



**SEAGOVILLE CITY COUNCIL
MEETING AGENDA
MONDAY, JUNE 6, 2016**

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

AGENDA

1. Staff updates
 - a. STAR Transit presentation on proposed new program.
2. Discussion of agenda item(s)
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 an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2016 Rate Review Mechanism Filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Ordinance to the company and the ACSC's legal counsel.

REPORTS/RECOMMENDATIONS/REQUESTS

3. Discuss and consider approval of a Resolution authorizing a Memorandum of Agreement by and between the City of Seagoville and Gastonia-Scurry Special Utility District to engage in the planning process for the construction and installation of a water utility line and various improvements to both the City of Seagoville and the Gastonia-Scurry Water Systems for the purpose of purchasing, storing, and transporting potable water from Dallas Water Utilities through the City of Seagoville and to Gastonia-Scurry customers; authorizing the City Manager to execute all necessary documents; providing for the repeal of any and all resolutions in conflict; providing for severability clause; and providing an effective date.
4. Receive presentation from Community Development Director Ladis Barr regarding street projects.
5. Discuss and consider selection of Mayor Pro Tem for 2016-2017.
6. Review and consider directing Staff on Chapter 21, Article 21.08, Fences.
7. Discuss and consider directing Staff on hosting a Street Dance or Movie in the Park event in September.
8. Receive Councilmember Reports – Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.
9. Receive Citizen Comments – Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.
10. Receive Future Agenda Items – Items to be placed on a future agenda which no action or discussion will be taken at this meeting.

AGENDA (cont'd)

11. Recess into Executive Session in compliance with Texas Government Code 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.

12. Discuss any item and/or take any action necessary as a result of the Executive Session.

13. Adjourn.

Posted Thursday, June 2, 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

- Monday, June 20, 2016 @ 7:00 p.m., City Council meeting.
- Monday, July 4, 2016 city offices closed in observance of 4th of July.
- Monday, July 18, 2016 @ 7:00 p.m., City Council meeting.

INVOCATION

PLEDGE OF ALLEGIANCE

MAYOR'S REPORT

VISITOR RECOGNITIONS /

PROCLAMATIONS / PRESENTATIONS -Proclamations: Academic Scholarships



Proclamation

WHEREAS, the City of Seagoville is extremely proud to be the home to Seagoville High School which has educated countless young people from Seagoville and surrounding communities who have gone on to become successful citizens, parents, employers and employees in Seagoville and throughout the world; and

WHEREAS, it has been brought to the attention of the City of Seagoville that twenty-two (22) Seagoville High School students, exhibited outstanding scholastic abilities which have earned them recognition and elite awards; and

WHEREAS, a combined total of approximately \$4,336,605.00 was awarded in scholarships to the twenty-two students; and

WHEREAS, to commemorate this honor, Seagoville High School held a special celebration on Tuesday, May 24, 2016;

NOW, THEREFORE, I, Dennis K. Childress, Mayor, of the City of Seagoville, Texas, do hereby urge all citizens to join me in extending Congratulations and Best Wishes to each of these students for exceeding the standards with hard work and dedication in scholastics.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seagoville, Texas to be affixed this 6th day of June, 2016.

Mayor, The City of Seagoville, Texas

Agenda Item 1C

Approval of minutes.

BACKGROUND OF ISSUE:

Approval of minutes for meetings held on May 16, 2016.

FINANCIAL IMPACT:

N/A

**CITY COUNCIL
WORK SESSION
MAY 16, 2016**

The City Council held a work session on Monday, May 16, 2016 at 6:30 p.m. with a quorum present, to wit:

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

The following staff members were also present: City Manager Pat Stallings, Police Chief Ray Calverley, Water Utilities Director Phil DeChant, Water Utilities Superintendent Chris Ryan, HR Director/Risk Manager Cindy Brown, Finance Director Patrick Harvey, City Attorney Bob Hager and City Secretary Dara Crabtree.

ITEM 1. DISCUSSION OF AGENDA ITEMS.

ITEM 5C. Discussion included: locations identified (Bowers and Modene); potential man hours would take to camera 2,000 feet of main; anticipate start date within the month and completion within three (3) months; and trying to be proactive by staying ahead of problems rather than just fixing a problem(s) after they occur.

ITEM 6C. Following a City Council inquiry, Finance Director Harvey stated several elements carried over from the old policy to the new and there were no concerns to report.

ITEM 9. Following a City Council inquiry, SEDC Chair Dr. Cole confirmed that the grant provided for \$50,000.00 to be paid following the issuance of the building permit and work had begun with the final \$50,000.00 paid upon receipt of the Certificate of Occupancy.

The work session was adjourned at 6:53 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**CITY COUNCIL
REGULAR MEETING
MAY 16, 2016**

The City Council held a regular meeting on Monday, May 16, 2016 at 7:05 p.m. with a quorum present, to wit:

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

Dr. Don Cole provided the invocation and Mayor Childress led the Pledge of Allegiance.

MAYOR'S REPORT. Mayor Childress provided a praise report, an Umpire recently told him the baseball fields were the best he had seen in years; advised the City was currently accepting applications to serve on the various Boards and Commissions; 492 votes were cast in the recent election, would like to see this number grow; and congratulated Councilmember Howard and Councilmember Epps on their re-election and Harold Magill on being elected to the City Council.

Mayor Childress presented a proclamation recognizing May 15-21, 2016 as *National Police Week*.

Mayor Childress presented a proclamation to resident Vicki Risinger recognizing *Donate Life*.

CITIZENS PUBLIC COMMENT PERIOD (items on the agenda).

James Sudduth, 2402 Clover Hill – spoke on Item 7 including: not a fan of tax abatements; inquired as to how much money was actually involved; with the past funds stolen and money spent to buyout a former employee's contract this is a lot of money to giveaway; and applicant also has the opportunity to request funds from County and Dallas ISD.

ITEM 1. Councilmember Epps made a motion, seconded by Councilmember Hernandez, to approve Resolution No. 31-R-16 canvassing the results of the General Election held on May 7, 2016. A vote was cast 4 for, 0 against.

ITEM 2. Councilmember Hernandez made a motion, seconded by Councilmember Howard, to approve Resolution No. 32-R-16 canvassing the results of the Special Election held on May 7, 2016. A vote was cast 2 for, 2 against (Fruin, Epps), Mayor Childress broke the tie by casting a vote for; 3 for (Childress, Hernandez, Howard), 2 against (Fruin, Epps).

ITEM 3. City Secretary Crabtree administered the Oath of Office to re-elected Councilmember Place 1 Rick Howard and Councilmember Place 5 Jon Epps and newly elected Councilmember Place 3 Harold Magill.

CONSENT AGENDA.

Councilmember Hernandez made a motion, seconded by Councilmember Magill, to approve Consent Agenda Items 4C through 6C. A vote was cast 5 in favor, 0 against.

ITEM 4C. Approve minutes for meetings held on April 18, 2016.

ITEM 5C. Approve Resolution No. 33-R-16 entering into a Professional Services Contract with Pipeline Analysis, LLC in the amount of Fifty-Nine Thousand Three Hundred and Fifty Dollars (\$59,350.00) for the purpose of performing various field testing and the inspection of the wastewater collection system within the Bowers Road Lift Station Service Areas; prepare final reports containing recommended system repairs and the estimated costs associated with reducing wet weather inflow and infiltration; authorizing the City Manager to execute all necessary documents; providing for the repeal of any and all resolutions in conflict; providing for severability clause; and providing an effective date.

ITEM 6C. Approve Resolution No. 34-R-16 amending the City of Seagoville's Investment Policy for Fiscal Year 2015-2016.

ITEM 7. Following a discussion, Councilmember Hernandez made a motion, seconded by Councilmember Fruin, to approve Resolution No. 35-R-16 authorizing an Economic Development Agreement by and between the City of Seagoville and Actuant Corporation, a Wisconsin corporation, to waive the building permit and inspection fees for a new 20,000 square foot building, and a reimbursement in an amount equivalent to 100% of the Real Property Taxes assessed against the Premises, and the Personal Property Taxes assessed against the personal property housed/maintained in the new 20,000 square foot structure built on the Premises for a period of five (5) years with a reduction in percentage each subsequent year for years six (6) through ten (10) for property located at 704 W. Simonds Road, Seagoville, Texas; authorizing the Mayor to execute any and all necessary documents; and providing an effective date. A vote was cast 5 for, 0 against.

ITEM 8. Councilmember Hernandez made a motion, seconded by Councilmember Magill, to approve the second reading of Resolution No. 29-R-16 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. A vote was cast 5 for, 0 against.

ITEM 9. Councilmember Hernandez made a motion, seconded by Councilmember Epps, to approve Resolution No. 36-R-16 ratifying the Seagoville Economic Development Corporation Resolution No. 03-2016 approving the terms and conditions of the Economic Development Agreement by and between the Corporation and Actuant Corporation for infrastructure improvements in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) located at 704 W. Simonds Road, Seagoville, Texas; and providing an effective date. A vote was cast 5 for, 0 against.

ITEM 10. COUNCILMEMBER REPORTS.

Mike Fruin – thanked the City Mayor and Staff for their hard work on the ball parks and ball fields; looking exceptionally well; continuing progress will continue to make better; and thanked everyone for all the hard work with Mayfest.

Harold Magill – commented on how nice Mayfest was; kids appeared to be having fun as well as citizens participating and surrounding area; and helps put us on the map.

REVISITED ITEM 7. Councilmember Hernandez made a motion, seconded by Councilmember Fruin, for a friendly amendment to reconsider Item 7 and to approve with the three (3) minor changes discussed in work session. A vote was cast 5 for, 0 against.

ITEM 11. CITIZEN COMMENTS. No one spoke.

ITEM 12. FUTURE AGENDA ITEMS.

Councilmember Magill – revisit the current 30 mph speed limit in front of Seagoville North and take back to the original 40 mph (not during school zone hours).

ITEM 13. The meeting adjourned at 7:40 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Agenda Item 2C

Approval of an Ordinance approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2016 Rate Review Mechanism Filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Ordinance to the company and the ACSC’s legal counsel.

BACKGROUND OF ISSUE:

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The Rate Review Mechanism (RRM) Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$28.6 million from other municipalities.

Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission’s exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process it would have received a \$41 million increase, or about \$11 million more than will be approved by the Ordinance. ACSC and the Company have reached an agreement, reflected in the Ordinance, to reduce the Company’s request by \$5.5 million, such that the Ordinance approving new rates reflects an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the Ordinance approve rates that will increase the Company’s revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

FINANCIAL IMPACT:

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 19-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by

the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

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

SECTION 2. That the City Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within

the municipal limits arising from Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

SECTION 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

SECTION 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment C, attached hereto and incorporated herein.

SECTION 5. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.

SECTION 6. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

SECTION 7. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 8. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION 9. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.

SECTION 10. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 6th day of June, 2016.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 12

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.10 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 19.12 per month
Commodity Charge – All Ccf	\$0.11378 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 13

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 41.75 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 41.77 per month
Commodity Charge – All Ccf	\$ 0.08494 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 14

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 15

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 16

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 17

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 41

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 42

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	<u>Base use Ccf</u>	<u>Heat use Ccf/HDD</u>	<u>Base use Ccf</u>	<u>Heat use Ccf/HDD</u>
Abilene	10.09	0.1392	98.01	0.6440
Austin	11.21	0.1551	203.36	0.8564
Dallas	13.72	0.2048	189.83	0.9984
Waco	9.89	0.1411	129.75	0.6695
Wichita Falls	11.49	0.1506	122.35	0.5967

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

File Date: March 1, 2016

ATMOS ENERGY CORP., MID-TEX DIVISION
PROPOSED TARIFF STRUCTURE (BEFORE RATE CASE EXPENSE RECOVERY)
TEST YEAR ENDING DECEMBER 31, 2015

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
1	Proposed Change In Rates:		\$ 29,603,205		Schedule A						
2	Proposed Change In Rates without Revenue Related Taxes:		\$ 27,447,850		Ln 1 divided by factor on WP_F-5.1						
3											
4											
5											
6		Revenue Requirements	Allocations								
7	Residential	\$ 338,431,486	77.95%		Per GUD 10170 Final Order						
8	Commercial	84,223,622	19.40%		Per GUD 10170 Final Order						
9	Industrial and Transportation	11,490,316	2.65%		Per GUD 10170 Final Order						
10	Net Revenue Requirements GUD No. 10170	<u>\$ 434,145,424</u>									

16 With Proportional Increase all classes but Residential and a 40% residential base charge increase:

		Current	Prospective	Revenues
18				
19				
20	Residential Base Charge	\$ 18.56	\$ 0.48	\$ 8,558,622
21	Residential Consumption Charge	\$ 0.09931	\$ 0.01540	12,837,933
22	Commercial Base Charge	\$ 39.87	\$ 1.81	2,662,423
23	Commercial Consumption Charge	\$ 0.08020	\$ 0.00480	2,662,423
24	I&T Base Charge	\$ 897.35	\$ 38.03	363,224
25	I&T Consumption Charge Tier 1 MMBTU	\$ 0.2937	\$ 0.0166	172,167
26	I&T Consumption Charge Tier 2 MMBTU	\$ 0.2151	\$ 0.0121	139,070
27	I&T Consumption Charge Tier 3 MMBTU	\$ 0.0461	\$ 0.0026	51,988
28				<u>\$ 27,447,850</u>

16 With Customer Charges Rounded Off and residential base charge increase for 2015 limited to \$0.50 per RRM tariff:

	Proposed Change	Proposed Change In Revenues	Proposed Rates	Proposed Revenues
18				
19				
20	Residential Base Charge	\$ 0.52	\$ 9,335,278	\$ 19.08 \$ 339,813,673
21	Residential Consumption Charge	\$ 0.01447	12,061,297	\$ 0.11378 94,839,970
22	Commercial Base Charge	\$ 1.83	2,697,162	\$ 41.70 61,390,268
23	Commercial Consumption Charge	\$ 0.00474	2,626,475	\$ 0.08494 47,065,984
24	I&T Base Charge	\$ 39.65	378,728	\$ 737.00 7,039,815
25	I&T Consumption Charge Tier 1 MMBTU	\$ 0.0159	165,150	\$ 0.3096 3,215,747
26	I&T Consumption Charge Tier 2 MMBTU	\$ 0.0116	132,888	\$ 0.2267 2,597,042
27	I&T Consumption Charge Tier 3 MMBTU	\$ 0.0025	49,955	\$ 0.0486 971,117
28			<u>\$ 27,446,933</u>	<u>\$ 556,933,616</u>

File Date: March 1, 2016

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS ADJUSTMENT
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report as adjusted (1), (3)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	O&M Expense Factor (2)	96.41%	96.41%	37.42%	20.77%	37.42%	
3	Fiscal Year 2016 Actuarially Determined O&M Benefits (Ln 1 x Ln 2)	\$ 4,918,540	\$ 2,792,473	\$ 2,933,599	\$ 31,249	\$ 1,671,119	
4	Allocation to Mid-Tex (2)	40.56%	40.56%	71.52%	100.00%	71.52%	
5	Mid-Tex Benefits Expense Included in Rates - Proposed (Ln 3 x Ln 4)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
6							
7	Mid-Tex Benefits Expense per GUD 10359 and RRM Test Year Ending December 31, 2014 Benchmark (4)	\$ 2,831,859	\$ 2,013,260	\$ 2,925,600	\$ 34,809	\$ 2,695,721	\$ 10,501,250
8							
9	Test Year Adjustment (Line 5 minus Line 7)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)
10							
11	Adjustment Summary:						
12	Account 922	\$ (836,844)	\$ (880,601)	\$ -	\$ -	\$ -	\$ (1,717,445)
13	Account 926	-	-	(827,379)	(3,561)	(1,500,472)	(2,331,412)
14	Total (Ln 12 plus Ln 13)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)

Notes:

- 18 1. Studies not applicable to Mid-Tex or Shared Services are omitted.
- 19 2. The factors on Lines 2 and 4 are based on the factors in 2016 RRM (Test Year Ending December 31, 2015).
- 20 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.
- 21 4. GUD No. 10359 is the benchmark for January-May which is the same benchmark as used in the RRM TYE December 31, 2014 for June-December.

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report (excluding Removed Cost Centers)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	Allocation to Mid-Tex	40.56%	40.56%	71.52%	100.00%	71.52%	
3	FY16 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY16 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
6							
7							
8	Summary of Costs to Approve:						
9							
10	Total Pension Account Plan ("PAP")	\$ 2,069,299		\$ 5,607,955			\$ 7,677,254
11	Total Post-Retirement Medical Plan ("FAS 106")		\$ 1,174,833			\$ 3,194,561	4,369,394
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 150,433		150,433
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
14							
15							
16	O&M Expense Factor	96.41%	96.41%	37.42%	20.77%	37.42%	
17							
18	Expense Portion (Ln 13 x Ln 16)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
19							
20	Capital Factor	3.59%	3.59%	62.58%	79.23%	62.58%	
21							
22	Capital Portion (Ln 13 x Ln 20)	\$ 74,283	\$ 42,174	\$ 3,509,733	\$ 119,184	\$ 1,999,313	\$ 5,744,687
23							
24	Total (Ln 18 + Ln 22)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081

Agenda Item 3

Discuss and consider approval of a Resolution authorizing a Memorandum of Agreement by and between the City of Seagoville and Gastonia-Scurry Special Utility District to engage in the planning process for the construction and installation of a water utility line and various improvements to both the City of Seagoville and the Gastonia-Scurry Water Systems for the purpose of purchasing, storing, and transporting potable water from Dallas Water Utilities through the City of Seagoville and to Gastonia-Scurry customers; authorizing the City Manager to execute all necessary documents; providing for the repeal of any and all resolutions in conflict; providing for severability clause; and providing an effective date.

BACKGROUND OF ISSUE:

Gastonia-Scurry Special Utility District has been in conversation with the City of Seagoville for over a year concerning the planning, design, and construction of a waterline from the intersection of Malloy Bridge Road east along US Highway 175 to the Gastonia-Scurry Pump Station. If constructed, this waterline will provide water services to Seagoville customers along US 175 that currently do not have access to City Water.

This project entails a lengthy process of obtaining rights-of-way, planning, updating the City of Seagoville's Master Water Plan, the purchase of wholesale water from the City of Dallas Water Utilities, and possible upgrades to Seagoville's Water System.

This proposed Memorandum of Agreement is the starting point for the planning stages of the project. There are no provisions in the Agreement that obligate the City to funding any portion of the project. This Agreement officially opens dialog between all parties including but not limited to, Gastonia-Scurry Special Utility District, the City of Seagoville and the City of Dallas.

The City Attorney has read and approved the content in this Agreement.

FINANCIAL IMPACT:

There is no financial impact at this time.

EXHIBITS

Proposed Waterline Route see Exhibit A

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 37-R-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS AUTHORIZING A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE CITY OF SEAGOVILLE AND GASTONIA-SCURRY SPECIAL UTILITY DISTRICT TO ENGAGE IN THE PLANNING PROCESS FOR THE CONSTRUCTION AND INSTALLATION OF A WATER UTILITY LINE AND VARIOUS IMPROVEMENTS TO BOTH THE CITY OF SEAGOVILLE AND THE GASTONIA-SCURRY WATER SYSTEMS FOR THE PURPOSE OF PURCHASING, STORING, AND TRANSPORTING POTABLE WATER FROM DALLAS WATER UTILITIES THROUGH THE CITY OF SEAGOVILLE AND TO GASTONIA-SCURRY CUSTOMERS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Memorandum of Agreement by and between the City of Seagoville, Texas and Gastonia-Scurry Special Utility District, a copy of which is attached hereto and incorporated herein referenced as Attachment "A"; 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 City Manager 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 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 City Manager is hereby authorized to execute the Agreement on behalf of the City of Seagoville, Texas.

SECTION 2. This Resolution and the Memorandum of 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 4. This resolution shall take effect immediately from and after its passage, as

the law and Charter in such cases provide.

DULY ORDERED by the City Council of the City of Seagoville, Texas, on the 6th day of June, 2016.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

MEMORANDUM OF AGREEMENT
City of Seagoville, Texas / Gastonia-Scurry Special Utility District

This Memorandum of Agreement is entered into by and between the City of Seagoville, Texas ("Seagoville") acting by and through its City Manager, Pat Stallings and the Gastonia-Scurry Special Utility District ("Gastonia-Scurry") acting by and through the duly elected President of its Board of Directors, Rhonda Venable.

WHEREAS, Seagoville owns, operates and maintains a potable water system within its corporate limits and purchases water on a wholesale basis from the City of Dallas, Texas ("Dallas"); and

WHEREAS, Gastonia-Scurry desires to build and install various lines and improvements to both the Seagoville and Gastonia-Scurry water systems; and

WHEREAS, Gastonia-Scurry desires to store and transmit potable water to its customers from the City of Dallas and Dallas Water Utilities utilizing Seagoville's facilities in part;

NOW THEREFORE, in exchange for the mutual covenants set forth herein together with other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties do hereby agree as follows to-wit:

1. Both parties agree and stipulate that the intent of this Memorandum of Agreement is to engage in the planning process for the above described Project. In the event the parties (1) obtain approvals for the Project from the governing bodies of the Parties, Dallas Water Utilities, and any other necessary entities, and (2) secure necessary financial and budgetary commitments for the Project, the parties will enter into an Interlocal Agreement to further delineate the rights and responsibilities of the Parties concerning the Project. In the event either Party is unable to secure necessary approvals or the necessary financial and budgetary commitments, the Agreement shall terminate. In the event of such termination, both Parties agree to waive any claim they may have against the other for damages or liability resulting from such termination.

2. Unless otherwise determined during the planning, designing and engineering phases of the project that an alternative route is necessary, the water transmission line shall be located along the north side of U.S. Highway 175 beginning at the intersection near Malloy Bridge Road and continuing to a point immediately outside the flood plain of the Trinity River. At that point, the water transmission line will cross U.S. Highway 175 by the use of a bore and continue along the south side of U.S. Highway 175 until it reaches the Gastonia-Scurry pump station. A depiction of this proposed route is attached hereto as Exhibit "A".

3. Gastonia-Scurry agrees to be solely responsible for all costs related to the design and construction of the water transmission line.

4. Both parties agree that a master meter will be installed and located on the north side of U.S. Highway 175 approximately 3,250 feet east of F.M. 1389 within the City of Seagoville for the purpose of measuring the water used by Gastonia-Scurry. Gastonia-Scurry agrees to be solely responsible for all costs associated with the design and installation of said water meter.

5. Both parties acknowledge the necessity of obtaining one or more easements from adjacent landowner(s) for that section of the water transmission line from its point of beginning near Malloy Bridge Road to the location of the master meter described in paragraph 4 above. As a part of this Agreement, Gastonia-Scurry agrees to be solely responsible for acquiring any and all such easements, will pay all associated costs associated with said acquisition, and file such easements in the name of the City of Seagoville.

6. Upon final completion and acceptance of the water transmission line, Seagoville will have exclusive ownership of the same from its beginning point near Malloy Bridge Road to the site of the master meter described in paragraph 4 located on the north side of U.S. Highway 175. Gastonia-Scurry will have exclusive ownership of the same from the above described master meter until it reaches the Gastonia-Scurry pump station.

7. Both parties agree to cooperate with each other in contacting and negotiating with Dallas Water Utilities in order to secure any and all necessary approval(s) to obtain water services to Gastonia-Scurry for the Project including, but not limited to, securing approval for any additional improvements and/or additional water meter required by Dallas Water Utilities.

8. During the planning phase of the Project, both parties acknowledge that it may be necessary for Seagoville to have its Master Plan and Capital Program revised and/or updated to reflect the increased demand on Seagoville's water distribution system resulting from the construction and installation of this Project. In the event said updates and/or revisions are necessary, any revised Master Plan shall include a determination of the anticipated maximum demands and anticipated needs from Gastonia-Scurry in five-year increments together with any capital improvements to the water distribution system necessary to meet such demands. Gastonia-Scurry agrees to be solely responsible for all engineering costs related to said updates and/or revisions and further agrees to participate in the funding of any planning, design and/or construction of capital improvements within Seagoville that are necessary to extend the required water service to Gastonia-Scurry.

9. The approved contractor who constructs the water transmission line shall be solely responsible for all maintenance connected with the entire length of said water transmission line for a minimum of two years following final acceptance and approval by both Seagoville and Gastonia-Scurry.

10. Upon the expiration of the above described two year warranty, Seagoville shall be solely responsible for all maintenance connected with that portion of the water distribution line over which it exercises sole ownership and Gastonia-Scurry will be solely responsible for all maintenance over which it exercises sole ownership (see paragraph 6 above).

11. The anticipated maximum daily flow-rate supplied to Gastonia-Scurry is 2.5 million gallons per day (MGD). However, it is possible that Seagoville may not initially have the capability to provide this maximum flow-rate until upgrades are constructed within its existing water distribution system. In the event this occurs, a subsequent Interlocal Agreement will be necessary to include an estimated schedule that identifies the projected Gastonia-Scurry demands over time for which Seagoville will be obligated to supply.

12. Prior to the commencement of water service, both parties agree to cooperate with each other in determining the applicable water rate(s), whether a pass-through rate or otherwise. In addition, in the event the rate(s) require approval by Dallas Water Utilities, both parties agree to cooperate in taking all necessary actions to secure such approval.

13. In the event that additional parties wish to participate in the construction of the water distribution line or receive water from the same, such service can only be offered upon written approval of both Seagoville and Gastonia-Scurry.

14. This Agreement constitutes the entire agreement existing between the parties and supersedes any prior understandings and/or other written agreements between the parties that in any way or manner relates to this Agreement.

15. This Agreement may not be assigned in whole or in part without the prior written consent of both parties hereto.

16. This Agreement may be amended only by written agreement of both parties hereto with said amendment attached to and incorporated in this Agreement.

17. The laws of the State of Texas shall govern this Agreement. Venue for any action concerning this Agreement shall be in a court of competent jurisdiction within Kaufman County, Texas.

18. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or e-mail to the address specified below or to such other party or address as either party may designate in writing and shall be deemed received three (3) days after delivery set forth herein:

For the City of Seagoville, Texas

Pat Stallings, City Manager
City of Seagoville, Texas
702 North U.S. Highway 175
Seagoville, Texas 75159

with copy to

Ms. Alexis Allen, City Attorney
Nichols, Jackson, Dillard, Hager & Smith
500 North Akard Street, Suite 1800
Dallas, Texas 75201

For Gastonia-Scurry Special Utility District

Ms. Charise Chamberlain, District Manager
Gastonia-Scurry S.U.D.
P.O. Box 68
Scurry, Texas 75158

with copy to

Gregory A. Shumpert
Shumpert Law Offices, P.L.L.C.
302 West Nash Street
Terrell, Texas 75160

19. This Agreement may be executed by providing “duplicate originals” to each party.

EXECUTED on this the _____ day of May, 2016.

THE CITY OF SEAGOVILLE, TEXAS

GASTONIA-SCURRY SPECIAL
UTILITY DISTRICT

By: _____
Pat Stallings, City Manager

By: _____
Rhonda Venable, President

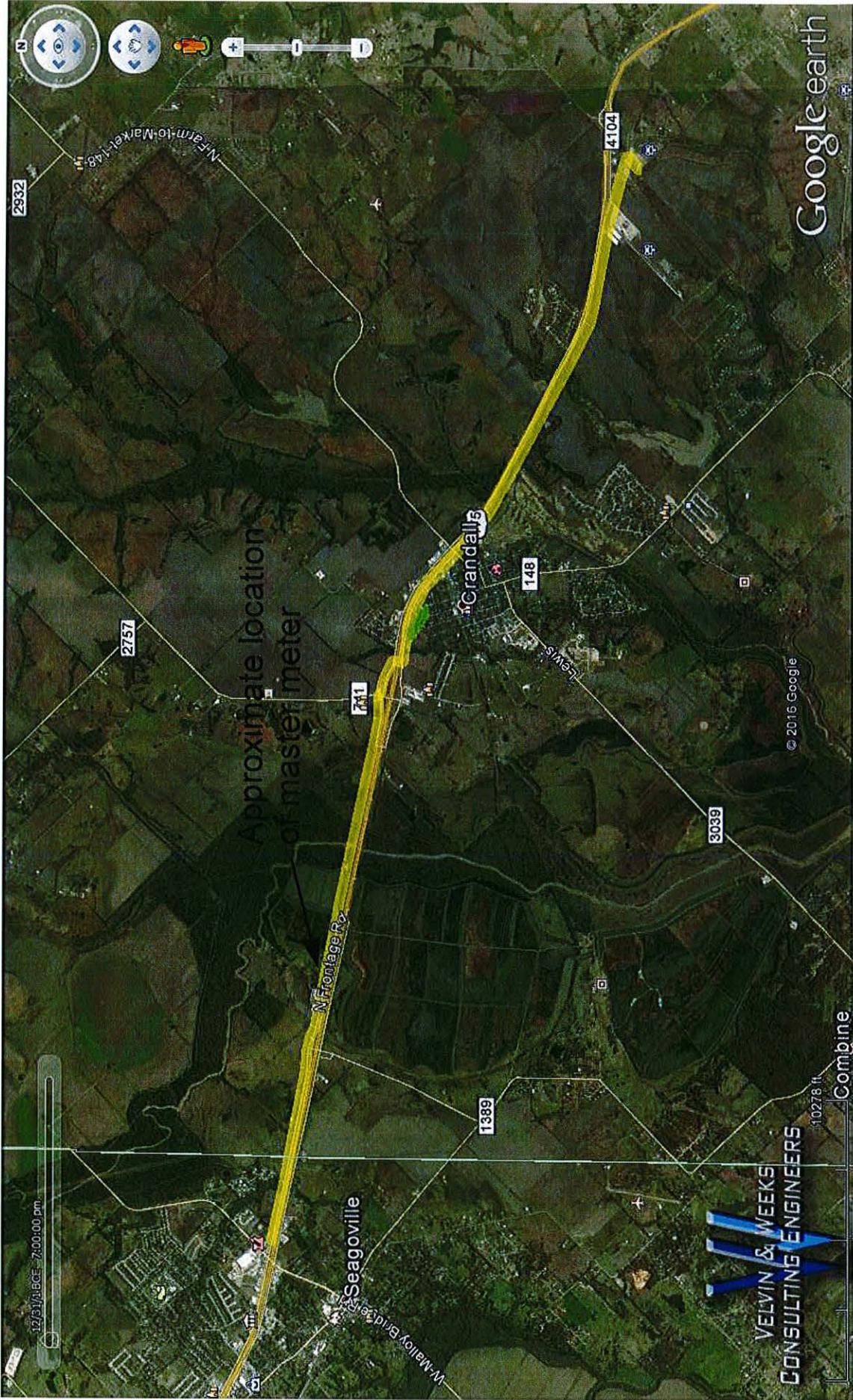


Exhibit A

Agenda Item 4

Receive presentation from Community Development Director Ladis Barr regarding street projects.

BACKGROUND OF ISSUE:

A presentation on street projects will be provided by Community Development Director Barr.

FINANCIAL IMPACT:

Agenda Item 5

Discuss and consider selection of Mayor Pro Tem for 2016-2017.

BACKGROUND OF ISSUE:

Each year following the May election the City Council considers the selection of a Mayor Pro Tem. This individual represents the Mayor in his absence.

Section IV (A) of the City Council Rules of Procedure establishes guidelines for the selection of the Mayor Pro Tem. A copy of the City Council Rules of Procedure is attached.

Below is a list of individuals that have held this position since 2010:

2010	Brenda Thompson
2011	Harold Magill
2012	Harold Magill
2013	Dennis Childress
2014	Tommy Lemond
2015	Tommy Lemond

FINANCIAL IMPACT:

N/A

C. Executive Session

The City Council may meet in executive sessions at the call of the Mayor, Mayor Pro Tem (when acting in place of the Mayor), or a majority of the City Council. The City Secretary is responsible for properly posting the agenda and attending the Executive Session to maintain the Certified Agenda. At such meeting, Council may consider those matters allowed under state law.

D. Joint Sessions

The City Council may meet with other boards and commissions in joint sessions at the call of the Mayor, Mayor Pro Tem (when acting in place of the Mayor), or a majority of the City Council at such times as the business of the City requires.

E. Recessed Meetings

Any meeting of the City Council may be recessed to a later time by a majority vote of the City Council, provided that no recess shall be for a longer period than twenty-four (24) hours. All recessed meetings must set a time to reconvene.

F. Work Session

The City Council may hold work sessions to receive briefings and background information from the staff and consultants. Work session meetings shall be at a time and place established by the Council. Work Sessions shall comply with all provisions of the Texas Open Meetings Act. No official action may be taken by the Council in a work session meeting, although the Council may give direction to the staff on issues under consideration.

IV. PRESIDING OFFICER OF THE CITY COUNCIL AND DUTIES

A. Presiding Officer

The Mayor shall preside over the meetings of the City Council.

The Mayor Pro Tem shall be selected from among the members of the City Council at the first regular meeting following the general election at which all Council Places have been filled. The Mayor Pro Tem shall perform all duties of the Mayor in his absence.

In the absence of both the Mayor and Mayor Pro Tem, the City Secretary shall call the meeting to order and shall call upon the Council to select a member to act as presiding officer.

B. Preservation of Order

The presiding officer shall have the authority to maintain the order and decorum of a meeting.

Agenda Item 6

Review and consider directing Staff on Chapter 21, Article 21.08, Fences.

BACKGROUND OF ISSUE:

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

For your convenience, attached is a copy of the current regulations along with a “Draft” of proposed regulations prepared by Community Development Director Ladis Barr.

FINANCIAL IMPACT:

N/A

CHAPTER 21 BUILDING REGULATIONS**ARTICLE 21.08 FENCES****ARTICLE 21.08 FENCES****Division 1. Generally****Division 1. Generally****Sec. 21.08.001 Compliance with article**

It shall be unlawful and an offense for any person to build, erect or construct a fence in the city unless such fence is constructed in accordance with the requirements set out in this article.

Division 1. Generally**Sec. 21.08.002 Compliance with deed restrictions**

No fence shall be constructed, erected or relocated in violation of any recorded deed restrictions in effect on the property at the time of such construction, erection or relocation, and the building official is prohibited from issuing a permit for the construction, erection or relocation of any fence if he has actual knowledge that such is prohibited by valid recorded deed restrictions.

Division 1. Generally**Sec. 21.08.003 Permitted types**

(a) The following types of fences may be built, erected or constructed within the city provided they meet all applicable requirements of this article:

- (1) Barbed-wire fences.
- (2) Mesh wire fences.
- (3) Chain-link fences.
- (4) Board fences.
- (5) Electric fences.
- (6) Decorative fences.

(7) Visual screening fences.

(8) Brick or masonry fences.

(b) Products manufactured for other uses, such as plywood, corrugated steel or fiberglass panels are prohibited as fencing materials.

Division 1. Generally

Sec. 21.08.004 Location in front of building line.

(a) No person shall build, erect or construct any fence in front of the required building line of any residence located on a lot zoned for single-family, duplex, apartment, townhouse or mobile home subdivision uses under the comprehensive zoning ordinance of the city, unless such fence is a decorative fence as defined in section 21.08.036.

(b) Fences existing prior to March 1998 and located within the required front yard of an improved or unimproved lot in the city may be replaced or repaired by the property owner. Such fences must be rebuilt or repaired by the property owner in accordance with the standards and specifications set out in this article. All existing fences four (4) feet or higher located in the required front yard of any commercial building or residential structure must have a lock box type system on the gate for emergency entrance as required by International Fire Code, as amended.

(c) No fence shall be constructed at a height exceeding the following:

(1) In the rear yard, no fence shall be constructed at a height exceeding eight (8) feet;

(2) In the front yard, no fence over three and one-half (3-1/2) feet in height shall be permitted, provided that stockade fences or any other fences which do not have at least fifty (50) percent through vision are prohibited in any front yard;

(3) In a side yard, no fence shall be constructed at a height exceeding eight (8) feet behind the building line.

Division 1. Generally

Sec. 21.08.005 Permit to construct or relocate

(a) No person shall construct, erect or relocate any fence within the city unless the owner of the property upon which such fence is to be constructed, erected or relocated shall first have obtained a permit therefore from the building official. No person may build, erect or construct a fence over, along or across any easement dedicated to the public use without written permission from each public utility (including the city) using or having the authority to use said easement for any line or appurtenance. Every fence constructed under the requirements of this article shall be required to have an opening or gate which provides access to all side and rear yards to the fire department in the event of an emergency.

(b) Upon application of a permit required by this section, the applicant shall submit plans showing the location, size, type, height, construction materials and such other information as the building official shall require. When required by the building official, plans shall be prepared by a registered professional engineer or architect.

(c) A permit fee shall accompany each application for a permit under this section. Should any person commence any work on the construction, erection or relocation of a fence for which a permit is required under the terms of this section prior to obtaining such permit, such fee shall be doubled at the time of application; provided, however, that the payment of such doubled fee shall not relieve any such person from full compliance with the requirements of this article, nor shall it relieve such person from prosecution for failure to comply with this article.

(d) Fence permits fees shall be in accordance with the city master fee schedule.

Division 1. Generally

Sec. 21.08.006 Required screening

(a) Garbage storage areas must be visually screened on all sides by a brick, stone, concrete masonry, stucco, concrete or wood wall or fence or chain-link steel fence with interwoven slats. Screening is not required on a side adjacent to an alley or easement used for garbage pickup service.

(b) An owner shall provide visual screening in accordance with this section for the rear or service side of a nonresidential building if:

- (1) The nonresidential building is in a residential district and is exposed to residential view; or
- (2) The nonresidential building is an office ("O"), local retail ("LR"), commercial ("C"), light manufacturing ("LM") and/or heavy manufacturing district ("HMD") and is exposed to and closer than one hundred fifty (150) feet to a residential district boundary line.

Division 1. Generally

Secs. 21.08.007–21.08.030 Reserved

ARTICLE 21.08 FENCES

Division 2. Specifications

Division 2. Specifications

Sec. 21.08.031 Barbed-wire fences

Every barbed-wire fence within the city shall be constructed with a good grade of barbed wire, with not less than four (4) strands properly stretched and attached to uniform, straight posts not over ten (10) feet apart.

Division 2. Specifications

Sec. 21.08.032 Mesh wire fences

A mesh wire fence shall be constructed of twenty-four (24) inch mesh wire at the bottom, with not less than two (2) strands of a good grade of barbed wire above, properly stretched and attached to uniform straight posts not over ten (10) feet apart.

Division 2. Specifications

Sec. 21.08.033 Chain-link fences

A chain-link fence shall be constructed in a good and workmanlike manner in accordance with standards and specifications normally used in the industry.

Division 2. Specifications

Sec. 21.08.034 Board fences

A board fence shall be constructed in a good, workmanlike manner in accordance with standards and specifications normally used in the industry.

Division 2. Specifications

Sec. 21.08.035 Electric fences

(a) Electric fences shall be constructed with copper or aluminum fence wire. The wire shall be no less than number 16 gauge wire, properly stretched and attached to uniform, straight posts not over ten (10) feet apart. Glass or porcelain insulators shall be used. Glass bottles shall not be used for insulation. Only one (1) fence wire shall be installed not less than eighteen (18) inches nor more than thirty-six (36) inches from the ground.

(b) The charger unit for electric fences shall be of factory design and manufactured with UL-approved seal designed for electric fence application only. The unit shall be attached in a secure manner to a post not less than twenty-four (24) inches from the ground. The fence charger shall be installed with a copper ground wire affixed to a suitable ground rod inserted not less than three (3) feet into the ground. A fence charger AC power cord shall be plugged into a one-hundred-ten-volt receptacle with a ground lug for proper grounding from the AC power source to the fence charger.

The fence charger unit shall operate on one hundred fifteen (115) volt AC only with output power not to exceed twenty-four (24) volts DC current. The unit shall have a fuse provision so as to break the fuse if an overload is maintained.

(c) On every one hundred (100) feet of an electric fence, a warning sign shall be affixed to the fence post or fence wiring, clearly reading "Electric Fence." The wording shall be in English with white letters on a red background.

Division 2. Specifications

Sec. 21.08.036 Decorative fences

For the purposes of this article, a decorative fence is defined as a fence designed and constructed so as to add beauty and adornment to the property to which it is attached and providing that service only. Such term does not include a full-service fence designed to restrain or contain house animals or designed for property protection or for other purposes.

Division 2. Specifications

Sec. 21.08.037 Visual screening fence

Unless otherwise specifically provided for in this article, visual screening must be constructed and maintained in accordance with the following regulations:

- (1) Screening required in this article must be not less than six (6) feet in height;
- (2) Required screening must be constructed of:
 - (A) Brick, stone or concrete masonry, stucco, concrete or wood or chain-link steel fencing with interwoven slats;
 - (B) Earthen berm planted with turf grass or ground cover recommended for local use by the Directory of Water-Saving Plants and Trees of Texas. The berm may not have a slope that exceeds one (1) foot of height for every two (2) feet of width;
 - (C) Evergreen plant material recommended for local area use by the Directory of Water-Saving Plants and Trees for Texas, published by the state water development board. The plant material must be located in a bed that is at least three (3) feet wide with a minimum soil depth of twenty-four (24) inches. Initial plantings must be capable of obtaining a solid appearance within three (3) years. Plant material must be placed a maximum of twenty-four (24) inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three (3) years; or
 - (D) Any combination of the above.

- (3) A required visual screening wall or fence may not have more than ten (10) square inches of openings in any given square foot of surface.
- (4) A required visual screening wall or fence may not consist of barbed wire or electrical wire in residential areas.
- (5) Access through required visual screening may be provided by a solid gate equaling the height of the screening. The gate must remain closed at all times except when in actual use.
- (6) Plant materials used for required visual screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within sixty (60) days after notification by the city.
- (7) All required visual screening fencing of all types must be maintained in good repair and not allowed to deteriorate or otherwise fail to serve the purpose it was designed to fulfill.

Division 2. Specifications

Sec. 21.08.038 Maintenance

A fence or fences shall be maintained by the owner of the property so as to comply with the requirements of this chapter and in good condition which condition shall not deviate from the maintenance standard as follows:

- (1) The fence shall not be out of vertical alignment more than eighteen (18) degrees.
- (2) Any and all broken, damaged, removed or missing parts of said fence shall be replaced within ten (10) days of the event causing noncompliance herewith, with the same material, size, shape and quality of the original fence to which the repair is being made.
- (3) Except in cases where a fence or fences are ordered to be constructed on property as a result of a specific order of the city council or through operation of the zoning ordinances of the city, the above requirements shall not be construed so as to not allow a fence or fences to be removed.

Division 2. Specifications

Sec. 21.08.039 Inspections required

When any fence is completed, an inspection must be performed by the building official or his designee. Upon completion of a fence, the permit holder shall notify the building official's office. The building official will issue a card of acceptance if the fence complies with the provision of this article. If the fence does not comply with the provisions of this article, it will not be accepted and the permit

holder must call for an additional inspection when the fence is completed in accordance with the requirements of this article. All fences constructed under the provisions of this article shall be maintained by the property owner in a vertical position and shall reply with the requirements of this article at all times.

Division 2. Specifications

Sec. 21.08.040 Traffic visibility

No fence shall be erected or maintained which obstructs traffic visibility at corners in violation of section 17.01.009 of this code.

(Ordinance adopting Code)

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Article 21.08 FENCES

Division 1. Generally

Sec. 21.08.001 Purpose of article

The purpose of this article is to regulate the construction, erection, enlargement, alteration and maintenance of all fences within the boundaries of the city in order to provide a practical safeguarding of life, health and property from hazards that may arise from improper construction of such installations. However, this article and the provisions of this article shall not apply to fences erected or maintained in districts within the city which are zoned (AG) agricultural use, which has an Ag exemption of said property and which is being used for agricultural purposes unless the provision is specifically made to apply to the Agricultural Zoning District.

Sec. 21.08.002 Fence Definitions

For the purpose of this article, the following terms, phrases, words and derivations shall have the meanings set forth below.

- 1) **Adjacent Grade:** The slope of property where it abuts to another property, alley or roadway.
- 2) **Building lines:** A building line established by the city's zoning ordinance for which a building setback is required for front yards, side yards, rear yards and corner lots where there are two front yards.
- 3) **Corner Lot:** a lot situated at the junction of two (2) or more private or dedicated public streets.
- 4) **Decorative:** A fence designed and constructed so as to add beauty and adornment to the property to which is attached and providing service only. Such term does not include a full-service fence designed to restrain or contain house animals or designed for property protection or for other purposes. (See Design)
- 5) **Fence:** Any wall or structure more than eighteen inches (18") inches in height constructed for the purpose enclosing, screening, restricting access to, or decoration of any lot, building or structure.
- 6) **Front yard:** An open, unoccupied by the principal structure.
- 7) **Infield lots:** A lot located within the interior of the block; not a corner lot.
- 8) **Interior lot:** A lot other than a corner lot
- 9) **Rear yard:** A space unoccupied by the principal structure extending for the full width of the lot between a principal structure and the rear lot line.
- 10) **Side yard:** An open unoccupied space on the same lot, extending from the front yard to the rear yard.
- 11) **Reverse frontage corner lot:** A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such a lot line.
- 12) **Visibility triangle:**
 - a. Residential developments or infield lots with rear or side entry access to a garage or a carport, a visibility clip shall be measured five feet from the corner of the property line, in both directions, shall be provided on both sides of the drive;

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- b. The front yard of a residential yard shall comply with item 15.
- c. Commercial corner lot with a street to the front or the side, a visibility clip shall be measured at forty (40) feet from the corner of the property line in both directions. No fence shall be erected or maintained which obstructs traffic visibility at corners.

13. Street: For this purpose of this article, a street shall refer to a public or private street.

14. Screening fence: A screening fence shall be 6 feet in height and made of approved materials such as brick, rock, stone, decorative block, block with stucco or cedar. Screening fences shall be used to separate commercial, industrial and manufacturing from residential properties if within 150 feet and for screening of non-residential sanitary waste receptacles. See visual screening Section 21.08.007

15. Decorative Design fence for residential shall mean wrought iron, vinyl, wood or a combination of wrought iron with rock, brick or stone columns for accent purposes. Fence must be no higher than 42 inches in height and 50% open. Fence must be of new material and be approved by the building official. A site plan may be required. A 3 foot gate minimum will be required for Fire Department Access.

16. a. Decorative Design fence for commercial properties shall mean wrought iron, vinyl, or a combination of wrought iron with rock, brick, or stone columns for accent purposes. Fence must be no higher than 5 feet in height and 50% open. Fence must be of new material and be approved by the Building official. A site plan and survey may be required. A 4 foot gate and if a Fire Lane is required for the property a 24 foot gate will be required to open the full width of the fire lane. A Knox Box or a Knox Lock will be required per the International Fire Code Section 506.1.

b. Decorative Design fence for commercial properties located on corner lots shall comply with Item 12 (c) above to comply with Traffic Visibility requirements.

17. Decorative Design fence for areas zoned AG shall mean wrought iron, vinyl, wood or a combination of wrought iron with rock, stone, columns for accent purposes. Fence must be no higher than six (6) feet in height and 50% open. Fence must be of new material and approved by the Building Official. The decorative gate may be allowed to be taller up to a height of ten (10) feet, if a cross bar is attached it must have height clearance of fourteen (14) feet and twenty (20) feet in width for Fire Department Access.

Sec. 21.08.003 Permitted Types

(a) The following types of fences may be built, erected or constructed within the city provided they meet the following requirements of the fence ordinance.

- (1) Wood privacy fence
- (2) Wood split rail fence
- (3) Vinyl fence
- (4) Brick or masonry fence
- (5) Rock or stone fence
- (6) Decorative fence
- (7) Cementitious fence panels

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- (8) Wrought iron fence
- (9) Wrought Iron combination fence with rock, stone or brick
- (10) Visual screening fence (items listed within this section)
- (11) Pipe rail fence (five acres or more) Ag zoning or Ag exemption per DCAD
- (12) Barbed wire fence Ag zoning or Ag exemption per DCAD
- (13) Mesh wire fence to be used with pipe rail or barbed wire fence Ag Zoning or Ag exemption per Dallas County Tax Appraisal District only.
- (14) Chain link fence (installed prior to November 2014) may be replaced if damaged.
Chain link fence will only be allowed in Light Manufacturing, for the rear area of the property only as a security fence. The rear fence shall not exceed eight (8) feet in height.

(b) Products manufactured for other uses, such as plywood, corrugated steel or fiberglass panels are prohibited as fencing materials. Any material to be used for fencing must be approved by the Building Official.

Sec. 21.08.004 Location in Front of Building

- (a) No person shall build, erect or construct any fence in front of the required building line of any residence located on a lot zoned for single-family, duplex, apartment, townhouse or mobile home subdivision uses listed under the Comprehensive Zoning Ordinance of the city, unless such fence design meets the decorative design listed above in Sec. 21.08.001 Item 15.
- (b) Fences existing prior to December 31, 2014 and located within the required front yard of an improved or unimproved lot, located in residential zoning, may be replaced or repaired by the property owner if damaged.
- (c) No person shall build, erect or construct any fence in front of any structure zoned office, commercial, local retail, light or heavy manufacturing property, unless such fence meets the decorative design listed in Sec. 21.08.001 Item 16 (a) and (b).
- (d) Corner lots for residential shall comply with Sec. 21.08.002 item 15. Corner lots for commercial shall comply with Sec. 21.08.002 item 16 (a) and (b).
- (e) In a side yard not a corner lot, no fence shall be constructed at a height greater than eight (8) feet.
- (f) In a rear Yard, no fence shall be constructed at a height greater than eight (8) feet in.

Sec. 21.08.005 Fences Prohibited in Drainage Easements

No fence shall be constructed within any drainage easement in the city limits unless the property owner submits a certification under seal from a licensed engineer that such fence shall not interfere with or impair the natural flow of water across the drainage easement. The certification must be reviewed and accepted by the city's engineer. The applicant is responsible for 100% of the engineer's consultant fee as set forth in the City of Seagoville's Master Fee Schedule. Nothing herein shall absolve the property owner of responsibility should the fence interfere with or impair the natural flow of water across the drainage easement, nor shall the city's review of the same subject the city or its engineer to liability.

Sec. 21.08.006 Fences Prohibited in Utility Easements

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No fence shall be constructed within any utility easement in the city limits unless the property owner submits a letter of approval from each of the public utility companies including the City of Seagoville's Public Works Department using or having authority to use said easement for any line of appurtenance.

Sec. 21.08.007 Visual Screening Fence

Unless otherwise specifically provided for in this article, visual screening must be constructed and maintained in accordance with the following regulations:

- (1) Screening required in this article must be not less than six (6) feet in height;
- (2) Required screening must be constructed of:
 - (A) Brick, stone, or concrete masonry, stucco, decorative block, or cedar;
 - (B) Earthen berm planted with turf grass or ground cover recommended for local use by the Directory of Water-saving Plants and Trees for Texas. The berm may not have a slope that exceeds one foot of height for every two (2) feet of width;
 - (C) Evergreen plant material recommended for local area use by the Directory of Water-Saving Plants and Trees for Texas, published by the state water development board. The plant material must be located in a bed that is at least three (3) feet wide with a minimum soil depth of twenty-four inches. Initial plantings must be capable of obtaining a solid appearance within three (3) years. Plant material must be placed a maximum of twenty (24) inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three (3) years; or
 - (D) Any combination of the above.
- (3) A required visual screening fence or wall will not be allowed to have barbed wire at the top of the fence;
- (4) A required visual screening fence or wall may not have more than ten (10) square inches of openings in any given square foot of surface.
- (5) Access through required visual screening must be provided by a solid gate equaling the height of the screening. The gate must remain closed at all times except when in actual use.
- (6) Plant materials used for required screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within ninety (90) days after notification by the city, per Section 25.02.510 of the landscape ordinance.
- (7) All required visual screening fencing of all types must be maintained in good repair and not allowed to deteriorate or otherwise fail to serve the purpose it was designed to fulfill.

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Sec. 21.08.008 Residential and Commercial Developments Screening Walls

No screening wall, nor screening wall easement, shall be located on public right-of-way. The Developer is required to provide a minimum three foot (3') "screening wall easement" for all screening walls, to be platted to the property owner, HOA, or PID, prior to release to construction. A Form Board Survey is required and shall be submitted to the City Engineer prior to installation.

No landscape screening wall, nor landscaped screening wall easement, shall be located on public right-of-way. The Developer is required to provide a minimum ten foot (10') "landscaped screening easement" for all screening walls, to be platted to the property owner, HOA, or PID, prior to release to construction, A survey is required and shall be submitted to the City Engineer prior to installation.

(Note: Will go into effect once the new Sub-division Ordinance is in place.)

A commercial property owner shall provide visual screening complying with Section 21.08.007 and 21.08.008 for the rear and sides if exposed to a residential district and to include a nonresidential building is an office (O), local retail (LR), commercial (C), light manufacturing (LM), and /or heavy manufacturing (HM) and is exposed to and closer than one hundred fifty (150) feet to a residential district boundary line. (Note: New Development)

Sec. 21.08.009 Fence Requirements, Restrictions and Prohibitions

- (a) No privately owned fence or guy wires, braces or any other part of a privately owned fence shall be constructed upon or caused to protrude over property owned by the city, state or other property owners.
- (b) All fence post shall be schedule 40 steel pipes and be buried to a depth of two feet (2') in the ground with concrete support. Wood post will no longer be allowed.
- (c) No fence shall be constructed within the front yard or beyond the front building line unless it complies with Sec 21.08.004.
- (d) In areas where the topography significantly slopes towards and adjacent grade such that six (6) foot fence as constructed does not equate to a six (6) foot fence, the building official may approve a waiver to the height requirement such that the effective height six (6) feet and level, consistent with the surrounding properties.
- (e) Barbed wire, metal/wire livestock fencing not exceeding five feet (5') in height above adjacent grade shall be permitted within a front yard and side yard in an (Ag) Agricultural Zoning District only.
- (f) Electric fences for Agricultural (Ag) property only shall be constructed with copper or aluminum fence wire. The wire shall be no less than 16 gauge wire, properly stretched and attached to uniform, straight posts not over ten (10) feet apart. Glass, plastic or porcelain insulators shall be used. Glass bottles shall not be used for insulation. Only one (1) electric fence wire shall be installed not less than eighteen (18") inches nor more than thirty-six (36") inches from the ground and shall be located within the interior of the fence.

The charger unit for electric fences shall be factory design and manufactured with a UL-Approved seal designed for electric fence application only. The unit shall be attached in a secure manner to a post not less than twenty-four (24) inches from the ground. The fence charger shall be installed with a copper ground wire affixed to an approved ground rod. The charger may be

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either DC powered or AC powered. If AC powered an electrical permit will be required to run ENT conduit underground to an approved location with a weather type box and a GFCI plug, extension cords are not allowed. The electric fence charger unit shall operate on one hundred fifteen (115) volt AC only with output power not to exceed twenty-four (24) volts DC current. The charger shall have a fuse provision so as to break the fuse if an overload is maintained.

On every one hundred (100) feet of an electric fence, a warning sign shall be affixed to the fence post or fence wiring, clearly reading "Electric Fence". The wording shall be in English and Spanish with one inch white letters on a red background.

Sec. 21.08.010 Fence Maintenance

- (1) All fences shall be maintained in good condition by the owner of the property so as to comply with the requirements of this ordinance as adopted and as they may be amended, and shall comply with the following requirements.
 - (a) Fences, or any part thereof, shall not be out of vertical alignment.
 - (b) Damaged, removed, rotted, or missing portions of a fence shall be replaced or repaired with comparable materials to the remaining portion of the fence within ten (10) days of the event causing the non-compliance.
 - (c) Any and all vegetation shall be kept clear of fences and shall not be allowed to grow into a fence.
 - (d) If replacing six (6) or more fence panels, a fence permit will be required.
 - (e) Upon receipt of a permit to repair or replace six (6) or more fence panels and upon a new installation shall remove and replace existing wood post with Schedule 40 steel post.
 - (f) The owner of any fence, existing and new, shall be responsible for the removal of any and all graffiti.
- (2) It shall be a violation of this Article to fail to maintain a fence in good condition by failing to meet one of the above requirements, minimum standards adopted or by permitting a damaged, deteriorated or unaligned condition, graffiti or vegetation to exist contrary to a stated requirement.

Sec. 21.08.011 Dilapidated Fence; Notice of Opportunity to Cure

- (1) It shall be a violation of this Article to fail to maintain a fence in good condition, consistent with the minimum standards as adopted herein.
- (2) A notice shall be served to the property owner informing of the violation of minimum standards and providing a written ten day opportunity to cure. Failure to timely cure may result in the Code Official issuing a notice of violation and/or proceeding under Chapter 214.001 of the Texas Local Government Code, relative to the repair or demolition of substandard structures.
- (3) Nothing shall preclude the City from proceeding under both civil abatement and criminal proceedings.

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Sec. 21.08.012 Inspection of New Fences

When any fence for which a permit has been issued under this Article is completed, it must be inspected. The building inspection department shall be notified within ten (10) days of completion of the fence. The building inspection department will issue a card of acceptance if the fence complies with the provisions of this Article or reject the fence if it does not comply and issue a notice to cure the deficiencies. Any deficiency noted must be completed within thirty (30) days unless the building inspection department grants an extension of additional thirty (30) days for good cause shown.

Sec. 21.08.013 Fence Permits Required; Fee; Application

- (1) A fence permit shall be required as set forth herein and shall be valid for a period of no longer than 180 days.
- (2) It shall be unlawful for any person to install or cause to be installed, or to permit any person to install a fence or to make any alterations, additions, or changes or a portion greater than five (5) panels, without first having procured a permit to do so. Any repair or maintenance must be done with similar materials. The permit fee required by this ordinance shall be provided for in the fee schedule under the City's Master Fee Schedule and shall be paid for prior to the issuance of the permit.
- (3) Should any person commence any work on the construction, erection or relocation of a fence for which a permit is required under the terms of this section prior to obtaining such permit, such fee shall be doubled at the time of application; provided, however, that the payment of such doubled fee shall not relieve any such person from full compliance with the requirements of this Article, nor shall it relieve such person from prosecution for failure to comply with this Article.
- (4) Every fence constructed under the requirements of this Article shall be required to have a four (4) foot opening or a gate which provides access to all sides and rear yards to the fire department in the event of an emergency.
- (5) A plot plan may be required showing the lot size, all improvements on the lot, and the proposed location of the fence to be constructed before a permit will be issued under this Article.
- (6) If a property owner elects to hire a fence contractor to erect a fence, the contractor will be required to be registered with the city.
- (7) Application: The following information (in addition to the basic information on the city required permit form) must be included by the applicant when applying for a permit to erect a fence.
 - (a) Type of fence (i.e., style, material and design)
 - (b) Height of fence
 - (c) Show easements (i.e., utility, drainage etc.) also show width and length of easement.
 - (d) Any requirement specifically provided in any other portion of this Article.

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Sec. 21.08.014 Swimming Pool Enclosures and Safety Devices

- (1) Swimming pool fences and enclosures shall comply with all applicable federal and state regulations. The city hereby adopts the 2012 Edition of the International Swimming Pool Code. Section 305.2 of the international Swimming Pool Code was amended to read as follows; (The top of the barrier shall be not less than seventy-two (72) inches in height above grade where measured on the side of the barrier that faces away from the aquatic vessel). Such height shall exist around the entire perimeter of the vessel and for a distance of three (3) feet where measured horizontally from the required barrier.
- (2) Pools owned, controlled or maintained by the owner of a multi-unit dwelling complex or a property owners association, as it exists and as it may be defined by Chapter 757 of the Texas Health & Safety Code, shall be governed by the standards, rules, and regulations set forth thereunder, as it exists and as it may be amended. However, should any new pools be built it would also need to comply with the 2012 Edition of the International Swimming Pool Code as adopted by the City.
- (3) The provisions of this section in this Article are adopted pursuant to Section 214.101 of the Texas Local Government Code. Procedures for the repair, replacement, securing or other authorized remedy for deteriorated, substandard, dilapidated or other state or condition that poses a hazard to the public health, safety and welfare shall be those found under Chapter 214.001 of the Texas Local Government Code.
- (4) It shall be a violation to fail to meet the minimum standards required for maintaining a swimming pool enclosure or safety device as set forth herein or the code adopted hereunder.

Sec.21.08.015 Stop Work Orders

Upon notice from the code official, any work that is not being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person, who shall continue any work in or about the fence structure after having been served with a stop work order, shall be liable to a violation and penalties in accordance with this section of this Article.

Sec. 21.08.016 Work by Homeowner

Nothing contained in this article shall prevent any person from actually building his own fence on his own residentially zoned property or premises, provided the property is occupied by him/her, as his/her homestead, that a permit is paid for and obtained, that the materials, equipment, and work be in strict accordance with the fence rules and regulations of this Article, and the building official's approval can be obtained upon inspection in regular order. The property owner must actually perform the work, no

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other than the actual owner shall do any part of it, unless the other persons hold a registration as a fence contractor with the city as a fence contractor.

Sec. 21.08.017 Offense and Penalties

- (1) It shall be a violation of this Article to
 - (a) Fail to obtain a permit required herein;
 - (b) Conduct any activity in violation of the provisions herein;
 - (c) Fail to comply with any obligation to cure a deficiency or maintenance requirements set forth herein;
 - (d) Use fencing materials other than as provided herein;
 - (e) Construct a fence prohibited by this Article;
 - (f) Fail to maintain a fence in good condition;
 - (g) Fail to maintain a fence in proper alignment.
- (2) Any owner, person, firm, corporation or business entity violating this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). Unless otherwise specified, allegation and evidence of a culpable mental state is not required for proof of an offense committed herein. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- (3) Notwithstanding the foregoing, nothing herein shall preclude the City from proceeding with civil abatement of a dilapidated fence as provided herein.

Sec. 21.08.018 Application for Appeal

Any reason directly affected by a decision of the code official or a notice issued under this code shall have the right to appeal to the Board of Appeals known as the Board of Adjustment, herein referred to as the "Board", provided that written application for appeal is filed within 20 days after the day the decision, notice was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code adequately satisfied by other means.

- (a) Notice of Meeting. The board shall meet upon notice from the code official within 20 days of the filing of an appeal, or at stated periodic meetings. Notice of any meeting shall be given to the public in accordance with the Texas Open Meetings Act. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
- (b) Open Hearing. All hearings before the board shall be open to the public. The appellant, be given an opportunity to be heard.
- (c) Board Decision. The board shall, only by concurring vote of a majority of those present either modify the order of the official granting an extension of time to make all repairs and improvements necessary to meet the fence requirements, enforce the recommendations of the code official, or reverse the decision of the code official.

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- (d) Court Review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct the errors of law. Application for review shall be made in the manner and within 30 days following the decision of the Board.
- (e) Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Board.

Agenda Item 7

Discuss and consider directing Staff on hosting a Street Dance or Movie in the Park event in September.

BACKGROUND OF ISSUE:

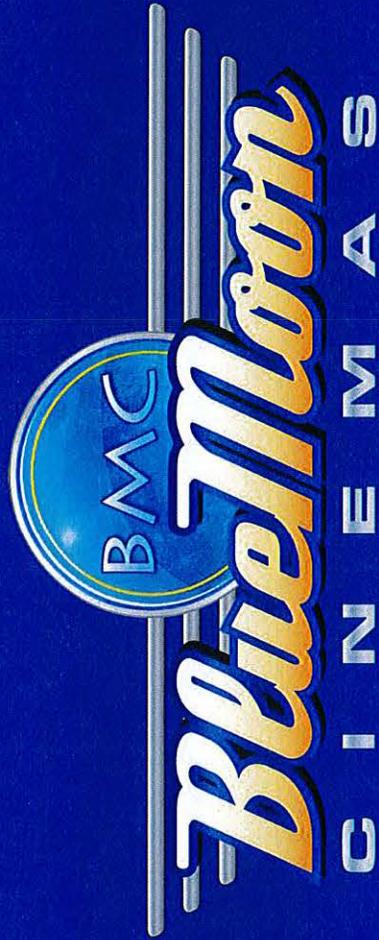
In the past, a Street Dance has been held in September. This year Staff has been approached about changing the Street Dance event to a Movie in the Park event.

Approximately \$3,400.00 (including overtime) has been spent in the past for the Street Dance.

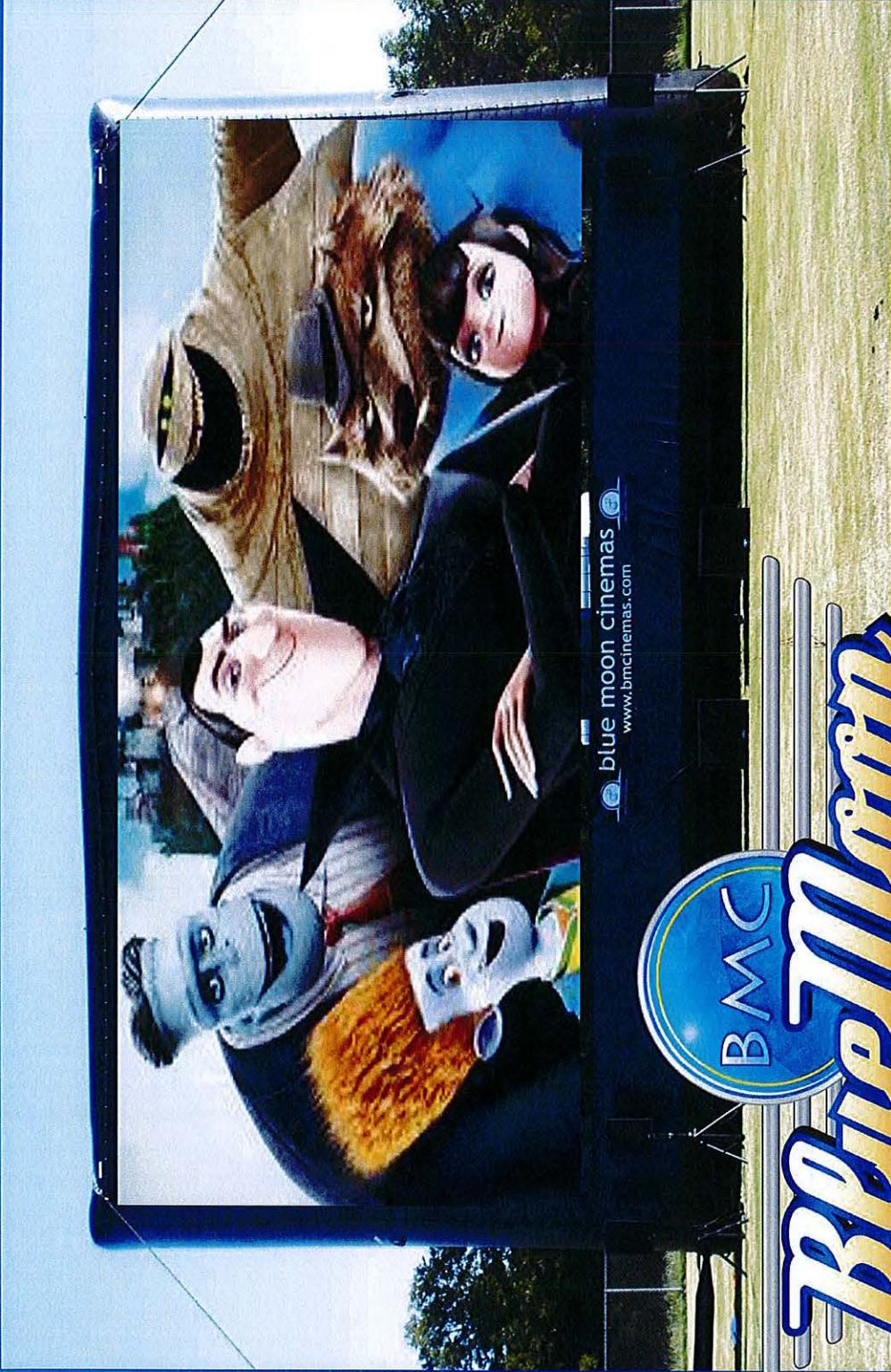
This item will allow the City Council an opportunity to discuss and direct Staff as to their desires.

FINANCIAL IMPACT:

Approximately \$5,000.00 is budgeted in the Parks Budget for Special Events; this item is not itemized per event.



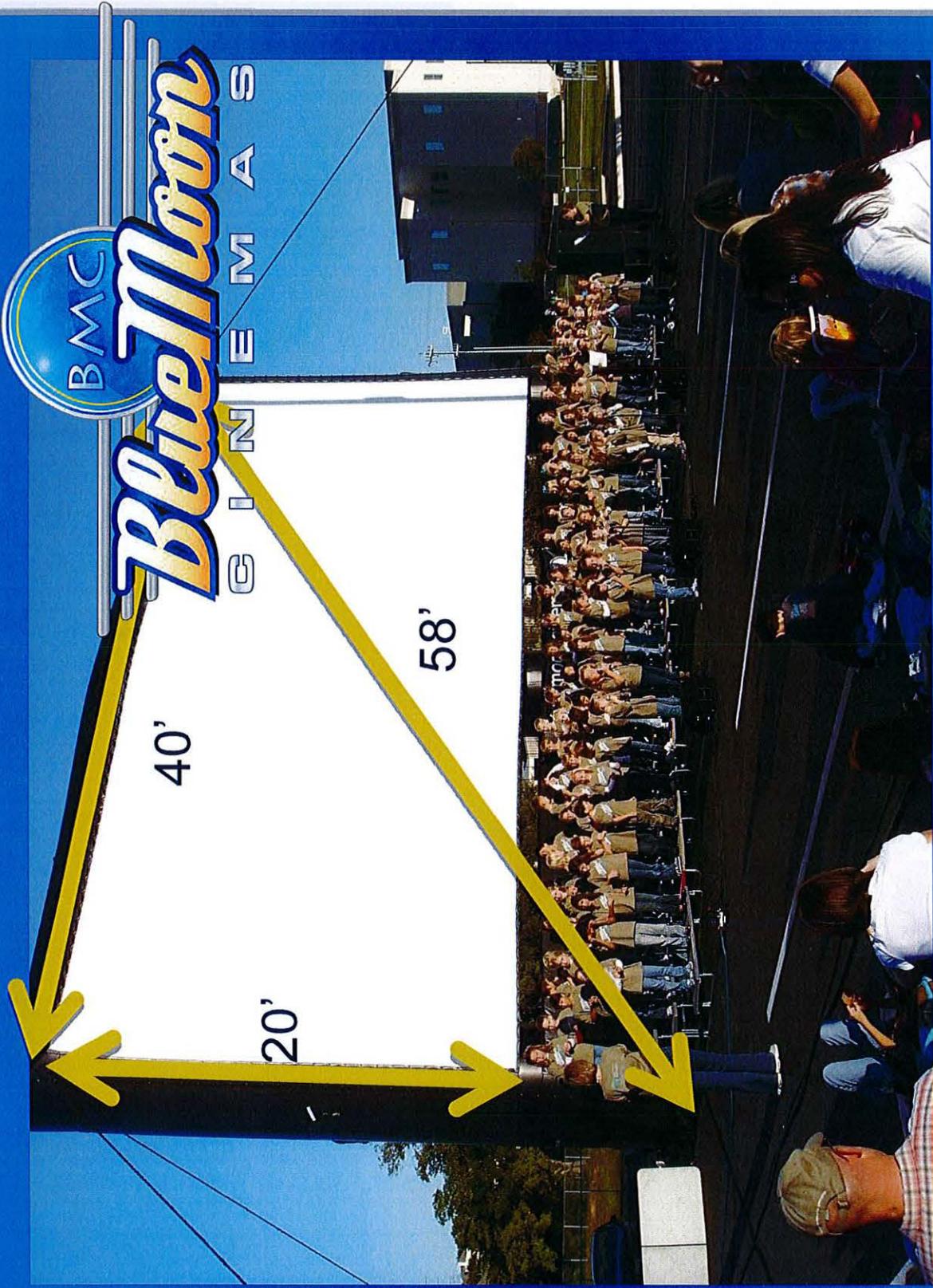
Texas' Finest Outdoor Theater Events



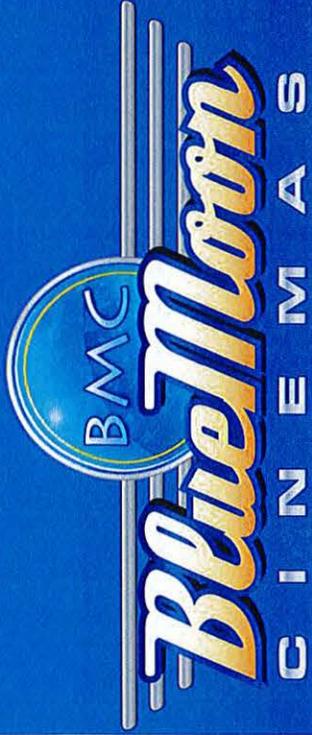
blue moon cinemas
www.bmcinemas.com

BMC *Blue Moon* C I N E M A S

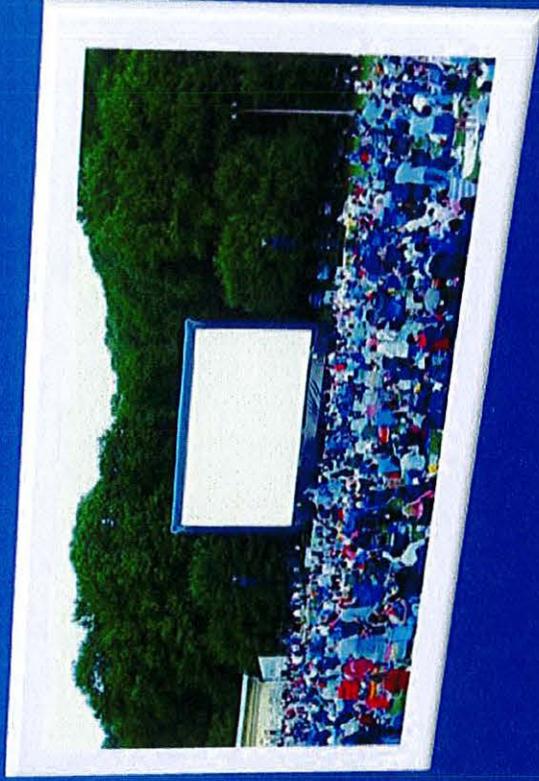
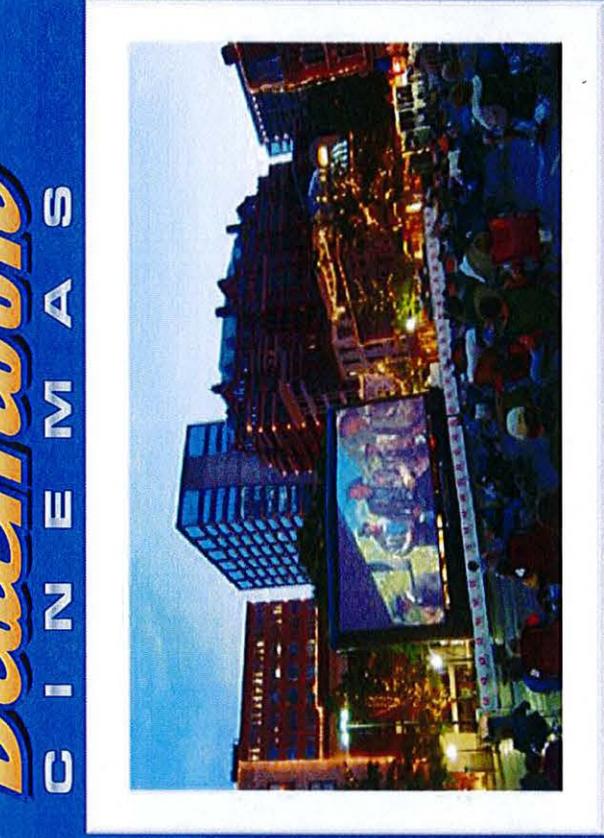
100% Satisfaction Guarantee



Largest Screen in the Southwest ~ 58'

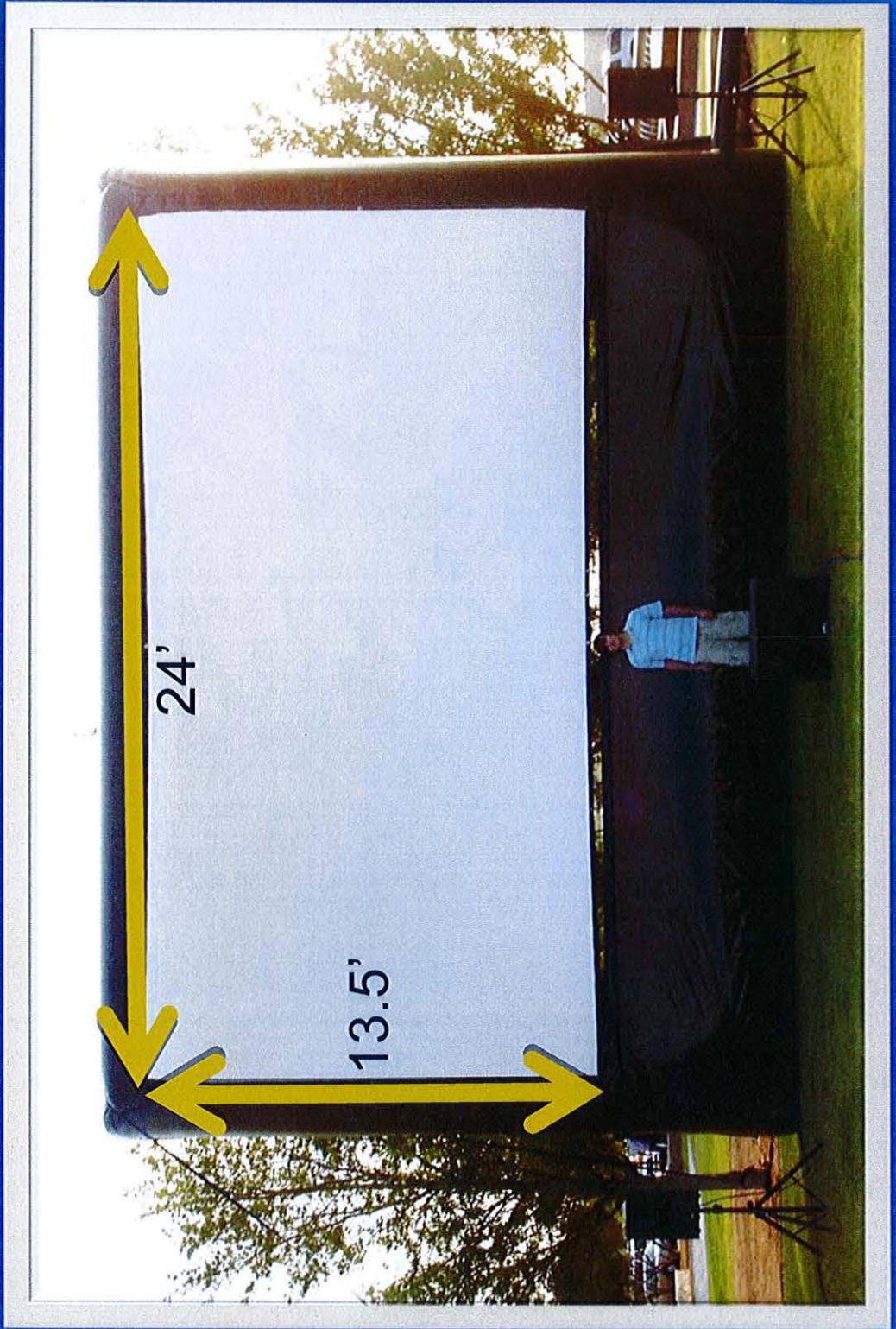


58' Screen in Action



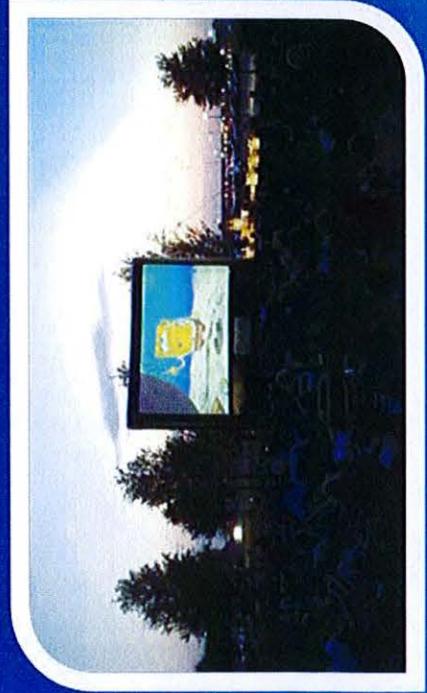
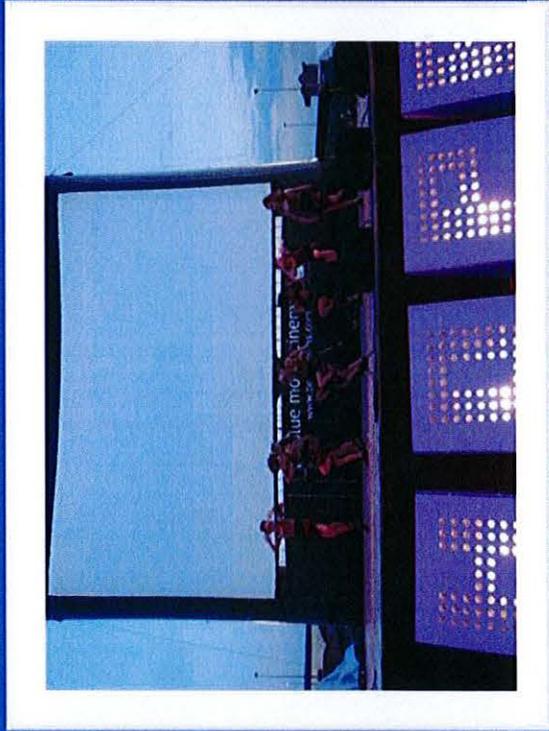


36' Screen



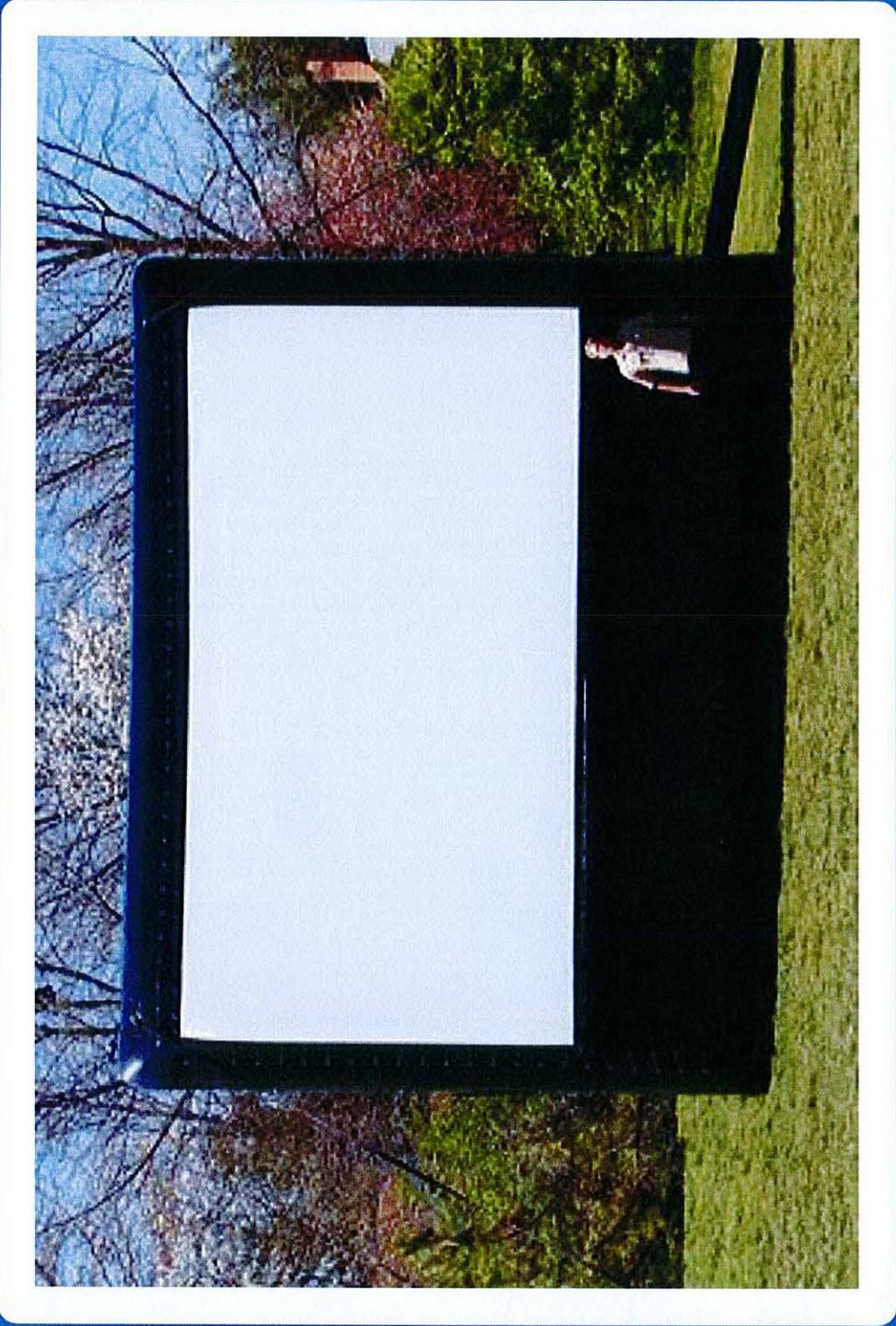


36' Screen in Action



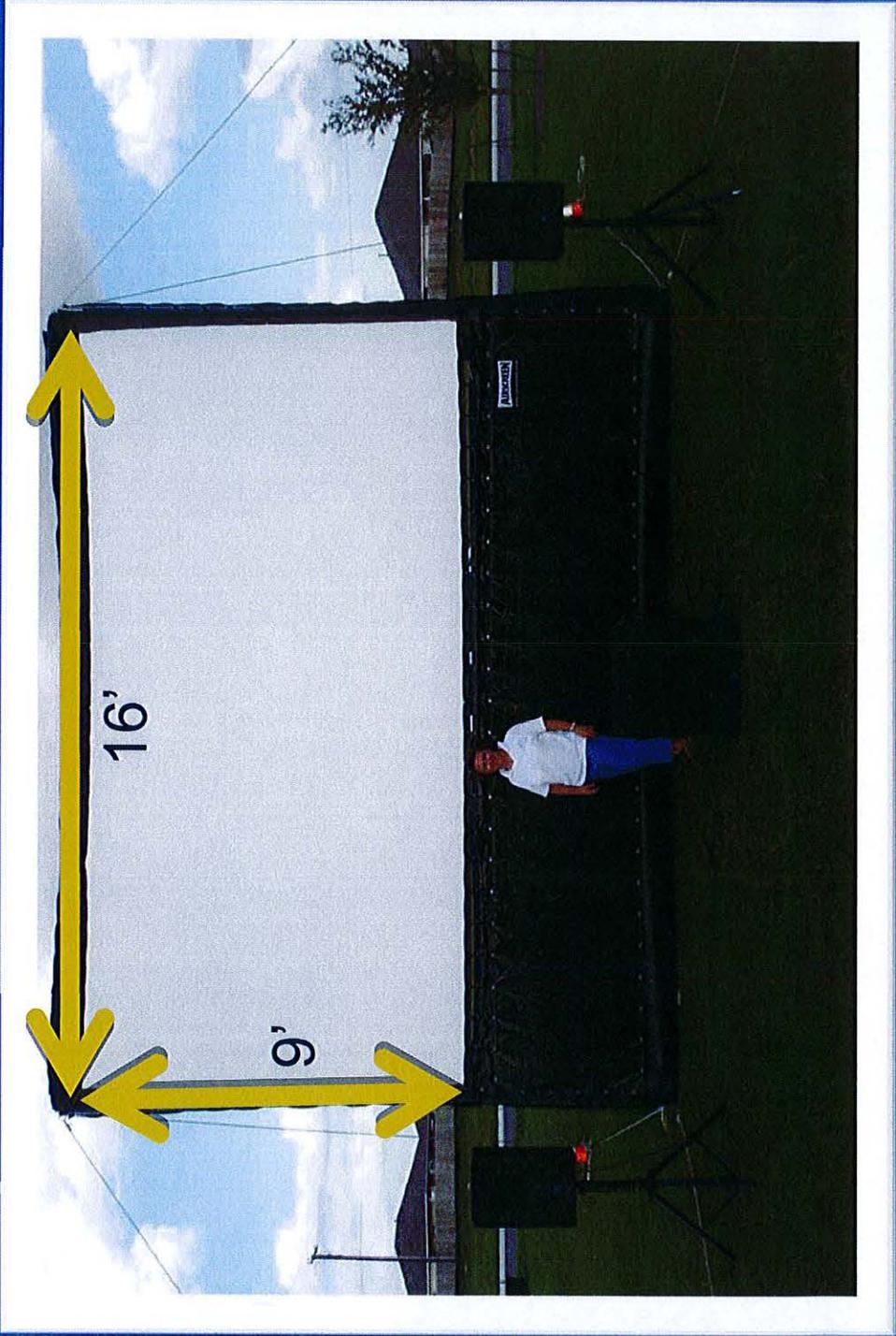


32' Screen



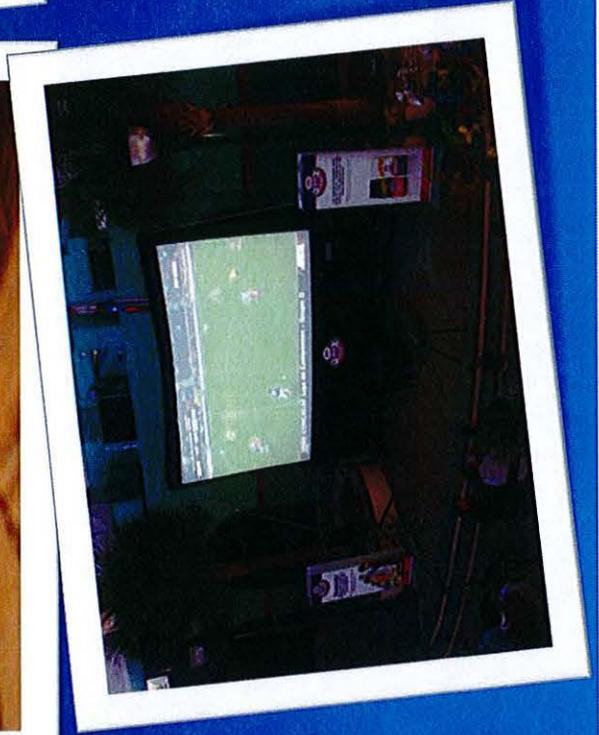
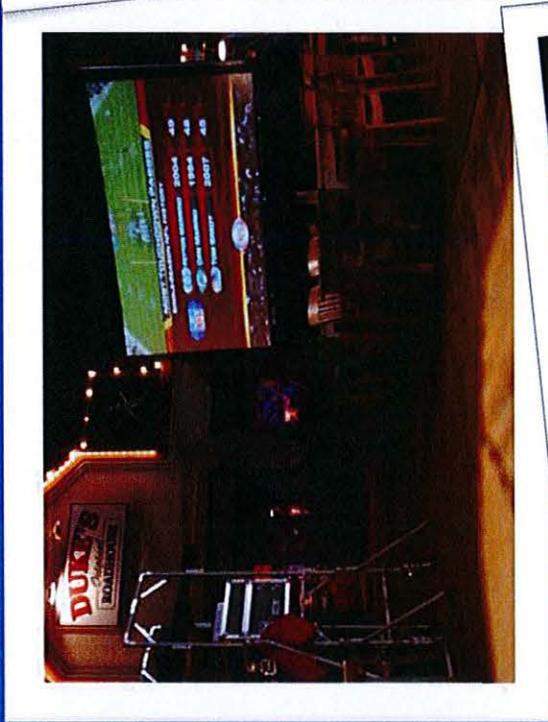
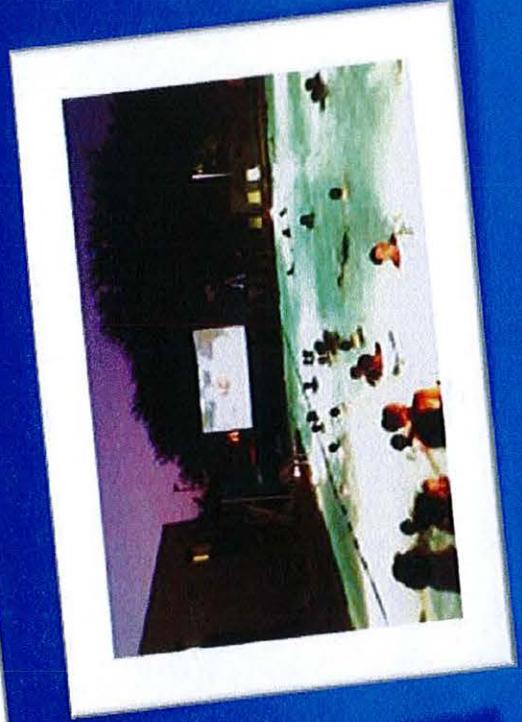


25' Screen



BMC
BlueMoon
C I N E M A S

25' Screen in Action





History

★ Founded in 2004 ~ Industry Pioneers

★★ Over 300 events in 2015

★★ Locations:

- Austin
- Dallas ~ Ft. Worth
- Houston

★ Servicing:

- Texas
- ★ Oklahoma
- ★ Arkansas
- ★ Louisiana
- Nationwide via Affiliate Partners

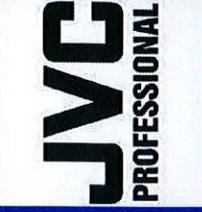


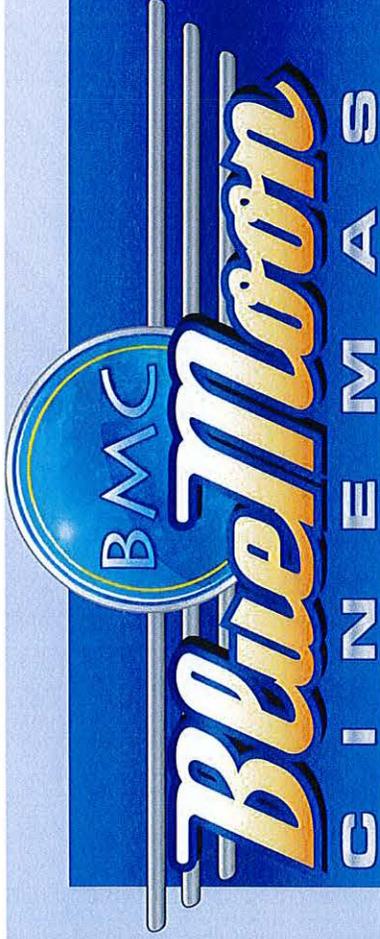
Why ?

- ★ 100% Satisfaction Guarantee
- ★ Over 3000 events experience
- ★ Owners personally oversee your events
 - local owned, not a franchise
- ★ Top-of-the-line, professional equipment
- ★ Professional trained A/V technicians
- ★ The most value for your dollar



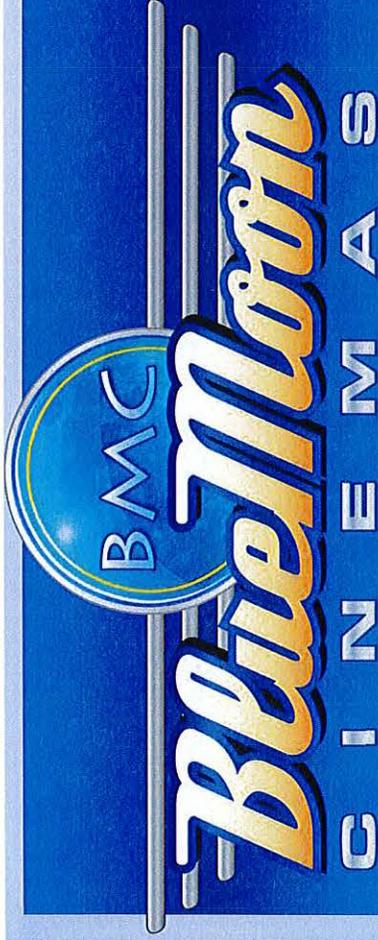
KRAMER ELECTRONICS USA, INC





Turn~key
Events

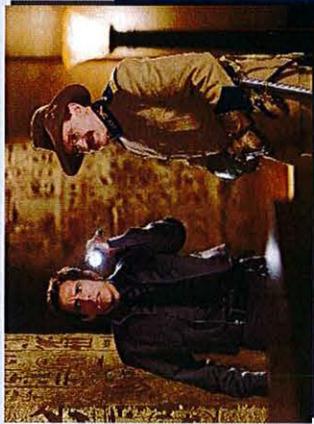
- ★ Multiple inflatable screen sizes
40' x 20' ~ 24' x 13.5' ~ 20' x 11' ~ 16' x 9'
Professional audio/video equipment
- ★ Professional technicians
- ★ Multiple media solutions
- ★ Live feed capability
- ★ Movie License acquisition assistance
- ★ Back up systems insure events
proceed as planned
- ★ Fully insured ~ \$2m Liability insurance



Pricing

- ★ Complete package including media players, audio, projector, technician, microphone, liability insurance, set-up and take down.
- ★ 58' system (40' x 20' viewable) N/A
- ★ 36' system (24' x 13.5' viewable) N/A
- ★ 32' system (20' x 11' viewable) \$999
- ★ 25' system (16' x 9' viewable) \$799

**For More Information
Please Contact**



Office: 214-257-8160

Mobile: 512-695-9995

Joe Williams

joe@bmcinemas.com

www.bmcinemas.com



100% Satisfaction Guarantee Terms and Conditions

If for any reason you aren't fully satisfied with Blue Moon Cinemas' products or services, Blue Moon Cinemas will provide you with a refund.

Blue Moon Cinemas' guarantee insures the following:

- An event specialist assigned specifically to your event
- Open communication including: event schedule sheet, sharing of cell phone numbers, event help line
- On time arrival
- On time set up – *we will be set one hour prior to your movie start time*
- Strict adherence to safety policies
- Professional, courteous technician and accompanying staff
- AIRSCREEN or EPIC – the best outdoor movie screen systems in the world
- Theatrical screen surfaces including clean, crisp front projection finishes
- Adequate audio system for your audience including powerful sub woofer(s)
- Bright, high lumen projectors with fresh bulbs
- Back up projector free of charge
- Back up blower free of charge
- Duplicity in media systems to make sure your event goes off without a hitch
- Commercial liability coverage of \$1,000,000/\$2,000,000 aggregate
- Public Address (PA) microphone for announcements and sponsorship support (by request only on 18' System)
- Professional presentation of your preapproved advertising material
- Prompt removal of BMC equipment upon conclusion of your event
- Post event summary will be provided to client's event coordinator including audience size, start time, and any other tangibles you would like to measure

Full refund guarantee does not include issues non related to Blue Moon Cinemas products or services including but not limited to – weather, material defects in DVDs or other media provided to BMC, power failure, lack of adequate power provided, accessibility to the site, etc.

Refund guarantee does not cover travel and labor fees.

Agenda Item 8

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 9

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 10

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 11 and 12

ITEM 11. Recess into Executive Session in compliance with Texas Government Code 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.

ITEM 12. Discuss any item and/or take any action necessary as a result of the Executive Session.

Agenda Item 13

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