

**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 Monday, , September 12, 2011 ` 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
Council Member	Terri Ashmore.
Council Member	Harold Magill
Council Member	Lee Landess
Council Member	Dennis Childress
Council Member	Peggy Day

The following members were absent:

None

The following City staff members were present:

City Manager	Larry Graves
Assistant City Manager/PWD	Mike Hitt
SEDC President/CEO	Bekki Roberts
Finance Director	Patrick Harvey
Police Chief	Pat Stallings
Library Director	Liz Gant
Public Safety Manager	Kristin Dykes
City Secretary	Sheila Martin

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

**PRESENTATION / PROCLAMATION(S)**

None

**SPEAKERS**

**Glenda Dupuis- Agenda Items No. 6 - 104 Ave C-**Addressed the Council, and read a petition of support for Police Chief Stallings, and for hiring two additional police officers. Dupuis stated the petition has been signed by over 200 citizens.

**Carl Polnac – Agenda Item No 6 - 1300 Alto** – Supports the Police and Fire Departments. City can't afford not to hire police officers. As a former Council Member, he would like to see a 5 – 0 vote in favor of hiring the officers.

**Randy Neely – Agenda Items Nos. 5 and 6 –1608 Bent Tree** - Was recently annexed into the City. Used to ride with Seagoville Police Department and video for FOX TV. Referenced the night, Police Department was almost "wiped-out" in one encounter with a felon. Police Department needs all the help "we" can give them. Challenged everyone to ride with the Police Department to see what they go through.

**Barbara Warren – Agenda Items Nos. 5 and 6 – 749 High School Drive** – Very strong support of Fire and Police Departments. Stated she should be at hospital with a dying 13-year-old, but feels it is very important to make a show of support of the Police Department, and for hiring two new officers. Stated she is on “disability,” and fixed income, she can afford the 2.5 cents property tax increase. Need to back our policemen

**Jerry Yearout Agenda Items No. 5 and 6 – 710 E. Simonds Road** - Is a Citizens on Patrol members, and is active in the community. Citizens need to back Police and Fire Departments. They are professional and need Council support. The proposed tax rate increase is small in comparison to the return it will yield.

**Ron Walker – Agenda Items Nos 5 and 6** – Is retired from Dallas Fire Department. Four officers (per shift) can not cover a City of this size. Hire the two budgeted police officers. Police have saved his life many a time when he was a Dallas firefighter.

**Malcom Thomas – Agenda Items Nos 5 and 6 – 910 E. Simonds** – Supports the Police Department – wants 2.5 cents tax increase to hire more Police officers. His home has been broken into two times. Has had to spend money to install security features. City has a good police force with good response time.

## **CONSENT AGENDA**

### **1. August 15, 2011 Meeting Minutes**

Motion: Harold Magill made a MOTION, Peggy Day SECONDED

Vote - 5 Ayes

0 – Nays

## **ACTION ITEMS**

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

**2. Consider Resolution No. 50-11 Authorizing the City Council to adopt the Seagoville Chamber of Commerce Hotel/Motel Budget for the fiscal year 2011- 2012, and Authorizing the continued previously executed contract for Tourism and Visitor Assistance**

MOTION Harold Magill made a MOTION, Terri Ashmore SECONDED

Vote - 5 Ayes

0 – Nays

**3. Consider Resolution No. 51-11 Ratifying an SEDC Project Agreement with Dean Gillani/Faisal Merchant fo an economic development incentive for new construction of Ace Hardware to be located at 600 N. Hwy 175 in the amount not to exceed \$400,000.000 and the conveyance of said property, approximately .07977 acres located adjacent to the Ace Hardware site. – (First Reading)**

MOTION: Terri Ashmore made a MOTION, Harold Magill SECONDED

**Discussion**

**Magill stated Ace Hardware will be a positive addition for Seagoville and the surrounding cities.**

**Landess stated he would have like to have seen a longer term for the agreement,**

Vote - 5 Ayes

0 – Nays

**PUBLIC HEARINGS**

**4. Conduct a Public Hearing and Consider Ordinance No. 10.-11 on a requested zoning change for a Continuance of a Specific Use Permit (SUP) altering an existing premises occupied or to be occupied by a handicapped person for 1615 Makayla Lane**

ACM Hitt stated that in 2010, Council approved an SUP permit for one-year permit for a garage conversion to accommodate two mobility-impaired adults and two mobility-impaired children. Garage was converted to City specifications. As a home-based business, occupants are limited to two adults and two children, and no overnight stays. Maintain and follow all applicable Federal and State permits and guidelines, and City ordinances

Since the Planning and Zoning Commission denied this request by a 4 – 2 vote, the request now requires a Super Majority approval from the Council or “Yes” votes by four of the five voting Council Members for approval.

At Mayor Sexton’s request, Police Chief Stallings and Public Safety Manager Kristin Dykes confirmed there were no disturbance calls at the location.

**Mayor Sexton opened the Public Hearing at 7:53 p.m.**

**The following persons spoke in favor of granting the Permit**

**Carl Polnac – 1300 Alto** - SUP was approved when he was on the Council. At that time, Council told the residents if there were no problems after one-year; the SUP would become permanent for their use. Highly recommends Council approves. Older people who can't take care of themselves, are being cared for at this location. There have been no problems at this location, unlike 111 Fisk.

**Samantha Espinosa – No Address Given** - Representing Maris Alfaro Sunshine Day Rehab - Stated she is the Case Manager for the 4 clients being cared for at 1615 Makayla. It. On-site caretaker provides services and projects to help the consumers to be productive. Recommends Council approval of the SUP.

**Ana Ortiz – 9719 Oak Gate** – Speaking on behalf of Barry Family Services doing business as Sunshine Day Rehabilitation Centers. This is a State Rehabilitation Center that cares for two adults and two minors. Facility is inspected annually by the State, and passes 100%. The State pays the caretaker \$23.00 per day/per client, Caretaker teaches life skills to the residents such as meal preparation... Recommends approval of the SUP.

**Owen Mar – 8850 Ferguson Road** – Is Maris Alfaro's son – Stated the location has received no complaints. Submitted a petition with signatures supporting the SUP.

**The following persons spoke against granting the Permit**

**Daniel Guzman – 1613 Makayla** - Only real problem is the enclosed garage in the neighborhood with an enclosed garage, and it has been decorated – resulting in a loss in real estate value to his home. Believes enclosed garage will decrease home values and make it difficult to sell his home. Also there is very limited parking due to the enclosed garage

**Lisa Guzman – 1613 Makayla** – Agrees with Daniel Guzman (who is her husband). It's a brand new subdivision, shortly after they moved in owners applied for SUP. 1615 Makayla owners should have gotten a larger place if they knew how they were going to use the location. People in the neighborhood thought they were caring for family members

**Joe Mitchell – 720 May Road** – Agrees with the Guzman. Use at this location is a business in a residential neighborhood and it does not fit, because what will be the next business that goes in and leaves the garage door open. Mayor Sexton responded that any home-based business would be required to receive a SUP. – which are issued on individual basis. .

**The Mayor closed the Public Hearing at 8:11 p.m., limiting the comments to the Council**

**Council Comments:**

**Ashmore** – SUP holders were tasked with maintaining a certain professionalism and terms. They have met the terms with no complaints from the Seagoville Police Department - Sees no reason to deny the SUP

**Day** – It would be inconsistent not to approve based on SUP holder meeting terms agreed to last year

**Childress** – Was not originally in favor of SUP, but SUP holder has fulfilled their obligation – Can't find a reason not to approve

**Magill** – Probably 8 to 12 enclosed garages in Seagoville. Family members are not always healthy. Was originally against this. SUP holder has followed terms of the initial permit. Only complaint is the enclosed garage door. In reality, SUP holder can install a garage door and continue. When the current operations cease, the SUP expires

**Landess** 1615 Makayla owners have spend their money to comply with City's terms. Have followed all conditions. There is no reason to deny.

MOTION: Peggy Day made a MOTION, Harold Magill SECONDED

At Childress's request, Mayor Sexton confirmed that conditions for granting the SUP were included in Ordinance No. 10-11

Vote - 5 Ayes

0 – Nays

**5. Conduct a Public Hearing and Consider Ordinance No. 08-11 Adopting the City of Seagoville FY 11 – 12 Budget**

**Mayor Sexton opened the Public Hearing at 8:20 p.m.**

Glenda Dupuis -104 Ave C – Spoke in favor of the Proposed FY 11-12 Budget, stating her petition referenced in the "Speakers" portion of meeting encouraged Council to support the 2.5 cents sales tax and hire the two police officers.

**Mayor Sexton closed the Public Hearing at 8:22 p.m.**

**Council Comments:**

**Magill** – It's time to move off of the negative, and move the City forward. If the City does not become more positive, we will cease to exist like Kleberg. City has had amazing growth over the past 8 – 10 years. Tax rate is one of the lowest for a city of our size. Thought all Council members were on Board following the July 2011 Retreat. Wants to move forward in the best interest of the City. Hates taxes as much as anybody, but will not deny City the safety it needs.

**Day** – Was on board following the July 2011 Retreat , but has become concerned that we are going into reserves. Concerned that next year's economy will be worse than this year's economy. Conservatism is not negativity.

**Landess** – His concern is not leading the City into bankruptcy, He is a firefighter so he get public safety. Respects his fellow Council Members, but has very serious concerns about the City's economic viability in this economy

Doesn't want to see Chief patrolling the streets. Recognizes over 200 people signed the petition supporting the tax rate increase to hire two police officers, but there are thousands of people who live in Seagoville. Loves this City – earlier tonight a citizen stated she should be with a 13-year-old who is dying – Landess stated he leaves his dying 20-year old daughter to come represent those who elected him. This has been turned into an agenda to paint conservatives as anti-public service.

**Childress** – Discussion is not win/lose situation. Not personal this is a business decision

**Mayor Sexton** – Talked about the amount of (tax) exemptions available to citizens. Has reviewed Dallas County Appraisal District records, referenced citizen who will pay only \$8.00 per year in taxes, and is opposed to the tax increase. Stated due to high turnover, Seagoville was once a training ground for other cities. **Landess** – Everyone wants what's best for the City, Has reservations due to the economy.

**Magill** – Has confidence in Finance Director and City manager's ability is not afraid for the future

MOTION Harold Magill made a MOTION, Dennis Childress SECONDED

Vote: Ayes

Ashmore, Magill, Childress, Day

Nay(s)

Landess

**ACTION ITEMS**  
**ITEMS FOR INDIVIDUAL CONSIDERATION**

**6. Adoption of the 2011 Tax Rate**

**Mayor Sexton** read the following statement into the record: The City of Seagoville's current tax rate was adopted in 2010 at \$0.665 per hundred dollar taxable valuation. The currently proposed tax rate is \$0.690853. The proposed tax rate is inclusive of Operations and Maintenance tax of \$0.648722 and a Debt Service rate of \$0.042131)

MOTION: Harold Magill made a MOTION, Terri Ashmore SECONDED

Vote: Ayes

Nay

Ashmore, Magill, Childress, Day

Landess

**CITIZEN COMMENTS**

Jerry Yearout 710 E. Simonds Road – City infrastructure needs improvement Big Trucks have destroyed the roads especially around E. Simonds. We also have a trash problem. City needs to have more people looking for illegal dumping. Including beer bottles and construction trash. Every year near Alto and Simonds Road there are animal heads dumped along the roadway. .

Joe Mitchell - 720 May Road – Enjoyed tonight's Council Meeting – good discussions. Provided data on sales tax, property tax received from State Comptroller's Office, said 4B Economic Development Tax is not being used correctly. In a two-year period, SEDC has expended over \$5 million. This is the equivalent of adding over \$100 million dollars to the property base. Council has the authority by resolution to adjust or eliminate the half-cent 4B tax, which would put \$750,000.00 back into the general fund. – Recommends Council does this. 4B is a drain on the City. Purpose of economic development corporations are two-fold increase sales tax and improve quality of life in the City neither of these objectives are being met.

**At Mitchell's request for additional time: Lee Landess made a Motion to grant Mitchell more time – Landess, Childress and Day voted in favor of the Motion**

Mitchell continued stating asking that the Finance Director look into his suggestions.

**Leon Love 704 E. Farmer's Road** – Thanked the Council and citizens who came out to support the Police and Fire Departments. Doesn't like taxes anymore than the next person, but he wants a safe City and appreciates the job, Police and Fire do. Also agrees streets need to be improved.

**Phil Greenawalt – Chamber of Commerce President** – Invited all to attend the Chamber of Commerce Steak Lunch on September 22, at FCI, and to attend Seagofest which starts on September 29, 2011.

**8. FUTURE AGENDA ITEMS**

Harold Magill encouraged citizens to use the parks and report instances of littering. (Emphasized his point by holding-up two glass bottles that he and Mrs. Magill picked up on one of their walks in the Central Park)

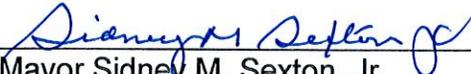
**Executive Session**

None

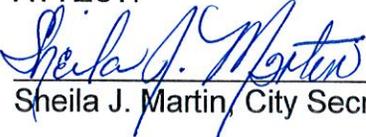
**ADJOURN –**

Mayor Sexton adjourned the Council meeting at 9:06 p.m.

Approved this the 19<sup>th</sup> day of September, 2011

  
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Mayor Sidney M. Sexton, Jr.

ATTEST:

  
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Sheila J. Martin, City Secretary