



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, FEBRUARY 22, 2021**

Notice is hereby given in accordance with the Order of the Office of the Governor issued March 16, 2020, the City of Seagoville will conduct a Regular Meeting by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (CoVID-19).

To access the meeting video conference (which provides two-way communication for Public Comment during that portion of the Meeting), use the following link or phone number:

Video Conference: <https://webinar.ringcentral.com/j/1485748297>

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.*

If you would like to make a Public Comment, please email Kandi Jackson, City Secretary, at kjackson@seagoville.us no later than 6:00 P.M. on Monday, February 1, 2021.

Please include the following information in your email:

- **Name**
- **Address**
- **Email Address and Phone Number**
- **Agenda Item or general subject of your comment**

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 1, 2021 (City Secretary)**

REGULAR AGENDA-

- 2. Presentation concerning the State of the City (Mayor Childress)**
- 3. Receive a presentation of City of Seagoville's First Quarter Financial Report for Fiscal Year 2021 (Interim Finance Director)**
- 4. First Reading - Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving the Economic Development Project between the Seagoville Economic Development Corporation and Wade Electric, Inc. as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date (City Manager)**
- 5. Receive an update concerning water supply to the City of Seagoville during the recent weather event (Public Works Director)**
- 6. Discuss and consider a Resolution of the City Council of the City of Seagoville, Texas, authorizing the Mayor to accept and file the Police Department's 2020 Racial Profiling Report, providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Police Chief)**
- 7. Conduct a public hearing on a request for a change in zoning from Local Retail (LR) to Planned Development-Apartments (PD-21-01) on two (2) tracts of land being a combined total of approximately 8.24± acres legally described as Tracts 11 and 11.2 of the John D. Merchant Survey, Abstract 850, commonly known as 1700 North U.S. Highway 175 and Tract 14 of the Herman Heider Survey, Abstract 541, commonly known as 1700 Seagoville Road, in the City of Seagoville, Dallas County, Texas (Community Development Director)**

8. Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from Local Retail (LR) to Planned Development-Apartments (PD-21-01) on two (2) tracts of land being a combined total of approximately 8.24± acres legally described as Tracts 11 and 11.2 of the John D. Merchant Survey, Abstract 850, commonly known as 1700 North U.S. Highway 175 and Tract 14 of the Herman Heider Survey, Abstract 541, commonly known as 1700 Seagoville Road, in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit “A”, attached hereto and incorporated herein; providing for development regulations; providing for the approval of the concept plan, which is attached hereto and incorporated herein as Exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date (Community Development Director)

9. Second Reading - Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving the Economic Development Project between the Seagoville Economic Development Corporation and Wade Electric, Inc. as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date (City Manager)

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

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.

Adjourn

Posted Friday, February 19, 2021 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, March 1, 2021 Regular City Council Meeting**
- **Monday, March 15, 2021 Regular City Council Meeting**
- **Monday, April 5, 2021 Regular City Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Consider approving City Council Meeting minutes for February 1, 2021.

BACKGROUND OF ISSUE:

Approve City Council Meeting minutes for February 1, 2021

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

February1, 2021 Regular Meeting Minutes



**MINUTES OF CITY COUNCIL
REGULAR SESSION
FEBRUARY 1, 2021**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:00 p.m. on Monday, February 1, 2021, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

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

The following staff members were also present: Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Interim Finance Director Gail French, 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.*

Mayor's Report – *Mayor Childress stated he will present the State of City Address at the next City Council Meeting on Monday, February 22, 2021.*

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.*

Niesha at 518 Stafford Dr. stated she would like to see the tennis court nets repaired at C.O. Bruce Park to help provide more outdoor activities for the citizens.

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 25, 2021 (City Secretary)**
- 2. Discuss and consider approving a Resolution ordering the General Election to be held May 1, 2021 (City Secretary)**

Discutir y considerar la aprobacion de una resolucion que ordene que las elecciones generales se celebren el 1 de mayo de 2021

3. Discuss and consider a Resolution of the City of Seagoville, Texas, authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of Five Cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation; and requiring delivery of this Resolution and approved assessment fee to legal counsel for the steering committee (Director of Administrative Services)

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

REGULAR AGENDA-

4. Discuss and consider approving the publication of the Notice of Intent to issue the FY 2021 Bonds (Interim Finance Director)

Finance Director French explained the Notice of Intent is to issue the FY 2021 Bonds for the new Police Station.

Jason Hughes with Hilltop Securities explained the state laws that govern the Notice of Intent.

5. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a Professional Services Contract with Pipeline Analysis, LLC, for the purpose of performing various field tests and inspections of the wastewater collection system within the Northeastern Service Area, 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 One Hundred Nine Thousand Nine Hundred Fifty Dollars and Eighty-Two Cents (\$109,950.82), which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement; providing for a repealing clause; providing for a severability clause; and providing an effective date (Public Works Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving a Professional Services Contract with Pipeline Analysis, LLC, for the purpose of performing various field tests and inspections of the wastewater collection system within the Northeastern Service Area, 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 One Hundred Nine Thousand Nine Hundred Fifty Dollars and Eighty-Two Cents (\$109,950.82), which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement; providing for a repealing clause; providing for a severability clause; and providing an effective date – Magill, seconded by Howard; motion passed with all ayes. 4/0

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

None.

7. 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.

Adjourned at 7:10 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Regular Session Agenda Item: 2

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Presentation concerning the State of the City.

BACKGROUND OF ISSUE:

Mayor to provide the State of the City

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 3

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Receive a presentation of City of Seagoville's First Quarter Financial Report for Fiscal Year 2021.

BACKGROUND OF ISSUE:

Gail French, Interim Director of Finance presents the City's first quarter financial report for FY 2021.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

None

EXHIBITS:

December 2020 Financial Reports



Memo

Date: February 11, 2021
To: Pat Stallings, City Manager
From: Gail French, Interim Director of Finance
Subject: December 2020 Financial Reports

This memo accompanies the December 2020 Revenue and Expense Reports for the City of Seagoville, and highlights selected financial activities for the first three months of FY 2021. The first three months of the fiscal year represents 25% of the total fiscal year, and this memo provides an explanation of variances from that standard.

General Fund

Revenues: General fund total revenue for the first three months of the fiscal year is above budget expectations (actual 45% vs. expected 25%). The current year fiscal **Property tax** revenue collections are above last year's collection rate (65% vs. 57%) – I anticipate property tax revenue collections should be within the budget estimate. **Sales Tax** revenue collections are in line with budget expectations (25.2%). This year's sales tax collection percentage is similar to last fiscal year. There is no unusual sales tax collection fluctuation occurring this fiscal year even though we are in the middle of a pandemic. In **Franchise Fee** revenue, the comparative collection trend for the first three months of FY 2021 vs. FY 2020 appears below:

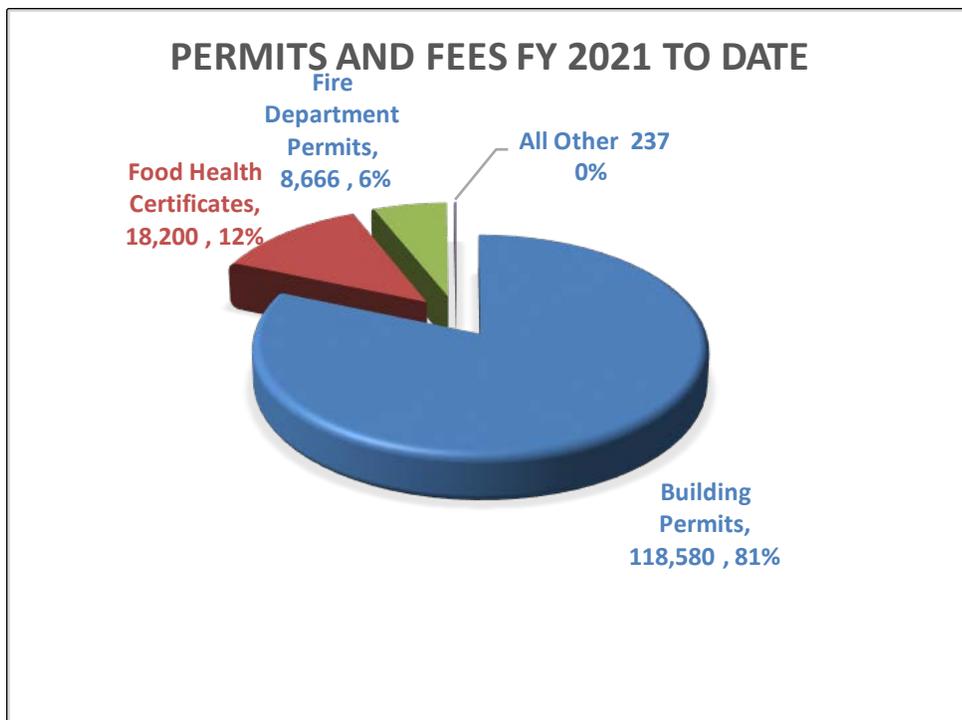
Description	FY 2021 Amount	FY 2020 Amount	Increase (Decrease)
ONCOR	\$ 109,182	\$ 118,123	\$ (8,941)
Telephone	4,191	5,349	(1,158)
Republic Services	11,373	11,155	218

Cable television franchise fee is generally received quarterly. Additional first quarter receipts for FY 2021 are expected to be received in January 2021.

Permits & Fees The first quarter of FY 2021, the City received \$47,892 for issuing 24 permits in Seagoville Farms subdivision and \$11,663 for issuing seven permits in Heritage Place addition and 9 in other parts of the City for Residential Building permits. This compares to the first quarter of FY 2020, the City received \$32,852.25 for issuing 19 permits in Highland Meadows Phase 3 subdivision and \$13,435.18 for issuing nine permits in other parts of the City for Building permits.

The following is a comparison of FY 2021 revenue vs. FY 2020:

Description	FY 2021 Amount	FY 2020 Amount	Increase (Decrease)
Building Permits	\$ 118,580	\$ 68,430	\$ 50,150
Food Health Certificate:	18,200	19,175	(975)
Fire Department Permit	8,666	14,234	(5,568)
All Other	237	4,681	(4,444)



Sanitation revenue is slightly above budget expectations (26.1% actual vs. 25.0% expected). **Senior Activities** revenue has approximately a 45-day lag between the end of the month and actual revenue received from the Dallas Council on Aging. **Fines** revenue reflects increased court enforcement activity from public safety contacts.

Total revenues for the first three months of the fiscal year are \$4,872,325 or 45% of budget. This is \$598,987 higher than the total General Fund revenues for the first three months of the previous fiscal year (\$4,273,338). This is mainly due to Property Taxes 65% received compared to 57% last year and an increase in building permits 50% compared to 30% last year.

Expenditures: Total General Fund expenditures are within budget expectations (23.7% actual vs. 25.0% expected).

Finance is slightly above expectations due to the payout of accrued benefits to Patrick Harvey upon retirement in December.

Non departmental is above expectations mainly due to the annual premium payment to TML for workers' compensation and property/casualty insurance.

Information and Technology is above expectations due to the Annual Transfer to the Technology Replacement Fund and Civic Plus Annual Fees for Recurring Redesign fee increase and Custom Mobile App Annual Fee Renewal.

Debt Payment (Quint) is the annual payment on the financing to acquire the quint fire vehicle.

Water and Sewer Fund (Fund 20)

Revenues: Total Water and Sewer Fund revenues are within budget expectations (25.5% vs. 25.0%). Water sales usually accelerate during the summer depending upon the weather conditions. **Penalties and Interest** is generated from late customer payment. **Pretreatment Sewer Revenue** is charged to a few of our industrial customers to cover the cost of wastewater pretreatment required by the state to ensure the prevention of harmful materials entering the water system. **Penalty Fees** are higher than anticipated due to a renewed commitment to enforcement activities against delinquent customers.

Expenditures: The year to date expenditure trend is within expectations (21.3% actual vs. 25.00% expected).

Non departmental is above expectations due to the annual premium payment to TML for workers' compensation and property/casualty insurance.

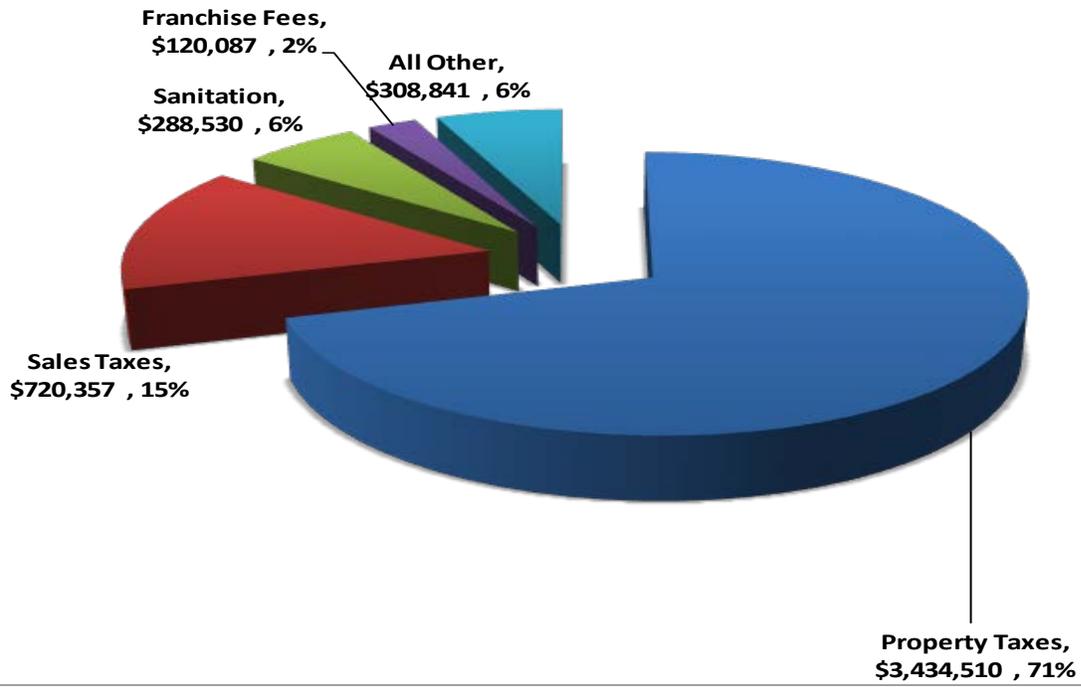
**GENERAL FUND
SUMMARY OF REVENUES AND EXPENDITURES
AS OF 12/31/20
25% OF BUDGET YEAR**

	Adopted Budget	Year to Date	% tage of Budget
REVENUES:			
Property Taxes	\$5,282,560	\$3,434,510	65.0%
Sales Taxes	2,858,320	720,357	25.2%
Franchise Fees	650,150	120,087	18.5%
Sanitation	1,104,000	288,530	26.1%
All Other	<u>920,519</u>	<u>308,841</u>	33.6%
TOTAL REVENUES	\$10,815,549	\$4,872,325	45.0%
Transfers In:	379,904	212,676	56.0%
EXPENDITURES:			
Public Safety	\$5,873,383	\$1,310,967	22.3%
Community Development	1,473,289	347,782	23.6%
Community Services	1,536,031	313,344	20.4%
General Government	994,513	268,980	27.0%
Non departmental	<u>396,330</u>	<u>193,908</u>	48.9%
TOTAL EXPENDITURES	\$10,273,546	\$2,434,980	23.7%
One Time Use of Fund Balance	1,215,598	890,934	73.3%

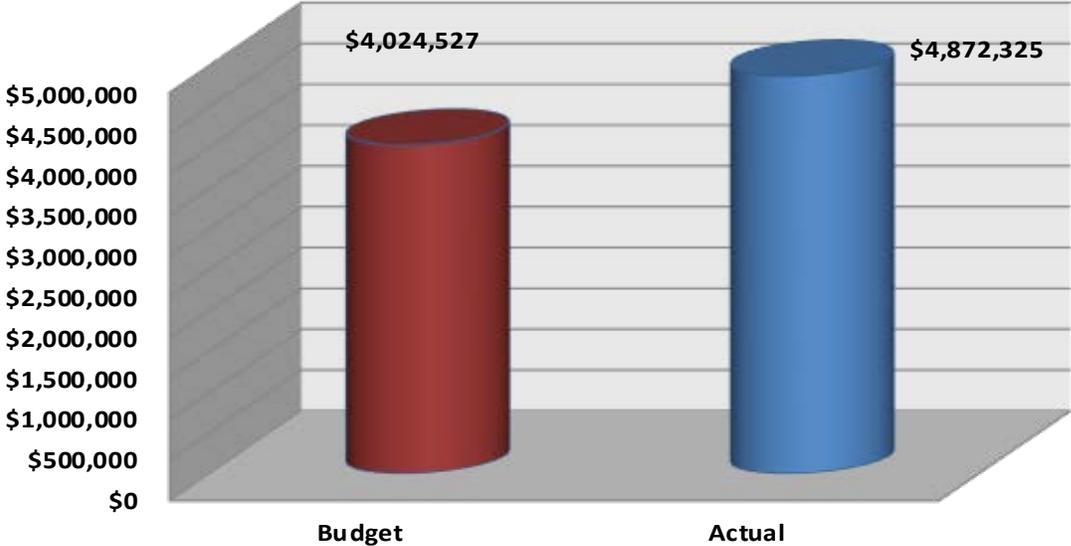
**GENERAL FUND
SUMMARY OF REVENUES AND EXPENDITURES
FOR FISCAL YEAR 2020-21
AS OF 12/31/20
25.00 % OF BUDGET YEAR**

	LAST YEAR			THIS YEAR		
	Annual Budget	Year-to-Date	% of Budget	Annual Budget	Year-to-Date	% of Budget
Revenues:						
Property Taxes	\$5,107,374	2,910,904	57.0%	\$5,282,560	\$3,434,510	65.0%
Sales Taxes	\$2,750,480	\$719,146	26.1%	\$2,858,320	\$720,357	25.2%
Franchise Fees	\$657,950	\$135,636	20.6%	\$650,150	\$120,087	18.5%
Permits & Fees	\$531,900	\$156,671	29.5%	\$336,045	\$166,886	49.7%
Sanitation	\$1,117,550	\$271,492	24.3%	\$1,104,000	\$288,530	26.1%
Senior Activities	\$47,500	\$4,065	8.6%	\$40,100	\$20,955	52.3%
Fines	\$233,125	\$64,009	27.5%	\$243,625	\$78,358	32.2%
Interest	\$25,000	\$8,226	32.9%	\$25,000	\$1,833	7.3%
SAFER Grant	\$145,749			\$145,749	\$38,249	26.2%
SEDC Capital Grant	\$200,000	-	0.0%	\$100,000	\$0	0.0%
Miscellaneous	\$23,645	3,189	13.5%	\$30,000	\$2,561	8.5%
Total Revenues	\$10,840,273	\$4,273,338	39.4%	\$10,815,549	\$4,872,325	45.0%

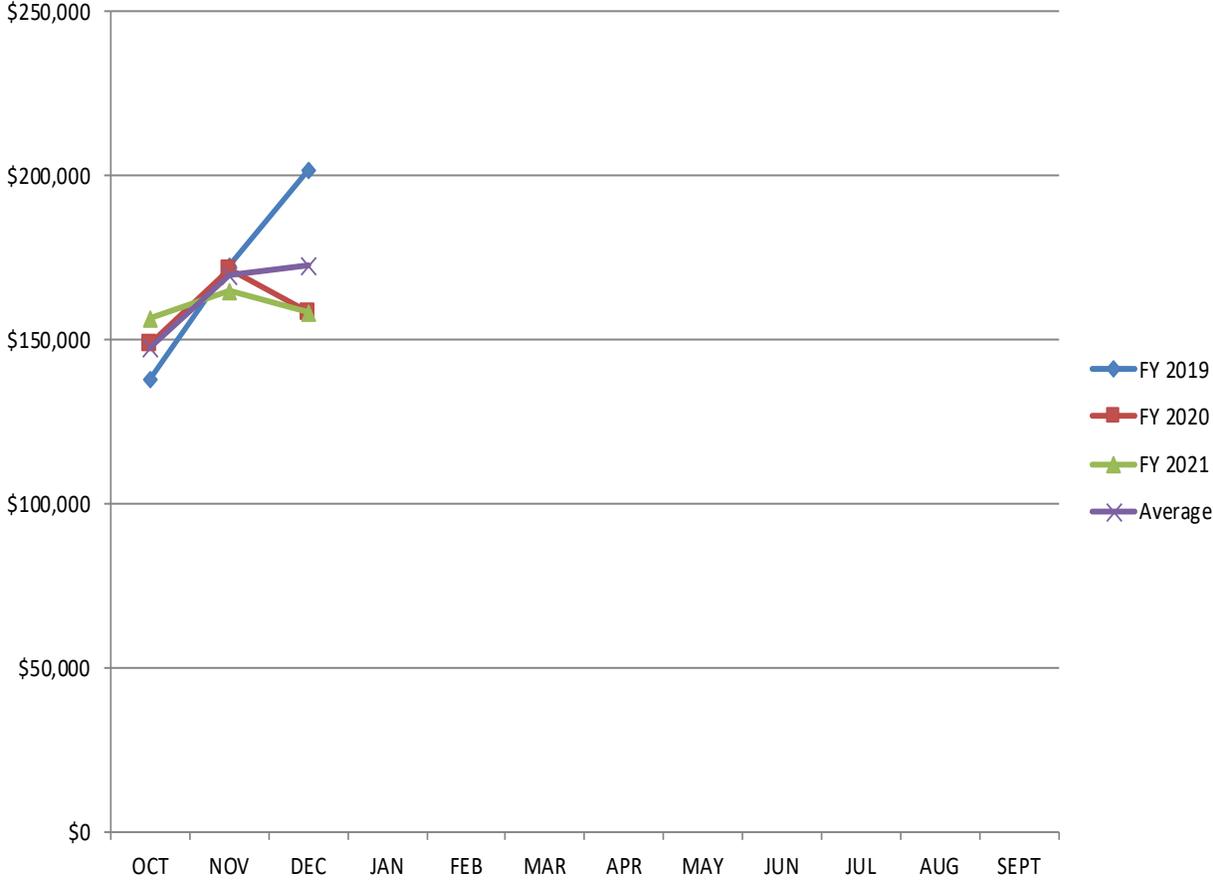
**General Fund Revenues
1st Quarter, FY 2021
Total \$4,872,325**



Year to Date Revenue Comparison General Fund

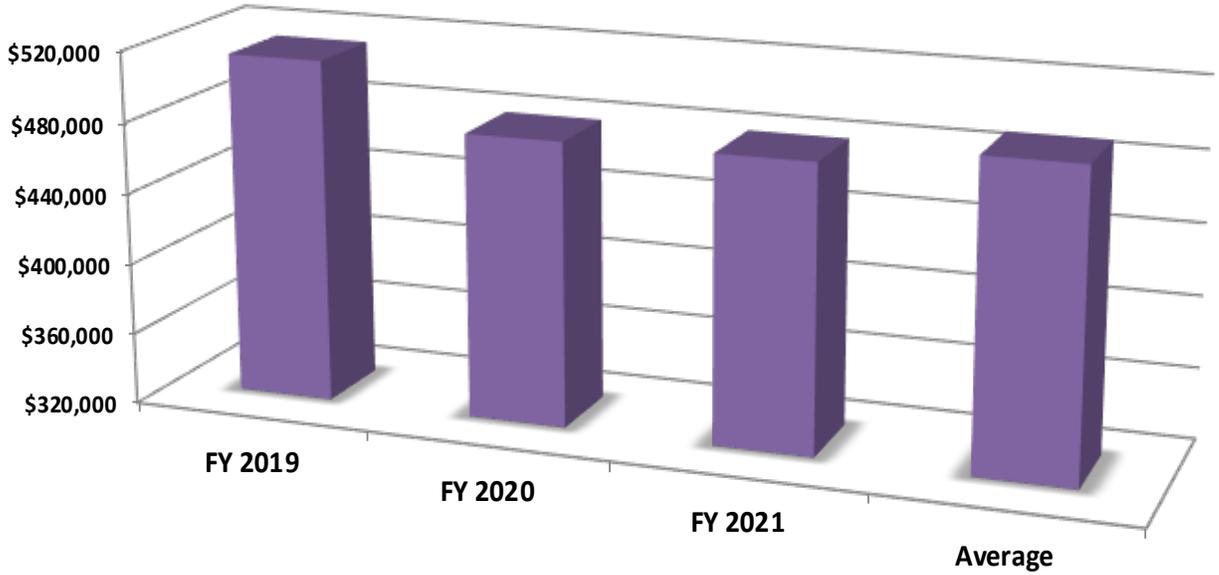


General Fund Sales Tax Comparison



	FY 2019	FY 2020	FY 2021	Three Year Average
OCT	138,378.74	149,232.47	156,466.05	148,025.75
NOV	173,057.45	171,421.83	165,176.32	169,885.20
DEC	201,730.66	158,776.26	158,595.92	173,034.28

Fiscal Year to Date Comparison - Sales Tax



	FY 2019	FY 2020	FY 2021	Three Year Average
Fiscal Year To Date	513,166.85	479,430.56	480,238.29	490,945.23



Sales & Use Tax Monthly Summary General Fund

December, 2020

History by Month					
Month	FY 18-19	FY 19-20	FY 20-21	Inc/(Dec) From Last	
				Year	Percent +/-
October	\$ 138,378.74	\$ 149,232.47	\$ 156,466.05	\$ 7,233.58	4.8%
November	\$ 173,057.45	\$ 171,421.83	\$ 165,176.32	\$ (6,245.51)	-3.6%
December	\$ 201,730.66	\$ 158,776.26	\$ 158,595.92	\$ (180.35)	-0.1%
January	\$ 142,638.91	\$ 135,551.38			0.0%
February	\$ 178,469.13	\$ 199,771.70			0.0%
March	\$ 134,151.31	\$ 134,785.46			0.0%
April	\$ 128,468.61	\$ 136,638.63			0.0%
May	\$ 169,911.46	\$ 170,986.48			0.0%
June	\$ 146,585.42	\$ 159,418.41			0.0%
July	\$ 164,879.75	\$ 178,499.43			0.0%
August	\$ 165,213.27	\$ 191,408.19			0.0%
September	\$ 149,792.70	\$ 171,196.30			0.0%
Total General Fund	\$ 1,893,277.39	\$ 1,957,686.52	\$ 480,238.29	\$ 807.73	0.2%

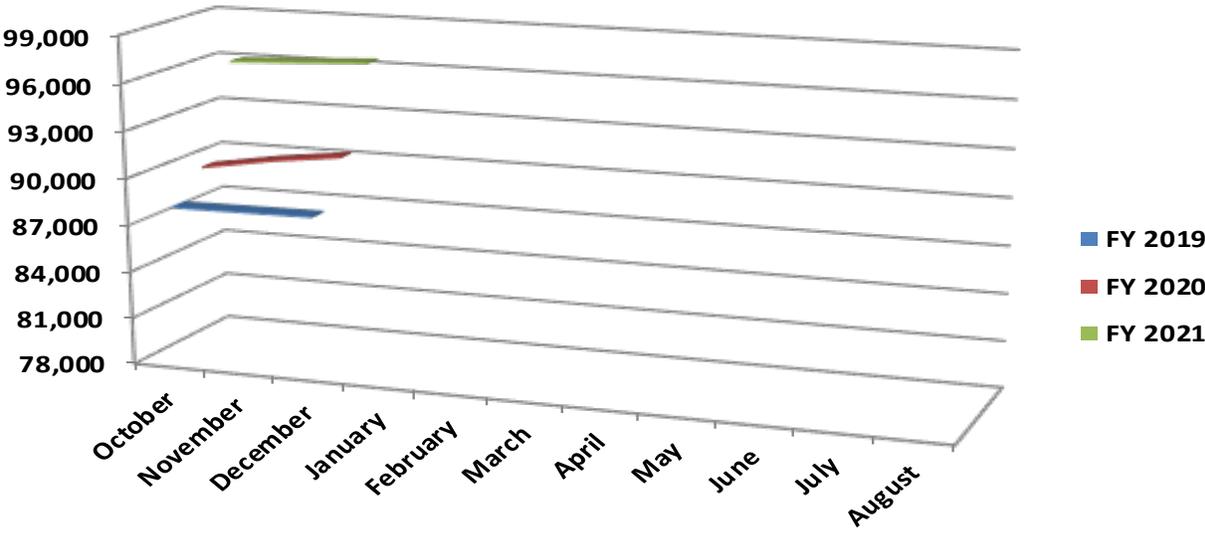
Actual to Budget					
GF Budget FY 2021				\$ 1,903,880	
	<u>PERCENT YTD</u>	<u>AMOUNT YTD</u>			
Target to Budget	25.00%	\$ 475,970.00			
Actual to Budget	25.22%	\$ 480,238.29			
Amount Over/(Under)		\$ 4,268.29			
Percent +/-		0.22%		<u>OVER/(UNDER)</u>	<u>% +/-</u>
September 30 Forecast			\$ 1,960,985	\$ 57,105	3.0%

Actual to Actual					
	FY 18-19	FY 19-20	FY 20-21	Inc/(Dec) From Last	
				Year	Percent +/-
Year to Date	\$ 513,166.85	\$ 479,430.56	\$ 480,238.29	\$ 807.73	0.2%

Total Sales Tax & Distribution				
	<u>General Fund</u>	<u>PTR</u>	<u>4B</u>	<u>Total</u>
This Month	\$ 158,595.92	\$ 79,297.96	\$ 79,297.96	\$ 317,191.83
Year to Date	\$ 480,238.29	\$ 240,119.14	\$ 240,119.13	\$ 960,476.57

NOTE: SALES TAX IS RECEIVED FROM THE STATE TWO MONTHS AFTER THE ACTUAL SALE DATE.

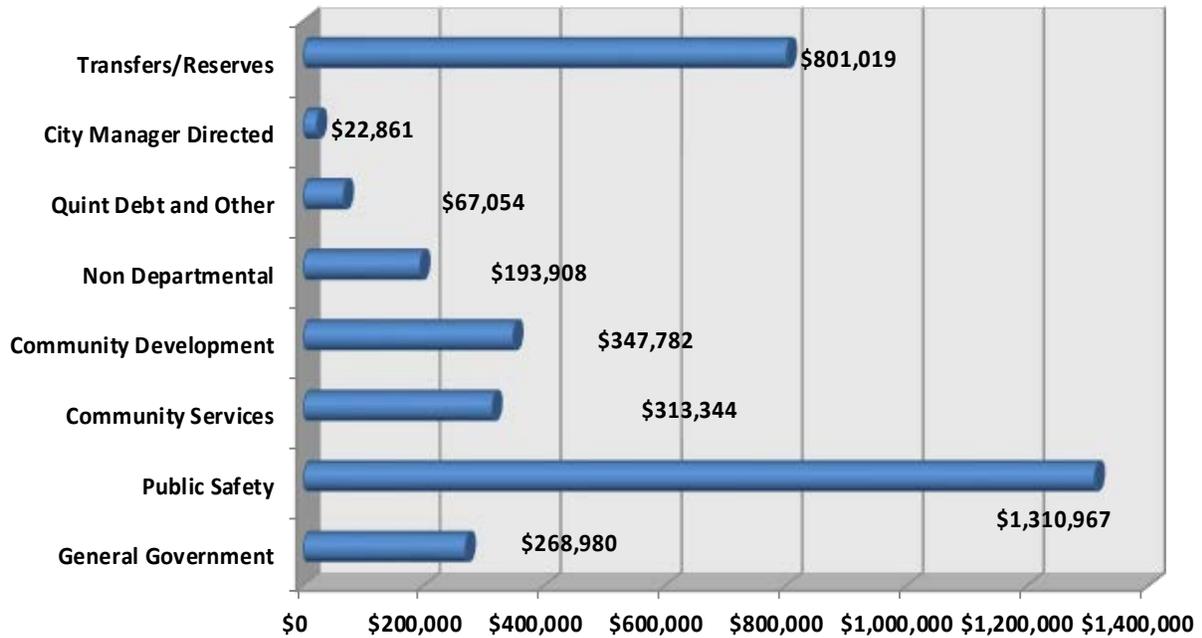
Three Year Comparison of Sanitation Revenue



**GENERAL FUND
SUMMARY OF REVENUES AND EXPENDITURES
FOR FISCAL YEAR 2020-21
AS OF 12/31/20
25.00 % OF BUDGET YEAR**

	LAST YEAR			THIS YEAR			
	Annual Budget	Year-to-Date	% of Budget		Annual Budget	Year-to-Date	% of Budget
Expenditures:							
City Council	\$9,450	\$599	6.3%		\$9,450	\$0	0.0%
City Manager	\$225,364	\$59,943	26.6%		\$251,386	\$62,241	24.8%
City Secretary	\$115,846	\$24,039	20.8%		\$124,934	\$27,419	21.9%
Finance	\$383,922	\$78,521	20.5%		\$330,246	\$92,264	27.9%
Animal Services	\$118,076	\$23,698	20.1%		\$121,558	\$27,979	23.0%
Code Enforcement	\$194,790	\$64,166	32.9%		\$200,376	\$43,446	21.7%
Bldg Inspection/Services	\$449,533	\$93,142	20.7%		\$409,671	\$91,071	22.2%
Health Inspection	\$113,322	\$17,084	15.1%		\$117,217	\$25,494	21.7%
Police	\$2,386,782	\$522,173	21.9%		\$2,494,897	\$579,809	23.2%
Planning	\$102,041	\$21,138	20.7%		\$107,756	\$23,261	21.6%
Fire	\$2,133,885	\$440,311	20.6%		\$2,217,676	\$531,597	24.0%
Municipal Court	\$174,344	\$37,757	21.7%		\$179,520	\$41,768	23.3%
Library	\$227,567	\$52,491	23.1%		\$235,940	\$58,925	25.0%
Senior Center	\$210,219	\$48,778	23.2%		\$209,858	\$55,137	26.3%
Streets	\$373,413	\$95,127	25.5%		\$395,989	\$96,090	24.3%
Sanitation	\$868,713	\$144,997	16.7%		\$910,713	\$157,514	17.3%
Support Services	\$787,590	\$187,526	23.8%		\$868,543	\$128,905	14.8%
Parks	\$239,919	\$73,205	30.5%		\$242,280	\$68,420	28.2%
Emergency Medical Service	\$167,362	\$28,451	17.0%		\$170,709	\$42,677	25.0%
Information Technology	\$122,146	\$53,215	43.6%		\$139,118	\$54,872	39.4%
Human Resources	\$131,812	\$29,833	22.6%		\$139,379	\$32,184	23.1%
Non Departmental	\$382,130	\$211,982	55.5%		\$396,330	\$193,908	48.9%
Total Expenditures	\$9,918,226	\$2,308,177	23.3%		\$10,273,546	\$2,434,980	23.7%
Debt Payment (Quint)	\$71,250	\$71,032	99.7%		\$67,500	\$67,054	99.3%
PEG Reserves					\$6,700	\$0	
Transfers and Reserves	\$803,500	\$792,000	99%		\$792,000	\$801,019	101.1%
Use of Fund Balance Projects	\$1,082,987	\$168,588	15.6%		356,098	\$22,861	6.4%

**General Fund Expenditures, Transfers and One Time
Fund Balance Outlays
1st Quarter FY 2021
Total \$3,325,914**



General Government

City Council, City Manager, City Secretary, Information Technology,
Human Resources and Finance

Community Development

Building Services, Code Enforcement, Streets, Parks, Planning

Community Services

Municipal Court, Library, Senior Center, Sanitation

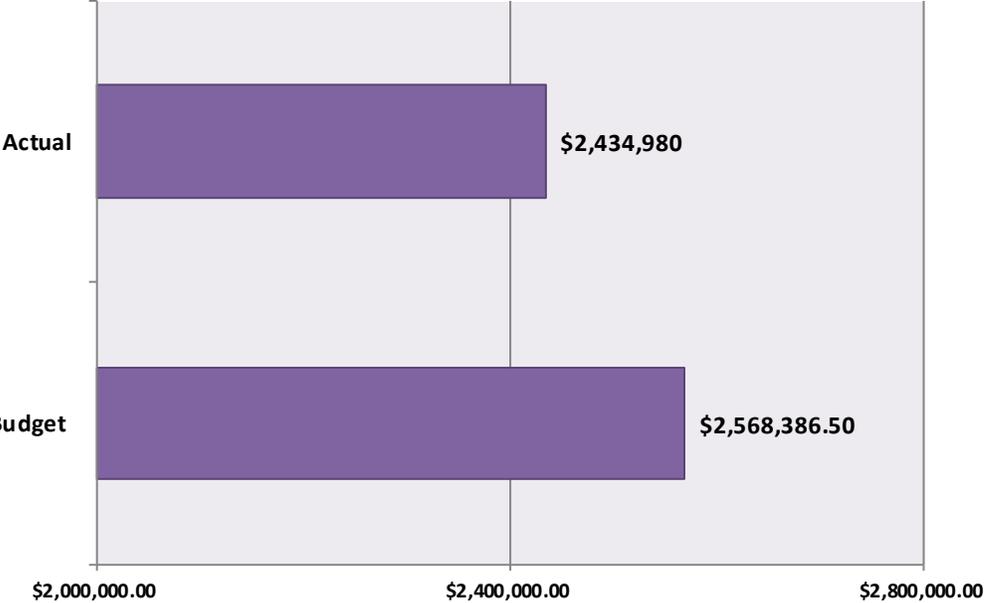
Public Safety

Police, Fire, Ambulance, Support Services, Animal Control

Transfers/Reserves

Transfers for Street Maintenance and Vehicle Replacement

Year to Date Expenditure Comparison General Fund



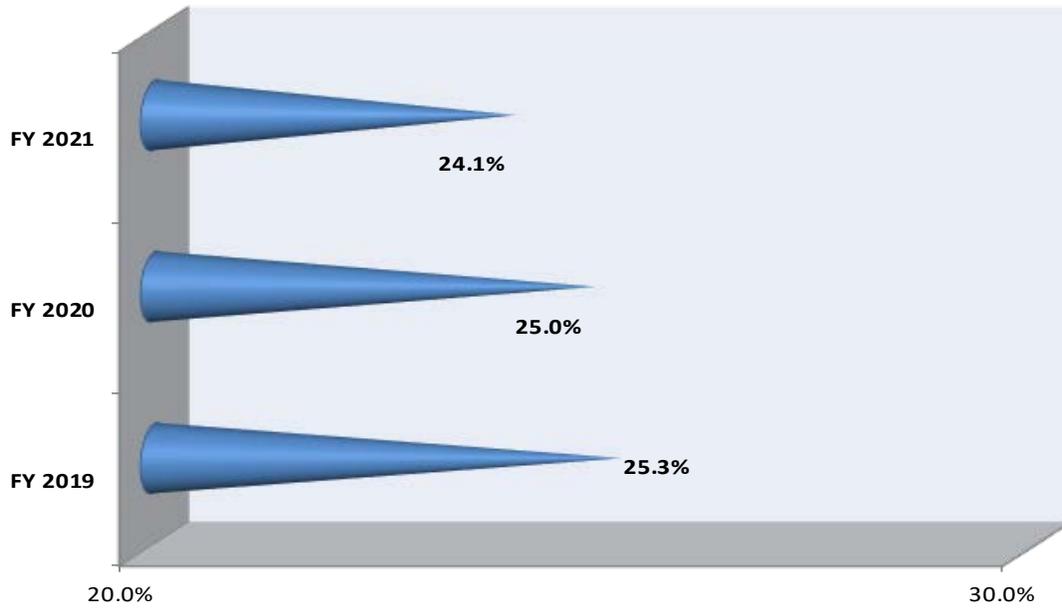
**WATER AND SEWER FUND
SUMMARY OF REVENUES AND EXPENDITURES
AS OF 12/31/20
25% OF BUDGET YEAR**

	Budget	Year to Date	% tage of Budget
REVENUES:			
Water Sales	\$3,693,520	\$889,413	24.1%
Sewer Sales	3,276,490	788,124	24.1%
All Other	<u>278,442</u>	<u>169,846</u>	61.0%
TOTAL REVENUES	\$7,248,452	\$1,847,383	25.5%
EXPENDITURES:			
Water Services	\$2,394,387	\$379,590	15.9%
Sewer Services	2,562,384	582,387	22.7%
Debt Service Transfer	1,136,605	284,151	25.0%
Non Departmental	112,795	57,013	50.5%
All Other	<u>449,202</u>	<u>114,917</u>	25.6%
TOTAL EXPENDITURES	\$6,655,373	\$1,418,058	21.3%
Use of Reserve	\$2,102,148	\$271,586	12.9%
Transfers Out	352,304	88,076	25.0%

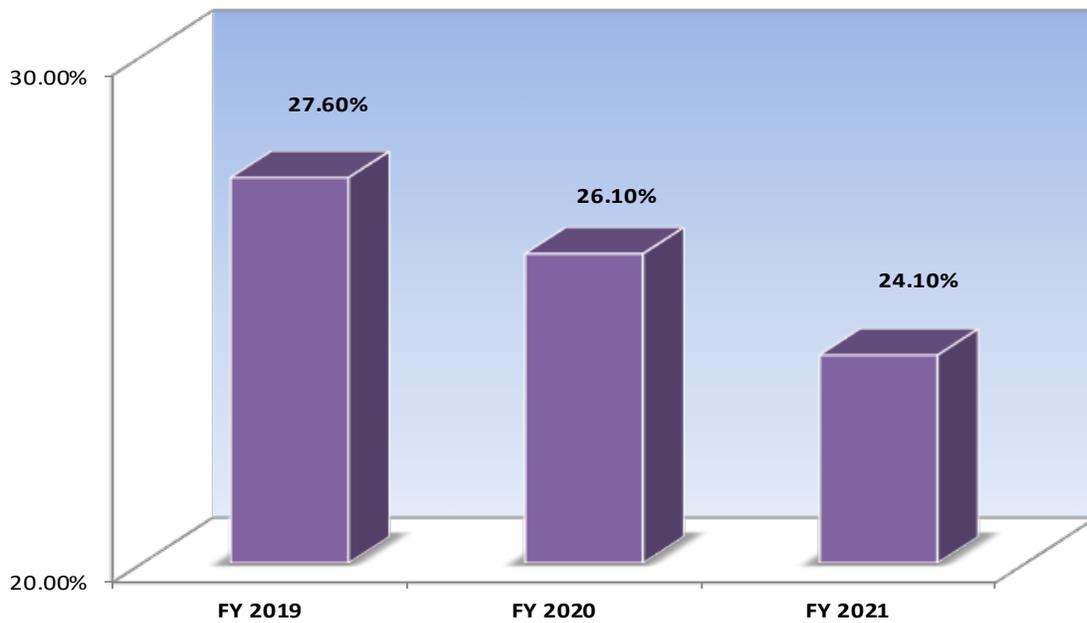
**WATER AND SEWER FUND
SUMMARY OF REVENUES AND EXPENDITURES
FOR FISCAL YEAR 2020-21
AS OF 12/31/20
25.00 % OF BUDGET YEAR**

	LAST YEAR			THIS YEAR		
	Annual Budget	Year-to-Date	% of Budget	Annual Budget	Year-to-Date	% of Budget
Revenues:						
Water Sales	\$3,693,520	\$922,917	25.0%	\$3,693,520	\$889,413	24.1%
Sewer Service	\$3,276,490	\$854,721	26.1%	\$3,276,490	\$788,124	24.1%
Outside Contractor Tap Fees	\$0	\$9,500	0.0%		\$24,425	0.0%
Penalties and Interest	\$135,000	\$44,143	32.7%	\$135,000	\$63,105	46.7%
Pretreatment Sewer Revenue	\$49,888	\$12,661	25.4%	\$57,442	\$14,360	25.0%
Reconnection Fees	\$50,000	\$11,130	22.3%	\$50,000	\$5,975	12.0%
Meter Installation	\$5,000	\$1,000	20.0%	\$5,000	\$10,546	210.9%
Online Payment Fee	\$7,500	\$2,308	30.8%	\$7,500	\$1,947	26.0%
Interest Earnings	\$22,500	\$7,291	32.4%	\$22,500	\$489	2.2%
Miscellaneous	\$1,000	(\$292)	-29.2%	\$1,000	(\$157)	-15.7%
Bank and NSF Fees	\$0	\$390	0.0%	\$0	\$210	0.0%
Water Tap Fees	\$0	\$3,600	0.0%		\$10,500	0.0%
Sewer Tap Fees	\$0	\$3,000	0.0%		\$11,300	0.0%
Transfer from Covid Relief				\$0	\$27,145	0.0%
Total Revenues	\$7,240,898	\$1,872,369	25.9%	\$7,248,452	\$1,847,383	25.5%
Expenditures:						
Utility Administration	\$185,199	\$43,590	23.5%	\$196,760	\$47,626	24.2%
Water Services	\$2,316,951	\$303,343	13.1%	\$2,394,387	\$379,590	15.9%
Sewer Services	\$2,545,735	\$451,413	17.7%	\$2,562,384	\$582,387	22.7%
Customer Services	\$225,850	\$52,945	23.4%	\$252,442	\$67,291	26.7%
Non Departmental	\$136,091	\$54,850	40.3%	\$112,795	\$57,013	50.5%
Debt Service Transfer	\$1,135,900	\$55,634	4.9%	\$1,136,605	\$284,151	25.0%
Total Expenditures	\$6,545,726	\$961,775	14.7%	\$6,655,373	\$1,418,058	21.3%
Transfers Out	\$352,304	\$88,076	25.0%	\$352,304	\$88,076	25.0%
Capital Outlay - Other Equip						
Sewer and storm sewer trailer camera setup			0.0%	\$174,749	\$174,292	99.7%
Dean Kubota Skid-steer			0.0%	\$65,774		
Cityworks System	\$18,925	\$570	3.0%	\$18,925	\$16,620	87.8%
Ace Hrdwr/Tractor Supply						
Sewer Maj Repair	\$0		0.0%			0.0%
Vehicles	\$68,000		0.0%	\$68,000		0.0%
Northern Basin Interceptor Eng				\$864,700	\$37,500	4.3%
Capital Projects	\$1,845,808	\$85,548	4.6%	\$800,000		0.0%
Lift Station Condition Assessment	\$128,895		93.3%	\$110,000	\$43,174	39.2%

Water Revenue as a % of Budget 25% of the Fiscal Year



Sewer Revenue as a % of Budget 25% of the Fiscal Year



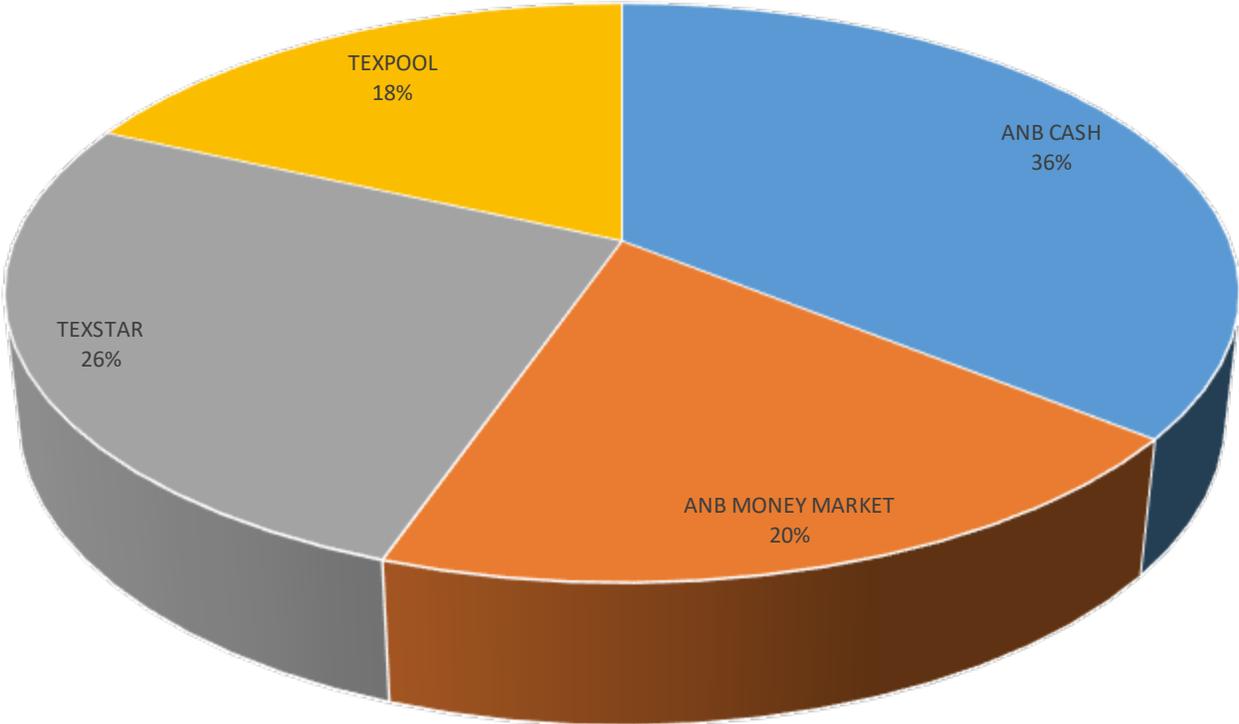
**OTHER FUNDS: FINANCIAL SUMMARY
FOR FISCAL YEAR 2020-21
AS OF 12/31/20
25.00% of Budget Year**

FUND #	FUND NAME	FY 2020 ACTUAL YEAR-TO-DATE REVENUES	FY 2021 ANNUAL REVENUE BUDGET	FY 2021 ACTUAL YEAR-TO-DATE REVENUES	FY 2020 ACTUAL YEAR-TO-DATE EXPENDITURES	FY 2021 ANNUAL EXPENDITURE BUDGET	FY 2021 ACTUAL YEAR-TO-DATE EXPENDITURES
ENTERPRISE FUNDS					ENTERPRISE FUNDS		
21	W&S Debt Service	\$55,867	\$1,136,605	\$284,167	\$0	\$1,136,605	\$635,040
22	W&S Improvements	\$1,885,852	\$800,000	\$1,835	\$33,917	\$1,005,000	\$245,546
61	Storm Water	\$56,376	\$238,665	\$58,580	\$107,703	\$65,260	\$45,156
SPECIAL REVENUE FUNDS					SPECIAL REVENUE FUNDS		
32	Miscellaneous Grants	\$9,154	\$1,150	\$1,490	\$216	\$1,150	\$1,005
35	Recycle Revenue Fund	\$483	\$750		\$432	\$550	
36	Municipal Court	\$3,180	\$9,500	\$4,100	\$590	\$7,972	\$237
38	Park Development	\$0	\$600		\$0		
39	Hotel Motel Fund	\$2,428	\$25,000	\$1,864	\$383	\$25,000	\$0
42	Park Maintenance	\$565	\$5,000	\$0	\$0	\$0	\$0
45	Animal Shelter	\$869	\$3,000	\$861	\$0	\$3,000	
46	Animal Shelter Building	\$1	\$2	\$1	\$0	\$0	
47	Vehicle Replacement Fund	\$42,000	\$44,500	\$45,605	\$0	\$38,813	\$0
48	Technology Replacement	\$17,500	\$17,500	\$0	\$6,927	\$17,500	\$12,465
50	TLEOSE	\$0	\$2,000	\$0	\$0	\$1,000	\$1,218
75	COVID		\$0	\$708,124			\$342,612
DEBT SERVICE FUND					DEBT SERVICE FUND		
2	General Debt Service	\$277,153	\$838,759	\$673,997	\$0	\$869,363	\$0
CAPITAL PROJECTS					CAPITAL PROJECTS		
43	Street Maintenance	\$770,821	\$703,781	\$401,321	\$70,423	\$600,000	\$404,613
44	2019 Street Projects		\$25,000	\$1,066	\$88,080	\$2,234,955	\$400,046
54	2nd Fire Station	\$0	\$0	\$83,184	\$4,718	\$1,088,121	\$277,854
65	Emergency Communication System	\$1,480	\$0	\$24	\$130,335	\$0	\$74,166

**CITY OF SEAGOVILLE
CASH REPORT
1st QUARTER FY 2021**

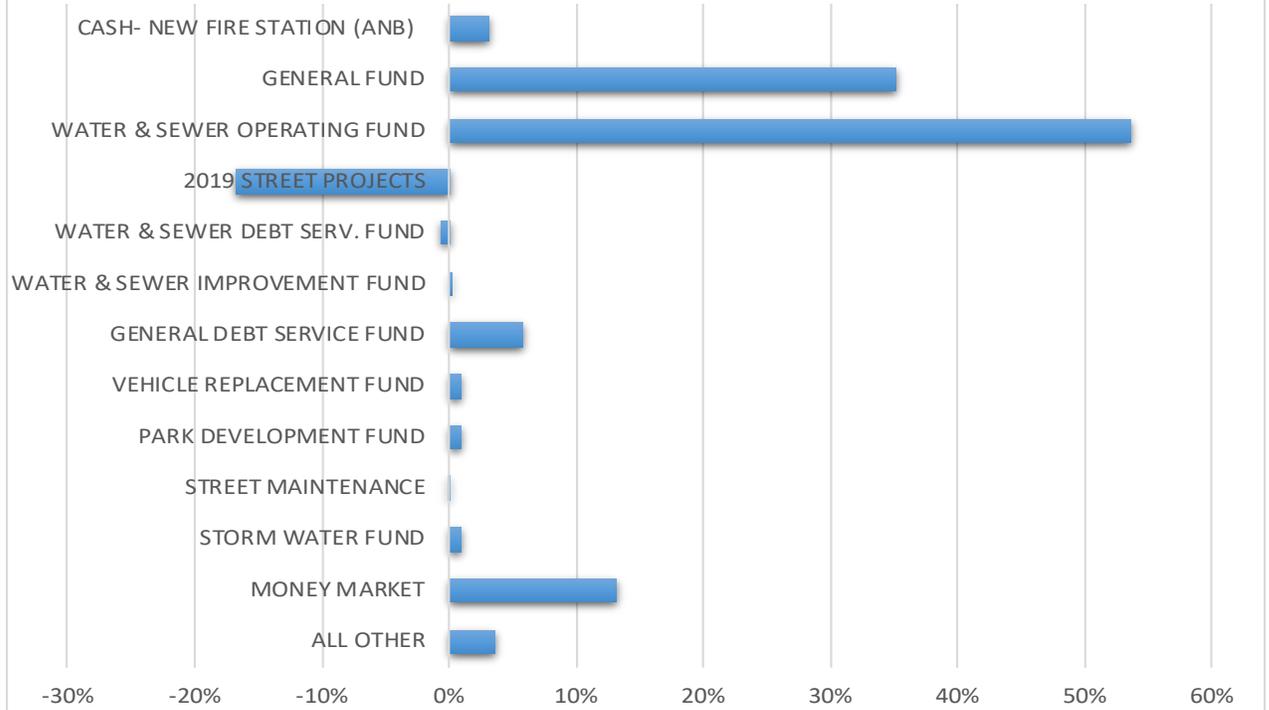
Bank Acct#	Bank Account Name	ACCT BALANCE AS OF SEPT 30, 2020	CHANGES	ACCT BALANCE AS OF DEC 31, 2020
4600543237	SMART METER ACCOUNT MONEY MKT	1,811,607.33	1,834.69	1,813,442.02
*5157	GENERAL FUND MONEY MARKET ACCT	753,583.31	742.50	754,325.81
*5181	W&S MONEY MARKET ACCT	1,004,777.75	990.00	1,005,767.75
800008997	ANB Group Insurance Trust Bank	76,361.90	(76,304.92)	56.98
800000838	ANB PAYROLL FUND	231,309.80	(218,645.17)	12,664.63
4600130068	ANB ROOF	32,701.24	4.11	32,705.35
4600016705	ANB PEG	100,862.87	5,251.86	106,114.73
800007205	ANB PRIMARY	5,665,849.98	748,742.46	6,414,592.44
800013104	ANB ANIMAL SHELTER OPERATIONS	4,496.81	0.56	4,497.37
TOTALS	CASH ACCOUNTS	9,681,550.99	462,616.09	10,144,167.08
572915620	TEXSTAR- FY 2015 BONDS	172,675.71	40.19	172,715.90
572920190	TEXSTAR- 2019 BONDS	4,579,641.19	1,065.71	4,580,706.90
572920191	TEXSTAR- 2019 EMERGENCY COM SYS	103,196.56	24.03	103,220.59
449/1291300001	TEXPOOL-GENERAL FUND	1,597,153.20	465.99	1,597,619.19
449/1291300003	TEXPOOL-WATER AND SEWER	1,351,952.89	394.39	1,352,347.28
449/1291300004	TEXPOOL-WATER DEPOSIT FUND	325,218.83	70.54	325,289.37
449/1291300006	TEXPOOL-GOVT DEBT SVC	11,757.02	2.46	11,759.48
449/1291300007	TEXPOOL-WATER AND SEWER DEBT SVC	53,778.01	11.71	53,789.72
TOTALS	INVESTMENT ACCOUNTS	8,195,373.41	2,075.02	8,197,448.43
GRAND TOTAL		\$ 17,876,924.40	\$ 464,691.11	\$ 18,341,615.51

% OF TOTAL CASH

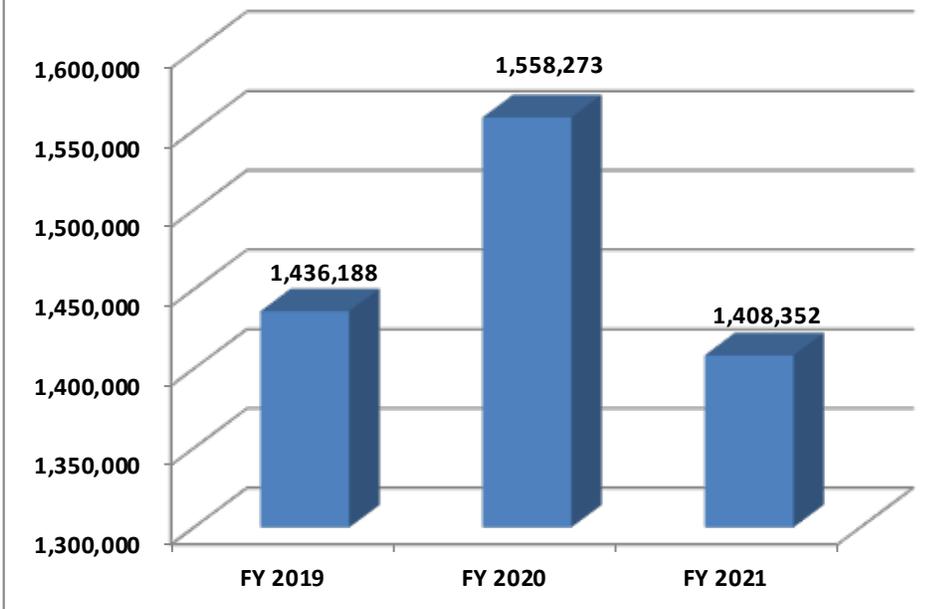


■ ANB CASH ■ ANB MONEY MARKET ■ TEXSTAR ■ TEXPOOL

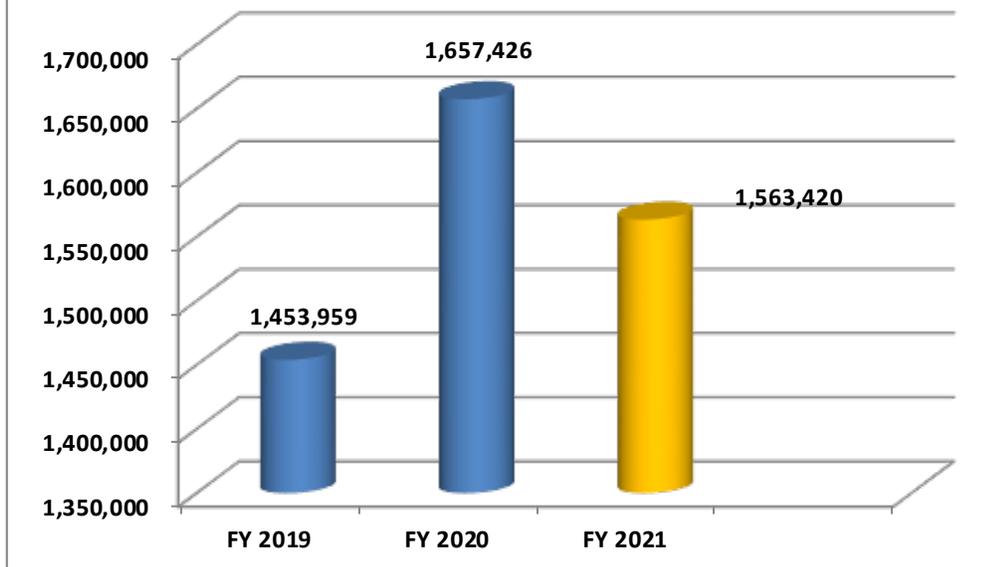
% OF CASH BALANCE



SEDC Cash Position



SEDC Financial Reserve



Regular Session Agenda Item: 4

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

First Reading - Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving the Economic Development Project between the Seagoville Economic Development Corporation and Wade Electric, Inc. as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date.

BACKGROUND OF ISSUE:

The Seagoville Economic Development Corporation (“SEDC”) is authorized by the Development Corporation Act, Chapters 501-505 of the Texas Local Government Code (“Act”), to provide funding for projects which will promote and retain new and expanding business enterprises within the City. The SEDC has negotiated and intends to undertake a project which will promote and retain new and expanded business enterprises within the City with Wade Electric, Inc., a Texas for-profit corporation, under the terms and conditions set forth in an Economic Development Incentive Agreement, attached hereto as Exhibit “A” (the “Project”). Section 505.158 mandates that the SEDC may not undertake a project that requires an expenditure of more than \$10,000 until the governing body of the corporation’s authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings. The City Council has determined that the Project contemplated by SEDC and Wade Electric, Inc. under the terms and conditions set forth in the Economic Development Incentive Agreement will promote and retain new and expanded business enterprises within the City of Seagoville. City Council finds that the expenditure of funds by SEDC in undertaking the Project is authorized by the Act and that the Project should be approved and authorized.

FINANCIAL IMPACT:

RECOMMENDATION:

N/A

EXHIBITS:

Resolution
Incentive Agreement

CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. __-R-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING THE ECONOMIC DEVELOPMENT PROJECT BETWEEN THE SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION AND WADE ELECTRIC, INC. AS REFLECTED IN THE TERMS AND CONDITIONS OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE PARTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seagoville Economic Development Corporation (“SEDC”) is authorized by the Development Corporation Act, Chapters 501-505 of the Texas Local Government Code (“Act”), to provide funding for projects which will promote and retain new and expanding business enterprises within the City; and

WHEREAS, the SEDC has negotiated and intends to undertake a project which will promote and retain new and expanded business enterprises within the City with Wade Electric, Inc., a Texas for-profit corporation, under the terms and conditions set forth in an Economic Development Incentive Agreement, attached hereto as Exhibit “A” (the “Project”) and

WHEREAS, section 505.158 mandates that the SEDC may not undertake a project that requires an expenditure of more than \$10,000 until the governing body of the corporation’s authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings; and

WHEREAS, the City Council has determined that the Project contemplated by SEDC and Wade Electric, Inc. under the terms and conditions set forth in the Economic Development Incentive Agreement will promote and retain new and expanded business enterprises within the City of Seagoville; and

WHEREAS, the City Council finds that the expenditure of funds by SEDC in undertaking the Project is authorized by the Act and that the Project should be approved and authorized; and

WHEREAS, the City Council has conducted two (2) readings of this resolution;

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

Section 1. The City Council hereby approves and authorizes the Project between the Seagoville Economic Development Corporation and Wade Electric, Inc., a Texas for-profit corporation, under the terms and conditions set forth in an Economic Development Incentive Agreement in substantially the form attached hereto as Exhibit “A”.

Section 2. The City Council authorizes the SEDC to enter into any additional agreements necessary to undertake the Project in accordance with the terms and conditions set forth in the Economic Development Incentive Agreement.

Section 3. This resolution shall take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED after a First Reading and Second Reading by the City Council of the City of Seagoville, Texas, this the ____ day of _____ 2021.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(020521vwtTM120553)

Exhibit "A"
Economic Development Incentive Agreement
(to be attached)

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Article I Definitions

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Bankruptcy or Insolvency” shall mean the dissolution or termination of Company’s existence as a going business, insolvency, appointment 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 proceeding under any bankruptcy or insolvency laws by or against Company and such proceeding is not dismissed within ninety (90) days after the filing thereof.

“City” shall mean the City of Seagoville, Texas.

“Commencement of Construction” shall mean that (1) the plans have been prepared and all approvals thereof required by applicable governmental authorities have been obtained for the Expansion, (2) all necessary permits for the Expansion have been issued by all applicable governmental authorities, and (3) construction of the vertical elements of the Expansion has commenced.

“Company” shall mean Wade Electric, Inc., a Texas for-profit corporation.

“Completion of Construction” shall mean that (1) the Facility has been substantially completed, (2) a final, permanent certificate of occupancy for the Facility has been issued, and (3) Company is open and conducting business during normal business hours for Wade Electric, Inc. in the Facility.

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

“Employment Positions” shall mean non-temporary, full-time employment positions of the Company which are eligible for employee benefits and are created, maintained and filled at the Facility.

“Facility” shall mean a new electrical services facility to be designed, constructed, equipped, and operated on the Property, said Facility (1) to include a building, metal with stone façade, which shall be a minimum of 9,800 square feet in area, as shown on Exhibit “A”, (2) to include construction of building foundation, construction and erection of building, construction of all required drives, parking areas, and fire lanes, electrical work, site plan and engineering services, installation of all necessary utilities, fencing, and installation of all required equipment and furnishings, and (3) with the Facility to include

areas for office/administrative operations and areas for storage/warehousing of electrical supplies and equipment.

“Expiration Date” shall mean December 1, 2026 or the fifth (5th) anniversary of Completion of Construction, whichever is later.

“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, terrorist act, or threat thereof, riot, civil commotion, insurrection, government action or inaction (unless caused by the intentionally wrongful acts or omissions of the Party), fires, earthquake, tornado, hurricane, explosions, floods, strikes, slowdowns or work stoppages.

“Grant” shall mean an economic development grant in the amount equal to the costs incurred and paid by Company for the Facility, as defined herein, not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00) to offset a portion of the costs paid and incurred by Company for the Facility (excluding the cost of the real estate purchase for the Property), to be paid in one lump sum payment within fifteen (15) days of execution of this Agreement.

“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, ordinary and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on the Company or any property or any business owned by Company within the City.

“Related Agreement” shall mean any agreement (other than this Agreement) by and between the Company and SEDC or the City.

“Required Use” shall mean Company’s continuous operation and occupancy of the Facility as a commercial electrical services business providing those services for high-end residential and dining establishments in the Metroplex and also operating as an authorized service installer for Generac Power Systems, with the operation and occupancy to include Company’s administrative, warehousing, storage, and electrical services activities.

“SEDC” shall mean the Seagoville Economic Development Corporation.

Article II

Term

The term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and continue until the Expiration Date, unless sooner terminated as provided herein.

Article III

Grant

3.1 Grant. SEDC agrees, subject to the continued satisfaction of all the terms and conditions of this Agreement by Company and the obligation of Company to repay pursuant to Article V hereof, to provide Company with the Grant as set forth herein.

3.2 Grant Limitations. Under no circumstances shall the obligations of SEDC hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. 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 SEDC under this Agreement shall be pledged or otherwise encumbered by Company in favor of any commercial lender and/or similar financial institution.

3.3 Current Revenue. The Grant made hereunder shall be paid solely from lawfully available funds that have been appropriated by SEDC. SEDC shall have no obligation or liability to provide any Grant except as allowed by law. SEDC shall not be required to provide any of the Grant if prohibited under federal or state legislation or a decision of a court of competent jurisdiction.

Article IV Conditions to Grant

Company shall during the term of this Agreement satisfy and comply with the terms and conditions of this Agreement and specifically, each term and condition of this Article IV. The obligation of SEDC to provide the Grant or any portion thereof shall be conditioned upon Company's compliance with and satisfaction of the terms and conditions of this Agreement and each of the conditions set forth in this Article IV.

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

4.2 Commencement of Construction. Commencement of Construction, as that term is defined herein, shall occur not later than June 1, 2021.

4.3 Completion of Construction. Completion of Construction, as that term is defined herein, shall occur not later than December 1, 2021.

4.4 Required Use. During the term of this Agreement following Completion of Construction and continuing thereafter until expiration of this Agreement or earlier termination Company shall continuously own and occupy the Property and the Facility located thereon which shall not be used during the term of this Agreement for any purpose other than the Required Use. Further, during the term of this Agreement, such occupation and Required Use shall not cease for more than thirty (30) days except in connection with, and to the extent of, an event of Force Majeure.

4.5 Employment Positions. Beginning on the Completion of Construction and continuing through the term of this Agreement, Company shall create, fill and maintain a minimum

of twenty-four (24) Employment Positions including positions for office and/or clerical personnel for the Facility and electricians. SEDC shall have a right, during the term of this Agreement, to request that Company provide proof of its compliance with the requirements of this section 4.5. In the event of such request, Company shall, not later than fifteen (15) calendar days after the request by SEDC, deliver to SEDC copies of records evidencing Company's compliance with the requirements of this section 4.5.

4.6 Continuous Ownership. During the term of this Agreement following the Effective Date and continuing thereafter until the Expiration Date, the Property, including the Facility, shall be continuously owned and occupied by the Company.

4.7 Capital Investment. Company's Capital Investment for the Facility as of the Completion of Construction shall be not less than Four Hundred, Fifty Thousand (\$450,000.00) Dollars. SEDC shall have a right, during the term of this Agreement, to request that Company provide proof of this Capital Investment. In the event of such request, Company shall, not later than fifteen (15) calendar days after the request by SEDC, deliver to SEDC copies of all records, contracts, receipts, invoices, bills, proofs of payment, and such other information as SEDC may reasonably request to document compliance with the required Capital Investment. In the event the final total cost of the design, construction, and equipping of the Facility, as reasonably verified by SEDC, is less than \$450,000.00, the Company shall, within thirty (30) days of receipt by Company of written demand by SEDC, pay the SEDC the difference in value between \$450,000.00 and the final total cost of the construction of the Facility as reasonably verified by SEDC.

4.8 Fleet Fuel, Maintenance and Repair. During the term of this Agreement following the Effective Date and continuing thereafter until the Expiration Date, Company shall have all maintenance and repair of vehicles in its service vehicle fleet performed at businesses located within the City of Seagoville and shall maintain records reflecting the same and further shall, to the extent possible, purchase all fuel for fleet vehicles from businesses located within the City of Seagoville and shall maintain records reflecting the same. SEDC shall have a right, during the term of this Agreement, to request that Company provide proof of its compliance with the requirements of this section 4.8. In the event of such request, Company shall, not later than fifteen (15) calendar days after the request by SEDC, deliver to SEDC copies of all records, contracts, receipts, invoices, bills, proofs of payment evidencing Company's compliance with the requirements of this section 4.8.

Article V Termination; Repayment

5.1 Termination. This Agreement terminates on the Expiration Date, and may, prior to the Expiration Date, be terminated upon any one or more of the following:

- (a) by mutual written agreement of the Parties;
- (b) upon written notice by either Party, if the other Party defaults or breaches any of the terms or conditions of this Agreement or a Related Agreement and such default or breach is not cured within thirty (30) days after written notice thereof;

- (c) upon written notice by SEDC, if any Impositions owed to SEDC, City or the State of Texas by Company shall have become delinquent (provided, however, Company retains the right to timely and properly protest and contest any such taxes or Impositions), and such delinquency is not cured within thirty (30) days following Company's receipt of written notice thereof;
- (d) upon written notice by SEDC, if Company suffers an event of Bankruptcy or Insolvency; or
- (e) 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 Repayment Following Termination Under Section 5.1(b). In the event the Agreement is terminated by SEDC pursuant to Section 5.1(b):

- (a) due to a breach of the obligation set forth in section 4.2 hereof, Company shall immediately refund to the SEDC an amount equal to the value of the Grant received by Company;
- (b) due to a breach of the obligation set forth in section 4.3 hereof, Company shall immediately refund to the SEDC an amount equal to eighty percent (80%) of the value of the Grant received by Company;
- (c) due to a breach of an obligation set forth in section 4.1, 4.4, 4.5, 4.6, and/or 4.8 hereof during the first three years after Completion of Construction, Company shall immediately refund to the SEDC an amount equal to sixty percent (60%) of the Grant received by Company;
- (d) due to a breach of an obligation set forth in section 4.1, 4.4, 4.5, 4.6, and/or 4.8 hereof during the fourth year after Completion of Construction, Company shall immediately refund to the SEDC an amount equal to forty percent (40%) of the Grant received by Company;
- (e) due to a breach of an obligation set forth in section 4.1, 4.4, 4.5, 4.6, and/or 4.8 hereof during the fifth year after Completion of Construction, Company shall immediately refund to the SEDC an amount equal to twenty percent (20%) of the Grant received by Company; and

The repayment obligations of the Company set forth in this Section 5.2 shall survive termination of this Agreement.

5.3 Repayment Following Termination Section 5.1(c), (d), and/or (e). In the event the Agreement is terminated by SEDC pursuant to Section 5.1(c), (d), and/or (e), the Company shall immediately refund to SEDC an amount equal to the Grant paid by SEDC to the Company, plus interest at the rate of interest periodically announced by the *Wall Street Journal* as the prime or

base commercial lending rate, or if the *Wall Street Journal* shall cease to exist or cease to announce a prime or base lending rate, than at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by the SEDC) as its prime or base commercial lending rate from the date on which the Grant is paid by SEDC until refunded by the Company. The repayment obligation of Company set forth in this Section 5.3 shall survive termination of this Agreement.

5.4 Offsets. SEDC may, at its option, offset any amounts due and payable under this Agreement against any debt (including taxes) lawfully due to City and/or SEDC from Company, regardless of whether the amount due arises pursuant to the terms of this Agreement, a Related Agreement, or otherwise, and regardless of whether or not the debt due SEDC has been reduced to judgment by a court.

Article VI Miscellaneous

6.1 Binding Agreement. The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the Parties hereto.

6.2 Limitation on Liability. It is understood and agreed between the Parties that Company and SEDC, 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.

6.3 No Joint Venture. 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.

6.4 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. The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

6.5 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received 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 such Party may subsequently designate in writing), or on the day actually received if sent by courier or otherwise hand delivered.

If intended for SEDC, to:

Seagoville Economic Development
Corporation
Attn: Patrick Stallings, Exec. Director
702 N. Highway 175
Seagoville, Texas 75159

With a copy to:

Victoria W. Thomas
Nichols, Jackson, Dillard,
Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

If intended for Company:

Wade Electric, Inc.
Attn: Paul Dunagan
5805 Cedar Creek Drive
Kemp, Texas 75143

6.6 Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement. There is no other collateral oral or written agreement among the Parties that in any manner relates to the subject matter of this Agreement.

6.7 Governing Law. The Agreement shall be governed by the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction; and exclusive 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 said court.

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

6.9 Legal Construction. In the event any one or more of the provisions contained in 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 shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

6.11 Successors and Assigns. This Agreement may not be assigned without the prior written consent of SEDC.

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

6.13 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.

6.14 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.

6.15 Employment of Undocumented Workers. During the term of this Agreement, Company agrees to not knowingly employ any undocumented workers, and if convicted of a violation under 8 U.S.C. Section 1324a(f), Company shall repay the value or the costs incurred by SEDC to provide the Grants herein and any other funds received by Company from SEDC as of the date of such violation within 120 days after the date Company is notified by SEDC of such violation, plus interest at the rate of 4% compounded annually from the date of violation until paid. Company is not liable for a violation of this section in relation to any workers employed by a subsidiary, affiliate, or franchisee of Company or by a person with whom the Company contracts.

6.16 No Boycott of Israel. Company verifies that (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the Agreement or any Related Agreement. This section does not apply if the Company is a sole proprietor, a non-profit entity or a governmental entity; and only applies if: (i) the Company has ten (10) or more fulltime employees and (ii) this Agreement has a value of \$100,000.00 or more to be paid under the terms of this Contract.”

EXECUTED on this _____ day of _____, 2021.

SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION

By: _____
Patrick Stallings, Executive Director

EXECUTED on this _____ day of _____, 2021.

WADE ELECTRIC, INC.

By: _____
Paul Dunagan, President

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, Paul Dunagan, President of Wade Electric, Inc., a Texas for-profit corporation, known or proven to me to be the person and agent whose name is subscribed to the foregoing instrument and acknowledge to me that the same was the act of said Wade Electric, Inc., that he was duly authorized to perform the same by appropriate resolution, and that he executed the same as the act of said Wade Electric, Inc. for the purpose and consideration therein expressed and in the capacity therein stated after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2021.

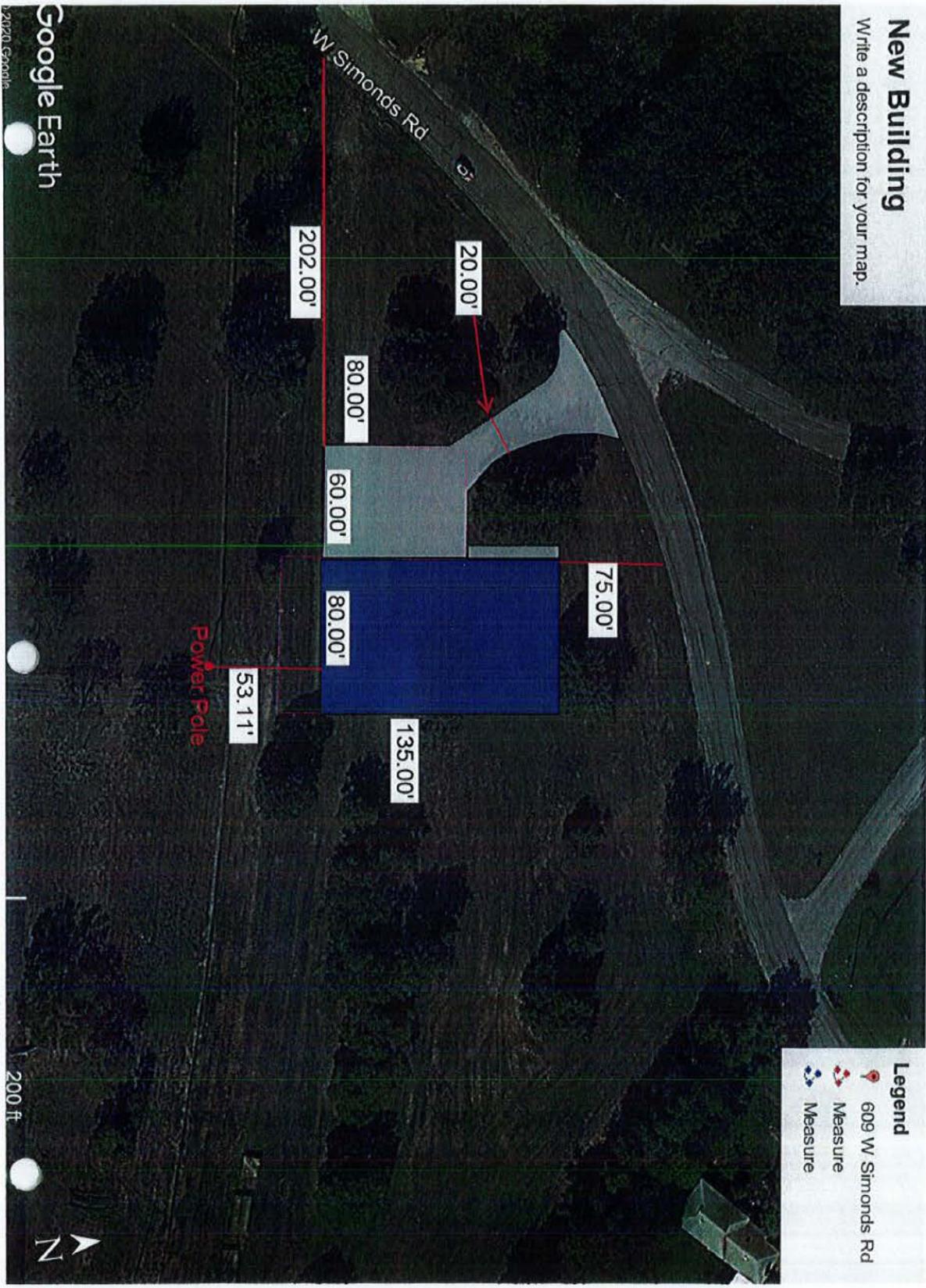
Notary Public, State of Texas

My Commission Expires: _____

EXHIBIT “A”



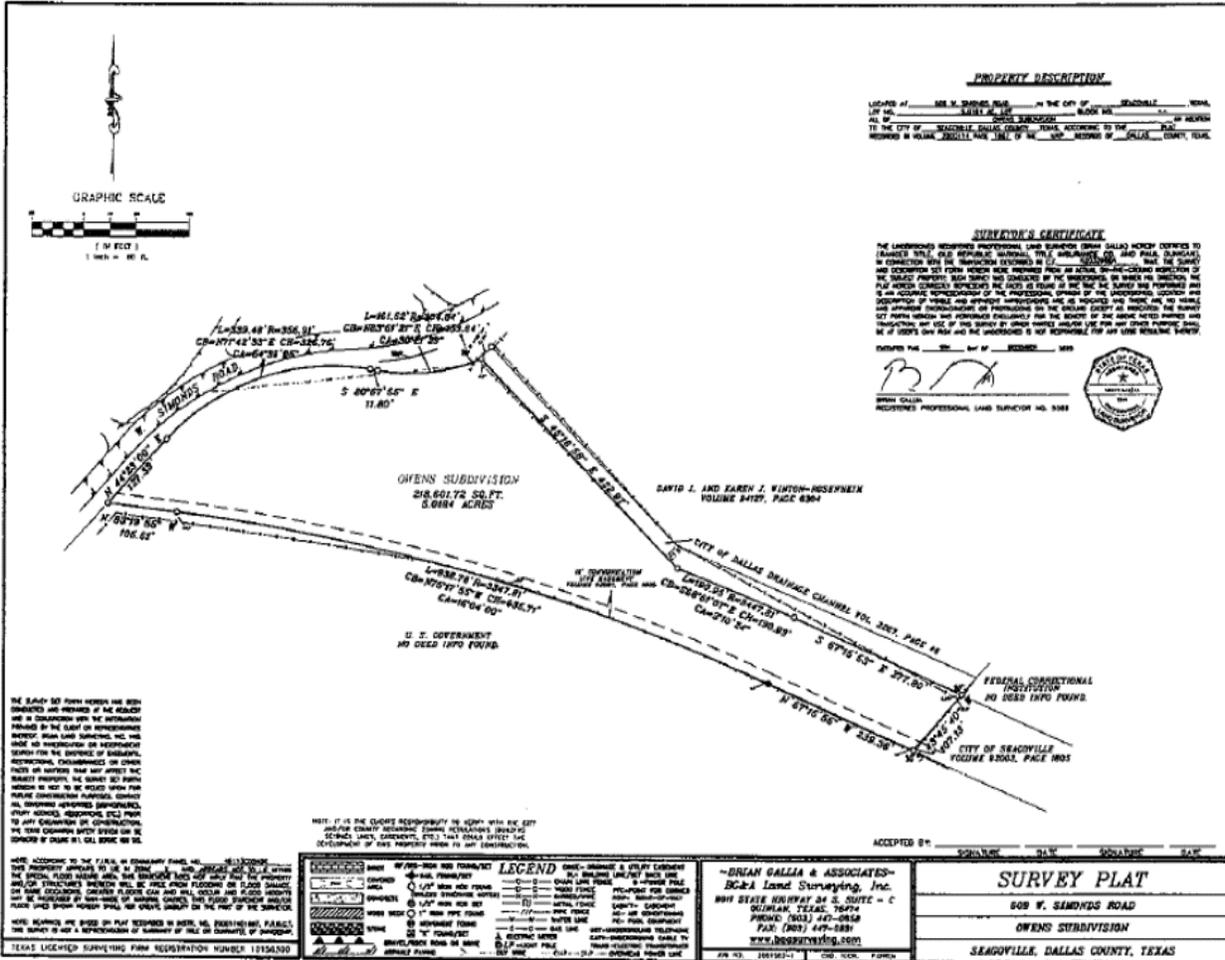
IDENTICAL Building
For reference only



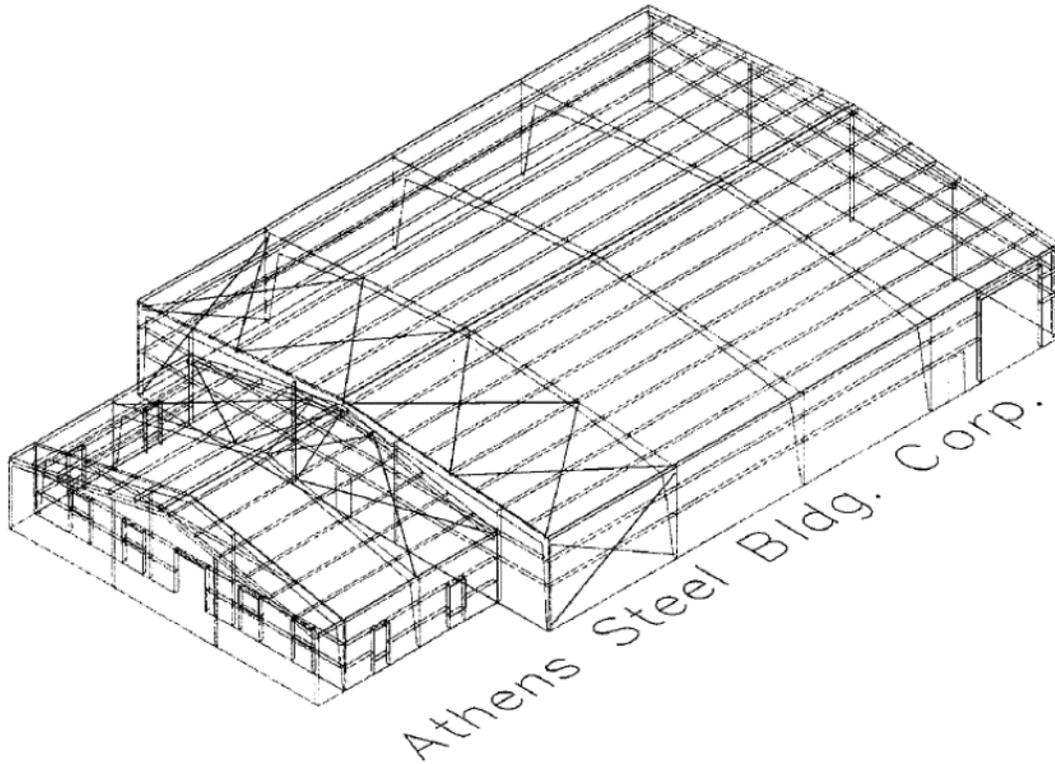


DCAD Property Map





WADE ELECTRIC SHOP/OFFICES



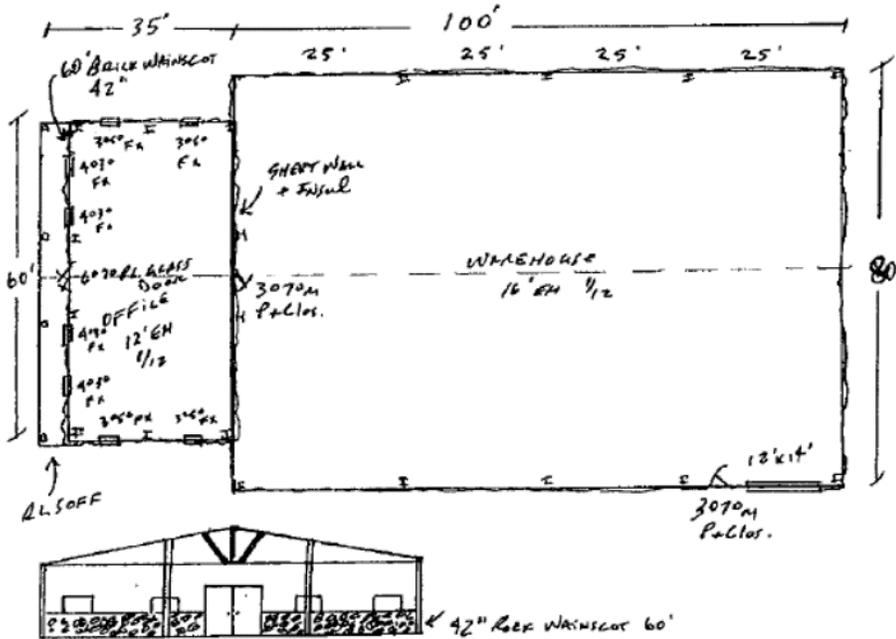


P.O. Box 1427
 Athens, TX 75751
 Phone (903) 675-3733
 Fax (903) 675-8249
 (800) 627-0190
 athenssteelbuilding.com

SKETCH ADDENDUM

Buyer: Paul Dunagan

Date: 11-24-20 T.Elledge



Buyer supplied information (e.g. quote forms, drawings, sketches, specifications, etc.) is used for general reference only. The scope of work is limited to Quote and Athens Steel Building's standard product specifications and practices.

Date: _____ Page 1 of 1

Regular Session Agenda Item: 5

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Receive an update concerning water supply to the City of Seagoville during the recent weather event.

BACKGROUND OF ISSUE:

Public Works Director, Chris Ryan will provide an update to City Council concerning the water supply to the City of Seagoville during the recent weather event.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 6

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Discuss and consider a Resolution of the City Council of the City of Seagoville, Texas, authorizing the Mayor to accept and file the Police Department's 2020 Racial Profiling Report, providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date.

BACKGROUND OF ISSUE:

In 2002, the State Legislature passed a law that requires Texas law enforcement agencies to submit their previous calendar year "racial profiling information" to their "governing body" before March 1, of the following year. For example, the 2019 Racial Profiling Report must be submitted to the City Council before March 1, 2021.

The Seagoville Police Department, in compliance with Senate Bill 1074 and all aspects of the "Texas Racial Profiling Law" and reporting agencies. The Department's 2019 Racial Profiling Report has been audited, analyzed and prepared for presentation to the City's governing body by Dr. Alejandro (Alex) Del Carmen. This document is presented to City Council in a bound document and electronically submitted to TCOLE the Texas Commission on Law Enforcement.

The 2019 Racial Profiling Report contains additional information as required by SB 1849 also known as the Sandra Bland Act, which will include information pertaining to verbal warnings, arrest made where there is no citation issued, and use of force. Additionally, Dr. Del Carmen has performed analysis pertaining to vehicle searches as required by the Sandra Bland act to ensure that our agency is in full compliance and following best practices. The statistical information pertaining to this report is collected through the CRIMES Records Management and Racial Profiling data collection.

FINANCIAL IMPACT:

There are some costs incurred with the services provided by Del Carmen Consulting L.L.C., however, the documented assurance of compliance with all aspects of the Racial Profiling laws as written is well worth the peace of mind.

RECOMMENDATION:

Staff recommends Council approve the 2020 Annual Racial Profiling Report as presented.

EXHIBITS:

- A. Racial Profiling Resolution
- B. Racial Profiling Report
- C. Dr. Alex Del Carmen Bio
- D. 2020 Annual Racial Profiling Report Power Point

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE MAYOR TO ACCEPT AND FILE THE POLICE DEPARTMENT'S 2020 RACIAL PROFILING REPORT, PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville, Texas, understands and supports applicable laws concerning racial profiling accountability; and

WHEREAS, the City Council of the City of Seagoville, Texas, supports the transparent open reporting and accounting of all police contacts covered within the Racial Profiling legislation; and

WHEREAS, the Seagoville Police Department has presented its 2020 Racial Profiling Report; and

WHEREAS, the City Council of the City of Seagoville, Texas desires to authorize the Mayor to accept and file the Police Department's 2020 Racial Profiling Report with the Texas Commission on Law Enforcement;

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

Section 1. The City Council of the City of Seagoville, Texas, authorizes the Mayor to accept the Police Department's 2020 Racial Profiling Report.

Section 2. The City Council further authorizes the Mayor or his designee to file the 2020 Racial Profiling Report with the Texas Commission on Law Enforcement within the mandated reporting time.

Section 3. If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment 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 4. That this Resolution shall take effect immediately from and after its passage as the law and Charter in such cases provide.

DULY ORDERED by the City Council of the City of Seagoville, Texas on the 22nd day of February, 2021.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY

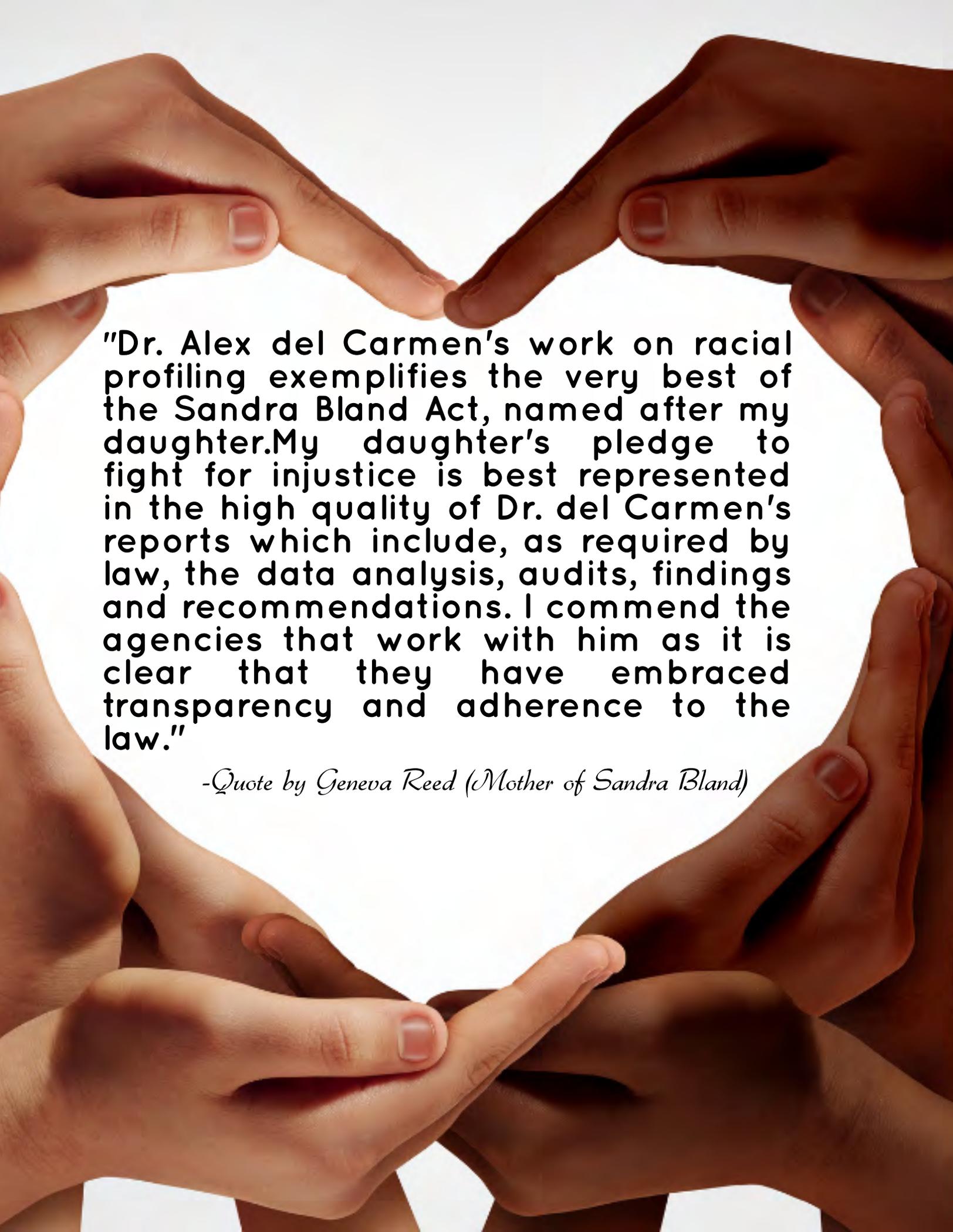


DEL CARMEN CONSULTING, LLC

LAW ENFORCEMENT SERVICES



Seagoville POLICE DEPARTMENT
2020
RACIAL PROFILING REPORT
SANDRA BLAND ACT



"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)



January 14, 2021
Seagoville City Council
702 N. U.S. Highway 175
Seagoville, Texas 75159

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted in 2001, the Texas Racial Profiling Law. During the past year, the Seagoville Police Department, in accordance with the law, has collected and reported motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements were implemented. Moreover, in 2017, the Sandra Bland Act was passed and signed into law (along with HB 3051 which introduced new racial and ethnic designations). The Sandra Bland Law requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. All of these requirements have been met by the Seagoville Police Department and are included in this report.



This particular report contains three sections with information on motor vehicle-related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Seagoville Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. Further, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling as well as the Sandra Bland Act. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation which demonstrates compliance by the Seagoville Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report includes statistical data relevant to contacts, made during the course of motor vehicle stops and in accordance with the law, between 1/1/20 and 12/31/20. In addition, this section contains the TCOLE Tier 2 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Seagoville Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Responding to the Law



Public Education on Filing Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Seagoville Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Seagoville Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Seagoville Police officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Seagoville Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Seagoville Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Seagoville has been included in this report.

It is important to recognize that the Chief of the Seagoville Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Seagoville Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.



Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting - audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074



Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole .

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.



Racial Profiling

Course Number 3256

Texas Commission on Law Enforcement

September 2001

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" - "Driving While Black" - a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search - if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074: <http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/20 - 12/31/20, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



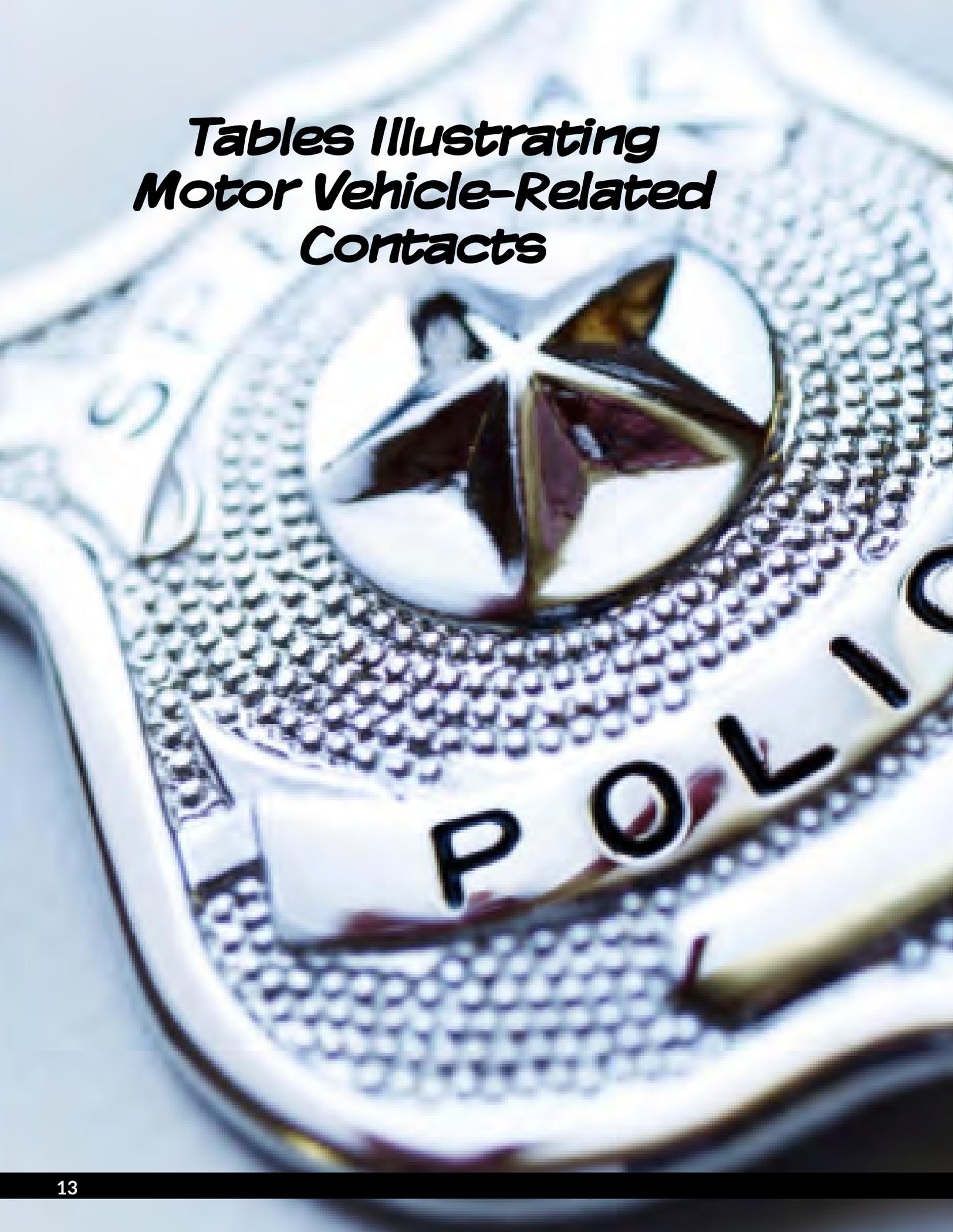
A check above indicates that the Seagoville Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/20 - 12/31/20.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

***Tables Illustrating
Motor Vehicle-Related
Contacts***



Tier 2 Data



TIER 2 DATA

TOTAL STOPS: 3,547

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	3,017
US Highway	435
County Road	34
State Highway	3
Private Property	58

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	22
No	3,525

RACE OR ETHNICITY

Alaska Native/American Indian	10
Asian/Pacific Islander	17
Black	653
White	1,350
Hispanic/Latino	1,517

GENDER

Female Total: 1,218

Alaska Native/American Indian	3
Asian/Pacific Islander	7
Black	242
White	480
Hispanic/Latino	486

Male Total: 2,329

Alaska Native/American Indian	7
Asian/Pacific Islander	10
Black	411
White	870
Hispanic/Latino	1,031

REASON FOR STOP?

Violation of Law Total: 138

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	28
White	61
Hispanic/Latino	48

Pre-existing Knowledge Total: 73

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	14
White	25
Hispanic/Latino	34

Moving Traffic Violation Total: 2,129

Alaska Native/American Indian	8
Asian/Pacific Islander	12
Black	385
White	771
Hispanic/Latino	953

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

Vehicle Traffic Violation Total: 1,207

Alaska Native/American Indian	2
Asian/Pacific Islander	4
Black	226
White	493
Hispanic/Latino	482

Contraband (in plain view) Total: 8

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	3
Hispanic/Latino	3

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	2	8
Asian/Pacific Islander	1	16
Black	38	615
White	75	1,275
Hispanic/Latino	52	1,465
TOTAL	168	3,379

Probable Cause Total: 75

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	24
White	17
Hispanic/Latino	32

Inventory Total: 21

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	5
White	8
Hispanic/Latino	8

REASON FOR SEARCH?

Consent Total: 48

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	38
Hispanic/Latino	7

Incident to arrest Total: 16

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	4
White	9
Hispanic/Latino	2

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	2	0
Asian/Pacific Islander	1	0
Black	22	16
White	36	39
Hispanic/Latino	30	22
TOTAL	91	77

Did the finding result in arrest (total should equal previous column)?

	YES	NO
Alaska Native/American Indian	1	1
Asian/Pacific Islander	1	0
Black	7	15
White	10	26
Hispanic/Latino	7	23
TOTAL	25	66

DESCRIPTION OF CONTRABAND

Drugs Total: 68

Alaska Native/American Indian	2
Asian/Pacific Islander	0
Black	14
White	28
Hispanic/Latino	24

Weapons Total: 5

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	3
White	0
Hispanic/Latino	1

Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Alcohol Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	3
White	2
Hispanic/Latino	4

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

Stolen Property Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Other Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	6
Hispanic/Latino	1

RESULT OF THE STOP

Verbal Warning Total: 2,224

Alaska Native/American Indian	7
Asian/Pacific Islander	11
Black	458
White	882
Hispanic/Latino	866

Written Warning Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	7
Hispanic/Latino	2

Citation Total: 1,241

Alaska Native/American Indian	2
Asian/Pacific Islander	5
Black	174
White	426
Hispanic/Latino	634

Written Warning and Arrest Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Citation and Arrest Total: 38

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	13
White	17
Hispanic/Latino	7

Arrest Total: 71

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	19
White	35
Hispanic/Latino	15

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA continued

ARREST BASED ON

Violation of Penal Code Total: 28

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	6
White	15
Hispanic/Latino	7

Violation of Traffic Law Total: 9

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	4
White	1
Hispanic/Latino	3

Violation of City Ordinance Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 33

Alaska Native/American Indian	1
Asian/Pacific Islander	0
Black	8
White	19
Hispanic/Latino	5

WAS PHYSICAL FORCE RESULTING IN BODILY INJURY USED DURING STOP?

Yes Total: 2

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	1

No Total: 3,545

Alaska Native/American Indian	10
Asian/Pacific Islander	17
Black	653
White	1,349
Hispanic/Latino	1,516

NUMBER OF COMPLAINTS OF RACIAL PROFILING

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0



Table 1. Motor Vehicle Contacts Including Tickets, Citations and Warnings. (1/1/20-12/31/20)

Race/Ethnicity	All Motor Vehicle Contacts		Tickets or Citations*		Verbal Warnings		Written Warnings	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	10	0	2	0	7	0	0	0
Asian or Pacific Islander	17	0	6	0	11	0	0	0
Black	653	18	187	15	458	21	2	18
White	1,350	38	443	35	882	40	7	64
Hispanic or Latino	1,517	43	641	50	866	39	2	18
TOTAL	3,547	100	1,279	100	2,224	100	11	100

*Includes stops for alleged violation of a law or ordinance, tickets/citations, and verbal and written warnings

"N" represents "number" of all motor vehicle-related contacts

**Race/Ethnicity is defined by HB 3051.



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access (in percentages). (1/1/2020 -12/31/20)

Race/Ethnicity*	Contacts (in percentages)	Households With Vehicle Access (in percentages)
Alaska Native or American Indian	0	0
Asian or Pacific Islander	0	5
Black	18	14
White	38	60
Hispanic or Latino	43	19
TOTAL	100	98

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

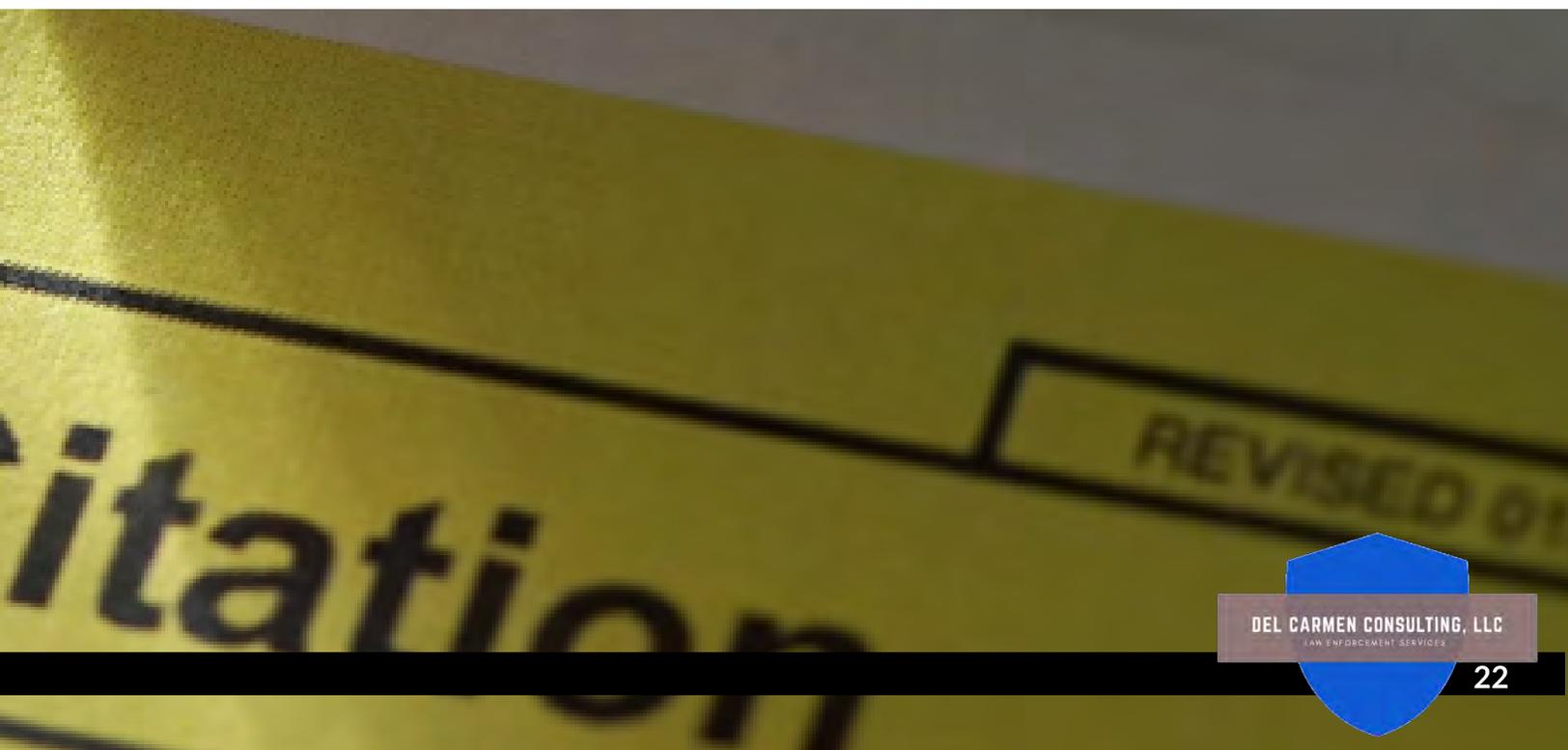


Table 3. Motor Vehicle Searches and Arrests. (1/1/20-12/31/20)

Race/Ethnicity	Searches		Consensual Searches		Custody Arrests	
	N	%	N	%	N	%
Alaska Native or American Indian	2	1	0	0	1	1
Asian or Pacific Islander	1	1	0	0	2	2
Black	38	23	3	6	32	29
White	75	45	38	79	52	48
Hispanic or Latino	52	31	7	15	22	20
TOTAL	168	100	48	100	109	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051



Table 5. Search Data (1/1/20-12/31/20)

Race/Ethnicity	Searches		Contraband/ Evidence Found		Contraband/ Evidence Not Found		Arrests	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	2	1	2	2	0	0	1	1
Asian or Pacific Islander	1	1	1	1	0	0	2	2
Black	38	23	22	24	16	21	32	29
White	75	45	36	40	39	51	52	48
Hispanic or Latino	52	31	30	33	22	29	22	20
TOTAL	168	100	91	100	77	100	109	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051



Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/20-12/31/20.

Data Audits on Racial Profiling Data

Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	20-January	Data reviewed is valid and reliable.
2	20-April	Data reviewed is valid and reliable.
3	20-August	Data reviewed is valid and reliable.
4	20-December	Data reviewed is valid and reliable.

Additional Comments:

Table 7. Instances Where Use of Force Was Used Which Caused Bodily Injury During a Motor Vehicle Contact. (1/1/20-12/31/20)

Race/Ethnicity	Use of Force Causing Bodily Injury	
	N	%
Alaska Native or American Indian	0	0
Asian or Pacific Islander	0	0
Black	0	0
White	1	50
Hispanic or Latino	1	50
TOTAL	2	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051

Table 8. Reason for Arrests Resulting From a Motor Vehicle Contact. (1/1/20-12/31/20)

Race/Ethnicity	Violation of Penal Code		Traffic Law		City Ordinance		Outstanding Warrant	
	N	%	N	%	N	%	N	%
Alaska Native or American Indian	0	0	0	0	0	0	1	3
Asian or Pacific Islander	0	0	1	11	0	0	0	0
Black	6	21	4	44	1	100	8	24
White	15	54	1	11	0	0	19	58
Hispanic or Latino	7	25	3	33	0	0	5	15
TOTAL	28	100	9	100	1	100	33	100

"N" represents "number" of all motor vehicle contacts

** Race/Ethnicity is defined by HB 3051



Analysis and Interpretation of Data

Analysis and Interpretation of Data

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of individuals before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and disclosing this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As referenced earlier, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts, became law and took effect on

January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Seagoville Police Department commissioned the analysis of its 2020 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2020 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury. It is important to recognize that the department opted to report its data in a more detailed manner (new template) which allows for a better and more reliable analysis.

It should be noted that the additional data analysis performed was based on a comparison of the 2020 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, one should consider that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Seagoville Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households. It is anticipated that next year, when the 2020 Census findings are available, this information will be updated, accordingly.

There is no question that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Seagoville Police Department in 2020 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Seagoville Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2020) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced and more detailed Tier 2 data collected in 2020, it was evident that most motor vehicle-related contacts were made with Hispanics. This was followed by Whites and Blacks. Of those that came in contact with the police, most tickets or citations were issued to Hispanics; this was followed by Whites. However, in terms of written warnings, most of these were issued to Whites; followed by Blacks and Hispanics.

Regarding searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites while most custody arrests were also of Whites. Overall, most searches resulted in contraband; of these, most searches producing contraband took place among Whites; this was followed by Hispanics. Of the searches that did not produce contraband, most were of Whites. Most arrests were made on Whites; this was followed by Blacks. Most of the arrests that originated from a violation of the penal code involved Whites. It was evident that Blacks were among those mostly arrested as a result of a violation of a traffic law while most of those arrested due to an outstanding warrant were Whites. Overall, the police department reports two instances where force was used that results in bodily injury.

Comparative Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and Asians that came in contact with the police was lower than the percentage of White and Asian households in DFW that claimed, in the 2010 census, to have access to vehicles. The opposite was true of Blacks and

Hispanics. That is, a higher percentage of Blacks and Hispanics came in contact with the police than the percentage of Black and Hispanic households in DFW that claimed, in the 2010 census, to have access to vehicles.

The analysis of the searches performed shows that most of the searches produced contraband. This is above national law enforcement trends. In addition, of those searches that produced contraband, the majority of them involved White contacts.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the Seagoville Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in table 7, the audits performed have shown that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings made in this analysis, it is recommended that the Seagoville Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Seagoville Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2021 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the Seagoville Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling is not tolerated.



Checklist

The following requirements were met by the Seagoville Police Department in accordance with The Texas Racial Profiling Law:

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Seagoville Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✓ Provide public education related to the compliment and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2020.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.



*Legislative &
Administrative
Addendum*

TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~7~~] the date of conviction; and

(9) [~~8~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race ~~[:~~

~~{(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency];~~ and

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
 - (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and

(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;

(2) an attempted suicide;

(3) a death;

(4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

(5) an assault;

(6) an escape;

(7) a sexual assault; and

(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]

(C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and

(D) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

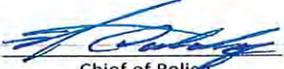
Approved:

Date

Governor

Chief Clerk of the House

**SEAGOVILLE POLICE
DEPARTMENT
RACIAL PROFILING POLICY**

	SEAGOVILLE POLICE DEPARTMENT	
	Policy 2.2 Bias Based Policing	
	Effective Date: 01/22/2020	Replaces: 08/23/2016
	Approved:  Chief of Police	
Reference: TBP 2.01.1		

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, national origin, ethnicity, age, or religion. All people carry biases: in law enforcement, however, the failure to control our biases can lead to illegal arrests, searches, and detentions, thus thwarting the mission of our department. Most importantly, actions guided by bias destroy the trust and respect essential for our mission to succeed. We live and work in communities very diverse in population: respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions, particularly stops of individuals (for traffic and other purposes), investigative detentions, arrests, searches and seizures of persons or property, shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions which support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, sex, sexual orientation, national origin, color, creed, disability, gender, economic status, ethnic background, age, religion, citizenship, cultural group or any other identifiable group . Officers shall base all such actions on a reasonable suspicion or probable cause that the person or an occupant of a vehicle committed an offense. (TBP: 2.01)

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement contacts between officers and the public.

II. PURPOSE

The purpose of this order is to provide general guidance on reducing the presence of bias in law enforcement actions, to identify key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this order. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. Bias: Prejudice or partiality which may be based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. Biased policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. Ethnicity: A cluster of characteristics which may include race but also cultural characteristics or traits which are shared by a group with a common experience or history.
- D. Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. Probable cause: Facts or apparent facts and circumstances within an officer's knowledge and of which the officer had reasonable, trustworthy information to lead a reasonable person to believe that an offense has been or is being committed, and that the suspect has committed it.
- F. Race: A category of people of a particular decent, including White, Black, Hispanic, Asian, or Native American descent. As distinct from ethnicity, race only refers to physical characteristics sufficiently distinctive to group people under a classification.
- G. Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. Reasonable suspicion: Articulable, objective facts which lead an experienced officer to suspect that a person has committed, is committing, or may be about to commit a crime. A well-founded suspicion is based on the totality of the circumstances and does not exist unless it can be articulated. Reasonable suspicion supports a stop of a person. Courts require that stops based on reasonable suspicion be "objectively reasonable."
- I. Sex: A biological classification, male or female, based on physical and genetic characteristics.
- J. Stop: The detention of a subject for a brief period of time, based on reasonable suspicion. A stop is investigative detention.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities against any person based solely on the person's race, national origin, citizenship, religion, ethnic background, age, gender, color, creed, sexual orientation, disability, economic status, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01.1)
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search. (TBP 2.01.1)

Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall only be subjected to stops, seizures, or detention upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.

3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports. (TBP 2.01.1)

Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.

- a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
4. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaints process and shall give copies of "How to Make a Complaint" when appropriate.
5. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety. When concluding an encounter, personnel shall thank him or her for cooperating.
6. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
7. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. Supervisory responsibilities

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.

2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
5. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.
6. Supervisors shall facilitate the filing of any complaints about law enforcement service.
7. Supervisors shall be responsible for reviewing video footage from both in-car and body worn cameras from each of their subordinates on traffic stops as well as calls for service **monthly**. These reviews are to be documented in the VIDEO VIEW LOG to ensure compliance with all written directives and in accordance with all bias based policing requirements. The viewing of each officer's entire shift is not required; however the supervisor should review in a manner to gain an understanding of each officer's performance and adherence to policy and laws. (TBP 2.01.1)

C. Disciplinary consequences

Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training (TBP: 2.01.1)

1. Officers shall complete all training required by state law regarding bias based profiling.

V. COMPLIMENTS and COMPLAINTS

- A. The Seagoville Police Department shall publish “How to Make a Compliment or Complaint” and make compliment and complaint forms available in the Police Department lobby, and the lobby of City Hall. Public education for this process can be found on the City’s web-site as well as on the back of citations, tickets and warnings issued by officers. For additional public educational purposes the Department’s bias based policing policy will be posted on the City and Department’s web-site. Whenever possible, the media, as well as social media will be utilized to educate and inform the public of the Department’s compliment and complaint process.
- B. Complaints alleging incidents of bias based profiling will be fully investigated as described under Policy 2.4.
- C. Complainants will be notified of the results of the investigations when such investigation is completed.

VI. COLLECTION, ANALYSIS, AND REPORTING OF INFORMATION

- A. As described by tier 2 requirements, the Department will maintain all required records on motor vehicle stops where a citation or warning is issued or where an arrest is made subsequent to a motor vehicle stop pursuant to state law. The department has two (2) modules for collecting this data within our RMS CRIMES system The information collected shall include:
 1. The race or ethnicity of the person detained as stated by the person or as determined by the standard of any reasonable officer to the best of his/her ability and whether the officer knew or did not know the race or ethnicity of the person detained prior to the detention. Race or ethnicity of the individual includes:
 - a. Alaskan Native or American Indian
 - b. Asian or Pacific Islander
 - c. Black
 - d. White
 - e. Hispanic/Latino
 2. Total number of motor vehicle stops
 3. Total number of vehicle searches conducted whether consensual or probable cause.
 4. Whether a search was conducted as a consensual search, probable cause search, search incident to arrest, or inventory
 5. Whether the officer made an arrest as a result of the stop
 6. Whether a citation, written warning, or verbal warning was issued
 7. Date and time of the traffic stop
 8. The location of the stop, (i.e. City Street, state highway, US highway, etc.)

9. Reason for stop, (i.e. traffic violation, penal code violation, motor vehicle violation, etc.)

10. Whether the officer used physical force as a result of the traffic stop

- B. The information collected above will be reported to the City Council annually prior to March 1st of each calendar year.
- C. The information will also be reported to TCOLE in the required format.

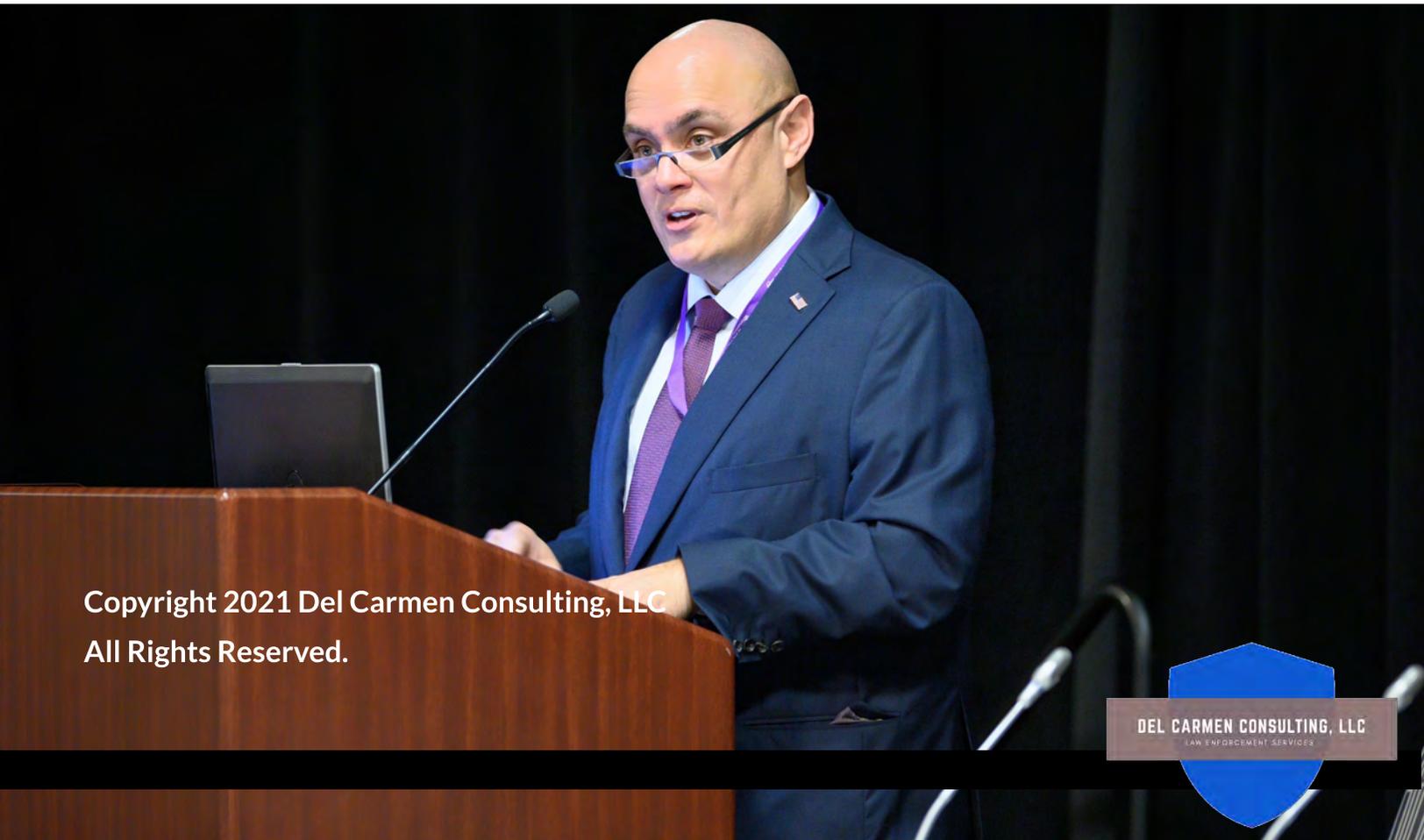
Contact Information

For additional questions regarding the information presented in this report, please contact:

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Alex del Carmen Ph.D., Del Carmen Consulting, LLC

Dr. Alejandro del Carmen is currently serving as the Executive Director of the School of Criminology and Criminal Justice at Tarleton State University in Fort Worth. Prior to joining Tarleton, Dr. del Carmen served as Chair and Professor of Criminology & Criminal Justice at The University of Texas at Arlington. He is an instructor in the Law Enforcement Management Institute of Texas (since 2001) and has served as instructor in the Arlington Police Department Training Academy (4 years). He is certified as a grant evaluator/reviewer for the Department of Justice and as an instructor for the Texas Commission on Law Enforcement (TCOLE).

He earned a PhD in criminology and criminal justice from Florida State University in 1997. His research interests include law enforcement, racial profiling, crime prevention; and corrections. Dr. Del Carmen has published over twenty-five refereed academic manuscripts in internationally recognized journals. His most recent book is titled *Racial Profiling in America* (2008) Prentice Hall Publishing.

His research interests include:

Policing, Racial Profiling, Ethnicity and Crime, Homeland Security, Profiling, Corrections, Criminal Justice Educational Issues, CPTED, Penology, Crime Prevention, Juvenile Delinquency

Annual Contact Data 2020



DEL CARMEN
Consulting, LLC.

LAW ENFORCEMENT EXPERTS

Requirements of the Texas Profiling Law Sandra Bland Act

- Substantial updates to existing law
- Replaces Tier 1 with enhanced Tier 2 data
 - Re-defines a contact
 - Report on citations, tickets, warnings and arrests
 - Requires specific analysis of data (including searches)
 - Requires data audits
- Complaint or compliment process
- Removes “middle eastern” and “other” category
- Use of force results in injury reports
- Penalties for non-compliance increased
- Council/TCOLE by March 1st

Report on Complaints 1/1/2020—12/31/2020

The Seagoville Police Department reports no racial profiling complaints filed in 2020.

Informing the Public

- Since 2002, SPD is in compliance with Senate Bill 1074 and the Sandra Bland Act
- SPD posts in the lobby on how to file a complaint on a racial profiling violation
- SPD informs the public (on qualifying contacts) on how to file a compliment or complaint including the department's telephone number, mailing address and email address



Analysis of Data

- It is very difficult to detect specific “individual” behavior with “aggregate-level” data.
- Three different types of analyses were conducted
 1. The first of these involved a careful evaluation of the 2020 motor vehicle contact data.
 - This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics, Asians and American Indian, that came in contact with the police involving a motor vehicle and were issued a citation, ticket, warning or arrested in 2020.



Analysis of Data

2. The second type of analysis was based on a comparison of the 2020 contact data with a particular baseline.
 - Of all the baseline measures available, the Seagoville Police Department decided to adopt, as a baseline measure, the Fair Roads Standard.
 - The Fair Roads Standard is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for race and ethnicity.
 - The Fair Roads Standard data obtained is relevant to Seagoville.

Analysis of Data

3. A third type of analysis was conducted while comparing the pattern on searches performed as a result of a motor vehicle contact, as defined in the law.

Tier 2 (2020)

Motor Vehicle Contact Analysis

The trends on contacts were as follows:

- Most contacts were with Males
- Most were contacts with Whites
- Officers did not know the race/ethnicity prior to the stop
- The most frequent reason for a stop was “moving traffic violation”
- Most stops took place on “city streets”

Tier 2 (2020)

Motor Vehicle Contact Analysis

- Most stops did not result in a search
- Of those searched, the reason cited the most was “probable cause”
- Most searches resulted in contraband being discovered
- The contraband most frequently found was “drugs”
- Most stops resulted in a “verbal warning”
- Most arrests were based on “outstanding warrants”
- In no instance, force was used which resulted in bodily injury

Fair Roads Standard Analysis

The percentage of Whites, Asians and Alaska Natives who came in contact with the police in motor vehicle related incidents in 2020, was the same or lower than the percentage of White, Asian and Alaska Native households in Seagoville that claimed, in the 2010 census, to have access to vehicles.

Fair Roads Standard Analysis

With respect to Blacks and Hispanics, the data suggested that the percentage of Blacks and Hispanics that came in contact with the police in 2020 was higher than the percentage of Black and Hispanic households in Seagoville with access to vehicles.

Search Analysis

- Most of the contraband found, originated from searches made on Whites.
- This was followed by searches made on Hispanics.



Complying with the Sandra Bland Act

- The Department has also:
 - Revised its racial profiling policy to meet the new requirements of the law.
 - Engaged our firm in performed objective and external quarterly data audits.
 - Collected the enhanced version of Tier 2 data.
 - Engaged our firm in analyzing the data.
 - Informed the public, when making a contact, on how to file a compliment or complaint, as required by law.

Recommendations

1. Collect and analyze data on searches.
2. Foster partnerships with organizations representing minority interests.
3. Commission quarterly data audits in order to determine the validity and reliability of data collected/reported in 2021.
4. Train all police officers on the new data requirements (Sandra Bland Act).
5. It should also be noted that the Seagoville Police Department complied with all of the recommendations made in last year's report.

Questions

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Twitter - @RaceProfiling

Regular Session Agenda Item: 7

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Conduct a public hearing on a request for a change in zoning from Local Retail (LR) to Planned Development-Apartments (PD-21-01) on two (2) tracts of land being a combined total of approximately 8.24± acres legally described as Tracts 11 and 11.2 of the John D. Merchant Survey, Abstract 850, commonly known as 1700 North U.S. Highway 175 and Tract 14 of the Herman Heider Survey, Abstract 541, commonly known as 1700 Seagoville Road, in the City of Seagoville, Dallas County, Texas.

BACKGROUND OF ISSUE:

The land is currently unimproved and surrounds Lee Cemetery on 3 sides.

Steven Homeyer, representing his company Homeyer Engineering Inc. and property owners, Oak Hill Assembly Church and Kevin Butler, in their request to create a planned development for an apartment complex.

The site is currently zoned LR, Local Retail, and surrounds Lee Cemetery on 3 sides. The planned development is requesting the following changes from the zoning regulations of an Apartment District: a maximum of 9 apartment buildings that would each have a maximum height of 50-feet, an amenity center to include an outdoor swimming pool, utility/storage buildings. The development is asking for a monument sign at each street entry

The existing zoning, land uses, and relevant portions of the City's comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z should deny or approve the applicant's request.

A legal ad was published per the Texas Local Government Code in the Tuesday, January 12, 2021, edition of the Daily Commercial Record newspaper. There are forty-three (43) properties (including the subject parcel) plus part of five (5) public streets, a U.S. Highway, and the highway's westbound frontage road within the 200-foot notice boundary. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Friday, January 15, 2021. As of Monday, January 25, 2021, one (1) letter was returned against the request. One (1) letter was returned in favor the request. No (zero) letters were returned as undeliverable by the U.S. Postal Service. Two (2) people outside the notification area from the public spoke against the request at the Planning and Zoning Commission meeting. None (zero) spoke in favor of the request at the meeting.

For the City Council meeting, a legal ad was published again per the Texas Local Government Code in the Thursday, February 4, 2021, edition of the Daily Commercial Record newspaper. The owners of each parcel were again notified in compliance with the 200-foot rule by mail on Friday, February 5, 2021. As of the date of this report, Friday, February 12, 2021, no (zero) additional letters were returned as undeliverable by the U.S. Postal Service and no (zero) additional written responses have been received. Staff will make the Council members aware of any additional responses received at their meeting.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

On January 28th, the Planning and Zoning Commission voted unanimously (five to zero) in favor of recommending approval with conditions on the request for a zoning change on two (2) tracts of land with a combined total of approximately 8.24+ acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas. The recommended conditions of approval were:

- No dwelling unit smaller than 528 square feet of living area.
- Construction of 5-foot sidewalk along both Seagoville Road and Alto Road in dedicated public sidewalk easements.
- Construction of 5-foot sidewalk along the highway frontage road outside the highway's right-of-way.
- Construction of 4-foot sidewalk along Greenhaven Drive in a dedicated public sidewalk easement.
- All interior sidewalks to be at least 3-foot wide.
- 24-foot wide concrete fire lane/access per city codes.
- Maximum structure height of 50-feet at roof peaks.
- All masonry screening walls to be at least 6-feet tall.
- 6-foot masonry wall – brick, rock, or combination thereof - along the highway frontage road and Seagoville Road with landscaping to assist in noise reduction.

Staff supports the request with the listed conditions.

EXHIBITS: Each of the following are set for printing on letter-sized paper unless otherwise listed.

1. Staff Report (9 pages)
2. 2019 aerial photograph from DCAD website
3. Dimensional property map from DCAD website
4. Zoning map (zoning information added to dimensional map)
5. Application submittal
 - A. Applications, PD development regulations, and boundary exhibit
 - (i) Church application
 - (ii) Butler application, Homeyer letter, and development regulations (4 pages)
 - (iii) Surveyor letter and Zoning exhibit (3 pages on letter and 1 page on 11x17)
 - B. Concept plan (3 pages on 11x17)
 - C. Landscape plans (5 pages on 11x17)
 - D. Building elevations (8 pages on 11x17)
6. Notice to newspaper
 - A. For Planning and Zoning Commission
 - B. For City Council
7. Notice to property owners
 - A. Notice to property owners for Planning and Zoning Commission (2 pages)
 - B. Notice to property owners for City Council (2 pages)
 - C. Responses received (9 pages)
8. List of property owners within 200 feet of subject parcels (2 pages on legal paper)
9. Presentation from representative (20 pages)



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

DATE: FEBRUARY 22, 2021
AUTHOR: JENNIFER BONNER, PLANNER
APPLICANTS: OAK HILL ASSEMBLY CHURCH (2 PARCELS) AND KEVIN BUTLER
PARCELS: 65054147510140000, 65085006110110000, AND 65085006110110200
LOCATION: 1700 SEAGOVILLE ROAD AND 1700 NORTH HIGHWAY 175 (TWICE)

REQUEST SUMMARY:

The applicants are requesting that the parcels under the yellow stars outlined in red - and that surround Lee Cemetery - have their zoning changed from LR, Local Retail, to PD for an apartment complex. Nine (9) apartment buildings are planned as well as an amenity center for the tenants that includes the site's leasing office, an outdoor swimming pool, computer center, fitness center, party room with kitchen, and 2-story indoor sports court. Mail kiosks will be located away from the amenity center. 1-and-1/2 parking spaces are planned for each dwelling unit plus several for guests.



REQUEST LOCATION: Inside City; Dallas County

**PLANNING & ZONING COMMISSION
RECOMMENDATION:**

On January 28th, the Planning and Zoning Commission voted unanimously (five to zero) in favor of recommending approval with conditions on the request for a zoning change on two (2) tracts of land with a combined total of approximately 8.24+ acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas. The Conditions of Approval were:

- No dwelling unit smaller than 528 square feet of living area.
- Construction of 5-foot sidewalk along both Seagoville Road and Alto Road in dedicated public sidewalk easements.
- Construction of 5-foot sidewalk along the highway frontage road outside the highway's right-of-way.
- Construction of 4-foot sidewalk along Greenhaven Drive in a dedicated public sidewalk easement.
- All interior sidewalks to be at least 3-foot wide.
- 24-foot wide concrete fire lane/access per city codes.
- Maximum structure height of 50-feet at roof peaks.
- All masonry screening walls to be at least 6-feet tall.
- 6-foot masonry wall - brick, rock, or combination thereof - along the highway frontage road and Seagoville Road with landscaping to assist in noise reduction.

Staff supports the request with the conditions listed above.

This request is reviewed by the Planning and Zoning Commission to make a recommendation to the City Council, which makes the final decision on the request.

SIZE OF PROJECT
Approximately 8.24+ acres
EXISTING ZONING
LR, Local Retail
SURROUNDING ZONING
Northwest & West: LR, Local Retail; SUP, Special Use Permit; <u>and</u> C, Commercial
North & Northeast: R-5, Single Family Residential <u>and</u> PD-LR, Plan Development with LR base zoning
East: LR, Local Retail; A, Apartment <u>and</u> R-5, Single Family Residential
Southeast, South, & Southwest: C, Commercial <u>and</u> AG, Agriculture
EXISTING LAND USE
vacant
SURROUNDING LAND USE
Northwest: Retail
Northeast: Low Density Residential
Southeast: Retail
Southwest: Retail

STANDARD:	ANALYSIS:
Development Calendar (Deadlines)	Has Met
Application(s) Requirements	Has Met
Zoning Code	Has Met

COMPARISON TO ADOPTED CITY MASTER PLANS

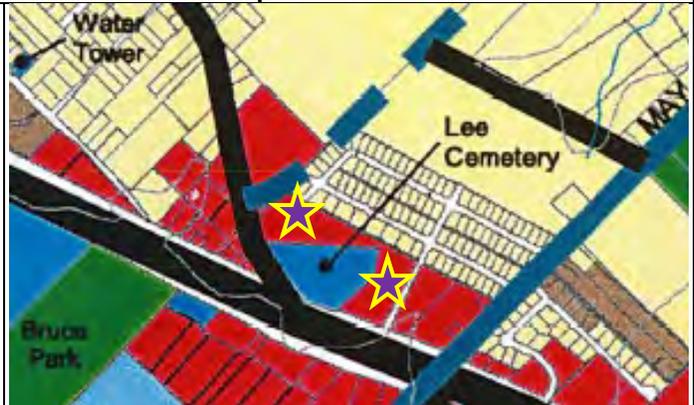
STAFF ANALYSIS

PLAN GOALS OR GUIDELINES

2002 Future Land Use Plan and Map

The subject area is under the 2 purple stars outlined in yellow. The location of the subject parcel is in an area expected to be Retail (red color). However, the northern boundaries of the subject parcel also serve as a dividing line from areas expected to remain Low Density Residential (light yellow color). The red area to the northwest is Seagoville North Elementary School.

Meets Standard



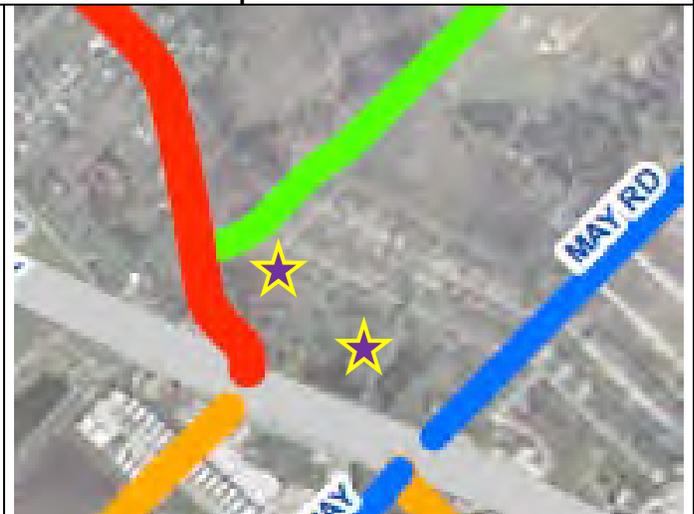
2006 Thoroughfare Plan and Map

The subject area is under the 2 purple stars outlined in yellow. The property currently has no access driveway, but does have frontage on Seagoville Road (the red line in the map indicating a Major Arterial), Alto Road (the green line), Greenhaven Drive (a local street not shown), and the frontage road of Highway 175 (the light grey line).

The development will build new internal fire lanes and parking lots as part of its construction. There will be no publicly-dedicated streets with this development.

No additional right-of-way is expected to be required when the property is platted.

Meets Standard

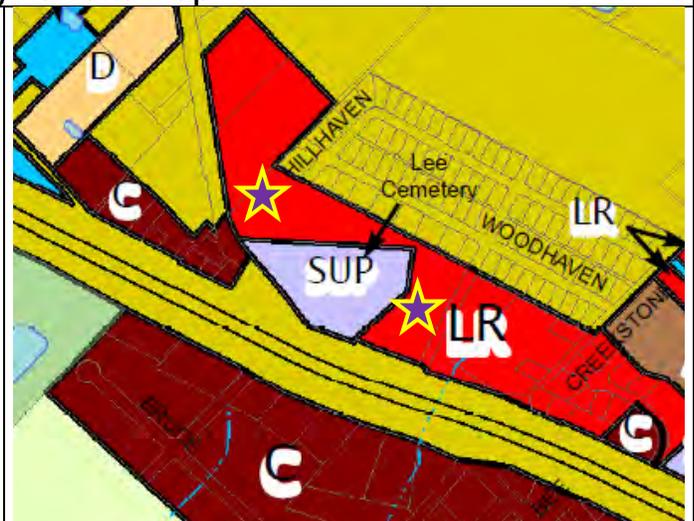


2009 Zoning Plan and Map

The plan development will encompass about 8.25+ acres of unimproved land under the 2 purple stars outlined in yellow.

The applicants are requesting that the property be rezoned for development. The development's would allow an apartment complex. A copy of the development's concept plan is included with the application exhibits.

Meets Standard



REVIEW CRITERIA	STAFF ANALYSIS	
1. Will the development provide for a superior design of the lots or buildings?	No	The planned development is asking for a mixture of apartment sizes, including an efficiency size. Requested minimum size for each unit type is smaller than current code minimums. See details in the Other Staff Comments below.
2. Will the development or land use provide for increased recreation and open space opportunities for public use and enjoyment?	No	Recreation areas will be provided in the amenity center for the site's residents. The submitted documents do not reference whether the public would also be able to access these opportunities.
3. Will the development or land use provide amenities or features that would be of special benefit to the property users or to the overall community?	Yes	The apartments would provide a buffer and transition between the more intense business uses (to the south, southeast, and southwest) and the existing single family uses along the northern and northwestern sides of the subject parcels.
4. Will the development or land use protect or provide natural amenities and environmental assets?	Yes	The provided concept plans show a 15-foot building setback line, which should help maintain most - if not all - of the existing mature vegetation in the boundary of Lee Cemetery.
5. Will the development or land use protect or preserve existing historical buildings, structures, features, or places?	No	There are no identified locations at this time for historical protection or preservation.
6. Will the development or land use provide an appropriate balance between the intensity of the development and the ability to provide adequate supporting public facilities and services?	No	No estimated total dwelling unit count has been provided. The development will connect to the existing water and sanitary sewer services. Engineering of each service has yet to be completed. The site has not yet been engineered for detention/retention of increased runoff.
7. Will the development or land use meet or exceed the planned development regulations?	Yes	Local Retail has no minimum lot size or area. Apartment complexes have minimum lot sizes of 7,000-square feet. The site has over 8-acres.
8. Will the use be designated, located, and operated so that the public health, safety, and welfare will be protected?	Yes	Water and sanitary sewer are available along the boundary of the property. Water, sanitary, and storm utility services are required by code to be designed, engineered, and operated to protect public health, safety, and welfare.
9. Will the land use be compatible with other area properties located nearby?	Yes	West and north of the property are primarily detached single family homes. The south side is mostly retail and commercial. Currently the east side is vacant land zoned for addition retail. The planned development will provide a transition from retail and commercial areas to residential by the way of apartments.
10. Will the use be in compliant with all provisions of the zoning amendments portion of the Municipal Code?	Yes	The requirements for the change in zoning have been met (application, legal notifications, etc.).
11. Will the use be compliant with all applicable provisions in the Code for the district in which the use is to be located?	Yes	Structures will be required to meet all Apartment zoning district and building code requirements unless otherwise specified in the plan development regulations.
12. Will the use facilitate public convenience at that location?	Yes	The property is at the intersection of a major road and the highway controlled by a stop signs.
13. Will the use conform to off-street parking and loading requirements?	Yes	While a final apartment count has not been determined, the applicant does state he plans to provide the code-required parking ratio for the development plus several additional spaces for guests.

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REVIEW CRITERIA	STAFF ANALYSIS	
14. Are the ingress, egress, and pedestrian ways adequate?	Yes	All ingress and egress ways including fire lanes, parking lots, sidewalks, and ramps will be constructed by the developer as part of the site's development. During the platting process, Staff will be asking for easement dedications of a 5-foot public (city-maintained) sidewalk along both Seagoville Road and Alto Road; a 4-foot public sidewalk along Greenhaven Drive (which may already have some sidewalk); and a 5-foot private (owner's maintenance) sidewalk along the highway frontage road.
15. Have safeguards limiting noxious or offensive emissions, including light, noise, glare, dust, and odor been addressed?	Yes	City codes require screening walls between contradictory land uses, so all sides of this development will require some sort of screening. The screening walls will address most issues with light, noise, and glare. There should be no dust generated once the site is fully developed. Ordinance 35-2019 requires no light to trespass onto neighboring properties above 0.25-footcandles or above 3-feet from ground level.
16. Will the proposed landscaping and screening be compliant with all City regulations?	Yes	Detailed landscaping information for the development is provided in Exhibit 5C.
17. Will the signage be compliant with those portions of the Municipal Code?	Yes	Signage for this site will be limited to those allowed by code. Signage is a separate review conducted by Staff.
18. Will all open space(s) be maintained by the owner/developer?	Yes	The current owners will be required to maintain the property until the development is complete - when maintenance will be turned over to the complex's maintenance crews (employees of the owner/operator of the site).
19. Are the size and shape of the site as well as the arrangement of the proposed structure(s) in keeping with the intent of the Code?	Yes	The subject parcel is larger than many of the retail, commercial, and manufacturing properties in town. It is similar in size to several residential developments. A copy of the development's concept plan is included as Exhibit 5B.
20. Will granting the permit be authorizing less than the minimum requirements in regards to height, area, setbacks, parking, or landscaping?	No	The current Local Retail district and the proposed base zoning district of Apartments have building height limits of a maximum 28-feet. The provided building elevations for the apartments show a maximum 50-feet height at the roof peaks.
21. Have the provisions of the existing master thoroughfare plan been met to protect the public interest?	Yes	Seagoville Road is already a divided 4-lane road. There may need to be a turn lane or cross-over cut into the existing median/boulevard. There will be no direct access onto the highway frontage road. Additional driveways will connect with Alto Road on the west and Greenhaven Drive on the east. A Traffic Impact Analysis is required to be provided with the site's engineering plans.
22. Have the provisions of any existing future land use plan been met to protect the public interest?	Yes	Chapter 5 (Future Land Use) of the 2002 Comprehensive Plan calls for this area to be Retail.
23. Have the provisions of any existing capital improvements plan been met to protect the public interest?	N/A	There currently is no active capital improvement plan.
24. Have the provisions of any community facilities plan been met to protect the public interest?	N/A	Chapter 6 (Parks, Recreation, and Open Space) and Chapter 7 (Infrastructure Systems) of the 2002 Comprehensive Plan discuss community facilities. Changing the zoning is not affected by these chapters of the Plan.

REVIEW CRITERIA	STAFF ANALYSIS	
25. Have the provisions of any other adopted document for providing required necessary public facilities been met to protect the public interest?	N/A	Chapter 8 (Public Facilities) of the 2002 Comprehensive Plan addresses municipal facilities primarily. Changing the zoning is not affected by these chapters of the Plan.

Public Comments Received: A legal ad was published per the Texas Local Government Code in the Thursday, January 14, 2021, edition of the Daily Commercial Record newspaper. There are forty-three (43) properties (including the subject parcel) plus part of five (5) public streets, a U.S. Highway, and the highway’s westbound frontage road within the 200-foot notice boundary. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Friday, January 15, 2021. As of Monday, January 25, 2021, five (5) letters were returned against the request. One (1) letter was returned in favor the request. No (zero) letters were returned as undeliverable by the U.S. Postal Service. Two (2) people outside the notification area from the public spoke against the request at the Planning and Zoning Commission meeting. None (zero) spoke in favor of the request at the meeting.

For the City Council meeting, a legal ad was published again per the Texas Local Government Code in the Thursday, February 4, 2021, edition of the Daily Commercial Record newspaper. The owners of each parcel were again notified in compliance with the 200-foot rule by mail on Friday, February 5, 2021. As of the date of this report, Friday, February 12, 2021, no (zero) additional letters were returned as undeliverable by the U.S. Postal Service and no (zero) additional written responses have been received. Staff will make the Council members aware of any additional responses received at their meeting.

Other Staff Comments: Code requirements for the dwelling units in the Apartment district are all larger than the unit sizes begin requested by the applicant. The table to the right compares the living area minimums of the zoning code to the proposed regulations. Due to these difference in these amounts, Director Barr directed staff to also provide a column with minimum preferences if the sizes are to be reduced. An efficiency unit is defined in the proposed planned development regulations as having one (1) habitable room that is a combination living room and bedroom. City’s code has a similar definition for an efficiency apartment, but no current zoning district provides a minimum size for such a unit. ***At the Planning and Zoning Commission meeting, the applicant stated that the smallest units of their current floor plans would have 528 square feet. The motion recommending approval of the request listed the minimum living area for any unit to be not smaller than the 528 square feet mentioned by the applicant.

Living Areas (square feet)	Zoning Code	PD request	Staff minimum recommendation
Efficiency unit	(not in code)	400	500***
1-bedroom unit	850	550	650
2-bedroom unit	1,000	730	850
3-bedroom unit	1,100	850	950

Below is a table that compares land uses listed in the municipal code for each relevant zoning district. Reference the table to the right to determine which symbols depict land uses that would be permitted or require a special use permit. Any land use that is not listed in the table or that has a blank cell to its right are prohibited in that district. The land use table is sorted by district and then alphabetically.

Key to Uses:	Zoning Districts:
P = Permitted Use	R-5, Residential Single-family
SUP = Special Use Permit required	D, Duplex A, Apartment
A blank box means that land use is <i>prohibited</i> in that zoning district.	O, Office LR, Local Retail

Type of Use	Zoning District			Business	
	R-5	D	A	O	LR
Art gallery	P	P	P	P	P
Library	P	P	P	P	P
Parking of unoccupied recreational trailer or recreational vehicle	P	P	P	P	P
Private carport and/or garage	P	P	P	P	P
Private school, equivalent to a public school	P	P	P	SUP	SUP
Public school (elementary through high school)	P	P	P	SUP	SUP
Addition of pre-packaged food or beverages sales to a retail or business already operating	SUP	SUP	SUP	SUP	SUP

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Type of Use	Zoning District			Business	
	R-5	D	A	O	LR
Airport or airport facilities	SUP	SUP	SUP	SUP	SUP
Carnival	SUP	SUP	SUP	SUP	SUP
Cemetery	SUP	SUP	SUP	SUP	SUP
Children's home on 5 acres or more	SUP	SUP	SUP	SUP	SUP
Circus	SUP	SUP	SUP	SUP	SUP
Commercial amusement, temporary	SUP	SUP	SUP	SUP	SUP
Community building on 3 acres or more	SUP	SUP	SUP	SUP	SUP
Concrete batching plant	SUP	SUP	SUP	SUP	SUP
Accessory buildings	P	P	P		
Breezeway attaching accessory to the main building	P	P	P		
Church or religious worship facility	P	P	P		
Convalescent home on 5 acres or more	SUP	SUP	SUP	SUP	SUP
Daycare or nursery with fewer than four unrelated children	P	P	P		
Daycare or nursery with more than four unrelated children	SUP	SUP	SUP	SUP	SUP
Detached dwelling for servants employed on-site	P	P	P		
Dog kennels on farm of 5 acres or more	SUP	SUP	SUP	SUP	SUP
Drive-in theatre on 10 acres or more	SUP	SUP	SUP	SUP	SUP
Driving range	SUP	SUP	SUP	SUP	SUP
Earth excavation	SUP	SUP	SUP	SUP	SUP
Educational institutions	SUP	SUP	SUP	SUP	SUP
Electrical public utility regulating station	SUP	SUP	SUP	SUP	SUP
Farm without on-site retail or wholesale business	P	P	P		
Fire station	P	P	P		
Garden without on-site retail or wholesale business	P	P	P		
Golf course without driving range	P	P	P		
Government use - local, county, state, federal	SUP	SUP	SUP	SUP	SUP
Gravel excavation	SUP	SUP	SUP	SUP	SUP
Greenhouse	SUP	SUP	SUP	SUP	SUP
Greenhouse without on-site retail or wholesale business	P	P	P		
Homes for narcotics on 20 acres or more	SUP	SUP	SUP	SUP	SUP
Homes for the alcoholic on 20 acres or more	SUP	SUP	SUP	SUP	SUP
Homes for the feeble-minded on 20 acres or more	SUP	SUP	SUP	SUP	SUP
Homes for the insane on 20 acres or more	SUP	SUP	SUP	SUP	SUP
Hospital on 5 acres or more	SUP	SUP	SUP	SUP	SUP
Kindergarten - public or private	SUP	SUP	SUP	SUP	SUP
Landing airfield or facilities	SUP	SUP	SUP	SUP	SUP
Maternity home on 5 acres or more	SUP	SUP	SUP	SUP	SUP
Miniature golf course	SUP	SUP	SUP	SUP	SUP
Miniature train ride	SUP	SUP	SUP	SUP	SUP
Mixed-Use projects of private housing and shopping center on 3 acres or more	SUP	SUP	SUP	SUP	SUP
Museum	P	P	P		
Natural gas public utility regulating station	SUP	SUP	SUP	SUP	SUP
Neighborhood recreation center (swimming pool, social or hobby rooms)	P	P	P		
Normal household pets	P	P	P		
Nursery	SUP	SUP	SUP	SUP	SUP
Nursery school - public or private	SUP	SUP	SUP	SUP	SUP
Nursery without on-site retail or wholesale business	P	P	P		
Old people's home on 5 acres or more	SUP	SUP	SUP	SUP	SUP
Orchard without on-site retail or wholesale business	P	P	P		
Park	P	P	P		
Passenger train station	P	P	P		
Philanthropic institutions	SUP	SUP	SUP	SUP	SUP
Playgrounds	P	P	P		

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Z2021-01**

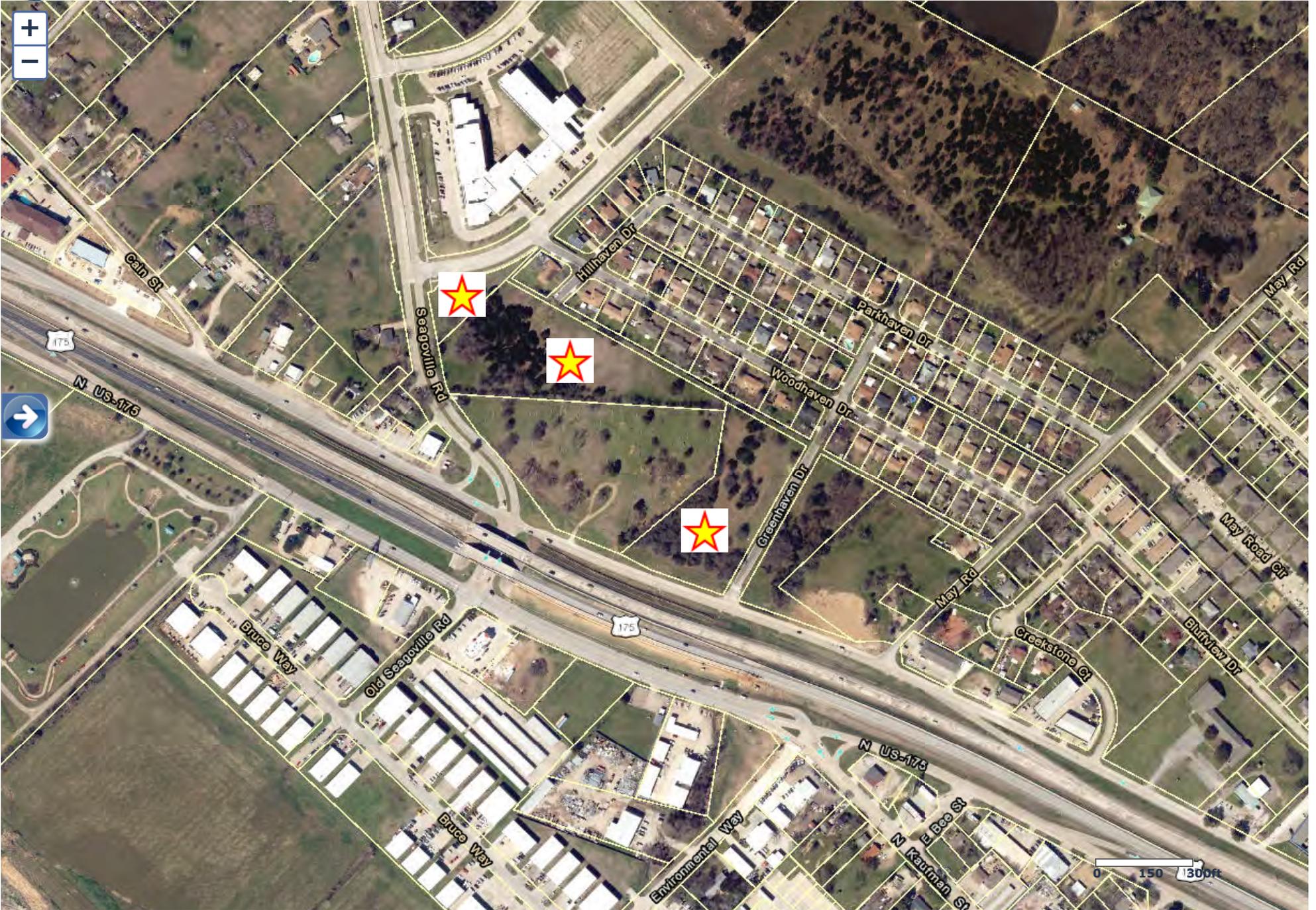
Type of Use	Zoning District	Residential			Business	
		R-5	D	A	O	LR
Pony rides		SUP	SUP	SUP	SUP	SUP
Public stable on 5 acres or more		SUP	SUP	SUP	SUP	SUP
Public utility - privately or publicly owned		SUP	SUP	SUP	SUP	SUP
Radio or television broadcasting stations		SUP	SUP	SUP	SUP	SUP
Radio or television broadcasting towers		SUP	SUP	SUP	SUP	SUP
Radio or television transmitter tower		SUP	SUP	SUP	SUP	SUP
Railway ROW & tracks, but no railroad yards, team tracks or storage yards		P	P	P		
Religious institutions		SUP	SUP	SUP	SUP	SUP
Riding academy on 5 acres or more		SUP	SUP	SUP	SUP	SUP
Rock quarry		SUP	SUP	SUP	SUP	SUP
Rodeo		SUP	SUP	SUP	SUP	SUP
Sale of pre-packaged food/beverages, in combination, that exceeds 10% of an establishment's gross annual sales revenues		SUP	SUP	SUP	SUP	SUP
Sand excavation		SUP	SUP	SUP	SUP	SUP
Sewage treatment plant		SUP	SUP	SUP	SUP	SUP
Single-family residence (detached)		P	P	P		
Telephone exchange without office, repair or storage facilities		P	P	P		
Temporary and seasonal sales establishment, such as flea market or produce stand		SUP	SUP	SUP	SUP	SUP
Temporary buildings to be used for construction purposes only		P	P	P		
Travel trailer park		SUP	SUP	SUP	SUP	SUP
Veterinary hospital on 5 acres or more		SUP	SUP	SUP	SUP	SUP
Water pumping plant		P	P	P		
Water supply reservoir		P	P	P		
Water tower or artesian well		P	P	P		
Wind energy conversion system (WEC)		SUP	SUP	SUP	SUP	SUP
Two-family residence			P	P		
Accessory buildings including a private laundry, utility or storage building and carports for multiple-family dwelling or housing project				P		
Multiple-family dwellings (apartments)				P		
Ambulance service					P	P
Architect or engineers' offices					P	P
Attorneys' offices					P	P
Business offices					P	P
Consultants' offices					P	P
Doctors' & dentists' offices					P	P
Equipment storage (no repairs)					P	P
Financial offices					P	P
General offices					P	P
Multi-family dwelling units					SUP	SUP
Personal services					P	P
Political offices					P	P
Professional offices					P	P
Real estate offices					P	P
Records warehousing & storage					P	P
Salesman's offices					P	P
Single-family dwelling units					SUP	SUP
Antique shop						P
Aquarium						P
Auto laundry inside a building without boiler, heating & steam-cleaning facilities						P
Auto repair garage - all work inside a building						P
Auto seat covering						P
Bakery, retail						P
Bank						P

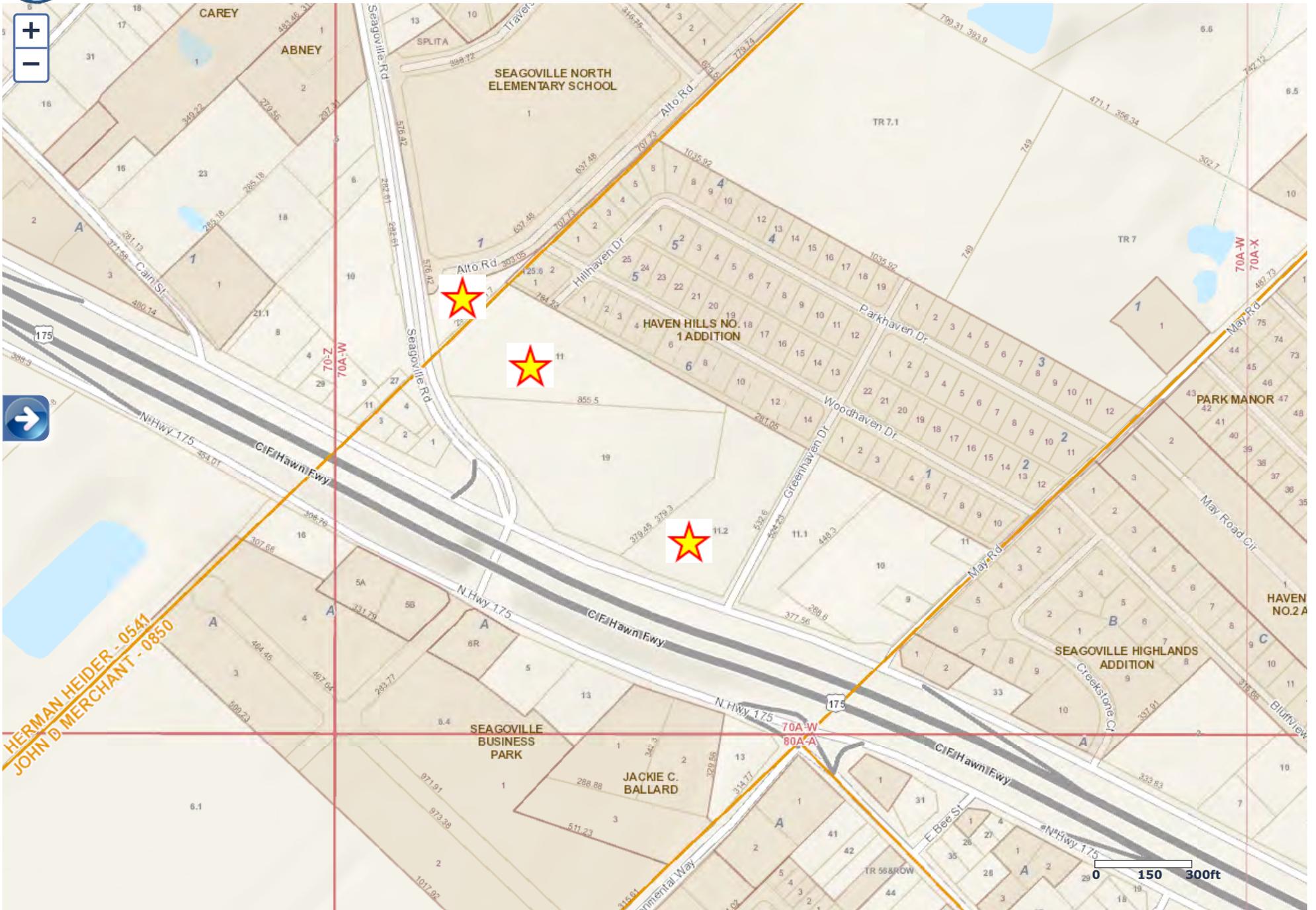
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Type of Use	Zoning District	Residential			Business	
		R-5	D	A	O	LR
Barber & beauty shop						P
Bicycle repairs without outside storage or display						P
Bird & pet shops, retail						P
Book or stationery store						P
Bowling alley - if air-conditioned & soundproofed						P
Brewpub						SUP
Camera shop						P
Candy shop						P
Caterer						P
Cleaning & pressing shops smaller than 6,000 square feet						P
Cleaning, dyeing & laundry station for receiving & delivery of articles only						P
Clothing - retail sales only						P
Convenience store or mini-mart between 1,000 & 5,000 square feet						SUP
Curtain cleaning shop smaller than 6,000 square feet						P
Department store						P
Drive-in for food, beverage, or other service						SUP
Drive-in theatre						SUP
Drive-through for food, beverage, or other service						SUP
Dyeing plant smaller than 6,000 square feet						P
Electric substation						P
Electrical goods, retail sales only						P
Electrical repairing - domestic equipment & autos, retail sales only						P
Event center in stand-alone building						SUP
Exterminating company, retail						P
Feed store						SUP
Film developing & printing						P
Fix-it shops without outside storage or display						P
Florist, retail sales only						P
Frozen food lockers, retail						P
Furniture repairs & upholstering, retail only without outside storage or display						P
Furniture store - retail						P
Gasoline/motor fuel sales						P
Gasoline/motor fuel sales, automated						P
Grocery store over 5,000 square feet						P
Hardware - retail sales only						P
Household & office appliances - retail						P
Household & office furniture - retail						P
Ice delivery station						P
Jewelry - retail						P
Job printing						P
Laundry - custom laundering & finishing smaller than 6,000 square feet without pickup or delivery						P
Letter & mimeograph shop						P
Meat market, retail sales only						P
Micro-brewery						SUP
Mortuary use in stand-alone buildings						SUP
Motor raceway						SUP
Moving picture theater						P
Novelty or variety shop						P
Nursery, retail sale of plants & trees						P
Office						P
Office building						P
Optical goods - retail						P

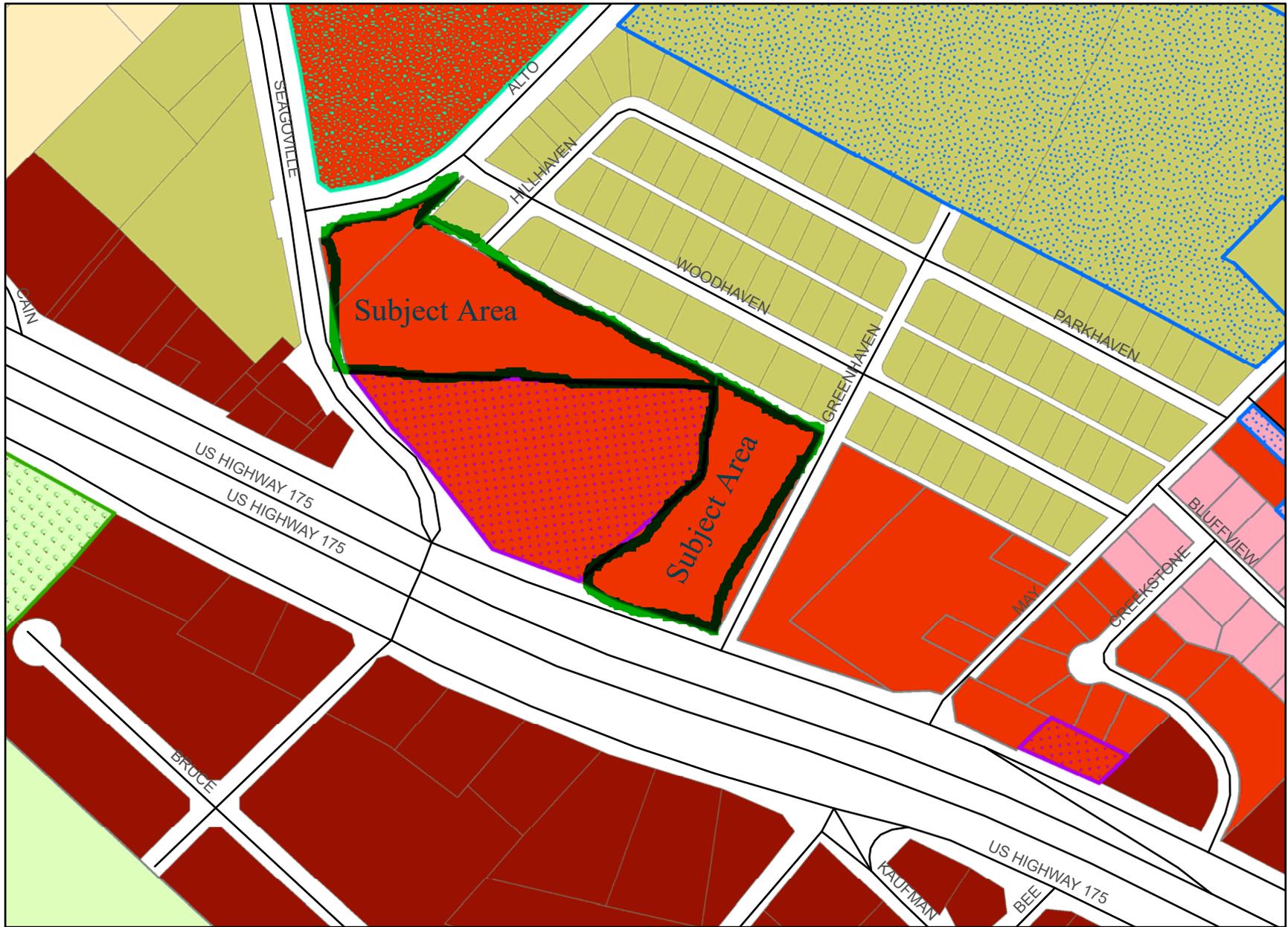
**STAFF REPORT
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Type of Use	Zoning District	Residential			Business	
		R-5	D	A	O	LR
Outside display, new materials						P
Outside storage units						P
Paint - retail sales only						P
Parking lot without public garage for passenger cars & trucks						P
Pharmacy/drug store						P
Photographer's or artist's studio						P
Photographic supplies - retail						P
Piano & musical instruments, retail sales only						P
Plumbing shop without warehouse facilities, retail sales only						P
Portable storage units (PODs) - sales & storage						P
Public garage						P
Restaurant (dine-in only) over 4,000 square feet						P
Restaurant (dine-in only) smaller than 4,000 square feet						SUP
Restaurant (dine-in/convenience) over 4,000 square feet						P
Restaurant (dine-in/convenience) smaller than 4,000 square feet						SUP
Restaurant (fast food)						SUP
Restaurant (outdoor/patio dining)						SUP
Restaurant (private club)						SUP
Retail sales						P
Retail store or shop for custom work or the making of articles on-site						P
Roller skating rink						SUP
Rug cleaning shop, chemical type, smaller than 6,000 square feet with all operations inside a building						P
Sample room						P
Seamstress, dressmaker, or tailor						P
Seed store						P
Shoe repair shop, retail sales only						P
Sporting goods - retail sales only						P
Studio for the display & sale of glass, china, art objects, cloth & draperies						P
Studios, dance, music, drama, health massage & reducing						P
Taxi stand						P
Tobacco shop						SUP
Tool sharpening, retail only without outside storage or display						P
Toys - retail sales only						P
Used car lot						SUP
Walk-up for food, beverage, or other service						SUP
Wallpaper - retail sales only						P
Washateria where the customer can wash & handle his laundry						P
Wearing apparel including clothing, shoes, hats, millinery & accessories						P
Wedding services in stand-alone building						SUP
Wholesale sales office						P
Wine-tasting room						SUP





HERMAN HEIDER - 0541
 JOHN D MERCHANT - 0850





ZONING APPLICATION

City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: 01/12/2020 City Council: _____
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): 11/13/2020

Application Type:

- Initial Zoning (newly annexed or Agricultural property)
- Rezoning (property currently zoned)
- Planned Development (PD) – see Zoning Ordinance for special requirements and procedures
- Specific Use Permit (SUP) – see Zoning Ordinance for special requirements and procedures

Name of Subdivision or Project: The Butler at Seagoville
 Physical Location of Property: Approximately Located at 1706 Seagoville Road
[General Location -- approximate distance to nearest existing street corner]
 Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): TR 11 & 11.2 of the John D Merchant Survey, Abst 850
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
 Acreage: 4.926 Existing Zoning: Local Retail Requested Zoning: Planned Development
[Attach a detailed description of requested zoning & development standards, if a PD]

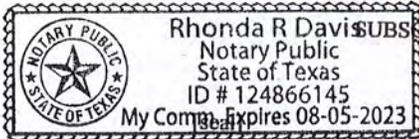
Applicant / Owner's Name: Oak Hill Assembly Church Applicant of **Owner** (circle one)
 Contact Person: William R Bradshaw Title: Deacon
 Company Name: Oak Hill Assembly Church
 Street/Mailing Address: P.O Box 84 City: Seagoville State: TX Zip: 75159
 Phone: (469) 552-8831 Fax: () Email Address: hischosen@risebroadband.net

Engineer / Representative's Name: Homeyer Engineering, Inc
 Contact Person: Steven R. Homeyer, P.E Title: President
 Company Name: Homeyer Engineering, Inc
 Street/Mailing Address: P.O. Box 294527 City: Lewisville State: TX Zip: 75029
 Phone: (972) 906-9985 Fax: (972) 906-9987 Email Address: shomeyer@hei.us.com

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advertised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.
All application materials (one copy) must be delivered to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the zoning application for a P&Z agenda.
Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: William R Bradshaw Title: Deacon Date: 12-28-2020



Subscribed and sworn to before me, this 28th day of December, 2020
(Month) (Year)
 Notary Public in and for the State of Texas: Rhonda R Davis
 My Commission Expires On: 8/5/2023

Office Use Only: Date Rec'd: 12/28/2020 Fees Paid: \$ _____ Check #: _____ Receipt #: 649055
 Zoning Case #: 22020-01 Accepted By: A.P.S Official Submittal Date: 12/28/2020



ZONING APPLICATION

City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: 01/12/2021 City Council: _____
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): 11/13/2020

Application Type:

- Initial Zoning (newly annexed or Agricultural property)
- Rezoning (property currently zoned)
- Planned Development (PD) – see Zoning Ordinance for special requirements and procedures
- Specific Use Permit (SUP) – see Zoning Ordinance for special requirements and procedures

Name of Subdivision or Project: The Butler at Seagoville
Physical Location of Property: Approximately Located at 1706 Seagoville Road
[General Location -- approximate distance to nearest existing street corner]
Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): TR 14 of the Herman Heider Survey, Abst 541
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
Acreage: 3.317 **Existing Zoning:** Local Retail **Requested Zoning:** Planned Development
[Attach a detailed description of requested zoning & development standards, if a PD]

Applicant / Owner's Name: The Butler at Seagoville, LLC Applicant of Owner? (circle one)

Contact Person: Kevin Butler Title: Owner

Company Name: The Butler at Seagoville, LLC

Street/Mailing Address: P.O Box 277 City: Lancaster State: TX Zip: 75146

Phone: (972) 872-1211 Fax: () Email Address: kbutler@butlermasonry.com

Engineer / Representative's Name: Homeyer Engineering, Inc

Contact Person: Steven R. Homeyer, P.E Title: President

Company Name: Homeyer Engineering, Inc

Street/Mailing Address: P.O. Box 294527 City: Lewisville State: TX Zip: 75029

Phone: (972) 906-9985 Fax: (972) 906-9987 Email Address: shomeyer@hei.us.com

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I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: [Signature] Title: Owner Date: 12/10/20



SUBSCRIBED AND SWORN TO before me, this the 10 day of December, 2020.
[Month] [Year]

Notary Public in and for the State of Texas: [Signature]
My Commission Expires On: 10/6/2021

Office Use Only: Date Rec'd: 12/11/2020 Fees Paid: \$ 8608.23 Check #: 55064 Receipt #: 649055
 Zoning Case # 22021-01 Accepted By: [Signature] Official Submittal Date: 12/10/2020



January 04, 2021

Development Services
City of Seagoville
702 North Highway 175
Seagoville, Texas 75159

RE: Planned Development Application for The Butler at Seagoville

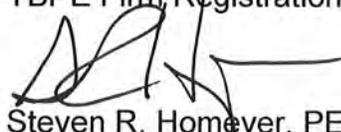
To Whom It May Concern,

The intent of this planned development is to establish the zoning regulations for a proposed apartment complex located on the North side of Seagoville Road, between Greenhaven Drive and Alto Road. The site is currently zoned local retail (LR) and is 8.24 acres in size. The site will be developed with nine (9) multi-family buildings and one (1) amenity center building with a pool. Parking will be provided per City standards at a ratio of 1.5 parking spaces per 1 dwelling unit for Apartment zoning, with an additional ten (10) parking spots provided in excess of the minimum requirement for guest parking. The proposed amenity center will house the leasing office and outdoor pool as well as the following amenities; computer center, coffee bar, party/convention room with kitchen area and a fitness center. An indoor play court is also being provided with a raised ceiling to allow for a variety of sports to be enjoyed by the tenants.

Thank you for your consideration of this planned development application and we look forward to bringing a new upscale apartment complex to Seagoville. Should you have any questions regarding this submittal, please feel free to email me at shomeyer@hei.us.com or you can reach me by telephone at 972-906-9985.

Sincerely,

HOMEYER ENGINEERING, INC.
TBPE Firm Registration No. F-8440



Steven R. Homeyer, PE
President

Planned Development Standards

The purpose of this Planned Development is to create a list of standards for the development of a proposed apartment/multi-family complex.

This planned development shall follow the City of Seagoville Zoning Ordinance and Regulations for Apartment Dwelling District Regulations unless stated otherwise in this PD.

Land Uses

The following land uses shall be permitted in the PD in addition to the uses allowed for Apartment Dwelling District Zoning Regulations.

1. Multiple-family dwellings (apartments).
2. Accessory Buildings:
 - a. Amenity Center
 - b. Outdoor Swimming Pool
 - c. Utility or Storage Building
3. A single nameplate or sign for an apartment building or housing project when such sign is affixed flat against the building and does not exceed any [an] area of 40 square feet and when the sign is not of a flashing, intermittently lighted, revolving or similarly lighted type.
4. Allow one (1) monument sign to be installed along each street frontage.

Height Regulations

1. Allow for 3-story dwelling units with a maximum height of 50 feet to the peak roof line.

Site Design Requirements

1. Allow for an efficiency dwelling unit to have a minimum square footage of 400 SF
 - a. Allow for a maximum of 20 percent of the total unit count
2. Allow for a one (1) bedroom dwelling unit to have a minimum square footage of 550 SF
 - a. Allow for a maximum of 40 percent of the total unit count
3. Allow for a two (2) bedroom dwelling unit to have a minimum square footage of 730 SF
 - a. Allow for a maximum of 50 percent of the total unit count
4. Allow for a three (3) bedroom dwelling unit to have a minimum square footage of 850 SF
 - a. Allow for a maximum of 20 percent of the total unit count

Screening Requirements

1. Allow for an evergreen living screen to be provided along the US-175 Frontage Road & Seagoville Road.
2. Allow for a 6 foot masonry screening wall to be provided adjacent to the single family residential lots on the north property line.

Definitions

Efficiency Dwelling Unit - A dwelling unit that contains only one habitable room being a combination of a living area and a bedroom.



To whom it may concern,

The overall boundary and legal description that is shown on zoning exhibit project number 2007.037 dated 11/13/2020, does match the boundary as shown in Document number 201300326664, dated 10/14/2013.

Regards,

Mason Decker

General Manager

mason@eaglesurveying.com

BEING a 8.24 acre tract of land situated in the John D. Merchant Survey, Abstract Number 850 and the Harman Hinder Survey, Abstract Number 541 in the City of Seagoville, Dallas County, Texas and being all of a tract of land described in deed to Gary L. Reynolds, recorded in Document Number 201300362560 of the Official Public Records of Dallas County, Texas, all of a tract of land described as "TRACT 2" in deed to Oak Hill Assembly Church, recorded in Document Number 20130032664 of the Official Public Records of Dallas County, Texas and all of a tract of land described as "TRACT 1" in deed to Oak Hill Assembly Church, recorded in Document Number 20130032664 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found at the Northeast corner of said Reynolds tract and in the West Right-of-Way (R.O.W.) line of Green Haven Drive (a 50' wide R.O.W.), recorded in Volume 28, Page 137 of the Deed Records of Dallas County, Texas;

THENCE South 27°6'22" West with the East line of said Reynolds tract and the common West R.O.W. line of said Green Haven Drive, a distance of 532.52 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Southeast corner of said Reynolds tract and in the North R.O.W. line of U.S. Highway Number 175 (a variable width R.O.W.);

THENCE with the South line of said Reynolds tract and the North R.O.W. line of said U.S. Highway Number 175 the following courses and distances;

North 71°37'20" West, a distance of 243.31 feet to a 1/2" iron rod found;

North 63°17'28" West, a distance of 102.34 feet to a 1/2" iron rod found at the Southwest corner of said Reynolds tract and the common Southeast corner of a cemetery;

THENCE with the West line of said Reynolds tract the following courses and distances;

North 49°19'29" East, a distance of 379.25 feet to a 1/2" iron rod found;

North 08°20'30" East, a distance of 208.31 feet to a 1/2" iron rod found at the Southeast corner of said "TRACT 2";

THENCE North 87°45'45" West with the South line of said "TRACT 2", a distance of 855.06 feet to a 1/2" iron rod found at the Southwest corner of said "TRACT 2" and in the East line of Seagoville Road;

THENCE with the West line of said "TRACT 2" and said "TRACT 1" and with the East line said Seagoville Road the following courses and distances;

With a non-tangent curve to the right having a radius of 234.97 feet, a delta angle of 14°35'58", a chord bearing of North 19°06'03" West, a chord length of 59.71 feet, and an arc length of 59.87 feet to a 1/2" iron rod found;

North 12°44'25" West, a distance of 266.38 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northwest corner of said "TRACT 1" and at the intersection of the East line of said Seagoville Road and the South line of Alto Road;

THENCE with the North line of said "TRACT 1" and the South line of said Alto Road the following courses and distances;

North 78°30'23" East, a distance of 21.18 feet to a 1/2" iron rod with cap stamped "PACHECO KOCH" found;

North 35°34'45" East, a distance of 35.60 feet to a 1/2" iron rod found;

North 80°34'45" East, a distance of 76.62 feet to a 1/2" iron rod with cap stamped "PACHECO KOCH" found;

With a curve to the left having a radius of 490.00 feet, a delta angle of 28°50'12", a chord bearing of North 66°09'39" East, a chord length of 244.02, and an arc length of 246.61 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set;

South 62°07'00" East, a distance of 3.09 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northeast corner of said "TRACT 1" and in the West line of a 10 foot wide alley, recorded in Volume 28, Page 137 of the Deed Records of Dallas County, Texas;

THENCE South 45°06'36" West with the East line of said "TRACT 1" and the common West line of said alley, a distance of 142.52 feet to a 1/2" iron rod found at the Northwest corner of said "TRACT 2";

THENCE South 62°13'38" East with the North line of said "TRACT 2" and said Reynolds tract, a distance of 1066.10 feet to the **POINT OF BEGINNING** and containing 8.24 acres of land more or less.

HOMEYER ENGINEERING, INC.
 ENGINEERING, INC.
 TBP# FIRM REGISTRATION NO. F-8440
 P.O. BOX 294527 • LEWISVILLE, TEXAS • 75029
 972-906-9985 PHONE • 972-906-9987 FAX
 WWW.HEI.US.COM



THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

OVERALL
 CONCEPT
 PLAN

SITE INFORMATION

EXISTING ZONING: LR – LOCAL RETAIL DISTRICT
 PROPOSED ZONING: PD – PLANNED DEVELOPMENT
 LOT AREA: 359,076 SF (8.243 AC)
 TOTAL BUILDING AREA: 68,529 SF (1.573 AC)
 PROPOSED BUILDING HEIGHT: 48.25 FEET
 PROPOSED FAR: 0.19
 TOTAL DWELLING UNITS: 180 UNITS
 PARKING REQUIREMENTS:
 APARTMENT RATIO:
 180 UNITS @ 1.5 SPACE / 1 UNIT = 270 SPACES
 OFFICE RATIO:
 450 SF 1 SPACE / 200 SF = 3 SPACES
 TOTAL PARKING REQUIRED: 273 SPACES
 TOTAL PARKING PROVIDED: 283 SPACES
 HANDICAP PARKING REQUIRED: 7 SPACES
 HANDICAP PARKING PROVIDED: 7 SPACES

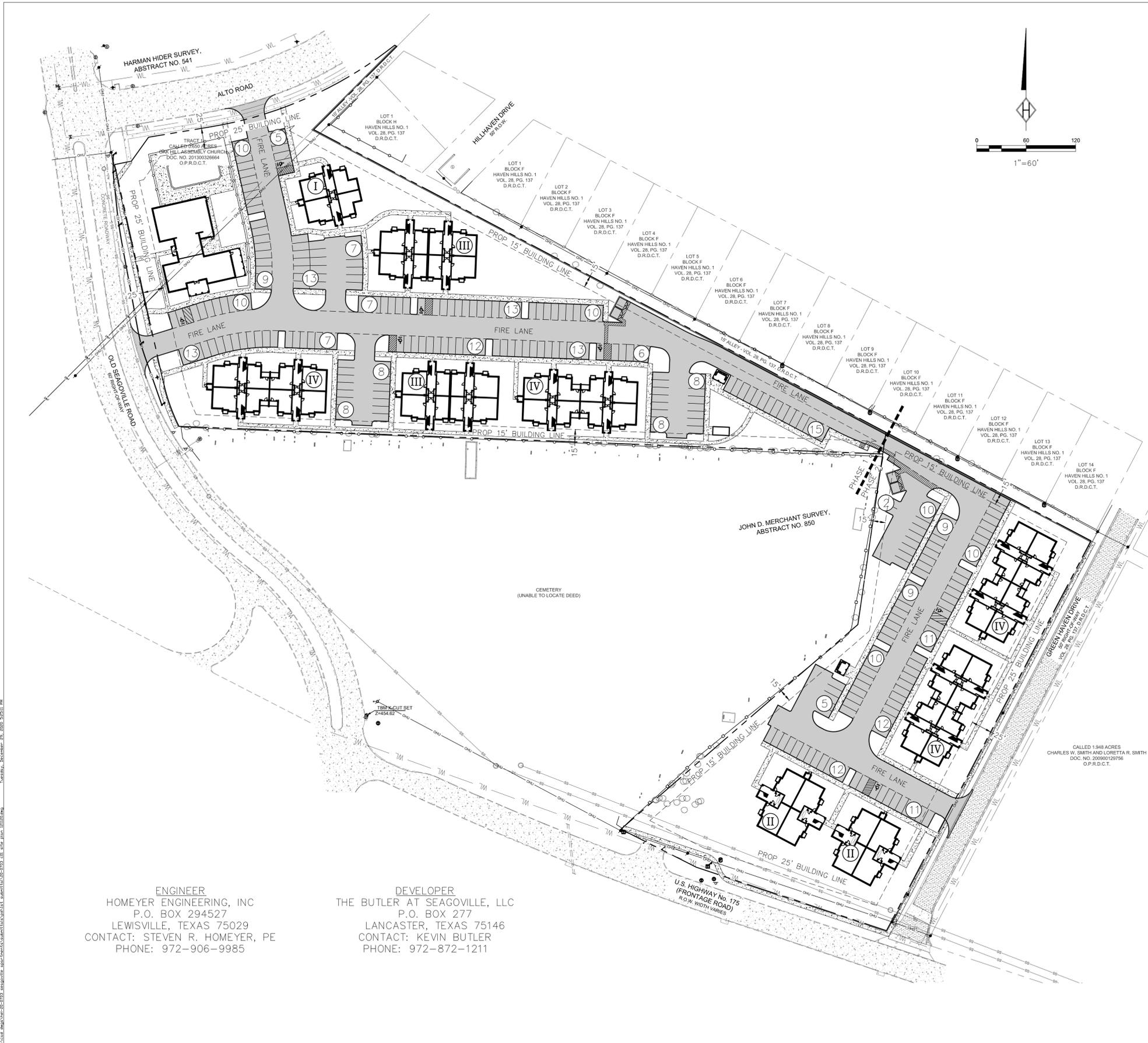
LEGEND

I.R.F.	IRON ROD FOUND
I.R.S.	IRON ROD SET
"X"	CUT X IN CONCRETE
F.C.P.	FENCE CORNER POST
///	ASPHALT
⊙	TELEPHONE MANHOLE
⊗	POWER POLE
⊙	LIGHT POLE
⊗	WATER VALVE
⊙SSMH	SANITARY SEWER MANHOLE
⊙	FIRE HYDRANT
⊗WM	WATER METER

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 01/04/2021

DRAWN: JAA
 DATE: 10/16/2020
 HEI #: 20-0703
 SHEET NO:
 C1



ENGINEER
 HOMEYER ENGINEERING, INC
 P.O. BOX 294527
 LEWISVILLE, TEXAS 75029
 CONTACT: STEVEN R. HOMEYER, PE
 PHONE: 972-906-9985

DEVELOPER
 THE BUTLER AT SEAGOVILLE, LLC
 P.O. BOX 277
 LANCASTER, TEXAS 75146
 CONTACT: KEVIN BUTLER
 PHONE: 972-872-1211

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HOMEYER ENGINEERING, INC.
 ENGINEERING, INC.
 TBPFE FIRM REGISTRATION NO. F-8440
 P.O. BOX 294527 • LEWISVILLE, TEXAS • 75029
 972-906-9985 • PHONE • 972-906-9987 • FAX
 WWW.HEI.US.COM



THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

CONCEPT
 PLAN
 EAST

DRAWN: JAA
 DATE: 10/16/2020
 HEI #: 20-0703

SHEET NO:
 C1.2

SITE INFORMATION

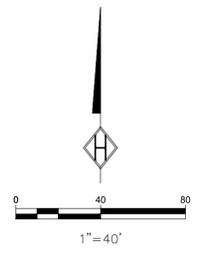
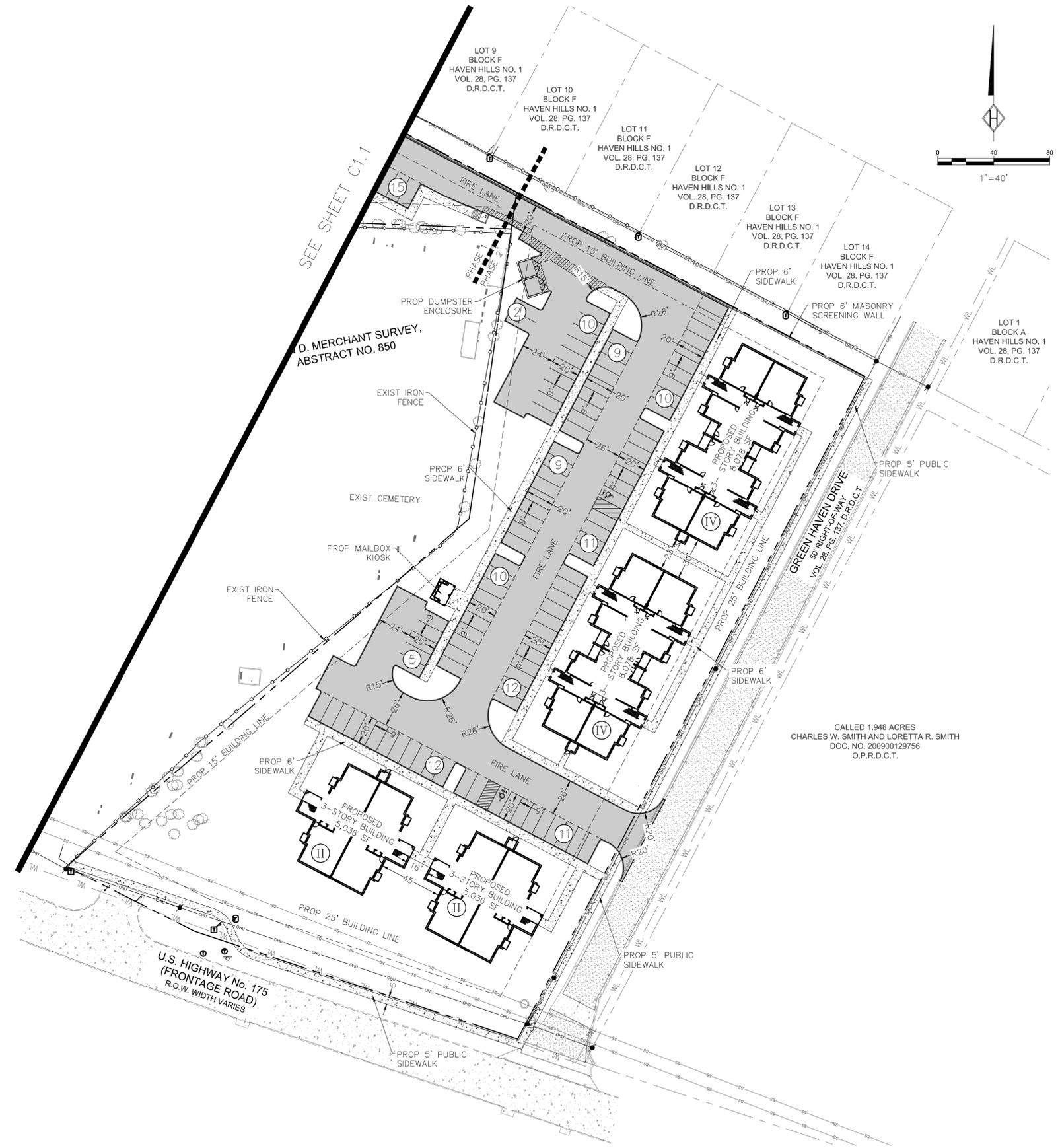
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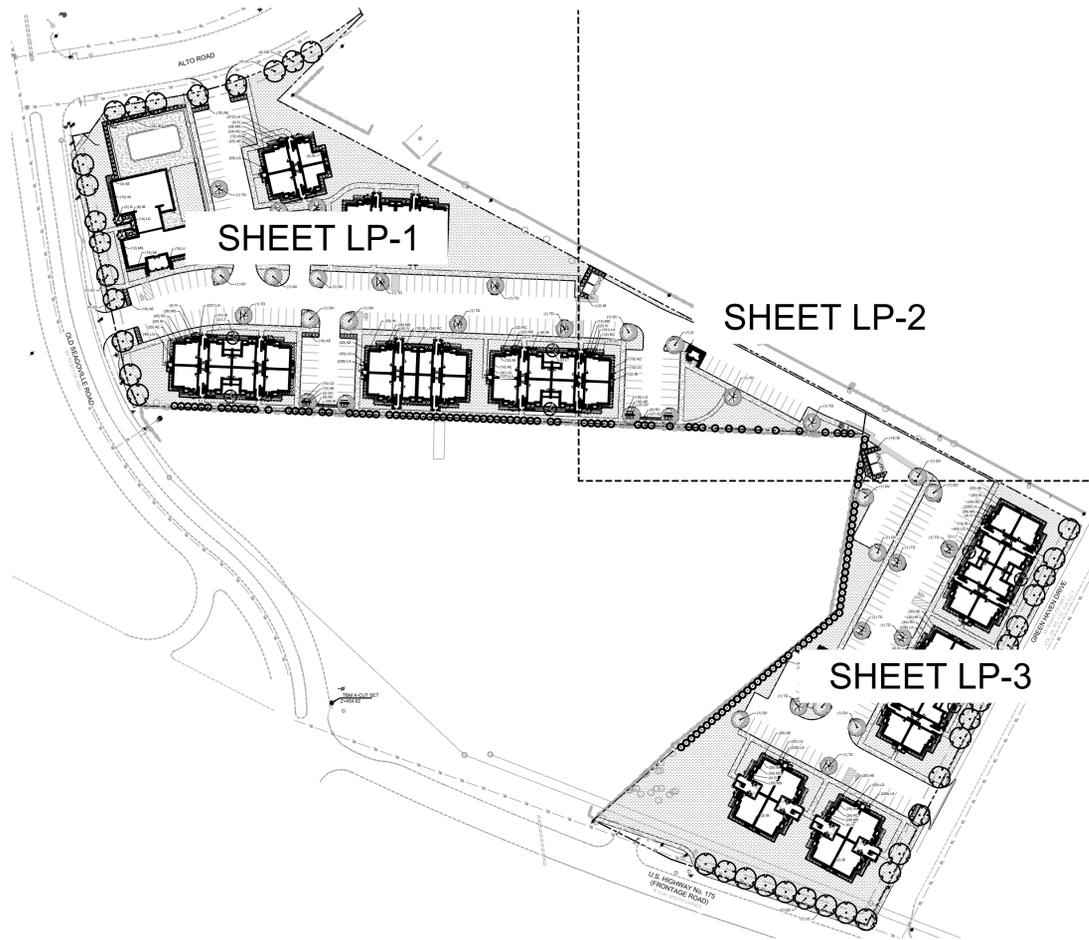
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PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
	IV	38	Ilex vomitoria Yaupon Holly 3-5 CANES	1.5" Cal.	Cont. or B&B	6'-8' HT
	IE	124	Ilex x attenuata 'Eagleston' Eagleston Holly	1.5" Cal.	Cont. or B&B	6'-8' HT
	LT	8	Lagerstroemia indica 'Tuscarora' Tuscarora Crape Myrtle 3-5 CANES	1.5" Cal.	Cont. or B&B	6'-8' HT
	QS	15	Quercus shumardii Shumard Red Oak	3" Cal.	Cont. or B&B	10'-12' HT
	QV	18	Quercus virginiana Southern Live Oak	3" Cal.	Cont. or B&B	10'-12'
	TD	16	Taxodium distichum Bald Cypress	3" Cal.	Cont. or B&B	10'-12' HT
	UC	25	Ulmus crassifolia Cedar Elm	3" Cal.	Cont. or B&B	10'-12' HT
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	SIZE
	AE	255	Abelia x grandiflora 'Edward Goucher' Glossy Abelia	5 GAL	Per Plan	24" MIN
	IB	137	Ilex cornuta 'Burfordii Nana' Dwarf Burford Holly	5 GAL	Per Plan	18" Min.
	IN	185	Ilex vomitoria 'Nana' Dwarf Yaupon	5 GAL	Per Plan	18" Min.
	LG	324	Liriope gigantea Giant Liriope	3 gal	Per Plan	15"-18"
	MS	319	Miscanthus sinensis 'Adagio' Adagio Eulalia Grass	3 gal	Per Plan	15"-18"
	RC	335	Rhaphiolepis indica 'Clara' Indian Hawthorn	5 GAL	Per Plan	24" MIN
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING
	LA	2,056	Liriope muscari 'Aztec' Aztec Lily Turf	1 GAL		12" OC
SOD/SEED	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING
	CT	112,911 sf	Cynodon dactylon 'Tif 419' Bermuda Grass	SOD		

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH, NATURAL (UNDYED), OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

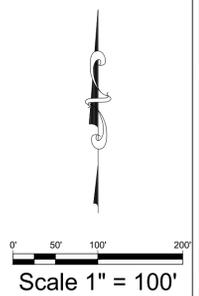
IRRIGATION PLANS WILL BE SUBMITTED AT THE TIME THE CIVIL CONSTRUCTION DRAWINGS ARE SUBMITTED

GENERAL GRADING AND PLANTING NOTES

- BY SUBMITTING A PROPOSAL FOR THE LANDSCAPE PLANTING SCOPE OF WORK, THE CONTRACTOR CONFIRMS THAT HE HAS READ, AND WILL COMPLY WITH, THE ASSOCIATED NOTES, SPECIFICATIONS, AND DETAILS WITH THIS PROJECT.
- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN).
- IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
 - BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE ROUGH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
 - CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
 - THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE ROUGH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
 - ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 2" BELOW THE ADJACENT FINISH GRADE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 1" BELOW THE FINISH GRADE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
- ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
 - THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES. PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
 - NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
 - THE CONTRACTOR SHALL, AT A MINIMUM, PROVIDE REPRESENTATIVE PHOTOS OF ALL PLANTS PROPOSED FOR THE PROJECT. THE CONTRACTOR SHALL ALLOW THE LANDSCAPE ARCHITECT AND THE OWNER/OWNERS REPRESENTATIVE TO INSPECT, AND APPROVE OR REJECT, ALL PLANTS DELIVERED TO THE JOBSITE. REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS FOR SUBMITTALS.
- THE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A HEALTHY CONDITION FOR 90 DAYS AFTER ACCEPTANCE BY THE OWNER. REFER TO SPECIFICATIONS FOR CONDITIONS OF ACCEPTANCE FOR THE START OF THE MAINTENANCE PERIOD, AND FOR FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD.
- SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.

LANDSCAPE CALCULATIONS

TOTAL SITE AREA:	359,076 SF
STREET YARD AREA:	64,774 SF
STREET YARD REQUIRED:	12,954 SF (MIN. 20%)
STREET YARD PROVIDED:	50,401 SF (78%)
STREET TREES	
ALTO ROAD FRONTAGE LENGTH:	323 LF
STREET TREES REQUIRED:	8 TREES (1 PER 40 LF OF FRONTAGE)
STREET TREES PROVIDED:	8 TREES
OLD SEAGOVILLE ROAD FRONTAGE LENGTH:	
STREET TREES REQUIRED:	326 LF
STREET TREES PROVIDED:	9 TREES (1 PER 40 LF OF FRONTAGE)
U.S. HIGHWAY 175 FRONTAGE LENGTH:	
STREET TREES REQUIRED:	345 LF
STREET TREES PROVIDED:	9 TREES (1 PER 40 LF OF FRONTAGE)
GREEN HAVEN DRIVE FRONTAGE LENGTH:	
STREET TREES REQUIRED:	532 LF
STREET TREES PROVIDED:	14 TREES (1 PER 30 LF OF FRONTAGE)
INTERIOR LANDSCAPE	
TREES REQUIRED IN PARKING AREAS:	29 TREES (1 PER 10 SPACES, 283 SPACES TOTAL)
TREES PROVIDED IN PARKING AREAS:	29 TREES
EACH SPACE WITHIN 60' OF A TREE:	PROVIDED
SCREENING:	PROVIDED
TREE AT EACH TERMINUS:	PROVIDED
LANDSCAPE AREA REQUIRED:	
LANDSCAPE AREA PROVIDED:	4,528 SF (16 SF / PARKING SPACE) 6,587 SF
MINIMUM 3" PLANTER BED AROUND BUILDINGS:	PROVIDED.



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THE BUTLER AT SEAGOVILLE
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 DALLAS COUNTY, TEXAS

OVERALL LANDSCAPE PLANTING

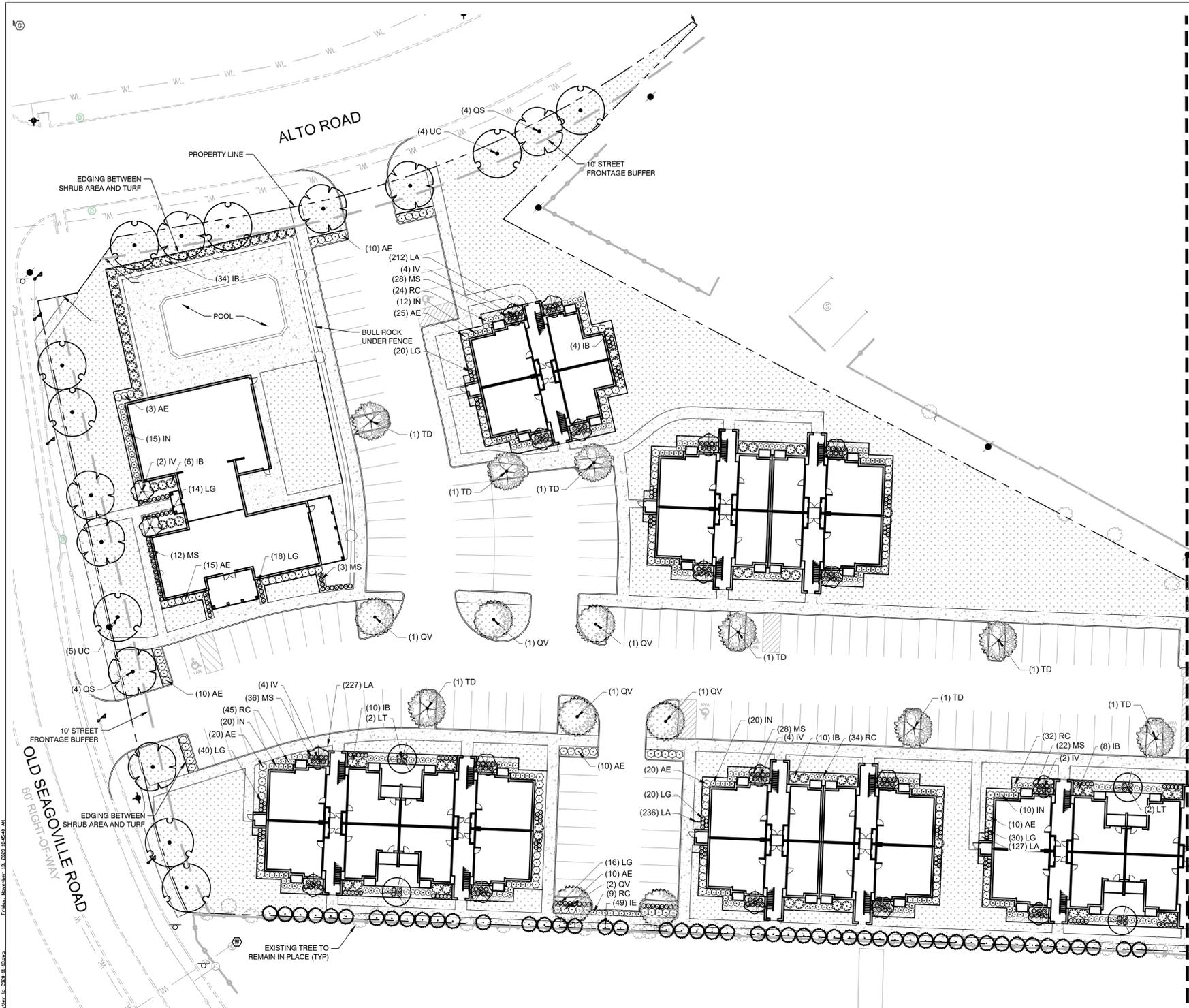


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MATCHLINE - SEE SHEET LP-2

PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
	IV	38	Ilex vomitoria Yaupon Holly 3-5 CANES	1.5" Cal.	Cont. or B&B	6'-8" HT
	IE	124	Ilex x attenuata 'Eagleston' Eagleston Holly	1.5" Cal.	Cont. or B&B	6'-8" HT
	LT	8	Lagerstroemia indica 'Tuscarora' Tuscarora Crape Myrtle 3-5 CANES	1.5" Cal.	Cont. or B&B	6'-8" HT
	QS	15	Quercus shumardii Shumard Red Oak	3" Cal.	Cont. or B&B	10'-12" HT
	QV	18	Quercus virginiana Southern Live Oak	3" Cal.	Cont. or B&B	10'-12"
	TD	16	Taxodium distichum Bald Cypress	3" Cal.	Cont. or B&B	10'-12" HT
	UC	25	Ulmus crassifolia Cedar Elm	3" Cal.	Cont. or B&B	10'-12" HT
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	SIZE
	AE	255	Abelia x grandiflora 'Edward Goucher' Glossy Abelia	5 GAL	Per Plan	24" MIN
	IB	137	Ilex cornuta 'Burfordii Nana' Dwarf Burford Holly	5 GAL	Per Plan	18" Min.
	IN	185	Ilex vomitoria 'Nana' Dwarf Yaupon	5 GAL	Per Plan	18" Min.
	LG	324	Liriope gigantea Giant Liriope	3 gal	Per Plan	15'-18"
	MS	319	Miscanthus sinensis 'Adagio' Adagio Eulalia Grass	3 gal	Per Plan	15'-18"
	RC	335	Rhaphiolepis indica 'Clara' Indian Hawthorn	5 GAL	Per Plan	24" MIN
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING
	LA	2,056	Liriope muscari 'Aztec' Aztec Lily Turf	1 GAL		12" OC
SOD/SEED	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING
	CT	112,911 sf	Cynodon dactylon 'Tif 419' Bermuda Grass	SOD		

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THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

LANDSCAPE
PLANTING



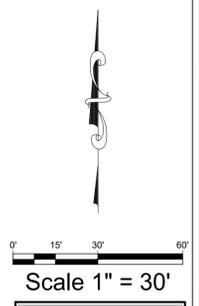
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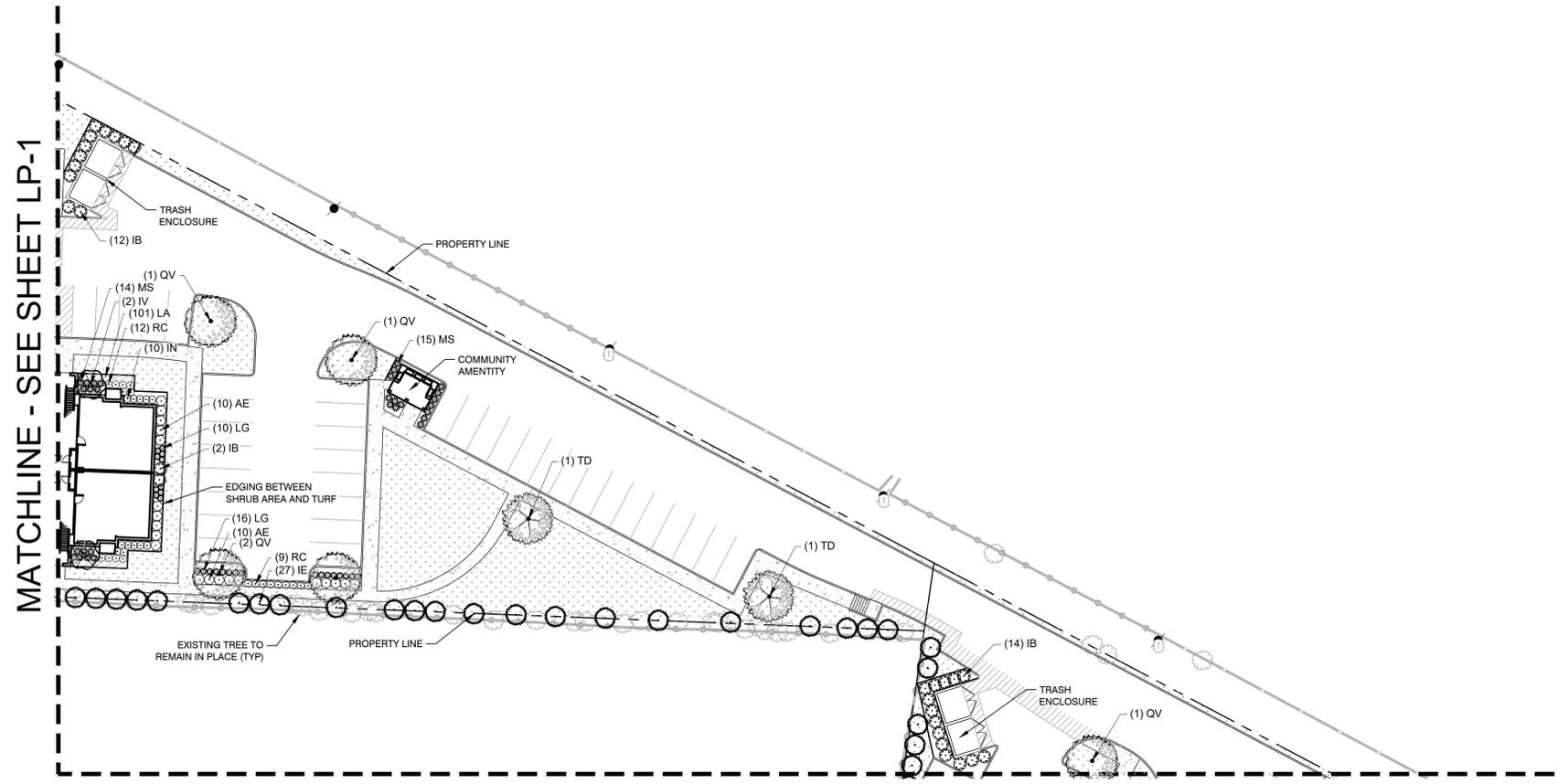
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PLANT SCHEDULE

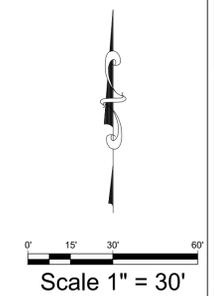
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	OS	15	Quercus shumardii Shumard Red Oak	3" Cal.	Cont. or B&B	10'-12" HT
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Scale 1" = 30'



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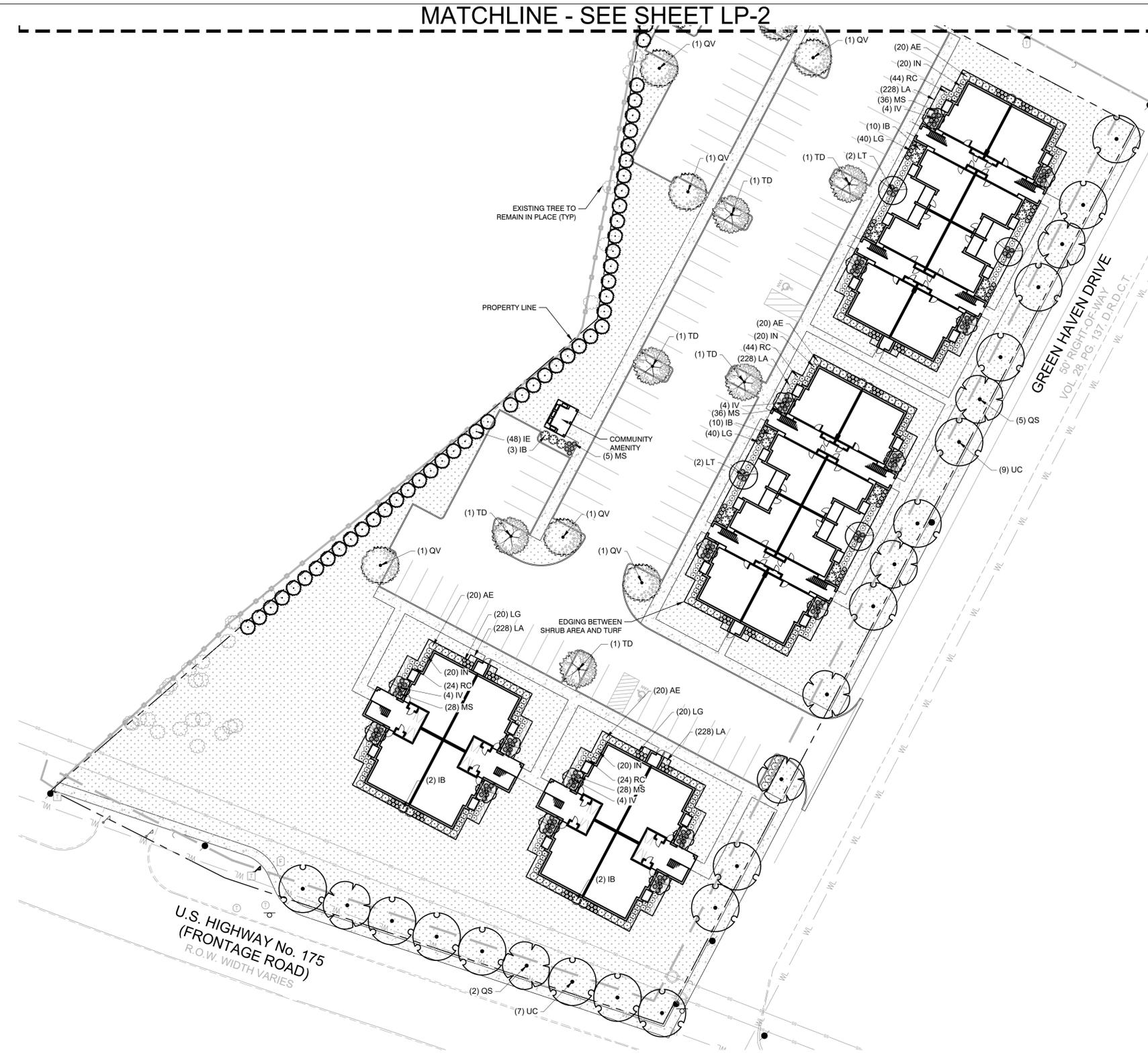
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PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
	IV	38	Ilex vomitoria Yaupon Holly 3-5 CANES	1.5" Cal.	Cont. or B&B	6'-8' HT
	IE	124	Ilex x attenuata 'Eagleston' Eagleston Holly	1.5" Cal.	Cont. or B&B	6'-8' HT
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SOD/SEED	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING
	CT	112,911 sf	Cynodon dactylon 'Tif 419' Bermuda Grass	SOD		



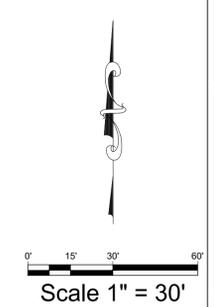
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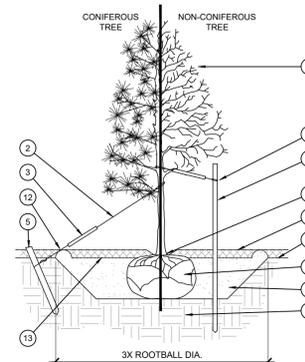
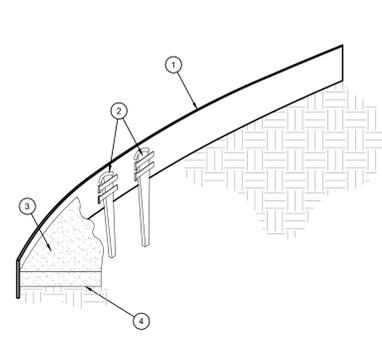
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PLANTING SPECIFICATIONS

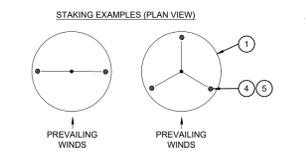
- GENERAL**
- A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR**
- ALL LANDSCAPE WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPE PLANTING.
 - A LIST OF SUCCESSFULLY COMPLETED PROJECTS OF THIS TYPE, SIZE AND NATURE MAY BE REQUESTED BY THE OWNER FOR FURTHER QUALIFICATION MEASURES.
 - THE LANDSCAPE CONTRACTOR SHALL HOLD A VALID NURSERY AND FLORAL CERTIFICATE ISSUED BY THE TEXAS DEPARTMENT OF AGRICULTURE, AS WELL AS OPERATE UNDER A COMMERCIAL PESTICIDE APPLICATOR LICENSE ISSUED BY EITHER THE TEXAS DEPARTMENT OF AGRICULTURE OR THE TEXAS STRUCTURAL PEST CONTROL BOARD.
- B. SCOPE OF WORK**
- WORK COVERED BY THESE SECTIONS INCLUDES THE FURNISHING AND PAYMENT OF ALL MATERIALS, LABOR, SERVICES, EQUIPMENT, LICENSES, TAXES AND ANY OTHER ITEMS THAT ARE NECESSARY FOR THE EXECUTION, INSTALLATION AND COMPLETION OF ALL WORK, SPECIFIED HEREIN AND / OR SHOWN ON THE LANDSCAPE PLANS, NOTES, AND DETAILS.
 - ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK, INCLUDING ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN SUPPLY, TRANSPORTATION AND INSTALLATION OF MATERIALS.
 - THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITY LINES (WATER, SEWER, ELECTRICAL, TELEPHONE, GAS, CABLE, TELEVISION, ETC.) PRIOR TO THE START OF ANY WORK.

- PRODUCTS**
- A. ALL MANUFACTURED PRODUCTS SHALL BE NEW.**
- B. CONTAINER AND BALLED-AND-BURLAPPED PLANTS:**
- FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z60.1-2014. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ALL TREES SHALL BE OBTAINED FROM SOURCES WITHIN 200 MILES OF THE PROJECT SITE, AND WITH SIMILAR CLIMATIC CONDITIONS.
 - ROOT SYSTEMS SHALL BE HEALTHY, DENSELY BRANCHED ROOT SYSTEMS, NON-POT-SOUND, FREE FROM ENCIRCLING AND/OR GIRDLING ROOTS, AND FREE FROM ANY OTHER ROOT DEFECTS (SUCH AS J-SHAPED ROOTS).
 - TREES MAY BE PLANTED FROM CONTAINERS OR BALLED-AND-BURLAPPED (BAB), UNLESS SPECIFIED ON THE PLANTING LEGEND. BARE-ROOT TREES ARE NOT ACCEPTABLE.
 - ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT OR OWNER SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT AND OWNER SHALL BE THE SOLE JUDGES AS TO THE ACCEPTABILITY OF PLANT MATERIAL.
 - ALL TREES SHALL BE STANDARD IN FORM, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
 - CALIPER MEASUREMENTS FOR STANDARD (SINGLE TRUNK) TREES SHALL BE AS FOLLOWS: SIX INCHES ABOVE THE ROOT FLARE FOR TREES UP TO AND INCLUDING FOUR INCHES IN CALIPER, AND TWELVE INCHES ABOVE THE ROOT FLARE FOR TREES EXCEEDING FOUR INCHES IN CALIPER.
 - MULTI-TRUNK TREES SHALL BE MEASURED BY THEIR OVERALL HEIGHT, MEASURED FROM THE TOP OF THE ROOT BALL, WHERE CALIPER MEASUREMENTS ARE USED. THE CALIPER SHALL BE CALCULATED AS ONE-HALF OF THE SUM OF THE CALIPER OF THE THREE LARGEST TRUNKS.
 - ANY TREE OR SHRUB SHOWN TO HAVE EXCESS SOIL PLACED ON TOP OF THE ROOT BALL, SO THAT THE ROOT FLARE HAS BEEN COMPLETELY COVERED, SHALL BE REJECTED.
- C. SOD:** PROVIDE WELL-ROOTED SOD OF THE VARIETY NOTED ON THE PLANS. SOD SHALL BE CUT FROM HEALTHY, MATURE TURF WITH SOIL THICKNESS OF 3/4" TO 1". EACH PALLET OF SOD SHALL BE ACCOMPANIED BY A CERTIFICATE FROM SUPPLIER STATING THE COMPOSITION OF THE SOD.
- D. TOPSOIL:** SANDY TO CLAY LOAM TOPSOIL, FREE OF STONES LARGER THAN 1/2" INCH, FOREIGN MATTER, PLANTS, ROOTS, AND SEEDS.
- E. COMPOST:** WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 8, MOISTURE CONTENT 30 TO 55 PERCENT BY WEIGHT, 100 PERCENT PASSING THROUGH 3/4-INCH SIEVE, SOLUBLE SALT CONTENT OF 10 TO 100 MG/CM³, NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS. NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED.
- F. FERTILIZER:** GRANULAR FERTILIZER CONSISTING OF NITROGEN, PHOSPHORUS, POTASSIUM, AND OTHER NUTRIENTS IN PROPORTIONS, ANIONTS, AND RELEASE RATES RECOMMENDED IN A SOIL REPORT FROM A QUALIFIED SOIL-TESTING AGENCY (SEE BELOW).
- G. MULCH:** SIZE AND TYPE AS INDICATED ON PLANS. FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS.
- H. TREE STAKING AND GUYING**
- STAKES: 6' LONG GREEN METAL T-POSTS
 - GUY AND TIE WIRE: ASTM A 641, CLASS 1, GALVANIZED-STEEL WIRE, 2-STRAND, TWISTED, 0.106 INCH DIAMETER.
 - STRAP CHAFING GUARD: REINFORCED NYLON OR CANVAS AT LEAST 1-1/2 INCH WIDE, WITH GROMMETS TO PROTECT TREE TRUNKS FROM DAMAGE.
- I. STEEL EDGING:** PROFESSIONAL STEEL EDGING, 14 GAUGE THICK X 4 INCHES WIDE, JOINTS PAINTED DARK GREEN. ACCEPTABLE MANUFACTURERS INCLUDE COI-MET OR APPROVED ALIKE.
- J. PRE-EMERGENT HERBICIDES:** ANY GRANULAR, NON-STAINING PRE-EMERGENT HERBICIDE THAT IS LABELED FOR THE SPECIFIC ORNAMENTALS OR TURF ON WHICH IT WILL BE UTILIZED. PRE-EMERGENT HERBICIDES SHALL BE APPLIED PER THE MANUFACTURER'S LABELED RATES.

- METHODS**
- A. SOIL PREPARATION**
- BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.
 - SOIL TESTING:
 - AFTER FINISH GRADES HAVE BEEN ESTABLISHED, CONTRACTOR SHALL HAVE SOIL SAMPLES FROM THE PROJECT'S LANDSCAPE AREAS TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY. EACH SAMPLE SUBMITTED TO THE LAB SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL, TAKEN FROM BETWEEN THE SOIL SURFACE AND 12" DEPTH. IF NO SAMPLE LOCATIONS ARE INDICATED ON THE PLANS, THE CONTRACTOR SHALL TAKE A MINIMUM OF THREE SAMPLES FROM VARIOUS REPRESENTATIVE LOCATIONS FOR TESTING.
 - THE CONTRACTOR SHALL HAVE THE SOIL TESTING LABORATORY PROVIDE RESULTS FOR THE FOLLOWING: SOIL TEXTURAL CLASS, GENERAL SOIL FERTILITY, pH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT.
 - THE CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES.
 - THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): SEPARATE SOIL PREPARATION AND BACKFILL MIX RECOMMENDATIONS FOR GENERAL ORNAMENTAL PLANTS, XEROPLANTS, TURF, AND NATIVE SEED, AS WELL AS PRE-PLANT FERTILIZER APPLICATIONS AND RECOMMENDATIONS FOR ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
 - THE CONTRACTOR SHALL INSTALL SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT RECOMMENDATIONS. ANY CHANGE IN COST DUE TO THE SOIL REPORT RECOMMENDATIONS, EITHER INCREASE OR DECREASE, SHALL BE SUBMITTED TO THE OWNER WITH THE REPORT.
 - FOR BIDDING PURPOSES ONLY, THE SOIL PREPARATION SHALL CONSIST OF THE FOLLOWING:
 - TURF: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPIING:
 - NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
 - PREPLANT TURF FERTILIZER (10-20-10 OR SIMILAR, SLOW RELEASE, ORGANIC) - 15 LBS PER 1,000 S.F.
 - "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
 - TREES, SHRUBS, AND PERENNIALS: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPIING:
 - NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
 - 12-12-12 FERTILIZER (OR SIMILAR, ORGANIC, SLOW RELEASE) - 10 LBS PER CU. YD.
 - "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE
 - IRON SULPHATE - 2 LBS. PER CU. YD.
 - IN THE CONTEXT OF THESE PLANS, NOTES, AND SPECIFICATIONS, "FINISH GRADE" REFERS TO THE FINAL ELEVATION OF THE SOIL SURFACE (NOT TOP OF MULCH) AS INDICATED ON THE GRADING PLANS.
 - BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE FINISH GRADES OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
 - CONSTRUCT AND MAINTAIN FINISH GRADES AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT AND ON THE GRADING PLANS, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADDED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL.
 - THE LANDSCAPE CONTRACTOR SHALL DETERMINE WHETHER OR NOT THE EXPORT OF ANY SOIL WILL BE NEEDED, TAKING INTO ACCOUNT THE FINISH GRADE PROVIDED, THE AMOUNT OF SOIL AMENDMENTS TO BE ADDED (BASED ON A SOIL TEST, PER SPECIFICATIONS), AND THE FINISH GRADES TO BE ESTABLISHED.
 - ENSURE THAT THE FINISH GRADE IN SHRUB AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 3" BELOW THE ADJACENT FINISH SURFACE, IN ORDER TO ALLOW FOR PROPER MULCH DEPTH. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - ENSURE THAT THE FINISH GRADE IN TURF AREAS IMMEDIATELY ADJACENT TO WALKS AND OTHER WALKING SURFACES, AFTER INSTALLING SOIL AMENDMENTS, IS 1" BELOW THE FINISH SURFACE OF THE WALKS. TAPER THE SOIL SURFACE TO MEET FINISH GRADE, AS SPECIFIED ON THE GRADING PLANS, AT APPROXIMATELY 18" AWAY FROM THE WALKS.
 - SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES AND PLANS, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
 - ONCE SOIL PREPARATION IS COMPLETE, THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THERE ARE NO DEBRIS, TRASH, OR STONES LARGER THAN 1" REMAINING IN THE TOP 6" OF SOIL.
- B. SUBMITTALS**
- THE CONTRACTOR SHALL PROVIDE SUBMITTALS AND SAMPLES, IF REQUIRED, TO THE LANDSCAPE ARCHITECT, AND RECEIVE APPROVAL IN WRITING FOR SUCH SUBMITTALS BEFORE WORK COMMENCES. SUBMITTALS SHALL INCLUDE PHOTOS OF PLANTS WITH A RULER OR MEASURING STICK FOR SCALE, PHOTOS OR SAMPLES OF ANY REQUIRED MULCHES, AND SOIL TEST RESULTS AND PREPARATION RECOMMENDATIONS FROM THE TESTING LAB (INCLUDING COMPOST AND FERTILIZER RATES AND TYPES, AND OTHER AMENDMENTS FOR TREE/SHRUB, TURF, AND SEED AREAS AS MAY BE APPROPRIATE).
 - SUBMITTALS SHALL ALSO INCLUDE MANUFACTURER CUT SHEETS FOR PLANTING ACCESSORIES SUCH AS TREE STAKES AND TIES, EDGING, AND LANDSCAPE FABRICS (IF ANY).
 - WHERE MULTIPLE ITEMS ARE SHOWN ON A PAGE, THE CONTRACTOR SHALL CLEARLY INDICATE THE ITEM BEING CONSIDERED.
- C. GENERAL PLANTING**
- REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
 - EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.
 - TRENCHING NEAR EXISTING TREES:
 - CONTRACTOR SHALL NOT DISTURB ROOTS 1-1/2" AND LARGER IN DIAMETER WITHIN THE CRITICAL ROOT ZONE (CRZ) OF EXISTING TREES, AND SHALL EXERCISE ALL POSSIBLE CARE AND PRECAUTIONS TO AVOID INJURY TO TREE ROOTS, TRUNKS, AND BRANCHES. THE CRZ IS DEFINED AS A CIRCULAR AREA EXTENDING OUTWARD FROM THE TREE TRUNK, WITH A RADIUS EQUAL TO 1' FOR EVERY 1" OF TRUNK DIAMETER-AT-BREAST-HEIGHT (4.5' ABOVE THE AVERAGE GRADE AT THE TRUNK).
 - ALL EXCAVATION WITHIN THE CRZ SHALL BE PERFORMED USING HAND TOOLS. NO MACHINE EXCAVATION OR TRENCHING OF ANY KIND SHALL BE ALLOWED WITHIN THE CRZ.
 - ALTER ALIGNMENT OF PIPE TO AVOID TREE ROOTS 1-1/2" AND LARGER IN DIAMETER. WHERE TREE ROOTS 1-1/2" AND LARGER IN DIAMETER ARE ENCOUNTERED IN THE FIELD, TUNNEL UNDER SUCH ROOTS. WRAP EXPOSED ROOTS WITH SEVERAL LAYERS OF BURLAP AND KEEP MOIST. CLOSE ALL TRENCHES WITHIN THE CANOPY DRIP LINES WITHIN 24 HOURS.
 - ALL SEVERED ROOTS SHALL BE HAND PRUNED WITH SHARP TOOLS AND ALLOWED TO AIR-DRY. DO NOT USE ANY SORT OF SEALERS OR WOUND PAINTS.
- D. TREE PLANTING**
- TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL, LESS TWO TO FOUR INCHES.
 - SCARIFY THE SIDES OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED DURING THE EXCAVATION OF THE HOLE.
 - FOR CONTAINER AND BOX TREES: TO REMOVE ANY POTENTIALLY GIRDLING ROOTS AND OTHER ROOT DEFECTS, THIN A 1" LAYER OFF THE SIDES AND BOTTOM OF THE ROOTBALL OF ALL TREES, JUST BEFORE PLACING INTO THE PLANTING PIT. DO NOT 'TEASE' ROOTS OUT FROM THE ROOTBALL.
 - INSTALL TAPERED SUBGRADE SO THAT THE TOP OF THE ROOTBALL IS TWO TO FOUR INCHES ABOVE THE SURROUNDING GRADE.
 - BACKFILL THE TREE HOLE UTILIZING THE EXISTING TOPSOIL FROM ON-SITE. ROCKS LARGER THAN 1" DIA. AND ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SOIL PRIOR TO THE BACKFILL. SHOULD ADDITIONAL SOIL BE REQUIRED TO ACCOMPLISH THIS TASK, USE STORED TOPSOIL FROM ON-SITE OR IMPORT ADDITIONAL TOPSOIL FROM OFF-SITE AT NO ADDITIONAL COST TO THE OWNER. IMPORTED TOPSOIL SHALL BE OF SIMILAR TEXTURAL CLASS AND COMPOSITION TO THE ON-SITE SOIL. TREES SHALL NOT BE STAKED UNDER CONDITIONS SUCH AS HEAVY WINDS OR SLOPES. REQUIRE STAKES TO KEEP TREES UPRIGHT. SHOULD STAKING BE REQUIRED, THE TOTAL NUMBER OF TREE STAKES (BEYOND THE MINIMUMS LISTED BELOW) WILL BE LEFT TO THE LANDSCAPE CONTRACTOR'S DISCRETION. PRIOR TO PLANTING, THE TREE SHALL BE STAKED BY THE CONTRACTOR SHALL STRAIGHTEN THE TREE, OR REPLACE IT SHOULD IT BECOME DAMAGED. TREE STAKING SHALL ADHERE TO THE FOLLOWING GUIDELINES:
 - 1"-2" TREES: TWO STAKES PER TREE
 - 2-1/2"-4" TREES: THREE STAKES PER TREE
 - TREES OVER 4" CALIPER: GUY AS NEEDED
 - MULTI-TRUNK TREES: THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE THE TREE
 - MULTI-TRUNK TREES: THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE THE TREE
 - UPON COMPLETION OF PLANTING, CONSTRUCT AN EARTH WATERING BASIN AROUND THE TREE. COVER THE INTERIOR OF THE TREE RING WITH THE WEED BARRIER CLOTH AND TOPDRESS WITH MULCH (TYPE AND DEPTH PER PLANS).
- E. SHRUB, PERENNIAL AND GROUND COVER PLANTING**
- DIG THE PLANTING HOLES TWICE AS WIDE AND 2" LESS DEEP THAN EACH PLANT'S ROOTBALL. INSTALL THE PLANT IN THE HOLE. BACKFILL AROUND THE PLANT WITH SOIL AMENDED PER SOIL TEST RECOMMENDATIONS.
 - INSTALL THE WEED BARRIER CLOTH, OVERLAPPING IT AT THE ENDS. UTILIZE STEEL STAPLES TO KEEP THE WEED BARRIER CLOTH UNDER TENSION.
 - WHEN PLANTING IS COMPLETE, INSTALL MULCH (TYPE AND DEPTH PER PLANS) OVER ALL PLANTING BEDS, COVERING THE ENTIRE PLANTING AREA.
- F. SODDING**
- SOD VARIETY TO BE AS SPECIFIED ON THE LANDSCAPE PLAN.
 - LAY SOD WITHIN 24 HOURS FROM THE TIME OF STRIPPING. DO NOT LAY IF THE GROUND IS FROZEN. FIT THE SOD TOGETHER WITH TIGHTLY FITTED JOINTS. BUTT ENDS AND SIDES OF SOD STRIPS - DO NOT OVERLAP. LAID STRIPS TO OFFSET JOINTS IN ADJACENT COURSES.
 - ROLL THE SOD TO ENSURE GOOD CONTACT OF THE SOD'S ROOT SYSTEM WITH THE SOIL.
 - WATER THE SOD THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING TO OBTAIN AT LEAST SIX INCHES OF PENETRATION INTO THE SOIL BELOW THE SOD.
- G. MULCH**
- INSTALL MULCH TOPDRESSING, TYPE AND DEPTH PER MULCH NOTE, IN ALL PLANTING AREAS AND TREE RINGS.
 - DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE AND WITHIN 24" OF HABITABLE STRUCTURES, EXCEPT AS MAY BE NOTED ON THESE PLANS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
- H. CLEAN UP**
- DURING LANDSCAPE PREPARATION AND PLANTING, KEEP ALL PAVEMENT CLEAN AND ALL WORK AREAS IN A NEAT, ORDERLY CONDITION.
 - DISPOSED LEGALLY OF ALL EXCAVATED MATERIALS OFF THE PROJECT SITE.
- I. INSPECTION AND ACCEPTANCE**
- UPON COMPLETION OF THE WORK, THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE SITE CLEAN, FREE OF DEBRIS AND TRASH, AND SUITABLE FOR USE AS INTENDED. THE LANDSCAPE CONTRACTOR SHALL THEN REQUEST AN INSPECTION BY THE OWNER TO DETERMINE FINAL ACCEPTABILITY.
 - WHEN THE INSPECTED PLANTING WORK DOES NOT COMPLY WITH THE CONTRACT DOCUMENTS, THE LANDSCAPE CONTRACTOR SHALL REPLACE AND/OR REPAIR THE REJECTED WORK TO THE OWNER'S SATISFACTION WITHIN 24 HOURS.
 - THE LANDSCAPE MAINTENANCE PERIOD WILL NOT COMMENCE UNTIL THE LANDSCAPE WORK HAS BEEN RE-INSPECTED BY THE OWNER AND FOUND TO BE ACCEPTABLE. AT THAT TIME, A WRITTEN NOTICE OF FINAL ACCEPTANCE WILL BE ISSUED BY THE OWNER, AND THE MAINTENANCE AND GUARANTEE PERIODS WILL COMMENCE.
- J. LANDSCAPE MAINTENANCE**
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTING OF PLANTS THAT HAVE SETTLED, MOVING AND AERATION OF LAWN, WEEDING, TREATING FOR INSECTS AND DISEASES, REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL, HEALTHY STAND OF PLANTS AT NO ADDITIONAL COST TO THE OWNER.
 - TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
 - THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
 - ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
 - SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESODDED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
- K. WARRANTY PERIOD, PLANT GUARANTEE AND REPLACEMENTS**
- THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, AND IRRIGATION SYSTEMS FOR A PERIOD OF TWO YEARS FROM THE DATE OF THE OWNER'S FINAL ACCEPTANCE (90 DAYS FOR ANNUAL PLANTS). THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE AND TO THE SATISFACTION OF THE OWNER, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
 - AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.
- L. RECORD DRAWINGS AND CHANGES**
- PROVIDE A MINIMUM OF (2) COPIES OF RECORD DRAWINGS TO THE OWNER UPON COMPLETION OF WORK. A RECORD DRAWING IS A DRAWING THAT OCCURRED IN THE FIELD AND THAT ARE DOCUMENTED THROUGH CHANGE ORDERS, ADDENDA, OR CONTRACTOR/CONSULTANT DRAWING MARKUPS.

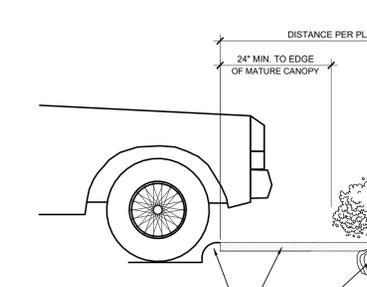


- TREE CANOPY.
- CINCH-TIES (24" BOX/2" CAL. TREES AND SMALLER) OR 12 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (36" BOX/2.5" CAL. TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
- 24" X 3/4" P.V.C. MARKERS OVER WIRES.
- GREEN STEEL T-POSTS. EXTEND POSTS 12" MIN. INTO UNDISTURBED SOIL.
- PRESSURE-TREATED WOOD DEADMAN, TWO PER TREE (M.N.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
- TRUNK FLARE.
- MULCH, TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 6" OF TRUNK.
- FINISH GRADE.
- ROOT BALL.
- BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
- UNDISTURBED NATIVE SOIL.
- 4" HIGH EARTHEN WATERING BASIN.

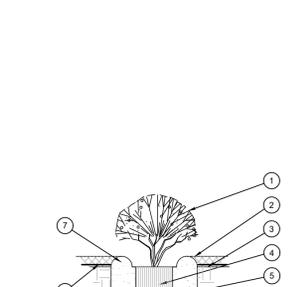


- NOTES:**
- SCARIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
 - REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL AND THE ROOT FLARE IS 2" ABOVE FINISH GRADE.
 - FOR 8&8 TREES, CUT OFF BOTTOM 1/3 OF WIRE BASKET BEFORE PLACING TREE IN HOLE. CUT OFF AND REMOVE REMAINDER OF BASKET AFTER TREE IS SET IN HOLE. REMOVE ALL NYLON TIES, TWINE, ROPE, AND OTHER PACKING MATERIAL. REMOVE AS MUCH BURLAP FROM AROUND ROOTBALL AS IS PRACTICAL.
 - REMOVE ALL NURSERY STAKES AFTER PLANTING.
 - FOR TREES 36" BOX/2.5" CAL. AND LARGER, USE THREE STAKES OR DEADMEN (AS APPROPRIATE), SPACED EVENLY AROUND TREE.
 - STAKING SHALL BE TIGHT ENOUGH TO PREVENT TRUNK FROM BENDING, BUT LOOSE ENOUGH TO ALLOW SOME TRUNK MOVEMENT IN WIND.

D STEEL EDGING
SCALE: NOT TO SCALE

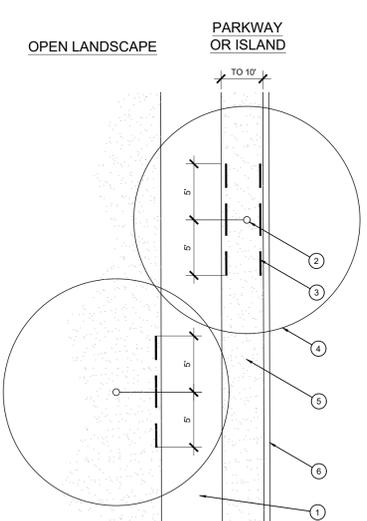


A TREE PLANTING
SCALE: NOT TO SCALE

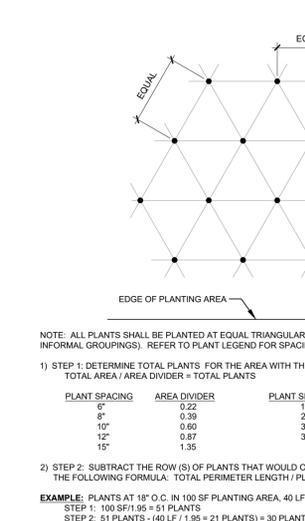


- SHRUB, PERENNIAL OR ORNAMENTAL GRASS.
- MULCH, TYPE AND DEPTH PER PLANS. PLACE NO MORE THAN 1" OF MULCH WITHIN 6" OF PLANT CENTER.
- FINISH GRADE.
- ROOT BALL.
- BACKFILL. AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
- UNDISTURBED NATIVE SOIL.
- 3" HIGH EARTHEN WATERING BASIN.
- WEED FABRIC UNDER MULCH.

E PLANTING AT PARKING AREA
SCALE: NOT TO SCALE



B SHRUB AND PERENNIAL PLANTING
SCALE: NTS



- NOTE: ALL PLANTS SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING (EXCEPT WHERE SHOWN ON PLANS AS INFORMAL GROUPINGS). REFER TO PLANT LEGEND FOR SPACING DISTANCE BETWEEN PLANTS.
- 1) STEP 1: DETERMINE TOTAL PLANTS FOR THE AREA WITH THE FOLLOWING FORMULA:
TOTAL AREA / AREA DIVIDER = TOTAL PLANTS
- | PLANT SPACING | AREA DIVIDER | PLANT SPACING | AREA DIVIDER |
|---------------|--------------|---------------|--------------|
| 6" | 0.22 | 18" | 1.55 |
| 8" | 0.39 | 24" | 3.46 |
| 10" | 0.60 | 30" | 5.41 |
| 12" | 0.87 | 36" | 7.79 |
| 15" | 1.35 | | |
- 2) STEP 2: SUBTRACT THE ROW (S) OF PLANTS THAT WOULD OCCUR AT THE EDGE OF THE PLANTED AREA WITH THE FOLLOWING FORMULA: TOTAL PERIMETER LENGTH / PLANT SPACING = TOTAL PLANT SUBTRACTION
- EXAMPLE: PLANTS AT 18" O.C. IN 100 SF PLANTING AREA, 40 LF PERIMETER
STEP 1: 100 SF / 90 = 1 PLANTS
STEP 2: 51 PLANTS - (40 LF / 1.95 = 21 PLANTS) = 30 PLANTS TOTAL

F ROOT BARRIER - PLAN VIEW
SCALE: NOT TO SCALE



C PLANT SPACING
SCALE: NTS



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THE BUTLER AT SEAGOVILLE
8,243 ACRES
CITY OF SEAGOVILLE
DALLAS COUNTY, TEXAS

LANDSCAPE DETAILS & SPECIFICATIONS

REGISTERED LANDSCAPE ARCHITECT
ERIC M. SHEPHERD
3551
STATE OF TEXAS

DRAWN: EMS
DATE: 11/12/2020
HEI #: 20-0703
SHEET NO: LP-4

EVERGREEN DESIGN GROUP
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ELEVATION ENTRY 01
NOT TO SCALE

ELEVATION ENTRY 01	
Gross wall area	2315 SF
Door/ window area	593 SF- 26%
Net wall area	1722 SF -100%
Brick area	571 SF- 34%
Lap Siding 01 area	434 SF- 25%
Lap Siding 02 area	70 SF- 4%
Painted Trim area	513 SF- 30%
Stained Trim area	128 SF- 7%

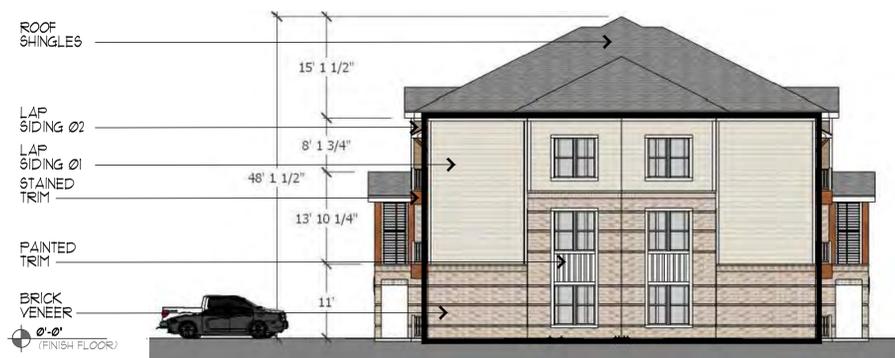
OWNER & REPRESENTATIVE	
OWNER:	BUTLER CONSTRUCTION GROUP PO BOX 211 LANCASTER, TEXAS CONTACT: KEVIN BUTLER PHONE: 912-812-1211
REPRESENTATIVE:	HOMAYER ENGINEERING INC. PO BOX 284621 LEWISVILLE, TEXAS 75073 CONTACT: STEVEN R. HOMAYER, P.E. PHONE: 912-906-9385



ELEVATION ENTRY 02
NOT TO SCALE

ELEVATION ENTRY 02	
Gross wall area	2315 SF
Door/ window area	593 SF- 26%
Net wall area	1722 SF -100%
Brick area	571 SF- 34%
Lap Siding 01 area	434 SF- 25%
Lap Siding 02 area	70 SF- 4%
Painted Trim area	513 SF- 30%
Stained Trim area	128 SF- 7%

Building Summary of all elevations (Out Facing Elevations Only)	
Gross wall area	8293 SF
Door/ window area	1666 SF- 20%
Net wall area	6627 SF -100%
Brick area	2679 SF- 40%
Lap Siding 01 area	2110 SF- 32%
Lap Siding 02 area	140 SF- 2%
Painted Trim area	1392 SF- 21%
Stained Trim area	256 SF- 4%
Roof area	50 SF- 1%



ELEVATION END 01
NOT TO SCALE

ELEVATION END 01	
Gross wall area	1930 SF
Door/ window area	228 SF- 12%
Net wall area	1702 SF -100%
Brick area	700 SF- 41%
Lap Siding 01 area	798 SF- 47%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	204 SF- 12%
Stained Trim area	0 SF- 0%

MATERIALS LEGEND	
	-----BRICK VENEER
	-----LAP SIDING 01
	-----LAP SIDING 02
	-----PAINTED TRIM
	-----STAINED TRIM
	-----ROOF COMPOSITION SHINGLES



ELEVATION END 02
NOT TO SCALE

ELEVATION END 02	
Gross wall area	1733 SF
Door/ window area	252 SF- 15%
Net wall area	1481 SF -100%
Brick area	825 SF- 56%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	162 SF- 11%
Stained Trim area	0 SF- 0%
Roof area	50 SF- 3%

Exhibit 5D

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THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
**CONCEPT BLDG
TYPE I
ELEVATIONS**

SHEET:
A2.1



ELEVATION ENTRY 01
NOT TO SCALE

ELEVATION ENTRY 01	
Gross wall area	2648 SF
Door/ window area	913 SF- 31%
Net wall area	1675 SF -100%
Brick area	652 SF- 39%
Lap Siding 01 area	434 SF- 26%
Lap Siding 02 area	129 SF- 8%
Painted Trim area	359 SF- 21%
Stained Trim area	101 SF- 6%

OWNER & REPRESENTATIVE	
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ELEVATION ENTRY 02
NOT TO SCALE

ELEVATION ENTRY 02	
Gross wall area	2648 SF
Door/ window area	913 SF- 31%
Net wall area	1675 SF -100%
Brick area	652 SF- 39%
Lap Siding 01 area	434 SF- 26%
Lap Siding 02 area	129 SF- 8%
Painted Trim area	359 SF- 21%
Stained Trim area	101 SF- 6%

Building Summary of all elevations (Out Facing Elevations Only)	
Gross wall area	8762 SF
Door/ window area	2426 SF- 28%
Net wall area	6336 SF -100%
Brick area	3028 SF- 48%
Lap Siding 01 area	1756 SF- 28%
Lap Siding 02 area	258 SF- 4%
Painted Trim area	1042 SF- 16%
Stained Trim area	202 SF- 3%
Roof area	50 SF- 1%



ELEVATION END 01
NOT TO SCALE

ELEVATION END 01	
Gross wall area	1733 SF
Door/ window area	228 SF- 13%
Net wall area	1505 SF -100%
Brick area	899 SF- 59%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	162 SF- 11%
Stained Trim area	0 SF- 0%

MATERIALS LEGEND	
	-----BRICK VENEER
	-----LAP SIDING 01
	-----LAP SIDING 02
	-----PAINTED TRIM
	-----STAINED TRIM
	-----ROOF COMPOSITION SHINGLES



ELEVATION END 02
NOT TO SCALE

ELEVATION END 02	
Gross wall area	1733 SF
Door/ window area	252 SF- 15%
Net wall area	1481 SF -100%
Brick area	825 SF- 56%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	162 SF- 11%
Stained Trim area	0 SF- 0%
Roof area	50 SF- 3%

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1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
**CONCEPT BLDG
TYPE II
ELEVATIONS**

SHEET:
A2.2

Exhibit 5D



ELEVATION ENTRY 01
NOT TO SCALE



ELEVATION ENTRY 02
NOT TO SCALE



ELEVATION END 01
NOT TO SCALE



ELEVATION END 02
NOT TO SCALE

ELEVATION ENTRY 01

Gross wall area 3936 SF
Door/ window area 1534 SF- 39%
Net wall area 2402 SF -100%
Brick area 844 SF- 35%
Lap Siding 01 area 718 SF- 30%
Lap Siding 02 area 140 SF- 6%
Painted Trim area 444 SF- 18%
Stained Trim area 256 SF- 11%

ELEVATION ENTRY 02

Gross wall area 3936 SF
Door/ window area 1534 SF- 39%
Net wall area 2402 SF -100%
Brick area 844 SF- 35%
Lap Siding 01 area 718 SF- 30%
Lap Siding 02 area 140 SF- 6%
Painted Trim area 444 SF- 18%
Stained Trim area 256 SF- 11%

ELEVATION END 01

Gross wall area 1733 SF
Door/ window area 228 SF- 13%
Net wall area 1505 SF -100%
Brick area 899 SF- 59%
Lap Siding 01 area 444 SF- 30%
Lap Siding 02 area 0 SF- 0%
Painted Trim area 162 SF- 11%
Stained Trim area 0 SF- 0%

ELEVATION END 02

Gross wall area 1733 SF
Door/ window area 252 SF- 15%
Net wall area 1481 SF -100%
Brick area 825 SF- 56%
Lap Siding 01 area 444 SF- 30%
Lap Siding 02 area 0 SF- 0%
Painted Trim area 162 SF- 11%
Stained Trim area 0 SF- 0%
Roof area 50 SF- 3%

OWNER & REPRESENTATIVE

OWNER: BUTLER CONSTRUCTION GROUP PO BOX 2711 LANCASTER, TEXAS CONTACT: KEVIN BUTLER PHONE: 912-812-1211
REPRESENTATIVE: HOMER ENGINEERING INC. PO BOX 284821 LEWISVILLE, TEXAS 75029 CONTACT: STEVEN R. HOMER, P.E. PHONE: 912-906-9985

**Building Summary of all elevations
(Out Facing Elevations Only)**

Gross wall area 11338 SF
Door/ window area 3548 SF- 31%
Net wall area 7790 SF -100%
Brick area 3412 SF- 44%
Lap Siding 01 area 2324 SF- 30%
Lap Siding 02 area 280 SF- 3%
Painted Trim area 1212 SF- 15%
Stained Trim area 512 SF- 7%
Roof area 50 SF- 1%

MATERIALS LEGEND

	-----BRICK VENEER
	-----LAP SIDING 01
	-----LAP SIDING 02
	-----PAINTED TRIM
	-----STAINED TRIM
	-----ROOF COMPOSITION SHINGLES

TERRY R. CUNNINGHAM
ARCHITECTS
3004 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76010 - (817) 687-0044
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**THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159**

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
**CONCEPT BLDG
TYPE III
ELEVATIONS**

SHEET:
A2.3

Exhibit 5D



ELEVATION ENTRY 01
NOT TO SCALE

ELEVATION ENTRY 01	
Gross wall area	4630 SF
Door/ window area	1822 SF- 39%
Net wall area	2808 SF -100%
Brick area	1032 SF- 37%
Lap Siding 01 area	844 SF- 30%
Lap Siding 02 area	140 SF- 5%
Painted Trim area	536 SF- 19%
Stained Trim area	256 SF- 9%

OWNER & REPRESENTATIVE	
OWNER:	BUTLER CONSTRUCTION GROUP
	PO BOX 271
	LANCASTER TEXAS
	CONTACT: KEVIN BUTLER
	PHONE: 912-812-1211
REPRESENTATIVE:	HOMER ENGINEERING INC.
	PO BOX 784821
	LEWISVILLE TEXAS 75073
	CONTACT: STEVEN R. HOMER, P.E.
	PHONE: 912-906-9985



ELEVATION ENTRY 02
NOT TO SCALE

ELEVATION ENTRY 02	
Gross wall area	4630 SF
Door/ window area	1822 SF- 39%
Net wall area	2808 SF -100%
Brick area	1032 SF- 37%
Lap Siding 01 area	844 SF- 30%
Lap Siding 02 area	140 SF- 5%
Painted Trim area	536 SF- 19%
Stained Trim area	256 SF- 9%

Building Summary of all elevations (Out Facing Elevations Only)	
Gross wall area	12726 SF
Door/ window area	4124 SF- 32%
Net wall area	8602 SF -100%
Brick area	3788 SF- 44%
Lap Siding 01 area	2576 SF- 30%
Lap Siding 02 area	280 SF- 3%
Painted Trim area	1396 SF- 16%
Stained Trim area	512 SF- 6%
Roof area	50 SF- 1%



ELEVATION END 01
NOT TO SCALE

ELEVATION END 01	
Gross wall area	1733 SF
Door/ window area	228 SF- 13%
Net wall area	1505 SF -100%
Brick area	899 SF- 59%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	162 SF- 11%
Stained Trim area	0 SF- 0%

MATERIALS LEGEND	
	-----BRICK VENEER
	-----LAP SIDING 01
	-----LAP SIDING 02
	-----PAINTED TRIM
	-----STAINED TRIM
	-----ROOF COMPOSITION SHINGLES



ELEVATION END 02
NOT TO SCALE

ELEVATION END 02	
Gross wall area	1733 SF
Door/ window area	252 SF- 15%
Net wall area	1481 SF -100%
Brick area	825 SF- 56%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	162 SF- 11%
Stained Trim area	0 SF- 0%
Roof area	50 SF- 3%

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WWW.TRCARCHITECTS.COM
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THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT BLDG
TYPE IV
ELEVATIONS

SHEET:
A2.4

Exhibit 5D



ELEVATION NORTH
NOT TO SCALE

ELEVATION NORTH (STREET VIEW)	
Gross wall area	1676 SF
Door/ window area	0 SF- 0%
Net wall area	1676 SF -100%
Brick area	1212 SF- 72%
Lap Siding 01 area	399 SF- 24%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	65 SF- 4%
Stained Trim area	0 SF- 0%

OWNER & REPRESENTATIVE	
OWNER:	BUTLER CONSTRUCTION GROUP P.O. BOX 211 LANCASTER, TEXAS CONTACT: KEVIN BUTLER PHONE: 912-812-1211
REPRESENTATIVE:	HOEYER ENGINEERING INC. P.O. BOX 23451 LEWISVILLE, TEXAS 75029 CONTACT: STEVEN R. HOEYER, P.E. PHONE: 912-906-9985



ELEVATION EAST
NOT TO SCALE

ELEVATION EAST	
Gross wall area	1910 SF
Door/ window area	264 SF- 13%
Net wall area	1706 SF -100%
Brick area	807 SF- 47%
Lap Siding 01 area	634 SF- 37%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	142 SF- 9%
Stained Trim area	123 SF- 7%

Building Summary of all elevations (Out Facing Elevations Only)	
Gross wall area	6582 SF
Door/ window area	909 SF- 14%
Net wall area	5673 SF -100%
Brick area	3020 SF- 53%
Lap Siding 01 area	1900 SF- 33%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	496 SF- 9%
Stained Trim area	251 SF- 5%



ELEVATION SOUTH
NOT TO SCALE

ELEVATION SOUTH	
Gross wall area	1113 SF
Door/ window area	333 SF- 30%
Net wall area	780 SF -100%
Brick area	214 SF- 27%
Lap Siding 01 area	359 SF- 46%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	117 SF- 15%
Stained Trim area	90 SF- 12%

MATERIALS LEGEND	
	-----BRICK VENEER
	-----LAP SIDING 01
	-----LAP SIDING 02
	-----PAINTED TRIM
	-----STAINED TRIM
	-----ROOF COMPOSITION SHINGLES



ELEVATION WEST
NOT TO SCALE

ELEVATION WEST (STREET VIEW)	
Gross wall area	1823 SF
Door/ window area	312 SF- 17%
Net wall area	1511 SF -100%
Brick area	787 SF- 52%
Lap Siding 01 area	508 SF- 34%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	112 SF- 11%
Stained Trim area	44 SF- 3%

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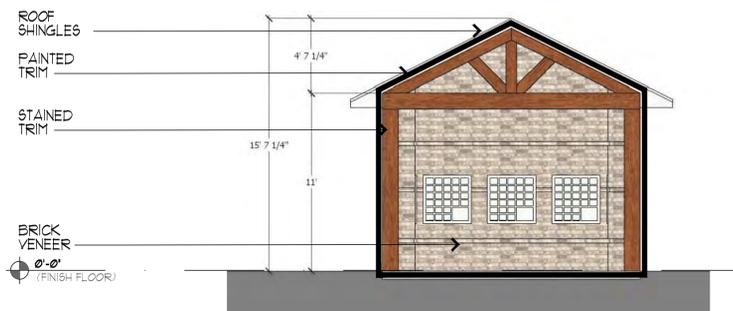
THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT
OFFICE BUILDING
ELEVATIONS

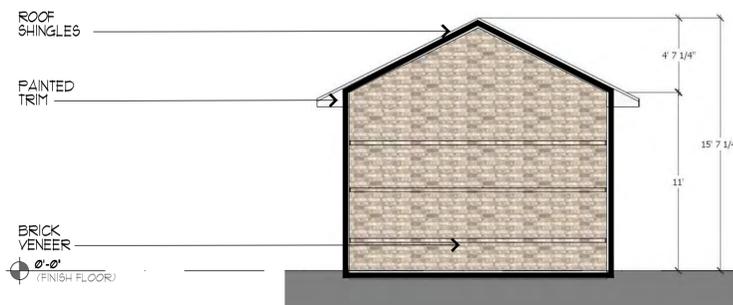
SHEET:
A2.5



ELEVATION LONG 01
NOT TO SCALE

ELEVATION LONG 01	
Gross wall area	208 SF
Door/ window area	0 SF- 0%
Net wall area	208 SF -100%
Brick area	154 SF- 74
Lap Siding 01 area	0 SF- 0%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	0 SF- 0%
Stained Trim area	54 SF- 26%

OWNER & REPRESENTATIVE	
OWNER:	BUTLER CONSTRUCTION GROUP PO BOX 211 LANCASTER TEXAS CONTACT: KEVIN BUTLER PHONE: 912-812-1211
REPRESENTATIVE:	HOMEYER ENGINEERING INC. PO BOX 754521 LEWISVILLE TEXAS 75073 CONTACT: STEVEN R. HOMEYER, P.E. PHONE: 912-906-9985



ELEVATION LONG 02
NOT TO SCALE

ELEVATION LONG 02	
Gross wall area	208 SF
Door/ window area	0 SF- 0%
Net wall area	208 SF -100%
Brick area	208 SF- 100%
Lap Siding 01 area	0 SF- 0%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	0 SF- 0%
Stained Trim area	0 SF- 0%

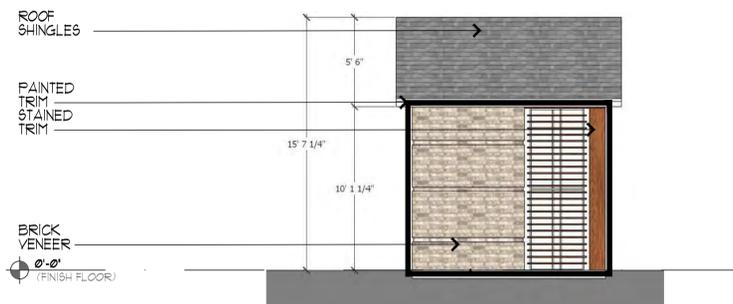
Building Summary of all elevations (Out Facing Elevations Only)	
Gross wall area	658 SF
Door/ window area	80 SF- 12%
Net wall area	578 SF -100%
Brick area	504 SF- 87%
Lap Siding 01 area	0 SF- 0%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	0 SF- 0%
Stained Trim area	74 SF- 13%



ELEVATION SHORT 01
NOT TO SCALE

ELEVATION SHORT 01	
Gross wall area	121 SF
Door/ window area	40 SF- 67%
Net wall area	81 SF -100%
Brick area	71 SF- 88%
Lap Siding 01 area	0 SF- 0%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	0 SF- 0%
Stained Trim area	10 SF- 12%

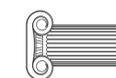
MATERIALS LEGEND	
	-----BRICK VENEER
	-----LAP SIDING 01
	-----LAP SIDING 02
	-----PAINTED TRIM
	-----STAINED TRIM
	-----ROOF COMPOSITION SHINGLES



ELEVATION SHORT 02
NOT TO SCALE

ELEVATION SHORT 02	
Gross wall area	121 SF
Door/ window area	40 SF- 67%
Net wall area	81 SF -100%
Brick area	71 SF- 88%
Lap Siding 01 area	0 SF- 0%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	0 SF- 0%
Stained Trim area	10 SF- 12%

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1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

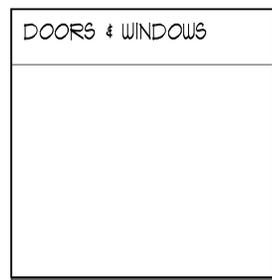
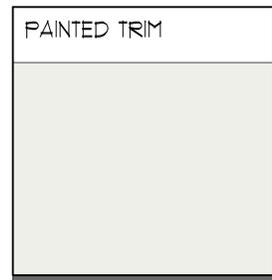
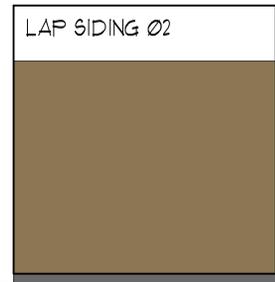
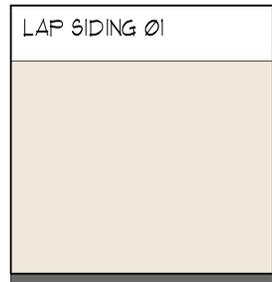
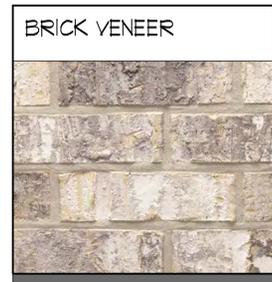
ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT MAIL
GAZEBO
ELEVATIONS

SHEET:
A2.6

Exhibit 5D



OWNER & REPRESENTATIVE
OWNER:
 BUTLER CONSTRUCTION GROUP
 P.O. BOX 711
 LANCASTER, TEXAS
 CONTACT: KEVIN BUTLER
 PHONE: 912-812-1211
REPRESENTATIVE:
 HOEYER ENGINEERING INC.
 P.O. BOX 754271
 LEWISVILLE, TEXAS 75023
 CONTACT: STEVEN R. HOEYER, P.E.
 PHONE: 912-906-9385

**EXTERIOR MATERIALS SPECIFICATIONS
 THE BUTLER- SEAGOVILLE**

BRICK VENEER KING BRICK VENEER BY: ACIE JOINT MORTAR BY: SOLOMON COLORS	COLOR: ESCALANTE 8FF102
PAINTED LAP SIDING 01 HARDIEPLANK LAP SIDING BY: JAMES HARDIE PRODUCTS	COLOR: CREAMY SW 1012 BY: SHERWIN WILLIAMS EXTERIOR ACRYLIC
PAINTED LAP SIDING 02 HARDIEPLANK LAP SIDING BY: JAMES HARDIE PRODUCTS	COLOR: FALLEN LEAVES SW 914 BY: SHERWIN WILLIAMS EXTERIOR ACRYLIC
EXPANSION JOINT SEALANTS SONNEBORN NP2 SONNEBORN NP2	COLOR: MATCH BRICK COLOR: MATCH SIDING
ALUMINUM WINDOWS KEESTYMARK 020 SERIES 3/4 INCH INSULATED GLASS	COLOR: WHITE COLOR: LOW E TINT - ANNEALED
METAL DOORS / FRAME PAINT SHERWIN WILLIAMS- EXT. ACRYLIC	COLOR: EXTRA WHITE SW 1006 EXTERIOR ACRYLIC
SOFFIT NON VENTED SMOOTH BY: JAMES HARDIE PRODUCTS SHERWIN WILLIAMS- EXT. ACRYLIC	COLOR: EXTRA WHITE SW 1006 EXTERIOR ACRYLIC
STAINED TRIM & TIMBER STAINED CEDAR TREX SCREENS ENGINEERED WOOD 2X2	COLOR: RIVERWOOD SW 3501 EXT. SEMI- TRANS. STAIN COLOR: TIKI TORCH
PAINTED TRIM & FACIA 3/4 INCH RUSTIC FIBER CEMENT BY: JAMES HARDIE PRODUCTS	COLOR: EXTRA WHITE SW 1006 EXTERIOR ACRYLIC
ROOF COMPOSITION SHINGLES COMPOSITION SHINGLES STYLE: 30 YR CUENS CORNING	COLOR: SIERRA GRAY
GUARD RAILS- BUILDINGS TREX RAILS	COLOR: WHITE
GUARD RAILS- SITE STEEL TUBE W/ POWDER COAT FINISH	COLOR: BLACK

AN EXTERIOR MATERIALS MOCK UP WALL WILL BE CONSTRUCTED AT THE SITE FOR APPROVAL BY THE CITY OF SEAGOVILLE. THE MOCK UP WILL BE A MINIMUM OF 3 FEET WIDE AND 8 FEET TALL.

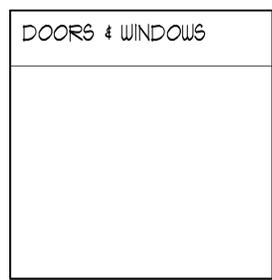
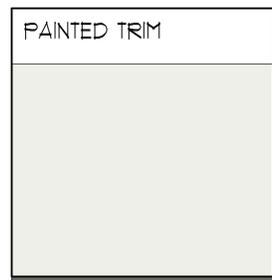
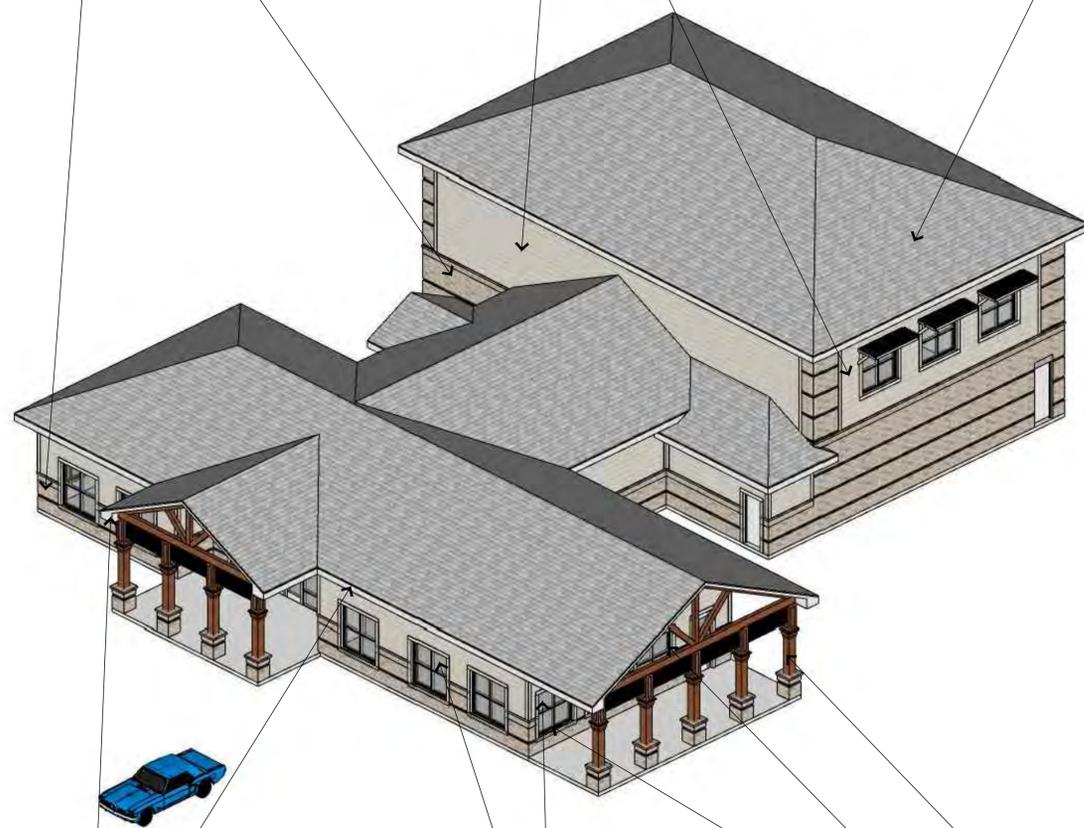
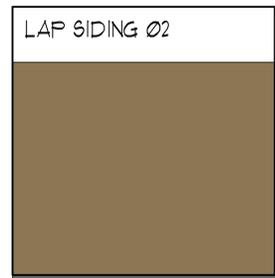
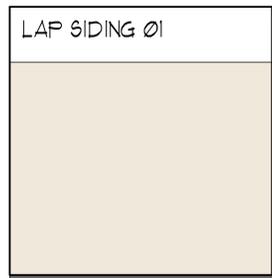
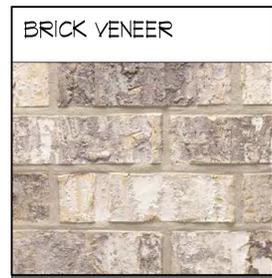
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THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020
 ISSUE FOR:
OWNER REVIEW
 SHEET TITLE:
**CONCEPT TYPICAL
 APARTMENT BLDG
 AXONOMETRIC**

SHEET:
A2.7

Exhibit 5D



OWNER & REPRESENTATIVE

OWNER:
 BUTLER CONSTRUCTION GROUP
 P.O. BOX 211
 LANCASTER, TEXAS
 CONTACT: KEVIN BUTLER
 PHONE: 912-812-1211

REPRESENTATIVE:
 HOWLER ENGINEERING INC.
 P.O. BOX 234521
 LEWISVILLE, TEXAS 75029
 CONTACT: STEVEN R. HOMEYER, P.E.
 PHONE: 912-906-9985

**EXTERIOR MATERIALS SPECIFICATIONS
 THE BUTLER- SEAGOVILLE**

BRICK VENEER KING BRICK VENEER BY: ACHE JOINT MORTAR BY: SOLOMON COLORS	COLOR: ESCALANTE 9FF102
PAINTED LAP SIDING 01 HARDIEPLANK LAP SIDING BY: JAMES HARDIE PRODUCTS	COLOR: CREAMY SW 1012 BY SHERWIN WILLIAMS EXTERIOR ACRYLIC
PAINTED LAP SIDING 02 HARDIEPLANK LAP SIDING BY: JAMES HARDIE PRODUCTS	COLOR: FALLEN LEAVES SW 914 BY SHERWIN WILLIAMS EXTERIOR ACRYLIC
EXPANSION JOINT SEALANTS SONNEBORN NP2 SONNEBORN NP2	COLOR: MATCH BRICK COLOR: MATCH SIDING
ALUMINUM WINDOWS KEESTMARK 100 SERIES 3/4 INCH INSULATED GLASS	COLOR: WHITE COLOR: LOW E TINT - ANNEALED
METAL DOORS / FRAME PAINT SHERWIN WILLIAMS- EXT. ACRYLIC	COLOR: EXTRA WHITE SW 1006 EXTERIOR ACRYLIC
SOFFIT NON VENTED SMOOTH BY: JAMES HARDIE PRODUCTS SHERWIN WILLIAMS- EXT. ACRYLIC	COLOR: EXTRA WHITE SW 1006 EXTERIOR ACRYLIC
STAINED TRIM & TIMBER STAINED CEDAR TREX SCREENS ENGINEERED WOOD 2X2	COLOR: RIVERWOOD SW 3501 EXT. SEMI- TRANS. STAIN COLOR: TIKI TORCH
PAINTED TRIM & FACIA 3/4 INCH RUSTIC FIBER CEMENT BY: JAMES HARDIE PRODUCTS	COLOR: EXTRA WHITE SW 1006 EXTERIOR ACRYLIC
ROOF COMPOSITION SHINGLES COMPOSITION SHINGLES STYLE: 30 YR CUENS CORNING	COLOR: SIERRA GRAY
GUARD RAILS- BUILDINGS TREX RAILS	COLOR: WHITE
GUARD RAILS- SITE STEEL TUBE W/ POWDER COAT FINISH	COLOR: BLACK

AN EXTERIOR MATERIALS MOCK UP SHALL BE CONSTRUCTED AT THE SITE FOR APPROVAL BY THE CITY OF SEAGOVILLE. THE MOCK UP WILL BE A MINIMUM OF 3 FEET WIDE AND 8 FEET TALL.

TERRY R. CUNNINGHAM
 ARCHITECTS
 3004 S. COOPER ST. SUITE 100 - ARLINGTON, TEXAS 76010 - (817) 887-0044
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**THE BUTLER AT SEAGOVILLE
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159**

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
**CONCEPT OFFICE
 BUILDING
 AXONOMETRIC**

SHEET:
A2.8



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050



January 11, 2021

via email: notices@dailycommercialrecord.com

Daily Commercial Record
706 Main Street
Dallas, Texas 75202

Please publish the legal notice below in the Tuesday, January 12, 2021, issue of your newspaper. Please send the affidavit of publication to the ATTN: Kandi Jackson at the address above. If you need to contact Kandi, her office direct number is (972) 287-6819 and her email is citysecretary@seagoville.us Kandi's normal office hours are Monday through Friday from 8:00 AM to 5:00 PM.



**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01**

The Seagoville Planning and Zoning Commission will hold a virtual public hearing on Thursday, January 28, 2021, at 6:30 p.m. at <https://webinar.ringcentral.com/j/1482232026> to consider a request to rezone two (2) tracts of land with a combined total of approximately 8.24± acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas.

Anyone may send a written notice prior to 4:00 PM on the day of the public hearing to City of Seagoville; c/o Planner Jennifer Bonner; 702 North U.S. Highway 175; Seagoville, TX 75159. Individuals may state their opinions by video conference (which will provide two-way communication during the meeting) at the public hearing by using the link above. If you would like to make a public comment, please email Planner Jennifer Bonner at jbonner@seagoville.us no later than 4:00 P.M. on the day before the meeting. Please include the following in your email: your name, your postal address, your email address and phone number, and the agenda items or general subject of your comment.

CITY OF SEAGOVILLE
Kandi Jackson
City Secretary



January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01**

The Seagoville Planning and Zoning Commission will hold a virtual public hearing on Thursday, January 28, 2021, at 6:30 p.m. at <https://webinar.ringcentral.com/j/1482232026> to consider a request to rezone two (2) tracts of land with a combined total of approximately 8.24+ acres surrounding Lee Cemetery and commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas.

Anyone may send a written notice prior to 4:00 PM on the day of the public hearing to City of Seagoville; c/o Planner Jennifer Bonner; 702 North U.S. Highway 175; Seagoville, TX 75159. Individuals may state their opinions by video conference (which will provide two-way communication during the meeting) at the public hearing by using the link above. If you would like to make a public comment, please email Planner Jennifer Bonner at jbonner@seagoville.us no later than 4:00 P.M. on the day before the meeting. Please include the following in your email: your name, your postal address, your email address and phone number, and the agenda items or general subject of your comment.

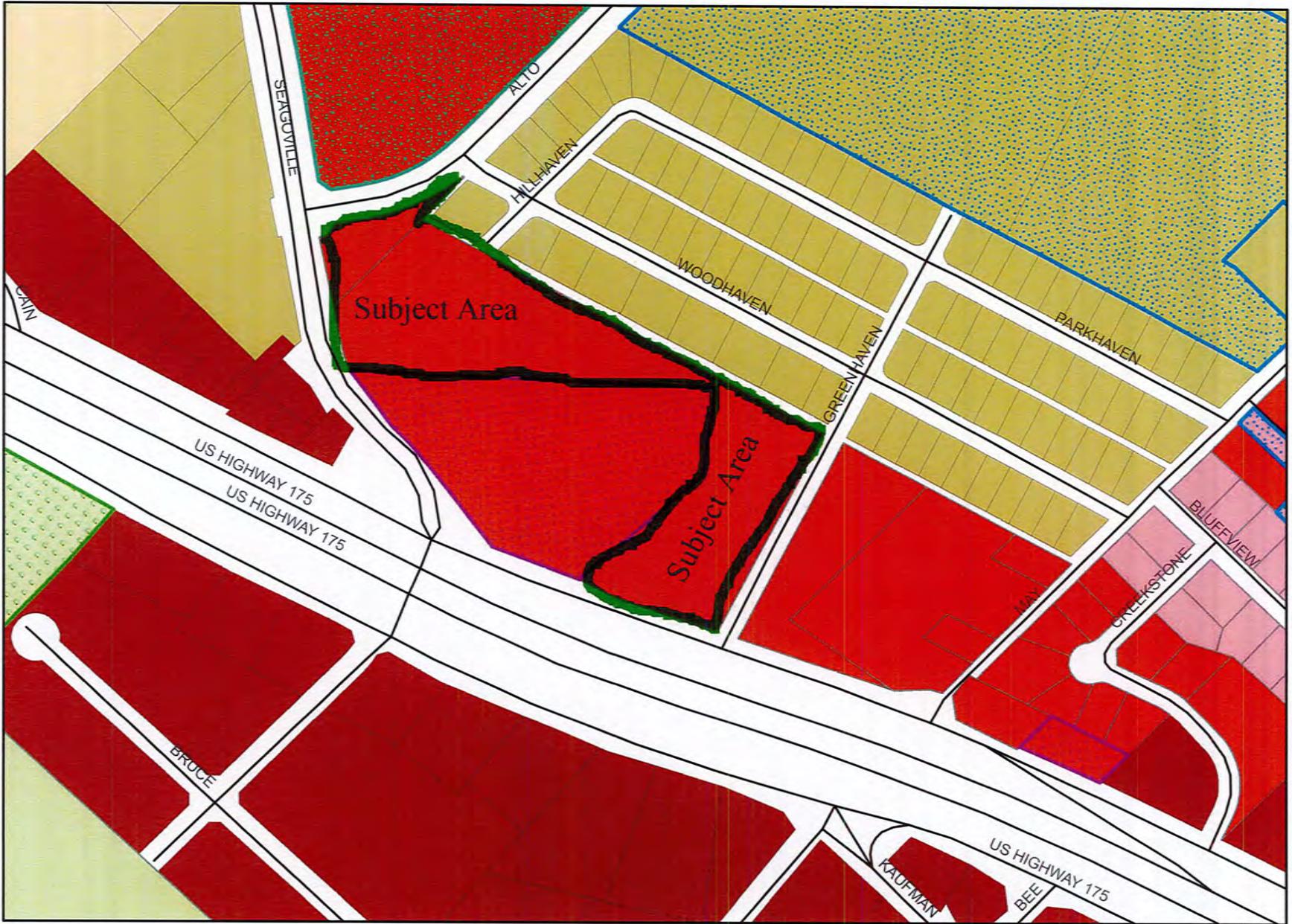
As an adjoining property owner, this is the first opportunity to voice your opinion about this project for the record. The second opportunity will be at the public hearing listed above. This item will also go to City Council for review and final approval. Separate notices for that meeting will be sent after the meeting above.

*Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): _____
Printed Name(s): _____
Address: _____
City, State & Zip code: _____
Phone Number: _____





February 5, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARING
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2021-01**

Seagoville City Council will hold a virtual public hearing on Monday, February 22, 2021, at 6:30 p.m. at <https://webinar.ringcentral.com/j/1485748297> to consider a request to rezone two (2) tracts of land with a combined total of approximately 8.24± acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas.

Individuals may state their opinions by video conference at the public hearing by using the link above. If you would like to make a public comment, please email City Secretary Kandi Jackson at kjackson@seagoville.us no later than 5:00 PM on the day before the meeting.

As an adjoining property owner, this is an opportunity to voice your opinion about this project for the record. The final opportunity will be at the public hearing at City Council listed above.

*Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

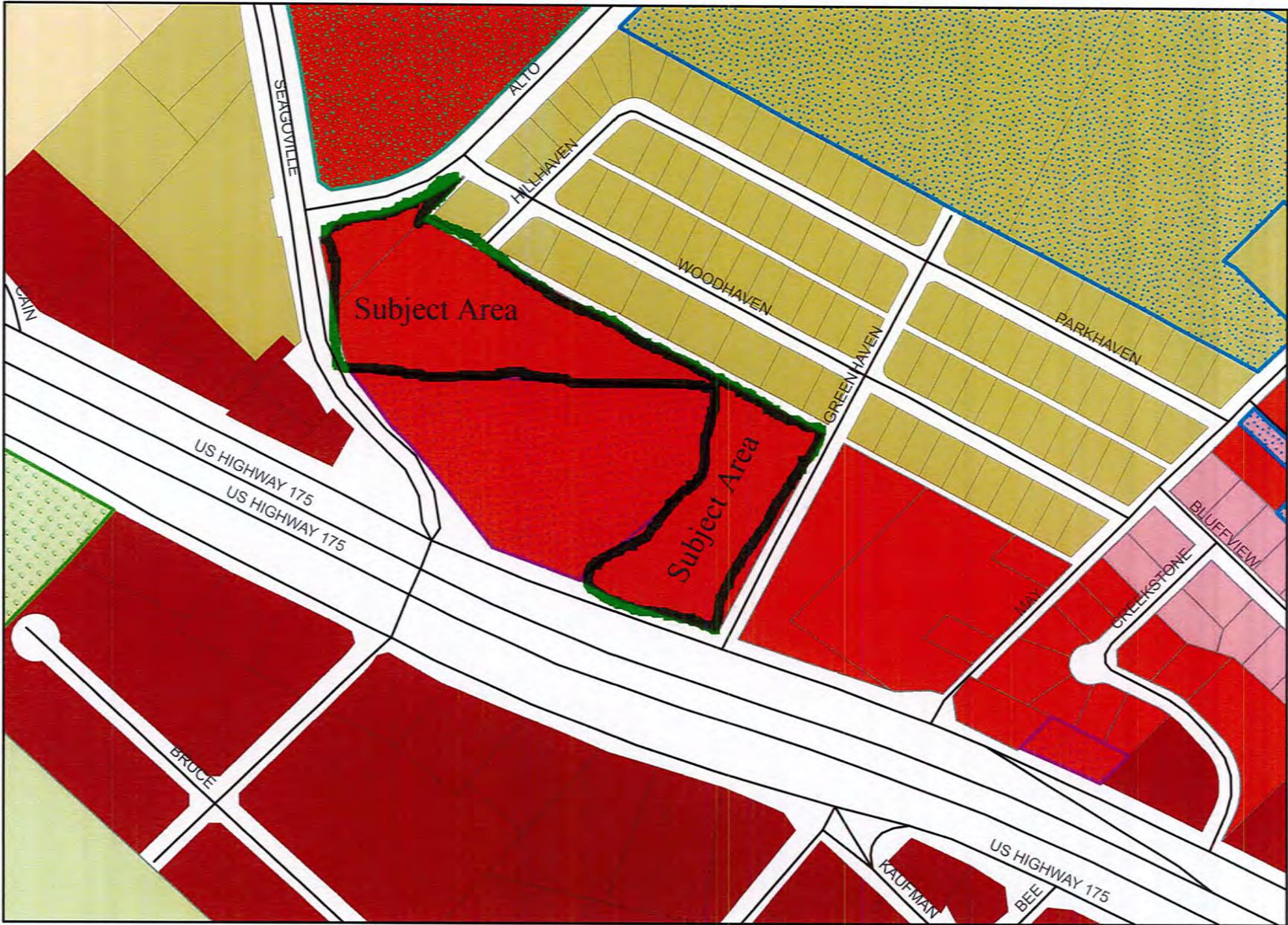
Signature(s): _____

Printed Name(s): _____

Address: _____

City, State & Zip code: _____

Phone Number: _____





January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01

The Seagoville Planning and Zoning Commission will hold a virtual public hearing on Thursday, January 28, 2021, at 6:30 p.m. at <https://webinar.ringcentral.com/j/1482232026> to consider a request to rezone two (2) tracts of land with a combined total of approximately 8.24± acres surrounding Lee Cemetery and commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas.

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Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): Please don't
build apartments in our backyard.

Signature(s): Shaydally
Printed Name(s): Shaye Connelly, Noah Connelly
Address: 1717 Woodhaven Dr
City, State & Zip code: Seagoville, TX ~~75159~~ 75159
Phone Number: 817-6946-3206
817-312-5660

JANUARY 14, 2021



January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01

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*Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): F L Sebastian
Printed Name(s): F L Sebastian
Address: (4 Different)
City, State & Zip code: _____
Phone Number: _____

JANUARY 14, 2021
1



January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01**

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*Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary):

I do not want apartments as my backyard neighbor because I feel it would depreciate the price of my home and the neighborhood itself.

Also, who would want apartments by an elementary school. Too close. I just see problems for law enforcement or security.

Signature(s): Veronica Havaras

Printed Name(s): Veronica Havaras

Address: 1721 Woodhaven Dr.

City, State & Zip code: Seagoville, TX 75159

Phone Number: (972) 754-9104

JANUARY 14, 2021



January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01

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Provide any additional comments that you might have.
Please sign and provide your name and address below.

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): DO NOT FEEL
CITY SHOULD RAISE OUR TAXES AND THEN BUILD
APARTMENTS WHICH WILL LOWER OUR PROPERTY
VALUE !!

Signature(s): Frank A. Reeves, Jr.
Printed Name(s): FRANK A. REEVES, Jr.
Address: 1720 WOODHAVEN
City, State & Zip code: SEAGOVILLE, TX 75159
Phone Number: 214-642-1298

RECEIVED
JAN 27 2011
BY: JRS

JANUARY 14, 2021



January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01

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Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): Angela B. White
Printed Name(s): Angela B White
Address: 1702 Woodhaven Drive
City, State & Zip code: Seagoville, TX 75159
Phone Number: 214-474-5647

JANUARY 14, 2021
1



January 14, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING & ZONING COMMISSION
ZONING CASE Z2021-01



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Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): I AM OPPOSED TO BUILDING APTS BECAUSE I LIKE THE TREES AND NATURE. MY CONCERN IS ADDED TRAFFIC, CONGESTION. I HAVE LIVED HERE SINCE 1990, I HAVE ALREADY SEEN DECREASED INTEREST IN KEEPING UP THEIR PROPERTY, BRINGING DECREASED PROPERTY VALUE. MORE "RENTERS" NOT HOMEOWNERS. MORE CRIME AND LOUD TROUBLESOME NEIGHBORS.

Signature(s): Mary Benker
Printed Name(s): MARY BENKER
Address: 1714 WOODHAVEN DRIVE
City, State & Zip code: SEAGOVILLE, TEXAS 75159
Phone Number: 214-923-1170

Neighbors.

JANUARY 14, 2021
1



February 5, 2021

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2021-01

RECEIVED
FEB 11 2021
BY: *gls*

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*Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of **against** Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): *Marilyn Bell*
Printed Name(s): *Marilyn Bell*
Address: *1617 Woodhaven*
City, State & Zip code: *Seagoville TX 75159*
Phone Number: *972 287 1006*

FEBRUARY 5, 2021



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

February 5, 2021

**NOTICE OF PUBLIC HEARING
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2021-01**

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*Indicate your opinion in this matter by checking the appropriate box below.
Provide any additional comments that you might have.
Please sign and provide your name and address below.*

I am in favor of against Zoning Request Z2021-01 as it is described herein.

Additional Comments (attach additional sheets as necessary): *Total disrespect for the families that have loved ones in the cemetery. Also the families on Woodhaven will lose all privacy with two + three story apartments in their back yard. Not good for North Seagoville Elementary School.*

Signature(s): *[Handwritten Signature]*
Printed Name(s): *Ricky W. Mize*
Address: *305 Hillhaven, Dr*
City, State & Zip code: *Seagoville, TX 75159*
Phone Number: *214-477-3017*

RECEIVED
FEB 11 2021
BY: *[Handwritten Initials]*

FEBRUARY 5, 2021
1

Jennifer Bonner

From: Sharon Mccandless <grammymc4@yahoo.com>
Sent: Thursday, January 28, 2021 3:22 PM
To: Jennifer Bonner
Subject: P & Z Meeting Agenda #3 22021-01

My name is Sharon McCandless

My address is 1706 Parkhaven Dr, Seagoville E-mail address: grammymc4@yahoo.com

Phone: 972-287-3072 home

972-971-9258 cell

I want my voice to be heard that I am NOT in agreement with building apartments anywhere near me. I know I don't live within 200 fr from the proposed change but I alive close enough. And I vote NO.

Would you please see that this letter gets to the correct people?

Thank you.

Sincerely,

Sharon McCandless.

Sent from my iPhone

Property Owner List

ZONING REQUEST Z2021-01: Rezone from LR to PD-21-01

Mailed out a total of 43 certified letters on Thursday, January 14, 2021, before 5:00 PM

Subject or adjoiner?	Site Address	DCAD account	Owner	Mailing Address	Mailing Address 2	City	State	Zip	Acres	Lot	Subdivision	Block
Subject	1700 Seagoville Road	65054147510140000	Oak Hill Assembly Church	c/o Trustees	P. O. Box 84	Seagoville	TX	75159	0.650	14	Herman Heider Abstract 451	
Subject	1700 North Highway 175	65085006110110000		P. O. Box 84		Seagoville	TX	75159	4.258	11	John D. Merchant Abstract 850	
Subject	1700 North Highway 175	65085006110110200	Kevin Butler	P.O. Box 277		Lancaster	TX	75146	3.309	11.2		
Adjoiner	1706 North Highway 175	65085006110190000	Lee Cemetery	ATTN: President	P.O. Box 626	Seagoville	TX	75159	5.200	19	John D. Merchant Abstract 850	
Adjoiner	1702 North Highway 175	65085006110010000	Q & M Properties LLC	3111 Sage Tree Lane		Sunnyvale	TX	75182	0.219	1	John D. Merchant Abstract 850	
Adjoiner	1706 North Highway 175	65085006110040100	F. L. Sebastian, Jr.	1650 East Farmers Road		Seagoville	TX	75159	0.023	4.1	John D. Merchant Abstract 850	
Adjoiner	1706 North Highway 175	65085006110020000	F. L. Sebastian, Jr.	1650 East Farmers Road		Seagoville	TX	75159	0.122	2	John D. Merchant Abstract 850	
Adjoiner	1706 North Highway 175	65085006110030000	F. L. Sebastian, Jr.	1650 East Farmers Road		Seagoville	TX	75159	0.1754	3	John D. Merchant Abstract 850	
Adjoiner	1701 Seagoville Road	65085006110040000	Gerald W. Burk & Ricky L. Burk	1701 Seagoville Road		Seagoville	TX	75159	0.321	4	John D. Merchant Abstract 850	
Adjoiner	1701 Seagoville Road	65054147510270000	Billy J. Burk	c/o Gerald W. Burk	236 Winding Ridge Lane	Rockwall	TX	75032	0.10	27	Herman Heider Abstract 451	
Adjoiner	1803 East Seagoville Road	65054147510100000	F. L. Sebastian, Jr.	2210 North Highway 175		Seagoville	TX	75159	3.200	10	Herman Heider Abstract 451	
Adjoiner	1900 Seagoville Road	50046560010010000	Dallas I.S.D.	ATTN: Treasurer	9400 North Central Expressway; Suite 1250	Dallas	TX	75231	9.5768	1	Seagoville North Elementary School	1
Adjoiner	305 Hillhaven Drive	50017500040030000	Ricky J. & Linda K. Mize	305 Hillhaven Drive		Seagoville	TX	75159		3	Haven Hills 1	D
Adjoiner	303 Hillhaven Drive	50017500040020000	Armando Barrera	303 Hillhaven Drive		Seagoville	TX	75159		2	Haven Hills 1	D
Adjoiner	301 Hillhaven Drive	50017500040010000	Raymond Struggs	301 Hillhaven Drive		Seagoville	TX	75159		1	Haven Hills 1	D
Adjoiner	201 Hillhaven Drive	50017500070010000	Jennie Emerson	1201 Main Street		Jackson	KY	41339		1 & 2	Haven Hills 1	G
Adjoiner	1729 Woodhaven Drive	50017500060010000	Tommy J. Metcalf	1729 Woodhaven Drive		Seagoville	TX	75159		1 & NW 1/2 of 2	Haven Hills 1	F
Adjoiner	1725 Woodhaven Drive	50017500060020000	MNSF II WI, LLC	6836 Morrison Boulevard		Charlotte	NC	28211		3 & SE 1/2 of 2	Haven Hills 1	F
Adjoiner	1721 Woodhaven Drive	50017500060040000	Veronica Havas	1721 Woodhaven Drive		Seagoville	TX	75159		4 & 5	Haven Hills 1	F
Adjoiner	1717 Woodhaven Drive	50017500060060000	Noah & Shaye Connelly	1717 Woodhaven Drive		Seagoville	TX	75159		6 & 7	Haven Hills 1	F
Adjoiner	1713 Woodhaven Drive	50017500060080000	Cindy Campbell	1713 Woodhaven Drive		Seagoville	TX	75159		8 & 9	Haven Hills 1	F
Adjoiner	1709 Woodhaven Drive	50017500060100000	Charles W. & Janis Sullivan	1709 Woodhaven Drive		Seagoville	TX	75159		10 & 11	Haven Hills 1	F
Adjoiner	1703 Woodhaven Drive	50017500060120000	Tonya G. Godbehere	1705 Woodhaven Drive		Seagoville	TX	75159		12 & 13	Haven Hills 1	F
Adjoiner	1701 Woodhaven Drive	50017500060140000	Julius C. Bowen	1701 Woodhaven Drive		Seagoville	TX	75159		14	Haven Hills 1	F
Adjoiner	1700 Woodhaven Drive	50017500050130000	Johnny D. & Lisa M. Poston	1700 Woodhaven Drive		Seagoville	TX	75159		13	Haven Hills 1	E

Property Owner List

ZONING REQUEST Z2021-01: Rezone from LR to PD-21-01

Mailed out a total of 43 certified letters on Thursday, January 14, 2021, before 5:00 PM

Subject or adjoiner?	Site Address	DCAD account	Owner	Mailing Address	Mailing Address 2	City	State	Zip	Acres	Lot	Subdivision	Block
Adjoiner	1702 Woodhaven Drive	50017500050140000	Angela White	1702 Woodhaven Drive		Seagoville	TX	75159		14	Haven Hills 1	E
Adjoiner	1704 Woodhaven Drive	50017500050150000	Henry E. McCarver	1704 Woodhaven Drive		Seagoville	TX	75159		15	Haven Hills 1	E
Adjoiner	1706 Woodhaven Drive	50017500050160000	Dorothy de la Cruz	1706 Woodhaven Drive		Seagoville	TX	75159		16	Haven Hills 1	E
Adjoiner	1708 Woodhaven Drive	50017500050170000	Victoria Castillo & Omar Jimenez	1708 Woodhaven Drive		Seagoville	TX	75159		17	Haven Hills 1	E
Adjoiner	1710 Woodhaven Drive	50017500050180000	Eulalia Reyes	1710 Woodhaven Drive		Seagoville	TX	75159		18	Haven Hills 1	E
Adjoiner	1712 Woodhaven Drive	50017500050190000	Christopher deOssio	1712 Woodhaven Drive		Seagoville	TX	75159		19	Haven Hills 1	E
Adjoiner	1714 Woodhaven Drive	50017500050200000	Ray M. & Mary E. Benke	1714 Woodhaven Drive		Seagoville	TX	75159		20	Haven Hills 1	E
Adjoiner	1716 Woodhaven Drive	50017500050210000	G. W. Matthews	5550 Horizon Road		Rockwall	TX	75032		21	Haven Hills 1	E
Adjoiner	1718 Woodhaven Drive	50017500050220000	Russell Chambless	1402 Rapids Court		Rockwall	TX	75087		22	Haven Hills 1	E
Adjoiner	1720 Woodhaven Drive	50017500050230000	Frank A. & Sheryl D. Reeves	1720 Woodhaven Drive		Seagoville	TX	75159		23	Haven Hills 1	E
Adjoiner	1722 Woodhaven Drive	50017500050240000	Ronald L. Lane	1722 Woodhaven Drive		Seagoville	TX	75159		24	Haven Hills 1	E
Adjoiner	1724 Woodhaven Drive	50017500050250000	Richard A. Leopulos	1724 Woodhaven Drive		Seagoville	TX	75159		25	Haven Hills 1	E
Adjoiner	1621 Woodhaven Drive	50017500010010000	Doris Plant	103 East Farmers Road		Seagoville	TX	75159		1	Haven Hills 1	A
Adjoiner	1619 Woodhaven Drive	50017500010020000	Raul Arrendondo-Huerta	1619 Woodhaven Drive		Seagoville	TX	75159		2	Haven Hills 1	A
Adjoiner	1617 Woodhaven Drive	50017500010030000	Marilyn K. Bell	1617 Woodhaven Drive		Seagoville	TX	75159		3	Haven Hills 1	A
Adjoiner	1622 Woodhaven Drive	50017500020220000	Elsie E. Murchison Life Estate	1622 Woodhaven Drive		Seagoville	TX	75159		22	Haven Hills 1	B
Adjoiner	1700 North Highway 175	65085006110110100	Charles W. & Loretta R. Smith	1901 Ponderosa Trail		Sachse	TX	75048	1.948	11.1	John D. Merchant Abstract 850	
Adjoiner	103 May Road	65085006610100000	Charles W. Smith	1901 Ponderosa Trail		Sachse	TX	75048	3.448	10	John D. Merchant Abstract 850	
Adjoiner												
Adjoiner												

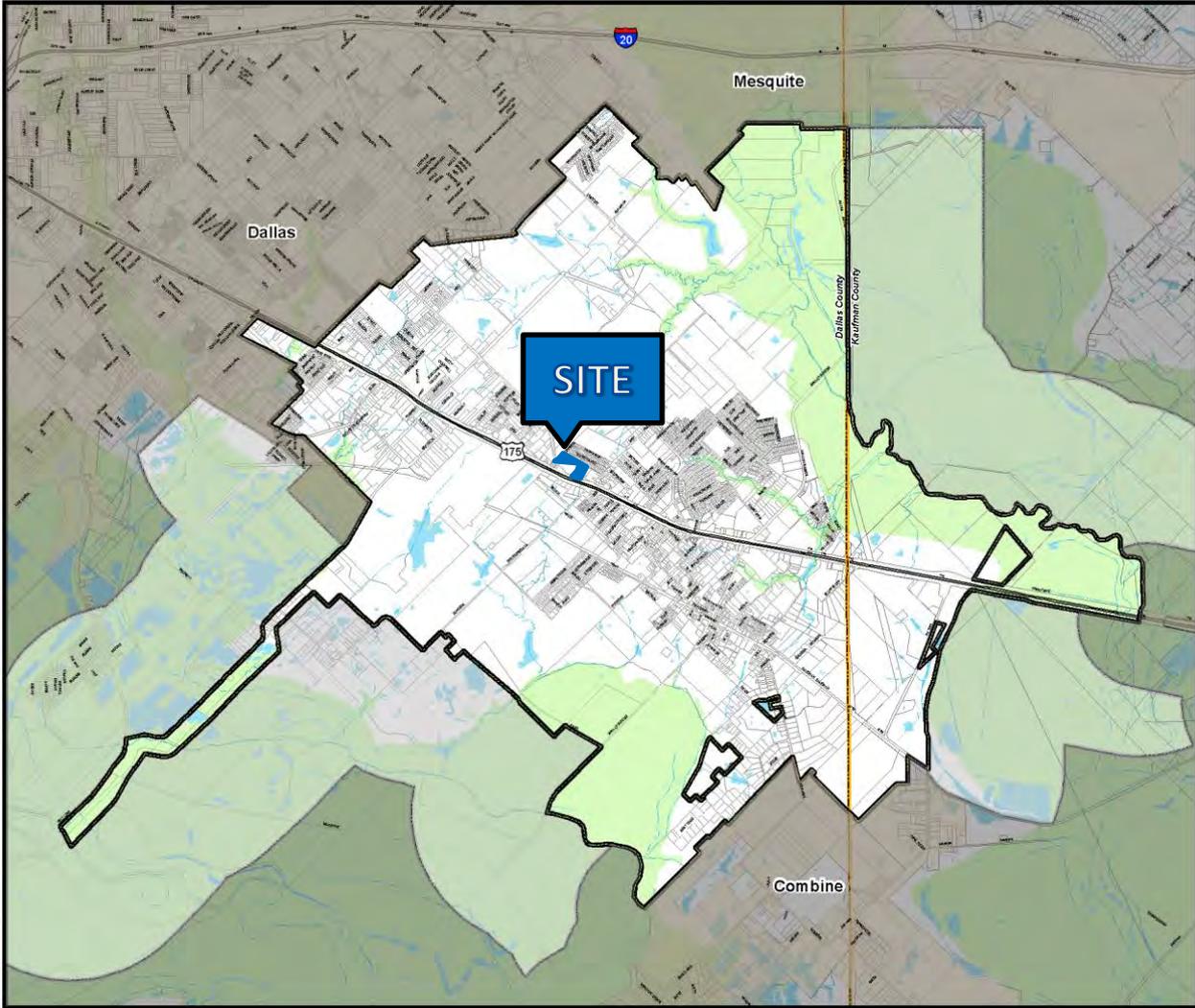
*THE BUTLER AT SEAGOVILLE
PLANNED DEVELOPMENT APPLICATION*

P&Z & CITY COUNCIL MEETING

January 28, 2021
February 22, 2021



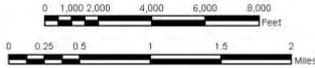
HOMEYER
ENGINEERING, INC.



City Limits and ETJ

City of Seagoville, Texas
Comprehensive Plan

-  Seagoville City Limits
-  Extraterritorial Jurisdiction
-  Floodplain
-  Dallas/Kaufman County Line

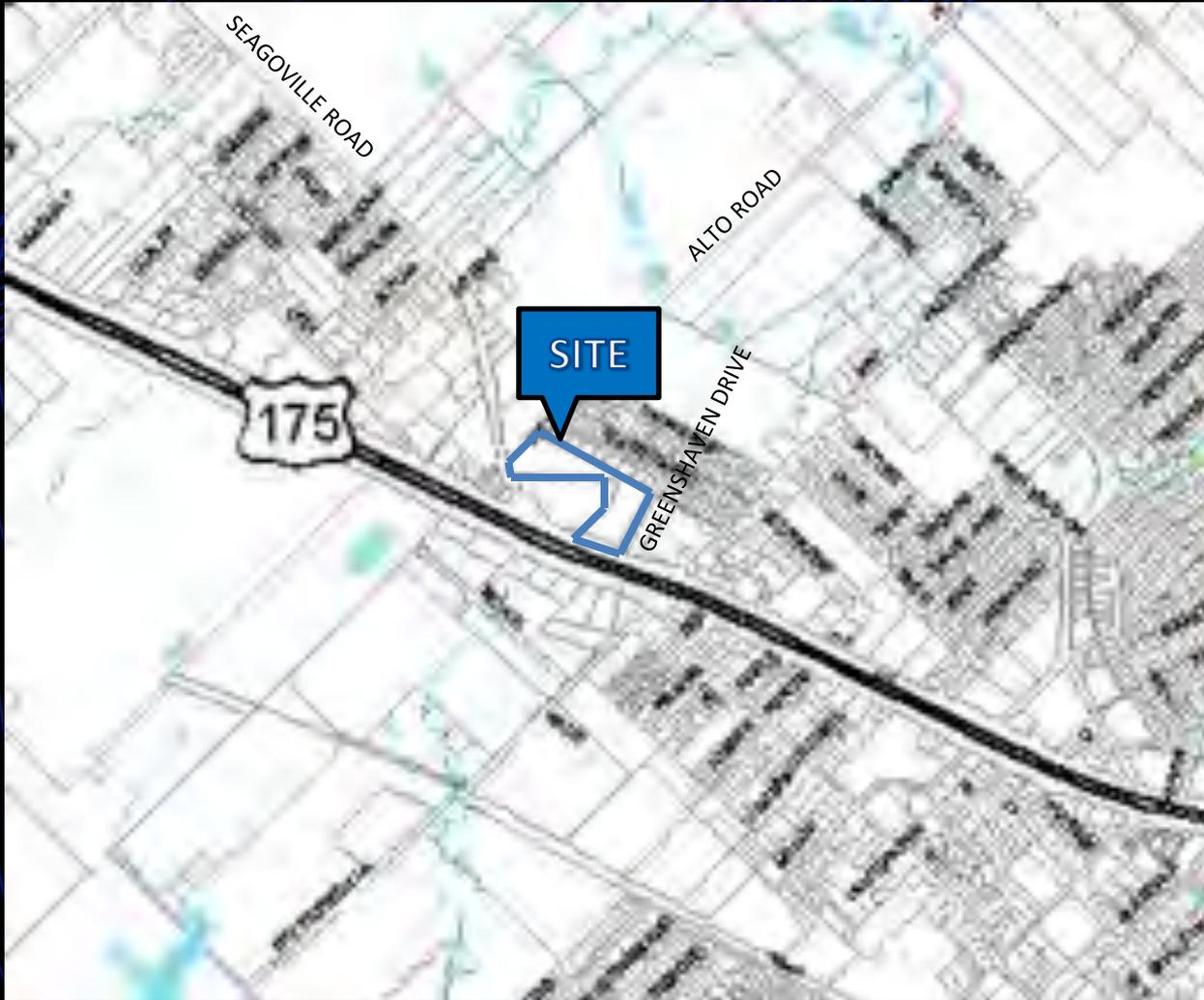


DEVELOPMENT LOCATION



HOMEYER
ENGINEERING, INC.

Exhibit 9



DEVELOPMENT LOCATION



HOMEYER
ENGINEERING, INC.

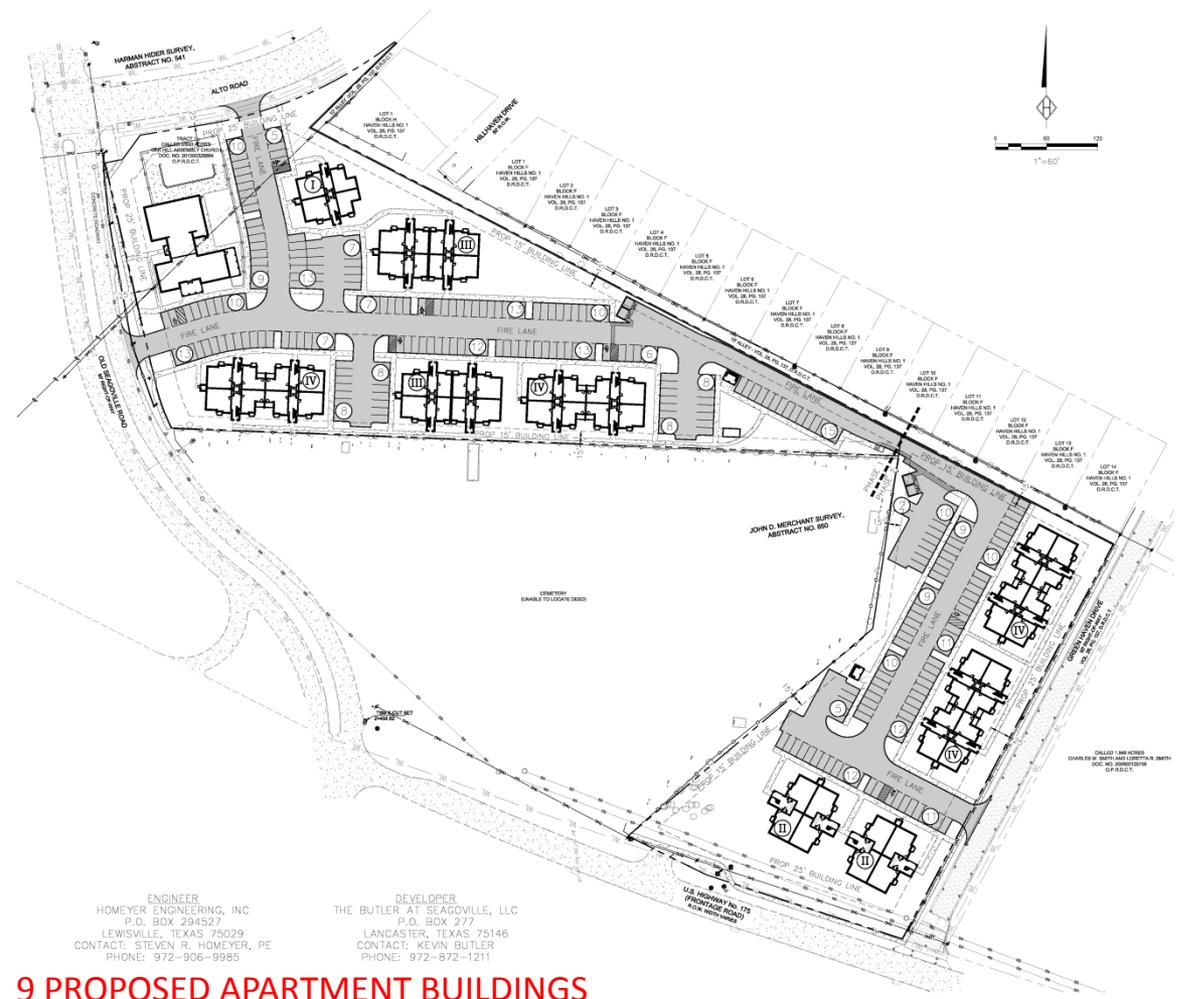


EXISTING ZONING: LR DISTRICT
PROPOSED ZONING: PD DISTRICT



HOMEYER
ENGINEERING, INC.

PROJECT NO. 2020-0010
 DATE: 01/04/2021
 SHEET NO. 01/04/2021



ENGINEER
 HOMEYER ENGINEERING, INC.
 P.O. BOX 294527
 LEWISVILLE, TEXAS 75029
 CONTACT: STEVEN R. HOMEYER, PE
 PHONE: 972-906-9985

DEVELOPER
 THE BUTLER AT SEAGOVILLE, LLC
 P.O. BOX 277
 LANCASTER, TEXAS 75146
 CONTACT: KEVIN BUTLER
 PHONE: 972-872-1211

9 PROPOSED APARTMENT BUILDINGS
1 AMENITY CENTER BUILDING

SITE INFORMATION

EXISTING ZONING: LR – LOCAL RETAIL DISTRICT
 PROPOSED ZONING: PD – PLANNED DEVELOPMENT
 LOT AREA: 359,076 SF (8.243 AC)
 TOTAL BUILDING AREA: 68,529 SF (1,573 AC)
 PROPOSED BUILDING HEIGHT: 48.25 FEET
 PROPOSED FAR: 0.18
 TOTAL DWELLING UNITS: 180 UNITS
 PARKING REQUIREMENTS:
 APARTMENT RATIO:
 180 UNITS @ 1.5 SPACE / 1 UNIT = 270 SPACES
 OFFICE RATIO:
 450 SF 1 SPACE / 200 SF = 3 SPACES
 TOTAL PARKING REQUIRED: 273 SPACES
 TOTAL PARKING PROVIDED: 283 SPACES
 HANDICAP PARKING REQUIRED: 7 SPACES
 HANDICAP PARKING PROVIDED: 7 SPACES

LEGEND

- IRF IRON ROD FOUND
- IRS IRON ROD SET
- CUT X IN CONCRETE
- F.C.P. FENCE CORNER POST
- ASPHALT
- TELEPHONE MANHOLE
- POWER POLE
- LIGHT POLE
- WATER VALVE
- SSMH SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER METER

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 01/04/2021

HOMEYER ENGINEERING, INC.
 TYPE FIRM REGISTRATION NO. F.B.040
 P. 02-006-9985 PHONE 972-906-9987 FAX
 WWW.HEI.US.COM



THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

OVERALL CONCEPT PLAN

DRAWN: 1AA
 DATE: 10/16/2020
 HEI #: 20-0703
 SHEET NO:
 C1

CONCEPT PLAN – OVERALL



HOMEYER ENGINEERING, INC.

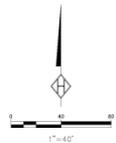
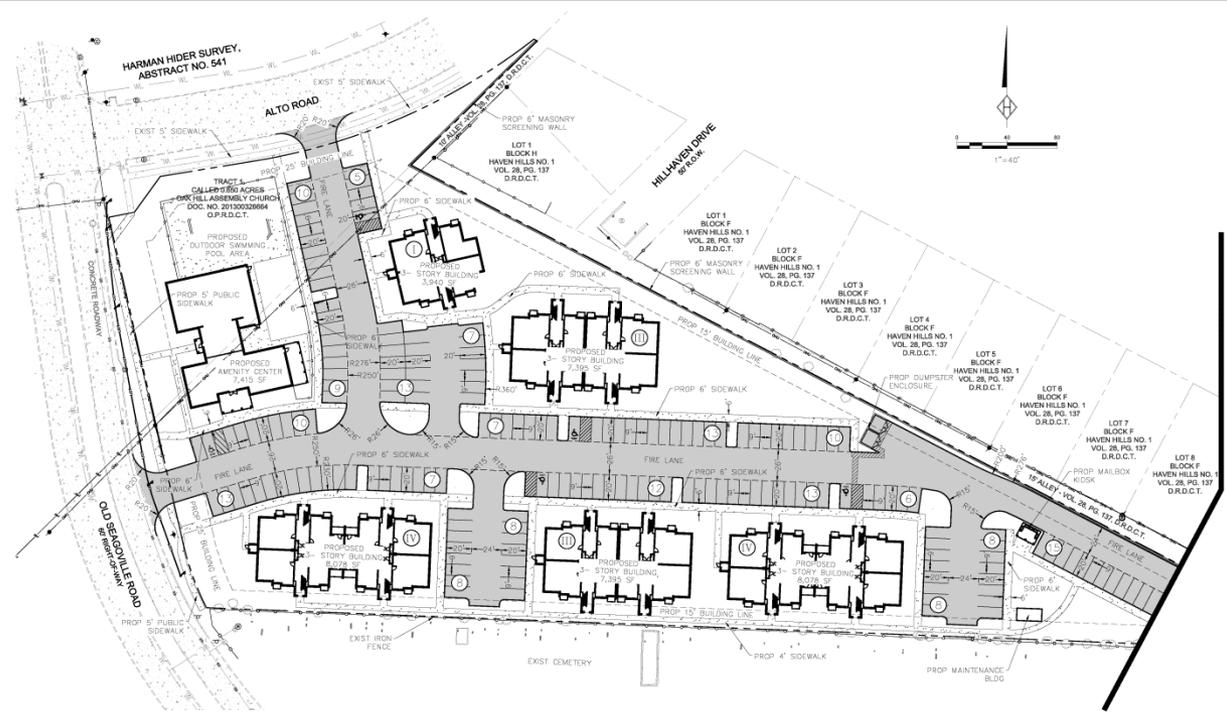
Exhibit 9



THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

CONCEPT
 PLAN
 WEST

DRAWN: JAA
 DATE: 10/16/2020
 HEI #: 20-0703
 SHEET NO:
 C1.1



SEE SHEET C1.2

LEGEND	
I.R.F.	IRON ROD FOUND
I.R.S.	IRON ROD SET
X	CUT X IN CONCRETE
F.C.P.	FENCE CORNER POST
A	ASPHALT
⊙	TELEPHONE MANHOLE
⊕	POWER POLE
⊕	LIGHT POLE
⊕	WATER VALVE
⊕ SSM	SANITARY SEWER MANHOLE
⊕	FIRE HYDRANT
⊕ W	WATER METER

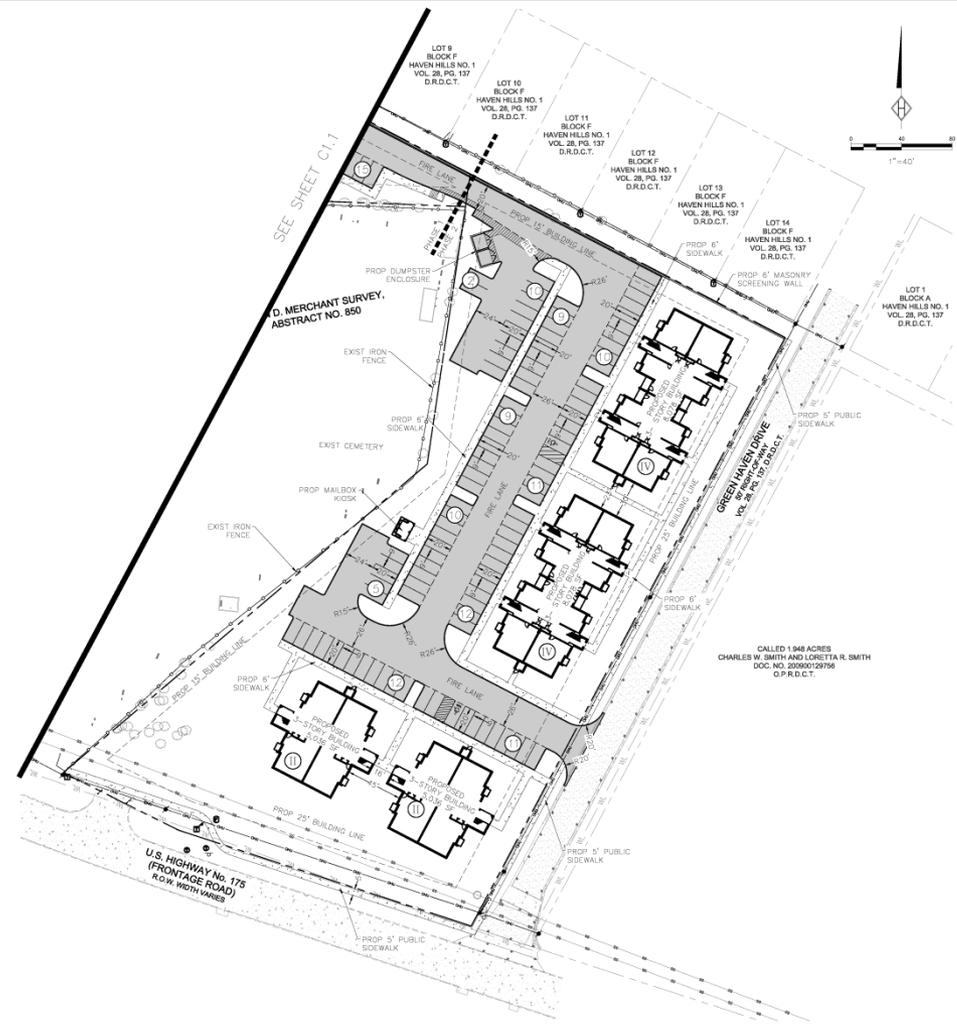
SITE INFORMATION	
EXISTING ZONING:	LR - LOCAL RETAIL DISTRICT
PROPOSED ZONING:	PD - PLANNED DEVELOPMENT
LOT AREA:	359,076 SF (8.243 AC)
TOTAL BUILDING AREA:	68,529 SF (1.573 AC)
PROPOSED BUILDING HEIGHT:	48.25 FEET
PROPOSED FAR:	0.19
TOTAL DWELLING UNITS:	180 UNITS
PARKING REQUIREMENTS:	
APARTMENT RATIO:	180 UNITS @ 1.5 SPACE / 1 UNIT = 270 SPACES
OFFICE RATIO:	450 SF 1 SPACE / 200 SF = 3 SPACES
TOTAL PARKING REQUIRED:	273 SPACES
TOTAL PARKING PROVIDED:	283 SPACES
HANDICAP PARKING REQUIRED:	7 SPACES
HANDICAP PARKING PROVIDED:	7 SPACES

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 01/04/2021

CONCEPT PLAN - WEST



ALL RIGHTS RESERVED. THIS PLAN AND ALL INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF HOMEYER ENGINEERING, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HOMEYER ENGINEERING, INC.



SITE INFORMATION

EXISTING ZONING: LR - LOCAL RETAIL DISTRICT
 PROPOSED ZONING: PD - PLANNED DEVELOPMENT
 LOT AREA: 359,076 SF (8.243 AC)
 TOTAL BUILDING AREA: 68,529 SF (1,573 AC)
 PROPOSED BUILDING HEIGHT: 48.25 FEET
 PROPOSED FAR: 0.19
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 APARTMENT RATIO:
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 450 SF / 1 SPACE / 200 SF = 3 SPACES
 TOTAL PARKING REQUIRED: 273 SPACES
 TOTAL PARKING PROVIDED: 283 SPACES
 HANDICAP PARKING REQUIRED: 7 SPACES
 HANDICAP PARKING PROVIDED: 7 SPACES

LEGEND

- I.R.F. IRON ROD FOUND
- I.R.S. IRON ROD SET
- X CUT X IN CONCRETE
- F.C.P. FENCE CORNER POST
- ASPH
- TELEPHONE MANHOLE
- POWER POLE
- LIGHT POLE
- WATER VALVE
- SSM/SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WM WATER METER

PRELIMINARY PLANS

THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 01/04/2021

HOMEYER ENGINEERING, INC.
 ENGINEERING, ARCHITECTURE, SURVEYING & PLANNING
 10000 W. HAWTHORNE AVENUE SUITE 200
 DALLAS, TEXAS 75241
 P: 972.952.8953 F: 972.952.8957 WWW.HEI.US.COM



THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

CONCEPT PLAN EAST

DRAWN: JAA
 DATE: 10/16/2020
 HEI #: 20-0703
 SHEET NO: C1.2

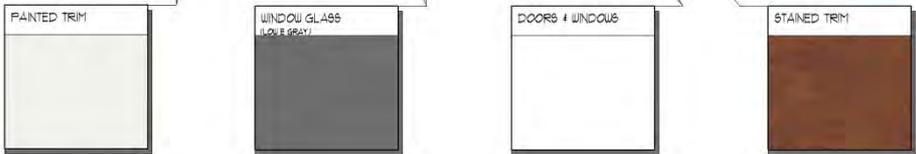
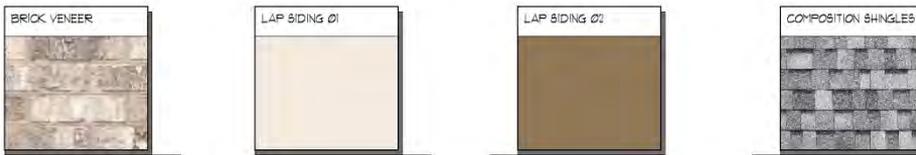
CONCEPT PLAN – EAST



HOMEYER ENGINEERING, INC.

Exhibit 9

NOT TO SCALE



OWNER & REPRESENTATIVE
 CHAIRMAN CONSTRUCTION GROUP
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159
 REPRESENTATIVE: TERRY R. CUNNINGHAM ARCHITECTS
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159
 PHONE: 972-566-5555

**EXTERIOR MATERIALS & SPECIFICATIONS
 THE BUTLER - SEAGOVILLE**

BRICK VENEER BY SPEC. BY SPEC. BY SPEC.	COLOR: URSALITE BY SPEC.
PAINTED LAP SIDING 01 BY JAMES HARDIE PRODUCTS	COLOR: GREY/WHITE BY JAMES HARDIE PRODUCTS
PAINTED LAP SIDING 02 BY JAMES HARDIE PRODUCTS	COLOR: FALLON LEVANS BY JAMES HARDIE PRODUCTS
EXPANSION JOINT SEALANTS SOMMERBORN 112	COLOR: PATCH BRICK BY JAMES HARDIE PRODUCTS
ALUMINUM UNCLAD KNEIGHT 100 SERIES 3/4" X 1 1/2" UNCLAD	COLOR: WHITE BY JAMES HARDIE PRODUCTS
METAL DOORS / FRAME PAINT SERRINI WALLACE - EXT. ACrylic	COLOR: URSALITE BY JAMES HARDIE PRODUCTS
SOFFIT BY JAMES HARDIE PRODUCTS	COLOR: EXTRA WHITE BY JAMES HARDIE PRODUCTS
STAINED TRIM & FACIA BY JAMES HARDIE PRODUCTS	COLOR: REVERWOOD BY JAMES HARDIE PRODUCTS
PAINTED TRIM & FACIA BY JAMES HARDIE PRODUCTS	COLOR: URSALITE BY JAMES HARDIE PRODUCTS
ROOF COMPOSITION SHINGLES BY JAMES HARDIE PRODUCTS	COLOR: BERRI GRAY BY JAMES HARDIE PRODUCTS
GUARD RAILS - BUILDINGS BY SPEC.	COLOR: WHITE BY JAMES HARDIE PRODUCTS
GUARD RAILS - SITE BY SPEC.	COLOR: BLACK BY JAMES HARDIE PRODUCTS

TERRY R. CUNNINGHAM
 ARCHITECTS
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159
 PHONE: 972-566-5555

THE BUTLER AT SEAGOVILLE
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT TYPICAL
APARTMENT BLDG
AXONOMETRIC

SHEET:
A2.7

TYPICAL APARTMENT BUILDING

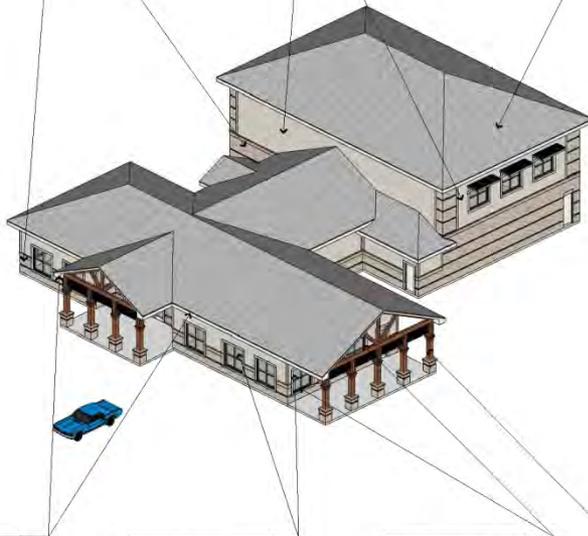
BUILDING ELEVATION – APARTMENT BUILDING



HOMEYER
ENGINEERING, INC.

Exhibit 9

NOT TO SCALE



OWNER & REPRESENTATIVE
 CHRYSLER CONSTRUCTION GROUP
 1706 SEAGOVILLE RD
 SEAGOVILLE, TX 75159
 PHONE: 972-311-2121
 RESPONSIBLE: JAMES W. HANCOCK, P.E.
 1501 W. WILSON ST., SUITE 100
 SEAGOVILLE, TX 75159
 PHONE: 972-311-2250

**EXTERIOR MATERIALS SPECIFICATIONS
THE BUTLER - SEAGOVILLE**

BRICK VENEER 4x8 BRICK VENEER BY JAMES W. HANCOCK BY JAMES W. HANCOCK	COLOR: ESCALANTE SPRIS
PAINTED LAP SIDING 01 LAP SIDING 01 BY JAMES W. HANCOCK	COLOR: GREYHAWK 66100 BY BARNES WALLING EXTERIOR ACRYLIC
PAINTED LAP SIDING 02 LAP SIDING 02 BY JAMES W. HANCOCK	COLOR: FALLON LEANS 66104 BY BARNES WALLING EXTERIOR ACRYLIC
EXPANSION JOINT SEALANTS SOLARBOND MS SOLARBOND MS	COLOR: MATCH BRICK COLOR: MATCH SIDING
ALUMINUM WINDOW KNEEWALL 300 SERIES 34x10x1/2 UNPAINTED	COLOR: WHITE COLOR: 1001 FINIT UNPAINTED
METAL DOORS / FRAME PAINT BARNES WALLING - EXT ACRYLIC	COLOR: EXTRA WHITE 66100 EXTERIOR ACRYLIC
SOFFIT NON-PAINTED BOOTH BY JAMES W. HANCOCK BARNES WALLING - EXT ACRYLIC	COLOR: EXTRA WHITE 66100 EXTERIOR ACRYLIC
STAINED TRIM & TRIMMER STAINED CEDAR TRIM: SERRAS ENGINEERED LOGOOD 210	COLOR: REVEREND 66101 EXT. SOFFIT TRIM: 66101 COLOR: 101 TORCH
PAINTED TRIM & FACIA 4x4 NON-PAINTED TRIMMER BY JAMES W. HANCOCK	COLOR: EXTRA WHITE 66100 EXTERIOR ACRYLIC
ROOF COMPOSITION SHINGLES COMPOSITION SHINGLES ETL-150 20 YEAR CORNING	COLOR: HERRA GRAY
GUARD RAILS - BUILDINGS 100x100x10	COLOR: WHITE
GUARD RAILS - SITE SITE: USE 4" POLYMER COAT FINISH	COLOR: BLACK

ALL EXTERIOR SURFACES SHALL BE MAINTAINED AT THE 100% AND FINISHED BY THE 100% OF THE PROJECT. THE 100% SHALL BE A RESULT OF THE 100% OF THE PROJECT.

TERRY R. CUNNINGHAM
 ARCHITECTS
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159
 PHONE: 972-311-2250
 WWW.TERRYCUNNINGHAM.COM
 © 2020 TERRY R. CUNNINGHAM ARCHITECTS

THE BUTLER AT SEAGOVILLE
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
**CONCEPT OFFICE
BUILDING
AXONOMETRIC**

SHEET:
A2.8

OFFICE BUILDING

BUILDING ELEVATION – OFFICE BUILDING



HOMEYER
ENGINEERING, INC.

Exhibit 9



ELEVATION ENTRY 01
NOT TO SCALE



ELEVATION ENTRY 02
NOT TO SCALE



ELEVATION END 01
NOT TO SCALE



ELEVATION END 02
NOT TO SCALE

ELEVATION ENTRY 01

Gross wall area 735 SF
Door/window area 593 SF- 26%
Net wall area 172 SF- 100%

Brick area 571 SF- 34%
Lap Siding 01 area 434 SF- 25%
Lap Siding 02 area 70 SF- 4%
Painted Trim area 91 SF- 20%
Stained Trim area 128 SF- 7%

ELEVATION ENTRY 02

Gross wall area 735 SF
Door/window area 593 SF- 26%
Net wall area 172 SF- 100%

Brick area 571 SF- 34%
Lap Siding 01 area 434 SF- 25%
Lap Siding 02 area 70 SF- 4%
Painted Trim area 91 SF- 20%
Stained Trim area 128 SF- 7%

ELEVATION END 01

Gross wall area 1930 SF
Door/window area 128 SF- 1%
Net wall area 1702 SF- 100%

Brick area 100 SF- 4%
Lap Siding 01 area 798 SF- 47%
Lap Siding 02 area 0 SF- 0%
Painted Trim area 204 SF- 10%
Stained Trim area 0 SF- 0%

ELEVATION END 02

Gross wall area 1733 SF
Door/window area 253 SF- 15%
Net wall area 1480 SF- 100%

Brick area 875 SF- 56%
Lap Siding 01 area 444 SF- 30%
Lap Siding 02 area 0 SF- 0%
Painted Trim area 161 SF- 11%
Stained Trim area 0 SF- 0%
Roof area 50 SF- 3%

OWNER & REPRESENTATIVE

OWNER
BUTLER CONSTRUCTION GROUP
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159
PHONE: 972-310-1111

REPRESENTATIVE
HOMMEYER ENGINEERING INC.
1577 ATWOOD DRIVE
SEAGOVILLE, TEXAS 75159
PHONE: 972-465-2330

Building Summary of all elevations / Out Facing Elevations Only!

Gross wall area 2033 SF
Door/window area 666 SF- 20%
Net wall area 667 SF- 100%

Brick area 2679 SF- 40%
Lap Siding 01 area 210 SF- 32%
Lap Siding 02 area 140 SF- 2%
Painted Trim area 391 SF- 3%
Stained Trim area 256 SF- 4%
Roof area 50 SF- 1%

MATERIALS LEGEND

- BRICK VENEER
- LAP SIDING 01
- LAP SIDING 02
- PAINTED TRIM
- STAINED TRIM
- ROOF COMPOSITION SHINGLES

NOT TO SCALE

TERRY R. CUNNINGHAM
ARCHITECTS
1000 W. UNIVERSITY BLVD. SUITE 1000
DALLAS, TEXAS 75201
PHONE: 972-442-1000
WWW.TERRYCUNNINGHAMARCHITECTS.COM

THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT BLDG
TYPE I
ELEVATIONS

SHEET:
A2.1

APARTMENT BUILDING TYPE I

BUILDING ELEVATION – APARTMENT BUILDING



HOMMEYER
ENGINEERING, INC.

Exhibit 9

NOT TO SCALE



ELEVATION ENTRY 01
NOT TO SCALE



ELEVATION ENTRY 02
NOT TO SCALE



ELEVATION END 01
NOT TO SCALE



ELEVATION END 02
NOT TO SCALE

ELEVATION ENTRY 01

Gross wall area 2648 SF
Door/window area 913 SF- 37%
Net wall area 1615 SF-100%

Brick area 652 SF- 39%
Lap Siding 01 area 434 SF- 26%
Lap Siding 02 area 175 SF- 8%
Painted Trim area 255 SF- 2%
Stained Trim area 101 SF- 6%

OWNER & REPRESENTATIVE

CHS CONSTRUCTION GROUP
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159
PHONE: 972-311-8111

ENGINEER OF RECORD
HOMMEYER ENGINEERING INC.
1617 W. STATE ST. SUITE 200
SEAGOVILLE, TEXAS 75159
PHONE: 972-311-1555

Building Summary of all elevations (Out Facing Elevations Only)

Gross wall area 8162 SF
Door/window area 2406 SF- 28%
Net wall area 6236 SF-100%

Brick area 3028 SF- 48%
Lap Siding 01 area 1156 SF- 18%
Lap Siding 02 area 298 SF- 4%
Painted Trim area 1043 SF- 16%
Stained Trim area 102 SF- 3%
Roof area 50 SF- 1%

ELEVATION ENTRY 02

Gross wall area 2648 SF
Door/window area 913 SF- 37%
Net wall area 1615 SF-100%

Brick area 652 SF- 39%
Lap Siding 01 area 434 SF- 26%
Lap Siding 02 area 175 SF- 8%
Painted Trim area 255 SF- 2%
Stained Trim area 101 SF- 6%

ELEVATION END 01

Gross wall area 1733 SF
Door/window area 257 SF- 15%
Net wall area 1505 SF-100%

Brick area 888 SF- 58%
Lap Siding 01 area 444 SF- 30%
Lap Siding 02 area 0 SF- 0%
Painted Trim area 163 SF- 1%
Stained Trim area 0 SF- 0%

ELEVATION END 02

Gross wall area 1733 SF
Door/window area 257 SF- 15%
Net wall area 1495 SF-100%

Brick area 825 SF- 55%
Lap Siding 01 area 444 SF- 30%
Lap Siding 02 area 0 SF- 0%
Painted Trim area 163 SF- 1%
Stained Trim area 0 SF- 0%
Roof area 50 SF- 3%

MATERIALS LEGEND

-  BRICK VENEER
-  LAP SIDING 01
-  LAP SIDING 02
-  PAINTED TRIM
-  STAINED TRIM
-  ROOF COMPOSITION SHINGLES

TERRY R. CUNNINGHAM
ARCHITECTS
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159
PHONE: 972-311-8111

THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT BLDG
TYPE II
ELEVATIONS

SHEET:
A2.2

APARTMENT BUILDING TYPE II

BUILDING ELEVATION – APARTMENT BUILDING



HOMMEYER
ENGINEERING, INC.

Exhibit 9



ELEVATION ENTRY 01
NOT TO SCALE



ELEVATION ENTRY 02
NOT TO SCALE



ELEVATION END 01
NOT TO SCALE



ELEVATION END 02
NOT TO SCALE

ELEVATION ENTRY 01

Gross wall area	3936 SF
Door/window area	1534 SF- 39%
Net wall area	2402 SF-100%
Brick area	844 SF- 35%
Lap Siding 01 area	116 SF- 30%
Lap Siding 02 area	140 SF- 6%
Painted Trim area	444 SF- 18%
Stained Trim area	256 SF- 1%

ELEVATION ENTRY 02

Gross wall area	3936 SF
Door/window area	1534 SF- 39%
Net wall area	2402 SF-100%
Brick area	844 SF- 35%
Lap Siding 01 area	116 SF- 30%
Lap Siding 02 area	140 SF- 6%
Painted Trim area	444 SF- 18%
Stained Trim area	256 SF- 1%

ELEVATION END 01

Gross wall area	1733 SF
Door/window area	278 SF- 13%
Net wall area	1505 SF-100%
Brick area	893 SF- 59%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	162 SF- 1%
Stained Trim area	0 SF- 0%

ELEVATION END 02

Gross wall area	1733 SF
Door/window area	250 SF- 15%
Net wall area	1491 SF-100%
Brick area	825 SF- 56%
Lap Siding 01 area	444 SF- 30%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	150 SF- 1%
Stained Trim area	0 SF- 0%
Roof area	50 SF- 3%

OWNER & REPRESENTATIVE

CHILDS CONSTRUCTION GROUP
15000 W. HUNTER TRAIL
PO BOX 17530-01
DENVER, CO 80217-3001
303.756.1000

ENGINEER'S FIRM
HOMMEYER ENGINEERING INC.
10000 W. HUNTER TRAIL
PO BOX 17530-01 DENVER, CO
303.756.1000

Building Summary of all elevations (Out Facing Elevations Only)

Gross wall area	13338 SF
Door/window area	3548 SF- 31%
Net wall area	11990 SF-100%
Brick area	3410 SF- 44%
Lap Siding 01 area	2334 SF- 30%
Lap Siding 02 area	280 SF- 3%
Painted Trim area	1112 SF- 1%
Stained Trim area	512 SF- 1%
Roof area	50 SF- 1%

MATERIALS LEGEND

-  BRICK VENEER
-  LAP SIDING 01
-  LAP SIDING 02
-  PAINTED TRIM
-  STAINED TRIM
-  ROOF COMPOSITION SHINGLES

NOT TO SCALE

APARTMENT BUILDING TYPE III

TERRY R. CUNNINGHAM
ARCHITECTS
10000 W. HUNTER TRAIL
PO BOX 17530-01 DENVER, CO 80217-3001
303.756.1000

THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT BLDG
TYPE III
ELEVATIONS

SHEET:
A2.3

BUILDING ELEVATION – APARTMENT BUILDING



HOMMEYER
ENGINEERING, INC.

Exhibit 9

NOT TO SCALE



ELEVATION ENTRY 01
NOT TO SCALE



ELEVATION ENTRY 02
NOT TO SCALE



ELEVATION END 01
NOT TO SCALE



ELEVATION END 02
NOT TO SCALE

ELEVATION ENTRY 01

Gross wall area 4630 SF
Door/window area 1032 SF- 22%
Net wall area 3598 SF- 100%
Brick area 1032 SF- 31%
Lap siding 01 area 844 SF- 30%
Lap siding 02 area 140 SF- 5%
Painted Trim area 336 SF- 15%
Stained Trim area 256 SF- 8%

OWNER & REPRESENTATIVE

OWNER
GULF BAY CONSTRUCTION GROUP
16202 STATE HIGHWAY 101
SUITE 200
FORT WORTH, TX 76134
PHONE: 817-343-0101

REPRESENTATIVE
BIG DAWG ENGINEERING INC.
1500 W. STATE HIGHWAY 101
SUITE 200
FORT WORTH, TX 76134
PHONE: 817-343-1999

Building Summary of all elevations (Out Facing Elevations Only)

Gross wall area 12126 SF
Door/window area 4124 SF- 32%
Net wall area 8002 SF- 100%
Brick area 3768 SF- 44%
Lap siding 01 area 2916 SF- 30%
Lap siding 02 area 280 SF- 3%
Painted Trim area 1336 SF- 16%
Stained Trim area 512 SF- 6%
Roof area 50 SF- 1%

ELEVATION ENTRY 02

Gross wall area 4630 SF
Door/window area 1022 SF- 22%
Net wall area 3608 SF- 100%
Brick area 1032 SF- 31%
Lap siding 01 area 844 SF- 30%
Lap siding 02 area 140 SF- 5%
Painted Trim area 336 SF- 15%
Stained Trim area 256 SF- 8%

ELEVATION END 01

Gross wall area 1733 SF
Door/window area 228 SF- 13%
Net wall area 1505 SF- 100%
Brick area 898 SF- 59%
Lap siding 01 area 444 SF- 30%
Lap siding 02 area 0 SF- 0%
Painted Trim area 162 SF- 11%
Stained Trim area 0 SF- 0%

ELEVATION END 02

Gross wall area 1733 SF
Door/window area 251 SF- 15%
Net wall area 1482 SF- 100%
Brick area 815 SF- 55%
Lap siding 01 area 444 SF- 30%
Lap siding 02 area 0 SF- 0%
Painted Trim area 163 SF- 11%
Stained Trim area 0 SF- 0%
Roof area 50 SF- 3%

MATERIALS LEGEND

- BRICK VENEER
- LAP SIDING 01
- LAP SIDING 02
- PAINTED TRIM
- STAINED TRIM
- ROOF COMPOSITION SHINGLES

APARTMENT BUILDING TYPE IV

TERRY R. CUNNINGHAM
ARCHITECTS
3000 N. HENDERSON BOULEVARD, SUITE 100 - AUSTIN, TEXAS 78701 - (512) 835-3444
© 2019 TERRY R. CUNNINGHAM ARCHITECTS

THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT BLDG
TYPE IV
ELEVATIONS

SHEET:
A2.4

BUILDING ELEVATION – APARTMENT BUILDING



HOMEYER
ENGINEERING, INC.

Exhibit 9

NOT TO SCALE



ELEVATION NORTH
NOT TO SCALE



ELEVATION EAST
NOT TO SCALE



ELEVATION SOUTH
NOT TO SCALE



ELEVATION WEST
NOT TO SCALE

ELEVATION NORTH (STREET VIEW)

Gross wall area	1616 SF
Door/window area	0 SF- 0%
Net wall area	1616 SF- 100%
Brick area	120 SF- 7%
Lap Siding 01 area	399 SF- 24%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	85 SF- 4%
Stained Trim area	0 SF- 0%

OWNER & REPRESENTATIVE

OWNER:	BLT CONSTRUCTION GROUP
PROJECT MGR:	DAVIDE J. BLT
PHONE:	972-301-2111
REPRESENTATIVE:	DAVIDE J. BLT
PHONE:	972-301-2111
ADDRESS:	1706 SEAGOVILLE RD
CITY:	SEAGOVILLE, TEXAS
STATE:	TX
ZIP:	75159

ELEVATION EAST

Gross wall area	1910 SF
Door/window area	264 SF- 15%
Net wall area	1126 SF- 100%
Brick area	801 SF- 47%
Lap Siding 01 area	634 SF- 31%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	141 SF- 8%
Stained Trim area	153 SF- 1%

Building Summary of all elevations (Out Facing Elevations Only)

Gross wall area	6582 SF
Door/window area	909 SF- 14%
Net wall area	5673 SF- 100%
Brick area	3000 SF- 53%
Lap Siding 01 area	1300 SF- 33%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	496 SF- 3%
Stained Trim area	251 SF- 5%

ELEVATION SOUTH

Gross wall area	1113 SF
Door/window area	339 SF- 30%
Net wall area	780 SF- 100%
Brick area	214 SF- 21%
Lap Siding 01 area	399 SF- 46%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	111 SF- 5%
Stained Trim area	90 SF- 12%

MATERIALS LEGEND

	BRICK VENEER
	LAP SIDING 01
	LAP SIDING 02
	PAINTED TRIM
	STAINED TRIM
	ROOF COMPOSITION SHINGLES

ELEVATION WEST (STREET VIEW)

Gross wall area	1823 SF
Door/window area	312 SF- 17%
Net wall area	1511 SF- 100%
Brick area	181 SF- 5%
Lap Siding 01 area	508 SF- 34%
Lap Siding 02 area	0 SF- 0%
Painted Trim area	111 SF- 1%
Stained Trim area	44 SF- 3%

OFFICE BUILDING

TERRY R. CUNNINGHAM
ARCHITECTS
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159
PHONE: 972-301-2111

THE BUTLER AT SEAGOVILLE
1706 SEAGOVILLE RD
SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT
OFFICE BUILDING
ELEVATIONS

SHEET:
A2.5

BUILDING ELEVATION – OFFICE BUILDING



HOMEYER
ENGINEERING, INC.

Exhibit 9

NOT TO SCALE



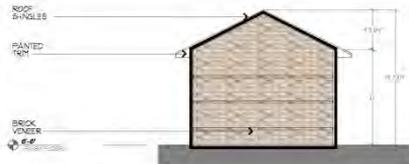
ELEVATION LONG 01
NOT TO SCALE

ELEVATION LONG 01

Gross wall area 108 SF
 Door/window area 0 SF- 0%
 Net wall area 108 SF- 100%
 Brick area 54 SF- 14
 Lap siding 01 area 0 SF- 0%
 Lap siding 02 area 0 SF- 0%
 Painted Trim area 0 SF- 0%
 Stained Trim area 54 SF- 26%

OWNER & REPRESENTATIVE

CLIENT
 GUYER CONSTRUCTION GROUP
 10000 W. STATE ST., SUITE 100
 ROCKFORD, ILL. 61101-3101
 REPRESENTATIVE
 TERRY R. CUNNINGHAM ARCHITECTS
 1501 W. STATE ST., SUITE 200
 ROCKFORD, ILL. 61101-3101
 PHONE: 815-398-1230



ELEVATION LONG 02
NOT TO SCALE

ELEVATION LONG 02

Gross wall area 708 SF
 Door/window area 0 SF- 0%
 Net wall area 708 SF- 100%
 Brick area 708 SF- 100%
 Lap siding 01 area 0 SF- 0%
 Lap siding 02 area 0 SF- 0%
 Painted Trim area 0 SF- 0%
 Stained Trim area 0 SF- 0%

**Building Summary of all elevations
 (Out Facing Elevations Only)**

Gross wall area 688 SF
 Door/window area 80 SF- 12%
 Net wall area 518 SF- 100%
 Brick area 504 SF- 81%
 Lap siding 01 area 0 SF- 0%
 Lap siding 02 area 0 SF- 0%
 Painted Trim area 0 SF- 0%
 Stained Trim area 14 SF- 3%



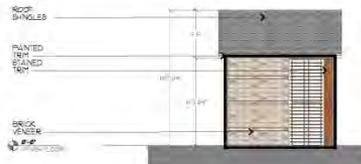
ELEVATION SHORT 01
NOT TO SCALE

ELEVATION SHORT 01

Gross wall area 121 SF
 Door/window area 40 SF- 67%
 Net wall area 81 SF- 100%
 Brick area 11 SF- 88%
 Lap siding 01 area 0 SF- 0%
 Lap siding 02 area 0 SF- 0%
 Painted Trim area 0 SF- 0%
 Stained Trim area 10 SF- 12%

MATERIALS LEGEND

-  BRICK VENEER
-  LAP SIDING 01
-  LAP SIDING 02
-  PAINTED TRIM
-  STAINED TRIM
-  ROOF COMPOSITION SHINGLES



ELEVATION SHORT 02
NOT TO SCALE

ELEVATION SHORT 02

Gross wall area 121 SF
 Door/window area 40 SF- 67%
 Net wall area 81 SF- 100%
 Brick area 11 SF- 88%
 Lap siding 01 area 0 SF- 0%
 Lap siding 02 area 0 SF- 0%
 Painted Trim area 0 SF- 0%
 Stained Trim area 10 SF- 12%

TERRY R. CUNNINGHAM
 ARCHITECTS
 1501 W. STATE ST., SUITE 200
 ROCKFORD, ILL. 61101-3101
 PHONE: 815-398-1230

THE BUTLER AT SEAGOVILLE
 1706 SEAGOVILLE RD
 SEAGOVILLE, TEXAS 75159

ISSUE DATE:
11/10/2020

ISSUE FOR:
OWNER REVIEW

SHEET TITLE:
CONCEPT MAIL
GAZEBO
ELEVATIONS

SHEET:
A2.6

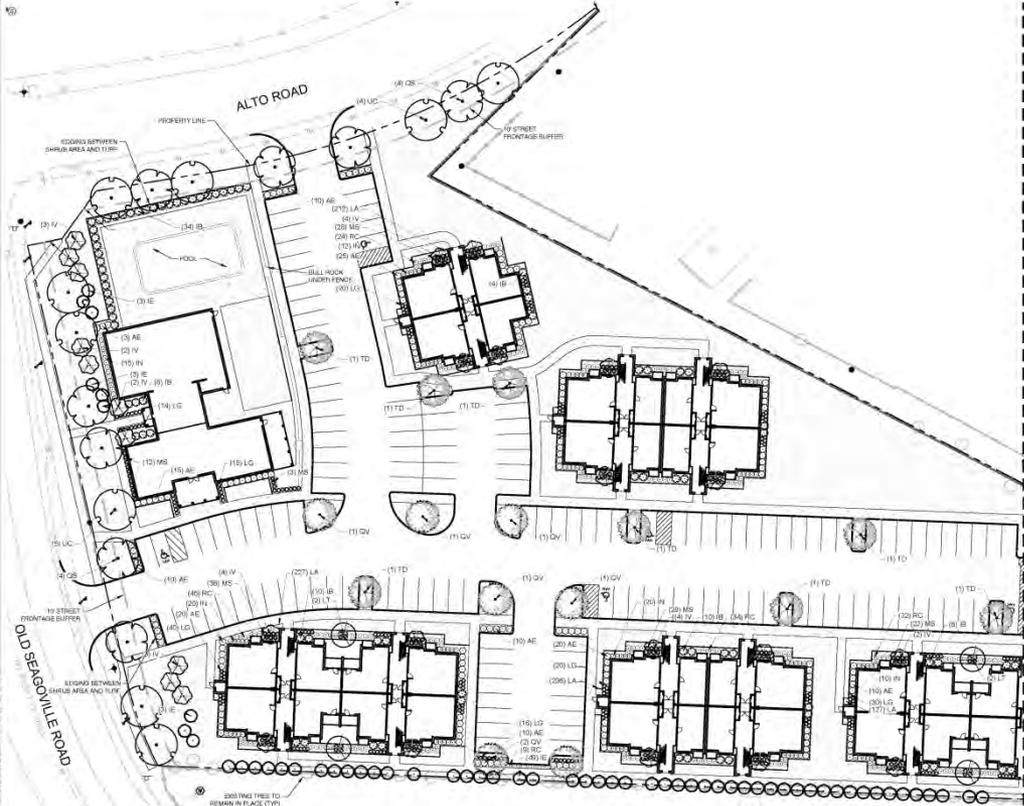
TYPICAL MAIL GAZEBO

BUILDING ELEVATION – MAIL GAZEBO



HOMEYER
ENGINEERING, INC.

Exhibit 9



MATCHLINE - SEE SHEET LP-2

PLANT SCHEDULE						
TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
	IV	36	Box wrenonia Yaupon Holly 3.5 CANES	1 1/2 Cal	Cont. or B&B	6'-4" HT
	IE	148	Box alternata "Eugenia" Eugenia Holly	1 1/2 Cal	Cont. or B&B	6'-4" HT
	LI	8	Leptochloa filosa "Tulahoma" Tulahoma Clasp Yucca 3.5 CANES	1 1/2 Cal	Cont. or B&B	5'-8" HT
	OS	13	Quercus shumardii Shumard Oak	2" Cal	Cont. or B&B	10'-12" HT
	QW	18	Quercus virginiana Southern Live Oak	2" Cal	Cont. or B&B	10'-12" HT
	TD	16	Taxodium distichum Bald Cypress	2" Cal	Cont. or B&B	10'-12" HT
	UD	18	Ulmus ornamental Cedar Elm	2" Cal	Cont. or B&B	10'-12" HT
	UB	3	Ulmus americana Weeping Buckeye	2" Cal	Cont. or B&B	10'-12" HT
	DI	5	X CHORISTANTHERA Chastena	2" Cal	Cont. or B&B	10'-12" HT
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	SIZE
	AE	255	Abelia grandiflora "Emerald Gazer" Glossy Abelia	5 GAL	Per Plan	24" MN
	IB	120	Ironia cornuta "Surfer's Name" Dwarf Burford Holly	5 GAL	Per Plan	18" MN
	AL	185	Box wrenonia "Nana" Dwarf Yaupon	5 GAL	Per Plan	18" MN
	LS	284	Liriodendron Gladi Linum	5 gal	Per Plan	15-18"
	MB	379	Microthlas stipensis "Abago" Abago Spade Grass	5 gal	Per Plan	15-18"
	PC	300	Rhaphidocarpus indica "Clara" Asian Pear	5 GAL	Per Plan	34" MN
GRASSING COVERS	CODE	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	SIZE
	LA	5,000	Liriodendron "Aztec" Aztec Lily Turf	1 GAL		12" OC
SCISSURED	CODE	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	SIZE
	CD	112,000 sq ft	Cynodon dactylon (TIF #1) Bermuda Grass	SCD		

HOMEYER ENGINEERING, INC.
 11000 W. STATE ST. SUITE 100
 DALLAS, TEXAS 75249
 P.O. BOX 284377 NEWVILLE, TEXAS 77809
 972.966.9999 FAX 972.966.9997
 WWW.HOMEYER-ENG.COM



THE BUTLER AT SEAGOVILLE
 6.249 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

LANDSCAPE
 PLANTING



Scale 1" = 30'

EVERGREEN
 LANDSCAPE
 11111 Dallas Hwy, Suite 100
 Dallas, TX 75249
 www.EvergreenLandscape.com

DRAWN: EMS
 DATE: 10/16/2020
 HET #: 20-0703
 SHEET NO:
LP-1

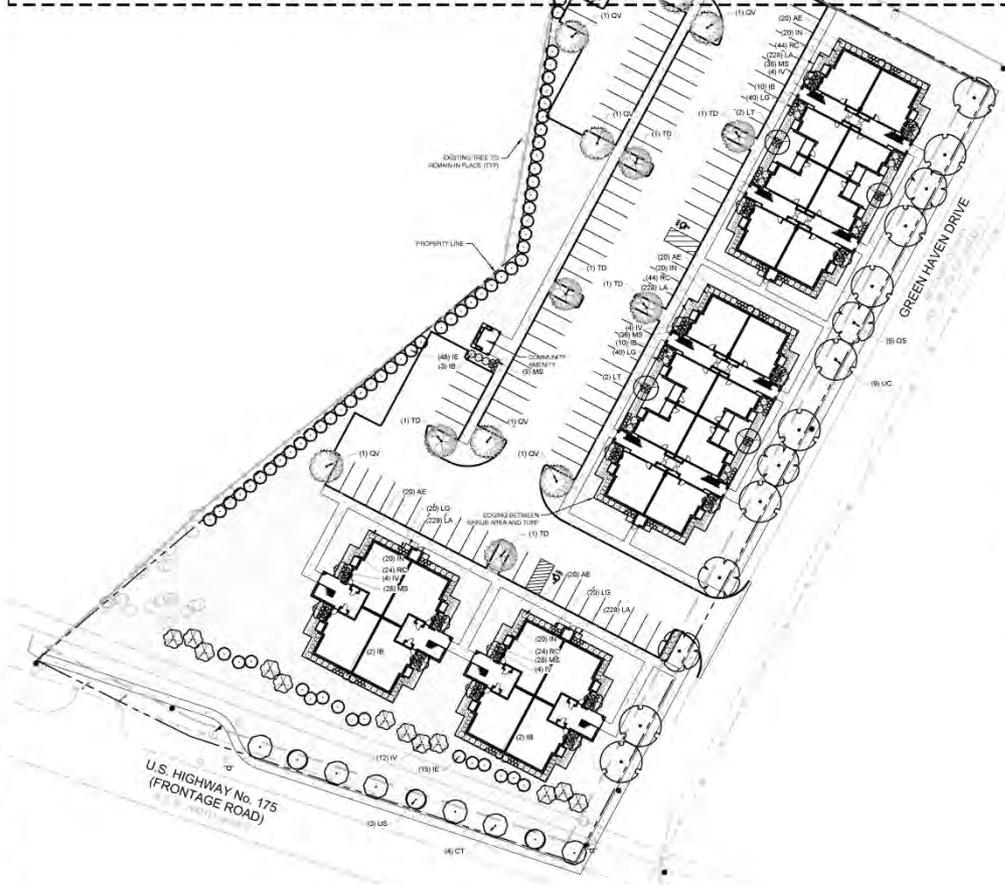
LANDSCAPE PLAN - WEST



HOMEYER ENGINEERING, INC.

Exhibit 9

MATCHLINE - SEE SHEET LP-2



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CALIPER	CONTAINER	SIZE
	IV	36	Ilia cordata Yucca Holly 3-5 CANES	1.5 Cal	Cont. or 8MB	6' 0" HT
	IE	168	Ilia alternata 'Explosion' Explosion Holly	1.5 Cal	Cont. or 8MB	6' 0" HT
	LT	8	Ligustrum indica 'Tulocora' Tulocora Green Man 3-5 CANES	1.5 Cal	Cont. or 8MB	6' 0" HT
	QB	19	Quercus shumardii Shumard Oak	3" Cal	Cont. or 8MB	10' 0" HT
	QW	18	Quercus virginiana Southern Live Oak	3" Cal	Cont. or 8MB	10' 0" HT
	TD	16	Taxodium canadense Bald Cypress	3" Cal	Cont. or 8MB	10' 0" HT
	UD	18	Ulmus crataegoides Cedar Elm	3" Cal	Cont. or 8MB	10' 0" HT
	US	3	Ulmus americana Mexican Buckeye	2" Cal	Cont. or 8MB	10' 0" HT
	CT	6	X-CHINA BARKHOLEWORM Chinese	2" Cal	Cont. or 8MB	10' 0" HT
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING	SIZE
	AE	356	Abies grandifolia 'Edward Grouse' Grosbeak Abies	4 GAL	Per Plan	24" MIN
	IB	132	Ilia cordata 'Burbank Napa' Dwarf Elford Holly	3 GAL	Per Plan	18" MIN
	IN	165	Ilia cordata 'Nana' Dwarf Yucca	3 GAL	Per Plan	18" MIN
	LG	304	Liriodendron Giant Lorop	3 GAL	Per Plan	18" MIN
	MS	919	Miscanthus sinensis 'Adagio' Adagio Fountain Grass	3 GAL	Per Plan	18" MIN
	RC	356	Rhododendron indicus 'Clara' Indian Hawthorn	3 GAL	Per Plan	24" MIN
GROUNDCOVERS	CODE	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	SIZE
	LA	2,088	Liriodendron 'Adagio' Adagio Lily Turf	1 GAL		12" OC
SCREENED	CODE	QTY	BOTANICAL / COMMON NAME	CONT.	SPACING	SIZE
	CD	11,281 SF	Cynodon dactylon 'T1 415' Bermuda Grass	800		

HOMEYER ENGINEERING, INC.
 ENGINEERING, INC.
 TEXAS FIRM REGISTRATION NO. 084420
 P.O. BOX 100000 DALLAS, TEXAS 75210
 P 972.956.9955 F 972.956.9957 FAX
 WWW.HETI.US.COM



THE BUTLER AT SEAGOVILLE
 8.245 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

LANDSCAPE
 PLANTING



Scale 1" = 30'

EVERGREEN
 LANDSCAPE
 1000 WOODS
 11410 MIDWAY DRIVE, SUITE 400
 DALLAS, TX 75244
 WWW.EVERGREENLANDSCAPE.COM

DRAWN: EMS
 DATE: 10/16/2020
 HETI #: 20-0703
 SHEET NO.
LP-3



LANDSCAPE PLAN – SOUTH



HOMEYER ENGINEERING, INC.

Exhibit 9

QUESTIONS?

Steven R. Homeyer, P.E.

972-906-9985

shomeyer@hei.us.com



HOMEYER
ENGINEERING, INC.

Regular Session Agenda Item: 8

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from Local Retail (LR) to Planned Development-Apartments (PD-21-01) on two (2) tracts of land being a combined total of approximately 8.24± acres legally described as Tracts 11 and 11.2 of the John D. Merchant Survey, Abstract 850, commonly known as 1700 North U.S. Highway 175 and Tract 14 of the Herman Heider Survey, Abstract 541, commonly known as 1700 Seagoville Road, in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit "A", attached hereto and incorporated herein; providing for development regulations; providing for the approval of the concept plan, which is attached hereto and incorporated herein as Exhibit "B"; providing a repealing clause; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date.

BACKGROUND OF ISSUE:

The land is currently unimproved and surrounds Lee Cemetery on 3 sides.

Steven Homeyer, representing his company Homeyer Engineering Inc. and property owners, Oak Hill Assembly Church and Kevin Butler, in their request to create a planned development for an apartment complex.

The site is currently zoned LR, Local Retail, and surrounds Lee Cemetery on 3 sides. The planned development is requesting the following changes from the zoning regulations of an Apartment District: a maximum of 9 apartment buildings that would each have a maximum height of 50-feet, an amenity center to include an outdoor swimming pool, utility/storage buildings. The development is asking for a monument sign at each street entry

The existing zoning, land uses, and relevant portions of the City's comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z should deny or approve the applicant's request.

A legal ad was published per the Texas Local Government Code in the Tuesday, January 12, 2021, edition of the Daily Commercial Record newspaper. There are forty-three (43) properties (including the subject parcel) plus part of five (5) public streets, a U.S. Highway, and the highway's westbound frontage road within the 200-foot notice boundary. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Friday, January 15, 2021. As of Monday, January 25, 2021, one (1) letter was returned against the request. One (1) letter was returned in favor the request.

No (zero) letters were returned as undeliverable by the U.S. Postal Service. Two (2) people outside the notification area from the public spoke against the request at the Planning and Zoning Commission meeting. None (zero) spoke in favor of the request at the meeting.

For the City Council meeting, a legal ad was published again per the Texas Local Government Code in the Thursday, February 4, 2021, edition of the Daily Commercial Record newspaper. The owners of each parcel were again notified in compliance with the 200-foot rule by mail on Friday, February 5, 2021. As of the date of this report, Friday, February 12, 2021, no (zero) additional letters were returned as undeliverable by the U.S. Postal Service and no (zero) additional written responses have been received. Staff will make the Council members aware of any additional responses received at their meeting.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

On January 28th, the Planning and Zoning Commission voted unanimously (five to zero) in favor of recommending approval with conditions on the request for a zoning change on two (2) tracts of land with a combined total of approximately 8.24+ acres surrounding Lee Cemetery, commonly known as 1700 Seagoville Road and 1700 North U.S. Highway 175 from LR, Local Retail, to PD-21-01 (planned development for an apartment complex) in the Herman Heider and John D. Merchant Abstracts in Seagoville, Dallas County, Texas. The recommended conditions of approval were:

- No dwelling unit smaller than 528 square feet of living area.
- Construction of 5-foot sidewalk along both Seagoville Road and Alto Road in dedicated public sidewalk easements.
- Construction of 5-foot sidewalk along the highway frontage road outside the highway's right-of-way.
- Construction of 4-foot sidewalk along Greenhaven Drive in a dedicated public sidewalk easement.
- All interior sidewalks to be at least 3-foot wide.
- 24-foot wide concrete fire lane/access per city codes.
- Maximum structure height of 50-feet at roof peaks.
- All masonry screening walls to be at least 6-feet tall.
- 6-foot masonry wall – brick, rock, or combination thereof - along the highway frontage road and Seagoville Road with landscaping to assist in noise reduction.

Staff supports the request with the listed conditions.

EXHIBIT:

1. Ordinance (7 pages with Exhibits "A" and "B")

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM LOCAL RETAIL (LR) TO PLANNED DEVELOPMENT-APARTMENTS (PD-21-01) ON TWO (2) TRACTS OF LAND BEING A COMBINED TOTAL OF APPROXIMATELY 8.24± ACRES LEGALLY DESCRIBED AS TRACTS 11 AND 11.2 OF THE JOHN D. MERCHANT SURVEY, ABSTRACT 850, COMMONLY KNOWN AS 1700 NORTH U.S. HIGHWAY 175 AND TRACT 14 OF THE HERMAN HEIDER SURVEY, ABSTRACT 541, COMMONLY KNOWN AS 1700 SEAGOVILLE ROAD, IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED AND DEPICTED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR DEVELOPMENT REGULATIONS; PROVIDING FOR THE APPROVAL OF THE CONCEPT PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT “B”; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Seagoville, Texas, in compliance with the laws of the State of Texas, and pursuant to the Comprehensive Zoning Ordinance of the City of Seagoville, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. Z2021-01 (PD 21-01) should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, duly passed by the governing body of the City of Seagoville, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from

Local Retail (LR) to Planned Development-Apartments (PD-21-01) on two (2) tracts of land being a combined total of approximately 8.24± acres legally described as Tracts 11 and 11.2 of the John D. Merchant Survey, Abstract 850, commonly known as 1700 North U.S. Highway 175 and Tract 14 of the Herman Heider Survey, Abstract 541, commonly known as 1700 Seagoville Road, in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in Exhibit “A”, attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the City of Seagoville Code of Ordinances, including the City of Seagoville Zoning Ordinance and Construction Standards, except as amended herein, and the following development regulations:

- A. Development shall be in accordance with the approved concept plan.
- B. Each dwelling unit shall provide a minimum of 528 square feet of living area.
- C. Structure height shall not exceed fifty (50’) feet at roof peaks.
- D. Interior sidewalks shall be a minimum three (3’) feet in width.
- E. Five (5’) foot sidewalk shall be constructed along both Seagoville Road and Alto Road within dedicated public sidewalk easements.
- F. Five (5’) foot sidewalk shall be constructed along the U.S. Highway 175 Frontage Road outside the Highway’s right-of-way.
- G. Four (4’) foot sidewalk shall be constructed along Greenhaven Drive in a dedicated public sidewalk easement.
- H. Construction of a twenty-four (24’) foot wide concrete fire lane/access shall be required as per City Code.
- I. A six (6’) masonry wall constructed of brick, rock or a combination thereof shall be required along the highway frontage road and Seagoville Road with landscaping to assist in noise reduction.
- J. All screening walls to be masonry and a minimum of six (6’) feet tall.

SECTION 3. The property shall be developed and used only in accordance with the concept plan attached as Exhibit “B” and incorporated herein for all purposes, which is hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended and as amended herein.

SECTION 5. 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, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the 22nd day of February 2021.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY
(/cdb 02.17.2021)

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

BEING a 8.24 acre tract of land situated in the John D. Merchant Survey, Abstract Number 850 and the Harman Hinder Survey, Abstract Number 541 in the City of Seagoville, Dallas County, Texas and being all of a tract of land described in deed to Gary L. Reynolds, recorded in Document Number 201300362560 of the Official Public Records of Dallas County, Texas, all of a tract of land described as "TRACT 2" in deed to Oak Hill Assembly Church, recorded in Document Number 20130032664 of the Official Public Records of Dallas County, Texas and all of a tract of land described as "TRACT 1" in deed to Oak Hill Assembly Church, recorded in Document Number 20130032664 of the Official Public Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found at the Northeast corner of said Reynolds tract and in the West Right-of-Way (R.O.W.) line of Green Haven Drive (a 50' wide R.O.W.), recorded in Volume 28, Page 137 of the Deed Records of Dallas County, Texas;

THENCE South 27°6'22" West with the East line of said Reynolds tract and the common West R.O.W. line of said Green Haven Drive, a distance of 532.52 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Southeast corner of said Reynolds tract and in the North R.O.W. line of U.S. Highway Number 175 (a variable width R.O.W.);

THENCE with the South line of said Reynolds tract and the North R.O.W. line of said U.S. Highway Number 175 the following courses and distances;

North 71°37'20" West, a distance of 243.31 feet to a 1/2" iron rod found;

North 63°17'28" West, a distance of 102.34 feet to a 1/2" iron rod found at the Southwest corner of said Reynolds tract and the common Southeast corner of a cemetery;

THENCE with the West line of said Reynolds tract the following courses and distances;

North 49°19'29" East, a distance of 379.25 feet to a 1/2" iron rod found;

North 08°20'30" East, a distance of 208.31 feet to a 1/2" iron rod found at the Southeast corner of said "TRACT 2";

THENCE North 87°45'45" West with the South line of said "TRACT 2", a distance of 855.06 feet to a 1/2" iron rod found at the Southwest corner of said "TRACT 2" and in the East line of Seagoville Road;

THENCE with the West line of said "TRACT 2" and said "TRACT 1" and with the East line said Seagoville Road the following courses and distances;

With a non-tangent curve to the right having a radius of 234.97 feet, a delta angle of 14°35'58", a chord bearing of North 19°06'03" West, a chord length of 59.71 feet, and an arc length of 59.87 feet to a 1/2" iron rod found;

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

North 12°44'25" West, a distance of 266.38 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northwest corner of said "TRACT 1" and at the intersection of the East line of said Seagoville Road and the South line of Alto Road;

THENCE with the North line of said "TRACT 1" and the South line of said Alto Road the following courses and distances;

North 78°30'23" East, a distance of 21.18 feet to a 1/2" iron rod with cap stamped "PACHECO KOCH" found;

North 35°34'45" East, a distance of 35.60 feet to a 1/2" iron rod found;

North 80°34'45" East, a distance of 76.62 feet to a 1/2" iron rod with cap stamped "PACHECO KOCH" found;

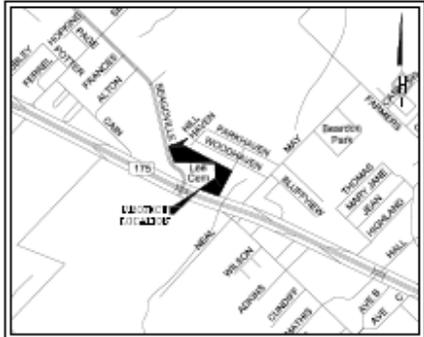
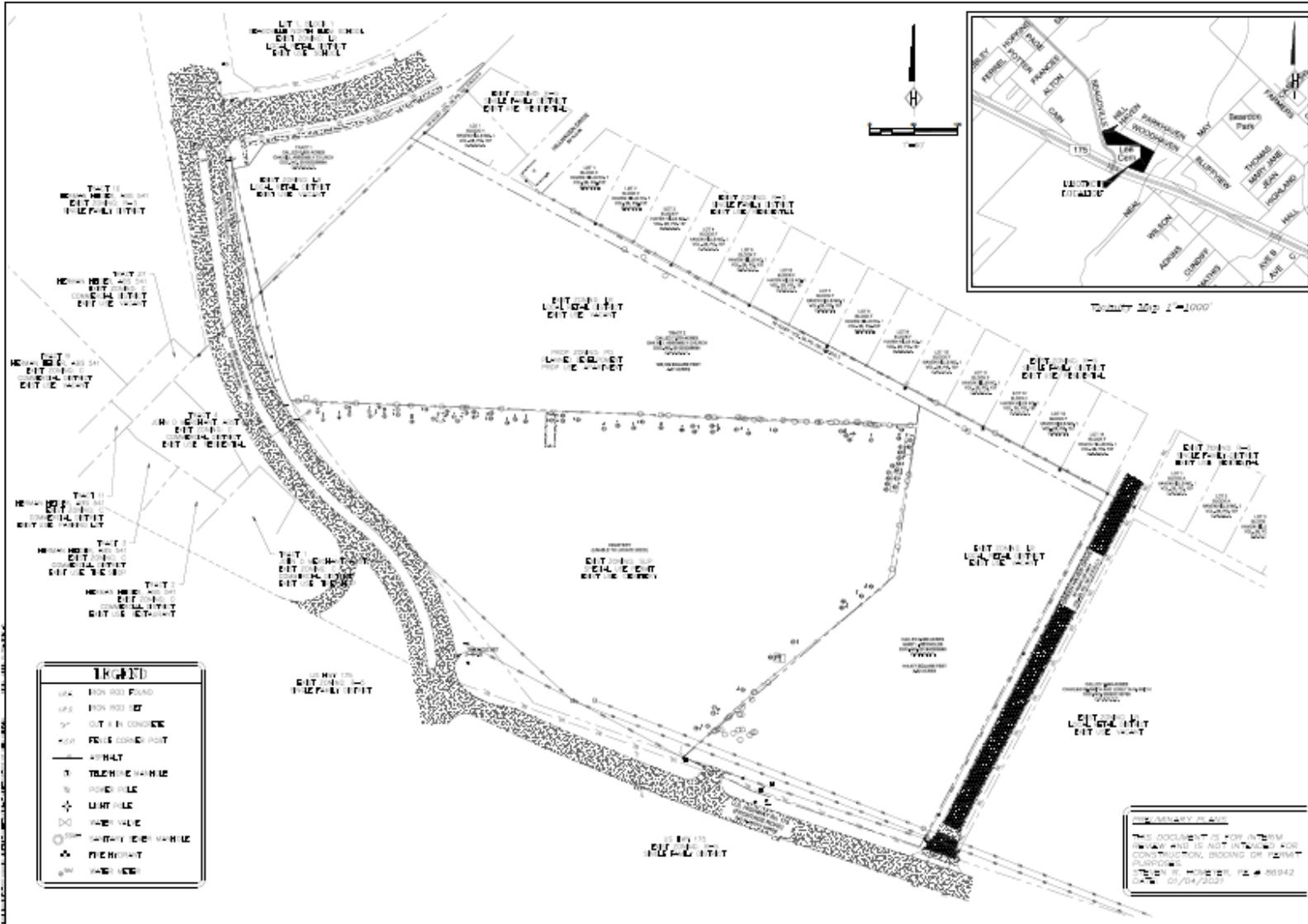
With a curve to the left having a radius of 490.00 feet, a delta angle of 28°50'12", a chord bearing of North 66°09'39" East, a chord length of 244.02, and an arc length of 246.61 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set;

South 62°07'00" East, a distance of 3.09 feet to a 1/2" iron rod with cap stamped "EAGLE SURVEYING" set at the Northeast corner of said "TRACT 1" and in the West line of a 10 foot wide alley, recorded in Volume 28, Page 137 of the Deed Records of Dallas County, Texas;

THENCE South 45°06'36" West with the East line of said "TRACT 1" and the common West line of said alley, a distance of 142.52 feet to a 1/2" iron rod found at the Northwest corner of said "TRACT 2";

THENCE South 62°13'38" East with the North line of said "TRACT 2" and said Reynolds tract, a distance of 1066.10 feet to the **POINT OF BEGINNING** and containing 8.24 acres of land more or less.

EXHIBIT "A"
LEGAL DEPICTION OF PROPERTY



Locality Map 1"=1000'

LEGEND	
1/4"	BOX HOOD PAVEMENT
1/8"	BOX HOOD CURB
3/8"	CUT IN CONC. CURB
1/2"	POLE CONCRETE POST
---	ASPHALT
○	TELEPHONE POLE
○	POLE POLE
+	LIGHT POLE
○	WATER VALVE
○	SAFETY LIGHT VALVE
○	FLUORESCENT LIGHT
○	WATER METER

THIS DOCUMENT IS THE PROPERTY OF HOMMEYER ENGINEERING, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. DATE: 01/04/2021

HOMMEYER ENGINEERING, INC.
 1705 PINE HOLLOW DRIVE, SUITE 100
 SEAGOVILLE, TEXAS 75758
 P: 972-504-9980 F: 972-504-9987 FAX: 972-504-9988
 WWW.HOMEYER.COM



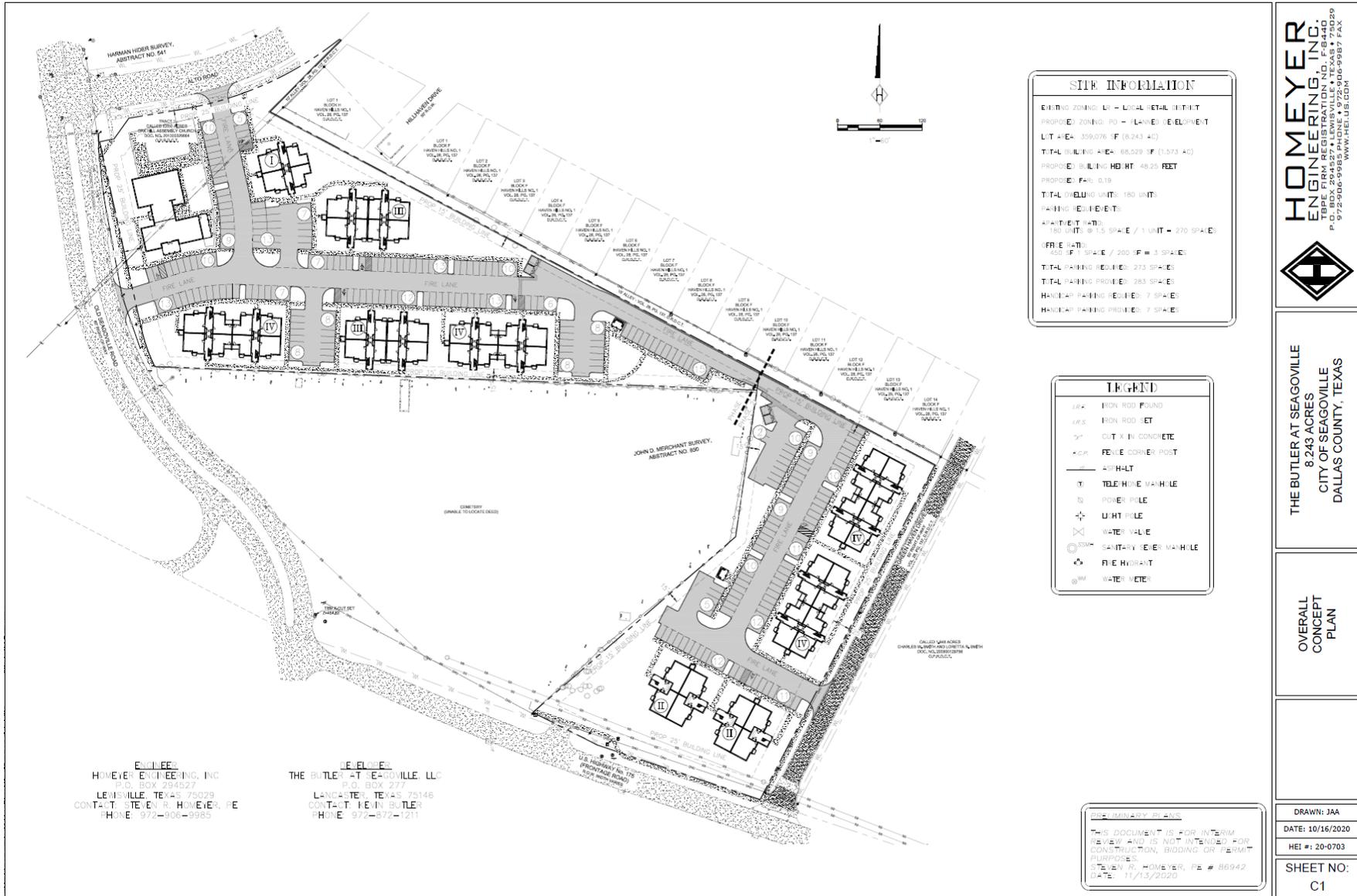
THE BUTLER AT SEAGOVILLE
 8.243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

ZONING
 EXHIBIT

DRAWN: JAA
 DATE: 10/16/2020
 SET #: 20-0703
 SHEET NO.:
 C2

EXHIBIT "B"

CONCEPT PLAN



SITE INFORMATION	
EXISTING ZONING:	LI - LOCAL RETAIL DISTRICT
PROPOSED ZONING:	PD - PLANNED DEVELOPMENT
LOT AREA:	359,076 SF (8,243 AC)
TOTAL BUILDING AREA:	68,529 SF (1,573 AC)
PROPOSED BUILDING HEIGHT:	48.25 FEET
PROPOSED F.A.R.:	0.19
TOTAL DWELLING UNITS:	180 UNITS
PARKING REQUIREMENTS:	
APARTMENT TYPE:	120 UNITS - 27.5 SPACE / 1 UNIT = 270 SPACES
FFR (F.A.R. x 200):	35.8
FFR (F.A.R. x 200) / 200 (F.A.R. x 200):	35.8 / 200 (F.A.R. x 200) = 0.179
TOTAL PARKING REQUIRED:	273 SPACES
TOTAL PARKING PROVIDED:	283 SPACES
HANDICAP PARKING REQUIRED:	7 SPACES
HANDICAP PARKING PROVIDED:	7 SPACES

LEGEND	
---	IRON ROD FOUND
---	IRON ROD SET
---	CUT X IN CONCRETE
---	FENCE CORNER POST
---	ASPHALT
---	TELEPHONE MAINLINE
---	POWER PILE
---	LIGHT POLE
---	WATER VALVE
---	SANITARY SEWER MAINLINE
---	FIRE HYDRANT
---	WATER METER

PRELIMINARY PLANS
 THIS DOCUMENT IS FOR INTERM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.
 STEVEN R. HOMEYER, PE # 86942
 DATE: 11/13/2020

ENGINEER
 HOMEYER ENGINEERING, INC.
 P.O. BOX 39527
 LEWISVILLE, TEXAS 75029
 CONTACT: STEVEN R. HOMEYER, PE
 PHONE: 972-906-9985

DEVELOPER
 THE BUTLER AT SEAGOVILLE, LLC
 P.O. BOX 277
 LANCASTER, TEXAS 75146
 CONTACT: KEVIN BUTLER
 PHONE: 972-872-1211

HOMEYER ENGINEERING, INC.
 TYPE FIRM REGISTRATION NO. F-8440
 P. 972-906-9985 PHONE F. 972-906-9987 FAX
 WWW.HEI.US.COM



THE BUTLER AT SEAGOVILLE
 8,243 ACRES
 CITY OF SEAGOVILLE
 DALLAS COUNTY, TEXAS

OVERALL CONCEPT PLAN

DRAWN: JAA
 DATE: 10/16/2020
 HEI #: 20-0703

SHEET NO:
 C1

Regular Session Agenda Item: 9

Meeting Date: February 22, 2021

ITEM DESCRIPTION:

Second Reading - Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving the Economic Development Project between the Seagoville Economic Development Corporation and Wade Electric, Inc. as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date.

BACKGROUND OF ISSUE:

The Seagoville Economic Development Corporation (“SEDC”) is authorized by the Development Corporation Act, Chapters 501-505 of the Texas Local Government Code (“Act”), to provide funding for projects which will promote and retain new and expanding business enterprises within the City. The SEDC has negotiated and intends to undertake a project which will promote and retain new and expanded business enterprises within the City with Wade Electric, Inc., a Texas for-profit corporation, under the terms and conditions set forth in an Economic Development Incentive Agreement, attached hereto as Exhibit “A” (the “Project”). Section 505.158 mandates that the SEDC may not undertake a project that requires an expenditure of more than \$10,000 until the governing body of the corporation’s authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings. The City Council has determined that the Project contemplated by SEDC and Wade Electric, Inc. under the terms and conditions set forth in the Economic Development Incentive Agreement will promote and retain new and expanded business enterprises within the City of Seagoville. City Council finds that the expenditure of funds by SEDC in undertaking the Project is authorized by the Act and that the Project should be approved and authorized.

FINANCIAL IMPACT:

RECOMMENDATION:

N/A

EXHIBITS:

Resolution
Incentive Agreement

CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. __-R-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING THE ECONOMIC DEVELOPMENT PROJECT BETWEEN THE SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION AND WADE ELECTRIC, INC. AS REFLECTED IN THE TERMS AND CONDITIONS OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE PARTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seagoville Economic Development Corporation (“SEDC”) is authorized by the Development Corporation Act, Chapters 501-505 of the Texas Local Government Code (“Act”), to provide funding for projects which will promote and retain new and expanding business enterprises within the City; and

WHEREAS, the SEDC has negotiated and intends to undertake a project which will promote and retain new and expanded business enterprises within the City with Wade Electric, Inc., a Texas for-profit corporation, under the terms and conditions set forth in an Economic Development Incentive Agreement, attached hereto as Exhibit “A” (the “Project”) and

WHEREAS, section 505.158 mandates that the SEDC may not undertake a project that requires an expenditure of more than \$10,000 until the governing body of the corporation’s authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings; and

WHEREAS, the City Council has determined that the Project contemplated by SEDC and Wade Electric, Inc. under the terms and conditions set forth in the Economic Development Incentive Agreement will promote and retain new and expanded business enterprises within the City of Seagoville; and

WHEREAS, the City Council finds that the expenditure of funds by SEDC in undertaking the Project is authorized by the Act and that the Project should be approved and authorized; and

WHEREAS, the City Council has conducted two (2) readings of this resolution;

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

Section 1. The City Council hereby approves and authorizes the Project between the Seagoville Economic Development Corporation and Wade Electric, Inc., a Texas for-profit corporation, under the terms and conditions set forth in an Economic Development Incentive Agreement in substantially the form attached hereto as Exhibit “A”.

Section 2. The City Council authorizes the SEDC to enter into any additional agreements necessary to undertake the Project in accordance with the terms and conditions set forth in the Economic Development Incentive Agreement.

Section 3. This resolution shall take effect immediately from and after its passage.

DULY RESOLVED AND ADOPTED after a First Reading and Second Reading by the City Council of the City of Seagoville, Texas, this the ____ day of _____ 2021.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(020521vwtTM120553)

Exhibit "A"
Economic Development Incentive Agreement
(to be attached)

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Article I Definitions

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

“Bankruptcy or Insolvency” shall mean the dissolution or termination of Company’s existence as a going business, insolvency, appointment 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 proceeding under any bankruptcy or insolvency laws by or against Company and such proceeding is not dismissed within ninety (90) days after the filing thereof.

“City” shall mean the City of Seagoville, Texas.

“Commencement of Construction” shall mean that (1) the plans have been prepared and all approvals thereof required by applicable governmental authorities have been obtained for the Expansion, (2) all necessary permits for the Expansion have been issued by all applicable governmental authorities, and (3) construction of the vertical elements of the Expansion has commenced.

“Company” shall mean Wade Electric, Inc., a Texas for-profit corporation.

“Completion of Construction” shall mean that (1) the Facility has been substantially completed, (2) a final, permanent certificate of occupancy for the Facility has been issued, and (3) Company is open and conducting business during normal business hours for Wade Electric, Inc. in the Facility.

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

“Employment Positions” shall mean non-temporary, full-time employment positions of the Company which are eligible for employee benefits and are created, maintained and filled at the Facility.

“Facility” shall mean a new electrical services facility to be designed, constructed, equipped, and operated on the Property, said Facility (1) to include a building, metal with stone façade, which shall be a minimum of 9,800 square feet in area, as shown on Exhibit “A”, (2) to include construction of building foundation, construction and erection of building, construction of all required drives, parking areas, and fire lanes, electrical work, site plan and engineering services, installation of all necessary utilities, fencing, and installation of all required equipment and furnishings, and (3) with the Facility to include

areas for office/administrative operations and areas for storage/warehousing of electrical supplies and equipment.

“Expiration Date” shall mean December 1, 2026 or the fifth (5th) anniversary of Completion of Construction, whichever is later.

“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, terrorist act, or threat thereof, riot, civil commotion, insurrection, government action or inaction (unless caused by the intentionally wrongful acts or omissions of the Party), fires, earthquake, tornado, hurricane, explosions, floods, strikes, slowdowns or work stoppages.

“Grant” shall mean an economic development grant in the amount equal to the costs incurred and paid by Company for the Facility, as defined herein, not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00) to offset a portion of the costs paid and incurred by Company for the Facility (excluding the cost of the real estate purchase for the Property), to be paid in one lump sum payment within fifteen (15) days of execution of this Agreement.

“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, ordinary and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on the Company or any property or any business owned by Company within the City.

“Related Agreement” shall mean any agreement (other than this Agreement) by and between the Company and SEDC or the City.

“Required Use” shall mean Company’s continuous operation and occupancy of the Facility as a commercial electrical services business providing those services for high-end residential and dining establishments in the Metroplex and also operating as an authorized service installer for Generac Power Systems, with the operation and occupancy to include Company’s administrative, warehousing, storage, and electrical services activities.

“SEDC” shall mean the Seagoville Economic Development Corporation.

Article II

Term

The term of this Agreement shall begin on the last date of execution hereof (the “Effective Date”) and continue until the Expiration Date, unless sooner terminated as provided herein.

Article III

Grant

3.1 Grant. SEDC agrees, subject to the continued satisfaction of all the terms and conditions of this Agreement by Company and the obligation of Company to repay pursuant to Article V hereof, to provide Company with the Grant as set forth herein.

3.2 Grant Limitations. Under no circumstances shall the obligations of SEDC hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. 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 SEDC under this Agreement shall be pledged or otherwise encumbered by Company in favor of any commercial lender and/or similar financial institution.

3.3 Current Revenue. The Grant made hereunder shall be paid solely from lawfully available funds that have been appropriated by SEDC. SEDC shall have no obligation or liability to provide any Grant except as allowed by law. SEDC shall not be required to provide any of the Grant if prohibited under federal or state legislation or a decision of a court of competent jurisdiction.

Article IV Conditions to Grant

Company shall during the term of this Agreement satisfy and comply with the terms and conditions of this Agreement and specifically, each term and condition of this Article IV. The obligation of SEDC to provide the Grant or any portion thereof shall be conditioned upon Company's compliance with and satisfaction of the terms and conditions of this Agreement and each of the conditions set forth in this Article IV.

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

4.2 Commencement of Construction. Commencement of Construction, as that term is defined herein, shall occur not later than June 1, 2021.

4.3 Completion of Construction. Completion of Construction, as that term is defined herein, shall occur not later than December 1, 2021.

4.4 Required Use. During the term of this Agreement following Completion of Construction and continuing thereafter until expiration of this Agreement or earlier termination Company shall continuously own and occupy the Property and the Facility located thereon which shall not be used during the term of this Agreement for any purpose other than the Required Use. Further, during the term of this Agreement, such occupation and Required Use shall not cease for more than thirty (30) days except in connection with, and to the extent of, an event of Force Majeure.

4.5 Employment Positions. Beginning on the Completion of Construction and continuing through the term of this Agreement, Company shall create, fill and maintain a minimum

of twenty-four (24) Employment Positions including positions for office and/or clerical personnel for the Facility and electricians. SEDC shall have a right, during the term of this Agreement, to request that Company provide proof of its compliance with the requirements of this section 4.5. In the event of such request, Company shall, not later than fifteen (15) calendar days after the request by SEDC, deliver to SEDC copies of records evidencing Company's compliance with the requirements of this section 4.5.

4.6 Continuous Ownership. During the term of this Agreement following the Effective Date and continuing thereafter until the Expiration Date, the Property, including the Facility, shall be continuously owned and occupied by the Company.

4.7 Capital Investment. Company's Capital Investment for the Facility as of the Completion of Construction shall be not less than Four Hundred, Fifty Thousand (\$450,000.00) Dollars. SEDC shall have a right, during the term of this Agreement, to request that Company provide proof of this Capital Investment. In the event of such request, Company shall, not later than fifteen (15) calendar days after the request by SEDC, deliver to SEDC copies of all records, contracts, receipts, invoices, bills, proofs of payment, and such other information as SEDC may reasonably request to document compliance with the required Capital Investment. In the event the final total cost of the design, construction, and equipping of the Facility, as reasonably verified by SEDC, is less than \$450,000.00, the Company shall, within thirty (30) days of receipt by Company of written demand by SEDC, pay the SEDC the difference in value between \$450,000.00 and the final total cost of the construction of the Facility as reasonably verified by SEDC.

4.8 Fleet Fuel, Maintenance and Repair. During the term of this Agreement following the Effective Date and continuing thereafter until the Expiration Date, Company shall have all maintenance and repair of vehicles in its service vehicle fleet performed at businesses located within the City of Seagoville and shall maintain records reflecting the same and further shall, to the extent possible, purchase all fuel for fleet vehicles from businesses located within the City of Seagoville and shall maintain records reflecting the same. SEDC shall have a right, during the term of this Agreement, to request that Company provide proof of its compliance with the requirements of this section 4.8. In the event of such request, Company shall, not later than fifteen (15) calendar days after the request by SEDC, deliver to SEDC copies of all records, contracts, receipts, invoices, bills, proofs of payment evidencing Company's compliance with the requirements of this section 4.8.

Article V Termination; Repayment

5.1 Termination. This Agreement terminates on the Expiration Date, and may, prior to the Expiration Date, be terminated upon any one or more of the following:

- (a) by mutual written agreement of the Parties;
- (b) upon written notice by either Party, if the other Party defaults or breaches any of the terms or conditions of this Agreement or a Related Agreement and such default or breach is not cured within thirty (30) days after written notice thereof;

- (c) upon written notice by SEDC, if any Impositions owed to SEDC, City or the State of Texas by Company shall have become delinquent (provided, however, Company retains the right to timely and properly protest and contest any such taxes or Impositions), and such delinquency is not cured within thirty (30) days following Company's receipt of written notice thereof;
- (d) upon written notice by SEDC, if Company suffers an event of Bankruptcy or Insolvency; or
- (e) 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 Repayment Following Termination Under Section 5.1(b). In the event the Agreement is terminated by SEDC pursuant to Section 5.1(b):

- (a) due to a breach of the obligation set forth in section 4.2 hereof, Company shall immediately refund to the SEDC an amount equal to the value of the Grant received by Company;
- (b) due to a breach of the obligation set forth in section 4.3 hereof, Company shall immediately refund to the SEDC an amount equal to eighty percent (80%) of the value of the Grant received by Company;
- (c) due to a breach of an obligation set forth in section 4.1, 4.4, 4.5, 4.6, and/or 4.8 hereof during the first three years after Completion of Construction, Company shall immediately refund to the SEDC an amount equal to sixty percent (60%) of the Grant received by Company;
- (d) due to a breach of an obligation set forth in section 4.1, 4.4, 4.5, 4.6, and/or 4.8 hereof during the fourth year after Completion of Construction, Company shall immediately refund to the SEDC an amount equal to forty percent (40%) of the Grant received by Company;
- (e) due to a breach of an obligation set forth in section 4.1, 4.4, 4.5, 4.6, and/or 4.8 hereof during the fifth year after Completion of Construction, Company shall immediately refund to the SEDC an amount equal to twenty percent (20%) of the Grant received by Company; and

The repayment obligations of the Company set forth in this Section 5.2 shall survive termination of this Agreement.

5.3 Repayment Following Termination Section 5.1(c), (d), and/or (e). In the event the Agreement is terminated by SEDC pursuant to Section 5.1(c), (d), and/or (e), the Company shall immediately refund to SEDC an amount equal to the Grant paid by SEDC to the Company, plus interest at the rate of interest periodically announced by the *Wall Street Journal* as the prime or

base commercial lending rate, or if the *Wall Street Journal* shall cease to exist or cease to announce a prime or base lending rate, than at the annual rate of interest from time to time announced by Citibank, N.A. (or by any other New York money center bank selected by the SEDC) as its prime or base commercial lending rate from the date on which the Grant is paid by SEDC until refunded by the Company. The repayment obligation of Company set forth in this Section 5.3 shall survive termination of this Agreement.

5.4 Offsets. SEDC may, at its option, offset any amounts due and payable under this Agreement against any debt (including taxes) lawfully due to City and/or SEDC from Company, regardless of whether the amount due arises pursuant to the terms of this Agreement, a Related Agreement, or otherwise, and regardless of whether or not the debt due SEDC has been reduced to judgment by a court.

Article VI Miscellaneous

6.1 Binding Agreement. The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the Parties hereto.

6.2 Limitation on Liability. It is understood and agreed between the Parties that Company and SEDC, 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.

6.3 No Joint Venture. 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.

6.4 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. The undersigned officers and/or agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

6.5 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received 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 such Party may subsequently designate in writing), or on the day actually received if sent by courier or otherwise hand delivered.

If intended for SEDC, to:

Seagoville Economic Development
Corporation
Attn: Patrick Stallings, Exec. Director
702 N. Highway 175
Seagoville, Texas 75159

With a copy to:

Victoria W. Thomas
Nichols, Jackson, Dillard,
Hager & Smith, L.L.P.
1800 Ross Tower
500 North Akard
Dallas, Texas 75201

If intended for Company:

Wade Electric, Inc.
Attn: Paul Dunagan
5805 Cedar Creek Drive
Kemp, Texas 75143

6.6 Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement. There is no other collateral oral or written agreement among the Parties that in any manner relates to the subject matter of this Agreement.

6.7 Governing Law. The Agreement shall be governed by the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction; and exclusive 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 said court.

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

6.9 Legal Construction. In the event any one or more of the provisions contained in 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 shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

6.11 Successors and Assigns. This Agreement may not be assigned without the prior written consent of SEDC.

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

6.13 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.

6.14 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.

6.15 Employment of Undocumented Workers. During the term of this Agreement, Company agrees to not knowingly employ any undocumented workers, and if convicted of a violation under 8 U.S.C. Section 1324a(f), Company shall repay the value or the costs incurred by SEDC to provide the Grants herein and any other funds received by Company from SEDC as of the date of such violation within 120 days after the date Company is notified by SEDC of such violation, plus interest at the rate of 4% compounded annually from the date of violation until paid. Company is not liable for a violation of this section in relation to any workers employed by a subsidiary, affiliate, or franchisee of Company or by a person with whom the Company contracts.

6.16 No Boycott of Israel. Company verifies that (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the Agreement or any Related Agreement. This section does not apply if the Company is a sole proprietor, a non-profit entity or a governmental entity; and only applies if: (i) the Company has ten (10) or more fulltime employees and (ii) this Agreement has a value of \$100,000.00 or more to be paid under the terms of this Contract.”

EXECUTED on this _____ day of _____, 2021.

SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION

By: _____
Patrick Stallings, Executive Director

EXECUTED on this _____ day of _____, 2021.

WADE ELECTRIC, INC.

By: _____
Paul Dunagan, President

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, Paul Dunagan, President of Wade Electric, Inc., a Texas for-profit corporation, known or proven to me to be the person and agent whose name is subscribed to the foregoing instrument and acknowledge to me that the same was the act of said Wade Electric, Inc., that he was duly authorized to perform the same by appropriate resolution, and that he executed the same as the act of said Wade Electric, Inc. for the purpose and consideration therein expressed and in the capacity therein stated after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2021.

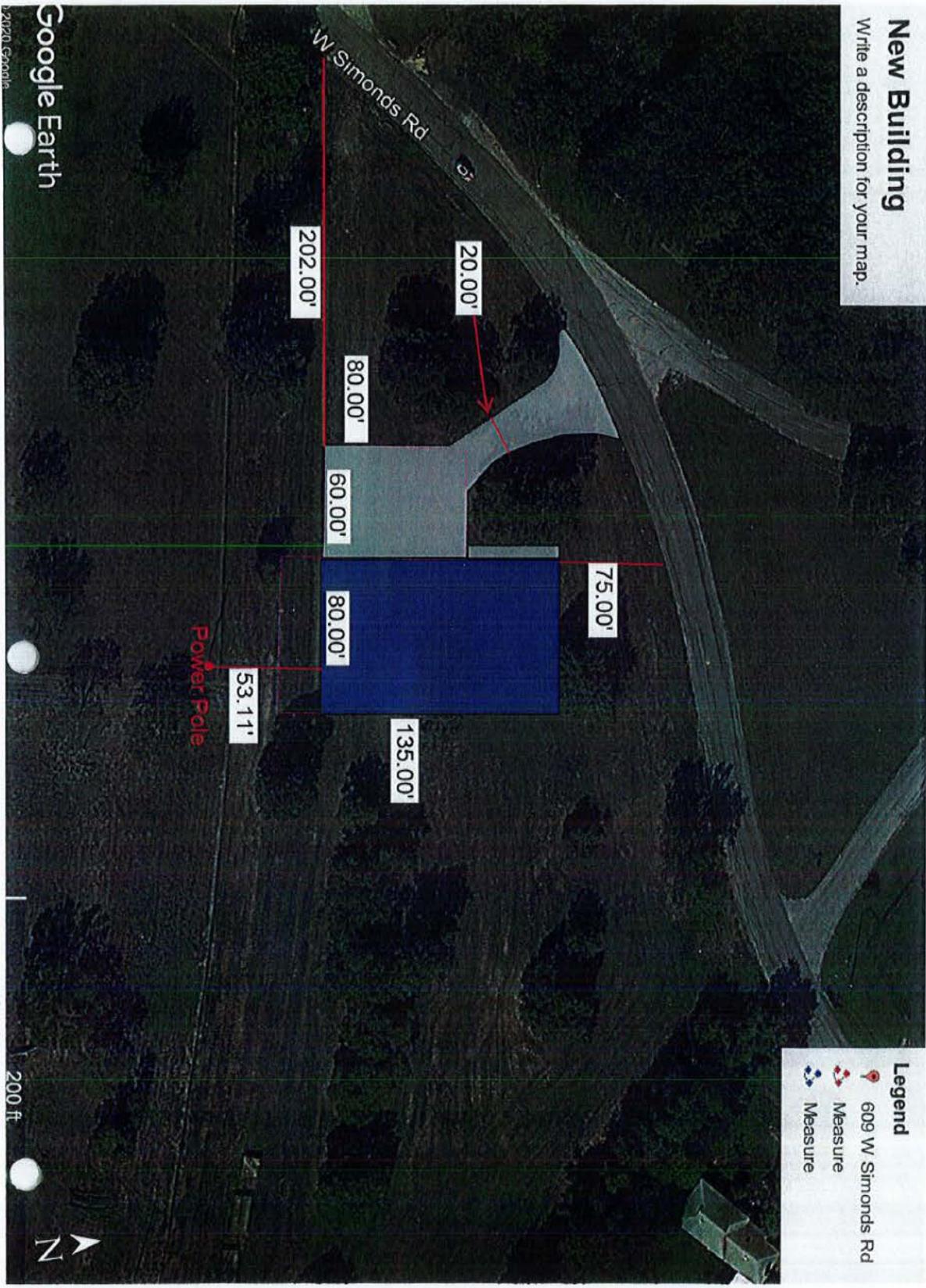
Notary Public, State of Texas

My Commission Expires: _____

EXHIBIT “A”



IDENTICAL Building
For reference only



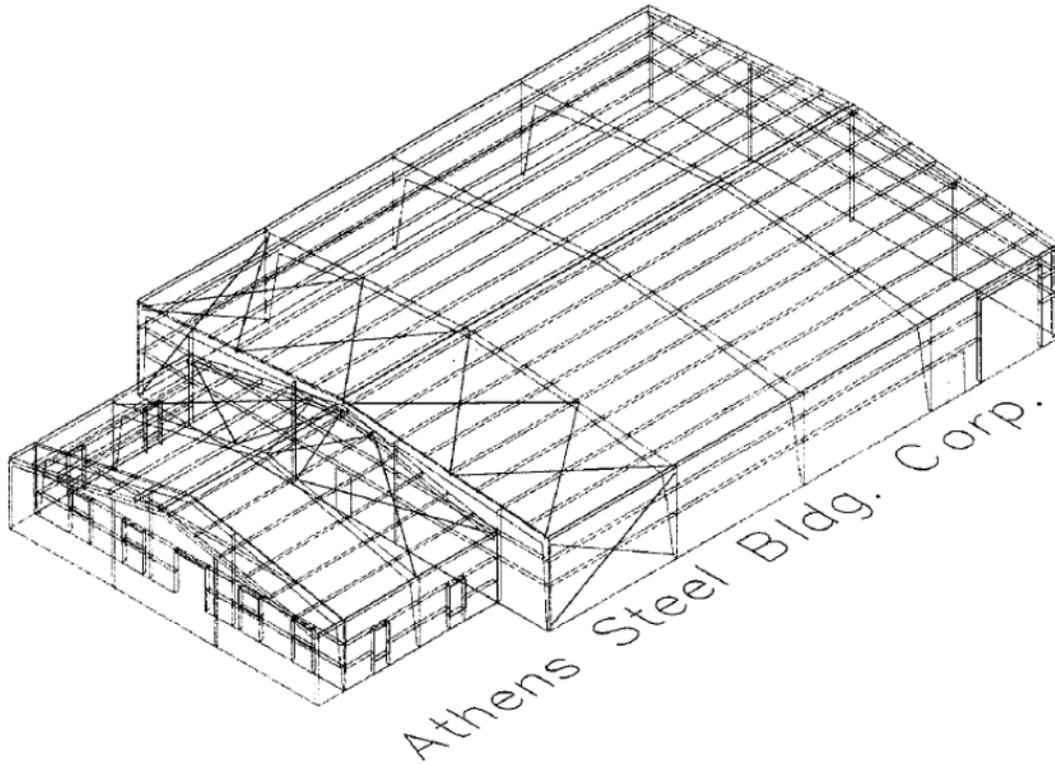


DCAD Property Map

DCAD Property Map



WADE ELECTRIC SHOP/OFFICES



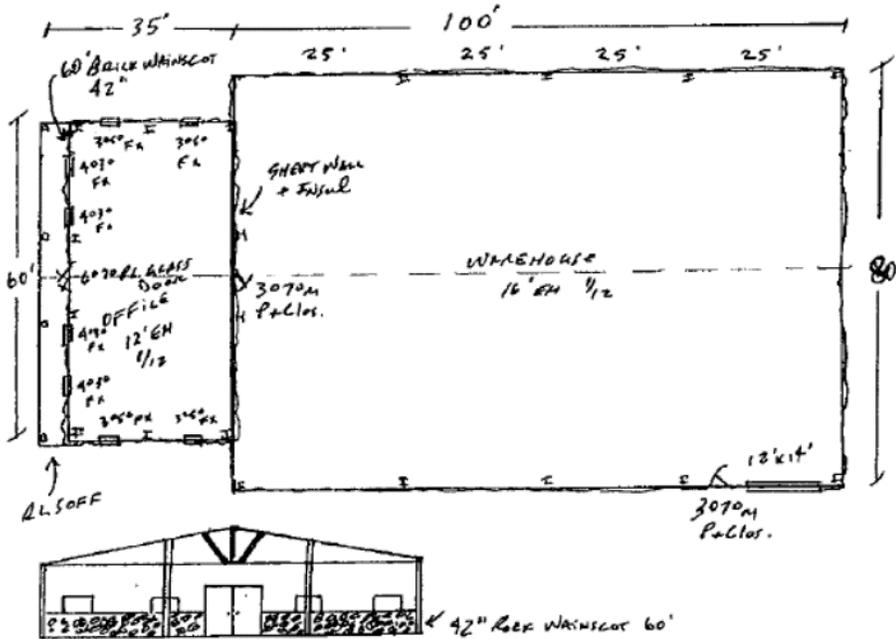


P.O. Box 1427
 Athens, TX 75751
 Phone (903) 675-3733
 Fax (903) 675-8249
 (800) 627-0190
 athenssteelbuilding.com

SKETCH ADDENDUM

Buyer: Paul Dunagan

Date: 11-24-20 T.Elledge



Buyer supplied information (e.g. quote forms, drawings, sketches, specifications, etc.) is used for general reference only. The scope of work is limited to Quote and Athens Steel Building's standard product specifications and practices.

Page 1 of 1

Regular Session Agenda Item: 10

Meeting Date: February 22, 2021

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

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 11

Meeting Date: February 22, 2021

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

RECOMMENDATION:

N/A

EXHIBITS:

N/A