



MESSER ★ ROCKEFELLER ★ FORT
THE MUNICIPAL LAW FIRM

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

March 1, 2016

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

Re: Town of Addison – Mayor's Newsletter

Dear Mr. Steusloff,

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

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

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

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Mr. Ian Steusloff
March 1, 2016
Page 2

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

Grateful for your assistance,



Brenda N. McDonald
Town of Addison City Attorney

Attachments

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



Dear Neighbor,

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

Council News

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

MAYOR'S NEWSLETTER – NOVEMBER 13, 2015

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

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

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

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

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

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



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

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

MAYOR'S NEWSLETTER – NOVEMBER 13, 2015

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

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



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

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

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

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

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

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

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

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

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

Business Development

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

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

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





Around Town

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



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

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

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

The following businesses have also partnered with us:

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

Boxes are also available in the following lobbies:

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

MAYOR'S NEWSLETTER – NOVEMBER 13, 2015

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

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

Coming Events

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

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

MAYOR'S NEWSLETTER – NOVEMBER 13, 2015

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

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

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Todd

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

Our mailing address is:

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

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Dear Neighbor,

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

Council News

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

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

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

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

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

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

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

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

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

redevelopment. His excellent report is attached [here](#) for you review.

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

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

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

1. The private drive commonly referred to as Runyon Road between the western property line and the intersection of Belt Line Road shall be upgraded to Town standards and become public right of way.
2. The townhouses and live/work units within Block A (as shown on the concept plan) shall be constructed using noise mitigation methods so that outside noise levels, measured within the habitable space of the units, do not exceed 45 DNL. A certified acoustical engineer shall approve the construction plans for these units to assure they will provide a 45 DNL noise level, and a certified acoustical engineer shall inspect the units, once constructed, and verify that the required noise level has been attained.
3. The sanitary sewer line servicing this development shall be increased to a minimum 10' line in accordance with Town standards. This includes approximately an additional 230 linear feet of line than is being proposed in the applicant's

wastewater study.

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

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

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

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

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

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

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

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

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

13. The multifamily units shall be constructed as follows:

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

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

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

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

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

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

The basic elements of the agreement are outlined below:

1. **The Redevelopment Project** (generally as depicted and described in the DRAFT ordinance)(the “Project”)
 - Total estimated project cost - \$86,663,450
 - Total estimated ad valorem value - \$121,200,000
 - Demolition of existing Sam’s Club building
 - Mixed Use development consisting of approximately 20,000 square feet of retail, 17 live/work units, 161 townhomes and not more than 330 multi-family units
2. **The Economic Development Incentives**
 - Maximum Incentive of \$6,500,000 as a reimbursement for the construction of public infrastructure to facilitate the Project.
 - Infrastructure eligible for reimbursement will be agreed upon by the parties.
 - Infrastructure reimbursement will be controlled by the following:

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

3. **Incentive Conditions**

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

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

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

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

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

Around Town

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

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

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







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

Business Development

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



Coming Events

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

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

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

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

MAYOR'S NEWSLETTER – JANUARY 29, 2016

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

See you soon,

Todd

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Dear Neighbor,

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



Council News

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

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

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

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

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

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

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

That is the past.

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

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

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

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

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

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

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

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

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

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

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

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

We adjourned our Council Meeting before 10:30pm.

More Council News!

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

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

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

Business Development

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



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

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







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

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



Around Town

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

MAYOR'S NEWSLETTER – FEBRUARY 26, 2016

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



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

with work in the private sector at Deloitte Consulting and HEB Grocery. An avid and passionate member and supporter of all that we are doing to improve our Athletic Club, Cheryl definitely qualifies as an Addison Rising Star!

Congratulations Cheryl, we are all very proud of you.

Coming Events

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

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

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

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

MAYOR'S NEWSLETTER – FEBRUARY 26, 2016

and amazing staff every day to make sure this very positive trend continues.

See you soon,

Todd

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