



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, MARCH 19, 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**
- B. AE Com presentation**

Adjourn

REGULAR SESSION - 7:00 P.M.

ROUTINE ANNOUNCEMENTS, RECOGNITIONS, and PROCLAMATIONS

Call to Order

Invocation

Pledge of Allegiance

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 March 5, 2018 (City Secretary)**

REGULAR AGENDA-

- 2. Acceptance of City of Seagoville’s Comprehensive Annual Financial Report for Fiscal Year 2017 and Popular Annual Financial Report for Fiscal Year 2017 (Finance Director)**
- 3. Discuss and consider the first reading of Resolution No. 17-R-2018, authorizing the Seagoville Economic Development Corporation to undertake a project for the creation of jobs and expansion of business development in the City, including a reimbursement grant in an amount not to exceed thirty thousand dollars (\$30,000.00), in accordance with the Texas Local Government Code; and providing an effective date (Director of Administrative Services)**
- 4. Discuss Storm Drain in a 15-foot wide easement for Woodside Lane between Lot 9 and Lot 10, Block 12A, Brook Valley 7 Phase 1 (between 1106 and 1108 Woodside lane) (Community Development Director)**
- 5. Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.**
- 6. 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.**

7. Executive Session

Recess into Executive Session in compliance with Texas Government Code:

- (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.”**
- (B) § 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: “Wes Parnell.”**
- (C) § 551.071: Consultation with the City Attorney to seek legal advice concerning the Home Rule Charter**

8. 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 15, 2018 by 5:00 P.M.

Kandi Jackson

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, April 2, 2018 is the next regular City Council meeting.**
- **Monday, April 16, 2018 is the next regular City Council meeting.**

Consent Session Agenda Item: 1

Meeting Date: March 19, 2018

ITEM DESCRIPTION:

Consider approving City Council Meeting minutes for March 5, 2018.

BACKGROUND OF ISSUE:

Approve City Council Meeting minutes for March 5, 2018.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS

March 5, 2018 City Council Work Session Meeting minutes
March 5, 2018 City Council Regular Session Meeting minutes



**MINUTES OF CITY COUNCIL
WORK SESSION
MARCH 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, March 5, 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, Library Director Liz Gant, Water Utilities Director Phil DeChant, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

A. Discuss Regular Session Agenda Items

- 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)**

No questions.

- 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)

City Secretary Jackson stated all candidates for the General Election on May 5, 2018 are unopposed which allows the City to cancel the election. She also stated the savings to the City is in the agenda packet.

- 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)**

City Manager Stallings stated this item will be discussed during Regular Session.

- 4. Discuss with Republic Services changes to the waste collection schedule that were not communicated to City Staff (Robyn Mota)**

City Manager Stallings stated this item will be discussed during Regular Session.

- 5. Discuss and consider declaring vacancies on Planning & Zoning Commissions and Park & Recreation Commissions, and consider new applications (City Secretary)**

City Manager Stallings stated this item will be discussed during Regular Session.

- 6. 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)**

Police Chief Calverley stated this is an Ordinance 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. He also stated it is a tool to assist in the management of under age children.

No questions.

- 7. 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)**

Police Chief Calverley stated this 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.

In response to a question by Councilmember Magill, Police Chief Calverley stated yes, the Ordinance does address pigs and goats.

Councilmember Hernandez asked if the Ordinance prohibits certain animals. Police Chief Calverley stated yes, certain animals are prohibited. Councilmember Hernandez stated he would definitely like the Ordinance communicated to the community.

- 8. 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)**

Community Development Director Barr stated Council has been provided a list of movies that are options through the vendor. He also stated he is willing to check with the vendor if Council has requests that are not listed.

No questions.

- 9. 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)**

Director of Administrator Services Brown stated this is 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 a tax abatement.

Adjourned at 6:41 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



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

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:00 p.m. on Monday, March 5, 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, Library Director Liz Gant, Community Development Director Ladis Barr, City Attorney Alexis Allen, Water Utilities Director Phil DeChant, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

Invocation – *Invocation was led by Councilmember Magill.*

Pledge of Allegiance – *Pledge of Allegiance was led by Mayor Childress.*

Recognition – Water Utilities Department – *Mayor Childress presented the Water Utilities Department with certificates.*

Mayor’s Report – *Mayor Childress stated he appreciates all the hard work from the Water Utilities Department.*

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.*

Cheryl Fowler at 217 E. Bluff Rd. stated her mother’s home flooded due to a sewer back up. She stated the clean-up has been very expensive and they are seeking assistance from the City, if possible.

Mary Runnells at 217 E. Bluff Rd stated she is the homeowner and has lived in the home for forty (40) years with no issues. She also stated any assistance would be appreciated.

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)**

Motion to approve Consent Agenda as read Magill, seconded by Epps; motion passed with all ayes. 5/0

REGULAR AGENDA-**4. Discuss with Republic Services changes to the waste collection schedule that were not communicated to City Staff (Robyn Mota)**

Robyn Mota introduced Randy Holcomb the Operations Manager for Republic Services.

Operations Manager Holcomb stated there were changes made to the solid waste and recycle collection schedule that were not communicated with City Staff. He stated the changes were made on February 1, 2018 and went into effect on March 1, 2018. He stated Republic Service will run the old route and the new route for a month to avoid disruption to residents. He stated a supervisor from Republic Services will be in the City of Seagoville each day to ensure collection is not missed. He also stated this is not the smooth transition promised by Republic Services but they are committed to making it right from this point.

Councilmember Hernandez asked when the new routes were determined by Republic Services. Operations Manager Holcomb stated Republic Services has been working on the new routes for the past six (6) to eight (8) weeks.

Councilmember Hernandez asked if City Staff was aware of those changes. Operations Manager Holcomb stated City Staff was aware of day changes to the recycle schedule but not the solid waste schedule.

Councilmember Hernandez clarified the changes went into effect on March 1, 2018 and stated he received his flyer announcing the changes after the effective date. He also stated Republic Services had poor communication concerning the route changes.

Councilmember Magill asked if there will be any further attempt to make the new route changes more understandable to the citizens. Operations Manager Holcomb stated yes, customers will be receiving a mailer with detailed information.

Councilmember Fruin clarified the solid waste and recycle schedule for his area.

Councilmember Fruin asked what is the purpose of making changes to the solid waste and recycle schedule. Operations Manager Holcomb stated the main reason for the changes was to have solid waste and recycle collection on the same day. Councilmember Fruin stated the lack of communication left him unaware of the changes.

Mayor Pro Tem Epps stated he has a real issue with the lack of communication to City Staff.

Councilmember Hernandez asked if future communications will be taped to the trash receptacle or by mail. Operations Manager Holcomb stated further communication this week be will be taped to the trash receptacle for faster communication. He also stated Republic Services is working on another communication that will be mailed. Councilmember Hernandez stated any communications that can be put on the website or social media needs to be shared with Mrs. Gant.

Mayor Childress stated Republic Services needs to have communication with the City Manager. He also thanked Operations Manager Holcomb for his work but stated Republic Services needs to understand communication with the City is imperative.

City Manager Stallings stated he originally asked for Republic Services to supply the City with a Republic Services staff member for four (4) weeks to help with phone calls from the citizens. He would like an additional four (4) weeks equaling a total of eight (8) weeks. Operations Manager Holcomb stated Republic Services will get back to the City Manager to confirm the extra time request of their staff member.

Mayor Childress stated the City Manager made a request and if Republic Services is unable to provide the staff member the City needs to know.

5. Discuss and consider declaring vacancies on Planning & Zoning Commissions and Park & Recreation Commissions, and consider new applications (City Secretary)

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

She also stated at this time Place three (3) on Keep Seagoville Beautiful is vacant. Scott Englert submitted an application to fill that vacancy. In addition, the Planning & Zoning Commission 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 allows Council to appoint Mr. Grimes to serve on more than one board or commission as referenced in the agenda packet.

Mayor Childress asked Mr. Grimes if he considered the amount of time that is required to serve and if he is able to commit that amount of time. Applicant David Grimes stated yes, he has considered the amount of time and he is committed to serving on both boards.

Councilmember Hernandez asked Mr. Grimes what type of company he owns. Mr. Grimes stated he owns a lawn company.

Mayor Childress asked Scott Englert if he has considered the amount of time that is needed and if he is able to commit that amount of time. Applicant Scott Englert stated yes, has considered the amount of time and is committed to serving. He also stated his original application was submitted to serve on Keep Seagoville Beautiful but he would also like to be considered for the Planning & Zoning Commission.

After discussion with the City Attorney, motion to allow David Grimes to serve on two boards – Hernandez, seconded by Magill; motion passed. 4/1 (For: Howard, Hernandez, Magill, and Epps; Opposition: Fruin)

Motion to approve Mr. Grimes for Place five (5) on the Planning & Zoning Commission – Hernandez, seconded by Howard; motion passed 4/1. (For: Howard, Hernandez, Magill, and Epps; Opposition: Fruin)

Motion to approve Mr. Englert for Place three (3) on Keep Seagoville Beautiful – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

Motion to approve Mr. Englert to serve on multiple boards – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

Motion approve Mr. Englert for Place six (6) on the Planning & Zoning Commission – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

- 6. 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)**

Mayor Childress opened the public hearing at 7:32 p.m.

No one for or against.

Mayor Childress closed the public hearing at 7:32 p.m.

Motion to approve 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 – Magill, seconded by Howard; motion passed with all ayes. 5/0

7. **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)**

Motion to approve 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 – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

8. **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)**

After some discussion Mayor Childress asked for a vote on A Wrinkle in Time; one vote was received – Howard.

Mayor Childress asked for a vote for Coco; two votes were received – Hernandez and Magill.

Mayor Childress asked for a vote for Despicable Me 3; one vote was received – Epps.

Mayor Childress stated Coco wins with two votes received.

9. **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)**

Motion to approve 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 – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

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

Mayor Pro Tem Epps stated he would like to keep things moving in the City.

Councilmember Hernandez stated City Hall will be open tomorrow from 7:00 a.m. to 7:00 p.m. for voting.

11. **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

12. **Recessed into Executive Session at 7:43 p.m.**

(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.”

13. **Reconvene Into Regular Session at 7:50 p.m.**

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

No action taken.

Adjourned at 7:50 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Regular Session Agenda Item: 2

Meeting Date: **March 19, 2018**

ITEM DESCRIPTION

Acceptance of City of Seagoville's Comprehensive Annual Financial Report for Fiscal Year 2017 and Popular Annual Financial Report for Fiscal Year 2017.

BACKGROUND OF ISSUE:

The City of Seagoville is required to have an audit of its financial records performed annually. The City retained the firm of Fox, Byrd and Company, PC of Dallas, Texas to perform and report on the audit of the fiscal year ended September 30, 2017. Frank Conroy, Partner of Fox, Byrd will present the audit to Council. Councilmembers Jose Hernandez and Rick Howard of the Audit Committee have met with Mr. Conroy and City Staff to discuss the audit in detail during the month of February.

The Finance Department also develops a condensed version of the Comprehensive Annual Financial Report (CAFR), which is called the Popular Annual Financial Report (PAFR). This year's PAFR has been developed by Gail Lawrence of Finance with assistance from other City Staff. Patrick Harvey, Director of Finance will present the PAFR for Council acceptance.

FINANCIAL IMPACT:

N/A

Regular Session Agenda Item: 3

Meeting Date: March 19, 2018

Item Description

Discuss and consider the first reading of Resolution No. 17-R-2018, authorizing the Seagoville Economic Development Corporation to undertake a project for the creation of jobs and expansion of business development in the City, including a reimbursement grant in an amount not to exceed thirty thousand dollars (\$30,000.00), in accordance with the Texas Local Government Code; and providing an effective date.

BACKGROUND OF ISSUE:

On Monday, March 12, 2018, Yolanda Cole the owner of Shorty's Texas BAR-B-Q presented her application to the SEDC for a Reimbursement Grant for sewer and solid waste facilities to service the property, the installation of plumbing and a grease trap feature. The SEDC Board of Directors unanimously approved the Reimbursement Grant in an amount not to exceed \$30,000.00 for the aforementioned purpose.

Yolanda Cole and her husband Brad Cole are in the process of renovating the feed store located at 705 N. US Highway 175 and turning it into a BBQ restaurant. The Cole's have over ten (10) years of experience in the operation and ownership of a BBQ restaurant in Sunnyvale Texas. Based on their experience and review of their financial reports, Staff recommends approval of this Grant.

FINANCIAL IMPACT:

The SEDC will reimburse Shorty's Texas BAR-B-Q up to \$30,000.00 for the aforementioned purpose. Appropriate financial budget adjustments will be made to the SEDC Budget.

EXHIBITS

Exhibit A. SEDC Reimbursement Grant between Shorty's Texas BAR-B-Q and the SEDC

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 17-R-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS AUTHORIZING THE SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION TO UNDERTAKE A PROJECT FOR THE CREATION OF JOBS AND EXPANSION OF BUSINESS DEVELOPMENT IN THE CITY, INCLUDING A REIMBURSEMENT GRANT IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS (\$30,000.00), IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Seagoville, Texas is a home-rule municipality located in Dallas, County; and,

WHEREAS, the City of Seagoville, Texas, after voter approval, has established a Type B Economic Development Corporation to consider economic development projects within the city; and,

WHEREAS, Shorty's Texas BAR-B-Q has made an application concerning property located at 705 N. Highway 175; and,

WHEREAS, the Company has advised the SEDC that a contributing factor that would induce the Company to improve the Property and construct the Improvement would be an agreement by the SEDC to provide an economic development grant to the Company to reimburse the costs of the Infrastructure for Property; and,

WHEREAS, the Improvements will provide a suitable location for business and will result in the creation of jobs; and,

WHEREAS, the economic development client has requested a grant in an amount not to exceed \$30,000.00 from the Seagoville Economic Development Corporation for the Project; and,

WHEREAS, in conformance with Section 505.158(b) of the Texas Local Government Code, the governing body of the City by resolution should consider whether or not such project should be undertaken by the Seagoville Economic Development Corporation for an economic incentive grant; and,

WHEREAS, the City Council, after holding two separate readings of this resolution finds it in the best interest of the citizens of Seagoville to approve the expenditure by the Seagoville Economic Development Corporation for the Project.

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

SECTION 1. The Board of Directors for the Seagoville Economic Development Corporation should consider whether or not it is appropriate to give an economic development grant for such project at said location, in compliance with the Corporation's Incentive Reimbursement Grant Policy and,

SECTION 2. The Corporation, after considering such grant, the policies and procedures of the Seagoville Economic Development Corporation, has approved the Project and has recommended that it be presented to Council for final approval in accordance with the Bylaws of the Corporation; and

SECTION 3. The City Council for the City of Seagoville, Texas hereby finds that the Project will result in the creation of jobs and the expansion of business development within the City and approves the Project for funding by the Seagoville Economic Development Corporation.

SECTION 4. Nothing contained in this resolution shall be construed as approval in advance of any such grant, nor does this resolution establish that the Project currently complies with all applicable use and development regulations or other legal requirements required by law for development of the Project in accordance with the City's ordinances, rules and regulations.

SECTION 4. That this resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED AND APPROVED First Reading by the City Council of the City of Seagoville, Texas, on this the 19th day of March, 2018.

DULY PASSED AND APPROVED Second Reading by the City Council of the City of Seagoville, Texas, on this the 2nd day of April, 2018.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

ALEXIS G. ALLEN, CITY ATTORNEY

STATE OF TEXAS §
 § ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
COUNTY OF DALLAS §

This Economic Development Incentive Agreement (“Agreement”) is made by and between the Seagoville Economic Development Corporation (“SEDC”) and Yolanda Cole, *d/b/a* Shorty's Texas BAR-B-Q, a Sole Proprietorship (“Company”) (each a “Party” and collectively the “Parties”), acting by and through their respective authorized officers.

WITNESSETH:

WHEREAS, Company desires to develop, construct and operate a restaurant (hereinafter defined) on approximately 0.447 acre of land in Seagoville described as Tract 32 of the R D Fallon Abstract 489, commonly referred to as 705 N. Highway 175, Seagoville, Texas (the “Property”); and

WHEREAS, the Company intends to develop the Property which will result in approximately \$50,000.00 in improvements to the Property and intends to invest approximately \$50,000.00 in infrastructure, facilities, furniture, fixtures & equipment; and

WHEREAS, Company intends to construct a kitchen, indoor seating and causal area for the restaurant (collectively, the “Improvements”); and

WHEREAS, the Improvements will provide a suitable location for business and will result in the creation and retention of new jobs; and

WHEREAS, the Company has advised the SEDC that a contributing factor that would induce the Company to improve the Property and construct the Improvements would be an agreement by the SEDC to provide an economic development grant to the Company to reimburse the costs of the Infrastructure for the Property; and

WHEREAS, SEDC has adopted programs for promoting economic development; and

WHEREAS, the Development Corporation Act, Chapters 501 – 505 of the TEXAS LOCAL GOVERNMENT CODE (the “Act”) authorizes SEDC to provide economic development grants for the creation and retention of jobs; and

WHEREAS, SEDC has determined that the Grant to be made hereunder is required or suitable to create and retain new jobs and develop new or expanded business enterprises and constitutes a “project”, as that term is defined in the Act; and

WHEREAS, SEDC has determined that making an economic development grant to Company in accordance with this Agreement will further the objectives of SEDC, will benefit the City and the City’s inhabitants and will promote local economic development and stimulate business and commercial activity in the City.

NOW, THEREFORE, in consideration of the foregoing, and other consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

ARTICLE I DEFINITIONS

Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

“SEDC” shall mean the Seagoville Economic Development Corporation, a Texas non-profit corporation organized as a Type B corporation pursuant to the Act.

“Bankruptcy or Insolvency” shall mean the dissolution or termination of Company’s existence, insolvency, employment of receiver for any part of Company’s property and such appointment is not terminated within ninety (90) days after such appointment is initially made, any general assignment for the benefit of creditors or the commencement of any proceedings under any bankruptcy or insolvency laws by or against Company and such proceedings are not dismissed within ninety (90) days after the filing thereof.

“City” shall mean the City of Seagoville, Texas, acting by and through its city manager or designee.

“Commencement Date” shall mean the later of: (i) the date the first construction permit is issued; and (ii) the date the first final permanent certificate of occupancy is issued by the City for the restaurant is open for business and serving the citizens of the City and its visitors.

“Company” shall mean Yolanda Cole, *dba* Shorty's Texas BAR-B-Q, a Sole Proprietorship.

"Completion of Construction" shall mean that final inspection has been conducted and acceptance has been issued by the City of Seagoville for the Infrastructure.

“Effective Date” shall mean the last date of execution hereof.

“Expiration Date” shall mean the date the Parties have fully satisfied their respective obligations hereunder.

“Force Majeure” shall mean any contingency or cause beyond the reasonable control of a Party including, without limitation, acts of God or the public enemy war, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by acts of omissions of the Party), fires, explosions or floods, strikes, slowdowns or work stoppages, but may not impact any payments to be made hereunder.

“Impositions” shall mean all taxes, assessments, use and occupancy taxes, charges, excises, license and permit fees, and other charges by public or governmental authority, general and special, ordinance and extraordinary, foreseen and unforeseen, which are or may be assessed, charged,

levied, or imposed by any public or governmental authority on Company with respect to the Infrastructure or any property or any business owned by Company within the City.

“Improvements” collectively shall mean the building housing the restaurant, the common-areas and all other structures, driveways, parking areas, and other improvements constructed or installed on the Property.

"Infrastructure" shall mean the sewer and solid waste disposal facilities to service the property, including plumbing and grease trap.

“Property” shall mean the approximate 0.447 acre of land in Seagoville described as Tract 32 of the R D Fallon Abstract 489, commonly referred to as 705 N. Highway 175, Seagoville, Dallas County, Texas.

“Project” shall mean the Improvements following construction thereof.

"Reimbursement Grant" shall mean an economic development grant to reimburse the actual and reasonable costs and expenses incurred by the Company for the construction of Infrastructure, not to exceed Thirty Thousand Dollars (\$30,000.00), to be paid as set forth herein.

“Required Use” shall mean the continued operation of the restaurant and related amenities open to the public and serving the adjacent business community and the citizens of the City.

ARTICLE II TERM

The term of this Agreement shall begin on the Effective Date and continue until the Expiration Date, unless sooner terminated as provided herein.

ARTICLE III ECONOMIC DEVELOPMENT GRANT

3.1 Reimbursement Grant. Subject to the obligation of the Company to repay the Infrastructure Grant pursuant to Section 5.2 hereof and the continued satisfaction of all the terms and conditions of this Agreement by the Company, the SEDC agrees to provide the Company with the Reimbursement Grant in an amount not to exceed Thirty Thousand and No/100 Dollars (\$30,000.00). The Grant payment shall be made within thirty (30) days after notice by the Company of compliance with the conditions of the Grant and upon remittance of actual invoices for Infrastructure expenditures.

3.2 The Infrastructure Grant made hereunder shall be provided solely from lawful available funds. The SEDC shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by Company. None of the obligations of the SEDC under this Agreement shall not be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution without the prior written consent of the SEDC.

3.3 Required Use. Beginning on the Commencement Date, and continuing thereafter until the Expiration Date, or earlier termination, the Restaurant shall not be used for any purpose other than the Required Use and the Company shall not allow the operation of the Restaurant in conformance with the Required Use to cease for more than thirty (30) days, except in connection with and to the extent of an event of Casualty or Force Majeure.

ARTICLE IV CONDITIONS TO ECONOMIC DEVELOPMENT GRANT

The satisfaction of Company of the terms and conditions of this Agreement are subject to each of the following conditions:

4.1 Good Standing. Company shall not have an uncured breach or default of this Agreement, or a Related Agreement.

4.2 Performance Criteria. Company shall open and operate a restaurant on the Property and shall remain in operation as a restaurant for a period of five (5) calendar years.

ARTICLE V TERMINATION

5.1 This Agreement shall terminate upon any one of the following:

- (a) by written agreement of the Parties;
- (b) Expiration Date;
- (c) upon written notice by either Party in the event the other Party breaches any of the terms or conditions of this Agreement or Related Agreement and such breach is not cured within thirty (30) days after written notice thereof; provided, however, if such breach cannot reasonably be cured within such thirty (30) day period, such breaching party shall be allowed additional time not to exceed thirty (30) additional days to cure such breach so long as the breaching party begins the cure within the initial thirty (30) days and diligently pursues the cure to completion within sixty (60) days after written notice of such breach;
- (d) upon written notice by SEDC, if Company suffers an event of Bankruptcy or Insolvency;
- (e) upon written notice by SEDC, if any Impositions owed to City or the State of Texas by Company shall become delinquent after thirty (30) days written notice is delivered pursuant to this Agreement (provided, however, Company retains the right to timely and property protest and contest any such Impositions); and

(f) upon written notice by either Party, if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable.

5.2 In the event the Agreement is terminated by SEDC due to Company's failure to operate as a restaurant for the required five (5) calendar years, the Company shall immediately repay to SEDC an amount equal to the Reimbursement Grant.

ARTICLE VI MISCELLANEOUS

6.1 Binding Agreement; Assignment. This Agreement shall be binding upon and inure to the benefit of the heirs, successors, affiliates, administrators, executors, and permitted assigns of the respective Parties. This Agreement may not be assigned without the prior written consent of the SEDC; provided, however, Company may collaterally assign or pledge Company's rights in the Property under this Agreement to Company's Lender as security for a loan for the Project.

5.2 Limitation on Liability. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the Parties. It is understood and agreed between the Parties that the Parties, in satisfying the conditions of this Agreement, have acted independently, and SEDC assumes no responsibilities or liabilities to third parties in connection with these actions. Company agrees to indemnify and hold harmless SEDC from all such claims, suits, and causes of actions, liabilities and expenses, including reasonable attorney's fees, of any nature whatsoever arising out of Company's performance of the conditions under this Agreement.

6.3 Authorization. Each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

6.4 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received upon the earlier of (a) actual receipt or (b) three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below, or such other address as is designated by applicable Party from time to time, or on the day actually received as sent by courier or otherwise hand delivered.

If intended for SEDC, to:

With a copy to:

Patrick Stallings, City Manager
Seagoville Economic Development
Corporation
105 N. Kaufman Street
Seagoville, Texas 75159
Facsimile: (972) 287-9939

Alexis G. Allen
Nichols, Jackson, Dillard,
Hager & Smith, LLP
1800 Ross Tower
500 N. Akard
Dallas, Texas 75201

If intended for Company, to:

With a copy to:

Yolanda Cole
1612 Combine Road
Seagoville, Texas 75159

6.5 Entire Agreement. This Agreement is the entire Agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the Parties that in any manner relates to the subject matter of this Agreement, except as provided in any Exhibits attached hereto.

6.6 Governing Law. This Agreement shall be governed by the laws of the State of Texas, and venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of this Court.

6.7 Amendment. This Agreement may be amended by the mutual written agreement of the Parties.

6.8 Legal Construction. In the event any one or more of the provisions contain this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provisions found to be illegal, invalid or unenforceable.

6.9 Recitals. The recitals to this Agreement are incorporated herein.

6.10 Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6.11 Survival of Covenants. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.12 Employment of Undocumented Workers. During the term of this Agreement, the Company agrees not to knowingly employ any undocumented workers and, if convicted of a violation under 8 U.S.C. Section 1324a (f), the Company shall repay the Infrastructure Grant, and any other funds received by the Company from the SEDC as of the date of such violation within one hundred twenty (120) days after the conviction of such violation, plus interest at the rate of 6% compounded annually from the date of violation until paid.

Signature Page to Follow

EXECUTED on this _____ day of _____, 2018.

**SEAGOVILLE ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Dr. C. Don Cole, Chairman

EXECUTED on this _____ day of _____, 2018.

YOLANDA COLE
dba Shorty's Texas BAR-B-Q

By: _____
Yolanda Cole

Regular Session Agenda Item: 4

Meeting Date: March 19, 2018

ITEM DESCRIPTION

Discuss Storm Drain in a 15-foot wide easement for Woodside Lane between Lot 9 and Lot 10, Block 12A, Brook Valley 7 Phase 1 (between 1106 and 1108 Woodside Lane).

BACKGROUND OF ISSUE:

Due to erosion and scour at, around, and below the end of the original headwall and 42” reinforced concrete; storm pipe has separated and dropped approximately 8-feet. As erosion and scour continues, the next pipe section is in danger of separating and falling also. Furthermore, the yard behind 1106 and 1108 Woodside has also begun to erode away and may be starting to affect the stability of the structures. Staff is presently waiting for an Engineering Report with suggestions for repairs (including cost estimates) from Half Associates.

FINANCIAL IMPACT:

There is no financial impact

RECOMMENDATION:

EXHIBITS

4-Photos









Regular Session Agenda Item: 5

Meeting Date: March 19, 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 salutary 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 salutary 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: 6

Meeting Date: March 19, 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: 7

Meeting Date: March 19, 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."
- (B) 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 negotiation, and to deliberate the offer of a financial or other incentive to a business prospect, to wit: "Wes Parnell."
- (C) 551.071: Consultation with the City Attorney to seek legal advice concerning the Home Rule Charter

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

EXHIBITS

N/A

Executive Session Agenda Item: 8

Meeting Date: March 19, 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