

CORRECTED

**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, August 19, 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	Carl Polnac
Council Member	Peggy Day

The following Council Members were absent:

Council Member	Lee Landess (Excused)
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The following City staff members were present:

Interim City Manager	Larry Graves
Public Works Director/ACM	Mike Hitt
Finance Director	Joe Stegall
City Planner	Sherry Sefko
SEDC President and CEO	Bekki Roberts
City Secretary	Sheila Martin

Mayor Sexton called the meeting to order at 7:33 p.m. and delivered the invocation. The City Council led the Pledge of Allegiance. Adding Lee Landess was not in attendance due to an excused absence.

PRESENTATION / PROCLAMATION(S)

NONE WERE SCHEDULED

CONSENT AGENDA

1A. Consider approval of the minutes of the August 5, 2010 Regular City Council Meeting

1B. Consider the approval of the August 9, 2010 Special-Called Meeting

Motion: Brenda Thompson made a MOTION – Harold Magill as presented.

VOTE: 4- Ayes

0-Nays

ITEMS FOR INDIVIDUAL CONSIDERATION:

PUBLIC HEARINGS

- 2. Conduct a Public Hearing on the requested zoning change from Residential-r (R5) to Office (O) Zoning District and amend the Comprehensive Land Use Plan for 1001 N.Kaufman Street. Located on theSouthwest corner of N. Kaufman Street and Mathis/Hall, the J.L. Mathis Addition.**

Mayor Sexton stated the applicant Randy Balch had withdrawn his request and this zoning case was closed.

- 3. Conduct a Public Hearing on the requested zoning change to establish a Specific Use Permit (SUP) to alter an existing premises occupied, to be to be occupied by a handicapped person for 1615 Makayla Lane, approximately 190 (+/-) feet Southwest of Brandon Drive (Z2010-04), and Then Consider Ordinance No. 11-10 allowing a change in zoning, from R 5 to R-5 with a Special Use Permit (SUP) for a home-based business (garage enclosure) at 1615 Makayla Lane.**

Mayor Sexton opened the Public Hearing at 7:37 p.m.

City Planner Sherry Sefko gave an overview of the Zoning Case., stating If Council was inclined to approve the case, she recommended the Following stipulations :

1. Hours of home-based "Day Rehabilitation Facility" business operation limited to clients on the premises from 8:00am until 5:00pm daily;
2. No overnight stays by unrelated business employees or clients (unless an emergency);
3. Maximum of two day care business clients on the premises at any time (in addition to two foster individuals over whom the operator has official guardianship);
4. Maximum of one outside employee (who does not live on the premises);
5. Facility shall provide adequate off-street parking for all vehicles staying on the premises overnight;
6. Operator shall at all times possess all applicable federal, state, county and/or local licenses and permits that are required for a home-based "Day Rehabilitation Facility" (i.e., an "Adult Day Care Home");
7. Operator shall at all times comply with all applicable federal, state, county and local regulations for operation of a home-based "Day Rehabilitation Facility" (i.e., an "Adult Day Care Home");

8. The SUP shall be valid for a time period of one year (i.e., 365 calendar days) following issuance, with annual re-application, re-review and re-issuance of the SUP as long as the operator wishes to continue the operation of a home-based "Day Rehabilitation Facility" (i.e., an "Adult Day Care Home"); and
9. The garage conversion (i.e., enclosing the garage as air-conditioned living space) shall be removed and the space shall be converted back to its original garage configuration with the exterior wall partition removed and the overhead garage door(s) put back in place at any such time when the property is sold or the operation of a "Day Rehabilitation Facility" (as authorized by this SUP ordinance) on the property ceases.

The following persons spoke in favor of the re-zoning:

- Pat Glen, 2117 Clearhaven Dr. Garland, Texas
- Carolina Gonzolas 4707 Rowlett Rd., Rowlett, Texas (Berry Family Services)
- Katie Beth Massengil, 4707 Rowlett Rd., Rowlett, Texas (Berry Family Services)
- Alina Anita Jones returned a City Public Notice card in support of the re-zoning
- The applicant Maria Alfaro submitted a petition with six signatures supporting the re-zoning.

No one appeared to speak against the re-zoning:

Mayor Sexton closed the Public Hearing at 7:50 p.m., taking comments and questions from the City Council.

Brenda Thompson stated she opposes businesses in residences and will oppose

Harold Magill stated normally the City would not license a home-based business. He knows of 3 cases of where the City has approved a case like this. SUP is being used to circumvent the zoning ordinance, this is spot zoning and he will not support it. The State of Texas will not step-up and revoke the license if a problem occurs. There is currently a like facility that has cost the City \$50,000 in litigation

Carl Polnac asked why six signatures were submitted on a petition. Mike Hitt replied it was up to the Council to decide if they would accept/consider the six petition signatures. Perfectly bona fide business and legal operation. The issue is enclosing the garage. The facility has been in operation for two years with two clients, no neighbors opposed. He will support re-zoning.

Peggy Day stated she has no issues with enclosing the garage. Doesn't object to the re-zoning with the City Planners recommendations

Ms. Massingill and Ms. Gonzolas provided the following additional comments in response to City Council questions:

- The location will provide age-appropriate services based on skill levels
- Clients served come from across Dallas County
- The facility has been in operation for two years

Harold Magill made a MOTION and Brenda Thompson SECONDED to deny the re-zoning request "with prejudice."

Vote: 2 Ayes(Magill, Thompson) 3 Nays (Polnac, Day) w/ Mayor breaking the tie

Carl Polnac made a MOTION and Peggy Day SECONDED to approve Ordinance No. 11-10 to include the City Planners recommended amendments.

Vote: 2 Nays (Magill, Thompson) 3 Ayes (Polnac, Day) w/ Mayor breaking the tie

4. First Reading and First Public Hearing on the Proposed 2010 Tax Rate.

Mayor Sexton read the following statement into the record as required by State law.

During its August 5, 2010 Meeting, Council Member adopted a proposed tax rate for FY10-11 of 0.6650 cents per \$100 valuation. The current rate is 0.6500 cents. The proposed rate is 0.6650 cents per \$100 valuation which will set the FY10-11 rate at 0.031528 below the FY10-11 effective rate of 0.61528.

Two hearings on the FY10-11 Tax Rate will be held at Seagoville City Hall at 702 Hwy 175.

The first hearing is being held tonight Thursday, August 19, 2010 at 7:30 p.m.

The second public hearing will be held Thursday, September 2, 2010 at 7:30 p.m.

The Public Hearing opened at 8:32 p.m.

- No one spoke in favor of the proposed tax rate
- No one spoke against the proposed tax rate

The Public Hearing closed at 8:33 p.m.

Harold Magill stated the proposed rate will keep the City from going backward

ACTION ITEMS

5. Consider Resolution No. 27-10 Seagoville Economic Development Agreement with Sakaria – Seagoville Food Mart –FIRST READING

Harold Magill made a MOTION and Carl Polnac SECONDED to approve.

Vote: 4 Ayes

0 Nays

6. Consider Resolution No 31-10 Seagoville Economic Development Agreement with C & K Business LLC (Rudi Abduli) dba Rudi's Napoli's Italian Restaurant to be located at 308 N. Hwy 175 Seagoville, Texas – FIRST READING

Harold Magill made a MOTION and Brenda Thompson SECONDED to approve.

Vote: 4 Ayes

0 Nays

6. Consider Resolution No 31-10 Seagoville Economic Development Agreement with C & K Business LLC (Rudi Abduli) dba Rudi's Napoli's Italian Restaurant to be located at 308 N. Hwy 175 Seagoville, Texas – FIRST READING

Harold Magill made a MOTION and Brenda Thompson SECONDED to approve.

Vote: 4 Ayes

0 Nays

7. Consider Resolution No. 30-10 Awarding a Bid and Authorizing the City Manager to disburse funds for Sewer Improvements along Cundiff Street The amount of \$78,352.50 to Lone Stat Utilities, LLC

Vote: 4 Ayes

0 Nays

CITIZEN COMMENTS

Joe Mitchell 720 May Road, requested County come back and repair about 95 feet on May Road.

FUTURE AGENDA ITEMS

8. Carl Polnac requested an update from Nancy Bingham/DISD about asbestos in the Kaufman Street elementary school.

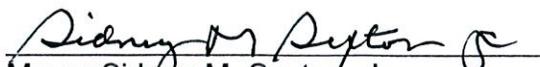
EXECUTIVE SESSION

None

ADJOURN

Mayor Sexton adjourned the Council meeting at 8:46 p.m.

Approved this the 2nd day of September, 2010.


Mayor Sidney M. Sexton, Jr.

ATTEST:


Sheila J. Martin, City Secretary