

**COUNTY OF DALLAS/COUNTY OF KAUFMAN
CITY OF SEGOVILLE**

CITY OF SEGOVILLE CITY COUNCIL MINUTES

The City Council of the City of Seagoville met in a Regular Meeting on Monday, November 14, 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	Dennis Childress
Council Member	Lee Landess
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
City Secretary	Sheila Martin
City Attorney	Robert E. Hager

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

PRESENTATION / PROCLAMATION(S)

Veteran's Day Proclamation

SPEAKERS

James H. Lauderdale, 813 Ard Road – has an issue with the fence on the 600 and 700 block of Ard Road – This was not an agenda item so the issue was moved to Citizen Comment portion of the meeting. The City Council approved moving to the Citizen Comments item at this time.

CITIZEN COMMENTS

James H. Lauderdale, 813 Ard Road, advised that there is a fence that is very dangerous and obnoxious located in 600 and 700 block of Ard Road. States it is dangerous for the people on Macy and the next street down because they cannot see and even though there is a stop sign there, he has personally almost had a head-on collision. He is trying to sell his property at 2701 Prescott and has been turned down twice because of that fence.

CONSENT AGENDA

1. October 17, 2011 City Council Meeting Minutes

Harold Magill made a MOTION, Terri Ashmore SECONDED to approve the Consent Agenda as presented

Vote - 5 Ayes

0 – Nays

PUBLIC HEARINGS

None

ACTION ITEMS

2. By Minute Entry consider Leticia Banuelos' application to the Keep Seagoville Beautiful Commission.

Harold Magill made a MOTION, Lee Landess SECONDED

Vote - 5 Ayes

0 – Nays

3. By Minute Entry nominate a candidate to serve as the Suburban Cities Representative to the Dallas Central Appraisal District (DCAD) and Approve Resolution No. 64-11 Casting a City Ballot for the Same

Harold Magill made a MOTION to approve Michael Hurt, Lee Landess SECONDED

Vote - 4 Ayes

1 – Nays

(Ashmore, Magill, Lee, Day)

(Childress)

4. Consider Resolution NO. 63-11 Authorizing the Mayor to Sign the Attorney General's Chapter 59 Asset Forfeiture Report Reflecting the Police Department's State Asset Forfeiture Report from October 1, 2010 through September 30, 2011

Harold Magill made a MOTION, Peggy Day SECONDED

Vote - 5 Ayes

0 – Nays

5. Council Discussion of Texas Senate Bill 100 and the Federal Military Overseas Voter Empowerment Act (MOVE)

City Attorney Robert Hager provided an overview of SB 100 and the potential issues with the Council. Since the City has just amended the Charter, Mr. Hager advises that state law would supersede the Home Rule Charter in the case the Charter calls for a May election and the Council elects to move the election to November. This would mean that those terms up for election in May of 2012 would have to serve until November 2012 when the Municipal Election would be held, this year, in conjunction with the Presidential election. There are concerns that holding the elections in November in conjunction with State and/or Federal elections may complicate the general elections as far as getting results back, "bleeding off" partisan politics into each candidates own political run for office, which is supposed to be non-partisan under state law.

Lee Landess questioned the City Attorney concerning the holding of a Charter election if the Council elected to go to a November election. Mr. Hager stated that the City would have to do that at some point as a cleanup item but could not hold such an election until May of 2013.

Discussion between the Council and the City Attorney concerning the holding of elections in November verses May; the willingness of the County to hold one more election in May without guarantee of any future years; the possible changes in the Legislature again based on the fact that so many cities desire to hold the election in May; the cost of holding election in May verses November; the costs related to voting machines; and other similar matters relative to this issue.

City Manager Larry Graves questioned the City Attorney concerning the possibility of the City Council making the decision to move the election to November 2012 and then the Legislature makes amendments in 2013 that make it more amenable to hold the elections in May, what is the prospects of the switch back to May? Mr. Hager replied that it would just be an assumption on his part and that it may be, (1) once you've opted in, you've opted in; (2) maybe the terms would be shortened for those moved back to May; or (3) extend the terms further.

Peggy Day questioned whether or not the term for everyone currently on the Council would be extended from May to November of the respective year. Mr. Hager advised that would be necessary to comply with the staggered requirements of the Charter.

Lee Landess mentions the advantage offered by the City Manager is that there would not be brand new council members during the budget process. Harold Magill states that is a plus.

Mr. Hager states that there are pluses and minuses but ultimately the way the law is written, you can comply legally with the Charter and with state law by either opting out of the November election and remaining in May or by going with November.

Lee Landess states that this is just a discussion but in his opinion, he believes the City should go with November if for nothing else just the budget part of it and the fact that you are getting more voters out makes it worth it. Plus, you are not holding yourself at the mercy because the counties are going to keep cutting costs because the economic situation isn't getting any better. He believes that by doing this, the City is at least "kind-

of" guaranteeing that the City will be in the position where costs are limited because they may not do May elections the next time around.

Harold Magill was in agreement.

Dennis Childress states that he would love to see the November "deal" but hates to see that kind of increase in costs.

Peggy Day questioned whether or not the City would be required to change back if they elected the November date and the Legislature went back to May. Mr. Hager advised that would depend upon what the Legislature does.

City Secretary Sheila Martin states that although the actual election period is no later than December of 2012, Dallas County needs to know whether or not the City will be participating in the May 2012 Election for contractual purposes.

Lee Landess states that it is his opinion to go with Option # 3.

It was the consensus of the Council to bring this back for discussion and decision at the December 12, 2011 Regular Council meeting.

6. Discuss City's Ethics Policy

City Attorney Robert Hager advised that the City Manager had requested a representative sample of an Ethics Policy for the Council's review and discussion. Two (2) samples were presented which provided for censure, public reprimand, controlling interactions with boards and commissions, interactions with vendors, what you can and cannot do when you away on business, reimbursements and those types of things.

Harold Magill would like more time to look over these since there are parts of both of them he likes and parts he is concerned with.

Peggy Day thought there was a pretty comprehensive Ethics Policy and asks what types of things needed to be addressed. Harold Magill responded with influence with boards, commissions, businesses, developers, citizens and other issues that would create a perception that a particular council member should abstain from voting on.

Lee Landess believes it is something that could just turn into a "witch hunt" because some of the issues are so vague and it is difficult enough to get people to run for council as it is now without having "people to start slinging mud and accusing of unethical things." There are so many gray areas.

Terri Ashmore states that she does not believe it is a bad idea to have a refined guideline because as the City's grows, and that's what the City is looking for, need to stay ahead and take proactive steps to get ready for the future. She believes that on the boards and committees, the Council chooses those people and selects those believed to be qualified to address the issues before them. Therefore, the Council has to trust those people to make the appropriate decisions in their capacity as a board and/or commission member because the council is not an advisory board to them, they are an advisory board to the council.

City Attorney states that these ordinances are to help protect council against allegations of impropriety. He advises that in the event there is a potential ethical issue, he would recommend an outside person to look into the allegations. He suggests the ethics policy not be discounted or the policy's ability to protect the City Council.

Lee Landess expresses concerns because everyone knows "all the players" in a small town.

Harold Magill views as a protection policy.

City Attorney advises of the Disclosure Form under State law disclosing the relationship. Many times should be filled out just out of transparency. Conflicts of Interests become an issue when they are not disclosed.

Dennis Childress states that once the seed of doubt is planted, it is hard to get rid of.

Harold Magill believes more time needs to be spent on review.

Council requested Mr. Hager provides to them a copy of the Vendor's Disclosure Act.

7. FUTURE AGENDA ITEMS

Harold Magill – doesn't know whether it is a future agenda item but has noticed that driving through the City lately, we have several lots that have high grass, high weeds, found several piles of junk, abandoned cars and even open storage in front yards that shouldn't be there. Requests we look at that a little closer.

Lee Landess – extraterritorial jurisdiction going out toward the Trinity River bottoms and that direction, the costs to City to determine if worth pursuing as well as City having some role in the levee district on this side due to the impact if it becomes an industrial or warehouse district.

Lee Landess - Also, the zoning on Malloy Bridge Road between the highway and downtown to make it where some businesses can come in.

EXECUTIVE SESSION

8. The City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending litigation including, but not limited to, settlement offer concerning Cause No. 06-01444-F, styled *City of Seagoville v. Edwin Shields, Ruby Shields, and Texas Our Homes, Inc.*

9. The City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer, to wit: City Secretary.

The Council and City Attorney convened into closed executive session at 8:27 p.m.

The City Council reconvened into Open Session at 10:21 p.m.

City Attorney Robert Hager stated for the record that Council Member Landess received an emergency call and had to leave from executive session prior to the completion of the second agenda item and could not be present for the remainder of the meeting.

As a result of the executive session, the City Attorney requested that the City Council take action on the following:

- a. A motion to approve of a Judgment in the form provided to you which would be a judgment against Edwin Shields, Ruby Shields and Texas Our Homes, Inc. which would enjoin them from operating a boarding house or an Assisted Care Facility located at 111 Fisk Street, Seagoville, Dallas County, Texas; that the City would, for receiving that Judgment, waive its civil penalties and that the Shields have a take nothing judgment for their claims against the City; and, that you authorize the City Attorney and the Manager to execute that Judgment which will be incorporated into the certified agenda.

Harold Magill made a MOTION as the motion was read that we accept, Dennis Childress SECONDED

Vote - 4 Ayes

0 – Nays

- b. As to the second agenda item concerning the City Secretary, the City Attorney asked the Council to consider the acceptance of the resignation of the City Secretary, Sheila J. Martin, as city secretary for the City of Seagoville, to be effective on January 15, 2012; that until such time, Ms. Martin would be available to the City Manager for consultation regarding her duties; and requests a motion concerning the same.

Harold Magill made a MOTION as the motion as read accepting the resignation, Peggy Day SECONDED

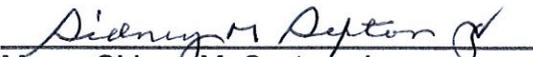
Vote - 4 Ayes

0 – Nays

ADJOURN –

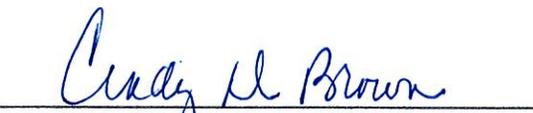
Mayor Sexton adjourned the Council meeting at 10:24 p.m.

Approved this the 12th day of December, 2011



Mayor Sidney M. Sexton, Jr.

ATTEST:



Cindy D. Brown, Interim City Secretary