



## REGULAR WORK SESSION & MEETING OF THE CITY COUNCIL

July 12, 2016

ADDISON TOWN HALL

**5300 BELT LINE RD., DALLAS, TX 75254**  
**5:15 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 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**

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.

- Project Riviera
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## Reconvene from Executive Session

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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.
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## WORK SESSION

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3. Discuss Amending The Town Of Addison's Public Information Policy.
  4. Present An Update On The Midway Road Reconstruction Project.
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## REGULAR MEETING

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### Pledge of Allegiance

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Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

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5. 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.
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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.*

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6. Consider **Approval Of The June 28, 2016 Regular Meeting Minutes.**

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  7. Consider Approval of A **Resolution Authorizing The City Manager To Enter Into A License Agreement With Appennino Dallas, LLC D/B/A Antonio Ristorante, For The Use Of A Portion Of The Public Sidewalk Within The Public Right-Of-Way Adjacent To 4985 Addison Circle Drive For An Outdoor Dining Area.**

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  8. Consider A **Resolution Appointing A Voting Member Of The Advisory Committee For The Trinity River Authority Central Wastewater Treatment System.**

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Regular Items

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9. Present, Discuss And Consider Action Related To The **Town Ethics Ordinance And Council Rules of Procedure.**

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  10. Present, Review And Discuss **History Of Transparency For The Town Of Addison.**

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  11. Discuss And Consider Action Related To The **Function And Purpose Of The Finance Committee.**

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  12. Present, Discuss And Consider An **Ordinance Authorizing The City Manager To Amend The Employee Handbook.**

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  13. Presentation And Discussion Of The **Town Of Addison Quarterly Financial Report For The Quarter Ended March 31, 2016.**

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  14. Discuss And Consider Approval Of A **Resolution Adopting The Addison Airport Master Plan.**

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15. Hold A Public Hearing, Discussion And Consider Action On An Ordinance **Rezoning The Property Located At 14910 Midway Road, In The Former Snuffer's Restaurant, Just South Of The Intersection of Beltway Drive And Midway Road, Which 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.** Case 1739-SUP/Zoli's NY Pizza.
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16. Hold A Public Hearing, Discussion And Consider Approval Of An Ordinance **That Rezones Approximately 39.4 Acres Of Property Located At 17001 Addison Road, Which Is Currently Zoned R-1, Residential-1, With A Special Use Permit For A Private School And Approximately 1.74 Acres Of Property Located At The Northwest Corner Of Addison Road And Sojourn Drive, Also Known As 4350 Sojourn Drive, Which Is Currently Zoned PD, Planned Development, In Order To Create A New Planned Development District Allowing A Private School and Approving A Concept Plan and Development Standards, On Application From Trinity Christian Academy.** Case 1738/Z/Trinity Christian Academy.
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17. Hold A Public Hearing, Discussion And Consider Action On An Ordinance **Rezoning Approximately 18.2 Acres Of Land Located At 14345 Dallas Parkway, The Former Site Of The Ewing Auto Dealership, From I-1, Industrial-1, To A Planned Development District Allowing For Office And Other Commercial Uses And Establishing Development Standards Including A Minimum Building Height.** Case 1737-Z/14345 Dallas Parkway.
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18. Hold A Public Hearing, Discussion And Consider Action On An Ordinance **Rezoning The Property Located At The Astoria Caffe 15701 Quorum Drive, On The Northwest Corner Of Morris Avenue and Quorum Drive, Which Is Currently Zoned UC, Urban Center, By Amending An Existing Special Use Permit For A Restaurant And An Existing Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only In Order to Approve A Revised Site Plan Including An Outdoor Patio.** Case 1723-SUP/Astoria Caffe.
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19. Present, Discuss, and Consider **Action Regarding The Housing Policy And Residential Density For The Town Of Addison.**
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## Adjourn Meeting

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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.

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Posted:

Laura Bell, 7/08/2016, 8:00 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-1760

1.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** City Manager

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**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 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**

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.

- Project Riviera

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

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AI-1761

2.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** City Manager

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**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 matter discussed in Executive Session.

**BACKGROUND:**

N/A

**RECOMMENDATION:**

N/A

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AI-1751

3.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** City Secretary

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**AGENDA CAPTION:**

Discuss **Amending The Town Of Addison's Public Information Policy.**

**BACKGROUND:**

On February 23, 2016, the Addison City Council adopted a Public Information Policy. This policy adopted the deadlines and guidelines as stated in the Public Information Act. The policy allows staff to work within the guidelines and respond to requests from the public in a timely manner. The policy is being amended to clarify roles as it pertains to who makes decisions about the release of information requested through open records requests.

On June 28, 2016, Council asked that this item be brought back for further discussion regarding the process and duties of staff.

**RECOMMENDATION:**

Direction requested from Council.

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**Attachments**

Resolution

Policy with redline edits

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**TOWN OF ADDISON, TEXAS**  
**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS AMENDING THE OPEN RECORDS POLICY ADOPTED FEBRUARY 23, 2016 TO CLARIFY ROLES AS IT PERTAINS TO DECISIONS REGARDING RELEASE OF INFORMATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council, by Resolution R16-009 dated February 23, 2016, adopted an Open Records Policy (the "Policy") for the city; and

**WHEREAS**, the City Council desires to amend certain portions of the Policy pertaining to the roles of the City Secretary and City Attorney.

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

**Section 1:** The Open Records Policy adopted by Resolution No. R16-009, is hereby amended to revise the roles of the City Secretary and the City Attorney as provided in the amended policy attached hereto and incorporated herein as **Exhibit A**.

**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 28<sup>th</sup> day of June, 2016.

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

ATTEST:

By: \_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney



**TOWN OF ADDISON**  
**OPEN RECORDS POLICY**

**PURPOSE**

The purpose of this policy is to establish internal guidelines in accordance with Texas Government Code 552.001, et seq., as amended, (the Texas Public Information Act) (the “Act”), to ensure that all records in the possession of and pertaining to the operation of the Town of Addison, Texas (“City”) are available to the public through a systematic and centralized process and as required by law.

**DEFINITIONS**

- **City Secretary’s Office**- The office of the City Secretary of the Town of Addison, Texas, which shall include the City Secretary and any employees within this office.
- **Department**- The department(s) to whom a public information request is forwarded or the department(s) that has information responsive to a request for public information. The term department shall refer to the liaison(s) as defined in this policy, and any other employee so designated or responsible for responding to public information requests.
- **Department Head**- The individual in charge of a department within the City as determined by the City Manager.
- **Liaison**- The person(s) in each department designated by the department head as responsible for responding to, processing and filling requests for public information.
- **Manipulation**- The process of modifying, reordering, or decoding information with human intervention.
- **Public Information**- the definition of “public information” as set forth in the Act, as amended.
- **Public Information Requests**- All written Requests for public information fall under the provisions of the Act. This includes any correspondence, standard form document, facsimile, email communication, or other writing that requests

information. The City has a portal that can be used to Request public information, but USAGE OF THE PORTAL IS NOT REQUIRED. It is the City's policy to request that a Requestor submit a Request for public information in writing via the City's designated portal on the City's website.

- Requestor- any person, group, association, corporation or other assembly of individuals who make a request for public information pursuant to the Act.
- Requests- All requests for information, as defined under the Act, with the exception of open record requests that are received by the Police Department, Fire Department and/or Municipal Court. In the event a request overlaps between departments (ie. City Secretary and Fire Department), the City Secretary shall assume the leadership of accepting and responding to the request.
- Standard/ Nonstandard Copies-
  - Standard Copies- Printed impressions on paper that measures up to 8 ½ by 14 inches. Each side of a piece of paper on which an impress is made is counted as a copy.
  - Nonstandard Copies- Copies of information made available to a Requestor in any format other than a standard copy. This includes, but is not limited to, microfiches, microfilm, diskettes, magnetic tapes, videocassettes, and paper copies larger 8 ½ by 14 inches.

### GENERAL

The City regularly receives Requests for access to public information. The City shall evaluate each Request in accordance with the requirements set forth in the Act. The timeline for the release of information is dependent upon the information requested, and whether or not it falls within a mandatory or permissive exception provided by the Act. The purpose of this policy is to provide general guidance on the open records process in the Town.

In handling Requests for public information, the City must comply with the requirements of the Act. Any written Request for public information in the state of Texas, routine or otherwise, must be handled in accordance with the Act and other state and federal statutes. Charges associated with the copying of information fall under the provisions of the Act, specifically those sections of the Code that set maximum charges for the copying of information, and the Texas Administrative Code. These charges must be used in assessing fees for compiling and copying public information, except to the extent that other law provides for charges for specific kinds of public information.

The fee schedule provided in the Texas Administrative Code must be followed when responding to a Requestor and assessing costs.

The Act does not require the creation of new information. Departments should only provide information that responds to the Request and that exists at the time the Request

is received. If a Department does not have information that responds to a Request, the Department shall notify the City Secretary's Office, which shall notify the Requestor, in writing.

The Act prohibits the City from inquiring why a Requestor is requesting certain information or how the information will be used. City staff may only make inquiries to a Requestor for the following reasons:

1. To establish proper identification, if needed;
2. To clarify a Request that is unclear; and/or
3. In cases where a large amount of information has been requested, to discuss how the scope of a Request may be narrowed.

### CITY SECRETARY

The City Charter designates the City Secretary as the Town Records Management Officer for the City and all Requests for public records should be addressed to the City Secretary. The City Secretary shall be the City's authority for releasing records in accordance with the Act, with the exception of Fire Department, Municipal Court and Police Records.

The Request must sufficiently identify the record desired by name (if known) of record, date of record, and address/location of record. The City, however, must make a good faith effort to advise the Requestor of the kinds of records available to assist him in clarifying his Request. Should the type of record being requested not be a record maintained by the City, the City has no obligation to create a record or records to satisfy the request.

### DEPARTMENT RESPONSIBILITY

The City Secretary's Office is the point of contact and the distribution point for all Requests. Departments shall forward all Requests received to the City Secretary's office within twenty-four (24) hours of receipt.

The Department Head is responsible for providing coordination between the City Secretary's Office and staff in his or her office to ensure that provisions of this Policy are followed. Department Heads are responsible for responding as requested by the City Secretary's Office or City Attorney regarding Requests for departmental public information.

Department Heads shall appoint one (1) or more departmental liaison(s) that will be responsible for responding to, processing and fulfilling Requests, and working with the City Secretary's Office or City Attorney in handling Requests. The Department Head shall also ensure that if the departmental liaison(s) is unavailable, at least one (1) staff member with knowledge of the public information process and all Requests that are submitted to the Department, is available to process the Request and/or work with the City Secretary's Office and City Attorney in handling Requests.

Departments are responsible for organizing and maintaining both active and inactive information in a manner that maximizes the ready availability of the information in accordance with state laws.

Departments are responsible for providing all responsive documentation to the City Secretary's Office within four (4) days of the Request date, unless requested sooner. Revisions of this time period may be made by the City Secretary and/or City Attorney, upon Request and demonstration of necessity.

Departments are responsible for estimating, justifying, and reporting all charges associated with compiling and copying information.

Departments shall examine all information to determine which information is responsive to the Request and forward such information to the City Secretary's Office.

#### CITY SECRETARY'S OFFICE

The City Secretary's Office logs in and carries out the initial distribution of all Requests to relevant Department Heads and/or appointed liaisons and also forwards a copy to the City Attorney.

The City Secretary's Office is responsible for contacting the Requestor to confirm receipt and to indicate the initial status of distribution efforts, if known.

The City Secretary's Office will provide advice to Departments on costs associated with providing copies of, or access to, public information. The City Secretary's Office shall be responsible for drafting all cost estimate letters in association with Requests.

The City Secretary's Office will provide copies or access to public information in response to standard Requests in accordance with the Act.

The City Secretary's Office is responsible for advising and informing the City Manager's Office on Requests as requested by the City Manager.

The City Secretary's Office shall coordinate the response to all Requests, with the assistance of the City Attorney. The City Secretary's Office will provide access or copies to the Requestor pursuant to the Public Information Act. In accordance with the Act, the City Secretary will forward those requests that are required to be reviewed for release by the Attorney General to the City Attorney. The City Attorney will send a request for a ruling to the Texas Attorney General for those requests meeting the exception requirements.

#### CITY ATTORNEY

The City Attorney is responsible for assisting in the compliance of this policy, the Act and the direction of City Council.

The City Attorney reviews all Requests forwarded by the City Secretary's Office to determine whether any portion of the requested information may fall under an exception pursuant to the Act.

In order to determine whether information is confidential or excepted from disclosure under the law, the City Secretary's Office shall provide the City Attorney with a copy of the requested information before the information is released to the Requestor. The City Attorney shall notify the Requestor, relevant Departments, and the City Secretary's Office upon determination that the requested information is subject to exception from disclosure or release. The City Attorney shall oversee the redaction of information determined to be confidential or otherwise excepted from public disclosure.

In accordance with the Act and if necessary, the City Attorney will send a Request for a ruling to the Texas Attorney General. The City Secretary's Office will be copied on all correspondence with the Attorney General's Office.

### PRACTICE

All Requests shall be submitted in writing regardless of the source, and shall be submitted to the City Secretary's Office. The Requestor may submit his Request in letter form, by electronic mail, by facsimile, or by completing the Request through the open records request online portal. All Requests that are not submitted through the online portal should be forwarded immediately to the City Secretary's Office for review and distribution.

The City Secretary's Office shall distribute the Request to the appropriate Departments, which shall confirm receipt of the Request within one (1) business day. A copy of the information responsive to the Request shall be provided to the City Secretary's Office within four (4) business days of receipt of the Request by the City, unless requested sooner.

All responsive information maintained by the City at the time of a Request must be provided to the City Secretary's Office. After review by the City Secretary's Office and the City Attorney, if applicable, all information, which is not otherwise excepted from required public disclosure, shall be released. The difficulty or inconvenience involved in making this information available is not a factor in determining whether or not information shall be released. The availability and volume of information requested, however, are highly relevant to what constitutes a reasonable period of time. For more voluminous Requests, the task of compilation may be greater.

Requests shall be handled promptly and timely, taking into account the order in which they are received and the information requested. When the time necessary for compilation or provision of requested information will exceed ten (10) business days from the date of the standard Request, the City Secretary's Office shall certify in writing to the Requestor the approximate date when the information will be available, copying the City Attorney and City Attorney's designee for Requests.

All original Requests for Disclosure of Public Records, along with any documentation and/or rulings, shall be maintained by the Department receiving the Request (City Secretary, Emergency Response, Fire, and Police) for file, records retention, and reference purposes in accordance with the Texas State Library and Archives Retention Schedule.

### Electronic Data

If responsive information exists in an electronic or magnetic medium, the Requestor may Request a copy either on paper or in an electronic medium, such as on diskette or magnetic tape. City staff shall provide a suitable copy in the requested medium if:

- 1) the City has the technological ability to produce a copy of the requested information in the requested medium;
- 2) the City is not required to purchase any software or hardware to accommodate the Request; and
- 3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the City and a third party.

If City staff is unable to comply with a Request to produce a copy of information in a requested medium for any of the reasons described above, City staff shall provide a paper copy of the requested information or a copy in another medium that is acceptable to the Requestor. City staff is not required to copy information to a diskette or other material provided by the Requestor, but may use City supplies and charge the Requestor.

### Manipulation of Data

If City staff determines that responding to a Request will require programming or manipulation of data and that compliance with the Request is not feasible or will result in substantial interference with ongoing operations, the City Secretary's Office shall provide to the Requestor a written statement that must include:

- 1) a statement that the information is not available in the requested form;
- 2) a description of the form in which the information is available;
- 3) a description of any contract or services that would be required to provide the information in the requested form;
- 4) a statement of the estimated cost of providing the information in the requested form, in accordance with charges outlined in the Act; and
- 5) a statement of the anticipated time required to provide the information in the

requested form.

The City Secretary's Office shall provide the written statement to the Requestor in accordance with the Act.

After providing the written statement to the Requestor, staff has no further obligation to provide the information in the requested form or in the form in which it is available unless, within thirty (30) days, the Requestor states in writing to the staff that the Requestor:

- 1) wants staff to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the Requestor and staff agree; or
- 2) wants the information in the form in which it is available.

If the Requestor does not make a timely written statement as provided in this section, the Request is considered to be withdrawn.

The City Secretary's Office shall maintain a file containing all written statements issued under this section in a readily accessible location for one (1) year after a final decision on the Request has been made.

Staff shall consult with the Information Technology Department prior to providing the written statement described above, as well as a "suitable copy" described in Electronic Data, if Information Technology has service responsibility for the electronic records keeping systems from which the information is being requested.

#### Request for Inspection and Delivery

For both convenience and security, all information requested shall be located by Department staff, inspected by the Requestor, and copied by Department staff.

City staff shall not remove or allow to be removed from City offices any original copies of public information. Inspections of public information shall take place on-site in City facilities. Departments shall provide facilities and accommodations to accomplish such inspections.

Persons requesting access to public information must complete examination of the information within ten (10) business days from the date material is made available to them. This period may be extended an additional ten (10) business days provided the Requestor, during the initial period, files a written request for additional time. If the Requestor does not complete the examination within ten (10) business days after the information is made available, and does not file a Request for additional time, the Request is considered withdrawn. An additional ten (10) business days may be granted if, within the additional period, the Requestor files another written Request for additional time. This examination period may be interrupted if the information is needed for use by the City.

This period of interruption is not included in the time period during which persons may examine information.

Copies of materials requested will be sent to the Requestor in the manner in which it was received. It may be mailed to the Requestor by first class United States mail, provided that the Requestor has paid all costs associated with copying, as well as postage costs, in advance.

Destruction of public information shall take place on a regular and systematic basis according to approved records retention and disposition schedules, City Code provisions and state law. No information shall be destroyed, however, including information whose retention minimum has expired, after a Request for that information or notification of such a pending Request has been received.

### Repetitious Requests

If City staff determines that a Requestor has made a duplicate Request (an identical Request to one that has previously been answered by the City), the City Secretary's Office shall certify to the Requestor that copies of all or part of the requested information were previously furnished or made available to the Requestor. The certification must include:

- 1) a description of the information for which copies have been previously furnished or made available to the Requestor;
- 2) the date the governmental body received the Requestor's original Request for that information;
- 3) the date the governmental body previously furnished copies or made the information available to the Requestor;
- 4) a certification that no subsequent additions, deletions, or corrections have been made to that information; and
- 5) the name, title, and signature of the officer for public information or the officer's agent making the certification.

A charge may not be imposed for making a certification under this section.

This section does not apply to information that was not previously copied or made available to the Requestor upon payment, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not yet exist at the time of an earlier Request.

When mailing copies of sensitive information, certified mail should be used when an appropriate mailing address is provided.

## FEES

Fees for disclosure of public records shall be determined as outlined by the guidelines established by the Texas Building and Procurement Commission (formerly General Services Commission (GSC)) rules (Texas Administrative Code, Sections 111.61 - 111.63) as summarized in Exhibit A.

Departments shall keep records of labor involved in compiling all Requests for information so that proper charges can be assessed.

The City Secretary should provide a Requestor with a written estimate of costs anticipated for information that will require manipulation, programming, personnel time, or other cost categories over and above simple paper copies.

As a general rule, there is no charge for inspection of public information if a copy is not requested. The following are exceptions to this rule, for which fees may be charged:

- 1) In the case of paper records on which a page or pages contain confidential information that must be edited or redacted before the information can be made available, departments may charge only for the cost of a copy of the page from which information must be redacted.
- 2) In the case of information in an electronic medium that is not available directly online to a Requestor and that will require programming or manipulation of data to comply with a Request, departments may impose charges for access to the information. The City Secretary's Office shall provide an estimate of related charges to the Requestor before assembling the information.
- 3) In the case of information in an electronic form on a computer owned or leased by the City to which the public has direct access through a computer network or other means and that will require processing, programming, or manipulation on the City-owned or leased computer before it can be electronically copied, departments may impose associated charges.

When mailing copies of material requested, fees charged shall be collected before materials are sent. The City Secretary's Office may notify Requestors of exact charges by telephone, correspondence, or by calculating charges on the Public Information Request form and forwarding it as an invoice. All facsimile and mailing costs, including certified mail charges, shall be included as part of total copying charges assessed.

When charges for copying are projected with certainty to exceed \$100, a deposit shall be charged, and a receipt for this amount shall be given when the deposit is received.

Sales tax may not be added to the charges for copying public information.

Mailing charges may be assessed.

### WAIVER

The City reserves the right to waive fees for the cost of a copy or copies requested by a city official, city employee or other governing entities (local, state, or federal).

### TRAINING

The City Secretary's Office, in conjunction with the City Attorney, shall provide training and guidance to all Departments and Liaisons on the legal requirements, costs, and procedures associated with responding to Requests for public information.

All staff members designated as a Liaison for public information, or a backup to the Liaison in his or her absence, shall be required to attend the training at least once within a two-year period. If a new staff member is designated as a Liaison, or the backup to the Liaison, that person shall attend the next available training session.

The City Secretary's Office is the official designee of the City to satisfy the training requirements of Section 552.012 of the Texas Government Code, as amended.

### REFERENCES

- Public Information Act, Chapter 552, Texas Government Code, as amended.
- Cost Regulations, as set forth in § 552.261 - .274, Texas Government Code and Texas Administrative Code, Chapter 70.
- Addison Code of Ordinances, Article V. Records Management.



**TOWN OF ADDISON**  
**OPEN RECORDS POLICY**

**PURPOSE**

The purpose of this policy is to establish internal guidelines in accordance with Texas Government Code 552.001, et seq., as amended, (the Texas Public Information Act) (the “Act”), to ensure that all records in the possession of and pertaining to the operation of the Town of Addison, Texas (“City”) are available to the public through a systematic and centralized process and as required by law.

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Open Records Disclosure Policy  
Town of Addison

document, facsimile, email communication, or other writing that requests information. The City has a portal that can be used to Request public information, but USAGE OF THE PORTAL IS NOT REQUIRED. It is the City's policy to request that a Requestor submit a Request for public information in writing via the City's designated portal on the City's website.

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GENERAL

The City regularly receives Requests for access to public information. The City shall evaluate each Request in accordance with the requirements set forth in the Act. The timeline for the release of information is dependent upon the information requested, and whether or not it falls within a mandatory or permissive exception provided by the Act. The purpose of this policy is to provide general guidance on the open records process in the Town.

In handling Requests for public information, the City must comply with the requirements of the Act. Any written Request for public information in the state of Texas, routine or otherwise, must be handled in accordance with the Act and other state and federal statutes. Charges associated with the copying of information fall under the provisions of the Act, specifically those sections of the Code that set maximum charges for the copying of information, and the Texas Administrative Code. These charges must be used in assessing fees for compiling and copying public information, except to the extent that other law provides for charges for specific kinds of public information.

The fee schedule provided in the Texas Administrative Code must be followed when responding to a Requestor and assessing costs.

The Act does not require the creation of new information. Departments should only

Open Records Disclosure Policy  
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provide information that responds to the Request and that exists at the time the Request is received. If a Department does not have information that responds to a Request, the Department shall notify the City Secretary's Office, which shall notify the Requestor, in writing.

The Act prohibits the City from inquiring why a Requestor is requesting certain information or how the information will be used. City staff may only make inquiries to a Requestor for the following reasons:

1. To establish proper identification, if needed;
2. To clarify a Request that is unclear; and/or
3. In cases where a large amount of information has been requested, to discuss how the scope of a Request may be narrowed.

CITY SECRETARY

The City Charter designates the City Secretary as the Town Records Management Officer for the City and all Requests for public records should be addressed to the City Secretary. The City Secretary shall be the City's authority for releasing records in accordance with the Act, with the exception of Fire Department, Municipal Court and Police Records.

The Request must sufficiently identify the record desired by name (if known) of record, date of record, and address/location of record. The City, however, must make a good faith effort to advise the Requestor of the kinds of records available to assist him in clarifying his Request. Should the type of record being requested not be a record maintained by the City, the City has no obligation to create a record or records to satisfy the request.

DEPARTMENT RESPONSIBILITY

The City Secretary's Office is the point of contact and the distribution point for all Requests. Departments shall forward all Requests received to the City Secretary's office within twenty-four (24) hours of receipt.

The Department Head is responsible for providing coordination between the City Secretary's Office and staff in his or her office to ensure that provisions of this Policy are followed. Department Heads are responsible for responding as requested by the City Secretary's Office or City Attorney regarding Requests for departmental public information.

Department Heads shall appoint one (1) or more departmental liaison(s) that will be responsible for responding to, processing and fulfilling Requests, and working with the City Secretary's Office or City Attorney in handling Requests. The Department Head shall also ensure that if the departmental liaison(s) is unavailable, at least one (1) staff member with knowledge of the public information process and all Requests that are

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submitted to the Department, is available to process the Request and/or work with the City Secretary's Office and City Attorney in handling Requests.

Departments are responsible for organizing and maintaining both active and inactive information in a manner that maximizes the ready availability of the information in accordance with state laws.

Departments are responsible for providing all responsive documentation to the City Secretary's Office within four (4) days of the Request date, unless requested sooner. Revisions of this time period may be made by the City Secretary and/or City Attorney, upon Request and demonstration of necessity.

Departments are responsible for estimating, justifying, and reporting all charges associated with compiling and copying information.

Departments shall examine all information to determine which information is responsive to the Request and forward such information to the City Secretary's Office.

#### CITY SECRETARY'S OFFICE

The City Secretary's Office logs in and carries out the initial distribution of all Requests to relevant Department Heads and/or appointed liaisons and also forwards a copy to the City Attorney.

The City Secretary's Office is responsible for contacting the Requestor to confirm receipt and to indicate the initial status of distribution efforts, if known.

The City Secretary's Office will provide advice to Departments on costs associated with providing copies of, or access to, public information. The City Secretary's Office shall be responsible for drafting all cost estimate letters in association with Requests.

The City Secretary's Office will provide copies or access to public information in response to standard Requests in accordance with the Act.

The City Secretary's Office is responsible for advising and informing the City Manager's Office on Requests as requested by the City Manager.

The City Secretary's Office shall coordinate the response to all Requests, with the assistance of the City Attorney. The City Secretary's Office ~~will~~shall not provide access or copies to the Requestor pursuant to the Public Information Act. ~~—until the In accordance with the Act, the City Secretary will forward those requests that are required to be reviewed for release by the Attorney General to the City Attorney. The City Attorney will send a request for a ruling to the Texas Attorney General for those requests meeting the exception requirements. —City Attorney has reviewed the information and determined if the information can be released.~~

### CITY ATTORNEY

The City Attorney is responsible for assisting in the compliance of this policy, the Act and the direction of City Council.

The City Attorney reviews all Requests forwarded by the City Secretary's Office ~~and other Departments~~ to determine whether any portion of the requested information may fall under an exception pursuant to the Act.

In order to determine whether information is confidential or excepted from disclosure under the law, the City Secretary's Office shall provide the City Attorney with a copy of the requested information before the information is released to the Requestor. The City Attorney shall notify the Requestor, relevant Departments, and the City Secretary's Office upon determination that the requested information is subject to exception from disclosure or release. The City Attorney shall oversee the redaction of information determined to be confidential or otherwise excepted from public disclosure.

In accordance with the Act and if necessary, the City Attorney will send a Request for a ruling to the Texas Attorney General. The City Secretary's Office will be copied on all correspondence with the Attorney General's Office.

### PRACTICE

All Requests shall be submitted in writing regardless of the source, and shall be submitted to the City Secretary's Office. The Requestor may submit his Request in letter form, by electronic mail, by facsimile, or by completing the Request through the open records request online portal. All Requests that are not submitted through the online portal should be forwarded immediately to the City Secretary's Office for review and distribution.

The City Secretary's Office shall distribute the Request to the appropriate Departments, which shall confirm receipt of the Request within one (1) business day. A copy of the information responsive to the Request shall be provided to the City Secretary's Office within four (4) business days of receipt of the Request by the City, unless requested sooner.

All responsive information maintained by the City at the time of a Request must be provided to the City Secretary's Office. After review by the City Secretary's Office and the City Attorney, if applicable, all information, which is not otherwise excepted from required public disclosure, shall be released. The difficulty or inconvenience involved in making this information available is not a factor in determining whether or not information shall be released. The availability and volume of information requested, however, are highly relevant to what constitutes a reasonable period of time. For more voluminous Requests, the task of compilation may be greater.

Requests shall be handled promptly and timely, taking into account the order in which

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they are received and the information requested. When the time necessary for compilation or provision of requested information will exceed ten (10) business days from the date of the standard Request, the City Secretary's Office shall certify in writing to the Requestor the approximate date when the information will be available, copying the City Attorney and City Attorney's designee for Requests.

All original Requests for Disclosure of Public Records, along with any documentation and/or rulings, shall be maintained by the Department receiving the Request (City Secretary, Emergency Response, Fire, and Police) for file, records retention, and reference purposes in accordance with the Texas State Library and Archives Retention Schedule.

Electronic Data

If responsive information exists in an electronic or magnetic medium, the Requestor may Request a copy either on paper or in an electronic medium, such as on diskette or magnetic tape. City staff shall provide a suitable copy in the requested medium if:

- 1) the City has the technological ability to produce a copy of the requested information in the requested medium;
- 2) the City is not required to purchase any software or hardware to accommodate the Request; and
- 3) provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the City and a third party.

If City staff is unable to comply with a Request to produce a copy of information in a requested medium for any of the reasons described above, City staff shall provide a paper copy of the requested information or a copy in another medium that is acceptable to the Requestor. City staff is not required to copy information to a diskette or other material provided by the Requestor, but may use City supplies and charge the Requestor.

Manipulation of Data

If City staff determines that responding to a Request will require programming or manipulation of data and that compliance with the Request is not feasible or will result in substantial interference with ongoing operations, the City Secretary's Office shall provide to the Requestor a written statement that must include:

- 1) a statement that the information is not available in the requested form;
- 2) a description of the form in which the information is available;
- 3) a description of any contract or services that would be required to provide the

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information in the requested form;

- 4) a statement of the estimated cost of providing the information in the requested form, in accordance with charges outlined in the Act; and
- 5) a statement of the anticipated time required to provide the information in the requested form.

The City Secretary's Office shall provide the written statement to the Requestor in accordance with the Act.

After providing the written statement to the Requestor, staff has no further obligation to provide the information in the requested form or in the form in which it is available unless, within thirty (30) days, the Requestor states in writing to the staff that the Requestor:

- 1) wants staff to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the Requestor and staff agree; or
- 2) wants the information in the form in which it is available.

If the Requestor does not make a timely written statement as provided in this section, the Request is considered to be withdrawn.

The City Secretary's Office shall maintain a file containing all written statements issued under this section in a readily accessible location for one (1) year after a final decision on the Request has been made.

Staff shall consult with the Information Technology Department prior to providing the written statement described above, as well as a "suitable copy" described in Electronic Data, if Information Technology has service responsibility for the electronic records keeping systems from which the information is being requested.

#### Request for Inspection and Delivery

For both convenience and security, all information requested shall be located by Department staff, inspected by the Requestor, and copied by Department staff.

City staff shall not remove or allow to be removed from City offices any original copies of public information. Inspections of public information shall take place on-site in City facilities. Departments shall provide facilities and accommodations to accomplish such inspections.

Persons requesting access to public information must complete examination of the information within ten (10) business days from the date material is made available to

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them. This period may be extended an additional ten (10) business days provided the Requestor, during the initial period, files a written request for additional time. If the Requestor does not complete the examination within ten (10) business days after the information is made available, and does not file a Request for additional time, the Request is considered withdrawn. An additional ten (10) business days may be granted if, within the additional period, the Requestor files another written Request for additional time. This examination period may be interrupted if the information is needed for use by the City. This period of interruption is not included in the time period during which persons may examine information.

Copies of materials requested will be sent to the Requestor in the manner in which it was received. It may be mailed to the Requestor by first class United States mail, provided that the Requestor has paid all costs associated with copying, as well as postage costs, in advance.

Destruction of public information shall take place on a regular and systematic basis according to approved records retention and disposition schedules, City Code provisions and state law. No information shall be destroyed, however, including information whose retention minimum has expired, after a Request for that information or notification of such a pending Request has been received.

#### Repetitious Requests

If City staff determines that a Requestor has made a duplicate Request (an identical Request to one that has previously been answered by the City), the City Secretary's Office shall certify to the Requestor that copies of all or part of the requested information were previously furnished or made available to the Requestor. The certification must include:

- 1) a description of the information for which copies have been previously furnished or made available to the Requestor;
- 2) the date the governmental body received the Requestor's original Request for that information;
- 3) the date the governmental body previously furnished copies or made the information available to the Requestor;
- 4) a certification that no subsequent additions, deletions, or corrections have been made to that information; and
- 5) the name, title, and signature of the officer for public information or the officer's agent making the certification.

A charge may not be imposed for making a certification under this section.

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This section does not apply to information that was not previously copied or made available to the Requestor upon payment, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not yet exist at the time of an earlier Request.

When mailing copies of sensitive information, certified mail should be used when an appropriate mailing address is provided.

FEES

Fees for disclosure of public records shall be determined as outlined by the guidelines established by the Texas Building and Procurement Commission (formerly General Services Commission (GSC)) rules (Texas Administrative Code, Sections 111.61 - 111.63) as summarized in Exhibit A.

Departments shall keep records of labor involved in compiling all Requests for information so that proper charges can be assessed.

The City Secretary ~~with the help of the City Attorney~~ should provide a Requestor with a written estimate of costs anticipated for information that will require manipulation, programming, personnel time, or other cost categories over and above simple paper copies.

As a general rule, there is no charge for inspection of public information if a copy is not requested. The following are exceptions to this rule, for which fees may be charged:

- 1) In the case of paper records on which a page or pages contain confidential information that must be edited or redacted before the information can be made available, departments may charge only for the cost of a copy of the page from which information must be redacted.
- 2) In the case of information in an electronic medium that is not available directly online to a Requestor and that will require programming or manipulation of data to comply with a Request, departments may impose charges for access to the information. The City Secretary's Office shall provide an estimate of related charges to the Requestor before assembling the information.
- 3) In the case of information in an electronic form on a computer owned or leased by the City to which the public has direct access through a computer network or other means and that will require processing, programming, or manipulation on the City-owned or leased computer before it can be electronically copied, departments may impose associated charges.

When mailing copies of material requested, fees charged shall be collected before materials are sent. The City Secretary's Office may notify Requestors of exact charges

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by telephone, correspondence, or by calculating charges on the Public Information Request form and forwarding it as an invoice. All facsimile and mailing costs, including certified mail charges, shall be included as part of total copying charges assessed.

When charges for copying are projected with certainty to exceed \$100, a deposit shall be charged, and a receipt for this amount shall be given when the deposit is received.

Sales tax may not be added to the charges for copying public information.

Mailing charges may be assessed.

#### WAIVER

The City reserves the right to waive fees for the cost of a copy or copies requested by a city official, city employee or other governing entities (local, state, or federal).

#### TRAINING

The City Secretary's Office, in conjunction with the City Attorney, shall provide training and guidance to all Departments and Liaisons on the legal requirements, costs, and procedures associated with responding to Requests for public information.

All staff members designated as a Liaison for public information, or a backup to the Liaison in his or her absence, shall be required to attend the training at least once within a two-year period. If a new staff member is designated as a Liaison, or the backup to the Liaison, that person shall attend the next available training session.

The City Secretary's Office is the official designee of the City to satisfy the training requirements of Section 552.012 of the Texas Government Code, as amended.

#### REFERENCES

- Public Information Act, Chapter 552, Texas Government Code, as amended.
- Cost Regulations, as set forth in § 552.261 - .274, Texas Government Code and Texas Administrative Code, Chapter 70.
- Addison Code of Ordinances, Article V. Records Management.

**AI-1565**

**4.**

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Present An **Update On The Midway Road Reconstruction Project.**

**BACKGROUND:**

The Midway Road reconstruction project was selected and the bond authorization voted on as part of the 2012 bond package. The amount approved was for this project was \$16,000,000. Staff will provide an update on the Midway Road reconstruction project to include bond funding balances and the project scope, to include: infrastructure improvements, lighting and landscape design, and opinion of probable construction cost.

**RECOMMENDATION:**

This is an information item only.

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AI-1758

6.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** City Secretary

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**AGENDA CAPTION:**

Consider **Approval Of The June 28, 2016 Regular Meeting Minutes.**

**BACKGROUND:**

The City Secretary has prepared the minutes for approval.

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

Minutes

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# OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL WORK SESSION

June 28, 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

Present: Mayor Meier; Mayor Pro Tem Arfsten; Deputy Mayor Pro Tem Hughes;  
Councilmembers Angell; Duffy; Walden; Wilcox

## Executive Session

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1. Closed (executive) session of the Addison City Council pursuant to:  
  
Section 551.087, Tex. Gov. Code, 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.

- **Project Van**

Council convened into Executive Session at 5:33 pm.

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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.

Council recessed from Executive Session at 5:51 pm.

Deputy Mayor Pro Tem Hughes moved to approve the Economic Development Agreement as discussed in Executive Session. Mayor Pro Tem Arfsten seconded the motion. The vote was cast 7-0 in favor of the motion.

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## WORK SESSION

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3. Presentation And Discussion Regarding The **Texas Municipal Retirement System (TMRS)**.

David Rodriguez and Eric Davis from TMRS presented the item to Council.

Council had discussion throughout the presentation.

There was no action taken on this item.

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# REGULAR MEETING

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## Pledge of Allegiance

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Announcements and Acknowledgements regarding Town and Council Events and Activities

Discussion of Events/Meetings

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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.

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5. Presentation Of An **Award To The Town Of Addison By The North Central Texas Council Of Governments (NCTCOG) For The "Regional Cooperation Award" In Recognition Of Addison's Coordination And Cooperation With The Cities Of Carrollton, Coppell And Farmers Branch To Open The North Texas Emergency Communication Center Regional Dispatch Center.**
- 

### 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.*

Councilmember Walden requested that Items #7 & 9 be pulled for separate discussion and consideration.

Mayor Pro Tem Arfsten moved to approve Items #6,8 & 10 as submitted. Councilmember Duffy seconded the motion. The vote was cast 7-0 in favor of the motion.

Item #7- Public Information Policy Amendment- Councilmember Walden moved that he would like to have more discussion and clarification for the PIA policy. Deputy Mayor Pro Tem Hughes seconded the motion, The vote was cast 7-0 in favor of the motion. The item will come back in worksession at the next meeting.

Item #9- Finance Committee Member Appointment- Councilmember Walden stated that he would like to move to abolish the Finance Committee. There was no second to the motion. The motion died.

Deputy Mayor Pro Tem Hughes discussed the duties and effectiveness of the committee.

Deputy Mayor Pro Tem Hughes moved to appoint the members to the committee and bring the item back for further discussion of the need for the Finance Committee at a future meeting. Councilmember Duffy seconded the motion. The vote was cast 7-0 in favor of the motion.

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6. Consider Approval Of The Minutes For The June 12, 2016 Regular Meeting Minutes.

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  7. Consider A Resolution Amending The Public Information Policy.

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  8. Consider A Resolution Appointing Three Members To Three Year Terms To The Board Of Directors Of The North Dallas County Water Supply Corporation .

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  9. Consider A Resolution Appointing Council Members To Serve On The Finance Committee.

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  10. Consider A Resolution Appointing Gary Slagel To A Two Year Term On The DART Board Of Directors.
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#### Regular Items

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11. Present, Review And Discuss History Of Transparency For The Town Of Addison.

Mayor Pro Tem Arfsten moved to postpone this item to the July 12, 2016 meeting due to the time and other items needing action. Councilmember Walden seconded the motion. The vote was cast 7-0 in favor of the motion.

- 
12. Hold A Public Hearing, Discuss And Consider Reinstating The Addison Mayor's Newsletter.

Mayor Meier opened the Public Hearing for this item. The speakers are listed below.

In Favor of the item:

Robert Gray, 15859 Spectrum Dr  
Lance Murray, 3884 Weller Run Ct  
Tanya Lynn Thomas, 14879 Towne Lake Cir  
Bob Weeks, 14766 Maiden Ct  
Mary Carpenter, 4006 Winter Park  
Kristine Edens, 5034 Meridian Lane  
Phil Griggs, 14596 Poe Ct  
Lola Hurt, 3772 Lakeway Ct  
Yvonne Mollica, 14700 Marsh Lane #822  
Carol Blair, 5001 Meridian #3101  
JT McPherson, 5301 Paladium Dr.

In opposition of the item:

Kayvan Sadra, 3884 Ridgelake Ct  
Ralph Doherty, 14718 Celestial Pl  
Jim Odom, 3828 Canot Lane  
Sabina Bradbury, 4005 Bobbin  
Steve Loras, 4114 Rush Cir  
Linda Groce, 4102 Pokolodi Cir  
Lorrie Semler, 14821 Le Grande  
Liz Oliphant, 14700 Marsh Lane #313  
Neil Resnik, 3836 Park Place

Susan Halpern, 14800 Le Grande  
Greg Cohlma, 14805 Le Grande  
Bill Godfrey, 14802 Le Grande  
Jerry Dougan, 4113 Rush Cir

Mayor Meier closed the public hearing. Mayor Meier moved to reinstate the Addison Mayor's Newsletter. Councilmember Wilcox seconded the motion.

Council discussed the motion and item.

The vote was cast 2-5 in opposition to the motion with Mayor Pro Tem Arfsten, Deputy Mayor Pro Tem Hughes, Councilmembers Angell, Duffy and Walden voting against the motion.

Deputy Mayor Pro Tem Hughes moved to continue the staff written newsletter and encourage the Councilmembers to submit items to a newly created "Council Corner" section of the newsletter where Council could submit items to be included in the newsletter. Mayor Meier seconded the motion. Council had discussion. The vote was cast 3-4 with the motion failing as Mayor Pro Tem Arfsten, Councilmembers Angell, Duffy and Walden voting against the motion.

Mayor Meier moved to provide access to the the email subscription list for the limited purpose of a one time a week distribution of the Addison Mayor Newsletter. Councilmember Wilcox seconded the motion. Council discussed the motion.

Council asked to convene in Executive Session in regards to this item. Council convened into Executive Session at 10:20 pm. Council recessed from Executive Session at 11:01 pm.

Mayor Pro Tem Arfsten asked City Attorney McDonald to share her comments regarding access to the list.

City Attorney McDonald stated that the Attorney General has given opinions on the ability of elected officials to access documents and property held by a governmental entity. She stated that the Attorney General has held that each elected official has access to Town property or documents for use and discharge as part of their duties as an elected official.

The vote was cast 6-0-1 in favor of the motion with Mayor Pro Tem Arfsten abstaining from the vote.

- 
13. Hold A Public Hearing, Discussion And Consider Approval Of An Ordinance **That Rezones Approximately 39.4 Acres Of Property Located At 17001 Addison Road, Which Is Currently Zoned R-1, Residential-1, With A Special Use Permit For A Private School And Approximately 1.74 Acres Of Property Located At 4350 Sojourn Drive, Which Is Currently Zoned PD, Planned Development, In Order To Create A New Planned Development District Allowing A Private School and Approving A Concept Plan and Development Standards, On Application From Trinity Christian Academy.** Case 1738/Z/Trinity Christian Academy.

City Manager, Wes Pierson, stated that the applicant requested the item be pulled from the agenda and be postponed until the July 12, 2016 meeting.

Councilmember Walden moved to postpone the item until the July 12, 2016 meeting. Councilmember Angell seconded the motion. The vote was cast 7-0 in favor of the motion.

- 
14. Discuss And Consider A **Resolution Approving A Contract With Shirley & Sons Construction Co., Inc., For The Dredging And Desilting Of The Winnwood Ponds** In The Amount Of \$1,161,245.00.

Assistant Director of Infrastructure, Jason Shroyer, presented the item to Council.

Mayor Pro Tem Arfsten moved to approve the item as submitted. Deputy Mayor Pro Tem Hughes seconded the motion. The vote was cast 7-0 in favor of the motion.

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15. Discuss And Consider A **Resolution Approving A Professional Services Agreement With Halff Associates, Inc., For The Preparation Of An Aquatic Resource Relocation Plan In Conjunction With The Dredging Of The Winnwood Ponds** In The Amount of \$64,600.00.

Assistant Director of Infrastructure, Jason Shroyer, presented the item to Council.

Deputy Mayor Pro Tem Hughes moved to approve the item as submitted. Councilmember Wilcox seconded the motion. The vote was cast 7-0 in favor of the motion.

- 
16. Discuss And Consider A **Resolution Approving A Contract With Stripe-A-Zone, Inc., For The 2016 Annual Street Pavement Markings Project** In The Amount Of \$91,380.26.

Assistant Director of Infrastructure, Jason Shroyer, presented the item to Council.

Mayor Pro Tem Arfsten moved to approve the item as submitted. Councilmember Walden seconded the motion. The vote was cast 7-0 in favor of the motion.

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17. Present And Discuss **Taste Addison 2016 Operations And Financial Reconciliation.**

Interim Finance Director, Scott Neils, Senior Accountant, Ashley Boatright, Director of General Services & Special Events, Mark Acevedo, presented the item to Council.

Council asked questions regarding the event and future plans. Council thanked the staff for all their hard work.

- 
18. Present, Discuss, And Consider Approval Of A **Resolution Authorizing The City Manager To Sign An Agreement With The Comptroller Of Public Accounts For Repayment Of Sales Tax In The Amount Of \$827,540.76 Allocated To The Town Of Addison In Error.**

Interim Finance Director, Scott Neils, presented the item to Council.

Councilmember Wilcox moved to approve the item as submitted with pay option #3. Councilmember Duffy seconded the motion. The vote was cast 7-0 in favor of the motion.

- 
19. Present, Discuss And Consider Approval Of An **Ordinance Amending The Town's General Fund For The Fiscal Year Ending September 30, 2016 For Expenditures In The Emergency Communications Department Related To North Texas Emergency Communications Center Transition Costs.**

Interim Finance Director, Scott Neils, presented the item to Council.

Deputy Mayor Pro Tem Hughes moved to approve the item as submitted. Mayor Pro Tem Arfsten seconded the motion. The vote was cast 7-0 in favor of the motion.

- 
20. Present **Proposed Changes To The Hiring Criteria For Town Of Addison Police Officers.**

Chief of Police, Paul Spencer, presented the item to Council. This item was for informational purposes only.

Council thanked Chief Spencer for the presentation.

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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.

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Adjourn Meeting

Mayor Meier adjourned the meeting at 12:01 am on June 29, 2016.

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\_\_\_\_\_  
Mayor-Todd Meier

Attest:

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City Secretary-Laura Bell

**Work Session and Regular Meeting****Meeting Date:** 07/12/2016**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Consider Approval of A **Resolution Authorizing The City Manager To Enter Into A License Agreement With Appennino Dallas, LLC D/B/A Antonio Ristorante, For The Use Of A Portion Of The Public Sidewalk Within The Public Right-Of-Way Adjacent To 4985 Addison Circle Drive For An Outdoor Dining Area.**

**BACKGROUND:**

Antonio Ristorante, located at 4985 Addison Circle Drive, has requested permission to use a portion of the public right-of-way to accommodate their patio. The area consists of approximately 200 square feet. The Special Use Permit for this expansion was approved by the City Council earlier this year.

In 2015, the City Council adopted a policy regarding the private use of the sidewalk within the public Right-of-Way in Addison Circle. This was intended to allow restaurants to utilize the sidewalk to expand their outdoor seating areas. The policy established that the City Council would consider approval of a license agreement for such uses based on the following:

- License agreements will only be considered for areas where the remaining sidewalk width would meet or exceed 5 feet in width.
- License agreements will not be considered for areas within 8 feet of a street lane designated for through traffic or within 2 feet of any on-street parking.
- License agreements will be considered based on the unique site conditions that may exist in a particular location such as, but not limited to, access to and placement of ADA required accessible pathways, pedestrian traffic volumes, impact on adjacent uses and interference with the natural flow of pedestrian traffic.
- License agreements shall include indemnity and other provisions necessary in order to adequately protect the Town as determined by staff and the City Attorney.
- The Town will charge a minimum fee of \$500.00 per year for the duration of the agreement.

Staff has reviewed the request and found it to be in compliance with the requirements listed above. **The license agreement document is attached and as been agreed to by all parties.**

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

License Agreement

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**TOWN OF ADDISON, TEXAS**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING A LICENSE AGREEMENT BETWEEN THE TOWN OF ADDISON AND APPENNINO DALLAS, LLC D/B/A ANTONIO RISTORANTE TO ALLOW USE OF THE RIGHT-OF-WAY FOR OUTDOOR PATIO SEATING, 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 License Agreement between the Town of Addison and Appennino Dallas, LLC d/ba/ Antonio Ristorante, to allow use of the right-of-way for outdoor patio seating, 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 12th day of July, 2016.

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

ATTEST:

By: \_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney

STATE OF TEXAS           §  
  §                           **LICENSE AGREEMENT**  
COUNTY OF DALLAS       §

This License Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the Town of Addison, Texas (the “City”) and Appennino Dallas, LLC d/b/a Antonio Ristorante, a Texas limited liability company (“Operator”).

RECITALS:

**WHEREAS**, the Town of Addison, Texas is a home rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072, Tex. Loc. Gov. Code, and its Home Rule Charter; and

**WHEREAS**, the City is authorized to control and regulate an encroachment or obstruction on a public street within the City (§ 311.001, Tex. Transp. Code) and to permit and prescribe the consideration and terms for the use of a portion of a City street or sidewalk for a private purpose if the use does not interfere with the public use of the street or sidewalk or create a dangerous condition on the street or sidewalk (§ 316.021, Tex. Transp. Code); and

**WHEREAS**, the parties hereto recognize and agree that the City’s authority with respect to the public rights-of-way within the Property goes to the full width of the right-of-way and extends indefinitely upward or downward; and

**WHEREAS**, Operator desires to use a portion of the right-of-way adjacent to the restaurant, located at 4985 Addison Circle Drive, for outdoor dining; and

**WHEREAS**, the City and Operator desire to enter into this License Agreement to permit Operator to utilize a portion of the public right-of-way for outdoor seating to serve the patrons of Antonio Ristorante, provided that such complies with the Town’s policy for use of the right-of-way in the Addison Circle District adopted by Resolution No. R015-038 on September 8, 2015; and

**WHEREAS**, the Addison Circle District is bounded by Airport Parkway to the North, Arapaho Road to the South, the Dallas Parkway to the East, and Addison Road to the West.

**NOW, THEREFORE**, for and in consideration of the Ten and No/100 Dollars (\$10.00), the mutual covenants and obligations set forth herein, and other good and valuable consideration, the City and Operator do hereby agree as follows:

**1.     Incorporation of premises.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**2.     Grant of license.** The City does hereby grant to Operator a revocable license to occupy that portion of the right-of-way adjacent to Operator’s restaurant located at 4985 Addison Circle Drive and as shown on Exhibit A, attached hereto and incorporated herein (the “Licensed

Area”). Operator shall occupy the License Area in full compliance at all times with all of the following conditions:

- (a) Operator shall maintain the ADA accessible pathway adjacent to Operator’s restaurant;
- (b) No use of the right-of-way is permitted outside the License Area;
- (c) Within the License Area, the Operator may place only moveable items that are not attached to the pavement. Examples of such items include: tables, chairs, planters, heaters, portable lights, umbrellas, etc. as permitted by Town ordinances;
- (d) All items placed in the License Area shall be maintained in safe, neat and good physical condition; and
- (e) Operator shall provide written notice, in accordance with Section 8(c), within 24 hours of Operator’s observation of a defect in the pavement or any other condition in the License Area that might pose a danger or harm to the public or persons occupying or passing through the License Area. If such defect is the result of Operator’s use of the License Area, Operator shall reimburse the City for the cost of repair.

**3. Term/Fee.** This license granted herein shall continue in force for a period of ten (10) years from the date of execution of this License Agreement, subject to termination as set forth in paragraph 7 hereof. The fee for the license granted herein shall be Five Hundred Dollars (\$500.00) per year and shall be due and payable no later than January 31<sup>st</sup> of each calendar year. The initial fee of Five Hundred Dollars (\$500.00) shall be due at the time of the execution of this agreement and the second annual fee shall be payable no later than January 31, 2017.

**4. Non-exclusive license.** This license is not exclusive, and is subject and subordinate to: (a) the right of the City to use the licensed area for any purpose; (b) any existing street utility, drainage or communication facility located in, on, under or upon Addison Circle; (c) all vested rights presently owned by any utility or communication company; (d) any existing license, lease, easement, or other interest heretofore granted by the City and (e) the terms and conditions of this License Agreement.

**5. Insurance.** Operator shall purchase and maintain during the term of this License Agreement commercial general liability insurance including personal injury liability, premises operations liability, and contractual liability, covering, but not limited to, the liability assumed under the indemnification provisions of this License Agreement, with limits of liability for bodily injury, death and property damage of not less than \$1,000,000. Coverage must be on an “occurrence” basis.

Such insurance shall: (i) be issued by a carrier which is rated “A-1” or better by A.M. Best’s Key Rating Guide and licensed to do business in the State of Texas, and (ii) name the City as an additional insured and contain a waiver of subrogation endorsement in favor of the City. Certified copies of all of such policies shall be delivered to the City upon the execution of this License Agreement; provided, however, that the City, in its sole discretion and in lieu of certified copies of such policies, may permit the delivery of certificates of insurance together with the declaration page of such policies, along with the endorsement naming the Owner as an additional insured. Each such policy shall provide that, at least 30 days prior to the cancellation, non-renewal or modification of the same, the Owner shall receive written notice of such cancellation, non-renewal or modification.

The City reserves the right to review the insurance requirements contained herein and to adjust coverages and limits when deemed necessary and prudent by the City.

**6. INDEMNITY.** OPERATOR SHALL INDEMNIFY THE CITY, ITS OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS AGAINST, AND HOLD THE CITY, ITS OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS HARMLESS FROM, ANY AND ALL LIABILITY, ACTIONS, CAUSES OF ACTION, LAWSUITS, JUDGMENTS, CLAIMS, DAMAGES, COSTS OR FEES, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS OF DEFENSE, FOR ANY INJURY TO OR THE DEATH OF ANY PERSON OR DAMAGE TO OR DESTRUCTION OF ANY PROPERTY RESULTING FROM OR BASED UPON, IN WHOLE OR IN PART, ANY ACT OR OMISSION OF OPERATOR, ITS OFFICERS, EMPLOYEES AND AGENTS UNDER THIS LICENSE AGREEMENT AND ANY ACT OR OMISSION OF THE CITY, SPECIFICALLY INCLUDING THE CITY'S NEGLIGENCE PERTAINING ONLY TO THE LICENSED AREA. THE PROVISIONS OF THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THIS LICENSE AGREEMENT.

7. **Termination.** This License may be terminated:

(a) By the City:

(i) in the event Operator fails to comply with any of the terms of this License Agreement within ten (10) days after receipt of notice by Operator from the City of such failure to comply; or

(ii) Operator discontinues or abandons the use of the public rights-of-way for the purposes set forth herein; or

(iii) upon thirty (30) days' written notice by the City to Operator;

(iv) at such time as Operator no longer operates the restaurant that is the subject of this License Agreement; or

(b) At any time by Operator upon thirty (30) days' written notice by Operator to the City.

**8. Miscellaneous.**

(a) **Assignment.** The rights, duties and responsibilities hereunder shall not be assigned, conveyed or otherwise transferred by Operator without the prior written consent of the City.

(b) **Force Majeure.** In the event either the City or Operator shall be delayed or hindered in or prevented from the performance of any act required hereunder by reason of fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, riots, insurrections, war or other reason of like nature, where such delay, hindrance or prevention of performance shall not be within the reasonable control of the party obligated to perform and not be avoidable by diligence, the party so delayed shall promptly give notice to the other party, and thereupon performance of such act shall be excused for such period of delay.

(c) Notices. Any notice provided for herein shall be given by written instrument, personally delivered or sent by certified mail, return receipt requested, and addressed to:

To the City:

Town of Addison, Texas  
P.O. Box 9010  
Addison, Texas 75001

Attn: City Manager

To Operator.:

6709 Stichter Ave.  
Dallas, Texas 75230  
Attn: Sean Moore

(d) Governing Law; Venue. This License Agreement shall be construed under, and in accordance with, the laws of the State of Texas, and all obligations of the parties created by this License Agreement are performable in Dallas County, Texas. Venue for any action under this License Agreement shall be in Dallas County, Texas.

(e) Legal Construction. In case any one or more of the provisions contained in this Street License Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the License Agreement, and this License Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been included in this License Agreement.

(f) Entire Agreement. This License Agreement represents the entire and integrated agreement between the City and Operator relative to Addison Circle Signs as described herein and supersedes all prior negotiations, representations and/or agreements, either written or oral.

(g) Amendment. This License may not be altered, waived, amended or extended except by an instrument in writing signed by the City and Operator.

(h) Authority to execute. The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this License Agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions or other act extending such authority have been duly passed and are now in full force and effect.

**EXECUTED** at Dallas County, Texas on the day and year first written above.

**TOWN OF ADDISON, TEXAS**

**APPENNINO DALLAS, LLC**

By: \_\_\_\_\_  
Wesley S. Pierson, City Manager

By: \_\_\_\_\_  
Sean Moore, Managing Member



AI-1743

8.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Consider A **Resolution Appointing A Voting Member Of The Advisory Committee For The Trinity River Authority Central Wastewater Treatment System.**

**BACKGROUND:**

This item appoints Town representatives to an Advisory Committee for the Trinity River Authority's Central Wastewater Treatment System. The Trinity River Authority provides wastewater treatment services to the Town.

Section 6.10 of the contract between the Trinity River Authority and the Town of Addison states that "the City's governing body shall annually appoint one of the members of its governing body or one of its officers as a voting member of the Advisory Committee for the Authority's Central Wastewater Treatment System." The term of the voting member shall be 12 months. The Central Regional Wastewater System Bylaws further specify that an alternate representative shall also be appointed. Currently, the advisory committee is primarily made up of staff members with few cities utilizing elected officials.

It is recommended that Jason Shroyer, Assistant Director, Infrastructure and Development Services Department, be appointed as the voting member and that Lisa Pyles, Director Infrastructure and Development Services be appointed as the alternate representative. Each shall serve a 12 month term.

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

TRA Contract

Letter TRA

TRA Form

Resolution

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TRINITY RIVER AUTHORITY OF TEXAS - TOWN OF ADDISON  
REGIONAL WASTEWATER SYSTEM CONTRACT

WHEREAS, there has been established in the Upper Trinity River Basin, generally in the area outlined in the Engineering Report, a Regional Wastewater System for the purpose of providing facilities to adequately receive, transport, treat, and dispose of Wastewater in such area; and

WHEREAS, the Town of Addison, in Dallas County Texas (the "Town") presently owns, operates and maintains its combined waterworks and sanitary sewer system; and

WHEREAS, the Town is desirous of discharging Wastewater into the Central Regional Wastewater System of the Trinity River Authority of Texas in accordance with this Contract in order to achieve efficiencies of costs and operation; and

WHEREAS, the Authority has heretofore entered into contracts with other parties, defined as Contracting Parties in said contracts, which permit the Authority to contract with Additional Contracting Parties, as defined in said contracts; and

WHEREAS, the Town of Addison is such an Additional Contracting Party under said contracts and will become a Contracting Party under this Contract; and

WHEREAS, the Town and Authority are authorized to make this Contract under Chapter 518, Acts of the 54th Legislature of the State of Texas, Regular Session, 1955, as amended (originally compiled as Vernon's Ann. Tex. Civ. St. Article 8280-188), Section 402.023 Local Government Code (formerly Vernon's Ann. Tex Civ. St. Article 1109i), and/or the Regional Waste Disposal Act (codified as Chapter 30, Texas Water Code); and

WHEREAS, the parties hereto recognize these facts:

(a) That the Authority will use the payments to be received under this and similar contracts for the payment of Operation and Maintenance Expense of the Authority's System and for the payment of the principal of and the interest on its Bonds and Outstanding Bonds and for the establishment and/or maintenance of reserves and other funds as provided in the Bond Resolution and in resolutions authorizing Outstanding Bonds; and that the revenues under such contracts will be pledged to such purposes; and

(b) That contracts similar to this instrument have been executed between the Authority and the other Contracting Parties and the Authority may execute contracts with Additional Contracting Parties; and

(c) That Authority has Outstanding Bonds which were issued to finance construction of the System as it exists as of the date of execution of this Contract, to refund previous indebtedness and to provide funds to enable it to construct extensions, improvements and enlargements to the System; and

(d) That Authority will issue Bonds from time to time in the future to further extend, enlarge and improve the System; and

(e) That Town and Authority are subject to all valid rules, regulations, and requirements of the Texas Water Commission, the Environmental Protection Agency and such State and Federal laws as now exist or may be enacted during the term of this agreement;

NOW, THEREFORE, the TOWN OF ADDISON and TRINITY RIVER AUTHORITY OF TEXAS do hereby contract and agree as follows:

## ARTICLE I

### DEFINITIONS

Section 1.01. DEFINITION OF TERMS. Terms and expressions as used in this Contract, unless the context clearly shows otherwise, shall have the following meanings:

(a) "Additional Contracting Party" means any party not defined as a Contracting Party with whom Authority makes a contract for receiving, transporting, treating, and disposing of Wastewater through the System.

(b) "Adjusted Annual Payment" means the Annual Payment, as adjusted due to service to Additional Contracting Parties and/or as required during or after each Fiscal Year.

(c) "Annual Payment" means the amount of money to be paid to Authority by Town as its proportionate share of the Annual Requirement.

(d) "Annual Requirement" means the total amount of money required for Authority to pay all Operation and Maintenance Expense of the System and to pay the debt

service on its Bonds and Outstanding Bonds, and to pay any amounts required to be deposited in any special or reserve funds required to be established and/or maintained by the provisions of the Bond Resolution, and in resolutions authorizing Outstanding Bonds.

(e) "Authority" means the Trinity River Authority of Texas.

(f) "Authority's System", "Regional System", "Regional Wastewater System", "Central Wastewater Treatment System", "Central Regional Wastewater System", or "System" means all of Authority's facilities for receiving, transporting, treating, and disposing of Wastewater generally in the area described in the first preamble hereto, together with any improvements, enlargements, or additions to said facilities and any extensions or replacements of said facilities constructed or otherwise incorporated into said facilities in the future. Said terms shall include only those facilities which are used for, constructed or acquired, or the use of which is arranged for, by the Authority to afford service to the Contracting Parties and Additional Contracting Parties which can economically and efficiently be served by said System. Said terms do not include Authority's facilities located within the boundaries of the Dallas-Fort Worth Regional Airport and defined as the "System" in the contract between Authority and the Dallas-Fort Worth Regional Airport Board dated July 16, 1971, as amended, Local Wastewater Facilities, any facilities constructed or acquired with proceeds of Special Project Bonds, as defined in the Bond Resolution, or obtained by Authority acting as a signatory to the State of Texas Water Pollution Control Compact, or any of the facilities designated as Authority's Ten Mile Creek System, or Walker-Calloway Project.

(g) "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter (mg/l).

(h) "Bond Resolution" means any resolution of the Board of Directors of the Authority authorizing the issuance of Bonds or Outstanding Bonds and providing for their security and payment, as such resolution(s) may be amended from time to time as therein permitted.

(i) "Bonds" means any bonds to be issued after the date of this Contract by the Authority pursuant to this

Contract and other Contracts with the Contracting Parties and Additional Contracting Parties for the acquisition, construction, expansion, improvement, or completion of the System, whether one or more issues, or any bonds issued to refund same, or to refund such refunding bonds.

(j) "Town" means the Town of Addison, in Dallas County, Texas.

(k) "Contracting Party" or "Contracting Parties" means one or more of the following: the Cities of Arlington, Bedford, Carrollton, Cedar Hill, Colleyville, Coppell, Dallas, Duncanville, Euless, Farmers Branch, Fort Worth, Grand Prairie, Grapevine, Hurst, Irving, Keller, Mansfield, North Richland Hills, and Southlake, Texas, the Town, and the Dallas/Fort Worth Regional Airport Board.

(l) "Daily Composite Quality" means the concentrations of a sample consisting of a minimum of three grab samples of effluent collected at regular intervals over a normal operating day and combined proportioned to flow, or a sample continuously collected proportional to flow over a normal operating day.

(m) "Domestic Wastewater" (sanitary sewage) means liquid and water-carried waste discharged from sanitary conveniences of dwellings, business buildings, institutions and the like, including Properly Shredded Garbage.

(n) "Engineering Report" means a report of Forrest and Cotton, Inc., Consulting Engineers, entitled Regional Wastewater System, dated December, 1971, as such report has been and may be amended, modified, and changed by Authority or at its direction at any time prior to the execution of construction contracts for improvements, additions, and enlargements to the System or as modified and changed by change orders issued after execution of such construction contracts.

(o) "Fiscal Year" means the twelve (12) month period beginning December 1 of each year and applies only to Authority (i.e., Fiscal Year 1985 is the twelve (12) month period ending November 30, 1985), or such other twelve (12) month period as may be established in the future to constitute Authority's Fiscal Year.

(p) "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from handling, storage, and sale of produce.

(q) "Grab Sample Quality" means the concentration of an individual sample of effluent collected in less than 15 minutes.

(r) "Grease" means fats, waxes, oils, and other similar materials in Wastewater, as determined by procedures specified in the latest edition of Standard Methods of Examination of Water and Wastewater, published by American Public Health Association, Inc.

(s) "Industrial User (IU)" means any person, including but not limited to, any individual firm, partnership, corporation, association, or any other legal entity, who discharges or desires to discharge industrial wastes to the Central Regional Wastewater System.

(t) "Industrial Wastes" means the liquid wastes from industrial processes as distinct from wastes in Domestic Wastewater.

(u) "Infiltration Water" means water that has migrated from the ground into the System.

(v) "Local Wastewater Facilities" means the facilities of Contracting Parties and Additional Contracting Parties for transportation of Wastewater to Points of Entry and any facilities used exclusively or primarily for the pre-treatment of Industrial Wastes.

(w) "Month" means calendar month.

(x) "Operation and Maintenance Expense" means all costs of operation and maintenance of the Authority's System including, but not limited to, repairs and replacements for which no special fund is created in the Bond Resolution, the cost of utilities, supervision, engineering, accounting, auditing, legal services, and any other supplies, services, administrative costs and equipment necessary for proper operation and maintenance of the Authority's System, and payments made by Authority in satisfaction of judgments resulting from claims not covered by Authority's insurance or not paid by one particular Contracting Party or Additional Contracting Party arising in connection with the operation and maintenance of the System. The term also includes the fees of the bank or banks where the Outstanding Bonds and the Bonds are payable. Depreciation shall not be considered an item of Operation and Maintenance Expense.

(y) "Outstanding Bonds" means all Bonds issued by Authority prior to the date of this Contract to provide funds for construction, enlargement, extension, and improvement of the System which are outstanding on the date of this Contract.

(z) "pH" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of the hydrogen ions, in grams, per liter of solution.

(aa) "Point of Entry" means the point at which Wastewater enters Authority's System.

(bb) "Properly Shredded Garbage" means Garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(cc) "POTW" means Publicly Owned Treatment Works as defined in 40 CFR 403.

(dd) "Significant Industrial User (SIU)" means any industrial user who is connected or desires to connect to the Town's municipal wastewater collection system and meets at least one of the following criteria:

(i) Average industrial wastewater discharge rate greater than 50,000 gpd.

(ii) BOD and/or suspended solids concentrations in industrial wastewater greater than 250 mg/l.

(iii) Industrial category regulated by National Pretreatment Standards as promulgated by the United States Environmental Protection Agency.

(iv) Has in its Wastewater discharges significant amounts of toxic pollutants as defined pursuant to Section 3.07 of the Clean Water Act, as amended, 33 V.S.C. 1251, et seq.

(ee) "Service Date" means the date upon which the Town first discharges Wastewater into the Wastewater Tunnel, hereinafter defined, after it is completed and placed into service; provided that the Town shall not make any such initial discharge unless, at least 30 days prior thereto, the Town and the City of Farmers Branch shall have given written notice and assurance to the Authority

that the Wastewater Tunnel will be completed on a specified date which is not less than 30 days after the date such written notice and assurance is received by the Authority. The Service date is now estimated to be during October, 1993.

(ff) "SS" (denoting Suspended Solids) means solids removable by laboratory filtering expressed in milligrams per liter (mg/l) as determined by procedures specified in the latest edition of Standard Methods of Examination of Water and Wastewater, published by American Public Health Association, Inc.

(gg) "Total Toxic Organics" means the sum of all detected concentrations greater than 10 micrograms per liter for all organic compounds classified as priority pollutants by the United States Environmental Protection Agency.

(hh) "Wastewater" (sewage) means Domestic Wastewater and Industrial Waste, together with such Infiltration Water that may be present.

(ii) "Wastewater Tunnel" means the Farmers Branch-Addison Wastewater Tunnel Project described in a report entitled "Preliminary Engineering Report for Sanitary Sewer for City of Farmers Branch/Town of Addison" dated July, 1989, by Consoer, Townsend & Associates, Inc., Houston, Texas, as such report may be supplemented or amended. The Wastewater Tunnel is planned to be constructed jointly by, or for the joint benefit of, the City of Farmers Branch and the Town, and it is not to be a part of the Authority's System. However, it will be designed and constructed to transport Wastewater from the Town and the City of Farmers Branch into the Authority's System for treatment, and to provide such metering equipment as is necessary to measure the separate Wastewater flows from the Town and the City of Farmers Branch, respectively, discharged from the Wastewater Tunnel into the Authority's System.

## ARTICLE II

### CONSTRUCTION OF FACILITIES BY AUTHORITY

Section 2.01. FACILITIES. In order to provide services for receiving, transporting, treating, and disposing of Wastewater for Town and others, Authority will design and construct extensions, improvements, and enlargements to its System, as

described in the Engineering Report, and will own, operate, maintain, and from time to time expand the System.

### ARTICLE III

#### DISCHARGE OF WASTEWATER AND METERING

Section 3.01. From and after the Service Date, as defined above, and subject to the terms of this Contract, Town shall have the right and the responsibility to discharge into the Wastewater Tunnel, as defined above, for transportation into the System, and Authority agrees to accept, from the Wastewater Tunnel and into the System, all Wastewater which originates from within that portion of the boundaries of the Town delineated in Exhibit A attached to this Contract (the "Service Area"); provided that the Service Area may be enlarged by mutual agreement of the parties hereto.

Section 3.02. DISCHARGE. In consideration of the payments to be made under this Contract, Town shall have the right to discharge the aforesaid Wastewater originating from the Service Area, subject to the requirements for quantity and quality as set forth in Article IV.

Section 3.03. POINT OF ENTRY. Town shall discharge Wastewater originating from the Service Area into the Wastewater Tunnel and thence into the Authority's System at a mutually agreeable point which shall be designated by the parties hereto as a Point of Entry. Additional Points of Entry may be mutually agreed upon by the parties hereto. The Town covenants that it will discharge all Wastewater originating from the Service Area into each designated Point of Entry for the Town during the term of this Contract. If and when the Service Area is enlarged the Town shall discharge all Wastewater generated in such enlarged area into Authority's System, at the appropriate Point of Entry, during the term of this Contract.

Section 3.04. CONVEYANCE TO POINT OF ENTRY. It shall be the sole responsibility of Town, including any liability incurred in connection therewith, to convey such Wastewater to the Point or Points of Entry.

Section 3.05. QUANTITY AT POINT OF ENTRY. (a) The quantity of Wastewater conveyed to the Point or Points of Entry by the Town shall be metered at a location or at locations mutually agreed to by the parties hereto, which may or may not be at a Point of Entry, and the total annual contributing flow of Wastewater received during any Fiscal Year shall be used to

determine Town's Annual Payment as provided in Article V, as well as the surcharge as provided in Section 5.03(e).

(b) At each Point of Entry into the Authority's System, Town may deliver Wastewater at a Maximum Discharge Rate, defined as a rate in MGD, which, if continued over a period of twenty-four (24) hours would not exceed 3.50 times Town's estimated annual contributing flow expressed as a daily average in MGD.

Section 3.06. LIABILITY FOR DAMAGES AND RESPONSIBILITY FOR TREATMENT AND DISPOSAL OF WASTEWATER. Liability for damages arising from the reception, transportation, delivery, and disposal of all Wastewater discharged hereunder and originating from Town shall remain in Town to its discharge from the Wastewater Tunnel and into the System at the designated Point of Entry, and upon passing into the System liability for such damages shall pass to Authority. As between the parties, each party hereto agrees to save and hold the other party harmless from all claims, demands, and causes of action which may be asserted by anyone on account of the reception, transportation, delivery, and disposal while the aforesaid liability for damage is in such party. This covenant is not made for the benefit of any third party. Authority takes the responsibility as between the parties hereto for the proper reception, transportation, treatment, and disposal of all such Wastewater received by it from Town upon its discharge from the Wastewater Tunnel into the System. However, the Authority shall have no duty or responsibility for the operation or maintenance of the Wastewater Tunnel under this Contract, and it shall be the duty of the Town to assure that proper facilities and arrangements are provided to allow proper transfer of its Wastewater from the Wastewater Tunnel into the System. The Authority's responsibilities and duties for receiving and treating the Town's Wastewater hereunder are effective only upon proper discharge thereof into the Authority's System.

Section 3.07. METERING. Town shall furnish and install, at its own expense, at each Point of Entry and/or at such other location or locations designated by the Authority required to measure properly Town's contributing flow into the System, the necessary equipment and devices of standard type, an easement encompassing each meter station, and a power and access easement to each meter station, as required by the Authority, for measuring properly all Wastewater to be discharged under this agreement. Such meters and other equipment shall be the property of the Authority, and the Authority shall own, operate, and maintain these metering facilities. Town shall have access to such metering equipment at all reasonable times for inspection and examination, but the reading, calibration, and

adjustment thereof shall be done only by employees or agents of Authority in the presence of a representative of the Town if requested by the Town. All readings of meters will be entered upon proper books of record maintained by the Authority. Upon written request Town may have access to said record books during reasonable business hours.

Not more than three times in each year of operation, Authority shall calibrate its meters, if requested in writing by Town to do so, in the presence of a representative of Town, and the parties shall jointly observe any adjustments which are made to the meters in case any adjustment is found to be necessary.

If, for any reason, any meters are out of service or out of repair, or if, upon any test, the percentage of inaccuracy of any meter is found to be in excess of five (5%) per cent, registration thereof shall be corrected for a period of time extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (1/2) of the time elapsed since the date of the last calibration, but in no event further back than a period of six (6) months.

Town may, at its option and its own expense, install and operate a check meter to check each meter installed by Authority, but the measurement for the purpose of this agreement shall be solely by Authority's meters, except in the cases hereinbelow in this Section specifically provided to the contrary. All such check meters shall be of standard make and shall be subject at all reasonable times to inspection and examination by any employee or agent of Authority, but the reading, calibration, and adjustment thereof shall be made only by Town, except during any period when a check meter may be used under specific written consent by Authority for measuring the amount of Wastewater delivered into the System, in which case the reading, calibration, and adjustment thereof shall be made by Authority with like effect as if such check meter or meters had been furnished or installed by Authority.

Section 3.08. UNIT OF MEASUREMENT. Wastewater delivered hereunder shall be measured in gallons, U. S. Standard Liquid Measure.

#### ARTICLE IV

#### QUALITY AND TESTING

Section 4.01. GENERAL. Town agrees to limit discharge into Authority's System to wastes defined herein as admissible

discharges, and to prohibit entry into the System of any wastes that have the characteristics of prohibitive discharges, also described herein. All testing of the quality of Town's Wastewater shall be conducted at the metering location or locations established as provided for herein.

Section 4.02. ADMISSIBLE DISCHARGES. Wastes discharged into the System shall consist only of Wastewater, Properly Shredded Garbage, and other wastes which the System is capable of handling, so that:

(a) effluent from the System meets the current legal standards of the Texas Water Commission or of any governmental body having legal authority to set standards for such effluents; and

(b) the System is not damaged to the extent to cause unnecessary repairs or replacements resulting in increased Operation and Maintenance Expense.

Section 4.03. PROHIBITIVE DISCHARGES. (a) To enable the highest degree of treatment in the most economical manner possible, and to comply with Federal and State regulations, certain solids, liquids and gases are hereby prohibited from entering Authority's System in excess of standards as set by said Federal and State regulations. The prohibitive discharges listed below shall apply at each of the Town's meter locations and at each of its Points of Entry.

Federal and state regulatory agencies periodically modify standards on prohibitive discharges; therefore, revision to, additions to, or deletions from the items listed in this section will become necessary to comply with these latest standards. It is the intention of this Contract that prohibitive discharge requirements be reviewed periodically by Authority and revised in accordance with the latest standards of any federal or state agency having regulatory powers. Any required revisions shall be made and written notice thereof given to the Town. Town shall be responsible for integrating such changes into the local industrial waste ordinance and notifying all affected users of the change within ninety (90) days following written notice to the Town of such change.

(b) The following information shall govern prohibitive discharges:

(i) Town shall not discharge any of the following into the System at any of the Town's meter locations or at any of its Points of Entry, which discharge originates from Town: storm water, ground water, roof run-off, sub-surface drainage or water originating from down

spouts, yard drains, yard fountain and ponds, or lawn sprays. In cases where, and in the opinion of Authority, the character of the Wastewater from any manufacturer or industrial plant, building, or other premises is such that it will damage the System, or cannot be treated satisfactorily in the System, Town shall prevent it from entering the System until the character of same is satisfactory to Authority.

(c) Town shall not discharge any of the following substances, materials, waters, or wastes into the System:

(i) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade);

(ii) Any water or wastes which contain wax, grease, oil, plastic or other substance that will solidify, or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit;

(iii) Any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Wastewater System, such as ashes,

cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids;

(iv) Any solids, liquids, or gases which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operators of the Wastewater System;

(v) Any garbage that has not been properly comminuted or shredded;

(vi) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life, or forms solids that will cause obstructions to flow, or creates any other condition deleterious to structures or treatment processes, or requires unusual provisions, alteration, or expense to handle such substance;

(vii) Any waters or wastes having a pH lower than 6.0, or higher than 10.0 or having any corrosive property

capable of causing damage or hazards to structures, equipment, or personnel of the Wastewater System

(viii) Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials in the Wastewater System;

(ix) Any waters or wastes containing a toxic or poisonous substance, such as plating or heat-treating wastes, in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the Wastewater Treatment Plant;

(x) Any wastes or waters exceeding the concentrations listed below:

<u>POLLUTANT</u>	<u>DAILY COMPOSITE</u> <u>(mg/1)</u>	<u>GRAB SAMPLE</u> <u>(mg/1)</u>
Arsenic	0.1	0.2
Barium	2.0	4.0
Boron	-	1.0
Cadmium	0.1	0.25
Chromium (Total)	3.5	7.0
Copper	2.5	5.0
Cyanides	-	1.0
Hydrogen Sulfide	1.0	1.0
Lead	2.0	4.0
Manganese	3.5	7.5
Mercury	0.008	0.008
Nickel	1.5	3.0
Selenium	0.05	0.1
Silver	0.25	0.5
Zinc	2.5	5.0
Total Toxic Organics (TTO)	-	2.0

(d) Town shall not discharge into the System waters or wastes containing:

(i) Free or emulsified oil and grease exceeding, on analysis, an average of 100 mg/1 (834 pounds per million gallons) of either, or both, or combinations of free or emulsified oil and grease, if, in the opinion of Authority, it appears probable that such wastes:

1. Can deposit grease or oil in the sewer lines in such manner to clog the sewers;

2. Can overload skimming and grease handling equipment;
3. Are not amenable to bacterial action or other treatment processes then being employed by Authority and will, therefore, pass to the receiving waters without being affected by normal wastewater treatment processes; or,
4. Can have deleterious effect on the treatment process due to excessive quantities.

(ii) Any radioactive wastes greater than the allowable releases as specified by current United States Bureau of Standards handbooks dealing with the handling of and release of radioactivity.

(iii) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of 0.2 mg/l by weight (as CN).

(iv) Materials which exert or cause:

1. Unusual concentrations of solids or compounds; as, for example, in total SS of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate);
2. Excessive discoloration;
3. Unusual BOD or immediate oxygen demand.

Section 4.04. TESTING QUALITY. To determine quality of Wastewater, Authority will collect twenty-four (24) hour composite samples of Wastewater at each of the Town's metering locations and at each of its Points of Entry, and cause same to be analyzed in accordance with testing procedures as set forth in the latest edition of Standard Methods of Examination of Water and Wastewater, published by American Public Health Association, Inc. Composite samples will normally be taken once a month, or at more frequent intervals if necessary to determine Wastewater quality. Such Wastewater shall not exceed the limits of concentration specified for Normal Wastewater as follows:

Normal Wastewater Concentration

BOD 250 mg/1  
SS 250 mg/1  
pH, not less than 6 nor greater than 10  
Hydrogen Sulfide 1.0 mg/1

Should the analysis disclose concentrations higher than those listed, Authority will at once inform Town of such disqualification. It shall be the obligation of Town to require the offending discharger of said highly concentrated materials to undertake remedial measures to bring discharge concentrations within acceptable limits. The Authority will cooperate with Town in reaching a satisfactory solution but will not undertake to specify the measures that will be employed to bring those over-strength discharge concentrations within acceptable limits. In some cases of over-strength Industrial Waste, the industry discharging the over-strength waste, and Town, may be desirous, and Authority may be agreeable to negotiate terms under which Authority will accept and treat the over-strength wastes, but Authority makes no commitment to perform such service.

Section 4.05. ADMISSION OF DISCHARGES CONTAINING CONCENTRATIONS OF BOD AND/OR SS GREATER THAN THOSE PRESENT IN NORMAL WASTEWATER. If Wastewater at any of the Town's metering locations or at any of its Points of Entry, which discharge originates from Town, contains concentrations of BOD greater than 250 mg/1 and/or SS greater than 250 mg/1, approval must be obtained from Authority prior to discharge of the Wastewater into the System. Charges made to Town will include the Basic Charge as outlined in Article V of this Contract, plus a surcharge for excess BOD and/or SS calculated in accordance with the following formula:

$SC = (Q) (8.34) [a (BOD-250) + b (SS-250)]$  where:

SC = surcharge based on excessive concentrations of BOD and/or SS (dollars per month)

Q = flow (million gallons per month)

a = unit cost of treatment, chargeable to BOD (dollars per pound of BOD introduced to System)

b = unit cost of treatment, chargeable to SS (dollars per pound of SS introduced to System).

The value of BOD and/or SS concentrations in this calculation will be the average of values determined by testing procedures as defined in Section 4.04, TESTING QUALITY, except

for the following condition: Observation of unusually high values of BOD and/or SS in samples collected at the Wastewater treatment plant or at any of the Town's metering locations or at any of its Points of Entry will prompt an intensive sampling and testing program to determine the Contracting Party responsible for these high values. Once the source of high concentration of BOD and/or SS has been determined, the responsible Contracting Party will be notified and samples will be collected and tested for four (4) continuous days. The average of the BOD and SS values measured during these four (4) days will be considered as representative of the Wastewater being discharged to the System and will serve as the basis of the surcharge during the month of observation. Any surcharge for overstrength Wastewater which Authority has agreed to accept shall not be allocated among Contracting Parties discharging normal Wastewater, but shall be applied only to the Contracting Party discharging such overstrength Wastewater.

At any time that Authority determines that any service hereunder should be suspended because Town's Wastewater does not meet standards herein established or that a surcharge will be applied, Authority shall furnish to Town the data and expert opinion on which such determination was based prior to cessation of service or application of a surcharge.

Section 4.06. REPORTING REQUIREMENTS AND INDUSTRIAL WASTE. (a) Reports. Approximately thirty days after the end of each Authority Fiscal Year the Town shall furnish in writing to the Authority the following information:

(1) The number of active domestic sewer connections tributary to the Authority's System and which will be served by the System;

(2) The number of commercial and business sewer connections to be served by the System;

(3) The number of industrial connections to be served by the System, with name and location of each.

The purpose of this provision is to permit the Authority to accumulate statistical data which will enable it to render better service and facilitate plans for betterment and future facilities expansion.

(b) Industrial Waste. The effects of certain types of Industrial Waste upon sewers and sewage treatment processes are such as to require that careful consideration be made of each industrial connection. This is a matter of concern both to the Authority and to the Town. Accordingly, the Town shall

regulate the discharge of Industrial Waste into its sewer system, and will authorize discharge of Industrial Waste to its sewers subject to the general provision that no harm will result from such discharge and subject to the filing by applicant industry of a statement, copy of which shall be forwarded to the Authority, containing the following information:

- (1) Name and address of applicant;
- (2) Type of industry;
- (3) Quantity of plant waste;
- (4) Typical analysis of the waste;
- (5) Type of pre-treatment proposed.

To facilitate inspection and control of Industrial Waste, the Town will require industries to install an inspection manhole which shall be located so as to be accessible at all times to inspectors of the Town. If inspection indicates that damage might result from the discharge the permit shall be revoked unless and until the industry promptly establishes acceptable remedial measures. At regular intervals the Authority will collect twenty-four hours composite samples of all Wastewater at each Point of Entry and cause same to be analyzed by American Public Health Association Standard Methods. Such Wastewater shall not exceed the limits of concentration specified in Article IV of this Contract. Should the analysis disclose concentrations higher than those stipulated the Authority immediately will inform the Town of such disqualification. It shall be the obligation of the Town to require the offending originator of said highly concentrated materials to immediately initiate and undertake remedial pre-treatment or other legal means before discharge into the Town's sewers.

(c) Ordinances. The Town agrees that it has enacted or will enact ordinances as necessary to include the following provisions:

(1) For each existing and future SIU, the Town shall require said user to complete and submit a permit application containing that information specified in the sample application form which is attached hereto as Exhibit 1 immediately following this Article IV. The Authority shall be provided a copy of the permit application within thirty days after receipt by the Town. The Authority shall provide comments on said application within thirty days of receipt and return comments to the Town. Failure to comment shall be construed as concurrence by the Authority.

After approval of the Permit Application by both the Town and the Authority, the Town shall, with mutual approval by the Town and the Authority, issue a permit to discharge similar in content and form as the permit shown on the form which is attached hereto as Exhibit 2 immediately following Exhibit 1 at the end of this Article IV. Said permit to discharge shall be required of all SIUs before said user will be allowed to discharge industrial wastes into the sewage system. A copy of the permit to discharge shall be forwarded to the Authority.

(2) The Town shall require significant industrial users to comply with applicable Federal Categorical Pretreatment Standards as well as any applicable state and local standards.

(3) The Town shall maintain certain information contained in permit applications as confidential at SIU's request.

(4) The Town shall disallow dilution as a means of reducing pollutant concentrations in an SIU's waste stream.

(5) The Town shall be authorized to enter SIU premises at any time for independent monitoring, inspection, or review of applicable records to determine compliance.

(6) The Town shall develop and require adherence to SIU compliance schedules.

(7) The Town shall require industrial monitoring and reporting.

(8) The Town shall choose or approve laboratory to analyze industrial wastes.

(9) The Town shall require SIU's to pay applicable fees for:

- (i) sampling and testing to determine compliance
- (ii) disconnection/reconnection of service resulting from noncompliance
- (iii) abnormal strength wastes
- (iv) additional costs incurred by Town or POTW in transporting or treating wastes
- (v) filing, revision, or renewal of Permit Application

(10) The Town shall provide public notification for instances of violation.

(11) The Town shall deny/revoke permit, disallow/disconnect service, assess civil or criminal penalties, and seek other available legal and equitable remedies against SIU for:

- (i) discharge to sewerage system resulting in violation of POTW's discharge permit conditions
- (ii) hazard to health or life of POTW personnel or users of receiving waters
- (iii) violation of any applicable ordinance or regulation
- (iv) false information transmitted to approving authority through Permit Application, monitoring reports, etc.

The Town shall furnish to the Authority all documents and records, in addition to those outlined herein, as necessary to demonstrate compliance by all industries.

EXHIBIT 1  
PERMIT APPLICATION

CITY OF \_\_\_\_\_

Date:

To: Significant Industrial Users

From:

Subject: Application for a Permit to Discharge Industrial Wastewaters to the Sanitary Sewer System.

Ordinance number \_\_\_\_\_ has been adopted for the purpose of regulating the quality of industrial wastewaters contributed to the sanitary sewer. The objectives of the Ordinance are to prevent damage or obstruction to the sewer, to avoid interference with the regional wastewater treatment plant operated by the Trinity River Authority, and to comply with state and federal regulations regarding pretreatment of industrial wastes.

Significant industrial users must obtain a Permit to discharge industrial wastewaters to the sewer. The Permit authorizes your discharge and sets forth criteria for discharge quality and requirements for reporting.

The attached application for a Permit must be completed and returned to the mailing address shown below within 180 days. A fee of \_\_\_\_\_ must accompany this Application. The City and the Trinity River Authority will review your application. Additional information such as evidence of treatability may be requested from either entity. The City will return a Permit to you upon approval of your application and will either approve or deny said application within 90 days of its receipt by City.

Please address questions concerning the Industrial Wastewater Ordinance Permit to:

EXHIBIT 1 (CONT'D)

APPLICATION FOR A PERMIT TO DISCHARGE  
INDUSTRIAL WASTEWATER TO THE SANITARY SEWER

Note to Signing Official: Please complete and return this application within 180 days. Signing officials must have authorization to provide information on behalf of the company. Information considered confidential by your company should be clearly marked so that this information can be maintained in separate, limited access files.

SECTION A. GENERAL INFORMATION

1. Company name \_\_\_\_\_
2. Mailing address \_\_\_\_\_
3. Facility address \_\_\_\_\_ Zip Code \_\_\_\_\_  
(address where sewer service is requested) Telephone Number \_\_\_\_\_
4. Is company currently in operation at facility address? YES \_\_\_ NO \_\_\_

SECTION B. PRODUCTS OR SERVICE INFORMATION

1. Brief description of manufacturing processes or service activity at the facility including rate of production, if applicable:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Principal raw materials, including chemicals, catalysts, solvents, etc., used in any phase of the manufacturing process or service activity: \_\_\_\_\_  
\_\_\_\_\_
3. Number of employees \_\_\_\_\_. Hours per day of operation \_\_\_\_\_.  
Days per week of operation \_\_\_\_\_.
4. Standard Industrial Code Number \_\_\_\_\_ (4 digits).
5. List other environmental control permits held at this time. \_\_\_\_\_  
\_\_\_\_\_
6. Attach a property plat prepared by an engineer or architect showing locations of water and sewer connections, manholes, traps, etc. Also indicate the locations of an acceptable monitoring station for collecting samples and measuring flows of the industrial wastewater streams prior to discharge to the sanitary sewer.

EXHIBIT 1 (CONT'D)

SECTION C. WASTEWATER DISCHARGE INFORMATION

1. Indicate the types and quantity of industrial wastewater by completing the table below:

	Check Appropriate Box For Type Of Wastewater	Industrial Flow Average Daily/ Maximum Daily	Flow Metered (check if yes)	Flow Estimated (check if yes)	Flow Proposed For New Industry (check if yes)
(a) Process Wastewater;	Continuous Discharge	/			
	Batch Discharge	/			
(b) Boiler Blowdown		/			
(c) Cooling Water Release		/			
(d) Plant and Equipment Washdown		/			
(e) Other		/			
(specify)					

For each wastewater stream attach a schematic of water flow that depicts the water source, industrial units where water is used and pretreatment units.

2. Wastewater Quality. The applicant must present information on the quality of industrial wastewaters. Samples collected from wastewater streams should be representative of daily operations. Analytical procedures should follow those in Standard Methods for the Examination of Water and Wastewater, APHA-AWWA-WPCF, 14th Edition, 1975.

EXHIBIT 1 (CONT'D)

(a) Conventional Pollutants - In the spaces below, indicate the average and maximum value of each constituent in the discharge.

Wastewater Constituent	Maximum Value	Average Value
Biochemical Oxygen Demand (5 day)	_____	_____ mg/l
Total Suspended Solids	_____	_____ mg/l
pH	_____	_____ pH units
Temperature	_____	_____ °F

EXHIBIT 1 (CONT'D)

(b) Priority Pollutant Information: Please indicate by placing an "X" in the appropriate box by each listed chemical whether it is "Suspected to be Absent", "Known to be Absent", "Suspected to be Present", or "Known to be Present" in your manufacturing or service activity or generated as a by-product.

ITEM NO.	CHEMICAL COMPOUND	SUSPECTED ABSENT	KNOWN ABSENT	SUSPECTED PRESENT	KNOWN PRESENT	ITEM NO.	CHEMICAL COMPOUND	SUSPECTED ABSENT	KNOWN ABSENT	SUSPECTED PRESENT	KNOWN PRESENT
1.	asbestos (fibrous)	( )	( )	( )	( )	64.	1,2-dichloroethane	( )	( )	( )	( )
2.	cyanide (total)	( )	( )	( )	( )	67.	1,1-dichloroethene	( )	( )	( )	( )
3.	antimony (total)	( )	( )	( )	( )	68.	trans-1,2-dichloroethene	( )	( )	( )	( )
4.	arsenic (total)	( )	( )	( )	( )	69.	2,4-dichlorophenol	( )	( )	( )	( )
5.	beryllium (total)	( )	( )	( )	( )	70.	1,2-dichloropropane	( )	( )	( )	( )
6.	cadmium (total)	( )	( )	( )	( )	71.	(cis & trans) 1,3-dichloropropene	( )	( )	( )	( )
7.	chromium (total)	( )	( )	( )	( )	72.	aldrin	( )	( )	( )	( )
8.	copper (total)	( )	( )	( )	( )	73.	dichloro pthalate	( )	( )	( )	( )
9.	lead (total)	( )	( )	( )	( )	74.	2,4-dimethylphenol	( )	( )	( )	( )
10.	mercury (total)	( )	( )	( )	( )	75.	dimethyl pthalate	( )	( )	( )	( )
11.	nickel (total)	( )	( )	( )	( )	76.	di-n-butyl pthalate	( )	( )	( )	( )
12.	selenium (total)	( )	( )	( )	( )	77.	di-n-octyl pthalate	( )	( )	( )	( )
13.	silver (total)	( )	( )	( )	( )	78.	4,6-dinitro-2-methylphenol	( )	( )	( )	( )
14.	thallium (total)	( )	( )	( )	( )	79.	2,4-dinitrophenol	( )	( )	( )	( )
15.	zinc (total)	( )	( )	( )	( )	80.	2,4-dinitrotoluene	( )	( )	( )	( )
16.	acenaphthene	( )	( )	( )	( )	81.	2,4-dinitrotoluene	( )	( )	( )	( )
17.	acenaphthylene	( )	( )	( )	( )	82.	1,2-diphenylhydrazine	( )	( )	( )	( )
18.	acrolein	( )	( )	( )	( )	83.	odesulfan I	( )	( )	( )	( )
19.	acrylonitrile	( )	( )	( )	( )	84.	odesulfan II	( )	( )	( )	( )
20.	aldrin	( )	( )	( )	( )	85.	odesulfan sulfate	( )	( )	( )	( )
21.	anthracene	( )	( )	( )	( )	86.	endrin	( )	( )	( )	( )
22.	benzene	( )	( )	( )	( )	87.	endrin aldehyde	( )	( )	( )	( )
23.	benzidine	( )	( )	( )	( )	88.	ethylbenzene	( )	( )	( )	( )
24.	benzo (a) anthracene	( )	( )	( )	( )	89.	fluoranthene	( )	( )	( )	( )
25.	benzo (a) pyrene	( )	( )	( )	( )	90.	fluorene	( )	( )	( )	( )
26.	benzo (b) fluoranthene	( )	( )	( )	( )	91.	heptachlor	( )	( )	( )	( )
27.	benzo (g,h,i) perylene	( )	( )	( )	( )	92.	heptachlor epoxide	( )	( )	( )	( )
28.	benzo (k) fluoranthene	( )	( )	( )	( )	93.	hexachlorobenzene	( )	( )	( )	( )
29.	a-BHC (alpha)	( )	( )	( )	( )	94.	hexachlorobutadiene	( )	( )	( )	( )
30.	b-BHC (beta)	( )	( )	( )	( )	95.	hexachlorocyclopentadiene	( )	( )	( )	( )
31.	d-BHC (delta)	( )	( )	( )	( )	96.	hexachloroethane	( )	( )	( )	( )
32.	g-BHC (gamma)	( )	( )	( )	( )	97.	indene (1,2,3-cd) pyrene	( )	( )	( )	( )
33.	bis (2-chloroethyl) ether	( )	( )	( )	( )	98.	isophorane	( )	( )	( )	( )
34.	bis (2-chloroethoxy) ether	( )	( )	( )	( )	99.	methylene chloride	( )	( )	( )	( )
35.	bis (2-chloroisopropyl) ether	( )	( )	( )	( )	100.	naphthalene	( )	( )	( )	( )
36.	bis (chloromethyl) ether	( )	( )	( )	( )	101.	nitrobenzene	( )	( )	( )	( )
37.	bis (2-ethylhexyl) pthalate	( )	( )	( )	( )	102.	2-nitrophenol	( )	( )	( )	( )
38.	bromodichloromethane	( )	( )	( )	( )	103.	4-nitrophenol	( )	( )	( )	( )
39.	bromoform	( )	( )	( )	( )	104.	N-nitrosodimethylamine	( )	( )	( )	( )
40.	bromomethane	( )	( )	( )	( )	105.	N-nitrosodim-propylamine	( )	( )	( )	( )
41.	4-bromophenylphenyl ether	( )	( )	( )	( )	106.	N-nitrosodiphenylamine	( )	( )	( )	( )
42.	butylbenzyl pthalate	( )	( )	( )	( )	107.	PCB-1016	( )	( )	( )	( )
43.	carbon tetrachloride	( )	( )	( )	( )	108.	PCB-1221	( )	( )	( )	( )
44.	chloroform	( )	( )	( )	( )	109.	PCB-1232	( )	( )	( )	( )
45.	4-chloro-3-methylphenol	( )	( )	( )	( )	110.	PCB-1242	( )	( )	( )	( )
46.	chlorobenzene	( )	( )	( )	( )	111.	PCB-1246	( )	( )	( )	( )
47.	chloroethane	( )	( )	( )	( )	112.	PCB-1254	( )	( )	( )	( )
48.	2-chloroethylvinyl ether	( )	( )	( )	( )	113.	PCB-1260	( )	( )	( )	( )
49.	chloroform	( )	( )	( )	( )	114.	pentachlorophenol	( )	( )	( )	( )
50.	chloromethane	( )	( )	( )	( )	115.	phenanthrene	( )	( )	( )	( )
51.	2-chloronaphthalene	( )	( )	( )	( )	116.	phenol	( )	( )	( )	( )
52.	2-chlorophenol	( )	( )	( )	( )	117.	pyrene	( )	( )	( )	( )
53.	4-chlorophenylphenyl ether	( )	( )	( )	( )	118.	2,3,7,8-tetrachlorodibenzo-p-dioxin	( )	( )	( )	( )
54.	chrysene	( )	( )	( )	( )	119.	1,1,2,2-tetrachloroethane	( )	( )	( )	( )
55.	4,4'- DDD	( )	( )	( )	( )	120.	tetrachloroethene	( )	( )	( )	( )
56.	4,4'- DDE	( )	( )	( )	( )	121.	toluene	( )	( )	( )	( )
57.	4,4'- DDT	( )	( )	( )	( )	122.	toxaphene	( )	( )	( )	( )
58.	dibenz (a,h) anthracene	( )	( )	( )	( )	123.	1,2,4-trichlorobenzene	( )	( )	( )	( )
59.	dibromochloromethane	( )	( )	( )	( )	124.	1,1,1-trichloroethane	( )	( )	( )	( )
60.	1,2-dichlorobenzene	( )	( )	( )	( )	125.	1,1,2-trichloroethane	( )	( )	( )	( )
61.	1,3-dichlorobenzene	( )	( )	( )	( )	126.	trichloroethane	( )	( )	( )	( )
62.	1,4-dichlorobenzene	( )	( )	( )	( )	127.	trichlorofluoromethane	( )	( )	( )	( )
63.	3,3'-dichlorobenzidine	( )	( )	( )	( )	128.	2,4,6-trichlorophenol	( )	( )	( )	( )
64.	dichlorodifluoromethane	( )	( )	( )	( )	129.	vinyl chloride	( )	( )	( )	( )
65.	1,1-dichloroethane	( )	( )	( )	( )						



EXHIBIT 1 (CONT'D)

3. Is your discharge subject to national Pretreatment Standards established under 40 CFR, Chapter I, Subchapter N.

YES \_\_\_\_\_ NO \_\_\_\_\_

The above question must be answered with certainty. For additional information regarding National Pretreatment Standards, applicant should contact Region VI of the Environmental Protection Agency at (214) 767-2630 or the Trinity River Authority, Northern Region Office at (817) 467-4223.

4. For existing significant industrial users, if the answer to the above question is yes, please indicate the applicable pretreatment standards in the space provided below and attach a statement reviewed by applicant's authorized representative and certified by a qualified professional, indicating whether applicable pretreatment standards are being met on a consistent basis. If applicable pretreatment standards are not being met on a consistent basis, certified statement should indicate the following:
- a. Whether additional operation and maintenance (O&M) and/or additional pretreatment is required for applicant to meet pretreatment standards; and
  - b. The shortest schedule by which applicant will provide additional O&M or pretreatment. The completion date in this schedule must not be later than compliance date established for applicable pretreatment standard.

Applicable Standards

Constituent

Limit(s)

EXHIBIT 1 (CONT'D)

5. For new significant industrial users describe the pretreatment processes proposed for your facility to meet the requirements listed in item 4. (Examples: neutralization, materials recovery, grease traps, sand traps, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I the undersigned applicant, being the authorized representative of the herein named company, do hereby request a Permit to continue to use or to establish an industrial sewer connection at the location indicated herein and do agree to comply with provisions of City Ordinance \_\_\_\_\_.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Name of Signee \_\_\_\_\_  
(Please Print)

Name and phone number of person to contact regarding Permit information.

\_\_\_\_\_

CORPORATE ACKNOWLEDGMENT

THE STATE OF TEXAS |

COUNTY OF \_\_\_\_\_ |

Before me, the undersigned authority, on this day personally appeared

\_\_\_\_\_ of \_\_\_\_\_,

a corporation, 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 purposes and considerations therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public in and for \_\_\_\_\_  
County, Texas

My Commission Expires: \_\_\_\_\_

EXHIBIT 2  
PERMIT FORM

CITY OF \_\_\_\_\_

PERMIT TO DISCHARGE INDUSTRIAL WASTEWATERS  
TO THE SANITARY SEWER

Name of Industry (Permittee) \_\_\_\_\_  
Address \_\_\_\_\_  
(location of sewer service)

Permit No. \_\_\_\_\_ Account No. \_\_\_\_\_

The above named Permittee is authorized to discharge industrial wastewaters to the sanitary sewerage system according to the provisions of this Permit. Authorization is granted for a period beginning \_\_\_\_\_ until \_\_\_\_\_.

\_\_\_\_\_  
Authorized Representative      Date  
City of \_\_\_\_\_

EXHIBIT 2 (CONT'D)

A. EFFLUENT LIMITATIONS

The quality of permittee's industrial discharges will be limited by the provisions of City Ordinance No. \_\_\_\_\_ and the National Pretreatment Regulations which include the following numerical limitations:

Pollutant or Pollutant Property	STANDARDS	
	Maximum Allowable Concentration, mg/l	Average Concentration and/or Load mg/l or lb/day
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The discharge of any pollutant at a level in excess of that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit. Such a violation may result in permit revocation and/or the imposition of civil and/or criminal penalties.

B. MONITORING AND REPORTING

1. Permittee shall collect representative samples of the wastewater discharge and analyze these waters for the pollutants indicated in Section A. Where feasible, samples shall be obtained using flow proportional composite sampling techniques specified in the applicable Categorical Pretreatment Standard. Where composite sampling is not feasible, grab sampling is acceptable. The permittee shall collect and analyze \_\_\_\_\_ sample(s) during a \_\_\_\_\_ period.  
(number) (interval)
2. Permittee shall summarize monitoring information on a copy of the attached "Significant Industrial User Self Monitoring Report" form. Duplicates of this form shall be submitted during the months of \_\_\_\_\_ and \_\_\_\_\_ of each year to:

\_\_\_\_\_  
City Engineer  
City of \_\_\_\_\_

with copy to:

Pretreatment Program Manager  
Trinity River Authority of Texas  
P. O. Box 240  
Arlington, Texas 76010

EXHIBIT 2 (CONT'D)

3. Failure to submit any report or information required by this permit shall constitute a violation.
4. Any changes in the characteristics of the industrial discharges as a result of modifications to the industrial processes must be reported. Modifications to the permit may then be made to reflect any necessary changes in process conditions, including any necessary effluent limitations for any pollutants not identified and limited herein. This permit is not transferrable to companies or processes other than those to which it is originally issued.
5. Permittee shall immediately notify the treatment plant manager at (214) 225-3462 in the event of a slug loading of pollutants as a result of an operational failure of pretreatment facilities or accidental spills.
6. Permittee must maintain records of all information resulting from any monitoring activities for a minimum period of 3 years. Such records will include for all samples:
  - (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
  - (ii) The dates the analyses were performed;
  - (iii) Who performed the analyses;
  - (iv) The analytical techniques/methods used; and
  - (v) The results of such analyses.

Records shall be made available for inspection and copying by the city, or its representatives.

7. Compliance Schedule:

Activity

Date

8. Permittee is advised that he may need to comply with additional regulations listed as follows:

## ARTICLE V

Section 5.01. FINANCING. Authority has heretofore issued the Outstanding Bonds and will pay for the cost of construction of the improvements specified and to be specified in the Engineering Report, and will issue its Bonds, from time to time, in amounts necessary which, together with other available funds, will be sufficient to accomplish such construction.

Section 5.02. ANNUAL REQUIREMENT. It is acknowledged and agreed that payments to be made under this Contract and similar contracts with other Contracting Parties and Additional Contracting Parties will be the only source available to Authority to provide the Annual Requirement; and that the Authority has a statutory duty to establish and from time to time to revise the charges for services to be rendered and made available to Town hereunder so that the Annual Requirement shall at all times be not less than an amount sufficient to pay or provide for the payment of:

(a) The net amount paid or payable for all Operation and Maintenance Expenses;

(b) the principal of and the interest on Outstanding Bonds and Bonds, as such principal and interest become due, less interest to be paid out of Bond proceeds as permitted by any Bond Resolution and less any other funds on hand for payment of principal and interest on the Bonds and Outstanding Bonds;

(c) during each Fiscal Year, the proportionate part of any special or reserve funds required to be established and/or maintained by the provisions of any Bond Resolution and/or any resolution authorizing the Bonds or Outstanding Bonds; and

(d) an amount in addition thereto sufficient to restore any deficiency in any of such funds or accounts required to be accumulated and maintained by the provisions of any Bond Resolution and/or any resolution authorizing the Bonds or Outstanding Bonds.

Section 5.03. PAYMENTS BY TOWN. (a) It is estimated that the Town will first discharge Wastewater into the Wastewater Tunnel and thus into the System in October, 1993. For services to be rendered to Town by Authority hereunder, Town agrees to pay, at the time and in the manner hereinafter provided, its proportionate share of the Annual Requirement, which shall be determined as follows and shall constitute Town's Annual Payment:

For each Fiscal Year the Town's proportionate share of the Annual Requirement shall be a percentage obtained by dividing Town's estimated annual contributing flow to the System by the total estimated annual contributing flow to the System by all Contracting Parties, and by multiplying such percentage times the Annual Requirement. The resulting amount shall constitute the Town's Annual Payment for such Fiscal Year.

Town's Annual Payment shall be made to Authority in equal monthly installments for each Fiscal Year commencing with the month during which the Town first discharges Wastewater into the Wastewater Tunnel and thus into the System (the Service Date). No payments are required to be paid by the Town to the Authority under this Contract prior to the Service Date. Such payments shall be made in accordance with and at the times set forth in a Schedule of Payments for each Fiscal Year which will be supplied to Town. At the close of each Fiscal Year, Authority shall redetermine Town's percentage by dividing Town's actual metered contributing flow to the System by the total actual metered contributing flow to the System by all Contracting Parties. Town's Adjusted Annual Payment shall be calculated by multiplying Town's redetermined percentage times the Annual Requirement. The difference between the Adjusted Annual Payment and the Annual Payment, if any, when determined, shall be applied as a credit or a debit to Town's account with Authority and shall be credited or debited to Town's next subsequent monthly payment or payments for the next Fiscal Year.

(b) If, during any Fiscal Year, Authority begins providing services to an Additional Contracting Party or Parties, Town's Annual Payment for such Fiscal Year shall be redetermined in the following manner:

(i) Such Additional Contracting Party or Parties estimated contributing flow to the System for such year, or portion thereof, shall be determined by Authority;

(ii) Town's proportionate share of the Annual Requirement shall be a percentage, redetermined by dividing Town's estimated annual contributing flow to the System by the total estimated annual contributing flow to the System by all Contracting Parties, including that estimated for the Additional Contracting Party or Parties for the remaining portion of such Fiscal Year;

(iii) Authority shall redetermine the Annual Requirement, taking into consideration any costs incurred on account of the Additional Contracting Party or Parties;

(iv) Town's Annual Payment shall be redetermined by multiplying Town's redetermined percentage times the redetermined Annual Requirement.

(c) Town's Annual Payment shall also be redetermined, in the manner set out above, at any time during any Fiscal Year if:

(i) Additions, enlargements or improvements to the System are constructed by Authority to provide continuing service which in turn requires a redetermination of the Annual Requirement; or

(ii) Unusual or extraordinary expenditures for operation and maintenance are required which are not provided for in the Annual Budget or in the Bond Resolution; or

(iii) Town's contributing flow to the System, after the beginning of the Fiscal Year, is estimated to be substantially different from that on which Annual Payments are based as determined by Authority, to the extent that such difference in flow will substantially affect Town's Budget, and consequently Town's Annual Payment to Authority.

(d) The Annual Payment set forth in this section shall be considered the Basic Charge for service hereunder, and Town shall pay surcharge for excess BOD and/or SS determined in the manner set forth in Section 4.05.

(e) (1) The amount of the Annual Requirement for each such Fiscal Year shall be calculated by the Authority, in accordance with Section 5.02 hereof, prior to the beginning of each such Fiscal Year, which Annual Requirement shall include, in addition to Bond servicing requirements, the Operation and Maintenance Expenses for each Fiscal Year as estimated and set forth in the Annual Budget adopted by the Board of Directors of the Authority in accordance with Section 7.01 hereof prior to the commencement of each such Fiscal Year. Then the amount of the Annual Requirement as so calculated shall be divided by the number of 1,000 gallons of total estimated contributing flow of Wastewater to the System by all Contracting Parties, calculated and estimated by the Authority, in accordance with Section 5.03(a) hereof, prior to the commencement of each such Fiscal Year, and thereby obtaining an estimated cost per 1,000 gallons of Wastewater for the services of the System to all Contracting Parties for each such Fiscal Year.

(2) In addition to all other payments required to be made by the Town under this Contract, the Town agrees and shall be unconditionally obligated to pay to the Authority during each month for 120 months commencing with the first complete month following the Service Date, but not thereafter, a surcharge for the Wastewater services received by the Town under this Contract, calculated as hereinafter provided. For the purpose of calculating such surcharge, the following terms, as used herein, shall have the following meanings, respectively:

"Base Quantity" means the average monthly metered number of gallons of Wastewater discharged by the Town through meters at its city limits, for transportation (through facilities of the Cities of Farmers Branch and Carrollton, Texas) to be received and treated in the Authority's System, during the 12 complete calendar months prior to the Authority's receipt of the written notice and assurance with respect to the Service Date and completion of the Wastewater Tunnel, as required under the definition of the term "Service Date" in Section 1.01 hereof. The Town shall, at least 15 days prior to the Service Date, give written notice to the Authority of such average monthly metered number of gallons of Wastewater, together with the pertinent records and meter readings, satisfactory to the Authority, verifying such metered number.

"Surcharge Quantity" means all Wastewater discharged by the Town into the Wastewater Tunnel during any month in excess of the Base Quantity.

The Town shall pay a surcharge equal to 20% of the cost per 1,000 gallons calculated as provided in (1), above, for each 1,000 gallons of Wastewater actually discharged by the Town during each month into the Wastewater Tunnel in excess of the Base Quantity. The aggregate number of 1,000 gallons of such Surcharge Quantity, if any, for each Fiscal Year shall be estimated at the time the estimates are made in accordance with Section 5.03(a), and shall be multiplied by such surcharge, and the result divided by 12, and the amount obtained thereby shall be added to and be paid along with each monthly installment of the Town's Annual Payment, and shall be added to and included in the Schedule of Payments for each such Fiscal Year furnished to the Town pursuant to Article V hereof. At the close of each such Fiscal Year the Authority shall redetermine the total amount actually payable by the Town due to such surcharge by multiplying such surcharge times the actual aggregate number of 1,000 gallons of Surcharge Quantity, if any, during such Fiscal Year. The difference, if any, between the amount so paid and the amount actually due based on actual Surcharge Quantity shall be applied as a credit or a debit to Town's account with

the Authority and shall be credited or debited to Town's next subsequent monthly payment or payments.

(3) It is understood and agreed that the total amount due to the Authority from the above surcharge paid by the Town during each of the aforesaid 120 months shall be applied by the Authority at the end of each Fiscal Year solely as a credit to the amounts of the Annual Requirement which otherwise would be payable during the ensuing Fiscal Year by the following Contracting Parties: the Cities of Arlington, Bedford, Carrollton, Colleyville, Coppell, Dallas, Euless, Farmers Branch, Fort Worth, Grand Prairie, Grapevine, Hurst, Irving, Mansfield, and North Richland Hills, Texas, and the Dallas/Fort Worth Airport Board. It is acknowledged that such surcharge will be paid by the Town towards offsetting previous capital costs in effect paid by said earlier Contracting Parties in connection with the existing System.

(f) Recognizing that the Authority will use payments received from Town to pay, secure, and finance the issuance of Bonds and to pay the Outstanding Bonds, it is hereby agreed that upon the effective date hereof, Town shall be unconditionally obligated to pay its proportionate share of the Annual Requirements and to pay the surcharge described in (d) and (e), above.

(g) On or before August 1 of each year, commencing with 1993, Authority will furnish Town with an estimated schedule of monthly payments to be made by Town for the ensuing Fiscal Year, and any payments estimated to be required from the Town for part of the then current Fiscal Year. On or before November 1 of each year, Authority shall furnish Town with a finalized schedule of the monthly payments to be made by such Town to the Authority for the ensuing Fiscal Year, and for any part of the then current Fiscal Year. Town hereby agrees that it will make such payments to the Authority on or before the 10th day of each month of such Fiscal Year. If the Town at any time disputes the amount to be paid by it to Authority, Town shall nevertheless promptly make the payment or payments determined by Authority, and, if it is subsequently determined by agreement, arbitration or court decision that such disputed payments made by Town should have been less, Authority shall promptly revise and reallocate the charges among all parties then being served by Authority in such manner that Town will recover its overpayment. In the event Town is assessed a surcharge for excess BOD and/or SS, Authority will bill Town for such surcharge on or before the fifth (5th) day of the month following the determination of the surcharge and Town shall pay such surcharge on or before the tenth (10th) day of the month following the month of receipt of any such bill. Any such

surcharge collected by Authority shall be applied by Authority against the total cost of Operation and Maintenance Expense of the System.

(h) If Town's Annual Payment is redetermined as is herein provided, Authority will promptly furnish Town with an updated schedule of monthly payments reflecting such redetermination.

#### ARTICLE VI

Section 6.01. CONSTRUCTION. Authority agrees to operate and maintain the existing facilities of the System and also all additional or replacement facilities which are required and completed in accordance with the Engineering Report.

Section 6.02. CONDITIONS PRECEDENT. It is expressly understood and agreed that any obligation on the part of the Authority to complete and operate the said facilities shall be conditioned upon the following:

(a) Sale of Bonds in an amount which, together with other available funds, will be sufficient to assure the construction of the System;

(b) The Authority's ability, or the ability of the Authority's contractors, to obtain all material, labor, and equipment necessary for completion of the System.

Section 6.03. OBLIGATIONS OF TOWN. Authority shall never have the right to demand payment by Town of any obligation assumed or imposed on it under and by virtue of this Contract from funds raised or to be raised by taxation, it being expressly understood by the parties hereto that all payments due by Town hereunder are to be made from the revenues and income received by Town from its combined waterworks and sanitary sewer system, as authorized by law, and the Town hereby pledges such revenues and income to making such payments.

Section 6.04. PAYMENTS TO CONSTITUTE OPERATING EXPENSES BY TOWN. Town represents and covenants that the services to be obtained pursuant to this Contract are essential and necessary to the operation of Town, its combined waterworks and sanitary sewer system, and its Local Wastewater Facilities, and that all payments to be made hereunder by it will constitute reasonable and necessary "operating expenses" of Town's combined waterworks and sanitary sewer system, within the meaning of Article 1113, Vernon's Annotated Texas Civil Statutes, and the provisions of all Ordinances authorizing the issuance of all revenue

bond issues of Town which are payable from revenues of the Town's combined waterworks and sanitary sewer system

Section 6.05. TOWN TO ESTABLISH ADEQUATE RATES. Town agrees to establish and collect such rates and charges for services to be supplied by its combined waterworks and sanitary sewer system as will make possible the prompt payment of all expenses of operating and maintaining such combined system, including all payments contracted hereunder, and the prompt payment of the principal of and interest on its obligations, if any, payable from the revenues of its combined waterworks and sanitary sewer system.

Section 6.06. USE OF REVENUES OF SYSTEM. All revenues received from any source whatsoever by Authority by reason of its ownership of this System shall, to the extent permitted by law, be credited to the funds of the System as established in the Bond Resolutions. To the extent permitted by law, if the Authority receives income from the use of treated Wastewater, prior to its discharge into a public stream of the State of Texas, the Authority will apply said income against the Operating and Maintenance Expense of the System. Provided, that revenues received by Authority from the Dallas-Fort Worth Regional Airport Board under contract dated July 16, 1971, as amended, and any revenues received under contracts, the revenues from which are pledged to the payment of special facility bonds, as permitted in the Bond Resolutions, shall not be credited to said funds of the System and will not be a part of the pledge of revenues for payment of the Bonds. Neither shall any revenues received by the Authority under contracts where the Authority is acting as a signatory to the Texas Water Pollution Control Compact be included as a part of the pledge of revenues for payment of the Bonds. No funds derived from the Contracting Parties shall ever be used for the benefit of any project the revenues of which have been excluded from the pledge for payment of the Bonds hereunder or which may be so excluded in the future.

Section 6.07. FORCE MAJEURE. In case by reason of "Force Majeure" either party hereto shall be rendered unable wholly or in part to carry out its obligations under this agreement, then if such party shall give notice and full particulars of such "Force Majeure" in writing to the other party within a reasonable time after occurrence of the event or cause relied on, the obligation of the party giving such notice, so far as it is affected by such Force Majeure, with the exception of the obligation of Town to make the payments required in Section 5.03(f) hereof, shall be suspended during the continuance of the inability then claimed, but for no longer periods, and any such party shall endeavor to remove or overcome such inability

with all reasonable dispatch. The term "Force Majeure" as employed herein, shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemy, orders of any kind of the Government of the United States or the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, civil disturbances, explosions, breakage or accidents to machinery, pipe lines or canals, partial or entire failure of water supply, and inability on the part of Town to provide water necessary for operation of its combined water and sanitary sewer system hereunder, or of Authority to receive Wastewater on account of any other causes not reasonably within the control of the party claiming such inability. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any Force Majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demands of the opposing party or parties when such settlement is unfavorable to it in the judgment of the party having the difficulty.

Section 6.08. INSURANCE. Authority will carry insurance for purposes and in amounts which would ordinarily be carried by a privately owned utility company under contract to perform services similar to those undertaken by Authority in this Contract.

Section 6.09. REGULATORY BODIES. This Contract shall be subject to all valid rules, regulations, and laws applicable hereto passed or promulgated by the United States of America, the State of Texas, or any governmental body or agency having lawful jurisdiction or any authorized representative or agency of any of them.

Section 6.10. ADVISORY COMMITTEE. Commencing with the Service Date, the Town's governing body shall annually appoint one of the members of its governing body or one of its officers as a voting member of the Advisory Committee for the Authority's Central Wastewater Treatment System. Said Committee shall be comprised of one voting representative of each Contracting Party and Additional Contracting Party. Additionally, the Board of Directors of the Authority shall annually appoint to serve as non-voting members of the Advisory Committee one of its Dallas County Directors and one of its Tarrant County Directors. The Advisory Committee, at its first called meeting, shall elect a Chairman, a Vice Chairman and a Secretary. The Advisory Committee shall establish bylaws governing the election of officers, meeting dates and other matters pertinent

to the functioning of the Advisory Committee. The Advisory Committee shall consult with and advise the Authority, through its General Manager, with regard to the following matters pertaining to the System:

- (i) Future plans for expansion;
- (ii) Methods for improved service;
- (iii) The inclusion of Additional Contracting Parties;
- (iv) The proposed Annual Budget, prior to its submission by the Authority's General Manager to the Authority's Board;
- (v) Review of the Annual Report and Annual Audit; and
- (vi) All such matters as relate to its management, operation, and maintenance.

Said Committee shall inspect, no less than annually, all physical elements of the System. A copy of the minutes of the meetings of the Advisory Committee and all other pertinent data, shall be provided to the Authority's President.

The term of membership on the Advisory Committee shall be for twelve (12) months, beginning on December 1st of each year and ending on November 30th of the succeeding year. A member may serve more than one (1) term if so appointed by the governing body represented. The Authority's General Manager, or his designated representative, shall serve ex officio as a member of the Advisory Committee without voting rights. All expenses of the Advisory Committee shall be considered as an operating expense of the System.

Section 6.11. AUTHORITY CONTRACTS WITH OTHERS. The Authority reserves the right to contract with other persons, natural or corporate, private or public, to perform services similar to those to be performed under this Contract or other services; provided, however, that no contract will be made for service within Town's Town limits or within the extraterritorial jurisdiction of any Town, as defined by law, on the date of such contract, without such Town's written consent.

Section 6.12. ADDITIONAL CAPACITY AND FACILITIES. As the responsible agency for the establishment, administration, operation, and maintenance of the System, the Authority will, from time to time, determine when it is necessary to provide additional facilities to receive, transport, treat, and dispose of additional Wastewater of the Contracting Parties and any

Additional Contracting Parties. In making the determinations called for herein, Authority covenants that such determinations will be made only after detailed studies of statistical data available as to the need and feasibility have been made and after consulting with the Advisory Committee, consulting engineers, and financial advisors. Town will be kept advised at all times of planning and proposed development of the System.

Section 6.13. ANNUAL REPORT AND AUDIT OF SYSTEM. The Authority shall, at the close of each Fiscal Year, cause to be prepared an Annual Report and Audit of the System. Such report shall contain such matters and information as may be considered necessary and useful by Authority and the Advisory Committee.

Section 6.14. PUBLICATIONS, REFERENCE WORKS, GOVERNMENTAL REGULATIONS. In each instance herein where reference is made to a publication, reference work or Federal or State regulation, it is the intention of the parties that at any given time the then current edition of any such publication or reference work or Federal or State regulation shall apply. If a publication or reference work is discontinued or ceases to be the generally accepted work in its field or if conditions change or new methods or processes are implemented by the Authority, new standards shall be adopted which are in compliance with State and Federal laws and any valid rules and regulations issued pursuant thereto.

Section 6.15. OPERATION OF THE SYSTEM. Authority covenants that it will operate the System in accordance with accepted good business and engineering practices and in accordance with requirements of the Federal Water Pollution Control Act, as amended, and as said Act may be amended in the future, and any rules and regulations issued and to be issued by appropriate agencies in the administration of said Act. Town and Authority agree that their obligations hereunder shall include compliance with the requirements made under said Act, and any rules and regulations issued pursuant thereto.

## ARTICLE VII

### AUTHORITY ANNUAL BUDGET

Section 7.01. FILING WITH TOWN. It is understood that the Annual Budget for the System for the current Fiscal Year has been prepared and is and will be effective for all purposes of this Contract. Not less than forty (40) days before the commencement of each Fiscal Year hereafter while this Contract is in effect, Authority shall cause to be prepared as herein provided its tentative budget for the operation of the System

only for the next ensuing Fiscal Year. A copy of such tentative budget shall be filed with each Contracting Party and Additional Contracting Party. If no protest or request for a hearing on such tentative budget is presented to Authority within ten (10) days after such filing of the tentative budget by one or more Contracting Parties or Additional Contracting Parties, the tentative budget for the System, when adopted by Authority's Board of Directors, shall be considered for all purposes as the "Annual Budget" for the next ensuing Fiscal Year. But if protest or request for a hearing is duly filed, it shall be the duty of the Authority to fix the date and time for a hearing on the tentative budget before the Advisory Committee as constituted in Section 6.11 hereof and shall so advise all Contracting Parties and Additional Contracting Parties in writing. The Advisory Committee shall consider the testimony and showings made in such hearing and shall report its findings to the Board of Directors of Authority. The Board of Directors of Authority may adopt the budget or make such amendments thereof as to it may seem proper. The budget thus approved by the Board of Directors of the Authority shall be the Annual Budget for the next ensuing Fiscal Year.

The Annual Budget may be amended to provide for transfers of budgeted funds between expenditure accounts, provided however that said transfers do not result in an overall increase in budgeted funds as approved in the Annual Budget. The Annual Budget may be increased through formal action by the Board of Directors of Authority. Certified copies of the amended Annual Budget and resolution shall be filed immediately by the Authority with each Contracting Party and Additional Contracting Party.

## ARTICLE VIII

### EFFECTIVE DATE AND TERM OF CONTRACT

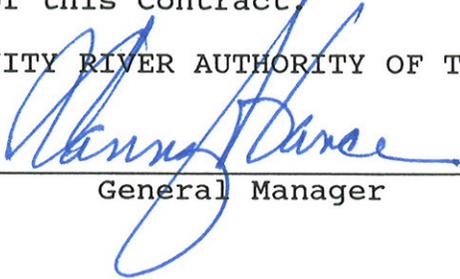
Section 8.01. EFFECTIVE DATE. This Contract shall become effective as of the date of execution hereof. As of the Service Date this Contract shall constitute the only contract between Town and Authority regarding Wastewater disposal services of the System.

Section 8.02. TERM OF CONTRACT. This Contract shall continue in force and effect from the effective date hereof until November 29, 2023, and thereafter shall continue in effect until any Outstanding Bonds, Bonds, or any Bonds issued to refund same, if any, have been paid in full. Town shall have the right to the continued performance of services provided hereunder for the useful life of the System after amortization of Authority's investment in the System, upon payment of

charges by Town, reduced to take into consideration such amortization.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute an original, all as of the 24th day of October, 1990, which is the date of this Contract.

TRINITY RIVER AUTHORITY OF TEXAS

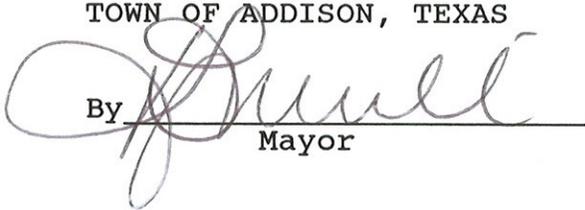
By   
General Manager

ATTEST:

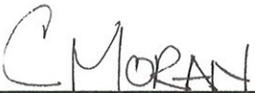
  
Secretary

(SEAL)

TOWN OF ADDISON, TEXAS

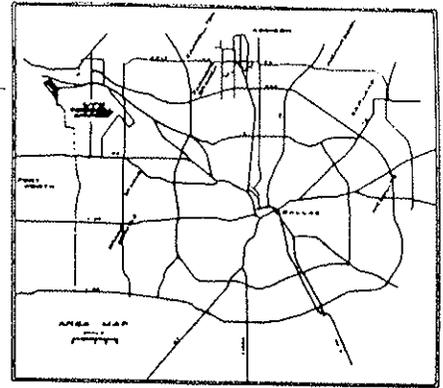
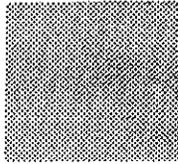
By   
Mayor

ATTEST:

  
City Secretary

(SEAL)

CENTRAL  
REGIONAL  
WASTEWATER  
SYSTEM  
SERVICE  
AREA



MIDWAY  
SOUTH

MIDWAY  
NORTH

ADDISON AIRPORT

DALLAS

CARROLLTON

A1

A3

A2-b

A2-c

A2-d

A4

A7

A5

A6

DALLAS

FARMERS  
BRANCH



TOWN OF  
**ADDISON**

**SEWER BASINS**

# Trinity River Authority of Texas



Northern Region Office

**DATE:** April 19, 2016

**FILE:** 3110.102

**TO:** MEMBERS, Advisory Committee  
Central Regional Wastewater System

**RE:** Authorized Contracting Party Representative and  
Authorized Alternate Representative

The Contract between the Trinity River Authority and each Contracting Party states that "the City's governing body shall annually appoint one of the members of its governing body or one of its officers as a voting member of the Advisory Committee for the Authority's Central Wastewater Treatment System." The contract further states "the term of membership on the Advisory Committee shall be for twelve (12) months" and also "A member may serve more than one (1) term if so appointed by the governing body represented.

The Central Regional Wastewater System Bylaws specify that an alternate representative be appointed to serve as the voting member of the contracting party in the event its appointed representative is unable to attend an Advisory Committee.

To be in compliance with the contracting parties' contracts and Central Regional Wastewater System Bylaws, please complete the attached form and have it executed by your authorized official. A letter from your city will also be acceptable.

It is requested that this form be returned to us by May 31, 2016. You may also send an electronic copy to Cheryl Abbott at [abbottc@trinityra.org](mailto:abbottc@trinityra.org).

If you have any questions about this, please contact me at 817-493-5100 or [allenf@trinityra.org](mailto:allenf@trinityra.org).

*Fiona M Allen*

FIONA M. ALLEN, P.E.  
Regional Manager  
Northern Region

/cea



**CENTRAL REGIONAL WASTEWATER SYSTEM  
ADVISORY COMMITTEE**

CONTRACTING PARTY: \_\_\_\_\_

In accordance with Section 6.11 ADVISORY COMMITTEE of the Contracting Party Contracts and the Bylaws of the Central Regional Wastewater System, the following individual has been appointed as the Contracting Party Representative and Voting Member for a twelve month period. In addition, an Alternate Contracting Party Representative is also named.

**CONTRACTING PARTY REPRESENTATIVE**

**ALTERNATE REPRESENTATIVE**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
MAYOR/CITY MANAGER

\_\_\_\_\_  
DATE

**FORM MUST BE RECEIVED BY MAY 31, 2016.** Please complete form and return to:

Cheryl Abbott  
Trinity River Authority of Texas  
Northern Region  
P. O. Box 240  
Arlington, TX 76004-0240

**FORM MAY ALSO BE SENT ELECTRONICALLY TO [abbottc@trinityra.org](mailto:abbottc@trinityra.org).**  
If you have questions, please contact Cheryl Abbott at 817-493-5100

**TOWN OF ADDISON, TEXAS**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPOINTING JASON SHROYER AS A VOTING REPRESENTATIVE AND LISA PYLES AS AN ALTERNATE TO THE ADVISORY COMMITTEE OF THE TRINITY RIVER AUTHORITY'S CENTRAL WASTEWATER TREATMENT SYSTEM; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Addison (the "Town") is a member of the Trinity River Authority (the "Authority"); and

**WHEREAS**, the contract between the Town and the Authority requires the Town to annually appoint a representative as a voting member of the Advisory Committee of the Trinity River Authority's Central Wastewater Treatment System (the "Committee"); and

**WHEREAS**, the Authority has requested that the Town also appoint an alternate representative to the Committee.

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

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

Section 2. Jason Shroyer, Assistant Director of Infrastructure Services, is hereby appointed as the Town's voting representative to the Committee and Lisa Pyles, Director of Infrastructure and Development Services, is hereby appointed as an alternate representative to the Committee.

Section 3. This Resolution shall be effective from and after its passage.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 12<sup>th</sup> day of July, 2016.

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

ATTEST:

By: \_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney

AI-1740

9.

**Work Session and Regular Meeting**

Meeting Date: 07/12/2016

Department: Council

---

**AGENDA CAPTION:**

Present, Discuss And Consider Action Related To The **Town Ethics Ordinance And Council Rules of Procedure.**

**BACKGROUND:**

This item will be a discussion among the City Council members to review Council ethics and rules of procedure. The following items may be discussed: Council meeting and agenda procedures, code of conduct, citizen participation, Council's role and relationship with Town staff and media.

**RECOMMENDATION:**

Information only, no action required.

---

**Attachments**

**Ethics and Council Procedures**

---



# Ethics and City Council Procedures

July 12, 2016

# Ethics Laws

- **Conflict of Interest**
- **Texas Open Meetings Act**
- **Texas Penal Code**
  - Improper Gift
  - Bribery
  - Official Oppression
  - Misuse of Official Information
- **Texas Open Records Act**
- **Addison Code of Ethics**



# Conflict Of Interest

- Moral/Political Conflict of Interest
- VS.
- Statutory/Legal Conflict of Interest

**The Dallas Morning News**  
Dallas, Texas, Friday, September 23, 2005

**Star-Telegram**  
FORT WORTH  
PUBLISHED DAILY EXCEPT SUNDAYS



# Conflict of Interest

## Chapter 171, Texas Local Government Code

- **The Statutory Rule -- 171.004(a)**
  - If a local public official has a ***substantial interest*** in a business entity or in real property, the official shall:
    - Before a vote or decision on any matter involving the business entity or the real property, **file an affidavit** stating the nature and extent of the interest and
    - **Abstain** from **further participation** in the matter



# Conflict of Interest

- **Local Public Official**
  - Elected Official
  - Appointed Official
- **Substantial Interest Can Be Either:**
  - **Personal Interest**
    - Related in 1st Degree by Consanguinity or Affinity
  - **Economic Interest**
    - Effect that is distinguishable from the effect on the public



# Conflict of Interest

- Personal Interest

- **1st Degree Consanguinity (Blood)**

- Parent
    - Child
    - Adopted Child
    - Adoptive Parents

- **1st Degree Affinity (Marriage)**

- Spouse
    - Spouse's Parents
    - Spouse's Children
    - Spouse's Adoptive Family
    - Divorce Ends, Unless Children Present
    - Step Family Members



# Conflict of Interest

- **Substantial Interest**

- Special economic effect on the business that is distinguishable from the effect on the public

- **Business Entity or Real Estate**

- \$15,000 Interest in the Entity
- 10% or more of the Voting Stock
- Past year earnings are 10% Gross Income

- **Substantial Interest in Real Estate**

- \$2,500 or more in fair market value
- E.g., Official lives within 200 ft. of zoning case



# Conflict of Interest

- Penalty
  - Class A Misdemeanor
    - 1 Year in Jail
    - \$4,000 Fine
    - Both Jail and Fine



# Conflict of Interest

- Personal Responsibility of the Public Official to Decide or Seek an Opinion on a Conflict of Interest Matter



# Official Misconduct

Texas Penal Code Chapters 36 And 39

- Improper Gifts
- Bribery
- Abuse of Official Capacity
- Official Oppression
- Misuse of Official Information



# Official Misconduct

- **Improper Gifts** – Sec. 36.08
  - Public Official Commits an Offense if he Solicits, Accepts, or Agrees to Accept any Benefit From a Person the Public Official Knows is Interested in or Likely to Become Interested in any Matter Before the Public Official or Governmental Body



# Official Misconduct



## **Dallas ISD corruption trial focuses on computer vendor's gift-giving**

12:34 AM CDT on Monday, June 30, 2008

By **RICHARD ABSHIRE** / The Dallas Morning News  
[rabshire@dallasnews.com](mailto:rabshire@dallasnews.com)

Two weeks into a slow-paced federal corruption trial, prosecutors and attorneys for a computer reseller have clashed over whether his gift-giving was generosity or an effort to lure contracts from a Dallas school administrator.



Ruben Bohuchot was a Dallas ISD worker from 1999 to 2006.



# Official Misconduct

- Improper Gifts

- **Exceptions**

- Gift conferred on account of kinship of personal, professional, or business relationship independent of the official status of recipient
    - Political contribution
    - Item with a value less than \$50 excluding cash
    - Food, lodging, transportation, or entertainment if the donor or recipient is required by law to report the items



# Official Misconduct

- Improper Gifts

- **Penalty**

- For the one who accepts the gift and the one who offers the gift
      - Class A Misdemeanor
        - 1 year in jail and/or
        - \$4,000 fine



# Official Misconduct

- **Bribery** – Sec. 36.02
  - To solicit or accept any benefit in exchange for vote or act of discretion
  - Penalty – 2nd degree felony
    - 20 years and/or
    - \$10,000 fine



# Official Misconduct

- **Abuse of Official Capacity** – Sec. 39.02
  - Misuse governmental property to harm or gain a benefit
    - Up to 1st Degree Felony (99 years, \$10,000 fine)
- **Official Oppression** – Sec. 39.03
  - Intentionally mistreat or sexually harass
    - Class A Misdemeanor (1 year, \$4,000 fine)
- **Misuse of Official Information** – Sec. 39.06
  - Uses information that has not been made public for gain or benefit
    - 3rd Degree Felony (10 years, \$10,000 fine)



# Ethics Laws

- **Moral/Political Compass**
- **State Statutory Provisions**
- **Local Charter and Ethics Ordinances**
  - **Voluntary Compliance – Guidelines**
    - No penalty or prosecution
    - Possible bad publicity
    - Could be a talking point for removal of a board member by the Council
  - **Mandatory Compliance**
    - Removal from Office
    - Civil/Criminal Action



# Ethics Concerns

- **Best Defense**

- Ask your City Attorney for help
  - More difficult to prove crime when acting on advice from City Attorney





**Questions?**



# Ethics Ordinance

Chapter 2, Division 2 – Town's Code of Ordinance

# Policy

- It is the policy of the Town that:
  - Officials be independent, impartial and responsible only to the people of the Town
  - Council decisions and policy be made using proper procedures
  - No official shall have any interest, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest



# Policy

- It is the policy of the Town that:
  - Public office not be used for personal gain
  - The City Council shall at all times be maintained as a nonpartisan body
  - Officials fully comply with state statues, as amended, concerning conflicts of interest



# Application of Ethics Ordinance

- The Town's Code of Ethics:
  - Applies to all officials, whether elected or appointed, paid or unpaid, advisory or administrative
  - Serves as a basis for discipline for those who refuse to abide by the Ethics Ordinance



# Standards of Conduct

- No official (see definition of *official*) shall:
  - Accept or solicit anything of value which he knows is being offered with the intent to unlawfully influence the discharge of their official duties or in return for having exercised or performed official duties
  - Use his official position to secure special privileges for himself or others
  - Grant any special consideration to a person or organization beyond that which is available to every other person or organization



# Standards of Conduct

- No official shall:
  - Disclose information deemed confidential by law that could adversely affect the property or affairs of the Town
  - Directly or indirectly use any information understood to be confidential which was gained by his official position for his own personal gain or benefit or for the private interest of others



# Standards of Conduct

- No official shall:
  - Transact any business on behalf of the Town in his official capacity with any entity in which he is an officer, agent or member or in which he has an interest
    - No violation if he makes the interest known and refrains from discussing the matter at any time with members of the body and abstain from voting
  - Accept other employment or engage in outside activities incompatible his discharge of duties or impair his judgment



# Standards of Conduct

- No official shall:
  - Personally provide services to compensation, directly or indirectly, to a person or entity requesting approval, investigation or determination from the body of which he is a member
    - Does not apply to outside employment if that employment is the officer's primary source of income
  - Receive any fee or compensation for his service as an officer of the Town except from the Town
    - Does not prohibit performing the same services to an outside entity if there is no conflict with Town duties



# Standards of Conduct

- No official shall:
  - Personally represent the private interest of others:
    - Before the City Council or any Town Board or Department
    - In any proceeding involving the Town
    - In any litigation to which the Town is a party



# Standards of Conduct

- No official shall:
  - Use his official position or Town-owned facilities, personnel, equipment, supplies, etc. or resources for any private purposes, personal advantage, pecuniary gain, for himself or others, or for any political campaign for himself or others
    - Does not prohibit:
      - Using official position to promote or encourage economic development and businesses within the Town, provided no benefit to prohibited person and the promotion doesn't benefit official or prohibited person.



# Standards of Conduct

- Prohibition on use of official position or Town resources doesn't prohibit
  - Use of official's name and title in connection with any election for public office or in connection with any election ordered by the Town on a proposed measure.
- No official shall:
  - Use the prestige of position with the Town in behalf of any political party
  - Knowingly perform or refuse to perform any act to deliberately thwart the execution of valid Town ordinances, rules or regulations or achievement of Town purposes



# Standards of Conduct

- No official shall:
  - Engage in any dishonest or criminal act or any other conduct prejudicial to the to the Town or than discredits the Town



# Conflict of Interest

- May not participate or vote on a matter affecting a person, entity or property in which official has an interest
  - Includes non-profit entity which is not appointed by the Council
  - When interest is remote or incidental, official may participate, vote and need not disclose





**Questions?**



# Council Procedures

# Adopted Oct. 17, 2011

- Establishes additional rules for operation of the City Council
  - Meetings
  - Agendas
  - Meeting Procedures
  - Code of Conduct
  - Citizen Participation
  - Council and Staff Relations
  - Council and Media Relations



# Meetings

- Regular Meetings

- 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays - Town Hall – 7:30 start

- Special Meetings

- At the call of the Mayor, City Manager or 3 Council members
- Written notice to City Secretary
- May be held at a place other than Town Hall



# Meetings

- Work Session Meetings
  - At the call of the Mayor, City Manager or 3 Council members
  - Written notice to City Secretary
  - Time, place and purpose included in public notice
  - Ordinarily – no official action



# Agendas

- Mayor working with City Manager determines items on an agenda
  - If Council member or public raises an unposted issue – recite facts or policy but no discussion
- Council member may ask Mayor to place item on agenda
- Item will be placed on agenda at request of 2 Council members – 1:00 Tuesday prior week deadline



# Agendas

- Staff works through City Manager on agenda items
- Agenda packets for Regular Meetings delivered electronically no later than Thursday before meeting
- City Secretary responsible for posting notices



# Meeting Procedures

- Robert's Rules of Order may be consulted as a guide
- Mayor is presiding officer
  - Mayor Pro-Tempore in Mayor's absence
  - Deputy Mayor Pro- Tempore
- Mayor shall have a voice and may vote on all matters
- Presiding officer recognizes individuals to present items



# Meeting Procedures

- Presiding officer preserves order and Council discussion is limited to question under consideration
- Presiding officer gives all members a full opportunity to speak on an item
- In event of a conflict between Council members, presiding officer acts as mediator



# Meeting Procedures

- Mayor recognized as head of the Town government for ceremonial and military law but shall have no administrative duties
- Council members shall confine remarks to item under consideration
  - No references to personality, integrity or motives of any other Council member or staff member



# Meeting Procedures

- Council member may ask presiding officer to enforce procedures established by Council
  - If presiding officer fails to do so – majority of Council may direct presiding officer to enforce procedures



# Code of Conduct

- During meetings, Members of Council shall:
  - Preserve order and decorum
  - Not interrupt or delay proceedings
  - Not refuse to obey orders of the presiding officer
  - Shall demonstrate respect and courtesy to each other, Town staff and members of the public
  - Refrain from rude and derogatory remarks
- Council members should comply with the Town's Code of Ethics – Chapter 2 of the Code of Ordinances



# Code of Conduct

- In accordance with Town's ethics ordinance and state law:
  - Members shall abstain from participating in or voting on items in which they have a conflict of interest
  - File a conflict of interest affidavit with City Secretary
  - At introduction of item, announce the conflict and refrain from participating or voting
    - Not required to leave the room



# Citizen Participation

- If item is identified on an agenda as a public hearing, persons attending will be given the opportunity to speak
  - Presiding officer may set time limits
- Except for public hearings, as a general rule, persons attending a meeting may not participate in discussions of the Council



# Council and Staff Relations

- Council members should attempt to ask questions to City Manager about the agenda packet prior to the meeting
  - Allows staff to provide additional information or prepare response
- City Manager designates staff member to present each agenda item
  - Presentations should be timely, professional and present options for resolving any issue



# Council and Staff Relations

- City Manager is directly responsible for providing information to all members of Council concerning an inquiry by any member of the Council
  - If City Manager finds his or his staff's time being dominated by a single member – he should inform the Mayor
- Conflicts between staff and City Council will be addressed by Mayor and City Manager



# Council and Staff Relations

- City Manager responsible for professional and ethical behavior of himself and staff
  - City Manager also responsible for staff training
- All members of Council and Town staff shall show respect and courtesy to each other and citizens at all times.
- City Manager responsible for orientation for all new Council members



# Council and Media Relations

- Agenda packets shall be provided to all interested news media in advance of meeting
- Responses to media inquiries will be made as determined by Mayor and the City Manager
  - In Mayor's absence – Mayor Pro-Tempore or Deputy Mayor Pro-Tempore





Questions?

AI-1753

10.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** City Manager

---

**AGENDA CAPTION:**

Present, Review And Discuss **History Of Transparency For The Town Of Addison.**

**BACKGROUND:**

Mayor Todd Meier requested that the Addison City Council have a discussion about transparency associated with Town government. Possible topics may include policies, processes, and procedures related to transparency for the Town of Addison.

**RECOMMENDATION:**

N/A

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AI-1755

11.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** City Secretary

---

**AGENDA CAPTION:**

Discuss And Consider Action Related To The **Function And Purpose Of The Finance Committee.**

**BACKGROUND:**

The bylaws of the Council Finance Committee require that members of the committee be appointed annually each June. Members are chosen by the Council during discussions regarding Council Liaison appointments. From June 2015 to June 2016 the following Councilmembers served on the committee, Mayor Meier, Councilmember Hughes and Councilmember Wilcox.

At the June 28, 2016 Council Meeting, this item was discussed and a motion to reappoint the three current Finance Committee members and bring the item back for additional discussion regarding the function and purpose of the Finance Committee. The current committee members would continue to serve until the item is further reviewed by Council.

**RECOMMENDATION:**

N/A

---

AI-1746

12.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** Human Resources

---

**AGENDA CAPTION:**

Present, Discuss And Consider An **Ordinance Authorizing The City Manager To Amend The Employee Handbook.**

**BACKGROUND:**

The Town of Addison Employee Handbook was formally adopted by Council on November 11, 1996. The handbook outlines Town policies, regulations, benefits, and expectations of employees. Upon employment, each employee receives a copy of the handbook and signs an acknowledgement form that they have received it and will abide by the policies. From time to time, the Human Resources Director will suggest updates to the handbook which reflect changes in administrative processes, procedures, or policies of the Town.

The current ordinance requires the City Council to approve any changes to the employee handbook. The most recent revision was brought forward and adopted by Council on June 10, 2008.

As defined in the charter, management of staff is the responsibility of the City Manager. In order to perform these responsibilities and to align the ordinance with the Town Charter, it is appropriate that the City Manager have the authority to make necessary changes to management policies and procedures. This ordinance will allow the City Manager to administer and modify policies and provisions pertaining to the employees of the Town.

**RECOMMENDATION:**

Administration recommends approval.

---

**Attachments**

Ordinance

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**TOWN OF ADDISON, TEXAS**

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, REPEALING ORDINANCE NOS. O08-023 AND O14-019 REGARDING THE TOWN'S EMPLOYEE HANDBOOK AND GRANTING THE AUTHORITY TO THE CITY MANAGER TO ADMINISTER AND MODIFY POLICIES AND PROVISIONS PERTAINING TO THE EMPLOYEES OF THE TOWN; AND PROVIDING SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Section § 1.05 of the Town of Addison Charter allows the City Council to exercise and enforce by ordinance all powers granted to the Town in a manner consistent with the Charter; and

**WHEREAS**, Section § 3.03 of the Town of Addison Charter grants the City Manager the authority to appoint, suspend, and remove all town employees and appointive power to administer the budget as adopted by the Council; and

**WHEREAS**, the City Manager should be authorized to revise policies and procedures applicable to Town employees when necessary or required by law in the interest of efficiency of administrative governmental operation in the Town and creation of a positive work environment for employees;

**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 Nos. O08-023 and O14-019 and all other ordinances pertaining to the employee handbook are hereby repealed.

**Section 3.** That the City Manager is given full authority to modify and administer the rules, regulations, policies and procedures pertaining to employees of the Town of Addison without need for approval of the City Council except as required by the Charter or state or federal law.

**Section 4.** 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 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 12th day of July, 2016.

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

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** Finance

---

**AGENDA CAPTION:**

Presentation And Discussion Of The **Town Of Addison Quarterly Financial Report For The Quarter Ended March 31, 2016.**

**BACKGROUND:**

The Town of Addison's financial policies require the publication of a financial report subsequent to the end of each fiscal quarter. This report covers the financial performance through the second quarter for Fiscal Year 2016 (October 1, 2015 - March 31, 2016). Enclosed in the report is an executive dashboard that provides a high level look at some of the key financial indicators along with more detailed exhibits that demonstrate the current financial position for the various funds.

This report includes the following: General, Hotel, Economic Development, Airport, Utility, Stormwater Funds and Investment reports. The financial condition of the Town remains strong and all reported funds adhere to the 25% fund balance requirement.

Key highlights:

- Overall General Fund revenues through the second quarter are up more than 8% compared to the prior year.
- Sales tax collections through the second quarter are up approximately 3% compared to the prior year.
- Utility fund revenues through the second quarter are up approximately 6.9% compared the prior year.
- Hotel fund revenues through the second quarter are about the same as the prior year.

**RECOMMENDATION:**

Information only, no action required.

---

**Fiscal Impact**

**Budgeted Yes/No:**

**Funding Source:** n/a

**Amount:**

---

## Attachments

2nd Quarter Financial Report

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Department of Finance  
*Quarterly Review*

*For the Period Ended March 31, 2016*

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*Town of Addison*

# Table of Contents - Quarter Ended 3/31/16

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# Executive Dashboard – 2<sup>nd</sup> Quarter, 2016 Fiscal Year

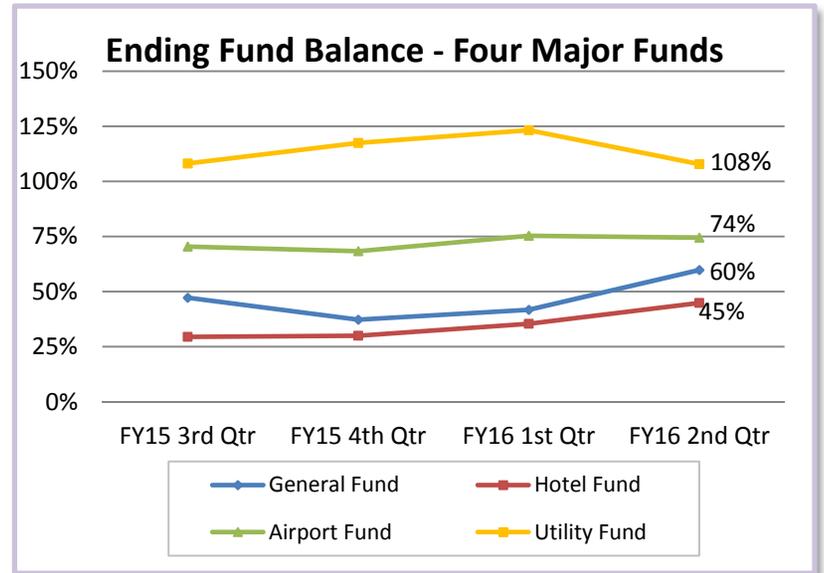
## Financial Indicators

### Overall Fund Balance Outlook:



Revenues	FY16 Budget	Actual through 3/31/16	% Annual Budget
Ad Valorem Taxes - General Fund	\$ 13,963,710	\$ 13,546,885	97.0%
Non-Property Taxes - General Fund	\$ 13,175,000	\$ 6,819,452	51.8%
Hotel Tax	\$ 5,500,000	\$ 3,027,262	55.0%
Franchise Fees - General Fund	\$ 2,680,000	\$ 1,352,631	50.5%
Service/Permitting/License Fees - General Fund	\$ 2,402,600	\$ 1,089,571	45.3%
Rental Income - All Funds	\$ 5,262,022	\$ 2,902,716	55.2%
Fines and Penalties - All Funds	\$ 856,900	\$ 318,440	37.2%
Special Event Revenue - Hotel Fund	\$ 2,045,717	\$ 67,071	3.3%
Fuel Flowage Fees - Airport Fund	\$ 791,680	\$ 404,841	51.1%
Water and Sewer Charges - Utility Fund	\$ 10,283,530	\$ 4,051,654	39.4%

Expenditures	FY16 Budget	Actual through 3/31/16	% Annual Budget
General Fund	\$ 33,312,564	\$ 14,900,704	44.73%
Hotel Fund	\$ 7,063,758	\$ 2,444,152	34.60%
Economic Development	\$ 1,685,707	\$ 434,798	25.79%
Airport Operations	\$ 4,225,261	\$ 2,015,233	47.69%
Utility Operations	\$ 9,177,247	\$ 4,165,514	45.39%



# Executive Dashboard – 2nd Quarter, 2016 Fiscal Year

## Financial Indicators

### Personnel Information:

New Hires - Benefitted Positions				
01/2016 - 03/2016				
Department	Part-Time Positions	Full-time positions	Total 2nd Qtr	YTD
City Manager	0	0	0	1
Conference Centre	0	1	1	1
Finance	0	3	3	4
Fire	0	3	3	3
HR	0	1	1	1
Parks	0	2	2	3
Police	0	0	0	3
Streets	0	0	0	2
Recreation	0	0	0	1
<b>Grand Total</b>	<b>0</b>	<b>10</b>	<b>10</b>	<b>19</b>

Separations - Benefitted Positions				
01/2016 - 03/2016				
Department	Part-Time Positions	Full-time positions	Total 2nd Qtr.	YTD
Emergency Comm	0	13	13	13*
Finance	0	3	3	3
Fire	0	2	2	4
Infrastructure	0	1	1	1
Parks	0	3	3	3
Police	0	7	7	10
Recreation	0	2	2	2
Streets	0	1	1	2
<b>Grand Total</b>	<b>0</b>	<b>32</b>	<b>32</b>	<b>38</b>

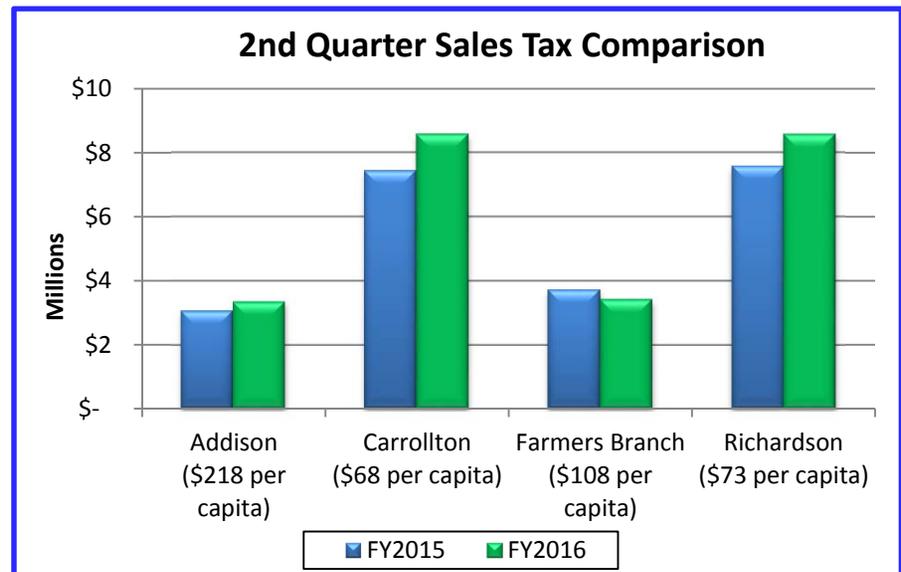
\* Transfer of dispatchers to NTECC (North Texas Emergency Communications Center)

### Economic Development Incentives:

Executed Agreements	Amount Paid FY16	Total Incentives Committed
4	\$42,000	\$443,000

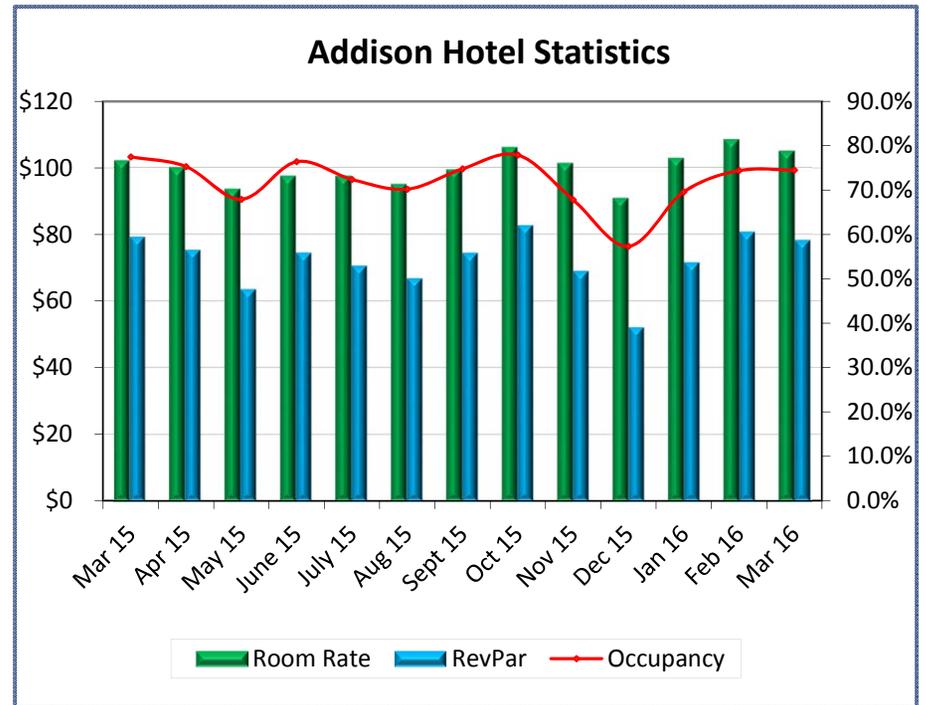
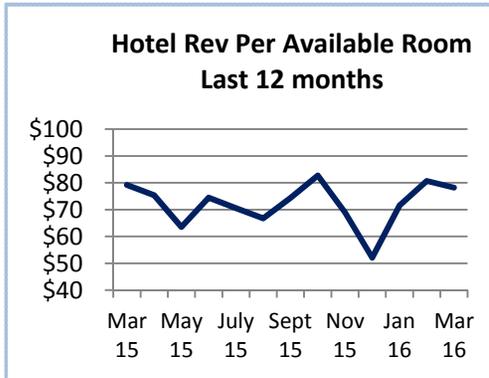
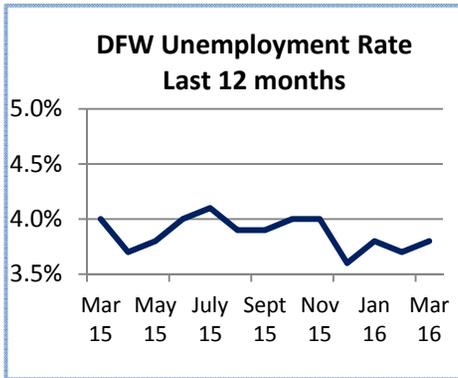
### Purchasing Information:

FY15 Bid Savings	YTD FY16 Bid Savings	FY16 Savings Goal
\$1,675,971	\$897,610	\$650,000

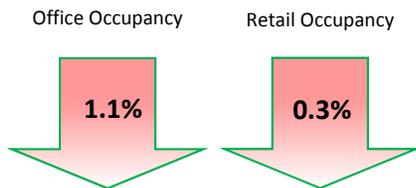


# Executive Dashboard – 2nd Quarter, 2016 Fiscal Year

## Economic Indicators

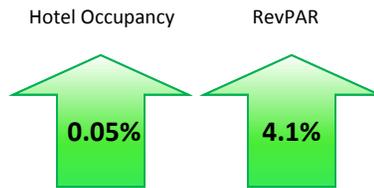


### Occupancy Indicators:

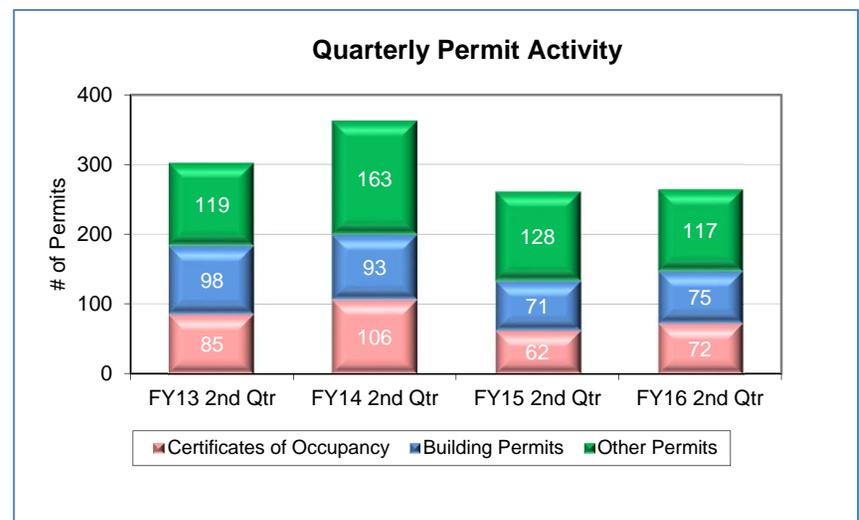
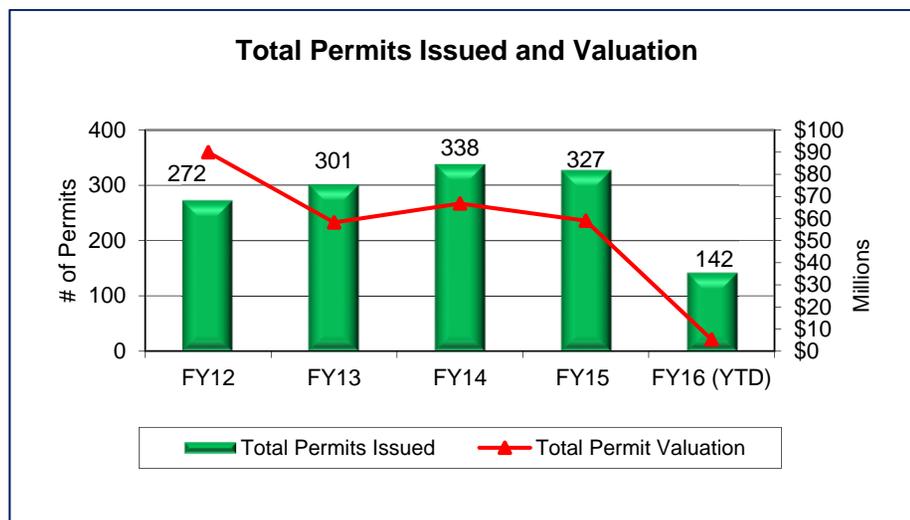


Source: CoStar  
(compares to prior year)

### Hotel Indicators:



Source: STR Report  
(compares to prior year)





# MEMO

**To: Wes Pierson, City Manager**

**From: Dr. Scott Neils, Interim Chief Financial Officer**

**Re: Second Quarter Financial Review**

**Date: July 1, 2016**

This is the second quarter report for the 2015-2016 fiscal year. Revenues and expenditures reflect activity from October 1, 2015 through March 31, 2016, six of twelve months, or fifty percent of the fiscal year.

## GENERAL FUND

- Fiscal year-to-date revenue totaled approximately \$23.5 million, which is 70 percent of the overall budget amount. Ad Valorem taxes show collection of 97 percent as most taxes are paid in the first calendar quarter of the year. Net sales tax collections totaled \$6.5 million, a 3 percent increase over the previous year-to-date collections. Current year alcoholic beverage tax collections are below the amount received this time last year by \$281 thousand or 49 percent, because the funds have not yet been received from the state. Municipal Court fines, Licenses and Permits are trending below budgeted amounts. Overall total revenue is approximately \$1.8 million or 8.3 percent more than received this time last year.
- Fiscal year-to-date expenditures and transfers totaled \$14.9 million, which is 44.7 percent of budget. This is \$6.53 million, or 10.4 percent less than amounts spent this time last year. This is due primarily to the large transfer last year from the General Fund to the Infrastructure Investment Fund. Most departments appear to be on pace with, or below, their respective budgets.
- Fund Balance is \$21 million.

## HOTEL FUND

- Revenues year-to-date totaled approximately \$3.5 million, about the same as the prior year. Hotel occupancy tax collections of \$3.03 million are slightly less than the same period last year. Proceeds from Special Events are below budget due to the timing of events; all significant events occur between May and September. Note that Visit Addison has been discontinued.
- Hotel Fund expenditures of \$2.44 million are 34.6 percent of budget and \$49 thousand less than this time last year. The majority of Special Events expenses will be incurred in the last half of

the year. The Performing Arts budget is 77.4 percent of budget due to purchasing new lighting and paying on annual service contracts. All other departments are below their respective budgets.

- Fund Balance is \$3.167 million.

## AIRPORT FUND

- Operating revenue year-to-date totaled \$2.8 million, compared to \$2.65 million in the prior year, an increase of 6 percent. This can be attributed mainly to an increase in operating grants (\$48 thousand), rental fees (\$44.6 thousand), user fees (\$35.4 thousand), and other income (\$47 thousand), along with a slight decrease in fuel flowage fees (\$17 thousand).
- Year-to-date operating expenses amount to \$2.0 million, resulting in operating income of approximately \$793 thousand. Total operating expenses are at 47.7 percent of budget.
- Fund Balance is approximately \$3.15 million.

## UTILITY FUNDS

- Utility operating revenue through the second quarter totaled \$4.1 million, compared to \$3.8 million in the prior year. This represents an increase of 6.9 percent. This increase can be attributed water sales of approximately \$238 thousand over last year.
- Utility operating expenses year-to-date totaled \$4.17 million, which was approximately \$704 thousand higher than last year. Sewer charges were higher than last year by just over \$313 thousand, as were utility operations expenditures by approximately \$385 thousand.
- Utility fund balance is \$9.9 million.

## INVESTMENT REPORT

- Cash held in investments for all funds as of March 31, 2016 totaled \$92.1 million, representing an increase of approximately \$3.8 million from the previous quarter. Most of this increase is from investment of Ad Valorem tax receipts in excess of current requirements.
- The City's average investment yield to maturity at the end of March was 0.679 percent, slightly higher than the previous quarter's yield of 0.625 percent. This yield is higher than the TexPool benchmark of 0.342 percent. The average weighted maturity decreased slightly from 351 to 348 days. Portfolio weighted average maturity shall not exceed 18 months (547 days) in accordance with the Town's Investment Policy.
- The Town's current portfolio consists of 45 percent Agency Securities, 27 percent CDs, 24 percent Local Government Investment Pools, and 4 percent Commercial Paper. The portfolio has 24 percent of its maturities at 90 days or less. All ratios are in compliance with the Investment Policy.
- Staff will continue to seek out CDs and callable agency securities in order to maximize yields. Finally, with interest rates expected to remain low through 2016, we will look to extend the portfolio's duration to the extent that cash flow allows.

# TOWN OF ADDISON

## GENERAL FUND

### FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 2nd QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Revenues:</b>					
Ad Valorem taxes:					
Current taxes	\$ 11,424,738	\$ 13,940,240	\$ 9,817,602	\$ 13,546,339	97%
Delinquent taxes	(71,220)	6,750	8,482	(9,067)	-134%
Penalty & interest	25,457	16,720	6,877	9,613	57%
Non-property taxes:					
Sales tax	13,038,912	12,305,000	2,292,699	6,521,694	53%
Alcoholic beverage tax	1,176,643	870,000	297,758	297,758	34%
Franchise / right-of-way use fees:					
Electric franchise	1,539,971	1,500,000	351,637	819,534	55%
Gas franchise	273,320	190,000	-	-	0%
Telecommunication access fees	593,387	650,000	192,014	350,557	54%
Cable franchise	414,892	335,000	71,382	177,920	53%
Street rental fees	6,850	5,000	5,120	4,620	92%
Licenses and permits:					
Business licenses and permits	259,487	170,750	27,767	52,387	31%
Building and construction permits	751,736	649,450	105,882	240,549	37%
Service fees:					
General government	849	500	21	76	15%
Public safety	853,445	886,000	201,154	410,757	46%
Urban development	3,830	3,000	(1,300)	(1,300)	-43%
Streets and sanitation	400,562	382,600	92,313	169,526	44%
Recreation	72,279	80,300	16,388	27,946	35%
Interfund	230,000	230,000	102,768	189,631	82%
Court fines	725,190	781,900	140,778	274,803	35%
Interest earnings	69,431	30,000	24,442	24,261	81%
Rental income	236,667	275,000	260,544	290,544	106%
Other	65,597	58,905	(56,165)	90,317	153%
<b>Total Revenues</b>	<b>\$ 32,092,023</b>	<b>\$ 33,367,115</b>	<b>\$ 13,958,161</b>	<b>\$ 23,488,464</b>	<b>70%</b>

# TOWN OF ADDISON

## GENERAL FUND

### FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 2nd QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Expenditures:</b>					
General government:					
City manager	\$ 1,538,933	\$ 1,302,565	\$ 338,187	\$ 606,044	46.5%
Finance	1,008,993	1,231,286	327,432	553,403	44.9%
General services	679,165	666,310	172,890	342,841	51.5%
Municipal court	499,705	586,428	153,446	261,602	44.6%
Human resources	492,604	583,959	123,484	245,689	42.1%
Information technology	1,581,032	1,910,708	405,761	706,937	37.0%
Combined services	1,077,938	1,475,980	240,983	443,739	30.1%
Council projects	578,232	331,879	62,806	228,066	68.7%
Public safety:					
Police	8,610,726	8,520,606	1,958,548	3,810,203	44.7%
Emergency communications	1,377,265	1,318,483	791,339	1,069,331	81.1%
Fire	6,709,119	6,808,772	1,525,440	2,993,185	44.0%
Development services	1,086,232	1,211,637	244,273	446,484	36.8%
Property standards	-	172,656	(15,878)	15,268	8.8%
Streets	1,801,462	2,060,482	583,279	828,896	40.2%
Parks and Recreation:					
Parks	3,103,605	3,463,320	658,006	1,637,992	47.3%
Recreation	1,646,110	1,652,493	368,528	711,023	43.0%
Other financing uses:					
Transfers	4,015,000	15,000	3,750	7,500	50.0%
<b>Total Expenditures</b>	<b>35,806,121</b>	<b>33,312,564</b>	<b>7,934,775</b>	<b>14,900,704</b>	<b>44.7%</b>
Net Change in Fund Balance	(3,714,098)	54,551	<u>\$ 6,023,385</u>	8,587,760	
<b>Fund Balance at Beginning of Year</b>	<b>16,130,096</b>	<b>12,415,998</b>		<b>12,415,998</b>	
<b>Fund Balance at End of Year</b>	<b>\$ 12,415,998</b>	<b>\$ 12,470,549</b>		<b>\$ 21,003,758</b>	

## TOWN OF ADDISON

### HOTEL FUND

#### FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 2nd QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Revenues:</b>					
Hotel/Motel occupancy taxes	\$ 5,512,956	\$ 5,500,000	\$ 1,608,410	\$ 3,027,262	55.0%
Proceeds from special events	1,028,501	2,045,717	56,289	67,071	3.3%
Conference centre rental	624,661	630,000	195,683	348,172	55.3%
Visit Addison rental	253,463	-	30,337	30,337	0.0%
Theatre centre rental	148,418	122,290	5,173	44,526	36.4%
Interest and miscellaneous	19,723	10,000	(29,241)	(24,465)	-244.7%
<b>Total Revenues</b>	<b>7,587,722</b>	<b>8,308,007</b>	<b>1,866,651</b>	<b>3,492,903</b>	<b>42.0%</b>
<b>Expenditures:</b>					
Visit Addison	765,399	400,000	8,811	21,384	5.3%
Conference centre	872,628	1,216,466	240,065	475,295	39.1%
Marketing	2,279,420	972,224	129,920	211,268	21.7%
Special events	957,729	2,529,296	363,311	626,082	24.8%
Performing arts	542,065	581,385	132,845	450,248	77.4%
General hotel operations	36,304	107,263	-	-	0.0%
Other financing uses:					
Transfer to debt serv & ED funds	1,211,082	1,257,124	942,843	628,562	50.0%
<b>Total Expenditures</b>	<b>6,664,627</b>	<b>7,063,758</b>	<b>1,831,301</b>	<b>2,444,152</b>	<b>34.6%</b>
Net Change in Fund Balance	923,095	1,244,248	<u>\$ 35,349</u>	1,048,751	
<b>Fund Balance at Beginning of Year</b>	<b>1,194,674</b>	<b>2,117,769</b>		<b>2,117,769</b>	
<b>Fund Balance at End of Year</b>	<b>\$ 2,117,769</b>	<b>\$ 3,362,017</b>		<b>\$ 3,166,520</b>	

**TOWN OF ADDISON**  
**ECONOMIC DEVELOPMENT FUND**  
**FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET**  
*With Comparative Information from Prior Fiscal Year*

CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 2nd QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Revenues:</b>					
Ad Valorem taxes:					
Current taxes	\$ 973,607	\$ 998,800	\$ 703,516	\$ 969,049	97.0%
Delinquent taxes	(6,062)	480	609	(647)	-134.7%
Penalty & interest	2,169	1,190	493	651	54.7%
Business license fee	68,838	70,000	56,779	57,479	82.1%
Interest income and other	3,400	10,200	2,005	2,834	27.8%
Transfers from General/Hotel Fund	515,282	560,524	140,131	280,262	50.0%
<b>Total Revenues</b>	<b>1,557,234</b>	<b>1,641,194</b>	<b>903,532</b>	<b>1,309,627</b>	<b>79.8%</b>
<b>Expenditures:</b>					
Personnel services	353,523	381,809	62,791	150,247	39.4%
Supplies	20,854	29,700	3,427	7,539	25.4%
Maintenance	62,447	50,541	12,766	26,540	52.5%
Contractual services	824,881	1,198,076	109,017	242,031	20.2%
Capital replacement/lease	19,148	25,581	2,046	8,442	33.0%
<b>Total Expenditures</b>	<b>1,280,853</b>	<b>1,685,707</b>	<b>190,047</b>	<b>434,798</b>	<b>25.8%</b>
Net Change in Fund Balance	276,381	(44,513)	<u>\$ 713,485</u>	874,829	
<b>Fund Balance at Beginning of Year</b>	<b>477,233</b>	<b>753,614</b>		<b>753,614</b>	
<b>Fund Balance at End of Year</b>	<b><u>\$ 753,614</u></b>	<b><u>\$ 709,101</u></b>		<b><u>\$ 1,628,443</u></b>	

## AIRPORT FUND

### FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 2nd QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Operating Revenues:</b>					
Operating grants	\$ 1,201	\$ 50,000	\$ -	\$ 48,140	96.3%
Fuel flowage fees	829,044	791,680	192,817	404,841	51.1%
Rental	4,622,387	4,234,732	1,123,217	2,189,137	51.7%
User fees	61,379	161,250	34,191	61,303	38.0%
Other income	13,588	-	24,505	104,654	0.0%
<b>Total Operating Revenues:</b>	<b>5,527,599</b>	<b>5,237,662</b>	<b>1,374,730</b>	<b>2,808,075</b>	<b>53.6%</b>
<b>Operating Expenses:</b>					
Town - Personnel services	315,510	361,152	72,865	145,432	40.3%
Town - Supplies	58,326	41,000	1,517	2,974	7.3%
Town - Maintenance	88,270	112,910	26,895	50,948	45.1%
Town - Contractual services	560,906	172,990	32,153	88,526	51.2%
Town - Capital replacement/lease	-	19,160	5,290	10,080	52.6%
Grant - Maintenance	-	100,000	-	-	0.0%
Operator - Operations and maintenance	2,426,776	3,004,748	650,528	1,467,189	48.8%
Operator - Service contract	396,971	413,301	85,967	250,085	60.5%
<b>Total Operating Expenses:</b>	<b>3,846,759</b>	<b>4,225,261</b>	<b>875,216</b>	<b>2,015,233</b>	<b>47.7%</b>
<b>Operating Income/(Loss) (excluding depreciation)</b>	<b>1,680,840</b>	<b>1,012,401</b>	<b>499,514</b>	<b>792,843</b>	
<b>Non-Operating revenues (expenses):</b>					
Interest earnings	-	5,000	(714)	4,470	89.4%
Principal & interest on debt, fiscal fees & other	(583,766)	(587,691)	(522,023)	(522,758)	89.0%
Capital grants	-	-	-	-	0.0%
Capital outlay	(422,202)	(122,000)	(15,845)	(15,845)	13.0%
<b>Net Total Non-Operating revenues (expenses):</b>	<b>(1,005,968)</b>	<b>(704,691)</b>	<b>(538,582)</b>	<b>(534,133)</b>	<b>75.8%</b>
Net Change to Working Capital	674,872	307,710	<u>\$ (39,068)</u>	258,709	
<b>Working Capital at Beginning of Year</b>	<b>2,211,555</b>	<b>2,886,427</b>		<b>2,886,427</b>	
<b>Working Capital at End of Year</b>	<b>\$ 2,886,427</b>	<b>\$ 3,194,137</b>		<b>\$ 3,145,136</b>	

## UTILITY FUND

### FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 2nd QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Operating revenues:</b>					
Water sales	\$ 5,678,134	\$ 5,758,909	\$ 1,073,613	\$ 2,227,739	38.7%
Sewer charges	4,428,030	4,524,621	1,031,380	1,823,916	40.3%
Tap fees	12,580	7,000	3,775	14,525	207.5%
Penalties	64,949	75,000	18,211	43,637	58.2%
Other Income/(Expenses)	(7,107)	15,000	(2,741)	(2,741)	-18.3%
<b>Total Operating Revenues:</b>	<b>10,176,586</b>	<b>10,380,530</b>	<b>2,124,237</b>	<b>4,107,076</b>	<b>39.6%</b>
<b>Operating expenses:</b>					
Water purchases	2,895,316	3,459,088	1,119,869	1,401,364	40.5%
Wastewater treatment	2,393,235	2,298,729	909,686	1,365,010	59.4%
Utility operations	2,456,051	3,419,430	788,711	1,399,140	40.9%
<b>Total Operating Expenses:</b>	<b>7,744,602</b>	<b>9,177,247</b>	<b>2,818,266</b>	<b>4,165,514</b>	<b>45.4%</b>
<b>Operating Income/(Loss) (excluding depreciation)</b>	<b>2,431,984</b>	<b>1,203,284</b>	<b>(694,029)</b>	<b>(58,438)</b>	
<b>Non-Operating revenues (expenses):</b>					
Debt proceeds					
Interest earnings and other		(110,510)	9,715		0.0%
Principal and interest on debt, fiscal fees & other	(1,048,690)	(1,091,014)	(823,693)	(823,693)	75.5%
Capital outlay	(2,416,348)	(3,427,164)	93,443	-	0.0%
<b>Net Total Non-Operating revenues (expenses):</b>	<b>(3,465,038)</b>	<b>(4,628,688)</b>	<b>(720,535)</b>	<b>(823,693)</b>	<b>17.8%</b>
Net Change to Working Capital	(1,033,054)	(3,425,405)	\$ (1,414,564)	(882,131)	
<b>Working Capital at Beginning of Year</b>	<b>11,810,139</b>	<b>10,777,085</b>		<b>10,777,085</b>	
<b>Working Capital at End of Year</b>	<b>\$ 10,777,085</b>	<b>\$ 7,351,680</b>		<b>\$ 9,894,954</b>	

## STORM WATER UTILITY FUND

### FY 2016 QUARTERLY STATEMENT OF REVENUES AND EXPENDITURES COMPARED TO BUDGET

*With Comparative Information from Prior Fiscal Year*

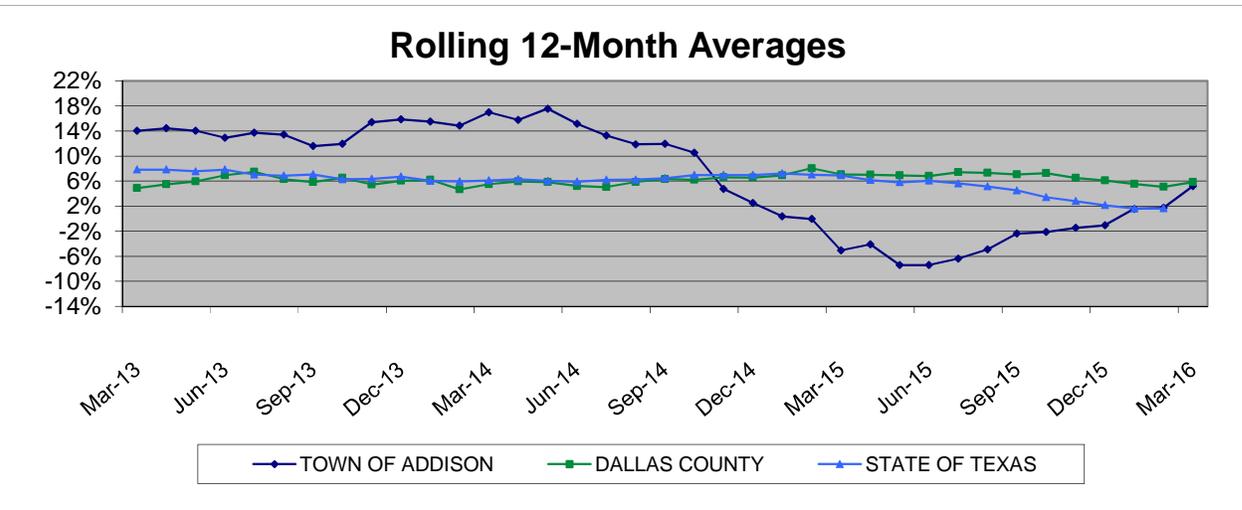
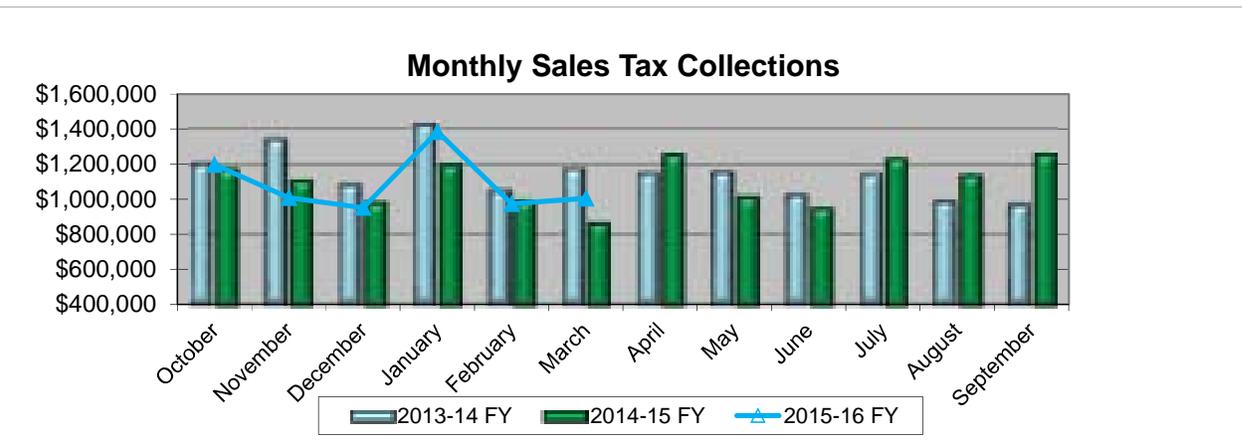
CATEGORY	FY 2014-15 ACTUAL PRIOR YEAR	FY 2015-16 BUDGET	FY 2015-16 ACTUAL 1ST QTR	FY 2015-16 ACTUAL Y-T-D	ACTUAL YTD as % of Budget
<b>Operating revenues:</b>					
Drainage fees	\$ 1,729,899	\$ 1,773,900	\$ 470,304	\$ 813,099	0
<b>Total Operating Revenues:</b>	<b>1,729,899</b>	<b>1,773,900</b>	<b>470,304</b>	<b>813,099</b>	<b>45.8%</b>
<b>Operating expenses</b>					
Personnel services	72,260	105,614	14,302	26,392	25.0%
Supplies	947	12,700	790	872	6.9%
Maintenance	55,583	186,500	12,775	17,370	9.3%
Contractual services	435,720	247,475	130,333	154,076	62.3%
<b>Total Operating Expenses:</b>	<b>564,510</b>	<b>552,289</b>	<b>158,200</b>	<b>198,710</b>	<b>36.0%</b>
<b>Operating Income/(Loss) (excluding depreciation)</b>	1,165,389	1,221,611	312,104	614,389	
<b>Non-Operating revenues (expenses):</b>					
Debt proceeds					0.0%
Interest earnings and other	35,869	5,000	(12,032)		0.0%
Interest and principal on debt, fiscal fees & other	(545,066)	(544,716)	(408,708)	(408,708)	75.0%
Capital outlay	(128,721)	(5,070,000)	(17,780)	(17,780)	0
<b>Net Total Non-Operating revenues (expenses):</b>	<b>(637,918)</b>	<b>(5,609,716)</b>	<b>(438,519)</b>	<b>(426,488)</b>	<b>7.6%</b>
Net Change to Working Capital	527,471	(4,388,105)	<u>\$ (126,416)</u>	187,901	
<b>Working Capital at Beginning of Year</b>	<b>9,340,431</b>	<b>9,867,902</b>		<b>9,867,902</b>	
<b>Working Capital at End of Year</b>	<b>\$ 9,867,902</b>	<b>\$ 5,479,797</b>		<b>\$ 10,055,803</b>	

# TOWN OF ADDISON

## Schedule of Sales Tax Collections and Related Analyses

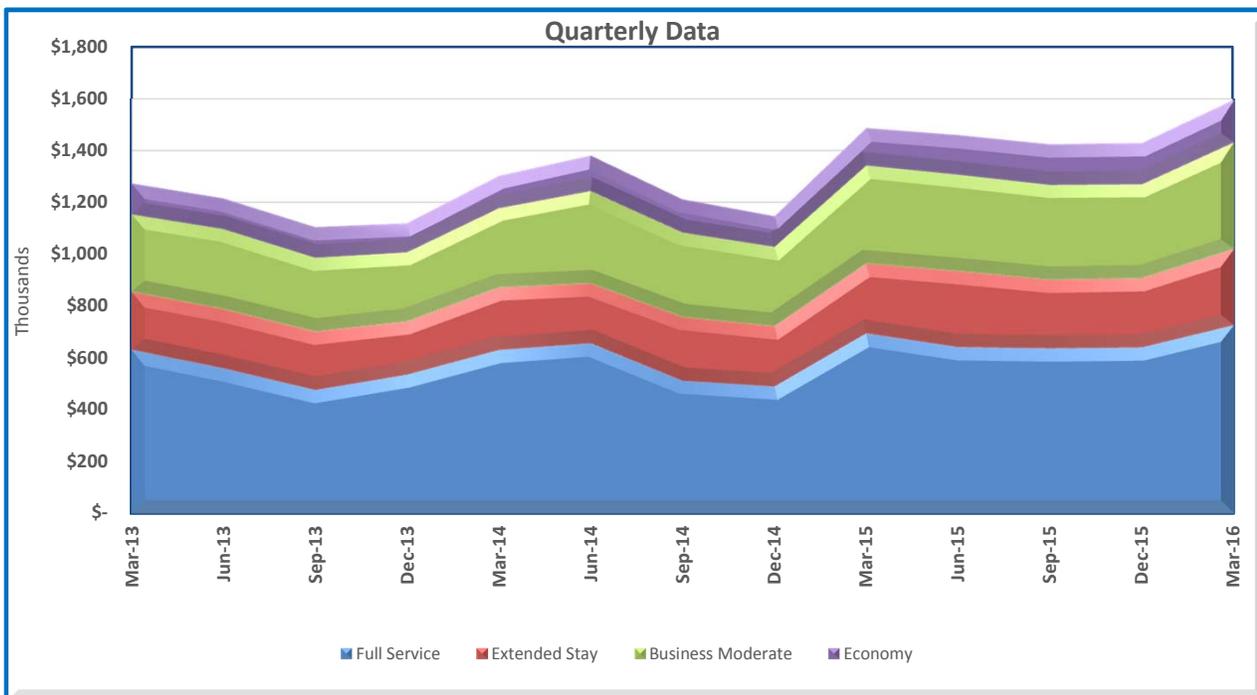
For the period ending March 31, 2016

	TOWN OF ADDISON				DALLAS COUNTY		STATE OF TEXAS	
	2015-16 Collections		% Change from Prior Year		% Change from Prior Year		% Change from Prior Year	
	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative	Monthly	Cumulative
October	\$ 1,197,786	\$ 1,197,786	1.7%	1.7%	8.4%	8.4%	1.8%	1.8%
November	1,008,587	2,206,373	-9.3%	-3.6%	1.1%	4.9%	-2.4%	-0.2%
December	951,849	3,158,222	-3.7%	-3.7%	4.1%	4.7%	0.0%	-0.1%
January	1,385,203	4,543,425	15.4%	1.4%	3.7%	4.4%	-0.1%	-0.1%
February	973,782	5,517,207	-2.5%	0.7%	5.0%	4.5%	-0.1%	-0.1%
March	1,004,487	6,521,694	15.3%	2.7%	10.0%	5.3%	3.4%	0.4%
April	-	-	-	-	-	-	-	-
May	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-
Budget 15-16:		\$ 12,305,000						
Projected Year End		\$ 12,900,000						



**TOWN OF ADDISON HOTEL OCCUPANCY TAX COLLECTION**  
**Hotels By Service Type for the Quarter and Year-to-Date Ended March 31, 2016**  
*With Comparative Information from Prior Fiscal Year*

	Rooms		Jan-March		16 to 15 % Diff.	YTD FY 16		16 to 15 % Diff.
	Number	Percentage	Amount	Percentage		Amount	Percentage	
<b>Full Service</b>								
Marriott Quorum	547	14%	\$ 288,527	18%	10%	\$ 528,281	17%	23%
Intercontinental	528	13%	270,095	17%	-3%	511,687	17%	10%
Crowne Plaza	428	11%	167,029	10%	9%	325,210	11%	13%
	<u>1,503</u>	<u>38%</u>	<u>725,651</u>	<u>45%</u>		<u>1,365,178</u>	<u>45%</u>	
<b>Extended Stay</b>								
Budget Suites	344	9%	3,275	0%	34%	7,669	0%	25%
Hawthorne Suites	70	2%	23,810	1%	25%	42,754	1%	30%
Marriott Residence	150	4%	61,292	4%	-4%	117,027	4%	1%
Summerfield Suites	132	3%	67,011	4%	21%	128,117	4%	28%
Homewood Suites	120	3%	60,100	4%	10%	113,045	4%	6%
Springhill Suites	159	4%	77,501	5%	6%	151,174	5%	7%
	<u>975</u>	<u>25%</u>	<u>292,989</u>	<u>18%</u>		<u>559,786</u>	<u>19%</u>	
<b>Business Moderate</b>								
Marriott Courtyard Quorum	176	4%	102,475	6%	10%	191,864	6%	14%
LaQuinta Inn	152	4%	56,721	4%	7%	109,524	4%	10%
Marriott Courtyard Proton	145	4%	70,398	4%	10%	133,516	4%	18%
Radisson - Addison	101	3%	50,016	3%	10%	93,405	3%	13%
Hilton Garden Inn	96	2%	56,699	4%	4%	106,904	4%	7%
Holiday Inn - Arapaho	102	3%	44,265	3%	8%	80,962	3%	8%
Best Western Plus	84	2%	31,459	2%	15%	58,594	2%	26%
	<u>856</u>	<u>22%</u>	<u>412,033</u>	<u>26%</u>		<u>774,769</u>	<u>26%</u>	
<b>Economy</b>								
Motel 6	124	3%	29,312	2%	34%	56,182	2%	33%
Hampton Inn	158	4%	71,311	4%	8%	136,516	5%	12%
Red Roof Inn	104	3%	22,708	1%	44%	44,768	1%	55%
Comfort Suites	78	2%	28,024	2%	13%	54,339	2%	32%
Super 8	71	2%	9,519	1%	-11%	22,281	1%	23%
Best Value	60	2%	3,362	0%	-38%	9,047	0%	-5%
	<u>595</u>	<u>15%</u>	<u>164,236</u>	<u>10%</u>		<u>323,133</u>	<u>11%</u>	
<b>TOTAL</b>	<u>3,929</u>	<u>100%</u>	<u>\$ 1,594,909</u>	<u>100%</u>		<u>\$ 3,022,866</u>	<u>100%</u>	

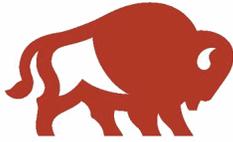


## COLLATERAL SUMMARY

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

### Town of Addison Collateral Analysis Demand Deposit Cash March 31, 2016

Pledging Institution	Safekeeping Location	Account Title	Pledged Security Description	Security Par Value	Market Value	FDIC Insurance	Ending Bank Balance	Difference Over(Under)
Frost Bank	Federal Reserve	Operating	U.S. Treas. due 8/31/21	\$ 395,000	\$ 407,760			
Frost Bank	Federal Reserve	Operating	U.S. Treas. due 8/31/19	988,000	1,008,068			
Frost Bank	Federal Reserve	Operating	U.S. Treas. due 11/30/21	2,500,000	2,559,960			
Frost Bank	Federal Reserve	Operating	GNMA due 9/15/2024	546,104	579,530			
Frost Bank	Federal Reserve	Operating	GNMA due 9/15/2024	1,002,085	1,063,421			
Frost Bank	Federal Reserve	Operating	GNMA due 9/15/2024	1,684,448	1,787,550			
Frost Bank	Federal Reserve	Operating	GNMA due 9/15/2024	613,482	651,032			
				<u>\$ 7,729,120</u>	<u>\$ 8,057,323</u>	<u>\$ 250,000</u>	<u>\$ 3,913,094</u>	<u>\$ 4,394,229</u>



**Town of Addison**



**For the Quarter Ended**  
**March 31, 2016**

**Report Name**

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- Certification Page
- Executive Summary
- Benchmark Comparison
- Detail of Security Holdings
- Change in Value
- Earned Income
- Investment Transactions
- Amortization and Accretion
- Projected Fixed Income Cash Flows

**MARKET RECAP - MARCH 2016:**

Positive momentum from February carried over into early March before giving way to persistently weak economic data, a soft global economy, and dovish central banks. The ISM manufacturing index came in below 50 for the fifth straight month, indicating contraction in the manufacturing sector. However, February's 49.5 was better than the 48.5 reading analysts were expecting and a few bright spots in the sub-components suggested manufacturing may have hit bottom. The ISM non-manufacturing (service sector) index, slipped from 53.5 to 53.4, still indicating expansion, but short of December's 55.8. Headlines from the February employment report looked impressive as the economy added +242k new jobs while prior month revisions tacked on +30k and the unemployment rate held steady at 4.9%. Unfortunately, weakness in the underlying details belied the strong headline as average hourly earnings fell -0.1%, completely reversing January's outsized +0.5% gain and dragging the year-over-year change in earnings from +2.5% to +2.2%. A decrease in the average work week from 34.6 to 34.4 hours was another detractor. Details such as these suggest many of the jobs being added are part-time and/or low wage positions.

Attention turned to central banks mid-month. The European Central Bank pushed its bank deposit rate further into negative territory with a cut from -0.30% to -0.40%, increased its QE program from €60 to €80 billion per month and added investment grade corporate debt to the list of eligible investments. The announcement initially sparked a global rally across stock and bond markets. But then, ECB President Draghi stepped up to the microphone and essentially told markets that would be the end of it. His statement took the wind out of the sails and the rally unraveled. A few days later, despite widespread expectations for additional stimulus, Japan's central bank chose to do nothing. Meanwhile, the Federal Reserve matched expectations by leaving policy unchanged. Recent data has not supported the FOMC's previously telegraphed path of four 25 basis point rate hikes in 2016 and markets had reduced their forecast to no more than two rate hikes in 2016. The FOMC's latest forecast acknowledged this expectation and dovish comments from Chair Yellen have suggested that even two hikes might be too aggressive.

The remaining data did nothing to change the perception of a persistently mediocre economic environment. Retail sales for February fell -0.1% and January's decent +0.2% gain was revised sharply lower to -0.4%. Orders for durable goods were very weak, declining -2.8% in February. The consumer price index retreated -0.2% in February while the core rate, ex-food and energy, rose +0.3%. On a year-over-year basis core CPI is up +2.3%. The Fed's preferred inflation yard stick, the core PCE, is up a more modest +1.7%. Fourth quarter GDP was bumped up from +1.0% to +1.4% in the final revision, but remains at a disappointingly slow pace. Current tracking estimates suggest GDP growth will fall below 1.0% in the first quarter of 2016. The end result is a cautious and an environment that has been friendly for both stock and bond markets. The major U.S. equity indexes enjoyed a solid month, pushing the DJIA and the S&P 500 into positive territory for the year. Bond yields have fallen with the two-year T-note down to 0.72% and the 10-year T-note at 1.77%.

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**For the Quarter Ended**  
**March 31, 2016**

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

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

**Officer Names and Titles:**



Name: Dr. Scott Neils

Title: Interim Finance Director

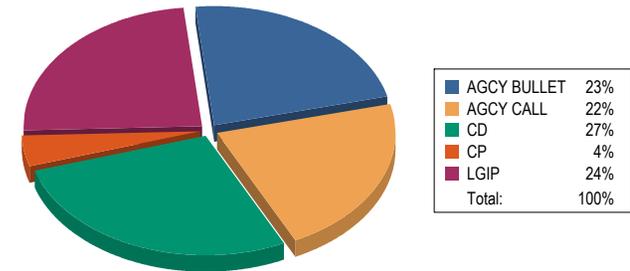
**Account Summary**

**Allocation by Security Type**

Beginning Values as of 12/31/15

Ending Values as of 03/31/16

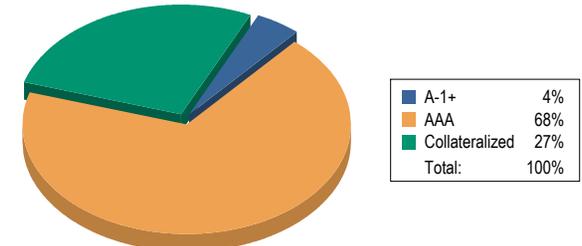
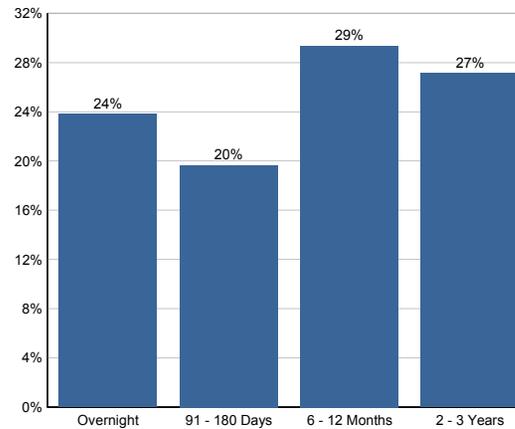
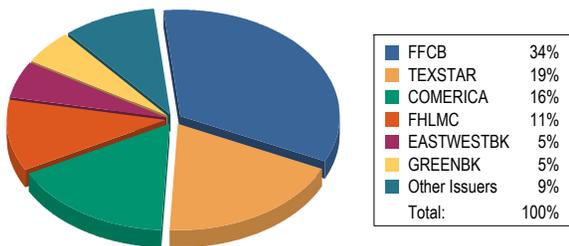
Par Value	88,569,142.58	92,119,848.48
Market Value	88,340,403.58	92,103,937.48
Book Value	88,530,073.11	92,090,746.70
Unrealized Gain/(Loss)	(189,669.53)	13,190.78
<b>Market Value %</b>	<b>99.79%</b>	<b>100.01%</b>
Weighted Avg. YTW	0.625%	0.679%
Weighted Avg. YTM	0.625%	0.679%



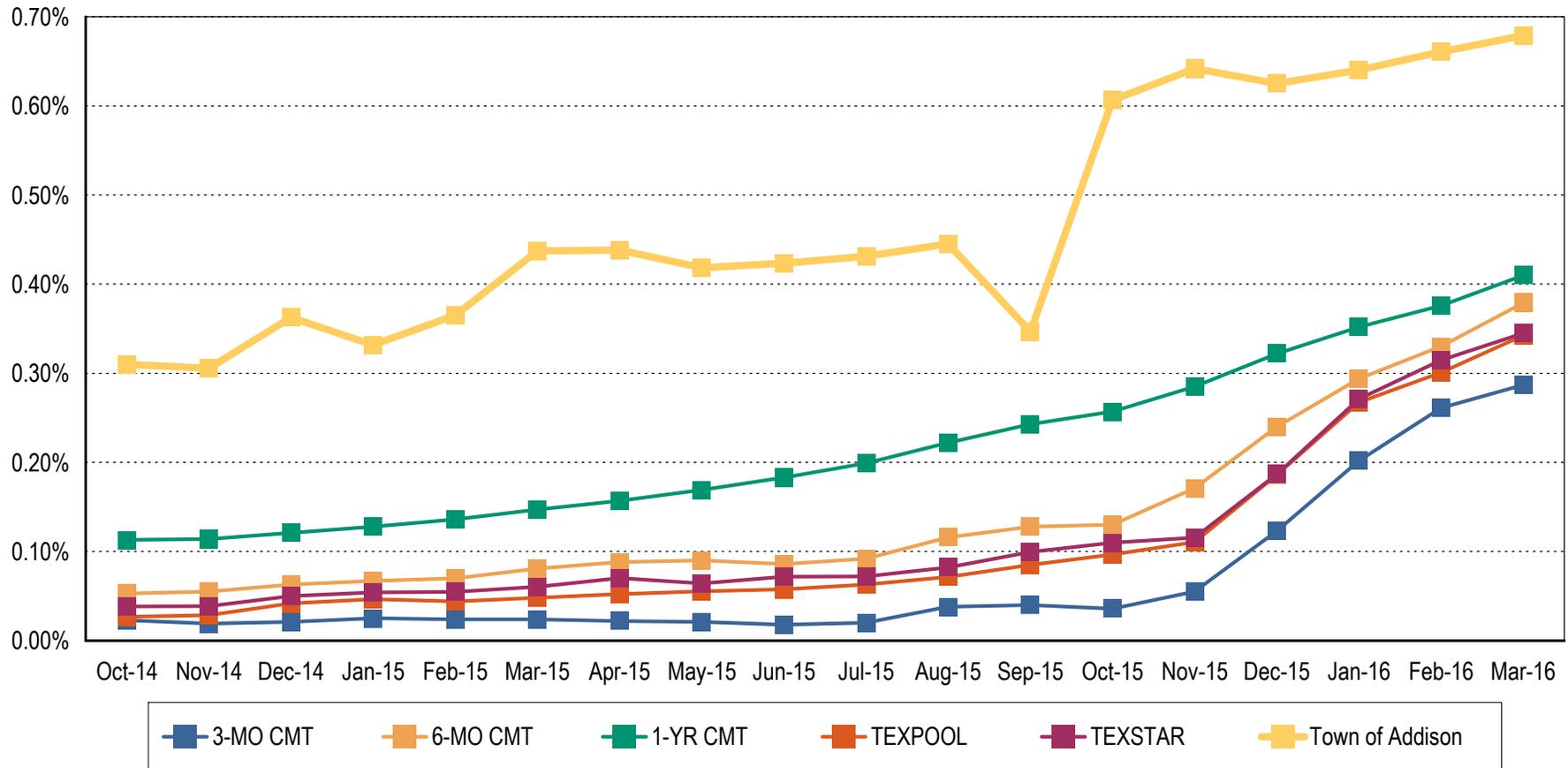
**Allocation by Issuer**

**Maturity Distribution %**

**Credit Quality**



Weighted Average Days to Maturity: 347



**Note 1:** CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.

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

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

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty	Days to Call	YTM	YTW
<b>Pooled Funds</b>																	
TEXPOOL		LGIP	TexPool					4,616,055.54	100.000	4,616,055.54	4,616,055.54	100.000	4,616,055.54	1		0.342	0.342
TEXSTAR		LGIP	TexSTAR					17,334,969.16	100.000	17,334,969.16	17,334,969.16	100.000	17,334,969.16	1		0.345	0.345
46640PGR8	10/30/15	CP - DISC	J.P.Morgan Sec		07/25/16			4,000,000.00	99.514	3,980,572.22	3,991,694.44	99.825	3,992,988.00	116		0.653	0.653
3133EEQG8	02/27/15	AGCY BULET	FFCB	0.550	08/17/16			4,000,000.00	100.029	4,001,160.00	4,000,298.64	100.071	4,002,836.00	139		0.530	0.530
CD-7123	09/04/14	CD	Comerica Bk CD	0.710	09/06/16			10,106,905.21	100.000	10,106,905.21	10,106,905.21	100.000	10,106,905.21	159		0.710	0.710
3133EFMW4	11/03/15	AGCY BULET	FFCB	0.400	11/03/16			10,000,000.00	99.974	9,997,354.00	9,998,440.60	99.872	9,987,210.00	217		0.427	0.427
3133EEFA3	12/23/14	AGCY BULET	FFCB	0.720	12/15/16			7,000,000.00	99.901	6,993,070.00	6,997,517.24	100.034	7,002,345.00	259		0.771	0.771
CD-7917	03/02/15	CD	Comerica Bk CD	0.800	03/02/17			5,040,238.98	100.000	5,040,238.98	5,040,238.98	100.000	5,040,238.98	336		0.800	0.800
CD-8583-1	03/02/16	CD	East West Bk CD	0.445	03/02/17			5,021,679.59	100.000	5,021,679.59	5,021,679.59	100.000	5,021,679.59	336		0.445	0.445
3133EFJM0	10/30/15	AGCY CALL	FFCB	0.930	04/13/18	Anytime	CONT	10,000,000.00	99.805	9,980,500.00	9,983,808.70	100.001	10,000,090.00	743	5	1.011	1.011
3134G7P54	10/30/15	AGCY CALL	FHLMC	1.200	10/29/18	04/29/16	QRTLY	10,000,000.00	99.990	9,999,000.00	9,999,138.60	99.986	9,998,620.00	942	29	1.203	1.203
CD-3820-2	01/30/16	CD	Green Bk CD	1.000	01/29/19			5,000,000.00	100.000	5,000,000.00	5,000,000.00	100.000	5,000,000.00	1,034		1.000	1.000
<b>Total for Pooled Funds</b>								<b>92,119,848.48</b>	<b>99.948</b>	<b>92,071,504.70</b>	<b>92,090,746.70</b>	<b>99.983</b>	<b>92,103,937.48</b>	<b>348</b>		<b>0.679</b>	<b>0.679</b>
<b>Total for Town of Addison</b>								<b>92,119,848.48</b>	<b>99.948</b>	<b>92,071,504.70</b>	<b>92,090,746.70</b>	<b>99.983</b>	<b>92,103,937.48</b>	<b>348</b>		<b>0.679</b>	<b>0.679</b>

CUSIP	Security Type	Security Description	12/31/15 Book Value	Cost of Purchases	Maturities / Calls / Sales	Amortization / Accretion	Realized Gain/(Loss)	03/31/16 Book Value	12/31/15 Market Value	03/31/16 Market Value	Change in Mkt Value
<b>Pooled Funds</b>											
TEXPOOL	LGIP	TexPool	4,612,621.65	3,433.89	0.00	0.00	0.00	4,616,055.54	4,612,621.65	4,616,055.54	3,433.89
TEXSTAR	LGIP	TexSTAR	13,820,703.06	8,103,766.59	(4,589,500.49)	0.00	0.00	17,334,969.16	13,820,703.06	17,334,969.16	3,514,266.10
CD-3820-1	CD	Green Bk CD 0.448 01/30/16	5,000,000.00	0.00	(5,000,000.00)	0.00	0.00	0.00	5,000,000.00	0.00	(5,000,000.00)
CD-8583	CD	East West Bk CD 0.395 03/02/16	5,016,530.57	0.00	(5,016,530.57)	0.00	0.00	0.00	5,016,530.57	0.00	(5,016,530.57)
46640PGR8	CP - DISC	J.P.Morgan Sec 0.000 07/25/16	3,985,122.24	0.00	0.00	6,572.20	0.00	3,991,694.44	3,984,152.00	3,992,988.00	8,836.00
3133EEQG8	AGCY BULET	FFCB 0.550 08/17/16	4,000,495.96	0.00	0.00	(197.32)	0.00	4,000,298.64	3,999,808.00	4,002,836.00	3,028.00
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	10,089,069.46	17,835.75	0.00	0.00	0.00	10,106,905.21	10,089,069.46	10,106,905.21	17,835.75
3133EFMW4	AGCY BULET	FFCB 0.400 11/03/16	9,997,779.80	0.00	0.00	660.80	0.00	9,998,440.60	9,971,730.00	9,987,210.00	15,480.00
3133EEFA3	AGCY BULET	FFCB 0.720 12/15/16	6,996,639.93	0.00	0.00	877.31	0.00	6,997,517.24	6,992,741.00	7,002,345.00	9,604.00
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	5,030,217.84	10,021.14	0.00	0.00	0.00	5,040,238.98	5,030,217.84	5,040,238.98	10,021.14
CD-8583-1	CD	East West Bk CD 0.445 03/02/17	0.00	5,021,679.59	0.00	0.00	0.00	5,021,679.59	0.00	5,021,679.59	5,021,679.59
3133EFJM0	AGCY CALL	FFCB 0.930 04/13/18	9,981,836.60	0.00	0.00	1,972.10	0.00	9,983,808.70	9,890,700.00	10,000,090.00	109,390.00
3134G7P54	AGCY CALL	FHLMC 1.200 10/29/18	9,999,056.00	0.00	0.00	82.60	0.00	9,999,138.60	9,932,130.00	9,998,620.00	66,490.00
CD-3820-2	CD	Green Bk CD 1.000 01/29/19	0.00	5,000,000.00	0.00	0.00	0.00	5,000,000.00	0.00	5,000,000.00	5,000,000.00
<b>Total for Pooled Funds</b>			<b>88,530,073.11</b>	<b>18,156,736.96</b>	<b>(14,606,031.06)</b>	<b>9,967.69</b>	<b>0.00</b>	<b>92,090,746.70</b>	<b>88,340,403.58</b>	<b>92,103,937.48</b>	<b>3,763,533.90</b>
<b>Total for Town of Addison</b>			<b>88,530,073.11</b>	<b>18,156,736.96</b>	<b>(14,606,031.06)</b>	<b>9,967.69</b>	<b>0.00</b>	<b>92,090,746.70</b>	<b>88,340,403.58</b>	<b>92,103,937.48</b>	<b>3,763,533.90</b>

CUSIP	Security Type	Security Description	Beg. Accrued	Interest Earned	Interest Rec'd / Sold / Matured	Interest Purchased	Ending Accrued	Disc Accr / Prem Amort	Net Income
<b>Pooled Funds</b>									
TEXPOOL	LGIP	TexPool	0.00	3,433.89	3,433.89	0.00	0.00	0.00	3,433.89
TEXSTAR	LGIP	TexSTAR	0.00	14,266.10	14,266.10	0.00	0.00	0.00	14,266.10
CD-3820-1	CD	Green Bk CD 0.448 01/30/16	3,866.30	1,841.09	5,707.39	0.00	0.00	0.00	1,841.09
CD-8583	CD	East West Bk CD 0.395 03/02/16	54.14	3,258.53	3,312.67	0.00	0.00	0.00	3,258.53
46640PGR8	CP - DISC	J.P.Morgan Sec 0.000 07/25/16	0.00	0.00	0.00	0.00	0.00	6,572.20	6,572.20
3133EEQG8	AGCY BULET	FFCB 0.550 08/17/16	8,188.89	5,500.00	11,000.00	0.00	2,688.89	(197.32)	5,302.68
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	5,176.71	17,844.77	17,835.75	0.00	5,185.73	0.00	17,844.77
3133EFMW4	AGCY BULET	FFCB 0.400 11/03/16	6,444.44	10,000.00	0.00	0.00	16,444.44	660.80	10,660.80
3133EEFA3	AGCY BULET	FFCB 0.720 12/15/16	2,240.00	12,600.00	0.00	0.00	14,840.00	877.31	13,477.31
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	3,307.54	10,027.73	10,021.14	0.00	3,314.13	0.00	10,027.73
CD-8583-1	CD	East West Bk CD 0.445 03/02/17	0.00	1,897.57	1,836.35	0.00	61.22	0.00	1,897.57
3133EFJM0	AGCY CALL	FFCB 0.930 04/13/18	20,150.00	23,250.00	0.00	0.00	43,400.00	1,972.10	25,222.10
3134G7P54	AGCY CALL	FHLMC 1.200 10/29/18	20,666.67	30,000.00	0.00	0.00	50,666.67	82.60	30,082.60
CD-3820-2	CD	Green Bk CD 1.000 01/29/19	0.00	8,469.95	0.00	0.00	8,469.95	0.00	8,469.95
<b>Total for Pooled Funds</b>			<b>70,094.69</b>	<b>142,389.63</b>	<b>67,413.29</b>	<b>0.00</b>	<b>145,071.03</b>	<b>9,967.69</b>	<b>152,357.32</b>
<b>Total for Town of Addison</b>			<b>70,094.69</b>	<b>142,389.63</b>	<b>67,413.29</b>	<b>0.00</b>	<b>145,071.03</b>	<b>9,967.69</b>	<b>152,357.32</b>

Trade Date	Settle Date	CUSIP	Security Type	Security Description	Coupon	Mty Date	Call Date	Par Value	Price	Principal Amount	Int Purchased / Received	Total Amount	Realized Gain / Loss	YTM	YTW
<b>Pooled Funds</b>															
<b>Maturities</b>															
01/30/16	01/30/16	CD-3820-1	CD	Green Bk CD	0.448	01/30/16		5,000,000.00	100.000	5,000,000.00	0.00	5,000,000.00		0.448	
03/02/16	03/02/16	CD-8583	CD	East West Bk CD	0.395	03/02/16		5,016,530.57	100.000	5,016,530.57	0.00	5,016,530.57		0.395	
<b>Total for: Maturities</b>								<b>10,016,530.57</b>		<b>10,016,530.57</b>	<b>0.00</b>	<b>10,016,530.57</b>		<b>0.421</b>	
<b>Purchases</b>															
01/30/16	01/30/16	CD-3820-2	CD	Green Bk CD	1.000	01/29/19		5,000,000.00	100.000	5,000,000.00	0.00	5,000,000.00		1.000	1.000
03/02/16	03/02/16	CD-8583-1	CD	East West Bk CD	0.445	03/02/17		5,019,843.24	100.000	5,019,843.24	0.00	5,019,843.24		0.445	0.445
<b>Total for: Purchases</b>								<b>10,019,843.24</b>		<b>10,019,843.24</b>	<b>0.00</b>	<b>10,019,843.24</b>		<b>0.722</b>	<b>0.722</b>
<b>Income Payments</b>															
01/02/16	01/02/16	CD-7917	CD	Comerica Bk CD	0.800	03/02/17				0.00	3,417.49	3,417.49			
01/04/16	01/06/16	CD-7123	CD	Comerica Bk CD	0.710	09/06/16				0.00	6,082.24	6,082.24			
01/30/16	01/30/16	CD-3820-1	CD	Green Bk CD	0.448	01/30/16				0.00	5,707.39	5,707.39			
02/02/16	02/02/16	CD-7917	CD	Comerica Bk CD	0.800	03/02/17				0.00	3,410.77	3,410.77			
02/04/16	02/06/16	CD-7123	CD	Comerica Bk CD	0.710	09/06/16				0.00	6,070.88	6,070.88			
02/17/16	02/17/16	3133EEQG8	AGCY BULET	FFCB	0.550	08/17/16				0.00	11,000.00	11,000.00			
03/02/16	03/02/16	CD-7917	CD	Comerica Bk CD	0.800	03/02/17				0.00	3,192.88	3,192.88			
03/02/16	03/02/16	CD-8583	CD	East West Bk CD	0.395	03/02/16				0.00	3,312.67	3,312.67			
03/04/16	03/06/16	CD-7123	CD	Comerica Bk CD	0.710	09/06/16				0.00	5,682.63	5,682.63			
03/31/16	03/31/16	CD-8583-1	CD	East West Bk CD	0.445	03/02/17				0.00	1,836.35	1,836.35			
<b>Total for: Income Payments</b>										<b>0.00</b>	<b>49,713.30</b>	<b>49,713.30</b>			
<b>Capitalized Interest</b>															
01/02/16	01/02/16	CD-7917	CD	Comerica Bk CD	0.800	03/02/17		3,417.49	100.000	3,417.49	0.00	3,417.49			
01/06/16	01/06/16	CD-7123	CD	Comerica Bk CD	0.710	09/06/16		6,082.24	100.000	6,082.24	0.00	6,082.24			
02/02/16	02/02/16	CD-7917	CD	Comerica Bk CD	0.800	03/02/17		3,410.77	100.000	3,410.77	0.00	3,410.77			
02/04/16	02/04/16	CD-7123	CD	Comerica Bk CD	0.710	09/06/16		6,070.88	100.000	6,070.88	0.00	6,070.88			
03/02/16	03/02/16	CD-7917	CD	Comerica Bk CD	0.800	03/02/17		3,192.88	100.000	3,192.88	0.00	3,192.88			
03/04/16	03/04/16	CD-7123	CD	Comerica Bk CD	0.710	09/06/16		5,682.63	100.000	5,682.63	0.00	5,682.63			

Trade Date	Settle Date	CUSIP	Security Type	Security Description	Coupon	Mty Date	Call Date	Par Value	Price	Principal Amount	Int Purchased / Received	Total Amount	Realized Gain / Loss	YTM	YTW
<b>Pooled Funds</b>															
<b>Capitalized Interest</b>															
03/31/16	03/31/16	CD-8583-1	CD	East West Bk CD	0.445	03/02/17		1,836.35	100.000	1,836.35	0.00	1,836.35			
<b>Total for: Capitalized Interest</b>								<b>29,693.24</b>		<b>29,693.24</b>	<b>0.00</b>	<b>29,693.24</b>			

Trade Date	Settle Date	CUSIP	Security Type	Security Description	Coupon	Mty Date	Call Date	Par Value	Price	Principal Amount	Int Purchased / Received	Total Amount	Realized Gain / Loss	YTM	YTW
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**Total for All Portfolios**

Transaction Type	Quantity	Total Amount	Realized G/L	YTM	YTW
Total Maturities	10,016,530.57	10,016,530.57		0.421	
Total Purchases	10,019,843.24	10,019,843.24		0.722	0.722
Total Income Payments	0.00	49,713.30			
Total Capitalized Interest	29,693.24	29,693.24			

CUSIP	Settle Date	Security Type	Security Description	Next Call Date	Purchase Qty	Orig Price	Original Cost	Amrt/Accr for Period	Total Amrt/Accr Since Purch	Remaining Disc / Prem	Book Value
<b>Pooled Funds</b>											
CD-3820-1	01/30/15	CD	Green Bk CD 0.448 01/30/16		0.00	100.000	0.00	0.00	0.00	0.00	0.00
CD-8583	03/02/15	CD	East West Bk CD 0.395 03/02/16		0.00	100.000	0.00	0.00	0.00	0.00	0.00
46640PGR8	10/30/15	CP - DISC	J.P.Morgan Sec 0.000 07/25/16		4,000,000.00	99.514	3,980,572.22	6,572.20	11,122.22	8,305.56	3,991,694.44
3133EEQG8	02/27/15	AGCY BULET	FFCB 0.550 08/17/16		4,000,000.00	100.029	4,001,160.00	(197.32)	(861.36)	(298.64)	4,000,298.64
CD-7123	09/04/14	CD	Comerica Bk CD 0.710 09/06/16		10,106,905.21	100.000	10,106,905.21	0.00	0.00	0.00	10,106,905.21
3133EFMW4	11/03/15	AGCY BULET	FFCB 0.400 11/03/16		10,000,000.00	99.974	9,997,354.00	660.80	1,086.60	1,559.40	9,998,440.60
3133EEFA3	12/23/14	AGCY BULET	FFCB 0.720 12/15/16		7,000,000.00	99.901	6,993,070.00	877.31	4,447.24	2,482.76	6,997,517.24
CD-7917	03/02/15	CD	Comerica Bk CD 0.800 03/02/17		5,040,238.98	100.000	5,040,238.98	0.00	0.00	0.00	5,040,238.98
CD-8583-1	03/02/16	CD	East West Bk CD 0.445 03/02/17		5,021,679.59	100.000	5,021,679.59	0.00	0.00	0.00	5,021,679.59
3133EFJM0	10/30/15	AGCY CALL	FFCB 0.930 04/13/18	01/13/16	10,000,000.00	99.805	9,980,500.00	1,972.10	3,308.70	16,191.30	9,983,808.70
3134G7P54	10/30/15	AGCY CALL	FHLMC 1.200 10/29/18	04/29/16	10,000,000.00	99.990	9,999,000.00	82.60	138.60	861.40	9,999,138.60
CD-3820-2	01/30/16	CD	Green Bk CD 1.000 01/29/19		5,000,000.00	100.000	5,000,000.00	0.00	0.00	0.00	5,000,000.00
<b>Total for Pooled Funds</b>					<b>70,168,823.78</b>		<b>70,120,480.00</b>	<b>9,967.69</b>	<b>19,242.00</b>	<b>29,101.78</b>	<b>70,139,722.00</b>
<b>Total for Town of Addison</b>					<b>70,168,823.78</b>		<b>70,120,480.00</b>	<b>9,967.69</b>	<b>19,242.00</b>	<b>29,101.78</b>	<b>70,139,722.00</b>

CUSIP	Security Type	Security Description	Pay Date	Interest	Principal	Total Amount
<b>Pooled Funds</b>						
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	04/02/16	3,358.03	0.00	3,358.03
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	04/06/16	5,976.55	0.00	5,976.55
3133EFJM0	AGCY CALL	FFCB 0.930 04/13/18	04/13/16	46,500.00	0.00	46,500.00
3134G7P54	AGCY CALL	FHLMC 1.200 10/29/18	04/29/16	60,000.00	0.00	60,000.00
CD-3820-2	CD	Green Bk CD 1.000 01/29/19	04/29/16	12,295.08	0.00	12,295.08
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	05/02/16	3,358.03	0.00	3,358.03
3133EFMW4	AGCY BULET	FFCB 0.400 11/03/16	05/03/16	20,000.00	0.00	20,000.00
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	05/06/16	5,976.55	0.00	5,976.55
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	06/02/16	3,358.03	0.00	3,358.03
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	06/06/16	5,976.55	0.00	5,976.55
3133EEFA3	AGCY BULET	FFCB 0.720 12/15/16	06/15/16	25,200.00	0.00	25,200.00
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	07/02/16	3,358.03	0.00	3,358.03
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	07/06/16	5,976.55	0.00	5,976.55
46640PGR8	CP - DISC	J.P.Morgan Sec 0.000 07/25/16	07/25/16	0.00	4,000,000.00	4,000,000.00
CD-3820-2	CD	Green Bk CD 1.000 01/29/19	07/29/16	12,500.00	0.00	12,500.00
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	08/02/16	3,358.03	0.00	3,358.03
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	08/06/16	5,976.55	0.00	5,976.55
3133EEQG8	AGCY BULET	FFCB 0.550 08/17/16	08/17/16	11,000.00	4,000,000.00	4,011,000.00
CD-7917	CD	Comerica Bk CD 0.800 03/02/17	09/02/16	3,358.03	0.00	3,358.03
CD-7123	CD	Comerica Bk CD 0.710 09/06/16	09/06/16	5,976.55	10,101,222.58	10,107,199.13
<b>Total for Pooled Funds</b>				<b>243,502.56</b>	<b>18,101,222.58</b>	<b>18,344,725.14</b>

CUSIP	Security Type	Security Description	Pay Date	Interest	Principal	Total Amount
<b>Total for All Portfolios</b>						
			April 2016	128,129.66	0.00	128,129.66
			May 2016	29,334.58	0.00	29,334.58
			June 2016	34,534.58	0.00	34,534.58
			July 2016	21,834.58	4,000,000.00	4,021,834.58
			August 2016	20,334.58	4,000,000.00	4,020,334.58
			September 2016	9,334.58	10,101,222.58	10,110,557.16
<b>Total Projected Cash Flows for Town of Addison</b>				<b>243,502.56</b>	<b>18,101,222.58</b>	<b>18,344,725.14</b>

**Work Session and Regular Meeting****Meeting Date:** 07/12/2016**Department:** Infrastructure- Development Services**AGENDA CAPTION:**

Discuss And Consider Approval Of A **Resolution Adopting The Addison Airport Master Plan.**

**BACKGROUND:**

This item is for the City Council to consider adoption of the Addison Airport Master Plan. The Master Plan is used to determine the long-term development plans for an airport. It is important to the Town because air transportation is a vital community industry and that the requirements for new or improved projects be anticipated.

In February 2014, the Town of Addison received a grant from the Texas Department of Transportation, Aviation Division (TxDOT) for professional services for an Addison Airport Master Plan study. Through a selection process guided by TxDOT, Garver Engineers was chosen to perform the services related to this grant. The purpose of an Airport Master Plan is to develop short, medium, and long term development plans that will provide a framework and justification for proposed capital improvements on the airport. From these plans, several alternatives for development are analyzed, considered, and chosen. The cost of the improvements are then estimated and prioritized into a Capital Improvement Plan (CIP). The Airport Layout Plan (ALP) is created from this information and becomes a part of the master plan. In order for projects in the CIP to be eligible for federal funding they must be included on the ALP. In order to ensure that the ALP is up to date and all the projects identified by the airport are included on the ALP, the FAA recommends that the master plan be updated approximately every five years or when the major capital improvements from the previous master plan have been completed.

Since the previous airport master plan was completed in 2004, many of the projects and objectives from that previous master plan have been accomplished and significant improvement project on the airport have been completed. These include such projects as the rehabilitation of Runway 15/33 and Taxiway Alpha, and the Engineered Materials Arresting System on the runway's south end. With the completion of these major airside projects, the focus of this update to the master plan is the redevelopment and management of the landside facilities.

There are specific elements of an airport master plan. They are: Inventory, Aviation Activity Forecasts, Facility Requirements, Airport Alternative Analysis, Capital Improvement Plan, Financial Plan, and Airport Layout Plan.

Two committees were formed to guide the planning process. The Executive Committee

was comprised of Town and Airport staff along with the consultant, Garver. This committee provided technical input to the process and made recommendations to the next level, the Project Steering Committee, which was comprised of citizens and community leaders that were appointed by Council, airport tenants, including representatives from the Fixed Base Operators, and representatives from the Planning and Zoning Commission. FAA and TxDOT representatives served as ex officio members of the committee. The Steering Committee's role was to consider the information that was presented and the alternatives that were being proposed, ask questions related to that information, and then make a final recommendation as to what to include in the draft master plan that would be considered by Council for adoption. One public meeting was held on September 26, 2014, to solicit input from interested members of the community. Additionally, the Airport Strategic Plan, which was adopted by Council in November 2013, was used to inform the development of the Master Plan. The goals that are included in the Strategic Plan were specifically followed as the Master Plan was being drafted.

On June 14, 2016, the Council was provided an in-depth presentation on the contents of the Master Plan. The FAA and TxDOT have approved the Airport Layout Plan. The Steering Committee was sent the final draft of the master plan and their final comments were solicited. We received responses from the majority of the committee members, most of which indicated that they had no comments about the plan. One written response was received by the Aircraft Owners and Pilots Association representative and this is attached herein.

The next step is for Council to consider the adoption of the Addison Airport Master Plan. Once the Master Plan is adopted it will be sent to TxDOT for their acceptance. The Master Plan then becomes official and staff will begin execution.

Copies of the Airport Master Plan and Strategic Plan can be found at [https://addisontexas.net/index.php?section=addison-airport\\_all-documents](https://addisontexas.net/index.php?section=addison-airport_all-documents).

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

Resolution

Aircraft Owners and Pilots Association Letter

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**TOWN OF ADDISON, TEXAS**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING THE ADDISON AIRPORT MASTER PLAN AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in February of 2014, the Texas Department of Transportation engaged the services of Garver to prepare a master plan for the Addison airport; and

**WHEREAS**, the Addison Airport Master Plan Executive Committee and the Addison Airport Master Plan Steering Committee participated in the preparation of the Addison Airport Master Plan and recommend its approval to the City Council; and

**WHEREAS**, the Federal Aviation Administration and the Texas Department of Transportation require that an airport master plan be prepared and provided to their agencies in order to receive airport grant funding.

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

**Section 1.** The Addison Airport Master Plan, a copy of which is to be maintained in the office of the City Secretary, is hereby approved.

**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 12<sup>th</sup> day of July, 2016.

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

ATTEST:

By: \_\_\_\_\_  
Laura Bell, City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney

# COMMENTS ON ADDISON AIRPORT MASTER PLAN DRAFT

BY KEITH CRAIGO, AOPA ASN VOLUNTEER

## ADDISON AIRPORT PROJECT STEERING COMMITTEE

06/27/2016

The draft copy of the Addison Airport Master Plan appears to be as comprehensive as possible given the limitations of time and finances. The FAA looks to the airport sponsors to gather pertinent data from multiple sources so that the airport can be in the best position to support both aviation interests and the interests of the community at large for the near future and beyond. This document has, in my opinion, met or exceeded the FAA requirements. As a bonus it also includes the Town of Addison's strategic plan for the airport, something not usually part of an Airport Master Plan, but is welcomed by the FAA and shows the sponsor's extended commitment to the future of the airport and the aviation stakeholders. With this said just a few comments on the presentation come to mind.

1. I would like to see it more fully explained that this plan is very flexible and is subject to change to accommodate the needs of the stakeholders as the future unfolds.
2. The various chapter narratives make reference to community and committee input comments/surveys but the various parties comments are relegated to Appendix E within Appendix B. When reference is made to the public outreach within the chapter text, it would be helpful to include a note of direction to the proper appendix.
3. My copy of the draft has some charts and graphs that are unreadable due to very poor resolution (see Appendix E in Strategic Plan). I hope that can be corrected in the binders supplied to council members.
4. The chapter titled Phased Development Plan has table 5-1 listing projects for airside improvements. However, there are two security items listed but I can find no details or labeling in figure 5-2. I think it would be helpful to provide more detailed information and an explanation for putting the projects on the airside list.
5. Finally, I would like to see it more clearly stated the methods or procedures that will be used to solicit stakeholder input as the plan phases unfold. Such efforts will play a very important role in validating the town's continuing commitment to Addison Airport.

These comments are mostly first blush after a quick read during a rushed week. Please let me know if I missed some of the information referenced above.

Keith Craigo,

AOPA ASN Volunteer, Addison Airport

**Work Session and Regular Meeting**

Meeting Date: 07/12/2016

Department: Infrastructure- Development Services

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**AGENDA CAPTION:**

Hold A Public Hearing, Discussion And Consider Action On An Ordinance **Rezoning The Property Located At 14910 Midway Road, In The Former Snuffer's Restaurant, Just South Of The Intersection of Beltway Drive And Midway Road, Which 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.** Case 1739-SUP/Zoli's NY Pizza.

**BACKGROUND:**

14910 Midway Road is currently a vacant restaurant site most recently occupied by Snuffer's. Zoli's NY Pizza is proposing an extensive interior and exterior renovation of the building necessitating a new Special Use Permit.

The Addison Planning and Zoning Commission, meeting in regular session on June 21, 2016, voted to recommend approval of this item subject to the following conditions:

- The applicant shall not use any terms or graphic depictions relating to alcoholic beverages in exterior signage.
- The site plan shall be amended so that the two spaces labeled as 8 feet wide be adjusted to 8.5 feet wide.
- Prior to the issuance of a building permit, the applicant shall provide the Town a copy of the formal agreement with Oncor for the placement of the patio within the Oncor utility easement.

Voting Aye: Ennis, Griggs, Robbins, Robinson, Schaeffer, Smith

Voting Nay: none

Absent: Morgan

Speakers at the public hearing: none

Please refer to the attached staff report for additional information on this case.

**RECOMMENDATION:**Administration recommends approval.

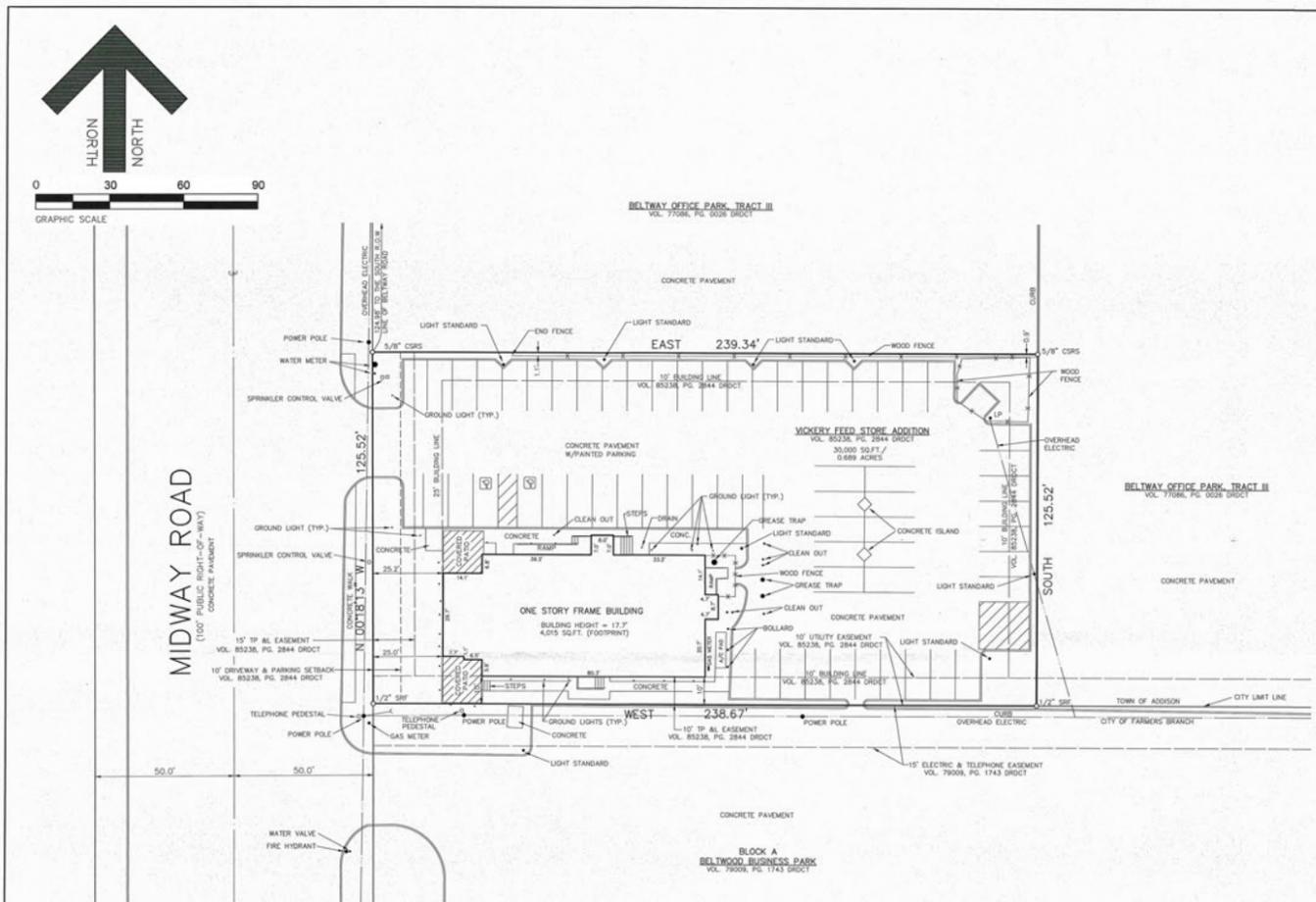
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1739-SUP Plans

Ordinance

1739-SUP Staff Report

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**LEGEND**

- DRDCT Deed Records Dallas County Texas
- RD Regular Road
- AL All
- MINUTE/FEET Minimum/Feet
- SECONDS/INCHES Seconds/Inches
- FOOT/FEET Foot or Feet
- NUMBER Number
- VOL Volume
- PC Page
- CO Sanitary Sewer
- CSRS Steel Rod Found
- WV Water Valve
- WP Water Meter
- WF Water Meter
- PP Power Pole
- LP Light Pole
- FR Fire Hydrant
- BOLLARD
- MANHOLE
- TRANS Transformer
- GM Gas Meter
- PH Building Height
- Handicap Parking

**PARKING SPACE COUNT:**

REGULAR = 61  
HANDICAP = 2  
TOTAL = 63

**ZONING:**

This property is currently zoned LR (Local Retail District) per the Town of Addison Zoning Map and is subject to the following requirements:

Maximum Height: 2-1/2 standard stories or 29 feet  
 Front Yard: Minimum 25 feet, except as provided in article on variances & exceptions - where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.  
 Side Yard: On a corner lot, a side yard of 25 feet shall be required on the side street; on the side of the lot in an LR district adjoining a single-family or an apartment district, there shall be a side yard of 10 feet. The building side yard setback should be 25 feet from the property line when adjacent to a street.  
 Rear Yard: There shall be no rear yard depth required unless the LR district adjoins a single-family or an apartment district. In this case, a 10 foot rear yard will be required.  
 Off-street parking: Restaurants - One space for 70 square feet of floor area for all freestanding buildings unless it is part of a shopping center or mixed use development.

\*Please see zoning ordinance for permitted uses and other regulations.

**SURVEY DESCRIPTION**

**TRACT VIII:**

Being all of VICKERY FEED STORE ADDITION, an Addition to the City of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 85238, Page 2844, Deed Records, Dallas County, Texas.

\*Being the same property as described in Commitment for Title Insurance issued by Lowyers Title Insurance Corporation for GF No. 2024000441 on May 31, 2007.

\*\*Items corresponding to Schedule "B":

- Subject to Restrictive Covenants recorded in Volume 78009, Page 433, and in Volume 79004, Page 1893, Deed Records, Dallas County, Texas. (See item No. 11 - conditions & covenants may have terminated)
- The following, all according to plat recorded in Volume 85238, Page 2844 in the Deed Records, Dallas County, Texas:
  - Twenty Five (25) foot building line along west property line. (shown)
  - Ten (10) foot building line along north, east and south property lines. (shown)
  - Fifteen (15) foot Texas Power & Light Co. easement along west property line. (shown)
  - Ten (10) foot utility easement along south property line. (shown)
  - Ten (10) foot Texas Power & Light Co. easement along south property line. (shown)
- Building, driveway and parking setbacks as contained in Restrictions in Deed recorded in Volume 78009, Page 433 and in Volume 79004, Page 1893, Deed Records, Dallas County, Texas. (See item No. 11 - conditions & covenants may have terminated)
- Terms, provisions and conditions of Lease Agreement by and between Vickery Feed Store, Inc., as Lessor and Shuller and Watkins Management, Inc., as Lessee, as evidenced by Assignment of Leases and Rents, recorded in Volume 96071, Page 1348, Deed Records, Dallas County, Texas, and as affected by instrument recorded in Volume 99006, Page 2327 in the Deed Records of Dallas County, Texas. (effects but cannot be graphically shown on survey).

- NOTES:**
- According to surveyor's interpretation of information shown on the National Flood Insurance Program (NFIP), Community Panel No. 481300180A, dated August 23, 2001, this property appears to lie within Zone "X" (unshaded) and no portion of this property lies within a "Special Flood Hazard Area (SFHA) inundated by 100 year flood" zone as defined by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, or the Federal Emergency Management Agency.
  - The referenced Flood Insurance Rate Map "FIRM" is for use in administering the National Flood Insurance Program "NFIP". It does not necessarily show all areas subject to flooding, particularly from local sources of small size, which could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. There may be other streams, creeks, low areas, drainage systems or other surface or subsurface conditions existing on or near the subject property which are not studied or addressed as part of the "NFIP".
  - This survey shall be considered invalid unless it bears an original signature in blue ink.
  - Markers marked 5/8" CSRS are 5/8-inch steel rods with yellow plastic cap stamped "JDR" set.
  - Only visible location of utilities are shown on this survey. Underground utilities were not located and are not shown hereon.
  - Building height shown was measured to beginning pitch of lowest roofline.
  - Building area shown is for exterior footprint of building at ground level only.
  - There is not a painted fire lane on the subject property at time of survey.

**JDR** ENGINEERS & CONSULTANTS, INC.  
 ENGINEERS • LAND PLANNERS  
 SURVEYORS • LAND PLANNERS  
 2930 Treen Drive, Suite 100, Irving, Texas 75039  
 Tel: 972-252-6088 Fax: 972-252-8868

14910 MIDWAY ROAD  
 VICKERY FEED STORE ADDITION,  
 ADDISON, DALLAS COUNTY, TEXAS

**REVISIONS:**

DATE	REVISION

**SHEET TITLE**  
 ALTA/ACSM  
 TITLE SURVEY

DATE: 6/4/2007  
 SCALE: 1" = 20'  
 DRAWN BY: HLL  
 CHECKED BY: HLL  
 SHEET NO.  
 1 of 1  
 JDR FILE NO. 103-45-07

The undersigned hereby certifies that CARROLL FAMILY INVESTMENTS, LTD., a Texas limited partnership, GENWORTH FINANCIAL, LAWYERS TITLE INSURANCE CORPORATION AND LANDAMERICA AMERICAN TITLE, this this survey was completed on May 21, 2007 and was made in accordance with the "Minimum Standards Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA and NISP in 2005, and includes items 1-4, 6, 7(a), 7(b)(3), 7(c), 8-10, 11(a), 13 and 14 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NISP and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Texas, the Relative Positional Accuracy of this survey does not exceed that which is specified thereon.

Signed this 1<sup>st</sup> day of June, 2007.  
 Heather Lynn Lemons  
 Registered Professional Land Surveyor No. 5712



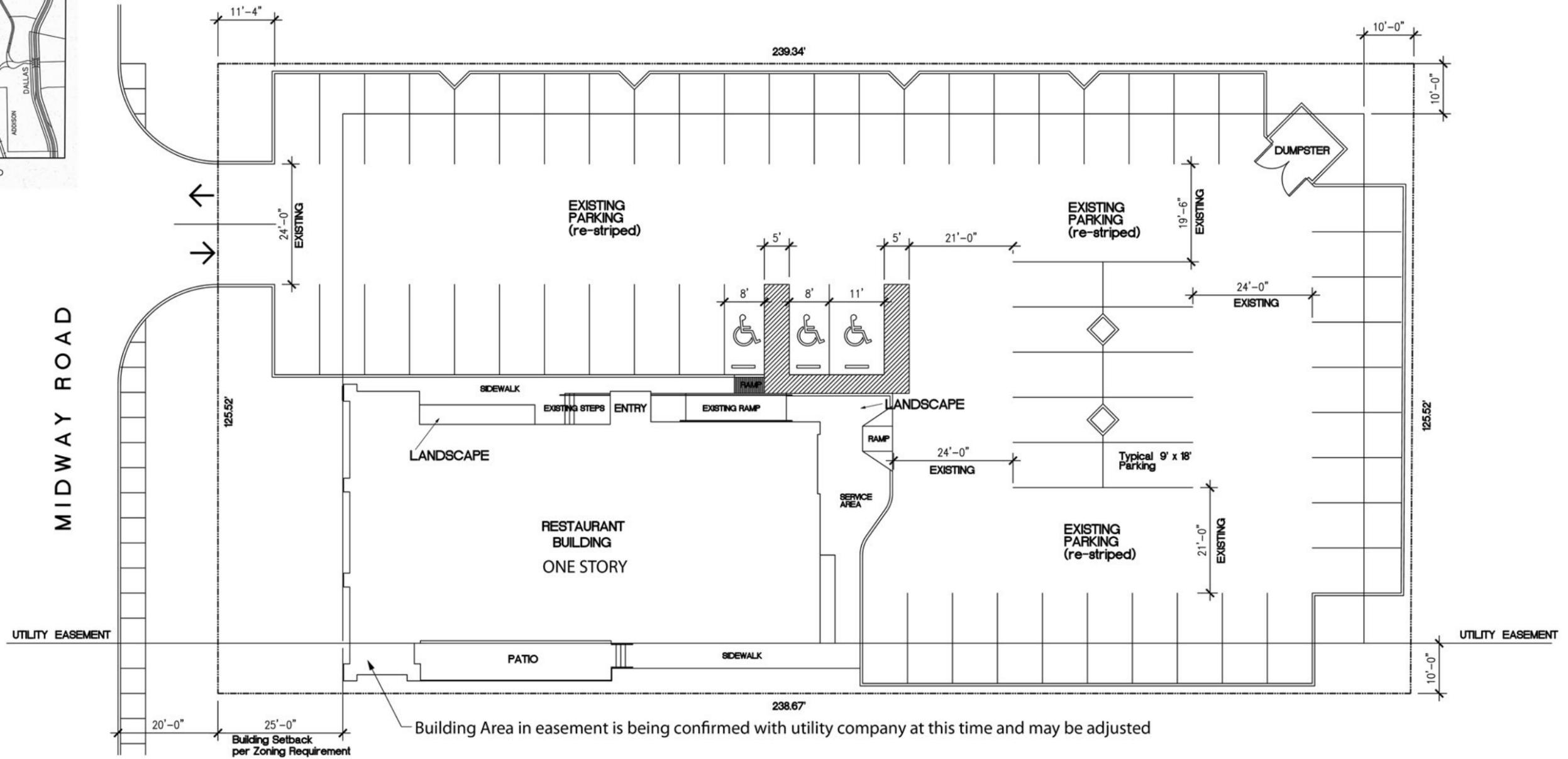
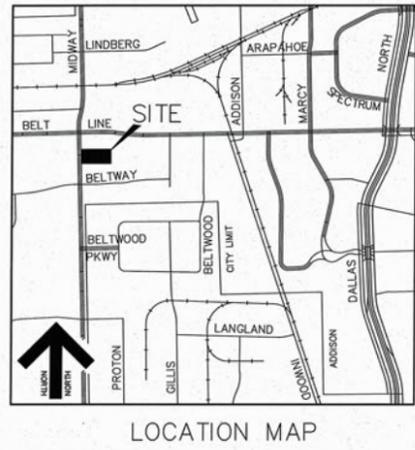
**CONCEPT PLAN - EXISTING / UTILITY AND DRAINAGE**

13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-1000

PROPERTY OWNER: CARROLL FAMILY INVESTMENTS, LTD.  
 2340 WEST I-20, SUITE 100  
 ARLINGTON TEXAS 76017  
 PHONE: 817-467-0505

RESTAURANT REMODEL: **Zoli's NY Pizza**  
 14910 Midway Rd, Addison Texas  
 Recorded Plat: "Vickery Feed Store Addition"  
 vol. 85238 pg 2844 DRDCT  
 Lot size: 0.689 acres  
 Date: 05/19/16 Town project: # 1739-SUP  
 06/16/16 final

sheet: 1 of 6



# SITE PLAN

SITE AREA: .689 ACRE  
 PARKING: 61 STANDARD + 3 HC = 64 SPACES (EXISTING SURFACE RE-STRIPED AND HC MOVED TO ENTRY)  
 SQUARE FOOTAGE: 4,466 SQ. FT. PARKING REQUIREMENT: 1 SPACE PER 70 SQ. FT. TOTAL REQUIRED: 64 SPACES

**Note: Reference sheet 1 for existing site survey, zoning, parking, lighting, drainage, and utility information.**

SCALE: 3/32" = 1'



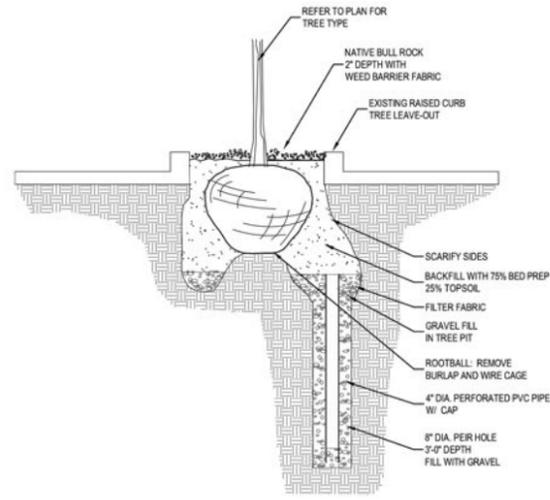
## CONCEPT PLAN\_NEW

13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-1000

PROPERTY OWNER: CARROLL FAMILY INVESTMENTS, LTD.  
 2340 WEST I-20, SUITE 100  
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 06/15/16-FINAL

sheet: 2 of 6



01 TREE PLANTING DETAIL, IN EXISTING PARKING LOT NOT TO SCALE

**SOLID SOD NOTES**

1. Fine grade areas to achieve final contours indicated. Leave areas to receive topsoil 3" below final desired grade in planting areas and 1" below final grade in turf areas.
2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
4. Contractor to coordinate with on-site Construction Manager for availability of existing topsoil.
5. Plant sod by hand to cover indicated area completely. Insure edges of sod are touching. Top dress joints by hand with topsoil to fill voids.
6. Roll grass areas to achieve a smooth, even surface, free from unnatural undulations.
7. Water sod thoroughly as sod operation progresses.
8. Contractor shall maintain all lawn areas until final acceptance. This shall include, but not limited to: mowing, watering, weeding, cultivating, cleaning and replacing dead or bare areas to keep plants in a vigorous, healthy condition.
9. Contractor shall guarantee establishment of an acceptable turf area and shall provide replacement from local supply if necessary.
10. If installation occurs between September 1 and March 1, all sod areas to be over-seeded with Winter Ryegrass, at a rate of (4) pounds per one thousand (1000) square feet.

**EXISTING TREE PRUNING NOTES**

1. Contractor shall provide a Class "B" pruning on all existing trees.
2. This shall include at a minimum: removal of dead, dying, diseased weak branches, along main trunk structure and within branching area.
3. Contractor shall include deep root feeding and invigoration of existing trees. This shall be organic based nutrients based for root growth and leaf growth stimulation.
4. Contractor shall be required to chip all removed branches, leaves, etc.

**IRRIGATION REPAIR SPECIFICATIONS**

1. Contractor shall perform site visit prior to bidding and construction, to review extent of existing irrigation system.
2. Contractor shall be responsible for verifying conditions of existing irrigation system. Contractor shall be responsible for maintaining the integrity of existing irrigation where possible, and if not, repair as needed, including but not limited to irrigation controller, meter, sleeving, etc.

**PLANT LIST**

TREES	QTY.	TYPE	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
	4	CE	Cedar Elm	Ulmus crassifolia	4" cal.	B&B, 15" N.L., 5' spread min.
	3	CM	Crape Myrtle 'Dallas Red'	Lagerstroemia indica 'Dallas Red'	3" cal.	container grown, 10' ht. min. 3-5 cane, no cross caning
	3	PC	Pond Cypress	Taxodium ascendens	2" cal.	container grown, 12' ht. min.
	2	TY	Tree Yaupon Holly	Ilex vomitoria	8" ht.	2" cal. min., B&B, 3-5 cane, no cross caning

SHRUBS	QTY.	TYPE	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
	38	DA	Dwarf Abelia 'Edward Goucher'	Abelia sp. 'Edward Goucher'	5 gal.	container, full plant specimen
	15	DTS	Dwarf Texas Sage 'Compact'	Leucophyllum sp. 'compactum'	5 gal.	container, full plant specimen
	22	IH	Indian Hawthorne 'Clara'	Raphiolepis indica 'Clara'	5 gal.	container, full plant specimen
	11	KNR	Double Knockout Rose 'Yellow'	Rosa sp. 'Double Knockout Yellow'	5 gal.	container, full plant specimen
	95	MFG	Mexican Feather Grass	Nassella tenuissima	5 gal.	container, full plant specimen
	36	MIS	Miscanthus	Miscanthus sinensis 'Gracilimus'	5 gal.	container, full plant specimen
	69	NRS	Nellie R. Stevens Holly	Ilex sp. 'Nellie R. Stevens'	10 gal.	container, full plant specimen
	14	NPH	Needlepoint Holly	Ilex cornuta 'Needlepoint'	36" ht.	container, full plant specimen, 36" o.c.
	51	GM	Gulf Muhly	Muhlenbergia filipes	5 gal.	container, full top of container

GROUNDCOVERS	QTY.	TYPE	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
	300	EI	English Ivy	Hedera helix	4" pots	container, (3) 12" runners min.
	370	LR	Liriope 'Big Blue'	Liriope muscari 'Big Blue'	4" pots	container, full plant, 12" o.c.
	24	LG	Giant Liriope	Liriope gigantea	3 gal.	container, full plant
	1269	WC	Common Bermuda Grass	Cynodon dactylon	4" pots	container, (3) 12" runners min. 12" o.c. solid sod, refer to notes

NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be matching within varieties.



CURRENT LANDSCAPE AREA:	3,863 S.F.
PROPOSED LANDSCAPE AREA:	4,067 S.F.
CURRENT TREES ON-SITE:	7
ADDITIONAL PROPOSED TREES:	10
CURRENT SHRUBS ON-SITE:	0
PROPOSED SHRUBS:	230
CURRENT GROUNDCOVER ON-SITE:	0
PROPOSED GROUNDCOVER:	1963

**LANDSCAPE TABULATIONS**

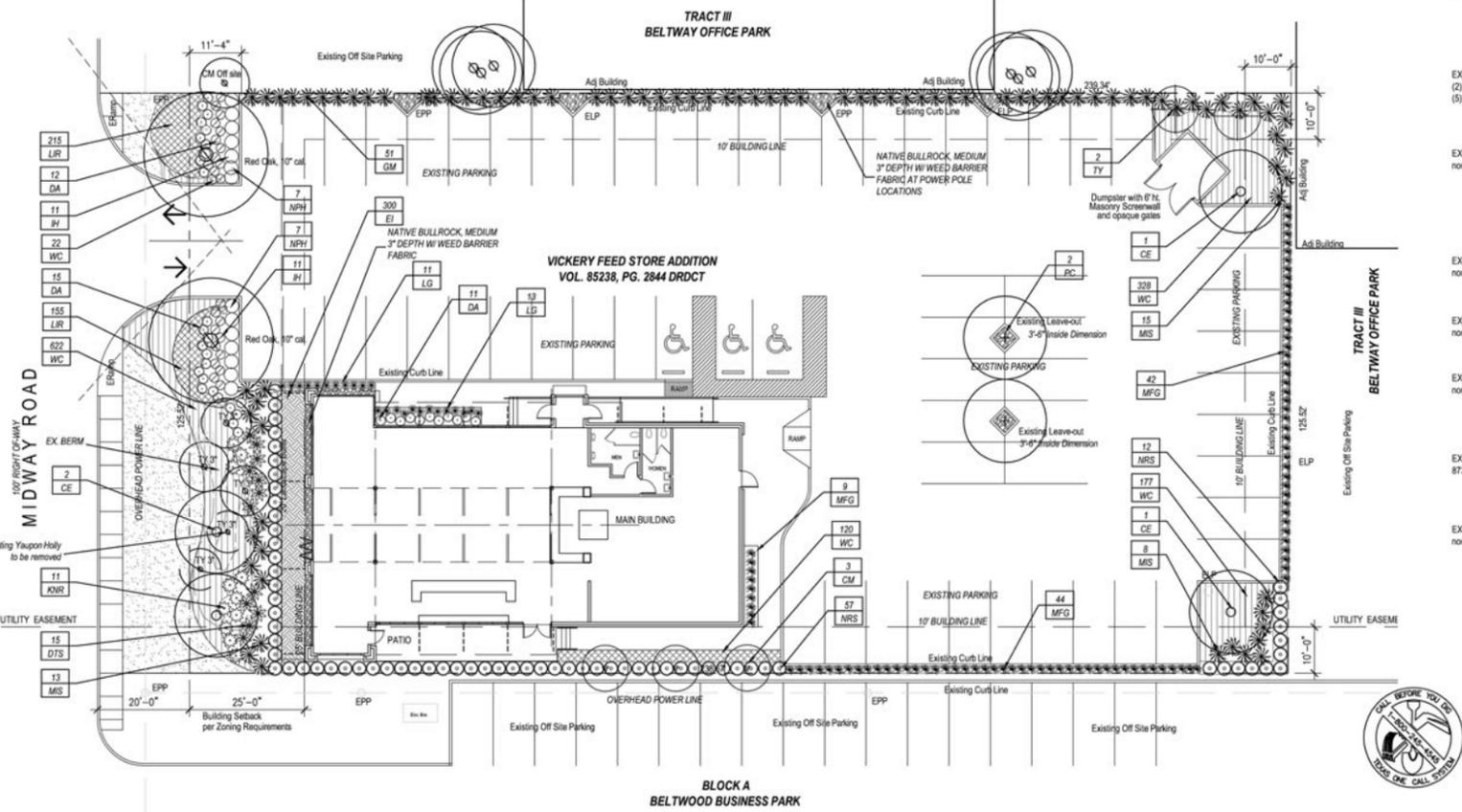
SITE REQUIREMENTS	
Requirements: 20% of gross site to be landscape	
Total Site: 30,102 s.f. (.689 acres)	
Required: 6,020 s.f. (20%)	Provided: 4,015 s.f. (13.3%)
STREET FRONTAGE	
Requirements: 20' buffer along street frontage	
(1) tree 4" cal. per 30 l.f., (8) shrubs per 20 l.f.	
Midway Road: 125.52 l.f.	
Required: (2) trees, 4" cal. / (2) new trees, 4" cal.	Provided: (2) ex. trees, 10" cal. / (2) new trees, 4" cal.
(5) trees, 2" / (40) shrubs, 5 gal.	(120) shrubs, 5 gal.
PARKING LOT SCREEN	
Requirements: 20' N.L., 3" o.c.	
Provided: 36" N.L., 3" o.c. linear row	
PARKING LOT PERIMETER LANDSCAPE	
Requirements: 5' wide buffer, (1) 4" cal. tree per 35 l.f. and (1) shrub per 3 l.f.	
East Property Line: 80 l.f.	
Required: (3) trees, 4" cal. / (27) shrubs, 5 gal.	Provided: (1) tree, 2" cal. / (42) shrubs, 5 gal.
North Property Line: 198 l.f.	
Required: (6) trees, 4" cal. / (51) shrubs, 5 gal.	Provided: (2) trees, 2" cal. / (51) shrubs, 5 gal. (48) shown elsewhere on-site
South Property Line: 90 l.f.	
Required: (3) trees, 4" cal. / (30) shrubs, 5 gal.	Provided: (3) trees, 3" cal. / (44) shrubs, 5 gal.
PARKING LOT - INTERIOR LANDSCAPE	
Requirement: 8% of the parking area must be landscape	
Parking lot: 20,031 s.f.	
Required: 1,602 s.f. (8%)	Provided: 873 s.f. (4.3%)
PARKING LOT	
Requirement: (1) tree per 10 regular spaces	
Total Parking: 63 spaces	
Required: (6) trees	Provided: (2) trees, 2" cal. / (2) tree, 4" cal.

**GENERAL LAWN NOTES**

1. Fine grade areas to achieve final contours indicated on civil plans.
2. Adjust contours to achieve positive drainage away from buildings. Provide uniform rounding at top and bottom of slopes and other breaks in grade. Correct irregularities and areas where water may stand.
3. All lawn areas to receive solid sod shall be left in a maximum of 1" below final finish grade. Contractor to coordinate operations with on-site Construction Manager.
4. Imported topsoil shall be natural, friable soil from the region, known as bottom and soil, free from lumps, clay, toxic substances, rocks, debris, vegetation, stones, containing no salt and black to brown in color.
5. All lawn areas to be fine graded, irrigation trenches completely settled, and finish grade approved by the Owner's Construction Manager or Architect prior to installation.
6. All rocks 3/4" diameter and larger, dirt clods, sticks, concrete spalls, etc. shall be removed prior to placing topsoil and any lawn installation.
7. Contractor shall provide 1" one inch of imported topsoil on all areas to receive lawn.

**DEMOLITION NOTES**

1. Provide demolition, salvage and protection of existing structures, surfaces and trees as shown on the drawings.
2. Before submitting proposal, visit and examine site to determine actual nature and scope of demolition and salvage work. Claims for extra compensation on account of additional labor materials or equipment required for difficulties encountered in demolition and salvage will not be recognized.
3. Prior to demo, disconnect and cap off utilities and service lines not required for new construction in accordance with requirements of governing authorities ordinances and regulations.
4. Erect necessary barricades, storing and protective measures as required.
5. Materials and debris resulting from demolition operations become the property of the Contractor. Please remove from site.
6. Remove pavements, and structures to the depths of their sub-structures.
7. Leave construction area clean and ready to use by other trades.
8. Remove pavement sub-base to the depth of the base materials.
9. Do not remove or damage trees unless noted to be removed. All tree protection devices shall be in place prior to demolition activities. Any demolition activities required within the dripline of trees to be saved shall be carefully removed by hand labor. Report any tree damage to the Landscape Architect.
10. Prior to beginning demolition, Contractor shall provide coverings for existing site elements remaining to prevent damage. Any site elements scheduled to remain which are damaged by the Contractor's activities shall be repaired at the Contractor's expense.
11. Provide demolition of existing site items as shown on the drawings. Completely remove items to 8" below grade and haul away at refuse.



01 LANDSCAPE PLAN SCALE: 1" = 16'-0"

TOWN PROJECT #: 1739-SUP

**smr**  
landscape architects, inc.  
1706 N. Griffin Street Dallas, Texas 75202  
Tel: 214.871.0803 Fax: 214.871.0545  
Email: smr@smr-la.com

**RESTAURANT REMODEL**  
ZOLI'S NY PIZZA - 14910 Midway Road  
TOWN OF ADDISON, TEXAS



- Issue For:
- Design Development
  - Progress
  - Bidding
  - Permit
  - Construction

Original Issue Date: 20 MAY 2015

City Comments / 6.15.16

LANDSCAPE PLAN  
Sheet Designer:  
Drawn By: BOA  
Checked By: BOA  
Current Date: 20 MAY 2015  
Drawing #: L1.1

**HODGES Architecture**  
13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-1000

**CONCEPT LANDSCAPE PLAN 1.1**

PROPERTY OWNER: CARROLL FAMILY INVESTMENTS. LTD.  
2340 WEST I-20, SUITE 100  
ARLINGTON TEXAS 76017  
PHONE: 817-467-0505

sheet: 3 of 6

**RESTAURANT REMODEL: Zoli's NY Pizza**  
14910 Midway Rd. Addison Texas  
Recorded Plat: "Vickery Feed Store Addition" vol. 85238 pg 2844 DRDCT  
Lot size: 0.689 acres  
Date: 05/19/16 Town project: # 1739-SUP  
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**SECTION 02900 - LANDSCAPE**

**PART 1 - GENERAL**

**1.1 REFERENCED DOCUMENTS**

Refer to bidding requirements, special provisions, and schedules for additional requirements.

**1.2 DESCRIPTION OF WORK**

Work included: Furnish all supervision, labor, materials, services, equipment and appliances required to complete the work covered in conjunction with the landscaping covered in these specifications and landscaping plans, including:

1. Planting (trees, shrubs, and grass)
2. Bed preparation and fertilization
3. Notification of sources
4. Water and Maintenance until final acceptance
5. Guarantee

**1.3 REFERENCE STANDARDS**

- A. American Standard for Nursery Stock published by American Association of Nurserymen: 27 October 1980, Edition by American National Standards Institute, Inc. (200.1) - plant material.
- B. American Joint Committee on Horticultural Nomenclature: 1942 Edition of Standardized Plant Names.
- C. Texas Association of Nurserymen, Grades and Standards.
- D. Hortis Third, 1976 - Cornell University

**1.4 NOTIFICATION OF SOURCES AND SUBMITTALS**

- A. The Contractor shall, within ten (10) days following acceptance of bid, notify the Architect/Owner of the sources of plant materials and bed preparation required for the project.
- B. Samples: Provide representative quantities of sandy loam soil, mulch, bed mix material, gravel, and crushed stone. Samples shall be approved by Architect before use on project.
- C. Product Data: Submit complete product data and specifications on all other specified materials.
- D. Submit three representative samples of each variety of ornamental trees, shrubs, and groundcover plants for Architect's approval. When approved, tag, install, and maintain as representative samples for final installed plant materials.
- E. File Certificates of Inspection of plant material by state, county, and federal authorities with Architect, if required.
- F. Soil Analysis: Provide sandy loam soil analysis if requested by the Architect.

**PART 3 - EXECUTION**

**3.1 BED PREPARATION & FERTILIZATION**

- A. Landscape Contractor to inspect all existing conditions and report any deficiencies to the Owner.
- B. All planting areas shall be conditioned as follows:
  1. Prepare new planting beds by scraping away existing grass and weeds as necessary. Till existing soil to a depth of six (6") inches prior to placing compost and fertilizer. Apply fertilizer as per manufacturer's recommendations. Add six (6") inches of compost and fill into a depth of six (6") inches of the topsoil. Apply organic fertilizer such as Sustane or Green Sense at the rate of twenty (20) pounds per one thousand (1,000) square feet.
  2. All planting areas shall receive a two (2") inch layer of specified mulch.
  3. Backfill for tree pits shall be as follows: Use existing top soil on site (use imported topsoil as needed) free from large clumps, rocks, debris, caliche, subsoils, etc., placed in nine (9") inch layers and watered in thoroughly.
- C. Grass Areas:
  1. Areas to be Solid Sod Bermudagrass: Blocks of sod should be laid joint to joint, (staggered joints) after fertilizing the ground first. Roll grass areas to achieve a smooth, even surface. The joints between the blocks of sod should be filled with topsoil where they are evidently gaped open, then watered thoroughly.
  2. Areas to be Hydromulch Common Bermudagrass: Hydromulch with bermudagrass seed at a rate of two (2) pounds per one thousand (1,000) square feet. Use a 4' x 8' batter board against the bed areas.

**3.2 INSTALLATION**

- A. Maintenance of plant materials shall begin immediately after each plant is delivered to the site and shall continue until all construction has been satisfactorily accomplished.
- B. Plant materials shall be delivered to the site only after the beds are prepared and area ready for planting. All shipments of nursery materials shall be thoroughly protected from the drying winds during transit. All plants which cannot be planted at once, after delivery to the site, shall be well protected against the possibility of drying by wind and sun. Balls of earth of B & B plants shall be kept covered with soil or other acceptable material. All plants remain the property of the Contractor until final acceptance.
- C. Position the trees and shrubs in their intended location as per plan.
- D. Notify the Landscape Architect for inspection and approval of all positioning of plant materials.
- E. Excavate pits with vertical sides and horizontal bottom. Tree pits shall be large enough to permit handling and planting without injury to balls of earth or roots and shall be of such depth that, when planted and settled, the crown of the plant shall bear the same relationship to the finish grade as it did to soil surface in original place of growth.

**JOB CONDITIONS**

- A. General Contractor to complete the following punch list: Prior to Landscape Contractor installing any portion of landscape installation, General Contractor shall leave planting bed areas three (3") inches below finish grade of sidewalks, drives and curbs as shown on the drawings. All lawn areas to receive solid sod shall be left one (1") inch below the finish grade of sidewalks, drives, and curbs. All construction debris shall be removed prior to Landscape Contractor beginning any work.
- B. General Contractor shall provide topsoil as described in Section 02200 - Earthwork.
- C. Storage of materials and equipment at the job site will be at the risk of the Landscape Contractor. The Owner cannot be held responsible for theft or damage.

**1.6 MAINTENANCE AND GUARANTEE**

- A. Maintenance:
  1. The Landscape Contractor will be held responsible for the maintenance of all work from the time of planting until final acceptance by the Owner. No trees, shrubs, groundcover or grass will be accepted unless they show a healthy growth and satisfactory foliage conditions.
  2. Maintenance shall include watering of trees and plants, cultivation, weeding, spraying, edging, pruning of trees, mowing of grass, cleaning up and all other work necessary of maintenance.
  3. A written notice requesting final inspection and acceptance should be submitted to the Owner at least seven (7) days prior to completion. An on-site inspection by Owner and Landscape Contractor will be completed prior to written acceptance.
  4. After final acceptance of installation, the Landscape Contractor will not be required to do any of the above listed work.
- B. Guarantee:
  1. Trees shall be guaranteed for a twelve (12) month period after acceptance. Shrubs and groundcover shall be guaranteed for twelve (12) months. The Contractor shall replace all dead materials as soon as weather permits and upon notification of the Owner. Plants, including trees, which have partially died so that shape, size, or symmetry has been damaged, shall be considered subject to replacement. In such cases, the opinion of the Owner shall be final.
    - a. Plants used for replacement shall be of the same size and kind as those originally planted and shall be planted as originally specified. All work, including materials, labor and equipment used in replacements, shall carry a twelve (12) month guarantee. Any damage, including ruts in lawn or bed areas, incurred as a result of making replacements shall be immediately repaired.
    - b. All the direction of the Owner, plants may be replaced at the start of the next year's planting season. In such cases, dead plants shall be removed from the premises immediately.
    - c. When plant replacements are made, plants, soil mix, fertilizer and mulch are to be utilized as originally specified and shall be replaced in accordance with the Contractor requirements. All replacements are to be included under "Work" of this section.

**1.7 QUALITY ASSURANCE**

- A. General: Comply with applicable Federal, State, County and Local regulations governing landscape materials and work.
- B. Personnel: Employ only experienced personnel who are familiar with the required work. Provide full time supervision by a qualified foreman acceptable to Landscape Architect.
- C. Selection of Plant Material:
  1. Make contact with suppliers immediately upon obtaining notice of contract acceptance to select and book materials. Develop a program of maintenance (pruning and fertilization) which will insure the purchased materials will meet and/or exceed project specifications.
  2. Landscape Architect will provide a key identifying each tree location on site. Written verification will be required to document material selection, source and delivery schedules to site.
  3. Owner and/or Architect shall inspect all plant materials when reasonable at place of growth for compliance with requirements for genus, species, cultivar/variety, size and quality.
  4. Owner and/or Architect retains the right to further inspect all plant material upon arrival at the site and during installation for size and condition of root balls, limbs, branching habit, insects, injuries, and latent defects.
  5. Owner and/or Architect may reject unsatisfactory or defective material at any time during the process of work. Remove rejected materials from the site immediately. Plants damaged in transit or at job site shall be rejected.

**1.8 PRODUCT DELIVERY, STORAGE AND HANDLING**

- A. Preparation:
  1. Balled and Burlapped (BBB) Plants: Dig and prepare shipment in a manner that will not damage roots, branches, shape, and future development.
  2. Container Grown Plants: Deliver plants in rigid container to hold ball shape and protect root mass.

**A. Delivery:**

1. Deliver packaged materials in sealed containers showing weight, analysis and name of manufacturer. Protect materials from deterioration during delivery and while stored at site.
2. Deliver only plant materials that can be planted in one day unless adequate storage and watering facilities are available on job site.
3. Protect root balls by heeling in with sawdust or other approved moisture retaining material if not planted within 24 hours of delivery.
4. Protect plants during delivery to prevent damage to root balls or desiccation of leaves. Keep plants moist at all times. Cover all materials during transport.
5. Notify Architect of delivery schedule 72 hours in advance so plant material may be observed upon arrival at job site.
6. Remove rejected plant material immediately from site.
7. To avoid damage or stress, do not lift, move, adjust to plumb, or otherwise manipulate plants by trunk or stems.

**PART 2 - PRODUCTS**

**2.1 PLANTS**

- A. General: Well-formed No. 1 grade or better nursery grown stock. Listed plant heights are from tops of root balls to nominal tops of plants. Plant spread refers to nominal outer width of the plant, not to the outer leaf tips. Plants will be individually approved by the Architect and his decision as to their acceptability shall be final.
- B. Quantities: The drawings and specifications are complementary. Anything called for on one and not the other is as binding as if shown and called for on both. The plant schedule is an aid to bidders only. Confirm all quantities on plan.
- C. Quality and size: Plant materials shall conform to the size given on the plan, and shall be healthy, symmetrical, well-shaped, full branched, and well rooted. The plants shall be free from injurious insects, diseases, injuries to the bark or roots, broken branches, objectionable disfigurements, insect eggs and larvae and are to be of specimen quality.
- D. Approval: All plant materials shall be subject to the approval of the Owner. All plants which are found unsuitable in growth, or in any unhealthy, badly shaped, or undersized condition, will be rejected by the Landscape Architect, either before or after planting, and shall be removed at the expense of the Landscape Contractor and replaced with acceptable plants as specified.
- E. Trees shall be healthy, full-branched, well-shaped and shall meet the trunk diameter and height requirements of the plant schedule. Balls shall be firm, neat, slightly tapered, and well wrapped in burlap. Any tree loose in the ball or with broken ball at time of planting will be rejected. Balls shall be ten (10") inches in diameter for each one (1") inch of trunk diameter. Measured six (6") inches above ball. Nomenclature conforms to the customary nursery usage; for clarification, the term "multi-trunk" defines a plant having three (3) or more trunks of nearly equal diameter.
- F. Pruning: All pruning of trees and shrubs, as directed by the Landscape Architect, shall be executed by the Landscape Contractor at no additional cost to the Owner.

**2.2 SOIL PREPARATION MATERIALS**

- A. Sandy Loam:
  1. Friable, fertile, dark, loamy soil, free of clay lumps, subsoil, stones and other extraneous material and reasonably free of weeds and foreign grasses. Loam containing Dallisgrass or Nutgrass shall be rejected.
  2. Physical properties as follows:
    - Clay - between 7-27 percent
    - Silt - between 15-25 percent
    - Sand - less than 52 percent
  3. Organic matter shall be 3%-10% of total dry weight
  4. If requested, provide a certified soil analysis conducted by an approved soil testing laboratory verifying that sandy loam meets the above requirements.
- B. Organic Material: Compost with a mixture of 80% vegetative matter and 20% animal waste. Ingredients should be a mix of course and fine textured material.
- C. Premixed Bedding Soil as supplied by Vital Earth Resources, Gladewater, Texas; Professional Bedding Soil as supplied by Living Earth Technology, Dallas, Texas or Acid Gro Municipal Mix as supplied by Soil Building Systems, Dallas, Texas or approved equal.
- D. Sharp Sand: Sharp sand must be free of seeds, soil particles and weeds.
- E. Mulch: Double Shredded Hardwood Mulch, partially decomposed, dark brown. Living Earth Technologies or approved equal.
- F. Organic Fertilizer: Ferti-Land, Sustane, or Green Sense or equal as recommended for required applications. Fertilizer shall be delivered to the site in original unopened containers, each bearing the manufacturer's guaranteed statement of analysis.
  - A. Commercial Fertilizer: 10-20-10 or similar analysis. Nitrogen source to be a minimum 50% slow release organic Nitrogen (SCL or UF) with a minimum 8% sulphur and 4% iron, plus micronutrients.
  - B. Peat: Commercial sphagnum peat moss or partially decomposed shredded pine bark or other approved organic material.

**2.3 MISCELLANEOUS MATERIALS**

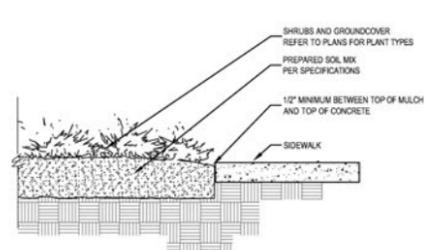
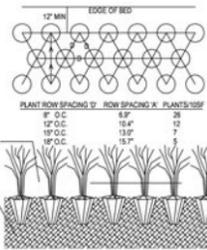
- A. Steel Edging: Shall be Ryerson "Estate Curbing", 1/8" x 4" with stakes 4' on center.
- B. Staking Material for Shade Trees:
  1. Post: Studded T-Post, #1 Armo with anchor plate, 6'-0" length, paint green.
  2. Wire: 12 gauge, single strand, galvanized wire.
  3. Rubber hose: 2 ply, fiber reinforced hose, minimum 1/2 inch inside diameter. Color: Black.
- C. Gravel: Washed native pea gravel, graded 1 in. to 1-1/2 in.
- D. Filter Fabric: Mifafi 140N by Celanese Fibers Marketing Company, available at Lofland Co., (214) 631-5250 or approved equal.

- F. Shrub and tree pits shall be no less than two (2') feet, twenty-four (24") inches, wider than the lateral dimension of earth ball and six (6") inches deeper than it's vertical dimension. Remove and haul from site all rocks and stones over one (1") inch in diameter. Plants should be thoroughly moist before removing containers.
- G. Dig a wide, rough sided hole exactly the same depth as the height of the ball, especially at the surface of the ground. The sides of the hole should be rough and jagged, never slick or glazed.
- H. Percolation Test: Fill the hole with water. If the water level does not percolate within 24 hours, the tree needs to move to another location or have drainage added. Install a PVC stand pipe per tree planting detail as approved by the Landscape Architect.
- I. Backfill only with 5 parts existing soil or sandy loam and 1 part bed preparation. When the hole is dug in solid rock, topsoil from the same area should not be used. Carefully settle by watering to prevent air pockets. Remove the burlap from the top 1/3 of the ball, as well as all nylon, plastic, string and wire mesh. Container trees will usually be pot bound, if so follow standard nursery practice of "root scoring".
- J. Do not wrap trees.
- K. Do not over prune.
- L. Mulch the top of the ball. Do not plant grass all the way to the trunk of the tree. Leave the area above the top of the ball and mulch with at least two (2") inches of specified mulch.
- M. All plant beds and trees to be mulched with a minimum settled thickness of two (2") inches over the entire bed or pit.
- N. Obstruction below ground: In the event that rock, or underground construction work or obstructions are encountered in any plant pit excavation work to be done under this section, alternate locations may be selected by the Owner. Where locations cannot be changed, the obstructions shall be removed to a depth of not less than three (3) feet below grade and no less than six (6") inches below the bottom of ball when plant is properly set at the required grade. The work of this section shall include the removal from the site of such rock or underground obstructions encountered at the cost of the Landscape Contractor.
- O. Trees and large shrubs shall be staked as site conditions require. Position stakes to secure tree against seasonal prevailing winds.
- P. Pruning and Mulching: Pruning shall be directed by the Architect and shall be pruned in accordance with standard horticultural practice following Fine Pruning, Class I pruning standards provided by National Arborist Association.
  1. Dead wood or suckers and broken badly bruised branches shall be removed. General tipping of the branched is not permitted. Do not cut terminal branches.
  2. Pruning shall be done with clean, sharp tools.
  3. Immediately after pruning operations are completed, all tree pits shall be covered with a layer of organic material two (2") inches in depth. This limit of the organic material.
- Q. Steel Curbing Installation:
  1. Curbing shall be aligned as indicated on plans. Stake out limits of steel curbing and obtain Owners approval prior to installation.
  2. All steel curbing shall be free of kinks and abrupt bends.
  3. Top of curbing shall be 3/4" maximum height above grade.
  1. Stakes are to be installed on the planting bed side of the curbing, as opposed to the grass side.
  2. Do not install steel edging along sidewalks.
  3. Cut steel edging at 45 degree angle where edging meets sidewalk.

**3.3 CLEANUP AND ACCEPTANCE**

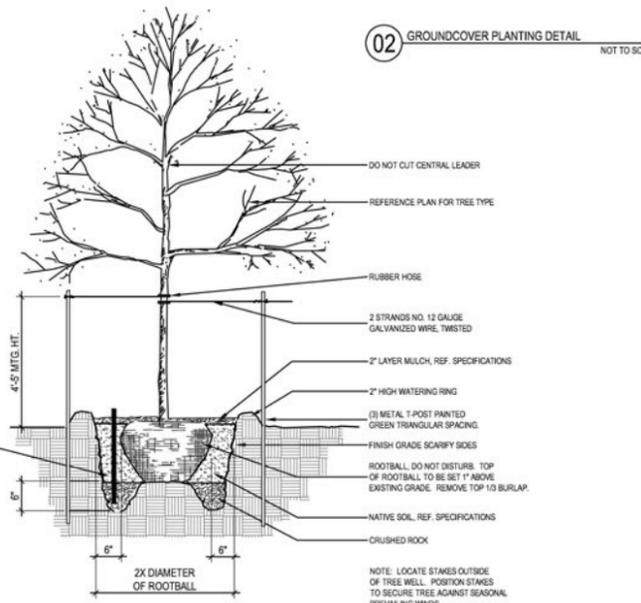
- A. Cleanup: During the work, the premises shall be kept neat and orderly at all times. Storage areas for all materials shall be so organized that they, too, are neat and orderly. All trash and debris shall be removed from the site as work progresses. Keep paved areas clean by sweeping or hosing at end of each days work.

END OF SECTION

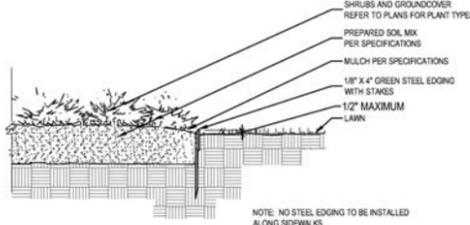


**02 GROUNDCOVER PLANTING DETAIL**  
NOT TO SCALE

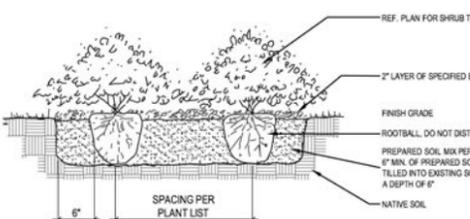
**03 SIDEWALK / MULCH DETAIL**  
no steel along sidewalks  
NOT TO SCALE



**01 TREE PLANTING DETAIL**  
NOT TO SCALE



**04 STEEL EDGING DETAIL**  
NOT TO SCALE



**05 SHRUB PLANTING DETAIL**  
NOT TO SCALE

**smr**  
landscape architects, inc.  
1708 N. Griffin Street Dallas, Texas 75202  
Tel - 214.871.0083 Fax - 214.871.0545  
Email - smr@smr-la.com

**RESTAURANT REMODEL**  
ZOLI'S NY PIZZA: 14910 Midway Road  
TOWN OF ADDISON, TEXAS



- Issue For:
- Design Development
  - Progress
  - Bidding
  - Permit
  - Construction
  -

Original Issue Date:  
20 MAY 2015

Sheet Description:  
**LANDSCAPE SPECIFICATIONS DETAILS**

Drawn By: BDA  
Checked By: BDA  
Current Date: 20 MAY 2015

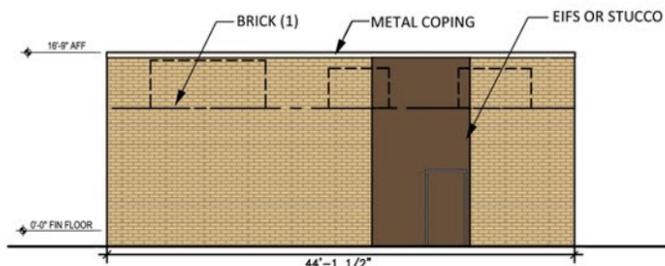
Drawing #  
**L1.2**

**HODGES**  
Architecture  
13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-1000

**CONCEPT LANDSCAPE PLAN 1.2**

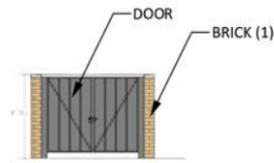
PROPERTY OWNER: CARROLL FAMILY INVESTMENTS, LTD.  
2340 WEST I-20, SUITE 100  
ARLINGTON TEXAS 76017  
PHONE: 817-467-0505

**RESTAURANT REMODEL: Zoli's NY Pizza**  
14910 Midway Rd, Addison Texas  
Recorded Plat: "Vickery Feed Store Addition"  
vol. 85238 pg 2844 DRDCT  
sheet: 4 of 6  
Lot size: 0.689 acres  
Date: 05/19/16  
06/13/16 final  
Town project: # 1739-SUP

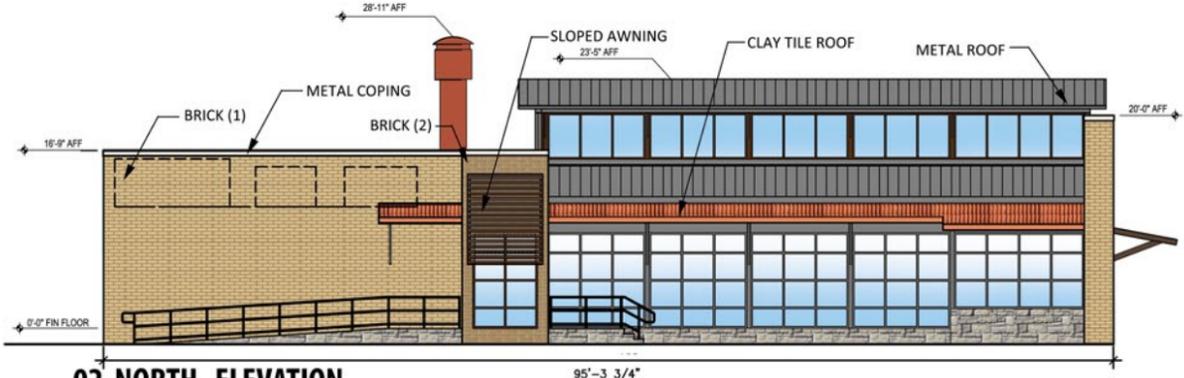


**01 EAST ELEVATION**

Masonry:	80%
EIFS or Stucco:	18%
Storefront and Glazing:	0%
Coping and Trim:	2%
Metal roofing:	0%
Clay tile roofing:	0%
Total surface area:	100%



**05 DUMPSTER ENCLOSURE**



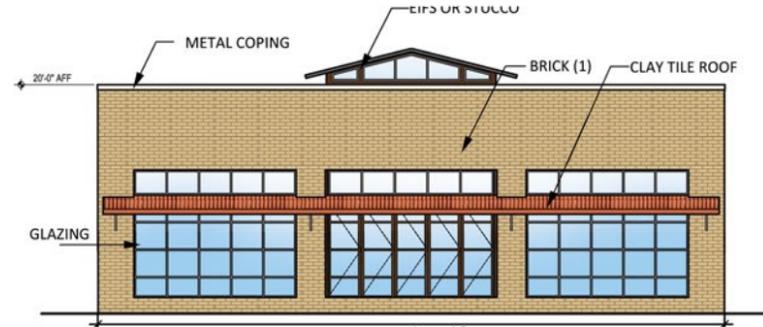
**02 NORTH ELEVATION**

Masonry:	51%
EIFS or Stucco:	0%
Storefront and Glazing:	45%
Coping and Trim:	4%
Metal roofing:	0%
Clay tile roofing:	0%
Total surface area:	100%



**03 SOUTH ELEVATION**

Masonry:	56%
EIFS or Stucco:	0%
Storefront and Glazing:	37%
Coping and Trim:	7%
Metal roofing:	0%
Clay tile roofing:	0%
Total surface area:	100%



**04 WEST ELEVATION**

Masonry:	55%
EIFS or Stucco:	1%
Storefront and Glazing:	42%
Coping and Trim:	2%
Metal roofing:	0%
Clay tile roofing:	0%
Total surface area:	100%

**FACADE PLAN NOTES:**

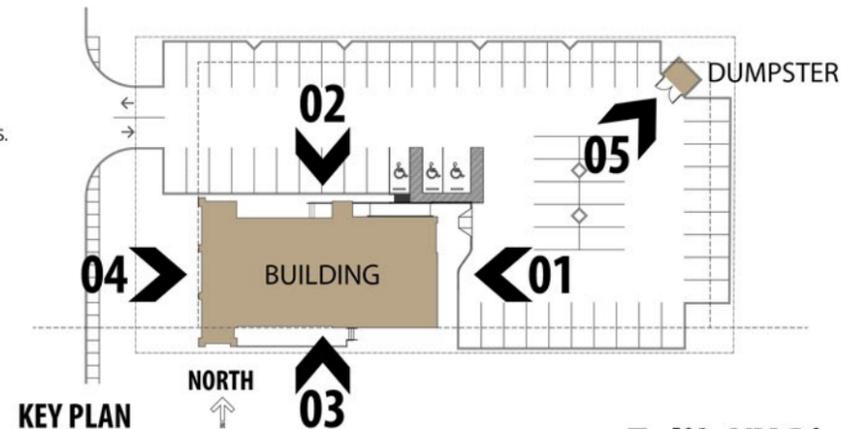
- THIS FACADE PLAN IS FOR CONCEPTUAL PURPOSES ONLY. ALL BUILDING PLANS REQUIRE REVIEW AND APPROVAL BY DEVELOPMENT SERVICES.
- ALL MECHANICAL UNITS SHALL BE SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE.
- WHEN PERMITTED, EXPOSED UTILITY BOXES AND CONDUITS SHALL BE PAINTED TO MATCH THE BUILDING
- 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



**NORTHEAST PERSPECTIVE VIEW**



**SOUTHEAST PERSPECTIVE VIEW**



**KEY PLAN**

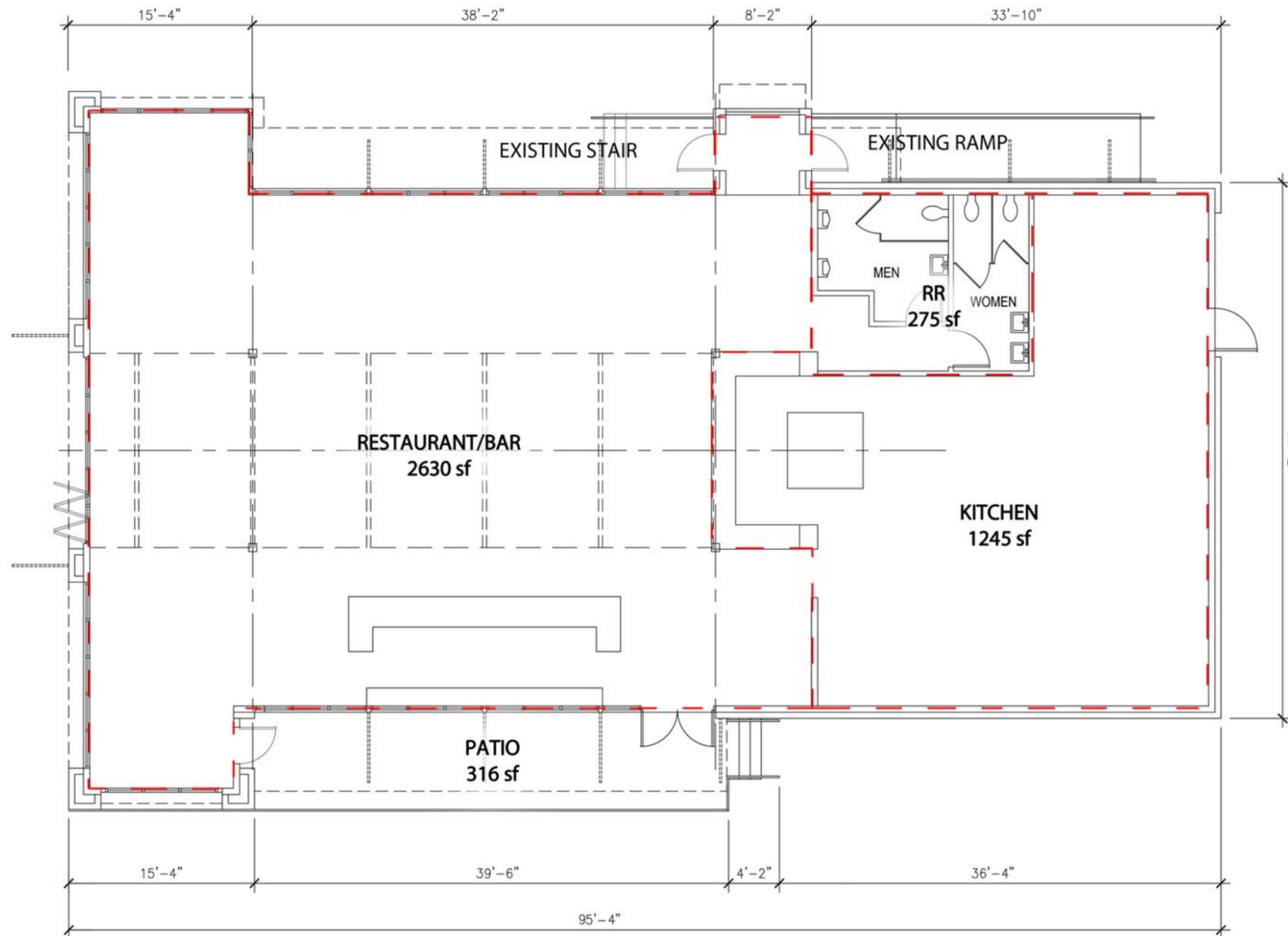
**RESTAURANT REMODEL: Zoli's NY Pizza**

14910 Midway Rd, Addison Texas  
 Recorded Plat: "Vickery Feed Store Addition"  
 vol. 85238 pg 2844 DRDCT  
 Lot size: 0.689 acres  
 Date: 05/19/16 Town project: # 1739-SUP  
 06/15/16-FINAL

sheet: 5 of 6



**FACADE PLAN AND BUILDING ELEVATIONS**



SCALE: 3/16" = 1'

RESTAURANT/BAR	
BUILDING	4150 sf
PATIO (unenclosed)	316 sf
<b>TOTAL</b>	<b>4466 sf</b>

NOTE: PROPOSED ENCLOSED BUILDING RENOVATION IS WITHIN EXISTING RESTAURANT AND PATIO BOUNDARY  
ADDITIONAL UNENCLOSED PATIO AREA INDICATED



# BUILDING FLOOR PLAN

13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-1000

PROPERTY OWNER: CARROLL FAMILY INVESTMENTS, LTD.  
2340 WEST I-20, SUITE 100  
ARLINGTON TEXAS 76017  
PHONE: 817-467-0505

## RESTAURANT REMODEL: **Zoli's NY Pizza**

14910 Midway Rd, Addison Texas  
Recorded Plat: "Vickery Feed Store Addition"  
vol. 85238 pg 2844 DRDCT  
Lot size: 0.689 acres  
Date: 05/19/16 Town project: # 1739-SUP  
06/15/16-Final

sheet: 6 of 6

**TOWN OF ADDISON, TEXAS**

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO REPEAL ORDINANCES NO. O85-082 AND O89-025 AND TO GRANT SPECIAL USE PERMITS FOR A RESTAURANT AND THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON APPLICATION FROM ZOLI'S NY PIZZA, FOR PROPERTY LOCATED AT 14910 MIDWAY ROAD; 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 14910 Midway Road 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 Ordinances No. O85-082 and O89-025 are hereby 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 14910 Midway Road, 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, landscape 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 4,466 square feet.

Ordinance No. \_\_\_\_\_

- (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.
- (j) The site plan shall be amended so that the two spaces labeled as 8 feet wide be adjusted to 8.5 feet wide.
- (k) Prior to the issuance of a building permit, the applicant shall provide the Town a copy of the formal agreement with Oncor for the placement of the patio within the Oncor utility easement.

**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 12th day of June, 2016.**

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

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1739-SUP/Zoli's NY Pizza

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

**EXHIBIT A**



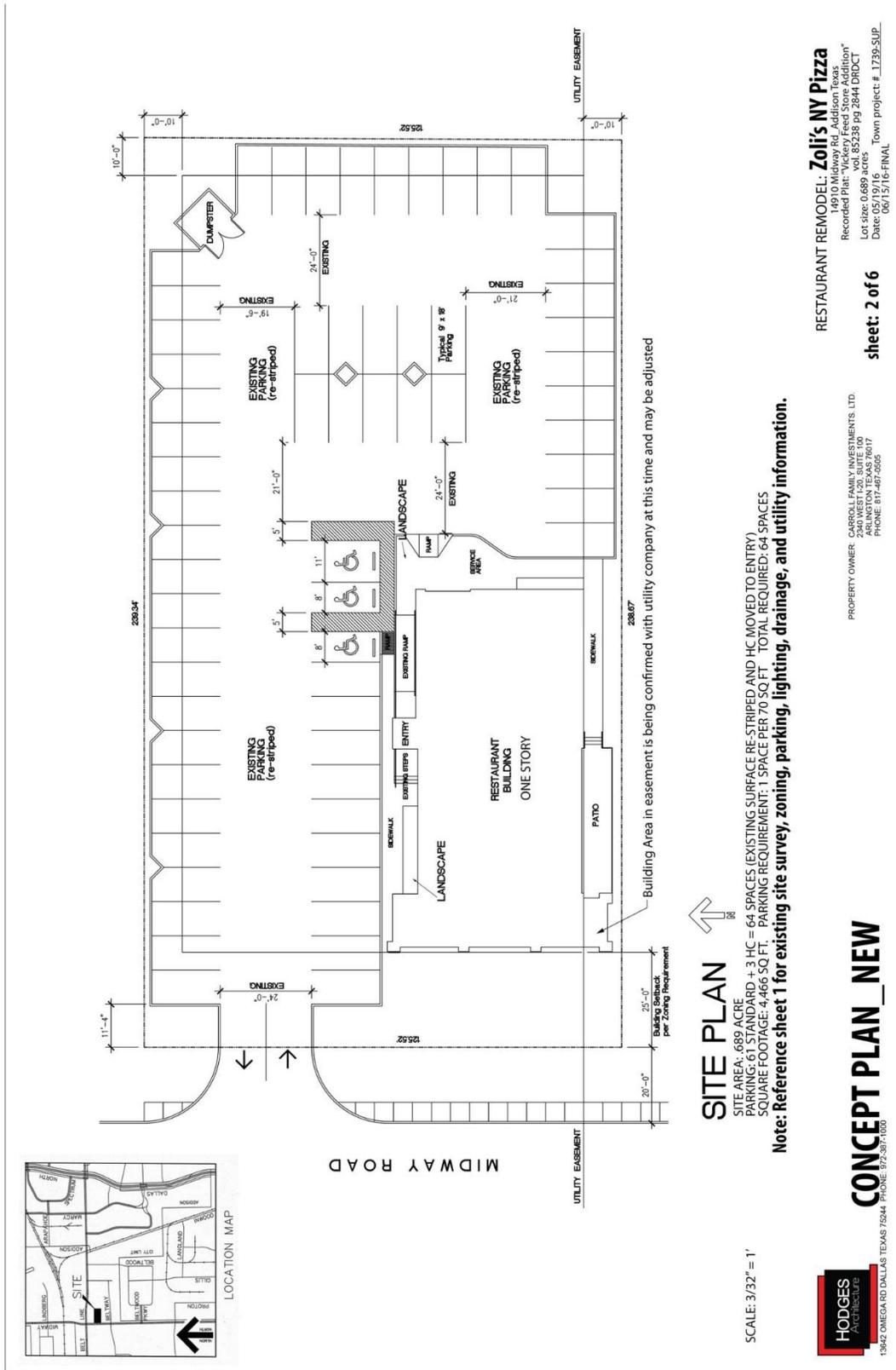
**PROPERTY OWNER:** CARROLL FAMILY INVESTMENTS LTD.  
 RESTAURANT REMODEL: **Zoli's NY Pizza**  
 14910 Midway Rd, Addison Texas  
 Recorded Plat: "Victery Feed Store Addition"  
 Lot size: 0.689 acres  
 Date: 05/19/16  
 Town project: # 1739-SUP  
 06/16/16 final

**sheet: 1 of 6**

**CONCEPT PLAN\_ EXISTING / UTILITY AND DRAINAGE**

**HODGES**  
 AND ASSOCIATES  
 13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-1000

**EXHIBIT A**







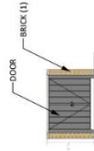
**EXHIBIT A**



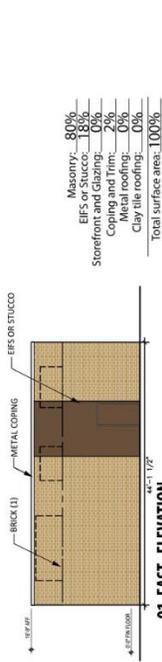
NORTHEAST PERSPECTIVE VIEW



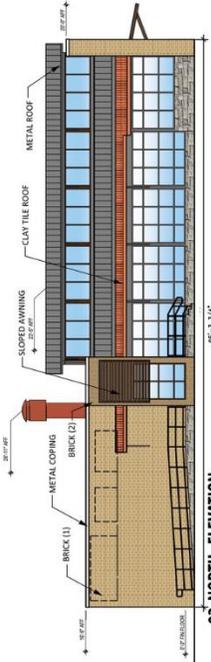
SOUTHEAST PERSPECTIVE VIEW



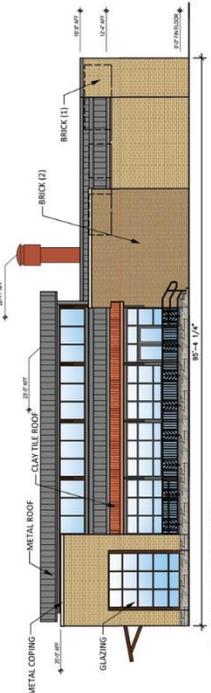
05 DUMPSTER ENCLOSURE



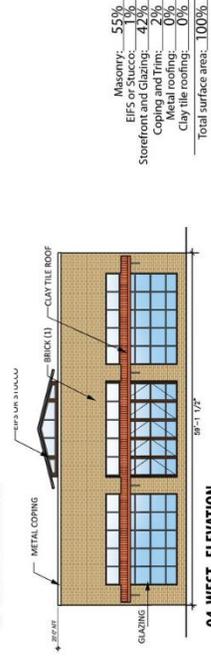
01 EAST ELEVATION



02 NORTH ELEVATION



03 SOUTH ELEVATION

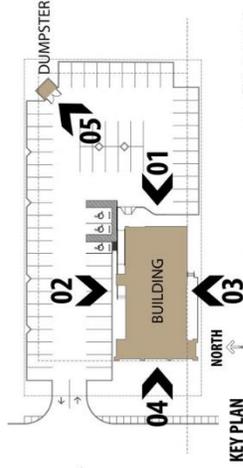


04 WEST ELEVATION

SCALE: 1/8" = 1'

**FAÇADE PLAN NOTES:**

- 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 SCREENED FROM PUBLIC VIEW AS REQUIRED BY THE ZONING ORDINANCE.
- ALL STORAGE AREAS AND LOCATIONS ARE SUBJECT TO APPROVAL BY DEVELOPMENT SERVICES.
- ROOF ACCESS SHALL BE PROVIDED INTERNALLY.
- UNLESS OTHERWISE PERMITTED BY THE CHIEF BUILDING OFFICIAL.



KEY PLAN

**RESTAURANT REMODEL: Zoli's NY Pizza**

14810 N. Midway Rd., Addison, Texas  
 Recorded Plat: "Wickrey Feed Store Addition"  
 vol. 85238 pg 2844 DRDCT  
 Lot size: 0.689 acres  
 Date: 06/15/16-FINAL  
 Town project #: 1739-SUP

sheet: 5 of 6

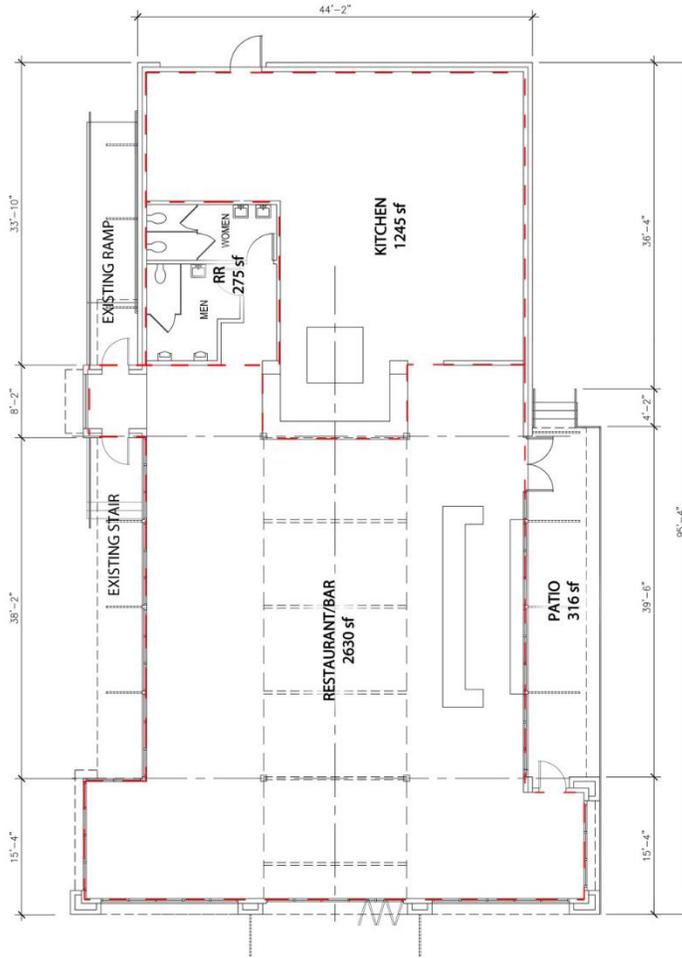
PROPERTY OWNER: CARROLL FAMILY INVESTMENTS, LTD.  
 14810 N. MIDWAY RD., ADDISON, TEXAS 75001  
 ARLINGTON TEXAS 76017  
 PHONE 817-487-0505

**FAÇADE PLAN AND BUILDING ELEVATIONS**



13642 OMEGA RD DALLAS, TEXAS 75244 PHONE: 972.387.1000

**EXHIBIT A**



RESTAURANT/BAR 4150 sf  
 BUILDING 4150 sf  
 PATIO (unenclosed) 316 sf  
 TOTAL 4466 sf

SCALE: 3/16" = 1'

NOTE: PROPOSED ENCLOSED BUILDING RENOVATION IS WITHIN EXISTING RESTAURANT AND PATIO BOUNDARY  
 ADDITIONAL UNENCLOSED PATIO AREA INDICATED



13642 OMEGA RD DALLAS TEXAS 75244 PHONE: 972-387-0000

**BUILDING FLOOR PLAN**

PROPERTY OWNER: CARROLL FAMILY INVESTMENTS, LTD.  
 10000 W. PARKWAY  
 ARLINGTON, TEXAS 76017  
 PHONE: 817-487-0585

RESTAURANT REMODEL: **Zoli's NY Pizza**  
 4910 Highway 76, Arlington, Texas 76010  
 Recorded Plat: "Zoli's NY Pizza Addition"  
 vol. 85238 pg. 2844 DRDCT  
 Lot size: 0.689 acres  
 Date: 05/19/16 Final town project # 1739-SUP-061516

**sheet: 6 of 6**

# 1739-SUP

**PUBLIC HEARING** Case 1739-SUP/Zoli's NY Pizza. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 14910 Midway Road, 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





June 17, 2016

**STAFF REPORT**

RE: Case 1739-SUP/Zoli's NY Pizza

LOCATION: 14910 Midway Road

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: Zoli's NY Pizza represented by Mr. James Carroll

DISCUSSION:

Background: This is a 0.665 acre tract of land located on the east side of Midway Road south of Beltway Drive. The site is zoned Local Retail and was originally developed in the 1980s as a restaurant. Most recently, the restaurant was Snuffer's, which has relocated to Belt Line Road, west of Midway. The property is bounded by Blue Goose to the north; an office use to the east, a retail center in Farmers Branch to the south, and Midway Road to the west.

Zoli's NY Pizza is a popular Italian concept that was in Oak Cliff until their location was closed earlier this year due to a redevelopment project that incorporated their property.

Proposed Plan: The plan calls for a complete interior and exterior renovation of the existing building. The building's existing patios would be incorporated into the building and a smaller patio would be added along the southern side of the building. The proposed patio is within an Oncor utility easement. The applicant has received informal permission from Oncor to place the patio within the easement, but is still working with Oncor on a formal agreement.

Facades: The applicant is proposing significant changes to the exterior facades. The new facades would be a mixture of brick, stone, and stucco with a clay tile and metal seam roof. All facades are at or exceed the 80% masonry requirement for the Local Retail district.

Parking: The total area of the restaurant is 4,466 square feet including the patio. The Local Retail district requires that stand alone restaurants be parked at 1 space per 70 square feet. This will require 64 spaces. The site plan shows that 64 spaces are being provided. Two handicapped spaces in front of the building do not comply with the Town's requirements. This will require that each be a minimum of 8.5 feet wide and will cause the parking to shift by one foot.

Landscaping: Since this property was developed in the 1980s, it is far below the current landscaping requirements. Staff has worked with the applicant to maximize the amount of landscaping provided on site without impacting other requirements such as parking. Accordingly, the site is currently just over 12.8% coverage. The proposed plan increases that slightly to 13.3%. Several existing trees along the Midway frontage are being replaced with shade trees in order to comply with the street frontage requirements. Due to the existing parking lot layout and curb line, the perimeter screening requirements cannot be met, but the applicant is proposing Mexican Feather Grass around the perimeter of the parking lot. Staff believes that the proposed landscaping gets the property as close as possible to current requirements without a total redevelopment of the site.

Refuse Facilities: The dumpster enclosure on the site will be upgraded to brick to be architecturally compatible with the building.

### RECOMMENDATION: **APPROVAL WITH CONDITIONS**

Zoli's NY Pizza is a unique concept with a large following that will be a beneficial addition to the Addison restaurant community. The proposed plan will give the interior and exterior of the building much needed upgrades to make the site safe, attractive, and competitive again. Staff recommends approval subject to the following conditions:

- The applicant shall not use any terms or graphic depictions that relate to alcoholic beverages in any exterior signage.
- The site plan be amended so that the two spaces labeled as 8 feet wide be adjusted to 8.5 feet wide.
- Prior to the issuance of a building permit, the applicant shall provide the Town a copy of the formal agreement with Oncor for the placement of the patio within the Oncor utility easement.

## Land Use Analysis

### Attributes of Success Matrix

Zoli's NY Pizza, 14910 Midway Road

1739-SUP

Attribute	Comment	Score
Competitive	The proposed user and the upgrades to the building and site will make it competitive.	
Safe	This development will be safe.	
Functional	The floor plan is a good design with a large kitchen. The floor plan appears functional.	
Visually Appealing	The façade and landscaping upgrades will make the site visually appealing.	
Supported with Amenities	The site is a good location for restaurants, retail, and other support services.	
Environmentally Responsible	The landscaping is lacking but includes some drought tolerant plantings.	
Walkable	The site is not connected to walkable destinations. There is a sidewalk adjacent to this property that is narrow and immediately back of curb, but there are no sidewalks on properties to the north and south.	
<b>Overall Assessment</b>	<b>The proposed restaurant will be a quality addition to the Town and will provide much needed upgrades to the property and building.</b>	



Case 1739-SUP/Zoli's NY Pizza  
June 21, 2016

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on June 21, 2016, voted to recommend approval of an ordinance changing the zoning on property located at 14910 Midway Road 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 conditions:

- The applicant shall not use any terms or graphic depictions relating to alcoholic beverages in exterior signage.
- The site plan shall be amended so that the two spaces labeled as 8 feet wide be adjusted to 8.5 feet wide.
- Prior to the issuance of a building permit, the applicant shall provide the Town a copy of the formal agreement with Oncor for the placement of the patio within the Oncor utility easement.

Voting Aye: Ennis, Griggs, Robbins, Robinson, Schaeffer, Smith

Voting Nay: none

Absent: Morgan

**SPEAKERS AT THE PUBLIC HEARING:**

For: none

On: none

Against: none

**Work Session and Regular Meeting**

Meeting Date: 07/12/2016

Department: City Manager

---

**AGENDA CAPTION:**

Hold A Public Hearing, Discussion And Consider Approval Of An Ordinance That Rezones Approximately 39.4 Acres Of Property Located At 17001 Addison Road, Which Is Currently Zoned R-1, Residential-1, With A Special Use Permit For A Private School And Approximately 1.74 Acres Of Property Located At The Northwest Corner Of Addison Road And Sojourn Drive, Also Known As 4350 Sojourn Drive, Which Is Currently Zoned PD, Planned Development, In Order To Create A New Planned Development District Allowing A Private School and Approving A Concept Plan and Development Standards, On Application From Trinity Christian Academy. Case 1738/Z/Trinity Christian Academy.

**BACKGROUND:**

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on May 17 2016, voted to recommend approval of an ordinance changing the zoning on property located at 17001 Addison Road, which is currently zoned R-1, Residential,-1 with a special use permit for a private school, and property located at 4350 Sojourn Drive, which is currently zoned PD, Planned Development, in order to create a new Planned Development District allowing a private school and approving a concept plan and development standards, subject to the following condition:

- The applicant shall provide a traffic management plan to the Town for review and approval by the Zoning Administrator and shall abide by the provisions of the traffic management plan.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer

Voting Nay: none

Absent: Smith

**SPEAKERS AT THE PUBLIC HEARING:**

For: none

On: none

Against: Jim Halter, 17055 Windward Lane

Additional information regarding this item can be found in the attached staff report.

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

1738-Z Staff Report

1738-Z Plans

Ordinance

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# 1738-Z

**PUBLIC HEARING** Case 1738-Z/Trinity Christian Academy. Public hearing, discussion, and take action on a recommendation regarding an ordinance rezoning approximately 39.4 acres of property located at 17001 Addison Road, which is currently zoned R-1, Residential-1, with a special use permit for a private school and approximately 1.74 acres of property located at 4350 Sojourn Drive, which property is zoned PD, Planned Development, in order to create a new Planned Development District allowing a private school and approving a concept plan and development standards.

## LOCATION MAP





May 13, 2016

**STAFF REPORT**

RE: Case 1738-Z/Trinity Christian Academy  
LOCATION: 17001 Addison Road  
REQUEST: Approval of an ordinance rezoning the property from R-1, Residential-1, with a special use permit for a private school to a new PD (Planned Development) for a private school.  
APPLICANT: Trinity Christian Academy, represented by Mr. Bill Dahlstrom

**DISCUSSION:**

Background: Trinity Christian Academy opened in Addison in 1976. At that time, the property was zoned Restindetial-1 and a special use permit for a private school was approved. Over the years, as TCA expanded or altered their campus plan, new special use permits have been approved to accommodate TCA's growth into what exists currently on the site today. More recently, TCA's growth required that they expand to a second parcel further west on Sojourn Drive for certain athletic facilities. Trinity Christian has recently completed a visioning process to revise their campus master plan. The primary focus of the campus master plan is to modernize facilities and improve the function of the campus. Very little growth above the current enrollment of approximately 1,500 students is contemplated. Any growth would be limited to a possible future Pre-K program of up to 80 students.

Proposed Conceptual Plan: The proposed conceptual plan features several important elements. First, the proposed plan calls for the creation of a distinct entry to the campus located on Sojourn Drive. Several of the existing buildings are shown to be removed and replaced with new buildings to house campus administration, the visual arts department, the chapel, middle school and dining hall. These new buildings surround the campus commons open space. This will serve as the primary gathering point for the campus and can host certain events such as commencement. The upper school, performing arts center and lower school are slated to remain with only minor modifications.

The plan calls for a new consolidated athletic center to move most of the athletic activities back to the campus from the parcel further west on Sojourn. The existing stadium will be expanded along the west side and become the home field side with a press box. Along with this, the speakers, which are currently on the east side of the stadium facing west, will be relocated and face east in the future. This will reduce the noise level directed towards the residential neighborhood immediately west of the campus. The property to the south of Sojourn is contemplated to become tennis courts.

The concept plan improves both parking and traffic circulation onto and within the campus. A new ring road is contemplated along the western edge of the consolidated athletic center and stadium. Additional parking is provided through the construction of a 3 level parking structure on the north side of the campus as well as with new surface parking lots along Addison Road and Sojourn. This pushes all parking to the perimeter of the campus allowing a pedestrian only environment within the campus and creates sufficient queuing areas for student pickup within the parking lots.

Proposed Uses: The new Planned Development will allow for a private school as well as accessory uses typical of school campuses including recreation space and facilities and surface and structured parking. Up to 8,000 square feet of portable school buildings are proposed to be permitted only in order to accommodate the construction contemplated in the proposed concept plan. All other use of portable school buildings will require a special use permit.

Development Standards: The following development standards would apply to buildings on the site:

*Building Setbacks.* Because of the campus setting and number of buildings, staff is proposing to create a permissible building zone in place of a traditional building setback requirement. The permissible building zone is shown on the concept plan. Buildings and other improvements can be located anywhere within this zone.

*Height.* The maximum building height is 3 stories and 60 feet as measured to the midpoint of the roof. Architectural features comprising of less than ten percent of the floor area may extend up an additional 15 feet.

*Lot Coverage.* The maximum lot coverage for structures on the site is proposed to be 70%

*Maximum Allowable Building Area.* The maximum allowable building areas, not including the parking structure, is proposed to be 585,000 square feet.

Parking: There is currently no parking requirement on the property. This PD proposes to establish the following parking standards.

- (1). School.
  - a. Lower School. (1.5 per lower school classroom) One and one-half spaces per every lower school classroom.
  - b. Middle School. (3.5 per middle school classroom) Three and one-half spaces per every middle school classroom.
  - c. Upper School. (9.5 per upper school classroom) Nine and one-half spaces per every upper school classroom.
- (2). Soccer fields, baseball fields, and stadiums. (1 per 4 seats) One space per every four seats.
- (3). Theaters, auditoriums, gymnasiums and field houses. (1 per 3 seats) One space per every three seats.

Addison did not previously have a requirement for parking at schools. The proposed standards are pulled from the City of Dallas' parking requirements. The other two standards are consistent with Addison's requirements for the listed uses. Additionally, staff is proposing a shared parking provision to permit the sharing of parking among the various uses on the campus, if a parking study can be provided to show that the parking can be shared without negatively impacts. This would be reviewed by the Town's zoning administrator and could result in fewer parking spaces than required by the ordinance.

There are currently 842 spaces provided on the site. The concept plan proposes a total of 1024. Specific parking requirements will be assessed when development plan approval is requested, but the proposed amount should be more than adequate to meet the requirements.

The Planned Development standards will require that any parking structure be constructed in accordance with Addison's standard provision that ramps not be expressed on the façade of the structure and that steel structures and steel guard cables on the facades are prohibited.

Exterior Appearance: The façade of all structures on the site will be regulated by the Planned Development district text. Buildings will be constructed of 80 percent masonry which can include brick, stone, stucco, glass and split face concrete masonry units. A maximum of three materials will be permitted per building.

Landscaping: The landscaping must comply with the Town's landscaping regulations, including the 20% site landscaping coverage, perimeter screening and interior plantings.

Screening of Mechanical Equipment and Service Areas: For this Planned Development, mechanical equipment shall be screened from view of all public areas. Loading, service and trash storage areas will also need to be screened from public areas.

Lighting and Speaker Requirements: The Planned Development language would require that as the west side of the stadium is improved that the speakers be relocated accordingly and face east. Any change in the current lighting would need to be approved by the zoning administrator. Lighting for the tennis courts on the south side of Sojourn would be limited to 60 feet in height and be directed and shielded to shine only onto the courts. The tennis court lights would also be required to be turned off no later than 10pm and not operate on Sundays.

Traffic Impact Analysis: The applicant was required to study the impact that this development will have on the roadway network currently and in the long term (2030). As part of the analysis, a traffic management plan for managing the morning drop-off and afternoon pick-up operations was included. Kimley-Horn conducted the analysis which was reviewed by Town staff in conjunction with Cobb-Fendley. Because of the very minimal enrollment increase, it was found that the plan can be successfully incorporated into the surrounding roadway network. Given the additional on-site queuing capacity provided in the plan, traffic on Addison Road and Sojourn Drive will be improved since the Middle School operations currently backs up into the street.

The Traffic Impact Analysis did recommend that a police officer continue to be present to direct traffic on Addison Road during pick-up and drop-off times.

**RECOMMENDATION: APPROVAL WITH A CONDITION**

Trinity Christian Academy has been a valuable asset to the Town of Addison and in many ways as grown with the Town. The proposed campus master plan marks an important next step in the school's continued development. The proposed changes improve both the aesthetics and operations of the campus and will be an enhancement to both the property and the Town. This is a long term plan with no immediate timetable for construction. As funding allows, Trinity Christian Academy will come back for development plan approval for the construction of the specific elements of the concept plan in accordance with the standards approved for the Planned Development district. Staff recommends approval of the request with one condition.

- The applicant shall provide a traffic management plan to the Town for review and approval by the zoning administrator and shall abide by the provisions of the traffic management plan.

## Land Use Analysis

### Attributes of Success Matrix

Trinity Christian Academy (17001 Addison Road)

1736-Z

Attribute	Comment	Score
Competitive	Trinity Christian is a very successful and competitive private school in the north Dallas area. These improvements will enable them to continue to compete.	
Safe	Several of the improvements contemplated in the plan will improve the safety of the campus.	
Functional	The concept plan improves the functionality of the campus.	
Visually Appealing	The concept plan and PD standards will increase the visual appeal of the campus with additional landscaping and attractive new buildings.	
Supported with Amenities	Trinity Christian is a high quality private school campus with the amenities within the campus to support the school	
Environmentally Responsible	This is an infill redevelopment site and represents an environmentally responsible development pattern.	
Walkable	The campus will be walkable.	
<b>Overall Assessment</b>	<b>The proposal marks an important next step in the school's continued development. The proposed changes improve both the aesthetics and operations of the campus and will enhance the property and this area Town.</b>	



Case 1738-Z/Trinity Christian Academy  
May 17, 2016

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on May 17 2016, voted to recommend approval of ordinance changing the zoning on property located at 17001 Addison Road, which is currently zoned R-1, Residential,-1 with a special use permit for a private school, and property located at 4350 Sojourn Drive, which is currently zoned PD, Planned Development, in order to create a new Planned Development District allowing a private school and approving a concept plan and development standards, subject to the following condition:

- The applicant shall provide a traffic management plan to the Town for review and approval by the Zoning Administrator and shall abide by the provisions of the traffic management plan.

Voting Aye: Ennis, Griggs, Morgan, Robbins, Robinson, Schaeffer  
Voting Nay: none  
Absent: Smith

**SPEAKERS AT THE PUBLIC HEARING:**

For: none  
On: none  
Against: Jim Halter, 17055 Windward Lane

**Charles Goff**

---

**From:** Bob Percival <[REDACTED]>  
**Sent:** Monday, April 11, 2016 3:49 PM  
**To:** Charles Goff  
**Cc:** ddelph[REDACTED]; Gary McIntyre; Laura Simmons; Shannon Crouch (public); shea  
tergerson  
**Subject:** TCA Master Plan

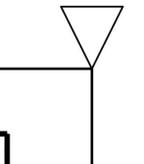
Mr. Goff,

On behalf of the Addison Place Homeowners Association Board of Directors, I wish to express our full support of Trinity Christian Academy's master plan for redevelopment, which includes the redirection of the public audio system and the location of the road from Sojourn into Trinity Christian property adjacent to the Tom Landry football stadium.

Bob Percival

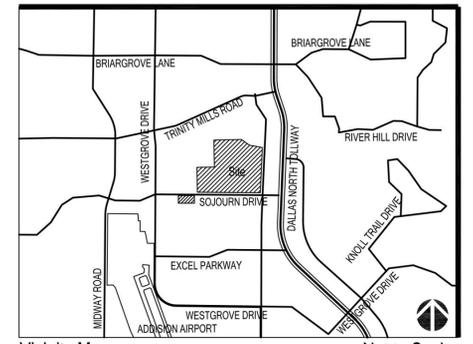
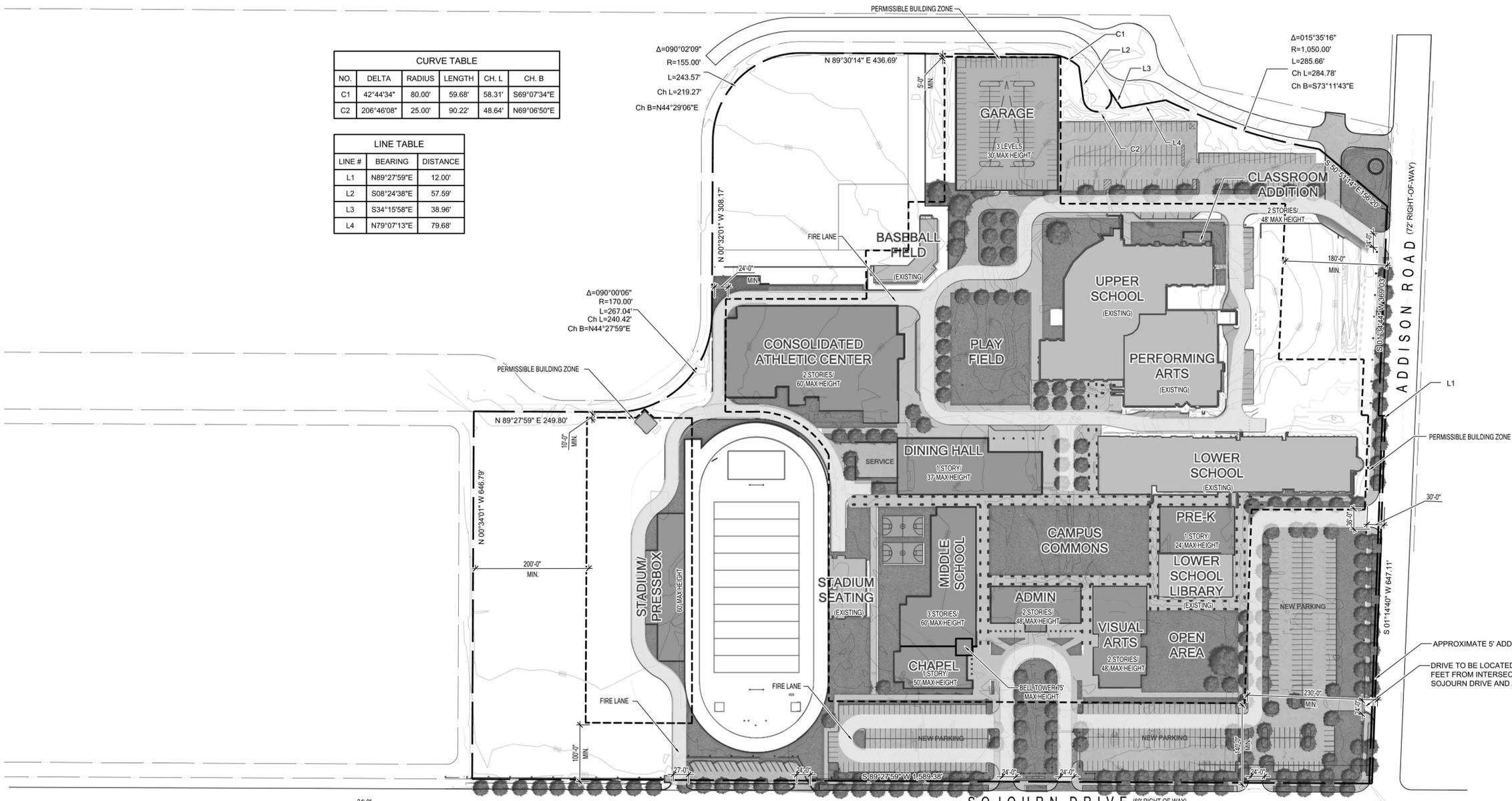
President

Addison Place Homeowners Association



CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	42°44'34"	80.00'	59.68'	58.31'	S69°07'34"E
C2	206°46'08"	25.00'	90.22'	48.64'	N69°06'50"E

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N89°27'59"E	12.00'
L2	S08°24'38"E	57.59'
L3	S34°15'58"E	38.96'
L4	N79°07'13"E	79.68'

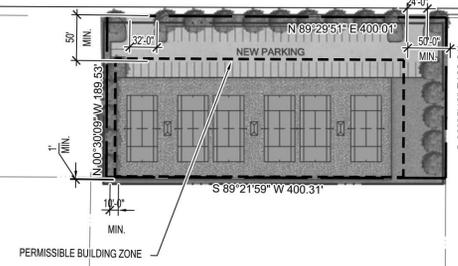


Vicinity Map Not to Scale

APPROXIMATE 5' ADDITIONAL R.O.W.  
 DRIVE TO BE LOCATED AT LEAST 125' FEET FROM INTERSECTION OF SOJOURN DRIVE AND ADDISON ROAD.

Maximum Allowable Building Area:  
 585,000 SF

INDIVIDUAL BUILDINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY



Owner:  
 Trojan Real Properties  
 Contact: David Delph  
 17001 Addison Road  
 Addison, Texas 75001  
 Main: 972.931.8325  
 ddelph@trinitychristian.com

Job #: 13287  
 File Name: 2016-05-05-Conceptual Plan.dwg  
 Date: 05/11/2016  
 Drawn by: Brian E. Moore, Ryan Wilson

**gff** ARCHITECTS  
 INTERIORS  
 LANDSCAPE  
 PLANNING

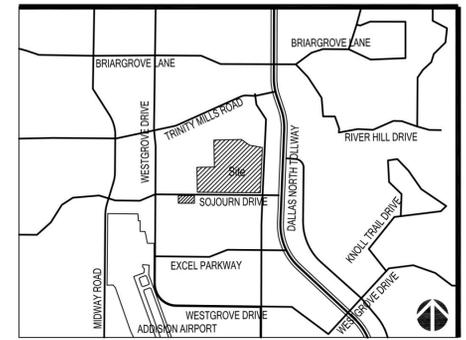
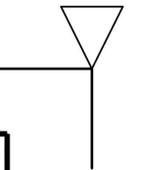
2808 Fairmount Street  
 Suite 300  
 Dallas, Texas 75201  
 214.303.1500/Tel  
 214.303.1512/Fax  
 www.gff.com

**CONCEPT PLAN (REVISED)**  
\*THE PURPOSE OF THIS REVISION IS TO INDICATE FUTURE BUILDINGS TO BE CONSTRUCTED

**TRINITY CHRISTIAN ACADEMY  
 PLANNED DEVELOPMENT**

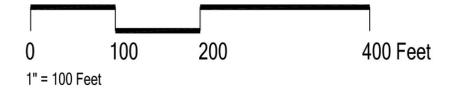
**TOWN PROJECT NUMBER:** \_\_\_\_\_

Address: 17001 Addison Road  
 Addison, Texas  
 41.06 Acres 1,788,573.6 sf



Vicinity Map

Not to Scale



**gff** ARCHITECTS  
INTERIORS  
LANDSCAPE  
PLANNING

2808 Fairmount Street  
Suite 300  
Dallas, Texas 75201  
214.303.1500/Tel  
214.303.1512/Fax  
www.gff.com

**EXISTING PLAN**  
**TRINITY CHRISTIAN ACADEMY**  
**PLANNED DEVELOPMENT**

Address: 17001 Addison Road  
Addison, Texas  
41.06 Acres

Owner:  
Trojan Real Properties  
Contact: David Delph  
17001 Addison Road  
Addison, Texas 75001  
Main: 972.931.8325  
ddelph@trinitychristian.com

Job #: 13287  
File Name: 2016-04-14-Existing Plan.psd  
Date: 04/14/16  
Drawn by: Brian E. Moore, Ryan Wilson

**TOWN OF ADDISON, TEXAS**

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CREATING PLANNED DEVELOPMENT DISTRICT \_\_\_\_\_ FOR A PRIVATE SCHOOL WITH MODIFIED DEVELOPMENT STANDARDS ON APPROXIMATELY 41.13 ACRES OF PROPERTY LOCATED AT 17001 ADDISON ROAD; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH DAY A VIOLATION CONTINUES; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at a meeting held on May 17, 2016, the Planning and Zoning Commission considered and made a recommendation on a request for a Planned Development District (Case No. 1738-Z); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendations 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 amendment 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.** 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.** Planned Development District \_\_\_\_ is hereby established for the 41.13 acres of property located at 17001 Addison Road and more specifically described in **Exhibit A** attached hereto and incorporated herein (the "Property"), to allow a private school and master plan for the Trinity Christian Academy campus developed in accordance with the Development Standards contained in **Exhibit B** an attached hereto and incorporated herein and in accordance with the following conditions:

1. The applicant shall provide a traffic management plan for the Town for review and approval by the Zoning Administrator and shall abide by the provisions of the traffic management plan.

**Section 3.** Development and use of the Property must substantially comply with the Concept Plan shown in **Exhibit C** attached hereto and incorporated herein.

**Section 4.** Development of the Property for a private school may be undertaken in phases. For the purposes of this ordinance, structures, uses, and accessory uses existing on the

effective date of this Ordinance which are not in compliance with the concept plan or these development standards are considered conforming and may remain until the development of their respective phases. The existing structures are shown in the Existing Site Plan contained in **Exhibit D** attached hereto and incorporated herein. Existing portable school buildings shall be allowed by right and shall be removed within 60 days of the issuance of a Certificate of Occupancy for the relevant phase. Failure to remove an existing portable school building as required herein shall be considered a violation of this Ordinance and the owner shall be subject to the penalty prescribed in Section 8.

**Section 5.** Prior to and as a condition of the issuance of a building or any other permit for (i) any development. or (ii) the construction, erection, alteration, extension, placement or locating of any building, structure, infrastructure element, or improvement whatsoever, within the Property or any portion thereof, a development plan for the same must be approved by the Planning and Zoning Commission and by the City Council in accordance with Article XV, Section 5 of the Zoning Ordinance, as amended. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the Concept Plan, the standards, terms and conditions of this Ordinance, the Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, codes and standards of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof. Development, occupancy, and use of the Property or portion thereof which is covered by or the subject of a development plan must comply in all respects with the development plan. Upon approval of a development plan by the City Council, the same shall be incorporated into and made a part of this Ordinance for all purposes.

**Section 6.** The creation of Planned Development District \_\_\_\_\_ has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

**Section 7.** That the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 8.** That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 9.** 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 10.** 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 11.** 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 14<sup>th</sup> day of June, 2016.

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

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

CASE NO: 1738-Z/Trinity Christian Academy

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

**EXHIBIT A: PROPERTY DESCRIPTION**

**NORTH - PROPERTY DESCRIPTION**

**STATE OF TEXAS           §**  
**COUNTY OF DALLAS       §**

BEING a tract of land situated in the L. NOBELS SURVEY, ABSTRACT NO. 1098 and the E. SHEPPARD SURVEY, ABSTRACT NO. 1361, City of Addison, Dallas County, Texas and being all of the same tracts of land described in deed to Trojan Real Properties, Inc., recorded in Instrument No. 20070460310, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner, said iron rod being the northeast corner of Lot 1, Block A, Trinity Christian Academy and being situated in the westerly right-of-way line of Addison Road (72' right-of-way, at this point);

THENCE South 01 deg 34 min 44 sec West, along the westerly right-of-way line of said Addison Road, a distance of 369.03 feet to a 1/2 inch iron rod found for corner;

THENCE North 89 deg 27 min 59 sec East, continuing along said westerly right-of-way line, a distance of 12.00 feet to a 1/2 inch iron rod found for corner;

THENCE South 01 deg 14 min 40 sec West, continuing along the westerly right-of-way line of said Addison Road, a distance of 647.11 feet to a MAG nail with shiner set for corner at the intersection of the westerly right-of-way line of said Addison Road and the northerly right-of-way line of Sojourn Road (60' right-of-way);

THENCE South 89 deg 27 min 59 sec West, departing the westerly right-of-way line of said Addison Road and along the northerly right-of-way line of said Sojourn Road, a distance of 1,589.38 feet to a point for corner from which a 1/2 inch iron rod found bears North 30 deg 10 min 22 sec West, a distance of 0.61 feet, said point being the southeast corner of Addison Place Addition, an addition to the Town of Addison, Dallas County, Texas according to the plat thereof recorded in Volume 82038, Page 1386, Deed Records, Dallas County, Texas;

THENCE North 00 deg 34 min 01 sec West, departing the northerly right-of-way line of said Sojourn Road and along the east line of said Addition Place Addition, a distance of 646.79 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner, said iron rod being situated in the southerly line of Lot 2, The Dominion Addition, an addition to the Town of Addison, Dallas County, Texas according to the plat thereof recorded in Volume 95102, Page 2238, Deed Records, Dallas County, Texas;

THENCE along the southerly and easterly line of said Lot 2 the following:

North 89 deg 27 min 59 sec East, a distance of 249.80 feet to an "X" cut in concrete set for corner and the beginning of a curve to the left having a radius of 170.00 feet, a central

angle of 90 deg 00 min 06 sec, a chord bearing of North 44 deg 27 min 59 sec East and a chord length of 240.42 feet;

Along said curve to the left, an arc distance of 267.04 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

North 00 deg 32 min 01 sec West, a distance of 308.17 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner and the beginning of a curve to the right having a radius of 155.00 feet, a central angle of 90 deg 02 min 09 sec, a chord bearing of North 44 deg 29 min 06 sec East and a chord length of 219.27 feet;

Along said curve to the right, an arc distance of 243.57 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

North 89 deg 30 min 14 sec East, a distance of 436.69 feet to a 1/2 inch iron rod found for corner and the beginning of a non-tangent curve to the right having a radius of 80.00 feet, a central angle of 42 deg 44 min 34 sec, a chord bearing of South 69 deg 07 min 34 sec East and a chord length of 58.31 feet;

Along said non-tangent curve to the right, an arc distance of 59.68 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

South 08 deg 24 min 38 sec East, a distance of 57.59 feet to a 1/2 inch iron rod found for corner and the beginning of a curve to the left having a radius of 25.00 feet, a central angle of 206 deg 46 min 08 sec, a chord bearing of North 69 deg 06 min 50 sec East and a chord length of 48.64 feet;

Along said curve to the left, an arc distance of 90.22 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner, said iron rod being situated in the westerly line of Lot 1 of said The Dominion Addition;

THENCE along the westerly and southerly lines of said Lot 1, the following:

South 34 deg 15 min 58 sec East, a distance of 38.96 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

North 79 deg 07 min 13 sec East, a distance of 79.68 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner and the beginning of a non-tangent curve to the left having a radius of 1,050.00 feet, a central angle of 15 deg 35 min 16 sec, a chord bearing of South 73 deg 11 min 43 sec East and a chord length of 284.78 feet;

Along said non-tangent curve to the left, an arc distance of 285.66 feet to a 1/2 inch iron rod with plastic cap stamped "huit zollar" found for corner;

South 50 deg 51 min 14 sec East, a distance of 156.20 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 39.326 acres or 1,713,019 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 15th day of April, 2015, utilizing a G.P.S. measurement (NAD 83, grid) of South 01 deg 34 min 44 sec West (Plat - South 02 deg 22 min 55 sec West), along the west right-of-way line of Addison Road, recorded in Document No. 200600311786, O.P.R.D.C.T.

**SOUTH - PROPERTY DESCRIPTION**

**STATE OF TEXAS           §**  
**COUNTY OF DALLAS       §**

BEING a tract of land situated in the LEVI NOBLES SURVEY, ABSTRACT NO. 1098, City of Addison, Dallas County, Texas and being all of Lot 1, Block A, Dallas Gymnastics Center, an addition to the City of Addison, Dallas County, Texas according to the plat thereof reeorded in Volume 98073, Page 0025, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the northeast corner of said Lot 1, Block A, said iron rod also being situated in the south right-of-way line of Sojourn Drive;

THENCE South 00 deg 35 min 40 sec East, departing said south right-of-way line and along the east line of said Lot 1, Block A, a distance of 188.61 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

THENCE South 89 deg 21 min 59 sec West, departing the east line and along the south line of said Lot 1, Block A, a distance of 400.31 feet to a point for corner from which a 1/2 inch iron rod found bears South 58 deg 37 min 55 sec West, a distance of 0.37 feet;

THENCE North 00 deg 30 min 09 sec West, departing the south line and along the west line of said Lot 1, Block A, a distance of 189.53 feet to an "X" cut in concrete found for corner and being situated in the south right-of-way line of said Sojourn Drive, same being the north line of said Lot 1, Block A;

THENCE North 89 deg 29 min 51 sec East, along the north line of said Lot 1, Block A and the south right-of-way line of said Sojourn Drive, a distance of 400.01 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 1.737 acres or 75,657 square feet of land, more or less.

Bearings shown hereon are based upon an on-the-ground Survey performed in the field on the 21st day of April, 2016, utilizing a G.P.S. measurement (NAD 83, grid) of South 01 deg 34 min

Case No. 1738-Z/Trinity Christian Academy

44 sec West (Plat - South 02 deg 22 min 55 sec West), along the west right-of-way line of Addison Road, recorded in Document No. 200600311786, O.P.R.D.C.T.

Ordinance No. \_\_\_\_\_

## **EXHIBIT B: DEVELOPMENT STANDARDS**

### 1. Purpose.

The purpose of this Planned Development District (the "PD District," "Planned Development District," or "district") is to accommodate the development of a private school and master plan for the Trinity Christian Academy campus in phases. The Property will be developed in accordance with all of the standards, terms and conditions of this Ordinance (the "Ordinance"). These Planned Development conditions are incorporated into and made a part of the Ordinance for all purposes. Development, occupancy, and use of the Property and any portion thereof shall comply with development conditions set forth herein, with the Ordinance, with all applicable provisions of the Zoning Ordinance of the Town of Addison, Texas (the "City") (the same being Appendix A - Zoning of the Code of Ordinances of the City, and as it may be amended or superseded (the "Zoning Ordinance") and with all other applicable ordinances, laws, rules, regulations, standards, and codes of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof.

### 2. Definitions, Interpretations.

A. Unless otherwise stated, the definitions and interpretations in the Zoning Ordinance apply to this Ordinance and the development conditions set forth herein.

#### B. Definitions:

- a. LOWER SCHOOL means pre-kindergarten through fourth grade.
- b. MIDDLE SCHOOL means fifth grade through eighth grade.
- c. UPPER SCHOOL means ninth grade through twelfth grade.

### 3. Phasing.

A. Development of the Property for a private school may be undertaken in phases. For the purposes of this PD, structures, uses, and accessory uses existing on the effective date of this Ordinance (shown in **Exhibit D** – Existing Site Plan) which are not in compliance with the concept plan are considered conforming and may remain until the development of their respective phases.

### 4. Uses.

A. Authorized Uses/ Prohibited Uses. Only those uses identified herein as permitted uses, special uses, or accessory uses are authorized uses (subject to the terms, conditions and provisions of this Ordinance) within the Property. All other uses are expressly prohibited.

B. Permitted Uses.

- (1). Private schools, including, but not limited to the “school facility” use as defined in Article XXX of the Zoning Ordinance
- (2). Existing portable school buildings shall be allowed by right and shall be removed within 60 days of the issuance of a Certificate of Occupancy for the relevant phase; any other portable building shall be allowed only upon the issuance of a Special Use Permit.

C. Accessory Uses. The following are permitted as accessory uses within the Property:

- (1). Recreation space and facilities
- (2). Parking and parking structures
- (3). Other uses customarily incidental and subordinate to permitted uses and any special uses

5. Development Standards

- A. Development, occupancy, and use of the Property shall comply with the development standards set forth in the following Table A:

<b>Building Setbacks</b>	Building setbacks within the property are shown as the permissible building zone on the Concept Plan in Exhibit C.
<b>Maximum Building Height</b>	3 stories / 60 feet as measured to the midpoint of the roof
<b>Maximum Lot Coverage</b>	70%
<b>Maximum Allowable Building Area</b>	585,000 square feet

B. Miscellaneous development standards:

- (1). Lot coverage. The area of above ground parking structures is included in the lot coverage calculation.
- (2). Height. Architectural features including, but not limited to, turrets, spires and towers may exceed the maximum building height provided that any such structure is no more than 15 feet higher than the maximum permitted height and has a floor plan which is ten percent or less of the ground floor area of the building of which it is a part of.
- (3). Maximum Allowable Building Area. Parking structures or covered walkways are not included in the maximum allowable building area calculation.

## 6. Parking

- A. *Generally.* Off-street parking must be provided for the appropriate building use classification according to the following ratios:
- (1). School.
    - a. Lower School. (1.5 per lower school classroom) One and one-half spaces per every lower school classroom.
    - b. Middle School. (3.5 per middle school classroom) Three and one-half spaces per every middle school classroom.
    - c. Upper School. (9.5 per upper school classroom) Nine and one-half spaces per every upper school classroom.
  - (2). Soccer fields, baseball fields, and stadiums. (1 per 4 seats) One space per every four seats.
  - (3). Theaters, auditoriums, gymnasiums and field houses. (1 per 3 seats) One space per every three seats.
- B. *Shared parking.* Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods or that the parking can be shared without any negative impacts on or adjacent to the property. Required parking shall be determined based on parking demand for the peak parking period as determined by a parking analysis study approved by the City's Zoning Administrator.
- C. *Parking garages.* Parking garage ramps shall not be express on the façade of the parking structure fronting or visible from public streets or adjacent properties. Steel parking garages and steel guard cables on the garage facades are prohibited.

## 7. Exterior Appearance

### A. *Materials:*

- (1). At least 80 percent of the exterior walls of all structures shall be of masonry construction.
- (2). For purposes of this planned development district, "masonry construction" includes, but is not limited to brick, stone, cultured stone, glazing and plate glass, three-coat stucco, and split face concrete masonry units. An applicant, however, may submit a design for construction of parking structures that employs alternative construction materials for exterior cladding with an application for a development plan. The alternative may be approved by the city upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.
- (3). No more than 15% of each exterior wall fronting or visible from public streets (including above grade parking structures) shall use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).

- (4). No more than 40% of exterior cladding of all walls not fronting on, or not visible from, public areas (including above grade parking structures) shall use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
- (5). The exterior cladding (excluding glass and roofing materials) of all buildings, (including above grade parking structures) shall be composed of not more than three materials.
- (6). The following materials are prohibited as primary cladding materials:
  - i. Aluminum siding or cladding
  - ii. Fiberboard or Masonite siding
  - iii. Wood roof shingles
  - iv. Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material)
- (7). The following materials are prohibited as primary roofing materials:
  - i. Wood roof shingle
  - ii. Composite shingles with less than a 50-year life
- (8). All balcony and stairway walking surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Building Code. All handrails and guardrails shall be constructed of noncombustible materials.

B. *Windows.* Glass is to be clear or tinted, not reflective.

C. *Walls.* Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

## 8. Landscape.

A. Landscaping within the Property shall comply with the standards contained in the Town of Addison Code of Ordinances, as amended.

## 9. Screening

- A. Mechanical equipment shall be screened from view from all public streets and adjacent properties and located to minimize noise intrusion off each lot. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.
- B. Loading, service, and trash storage areas shall be screened from all public streets and adjacent properties. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of

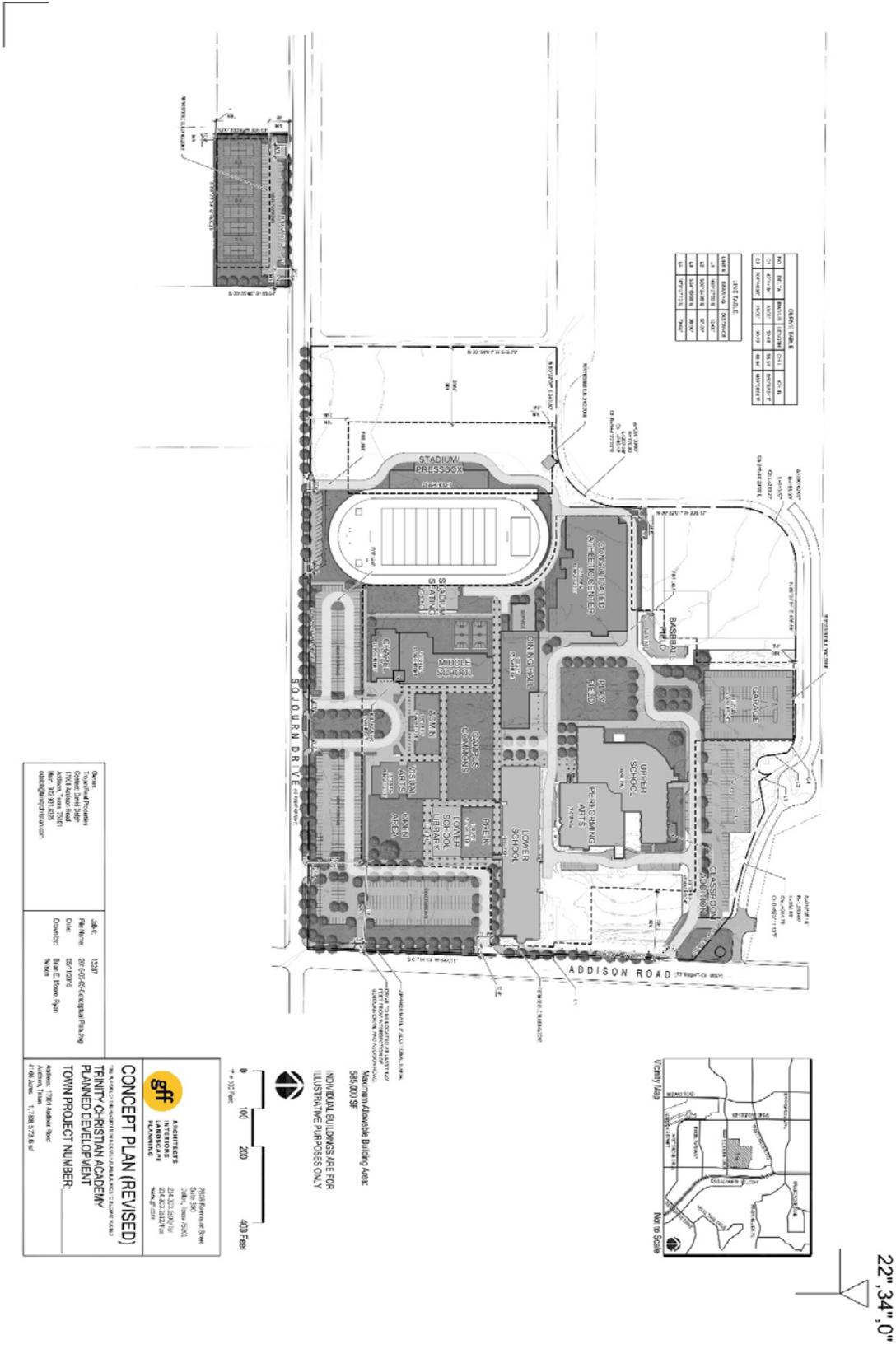
the same exterior materials as the buildings or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

- C. Roof-mounted mechanical elements must be screened from view from all public streets and adjacent properties. Screening must be architecturally compatible with the building design.

#### 10. Miscellaneous Requirements

- A. Athletic Field Improvements. Location of structures and improvements such as dugouts, bleachers, backstops, benches, and other similar athletic improvements may be relocated anywhere within the permissible building zone of the Property to accommodate other proposed improvements.
- B. Speakers. Upon construction of the proposed press box and bleachers for the football field, speakers for the football field shall be removed from their current location on the east side of the football field and shall then be located on the west side of the football field and oriented towards the east.
- C. Additional athletic lighting may be installed upon approval of the Zoning Administrator. If the Zoning Administrator denies additional athletic lighting, the applicant may appeal to the City Council. The City Council may not approve additional athletic lighting prior to a public hearing held not sooner than 10 days after written notice is provided to property owners within 200 feet of the area of the request.
- D. Lighting for tennis courts shall not exceed 60' in height. Fixtures shall be shielded and directed onto courts. Lighting shall be turned off no later than 10 p.m. on Monday – Saturday, with no lighting operations on Sunday.

# EXHIBIT C: CONCEPT PLAN



### EXHIBIT D: EXISTING SITE PLAN



<p><b>EXISTING PLAN</b>  <b>TRINITY CHRISTIAN ACADEMY</b>  <b>PLANNED DEVELOPMENT</b></p> <p>3205 EASTMAN BLVD          SUITE 200          CHAM, MO 64601          216.223.0776          216.223.0777          www.tca.edu</p>	<p><b>gff</b>          ARCHITECTS          LANDSCAPE          PLANNERS</p>	<p>2021          12/28          201 East 44th St, #200          Des Moines, IA 50317          515.281.1111          www.gff.com</p>	<p>2021          12/28          201 East 44th St, #200          Des Moines, IA 50317          515.281.1111          www.gff.com</p>	<p>2021          12/28          201 East 44th St, #200          Des Moines, IA 50317          515.281.1111          www.gff.com</p>
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AI-1729

17.

**Work Session and Regular Meeting**

**Meeting Date:** 07/12/2016

**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Hold A Public Hearing, Discussion And Consider Action On An Ordinance **Rezoning Approximately 18.2 Acres Of Land Located At 14345 Dallas Parkway, The Former Site Of The Ewing Auto Dealership, From I-1, Industrial-1, To A Planned Development District Allowing For Office And Other Commercial Uses And Establishing Development Standards Including A Minimum Building Height**. Case 1737-Z/14345 Dallas Parkway.

**BACKGROUND:**

The properties located at 14345 Dallas Parkway are currently zoned I-1, Industrial-1. This zoning designation provides for a wide variety of low-density uses. This is not in keeping with the guidance provided in the Comprehensive Land Use Plan which calls for high-density office buildings along the Dallas North Tollway corridor. The proposed Planned Development would bring the zoning of this property in line with the Comprehensive Land Use Plan and the adjacent uses along this corridor.

The Addison Planning and Zoning Commission, meeting in regular session on June 21, 2016, voted to recommend approval of this item:

Voting Aye: Ennis, Griggs, Robbins, Robinson

Voting Nay: Schaeffer, Smith

Absent: Morgan

Speakers at the public hearing:

For: none

On: none

Against: Mary Hutchinson, Ewing Enterprises LP, Ewing 8, JV, Gail O. Ewing 1996 Trust, 6455 Dallas Parkway, Plano, TX

Please refer to the attached staff report for additional information on this case.

**RECOMMENDATION:**

Administration recommends approval.

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**Attachments**

1737-Z Staff Report

Comprehensive Plan Excerpt

## Ordinance

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# 1737-Z

**PUBLIC HEARING** Case 1737-Z/14345 Dallas Parkway. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning of approximately 18.2 acres of land located at 14345 Dallas Parkway, from I-1, Industrial-1, to a Planned Development District allowing for office and other commercial uses and establishing development standards including a minimum building height.

## LOCATION MAP





June 17, 2016

## STAFF REPORT

RE: Case 1737-Z/14345 Dallas Parkway

LOCATION: 14345 Dallas Parkway

REQUEST: Approval of an ordinance rezoning the property from I-1, Industrial-1, to a PD, Planned Development, for office and other commercial uses.

APPLICANT: Town of Addison, represented by Mr. Charles Goff

DISCUSSION:

Background: Though vacant now, this site was previously the Ewing automotive dealership. The site was zoned Industrial-1 by Ordinance 66, which is the original zoning ordinance for the Town of Addison that was adopted in 1965. The property has been vacant for approximately 20 years. Several years ago, a small portion of the site was subdivided and sold to a separate owner for a retail development that never occurred. The smaller site is about 1.5 acres and the larger tract is 16.25 acres. There is also a portion of a third tract owned by Oncor in Addison with overhead transmission lines that would be part of this rezoning request. The site had poor access until the Town extended Landmark Boulevard down to this property several years ago. The Town intends for Landmark to be extended east to Dallas Parkway in the future as part of a development on this site.

The property is bounded by the Princeton and Wellington office buildings to the north, Dallas Parkway and the Tollway, in Dallas, to the east; the International Plaza office development to the south, in Farmers Branch; and Oncor utilities and rail road corridor to the west, in Farmers Branch. The adjacent office buildings range from 9-12 stories with mostly structured parking.

Recently, there have been a number of developer inquiries about the site regarding low-density office buildings, limited service hotels, and self-storage. The City Council has directed staff to pursue rezoning these properties in order to require high-density office development consistent with other properties in this area along the Tollway corridor.

Comprehensive Plan: The Town's Comprehensive Plan provides guidance generally for properties along the Tollway and calls out these two properties specifically. In the chapter regarding office uses, it states:

*[T]he Town should protect its remaining available Tollway corridor tracts. High-density office buildings are very valuable to the Town because they bring high ad valorem values to the tax base and lots of employees, which drive the retail/restaurant/hotel economy. The Tollway corridor is the only location in Addison that can attract high density office buildings. The Town needs to protect the four remaining sites on the Tollway corridor [...]. There is always pressure on the Town to let developers build what they can finance and build at the moment, but the Town has to think long-term and protect its most valuable land assets. (Page 79-80)*

The Comprehensive Plan also conducted a Land Use Analysis for every property in Town. This site falls within Sector Two. The assessment summary states:

*The future for this site is uncertain, and the Industrial-1 zoning allows a wide variety of uses. The Town should work with the owner on a Planned Development zoning that would allow flexibility, but protect the Town against Industrial uses being located on this prime piece of property in Addison's high-density office corridor. (Page 208-209)*

Proposed Planned Development: In order to preserve this site for high-density office development, staff is proposing to rezone the property to a Planned Development. The proposed Planned Development would mirror many of the Commerical-1 district regulations with a few modifications.

Proposed Uses: The new Planned Development would require that the primary use of the property be for office building(s). Additionally, any use allowed within the Commerical-1 zoning district would be allowed as a secondary use. Hotels, restaurants, and the sale of alcoholic beverages for on-premises consumption in conjunction with a restaurant would also be allowed as secondary uses upon the issuance of a Special Use Permit. Secondary uses could not occupy more than 30% of the floor area for buildings within the development.

Development Standards: The following development standards would apply to buildings on the site:

*Building Setbacks.* The Planned Development would use the Commerical-1 district standard, which requires a 25-foot setback from the street and has no minimum side or rear yard setbacks.

*Height.* The Planned Development would establish a minimum building height of 8 stories and a maximum building height of 12 stories. This is consistent with the adjacent office developments. Building height is limited because the site falls under the approach surface for Addison Airport.

Parking: Parking would be required in accordance with the Commerical-1 standards. For office, this would require 1 space per 300 square feet. It is very likely that the market would necessitate that an office developer provide parking far in excess of that. Additionally, there would be a shared parking allowance to permit uses to share parking if a parking study can be provided to show that the parking can be shared without negative impact. This would be reviewed by the Town's Zoning Administrator and could result in fewer parking spaces than required by the ordinance. To ensure efficient use of land,

staff is also proposing that a minimum of 80% of the parking be provided in a structured parking garage as opposed to surface lots.

Exterior Appearance: The Planned Development standards would require that all structures be constructed of 80% masonry, which can include brick, stone, glass and split face concrete masonry units. A maximum of three materials will be permitted per building.

Landscaping: The landscaping on the site would need to comply with the Town's landscaping regulations, including the requirements for 20% site landscaping coverage, perimeter screening, and interior plantings.

Screening of Mechanical Equipment and Service Areas: For this Planned Development, mechanical equipment would be required to be roof mounted and screened from view of all public areas. Loading, service, and trash storage areas will also need to be screened from public areas.

#### RECOMMENDATION: **APPROVAL**

The Comprehensive Plan directs the Town to protect the remaining sites along the Dallas North Tollway for high-density office buildings. The site's current Industrial-1 zoning designation allows for a wide variety of uses that are not appropriate for this corridor. Additionally, the Industrial-1 district allows for very low-density development, far below what has been developed around this site. The proposed Planned Development requirements would ensure that the property gets used for an office development that is in keeping with the highest and best use of the property and the character of the adjacent properties.



Case 1737-Z/14345 Dallas Parkway  
June 21, 2016

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on June 21 2016, voted to recommend approval of an ordinance changing the zoning of approximately 18.2 acres of land located at 14345 Dallas Parkway, from I-1, Industrial-1, to a Planned Development District allowing for office and other commercial uses and establishing development standards including a minimum building height, subject to no conditions.

Voting Aye: Ennis, Griggs, Robbins, Robinson  
Voting Nay: Schaeffer, Smith  
Absent: Morgan

**SPEAKERS AT THE PUBLIC HEARING:**

For: none  
On: none  
Against: Mary Hutchison, Ewing Enterprises LP, Ewing 8, JV, Gail O. Ewing 1996 Trust, 6455 Dallas Parkway, Plano, TX



**TOWN OF ADDISON**  
**COMPREHENSIVE PLAN**  
**2013**

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# LAND USE - OFFICE

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*The Colonnade, one of Addison's signature office complexes.*

## **A JOBS CENTER**

Addison is an employment center for the North Dallas Corridor, and office buildings are its predominant commercial land use. It's central location in the North Dallas Corridor has allowed it to develop as an area where companies and corporations, both small and large, want to be. It borders the western edge of the North Dallas Tollway for a length of 7.07 miles, about half-way between Interstate 635 and the President George Bush Tollway. The convenient location allows the Town to welcome around 100,000 white-collar executives and office employees to Addison every day to support its restaurants and hotels.

## **A GREAT INVENTORY**

Addison is home to 101 Class A and B office buildings totaling 10,255,758 square feet of space, which is more office space than downtown Fort Worth. There is a space in Addison to fit every

tenant, as office buildings range in size from 2,500 square-feet on Broadway to 1,028,444 square feet in the three building Colonnade complex. The Town has been fortunate in that its office space has not been dominated by one industry or one type of tenants, such as telecom or energy tenants. It's tenant base is very diverse, which has allowed occupancy to stay stable and not suffer the highs and lows of an industry goes through a boom and bust.

The Town's tenant base is comprised of 30% professional, scientific, and technical services. Retail trade, Hospitality, Real Estate, and Administrative Support make up most of the other tenants, with each of those industries having about an 11% share of the Town's businesses.

In addition, Addison's office tenant base is dominated by small companies that occupy



*The Mary Kay Corporation headquarters, located on the Dallas Parkway.*

between 5,000 and 20,000 square feet. The majority of Addison's office buildings are multi-tenant buildings which may house several hundred tenants. However, the Mary Kay building, one of the largest buildings in Town at 545,900, is home to just one tenant—the Mary Kay Corporation. The Town is also home to several other large corporations. Bank of America has a credit card processing facility in the Hallmark Center I and II buildings which employs 3,400 people. Mary Kay Corporation has 1,070 employees, and the National Default Exchange Management Corporation employs 566 people. Several other companies have between 300 and 500 employees.

Realtors and office leasing agents generally rate buildings in three categories or classes. While there is not an agreed-upon standard in the industry for classifying buildings, *Square Feet, a Real Estate Blog*, defines them by the following characteristics:

CLASS A. These buildings represent the highest quality buildings in their market. They are generally the best looking buildings with the best construction, and possess high quality building infrastructure. Class A buildings are

also well-located, have good access, and are professionally managed. As a result, they attract the highest quality tenants and command the highest rents.

CLASS B. This is the next notch down. Class B buildings are generally a little older, but still have good quality management and tenants. Often times, value-added investors target the buildings as investments since they well located Class B buildings can be returned to their Class A glory through renovations such as façade and common area improvements. Class B buildings should generally not be functionally obsolete and should be well maintained.

CLASS C. The lowest classification of office building and space is Class C. These are older buildings (usually more than 20 years old), and are located in less desirable areas and are in need of extensive renovation. Architecturally, these buildings are the least desirable and building infrastructure and technology is out-dated. As a result, Class C buildings have the lowest rental rate, take the longest time to lease, and are often targeted as re-development opportunities.

The Tollway location allowed Addison to attract developers who built Class A buildings at relatively high densities, with the tallest building in Town being Phase III of the Colonnade at 16 stories. Most of Addison's office building inventory was constructed during the 1980s and '90s, which means the buildings are fairly new. The office building inventory is dominated by Class A space, with 61% of the Town's office square footage rated as Class A. Class B space comprises 38% of the inventory, and Class C space comprises 1%. The

central location and abundance of Class A space has allowed Addison to maintain a healthy office occupancy rate of around 80%, even during economic downturns.



*The Atrium at the Colonnade.*

Addison's office buildings cluster along the major commercial corridors, and thus fall into eleven different "neighborhoods." The neighborhoods are shown in the map attached to the office inventory. The high-density corridor for office uses is the Dallas North Tollway. Addison has 20 high-density buildings along the Tollway, and it has four available sites to accommodate additional buildings. The three neighborhoods that abut the Tollway: North Tollway Corridor (#4), North Quorum (#7) and South Quorum (#8) have the highest number of buildings and the largest buildings, with over 2 million square feet of office space in each neighborhood. These neighborhoods are home to most of Addison's national and international office tenants such as Hilton, General Electric, and Rexel. The rest of the

neighborhoods have smaller buildings and cater more to local tenants.

### **STAYING COMPETITIVE**

Through the boom years of the 1980s and '90s, the Town relied on office brokers and realtors to bring tenants to Addison. However, beginning in the late 1990s, cities around Addison began to make use of the Development Corporation Act, which was passed by the Texas legislature in 1979. It allowed communities to enact 4A/4B corporations that would levy a portion of their sales taxes for economic development purposes. Addison, had joined the Dallas Area Rapid Transit Authority (DART) in 1983, and it was already assessing a portion of its sales tax to mass transit, so it was not eligible to create a 4A/4B corporation. Other cities to the north of Addison, such as Frisco, Allen, and McKinney, were not in DART, so they were eligible to create 4A/4B corporations that raised large amounts of money to lure new businesses and office tenants to their cities. The original intent of the legislation was to allow cities to lure businesses from other states into Texas. However, the non-DART cities began using the funds to lure tenants from Addison, Plano, Dallas, and other DART-member cities. The DART member cities persuaded the Texas Legislature that the Development Corporation Act was not



*Two Addison Circle, one of Addison's newest buildings.*

fair to all cities, so in 1987, residents of the State of Texas approved an amendment to the State Constitution that gave birth to Chapter 380 of the Local Government Code. This move was led by communities with a population of 500,000+ (such as Dallas and Houston) that were not allowed to participate in the Development Corporation Act. Many smaller communities (like Addison) came on board with the lobbying efforts because Chapter 380 programs gave them an additional tool to support economic development projects, and Chapter 380 programs did not need a local referendum for approval.

Addison made limited use of 380 agreements until 2011 when the City Council determined that Addison should create an Economic Development Fund and hire an Economic Development Director to create standards for incentive eligibility and manage the disbursement of funds. During 2012, the Town approved agreements that brought nine new companies to Addison, generated 960 new jobs, and absorbed approximately 250,000 square feet of office space. In addition, the Economic Development Director worked with the developers of the Village on the Parkway to craft a performance-based incentive that brought two quality anchor tenants, as well as other retailers, to the shopping center.

### **ADDISON'S OFFICE FUTURE**

The City Council and staff recognize that Addison must constantly compete with surrounding cities for office employees because well-paid employees drive the Town's other businesses such as retail and restaurants. A wealth of jobs in the community also drives people to want to live in Addison so they can live close to where they work. Living close to work will become even more attractive in the future as gasoline prices and time spent commuting continue to increase. In addition, Corporate headquarters

and other offices draw hotel customers to the city who want to be close to our businesses to call on them.

Addison has traditionally been home to small traditional office businesses, but recently it has seen the range of office uses expand. USAA opened a Call Center in the Two Addison Circle building in Addison Circle, and the Methodist Medical Pavilion, currently under construction adjacent to the Methodist Hospital at 17101 Dallas Parkway, will be the Town's first medical office building. Pre-leasing for the 80,000 square-foot building has gone very well, and the building expects to open in April of 2013 with full occupancy. The Town hopes that as the hospital and adjacent office building expand their operations, it will encourage other medical office uses to open in the area. The Town has already seen some of that expansion, as some smaller existing lease spaces have been re-leased to medical supply businesses.

Addison's office building land use is important and as much a part of the Town's identity as its restaurants and landscaping. Now that the buildings are built, it is important to maintain the quality and keep them as full as possible. There are many avenues the Town can pursue to keep the buildings full. It can make sure that the quality of the buildings stays high through enforcement of building maintenance and landscaping codes. It can continue to market the Town and offer strategic incentives to bring large office tenants to Addison. It can continue to expand the range of office uses by encouraging newer types of office uses such as call centers and medical offices.

In addition, the Town should protect its remaining available Tollway corridor tracts. High-density office buildings are very valuable to the Town

because they bring high ad valorem values to the tax base and lots of employees, which drive the retail/restaurant/hotel economy. The Tollway corridor is the only location in Addison that can attract high-density office buildings. The Town needs to protect the four remaining sites on the Tollway corridor and resist pressure to let those valuable sites be re-zoned for non-commercial uses such as multi-family. There is always pressure on the Town to let developers build what they can finance and build at the moment, but the Town has to think long-term and protect its most valuable land assets.

**GOAL:**

**Recognize that office buildings are a valuable land use asset for the Town and take steps to keep them competitive through code enforcement and Economic Development efforts.**

**OBJECTIVES:**

- 1. Maintain the quality of buildings through code enforcement efforts aimed at keeping buildings maintained and attractively landscaped.**
- 2. Continue Economic Development efforts to keep Addison competitive with other communities and allow it to compete for large and small tenants.**
- 3. Continue to foster variety among office tenants by encouraging other types of office uses such as call centers and medical offices.**

# METHOD FOR EVALUATING THE TOWN



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# METHODOLOGY FOR EVALUATING THE TOWN

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In April of 2012, the Mayor charged the Planning and Zoning Commission with studying, analyzing, revising where appropriate, and reporting/delivering back to the Council an updated and current version of Addison's Comprehensive Land Use Plan. Last published in 1991 and only updated occasionally since then, the Plan as it is now structured is out of date to the point of being not useful for most purposes. It does provide a useful benchmark, however, for the Commission to add historical perspective to its discussions.

The Commission reviewed the 1991 plan, touring the Town, reviewing Comprehensive Plans produced by other municipalities, and journeying to other cities to see, first hand, excellent mixed use development examples. Afterward, the P&Z began structuring its task and deciding upon the method to be used to draw conclusions about how Addison could improve the "Highest and Best" use of its resources.

After much discussion, the Commission developed a methodology which looked at the Town in three ways. It examined other successful communities—communities that thrive through all economic cycles and are consistently places where businesses thrive and people desire to live and shop. It determined that successful communities shared many of the same traits or characteristics. The Commission summarized those traits, and labeled them the **Attributes of Success**. It then determined that those attributes should be measured for all **Categories of Land Use** across the Town's entire **Geography**.

**ATTRIBUTES OF SUCCESS** - A set of attributes agreed upon and prioritized by the Commission

as a whole. The attributes identify and define the factors the Commission measured when evaluating a land use within the Town. The Commission believes that every use, regardless of its age, location, or place in the Town's hierarchy of land uses, should have the following traits in order to be a successful and productive use of land:

**COMPETITIVE**—The Town's businesses, neighborhoods, and facilities are viable in the marketplace. They compete effectively against similar land uses in other metroplex cities. Addison is known as a Town that "does things right," and it enjoys a good image in the metroplex for being efficiently-managed, fiscally-responsible, and visionary. The Town's private sector benefits from the Town's marketing, and businesses should manage and market their operations in a way that supports the Town's brand and good reputation.

**SAFE**—All sites are designed and improved with an eye toward providing a safe environment. Building and fire codes are adhered to during construction and on an on-going basis. Sites are provided with adequate lighting, and landscaping that is designed to maximize visual accessibility by those both within and around the site.

**FUNCTIONAL**—Land uses are supported by adequate utilities such as water, sewer, and technology infrastructure. Functional facilities, such as parking lots and drives, are attractively landscaped, in good repair and have adequate capacity to move traffic. Street signs

make it easy to get around and allow people to know when they are in the Town, and how they get from one place to another.

**VISUALLY APPEALING**—Any site, along with all buildings on it, is attractive, well-maintained and clean, with good quality architecture and construction on new structures, and older structures preserved, remodeled or refurbished. All sites are as free as possible of unattractive overhead utility lines, and have landscaping that is appropriate for the location and use. Signage is tasteful, scaled to match the building, and used for identification of a business, not advertising. In addition, aesthetically pleasing signs identify Addison when entering or leaving the Town.

**SUPPORTED WITH AMENITIES**—Land uses and facilities in Addison enjoy a close proximity to services and amenities such as retail stores, restaurants, recreational amenities, and entertainment. Sporting events and the cultural arts, such as museums and theatre, are available either in Addison or close by.

**ENVIRONMENTALLY RESPONSIBLE** — New buildings and sites are designed with energy conservation in mind. LEED and other “green” standards are not required by the Town, but developers are encouraged to think carefully about their use of resources both in the construction and on-going operation of buildings. Existing buildings do all they can to conserve water and energy. All sites utilize native and/or drought-tolerant plants in the landscaping, and effective and well-monitored irrigation systems are provided on all sites.

**WALKABLE**—All land uses and facilities should

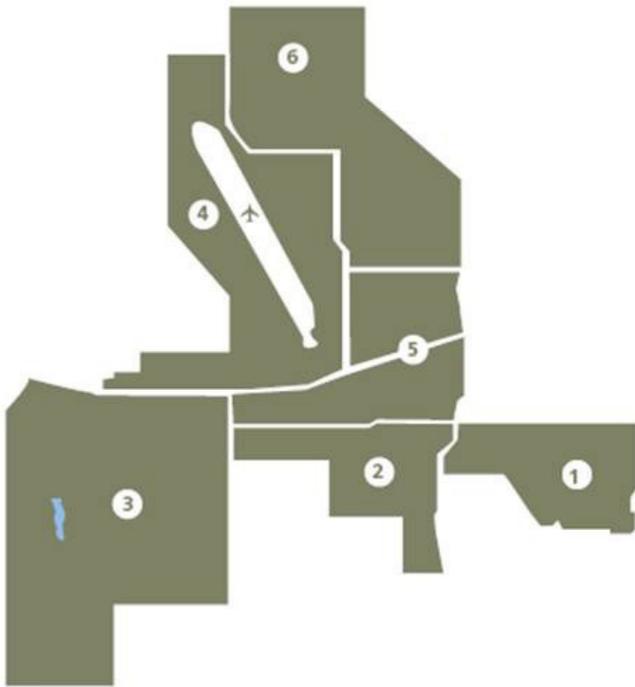
provide users the ability to walk from one use to another, and to navigate neighborhoods on foot or on a bicycle. Residential and Commercial uses provide the ability to walk between businesses. Trails and parks allow citizens to walk or ride a bicycle from one place to another throughout the entire town, and commercial facilities provide the ability for their employees to walk at lunch, and walk or bicycle to and from work.

**CATEGORIES OF USE** – Each square foot of land in Addison, from the smallest parcel to the airport, is used in a variety of ways—from single-family residential to corporate office. The Town itself is a large landowner, and it uses its land in a variety of ways in order to provide parks and facilities for its citizens. The Land Use Categories used in the Comprehensive Plan are:

- Single-Family Residential
- Multi-Family Residential
- Retail
- Office/Commercial
- Industrial
- Airport
- Mixed Use
- Parks, Trails, and Open Space
- Community Facilities
- Schools and Education
- Arts and Cultural Facilities
- Transportation Network
- Utilities

As land is a finite resource in Addison, it is important to consider and evaluate the Town’s current and projected use of each of its land resources while asking the question “Is this the best...?”

## Addison Planning Sectors

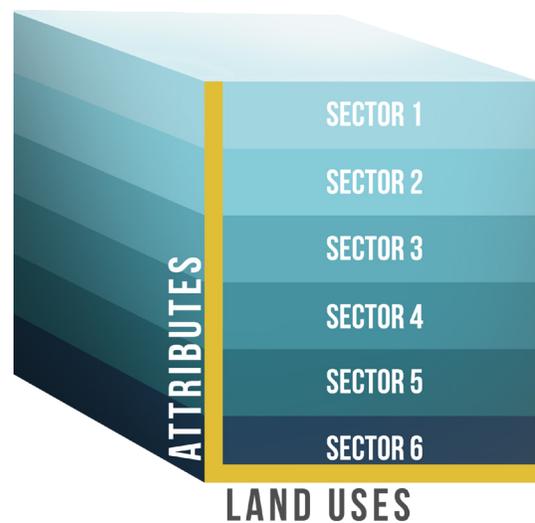


**GEOGRAPHY** – While Addison is only 4.35 square miles in area, it is a considerable task to evaluate each parcel individually. The current Town budget divides the Town into six geographic sectors. Each Sector has its own unique identity and distinguishing characteristics. The Commission utilized the Sector delineations in order to make the assessment of every parcel in Town a more manageable task. The assessments will be kept manageable by using a simple green, yellow, red color coding. Green will delineate successful parcels, yellow will indicate parcels that are beginning to be less successful, and Red will indicate parcels that are not performing at a level that is positive for that particular tract and an asset to the community.

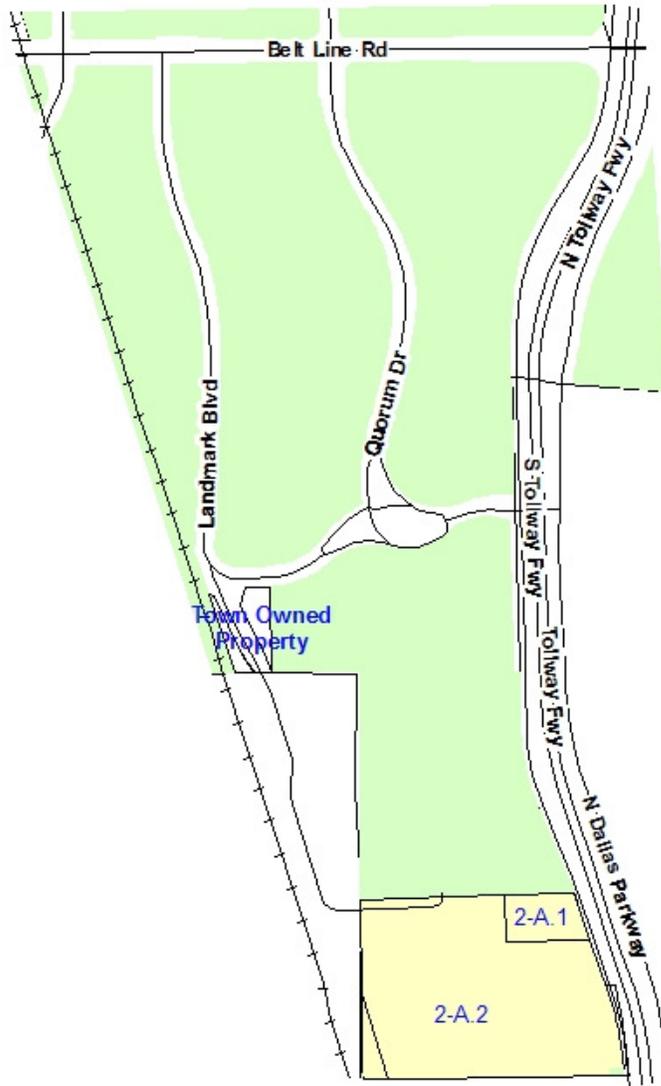
The three categories used for evaluating the Town’s land uses can be illustrated in a 3-dimensional matrix which depicts the interrelationship among the Attributes, the Categories of Land Use, and the

six Sectors of the Town’s geography.

A key role of the Plan is to present a comprehensive town-wide analysis and framework to guide the coordination of many separate incremental development decisions. Once adopted by the Town Council, the Plan becomes an official policy of the Town and many day-to-day actions of the Town’s elected and appointed officials can be guided by the policies of the Comprehensive Plan. It can help guide management decisions made across all departments, and can serve as a basis for the Town’s capital improvements program.



# SECTOR 2



**Town of Addison Sector 2 East**





Acreage, Parcel 2-A.1: 1.49 acres  
Zoning, Parcel 2-A.1: Industrial-1  
Owner, Parcel 2-A.1: Mody Group, Ltd.

Acreage, Parcel 2-A.2: 16.23 acres  
Zoning, Parcel 2-A.1: Industrial-1  
Owner, Parcel 2-A.1: Ewing Enterprises Limited PS

#### Discussion:

This is Addison's largest undeveloped parcel abutting the Tollway. It was formerly the site of the Ewing automobile dealerships, and still carries the Industrial-1 zoning it carried when it held the dealerships. A portion of the tract (Parcel 2-B.1), was sold to the owners of the Modia Home Theater stores, who planned to locate a home theater store on the site. The site was hampered by poor access, but the Landmark Extension gave it access on the west side of the property. The site is located within the noise contours for the Addison Airport.

# ATTRIBUTES OF SUCCESS MATRIX

**14345 DALLAS PARKWAY**

**2-A**

ATTRIBUTES	COMMENTS	SCORE
Competitive	This is a raw land site that has not been developed, so while it has great potential, it is not competitive with adjacent sites in the South Quorum area.	
Safe	Site does not have development and does not have traffic. It is safe.	
Functional	The site is not functional at present, as it is a raw land site.	
Visually Appealing	The site is not visually appealing at present. It does not have trees or grass, and there are slabs of concrete left on the site from when it served as a car dealership.	
Supported with Amenities	The site is on Addison's southern border, so it is not within walking distance of the business amenities on Belt Line Road or in the south Quorum area. However, those amenities are a short driving distance from this site.	
Environmentally Responsible	The site is environmentally responsible at present. If it were to redevelop, it is likely the future developer would likely add additional trees.	
Walkable	The site is not developed. It fronts directly on the Tollway, and there is no sidewalk. Therefore, it is not walkable.	
Overall Assessment	The future for this site is uncertain, and the Industrial-1 zoning allows a wide variety of uses. The Town should work with the owner on a Planned Development zoning that would allow flexibility, but protect the Town against Industrial uses being located on this prime piece of property in Addison's high-density office corridor.	

**TOWN OF ADDISON, TEXAS**

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

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, CREATING PLANNED DEVELOPMENT DISTRICT \_\_\_\_\_ FOR HIGH DENSITY OFFICE DEVELOPMENT ON APPROXIMATELY 18.2 ACRES OF PROPERTY LOCATED AT 14345 DALLAS PARKWAY AND FORMERLY OCCUPIED BY THE EWING AUTOMOBILE DEALERSHIP; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at a meeting held on June 21, 2016, the Planning and Zoning Commission considered and made a recommendation on a request for a Planned Development District (Case No. 1737-Z); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; and

**WHEREAS**, after due deliberations and consideration of the recommendations 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 amendment 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.** 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.** Planned Development District \_\_\_\_ is hereby established for the 18.2 acres of property located within the Town of Addison at 14345 Dallas Parkway and more specifically described in **Exhibit A** attached hereto and incorporated herein (the "Property"), to allow high density office development in accordance with the Development Standards contained in **Exhibit B** an attached hereto and incorporated herein.

**Section 3.** Prior to and as a condition of the issuance of a building or any other permit for (i) any development. or (ii) the construction, erection, alteration, extension, placement or locating of any building, structure, infrastructure element, or improvement whatsoever, within the Property or any portion thereof, a development plan for the same must be approved by the Planning and Zoning Commission and by the City Council in accordance with Article XV, Section 5 of the Zoning Ordinance, as amended. A development plan (whether submitted for the entire Property or for a portion thereof) must comply with the standards, terms and conditions of this Ordinance, the Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, codes and standards, all as amended, of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof. Development, occupancy, and use of the Property or portion thereof which is covered by or the subject of a development plan must comply in all respects with the development plan. Upon approval of a development plan by the City Council, the same shall be

incorporated into and made a part of this Ordinance for all purposes.

**Section 4.** The creation of Planned Development District \_\_\_\_\_ has been made in accordance with the comprehensive plan of the City for the purpose of promoting the health, safety and welfare of the community, and with consideration of the reasonable suitability for the particular use and with a view of conserving the value of the buildings and encouraging the most appropriate use of land within the community.

**Section 5.** That the provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 6.** That any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 7.** 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 8.** 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 9.** 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 12<sup>th</sup> day of July, 2016.

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

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Laura Bell, City Secretary

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

CASE NO: 1737-Z/14345 Dallas Parkway

PUBLISHED ON: \_\_\_\_\_

### **EXHIBIT A: PROPERTY DESCRIPTION**

A Planned Development district is hereby established for the 18.2 acres of property located generally at 14345 Dallas Parkway comprising of the portion of 4 properties within the Town of Addison and identified as the following:

- Lot 1, Block 1 of the S. Finley Ewing, Jr, Addition - Inst. No. D200101557407 D. R. D. C. T. – 16.23 acres
- The portion of Lot 2, Block 1 of the S. Finley Ewing, Jr, Addition - Inst. No. D200101557407 D. R. D. C. T. located within the boundaries of the Town of Addison – 1.492 acres
- The portion of Tract 2 of the S. Finley Ewing Jr. Addition Vol. 73093, PG. 1346 D. R. D. C. T. located within the boundaries of the Town of Addison - .0402 acres
- The portion of the D.P. & L. Co. 100 foot Right-of-Way located within the boundaries of the Town of Addison - .4750

## **EXHIBIT B: DEVELOPMENT STANDARDS**

### 1. Purpose.

The purpose of this Planned Development District (the "PD District," "Planned Development District," or "district") is to accommodate high density office development along the Dallas North Tollway Corridor. The Property will be developed in accordance with all of the standards, terms and conditions of this Ordinance (the "Ordinance"). These Planned Development conditions are incorporated into and made a part of the Ordinance for all purposes. Development, occupancy, and use of the Property and any portion thereof shall comply with development conditions set forth herein, with the Ordinance, with all applicable provisions of the Zoning Ordinance of the Town of Addison, Texas (the "City") (the same being Appendix A - Zoning of the Code of Ordinances of the City, and as it may be amended or superseded (the "Zoning Ordinance") and with all other applicable ordinances, laws, rules, regulations, standards, and codes of the City and any other governmental entity or agency having jurisdiction over the Property or applicable portion thereof, as they may be amended.

### 2. Definitions, Interpretations.

- A. Unless otherwise stated, the definitions and interpretations in the Zoning Ordinance apply to this Ordinance and the development conditions set forth herein.

### 3. Uses.

- A. Authorized Uses/ Prohibited Uses. Only those uses identified herein as permitted uses, special uses, or accessory uses are authorized uses (subject to the terms, conditions and provisions of this Ordinance) within the Property. All other uses are expressly prohibited.
- B. Permitted Primary Uses. The primary use of the Property must be:
  - (1). Office building(s)
- C. Permitted Secondary Uses may not occupy greater than 30% of the floor area of all structures. The following are permitted as secondary uses within the Property:
  - (1). All uses permitted within Commercial-1 District, as amended
  - (2). Hotel (upon the issuance of a Special Use Permit)
  - (3). Restaurant (upon the issuance of a Special Use Permit)
  - (4). Sale of alcoholic beverages for on-premises consumption in conjunction with a restaurant (upon the issuance of a Special Use Permit)
- D. Accessory Uses. The following are permitted as accessory uses within the Property:
  - (1). Parking and parking structures
  - (2). Other uses customarily incidental and subordinate to permitted uses and any special uses

### 5. Development Standards

- A. Development, occupancy, and use of the Property shall comply with the development standards set forth in the following Table A:

<b>Building Setbacks</b>	As required in the Commerical-1 District zoning regulations, as amended.
<b>Minimum Building Height</b>	8 stories
<b>Maximum Building Height</b>	12 stories, upon approval from the Federal Aviation Administration (FAA)

- B. Miscellaneous development standards:

- (1). Minimum Building Height requirement does not apply to any parking structure.

## 6. Parking

- A. *Generally.* Off-street parking must be provided for the appropriate building use classification according to the ratios listed in the Commerical-1 District Zoning regulations, as amended.
- B. *Shared parking.* Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods or that the parking can be shared without any negative impacts on or adjacent to the property. Required parking shall be determined based on parking demand for the peak parking period as determined by a parking analysis study approved by the City's Zoning Administrator.
- C. *Parking structure.* A minimum of 80% of any parking must be provided in structured parking. Parking structure ramps shall not be express on the façade of the parking structure fronting or visible from public streets or adjacent properties. Steel parking structures and steel guard cables on the structure's facades are prohibited.

## 7. Exterior Appearance

- A. *Materials:*

- (1). At least 80 percent of the exterior walls of all structures shall be of masonry construction.
- (2). For purposes of this planned development district, "masonry construction" includes, but is not limited to brick, stone, cultured stone, glazing and plate glass, and split face concrete masonry units. An applicant, however, may submit a design for construction of parking structures that employs alternative construction materials for exterior

cladding with an application for a development plan. The alternative may be approved by the city upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.

- (3). No more than 15% of each exterior wall fronting or visible from public streets (including above grade parking structures) may use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
- (4). No more than 40% of exterior cladding of all walls not fronting on, or not visible from, public areas (including above grade parking structures) may use accent materials such as stucco, architectural metal paneling, tile, and fiber cement siding (e.g. hardi-material).
- (5). The exterior cladding (excluding glass and roofing materials) of all buildings, (including above grade parking structures) shall be composed of not more than three materials.
- (6). The following materials are prohibited as primary cladding materials:
  - i. Aluminum siding or cladding
  - ii. Fiberboard or Masonite siding
  - iii. Wood roof shingles
  - iv. Unfinished concrete block (architecturally finished concrete block is permitted as a cladding material)
- (7). The following materials are prohibited as primary roofing materials:
  - i. Wood roof shingle
  - ii. Composite shingles with less than a 50-year life

B. *Walls*. Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

## 8. Landscape.

A. Landscaping within the Property shall comply with the standards contained in the Town of Addison Code of Ordinances, as amended.

## 9. Screening

- A. Mechanical equipment shall be mounted on the roof and be screened from view from all public streets and adjacent properties and located to minimize noise intrusion off each lot. The required screening must be architecturally compatible with the building design.
- B. Loading, service, and trash storage areas shall be screened from all public streets and adjacent properties. Refuse containers must be placed on a designed, reinforced concrete pad, including drive approach. The required screening must be composed of the same exterior materials as the buildings or through the use of masonry walls, ornamental fence (80 percent opaque), evergreen landscape material, or combination thereof.

**Work Session and Regular Meeting**

Meeting Date: 07/12/2016

Department: Infrastructure- Development Services

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**AGENDA CAPTION:**

Hold A Public Hearing, Discussion And Consider Action On An Ordinance **Rezoning The Property Located At The Astoria Caffe 15701 Quorum Drive, On The Northwest Corner Of Morris Avenue and Quorum Drive, Which Is Currently Zoned UC, Urban Center, By Amending An Existing Special Use Permit For A Restaurant And An Existing Special Use Permit For The Sale Of Alcoholic Beverages For On-Premises Consumption Only In Order to Approve A Revised Site Plan Including An Outdoor Patio**. Case 1723-SUP/Astoria Caffe.

**BACKGROUND:**

Astoria Caffe is requesting formal permission to expand their patio from what is currently allowed in the 2007 Special Use Permit (SUP). In 2007, the original SUP for the former restaurant on that site was amended for Astoria Caffe to allow the sale of alcoholic beverages for on-premises consumption and to allow for outdoor seating of up to four tables with seating for 10. Since that time, the outdoor seating has gradually expanded and the number of tables and chairs is significantly beyond what is shown in the current SUP. This expansion was done without formal approval from the Town. Last summer, Town staff received complaints that the sidewalk was being blocked by Astoria's patio furniture and pedestrians felt uncomfortable walking through what appeared to be part of the restaurant. Upon further investigation, it was determined that not only was the patio not in compliance with the approved site plan, but also, the patio had expanded off of private property and into the public right-of-way (sidewalk), and that portions of the required ADA accessible pathway were being blocked. Astoria has requested to be granted a License Agreement to allow them to use a portion of the public right-of-way and this is the subject of another Council action. There is still, however, the requirement for a zoning determination to amend the Special Use Permit and site plan.

At the Planning and Zoning Commission's meeting on June 21, Ms. Elena Arsova, representing Astoria Caffe, made a presentation related to the restaurant's desire to amend the site plan to allow seating for up to 74 seats. She stated that the restaurant does not intend to seat that many patrons all of the time but wants the flexibility to do so during peak hours and the Town's special events. She spoke about the restaurant's commitment to make sure that they were not encroaching on the public portion of the sidewalk and that they have in place contracts with their employees holding them responsible for doing so.

Staff expressed concern that Astoria's proposal of 74 seats was too much for the size of the patio and stated that the proposed plan would necessitate continual oversight to

make sure that the sidewalk remains unobstructed and, in staff's opinion, will very likely result in violations. Staff recommended that the number of seats be reduced to no more than 65 and identified two areas specifically where seating should be removed. Staff explained that Astoria could request additional seating for Special Events through the Town's special event permitting process.

The Commission voted unanimously to recommend approval of Astoria's request without the seating limitations proposed by Town staff, but to maintain staff's recommended condition that should the license agreement for the use of the public right-of-way be terminated, then the site plan would automatically be reduced to encompass only the area on private property. Also, should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass that new licensed area. In either scenario, the patio furnishings would then be reduced accordingly as approved by the Town's Zoning Administrator.

### **RECOMMENDATION:**

Administration recommends approval subject to the four conditions listed in the staff report:

- The applicant shall revise the site plan to limit the number of seats to no more than 65.
- The single table with two chairs between the sidewalk and street curb shall be removed from the site plan.
- The grouping of four tables with two chairs each between the sidewalk and street curb be reduced to a maximum of three tables with two chairs each.
- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

Staff continued to believe that it is very likely that the proposed site plan will result in encroachments in the public sidewalk. The Council has stated through the adoption of the license agreement policy that a five foot wide sidewalk must be maintained at all times. Given the density that is being proposed, staff will need to frequently monitor this area for compliance to ensure that the sidewalk remains clear. This will be difficult from an operational standpoint because the times of peak use are during the nights and weekends when staff is not working. While the possibility of encroachment cannot be eliminated entirely, lowering the number of seats by 9 would allow additional flexibility within the patio areas and reduce the likelihood of encroachment. This would relieve the need for strict and frequent oversight of the area by staff.

1723-SUP Staff Report  
Ordinance

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June 17, 2016

**STAFF REPORT**

RE: Case 1723-SUP/Astoria Caffe

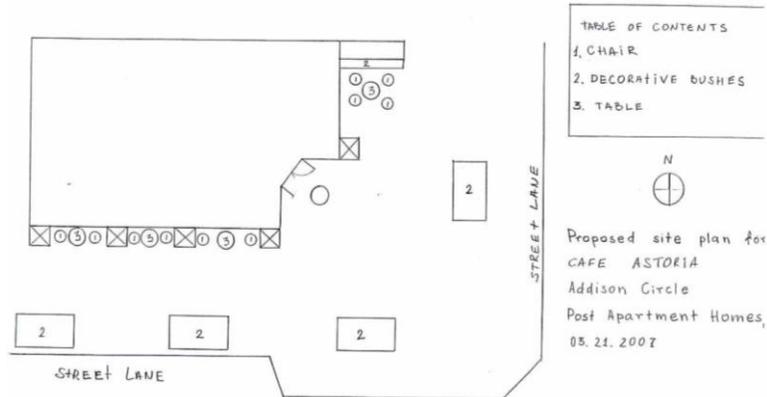
LOCATION: 15701 Quorum Drive

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

APPLICANT: Astoria Caffe & Wine Bar, represented by Ms. Elena Arsova

**DISCUSSION:**

Background: Astoria Caffe is located on the Northwest corner of Quorum Drive and Morris Avenue on the ground floor of Post Addison Circle Building C. This property is zoned UC, Urban Center. When constructed, the space was originally intended to be a home office. In 1997, an SUP was approved for a Blimpie’s Sandwiches with no outdoor seating. Blimpie’s closed and, in 2007, the SUP was amended for Astoria to allow the sale of alcoholic beverages for on-premises consumption and to allow for outdoor seating as shown on the site plan below, including four tables with seating for 10.



Since that time, Astoria has slowly expanded the number of tables and chairs beyond what was shown in their SUP without formal approval from the Town. Last summer, Town staff received complaints that the sidewalk was being blocked by Astoria’s patio furniture. Upon further investigation, it was determined that the patio was not in compliance with the approved site plan, the patio had expanded

off of private property and into the public right-of-way (sidewalk), and that portions of the required ADA accessible pathway were being blocked.

This initiated a broader discussion regarding the use of the public right-of-way for restaurant patios in Addison Circle. The Council has established a policy to consider allowing restaurants to utilize the public right-of-way under certain circumstances. As such requests come forward, the use of the right-of-way is a separate decision reserved for the Council, but they will also require a zoning determination to amend the Special Use Permit and site plan.

Proposed Plan: The applicant is requesting that the existing SUP be amended to allow for an expanded patio with 26 tables and seating for 74. The patio would include areas adjacent to the building as well as two areas between the sidewalk and street curb. To accommodate the request, three private planting areas next to the building are being removed. This is permitted by the UC zoning. There would be no physical barrier or delineation between the patio areas and remaining public sidewalk.

The policy requires that a five-foot-wide sidewalk be maintained at all times and that the ADA accessible path not be obstructed. This has been achieved with the placement of furniture on the site plan, however the density of the tables and chairs leaves little to no flexibility for patrons to adjust their chairs while dining. For the majority of the patio, different tables and chairs are located less than a foot from one another and are as close as three inches apart.

#### RECOMMENDATION: **APPROVAL WITH CONDITIONS**

Staff recognizes the benefits of an active street level in Addison Circle and agrees that this area can accommodate a larger patio than is currently allowed by the SUP. However, staff is not supportive of the current proposal. Typically, staff does not critique the specific numbers of tables and chairs for restaurants. This situation is unique because there is no barrier or separation between the private patio and required public sidewalk. This necessitates close attention to the specific number and placement of patio furniture so as to avoid creating a situation where additional encroachment is likely. Staff believes that a more appropriate number of seats for this area is around 60-65. This would require a reduction of 9-14 seats from what is being proposed.

The reduction will allow additional space between the tables and room for minor adjustments within the approved patio space without being so tightly compacted that the only direction to move is outside the licensed area. Astoria has been testing a seating arrangement very similar to what is being proposed and Town staff has observed patio furniture encroaching into the five-foot-wide sidewalk and once into the required ADA path. This is especially an issue in the area across the sidewalk where the applicant is proposing four tables with two seats each. Staff believes that a maximum of three tables with two seats each should be allowed in this location.

It is also important to note that people often bring pets or strollers along with them while sitting on the patio. The proposed number of tables and chairs does not allow any space to accommodate these within the patio, and therefore it is likely, and has been observed, that these will end up blocking the sidewalk, including the ADA accessible path.

Additionally, staff heard from the complainants that because Astoria had seating on two sides of the sidewalk, it was their perception that while walking on the public sidewalk, they were impeding onto a private patio. This made them feel uncomfortable to use the public sidewalk. Astoria is currently only using one area between the sidewalk and street curb. The proposed site plan shows that they desire to place a table in another area between the sidewalk and street curb. Staff is concerned that by lengthening the distance where there are tables and chairs on both sides of the sidewalk, the concern that was heard last year could be amplified. Therefore, staff is not supportive of the additional table and chairs outside of where they are located now.

The license agreement policy is intended to establish an appropriate balance between the applicant's desire for a larger patio with the public's use of the sidewalk. Staff's goal through the SUP approval process is to accommodate the applicant's request while ensuring compliance with the license agreement policy without creating a situation that will require constant oversight and enforcement activities by Town staff. The way to achieve this is to build in some flexibility for routine and normal adjustments within the patio area. Based on this, staff recommends approval of the request, subject to several conditions and modifications:

- The applicant shall revise the site plan to limit the number of seats to no more than 65.
- The single table with two chairs between the sidewalk and street curb shall be removed from the site plan.
- The grouping of four tables with two chairs each between the sidewalk and street curb be reduced to a maximum of three tables with two chairs each.
- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

# 1723-SUP

**PUBLIC HEARING** Case 1723-SUP/Astoria Caffe. Public hearing, discussion, and take action on a recommendation regarding an ordinance changing the zoning on property located at 15701 Quorum Drive, which property is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan including an outdoor patio.

## LOCATION MAP





**PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING**

- CASE NO:** 1723-SUP/Astoria Caffè
- LOCATION:** 15701 Quorum Drive
- APPLICANT:** Astoria Caffè & Wine Bar, represented by Elena Arsova
- REQUESTING:** Approval of an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only.
- PURPOSE:** To approve a revised site plan including an outdoor patio.

A public hearing to consider the above noted case has been scheduled before the Planning and Zoning Commission on:

**TUESDAY, June 21, 2016  
6:00 p.m.**

The hearing will be held in the Council Chambers of the Addison Town Hall at 5300 Belt Line Road, Dallas, Texas 75254. The Commission desires that all persons interested in the matter be informed of the public hearing. Even if you do not wish to testify on this matter, you and your neighbors are invited to attend.

Plans, drawings, and reports submitted by the applicant are available for public inspection at the Addison Service Center at 16801 Westgrove Drive.

Please call 972-450-7027 with any questions.



Case 1723-SUP/Astoria Caffè  
June 21, 2016

**COMMISSION FINDINGS:**

The Addison Planning and Zoning Commission, meeting in regular session on June 21 2016, voted to recommend approval of an ordinance changing the zoning on property located at 15701 Quorum Drive, which property is currently zoned UC, Urban Center, by amending an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only in order to approve a revised site plan, subject to the following condition:

- Should the license agreement for the use of the public right-of-way be terminated, then the site plan is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings shall be reduced accordingly as approved by the Town's Zoning Administrator.

Voting Aye: Ennis, Robbins, Robinson, Schaeffer, Smith  
Voting Nay: none  
Abstained: Griggs  
Absent: Morgan

**SPEAKERS AT THE PUBLIC HEARING:**

For: Dianne Slotnick, Post Properties, 4401 Northside Parkway, Atlanta, GA  
On: none  
Against: none

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 016-\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 007-012, SO AS TO AMEND A SPECIAL USE PERMIT FOR A RESTAURANT AND A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, ON PROPERTY LOCATED AT 15701 QUORUM DRIVE; PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, at its regular meeting held on June 21, 2016, the Planning & Zoning Commission considered and made recommendations on a request for a Site Plan Amendment to existing Special Use Permit (Case No.1723-SUP); and

**WHEREAS**, this change of zoning is in accordance with the adopted Comprehensive Plan of the Town of Addison, as amended; 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 amendment 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.** 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 the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance O07-012, Section 2, to add a tenth condition, to read as follows:

10. Should the license agreement for the use of the public right-of-way be terminated, then the site plan approved herein is automatically reduced to encompass only the area on private property. Should the license agreement for the use of the public right-of-way be adjusted to reduce the area available for private use, then the site plan approved herein is automatically adjusted to encompass the new licensed area. In either scenario, the patio furnishings and seating shall be reduced accordingly as approved by the Town's Zoning Administrator.

**Section 3.** That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Ordinance O07-012, to remove the current site plan and add **Exhibit A** as included in this ordinance.

**Section 4.** The provisions of the Town of Addison Code of Ordinances, as amended, shall remain in full force and effect save and except as amended by this ordinance.

**Section 5.** Any person, firm, corporation, or other business entity violating any of the provisions or terms of this Ordinance shall, in accordance with Article XXVIII (Penalty for Violation) of the Zoning Ordinance, be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**Section 6.** 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 7.** 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 8.** 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 12th day of July 2016.**

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

ATTEST:

\_\_\_\_\_  
Laura Bell, City Secretary

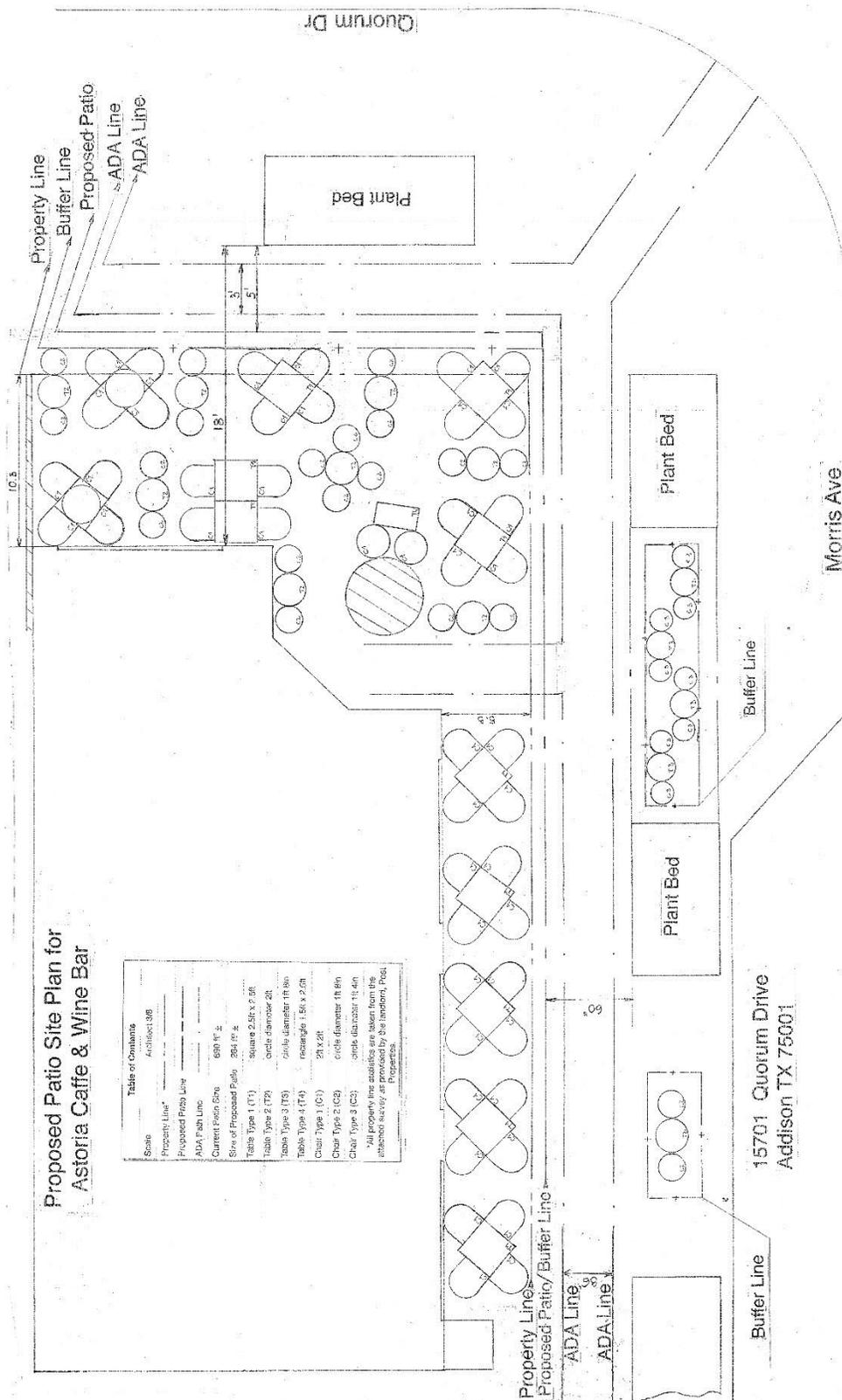
CASE NO: 1723-SUP/Astoria Caffe

APPROVED AS TO FORM:

\_\_\_\_\_  
Brenda N. McDonald, City Attorney

PUBLISHED ON: \_\_\_\_\_

EXHIBIT A



**Proposed Patio Site Plan for  
Astoria Caffè & Wine Bar**

Table of Contents	
Scale	As Shown
Property Line*	As Shown
Proposed Patio Line	As Shown
ADA Path Line	As Shown
Current Patio Size	650' sq. ft.
Size of Proposed Patio	284' sq. ft.
Table Type 1 (T1)	square 2.5ft x 2.5ft
Table Type 2 (T2)	circle diameter 2ft
Table Type 3 (T3)	circle diameter 18.5in
Table Type 4 (T4)	rectangle 1.5ft x 2.5ft
Chair Type 1 (C1)	24" x 24"
Chair Type 2 (C2)	circle diameter 18.5in
Chair Type 3 (C3)	circle diameter 11.4in

\*All property line abatements are taken from the attached survey and are subject to the final survey of the property.

**Work Session and Regular Meeting****Meeting Date:** 07/12/2016**Department:** Infrastructure- Development Services

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**AGENDA CAPTION:**

Present, Discuss, and Consider **Action Regarding The Housing Policy And Residential Density For The Town Of Addison.**

**BACKGROUND:**

In March of 2015, the City Council adopted a housing policy through Resolution R15-006. This policy states the following:

When new housing is proposed in Addison, the Addison City Council encourages it to be developed according to the following principles:

- New housing should increase the portion of fee-simple ownership in Addison's housing mix. Apartment only rezoning is unlikely to be approved, as currently the ratio of rental to ownership properties is higher than desired.
- A proposal should offer a 'best fit' mix of uses and housing choices within the context of the surrounding Addison community. The Town may use a study area committee (with staff, elected, and appointed members such as area residents and business representatives) to evaluate a proposal's fit in Addison.
- New housing should create or enhance neighborhoods of urban character rather than locate on a stand-alone, nonintegrated property and should continue the high quality design and walkability that make Addison's existing neighborhoods distinctive.
- Proposals for independent and/or assisted living may be considered by the Town of Addison. Since there is no assisted living housing units in Addison today, the Town will conduct research to understand how this housing could or should be included in Addison's future.
- Staff shares this policy with potential residential developers as they consider investing within Addison and inquire about the zoning approval process. There are several multi-family developers, of both flats and urban apartments, actively considering projects in Addison. These developers have raised the question as to whether the housing policy accurately reflects the Council's current housing goals.

Note: During the Council's previous discussions regarding housing, the term flats was used for single story, individually owned units in a multi-story building. These are also often referred to as condominiums,

though that term can also refer to other housing types. Urban Apartments are defined as housing units in a higher density building, typically of three or more stories, where building owner(s) rent individual units to residents.

Additionally, the question of density has been raised during staff's conversations with potential developers. Previously, the Town has denied zoning cases for residential uses on the basis of density while granting others unlimited density. Given this, staff cannot provide developers clear guidance on this issue.

Staff is requesting direction from the City Council on these two topics:

1. Does the current housing policy reflect the Council's goals regarding future housing development in Addison?
2. How should density be weighed in considering any residential development request?

As background, the Housing Policy, the Housing Workshop Report from which the Housing Policy was established, and the applicable Chapters of the Town's Comprehensive Land Use Plan are attached.

**RECOMMENDATION:**

Staff requests policy direction from the City Council.

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**Attachments**

Comprehensive Plan Excerpts

Housing Workshop Memo

Housing Policy Resolution

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**TOWN OF ADDISON**  
**COMPREHENSIVE PLAN**  
**2013**

# HISTORY OF THE TOWN



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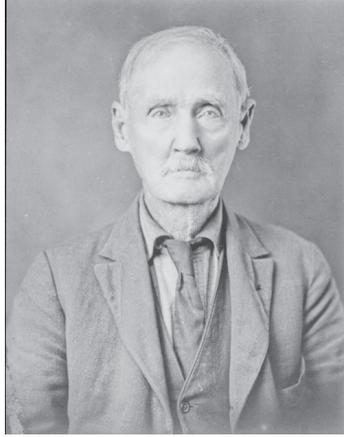
# HISTORY OF THE TOWN

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## BEGINNINGS

The Town of Addison is located in an area once called Peters Colony. It was settled as early as 1846 when Preston Witt built a house on White Rock Creek. The area was not known as Addison until 1904. Addison was named after Addison Robertson, who was a Confederate War hero and served as the community's second postmaster from 1908-1916. In 1902, the first industry was introduced to Addison when a cotton gin was built on Addison Road, by the Pistole brothers.



*Addison Robertson, the Community's second Postmaster and namesake*

Transportation came to Addison in 1888 when the St. Louis, Southwestern Railway Company extended the Cotton Belt Line from Commerce, Texas to Fort Worth, Texas. Mr. W.W. Julian, an Addison landowner, donated one half-acre of land to the Railway Company so that it would establish a depot



*The original "Town" of Addison. One building, the original Addison Bank, still stands along Broadway, formerly the only commercial area in the community.*

in Addison. The depot established Addison as a center for commerce and drew stores, churches, and other businesses.

Like other rural communities, Addison originally had its own school system. The Addison School Building was built on Belt Line Road, which was then a dirt road, and served the community until 1954 when the Addison district merged with the Dallas Independent School District. The school, which was closed in 1964, now serves as the Addison Magic Time Machine Restaurant.

The City of Addison was incorporated on June 15, 1953, under an alder-manic form of government. In 1956 construction began on the Addison Airport, which was eventually purchased by the Town in 1975 using an FAA grant.

## BOOM TOWN DAYS

In 1975, Addison was poised for growth. It had its own airport, and the Dallas North Tollway was being extended north toward the Town. Landowners in the community felt that it was time for Addison to take control of its fate and shape the new private investment and development that would undoubtedly follow the construction of the Tollway. Property owners realized that the Town lacked infrastructure to support quality development, and they realized that by discouraging, or simply ignoring growth, the Town was actually encouraging poor quality development.

In 1975, the Town elected new leadership, including a new Mayor, Jerry Redding. Mayor Redding and other Addison leaders realized that while the Town enjoyed a great location for commerce, it

had a limited amount of land on which to build tax base. They realized that given Addison's small population, it might be possible to hold a successful "local option" election and bring alcohol sales to Town. Addison leaders felt they had hit upon an industry that was tailor-made for Addison's Main-and-Main location at the intersection of Belt Line and the soon-to-be completed Dallas North Tollway.



*Construction of the Dallas North Tollway through Addison. The Town paid to construct the Tollway underground so that it would not cut the community in half.*

They held the local option election in 1975 and voted to allow packaged liquor sales and liquor-by-the-drink in Addison. Since most of the communities in all directions from Addison were



*Addison was one of the few communities in the Metroplex to allow the sale of alcoholic beverages*

still "dry," this progressive decision proved to be an enormous economic catalyst. However, the Council was determined to control the impact of that decision on the community, so it restricted the sales of packaged liquor sales to Inwood Road, south of Belt Line Road. The Council also required applicants wanting liquor-by-the-drink permits to have 60 percent of their sales receipts come from food sales. This requirement helped the Town develop an amazing group of quality restaurants and two large full-service hotels, and it shaped Addison as one of the foremost hotel and dining destinations in the Metroplex. Addison is still known as a premier restaurant community with over 166 restaurants that can seat over 20,000 patrons at one time.

Addison has long been committed to providing quality services and facilities to its residents. It established early, and has maintained, excellent response times for Police and Fire/EMS services. It also takes great pride in the quality of the built environment for both private sector properties and facilities built by the Town.



*Residents stroll in Celestial Park in the Bellbrook neighborhood.*

In 1987 the Town constructed the Addison Athletic Club, which includes a basketball court, work-out facilities, racquetball courts, and both an

indoor and outdoor pool. All Addison residents pay a one-time \$10.00 fee for use of the facility. Addison also began a commitment to community life by sponsoring community events throughout the year. Today Addison's signature events: Kaboom Town, Oktoberfest, and Taste Addison, draw over 250,000 people a year to the Town. On a daily basis, Addison's 130 acres of parks and trails and Special Event facilities provide wonderful passive recreational opportunities, as well as a beautiful aesthetic quality for the Town.

## REINVENTING

During the late 1970's and early 1980's, Addison experienced explosive growth, with new office buildings and restaurants being constructed on every corner. Then in 1988, Addison, like the rest of Texas, was hit by the Savings and Loan crisis and subsequent real estate market crash. Addison was particularly hard-hit because so much of its land was devoted to office and commercial uses. Once again, Addison officials, led by then-Mayor Lynn Spruill, realized the importance of taking control of the city's development as opposed to just riding out the boom and bust cycles of the real estate market. The Town formed a committee comprised of Council members, Addison residents and business people, as well as respected members of other communities. The group began a visioning process called 2020 Vision. The group analyzed Addison's strengths and weaknesses and developed a logical future for the Town, which has shaped the Town's development direction since 1991.

The group determined that Addison, with its unique location and restaurant/shopping/entertainment offerings, had the ability to become the urban housing and entertainment provider for the more than 100,000 people who worked along the Dallas North Tollway corridor. The group studied

the New Urbanism movement that was becoming a popular development format around the country, and believed that higher density multi-family, in a mixed-use environment with office and retail uses, was a good fit for Addison. The group believed that unique architecture and high-quality, long-lasting building materials would deliver a mixed use neighborhood that would enjoy a longer lifecycle than typical stand-alone garden apartment or office projects.

The Town Council tested its belief in new urbanist development on an 84-acre tract of raw land that lay between the Dallas North Tollway and Addison Road.



*Addison Circle*

It worked with Columbus Realty Trust (later sold to Post Properties) to develop Addison Circle, one of the first mixed-use developments in the country to be built on a green-field, suburban site. Addison Circle has been very successful and is a signature development for the Town. The many parks and plazas in Addison Circle draw residents from throughout the community, and Blueprints at Addison Circle, the Town's signature art piece, provides an instantly-recognizable icon for the Town.

## CONTINUING THE VISION

Since 1991, the Town has been through other boom-bust real estate cycles, but it continues to believe in high-density, mixed-use development for both owner-occupied and rental housing. It



*Towne Lakes townhomes*

has been able to fill in small parcels of land with higher-density townhome developments such as the Towne Lake townhomes and Stanford Court Villas. Townhomes provide an attractive alternative to the many Addison residents who want to live in a home they own, but don't want a yard to maintain.

## VITRUVIAN PARK

In 2007 the Town had another opportunity to partner with a developer on an urban neighborhood when UDR (formerly United Dominion Realty, a real estate investment trust) purchased 114 acres in the Brookhaven Club Drive area. UDR, knowing that Addison understood higher density and



*Savoye and Savoye 2, the first developments in Vitruvian Park*

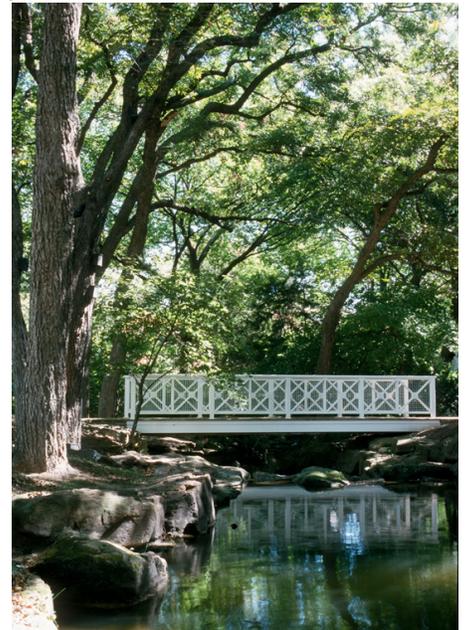
mixed uses, purchased nine aging multi-family complexes and came to the Town with a plan for Vitruvian Park, a new community of 5,000 multi-family units. The redevelopment plan features a 12-acre park oriented along the creek that flows through the southern half of the property. UDR also purchased the Brookhaven Village Shopping Center and is working on a plan to tie the new residential units and the shopping center together in a unified development featuring walkable streets and connections between the apartments and the retail. Once again the Town partnered with the developer to construct and maintain the streets,

parks, and plazas.

## LOOKING TO THE FUTURE

Addison is a young town when compared to many other cities in the Metroplex, and that is a mixed blessing. Its young age means that almost everything in Addison, including the Town's basic infrastructure of road, water lines, and public buildings, has been built since 1975. Therefore, the city is not required to devote a large portion of every annual budget to rebuilding and repairs. However, the amount it has to devote is steadily increasing as some major roads and water lines in the community need rebuilding. In addition, many buildings in Addison were constructed quickly to respond to a fleeting demand, and were built with more emphasis on cost than quality. Addison cannot boast of a great stone courthouse or great homes of architectural significance that other communities enjoy.

Iconic buildings of good quality bring character to a city, and they can be remodeled and reinvented time after time to serve as a catalyst for new development. Many buildings in Addison are almost 40 years old, and they are



*Creek and Bridge behind Addison's Town Hall—one of the prettiest spots in Town*

not aging gracefully. Addison has to compete for residents, businesses, and tax dollars with every other city in the Metroplex, and in an area where there is a seemingly endless amount of raw land,

newer communities further up the Tollway can draw private sector investment more easily than Addison can draw reinvestment.

For Addison to continue to thrive, it has to re-grow and redevelop within its fixed boundaries. The leaders of Addison recognize the challenge and begin the update to the Town's Comprehensive Plan with the intent to identify areas of Addison that need to be redeveloped and reinvented, as well as areas that need to be preserved and protected. Addison has always been the "little town that could" and it has proven that it will re-think, re-gear, and re-invent itself to keep the Town of Addison one of the premier communities in the Metroplex.

*History and photos taken from "Addison Texas—a pictorial history, by Andrew T. Eades, copyright 2001.*

# COMMUNITY SNAPSHOT



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# COMMUNITY SNAPSHOT

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## LOCATION

Addison is a town of 4.35 square miles (2,787.05 acres) located in the Dallas North Tollway corridor. It lies just north of the Dallas North Tollway/Interstate 635 interchange, a major crossroads for the entire Dallas-Fort Worth metroplex. The Tollway corridor is home to multiple corporate office parks, many large, full-service hotels, scores of quality restaurants, and the prestigious Galleria Mall. The area commands a central location in reference to downtown Dallas, DFW International Airport, the Richardson telecommunications corridor, and the Plano Legacy corporate campus area.

Addison's convenient location and large concentration of well-paying jobs and commercial development has altered the traditional suburban pattern in which residential land uses, primarily single-family houses, are dominant. Instead Addison functions as an employment node and regional shopping center for the residents and businesses located in a "trade area" bordered on the east by Central Expressway (US 75) on the west by Interstate 35E, on the south by Interstate 635 (LBJ Freeway) and on the north by Highway 190, (President George Bush Turnpike).

## FACTORS SHAPING GROWTH

Addison's growth has been impacted by several factors. The Town has extensive frontage on its eastern edge along the **Dallas North Tollway**, which has been a catalyst for real estate development and has strongly influenced Addison's growth. The Tollway provides direct access to downtown Dallas on the south and Highways 190 and 121 on the north. Addison has experienced

significant development activity on the Tollway corridor during the past 30 years, and the Tollway corridor continues to be a prime location for high-density office development and full service hotels.

Addison also has the properties on three corners of the **Belt Line Road/Dallas North Tollway** intersection, a Main-and-Main location in the North Dallas area for office buildings, restaurants, retail, and hotels.

The **Addison Airport** is a general aviation airport which is owned by the Town and is considered to be one of the community's greatest assets. The Addison Airport is a single runway facility and is ranked by the Federal Aviation Administration (FAA) as one of the busiest airports of its kind. The airport is used extensively by corporate executives who wish to conduct business in offices located in the North Dallas area.

The Airport is an asset to the Town, and in order to secure its ability to operate safely the Town has put two protective measures in place:

**Noise Contours**, which were established through a FAA Part 150 Study, extend along the sides and off of both ends of the runway. Properties within the Noise Contours experience a Day-Night Average Noise Level (DNL) of between 65-85 decibels. The Town prohibits single and multi-family residential development within the Noise Contours.

**Imaginary Surfaces**, which were established through a FAA Part 77 Study, project imaginary surfaces from the sides and ends of the runway.

The imaginary surfaces establish height limits around the runway that allow aircraft to land and take off safely. The Town limits the height of buildings around the runway to protect both the users of the airport and the people in buildings around it.

The noise and height challenges have been a mixed blessing through the Town's history, for while they have prohibited residential development in some areas, the business generated by the Airport has attracted commercial development.

Addison is located within two school districts: **The Dallas Independent School District (DISD)** and the **Carrollton-Farmers Branch Independent School District (CFBISD)**. The fact that Addison is split between two districts, and the fact that most of the city is part of a large urban school district has caused it to be a less attractive location for a large number of families who choose their home based on where their children will attend schools. Until 2011, Addison did not have a public school within its boundaries. However, in August of 2011, DISD opened the George Herbert Walker Bush Elementary School on Spring Valley Road, which provides a local school for grades K-5th. While Addison has limited offerings for public schools, it is home to two of two large and well-established private schools: The Greenhill School and the Trinity Christian Academy. It also has other private schools, such as the Parish Episcopal School and Jesuit Preparatory School, close by.

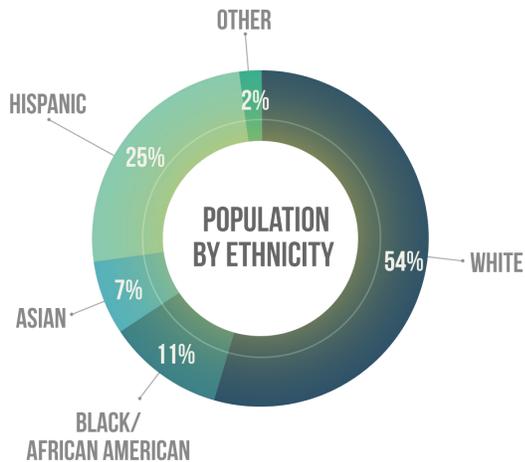
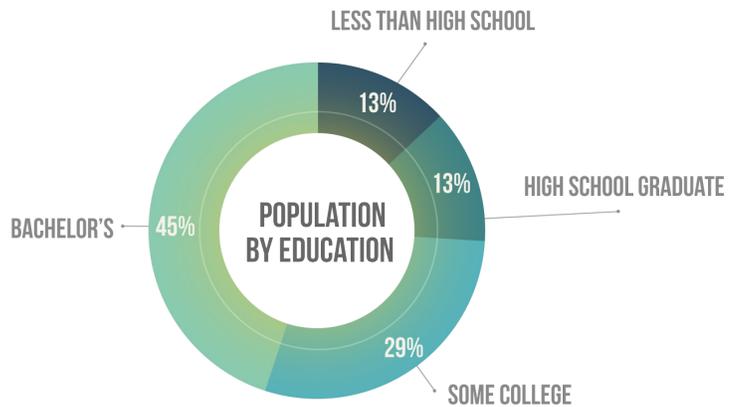
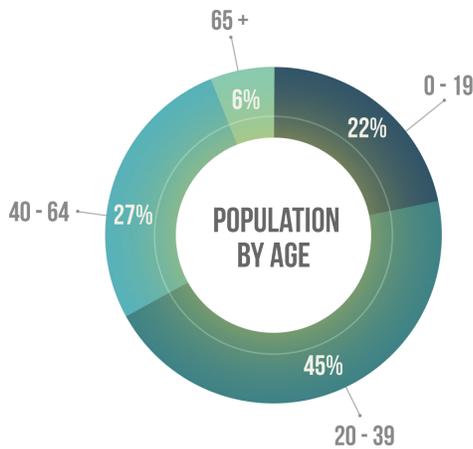
Since 1975, Addison has permitted the sale of alcoholic beverages for on-premises consumption, and the sale of beer, wine, and distilled spirits for off-premises consumption. Addison's decision, early in its development, to allow the sale of alcoholic beverages had a dramatic impact on its development. The Town's ability to have "liquor by the drink", long before other suburbs, coupled with its convenient location, drew two large full-service hotels to the city in the early 1980s. The Dallas Marriott Quorum and the Registry Hotel (now the Intercontinental Hotel) provided an immediate drawing card for high-density office uses, and the many employees housed in high-density office buildings provided diners for restaurants at lunch, and the sale of liquor by the drink gave the restaurants a healthy dinner business. The cluster of restaurants in Addison was unrivaled by any other city in the Dallas-Fort Worth region, and made Addison famous nation-wide as a proving ground for new restaurant concepts.

Since the late 1990s, the extension of the Dallas North Tollway to Highway 121 has caused the development of other restaurant clusters, and other communities have voted in the sale of alcoholic beverages for both on and off-premises consumption. However, restaurants are still Addison's foremost retail business. The Town currently has 166 full-service restaurants offering every conceivable type of cuisine.

# FACTS & FIGURES

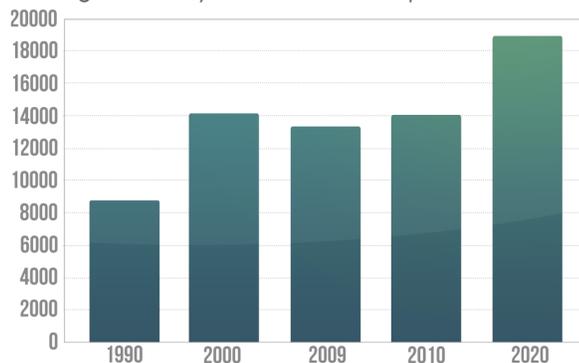
2010 POPULATION:	13,062
2011 ASSESSED VALUE:	\$3,028,042,600
POPULATION BY GENDER	
MALE:	49.8%
FEMALE:	50.2%
MEDIAN AGE:	32.5 YEARS
MEDIAN HOUSEHOLD INCOME:	\$53,790
NUMBER OF HOUSING UNITS:	8,804
TOTAL EMPLOYMENT IN ADDISON:	45,649
AREA OF TOWN:	4.35 SQ. MI.

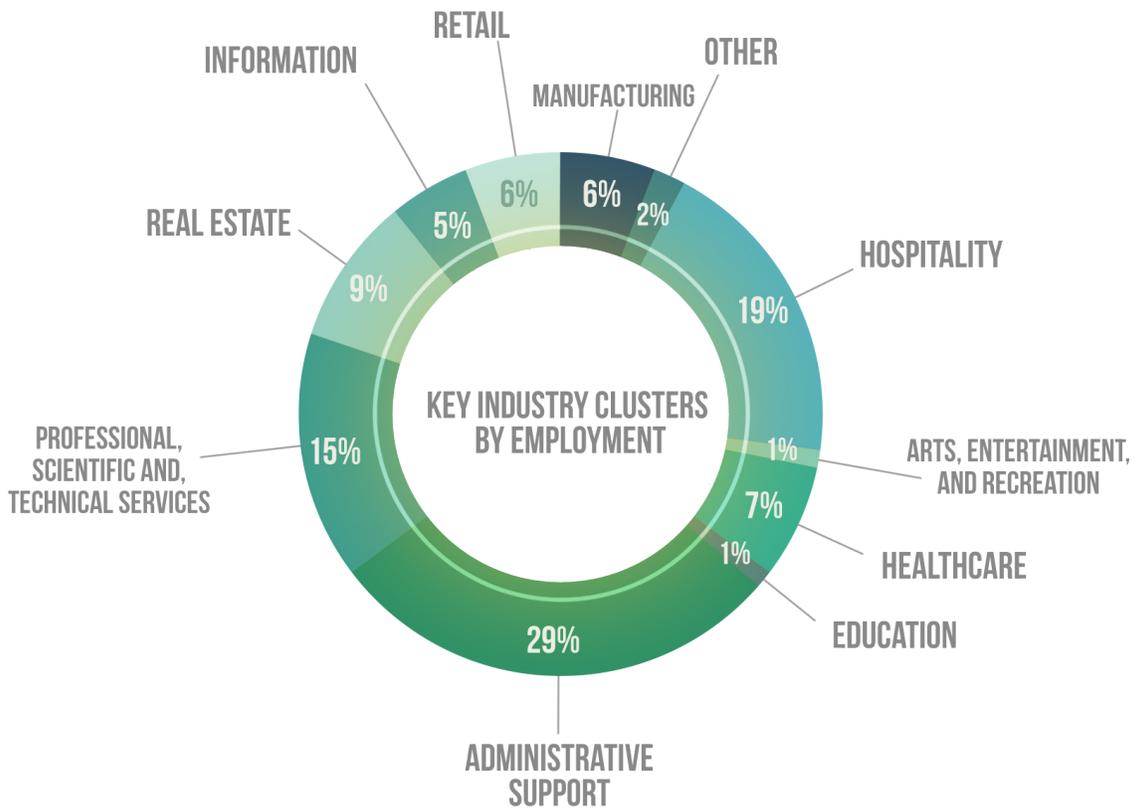
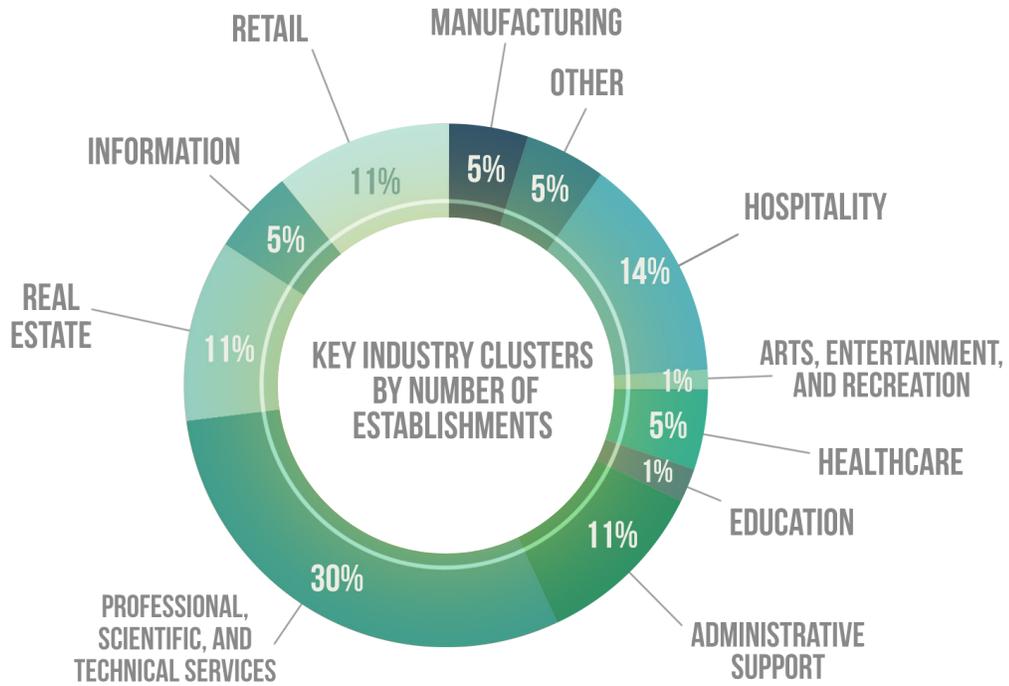
DEVELOPABLE LAND REMAINING:	5%
HOUSING UNITS:	8,826 TOTAL
OWNER OCCUPIED:	2,269 UNITS
	25.5%
	1.792 PER UNIT
RENTER OCCUPIED:	6,558 UNITS
	74.5%
	1.763 PER UNIT
EDUCATION:	45% WITH A BACHELOR'S DEGREE OR HIGHER



## POPULATION TREND

Multi-family redevelopment meant a brief decline in population, but is back on an upswing with new higher density residential developments in Addison.





# ADDISON'S TOP TEN LARGEST EMPLOYERS

COMPANY	LOCATION	JOBS	INDUSTRY
BANK OF AMERICA (MBNA)	16001 NORTH DALLAS PARKWAY	3,400	FINANCE
MARY KAY COSMETICS	16251 NORTH DALLAS PARKWAY	1,070	COSMETICS
NATIONAL DEFAULT EXCHANGE MANAGEMENT	15000 SURVEYOR BLVD	566	MORTGAGE
REXEL	14951 NORTH DALLAS PARKWAY	550	INDUSTRIAL SUPPLY
AMERICAN HOME MORTGAGE SERVICING	16675 ADDISON ROAD	500	MORTGAGE
UNITED SURGICAL PARTNERS INTERNATIONAL	15305 NORTH DALLAS PARKWAY	360	MEDICAL
CONCENTRA OPERATING CORPORATION	5080 SPECTRUM DRIVE	321	MEDICAL
GLAZER'S FAMILY OF COMPANIES	14911 QOURUM DRIVE	280	SPIRITS
GREENHILL SCHOOL	4141 SPRING VALLEY ROAD	256	EDUCATION

# ELEMENTS OF THE TOWN



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# LAND USE - RESIDENTIAL

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## RESIDENTIAL IN ALL SHAPES AND SIZES

The Town of Addison is often described as an “enclave community” Dictionary.com defines an enclave as any small, distinct area or group enclosed or isolated within a larger one. Addison is enclosed by other cities: Dallas on the east and north, Carrollton on the west, Farmers Branch on the south. Yet it is distinctly different from any of those other communities. Addison began as the other



*Aventura Condominiums*

cities around it, a rural community with a small nucleus of retail along a train track. Yet Addison did not build

an early population base. Even though Addison was located on Belt Line Road, a major arterial road that circled all of Dallas County, it stayed small, with little development except for the airport. In the early 1970s it was determined that the Dallas North Tollway would come through the Town, and at that point, commercial developers, sensing a good location in the making, began to buy up sites along the proposed Tollway route, and along Belt Line Road. Once the Town voted in alcoholic beverage sales, growth came quickly to the Town, but it was commercial and retail growth.

## OWNER OCCUPIED

As Addison began to develop as a destination for business, hotels, and dining, its owner-occupied residential growth lagged behind the commercial growth. It's residential growth, or lack of it, was initially shaped by the Addison Airport, which

required a lot of land for both the runway and the clear zone around it, and was not particularly pleasant to live around. The Airport also had noise and height restrictions that made many parts of the city unavailable for residential growth. Then in the 1970s, the Dallas Independent School District was desegregated, giving rise to large-scale migrations of families that fueled much of the suburban growth in the communities surrounding Addison such as Richardson, Carrollton, Farmers Branch, and Plano. While single-family development boomed in those cities, Addison, which was in the DISD, was viewed as a less desirable location for traditional single-family residential development.

However, as Addison's commercial base began to grow and include upscale hotels and fine restaurants, it's many benefits became apparent. It had an excellent location relative to both the Dallas-Fort Worth International Airport and Love Field. It was close to well-paying jobs that were developing in new mid-rise office buildings at the intersection of the LBJ Freeway and the Dallas North Tollway, and along the Tollway itself. It had easy access to Interstate 35E and Highway 75 (Central Expressway). It was also close to three of the largest retail malls in the Metroplex: Valley View Mall, Prestonwood Mall (since closed), and Galleria Mall. Addison's excellent location, great shopping, and many restaurants made it ideal for a young and energetic population that fell into three basic demographic groups: empty nesters (couples with grown kids), single, young urban professionals (Yuppies), and double-income no-kids couples (DINKS).

The demographic groups that were drawn to

Addison impacted its housing stock. Addison has smaller lot sizes and smaller houses than other suburbs such as Richardson and Plano. It's population wanted good quality, smaller homes with low-maintenance yards, and that is the

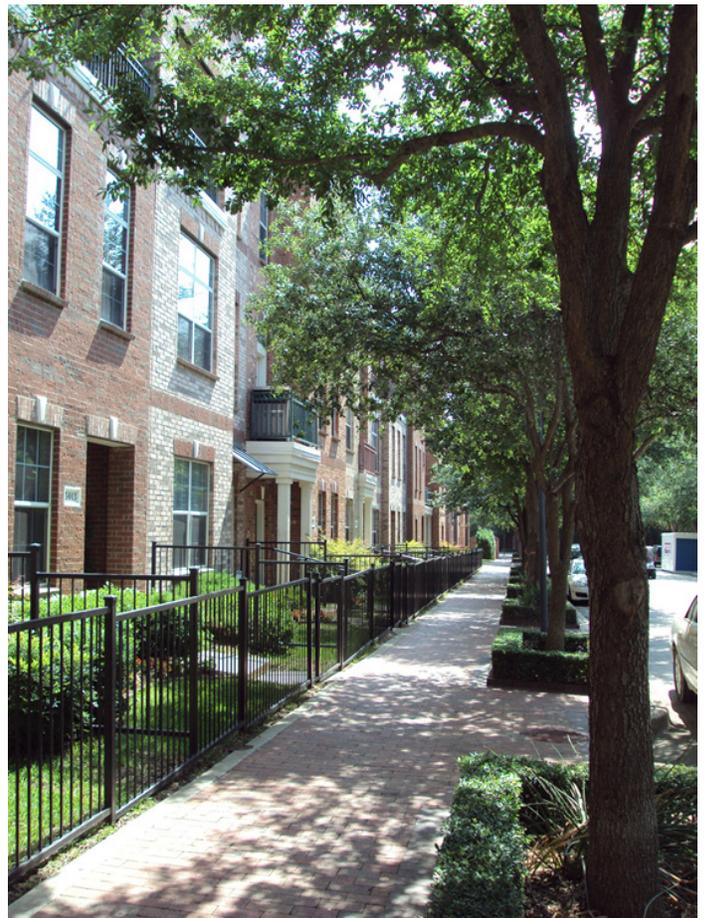


*Oaks North patio home*

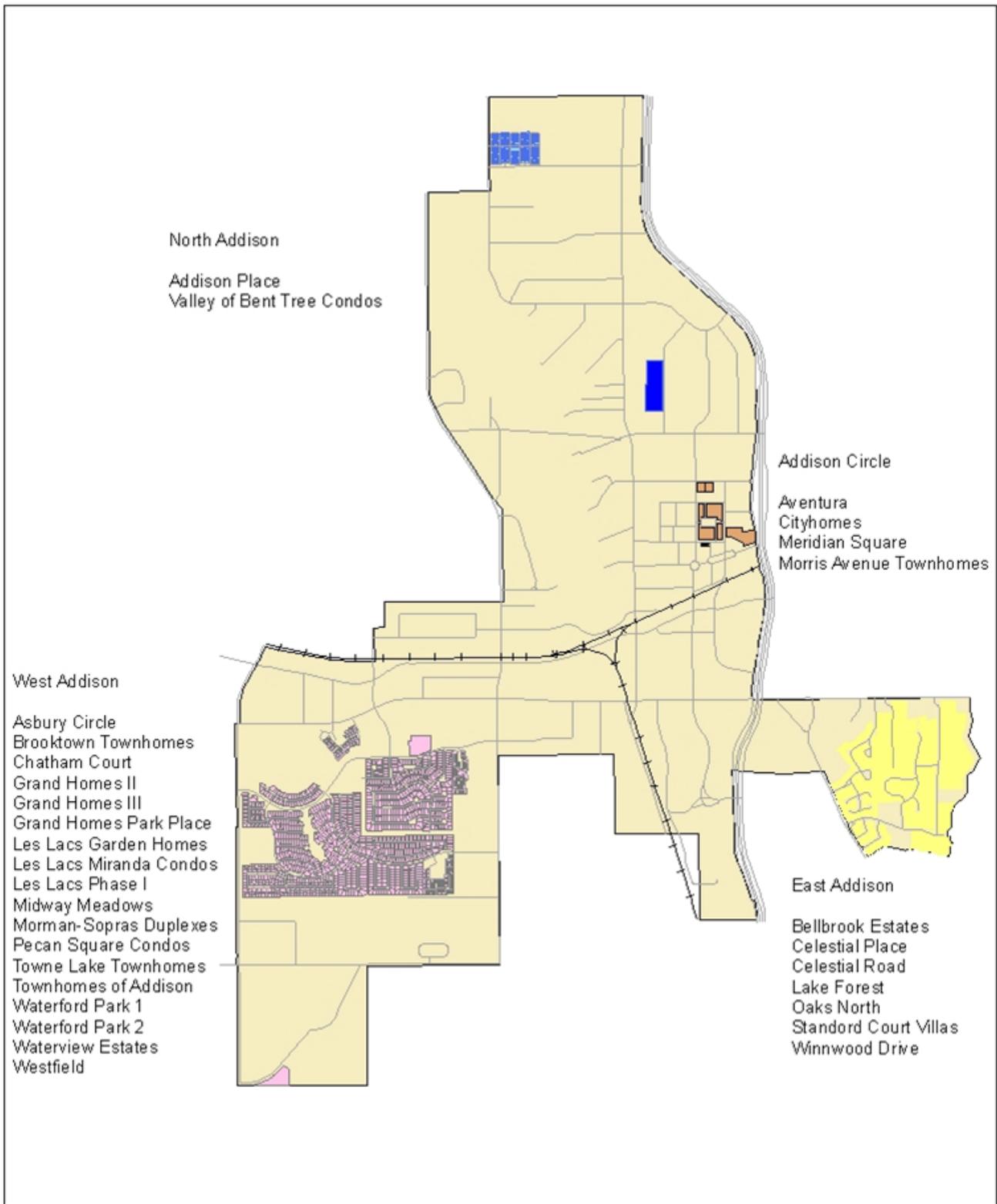
product that homebuilders delivered. While there are some very large lots in the Winnwood-Celestial area, Addison is predominantly a community of patio homes. The smaller 50' x 100' lots, as well as attached townhomes and condominiums, suit Addison's mobile and busy population. The shape of the Town and the noise contours for the Addison Airport caused residential growth to happen in "pockets" on the east, west, and north edges of the Town. Within the three pockets, there are distinct neighborhoods with a mixture of housing densities. The small neighborhoods make Addison a friendly place to live and one where neighbors know one another.

Since its early days, the Town's municipal services to residents, and particularly to homeowners, have been exemplary. The Addison Way, as it is known, describes the above-and-beyond service that is given to residents by all municipal departments be it Police, Fire, Parks, Utilities, or the City Manager's office. Exemplary services include

free, on-demand pick-up of brush and bulk items, free library services to both the Dallas and Farmers Branch Library systems, "close patrol" by the Police Department when residents go out of Town, and the Town's maintenance of all landscaped medians and perimeter plantings in the neighborhoods. The Homeowners in Addison feel that they live in a small town in the middle of a big city, an enclave in which they know all their neighbors and know the names of the Police officers that patrol their neighborhoods. Homeowners also feel that their voices are heard and their opinions matter in how the Town is run, and each one of them can, if they choose, get involved in the Town and make a difference in the quality of life in Addison.



*Addison Circle Townhomes*



**Single-Family Neighborhoods Map**

 Addison Circle	 North Addison
 East Addison	 West Addison

0 1,050 2,100 4,200 6,300 8,400 Feet



The Addison Athletic Club, originally opened in 1987 and expanded to include an outdoor pool in 2003, provides all Addison residents a country-club level facility that includes work-out equipment,



*Athletic Club Outdoor Pool*

a gymnasium, indoor and outdoor pools, racquetball courts, meeting rooms, and a child care facility. The facility is free to all Addison residents and is limited to residents only. The Athletic Club

facility is tailored to Addison’s population. It is more like a full-service commercial fitness facility than a traditional neighborhood recreation center. The Athletic Club also provides a venue for residents to meet one another and see their neighbors and friends. It is also the site of the Town’s community garden, which allows residents who live on small lots to grow their own vegetables.

In the 1991 Comprehensive Plan, the Town set a goal for housing:

**“Expand the residential population of Addison by offering new housing opportunities including a range of new product types. Provide opportunities for the construction of a mix of housing types for person of diverse economic groupings.”**

The Town has certainly fulfilled that goal. Today Addison provides 9,363 homes in every size and level of affordability. While there are some traditional families who choose Addison for the convenient location, excellent city services, and access to private schools, the majority of Addison’s households do not have children living in the

home. Addison is widely regarded as an attractive alternative for the many people in the Metroplex who want to live in an exciting urban environment, not a typical “bedroom community.” The on-going challenge for the Town will be in keeping Addison’s small-town “enclave” feel and maintaining and enhancing the Town’s wonderful residential neighborhoods.

# OWNER-OCCUPIED HOMES

## LARGE LOT

(12,000 SQ. FT. OR LARGER) DETACHED

## NUMBER OF UNITS

## PERCENTAGE

BELLBROOK ESTATES

47

CELESTIAL ROAD LOTS

8

LAKE FOREST LOTS

18

WINNWOOD DRIVE LOTS

33

**TOTAL**

**106**

**5%**

## SMALL LOT

(12,000 SQ. FT. OR LESS) DETACHED

ADDISON PLACE

174

CELESTIAL PLACE

22

CHATHAM COURT,  
CAMDEN-CHANCEY

47

GRAND HOMES II,  
SOUTH OF LES LACS AVENUE

167

LES LACS GARDEN HOMES,  
RIVE AZURE, CANOT

218

LES LACS PHASE I,  
LEXUS-SHERRY-LAKECREST

47

MIDWAY MEADOWS

218

OAKS NORTH

118

WATERFORD PARK 1,  
EAST SIDE OF LAKE

65

WATERFORD PARK 2,  
WEST SIDE OF LAKE

117

WATERVIEW ESTATES,  
WATERVIEW CIRCLE

49

WESTFIELD,  
HERITAGE-VINTAGE

41

**TOTAL**

**1,283**

**56%**

# OWNER-OCCUPIED HOMES CONT.

DUPLEXES AND ATTACHED TOWNHOMES	NUMBER OF UNITS	PERCENTAGE
ASBURY CIRCLE	72	
BROOKTOWN TOWNHOMES	39	
CITYHOMES	183	
MERIDIAN SQUARE	52	
MORMAN-SOPRAS DUPLEXES	88	
MORRIS AVENUE TOWNHOMES	6	
STANFORD COURT VILLAS	19	
TOWNE LAKE TOWNHOMES	63	
TOWNHOMES OF ADDISON	93	
<b>TOTAL</b>	<b>615</b>	<b>26%</b>
<b>CONDOMINIUMS</b>		
ADVENTURA	86	
LES LACS MIRADA CONDOS	44	
PECAN SQUARE CONDOS	63	
VALLEY OF BENT TREES CONDOS	102	
<b>TOTAL</b>	<b>295</b>	<b>13%</b>
<b>TOTAL OWNER-OCCUPIED HOMES</b>	<b>2,299</b>	<b>100%</b>

At this point in Addison's development, all of the available single-family land has been built out. There are no more lots available and no more raw land that could be developed as traditional one-home-on-one lot subdivisions. The limited number of homes may be one of the reasons owner-occupied homes in Addison enjoy good property values. They are typically valued at a higher price per square foot than similar homes in neighboring communities. When homes in Addison come on the market, they sell quickly and generally for close to asking price. The continued value of the neighborhoods is a testament to several factors: Addison is a good location, the services are excellent, it is a safe community, and its streets and parks are attractive and well-maintained. There might be some additional areas that could be rezoned and redeveloped for townhome or condominium development, but Addison does not feel the need to add more residents just for the sake of boosting the population and does not want to sacrifice the quality of its owner-occupied housing for quantity.

The Town recognizes that attractive and viable residential neighborhoods are not a gift, but an obligation. Neighborhoods must be constantly protected, managed, and maintained. Addison has always made an excellent commitment to the quality of its neighborhoods. The Town's Parks Department maintains all entrances to the neighborhoods and all islands, plazas, and common areas within neighborhoods. The Town does not want maintenance left to homeowners' associations that might not keep it up to the standard that Addison residents expect. In addition, the Town works diligently to keep the streets in all neighborhoods in good repair and the curbs clean by providing weekly brush and bulk item pick-up, as well as on-call brush pick-up. The Town's Code Enforcement

division patrols neighborhoods and responds to complaints about home maintenance issues, and works with homeowners and neighborhood associations to keep individual homes maintained. The neighborhoods are constantly patrolled by Addison Police personnel who manage and monitor traffic in the neighborhoods, and Addison's residential fire-sprinkler ordinance requires that all homes in Addison constructed after 1992 be provided with emergency fire sprinkler systems, which substantially reduces the threat of having one or more homes burned out by fire.

Addison currently has good quality owner-occupied housing stock that is viable, attractive, and well-maintained. The Town should commit to keeping its homes and neighborhoods viable and maintaining the property values by keeping up with maintenance, linking neighborhoods together to help residents connect with their neighbors, and where possible, expanding and improving neighborhood entrances, lighting, and landscaped common areas within the neighborhoods.

**GOAL: Recognize that quality of neighborhoods should not be sacrificed for quantity. Keep the owner-occupied housing stock in Addison at its current level, and keep the neighborhoods competitive by ensuring they remain safe, well-maintained, and attractive.**

**OBJECTIVES:**

**1. Keep properties in the neighborhoods well-maintained.**

**STRATEGY: Maintain an active Code Enforcement program to keep individual homes and yards maintained to an acceptable standard.**

**2. Enhance existing neighborhood infrastructure when possible.**

**STRATEGY:** Institute an annual program for assessing quality and useful life of neighborhood amenities, and allocate funds for replacement , additions, or remodels as needed.

**3. Provide pedestrian connections within the neighborhoods, between neighborhoods, and from neighborhoods to local services and amenities such as retail uses and recreational facilities.**

**STRATEGY:** Require pedestrian connections for any new neighborhoods or redevelopments and include connections from neighborhoods into the Master Trail Plan.

**RENTER OCCUPIED**

Addison’s first residential developments were multi-family complexes built in the late 1960s in the Brookhaven Club Drive area (now Vitruvian Park). Some of those early complexes are still operating and providing homes to Addison residents. The Town has always had a substantially larger population of multi-family renters than a typical suburb. At present, 76% of Addison’s residents live in multi-family as compared to 24% in owner-occupied housing.

Multi-family residents also enjoy the Town’s enhanced level of service and benefits such as free membership to the Addison Athletic Club and free library access to the libraries in Farmers Branch and Dallas. The Town extends its philosophy of building neighborhoods—not just projects, to its multi-family

communities and provides a park and open space amenity as close as possible to every complex. The Town has three multi-family areas with a variety



*A courtyard in Addison Circle*

of densities: Addison Circle, North Addison, and Vitruvian Park.

**ADDISON CIRCLE**

In 1991 the Town conducted a strategic planning effort called Vision 2020. During that effort, the Town’s staff and the Vision 2020 Group embarked on a thorough study of the existing multi-family



*Beckert Park in Addison Circle*

product in Addison and throughout the Metroplex. The committee determined that the standard “garden” apartment, which was constructed at

a density of 18-24 units per acre, had a product life-cycle of about 25 years, and for the last 10 of those years, it was in decline. Developers typically used multi-family complexes as a way to “warehouse” land with the hope that it would ultimately be developed for a higher use, such as an office building. They typically used cheap materials, such as wood siding and stucco, and built the apartments to be “exterior loaded” (like a roadside motel). Addison had several complexes that had reached the end of their viable life cycle, but there was not any plan to tear them down and redevelop them. They were simply renting for less and less, and deteriorating to the point that they did not provide safe, decent housing.

The staff investigated multi-family complexes in other parts of the United States and Europe and after looking at several older models in cities such as Boston, Chicago, and New York, it decided that deterioration in multi-family was not inevitable, but was a result of product design.

The staff and Vision 2020 group felt that the first things to deteriorate on low-density garden apartments were the asphalt parking lots and exterior doors and balconies. They felt that a higher density product, for example 66 to 100 units per acre, would force developers to build parking garages rather than surface lots, and require them to go to interior-loaded corridors (like an urban hotel), which would show less wear-and-tear than the exterior doors prevalent in the garden-style product. The committee also felt that requiring developers to build brick facades, as opposed to stucco or wood siding, would provide a higher-quality product. The Group determined that allowing developers to build at a higher density would allow them to build a better product—one that would not simply warehouse land, but be a

highest and best use with a life-cycle of 50 years or more.

The Committee determined that it would lead Addison in a controversial new direction. While every suburb in the area was fighting against multi-



*Bosque Park in Addison Circle*

family projects and insisting on lower densities, Addison would embrace them and insist on higher densities.

The Town Council adopted the new philosophy and found a chance to test it on Addison Circle. The Town identified an 86-acre raw land site adjacent to the Tollway and instructed the staff to seek out a developer to build a high-density, mixed-use development with a substantial multi-family base. High density multi-family on a raw land site in the suburbs was unheard of at that time and would be a risk for any developer. The Council, realizing that a developer would need an incentive, agreed to construct all the streets, parks, and plazas in the new development, and provide Town maintenance of all streets, parks, and plazas. That provided a “kick start” to the development and assured that all neighborhood amenities would be maintained to an Addison standard, and more importantly, they would be public and useable by all residents and

visitors to Addison. In 1996 construction began on the first multi-family project. Today Addison Circle is almost built-out and contains:

<b>MULTI-FAMILY UNITS</b>	<b>2,141 UNITS</b>
<b>TOWNHOMES/ CONDOMINIUM UNITS</b>	<b>407 UNITS</b>
<b>OFFICE BUILDINGS</b>	<b>2 BUILDINGS CONTAINING 550,000 SQ. FT.</b>
<b>RETAIL/RESTAURANT</b>	<b>6 RESTAURANTS AND 75,000 SQ. FT.</b>

The Town provided over \$11,000,000.00 in infrastructure improvements which include a major public art work, Blueprints at Addison Circle, five parks and over a dozen tree-lined streets. Addison Circle has been a desirable place to live for renters in the north Dallas corridor since the first building was completed in 1997. It continues to draw good occupancies at the top of the rental market. It has won numerous design awards, and is an Urban Land Institute case study on mixed-use development. The staff has provided countless tours to planners and city officials from all over the world who marvel not only at the Town's decision to seek higher densities, but at its ability to actually make the project happen.

### **NORTH ADDISON**

The Ledgesmont Lane area contains most of the Town's stock of low-density garden apartments. There are 1,326 units on the east and west sides of Ledgesmont Lane. Those units abut Quorum Park

to the east and have immediate access to it. They are known as the Bent Tree units because all four complexes have the term Bent Tree in their names. They were constructed in the early 1980s, and while they are no longer at the top of the rental market, they have been very well maintained and provide an affordable housing product for the Town.



*Bent Tree Trails Apartments*

The Code Enforcement staff works diligently with the various managers of the complexes to see they are well maintained. Further north up Addison Road are two more complexes: Bent Tree Park and Bent Tree Gardens. These complexes were also built in the 1980s and are also garden-style products in the 18-20 units per acre range. At the very north edge of the Town is the Camden Addison complex. It contains 456 garden units and is bordered on the south edge by the North Addison Linear Park. The developer of the Camden Addison provided the land and funded the improvements for the North Addison Linear Park in order to provide a buffer between the project and the adjacent Addison Place subdivision and the Trinity Christian Academy. These garden-style units allow Addison to offer a variety of housing types for multi-family residents. However, the Town has to continue to be diligent about helping the complex owners keep these units

viable, safe, and well-maintained.

### VITRUVIAN PARK/WEST ADDISON

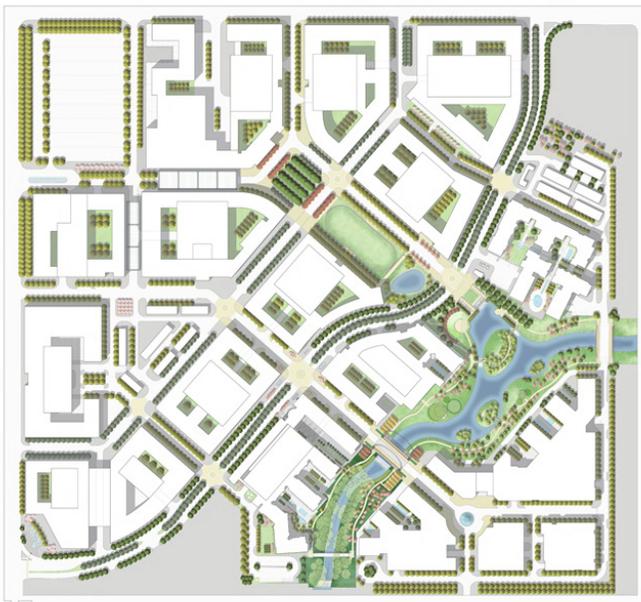
The Town continues to believe that *more density-not less* is the right course for Addison, and in 2007 it embarked on its most ambitious project using its high-density approach. Addison, known among developers in the area for its density-friendly philosophy, attracted the notice of UDR, a multi-family REIT (Real Estate Investment Trust). UDR purchased the aging and very deteriorated Greenhaven complex in the Brookhaven Club area with the thought of rehabilitating it, but soon determined that it could not justify the remodel because it could not get higher rents when the other complexes around the Greenhaven were in as bad or worse shape. UDR determined that it could buy the other eight complexes in the area and approached the Town about a total redevelopment scheme. The Town encouraged UDR to rebuild at higher densities and incorporate the adjacent Greenhaven Village shopping center, Town trail system, and Brookhaven Community College into the plan.

The result is Vitruvian Park, a 114-acre mixed use development featuring a multi-family base. At present, there are two completed complexes (Savoie and Savoye 2) totaling 739 units and another 391-unit complex (Fiori) under construction.



*Savoie and Savoye II*

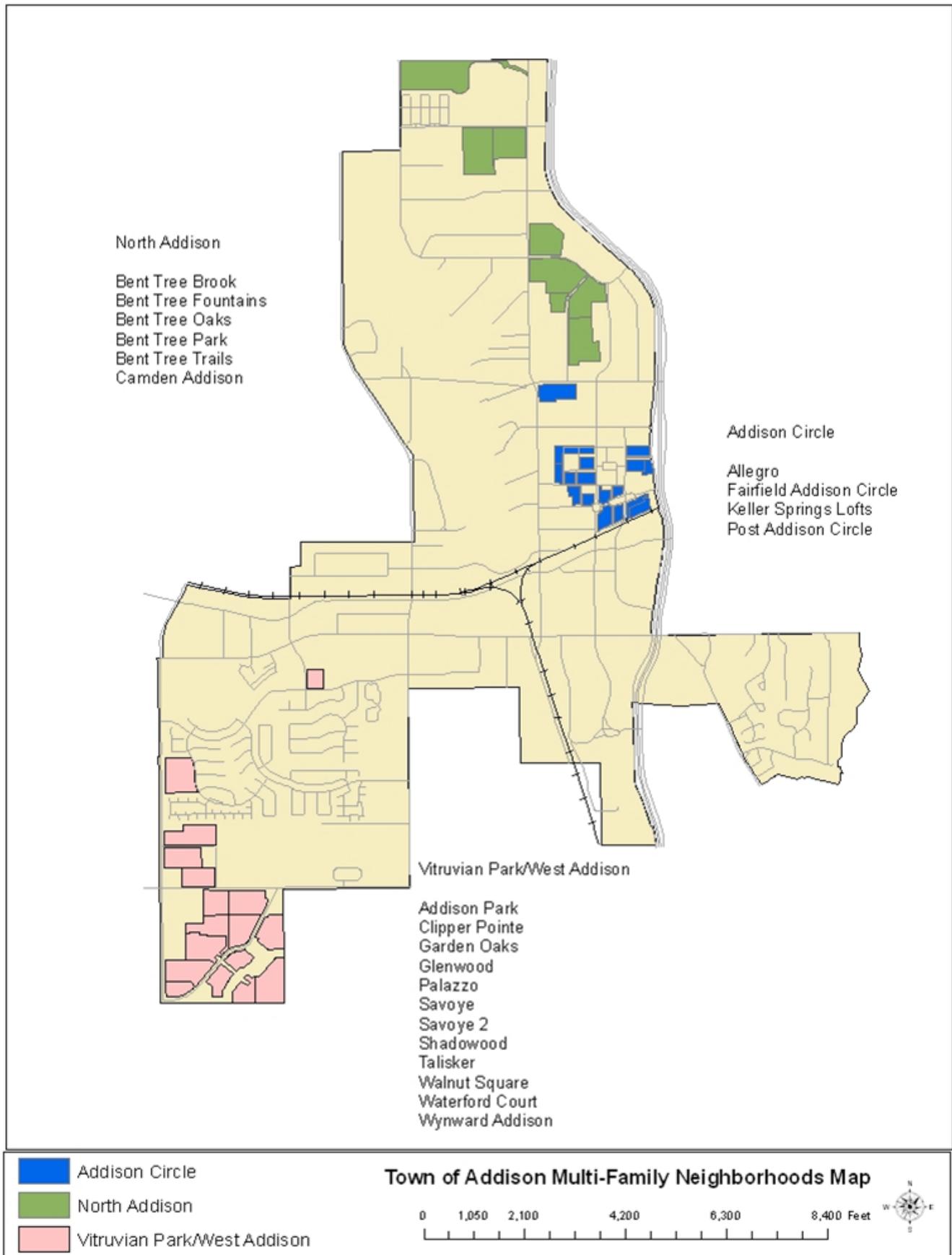
Once again, the Town funded the infrastructure so that all parks and open spaces could be developed and maintained to the Town's standard, and open and available to the public at all times. The first phase of the Vitruvian infrastructure was a 12-acre creekside park complete with two signature bridges, a plaza, fountains, and an amphitheater.



VITRUVIAN PARK  
ADDISON, TEXAS  
FEBRUARY 10, 2011



*Vitruvian Park Master Plan*



To date, the development in Vitruvian Park has all taken place south of Vitruvian Way, the street that bisects the property from Marsh Lane to Spring Valley Road. North of Vitruvian Way there are approximately 1,000 of the original Brookhaven Club neighborhood multi-family units, which are at densities of 18-20 units per acre. The complexes

are all owned by UDR and are scheduled to be torn down at some point and replaced with new, higher-density units, retail shops, and green spaces. There are also three complexes of garden apartments (Shadowood, Wynward Addison, and Addison Park) that are north of Spring Valley Road and were not purchased by UDR.

## RENTER-OCCUPIED HOMES

NAME OF COMPLEX	STREET ADDRESS	NUMBER OF UNITS
ADDISON PARK	14600 MARSH LANE	212
ALLEGRO ADDISON PARK	15750 SPECTRUM DRIVE	393
BENT TREET BROOK	4820 WESTGROVE DRIVE	248
BENT TREE FOUNTAINS	16400 LEDGEMONT LANE	184
BENT TREE OAKS	4815 WESTGROVE DRIVE	196
BENT TREE PARK	4500 SOJOURN DRIVE	496
BENT TREE TRAILS	16300 LEDGEMONT LANE	202
CAMDEN ADDISON	17200 WESTGROVE DRIVE	456
CLIPPER POINT	4015 VITRUVIAN WAY	260
FAIRFIELD ADDISON CIRCLE	15700 QUORUM DRIVE	414
FIORI	3990 VITRUVIAN WAY	391
GARDEN OAKS	4005 VITRUVIAN WAY	181
GLENWOOD	3800 SPRING VALLEY ROAD	168
KELLER SPRINGS LOFTS	3800 KELLER SPRINGS ROAD	353
POST ADDISON CIRCLE	5009 ADDISON CIRCLE DRIVE	1,334
SAVOYE	3850 VITRUVIAN WAY	392
SAVOYE2	3875 PONTE AVENUE	347
SPRINGHAVEN	3820 SPRING VALLEY ROAD	184
SHADOWOOD	14500 MARSH LANE	184
TALISKER	3925 VITRUVIAN WAY	201
WALNUT SQUARE	4051 BELTWAY DRIVE	57
WATERFORD COURT	14700 MARSH LANE	196
WYNWARD ADDISON	3721 SPRING VALLEY ROAD	136
<b>TOTAL</b>		<b>7,185</b>

As noted both in this section and in the Town History section, Addison has different ideas about housing than its neighboring cities. It is an enclave for both higher-density owner-occupied and higher-density renter-occupied homes. The Town believes higher densities make several good things possible:

- They use land efficiently. Land in Addison is scarce and expensive. Higher densities do not waste land with heat-producing surface parking lots, but force multi-family developers to build parking structures.
- They waste less green space. Addison prefers to concentrate its grass and trees into meaningful open spaces rather than have scraps of landscaping tucked between garden apartment buildings or in side yards between single-family lots.
- Buildings can be constructed of better quality materials and have a longer life. Addison has already witnessed the staying power of the higher-density multi-family that was constructed in Addison Circle. The buildings have held up very well over the 15 years they have been constructed and are still sought after by tenants.
- They allow concentrations of population that make mass transit feasible. Higher densities provide populations that can ride transit. Addison Circle is a “transit-ready” development. It is built adjacent to the Cotton Belt rail line that is in the Dallas Area Rapid Transit (DART) system plan. Even though the train line is in the plan, it will take many years to get it constructed to Addison. However, Addison Circle has a density that will allow

residents to live there and walk to mass transit. Very few locations in the Metroplex can boast of a density and location that is designed to work with mass transit.

- They encourage healthier life-styles. The Town attempts to connect all residential neighborhoods to common open spaces, to each other, and to adjacent retail areas so that residents can walk or bicycle to neighborhood amenities.
- They allow more people to live within Addison’s small area and limited boundaries, thus providing more consumers for Addison’s stores and restaurants and more employees for the jobs located within the Town.

Addison does not plan to build any more garden-style, low-density rental units, but will insist on higher densities and a mix of uses for any new developments, or redevelopments of existing multi-family properties. The Town also believes strongly in the idea that any home in Addison should be located within a neighborhood which provides recreational and social amenities such as a trail, park, plaza, or open space, and where possible, a pedestrian connection to other neighborhoods and to local retail uses. Pedestrian connections provide an important way for residents to connect to their neighbors and local services. The Town believes that the keys to long-term success for renter-occupied projects are the same as those for owner-occupied homes. They should be kept viable and maintained by keeping up with maintenance, linking neighborhoods together, and where possible, linking neighborhoods to local retail uses and recreational amenities such as trails, parks, and the Athletic Club.

**GOAL:**

Keep the renter-occupied housing stock in Addison competitive by ensuring it remains safe and well-maintained, and require that any new multi-family developments, or redevelopments, be built within neighborhoods that are supported with public facilities.

**STRATEGY:** Maintain an active Code Enforcement program to see that all multi-family properties are maintained to an acceptable standard.

**OBJECTIVES:**

1. Support renter-occupied units with neighborhood amenities such as parks and trails.

**STRATEGY:** Require any new multi-family developments or redevelopments to provide recreational space and amenities for its residents.

2. Where possible, enhance existing amenities in neighborhoods.

**STRATEGY:** Institute an annual program for assessing quality and useful life of neighborhood amenities.

**STRATEGY:** Allocate funds on an annual basis for replacement or remodels as needed.

3. Improve the quality of Addison's existing multi-family product.

**STRATEGY:** Allow higher densities on redevelopment of older properties so that developers can build better quality buildings with structured parking.

4. Keep multi-family properties well-maintained.

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# LAND USE - MIXED USE

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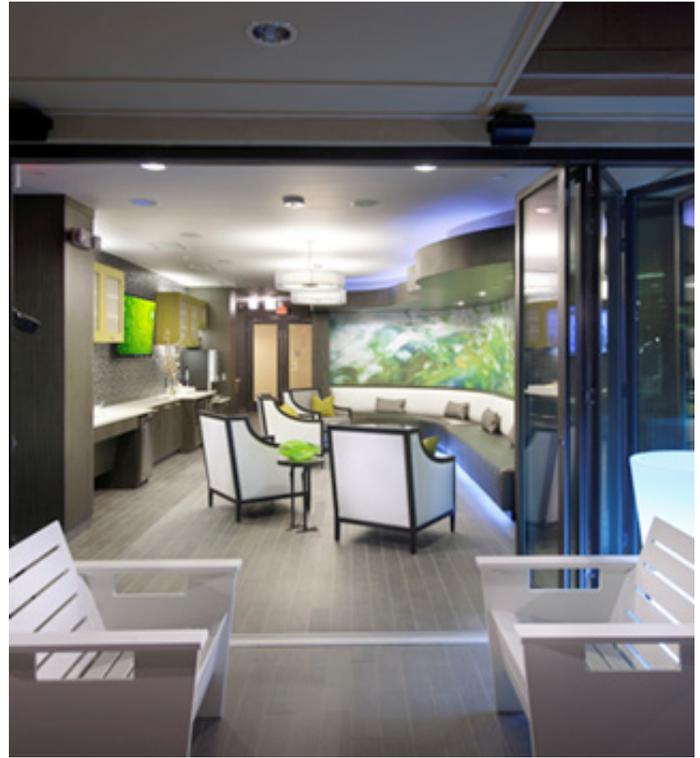
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## A MIXED USE LEADER

Addison was one of the first communities in the Metroplex to embrace new urbanism and Mixed Use Communities. Addison Circle, when it developed in 1995, was the first high-density, mixed-use community to build in a suburb on a “green field” site. Addison Circle served as a model for Legacy Town Center in Plano, Southlake Town Center in Southlake, the West Village in Dallas, and other mixed use communities that combined multi-family housing, retail, and office uses. However, Addison went several steps beyond those other developments by combining the private sector development with the municipal development of the Addison Conference and Theatre Centre and Addison Circle Park. The influence of Addison Circle has been felt far beyond the metroplex, as the staff has hosted and toured city staffs and elected officials from as far away as Canada and Australia.

One of the lessons the Town learned on Addison Circle was that a mixed use development needs constant participation and support to stay viable. Addison provides that participation through maintenance of all the parks and landscaping within Addison Circle, and it provides additional support through the Special Events, such as Oktoberfest and Kaboom Town, which are held in Addison Circle Park, and the Summer Series, which brings live music to Addison Circle every Saturday night through the summer.

The Town built a reputation as a community that embraced and understood mixed use development, and that reputation served it well when UDR was considering the purchase of the nine apartment



*Deck and a Community Room at Savoye 2 in Vitruvian Park.*

complexes that would eventually become Vitruvian Park. Addison’s expertise in building out and programming events for mixed use communities has helped Vitruvian Park get off to a very successful beginning through its first three projects.

Mixed Use communities, when first introduced into the Metroplex, were popular because of the novelty of being able to live above a shop or restaurant. However, “live above the shop” is not a new idea, but one that dates back to the Greeks and Romans. A vertical mix of land uses has always been normal in cities such as New York, Boston, and Chicago, but it was a new idea for the Dallas area and for Addison. While there are some challenges in integrating retail and residential uses into one structure, Addison’s mixed use developments remain popular with residents

who want a more urban lifestyle, but don't want to live in downtown Dallas.



*Beckert Park in Addison Circle.*

## LOOKING FORWARD.

As Addison continues to mature, the mixed use direction continues to make sense for the Town. Land has always been a precious commodity for Addison, and will be even more so in the future. Mixed Use developments provide a more efficient use of land, particularly when they incorporate structured parking. In addition, as gas prices continue to rise, more and more people will seek a location close to work. Also, the “Millennials”, which is the demographic term used to describe the huge mass of young adults that are graduating from college and entering the work force, do not seem to be as enamored of automobiles and driving as previous generations. The children of the baby boomers represent a huge demographic group, much like the baby boomers themselves. The early indicators for this group show that they prefer to live in mixed use environments with access to shopping, coffee shops, restaurants, and transit. This “facebook” generation is much more interested in their neighborhood than their individual unit, and they are less likely than their parents and generations ahead of them to embrace a lifestyle that involves a daily commute of more than 10 minutes. They also seek mixed use communities

that include multi-family uses. Millennials with jobs do not expect to keep them for their lifetime, and they are less likely to purchase a home because they want the flexibility to move to a new job in another city or state. Mixed use communities in other cities have been very successful at attracting these new “creative class” residents, and Addison, like most other communities, also seeks to attract the Millennials because they bring energy and creativity to a community. What’s more, world-class corporations who are looking to move or establish a new location, seek locations where their current employees, or future employees they want to attract, find desirable. Vibrant mixed use neighborhoods can be a great recruiting tool for attracting new tenants for office and commercial space.

Mixed use communities also make sense for Addison because they present an opportunity to build character and a sense of place for the Town. They create neighborhoods where multi-family residents and homeowners can meet their neighbors in the parks and shops within the development and socialize with them. In fact, the parks in Addison Circle and Vitruvian Park are the most popular spots in the development and provide the “third places” that make a community welcoming and livable.



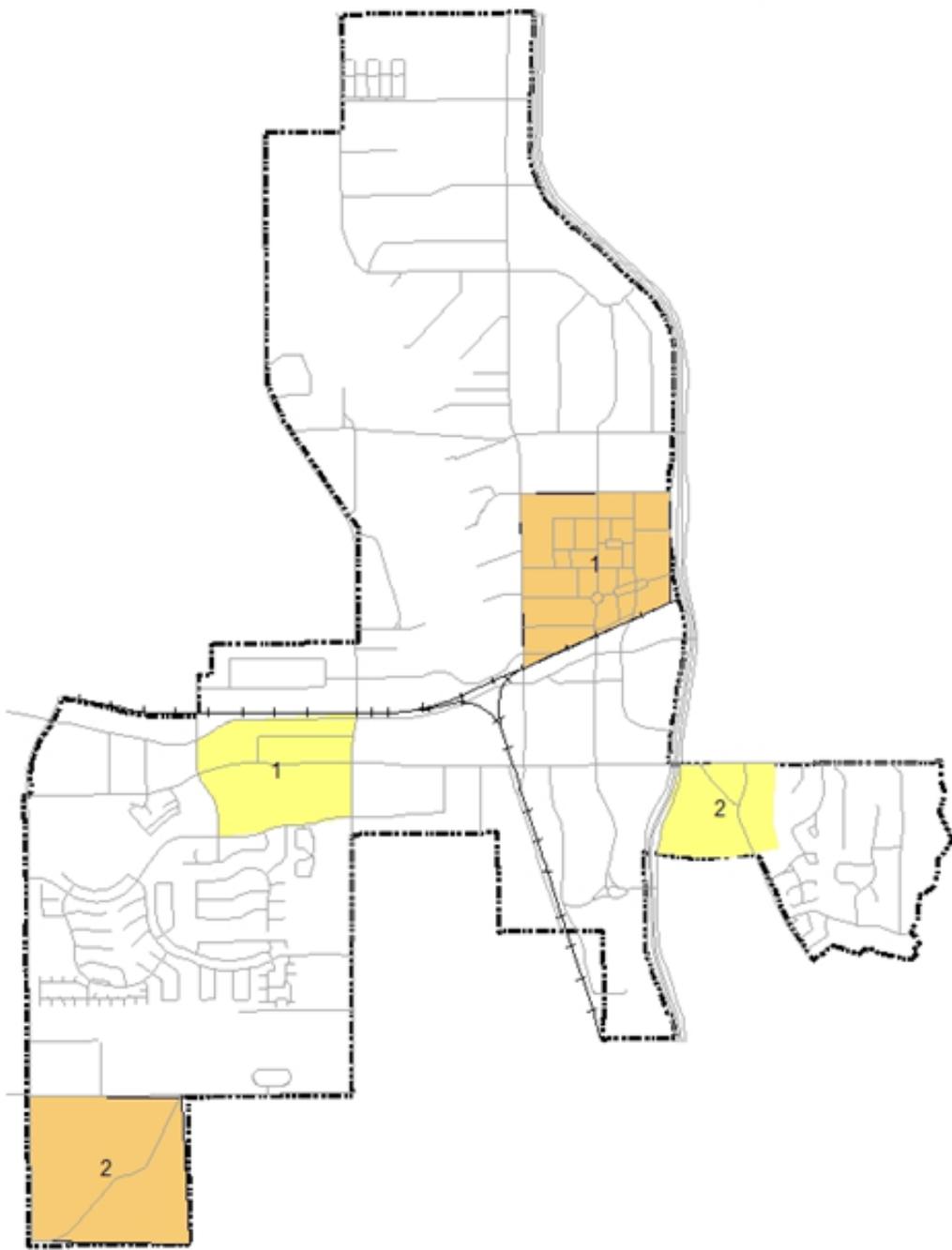
*The Fiori at Vitruvian Park, currently under construction.*

Addison should consider mixed use developments as a viable alternative as sections of the Town face redevelopment. Several locations along Belt Line Road would lend themselves to mixed use development, as well as other locations such as the Village on the Parkway (5100 Belt Line Road) and the Prestonwood Place shopping center (5290 Belt Line Road). As the population of the United States and the Metroplex continues to increase and natural resources continue to dwindle, more and more cities will find themselves moving in the Live Above the Shop direction that Addison has already embraced.

**GOAL:**

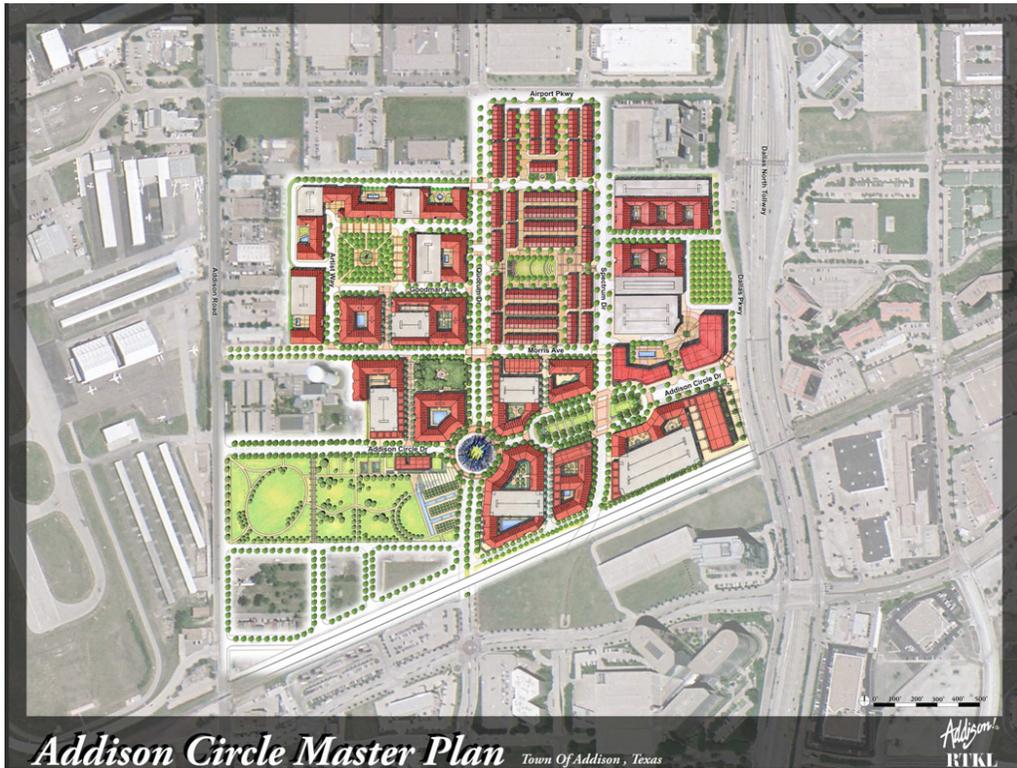
**Continue to support Addison’s mixed use developments through maintenance of public spaces and programming to keep the spaces vibrant, and consider additional mixed use developments as older areas of the city become ripe for redevelopment.**

- |  |   |
|--|---|
| <p><b>Existing Mixed Use Developments</b></p> <ul style="list-style-type: none"> <li>1 Addison Circle</li> <li>2 Vitruvian Park</li> </ul> | <p><b>Possible Future Mixed Use Developments</b></p> <ul style="list-style-type: none"> <li>1 West Addison Midway to Surveyor</li> <li>2 East Addison Village on the Parkway and Prestonwood Place</li> </ul> |
|--|---|



**Town of Addison Mixed Use Neighborhoods**





**PROJECTS:**

1996, Columbus Realty Phase I:

460 multi-family units  
10,000 square feet retail

1997, Post Properties, Phase II:

610 multi-family units  
65,000 square feet retail  
340,000 square feet office  
6 townhomes

1999, Posat Properties, Phase III:

264 multi-family units

1999, Aventura Condominiums:

86 condo units

2005, CityHomes Condominiums:

183 condo units

2006, Fairfield Residential:

414 multi-family units

2006, Allegro I and II:

393 multi-family units

2008, Savannah Homes:

48 townhomes

2007, OPUS West Group

90 condo units  
201,000 square feet office

**TOTALS**

**Multi-family units:**

**2,141 units**

**Townhome/Condominium units:**

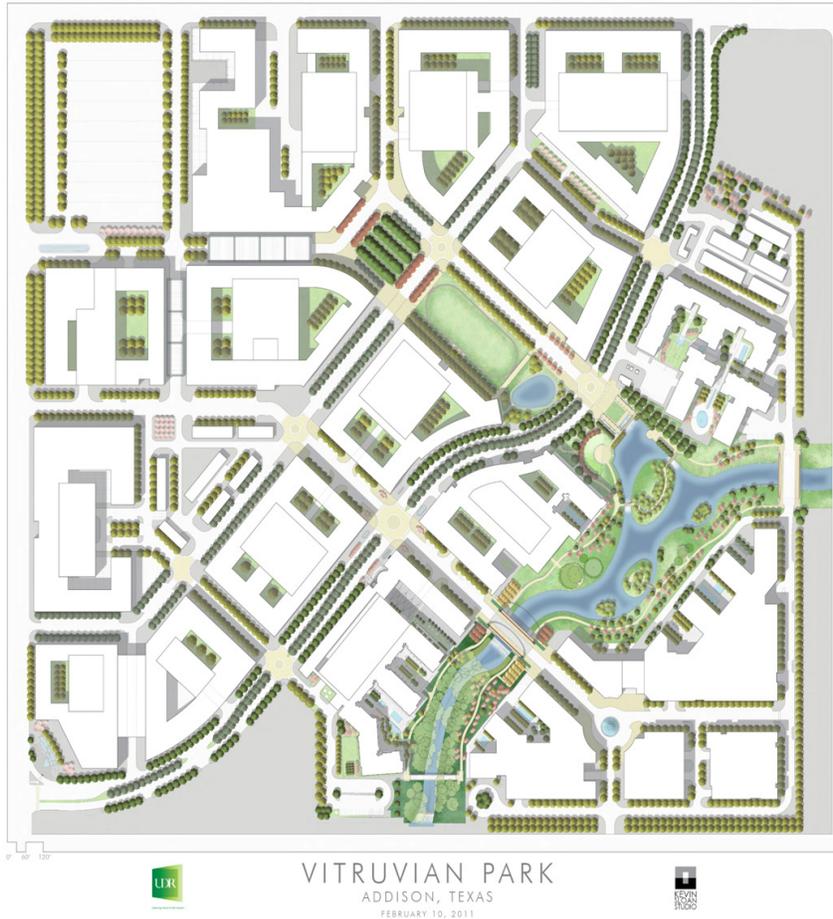
**407 units**

**Office:**

**550,000 square feet**

**Retail:**

**75,000 square feet**



**PROJECTS:**

2009, Savoye

2011, Savoye 2

2012, Fiori

392 multi-family units

10,000 square feet retail

247 multi-family units

34,000 square feet office

391 multi-family units

**CURRENT TOTALS:**

Multi-family units:

Office:

Retail:

1,130 multi family units

34,000 square feet

10,000 square feet

**PROJECTED TOTALS:**

Multi-family units:

Office space:

Retail space:

6,401

77,000

174,200



STRATEGIC  
COMMUNITY  
SOLUTIONS

# memo

<b>Strategic Community Solutions LLC</b>	
To:	Addison Mayor and City Council
From:	Karen Walz
Date:	February 20, 2015
Re:	Results of Housing Workshop

On Monday, February 16, 2015, the Addison City Council held a workshop to discuss housing issues and opportunities. Strategic Community Solutions, LLC, Ricker-Cunningham and Kimley-Horn provided background information and facilitated the discussion. This memo summarizes key points about the Council agreement on housing issues. It also provides additional information in response to Council questions. Finally, it outlines a proposed set of next steps to formalize and implement this agreement.

**Workshop Objective:** Council discussion, agreement and direction on housing issues in the Town of Addison.

**Workshop Outcomes:** By the end of the workshop, the Council had:

- A common understanding of the terminology used to describe various housing choices.
- A shared agreement about the housing choices that will best support the Council's view of Addison's desired future.
- Provided general direction to staff about steps to take so Addison's development and redevelopment over time provides these housing choices. This memo includes staff's recommendations for action.

### **Housing Choice Terminology**

The housing choices shown in Table 1 below. For each housing choice, we describe the housing type (the physical characteristics of the unit) as well as the housing tenure (the ownership status of the unit). Note that units which are individually owned are not necessarily owner-occupied; the unit owner may rent these units to a tenant. Detailed information about each housing choice are provided in tables at the end of this memo.



Table 1: Housing Choices for Addison

#	Housing Choice	Housing Type	Housing Tenure
1	Detached Home	Single unit in a building with yards on some or all sides	Each unit is individually owned
2	Townhome/ Rowhouse	Multi-story unit on its own lot that shares a wall with at least one other unit.	Each unit is individually owned. The land on which the unit is located may or may not be individually owned.
3	Flat	Single story unit in a multi-story building that includes other residential and non-residential uses.	Each unit is individually owned.
4	Garden Apartment	Unit in a 2 or 3 story residential building.	Building owner(s) rent individual units to residents.
5	Urban Apartment	Unit in a multi-story building that includes other residential and non-residential uses.	Building owner(s) rent individual units to residents.
6	Extended Stay Hotel Room	Hotel structure with cooking facilities in rooms.	Hotel owner(s) rent individual rooms to guests; in some instances, these guests are essentially long-term residents.
7	Assisted Housing Unit	Unit in a building that includes common areas and services to assist residents in daily life activities.	Building owner(s) rent individual units to residents.

**Council Direction on Housing Issues:** The points listed below reflect the Addison City Council’s direction, as we understand it. They describe the housing choices that are part of the future City Council desires for this community.

- Whenever possible, the Town should establish plans for revitalization and development for districts or special study areas, instead of considering plans on a site-by-site basis. A process like the one used for the Sam’s Club Special Study Area should be followed.
- For study areas and individual developments, the Town encourages mixed use designs that integrate residential and non-residential components.
- Mixed use developments in Addison should include a mix of housing choices, not simply a single residential option.

- The Town encourages development that makes more individually owned housing choices available in Addison. Desired ownership units include detached homes, townhome/rowhouse and flats, so a wide range of residential densities support this objective and may be approved.
- At the property or project scale, Addison will consider the highest and best use of the property and the 'best fit' mix of uses and housing choices for that property within the context of the entire Addison community.
- Addison will continue to insist on high quality building and site design, an inviting public realm and trails or sidewalks that connect each building with the rest of the Addison community.
- Addison views independent and/or assisted housing as housing choices which address the demands of the growing 55+ age group and as a potential fit with this community's character. Since there are no assisted housing units in Addison today, the Town will conduct research and investigation to understand how this housing could or should be included in Addison's future.

**Potential Next Steps:** The items below propose steps to formalize and implement this City Council direction over the next 18 months. Staff will take the lead on carrying out these steps and will bring products back to Council for consideration and action.

- Take action to provide policy direction for the Sam's Club Special Study Area. The Council should consider and act on the recommendations from its study area committee.
- Review and refine the 2013 Comprehensive Plan to reflect this Council direction.
  - The goals, objectives and strategies for residential land use and mixed use development should be reviewed.
  - The maps or diagrams that illustrate appropriate development patterns and intensities in Addison may need revision as well.
  - The Council has identified three areas from the plan for special revitalization studies. As these studies are completed, new study areas may be identified and added to the plan.
  - The plan's policy direction for land use change outside these special study areas should be clarified, so property owners and developers understand the Town's intent for redevelopment in other parts of the Town.
- Research the market for flats and identify barriers that may discourage or delay the construction of this housing in Addison. Determine what actions by the Town could remove those barriers and implement those actions supported by the Council.
- Investigate examples in other US regions where redevelopment of commercial properties has included detached homes. Understand what factors are important to the projects' successes. Determine how these examples might be applied as part of Addison's future.

- Investigate tools that help address the past experience of market volatility for condominium ownership units. Determine what actions by the Town could reduce that volatility and implement those actions supported by the Council.
- Ensure that Town programs and incentives do everything they can to ensure that housing, once it's built, remains desirable. Work with owners of existing urban apartment complexes to understand and support their initiatives to keep these areas thriving. Do the same with owners of existing garden apartment complexes, and with the homeowner associations in the townhome, rowhouse and detached home neighborhoods within Addison.
- Research the details of independent/assisted housing for the 55+ age group – what is included in the various housing products and what factors make them successful. Investigate the demographic and market trends affecting demand for these units in Addison. Determine how or whether independent/assisted housing units fit in Addison's future.
- If independent/assisted housing is found to be a desirable component of Addison's future housing mix, prepare a set of design guidelines for these projects, so their physical design will be compatible with the Addison community.
- When resources are available, initiate processes like the one used for the Sam's Club Study Area for redevelopment of the Inwood Road and Midway West areas.

### **Implications of Housing Choices**

Table 2 provides information on the implications of typical examples of these housing choices. It shows the typical density and value per acre for each housing type. These values have been updated by Ricker-Cunningham in response to the Council's discussion. In the February 16<sup>th</sup> presentation, density and unit values were based on 2014 sales in Addison and surrounding Trade Area communities, weighted toward sales within the Town. In response to Council's discussion, current (2015) listings for single family, townhome/rowhouse, and condominium/flat units were reviewed to further "test" values going forward. Because single family detached units in Addison tend to be at a higher density than surrounding communities, the value per acre calculation was adjusted upward. Current listings of condominium/flat units also supported an increase in value per acre for that housing product type.

Table 2 also shows the rate of crime per unit based on actual data from the Addison Police Department for the past six months.



Table 2: Implications of Housing Choices

Housing Choice	Density (Units/Acre)	Value per Acre	Crimes/ Unit
Detached Home	6	\$2,100,000	0.036
Townhome/ Rowhouse	12	\$4,200,000	0.032
Flat	30	\$6,750,000	0.032
Garden Apartment	20	\$1,600,000	0.063
Urban Apartment	50	\$5,750,000	0.022
Extended Stay Hotel Room			0.079
Assisted Housing Unit (none in Addison today)			NA

Source: Strategic Community Solutions LLC; Kimley-Horn; Ricker-Cunningham.

Table 3 provides information on the number of units that exist today in the Town of Addison and the share of existing housing units (including the Extended Stay Hotel Rooms) represented by each of these Housing Choices. Though Extended Stay Hotel Rooms and Assisted Housing Units are not generally considered as part of a community’s housing stock, these housing choices are included here because they are relevant in terms of existing or future choices in Addison. Table 3 also shows Addison’s future housing choices if the units in Vitruvian’s remaining phases are added to the existing housing stock and the garden apartment units that they replace are deducted from the existing housing stock.

Table 3: Mix of Housing Choices

Housing Choice	Existing Units	% of Units	Existing and Future Vitruvian Units	% of Units
Detached Home	1,467	13.9%	1,467	9.3%
Townhome/ Rowhouse	555	5.3%	555	3.5%
Flat	345	3.3%	345	2.2%
Garden Apartment	3,600	34.2%	2,567	16.3%
Urban Apartment	3,624	34.4%	9,856	62.6%
Extended Stay Hotel Room	945	9.0%	945	6.0%
<b>Total Units</b>	<b>10,536</b>	<b>100.0%</b>	<b>15,735</b>	<b>100.0%</b>

## Details of Workshop Discussion

The Council's discussion addressed the questions shown below. Comments on each question are presented here based on notes recorded on flip charts during the discussion.

### 1. How do each of these housing choices contribute to the Council's view of Addison's desired future?

#### *Detached Home*

- It's consistent with what I know
- Is it feasible here?
- More stable residences and residents
- Difficult in infill locations due to land price
- Need to learn lessons from other areas of country on how to model infill detached residential and redeveloped detached housing
- Cambridge Crossing may be good prototype for smaller lot detached
- School district may drive demand
- Need detached to provide balance to community
- Balance will continue to decrease since there's not much room left for this

#### *Townhome/Rowhouse*

- Will be good fit – infill and redevelopment
- Provide neighborhood stability since they're ownership units
- Individuality of units
- More opportunity for unique design
- May bring better balance of ownership units
- Increase value so there will be future reinvestment in parcels with single family

#### *Flats*

- Condos tend to become rental in a down economy
- Provide stability (ownership)
- Better balance (ownership)
- Flats tend to lead the downward trend in the real estate market and are the last to rebound
- More tendency to go into default
- Appeal to Active Seniors and Millennials

#### *Garden Apartments*

- Less quality than urban

- Values go down over time
- Demographics in units change over time

*Urban Apartments*

- Appeal to people who are “renters by choice”
- Have a large number in Addison
- Post Properties project (in Addison Circle) has aged well
- Natural fit in Addison’s commercial environment (opportunities for people to live here and walk to work in office buildings)
- Need these to attract corporations
- Demand for live/work/play
- Attract desirable demographics (Empty Nesters/Millennials)

*Extended Stay Hotel Room*

- Serves a purpose – have adequate supply
- Difficult for a city to regulate – pre-empted by state
- Not typical to have residents in lodging – need to regulate
- Risky for Addison until State regulates (close loopholes)

*Assisted Housing*

- Need to add to mix to provide balance
- Desired by existing residents who want to stay in Addison
- Addison has no experience in this – What are the issues? – Next step may be to Research/Education; we have no knowledge currently
- Should be high priority
- People need all levels of care
- But Addison has only 4.4 square miles – we may not provide for all needs
- Flats serve part of this need
- There may be other options that property owners will bring forward that Council wants to entertain

**2. What mix of housing choices is most desirable for Addison in the future?**

Short Term	Long Term
	Mixed Use with open space Look at bigger picture (on larger sites) Mixture of housing choices Diversify some uses as they redevelop



What mix is desired by Council?

- Want more owner occupied (detached, townhome, flats)✓✓✓
- Want highest and best use and best fit for parcel by parcel✓✓✓
- For redevelopment of existing commercial areas, want multi-use, including a variety of residential (mix of choices)
- 85% multi-family is out of balance – want more ownership – could be condo/flat/townhome/detached✓✓
- Don't want rezonings for multi-family alone
- Want a process for looking at larger chunks of land
- Want to start the learning curve on assisted living

**3. Where could or should desired new housing locate within Addison?**

The Council did not address this issue, but recognized it could be part of a future discussion.

**4. What steps could or should the Town take to shift the market to achieve the desired mix? The answers to this question will provide staff with direction for action on next steps. Some of these steps could be:**

- a. Removing barriers to investment**
- b. Changing plans and development policies/regulations**
- c. Making Town infrastructure investments**
- d. Changing Town incentives**

The Council agreed that staff should develop recommendations for these next steps.

**TOWN OF ADDISON, TEXAS**

**RESOLUTION NO. R15-006**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TX APPROVING AND SUPPORTING A HOUSING POLICY WITHIN THE TOWN OF ADDISON PURSUANT TO THE LAWS OF THE STATE OF TEXAS AND THE ADDISON CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has researched the current housing stock and discussed and deliberated a wide range of housing alternatives for the Town of Addison, Texas; and

**WHEREAS**, the City Council desires to make a policy statement to guide City Staff and potential developers as new housing developments are proposed and brought forward for City Council consideration.

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

Section 1. Addison Housing Policy. When new housing is proposed in Addison, the Addison City Council encourages it to be developed according to the following principles:

1. New housing should increase the proportion of fee-simple ownership in Addison's housing mix. Apartment-only rezoning is unlikely to be approved, as currently the ratio of rental to ownership properties is higher than desired.
2. A proposal should offer a 'best fit' mix of uses and housing choices within the context of the surrounding Addison community. The Town may use a study area committee (with staff, elected, and appointed members such as area residents and business representatives) to evaluate a proposal's fit in Addison.
3. New housing should create or enhance neighborhoods of urban character rather than locate on a stand-alone, nonintegrated property and should continue the high quality design and walkability that make Addison's existing neighborhoods distinctive,
4. Proposals for independent and/or assisted living may be considered by the Town of Addison. Since there are no assisted living housing units in Addison today, the Town will conduct research to understand how this housing could or should be included in Addison's future.

Section 2. Recitals. The above and forgoing recitals are true and correct and are incorporate herein and made part hereof for all purposes.

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

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 24<sup>th</sup> day of March, 2015.

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

ATTEST:

By:   
\_\_\_\_\_  
Chelsea Gonzalez, City Secretary

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Brenda N. McDonald, City Attorney