



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, AUGUST 3, 2020**

**City Council Chambers, City Hall
702 N. Hwy 175
Seagoville, Texas 75159**

WORK SESSION – 6:30 P.M.

Call to Order

- A. Discuss regular session agenda items**
- B. Receive update concerning Fire Station #2**

Adjourn

REGULAR SESSION - 7:00 P.M.

ROUTINE ANNOUNCEMENTS, RECOGNITIONS, and PROCLAMATIONS

Call to Order

Invocation

Pledge of Allegiance

Mayor's Report

Citizens Public Comment Period- *This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. Council may not discuss these items but may respond with factual data or policy information, or place the item on a future agenda. Citizens wishing to speak on posted agenda items will be called upon at that time. Anyone wishing to speak shall submit a Speaker Request Form to the City Secretary.*

CONSENT AGENDA- The Consent Agenda contains items which are routine in nature and will be acted upon in one motion.

- 1. Consider approving Joint City Council and Seagoville Economic Development Meeting minutes for July 20, 2020 (City Secretary)**

REGULAR AGENDA-

- 2. Discuss and consider a modified version of Seagovillefest (Chamber of Commerce)**
- 3. Direct Staff concerning the first Council Meeting for September, 2020 (City Secretary)**
- 4. Receive an update concerning the CARES Act Funding (Director of Health and Code)**
- 5. Receive an update regarding the streets under construction (Community Development Director)**
- 6. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving Anderson Asphalt & Concrete Paving to perform repair work on East Farmers Road, from Kaufman Street to the US Highway 175 Service Road, for compensation in an amount not to exceed One Hundred Seventy Two Thousand One Hundred Forty Seven Dollars and No Cents (\$172,147.00) as set forth in Exhibit A, attached hereto and incorporated herein; authorizing the City Manager to execute any and all necessary documents; and providing an effective date (Community Development Director)**
- 7. Receive an update concerning Police Department staffing levels within the City of Seagoville on major holidays that historically involve celebratory gunfire and fireworks (Police Chief)**
- 8. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, designating the City Manager as the City's Authorized Official with regard to Grant Number 4142701 Titled Clean Environment; authorizing the City Manager to submit the grant application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Police Chief)**
- 9. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving an agreement for Professional Engineering Services on a defined Scope of Services Basis ("Agreement") with Halff Associates, Inc. for the purpose of providing additional Professional Engineering Services for the Geotechnical Services in Northern Basin Interceptor System in an amount not to exceed \$37,900; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date (Water Utilities Director)**

10. Conduct a public hearing on a request to grant a Special Use Permit ("SUP") for a monopole communications tower to be located on property zoned "C", Commercial, being approximately 13.3± acres of real property located at 2737 North Highway 175, in the City of Seagoville, Dallas County, Texas and being legally described as Tract 39 of Herman Heider Abstract 541 and approval of the site plans (Community Development Director)

11. Discuss and consider approval for an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, as amended, by granting a Special Use Permit ("SUP") for a monopole communications tower to be located on property zoned "C", Commercial, being approximately 13.3± acres of real property located at 2737 North Highway 175, in the City of Seagoville, Dallas County, Texas and being legally described as Tract 39 of Herman Heider Abstract 541; providing for the approval of the site plans, which are attached hereto and incorporated herein as Exhibits "A" and "B", providing for a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date (Community Development)

12. Discuss and consider approving a Resolution of the City of Seagoville, Texas, approving C&M Concrete to perform concrete repairs to Hall Street, between Oakbrook Lane and Shadybrook Lane, and to perform sidewalk and curb repairs at nine (9) locations in the 1200 and 1300 blocks of Hall Street for compensation in an amount not to exceed Twenty Four Thousand Nine Hundred Fifty Three Dollars and Sixty Five Cents (\$24,953.65), as set forth in Exhibit "A", which is attached hereto and incorporated herein; authorizing the City Manager to execute any and all necessary documents for the work to be performed; and providing an effective date (Community Development Director)

13. Receive Councilmember Reports/Items of Community Interest - as authorized by Section 551.0415 of the Texas Government Code.

14. Future Agenda Items – Council to provide direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.

Adjourn

Posted Thursday, July 30, 2020 by 5:00 P.M.


Kandi Jackson, 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, August 17, 2020 Regular City Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Consider approving Joint City Council and Seagoville Economic Development Meeting minutes for July 20, 2020.

BACKGROUND OF ISSUE:

Approve Joint City Council and Seagoville Economic Development Meeting minutes for July 20, 2020.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

July 20, 2020 Work Session Minutes

July 20, 2020 Joint City Council and Seagoville Economic Development Minutes



**MINUTES OF CITY COUNCIL
JOINT WITH SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION
WORK SESSION
JULY 20, 2020**

The Work Session of the Joint Meeting with City Council and the Seagoville Economic Development Corporation of the City of Seagoville, Texas was called to order at 6:41 p.m. on Monday, July 20, 2020, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

| | | |
|-------------------|---------------|--------|
| Dennis Childress | Mayor | |
| Jon Epps | Mayor Pro Tem | |
| Jose Hernandez | Councilmember | |
| Rick Howard | Councilmember | |
| Harold Magill | Councilmember | |
| Mike Fruin | Councilmember | |
| Jose Hernandez | Board Chair | |
| Barbara Sherman | Board Member | Absent |
| Stepper Sebastian | Board Member | |
| Martin Ashley | Board Member | |
| Harold Magill | Vice Chair | |
| Theo Hamilton | Board Member | |

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Courtney Morris, Finance Director Patrick Harvey, Assistant Water Utilities Director Billy Putman, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

A. Discuss Regular Session Agenda Items

3. Discuss and consider approving a Resolution of the Board of Directors of the Seagoville Economic Development Corporation approving the purchase and installation of poured-in-place rubber surfacing (Vitriturf Bondflex System), including approximately 5” Compacted Rock Base, at Freedom Park from Child’s Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty Four Dollars and No Cents (\$40,184.00); authorizing the Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

City Manager Stallings explained this Resolution approves the purchase and installation of pour-in-place rubber surfacing (Viriturf Bondflex System), including approximately 5” Compacted Rock Base, at Freedom Park from Child’s Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty-Four Dollars and No Cents (\$40,184.00).

Seagoville Economic Development Corporation (SEDC) Chair/Councilmember Hernandez asked if there will be a canopy over the equipment on the playground. City Manager Stallings stated no, there will not be a canopy over the equipment on the playground. SEDC Chair/Councilmember Hernandez stated he is concerned about the heat on the playground equipment. Community Development Director Barr stated this playground will not be as hot as steel equipment.

SEDC Chair/Councilmember Hernandez stated he would recommend a blue or green in order to reduce the heat absorption.

4. Discuss and consider approving a resolution of the Board of Directors of the Seagoville Economic Development Corporation approving the purchase and installation of a wrought iron fence with multiple pedestrian gates at Freedom Park from Child’s Play, Inc. in an amount not to exceed Fifteen Thousand Eight Hundred Fifty Dollars and No Cents (\$15,850.00); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

City Manager Stallings stated this Resolution approves the purchase and installation of a wrought iron fence with multiple pedestrian gates at Freedom Park from Child’s Play, Inc. in an amount not to exceed Fifteen Thousand Eight Hundred Fifty Dollars and No Cents (\$15,850.00).

Councilmember Fruin asked what will be the height of the fence. Community Development Director Barr stated the fence will be four foot (4’) tall.

SEDC Chair/Councilmember Hernandez asked if the cushion surface will meet the fence. Community Development Director Barr stated no, the cushion surface will not meet the fence.

5. Consider approving City Council Meeting minutes for July 6, 2020 (City Secretary)

No questions.

6. Discuss water & sewer fund budget for FY 2021 (Finance Director)

City Manager Stallings stated Finance Director Harvey will present this item during Regular Session.

7. Discuss and consider approving a Resolution of the City Council ratifying and approving the Seagoville Economic Development Corporation's purchase and installation of Poured-In-Place Rubber Surfacing (Vitriturf Bondflex System), including approximately 5" Compacted Rock Base, at Freedom Park from Child's Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty Four dollars and No Cents (\$40,184.00); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

8. Discuss and consider approving a Resolution of the City Council ratifying and approving the Seagoville Economic Development Corporation's purchase and installation of a four foot (4') tall wrought iron fence with three (3) gates at Freedom Park from Llano River Fence Company LLC in an amount not to exceed Six Thousand Nine Hundred Forty Three Dollars and Fifty Six Cents (\$6,943.56); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

City Manager Stallings stated Items #7 and #8 are ratifications for the Seagoville Economic Development Corporation concerning Freedom Park.

9. Receive Storm Water Permit update presentation from Tim Lackey with Halff Associates Inc. (Water Utilities Assistant Director & Halff Associates)

City manager Stallings stated Tim Lackey with Halff Associates Inc. will present the Storm Water Permit during Regular Session.

10. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving a professional services contract with Insituform Technologies LLC, for the rehabilitation of nine manholes; in an amount not to exceed One Hundred Thirty Nine Thousand Nine Hundred Ninety Seven Dollars and Fifty Cents (\$139,997.50), which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement; providing for a repealing clause; providing for a severability clause; and providing an effective date (Water Utilities Assistant Director)

Assistant Water Utilities Director Putman stated this Resolution approves the rehabilitation of nine manholes that have collapsed. He also stated they are behind Tractor Supply.

Councilmember Fruin asked if the rehabilitation will be poured or the sleeve. Assistant Water Utilities Director Putman stated they are the sleeves. Councilmember Fruin asked how long they will last. Assistant Water Utilities Director Putman stated the sleeves last about twenty (20) years.

11. Conduct interviews with Boards & Commissions Applicants for reappointments of expired terms (City Secretary)

City Manager Stallings stated Item #11 will be presented during Regular Session.

12. Receive an update concerning public restrooms and diaper changing stations in retail spaces (City Attorney)

City Manager Stallings stated Item #12 will be presented during Regular Session.

13. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager as the Authorized Official for Grant Number 3965501 Titled, Mobile Computer Upgrade, and authorizing the submission of the Grant Application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Police Chief)

Police Chief Calverley explained this Resolution authorized the City Manager as the Authorized Official for Grant Number 3965501 Titles, Mobile Computer Upgrade, and authorizing the submission of the Grant Application to the Office of the Governor, Criminal Justice Division. He stated most of the computers in the police vehicles are five (5) years old and this grant will allow for replacing them. He also stated the City of Seagoville ranked number six (#6) for new projects and number eight (#8) for overall.

Councilmember Fruin asked how many computers will be replaced. Police Chief Calverley stated we applied for the replacement of fourteen (14) computers.

Councilmember Fruin asked when the grant will be awarded. Police Chief Calverley stated late August to mid-September.

14. Brief Council concerning Noise Ordinance 2020 (Police Chief)

City Manager Stallings stated Item #14 will be presented in Regular Session.

15. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas in support of the FY2020 Dallas County CDBG CARES Act Funding in the amount of \$205,000 for the construction of the Woodhaven Drainage Project; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Community Development Director)

Community Development Director Barr stated this Resolution approves the support of the FY2020 Dallas County CDBG CARES Act Funding in the amount of \$205,00 for the construction of the Woodhaven Drainage Project. He also explained the flooding issues in Woodhaven.

16. Receive update concerning damages to Bearden Park (Community Development Director)

City Manager Stallings stated Item #16 will be presented in Regular Session.

Adjourned at 7:07 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
JOINT WITH SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION
REGULAR SESSION
JULY 20, 2020**

The Regular Session of the Joint Meeting with City Council and the Seagoville Economic Development Corporation of the City of Seagoville, Texas was called to order at 7:16 p.m. on Monday, July 20, 2020, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:

| | | |
|-------------------|---------------|--------|
| Dennis Childress | Mayor | |
| Jon Epps | Mayor Pro Tem | |
| Jose Hernandez | Councilmember | |
| Rick Howard | Councilmember | |
| Harold Magill | Councilmember | |
| Mike Fruin | Councilmember | |
| | | |
| Jose Hernandez | Board Chair | |
| Barbara Sherman | Board Member | Absent |
| Stepper Sebastian | Board Member | |
| Martin Ashley | Board Member | |
| Harold Magill | Vice Chair | |
| Theo Hamilton | Board Member | |

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Community Development Director Ladis Barr, City Attorney Courtney Morris, Assistant Water Utilities Director Billy Putman, Finance Director Patrick Harvey, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

Invocation – *Invocation was led by Councilmember Magill.*

Pledge of Allegiance – *Pledge of Allegiance was led by Mayor Childress.*

1. Receive an update from The Retail Coach

The Retail Coach Kyle Cofer updated Seagoville Economic Development Corporation (SEDC) and City Council concerning the Cell Phone Analysis/Impact Analysis, New Recruitment Tracking System.

2. Receive presentation of the Seagoville Economic Development Corporation June financial statements for FY 2020 (Finance Director)

Finance Director Harvey began to present the June financial statements for FY 2020 and realized the Seagoville Economic Development Corporation were not provide the proper documents.

The Seagoville Economic Development Corporation continued to with the Agenda.

3. Discuss and consider approving a Resolution of the Board of Directors of the Seagoville Economic Development Corporation approving the purchase and installation of poured-in-place rubber surfacing (Vitriturf Bondflex System), including approximately 5” Compacted Rock Base, at Freedom Park from Child’s Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty Four Dollars and No Cents (\$40,184.00); authorizing the Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

Motion to approve a Resolution of the Board of Directors of the Seagoville Economic Development Corporation approving the purchase and installation of poured-in-place rubber surfacing (Vitriturf Bondflex System), including approximately 5” Compacted Rock Base, at Freedom Park from Child’s Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty Four Dollars and No Cents (\$40,184.00); authorizing the Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date - Magill, seconded by Hamilton; motion passed with all ayes. 6/0

4. Discuss and consider approving a resolution of the Board of Directors of the Seagoville Economic Development Corporation approving the purchase and installation of a wrought iron fence with multiple pedestrian gates at Freedom Park from Child’s Play, Inc. in an amount not to exceed Fifteen Thousand Eight Hundred Fifty dollars and no cents (\$15,850.00); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

Motion to approve a resolution of the Board of Directors of the Seagoville Economic Development Corporation approving the purchase and installation of a wrought iron fence with multiple pedestrian gates at Freedom Park from Child’s Play, Inc. in an amount not to exceed Fifteen Thousand Eight Hundred Fifty dollars and no cents (\$15,850.00); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date – Magill, seconded by Ashley; motion passed with all ayes. 6/0

Mayor called a recess at 7:45 p.m.

Mayor called meeting to order at 8:00 p.m.

2. Receive presentation of the Seagoville Economic Development Corporation June financial statements for FY 2020 (Finance Director)

Finance Director Harvey presented the June financial statements for FY 2020.

SEDC Adjourned at 8:04 p.m.

Mayor's Report – *Mayor Childress stated let's all make sure we're counted in the 2020 Census. Our population count determines funding for schools, hospitals and vital community programs. For the 2020 Census you can respond online, by phone, or by mail. www.2020census.gov.*

Citizens Public Comment Period- *This portion of the meeting is to allow each speaker up to six (6) minutes to address the council on items not posted on the current agenda. Council may not discuss these items but may respond with factual data or policy information, or place the item on a future agenda. Citizens wishing to speak on posted agenda items will be called upon at that time. Anyone wishing to speak shall submit a Speaker Request Form to the City Secretary.*

None.

CONSENT AGENDA- The Consent Agenda contains items which are routine in nature and will be acted upon in one motion.

5. Consider approving City Council Meeting minutes for July 6, 2020 (City Secretary)

Motion to approve City Council Meeting minutes for July 6, 2020 – Howard, seconded by Magill; motion passed with all ayes. 5/0

REGULAR AGENDA-

6. Discuss water & sewer fund budget for FY 2021 (Finance Director)

Finance Director Harvey presented the water & sewer budget for FY 2021.

7. Discuss and consider approving a Resolution of the City Council ratifying and approving the Seagoville Economic Development Corporation's purchase and installation of Poured-In-Place Rubber Surfacing (Vitriturf Bondflex System), including approximately 5" Compacted Rock Base, at Freedom Park from Child's Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty Four dollars and No Cents (\$40,184.00); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

Motion to approve a Resolution of the City Council ratifying and approving the Seagoville Economic Development Corporation's purchase and installation of Poured-In-Place Rubber Surfacing (Vitriturf Bondflex System), including approximately 5" Compacted Rock Base, at Freedom Park from Child's Play, Inc. in an amount not to exceed Forty Thousand One Hundred Eighty Four dollars and No Cents (\$40,184.00); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

8. Discuss and consider approving a Resolution of the City Council ratifying and approving the Seagoville Economic Development Corporation's purchase and installation of a four foot (4') tall wrought iron fence with three (3) gates at Freedom Park from Llano River Fence Company LLC in an amount not to exceed Six Thousand Nine Hundred Forty Three Dollars and Fifty Six Cents (\$6,943.56); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date (City Manager)

Motion to approve a Resolution of the City Council ratifying and approving the Seagoville Economic Development Corporation's purchase and installation of a four foot (4') tall wrought iron fence with three (3) gates at Freedom Park from Llano River Fence Company LLC in an amount not to exceed Six Thousand Nine Hundred Forty Three Dollars and Fifty Six Cents (\$6,943.56); authorizing the City Manager/Executive Director to execute any documents necessary for said purchase as set forth therein; providing for a repealing clause; providing for a severability clause; and providing an effective date – Magill, seconded by Howard; motion passed with all ayes. 5/0

9. Receive Storm Water Permit update presentation from Tim Lackey with Halff Associates Inc. (Water Utilities Assistant Director & Halff Associates)

Tim Lackey with Halff Associates Inc. presented the Storm Water Permit update.

No questions.

10. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving a professional services contract with Insituform Technologies LLC, for the rehabilitation of nine manholes; in an amount not to exceed One Hundred Thirty Nine Thousand Nine Hundred Ninety Seven Dollars and Fifty Cents (\$139,997.50), which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement; providing for a repealing clause; providing for a severability clause; and providing an effective date (Water Utilities Assistant Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas approving a professional services contract with Insituform Technologies LLC, for the rehabilitation of nine manholes; in an amount not to exceed One Hundred Thirty Nine Thousand Nine Hundred Ninety Seven Dollars and Fifty Cents (\$139,997.50), which is attached hereto and incorporated herein as Attachment 1; authorizing the City Manager to execute said Agreement; providing for a repealing clause; providing for a severability clause; and providing an effective date – Magill, seconded by Hernandez; motion passed with all ayes.

11. Conduct interviews with Boards & Commissions Applicants for reappointments of expired terms (City Secretary)

Motion to reappoint Ms. Kara Dodson to Place 6 on the Keep Seagoville Beautiful Commission – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

12. Receive an update concerning public restrooms and diaper changing stations in retail spaces (City Attorney)

City Attorney Morris provided an update concerning public restrooms and diaper changing stations in retail spaces. She there is no state law for diaper changing station but most cities have put requirements in place.

Councilmember Hernandez asked if the City of Seagoville has an Ordinance in place to enforce. City Attorney Morris stated yes, the City of Seagoville has an Ordinance in place.

13. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager as the Authorized Official for Grant Number 3965501 Titled, Mobile Computer Upgrade, and authorizing the submission of the Grant Application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Police Chief)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas authorizing the City Manager as the Authorized Official for Grant Number 3965501 Titled, Mobile Computer Upgrade, and authorizing the submission of the Grant Application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date – Magill, seconded by Howard; motion passed with all ayes. 5/0

14. Brief Council concerning Noise Ordinance 2020 (Police Chief)

Police Chief Calverley briefed City Council concerning the Noise Ordinance 2020.

15. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas in support of the FY2020 Dallas County CDBG CARES Act Funding in the amount of \$205,000 for the construction of the Woodhaven Drainage Project; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Community Development Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas in support of the FY2020 Dallas County CDBG CARES Act Funding in the amount of \$205,000 for the construction of the Woodhaven Drainage Project; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date – Epps, seconded by Fruin; motion passed with all ayes. 5/0

16. Receive update concerning damages to Bearden Park (Community Development Director)

Community Development Director Barr updated Council concerning damages to Bearden Park.

17. Receive Councilmember Reports/Items of Community Interest – as authorized by Section 551.0415 of the Texas Government Code.

Councilmember Magill stated the progress on Freedom Park is looking good.

Councilmember Hernandez stated we count and he wanted to remind people to fill out the Census either online, phone, or e-mail.

18. Future Agenda Items – Council to provide direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.

Councilmember Fruin stated he would like to discuss the cost of new cameras at Seagoville Youth Sports Association building. He also stated he would like to discuss a plan for zero tolerance for fireworks on New Year’s Eve and the Fourth of July.

City Council Adjourned at 9:16 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Regular Session Agenda Item: 2

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Discuss and consider a modified version of Seagofest.

BACKGROUND OF ISSUE:

The Chamber will make a presentation to Council concerning a modified version of Seagofest.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 3

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Direct Staff concerning the first Council Meeting for September, 2020.

BACKGROUND OF ISSUE:

The first Council Meeting for September 2020 falls on September 7, 2020. City offices are closed that day in observance of Labor Day.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 4

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Receive an update concerning the CARES Act Funding.

BACKGROUND OF ISSUE:

The City of Seagoville has received 2020 funding due to the Covid 19 Pandemic. These funds are to be spent on Covid-related items.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 5

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Receive an update regarding the streets under construction.

BACKGROUND OF ISSUE:

Update on Seagoville streets under construction.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

STREET CONSTRUCTION UPDATE:

City Contracts and
CDBG Project with Dallas County

July 27, 2020



City Contract:
Johnnie Row
intersection with
Catherine Lane



City Contract:
Johnnie Row
intersection with
Catherine Lane



City Contract:
Johnnie Row
looking toward
Shady Lane



City Contract:
Ross Lane
intersection with
Catherine Lane



City Contract:
Ross Lane
intersection with
Catherine Lane



City Contract:
Ross Lane
intersection with
Catherine Lane



City Contract:
Ross Lane
intersection with
Shady Lane



City Contract:
Ross Lane
intersection with
Shadybrook Lane



City Contract:
Crestview Lane
intersection with
Smith Lane looking
west; work to begin
once Malloy Bridge
Road work is
completed



City Contract:
Crestview Lane
intersection with
Malloy Bridge Road
looking towards
Highway 175



City Contract:
Malloy Bridge
Road in front of
Walgreens
looking towards
Highway 175



**CDBG Project
with County:**
Chip-and-seal of
Durham Road at
intersection with
Fran Street



**CDBG Project
with County:**
Chip-and-seal of
Washington Street
from intersection
with Durham Road



**CDBG Project
with County:**

Chip-and-seal of
Ralph Street from
intersection with
Durham Road



**CDBG Project
with County:**
Chip-and-seal of
Dice Street from
intersection with
Ralph Street



**CDBG Project
with County:**
Chip-and-seal of
Dudley Street
from intersection
with Dice Street



**CDBG Project
with County:**

Chip-and-seal of
North Watson
Street at
intersection with
Durham Road



**CDBG Project
with County:**
Chip-and-seal of
North Watson
Street at
intersection with
Farmers Road



**CDBG Project with
County:**

Chip-and-seal of
West Farmers Road
at intersection with
North Watson Street



**CDBG Project with
County:**

Chip-and-seal of
West Farmers Road
at intersection with
North Kaufman
Street



**CDBG Project
with County:**
Chip-and-seal of
East Farmers
Road
looking towards
Highway 175

Regular Session Agenda Item: 6

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving Anderson Asphalt & Concrete Paving to perform repair work on East Farmers Road, from Kaufman Street to the US Highway 175 Service Road, for compensation in an amount not to exceed One Hundred Seventy Two Thousand One Hundred Forty Seven Dollars and No Cents (\$172,147.00) as set forth in Exhibit A, attached hereto and incorporated herein; authorizing the City Manager to execute any and all necessary documents; and providing an effective date.

BACKGROUND OF ISSUE:

On or about November 18, 2019 the City of Seagoville awarded a Unit Price Contract for asphalt repairs to Anderson Asphalt & Concrete Paving. Pursuant to said contract Anderson Asphalt & Concrete Paving submitted an estimate for the repair of East Farmers Road, form Kaufman Street to US Highway Service Road.

The repairs on East Farmers will enhance the street and allow safe travel for our citizens.

FINANCIAL IMPACT:

\$172,147.00

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

Resolution (2 pages)
Exhibit "A"

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS
RESOLUTION NO. __-R-2020**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS APPROVING ANDERSON ASPHALT & CONCRETE PAVING TO PERFORM REPAIR WORK ON EAST FARMERS ROAD, FROM KAUFMAN STREET TO THE US HIGHWAY 175 SERVICE ROAD, FOR COMPENSATION IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY TWO THOUSAND ONE HUNDRED FORTY SEVEN DOLLARS AND NO CENTS (\$172,147.00) AS SET FORTH IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about November 18, 2019 the City of Seagoville awarded a Unit Price Contract for Asphalt Repair ("Contract") to Anderson Asphalt & Concrete Paving; and

WHEREAS, pursuant to said Contract, Anderson Asphalt & Concrete Paving submitted an estimate in the amount of \$172,147.00 for the repair of East Farmers Road, from Kaufman Street to US Highway 175 Service Road, a copy of which is attached as Exhibit A; and

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the estimate and has determined it to be in the best interest of the City to authorize the City Manager to execute any documents necessary to authorize Anderson Asphalt & Concrete Paving to repair East Farmers as set forth in Exhibit A;

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

SECTION 1. The City Council hereby approves Anderson Asphalt & Concrete Paving to perform the work on East Farmers Road, from Kaufman Street to US Highway 175 Service Road in an amount not to exceed One Hundred Seventy Two Thousand One Hundred Forty Seven Dollars and no cents (\$172,147.00), as set forth in Exhibit A, attached hereto and incorporated herein; and, the City Manager is authorized to execute any documents necessary for the work to be performed.

SECTION 2. This resolution shall take effect immediately from and after its passage and it is accordingly resolved.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 3rd day of August, 2020.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(/cdb 07.17.2020)

EXHIBIT "A"

| Anderson Asphalt & Concrete Paving | | City of Seagoville Maintenance Contract | | | |
|---|---|--|--------------|------------|-------------------|
| July 8, 2020 | | East Farmers Road | | | |
| | DESCRIPTION | QTY | UOM | UNIT PRICE | TOTAL |
| 1 | Mobilization | 1 | LS | 5,000.00 | 5,000.00 |
| 2 | Cement treated base (6" Thick) | 33,000 | SF | 1.12 | 36,960.00 |
| 3 | PRIME COAT | 33,000 | SF | 0.17 | 5,742.00 |
| 4 | Hot Mix Asphalt Pavement (3" Thick), Type B | 33,000 | SF | 2.00 | 66,000.00 |
| 5 | Hot Mix Asphalt Pavement (2" Thick), Type D | 33,000 | SF | 1.44 | 47,520.00 |
| 6 | Backfill Pavement Edges | 2,750 | LF | 2.80 | 7,700.00 |
| 7 | Traffic Control (BASED ON ROAD CLOSURE TO THRU TRAFFIC) | 15 | DAYS | 215.00 | 3,225.00 |
| | | | TOTAL | | 172,147.00 |

Signature of Approval

Date

Regular Session Agenda Item: 7

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Receive an update concerning Police Department staffing levels within the City of Seagoville on major holidays that historically involve celebratory gunfire and fireworks.

BACKGROUND OF ISSUE:

Councilmember Fruin requested this item.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 8

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, designating the City Manager as the City's Authorized Official with regard to Grant Number 4142701 Titled Clean Environment; authorizing the City Manager to submit the grant application to the Office of the Governor, Criminal Justice Division; providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date.

BACKGROUND OF ISSUE:

In March of this year after the Coronavirus more commonly known as COVID-19 became so prevalent in the U.S. the Governor's office opened up and made available special grant funding to public safety entities to combat the virus. It was stipulated that these funds were to be utilized by any entity and/or division of public safety to purchase equipment, supplies, or other essentials to combat this virus. After looking into this grant, it was determined that we could utilize these funds to purchase sanitation and disinfectant equipment that would service the City even beyond the current situation.

FINANCIAL IMPACT:

There are no matching funds required for this grant project. The Department is asking to purchase (4) backpack style battery powered electrostatic cleaning and sanitizing machines, extra batteries, extra nozzles for the sprayers, and approximately 100 gallons of hospital grade sanitation and disinfectant solution, all at a cost not to exceed \$12,594.28.

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

Resolution

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, DESIGNATING THE CITY MANAGER AS THE CITY'S AUTHORIZED OFFICIAL WITH REGARD TO GRANT NUMBER 4142701 TITLED CLEAN ENVIRONMENT; AUTHORIZING THE CITY MANAGER TO SUBMIT THE GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville, Texas finds it in the best interest of the citizens of Seagoville, that the Clean Environment be operated for 2021; and

WHEREAS, the City Council of the City of Seagoville, Texas agrees to provide applicable matching funds for the said project as required by the Justice Assistance Grant Application; and

WHEREAS, the City Council of the City of Seagoville, Texas, agrees that in the event of loss or misuse of the Criminal Justice Division Funds, the City Council of the City of Seagoville, Texas assures that the funds will be returned to the Criminal Justice Division in full.

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

Section 1. The City Council of the City of Seagoville, Texas designates the City Manager as the City's authorized official with regard to Grant Number 4142701 Titled Clean Environment and vests in him the authority to apply for, accept, reject, alter or terminate said grant on behalf of the City and further authorizes and approves the submission by the City Manager of the City;s grant application for the Clean Environment to the Office of the Governor, Criminal Justice Division.

Section 2. If any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

Section 4. That 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 3rd day of August, 2020.

Grant Number: 4142701

APPROVED:

DENNIS CHILDERS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY

Regular Session Agenda Item: 9

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving an agreement for Professional Engineering Services on a defined Scope of Services Basis (“Agreement”) with Halff Associates, Inc. for the purpose of providing additional Professional Engineering Services for the Geotechnical Services in Northern Basin Interceptor System in an amount not to exceed \$37,900; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date.

BACKGROUND OF ISSUE:

The City is currently under contract with Halff Associates for predesign study and to begin the property acquisition for the Project. During the process we have determined it would be beneficial to add the Geotechnical services at this point to help speed up the engineering for FY2021. It also will provide need information for a better estimate of the cost of the project.

FINANCIAL IMPACT:

Funding for this contract in the amount of \$37,900.00 will be made from the FY2020 and FY2021 Sewer Budget. The City has sufficient funding available in this account to fund this project.

RECOMMENDATION:

Staff recommends approving the agreement.

EXHIBITS:

Resolution

Exhibit 1, Halff’s Standard Agreement for additional Professional Engineering Services

THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. ____ -R-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS APPROVING AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES ON A DEFINED SCOPE OF SERVICES BASIS ("AGREEMENT") WITH HALFF ASSOCIATES, INC. FOR THE PURPOSE OF PROVIDING ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE GEOTECHNICAL SERVICES IN NORTHERN BASIN INTERCEPTOR SYSTEM IN AN AMOUNT NOT TO EXCEED \$37,900; AUTHORIZING THE CITY MANAGER TO SIGN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Seagoville, Texas desires to enter into an Additional services agreement for the purpose of providing professional engineering services for the geotechnical services for the northern basin interceptor system; and,

WHEREAS, Halff Associates, Inc. has provided a proposal for the purpose of providing the required professional engineering services for the geotechnical services for the northern basin interceptor system on a defined scope of services basis in the amount of \$37,900.00; and,

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the proposed agreement with Halff Associates, Inc. for these services and has determined it to be in the best interest of the City of Seagoville to enter into said agreement.

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

SECTION 1. The Additional Services Confirmation agreement attached hereto as Exhibit 1, with Halff Associates, Inc., for the provision professional engineering services for the geotechnical services for the northern basin interceptor system on a defined scope of services basis in an amount not to exceed thirty-seven thousand nine hundred dollars and no cents (\$37,900.00) is approved, and the City Manager is authorized to execute the same and any other related, necessary documents on behalf of the City.

SECTION 2. That any prior Resolutions of the City Council of the City of Seagoville, Texas, in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 3. That if any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgement or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or

unconstitutional.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Seagoville, Texas, and it is accordingly resolved.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 3rd day of August, 2020.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(/cdb-revised 10.01.2019)

EXHIBIT "1"

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES ON A DEFINED SCOPE OF SERVICES BASIS

This Agreement for Professional Engineering Services, hereinafter called "Agreement," is entered into by the City of Seagoville a Home Rule City of the State of Texas, hereinafter referred to as "Client", duly authorized to act by the City Council of said Client, and HALFF ASSOCIATES, INC., a Texas corporation, acting through a duly authorized officer, herein called "Engineer," relative to Engineer providing professional engineering services to the Client. Client and Engineer when mentioned collectively shall be referred to as the "Parties".

WITNESSETH:

For the mutual promises and benefits herein described, the Client and Engineer agree as follows:

I. Term of Agreement. This Agreement shall become effective on the date of its execution by both Parties, and shall continue in effect thereafter until terminated as provided herein.

II. Services to be Performed by Engineer. Engineer shall provide to the Client basic engineering services as described in the scope of services attachment and fully incorporated herein as "Exhibit A" which services may include, but will not be limited to, those services normally rendered by an engineer to a Home Rule City. Engineer shall perform its obligations under this agreement as an independent contractor and not as an agent or fiduciary of any other party.

III. Compensation - Client agrees to pay monthly invoices or their undisputed portions within 30 days of receipt. Payment later than 30 days shall include interest at 1 percent (1%) per month or lesser maximum enforceable interest rate, from the date the Client received the invoice until the date Engineer receives payment. Such interest is due and payable when the overdue payment is made.

It is understood and agreed by the Parties that Engineer's receipt of payment(s) from Client is not contingent upon Client's receipt of payment, funding, reimbursement or any other remuneration from others.

Time-related charges will be billed at Hourly Rates attached herein as "Exhibit B" as specified in this Agreement. Unless stated otherwise in this Agreement, direct expenses, subcontracted services and direct costs will be billed at actual cost plus a service charge of 10 percent. Direct Cost rates are attached Herein in "Exhibit B". Mileage will be billed at current IRS rates.

IV. Client's Obligations. The Client agrees that it will (i) designate a specific person to act as the Client's representative, (ii) provide Engineer with any previous studies, reports, data, budget constraints, special Client requirements, or other pertinent information known to the Client, when necessitated by a project, (iii) Client agrees to provide site access, and to provide those services described in the attached Scope of Services assist Engineer in obtaining access to property necessary for performance of Engineer's work for the Client, (iv) make prompt payments in response to Engineer's statements and (v) respond in a timely fashion to requests from Engineer. Engineer is entitled to rely upon and use, without independent verification and without liability, all information and services provided by the Client or the Client's representatives.

V. Termination of Work - Either the Client or the Engineer may terminate this Agreement at any time with or without cause upon giving the other Party ten (10) calendar days' prior written notice. Client agrees that termination of Engineer for Client's convenience shall only be utilized in good faith, and shall not be utilized if either the purpose or the result of such termination is the performance of all or part of Engineer's services under this Agreement by Client or by another service provider. Following Engineer's receipt of such termination notice the Client shall, within ten (10) calendar days of Client's receipt of Engineer's final invoice, pay the Engineer for all services rendered and all costs incurred up to the date of Engineer's receipt of such notice of termination.

VI. Ownership of Documents - Upon Engineer's completion of services and receipt of payment in full, Engineer shall grant to Client a non-exclusive license to possess the final drawings and instruments produced in connection with Engineer's performance of the work under this Agreement, if any. Said drawings and instruments may be copied, duplicated, reproduced and used by Client for the purpose of constructing, operating and maintaining the improvements. Client agrees that such documents are not intended or represented to be suitable for reuse by Client or others for

EXHIBIT "1"

purposes outside the Scope of Services of this Agreement. Notwithstanding the foregoing, Client understands and agrees that any and all computer programs, GIS applications, proprietary data or processes, and certain other items related to the services performable under this Agreement are and shall remain the sole and exclusive property of Engineer and may not be used or reused, in any form, by Client without the express written authorization of Engineer. Client agrees that any reuse by Client, or by those who obtain said information from or through Client, without written verification or adaptation by Engineer, will be at Client's sole risk and without liability or legal exposure to Engineer or to Engineer's employees, agents, representatives, officers, directors, affiliates, shareholders, owners, members, managers, attorneys, subsidiary entities, advisors, subconsultants or independent contractors or associates. Engineer may reuse all drawings, reports, data and other information developed in performing the services described by this Agreement in Engineer's other activities.

VII. Notices. Any notices to be given hereunder by either party to the other may be affected either by personal delivery, in writing, or by registered or certified mail.

VII. Sole Parties and Entire Agreement. This Agreement shall not create any rights or benefits to anyone except the Client and Engineer, and contains the entire agreement between the parties. Oral modifications to this Agreement shall have no force or effect.

IX. Insurance. Engineer shall, at its own expense, purchase, maintain and keep in force throughout the duration of this Agreement and for a period of four (4) years thereafter, professional liability insurance. The limits of liability shall be \$1,000,000 per claim and in the aggregate. Engineer shall submit to the Client a certificate of insurance prior to commencing any work for the Client.

X. Prompt Performance by Engineer. All services provided by Engineer hereunder shall be performed in accordance with the degree of care and skill ordinarily exercised under similar circumstances by competent members of the engineering profession in the State of Texas applicable to such engineering services contemplated by this Agreement.

XI. Client Objection to Personnel. If at any time after entering into this Agreement, the Client has any reasonable objection to any of Engineer's personnel, or any personnel, professionals and/or consultants retained by Engineer, Engineer shall promptly propose substitutes to whom the Client has no reasonable objection, and Engineer's compensation shall be equitably adjusted to reflect any difference in Engineer's costs occasioned by such substitution.

XII. Assignment and Delegation. Neither the Client nor Engineer may assign their rights or delegate their duties without the written consent of the other party. This Agreement is binding on the Client and Engineer to the fullest extent permitted by law. Nothing herein is to be construed as creating any personal liability on the part of any Client officer, employee or agent.

XIII. Jurisdiction and Venue - This Agreement shall be administered under the substantive laws of the State of Texas (and not its conflicts of law principles) which shall be used to govern all matters arising out of, or relating to, this Agreement and all of the transactions it contemplates, including without limitation, its validity, interpretation, construction, performance and enforcement. Exclusive venue shall lie in any court of competent jurisdiction in **Dallas County, Texas.**

XIV. Integration, Merger and Severability - This Agreement and the Scope of Services, including fee and schedule are fully incorporated herein and represent the entire understanding of Client and Engineer. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. The Agreement may not be modified or altered except in writing signed by both Parties. This Agreement constitutes, represents and is intended by the Parties to be the complete and final statement and expression of all of the terms and arrangements between the Parties to this Agreement with respect to the matters provided for in this Agreement. This Agreement supersedes any and all prior or contemporaneous agreements, understandings, negotiations, and discussions between the Parties and all such matters are merged into this Agreement. Should any one or more of the provisions contained in this Agreement be determined by a court of competent jurisdiction or by legislative pronouncement to be void, invalid, illegal, or unenforceable in any respect, such voiding, invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be considered as if the entirety of such void, invalid, illegal, or unenforceable provision had never been contained in this Agreement.

EXHIBIT "1"

XV. Exclusivity of Remedies – The Parties acknowledge and agree that the remedies set forth in this Agreement, including those set forth in Article XIX. Agreed Remedies are and shall remain the Parties' sole and exclusive remedy with respect to any claim arising from, or out of, or related to, the subject matter of this Agreement. The Parties agree that Engineer is to have no liability or responsibility whatsoever to Client for any claim(s) or loss(es) of any nature, except as set forth in this Agreement. No Party shall be able to avoid the limitations expressly set forth in this Agreement by electing to pursue some other remedy.

XVI. Timeliness of Performance - Engineer shall perform its professional services with due and reasonable diligence consistent with sound professional practices.

XVII. Dispute Resolution. In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to schedule a series of no less than two meetings of senior personnel of Client and Engineer in which the disagreement or conflict will be discussed. The first of such meetings will be scheduled as soon as possible following identification of such disagreement or conflict and the second meeting must occur within thirty (30) days following the initial meeting. Subsequent meetings, if any may be scheduled upon mutual agreement of the parties. The parties agree that these two meetings are conditions precedent to the institution of legal proceedings unless such meetings will adversely affect the rights of one or more of the parties as such rights relate to statutes of limitation or repose.

XVIII. Signatories. The Client and Engineer mutually warrant and represent that the representation of each who is executing this Agreement on behalf of the Client or Engineer, respectively, has full authority to execute this Agreement and bind the entity so represented.

XIX. PROJECT ENHANCEMENT - IF DUE TO ANY ALLEGED OR ACTUAL BREACH OF CONTRACT, NEGLIGENCE, ERROR, OR DEFICIENCY IN THE SERVICES OF ENGINEER OR ANY OF ITS CONSULTANTS, ANY ITEM, COMPONENT, OR CONDITION OF THE SERVICES IS INACCURATE OR OMITTED FROM ANY OF THE DESIGN DOCUMENTS PRODUCED THROUGH ENGINEER'S SERVICES, ENGINEER'S AND ITS CONSULTANT'S LIABILITY, IF ANY, SHALL BE LIMITED TO THE DIFFERENCE BETWEEN: I) THE COST OF ADDING, CORRECTING OR REPLACING THE ITEM AT THE TIME THE ERROR IS DISCOVERED, AND II) THE COST HAD THE ITEM OR COMPONENT BEEN INCLUDED OR CORRECT IN THE DESIGN DOCUMENTS PROVIDED PRIOR TO THE TIME CONSTRUCTION BEGAN. HOWEVER, IF THE CORRECTION TO THE DESIGN PROVIDES ADDED VALUE, UPGRADE, OR ENHANCEMENT TO THE PROJECT OF CLIENT/OWNER, THE AMOUNT OF DAMAGES, IF ANY, SHALL BE ADJUSTED DOWN BASED ON SUCH ADDED VALUE, UPGRADE, OR ENHANCEMENT OF THE PROJECT. CLIENT/OWNER SHALL BE RESPONSIBLE FOR ANY COST OR EXPENSE ASSOCIATED WITH THE CORRECTION THAT PROVIDES ADDED VALUE, UPGRADE, OR ENHANCEMENT OF THE PROJECT. IN NO EVENT AND REGARDLESS OF THE LEGAL THEORY OR FACTUAL BASIS OF ANY CLAIM, SHALL ENGINEER'S OR ITS CONSULTANT'S LIABILITY INCLUDE ANY COST OR EXPENSE THAT PROVIDES ADDED VALUE, UPGRADE, OR ENHANCEMENT OF THE PROJECT. IN ADDITION, IF ANY SUCH ITEM, COMPONENT, OR CONDITION HAS AN IDENTIFIABLE USEFUL LIKE THAT IS LESS THAN THE BUILDING ITSELF, THE DAMAGES OF THE CLIENT/OWNER SHALL BE REDUCED TO THE EXTENT THAT THE USEFUL LIFE OF THE COMPONENT WILL BE EXTENDED BY THE REPLACEMENT THEREOF.

XX. AGREED REMEDIES

A. IT IS THE INTENT OF THE PARTIES TO THIS AGREEMENT THAT ENGINEER'S SERVICES UNDER THIS AGREEMENT SHALL NOT SUBJECT ENGINEER'S INDIVIDUAL EMPLOYEES, OFFICERS OR DIRECTORS TO ANY PERSONAL LEGAL EXPOSURE FOR CLAIMS AND RISKS ASSOCIATED WITH THE SERVICES PERFORMED OR PERFORMABLE UNDER THIS AGREEMENT. FOR PROJECTS/SERVICES PERFORMED IN FLORIDA OR PURSUANT TO FLORIDA LAW, FLORIDA STATUTE 558.0035 STATES THAT, AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

B. IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO BOTH THE CLIENT AND THE ENGINEER, AND ACKNOWLEDGING THAT THE ALLOCATION OF RISKS AND LIMITATIONS OF REMEDIES ARE BUSINESS UNDERSTANDINGS BETWEEN THE PARTIES AND THESE RISKS AND REMEDIES SHALL APPLY TO ALL POSSIBLE LEGAL THEORIES OF RECOVERY. CLIENT FURTHER AGREES, TO THE FULLEST EXTENT PERMITTED BY LAW, AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS AGREEMENT OR ANY REFERENCE TO INSURANCE OR THE EXISTENCE OF APPLICABLE INSURANCE COVERAGE, THAT THE TOTAL LIABILITY, IN THE AGGREGATE, OF THE ENGINEER

EXHIBIT "1"

AND ENGINEER'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS TO THE CLIENT OR TO ANYONE CLAIMING BY, THROUGH OR UNDER THE CLIENT, FOR ANY AND ALL CLAIMS, LOSSES, COSTS OR DAMAGES WHATSOEVER ARISING OUT OF, RESULTING FROM, OR IN ANY WAY RELATED TO, THE SERVICES UNDER THIS AGREEMENT FROM ANY CAUSE OR CAUSES OF THE ENGINEER OR THE ENGINEER'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS, SHALL NOT EXCEED THE ENGINEER'S FEE FOR THE SERVICES PERFORMED UNDER THIS AGREEMENT OR \$50,000, WHICHEVER IS GREATER. INCREASED LIMITS MAY BE NEGOTIATED FOR ADDITIONAL FEE.

C. NOTWITHSTANDING ANY OTHER PROVISION OF THE AGREEMENT, ENGINEER SHALL HAVE NO LIABILITY TO THE CLIENT FOR CONTINGENT, CONSEQUENTIAL OR OTHER INDIRECT DAMAGES INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOSS OF USE, REVENUE OR PROFIT; OPERATING COSTS AND FACILITY DOWNTIME; OR OTHER SIMILAR BUSINESS INTERRUPTION LOSSES, HOWEVER, THE SAME MAY BE CAUSED.

D. CLIENT MAY NOT ASSERT ANY CLAIM AGAINST ENGINEER AFTER THE SHORTER OF (1) 3 YEARS FROM SUBSTANTIAL COMPLETION OF SERVICES GIVING RISE TO THE CLAIM, OR (2) THE STATUTE OF LIMITATION PROVIDED BY LAW.

E. IT IS UNDERSTOOD AND AGREED BY BOTH PARTIES TO THIS AGREEMENT THAT THE FIRST TEN DOLLARS (\$10.00) OF REMUNERATION PAID TO ENGINEER UNDER THIS AGREEMENT SHALL BE IN CONSIDERATION FOR INDEMNITY/INDEMNIFICATION PROVIDED FOR IN THIS AGREEMENT.

XXI. WAIVER - Any failure by Engineer to require strict compliance with any provision of this Agreement shall not be construed as a waiver of such provision, and Engineer may subsequently require strict compliance at any time, notwithstanding any prior failure to do so.

IN WITNESS WHEREOF, the parties, having read and understood this Agreement, have executed such in duplicate copies, each of which shall have full dignity and force as an original, on the ____ day of _____, 20__.

HALFF ASSOCIATES, INC.

CLIENT: CITY OF SEAGOVILLE, TEXAS

By:


Signature

By:

Signature

Jayson Melcher
Printed Name

Patrick Stallings
Printed Name

VP
Title

City Manager
Title

9/13/19
Date

Date

**EXHIBIT A
DRAFT SCOPE OF SERVICES
NORTHERN BASIN INTERCEPTOR SYSTEM
SEPTEMBER 13, 2019**

I. PROJECT DESCRIPTION

This project consists of providing professional engineering services to facilitate the pre-design study for the Northern Basin Interceptor System and to begin property acquisition. These interceptors are outlined in the City of Seagoville's Wastewater Master Plan and described below.

Line A (Master Plan Project S2) – Approximately 10,800 linear feet of proposed 36-inch main from NTMWD lift station to Lawrence Lake (main trunk of the Northern Basin Interceptor System)

Line B (Master Plan Project S3) – Approximately 17,700 linear feet of proposed 8-inch to 24-inch main from Lawrence Lake to the Ard and future Summer Lakes Lift Stations.

Line C (Master Plan Project S10) – Approximately 7,800 linear feet of proposed 10-inch to 18-inch main from Lawrence Lake to the Highland Meadows Lift Station.

Line D – Approximately 6,200 linear feet of 8-inch to 15-inch main from Line B to the Farmers and Hart Meadows Lift Stations.

The Alignment Study performed in this project will incorporate Lines A, B, C and D. The project includes property acquisition services for an assumed 10 parcels along Line A only.

II. TASK SUMMARY, BASIC SERVICES

Consultant will provide the following basic services for the Project.

A. Project Start-Up, Coordination and Management

1. Provide direction and control of the Project on a daily basis to ensure progress of critical path items and quality of design. Conduct Project Quality Reviews prior to submittals. Consultant shall meet with City to report progress on the Project as required. Submittal review meetings (outlined in subsequent sections of this Scope) will be combined with project status when they coincide.

B. Alignment Study (Lines A, B, C and D)

1. Data Collection

- a) City to provide available as-built plans for existing utilities and street improvements, plats, right-of-way maps, existing easement information, contour maps, and other features within and pertaining to the project area. The information and data obtained is to be used in the alignment study and include the following:
 - Existing locator maps and plans for future franchise utilities.

**EXHIBIT A
DRAFT SCOPE OF SERVICES
NORTHERN BASIN INTERCEPTOR SYSTEM
SEPTEMBER 13, 2019**

- Current plans for proposed roads.
 - Planned Developments and proposed improvements in the project corridor.
 - Approximate property and right of way boundaries.
- b) Consultant will use aerial imagery and elevation data from available databases and existing sources. Field topographical surveys are not included in this scope of services.
- c) Consultant will request right-of-entry to access key parcels, then walk proposed alignments to evaluate and compare alternatives.

2. Alignment Study Report

- a) Develop schematic horizontal pipeline alignment alternatives (up to three alternatives for each line segment).
- b) Development of schematic level profile for each alignment to assess potential depth of main.
- c) Confirm system design flowrates and pipeline sizing.
- d) Prepare a preliminary engineering memorandum summarizing the pre-design analysis. The memorandum shall include:
- Data and exhibits of alignment alternatives and existing conditions.
 - Design flow rates and pipe sizing.
 - Schematic horizontal and vertical alignments of the recommended alignment.
 - Preliminary engineer's statement of probable construction cost.
 - Recommendations for pipe and manhole materials, locations where by-other-than-open cut construction methods will be necessary, and construction phasing and staging requirements.
 - Identification of easement requirements, including recommended widths, and potential property owners affected. Conceptual easement alignments will be provided for each individual parcel.
 - Identify the number and locations of required aerial crossings, if any.
 - Identification of geotechnical needs.
 - Identification of subsurface utility engineering ("SUE") needs.
 - Identification of required permits (if applicable).
- e) Meet with City staff to discuss memorandum comments

- f) Finalize memorandum per City comments and submit to City

III. SPECIAL SERVICES (City-DIRECTED)

C. Easement Exhibits (Line A)

Upon approval of a pipeline alignment, Consultant shall furnish a survey field party to collect field information necessary to prepare easement documents.

1. **Right of Entry** – Before the survey party is engaged in surveying on private property, Consultant shall send letters to all adjacent property owners notifying them of the survey party's intent to survey on private property. Consultant will assist City in determining the name, address and contact information of the affected property owners. Permission to survey on private property shall be obtained from the property owners before surveying is commenced. Consultant will provide copies of the Right of Entry letters to City for the project files.
2. **Easement Documents** – On approval of the Preliminary Design, Consultant shall survey, render field notes and prepare individual parcel exhibits for any additional right-of-way and/or easements needed for the Project. Exhibits shall include a standard signed and sealed exhibit and a reprint of the boundary information on color aerial photography. See below for a list of anticipated right-of-way and easement documents.
 - Ten (10) parcel exhibits for permanent easements.
 - Ten (10) parcel exhibits for temporary construction easements.

Parcel Exhibits – Individual parcel exhibits shall be in both hard copy (8 1/2" x 11") and pdf format, shall be sealed, signed and dated by a Registered Professional Land Surveyor and shall contain the following:

- a) Parcel number, current owner, and legal description
- b) Area required and area remaining.
- c) Any existing platted easements or easements filed by separate instrument including easements provided by utility companies.
- d) Physical features.
- e) Metes and bounds descriptions of parcel to be acquired. The description shall be provided on a separate sheet from the exhibit. Each type of easement shall be described separately.

D. Right-of-Way Acquisition Assistance (Line A)

1. Initial and Updated Appraisal Service (20 parcels assumed)

- a) Appraisers should provide advance notice of the date and time of their appraisal inspections of the subject property to the Consultant's Project Administrator in order to coordinate the appraiser's inspection.

- b) Secure written permission from the owner to enter the property from which real estate is to be acquired. If the Appraiser, after diligent effort, is unable to secure the necessary letter of permission from the property owner, a waiver must be obtained in writing from the City.
- c) Prepare and conduct personal pre-appraisal contact with interest owner(s) for each parcel using acceptable City forms.
- d) Contact property owners or their designated representative to offer opportunity to accompany the appraiser on the appraiser's inspection of the subject property. Maintain record of contract in file.
- e) For the initial appraisal, prepare complete appraisal report for each parcel to be acquired. These reports shall conform to City policies and procedures along with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Foundation.
- f) For an updated appraisal, prepare complete appraisal update for the parcel to be acquired. These reports shall conform to City policies and procedures along with the Uniform Standards of Professional Appraisal Practices.
- g) As necessary, prepare written notification to City of any environmental concerns associated with the right of way to be acquired, which could require environmental re-mediation.
- h) All completed appraisals will be administratively reviewed by City staff and recommend for approval by City staff.
- i) As necessary, the appraiser will coordinate with the review appraiser regarding revisions, comments, or additional information that may be required.
- j) The fees for initial and updated appraisal assignments are based on separate appraisal assignments.
- k) Beyond delivery of initial and update appraisal assignments, the appraiser can be called to provide preparation and testimony for a Special Commissioners Hearing. For this appraisal assignment, the fee for the preparation time and testimony must be based on the hourly rate shown in the Consultant's Fee Schedule.

2. Negotiation Services

- a) Analyze appraisal and appraisal review reports and confirm City's approved value prior to making offer for each parcel.
- b) Analyze preliminary title report to determine potential title problems, propose methods to cure title deficiencies.
- c) Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).

- d) Prepare the initial offer letter, memorandum of agreement, instruments of conveyance, and any other documents required or requested by City on applicable forms.
- e) Contact each property owner or owner's designated representative, to present the written offer in person where practical, and deliver appraisal report and required brochures. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.
- f) Provide a copy of the appraisal report for the subject property exclusively to the property owner or authorized representative at the time of the offer. Maintain original signed Receipt of Appraisal for billing purposes.
- g) Respond to property owner inquiries verbally and in writing within two business days.
- h) Prepare a separate negotiator contact report for each parcel per contact on approved form.
- i) Maintain parcel files of original documentation related to the purchase of the real property or property interests. Transfer final parcel file to City to include all originals.
- j) Advise property owner on the Administrative Settlement process. Transmit to City any written counter-offer from property owners including supporting documentation, and Consultant recommendation regarding Administrative Settlements in accordance with City policy and procedures.
- k) Prepare final offer letter, documents of conveyance as necessary.
- l) Appear and provide Expert Witness testimony as a Consultant when requested. The cost of the Consultant's expert witness testimony for trial is not part of this contract.
- m) Issue Property Owner's Survey to property owner.
- n) Task Status Communication
 - Maintain status reports of all parcel and project activities and provide weekly updates.
 - Provide schedule of all areas of work indicating anticipated start and end dates.
 - Attend weekly status meetings.
 - Prepare initial property owner contact list for use in distribution of ROW Consultant introduction letters.
- o) File Management
 - Working files will be kept in the ROW Consultant's project administrative office, but documents generated or received by the

ROW Consultant will be forwarded to City as they are generated or received by the ROW Consultant.

- Prepare invoices utilizing City standard payment submissions forms with supporting documentation.
- Maintain records of all payments including warrant/check number, amount, and date paid, etc.
- Maintain copies of all correspondence and contacts with property owners.

3. Title and Closing Services

- a) Secure preliminary title commitment or preliminary title search and 5-year sales data from the title company that will be providing title insurance.
- b) Secure title commitments updates in accord with insurance rules and requirements for parcel payment submissions.
- c) Secure title insurance for all parcels acquired, insuring acceptable title to City. Written approval by City required for any exception.
- d) The curative services necessary to provide clear title to City is the responsibility of the Consultant and is to be included in the negotiated fee schedule for this service. Note: the Consultant's curative services do not include cost/expenses that qualify as payment of incidental expenses to transfer real property to City.
- e) The Consultant has the responsibility of direct contact with the Title Company to obtain an updated title commitment along with other forms and certified copy of the instrument of conveyance when requesting the Parcel Payment from City.
- f) The Consultant provides closing services in conjunction with the Title Company and at the discretion of City may be required to attend closings.
- g) Any fee related to obtaining certified court documents and fees for recording same which are not collected at the closing of the parcel shall be direct pass-through fees.
- h) Consultant shall cause the recordation of all original instruments immediately after closing at the respective County Clerk's Office. The cost of recording fees and filing fees will be paid by City and is not included in the Consultant's negotiated fee schedule.

E. Condemnation Assistance

1. Condemnation Support (3 parcels assumed)

Consultant shall not act as the attorney for condemnation purposes. City must contract with a third-party attorney. Consultant shall provide support services to City and its third-party attorney as described below:

a) Pre-Hearing Support

- Request updated Title Commitment from title Company.
- Use information from the Title Commitment to identify interested parties.
- Submit information packet as requested by Condemning Attorney.
- Request update of appraisal.
- File original petition with County Court at Law or other appropriate Court for a cause number to be assigned.
- File Lis Pendens including the cause number with the County Clerk's Office
- Upon assignment of a court, file the Order Appointing Commissioners with the judge, retaining a copy of the Order for the files.
- Following appointment of Commissioners by the judge, secure Oath of Commissioners signed by the Commissioners, Order Setting Hearing and Notice of Hearing signed by the Commissioners.
- File all originals with the court and send copies to City and Condemning Attorney.

b) Post-Hearing Support

- File Award of the Commissioners with the court for the Judge's signature within 48 hours of hearing, unless on Friday or before a holiday when court will not be open.
- Obtain certified copy of Award and provide to City with request for funding in amount of Award.
- Obtain Commissioners' Fees and submit to City for payment.
- File Award payment in registry of the court, file Notice of Deposit with the court and send certified copies to each defendant notifying them of the date of deposit. The Date of Deposit is the Date of Take.
- Send written notices of the date of deposit to City and all interested parties.

F. Additional Assistance

1. Additional Project Support

Consultant will assist the City with additional project needs to plan for and acquire easements for the future pipeline. Additional support may include tasks items such as field survey of critical creek crossings, easement exhibits for additional parcels, acquisition services for additional parcels or

for a longer time period than anticipated in the original budget estimate, and/or for other tasks deemed beneficial by the City.

IV. ITEMS NOT INCLUDED IN THE EXISTING SCOPE OF SERVICES

- A. City and Consultant agree that the following services are beyond the Scope of Services described in the tasks above. However, Consultant can provide these services, if needed, upon City's written request. Any additional amounts paid to Consultant as a result of any material change to the Scope of the Project shall be agreed upon in writing by both parties before the services are performed. These Additional Services include the following:
1. Consulting services not included in proposal.
 2. Topographical survey
 3. Subsurface Utility Engineering
 4. Design and construction phase services
 5. Environmental assessments, remediation, USCOE 404 Permits or Mitigation Plans.
 6. Archeological field investigation.
 7. Tree survey – tagging and identifying trees
 8. Tree Mitigation Plan.
 9. Additional Permitting not specifically listed in the scope of services.
 10. Environmental Site Assessments
 11. Sampling and Testing for Hazardous Materials.

**EXHIBIT B
DRAFT PROPOSED FEES**

| | | |
|-------------|--|--------------------------|
| II. | <u>BASIC SERVICES</u> | |
| | A. Project Start-Up, Coordination and Management | \$10,000 |
| | B. Alignment Study | \$50,000 |
| | <i>Total Basic Services (Lump Sum, Not-To-Exceed)</i> | <u>\$ 60,000</u> |
| | | |
| III. | <u>SPECIAL SERVICES (City-DIRECTED)</u> | |
| | C. Easement Exhibits | \$ 65,000 |
| | D. Right-of-Way Acquisition Assistance | \$110,000 |
| | E. Condemnation Assistance | \$ 30,000 |
| | F. Additional Assistance | \$ 10,000 |
| | <i>Total Special Services (Not-To-Exceed)</i> | <u>\$ 215,000</u> |
| | | |
| | <u>Project Budget, Grand Total (Not-To-Exceed)</u> | <u>\$ 275,000</u> |



12225 Greenville Avenue, Ste. 200
Dallas, Texas 75243
(214) 572-2272
Fax (214) 572-2273

ADDITIONAL SERVICES CONFIRMATION

To: Pat Stallings
City Manager
City of Seagoville
702 N Highway 175
Seagoville, Texas, 75159

Date: 7/15/2020.

From: Timothy Lackey, P.E.

AVO: 37392

Email: tlackey@halff.com

Project: City of Seagoville – Northern Basin
Interceptor System – Geotechnical
Services

VIA: email

As per your request we understand that you would like Halff Associates to continue to assist the City with the Northern Basin Interceptor System Services. Halff shall continue to provide service for the predesign study on the interceptor sewer. The provisions of the existing contract of October 9, 2019 shall remain in effect over this additional work.

Additional services are desired to study the geotechnical conditions for the predesign services and is appropriate under **Section III Special Services (City Directed) Item F. Additional Assistance.**

The scope of the **Item F. Additional Assistance – 2. Geotechnical Services** shall be as follows:

2. Geotechnical Services:

- A. Geotechnical Investigations** - Consultant shall perform field and laboratory geotechnical investigations to provide design data and recommendations for excavation techniques, structural elements and any bores associated with the Project. The budget includes allowance for the following geotechnical investigation services:
1. Drill, classify, and perform pertinent tests on soils at up to 18 locations (not to exceed 450 total vertical feet of boring). If number of borings or total vertical feet required exceeds these values, additional compensation may be requested as an additional service.
 2. If reasonable access is not available to selected sites, or if tracked or other special vehicles are needed for site access, additional compensation may be requested as an additional service. Brush clearing and grubbing is included in Special Services Task **B.**
 3. Prepare a report containing recommendations regarding surface conditions, soil and geologic conditions at the proposed interceptor alignment, excavation techniques, anticipated settlement, compaction, fill and trench protection requirements.
 4. Recommended Lateral earth pressures and slope stability analysis and use of tiebacks will be provided for design of retaining structures as necessary for gabion wall design.
 5. Provide one (1) electronic copy in PDF format. Consultant shall include soil boring information in the final Contract Documents. The final geotechnical report will be included as an Appendix to the specifications. Report shall be sealed by a Registered Professional Engineer in the State of Texas.
 6. The fee is estimated at **\$32,700.00 lump sum.**



12225 Greenville Avenue, Ste. 200
Dallas, Texas 75243
(214) 572-2272
Fax (214) 572-2273

B. Clearing and Grubbing for Geotechnical Investigation

1. Perform field brush cutting to advance geotechnical drilling rig into an area.
2. The fee is estimated at hourly not to exceed of \$5,200.00.

We estimate approximately **\$ 37,900.00** will be needed to perform these services through a proposed duration period of July 2020 thru November 2020 (subject to the variability of weather and as needed calls from the City). The total for additional services shall not exceed total of the additional \$37,900.00 without prior written consent.

We request your signature below to confirm the scope and fee; however, as requested, we are proceeding with the work as described above. If the scope and/or fee is not acceptable, please notify us immediately. If we do not receive notification of a change within ten (10) working day we will conclude that the scope and fee outlined above is acceptable and we will bill you accordingly when the work is completed.

By: Tim Lackey
(Print name)

Title: Vice President

Signature: 

Date: 7/15/2020
ACCEPTED

By: _____
(Print name)

Title: _____

Signature: _____

Date: _____

Attachments: NONE

SIGNED: □□□

COPIES:

- File Owner Contractor Other:

Regular Session Agenda Item: 10

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Conduct a public hearing on a request to grant a Special Use Permit ("SUP") for a monopole communications tower to be located on property zoned "C", Commercial, being approximately 13.3± acres of real property located at 2737 North Highway 175, in the City of Seagoville, Dallas County, Texas and being legally described as Tract 39 of Herman Heider Abstract 541 and approval of the site plans.

BACKGROUND OF ISSUE:

Judy Campbell (the property owner) is represented by Kathy Kelly of Kelly Communication Towers, LLC (the proposed tower's owner) in her request for a zoning change to allow a new communications cell tower on their property at 2737 North Highway 175.

The land area for the proposed tower is currently unimproved and is located over four hundred (400) feet behind and across a creek from the part of the parcel containing the commercial business named Slick Stich Custom Upholstery. V&M Granite and Remodeling at 2741 U.S. Highway 175 will sit directly in front of the tower's location. The proposed driveway is to be built to City of Seagoville standards for fire lanes and will access the proposed tower's site by extend the existing shared driveway between 2743 and 2745 North Highway 175.

The Planning and Zoning Commission makes a recommendation to City Council, who will make the final decision.

The existing zoning, land uses, and relevant portions of the City's comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z and City Council should deny or approve the applicant's request.

The Planning & Zoning Commission initially heard this application at the end of March 2019. City Council heard that request in the middle of April. One of the conditions of approval was for the site to begin construction (or at least get a building permit) within 270 days. This period expired on January 10, 2020. During this period, the project was placed "on hold" while the T-Mobile purchase of Sprint was being completed (which required federal judicial approval). The project came off hold in mid-March as corona virus closures, furloughs, and other limitations were put in place on businesses and other groups. As businesses began operating again, it was realized that the Special Use Permit had expired and needed to be re-approved so that construction can now move forward.

A legal ad was published per the Texas Local Government Code for the public hearing at the

Planning and Zoning Commission in the Friday, June 26, 2020, edition of the Daily Commercial Record newspaper. Not including the subject parcel, there are twenty-one (21) properties, one (1) federal highway, and no (zero) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, June 29, 2020. One (1) property owner responded in favor of the request. Two (2) letters were returned against the request. The U.S. Postal Service returned one (1) letter as undeliverable. Other than the applicant, no (zero) other people spoke for or against the request at the Planning and Zoning Commission meeting.

For the City Council meeting, a legal ad was published again per the Texas Local Government Code in the Friday, July 17, 2020, edition of the Daily Commercial Record newspaper. The owners of each parcel were again notified in compliance with the 200-foot rule by mail on Wednesday, July 22, 2020. As of the date of this report, Tuesday, July 28, 2020, no (zero) additional letters were returned as undeliverable by the U.S. Postal Service and no (zero) additional written responses have been received. Staff will make the Council members aware of any additional responses received at their meeting.

FINANCIAL IMPACT:

Not applicable

RECOMMENDATION:

On July 14, 2020, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending to City Council to approve with conditions the request to amend the zoning on about 13.3+ acres of unplatted Tract 39 of Herman Heider Abstract 541 Page 505 (commonly known as 2737 North Highway 175) from C, Commercial, to C-SUP, Commercial with a Special Use Permit, to allow a communications cell tower. There were four (4) conditions of approval.

- The construction of the access drive to proposed tower's site shall meet all of Seagoville's fire lane standards.
- The Special Use Permit is only good for 270 days from its date of approval unless the tower's construction can be completed in that time.
- The Special Use Permit will need to be re-applied for *and approved* prior to granting any time extension on the tower's construction.
- Once the tower is completed, the Special Use Permit remains in effect until the tower is removed from the site.

Staff also supports the requested change with the above listed conditions of approval.

EXHIBITS:

Each of the following are set for printing on letter-sized paper unless otherwise listed.

1. Staff Report (4 pages)
2. 2019 aerial photograph from DCAD website
3. Dimensional map from DCAD website
4. Zoning map reference (dimensional map with zoning added as well as proposed tower site)
5. Zoning application
 - a. Applications and FAA clearance (3 pages)
 - b. Concept (2 pages on 11x17)
6. Notice to newspaper
 - a. Notice for Planning & Zoning Commission
 - b. Notice for City Council
7. Notice to property owners
 - a. Planning & Zoning Commission notice to property owners within 200 feet (2 pages)
 - b. City Council notice to property owners within 200 feet (2 pages)
 - c. Responses received from letters (3 pages)
8. List of property owners within 200 feet of subject parcel



COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

DATE: AUGUST 3, 2020
AUTHOR: JENNIFER BONNER, PLANNER
OWNER: JUDY CAMPBELL
APPLICANT: KELLY COMMUNICATION TOWERS LLC
LOCATION: 2737 NORTH HIGHWAY 175 (UNPLATTED TRACT 39 OF HERMAN HEIDER ABSTRACT 541)

REQUEST SUMMARY:

Kathy Kelly of Kelly Communication Towers, LLC (proposed tower's owner) is representing land owner Judy Campbell in her request for a Special Use Permit to allow a new communications cell tower on the east side of Scott Place and south of U.S. Highway 175 at the location under the yellow star. The parent parcel is also outlined in yellow.

This application was initially heard by the P&Z in March 2019. Due to a merger of T-Mobile and Sprint, the construction of the tower was delayed until the merger could be approved. Then coronavirus hit after the applicant realized their initial approval had expired. The applicant has informed staff that tower construction is planned for September of this year.



REQUEST LOCATION: Inside City, Dallas County

| SIZE OF PROPERTY | EXISTING ZONING | SURROUNDING ZONING | EXISTING LAND USE | SURROUNDING LAND USE |
|--|------------------|--|--|---|
| 0.230-acres for tower; 13.3-acres for parent parcel | C, Commercial | Northwest: A, Apartment and LR, Local Retail Southwest: R-2, Single Family Residential and R-5, Single Family Residential Northeast: C, Commercial Southeast: R-2, Single Family Residential and R-5, Single Family Residential | Highway frontage has Commercial while the rest of the lot is mostly vacant | Northwest: Low Density Residential, Medium Density Residential, Retail Southwest: Low Density Residential Northeast: Retail Southeast: Low Density Residential |

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On July 14, 2020, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending to City Council to approve with conditions the request to amend the zoning on about 13.3+acres of unplatted Tract 39 of Herman Heider Abstract 541 Page 505 (commonly known as 2737 North Highway 175) from C, Commercial, to C-SUP, Commercial with a Special Use Permit, to allow a communications cell tower. There were four (4) conditions of approval.

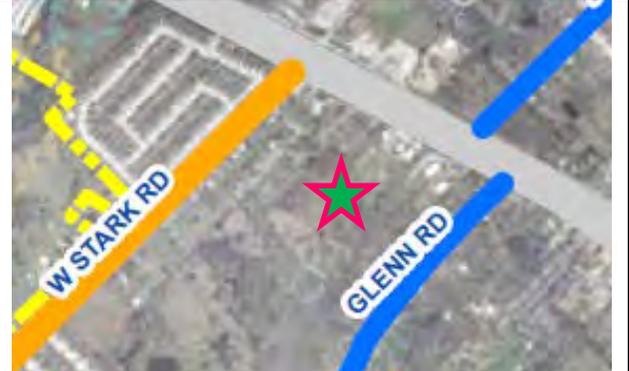
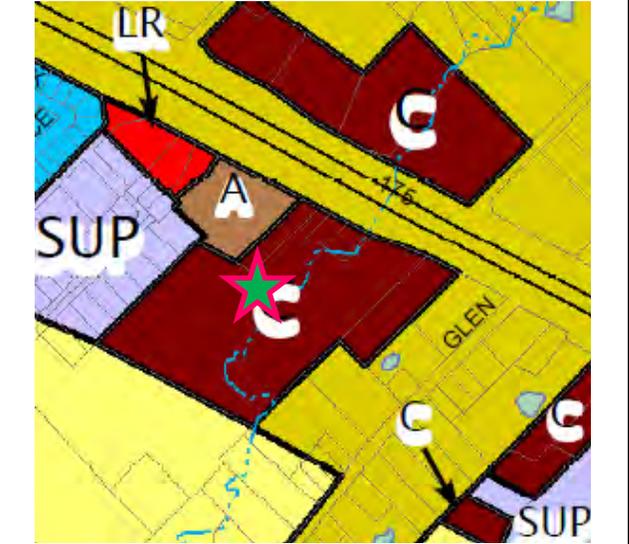
- The construction of the access drive to proposed tower's site shall meet all of Seagoville's fire lane standards.
- The Special Use Permit is only good for 270 days from its date of approval unless the tower's construction can be completed in that time.
- The Special Use Permit will need to be re-applied for *and approved* prior to granting any time extension on the tower's construction.

| | |
|--|------------------|
| Planning and Zoning Commission reviews and makes a recommendation to the City Council, which makes the final decision on the request. | |
| Detailed explanations follow on the attached pages. | |
| STANDARD: | ANALYSIS: |
| Development Calendar (Deadlines) | Has Met |
| Application(s) Requirements | Has Met |
| Zoning Code | Has Met |

**STAFF REPORT
Z2020-09**

- Once the tower is completed, the Special Use Permit remains in effect until the tower is removed from the site.

Staff supports the requested change with the above listed conditions of approval.

| COMPARISON TO ADOPTED CITY MASTER PLANS | |
|---|--|
| STAFF ANALYSIS | PLAN GOALS OR GUIDELINES |
| 2002 Future Land Use Plan and Map | |
| <p>The tower in the request is planned for the location under bright yellow star. This parcel is in a planned area of Commercial (brown color) as shown in the map to the right. The tower will be to the left of the creek shown in this map and behind the existing commercial uses along the eastbound U.S. Highway 175 frontage road.</p> <p>All light yellow colored areas are planned to be Low Density Residential. Areas in red are expected to become Local Retail. The mustard yellow colored areas area expected to become Medium Density Residential.</p> | <p style="text-align: center;">Meets Standard</p>  |
| 2006 Master Thoroughfare Plan and Map | |
| <p>The proposed site for this request (green star outlined in pink) will only have access to the eastbound frontage road of U.S. Highway 175 (not labeled but shown by the wide grey line in the map) via the existing businesses parking lots and driveways.</p> <p>The dashed yellow line to the left depicts the city limit line separating Seagoville from Dallas.</p> | <p style="text-align: center;">Meets Standard</p>  |
| 2009 Zoning Plan and Map | |
| <p>The green star outlined in pink shows the location of the planned cell tower, which will be to the left of the creek shown in the map. The red-brown color is Commercial.</p> <p>The brown area labeled A is an apartment complex. The blue area is a Planned Development of single family homes on the west side of Stark Road. The red area of LR is Local Retail on the corner of Highway 175 and Stark Road. All of the mustard yellow areas are zoned R-5, Residential Single Family. The light yellow areas in the bottom half of the map are zoned R-2, Residential Single Family. The 1978 version of this map shows the SUP (light purple colored) area to the left of the star as also being R-5. Staff has not been able to locate the ordinance that created the Special Use Permit (SUP) on the map at this location.</p> | <p style="text-align: center;">Meets Standard</p>  |

| REVIEW CRITERIA | STAFF ANALYSIS | |
|--|----------------|--|
| 1. Will the use conform to off-street parking and loading requirements? | Yes | As this Special Use Permit (SUP) is for an unmanned site, it will have limited parking and loading requirements. |
| 2. Has a site plan been submitted showing the layout of the proposed development and use? | Yes | A concept plan for the tower's construction was submitted with the application for the request for this SUP. |
| 3. Are all of the ingress and egress ways adequate? | Yes | Since ingress and egress will be via a new 24-foot fire lane onto the eastbound frontage road for US Highway 175, these criteria will be met. |
| 4. Are the size and shape of the site as well as the arrangement of the proposed structure(s) in keeping with the intent of the Code? | Yes | The application will change the zoning for the entire parent parcel (13.3±acres) even though only 0.23-acres are needed for the tower site. |
| 5. Will granting the permit be authorizing less than the minimum requirements in regards to height, area, setbacks, parking, or landscaping? | No | The tower will not require an FAA light on top. The base of the tower will be at about the same elevation as the homes on Scott Place and slightly lower than those along Highway 175 and along Glenn Road. The mature trees on the east, south, and west sides of the property plus the screening fences for the businesses along the Highway will help hide or camouflage the tower's location, but not completely eliminate it from view. |
| 6. Are there any outside lighting or screening controls that needs to be installed? | Yes | A wood screening fence is planned for screening the tower's compound. |
| 7. Will the proposed landscaping and screening be compliant with all City regulations? | Yes | There are trees of significant height on the east, south, and west sides of the proposed site. The north side is fenced with metal panels screening the businesses along the highway. A landscaping plan has been submitted that uses plants in the landscape section of the zoning code. It also appears to be using the alternative landscaping plan section by the use of native vines in a 3-foot landscape buffer in combination with a wood screening fence. |
| 8. Are there any special setbacks that are needed between this use and adjoining properties? | No | Within 300-feet of the planned 195-foot tall tower, there are only parts of 1 of the 16 apartment buildings on Kim Circle. |
| 9. What type of surfacing will be applied to parking areas and drives? | Yes | The drive used to access the tower site will be a 24-foot-wide access easement with a concrete driveway meeting the City's fire lane requirements. |
| 10. Will curbs and drainage structures be installed as part of the project? | No | A paved driveway will be provided but no curbs, gutters, or other drainage structures. |
| 11. Will granting the permit be authorizing any use that is not allowed or that defies the intent of the district it will be located in? | No | The Special Use Permit portion of the code allows communication towers in all zoning districts. |
| 12. Will the use be designated, located, and operated so that the public health, safety, and welfare will be protected? | Yes | Staff has confirmed that the tower will be located so no portion of the tower would fall onto any adjoining parcel if the tower was to have a failure at its base once it was constructed. |
| 13. Will the land use be compatible with other area properties located nearby? | Yes | The erection of the tower is the only special use being asked for on this property. The rest of the land's use will remain commercial. |

**STAFF REPORT
Z2020-09**

| REVIEW CRITERIA | STAFF ANALYSIS | |
|--|----------------|---|
| 14. Will the use conform to all provisions in the Code for the district in which the use is to be located? | Yes | The Special Use Permit portion of the code allows communication towers in all zoning districts |
| 15. Will the use facilitate public convenience at that location? | Yes | Since ingress and egress will be via a new 24-foot fire lane onto the eastbound frontage road for US Highway 175, these criteria will be met. |
| 16. Have safeguards limiting noxious or offensive emissions, including light, noise, glare, dust, and odor been addressed? | Yes | Once construction of the tower is complete, there should be no issues with any of these items as the structure as the base of the tower will be unmanned except during maintenance and repairs. |
| 17. Will the signage conform to those portions of the Municipal Code? | Yes | There will be limited signage on-site. Any public signage will be placed on the gate or at the end of the driveway. |
| 18. Will the open space be maintained by the owner/developer? | Yes | The current property owner will continue to maintain all areas outside the site except the landscaping at the base of the wall. The tower and area inside the site will have its own regular maintenance schedule. Landscaping maintenance will need to be coordinated between the land owner and tower operator. |

Public Comments Received: A legal ad was published per the Texas Local Government Code for the public hearing at the Planning and Zoning Commission in the Friday, June 26, 2020, edition of the Daily Commercial Record newspaper. Not including the subject parcel, there are twenty-one (21) properties, one (1) federal highway, and no (zero) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, June 29, 2020. One (1) property owner responded in favor of the request. Two (2) letters were returned against the request. One (1) letter was returned as undeliverable by the U.S. Postal Service. Other than the applicant, no (zero) other people spoke for or against the request at the Planning and Zoning Commission meeting.

For the City Council meeting, a legal ad was published again per the Texas Local Government Code in the Friday, July 17, 2020, edition of the Daily Commercial Record newspaper. The owners of each parcel were again notified in compliance with the 200-foot rule by mail on Wednesday, July 22, 2020. As of the date of this report, Tuesday, July 28, 2020, no (zero) additional letters were returned as undeliverable by the U.S. Postal Service and no (zero) additional written responses have been received. Staff will make the Council members aware of any additional responses received at their meeting.







CAD Property Map





ZONING APPLICATION

City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: _____ City Council: _____
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): _____

- Application Type:**
- Initial Zoning (newly annexed or Agricultural property)
 - Rezoning (property currently zoned)
 - Planned Development (PD) – see Zoning Ordinance for special requirements and procedures
 - Specific Use Permit (SUP) – see Zoning Ordinance for special requirements and procedures

Name of Subdivision or Project: New Bell Tower, TX 2001 Campbell Site (Seagoville, TX)
 Physical Location of Property: 2737 N. US 175 75159
[General Location -- approximate distance to nearest existing street corner]
 Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description):
Tract 39 of Herman Heiler Abstract 541, Pg 505
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]
 Acreage: 3.3 Existing Zoning: C Requested Zoning: C-SUP - Reapproval
[Attach a detailed description of requested zoning & development standards, if a PD]

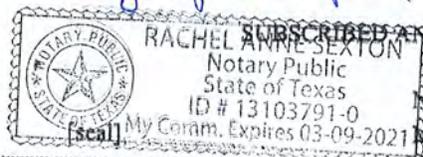
Applicant / Owner's Name: Judy Campbell Applicant or Owner? (circle one)
 Contact Person: Judy Campbell Title: _____
 Company Name: _____
 Street/Mailing Address: 412 W. Stark Rd. City: Seagoville State: TX Zip: 75159
 Phone: (214) 532-0421 Fax: () Email Address: custanset@sbcglobal.net

Engineer / Representative's Name: Kathy Kelly
 Contact Person: _____ Title: Owner
 Company Name: Kelly Comm
 Street/Mailing Address: 3708 Stovall Cir City: Atlanta State: GA Zip: 30339
 Phone: (770) 330-9784 Fax: () Email Address: Kathy.Kelly@kellycommss.com

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advertised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.
All application materials (one copy) must be delivered to the City's Planner. The name, address, phone number, etc. of the City's Planner can be obtained from City staff. Failure to submit all materials to the City's Planner may result in delays scheduling the zoning application for a P&Z agenda.
Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: Judy Campbell Title: _____ Date: 6-5-20



SUBSCRIBED AND SWORN TO before me, this 5 day of June, 2020
 Notary Public in and for the State of Texas: Rachel Anne Sexton
 My Commission Expires On: 3/9/2021

Office Use Only: Date Rec'd: _____ Fees Paid:\$ _____ Check #: _____ Receipt #: _____
 Zoning Case # _____ Accepted By: _____ Official Submittal Date: _____



ZONING APPLICATION

City of Seagoville, Texas

ANTICIPATED MEETING DATES: P&Z: _____ City Council: _____
DATE OF PRE-APPLICATION CONFERENCE WITH CITY REPS & PLANNER (required): _____

Application Type:

- Initial Zoning (newly annexed or Agricultural property)
- Rezoning (property currently zoned)
- Planned Development (PD) – see Zoning Ordinance for special requirements and procedures
- Specific Use Permit (SUP) – see Zoning Ordinance for special requirements and procedures

Name of Subdivision or Project: New Cell Tower, TX 2001 Campbell Site (Seagoville, TX)

Physical Location of Property: 2737 N. US 175 75159
[General Location – approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate Surveyor's metes and bounds description):
Tract 39 of Herman Heidee Abstract 541, Pg 505
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Acreage: 13.3 Existing Zoning: C Requested Zoning: C-SUP - Reapproval
[Attach a detailed description of requested zoning & development standards, if a PD]

Applicant / Owner's Name: Judy Campbell Applicant or Owner (circle one)

Contact Person: Judy Campbell Title: _____

Company Name: _____

Street/Mailing Address: 412 W. Stark Rd. City: Seagoville State: TX Zip: 75159

Phone: (214) 532-0421 Fax: () _____ Email Address: Customseats@sbcglobal.net

Engineer / Representative's Name: Kathy Kelly

Contact Person: _____ Title: Owner

Company Name: Kelly Comm

Street/Mailing Address: 3708 Starwall Cir City: Atlanta State: GA Zip: 30339

Phone: (770) 336-9784 Fax: () _____ Email Address: Kathy.Kelly@kellycomss.com

SUBMITTAL DEADLINE: 30 DAYS PRIOR TO P&Z PUBLIC HEARING DATE. (All zoning applications must be advertised in the newspaper, and notices must be mailed to all property owners within 200 feet of the subject property. Please contact City staff in advance for submittal deadlines.)

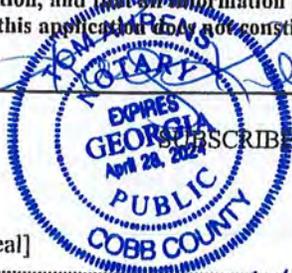
All applications must be COMPLETE before they will be scheduled for P&Z agenda. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be obtained from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements.

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Notice of Public Records. The submission of plans/drawings with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

I hereby certify that I am the Owner, or the duly authorized agent of the Owner (proof of authorization attached), for the purposes of this application, and that all information submitted herein is complete, true and correct to the best of my knowledge. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Signed: _____ Title: Applicant Date: 6/9/20



Subscribed and sworn to before me, this the 9th day of JUNE, 2020
[Month] [Year]

Notary Public in and for the State of Texas: Tom Chene

My Commission Expires On: 4-28-2024

Office Use Only: Date Rec'd: 6/11/2020 Fees Paid: \$ 750 Check #: 1131 Receipt #: 623986
Zoning Case # 22020-09 Accepted By: ASB Official Submittal Date: 6/12/2020



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Issued Date: 03/25/2019

Kathy Kelly
Kelly Communication Structures, LLC
3708 Stonewall Circle
Atlanta, GA 40067

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

| | |
|------------|---|
| Structure: | Monopole TX2001 Seagoville |
| Location: | Seagoville, TX |
| Latitude: | 32-39-55.03N NAD 83 |
| Longitude: | 96-35-01.12W |
| Heights: | 432 feet site elevation (SE) 199 feet above ground level (AGL) 631 feet above mean sea level (AMSL) |

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

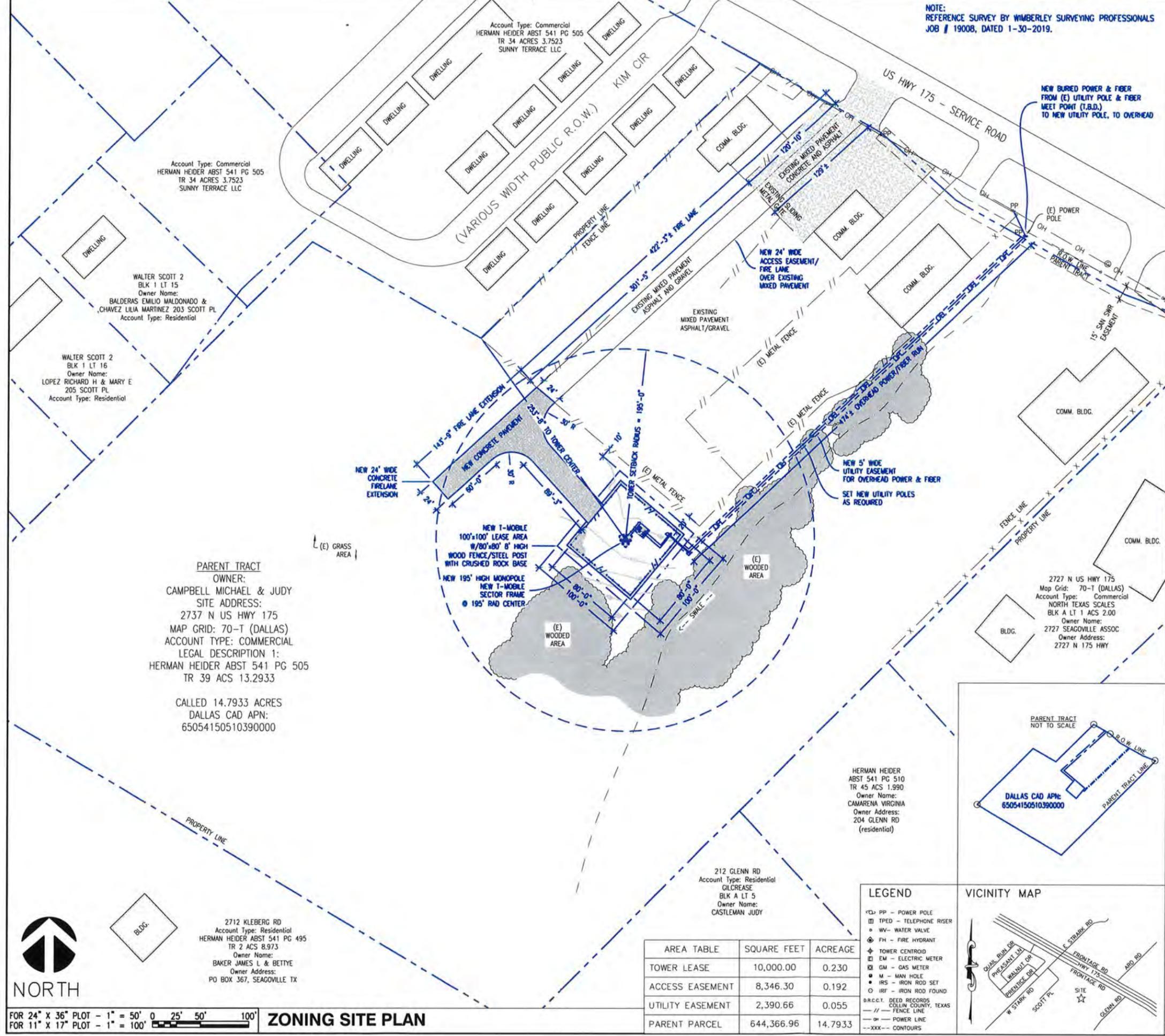
It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

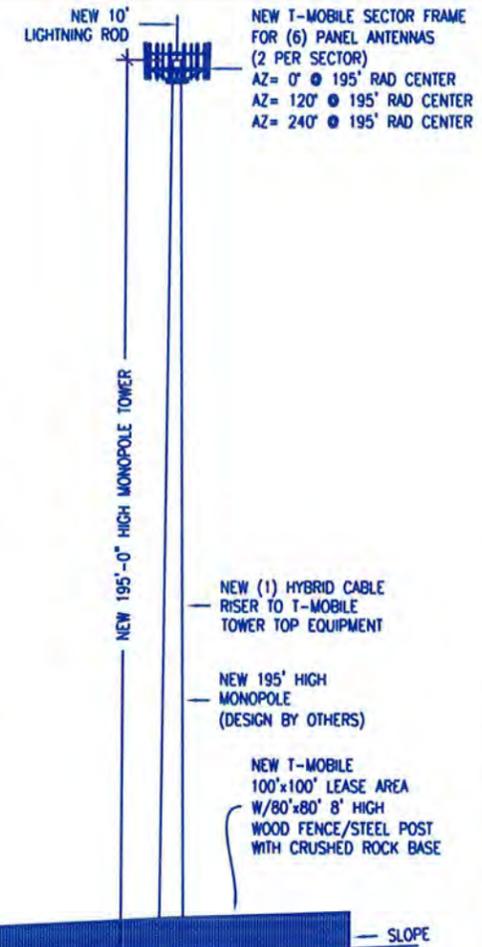
Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 09/25/2020 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.



NOTE:
REFERENCE SURVEY BY WIMBERLEY SURVEYING PROFESSIONALS
JOB # 19008, DATED 1-30-2019.



Tower Elevation - looking Northwest
FOR 24" X 36" PLOT - 1" = 20' 0" 10' 20' 40'
FOR 11" X 17" PLOT - 1" = 40'

PARENT TRACT
OWNER:
CAMPBELL MICHAEL & JUDY
SITE ADDRESS:
2737 N US HWY 175
MAP GRID: 70-T (DALLAS)
ACCOUNT TYPE: COMMERCIAL
LEGAL DESCRIPTION 1:
HERMAN HEIDER ABST 541 PG 505
TR 39 ACS 13.2933

CALLED 14.7933 ACRES
DALLAS CAD APN:
65054150510390000

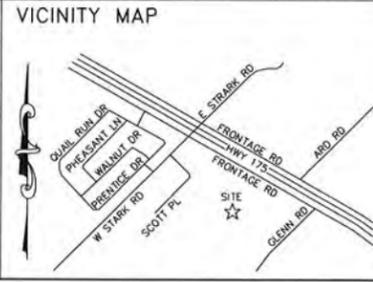
2712 KLEBERG RD
Account Type: Residential
HERMAN HEIDER ABST 541 PG 495
TR 2 ACS 8.973
Owner Name:
BAKER JAMES L & BETTYE
Owner Address:
PO BOX 367, SEAGOVILLE TX

FOR 24" X 36" PLOT - 1" = 50' 0" 25' 50' 100'
FOR 11" X 17" PLOT - 1" = 100'

ZONING SITE PLAN

| AREA TABLE | SQUARE FEET | ACREAGE |
|------------------|-------------|---------|
| TOWER LEASE | 10,000.00 | 0.230 |
| ACCESS EASEMENT | 8,346.30 | 0.192 |
| UTILITY EASEMENT | 2,390.66 | 0.055 |
| PARENT PARCEL | 644,366.96 | 14.7933 |

- LEGEND**
- PP - POWER POLE
 - TPED - TELEPHONE RISER
 - WV - WATER VALVE
 - FH - FIRE HYDRANT
 - TOWER CENTROID
 - EM - ELECTRIC METER
 - GM - GAS METER
 - M - MAN HOLE
 - IRS - IRON ROD SET
 - IRF - IRON ROD FOUND
 - BR.C.T. DEED RECORDS COLLIN COUNTY, TEXAS
 - FENCE LINE
 - POWER LINE
 - XXX--- CONTOURS



PROJECT SUMMARY: NEW 195' MONOPOLE TOWER WITH NEW UNMANNED COMMUNICATION EQUIPMENT AT BASE OF TOWER

CONTRACTORS:
A&E CONTRACTOR
ALLPRO CONSULTING GROUP, INC.
9221 LYNDON B. JOHNSON Fwy
SUITE 204
DALLAS, TX 75243
CONTACT: JOE M. GEORGE, P.E.
OFFICE: 972-231-8893
FAX: 866-364-8375

SURVEY
WIMBERLEY SURVEYING PROFESSIONALS
RON D WIMBERLEY, R.P.L.S.
PO BOX 9237
GREENVILLE, TX 75404
PHONE: 903-455-8100

APPLICANT
KELLY COMMUNICATION TOWERS, LLC
3708 STONEWALL CIRCLE DW
ATLANTA, GA 30339
CONTACT: KATHY KELLY
PHONE: 803-609-0535
PHONE: 770-330-9784

LANDLORD
MICHAEL & JUDY CAMPBELL
412 W. STARK RD.
SEAGOVILLE, TX 75159
PHONE: 972-287-5235

TELCO
AT&T
POWER
ONCOR

TEXAS ONE CALL
CONTRACTOR TO CALL 48 HOURS BEFORE DIGGING:
PHONE: 800-545-6005
INDEPENDENT LOCATORS TO BE USED ON ALL SITES

PARENT TRACT
OWNER: CAMPBELL MICHAEL & JUDY
CALLED 14.7933 ACRES
HERMAN HEIDER SURVEY, ABSTRACT NO. 541
DALLAS CAD APN: 65054150510390000
DEED REF.: VOL. 96044, PG. 1966
D.R.D.C.T.
TITLE EXCEPTION (B10-ITEM K)



Exhibit 5b
Kelly Communication Structures, Inc.
770.330.9784

ACCI NO: 18-7869
DRAWN BY: CG
CHECKED BY: RS

| | |
|----------|----------------------|
| 02/4/19 | ZONING REVIEW |
| 13/11/19 | REVISED PER COMMENTS |
| 23/22/19 | REVISED PER COMMENTS |

ALLPRO
CONSULTING GROUP, INC.
9221 Lyndon B Johnson Fwy
Suite 204, Dallas, TX 75243
Phone: 972-231-8893
Fax: 866-364-8375
www.allprogroup.com
registration no. 08242

Kelly Communications
SITE: TX2001
SEAGOVILLE

T-MOBILE SITE
DA02068

2737 N US HWY 175
SEAGOVILLE, TX 75159
DALLAS COUNTY
32.665286°, -96.583644°

SHEET TITLE
ZONING SITE PLAN

SHEET NUMBER
Z-1

Exhibit 5b



June 29, 2020

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING AND ZONING COMMISSION
ZONING CASE Z2020-09**

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, July 14, 2020, at 6:30 PM in the Council Chambers of City Hall at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to amend the current zoning on about 13.3-acres of unplatted Tract 39 of Herman Heider Abstract 541 Page 505 (commonly known as 2737 North Highway 175) from C, Commercial, to C-SUP, Commercial with a Special Use Permit to allow a communications cell tower.

Anyone may send a written notice prior to 4:00 PM on the day of the public hearing to City of Seagoville; c/o Planner Jennifer Bonner; 702 North U.S. Highway 175; Seagoville, TX 75159. Individuals may also appear at the public hearing to state their opinions. If you would like to make a public comment, please email Planner Bonner at jbonner@seagoville.us no later than 4:00 P.M. on Tuesday, July 14, 2020. Please include the following in your email: your name, your postal address, your email address and phone number, and the agenda items or general subject of your comment.

As an adjoining property owner, this is the first opportunity to voice your opinion about this project. The second and third opportunities will be at each of the public hearings listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2020-09 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): _____
Printed Name(s): _____
Address: _____
City, State & Zip code: _____
Phone Number: _____



CAD Property Map





July 21, 2020

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

**NOTICE OF PUBLIC HEARING
SEAGOVILLE CITY COUNCIL
ZONING CASE Z2020-09**

Seagoville City Council will hold a public hearing on Monday, August 3, 2020, at 6:30 PM in the Council Chambers of City Hall at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to amend the current zoning on about 13.3-acres of unplatted Tract 39 of Herman Heider Abstract 541 Page 505 (commonly known as 2737 North Highway 175) from C, Commercial, to C-SUP, Commercial with a Special Use Permit, to allow a communications cell tower.

Anyone may send a written notice prior to 12:00 noon on the day of the public hearing to City of Seagoville; c/o Planner Jennifer Bonner; 702 North U.S. Highway 175; Seagoville, TX 75159. Individuals may also appear at the public hearing to state their opinions.

As an adjoining property owner, this is an opportunity to voice your opinion about this project. The final opportunity to voice an opinion will be at the public hearing listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2020-09 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

Signature(s): _____

Printed Name(s): _____

Address: _____

City, State & Zip code: _____

Phone Number: _____



CAD Property Map





June 29, 2020

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING AND ZONING COMMISSION
ZONING CASE Z2020-09

The Seagoville Planning and Zoning Commission will hold a public hearing on Tuesday, July 14, 2020, at 6:30 PM in the Council Chambers of City Hall at 702 North U.S. Highway 175; Seagoville, TX 75159 to consider a request to amend the current zoning on about 13.3-acres of unplatted Tract 39 of Herman Heider Abstract 541 Page 505 (commonly known as 2737 North Highway 175) from C, Commercial, to C-SUP, Commercial with a Special Use Permit to allow a communications cell tower.

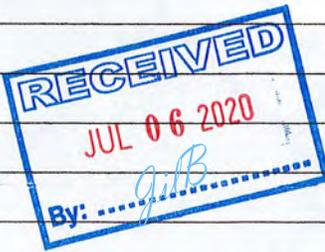
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As an adjoining property owner, this is the first opportunity to voice your opinion about this project. The second opportunity will be at each of the public hearing listed above.

*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2020-09 as it is described herein.

Additional Comments (attach additional sheets as necessary):



Signature(s): Jackie Kelly
Printed Name(s): JACKIE KELLY
Address: 2808 SCOTT ST
City, State & Zip code: SEAGOVILLE, TX 75159
Phone Number: 903-274-9599

JUNE 29, 2020
1



June 29, 2020

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING AND ZONING COMMISSION
ZONING CASE Z2020-09

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Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2020-09 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

RECEIVED
JUL 08 2020

BY: *qjb*

Signature(s): *Ronald W. & Joanne Bray*
Printed Name(s): RONALD W. & JOANNE BRAY
Address: 211 SCOTT PLACE
City, State & Zip code: SEAGOVILLE TX 75159-2507
Phone Number: 214.215.3855 / 214.695.1119

JUNE 29, 2020



June 29, 2020

COMMUNITY DEVELOPMENT
702 NORTH HIGHWAY 175
SEAGOVILLE, TX 75159
PHONE: (972) 287-2050

NOTICE OF PUBLIC HEARING
SEAGOVILLE PLANNING AND ZONING COMMISSION
ZONING CASE Z2020-09

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*Please indicate your opinion in this matter by checking the appropriate box below.
Please provide any additional comments that you might have in the provided space.
Please also sign and complete the name and address portion below.*

I am in favor of against Zoning Request Z2020-09 as it is described herein.

Additional Comments (attach additional sheets as necessary): _____

BY: gdp

Signature(s): Bill White
Printed Name(s): BILL WHITE
Address: 215 SCOTT PLACE
City, State & Zip code: SEAGOVILLE TX 75159
Phone Number: 972-287-4840

JUNE 29, 2020
1

Property Owners List
SUP for new cell tower at 2737 North Highway 175
Mailed out a total of 21 letters on Monday, June 29, 2020, before 5:00 PM

| Subject or adjoiner? | Site Address | DCAD Account | Owner | Mailing Address 1 | Address 2 | City | State | Zip |
|----------------------|------------------------|-------------------|--------------------------------------|------------------------|----------------|------------|-------|-------|
| Subject | 2737 North Highway 175 | 65054150510390000 | Michael & Judy Campbell | 412 West Stark Road | | Seagoville | TX | 75159 |
| Adjoiner | 2741 North Highway 175 | 50009000010010000 | Michael & Judy Campbell | 412 West Stark Road | | Seagoville | TX | 75159 |
| Adjoiner | 2743 North Highway 175 | 50009000010020000 | Michael & Judy Campbell | 412 West Stark Road | | Seagoville | TX | 75159 |
| Adjoiner | 2745 North Highway 175 | 50009000010030000 | Ricky Worthington | 1329 Hall Lane | | Seagoville | TX | 75159 |
| Adjoiner | 2809 North Highway 175 | 65054150510340000 | Sunny Terrace LLC | 9090 Skillman Street | Suite 182A 262 | Dallas | TX | 75243 |
| Adjoiner | 2808 Scott Street | 50043500010130000 | Jackie Kelly | 2808 Scott Street | | Seagoville | TX | 75159 |
| Adjoiner | 202 Scott Place | 50042500010000100 | City of Seagoville | 702 North Highway 175 | | Seagoville | TX | 75159 |
| Adjoiner | 203 Scott Place | 50043500010150000 | Emilio M. Balderas & Lilia M. Chavez | 203 Scott Place | | Seagoville | TX | 75159 |
| Adjoiner | 205 Scott Place | 50043500010160000 | Richard H. & Mary E. Lopez | 205 Scott Place | | Seagoville | TX | 75159 |
| Adjoiner | 207 Scott Place | 50043500010170000 | Diana Mitchell | 207 Scott Place | | Seagoville | TX | 75159 |
| Adjoiner | 209 Scott Place | 50043500010180000 | Lizette M. Sierra | 209 Scott Place | | Seagoville | TX | 75159 |
| Adjoiner | 211 Scott Place | 50043500010190000 | Ronald & Eva J. Bray | 211 Scott Place | | Seagoville | TX | 75159 |
| Adjoiner | 213 Scott Place | 50043500010200000 | Caballero Holdings Ltd. | 4310 Sunbelt Drive | | Addison | TX | 75001 |
| Adjoiner | 215 Scott Place | 50043500010210000 | Bill F. White | 215 Scott Place | | Seagoville | TX | 75159 |
| Adjoiner | 2712 Kleberg Road | 65054149510020000 | James L. & Bettye Baker | P.O. Box 367 | | Seagoville | TX | 75159 |
| Adjoiner | 310 Glenn Street | 65054151010020000 | Daniel T. & Mistie Brisbon | 310 Glenn Road | | Seagoville | TX | 75159 |
| Adjoiner | 212 Glenn Road | 500151100A0050000 | Judy Castleman | 5841 Waterworks Road | | Midlothian | TX | 76065 |
| Adjoiner | 204 Glenn Street | 65054151010450000 | Virginia Camarena | 204 Glenn Road | | Seagoville | TX | 75159 |
| Adjoiner | 106 Glenn Street | 65054151010040000 | Martha Jaramillo & Claudia Lara | 106 Glenn Street | | Seagoville | TX | 75159 |
| Adjoiner | 2727 North Highway 175 | 500307000A0010000 | 2727 Seagoville Association | 2727 North Highway 175 | | Seagoville | TX | 75159 |
| Adjoiner | 2701 North Highway 175 | 65054151010050000 | Joe Torres, Jr. | 2701 North Highway 175 | | Seagoville | TX | 75159 |
| Adjoiner | | | | | | | | |
| Adjoiner | | | | | | | | |

Regular Session Agenda Item: 11

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Discuss and consider approval for an Ordinance of the City of Seagoville, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, as amended, by granting a Special Use Permit ("SUP") for a monopole communications tower to be located on property zoned "C", Commercial, being approximately 13.3± acres of real property located at 2737 North Highway 175, in the City of Seagoville, Dallas County, Texas and being legally described as Tract 39 of Herman Heider Abstract 541; providing for the approval of the site plans, which are attached hereto and incorporated herein as Exhibits "A" and "B", providing for a repealing clause; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and providing an effective date.

BACKGROUND OF ISSUE:

Judy Campbell (the property owner) is represented by Kathy Kelly of Kelly Communication Towers, LLC (the proposed tower's owner) in her request for a zoning change to allow a new communications cell tower on their property at 2737 North Highway 175.

The land area for the proposed tower is currently unimproved and is located over four hundred (400) feet behind and across a creek from the part of the parcel containing the commercial business named Slick Stich Custom Upholstery. V&M Granite and Remodeling at 2741 U.S. Highway 175 will sit directly in front of the tower's location. The proposed driveway is to be built to City of Seagoville standards for fire lanes and will access the proposed tower's site by extend the existing shared driveway between 2743 and 2745 North Highway 175.

The existing zoning, land uses, and relevant portions of the City's comprehensive plan are each referenced in the attached staff report. The report also provides a recommendation from Staff on whether the P&Z and City Council should deny or approve the applicant's request.

The Planning & Zoning Commission initially heard this application at the end of March 2019. City Council heard that request in the middle of April. One of the conditions of approval was for the site to begin construction (or at least get a building permit) within 270 days. This period expired on January 10, 2020. During this period, the project was placed "on hold" while the T-Mobile purchase of Sprint was being completed (which required federal judicial approval). The project came off hold in mid-March as corona virus closures, furloughs, and other limitations were put in place on businesses and other groups. As businesses began operating again, it was realized that the Special Use Permit had expired and needed to be re-approved so that construction can now move forward.

A legal ad was published per the Texas Local Government Code for the public hearing at the Planning and Zoning Commission in the Friday, June 26, 2020, edition of the Daily Commercial Record newspaper. Not including the subject parcel, there are twenty-one (21) properties, one (1) federal highway, and no (zero) public streets within 200-feet of the boundary of the subject area. The owners of each parcel were notified in compliance with the 200-foot rule by mail on Monday, June 29, 2020. One (1) property owner responded in favor of the request. Two (2) letters were returned against the request. The U.S. Postal Service returned one (1) letter as undeliverable. Other than the applicant, no (zero) other people spoke for or against the request at the Planning and Zoning Commission meeting.

For the City Council meeting, a legal ad was published again per the Texas Local Government Code in the Friday, July 17, 2020, edition of the Daily Commercial Record newspaper. The owners of each parcel were again notified in compliance with the 200-foot rule by mail on Wednesday, July 22, 2020. As of the date of this report, Tuesday, July 28, 2020, no (zero) additional letters were returned as undeliverable by the U.S. Postal Service and no (zero) additional written responses have been received. Staff will make the Council members aware of any additional responses received at their meeting.

FINANCIAL IMPACT:

No city funds will be used for the development of this project.

RECOMMENDATION:

On July 14, 2020, the Planning and Zoning Commission voted four (4) to zero (0) in favor of recommending to City Council to approve with conditions the request to amend the zoning on about 13.3± acres of unplatted Tract 39 of Herman Heider Abstract 541 Page 505 (commonly known as 2737 North Highway 175) from C, Commercial, to C-SUP, Commercial with a Special Use Permit, to allow a communications cell tower. There were four (4) conditions of approval.

- The construction of the access drive to proposed tower's site shall meet all of Seagoville's fire lane standards.
- The Special Use Permit is only good for 270 days from its date of approval unless the tower's construction can be completed in that time.
- The Special Use Permit will need to be re-applied for *and approved* prior to granting any time extension on the tower's construction.
- Once the tower is completed, the Special Use Permit remains in effect until it is removed from the site.

Staff also supports the requested change with the above listed conditions of approval.

EXHIBIT:

1. Ordinance with Exhibits "A" and "B" each on 11"x17" paper (total of 3 pages)

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. ____-2020

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF SEAGOVILLE, AS AMENDED, BY GRANTING A SPECIAL USE PERMIT ("SUP") FOR A MONOPOLE COMMUNICATIONS TOWER TO BE LOCATED ON PROPERTY ZONED "C", COMMERCIAL, BEING APPROXIMATELY 13.3± ACRES OF REAL PROPERTY LOCATED AT 2737 NORTH HIGHWAY 175, IN THE CITY OF SEAGOVILLE, DALLAS COUNTY, TEXAS, AND BEING LEGALLY DESCRIBED AS TRACT 39 OF HERMAN HEIDER ABSTRACT 541; PROVIDING FOR THE APPROVAL OF THE SITE PLANS, WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBITS "A" AND "B"; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Seagoville ("City") received application for the placement of a monopole communication tower ("cell tower") on a portion of an approximate 13.3± acre tract of land located at 2737 North Highway 175, Seagoville, Dallas County, Texas; and

WHEREAS, the cell tower itself, not the property, will have a separate address upon approval; and

WHEREAS, the Planning and Zoning Commission of the City of Seagoville and the City Council of the City of Seagoville, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes have given requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Seagoville is of the opinion and finds that a zoning change should be granted, and that the Comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1: That the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Texas, as previously amended, be and the same is hereby amended by granting a

Special Use Permit for a monopole communications tower to be located on property zoned C, Commercial, being approximately 13.3± acres of real property located at 2737 North Highway 175, in the City of Seagoville, Dallas County, Texas, and being legally described as tract 39 of Herman Heider Abstract 541.

SECTION 2: That the Site Plans, which are attached hereto and incorporated herein as Exhibits "A" and "B", are hereby approved.

SECTION 3. That the property described shall be used only for the purposes set out in accordance with the City of Seagoville's Zoning Ordinance and all other ordinances, codes, and policies of the City of Seagoville, as amended.

SECTION 4: That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance as amended be hereby repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5: That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Comprehensive Zoning Ordinance as a whole, or any part or provision thereof, other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 6: That any person, firm, or corporation violating, disobeying, neglecting, refusing to comply with, or resisting the enforcement of any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to the same penalty of two thousand dollars (\$2,000.00) for each offense as provided for in the Comprehensive Zoning Ordinance of the City of Seagoville, as heretofore amended. Each and every day such a violation continues or is allowed to exist shall constitute a separate offense.

SECTION 7: That this ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas this 3rd day of August, 2020.

APPROVED:

DENNIS, K. CHILDRESS, MAYOR

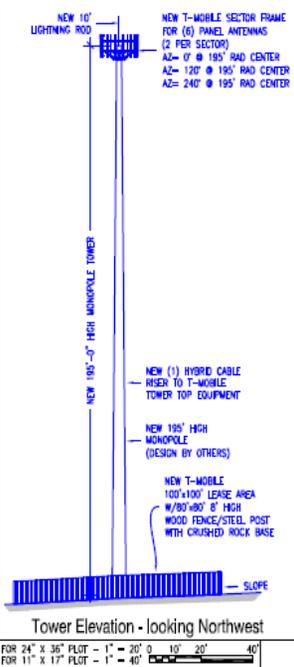
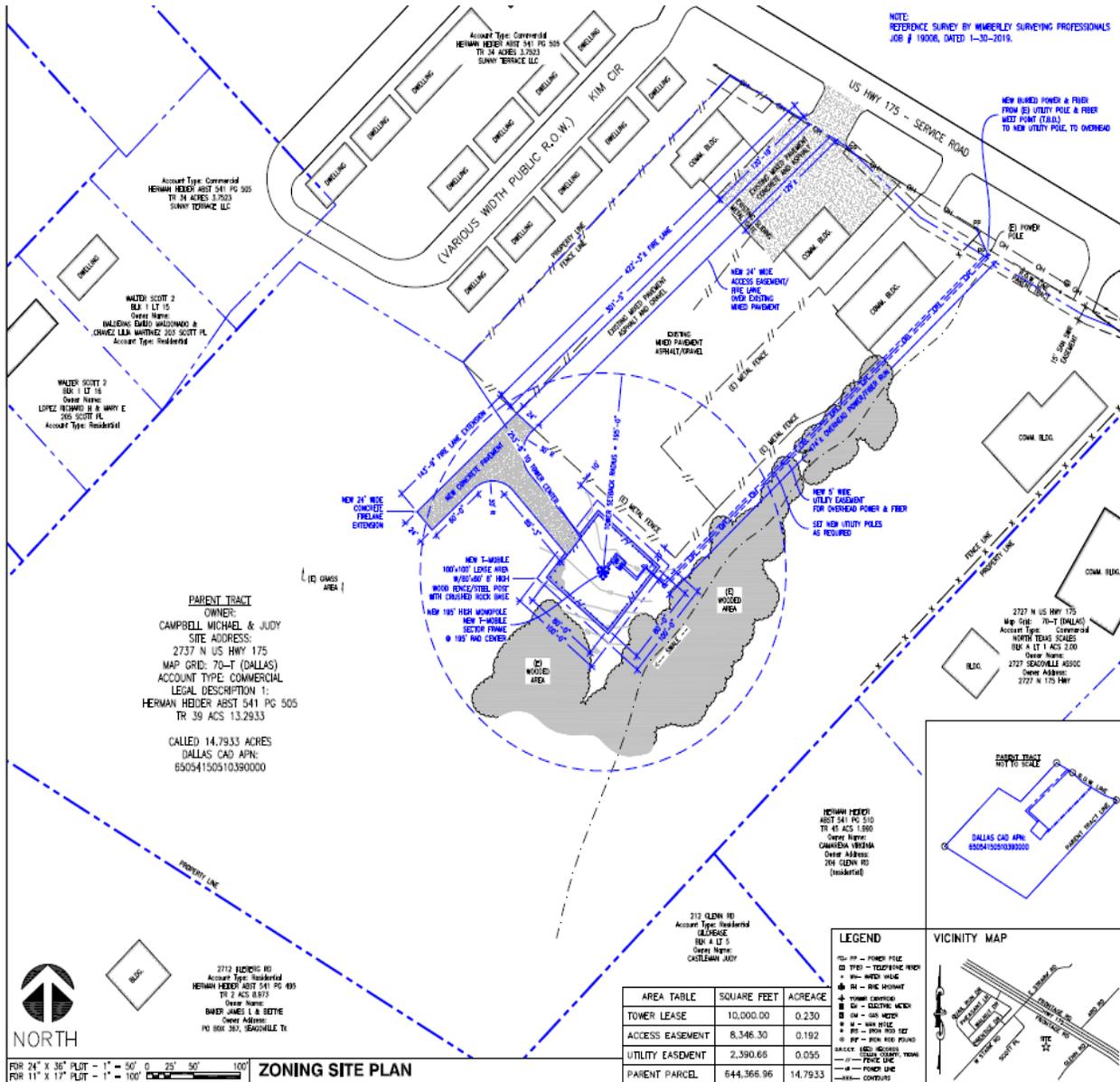
ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY
(/cdb R-07/28/20)

EXHIBIT "A"



PROJECT SUMMARY: CONTRACTORS:
SITE TYPE: NEW 195' MONOPOLE TOWER WITH NEW UNMANNED COMMUNICATION EQUIPMENT AT BASE OF TOWER
SITE INFORMATION: LOC: 32.65286° N, 96.58364° W, ELEV: 431 FT, JURISDICTION: CITY OF SEAGOVILLE, OCCUPANCY: UNMANNED, ZONING: C - COMMERCIAL, CONSTRUCTION TYPE: NEW
APPLICANT: KELLY COMMUNICATION TOWERS, LLC, 3708 STEWART CIRCLE SW, ALBUQUA, CA 94708, CONTACT: HARRY KELLY, PHONE: 903-403-2535, PHONE: 770-333-3384
LANDLORD: MICHAEL & JUDY CAMPBELL, 412 N. STEAR RD, SEAGOVILLE, TX 75159, PHONE: 972-363-2626
PARENT TRACT: OWNER: CAMPBELL MICHAEL & JUDY, CALLED 14.7933 ACRES, HARMAN HIDER SURVEY, ABSTRACT NO. 541, DALLAS CAD APN: 65054150510390000, DEED REF.: VOL. 96044, PG. 1966, D.R.C.T., TITLE EXCEPTION (B10-ITEM K)
CONTRACTORS: A&E CONTRACTOR, ALPRO CONSULTING GROUP, INC., 8221 LINDEN ST, JOHNSON FREEMAN, SUITE 204, DALLAS, TX 75243, CONTACT: JIM M. SCHUBER, P.E., OFFICE: 972-331-4883, FAX: 972-364-6370
SURVEY: WUNDERLY SURVEYING PROFESSIONALS, RON D WUNDERLY, R.P.L.S., P.O. BOX 9237, ORANGEVILLE, TX 75404, PHONE: 903-695-8100
TELCO POWER: AT&T, POWER
TEXAS ONE CALL: CONTRACTOR TO CALL 48 HOURS BEFORE DIGGING, PHONE: 800-541-9000, INTERFERING UTILITIES TO BE USED ON ALL SITES

Kelly Communication Structures, Inc.
770.330.9784

ACCI NO: 18-7869
 DRAWN BY: CC
 CHECKED BY: RS

03/4/19 ZONING REVIEW
 01/17/19 REWISED PER COMMENTS
 2/3/22/19 REWISED PER COMMENTS

ALPRO CONSULTING GROUP, INC.
8221 LINDEN ST, SUITE 204, JOHNSON FREEMAN, DALLAS, TX 75243
 972.331.4883
 Fax: 972.364.6370
 www.alproinc.com

Kelly Communications
 SITE: TX2001
 SEAGOVILLE
 T-MOBILE SITE
 DA02068

2737 N US HWY 175
 SEAGOVILLE, TX 75159
 DALLAS COUNTY

32.65286°, -96.58364°

SHEET TITLE
 ZONING SITE PLAN

SHEET NUMBER
Z-1

Regular Session Agenda Item: 12

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City of Seagoville, Texas, approving C&M Concrete to perform concrete repairs to Hall Street, between Oakbrook Lane and Shadybrook Lane, and to perform sidewalk and curb repairs at nine (9) locations in the 1200 and 1300 blocks of Hall Street for compensation in an amount not to exceed Twenty Four Thousand Nine Hundred Fifty Three Dollars and Sixty Five Cents (\$24,953.65), as set forth in Exhibit "A", which is attached hereto and incorporated herein; authorizing the City Manager to execute any and all necessary documents for the work to be performed; and providing an effective date.

BACKGROUND OF ISSUE:

Concrete repair work is necessary on Hall Street, between Oakbrook Lane and Shadybrook Lane, and sidewalk and curb repairs at nine (9) locations in the 1200 and 1300 blocks of Hall Street.

C&M Concrete has submitted an estimate to perform the concrete work for the project area. The repairs will enhance the street allowing our citizens to safely drive and access the project area.

FINANCIAL IMPACT:

\$24,953.65

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

Resolution (2 pages)

Exhibit "A" (2 pages)

THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. __-R-2020

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING C&M CONCRETE TO PERFORM CONCRETE REPAIRS TO HALL STREET, BETWEEN OAKBROOK LANE AND SHADYBROOK LANE, AND TO PERFORM SIDEWALK AND CURB REPAIRS AT NINE (9) LOCATIONS IN THE 1200 AND 1300 BLOCKS OF HALL STREET FOR COMPENSATION IN AN AMOUNT NOT TO EXCEED TWENTY FOUR THOUSAND NINE HUNDRED FIFTY THREE DOLLARS AND SIXTY FIVE CENTS (\$24,953.65), AS SET FORTH IN EXHIBIT "A", WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE WORK TO BE PERFORMED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, concrete repair work on Hall Street, between Oakbrook Lane and Shadybrook Lane, and sidewalk and curb repairs at nine (9) locations in the 1200 and 1300 blocks of Hall Street (collectively, the "Project Areas") is necessary; and

WHEREAS, C&M Concrete has submitted an estimate to perform the concrete repair work and sidewalk and curb repairs for the Project Areas; and

WHEREAS, the City Council finds it to be in the public interest to approve C&M Concrete to perform the concrete repair work and sidewalk and curb repairs for the Project Areas for compensation in an amount not to exceed Twenty Four Thousand Nine Hundred Fifty Three Dollars and sixty five cents (\$24,953.65), as set forth in Exhibit "A" attached hereto;

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

Section 1. The City Council hereby approves C&M Concrete to perform the concrete repair work and sidewalk and curb repairs for the Project Areas for compensation in an amount not to exceed Twenty Four Thousand Nine Hundred Fifty Three Dollars and sixty five cents (\$24,953.65), as set forth in Exhibit "A", which is attached hereto and incorporated herein; and the City Manager is hereby authorized to execute any and all documents necessary to complete said work.

Section 2. This resolution shall take effect immediately from and after its passage and it is accordingly so resolved.

PASSED AND ADOPTED by the City Council for the City of Seagoville at a meeting on the 3rd day of August 2020, at which a quorum was present, and for which due notice was given.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria W. Thomas, City Attorney
(;cdb 07.16.2020)

EXHIBIT "A"



C&M Concrete
 362 Linkview Drive
 Duncanville, TX 75137
 (972) 965-4781
 chris@concretepaving.net

Number: ENH-4696
 Date: 7/12/2020

Bill To:

Patrick Stalling
 City Of Seagoville
 702 N HWY 175
 Seagoville, TX, 75159

Ship To:

Hall (sidewalks)

| | | | |
|-----------|-------|------------|--------------------|
| PO Number | Terms | Customer # | Project |
| | | | sidewalks 9 locati |

| Description | Quantity | Rate | Amount |
|-----------------|----------|--------|------------|
| 1200 Hall | | | |
| 94' x 4' x 4" = | 376.00 | \$9.25 | \$3,478.00 |
| 1203 Hall | | | |
| 60' x 4' x 4" = | 240.00 | \$9.25 | \$2,220.00 |
| 1205 Hall | | | |
| 40' x 4' x 4" = | 160.00 | \$9.25 | \$1,480.00 |
| 1303 Hall | | | |
| 33' x 4' x 4" = | 132.00 | \$9.25 | \$1,221.00 |
| 1313 Hall | | | |
| 45' x 4' x 4" = | 225.00 | \$9.25 | \$2,081.25 |
| 1308 Hall | | | |
| 72' x 4' x 4" = | 288.00 | \$9.25 | \$2,664.00 |
| 1302 Hall | | | |



C&M Concrete
 362 Linkview Drive
 Duncanville, TX 75137
 (972) 965-4781
 chris@concretepaving.net

Number: ENH-4696

Date: 7/12/2020

Bill To:

Patrick Stalling
 City Of Seagoville
 702 N HWY 175
 Seagoville, TX, 75159

Ship To:

Hall (sidewalks)

| | | | |
|-----------|-------|------------|--------------------|
| PO Number | Terms | Customer # | Project |
| | | | sidewalks 9 locati |

| Description | Quantity | Rate | Amount |
|----------------------------|----------|------------|------------|
| 27' x 4' x 4" = | 108.00 | \$9.25 | \$999.00 |
| Hall / Shadybrook | | | |
| 56' x 4' x 4" = | 224.00 | \$9.25 | \$2,072.00 |
| (1) A.D.A Ramp | 1.00 | \$1,200.00 | \$1,200.00 |
| Street Repair Hall | | | |
| 28' x 22' x 8" = 64.44 SQY | 64.44 | \$110.00 | \$7,088.40 |
| 30 LF Curb | 30.00 | \$15.00 | \$450.00 |

| | |
|-----------------|-------------|
| SubTotal | \$24,953.65 |
| 0.00% on \$0.00 | \$0.00 |
| 0.00% on \$0.00 | \$0.00 |

Total \$24,953.65

Regular Session Agenda Item: 13

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Receive Councilmember Reports/ Items of Community Interest

BACKGROUND OF ISSUE:

Section 551.0415 of the Texas Government Code authorizes a quorum of the governing body of a municipality or county to receive reports about items of community interest during a meeting without having given notice of the subject of the report if no action is taken. Section 551.0415 defines an “item of community interest” to include:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person’s public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and
- (6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Regular Session Agenda Item: 14

Meeting Date: August 3, 2020

ITEM DESCRIPTION:

Future Agenda Items

BACKGROUND OF ISSUE:

Council provides direction to staff regarding future agenda items. These items will not be discussed and no action will be taken at this meeting.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A