



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, MARCH 5, 2018**

**City Council Chambers, City Hall
702 N. Hwy 175
Seagoville, Texas 75159**

WORK SESSION – 6:30 P.M.

Call to Order

A. Discuss regular session agenda items

Adjourn

REGULAR SESSION - 7:00 P.M.

ROUTINE ANNOUNCEMENTS, RECOGNITIONS, and PROCLAMATIONS

Call to Order

Invocation

Pledge of Allegiance

Recognition – Water Utilities Department

Mayor's Report

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.*

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 February 5, 2018 and Joint Meeting with Seagoville Economic Development Corporation for February 12, 2018 (City Secretary)**

2. **Consider approving a Resolution ordering cancellation of the General Election on May 5, 2018, and declaring the Election of unopposed Candidates for Place 1, Place 3, and Place 5 of the City Council of the City of Seagoville, Texas; providing for the posting of this Resolution at each polling place on Election Day; and providing an effective date (City Secretary)**

Considerar aprovar la Resolucion ordendando la cancelacion de las Elecciones Gernerales el dia 5 de Mayo del 2018, y declarando la Eleccion de Candidatos sin oposicion para el Lugar 1, Lugar 3 y Lugar 5 del Consejo Municipal de la Cuidad de Seagoville, Texas; proporcionando para la publication de esta Resolucion en cada centro electoral el dia de las eleccion; y proporcionando una fecha efectiva (Secretaria de la Cuidad)

3. **Discuss and consider an Ordinance approving a tariff authorizing an annual rate review mechanism ("RRM") as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company") and the Steering Committee of Cities served by Atmos; requiring the company to reimburse cities' reasonable ratemaking expenses, adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and legal counsel for the steering committee (Director of Administrative Services)**

REGULAR AGENDA-

4. **Discuss and consider declaring vacancies on Planning & Zoning Commissions and Park & Recreation Commissions, and consider new applications (City Secretary)**
5. **Conduct a Public Hearing to discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, readopting, ratifying, republishing and extending Ordinance No. 12-06, codified as Chapter 13, "Offenses and Nuisances", Article 13.06, "Minors", Division 2, "Curfew", for a period of three (3) years; providing a repealing clause; providing a severability clause; and providing for an effective date (Police Chief)**
6. **Approval of an Ordinance amending Chapter 5, Animal Control, of the Code of Ordinances by amending Article 5.01, "General Provisions", Article 5.02, "Dangerous Dogs", Article 5.03, "Impoundment", and Article 5.04, "Animal Care", to provide new and revised regulations concerning the keeping of animals within the City; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed \$2,000 for each offense; and providing an effective date (Police Chief)**

7. **Discuss and consider directing staff on the selection of the movie to view at the annual "Movie in the Park" event in September (Community Development Director)**
8. **Discuss and consider approval of a Resolution adopting the City of Seagoville Comprehensive Statement on Local Economic Development, Tax Abatement and Business Incentives, which is attached hereto and incorporated herein as Exhibit A; and providing that the City continues to elect to be eligible to participate in tax abatement; providing for a repealing clause; providing for a severability clause; and providing an effective date (Director of Administrative Services)**
9. **Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.**
10. **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.**
11. **Executive Session**

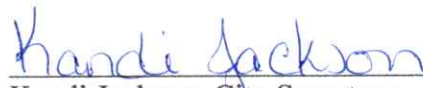
(A) 551.087: Discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations, and to deliberate the offer of a financial or other incentive to a business prospect, to wit: "Project Cake."

12. **Reconvene Into Regular Session**

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

Adjourn

Posted Thursday, March 1, 2018 by 5:00 P.M.


Kandi Jackson, City Secretary



As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

The City of Seagoville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

DATES TO REMEMBER

- **Monday, March 19, 2018 is the next regular City Council meeting.**

Consent Session Agenda Item: 1

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION:

Consider approving City Council Meeting minutes for February 5, 2018 and Joint Meeting with Seagoville Economic Development Corporation for February 12, 2018.

BACKGROUND OF ISSUE:

Approve City Council Meeting minutes for February 5, 2018 and Joint Meeting with Seagoville Economic Development Corporation for February 12, 2018.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS

February 5, 2018 City Council Work Session Meeting minutes
February 5, 2018 City Council Regular Session Meeting minutes
February 12, 2018 Joint Meeting with Seagoville Economic Development Meeting minutes



**MINUTES OF CITY COUNCIL
WORK SESSION
FEBRUARY 5, 2018**

The Work Session of the City Council of the City of Seagoville, Texas was called to order at 6:30 p.m. on Monday, February 5, 2018, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

Dennis Childress	Mayor	Absent
Jon Epps	Mayor Pro Tem	
Jose Hernandez	Councilmember	
Rick Howard	Councilmember	
Harold Magill	Councilmember	
Mike Fruin	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, Finance Director Patrick Harvey, Library Director Liz Gant, Public Works Director Phil DeChant, HR, Police Support Services Manager Christine Dykes, and City Secretary Kandi Jackson.

A. Website application presentation – Liz Gant

Library Director Gant presented the website application.

B. Discuss regular session agenda items

- 14. Discuss and consider approving a Resolution authorizing the City Manager to execute a professional services agreement between the City of Seagoville and CGI Communications for production of a total of five online video tour chapters with subject matter that includes; welcome, education, healthy living, homes/real estate and community organizations, which is attached hereto and incorporated herein as Attachment A.**

Library Director Gant stated this a Resolution authorizing the City Manager to execute a professional services agreement between the City of Seagoville and CGI Communications for production of a total of five online video tour chapters with subject matter that includes; welcome, education, healthy living, homes/real estate and community organizations, which is attached hereto and incorporated herein as Attachment A.

Councilmember Hernandez asked if Staff would have final approval before the videos are published. Library Director Gant stated up to three (3) changes can be made by Staff before publication and Staff will have final approval.

- 1. Consider approving City Council Meeting minutes for January 8, 2018.**

No Questions.

- 2. Approval of a Resolution ordering the General Election to be held May 5, 2018 (City Secretary)**
Aprobación de una resolución que ordena la elección general que se celebrará el 5 de mayo de 2018

No Questions.

- 4. Discuss and consider approving a Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seagoville and North Central Texas Council of Governments for providing all the necessary information and databases for the implementation of Hyper-Reach in accordance with Texas Commission on State Emergency Communications Rules and Policy.**

Police Support Services Manager Dykes stated this is a Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seagoville and North Central Texas Council of Governments for providing all the necessary information and databases for the implementation of Hyper-Reach in accordance with Texas Commission on State Emergency Communications Rules and Policy.

No Questions.

5. **Discuss and consider approving a Resolution for professional services contract with Pipeline Analysis, LLC, for the purpose of performing various field tests and inspections of the wastewater collection system within Glen Road Lift Station Areas, preparing final reports containing recommended system repairs and the estimated costs associated with reducing wet weather inflow and infiltration in an amount not to exceed seventy thousand one hundred twenty-five dollars and no cents (\$70,125.00) , which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement.**

City Manager Stallings stated this will allow the City to inspect the complete sewer system in 10 years.

7. **Discuss and consider approving an Ordinance amending Chapter 13, “Offenses and Nuisances”, article 13.04, “Junked Vehicles”, Section 13.04.002, “Definitions”, and by amending Chapter 21, “Building Regulations”, article 21.02 “Technical and Construction Codes and Standards”, Division 10 “Property Maintenance Code”, Section 21.02.504, “Amendments,” to amend the definition of Junked Vehicles in order to be consistent with State Law.**

Community Development Director Barr stated this Ordinance approves amending Chapter 13, “Offenses and Nuisances”, article 13.04, “Junked Vehicles”, “Building Regulations”, article 21.02 “Technical and Constructions Codes and Standards”, Division 10 “Property Maintenance Code”, Section 21.02.504, “Amendments,” to amend the definition of Junked Vehicles in order to be consistent with State Law.

No Questions.

12. **Discuss and consider approving a Resolution authorizing the City Manager as the Grant Official for Grant Number 3439201 titled, High Power Ballistic Vest Project, and authorizing the submission of the grant application to the office of the Governor, Criminal Justice Division.**

Police Chief Calverley stated this is approving a Resolution authorizing the City Manager as the Grant Official for Grant Number 3439201 titled, High Power Ballistic Vest Project, and authorizing the submission of the grant applicant to the office of the Governor, Criminal Justice Division.

Councilmember Fruin asked if all Police will receive the same vest. Police Chief Calverley stated yes, all Police will receive the same vest.

Adjourned at 7:06 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
REGULAR SESSION
FEBRUARY 5, 2018**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:16 p.m. on Monday, February 5, 2018, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

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

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Library Director Liz Gant, Community Development Director Ladis Barr, City Attorney Alexis Allen, Finance Director Patrick Harvey, Water Utilities Director Phil DeChant, Police Support Services Manager Christine Dykes, and City Secretary Kandi Jackson.

Invocation – *Invocation was led by Councilmember Magill.*

Pledge of Allegiance – *Pledge of Allegiance was led by Mayor Pro Tem Epps.*

Mayor's Report – *None.*

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.*

None.

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 January 8, 2018 (City Secretary)**
- 2. Approval of a Resolution ordering the General Election to be held May 5, 2018 (City Secretary)**
Aprobación de una resolución que ordena la elección general que se celebrará el 5 de mayo de 2018

Motion to approve Consent Agenda as read – Magill, seconded by Howard; motion passed with all ayes. 4/0

REGULAR AGENDA-

- 3. Receive presentation of City of Seagoville's First Quarter Financial Report for Fiscal Year 2018 (Finance Director)**

Finance Director Harvey presented the City of Seagoville's First Quarter Financial Report for Fiscal Year 2018.

- 4. Discuss and consider approving a Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seagoville and North Central Texas Council of Governments for providing all the necessary information and databases for the implementation of Hyper-Reach in accordance with Texas Commission on State Emergency Communications Rules and Policy (Police Support Services Manager)**

Motion to approve a Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seagoville and North Central Texas Council of Governments for providing all the necessary information and databases for the implementation of Hyper-Reach in accordance with Texas Commission on State Emergency Communications Rules and Policy – Howard, seconded by Magill; motion passed with all ayes. 4/0

- 5. Discuss and consider approving a Resolution for professional services contract with Pipeline Analysis, LLC, for the purpose of performing various field tests and inspections of the wastewater collection system within Glen Road Lift Station Areas, preparing final reports containing recommended system repairs and the estimated costs associated with reducing wet weather inflow and infiltration in an amount not to exceed seventy thousand one hundred twenty-five dollars and no cents (\$70,125.00) , which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement (Water Utilities Director)**

Motion to approve a Resolution for professional services contract with Pipeline Analysis LLC, for the purpose of performing various field test and inspection of the wastewater collection system within Glen Road Lift Station Areas, preparing final reports containing recommended system repairs and the estimated costs associated with reducing wet weather inflow and infiltration in an amount not to exceed seventy thousand one hundred twenty-five dollars and no cents (\$70,125.00), which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement – Magill, seconded by Howard; motion passed with all ayes. 4/0

6. Receive an update on the Water Conservation Plan (Water Utilities Director)

Water Utilities Director DeChant stated Halff Associates includes the Water Conservation Plan with the Water Master Plan and it is required by Texas Commission on Environmental Quality (TCEQ) every five (5) years.

7. Discuss and consider approving an Ordinance amending Chapter 13, “Offenses and Nuisances”, article 13.04, “Junked Vehicles”, Section 13.04.002, “Definitions”, and by amending Chapter 21, “Building Regulations”, article 21.02 “Technical and Construction Codes and Standards”, Division 10 “Property Maintenance Code”, Section 21.02.504, “Amendments,” to amend the definition of Junked Vehicles in order to be consistent with State Law (Community Development Director)

Motion to approve an Ordinance amending Chapter 13, “Offenses and Nuisances”, article 13.04, “Junked Vehicles”, Section 13.04.002, “Definitions”, and amending Chapter 12, “Building Regulations”, article 21.02 “Technical and Construction Codes and Standards”, Division 10 “Property Maintenance Code”, Section 21.02.504, “Amendments”, to amend the definition of Junked Vehicles in order to be consistent with State Law – Magill, seconded by Fruin.

Councilmember Hernandez asked if this Ordinance would apply to front and rear yards. Community Development Director Barr stated yes, it does apply to front and rear yards.

Councilmember Hernandez stated in the past it has been acceptable to cover the vehicles. Community Development Director Barr stated if the vehicle is in the yard and covered then it is acceptable.

Councilmember Hernandez asked if the Ordinance would apply if a vehicle is in the front and covered. Community Development Director Barr stated if a vehicle is in the front and covered that is acceptable.

City Attorney Allen stated State Law states if the vehicle is covered the Ordinance would not apply.

City Manager Stallings asked if a vehicle is in the rear yard would it need to be on an approved surface. Community Development Director Barr stated yes, a vehicle in the rear yard does need to be on an approved surface.

Mayor Pro Tem Epps called for a vote. Motion passed with all ayes. 4/0

8. Receive an update on the Highway 175 Overlay District (Community Development Director)

Community Development Director Barr stated Planning & Zoning is working on a Highway 175 Overlay District. There is no information to present to Council at this time because Planning & Zoning has cancelled the last two (2) meetings due to lack of quorum. He also stated Planning & Zoning will be calling some additional meetings to complete the Highway 175 Overlay District and bring to Council.

9. Receive an update on the Sign Ordinance (Community Development Director)

Community Development Director Barr stated Staff is currently reviewing several Sign Ordinances and feels like they can have a new proposed Sign Ordinance to Council by the first of April.

Councilmember Hernandez asked if the City of Seagoville currently has a Sign Ordinance. City Manager Stallings stated yes, the City of Seagoville currently has a Sign Ordinance, but Staff is working to simplify the Sign Ordinance and make it friendly for businesses.

10. Discuss and consider approving a Resolution declaring certain City property surplus and authorizing the City Manager to sell, trade, or dispose of the property in accordance with the process established in the Code of Ordinances (Community Development Director)

Motion to approve a Resolution declaring certain City property surplus and authorizing the City Manager to sell, trade, or dispose of the property in accordance with the process established in the Code of Ordinances – Howard, seconded by Magill; motion passed with all ayes. 4/0

11. Discuss and consider approval of a Resolution authorizing the Mayor to accept the Police Department's 2017 Racial Profiling Report (Police Chief)

Police Chief Calverley presented the Police Department's 2017 Racial Profiling Report.

Motion to approve a Resolution authorizing the Mayor to accept the Police Department's 2017 Racial Profiling Report – Hernandez, seconded by Magill; motion passed with all ayes. 4/0

12. Discuss and consider approving a Resolution authorizing the City Manager as the Grant Official for Grant Number 3439201 titled, High Power Ballistic Vest Project, and authorizing the submission of the grant application to the office of the Governor, Criminal Justice Division (Police Chief)

Motion to approve a Resolution authorizing the City Manager as the Grant Official for Grant Number 3439201 titled, High Power Ballistic Vest Project, and authorizing the submission of the grant application to the office of the Governor, Criminal Justice Division – Magill, seconded by Howard; motion passed with all ayes. 4/0

13. Receive an update concerning the establishment of boundary agreements with the Cities of Wilmer, Ferris, Combine, and Mesquite. (City Attorney)

City Attorney Allen presented the establishment of boundary agreements with the Cities of Wilmer, Ferris, Combine, and Mesquite.

- 14. Discuss and consider approving a Resolution authorizing the City Manager to execute a professional services agreement between the City of Seagoville and CGI Communications for production of a total of five online video tour chapters with subject matter that includes; welcome, education, healthy living, homes/real estate and community organizations, which is attached hereto and incorporated herein as Attachment A (Library Director)**

Motion to approve a Resolution authorizing the City Manager to execute a professional services agreement between the City of Seagoville and CGI Communications for production of a total of five online video tour chapters with subject matter that includes; welcome, education, healthy living, homes/real estate and community organizations, which is attached hereto and incorporated herein as Attachment A – Hernandez, seconded by Howard; motion passed with all ayes. 4/0

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

None.

- 16. 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.**

None.

- 17. Council recessed into Executive Session at 8:23 p.m.**

Recess into Executive Session in compliance with Texas Government Code:

(A)Section 551.087: Discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations, and to deliberate the offer of a financial or other incentive to a business prospect, to wit: “Project Cake.”

- 18. Council reconvened into Regular Session at 9:08 p.m.**

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

No action taken.

Adjourned at 9:08 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
JOINT WITH SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION
FEBRUARY 12, 2018**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 6:32 p.m. on Monday, February 12, 2018, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

Dennis Childress	Mayor
Jon Epps	Mayor Pro Tem
Jose Hernandez	Councilmember
Rick Howard	Councilmember
Harold Magill	Councilmember
Mike Fruin	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, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

Invocation – Invocation was led by Mayor Childress.

Pledge of Allegiance – Pledge of Allegiance was led by SEDC Board and Seagoville City Council.

EXECUTIVE SESSION-

1. Recessed into Joint Executive Session with Seagoville Economic Development Corporation

(A)Section 551.087: Discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay or expand in or near the City and with which the City is conducting economic development negotiations, and to deliberate the offer of a financial or other incentive to a business prospect, to wit: “Project Cake”

Mayor Childress recessed Seagoville City Council into Joint Executive Session at 6:35 p.m.

Board Vice Chair Hernandez recessed Seagoville Economic Development Corporation into Joint Executive Session at 6:35 p.m.

2. Reconvene into Regular Session

Council and SEDC will reconvene into open session, and take action, if any on matters discussed in Joint Executive Session

Mayor Childress reconvened Seagoville City Council into Regular Session at 8:08 p.m. and stated no action taken.

Board Vice Chair reconvened Seagoville Economic Development Corporation into Regular Session at 8:08 p.m. and stated no action taken.

Adjourned at 8:08 pm.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Consent Session Agenda Item: 2

Meeting Date: March 5, 2018

ITEM DESCRIPTION

Consider approving a Resolution ordering cancellation of the General Election on May 5, 2018, and declaring the Election of unopposed candidates for Place 1, Place 3, and Place 5 of the City Council of the City of Seagoville, Texas; providing for the posting of this Resolution at each polling place on Election Day; and providing an effective date.

BACKGROUND OF ISSUE:

The filing deadline of February 16, 2018 passed with only one City Council candidate application being submitted for each one of the three expiring terms/positions up for election. Additionally, the deadline of February 20, 2018 for write-in candidates passed with no applications being submitted. With no opposed candidates the City can cancel its election and declare the unopposed candidates elected.

FINANCIAL IMPACT:

There will be a savings to the City's budget of \$6865.22 as depicted in Attachment A.

RECOMMENDATION:

Staff recommends approval.

EXHIBITS

Order of Cancellation (English)
Order of Cancellation (Spanish)
Attachment A

RESOLUTION NO. 16-R-2018

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, ORDERING CANCELLATION OF THE GENERAL ELECTION ON MAY 5, 2018, AND DECLARING THE ELECTION OF UNOPPOSED CANDIDATES FOR PLACE 1, PLACE 3 AND PLACE 5 OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS; PROVIDING FOR THE POSTING OF THIS RESOLUTION AT EACH POLLING PLACE ON ELECTION DAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 09-R-2018, the City Council called for an election on May 5, 2018, to elect Council Members for Places 1, 3 and 5; and,

WHEREAS, the time for filing as a candidate for the May 5, 2018, City Council election has passed; and,

WHEREAS, Subchapter C, Election of Unopposed Candidate of the Election Code provides that a municipality may cancel an election for council members if each candidate whose name is to appear on the ballot is unopposed and no proposition or special election has been called to appear; and,

WHEREAS, as required by law, the City Secretary has delivered a written certification to the City Council certifying that the candidates for election for Council Members for Places 1, 3 and 5 are unopposed; and, been delivered to the City Council; and,

WHEREAS, that in accordance with the Texas Election Code, City Council desires to cancel such election and declare the unopposed candidates elected to office.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the election called for May 5, 2018, to elect Council Members for Places 1, 3 and 5 is cancelled.

SECTION 2. That the following unopposed candidates have been certified as unopposed and are declared elected:

NAME OF CANDIDATE	OFFICE SOUGHT	TERM
Rick Howard	Council – Place 1	Full – 2-year
Harold Magill	Council – Place 3	Full – 2-year
Jon Epps	Council – Place 5	Full – 2-year

SECTION 3. That a copy of this Resolution will be posted on Election Day at each polling place that would have been used in the election, as required by the Election Code.

SECTION 4. That a certification of election will be issued to each candidate in the same manner and at the same time as provided for a candidate elected at the election, as required by the Election Code.

AND IT IS SO RESOLVED AND ORDERED.

APPROVED AND ADOPTED by the City Council of the City of Seagoville, Texas the 5th day of March 2018.

This resolution and order shall be effective from and after the date of its enactment as provided by law.

APPROVED:

DENNIS K. CHILDRESS, MAYOR
CITY OF SEAGOVILLE, TEXAS

ATTEST:

KANDI JACKSON, CITY SECRETARY
CITY OF SEAGOVILLE, TEXAS

APPROVED AS TO FORM:

ALEXIS G. ALLEN, CITY ATTORNEY

CERTIFICATION OF UNOPPOSED CANDIDATES

To: Presiding Officer of Governing Body

Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 5, 2018.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 5 de mayo de 2018.

List offices and names of candidates:

Lista de cargos y nombres de los candidatos:

Offices (<i>cargo</i>)	Candidate (<i>candidato</i>)
Place 1 (<i>Concejal Lugar 1</i>)	Rick Howard
Place 3 (<i>Concejal Lugar 3</i>)	Harold Magill
Place 5 (<i>Concejal Lugar 5</i>)	Jon Epps

Kandi Jackson
Kandi Jackson, City Secretary (*Ciudad Secretario*)

March 5, 2018
Date of Signing (*Fecha de firma*)

RESOLUCION NO. 16-R-2018

UNA RESOLUCION DE LA CIUDAD DE SEAGOVILLE, TEXAS, ORDENANDO LA CANCELACION DE LAS ELECCIONES GENERALES EL DIA 5 DE MAYO DEL 2018, Y DECLARANDO LA ELECCION DE CANDIDATOS SIN OPOSICION PARA EL LUGAR 1, LUGAR 3 Y LUGAR 5 DEL CONSEJO MUNICIPAL DE LA CIUDAD DE SEAGOVILLE, TEXAS; PROPORCIONANDO PARA LA PUBLICACION DE ESTA RESOLUCION EN CADA CENTRO ELECTORAL EL DIA DE LAS ELECCIONS; Y PROPORCIONANDO UNA FECHA EFECTIVA.

CONSIDERANDO que, por Resolución no. 09-R-2018, el Consejo Municipal pidió una elección el día 5 de mayo del 2018, para elegir a los miembros del Consejo para los lugares 1, 3 y 5; y,

CONSIDERANDO que, el tiempo para la presentación como candidato para el día 5 mayo del 2018, la elección del Concejo Municipal ha pasado; y,

CONSIDERANDO que, el subcapítulo C, elección del candidato sin oposición del código de la elección establece que un municipio puede cancelar una elección para los miembros del Consejo si cada candidato cual nombre va aparecer en la balota electoral no es opuesto y ninguna proposición o elección especial ha sido llamado a aparecer; y,

CONSIDERANDO que, como lo requiere la ley, el Secretario de la ciudad ha entregado una certificación por escrito al Consejo Municipal que certifica que los candidatos para la elección de los miembros del Consejo para los lugares 1, 3 y 5 no son opuestos; y, sido entregado al Consejo Municipal; y,

CONSIDERANDO que, de acuerdo con el código electoral de Texas, el Consejo Municipal desea cancelar dicha elección y declarar a los candidatos sin oposición elegidos para el cargo.

AHORA, POR LO TANTO, SEA RESUELTO Y ORDENADO POR EL CONSEJO MUNICIPAL DE LA CIUDAD DE SEAGOVILLE, TEXAS:

SECCION 1. Que la elección convocada para el día 5 de mayo del 2018, para elegir a los miembros del Consejo para los lugares 1, 3 y 5 se cancela.

SECCION 2. Que los siguientes candidatos sin oposición han sido certificados como sin oposición y son declarados elegidos:

NOMBRE DEL CANDIDATO	OFICINA BUSCO	PLAZO
Rick Howard	Consejo - lugar 1	Completo – 2- ano
Harold Magill	Consejo - lugar 3	Completo – 2- ano
Jon Epps	Consejo - lugar 5	Completo – 2- ano

SECCION 3. Que una copia de esta resolución sea publicada el día de las elecciones en cada lugar de votación que se habría utilizado en la elección, como lo requiere el código de la elección.

SECCION 4. Que una certificación de la elección será emitida a cada candidato de la misma manera y al mismo tiempo que se proporciona para un candidato elegido en la elección, como lo requiere el código de la elección.

Y ESTA TAN RESUELTO Y ORDENADO.

APROBADO Y ADOPTADO por el Consejo Municipal de la ciudad de Seagoville, Texas el día 5 de marzo del 2018.

Esta resolución y orden será efectiva desde y después de la fecha de su promulgación según lo estipula la ley.

APROBADO:

DENNIS K. CHILDRESS, ALCADO
CITY OF SEAGOVILLE, TEXAS

DAR FE:

KANDI JACKSON, CITY SECRETARY
CITY OF SEAGOVILLE, TEXAS

APROBADO EN CUANTO A LA FORMA:

ALEXIS G ALLEN, CITY ATTORNEY

CERTIFICATION OF UNOPPOSED CANDIDATES

To: Presiding Officer of Governing Body

Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 5, 2018.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 5 de mayo de 2018.

List offices and names of candidates:

Lista de cargos y nombres de los candidatos:

Offices (<i>cargo</i>)	Candidate (<i>candidato</i>)
Place 1 (<i>Concejal Lugar 1</i>)	Rick Howard
Place 3 (<i>Concejal Lugar 3</i>)	Harold Magill
Place 5 (<i>Concejal Lugar 5</i>)	Jon Epps

Kandi Jackson
Kandi Jackson, City Secretary (*Ciudad Secretario*)

March 5, 2018
Date of Signing (*Fecha de firma*)

Poll Location Info
May 5, 2018 Joint Election Cities and Schools
ESTIMATED COST

SUBJECT TO CHANGE

Based Apon 50 Early Voting Locations

Based Apon 39 entities participating

ATTACHMENT A

Location Splits	Total	COSe
Split by 1	116.00	0
Split by 2	262.00	1
Split by 3	95.00	0
Split by 4	35.00	1
Split by 5	0.00	
Split by 6	0.00	
Split by 7	0.00	
Total Splits	510.00	2
Total Units	293.67	1.00
Cost per Poll (Without ESF)	\$6,241.11	\$6,241.11
Subtotal	\$1,832,805.15	\$6,241.11
% of Units	100%	0.34%

		Total	COSe
Election Total		\$1,832,805.15	\$6,241.11
Exceptional Cost	(to be determined)	\$0.00	
Election Services Fee (AKA ESF)	10% of Election Total	\$183,280.51	\$624.11
Total Cost		\$2,016,085.66	\$6,865.22
Actual Unit Cost (With ESF)		\$6,865.22	\$6,865.22
Amount of Deposit		\$0.00	
(Overpaid)/Underpaid		\$2,016,085.66	\$6,865.22

Consent Session Agenda Item: 3

Meeting Date: March 5, 2018

ITEM DESCRIPTION:

Discuss and consider an Ordinance approving a tariff authorizing an annual rate review mechanism (“RRM”) as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”) and the Steering Committee of Cities served by Atmos; requiring the company to reimburse cities’ reasonable ratemaking expenses, adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and legal counsel for the steering committee.

BACKGROUND OF ISSUE:

The City, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Steering Committee of Cities Served by Atmos (“Cities”). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company’s application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities’ Executive Committee has recommended acceptance of the revised RRM Tariff, which is attached to the Ordinance.

The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March, 2018. Prior RRM tariffs allowed Cities only three months to review the Company’s filing. The new revised Tariff expands that time period by two months. New applications by the Company should be made on or about April 1 of each year, with new rates effective October 1. A rate order from the Railroad Commission in an Atmos Texas Pipeline rate case adopted the position of Cities with regard to incentive compensation related to Atmos’ Shared Services Unit that reduced allowed expenses, and that reduced level of expenses will be applicable under the new RRM Tariff.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS

Exhibit A

ORDINANCE NO. 04-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

WHEREAS, the City of Seagoville, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company’s interim rate filing under Section 104.301 of the Texas Utilities Code (a “GRIP” rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism (“RRM”) Tariff, ultimately

authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving an RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission's decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee's Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee's Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

Section 4. That to the extent any resolution or ordinance previously adopted by the City is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That this Ordinance shall become effective from and after its passage.

Section 8. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas, 78701.

PASSED AND APPROVED this 5th day of March, 2018.

Dennis K. Childress, Mayor

ATTEST:

APPROVED AS TO FORM:

Kandi Jackson, City Secretary

Alexis G. Allen, City Attorney

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 7

Exhibit A

ACSC Cities

Abilene	Cleburne	Frost	Lincoln Park
Addison	Clyde	Gainesville	Little Elm
Albany	College Station	Garland	Lorena
Allen	Colleyville	Garrett	Madisonville
Alvarado	Colorado City	Grand Prairie	Malakoff
Angus	Comanche	Grapevine	Mansfield
Anna	Commerce	Groesbeck	Mckinney
Argyle	Coolidge	Gunter	Melissa
Arlington	Coppell	Haltom City	Mesquite
Aubrey	Copperas Cove	Harker Heights	Midlothian
Azle	Corinth	Haskell	Murphy
Bedford	Crandall	Haslet	Newark
Bellmead	Crowley	Hewitt	Nocona
Benbrook	Dalworthington Gardens	Highland Park	North Richland Hills
Beverly Hills	Denison	Highland Village	Northlake
Blossom	Denton	Honey Grove	Oak Leaf
Blue Ridge	Desoto	Hurst	Ovilla
Bowie	Draper	Hutto	Palestine
Boyd	Duncanville	Iowa Park	Pantego
Bridgeport	Eastland	Irving	Paris
Brownwood	Edgecliff Village	Justin	Parker
Buffalo	Emory	Kaufman	Pecan Hill
Burkburnett	Ennis	Keene	Petrolia
Burleson	Eules	Keller	Plano
Caddo Mills	Everman	Kemp	Ponder
Canton	Fairview	Kennedale	Pottsboro
Carrollton	Farmers Branch	Kerens	Prosper
Cedar Hill	Farmersville	Kerrville	Quitman
Celeste	Fate	Killeen	Red Oak
Celina	Flower Mound	Krum	Reno (Parker County)
Centerville	Forest Hill	Lake Worth	Rhome
Cisco	Forney	Lakeside	Richardson
Clarksville	Fort Worth	Lancaster	Richland
	Frisco	Lewisville	Richland Hills

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 8

River Oaks	Temple
Roanoke	Terrell
Robinson	The Colony
Rockwall	Trophy Club
Roscoe	Tyler
Rowlett	University Park
Royse City	Venus
Sachse	Vernon
Saginaw	Waco
Sansom Park	Watauga
Seagoville	Waxahachie
Sherman	Westlake
Snyder	Westover Hills
Southlake	Westworth Village
Springtown	White Settlement
Stamford	Whitesboro
Stephenville	Wichita Falls
Sulphur Springs	Woodway
Sweetwater	Wylie

Regular Session Agenda Item: 4

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION:

Discuss and consider declaring vacancies on Planning & Zoning Commission and Park & Recreation Commissions, and consider new applications.

BACKGROUND OF ISSUE:

Aaron Cade informed the City Secretary's Office that he is no longer a resident in the City of Seagoville and wishes to withdraw from the Park & Recreation Commission. Also, Brian Williams and Ritha Edwards submitted letters of resignation from the Planning & Zoning Commission.

At this time Place three (3) on Keep Seagoville Beautiful is vacant. Scott Englert submitted an application to fill that vacancy. In addition, Planning & Zoning has two vacancies. An application has been submitted by David Grimes to fill one of those vacancies. David Grimes is currently serving on the Animal Shelter Oversight Committee. The City Charter does allow Council to appoint Mr. Grimes to serve on more than one board or commission as referenced below.

Home Rule Charter, Section 3.19 Boards and Commissions

(b) The City Council may appoint persons to serve on any boards, commissions, or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Except as otherwise provided in this Charter, members of any such board, commission, or committee shall serve without compensation but may be reimbursed for actual expenses as approved by the City Council. **The City Council may, by an affirmative vote of four (4) council members, waive any requirements that a person may only serve on one (1) board or commission.**

In the past the City Council has interviewed all board and commission applicants. At this time, brief interviews may be conducted with each applicant individually. For your convenience, a list of applicant's has been provided.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

EXHIBITS

Letters of Resignation
List for Appointments

Kandi Jackson

From: aaron cade <aaronjamalcade@yahoo.com>
Sent: Wednesday, January 17, 2018 3:17 PM
To: Kandi Jackson
Subject: Re: Reminder - Boards & Commissions Dinner - Monday, January 22, 2018

Ms. Jackson i will have to withdraw my name from the board because I have recently moved out of the city of Seagoville.

Sent from my iPhone

On Jan 17, 2018, at 10:30 AM, Kandi Jackson <citysecretary@seagoville.us> wrote:

Hi All,

If you have not RSVP'd for the Boards & Commissions Dinner please do so by tomorrow. I will need to have a count for ordering food. Please let me know if you have any questions.

Thank you,
Kandi Jackson, TRMC
City Secretary
<image001.jpg>
City of Seagoville
702 N. Hwy 175
Seagoville, TX 75159
(P) (972) 287-6819 (F) (972) 287-3891
kjackson@seagoville.us
www.seagoville.us

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

This e-mail may contain information and documents being sent to members of the City Council for review. If so, this matter will be discussed at a future City Council meeting. Please remember that City Council members may not engage in deliberations on any City matter by email correspondence. If you have comments or questions, please only reply to the City Attorney, City Secretary or the City Manager for the City.

Kandi Jackson

From: Jennifer Bonner
Sent: Monday, February 12, 2018 8:15 AM
To: Kandi Jackson; Ladis Barr
Subject: FW: P and z

Auto-correct has the info below wrong - He is surrendering his seating, not surrounding it. I have called to confirm with him this morning before sending the information on to you.

We will need to find someone to replace him.

JENNIFER BONNER
PLANNING TECHNICIAN
CITY OF SEAGOVILLE

Office: (972) 287-6833 M-F 8:00 AM to 5:00 PM The office is open during lunch.

-----Original Message-----

From: brian williams [mailto:brian_williams76210@yahoo.com]
Sent: Sunday, February 11, 2018 4:29 PM
To: Jennifer Bonner <jbonner@seagoville.us>
Subject: P and z

As of 2/12/2018 I am surrounding my seat on the p and z board due to business and family Not enough time in the days
thank u Brian williams

Sent from my iPhone

February 26, 2018

Jennifer Bonner
Planning Technician
City of Seagoville
702 N Highway 175
Seagoville, TX 75159

Dear Jennifer,
Please accept this letter of resignation from the Planning and Zoning Commission.

This wasn't an easy decision, because I enjoy it greatly.
I am furthering my education and the days conflict.
It is unfair to hold a seat and not be able to attend meetings regularly.

Thank you for the opportunity to serve this great City of Seagoville.

Respectfully,

Ritha Edwards

Ritha Edwards

CITY PLANNING & ZONING COMMISSION

	Place	Appt. Date	Term Expires
James Sudduth	1	7/2010	6/2018
Mike Dupuis (Vice Chair)	2	6/2016	6/2018
Garry Adams	3	6/2015	6/2019
Lowell Sherman	4	7/2017	6/2019
Ritha Edwards (Resignation)	5	7/2017	6/2019
Brian Williams (Resignation)	6	7/2017	6/2019
Raymond Covert	7	11/2016	6/2019

Reappointees:	New Applicants:
	David Grimes

BOARD OF ADJUSTMENTS

	Place	Appt. Date	Term Expires
Jerry Yearout	1	7/2015	6/2019
Sidney M. Sexton, Jr.	2	8/2013	6/2018
George Edwards	3	7/2015	6/2019
Nancy Ashley	4	6/2016	6/2018
Lorin Mullens	5	6/2016	6/2018
Vacant	Alt. #1		
Vacant	Alt. #2		

Reappointees:	New Applicants:

PARK & RECREATION COMMISSION

	Place	Appt. Date	Term Expires
Tiffany Sowells	1	8/2017	6/2019
Aaron Cade (Moved from Seagoville)	2	8/2017	6/2019
Wayne Pekrul	3	8/2017	6/2019
Vacant	4		
Vacant	5		
Blanche Gattis	6	6/2008	6/2018
Vacant	7		

Reappointees:	New Applicants:

ANIMAL SHELTER OVERSIGHT COMMITTEE

	Place	Appt. Date	Term Expires
Dr. Ronnie Mohr	1	6/2009	6/2019
Sgt. Karl Bailey	2		
Bettye Baker	3	8/2012	6/2018
Justin Harley	4		
David Grimes	5	11/2017	6/2019

Reappointees:	New Applicants:

LIBRARY BOARD

	Place	Appt. Date	Term Expires
Cheryl Sinor	1	6/2017	6/2019
Reba Groblebe	2	6/2008	6/2018
Mary Graham	3	6/2009	6/2019
Judy Whitehead	4	6/2016	6/2018
Pat Bearden	5	6/2007	6/2019
Renee Dominguez	6	6/2017	6/2019

Reappointees:	New Applicants:

KEEP SEAGOVILLE BEAUTIFUL COMMISSION

	Place	Appt. Date	Term Expires
Stacy Epperson Wright	1	6/2016	6/2018
Misty Simmons	2	11/2017	6/2019
Vacant	3		
Gladys Santiago	4	2/2013	6/2019
Charlotte Hernandez	5	6/2009	6/2019
Kara Dodson	6	7/2014	6/2018
Karl Boss	7	7/2017	6/2019

Reappointees:	New Applicants:
	Scott Englert

Regular Session Agenda Item: 5

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION

Conduct a Public Hearing to discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, readopting, ratifying, republishing and extending Ordinance No. 12-06, codified as Chapter 13, “Offenses and Nuisances”, Article 13.06, “Minors”, Division 2, “Curfew”, for a period of three (3) years; providing a repealing clause; providing a severability clause; and providing for an effective date.

BACKGROUND OF ISSUE:

The City Council approved a Juvenile Curfew Ordinance in July of 2006. Since that date, this Ordinance has been reapproved in 2012 and in 2015. State law requires municipalities with a Juvenile Curfew Ordinance to revisit their Ordinance every three (3) years, and to hold a Public Hearing regarding the necessity for the continuance of the Ordinance. Seagoville’s Juvenile Curfew Ordinance will expire in May of 2018 if not reapproved by City Council.

The Juvenile Curfew Ordinance is used by local law enforcement as a tool to assist in managing underage children during the designated curfew hours. At present juveniles under the age of 17 must comply with the Ordinance by 11:00 P.M. on weeknights and 12:00 Midnight on weekends.

Over the past three (3) years Police Officers have issued a total of 14 citations for violation of the Juvenile Curfew Ordinance.

FINANCIAL IMPACT:

There are no financial implications for this issue.

RECOMMENDATION:

Staff recommends that Council approve the renewal of this ordinance.

EXHIBITS

None

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 08-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, READOPTING, RATIFYING, REPUBLISHING AND EXTENDING ORDINANCE NO. 12-06, CODIFIED AS CHAPTER 13, "OFFENSES AND NUISANCES", ARTICLE 13.06, "MINORS", DIVISION 2, "CURFEW", FOR A PERIOD OF THREE (3) YEARS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the safety of children is a public concern; and

WHEREAS, the City Council has previously passed and adopted Ordinance, which provides for "Curfew Hours for Minors" establishing curfew hours and penalties for violations thereof; and

WHEREAS, such Ordinance, No. 12-06 was previously codified as Chapter 12, Article VI, Sections 12-63 through 12-67 of the Code of Ordinances; and

WHEREAS, such Ordinance, No. 05-12 is currently codified as Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", Sections 13.06.031 through 13.06.035 of the Code of Ordinances; and

WHEREAS, Chapter 370.002 of the TEXAS LOCAL GOVERNMENT CODE, as amended, provides that the City Council shall review the Article and conditions the ordinance was intended to remedy three (3) years after its date of passage and every third year thereafter and conduct public hearings to determine the need to continue, modify or abolish the ordinance; and

WHEREAS, the Police Department has provided records and reports indicating the need for such ordinance to remain in effect in order to provide a safe environment for persons under the age of seventeen (17); and

WHEREAS, the City desires to continue the provisions of the Code without any modifications and schedule the same for review in May of 2021;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS:

SECTION 1. That the City Council hereby readopts, ratifies, republishes and extends Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", Sections 13.06.031 through 13.06.035 of the Code of Ordinances, which reads as follows:

"ARTICLE 13.06 MINORS

Division 1. Generally

Secs. 13.06.001-13.06.030 Reserved

Division 2. Curfew

Sec. 13.06.031 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew hours.

- (1) 11:00 p.m. on any Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Friday, Saturday or Sunday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) A natural parent, adoptive parent, or stepparent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access, and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 13.06.032 Offenses

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 13.06.033 Defenses

- (a) It is a defense to prosecution under Section 13.06.032 that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under Section 13.06.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 13.06.034 Enforcement

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section 13.06.033 is present.

Sec. 13.06.035 Penalty; referral of minor to juvenile court

(a) A person who violates a provision of this division is guilty of a separate offense for each day or part of each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 13.06.032(a) of this division and shall refer the minor to juvenile court."

SECTION 2. That all ordinances of the City of Seagoville in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 5th day of March 2018.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

ALEXIS G. ALLEN, CITY ATTORNEY

Regular Session Agenda Item: 6

Meeting Date: March 5, 2018

ITEM DESCRIPTION:

Approval of an Ordinance amending Chapter 5, Animal Control, of the Code of Ordinances by amending Article 5.01, “General Provisions”, Article 5.02, “Dangerous Dogs”, Article 5.03, “Impoundment”, and Article 5.04, “Animal Care”, to provide new and revised regulations concerning the keeping of animals within the City; providing a severability clause; providing a savings clause; providing for a penalty of a fine not to exceed \$2,000 for each offense; and providing an effective date.

BACKGROUND OF ISSUE:

Staff has determined a need to provide some new and/or revised regulations concerning the keeping of animals within the City. While there have been some revisions made in Chapter 5 over the past several years for the most part our current ordinances in Chapter 5 were established in 1977. While our current ordinances have served the City well, from time to time it is important that we review and revise our ordinances to ensure that they meet the needs of the City and our community.

FINANCIAL IMPACT:

There should be no financial impact to the City should the amended ordinance be approved.

RECOMMENDATION:

Staff recommends approval to ensure Animal Services has the resources necessary to address the issues of today.

EXHIBITS:

N/A

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 05-2018

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 5, ANIMAL CONTROL, OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 5.01, "GENERAL PROVISIONS", ARTICLE 5.02, "DANGEROUS DOGS", ARTICLE 5.03, "IMPOUNDMENT", AND ARTICLE 5.04, "ANIMAL CARE", TO PROVIDE NEW AND REVISED REGULATIONS CONCERNING THE KEEPING OF ANIMALS WITHIN THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$2,000 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to add provisions to Chapter 5 to amend the regulations concerning the keeping of animals within the City of Seagoville; and

WHEREAS, the City Council finds that adopting the changes provided herein will benefit the citizens of the City of Seagoville; and

WHEREAS, based on the foregoing, the City Council of the City of Seagoville, Texas hereby amends various sections of Chapter 5 of the Seagoville Code of Ordinances as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending Chapter 5, Article 5.01, "General Provisions", Article 5.02, "Dangerous Dogs" Article 5.03, "Impoundment", and Article 5.04, "Animal Care", which shall read as follows:

**"CHAPTER 5. ANIMAL CONTROL
ARTICLE 5.01 GENERAL PROVISIONS**

Sec. 5.01.001 Definitions

...

Abandon. The dumping, deserting or leaving of any animal on public or private property with the intent of terminating any further responsibility for the animal; or failing to properly redeem any animal impounded or quarantined by the City.

Adoption. The purchase of a dog or cat from the City of Seagoville for pet purposes.

Animal Adoption Agency. A governmental Animal Control or Animal Services Department, or any organization approved by the animal control authority and registered with the City that

shelters animals for the purpose of protection, rescue and eventual placement in a home where proper care can be given to the animal.

Animal Services Department. A person or persons, or an establishment authorized by the chief of police for confinement, maintenance, safekeeping and control of dogs, cats or other animals which come into custody of the city in the performance of their official duties and to enforce the provisions of this chapter.

Assistance animal. An animal that is specially trained to do work or perform tasks for the benefit of an individual with a disability or by the virtue of a natural aptitude or acquired ability is able to provide therapeutic treatment, mitigation, safety or rescue.

....

Domestic Animal.

- (A) Livestock;
- (B) A dog;
- (C) A cat;
- (D) A ferret;
- (E) Any bird, other than one in the Falconiforms or Strigiforms Order, that is commonly kept as a human's companion;
- (F) Any "pocket pet", such as a mouse, hamster, gerbil, guinea pig, or rabbit, that is commonly kept as a human's companion;
- (G) Any fish, such as a goldfish or tropical fish, that is commonly kept as a human's companion; and
- (H) Any non-venomous and non-constrictor reptile or amphibian that is commonly kept as a human's companion.

Euthanasia. A humane painless method to end life for animals including those suffering, injured. contagious. or sick or as required by any state or federal law. as it currently exists or may be amended.

Feral Cat.: any homeless, wild, or untamed cat.

Hobby Breeder. any person who intentionally or unintentionally causes or allows the breeding or studding of a dog or a cat or engages in the breeding of more than 1 (one) litter of dogs and/or cats per household or premises per calendar year, whether or not such animal(s) are made available for sale, adoption, or other placement.

Hen. A female chicken.

Hybrid. A product of the mating of two (2) different species of animals regardless of the number of generations born since the original mating.

Inhumane treatment. Any treatment to any animal which deprives the animal of necessary substance including food. water or protection from weather, or any treatment of any animal such as overloading, overworking, tormenting. beating, mutilating or teasing, or other abnormal treatment as may be determined by the animal services department or a law enforcement officer.

Keep within the city. The harboring or owning of dogs or cats permanently located or living at any location within the city.

Kennel. House of shelter; place where animals are bred or lodged.

Litter. A litter consists of one (1) or more puppies or kittens.

Livestock. Any horses, mules, donkeys, ponies, cattle, bulls, sheep, goats, hogs, pigs, of any and all kinds regardless of sex.

Local rabies control authority. The person designated by the city council in accordance with Texas Health and Safety Code § 826.017.

Microchip implant. Is a passive electronic device that is injected into an animal by means of a hypodermic-type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of animal identification and recovery by the animal's owners.

Owner. Any person who owns, keeps, shelters, maintains, feeds, harbors or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises occupied by that person over which that person has control. An animal shall be deemed to be owned by a person who harbored it, fed it, or sheltered it for five (5) consecutive days or more. If a person under the age of seventeen (17) years owns an animal subject to the provisions of this chapter, the head of the household of which such person under the age of seventeen (17) years is a member shall be the person responsible for the animal under this chapter. Such household head may himself be under the age of seventeen (17) years and therefore subject to prosecution under this chapter. There may be more than one (1) person responsible for an animal.

Pen. . . .

Person. Any individual, firm, partnership, association, corporation or other legal entity.

Prohibited animal. Any animal, except birds kept in a cage or aviary that is not regulated by international, federal or state law, or common domestic species which include gerbils, hamsters, guinea pigs or laboratory mice or rats, and regardless of state or duration of captivity, that poses a potential physical or disease threat to the public or that is protected by international, federal or state regulations, including but not limited to the following:

(1) Class reptilia: Family Helodermatidea (venomous lizards): Family Viperidae (rattlesnakes, copperheads, cottonmouths, other pit vipers and true vipers): Family Elapidae (coral snakes, cobras, mambas, and other elapids): the following listed species of Family Colubridae-Dispholidus typus (Boomslang), Hydrodynastes gigas (water cobra), Boiga (mangrove snake), and Thelotornis (African twig snake) only: Order Phidippidae. Family Boidae (racers, boas, water snakes, and pythons): and Order Crocodylia (crocodiles, alligators, caimans, and gavials):

(2) Class Aves: Order Falconiformes (such as hawks, eagles, and vultures): Subdivision Ratitae (such as ostriches, rheas, cassowaries, and emus): and Order Strigiformes (such as owls):

(3) Class Mammalia: Order Carnivora, Family Felidae (such as ocelots, margays, tigers, Jaguars, leopards, and cougars), except commonly accepted domesticated cats: Family Canidae (such as wolves, wolf-dog hybrids, dingos, coyotes, and jackals), except domesticated dogs: Family Mustelidae (such as weasels, skunks, martens, mink, and badgers), except ferrets: Family Procyonidae (raccoon): Family Ursidae (such as bears): Order Marsupialia (such as kangaroos and common opossums): Order Edentata (such as sloths, anteaters, and armadillos): Order Proboscidea (elephants): Order Primata (such as monkeys, chimpanzees, and gorillas): Order Rodentia (such as porcupines): and Order Ungulata (such as antelope, deer, bison, and camels): and

(4) Animals not listed: The animal services director may declare any species of animal not listed in this subsection as "prohibited " if the confinement of the animal within the city can be shown to constitute a threat to public health and safety.

Puppies. . . .

Rescue group. A nonprofit organization with a 501(c)3 approved by the animal services department and registered with the city that shelters animals for the purpose of protection, rescue, and eventual placement in a home where proper care can be given to the animal.

Retail Pet Store, a business that regularly sells animals for pet purposes to an ultimate owner. The term includes any owner, operator, agent, or employee of the business.

Roam. . . .

Rooster. An adult male chicken.

Secure enclosure. A fenced area or structure that is

- (1) Locked:
- (2) Capable of preventing the entry of the general public, including children:
- (3) Capable of preventing the escape or release of a dog:
- (4) Clearly marked as containing a dangerous dog: and
- (5) In conformance with the requirements for enclosures established by the animal services department.

Serious bodily injury. Any physical injury that involves a substantial risk of death, disfigurement, or impairment of any part of the body, including but not limited to a broken bone or a laceration requiring either multiple stitches or cosmetic surgery.

Service Animal. has the same meaning as Assistance Animal.

Shelter: Shelter for a dog that shall effectively protect the animal from any form of cold, overheating, inclement weather and direct effects of wind, rain, snow, ice or the sun. By way of example, and not limitation, a shelter may consist of a three-sided structure with a roof that is nailed together to prevent any wind from coming through. The shelter should be on a low platform to keep it off the ground. The shelter shall provide shade during hot weather months with provisions for cooling the animal when temperatures exceed ninety (90) degrees Fahrenheit. During temperatures fifty (50) degrees Fahrenheit or lower auxiliary

heat or clean, dry bedding material shall be provided for insulation against the cold and replaced as needed.

Sterilized: an animal rendered incapable of reproduction.

Stray: an unrestrained domestic animal outside the boundaries of the premises owned, leased, or legally occupied by the animal's own.

Vaccination: An injection of the United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian.

Veterinarian: A veterinarian licensed to practice veterinary medicine in one (1) or more of the fifty (50) states or a person who practices veterinary medicine on an installation of the armed forces or National Guard.

Wild animal: any animal not normally considered domesticated regardless of the state or duration of captivity, that can typically be found in a wild state which, because of its size, vicious nature, potential disease threat, or other natural characteristic(s), would constitute a danger to human life, property or domestic animals, or any animal that is restricted from ownership by any international, federal, or state law including, but not limited to, the following animals:

- (1) Reptiles: Venomous reptiles, crocodiles, alligators, any reptile that typically reaches a total length greater than eight (8) feet, and iguanas;
- (2) Birds: Emus, ostriches, or rheas;
- (3) Mammals: Ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingoes, coyotes, jackals, elephants, armadillos, kangaroos, wallabies, wallaroos, opossums, beavers, porcupines, weasels, martins, minks, badgers, pandas, bears, racoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, squirrels, wild rabbits, or non-human primates;
- (4) Any species illegal to own under federal or state law, or any animal which is, or may be hereafter, listed as a "high risk" animal in the Texas Rabies Control Act;
- (5) Any hybrid of any animal classified as a wild animal.

Wild Animal Class I: non-native wildlife that present a serious threat to public health or safety including, but not limited to, chimpanzees, gorillas, gibbons, drills, mandrills, orangutans, baboons, siamangs, cheetahs, leopards, jaguars, tigers, lions, cougars, panthers, bears, rhinoceros, elephants, hippopotamuses, alligators, crocodiles (except dwarf), gavials, black caimans, Komodo dragons, venomous reptiles, African golden cats, African hunting dogs, and any hybrid of any animal classified as a wild animal Class. For the purposes of this chapter, all wild animals Class I are wild animals by definition and subject to regulation as either or both.

Wild Animal Class II: native wildlife that present as serious threat to public health or safety, including, but not limited to, bobcats, coyotes, wolves, cougars, bears, alligators, wild hogs (also known as "feral hogs"), rattlesnakes (any species), copperhead snakes, cottonmouth snakes, coral snakes, Massasaugas, other venomous reptiles, badgers, coatis, fox (any species),

javelina, racoons, skunks (any species), and any hybrid of any animal classified as a wild animal Class II.

Wildlife educational center: an organization that has met all of the state and federal requirements to possess and display wild or domestic animals for educational purposes.

Wildlife rehabilitator: a person holding all current state and/or federal permits needed to temporarily house allowed native wild animal species in his or her possession with the goal of rehabilitating the animal(s) and releasing it back into its natural habitat in accordance with all state and federal laws.

Zoological educational outreach display: any temporary spectacle, display, event exhibition, or act where the operator has met all state and federal requirements to possess and display domestic, wild, or wild Class I animals for educational purposes and is accredited through the American Zoological Association or Zoological Association of America. For this definition, temporary shall mean lasting seven (7) days or less.

Zoological park: a government-operated facility displaying or exhibiting one or more species of non-domesticated animals.

Sec. 5.01.002 Methods of enforcement

In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

- (1) Issue an injunction to enforce the provisions of this chapter, and may award expenses to the prevailing party.
- (2) Require the person, at the person's expense, to attend a responsible pet ownership program approved by the director.
- (3) Revoke any permit issued to the person under this chapter.
- (4) Order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award the animal to the city.
- (5) Suspend the person's right to own an animal in the city for a period of time as specified by the court.
- (6) Require the person to have any animal owned by the person spayed or neutered within a time period specified by the court.
- (7) Impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

....

Sec. 5.01.008 Area and distance requirements for keeping livestock and fowl

(a) It shall be unlawful for any person within the corporate limits of the city with less than one (1) fenced acre of accessible roaming space to keep or have, on his own or rented premises, any livestock, including cows, horses, mules, jacks, jennies, goat, or sheep; provided, however, that for each acre of property, an owner shall be permitted to keep a unit of livestock, consisting of a mother and offspring under the age of six (6) months; and provided further that, in all cases, such livestock shall be kept at a distance of further than one hundred (100) feet from the nearest private residence building or public building.

(b) It shall be unlawful for any person within the corporate limits of the city to keep or have a rooster or to have more than six (6) hens on land of less than one (1) acre. However, it shall be lawful to keep or have six (6) or less hens on land of less than one fenced (1) acre. In all cases, said hens shall be housed or kept in a structure or enclosure at a distance of a minimum twenty-five (25) feet from the nearest private residence building or public building.

(c) It shall be unlawful for any person within the corporate limits of the city with less than one (1) fenced acre to keep or have a rooster. An owner may have a rooster onland that is greater than one acre, provided there are at least six (6) hens also on the property. For each property that is at least one fenced (1) acre in size, an owner shall be permitted to keep up to one (1) rooster for every six (6) hens, not to exceed twenty (20) chickens total per acre. In all cases, said chickens shall be kept at a distance of further than one hundred (100) feet from the nearest private residence building or public building.

....

Sec. 5.01.010 Keeping wild animals

It shall be unlawful for any person to keep or harbor any wild animal within the city limits; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as may be established by the city manager or his designated representative

(a) A person commits an offense if he possesses any wild animal within the city, with the following exceptions:

(1) A governmental agency or entity performing a governmental function;

(2) A zoological park;

(3) A permitted wildlife educational center that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of the state and/or federal permits;

(4) A registered wildlife rehabilitator in possession of an allowed indigenous wild animal who holds all necessary state and federal permits to possess the animal and is in compliance with all restrictions of this section and their state and/or federal permits; or

(5) A permitted zoological educational outreach display that is also in possession of all necessary state and federal permits to possess the animal and is in compliance with all restrictions of this section and their state and/or federal permits.

(b) For the purposes of this chapter, the animal services director shall make the determination of whether any animal in question is a domestic animal or a wild animal and whether any wild animal is indigenous or allowed pursuant to the definitions in section 5.01 .001 of this chapter.

(c) A person commits an offense if he is aware of a wild animal being possessed in the city and fails to notify Animal Services.

- d) Each violation of this provision shall be a separate violation on a per diem basis. Each day that a wild animal is found in the city shall constitute a separate violation.

Sec. 5.01.011 Maintenance of pens and enclosures

....

- (c) All pens and enclosures wherein hens are kept on land of less than one (1) acre shall be designed, erected, and maintained in accordance with applicable codes of the City of Seagoville. Pens and enclosures shall be a 3 or more sided structure with a minimum of one (1) square foot of roosting area per hen with a roof or cover to allow the hens to remain dry and protected from the elements and have direct access from the roofing area to an outdoor enclosure that is a minimum of ten (10) square feet of ground per hen. Pens and enclosures shall be easily accessed, constructed and maintained to reasonably prevent the collection of standing water, predator proof, thoroughly ventilated, and shall be cleaned of droppings, uneaten food, feathers, and other waste weekly or more often if needed to prevent foul odor. All pens and enclosures shall contain fresh water at all times and food in sufficient quantity and with nutritive value to maintain the health of the animal.

...

Sec. 5.01.013 Animal Microchipping and Permits

- (a) The owner or keeper of any dog or cat must have the animal implanted with a registered microchip before the animal attains six (6) months of age. A dog or cat is exempt from this requirement if the dog or cat is determined to be medically unsuitable for microchipping by a licensed veterinarian in writing. If a dog or cat is determined to be medically unsuitable for microchipping, the owner shall have the dog or cat permanently marked with an identifying tattoo by a licensed veterinarian. Proof of medical unsuitability for microchipping along with the identifying tattoo number and owner's or keeper's name, address and telephone number must be provided to Animal Services within thirty (30) days of tattooing. If there is a change in contact information, the owner or keeper of a tattooed dog or cat shall update contact information with Animal Services within thirty (30) days of the date of the change in contact information. If there is a change in ownership of a tattooed dog or cat, the initial owner or keeper shall be responsible for notifying Animal Services of the change within thirty (30) days of the date of the change in ownership. The new owner or keeper shall be responsible for providing Animal Services with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership, and

- (b) the owner or keeper of any dog or cat must present a vaccination certificate issued pursuant to section 5.01.014

- (c) it is a defense to prosecution under this section that:

- (1) The dog or cat owner is a nonresident of this city and is keeping the subject pet animal in the city for fewer than sixty (60) days:
- (2) The dog or cat owner has been a resident of this city for fewer than thirty (30) days; or
- (3) The dog or cat had been abandoned or lost and the temporary owner has had the dog or cat for fewer than thirty (30) days

(d) Validity of previously issued license

A currently valid dog or cat license shall continue to be valid until its expiration. On or before its expiration, the owner shall have the animal implanted with a registered microchip in accordance with the provisions of this chapter.

(e) Maintaining current microchip registration.

(1) The owner or keeper of a dog or cat shall maintain current registration with a microchip registration company and Animal Services.

(2) If there is a change in contact information of an owner or keeper of a registered microchipped dog or cat, the owner or keeper shall update contact information, including new address or telephone number, with the microchip registration company and Animal Services within thirty (30) days of the date of the change in contact information.

(3) If there is a change in ownership of a registered dog or cat, the initial owner or keeper shall be responsible for ensuring that the microchip is no longer registered in the initial owner's or keeper's name within thirty (30) days of the date of change in ownership. The new owner or keeper shall be responsible for re-registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's or keeper's name within thirty (30) days after the change in ownership.

(f) A one-time registration fee of \$25 will be charged to the owner or keeper of a dog or cat to register the microchip with Animal Services.

....

Sec. 5.01.015 Confinement or quarantine of animals for rabies control

....

(e) If the animal in question has a valid and current rabies vaccination, is the only animal in the household, and wasn't in violation of any provisional section of this chapter of city ordinance at the time of the exposure, the owner may be given the authority to quarantine the animal within his own home subject to inspection by the animal services department at any time during the quarantine period. If the animal services director or designee determines noncompliance has occurred approval for in home quarantine shall be revoked and the animal shall be removed from the home and isolated at the animal shelter immediately.

....

Sec. 5.01.019 Permit required for pet grooming facilities.

(a) Persons wishing to operate a pet grooming facility within the city must apply for a pet grooming facility permit. A permit shall be issued if the requisite fee is paid, and the applicant complies with the following requirements:

- (1) Cold and hot water and appropriate chemicals for disinfection/sanitizing of cages, grooming tables, and grooming utensils is easily accessible to all parts of the animal housing areas;
- (2) The temperature in the animal housing areas is maintained between 60-79 degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species and breed of animals being housed and adequate ventilation is maintained in all animal housing areas;
- (3) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected after each use;
- (4) When necessary, there is sufficient clean, dry bedding to meet needs of each individual animal;
- (5) All animals held overnight must be fed and watered, and all cages housing animals cleaned every day including Sundays and holidays;
- (6) Written procedures are in place to notify Animal Services of any local rabies control incident as required by section 5.01.016 of this chapter.

(b) A person commits an offense if he owns, manages, or represents a pet grooming facility that requires a permit and refuses, upon request by Animal Services during business hours, to make his animals, that portion of the premises used to house or service the animals, facilities, equipment, and any necessary registrations, veterinary records, feeding logs or permits available for inspection for the purpose of ascertaining compliance with the provisions of this chapter.

(c) A person commits an offense if he owns, operates, manages, or represents a pet grooming facility and fails to comply with any requirement set forth in section 5.01.019(a). Each animal or condition in violation of this chapter shall constitute a separate offense.

(d) A person commits an offense if he owns, manages or operates a pet grooming facility without a valid permit.

Sec. 5.01.020 Animals as Prizes, Promotions, And Novelties.

A person commits an offense if he sells, exchanges, raffles, auctions, or gives away or offers to sell, exchange, raffle, auction, or give away any live animal as:

- (1) a prize;
- (2) an inducement to enter a place of amusement or a business establishment; or
- (3) an inducement to participate in a charitable fund- raising event.

Sec. 5.01.021 Intact Animal Permit

(a) A person commits an offense if he breeds a dog or cat without a valid intact animal permit for the dog or cat. A separate permit is required for each dog or cat that the person keeps unsterilized for breeding purposes.

- (b) An intact animal permit may only be issued for a dog or cat:
 - (1) that is currently in compliance with the vaccination requirements of Section 5.01.014 of this chapter;
 - (2) that is injected with a microchip implant and registered with a national registry and Animal Services for purposes of identification and/or recovery of the animal by its owner, unless a licensed veterinarian certifies that the dog or cat should not be injected with a microchip implant for health reasons;
 - (3) whose owner:
 - (A) is a member of a purebred dog or cat club, approved by the director, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed; or
 - (B) has, at the owner's expense, satisfactorily completed a course on responsible pet ownership offered by the city or otherwise approved by the director.
- (c) To obtain an intact animal permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual intact animal permit fee of \$250. The intact animal permit application must include:
 - (1) the name, address, and telephone number of the applicant;
 - (2) the location where the dog or cat is harbored;
 - (3) a description of the dog or cat;
 - (4) proof that the animal is qualified for an intact animal permit under Subsection (b) of this section; and
 - (5) any other information determined necessary by the director for the enforcement and administration of this section.
- (d) An intact animal permit expires one year after the date of issuance and may be renewed by applying in accordance with Subsection (c) of this section. If the director does not receive an application for a permit renewal within 45 days after the expiration of the permit, a \$25 late fee will be added to the permit fee.
- (e) An intact animal permit is not transferable.
- (f) A permittee commits an offense if he allows a permitted female dog or cat to have more than one litter during the permit term.
- (g) In order to prevent the overbreeding of animals, each permit authorizes the whelping of no more than one (1) litter per female dog or cat in any twelve-month period and no more than one (1) litter per domestic household in any twelve-month period.

Exception: The fee may be waived if the owner provides as proof a certificate of surgical sterilization or spaying of the female dog or cat within two (2) weeks of the breeding date or prior to whelping.

(h) A permittee commits an offense if the permittee:

(1) allows the offspring of a female dog or cat for which he holds an intact animal permit to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks of age and have been vaccinated against common diseases;

(2) fails to prominently display the intact animal permit number on any advertisement by the permittee for the sale, adoption, or other transfer of any dog or cat, regardless of compensation; or

(3) sells, adopts, or otherwise transfers any dog or cat, regardless of compensation and fails to:

(A) include a statement signed by the permittee attesting to knowledge of the animal's health and immunization history;

(B) prominently display the intact animal permit number on any sales receipt or transfer document;

(C) provide the intact animal permit number to any person who purchases, adopts, or receives any dog or cat from the permittee;

(D) provide written information regarding the vaccination, registration, and sterilization requirements of this chapter applicable to the dog or cat; or

(E) provide to the director (on a form provided by the director for that purpose) the name, address, and telephone number of the dog's or cat's new owner within five days after the date of the sale, adoption, or other transfer of the animal.

(i) The director shall deny or revoke an intact animal permit if the director determines that the applicant or permittee:

(1) failed to comply with any provision of this chapter; or

(2) intentionally made a false statement as to a material matter on the intact animal permit application.

(j) If the director denies or revokes an intact animal permit, the director shall notify the applicant or permittee in writing of the action and a statement of the right to an appeal. The applicant or permittee may appeal the decision of the director to the City Manager. The filing of an appeal stays an action of the director in revoking the permit until the City Manager makes a final decision.

Sec. 5.01.022 Restrictions on Unsterilized dogs and cats

(a) An owner of a dog or cat commits an offense if the animal is not spayed or neutered.

- (b) It is a defense to prosecution under Subsection (a) that:
- (1) the animal is under six months of age;
 - (2) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;
 - (3) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;
 - (4) the animal is a competition cat or competition dog;
 - (5) the animal is a service animal; or
 - (6) the owner holds a valid intact animal permit issued under Section 5.01.021 of this chapter for the animal.

Sec. 5.01.023 Permit required for zoological educational outreach display

(a) The presenter or owner of a zoological educational outreach display must apply for an annual permit from the Animal Services Department. The presenter or owner of the zoological educational outreach display or the property owner where the display is to take place must provide written notice to the Animal Services Department at least fourteen (14) days prior to the display. The written notice must include the exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. The display may not last longer than seven (7) days and must comply with the following conditions:

- (1) All cages or other animal housing areas are kept clean and free of wastes;
- (2) Fresh, potable water is available to all animals. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
- (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79 degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas. If outdoors, the display must immediately be halted if at any time the heat index exceeds 95 degrees Fahrenheit;
- (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each day. Each cage and enclosure is of sufficient strength to contain the animal being housed within it. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;
- (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the animal display's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per 24-hour

period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per 24-hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that are removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;

- (6) Animals exhibiting any sign or symptom of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal display;
- (7) All animals being displayed must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the first day of the animal display;
- (8) Each bird must have sufficient room to stand upright without touching the top of their housing area and to spread their wings fully without touching a side of their housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (9) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (10) All animals are fed and watered, and all cages are cleaned and disinfected every day during the animal display, including Sundays and holidays;
- (11) All animals required by the Texas State Rabies Control Act to have a rabies vaccination must have proof of being currently vaccinated against rabies;
- (12) All areas used by the presenter are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the display. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access;
- (13) Written procedures are in place to notify the Animal Services Department of any local rabies control incident as required by section 5.01.016 of this chapter;
- (14) The zoological educational outreach display shall be divided into two (2) distinct areas that are separated by a space of no less than six (6) feet to prevent accidental contact between an animal and a spectator. The permit holder and presenter shall be responsible for controlling visitor traffic to prevent overcrowding in either of these areas;

- (15) The permit holder shall post signs and verbally notify visitors that that they are not allowed to touch, approach, or otherwise make direct contact with an animal being displayed unless specifically allowed by the permit holder or his representative;
- (16) All areas must provide adequate ventilation for both animals and people;
- (17) All displayed animals must be controlled with the restraint requirements of this section and any wild or wild Class I animals must be under direct physical control of the permit holder or his representative at all times unless the animal is confined by a transport or holding cage designed to prevent its escape. If the direct physical control is by means of a tether, it must be of proper strength to control the animal, attached via an appropriately sized and fitted collar or harness, and of a length of not more than three 3) feet. Birds may give free-flight demonstrations provided that the display is indoors and the birds are under the direct physical control of the permit holder or his representative when not in flight;
- (18) Contact with domestic and properly restrained wild animals may occur provided that the permit holder complies with all of the following:
 - a. Allows human contact with wild animals only if the wild animal is under direct supervision of the permit holder or his representative to prevent injuries to the audience and the wild animal;
 - b. Posts signs at all entry areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouths, or use bottles or pacifiers while in the animal area and warning visitors that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease, illness, or injury and should take extra precautions to protect themselves;
 - c. Prohibits strollers, food, and beverages from being possessed, prepared, served, or consumed in the display area and provides storage or holding areas for these items for visitors; and
 - d. Provides hand washing stations and/or hand sanitizer for all audience members that come into direct contact with an animal. These facilities must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements;
- (19) Any wild animal Class I or Class II, as defined in this chapter, may not be displayed or otherwise possessed within the city, unless the possession is specifically allowed by and complies with another section of this chapter. For the purposes of this chapter, the animal services director shall make the determination of whether any animal in question is a Class I wild animal pursuant to the definitions in section 5.01.001 of this chapter;
 - a. The animal services director may allow a wild animal Class I or Class II to be displayed provided that permission to do so is requested in

writing by the permit holder at least fourteen (14) days prior to the start of the event and:

1. The wild animal Class I or Class II to be displayed is of a species that is typically less than one hundred fifty (150) pounds when fully grown, regardless of the animal's size at the time of the display;
 2. The wild animal Class I or Class II was born and raised in captivity;
 3. The wild animal Class I or Class II is not a venomous reptile unless the reptile is going to be continually contained within a locked, escape-proof cage or enclosure with solid walls to prevent contact with a person;
 4. The permit holder provides a written plan of containment, restraint, and course of action should the wild animal Class I or Class II escape;
 5. A physical barrier is in place between the wild animal Class I or Class II and the audience and no direct contact with the animal is allowed by anyone other than the permit holder or his representative;
 6. The permit holder possesses all of the necessary state and/or federal permits to possess and display all animals in the display;
 7. The animal services director is able to be at the display the entire time the wild animal Class I or Class II is on-site; and
 8. The permit holder agrees to comply with the animal services director's order to immediately stop the display and/or remove the wild animal Class I or Class II if there is any reason to believe such action is necessary;
- (20) The permit holder must make available the state and federal permits granting him the authority to possess and display domestic or wild animals, as defined in this chapter, for educational purposes;
- (21) The permit holder must provide proof of accreditation from the American Zoological Association or Zoological Association of America; and
- (22) The animal services director shall waive the permit fee if the permit holder is recognized by the Internal Revenue Service as a non-profit organization.

(b) A person commits an offense if he owns, manages, or represents a zoological educational outreach display that requires a permit and denies or refuses to make available for inspection, upon request by the Animal Services during the hour before and entire duration of the zoological educational outreach display, his animals, that portion of the premises used to

house or service the animals, the facilities for the animal display, equipment for the animal display, or any necessary registrations, records, feeding logs or permits.

(c) A person commits an offense if he owns, manages, operates, represents, or hires a zoological educational outreach display without a valid permit.

(d) A person commits an offense if he owns, operate, manages, represents, or hires a zoological educational outreach display and fails to maintain any condition in subsection (a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Sec. 5.01.024 Wildlife educational centers

(a) A wildlife educational center, as defined herein, shall obtain a wildlife educational center permit from the animal services director and shall comply with any and all applicable local, federal and state regulations. The animal services director shall require the owner or operator of the center to present proof that the center has all the required federal and state permits prior to issuing the permit.

(b) Permitted wildlife educational centers shall obtain written permission from the animal services director to keep any non-indigenous wild animal or any Class I wild animal, or indigenous wild animals or any Class II wild animal, and shall meet all housing requirements set forth by the animal services director for the purposes of safely housing the animal.

(c) The animal services director shall waive the permit fee if the center is a non-profit center.

(d) A person commits an offense if he owns, operates or manages a wildlife educational center which has a permit issued by the city and he refuses, upon request by the Animal Services, to make his animals, the portion of his premises used to house or service the animals, facilities, equipment, and any necessary registrations or permits available for inspection during the establishment's regular business hours or at any other reasonable hour.

(e) A person commits an offense if he owns, operates or manages a wildlife educational center without a permit or if he owns, operates or manages a wildlife education center and fails to maintain any condition in this section. Each animal or condition in violation of this chapter shall constitute a separate offense.

Sec. 5.01.025 Wildlife rehabilitators

(a) All wildlife rehabilitators, as defined herein, shall obtain a wildlife rehabilitator permit from the animal services director and shall comply with any and all applicable federal state and local regulations regarding the handling and release of wildlife. The animal services director shall require wildlife rehabilitator to present proof that he has any required federal and state permits for wildlife rehabilitation prior to issuing the permit.

(b) A person commits an offense if he is a permitted wildlife rehabilitator and he refuses, upon request by the Animal Services, to make his animals, the portion of his premises that is used to house or service animals, facilities, equipment, and any necessary registrations or permits available for inspection during business hours. If there are no regular business hours, then the inspection may occur during reasonable hours.

(c) A person commits an offense if he operates as a wildlife rehabilitator and fails to register with the Animal Services.

(d) A person commits an offense if he operates as a wildlife rehabilitator and is in possession of:

- (1) Non-native wildlife and Class I wildlife;
- (2) Venomous reptiles;
- (3) Native wild cats, including but not limited to, ocelots, jaguarundis, margays, bobcats, and cougars;
- (4) native wild canines including, but not limited to, wolves, coyotes, and foxes;
- (5) Native javelinas, feral hogs, or deer; or
- (6) Any hybrid of any animal whose possession is prohibited by this chapter;

(e) The prohibition in subsection (d) shall not apply to the possession of deer on property that is properly zoned for livestock.

Sec. 5.01.026 Permit required for animal exhibition

(a) The presenter or owner of the animal exhibition, or the property owner where the exhibit is to take place, must apply for an animal exhibition permit at least thirty (30) business days before the performance or display and provide exact dates, times, locations, transportation and housing arrangements, and animals involved in each performance or display. Permits shall only be issued to animal exhibitions that are in possession of all state and federal permits required to present such exhibitions. A permit shall be issued and remain valid for an exhibition period of not more than seven (7) days if the animal exhibition pays the required fee and complies with the following requirements:

- (1) All cages or other animal housing areas are kept clean and free of wastes;
- (2) Fresh, potable water is available to all animals at all times. Containers for food and water are cleaned and disinfected each day. All water containers shall be removable for cleaning and mounted, placed, or weighted so the animal cannot turn them over;
- (3) If indoors, the ambient temperature in the animal housing areas is maintained between 60-79 degrees Fahrenheit at all times. The temperature in individual cages is maintained at a level that is healthful for the species of animals being housed and adequate ventilation is maintained in all animal housing areas. If outdoors, the exhibition must immediately be halted if at any time the heat index exceeds 95 degrees Fahrenheit;
- (4) All cages and enclosures are constructed of a nonporous material for easy cleaning and disinfecting. Each cage and enclosure is of sufficient size that at minimum the animal will have room to stand, turn, and lie down in a natural position. Each cage and enclosure is thoroughly cleaned and disinfected each

day. Each cage and enclosure is of sufficient strength to contain the animal being housed within it. Each cage and enclosure is locked or otherwise secured to prevent the escape of any animal being kept;

- (5) Daily feeding records are maintained to ensure that all animals are fed a proper and nutritious diet specific to the species' needs. The daily feeding records shall be maintained or posted in a readily accessible location. All veterinarians' orders must be in writing and kept on record and available for inspection during the animal exhibition's regular business hours. In general, all animals under six (6) months of age are to be fed at least two (2) times per twenty-four (24) hour period, or as advised by a veterinarian, and all other animals must be fed at least one (1) time per 24-hour period, or as advised by a veterinarian. Food for each animal shall be served in a clean dish so constructed or mounted that the animal cannot readily tip it over and be of the type that is removable for cleaning. Disposable feeding dishes are acceptable for one-time use only. Animals that do not require daily feedings are exempt from the daily feeding requirement; however, feeding records shall be maintained and the animal shall be kept in a healthful body condition;
- (6) Animals exhibiting any sign or symptom of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal exhibition;
- (7) All animals being exhibited must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the first day of the animal exhibition;
- (8) Each bird must have sufficient room to stand upright without touching the top of its housing area and to spread its wings fully without touching a side of its housing area. Each bird shall have access to a perch that is placed horizontal to other perches in the same cage and is of adequate size for the species being housed. The housing area must be sufficiently ventilated. The housing area must be cleaned every day and disinfected when birds are sold or otherwise transferred. Large birds shall have separate cages from smaller birds. There shall be clean water and suitable food available to the birds at all times and all troughs or other receptacles must be easily accessible to the birds and placed so that the birds cannot turn them over or defile their contents. Injured, diseased, or dead birds shall be immediately removed from housing areas holding healthy birds;
- (9) There is sufficient clean, dry bedding to meet needs of each individual animal;
- (10) All animals are fed and watered, and all cages are cleaned and disinfected every day during the exhibition, including Sundays and holidays;
- (11) All animals required by the Texas State Rabies Control Act to have a rabies vaccination must have proof of being currently vaccinated against rabies;
- (12) Animals being used to give rides or doing other work are in good physical condition, including their hooves or feet, and given not less than a 30-minute break for each three (3) hours worked;

- (13) All areas used by the exhibitor are thoroughly cleaned and all wastes are properly disposed of at the conclusion of the exhibition. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access;
- (14) Written procedures are in place to notify the Animal Services Department of any local rabies control incident as required by section;
- (15) The animal exhibition is divided into three (3) distinct areas that are separated by barriers:
 - a. Non-animal areas: Where animals, with the exception of service animals, are not permitted;
 - b. Transition areas: Located at both entrances and exits to animal areas; and
 - c. Animal areas: Where animal contact with human beings is possible.
- (16) The animal exhibition shall be designed so that there is a single entrance transition area leading to the animal area and a separate exit transition area leading out of the animal area. The permit holder shall be responsible for controlling visitor traffic to prevent overcrowding in any of these areas;
- (17) Entrance transition areas must be designed to facilitate education. Signs shall be posted at all entry transition areas notifying visitors that they are entering an animal area and that they are not to eat, drink, smoke, place their hands in their mouths, or use bottles or pacifiers while in the animal area. Signs warning that senior citizens, pregnant women, young children, and persons who are immunocompromised or mentally impaired are at an increased risk of disease, illness, or injury and should take extra precautions to protect themselves shall also be posted in the entrance transition area;
- (18) Strollers, food, and beverages are allowed to be possessed, prepared, served, or consumed only in non-animal areas. The animal exhibition permit applicant must provide storage or holding areas for these items for visitors;
- (19) Exit transition areas must be designed to facilitate hand washing. Signs shall be posted instructing visitors to wash their hands and illustrating proper hand-washing techniques. An appropriate number of hand washing stations shall be present in the exit transitional area. Hand washing stations must be accessible for all visitors, including children and persons with disabilities. Hand washing stations shall comply with all local, state, and federal waste water restrictions and requirements. A staff member must be positioned in the exit transition area at all times to encourage hand washing;
- (20) Animal areas must provide adequate ventilation for both animals and people. Visitors may not be allowed to access animal food or water sources. Toys, pacifiers, baby bottles, strollers, food, beverages, or tobacco products may not be present in the animal area at any time. All manure and soiled bedding shall be removed immediately and all animal waste and specific tools for its removal must be stored in designated areas restricted from public access. Animals

exhibiting any sign of illness or disease, such as diarrhea, vomiting, nasal discharge, or malaise, shall immediately be removed from the animal area. No pregnant animal may be exhibited at any time. Every animal that is required by state law to have rabies vaccinations must have the appropriate documentation stating that this requirement has been met. Every animal being exhibited must have a health certificate that was issued by a licensed veterinarian within the twelve (12) months preceding the last date of the animal exhibition;

- (21) Any wild animal, as defined in this chapter, may not be exhibited in any animal exhibition or otherwise possessed within the city, unless the possession is specifically allowed by and complies with another section of this chapter.

(b) A person commits an offense if he owns, manages, or represents an animal exhibition that requires a permit and denies or refuses to make available for inspection, upon request by the Animal Services Department during business hours of the animal exhibition, the animals, that portion of the premises used to house or service the animals, the facilities for the animal exhibition, equipment for the animal exhibition, including any equipment used to transport the animals, or any necessary registrations, records, feeding logs, or permits.

(c) A person commits an offense if he owns, manages, operates, represents, or hires an animal exhibition without a valid permit. Each animal or condition found in violation of this chapter during an animal exhibition that does not possess a valid permit shall constitute a separate offense.

(d) A person commits an offense if he owns, operates, manages, represents, or hires an animal exhibition under this section and fails to maintain any condition in subsection (a). Each animal or condition in violation of this chapter shall constitute a separate offense.

Sec. 5.01.027 Display of permits required

A person commits an offense if he holds a permit for an animal establishment, commercial breeder, animal exhibition, pet grooming facility, zoological educational outreach display, or wildlife educational center and fails to prominently display a copy of the current permit in a public area at all times. A person commits an offense if he holds a permit as a wildlife rehabilitator and fails to provide proof of such permit at the request of any city enforcement agent.

Sec. 5.01.028 Imminent health hazard

- (a) Ceasing operations and reporting.

(1) All permit holders shall immediately discontinue operations and notify the Animal Services Department if an imminent health hazard may exist because of an emergency, such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent contagious illness outbreak, or other circumstance that may endanger public health or the health of the animals possessed in that location.

(2) A permit holder need not discontinue operations in an area that is unaffected by the imminent health hazard, provided that the unaffected area is able to be

completely separated from the affected area and no animals or the public are allowed or kept in the affected area.

- (3) If the permit holder fails to immediately cease operations, the animal services director may issue a written order to the permit holder to cease operations. Any animals found to be in the affected area shall be immediately impounded by a city enforcement agent until such time as the animal(s) can be returned to their rightful owner(s) or until the permit holder gains permission to resume operations in accordance with this chapter.
- (b) If operations are discontinued as specified under subsection (a), the permit holder shall obtain written approval from the animal services director prior to resuming operations.
- (c) A person commits an offense if they fail to comply with the requirements of subsection (a).
- (d) A person commits an offense if he resumes operations after they are discontinued without obtaining written approval as required in subsection (b).

Sec. 5.01.029 Permit revocation, denial, and appeal.

- (a) An animal services authority may issue a notice of revocation of any permit or deny an application for a permit under this chapter without prior warning, notice, or hearing if the permittee or applicant fails to meet the standards required in this chapter, refuses to make the premises or animals in his possession available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or well-being of the permit holder's or applicant's customers, employees, neighbors, or animals in their care, or otherwise violates this chapter in any other way, if the notice:
 - (1) States the reason(s) for the revocation or denial;
 - (2) States that the permit holder may request an appeal hearing by submitting a timely request to animal services director; and
 - (3) Provides the name and the address of the animal services director to whom a request for appeal hearing may be made.
- (b) An appeal of a revocation or denial must be made in writing within fifteen (15) days of the issuance of the notice of revocation or denial of a permit. If no appeal request is received within the ten-day period, the revocation or denial of the permit becomes final.
- (c) Upon receiving an appeal, the animal services director shall hold a hearing at a time and place of his designation within fifteen (15) days of the notice of appeal being received. Based upon the recorded evidence of the hearing, the animal services director shall make a final ruling.
- (d) The decision of the animal services director shall be final.
- (e) The permittee or applicant may reapply for a new permit under this chapter at any time.
- (f) The issuance of a suspension shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the Animal Services

Director to pursue other enforcement actions or remedies, to address any violation of the provisions of this chapter.

Sec. 5.01.030 Retail sale of dogs and cats

(a) It is unlawful for any retail pet store or its operator to display, offer for sale, deliver, barter, auction, give away, transfer, lease, or sell any dog or cat in the City of Seagoville that is purchased, supplied or otherwise obtained from any source other than those permitted by Section 5.01.030(c) of this Chapter, including, but not limited to, from any dealer and/or breeder and/or hobby breeder.

(b) No permit or other applicable license or entitlement for use, including but not limited to the issuance of a business license, building permit, conditional use permit, or other land use approval, shall be approved and/or issued for the establishment of any retail pet store within the jurisdiction of the City of Seagoville that would engage in the retail sale of dogs and/or cats purchased, supplied or otherwise obtained from any dealer and/or breeder and/or hobby breeder.

(c) Exceptions - Permitted Sources. Nothing in this Chapter shall prevent a retail pet store or its operator from providing space and appropriate care for animals owned by or purchased directly from a publicly operated animal shelter or animal control enforcement agency, or a nonprofit humane society or animal rescue organization, and maintained at the retail pet store for the purpose of adopting and/or selling those animals to the public.

Sec. 5.01.031 Sale of Animals from public property

(a) A person commits an offense if he sells, exchanges, barter, or gives away, or offers to sell, exchange, barter, or give away, any animal from:

- (1) any public property; or
- (2) any property to which the public has access that does not have a valid certificate of occupancy allowing the sale of animals on the property.

(b) It is a defense to prosecution under Subsection (a) that the person is:

- (1) animal services; or
- (2) an animal adoption agency.

Sec. 5.01 .032 Sale of dogs and cats

(a) A person commits an offense if he sells, exchanges, barter, gives away, or transfers, or offers or advertises for sale, exchange, barter, give away, or transfer, a dog or cat four months of age or older unless:

- (1) the dog or cat is currently vaccinated or cannot be vaccinated due to health reasons as verified by a licensed veterinarian; and
- (2) the person has a current registration receipt and registration tag for the dog or cat.

(b) It is an affirmative defense to prosecution under Subsection (a) if the person is:

- (1) animal services;
- (2) an animal welfare organization; or
- (3) an animal adoption agency.

ARTICLE 5.02 DANGEROUS DOGS

Sec. 5.02.001 Definitions

Animal control authority means Director of Animal Services or his/her designee.

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Serious Bodily Injury: an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Unprovoked: an action by a dog that is not:

- (A) in response to being tormented, abused, or assaulted by any person;
- (B) in response to pain or injury;
- (C) in protection of itself or its food, kennel, immediate territory, or nursing offspring; or
- (D) in response to an assault or attempted assault on a person.

Sec. 5.02.002 Requirements for owner

(a) Not later than the thirtieth day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1)

.....

- (5) have an unsterilized dangerous dog spayed or neutered
- (6) have the dangerous dog injected with a microchip implant and registered with a national registry for dogs and Animal Services.
- (7) post a sign at each entrance to the enclosure in which the dangerous dog is confined stating "BEWARE OF DANGEROUS DOG"

(b)

Sec. 5.02.008 Defenses

Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution for a violation under this article.

Sec. 5.02 .009 Dangerous dog owned or harbored by minor

If the owner of a dangerous dog is a minor, the parent or guardian of the minor is liable for all injuries sustained by any person or another animal in an unprovoked attack by the dog.

Sec. 5.02.010 Prohibition of owning a dog determined dangerous by another jurisdiction.

(a) A person commits an offense if he owns a dog in the city that has been determined to be a dangerous dog by any other jurisdiction.

(b) It is a defense to prosecution under section (a) that the person owned the dog in the city prior to the date of adoption of this section.

Sec. 5.02 .011 Surrender of a dangerous dog

A person who owns a dog that has been ordered to be seized or impounded under this article commits an offense if the person does not surrender the dog to the director within the time period ordered by the director or the municipal court, whichever applies.

....

ARTICLE 5.03 IMPOUNDMENT

....

Sec. 5.03.004 Redemption generally

The owner of any animal which is impounded under this article may redeem the animal by paying all expenses of impoundment and keeping, together with the cost of advertising, microchipping and fines, at any time prior to the disposition of such animal in accordance with Section 5.03.006.

Sec. 5.03.005 Redemption of dogs and cats

(a) The owner of any dog or cat impounded under the terms of this article may redeem such dog or cat within seventy-two (72) hours after impoundment by paying the fees described in Section 5.03.003 and, if the dog or cat is not currently microchipped, by microchipping the animal and paying the registration fee prescribed by Section 5.01.013; provided, however, in order for the owner of a dog or cat not vaccinated and microchipped under the provisions of this chapter to obtain its release, such owner must sign a statement giving the name of the owner and the address where such dog or cat shall be immediately confined, and stating that he will have the dog or cat vaccinated and microchipped immediately in accordance with the provisions of Section 5.01.014. Failure to have such dog or cat immediately vaccinated and confined shall be grounds for the immediate return of the dog or cat to the city pound and such dog or cat may be destroyed or otherwise disposed of in accordance with this article.

(b) After the owner has failed to redeem the dog or cat within seventy-two (72) hours after impoundment, the dog or cat shall become the property of the City of Seagoville. The City Manager or

his designated representative shall retain sole authority to determine the final disposition of each animal in its custody once that animal becomes the property of the City of Seagoville.

Sec. 5.03.006 Disposition of unredeemed animals generally

(a) After the owner has failed to redeem the animal within seventy-two (72) hours after impoundment, the animal shall become the property of the City of Seagoville. The City Manager or his designated representative shall retain sole authority to determine the final disposition of each animal in its custody once that animal becomes the property of the City of Seagoville.

(b) If any animal impounded under this article is not redeemed by the owner and cannot be sold it may be given away; if an animal cannot be sold and has not been given away or redeemed, it shall be forthwith humanely destroyed.

(c) This section shall not apply to unredeemed dogs [and cats], which shall be disposed of in accord with section 5.03.007.

(d) The redemption of wild animals or animals of known vicious propensity shall not be required nor shall it be permitted. If the animal cannot be sold to a party who will keep it outside the city limits or given away to an institution suitable for the keeping and care of wild animals, it shall forthwith be humanely destroyed.

Sec. 5.03.007 Disposition of unredeemed dogs and cats

(1) Adoption

(a) The Animal Services Department shall be authorized to place for adoption dogs or cats impounded by city under the following conditions:

1. The Animal Services Director or his designee shall evaluate all animals to determine if it is an adoption candidate, based on its health, temperament, and appropriateness for vaccination. However, authorization to place a dog or cat for adoption shall not constitute a warranty of the health, temperament, or age of the animal.

2. There will be an adoption fee for all dogs and cats at an amount set by the Director of the Animal Services Department or his designee. The fee will include the cost of sterilization, vaccination, and implantation of a microchip.

3. All animals adopted from the animal services facility shall be implanted with a microchip, vaccinated against rabies according to state guidelines, and sterilized.

4. If, in the opinion of a licensed veterinarian, there is a legitimate health risk justifying the delay of sterilization, the person adopting the animal must provide a signed statement from the veterinarian stating why the sterilization should be delayed and when the procedure may be performed. A legitimate health risk cannot be based solely on the age of the animal if the animal is at least eight (8) weeks old. The owner shall provide written proof to the Animal Services of the completed sterilization within forty-eight (48) hours of the procedure.

(b) If an adopted animal dies on or before the sterilization completion date, the adopting person must provide written documentation to the Animal Services that the animal has died.

(c) If an adopted animal is lost or stolen before the sterilization date, the adopting person must provide written documentation to the Animal Services Department stating that the animal is lost or stolen and a copy of the police report, if any, of the theft. In order to be sufficient, the letter shall be

delivered to the Animal Services Department not later than the seventh (7th) business day after the date of the animal's disappearance and shall describe the circumstances surrounding the disappearance and the date of disappearance.

(2) Transfer to releasing agency or foster care.

(a) The Animal Services Director or his designee may transfer ownership of the animal to a releasing agency that has a signed transfer agreement for dogs and cats on file with the Animal Services Department provided that the group sterilizes and microchips the animal prior to placing it into an adoptive home.

(b) The Animal Services Director or designee may temporarily place the animal in a foster home that has a signed foster agreement for dogs and cats on file with the Animal Services.

(3) *Euthanasia*. The Animal Services Department may euthanize the animal due to the animal's health or temperament, space limitations, or as otherwise deemed necessary by the animal services director or designee.

...

ARTICLE 5.04 ANIMAL CARE

....

5.04.002 Prohibited Acts

(A) A person commits an offense if:

....

(11) Abandons any animal that he or she has possession or ownership of at the animal services facility, at any other place of business, on public property, or with any person that has not consented or has revoked consent to be responsible for the care of the animal

....

(16) Fails to reclaim any animal that he owns from the animal services facility or any person who had temporary possession of the animal

(17) An owner of an animal commits an offense if he fails to:

(a) keep any cage, pen, enclosure, or other area in which the animal is kept in a sanitary condition;
or

b) remove all animal excreta from the cage, pen, enclosure, or other area in which the animal is kept as often as necessary to maintain a healthy environment.

(18) permits any yard, ground, premises, or structure belonging to, controlled by, or occupied by him to become nauseating, foul, offensive, or injurious to the public health or unpleasant and disagreeable to adjacent residents or persons due to the accumulation of animal excreta.

(B) Animals seized pursuant to this section may be impounded and the animal services authority may petition the municipal court for a hearing to determine whether the animal was inhumanely treated

and to determine the disposition of the animal. The petition shall be filed within forty-eight (48) hours of the seizure. If the court is not open during this 48-hour period, the petition shall be filed the next day the court is open for business. If a hearing is not requested, then the animal shall be returned to the owner upon request of the owner.

5.04.003 Minimum length of chains, ropes and other fixed restraints

(a) An owner of a dog commits an offense if he tethers the dog or allows the dog to be tethered in any manner or by any method that:

- (1) allows the dog to leave the premises owned, leased, or occupied by the dog's owner;
- (2) allows the dog to become entangled;
- (3) does not allow the dog access to food, water, and appropriate shelter if outside; or
- (4) does not meet the requirements for tethering a dog under Subsection (b) of this section.

(b) The following requirements apply to a dog tethered within the city:

- (1) The dog must be properly fitted with and wearing a harness or collar made of leather or nylon.
- (2) The tether must be attached to the dog's harness or collar and not directly to the dog's neck.
- (3) The tether must be at least five (5) times the length of the dog from nose to tail.
- (4) The tether may not, due to its weight, cause injury or visible discomfort to the dog.
- (5) May only be tethered for a reasonable amount of time not to exceed three (3) hours in a twenty-four (24) hour period, or no longer than necessary to complete a temporary task that required the dog to be restrained.

....”

SECTION 2. That if any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That any person adjudged guilty of an offense under this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000.00. Each day that a violation continues shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 5th day of March 2018.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Alexis G. Allen, City Attorney

Regular Session Agenda Item: 7

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION:

Discuss and consider directing staff on the selection of the movie to view at the annual “Movie in the Park” event in September.

BACKGROUND OF ISSUE:

In the past, the City of Seagoville has hosted a movie in the park that is open to the public. Staff is seeking the direction of Council concerning the movie to be viewed at our annual event. The following movies are up for consideration. All movies listed below are rated PG.

- **A Wrinkle in Time (March 2018)** Meg Murry and her little brother, Charles Wallace, have been without their scientist father, Mr. Murry, for five years, ever since he discovered a new planet and used the concept known as a tesseract to travel there. Joined by Meg's classmate Calvin O'Keefe and guided by the three mysterious astral travelers known as Mrs. Whatsit, Mrs. Who and Mrs. Which, the children brave a dangerous journey to a planet that possesses all of the evil in the universe.
- **Wonder (November 2017)** Based on the New York Times bestseller, WONDER tells the incredibly inspiring and heartwarming story of August Pullman, a boy with facial differences who enters fifth grade, attending a mainstream elementary school for the first time.
- **Coco (November 2017)** Despite his family's generations-old ban on music, young Miguel dreams of becoming an accomplished musician like his idol Ernesto de la Cruz. Desperate to prove his talent, Miguel finds himself in the stunning and colorful Land of the Dead. After meeting a charming trickster named Héctor, the two new friends embark on an extraordinary journey to unlock the real story behind Miguel's family history.
- **Paddington 2 (January 2018)** Settled in with the Brown family, Paddington the bear is a popular member of the community who spreads joy and marmalade wherever he goes. One fine day, he spots a pop-up book in an antique shop -- the perfect present for his beloved aunt's 100th birthday. When a thief steals the prized book, Paddington embarks on an epic quest to unmask the culprit before Aunt Lucy's big celebration.
- **Despicable Me 3 (June 2017)** Gru meets his long-lost charming, cheerful, and more successful twin brother Dru who wants to team up with him for one more last criminal heist.

- **Cars 3 (June 2017)** Blindsided by a new generation of blazing-fast cars, the legendary Lightning McQueen finds himself pushed out of the sport that he loves. Hoping to get back in the game, he turns to Cruz Ramirez, an eager young technician who has her own plans for winning. With inspiration from the Fabulous Hudson Hornet and a few unexpected turns, No. 95 prepares to compete on Piston Cup Racing's biggest stage.
- **Lego Ninjago (September 2017)** The battle for Ninjago City calls to action young Master Builder Lloyd, aka the Green Ninja, along with his friends, also secret ninja warriors. Led by Master Wu, as wise-cracking as he is wise, they must defeat the evil warlord Garmadon, who also happens to be Lloyd's dad. Pitting father against son, the epic showdown tests these fierce but undisciplined modern-day ninjas as they learn to check their egos and pull together to unleash the inner power of Spinjitzu.

FINANCIAL IMPACT:

Financial Impact will be \$1525.00

Staff - \$100 (Justin Wilkerson-4 hrs.)

Dvd Movie - \$35

Equipment Rental - \$725

License to play movie - \$665

EXHIBITS:

N/A

Regular Session Agenda Item: 8

Meeting Date: March 5, 2018

ITEM DESCRIPTION

Discuss and consider approval of a Resolution adopting the City of Seagoville Comprehensive Statement on Local Economic Development, Tax Abatement and Business Incentives, which is attached hereto and incorporated herein as Exhibit A; and providing that the City continues to elect to be eligible to participate in tax abatement; providing for a repealing clause; providing for a severability clause; and providing an effective date.

BACKGROUND OF ISSUE:

The City desires to be eligible to participate in tax abatements, as well as other programs, to (1) ensure the City remains competitive in the marketplace, (2) to encourage the increase and retention of quality jobs, and (3) encourage revenue streams from businesses that maintain or increase the taxable values of business personal property. State law provides that in order to be eligible to participate in such tax abatements the City must adopt guidelines and criteria for tax abatements and Section 312.002, subsection (c) of the TAX CODE provides that said guidelines and criteria must be adopted every two (2) years for the City to remain eligible. The City of Seagoville desires to continue to be eligible to participate in tax abatements. Therefore, as required by State law, the City must readopt the guideline and criteria for such program.

Staff recommends approving Resolution No. 15-R-2018 providing for the adoption of the City of Seagoville Comprehensive Policy Statement on Local Economic Development, Tax Abatement and Business Incentives as required by § 312.002 (c) of the TAX CODE, to ensure the City's continued eligibility to participate in tax abatements.

FINANCIAL IMPACT:

N/A

EXHIBITS

Resolution 15-R-2018 adopting the City of Seagoville Comprehensive Policy Statement on Local Economic Development, Tax Abatement and Business Incentives

Exhibit A - The City of Seagoville Comprehensive Policy Statement on Local Economic Development, Tax Abatement and Business Incentives

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 15-R-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, ADOPTING THE CITY OF SEAGOVILLE COMPREHENSIVE STATEMENT ON LOCAL ECONOMIC DEVELOPMENT, TAX ABATEMENT AND BUSINESS INCENTIVES, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A; AND PROVIDING THAT THE CITY CONTINUES TO ELECT TO BE ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the City's desire to provide economic development incentives and to establish various programs to (1) ensure the City remains competitive in the marketplace, (2) encourage the increase and retention of quality jobs, and (3) encourage revenue streams from commercial, industrial and manufacturing businesses that maintain or increase the taxable values of business personal property; and

WHEREAS, the City desires to continue to be eligible to participate in tax abatements; and

WHEREAS, Section 312.002, subsection (c) of the TAX CODE provides that in order to be eligible to participate in tax abatements, the guidelines and criteria adopted for the granting of a tax abatement must be adopted every two (2) years; and

WHEREAS, the City of Seagoville ("City") is committed to the promotion of quality development and expansion on its business base; and

WHEREAS, while the City has adopted guidelines and criteria as required by State law, such guidelines and criteria have expired; and

WHEREAS, based on the foregoing, the City Council finds that it is in the best interest of the City and its citizens to adopt the City of Seagoville Comprehensive Policy Statement on Local Economic Development, Tax Abatement and Business Incentives, which is attached hereto and incorporated herein as Exhibit A, in compliance with State law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THAT:

SECTION 1. The City of Seagoville Comprehensive Policy Statement on Local Economic Development, Tax Abatement and Business Incentives, which is attached hereto and incorporated herein as Exhibit A, be and the same is hereby adopted.

SECTION 2. The City of Seagoville, Texas, hereby continues its election to be eligible to participate in tax abatements and to create reinvestment zones, in accordance with Chapter 312 of the Texas Tax Code, and directs City staff to actively pursue economic development opportunities for the City of Seagoville, Texas.

SECTION 3. All resolutions of the City of Seagoville in conflict with the provisions of this resolution be, and the same are, hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

SECTION 4. If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgement or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Seagoville, Texas, and it is accordingly resolved.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 5th day of March, 2018.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

ALEXIS G. ALLEN, CITY ATTORNEY

(/cdb 02/15/2018)



CITY OF SEAGOVILLE COMPREHENSIVE POLICY STATEMENT ON LOCAL ECONOMIC DEVELOPMENT, TAX ABATEMENT AND BUSINESS INCENTIVES

A. Purpose

The City of Seagoville is committed to the promotion of quality development and expansion of its existing business base. The City Council desires to provide economic development incentives and to establish various programs to ensure the City remains competitive in the marketplace, encourages the increase and retention of quality jobs, encourages revenue streams from commercial, industrial, and manufacturing businesses that maintain or increase the taxable values of their business personal property, including inventories and acquire and install new machinery and equipment in the City. The City of Seagoville will, on a case-by-case basis, consider providing economic incentives to individuals and businesses meeting these guidelines, in accordance with the guidelines, criteria, and procedures set forth herein. Nothing herein shall imply that the City is under any obligation to provide any economic development incentives. Nothing herein shall prohibit the City Council from waiving the criteria to further the objectives of this policy. The City may, notwithstanding this policy, provide economic development incentives and/or establish economic development programs on a case-by-case basis that promote economic development, create employment opportunities, increase sales tax and property tax revenue. In addition to the purpose set forth above, this policy statement and the economic development incentive programs described herein shall constitute a program providing for the promotion of state and local business and the stimulation of business and commercial activity in the City for purposes of Chapter 380 of the TEXAS LOCAL GOVERNMENT CODE, as amended (sometimes referred to hereafter as "Chapter 380").

B. Inventory, Equipment and Personal Property Tax Incentive Conditions and Requirements.

1. The City may consider an economic development incentive pursuant to Chapter 380 to provide grants equal to a percentage of the property taxes generated by a specific project in addition to, or in lieu of, tax abatement pursuant to Chapter 312 of the TAX CODE.
2. Conditions and Requirements
 - (a) Any request for personal property incentives shall be reviewed by the City Council to determine the total revenue stream to be generated by the business or individual, the proposed project, job creation, and the cost of providing municipal services for the project.

- (b) The business or individual must have an increase in taxable value above the current taxable value for personal property including machinery, inventory and equipment.
- (c) The business or individual must own the building or have a new or renewable lease.

C. Sale, Lease, or Exchange of City owned land

In some specific instances, the City of Seagoville has concluded that the sale and conveyance, lease, or trade of certain property through a negotiated process promotes quality development and expansion of the City's existing business tax base without the necessity of accepting written bids pursuant to a published notice. Therefore, the City does hereby adopt a policy and program as part of its economic development and business incentives that the City Council, upon recommendation from the City Manager may sell or exchange land without competitive bidding and at or below market value pursuant to exceptions provided by Section 272.001 of the TEXAS GOVERNMENT CODE. The City may consider providing economic development grants and incentives pursuant to Chapter 380 of the TEXAS LOCAL GOVERNMENT CODE to offset all or a portion of the purchase price of such land and improvements when such sale or exchange must be for fair market value.

The President/CEO of the Seagoville Economic Development Corporation will provide an analysis of a clearly defined economic development program for any land parcel to be conveyed, leased, or traded pursuant to Section 272.001 of the TEXAS GOVERNMENT CODE when an economic development incentive is to be provided. Such analysis would include the type and quality of development, alternative use of the property by the City, the increase in sales and property tax base and the creation of jobs as a result of the sale or exchange.

D. Real Property Tax Abatement, Real Property Tax Incentives, or Grants in Lieu Thereof; Conditions and Requirements

1. The City may consider tax abatement for real property pursuant to Chapter 312 of the TEXAS TAX CODE or provide economic development incentives pursuant to Chapter 380 TEXAS LOCAL GOVERNMENT CODE to provide grants equivalent to a certain percentage of property taxes paid to the City.
2. Conditions and Requirements
 - (a) Any request for tax abatement or real property tax incentive will be reviewed by the City Council to determine the total revenue expected to be generated by the business.
 - (b) A business may be considered to receive real property tax abatement or real property tax incentives, and personal property tax abatement or personal property tax incentive located on the same premises on a case-by-case basis.

- (c) The real property tax incentive may be considered for relocation to the City or for an expansion of an existing business.
- (d) The real property tax incentive, or a grant pursuant to Chapter 380, or a combination of both, may be considered for projects located, or to be located, in areas of the City targeted for redevelopment or which will create high visibility for the business and the City such that the project is deemed to serve as a catalyst to draw other projects to the targeted or high visibility area.

E. Eminent Domain

The City of Seagoville, a Texas Home Rule City, has the power and authority pursuant to State Law and its City Charter to utilize the power of eminent domain to acquire property for public purposes for legally authorized municipal purposes the City Council considers advisable. The power of eminent domain may not be exercised by the City Council for economic development purposes but rather may be used to acquire property for streets, alleys, public works and similar type projects that are necessary to provide the necessary public infrastructure and/or municipal services to an economic development project.

F. Procedural Guidelines

1. A business must submit a written request for incentives.
2. The City, upon a determination that the written request satisfies the conditions and requirements of this policy, may, in its discretion, enter into an incentive agreement with the business or individual pursuant to Chapter 380 of the TEXAS LOCAL GOVERNMENT CODE and/or a tax abatement agreement pursuant to Chapter 312 of the TEXAS TAX CODE for a period not to exceed ten (10) years. The applicant shall be required to enter into an agreement for the incentive or tax abatement, as the case may be, in a form prepared by and approved by the City Attorney. Such agreement shall contain such terms as may be required by the City, including but not limited to claw back or recapture of the incentive and/or abated taxes, with interest in the event of an uncured breach or default by the business or individual under such agreement.
3. The City may require, if deemed necessary, an examination of the business or individual's appropriate books and records to verify the information provided by the applicant.

Patrick Stallings, City Manager

Date

Regular Session Agenda Item: 9

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION

Receive Councilmember Reports/ Items of Community Interest

BACKGROUND OF ISSUE:

Section 551.0415 of the Texas Government Code authorizes a quorum of the governing body of a municipality or county to receive reports about items of community interest during a meeting without having given notice of the subject of the report if no action is taken. Section 551.0415 defines an “item of community interest” to include:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person’s public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

FINANCIAL IMPACT:

N/A

EXHIBITS

N/A

Regular Session Agenda Item: 10

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION:

Future Agenda Items

BACKGROUND OF ISSUE:

Council provides direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.

FINANCIAL IMPACT:

N/A

EXHIBITS

N/A

Executive Session Agenda Item: 11

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION:

Recess into Executive Session in compliance with Texas Government Code:

(A) Section 551.087: Discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the City and with which the City is conducting economic development negotiations, and to deliberate the offer of a financial or other incentive to a business prospect, to wit: "Project Cake."

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

EXHIBITS

N/A

Executive Session Agenda Item: 12

Meeting Date: **March 5, 2018**

ITEM DESCRIPTION:

Reconvene into Regular Session

Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

EXHIBITS

N/A