

**STATE OF TEXAS
COUNTY OF DALLAS/COUNTY OF KAUFMAN
CITY OF SEAGOVILLE**

CITY OF SEAGOVILLE CITY COUNCIL MINUTES

The City Council of the City of Seagoville met in a Regular Meeting on Thursday, January 21, 2010, beginning at 7:30 p.m. in the Council Chambers of City Hall, 702 N. Highway 175, Seagoville, Texas, with the following members present:

Mayor	Sidney M. Sexton, Jr.
Mayor Pro Tem	Brenda Thompson
Council Member	Harold Magill
Council Member	Jose Hernandez
Council Member	Carl Polnac
Council Member	Marshall Green

The following Council Member(s) were absent:
None

The following City staff members were present:

City Manager	Denny Wheat
Assistant City Manager	Mike Hitt
Library Director	Liz Gant
Parks and Recreation Director	Ralph Mendez
Planning Director	Sherry Sefko
SEDC President/CEO	Carlos Vigil
Executive Director	Bekki Roberts
City Secretary	Sheila Martin

Mayor Sexton called the meeting to order at 7:30 p.m. and delivered the invocation. The City Council led the Pledge of Allegiance.

PRESENTATION / PROCLAMATION(S)

There were no Presentations or Proclamations

SPEAKERS

There were no persons to speak before the Council on agenda items.

CONSENT AGENDA

1. Consider Approval of Minutes of the January 7, 2010 City Council Meeting.

Motion: Harold Magill made a MOTION to approve the Consent Agenda and Carl Polnac SECONDED

Vote on the motion: Passed unanimously by a vote of 5 ayes-0 nays.

ITEMS FOR INDIVIDUAL CONSIDERATION

PUBLIC HEARINGS

2. Conduct a Public Hearing and Consider Ordinance No. 02-10 on a Requested Zoning Change from Residential-5 (R-5) to Office (O) for 1001 N. Kaufman Street. Located on the Southwest Corner of N. Kaufman Street and Mathis/Hall Street (Z2009-03)

City Manager Denny Wheat read an overview of the Public Hearing into the record. Mayor Sexton opened the Public Hearing at 7:37 p.m. stating that 9 persons have submitted Speakers Cards to address the Council.

The following persons submitted cards **FAVORING** the Zoning Change:

Randy Balch (Applicant) 1001 N. Kaufman Seagoville, Texas (Spoke in For)	Dennis K. Childress P.O. Box 512 Seagoville, Texas (Spoke For)	Heather Collins 1001 N. Kaufman Seagoville, Texas (Did not Speak)
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Pat Atkins 209 Stonebridge Dr. Rockwall, Texas (Spoke For)	Staci Volcik 1001 N. Kaufman Seagoville, Texas (Did Not Speak)	Tim Ramsey 307 N. Watson Seagoville, Texas (Spoke For)
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The following persons submitted cards **OPPOSING** the Zoning Change:

Paul Snyder 104 Mathis St Seagoville, Texas (Spoke Against)	Linda Hughes 1003 N. Kaufman St Seagoville, Texas (Spoke Against)	Phillip Casebolt 909 N. Kaufman St. Seagoville, Texas (Spoke Against)
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After Mr. Casbolt's comments the Mayor closed the Public Hearing at 8:16 p.m., and opened the floor to **City Council for comments:**

Brenda Thompson- Can not support. There is plenty of commercial space in area.

Harold Magill – Can not support. There is other vacant property in the City. This is not a conducive use of the property and will result in "spot" zoning.

Jose Hernandez – Supports the re-zoning. Re-zoning is a catalyst for reviewing Zoning and Comprehensive Plans. Re-zoning is a catalyst to reviewing the Thoroughfare Plan.

Carl Polnac – Supports the re-zoning since it is an “existing use.” The location is close to a lot of activity, and there will be more activity when the library opens. The only problem is the sign. Cautioned to remember “Crestview.” Believes the property will be “kept-up.”

Marshall Green - Asked if with an “O” Zoning would the property be taxed as Commercial.

Motion: Jose Hernandez made a MOTION to approve the Zoning Change and Carl Polnac SECONDED

After consulting with Assistant City Manager Mike Hitt, City Manager Denny Wheat requested a recess to consult with the City Attorney on a technical issue regarding the number of Council votes needed to ratify the re-zoning as referenced in the Texas Local Government Code 211.006., and centering around Phillip Casebolt’s ownership of 1001 N. Kaufman St

Section 211.006(d) of the code states that..

‘If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect the affirmative vote of at least three-fourths or a “super majority” of all members of the governing body. The protest must be written and signed by owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or*
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.’*

RECESS: The City Council meeting was recessed at 8:31 p.m. to allow the City Manager to consult with the City Attorney.

RECONVENE: Mayor Sexton reconvened the meeting at 8:45 p.m. With the City Manager stating that since Mr. Casebolt does not own the property located at 1001 N. Kaufman St., the three-fourths affirmative Council vote or “supermajority” is not required to ratify the zoning change to “O”, or Office.

Harold Magill – The Notice to property owners does not include information about the “super majority” requirement. Citizens should have the right to review the requirements under the Code. (i.e.Section 211.006).

Brenda Thompson – Made a MOTION to modify the current Motion on the floor to approve the Zoning Change, and TABLE the item for two weeks until February 4th. Harold Magill SECONDED.

Vote on the MOTION – 3 ayes and 2 nays:

Ayes: Brenda Thompson, Harold Magill, and Marshall Green

Nays: Jose Hernandez and Carl Polnac

Paul Snyder requested a copy of the Code. (i.e. Section 211.006). City Manager Wheat referred Mr. Snyder to the City Secretary for a copy of Code.

ACTION ITEMS

3. Consider Resolution No. 04-10 Ratifying a Seagoville Economic Development Corporation (SEDC) Project to Fund Phase 1 Installation of Athletic Lights at Petty White Park and Authorizing the Mayor to Sign an Economic Development Agreement with the SEDC in an Amount Not to Exceed \$9,6000.00

Motion: Harold Magill made a MOTION Brenda Thompson SECONDED to Approve Resolution No. 04-10.

Vote on the motion: Passed unanimously by a vote of 5 ayes-0 nays.

4. Consider Resolution No. 05-10 Ratifying a Seagoville Economic Development Corporation (SEDC) Project to Fund the Installation of a Playground Shade Structure at Heard Park and Authorizing the Mayor to Sign an Economic Development Agreement with the SEDC in an Amount Not to Exceed \$15,000.00

Motion: Brenda Thompson made a MOTION Marshall Green SECONDED to Approve Resolution No. 05-10.

Vote on the motion: Passed unanimously by a vote of 5 ayes-0 nays.

5. Consider Resolution No. 06-10 Ratifying a Seagoville Economic Development Corporation (SEDC) for Consulting Services with Halff Associates to Prepare a Master Development Plan for the Proposed +/- 200 Acre Industrial Site in an Amount Not to Exceed \$27,500.00

Motion: Carl Polnac made a MOTION Harold Magill SECONDED to

Approve Resolution No. 06-10.

Vote on the motion: Passed unanimously by a vote of 5 ayes-0 nays.

6. Consider Ordinance No. 01-10 Changing the Speed Limits on S. Kaufman Street, and Installing No Parking Regulations on N. Kaufman Street near the Elementary School.

Motion: Jose Hernandez made a MOTION Harold Magill SECONDED to Approve Ordinance No. 01-10.

Vote on the motion: Passed unanimously by a vote of 5 ayes-0 nays.

7. CITIZEN COMMENTS

John Polasek residing at 2614 Bell Street, Seagoville, Texas addressed the Council to express his concerns about the lack of street repairs, street lighting, and speed limits on Bell Street and in other residential areas; stating his street is beyond repair, and at Ard Road between Seagoville Rd and Hwy 175; a school bus almost ran off of the road due to ruts in the roadway.

Mayor Sexton referred Mr. Polasek to Assistant City Manager Mike Hitt for assistance.

John Player residing at 703 Shady Brook Road, Seagoville, Texas addressed the Council asking that the Council consider following suite of other cities and adopt a No Smoking Ordinance. Also stated that Jeff Swaggerty, Code Enforcement Officer is doing an outstanding job.

FUTURE AGENDA ITEMS

8. Future Agenda Items.

Brenda Thompson entered into the record that deliberations on re-zoning 1001 N. Kaufman Street (Z2009-03) would continue on the February 4th Regular Meeting Agenda.

Jose Hernandez asked to have Planning and Zoning Commission review any regulations affecting smoking in public places such restrooms, parks and covered facilities.

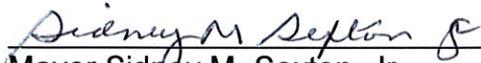
9. Executive Session

No Executive Session was held.

ADJOURN

10. Mayor Sexton adjourned the Council meeting at 9:04 p.m.

Approved this the 4th day of February, 2010



Mayor Sidney M. Sexton, Jr.

ATTEST:



Sheila J. Martin, City Secretary