



**SEAGOVILLE CITY COUNCIL  
MEETING AGENDA  
MONDAY, APRIL 18, 2016**

**WORK SESSION – 6:30 P.M.**  
Council Chambers, City Hall  
702 N. Hwy 175

**AGENDA**

1. Discussion of Agenda Item(s)
2. Staff Updates
3. Adjourn

**REGULAR MEETING – 7:00 P.M.**  
Council Chambers, City Hall  
702 N. Hwy 175

**AGENDA**

Invocation  
Pledge of Allegiance  
Mayor's Report  
Recognition of Visitors / Proclamations / Presentations  
Citizens Public Comment Period

**[Each speaker will be allowed six (6) minutes to address the council on any item on the agenda except for Public Hearing items]**

## AGENDA (cont'd)

### CONSENT AGENDA

- 1C. Approval of minutes.
- 2C. Approval of a Resolution directing Oncor Electric Delivery Company, LLC to file certain information with the City of Seagoville; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the City's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the City of Seagoville's rate case expenses; setting a public hearing for the purposes of determining if the existing rates of Oncor Electric Delivery Company, LLC are unreasonable or in any way in violation of any provision of law and the determination by the City of Seagoville of just and reasonable rates to be charged by Oncor Electric Delivery Company, LLC; noting compliance with open meetings law; providing notice of passage.
- 3C. Approval of a Resolution ratifying the City Manager executing the General Certificate of the City of Seagoville in connection with the North Texas Municipal Water District Lower East Fork Wastewater Interceptor System Contract Revenue Refunding Bonds, Series 2016.
- 4C. Approval of a Resolution rejecting all bids for water line improvements along Seagoville Road, Alto Road, Woodhaven Road and May Road; authorizing the City Manager or his designee to execute any necessary documents; and providing an effective date.
- 5C. Approval of a Resolution authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District.

### REPORTS/RECOMMENDATIONS/REQUESTS

6. Conduct a public hearing and discuss and consider an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance of the City of Seagoville, as amended, by changing the zoning from "PD-R-5" Planned Development - Residential-5 to "PD-R-5-SUP" Planned Development - Residential-5 with a Special Use Permit, which shall expire on September 30, 2017, to allow for a temporary concrete batch plant, on Lots 1 through 5, Block P, of the Highland Meadows Phase IIB Subdivision located between Balleywood Drive and the end of Old Farm Drive, in the City of Seagoville, Dallas County, Texas; providing for special conditions; providing for an approved site plan which is attached hereto and incorporated herein as Exhibit "A"; providing for the repeal of all ordinances in conflict; providing a severability clause; providing for a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and providing an effective date.

## AGENDA (cont'd)

7. Discuss and consider a Resolution authorizing the Seagoville Economic Development Corporation to undertake a project for the retention of jobs and expansion of business development in the City, including a grant in an amount which exceeds ten thousand dollars (\$10,000.00), in accordance with the Texas Local Government Code; and providing an effective date.

8. Discuss and consider a Resolution approving the terms and conditions of an Economic Development Incentive Agreement by and between the City of Seagoville, Texas and Seagoville Venture No. Three-S-SI Rio Grande, L.P.; Authorizing the Mayor to execute said agreement; and providing an effective date.

9. Receive Councilmember Reports – Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

10. Receive Citizen Comments – Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.

11. Receive Future Agenda Items – Items to be placed on a future agenda which no action or discussion will be taken at this meeting.

12. Adjourn.

Posted Thursday, April 14, 2016 by 5:00 P.M.



Dara Crabtree, 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**

- Early Voting Monday, April 25, 2016 through Tuesday, May 3, 2016.
- Election Day, May 7, 2016; polls open 7:00 a.m. – 7:00 p.m.
- Monday, May 16, 2016 @ 7:00 p.m., City Council meeting.

***INVOCATION***

***PLEDGE OF ALLEGIANCE***

***MAYOR'S REPORT***

***VISITOR RECOGNITIONS /  
PROCLAMATIONS / PRESENTATIONS -Proclamation: Motorcycle Safety  
Awareness Month (May)***



# Proclamation

- WHEREAS,** today's society is finding more citizens involved in motorcycling on the roads of our country; and
- WHEREAS,** motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and
- WHEREAS,** campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all fatalities through a comprehensive approach to motorcycle safety; and
- WHEREAS,** it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and
- WHEREAS,** urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;

**NOW, THEREFORE,** I, Dennis K. Childress, Mayor of the City of Seagoville, Texas do hereby declare the month of May 2016 as

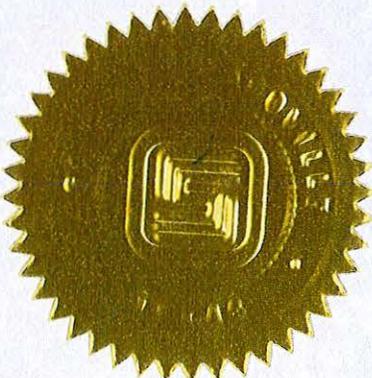
## **MOTORCYCLE SAFETY AND AWARENESS MONTH**

in the City of Seagoville and urge all citizens to be aware of the inherent dangers on the road and to display respect for all drivers.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Seagoville, Texas to be affixed this 18<sup>th</sup> day of April, 2016.

A handwritten signature in black ink, appearing to read "DKC", written over a horizontal line.

*Mayor, The City of Seagoville, Texas*



## *Agenda Item 1C*

*Approval of minutes.*

### **BACKGROUND OF ISSUE:**

Approval of minutes for meetings held on April 4, 2016.

### **FINANICIAL IMPACT:**

N/A

**CITY COUNCIL  
WORK SESSION  
APRIL 4, 2016**

The City Council held a work session on Monday, April 4, 2016 at 6:31 p.m. with a quorum present, to wit:

|                  |                                  |
|------------------|----------------------------------|
| Dennis Childress | Mayor                            |
| Tommy Lemond     | Mayor Pro Tem                    |
| Rick Howard      | Councilmember, arrived 6:38 p.m. |
| Jose Hernandez   | Councilmember                    |
| Mike Fruin       | Councilmember                    |
| Jon Epps         | Councilmember                    |

The following staff members were also present: City Manager Pat Stallings, Community Development Director Ladis Barr, Finance Director Patrick Harvey, Library Director Liz Gant, Police Chief Ray Calverley, Support Services Manager Christine Dykes, Public Safety Technicians Becky Vrzak, Sherrie Boone, Brittney Web, Jared Ashmore, Jessica Esparza, John Blake, Jennifer Alford, Stephanie Smith and Rajena Wallace, City Attorney Alexis Allen and City Secretary Dara Crabtree.

**ITEM 2. STAFF UPDATES.**

Library Director Gant provided an update of the Library activities.

**ITEM 1. DISCUSSION OF AGENDA ITEMS.**

ITEM 3C. Following a City Council inquiry, Community Development Director Barr confirmed the authorization to resell tax foreclosed property applied to 304 Lakey Road only.

ITEM 7. Following a City Council inquiry, Community Development Director Barr stated the building would need to be brought up to current building code standards when the occupancy exceeded 50 and there were no exemptions for this requirement.

The work session was adjourned at 6:54 p.m.

APPROVED:

---

MAYOR PRO TEM

ATTEST:

---

CITY SECRETARY

**CITY COUNCIL  
REGULAR MEETING  
APRIL 4, 2016**

The City Council held a regular meeting on Monday, April 4, 2016 at 7:01 p.m. with a quorum present, to wit:

|                  |               |
|------------------|---------------|
| Dennis Childress | Mayor         |
| Tommy Lemond     | Mayor Pro Tem |
| Rick Howard      | Councilmember |
| Jose Hernandez   | Councilmember |
| Mike Fruin       | Councilmember |
| Jon Epps         | Councilmember |

Mayor Childress provided the invocation and led the Pledge of Allegiance.

**MAYOR'S REPORT.** No report.

Mayor Childress presented a proclamation recognizing the week of April 10 – 16, 2016 as *National Public Safety Telecommunicators Week*.

**CITIZENS PUBLIC COMMENT PERIOD (items on the agenda).** No one spoke.

**CONSENT AGENDA.**

Councilmember Epps made a motion, seconded by Councilmember Howard, to approve Consent Agenda Items 1C through 4C. A vote was cast 5 in favor, 0 against.

**ITEM 1C.** Approve minutes for meetings held on March 21, 2016.

**ITEM 2C.** Approval of Resolution No. 22-R-16 declaring certain city property surplus and authorizing the City Manager to sell, trade or dispose of the property in accordance with the processes established in the Code of Ordinances; providing for repeal of any and all resolutions in conflict; providing for a severability clause; and providing for an effective date.

.  
.

**ITEM 3C.** Approval of Resolution No. 23-R-16 authorizing the County of Dallas to resell tax foreclosed property located at 304 Lakey Road, Seagoville, Texas, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.

**ITEM 4C.** Approval of Resolution No. 24-R-16 designating the Daily Commercial Record as the City of Seagoville official newspaper.

**ITEM 5.** Received presentation from Dallas ISD representative Israel Cordero regarding the new program P-Tech (Pathways to Technology) being offered next year. Q & A followed.

**ITEM 6.** Councilmember Hernandez made a motion, seconded by Councilmember Howard, to accept Fiscal Year 2014-2015 audit. A vote was cast 5 for, 0 against.

*[Mayor Childress recused himself and left the Council Chambers.]*

**ITEM 7.** Councilmember Hernandez made a motion, seconded by Councilmember Epps, to remove this time from the Table. A vote was cast 5 for, 0 against. Following a discussion, Councilmember Hernandez made a motion, seconded by Mayor Pro Tem Lemond, to approve Ordinance No. 16-16 amending the Comprehensive Zoning Ordinance and Map by granting a change in zoning from existing Commercial (C) to Commercial with a Special Use Permit (C-SUP) to allow for a church on Lots 3, 4 and part of Lot 5 of the B.M. Crawford addition and also found in the Henry D. Bohannon Survey, Abstract No. 178, Tract 26 and totaling approximately 0.192± acre and being more commonly known as 106 N. Kaufman Street, Seagoville, Dallas County, Texas, with the following Special Conditions: SUP valid 2 years and renewals as required; SUP is void if ownership of property changes; SUP is void if the church ceases to operate; SUP is to impose not more than 50% of the available parking spaces in downtown area are to be used by church members during normal worship service with parking spaces immediately in front of the church to be used at all other times; not allow parking on unimproved surfaces as defined in the building and zoning standards; additional parking be allowed with cooperative parking agreements between owner and applicant granting parking privileges; allow by application to City Manager up to 6 special events annually to accommodate any parking in downtown area; and SUP is revoked if not imposed or violated. A vote was cast 2 for, 3 against (Howard, Fruin and Epps). Discussion continued. Mayor Pro Tem Lemond made a motion, seconded by Councilmember Epps, to to approve Ordinance No. 16-16 amending the Comprehensive Zoning Ordinance and Map by granting a change in zoning from existing Commercial (C) to Commercial with a Special Use Permit (C-SUP) to allow for a church on Lots 3, 4 and part of Lot 5 of the B.M. Crawford addition and also found in the Henry D. Bohannon Survey, Abstract No. 178, Tract 26 and totaling approximately 0.192± acre and being more commonly known as 106 N. Kaufman Street, Seagoville, Dallas County, Texas, with the following Special Conditions: SUP valid 2 years and renewals as required; SUP is void if ownership of property changes; SUP is void if the church ceases to operate; SUP is to impose not more than 50% of the available parking spaces in downtown area are to be used by church

members during normal worship service with parking spaces immediately in front of the church to be used at all other times; not allow parking on unimproved surfaces as defined in the building and zoning standards; additional parking be allowed with cooperative parking agreements between owner and applicant granting parking privileges; and allow by application to City Manager up to 6 special events annually to accommodate any parking in downtown area. A vote was cast 3 for, 2 against (Hernandez and Fruin).

*[Mayor Childress returned to the dais.]*

**ITEM 8. COUNCILMEMBER REPORTS.** No reports.

**ITEM 9. CITIZEN COMMENTS.** No comments.

**ITEM 10. FUTURE AGENDA ITEMS.**

Rick Howard – Additional bleachers at Heard Park.

**ITEM 11.** Recess into Executive Session at 8:02 p.m. in compliance with Texas Government Code:

(A) Section 551.087, **Deliberation regarding Economic Development Negotiations:** to discuss and **deliberate regarding commercial or financial information from a business prospect that seeks to locate, stay or expand in the City of Seagoville; and, to discuss or deliberate an offer, if any, with such business prospect.**

(B) Section 551.074; **Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager.**

Reconvened into open session at 9:25 p.m.

**ITEM 12.** No action was taken on either Executive Session item.

**ITEM 13.** The meeting adjourned at 9:26 p.m.

APPROVED:

\_\_\_\_\_  
MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

## *Agenda Item 2C*

*Approval of a Resolution directing Oncor Electric Delivery Company, LLC to file certain information with the City of Seagoville; setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the City's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require the reimbursement of the City of Seagoville's rate case expenses; setting a public hearing for the purposes of determining if the existing rates of Oncor Electric Delivery Company, LLC are unreasonable or in any way in violation of any provision of law and the determination by the City of Seagoville of just and reasonable rates to be charged by Oncor Electric Delivery Company, LLC; noting compliance with open meetings law; and providing notice of passage.*

### **BACKGROUND OF ISSUE:**

Recent Public Utility Commission of Texas proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust resulted in the Commissioners' desire to share \$200 million to \$250 million in annual federal income tax savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor federal income tax savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor.

Cities have original rate making jurisdiction over Oncor's rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate mailing orders.

As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced.

The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988. The City of Seagoville has been a member since 2009.

The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

Staff recommends approval of said Resolution, if the City Council should so desire.

### **FINANCIAL IMPACT:**

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. 25-R-16**

**A RESOLUTION DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE CITY OF SEAGOVILLE; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE CITY'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE CITY OF SEAGOVILLE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE CITY OF SEAGOVILLE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.; NOTING COMPLIANCE WITH OPEN MEETINGS LAW; AND PROVIDING NOTICE OF PASSAGE.**

**WHEREAS**, the City of Seagoville is a regulatory authority under the Public Utility Regulatory Act ("PURA") and has original jurisdiction over the rates of Oncor Electric Delivery Company, LLC ("Oncor") to determine if such rates are just and reasonable; and

**WHEREAS**, Sections 33.021, 36.003 and 36.151 of PURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and

**WHEREAS**, the City of Seagoville has reason to believe that Oncor is over-earning and its rates are excessive; and

**WHEREAS**, the City of Seagoville is a member of the Steering Committee of Cities Served by Oncor; and

**WHEREAS**, the Executive Committee of the Steering Committee of Cities Served by Oncor has recommended that cities pass a resolution that requires Oncor to show cause why its transmission and distribution rates should not be reduced; and

**WHEREAS**, the City of Seagoville, and the City Council of the City of Seagoville desires, on its own motion, to exercise its authority under Sections 33.021, 36.003 and 36.151 of PURA; and

**WHEREAS**, a procedural schedule should be established for the filing of certain information by Oncor, procedures to be followed to obtain and review information from Oncor, the filing of an analysis of such information by the City, the filing of rebuttal information from Oncor, and a public hearing at which time the City shall make a determination whether the existing rates of Oncor are unreasonable or are in any way in violation of any provision of law, and if such rates should be revised, and just and reasonable rates determined for Oncor.

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

**SECTION 1.** This resolution constitutes notice of the City's intent to proceed with an inquiry into the transmission and distribution rates charged by Oncor. On or before September 1, 2016, Oncor shall file with the City of Seagoville information that demonstrates good cause for showing that Oncor's transmission and distribution rates should not be reduced. Specifically, Oncor shall file with the City of Seagoville information for the test year beginning January 1, 2015 and ending December 31, 2015, regarding Oncor's cost of service elements, including, but not limited to, the elements detailed by the Public Utility Commission as necessary for the filing of a Statement of Intent to Change Rates. The test year may be updated for more current data and shall be adjusted for known and measureable changes.

**SECTION 2.** City's designated representatives shall have the right to obtain additional information from Oncor through the filing of requests for information, which shall be responded to within fifteen (15) days from the receipt of such request for information.

**SECTION 3.** City's designated representatives shall file their analysis of Oncor's filing and information on or before October 13, 2016.

**SECTION 4.** Oncor shall file any rebuttal to the analysis of City's representatives on or before November 10, 2016. With its rebuttal, Oncor may present whatever additional information it desires to defend its current rates.

**SECTION 5.** A public hearing shall be conducted by the City Council for the City of Seagoville during a regular council meeting scheduled between November 15 and December 15. At such hearing a representative of Oncor and a representative of the City of Seagoville's consultants will each be allowed to address the City Council and summarize previously filed reports for no more than 15 minutes. Based upon such hearing, a determination of the reasonableness of the existing rates of Oncor shall be made by the City Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Oncor within the City of Seagoville, Texas.

**SECTION 6.** The City Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

**SECTION 7.** Subject to the right to terminate employment at any time, the City of Seagoville hereby ratifies the Steering Committee's selection of Geoffrey Gay with the law firm of Lloyd, Gosselink, Rochelle & Townsend as legal counsel to assist the City of Seagoville in its ratemaking and to prosecute any appeals to the Texas Public Utility Commission or court. The Executive Committee of the Steering Committee of Cities Served by Oncor shall retain appropriate consultants to prepare a report and make rate recommendations.

**SECTION 8.** Fees and expenses of attorneys and consultants assisting the City in the Steering Committee's review of the reasonableness of Oncor's rates will be processed through the Steering Committee but the City reserves the right to seek reimbursement from Oncor pursuant to the PURA Section 33.023.

**SECTION 9.** That it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

**SECTION 10.** That a copy of this Resolution shall be sent to E. Allen Nye, Jr., Senior Vice President, General Counsel and Secretary, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and to Geoffrey Gay, General Counsel to the Steering Committee of Cities Served by Oncor, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**AND IT IS SO ORDERED.**

The above and foregoing resolution was passed and approved on this the 18<sup>th</sup> day of April, 2016, by the following vote:

- Ayes:
- Nays:
- Abstentions:

At regular meeting April 18, 2016.

\_\_\_\_\_  
MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

---

CITY ATTORNEY

1669-/7071297

## **Model Staff Report to Support Resolution Directing Oncor Concerning Just and Reasonable Rates**

Recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor.

### **Whereas Clauses Explained**

Cities have original rate making jurisdiction over Oncor’s rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate mailing orders.

As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced.

The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988.

The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

### **Resolved Sections Explained**

Section 1, provides notice to Oncor that it is compelled to file information that would otherwise be required if the Company filed a request to increase rates at the Commission by September 1, 2016. This Section requires that historic data from calendar year 2015 be filed to demonstrate that its rates should not be reduced.

Section 2 authorizes Cities’ representatives to file requests for information which shall be answered by Oncor within 15 days of receipt.

Sections 3 and 4 set other dates critical to the procedural process for rate setting. Cities’ report will be due on October 13, 2016 and the Oncor rebuttal will be due November 10, 2016.

Section 5 establishes that a hearing will occur and final order will be issued between November 15, 2016 and December 15, 2016.

Section 6 provides that the procedural schedule may be amended by the City and that other orders may be extended. For example, once the REIT conversion is finalized, Cities may enter interim orders requiring a sharing of tax savings that benefit ratepayers.

Section 7 authorizes the hiring of legal counsel and authorizes the Executive Committee to hire consultants.

Section 8 confirms that Cities will seek reimbursement of their rate making expenses from Oncor.

Section 9 confirms that the resolution was passed in compliance with Open Meeting laws.

***Following is the chronology for the need for the show cause resolution against Oncor.***

2007 publicly traded TXU is taken private by investors who created Energy Future Holdings (EFH). As part of its finding that the transaction was in the public interest, the Texas Public Utility Commission (PUC) required that regulated Oncor be financially and structurally “ring-fenced” from the deregulated portions of TXU, i.e., Luminant (generation company) and TXU Energy (REP) to avoid Oncor being drawn into bankruptcy.

2008-2014 EFH was saddled with more than \$40 billion in debt which it could not pay. EFH had bet on natural gas rates climbing from their 2007 highs. Since natural gas prices determine the marginal cost of electricity in the Texas wholesale market, EFH could not make sufficient profits on the sale of electricity to meet its debt obligations.

April 29, 2014, EFH and more than 70 subsidiaries (excluding Oncor) file for bankruptcy in Delaware.

December 7, 2015, the bankruptcy court signs an Order approving EFH’s Sixth Amended Joint Plan of Reorganization which includes a plan to sell Oncor to a consortium of investors who would divide Oncor into two companies and create a Real Estate Investment Trust (REIT) in order to provide Hunter Hunt sole control over Oncor operations and allow REIT owners to capture all federal tax savings derived from the REIT structure.

September 29, 2015, Hunt and Purchasers file an application at the PUC for approval of a transaction that would transfer ownership and control of Oncor and restructure the Company.

January 11-14, 2016, the PUC holds hearings on whether the proposed REIT transaction is in the public interest.

March 24, 2016, the PUC in a 2-1 vote approves the transaction subject to a number of conditions supported by Cities to offset some inherent risks associated with the REIT structure. As part of the Commissioners discussions, substantial attention was paid to the fact that REITs receive immediate, permanent exemption from federal taxation to the extent that the REIT distributes income to owners. Hunt and Purchasers claimed their intent is to distribute 100% of income, thus avoiding the asset company (Oncor would be divided into an asset company and an operating company with the operating company leasing assets from the asset company) having to pay any federal income taxes.

Oncor is currently collecting from ratepayers somewhere between \$200 million and \$250 million annually from ratepayers for presumed payments to the IRS. The two commissioners who voted in favor of the transaction with conditions expressed beliefs that the tax savings should be shared with ratepayers. Since the case pending before the Commission was not a rate case, the Commissioners could not reduce Oncor’s rates.

The PUC can only initiate rate proceedings in areas where it has original jurisdiction - the environs areas outside municipal limits. If there is to be any rate relief within municipal limits, Cities must either initiate a rate proceeding by passing a show cause resolution or wait until a final order from the PUC in a case initiated by Oncor, which will not occur before mid-2018.

## STEERING COMMITTEE CITIES SERVED BY ONCOR (153)

|                        |                      |                      |
|------------------------|----------------------|----------------------|
| Addison                | Farmers Branch       | New Chapel Hill      |
| Allen                  | Fate                 | North Richland Hills |
| Alvarado               | Flower Mound         | Oak Leaf             |
| Andrews                | Forest Hill          | Oak Point            |
| Anna                   | Fort Worth           | Odessa               |
| Archer City            | Frisco               | O'Donnell            |
| Argyle                 | Frost                | Ovilla               |
| Arlington              | Gainesville          | Palestine            |
| Azle                   | Garland              | Pantego              |
| Bedford                | Glenn Heights        | Paris                |
| Bellmead               | Grand Prairie        | Plano                |
| Belton                 | Granger              | Pottsboro            |
| Benbrook               | Grapevine            | Prosper              |
| Beverly Hills          | Haltom City          | Ranger               |
| Big Spring             | Harker Heights       | Rhome                |
| Breckenridge           | Haslet               | Richardson           |
| Bridgeport             | Heath                | Richland Hills       |
| Brownwood              | Henrietta            | River Oaks           |
| Buffalo                | Hewitt               | Roanoke              |
| Burkburnett            | Highland Park        | Robinson             |
| Burleson               | Honey Grove          | Rockwall             |
| Caddo Mills            | Howe                 | Rosser               |
| Cameron                | Hurst                | Rowlett              |
| Canton                 | Hutto                | Sachse               |
| Carrollton             | Iowa Park            | Saginaw              |
| Cedar Hill             | Irving               | Sansom Park          |
| Celina                 | Jolly                | Seagoville           |
| Centerville            | Josephine            | Sherman              |
| Cleburne               | Justin               | Snyder               |
| Coahoma                | Kaufman              | Southlake            |
| Colleyville            | Keller               | Springtown           |
| Collinsville           | Kerens               | Stephenville         |
| Comanche               | Killeen              | Sulphur Springs      |
| Commerce               | Krum                 | Sunnyvale            |
| Coppell                | Lake Worth           | Sweetwater           |
| Copperas Cove          | Lakeside             | Temple               |
| Corinth                | Lamesa               | Terrell              |
| Crowley                | Lancaster            | The Colony           |
| Dallas                 | Lewisville           | Trophy Club          |
| Dalworthington Gardens | Lindale              | Tyler                |
| DeLeon                 | Little Elm           | University Park      |
| De Soto                | Little River Academy | Venus                |
| Denison                | Malakoff             | Waco                 |
| Duncanville            | Mansfield            | Watauga              |
| Early                  | McKinney             | Waxahachie           |
| Eastland               | Mesquite             | Westover Hills       |
| Edgecliff Village      | Midland              | White Settlement     |
| Ennis                  | Midlothian           | Wichita Falls        |
| Eules                  | Murchison            | Willow Park          |
| Everman                | Murphy               | Woodway              |
| Fairview               | Nacogdoches          | Wylie                |

## *Agenda Item 3C*

*Approval of a Resolution ratifying the City Manager executing the General Certificate of the City of Seagoville in connection with the North Texas Municipal Water District Lower East Fork Wastewater Interceptor System Contract Revenue Refunding Bonds, Series 2016.*

### **BACKGROUND OF ISSUE:**

On or about 2004, the North Texas Municipal Water District (NTMWD), City of Mesquite and the City of Seagoville agreed to enter into certain agreements and take certain actions related to the design and construction of the Lower East Fork Interceptor System (LEFIS) Project.

On or about February 3, 2005, the City Council authorized and directed the execution of the Lower East Fork Regional Interceptor System Contract with NTMWD to provide for the construction of facilities to adequately transport wastewater from the participants to the District's Regional Wastewater System. The contract stated it shall continue in force until all Bonds, including any Bonds issued to refund same, shall have been paid in full; and shall also remain in force thereafter through the useful life of the System.

The NTMWD desires to restructure the debt for the construction of this Project. The City Manager was requested to execute the General Certificate in connection with the North Texas Municipal Water District Lower East Fork Wastewater Interceptor System Contract Refunding Bonds, Series 2016.

Following a review of the General Certificate and with the contract still in effect and there being no default, the City Attorney advised there was not a problem with the City Manager executing the General Certificate due to the time constraints for all documents to be submitted to the Attorney General.

### **FINANCIAL IMPACT:**

The restructuring of the NTMWD bonds will lower the debt from \$16,171,529.95 to \$14,403,629.04 with a total savings of \$1,767,900.91 over 11 years.

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. 26-R-16**

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, RATIFYING THE CITY MANAGER EXECUTING THE GENERAL CERTIFICATE OF THE CITY OF SEAGOVILLE IN CONNECTION WITH THE NORTH TEXAS MUNICIPAL WATER DISTRICT LOWER EAST FORK WASTEWATER INTERCEPTOR SYSTEM CONTRACT REVENUE REFUNDING BONDS, SERIES 2016.**

**WHEREAS**, North Texas Municipal Water District desired to restructure debt pertaining to the construction of the East Fork Wastewater Interceptor System; and

**WHEREAS**, the City of Seagoville originally entered into the contract with North Texas Municipal Water District and City of Mesquite for construction of the East Fork Wastewater Interceptor System on or about February 3, 2005; and

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

**SECTION 1.** The City Manager is hereby authorized to execute the General Certificate of the City of Seagoville a copy of which is attached hereto and incorporated herein as Exhibit "A".

**SECTION 2.** All resolutions of the City of Seagoville heretofore adopted which are in conflict with the provisions of this resolution be, and the same are hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

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

**DULY ORDERED** by the City Council of the City of Seagoville, Texas, this the 18<sup>th</sup> day of April, 2016.

APPROVED:

---

MAYOR PRO TEM

ATTEST:

---

CITY SECRETARY

APPROVED AS TO FORM:

---

CITY ATTORNEY

GENERAL CERTIFICATE OF THE CITY OF SEAGOVILLE

STATE OF TEXAS :  
CITY OF SEAGOVILLE :

We, the undersigned duly appointed and City Manager and City Secretary, respectively, of the City of Seagoville, Texas (the "City"), do hereby certify as follows:

1. This Certificate is executed with reference to that issue of bonds styled "North Texas Municipal Water District Lower East Fork Wastewater Interceptor System Contract Revenue Refunding Bonds, Series 2016," in the principal amount of \$10,745,000 (the "Bonds").

2. The City is a duly incorporated home rule municipality operating and existing under the Constitution and laws of the State of Texas and the duly adopted Home Rule Charter (the "Charter") of the City, which Charter has not been changed or amended since AUGUST 1, 2011.

3. No litigation is pending or threatened pertaining to, affecting, or contesting the authorization, execution, delivery or performance, as the case may be, by the City of the Lower East Fork Interceptor System Contract, dated as of June 21, 2005 (the "Contract") among the City, the City of Mesquite, Texas and the North Texas Municipal Water District (the "Issuer").

4. The payments of the City to the Issuer pursuant to the Contract constitute operating expenses of the City's combined waterworks and sewer system (the "System") and such payments must be made prior to payment of the City's bonded indebtedness payable from revenues of the System.

5. The Resolution Authorizing and Directing the Execution of the Lower East Fork Regional Interceptor System Contract With North Texas Municipal Water District, and Providing for the Effect of said Resolution and Contract, adopted by the governing body of the City on February 3, 2005, is in full force and effect and has not been amended, modified, or supplemented and complies with the applicable provisions of the Charter.

6. The Contract has been duly authorized and executed by the City, is in full force and effect and has not been amended, modified, or supplemented and complies with the applicable provisions of the Charter.

7. The City is not in default with respect to any covenant, condition or obligation with respect to any outstanding obligations payable from revenues of the System.

8. The City has no outstanding bonds payable solely from its water system net revenue.

9. Attached as Exhibit "A" is a statement of the revenues and expenses of the System for each of the last three fiscal years of the City.

EXHIBIT "A"

10. No litigation is pending against the City or, to the best of my knowledge, threatened against the City in any way contesting (a) the right and power of the City in connection with any action taken by it with respect to the execution of the Contract or (b) the titles or authority of the current members of the City Council of the City.

11. The persons named below are the duly appointed and acting officials of the City and the signatures appearing thereon are their genuine signatures.

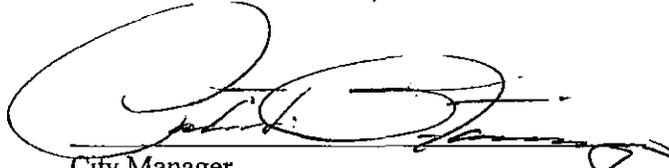
12. Attached as Exhibit "B" are the rates and charges for the City's water and sewer facilities and services as in effect as of the date hereof.

13. There has not been any material adverse change in the financial condition of the City or the affairs of the City described in the Official Statement relating to the Bonds since the latest date as of which audited information of the City is available.

14. The Attorney General of the State of Texas is hereby authorized to date this certificate concurrently with the delivery of its opinion approving the Bonds.

SIGNED AND SEALED this April 8, 2016.

CITY OF SEAGOVILLE, TEXAS

  
City Manager

ATTEST:

Dara Crabtree  
City Secretary

(SEAL)



EXHIBIT A

|              | <u>2015</u>      | <u>2014</u>      | <u>2013</u>      |
|--------------|------------------|------------------|------------------|
| Income       | \$5,387,880      | \$4,829,710      | \$4,198,647      |
| Expenses     | <u>3,557,974</u> | <u>3,560,678</u> | <u>3,366,106</u> |
| Net Revenues | \$1,829,876      | \$1,269,032      | \$ 832,541       |

## EXHIBIT B

### WATER RATES Effective October 2015

#### MONTHLY WATER RATES

Apartments and Mobile Homes (per unit)

Water Meter Size

(inches) \_\_\_\_\_ Rate (\$)

|              |         |
|--------------|---------|
| 3/4" or less | \$16.92 |
| 1"           | 16.92   |
| 1 1/2"       | 16.92   |
| 2"           | 16.92   |
| 4"           | 16.92   |
| 6"           | 16.92   |
| 8"           | 16.92   |

All Others

Water Meter Size

(inches) \_\_\_\_\_ Rate (\$)

|              |          |
|--------------|----------|
| 3/4" or less | \$ 16.92 |
| 1"           | 25.86    |
| 1 1/2"       | 40.79    |
| 2"           | 58.64    |
| 3"           | 109.28   |
| 4"           | 159.91   |
| 6"           | 564.16   |
| 8"           | 839.07   |

Each 1,000 gallons above the minimum 2,000, is billed as follows:

| <u>Usage</u>    | <u>Rate (\$)</u> |
|-----------------|------------------|
| 2,001 - 5,000   | 2.04             |
| 5,001 - 10,000  | 2.55             |
| 10,001 - 15,000 | 3.07             |
| 15,001 - 20,000 | 3.58             |
| 20,001 - 25,000 | 4.08             |
| Over 25,000     | 4.60             |

#### MONTHLY SEWER RATES

Minimum charge of \$14.87 for the first 2,000 gallons of water usage related, \$7.15 each additional 1,000 gallons.  
Winter months averaging is used to determine the sewer charge.

Final

**\$10,745,000**

Lower East Fork Interceptor System

Wastewater Interceptor System Contract Revenue Refunding Bonds

Series 2016

### Debt Service Comparison

| Date         | Total P+I              | Existing D/S          | Net New D/S            | Old Net D/S            | Savings               |
|--------------|------------------------|-----------------------|------------------------|------------------------|-----------------------|
| 09/30/2016   | 105,386.04             | 1,182,468.00          | 1,287,854.04           | 1,434,136.13           | 146,282.09            |
| 09/30/2017   | 1,332,975.00           | -                     | 1,332,975.00           | 1,443,336.26           | 110,361.26            |
| 09/30/2018   | 1,331,650.00           | -                     | 1,331,650.00           | 1,450,736.26           | 119,086.26            |
| 09/30/2019   | 1,314,650.00           | -                     | 1,314,650.00           | 1,456,336.26           | 141,686.26            |
| 09/30/2020   | 1,307,400.00           | -                     | 1,307,400.00           | 1,463,591.26           | 156,191.26            |
| 09/30/2021   | 1,303,150.00           | -                     | 1,303,150.00           | 1,473,231.26           | 170,081.26            |
| 09/30/2022   | 1,301,650.00           | -                     | 1,301,650.00           | 1,479,993.76           | 178,343.76            |
| 09/30/2023   | 1,292,650.00           | -                     | 1,292,650.00           | 1,484,418.76           | 191,768.76            |
| 09/30/2024   | 1,302,650.00           | -                     | 1,302,650.00           | 1,489,950.00           | 187,300.00            |
| 09/30/2025   | 1,305,450.00           | -                     | 1,305,450.00           | 1,496,225.00           | 190,775.00            |
| 09/30/2026   | 1,323,550.00           | -                     | 1,323,550.00           | 1,499,575.00           | 176,025.00            |
| <b>Total</b> | <b>\$13,221,161.04</b> | <b>\$1,182,468.00</b> | <b>\$14,403,629.04</b> | <b>\$16,171,529.95</b> | <b>\$1,767,900.91</b> |

#### PV Analysis Summary (Net to Net)

|  |                |
|--|----------------|
| Gross PV Debt Service Savings                    | 1,581,501.94   |
| Net PV Cashflow Savings @ 2.090%(AIC)            | 1,581,501.94   |
| Transfers from Prior Issue DSR Fund              | (150,000.00)   |
| Net Present Value Benefit                        | \$1,431,501.94 |
| Net PV Benefit / \$11,715,000 Refunded Principal | 12.219%        |

#### Refunding Bond Information

|                         |           |
|-------------------------|-----------|
| Refunding Dated Date    | 4/28/2016 |
| Refunding Delivery Date | 4/28/2016 |

**\*Net D/S Excludes: DSR**

## *Agenda Item 4C*

*Approval of a Resolution rejecting all bids for water line improvements along Seagoville Road, Alto Road, Woodhaven Road and May Road; authorizing the City Manager or his designee to execute any necessary documents; and providing an effective date.*

### **BACKGROUND OF ISSUE:**

A Notice to Contractors advertising sealed bids for the construction of Water Line Improvements along Seagoville Road, Alto Road, Woodhaven Lane and May Road was advertised in the Suburbia Newspaper on February 25, 2016 and March 3, 2016.

Three (3) bid specs and plans were picked up; the bid opening was conducted on March 29, 2016 at 10:00 a.m. with one (1) sealed bid received from RT&E Rural Water in the amount of \$331,186.30.

Staff recommends approval of said Resolution rejecting all bids due to the amount is over budget and only one (1) bid was received, if the City Council should so desire.

### **FINANCIAL IMPACT:**

N/A

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. 27-R-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, REJECTING ALL BIDS FOR WATER LINE IMPROVEMENTS ALONG SEAGOVILLE ROAD, ALTO ROAD, WOODHAVEN ROAD AND MAY ROAD; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is desired to reject all bids received for the Water Line Improvements Project; and

**WHEREAS**, the City reserves the right to reject any and all bids as per Notice to Contractors published on February 25, 2016 and March 3, 2016 and recommends the rejecting of all bids received; and

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

**SECTION 1:** That the City Council of the City of Seagoville does hereby reject all bids received for water line improvements along Seagoville Road, Alto Road, Woodhaven Road and May Road.

**SECTION 2:** That the City Council of the City of Seagoville hereby authorizes the City Manager, or his designee, to execute the appropriate and necessary documents and/or purchase orders.

**SECTION 3:** This resolution shall become effective immediately upon its passage.

**DULY RESOLVED AND ADOPTED** by the City Council of the City of Seagoville, Texas, on the 18<sup>th</sup> day of April, 2016.

APPROVED:

\_\_\_\_\_  
MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Bid Opening for  
Water Line Improvements  
(along Seagoville Road, Alto Road,  
Woodhaven Road and May Road)

Bid Opening: March 29, 2016 @ 10:00 am. (Tuesday)

**Bid Tabulation Sheet**

| Company   | Time In   | Bond | Bid          |
|-----------|-----------|------|--------------|
| 1. RT & E | 9:33 a.m. | Yes  | \$331,186.30 |
| 2.        |           |      |              |
| 3.        |           |      |              |
| 4.        |           |      |              |
| 5.        |           |      |              |

Opened and announced by City Engineer Andy Martin with BSM Engineering.

Other City Staff Present:  
Utilities Director Phil DeChant  
City Secretary Dara Crabtree

## *Agenda Item 5C*

*Approval of a Resolution authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District.*

### **BACKGROUND OF ISSUE:**

*This item has been placed on the agenda at the request of Councilmember Hernandez.*

North Central Texas Council of Governments (NCTCOG) currently administers the State's 9-1-1 Program for the City of Seagoville, as directed by legislation enacted in 1987. NCTCOG is recognized nationally as a leader in the provision of 9-1-1 services. They have more than met the legislative charge of providing emergency dispatch centers with the latest and best available equipment and technology; and assuring that this equipment and technology is operating or backed up on a 24 hour/365day basis. Additionally, they have actively assisted with the training and certification of dispatch center personnel.

The NCTCOG 9-1-1 Advisory Committee believe there is a positive opportunity for the participants in the NCTCOG program to have a real and larger impact on policy and fiscal matters than is now available through the state administrative program.

In the most recent legislation session, the Health and Safety Code was amended by SB 1108/HB 3462 to permit Councils of Governments/Regional Planning Commissions to establish Regional Emergency Communications Districts (ECD). The Advisory Committee sees a lot of potential advantages and opportunities that would be to our benefit by creating an ECD.

Currently citizens and businesses are charged a 50 cent fee on their phone bills to pay for 9-1-1 services. This money is remitted to and held by the state until the legislature appropriates all or part of the funds. Currently, the state is holding over \$150 million with 15% of this amount collected from our Region.

If an ECD was created, the monies collected through the maximum 50 cent fee would be remitted in their entirety to this district. The other major benefit to be realized from having our own district is one of local control.

Staff recommends approval of said Resolution, if the City Council should so desire.

### **FINANCIAL IMPACT:**

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. 28-R-16**

**A RESOLUTION AUTHORIZING THE CREATION OF  
THE NORTH CENTRAL TEXAS REGIONAL 9-1-1  
EMERGENCY COMMUNICATIONS DISTRICT.**

**WHEREAS**, Chapter 772, Subchapter H, of the Texas Health and Safety Code, cited as the Regional Emergency Communications District Act (the "Act"), provides the creation of a Regional Emergency Communications District; and

**WHEREAS**, the Act applies to a state planning regional established under Chapter 391 of the Texas Local Government Code with a population of under 1.5 million, composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission; and

**WHEREAS**, the Act requires that the governing bodies of each participating county and municipality in the region adopt a resolution approving the creation of the Regional Emergency Communications District (the "District"); and

**WHEREAS**, as of (December 1, 1991), the City of Seagoville exclusively receives 9-1-1 services operated through the North Central Texas Council of Governments, a regional planning commission;

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

**SECTION 1:** That the City Council of the City of Seagoville authorizes the creation of the North Central Texas Regional 9-1-1 Emergency Communications District.

**SECTION 2:** This resolution shall become effective immediately upon its passage.

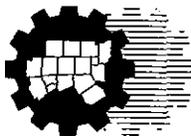
**DULY RESOLVED AND ADOPTED** by the City Council of the City of Seagoville, Texas, on the 18<sup>th</sup> day of April, 2016.

APPROVED:

\_\_\_\_\_  
MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
CITY SECRETARY



North Central Texas Council Of Governments

Dennis Childress  
Mayor  
City of Seagoville  
702 North Highway 175  
Seagoville, TX 75159

Dear Dennis Childress,

The North Central Texas Council of Governments (NCTCOG) currently administers the State's 9-1-1 Program for your city/county, as directed by legislation enacted in 1987. NCTCOG is recognized nationally as a leader in the provision of 9-1-1 services. They have more than met the legislative charge of providing emergency dispatch centers with the latest and best available equipment and technology; and assuring that this equipment and technology is operating or backed up on a 24 hour/365 day basis. Additionally, they have actively assisted with the training and certification of dispatch center personnel.

I am writing this letter to you on behalf of the NCTCOG 9-1-1 Regional Advisory Committee, which is made up of elected and appointed officials from the entities which are served by the NCTCOG 9-1-1 program. We believe there is a positive opportunity for the participants in the NCTCOG program to have a real and larger impact on policy and fiscal matters than is now available through the state administrative program.

In the most recent legislative session, the Health and Safety Code was amended by SB 1108/HB 3462 to permit Councils of Governments/Regional Planning Commissions to establish Regional Emergency Communications Districts (ECD). We see a lot of potential advantages and opportunities that would be to our benefit by creating an ECD. I will attempt to lay out our reasoning in the following paragraphs.

Currently, our citizens and businesses are charged 50 cents on their phone bills to pay for 9-1-1 services. This money is remitted to and held by the state until the legislature appropriates all or part of the funds collected to the Texas Commission on State Emergency Communications (CSEC). CSEC then allocates these funds to councils of governments. The problem is that the Legislature does not always appropriate all of the funds collected, but rather retains some of the funds to show (on paper) a balanced state budget. Currently, the state is holding over \$150 million. Over 15% of this amount has been collected from our Region.

If we were to create an ECD, the monies collected through the maximum 50 cent fee would be remitted in their entirety to this district. The major benefit from this, aside from all the funds collected in our region coming back to it, is that a long-range strategic plan could be adopted outlining future capital improvements and replacements for our dispatch centers based on a known and reliable stream of revenue. Under the present situation, we have no certainty of the amount of funding that the region will receive during any given biennium. This results in a lot of inefficiencies because long-term planning for capital equipment is difficult to do.

The other major benefit to be realized from having our own district is one of local control. Policy and budgetary matters would be decided by a Board of Directors consisting of local elected officials from entities served by NCTCOG's 9-1-1 Program. An initial ECD Board of Directors consisting of a representative from participating entities would meet to determine the size of the permanent Board, and the qualifications of its members. At least two-thirds of the initial Board members must be elected officials.

616 Six Flags Dr, CenterPoint Two  
P.O. Box 5888, Arlington, Texas 76005-5888  
(817) 640-3300 FAX: 817-640-7806  
[www.nctcog.org](http://www.nctcog.org)

The new law specifies that councils of governments, NCTCOG in our case, will continue as staff to the district. This assures that there will be no disruption to the current services provided to our citizens and businesses through the already existing dispatch centers.

The new law requires that the governing body of each entity now served by a councils of governments pass a resolution calling for the creation of an ECD. Many of our entities have already indicated an interest in doing so. Thus, the Regional Advisory Council is now reaching out to everyone to see if there is a broader interest in creating a district. Please use the enclosed form to let us know of your preference and/or if you would like to have a meeting to learn more about this matter and to get any questions answered. Also enclosed is a sample resolution, which can be used if you are ready to support the creation of an EDS. The final enclosure is a membership list for the Regional Advisory Committee. Please submit your response forms or resolutions to Mike Eastland, the NCTCOG Executive Director, using the contact information below. I would also encourage you to call me at 903-408-4146, if you have any questions. Other members of the Advisory Committee will be happy to receive inquiries.

Yours Truly,



John Horn  
County Judge, Hunt County  
Chair, 9-1-1 Regional Advisory Committee

Contact information for Mike Eastland is:  
Mailing Address: PO Box 5888, Arlington, Texas 76005  
Email Address: [meastland@nctcog.org](mailto:meastland@nctcog.org)  
Phone: 817-695-9101  
Fax: 817-704-2543

Enclosures:  
Questionnaire Form  
Resolution  
9-1-1 Regional Advisory Committee Membership List  
Frequently Asked Questions

**9-1-1 Regional Advisory Committee Members:**

Chair: Judge John Horn (Hunt County)  
Vice-Chair: Judge Bruce Woods (Kaufman County)  
Major Pam Palmisano (Collin County Sheriff's Department)  
Brett Latta (Navarro County Sheriff's Department)  
Judge Craig Johnson (Wise County)  
Chief Michael Jennings (City of Dublin)  
Judge Danny Chambers (Somervell County)  
Patrick Adams (City of Mineral Wells)  
Sheriff Roger Deeds (Hood County)  
Chief Mike Manning (Parker County)  
Commissioner Jerry Stringer (Johnson County)  
Chief Mark Poindexter (Rockwall County)  
Chief Victor Kemp (Dallas County)  
Chief Carl Smith (Ellis County)  
Mayor Steve Terrell (City of Allen)  
Chief Deputy Brian Peterson (Somervell County)

**Term Expiration:**

December 2016

Sheriff Rodger Deeds – Representing Hood County  
Mayor Steve Terrell – Representing Urban County

December 2017

Patrick Adams – Representing Palo Pinto County  
Judge John Horn – Representing Hunt County  
Judge Bruce Woods – Representing Kaufman County

December 2018

Chief Mike Manning – Representing Parker County  
Chief Mark Poindexter – Representing Rockwall County  
Chief Victor Kemp – Representing Dallas County  
Commissioner Jerry Stringer – Representing Johnson County  
Judge Danny Chambers – Representing Somervell County  
Chief Carl Smith – Representing Ellis County  
Chief Deputy Brian Peterson – Representing Rural County

December 2019

Major Pam Palmisano - Representing Collin County  
Captain Brett Latta - Representing Navarro County  
Chief Michael Jennings – Representing Erath County  
Judge Craig Johnson – Representing Wise County

# Creation of a Regional Emergency Communications District

## Frequently Asked Questions

### **What is a regional emergency communication district?**

A regional emergency communication district is composed of counties and municipalities that operate a 9-1-1 system solely through a council of governments/regional planning commission.

### **What is required to start the process of creating a regional emergency communication district?**

Each county and municipality currently provided 9-1-1 services by the North Central Texas Council of Governments (NCTCOG) must pass a resolution calling for the creation of a district.

### **How is a governing board formed?**

Once all resolutions have been submitted, a meeting will be called and a representative from each county and municipality will be invited to attend for the purpose of determining the appropriate size of a governing board and the qualifications of its members. (At least 2/3 of these representatives must be elected officials.)

### **What are the responsibilities and powers of the governing board?**

- To set policies for the district.
- Adopt an annual budget.
- Adopt bylaws, rules and procedures governing operation of the district.

### **How is the district staffed?**

NCTCOG remains responsible for the day to day administration and operations of the district with services to be provided by its professional 9-1-1 staff.

### **Does the creation of a district create another level of government with taxing power?**

- No, NCTCOG is already providing 9-1-1 support services to the same counties and municipalities that would be members of the district.
- No, the district by state law is prohibited from levying and collecting a tax.

### **How would the district be funded?**

The district would be funded by a maximum fee of \$.50 on telephone bills. All revenue would be remitted to the district.

### **How does this differ from the current funding method?**

- The \$.50 fee remains the same.
- The difference is all of the revenues would come directly to the district for 9-1-1 services.
- Currently, the revenues are sent to the State Comptroller and remain there until the Legislature appropriates them to the Commission on State Emergency Communications (CSEC) for disbursement to Councils of Governments across the state.
- The problem is the Legislature often does not appropriate all of the monies that have been collected from across the state, in fact, the state is holding approximately \$150 million dollars which could be used for 9-1-1 purposes as it is intended.

## ***Agenda Item 6***

***Conduct a public hearing and discuss and consider an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance of the City of Seagoville, as amended, by changing the zoning from "PD-R-5" Planned Development - Residential-5 to "PD-R-5-SUP" Planned Development - Residential-5 with a Special Use Permit, which shall expire on September 30, 2017, to allow for a temporary concrete batch plant, on Lots 1 through 5, Block P, of the Highland Meadows Phase IIB Subdivision located between Balleywood Drive and the end of Old Farm Drive, in the City of Seagoville, Dallas County, Texas; providing for special conditions; providing for an approved site plan which is attached hereto and incorporated herein as Exhibit "A"; providing for the repeal of all ordinances in conflict; providing a severability clause; providing for 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:**

Applicant D.R. Horton is requesting a Special Use Permit (SUP) for a temporary concrete batch plant. The applicant has received a SUP for this same use for other phases of this development and Gilco will again be the concrete contractor.

The applicant is requesting the SUP to expire September 30, 2017. This timeframe will be the same period as their TCEQ permit.

The Planning and Zoning Commission conducted a public hearing on April 12, 2016. No one spoke in favor or opposition of the request. Notices were sent to three (3) property owners within 200 feet with no responses being received by the City.

The Planning & Zoning Commission approved the request 5 for, 0 against with the following special conditions:

- (1) Hours of operation Monday through Friday, 7:00 a.m. – 6:00 p.m. and Saturdays, 7:00 a.m. – 5:00 p.m.; and
- (2) Expiration date of September 30, 2017; and
- (3) Restricting the heavy trucks/equipment to Lasater Road into the subdivision (banning the use of Stark and Simonds Roads).

### **FINANCIAL IMPACT:**

N/A

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS**

**ORDINANCE NO. 18-16**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SEAGOVILLE, AS AMENDED, BY CHANGING THE ZONING FROM "PD-R-5" PLANNED DEVELOPMENT - RESIDENTIAL-5 TO "PD- R-5-SUP" PLANNED DEVELOPMENT - RESIDENTIAL-5 WITH A SPECIAL USE PERMIT, WHICH SHALL EXPIRE ON SEPTEMBER 30, 2017, TO ALLOW FOR A TEMPORARY CONCRETE BATCH PLANT, ON LOTS 1 THROUGH 5, BLOCK P, OF THE HIGHLAND MEADOWS PHASE IIB SUBDIVISION LOCATED BETWEEN BALLEWOOD DRIVE AND THE END OF OLD FARM DRIVE, IN THE CITY OF SEAGOVILLE, TEXAS, DALLAS COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR AN APPROVED SITE PLAN WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT "A"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR 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 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 the requisite notices by publication and otherwise, and have held due 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 amended, be, and the same are amended by changing the zoning from "PD-R- 5" Planned Development - Residential-5 to "PD-R-5-SUP" Planned Development - Residential-5 with a Special Use Permit, which shall expire on September 30, 2017, to allow for a Temporary Concrete Batch Plant, on Lots 1 through 5, Block P, of the Highland

Meadows Phase IIB Subdivision located between Balleywood Drive and the end of Old Farm Drive, in the City of Seagoville, Dallas County, Texas.

**SECTION 2.** The property shall be developed and used in accordance with the development standards under the Seagoville Zoning Ordinance, ordinances of the City of Seagoville, and the following special conditions:

- (A) that the special use permit for the temporary concrete batch plant shall be limited to the Highland Meadows, Phase IIB, Lots 1 through 5, Block P only;
- (B) that the special use permit for the temporary concrete batch plan shall expire on September 30, 2017;
- (C) that the hours of operation shall be from 7:00 am. to 6:00 p.m., Monday through Friday, and from 7:00 a.m. to 5:00 p.m. on Saturday;
- (D) all ingress and egress into the area by heavy trucks/equipment shall be restricted only to Lasater Road. All other entrances and exits into the subdivision are strictly prohibited; and
- (E) that the property shall be developed in accordance with the approved site plan, which is attached hereto as conditions to the use granted herein.

**SECTION 3.** That the Site Plan attached hereto as Exhibit "A", and made a part hereof for all purposes, 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, and that the development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or 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.** Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, on the 18<sup>th</sup> day of April, 2016.

APPROVED:

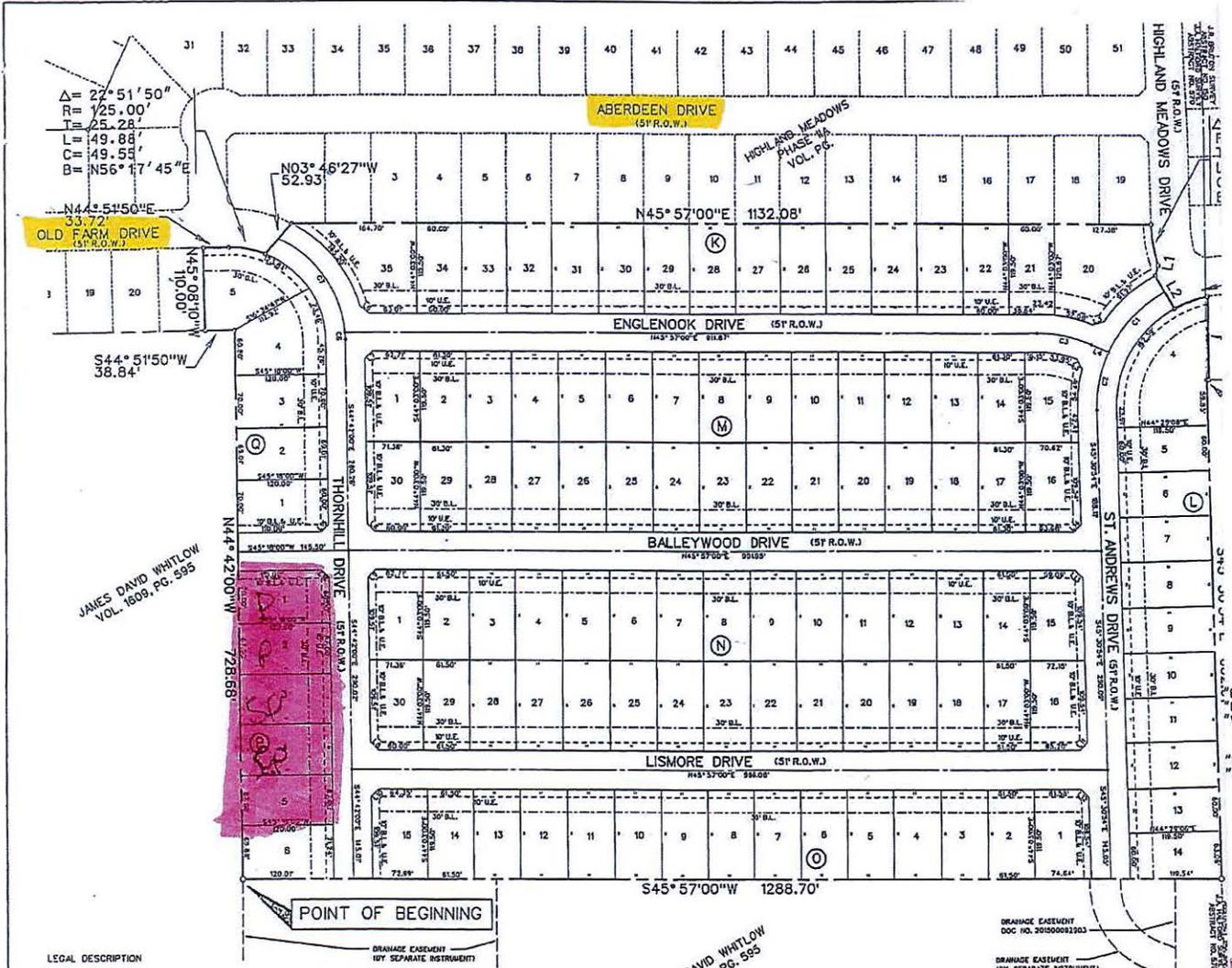
\_\_\_\_\_  
MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY



$\Delta = 22^\circ 51' 50''$   
 $R = 125.00'$   
 $T = 25.28'$   
 $L = 49.88'$   
 $C = 49.55'$   
 $B = N56^\circ 47' 45'' E$

$N44^\circ 51' 50'' E$   
 $33.72'$   
**OLD FARM DRIVE**  
 (51' R.O.W.)

**JAMES DAVID WHITLOW**  
 VOL. 1809, PG. 595

POINT OF BEGINNING

**JAMES DAVID WHITLOW**  
 VOL. 1809, PG. 595

LEGAL DESCRIPTION

WHEREAS, D.R. HORTON OF TEXAS, LTD., is the owner of a tract of land situated in the J.A. Hafford Survey, Abstract No. 570, Dallas County, Texas, being part of a 137.288 acre tract, as described in Volume 2003247, Page 10871, in the Deed Records of Dallas County, Texas, being more particularly described as follows:

BEGINNING, at a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at the most southerly southwest corner of said 137.288 acre tract;

THENCE, North 44° 42' 00" West, along a south line of said 137.288 acre tract, for a distance of 726.68 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at an interior corner of said 137.288 acre tract;

THENCE, South 44° 51' 50" West, along a south line of said 137.288 acre tract, for a distance of 38.84 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", in the south line of Highland Meadows Phase IIa, on addition to the City of Seagoville, as described in Vol. Pg., in the Plat Records of Dallas County, Texas;

THENCE, North 45° 08' 10" West, continuing along said south line, for a distance of 110.00 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 44° 51' 50" East, continuing along said south line, for a distance of 33.72 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", at the point of curvature of a curve to the right, having a radius of 125.00 feet, a central angle of 22° 51' 50", and a tangent of 25.28 feet;

THENCE, continuing along said south line and with said curve to the right for an arc distance of 49.88 feet (Chord Bearing North 56° 17' 45" East - 49.55 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 03° 46' 27" West, continuing along said south line, for a distance of 52.93 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, North 45° 57' 00" East, continuing along said south line, for a distance of 132.08 feet, to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.", on a non-tangent curve to the left, having a radius of 200.50 feet, a central angle of 15° 39' 49", and a tangent of 27.58 feet;

THENCE, continuing along said south line and with said curve to the left for an arc distance of 54.81 feet (Chord Bearing South 53° 22' 28" East - 54.84 feet), to a 1/2 inch iron rod set with a yellow cap stamped "Corwin Eng. Inc.";

THENCE, South 27° 17' 20" East, continuing along said south line, for a distance of 14.09 feet, to a 1/2 inch iron rod set

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Warren L. Corwin, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Seagoville.

Signature of Registered Public Land Surveyor  
 Registration No. 4621

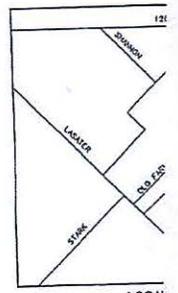
THE STATE OF TEXAS  
 COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared WARREN L. CORWIN, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_

| Lot Square Footage Table |     |                |                           | Lot Square Footage Table |     |                |               |
|--------------------------|-----|----------------|---------------------------|--------------------------|-----|----------------|---------------|
| Block                    | Lot | Square Footage | Use                       | Block                    | Lot | Square Footage | Use           |
| K                        | 20  | 14480          | Open Space                | M                        | 3   | 7325           | Single-Family |
| K                        | 21  | 7170           | Single-Family Residential | M                        | 4   | 7325           | Single-Family |
| K                        | 22  | 7170           | Single-Family Residential | M                        | 5   | 7325           | Single-Family |
| K                        | 23  | 7170           | Single-Family Residential | M                        | 6   | 7325           | Single-Family |
| K                        | 24  | 7170           | Single-Family Residential | M                        | 7   | 7325           | Single-Family |
| K                        | 25  | 7170           | Single-Family Residential | M                        | 8   | 7325           | Single-Family |
| K                        | 26  | 7170           | Single-Family Residential | M                        | 9   | 7325           | Single-Family |
| K                        | 27  | 7170           | Single-Family Residential | M                        | 10  | 7325           | Single-Family |
| K                        | 28  | 7170           | Single-Family Residential | M                        | 11  | 7325           | Single-Family |
| K                        | 29  | 7170           | Single-Family Residential | M                        | 12  | 7325           | Single-Family |
| K                        | 30  | 7170           | Single-Family Residential | M                        | 13  | 7325           | Single-Family |
| K                        | 31  | 7170           | Single-Family Residential | M                        | 14  | 7325           | Single-Family |
| K                        | 32  | 7170           | Single-Family Residential | M                        | 15  | 8220           | Single-Family |
| K                        | 33  | 7170           | Single-Family Residential | M                        | 16  | 8527           | Single-Family |
| K                        | 34  | 7170           | Single-Family Residential | M                        | 17  | 7325           | Single-Family |
| K                        | 35  | 12453          | Single-Family Residential | M                        | 18  | 7325           | Single-Family |
| L                        | 4   | 16773          | Single-Family Residential | M                        | 19  | 7325           | Single-Family |
| L                        | 5   | 7170           | Single-Family Residential | M                        | 20  | 7315           | Single-Family |
| L                        | 6   | 7170           | Single-Family Residential | M                        | 21  | 7325           | Single-Family |
| L                        | 7   | 7170           | Single-Family Residential | M                        | 22  | 7325           | Single-Family |
| L                        | 8   | 7170           | Single-Family Residential | M                        | 23  | 7325           | Single-Family |
| L                        | 9   | 7170           | Single-Family Residential | M                        | 24  | 7325           | Single-Family |
| L                        | 10  | 7170           | Single-Family Residential | M                        | 25  | 7325           | Single-Family |
| L                        | 11  | 7170           | Single-Family Residential | M                        | 26  | 7325           | Single-Family |
| L                        | 12  | 7170           | Single-Family Residential | M                        | 27  | 7325           | Single-Family |
| L                        | 13  | 7170           | Single-Family Residential | M                        | 28  | 7325           | Single-Family |
| L                        | 14  | 7353           | Single-Family Residential | M                        | 29  | 7325           | Single-Family |
| O                        | 1   | 8697           | Single-Family Residential | M                        | 30  | 8396           | Single-Family |
| O                        | 2   | 7349           | Single-Family Residential | N                        | 1   | 8558           | Single-Family |
| O                        | 3   | 7349           | Single-Family Residential | N                        | 2   | 7349           | Single-Family |
| O                        | 4   | 7349           | Single-Family Residential | N                        | 3   | 7349           | Single-Family |
| O                        | 5   | 7349           | Single-Family Residential | N                        | 4   | 7349           | Single-Family |
| O                        | 6   | 7349           | Single-Family Residential | N                        | 5   | 7349           | Single-Family |
| O                        | 7   | 7349           | Single-Family Residential | N                        | 6   | 7349           | Single-Family |
| O                        | 8   | 7349           | Single-Family Residential | N                        | 7   | 7349           | Single-Family |
| O                        | 9   | 7349           | Single-Family Residential | N                        | 8   | 7349           | Single-Family |
| O                        | 10  | 7349           | Single-Family Residential | N                        | 9   | 7349           | Single-Family |
| O                        | 11  | 7349           | Single-Family Residential | N                        | 10  | 7349           | Single-Family |
| O                        | 12  | 7349           | Single-Family Residential | N                        | 11  | 7349           | Single-Family |
| O                        | 13  | 7349           | Single-Family Residential | N                        | 12  | 7349           | Single-Family |
| O                        | 14  | 7349           | Single-Family Residential | N                        | 13  | 7349           | Single-Family |
| O                        | 15  | 8754           | Single-Family Residential | N                        | 14  | 7349           | Single-Family |
| P                        | 1   | 8350           | Single-Family Residential | N                        | 15  | 8389           | Single-Family |
| P                        | 2   | 8400           | Single-Family Residential | N                        | 16  | 8754           | Single-Family |
| P                        | 3   | 8400           | Single-Family Residential | N                        | 17  | 7349           | Single-Family |
| P                        | 4   | 8400           | Single-Family Residential | N                        | 18  | 7349           | Single-Family |
| P                        | 5   | 8400           | Single-Family Residential | N                        | 19  | 7349           | Single-Family |
| P                        | 6   | 8467           | Single-Family Residential | N                        | 20  | 7349           | Single-Family |
| Q                        | 1   | 8350           | Single-Family Residential | N                        | 21  | 7349           | Single-Family |
| Q                        | 2   | 8281           | Single-Family Residential | N                        | 22  | 7349           | Single-Family |
| Q                        | 3   | 8400           | Single-Family Residential | N                        | 23  | 7349           | Single-Family |
| P                        | 4   | 10253          | Single-Family Residential | N                        | 24  | 7349           | Single-Family |
| P                        | 5   | 10202          | Single-Family Residential | N                        | 25  | 7349           | Single-Family |
| M                        | 1   | 8558           | Single-Family Residential | N                        | 26  | 7349           | Single-Family |
| M                        | 2   | 7325           | Single-Family Residential | N                        | 27  | 7349           | Single-Family |
|                          |     |                |                           | N                        | 28  | 7349           | Single-Family |
|                          |     |                |                           | N                        | 29  | 7349           | Single-Family |
|                          |     |                |                           | N                        | 30  | 8396           | Single-Family |

 Plant Site  
 P - Plant  
 SP - Stock piles





PAID

MAR 22 2016

# ZONING APPLICATION

City of Seagoville, Texas

CITY OF SEAGOVILLE

ANTICIPATED MEETING DATES: P&Z: 4-12-2016 City Council: 4-18-2016

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

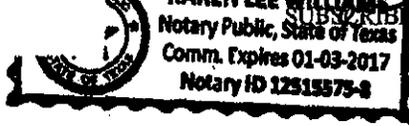
Name of Subdivision or Project: Highland Meadows Ph 11B  
 Physical Location of Property: Highland Meadows Dr. and Aberdeen Dr.  
 [General Location – approximate distance to nearest existing street corner.]  
 Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description): JA Halford Survey, Abst. No. 590  
 [Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]  
 Acreage: 8 Existing Zoning: Resident Requested Zoning: Temporary Concrete Batch Plant  
 [Attach a detailed description of requested zoning & development standards, if a PD]

Applicant / Owner's Name: DR Horton East Applicant or Owner? (circle one)  
 Contact Person: Dannon Painsworth Title: Land Dev. Proj. Mgr.  
 Company Name: DR Horton East  
 Street/Mailing Address: 4356 Miller Rd City: Romlett State: TX Zip: 75088  
 Phone: (214) 657-4244 Fax: (817) 928-6239 E-mail Address: dainsworth@drhorton.com

Engineer / Representative's Name: Corwin Engineers, Inc.  
 Contact Person: Warren Corwin Title: PE  
 Company Name: Corwin Engineers Inc.  
 Street/Mailing Address: 700 W Belmont City: Allen State: TX Zip: 75013  
 Phone: (972) 390-1200 Fax: \_\_\_\_\_ E-mail Address: wcorwin@corwinengineers.com

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: Land Development Date: 2/29/16



AND SWORN TO before me, this the 29 day of February, 2016  
 [Month] [Year]  
 Notary Public in and for the State of Texas: Karen Williams  
 My Commission Expires On: 1/3/17

Office Use Only: Date Rec'd: 3-7-2016 Fee Paid: \$ 300.00 Check #: 39716 Receipt #: 413093  
 Zoning Case # 22016-05 Accepted By: CB Official Submittal Date: 3-7-2016



February 26, 2016

City of Seagoville  
Attn: Ms. Cindy Kintz  
702 N. Highway 175  
Seagoville, TX. 75159

Re: Temporary Concrete Batch Plant  
Highland Meadows Phase IIB

Ms. Kintz,

Gilco would like to set up a Temporary Concrete Batch Plant to produce concrete pavement for the improvements of Highland Meadows Phase IIB project in the City of Seagoville. The ideal location for the plant, to prevent tracking and maintain accessibility, is on Block P, lots 1-5. The total acreage of these lots is roughly 34,000sf or approximately .80 of 1 acre. TCEQ allows us to permit at site for 18 months in accordance with our regional notification this period shall begin approximately with move in end of March 2016 to September 2017. With City approval, hours of operation are Monday through Friday 7AM to 6PM, and Saturday 7AM to 5PM. The plant will be used to produce concrete exclusively for the Highland Meadows project. Please let me know if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Deia McQuien". The signature is fluid and cursive, written over a white background.

Deia McQuien  
Operations Director  
(817) 521-1288

6331 Southwest Blvd.  
Benbrook, Texas 76132  
Office: 817.735.1600  
Fax: 817.735.1613



# MINUTES

FOR THE

## SEAGOVILLE PLANNING AND ZONING COMMISSION

**Meeting scheduled to begin at 6:30 p.m.,**

**Tuesday, April 12, 2016**

in the Council Chambers of City Hall,  
located at 702 N. Highway 175 – Seagoville, Texas

- I. Chairperson Perez declared a quorum present and called the meeting to order at 6:31 p.m.

Commissioners present: Vice-Chairperson James Sudduth  
Commissioner Gary Adams  
Commissioner Carl Polnac  
Commissioner Errik Watson  
Chairperson Alexandria Perez

Commissioners absent: Commissioner Catherine Braggs  
Commissioner Dee Thompson

City Staff present: Building Official Ladis Barr  
Planning Technician/P&Z Commission Liaison Cindy Kintz

- II. Chairperson Perez gave the invocation and the commissioners led in the reciting of the Pledge of Allegiance.
- III. Commissioner Adams made a motion, seconded by Vice-Chairperson Sudduth, to approve the minutes for the meeting held on March 8, 2016. A vote was cast 5 in favor and 0 against.
- IV.A. Chairperson Perez opened the public hearing at 6:34 p.m. to hear the request (#Z2016-05) of D. R. Horton – East to amend the existing Planned Development Residential-5 (PD R-5) zoning to Planned Development Residential-5 with a Special Use Permit (PD R-5-SUP) to allow for a temporary concrete batch plant on the vacant lots of land in between Balleywood Drive and towards the end of Old Farm Drive on Lots 1 – 5, Block P of the Highland Meadows Addition, Phase IIB of the construction plat totaling 0.80± acre and also found on Tract 2.1 of the J. H. Halford Survey, Abstract No. 570, Page 710 as recorded in Volume

2003247, Page 10871 in the Deed Records of Dallas County, Texas; and amend the Comprehensive Land Use Plan. No one was present to speak in favor of or in opposition to the applicant's zoning request. Chairperson Perez closed the public hearing at 6:41 p.m.

After holding a discussion, Commissioner Adams made a motion to table Agenda Item IV.A. until a representative from D. R. Horton could be available and provide an egress plan for the materials that will be moved to this location. The motion died due to lack of a second.

After further discussion, Vice-Chairperson Sudduth made a motion, seconded by Commissioner Polnac, to recommend approve of Zoning Request #Z2016-05 to the City Council with the Special Use Permit (SUP) expiring in September 2017; hours of operation being Mondays through Fridays from 7:00 a.m. to 6:00 p.m. and on Saturdays from 7:00 a.m. to 5:00 p.m.; and with Lasater Road being the only road utilized within the city to access this subdivision or it would be a violation of the Special Use Permit. A vote was cast 5 in favor, 0 against.

VI. The meeting was adjourned at approximately 6:45 p.m.

---

ALEXANDRIA PEREZ  
CHAIRPERSON

ATTEST:

---

CINDY KINTZ, PLANNING TECHNICIAN AND  
PLANNING AND ZONING COMMISSION LIAISON



March 22, 2016

VIA email – messengerads@sbcglobal.net

Forney Messenger – Public Notices Department  
210 West Broad Street  
P.O. Box 936  
Forney, Texas 75126

Please publish the legal notice as shown below in the **March 24, 2016** issue of your newspaper and send an affidavit of the publication to this office. Thank you!

Cindy Kintz, Planning & Zoning  
City of Seagoville 702 North U.S. Highway 175 Seagoville, Texas 75159  
Fax: (972) 287-3891  
E-mail: [ckintz@seagoville.us](mailto:ckintz@seagoville.us)

---

**NOTICE OF A PUBLIC HEARING BEFORE THE CITY OF SEAGOVILLE  
PLANNING & ZONING COMMISSION AND CITY COUNCIL  
ZONING CASE #Z2016-05**

A public hearing will be held before the Planning & Zoning Commission on Tuesday, April 12, 2016 at 6:30 p.m., and before the City Council on Monday, April 18, 2016, at 7:00 p.m., in the Council Chambers, City Hall, 702 N. Highway 175, Seagoville, Texas, on a zoning request to amend the existing Planned Development Residential-5 (PD-R-5) zoning to Planned Development Residential-5 with a Special Use Permit (PD-R-5-SUP) to allow for temporary concrete batch plant and amend the Comprehensive Land Use Plan

The subject properties are vacant lots of land in between Balleywood Drive and the end of Old Farm Drive on Lots 1 – 5, Block P of the Highland Meadows Addition, Phase IIB of the construction plat (legal description: Tract 2.1 of the J. H. Halford Survey, Abstract No. 570, Page 710).

The City Council of the City of Seagoville will hold a public hearing on Monday, April 18, 2016, at 7:00 p.m. in the Council Chambers, City Hall, 702 N. Highway 175, Seagoville, Texas, to consider the recommendation of the Planning and Zoning Commission in regards to this request.

As an interested citizen, you may appear at the public hearings or you may send a notice, prior to 5:00 p.m. on the days of the public hearings, to City Secretary Dara Crabtree or Planning Technician Cindy Kintz, 702 N. Highway 175, Seagoville, Texas 75159 or via fax at (972) 287-3891 stating your position.

CITY OF SEAGOVILLE  
Dara Crabtree  
City Secretary

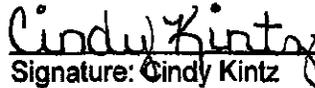
Cindy Kintz  
Planning and Zoning

## Zoning Request #Z2016-05

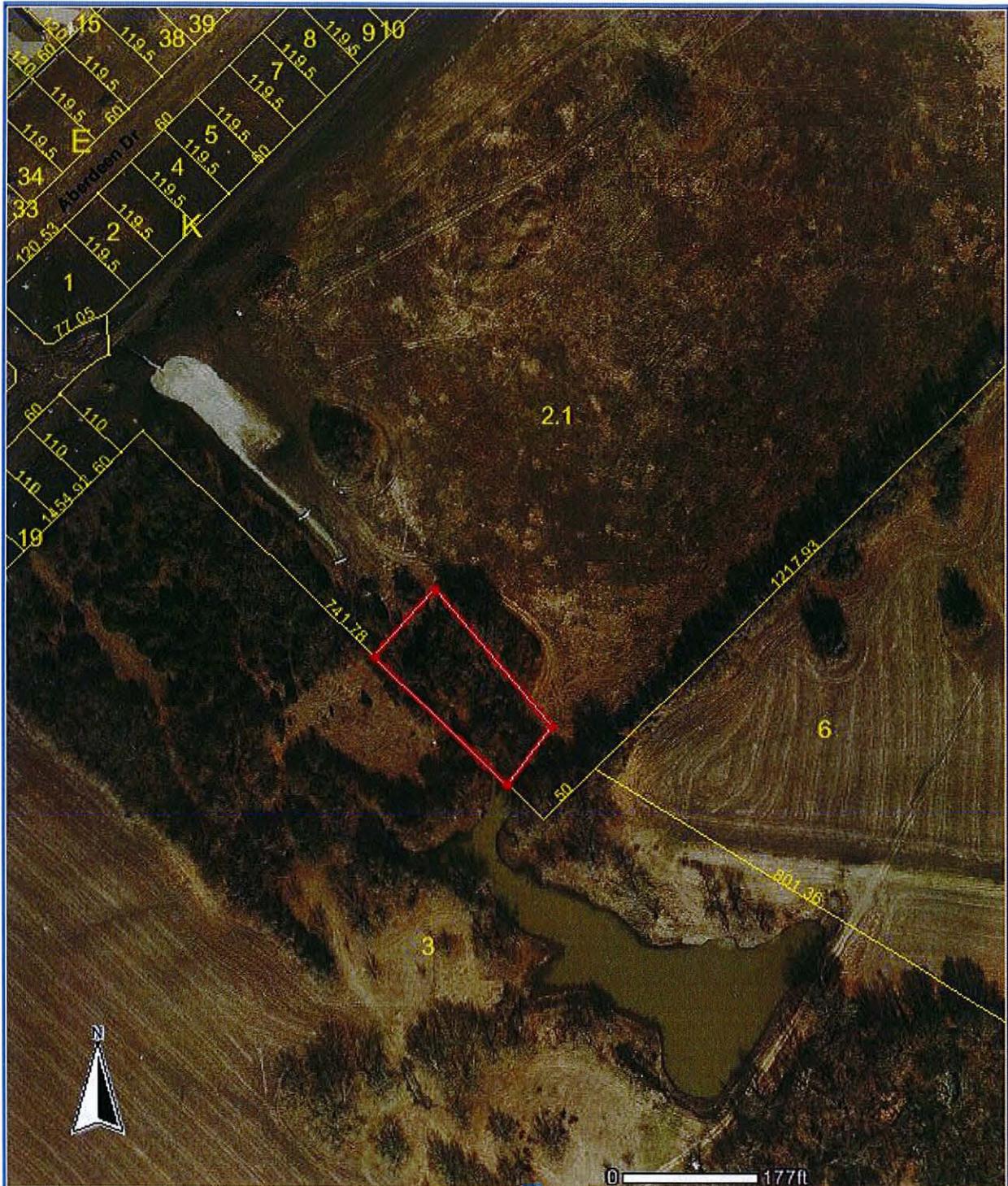
(Lots 1 – 5, Block P of the Highland Meadows Addition, Phase IIB of the construction plat)

|   |                 |                                   |              |  |   |                 |                                   |              |  |
|---|-----------------|-----------------------------------|--------------|--|---|-----------------|-----------------------------------|--------------|--|
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;"><b>Location</b></td></tr> <tr><td><b>Address:</b> 15002 LASATER RD</td></tr> <tr><td style="text-align: center;"><b>Owner</b></td></tr> <tr><td>D. R. HORTON TEXAS LTD.<br/>4306 MILLER ROAD<br/>ROWLETT, TX 75088-8035</td></tr> </table>                           | <b>Location</b> | <b>Address:</b> 15002 LASATER RD  | <b>Owner</b> | D. R. HORTON TEXAS LTD.<br>4306 MILLER ROAD<br>ROWLETT, TX 75088-8035                      | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;"><b>Location</b></td></tr> <tr><td><b>Address:</b> 2517 SHANNON LOOP</td></tr> <tr><td style="text-align: center;"><b>Owner</b></td></tr> <tr><td>D. R. CAMERON &amp; ASSOCIATES INC.<br/>420 LONGFELLOW DRIVE<br/>HIGHLAND VILLAGE, TX 75077-7076</td></tr> </table> | <b>Location</b> | <b>Address:</b> 2517 SHANNON LOOP | <b>Owner</b> | D. R. CAMERON & ASSOCIATES INC.<br>420 LONGFELLOW DRIVE<br>HIGHLAND VILLAGE, TX 75077-7076 |
| <b>Location</b>   |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Address:</b> 15002 LASATER RD  |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Owner</b>  |                 |                                   |              |  |   |                 |                                   |              |  |
| D. R. HORTON TEXAS LTD.<br>4306 MILLER ROAD<br>ROWLETT, TX 75088-8035   |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Location</b>   |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Address:</b> 2517 SHANNON LOOP   |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Owner</b>  |                 |                                   |              |  |   |                 |                                   |              |  |
| D. R. CAMERON & ASSOCIATES INC.<br>420 LONGFELLOW DRIVE<br>HIGHLAND VILLAGE, TX 75077-7076  |                 |                                   |              |  |   |                 |                                   |              |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;"><b>Location</b></td></tr> <tr><td><b>Address:</b> 7100 SHANNON LOOP</td></tr> <tr><td style="text-align: center;"><b>Owner</b></td></tr> <tr><td>D. R. CAMERON &amp; ASSOCIATES INC.<br/>420 LONGFELLOW DRIVE<br/>HIGHLAND VILLAGE, TX 75077-7076</td></tr> </table> | <b>Location</b> | <b>Address:</b> 7100 SHANNON LOOP | <b>Owner</b> | D. R. CAMERON & ASSOCIATES INC.<br>420 LONGFELLOW DRIVE<br>HIGHLAND VILLAGE, TX 75077-7076 |   |                 |                                   |              |  |
| <b>Location</b>   |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Address:</b> 7100 SHANNON LOOP   |                 |                                   |              |  |   |                 |                                   |              |  |
| <b>Owner</b>  |                 |                                   |              |  |   |                 |                                   |              |  |
| D. R. CAMERON & ASSOCIATES INC.<br>420 LONGFELLOW DRIVE<br>HIGHLAND VILLAGE, TX 75077-7076  |                 |                                   |              |  |   |                 |                                   |              |  |

I, Planning Technician Cindy Kintz, do solemnly swear that the three (3) property owners listed above were sent a property owner notice on Zoning Request #Z2016-05 on the vacant lots located on Lots 1 – 5, Block P of the Highland Meadows Addition, Phase IIB of the construction plat on Friday afternoon, April 1, 2016 and placed in the out-going United States Post Office box located at the rear entrance of city hall next to the night drop box for the utility (water) bill payments per City Secretary Dara Crabtree.

  
 Signature: Cindy Kintz

**Zoning Request #Z2016-05**  
(Highland Meadows Addition, Phase IIB)



**Dallas Central  
Appraisal District**  
[www.dallascad.org](http://www.dallascad.org)

**DISCLAIMER**

This product is for informational purposes and may not have 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 property boundaries.

## *Agenda Item 7*

*Discuss and consider a Resolution authorizing the Seagoville Economic Development Corporation to undertake a project for the retention of jobs and expansion of business development in the City, including a grant in an amount which exceeds ten thousand dollars (\$10,000.00), in accordance with the Texas Local Government Code; and providing an effective date.*

### **BACKGROUND OF ISSUE:**

The Texas Local Government Code states an EDC 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 First Reading provides an opportunity for the City Council to show support of a proposed project and authorize the SEDC to proceed in determining whether or not they wish to provide an Economic Development Grant for such project.

### **FINANCIAL IMPACT:**

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. 29-R-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS AUTHORIZING THE SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION TO UNDERTAKE A PROJECT FOR THE RETENTION OF JOBS AND EXPANSION OF BUSINESS DEVELOPMENT IN THE CITY, INCLUDING A GRANT IN AN AMOUNT WHICH EXCEEDS TEN THOUSAND DOLLARS (\$10,000.00), IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE**

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

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

**WHEREAS**, Actuant Corporation has made an application concerning property located at 704 W. Simonds Road; and,

**WHEREAS**, said economic development client has made an application to the Seagoville Economic Development Corporation to consider a project that will facilitate the expansion of the current facility located on the property and will result in the retention of existing jobs and the expansion of business development within the City (the "Project"); and,

**WHEREAS**, such Project will require the construction of a new commercial structure and the relocation of manufacturing equipment to the new structure; and

**WHEREAS**, the economic development client has requested a grant in an amount which exceeds \$10,000.00 from the Seagoville Economic Development Corporation for the Project; and

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

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

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

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

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

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

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

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

**DULY PASSED AND APPROVED** First Reading by the City Council of the City of Seagoville, Texas, on this the 18<sup>th</sup> day of April, 2016.

**DULY PASSED AND APPROVED** Second Reading by the City Council of the City of Seagoville, Texas, on this the \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
MAYOR PRO TEM

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
ALEXIS G. ALLEN, CITY ATTORNEY



972-287-9944  
www.seagoville.us

## City of Seagoville Economic Development Corporation Pre-Incentive Application

Name of Applicant: Actuant Corporation Date: 04/07/16

Contact Name: Kevin Curtin

Address: N86 W12500 Westbrook Crossing, Menomonee Falls, WI 53051

Phone: 920-248-1025 E-mail: Kevin.Curtin@Actuant.com

Project/Company Name: Precision-Hays Intl Project Location: 704 W. Simonds Rd, Seagoville, TX 75149

Company's Primary Business: Manufacturing of material used in the prestressed concrete market

Is Project located in TIF? \_\_\_\_\_

Please provide the following information based on the completed project at full operation. It will be assumed that the project is phased in equal annual increments unless indicated otherwise by the applicant. All values should be those shown on the appraisal district tax rolls. Please provide supporting documentation where appropriate.

- Incentive Request and Level (%) of Request(s): Gas Line installation, Employee Parking Lot and New 2500 Amp Electrical Service  
*(Rank, order and priority)*
- Necessity of Incentive Request *(Describe the competitive, financial, or other issues associated with this request):* We are currently evaluating our options to co-locate two manufacturing sites in the greater DFW area.
- Would this project be financially feasible without requested incentive? Dependent on the other options
- Is the project a relocation or new facility expansion? If relocation, please state current location:  
The project would involve building approximately 20k sq. ft of additional manufacturing space.
- Is the project new construction or lease? New Construction
- If the project is new construction, is it a shell building or build-to-suit? Shell Building
- If the project is a lease, will it occupy existing space or new construction? New Construction

8. Will the applicant of the project be owner and/or tenant? Initially we will own, may explore lease options in the future
9. Specific operations to be performed at proposed location, including a description of products to be Produced or distributed, or services to be provided: The primary product that will be produced are wedges for the prestressed concrete market. The processes employed will be cutting, tapping, slitting and heat treating.
10. Projected date of occupancy: 12/31/16
11. Site acreage and current assessed value of land: 9.31 acres / value \$89,100
12. Estimated assessed land value after construction or purchase price of land: No Change
13. Estimated assessed building value after construction: \$2,450M
14. Type of development and percentage of anticipated uses: Industrial building - 100% manufacturing
15. Number and square footage of proposed buildings: 20,000 Square Feet
16. Number of water meters and irrigation meters and their sizes (for new construction): Unknown
17. Estimated assessed value and description of business personal property: \$7M-\$9M
18. Estimated value of end-of-year inventory and percentage subject to triple freeport exemption:  
No change
19. Number and average salary of permanent full-time employees: 75 / Approximate Salary \$30K
20. Annual estimated retail sales and percentage subject to City sales tax: N/A
21. Annual estimated hotel sales subject to City hotel occupancy tax: N/A
22. Will Seagoville be designated as a point of sale for construction or equipment purchases? No  
*If so, what is the estimated project construction and equipment cost?* \_\_\_\_\_
23. Is this anticipated to be a LEED's certified project? No
24. Is the property zoned to accommodate proposed use? Yes  
If not, what zoning is required by  
project? \_\_\_\_\_
25. Is the project consistent with the City's Comprehensive Plan and applicable development codes and ordinances?  
Yes
26. Other factors the applicant would like to have taken into consideration: \_\_\_\_\_

Required Attachments-Check all those attached with submitted application

Site Map

Elevations

Legal Description

Assessed value of three comparable size projects within the county or region.

Site Plan

Applicant shall complete all forms and information detailed in the Application and submit all information to the Seagoville Economic Development Corporation, 105 N. Kaufman Street Seagoville, Texas 75159.  
For more information, please contact Economic Development at 972-287-9944.



## *Agenda Item 8*

*Discuss and consider a Resolution approving the terms and conditions of an Economic Development Incentive Agreement by and between the City of Seagoville, Texas and Seagoville Venture No. Three-S-SI Rio Grande, L.P.; authorizing the Mayor to execute said Agreement; and providing an effective date.*

### **BACKGROUND OF ISSUE:**

The City has adopted programs for promoting economic development, and this Agreement and the economic development incentives set forth within are given and provided by the City pursuant to and in accordance with those programs.

The Agreement is for the construction of a five (5') foot sidewalk beginning at the corner of the new Crestview Drive and extending in a northeasterly direction approximately 621.96 feet in an amount not to exceed seventy thousand dollars (\$70,000.00).

On or about January 31, 2015, a discussion was held at a workshop regarding this matter. Following the discussion, the consensus of the City Council was to have the sidewalk constructed by the Development Contractor following the completion of the Malloy Bridge Road project.

Staff recommends approval of said Resolution and Agreement, if the City Council should so desire.

### **FINANCIAL IMPACT:**

Funds for this project will come from both the Street Repair Fund and COs.

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. 30-R-16**

**A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BY AND BETWEEN THE CITY OF SEAGOVILLE, TEXAS AND SEAGOVILLE VENTURE NO. THREE-S-SI RIO GRANDE, L.P.; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has been presented a proposed Economic Development Incentive Agreement by and between the City of Seagoville, Texas and Seagoville Venture No. three-S-SI, a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, upon full review and consideration of the Agreement, and all matters related thereto, the City Council is of the opinion and finds that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Agreement on behalf of the City of Seagoville;

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

**SECTION 1.** The Agreement attached hereto and incorporated herein as Attachment "A" and having been reviewed by the City Council of the City of Seagoville, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved, and the Mayor is hereby authorized to execute the Agreement on behalf of the City of Seagoville, Texas.

**SECTION 2.** The City Council finds that the improvements proposed to be constructed upon the Premises described in the Agreement will enhance the economic vitality of the community through a combination of new capital investment, increased sales tax revenues, and the creation of additional job opportunities.

**SECTION 3.** This Resolution and the Economic Development Incentive Agreement are hereby approved by the affirmative vote of the majority of the members of the City Council of the City of Seagoville, Texas, at a regularly scheduled meeting of the City Council.

**SECTION 7.** This resolution shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, on the 18<sup>th</sup> day of April, 2016.

**APPROVED:**

\_\_\_\_\_  
MAYOR PRO TEM

**ATTEST:**

\_\_\_\_\_  
CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
CITY ATTORNEY



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

**ARTICLE I**  
**Definitions**

Except where the context clearly indicates a different meaning, wherever used in this Agreement, the following words and phrases shall have the following meanings:

“Affiliate” means any entity that owns or Controls, is owned or Controlled by or is under common ownership or Control with, Developer, or any entity the ownership of which is substantially the same as the ownership of Developer.

“Certificate of Completion” means a green tag issued by City upon substantial completion of the Improvements, as the case may be, in accordance with City’s applicable codes, regulations, and ordinances. A Certificate of Completion shall constitute acceptance of the Improvements by the City.

“Commencement of Construction” means the point in time when (i) the plans have been prepared and all approvals thereof required by applicable governmental authorities have been obtained for construction of the Improvements, as the case may be, (ii) all necessary permits for the construction of the Improvements have been issued by the applicable governmental authorities and (iii) grading of the Property or construction of the elements of the building elements of the Improvements (whether located above or below ground) has commenced

“Council” means City’s governing body known as the “City Council of the City of Seagoville, Texas”.

“Completion of Construction” means the point in time when (i) substantial completion of the Improvements has occurred and (ii) a final permanent certificate of completion has been issued by the City.

“Control” (and any form thereof, such as “Controlling” or “Controlled”) means, for any Person, the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of such Person.

“Development Regulations” means City’s ordinances and regulations applicable to the development and use of the Property including, but not limited to, applicable provisions of the Code of Ordinances of the City of Seagoville, Texas.

“Effective Date” means the date this Agreement, whether one or multiple counterparts, bears the signatures of the authorized representatives of all of the Parties.

“Expiration Date” means the date the Parties’ obligations under the terms of this Agreement are fulfilled, or May 31, 2017, whichever is later.

“Force Majeure” means any contingency or cause beyond the reasonable control of a Party including, without limitation, acts of God or the public enemy, war, terrorism, criminal activity, riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of the Party), fires, explosions, floods, hurricanes, adverse weather, materials or labor shortages, strikes, slowdowns, work stoppages, or lack of consent by any third party landowner.

“Grant” means the Improvement Grant in an amount not to exceed seventy thousand dollars (\$70,000.00) to be provided to the Developer for the purpose of paying some or all of the costs incurred by the Developer for the construction of a five (5’) foot sidewalk beginning at the corner of the new Crestview Drive and extending in a northeasterly direction approximately 621.96 feet.

“Improvements” means the construction of a five (5’) foot sidewalk beginning at the corner of the new Crestview Drive and extending in a northeasterly direction approximately 621.96 feet.

“Ownership Interest” means all forms of ownership of legal entities or property, both legal and beneficial, voting and non-voting, including stock interests, partnership interests, limited liability company interests, joint tenancy interests, leasehold interests, proprietorship interests, trust beneficiary interests, proxy interests, power-of-attorney interests, and all options, warrants, and any other forms of interest evidencing ownership or Control.

“Payment Request” means a written request by Developer to City to pay the Improvement Grant accompanied by (i) paid invoices, contracts and such other records as City may reasonably request evidencing the costs incurred for the design and construction of the Improvements (“the Cost Documents”) and (ii) an affidavit signed by an officer of Developer affirming that the costs represented by the Cost Documents have been incurred and paid by Developer.

“Person” means an individual, a partnership (general or limited), a corporation, a limited liability company, a government, or any department or agency thereof, a trustee, a trust, an unincorporated organization, or any other entity of any kind.

“Premises” means, collectively, the Landlord Improvements and the Tenant Improvements.

“Property” means the tract of land located on Malloy Bridge Road in the City of Seagoville, Dallas County, Texas, described as Lots 1 and 2, Block A, John D Merchant Survey, Abstract No 850, as depicted in Exhibit A, attached hereto and incorporated herein.

“Required Use” means use of the Premises as a retail shopping center.

“Transfer” means any sale, conveyance, assignment, exchange, pledge, encumbrance, lease or other transfer or disposition, directly or indirectly, voluntarily or involuntarily, absolutely or conditionally, by operation of law or otherwise.

**ARTICLE II**  
**Term**

The term of this Agreement ("Term") shall begin on the Effective Date and terminate on the Expiration Date, unless sooner terminated as provided herein.

**ARTICLE III**  
**Improvement Grant**

3.1 Payment of Improvement Grant. City agrees to pay the Grant to Developer subject to the following:

3.1.1 The amount of the Grant shall not exceed the lesser of:

(a) The total costs for the Improvements set forth in the Payment Request and supported by the Cost Documents and

(b) The maximum amount of the Grant, which is \$70,000.00.

3.1.2 City shall not be obligated to pay the Grant until the latter of:

(a) The 30th day after delivery of the Payment Request for the Grant; and

(b) Completion of Construction has occurred and Tractor Supply is open to the public for customers during regular business hours typical of other Tractor Supply stores.

(c) In the event Tractor Supply is not opened to the public, construction is not completed, or the Developer fails to submit a Payment Request to the City prior to May 31, 2017, the City shall not be obligated to make payment of the Grant.

3.2 Recapture of Improvement Grant. Developer understands and acknowledges that a central consideration in City's decision to enter into this Agreement and to provide the Grant was the location and operation of the Tractor Supply store within City's incorporated limits for a period of not less than ten (10) years. Should the Tractor Supply store fail to open for business, the City will not be obligated to pay the Grant.

3.3 Current Revenue. The Grant made hereunder shall be paid solely from lawfully available funds pursuant to Texas Constitution Article II, Section 52-a, and Texas Local Government Code Chapter 380. Consequently, notwithstanding any other provision of this Agreement, the City shall have no obligation or liability to pay any Grant except as allowed by law. The City shall not be required to pay any Grant if prohibited under federal or state legislation or a decision of a court of competent jurisdiction. Under no circumstances shall City obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by the Company. None of the City's

obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

#### **ARTICLE IV Termination**

4.1 Termination. This Agreement may be terminated as follows:

- (a) by mutual written agreement of the parties;
- (b) upon written notice by City or Developer, 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 by the City or Developer, as the case may be;
- (c) upon written notice by City or Developer, respectively, 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; or
- (d) upon expiration of the term, or any subsequent renewal of the term.

4.2 The rights, responsibilities and liabilities of the parties under this Agreement shall be extinguished upon the termination of this Agreement except for any rights, responsibilities and/or liabilities that accrued prior to such termination.

#### **ARTICLE V. Miscellaneous**

5.1 Grant Limitations. Under no circumstances shall the obligations of City pursuant to this Agreement be deemed to create any debt within the meaning of any constitutional or statutory provision. City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by Developer. No obligation of City under this Agreement shall be pledged or otherwise encumbered by Developer in favor of any commercial lender and/or similar financial institution. City shall have no obligation or liability to pay the any of the Grants except as allowed by applicable law and shall not be required to pay the Grants if prohibited under applicable law. City affirms that City has no knowledge that payment of the Grants is prohibited under applicable law. The Grants shall be paid solely from lawfully available funds that have been appropriated by City.

5.2 Assignment. Neither Party may assign this Agreement, in part or in whole, to any third-party without the consent of the other Party.

5.4 Binding Agreement. The terms and conditions of this Agreement are binding upon the successors and assigns of all Parties.

5.5 Limitation of Liability. The terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the Parties. It is understood and agreed among the Parties that Developer, in satisfying the conditions of this Agreement, has acted

independently, and City assumes no responsibilities or liabilities to third parties in connection with these actions.

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

5.7 Notice. Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days after being sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the Party at the address set forth below or on the day actually received as set by courier or otherwise hand delivered.

If intended for the City, to:

With a copy to:

City of Seagoville, Texas  
Attn: Pat Stallings, City Manager  
702 N. Hwy. 175  
Seagoville, Texas 75159

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

If intended for Developer:

**With a copy to:**

Seagoville Venture No. Three-S-SO Rio Grande, LP  
5850 Granite Pkwy., #150  
Plano, TX 75024  
Attn: Troy Bathman, Managing Member

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Attn: \_\_\_\_\_

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

5.9 Governing Law. This Agreement shall be governed by the laws of the State of Texas. The Parties each irrevocably agrees that any legal proceeding in respect of this Agreement shall be brought in the district courts of Dallas County, Texas.

5.10 No Third Party Beneficiaries. This Agreement is for the benefit of the signatories and in no way creates a right or cause of action for the benefit of any third party.

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

5.12 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 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.

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

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

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

5.16 Further Assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

5.17 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.

5.18 Public Document. The Parties acknowledge that once signed by all of the Parties, this Agreement will become available to the public as a public record under the Texas Public Information Act and agree that this Agreement may be released without further notification by City or Developer.

5.19 Time for Performance. All deadlines in this Agreement expire at 5:00 p.m. Central Time on the date on which the deadline occurs. If a deadline falls on a Saturday, Sunday, or federal or local holiday, the deadline will be extended to the next day that is not a Saturday, Sunday, or federal or local holiday.

[the remainder of this page is intentionally blank]

*City's Signature Page*

**SIGNED AND AGREED** by City this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF SEAGOVILLE**, a Texas home-rule municipality

By: \_\_\_\_\_  
Dennis K. Childress, Mayor

Attest:

\_\_\_\_\_  
Dara Crabtree, City Secretary

Approved as to Form:

\_\_\_\_\_  
Alexis G. Allen, City Attorney

*Developer's Signature Page*

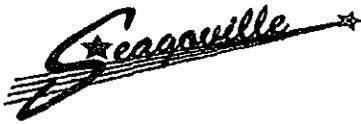
**SIGNED AND AGREED** by Developer this \_\_\_\_\_ day of \_\_\_\_\_,  
2016.

**SEAGOVILLE VENTURE NO. THREE-S-SI-RIO GRANDE, L.P.**

By: St. Ives Realty, LLC, a Texas limited liability company, its general partner

By: \_\_\_\_\_  
Troy Bathman





# City of Seagoville Application for Tax Abatement

This application should be completed only if applying for a tax abatement in the City of Seagoville and should be filed no less than sixty (60) days prior to the beginning of construction or the installation of equipment. Please note that if you are applying for a tax abatement in a jurisdiction other than City of Seagoville, a separate application must be completed. This application will become part of the Tax Abatement Agreement and any knowingly false representations will be grounds for the voiding of the agreement.

### Part I - Applicant Information

Application Date 04 / 06 / 2016

Company Name Seagoville Venture No Three-  
S-SI Rio Grande, LP  
Telephone: 972-987-8978

Address: 5850 Granite Pkwy #150  
Plano, TX 75024

Annual Sales: \_\_\_\_\_

Current Number of Employees: \_\_\_\_\_

Address: \_\_\_\_\_

Employees in Taxing Jurisdiction: \_\_\_\_\_

Legal Counsel: \_\_\_\_\_

Years in Dallas County: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Corporation

Partnership

Proprietorship

### Part II - Project Information

Location Address: Malloy Bridge Rd

City: Seagoville, TX

School District: Dallas

Legal Description: Lots 1 & 2, Block A, John Merchant Survey abstract No 850

County: Dallas

Tax Acct. Number(s): 65085007010030000

*Please Attach map showing project location.*

Project Description:     New Construction     Expansion     Modernization

*Attach statement fully explaining project, describe existing site and improvements, describe all proposed improvements and provide list of improvements and equipment for which abatement is requested.*

Type of Abatement:                       Economic Development                       Redevelopment

Has a Reinvestment Zone been designated?    Yes    No    Designation Date: \_\_\_\_\_

Name of Zone: \_\_\_\_\_

Type of Facility/Abatement:

- Manufacturing                       Regional Distribution                       Research
- Regional Service                       Regional Ent.                       Other Basic Ind.
- Research & Development facility     Research

Describe product or service to be provided: Public Improvements

Is the applicant seeking a variance?

Yes  No

If yes, please attach letter requesting and justifying the variance, with supplemental information.

**PART III - ECONOMIC INFORMATION**

**Construction Estimate:**

Start Date: 4-1-2016 Contract Amount: \$980,000

Completion Date: 5-1-2016 Peak Construction Jobs: \_\_\_\_\_

**Modernization:**

Estimated current economic life of structure 10 years  
Added economic life from modernization \_\_\_\_\_ years

**Permanent Job Creation/Retention:**

Current employment: \_\_\_\_\_ Jobs to be Retained: \_\_\_\_\_  
Jobs created at opening: \_\_\_\_\_ By year 20 \_\_\_\_\_  
Jobs created by end of 3 years: \_\_\_\_\_ By year 20 \_\_\_\_\_

Is this a consolidation? If so, provide information on number of "new hires" vs. "transfers."

Provide information, if available, on (1) new employee needs; e.g. skilled vs. non-skilled, level of education, experience, etc.; (2) proposed pay scale; (3) any training which the company will provide to its new employees; (4) upward mobility opportunities, career tracks, etc. available to less educated and experienced workers; (5) the company's affirmative action plan; and (6) the history of local/state environmental compliance.

| Estimated Appraised Value On Site   | Land | Improvements | Personal Property |
|---|------|--------------|-------------------|
| Value on January 1 preceding abatement                                    |      |              |                   |
| Estimated value of new abatable investment                                |      |              |                   |
| Estimated value of properties not subject to abatement                    |      |              |                   |
| Estimated value of property subject to ad valorem tax at end of abatement |      |              |                   |

**Company Representative to be Contacted:**

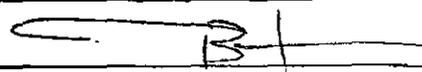
Troy Bathman  
Name

Managing Member  
Title

5850 Granite Pkwy #150  
Address

Plano, TX 75024  
Address

**Authorized Company Official:**

  
Authorized Signature

Troy Bathman, President  
Name & Title

972-987-8978  
Phone Number

bathman@stivesrealty.com  
e-mail

## *Agenda Item 9*

*Receive Councilmember Reports.*

### **BACKGROUND OF ISSUE:**

Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

### **FINANCIAL IMPACT:**

N/A

## *Agenda Item 10*

*Receive Citizen Comments.*

### **BACKGROUND OF ISSUE:**

Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.

### **FINANCIAL IMPACT:**

N/A

## *Agenda Item 11*

*Receive Future Agenda Items.*

### **BACKGROUND OF ISSUE:**

If a Councilmember should wish for an item to be placed on a future agenda it may be requested at this time. Please keep in mind, there **CANNOT** be a discussion amongst the City Council regarding this item because it is not listed on the posted agenda.

### **FINANCIAL IMPACT:**

N/A

## *Agenda Item 12*

*Adjourn.*

### **BACKGROUND OF ISSUE:**

At this time, the Mayor may adjourn the meeting if there is no further business to conduct.

### **FINANCIAL IMPACT:**

N/A