

SWORN COMPLAINT BEFORE THE TEXAS ETHICS COMMISSION

An individual must be a resident of the state of Texas to be eligible to file a sworn complaint with the Texas Ethics Commission. The complainant is required to attach to the complaint a copy of one of the following documents:

- complainant's driver's license or personal identification certificate issued under Chapter 521 of the Transportation Code, or commercial driver's license issued under Chapter 522 of the Transportation Code; or
- a utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the complainant and is dated not more than 30 days before the date on which the complaint is filed.

An individual may also be eligible to file a sworn complaint with the Texas Ethics Commission if the individual owns real property in the state of Texas. Under this provision, the complainant will be required to attach to the complaint a copy of a property tax bill, notice of appraised value, or other government document that shows the name of the complainant, shows the address of the real property in Texas, and identifies the complainant as the owner of the real property.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

OFFICE USE ONLY
Docket Number sc-3160389
Date Hand-delivered or Date Postmarked
RECEIVED
MAR 30 2016
Texas Ethics Commission

I. IDENTITY OF COMPLAINANT # 23605

1 COMPLAINANT NAME <small>(REQUIRED)</small>	MS / MRS <input checked="" type="radio"/> MR	FIRST John MI F.	
	NICKNAME	LAST Oliver	SUFFIX
2 COMPLAINANT PHYSICAL ADDRESS <small>(REQUIRED)</small>	ADDRESS	APT / SUITE #:	CITY; STATE; ZIP CODE
	14605 Hemingway Court; Addison, TX 75001-7970		
	<small>(Full home or business address, including street, city, state, and zip code)</small>		
3 COMPLAINANT MAILING ADDRESS <input checked="" type="checkbox"/> <small>(check if same as above)</small> <small>(REQUIRED)</small>	ADDRESS	APT / SUITE #:	CITY; STATE; ZIP CODE
	<small>(Full street or mailing address, including city, state, and zip code)</small>		
4 COMPLAINANT TELEPHONE NUMBER <small>(REQUIRED)</small>	AREA CODE	PHONE NUMBER	EXT
	972	488	0730
5 COMPLAINANT E-MAIL ADDRESS <small>(REQUIRED IF KNOWN)</small>	jfo3@tx.rr.com		

II. IDENTITY OF RESPONDENT

6 RESPONDENT NAME <small>(REQUIRED)</small>	MS / MRS <input checked="" type="radio"/> MR	FIRST Todd MI C.	
	NICKNAME	LAST Meier	SUFFIX
7 RESPONDENT POSITION OR TITLE <small>(REQUIRED)</small>	Mayor, Town of Addison, TX		
8 RESPONDENT PHYSICAL ADDRESS <small>(REQUIRED)</small>	ADDRESS	APT / SUITE #:	CITY; STATE; ZIP CODE
	3785 Park Place; Addison, TX 75001-4402		
	<small>(Full home or business address, including street, city, state, and zip code)</small>		
9 RESPONDENT MAILING ADDRESS <input checked="" type="checkbox"/> <small>(check if same as above)</small> <small>(REQUIRED)</small>	ADDRESS	APT / SUITE #:	CITY; STATE; ZIP CODE
	<small>(Full street or mailing address, including city, state, and zip code)</small>		
10 RESPONDENT TELEPHONE NUMBER <small>(REQUIRED)</small>	AREA CODE	PHONE NUMBER	EXT
	972	978	9126
11 RESPONDENT E-MAIL ADDRESS <small>(REQUIRED IF KNOWN)</small>	tmeier@addisontx.gov		

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III. NATURE OF ALLEGED VIOLATION

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Include the specific law(s) or rule(s) alleged to have been violated. The Texas Ethics Commission has jurisdiction to enforce only the following laws: (1) Title 15 of the Election Code; (2) Chapters 302, 303, 305, 572, 2004 of the Gov't Code; (3) § 334.025 and § 335.055 of the Local Gov't Code; (4) Subchapter C, Chapter 159 of the Local Gov't Code, in connection with a county judicial officer who elects to file a financial statement with the commission; (5) § 2152.064 and § 2155.003 of the Gov't Code; (6) § 306.005 of the Gov't Code.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

SEE ATTACHED

ATTACH ADDITIONAL PAGES AS NEEDED

IV. STATEMENT OF FACTS

State the facts constituting the alleged violation(s), including the dates on which or the period of time in which the alleged violation(s) occurred. Identify allegations of fact not personally known to the complainant, but alleged on information and belief. Please use simple, concise, and direct statements.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

SEE ATTACHMENTS

ATTACH ADDITIONAL PAGES AS NEEDED

V. LISTING OF DOCUMENTS AND OTHER MATERIALS

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List all documents and other materials filed with this complaint. Additionally, list all other documents and other materials that are relevant to this complaint and that are within your knowledge, including their location, if known.

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

SEE ATTACHED

ATTACH ADDITIONAL PAGES AS NEEDED

VI. AFFIDAVIT

BASED ON PERSONAL KNOWLEDGE

(Execute this affidavit if the acts alleged are within your direct personal knowledge.)

Please completely fill out this form. Failure to complete this form properly will cause your complaint to be noncompliant and rejected.

I, _____, complainant, swear that I am a resident of the state of Texas. I swear that I have knowledge of the facts alleged in this complaint and that the information contained in this complaint is true and correct.

Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____ (Complainant)

_____, 20 _____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

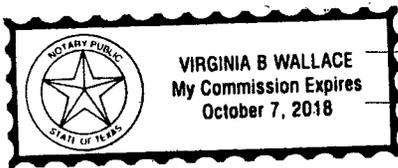
Title of officer administering oath

VII. AFFIDAVIT

BASED ON INFORMATION AND BELIEF

(Execute this affidavit if the acts alleged are not within your direct personal knowledge, but are based on reasonable belief.)

I, John F. Oliver, complainant, swear that I am a resident of the state of Texas. I swear that I have reason to believe and do believe that the violation alleged in this complaint has occurred. The source of my information and belief is _____



SEE ATTACHED

John F. Oliver
Signature of Complainant

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said John F. Oliver, this the 28 day of _____ (Complainant)

March, 20 16, to certify which, witness my hand and seal of office.

Virginia B Wallace
Signature of officer administering oath

Virginia B Wallace
Printed name of officer administering oath

Title of officer administering oath

III Nature of Alleged Violation

Addison Mayor Todd Meier has repeatedly violated the Election Code¹ by using Addison resources to publish "political advertising" in a Town-owned and Town-funded newsletter that is distributed to Addison residents via email each Friday, and that is also stored and made available on the Town of Addison's website.²

Complainant makes specific reference to the Texas Election Code, Title 15, titled "Regulating Political Funds and Campaigns." First, the act applies to officeholders:

Sec. 251.002. Officeholders Covered

(a) The provisions of this title applicable to an officeholder apply only to a person **who holds an elective public office** and to the secretary of state.

(b) For purposes of this title, a state officer-elect or a member-elect of the legislature is considered an officeholder beginning on the day after the date of the general or special election at which the officer-elect or member-elect was elected. This subsection does not relieve a state officer-elect or member-elect of the legislature of any reporting requirements the person may have as a candidate under this title.

Tex. Election Code, §251.002(a), (b) (emphasis added).

Fundamentally, this complaint originates with Chapter 255, titled "Regulating Political Advertising and Campaign Communications." Section 255.003 states:

§ 255.003. Unlawful Use of Public Funds for Political Advertising

(a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

Tex. Election Code, §255.003(a).

The code defines "political advertising" as follows:

(16) "Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

(A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or

(B) appears:

(i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

(ii) on an Internet website.

¹ Texas Election Code, Chapter 258.

² The newsletter began as a staff publication, but was ultimately taken over by Meier, who used the list provided to the Town of Addison for purposes of receiving its newsletter. The Town of Addison maintains all past issues of the newsletter on its website (addisontexas.net). Addison's website also provides a link through which anyone can ask to be added to the email list for purposes of receiving the newsletter presently authored by Meier.

Election Code, §251.001 (16)(A),(B) (emphasis and highlighting added).

In addition, this commission has promulgated Texas Ethics Commission Rule 26.2 regarding newsletters of public officers. In relevant part, the rules state that a newsletter is not "political advertising" if:

- (1) It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
- (2) It includes no more than eight personally phrased references (such as the public officer's name, "I", "me", "the city council member") on a page that is 8 ½" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 ½" x 11"; and
- (3) When viewed as a whole and in the proper context:
 - (A) is informational rather than self-promotional;
 - (B) does not advocate passage or defeat of a measure; and
 - (C) does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

Ethics Commission Rule 26.2(1)-(3).

The Ethics Commission also publishes "A Short Guide to the Prohibition Against Using Political Subdivision Resources for Political Advertising in Connection with an Election," which emphasizes that "it is important to remember that the Texas Election Code prohibits the use of political subdivision resources to produce or distribute political advertising in connection with an election." Further:

"Not only does this mean that the political subdivision may not purchase or authorize the purchase of new materials for use in creating political advertising, it also means that a political subdivision would violate the prohibition by using existing paper and machinery to generate, display or distribute political advertising."

"Also, it is not permissible to use or authorize the use of the paid time of an employee of a political subdivision to create or distribute political advertising."

Pamphlet, p. 2. These comments regarding elections resonate in particular here, where Addison is conducting an election for three council seats on May 7, 2016, and it is very clear that Mayor Meier is supporting the three incumbents. Complainant urges that no amount of discussion with Meier or Addison officials has caused any adjustment in the content of Addison's Town-owned and taxpayer-funded newsletter, which Complainant urges contains political advertising on a consistent basis.

The Ethics Commission has considered issues relating to newsletters authored by public officials in the past. In Advisory Opinion 476, the Ethics Commission addressed the appropriate analysis:

"The critical issue in determining whether an advertisement is 'political advertising' is whether it is a communication supporting or opposing a candidate or a public officer. Whether a particular communication supports or opposes a candidate or a public officer is a fact question."

Ethics Advisory Opinion 476 (2007), citing Ethics Advisory Opinion 102 (1992). Further:

"A factor in determining whether a particular communication supports or opposes a public officer is whether the communication provides information and discussion of official activities without promotion of the public officer. The mere fact that the name of a public officer or the picture of a public officer appears in a newsletter would not determine whether the communication constitutes political advertising. However, the context and frequency with which the name or picture appears are relevant to making that determination."

Ethics Advisory Opinion 476 (2007). In Opinion 476, the Ethics Commission reviewed a council newsletter and calculated the number of times the councilmember's photo appeared and the percentage of the pages it covered. The Ethics Commission also reviewed the number of times the councilmember's name appeared as well as the typeset of the name (i.e., bolded and/or larger typeset). The Ethics Commission ultimately concluded that the newsletter "is a self-promotion of the public officer and thus, when viewed as a whole, constitutes support of a public officer for purposes of 'political advertising' as defined in section 251.001(16) of the Election Code." *Id.* The Ethics Commission therefore held that the use of public funds to pay for the newsletter was prohibited by the Election Code. The Ethics Commission further commented:

"We stress that whether a particular communication supports or opposes a candidate or a public officer is a fact question that can be answered only when the communication is viewed as a whole. However, a public officer's newsletter that excessively uses pictures in which the public officer appears will almost always be political advertising. In our opinion, a public officer's newsletter that contains no more than two pictures of the public officer per page is not excessive use if the total amount of area covered by the pictures is no more than 20 percent of any page on which the pictures appear. Additionally, we caution on the use of personally phrased references, such as the use of the public officer's name, in particular when those references are set apart from other text."

Id.

In Ethics Advisory Opinion 506, the Ethics Commission held that a refrigerator magnet constituted "political advertising." From a factual standpoint, the Ethics Commission noted:

The refrigerator magnet at issue prominently displays an individual photograph of a public officer standing in front of a representation of a city seal. Below the photograph, the name of the public officer appears in a print type size that is larger than any other text on the magnet. Additionally, the magnet includes the name of the public officer held, the public officer's contact information, and the Internet website address for information about the public officer on the city's website. **The magnet also prominently features the phrase "DEDICATION to . . ." and a list of three items relating to activities of the public office: (1) Timely Constituent Response! (2) Responsible City Spending! (3) Standing up for residents, businesses, and for what is right and just!** After the first item appear the words "Our #1 Priority."

Id. (bolding added). The bolded language in particular will be applicable to an examination of the newsletters at issue in this case, where Meier consistently bolds and draws attention to matters favoring his perceived allies on the council, and disparaging and/or criticizing perceived foes on the council. Ultimately, the Ethics commission made the following comments regarding the issue of the refrigerator magnet:

"In our opinion, the refrigerator magnet is a self-promotion of a public officer because the name and photograph of the public officer appear in an unduly conspicuous way and the three-item list promotes the public officer's priorities. When viewed as a whole, the magnet constitutes "political advertising" as defined in section 251.001(16) of the Election Code and for purposes of section 255.003 of the Election Code. Consequently, public funds may not be used to pay for the magnet."

Id.

IV Statement of Facts

Addison Mayor Todd Meier ("Meier") has repeatedly violated the Government Code, the Election Code and the Ethics Commission Rules by using Addison resources to publish "political advertising" in a Town-owned and Town-funded newsletter that is distributed to Addison residents via email each Friday (the "Newsletter").

The Newsletter began as a staff publication but was taken over by Meier, who used the list of emails that had been provided to the Town of Addison by residents and others for purposes of receiving the staff's Newsletter. The list has since expanded, including through a link maintained on the Town of Addison's website (www.addisontexas.net) that allows people to request that they be added to the list. The Town of Addison maintains current and past issues of the Newsletter on its website.

Although Meier is not a "governmental body," the Town of Addison claims that the email list used to distribute the Newsletter is exempted from disclosure under the Open Records Act. See Government Code §552.137 (exempting from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body."). When residents obtained the list through an Open Records Act request and used it to publish "Addison Watch," an alternative newsletter, Addison reversed course and claimed that the production was in error. Meier then threatened those in possession of the list with litigation, demanding that they cease using it as a condition to resolving the matter without filing a lawsuit.

The effect of all this has given Meier a virtual monopoly on what residents hear and don't hear, as well as how issues and events are characterized. Meier regularly supports his allies and attacks his perceived foes, all using taxpayer money. As but one of many examples, and to provide the Ethics Commission with some initial perspective, here is how Meier is characterizing the upcoming May election, where six residents have filed for 3 seats:

We will be having a City Council election this spring in Addison. Filing for the May 7 election has closed and current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.

Newsletters, February 26, 2016 and March 4, 2016 (bolding is original).¹ The obvious support for sitting councilmembers is political advertising: Among other things, in contrast to the conspicuous use of the incumbent's titles, the description omits any reference to Mr. Duffy's prior service on the Addison Council, Mr. Walden's prior service on the Farmer's Branch Council, and Mr. Angell's prior service on the Addison Planning and Zoning Commission. Meier has been asked by Mr. Duffy to issue a correction, and at least one other resident has pointedly challenged the propriety of this description.

Taken individually and as a body of work judged over time, the Newsletter written by Meier is clearly self-promotional, and also regularly supports and praises sitting councilmembers perceived to be allies. Meier attacks foes on and off the council, including as a way of lending further support to sitting councilmembers. Whether viewed in detail or from a macro level, Complainant urges that Meier's one-

¹ These Newsletters are included as Exhibits A and B. Note as well that Mr. Angell's name was misspelled in the February 26th Newsletter.

sided commentary has the impact of supporting, directly and indirectly, councilmembers and candidates for office.

Complainant requests that the Commission find that Meier has committed violations of the Government Code, the Election Code and the Commission's rules as described herein, order him to repay Addison all sums associated with the use of Addison's resources to publish the offending Newsletters, and direct that Meier cease using Town resources in violation of these provisions.

Further, Complainant asks the Commission to find that Meier cannot use an email list as to which Addison has claimed an exemption from Open Records Act production under Section 552.137. Alternatively, Complainant asks that if Meier is provided access to such emails, that the Commission find that they are not subject to exemption under Section 552.137, and that the email list is therefore subject to being provided in response to an Open Records Act request.

In addressing particular issues herein, such as the Sam's redevelopment, Complainant is not trying to revisit the substance of the decisions. Rather, the focus of this Complaint is the continual characterization of events and people that are designed as self-promotion and support of both Meier and his perceived allies, all office holders on Addison's Council.

A. Self-promotion/support of councilmembers in Addison's January 29, 2016 Newsletter (including three who were then expected to, and have now filed for reelection in May 2016)

During December 2015 and January 2016, Addison residents learned that a proposal for redevelopment of a former Sam's store was being brought forward to P&Z, and ultimately to the council. Residents mounted opposition, culminating in organized picketing at the council meeting held on January 26, 2016. At the January 26th meeting, the proposal was considered and ultimately approved.

Three days later, on January 29, 2016, Addison residents received a Newsletter in which Meier purported to describe the events of January 26, 2016.² Meier went well beyond simply describing the council's action. Meier criticized and attacked those opposing the redevelopment project, sending a clear message that those who disagree with him can expect to be publicly attacked.³

Viewed in detail and taken as a whole, the Newsletter is self-promotional and also supports sitting councilmembers, including the three who were at the time expected to file for reelection (and now have done so). The Newsletter cannot be fairly characterized as informational. Meier started by describing his encounter with the picketers as follows (bolding is all original):

After this brief meeting and on the walk over to the Conference Centre, Council and staff were met **by a group of about 30 very vocal and passionate picketers with signs who unfortunately expressed their displeasure in the form of insults and threats directed at me, my fellow Council Colleagues and our staff as we made our way to the Conference Centre for our Regular Council Meeting.** All of this was covered by TV news. It appeared to me that some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and**

² A copy of this Newsletter is included as Exhibit C.

³ Of course, as noted, those attacked have no way to combat the tactics, given Meier's monopoly on the use of Addison's email list.

intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison.

As noted, the bolding is original. The characterizations of the opposition to the development as "threats" and "insults" is inaccurate and inappropriate. For the record, the picketers chanted "The Voters Say No" as councilmembers exited an executive session held in a separate building (the "Stone Cottage") and walked to the conference center where the open council meeting was to be held. After publishing this accusation, Meier was asked repeatedly to describe any supposed "threat" or "insult," as those present heard and said nothing of the sort. Meier has never responded. Indeed, there was a significant police presence at the meeting, and had anything untoward actually occurred, there were plenty of officers around to address it. Nothing happened.

Here is a photo that appeared in the Dallas Morning News, which provides a good example of the signs used by the picketers:



The Stone Cottage is seen in the background; the walk to the conference center would be from the front porch (where the white columns are) to the left.

Here is another photo with other views of the picketer's signs:



Complainant urges that none of the signs are insulting or threatening. They were examples of citizens exercising their First Amendment rights to criticize elected officials, to voice their opposition to the proposed development, and in some instances to state that citizens' votes would be influenced by the positions taken by councilmembers on this issue.⁴ Attacking citizens for exercising their rights and characterizing that exercise as the casting of "insults" or "threats" sends a message to those who would disagree, and was unquestionably designed to have a chilling effect on First Amendment activities. Suggesting otherwise is an affront to democratic principles.

The statement that "some of those folks forgot that our Council Members are their neighbors giving of their time, energy and intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison" (emphasis original) is a characterization designed to paint councilmembers as victims, and to support the councilmembers who voted for the proposal. The majority of five included the three who have now filed for reelection in May (Heape, Moore, Carpenter), as was clearly expected when Meier wrote the January 29, 2016 newsletter. They are Meier allies and he supported them in the 2014 election.

The intent to support both the five voting in favor and the proposal itself is further evidenced by additional descriptions of the meeting. Regarding the developer's traffic engineer:

the developer's traffic engineer, from the well-respected engineering firm Kimley-Horn, spoke. (Incidentally, Kimley-Horn has served as the Town's engineering firm for more

⁴ Meier and at least one other councilmember responded to emails with an "I'll remember this at the polls" theme by calling such comments "threats." Two emails on this point are included as Exhibits D-1 and D-2.

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

Again, the bolding is original. The clear effort of this paragraph is to support a position in favor of the proposed redevelopment, including by reinforcing the supposed qualifications of the traffic engineer. Again, this is designed to support both the vote for the proposal as well as the 5 who were the voters, which includes the three now up for reelection. The passage also continues Meier's attacks on the opposition. Meier continued:

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

Emphasis is again original, and the passage again is written to support the plan and justify the vote for the plan, thereby lending support to the councilmembers Meier favors. Of course, the information is decidedly one-sided. For example, there is no mention that the concept plan had three times the amount of retail that was ultimately included in THIS plan, a point of *significant* contention amongst the opposition. Stated simply, in this and other descriptions, Meier continually twisted the facts to lead the reader to the conclusion that the proposal was sound, omitting all reference to the substance of opposing opinions. Meier bolstered these positions by attacking opponents as being "rude" and subjecting Meier and others to "insults" and "threats," when in reality opponents of the plan were merely exercising their First Amendment rights. At the same time, implicitly and explicitly, Meier continually supported the five who voted for the proposal and the proposal itself.

Meier continued:

Now very deep into the evening after our entire Addison professional team expressed their recommendation for approval of the proposed redevelopment of the Sam's site, it was time for the Council to finally consider a motion.

The comment about the "entire Addison professional team" is again designed to convince the reader of the propriety of the action, and thus is clear support of those councilmembers who voted for it. If the Commission watches the video (available on Addison's website), you will see that the substance of the motion was already written on a pad and read into the record. It did not appear to those in attendance that this writing was done during the meeting, suggesting that the motion was already prepared prior to the lengthy meeting. These important facts were not mentioned in Meier's one-sided description of the events.

Meier's discussion of this matter contained a three paragraph conclusion, and then a final paragraph at the end of the Newsletter. These four paragraphs confirmed and added to the violations by Meier. First:

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

Emphasis is original. Complainant respectfully suggests that Meier's comments again violate the Government Code, the Election Code and the Ethics Commission's rules, dismissing opponents as "rude and disrespectful" and describing the council as being "diligent, thoughtful and respectful." This is political advertising.

Many residents also disagree that members of the council acted appropriately in connection with this entire discussion. For example, the reference to citizens' comments about how they would vote in May as "threats" evidenced a fundamental disconnect with the rights of voters to make decisions based on criteria of their own choosing.⁵ As well, another councilmember actually threatened legal action against a citizen who participated in distributing leaflets about the proposed development, accusing him of "harassing" the council.⁶ Where do concerned citizens let Addison's residents know about these highly inappropriate responses by councilmembers so as to correct Meier's inaccurate, self-serving, self-promotional, pro-his-people-on-council, selective rendition?

Substantively, many also found this paragraph misleading regarding the length of the process. As noted, THIS proposal differed in significant respects from the earlier concept plan. THIS proposal was first advanced publicly at the P&Z meeting in December 2015. Thus, many remain of the firm belief that this was, in reality, a 6-week process. This viewpoint was ignored by Meier's recitations, clearly designed to support what the council did, which in turn supports those who voted to approve the plan. The characterization of the proposal as "exciting" and the result as "collaborative" likewise lends support to the proposal and those who voted for it, all in violation of the law and the Ethics Commission's rules.

In addition, characterizing the result as incorporating "the concerns and opinions of many of our neighbors" is simply inaccurate. At three key meetings: P&Z, City Council I (1/12/16) and Council II (1/26/16), the vast, overwhelming majority of the public was opposed to this development. At the meeting at which the vote was taken, 46 people spoke, with 39 opposing the plan. The key components of the opposition were leaving the Beltway wall in place and putting no cut through street between Belt Line and Beltway. Neither was adopted, although the cut through street will initially have access limited to safety vehicles. In any event, the point of Meier's claim that "the concerns and opinions of many of our neighbors" were addressed was to continue his theme of leading the reader to conclude that the council was reasonable and responsible, while the opposition was "rude" and "threatening." This effort to support those voting in favor of the proposal is improper.

The first part of the second closing paragraph:

⁵ See emails are included at Exhibits D-1 and D-2.

⁶ See, emails sent by Councilmember Janelle Moore, included as Exhibit E.

I realize change is very difficult, even frightening at times. As I get older I realize that even more, I have also come to know that change is inevitable. We had a choice here; we could fight change or we could embrace change and shape it. I am very pleased that a majority of the Council chose to embrace change and shape it. In fact 10 of the 14, or 71%, of the elected Council members and appointed P&Z Commissioners voted in favor of approving this redevelopment project.

Emphasis is original. Again, the attacks on the opposition are that they inappropriately “fought change,” while the presumably more enlightened councilmembers “embraced change” and “shaped change.” This is support of the proposal and those who voted for it, and is improper and violates the law and the Ethics Commission’s rules. Note as well, the selective bolding of passages like this. The final sentence of the second closing paragraph:

Interestingly enough our two youngest Council Members, with the most future ahead and the greatest risk, showed the way with their courage to make the motion and the second and lead the conversation and collaboration to arrive at a point that bridged many of the gaps.

This statement is nothing less than boldly defiant of the law and the Ethics Commission’s rules. It references two of the three now up for reelection (Moore and Heape), who are called “courageous” for making the motion (Moore) and seconding the motion (Heape). They are also described as “leading the conversation and collaboration to arrive at a point that bridged many of the gaps.” And all of this was magnified by their youth because they supposedly had “the most future ahead and the greatest risk.” Complainant urges that these statements, particularly in light of the upcoming May election, are unquestionably over the line in providing support for sitting councilmembers.

Complainant urges that this type of tactic, employed regularly by Meier in this weekly Newsletter, has skewed and distorted the political landscape and discussion in Addison for quite some time. Further, Meier is a lawyer, and the subject of this Newsletter (including the applicable legal authority) has been raised repeatedly at council meetings and in countless emails to the entire council, the City Manager and Addison’s attorney. Meier defiantly continues these improper practices. The third closing paragraph:

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

Again, the opposition is marginalized as simply having “difficulty realizing” that this project was the right thing, and that the project will ultimately “make us all proud.” Thus, the reader must conclude that the “enlightened” and apparently more intelligent councilmembers are in the right. And, of course, there is a clear hope that with such supportive statements from Meier, the readers will remember all this in connection with the May elections. It is political advertising and the use of taxpayer funds to publish the Newsletter is improper.

Meier concluded the Newsletter with one final commentary on the matter:

It’s kind of appropriate that I welcomed the folks from the Methodist Hospital Wound Care Clinic to Addison yesterday. There certainly have been some wounds in Addison over the last few days and I hope we can all look to the future and let those negative feelings subside with time and the recognition that we are all neighbors and want the best for our Town of Addison.

The reference is clearly to the controversy surrounding the development, and again, the opposition is marginalized with references to the "negative feelings." It is extraordinary hubris. The opposition is repeatedly attacked throughout the Newsletter, taxpayer dollars are used to present an extraordinarily one-sided rendition of the events, the opposition is labeled unfavorably while councilmembers voting for the proposal are "courageous" and "enlightened," and now, having had one last round of attacks on the opposition, it's time to realize that "we are all neighbors."

And, of course as noted, there is no method for those who believe that this Newsletter was completely inappropriate, to reach the same audience with corrections and the other side of the story.

Taken in part or as a whole, this Newsletter is self-promotional and supportive of elected officials, including those who are now candidates. Complainant asks that the Ethics Commission hold that this letter constitutes political advertising and further, that its preparation and distribution using taxpayer resources violated the Government Code, the Election Code and the Ethics Commission's rules.

B. Improper support of Janelle Moore's candidacy in 2014.

There is precedent for Meier's improper use of the Town's Newsletter to support candidates, and thus deep concern that he will continue to use the Newsletter for this purpose. The tenor of the January 29, 2016 Newsletter foreshadowed what was to come, and the inappropriate description of the May election contained in the February 26, 2016 and March 4, 2016 Newsletters, as well as the substance of other issues contained therein, all confirm Meier's intention to continue to publish political advertising using Addison's resources, all in an effort to influence the upcoming May 2016 election.

Complainant's concerns are based on history. In 2014, Meier arranged for councilmember Janelle Moore to receive the "Rising Star" award from the Metrocrest Chamber. Literally, Meier alone chose the recipient of the award, and simply notified the Chamber of his choice. Complainant is aware of no other process for the award.

In March 2014, Moore was once again one of six candidates then running for council. In the March 7, 2014 Newsletter, Meier used the award he had arranged as a reason for publishing favorable information about Moore's resume:

Council Member **Janelle Moore** whose outstanding academic career from Ursuline to University of North Texas undergraduate degree and her MBA from UT at Dallas, 12 years of professional success in the medical sales and business development field and remarkable community service work from Africa to Addison, was honored with the Chamber's **Rising Star Award**. Congratulations Janelle, you make Addison very proud.⁷

As with all quotes, the bolding is original. No other candidate had their resume included in the Newsletter in this fashion. Complainant urges that this was likewise political advertising, it was prepared and published using taxpayer resources, and it likewise violated the Government Code and the Ethics Commission's rules.

C. Attacks on prior management and employees as a way of supporting current councilmembers.

At the council meeting on February 23, 2016, Meier unquestionably began his reelection campaign for

⁷ Exhibit F.

his three incumbent allies who had by then filed for reelection. Meier then used the February 26, 2016 Newsletter to continue the themes adopted at the meeting, all of which promoted and supported these three candidates. In the February 26, 2016 Newsletter, Meier continued the disparagement of Addison's prior management, staff and councils, essentially claiming that the current council, including the three incumbent candidates, had saved Addison from its purportedly awful past.

Brief background is needed to fully appreciate the nature of the problems with the February 26, 2016 Newsletter. Meier's began by arranging for a report from an accountant named Larry Kanter. Kanter had been retained by the Meier-led council more than two years ago, ostensibly to conduct what was then called a "transitional audit." Many were skeptical at the time that the council's real purpose in retaining Kanter was to find a way to attack then City Manager Lea Dunn and/or her predecessors.⁸

At the council meeting on February 23, 2016, Kanter gave his presentation, disparaging former management while effusively praising current management.⁹ Kanter accused prior management of refusing to cooperate with him, but made no mention of the fact that (a) his accusations in this regard were more than a year old, and (b) management had strongly refuted Kanter's accusations *in writing*, also more than a year ago. These facts were unquestionably necessary to provide the listening public with a fair and complete picture of the events, but neither Kanter nor any member of council provided this information. Request had previously been made under the Open Records Act for records relating to this dialog between Kanter and prior management, but Addison took the position that such documents were privileged.

The purpose, timing and the incomplete nature of Kanter's discussion, including the more-than-a-year-old allegations of non-cooperation, were suspect to many.

All questions about Kanter's point and purpose were answered in the February 26, 2016 Newsletter. First, as previously noted, this is the Newsletter in which Meier first mischaracterized the upcoming May election:

We will be having a City Council election this spring in Addison. Filing for the May 7 election has closed and current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection. Running against them are Al Angell, Jim Duffy and Paul Walden.

Newsletter, February 26, 2016 (bolding original).¹⁰ This is political advertising in and of itself. But, while the description is horribly misleading and favors and supports incumbents, it also confirms Meier's keen awareness of the upcoming election.

The remainder of the Newsletter, including countless uses of bold typeface, defines the reelection campaign Meier apparently intends to run for his three incumbent allies. Meier repeatedly attacks the past, and extols the virtues of the present, thereby supporting the present council, all of whom are

⁸ Lea Dunn left Addison by offering her resignation to the council, subject to receiving the severance package available to her by contract for a "without cause" termination.

⁹ Many questioned both sides of that equation, including because under American Institute of CPA Professional Conduct Rules, accounting professionals are required to maintain objectivity and impartiality.

¹⁰ Exhibits A.

portrayed as essentially saving Addison from its supposedly terrible past.

Meier starts by addressing the controversial decision to retain Kanter, in bold type: "The need for and value of this transitional audit became abundantly and undeniably clear with the conclusion of Mr. Kanter's prepared comments." This was designed to support those who voted in favor of this controversial decision, as well as those who have supported Kanter's continuing (seemingly never ending) work in Addison. This remark is followed closely by a dramatic, once-sentence paragraph that says: "That is the past." From there, Meier cites Kanter as saying that when the Interim City Manager arrived, i.e., the CM who followed Lea Dunn, "everything changed" and "the staff became very cooperative." Meier used "buzz phrases" like "tone at the top" and claims that Addison is on its way "to significant improvement in all areas." Concluding:

This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction here and the path is now clear for success.

Newsletter, February 26, 2016 (bolding original). Complainant urges that this is shameless self-promotion, and an effort to support sitting councilmembers, including the three incumbent Meier allies who are up for reelection. The suggestion is that "all" was broken, it was not acknowledged, the tone at the top was bad, Addison wasn't headed in the right direction, and wasn't on a successful path. It is political advertising.

The controversial nature of Kanter's work and his presentation were in no way acknowledged, even as Addison continued to conceal documents that would present a very different perspective from prior management. In considering the political nature of Meier's one-sided comments, Complainant offers the comments of retiring Addison employee Louise Calvillo, who posted the following comments on the Truth In Addison Facebook page:

"I have worked for the Addison Police Department nearly 23 years and always been proud to say I worked for the Town of Addison. I'm 67 and could have retired a few years ago, but chose not to because it was a great place to work. I always said when it's not fun anymore, I'll retire. I did my exit interview today, as I'm retiring tomorrow. One of the questions was: On a scale of 1 to 10, how would you rate Addison as a place to work and why? I think it might be appropriate to answer this question on Truth in Addison. In the past, I would have said 10. Currently I would say 5. The "transitional audit" has unjustly caused fear and intimidation among employees. False accusations have been made without giving the accused a chance to answer for themselves. Misleading comments have been made, planting seeds of doubt regarding employees who have always performed their duties in a professional and ethical manner. I also find it inappropriate and disheartening to hear former management and employees spoken of in a way that paints them in a negative light, giving the impression their tenure was less than satisfactory. When one speaks disparagingly of their predecessors, their comments speak volumes about the integrity and ethics of the speaker. I still have mixed emotions about retiring, as my coworkers are more like family than coworkers. This says something about the quality people that work for Addison. That said, I hope the hostile atmosphere will change and Addison will once again be a place people want to work for, not a place they want to leave...."

Again, the purpose here is not to resolve the dispute, but rather to provide the Ethics Commission with the alternative perspective that is helpful to appreciate the truly political nature of Meier's writings in the February 26, 2016 Newsletter.

Meier next turned to police matters, continuing his "past/present," politically motivated and charged theme. Here, Meier presents "the past" as "facilitat[ing] an environment where criminal elements felt free to act with impunity and set up permanent roots in our community," a shockingly irresponsible and inaccurate description of Addison. Here is the paragraph in full:

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

Bolding and underlining is all original. Meier characterizes this as a "new much more proactive approach," continuing:

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

It is self-promotional, all premised on the suggestion that all that came before was inadequate, while Meier and the rest of the council are saving the day. The purpose of the "past/present" is hopelessly political, painting a picture to the public that the current council is taking Addison in a supposedly new and better direction. Meier attacks everyone and everything that came before, by way of painting the current council in a supportive way, including the three Meier allies up for reelection. The passage is self-promotional and constitutes political advertising.

Later, Meier describes the combined 911 center that has various communities sharing resources. This concept has been used by Addison in conjunction with other communities in North Central Texas for many, many years. But Meier still wrote:

The Council was effusive in their praise of our team moving forward on this very important project that is one of the nation's largest and most expressive examples of the **new business model called "Shared Services."**

Again, it is self-promotional and designed to lend support to councilmembers, including those up for reelection. It is political advertising, and its preparation and dissemination using Addison's resources

violates the Government Code, the Election Code and the Ethics Commission's rules.

Meier concludes with a comment about Addison's Ethics Ordinance, but fails to tell readers all the facts. Here is what Meier writes:

This time of year with national, statewide and now local election campaigns underway, I am often asked if **current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section 2-93(11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember) in connection with any election for public office** or in connection with any election ordered by the Town on a proposition or measure."

What Meier doesn't mention is that in the 2014 election, the ordinance read differently, and prohibited officeholders from using their official position to support candidates. Meier was accused of violating this provision, and was warned by then-City Attorney John Hill that his conduct may well have violated the Addison Ethics Ordinance. Meier responded by (a) trying to have the council pass a resolution absolving him of any violations (ultimately abandoned after repeated warnings from John Hill that the council had no jurisdiction to consider it), and then (b) by lowering the standard in the ethics ordinance so that it favored the incumbents by allowing them to use their titles to support candidates for office. Effectively Meier and the three who are now up for reelection gutted this aspect of Addison's ordinance.

Where do citizens who know "the rest of the story" on all these issues combat the self-promotional, politically motivated and misleading descriptions of events like this? Effectively, Meier owns the media in Addison. His misuse of the Newsletter is all that is wrong with an elected officer using public resources for political advertising.

Taken in pieces or as a whole, the February 26, 2016 Newsletter constitutes political advertising. The use of public resources to prepare and distribute this Newsletter violates the Government Code, the Election Code and the Ethics Commission rules.

D. Number of mentions/photos/photo coverage.

Complainant also asks the Ethics Commission to consider whether the Newsletters included herein constitute political advertising simply through use of personal references and photographs, all as discussed in Ethics Advisory Opinion 476 (2007). If the Ethics Commission determines that the Newsletters run afoul of these standards as well, Complainants asks for a finding from the Ethics Commission.

E. Irreconcilable positions regarding the email list Meier uses each week.

As noted, within the last two years, one or more citizens submitted an Open Records Act Request for the email list used by Meier. It was provided by the Town of Addison. During 2015, a group of citizens used the list to publish a Newsletter named "Addison Watch."¹¹ The effort was to provide an alternative source of information to the public in Addison.

¹¹ Attached as Exhibit G.

Almost immediately, Addison posted a notice on its website in red letters that stated that Addison was investigating the use of the email list and a possible data breach used to obtain it. Without question, this was an accusation that the list was obtained illegally. It was subsequently removed and Addison later claimed it had no screen shot of the statement.

Thereafter, in the May 1, 2015 Newsletter¹², Meier wrote:

Here is a quick update to an item many of you have asked about. The Town was made aware that during the weeks of April 13 and April 27, many residents and Addison employees received an unsolicited email entitled "Addison Watch." We are continuing to research this matter and will share more information as it becomes available.

In response to a subsequent Open Records Act request asking for information about "many" who had supposedly posed questions, Addison produced only three emails. One was from Mary Carpenter, one of the three incumbents Meier continues to support, and two were fairly benign emails asking if Meier had seen Addison Watch. Claims that "many" questioned something is a frequent tactic.

Thereafter, Addison, through Meier, advanced the position that the publishers of Addison Watch had no right to possess or use the email list used each week by Meier. In support, Addison cited Government Code §552.137(a), which exempts from disclosure "an e-mail address of a member of the public that is provided for the purpose of communicating electronically with a governmental body." Effectively, Addison took the position that the production of the email list in response to an Open Records Act request was a mistake.

On this basis, Meier led the council and the Town to threaten those involved with Addison Watch with litigation, unless they agreed to cease further use of the email list they had obtained through the Open Records Act. Facing expensive litigation, they capitulated, and agreed to cease further use of the email list they had obtained. Addison never publicly explained that its alleged "mistake" in producing the list, nor was there any public apology for the false accusations regarding data breaches.

And, of course, Addison has continued to make the email list available to Meier. Effectively, Addison has supported and endorsed Meier's monopoly on the provision of information, while actively preventing efforts to correct Meier's misinformation.

Addison's provision of the email list to a politician on a weekly basis is irreconcilable with Addison's claim that the list is exempt from disclosure under the Open Records Act. Simply stated, Meier is not a "governmental body." Governmental body is defined in Government Code §552.003(1) as follows:

(1) "Governmental body":

(A) means:

- (i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;
- (ii) a county commissioners court in the state;
- (iii) a municipal governing body in the state;
- (iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

¹² Attached as Exhibit H.

- (v) a school district board of trustees;
 - (vi) a county board of school trustees;
 - (vii) a county board of education;
 - (viii) the governing board of a special district;
 - (ix) the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;
 - (x) a local workforce development board created under Section 2308.253;
 - (xi) a nonprofit corporation that is eligible to receive funds under the federal community services block grant program and that is authorized by this state to serve a geographic area of the state; and
 - (xii) the part, section, or portion of an organization, corporation, commission, committee, institution, or agency that spends or that is supported in whole or in part by public funds; and
- (B) does not include the judiciary.

Meier is not a Governmental body, and his use of the email list is not use by a Governmental body.

If someone other than a Governmental body is using the email list, then Addison cannot claim that the list is exempt under the cited provision of the Open Records Act. Alternatively, if Addison will continue to claim that the list is exempt because it is for use by a Governmental body, then it cannot continue to provide the list to someone who is not a Governmental body, including Meier. These positions are irreconcilable.

Complainant urges that Addison must either prevent further use by Meier or return the list to those who previously demanded it under the Open Records Act and otherwise make it available upon request under the Open Records Act.

F. Conclusion

Meier has claimed for himself a monopoly on the provision of information to Addison's citizens and unfortunately, has convinced the Town to support this position. Before the Ethics Commission today are only a few of countless Newsletters that Complainant urges violate the Government Code, the Election Code and the Commission's rules. The message from Meier is clear: left unchecked, he will continue to use taxpayer resources to publish political advertising in Addison's Newsletter.

Complainant respectfully suggests that the situation in Addison exemplifies everything that is wrong about a politician writing a Newsletter using taxpayer resources. It is exacerbated by Addison's irreconcilable positions regarding the email list used by Meier to distribute the Newsletter. The hubris evident in the Newsletters cited herein has been fed by inaction, something Complaint now asks the Ethics Commission to change.

Complainant asks for expedited consideration and relief.

V - EXHIBIT LIST

No.	Document
A	February 26, 2016 Addison Newsletter
B	March 4, 2016 Addison Newsletter
C	January 29, 2016 Addison Newsletter
D-1	Meier Emails Regarding "threats"
D-2	Wilcox Email Regarding "threat"
E	Moore Email
F	March 7, 2014 Addison Newsletter with Moore resume
G	Addison Watch, First Edition
H	May 1, 2015 Addison Newsletter with Addison Watch

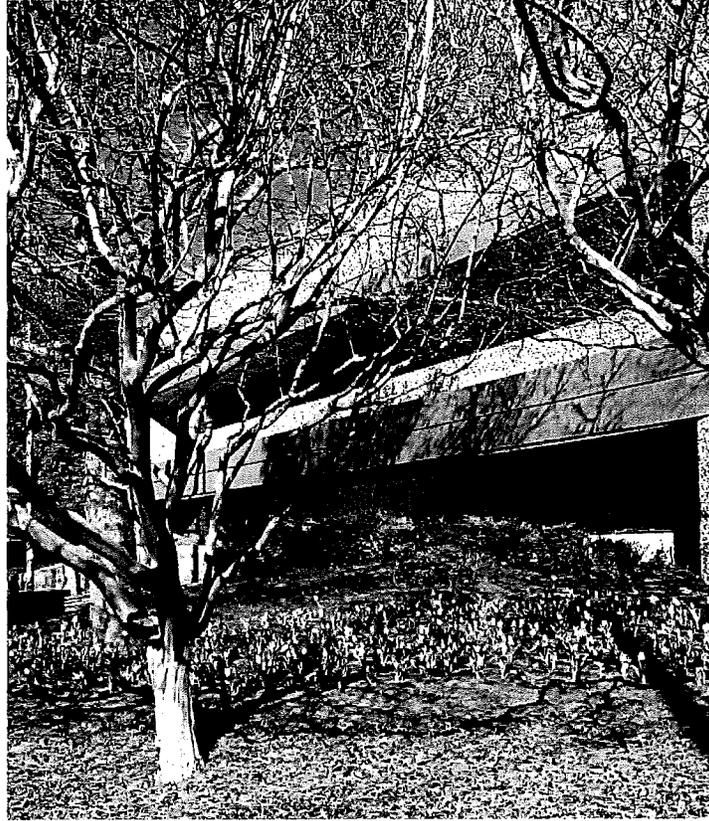
From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, February 26, 2016 4:01 PM
To: >
Subject: Update from Mayor Todd Meier, 2.26.16



Dear Neighbor,

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

Exhibit A



Council News

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

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

The Council gave direction to our City Manager to move forward **with additional work with Mr. Larry Kanter of Kanter Financial Forensic after hearing Mr. Kanter's disconcerting and ultimately encouraging update.** After a review of his extensive credentials for his work, Mr. Kanter read his remarks

Exhibit A

to the Council and included reference to specific examples of what he found as part of a brief PowerPoint presentation. I encourage you to **watch the video including the very well informed questions from our Council Members**. We have attached a link to the video [here](#).

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

Mr. Kanter's review of our Special Events and handling of cash led him to observe, "...we noted that it was virtually impossible to determine if all of the cash collected from the patrons of Oktoberfest was actually deposited in the Town's bank account."

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

That is the past.

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

This is finally very good news; we have acknowledged a deficiency and we are taking an aggressive open approach to addressing and fixing all that is broken. That begins with the new "tone at the top," a commitment to continuous improvement and doing what is right. We are definitely headed in the right direction here and the path is now clear for success.

Our **new** Police Chief Paul Spencer delivered a report to Council on **past** police protocols with underperforming hotels when he shared that **in the past** "over time the lack of targeted enforcement, in conjunction with our education efforts, **facilitated an environment where criminal elements felt free to**

act with impunity and set up permanent roots in our community.” Now? Since Chief Spencer has been the leader of our Police Department, the entire department has begun targeting these criminal elements: “Recent activity suggests we are beginning to accomplish the goal of reversing criminal activity at our targeted hotels and sending the message Addison is not the place you want to operate if you’re a criminal. Based on recent arrests, we also anticipate a reduction in burglaries and property thefts within the residential areas.”

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

Other items on our agenda for the evening included an **Executive Session** item reviewing **past separation agreements**, consent approval of a resolution adopting a public information act policy update, designation of representatives to the TexPool, TexStar and the local government investment pool, a contract with Half Associates to update the bids on the **work for the Winnwood pond dredging project**, and final payment authorization to Pavecon for the rehabilitation of Addison Road. The Council also decided to create a **liaison position** with the **Cavanaugh Flight Museum** with our Communities Partner Bureau in addition to authorizing their \$50,000 grant request.

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

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

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

Manager said, "This is a big story. It is very special to see four cities work together to create a system that improves the level of service at lower cost. This a new model of how business will be done in the future."

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

We adjourned our Council Meeting before 10:30pm.

More Council News!

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

This time of year with national, statewide and now local election campaigns underway, I am often asked if **current Council Members are permitted to endorse other candidates** in national, statewide or local elections. Recent guidance provided to Council on this issue from our City Attorney states, "Section 2-93 (11) however, **specifically allows each member of the City Council to lend his/her name and official city title (Mayor or Councilmember) in connection with any election for public office or in connection with any election ordered by the Town on a proposition or measure.**"

Business Development

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



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

Exhibit A



Exhibit A

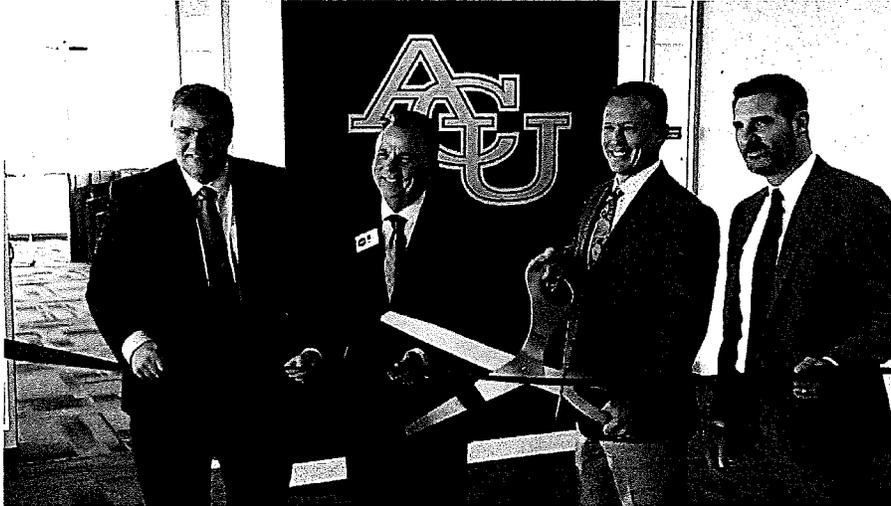


Exhibit A



On the afternoon of Thursday, February 25, Director of Economic Development **Orlando Campos**, manager of Economic Development **Drew Dietrich** and I represented Addison at the **ribbon cutting** for **Abilene Christian University's brand new Addison campus** located in the Hanover Building at 16633 Dallas Parkway. We met several enthusiastic members of the University staff that are very pleased to be with us here in Addison. They have now taken the entire 8th floor of the Hanover Building with plans to take over most of the 6th floor for even greater expansion. The **President of the University, Phil Schubert**, spoke to the large group about the University's future and the enthusiasm they have for expanding beyond their Abilene campus and joining us here in Addison, even offering us opportunities to share their space for meetings or events. The addition of a well-respected **University campus to our Addison portfolio of diverse customers is an excellent addition to our community**. We are very proud to have the Abilene Christian University Wildcats as part of our Addison.

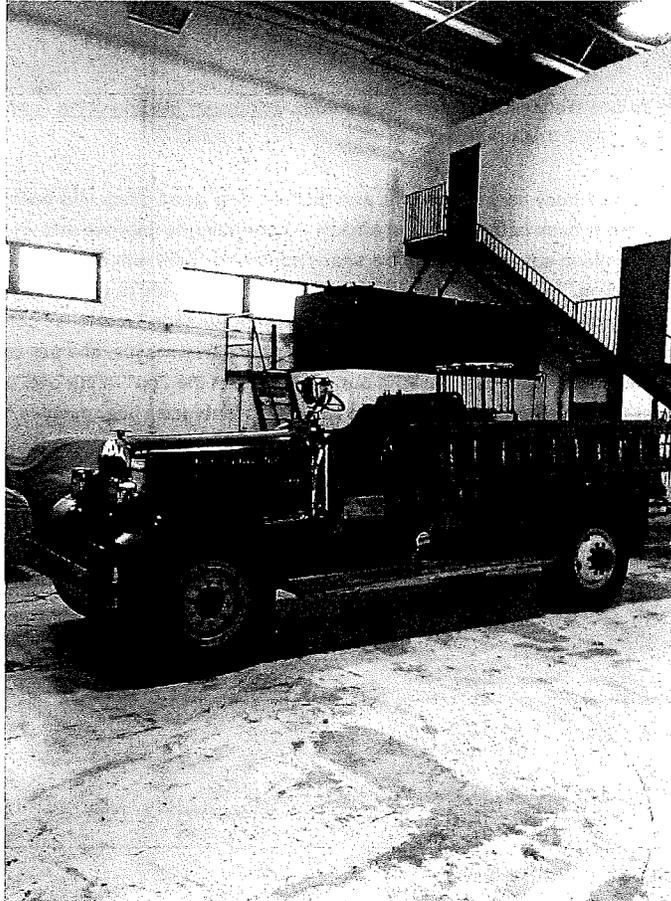
Exhibit A



Around Town

Late Thursday afternoon on February 25, our **Addison Legacy Foundation** Board met at the offices of UDR for the monthly meeting that rotates each month at different board members' offices. This month our host was board member **Tom Lamberth with UDR**. **Mayor Pro Tempore Janelle Moore** joined our additional board members **Chic Martin, Tamela Thornton, Debbie Staggs, Bob Kantner, Ray Ryland** and **Board Chair Blake Clemens**. In addition to important administrative issues, Tamela and Chic gave us an update on our visioning and forward-looking goals. Blake gave us an update on our tentatively scheduled December 2, 2016 Vitruvian Lights Run. Additionally, the board approved payment for the new Celestial Park pet and people water fountain. Chic Martin and Ray Ryland shared with us the exciting news that we found a location for the restoration work to be performed on our 1930 fire truck! Blake and Ray worked with **Scott Buzzell**, who owns a hangar on Dooley Road that he has graciously loaned to us for the restoration project. In fact as you can see from the photo below, the fire truck has been moved from its spot in the bays at Fire Station #1 to its new location where the work will begin. **Now we need your help!** If you would like to donate your funds or time to this fun project **contact Blake Clemens** at blake.clemens@tx.rr.com.

Exhibit A



I will have the honor tonight of **presenting our Rising Star of 2016 Award** to our very deserving **Deputy City Manager Cheryl Delaney** at the Metrocrest Chamber of Commerce annual awards event. Here with us since 2014, Cheryl helped us navigate through some very challenging transition times. Thanks to her extensive background in finance, she served in the dual roles of Deputy City Manager and CFO through our budget season and until recently with the new hire of Interim CFO Scott Neils. Cheryl combines her work history with professional service in municipal government finance positions in Round Rock Texas and San Antonio with work in the private sector at Deloitte Consulting and HEB Grocery. An avid and passionate member and supporter of all that we are doing to improve our Athletic Club, Cheryl definitely qualifies as an Addison Rising Star! **Congratulations Cheryl, we are all very proud of you.**

Coming Events

Wednesday, March 2, 10am: First Wednesday Coffee with the Mayor, Dunn Brothers Coffee, 3725 Belt Line Road

Exhibit A

Monday, March 7, 11:30am – 1pm: [Monthly Economic Development Luncheon](#), The Londoner, 14930 Midway Road

Monday, March 14 and Wednesday, March 16, 6 – 9pm: [Community Meeting of the Town's Master Transportation Plan](#), 15650 Addison Road

We continue to be very busy here in Addison, and that is a very good thing. Our business environment has never been better. Addison Airport is continuing to improve and draw new customers. Our 10 million square feet of office space continues to fill with exciting new office products coming online. Two new hotels are under construction to add to our impressive 22 hotel portfolio. New restaurants are opening virtually every month. Addison TreeHouse continues to be the hip space for new entrepreneurs to plant the seeds of new businesses, and our commercial property valuations are at all-time highs. With our new “Tone at the Top” in our own organization, we are in the best position ever here in Addison to meet and embrace a very positive future.

I am very proud to be your mayor and to work with our outstanding Council and amazing staff every day to make sure this very positive trend continues.

See you soon,

Todd

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From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, March 4, 2016 3:59 PM
To:
Subject: Weekly Update from Mayor Todd Meier, 3.4.16



Exhibit B



Exhibit B



Exhibit B



Exhibit B



Council News

There was no Council Meeting this week; however, we are preparing the agenda for next week's meeting, which is set for Tuesday, March 8. We will begin at 6pm with a Work Session covering the possibility of a new dog park for Spruill Park and a discussion about the City Manager's signature authority. As well we will have an Executive Session to discuss legal matters regarding the Town's website developer.

Our Regular Session will begin at 7:30pm and cover items related to a contract for the installation of new illuminated street signs, the purchase of 14 new Ford police vehicles and a resolution increasing the fuel flowage fees at our airport by 2 cents. We will also consider a construction contract for drainage channel improvements on Addison Airport and refunding bonds.

As I mentioned above, **our next Spring Town Meeting is planned for Monday evening April, 11, beginning at 7pm at our Addison Conference Centre.** We will have a number of exciting presentations and plenty of time for your questions. I hope you will plan to join us for this fun spring Addison tradition.

Exhibit B

We will be having a City Council election this spring in Addison. Filing for the May 7 election has closed and **current Council Members Mayor Pro Tempore Janelle Moore, Deputy Mayor Pro Tempore David Heape and Council Member Mary Carpenter will be standing for reelection.** **Running against them are Al Angell, Jim Duffy and Paul Walden.**

Early Voting: Monday, April 25 – Friday, April 29 (8am - 5pm); Saturday, April 30 (8am - 5pm); Sunday, May 1 (1pm - 6pm); Monday, May 2 - Tuesday, May 3 (7am - 7pm).

- Addison location for ALL precincts for **Early Voting**: Addison Fire Station (Central Fire Station), 4798 Airport Parkway.
- Dallas County residents can Early Vote at any Dallas County Early Voting Location. Additional locations are available on the Dallas County election [website](#).

Election Day May 7: (7am - 7pm) Residents will need to vote at the location that corresponds to their precinct number.

- **Precincts 2900 & 2901:** Addison Fire Station #2, 3950 Beltway Drive
- **Precincts 2902, 2903, 2904, 2905:** Addison Fire Station #1 (Central Fire Station), 4798 Airport Parkway

A new opportunity for you to participate! Last week the Council approved adding a **liaison role to the Community Partners Bureau for the Cavanaugh Flight Museum.** As a Bureau liaison, you will represent the Town of Addison with the Museum. If you have questions about this role or the Community Partners Bureau, please contact one of the Council liaisons to the Community Partners Bureau, either Bruce Arfsten at barfsten@addisontx.gov or Ivan Hughes at ihughes@addisontx.gov.

If you would like to be considered for this role, please let City Secretary Laura Bell know by next Friday, March 11. Please send Laura your contact information and a brief statement why you would like to be the Community Partner Bureau liaison for the Cavanaugh Flight Museum. Laura's e-mail is lbell@addisontx.gov and her phone number is 972-450-7000.

Business Development

The Lewisville City Council met at our Addison TreeHouse on Monday evening! Yes, the Mayor and a quorum of the Lewisville City Council, along with their City Manager and staff, convened at our **TreeHouse to learn more about our success** with that important part of our economic development strategy. Director of Economic Development Orlando Campos, Economic Development Manager Drew Dietrich, Co-Founder/CEO Trey Bowles of the Dallas Entrepreneur Center and I welcomed their group and provided an overview of the TreeHouse's purpose, benefits and structure. In addition to a tour of our facilities, we were able to answer questions and help them think through the issues related to adding their own similar program in Lewisville.

I emphasized the very important role the TreeHouse plays as part of our five pillar Addison economy; our

office space, airport, restaurants, hotels and, of course, our TreeHouse where entrepreneurs grow their dreams into Addison-based reality. In just our first 18 months, we have helped provide support to over 120 startup businesses. **It was an excellent conversation and opportunity for us share the success of our TreeHouse venture in hopes of helping Lewisville replicate our success.**

On a beautiful Addison Thursday afternoon I joined Council Colleagues **Dale Wilcox and Ivan Hughes, along with our City Manager Wes Pierson,** for a visit with our Addison Airport customer Cutter Aviation, at 400 Claire Chenault Drive, to take a look at their newest addition. What a beauty! **HondaJet Southwest and Cutter Aviation** held a showing of the newly certified HondaJet. With its clean sheet design and cutting edge innovation, "the HondaJet is truly the world's most advanced light business jet." **Cutter Aviation's Director of Special Projects Mike Livezey was on hand to answer questions and provide tours of this new concept aircraft.** This jet is a twin turbofan aircraft with a low fixed wing. With a range of just over 1,300 miles and a speed of over 460 miles per hour, this aircraft comes equipped with all the latest avionics and is made of very high tech materials. Cabin space is very comfortable for four adults and each passenger seat is capable of reclining. As you might be able to tell from my photos the aircraft is relatively short, with an overall length of almost 43 feet, and has a wingspan of just under 40 feet. This photo includes **Mike Livezey of Cutter Aviation, John DeLawyer** Regional sales Manager for HondaJet southwest and **HondaJet Southwest Chief Pilot Hall Lewallen.** Very impressive! And as you might guess, they are available for purchase.



Exhibit B



Exhibit B



Exhibit B



Around Town

Over 40 folks showed up for our First Wednesday of the Month Coffee with the Mayor at Dunn Bros at 10am with their usual list of very good questions. We began our conversation **recognizing each of my Council Colleagues, Janelle Moore, David Heape, Mary Carpenter, Ivan Hughes, Dale Wilcox and Bruce Arfsten, who were all present, and our crowd of our neighbors warmly thanked each of them for their service to Addison.** I spoke briefly about **our booming Addison economy** with the new office building under construction and more planned, two new hotels under construction, our new Addison Grove development, exciting developments for our airport, more restaurants and, of course, our TreeHouse as mentioned above. I also mentioned that our **Beltway/Proton trail and lighting project is coming along and that a crosswalk and stop signs will be added at the corner of Beltway and Les Lacs to further slow traffic and discourage cut through traffic.**

One of the questions asked on Wednesday, as it is at every Mayor coffee, was an inquiry about **the status of our Wind Turbines project.** As you may know we are in litigation with the manufactures and

Exhibit B

installers of those wind turbines that are still not working on top of our new water tower on Surveyor Boulevard just north of Belt Line Road. **The Council retained outside counsel to represent Addison in this lawsuit over one year ago; they are John Sloan and Doug Lukasik with the construction specialty law firm SloanMatney. I have attached a memo those attorneys prepared and sent to Council this week containing a couple of surprising revelations about the status of our case.**

I did bring for those in attendance at the coffee copies of the memo from our attorneys about the wind turbines, another about the Addison Grove development, copies of the remarks our transitional audit consultant Larry Kanter provided to Council last week and copies of the report police Chief Spencer provided to Council last week about his new policies with respect to underperforming hotels. If you would like copies of any or all of those documents or reports just let me know. **Our next Coffee with the Mayor will be Thursday, March 17 at 6pm at the Sidewalk Café in Addison Circle.**

Addison-The Magazine of the North Dallas Corridor held their annual Top Female Executive of the Year award luncheon on Wednesday and Council **Colleagues Janelle Moore, Mary Carpenter, David Heape, Ivan Hughes, Dale Wilcox and I were joined by City Manager Wes Pierson and Director of Public Communications Mary Rosenbleeth** to celebrate the recognition of our own Addison resident **Andrea "Andi" Jennings, who is President and CEO at the Lucas Group, as the winner of the 2016 Top Female Executive.** Andi thanked her entire professional team who are national leaders in the executive recruitment field and expressed great enthusiasm for the award and the opportunity to be part of our Addison community. **Congratulations, Andi, we are very proud of you!** It was a sold out event that has become an annual tradition - a very **well done tradition - by Addison Magazine publisher Rodney Hand and his great team.**

I am happy to report that yesterday, the Town of Addison successfully transitioned its 911 dispatch to the new NTECC facility and is operating without any issues. The transition went smoothly and our staff's preparation allowed them to execute this complex transition in an impressive fashion.

On March 14 and 16 we will be hosting community meetings to gain your input on the Master Transportation Plan, specifically on the current master transportation plan; transportation goals; traffic/congestion/intersections; connectivity and alternative modes of transportation. The meetings, which will be held from 6pm-9pm at the Addison Conference Centre, will be conducted in an open house format so feel free to come when your schedule allows. There will be a brief presentation at 7pm on both nights.

Coming Events

Monday, March 7, 11:30am – 1pm: Monthly Economic Development Luncheon, The Londoner, 14930 Midway Road

Tuesday, March 8, 7:30pm: Addison City Council Meeting, Addison Town Hall, 5300 Belt Line Road

Thursday, March 10, 4pm – 8pm: City Council Strategic Planning Session, Greenhill School Library, 4141 Spring Valley Road

Exhibit B

Monday, March 14 and Wednesday, March 16, 6 – 9pm: Community Meeting for the Town's Master Transportation Plan, 15650 Addison Road

I am so proud of our Council and staff working closely together to work through the challenges of our past and consistently and conscientiously putting what is best for Addison at the forefront of all of our work and looking ahead to our future.

All is well in Addison, Texas.

Todd

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Exhibit B

Update from Mayor Todd Meier, 1.29.16

JANUARY 29, 2016 BY TODD MEIER, MAYOR

Dear Neighbor,

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

Council News

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

After this brief meeting and on the walk over to the Conference Centre, Council and staff were met by a **group of about 30 very vocal and passionate picketers with signs who unfortunately expressed their displeasure in the form of insults and threats directed at me, my fellow Council Colleagues and our staff as we made our way to the Conference Centre for our Regular Council Meeting**. All of this was covered by TV news. It appeared to me that some of those folks forgot that **our Council Members are their neighbors giving of their time, energy and intellect out of a sense of community service and love for Addison and have sworn to do what is best for all of Addison**.

We began our Regular Council Meeting with our pledge and receipt of recognition from the North Central Texas Council of Governments of the Silver Fleet Award for our fleet department. From there we moved right into our Public Comment section. The Council agreed to waive the restriction in our Public Comment section that limits speakers to comment on items not on our agenda and limits the number of speakers to five. Since we closed the Public Hearing on the rezoning of the Sam's site in our January 12 meeting, with the Council's unanimous support, we were able to remove the limitations and proceed with a very long and intense Public Comment section where all of the speakers commented on the proposed redevelopment of the former Sam's site. **This**

Exhibit C

was certainly the longest Public Comment section in the relatively brief history of this opportunity for our community. Most of the speakers were very polite and civil and shared their firmly held opinions with our Council who listened attentively. This Public Comment section is captured on video and available for your review on our website with a link to the public comment sections [here](#) and [here](#).

After the almost two-hour Public Comment section was completed, with everyone in the room who had not already spoken on this case given every opportunity to share their opinion with the Council, we resumed our discussion and consideration of an ordinance rezoning approximately 17.4 acre property located at 4150 Belt Line Road, case 1725/Addison Groves with Mr. Frank Liu as the applicant. Frank Liu resumed his presentation with an updated presentation that **included a clear graphic showing the actual breakout of the proposed redevelopment by land use. The land uses include approximately 17% for the apartment project, which is limited to no more than 350 units, would include retail on the first floor and would wrap around the building's parking garage.** The balance of the land use would be for necessary infrastructure, green space and parks, and **180 fee simple townhomes, projected to be valued at an average of \$400,000 each.** I encourage you to take a look at this [visual](#), I believe it will answer some of your potential questions. After his [presentation](#) Mr. Liu and his partner David Foor answered questions from the Council concerning their flexibility on certain aspects of the project. Both were open to revisions of the project.

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

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

Next up with his report and recommendation for approval of the project was our **Director of Economic Development Orlando Campos.** Orlando reviewed the project's economic impact on Addison and confirmed his support of this redevelopment. His excellent report is attached [here](#) for you review.

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

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

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

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.
2. The townhouses and live/work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.
3. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's wastewater study.
4. The driveway access to the property adjacent to this site (4180 Belt Line Road) shall be reconstructed to align with the entrance/exit of the parking structure being proposed on the site. The applicant shall make any improvements necessary on the adjacent property (4180 Belt Line Road) to accommodate the driveway relocation.
5. Medical and health related uses shall be permitted upon approval of a Special Use Permit.
6. All construction traffic shall access the site from Runyon Road and Belt Line Road only.
7. The existing screening wall along the southern property line shall not be removed until construction has commenced on the townhome units along the wall. (the wall will be replaced with \$400,000+ townhomes facing Beltway)

8. A short, wrought iron or decorative fence or wall shall be installed to delineate the front yards of the townhomes facing Beltway from the public green space/park.
9. At least 25 live/work and/or townhome units must be under construction prior to the issuance of a building permit for the multifamily units or the garage building.
10. A maximum of 330 multifamily units shall be allowed. (a reduction from the previous ceiling of 350 units)
11. The proposed street shown on the east side of the development shall be constructed with retractable bollards at Beltway Drive to provide for public safety access only.
12. The proposed street shown on that east side shall also be constructed with speed/traffic calming devices.
13. The multifamily units shall be constructed as follows:
 - The entire multifamily building and parking garage shall be LEED certified;
 - There will be no linoleum or Formica surfaces in the units;
 - All units shall be equipped with energy efficient appliances;
 - All countertops must be granite, stone or better material.
14. Courtyards shown on the Concept Plan will be designed and constructed with enhanced architectural and landscaping features including such elements as water features, landscaping and art features.

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

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

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

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

The basic elements of the agreement are outlined below:

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

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

2. **The Economic Development Incentives**

- Maximum Incentive of \$6,500,000 as a reimbursement for the construction of public infrastructure to facilitate the Project.
 - Infrastructure eligible for reimbursement will be agreed upon by the parties.
 - Infrastructure reimbursement will be controlled by the following:
 - Maximum of \$250,000 of the total Incentive will be given in the nature of permit/development fee waivers
 - Maximum of \$1,000,000 for infrastructure qualifying for utility fund funding
 - Maximum of \$1,000,000 for infrastructure qualifying for stormwater fund funding
 - Maximum of \$4,250,000 to provide funding for street and park development
 - Incentive Payment terms
 - 1/3 of total potential award upon successful completion of public infrastructure and acceptance by the Town of Addison
 - 1/3 of the total potential award upon completion of 40 percent of the townhomes/live-work units
 - 1/3 of the total potential award upon completion of 75 percent of the townhomes/live-work units
- The Town of Addison will support the process to acquire the right-of-way for Runyan Road. Any acquisition costs will be the responsibility of the Developer.

3. Incentive Conditions

- Developer has offered to deed restrict the multi-family property and garage building to prohibit the use of government subsidies to construct, operate or rent the multi-family units. The developer shall present a recorded copy of the deed restrictions prior to Incentive Payment by the Town.
- Developer will provide to the Town for its review and approval any infrastructure/quality/amenity removals from the Project that the Developer makes to reconcile the difference between the \$8.463 million in economic development assistance requested by the Developer and the \$6.5 million Incentive provided by the Town.
- The apartment developer/operator will be subject to reasonable approval by the City Council. If the developer chooses an apartment developer not approved by the City Council, the Incentive Payment will be forfeited and the Town will have no obligation to make any Incentive Payment.

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

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

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

Around Town

What a fun way to start a week and a Monday. Channel 8 met us at Addison Circle bright and early to do a story about the return of Taste Addison on May 13-15 and the

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

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

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

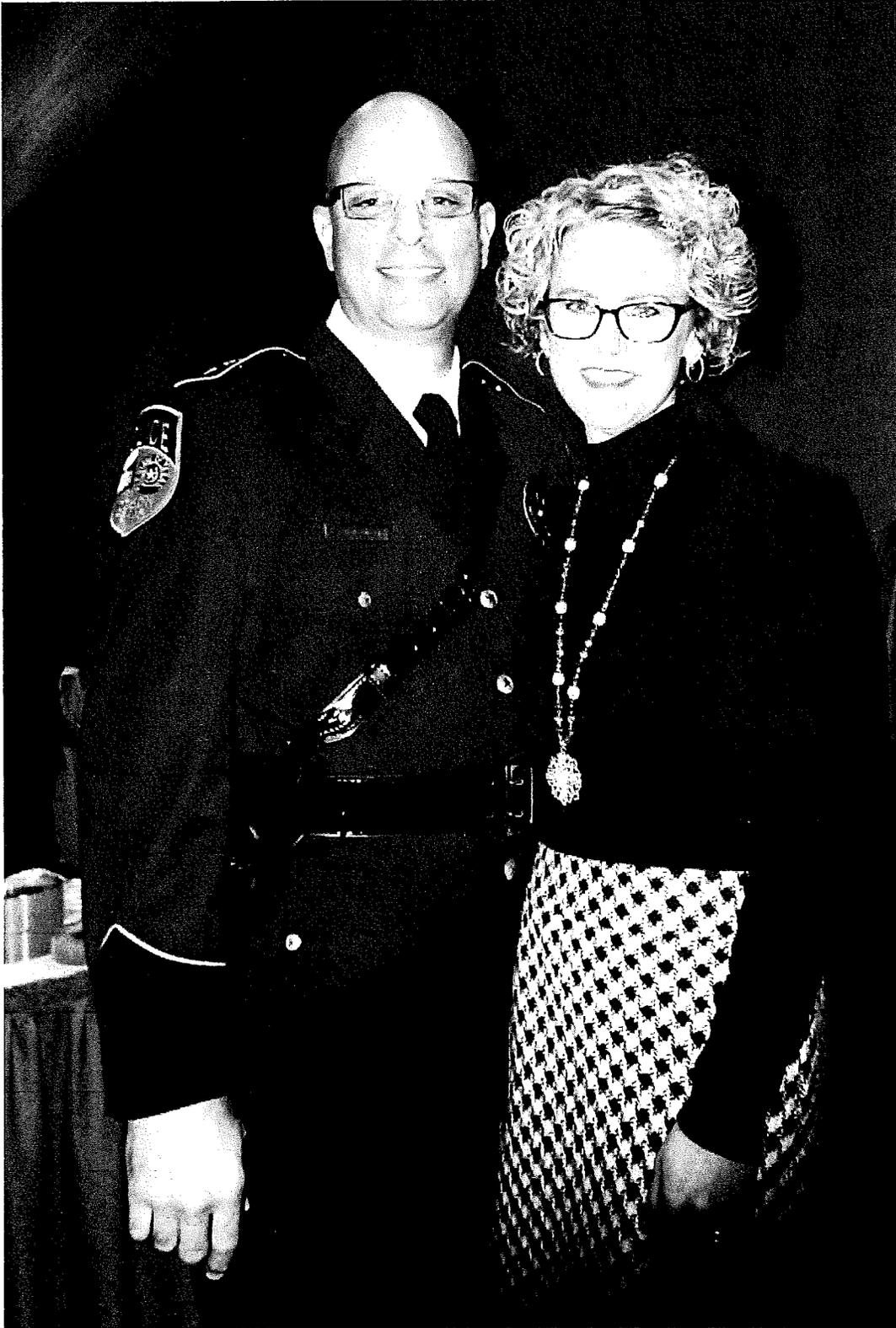
Exhibit C



Exhibit C



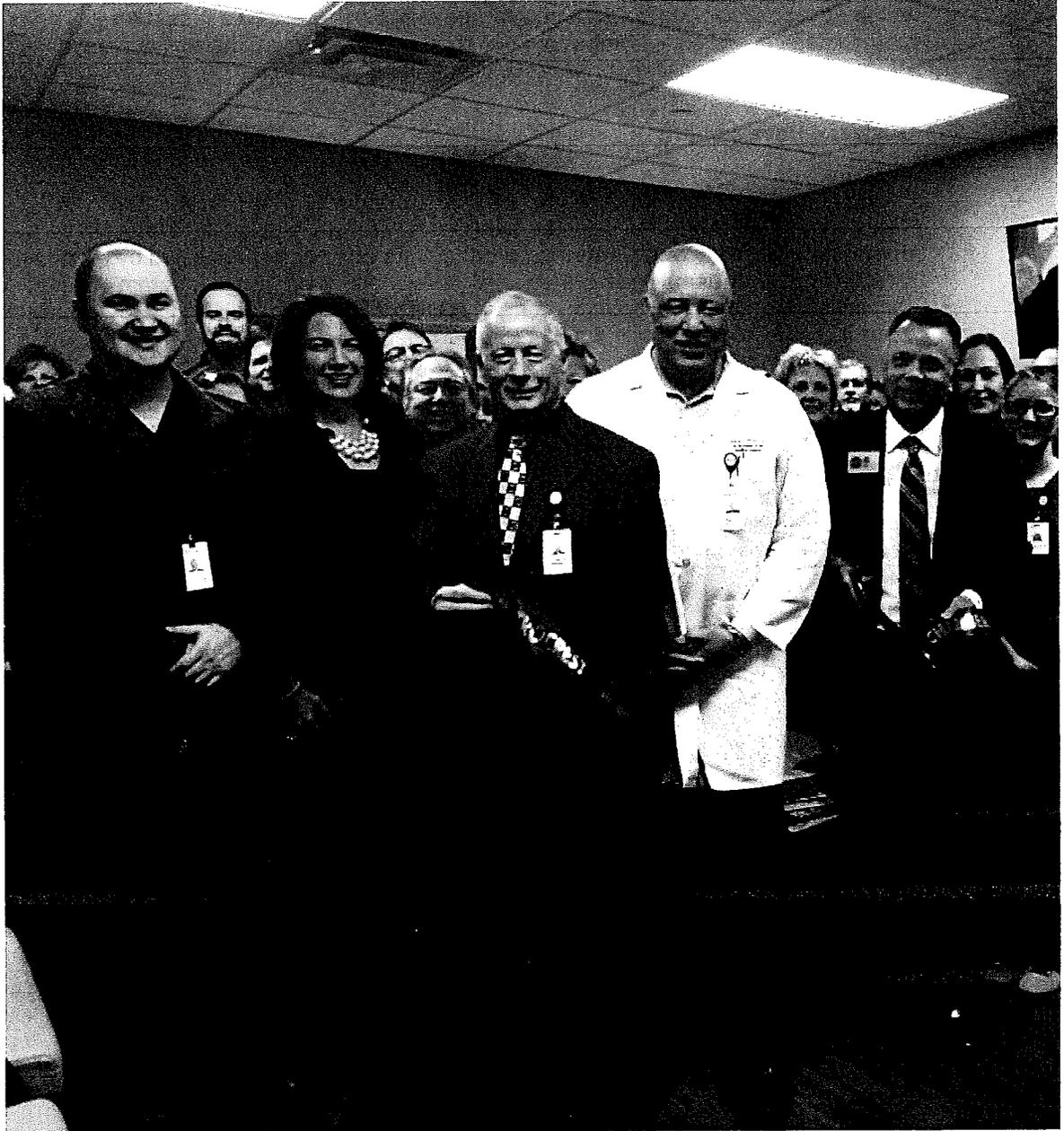
Exhibit C



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

Business Development

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



Coming Events

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

Exhibit C

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

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

It's kind of appropriate that I welcomed the folks from the Methodist Hospital Wound Care Clinic to Addison yesterday. There certainly have been some wounds in Addison over the last few days and I hope we can all look to the future and let those negative feelings subside with time and the recognition that we are all neighbors and want the best for our Town of Addison.

See you soon,

Todd

Exhibit C

From: Todd Meier <tmeier@addisontx.gov>
Subject: Re: Requesting change of venue for January 26th Council Meeting
Date: January 19, 2016 at 2:28:24 PM CST
To: Lorrie Semler <semler@kw.com>
Cc: Wesley Pierson <wpierson@addisontx.gov>

Lorrie, since you have stated you are speaking on behalf of your 104 member community I am curious when you had your HOA meeting to develop your community wide policy directive? You are a frequent critic of our process here and on other matters, just curious if you posted a meeting and gave your residents and members of the public an opportunity to attend your policy formulation meeting? I believe I sent you a copy of my response to Paul concerning my rationale for holding our Charter mandated Regular council meetings at Town Hall. One of the reasons we stream the meetings live is so that folks can watch from home if it is inconvenient to come to Town hall. On another note, if you do plan on attending this next Tuesday evening I would ask that you help us keep the room chatter down a bit so that folks in attendance can hear the presentations and discussions. We have had a couple of folks express displeasure with the conversations taking place during the meetings, I believe they are most likely referring to conversations that may have been taking place in the Town Hall living room. I certainly do hear your threat. Todd

Sent from my iPad

Exhibit D-1

On Jan 17, 2016, at 3:56 PM, Lorrie Semler <[REDACTED]> wrote:

Mayor and Council,

On behalf of the 104 members of the Addison Timbers HOA, I am requesting that you hold the January 26th council meeting at the Addison Conference Center rather than at Town Hall. We do not approve of the rezoning for Sam's Club and will be watching VERY closely to see who votes for and who votes against the proposal and we will remember come election time in May.

Lorrie Semler
President, Addison Timbers Homeowners Association

Lorrie Semler, e-PRO, GRI, SRES, CPRES, CRS
Keller Williams Dallas Premier
972-416-3417
[REDACTED]

Blog: <http://www.activeain.com/blogs/lorrie>
Websites: www.LorrieSemler.com & www.AddisonUpdate.com

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Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, sellers, tenants and landlords: <http://www.trec.state.tx.us/pdf/contracts/OP-K.pdf>

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Exhibit D-1

On Jan 25, 2016, at 1:39 PM, Dale Wilcox <dwilcox@addisontx.gov> wrote:

Dear Ms. Williams,

If you really think that I made and will continue to make bad decisions for all of Addison then you *should* vote against me and work for my opposition if you so choose!

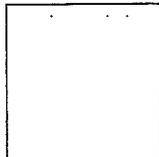
Do you really think the anti-project Midway Meadows residents are helping their cause by continually threatening the Council? Something to think about.

Exhibit D-2

Would you please explain why, in your opinion, you don't think we have performed our due diligence or fiduciary duties?

And the big question, What project would you like to see instead?

Dale



DALE WILCOX | Councilman
Town of Addison | 5300 Belt Line Road
P.O. Box 9010 | Addison, Texas 75001
office: (972) 450-7000
email: dwilcox@addisontx.gov
ADDISONTEXAS.NET

—
IT ALL COMES TOGETHER.

On Jan 25, 2016, at 1:17 PM, "[REDACTED]"
<[REDACTED]> wrote:

To the Mayor and City Council,

My name is Nancy Williams, I live on Bobbin Lane and I am deeply opposed to the plan for the redevelopment of the Sam's Club site.

I feel you have not done your due diligence or your fiduciary duty to and for the citizens of Addison and would hope that you will correct your error by voting down this ill-conceived plan.

I am fully prepared to use my vote to show my displeasure and also to work for and back any candidates that run against those who vote for this plan. I have been shocked at the tone used against citizens of Addison on this subject. You should be encouraging debate and also transparency in this matter. I hope you will correct your tone and stance.

Sincerely,
Nancy Williams

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On Monday, January 25, 2016 2:11 PM, Janelle Moore <[REDACTED]> wrote:

Hello Paul,

The legal ramifications are interpreted by legal council and legal council alone. Because there is a flyer being disbursed with, yes, free speech jargon, yet free speech disparities conveying falsehoods and defamation of my fellow council members and the like, free speech turns into a diatribe of misgivings and unrelenting reflection of falsehoods gone awry. This, sir, is no free speech. This is hate. This is relentless inflammatory reproach at its finest and it will no longer be tolerated by any persons on such brochure. You sir, are wreaking havoc on our town. Not the other way around. It is my recommendation you stop harassing us. It is up to you, yes. But it is my recommendation you stop with the falsehoods and untruths flying by the seat of your pants. You, sir, have no right of those in the least. And no, our meeting will not be had. Feel free to come to the meeting tomorrow evening. We would all love to see you there.

All my best to you,

Janelle Marie Moore
Councilwoman, Town of Addison

On Jan 25, 2016, at 10:52 AM, Paul Walden <[REDACTED]> wrote:

I wanted to respond to your email of 1/23/16 at 4:27 PM. You offered to meet with me, and all that was happening was that we were trying to find a time. Your email came out of nowhere.

I am greatly disturbed at the tone and content of your message to me. You have threatened me with "legal ramifications" and say you will be meeting with an attorney, all because I am exercising my first amendment right of free speech. You signed this threat under the color of your office as a Council Member, so are you speaking for the Town of Addison and the Town Council? Exactly what "legal ramifications" are there in our country for disagreeing with the government?

It is a very sad time in the history of our Town where a citizen is threatened by their government with "legal ramifications" for redressing their grievances and having a political disagreement. How truly un-American.

I take it that you are now refusing to meet with me to discuss the Sam's redevelopment?

Paul

On Saturday, January 23, 2016 4:27 PM, Janelle Moore <[REDACTED]> wrote:

Hi Paul,

Thank you for the update. I want you to know that your tactics are not a safe haven for many. Instead, they are striking the notion which some would say are irresponsible and unethical to say the least. I have read the brochure. It is unaligned with the truth. It is screaming falsified data and is stirring unnecessary and unwelcome wonderment to people who have yet to understand or know all the details of the facts and not the fiction in which you are distributing. I am sorry to say but there are legal ramifications to your actions. I am at my wits end with you and your untruths being spread all over town. We can discuss this at a later date. But before we meet, I will be meeting with the an attorney.

Thank you very much,

Janelle Marie Moore
Councilwoman, Town of Addison

On Jan 23, 2016, at 1:22 PM, Personal Email <[REDACTED]> wrote:

Jane

Got my brochures distributed. Already hit my 10,000 steps on my Fitbit!

I have about an hour now if you are available. If that does not work how about lunch on Monday?

Paul

Begin forwarded message:

From: Personal Email <[REDACTED]>
Date: January 23, 2016 at 9:07:02 AM CST
To: JANELLE MOORE <[REDACTED]>
Subject: Re: Meet

Would still like to get together. Passing out brochures currently (the politicking never ends it seems) but will reach out to you when I am done.

Paul

On Jan 22, 2016, at 4:41 PM, JANELLE MOORE <[REDACTED]> wrote:

Ok, I'm headed to whole foods and will be there for an hour if you get free. I'm not sure about my schedule for tomorrow yet.

Janelle

On Jan 22, 2016 4:34 PM, "Personal Email" <[REDACTED]> wrote:

Janelle, I am stuck at my appointment and I am not sure how long I will be. I don't want to tie you up. I am open in the morning if you have some time?

Let me know.

Paul

On Jan 22, 2016, at 10:43 AM, JANELLE MOORE

<[REDACTED]> wrote:

Paul,

I have a doctors appointment until 4:30ish, so I could meet after that. Would 5pm work for you?

Janelle

On Jan 22, 2016 7:28 AM, "Personal Email"

<[REDACTED]> wrote:

Janelle,

I understand fluid schedules. I have a 2:00 appointment this afternoon that I anticipate would last 1.5 hours so maybe around 4:00? I am still good with Whole Foods if that is convenient.

Let me know.

Paul

On Jan 22, 2016, at 5:46 AM, JANELLE MOORE

<[REDACTED]> wrote:

Paul,

I have had a personal matter come up that I need to tend to this morning, so I will not be able to meet you at 9am as planned. However, if you are available this afternoon or over the weekend please let me know. My apologies for the change, I hope you understand.

Best,

Janelle

ADDISON NEWS

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3.7.14 Weekly Update from Mayor Todd Meier

MARCH 7, 2014 BY TODD MEIER, MAYOR

Dear Neighbor,

The weather this week has been so strange—last weekend we were in the 80s and then a 60 degree drop in less than 24 hours! You could get a sunburn and then frostbite—let's hope this is the last of the winter weather! Our awesome street crews were working all afternoon Sunday and all night Sunday into early

Exhibit F

Monday morning to insure our Addison streets were useable. Great job guys—thank you!

Council News

As you may know, since this was the first week of the month we did not have a formal Council meeting or work session. That is not to say we were not busy as you will see below.

Final filings and candidate ballot spots were chosen this week for our final slate of Council candidates. On Thursday, at 3:00 pm at Town Hall, our final pool of candidates gathered for the random draw to determine the order of candidate names on the official ballot for May 10. The order of names on the ballot for our May 10 City Council election will be; **Mary Carpenter, Diane Mallory, Margie Gunther, Janelle Moore, David Heape, Neil Resnik.**

Our **next Regular Council Meeting is Tuesday, March 11** beginning 6:00 pm with a work session to discuss a transition audit, our upcoming budget process, and meet the new assistant prosecutor for our municipal court. Our Regular session will cover new appointments to our P&Z Commission, and BZA Board. We will also have 3 public hearings for requested Special Use Permits for new restaurants, review next steps for our Airport Master plan process, funding of airport improvements and have a presentation on our Department of Finance Quarterly Financial Review. **You are of course welcome to join us in person for any portion or all of the meeting, or you may watch from home streamed live from our website.**

Around Town

Our **Historic Transition event** last Friday drew over 450 folks; elected officials from all over North Texas, staff, past staff, residents, family and friends gathered to thank retiring City manager **Ron Whitehead** for his 32 years of service and for all of the many things he has done to help make Addison such a special place.

3.7.14 Weekly Update from Mayor Todd Meier - Addison News

With brief remarks from all of our past mayors; **Lynn Spruill, Rich Beckert, Scott Wheeler and Joe Chow** and me as your current mayor, we covered everything from the personal inspirations from Ron, the importance and value of "trust," to the amusing and entertaining use of the "Top Ten" things about Ron to the "you may be Ron Whitehead if"; all emotions were covered. Emotional, touching, personal, humble and funny; just the right tone that so symbolizes Ron's Addison legacy.

With recognition that one of Ron's true passions is building people and careers, we acknowledged some of his finest work with the bridge he built to our future with the development of **Lea Dunn as our next City Manager**. Lea's years of experience working in many of the Town departments, being mentored by and working with Ron, her passion and understanding of our Addison customer service culture and her intellect have Lea Dunn very well equipped to be an outstanding City Manager for us here in Addison Texas. I know that all of my colleagues on the Council join me in congratulating Lea and assuring her of our full confidence and support with best wishes for Great Success with us here in Addison. The future is indeed very bright for Addison. Special **thanks to Rich and Scott** for helping to put together a great event and all my Council colleagues **Blake Clemens, Janelle Moore, Bruce Arfsten, Chris DeFrancisco, Margie Gunther and Neil Resnik** for their support.



Immediately following our Transition event for Ron and Lea, we headed over to the Crowne Plaza Hotel to attend the 45th annual Metrocrest Chamber of Commerce Awards banquet. Joined by Mayor Pro Tempore **Blake Clemens** and new City Manager **Lea Dunn** and her husband Jeff, we celebrated the recognition of Metrocrest Services CEO **Tracy Eubanks as Citizen of the Year** and our own **Crowne Plaza Hotel as Business of the Year!** Speaking of our very own! Council Member **Janelle Moore** whose outstanding academic career from Ursuline to University of North Texas undergraduate degree and her MBA from UT at Dallas, 12 years of professional success in the medical sales and business development field and remarkable community service work from Africa to Addison, was honored with the Chamber's **Rising Star Award**. Congratulations Janelle, you make Addison very proud.

Please check out the **Metrocrest Services' annual fund raiser** breakfast on Tuesday, March 18 at 7:15 am at the **DoubleTree Hotel at 4099 Valley View Lane**, just a few tickets left. Contact Mike Harris at 972-446-2130. All of the proceeds go directly to helping our community be a better place.

I hope you caught the very nice piece the folks at **WFAA** did on our Addison Wednesday afternoon at just after 4pm. They have begun a new segment on "**Love Where You Live**" and of course have started the entire series with [a very cool look at our Addison-check it out.](#)

Special thanks to past Council member, Shriner and neighbor **Fred Silver** for helping us present a proclamation recognizing the good work of the **Hella Shrine Temple** and **the Shriners Hospitals** and declaring March 4 as the **Shriners Hospitals for Children Day**. Generous community participation and partnership with the our Addison IHOP on Belt Line Road with the National Pancake Day raised much needed

funds for the benefit of the Shriner Hospitals and burn centers. Thanks to all of the folks that helped out, well done.

On Tuesday, City Manager **Lea Dunn**, Director of Infrastructure **Lisa Pyles** and I met with **Dallas City Council Member Lee Kleinman** who represents the Dallas Council District with whom Addison shares a border. It was an excellent meeting where we asked Council Member Kleinman for **some help with traffic congestion** areas on the southbound service road of the Tollway just north of Belt Line and the signal sequencing at Arapaho and the service road. We also asked him to consider partnering with us to **continue our rejuvenation of the Belt Line medians** east of the Tollway, including continuing our lighting enhancements. We offered to take over the management of the Belt Line bridge over the Tollway since we currently have Belt Line on both the west and east side of the Tollway; this would help us in a variety of ways from First Responder coordination to traffic flow. We also shared with the Council Member the likely need for a new traffic signal on Montfort maybe a year from now after the new AMC Theatre is open on the south side of the Village on the Parkway. We further discussed trail connectivity and the variety of projects we all have in the area of common interest. All in all, **an excellent and very cordial meeting with a very important representative of our neighbor to the south, east and north of us!** We will keep you informed as we develop progress on these issues.

Our First Wednesday of the month coffee at 10am at Dunn bros was **Standing Room Only** as over 47 folks had coffee on me and tucked into our space for a great conversation. We covered a review of our Transition event, Lea Dunn's impressive start as our new City Manager, the upcoming Citizen Academy, our new Fork & Cork culinary event, continued questions about Budget Suites and Neighborhood watch groups, upcoming Council elections, in fact Council member **Janelle Moore** was there to help with a question about our zip code project. As always an impressive group of very well informed Addison neighbors. We hope to see you next month at 10:00 am on Wednesday, April 2.

3.7.14 Weekly Update from Mayor Todd Meier - Addison News

Frequent DART customer and neighbor **Jane Lenz** wanted me to pass along to you that the **Addison Transit Center** has extended their hours to now include weekends! Great news for Addison visitors in particular, much easier to buy tickets and get around—station monitor hours are now Mon-Friday, 5am-9pm; Saturday and Sunday, 8am-4pm. Thanks for the info Jane!

Bright and early on Thursday, Mayor Pro Tempore **Blake Clemens** and I represented our Council colleagues in showing support for our First Responders by attending the swearing in ceremony for Firefighter/paramedic **Juston Love**. The brief warm and traditional ceremony was one of the highlights of my week! We are so fortunate to have young professionals like Juston on our team! As you can see from the photo Juston's 2-year-old son plans to follow in dad's footsteps—very cute.



Later on Thursday I had the honor and privilege to **swear in two of Addison's newest and now finest Police Officers!** Surrounded by family, friends and our entire Town leadership team from our **City Manager's**

3.7.14 Weekly Update from Mayor Todd Meier - Addison News

office, Police Department and representing our Council Mayor Pro Tempore Blake Clemens, we saw officers Robert Martino and Paige Stevens take their oath of office.



Immediately following experiencing the enthusiasm so obvious on the faces of Paige and Robert, I received a call on my cell phone from one of our long time Addison residents. She called to commend one of our Addison Officers, **Brad Freis** who has been with us for 33 years. She just went on and on about how “nice he was and such an asset to Addison, he just made my day.” Linking these three events together gives us all an appreciation for the kind of folks we are fortunate to attract and retain here in Addison that are committed to looking after us—no wonder so many of us Love Addison!

Business Development

Special shout out to Bill Remington and his team at **Remington's Seafood Grill** at 4580 Belt Line Road as today is their **35th anniversary!** Pretty amazing, given the challenges in the restaurant business. Only way to thrive and survive that long is outstanding food, superior customer service, special people, and of course a great location right here in Addison on Belt Line Road!

I met this week with **Adam Suleman** with Equinox Hospitality who represents the new owners of our **Hilton Garden Inn** on Belt Line to hear more about their exciting plans for their remodel that they plan to have completed by July. Adam and his company own and operate several real estate and hospitality properties here and around the country and it would be great if we could increase their portfolio of investments here in Addison, maybe even lure their corporate headquarters here from California?

On Wednesday, the Addison Business Association featured an excellent presentation from our Director of Special Events **Barbara Kovacevich** with a great preview of our upcoming **Fork and Cork** event on May 16 and 17. **Designed for the Epicurious**, this intimate two day event brings together celebrated chefs, craft breweries, wineries and spirit makers for lots of fun with food as the focus of the entertainment. Tickets are now on sale at www.addisonforkandcork.com. **Beth Huddleston from the Council of World Affairs** previewed our plans for the upcoming year's Worldfest. The Worldfest program will **spotlight Mexico this in 2014**, announcing the first event will be a lunch on April 9 at our Marriott Quorum—a celebration of 20 years of the North American Free Trade Agreement (NAFTA). Economic Director **Orlando Campos** tied it all together with an excellent business presentation on the importance of Mexico to our national and Texas economies. Council members **Janelle Moore, Blake Clemens, Bruce Arfsten, Chris DeFrancisco** and **Margie Gunther** and I all took time to be at this important event to help host and connect with our business community here in Addison.

Arezzo Italian Street Food at 4515 Belt Line Road was the perfect site and host for our First Monday of the month Mayor's Lunch on Monday, March 3. It was very cold and still a bit icy outside, but inside the warm hospitality and great neighbors made for a fun event. With 15 neighbors sampling everything from the PaDeena wrap, the chopped Salad, Pasta Bowl or PaNini sandwich, and topped off with complimentary cannoli chips. A tasty treat from one of newest and already most popular Addison restaurants!

I stopped in for a tour of the **newly remodeled Courtyard Marriott** at 4165 Proton. Marketing Director **Lauren Volcansek** showed off the new lobby area with all sorts of advanced technology, the new landscape, the outdoor lounge area including a new fire pit, Starbucks coffee bar, health club, all adding to the totally redecorated rooms! Wow, really an amazing makeover and now offered at a price point that is bound to make for a full hotel! A great place to add to your list of possible spots for visiting family, friends or business associates...stop in and see Lauren for your own tour soon.

Calendar

Next Council meeting: Tuesday, March 11 beginning at 6:00 pm with a work session. The Regular Council Meeting begins at 7:30pm—both at Town Hall.

Save the Date: Our Spring Town Meeting will be at 7pm on Tuesday, April 15 at the Addison Conference Centre.

Our **annual Candidates Forum**, co-sponsored by the Metrocrest Chamber of Commerce and the Addison Business Association, will be held on Monday, April 21 at 7:00 pm at our Addison Conference Centre. This will be a **free event** with a moderator and an opportunity for you to get to know the candidates better. More details later, just wanted to be sure you add this important event to your calendar.

3.7.14 Weekly Update from Mayor Todd Meier - Addison News

I hope you have a great weekend enjoying our community.

See you soon,

Todd

FILED UNDER: MAYOR

ABOUT ADDISON, TEXAS



Addison is the perfect place for your business to thrive, the perfect place to call home, and always the perfect answer for fun. With 170+ restaurants, 22 hotels, tons of attractions, limitless events and activities, countless unique retail shops and 12 million+ sq. ft. of office space all in just 4.4 square

3.7.14 Weekly Update from Mayor Todd Meier - Addison News

miles...it's easy to see why Addison is where it all comes together.

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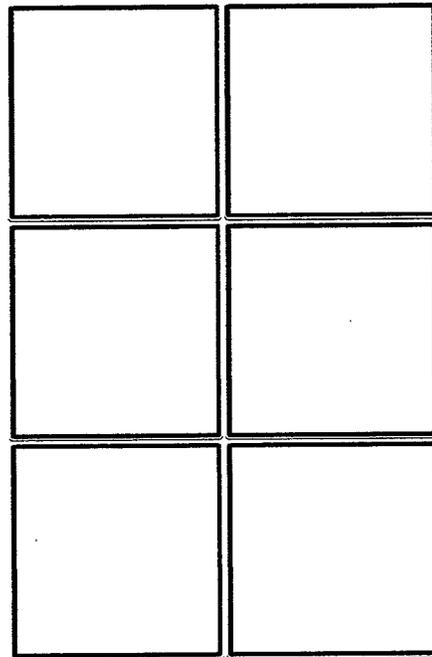
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From: "Truth in Addison" <truthinaddison@gmail.com>
Date: Thursday, April 16, 2015 4:30 PM
To:
Subject: Addison Watch



April 16, 2015

Why This Newsletter?

Without a daily newspaper to cover happenings in the Town, many residents have no source of accurate information regarding Town activities, so Addison Watch was born.

We plan to produce a bi-weekly newsletter, to be distributed via e-mail on the second and fourth Thursdays of each month.

Our content will include general news about the Town and town-sponsored activities and events, reports of city council actions and some employee and business news - all in a succinct format that will keep residents up-to-date.

City Manager Lea Dunn Resigns

City Manager Lea Dunn offered her resignation to the Addison City Council March 20, 2015, subject to the terms of her contract, and vacated her office the same day. After an Executive Session during the regular Council meeting on March 24, the Council accepted her resignation after a motion was made by Mayor Todd Meier.

Exhibit G

Since there was no agenda item posted regarding her resignation, the Council quickly posted the proper notice and met again on Saturday, March 28 at 1:15 pm. The Council formally voted to accept her resignation and approve the terms of her separation agreement which called for a severance package totaling \$248,110.

At the same meeting, the Council named Deputy City Manager Cheryl Dulaney acting interim city manager. They also authorized the hiring of two search firms to find both an interim and permanent city manager.

Many residents continue to have questions regarding Ms. Dunn's sudden resignation after 19 years with the Town.

Council Notes 4.14.15

NAMING POLICY - Agreed to use Proton/Beltway Plaza site for a wall to recognize selected honorees. Will hold a public hearing at the 4/28 meeting to discuss policy on major naming projects - buildings, parks, etc. Current thinking is to only honor former mayors and city managers. Plan to come 4/28 to give Council YOUR advice. The discussion is a result of a request by UDR (developer of Vitruvian Park) to honor the late Development Services Director Carmen Moran by naming the Vitruvian Park amphitheater after her.

CITY MANAGER SEARCH - Retained SGR (Strategic Government Resources) to find an interim city manager (SGR already has a recommendation for a probable candidate which they did not reveal). Heard presentations from SGR and WhitneySmith as to qualifications to search for permanent city manager. Will hear from two other firms on 4/28 and plan to make a selection then.

THE HUB - Approved a special use permit for The Hub to add a billiard parlor and arcade as well as a separate, smoke-free dining area to their space at 4145 Belt Line Road.

PLANNING & ZONING APPOINTMENT - Delayed action.

VOLUNTEER WEEK - Issued a proclamation declaring National Volunteer Week to honor the 108 Addison volunteers who have donated 3,862 hours of work to the Town.

Candidates Forum is Monday, April 20

Remember that the Candidates Forum is Monday night, April 20 at 7 p.m. at the Conference Center. Bring your questions for the Council candidates.

truthinaddison@gmail.com



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Exhibit G

From: "Town of Addison" <webmaster@addisontx.gov>
Date: Friday, May 1, 2015 3:50 PM
To:
Subject: Update from Addison Mayor Todd Meier, 5.1.15



Dear Neighbor,

Tomorrow is Addison Garage Sale time! It looks like the weather is going to be ideal, so get there early for the best deals. Don't forget to bring any electronic gear that you want to have recycled. The Garage Sale will be in the Sam's Club parking lot from 8am until 2pm.

Council News

Big news at our Tuesday, April 28 Council Meeting: the Council unanimously approved the selection of Charles Daniels as interim city manager. Charles will serve with the full authority of city manager until the search for our permanent city manager is completed, most likely sometime before the end of this calendar year. The process to select Charles Daniels as our interim city manager began about 30 days ago when the Council Committee consisting of Mary Carpenter, David Heape, Deputy City Manager Cheryl Delaney, Assistant City Manager Chris Terry and I met to review the criteria and develop a profile of the ideal interim city manager for us and to select a search consultant to help find just the right person. After the recent very successful searches performed for Addison to secure our Deputy City Manager Cheryl Delaney and our City Attorney Brenda McDonald, the committee recommended, and the Council unanimously approved, the selection of SGR as our search consultant.

After the committee reviewed our criteria and profile of the ideal candidate with SGR's CEO Ron Hollifield, SGR went to work developing a list of well-suited candidates who matched the profile for us to review. **After a review of each candidate, our committee agreed that one in particular rose above all the rest in terms of qualifications and fit: Charles Daniels.** With over 35 years working in municipal governments, including an eight-year term as Assistant City Manager in Dallas and seven years as Assistant City Manager in Ft. Worth where he retired in January, Charles Daniels has an impressive resume and portfolio of work and service. We will attach his resume [here](#) for you. A day of interviews was arranged and Charles spent that entire day making himself available to each Council Member for one-on-one interviews, and he spent plenty of time with Cheryl and Chris. Thorough background and

Exhibit H

reference checks were performed by SGR. Previous co-workers remarked that Charles is "even tempered," "uses the collaborative process well," is a "good thinker," and is a "good mentor." **Deputy City Manager Cheryl Delaney and Assistant City Manager Chris Terry both provided very strong and critically important endorsements of Charles.**

After the interviews and all the background checks were completed, the Council discussed Charles appointment at Tuesday evening's Council Meeting and we heard comments from Council Members that included, "Charles has our full confidence and support," "We are so excited to have Charles join our team," "His fantastic experience will be a great addition," and "He is perfect for the job." All of these comments flow from an inclusive process where we learned that Charles has lots of energy and a strong work ethic, is a good listener, is willing to make the tough decisions, and, he says, he, "... like[s] for us to find a way to say 'Yes.'" **That sounds a lot like our Addison Way! It's no wonder the Council voted unanimously to approve Charles. Council Members Blake Clemens, Janelle Moore, Chris DeFrancisco, Bruce Arfsten, Mary Carpenter, David Heape and Todd Meier each voted to approve Charles Daniels as our interim city manager to begin officially on May 4, 2015.** Charles is exceptionally well qualified and will be a good fit for Addison. Congratulations, Charles Daniels, and welcome to our Addison team.

During our Council Work Session, we reviewed an exciting **new opportunity to replace the aging seats in the Main Space of the Addison Conference and Theatre Centre**, the home of the WaterTower Theatre. The likely costs of replacing the old seats, which have been in place since 2002 and are a frequent source of concerns from patrons, may well be about \$122,000. The good news is that, through the WaterTower Theatre's budget and generous private benefactors, the portion of the cost left for Addison would be between \$24,000 and \$34,000.

On a related topic, the Council heard **an excellent presentation from our Conference Centre General Manager Mark Gooch on the recent progress they are making in reducing expenditures, increasing revenue, adopting best business practices and developing specific metrics to evaluate our progress.** It was an impressive presentation that illustrates our focus on operating the Conference Centre more like a business, rather than a government operation.

In other Council news, we approved a long list of administrative matters on the consent agenda and read proclamations recognizing Foot Health Month and Motorcycle Safety and Awareness Month. We had a relatively light turnout for our Public Hearing for feedback on the plans and criteria for our recognition and naming policy. Four speakers shared their concerns and suggestions, which will be integrated into the work our staff is doing in developing recommendations for the Council's consideration that will be coming forward in the next month or so.

The Council approved asking the staff to research best practices and making recommendations to revise our practice concerning public comment at Council Meetings. We hope to take that recommendation up very soon and implement the new procedure in May or June.

Police Chief Ron Davis presented the Police Department's 2014 Annual Report, showing the very positive trend of a decreasing rate of major Uniform Crime Report crimes in Addison, which is consistent with our entire region. While overall activity is slightly up, with more minor traffic accidents

and motor vehicle burglaries, we are very fortunate to see good statistics in almost every category. One of the highlights of the chief's report was **the recognition of three of our officers for their quick thinking and actions that resulted in saving or prolonging lives of three people.** These three officers were awarded the Life Saving bar for "the saving of a human life" or the "prolonging of a human life to the extent of the victim being released to the care of medical personnel." **Congratulations and a big Addison thank you to Sergeant Kirk McFarland, Officer Jeff Sharp and Officer Kyle Coffelt for their bravery and actions.** If you would like to see the details of their heroics and the entire Annual 2014 Police Report, please click [here](#).

The Council heard two excellent presentations from **prospective search firms aspiring to earn the opportunity to help us select our next Great Addison City Manager.** Longtime Addison business and frequent search consultant for Addison over the years **Rollie Waters of the executive recruitment firm Waters and Company,** reviewed his credentials and extensive inclusive process, and then he responded to questions from the Council. Renee Narloch, President of **Renee Narloch and Associates** based in Tallahassee, Florida and Georgetown, Texas, gave her firm's presentation next. She reviewed her credentials, experience and her corporate philosophy that "leadership is the most important thing in government," and that she would help us find "someone who sets everyone up for success." Her process would involve developing a profile of the ideal candidate, utilizing as much of our input as possible to ensure just the right fit. The Council has now heard four excellent presentations from nationally recognized search consultants. **Now our committee, made up of Mayor Pro Tempore Blake Clemens, Deputy Mayor Pro Tempore Janelle Moore and Council Member Bruce Arfsten, will review all of the information we have received and do any additional research necessary to bring the Council a recommendation for the selection of our search consultant to help us find our next great city manager.**

Several items were covered in Executive Session and we adjourned after a very productive and positive meeting at about 11pm.

Our next Regular Council Meeting will be Tuesday evening, May 12. We will begin at 6pm with a Work Session that will include a review of our Storm Water Fund. Our tentative plans for the Regular Council agenda include consideration of three Special Use Permits for local restaurants, our Quarterly Report on Addison financials and a Cotton Belt Rail Line update.

On May 18, the Council will meet in a Special Session to canvass the election results and swear in the new Council Members.

Next week on Monday, May 4, we will have our Economic Development Luncheon with the Mayor and Council Members at Dream Café in Village on the Parkway, 5100 Belt Line Rd., from 11:30am to 1pm. Come help us celebrate their new location and their recommitment to Addison!

Then on Wednesday, May 6 at 10am at Dunn Brothers Coffee, 3725 Belt Line Rd., we will have our First Wednesday of the Month Coffee with the Mayor. Join us for a fun, informal conversation about all the good things going on in Addison. The coffee is on me!

Business Development

On Wednesday morning Director of Economic Development and Tourism **Orlando Campos**, Tourism Coordinator **Alisha Holmberg** and I met with **Pastor Shaji K. Daniel**, senior founder of Agape Church, and his team to begin to plan for their very large conference planned for late June or early July 2016. They will have their conference at Addison's InterContinental Hotel, and with an expected attendance of more than 5,000 people coming from our surrounding five-state region we can expect most of our hotels and restaurants will benefit from this important book of business.

We had a busy Thursday evening, April 30! First we celebrated the Grand Opening of **Pure Barre Addison, 5000 Belt Line Rd. in Addison Walk, with Giselle** and her team of trainers and guests. We cut their ribbon and officially welcomed them to Addison. The business is off to a great start with very positive feedback from folks who feel the healthiest they ever have! Note that the catering was provided by Snap Kitchen with their fresh, healthy take-away right across the street from Pure Barre at 4941 Belt Line Rd.



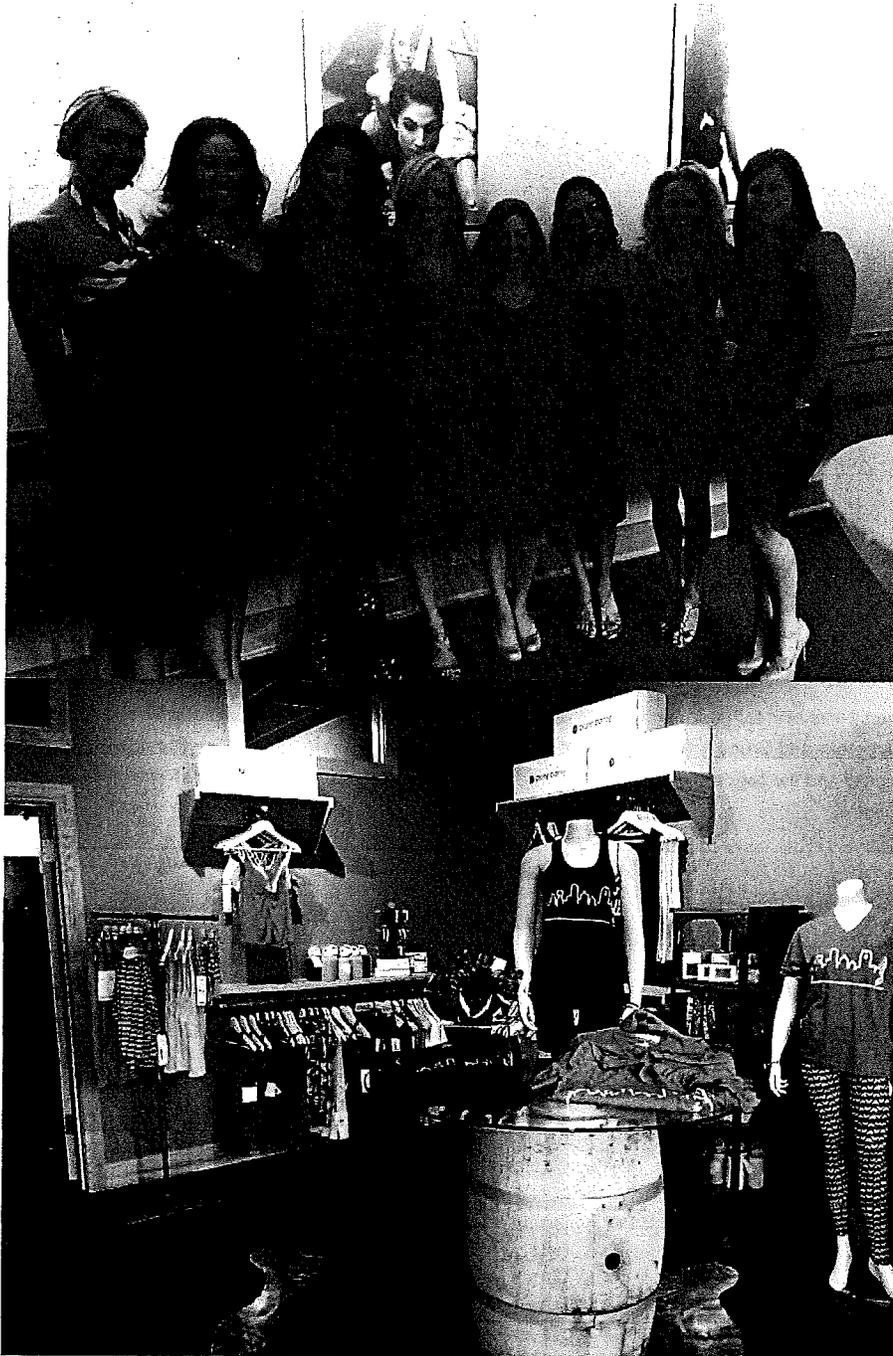
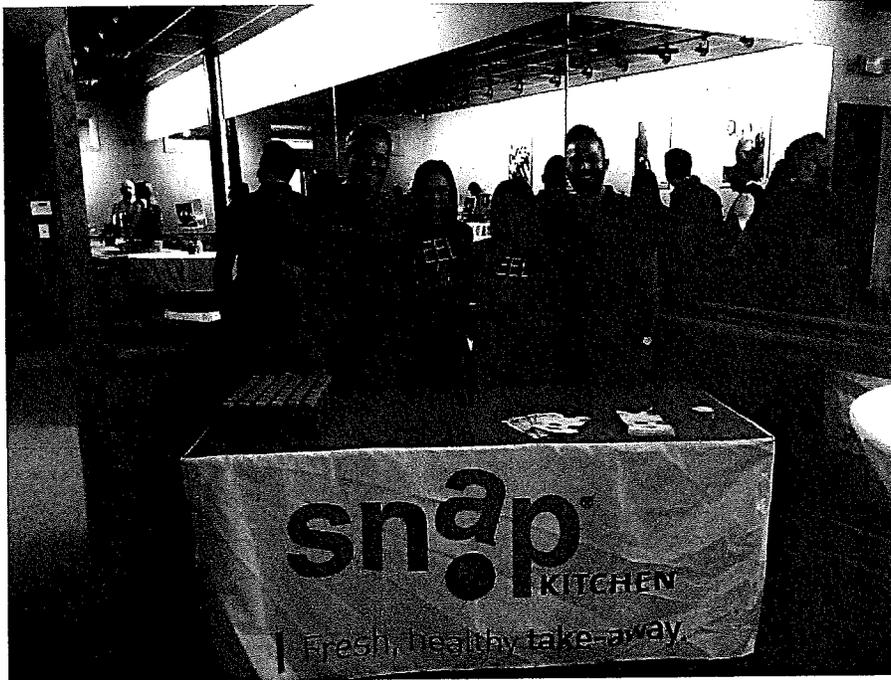


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Then it was over to Frost Bank where Council Colleagues Blake Clemens, Janelle Moore, Mary Carpenter and Bruce Arfsten joined me to thank and congratulate Senior Vice President Jeff Laceky and the bank's supporters for their outstanding sponsorship and support of WaterTower Theatre.

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Finally **Blake, Janelle and I** headed over to **Edward Baumann Clothiers** at **4801 Arapaho Rd., right next to the DART station**. Bob Baumann, his wife and co-workers were celebrating 25 years in the business of making fine, custom-made menswear, including suits, sport coats, jeans and shoes. Bob started his business 25 years ago today on May 1, 1991. Through hard work, attention to detail, and a knack for creating a relaxed environment where men feel welcome, his client list has grown to include some incredibly successful and influential businessmen and professionals. With his store's outstanding location and view of the south end of the Addison Airport runway, it might be a great idea to be shopping at Edward Baumann Clothiers on July 3 for an amazing view of Kaboom Town! fireworks! **2014 was Bob's best business year ever and business is already up 10% for 2015, which is great for Bob and Addison! Congratulations Bob!**



Around Town

Mayor Pro Tempore **Blake Clemens** and Council Member **David Heape** had the not-so-rough duty of representing Addison at the recent North Dallas Chamber of Commerce BBQ competition. I have it on good authority that they weathered the storm and did all they could to have our **Addison team of Al Dent, Phil Kagarice, Mark Gooch, Drew Dietrich and Orlando Campos** feel the love.

Then, just to maintain their momentum of service, **Blake** was joined by Council Colleague **Mary Carpenter** to represent City Council at the Quarterly Arbor Foundation Educational Seminar on Saturday morning, April 25, at the Athletic Club.

On Saturday evening, April 25, I was honored to represent Addison at the annual fundraiser for

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CHETNA at Addison's InterContinental Hotel. CHETNA is a grass roots organization that provides information and unique services to South Asian victims of domestic violence in the DFW area during times of crisis through peer support and counseling. Their mission is "to empower South Asian victims of domestic violence by bringing them safety, helping them rebuild their lives and putting an end their cycle of violence." It was very well attended, with over 500 folks from all over the DFW and the country. Special guest, tennis great and U.S. Open champion **Vijay Amritraj** was also around to show his support for the cause. The keynote speaker was frequent Addison visitor and Addison Airport customer **Indra Nooyi**, **chairman and CEO of PEPSICO**. I did have a chance to visit with Ms. Nooyi to let her know how much we appreciate their business at Addison Airport and to assure her we are available at any time to be of service. She had very high praise for our airport. It was an extremely well-done event that championed a very important cause that we are very proud to have here in Addison.

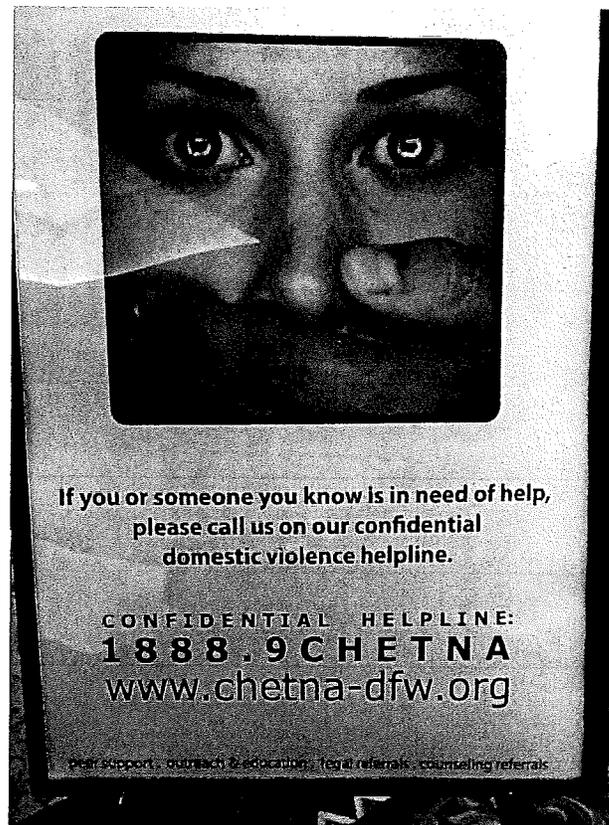


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On Sunday afternoon, April 26, I was pleased to represent Addison, along with Mayor Pro Tempore Blake Clemens, Deputy Mayor Pro Tempore Janelle Moore and Council Member Bruce Arfsten, at the annual neighborhood get-together for the Waterside Court neighbors. Julie Griffith and Tom Schaeffer joined efforts this year and brought about 90 folks from the entire area, including Waterside Court and Chatham Court, together to get to know each other better and hear an update on Addison, as well as our Crime Watch program which Tom leads. There was lots of great food, conversation and a presentation from Addison Police Officer Justin Pierce on the importance of all of us working together to keep our community safe. Thank you Tom, Julie and Jim for all you did to make this a special Addison neighborhood event . . .very well done!

On Wednesday evening, April 29, Nelly and I joined about 20 friends for a night at the WaterTower Theatre. The play was "All My Sons," which is set in post-World War II. Arthur Miller's landmark drama examines the relationships between fathers and sons and the price of living the American Dream. An explosive secret threatens to tear the family apart in this powerful play about the conflict between business ethics and taking responsibility for one's actions. This play is based on a true story and the plot line will keep you guessing and on the edge of your seat until the very last moment. The acting is up to the usual very high standards for our WaterTower Theatre featuring frequent WaterTower star Diana Sheehan. WaterTower's very own producing artistic director Terry Martin made a rare acting appearance as the lead and delivered an amazing better-win-a-big-award performance. This remarkable work runs through May 10 and even if you do not have a high interest in live theatre, you really owe it to yourself to experience this work and theatre at its finest. You can purchase tickets [here](#).

Here is a quick update to an item many of you have asked about. The Town was made aware that during the weeks of April 13 and April 27, many residents and Addison employees received an unsolicited email entitled "Addison Watch." We are continuing to research this matter and will share more information as it becomes available.

Coming Events

Next week on Monday, May 4, we will have our Economic Development Luncheon with the Mayor and Council Members at Dream Café in Village on the Parkway, 5100 Belt Line Rd., from 11:30am to 1pm. Come help us celebrate their new location and their recommitment to Addison!

Then on Wednesday, May 6 at 10am at Dunn Brothers Cafe at 3725 Belt Line Rd., we will have our First Wednesday of the Month Coffee with the Mayor. Come join us for a fun, informal conversation about all the good things going on in Addison. The coffee is on me!

Saturday, May 9 is Addison Election Day. Polls close at 7pm sharp.

Looks like a beautiful Addison weekend ahead, I hope you find time to enjoy and share time with loved ones and friends.

See you soon,

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J. Oliver
14605 Hemingway Court
Addison, TX 75001

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