



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, SEPTEMBER 19, 2022**

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

WORK SESSION – 6:30 P.M.

Call to Order

A. Discuss regular session agenda items

Adjourn

REGULAR SESSION - 7:00 P.M.

ROUTINE ANNOUNCEMENTS, RECOGNITIONS, and PROCLAMATIONS

Call to Order

Invocation

Pledge of Allegiance

Mayor's Report

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

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

- 1. Consider approving City Council Meeting Minutes for September 12, 2021 (City Secretary)**

REGULAR AGENDA-

2. Conduct a public hearing on a request amending the Comprehensive Zoning Ordinance and map of the City of Seagoville, as amended, by granting a change in zoning from Agricultural (AG) to Commercial (C), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, commonly referred to as 1485 South Highway 175, in the City of Seagoville, Kaufman County, Texas, and being depicted and described by metes and bounds in Exhibit “A” (Community Development Director)

3. Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance and map of the City of Seagoville, as amended, by granting a change in zoning from Agricultural (AG) to Commercial (C), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, commonly referred to as 1485 South Highway 175, in the City of Seagoville, Kaufman County, Texas, and being depicted and described by metes and bounds in Exhibit “A” attached hereto and incorporated herein; providing for a repealing clause; providing for a savings clause; providing for a severability clause; providing for a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense; and providing for an effective date (Community Development Director)

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

5. 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.

6. Recess into Executive Session

Council will recess into executive session pursuant to Texas Government Code:

A. § 551.071 (2) Consultation with City Attorney: to seek legal advice regarding Seagoville Reserves, LLC’s proposed affordable housing development and request for letter of support for its application for 2023 Non-Competitive Housing Tax Credits for the proposed development

7. Reconvene into Regular Session

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

A. § 551.071 (2) Consultation with City Attorney: to seek legal advice regarding Seagoville Reserves, LLC’s proposed affordable housing development and request for letter of support for its application for 2023 Non-Competitive Housing Tax Credits for the proposed development

8. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas supporting the Seagoville Reserves, LLC's proposed development of affordable rental housing known as The Reserves, to be located at 1803 E Seagoville Road, 620 No Name Street, & 1908 Cain Road in the City of Seagoville, Dallas County, Texas finding and determining this meeting was open to the public as required by law; and providing an effective date (City Manager)

Adjourn

Posted Friday, September 16, 2022, by 5:00 P.M.



Kandi Jackson, City Secretary



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

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

DATES TO REMEMBER

- **Monday, October 4, 2022, Regular City Council Meeting**
- **Monday, October 17, 2022, Regular City Council Meeting**
- **Monday, November 7, 2022, Regular City Council Meeting**
- **Monday, November 21, 2022, Regular City Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Consider approving City Council Meeting Minutes for September 12, 2022.

BACKGROUND OF ISSUE:

Approve City Council Meeting Minutes for September 12, 2022.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

September 12, 2022, Work Session Meeting Minutes
September 12, 2022, Regular Session Meeting Minutes



**MINUTES OF CITY COUNCIL
WORK SESSION
SEPTEMBER 12, 2022**

The Work Session of the City Council of the City of Seagoville, Texas was called to order at 6:30 p.m. on Monday, September 12, 2022, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

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

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Finance Director Gail French, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

A. Discuss Regular Session Agenda Items

1. Recess into Executive Session

Council will recess into executive session pursuant to Texas Government Code:

A. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: Alternate Municipal Court Judge

2. Reconvene Into Regular Session

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

A. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: Alternate Municipal Court Judge

3. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, Texas, appointing Holly Fox to serve as an Alternate Municipal Court Judge of the Municipal Court of Record of the City of Seagoville, Texas; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date (City Attorney)

City Manager Stallings stated Items 1-3 would be heard during the Regular Session.

4. Consider approving City Council Meeting Minutes for August 29, 2022 (City Secretary)

No questions.

5. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’S reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC’S legal counsel (Director of Administrative Services)

Director of Administrative Services Brown explained this Resolution approves a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’S reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act.

6. Conduct an interview with a board & commission applicant for appointment (City Secretary)

City Secretary Jackson stated Alternate #1, and Alternate #2 are vacant on the Board of Adjustments, and Mr. Braelin Evans has applied to fill one of those vacancies. She also stated in compliance with Ordinance No. 24-2019; he has passed the background investigation.

7. Receive presentation of City of Seagoville’s Comprehensive Annual Financial Report for Fiscal Year 2021 (Finance Director/Fox, Byrd, and Company)

City Manager Stallings stated Item #7 will be moved to Item #1 during Regular Session.

8. Conduct a public hearing to receive citizen input on the proposed tax rate of \$0.752687 per \$100 valuation, which is greater than the no new revenue tax rate calculated by the Dallas County Tax Assessor/Collector of \$0.662127 per 100 and not greater than the voter-approval tax rate of .752688 per \$100. This rate will raise more revenue from property taxes than last year's budget by an amount of \$1,455,800 (Finance Director)

9. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, Texas, adopting and levying ad valorem taxes for the year 2022 (fiscal year 2022-2023) at a rate of \$0.752687 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Seagoville as of January 1, 2022, to provide revenue for the payment of current expenses; providing for an interest and sinking fund for all outstanding debt of the city of Seagoville; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing an effective date (Finance Director)

10. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas ratifying the property tax increase reflected in the City’s adopted Fiscal year 2022-2023 budget, which is a budget that will require raising more revenue from property taxes than in the previous year; and providing an effective date (Finance Director)

Finance Director French explained that a public hearing will be held during Regular Session concerning the proposed tax rate calculated by the Dallas County Tax Assessor/Collector of 0.662127 per 100 and not greater than the voter-approval tax rate of .752688 per \$100. She also stated Item #9 allows Council to take action concerning the tax rate.

11. Discussion concerning carport requirements (Mayor Pro Tem Magill)

Community Development Director Barr explained the setbacks concerning carports. After some discussion, Council asked Staff to bring the Ordinance back to Council with leniency concerning the setbacks for carports.

Adjourned at 6:56 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
REGULAR SESSION
SEPTEMBER 12, 2022**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:00 p.m. on Monday, September 12, 2022, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

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

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Finance Director Gail French, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

Invocation – *Invocation was led by Mayor Pro Tem Magill.*

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

Mayor’s Report – *None.*

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

None.

REGULAR AGENDA-

- 7. Receive presentation of City of Seagoville’s Comprehensive Annual Financial Report for Fiscal Year 2021 (Finance Director/Fox, Byrd, and Company)**

Frank Conroy with Fox, Byrd, and Company presented the Comprehensive Annual Financial Report for Fiscal Year 2021.

EXECUTIVE SESSION-

1. Recessed into Executive Session at 7:10 p.m.

Council will recess into executive session pursuant to Texas Government Code:

A. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: Alternate Municipal Court Judge

2. Reconvened into Regular Session at 7:57 p.m.

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

A. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: Alternate Municipal Court Judge

No action taken.

3. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, Texas, appointing Holly Fox to serve as an Alternate Municipal Court Judge of the Municipal Court of Record of the City of Seagoville, Texas; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date (City Attorney)

Motion to approve an Ordinance of the City Council of the City of Seagoville, Texas, appointing Holly Fox to serve as an Alternate Municipal Court Judge of the Municipal Court of Record of the City of Seagoville, Texas; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date – Hernandez, seconded by Epps; motion passed with all ayes 4/0

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

4. Consider approving City Council Meeting Minutes for August 29, 2022 (City Secretary)

5. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2022 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the company to reimburse ACSC’S reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC’S legal counsel (Director of Administrative Services)

Motion to approve Consent Agenda as read – Hernandez, seconded by Howard; motion passed. 3/1 (For Hernandez, Howard, Epps; Against Fruin)

REGULAR AGENDA-

6. Conduct an interview with a board & commission applicant for appointment (City Secretary)

City Secretary Jackson stated Mr. Braelin Evans applied to fill a vacancy for an Alternate Place on the Board of Adjustments, and he passed the background investigation as required by Ordinance No. 24-2019.

Motion to appoint Mr. Evans to Alternate #1 on Board of Adjustments – Hernandez, seconded by Howard; motion passed with all ayes. 4/0

8. Conduct a public hearing to receive citizen input on the proposed tax rate of \$0.752687 per \$100 valuation, which is greater than the no new revenue tax rate calculated by the Dallas County Tax Assessor/Collector of \$0.662127 per 100 and not greater than the voter-approval tax rate of .752688 per \$100. This rate will raise more revenue from property taxes than last year's budget by an amount of \$1,455,800 (Finance Director)

Mayor Pro Tem Magill opened the public hearing at 8:03 p.m.

No one spoke for or against.

Mayor Pro Tem Magill closed the public hearing at 8:03 p.m.

9. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, Texas, adopting and levying ad valorem taxes for the year 2022 (fiscal year 2022-2023) at a rate of \$0.752687 per one hundred dollars (\$100) assessed valuation on all taxable property within the corporate limits of the City of Seagoville as of January 1, 2022, to provide revenue for the payment of current expenses; providing for an interest and sinking fund for all outstanding debt of the city of Seagoville; providing for due and delinquent dates together with penalties and interest; providing a severability clause; providing a repealing clause; and providing an effective date (Finance Director)

I move that the property tax rate be increased by the adoption of a tax rate of 0.752687, which is effectively a 13.68 percent increase in the tax rate – Hernandez, seconded by Epps; motion passed with all ayes. 4/0 (Mayor Pro Tem Magill called for a record vote; For Hernandez, Howard, Fruin, & Epps)

10. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas ratifying the property tax increase reflected in the City’s adopted Fiscal year 2022-2023 budget, which is a budget that will require raising more revenue from property taxes than in the previous year; and providing an effective date (Finance Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas ratifying the property tax increase reflected in the City’s adopted Fiscal year 2022-2023 budget, which is a budget that will require raising more revenue from property taxes than in the previous year; and providing an effective date – Hernandez, seconded by Howard; motion passed with all ayes. 4/0 (Mayor Pro Tem Magill called for a record vote; For Hernandez, Howard, Fruin, & Epps)

11. Discussion concerning carport requirements (Mayor Pro Tem Magill)

Mayor Pro Tem Magill stated he would like Staff to investigate ways to improve relations with citizens that need carports.

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

Councilmember Hernandez stated Seagofest and the State Fair are coming up.

13. 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 8:11 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Regular Session Agenda Item: 2

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Conduct a public hearing on a request amending the Comprehensive Zoning Ordinance and map of the City of Seagoville, as amended, by granting a change in zoning from Agricultural (AG) to Commercial (C), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, commonly referred to as 1485 South Highway 175, in the City of Seagoville, Kaufman County, Texas, and being depicted and described by metes and bounds in Exhibit “A”.

BACKGROUND OF ISSUE:

Located on the southeast corner of East US 175 and FM 1389, the subject property is within the Agricultural (AG) zoning district. The property received that default AG classification upon its annexation into the City in 2008 per section 25.02.041 of the City’s Code of Ordinances. The applicant is requesting to rezone the property from the current AG zoning district to a Commercial (C) zoning district.

The adopted Seagoville Future Land Use Plan component of the City’s Comprehensive Plan was last amended in 2002. The Comprehensive Plan identifies future land uses not only for areas within the City’s municipal boundaries, but also within its extraterritorial jurisdiction (“ETJ”). The Future Land Use Plan identifies the subject property, in addition to much of the US 175 corridor, as being within a Local Retail Zoning District. The Future Land Use Plan makes a clear distinction between Local Retail and Commercial land uses by stating the following:

“Retail land use areas are intended to provide for a variety of retail trade, personal and business services and establishments. As mentioned previously, retail establishments generally require higher visibility than do other types of nonresidential land use (e.g., office, commercial). In response to this need, retail land uses have been designated in the higher traffic areas of Seagoville, with concentrated retail uses recommended along U.S. Highway 175.” (Seagoville Comprehensive Plan, 2002, Chapter 5, Future Land Use Plan 5-8)

“Areas designated for commercial land use are intended for a variety of commercial uses and establishments with outside storage, display and sales. Examples of such uses include automobile-related services, feed stores, welding shops, and pawn shops. One primary difference between retail and commercial uses is that retail uses tend to rely more heavily on walk-in business. Consequently, retail uses need the visibility that major thoroughfares provide.” (Seagoville Comprehensive Plan, 2002, Chapter 5, Future Land Use Plan 5-9)

FINANCIAL IMPACT:

NA

RECOMMENDATION:

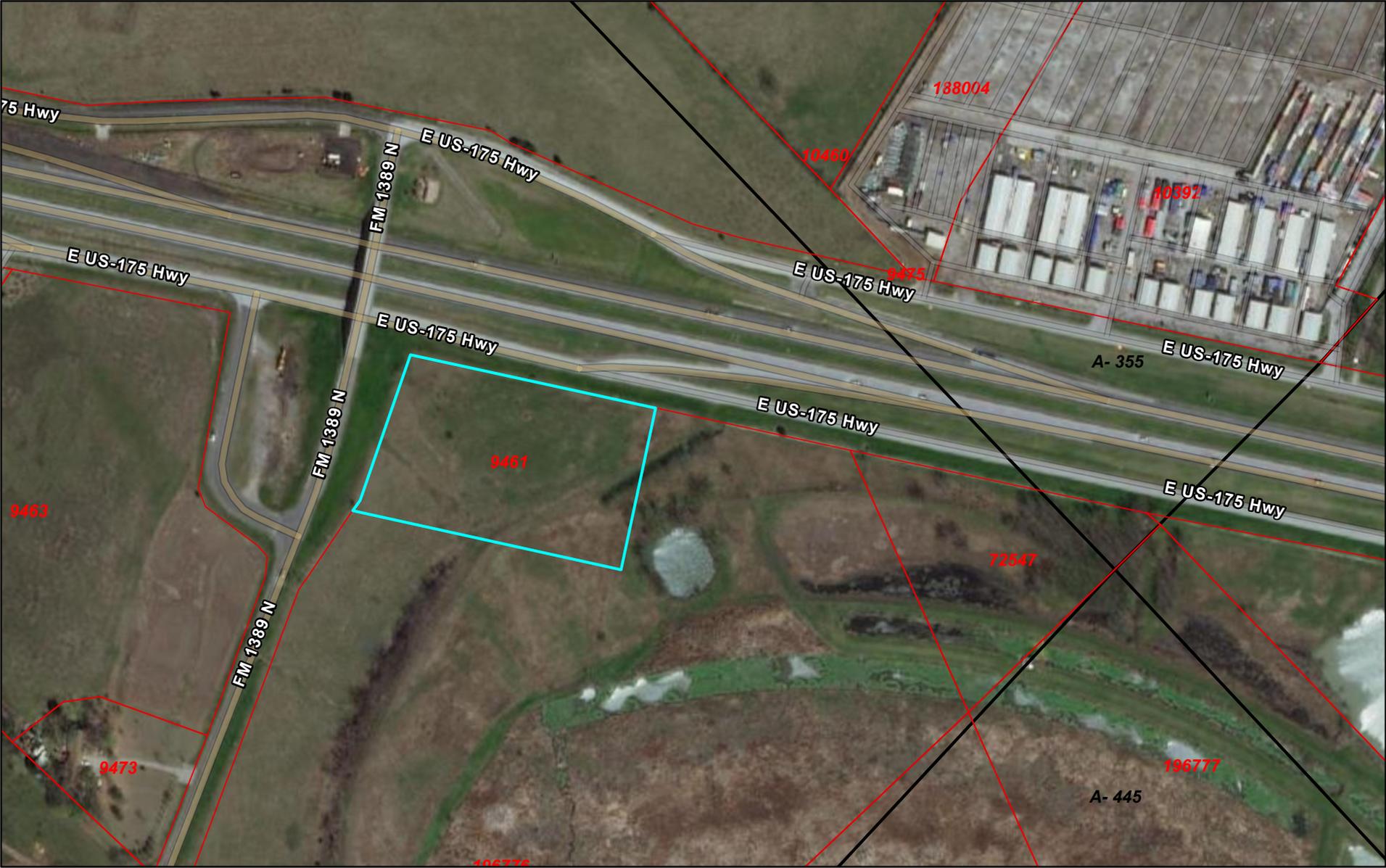
On August 30, 2022, the Planning and Zoning Commission voted unanimously (five to zero) to recommend approval of the zoning request.

EXHIBITS:

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

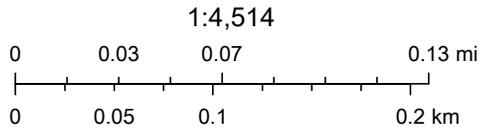
1. 2017 aerial photograph from Kaufman-CAD website
2. Dimensional property map from Kaufman-CAD website
3. Application, Land Description and Land Survey (4 pages)
4. Zoning Map
5. Supplemental items provided by the applicant

1485 South Highway 175
Kaufman CAD Web Map



1/12/2022, 10:16:40 AM

-  Abstracts
-  Parcels

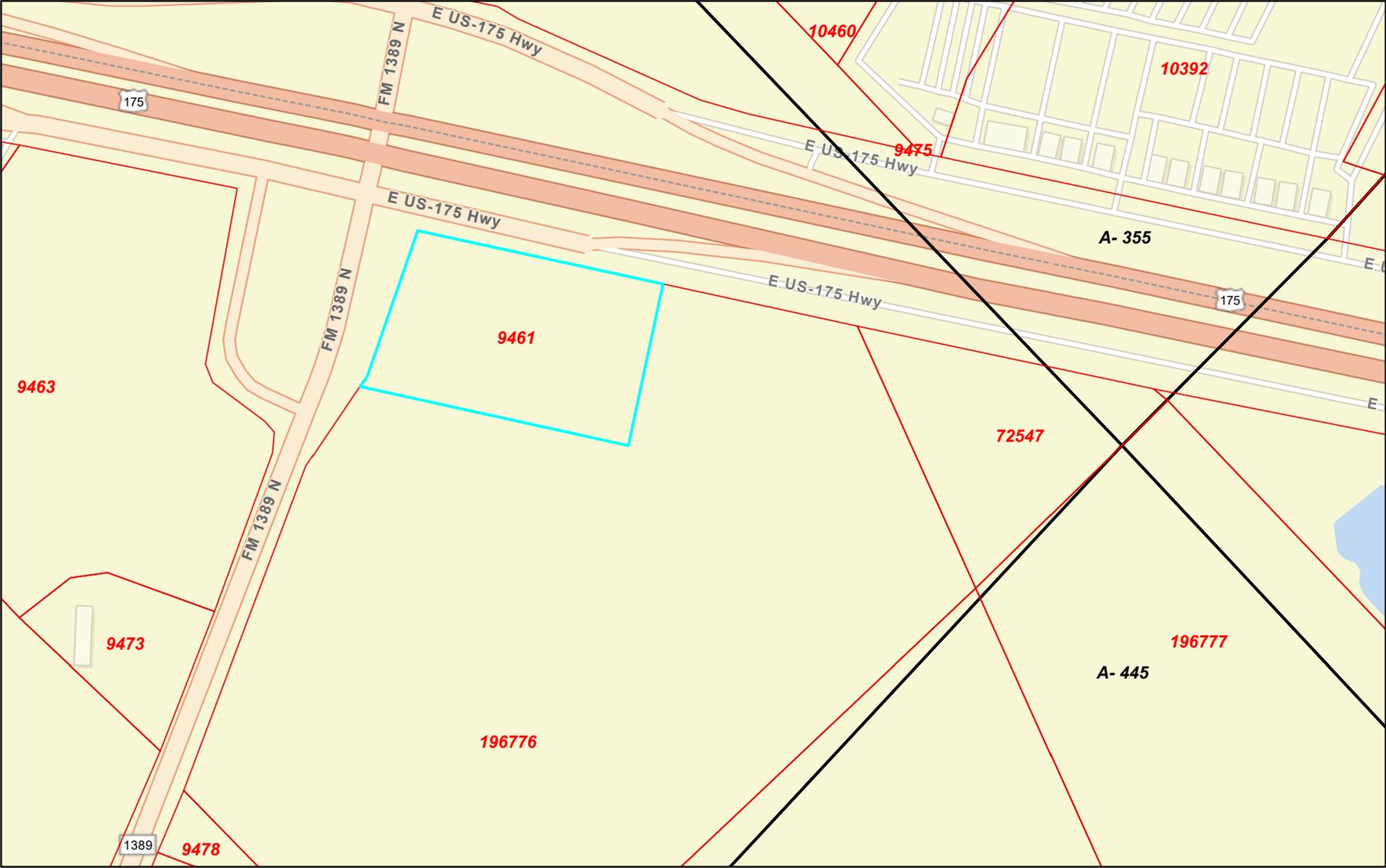


Esri Community Maps Contributors, Baylor University, Texas Parks &

Kaufman County Appraisal District, BIS Consulting - www.bisconsulting.com

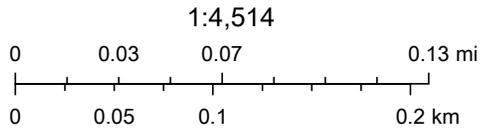
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

1485 South Highway 175 Kaufman CAD Web Map



1/12/2022, 10:14:49 AM

-  Abstracts
-  Parcels



Esri Community Maps Contributors, Baylor University, Texas Parks &

Kaufman County Appraisal District, BIS Consulting - www.bisconsulting.com

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ZONING APPLICATION

City of Seagoville, Texas

PAID
DEC 21 2021
CITY OF SEAGOVILLE

ANTICIPATED MEETING DATES: P&Z: _____ City Council: _____

DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): _____

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: _____

Physical Location of Property: Southeast corner of US Hwy 175 and FM 1389
(1485 S. Hwy 175) [General Location – approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description):
J. Merchant Survey No. 335 Abstract No 310, Kaufman County

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 5.004 Existing Zoning: Agriculture, AG Requested Zoning: Commercial, C

[Attach a detailed description of requested zoning & development standards, if a PD]

Applicant / Owner's Name: Mabrey & Partners LLC

Applicant or Owner? circle one

Contact Person: Tony Rader Title: Representative

Company Name: _____

Street/Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: () _____ Email Address: _____

Engineer / Representative's Name: _____

Contact Person: _____ Title: _____

Company Name: _____

Street/Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: () _____ Fax: () _____ Email Address: _____

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.)

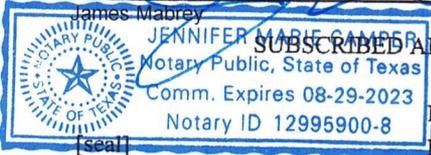
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that 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: _____ Title: Managing Member Date: 12-16-21



SUBSCRIBED AND SWORN TO before me, this the 16th day of December, 2021

Notary Public in and for the State of Texas: _____
My Commission Expires On: August 29, 2023

Office Use Only: Date Rec'd: 12/21/21 Fees Paid: \$ 750.00 Check #: 1074 Receipt #: 702406
Zoning Case # 22022-03 Accepted By: CA Official Submittal Date: _____

Casey Fillmore

From: Tony Rader [REDACTED]
Sent: Tuesday, December 21, 2021 9:44 AM
To: Casey Fillmore
Subject: Legal for zoning

LEGAL DESCRIPTION

TRACT 1

BEING a 5.004-acre tract of land situated in the J. Merchant Survey No. 335, Abstract No. 310 Texas; being a portion of that certain tract of land as described in a Special Warranty Management, LP in Volume 2476, Page 377 and further referenced as being a portion of a Tract to contain 31.896 acres to Caroline Hunt Trust Estate as described in Volume 433, Page 1000, Records of Kaufman County, Texas ; said 5.004 acres being more particularly described by metes and bounds as follows with bearings referenced to the Texas Coordinate System of 1983, North Central Zone, 4:

BEGINNING: at a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found on the Southeast corner of U.S. Highway 175 (right-of-way varies) for the Northernmost Northwestern corner of a 2,314.1631-acre tract called Second Tract in a Special Warranty Deed & Grant & Reservation of Easements to the Municipal Water District in Volume 5314, Page 79 (Instrument No. 2017-0008060) of the Kaufman County, Texas, a corner of the remainder of the said Wetlands Management tract, for the Southeastern corner of this herein described tract;

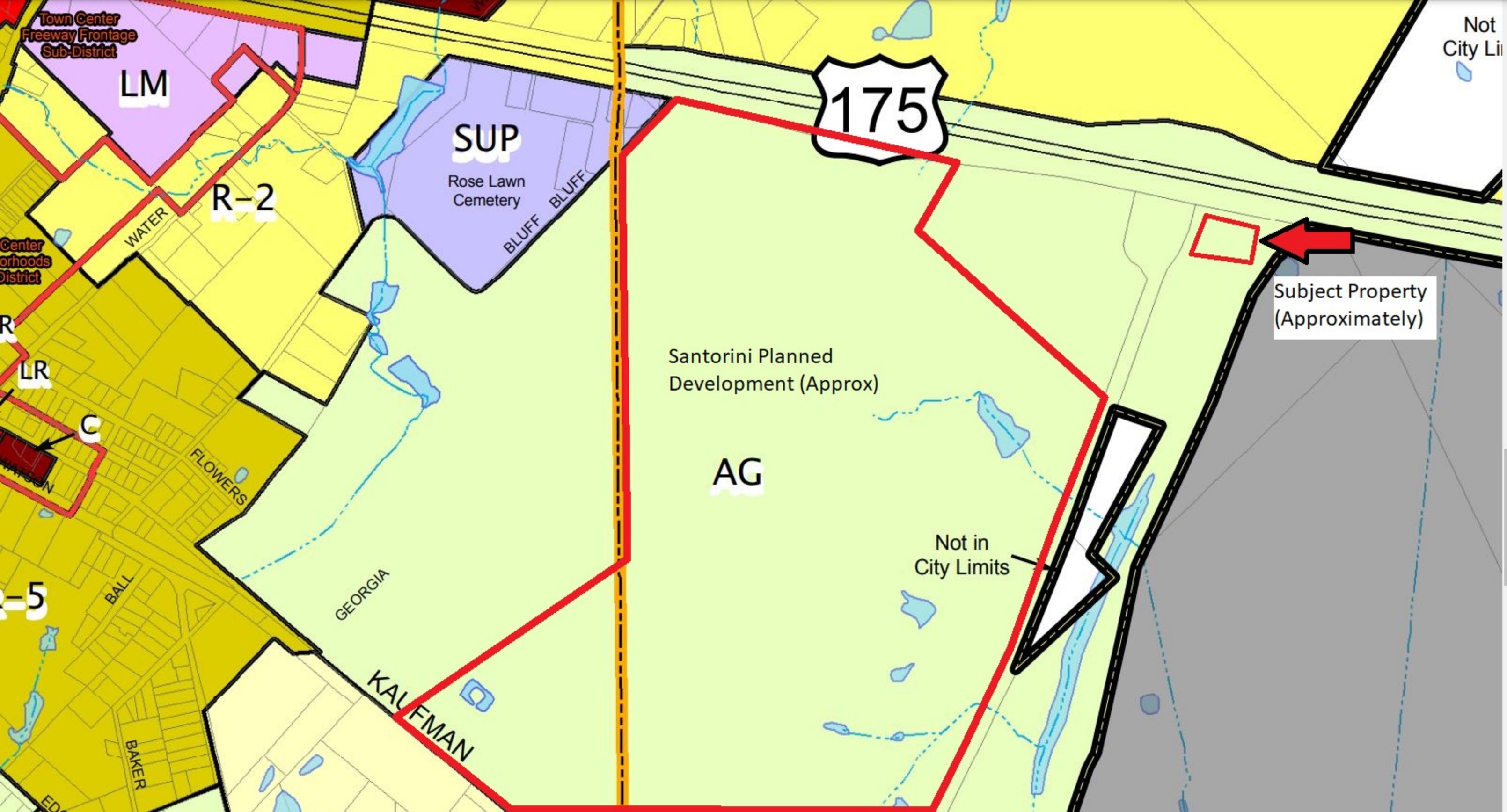
THENCE: South 10°50'01" West a distance of 363.97 feet along a line of the said 2,314.1631-acre tract to the remainder of the said Wetlands Management tract to a 5/8-inch iron rod with cap stamped "Spooner & Assoc." found for a corner of the said 2,314.1631-acre tract, a corner of the remainder of the said Wetlands Management tract, for the Southeastern corner of this herein described tract;

THENCE: North 79°10'53" West a distance of 628.96 feet along a line of the said 2,314.1631-acre tract to the remainder of the said Wetlands Management tract to a Texas Department of Transportation monument found for a corner of Farm to Market Road No. 1389, a corner of the said 2,314.1631-acre tract, a corner of the remainder of the said Wetlands Management tract, for the Southwestern corner of this herein described tract;

THENCE: North 20°19'41" East a distance of 369.55 feet along the Southeastern line of said Farm to Market Road No. 1389, a line of the remainder of the said Wetlands Management tract to a Texas Department of Transportation Type 1 concrete monument found on the Southern line of said U.S. Highway 175, a corner of the remainder of the said Wetlands Management tract, for the Northwestern corner of this herein described tract;

THENCE: South 79°07'49" East a distance of 568.01 feet along the Southern line of said U.S. Highway 175, a corner of the remainder of the said Wetlands Management tract to the POINT OF BEGINNING and containing 5.004 acres of land.

Thanks
Tony Rader
[REDACTED]
[REDACTED]



Town Center
Freeway Frontage
Sub-District

LM

175

SUP

Rose Lawn
Cemetery

R-2

Center
Neighborhoods
District

R

LR

C

Santorini Planned
Development (Approx)

Subject Property
(Approximately)

AG

Not in
City Limits

-5

GEORGIA

KALFMAN

BALL

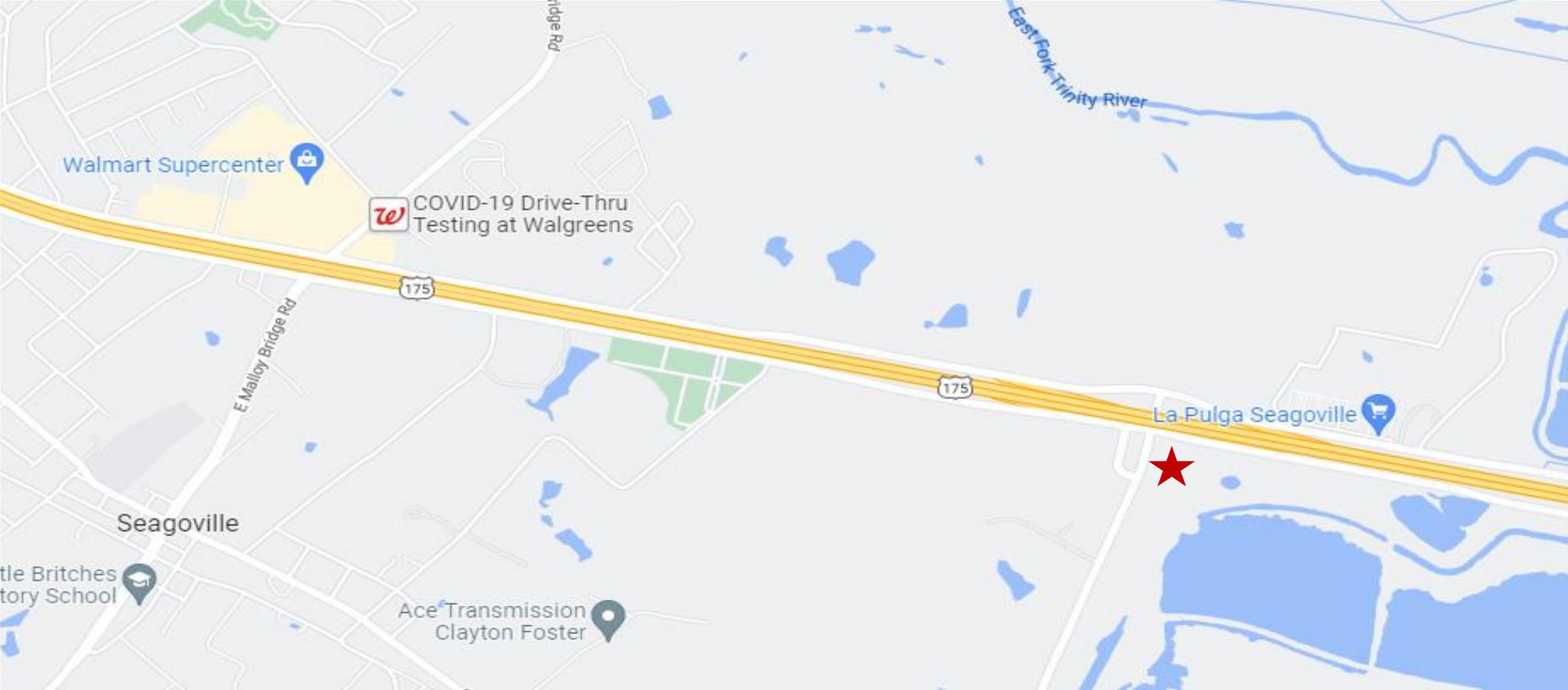
BAKER

ED

Not
City Li

Location of Property

Exhibit 5



Location of Property





Bridge and Guardrail prevent access to
property from FM 1389



Property Line and Bridge Embankment
from Service Road



On-Ramp Approximately 380' from
conner of property



Wetlands to the East and South of the Property Prevent Connectivity

Regular Session Agenda Item: 3

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance and map of the City of Seagoville, as amended, by granting a change in zoning from Agricultural (AG) to Commercial (C), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, commonly referred to as 1485 South Highway 175, in the City of Seagoville, Kaufman County, Texas, and being depicted and described by metes and bounds in Exhibit “A” attached hereto and incorporated herein; providing for a repealing clause; providing for a savings clause; providing for a severability clause; providing for a penalty of fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense; and providing for an effective date.

BACKGROUND OF ISSUE:

Located on the southeast corner of East US 175 and FM 1389, the subject property is within the Agricultural (AG) zoning district. The property received that default AG classification upon its annexation into the City in 2008 per section 25.02.041 of the City’s Code of Ordinances. The applicant is requesting to rezone the property from the current AG zoning district to a Commercial (C) zoning district.

The adopted Seagoville Future Land Use Plan component of the City’s Comprehensive Plan was last amended in 2002. The Comprehensive Plan identifies future land uses not only for areas within the City’s municipal boundaries, but also within its extraterritorial jurisdiction (“ETJ”). The Future Land Use Plan identifies the subject property, in addition to much of the US 175 corridor, as being within a Local Retail Zoning District. The Future Land Use Plan makes a clear distinction between Local Retail and Commercial land uses by stating the following:

“Retail land use areas are intended to provide for a variety of retail trade, personal and business services and establishments. As mentioned previously, retail establishments generally require higher visibility than do other types of nonresidential land use (e.g., office, commercial). In response to this need, retail land uses have been designated in the higher traffic areas of Seagoville, with concentrated retail uses recommended along U.S. Highway 175.” (Seagoville Comprehensive Plan, 2002, Chapter 5, Future Land Use Plan 5-8)

“Areas designated for commercial land use are intended for a variety of commercial uses and establishments with outside storage, display and sales. Examples of such uses include automobile-related services, feed stores, welding shops, and pawn shops. One primary difference between retail and commercial uses is that retail uses tend to rely more heavily on walk-in business. Consequently, retail uses need the visibility that major thoroughfares provide.” (Seagoville Comprehensive Plan, 2002, Chapter 5, Future Land Use Plan 5-9)

FINANCIAL IMPACT:

NA

RECOMMENDATION:

On August 30, 2022, the Planning and Zoning Commission voted unanimously (five to zero) to recommend approval of the zoning request.

EXHIBITS:

Ordinance – Rezone for 1485 South Highway 175

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. ____-2022

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, AS AMENDED, BY GRANTING A CHANGE IN ZONING FROM TO AGRICULTURAL (AG) TO COMMERCIAL (C), ON APPROXIMATELY 5.004± ACRES LOCATED IN THE J. MERCHANT SURVEY NO. 335, ABSTRACT 310, COMMONLY REFERRED TO AS 1485 SOUTH HIGHWAY 175, IN THE CITY OF SEAGOVILLE, KAUFMAN COUNTY, TEXAS, AND BEING DEPICTED AND DESCRIBED BY METES AND BOUNDS IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Planning and Zoning Commission of the City of Seagoville and the City Council of the City of Seagoville, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given requisite notices by publication and otherwise, and have held due public hearings and afforded 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, and the City Council of the City of Seagoville is of the opinion and finds that a zoning change should be granted, and 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, as heretofore amended, be and the same is hereby amended by granting a change in the zoning from Agricultural (AG) to Commercial (C), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, commonly referred to as 1485 South Highway 175, in the City of Seagoville, Kaufman County, Texas, and being depicted and described by metes and bounds in Exhibit “A” attached hereto and incorporated herein.

SECTION 2: That the land shall be used only for the purposes set out in accordance with the City of Seagoville’s Zoning Ordinance and all other ordinances, codes, and policies of the City of Seagoville, as amended.

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

SECTION 4: That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Zoning Ordinance as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 5: That any person, firm, or corporation violating, disobeying, neglecting, refusing to comply with, or resisting the enforcement of any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty of two thousand dollars (\$2,000.00) for each offense as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended. Each and every day such a violation continues or is allowed to exist shall constitute a separate offense.

SECTION 6: 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 19th day of September, 2022.

APPROVED:

Dennis, K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(091522vwtTM131499)

EXHIBIT "A"

BEING a 5.004-acre tract of land situated in the J. Merchant Survey No. 335, Abstract No. 310 Texas; being a portion of that certain tract of land as described in a Special Warranty Management, LP in Volume 2476, Page 377 and further referenced as being a portion of a Tract to contain 31.896 acres to Caroline Hunt Trust Estate as described in Volume 433, Page 100, Records of Kaufman County, Texas ; said 5.004 acres being more particularly described by metes and follows with bearings referenced to the Texas Coordinate System of 1983, North Central Zone, 4:

BEGINNING: at a 5/8-inch iron rod with cap stamped "Spoooner & Assoc." found on the Southeastern line of U.S. Highway 175 (right-of-way varies) for the Northernmost Northwestern corner of a 2,314.1631-acre tract called Second Tract in a Special Warranty Deed & Grant & Reservation of Easements to Municipal Water District in Volume 5314, Page 79 (Instrument No. 2017-0008060) of the Records of Kaufman County, Texas, a corner of the remainder of the said Wetlands Management tract, for the POINT OF BEGINNING of this herein described tract;

THENCE: South 10°50'01"West a distance of 363.97 feet along a line of the said 2,314.1631-acre tract to the remainder of the said Wetlands Management tract to a 5/8-inch iron rod with cap stamped "Spoooner & Assoc." found for a corner of the said 2,314.1631-acre tract, a corner of the remainder of the said Wetlands Management tract, for the Southeastern corner of this herein described tract;

THENCE: North 79°10'53"West a distance of 628.96 feet along a line of the said 2,314.1631-acre tract to the remainder of the said Wetlands Management tract to a Texas Department of Transportation monument found for a corner of Farm to Market Road No. 1389, a corner of the said 2,314.1631-acre tract, a corner of the remainder of the said Wetlands Management tract, for the Southwestern corner of this herein described tract;

THENCE: North 20°19'41"East a distance of 369.55 feet along the Southeastern line of said Farm to Market Road No. 1389, a line of the remainder of the said Wetlands Management tract to a Texas Department of Transportation Type 1 concrete monument found on the Southern line of said U.S. Highway 175, a corner of the remainder of the said Wetlands Management tract, for the Northwestern corner of this herein described tract;

THENCE: South 79°07'49"East a distance of 568.01 feet along the Southern line of said U.S. Highway 175, a corner of remainder of the said Wetlands Management tract to the POINT OF BEGINNING and containing the said 5.004-acre tract of land.

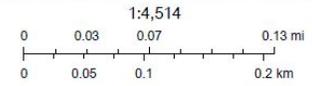
1485 South Highway 175
Kaufman CAD Web Map

Exhibit A



1/12/2022, 10:16:40 AM

- Abstracts
- Parcels



Esri Community Maps Contributors, Baylor University, Texas Parks & Kaufman County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

Regular Session Agenda Item: 4

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Receive Councilmember Reports/ Items of Community Interest

BACKGROUND OF ISSUE:

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

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

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 5

Meeting Date: September 19, 2022

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

Executive Session Agenda Item: 6

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Recess into Executive Session

Council will recess into executive session pursuant to Texas Government Code:

- A. § 551.071 (2) Consultation with City Attorney: to seek legal advice regarding Seagoville Reserves, LLC's proposed affordable housing development and request for letter of support for its application for 2023 Non-Competitive Housing Tax Credits for the proposed development

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Executive Session Agenda Item: 7

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Reconvene into Regular Session

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

- A. § 551.071 (2) Consultation with City Attorney: to seek legal advice regarding Seagoville Reserves, LLC's proposed affordable housing development and request for letter of support for its application for 2023 Non-Competitive Housing Tax Credits for the proposed development

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 8

Meeting Date: September 19, 2022

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas supporting the Seagoville Reserves, LLC's proposed development of affordable rental housing known as The Reserves, to be located at 1803 E Seagoville Road, 620 No Name Street, & 1908 Cain Road in the City of Seagoville, Dallas County, Texas finding and determining this meeting was open to the public as required by law; and providing an effective date.

BACKGROUND OF ISSUE:

Seagoville Reserves, LLC, a Texas Limited Liability Company, has proposed development for affordable rental housing known as The Reserves to be located at 1803 E Seagoville Rd., 620 No Name St., & 1908 Cain Rd in the City of Seagoville, Texas. Seagoville Reserves, LLC has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2023 Non-Competitive 4% Housing Tax Credits for The Reserves.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

Resolution – The Reserves

CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. __-R-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS SUPPORTING THE SEAGOVILLE RESERVES, LLC'S PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING KNOWN AS THE RESERVES, TO BE LOCATED AT 1803 E SEAGOVILLE ROAD, 620 NO NAME STREET, & 1908 CAIN ROAD IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS' FINDING AND DETERMINING THIS MEETING WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seagoville Reserves, LLC, a Texas limited liability company, has proposed a development for affordable rental housing known as The Reserves to be located at 1803 E Seagoville Rd., 620 No Name St., & 1908 Cain Rd in the City of Seagoville, Texas; and

WHEREAS, Seagoville Reserves, LLC has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2023 Non-Competitive 4% Housing Tax Credits for The Reserves.

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

Section 1. The City Council hereby confirms that it supports the proposed The Reserves development and that this formal action has been taken to put on record the opinion expressed by the City of Seagoville Texas on the date set forth below.

Section 2. The City Council hereby authorizes and directs the City Manager and the City Secretary to certify this resolution to the Texas Department of Housing and Community Affairs.

Section 3. The meeting at which this resolution was passed was open to the public as required by law.

Section 4. This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY RESOLVED AND ADOPTED by the City Council of the City of Seagoville, Texas, this the 19th day of September 2022.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(091322vwtTM131454)