



**MINUTES OF CITY COUNCIL
REGULAR SESSION
AUGUST 7, 2017**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:06 p.m. on Monday, August 7, 2017, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

Dennis Childress	Mayor
Jon Epps	Mayor Pro Tem
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	Councilmember
Jose Hernandez	Councilmember

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Alexis Allen, City Attorney Robert Hager, Finance Director Patrick Harvey, Library Director Liz Gant, HR Director/Risk Manager Cindy Brown, and City Secretary Kandi Jackson.

Invocation- *Invocation was given by Mayor Childress.*

Pledge of Allegiance- *The Pledge of Allegiance was led by Mayor Childress.*

Mayor's Report – *Mayor Childress stated the Fitness, Health, and Safety Fair will be on September 26, 2017 from 9:00 a.m. to 4:00 p.m. at City Hall. He also stated Wal-Mart will be a big contributor to this event.*

Citizens Public Comment Period- This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. Council may not discuss these items but may respond with factual data or policy information, or place the item on a future agenda. Citizens wishing to speak on posted agenda items will be called upon at that time. Anyone wishing to speak shall submit a Speaker Request Form to the City Secretary.

Gregory Shortnacy at 2607 N. Hwy 175 Lot 53, Seagoville, TX. 75159 expressed his concern about the utility bill sewer average charge for new customers.

CONSENT AGENDA- The Consent Agenda contains items which are routine in nature and will be acted upon in one motion.

- 1. Consider approving City Council Meeting minutes for July 17, 2017. (City Secretary)**

2. **A Resolution approving the Project Specific Agreement regarding reconstruction and overlay of Malloy Bridge Road, beginning at Cypress Street and ending at Cobb Road, Type "B" streets, made pursuant to Master Road and Bridge Interlocal Maintenance Agreement between Dallas County, Texas and City of Seagoville, Texas in an amount of Fourty-Seven Thousand Nine Hundred Fourteen Dollars (\$47,914.00); authorizing the City Manager to execute the agreement on behalf of the City of Seagoville; and providing an effective date. (Community Development)**
3. **A Resolution of the City Council of the City of Seagoville, Texas approving an addendum extending the term of the Interlocal Agreement with the North Central Texas Council of Governments for Emergency 911 System Service and Equipment, originally approved by the City in July, 2015; and authorizing the City Manager to execute the addendum on behalf of the city; and providing an effective date. (Police Chief)**
4. **Discuss and consider calling a public hearing on August 21, 2017 and August 28, 2017 to receive citizen input on the proposed FY 2017 – 2018 budget and Tax Rate. (Finance)**
5. **Discuss and consider a Resolution approving the consent to assignment of Tax Abatement Agreement by and between the Seagoville WF, LLC, Crescent Valley, LLC and Tractor Supply Company; Authorizing the Mayor to execute said agreement; and providing an effective date (H.R. Director/Risk Manager)**
Motion to approve Consent Agenda Items 1-5 – Hernandez, seconded by Howard; motion passed with all ayes.
6. **An Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 9, Fuel Gas Code, Sections 21.02.451 and 21.02.452 to provide for the adoption of the International Fuel Gas Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**
7. **An Ordinance of the City of Seagoville, Texas amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 8, Mechanical Code, Sections 21.02.401 and 21.02.402 to provide for the adoption of the International Mechanical Code, 2018 Edition; and to provide for the exceptions and amendments to thereto providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**

- 8. An Ordinance of the City of Seagoville, Texas amending the Code of Ordinances of the City of Seagoville, Texas by amending Chapter 21, Article 21.02, "Technical and Construction Codes and Standards", by adopting Division 11, "Existing Building Code", Sections 21.01.551 and Section 21.01.552, to provide for the adoption of International Existing Building Code, 2018 Edition, and to provide for the exceptions and amendments thereto; providing a penalty clause and providing for an effective date (Community Development)**
- 9. An Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances by amending Chapter 21, Article 21.02, "Technical and Construction Codes and Standards," Division 7, "Swimming Pool and Spa Code, Sections 21.02.351 and 21.02.352 to provide for the adoption of the International Swimming Pool and Spa Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**
- 10. An Ordinance of the City of Seagoville, Texas, Amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 10, Property Maintenance Code, Sections 21.02.501 and 21.02.504 to provide for the adoption of the International Property Maintenance Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**
- 11. An Ordinance of the City of Seagoville, Texas, Amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 2, Building Code, Sections 21.02.051 and 21.02.052 to provide for the adoption of the International Building Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**
- 12. An Ordinance of the City of Seagoville, Texas, Amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 4, Energy Conservation Code, Sections 21.02.151 and 21.02.152 to provide for the adoption of the International Energy Conservation Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**
- 13. An Ordinance of the City of Seagoville, Texas, Amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 3, Residential Code, Sections 21.02.101 and 21.02.102 to provide for the adoption of the International Residential Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings**

clause; providing a repealing clause; and providing for an effective date (Community Development)

- 14. An Ordinance of the City of Seagoville, Texas, Amending the Code of Ordinances by amending Chapter 21, Article 21.02, Division 6, Plumbing Code, Sections 21.02.301 and 21.02.302 to provide for the adoption of the International Plumbing Code, 2018 Edition; providing a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00); providing for severability; providing a savings clause; providing a repealing clause; and providing for an effective date (Community Development)**

City Manager Pat Stallings stated Consent Agenda Items 6-14 were pulled from the agenda.

REGULAR AGENDA-

- 15. Consider accepting resignation of a member from Planning & Zoning and Keep Seagoville Beautiful; and, conduct interviews with all Board & Commission applicants. City Secretary)**

Motion to appoint Lowell Sherman to Planning & Zoning Commission Place 4 - Hernandez, seconded by Howard; motion passed with all ayes.

Tiffany Sowell at 1631 Emily Lane stated she has time and wants to serve on the Parks & Recreation Commission.

Wayne Pekrul at 608 Ballard Road stated he has the time and wants to serve on the Parks & Recreation Commission.

Aaron Cade at 739 A Jack Street stated he has the time wants to serve on the Parks & Recreation Commission.

Mayor Pro Tem Epps made a motion, seconded by Hernandez to appoint Ms. Sowell to Place 1 and Aaron Cade to Place 2 on the Parks & Recreation Commission. Councilmember Hernandez rescinded his second.

Motion to appoint Ms. Sowell to Place 1, Aaron Cade to Place 2, and Wayne Pekrul to Place 3 on the Parks & Recreation Commission- Epps, seconded by Howard; motion passed with 3 ayes (Howard, Fruin, Epps) and 2 nays (Hernandez and Magill).

- 16. Conduct the first public hearing to receive input on the proposed annexation of approximately 7,277± feet in length and 80' in width of the recorded public right-of-way of East Malloy Bridge Road, located in Kaufman County, Texas, beginning at its intersection with the northern boundary line of territorial limits of the City of Seagoville, and running north/northeast to its intersection with the southern boundary line of the territorial limits of the City of Seagoville. (HR Director/Risk Manager)**

Mayor Childress opened Public Hearing at 7:18 p.m.

No one spoke for or against.

Mayor Childress closed Public Hearing at 7:18 p.m.

- 20. A Resolution of the City of Seagoville, Texas, approving the terms and conditions, and authorizing the City Manager to execute a Master Interlocal Agreement by and between Dallas County and City of Seagoville for the purpose of transportation improvements on roads inside Dallas County; providing for a repeal of any and all Resolutions in conflict; providing a severability clause; and providing an effective date (Community Development)**

Motion to approve Resolution 42-R-2017 approving the City Manager to execute a Master Interlocal Agreement between Dallas County and City of Seagoville for the purpose of transportation improvements on roads inside Dallas County – Epps, seconded by Magill; motion passed with all ayes.

- 21. A Resolution of the City of Seagoville, Texas, accepting the Certified Tax Roll of Dallas and Kaufman County Appraisal Districts, and providing an effective date (Finance)**

Motion to approve Resolution 48-R-2017 accepting the Certified Tax Roll of Dallas and Kaufman County Appraisal Districts – Epps, seconded by Hernandez; motion passed with all ayes.

- 22. A Resolution of the City Council of the City of Seagoville, Texas, accepting the proposed property Tax Rate for Fiscal Year 2017-2018; accepting the calculation of the Effective Tax Rate; and providing for the publication as provided by the Texas Property Tax Code, and providing an effective date (Finance)**

Councilmember Hernandez made a motion, seconded by Howard to approve Resolution 47-R-2017 accepting the proposed property Tax Rate for Fiscal Year 2017-2018; accepting the calculation of the Effective Tax Rate; and providing for the publication as provided by the Texas Property Tax Code. A Roll Call vote was cast. Voting in favor was Epps, Hernandez, Howard, Fruin, and Magill. Voting against was no one. The Mayor does not cast a vote unless there is a tie vote per Charter Section 3.01(a).

- 23. Direct staff concerning September 04, 2017 Council Meeting (City Secretary)**

Motion to approve the first Regular Council Meeting in the month of September on September 11, 2017 – Hernandez, seconded by Magill; motion passed with all ayes.

- 24. Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.**

Mayor Childress stated the Fitness, Health, and Safety Fair will be on September 26, 2017 from 9:00 a.m. to 4:00 p.m. at City Hall.

- 25. Future Agenda Items – Council to provide direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.**

Mayor Childress would like Staff to look into the requirements for the property at Hall Street and Kaufman Street to be made into a picnic area with the capability of food trucks.

26. Recessed into Executive Session at 7:25 p.m.

Recess into Executive Session in compliance with Texas Government Code:

- (A) Section 551.074; Consultation with the city attorney and/or special legal counsel to seek legal advice concerning the relationship between the City of Seagoville and Seagoville Economic Development Corporation.**
- (B) Section 551.74; Consultation with the city attorney to seek legal advice concerning contemplated or pending litigation: receive legal advice concerning contemplated lawsuit challenging Senate Bill 1004.**

Reconvened into Regular Session at 8:50 p.m.

- 17. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving the terms and conditions of the Rights-of-Way Agreement by and between the City of Seagoville and Mobilitie, LLC, which is attached hereto and incorporated herein as Exhibit A, and authorizing the City Manager to execute said agreement; providing for a repealing clause; providing for a severability clause; and providing an effective date (Community Development)**

Motion to approve Resolution 45-R-2017 approving the terms and conditions of the Rights-of-Way Agreement by and between the City of Seagoville and Mobilitie, LLC, which is attached hereto and incorporated herein as Exhibit A, and authorizing the City Manager to execute said agreement – Hernandez, seconded by Magill, motion passed with all ayes.

- 18. Discuss and Consider approving an Ordinance of the City Council of the City of Seagoville, Texas adopting a Right-of-Way Management Ordinance to the City Code of Ordinances; establishing regulations for construction, placement, and excavation in rights-of-way and public easements; amending the Master Fee Schedule to adopt fees for the administration of the Right-of-Way Management Ordinance; amending or repealing conflicting Ordinances; providing a severability clause; providing a savings/repealing clause; providing for a penalty of fine; providing an effective date; and providing for the publication of the caption hereof. (Community Development)**

Councilmember Hernandez made a motion, seconded by Magill, to approve Ordinance 14-2017 adopting a Right-of-Way Ordinance to the City Code of Ordinances; with amendments to delete references to S.B. 1004 in the body of the Ordinance and to add a clause reserving the City's ability to challenge S.B. 1004, motion passed with all ayes.

- 19. An Ordinance of the City of Seagoville, Texas, adopting the City of Seagoville Design Manual for the installation of nodes and node support poles in the city rights-of-way, pursuant to Texas Local Government Code Chapter 284; and designating design districts for the installation of nodes and nodes support poles, to be designated therein; providing a repealing clause; providing a severability clause; and providing an effective date (Community Development)**

Motion to approve Ordinance 15-2017 adopting the City of Seagoville Design Manual for the installation of nodes and node support poles in the city rights-of-way, pursuant to Texas Local Government Code Chapter 284; and designating design districts for the installation of nodes and node support poles, to be designated therein- Hernandez, seconded by Magill; motion passed with all ayes.

- 27. Take action, if any, on matters discussed in Executive Session.**

- (A)Section 551.074; Consultation with the city attorney and/or special legal counsel to seek legal advice concerning the relationship between the City of Seagoville and Seagoville Economic Development Corporation.**

No action taken.

- (B)Section 551.74; Consultation with the city attorney to seek legal advice concerning contemplated or pending litigation: receive legal advice concerning contemplated lawsuit challenging Senate Bill 1004.**

Motion to approve the joinder of the City of Seagoville with the City of McAllen and other Texas Municipalities to contest the legal applicability and validity of SB1004, passed by the 85th Legislature; and, to authorize the payment of lawsuit joinder sum of \$2,225.25, approve the hiring of Bickerstaff, Heath, Delgado and Acosta, LLP for such joinder fee; and, to authorize the City Attorney and City Manager to execute the engagement letter; and, to authorize the same to take appropriate and authorized action, express and implied, to further the City of Seagoville interest – Hernandez, seconded by Magill; motion passed with all ayes.

Adjourned at 8:56 p.m.

APPROVED:



Mayor Dennis K. Childress

ATTEST:


Kandi Jackson, City Secretary