



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA
MONDAY, FEBRUARY 6, 2023**

**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 an update concerning City's response to the weather event that occurred the week of January 30, 2023, through February 3, 2023

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 January 23, 2023 (City Secretary)

2. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, ordering a General Election to be held on May 6, 2023 for the purpose of electing persons to the office of Mayor and City Council Places 2 and 4; ordering a Special Election on proposed amendments to the Home Rule City Charter of the City of Seagoville to be held in conjunction with the General Election on May 6, 2023; providing for the publication and posting of notice; proposing amendments to the Home Rule City Charter of the City of Seagoville; authorizing the City Manager to execute an Election Services Contracts; providing for dates for early voting by personal appearance; providing for deadline for application for absentee ballot; and providing an effective date (City Secretary)

Discutir y considerar aprobar una Resolución del Concejo Municipal de la Ciudad de Seagoville, Texas, ordenando que se celebre una Elección General el 6 de mayo de 2023 con el propósito de elegir personas para el cargo de Alcalde y los Lugares 2 y 4 del Concejo Municipal; ordenar una Elección Especial sobre las enmiendas propuestas a la Carta Constitutiva de la Ciudad Autónoma de la Ciudad de Seagoville que se llevará a cabo junto con la Elección General el 6 de mayo de 2023; prever la publicación y colocación de avisos; proponer enmiendas a la Carta Constitutiva de la Ciudad Autónoma de la Ciudad de Seagoville; autorizar al Administrador de la Ciudad a ejecutar Contratos de Servicios Electorales; establecer fechas para la votación anticipada en persona; estipular una fecha límite para la solicitud de papeleta de voto en ausencia; y proporcionando una fecha efectiva (secretario de la ciudad)

Thảo luận và xem xét thông qua Nghị quyết của Hội đồng Thành phố của Thành phố Seagoville, Texas, ra lệnh tổ chức Tổng tuyển cử vào ngày 6 tháng 5 năm 2023 với mục đích bầu những người vào chức vụ Thị trưởng và Vị trí 2 và 4 của Hội đồng Thành phố; ra lệnh tổ chức một cuộc Bầu cử Đặc biệt về những sửa đổi được đề xuất đối với Hiến chương Thành phố Tự trị của Thành phố Seagoville cùng với Cuộc Tổng tuyển cử vào ngày 6 tháng 5 năm 2023; quy định về việc công bố và đăng thông báo; đề xuất sửa đổi Điều lệ Thành phố Tự trị của Thành phố Seagoville; ủy quyền cho Giám đốc Thành phố thực hiện Hợp đồng Dịch vụ Bầu cử; quy định ngày bỏ phiếu sớm trực tiếp; quy định thời hạn nộp đơn xin bỏ phiếu vắng mặt; và cung cấp một ngày có hiệu lực. (bí thư TP.)

REGULAR AGENDA-

3. Receive a presentation and discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, authorizing the Mayor to accept and file the Police Department's 2022 Racial Profiling Report, providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date (Dr. Del Carmen & Police Chief)

4. Discuss and consider approving a Resolution authorizing publication of notice of intention to issue certificates of obligation for the design, acquisition, construction and improvement of certain public works and authorizing certain other matters relating thereto (Finance Director)

5. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a Work Order No. 7 Agreement with Garver, LLC, in accordance with the City's March 24, 2021 Master Agreement for Professional Services with Garver, LLC, for drainage surveys and engineering services (Colonial Circle & High School Drive alley), in an amount not to exceed Twenty One Thousand Six Hundred Thirty One Dollars (\$21,631.00); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date (Public Works Director)

6. Receive an update from Public Works about leaking fire hydrant on Seagoville Road, the construction of Shannon Road, Lasater Road, and Stark Road, water leak on Hall Road and Johnnie Row, and the Hall Road street project (Public Works Director & Tim Lackey)

7. Conduct a public hearing adopting a curfew for juveniles as part of the Code of Ordinances of the City of Seagoville, by adding new Sections 13.06.031 through 13.06.035 to Chapter 13, "Offenses and Nuisances", Article 13.06, "Minors", Division 2, "Curfew" (Police Chief)

8. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, adopting a curfew for juveniles as part of the Code of Ordinances of the City of Seagoville, by adding new sections 13.06.031 through 13.06.035 to Chapter 13, "Offenses and Nuisances", Article 13.06, "Minors", Division 2, "Curfew"; providing for a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; providing a repealing clause; providing a severability clause; and providing for an effective date (Police Chief)

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

10. 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.

11. 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 Santorini Development**

12. 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 Santorini Development**

Adjourn

Posted Friday, February 3, 2023 by 5:00 P.M.

Kandi Jackson

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, February 27, 2023, Regular City Council Meeting**
- **Monday, March 6, 2023, Regular City Council Meeting**
- **Monday, March 20, 2023, Regular City Council Meeting**
- **Monday, April 3, 2023, Regular City Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Consider approving City Council Meeting Minutes for January 23, 2023.

BACKGROUND OF ISSUE:

Approve City Council Meeting Minutes for January 23, 2023.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

January 23, 2023, Work Session Meeting Minutes
January 23, 2023, Regular Session Meeting Minutes



**MINUTES OF CITY COUNCIL
WORK SESSION
JANUARY 23, 2023**

The Work Session of the City Council of the City of Seagoville, Texas, was called to order at 6:30 p.m. on Monday, January 23, 2020, at City Hall, 702 N. Hwy 175, Seagoville, Texas, with a quorum present, to wit:

Dennis Childress	Mayor
Harold Magill	Mayor Pro Tem
Jose Hernandez	Councilmember
Rick Howard	Councilmember
Mike Fruin	Councilmember Arrived at 6:49 p.m.
Jon Epps	Councilmember

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Assistant Police Chief Steve Davis, Police Sergeant Karl, Bailey, City Attorney Courtney Goodman-Morris, Senior Planner Bill Medina, Building Inspector/Code Enforcement Supervisor Kailey Lampkin, Director of Health Mamata Bhandari, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

B. Receive a presentation concerning the transition of solid waste companies

Director of Health Bhandari presented the transition process for solid waste companies.

(Councilmember Fruin arrived at 6:49 p.m.)

A. Discuss Regular Session Agenda Items

1. Consider approving City Council Meeting Minutes for January 9, 2023 (City Secretary)

No questions.

2. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a Professional Services Agreement for Professional Engineering Services on a defined scope of services basis with Halff Associates, Inc. for the purpose of providing architectural and engineering services for the design and construction of a new Animal Shelter Building in an amount not to exceed \$298,000.00; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date (Halff Assoc)

Halff Associates, Inc. Vice President Derek Downs stated that this Resolution approves Professional Services Agreement for Professional Engineering Services on a defined scope of services basis with Halff Associates, Inc. for the purpose of providing architectural and engineering services for the design and construction of a new Animal Shelter Building in an amount not to exceed \$298,000.00.

3. Conduct a public hearing on a request amending the Comprehensive Zoning Ordinance and map of the City of Seagoville, Kaufman County, Texas, on a zoning change from Agriculture (AG) zoning district to the Local Retail (LR) zoning district on approximately 5.004 ± acres described as being situated in the J. Merchant Survey No. 335, Abstract 310, Kaufman County, Texas, located at the southeast corner of South US-175 and FM 1389, Seagoville, Kaufman County Texas (Community Development)

City Manager Stallings stated that Item #3 is a public hearing that will occur during the Regular Session.

4. 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 Agricultural (AG) to Local Retail (LR), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, in the City of Seagoville, Kaufman 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)

Senior Planner Medina stated that this Ordinance amends the Comprehensive Zoning Ordinance and Map of the City of Seagoville, as amended, by granting a change in zoning from Agricultural (AG) to Local Retail (LR), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, in the City of Seagoville, Kaufman 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.

5. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, Texas, approving amendments to Ordinance 19-2022, which adopted the Operating Budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, to (1) Transfer Three Hundred and Fifty Six Thousand Four Hundred and Fifty Nine Dollars (\$356,459) to the Street Maintenance Fund from the General Fund unrestricted fund balance, (2) transfer Ninety-Three Thousand Dollars (\$93,000) from the General Fund unrestricted fund balance to the Fire Vehicle Purchase line item in the General Fund, and (3) Transfer Seventeen Thousand Dollars (\$17,000) from the Vehicle Replacement Fund to the Fire Vehicle Purchase line item in the General Fund; authorizing the City Manager to make said budget amendments; providing for the repeal of all Ordinances that are in conflict; providing a repealing clause; providing a severability clause; and providing an effective date (Finance Director)

City Manager Stallings stated that this Ordinance approves amendments to Ordinance 19-2022, which adopted the Operating Budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, to (1) Transfer Three Hundred and Fifty Six Thousand Four Hundred and Fifty Nine Dollars (\$356,459) to the Street Maintenance Fund from the General Fund unrestricted fund balance, (2) transfer Ninety-Three Thousand Dollars (\$93,000) from the General Fund unrestricted fund balance to the Fire Vehicle Purchase line item in the General Fund, and (3) Transfer Seventeen Thousand Dollars (\$17,000) from the Vehicle Replacement Fund to the Fire Vehicle Purchase line item in the General Fund; authorizing the City Manager to make said budget amendments; providing for the repeal of all Ordinances that are in conflict; providing a repealing clause; providing a severability clause; and providing an effective date.

6. Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances by amending Chapter 19, "Utilities," by repealing Article 19.02 in its entirety and replacing with a new article 19.02, "Solid Waste"; providing a savings clause; providing for a severability clause; providing a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; providing for publication; and providing an effective date (Director of Health)

Director of Administrative Services Brown stated that this Ordinance amends amending the Code of Ordinances by amending Chapter 19, "Utilities," by repealing Article 19.02 in its entirety and replacing with a new article 19.02, "Solid Waste,"; providing a savings clause; providing for a severability clause; providing a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; providing for publication; and providing an effective date.

7. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, amending the Master Fee Schedule to provide for Solid Waste Collection and to add applicable fees related to residential, commercial, unusual accumulation, disaster management, commercial front load rates, roll-off containers, and all other rates related to solid waste collection, disposal, and services; providing for a repealing clause; providing for a severability clause; and providing an effective date (Director of Health)

Director of Administrative Services Brown stated that this Resolution amends the Master Fee Schedule to provide for Solid Waste Collection and to add applicable fees related to residential, commercial, unusual accumulation, disaster management, commercial front load rates, roll-off containers, and all other rates related to solid waste collection, disposal, and services; providing for a repealing clause; providing for a severability clause; and providing an effective date.

8. Receive a presentation and discuss and consider amending the hours of operation for Code Enforcement to include nights and weekends (Councilmember Fruin)

City Manager Stallings stated that Item #8 would be heard during the Regular Session.

9. Discuss and consider amending the hours of operation for Animal Control to include nights and weekends (Councilmember Fruin)

City Manager Stallings stated that Item #9 would be heard during the Regular Session.

10. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for re-routing of electrical services associated with demolition work for 101 N. Kaufman Street by Groves Electrical Services Inc. for compensation in an amount not to exceed Twenty Thousand Five Hundred Seventy Five Dollars and Zero Cents (\$20,575.00); and providing an effective date (Community Development Director)

City Manager Stallings stated that this Resolution approves and ratifies the Seagoville Economic Development Corporation project for re-routing of electrical services associated with demolition work for 101 N. Kaufman Street by Groves Electrical Services Inc. for compensation in an amount not to exceed Twenty Thousand Five Hundred Seventy Five Dollars and Zero Cents (\$20,575.00).

11. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for V&K Construction, LLC to construct a CMU Wall-Electrical Cabinet for electrical services for five suites at 101 N. Kaufman St. for compensation in an amount not to exceed Sixteen Thousand Dollars and Zero Cents (\$16,000.00); and providing an effective date (Community Development Director)

City Manager Stallings stated that this Resolution approves and ratifies the Seagoville Economic Development Corporation project for V&K Construction, LLC, to construct a CMU Wall-Electrical Cabinet for electrical services for five suites at 101 N. Kaufman St. for compensation in an amount not to exceed Sixteen Thousand Dollars and Zero Cents (\$16,000.00).

12. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for the repair of the roof and brick at 101 N. Kaufman by V&K Construction, LLC as set forth in the attached in Exhibit “A” for compensation in an amount not to exceed Fifteen Thousand Six Hundred Ten Dollars and Zero Cents (\$15,610.00); and providing an effective date (Community Development Director)

City Manager Stallings stated that this Resolution approves and ratifies the Seagoville Economic Development Corporation project for the repair of the roof and brick at 101 N. Kaufman by V&K Construction, LLC, as set forth in the attached Exhibit “A” for compensation in an amount not to exceed Fifteen Thousand Six Hundred Ten Dollars and Zero Cents (\$15,610.00).

13. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for repair of the drainpipe at 101 N. Kaufman St. by V&K Construction, LLC as set forth in the attached in Exhibit “A” and for compensation in an amount not to exceed One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00); and providing an effective date (Community Development Director)

City Manager Stallings stated that this Resolution ratifies and approves the Seagoville Economic Development Corporation project for repair of the drainpipe at 101 N. Kaufman St. by V&K Construction, LLC, as set forth in the attached in Exhibit “A” and for compensation in an amount not to exceed One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00).

14. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for obtaining from impact Datasource, LLC, a program to assist in development strategy, as set forth in Exhibit “A” attached hereto and for compensation in an amount not to exceed \$6,615.00; providing for a repealing clause; providing for a severability clause; and providing an effective date (Community Development Director)

City Manager Stallings stated that this Resolution approves and ratifies the Seagoville Economic Development Corporation project for obtaining from impact Datasource, LLC, a program to assist in development strategy, as set forth in Exhibit “A” attached hereto and for compensation in an amount not to exceed \$6,615.00.

Adjourned at 7:08 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
REGULAR SESSION
JANUARY 23, 2023**

The Regular Session of the City Council of the City of Seagoville, Texas, was called to order at 7:15 p.m. on Monday, January 23, 2023, at City Hall, 702 N. Hwy 175, Seagoville, Texas, with a quorum present, to wit:

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

The following staff members were also present: City Manager Patrick Stallings, Police Chief Ray Calverley, Assistant Police Chief Steve Davis, Police Sergeant Karl Bailey, Senior Planner Bill Medina, Building Inspector/Code Enforcement Supervisor Kailey Lampkin, Director of Health Mamata Bhandari, City Attorney Courtney Goodman-Morris, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

Invocation – *The invocation was led by Mayor Pro Tem Magill.*

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

Mayor's Report – *None.*

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.*

Nelda Villacana at 814 Hall Rd., Seagoville, expressed her concern about the water leak in the alley between Hall Rd. and Johnnie Row.

Crestine Sanchez at 817 Johnnie Row, Seagoville, expressed her concern about the water leak in the alley between Hall Rd. and Johnnie Row.

Kathy Gardner at 718 Johnnie Row, Seagoville, expressed her concern about the water leak in the alley between Hall Rd. and Johnnie Row. She also stated that there was trash in the same alley.

Tyrona Taylor at 2913 Lismore Dr., Seagoville, expressed her concern about the condition of Shannon Rd. and Stark Rd.

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 January 9, 2023 (City Secretary)

Motion to approve City Council Meeting Minutes for January 9, 2023 – Magill, seconded by Howard; motion passed with all ayes. 5/0

REGULAR AGENDA-

2. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a Professional Services Agreement for Professional Engineering Services on a defined scope of services basis with Halff Associates, Inc. for the purpose of providing architectural and engineering services for the design and construction of a new Animal Shelter Building in an amount not to exceed \$298,000.00; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date (Halff Assoc)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving a Professional Services Agreement for Professional Engineering Services on a defined scope of services basis with Halff Associates, Inc. for the purpose of providing architectural and engineering services for the design and construction of a new Animal Shelter Building in an amount not to exceed \$298,000.00; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

3. Conduct a public hearing on a request amending the Comprehensive Zoning Ordinance and map of the City of Seagoville, Kaufman County, Texas, on a zoning change from Agriculture (AG) zoning district to the Local Retail (LR) zoning district on approximately 5.004 ± acres described as being situated in the J. Merchant Survey No. 335, Abstract 310, Kaufman County, Texas, located at the southeast corner of South US-175 and FM 1389, Seagoville, Kaufman County Texas (Community Development)

*Mayor Childress opened the public hearing at 7:27 p.m.
No one spoke for or against.
Mayor Childress closed the public hearing at 7:28 p.m.*

4. 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 Agricultural (AG) to Local Retail (LR), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, in the City of Seagoville, Kaufman 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)

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 Agricultural (AG) to Local Retail (LR), on approximately 5.004± acres located in the J. Merchant Survey No. 335, Abstract 310, in the City of Seagoville, Kaufman 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 – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

5. Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, Texas, approving amendments to Ordinance 19-2022, which adopted the Operating Budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, to (1) Transfer Three Hundred and Fifty Six Thousand Four Hundred and Fifty Nine Dollars (\$356,459) to the Street Maintenance Fund from the General Fund unrestricted fund balance, (2) transfer Ninety-Three Thousand Dollars (\$93,000) from the General Fund unrestricted fund balance to the Fire Vehicle Purchase line item in the General Fund, and (3) Transfer Seventeen Thousand Dollars (\$17,000) from the Vehicle Replacement Fund to the Fire Vehicle Purchase line item in the General Fund; authorizing the City Manager to make said budget amendments; providing for the repeal of all Ordinances that are in conflict; providing a repealing clause; providing a severability clause; and providing an effective date (Finance Director)

Motion to approve an Ordinance of the City Council of the City of Seagoville, Texas, approving amendments to Ordinance 19-2022 which adopted the Operating Budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, to (1) Transfer Three Hundred and Fifty Six Thousand Four Hundred and Fifty Nine Dollars (\$356,459) to the Street Maintenance Fund from the General Fund unrestricted fund balance, (2) transfer Ninety-Three Thousand Dollars (\$93,000) from the General Fund unrestricted fund balance to the Fire Vehicle Purchase line item in the General Fund, and (3) Transfer Seventeen Thousand Dollars (\$17,000) from the Vehicle Replacement Fund to the Fire Vehicle Purchase line item in the General Fund; authorizing the City Manager to make said budget amendments; providing for the repeal of all Ordinances that are in conflict; providing a repealing clause; providing a severability clause; and providing an effective date – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

6. Discuss and consider approving an Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances by amending Chapter 19, “Utilities”, by repealing Article 19.02 in its entirety and replacing with a new article 19.02, “Solid Waste”; providing a savings clause; providing for a severability clause; providing a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; providing for publication; and providing an effective date (Director of Health)

Motion to approve an Ordinance of the City of Seagoville, Texas, amending the Code of Ordinances by amending Chapter 19 “Utilities”, by repealing Article 19.02 in its entirety and replacing with a new article 19.02 “Solid Waste”; providing a savings clause; providing for a severability clause; providing a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; providing for publication; and providing an effective date and amending Section 19.02.006 (b), Frequency of Collection to allow large bulky items to be placed at the curb line no earlier than two (2) days immediately preceding scheduled collection, and same Section (c) to allow large brush, as defined herein, may be placed at the curb line no earlier than the Saturday preceding scheduled collection, and Section 19.02.065 (a) to increase the annual franchise fee to Two Thousand Dollars (\$2,000.00) – Hernandez, seconded by Howard; motion passed. 4/1 (For-Hernandez, Howard, Fruin, and Epps; Against-Magill)

7. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, amending the Master Fee Schedule to provide for Solid Waste Collection and to add applicable fees related to residential, commercial, unusual accumulation, disaster management, commercial front load rates, roll-off containers, and all other rates related to solid waste collection, disposal, and services; providing for a repealing clause; providing for a severability clause; and providing an effective date (Director of Health)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, amending the Master Fee Schedule to provide for Solid Waste Collection and to add applicable fees related to residential, commercial, unusual accumulation, disaster management, commercial front load rates, roll-off containers, and all other rates related to solid waste collection, disposal, and services; providing for a repealing clause; providing for a severability clause; and providing an effective date – motion passed. 4/1 (For- Hernandez, Howard, Fruin, and Epps; Against- Magill)

8. Receive a presentation and discuss and consider amending the hours of operation for Code Enforcement to include nights and weekends (Councilmember Fruin)

Building Inspector/Code Enforcement Supervisor Lampkin presented the Code Enforcement Process and hours of operation compared to surrounding cities.

After some discussion, it was determined that Code Enforcement would amend its hours of operation to include one Saturday a month from 8:00 a.m. to 5:00 p.m.

9. Discuss and consider amending the hours of operation for Animal Control to include nights and weekends (Councilmember Fruin)

Chief Calverley presented Animal Control hours of operation compared to surrounding cities.

After some discussion, it was determined that Animal Control would amend its hours of operation to include Saturdays.

10. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for re-routing of electrical services associated with demolition work for 101 N. Kaufman Street by Groves Electrical Services Inc. for compensation in an amount not to exceed Twenty Thousand Five Hundred Seventy Five Dollars and Zero Cents (\$20,575.00); and providing an effective date (Community Development Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for re-routing of electrical services associated with demolition work for 101 N. Kaufman Street by Groves Electrical Services Inc. for compensation in an amount not to exceed Twenty Thousand Five Hundred Seventy Five Dollars and Zero Cents (\$20,575.00); and providing an effective date – Magill, seconded by Hernandez; motion passed with all ayes. 5/0

11. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for V&K Construction, LLC to construct a CMU Wall-Electrical Cabinet for electrical services for five suites at 101 N. Kaufman St. for compensation in an amount not to exceed Sixteen Thousand Dollars and Zero Cents (\$16,000.00); and providing an effective date (Community Development Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for V&K Construction, LLC to construct a CMU Wall-Electrical Cabinet for electrical services for five suites at 101 N. Kaufman St. for compensation in an amount not to exceed Sixteen Thousand Dollars and Zero Cents (\$16,000.00); and providing an effective date – Magill, seconded by Hernandez; motion passed with all ayes. 5/0

12. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for the repair of the roof and brick at 101 N. Kaufman by V&K Construction, LLC as set forth in the attached in Exhibit “A” for compensation in an amount not to exceed Fifteen Thousand Six Hundred Ten Dollars and Zero Cents (\$15,610.00); and providing an effective date (Community Development Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for the repair of the roof and brick at 101 N. Kaufman by V&K Construction, LLC, as set forth in the attached in Exhibit “A” for compensation in an amount not to exceed Fifteen Thousand Six Hundred Ten Dollars and Zero Cents (\$15,610.00); and providing an effective date – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

13. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for repair of the drainpipe at 101 N. Kaufman St. by V&K Construction, LLC as set forth in the attached in Exhibit “A” and for compensation in an amount not to exceed One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00); and providing an effective date (Community Development Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for repair of the drainpipe at 101 N. Kaufman St. by V&K Construction, LLC as set forth in the attached in Exhibit “A” and for compensation in an amount not to exceed One Thousand Two Hundred Dollars and Zero Cents (\$1,200.00); and providing an effective date – Howard, seconded by Magill; motion passed with all ayes. 5/0

14. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving and ratifying the Seagoville Economic Development Corporation project for obtaining from impact Datasource, LLC, a program to assist in development strategy, as set forth in Exhibit “A” attached hereto and for compensation in an amount not to exceed \$6,615.00; providing for a repealing clause; 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, approving and ratifying the Seagoville Economic Development Corporation project for obtaining from impact Datasource, LLC, a program to assist in development strategy, as set forth in Exhibit “A” attached hereto and for compensation in an amount not to exceed \$6,615.00; providing for a repealing clause; providing for a severability clause; and providing an effective date – Magill, seconded by Hernandez; motion passed with all ayes. 5/0

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

Councilmember Fruin stated he called City Hall, and when Julie Smith answered the phone, she was very courteous, respectful, and had excellent phone skills.

Councilmember Howard agreed with Councilmember Fruin concerning Julie Smith.

16. 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 Hernandez requested a presentation concerning the water lines on Johnnie Row and Hall and any plans for repairs to Stark.

Councilmember Magill stated that there is a fire hydrant in need of repair on Seagoville Rd.

17. Recessed into Executive Session at 8:24 p.m.

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

A. § 551.071. Consultation with City Attorney: receive legal advice related to the Proposed Home Rule Charter Propositions

18. Reconvened into Regular Session at 8:51 p.m.

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 Proposed Home Rule Charter Propositions

No action taken.

Adjourned at 8:52 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Consent Session Agenda Item: 2

Meeting Date: February 2, 2023

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, ordering a General Election to be held on May 6, 2023 for the purpose of electing persons to the office of Mayor and City Council Places 2 and 4; ordering a Special Election on proposed amendments to the Home Rule City Charter of the City of Seagoville to be held in conjunction with the General Election on May 6, 2023; providing for the publication and posting of notice; proposing amendments to the Home Rule City Charter of the City of Seagoville; authorizing the City Manager to execute an Election Services Contracts; providing for dates for early voting by personal appearance; providing for deadline for application for absentee ballot; and providing an effective date.

Discutir y considerar aprobar una Resolución del Concejo Municipal de la Ciudad de Seagoville, Texas, ordenando que se celebre una Elección General el 6 de mayo de 2023 con el propósito de elegir personas para el cargo de Alcalde y los Lugares 2 y 4 del Concejo Municipal; ordenar una Elección Especial sobre las enmiendas propuestas a la Carta Constitutiva de la Ciudad Autónoma de la Ciudad de Seagoville que se llevará a cabo junto con la Elección General el 6 de mayo de 2023; prever la publicación y colocación de avisos; proponer enmiendas a la Carta Constitutiva de la Ciudad Autónoma de la Ciudad de Seagoville; autorizar al Administrador de la Ciudad a ejecutar Contratos de Servicios Electorales; establecer fechas para la votación anticipada en persona; estipular una fecha límite para la solicitud de papeleta de voto en ausencia; y proporcionando una fecha efectiva.

Thảo luận và xem xét thông qua Nghị quyết của Hội đồng Thành phố của Thành phố Seagoville, Texas, ra lệnh tổ chức Tổng tuyển cử vào ngày 6 tháng 5 năm 2023 với mục đích bầu những người vào chức vụ Thị trưởng và Vị trí 2 và 4 của Hội đồng Thành phố; ra lệnh tổ chức một cuộc Bầu cử Đặc biệt về những sửa đổi được đề xuất đối với Hiến chương Thành phố Tự trị của Thành phố Seagoville cùng với Cuộc Tổng tuyển cử vào ngày 6 tháng 5 năm 2023; quy định về việc công bố và đăng thông báo; đề xuất sửa đổi Điều lệ Thành phố Tự trị của Thành phố Seagoville; ủy quyền cho Giám đốc Thành phố thực hiện Hợp đồng Dịch vụ Bầu cử; quy định ngày bỏ phiếu sớm trực tiếp; quy định thời hạn nộp đơn xin bỏ phiếu vắng mặt; và cung cấp một ngày có hiệu lực.

BACKGROUND OF ISSUE:

The General Election for the City of Seagoville, as set forth by the Texas Election Code, is required to be held on May 6, 2023, at which time the voters will elect persons to the offices of Mayor and City Council Places 2 and 4. The City Council has received and reviewed a report from the 2022 City of Seagoville Charter Review Commission recommending to the City Council proposed amendments to the Home Rule Charter for the City of Seagoville and has determined that certain amendments are in the best interest of the citizens and, in some instances, necessary to comply with state law.

FINANCIAL IMPACT:

The contract with Dallas County has not been finalized at this time.

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

Resolution – Calling Election in English, Spanish, and Vietnamese

**CITY OF SEAGOVILLE, TEXAS
RESOLUTION NO. _____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023 FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICE OF MAYOR AND CITY COUNCIL PLACES 2 AND 4; ORDERING A SPECIAL ELECTION ON PROPOSED AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF SEAGOVILLE TO BE HELD IN CONJUNCTION WITH THE GENERAL ELECTION ON MAY 6, 2023; PROVIDING FOR THE PUBLICATION AND POSTING OF NOTICE; PROPOSING AMENDMENTS TO THE HOME RULE CITY CHARTER OF THE CITY OF SEAGOVILLE; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ELECTION SERVICES CONTRACTS; PROVIDING FOR DATES FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR DEADLINE FOR APPLICATION FOR ABSENTEE BALLOT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general election for the City of Seagoville, as set forth by the Texas Election Code, is required to be held on May 6, 2023, at which time the voters will elect persons to the offices of Mayor and City Council Places 2 and 4; and

WHEREAS, the City Council has received and reviewed a report from the 2022 City of Seagoville Charter Review Commission recommending to the City Council proposed amendments to the Home Rule Charter for the City of Seagoville and has determined that certain amendments are in the best interest of the citizens and, in some instances, necessary to comply with state law; and

WHEREAS, the City Council finds it to be in the public interest to call the foregoing general and special elections and to enter into a contract with Dallas County, pursuant to Section 271.002 of the Texas Election Code, to conduct said elections jointly with other Dallas County governmental entities on May 6, 2023;

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

SECTION 1. A general municipal election is hereby ordered to be held on **May 6, 2023** to elect the officers of Mayor and City Councilmembers for Places 2 and Places 4, each to serve a two (2) year term and, in conjunction therewith, a special election is hereby ordered for the hereinafter proposed amendments to the Charter of the City of Seagoville, contained in Exhibit “A” attached hereto and made a part of this Resolution for all purposes, to be submitted in proposition form as set forth hereinbelow to the qualified voters of the City for their approval or disapproval at an election to be held in conjunction with the general election on **May 6, 2023**.

SECTION 2. The elections will be conducted jointly with other political subdivisions in Dallas County on May 6, 2023 pursuant to the Texas Election Code and a Joint Election Agreement and Election Services Contract by and between the City of Seagoville, Dallas County, and other political subdivisions (the “Joint Elections Agreement”). The City Manager and/or the City Secretary are hereby authorized to execute an Joint Elections Agreement for the elections on May 6, 2023, and any amendments thereto that will provide for all election appointments, early voting by mail, the voting locations and hours of voting, payments for election officials, necessary election arrangements, and a runoff election (if applicable).

SECTION 3. The election precinct and polling place of said election shall be as follows:

City Voting Precinct
Seagoville City Hall
702 N. Hwy 175
Seagoville, Texas 75159

Election polls shall open on Election Day at 7:00 a.m. and close at 7:00 p.m.

SECTION 4. Notice of the elections shall be (1) posted on the bulletin board used to post notice of the City Council meetings, and (2) published in a newspaper of general circulation in the City, which posting and publication shall include a substantial copy of the proposed amendment propositions. That said notice must be published on the same day in each of two successive weeks, with the first publication occurring no earlier than the thirtieth day and no later than the fourteenth day before the date of the election. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and such person posting the notice shall make a record of the time of posting, starting date and the place of posting.

SECTION 5. Early voting by personal appearance will be held jointly with other Dallas County entities at Dallas County’s Main Early Voting Site located at the **George L. Allen Sr. Courts Building, 600 Commerce Street, Dallas, Texas 75202** beginning on Monday, April 24, 2023, and continue through Tuesday, May 2, 2023 as follows:

<u>Early Election Dates</u>		<u>Times When Polls Are Open</u>
April 24 – April 28	Monday-Friday	8:00 a.m. until 5:00 p.m.
April 29	Saturday	8:00 a.m. until 5:00 p.m.
April 30	Sunday	1:00 p.m. until 6:00 p.m.
May 1-May 2	Monday-Tuesday	7:00 a.m. until 7:00 p.m.

In addition, all qualified and registered voters may vote by early appearance at the **Seagoville City Hall, 702 N. Hwy 1756, Seagoville, Texas 75159** at the dates and times set forth below:

<u>Early Election Dates</u>		<u>Times When Polls Are Open</u>
April 24 – April 28	Monday-Friday	8:00 a.m. until 5:00 p.m.
April 29	Saturday	8:00 a.m. until 5:00 p.m.

April 30	Sunday	1:00 p.m. until 6:00 p.m.
May 1-May 2	Monday-Tuesday	7:00 a.m. until 7:00 p.m.

Additional early voting locations will be determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Election Administrator.

SECTION 6. The Dallas County Elections Administrator is hereby appointed to serve as the Early Voting Clerk and the Election Administrator’s permanent county employees are appointed as deputy early voting clerks. Applications for early voting/ballots by mail may be submitted by mail, carrier, delivery, fax, or email and must be received by the Early Voting Clerk no later than the close of business on Tuesday, April 25, 2023.

Applications for ballots by mail shall be mailed to:
Michael Scarpello, Early Voting Clerk
1520 Round Table Drive
Dallas, Texas 75247

Applications for ballots by mail, if faxed, should be faxed to 214-819-6303.

Applications for ballots by mail, if e-mailed, should be e-mailed to evapplications@dallascounty.org.

SECTION 7. The City Secretary shall present the election returns to the City of Seagoville City Council at a City Council meeting for the canvassing of said election in accordance with the Texas Election Code.

SECTION 8. Each amendment submitted must contain only one subject, and the ballot shall be prepared in a manner that the voters may vote “for” or “against” any amendment or amendments without voting “for” or “against” all of said amendments. Each such proposed amendment, if approved by the majority of the qualified voters voting at said election, shall become a part of the Charter of the City of Seagoville, Texas.

SECTION 9. The ballot propositions for the proposed amendments to the Charter are as follows:

Proposition A

Shall Article I, Section 1.01(b) of the Home Rule Charter be amended to revise number of signatures required on a petition requesting the calling of an election to change the form of government to fifty (50%) percent of the total number of legal qualified electors voting for Mayor at the last preceding City election ?

Proposition B

Shall the Home Rule Charter be amended to delete outdated language and add updated language to comply with state law requirements?

Proposition C

Shall Article III, Sections 3.01 and 3.02 of the Home Rule Charter be amended to clarify the requirement that the mayor and members of the city council must be qualified voters of the City residing within the City of Seagoville for a minimum of one (1) year prior to and on the date of the election and during the term of office in order to hold office?

Proposition D

Shall Article III, Section 3.01 of the Home Rule Charter be amended to add a provision that a member of the city council, including the mayor, shall forfeit his office should he lack any of the qualifications of office prescribed by law and to provide that the city council may, by ordinance, provide the process for determining and declaring forfeiture?

Proposition E

Shall Article III, Section 3.03 of the Home Rule Charter be amended to provide for compensation for each member of the city council, including the mayor,, at a rate of thirty (\$30.00) dollars for each regular and special called council meeting attended by said member?

Proposition F

Shall Article III, Section 3.19 of the Home Rule Charter be amended to provide that a member of any city board or commission shall not have been finally convicted of (1) a felony or an assaultive class A misdemeanor for which the person has not been pardoned or otherwise released from the resulting disabilities or (2) a non-assaultive class A misdemeanor within ten years of the date of appointment of such person to the board of commission?

Proposition G

Shall Article IX, Section 9.03 be amended to provide that relationship to another city employee does not prohibit a person being employed by or contracting with the City, except that no person related to a supervisory city employee within the second degree by affinity or the third degree by consanguinity shall serve directly under the supervision of such relative?

Proposition H

Shall the Home Rule Charter be amended to add a new section 12.04 to Article XII to provide that in the event of typographical, grammatical, gender-specific, or

other non-substantive errors in the Charter, the city council may, by majority vote, correct the same, provided that such correction may not alter the substantive meaning of any provision of the Home Rule Charter?

SECTION 10. This resolution shall be construed with any action of Dallas County providing for the conduct of a joint election with other public entities as herein contemplated.

SECTION 11. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 12. This Ordinance shall become effective from and after its passage in accordance with law.

DULY APPROVED AND PASSED by the City Council of the City of Seagoville, Texas, on the 6th day of February, 2023.

APPROVED:

Dennis K. Childress, Mayor

Attest:

Kandi Jackson, City Secretary

Approved as to form:

Victoria W. Thomas, City Attorney
(121822vwtTM132602)

**EXHIBIT A
PROPOSED AMENDMENTS**

Proposition A:

Section 101(b)

“After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than ~~twenty~~ **fifty** percent (~~50~~**20**%) of the total number of legal qualified electors voting for Mayor at the last preceding City election, requesting the Mayor to call a special election for the abandonment of the City Manager form of government, whereupon it shall be the duty of the Mayor within ten (10) days after the filing of such petition to issue a proclamation calling a special election for such purpose, and such election shall be held within thirty (30) days after the filing of such petition. Such proclamation shall state that the election is called in order to submit the question of the abandonment of the City Manager plan of government as previously adopted and instituted by the City. Such proclamation shall be published one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:

FOR abandoning the City Manager form of government in the City of Seagoville.

AGAINST abandoning the City Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the City Manager plan, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.”

Proposition B:

Section 101(b):

“After the City of Seagoville has elected, either by the voluntary act of the City Council or by vote of a majority at the election hereinafter prescribed, such plan or form of government may be abandoned only upon the filing of a petition with the City Secretary, signed by not less than twenty percent (20%) of the total number of legal qualified electors voting for Mayor at the last

preceding City election, requesting the City Council Mayor to call a special election for the abandonment of the City Council-Manager form of government, whereupon it shall be the duty of the City Council Mayor within ~~ten (10)~~ thirty (30) business days after the filing of such petition to ~~issue a proclamation calling~~ a special election for such purpose, and such election shall be held ~~within thirty (30) days after the filing of such petition~~ on the next uniform election date for the City that provides at least one hundred and twenty (120) days from the date of the ordinance or resolution calling for the election. The resolution or ordinance calling such election ~~Such proclamation~~ shall state that the election is called in order to submit the question of the abandonment of the City Council-Manager form plan of government as previously adopted and instituted by the City. ~~Such proclamation~~ shall be posted and published in accordance with the requirements of state law, one time at least ten (10) days before the date of such election in a newspaper of general circulation within the City, and shall also be posted in at least five (5) conspicuous places within such City not less than ten (10) days preceding such election.

The ballots used for the submission of such questions shall be substantially as follows:
FOR abandoning the Council-City Manager form of government in the City of Seagoville.
AGAINST abandoning the Council-City Manager form of government in the City of Seagoville.

If a majority of all votes cast at such election shall be in favor of the abandonment of the Council-Manager form of government, City Manager plan, then governing body of the City of Seagoville shall within sixty (60) days after such election discharge the City Manager, and shall then assume the powers and duties delegated to such governing body under the terms of the Charter of the City of Seagoville, in the same manner and to the same extent as though the provisions of the article had never been instituted.”

Section 3.01(b):

“Only qualified voters of the City residing within the City of Seagoville ~~the respective district~~ as provided herein shall be eligible to hold the office of Council member or Mayor. Only qualified voters residing within the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.”

Section 3.02:

“In addition to any other qualifications prescribed by law, the Mayor and each Council member shall:

- (1) Have resided in ~~their district~~ the City of Seagoville for a minimum of one (1) year prior to and on the date of the election and shall reside in ~~that district~~ the City of Seagoville during the term of office.”

Proposition C:

Section 3.01(b):

~~“Only qualified voters of the City residing within the respective district as provided herein shall be eligible to hold the office of Council.”~~ Only qualified voters residing within the City, as provided herein, shall be eligible to hold the office of the Mayor **or Council member**. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date.”

Section 3.02:

“In addition to any other qualifications prescribed by law, the Mayor and each Council member shall:

- (1) Have resided in ~~their district~~ **the City of Seagoville** for a minimum of one (1) year prior to and on the date of the election and shall reside in ~~that district~~ **the City of Seagoville** during the term of office; **and**
- (2) **Be a qualified voter within the City at the time of election.”**

Proposition D:

Section 3.01(b):

“Only qualified voters residing within the City, as provided herein, shall be eligible to hold the office of the Mayor. No person may be eligible, elected or appointed to a position of Mayor and/or City Council who has served as a City employee within one (1) year prior to the appointment or election date. **A mayor or Council member lacking any qualification for office prescribed by law, including this Home Rule Charter, shall forfeit his office. The City Council may, by ordinance, establish the procedure for determining and declaring forfeiture.”**

Proposition E:

Section 3.03

“The Mayor and each member of the The City Council shall be entitled to compensation for service in the amount of thirty (\$30.00) dollars for each regular or special called Council meeting attended, shall serve without compensation.” The City Council shall be entitled to reimbursement for actual reasonable expenses incurred in the performance of official duties. The City Council may, by ordinance or resolution, adopt rules or regulations to govern the reimbursement of a Councilmember for such expenses under this section.”

Proposition F:

Section 3.19(f):

“No person shall be eligible to serve on any Board or Commission that does not meet the following qualifications:

- ...
- (3) Have not been **finally** convicted of a felony or **an assaultive** class A misdemeanor **for which the person has not been pardoned or otherwise released from the resulting disabilities or a non-assaultive class A misdemeanor within ten (10) years of the date of appointment of such person.**

....”

Proposition G:

Section 9.03:

“No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager ~~or other City employee~~ shall be employed by or contracted with for the City. This shall not apply to the following:

- (1) Any person continuously employed or contracted six (6) months prior to election or appointment of Mayor, Councilmember, or City Manager; or
- (2) Any person who is a seasonal employee or intern of the City.

No person related to a supervisory City employee within the second degree by affinity or third degree by consanguinity shall serve directly under the supervision of such relative.”

Proposition H:

[NEW SECTION]

“In the event of typographical, grammatical, gender-specific, or other non-substantive errors in the Home Rule Charter, the City Council may, by ordinance, correct the same, provided that such correction may not alter the substantive meaning of any provision of the Charter. “

Regular Session Agenda Item: 3

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Receive a presentation and discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, authorizing the Mayor to accept and file the Police Department's 2022 Racial Profiling Report, providing for the repeal of any and all Resolutions in conflict; providing for a severability clause; and providing an effective date.

BACKGROUND OF ISSUE:

The City Council of the City of Seagoville, Texas, understands and supports applicable laws concerning racial profiling accountability. The City Council of the City of Seagoville, Texas, supports the transparent open reporting and accounting of all police contacts covered within the Racial Profiling legislation. The Seagoville Police Department has presented its 2022 Racial Profiling Report.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

Resolution – Approving Police Department's 2022 Racial Profiling Report

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. __-R-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE MAYOR TO ACCEPT AND FILE THE POLICE DEPARTMENT'S 2022 RACIAL PROFILING REPORT, 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, understands and supports applicable laws concerning racial profiling accountability; and

WHEREAS, the City Council of the City of Seagoville, Texas, supports the transparent open reporting and accounting of all police contacts covered within the Racial Profiling legislation; and

WHEREAS, the Seagoville Police Department has presented it's 2022 Racial Profiling Report; and

WHEREAS, the City Council of the City of Seagoville, Texas desires to authorize the Mayor to accept and file the Police Department's 2022 Racial Profiling Report with the Texas Commission on Law Enforcement;

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, authorizes the Mayor to accept the Police Department's 2022 Racial Profiling Report.

Section 2. The City Council further authorizes the Mayor or his designee to file the 2022 Racial Profiling Report with the Texas Commission on Law Enforcement within the mandated reporting time.

Section 3. 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 6th day of February, 2023.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY

Annual Contact Data 2022



DEL CARMEN
Consulting, LLC.

LAW ENFORCEMENT EXPERTS

Requirements of the Texas Profiling Law Sandra Bland Act

- Substantial updates to existing law
- Replaces Tier 1 with enhanced Tier 2 data
 - Re-defines a contact
 - Report on citations, tickets, warnings and arrests
 - Requires specific analysis of data (including searches)
 - Requires data audits
- Complaint or compliment process
- Removes “middle eastern” and “other” category
- Use of force results in injury reports
- Penalties for non-compliance increased
- Council/TCOLE by March 1st

Report on Complaints 1/1/2022—12/31/2022

The Seagoville Police Department reports no racial profiling complaints filed in 2022.

**RACIAL
PROFILING**

Informing the Public

- Since 2002, SPD is in compliance with Senate Bill 1074 and the Sandra Bland Act
- SPD posts in the lobby on how to file a complaint on a racial profiling violation
- SPD informs the public (on qualifying contacts) on how to file a compliment or complaint including the department's telephone number, mailing address and email address

Analysis of Data

- It is very difficult to detect specific “individual” behavior with “aggregate-level” data.
- Three different types of analyses were conducted
 1. The first of these involved a careful evaluation of the 2022 motor vehicle contact data.
 - This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics, Asians and American Indian, that came in contact with the police involving a motor vehicle and were issued a citation, ticket, warning or arrested in 2022.

Analysis of Data

2. The second type of analysis was based on a comparison of the 2022 contact data with a particular baseline.
 - Of all the baseline measures available, the Seagoville Police Department decided to adopt, as a baseline measure, the Fair Roads Standard.
 - The Fair Roads Standard is based on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for race and ethnicity.
 - The Fair Roads Standard data obtained is relevant to Seagoville.

Analysis of Data

3. A third type of analysis was conducted while comparing the pattern on searches performed as a result of a motor vehicle contact, as defined in the law.

Tier 2 (2022)

Motor Vehicle Contact Analysis

The trends on contacts were as follows:

- Most contacts were with Males
- Most were contacts with Hispanics
- Officers did not know the race/ethnicity prior to the stop
- The most frequent reason for a stop was “moving traffic violation”
- Most stops took place on “city streets”

Tier 2 (2022)

Motor Vehicle Contact Analysis

- Most stops did not result in a search
- Of those searched, the reason cited the most was “probable cause”
- Most searches did not result in contraband being discovered
- The contraband most frequently found was “drugs”
- Most stops resulted in a “verbal warning”
- Most arrests were based on “outstanding warrants”
- In no instance, force was used which resulted in bodily injury

Fair Roads Standard Analysis

The percentage of Whites, Asians and Alaska Natives who came in contact with the police in motor vehicle related incidents in 2022, was lower than the percentage of White, Asian and Alaska Native households in DFW that claimed, in the 2020 census, to have access to vehicles.

Fair Roads Standard Analysis

With respect to Blacks and Hispanics, the data suggested that the percentage of Blacks and Hispanics that came in contact with the police in 2022 was higher than the percentage of Black and Hispanic households in DFW with access to vehicles.

Search Analysis

- Most of the contraband found, originated from searches made on Whites.
- This was followed by searches made on Hispanics.

Complying with the Sandra Bland Act

- The Department has also:
 - Revised its racial profiling policy to meet the new requirements of the law.
 - Engaged our firm in performed objective and external quarterly data audits.
 - Collected the enhanced version of Tier 2 data.
 - Engaged our firm in analyzing the data.
 - Informed the public, when making a contact, on how to file a compliment or complaint, as required by law.



Recommendations

1. Collect and analyze data on searches.
2. Foster partnerships with organizations representing minority interests.
3. Commission quarterly data audits in order to determine the validity and reliability of data collected/reported in 2022.
4. Train all police officers on the new data requirements (Sandra Bland Act).
5. It should also be noted that the Seagoville Police Department complied with all of the recommendations made in last year's report.

Questions

Del Carmen Consulting, LLC

817.681.7840

www.TexasRacialProfiling.com

www.DelCarmenConsulting.com

Twitter - @RaceProfiling

Regular Session Agenda Item: 4

Meeting Date: February 6, 2022

ITEM DESCRIPTION:

Discuss and consider approving a Resolution authorizing publication of notice of intention to issue certificates of obligation for the design, acquisition, construction and improvement of certain public works and authorizing certain other matters relating thereto.

BACKGROUND OF ISSUE:

During the FY 2023 budget development process, Council approved bond financing for the following projects: New Animal Shelter and the Simonds Road Project. The City Council has determined that it is in the best interests of the City and otherwise desirable to issue the City of Seagoville, Texas Certificates of Obligation, Series 2023 in an aggregate principal amount not to exceed \$5,250,000 (the "Certificates").

In connection with the Certificates, the City Council is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates; (ii) the maximum amount proposed to be issued; (iii) the purposes for which the Certificates are to be issued; and (iv) the manner in which the City Council proposes to pay the Certificates.

Approval of publication of notice of intent to issue bonds is an important step toward providing the funding for the project envisioned and listed above.

FINANCIAL IMPACT:

An anticipated 5.0 million to be provided from the bond sale (after bond costs).

RECOMMENDATION:

Staff recommends Council approval of the ordinance.

EXHIBITS:

Resolution
Exhibit A Notice of Intent
Exhibit B SELF-SUPPORTING DEBT

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. _____

STATE OF TEXAS §
COUNTIES OF DALLAS AND KAUFMAN §
CITY OF SEAGOVILLE §

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION FOR THE DESIGN, ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN PUBLIC WORKS AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, the City Council (the “*City Council*”) of the City of Seagoville, Texas (the “*City*”), is authorized to issue certificates of obligation to pay contractual obligations to be incurred for the construction of public works, for the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes, and for the payment of contractual obligations for professional services pursuant to Subchapter C of Chapter 271, Texas Local Government Code, as amended;

WHEREAS, the City Council has determined that it is in the best interests of the City and otherwise desirable to issue the City of Seagoville, Texas Certificates of Obligation, Series 2023, in one or more series, in an aggregate principal amount not to exceed \$5,250,000 (the “*Certificates*”) for the design, engineering, acquisition and construction of certain public works and the purchase of certain equipment for authorized needs and purposes;

WHEREAS, prior to the issuance of such certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the purposes for which the certificates are to be issued, (iii) the manner in which the City Council proposes to pay the certificates, (iv) the current principal of all outstanding debt obligations of the City, the combined principal and interest required to pay all outstanding debt obligations of the City on time and in full, the maximum principal amount of the certificates to be authorized, and the estimated combined principal and interest required to pay the certificates to be authorized on time and in full, (v) the estimated interest rate for the certificates to be authorized, and (vi) the maximum maturity date of the certificates to be authorized; and

WHEREAS, the City Council has been presented with and has examined the proposed form of Notice and finds that the form and substance thereof is satisfactory, and that the recitals and findings contained therein are true, correct and complete.

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

Section 1. Preamble. The facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2. Authorization of Notice. The City Secretary is hereby authorized and directed to execute and deliver the Notice set forth in **Exhibit A** hereto and to publish such Notice on behalf of the City once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication of the Notice to be at least forty-six (46) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation and (ii) posted continuously on the City's website for at least forty-five (45) days before the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

Section 3. Designation of Self-Supporting Securities. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached **Exhibit B**, the debt service on which the City currently pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 4. Authorization of Other Matters Relating Thereto. The Mayor, City Secretary and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon passage.

Section 6. Public Meeting. It is officially found, determined and declared that the meeting at which this Resolution is adopted was open to the public in compliance with the advisory issued by the Office of the Governor and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Resolution, was given all as required by the Texas Government Code, Chapter 551, as amended.

[signature page follows]

DULY ADOPTED this 6th day of February, 2023.

APPROVED:

Mayor
City of Seagoville, Texas

ATTEST:

City Secretary
City of Seagoville, Texas

(SEAL)

EXHIBIT A
NOTICE OF INTENTION TO ISSUE CERTIFICATES

NOTICE IS HEREBY GIVEN that the City Council of the City of Seagoville, Texas (the "City") will meet at its regular meeting place at City Hall, Seagoville, Texas (or if necessary, via teleconference and video conference in compliance with an advisory issued by the Office of the Governor) at 7:00 p.m. on the 3rd day of April, 2023, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City's certificates of obligation, payable from ad valorem taxation and a limited (in an amount not to exceed \$1,000) subordinate pledge of certain revenues of the water and sewer system of the City, in the maximum aggregate principal amount of \$5,250,000 bearing interest at any rate or rates, not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council at the time of issuance and maturing over a period of years not to exceed forty (40) years from the date thereof, for the purpose of evidencing the indebtedness of the City to pay all or any part of the contractual obligations to be incurred for the construction of public works and the purchase of materials, supplies, equipment, machinery, buildings, land and rights-of-way for authorized needs and purposes and for the payment of contractual obligations for professional services, to wit: (i) a public safety facility consisting of an animal shelter, equipment, rights-of-way, or land, to facilitate animal control, quarantine and impoundment, provide services relating to animal disease recognition, control, and prevention and protect public health and safety; (ii) design and construct street and roadway improvements on Simonds Road within the city, including the road, street, sidewalks, curb, drainage and related improvements; and (iii) professional services rendered in connection with the above listed project. The estimated combined principal and interest required to pay the Certificates on time and in full is \$8,015,000. Such estimate is provided for illustrative purposes only and is based on an assumed interest rate of 4.50%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot provide any assurance regarding the rate of interest that the Certificates will bear upon their issuance. As of the date of this notice, the aggregate principal amount of outstanding public securities of the City secured by and payable from ad valorem taxes is \$11,220,000 and based on the City's expectations, as of the date of this notice the combined principal and interest required to pay all of the outstanding public securities of the City secured by and payable from ad valorem taxes (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$13,944,432.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this ____ day of _____, 2023.

City Secretary
City of Seagoville, Texas

**EXHIBIT B
SELF-SUPPORTING DEBT**

Principal Amount Designated as Self Supporting	Series Designation
\$2,825,000	TAX AND WATERWORKS AND SEWER SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2015
\$1,370,000	GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017
\$4,195,000	Total Principal Amount Designated as Self-Supporting

Regular Session Agenda Item: 5

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a Work Order No. 7 Agreement with Garver, LLC, in accordance with the City's March 24, 2021 Master Agreement for Professional Services with Garver, LLC, for drainage surveys and engineering services (Colonial Circle & High School Drive alley), in an amount not to exceed Twenty One Thousand Six Hundred Thirty One Dollars (\$21,631.00); 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 had calls about flooding during heavy rain events in the 800 block of High School alley and Colonial Circle. At this time staff recommends contracting with Garver LLC, for an on-call consultation services for the issues. Approval of this agenda item will ensure that staff will have the ability to consult with extremely competent engineering professionals in the area of drainage survey services to ensure that we make the best possible decisions for our residents, businesses and visitors to our community.

FINANCIAL IMPACT:

FY22-23 Budget for professional services on a task order basis.

RECOMMENDATION:

Staff recommends approval.

EXHIBITS

Resolution – Approving an agreement for Professional Services on a Task Order Basis

Agreement for Professional Services on a Task Order Basis Authorization #7

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. ____ - R - 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING A WORK ORDER NO. 7 AGREEMENT WITH GARVER, LLC, IN ACCORDANCE WITH THE CITY'S MARCH 24, 2021 MASTER AGREEMENT FOR PROFESSIONAL SERVICES WITH GARVER, LLC, FOR DRAINAGE SURVEYS AND ENGINEERING SERVICES (COLONIAL CIRCLE & HIGH SCHOOL DRIVE ALLEY), IN AN AMOUNT NOT TO EXCEED TWENTY ONE THOUSAND SIX HUNDRED THIRTY ONE DOLLARS (\$21,631.00); AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the City's Master Agreement for Professional Services with Garver, LLC ("Engineer") executed March 24, 2021, Engineer provides professional engineering services to the City of Seagoville ("City") on an "as needed" or "task order" basis as determined by the City; and

WHEREAS, the City has a need for engineering services, specifically drainage surveys of Colonial Circle and the alleyway adjacent to High School Drive, between Shady Lane and Catherine Lane; and

WHEREAS, Engineer has agreed to provide said engineering services as set forth in Work Order No. 7, attached hereto as Exhibit "A"; and

WHEREAS, the City Council hereby finds that it is in the best interest of the City to approve the agreement Work Order No. 7 with Garver, LLC in an amount not to exceed twenty \$21,631.00 and to authorize 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 Work Order No. 7 agreement with Garver, LLC, attached hereto and incorporated herein by this reference as Exhibit "A", being entered into pursuant to the City's Master Agreement for Professional Services with Garver, LLC executed March 24, 2021, for provision of drainage surveys and engineering services for Colonial Circle and the alleyway adjacent to High School Drive, between Shady Lane and Catherine Lane, in an amount not to exceed twenty one thousand six hundred thirty one dollars (\$21,631.00), and

hereby authorizes the City Manager to execute said Work Order No. 7 Agreement and all related documents necessary for the work contemplated by Work Order No. 7.

SECTION 2. 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. 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. 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^h day of February , 2023.

APPROVED:

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:

VICTORIA THOMAS, CITY ATTORNEY
(020123vwtTM133422)

EXHIBIT A
[Garver LLC Work Order No. 7]



WORK ORDER NO. 7
City of Seagoville
Drainage Surveys (Colonial Circle & High School Drive Alley)
Project No. 23W06045

This WORK ORDER ("Work Order") is made by and between the **City of Seagoville** (hereinafter referred to as "**Owner**") and **Garver, LLC**, (hereinafter referred to as "**Garver**") in accordance with the provisions of the **MASTER AGREEMENT FOR PROFESSIONAL SERVICES** executed on March 24, 2021 (the "**Agreement**").

Under this Work Order, the Owner intends to make the following improvements for **On-Call Engineering Services**

The OWNER intends to utilize GARVER on a lump sum and hourly (not to exceed) basis for the survey of Colonial Circle and the alleyway adjacent to High School Drive, between Shady Lane and Catherine Lane. This work is being performed for informational purposes following flood events in each area to be surveyed.

Garver will provide professional services related to these improvements as described herein. Terms not defined herein shall have the meaning assigned to them in the Agreement.

SECTION 1 - SCOPE OF SERVICES

A. Garver shall provide the following Services:



Basic Services

1. General Items and Document Management

- 1.1. Team Management and Document Control – Manage all efforts of the project team, individual team members, and sub-consultants and maintain appropriate records and documentation of project decisions, modifications, activities, communication, correspondence, and schedules.
- 1.2. Attend up to one (1) meeting with the OWNER to discuss survey findings.

2. Data Processing and Exhibit Preparation

- 2.1. GARVER will provide a digital design survey drawing in Civil3D format showing visible surface features located at each location, an ASCII point file, and a copy of field notes and field sketches.
- 2.2. Exhibit Preparation – Following the receipt of surveying data, GARVER will prepare an exhibit clearly displaying this data for the use of the OWNER in their evaluation of the drainage issues at each site. GARVER will not make drainage improvement recommendations using the survey data. The exhibits being provided are for informational purposes only, and will not be used for permitting, bidding, or construction.

Deliverables

The following will be submitted to the OWNER:

- Two (2) half-size (11"x17") copies and a digital copy in PDF format of the exhibits displaying the survey data

Additional Services

Surveying Services

A. High School Drive Adjacent Alley (between Shady Lane and Catherine Lane)

1. Establish control points using Global Positioning System (GPS) methodology. Horizontal values will be based on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone (4202) and scaled to surface coordinates. The vertical values will be based on the North American Vertical Datum of 1988 (NAVD 88) using Geoid (12B).
2. Research current property owners and obtain copies of subdivision plats, ownership deeds, and easements within the project area.
3. Locate existing property corners and right-of-way corners to establish property lines and street rights-of-way.
4. Design survey of the area outline in purple on the attached Exhibit "B" to include pavement edges, curb and gutter, fences and gates, culverts, tops and toes of slopes, spot elevations, trees six (6) inches and greater, surface locations of utilities, and flowline elevations of sanitary and storm sewer manholes where accessible, and other surface features.
5. Obtain finish floor elevations of the homes along the project limits (approximately 25 homes).
6. Tie the curb of the drive entrances along High School Drive and Quinette Drive for the homes located along the project limits (approximately 25 drive entrances).
7. Provide a digital design survey drawing in AutoCAD (.dwg) format showing visible surface features located, an ASCII point file, and a copy of field notes and field sketches.



B. Colonial Circle

1. Establish control points using Global Positioning System (GPS) methodology. Horizontal values will be based on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone (4202) and scaled to surface coordinates. The vertical values will be based on the North American Vertical Datum of 1988 (NAVD 88) using Geoid (12B).
2. Research current property owners and obtain copies of subdivision plats, ownership deeds, and easements within the project area.
3. Locate existing property corners and right-of-way corners to establish property lines and street rights-of-way.
4. Survey the location of driveway curb returns along the area highlighted in purple on the attached Exhibit "C".
5. Topographic survey of the area highlighted in red on the attached Exhibit "C" to include pavement edges, curb and gutter, driveways, spot elevations, and other surface features.
6. Topographic survey of the 10-foot drainage easement outlined in red on the attached Exhibit "D" to include pavement edges, spot elevations, tops and toes of slopes, ditch centerlines, and other surface features.
7. Provide a digital design survey drawing in AutoCAD (.dwg) format showing visible surface features located, an ASCII point file, and a copy of field notes and field sketches.

Provide up to one (1) day of additional field work to survey the locations of items as identified by the Owner

B. In addition to those obligations set forth in the Agreement, Owner shall:

1. Give thorough consideration to all documents and other information presented by Garver and informing Garver of all decisions within a reasonable time so as not to delay the Services.
2. Make provision for the Personnel of Garver, and its subconsultants, to enter public and private lands as required to perform necessary preliminary surveys and other investigations required under the applicable Work Order.
3. Obtain the necessary lands, easements, and right-of-way for the construction of the work. All costs associated with securing the necessary land interests, including property acquisition and/or easement document preparation, surveys, appraisals, and abstract work, shall be borne by the Owner outside of this Agreement, except as otherwise described in the Services under Section 1.1.
4. Provide legal, accounting, and insurance counseling services necessary for the project and such auditing services as Owner may require.
5. Furnish permits, permit fees, and approvals from all governmental authorities having jurisdiction over the project and others as may be necessary for completion of the project.

Extra Work

City and ENGINEER agree that the following services are beyond the Scope of Services described in the tasks above. However, Garver can provide these services, if needed, upon the City's written request. Any additional amounts paid to the Garver 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:

The following services are not included as part of the basic services and will be performed at the request of the Owner and with additional compensation as agreed upon by the Owner and Garver:

- A. Submitting permits for TxDOT
- B. Preparing improvement recommendations for any identified drainage problems



- C. Bidding services if the City elects to outsource any improvement efforts
- D. Preparing detailed traffic control plans
- E. Environmental Information Document
- F. Public outreach
- G. Facility condition assessments
- H. Emergency response planning
- I. Hazard mitigation planning
- J. Sound attenuation
- K. Funding assistance
- L. Evaluation of condition or structural integrity of existing facilities
- M. Startup assistance
- N. Operations support services
- O. Warranty assistance services
- P. Utility location services
- Q. Coatings analysis
- R. Operational audit/optimization
- S. Environmental handling and documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items
- T. Stormwater permitting
- U. Modeling of the water system
- V. Redesign or substantial engineering or surveying. Any change order negotiation or coordination by Garver will be considered Extra Work.
- W. Construction observation services.

SECTION 2 – PAYMENT

For the Services set forth above, Owner will pay Garver as follows:

The table below presents a summary of the fee amounts and fee types for this Work Order.

WORK DESCRIPTION – BASIC SERVICES	FEE AMOUNT	FEE TYPE
General Items and Document Management	\$1,528.00	HOURLY-NOT TO EXCEED
Data Processing and Plan Preparation	\$5,210.00	HOURLY-NOT TO EXCEED
TOTAL BASIC SERVICES	\$6,738.00	HOURLY-NOT TO EXCEED

WORK DESCRIPTION – ADDITIONAL SERVICES	FEE AMOUNT	FEE TYPE
Surveying Services	\$14,893.00	LUMP SUM
TOTAL FEE	\$21,631.00	VARIED

The amount to be paid for the work as described under this Work Order is not to exceed **\$21,631.00**. Upon request by the OWNER, all work defined under "Basic Services" shall be paid under Work Order #3 – General Water/Wastewater Consultation and Evaluation Services, for an **hourly not-to-exceed total of \$6,738.00**. All work defined under "Additional Services" shall be paid under this work order, for a **lump sum total of \$14,893.00**. Two monthly invoices will be submitted. For informational purposes, Garver's current hourly rates for each employee classification is provided herein.



Any unused portion of the fee, due to delays beyond Garver's control, will be increased six percent (6%) annually with the first increase effective on or about July 1st, 2023.

SECTION 3 – APPENDICES

3.1 The following Appendices are attached to and made a part of this Work Order:

- 3.1.1 Exhibit A – Garver Rate Schedule
- Exhibit B – High School Drive Adjacent Alley Survey Limits
- Exhibit C – Colonial Circle Survey Limits
- Exhibit D – Colonial Circle Drainage Easement

This Work Order 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.

The effective date of this Work Order shall be the last date written below.

CITY OF SEAGOVILLE

GARVER, LLC

By: _____
Signature

By: _____
Signature

Name: _____
Printed Name

Name: Lance Klement
Printed Name

Title: _____

Title: North Texas Water Team Leader

Date: _____

Date: _____

Attest: _____

Attest: _____

Exhibit A

**City of Seagoville
Drainage Surveys**

FEE SUMMARY

Basic Services Section	Estimated Fees
TASK (1 - General Items and	\$ 1,528
TASK (2 - Data Processing and	\$ 5,210
Subtotal for Basic Services	\$ 6,738
Additional Services Section	Estimated Fees
TASK (Drainage Surveys)	\$ 14,893
Subtotal for Additional Services Section	\$ 14,893
Total All Services	\$ 21,631

EXHIBIT B

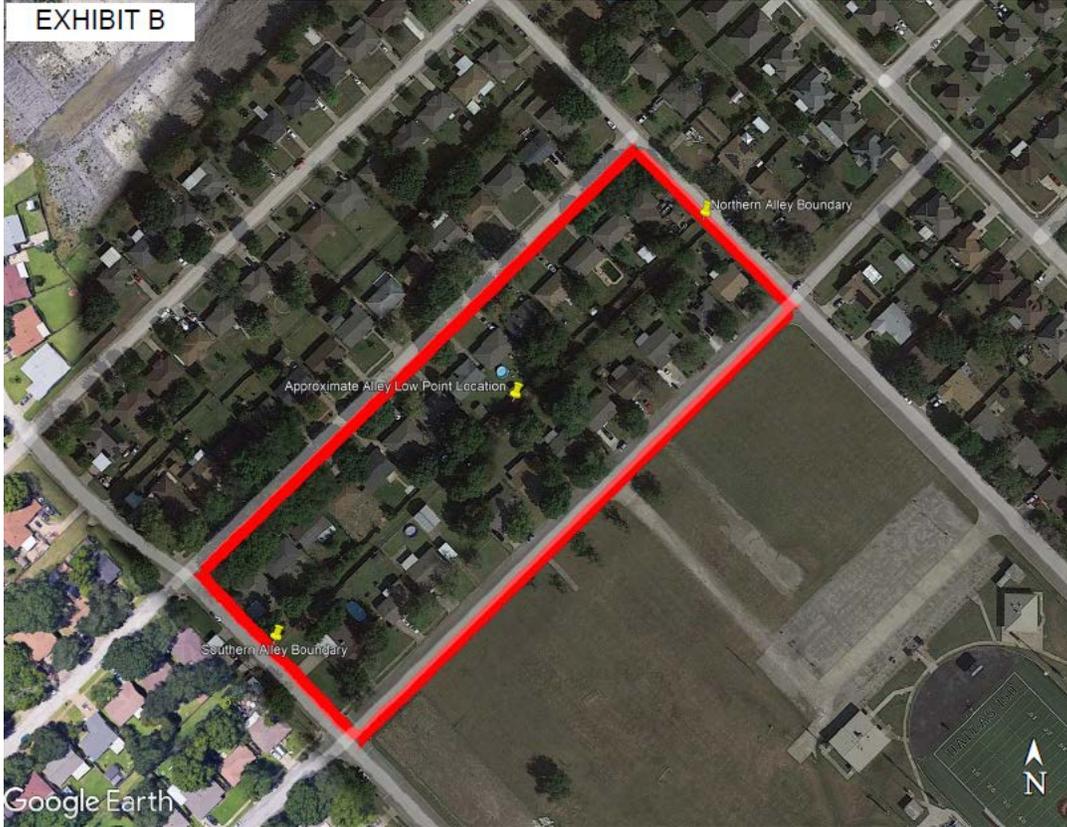
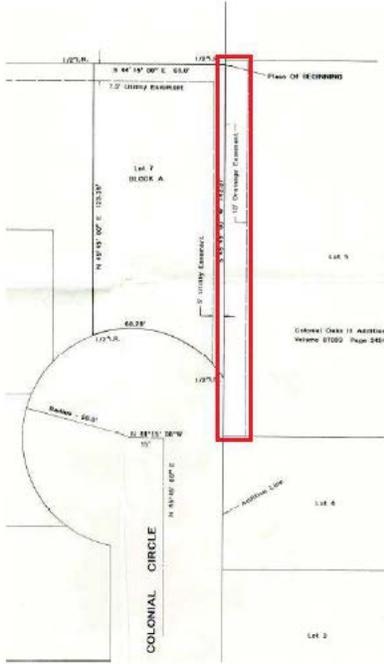


EXHIBIT C



EXHIBIT D





WORK ORDER NO. 7
City of Seagoville
Drainage Surveys (Colonial Circle & High School Drive Alley)
Project No. 23W06045

This WORK ORDER (“Work Order”) is made by and between the **City of Seagoville** (hereinafter referred to as “**Owner**”) and **Garver, LLC**, (hereinafter referred to as “**Garver**”) in accordance with the provisions of the MASTER AGREEMENT FOR PROFESSIONAL SERVICES executed on March 24, 2021 (the “Agreement”).

Under this Work Order, the Owner intends to make the following improvements for **On-Call Engineering Services**

The OWNER intends to utilize GARVER on a lump sum and hourly (not to exceed) basis for the survey of Colonial Circle and the alleyway adjacent to High School Drive, between Shady Lane and Catherine Lane. This work is being performed for informational purposes following flood events in each area to be surveyed.

Garver will provide professional services related to these improvements as described herein. Terms not defined herein shall have the meaning assigned to them in the Agreement.

SECTION 1 - SCOPE OF SERVICES

A. Garver shall provide the following Services:



Basic Services

1. General Items and Document Management

- 1.1. Team Management and Document Control – Manage all efforts of the project team, individual team members, and sub-consultants and maintain appropriate records and documentation of project decisions, modifications, activities, communication, correspondence, and schedules.
- 1.2. Attend up to one (1) meeting with the OWNER to discuss survey findings.

2. Data Processing and Exhibit Preparation

- 2.1. GARVER will provide a digital design survey drawing in Civil3D format showing visible surface features located at each location, an ASCII point file, and a copy of field notes and field sketches.
- 2.2. Exhibit Preparation – Following the receipt of surveying data, GARVER will prepare an exhibit clearly displaying this data for the use of the OWNER in their evaluation of the drainage issues at each site. GARVER will not make drainage improvement recommendations using the survey data. The exhibits being provided are for informational purposes only, and will not be used for permitting, bidding, or construction.

Deliverables

The following will be submitted to the OWNER:

- Two (2 half-size (11"x17")) copies and a digital copy in PDF format of the exhibits displaying the survey data

Additional Services

Surveying Services

A. High School Drive Adjacent Alley (between Shady Lane and Catherine Lane)

1. Establish control points using Global Positioning System (GPS) methodology. Horizontal values will be based on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone (4202) and scaled to surface coordinates. The vertical values will be based on the North American Vertical Datum of 1988 (NAVD 88) using Geoid (12B).
2. Research current property owners and obtain copies of subdivision plats, ownership deeds, and easements within the project area.
3. Locate existing property corners and right-of-way corners to establish property lines and street rights-of-way.
4. Design survey of the area outline in purple on the attached Exhibit "B" to include pavement edges, curb and gutter, fences and gates, culverts, tops and toes of slopes, spot elevations, trees six (6) inches and greater, surface locations of utilities, and flowline elevations of sanitary and storm sewer manholes where accessible, and other surface features.
5. Obtain finish floor elevations of the homes along the project limits (approximately 25 homes).
6. Tie the curb of the drive entrances along High School Drive and Quinette Drive for the homes located along the project limits (approximately 25 drive entrances).
7. Provide a digital design survey drawing in AutoCAD (.dwg) format showing visible surface features located, an ASCII point file, and a copy of field notes and field sketches.



B. Colonial Circle

1. Establish control points using Global Positioning System (GPS) methodology. Horizontal values will be based on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone (4202) and scaled to surface coordinates. The vertical values will be based on the North American Vertical Datum of 1988 (NAVD 88) using Geoid (12B).
2. Research current property owners and obtain copies of subdivision plats, ownership deeds, and easements within the project area.
3. Locate existing property corners and right-of-way corners to establish property lines and street rights- of-way.
4. Survey the location of driveway curb returns along the area highlighted in purple on the attached Exhibit "C".
5. Topographic survey of the area highlighted in red on the attached Exhibit "C" to include pavement edges, curb and gutter, driveways, spot elevations, and other surface features.
6. Topographic survey of the 10-foot drainage easement outlined in red on the attached Exhibit "D" to include pavement edges, spot elevations, tops and toes of slopes, ditch centerlines, and other surface features.
7. Provide a digital design survey drawing in AutoCAD (.dwg) format showing visible surface features located, an ASCII point file, and a copy of field notes and field sketches.

Provide up to one (1) day of additional field work to survey the locations of items as identified by the Owner

B. In addition to those obligations set forth in the Agreement, Owner shall:

1. Give thorough consideration to all documents and other information presented by Garver and informing Garver of all decisions within a reasonable time so as not to delay the Services.
2. Make provision for the Personnel of Garver, and it's subconsultants, to enter public and private lands as required to perform necessary preliminary surveys and other investigations required under the applicable Work Order.
3. Obtain the necessary lands, easements, and right-of-way for the construction of the work. All costs associated with securing the necessary land interests, including property acquisition and/or easement document preparation, surveys, appraisals, and abstract work, shall be borne by the Owner outside of this Agreement, except as otherwise described in the Services under Section 1.1.
4. Provide legal, accounting, and insurance counseling services necessary for the project and such auditing services as Owner may require.
5. Furnish permits, permit fees, and approvals from all governmental authorities having jurisdiction over the project and others as may be necessary for completion of the project.

Extra Work

City and ENGINEER agree that the following services are beyond the Scope of Services described in the tasks above. However, Garver can provide these services, if needed, upon the City's written request. Any additional amounts paid to the Garver 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:

The following services are not included as part of the basic services and will be performed at the request of the Owner and with additional compensation as agreed upon by the Owner and Garver:

- A. Submitting permits for TxDOT
- B. Preparing improvement recommendations for any identified drainage problems



- C. Bidding services if the City elects to outsource any improvement efforts
- D. Preparing detailed traffic control plans
- E. Environmental Information Document
- F. Public outreach
- G. Facility condition assessments
- H. Emergency response planning
- I. Hazard mitigation planning
- J. Sound attenuation
- K. Funding assistance
- L. Evaluation of condition or structural integrity of existing facilities
- M. Startup assistance
- N. Operations support services
- O. Warranty assistance services
- P. Utility location services
- Q. Coatings analysis
- R. Operational audit/optimization
- S. Environmental handling and documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items
- T. Stormwater permitting
- U. Modeling of the water system
- V. Redesign or substantial engineering or surveying. Any change order negotiation or coordination by Garver will be considered Extra Work.
- W. Construction observation services.

SECTION 2 – PAYMENT

For the Services set forth above, Owner will pay Garver as follows:

The table below presents a summary of the fee amounts and fee types for this Work Order.

WORK DESCRIPTION – BASIC SERVICES	FEE AMOUNT	FEE TYPE
General Items and Document Management	\$1,528.00	HOURLY-NOT TO EXCEED
Data Processing and Plan Preparation	\$5,210.00	HOURLY-NOT TO EXCEED
TOTAL BASIC SERVICES	\$6,738.00	HOURLY-NOT TO EXCEED

WORK DESCRIPTION – ADDITIONAL SERVICES	FEE AMOUNT	FEE TYPE
Surveying Services	\$14,893.00	LUMP SUM
TOTAL FEE	\$21,631.00	VARIED

The amount to be paid for the work as described under this Work Order is not to exceed **\$21,631.00**. Upon request by the OWNER, all work defined under “Basic Services” shall be paid under Work Order #3 – General Water/Wastewater Consultation and Evaluation Services, for an **hourly not-to-exceed total of \$6,738.00**. All work defined under “Additional Services” shall be paid under this work order, for a **lump sum total of \$14,893.00**. Two monthly invoices will be submitted. For informational purposes, Garver’s current hourly rates for each employee classification is provided herein.



Any unused portion of the fee, due to delays beyond Garver's control, will be increased six percent (6%) annually with the first increase effective on or about July 1st, 2023.

SECTION 3 – APPENDICES

3.1 The following Appendices are attached to and made a part of this Work Order:

- 3.1.1 Exhibit A – Garver Rate Schedule
- Exhibit B – High School Drive Adjacent Alley Survey Limits
- Exhibit C – Colonial Circle Survey Limits
- Exhibit D – Colonial Circle Drainage Easement

This Work Order 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.

The effective date of this Work Order shall be the last date written below.

CITY OF SEAGOVILLE

GARVER, LLC

By: _____
Signature

By: _____
Signature

Name: _____
Printed Name

Name: Lance Klement
Printed Name

Title: _____

Title: North Texas Water Team Leader

Date: _____

Date: _____

Attest: _____

Attest: _____

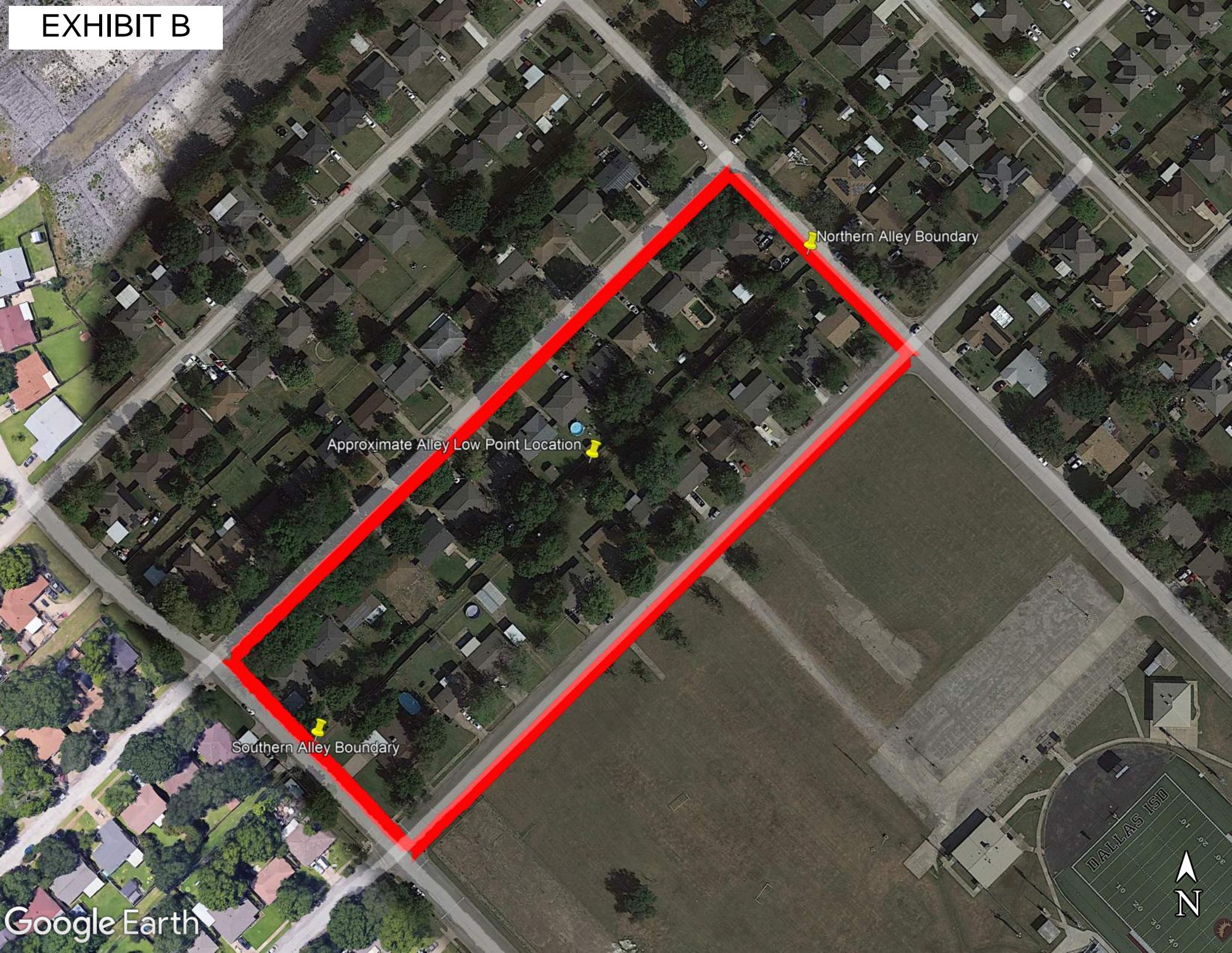
Exhibit A

City of Seagoville Drainage Surveys

FEE SUMMARY

Basic Services Section	Estimated Fees
TASK (1 - General Items and	\$ 1,528
TASK (2 - Data Processing and	\$ 5,210
Subtotal for Basic Services	\$ 6,738
Additional Services Section	Estimated Fees
TASK (Drainage Surveys)	\$ 14,893
Subtotal for Additional Services Section	\$ 14,893
Total All Services	\$ 21,631

EXHIBIT B



Northern Alley Boundary

Approximate Alley Low Point Location

Southern Alley Boundary

DALLAS ISD



EXHIBIT C

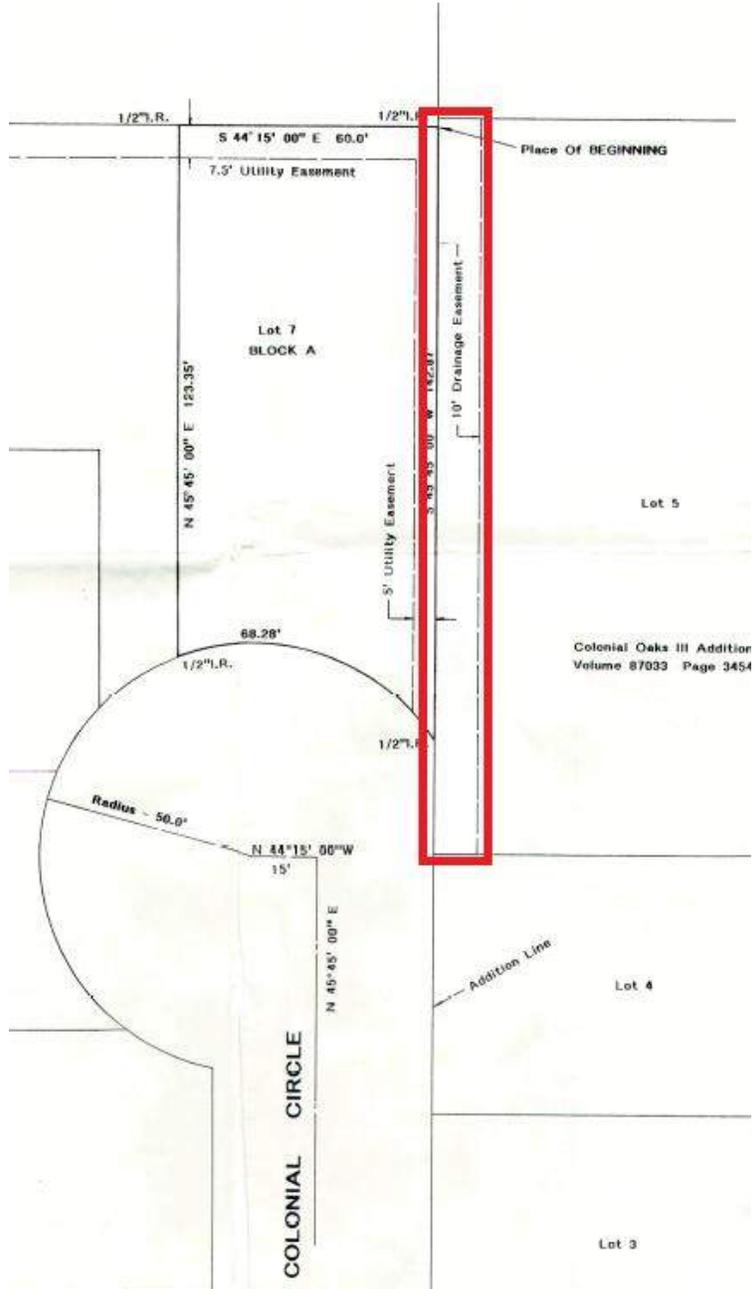


Location of Flooded Property

Existing Drainage Easement



EXHIBIT D



Regular Session Agenda Item: 6

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Receive an update from Public Works about leaking fire hydrant on Seagoville Road, the construction of Shannon Road, Lasater Road, and Stark Road, water leak on Hall Road and Johnnie Row, and the Hall Road street project.

BACKGROUND OF ISSUE:

Below are updates about the concerns involving the Public Works Department that were mentioned at the previous Council Meeting on Monday, January 23, 2023.

The leaking on the fire hydrant on Seagoville Road was reported by Mayor Pro Tem Magill on Saturday, January 21, 2023. Public Works added it to their repair schedule for the week of January 30, 2023, through February 3, 2023. Locates were performed and the concrete was cut to repair the fire hydrant. However, due to inclement weather, the fire hydrant repair was put on hold and will be completed on Monday, February 6, 2023.

Shannon Road, Lasater Road, and Stark Road are a part of the Stonehaven Subdivision and are in the process of being constructed. As shown in the map in Attachment "A," these roads will be concrete, not asphalt which will remedy the pothole issue. Currently, Lasater Road and Stark Road are asphalt. After the construction, the aforementioned roads will be concrete.

From January 2020 to current, Public Works has received six (6) work orders concerning the leaks in the alley between Hall Road and Johnnie Row. During that time frame Public Works found one (1) leak on the City side, one (1) was not a leak, but a puddle from recent rains and four (4) leaks were on the customer's side. Tim Lackey with Halff Associates Inc. will provide a PowerPoint presentation concerning the water line updates for Hall Road and Johnnie Row.

On or about January 24, 2022, City Council approved Garver Engineering to engineer the 800 Blk of Hall Road. The project is currently is ready for bid when the City funds are available.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

Attachment A – Stonehaven Subdivision Street Construction

Attachment "A"



Regular Session Agenda Item: 7

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Conduct a public hearing adopting a curfew for juveniles as part of the Code of Ordinances of the City of Seagoville, by adding new Sections 13.06.031 through 13.06.035 to Chapter 13, “Offenses and Nuisances”, Article 13.06, “Minors”, Division 2, “Curfew”.

BACKGROUND OF ISSUE:

The City Council has previously passed and adopted ordinances providing curfew hours for minors, which ordinances were codified most recently as Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", Sections 13.06.031 through 13.06.035 of the Code of Ordinances. Pursuant to Chapter 370.002 of the Texas Local Government Code, said ordinance has expired. On February 6, 2023, the Chief of Police of the City of Seagoville briefed the City Council regarding the effects a juvenile curfew ordinance would have on the community and on problems an ordinance intends to remedy

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

Ordinance – Adopting curfew for juveniles

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, ADOPTING A CURFEW FOR JUVENILES AS PART OF THE CODE OR ORDINANCES OF THE CITY OF SEAGOVILLE, BY ADDING NEW SECTIONS 13.06.031 THROUGH 13.06.035 TO CHAPTER 13, "OFFENSES AND NUISANCES", ARTICLE 13.06, "MINORS", DIVISION 2, "CURFEW"; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the safety of juveniles is a public concern; and

WHEREAS, the City Council has previously passed and adopted ordinances providing curfew hours for minors, which ordinances were codified most recently as Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", Sections 13.06.031 through 13.06.035 of the Code of Ordinances; and

WHEREAS, pursuant to Chapter 370.002 of the Texas Local Government Code, said ordinance has expired; and

WHEREAS, on February 6, 2023, the Chief of Police of the City of Seagoville briefed the City Council regarding the effects a juvenile curfew ordinance would have on the community and on problems an ordinance intends to remedy; and

WHEREAS, on February 6, 2023, the City Council of the City of Seagoville conducted a public hearing on the need to adopt a juvenile curfew ordinance; and

WHEREAS, the City Council for the City of Seagoville has considered the effects of the proposed juvenile curfew ordinance on the community and on the problems it is intended to remedy and has concluded that there is a need for the ordinance and that it is in the best interest of the citizens of the City of Seagoville to adopt the juvenile curfew ordinance as set forth herein;

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

SECTION 1. The findings and facts recited above are found to be true and correct and are incorporated by this reference herein.

SECTION 2. The Code of Ordinances of the City of Seagoville, Texas is hereby amended by adding Sections 13.06.031 through 13.06.035 under Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", to read in their entirety as follows:

"CHAPTER 13 OFFENSES AND NUISANCES

...

ARTICLE 13.06 MINORS

...

Division 2. Curfew

Sec. 13.06.031 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew hours.

- (1) 11:00 p.m. on any Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Friday, Saturday or Sunday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) A natural parent, adoptive parent, or stepparent of another person; or

- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access, and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 13.06.032 Offenses

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 13.06.033 Defenses

- (a) It is a defense to prosecution under Section 13.06.032 that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;

(6) On a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under Section 13.06.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 13.06.034 Enforcement

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section 13.06.033 is present.

Sec. 13.06.035 Penalty; referral of minor to juvenile court

(a) A person who violates a provision of this division is guilty of a separate offense for each day or part of each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 13.06.032(a) of this division and shall refer the minor to juvenile court."

SECTION 3. Any person, firm, or corporation violating any provision of this Ordinance shall be subject, upon conviction, to a fine not to exceed the sum of Five3 Hundred Dollars (\$500) for each offense.

SECTION 4. All ordinances of the City of Seagoville in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions

of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the ____ day of February, 2023

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

VICTORIA THOMAS, CITY ATTORNEY
(020123VWTm133425)

Regular Session Agenda Item: 8

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Discuss and consider approving an Ordinance of the City Council of the City of Seagoville, adopting a curfew for juveniles as part of the Code of Ordinances of the City of Seagoville, by adding new sections 13.06.031 through 13.06.035 to Chapter 13, "Offenses and Nuisances", Article 13.06, "Minors", Division 2, "Curfew"; providing for a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; providing a repealing clause; providing a severability clause; and providing for an effective date.

BACKGROUND OF ISSUE:

The City Council approved a Juvenile Curfew Ordinance in July of 2006. State law requires municipalities with a Juvenile Curfew Ordinance to revisit their Ordinance every three (3) years, and to hold a Public Hearing regarding the necessity for the continuance of the Ordinance.

The Juvenile Curfew Ordinance is used by local law enforcement as a tool to assist in managing underage children during the designated curfew hours. At present the ordinance states that juveniles under the age of 17 must comply with the Ordinance by 11:00 P.M. on weeknights and 12:00 Midnight on weekends.

Since the start of the pandemic the Curfew Ordinance has not been used based on the overall impact that COVID-19 had on our community as well as others, but it is still a very viable tool to have in the event that it's needed.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval.

EXHIBITS:

Ordinance – Adopting a curfew for juveniles

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, ADOPTING A CURFEW FOR JUVENILES AS PART OF THE CODE OF ORDINANCES OF THE CITY OF SEAGOVILLE, BY ADDING NEW SECTIONS 13.06.031 THROUGH 13.06.035 TO CHAPTER 13, "OFFENSES AND NUISANCES", ARTICLE 13.06, "MINORS", DIVISION 2, "CURFEW"; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the safety of juveniles is a public concern; and

WHEREAS, the City Council has previously passed and adopted ordinances providing curfew hours for minors, which ordinances were codified most recently as Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", Sections 13.06.031 through 13.06.035 of the Code of Ordinances; and

WHEREAS, pursuant to Chapter 370.002 of the Texas Local Government Code, said ordinance has expired; and

WHEREAS, on February 6, 2023, the Chief of Police of the City of Seagoville briefed the City Council regarding the effects a juvenile curfew ordinance would have on the community and on problems an ordinance intends to remedy; and

WHEREAS, on February 6, 2023, the City Council of the City of Seagoville conducted a public hearing on the need to adopt a juvenile curfew ordinance; and

WHEREAS, the City Council for the City of Seagoville has considered the effects of the proposed juvenile curfew ordinance on the community and on the problems it is intended to remedy and has concluded that there is a need for the ordinance and that it is in the best interest of the citizens of the City of Seagoville to adopt the juvenile curfew ordinance as set forth herein;

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

SECTION 1. The findings and facts recited above are found to be true and correct and are incorporated by this reference herein.

SECTION 2. The Code of Ordinances of the City of Seagoville, Texas is hereby amended by adding Sections 13.06.031 through 13.06.035 under Chapter 13, Offenses and Nuisances, Article 13.06, Minors, Division 2, "Curfew", to read in their entirety as follows:

"CHAPTER 13 OFFENSES AND NUISANCES

...

ARTICLE 13.06 MINORS

...

Division 2. Curfew

Sec. 13.06.031 Definitions

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Curfew hours.

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- (2) 12:01 a.m. until 6:00 a.m. on any Friday, Saturday or Sunday.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) A natural parent, adoptive parent, or stepparent of another person; or

- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access, and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 13.06.032 Offenses

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
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Sec. 13.06.033 Defenses

- (a) It is a defense to prosecution under Section 13.06.032 that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;

(6) On a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under Section 13.06.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 13.06.034 Enforcement

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer believes that an offense has occurred and that, based on any response and other circumstances, no defense under Section 13.06.033 is present.

Sec. 13.06.035 Penalty; referral of minor to juvenile court

(a) A person who violates a provision of this division is guilty of a separate offense for each day or part of each day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) When required by section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 13.06.032(a) of this division and shall refer the minor to juvenile court."

SECTION 3. Any person, firm, or corporation violating any provision of this Ordinance shall be subject, upon conviction, to a fine not to exceed the sum of Five3 Hundred Dollars (\$500) for each offense.

SECTION 4. All ordinances of the City of Seagoville in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions

of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 5. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 6. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 6th day of February, 2023

DENNIS K. CHILDRESS, MAYOR

ATTEST:

KANDI JACKSON, CITY SECRETARY

VICTORIA THOMAS, CITY ATTORNEY
(020123VWTm133425)

Regular Session Agenda Item: 9

Meeting Date: February 6, 2023

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: 10

Meeting Date: February 6, 2023

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: 11

Meeting Date: February 6, 2023

ITEM DESCRIPTION:

Recess into Executive Session

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

A. § 551.071 Consultation with City Attorney: to seek legal advice related to the Santorini Development

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Executive Session Agenda Item: 12

Meeting Date: February 6, 2023

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: to seek legal advice related to the Santorini Development

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A