



**SEAGOVILLE, TEXAS
CITY COUNCIL MEETING AGENDA AMENDED
MONDAY, APRIL 17, 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**

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 April 3, 2023 (City Secretary)**

REGULAR AGENDA-

2. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving Work Order No. 9, issued under the Master Agreement for Professional Services executed on March 24, 2021 between the City and Garver, LLC, for provision of engineering services for Seagoville Road Sidewalk Improvement, Project No. 23W05XXX in an amount not to exceed \$19,979.00; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date (Interim Community Development Director)

3. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas authorizing Anderson Asphalt & Concrete Paving to provide emergency asphalt road work on East Malloy Bridge Road for compensation in an amount not to exceed Ninety Five Thousand Fifteen Dollars and Forty One Cents (\$95,015.41); authorizing and ratifying the City Manager’s action of executing any and all necessary documents; and providing an effective date (Public Works Director)

4. Discuss and consider approving a Resolution of the City of Seagoville, Texas, authorizing the repair of a 2016 Caterpillar 303.5 Mini-Ex in an amount not to exceed Sixteen Thousand One Hundred Five Dollars and Zero Cents (\$16,105.00) from Holt Cat; authorizing the City Manager to execute any and all necessary documents and disburse the funds for said purchase; and providing an effective date (Public Works Director)

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

6. 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.

7. 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 an Ordinance concerning Mass Gatherings

B. § 551.071. Consultation with City Attorney: receive legal advice related to LaPulga

8. Reconvene Into Regular Session

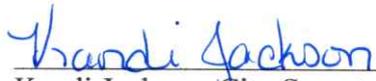
Council will reconvene into open session, and take action, if any, on matters discussed in Executive Session.

A. § 551.071. Consultation with City Attorney: receive legal advice related to an Ordinance concerning Mass Gatherings

B. § 551.071. Consultation with City Attorney: receive legal advice related to LaPulga

Adjourn

Posted Friday, April 14, 2023, by 5:00 P.M.


Kandi Jackson, City Secretary



As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

The City of Seagoville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

DATES TO REMEMBER

- **Thursday, April 27, 2023, Town Hall Meeting**
- **Monday, May 1, 2023, Regular City Council Meeting**
- **Monday, May 15, 2023, Regular City Council Meeting**
- **Monday, June 5, 2023, Regular City Council Meeting**

Consent Session Agenda Item: 1

Meeting Date: April 17, 2023

ITEM DESCRIPTION:

Consider approving City Council Meeting Minutes for April 3, 2023.

BACKGROUND OF ISSUE:

Approve City Council Meeting Minutes for April 3, 2023.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

April 3, 2023, Work Session Meeting Minutes
April 3, 2023, Regular Meeting Minutes



**MINUTES OF CITY COUNCIL
WORK SESSION
APRIL 3, 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, April 3, 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, City Attorney Victoria Thomas, Finance Director Gail French, Assistant Public Works Director Billy Putman, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

A. Discuss Regular Session Agenda Items

1. Consider approving City Council Meeting Minutes for March 20, 2023 (City Secretary)

No questions.

REGULAR AGENDA-

2. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving a Work Order No. 8 agreement with Garver, LLC, in accordance with the City's March 24, 2021, Master Agreement for Professional Services with Garver, LLC, for the Bruce Central Park bridge removal and replacement, in an amount not to exceed Thirty Five Thousand Eighty Seven Dollars and Fifty Cents (\$35,087.50); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date (Public Works Director)

Assistant Public Works Director Putman stated this Resolution approves a Work Order No. 8 agreement with Garver, LLC, in accordance with the City's March 24, 2021, Master Agreement for Professional Services with Garver, LLC, for the Bruce Central Park bridge removal and replacement, in an amount not to exceed Thirty Five Thousand Eighty Seven Dollars and Fifty Cents (\$35,087.50).

3. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving an agreement for consulting services on a water and wastewater cost of service and rate design study update with NewGen Strategies and Solutions, LLC.; in an amount not to exceed Fourteen Thousand Dollars and Zero Cents (\$14,000.00); authorizing the City Manager to sign; and providing an effective date (Public Works Director)

Assistant Public Works Director Putman stated that this Resolution approves an agreement for consulting services on a water and wastewater cost of service and rate design study update with NewGen Strategies and Solutions, LLC; in an amount not to exceed Fourteen Thousand Dollars and Zero Cents (\$14,000.00).

4. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, awarding the contract for Bid Number 2023-02 City Mowing Maintenance to Good Earth Corporation in an amount not to exceed One Hundred Sixty Two Thousand Twenty Seven Dollars and Zero Cents \$162,027.00 for mowing services and authorizing the City Manager to execute the same; and providing for an effective date (Public Works Director)

Assistant Public Works Director Putman stated that this Resolution awards the contract for Bid Number 2023-02 City Mowing Maintenance to Good Earth Corporation in an amount not to exceed One Hundred Sixty Two Thousand Twenty Seven Dollars and Zero Cents. \$162,027.00.

5. Discuss and consider approving an Ordinance authorizing the Issuance of City of Seagoville, Texas Certificates of Obligation, Series 2023; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto (Finance Director)

Finance Director French stated that this Ordinance authorizes the Issuance of City of Seagoville, Texas Certificates of Obligation, Series 2023; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto.

Hilltop Securities, Conner McMillian explained the Certificates of Obligation.

6. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas authorizing execution of an agreement with Tyler Technology, Inc. for updated software services for the City's Municipal Court (Software as a Service); and providing an effective date (Director of Administrative Services)

Director of Administrative Services Brown stated that this Resolution authorizes execution of an agreement with Tyler Technology, Inc. for updated software services for the City's Municipal Court (Software as a Service).

7. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, authorizing the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 12-foot Wastewater Easement and Temporary Construction Easement (part 1) and a Variable Width Wastewater Easement and Temporary Construction Easement (part 2) for the East Malloy Bridge Road Wastewater Line Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager and providing for an effective date (City Attorney)

City Attorney Thomas stated that this Resolution authorizes the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 12-foot Wastewater Easement and Temporary Construction Easement (part 1) and a Variable Width Wastewater Easement and Temporary Construction Easement (part 2) for the East Malloy Bridge Road Wastewater Line Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager.

8. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, authorizing the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 25-foot wide Sanitary Sewer Easement and a 55-foot wide Temporary Construction Easement for the Santorini Offsite Sanitary Sewer Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager and providing for an effective date (City Attorney)

City Attorney Thomas stated that this Resolution authorizes the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 25-foot wide Sanitary Sewer Easement and a 55-foot wide Temporary Construction Easement for the Santorini Offsite Sanitary Sewer Project, authorizing the appropriation of real property and/or

the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager.

Adjourned at 6:54 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary



**MINUTES OF CITY COUNCIL
REGULAR SESSION
APRIL 3, 2023**

The Regular Session of the City Council of the City of Seagoville, Texas was called to order at 7:00 p.m. on Monday, April 3, 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, Assistant Public Works Director Billy Putman, City Attorney Victoria Thomas, Finance Director Gail French, Director of Administrative Services Cindy Brown, and City Secretary Kandi Jackson.

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

Pledge of Allegiance – *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.*

Donna Counts at 2729 Kleberg Rd. expressed her concern about a neighbor violating city codes with bright lights and cars parked on their property.

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 March 20, 2023 (City Secretary)

Motion to approve City Council Meeting Minutes for March 20, 2023 – Epps, seconded by Magill; 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 Work Order No. 8 agreement with Garver, LLC, in accordance with the City’s March 24, 2021, Master Agreement for Professional Services with Garver, LLC, for the Bruce Central Park bridge removal and replacement, in an amount not to exceed Thirty Five Thousand Eighty Seven Dollars and Fifty Cents (\$35,087.50); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date (Public Works Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, approving a Work Order No. 8 Agreement with Garver, LLC, in accordance with the City’s March 24, 2021, Master Agreement for Professional Services with Garver, LLC, for the Bruce Central Park bridge removal and replacement, in an amount not to exceed Thirty Five Thousand Eighty Seven Dollars and Fifty Cents (\$35,087.50); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date – Magill, seconded by Howard; motion passed. 4/0 (For-Howard, Magill, Fruin, and Epps; Against – Hernandez)

3. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas approving an agreement for consulting services on a water and wastewater cost of service and rate design study update with NewGen Strategies and Solutions, LLC.; in an amount not to exceed Fourteen Thousand Dollars and Zero Cents (\$14,000.00); authorizing the City Manager to sign; and providing an effective date (Public Works Director)

Motion to approve a Resolution of the City Council of the City Council of the City of Seagoville, Texas approving an agreement for consulting services on a water and wastewater cost of services and rate design study update with NewGen Strategies and Solutions, LLC.; in an amount not to exceed Fourteen Thousand Dollars and Zero Cents (\$14,000.00); authorizing the City Manager to sign; and providing an effective date – Hernandez, seconded by Howard; motion passed with all ayes. 5/0

4. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, awarding the contract for Bid Number 2023-02 City Mowing Maintenance to Good Earth Corporation in an amount not to exceed One Hundred Sixty Two Thousand Twenty Seven Dollars and Zero Cents \$162,027.00 for mowing services and authorizing the City Manager to execute the same; and providing for an effective date (Public Works Director)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, awarding the contract or Bid Number 2023-02 City Mowing Maintenance to Good Earth Corporation in an amount not to exceed One Hundred Sixty Two Thousand Twenty Seven Dollars and Zero Cents \$162,027.00 for mowing services and authorizing the City Manager to execute the same; and providing an effective date – Magill, seconded by Epps; motion passed with all ayes. 5/0

5. Discuss and consider approving an Ordinance authorizing the Issuance of City of Seagoville, Texas Certificates of Obligation, Series 2023; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto (Finance Director)

Motion to approve an Ordinance authorizing the Issuance of City of Seagoville, Texas Certificates of Obligation, Series 2023; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto- Hernandez, seconded by Magill. Mayor Childress called for a record vote. (For: Howard, Hernandez, Magill, Fruin, and Epps; Against: none) Motion passed at 7:11 p.m. with all ayes. 5/0

6. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas authorizing execution of an agreement with Tyler Technology, Inc. for updated software services for the City’s Municipal Court (Software as a Service); and providing an effective date (Director of Administrative Services)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas authorizing execution of an agreement with Tyler Technology, Inc. for updated software services for the City’s Municipal Court (Software as a Service); and providing an effective date – Magill, seconded by Hernandez; motion passed with all ayes. 5/0

7. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, authorizing the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 12-foot Wastewater Easement and Temporary Construction Easement (part 1) and a Variable Width Wastewater Easement and Temporary Construction Easement (part 2) for the East Malloy Bridge Road Wastewater Line Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager and providing for an effective date (City Attorney)

Motion to approve a Resolution of the City Council of the City of Seagoville, Texas, authorizing the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 12-foot Wastewater Easement and Temporary Construction Easement (part 1) and a Variable Width Wastewater Easement and Temporary Construction Easement (part 2) for the East Malloy Bridge Road Wastewater Line Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager and providing for an effective date – Hernandez, seconded by Magill; motion passed with all ayes. 5/0

8. Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, authorizing the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 25-foot wide Sanitary Sewer Easement and a 55-foot wide Temporary Construction Easement for the Santorini Offsite Sanitary Sewer Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager and providing for an effective date (City Attorney)

Motion to approve a Resolution authorizing the exercise of eminent domain by the City of Seagoville, Texas, and for determining the necessity of acquiring real property for the construction of a 25-foot wide Sanitary Sewer Easement and a 55-foot wide Temporary Construction Easement for the Santorini Offsite Sanitary Sewer Project, authorizing the appropriation of real property and/or the use of the power of eminent domain to acquire real property for public use, delegating authority to initiate condemnation proceedings to the City Attorney and City Manager and providing an effective date – Howard, seconded by Hernandez; motion passed with all ayes. 5/0

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

None.

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.

Councilmember Hernandez stated he would like to discuss the possibility of installing a painted crosswalk at Kaufman and Durham.

11. Recessed into Executive Session at 7:16 p.m.

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

A. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager

B. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Secretary

C. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Attorney

D. § 551.071. Consultation with City Attorney: receive legal advice related to the interlocal agreements (dispatch and jail services) with Sunnyvale

E. § 551.071. Consultation with City Attorney: receive legal advice related to La Pulga

12. Reconvened Into Regular Session at 8:41 p.m.

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

A. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Manager

No action taken.

B. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Secretary

No action taken.

C. § 551.074. Personnel, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee to wit: City Attorney

No action taken.

D. § 551.071. Consultation with City Attorney: receive legal advice related to the interlocal agreements (dispatch and jail services) with Sunnyvale

Motion to authorize and direct the City Manager to send Notices of Termination to Sunnyvale for the Interlocal Agreements with Sunnyvale for:

1. Emergency 9-1-1 Communications Center and Dispatch Services

2. Jail Facility and Jail Services – Magill, seconded by Fruin; motion passed with all ayes. 5/0

E. § 551.071. Consultation with City Attorney: receive legal advice related to La Pulga

No action taken.

13. Discuss and consider approving an amendment to the City Manager’s Contract to provide for a one-year extension

Motion to approve an amendment to the City Manager’s Contract to provide for a one-year extension – Magill, seconded by Howard; motion passed with all ayes. 5/0

Adjourned at 8:43 p.m.

APPROVED:

Mayor Dennis K. Childress

ATTEST:

Kandi Jackson, City Secretary

Regular Session Agenda Item: 2

Meeting Date: April 17, 2023

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving Work Order No. 9, issued under the Master Agreement for Professional Services executed on March 24, 2021 between the City and Garver, LLC, for provision of engineering services for Seagoville Road Sidewalk Improvement, Project No. 23W05XXX in an amount not to exceed \$19,979.00; authorizing the City Manager to sign; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date.

BACKGROUND OF ISSUE:

The attached professional services agreement in the amount of \$19,979.00 includes the engineering/design, surveying services, and the Right of Way documentation for a proposed 5-foot-wide sidewalk along Seagoville Road between Travers Trail and Myers Street, being approximately 475 linear feet. This amount does not include any possible Right of Way procurement or the cost of construction.

It is important to note that while the intention of the project is to place the proposed 5-foot sidewalk around existing utility infrastructure and within the current City Right of Way, future survey documents and engineering plans may prove additional costs arise. For example, if significant Right of Way procurement is necessary, this cost could fluctuate based on market trends, with each individual private property owner, as well as any associated legal fees. Additionally, relocating fencing, landscaping, signage, or utility services such as electrical poles, internet services, and water meters will also increase project costs. Furthermore, construction materials and labor costs have been subject to extreme price increases within a short period of time. It is Staff's goal to provide the most precise total project cost upon engineering review, subject to these aforementioned market factors.

Pending the acceptance of all survey material, Right of Way, and engineering documents, Staff can then move to engage private property owners, land appraisers, legal staff, and also begin to solicit accurate construction bids. At this time, our team will have a better understanding of estimated project costs.

FINANCIAL IMPACT:

The amount for the proposed professional services agreement is in the amount of \$19,979.00.

RECOMMENDATION:

Staff recommends approval of the proposed agreement.

EXHIBITS:

1. Resolution directing City Staff to execute the aforementioned agreement.
2. Professional Services Agreement – Garver

THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING WORK ORDER NO. 9, ISSUED UNDER THE MASTER AGREEMENT FOR PROFESSIONAL SERVICES EXECUTED ON MARCH 24, 2021 BETWEEN THE CITY AND GARVER, LLC, FOR PROVISION OF ENGINEERING SERVICES FOR SEAGOVILLE ROAD SIDEWALK IMPROVEMENT, PROJECT NO. 23W05XXX IN AN AMOUNT NOT TO EXCEED \$19,979.00; AUTHORIZING THE CITY MANAGER TO SIGN; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Seagoville, Texas previously, on March 24, 2021, approved a Master Agreement for Professional Services with Garver, LLC under which Garver, LLC would provide professional engineering services on a work order/as needed basis; and

WHEREAS, the City Council now desires to enter into a work order number 9 under the Master Agreement, under which Garver, LLC would provide professional engineering services for Seagoville Road Sidewalk Improvements, Project No. 23W05XXX for compensation in the amount of \$19,979.00; and,

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the proposed Work Order No. 9 agreement with Garver, LLC. for these services and has determined it to be in the best interest of the City of Seagoville to enter into said agreement.

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

SECTION 1. Work Order No. 9 with Garver, LLC., for provision of professional engineering services on a defined scope of services basis in connection with Seagoville Road Sidewalk Improvements, Project NO. 23W05XXX, in accordance with the terms and conditions set forth in Exhibit "A", attached hereto and incorporated herein by this reference, for total compensation in an amount not to exceed nineteen thousand nine hundred and seventy nine dollars and zero cents (\$19,979.00) is approved, and the City Manager is authorized to execute the same and any other related, necessary documents on behalf of the City.

SECTION 2. 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, 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, 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 17th day of April 2023.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney
(041023vwtTM134484)

EXHIBIT A
[Work Order No. 9 with Garver, LLC]



WORK ORDER NO. 9
City of Seagoville
Seagoville Rd Sidewalk Improvements
Project No. 23W05XXX

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 basis for the survey and design, and a time and materials basis for right-of-way documentation preparation, for the installation of approximately 475 LF of 5-ft wide concrete sidewalk. The sidewalk will begin at the intersection of Traverse Trail, and end at the intersection of Myers Street, running along the northeast side of Seagoville Road.

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 Design Management

- 1.1. Kick-off Meeting – Attendance at kickoff meeting with Owner staff to discuss project expectations and designate project schedule.
- 1.2. Research and Data Collection – Research existing construction records and record drawings, existing easement information, and other information available for the project area. Owner will provide all available existing record drawings, available GIS utilities for the area and available City of Seagoville Easements.
- 1.3. Final Design Review Meeting – Conduct one 1-hour workshop with the Owner to present and review the final design deliverable, discuss review comments, and confirm final design criteria/requirements.
- 1.4. Site Visit – Perform one (1) site visit with Owner's staff to confirm location and site conditions for the planned improvements. Site visit will be conducted in concurrence with the Kick-off Meeting.
- 1.5. 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.

2. Final Design

- 2.1. Final Design Plans – GARVER will prepare final design plans (100%). This will include all necessary details and notes for the construction of the proposed sidewalk.
- 2.2. Final Design Specifications – GARVER will include all special technical specifications necessary for the project, if any, that are not explicitly identified in the latest edition of North Central Texas Council of Governments (NCTCOG) Public Works Construction Standards.
- 2.3. Final Engineer's OPCC – Prepare an estimate of construction quantities and develop an AACE Class 1 opinion of probable construction cost (OPCC).

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 Final Design (100%) plans
- One (8.5"x11") copies and a digital copy in PDF format of the Final Design (100%) specifications (ready for bid)
- AACE Class 1 OPCC

In performing construction services, GARVER will endeavor to protect the Owner against defects and deficiencies in the work of the Contractor(s); but GARVER cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction GARVER observes that the Contractor's work does not comply with the construction contract documents, GARVER will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. GARVER will also record the observance,



the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, GARVER will notify the Owner immediately, so that appropriate action under the Owner's contract with the Contractor can be taken.

Additional Services

A. Surveys

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. Topographic survey of the design area, from the center of the west bound lane of Seagoville Road, up to 10-feet past the existing right-of-way of the proposed alignment of the sidewalk. This survey will include pavement edges, curb and gutter, buildings, driveways, culverts, fences and gates, signs, mailboxes, trees 6-inches and greater, tops and toes of slopes, spot elevations, surface locations of utilities and flowline elevations of sanitary and storm sewer manholes where accessible, and other surface features within the right-of-way.
5. Provide a digital design survey drawing in Civil3D format showing visible surface features located, an ASCII point file, and a copy of field notes and field sketches.
6. Provide up to one (1) day of additional field work to survey the locations of items as identified by GARVER.
7. Prepare metes and bounds descriptions and parcel plats for up to four (4) right-of-way documents, signed and sealed by a Registered Professional Land Surveyor. These documents will be provided to the Owner for the purpose of acquiring the necessary right-of-way to construct the proposed sidewalk.

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 to enter public and private lands as required for Garver 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.

Extra Work

Owner 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 Owner'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. Construction phase services, including but not limited to construction coordination, review of pay applications, site visits, review of requests for information, materials submittal reviews, record drawings, construction observation, etc.
- B. Submitting permits for TxDOT
- C. Coordination with franchise utility entities such as Oncor, AT&T, Atmos, etc.
- D. Preparing detailed traffic control plans
- E. Environmental Information Document
- F. Public outreach
- G. Emergency response planning
- H. Sound attenuation
- I. Funding assistance
- J. Warranty assistance services
- K. Utility location services
- L. Environmental handling and documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items
- M. Stormwater permitting
- N. Redesign or substantial engineering or surveying. Any change order negotiation or coordination by Garver resulting in substantial additional design work, will be considered Extra Work.

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 Design Management	\$1,487.00	LUMP SUM
Final Design – 100%	\$4,503.00	LUMP SUM
TOTAL BASIC SERVICES	\$5,990.00	VARIED

WORK DESCRIPTION – ADDITIONAL SERVICES	FEE AMOUNT	FEE TYPE
Surveying Services	\$8,009.00	LUMP SUM
Right-of-Way Documentation	\$5,980.00	TIME AND MATERIALS
TOTAL FEE	\$19,979.00	VARIED

The amount to be paid under this Work Order is **\$19,979.00**.

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 Appendix A – Seagoville Rd Sidewalk Improvements Exhibit

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: _____



APPENDIX A



Regular Session Agenda Item: 3

Meeting Date: April 17, 2023

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas authorizing Anderson Asphalt & Concrete Paving to provide emergency asphalt road work on East Malloy Bridge Road for compensation in an amount not to exceed Ninety Five Thousand Fifteen Dollars and Forty One Cents (\$95,015.41); authorizing and ratifying the City Manager's action of executing any and all necessary documents; and providing an effective date.

BACKGROUND OF ISSUE:

Emergency asphalt repairs on three areas of East Malloy Bridge Road that have cracked and popped out. Anderson Asphalt & Concrete Paving submitted an estimate in the amount of \$95,015.41 for the provision of asphalt road work on East Malloy Bridge Road, including the provision of all necessary labor, equipment, and materials, a copy of which is attached as Exhibit A.

FINANCIAL IMPACT:

\$95,015.41

RECOMMENDATION:

City Staff recommends approval.

EXHIBITS:

Resolution – Approving Anderson Asphalt & Concrete Paving emergency asphalt road work
Estimate - Anderson Asphalt

**A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS
RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS AUTHORIZING ANDERSON ASPHALT & CONCRETE PAVING TO PROVIDE EMERGENCY ASPHALT ROAD WORK ON EAST MALLOY BRIDGE ROAD FOR COMPENSATION IN AN AMOUNT NOT TO EXCEED NINETY FIVE THOUSAND FIFTEEN DOLLARS AND FORTY ONE CENTS (\$95,015.41); AUTHORIZING AND RATIFYING THE CITY MANAGER'S ACTION OF EXECUTING ANY AND ALL NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Anderson Asphalt & Concrete Paving submitted an estimate in the amount of \$95,015.41 for provision of emergency asphalt road work on East Malloy Bridge Road, including the provision of all necessary labor, equipment, and materials, a copy of which is attached as Exhibit A; and

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the estimate and has determined it to be in the best interest of the City to authorize the City Manager to execute any documents necessary to authorize Anderson Asphalt & Concrete Paving to provide asphalt road work on East Malloy Bridge Road as set forth in Exhibit A;

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

SECTION 1. The City Council hereby authorizes Anderson Asphalt & Concrete Paving to provide emergency asphalt road work on East Malloy Bridge Road, to include provision of all necessary labor, equipment, and materials, for compensation in an amount not to Ninety Five Thousand Fifteen Dollars and Forty One Cents (\$95,015.41) as set forth in Exhibit A, attached hereto and incorporated herein; and, the City Manager is authorized to execute any documents necessary for the work to be performed.

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

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 17th day of April 2023.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria Thomas, City Attorney

Regular Session Agenda Item: 4

Meeting Date: April 17, 2023

ITEM DESCRIPTION:

Discuss and consider approving a Resolution of the City of Seagoville, Texas, authorizing the repair of a 2016 Caterpillar 303.5 Mini-Ex in an amount not to exceed Sixteen Thousand One Hundred Five Dollars and Zero Cents (\$16,105.00) from Holt Cat; authorizing the City Manager to execute any and all necessary documents and disburse the funds for said purchase; and providing an effective date.

BACKGROUND OF ISSUE:

The Public Works Department is requesting council's approval to repair a 2016 Caterpillar 303.5 mini-ex in an amount not sixteen thousand one hundred five dollars and zero cents \$16,105.00. This 2016 model caterpillar 303.5 mini-ex has a blown motor that needs to be replaced.

FINANCIAL IMPACT:

The requested \$16,105.00 will come from the Water/Sewer budget.

RECOMMENDATION:

The Public Works Department recommends that Council approve this purchase.

EXHIBITS:

Resolution – Approving the repair of 2016 Caterpillar 303.5 Mini-Ex

Quote – Holt Cat

THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE REPAIR OF A 2016 CATERPILLAR 303.5 MINI-EX IN AN AMOUNT NOT TO EXCEED SIXTEEN THOUSAND ONE HUNDRED FIVE DOLLARS AND ZERO CENTS (\$16,105.00) FROM HOLT CAT; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS AND DISBURSE THE FUNDS FOR SAID PURCHASE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Administration has determined there is a need to repair a 2016 Caterpillar 303.5 mini-ex; and

WHEREAS, Holt Cat submitted a quote in the amount of \$16,105.00 for repair of a 2016 Caterpillar 303.5 Mini-Ex, including the provision of all necessary labor, equipment, and materials, a copy of which is attached as Exhibit A; and

WHEREAS, the City Council finds that it is in the best interest of the City to authorize the repair of a 2016 Caterpillar 303.5 mini-ex in an amount not to exceed sixteen thousand one hundred five dollars and zero cents \$16,105.00 and to further authorize the City Manager to execute all documents necessary and to disburse the funds for said purchase.

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

Section 1. The City Council hereby authorizes the repair of a 2016 Caterpillar 303.5 mini-ex by Holt Cat in accordance with Exhibit A attached hereto and incorporated herein by this reference, for compensation in an amount not to exceed sixteen thousand one hundred five dollars and zero cents (\$16,105.00); and, further authorizes the City Manager execute all documents necessary and to disburse the required funds.

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

PASSED AND ADOPTED by the City Council for the City of Seagoville at a meeting on the 17th day of April, 2023.

APPROVED:

Dennis K. Childress, Mayor

ATTEST:

Kandi Jackson, City Secretary

APPROVED AS TO FORM:

Victoria W. Thomas, City Attorney
(041223vwtTM134508)

EXHIBIT A

[Quote from Holt Cat]



North Dallas - Machine Division
 10950 PLANO RD
 DALLAS, TX 75603

CITY OF SEAGOVILLE
 702 N HIGHWAY 175
 SEAGOVILLE 75159-1774

CUSTOMER NO.	CONTACT	PHONE NO.	FAX NO.	WORK ORDER NO.
1062081				
QUOTE NO.	P.O. NO.	DATE	EMAIL	
214156		3/10/2023 12:00:00 A		
MAKE	MODEL	SERIAL NO.	UNIT NO.	hours
AA	303.5E CR	OJWY01056		665
NOTES				

SEGMENT: 01 TROUBLESHOOT ENGINE (035 1000)
 NOTES:
 AFTER DOING PERFORMANCE, AND COMPRESSION TESTING ON THE ENGINE; IT WAS FOUND THAT THE ENGINE IS LOW ON COMPRESSION. IT IS CHEAPER TO REPLACE THE ENGINE, AS OPPOSED TO REBUILDING IT.

Labor

Item No	Qty	Description	Unit Price	Discount	Ext Price
SVL	8	GUARANTEED SERVICE LABOR	165.00	0.00	1,320.00
Total Labor:					1,320.00

Labor Summary

Segment 01 Total : 1,320.00

SEGMENT: 02 REPLACE WITH NEW ENGINE (511 1000)
 NOTES:
 THERE IS NOT A REMAN OPTION FOR THIS ENGINE. THE NEW ENGINE IS THE ONLY OPTION.
 TO REMOVE THE ENGINE, THE HOOD, PLATFORM/CAB, AND THE HYDRAULIC PUMP MUST BE REMOVED.
 ONCE THE ENGINE IS REMOVED, PARTS WILL NEED TO BE TRANSFERRED FROM THE FAILED ENGINE, TO THE NEW ENGINE.
 THE NEW ENGINE IS AN UPDATED VERSION, TO ELEMIMATE SMOKE AT STARTUP. THAT UPDATED VERSION REQUIRES SOME ADDITIONAL PARTS THAT ARE INCLUDED WITHIN THE ESTIMATE.

Parts

Part No	Qty	Description	Unit Price	Discount	Ext Price
	1	NEW ENGINE, AND REQUIRED INSTALLATION PARTS	8,475.00	0.00	8,475.00

Total Parts: 8,475.00

Labor

Item No	Qty	Description	Unit Price	Discount	Ext Price
SVL	35	GUARANTEED SERVICE LABOR	165.00	0.00	5,775.00

Total Labor: 5,775.00

Labor Summary

Misc

Item No	Qty	Description	Unit Price	Discount	Ext Price
MISC	1	ESTIMATED SHIPPING CHARGES	500.00	0.00	500.00
MISC	1	SHOP SUPPLIES	35.00	0.00	35.00

Total Misc: 535.00

Segment 02 Total : 14,785.00

Total Segments: 16,105.00

SUB TOTAL (BEFORE TAXES) 16,105.00

- QUOTE EXPIRES IN 30 DAYS
- THESE PRICES DO NOT INCLUDE ANY APPLICABLE TAXES

This Quote is based on HOLT CAT's initial inspection of the equipment to be repaired and is valid for 30 calendar days. This Quote does not include any additional labor, parts, machining, any freight charges or any applicable sales tax. If additional repairs are required, which may become evident after work has been initiated, an addendum to the work order will be provided to the customer listing additional charges for repairs and repair time frames. These repairs will not be performed until the Customer authorizes such repairs. Item replaced during non-warranty repairs will be held at your request for no longer than 30 calendar days after the work is completed.

Would you like your parts held? Yes _____ NO _____.

ESTIMATED REPAIR TIME: _____ from start date
 "The Signature is an authorization to proceed with the required repair work as described within the quote".

Issued PO# _____, **Authorized Name** _____ **Please Print.**

Date _____ / _____ / _____.

Signature _____

Any Questions? Please Call matthew Clark at 214.342.6725/ matthew.clark@holtcat.com.

Regular Session Agenda Item: 5

Meeting Date: April 17, 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: 6

Meeting Date: April 17, 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: 7

Meeting Date: April 17, 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: receive legal advice related to an Ordinance concerning Mass Gatherings

B. § 551.071. Consultation with City Attorney: receive legal advice related to LaPulga

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A

Executive Session Agenda Item: 8

Meeting Date: April 17, 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: receive legal advice related to an Ordinance concerning Mass Gatherings

B. § 551.071. Consultation with City Attorney: receive legal advice related to LaPulga

BACKGROUND OF ISSUE:

N/A

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

N/A

EXHIBITS:

N/A