



**SEAGOVILLE, TEXAS  
CITY COUNCIL MEETING AGENDA  
MONDAY, JUNE 6, 2022**

**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 Storm Water Permit Presentation (Tim Lackey, Halff Assoc. Inc.)**

**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 City Council Meeting Minutes for May 16, 2022 (City Secretary)**

**2. Discuss and consider approving a Resolution of the City of Seagoville suspending the June 17, 2022, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee (Director of Administrative Services)**

**REGULAR AGENDA-**

**3. Discuss and consider appointments concerning the Charter Review Committee (City Secretary)**

**4. Conduct interviews with Boards & Commissions Applicants for appointments and reappointments (City Secretary)**

**5. Discuss and consider approving a Resolution of the City of Seagoville, Texas, authorizing the purchase of water line parts for the Ard Road to Robinwood Drive Water Line Project from Apsco Supply for compensation not to exceed Seventy Six Thousand Seven Hundred Thirty Five Dollars and Eighty Three Cents (\$76,735.83) and authorizing the City Manager to execute any documents necessary for said purchase; and providing an effective date (Public Works Director)**

**6. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving an agreement for additional Professional Engineering Services on a Task Order basis for On-Call Consultation Services related to Water and Wastewater Engineering Services as set forth in Exhibit "1" attached thereto, in an amount not to exceed Forty-Nine Thousand Dollars (\$49,000.00); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date (Public Works Director)**

**7. Discuss and consider approving a Resolution of the City of Seagoville, Texas, approving a first amendment to Work Order No. 2 with Garver, LLC., to provide for total compensation for Development Plan Review in an amount not to exceed Ninety Thousand Dollars (\$90,000.00); authorizing the City Manager to execute said amendment; providing for a repealing clause; providing for a severability clause; and providing an effective date (Community Development Director)**

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

**9. 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.**

**10. Recess into Executive Session**

**Council will recess into executive session pursuant to Texas Government Code:**

- A. § 551.071. Consultation with City Attorney: receive legal advice related to the regulation of short term rental properties**
- B. § 551.071. Consultation with City Attorney: receive legal advice related to Municipal Court**

**11. Reconvene Into Regular Session**

**Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.**

- A. § 551.071. Consultation with City Attorney: receive legal advice related to the regulation of short term rental properties**
- B. § 551.071. Consultation with City Attorney: receive legal advice related to Municipal Court**

**Adjourn**

Posted Friday, June 3, 2022, 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, June 27, 2022, Regular City Council Meeting**
- Monday, July 11, 2022, Regular City Council Meeting**

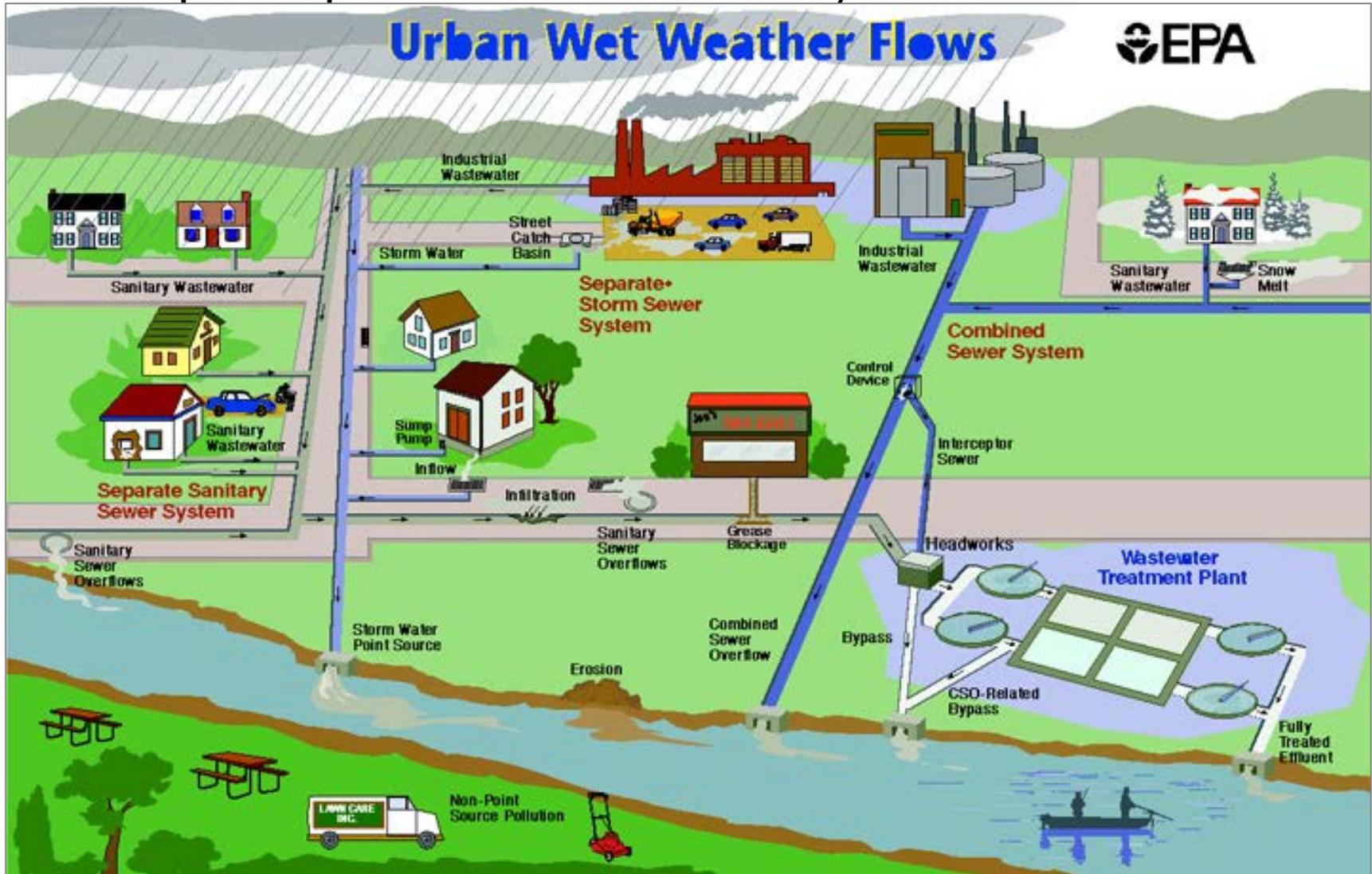
# TCEQ MS4 Phase II Permit Update

Seagoville City Council Meeting

June 6, 2022

# What is a MS4?

## Municipal Separate Storm Sewer Systems



# Originating Regulation

- 1948 – Federal Water Pollution Control Act
- 1972 – Amended and became known as “Clean Water Act”
- 1998 National Pollutant Discharge Elimination System (NPEDES) Phase II Permitting
- 1998 Texas Pollutant Discharge Elimination System (TPDES)
- 2016 EPA issues Small MS4 Remand Rule

# MS4 Permits

## Medium and Large MS4 (Phase I)

- First published in November 1990
- Population larger than 100,000 based on the 2010 census
- Requires Individual Permits

## Small MS4 (Phase II)

- Original Permit Issued August 2007
- MS4 within or partly located within the Urbanized Area (UA), as determined by the census.
- A General Permit

# Small MS4 Permit – Basic Requirements

- Reduce non-point source pollution in stormwater runoff through 5 Categories of Minimum Control Measures.
- Minimum Control Measures consist of a variety of Best Management Practices (BMP)
- Develop a 5-year Stormwater Management Plan (SWMP) with annual schedules of BMPs
  - Quantifiable goals
- Report Annually on Status

Texas Pollutant Discharge Elimination System  
Stormwater Phase II MS4 General Permit



City of Seagoville, Texas  
Stormwater Management Program

Prepared By:  
 **HALFF**  
12225 Greenville Avenue Suite 200  
Dallas, Texas 75243  
Firm Registration No. F-312

July 2020  
AVO 35152/37391

# Minimum Control Measures (MCMs)

1. Public Education, Outreach and Involvement
2. Illicit Discharge Detection and Elimination (IDDE)
3. Construction Site Stormwater Runoff Control
4. Post-Construction Stormwater Management in New Development and Redevelopment
5. Pollution Prevention and Good Housekeeping for Municipal Operations

# Significant Changes in Revised Permit

- Added that SWMP updates that are considered major permit modifications require public notice and an opportunity for a public meeting (equivalent to a “public hearing” as required by 40 CFR §122.28(d)(2)(ii)). (Part II.E.6 in the permit)
- Added a requirement that by December 21, 2020, permittees must submit applications and annual reports online using the electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. (Part II.E and Part VI.B.2 in the permit)
- Added a requirement that permittees must conduct an annual review of its SWMP in conjunction with preparation of the annual report. (Part II.E.4 in the permit)

# Significant Changes in Revised Permit

- Added language under MCM 1. Public Education, Outreach, and Involvement that the permittee is required to post its SWMP and annual report on its website, if the MS4 has a website. (Part III.B.1 in the permit)
- Added a requirement that analytical results must be obtained from a National Environmental Laboratory Accreditation Program (NELAP) accredited laboratory according to state rules listed in 30 TAC Chapter 25. (Part VI.E in the permit)
- Most Recent Updates:
  - Quantified number of meetings required for BMP's goals.
  - Added Tern Least (*Sterna Antillarum*) as an endangered species in vicinity of the Trinity River.
  - Added language from SWPPP to coincide with the 2 year warranty bonds for new construction.

# Status and Schedule

- July 23, 2019, Notice of Intent submitted to TCEQ,-Five Year Program.
- December 30, 2021 – SWMP and MS4 Annual Report –Year 2 – electronically submitted to TCEQ.
- Quarterly staff meeting held on December 2, 2021, February 4,2022. and April 12, 2022, were completed.
- Quarterly staff meeting scheduled in August to complete fiscal year.
- TCEQ Inspection held February 10, 2021, and none so far this year.
- Year 3 Annual Report due to TCEQ by December 21, 2022, electronically, (Approximately 90 Days from Fiscal End of Year)
- New permit expires December 2024

# QUESTIONS?

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# *Consent Session Agenda Item: 1*

**Meeting Date: June 6, 2022**

**ITEM DESCRIPTION:**

Consider approving City Council Meeting Minutes for May 16, 2022.

**BACKGROUND OF ISSUE:**

Approve City Council Meeting Minutes for May 16, 2022.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

**EXHIBITS:**

May 16, 2022, Work Session Meeting Minutes  
May 16, 2022, Regular Session Meeting Minutes



**MINUTES OF CITY COUNCIL  
WORK SESSION  
MAY 16, 2022**

**The Work Session of the City Council of the City of Seagoville, Texas was called to order at 6:30 p.m. on Monday, May 16, 2022, at City Hall, 702 N. Hwy 175, Seagoville, Texas with a quorum present, to wit:**

Dennis Childress	Mayor
Mike Fruin	Mayor Pro Tem
Jose Hernandez	Councilmember
Rick Howard	Councilmember
Harold Magill	Councilmember
Jon Epps	Councilmember

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Assistant Police Chief Steve Davis, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Finance Director Gail French, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

**A. Recessed into Executive Session at 6:30 p.m.**

**Council will recess into executive session pursuant to Texas Government Code:**

**§ 551.071(1)(A) and (2) to consult with its attorney regarding Mayfest incident (Police Dept)**

**B. Reconvened into Regular Session at 6:48 p.m.**

**Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.**

**§ 551.071(1)(A) and (2) to consult with its attorney regarding Mayfest incident (Police Dept)**

*No action taken.*

**C. Receive a presentation concerning Mental Health Training & Response (Police Department)**

*Behavioral Health Program Manager, Melissa Carr presented Mental Health Training & Response.*

*Assistant Police Chief Davis explained the Mental Health Training & Response requirements for Police Officers.*

**Adjourned at 7:13 p.m.**

**APPROVED:**

\_\_\_\_\_  
Mayor Dennis K. Childress

**ATTEST:**

\_\_\_\_\_  
Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL  
REGULAR SESSION  
MAY 16, 2022**

**The Regular Session of the City Council of the City of Seagoville, Texas, was called to order at 7:13 p.m. on Monday, May 16, 2022, at City Hall, 702 N. Hwy 175, Seagoville, Texas, with a quorum present, to wit:**

Dennis Childress	Mayor
Mike Fruin	Mayor Pro Tem
Jose Hernandez	Councilmember
Rick Howard	Councilmember
Harold Magill	Councilmember
Jon Epps	Councilmember

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Assistant Police Chief Steve Davis, Community Development Director Ladis Barr, City Attorney Victoria Thomas, Finance Director Gail French, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

**Invocation** – *Invocation was led by Dr. Don Cole.*

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

**Oaths of Office for Elected City Council Members** – *City Secretary Jackson administered the Oath of Office for Elected City Council Members.*

**Proclamation – Officers Memorial Week** – *Mayor Childress presented the Proclamation for Officers Memorial Week.*

**Mayor’s Report** – *Mayor Childress stated he and the City Council appreciates the Police Department and all they do for the City and the citizens.*

**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.*

*Carol Harrison Lafayette at 1920 Canterbury Dr., Seagoville, Texas, stated she felt harassed by the Police at the “carnival.”*

*Vincent Ugoo at 1916 Canterbury Dr., Seagoville, Texas, stated he felt scared of the Police at the “carnival.”*

*Robert Johnson at 1920 Canterbury Dr., Seagoville, Texas, stated he felt the Police harassed Carol at the “carnival.” He also stated Vincent Ugoo lives under his roof, even though he is an adult, and is his child and responsibility.*

*Fred Alexander at 2839 Park Springs Dr., Grand Prairie, Texas, stated he had attended the Mental Health Awareness Training by Carol Harrison Lafayette, and he was here in support of her.*

*Dr. Kathy Carver of Morocco was not present but permitted Carol Harrison Layfette to speak on her behalf. Carol Harrison Layfette stated Dr. Carver brought several young doctors to the “carnival,” and they were disappointed by the treatment they received from the Chamber of Commerce.*

*Demondria Jefferson of Rowlett, Texas, stated she is the owner of On Guard Security Services, and she is an advocate for mental health injustices.*

*Niki Pugh at 16500 White Rock Blvd., Prosper, Texas, stated she heard about injustice and came to the meeting in agreement to speak to City Council.*

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

**1. Consider approving City Council Meeting Minutes for May 2, 2022 (City Secretary)**

*Motion to approve City Council Meeting Minutes for May 2, 2022 – Magill, seconded by Howard; motion passed with all ayes. 5/0*

**REGULAR AGENDA-**

**2. Discuss and consider selection of Mayor Pro Tem for 2022-2023 (City Secretary)**

*Councilmember Hernandez nominated himself.  
Councilmember Magill nominated himself.*

*Mayor called for a vote for Councilmember Hernandez. In favor, Hernandez and Magill.  
Mayor called for a vote for Councilmember Magill. In favor, Howard, Fruin, and Epps.*

**3. Direct Staff concerning the selection of a Charter Review Committee (City Secretary)**

*City Secretary Jackson stated after some research, Mayor and Councilmembers are allowed to appoint two (2) members each to serve on a Charter Review Committee. She also stated that the staff is seeking direction from the Council on whether or not the Council desires to create the board and if Council would like the appointments presented at the next Council Meeting.*

*Staff was directed to advertise and bring applicants back to Council at the next meeting.*

**4. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, amending the Master Fee Schedule to add applicable fees related to providing fax services to Library Patrons; and providing an effective date (Library Director)**

*Mayor Childress called a five (5) minute recess at 7:56 p.m.  
Mayor Childress reconvened the meeting at 8:03 p.m.*

*Director of Administrative Services Brown stated that since Goin Postal has left Seagoville, the Library has experienced an increase in customers in need of public fax services. She explained the Library established a scan to fax service to help customers in need of public fax services. She also stated this Resolution would establish fees for the public fax services.*

*Motion to approve a Resolution of the City Council of the City of Seagoville, Texas amending the Master Fee Schedule to add applicable fees related to providing fax services to Library Patrons; and providing an effective date – Hernandez, seconded by Fruin; motion passed with all ayes. 5/0*

**5. Receive a presentation of the City of Seagoville’s 2nd Quarter Financial Report for Fiscal Year 2022 (Finance Director)**

*Finance Director French presented the City of Seagoville’s 2<sup>nd</sup> Quarter Financial Report for Fiscal Year 2022.*

**6. Conduct a public hearing concerning a zoning change request from R-5 (Residential-5) to C (Commercial) on approximately 5.34 ± acres described as Tract 10 in the Herman Heider Abstract 541, commonly referred to as 2310 North Highway 175, in the City of Seagoville, Dallas, Texas (Community Development Director)**

*Mayor Childress opened the public hearing at 8:16 p.m.*

*Community Development Director Barr stated this Ordinance approves a zone change from R-5 (Residential-5) to C (Commercial) on approximately 5.34± acres described as Tract 10 in the Herman Heider Abstract 541, commonly referred to as 2310 North Highway 175, in the City of Seagoville, Dallas, Texas.*

*Sandra Wagoner at 2401 Seagoville Road, Seagoville, Texas, spoke in opposition.*

*Mayor Childress closed the public hearing at 8:18 p.m.*

**7. Discuss and consider approving 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 change in zoning from R-5 (Residential-5) to C (Commercial), on approximately 5.34± acres described as tract 10 in the Herman Heider Abstract 541, commonly referred to as 2310 North Highway 175, in the City of Seagoville, Dallas County, Texas, and being depicted and described by metes and bounds in Exhibit “A” attached hereto and incorporated herein; 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 (Community Development Director)**

*Motion to approve 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 change in zoning from R-5 (Residential-5) to C (Commercial), on approximately 5.34± acres described as tract 10 in the Herman Heider Abstract 541, commonly referred to as 2310 North Highway 175, in the City of Seagoville, Dallas County, Texas, and being depicted and described by metes and bounds in Exhibit “A” attached hereto and incorporated herein; 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 – Howard, seconded by Fruin; motion passed with all ayes. 5/0*

8. **Conduct a public hearing concerning a change in zoning to Planned Development-Residential 21-02 Amended (PD-21-02-A) (A) for an approximately 66.75-acre Tract legally described and depicted in Exhibit “A-1” and currently zoned Planned Development-Residential 21-02 (PD 21-02) for single-family and multifamily uses for and (B) for an approximately 22.44 acres parcel being composed of two (2) Tracts of land legally described as Tract 13.2 consisting of 9.98± acres and Tract 13.3 consisting of 12.46± acres both being situated in the John D. Merchant survey, abstract 850, being legally described in Exhibit “A-2” and currently zoned single-family dwelling R-5 (“R-5”), for a total of approximately 89.19 acres commonly referred to as 1370 Alto Road, in the City of Seagoville, Dallas County, Texas; providing for development regulations; providing for the approval of the Concept Plan, which is attached hereto and incorporated herein as Exhibit “B” (Community Development Director)**

*Mayor Childress opened the public hearing at 8:24 p.m.*

*Community Development Director Barr stated this Ordinance approves a zone change to Planned Development-Residential 21-02 Amended (PD-21-02-A) (A) for an approximately 66.75-acre Tract legally described and depicted in Exhibit “A-1” and currently zoned Planned Development-Residential 21-02 (PD 21-02) for single-family and multifamily uses for and (B) for an approximately 22.44 acres parcel being composed of two (2) Tracts of land legally described as Tract 13.2 consisting of 9.98± acres and Tract 13.3 consisting of 12.46± acres both being situated in the John D. Merchant survey, abstract 850, being legally described in Exhibit “A-2” and currently zoned single-family dwelling R-5 (“R-5”), for a total of approximately 89.19 acres commonly referred to as 1370 Alto Road, in the City of Seagoville, Dallas County, Texas.*

*Pat Atkins at 614 Summer Oaks, Rockwall, Texas 75087, presented Greenawalt Farms Phase 2.*

*In response to a question by Councilmember Hernandez, Mr. Atkins stated he has spoken to Dallas Independent School District (“DISD”) concerning the development, and they are willing to work with DISD.*

9. **Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning to Planned Development-Residential 21-02 Amended (pd-21-02-A) (A) for an approximately 66.75 acre Tract legally described and depicted in Exhibit “A-1” and currently zoned Planned Development-Residential 21-02 (PD 21-02) for single family and multifamily uses for and (B) for an approximately 22.44 acres parcel being composed of two (2) Tracts of land legally described as Tract 13.2 consisting of 9.98<sub>±</sub> acres and Tract 13.3 consisting of 12.46<sub>±</sub> acres both being situated in the John D. Merchant survey, abstract 850, being legally described in Exhibit “A-2” and currently zoned single-family dwelling R-5 (“R-5), for a total of approximately 89.19 acres commonly referred to as 1370 Alto Road, in the City of Seagoville, Dallas County, Texas; providing for development regulations; providing for the approval of the Concept Plan, which is attached hereto and incorporated herein as Exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings 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 Director)**

*Motion to approve an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning to Planned Development-Residential 21-02 Amended (pd-21-02-A) (A) for an approximately 66.75 acre Tract legally described and depicted in Exhibit “A-1” and currently zoned Planned Development-Residential 21-02 (PD 21-02) for single family and multifamily uses for and (B) for an approximately 22.44 acres parcel being composed of two (2) Tracts of land legally described as Tract 13.2 consisting of 9.98<sub>±</sub> acres and Tract 13.3 consisting of 12.46<sub>±</sub> acres both being situated in the John D. Merchant survey, abstract 850, being legally described in Exhibit “A-2” and currently zoned single-family dwelling R-5 (“R-5), for a total of approximately 89.19 acres commonly referred to as 1370 Alto Road, in the City of Seagoville, Dallas County, Texas; providing for development regulations; providing for the approval of the Concept Plan, which is attached hereto and incorporated herein as Exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings 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 – Hernandez, seconded by Fruin; motion passed with all ayes. 5/0*

- 10. Conduct a public hearing concerning a change in zoning from Agriculture (AG) to Planned Development- Residential 5 (PD-22-01) for single-family residential on three (3) tracts of land consisting of a combined total of approximately 238.79± described as follows: Tract 1 described as Tract 2 in the Andrew Nail Abstract 1070 consisting of approximately 115.63± acres commonly referred to as 1001 Alto Road; tract 2 described as Tracts 18 and 3 in the Andrew Nail Abstract 1070 consisting of approximately 75.19± acres commonly known as 1755 E. Malloy Bridge Road; and, Tract 3 described as Tract 1 in the Andrew Nail Abstract 1070 consisting of approximately 47.97± acres commonly known as 1520 Alto Road, all in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in exhibit “A”, attached hereto and incorporated herein; providing for development regulations; providing for the approval of the concept plan, which is attached hereto and incorporated herein as exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings 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 Director)**

*Mayor Childress opened the public hearing at 8:46 p.m.*

*Community Development Director Barr stated this Ordinance approves a change in zoning from Agriculture (AG) to Planned Development- Residential 5 (PD-22-01) for single-family residential on three (3) tracts of land consisting of a combined total of approximately 238.79± described as follows: Tract 1 described as Tract 2 in the Andrew Nail Abstract 1070 consisting of approximately 115.63± acres commonly referred to as 1001 Alto Road; tract 2 described as Tracts 18 and 3 in the Andrew Nail Abstract 1070 consisting of approximately 75.19± acres commonly known as 1755 E. Malloy Bridge Road; and, Tract 3 described as Tract 1 in the Andrew Nail Abstract 1070 consisting of approximately 47.97± acres commonly known as 1520 Alto Road, all in the City of Seagoville, Dallas County, Texas. He also reviewed the Development Regulations included in the Ordinance.*

*Pat Atkins at 614 Summer Oaks, Rockwall, Texas 75087 presented the Lakes of Rolling Meadows project.*

11. **Discuss and consider approving an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from Agriculture (AG) to Planned Development- Residential 5 (PD-22-01) for single-family residential on three (3) tracts of land consisting of a combined total of approximately 238.79± described as follows: Tract 1 described as Tract 2 in the Andrew Nail Abstract 1070 consisting of approximately 115.63± acres commonly referred to as 1001 Alto Road; tract 2 described as Tracts 18 and 3 in the Andrew Nail Abstract 1070 consisting of approximately 75.19± acres commonly known as 1755 E. Malloy Bridge Road; and, Tract 3 described as Tract 1 in the Andrew Nail Abstract 1070 consisting of approximately 47.97± acres commonly known as 1520 Alto Road, all in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in exhibit “A”, attached hereto and incorporated herein; providing for development regulations; providing for the approval of the concept plan, which is attached hereto and incorporated herein as exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings 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 Director)**

*Motion to approve an Ordinance of the City of Seagoville, Dallas County, Texas, amending the Comprehensive Zoning Ordinance and Map of the City of Seagoville, Dallas County, Texas, as heretofore amended, by granting a change in zoning from Agriculture (AG) to Planned Development- Residential 5 (PD-22-01) for single-family residential on three (3) tracts of land consisting of a combined total of approximately 238.79± described as follows: Tract 1 described as Tract 2 in the Andrew Nail Abstract 1070 consisting of approximately 115.63± acres commonly referred to as 1001 Alto Road; tract 2 described as Tracts 18 and 3 in the Andrew Nail Abstract 1070 consisting of approximately 75.19± acres commonly known as 1755 E. Malloy Bridge Road; and, Tract 3 described as Tract 1 in the Andrew Nail Abstract 1070 consisting of approximately 47.97± acres commonly known as 1520 Alto Road, all in the City of Seagoville, Dallas County, Texas, and being legally described and depicted in exhibit “A”, attached hereto and incorporated herein; providing for development regulations; providing for the approval of the concept plan, which is attached hereto and incorporated herein as exhibit “B”; providing a repealing clause; providing a severability clause; providing a savings 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 – Magill, seconded by Hernandez; motion passed with all ayes. 5/0*

*The City Attorney stated she would like to refer to Agenda Item # 3 concerning the Charter Review Committee. She stated the Charter Review Committee would need to be formed rather quickly and report back to Council at the last meeting in July. City Council would need to call the November 2022 Election by August 1<sup>st</sup> to meet state election deadlines.*

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

*Councilmember Hernandez stated the City of Seagoville has outstanding Police Officers and Public Safety no matter what was heard here tonight.*

*Mayor Childress stated there are none better in the United States, in his opinion.*

**13. 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.

*Mayor Pro Tem Magill stated he would like to see an Ordinance to control the use of Airbnb rentals in the City of Seagoville. He stated the City of Mesquite recently passed an ordinance regulating the use of Airbnb rentals.*

*Councilmember Fruin stated he would like the City Attorney to look at the City of Mesquite's ordinance to see if the same will work for the City of Seagoville.*

**Adjourned 9:07 p.m.**

**APPROVED:**

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Mayor Dennis K. Childress

**ATTEST:**

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Kandi Jackson, City Secretary

## *Consent Session Agenda Item: 2*

**Meeting Date: June 6, 2022**

### **ITEM DESCRIPTION:**

Discuss and consider approving a Resolution of the City of Seagoville suspending the June 17, 2022, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel for the Steering Committee.

### **BACKGROUND OF ISSUE:**

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the June 17, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

### **FINANCIAL IMPACT:**

N/A

### **RECOMMENDATION:**

Staff recommends approval.

### **EXHIBITS:**

Staff Report  
Resolution

## STAFF REPORT

**\*\*\*ACTION MUST BE TAKEN TO SUSPEND THE EFFECTIVE DATE ON OR BEFORE JUNE 17, 2022\*\*\***

### PURPOSE

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about May 13, 2022 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by about \$251 million or approximately 4.5% over present revenues. The Company asks the City to approve an 11.2% increase in residential rates and a 1.6% increase in street lighting rates. If approved, a residential customer using 1,300 kWh per month would see a bill increase of about \$6.02 per month.

The resolution suspends the June 17, 2022 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. **If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.**

### DISCUSSION

The City of Seagoville is a member of a 169-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 30 years.

Although Oncor has increased rates many times over the past few years, this is the first comprehensive base rate case for the Company since March 2017.

### Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the

deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by June 17, 2022.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

**RESOLUTION NO. \_\_**

**RESOLUTION OF THE CITY OF SEAGOVILLE SUSPENDING THE JUNE 17, 2022 EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE**

**WHEREAS**, on or about May 13, 2022, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Seagoville a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective June 17, 2022; and

**WHEREAS**, the City of Seagoville is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 169 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

**WHEREAS**, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

**WHEREAS**, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

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

**Section 1.** That the June 17, 2022 effective date of the rate request submitted by Oncor on or about May 13, 2022, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

**Section 2.** That, as indicated in the City’s resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

**Section 3** That the City’s reasonable rate case expenses shall be reimbursed by Oncor.

**Section 4.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**Section 5.** That a copy of this Resolution shall be sent to Oncor, Care of Howard V. Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**Section 6.** That this Resolution shall take effect immediately from and after its adoption and execution.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED:**

\_\_\_\_\_  
DENNIS K. CHILDRESS, MAYOR

**ATTEST:**

\_\_\_\_\_  
Kandi Jackson, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Victoria W. Thomas, City Attorney  
(052422vwtTM129758)

## *Regular Session Agenda Item: 3*

**Meeting Date: June 6, 2022**

**ITEM DESCRIPTION:**

Discuss and consider appointments concerning the Charter Review Committee.

**BACKGROUND OF ISSUE:**

On or about May 16, 2022, Council directed Staff to advertise for members to serve on the Charter Review Committee. Staff advertised on the board at City Hall and on the City website as directed.

At this time, brief interviews may be conducted with applicants. For your convenience, a list of applicants has been provided.

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

**EXHIBITS:**

Copy of Section 9.05 Amendment and Charter Review

## **Section 9.05 Amendments and Charter Review**

(a) This Charter may be amended at any time in accordance with the provisions applicable thereto contained in Chapter 9 of the TEXAS LOCAL GOVERNMENT CODE or any amendment thereto or any amendments in that may be made hereafter thereto. This Charter may be amended no more than once every two (2) years as provided by the laws of the State of Texas.

(b) The City Council shall appoint a Citizens Charter Review Commission not less than every six (6) years, with the Mayor and each Councilmember selecting two (2) members for appointment. Such Commission shall review the Charter and make recommendation to the City Council as to any necessary amendments.

## ***Regular Session Agenda Item: 4***

**Meeting Date: June 6, 2022**

### **ITEM DESCRIPTION:**

Conduct interviews with Boards & Commissions Applicants for appointments and reappointments.

### **BACKGROUND OF ISSUE:**

At this time, Alternate #1 and Alternate #2 on the Board of Adjustments are vacant. Staff received an application from Mr. William Underwood to fill one of the positions. Also, Place one and Place two on the Keep Seagoville Beautiful Commission are vacant. Ms. Rosia Cornish and Ms. Sonja Foster applied to fill those positions. Both applicants have passed the criminal background check in compliance with City Ordinance No. 24-2019.

Also, it is time to reappoint members to all Boards & Commissions. All reappointment applicants have passed the criminal background check in compliance with City Ordinance No. 24-2019.

In the past, City Council has interviewed all boards and commission applicants. At this time, brief interviews may be conducted with applicants. For your convenience, a list of appointments has been provided.

### **FINANCIAL IMPACT:**

N/A

### **RECOMMENDATION:**

N/A

### **EXHIBITS:**

List of appointments

**CITY PLANNING & ZONING COMMISSION**

	Place	Appt. Date	Term Expires
Olu Olajimi	1	6/2019	6/2023
Shelley Sipriano	2	12/2021	6/2023
Charles Galbreth	3	6/2019	6/2023
Tommy Lemond	4	8/2019	6/2023
David Grimes (Vice-Chair)	5	6/2018	6/2022
Don Cole	6	3/2021	6/2023
Debra Haney	7	11/2020	6/2022

Reappointees:	New Applicants:
David Grimes	
Debra Haney	

**BOARD OF ADJUSTMENTS**

	Place	Appt. Date	Term Expires
Steven Wright	1	3/2022	6/2024
John Rice	2	1/2021	6/2023
Robert Boyett	3	11/2020	6/2022
Nancy Ashley (Vice-Chair)	4	6/2016	6/2022
Lorin Mullens	5	6/2016	6/2022
Vacant	Alt. #1		
Vacant	Alt. #2		

Reappointees:	New Applicants:
Robert Boyett	
Lorin Mullens	
	William Underwood

**ANIMAL SHELTER OVERSIGHT COMMITTEE**

	Place	Appt. Date	Term Expires
Dr. Karen Williams	1	11/2018	6/2022
Sgt. Karl Bailey	2		
Bettye Baker	3	8/2012	6/2022
Justin Harley	4		
Stephanie Boyett	5	6/2020	6/2022

Reappointees:	New Applicants:
Karen Williams	
Bettye Baker	
Stephanie Boyett	

**LIBRARY BOARD**

	Place	Appt. Date	Term Expires
Sandra Waggoner	1	4/2021	6/2023
Reba Groblebe (Vice-Chair)	2	6/2008	6/2022
Mary Graham	3	6/2009	6/2023
Judy Whitehead	4	6/2016	6/2022
Pat Bearden (Chair)	5	6/2007	6/2023
Lizbeth Petty	6	4/2021	6/2023

Reappointees:	New Applicants:
Reba Groblebe	

**KEEP SEAGOVILLE BEAUTIFUL COMMISSION**

	Place	Appt. Date	Term Expires
Vacant	1		
Vacant	2		
Diane Marshall	3	9/2020	6/2022
Sandra Waggoner	4	4/2021	6/2023
Charlotte Hernandez (Chair)	5	6/2009	6/2023
Kara Dodson (Vice-Chair)	6	7/2014	6/2022
Mildred Chamberlain	7	6/2021	6/2023

Reappointees:	New Applicants:
	Rosia Cornish
Diane Marshall	
Kara Dodson	

**SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION**

	Place	Appt. Date	Term Expires
Barbara Sherman	1	7/2015	6/2023
F.L. Stepper Sebastian	2	6/2008	6/2022
Martin Ashley	3	11/2016	6/2022
Philip Pelayo	4	6/2021	6/2023
Jose Hernandez (Chair)	5	1/2016	6/2023
Harold Magill (Vice-Chair)	6	6/2016	6/2023
Shelley Sipriano	7	2/2022	6/2024

Reappointees:	New Applicants:
Stepper Sebastian	
Martin Ashley	

## ***Regular Session Agenda Item: 5***

**Meeting Date: June 6, 2022**

### **ITEM DESCRIPTION:**

Discuss and consider approving a Resolution of the City of Seagoville, Texas, authorizing the purchase of water line parts for the Ard Road to Robinwood Drive Water Line Project from Apsco Supply for compensation not to exceed Seventy Six Thousand Seven Hundred Thirty Five Dollars and Eighty Three Cents (\$76,735.83) and authorizing the City Manager to execute any documents necessary for said purchase; and providing an effective date.

### **BACKGROUND OF ISSUE:**

The water line is a project to replace an 800-foot 2" water line with an 8" water line. A new 8-inch diameter water line approximately 2,150 feet along US 175 Service Road to provide water service to the new businesses and to provide looped fire protection to all homes in Robinwood Addition. Garver is engineering the plans now and putting it out for bid at the end of the month. These parts will be in before the time of bid which will save the city time on the installation and money on a contractor mark up in cost.

### **RECOMMENDATION:**

City staff recommends approval of the agreement with Apsco Supply for the purchase of water line parts for the Ard Road to Robinwood Drive water line project.

### **FINANCIAL IMPACT:**

\$76,735.83

### **EXHIBITS:**

Resolution  
Exhibit A, Quote for Water Line Project  
Exhibit B, ILA with the city of Midlothian

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE PURCHASE OF WATER LINE PARTS FOR THE ARD ROAD TO ROBINWOOD DRIVE WATER LINE PROJECT FROM APSCO SUPPLY FOR COMPENSATION NOT TO EXCEED SEVENTY SIX THOUSAND SEVEN HUNDRED THIRTY FIVE DOLLARS AND EIGHTY THREE CENTS (\$76,735.83) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City Administration has determined there is a need to purchase water line parts to install a new watermain on the Ard Road to Robinwood Drive Water Line Project; and

**WHEREAS**, the City Council authorized the expenditure for this purpose in the FY 2021-2022 Water and Sewer budget; and

**WHEREAS**, the required water line parts can be competitively procured through an interlocal cooperative purchasing agreement with the City of Midlothian from Apsco Supply as set forth on the quote attached hereto as Exhibit "A" and

**WHEREAS**, the City Council of the City of Seagoville finds it to be in the public interest of the City to authorize the herein described purchase.

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

**SECTION 1.** The City Council hereby authorizes the purchase from Apsco Supply of the water line parts, as set forth on Exhibit "A" attached hereto and incorporated herein by this reference, for the Ard Road to Robinwood Drive Water Line Project, for compensation in an amount not to exceed seventy six thousand seven hundred thirty five dollars and eighty three cents (\$76,735.83) and further authorizes the City Manager to execute any documents necessary for said purchase on behalf of the City.

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

**DULY ORDERED** by the City Council of the City of Seagoville, Texas, this the 6<sup>th</sup> day of June, 2022.

**APPROVED:**

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DENNIS K. CHILDRESS, MAYOR

**ATTEST:**

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KANDI JACKSON, CITY SECRETARY

**APPROVED AS TO FORM:**

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VICTORIA THOMAS, CITY ATTORNEY  
(060222vwtTM129882)

**Exhibit A**

**(Apsco Supply Quotation No. S1322280)**



since 1928 serving the plumbing and waterworks industries

APSCO QUINLAN
6700 STATE HWY 34
QUINLAN, TX 75474
469.595.0243
Fax 325.672.0949

Quotation

Table with 2 columns: EXPIRATION DATE, QUOTE NUMBER, and PAGE NO. Values include 03/28/2022, S1322280, and 1 of 1.

QUOTE TO:

SHIP TO:

CITY OF SEAGOVILLE
702 N US HIGHWAY 175
SHIPPING - 101 N. WATSON
SEAGOVILLE, TX 75159

CITY OF SEAGOVILLE
702 N US HIGHWAY 175
SHIPPING - 101 N. WATSON
SEAGOVILLE, TX 75159

Main table with columns: CUSTOMER NUMBER, CUSTOMER PO NUMBER, JOB NAME / RELEASE NUMBER, SALESPERSON, WRITER, SHIP VIA, TERMS, SHIP DATE, FREIGHT ALLOWED, ORDER QTY, DESCRIPTION, UNIT PRICE, EXT PRICE. Includes a summary section at the bottom with Subtotal, S&H Charges, Estimated Tax, and Amount Due.

**MASTER INTERLOCAL COOPERATIVE PURCHASING AGREEMENT  
BETWEEN THE CITY OF SEAGOVILLE  
AND CITY OF MIDLOTHIAN**

**WHEREAS**, Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the Texas Local Government Code authorize all local governments to contract with each other to perform governmental functions or services including administrative functions normally associated with the operation of government such as purchasing of necessary equipment, supplies and services;

**WHEREAS**, The City of Seagoville and City of Midlothian desire to enter into this Agreement for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs and services;

**WHEREAS**, The City of Seagoville and City of Midlothian represent that each are independently authorized to perform the functions or services contemplated by this Agreement;

**WHEREAS**, it is deemed in the best interest of all participating governments that said governments do enter into a mutually satisfactory agreement for the purchase of necessary equipment, supplies, and services;

**WHEREAS**, the participating governments are of the opinion that cooperation in the purchasing of equipment, supplies, services and auctions will be beneficial to the taxpayers of the governments through the efficiencies and potential savings to be realized; and

**WHEREAS**, each party has sufficient resources to perform the functions contemplated by this Agreement;

**NOW THEREFORE**, the parties hereto, in consideration of the mutual covenants and conditions contained herein, promise and agree as to each of the other as follows:

1. The City of Seagoville and City of Midlothian are authorized to participate in each other's current and/or future contracts for goods and services. Said contracts shall have been established in accordance with all appropriate procedures governing competitive bids and competitive proposals, if required.
2. The City of Seagoville and City of Midlothian agree that the ordering of goods and services is the responsibility of the local government seeking to obtain such goods and services under the established contract, and that participating government shall deal directly with the vendor in obtaining the goods and services and payment therefore. The participating government shall be liable to the vendor only for goods and services ordered and received by it, and shall not, by the execution of this Agreement, assume any additional liability. Neither the City of Seagoville

nor City of Midlothian warrant, or is responsible for, the quality or delivery of goods or services from the vendor under contract. Should a dispute arise between a participating government and a vendor, the same shall be handled by and between that participating government and the vendor.

3. Each government shall pay invoices directly to the providers of goods and services that are invoiced and delivered directly to each respective government.
4. Participation of either government in any cooperative purchasing activity is strictly voluntary. Nothing in this Agreement shall prevent either governments from purchasing and/or accepting and awarding bids, proposals and contracts subject to this Agreement on its own behalf.
5. Each government shall ensure that all applicable laws and ordinances have been satisfied.
6. **Effective Date and Term.** This Agreement shall be effective when signed by the last party who's signing makes the Agreement fully executed and will remain in full force and effect indefinitely. Any party may modify or terminate this Agreement as provided in Paragraph(s) 7 or 8.
7. **Modification.** The terms and conditions of this Agreement may be modified upon the mutual consent of all parties. Mutual consent will be demonstrated by approval of the governing body of each party hereto. No modification to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of all parties.
8. **Termination.** This Agreement may be terminated at any time by the City of Seagoville or City of Midlothian, with or without cause, upon thirty (30) days written notice to the other party in accordance with Paragraph 11 herein.
9. **Hold Harmless.** To the extent allowed by law, the City of Seagoville and City of Midlothian agree to hold each other harmless from and against any and all claims, losses, damages, causes of action, suits and liabilities of every kind, including all expenses of litigation, court costs and attorney's fees, for injury or death of any person, for damage to any property, or for any breach of contract, arising out of or in connection with the work done under this Agreement.
10. **Invalidity.** If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable by a court or other tribunal of competent

jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.

11. **Written Notice.** Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person, sent by email, by fax with successful send confirmation, or by certified mail to the last business address as listed herein.

**City of Seagoville:** City of Seagoville  
Attn: City Secretary  
702 N. Highway 175  
Seagoville, Texas 75159  
Phone (972) 287-6819  
dcrabtree@seagoville.us

**City of Midlothian:** Purchasing  
Attn: Purchasing Agent  
City of Midlothian  
104 W. Ave. E  
Midlothian, Texas 76065  
Main phone # 972-775-7106  
Main Fax # 972-775-7107

12. **Entire Agreement.** It is understood that this Agreement contains the entire agreement between the parties and supercedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any party before or after the execution of this Agreement shall affect or modify any of the terms or obligations hereunder.
13. **Amendment.** No Amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.
14. **Texas Law.** This Agreement has been made under and shall be governed by the laws of the State of Texas.

15. **Place of Performance.** Performance and all matters related thereto shall be in the County of the government originating the bid. This shall be Dallas County, Texas, United States of America for City of Midlothian and shall be Ellis County, Texas, United States of America for the City of Seagoville.
16. **Authority to Enter Contract.** Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective Government.
17. **Waiver.** Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in anyway affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.
18. **Agreement Read.** The parties acknowledge that they understand and intend to be bound by the terms and conditions of this Agreement.
19. **Multiple Originals.** It is understood and agreed that this Agreement may be executed in a number of identical copies, each of which shall be deemed an original for all purposes.

**CITY OF SEAGOVILLE**

BY:

Larry Graves, City Manager

DATE:

4-21-14

ATTEST:

Dara Crabtree  
Dara Crabtree, City Secretary

APPROVED AS TO FORM:

Robert Hager, City Attorney

**CITY OF MIDLOTHIAN**

BY:

Bill Houston, Mayor

DATE: 5-27-14

ATTEST:

Tammy Varner, City Secretary



## ***Regular Session Agenda Item: 6***

**Meeting Date: June 6, 2021**

### **ITEM DESCRIPTION:**

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving an agreement for additional Professional Engineering Services on a Task Order basis for On-Call Consultation Services related to Water and Wastewater Engineering Services as set forth in Exhibit "1" attached thereto, in an amount not to exceed Forty-Nine Thousand Dollars (\$49,000.00); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.

### **BACKGROUND OF ISSUE:**

The City of Seagoville has contracted with HALFF Associates, Inc., for an on-call consultation services and various other water and wastewater engineering issues. The services of a full-time engineer are not feasible at this point; however, staff finds it necessary many times throughout the year to consult with various professionals to ensure the best possible service for our community is provided. Approval of this agenda item will ensure that staff will have the ability to consult with extremely competent engineering professionals in the area of water and wastewater services to ensure that we make the best possible decisions for our residents, businesses and visitors to our community.

### **FINANCIAL IMPACT:**

Approved FY2021 Budget for professional services on a task order basis.

### **RECOMMENDATION:**

City staff recommends approval of agreement with Halff Associates, Inc. for On-Call Consultation services related to water and wastewater engineering services.

### **EXHIBITS:**

Resolution – Approving an agreement for additional Professional Services on a Task Order Basis  
Agreement for additional Professional Services on a Task Order Basis Authorization #1

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING AN AGREEMENT FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES ON A TASK ORDER BASIS FOR ON-CALL CONSULTATION SERVICES RELATED TO WATER AND WASTEWATER ENGINEERING SERVICES AS SET FORTH IN EXHIBIT "1" ATTACHED THERETO, IN AN AMOUNT NOT TO EXCEED FORTY NINE THOUSAND DOLLARS (\$49,000.00); AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on October 18, 2021, the City Council approved a professional services agreement with Halff Associates, Inc., (“Engineer”) by which Engineer would provide professional engineering consulting services to the City of Seagoville (“City”) on an “as needed” or “task order” basis as determined by the City, to be billed on a time and materials basis up to a total maximum of \$60,000.00; and

**WHEREAS**, the City has need for additional on-call consultation services relative to water and wastewater engineering services; and

**WHEREAS**, Engineer has agreed to provide said on-call consultation services on an as needed basis as set forth in the attached Exhibit “1” under the same terms and conditions as with the October 2021 agreement, to be billed on a time and materials basis up to a total maximum of \$49,000.00 for the period June 2022 through September 2022; and

**WHEREAS**, the City Council hereby finds that it is in the best interest of the City to approve the agreement for additional Professional Engineering Services on a Task Order Basis for on-call engineering consultation services relative to water and wastewater engineering services as set forth in Exhibit "1" attached thereto, in an amount not to exceed Forty- Nine Thousand Dollars and no cents (\$49,000), and authorizes the City Manager to execute the same;

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

**SECTION 1.** The City Council hereby approves the agreement for Professional Engineering Services with Halff Associates, Inc. on a Task Order Basis for on-call consultation services relative to water and wastewater engineering services as set forth in Exhibit "1" attached

thereto, in an amount not to exceed Forty-Nine Thousand Dollars and no cents (\$49,000), and hereby authorizes the City Manager to execute said Agreement.

**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 6<sup>th</sup> day of June 2021.

APPROVED:

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DENNIS K. CHILDRESS, MAYOR

ATTEST:

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KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

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VICTORIA THOMAS, CITY ATTORNEY  
(060222vwtTM129885)



**Exhibit 1**

**(Halff Associates Additional Services Confirmation)**





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:** 5/25/2022

**From:** Timothy Lackey, P.E.

**AVO:** 37392.003

**Email:** tlackey@halff.com

**Project:** City of Seagoville - FY 2021-  
2022 On Call Services

**VIA:** email

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As per your request we understand that you would like Halff Associates to continue to assist the City with the FY2021-2022 on call Services. Halff shall continue to provide on call engineering services for water and sewer utilities. The provisions of the existing contract of October 20, 2021 shall remain in effect over this additional work.

We estimate approximately **\$ 49,000.00** will be needed to perform these services through a proposed duration period of June 2022 thru September 2022. (subject to the variability of as needed calls from the City). The total for additional services shall not exceed total of the additional \$49,000.00 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.



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

By: Timothy E Lackey

(Print name)

Title: Vice President

Signature: 

Date: 5/25/2022

**ACCEPTED**

By: \_\_\_\_\_

(Print name)

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments: NONE

SIGNED:

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COPIES:

File

Owner

Contractor

Other:

## ***Regular Session Agenda Item: 7***

**Meeting Date: June 6, 2022**

### **ITEM DESCRIPTION:**

Discuss and consider approving a Resolution of the City of Seagoville, Texas, approving a first amendment to Work Order No. 2 with Garver, LLC., to provide for total compensation for Development Plan Review in an amount not to exceed Ninety Thousand Dollars (\$90,000.00); authorizing the City Manager to execute said amendment; providing for a repealing clause; providing for a severability clause; and providing an effective date.

### **BACKGROUND OF ISSUE:**

Resolution No. 96-R-2021 passed and approved on December 20, 2021, authorized the City Manager, pursuant to the City's Master Agreement with Garver, LLC ("Engineer") to execute a Work Order No. 2 with Engineer for the provision of professional engineering consultation services related to plan review to the City of Seagoville ("City") on an "as needed" or "task order" basis as determined by the City, in an amount not to exceed \$45,000.00. The City has a need for additional on-call consulting services from Engineer relative to plan review services. Engineer has agreed to perform the additional on-call consultation services related to plan review as set forth in Work Order No. 2 for total compensation in an amount not to exceed ninety thousand dollars and no cents (\$90,000.00) as set forth in the first Amendment to Work Order No. 2, attached hereto as Exhibit "1".

### **FINANCIAL IMPACT:**

\$90,000

### **RECOMMENDATION:**

Staff recommends approval.

### **EXHIBITS:**

Resolution (2 pages)

Attachment 1 (2 pages)

**THE CITY OF SEAGOVILLE, TEXAS**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING A FIRST AMENDMENT TO WORK ORDER NO. 2 WITH GARVER, LLC., TO PROVIDE FOR TOTAL COMPENSATION FOR DEVELOPMENT PLAN REVIEW IN AN AMOUNT NOT TO EXCEED NINETY THOUSAND DOLLARS (\$90,000.00); AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Resolution No. 96-R-2021 passed and approved on December 20, 2021 authorized the City Manager, pursuant to the City’s master agreement with Garver, LLC (“Engineer”) to execute a Work Order No. 2 with Engineer for the provision of professional engineering consultation services related to plan review to the City of Seagoville (“City”) on an “as needed” or “task order” basis as determined by the City, in an amount not to exceed \$45,000.00;

**WHEREAS**, the City has a need for additional on-call consulting services from Engineer relative to plan review services; and

**WHEREAS**, Engineer has agreed to perform the additional on-call consultation services related to plan review as set forth in Work Order No. 2 for total compensation in an amount not to exceed ninety thousand dollars and no cents (\$90,000.00) as set forth in the first Amendment to Work Order No. 2, attached hereto as Exhibit “1”; and

**WHEREAS**, the City Council for the City of Seagoville, Texas finds it to be in the best interest of the City of Seagoville to approve the Amendment to Work Order No. 2 with Engineer to provide for additional professional engineering consulting services related to plan review on an on-call basis for compensation in a total amount under Work Order No. 2 as amended not to exceed \$90, 000.00.

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

**Section 1.** That the City Council hereby approves the Amendment to the Work Order No. 2 Agreement with Garver, LLC., to provide for additional scope of services to on-call consultation services in an amount not to exceed \$90,000.00, which is attached hereto and incorporated herein as Attachment “1”, and hereby authorizes the City Manager to execute said Amendment.

**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, clause or provision of this Resolution 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, 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 and it is accordingly so resolved.

**PASSED AND APPROVED** by the City Council of the City of Seagoville, Texas this 6<sup>th</sup> day of June, 2022.

**APPROVED:**

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Dennis K. Childress, Mayor

ATTEST:

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Kandi Jackson, City Secretary

APPROVED AS TO FORM:

---

Victoria Thomas, City Attorney  
(060222vwtTM129887)

**Exhibit 1**  
**(Amendment No 1 to Garver Work Order No. 2)**



**AMENDMENT TO WORK ORDER NO. 2**  
**City of Seagoville**  
**On-Call Engineering Services**  
**Project No. 21W05078**

**WORK ORDER AMENDMENT NO. 1**

This Work Order Amendment No. 1 ("Amendment"), effective on the date last written below, shall amend the original work order between the **City of Seagoville** ("Owner") and Garver, LLC ("Garver"), dated December 22, 2021, referred to in the following paragraphs as the "Work Order."

This Amendment modifies the total amount paid to Garver under the original Work Order for the Development Plan Reviews.

The Work Order is hereby modified as follows:

**SECTION 2 – Payment**

The following language is amended in Section 2 of the Work Order from:

"The total amount paid to GARVER under this agreement is not to exceed **\$45,000.**"

To:

"The total amount paid to GARVER under this agreement is not to exceed **\$90,000.**"

Terms and conditions of the Work Order not modified herein remain unchanged and in full force and effect.

*[Signature Page to Follow]*



This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Owner and Garver have executed this Amendment effective as of the date last written below.

CITY OF SEAGOVILLE

GARVER, LLC

By: \_\_\_\_\_  
*Signature*

By: Lance Klement  
*Signature*

Name: \_\_\_\_\_  
*Printed Name*

Name: Lance Klement  
*Printed Name*

Title: \_\_\_\_\_

North Texas Water Team  
Title: Leader

Date: \_\_\_\_\_

Date: 5/13/2022

## ***Regular Session Agenda Item: 8***

**Meeting Date: June 6, 2022**

### **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: 9***

**Meeting Date: June 6, 2022**

**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

# *Executive Session Agenda Item: 10*

**Meeting Date: June 6, 2022**

**ITEM DESCRIPTION:**

**Recess into Executive Session**

**Council will recess into executive session pursuant to Texas Government Code:**

**A. § 551.071 Consultation with City Attorney: receive legal advice related to the regulation of short term rental properties.**

**B. § 551.071. Consultation with City Attorney: receive legal advice related to Municipal Court.**

**BACKGROUND OF ISSUE:**

N/A

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

**EXHIBITS:**

N/A

# *Executive Session Agenda Item: 11*

**Meeting Date: June 6, 2022**

**ITEM DESCRIPTION:**

**Reconvene into Regular Session**

**Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.**

**A. § 551.071 Consultation with City Attorney: receive legal advice related to the regulation of short term rental properties.**

**B. § 551.071. Consultation with City Attorney: receive legal advice related to Municipal Court.**

**BACKGROUND OF ISSUE:**

N/A

**FINANCIAL IMPACT:**

N/A

**RECOMMENDATION:**

N/A

**EXHIBITS:**

N/A