING CAP.
- OGEE GUTTER

EAST/RIGHT

MATERIAL CALCULATION TABLE		
SIDING	74	3.3%
BRICK	1808	79.8%
CAST STONE OR SPLIT FACED CMU	384	16.9%
GLAZING	200	8.1%
TOTAL SURFACE AREA	2466	

FACADE PLAN NOTES

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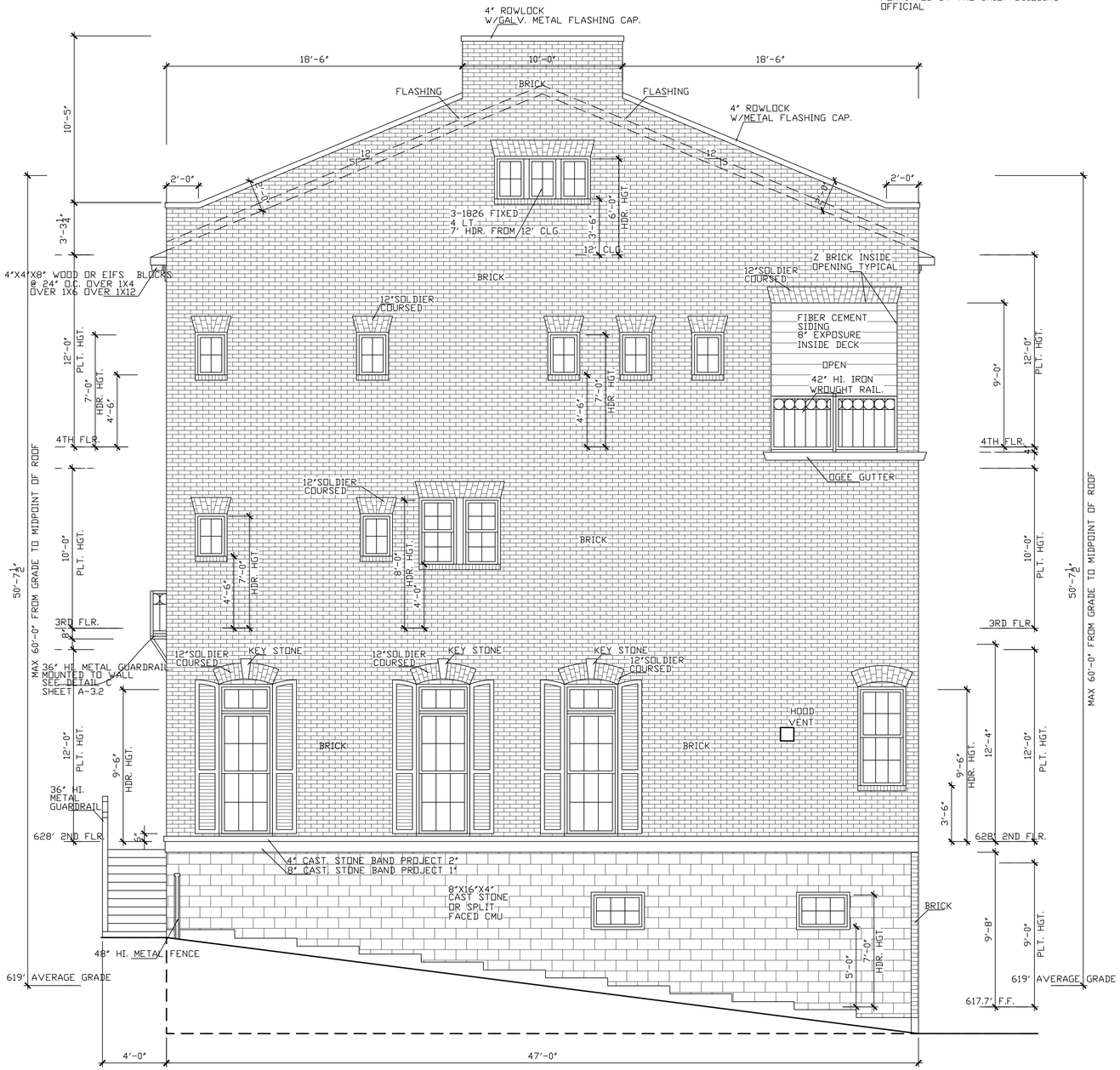

UNIT 3

east/right elevation

SCALE: 1/4" = 1'-0"

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
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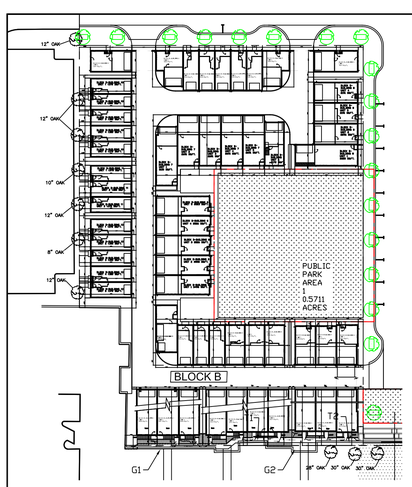
BLOCK B - BUILDING 1

RIGHT ELEVATIONS

PLAN NO.'S
UNIT 1 2929
UNIT 2 3061
UNIT 3 2929

SHEET NO.
A-3.4



ADDITIONAL BUILDING MATERIALS

UNIT 1&3
- CAST STONE PEDIMENT AT ENTRY
- CAST STONE KEY STONES
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- FIXED SHUTTERS
- 4"X4"X8" WOOD OR EIFS BLOCKS
- GALV. METAL FLASHING CAP.
- CONC. STEP

UNIT 2
- BRICK PEDIMENT AT ENTRY
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- FIXED SHUTTERS
- 4"X4"X8" WOOD OR EIFS BLOCKS
- CONC. STEP

LEGEND:

BRICK

CAST STONE OR SPLIT FACED CMU

SOUTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	0	0
BRICK	1857	93.9%
CAST STONE OR SPLIT FACED CMU	121	6.1%
GLAZING	698	26.1%
TOTAL SURFACE AREA	2676	

FACADE PLAN NOTES

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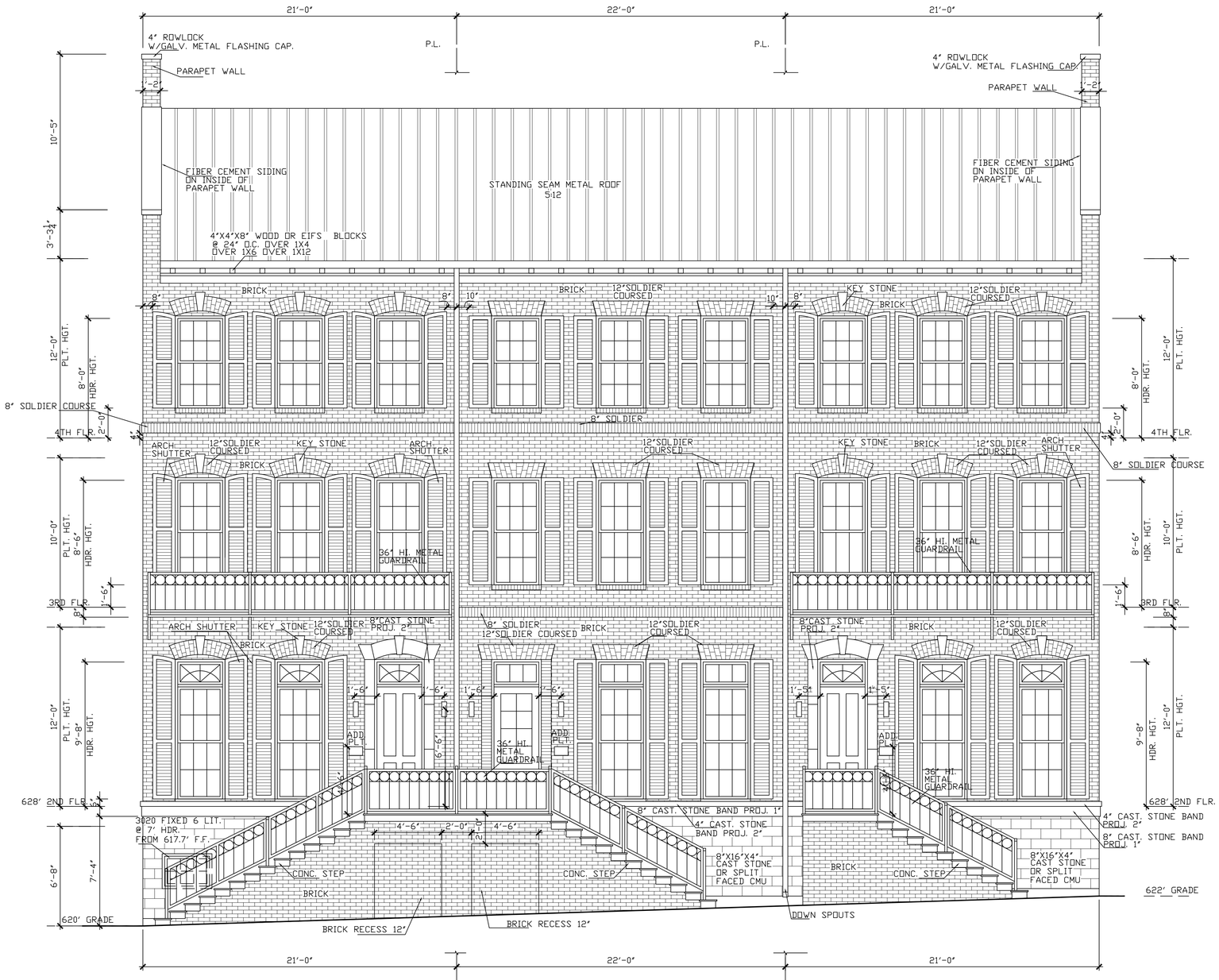

south/front elevation

SCALE: 1/4" = 1'-0"

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ADDISON GROVE

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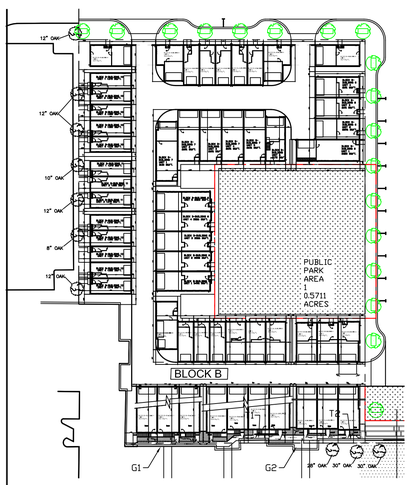
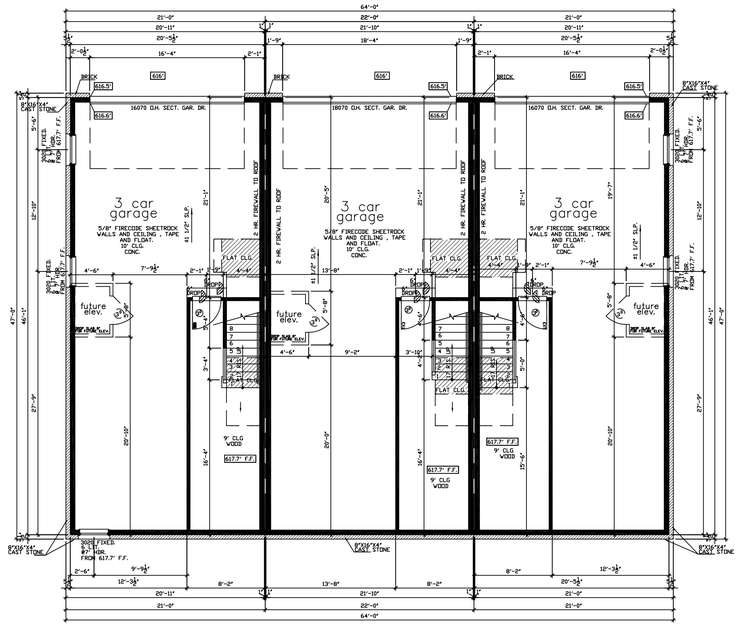
BLOCK B - BUILDING 1

FRONT ELEVATION

PLAN NO.'S
UNIT 1 2929
UNIT 2 3061
UNIT 3 2929

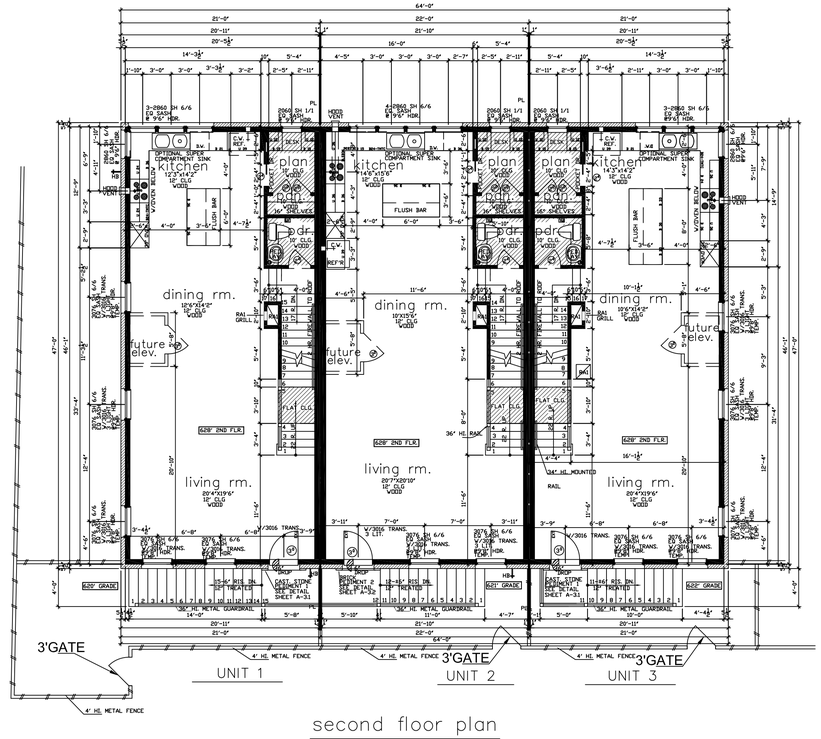
SHEET NO.
A-3.5





first floor plan

SCALE: 1/8" = 1'-0"



second floor plan

SCALE: 1/8" = 1'-0"

unit 1 square footage	
FIRST FLOOR	210
SECOND FLOOR	987
THIRD FLOOR	987
FOURTH FLOOR	745
TOTAL LIVING AREA	2929
GARAGE	773
PORCH	0
ROOF DECK	193
TOTAL SLAB AREA	987

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY

unit 2 square footage	
FIRST FLOOR	210
SECOND FLOOR	1034
THIRD FLOOR	1034
FOURTH FLOOR	783
TOTAL LIVING AREA	3061
GARAGE	824
PORCH	0
ROOF DECK	203
TOTAL SLAB AREA	1012

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY

unit 3 square footage	
FIRST FLOOR	210
SECOND FLOOR	987
THIRD FLOOR	987
FOURTH FLOOR	745
TOTAL LIVING AREA	2929
GARAGE	773
PORCH	0
ROOF DECK	193
TOTAL SLAB AREA	966

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY

ADDISON GROVE

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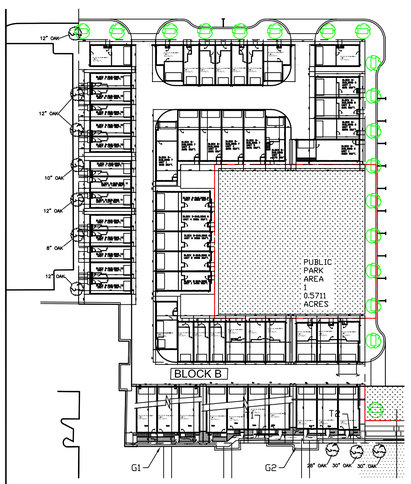
Final Date Issue: 04/07/2016

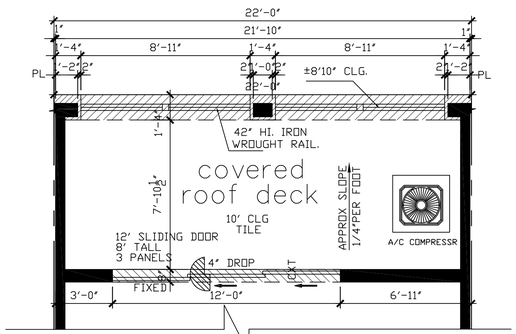
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 1
FLOOR PLAN

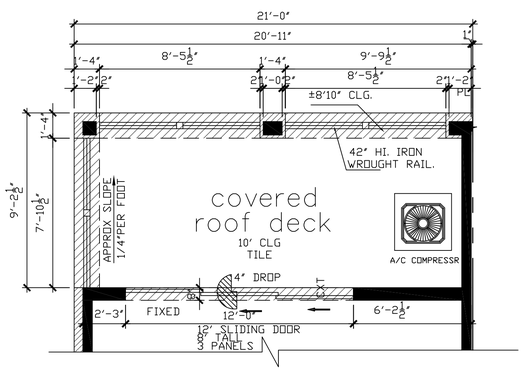
PLAN NO.S	
UNIT 1	2929
UNIT 2	3061
UNIT 3	2929

SHEET NO.
A-2.1

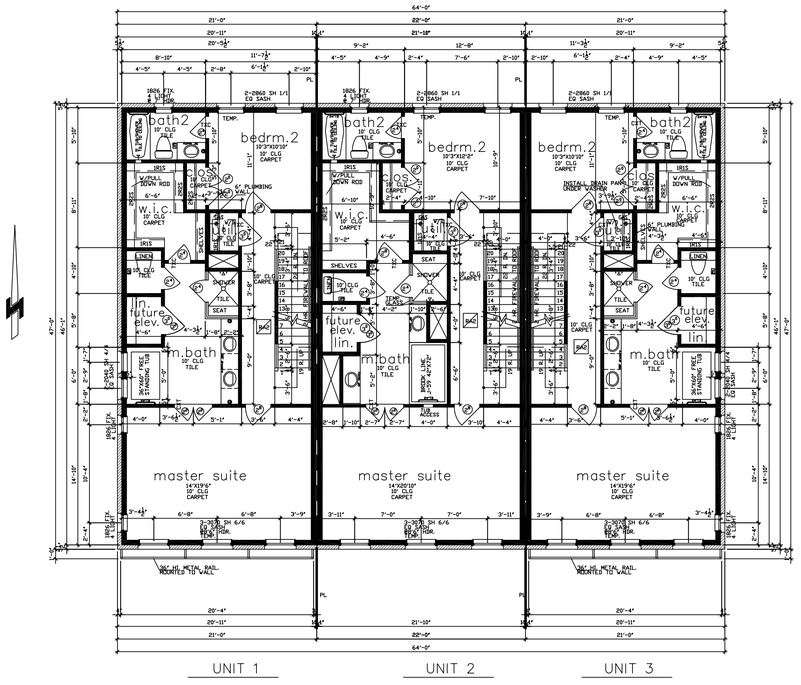




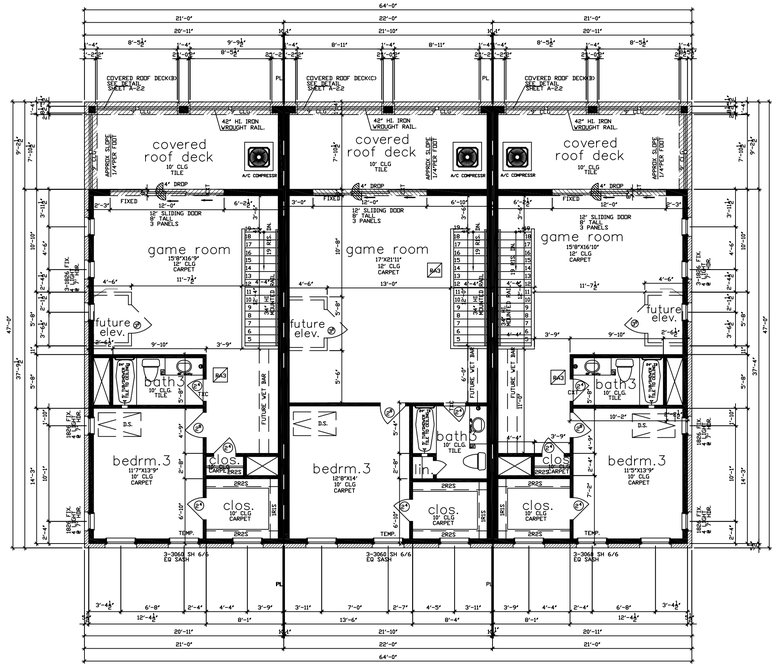
COVERED ROOF DECK(C)
SCALE: 1/4" = 1'-0"



COVERED ROOF DECK(B)
SCALE: 1/4" = 1'-0"



third floor plan
SCALE: 1/8" = 1'-0"



fourth floor plan
SCALE: 1/8" = 1'-0"

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ADDISON GROVE

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Final Date Issue: 04/07/2016

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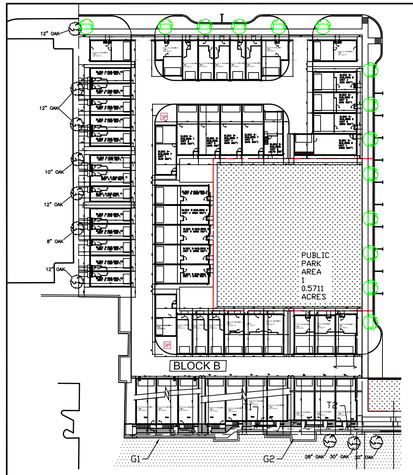
BLOCK B - BUILDING 1
FLOOR PLAN

PLAN NO.'S
UNIT 1 2929
UNIT 2 3061
UNIT 3 2929

SHEET NO.
A-2.2



LEGEND:

BRICK

FIBER CEMENT SIDING

CAST STONE OR SPLIT FACED CMU

ADDITIONAL BUILDING MATERIALS

UNIT 1&4
* CAST STONE PEDIMENT AT ENTRY
* CAST STONE KEY STONES
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* 4X4X8" WOOD OR EIFS BLOCKS
* FIXED SHUTTERS
* CONC. STEPS

UNIT 2&3
* BRICK PEDIMENT AT ENTRY
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* 42" HIGH WROUGHT IRON RAILING
* METAL CANOPY
* 4X4X8" WOOD OR EIFS BLOCKS
* CONC. STEPS

SOUTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	63	2.6%
BRICK	2103	88.7%
CAST STONE OR SPLIT FACED CMU	206	8.7%
GLAZING	918	27.9%
TOTAL SURFACE AREA	3290	

FACADE PLAN NOTES

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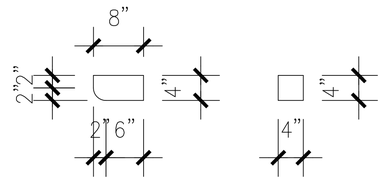

WOOD OR EIFS BLOCKS(D)

SCALE: 1" = 1'-0"

south/front elevation(w/ fence)

SCALE: 1/4" = 1'-0"

ADDISON GROVE

TEXAS INTOWN HOMES
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BLOCK B - BUILDING 2

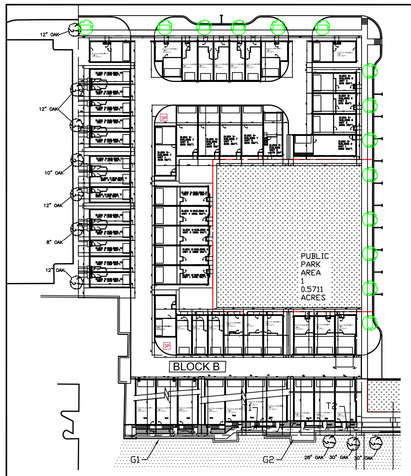
FRONT ELEVATION

PLAN NO.'S

UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

SHEET NO.

A-3.1



LEGEND:

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 42" HIGH WROUGHT IRON RAILING
* 4X4X8" WOOD OR EIFS BLOCKS

NORTH/REAR

MATERIAL CALCULATION TABLE		
SIDING	151	5.2%
BRICK	2768	94.8%
CAST STONE OR SPLIT FACED CMU	0	0
GLAZING	638	15.7%
TOTAL SURFACE AREA	4057	

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UNIT 4 | UNIT 3 | UNIT 2 | UNIT 1

north/rear elevation

SCALE: 1/4" = 1'-0"

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1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

ADDISON GROVE

Drawn By/Checked By: E.C./F.M.
Original Date Issued: 01/29/2016
Scale: 1/4" = 1'-0"
Final Date Issue: 04/07/2016

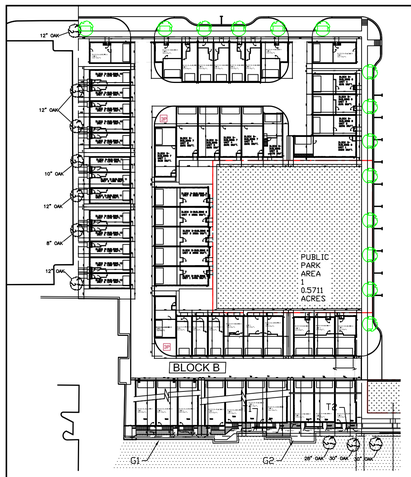
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 2
REAR ELEVATION

PLAN NO.'S

UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

SHEET NO.
A-3.3



LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

ADDITIONAL BUILDING MATERIALS

- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 42" HIGH WROUGHT IRON RAILING
- 4X4X8" WOOD OR EIFS BLOCKS
- FIXED SHUTTERS

WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	72	3.7%
BRICK	1436	74.7%
CAST STONE OR SPLIT FACED CMU	415	21.6%
GLAZING	155	7.5%
TOTAL SURFACE AREA	2078	

FACADE PLAN NOTES

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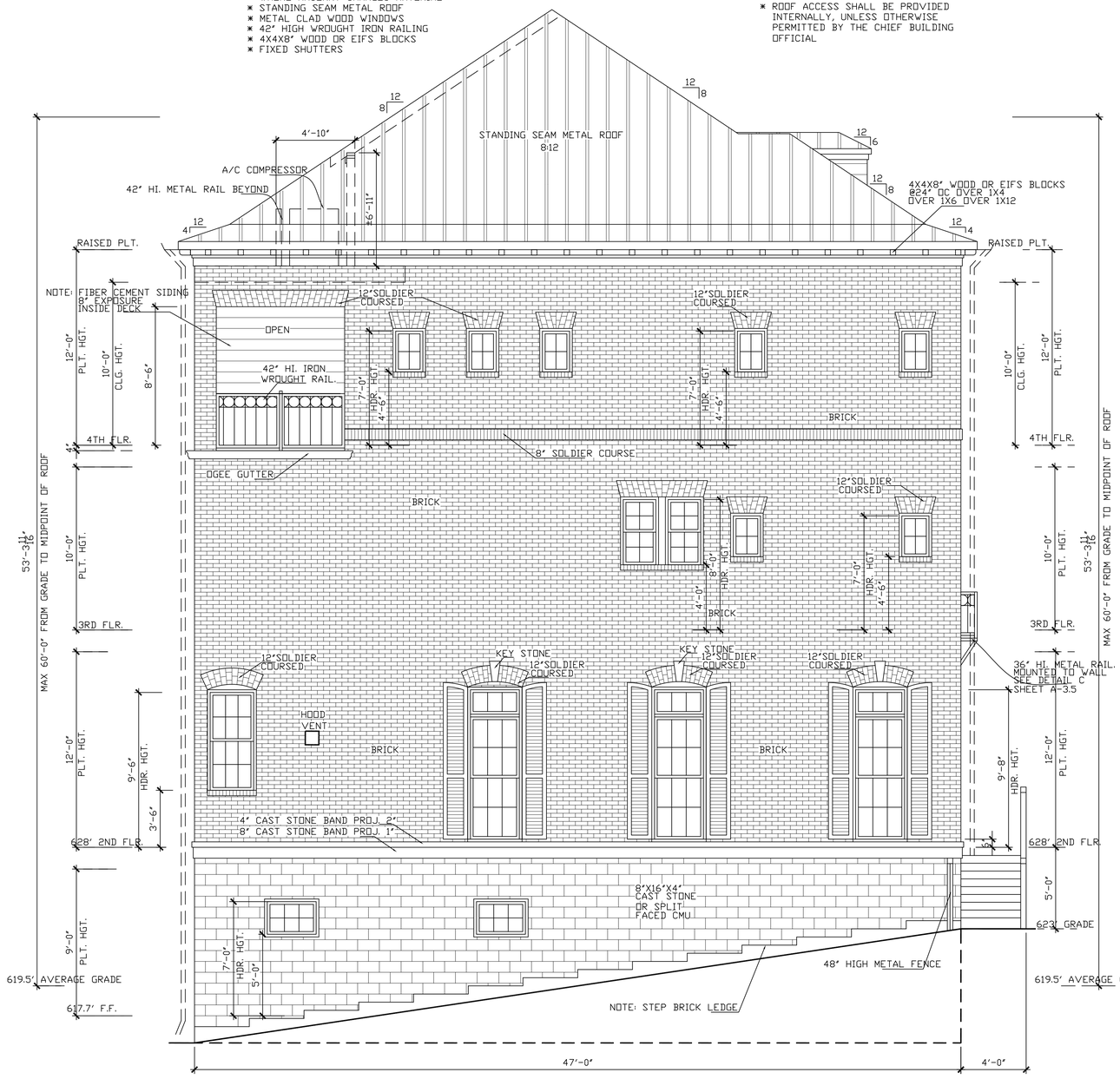

UNIT 1

west/left elevation

SCALE: 1/4" = 1'-0"

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: F.C./F.M.
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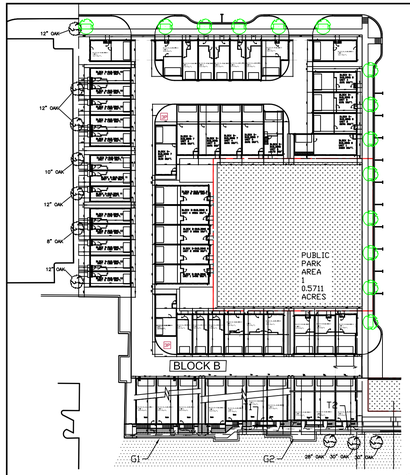
BLOCK B - BUILDING 2

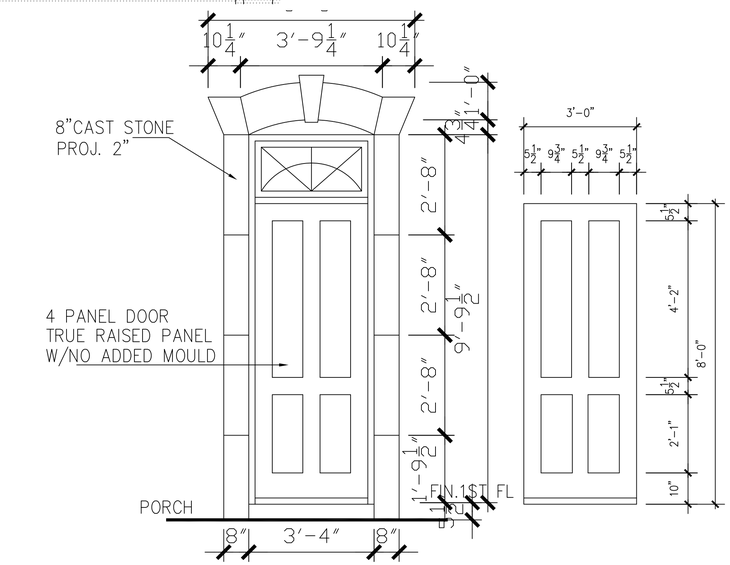
LEFT ELEVATIONS

PLAN NO.'S

UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

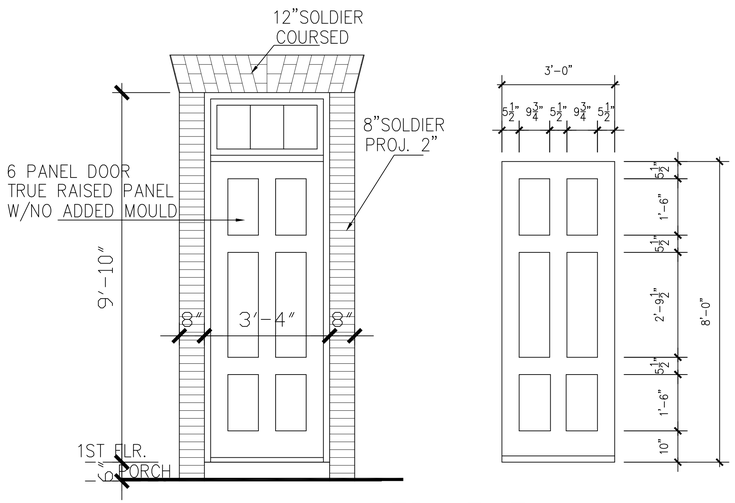
SHEET NO.
A-3.4





PEDIMENT

SCALE: 1/2" = 1'-0"



PEDIMENT

SCALE: 1/2" = 1'-0"

LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

ADDITIONAL BUILDING MATERIALS

- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 42" HIGH WROUGHT IRON RAILING
- 4X4X8" WOOD OR EIFS BLOCKS
- FIXED SHUTTERS

EAST/RIGHT

MATERIAL CALCULATION TABLE		
SIDING	70	3.8%
BRICK	1445	78.4%
CAST STONE OR SPLIT FACED CMU	329	17.8%
GLAZING	155	7.8%
TOTAL SURFACE AREA	1999	

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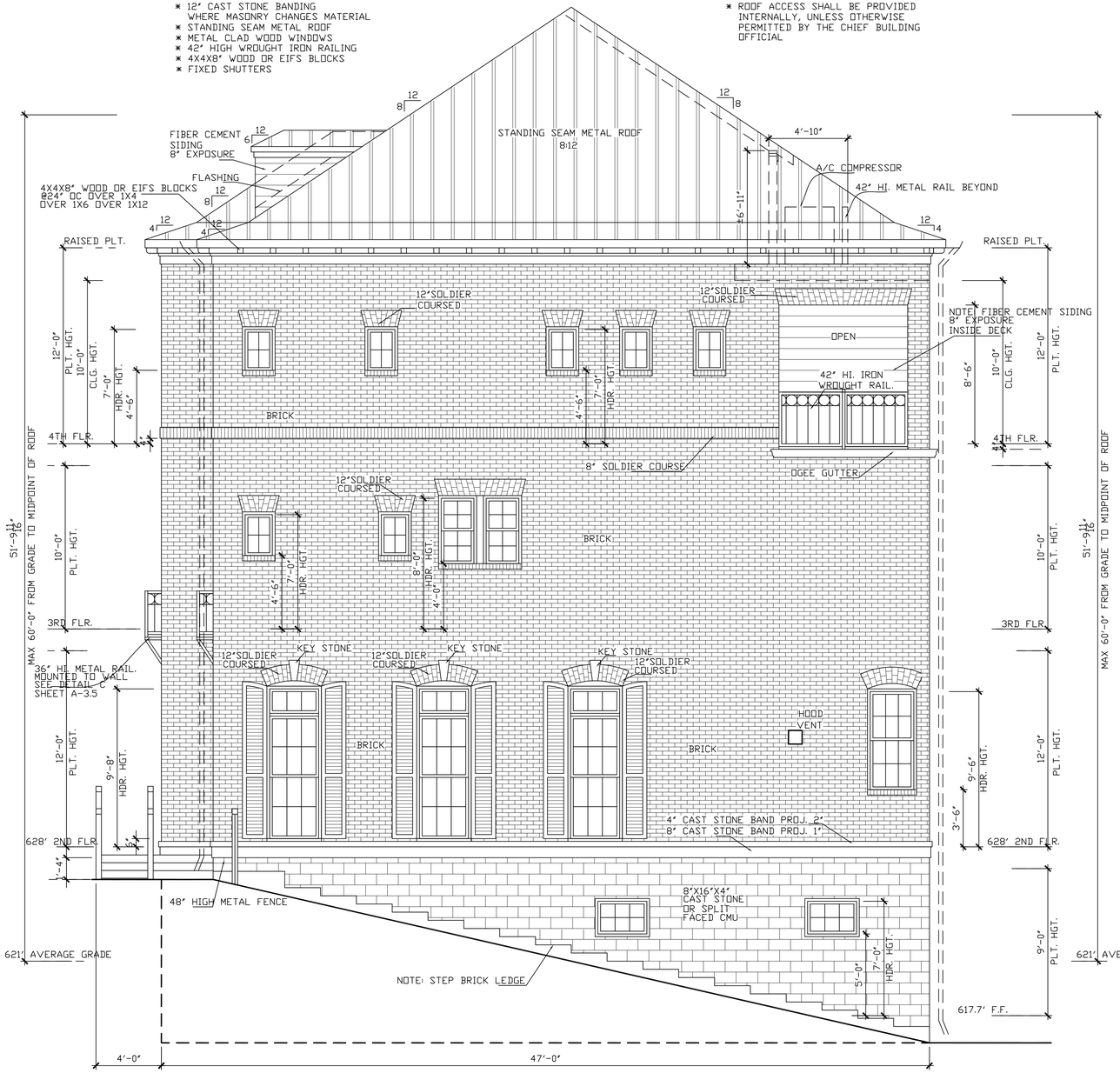

UNIT 7

east/right elevation

SCALE: 1/4" = 1'-0"

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ADDISON GROVE

BLOCK B - BUILDING 2

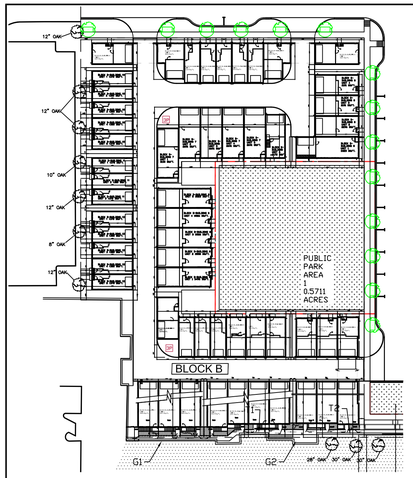
RIGHT ELEVATION

PLAN NO.'S

UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

SHEET NO.

A-3.2



LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

ADDITIONAL BUILDING MATERIALS

UNIT 1&4
- * CAST STONE PEDIMENT AT ENTRY
- * CAST STONE KEY STONES
- * 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- * STANDING SEAM METAL ROOF
- * METAL CLAD WOOD WINDOWS
- * 36" HIGH METAL GUARDRAILS
- * 4X4X8" WOOD OR EIFS BLOCKS
- * FIXED SHUTTERS
- * CONC. STEPS

UNIT 2&3
- * BRICK PEDIMENT AT ENTRY
- * 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- * STANDING SEAM METAL ROOF
- * METAL CLAD WOOD WINDOWS
- * 36" HIGH METAL GUARDRAILS
- * 42" HIGH WROUGHT IRON RAILING
- * METAL CANOPY
- * 4X4X8" WOOD OR EIFS BLOCKS
- * CONC. STEPS

SOUTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	63	2.6%
BRICK	2103	88.7%
CAST STONE OR SPLIT FACED CMU	206	8.7%
GLAZING	918	27.9%
TOTAL SURFACE AREA	3290	

FACADE PLAN NOTES

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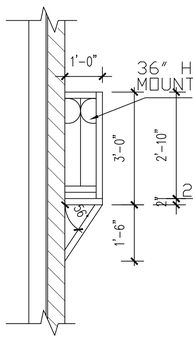

METAL RAIL. (C)
SCALE:1/2"=1'-0"

south/front elevation
SCALE: 1/4" = 1'-0"

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ADDISON GROVE

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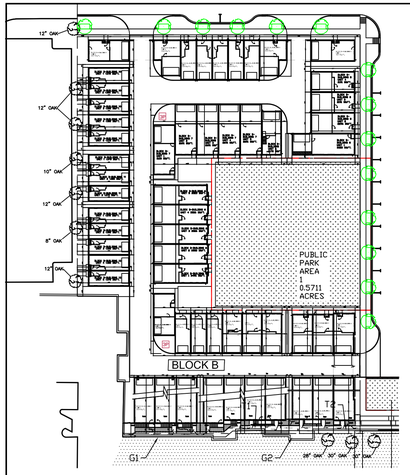
BLOCK B - BUILDING 2

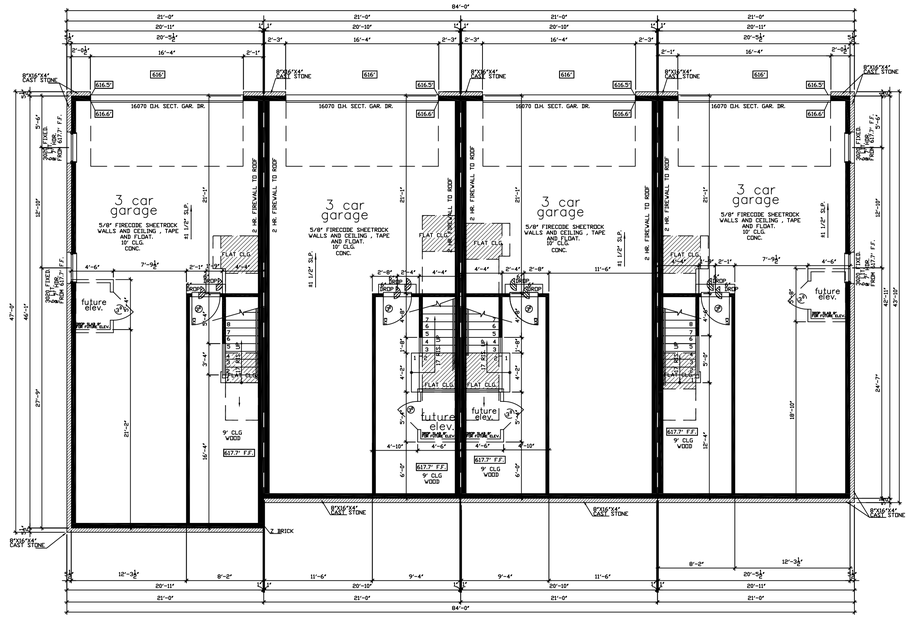
FRONT ELEVATION

PLAN NO.'S

UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

SHEET NO.
A-3.5





first floor plan

SCALE: 1/8" = 1'-0"

unit 1square footage	
BASEMENT	210
FIRST FLOOR	987
SECOND FLOOR	987
THIRD FLOOR	745
TOTAL LIVING AREA	2929
GARAGE	777
PORCH	0
ROOF DECK	193
TOTAL SLAB AREA	987

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003. ACTUAL SQUARE FOOTAGE MAY VARY

unit 2square footage	
BASEMENT	210
FIRST FLOOR	926
SECOND FLOOR	926
THIRD FLOOR	731
TOTAL LIVING AREA	2781
GARAGE	711
PORCH	0
ROOF DECK	129
TOTAL SLAB AREA	926

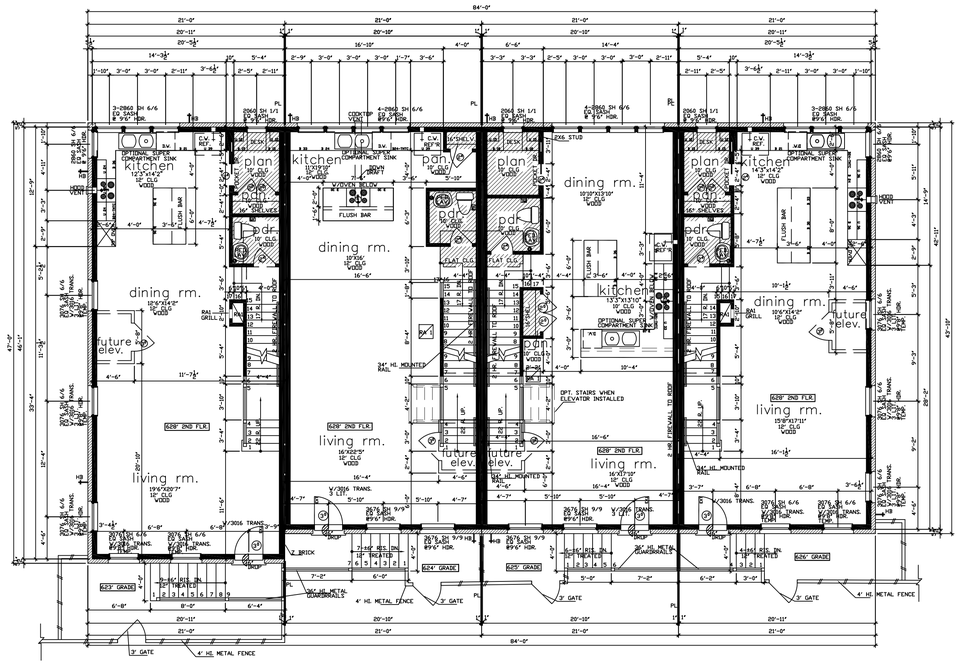
THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003. ACTUAL SQUARE FOOTAGE MAY VARY

unit 3square footage	
BASEMENT	210
FIRST FLOOR	926
SECOND FLOOR	926
THIRD FLOOR	731
TOTAL LIVING AREA	2781
GARAGE	711
PORCH	0
ROOF DECK	129
TOTAL SLAB AREA	926

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003. ACTUAL SQUARE FOOTAGE MAY VARY

unit 4 square footage	
BASEMENT	134
FIRST FLOOR	926
SECOND FLOOR	926
THIRD FLOOR	663
TOTAL LIVING AREA	2637
GARAGE	787
PORCH	0
ROOF DECK	193
TOTAL SLAB AREA	926

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003. ACTUAL SQUARE FOOTAGE MAY VARY



second floor plan

SCALE: 1/8" = 1'-0"

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ADDISON GROVE

BLOCK B - BUILDING 2
FLOOR PLAN

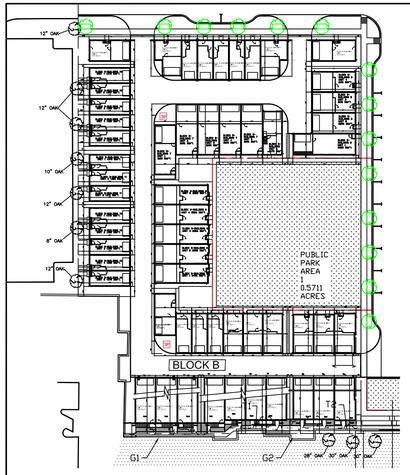
PLAN NO.'S

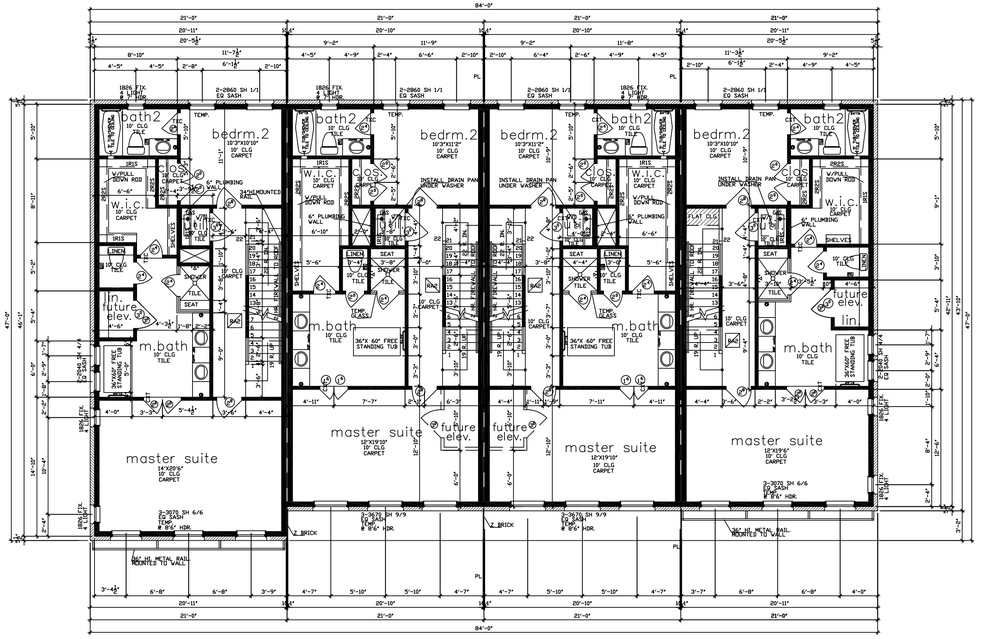
UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

SHEET NO.

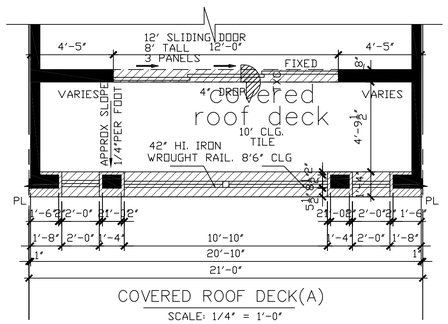
A2.1

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

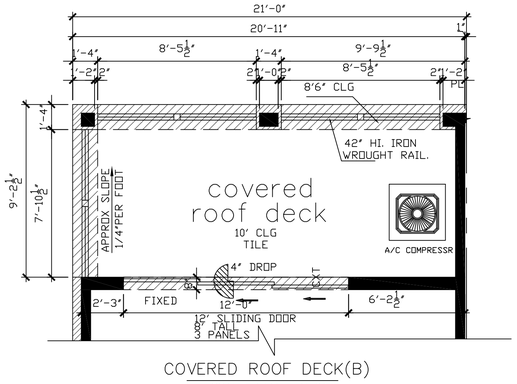




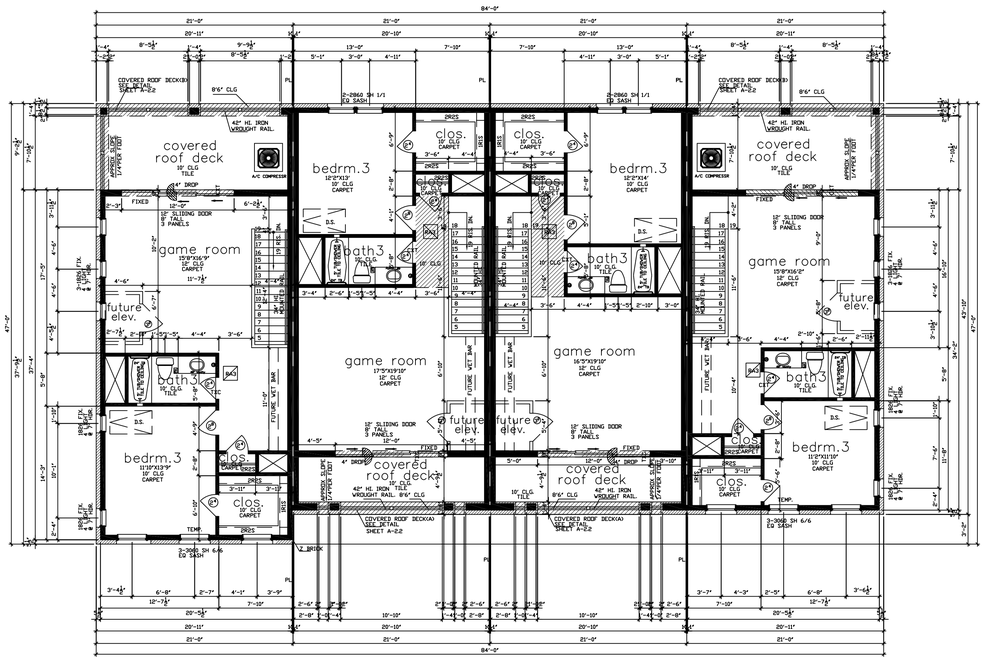
third floor plan
SCALE: 1/8" = 1'-0"



COVERED ROOF DECK(A)
SCALE: 1/4" = 1'-0"



COVERED ROOF DECK(B)
SCALE: 1/4" = 1'-0"



fourth floor plan
SCALE: 1/8" = 1'-0"

ADDISON GROVE

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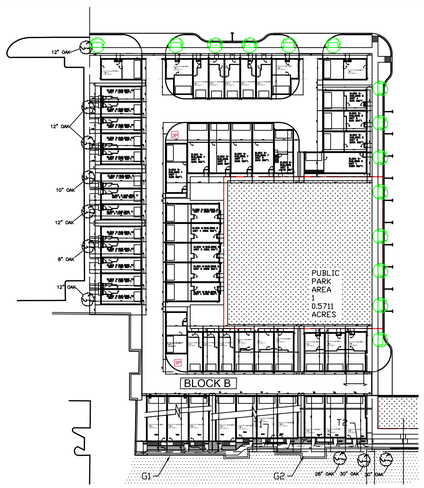
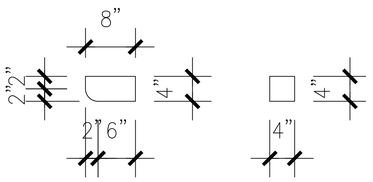
BLOCK B - BUILDING 2
FLOOR PLAN

PLAN NO.'S

UNIT 1	2929
UNIT 2	2781
UNIT 3	2781
UNIT 4	2637

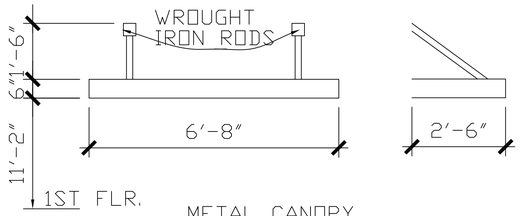
SHEET NO.
A2.2





SMOOTH FINISH
WOOD OR EIFS BRACKETS(D)

SCALE: 1" = 1'-0"



METAL CANOPY

SCALE: 1/2" = 1'-0"

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ADDITIONAL BUILDING MATERIALS

UNIT 1&2:
* BRICK PEDIMENT AT ENTRY
* METAL CANOPY
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIA
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 42" HIGH METAL GUARDRAILS
* 36" HIGH METAL GUARDRAILS
* OGEE GUTTER
* CONC. STEPS
* 4X4X8 WOOD OR EIFS BLOCKS

UNIT 3:
* CAST STONE PEDIMENT AT ENTRY
* CAST STONE KEY STONES
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIA
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* FIXED SHUTTERS
* FYPON CORBEL BRACKET
* CAST STONE PLAQUES
* CONC. STEPS

LEGEND:

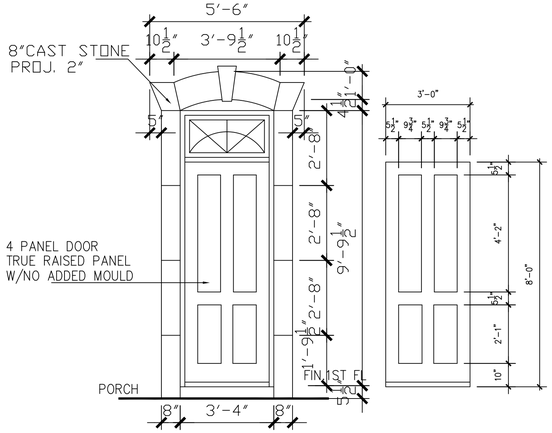
BRICK

FIBER CEMENT SIDING

CAST STONE OR SPLIT FACED CMU

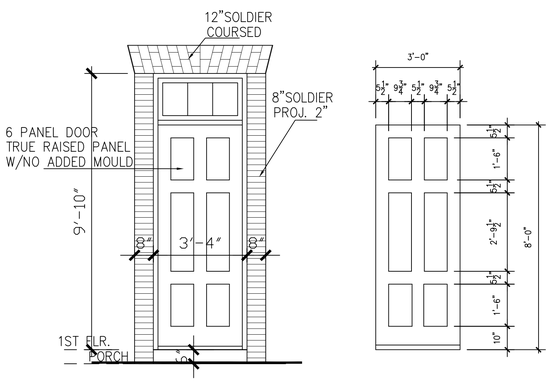
SOUTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	52	3.2%
BRICK	1471	91.3%
CAST STONE	88	5.5%
GLAZING	769	32.3%
TOTAL SURFACE AREA	2380	



CAST STONE PEDIMENT DETAIL

SCALE: 3/8" = 1'-0"



BRICK PEDIMENT DETAIL

SCALE: 3/8" = 1'-0"

UNIT 1 UNIT 2 UNIT 3

south/front elevation
(w/metal fence)

SCALE: 1/4" = 1'-0"

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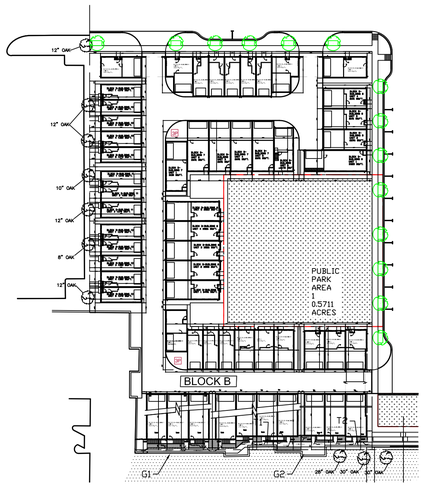
ADDISON GROVE

BLOCK B - BUILDING 3

FRONT ELEVATION

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

SHEET NO.
A-3.1



ADDITIONAL BUILDING MATERIALS

UNIT 1:
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 4X4X8 WOOD OR EIFS BLOCKS

UNIT 2:
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* 4X4X8 WOOD OR EIFS BLOCKS

UNIT 3:
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* FYPON CORBEL BRACKET
* CAST STONE BRACKET
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIA
* 4X4X8 WOOD OR EIFS BLOCKS

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LEGEND:

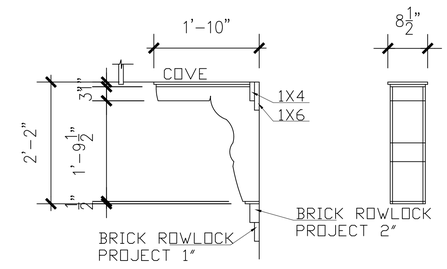
BRICK

FIBER CEMENT SIDING

CAST STONE OR SPLIT FACED CMU

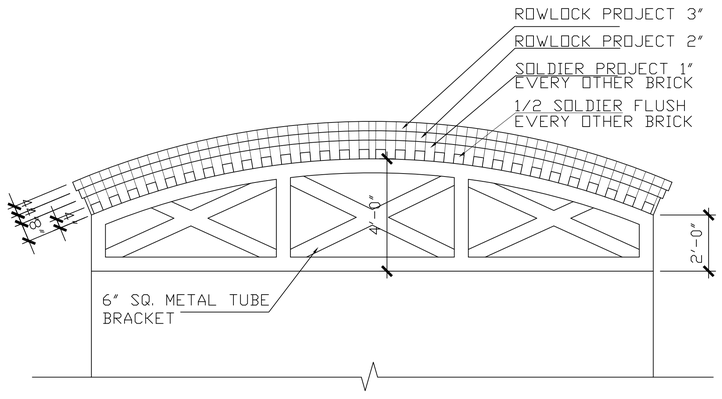
NORTH/REAR

MATERIAL CALCULATION TABLE		
CAST STONE	23	1.3%
BRICK	1801	98.7%
GLAZING	337	15.6%
TOTAL SURFACE AREA	2161	



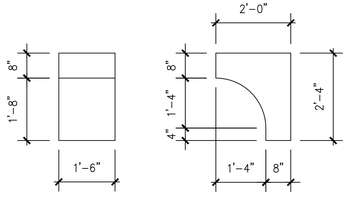
'FYPON' CORBEL & BRACKET DETAIL A

SCALE: 3/4" = 1'-0"



METAL TUBE BRACKET DETAIL B

SCALE: 3/8" = 1'-0"



CAST STONE BRACKET DETAIL C

SCALE: 1/2" = 1'-0"

north/rear elevation

SCALE: 1/4" = 1'-0"

TEXAS INTOWN HOMES
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ADDISON GROVE

Drawn By/Checked By: J.H./J.S.
Original Date Issued: 01/29/2016
Scale: 1/4" = 1'-0"
Final Date Issue: 04/07/2016

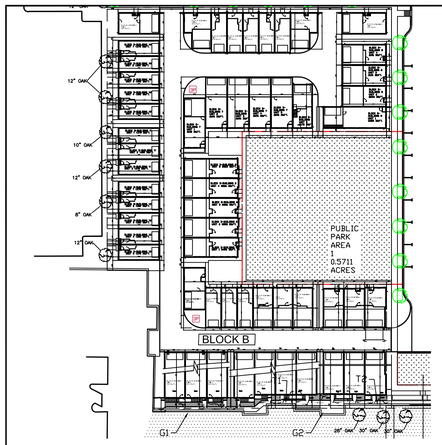
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 3

REAR ELEVATION

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

SHEET NO.
A-3.2



BLOCK B - BUILDING 3
ADDITIONAL BUILDING MATERIALS

UNIT 3:
* CAST STONE PLAQUES
* CAST STONE KEY STONES
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* FIXED SHUTTERS
* 'FYPON' CORBEL BRACKET
* METAL BRACKET
* 4X4X8 WOOD OR EIFS BLOCKS

BLOCK B - BUILDING 3
EAST/RIGHT

MATERIAL CALCULATION TABLE		
CAST STONE	390	20.0%
BRICK	1564	80.0%
GLAZING	336	15.4%
TOTAL SURFACE AREA	2183	

LEGEND:

BRICK

FIBER CEMENT SIDING

CAST STONE OR SPLIT FACED CMU

FACADE PLAN NOTES

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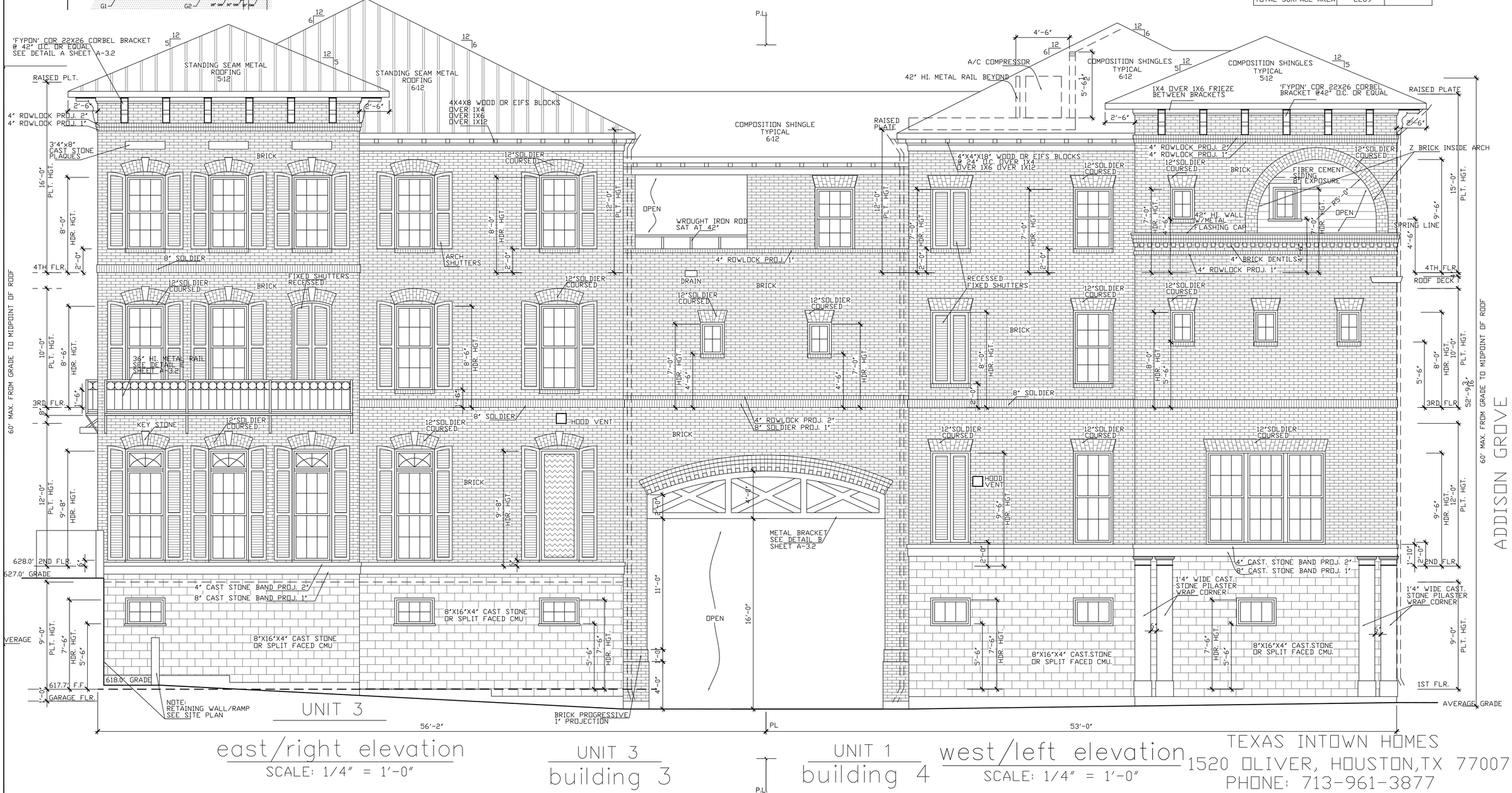
* ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL

BLOCK B - BUILDING 4
ADDITIONAL BUILDING MATERIALS

UNIT 1:
* CAST. STONE PILASTER
* 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
* COMPOSITION SHINGLES TYPICAL ROOF
* METAL CLAD WOOD WINDOWS
* 'FYPON' COR 22X26 CORBEL BRACKET
* 4" BRICK DENTILS
* METAL FLASHING CAP
* OGEE GUTTER
* FIXED SHUTTER
* METAL BRACKET
* 4X4X8" WOOD OR EIFS BLOCKS

BLOCK B - BUILDING 4
WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	51	2.5%
BRICK	1501	72.3%
CAST STONE OR SPLIT FACED CMU.	524	25.2%
GLAZING	213	9.3%
TOTAL SURFACE AREA	2289	



UNIT 3
east/right elevation
SCALE: 1/4" = 1'-0"

UNIT 3
building 3

UNIT 1
building 4

west/left elevation
SCALE: 1/4" = 1'-0"

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: J.H./J.S.
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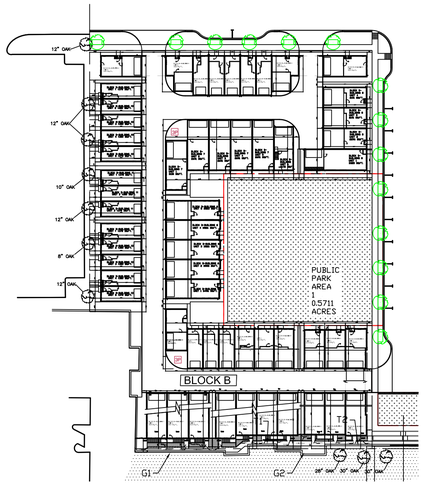
BLOCK B - BUILDING 3 & 4
ELEVATIONS

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

SHEET NO.
A-3.6



LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

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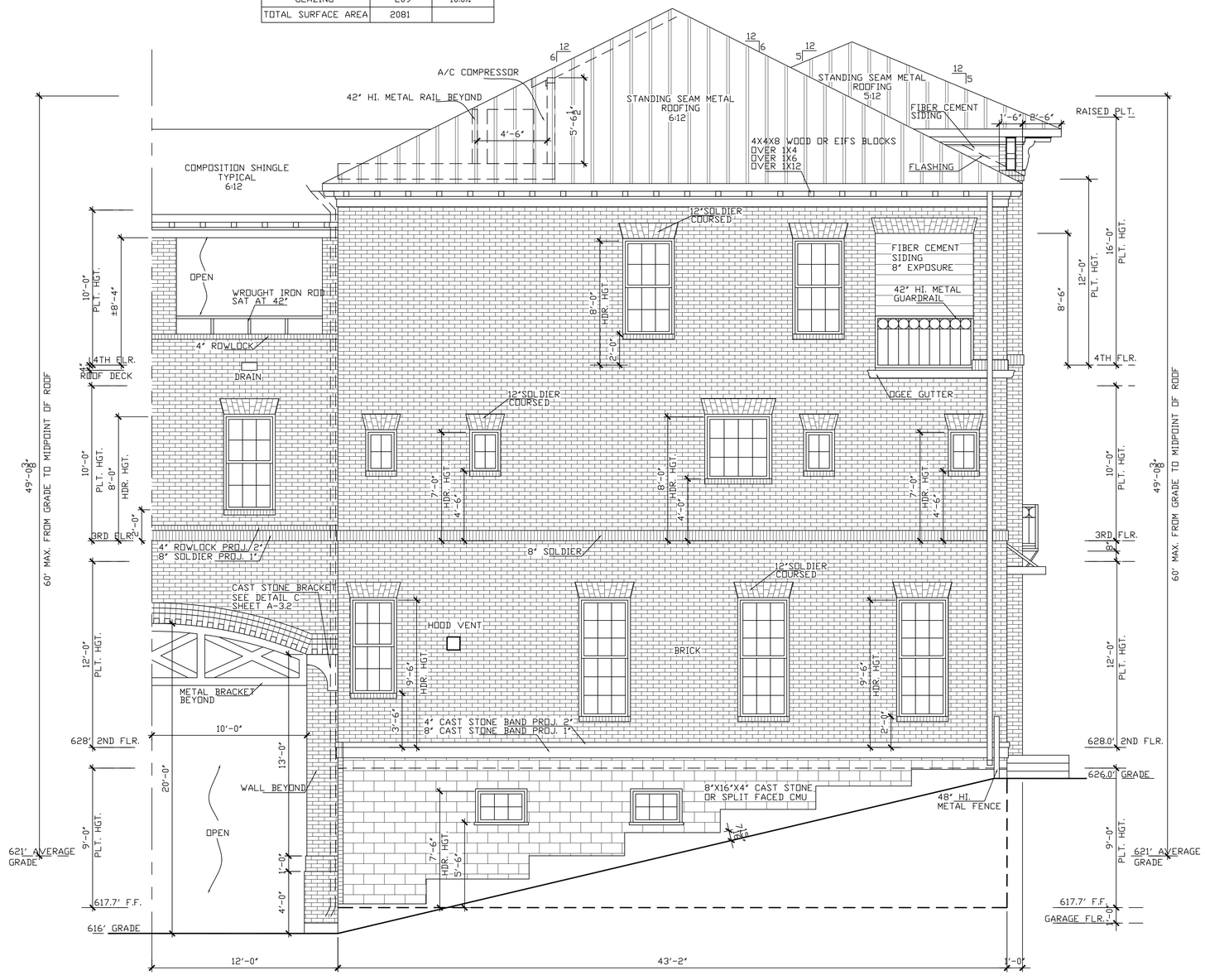
ADDITIONAL BUILDING MATERIALS

UNIT 1:

- METAL CANOPY
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIA
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- 42" HIGH METAL GUARDRAILS
- WROUGHT IRON ROD
- FIXED SHUTTERS
- OGEE GUTTER
- CONC. STEPS
- 4X4X8 WOOD OR EIFS BLOCKS

WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	57	3.0%
BRICK	1570	83.9%
CAST STONE	245	13.1%
GLAZING	209	10.0%
TOTAL SURFACE AREA	2081	



UNIT 1

west/left elevation

SCALE: 1/4" = 1'-0"

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ADDISON GROVE

BLOCK B - BUILDING 3

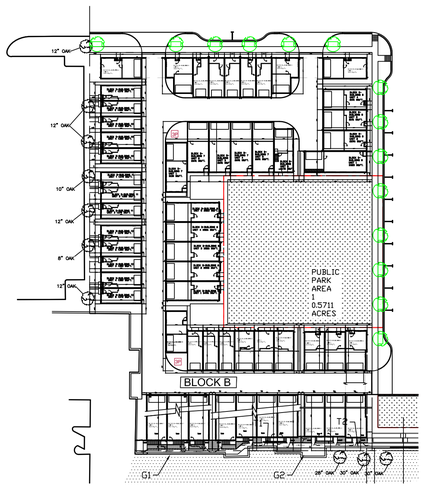
LEFT ELEVATION

PLAN NO.'S

UNIT 1	2705
UNIT 2	2705
UNIT 3	3279

SHEET NO.

A-3.4



LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST STONE OR SPLIT FACED CMU

FACADE PLAN NOTES

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ADDITIONAL BUILDING MATERIALS

UNIT 1&2:
* BRICK PEDIMENT AT ENTRY
* METAL CANOPY
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIA
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 42" HIGH METAL GUARDRAILS
* 36" HIGH METAL GUARDRAILS
* OGEE GUTTER
* CONC. STEPS
* 4X4X8 WOOD OR EIFS BLOCKS

UNIT 3:
* CAST STONE PEDIMENT AT ENTRY
* CAST STONE KEY STONES
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIA
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* FIXED SHUTTERS
* FYPON CORBEL BRACKET
* CAST STONE PLAQUES
* CONC. STEPS

SOUTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	52	3.2%
BRICK	1471	91.3%
CAST STONE	88	5.5%
GLAZING	769	32.3%
TOTAL SURFACE AREA	2380	

UNIT 1 UNIT 2 UNIT 3

south/front elevation

SCALE: 1/4" = 1'-0"

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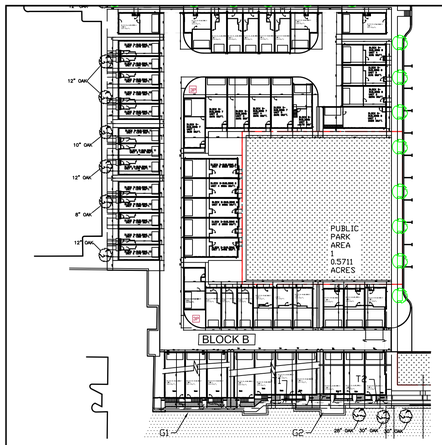
ADDISON GROVE

BLOCK B - BUILDING 3

FRONT ELEVATION

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

SHEET NO.
A-3.5



BLOCK B - BUILDING 3
ADDITIONAL BUILDING MATERIALS

UNIT 3:
* CAST STONE PLAQUES
* CAST STONE KEY STONES
* 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
* STANDING SEAM METAL ROOF
* METAL CLAD WOOD WINDOWS
* 36" HIGH METAL GUARDRAILS
* FIXED SHUTTERS
* 'FYPON' CORBEL BRACKET
* METAL BRACKET
* 4X4X8 WOOD OR EIFS BLOCKS

BLOCK B - BUILDING 3
EAST/RIGHT

MATERIAL CALCULATION TABLE		
CAST STONE	390	20.0%
BRICK	1564	80.0%
GLAZING	336	15.4%
TOTAL SURFACE AREA	2183	

LEGEND:

BRICK

FIBER CEMENT SIDING

CAST STONE OR SPLIT FACED CMU

FACADE PLAN NOTES

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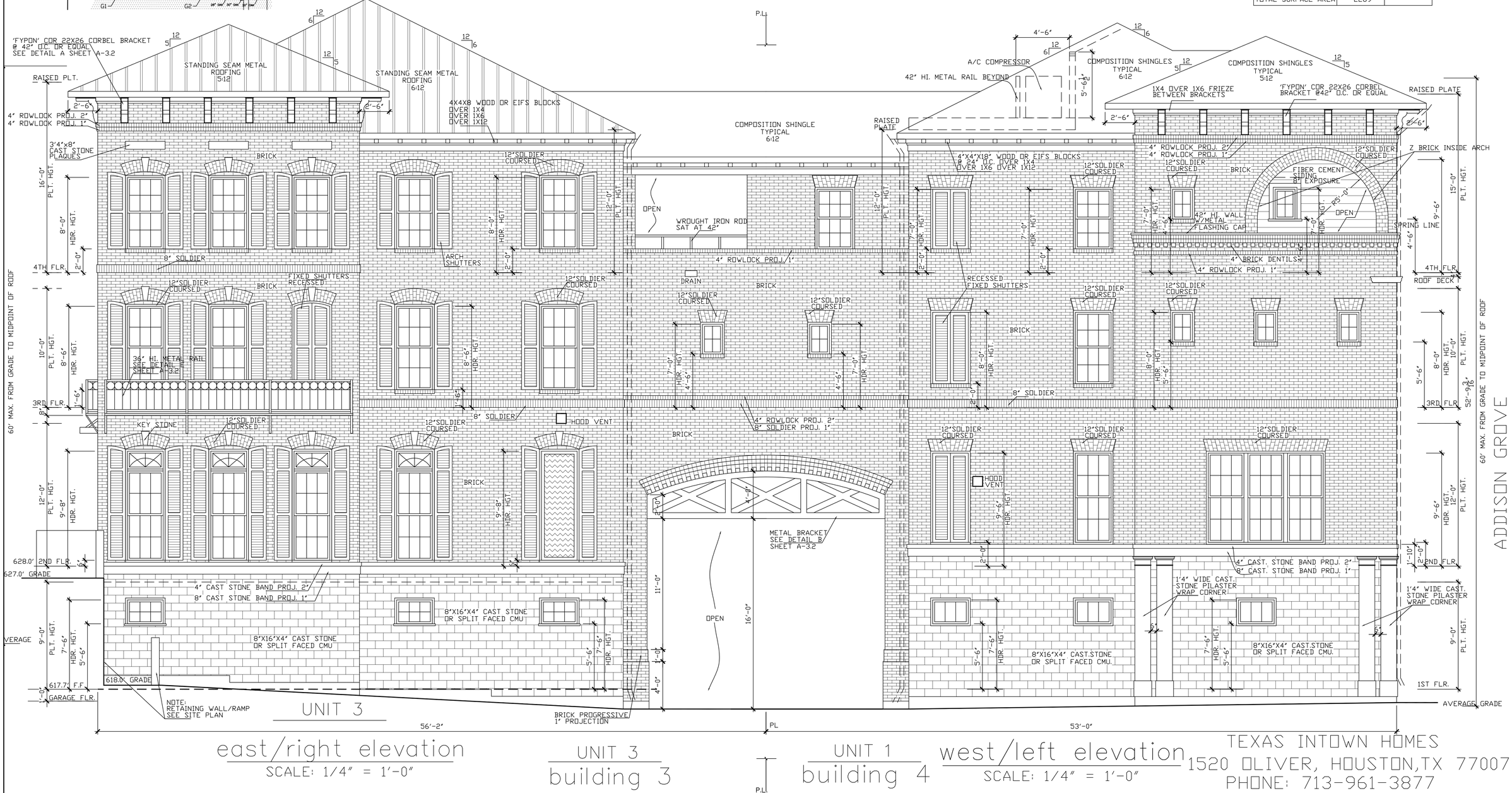
BLOCK B - BUILDING 4
ADDITIONAL BUILDING MATERIALS

UNIT 1:
* CAST. STONE PILASTER
* 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
* COMPOSITION SHINGLES TYPICAL ROOF
* METAL CLAD WOOD WINDOWS
* 'FYPON' COR 22X26 CORBEL BRACKET
* 4" BRICK DENTILS
* METAL FLASHING CAP
* OGEE GUTTER
* FIXED SHUTTER
* METAL BRACKET
* 4X4X8" WOOD OR EIFS BLOCKS

BLOCK B - BUILDING 4
WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	51	2.5%
BRICK	1501	72.3%
CAST STONE OR SPLIT FACED CMU.	524	25.2%
GLAZING	213	9.3%
TOTAL SURFACE AREA	2289	



UNIT 3
east/right elevation
SCALE: 1/4" = 1'-0"

UNIT 3
building 3

UNIT 1
building 4

west/left elevation
SCALE: 1/4" = 1'-0"

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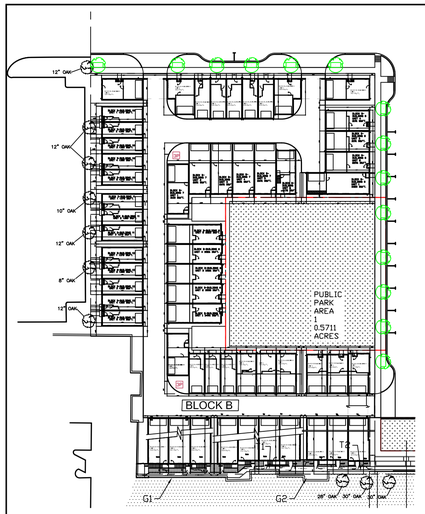
BLOCK B - BUILDING 3 & 4
ELEVATIONS

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

SHEET NO.
A-3.6

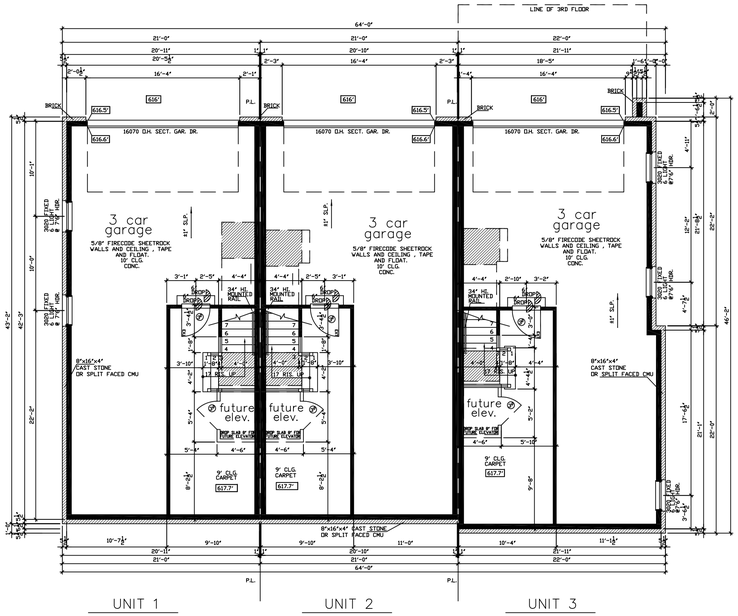


unit1&2 square footage	
FIRST FLOOR	238
SECOND FLOOR	906
THIRD FLOOR	906
FOURTH FLOOR	663
TOTAL LIVING AREA	2705
GARAGE	676
ROOF DECK	179
TOTAL SLAB AREA	906

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY

unit3 square footage	
FIRST FLOOR	256
SECOND FLOOR	950
THIRD FLOOR	1190
FOURTH FLOOR	809
TOTAL LIVING AREA	3279
GARAGE	699
ROOF DECK	249
TOTAL SLAB AREA	950

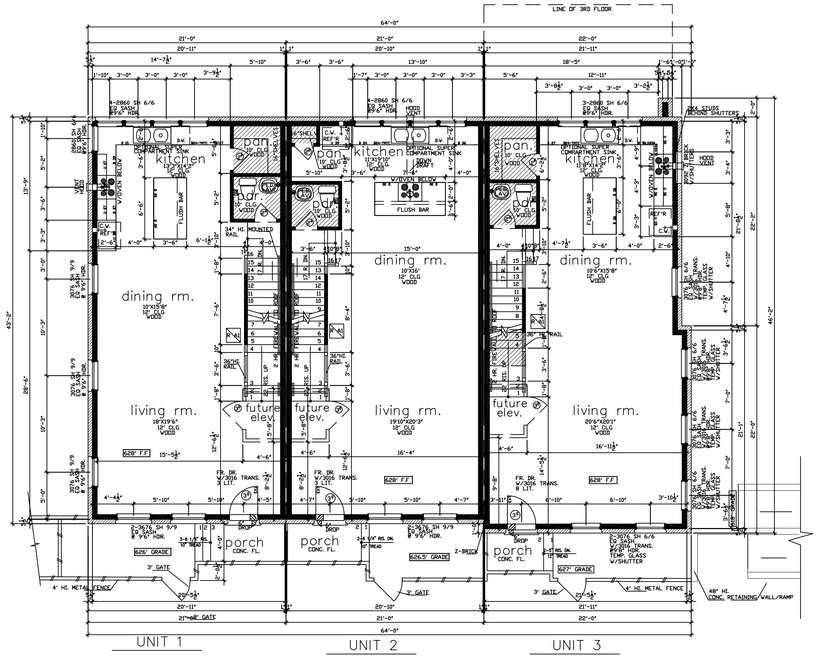
THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY



first floor plan

SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME



second floor plan

SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
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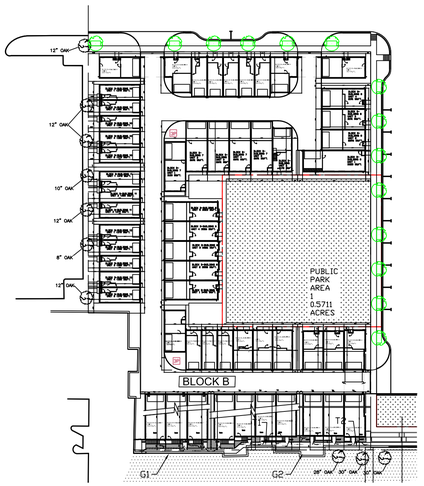
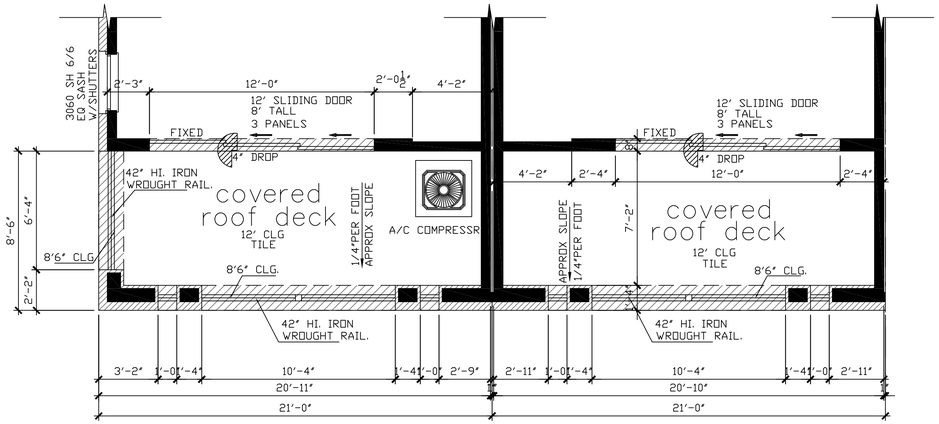
BLOCK B - BUILDING 3

FLOOR PLAN

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

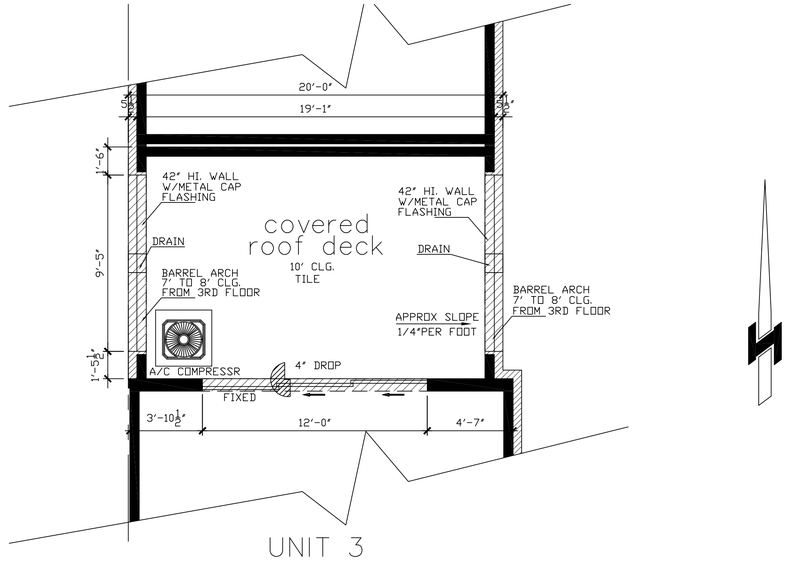
SHEET NO.
A-2.1





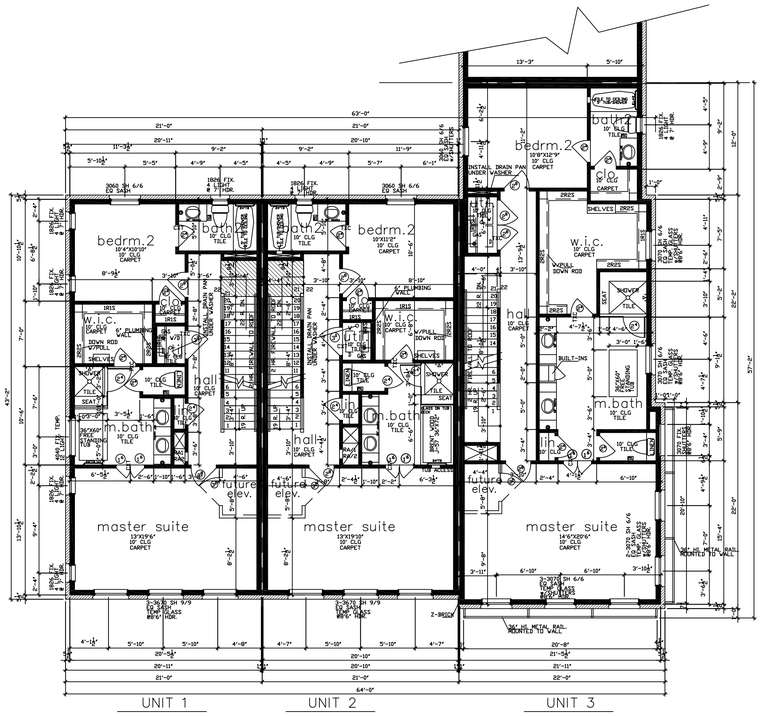
roof deck detail(A)

SCALE: 1/4" = 1'-0"



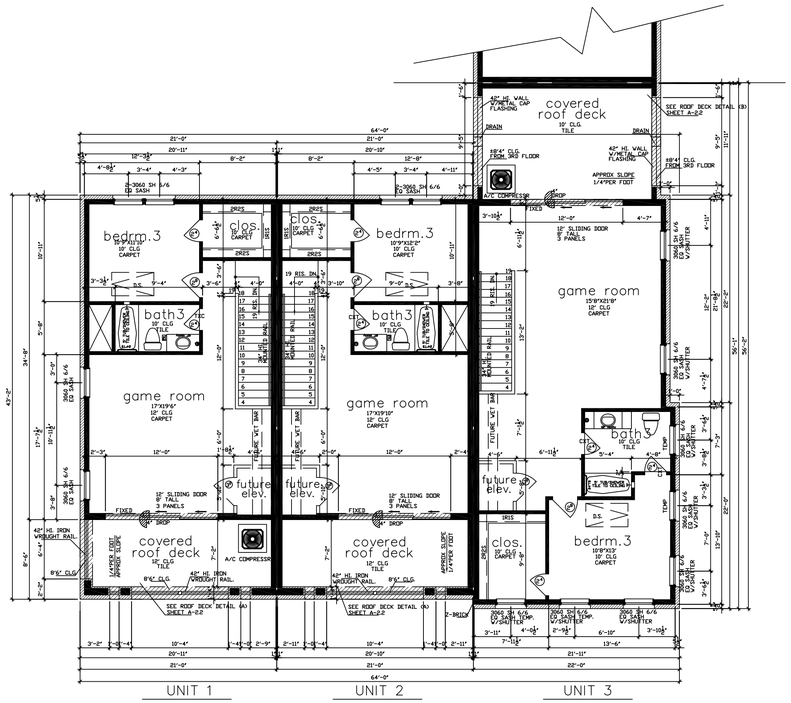
roof deck detail(B)

SCALE: 1/4" = 1'-0"



third floor plan NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

SCALE: 1/8" = 1'-0"



fourth floor plan NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

SCALE: 1/8" = 1'-0"

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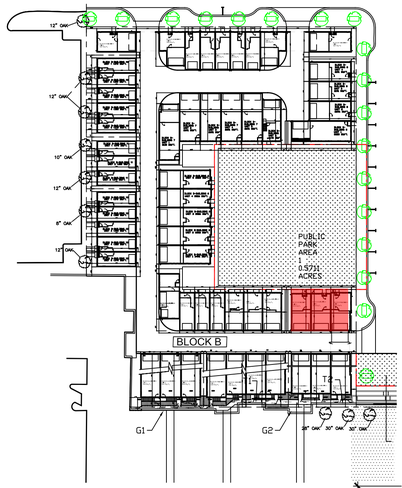
Drawn By/Checked By: J.H./J.S.
Original Date Issued: 01/29/2016
Scale: 1/8" = 1'-0"
Final Date Issue: 04/07/2016

ADDISON GROVE

BLOCK B - BUILDING 3
FLOOR PLAN

PLAN NO.'S
UNIT 1 2705
UNIT 2 2705
UNIT 3 3279

SHEET NO.
A-2.2



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LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST. STONE OR SPLIT FACED CMU.

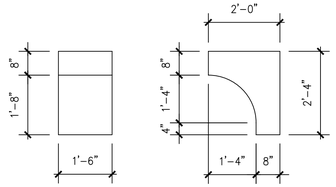
ADDITIONAL BUILDING MATERIALS

UNIT 1
- CAST. STONE PEDIMENT AT ENTRY
- 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
- COMPOSITION SHINGLES TYPICAL ROOF
- METAL CLAD WOOD WINDOWS
- 'FYPON' COR 22X26 CORBEL BRACKET
- CAST. STONE PILASTER
- 4" BRICK DENTILS
- METAL FLASHING CAP
- OGEE GUTTER

UNIT 2&3
- CAST. STONE PEDIMENT AT ENTRY
- COMPOSITION SHINGLES TYPICAL ROOF
- METAL CLAD WOOD WINDOWS
- FIXED SHUTTERS
- 4"X4"X8" WOOD OR EIFS BLOCKS
- 4" BRICK DENTILS
- METAL FLASHING CAP
- OGEE GUTTER

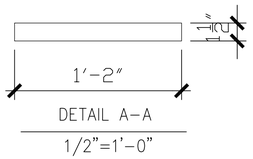
NORTH/FRONT

MATERIAL CALCULATION TABLE		
SIDING	43	2.0%
BRICK	1796	84.7%
CAST STONE OR SPLIT FACED CMU.	281	13.3%
GLAZING	880	29.3%
TOTAL SURFACE AREA	3000	



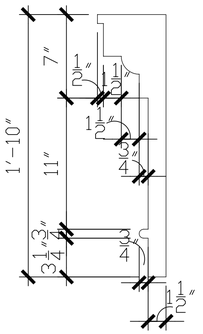
CAST STONE BRACKET DETAIL C

SCALE: 1/2" = 1'-0"



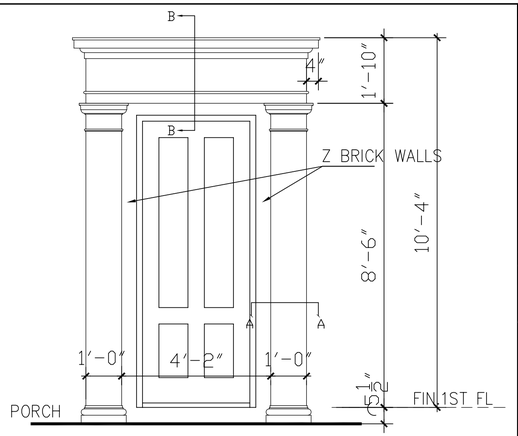
DETAIL A-A

1/2"=1'-0"



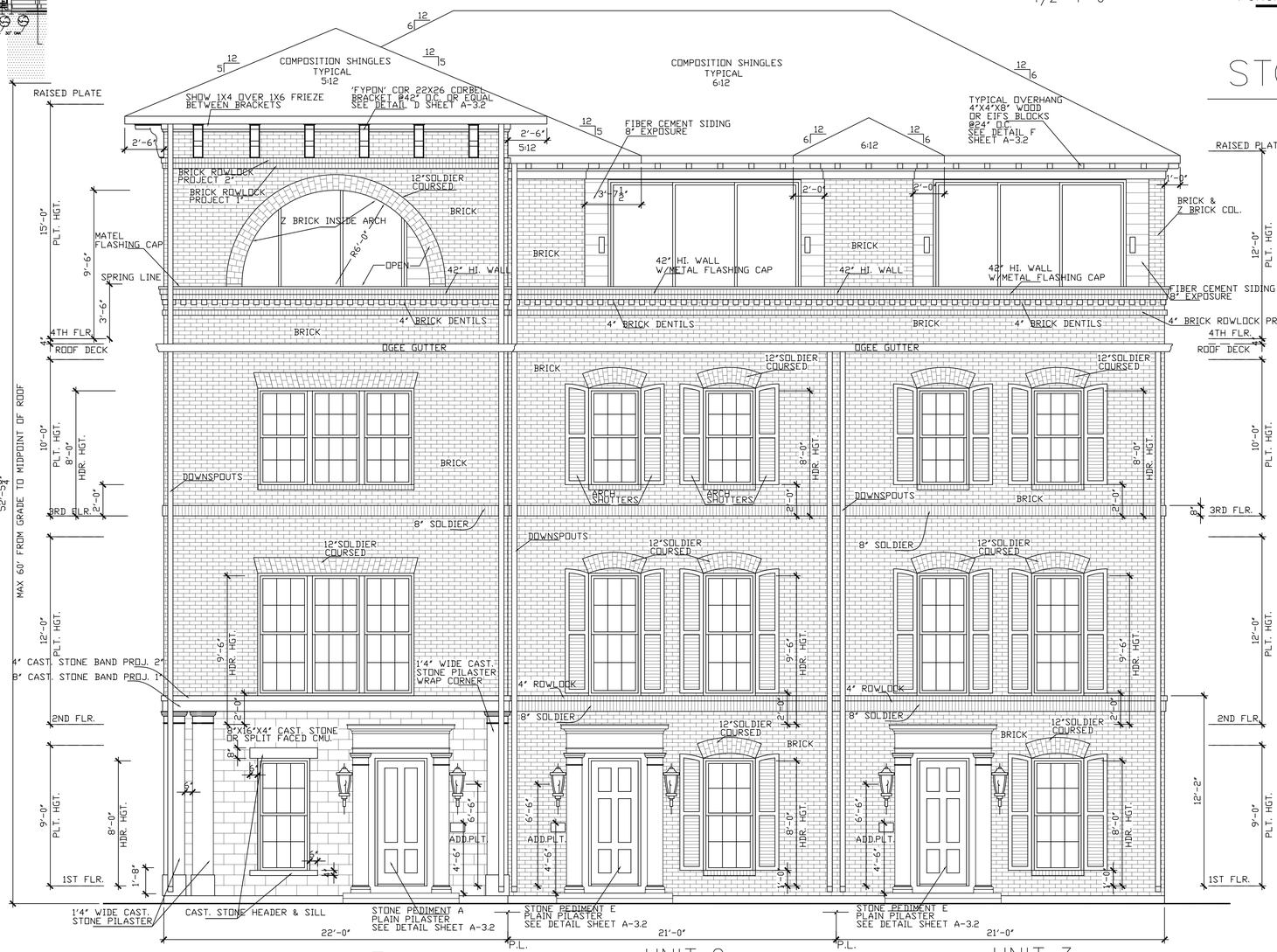
DETAIL B-B

1/2"=1'-0"



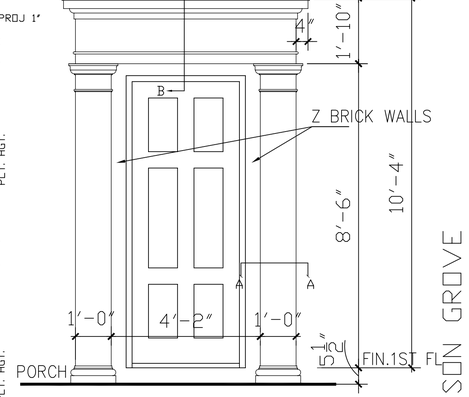
STONE PEDIMENT A

SCALE: 1/2" = 1'-0"



north/front elevation

SCALE: 1/4" = 1'-0"



STONE PEDIMENT E

SCALE: 1/2" = 1'-0"

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: B.M./J.S.
Original Date Issued: 01/30/2016
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BLOCK B - BUILDING 4
ELEVATIONS

PLAN NO.'S
UNIT 1 3267
UNIT 2 2678
UNIT 3 2678

SHEET NO.
A-3.1

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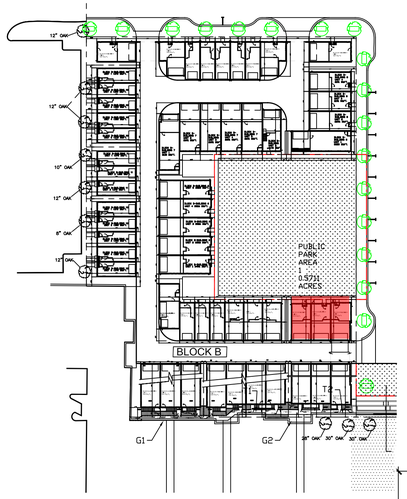
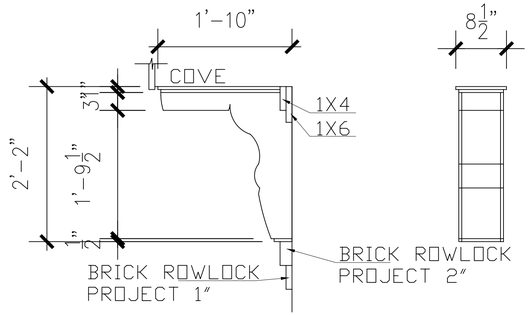
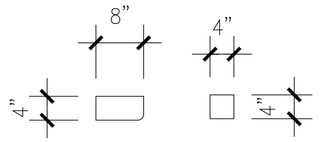




'FYPON' CORBEL & BRACKET DETAIL D

SCALE: 1" = 1'-0"

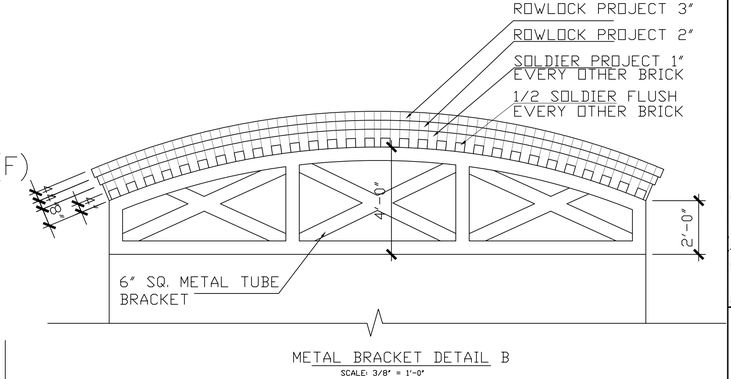


4"X4"X8" WOOD OF EIFS BLOCKS(F)

SCALE: 1" = 1'-0"

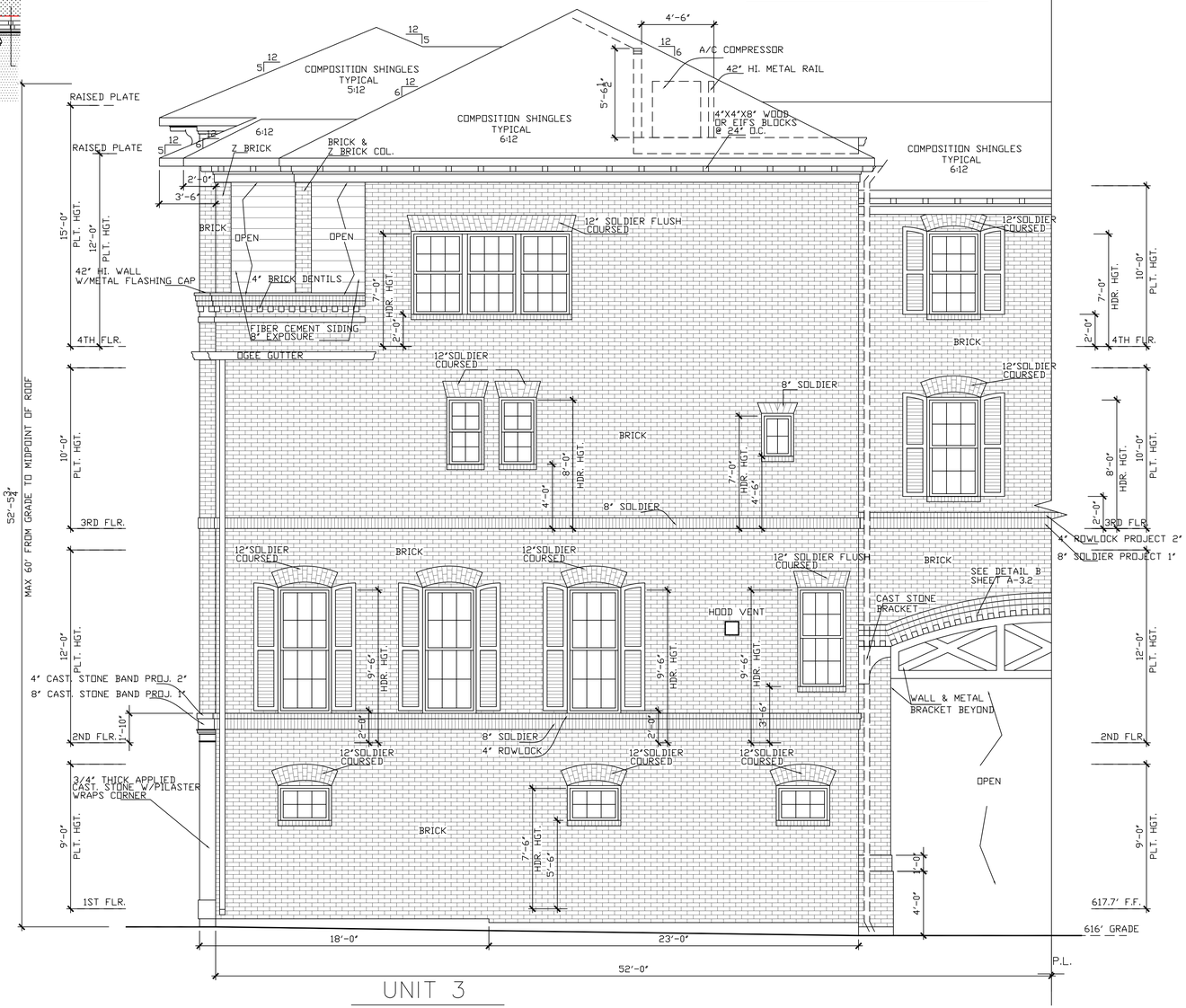
EAST/RIGHT

MATERIAL CALCULATION TABLE		
SIDING	57	2.9%
BRICK	1928	96.5%
CAST STONE OR SPLIT FACED CMU.	13	0.6%
GLAZING	232	10.3%
TOTAL SURFACE AREA	2230	



METAL BRACKET DETAIL B

SCALE: 3/8" = 1'-0"



UNIT 3

east/right elevation

SCALE: 1/4" = 1'-0"

FACADE PLAN NOTES

- THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
- ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE
- WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING
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- ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL

LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST. STONE OR SPLIT FACED CMU.

UNIT 3
- CAST. STONE PILASTER
- COMPOSITION SHINGLES TYPICAL ROOF
- METAL CLAD WOOD WINDOWS
- FIXED SHUTTERS
- 4"X4"X8" WOOD OR EIFS BLOCKS
- 4" BRICK DENTILS
- METAL FLASHING CAP
- OGEE GUTTER
- METAL BRACKET
- 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
- CAST. STONE BRACKET

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: B.M./J.S.
Original Date Issued: 01/30/2016
Scale: 1/4" = 1'-0"
Final Date Issue: 03/17/2016

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 4
ELEVATIONS

PLAN NO.'S
UNIT 1 3267
UNIT 2 2678
UNIT 3 2678

SHEET NO.
A-3.2

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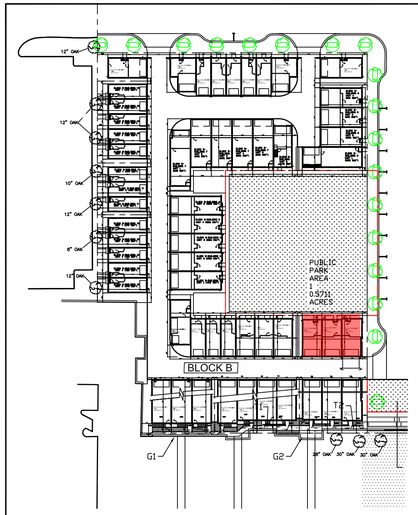
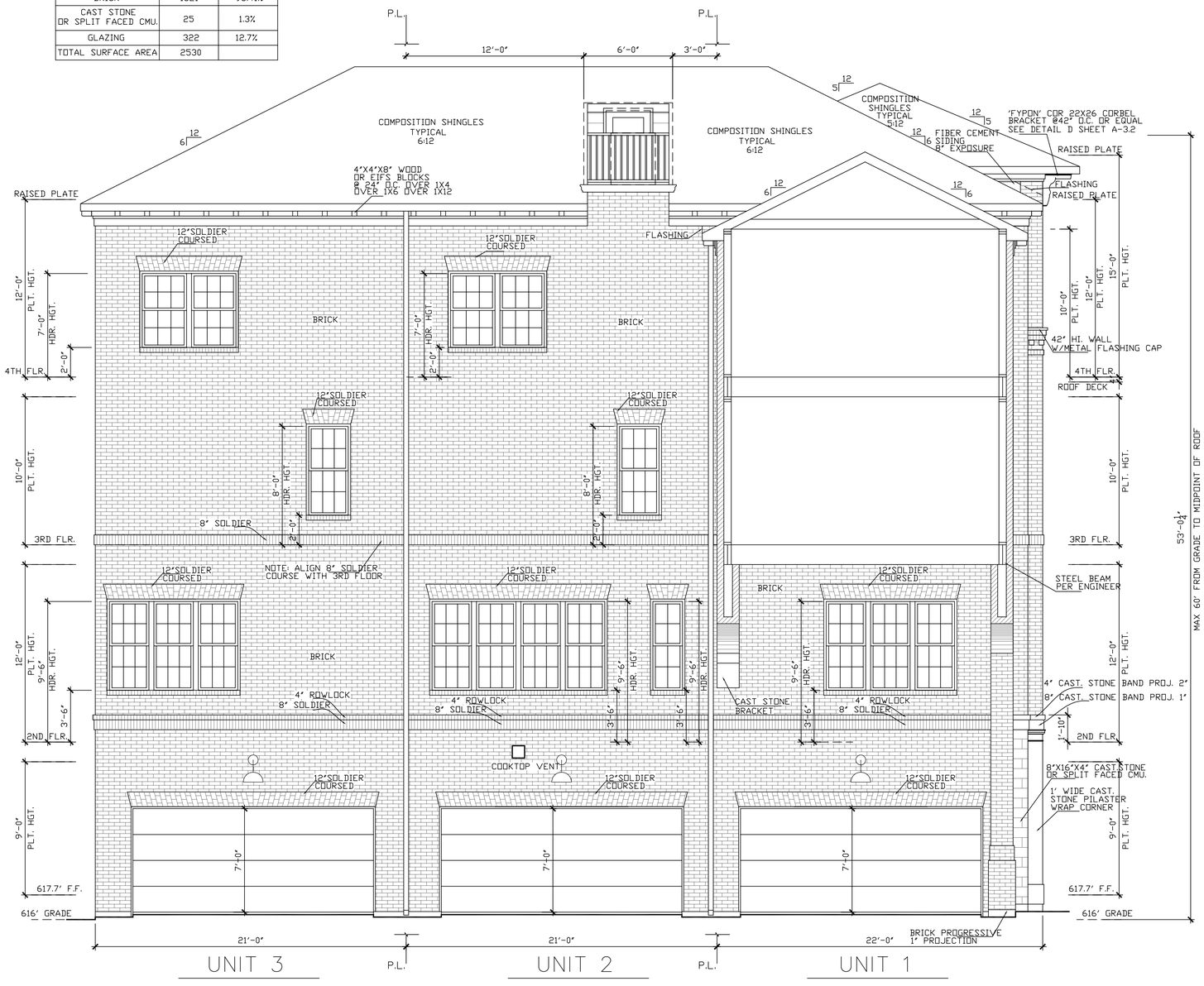


SOUTH/REAR

MATERIAL CALCULATION TABLE		
SIDING	11	0.56%
BRICK	1821	98.41%
CAST STONE OR SPLIT FACED CMU.	25	1.3%
GLAZING	322	12.7%
TOTAL SURFACE AREA	2530	



south/rear elevation

SCALE: 1/4" = 1'-0"

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* ROOF ACCESS SHALL BE PROVIDED INTERNALLY, UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL

LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST. STONE OR SPLIT FACED CMU.

ADDITIONAL BUILDING MATERIALS

UNIT 1:
* COMPOSITION SHINGLES TYPICAL ROOF
* METAL CLAD WOOD WINDOWS
* 4"X4"X8" WOOD OR EIFS BLOCKS

UNIT 2:
* COMPOSITION SHINGLES TYPICAL ROOF
* METAL CLAD WOOD WINDOWS
* 42" HIGH METAL GUARDRAILS
* 4"X4"X8" WOOD OR EIFS BLOCKS
* OGEE GUTTER

UNIT 3:
* COMPOSITION SHINGLES TYPICAL ROOF
* METAL CLAD WOOD WINDOWS
* CAST STONE BRACKET
* 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
* CAST. STONE PILASTER
* 4"X4"X8" WOOD OR EIFS BLOCKS
* 4" BRICK DENTILS
* METAL FLASHING CAP
* 'FYPON' COR 22X26 CORBEL BRACKET

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

ADDISON GROVE

Drawn By/Checked By: B.M./J.S.
Original Date Issued: 01/30/2016
Scale: 1/4" = 1'-0"
Final Date Issue: 03/17/2016

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 4
ELEVATIONS

PLAN NO.'S
UNIT 1 3267
UNIT 2 2678
UNIT 3 2678

SHEET NO.
A-3.3

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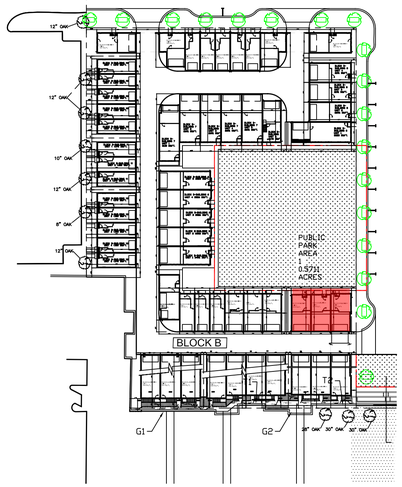
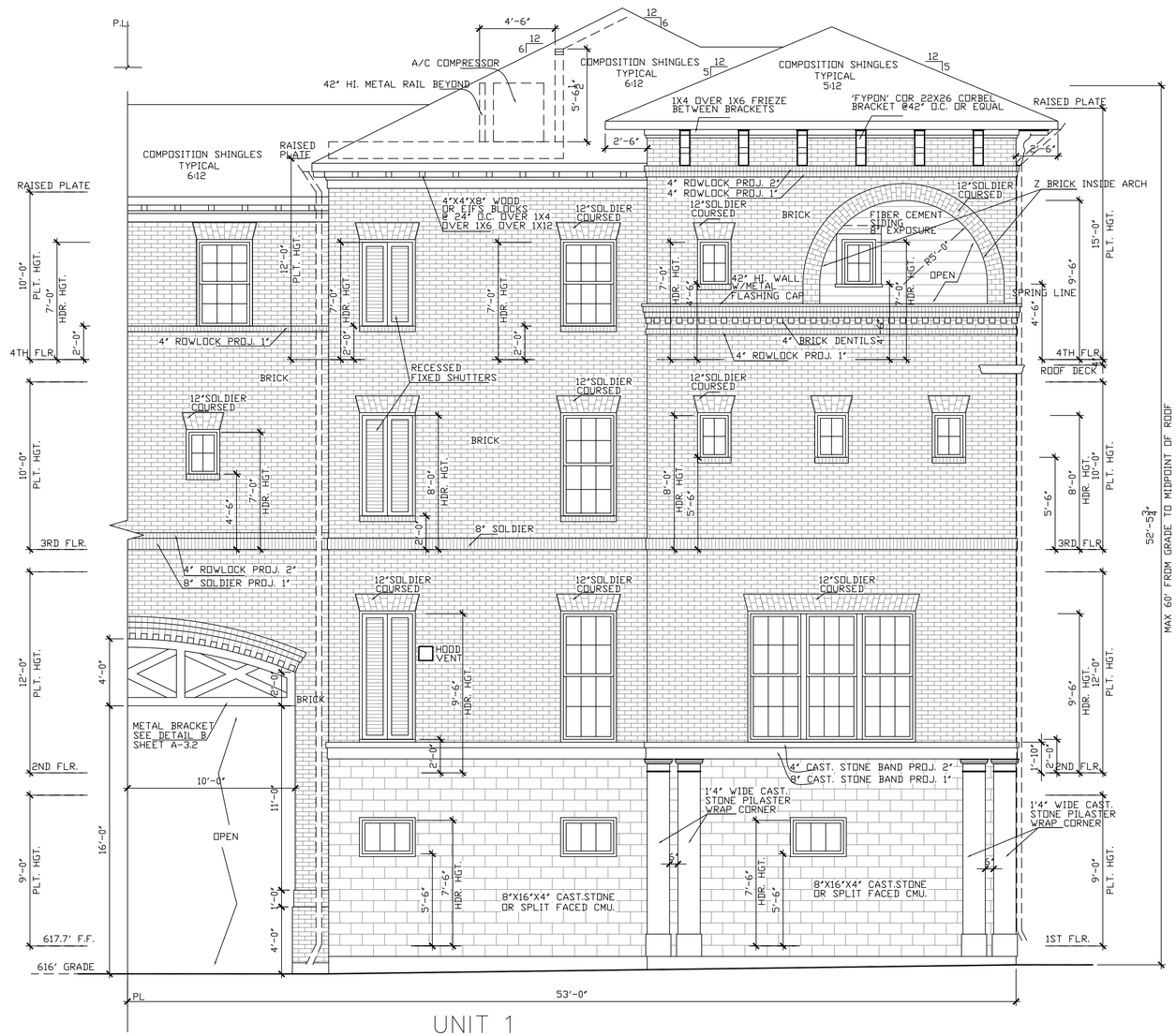


WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	51	2.5%
BRICK	1501	72.3%
CAST STONE OR SPLIT FACED CMU.	524	25.2%
GLAZING	213	9.3%
TOTAL SURFACE AREA	2289	



UNIT 1

west/left elevation

SCALE: 1/4" = 1'-0"

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LEGEND:

- BRICK
- FIBER CEMENT SIDING
- CAST. STONE OR SPLIT FACED CMU.

ADDITIONAL BUILDING MATERIALS

UNIT 1
- CAST. STONE PILASTER
- 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
- COMPOSITION SHINGLES TYPICAL ROOF
- METAL CLAD WOOD WINDOWS
- 'FYPON' COR 22X26 CORBEL BRACKET
- 4" BRICK DENTILS
- METAL FLASHING CAP
- OGEE GUTTER
- FIXED SHUTTER
- METAL BRACKET
- 4"X4"X8" WOOD OR EIFS BLOCKS

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: B.M./J.S.
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ADDISON GROVE

BLOCK B - BUILDING 4

ELEVATIONS

PLAN NO.'S
UNIT 1 3267
UNIT 2 2678
UNIT 3 2678

SHEET NO.
A-3.4

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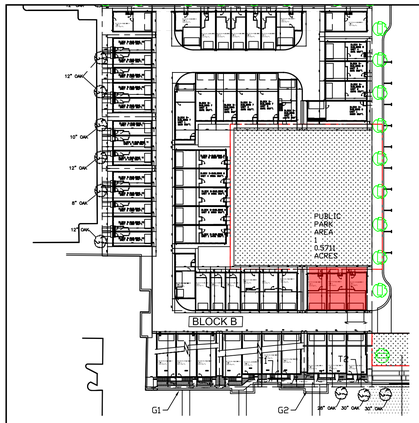

BLOCK B - BUILDING 3
ADDITIONAL BUILDING MATERIALS

UNIT 3:
- CAST STONE PLAQUES
- CAST STONE KEY STONES
- 12" CAST STONE BANDING WHERE MASONRY CHANGES MATERIAL
- STANDING SEAM METAL ROOF
- METAL CLAD WOOD WINDOWS
- 36" HIGH METAL GUARDRAILS
- FIXED SHUTTERS
- FYPON CORBEL BRACKET
- METAL BRACKET
- 4"X4"X8" WOOD OR EIFS BLOCKS

FACADE PLAN NOTES

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LEGEND:
- BRICK
- FIBER CEMENT SIDING
- CAST. STONE OR SPLIT FACED CMU.

BLOCK B - BUILDING 4
ADDITIONAL BUILDING MATERIALS

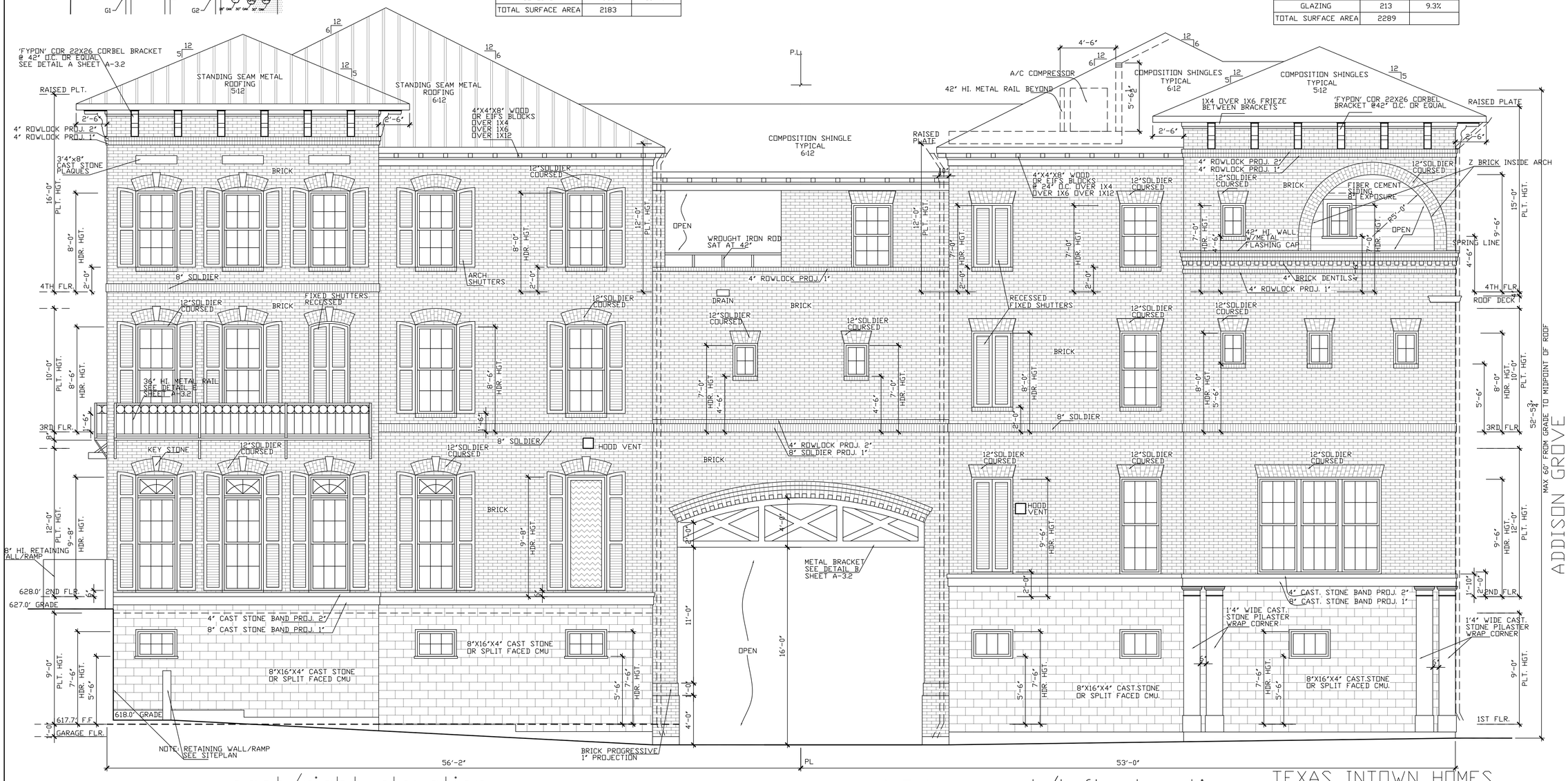
UNIT 1
- CAST. STONE PILASTER
- 12" CAST. STONE BANDING WHERE MASONRY CHANGES MATERIAL
- COMPOSITION SHINGLES TYPICAL ROOF
- METAL CLAD WOOD WINDOWS
- 'FYPON' COR 22X26 CORBEL BRACKET
- 4" BRICK DENTILS
- METAL FLASHING CAP
- OGEE GUTTER
- FIXED SHUTTER
- METAL BRACKET
- 4"X4"X8" WOOD OR EIFS BLOCKS

BLOCK B - BUILDING 3
UNIT 3 EAST/RIGHT

MATERIAL CALCULATION TABLE		
CAST STONE	390	20.0%
BRICK	1564	80.0%
GLAZING	336	15.4%
TOTAL SURFACE AREA	2183	

BLOCK B - BUILDING 4
UNIT 1 WEST/LEFT

MATERIAL CALCULATION TABLE		
SIDING	51	2.5%
BRICK	1501	72.3%
CAST STONE OR SPLIT FACED CMU.	524	25.2%
GLAZING	213	9.3%
TOTAL SURFACE AREA	2289	



east/right elevation
SCALE: 1/4" = 1'-0"

UNIT 3
building 3

P.L.

UNIT 1
building 4

west/left elevation
SCALE: 1/4" = 1'-0"

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
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ADDISON GROVE

Drawn By/Checked By: B.M./J.S.
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(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 3 & 4
ELEVATIONS

PLAN NO.'S
UNIT 1 3267
UNIT 2 2678
UNIT 3 2678

SHEET NO.
A-3.5

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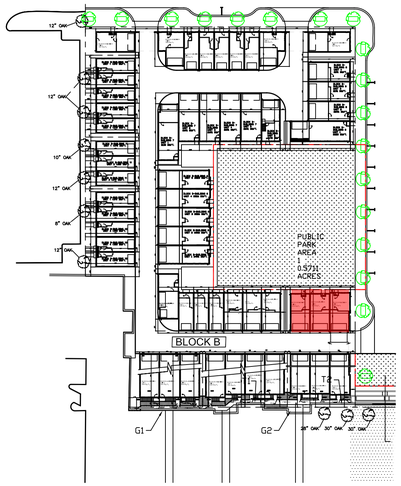
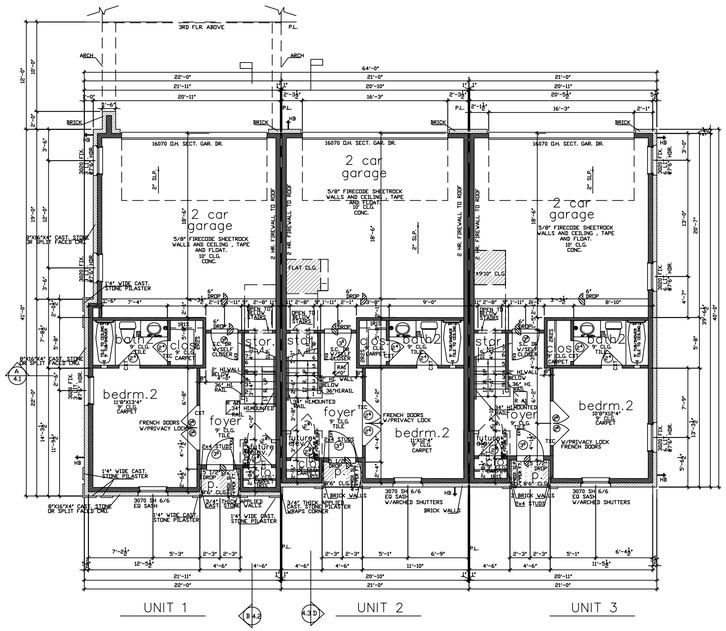




first floor plan
SCALE: 1/8" = 1'-0"

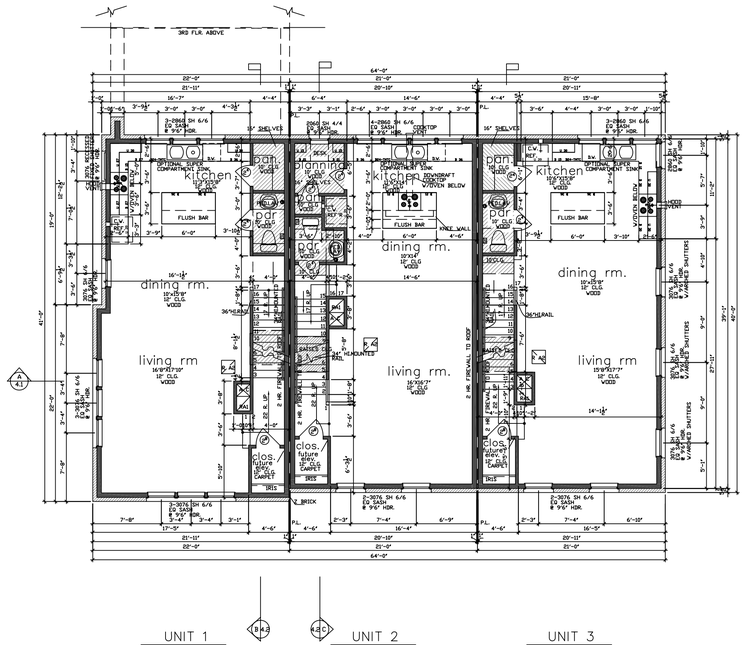
NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

unit 1 square footage	
FIRST FLOOR	415
SECOND FLOOR	883
THIRD FLOOR	1123
ROOF TERRACE	846
TOTAL LIVING AREA	3267
GARAGE	456
PORCH	13
ROOF DECK	215
BALCONY	6
TOTAL SLAB AREA	883

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY

unit 2&3 square footage	
FIRST FLOOR	374
SECOND FLOOR	840
THIRD FLOOR	840
ROOF TERRACE	624
TOTAL LIVING AREA	2678
GARAGE	454
PORCH	12
ROOF DECK	154
BALCONY	6
TOTAL SLAB AREA	840

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY



second floor plan
SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

ADDISON GROVE

BLOCK B - BUILDING 4

FIRST FLOOR PLAN

PLAN NO.

UNIT 1	3267
UNIT 2	2678
UNIT 3	2678

SHEET NO.
A-2.1

Drawn By/Checked By: B.M./J.S.
Original Date Issued: 01/30/2016
Scale: 1/8" = 1'-0"
Last Updated: 03/17/2016

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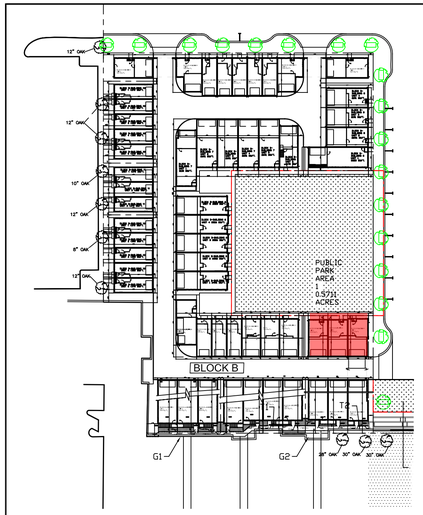
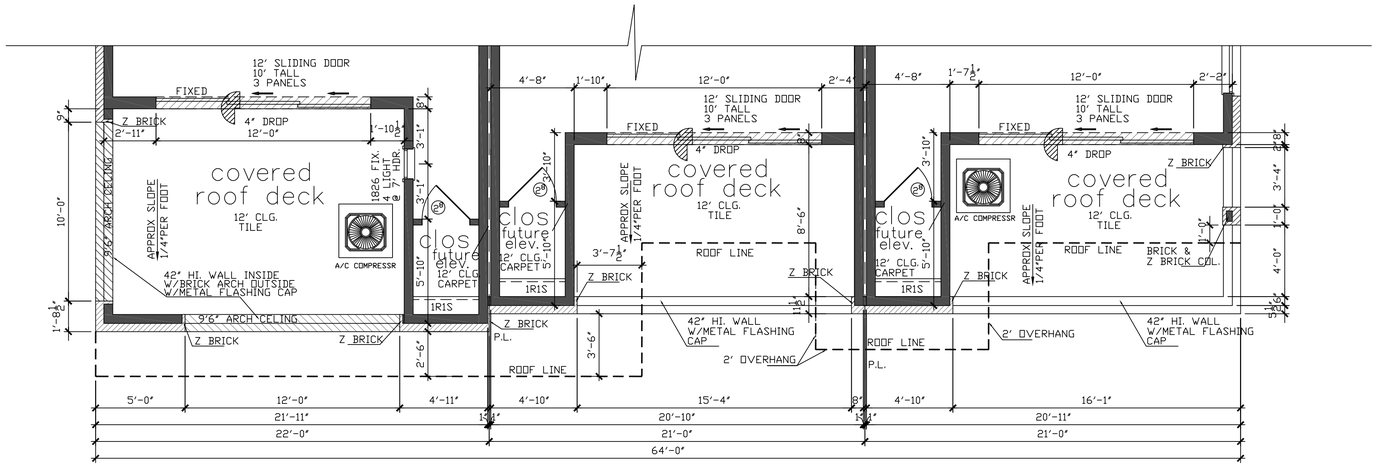
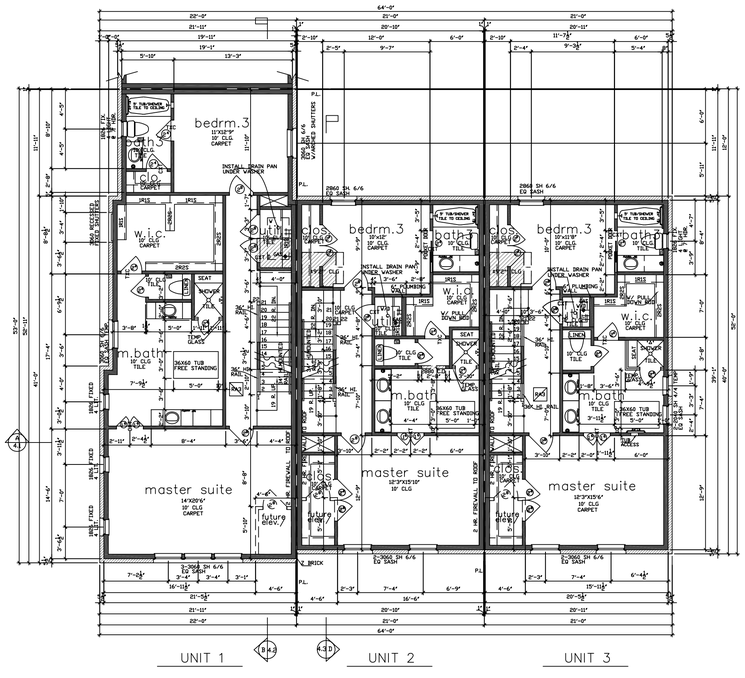


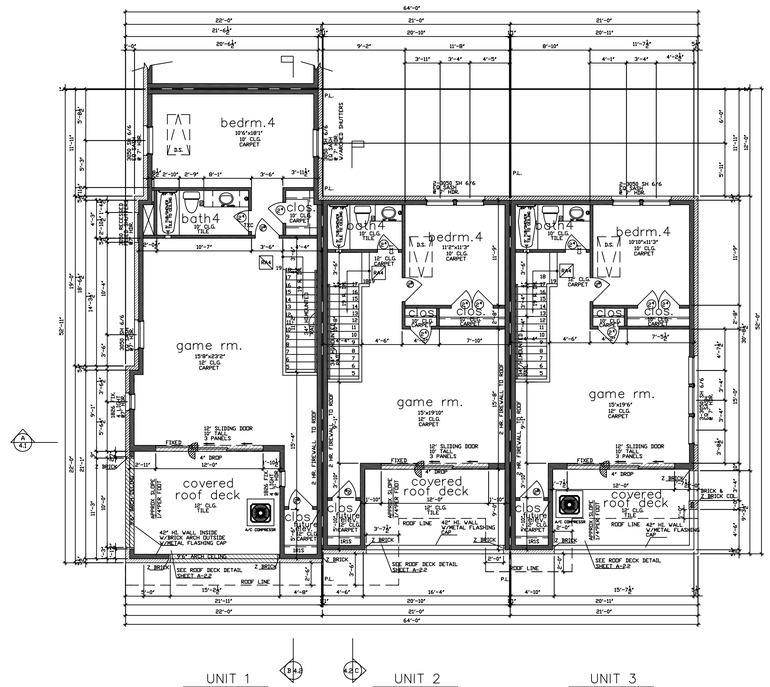


roof deck detail
SCALE: 1/4" = 1'-0"



third floor plan
SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME



fourth floor plan
SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

ADDISON GROVE

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PHONE: 713-961-3877

Drawn By/Checked By: B.M./J.S.
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Last Updated: 03/17/2016

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BLOCK B - BUILDING 4

THIRD FLOOR PLAN

PLAN NO.
UNIT 1 3267
UNIT 2 2678
UNIT 3 2678

SHEET NO.
A-2.2

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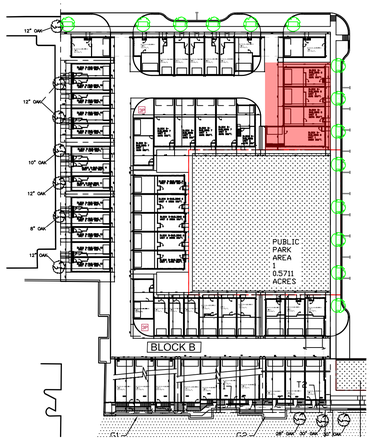
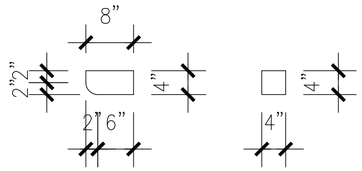
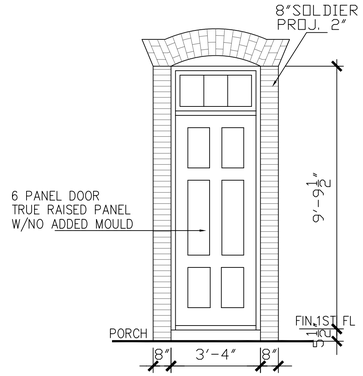




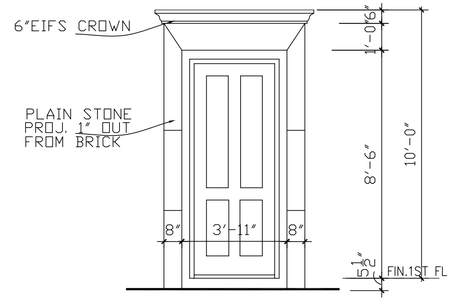
WOOD OF EIFS BRACKETS(B)

SCALE: 1" = 1'-0"



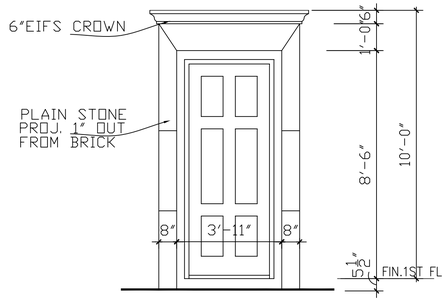
BRICK PEDIMENT A

SCALE: 3/8" = 1'-0"



STONE PEDIMENT B

SCALE: 3/8" = 1'-0"

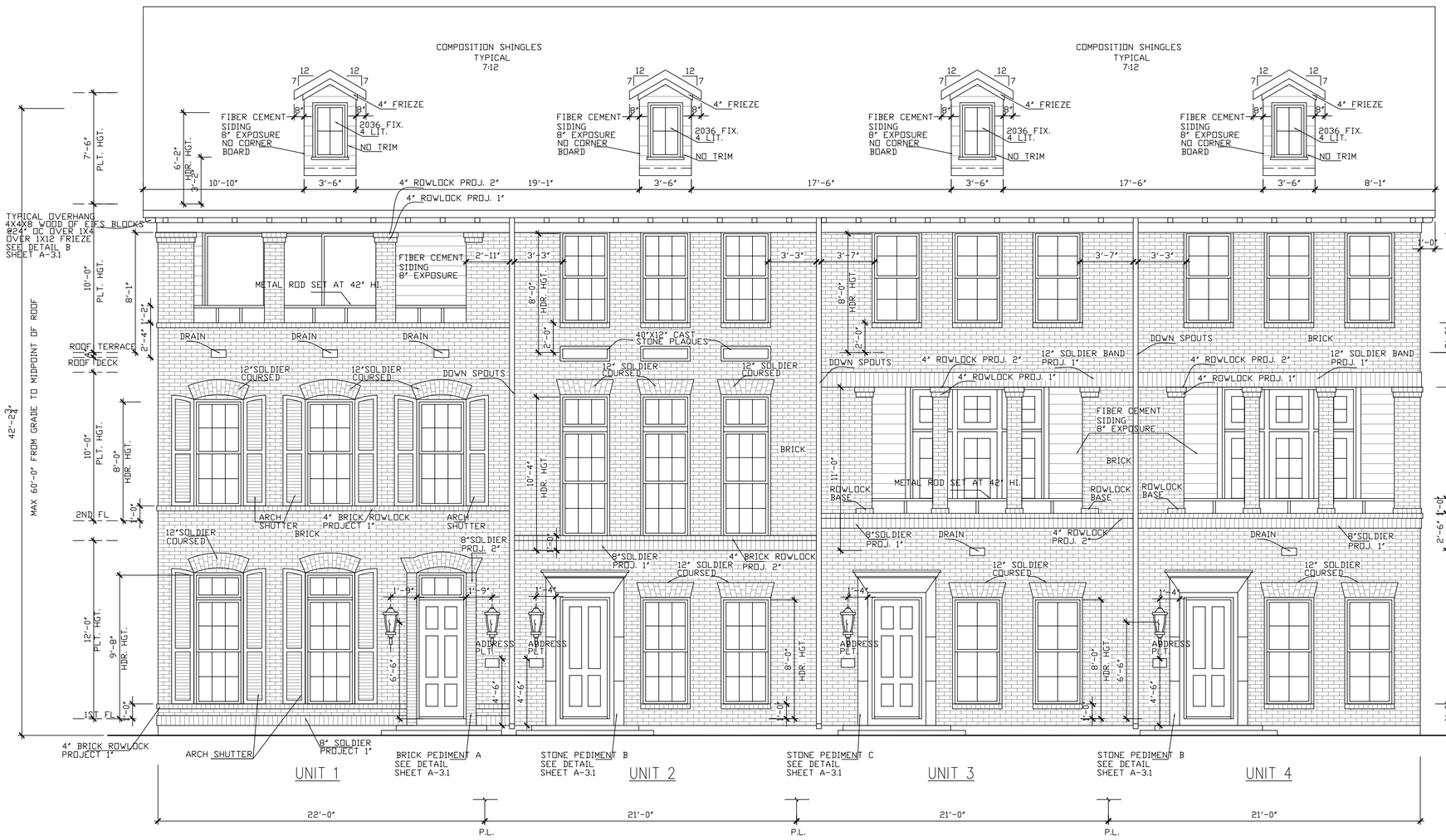


STONE PEDIMENT C

SCALE: 3/8" = 1'-0"

P.L.

NOTE: FRAME DORMERS USING 2X4 FOR STUDS & RAFTERS



east/front elevation

SCALE: 1/8" = 1'-0"

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LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

UNIT 1 BRICK PEDIMENT AT ENTRY
COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
14' HI. METAL ROD GUARDRAIL
4X4X8 WOOD OF EIFS BLOCKS
FIXED SHUTTER

UNIT 2 STONE PEDIMENT AT ENTRY
COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
CAST STONE PLAQUE
4X4X8 WOOD OF EIFS BLOCKS

UNIT 3&4 STONE PEDIMENT AT ENTRY
COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
14' HI. METAL ROD GUARDRAIL
4X4X8 WOOD OF EIFS BLOCKS

EAST/FRONT

MATERIAL CALCULATION TABLE		
SIDING	153	7.6%
BRICK	1858	92.0%
CAST STONE	9	0.4%
GLAZING	883	30.4%
TOTAL SURFACE AREA	2903	

ADDISON GROVE

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

Drawn By/Checked By: B.M./F.M.
Original Date Issued: 02/02/2016
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BLOCK B - BUILDING 8

ELEVATIONS

PLAN NO.'S

UNIT 1	3326
UNIT 2	2296
UNIT 3	2191
UNIT 4	2191

SHEET NO.

A-3.1

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

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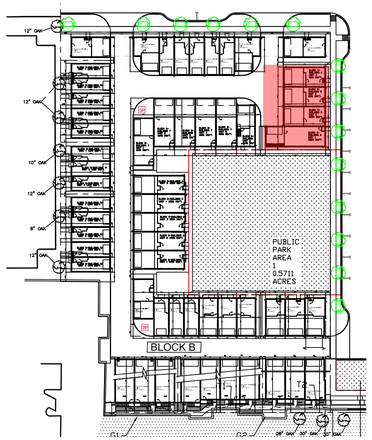

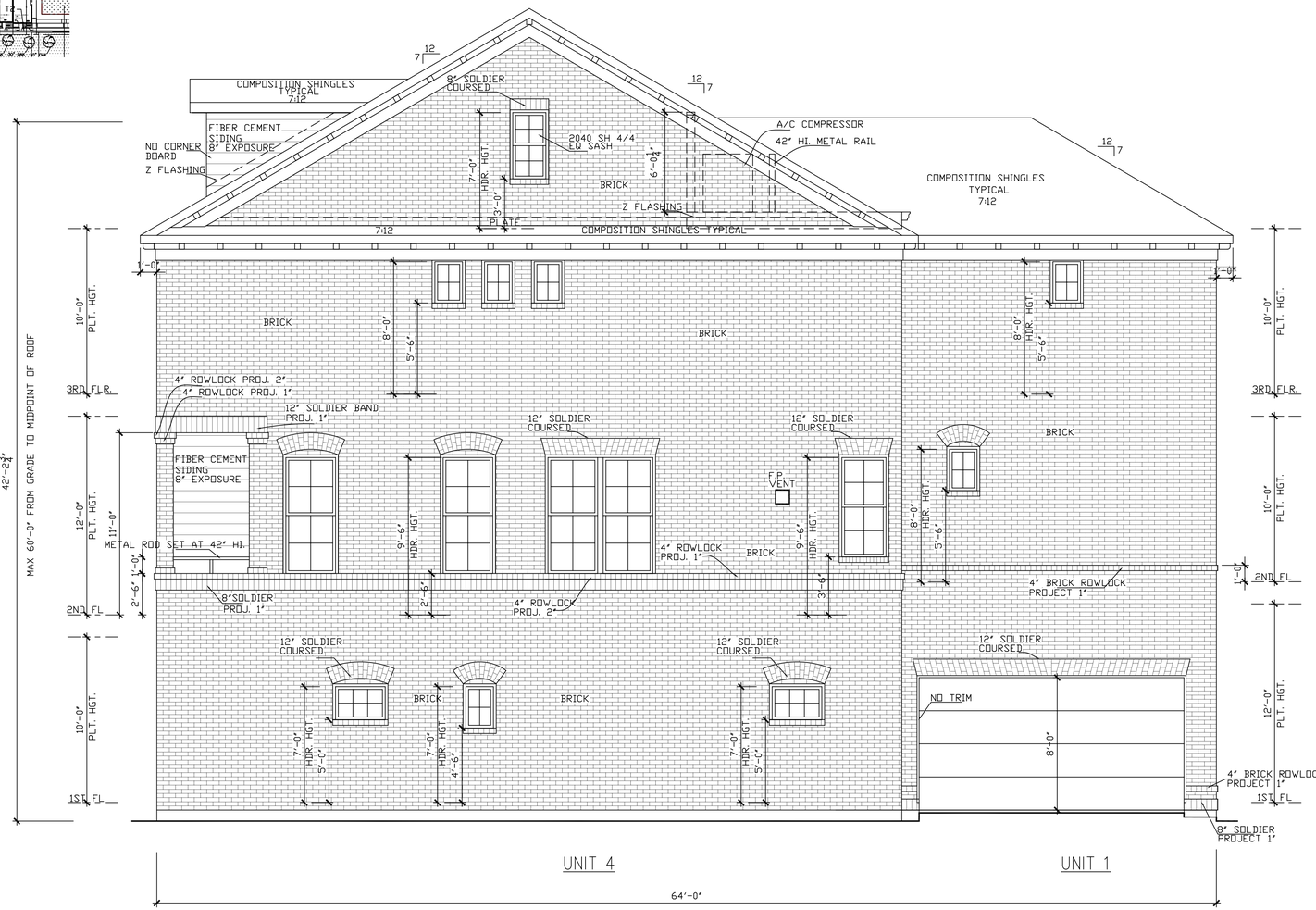

north/right elevation

SCALE: 1/8" = 1'-0"

FACADE PLAN NOTES

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LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
14" HI. METAL ROD GUARDRAIL
4X4X8 WOOD OF EIFS BLOCKS

NORTH/RIGHT

MATERIAL CALCULATION TABLE		
SIDING	61	2.9%
BRICK	2007	97.1%
GLAZING	169	7.1%
TOTAL SURFACE AREA	2369	

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

Drawn By/Checked By: B.M./F.M.
Original Date Issued: 02/02/2016
Scale: 1/4" = 1'-0"
Final Date Issue: 03/17/2016

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

ADDISON GROVE

BLOCK B - BUILDING 8

ELEVATIONS

PLAN NO.'S

UNIT 1	3326
UNIT 2	2296
UNIT 3	2191
UNIT 4	2191

SHEET NO. A-3.2

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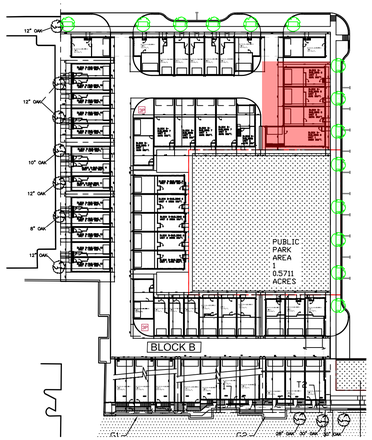

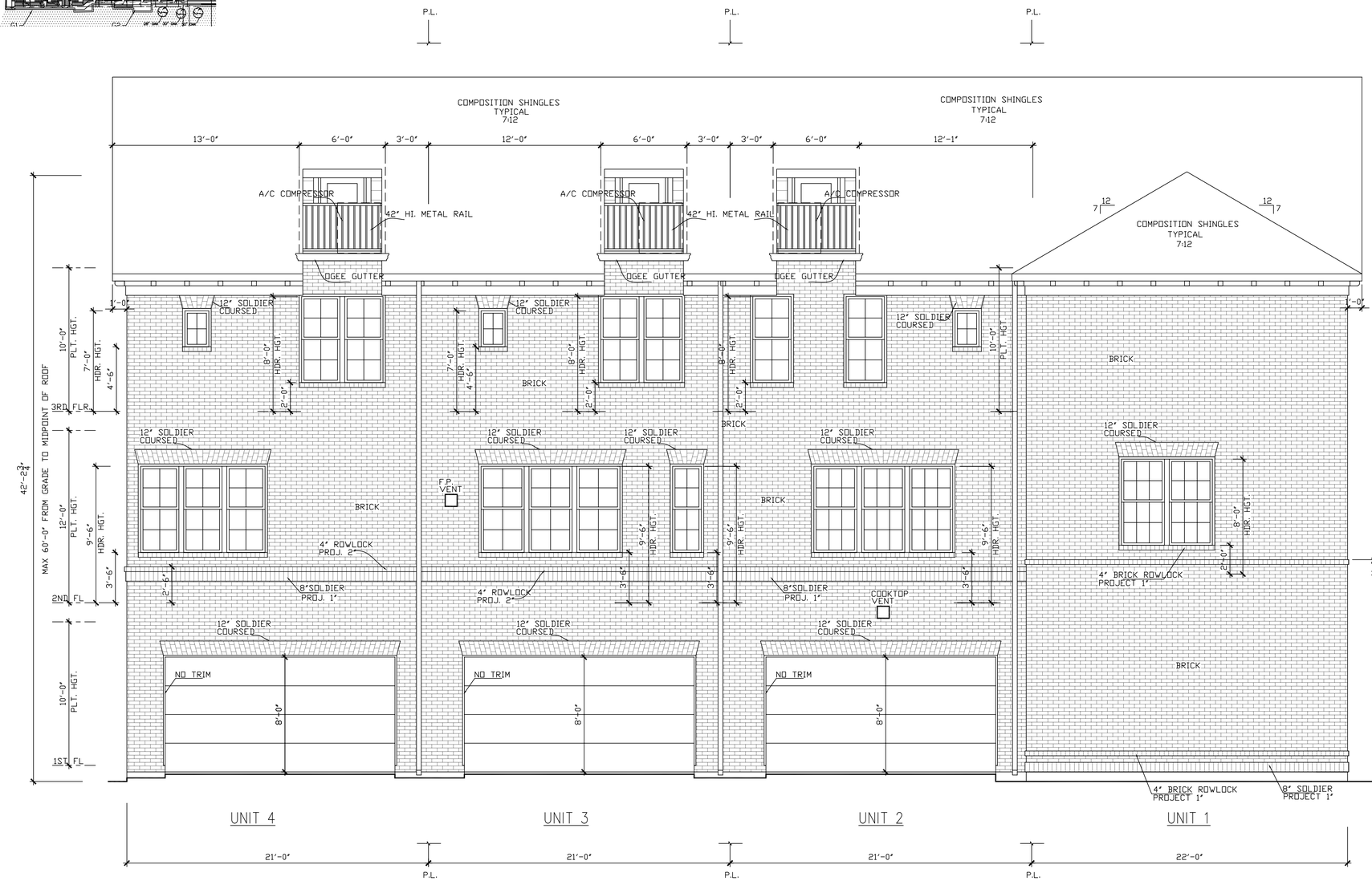

west/rear elevation

SCALE: 1/8" = 1'-0"

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LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

UNIT 1 COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
4X4X8 WOOD OF EIFS BLOCKS

UNIT 2&3&4 COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
42" HI. METAL RAIL
4X4X8 WOOD OF EIFS BLOCKS

WEST/REAR

MATERIAL CALCULATION TABLE		
SIDING	54	2.5%
BRICK	2113	97.5%
GLAZING	395	15.4%
TOTAL SURFACE AREA	2958	

ADDISON GROVE

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BLOCK B - BUILDING 8

ELEVATIONS

PLAN NO.'S
UNIT 1 3326
UNIT 2 2296
UNIT 3 2191
UNIT 4 2191

SHEET NO.
A-3.3

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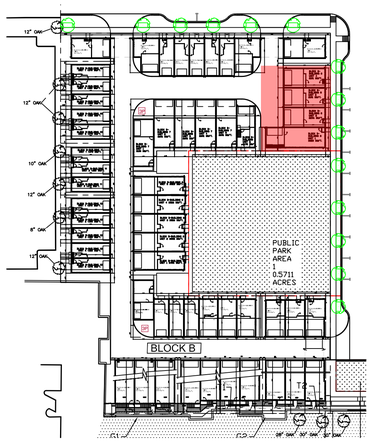

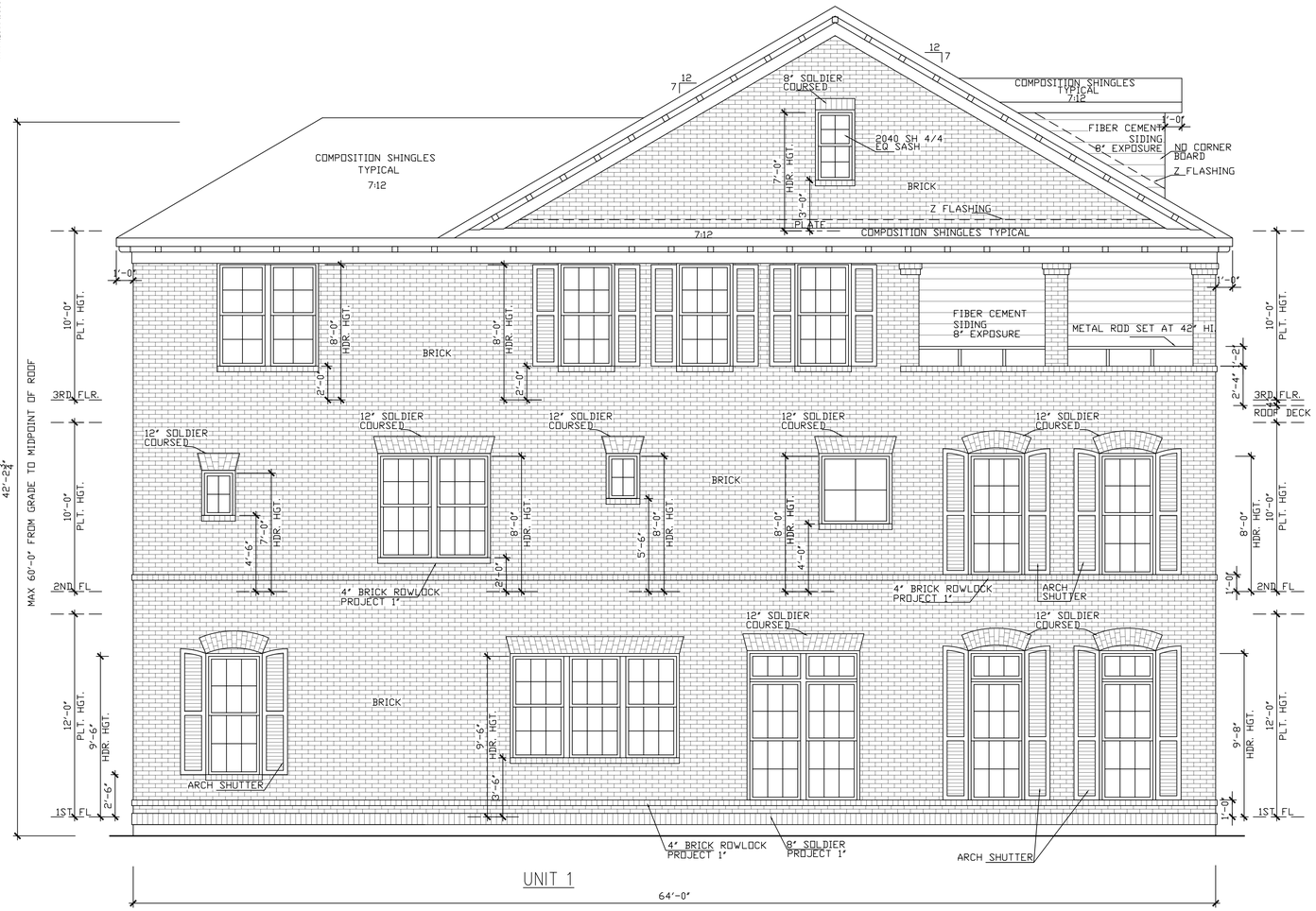

south/left elevation

SCALE: 1/8" = 1'-0"

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LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
14" HI. METAL ROD GUARDRAIL
4X4X8 WOOD OF EIFS BLOCKS
FIXED SHUTTER

SOUTH/LEFT

MATERIAL CALCULATION TABLE		
SIDING	112	5.8%
BRICK	1831	94.2%
GLAZING	426	18.0%
TOTAL SURFACE AREA	2369	

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ADDISON GROVE

BLOCK B - BUILDING 8

ELEVATIONS

PLAN NO.'S

UNIT 1	3326
UNIT 2	2296
UNIT 3	2191
UNIT 4	2191

SHEET NO.

A-3.4

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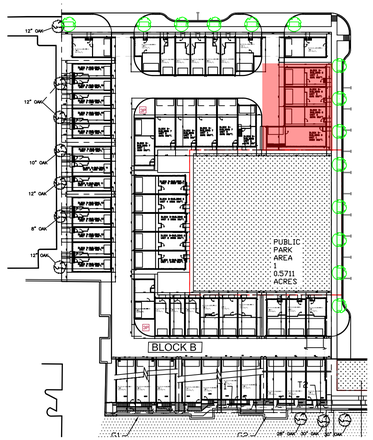
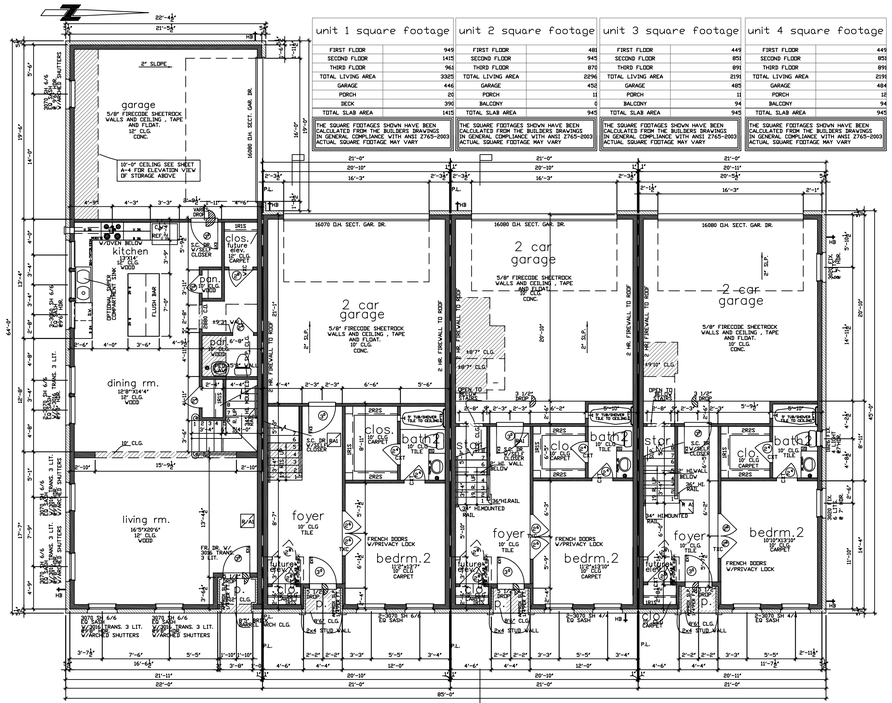


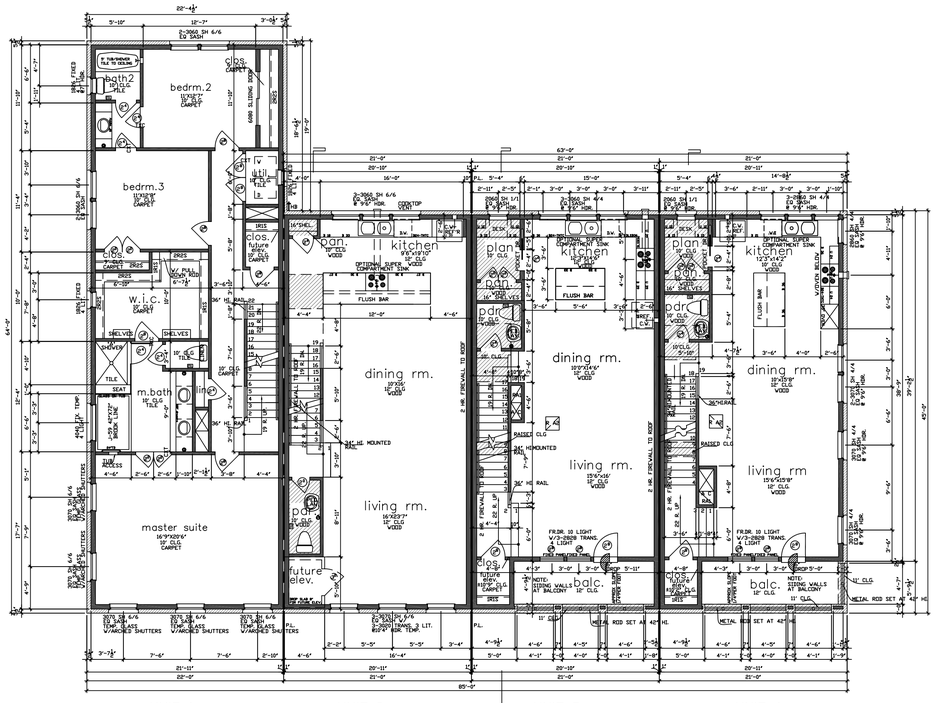
unit 1 square footage		unit 2 square footage		unit 3 square footage		unit 4 square footage	
FIRST FLOOR	949	FIRST FLOOR	488	FIRST FLOOR	449	FIRST FLOOR	449
SECOND FLOOR	1415	SECOND FLOOR	945	SECOND FLOOR	851	SECOND FLOOR	851
THIRD FLOOR	961	THIRD FLOOR	975	THIRD FLOOR	891	THIRD FLOOR	891
TOTAL LIVING AREA	3325	TOTAL LIVING AREA	2296	TOTAL LIVING AREA	2191	TOTAL LIVING AREA	2191
GARAGE	446	GARAGE	452	GARAGE	485	GARAGE	484
PORCH	20	PORCH	13	PORCH	13	PORCH	12
DECK	396	BALCONY	0	BALCONY	94	BALCONY	94
TOTAL SLAB AREA	1415	TOTAL SLAB AREA	945	TOTAL SLAB AREA	945	TOTAL SLAB AREA	945

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATES FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY



first floor plan
SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME



second floor plan
SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

ADDISON GROVE

BLOCK B - BUILDING 8

FLOOR PLANS

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PLAN NO.'S
UNIT 1 3326
UNIT 2 2296
UNIT 3 2191
UNIT 4 2191

SHEET NO.
A-2.1

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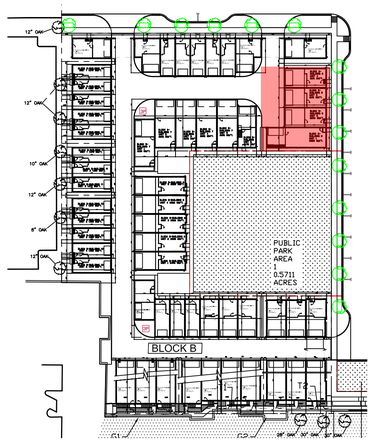

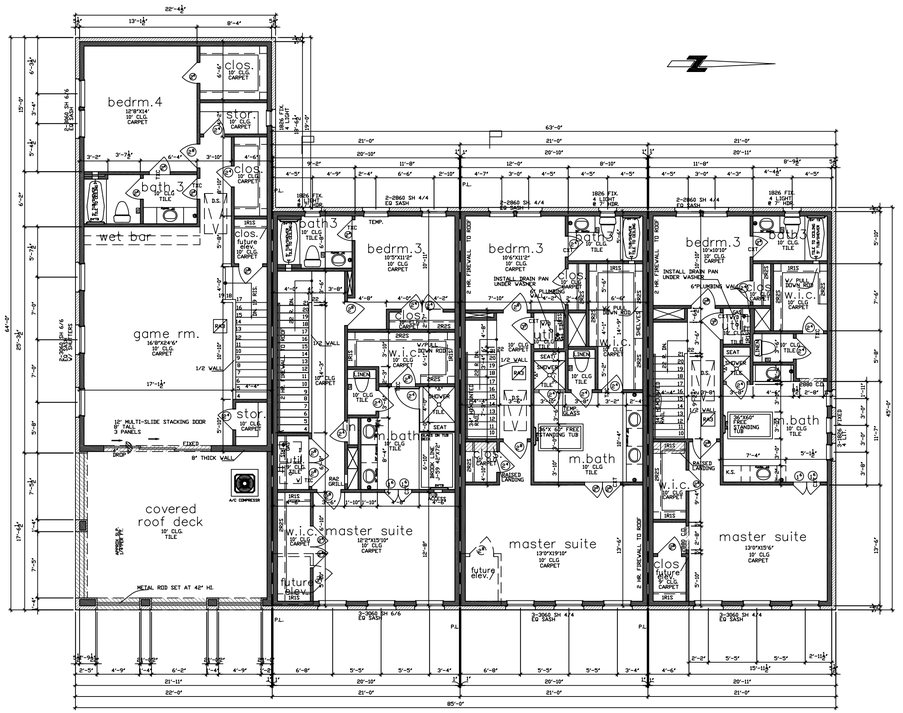

third floor plan

SCALE: 1/8" = 1'-0"

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAME

ADDISON GROVE

BLOCK B - BUILDING 8

THIRD FLOOR PLAN

PLAN NO.'S	
UNIT 1	3326
UNIT 2	2296
UNIT 3	2191
UNIT 4	2191

SHEET NO.

A-2.2

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
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Drawn By/Checked By: B.M./F.M.
Original Date Issued: 02/02/2016
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Final Date Issue: 03/17/2016

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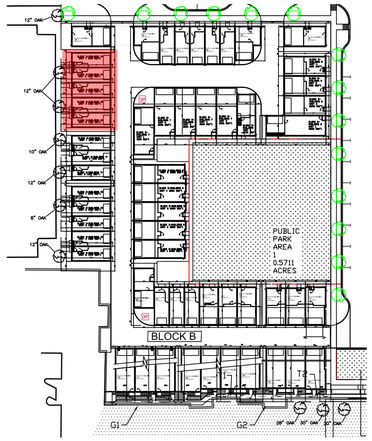
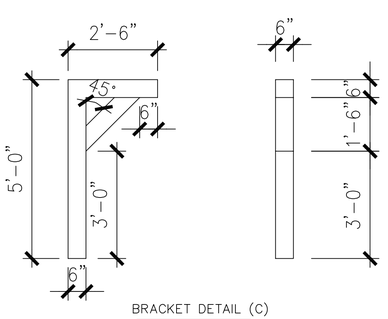
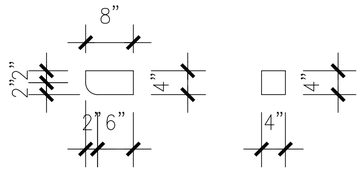
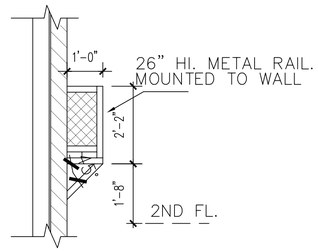




BRACKET DETAIL (C)
SCALE: 1/2" = 1'-0"



WOOD OF EIFS BRACKETS(D)
SCALE: 1" = 1'-0"



METAL RAIL. (E)
SCALE: 1/2"=1'-0"

NOTE: FRAME DORMERS USING 4" MATERIAL
2X4'S RAFTERS 4" FASCIA ETC.

WEST/FRONT

MATERIAL CALCULATION TABLE		
SIDING	18	1.1%
BRICK	1559	94.4%
CAST STONE	74	4.5%
GLAZING	1057	39.0%
TOTAL SURFACE AREA	2708	

LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

UNIT 1&3&5 BRICK PEDIMENT AT ENTRY
COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
26" HI. METAL GUARDRAIL
4X4X8 WOOD OF EIFS BLOCKS

UNIT 2&4 BRICK PEDIMENT AT ENTRY
COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
CAST STONE HEADER
CAST STONE PLAQUE
4X4X8 WOOD OF EIFS BLOCKS

FACADE PLAN NOTES

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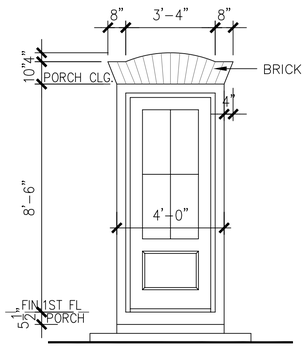
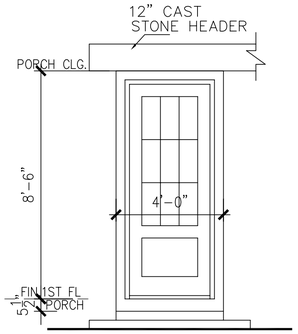
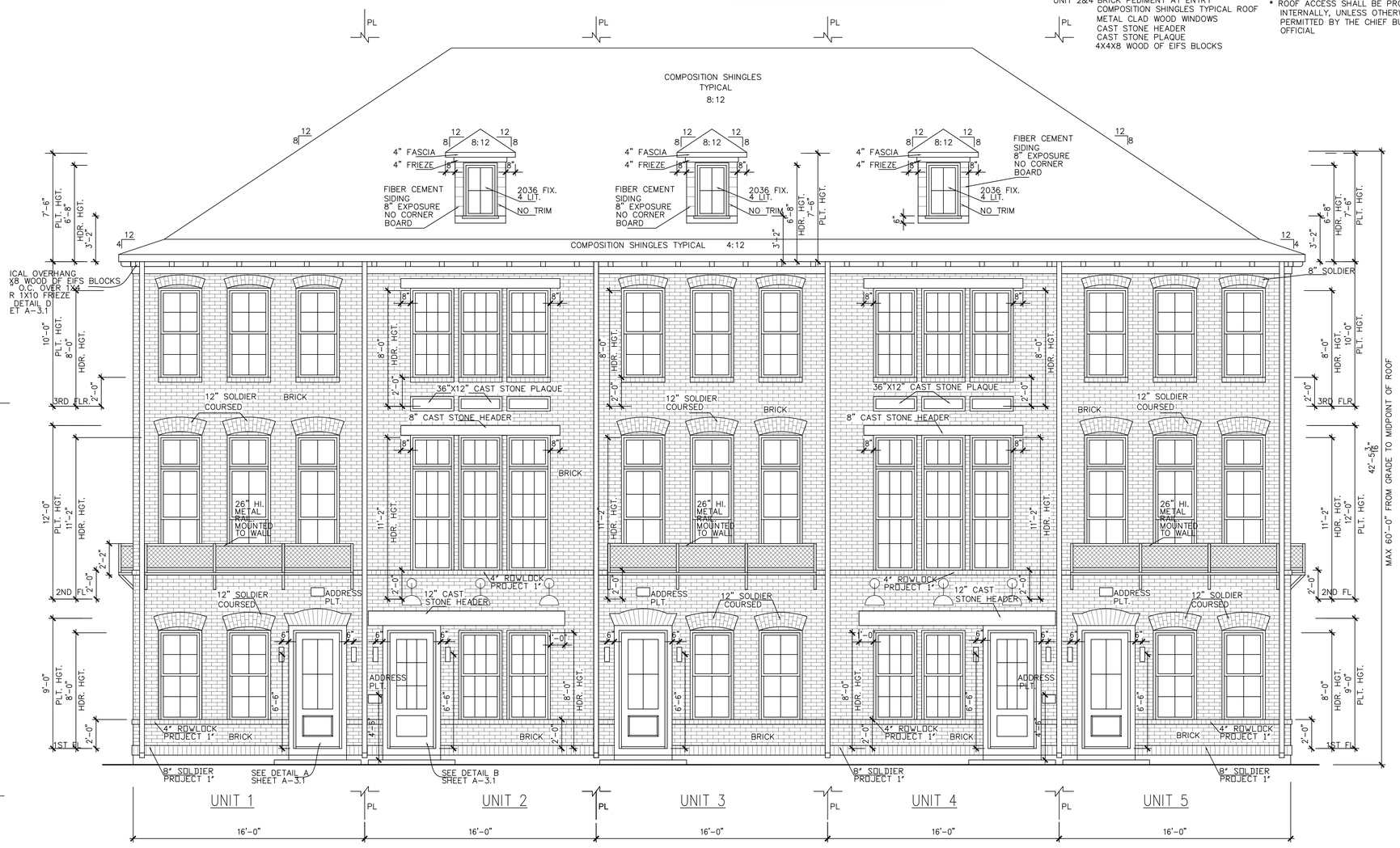


BRICK PEDIMENT A
SCALE: 3/8" = 1'-0"



BRICK PEDIMENT B
SCALE: 3/8" = 1'-0"



west/front elevation
SCALE: 1/4" = 1'-0"

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877

ADDISON GROVE

Drawn By/Checked By: J.H./J.S.
Original Date Issued: 03/04/2016
Scale: 1/4" = 1'-0"
Last Updated: 03/17/2016

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 10
ELEVATIONS

PLAN NO.

UNIT 1	1379
UNIT 2	1380
UNIT 3	1380
UNIT 4	1380
UNIT 5	1379

SHEET NO.
A-3.1

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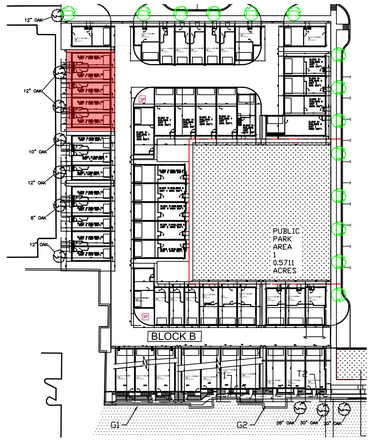

NOTE: NO CAULKING BETWEEN Z FLASHING AND SIDING

EAST/REAR

MATERIAL CALCULATION TABLE		
SIDING	356	17.5%
BRICK	1682	82.5%
GLAZING	398	14.2%
TOTAL SURFACE AREA	2811	

LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
BRACKET

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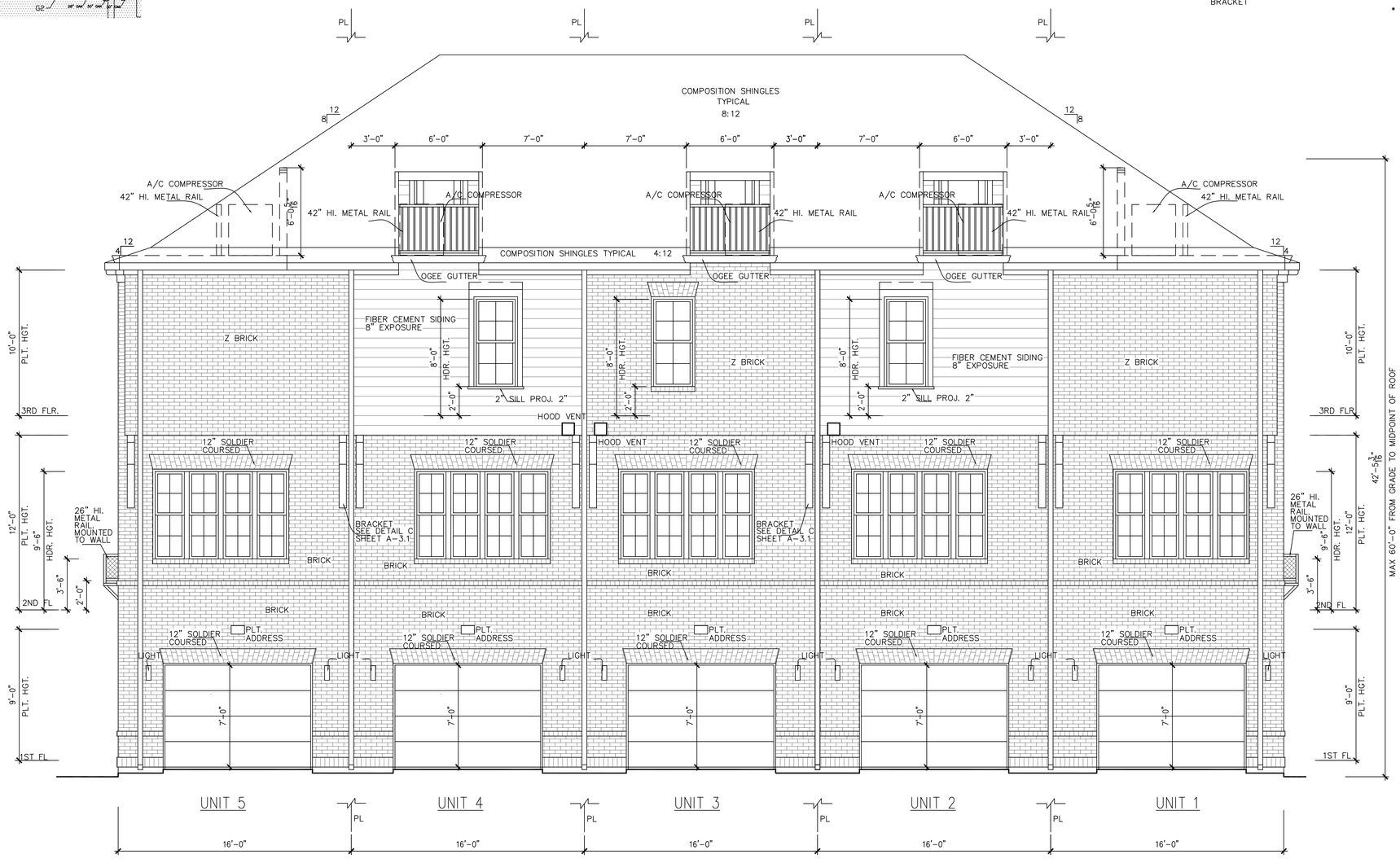

east/rear elevation

SCALE: 1/4" = 1'-0"

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BLOCK B - BUILDING 10

ELEVATIONS

ADDISON GROVE

PLAN NO.

UNIT 1	1379
UNIT 2	1380
UNIT 3	1380
UNIT 4	1380
UNIT 5	1379

SHEET NO. A-3.2

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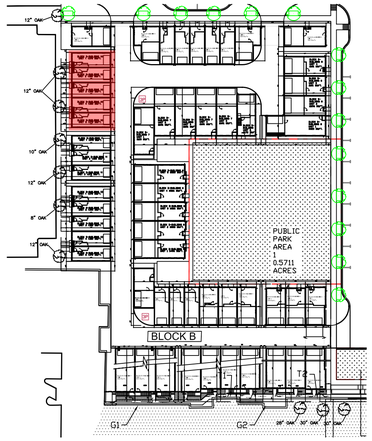
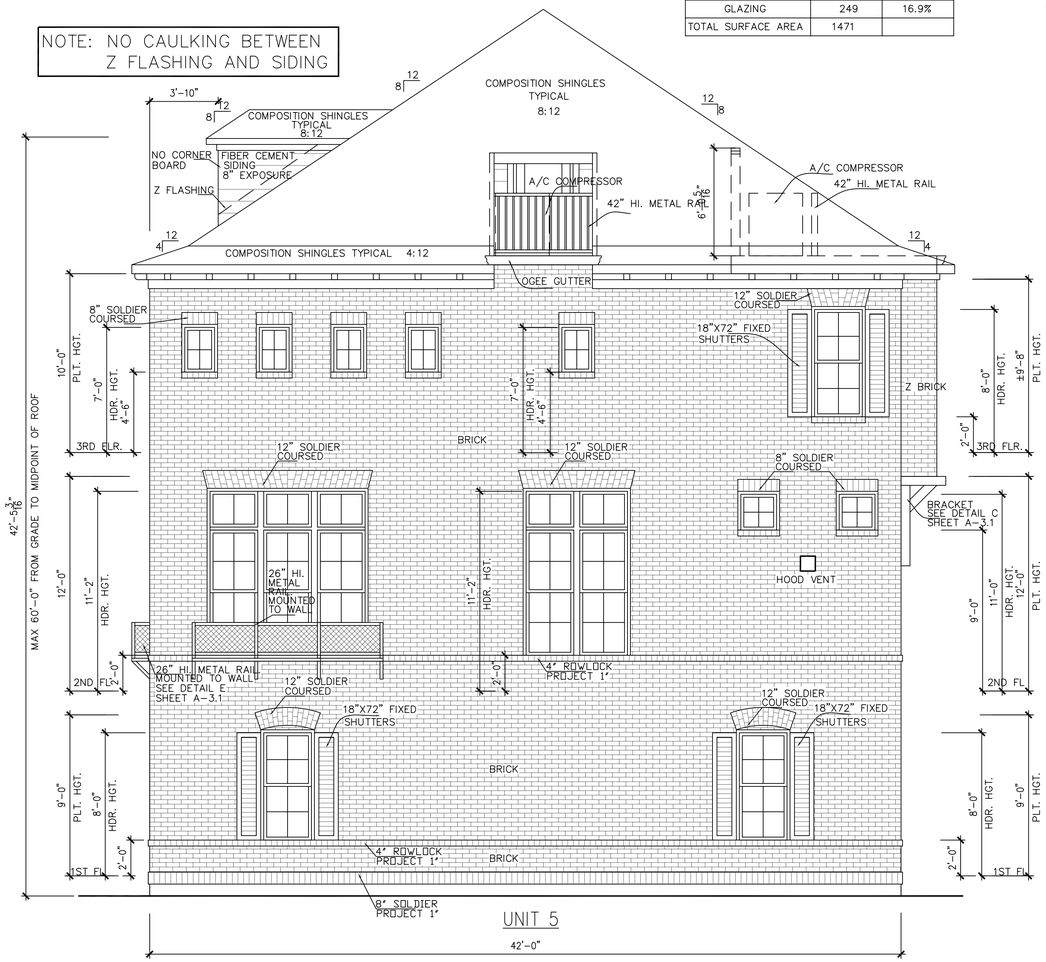


NOTE: NO CAULKING BETWEEN Z FLASHING AND SIDING



south/right elevation

SCALE: 1/4" = 1'-0"

SOUTH/RIGHT

MATERIAL CALCULATION TABLE		
SIDING	24	2.0%
BRICK	1198	98.0%
GLAZING	249	16.9%
TOTAL SURFACE AREA	1471	

LEGEND

BRICK

FIBER CEMENT SIDING

ADDITIONAL BUILDING MATERIALS

COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
26" HI. METAL GUARDRAIL
42" HI. METAL GUARDRAIL
FIXED SHUTTER
4X4X8 WOOD OF EIFS BLOCKS

FACADE PLAN NOTES

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(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 10

ELEVATIONS

ADDISON GROVE

PLAN NO.

UNIT 1	1379
UNIT 2	1380
UNIT 3	1380
UNIT 4	1380
UNIT 5	1379

SHEET NO. A-3.3

TEXAS INTOWN HOMES
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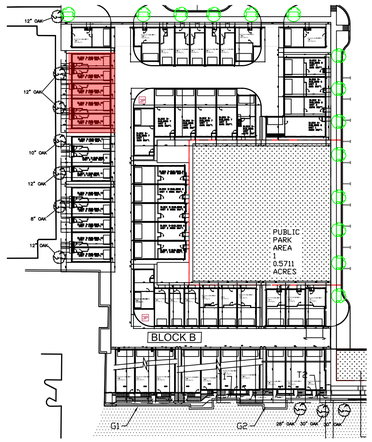

NOTE: NO CAULKING BETWEEN Z FLASHING AND SIDING

NORTH/LEFT

MATERIAL CALCULATION TABLE		
SIDING	24	2.0%
BRICK	1198	98.0%
GLAZING	249	16.9%
TOTAL SURFACE AREA	1471	

LEGEND

BRICK

FIBER CEMENT SIDING

FACADE PLAN NOTES

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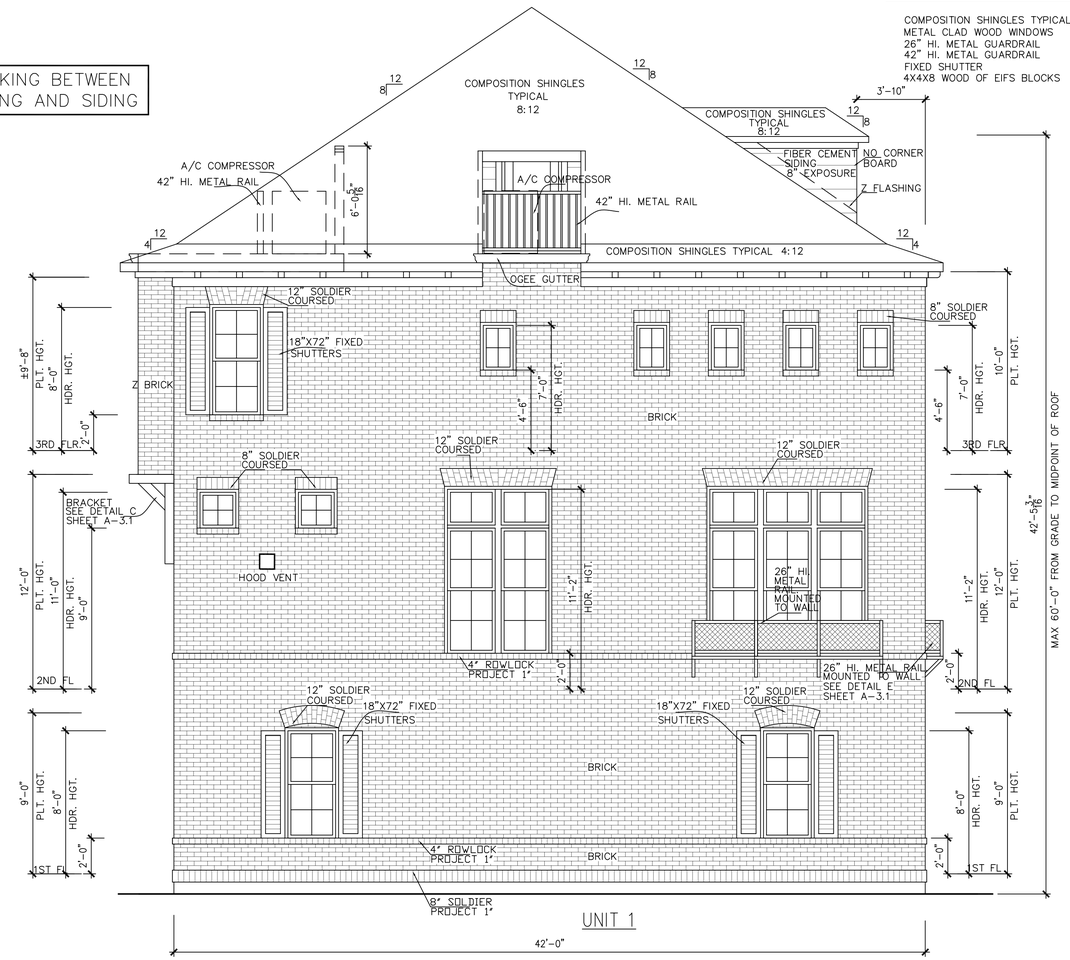
ADDITIONAL BUILDING MATERIALS

COMPOSITION SHINGLES TYPICAL ROOF
METAL CLAD WOOD WINDOWS
26" HI. METAL GUARDRAIL
42" HI. METAL GUARDRAIL
FIXED SHUTTER
4X4X8 WOOD OF EIFS BLOCKS



UNIT 1

42'-0"

north/left elevation

SCALE: 1/4" = 1'-0"

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ADDISON GROVE

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Original Date Issued: 03/04/2016
Scale: 1/4" = 1'-0"
Last Updated: 03/17/2016

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 10

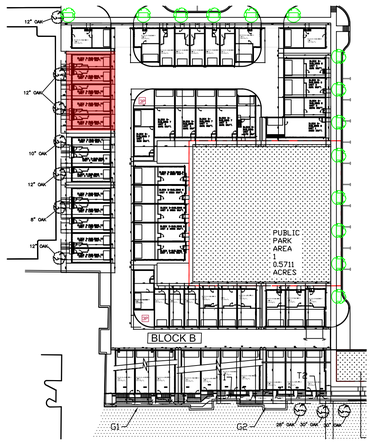
ELEVATIONS

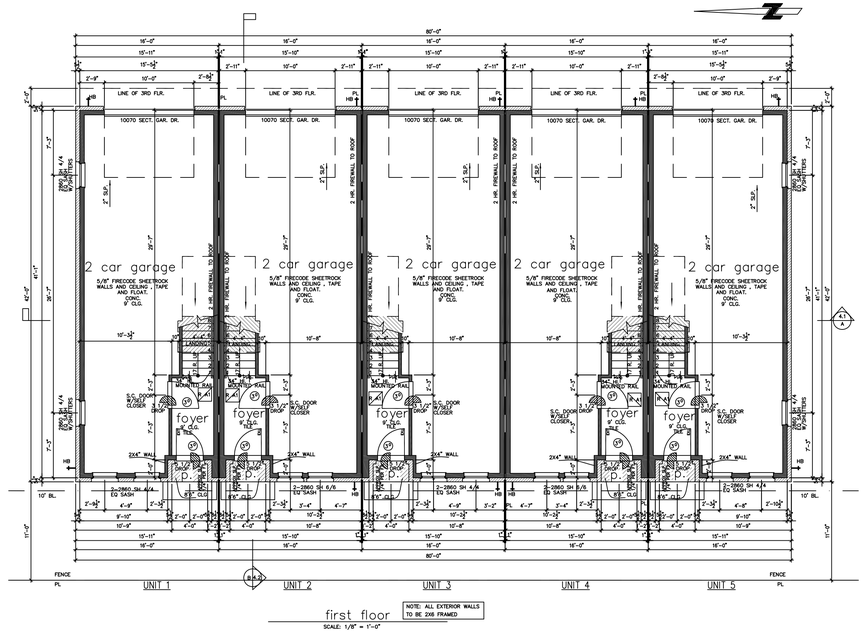
PLAN NO.

UNIT 1	1379
UNIT 2	1380
UNIT 3	1380
UNIT 4	1380
UNIT 5	1379

SHEET NO. A-3.4

© OLIVER PLANS COPYRIGHT 2016





first floor

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAMED

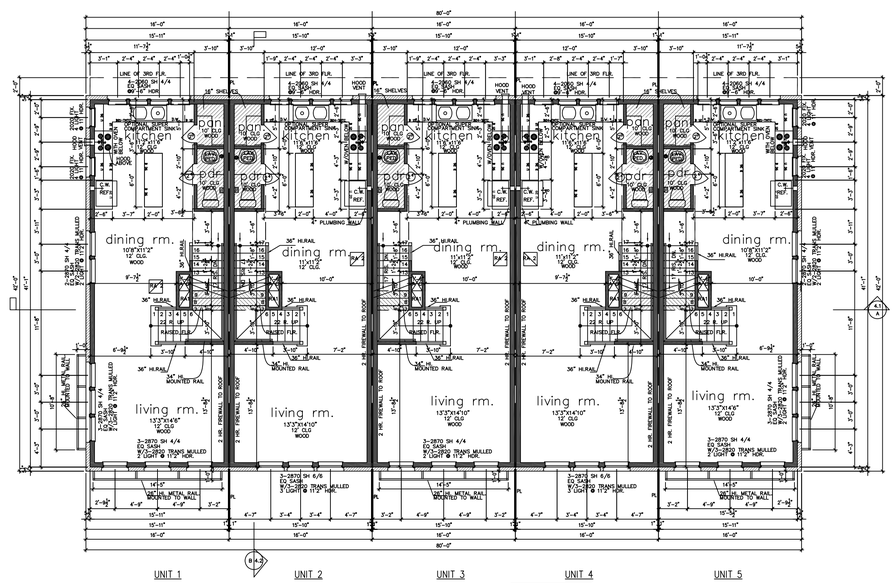
SCALE: 1/8" = 1'-0"

unit 1&5 square footage	
FIRST FLOOR	57
SECOND FLOOR	672
THIRD FLOOR	650
TOTAL LIVING AREA	1379
GARAGE	605
PORCH	10
BALCONY	0
TOTAL SLAB AREA	672

THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY

unit 2&3&4 square footage	
FIRST FLOOR	57
SECOND FLOOR	672
THIRD FLOOR	651
TOTAL LIVING AREA	1380
GARAGE	605
PORCH	10
BALCONY	0
TOTAL SLAB AREA	672

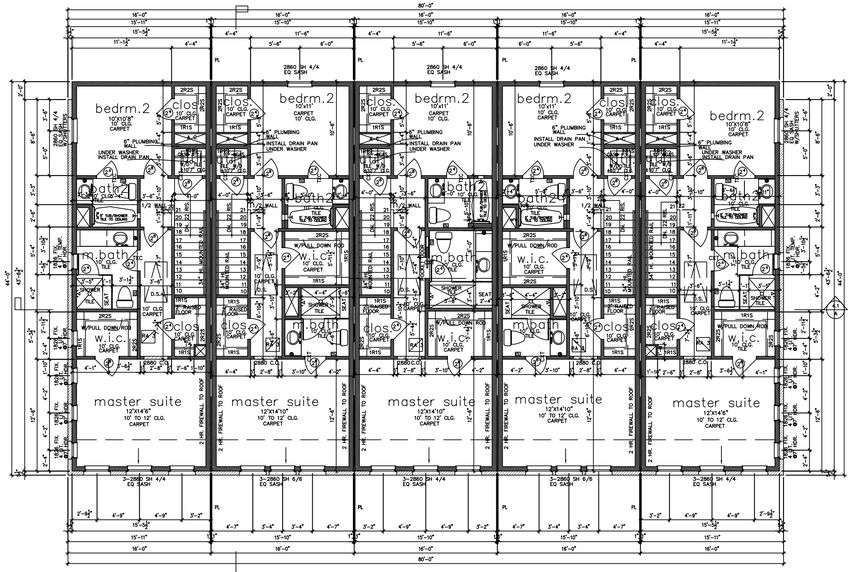
THE SQUARE FOOTAGES SHOWN HAVE BEEN CALCULATED FROM THE BUILDERS DRAWINGS IN GENERAL COMPLIANCE WITH ANSI Z765-2003 ACTUAL SQUARE FOOTAGE MAY VARY



second floor

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAMED

SCALE: 1/8" = 1'-0"



third floor

NOTE: ALL EXTERIOR WALLS TO BE 2X6 FRAMED

NOTE:PLACE WATER HEATER ON MASTER BATH AREA IF POSSIBLE

SCALE: 1/8" = 1'-0"

TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877

ADDISON GROVE

Drawn By/Checked By: J.H./J.S.
Original Date Issued: 03/04/2016
Scale: 1/8" = 1'-0"
Last Updated: 03/17/2016

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX

BLOCK B - BUILDING 10

FLOOR PLAN

PLAN NO.

UNIT 1	1379
UNIT 2	1380
UNIT 3	1380
UNIT 4	1380
UNIT 5	1379

SHEET NO. A-2

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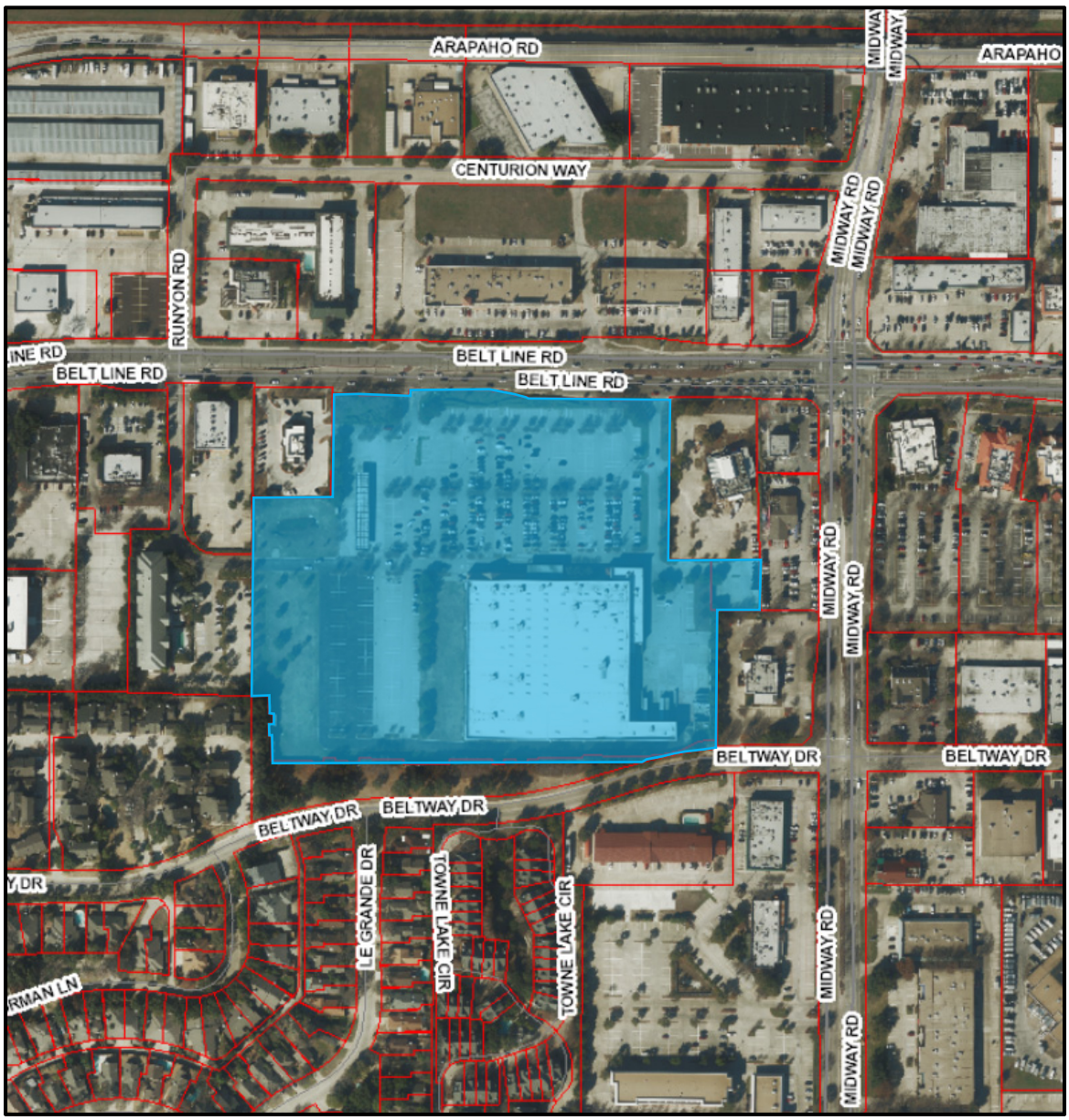
1729-Z

PUBLIC HEARING Case 1729-Z/Addison Grove. Public hearing, discussion, and take action on a recommendation regarding a development plan for the development of the Addison Grove project including a site plan, landscape plan and building elevations and floor plans for 57 Townhomes in an existing Planned Development District (PD O16-003) located on approximately 17.4 acres addressed at 4150 Belt Line Road.

LOCATION MAP



April 15, 2016

STAFF REPORT

RE:	1729-Z/Addison Grove
LOCATION:	Approximately 17.4 acres of land located at 4150 Belt Line Road
REQUEST:	Development Plan Approval in accordance with development standards for Planned Development O16-003.
APPLICANT:	Fenway Development, Inc., represented by Mr. Frank Liu

DISCUSSION:

Background: The property located at 4150 Belt Line Road consists of two lots totaling approximately 17.4 acres. This property was zoned as a Planned Development in 1991 through ordinance O91-066 to accommodate the development of a Sam's Wholesale Club, which was constructed the following year. In anticipation of Sam's departure last year, a special area study was conducted, which resulted in the adoption of a new Planned Development in January of 2016. This new Planned Development established standards for a new primarily residential, mixed use development with townhomes, live/work units, multifamily, and retail.

Since the zoning was approved in January, Fenway Development finalized the purchase of the property from Walmart and has continued to work with staff to draft the detailed plans required for development plan approval and, ultimately, construction on the site. The applicant is now bringing these plans forward for approval. This will allow them to start infrastructure installation across the site as well as construction on the first block of townhomes. As the project progresses, the following will all come forward at future dates: building elevations and floor plans for the remaining townhome blocks, detailed plans for the open space improvements, and the development details for the multi-family site.

Proposed Plan: The development plans include the site plan and landscape plan for the entire property as well as representative building elevations and floor plans for the 57 townhome units in Block B on the site. Although not every elevation is shown, all will have similar designs. The site plan and landscape plan are in keeping with the concept plan approved as part of the zoning ordinance. The townhomes in Block B are mostly three stories with a few four story units and have a traditional appearance with primarily brick and stone façades. Units range in size from two bedroom units of 1,759 square feet up to four bedroom units of 4,247 square feet.

Staff Review: Development Plan approval differs from a typical zoning case. While zoning is a legislative decision with wide latitude given during the consideration process, development plan approval is a ministerial function more like plat approval. The purpose of the development plan approval process is to review the proposal in the context of the existing zoning requirements for the site. If the proposal meets the requirements, then it must be approved.

Uses: The applicant is proposing 57 townhomes in Block B. **The proposed use meet the standards in the ordinance.**

Development Standards: Development standards regulate the setbacks, building heights, lot sizes, and square footages of certain uses. The development plan is in compliance with all development standards as detailed below.

Street Build-to Line: The development standards require that at least 70% of the building be at the build-to line along Type A streets allowing for a five foot front yard. This has been met.

Other setbacks: There are no minimum side yard or rear yard requirements. There is a perimeter setback of 10 feet, which has been met.

Building height: The ordinance requires a minimum building height of two stories and a maximum height of 60 feet for the townhome units. The townhomes range from three to four stories with the tallest unit measuring 57 feet in height.

Minimum area per dwelling unit: The development standards require that townhomes be at least 1,350 square feet. The 57 townhomes proposed in Block B all exceed this requirement.

Maximum Lot Coverage: The development standards require a maximum lot coverage of 95%, meaning that at least five percent of each lot must be landscaped. All lots in the development comply.

Landmark Buildings: The development standards require that buildings at the corners or end of streets must be landmark buildings with unique features. Two of the units in Block B are designated as landmark buildings. The representative elevations provided include one of the landmark buildings, and it complies with the requirements through unique articulation and design elements. Staff will review construction documents to make sure that the second building also complies.

The proposed plans comply with all development standards in the ordinance.

Open Space: Open space is required with residential uses and is calculated to require two acres for every 1,000 residents up to 2,250 and then 1.5 acres per 1,000 residents above 2,250. The code assumes 1.5 persons per unit. When applied to the entire project, 1.52 acres are required. The development plans indicate the intent to dedicate 1.5606 acres as public open space. Details regarding

the open space improvements will need to be approved by the planning and zoning commission and city council at a future date. **The proposed plans comply with the open space standards in the ordinance.**

Parking: The ordinance requires that two spaces be provided for each townhome and may be provided through tandem parking. Each unit has a minimum of two parking spaces in their garage. **The proposal meets the parking requirements in the ordinance.**

Exterior Appearance: The ordinance requires that every façade of the townhomes must have a minimum of 80% masonry construction with a maximum of three materials. The representative building elevations show masonry counts above 90% for most of the building. The alley façade for building 10 has the lowest masonry percentage at 82.5%. The elevations show a mixture of brick, stone and minimal amounts of siding. Building elevations for the remaining units will be reviewed by staff to ensure that they are in keeping with the representative elevations shown and the ordinance requirements. **The proposal meets the exterior appearance in the ordinance, further compliance will be assessed prior to the issuance of a building permit.**

Landscape: The landscaping regulations in the ordinance govern the street edge as well as private landscaping. The plan has been reviewed by the Parks Department and no issues were identified. **The proposal meets the standards for landscape in the ordinance.**

Screening of Mechanical Equipment: The ordinance requires that mechanical equipment as well as loading, service, and trash storage areas be screened from view of all public roadways. Mechanical equipment will be located on either the roof or third floor patio of the townhome units and will not be visible from the street. There are no loading or service areas associated with the residential units. **The proposal meets the screening requirements in the ordinance.**

General Requirements: When the zoning was approved, several conditions were added and became part of the regulations for the development. They are as follows:

- A short, wrought iron or decorative fence or wall shall be installed to delineate the front yards of the townhomes facing Beltway from the public green space/park.

  This has been included in the development plans. The site plan shows that all units fronting Beltway will have a four foot wrought iron fence between their private front yard and the green space, as well as a sidewalk.

- The proposed street shown on the east side of the development shall be constructed with retractable bollards at Beltway to provide for public safety access only.

  Staff and the developer are continuing to assess options for retractable bollards, but these are shown on the site plan and will be included when the street is constructed.

- The proposed street shown on the east side shall also be constructed with speed/traffic calming devices.

  The eastern street will include a stop sign at the T intersection with the extension of Runyon Road. This will also serve as the traffic calming device.

- Courtyards shown on the Concept Plan will be designed and constructed with enhanced architectural and landscaping features, including such elements as water features, landscaping, and art features.

  The landscape plan for the site indicates that the private courtyards in Blocks A, C, and D will include fountains, pergolas, and landscaping.

The proposal complies with all general requirements in the ordinance.

RECOMMENDATION: **APPROVAL**

This development plan approval marks the beginning of the construction phase of the Addison Grove project. The site plan and landscape plan approval will allow the developer to begin installation of the infrastructure systems needed to accommodate the development. Additionally, the approval of the representative building elevations and floor plans for the 57 townhome units in Block B will enable construction work to begin on those units. Staff has reviewed the development plans and found them to be in compliance with all requirements of the approved zoning ordinance. Staff will continue to review construction documents to ensure compliance prior to the issuance of any building permits. Staff recommends approval subject to no conditions.

Land Use Analysis

Attributes of Success Matrix

Addison Grove, 4150 Belt Line Road **1729-Z**

Attribute	Comment	Score
Competitive	The development includes a variety of uses, which should be very attractive to future residents and tenants.	
Safe	The concept plan and development standards have been crafted to promote a safe, walkable environment.	
Functional	The various components of the plan should function well together and integrate into the area without negatively impacting the surrounding properties.	
Visually Appealing	The development will be required to build to a high visual standard. The parks and street trees will make the development visually appealing.	
Supported with Amenities	The mix of uses within the development will provide amenities for the residents. Additionally, the adjacent properties will provide easy access to additional amenities .	
Environmentally Responsible	This will be a compact, pedestrian oriented mixed use development. This is an environmentally responsible development pattern.	
Walkable	The development is walkable and will improve pedestrian connections along Beltway. The sidewalks along Belt Line will be improved to better accommodate pedestrians.	
Overall Assessment	**The proposed townhomes will be a high quality product and will serve as an important first step in this redevelopment project.**	

Case 1729-Z/Addison Grove
April 19, 2016

COMMISSION FINDINGS:

The Addison Planning and Zoning Commission, meeting in regular session on April 19, 2016, voted to recommend approval of an ordinance granting development plan approval for the overall site plan and landscape plan as well as building elevations and floor plans for 57 Townhomes in an existing Planned Development District (PD o16-003), subject to the following condition:

- The fences shown on the site plan along Beltway Park be revised to provide public access between the Townhomes.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer
Voting Nay: Smith
Absent: none

SPEAKERS AT THE PUBLIC HEARING:

For: none
On: none
Against: none

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR APPROVAL OF A DEVELOPMENT PLAN FOR A TOWNHOME DEVELOPMENT IN A PLANNED DEVELOPMENT ZONING DISTRICT (016-003) LOCATED ON 17.4 ACRES LOACTED 4150 BELT LINE ROAD, PROVIDING FOR APPROVAL OF A WAIVER TO DEVELOPMENT STANDARDS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the area generally known as Addison Grove was zoned PD, Planned Development, with development standards and a concept plan governing the entire property through Ordinance O16-003; and

WHEREAS, the PD requires development plan approval prior to the issuance of a building permit; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission, the information received at the public hearing, and other relevant information and materials, the City Council of the Town of Addison, Texas finds that this ordinance promotes the general welfare and safety of this community.

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

Section 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

Section 2. The property shall be improved in accordance with the development plans which are attached hereto as **Exhibit A** and made hereof for all purposes, subject to the following condition:

A. The fences shown on the site plan along the Beltway greenspace be revised to provide public access between the Townhomes.

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. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

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.

Section 6. That this Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 24th day of May, 2016.

_____
Todd Meier, Mayor

ATTEST:

_____
Laura Bell, City Secretary

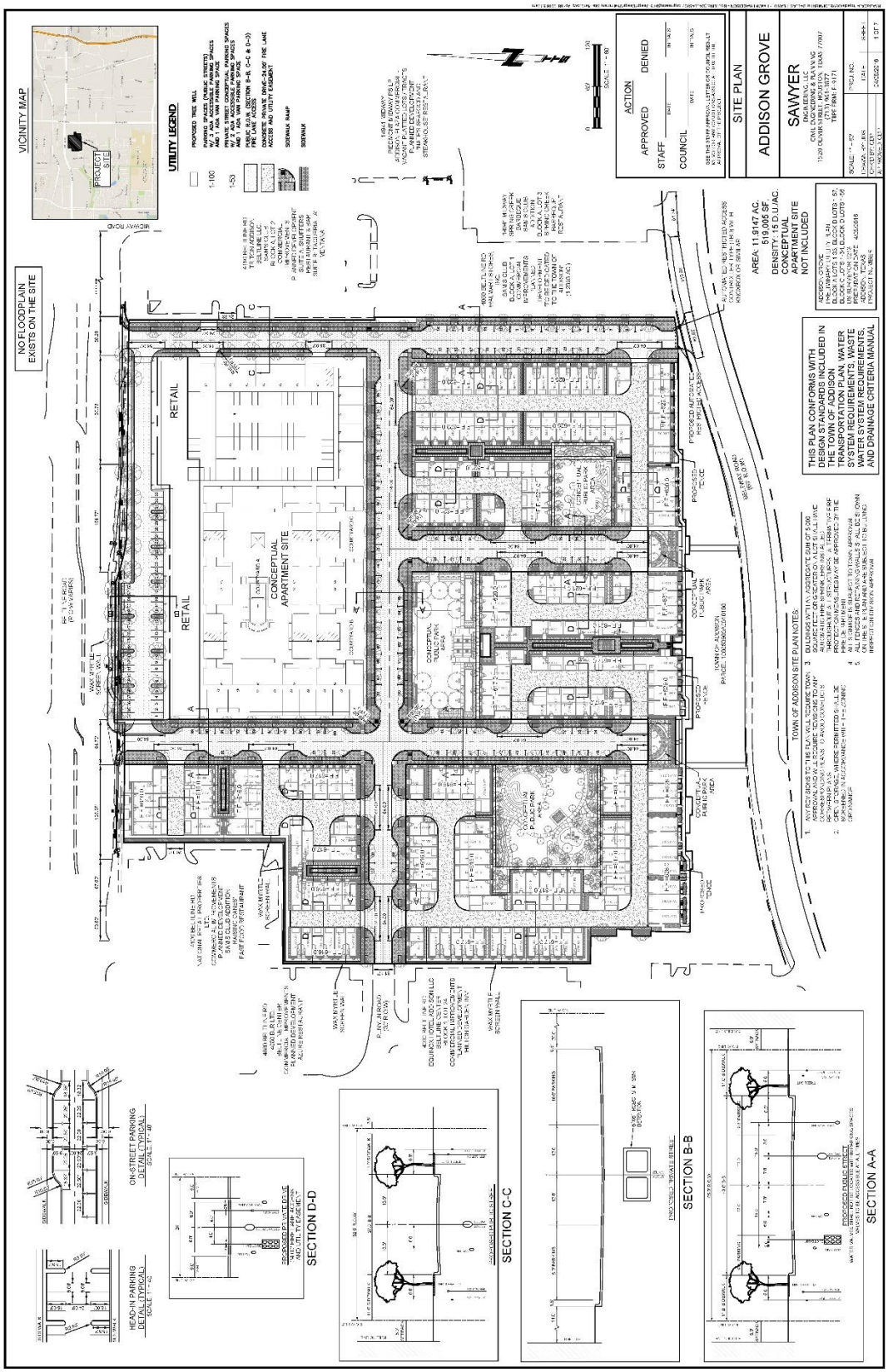
CASE NO: 1729-Z/Addison Grove

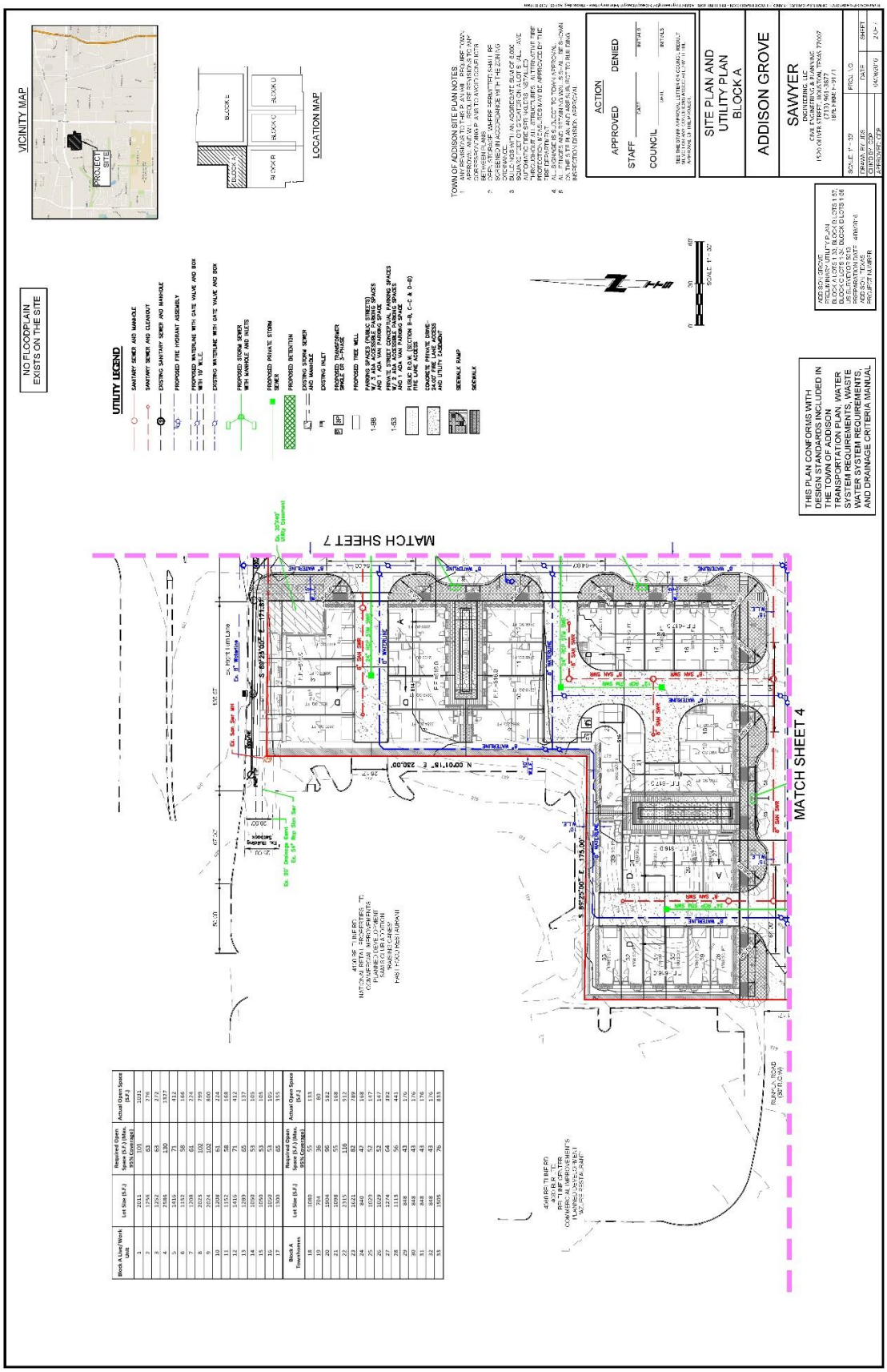
APPROVED AS TO FORM:

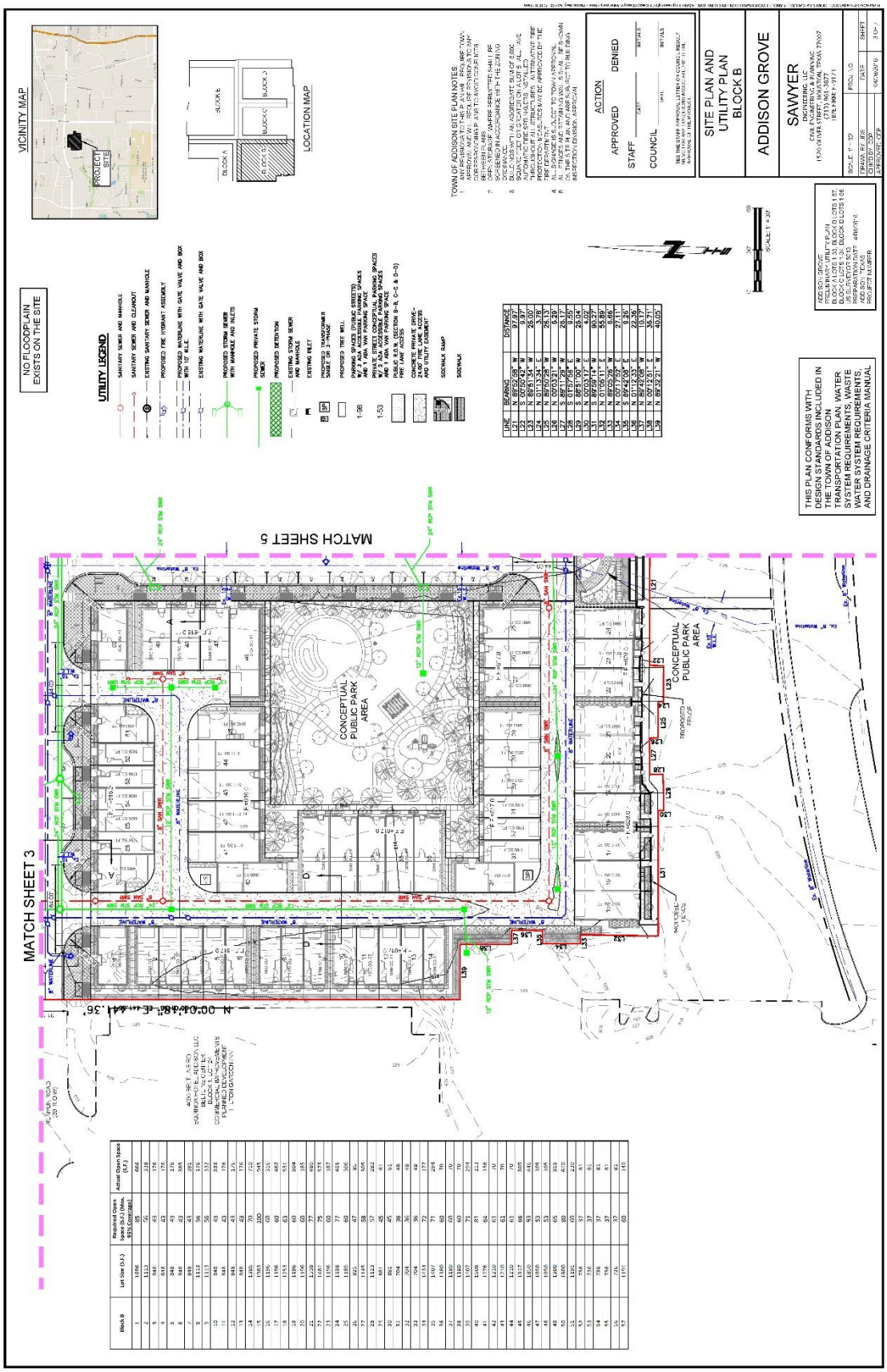
_____
Brenda N. McDonald, City Attorney

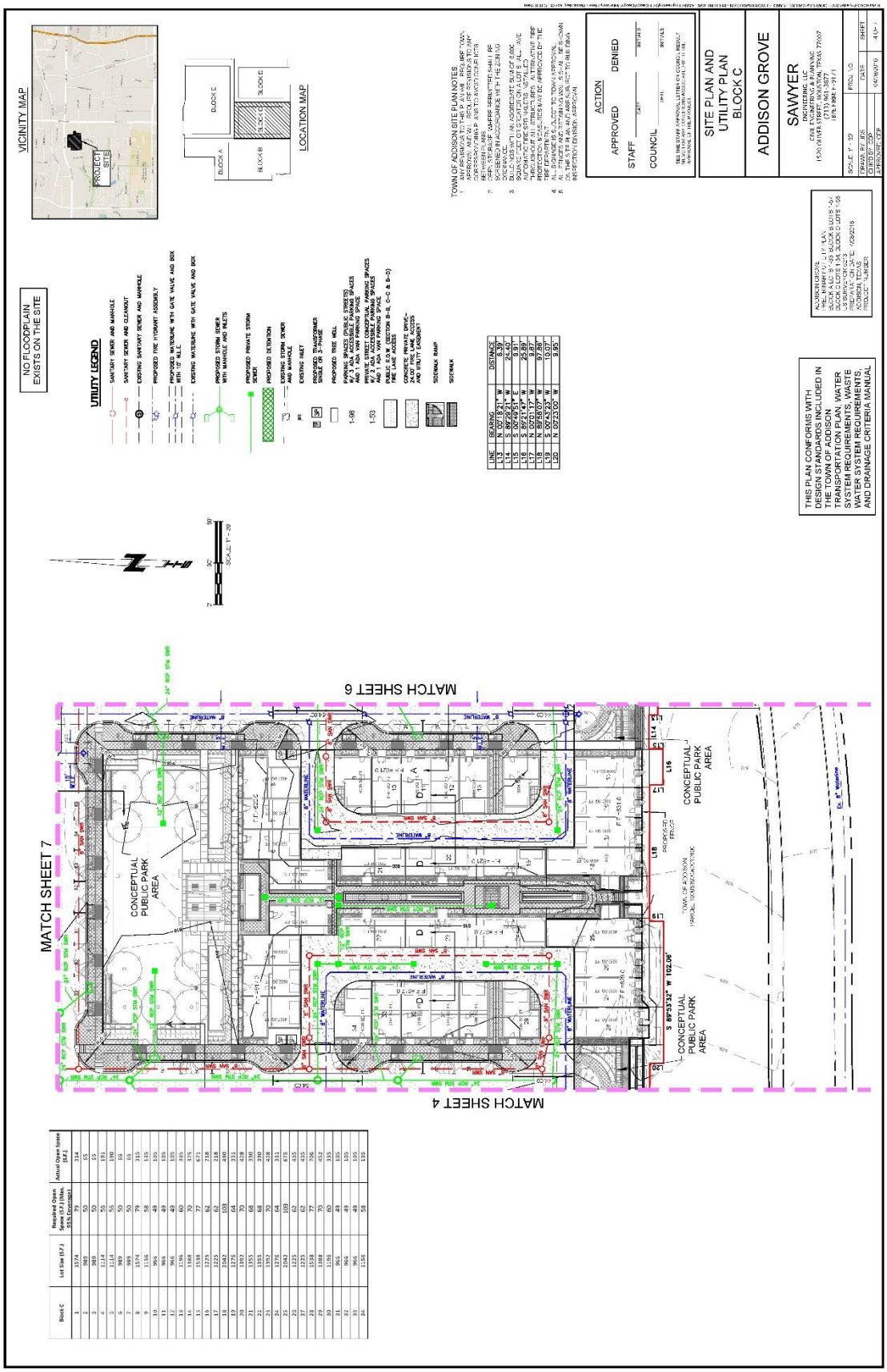
PUBLISHED ON: _____

EXHIBIT A: DEVELOPMENT PLANS



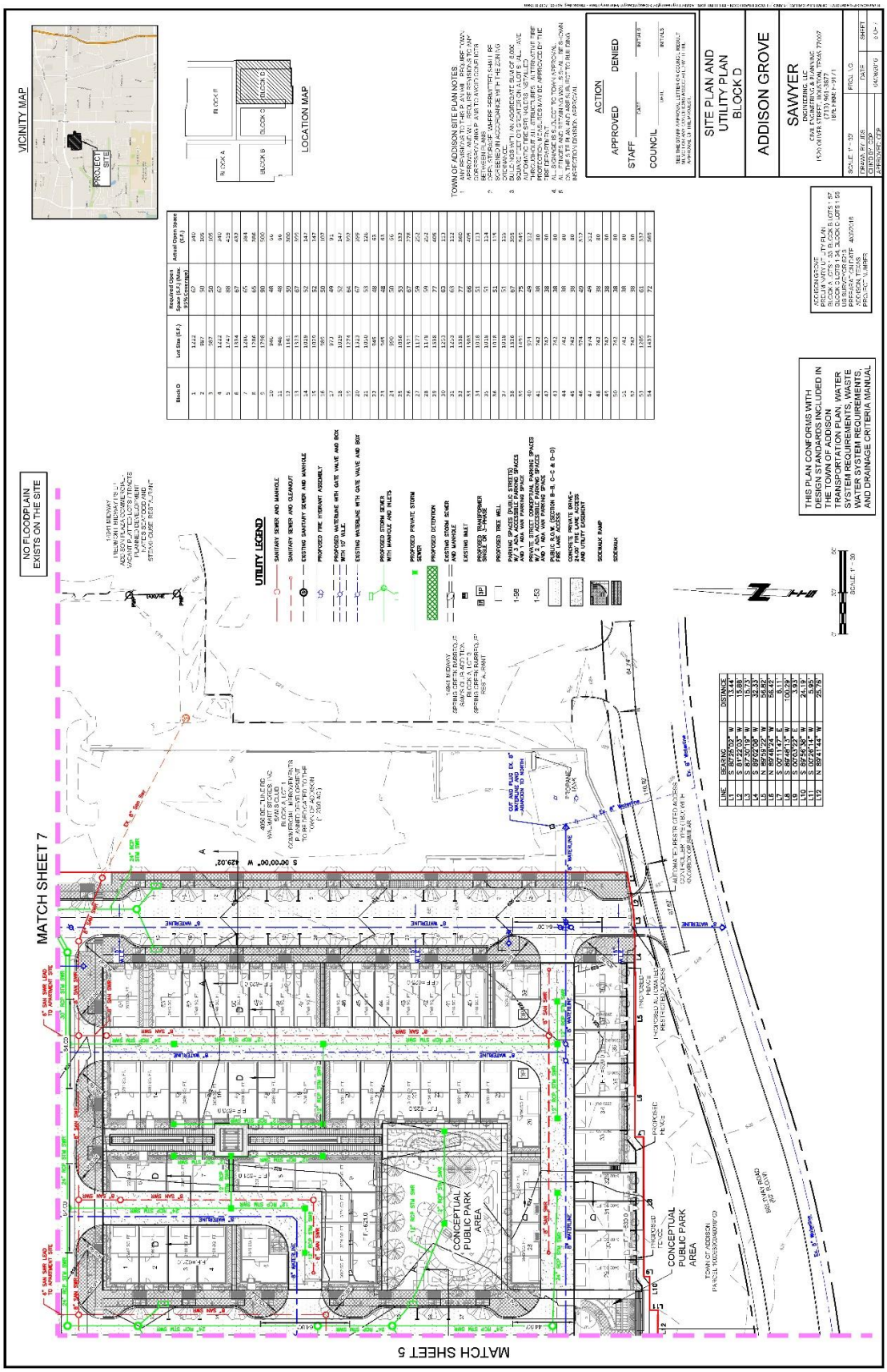

VICINITY MAP
LOCATION MAP
NO FLOODPLAIN EXISTS ON THE SITE
UTILITY LEGEND
MATCH SHEET 7
MATCH SHEET 4
THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL
ACTION
APPROVED
DENIED
STAFF
COUNCIL
SITE PLAN AND UTILITY PLAN BLOCK A
ADDISON GROVE
SAWYER


VICINITY MAP
PROJECT SITE
LOCATION MAP
BLOCK A
BLOCK B
BLOCK C
BLOCK D
NO FLOODPLAIN EXISTS ON THE SITE
UTILITY LEGEND
SANITARY SEWER AND MANHOLE
SANITARY SEWER AND CLEANOUT
EXISTING SANITARY SEWER AND MANHOLE
PROPOSED FIRE HYDRANT ASSEMBLY
PROPOSED WATERLINE WITH GATE VALVE AND BOX WITH 10" MLLE
EXISTING WATERLINE WITH GATE VALVE AND BOX
PROPOSED STORM SEWER WITH MANHOLE AND INLETS
PROPOSED PRIVATE STORM SEWER
PROPOSED DETENTION
EXISTING STORM SEWER AND MANHOLE
EXISTING INLET
PROPOSED TRANSFORMER SHARE OR 3-PHASE
PROPOSED TREE WELL
PARKING SPACES (PUBLIC STREET) AND 1 ADA VAN PARKING SPACE
PARKING SPACES (PRIVATE) AND 1 ADA VAN PARKING SPACE
CONCRETE PRIVATE DRIVE-24.00' FIRE LANE ACCESS WITH FIRE LANE MARKER
SIDEWALK RAMP
SIDEWALK
TOWN OF ADDISON SITE PLAN NOTES
ACTION
APPROVED
DENIED
STAFF
COUNCIL
SITE PLAN AND UTILITY PLAN BLOCK B
ADDISON GROVE
SAWYER
ENGINEERING, LLC
CIVIL ENGINEERING & PLANNING
15701 KNOBCREST DRIVE, HOUSTON, TEXAS 77077
(713) 961-3677
TBPE FIRM F-9171
SCALE: 1" = 30'
PROJ. NO.
DATE
SHEET
DRAWN BY: IRS
CHECKED BY: CSP
APPROVED BY: CSP
SCALE: 1" = 30'
PRELIMINARY UTILITY PLAN
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-53, BLOCK D LOTS 1-55
JAS. E. SUTTON SURVEY
ADDISON GROVE
ADDISON, TEXAS
PROJECT NUMBER
THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL
MATCH SHEET 5
MATCH SHEET 3
CONCEPTUAL PUBLIC PARK AREA
CONCEPTUAL PUBLIC PARK AREA
PROPOSED DRIVE
ADDISON ROAD (80' R.O.W.)
400 SEPT. INVEST. SQUARE 24-01-SEPT, LLC
BEING LOT 1, BLOCK A
BLOCK 1, LOT 24
OFFICE/WAREHOUSE BUILDINGS
PLANNED DEVELOPMENT
I. TOM GARTCH VII

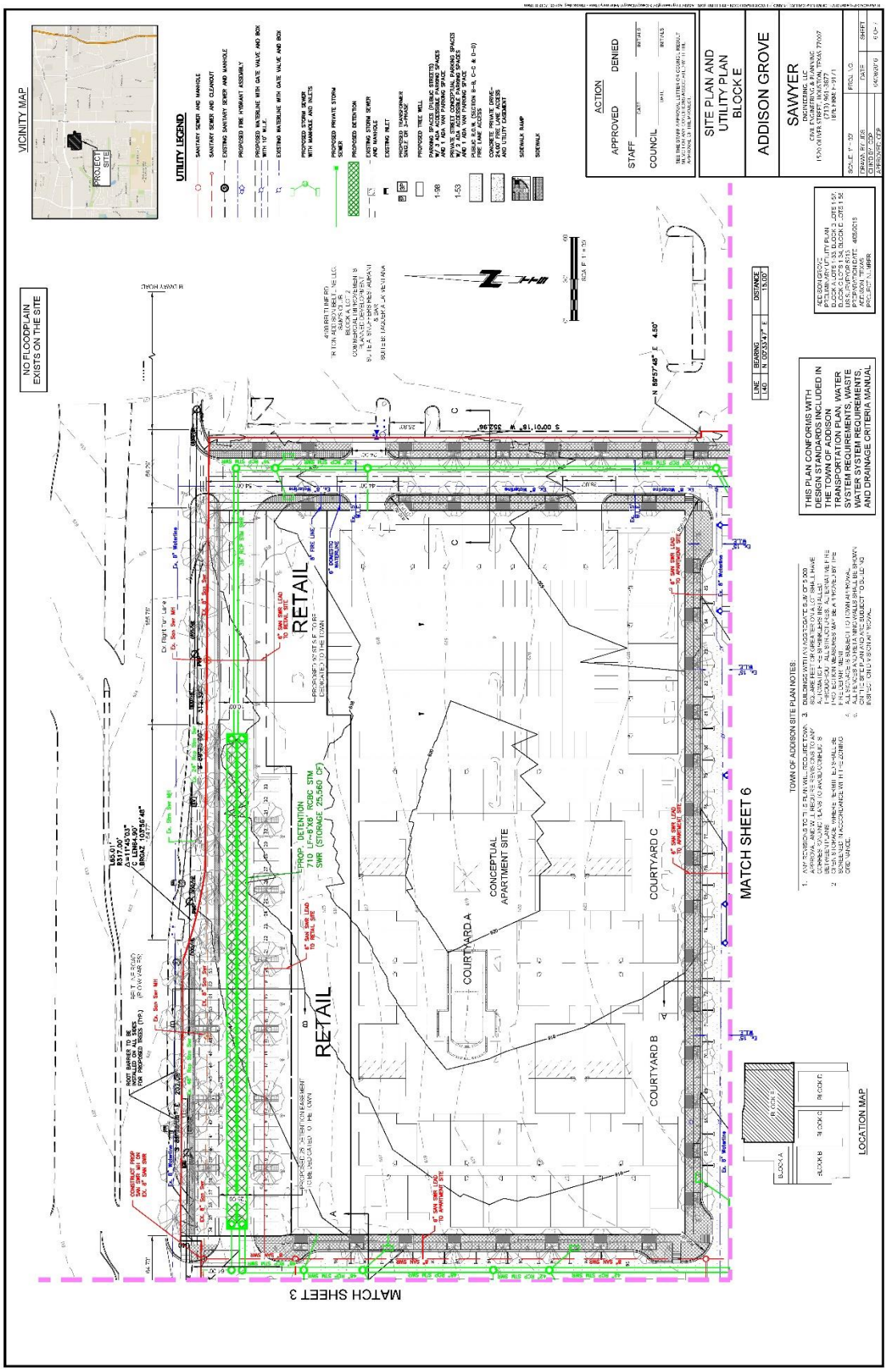


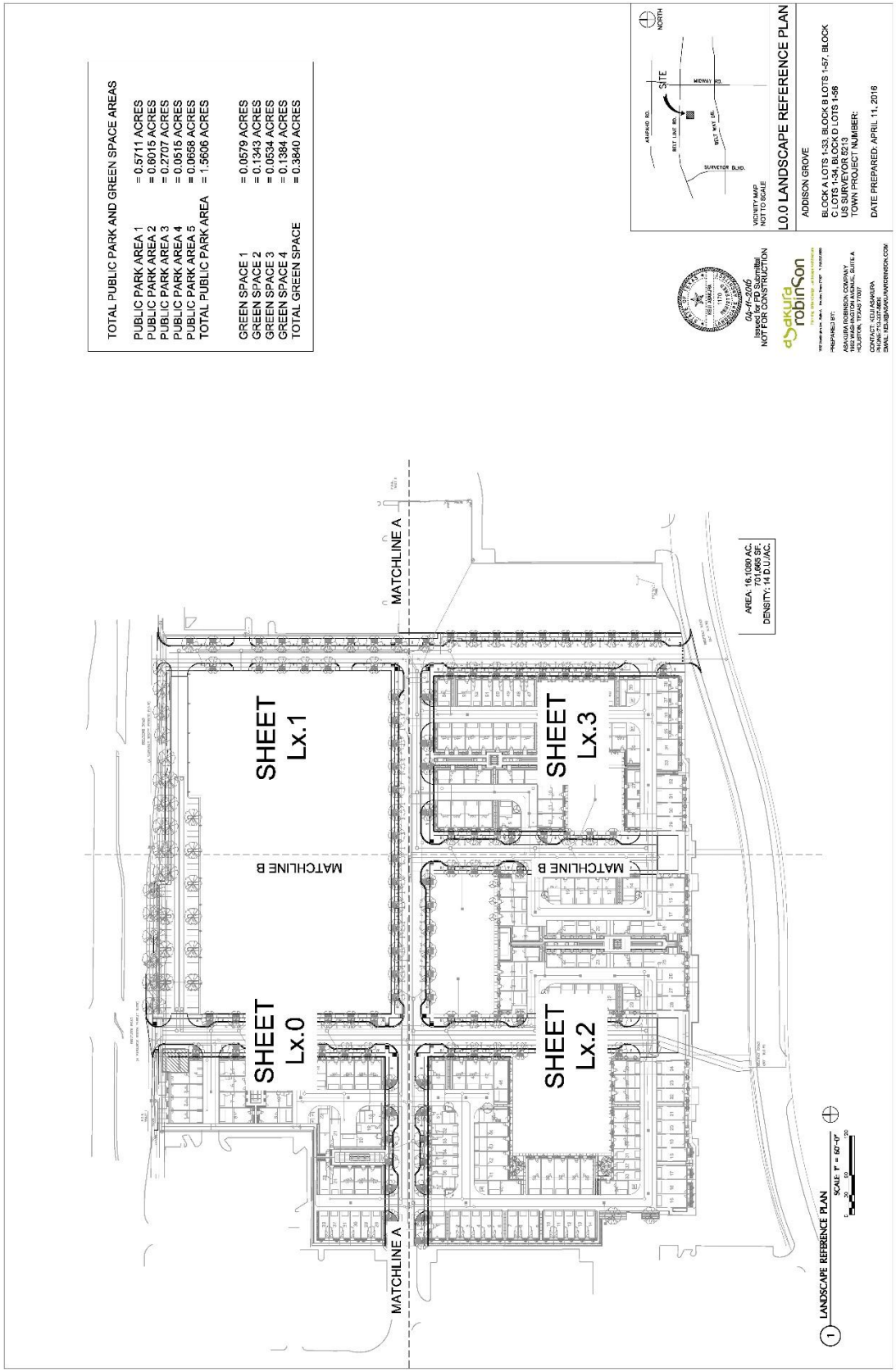
Block C	Lot Size (S.F.)	Required Open Space (S.F.) (Max. 95% Coverage)	Actual Open Space (S.F.)
1	1574	79	314
2	989	50	65
3	989	50	65
4	1114	56	191
5	1114	56	190
6	989	50	66
7	989	50	66
8	1574	79	315
9	1156	58	135
10	966	49	105
11	966	49	105
12	966	49	105
13	1156	60	335
14	1388	70	375
15	1538	77	671
16	1225	62	218
17	1225	62	218
18	2042	103	400
19	1276	64	331
20	1392	70	428
21	1355	68	390
22	1355	68	390
23	1392	70	428
24	1276	64	331
25	2042	103	675
26	1225	62	435
27	1225	62	435
28	1538	77	706
29	1388	70	452
30	1156	60	335
31	966	49	105
32	966	49	105
33	966	49	105
34	1156	58	135

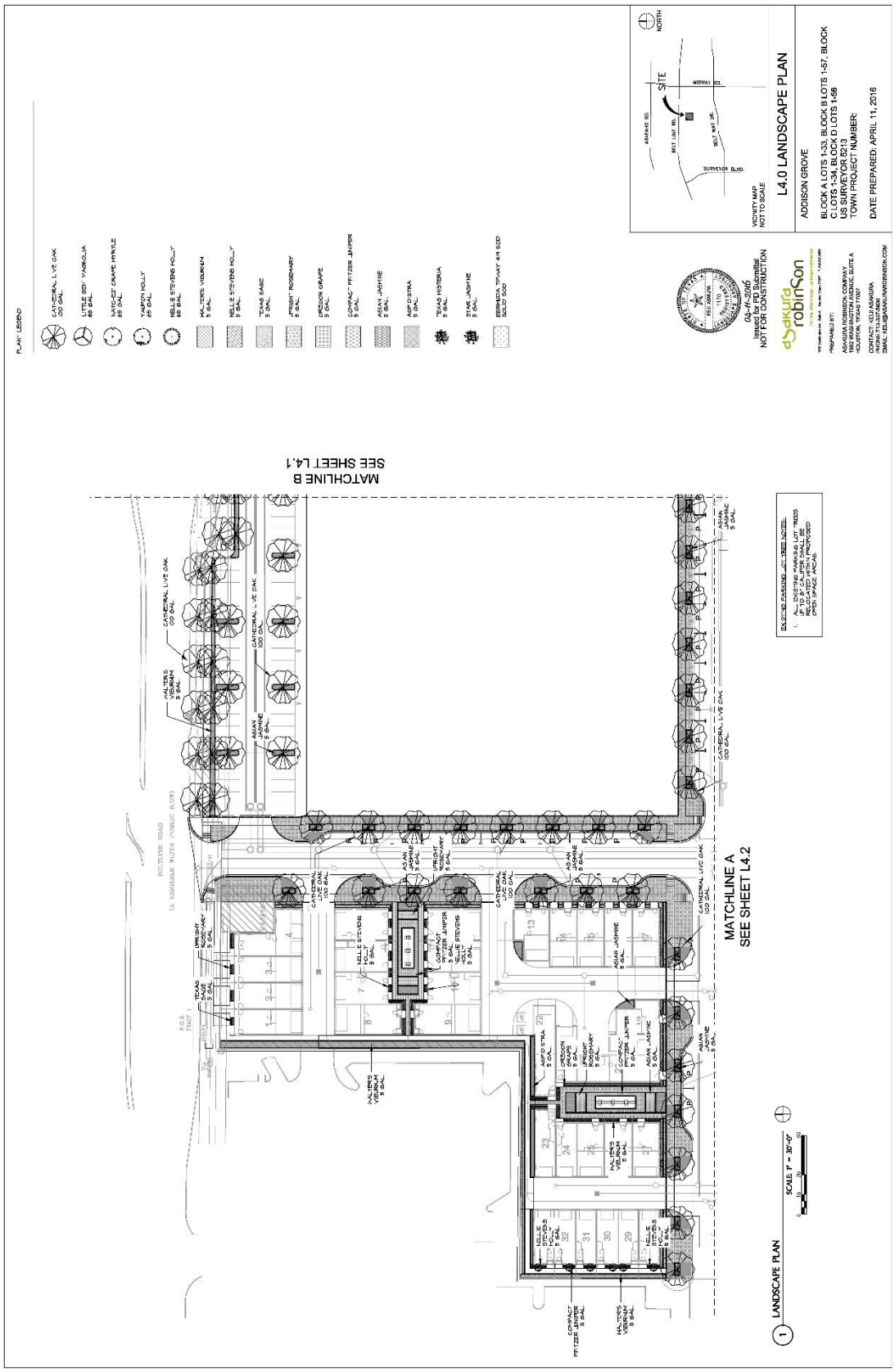
Ordinance No. _____

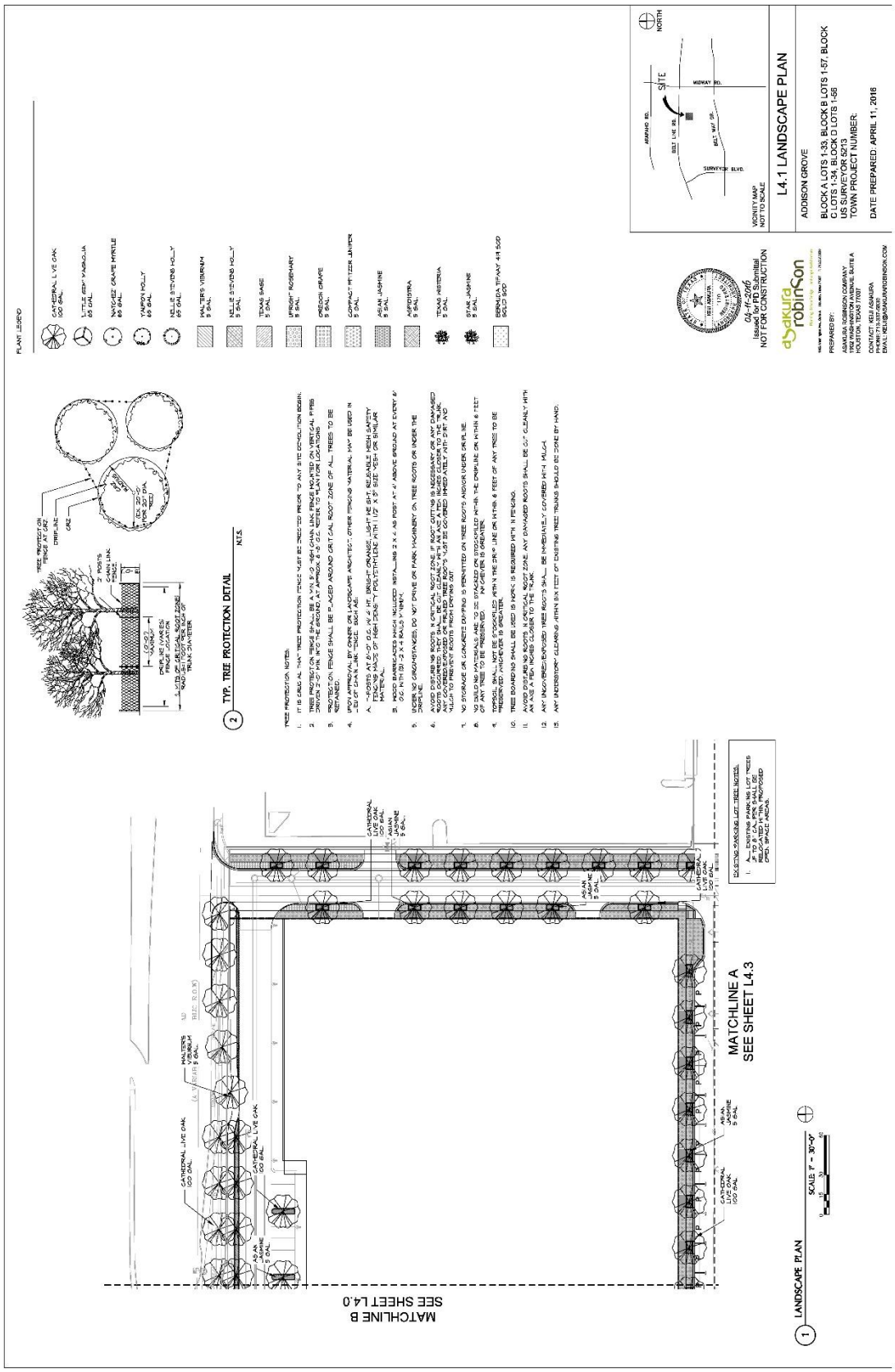


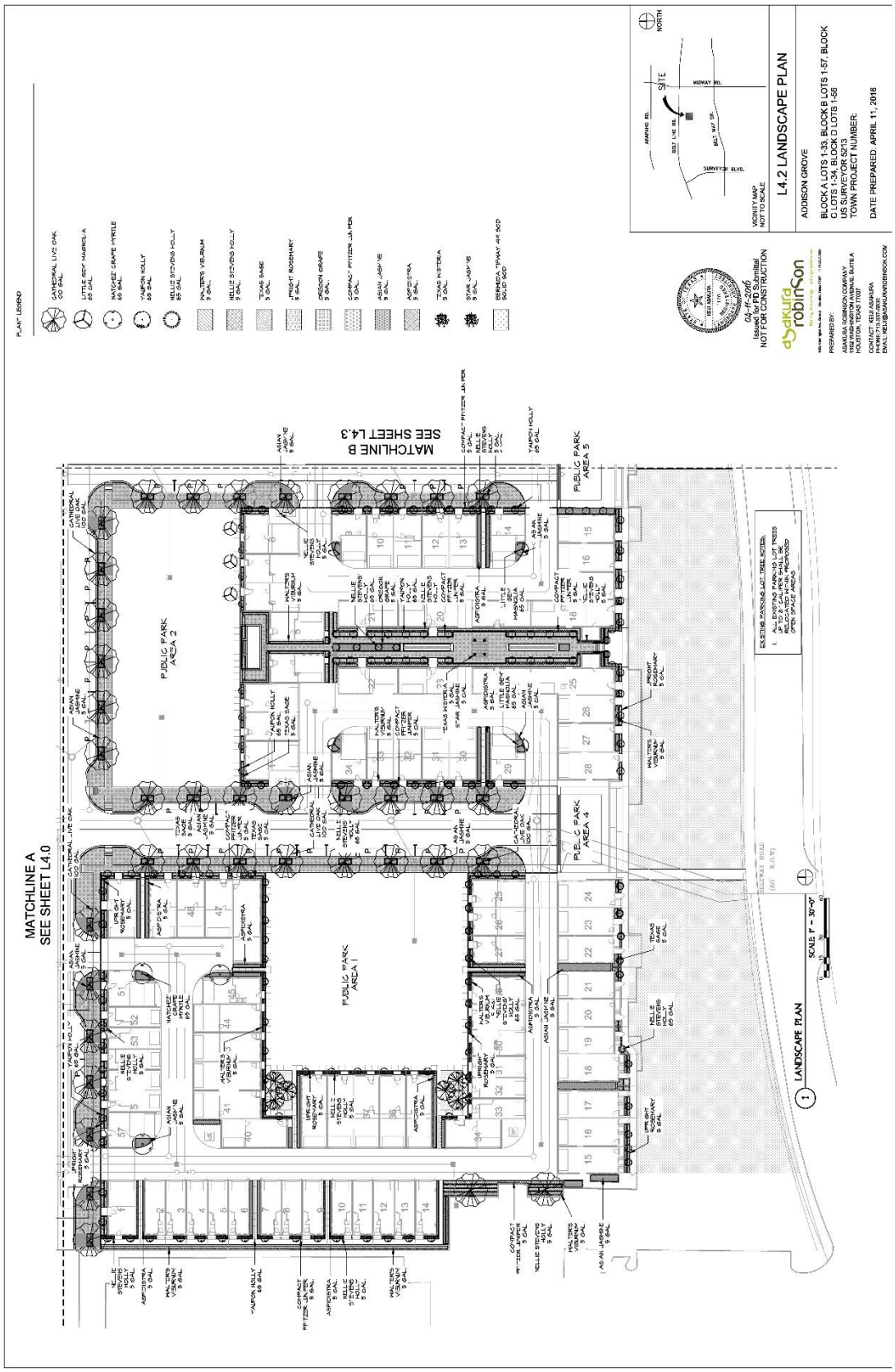
Ordinance No. _____


VICINITY MAP
PROJECT SITE
UTILITY LEGEND
NO FLOODPLAIN EXISTS ON THE SITE
ACTION
APPROVED
DENIED
STAFF
COUNCIL
SITE PLAN AND UTILITY PLAN BLOCK E
ADDISON GROVE
SAWYER
THIS PLAN CONFORMS WITH DESIGN STANDARDS INCLUDED IN THE TOWN OF ADDISON TRANSPORTATION PLAN, WATER SYSTEM REQUIREMENTS, WASTE WATER SYSTEM REQUIREMENTS, AND DRAINAGE CRITERIA MANUAL
RETAIL
RETAIL
CONCEPTUAL APARTMENT SITE
COURTYARD A
COURTYARD B
COURTYARD C
MATCH SHEET 6
MATCH SHEET 3
LOCATION MAP

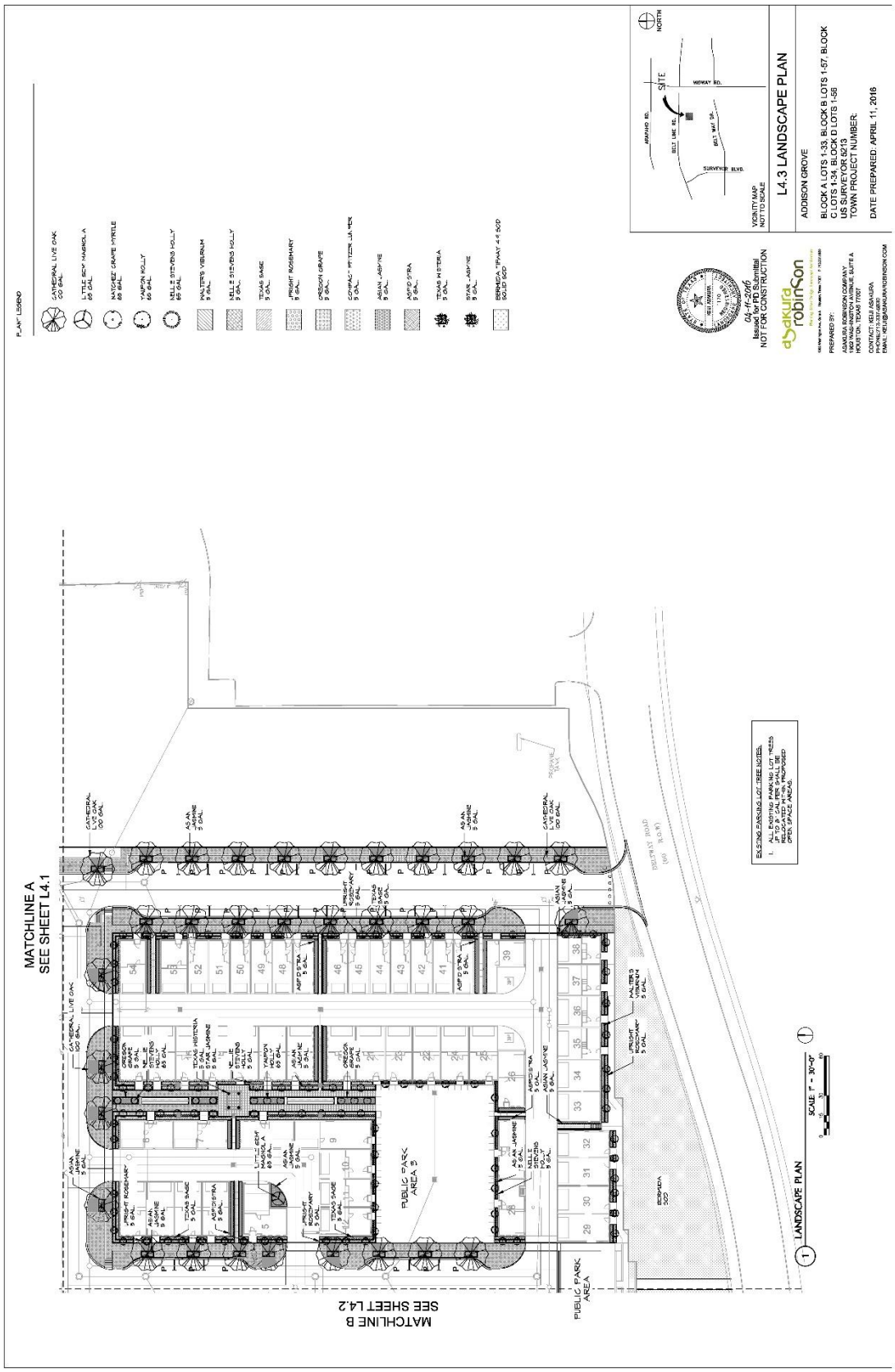

TOTAL PUBLIC PARK AND GREEN SPACE AREAS
PUBLIC PARK AREA 1 = 0.5711 ACRES
PUBLIC PARK AREA 2 = 0.6015 ACRES
PUBLIC PARK AREA 3 = 0.2707 ACRES
PUBLIC PARK AREA 4 = 0.0515 ACRES
PUBLIC PARK AREA 5 = 0.0658 ACRES
TOTAL PUBLIC PARK AREA = 1.5606 ACRES
GREEN SPACE 1 = 0.0579 ACRES
GREEN SPACE 2 = 0.1343 ACRES
GREEN SPACE 3 = 0.0534 ACRES
GREEN SPACE 4 = 0.1384 ACRES
TOTAL GREEN SPACE = 0.3840 ACRES
SHEET Lx.0
SHEET Lx.1
SHEET Lx.2
SHEET Lx.3
MATCHLINE A
MATCHLINE B
AREA: 16.1080 AC.
701,665 SF.
DENSITY: 14 D.U./AC.
LANDSCAPE REFERENCE PLAN
SCALE: 1" = 60'-0"
04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION
VICINITY MAP
NOT TO SCALE
NORTH
SITE
MIDWAY RD.
SURVEYOR BLVD.
L0.0 LANDSCAPE REFERENCE PLAN
ADDISON GROVE
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:
DATE PREPARED: APRIL 11, 2016

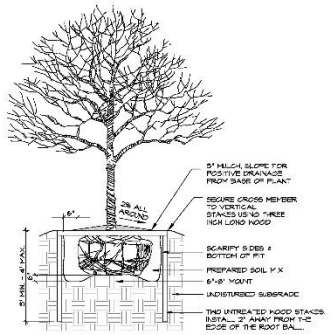

L4.0 LANDSCAPE PLAN
ADDISON GROVE
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:
DATE PREPARED: APRIL 11, 2016
VICINITY MAP
NOT TO SCALE
MATCHLINE A
SEE SHEET L4.2
MATCHLINE B
SEE SHEET L4.1
LANDSCAPE PLAN
SCALE 1" = 30'-0"


L4.1 LANDSCAPE PLAN
ADDISON GROVE
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:
DATE PREPARED: APRIL 11, 2016
VICINITY MAP
NOT TO SCALE
NORTH
SITE
MATCHLINE A
SEE SHEET L4.3
MATCHLINE B
SEE SHEET L4.0
LANDSCAPE PLAN
TYP. TREE PROTECTION DETAIL
PLANT LEGEND
TREE PROTECTION NOTES:
EXISTING PARKING LOT TREE NOTES:
04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION
PREPARED BY:
AGAKURA ROBINSON COMPANY
1702 WASHINGTON AVENUE, SUITE A
HOUSTON, TEXAS 77037
CONTACT: KELLI AGAKURA
EMAIL: KELLI@AGAKURAROBINSON.COM



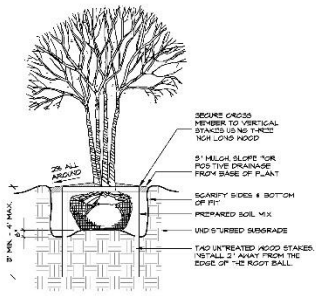
Ordinance No. _____


L4.3 LANDSCAPE PLAN
ADDISON GROVE
BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:
DATE PREPARED: APRIL 11, 2016
VICINITY MAP
NOT TO SCALE
NORTH
SITE
PLANT LEGEND
MATCHLINE A
SEE SHEET L4.1
MATCHLINE B
SEE SHEET L4.2
PUBLIC PARK AREA 3
PUBLIC PARK AREA
LANDSCAPE PLAN
SCALE 1" = 30'-0"



1 TYP. TREE PLANTING DETAIL

N.T.S.



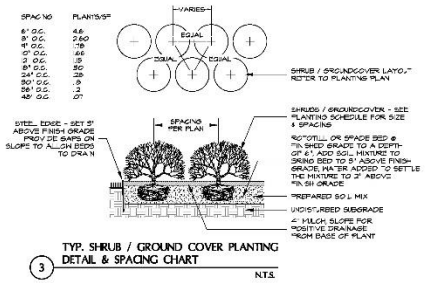
2 TYP. MULTI-TRUNKS TREE PLANTING DETAIL

N.T.S.

PLANT SCHEDULE

	PLANT QUANTITY	COMMON NAME / BOTANICAL NAME	SIZE	HEIGHT	SPREAD	COMMENTS
		CANOPY TREES / ORNAMENTAL TREES				
	139	Cathedral Live Oak Quercus Virginiana 'Cathedral'	100 Gal. 4"-5"	14'-16'	6'-10'	CONTAINER GROWN, FULL & WELL BRANCHED
	13	Little Gem Magnolia Magnolia grandiflora 'Little Gem'	100 Gal. 4"-5"	14'-16'	6'-10'	CONTAINER GROWN, FULL & WELL BRANCHED
	42	Yaupon Grove Myrtle Lagerstroemia x 'Natchez'	65 Gal. 3"-4"	10'-12'	5'-8'	CONTAINER GROWN, FULL & WELL BRANCHED
	185	"Dukon Holly ex vomitoria	65 Gal. 3"-4"	10'-12'	5'-8'	CONTAINER GROWN, FULL & WELL BRANCHED
	79	Nellie Stevens Holly ex x 'Nellie R. Stevens'	65 Gal. 3"-4"	10'-12'	5'-8'	CONTAINER GROWN, FULL & WELL BRANCHED
		SHRUBS / GROUND COVER				
	6,602 sf	Hesler's Wisteria Hylos sanbra	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	5,302 sf	Yello Steeves Holly Pulsaccus hacrophylla	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	1,830 sf	Texas Sage Leucophyllum frutescens	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	3,303 sf	Upright Rosemary Rosmarinus officinalis	5 Gal.	18"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	1,330 sf	Oregon Grape Mahonia aquifolium	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	4,600 sf	Compact Pfitzer Juniper Juniperus chinensis var. chinensis 'Compacta' Pfitzer	5 Gal.	18"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 30" O.C. TRIANGULAR SPACING
	9,003 sf	Asian Jasmine Trachelospermum asiaticum	5 Gal.	10"-12"	12"-14"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 3' O.C. TRIANGULAR SPACING
	3,900 sf	Asiatic Jasmine Trachelospermum asiaticum	5 Gal.	20"-24"	18"-24"	CONTAINER GROWN, FULL & WELL ROOTED PLANTED @ 24" O.C. TRIANGULAR SPACING
		ORNAMENTAL VINES				
	29	Texas Historia Historia macrostachya	1 Gal.	10"-12"	8"-10"	CONTAINER GROWN, FULL & WELL ROOTED 3 PLANTS PER CONTAINER / 36" O.C. ALONG WALL
	29	Star Jasmine Trachelospermum jasminoides	1 Gal.	10"-12"	8"-10"	CONTAINER GROWN, FULL & WELL ROOTED 3 PLANTS PER CONTAINER / 36" O.C. ALONG WALL
		TURF GRASS				
	113,000 sf	Bermuda 'Tifway 419' Cynodon dactylon 'Tifway 419'				SOD AS SHOWN

SPACING	PLANTS/SF
6" O.C.	4.6
8" O.C.	2.60
9" O.C.	1.8
12" O.C.	1.16
15" O.C.	1.5
18" O.C.	1.30
24" O.C.	.28
30" O.C.	.19
36" O.C.	.13
48" O.C.	.07



3 TYP. SHRUB / GROUND COVER PLANTING DETAIL & SPACING CHART

N.T.S.

PLANTING NOTES:

1. CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF THESE UTILITIES.
2. CONTRACTOR SHOULD NOT WILLFULLY PROCEED WITH CONSTRUCTION AS DESIGNED, WHEN IT IS OBVIOUS THAT UNKNOWN OBSTRUCTIONS AND/OR GRADE DIFFERENCES EXIST THAT MAY NOT HAVE BEEN KNOWN DURING THE DESIGN. SUCH CONDITIONS SHALL BE IMMEDIATELY BROUGHT UP TO THE ATTENTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR NECESSARY REVISIONS DUE TO FAILURE TO GIVE SUCH NOTIFICATION.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH PLANTING OPERATION.
4. LANDSCAPE CONTRACTOR TO RECEIVE SITE GRADE TO +0.10. CONTRACTOR SHALL OBTAIN LETTER OF GRADE CERTIFICATION FROM OWNER PRIOR TO PROJECT EXECUTION.
5. CONTRACTOR SHALL NOTIFY OWNER'S AUTHORIZED REPRESENTATIVE 72 HOURS (WEEKENDS NOT INCLUDED) PRIOR TO COMMENCEMENT OF WORK TO COORDINATE PROJECT OBSERVATION SCHEDULE.
6. IF CONFLICTS ARISE BETWEEN SIZE OF AREAS ON PLANS OR LAYOUT OF PLANS, CONTRACTOR SHOULD CONTACT LANDSCAPE ARCHITECT FOR RESOLUTION. FAILURE TO MAKE SUCH CONFLICTS KNOWN TO THE LANDSCAPE ARCHITECT WILL RESULT IN CONTRACTORS LIABILITY TO RELOCATE THE MATERIAL.
7. PROTECT ALL EXISTING TREES TO REMAIN. CONTRACTOR SHALL REPLACE ANY TREES DAMAGED DURING CONSTRUCTION. CONTRACTOR SHALL PROVIDE FENCING, IF NECESSARY, AT THE TREE DRIP LINE TO PROTECT TRUNK AND ROOTS AND TO PREVENT COMPACTION FROM VEHICLE TRAFFIC OR MATERIAL STORAGE ON THE SOIL BELOW TREES. CONTRACTOR SHALL PROVIDE FOR THE FEEDING, WATERING AND GENERAL MAINTENANCE OF TREES TO KEEP THEM IN A HEALTHY CONDITION DURING CONSTRUCTION.
8. CONTRACTOR SHALL SUBMIT PHOTOS OF REPRESENTATIVE TREES AND SHRUBS WITH SPECIFICATIONS ON THE BACK OF PHOTO INCLUDING HEIGHT, WIDTH AND CALIPER. IF A NURSERY VISIT IS REQUIRED THE CONTRACTOR WILL ARRANGE TO HAVE THE PARTICULAR NURSERY PREPARED TO SHOW TREES. SHOULD CONTRACTOR INSTALL PLANT MATERIAL INFERIOR TO NURSERY STANDARD, IT IS AT HIS OWN RISK. ALL PHOTO SUBMITTALS ARE TO BE APPROVED PRIOR TO PLANTING.
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO TURN IN PLANT MATERIALS FREE OF PESTS AND DISEASES. PRE-SELECTED OR TAGGED MATERIAL MUST BE INSPECTED BY THE CONTRACTOR AND CERTIFIED PEST AND DISEASE FREE. IT IS THE CONTRACTOR'S OBLIGATION TO GUARANTEE ALL PLANT MATERIALS PER THE SPECIFICATIONS.
10. CONTRACTOR SHALL STAKE ALL FINAL TREE LOCATIONS AND PLANTING BED LAYOUTS IN THE FIELD FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
11. STEEL EDGING SHALL BE PLACED BETWEEN ALL SHRUB BEDS AND TURF AREAS, AS WELL AS BETWEEN GRAVEL BED AND PLANTING BEDS.
12. UPON INSTALLATION ALL TREE MATERIALS SHALL BE STAKED ACCORDING TO SPECIFICATIONS AND PLANTING DETAILS.
13. IF REQUESTED BY OWNER CONTRACTOR SHALL INSTALL DEEP/ROOT BARRIERS AT ALL TREES WITHIN 5'-0" OF CONCRETE WALKWAYS, STRUCTURES, WALLS, CURBS, ETC.
14. ALL PLANTS SHALL BE TRIANGULARLY SPACED UNLESS OTHERWISE INDICATED.
15. ALL PLANTING BEDS SHALL RECEIVE A MINIMUM OF 3" OF APPROVED SHREDDED MULCH.
16. CONTRACTOR SHALL FINE GRADE ALL DISTURBED AREAS TO PROVIDE FOR PROPER DRAINAGE.
17. AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)/AMERICAN ASSOCIATION OF NURSERYMEN (AAN): ANSI Z60. 1-069 "NURSERY STOCK".
18. "GRADES AND STANDARDS", LATEST EDITION OF TEXAS ASSOCIATION OF NURSERYMEN, SPECIFICATIONS, AUSTIN, TEXAS 78704.
19. PERFORM WORK IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES, AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK AND PROVIDE FOR ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN FURNISHING, TRANSPORTING, AND INSTALLING MATERIALS.
20. PROVIDE QUALITY, SIZE, GENUS, SPECIES, AND VARIETY OF PLANTS INDICATED, COMPLYING WITH APPLICABLE REQUIREMENTS IN ANSI Z60.1. PROVIDE HEALTHY, VIGOROUS STOCK, GROWN IN RECOGNIZED NURSERY IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICE AND FREE OF DISEASE, INSECTS, EGGS, LARVAE AND DEFECTS SUCH AS KNOTS, SUN-SCALD, INJURIES, ABRASIONS OR DISFIGUREMENT.
21. PLANTING SOIL QUALITY ASSURANCE:
    A. IF REQUESTED BY OWNER, ALL SOIL COMPONENTS SHALL BE TESTED BY LOCAL OR STATE TESTING LABORATORY FOR CONFORMITY TO THE SPECIFICATIONS.
    B. CONTRACTOR SHALL SUBMIT PROPOSED LABORATORY NAME, ADDRESS, AND TELEPHONE NUMBERS FOR APPROVAL.

KEIJI ASAKURA
11170
REGISTERED LANDSCAPE ARCHITECT
STATE OF TEXAS

04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION

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Architecture Urban Design
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L4.4 LANDSCAPE DETAILS

ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016

Surround Style Planting with Deeproot Universal Barriers

When selecting the Surround style planting application you will save the greatest success by following these simple steps as illustrated below.

A. Prepare the initial planting hole as illustrated below. This is based upon the combination of desired barrier diameter and depth. Consider if drainage devices or amendments are needed to correct any adverse soil or planting conditions in the backfill area.

B. Assemble the appropriate number of DeepRoot Universal Barrier panels. The vertical root deflecting ribs on the panel must face inward, toward the root ball. This is very important, otherwise the roots will become girdled by crowding around the smooth outer surface)

C. Next place the barrier in the center of the planting hole, keeping in mind that the double top edge of the barrier should be positioned approximately 1/2" (13mm) above grade. This helps retard potential root overgrowth. Failing to position the top edge above grade can allow root overgrowth which can lead to exposed horizontals.

D. Backfill and compact with soil inside the barrier in the area where the bottom of the root ball will be when positioned correctly with the crown of the root ball approximately 1" (25mm) above grade.

E. Remove the tree from its container, or cut away the top portion of burlap and position in the center of the barrier. Complete the backfill of the soil. Distribute evenly to maintain the shape of the barrier and compact the backfill every 4"-5" (10cm-15cm). Water will die quickly if left exposed to the elements so keep exposure of the roots to a minimum.

F. If staking or guying is required we recommend using flat soft, safe and economical alternative to traditional wire and hose. Arbortie (see www.deeproot.com for details)

G. If the tree(s) will be subject to maintenance work such as lawn mowing or weed trimming we strongly recommend the installation of AboveGuard Tree Trunk Protectors which are placed around the base of young trees to protect them from damage by weed trimmers, lawn mowers and small rodents. (See www.deeproot.com)

H. Water and follow proper tree maintenance practices.

Trees do require care and nurturing after planting. Consult with your local supplier for proper care procedures for the species you are planting. The planting instructions given here are by no means a comprehensive guide. Rather they are general guidelines to planting with DeepRoot Barriers and a survey of current planting methods. Conditions will vary however and it is recommended that an Arborist be consulted before planting.

For additional information please visit our website at www.deeproot.com

For information regarding distributors please call 1 800 ILV ROOT (458.7668). For help with drainage or other difficult installation questions please call DeepRoot Technical Support at 1 (800) ROOT 1ES (766.8037).

A Typical Surround Planting Installation Using DeepRoot Universal Barrier

Sidewalk

Top of DeepRoot Barrier Must be 1/2" (13mm) above Grade

Curb

Soil Backfill

Compacted Soil

DeepRoot Barrier (18' 10-1' x 18' 24-2)

24" Minimum (60cm) Minimum 2 Times Root Ball Diameter (Where Possible)

1 TYP. ROOT BARRIER DETAIL @ SIDEWALK

N.T.S.

UB 24-2 Specifications
24" DeepRoot® Tree Root Barrier

DETAIL A - DOUBLE TOP LOCK AND VERTICAL ROOT DIRECTING RIB

DETAIL B - ANTI-LIFT GROUND LOCK TAB

DETAIL C - ZIPPER JOINING SYSTEM

24" (609 mm)

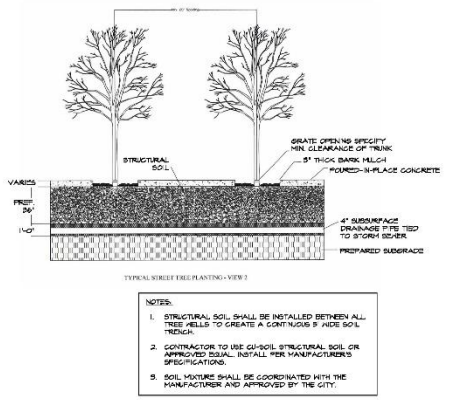
DETAIL D - TREE ROOT BARRIER PANEL

NOTE: CONTRACTOR TO INSTALL DEEPROOT TREE ROOT BARRIER AT ALL SIDES OF EXISTING TREE ROOT. VERIFY WITH DEEPROOT REP FOR EXACT AREAS REFERENCE AND SPECIFICATIONS PRIOR TO INSTALLATION.

Properties	Typical Value	ASTM Test Method
Tensile strength @ yield - MD	2,550 PSI	D638
Tensile strength @ yield - TD	2,040 PSI	D638
Notch Sensitivity - Izod	1 ft/lb	D638
Notch Sensitivity - Falling	1 ft/lb	D638
Flexural Modulus	320,625 PSI	D7250
Unnotched Izod Impact - Wall	3.84 ft/lb/in	D7250
Abrasion Resistance - Scale - Wall	86.4	D7834

2 TYP. ROOT BARRIER DETAIL @ SIDEWALK

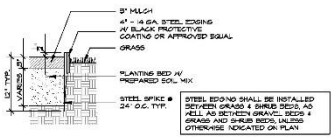
N.T.S.



NOTES:
1. STRUCTURAL SOIL SHALL BE INSTALLED BETWEEN ALL TREE WELLS TO CREATE A CONTINUOUS 8' WIDE SOIL TRENCH.
2. CONTRACTOR TO USE CU-SOIL STRUCTURAL SOIL OR APPROVED EQUAL. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
3. SOIL MIXTURE SHALL BE COORDINATED WITH THE MANUFACTURER AND APPROVED BY THE CITY.

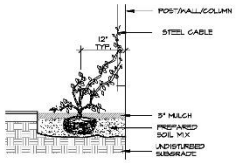
3 TYPICAL SECTION DETAIL AT STRUCTURAL SOIL

N.T.S.



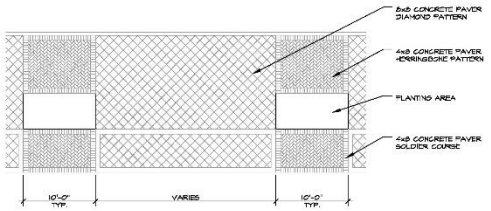
4 TYP. STEEL EDGING DETAIL

N.T.S.



5 TYP. VINE PLANTING DETAIL

NTS



6 TYPICAL PAVING DETAIL

N.T.S.

KEIJI ASAKURA 11701 REGISTERED LANDSCAPE ARCHITECT

04-11-2016
Issued for PD Submittal
NOT FOR CONSTRUCTION

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Houston | Austin | Dallas | Landscape Architecture
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PREPARED BY:

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CONTACT: KEIJI ASAKURA
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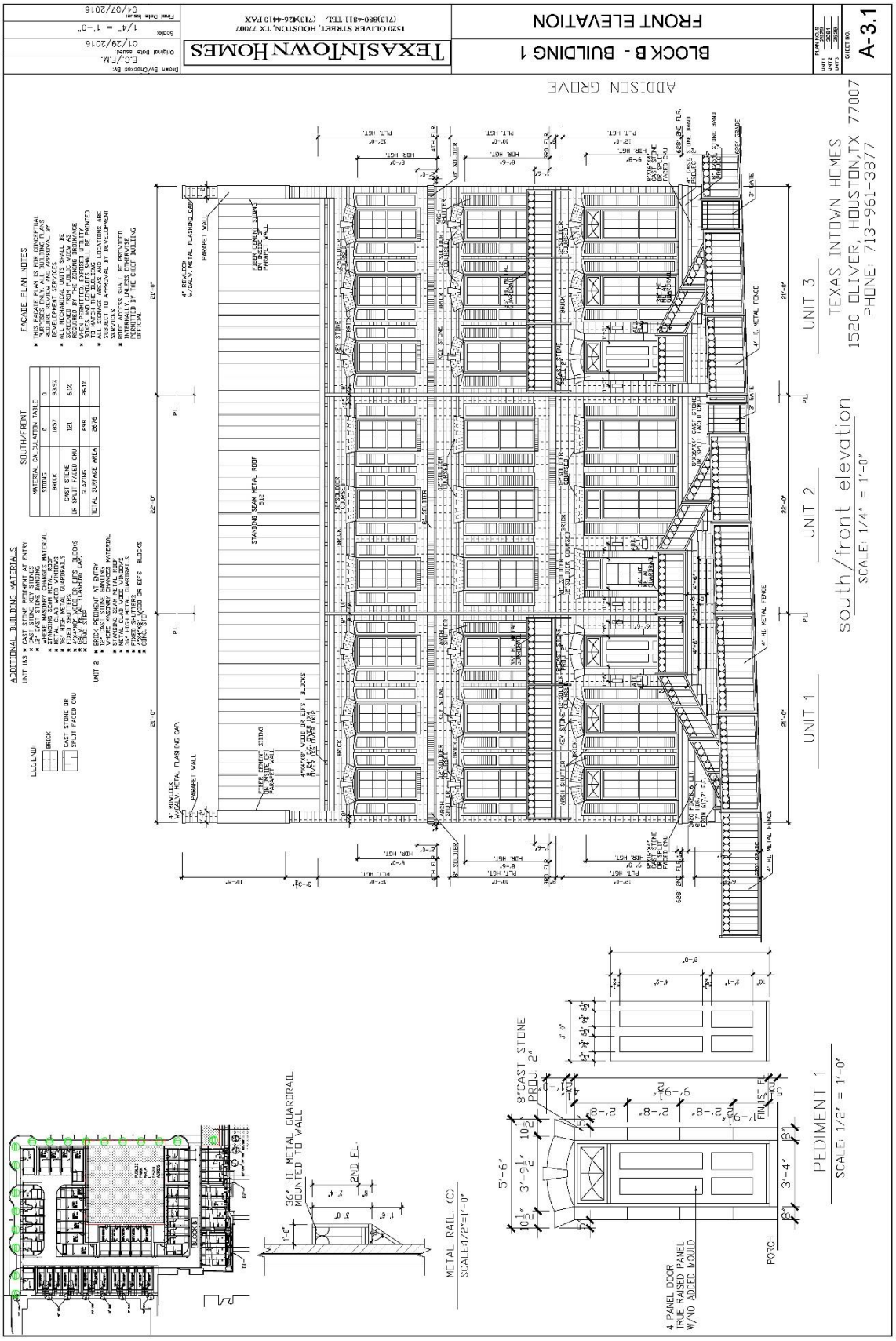
EMAIL: KEIJI@ASAKURAROBINSON.COM

L4.5 LANDSCAPE DETAILS

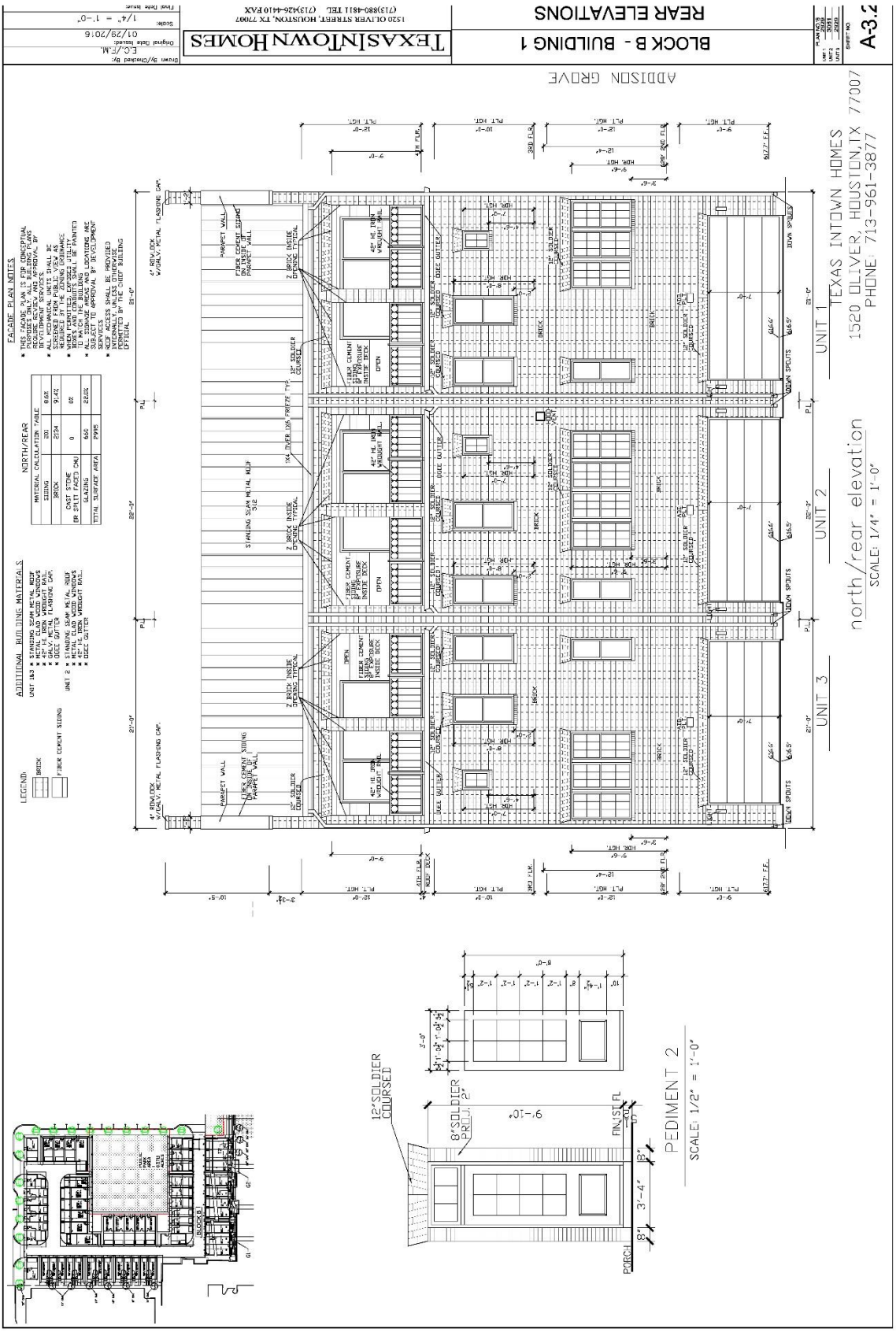
ADDISON GROVE

BLOCK A LOTS 1-33, BLOCK B LOTS 1-57, BLOCK C LOTS 1-34, BLOCK D LOTS 1-56
US SURVEYOR 5213
TOWN PROJECT NUMBER:

DATE PREPARED: APRIL 11, 2016


TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX
BLOCK B - BUILDING 1
FRONT ELEVATION
A-3.1
ADDISON GROVE
south/front elevation
SCALE: 1/4" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
LEGEND
BRICK
CAST STONE OR SPLIT FACED CMU
ADDITIONAL BUILDING MATERIALS
FACADE PLAN NOTES
SOUTH/FRONT
MATERIAL CALCULATION TABLE
PEDIMENT 1
SCALE: 1/2" = 1'-0"
METAL RAIL (C)
SCALE:1/2"=1'-0"
36" HT. METAL GUARDRAIL MOUNTED TO WALL
2ND FL.
4 PANEL DOOR TRUE RAISED PANEL W/NO ADDED MOULD
PORCH

Case No. 1729-Z/Addison Grove



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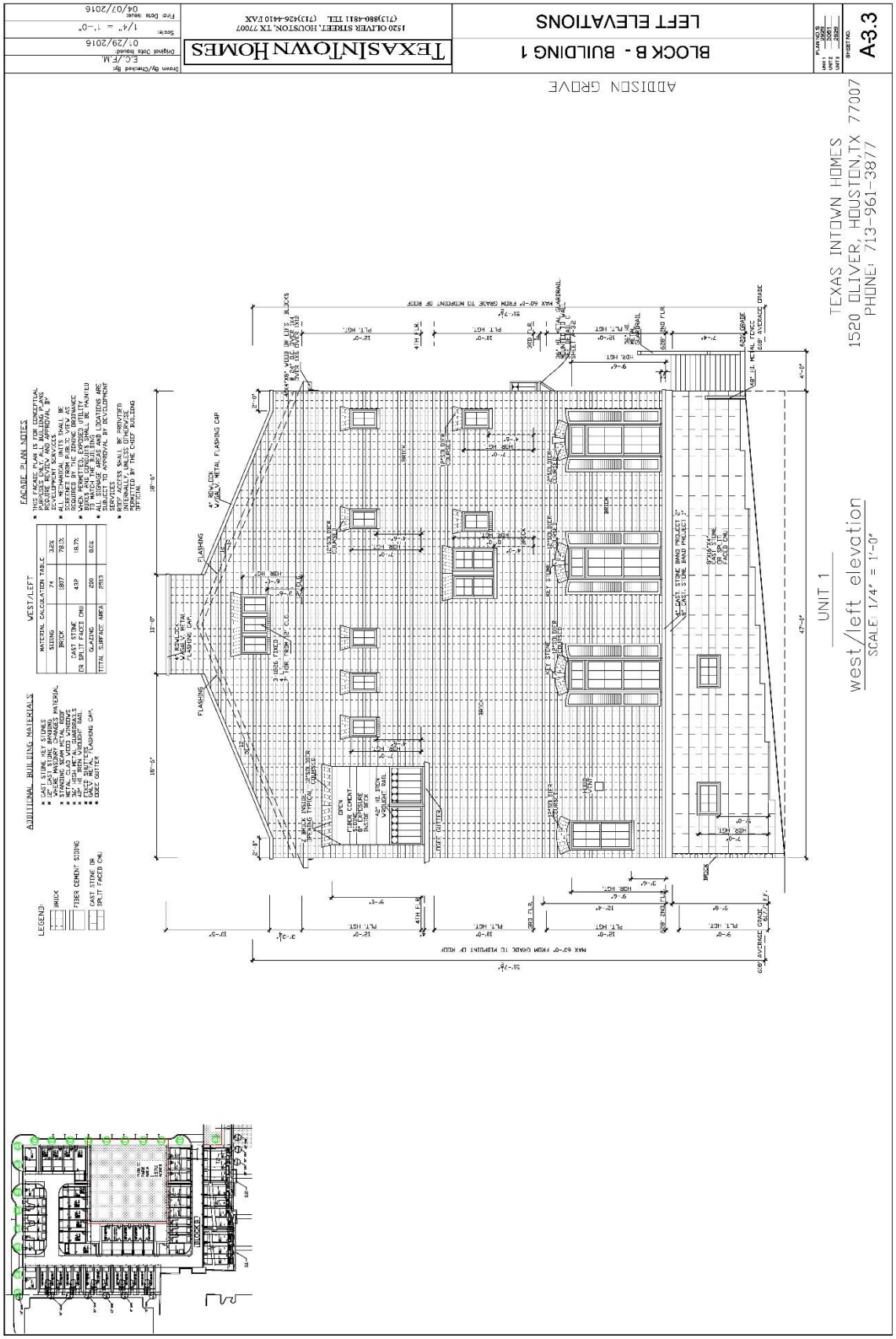
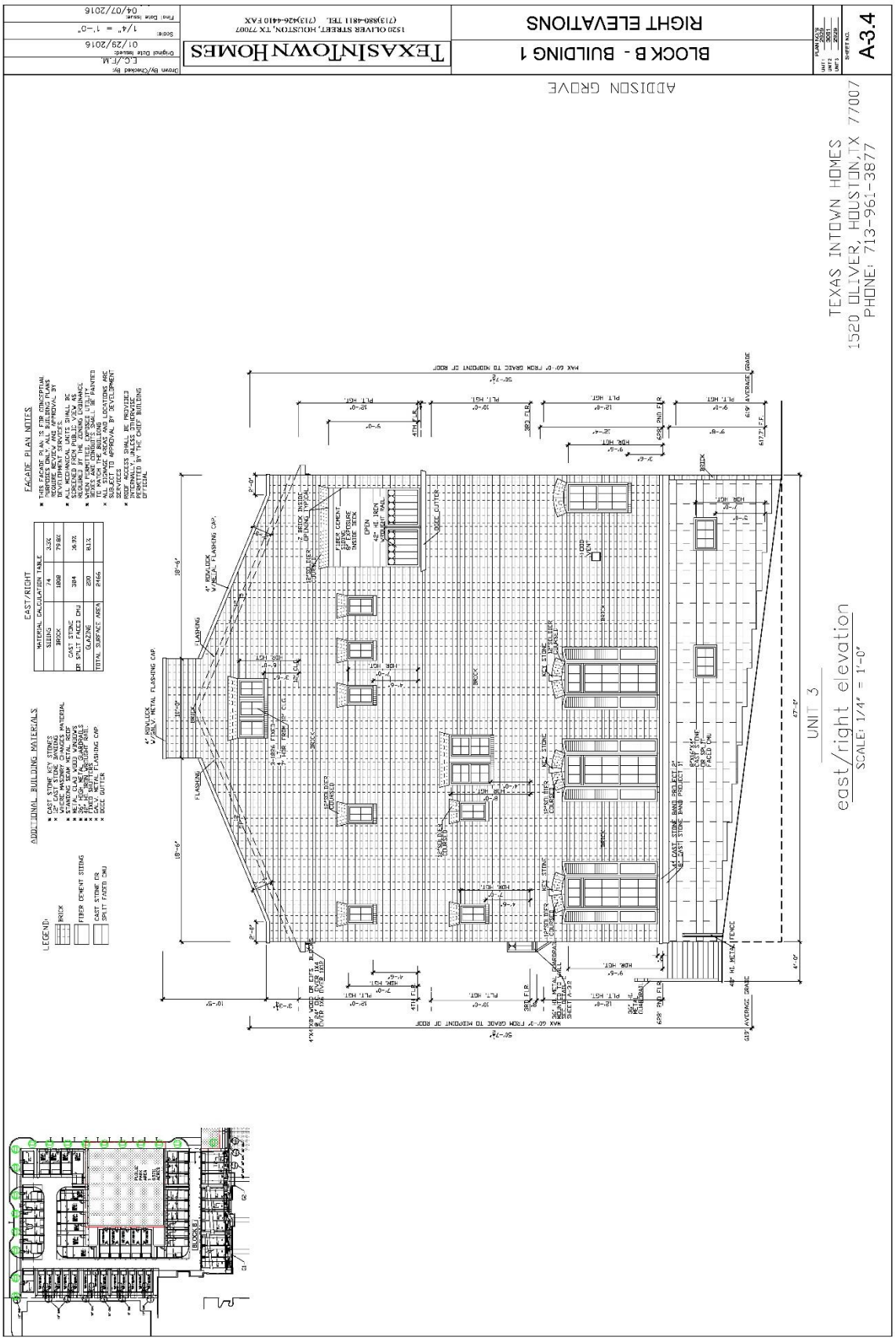
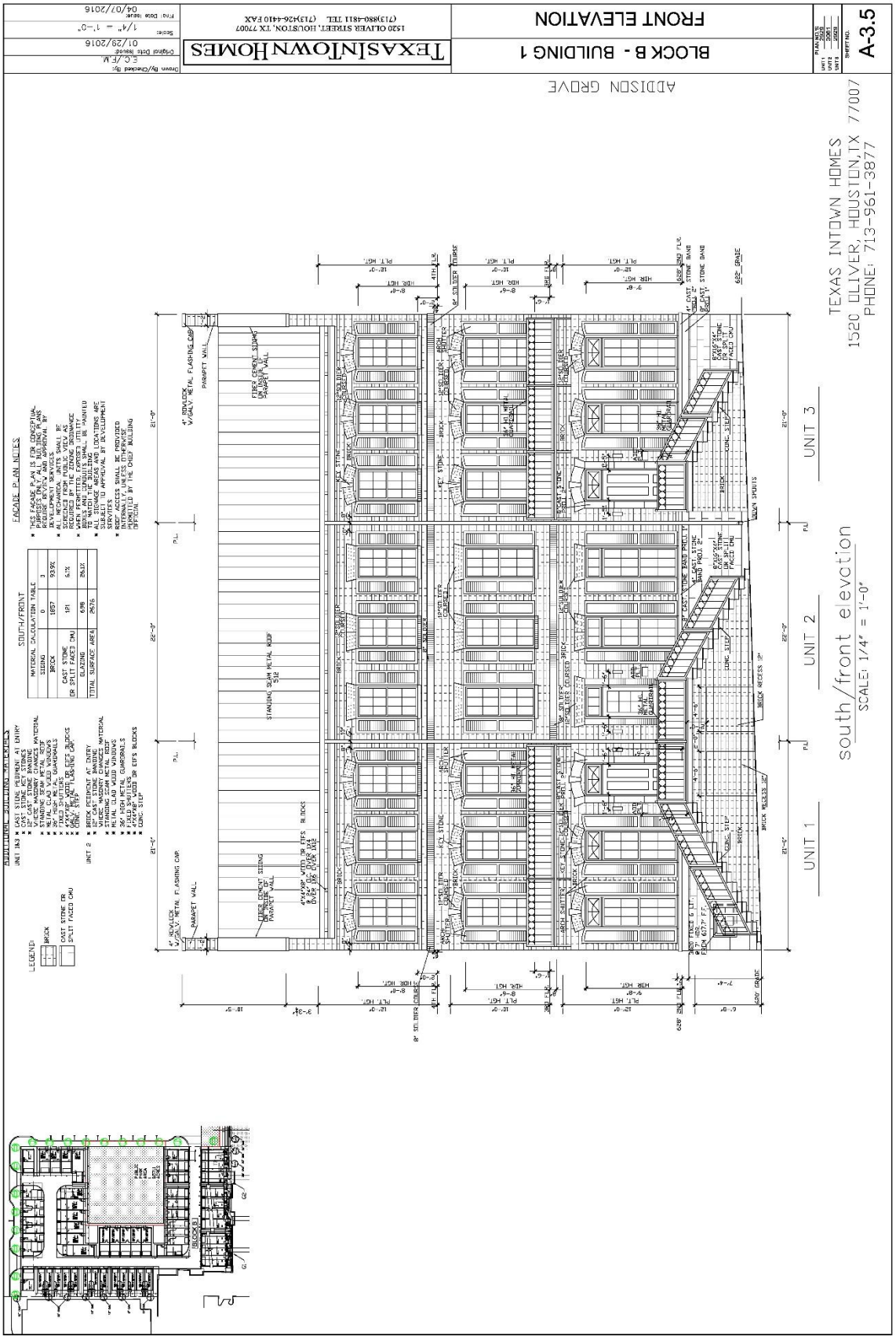


Ordinance No. _____

Case No. 1729-Z/Addison Grove

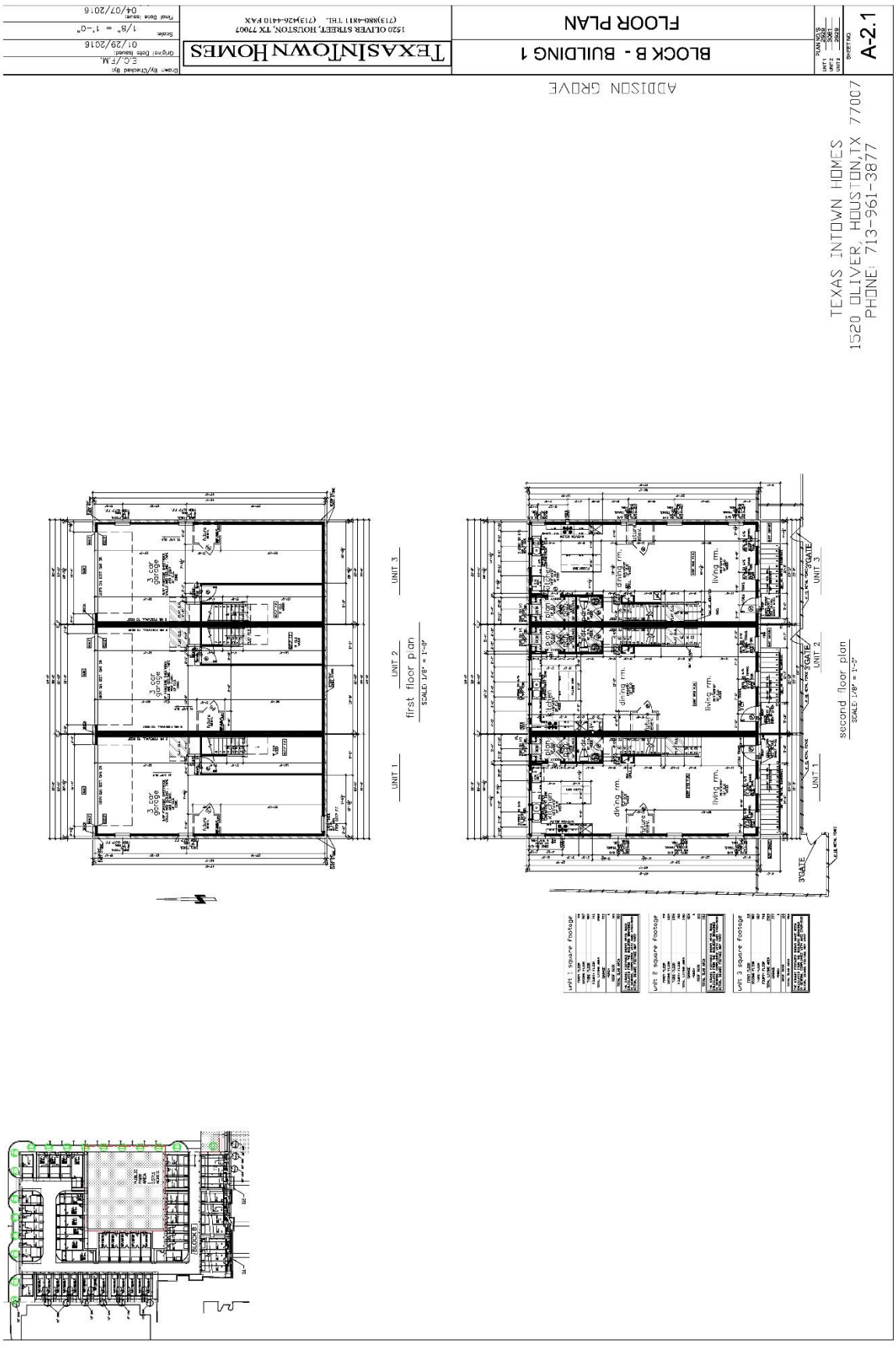


Ordinance No. _____



Ordinance No. _____

Case No. 1729-Z/Addison Grove



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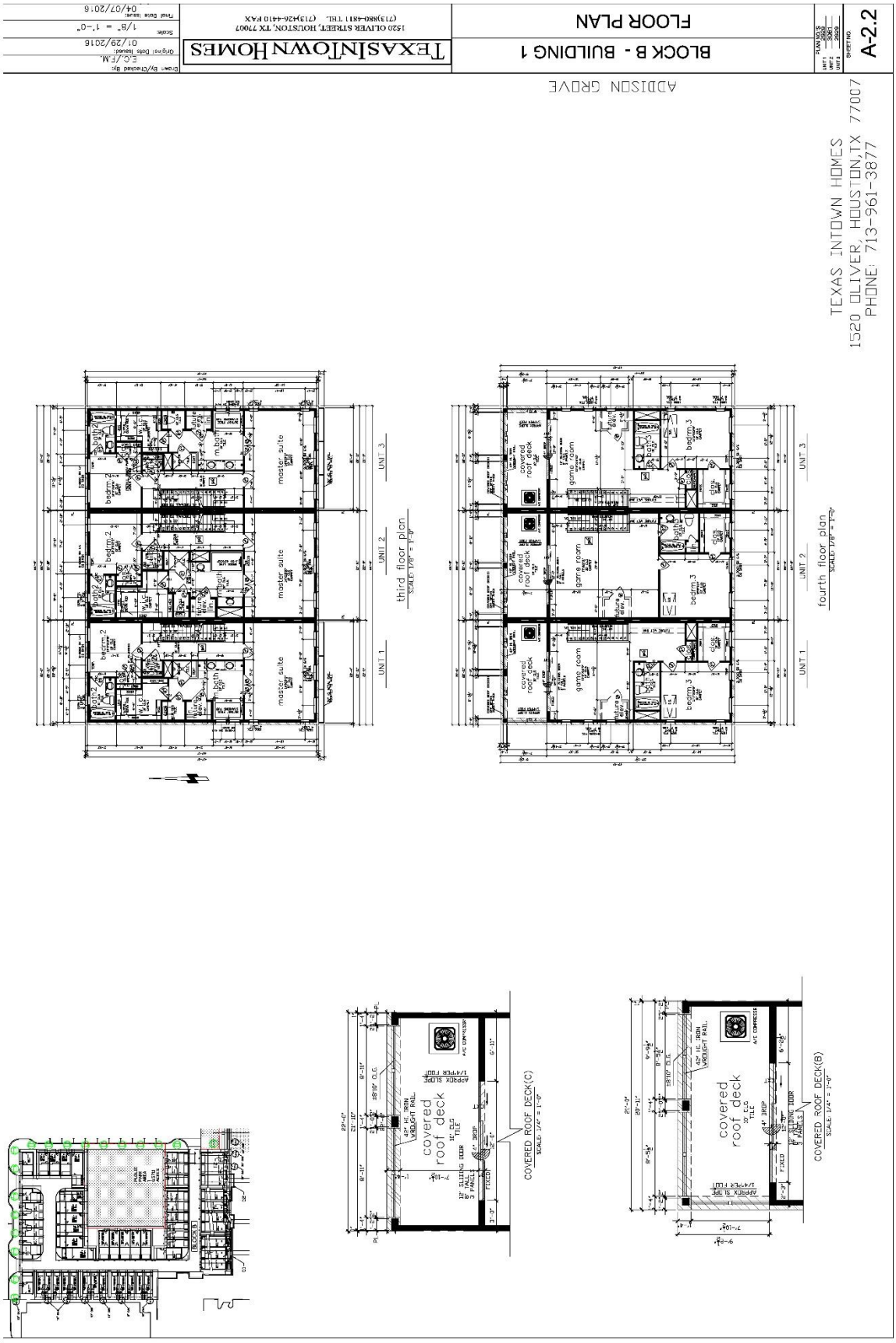
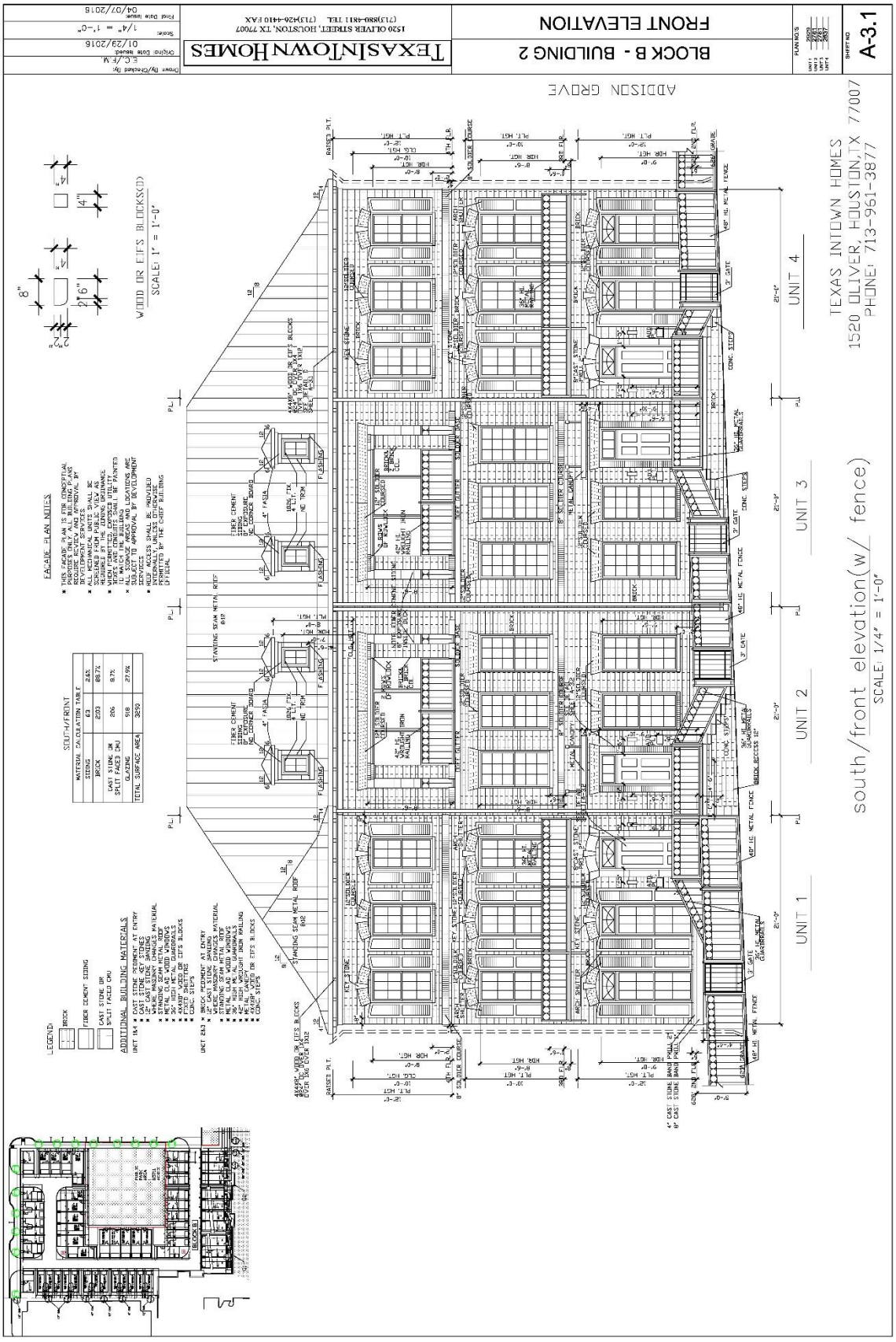
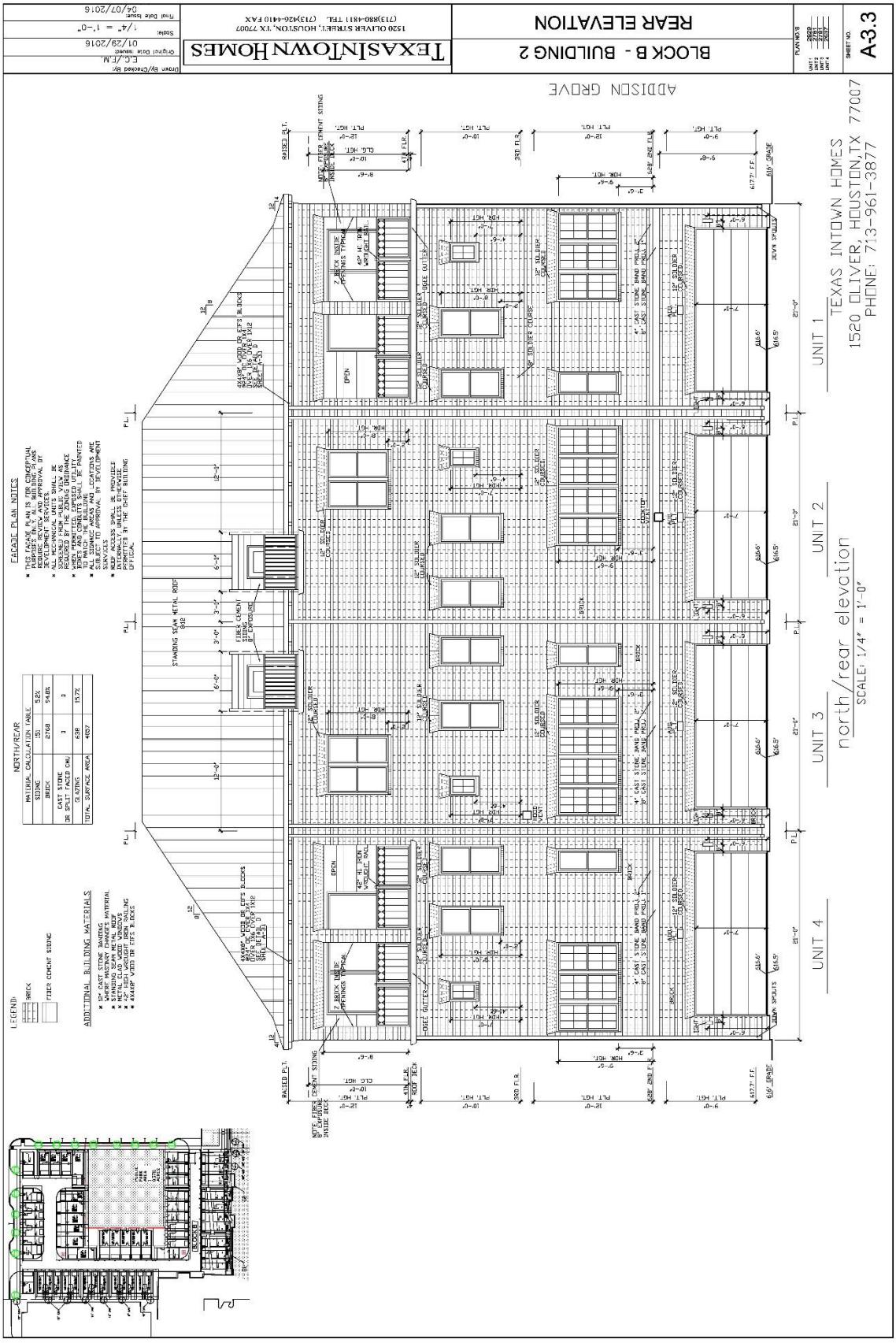
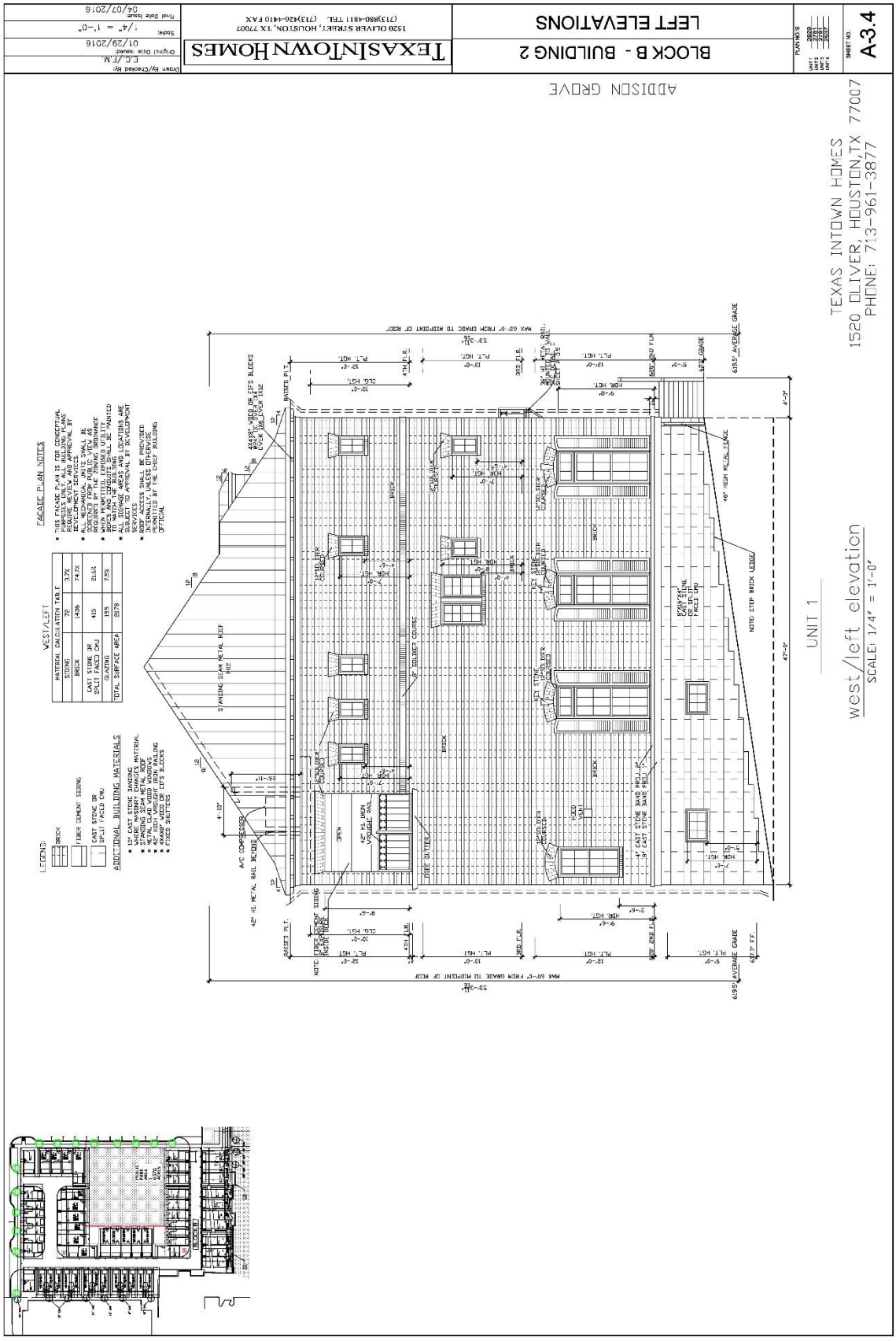
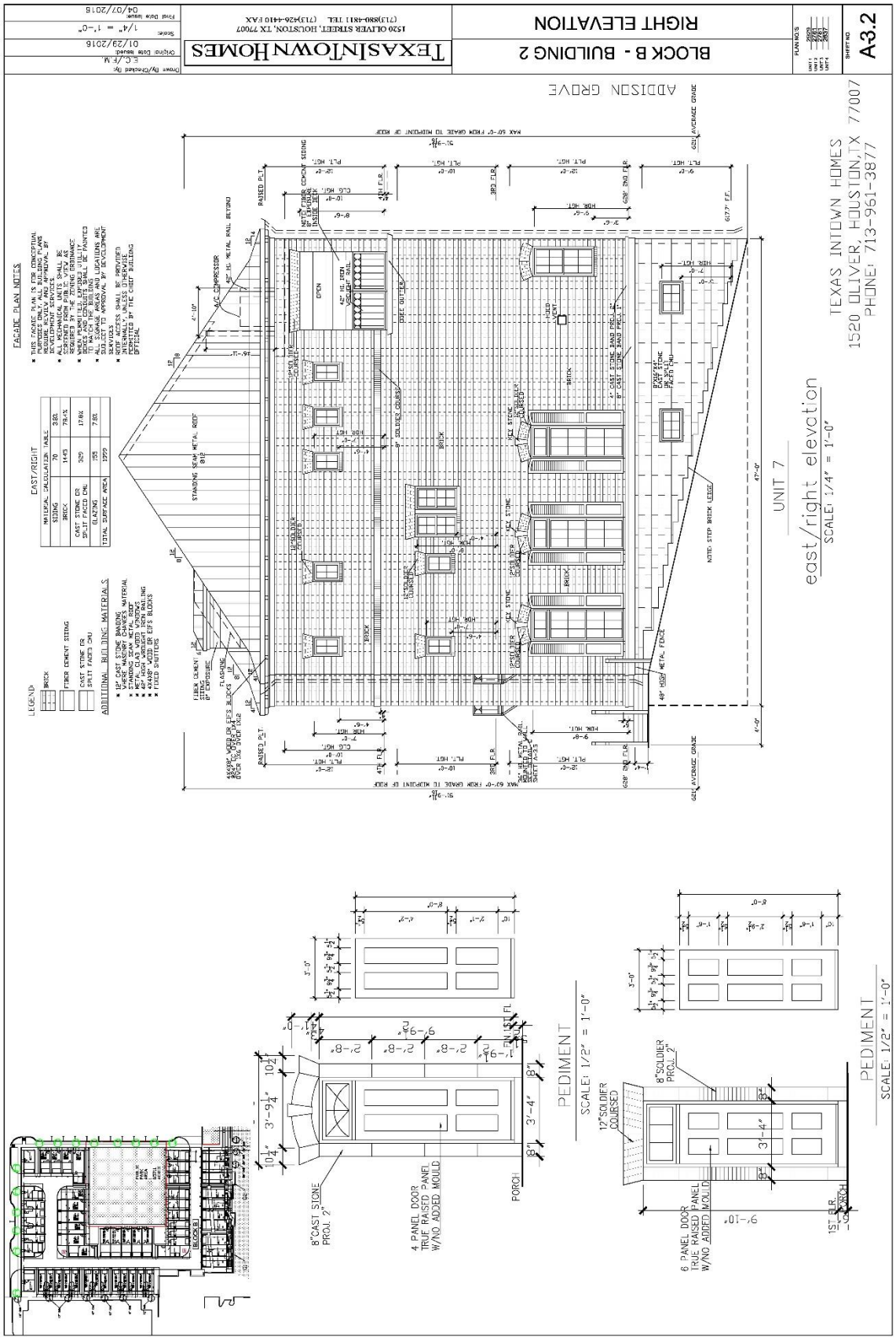

A-2.2
FLOOR PLAN
BLOCK B - BUILDING 1
TEXASINTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)526-4410 FAX
Drawn By/Checked By: E.G./F.M.
Original Date Issued: 01/29/2016
Scale: 1/8" = 1'-0"
Final Date Issued: 04/07/2016
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877
third floor plan
SCALE 1/8" = 1'-0"
fourth floor plan
SCALE 1/8" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
master suite
bedrm 2
bedrm 3
game room
covered roof deck
COVERED ROOF DECK(C)
SCALE 1/4" = 1'-0"
COVERED ROOF DECK(B)
SCALE 1/4" = 1'-0"

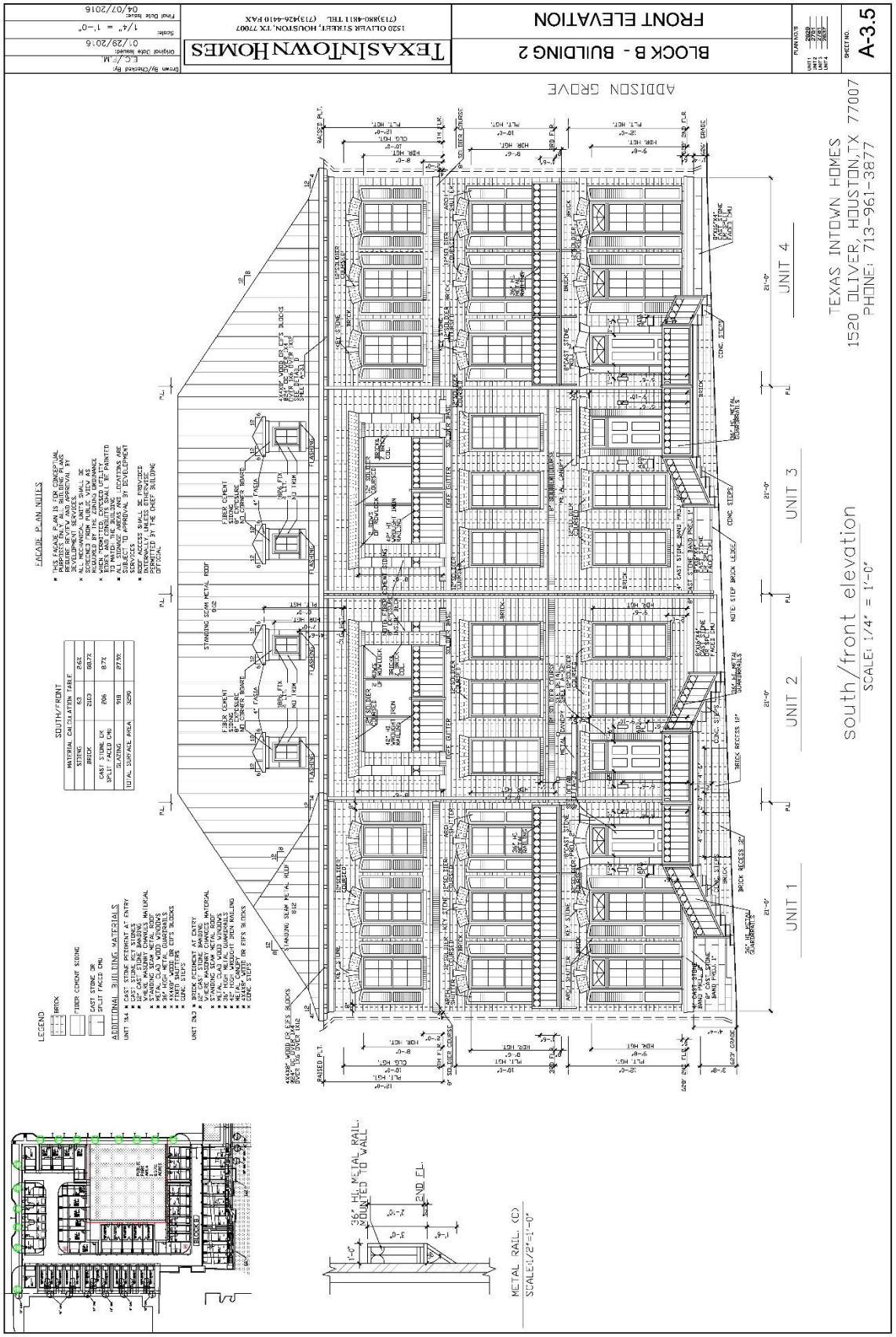

ADDISON GROVE
BLOCK B - BUILDING 2
FRONT ELEVATION
A-3.1
TEXASINTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX
Original Date Issued: 01/29/2016
Final Date Issued: 04/07/2016
Scale: 1/4" = 1'-0"
Drawn By/Checked By: S.C./F.M.
PLAN NOS
UNIT 1 2502
UNIT 2 2503
UNIT 3 2504
UNIT 4 2505
SHEET NO
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
south/front elevation(w/ fence)
SCALE: 1/4" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
UNIT 4
WOOD OR EIFS BLOCKOUT
SCALE: 1" = 1'-0"
FACADE PLAN NOTES
SOUTH/FRONT
MATERIAL CALCULATION TABLE
LEGEND
ADDITIONAL BUILDING MATERIALS


TEXASINTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)926-4410 FAX
BLOCK B - BUILDING 2
REAR ELEVATION
A-3.3
ADDISON GROVE
UNIT 1
UNIT 2
UNIT 3
UNIT 4
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877
north/rear elevation
SCALE: 1/4" = 1'-0"
FACADE PLAN NOTES
NORTH/REAR
MATERIAL CALCULATION TABLE
LEGEND
ADDITIONAL BUILDING MATERIALS

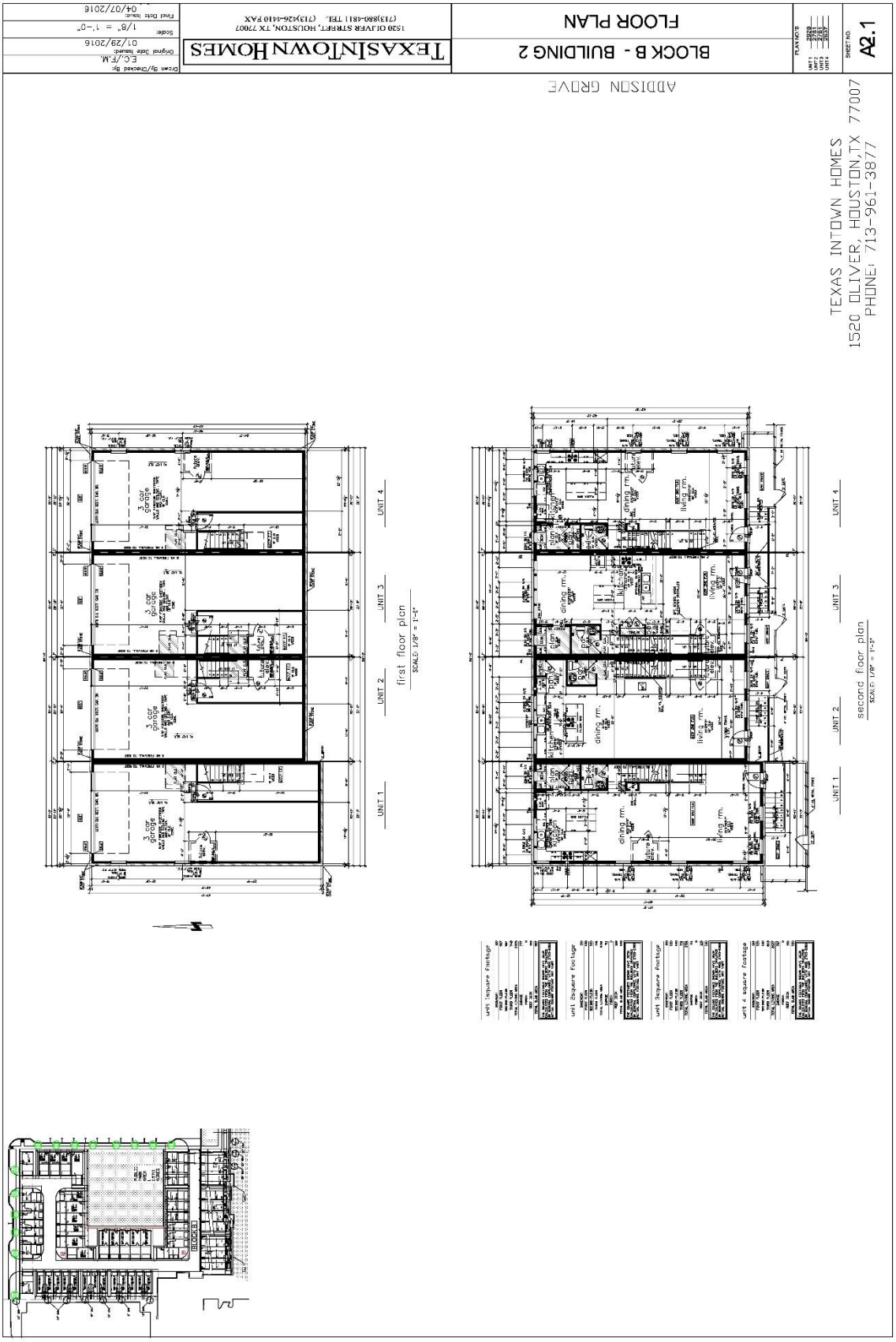

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)926-4410 FAX
LEFT ELEVATIONS
BLOCK B - BUILDING 2
A-3.4
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877
west/left elevation
SCALE: 1/4" = 1'-0"
UNIT 1
FACADE PLAN NOTES
WEST/LEFT
MATERIA CALCULATION TABLE
LEGEND
ADDITIONAL BUILDING MATERIALS



Ordinance No. _____

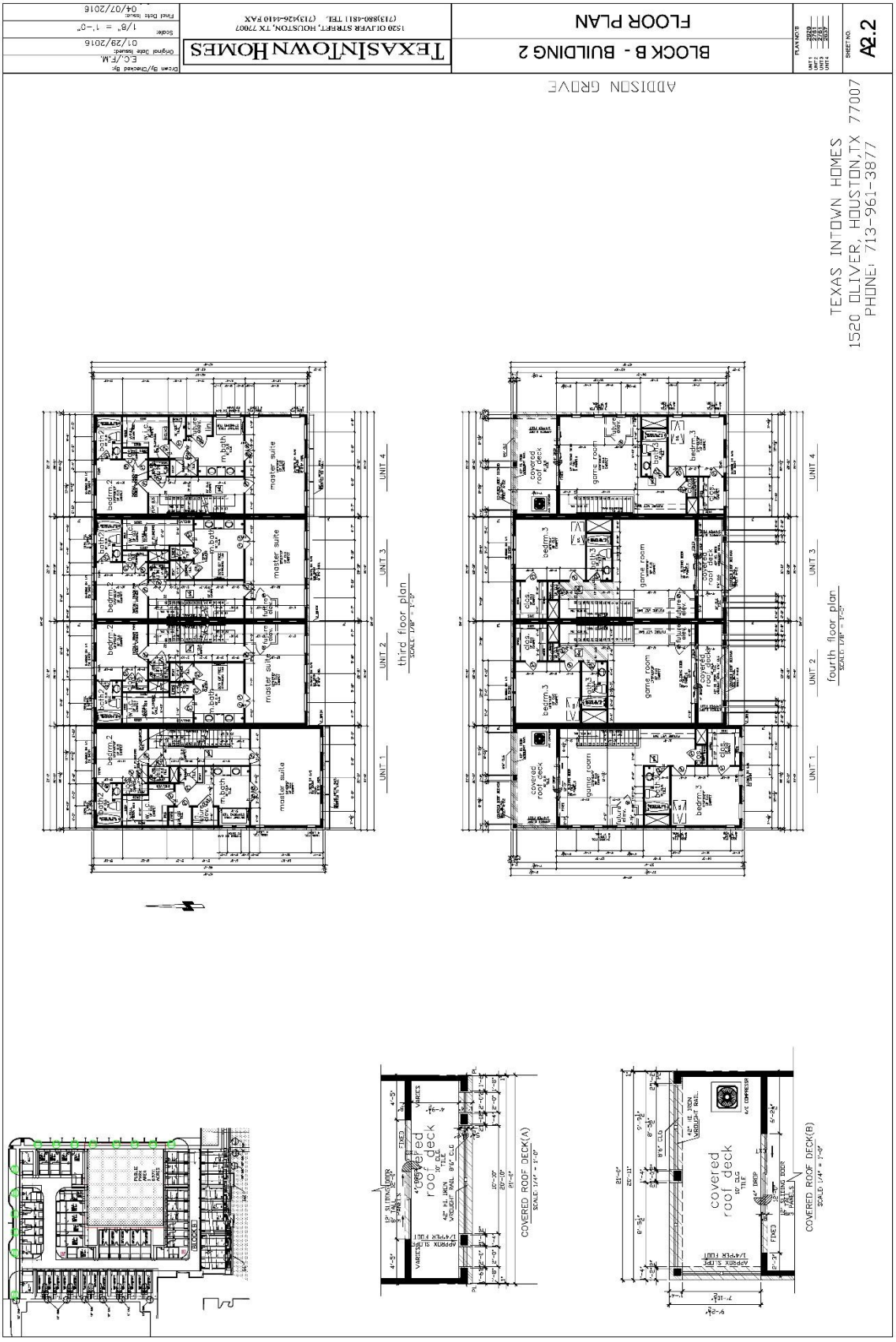

BLOCK B - BUILDING 2
FRONT ELEVATION
TEXASINTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)861-4411 TEL (713)426-4410 FAX
A-3.5
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
south/front elevation
SCALE: 1/4" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
UNIT 4
FACADE PLAN NOTES
SOUTH/FRONT
MATERIAL CALCULATION TABLE
LEGEND
ADDITIONAL BUILDING MATERIALS
METAL RAIL (C)
SCALE: 1/2"=1'-0"
36" HI. METAL RAIL MOUNTED TO WALL
2ND FL.

Case No. 1729-Z/Addison Grove

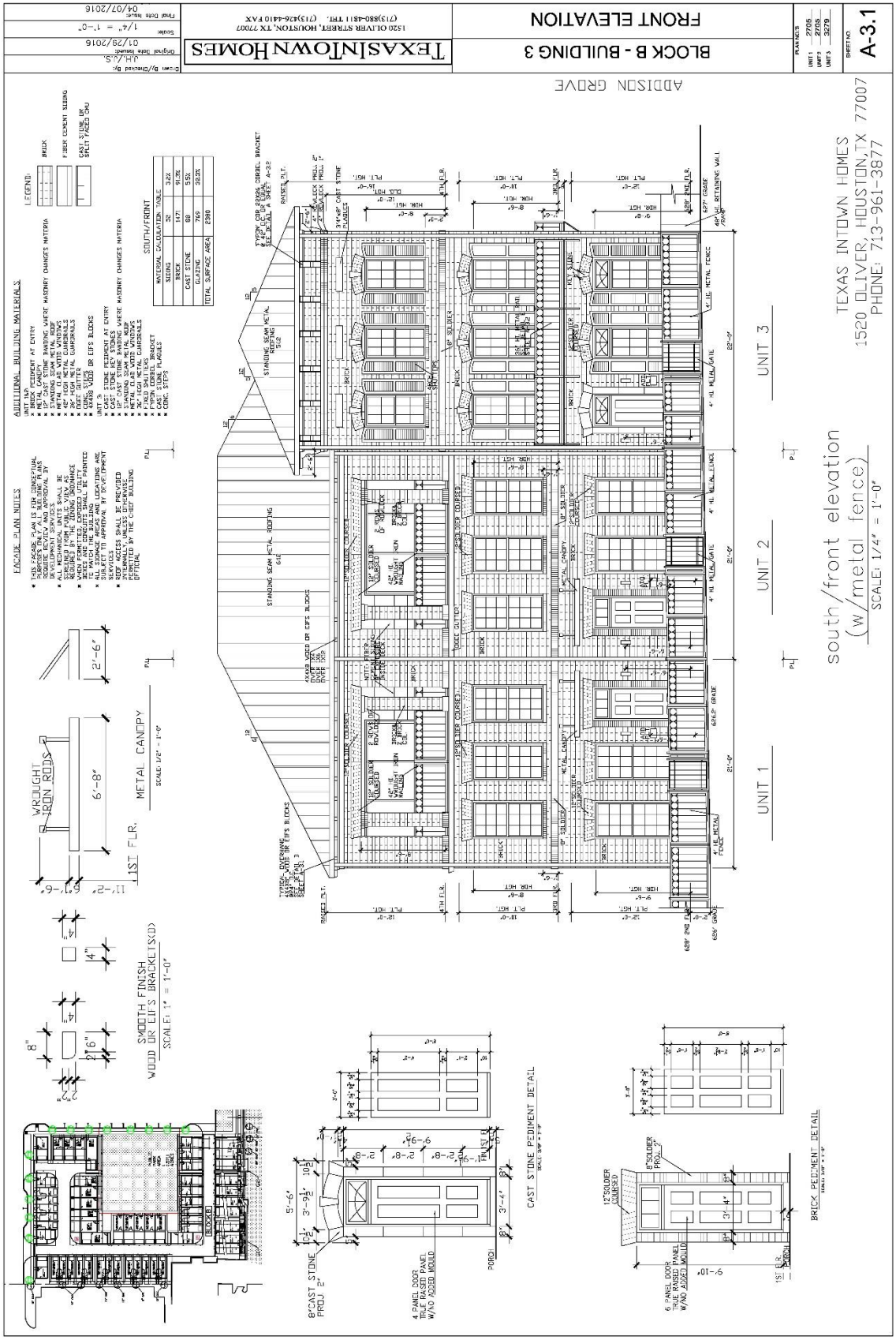


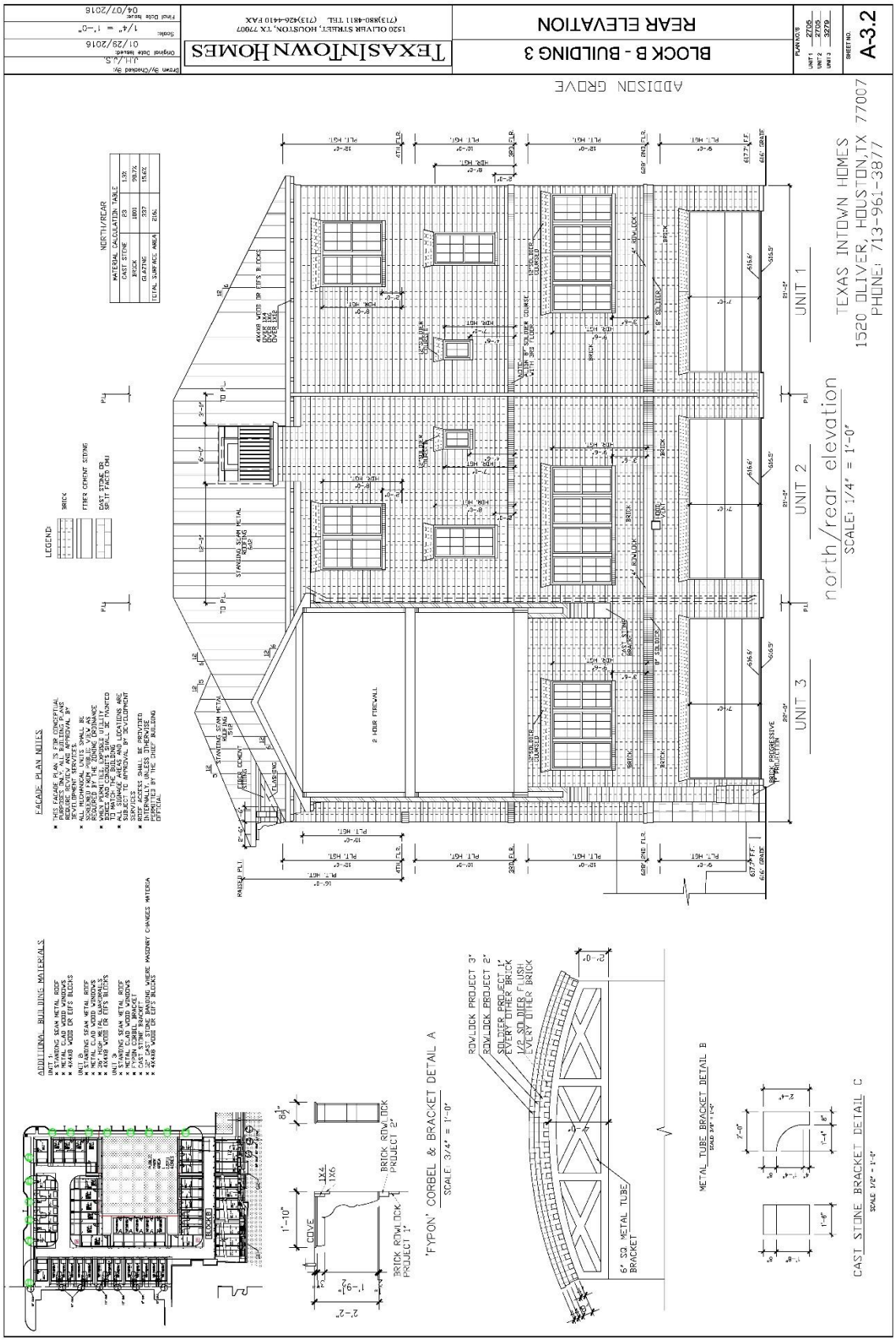
Ordinance No. _____

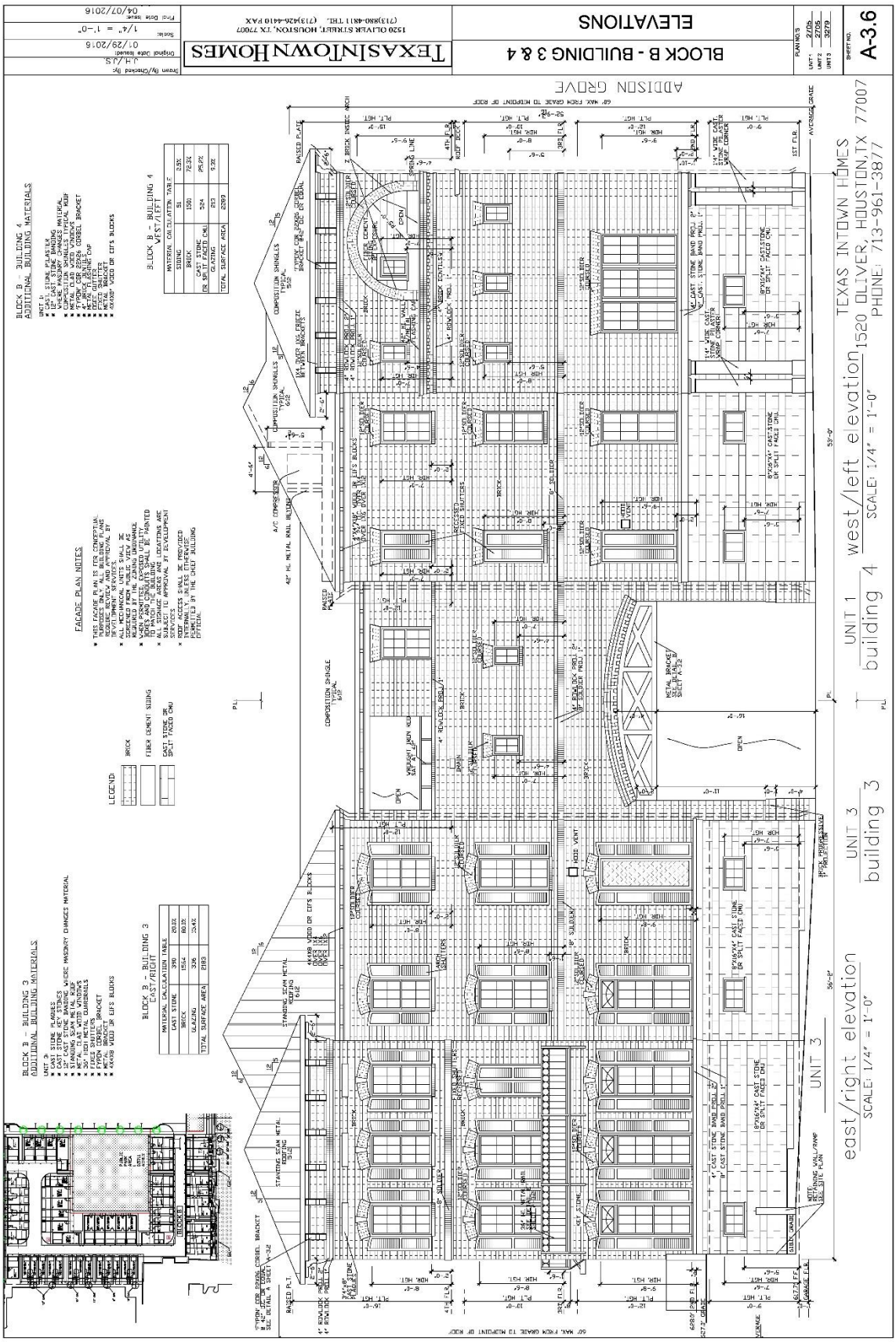
Case No. 1729-Z/Addison Grove

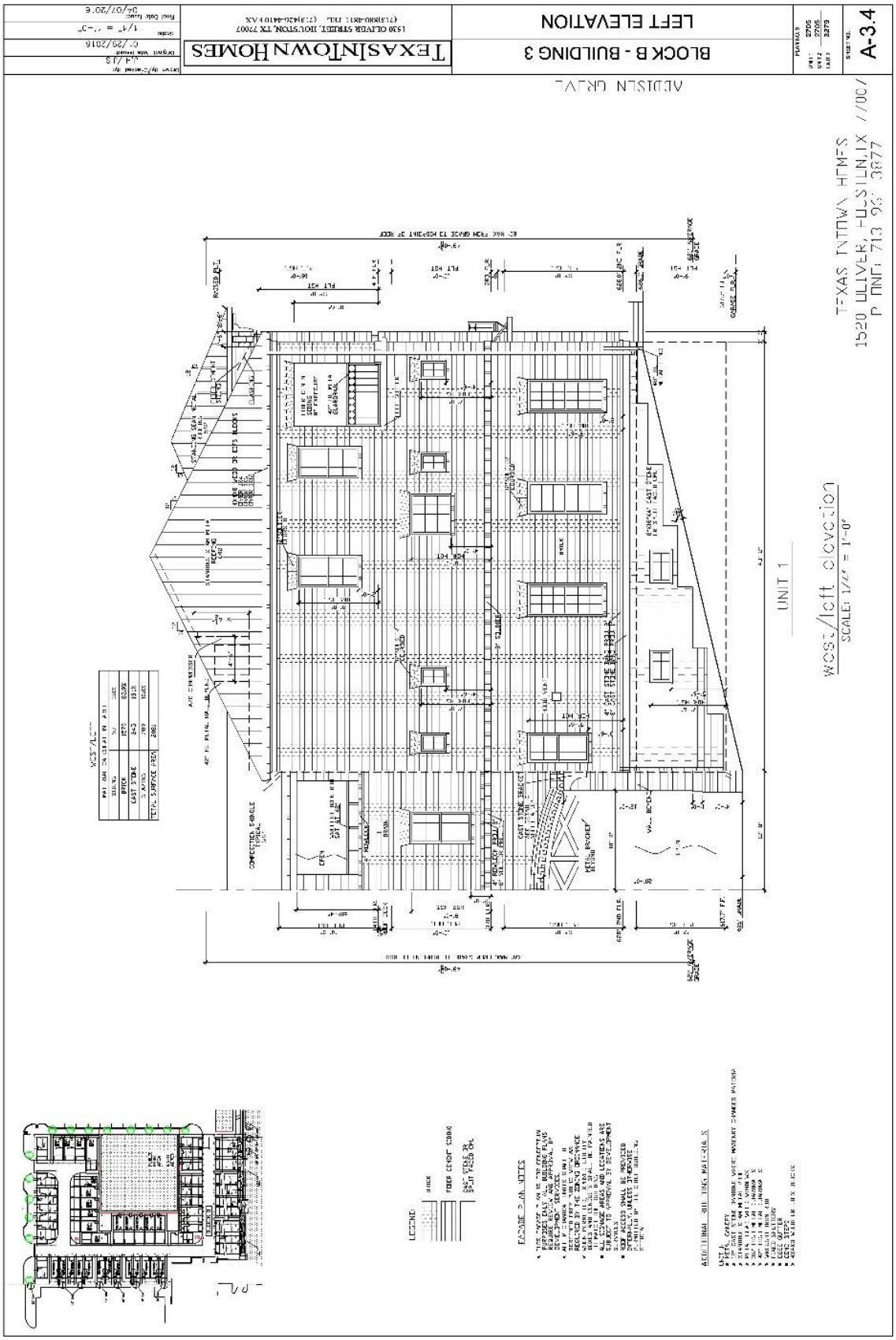


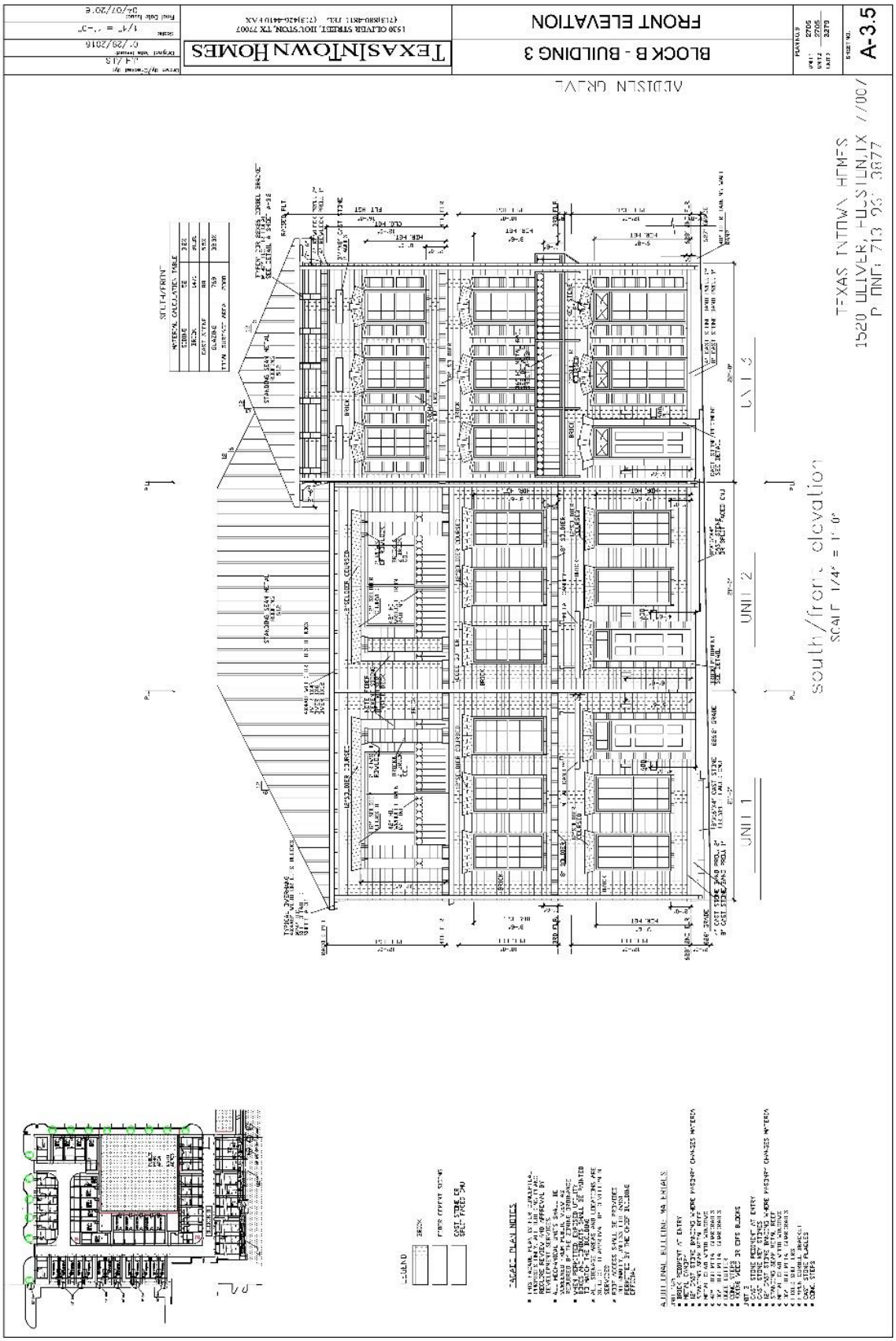
Ordinance No. _____

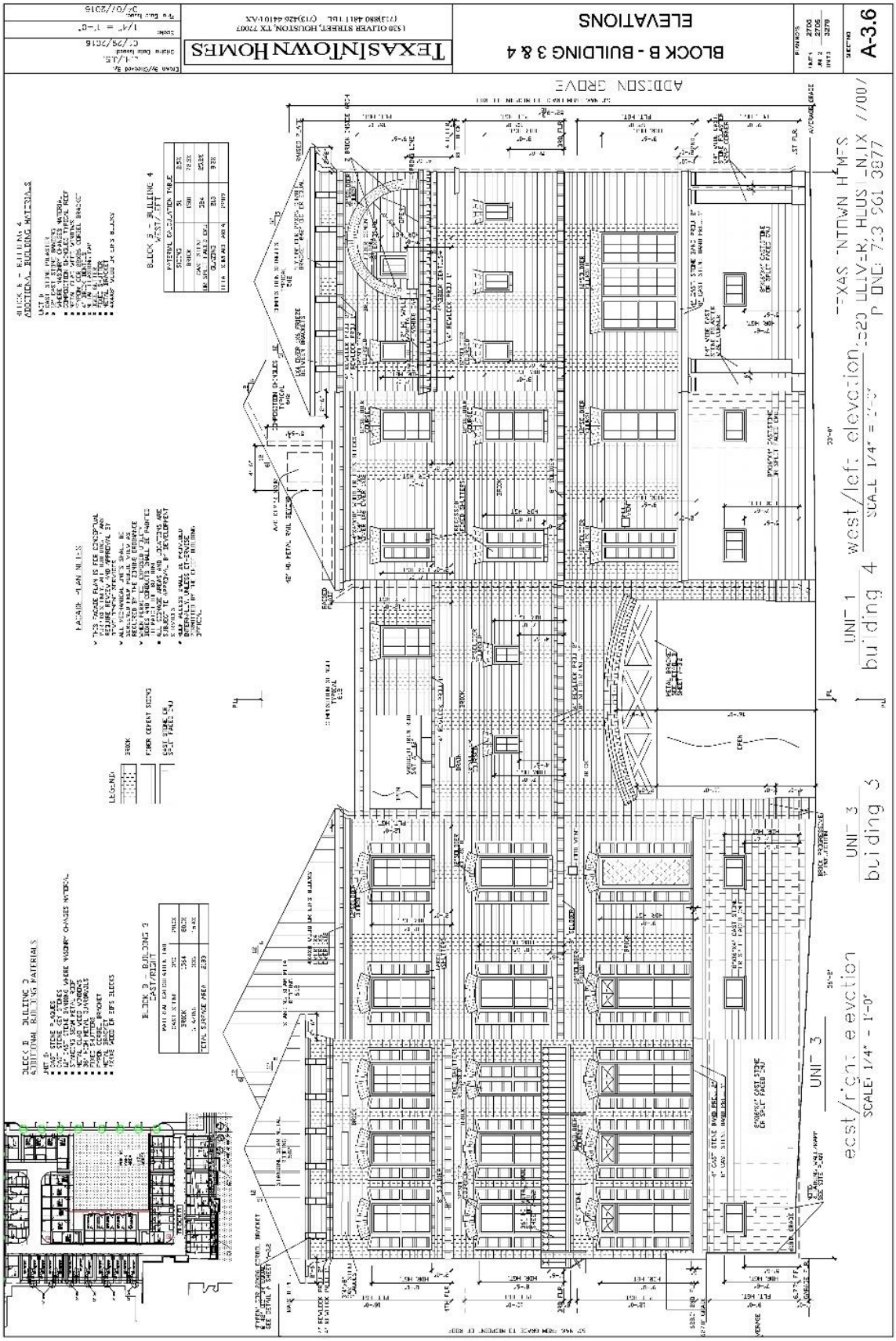

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL. (713)426-4410 FAX
BLOCK B - BUILDING 3
FRONT ELEVATION
A-3.1
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
south/front elevation
(w/metal fence)
SCALE: 1/4" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
METAL CANOPY
SMOOTH FINISH
WOOD OR EIFS BRACKET(S)
CAST STONE PEDIMENT DETAIL
BRICK PEDIMENT DETAIL

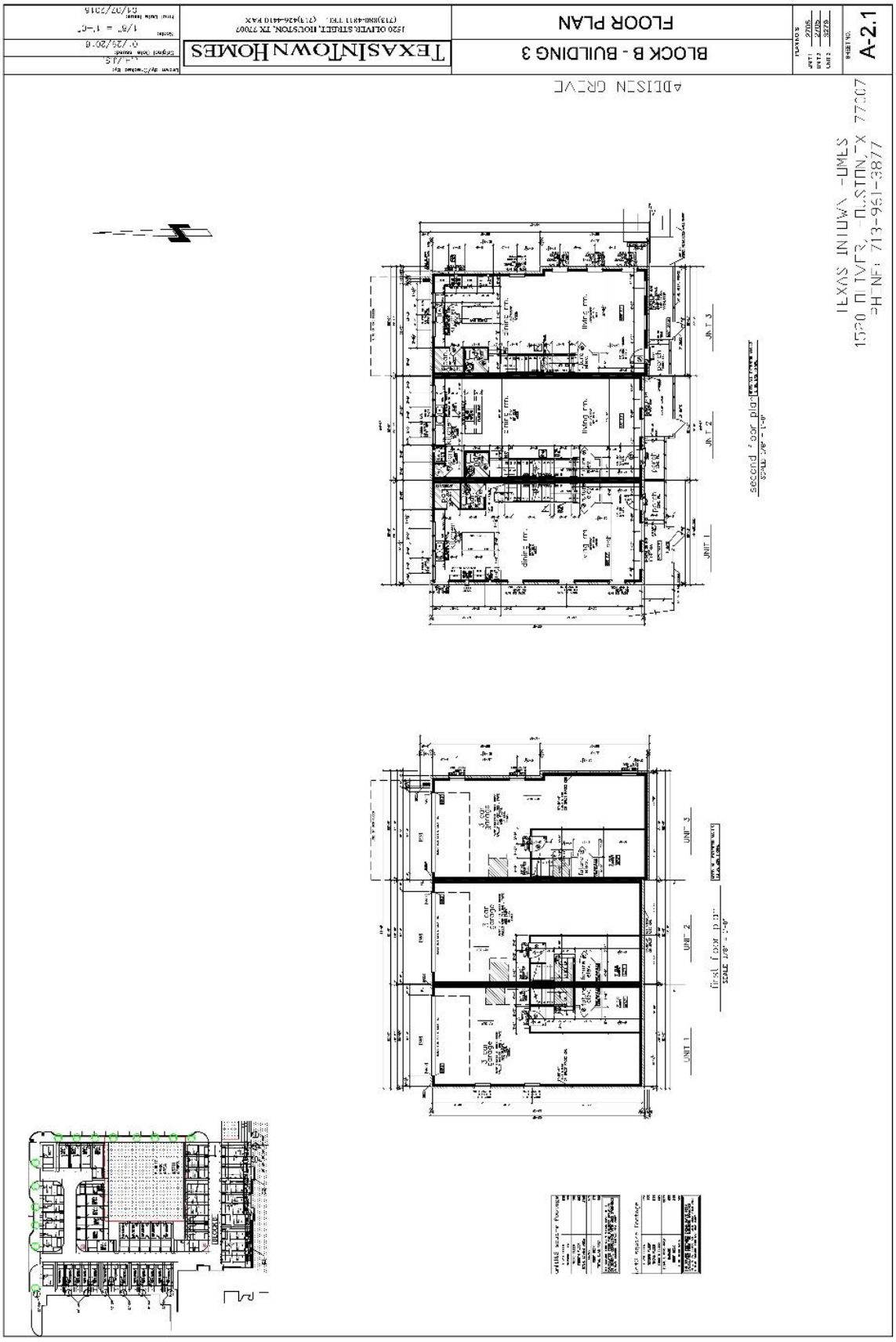

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4811 TEL (713)426-4410 FAX
BLOCK B - BUILDING 3
REAR ELEVATION
A-3.2
ADDISON GROVE
north/rear elevation
SCALE: 1/4" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
LEGEND
BRICK
FIBER CEMENT SIDING
CAST STONE OR SPLIT FACED CMU
FAÇADE PLAN NOTES
ADDITIONAL BUILDING MATERIALS
NORTH/REAR
MATERIAL CALCULATION TABLE
CAST STONE
BRICK
GLAZING
TOTAL SURFACE AREA
'FYPON' CORBEL & BRACKET DETAIL A
SCALE: 3/4" = 1'-0"
METAL TUBE BRACKET DETAIL B
CAST STONE BRACKET DETAIL C
SCALE 1/2" = 1'-0"

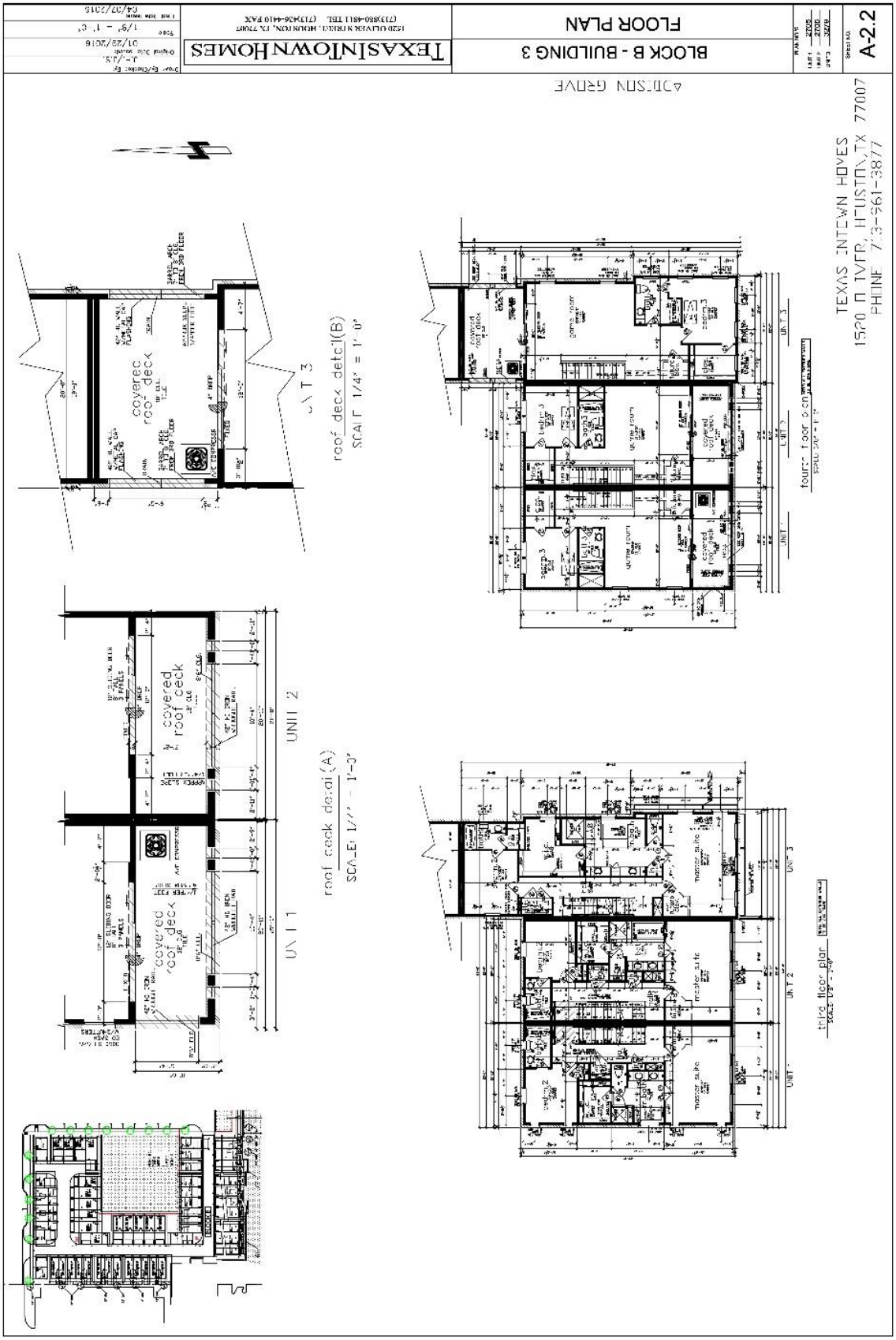

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-4411 TEL (713)426-4410 FAX
BLOCK B - BUILDING 3 & 4
ELEVATIONS
A-3.6
ADDISON GROVE
west/left elevation
SCALE: 1/4" = 1'-0"
east/right elevation
SCALE: 1/4" = 1'-0"
UNIT 1
building 4
UNIT 3
building 3
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
FACADE PLAN NOTES
LEGEND
BRICK
FIBER CEMENT SIDING
CAST STONE OR SPLIT FACED CMU
BLOCK B - BUILDING 4
WEST/LEFT
BLOCK B - BUILDING 3
EAST/RIGHT
BLOCK B - BUILDING 3
ADDITIONAL BUILDING MATERIALS
BLOCK B - BUILDING 4
ADDITIONAL BUILDING MATERIALS

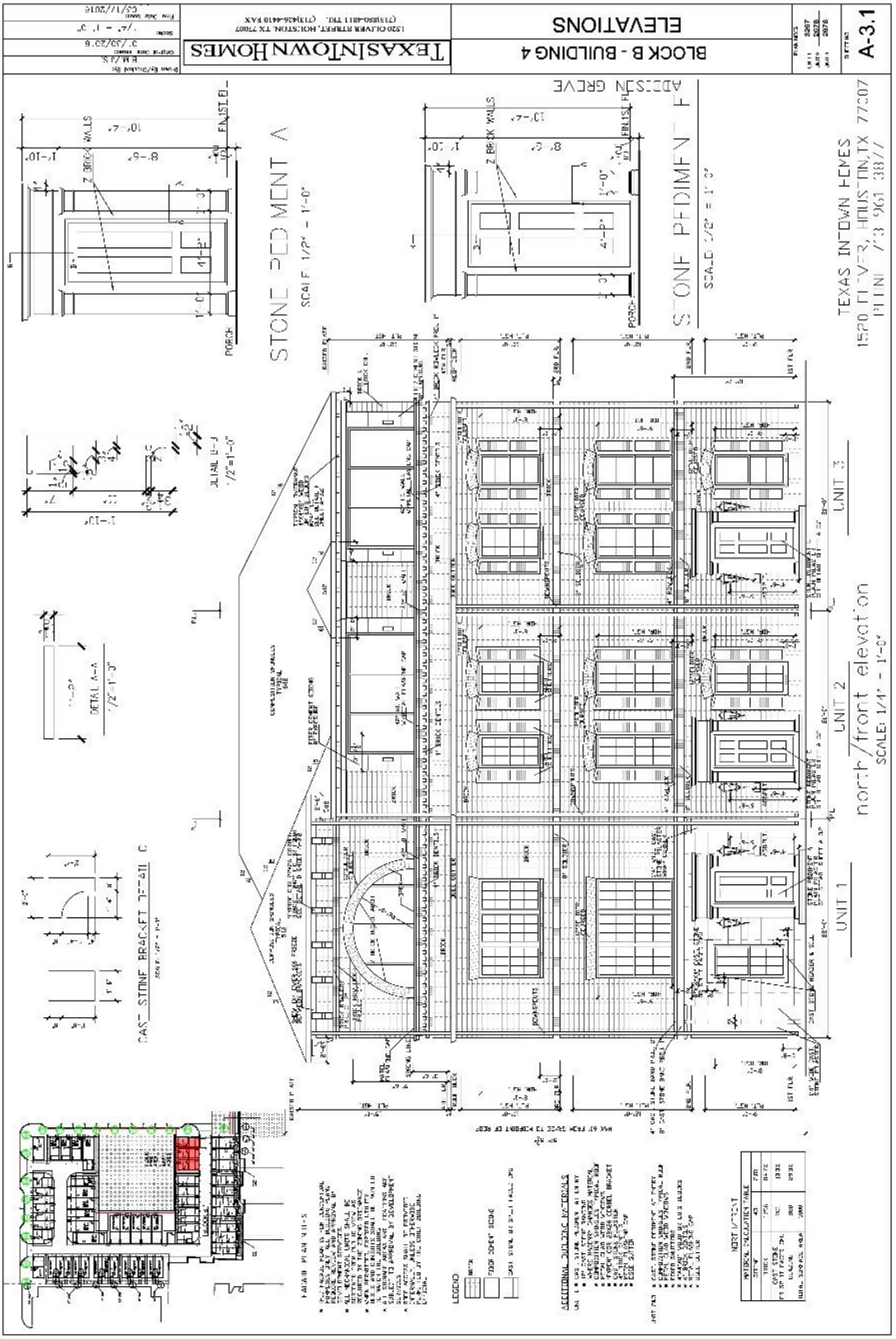

TEXAS INTOWN HOMES
BLOCK B - BUILDING 3
LEFT ELEVATION
A-3.4
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
UNIT 1
west/left elevation
SCALE: 1/4" = 1'-0"

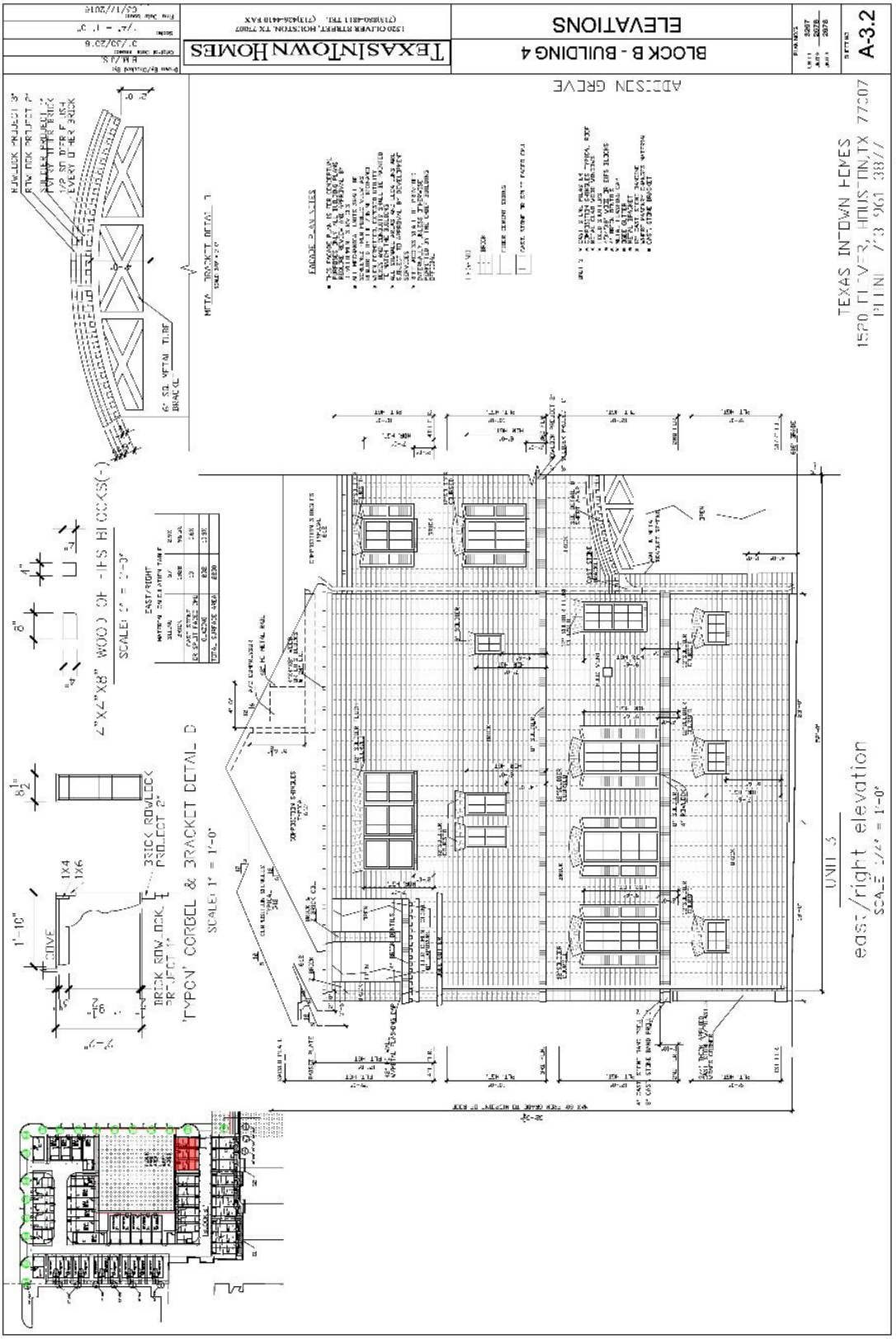

TEXAS INTOWN HOMES
BLOCK B - BUILDING 3
FRONT ELEVATION
A-3.5
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
UNIT 1
UNIT 2
UNIT 3
south/front elevation
SCALE 1/4" = 1'-0"

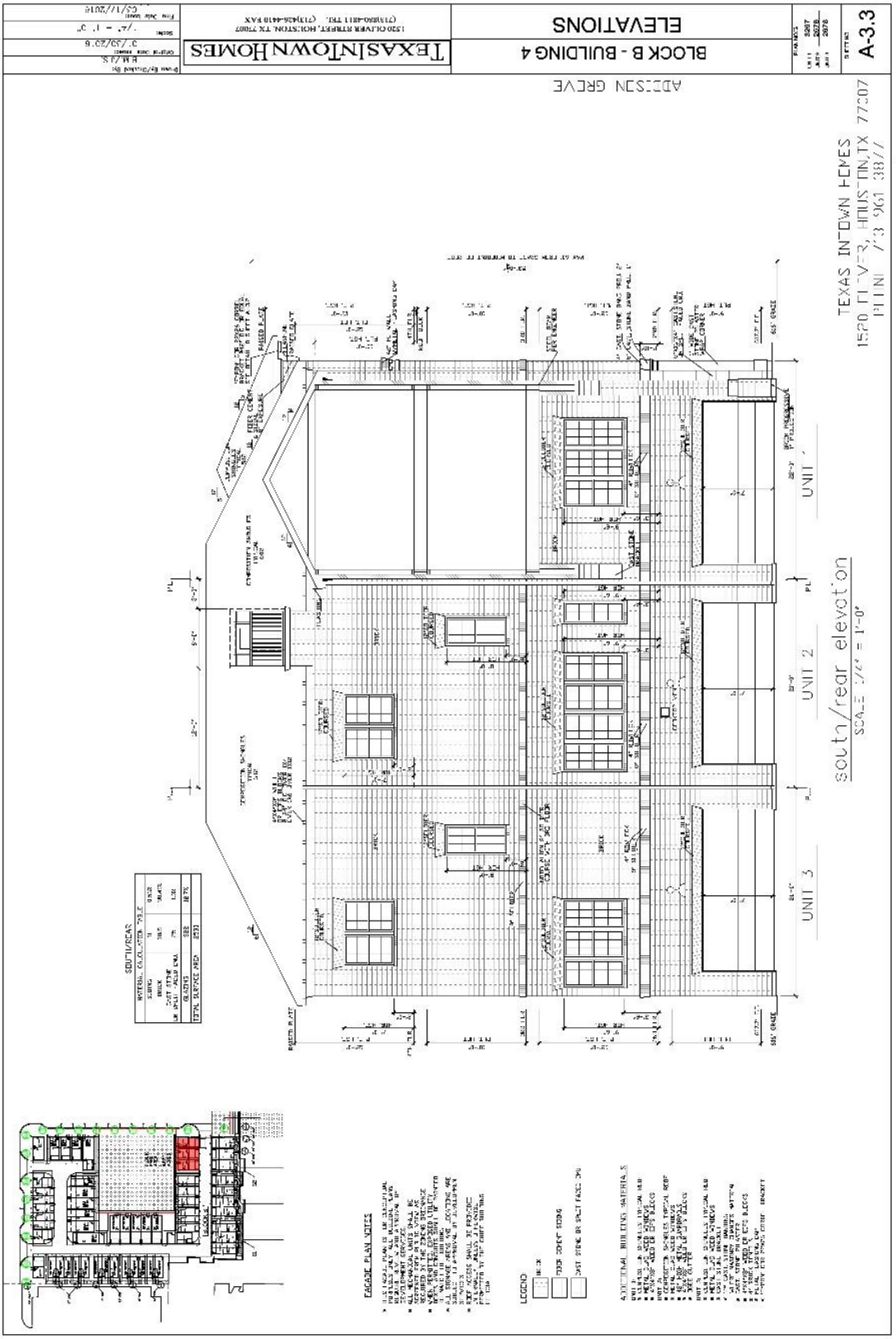

BLOCK B - BUILDING 3 & 4
ELEVATIONS
A-3.6
TEXAS TOWN HOMES
ADDISON GROVE
UNIT 1
building 4
UNIT 3
building 3
UNIT 3
east/right elevation
SCALE 1/4" - 1'-0"
west/left elevation
SCALE 1/4" = 1'-0"


A-2.1
FLOOR PLAN
BLOCK B - BUILDING 3
TEXASINTOWNHOMES
1520 OLIVER STREET, HOUSTON, TX 77007
ADDISON GROVE
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
second floor plan
first floor plan
UNIT 1
UNIT 2
UNIT 3


A-2.2
FLOOR PLAN
BLOCK B - BUILDING 3
TEXASINTOWNHOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)860-4811 TEL (713)426-4410 FAX
04/02/2016
1/8" = 1'-0"
01/22/2016
0-Mail Job Scale:
Drawn By/Checked By:
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE 713-961-3877
roof deck detail(B)
SCALE 1/4" = 1'-0"
UNIT 3
covered roof deck
roof deck detail(A)
SCALE 1/4" = 1'-0"
UNIT 2
UNIT 1
covered roof deck
master suite
third floor plan
SCALE 1/8" = 1'-0"


TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)864-4411 TEL (713)864-4410 FAX
BLOCK B - BUILDING 4
ELEVATIONS
A-3.1
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
PHONE 713 961 3311
ADDISON GROVE
STONE PEDIMENT A
SCALE 1/2" = 1'-0"
STONE PEDIMENT F
SCALE 1/2" = 1'-0"
UNIT 1
UNIT 2
UNIT 3
north/front elevation
SCALE: 1/4" - 1'-0"
CAST STONE BRACKET DETAIL C
DETAIL A-A
JOINT D-J
PORCH
LEGEND
ADDITIONAL BUILDING MATERIALS
MATERIAL CALCULATION TABLE
UNIT MIX
© OLIVER PLANS COPYRIGHT 2016


TEXAS INTOWN HOMES
BLOCK B - BUILDING 4
ELEVATIONS
A-3.2
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
'TYPON' CORBEL & BRACKET DETAIL D
SCALE: 1" = 1'-0"
4"X4"X8" WOOD OF HIS BLOCKS(-)
east/right elevation
SCALE 1/4" = 1'-0"
UNIT 3
© OLIVER PLANS COPYRIGHT 2016


TEXAS INTOWN HOMES
BLOCK B - BUILDING 4
ELEVATIONS
A-3.3
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
UNIT 1
UNIT 2
UNIT 3
south/rear elevation
SCALE 1/4" = 1'-0"
SOUTH/REAR
LEGEND
FACADE PLAN NOTES
ADDITIONAL BUILDING MATERIALS
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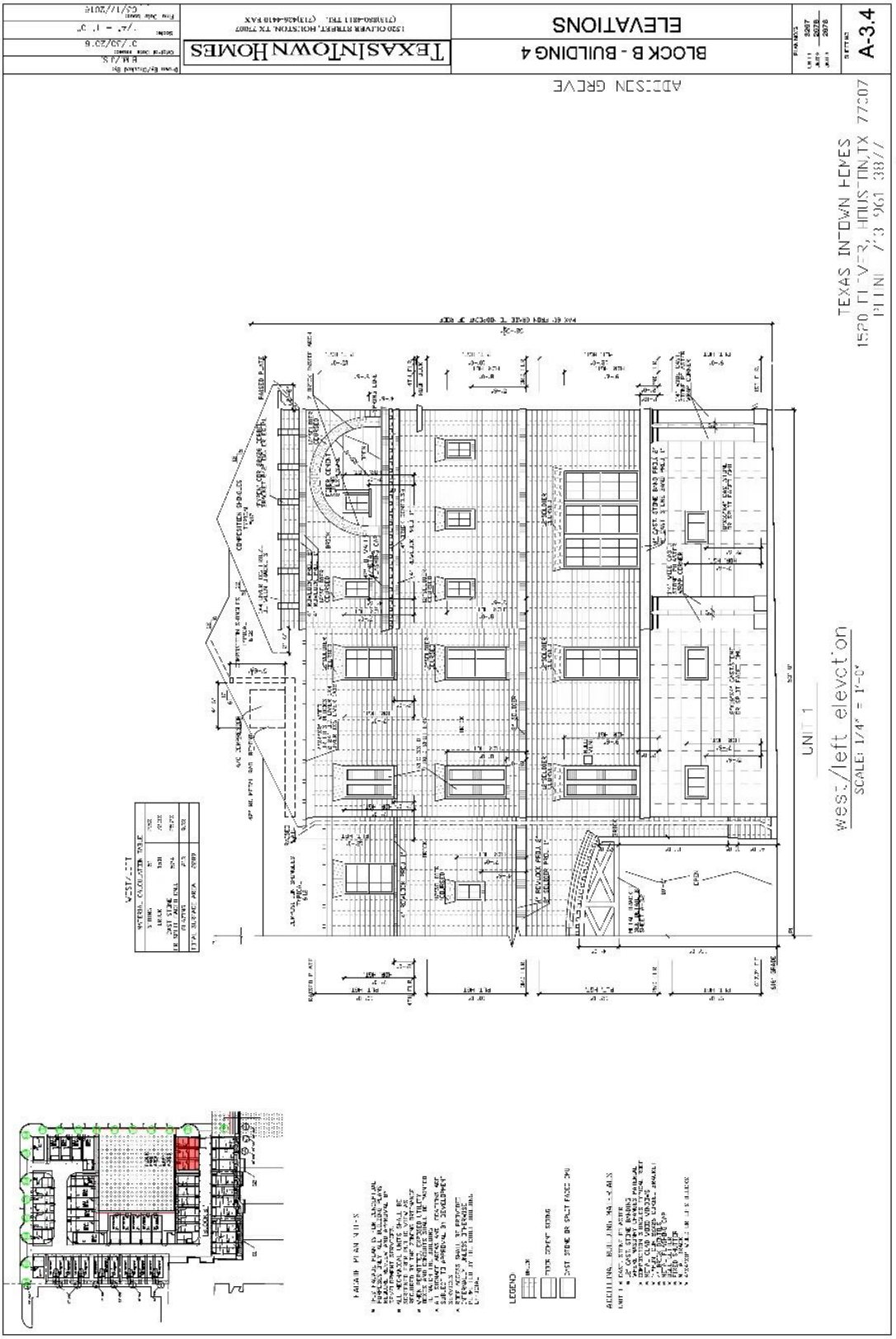
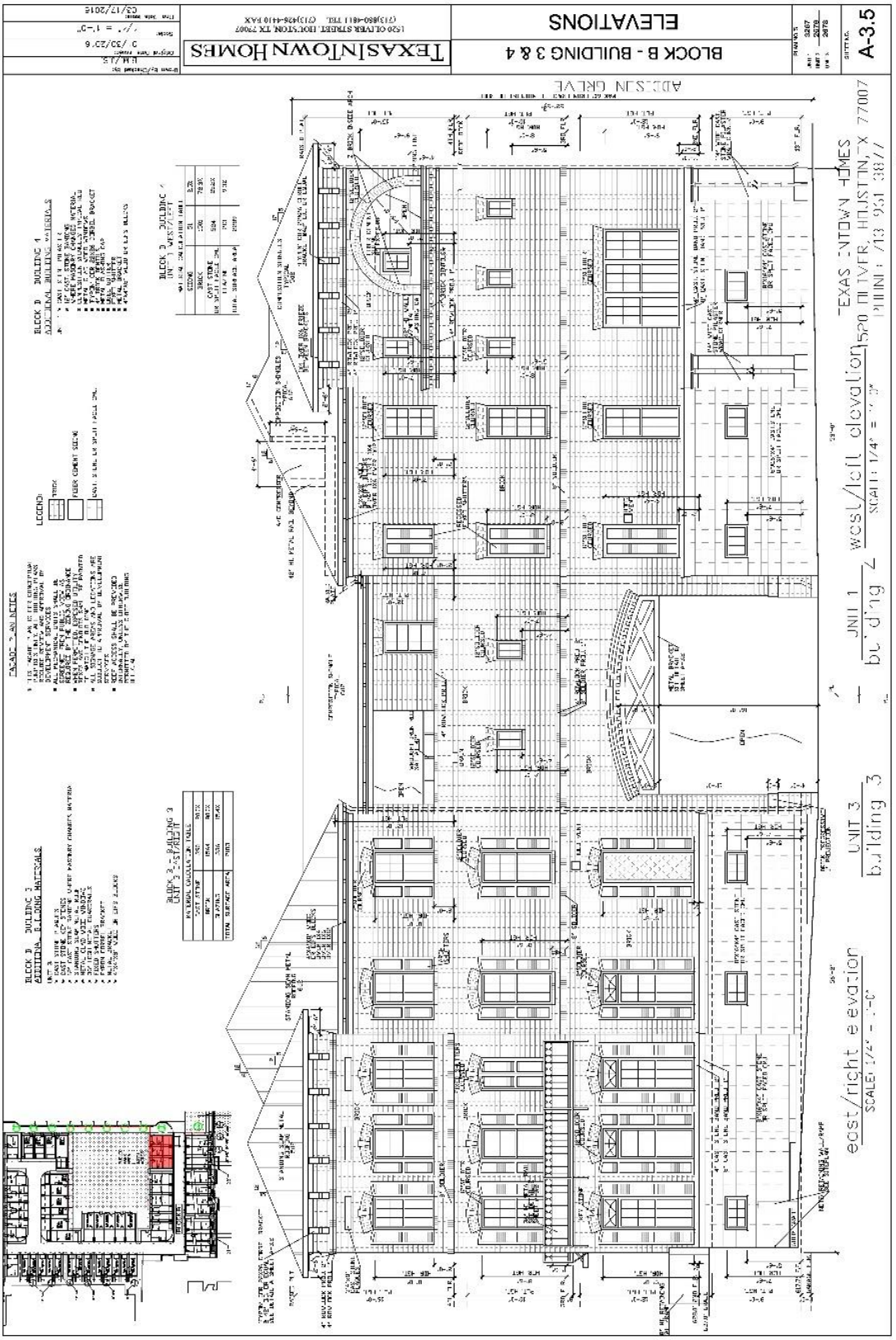

TEXAS INTOWN HOMES
BLOCK B - BUILDING 4
ELEVATIONS
A-3.4
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE 713 961 3877
UNIT 1
west/left elevation
SCALE: 1/4" = 1'-0"
LEGEND


TEXAS TOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)860-4811 TEL (713)426-4410 FAX
BLOCK B - BUILDING 3 & 4
ELEVATIONS
A-3.5
ADDISON GROVE
unit 1 building 2 west/left elevation
unit 3 building 3 east/right elevation
TEXAS TOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713 961 3811
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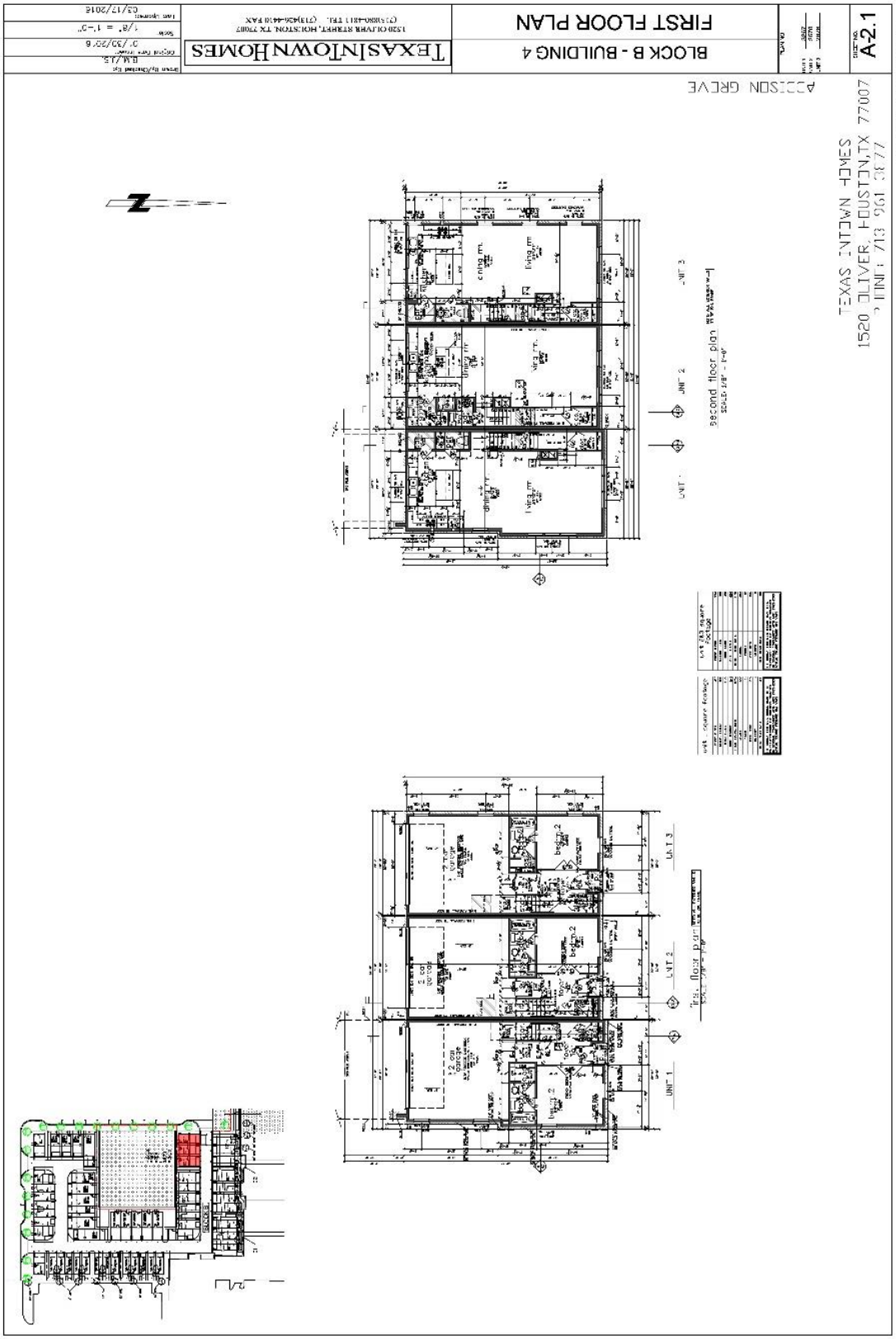
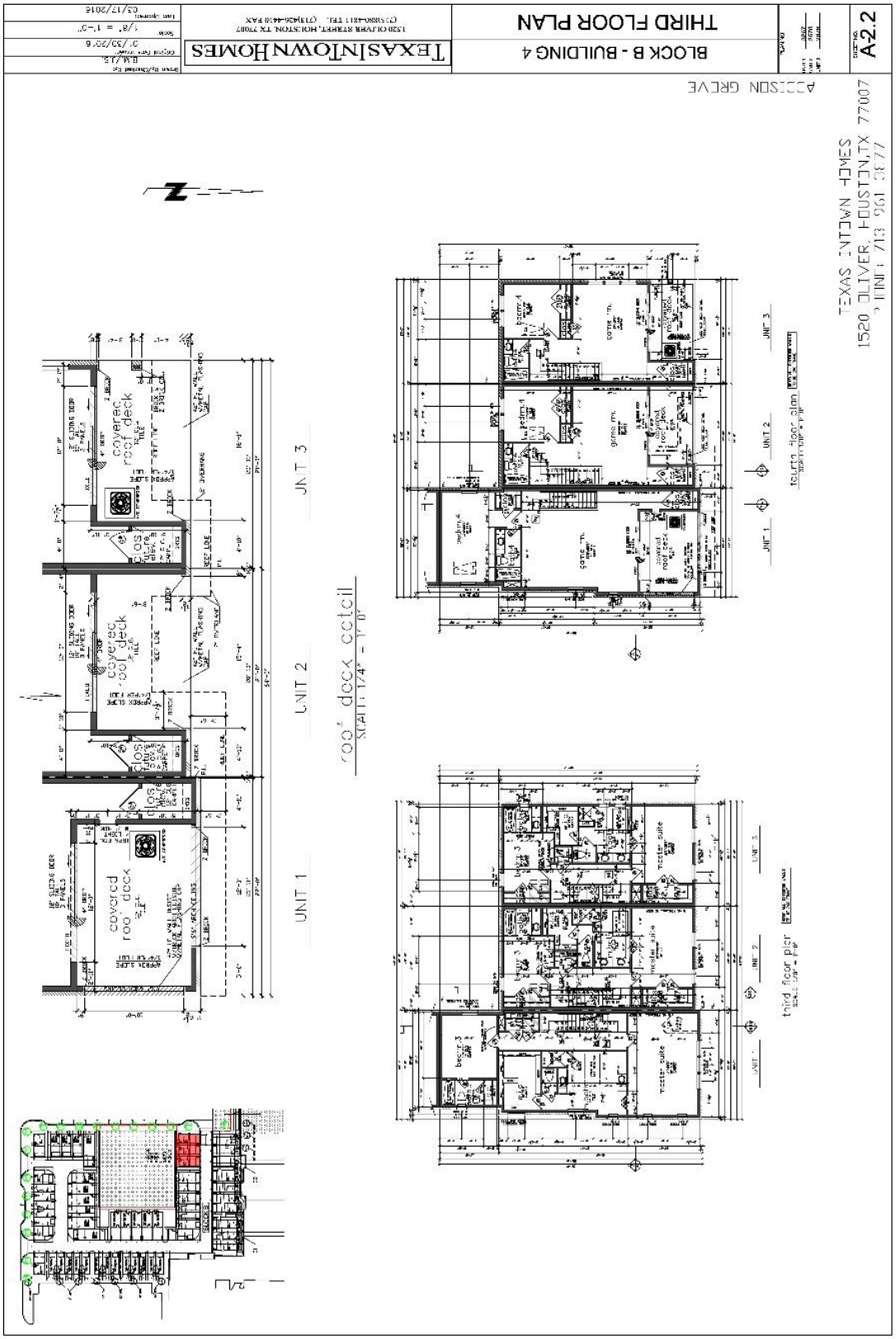
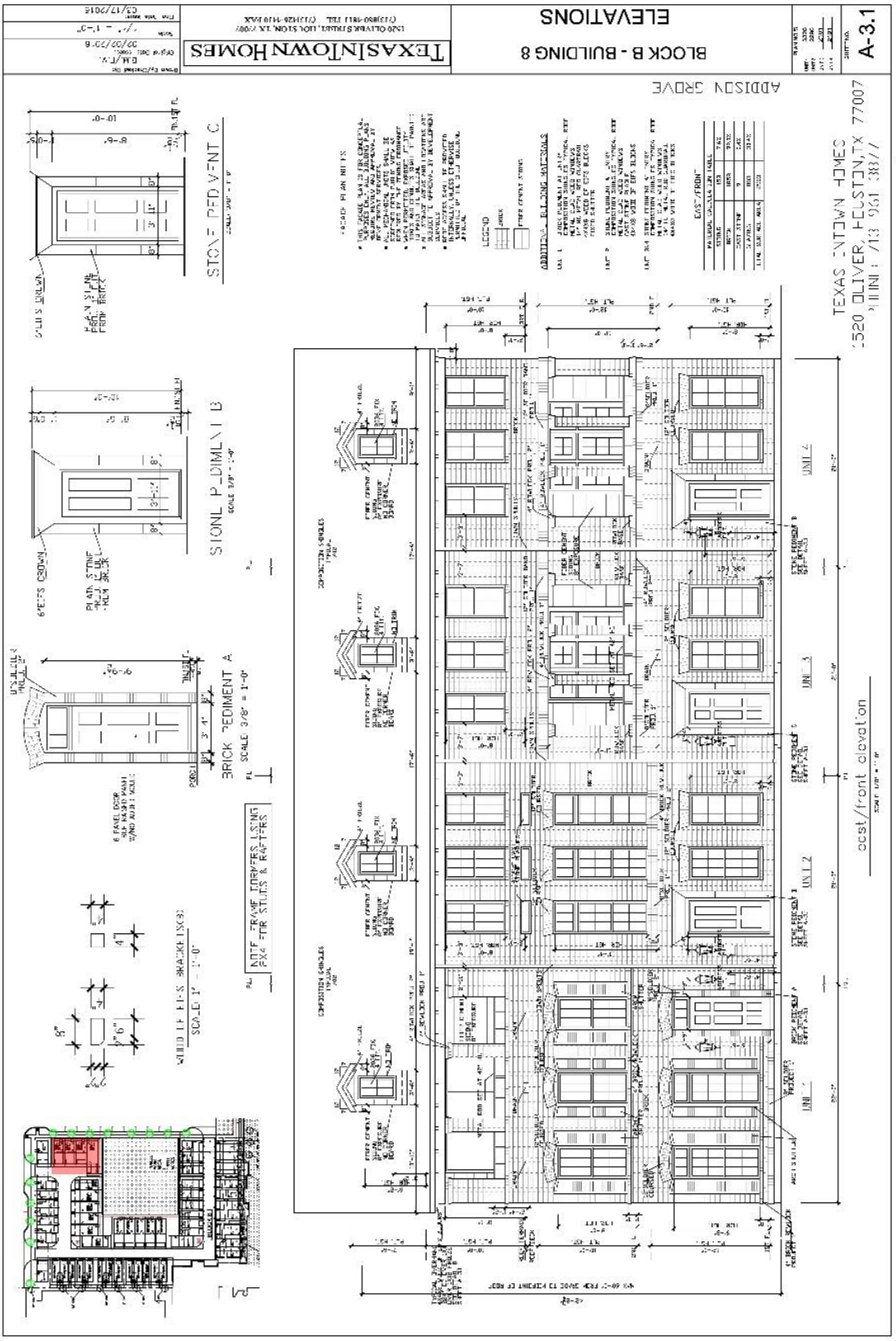
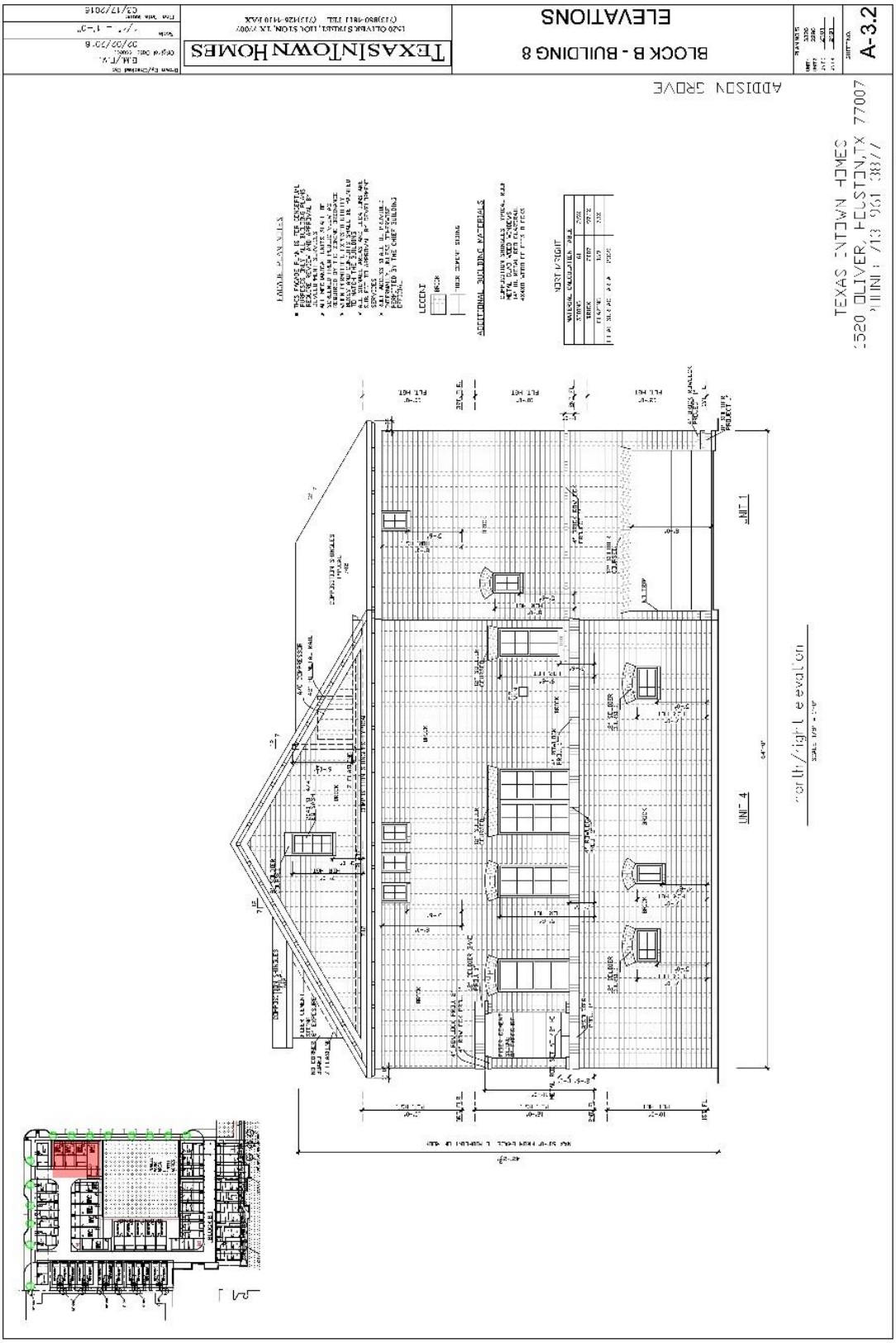
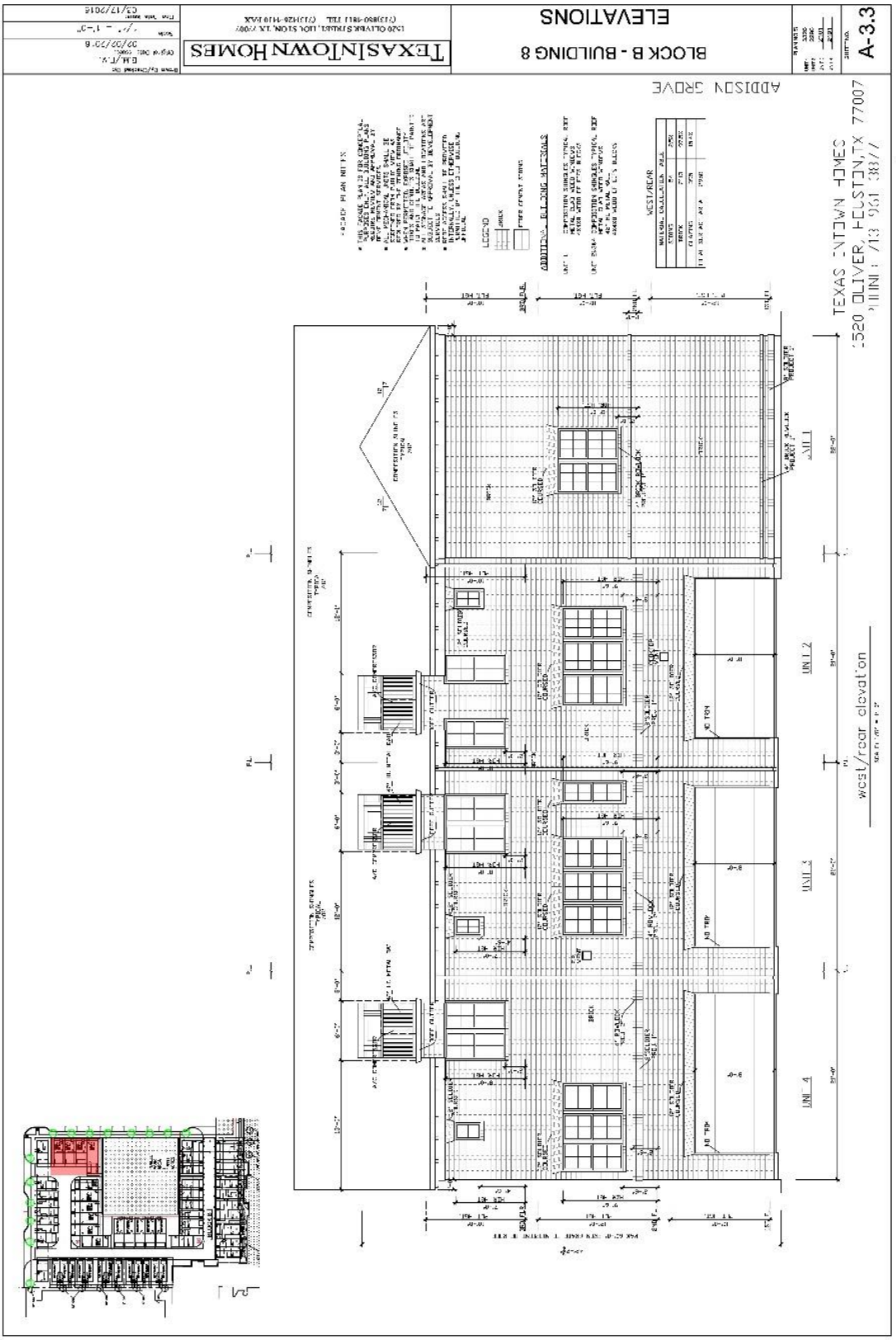

TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
BLOCK B - BUILDING 4
FIRST FLOOR PLAN
A-2.1
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713 961 3877
second floor plan
first floor plan
UNIT 1
UNIT 2
UNIT 3

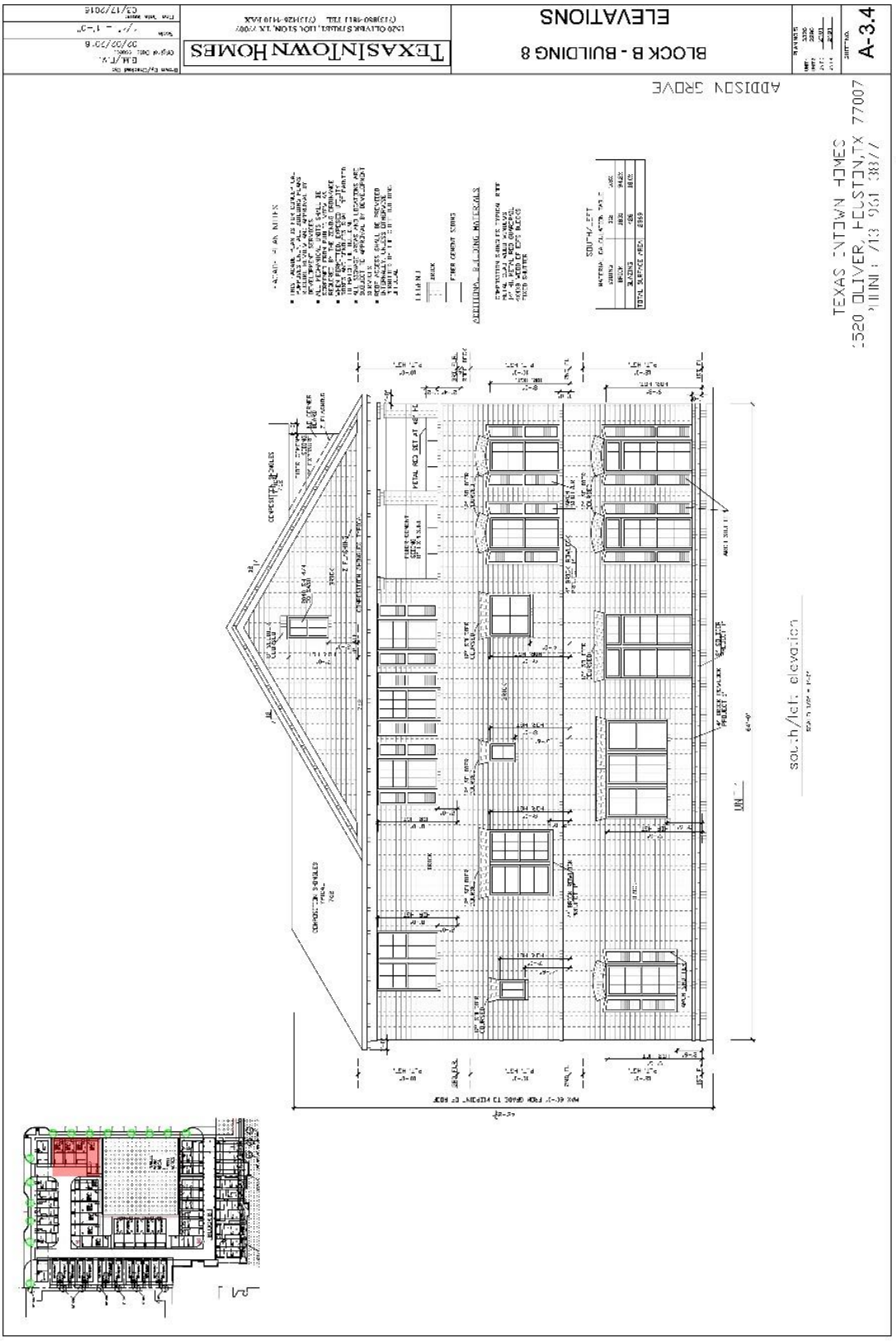

TEXAS INTOWN HOMES
THIRD FLOOR PLAN
BLOCK B - BUILDING 4
A-2.2
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
UNIT 1
UNIT 2
UNIT 3
roof deck detail
covered roof deck
third floor plan
fourth floor plan

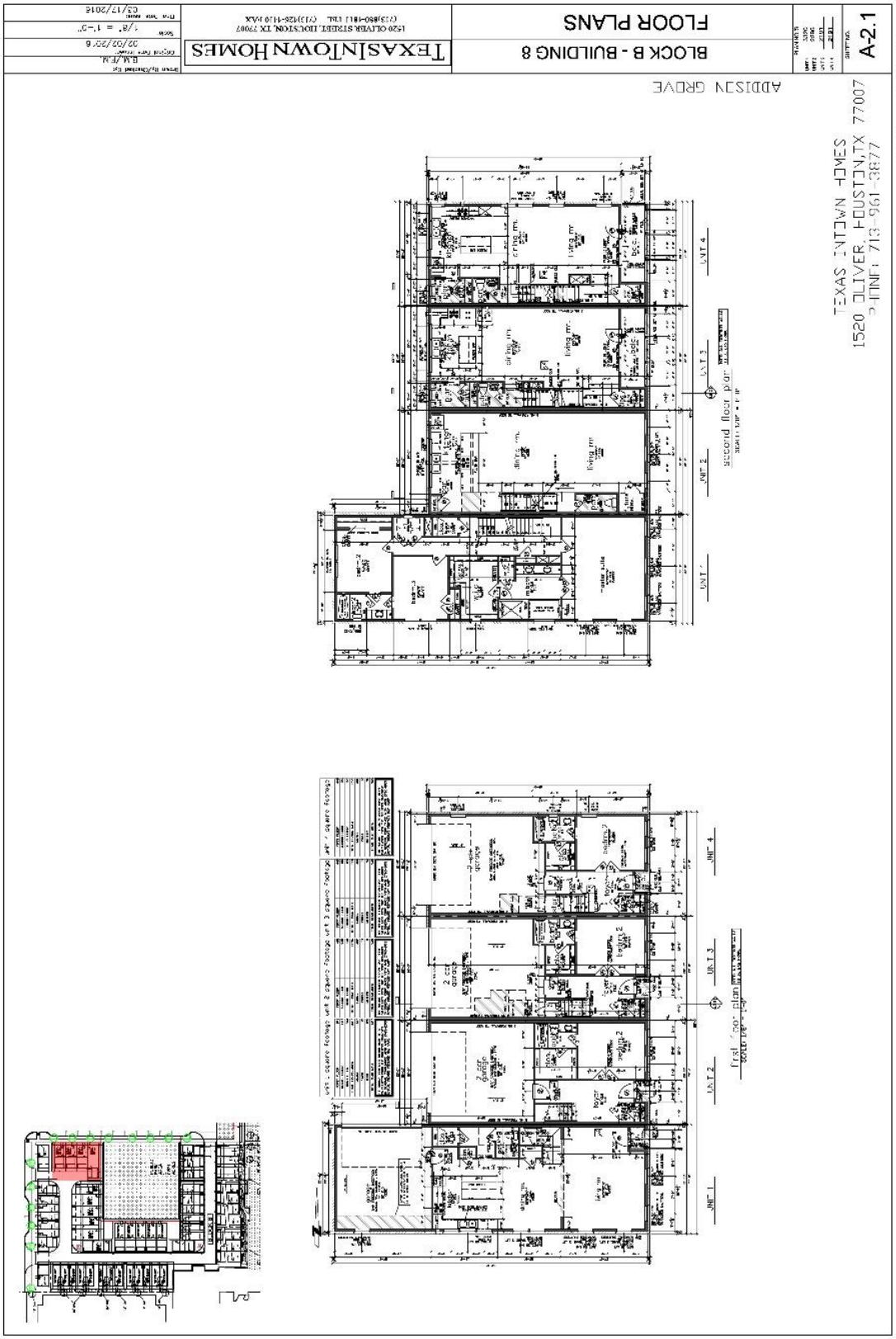

ELEVATIONS
BLOCK B - BUILDING 8
A-3.1
TEXAS TOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
ADDISON GROVE
STONE PEDIMENT C
STONE PEDIMENT B
BRICK PEDIMENT A
east/front elevation



Ordinance No. _____


TEXAS TOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
ELEVATIONS
BLOCK B - BUILDING 8
A-3.3
ADDISON GROVE
west/rear elevation
UNIT 1
UNIT 2
UNIT 3
UNIT 4


TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
ADDISON GROVE
BLOCK B - BUILDING 8
ELEVATIONS
A-3.4
south/left elevation


TEXASINTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-0811 TEL (713)526-1130 FAX
FLOOR PLANS
BLOCK B - BUILDING 8
A-2.1
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3677
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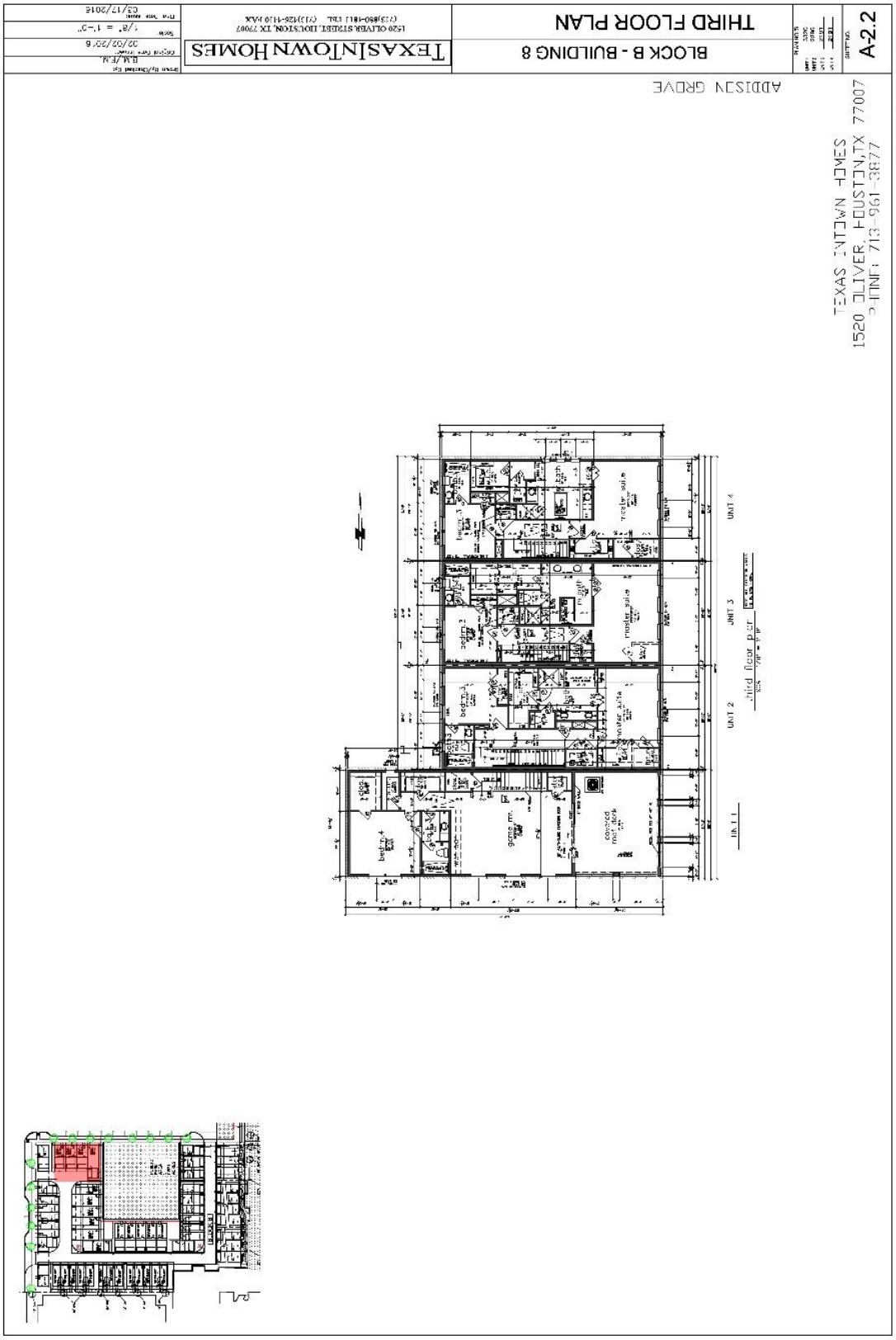
second floor plan
first floor plan
UNIT 1
UNIT 2
UNIT 3
UNIT 4


THIRD FLOOR PLAN
BLOCK B - BUILDING 8
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)880-1811 TEL (713)426-1410 FAX
A-2.2
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER, HOUSTON,TX 77007
PHONE: 713-961-3877
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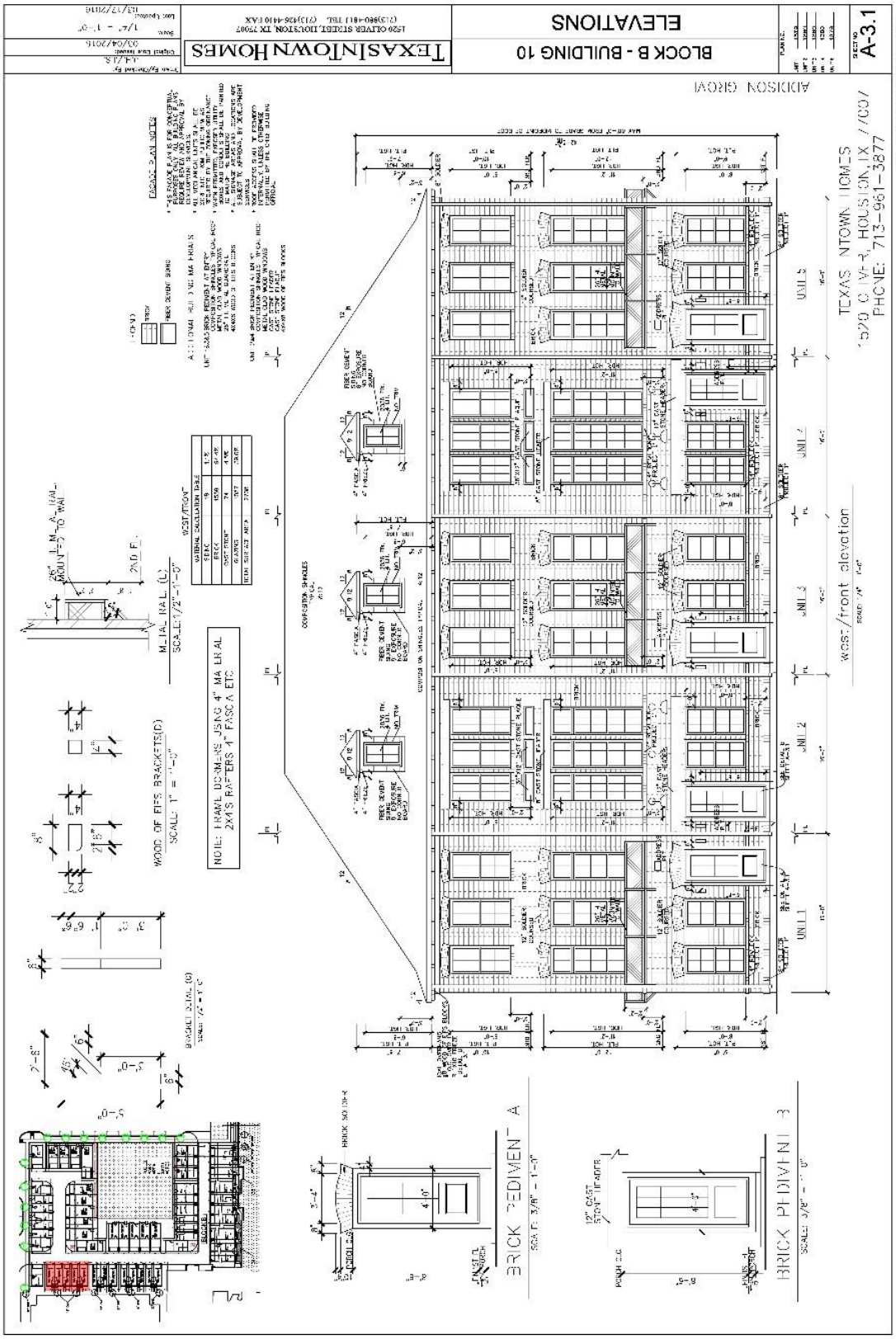
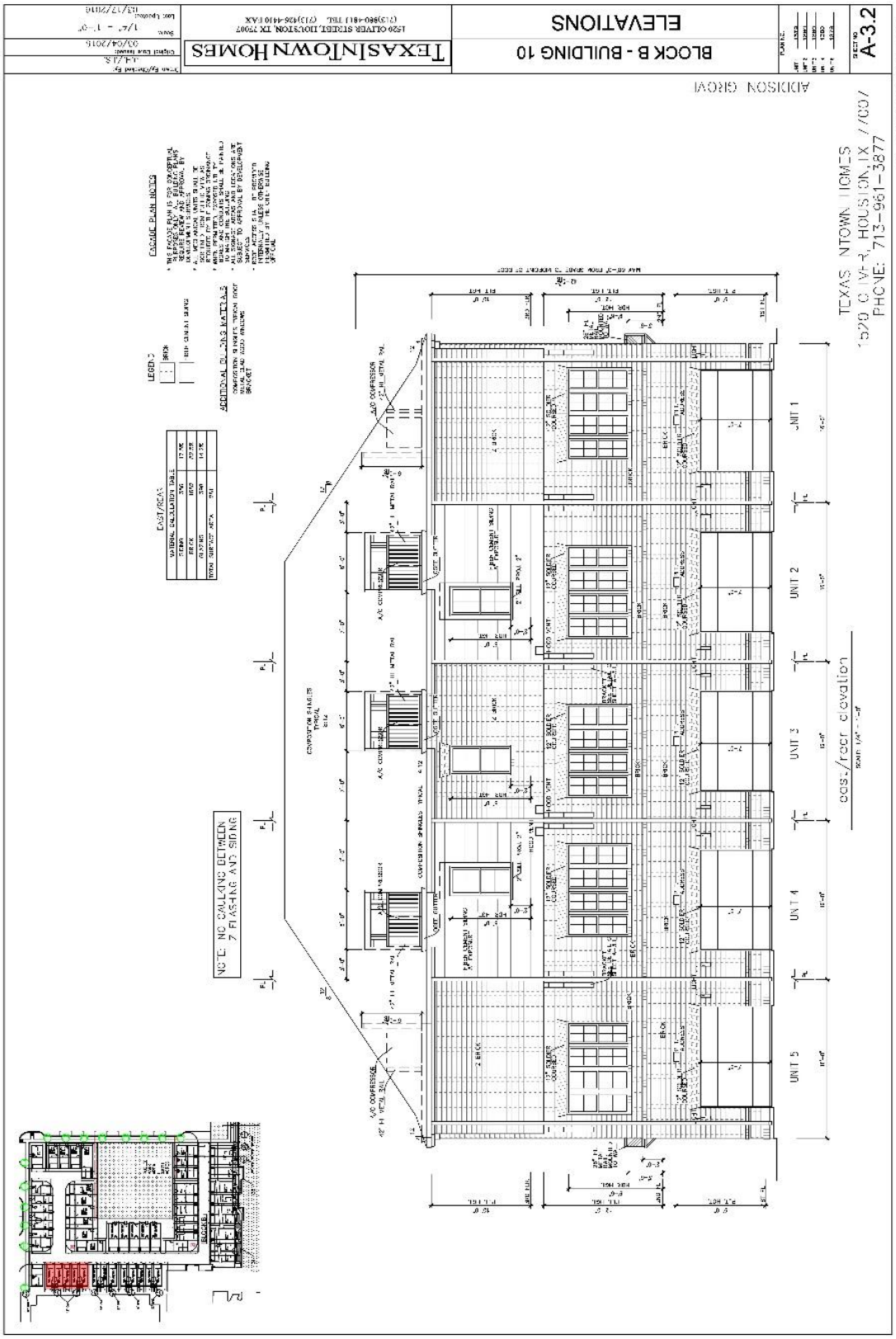
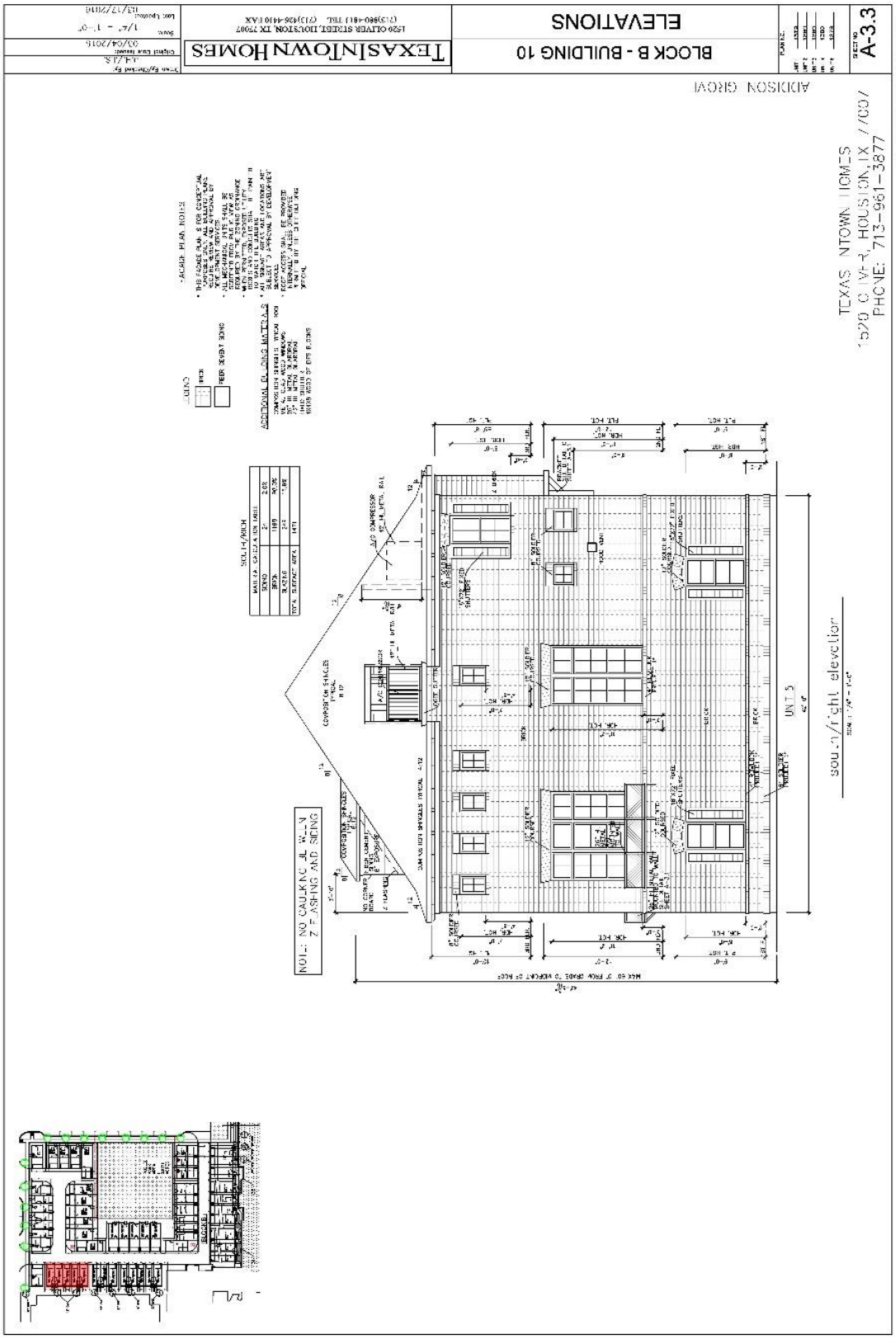
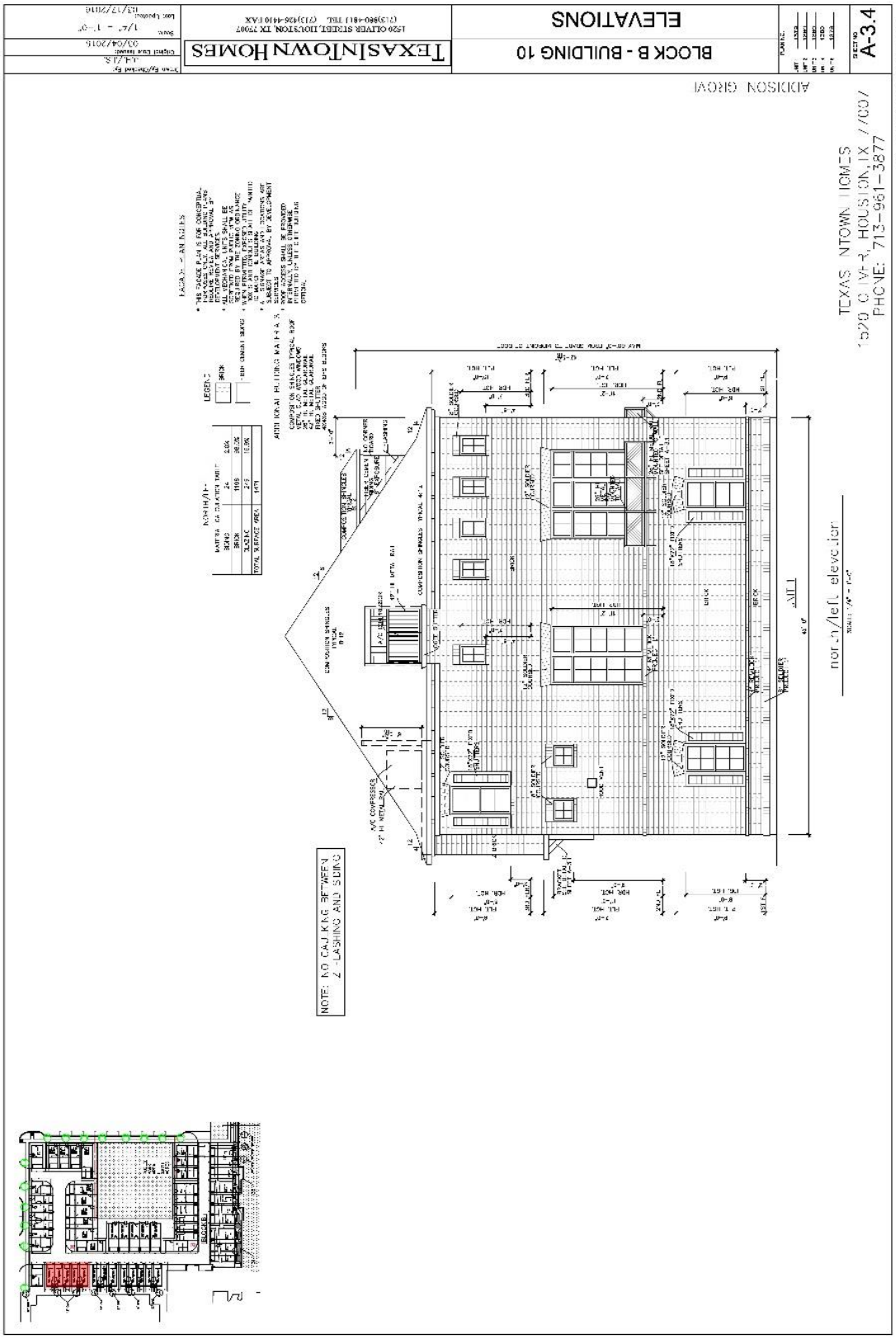
UNIT 1
UNIT 2
UNIT 3
UNIT 4
Third floor plan

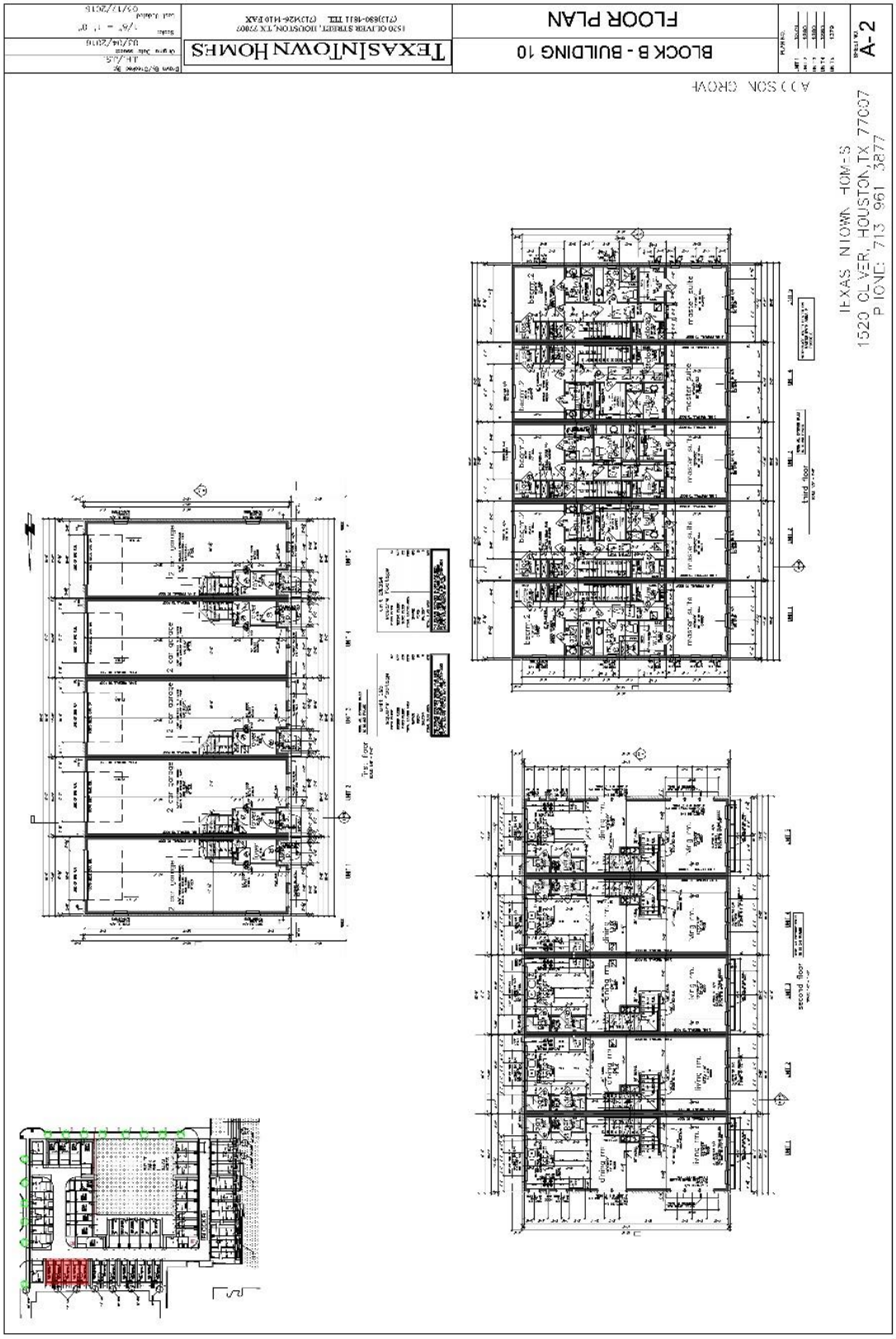

TEXAS INTOWN HOMES
BLOCK B - BUILDING 10
ELEVATIONS
A-3.1
ADDISON GROVE
TEXAS INTOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
PHONE: 713-961-3877
west/front elevation
BRICK PEDIMENT A
BRICK PEDIMENT B
WOOD OF FIFS BRACKETS(D)
METAL RAIL (L)
NOTE: FRAME DORMERS USING 4" MATERIAL 2X4'S RAFTERS 4" FASCIA ETC.
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5



Ordinance No. _____


BLOCK B - BUILDING 10
ELEVATIONS
A-3.3
TEXAS TOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)960-4811 TEL (713)526-4810 FAX
ADDISON GROVE
TEXAS TOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
© OLIVER PLANS COPYRIGHT 2015
south right elevation
UNIT 5
NOTE: NO CAULKING ALLOWED AT FLASHING AND SIDING


ELEVATIONS
BLOCK B - BUILDING 10
A-3.4
TEXAS TOWN HOMES
1520 OLIVER STREET, HOUSTON, TX 77007
(713)960-4811 TEL (713)526-4410 FAX
ADDISON GROVE
TEXAS TOWN HOMES
1520 OLIVER, HOUSTON, TX 77007
PHONE: 713-961-3877
© OLIVER PLANS COPYRIGHT 2015
north/left elevation
NOTE: NO CAULKING BETWEEN Z FLASHING AND SIDING


FLOOR PLAN
BLOCK B - BUILDING 10
A-2
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AI-1628 **Item # 23.**

Work Session and Regular Meeting

Meeting Date: 05/24/2016

Department: Infrastructure- Development Services

AGENDA CAPTION:

Presentation And Discuss The **Belt Line Utility Relocation Update.**

BACKGROUND:

Staff will present a history and update of the Belt Line Road Underground Electrical Project.

RECOMMENDATION:

Information only, no action required.

Attachments

Presentation

Belt Line Utility Relocation Update

May 24, 2016

Belt Line – Project History

- 2000: Addison voters approved $11million bond proposal
  - Proposition 3: “Belt Line Road Utility Relocation and Streetscape Improvements and Levy of a Tax in Payment Thereof”
- 2001-2003: Various studies and citizen “visioning” efforts
- June 2004: Belt Line Road Re-visioning and Re-invigoration Concepts – intersection and district enhancements
- February 2005: Addison 2030 Vision Project – “redesign Belt Line Road” “use all available funding opportunities to begin Belt Line redevelopment”
- May 2007: Next Great Ideas: “Endorse Belt Line Re-development vision”

Belt Line History - continued

- April 2009: Citizen Advisory Committee: “Pursue redevelopment of Belt Line Road including pedestrian/bus shelters/pedestrian bridges
  - Included lighting & intersection enhancements, pavement treatments, pedestrian-oriented design
- 2010: In conjunction with Vitruvian, Spring Valley street improvements: road widening, landscape design, electric utility relocation
  - Spurred renewed interest in undergrounding utilities on Belt Line Road
- Belt Line undergrounding project continued to rank high in citizen bond proposal survey and by bond committee
  - Bond committee ranked relocation of utilities as one of the top priorities (January 2012 report to Council)

Belt Line History - continued

- 2012 – Proposed $55m bond program that included Belt Line undergrounding project. Funds to be combined with remaining 2000 bond proceeds
- $10m bond proposition - amount based on utility relocation estimates from Spring Valley (2010) and Oncor information only – no engineering had been done
- May 12, 2012: Bond election language
  - Proposition 2:“…issue general obligation bonds…in the…amount of $10,000,000 for the purpose of providing funds for permanent public improvements, to-wit: relocating utilities currently located in or adjacent to the Belt Line Road right-of-way and acquiring, constructing, and developing Belt Line Road roadway and streetscape improvements and the acquisition of land therefor;…”
  - Proposition approved – 728 to 212

Belt Line Project Design Overview

- Undergrounding of aerial utilities – electrical and telecom relocation and related work
- To be done in two Phases – Marsh to Midway; Midway to Tollway
- 2000 and 2012 bonds – approximately $20 million
- Original plan was to place lines in public right-of-way on north and south sides of Belt Line Road
- Also included: ADA compliance, signal upgrades, mid-block crossing, ROW acquisition, restoration of median and right-of-way
- Landscaping and bus shelter enhancements to be done in future phase

Project Design Development

- Subsurface Utility Exploration (SUE) showed more congestion in north and south rights-of-way than anticipated
- Additional property would need to be acquired at expense of parking for businesses
- Necessitated use of median and left-hand turn lanes in Belt Line – increased traffic control costs, night work, and safety considerations
- Increased number and length of service duct banks and lateral lines
- Traffic signal relocations, added mid-block crossing for connectivity project

Belt Line Project Current Scope Details

- Undergrounding utilities: Oncor, AT&T, Time Warner Cable, Fiberlight
- Three concrete ducts, service lines, laterals w/ multiple conduits, switch gears, utility pads, manholes
- R.O.W. acquisition for easements and sight visibility corners
- ADA compliance
- Sidewalk widening to enhance safety
- Traffic signal upgrades; new mid-block crossing signal
- Minor water and storm water infrastructure improvements
- Restoration: pavement, parking lots, driveways, landscaping
- Asphalt overlay, restriping
- Engineering design, survey, materials testing, project management, inspection

Belt Line Project Timeline

- February 13, 2013: Design kick-off meeting
- December 12, 2013: Phase 1 Design 100% Complete
- February 7, 2014: First request for bids posted
- March 4, 2014: One bid received; bid rejected; rebid process initiated
- March 28, 2014: Bid request reissued
- April 17, 2014: Three bids received
- April 22, 2014: John Burns Construction lowest responsive bidder

Belt Line Project Timeline (cont.)

- May 13, 2014: Council authorized contract with John Burns and Alliance Geotech Group
- May 27, 2014 and June 10, 2014 – Council briefings related to cost of project and debt service related to possible future bond programs
- June 24, 2014: Award of bids rescinded pending public meetings
- August 4, 2014: Public meeting to solicit input
- August 12, 2014: Council re-awarded contracts
- Notice to Proceed – October 21, 2014
- Start date – October 31, 2014
- Civil construction completion date – November 27, 2016

Phase I Expenditures To Date*

	Budgeted	Spent to Date*
• Civil Construction	$ 8,820,802	$ 4,680,335.07
• Contingency	$ 585,332	$ 338,318.53
• Land Acquisition	$ 930,000	$ 930,000.00
• Oncor Reimbursement	$ 4,600,000	$ 0.00
• Telecom Reimbursement	$ 400,000	$ 0.00
• Engineering	$ 2,388,742	$ 2,146,311.23
• Project Management Design (Phases I & II)	$ 238,874	$ 287,087.67
• Construction Inspection, Admin, & PM	$ 550,418	$ 343,338.90
• Appraisal fee	$ 113,000	$ 113,000.00
• Geotech & Materials Testing	$ 91,000	$ 41,279.39
• Direct Costs (Printing, Adv., Etc.)	$ 71,000	$ 16,000.00
Phase I Total	**$18,789,168**	**$ 8,895,670.79**
Remaining Budget	**$ 9,893,498**	

*As of May 13, 2016

Phase I and Overlay Total Estimated Cost

Phase I (Marsh to Midway)	$18,789,168
Overlay (estimated)	$ 2,023,000*
Project Total	$20,812,168

*2014 dollars estimated cost

Project Progress

- All parcels have been acquired
- All median duct bank work is complete
- Work in north and south rights-of-way in progress - 65% complete
- Oncor will begin pulling cable in June
- Right-of-way and median restoration beginning week of May 30th
- Water valves and manhole work will begin in late summer

Next Steps

- Restoration of median and landscaping areas
- Complete cable pulls
- Removal of lines from poles
- Remove poles
- Bid overlay project and award bid – spring 2017
- Begin overlay of Belt Line from Marsh to Tollway – early summer; estimate 10-12 months to complete; spring 2018