



City of Seagoville

Meeting Agenda

City Council

City Hall
702 N. Hwy 175
Seagoville, Texas 75159

Monday, June 3, 2024

6:30 PM

Council Chambers

LACKEY STEPPER SEBASTIAN
MAYOR

RICK HOWARD
PLACE 1

ALLEN GRIMES
PLACE 4

PATRICK STALLINGS
CITY MANAGER

JOSE HERNANDEZ
PLACE 2

JON EPPS
PLACE 5 – MAYOR PRO TEM

HAROLD MAGILL
PLACE 3

Notice is hereby given that the City Council of the City of Seagoville, Texas will meet in a Regular Called Meeting at 6:30 p.m. for Work Session, and Regular Session will begin at 7:00 p.m., to be held at City Hall, 702 N. Hwy 175 Seagoville, Texas 75159.

As authorized by Section 551.071 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 reserves the right to reconvene, recess or realign any session or order of business at any time prior to adjournment. The purpose of the meeting is to consider the following items:

WORK SESSION – 6:30 PM

1. Call to Order
2. Discuss the penalties and/or fees relating to the sale, exchange, barter, give away of animals.
3. Discuss an ordinance amending noise restrictions relating to construction activity.
4. Discuss the term renewal of the Municipal Court Judge.
5. Discuss Regular Session agenda items.
6. Adjourn

REGULAR SESSION – 7:00 PM

7. Call to Order
8. Invocation
9. Pledge of Allegiance
10. Present a Certificate of Recognition
11. Mayor's Report
12. Citizen's Comments

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. City Council may not discuss these items but may

respond with factual data or policy information or place the item on a future agenda. Anyone wishing to speak should submit a Speaker Request Form to the City Secretary.

Consent Agenda

- 13. Consider approving the City Council meeting minutes: May 20, 2024**
- 14. Consider a Resolution approving an agreement with Garver, LLC. as set forth in Work Order No. 15 for professional engineering services for City Senior Center parking lot improvements; attached thereto in an amount not to exceed sixty thousand one hundred sixty-seven dollars and zero cents (\$60,167.00); authorizing the City Manager to execute said agreement.**
- 15. Consider a Resolution approving an agreement with Garver, LLC. as set forth in Work Order No. 16 for professional engineering services for Bearden Park parking lot improvements; attached thereto in an amount not to exceed one hundred ten thousand one hundred sixty-one dollars and seventy-five cents (\$110,161.75); authorizing the City Manager to execute said agreement.**
- 16. Discuss and consider a Resolution authorizing the City Manager to execute the First Amendment to the Lower East Fork Wastewater Interceptor System with the North Texas Municipal District.**

Regular Agenda

- 17. Discuss and consider the selection of movie(s) to view at the annual "Movie in the Park" events to be held on: Saturday August 17, 2024, and Saturday September 14, 2024.**
- 18. Discuss and consider an Ordinance amending the Code Of Ordinances, City of Seagoville, by amending Section 13.03.003, "Exceptions," of Article 13.03, "Noise," of Chapter 13, "Offenses and Nuisances," to replace Subsection (3) to allow noise related to construction activity between specified hours on certain dates; and providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense.**
- 19. Discuss and consider authorizing the City Secretary to realign the place numbering system of current terms for boards and commissions to be presented during the annual appointment/reappointment of board members.**
- 20. Items of community interest and councilmember reports.**

Pursuant to Section 551.0415 of the Texas Government Code, the City Council or City Administration may report information on the following items: 1) expression of thanks, congratulations, or condolences, 2) information about holiday schedules, 3) recognition of individuals, 4) reminders about upcoming City events, 5) information about community events, 6) announcements involving an imminent threat to public health and safety.
- 21. Discuss future agenda items.**
- 22. Adjourn**

CERTIFICATE

I certify that the above Notice of Meeting was posted on the bulletin board at the City Hall of the City of Seagoville, Texas on this 30th day of May 2024, by 5 p.m.

Sara Egan, City Secretary

The City of Seagoville does not discriminate based on 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 or email citysecretary@seagoville.us . (TDD access 1-800-RELAY-TX)

UPCOMING DATES:

- Monday, June 17, 2024, Regular City Council Meeting
- Monday, July 1, 2024, Regular City Council Meeting



TO: Mayor and City Council
FROM: Councilmember Rick Howard
DATE: June 3, 2024
ITEM: 2
DESCRIPTION: Discuss the penalties and/or fees relating to the sale, exchange, barter, give away of animals.

INTRODUCTION

This item was placed on the agenda at the request of Councilmember Rick Howard for discussion.



TO: Mayor and City Council
FROM: Bill Medina, Director of Community Development
DATE: June 3, 2024
ITEM: 3
DESCRIPTION: Discuss an ordinance amending noise restrictions relating to construction activity.

INTRODUCTION

Council has asked Staff to examine the possibility of amending Article 13.03 “Noise” Chapter 13 of the Seagoville Municipal Code of Ordinances.

BACKGROUND

The current Noise Ordinance provides an exception to construction equipment operating between the hours of 7:00 a.m. and 7:00 p.m.. Given the large volume of new development projects, a request has been made to determine if alternative exceptions to the noise ordinance may be permitted to accommodate the current and future construction projects.

Staff believes the proposed ordinance will accommodate several nonresidential development projects in completing construction on a more expeditious timeline. The proposed amendment to noise violation exceptions would replace the 7:00 a.m. and 7:00 p.m. regulation with the following:

“Construction activity at any time other than between the hours Monday through Saturday 7:00am and 7:00pm; and between 1:00pm and 7:00pm on Sundays provided, however, the City Manager may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience.”

FINANCIAL IMPACT

N/A

RECOMMENDATION

N/A



TO: Mayor and City Council
FROM: David Berman, City Attorney
DATE: June 3, 2024
ITEM: 4
DESCRIPTION: Discuss the term renewal of the Municipal Court Judge.

INTRODUCTION

This is to inform City Council of the automatic reappointment of Presiding Municipal Court Judge Scott Kurth.

BACKGROUND

Appointment history:

- June 13, 2022 – appointed as Presiding Municipal Court Judge
- October 10, 2010 - appointed as Associate Municipal Court Judge

FINANCIAL IMPACT

N/A

RECOMMENDATION

N/A



TO: Mayor and City Council
FROM: Sara Egan, City Secretary
DATE: May 20, 2024
ITEM: 13
DESCRIPTION: Consider approving the City Council meeting minutes: May 20, 2024

RECOMMENDATION

Recommend approval of the meeting minutes.

ATTACHMENTS

1. May 20, 2024 Minutes



City of Seagoville

Meeting Minutes

City Council

City Hall
702 N. Hwy 175
Seagoville, Texas 75159

Monday, May 20, 2024

6:30 PM

Council Chambers

Present: Mayor Lackey Sebastian, Mayor Pro Tem Harold Magill, Councilmember Jose Hernandez, Councilmember Rick Howard, Councilmember Allen Grimes, and Councilmember Jon Epps

Also present were City Manager Patrick Stallings, City Attorney David Berman, and City Secretary Sara Egan.

The City Council of the City of Seagoville met in a Regular Called Meeting on Monday, May 20, 2024, at 6:30 p.m. in the City Council Chambers at City Hall, 702 N. Hwy 175, Seagoville, Texas.

WORK SESSION – 6:30 PM

1. Call to Order

Mayor Sebastian called the Work Session to order at 6:30 p.m.

2. Discuss Regular Session agenda items.

There were no questions regarding the consent agenda.

City Manager Pat Stallings briefed the City Council on item 18 regarding ICMA TV production request and demonstrated a video production of Terrell, TX as an example.

Health Director Mamata Bhandari briefed the City Council on item 19 regarding the updated hours of operation for food vendors.

Community Development Director Bill Medina briefed the City Council on item 20 regarding the Mayor's request to review and revise the regulations regarding noise related to construction.

The City Council expressed the desire to continue the conversation to reach a consensus regarding possible changes for item 20.

Library Director Vivian Rawlings briefed the City Council regarding item 21. Watchfire representative Rick Brown answered questions regarding the electronic sign.

Economic Development Director Kirk McDaniel briefed the City Council on item 22 regarding the incentive agreement between SEDC and Seago Buffet.

3. Adjourn

Mayor Sebastian adjourned the Work Session at 7:07 p.m.

REGULAR SESSION – 7:00 PM

4. Call to Order

Mayor Sebastian called the Regular Session to order at 7:12 p.m.

5. Invocation

Mayor Pro Tem Magill led the invocation.

6. Pledge of Allegiance

City Council led the pledge of allegiance.

7. Mayor's Report

- Recognized Mrs. Charlotte Hernandez for receiving the Employee of the Year award from DISD in Health Services.

- The City has many projects making process in spite of the rainy weather: Integrity Urgent Care, Chick-fil-A, C-Store, Repairs to Malloy Bridge Road
- As a reminder, City facilities are closed Monday, May 27th for Memorial Day.

8. Citizen's Comments

- 1) Larry Brice, Seagoville, TX, spoke in favor of community partnerships to contribute to the community's growth and development.

Consent Agenda

Mayor Pro Tem Magill made a motion to approve Consent Agenda items 9-15, seconded by Councilmember Howard. The motion passed by a unanimous vote (5/0).

9. Consider approving the City Council meeting minutes: May 6, 2024 and May 13, 2024.

10. Consider a Resolution accepting and approving a Second Amendment to the Santorini Development Agreement between the City and Seagoville Laguna Azure, LLC, for the Santorini Laguna Project, authorizing the limited early release of building permits; imposing conditions on the early release of building permits; authorizing the City Manager to execute the amendment on the City's behalf; and providing an effective date.

Resolution No. 2024-37

11. Consider a Resolution accepting and approving the dedication of utility easements from MKH Real Estates Investments, LLC, conveying to the City an easement for utility purposes; authorizing the City Manager to accept the same; and providing an effective date.

Resolution No. 2024-38

12. Consider a Resolution accepting and approving the dedication of utility easements from Rolling Meadows Development, LLC, conveying to the City an easement for utility purposes; authorizing the City manager to accept the same; and providing an effective date.

Resolution No. 2024-39

13. Consider Resolution accepting and approving easement dedications from Oncor Electric Delivery Company, LLC, conveying to the City certain easements for roadway and utility purposes; authorizing the City Manager to accept the same; and providing an effective date.

Resolution No. 2024-40

14. Consider a Resolution authorizing the purchase from Siddons Martin Emergency Group of a 2026 Pierce-custom enforcer pumper and 2027 Pierce-custom enforcer pumper said purchase transaction to include the trade-in of the City's 2011 Pierce Saber Pumper for a trade-in value of seventy thousand one hundred twenty five dollars (\$70,125.00), resulting in a net purchase price of two million forty nine thousand seven hundred twelve dollars (\$2,049,712.00) to be paid by the City; authorizing the City Manager to execute any documents necessary for said transaction and purchase; and providing an effective date.

Resolutions No. 2024-41

15. Consider a Resolution accepting and approving an agreement with Crown Correctional Telephone, Inc., for telephone equipment and services for the City's detention facility; authorizing the City Manager to execute appropriate documents in furtherance of approval; and providing an effective date.

Resolution No. 2024-42

Regular Agenda

Mayor Sebastian read item 16 into the record.

16. FIRST READING: Discuss and consider a Resolution approving the Economic Development project between the Seagoville Economic Development Corporation and Sego Buffett, LLC, a Texas Limited Partnership, as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date.

17. Discuss and consider the selection of Mayor Pro Tem for 2024-2025.

Mayor Sebastian stated every year after the election the City Council must select a councilmember to serve as Mayor Pro Tem. The Mayor Pro Tem steps in as needed if the Mayor is not available. Mayor Sebastian expressed thanks to Mayor Pro Tem Magill for his service. The Mayor asked City Council for a nomination.

Mayor Pro Tem Magill nominated Councilmember Epps for Mayor Pro Tem for 2024-2025, seconded by Councilmember Grimes. The motion passed by a unanimous vote (5/0).

18. Discuss and consider the City's participation in the ICMA TV featuring development within the community; and authorize the City Manager to execute a contract on behalf of the City for the production of the video.

Councilmember Hernandez made a motion to approve item 18 seconded by Councilmember Howard. The motion passed by a unanimous vote (5/0).

19. Discuss and consider an Ordinance amending the Code of Ordinances by amending the subsections (d) and (e)(4) of Section 11.02.019, "Requirements for Mobile Food Vending Units," of article 11.02, "Food and Food Establishments," of Chapter 11, "Health and Sanitation," to establish hours of operation for mobile food vendors; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and providing an effective date.

Councilmember Epps made a motion to approve item 19 seconded by Mayor Pro Tem Magill. The motion passed by a unanimous vote (5/0).

Ordinance No. 2024-11

20. Discuss and consider an Ordinance amending the Code of Ordinances Section 13.03.003, "Exceptions," of Article 13.03, "Noise," of Chapter 13, "Offenses and Nuisances," to replace Subsection (3) To Allow Noise Related To Construction Activity Between Specified Hours On Certain Dates; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and providing an effective date.

Councilmember Hernandez made a motion to table item 20 seconded by Councilmember Howard. The motion passed by a unanimous vote (5/0).

21. Discuss and consider a Resolution accepting and approving a quote from Turner Sign Systems for the purchase of an electronic billboard sign for installation and use at Bruce Central Park in an amount not to exceed one hundred thirty-six thousand five hundred fifty-eight dollars (\$136,558.00); authorizing the City Manager to execute appropriate documents in furtherance of approval; and providing an effective date.

Councilmember Hernandez made a motion to approve item 14 seconded by Councilmember Epps. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-43

22. SECOND READING: Discuss and consider a Resolution approving the Economic Development project between the Seagoville Economic Development Corporation and SeGo Buffett, LLC, a Texas Limited Partnership, as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date.

Councilmember Hernandez made a motion to approve item 14 seconded by Councilmember Epps. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-44

23. Items of community interest and councilmember reports.

Mayor Pro Tem Magill addressed the public to be patient and allow time for brush pick up. There has been a high demand due to the weather.

24. Discuss future agenda items.

There were no items for future discussion.

25. Adjourn

There being no further business before the City Council, the meeting was adjourned at 7:25 p.m.

APPROVED:

ATTEST:

Lackey Stepper Sebastian, Mayor

Sara Egan, City Secretary

22. SECOND READING: Discuss and consider a Resolution approving the Economic Development project between the Seagoville Economic Development Corporation and SeGo Buffett, LLC, a Texas Limited Partnership, as reflected in the terms and conditions of an Economic Development Incentive Agreement between the parties; and providing an effective date.

Councilmember Hernandez made a motion to approve item 14 seconded by Councilmember Epps. The motion passed by a unanimous vote (5/0).

Resolution No. 2024-44

23. Items of community interest and councilmember reports.

Mayor Pro Tem Magill addressed the public to be patient and allow time for brush pick up. There has been a high demand due to the weather.

24. Discuss future agenda items.

There were no items for future discussion.

25. Adjourn

There being no further business before the City Council, the meeting was adjourned at 7:25 p.m.

APPROVED:

ATTEST:

Lackey Stepper Sebastian, Mayor

Sara Egan, City Secretary



TO: Mayor and City Council

FROM: Chris Ryan, Director of Public Works

DATE: June 3, 2024

ITEM: 14

DESCRIPTION: Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving an agreement with Garver, LLC. As set forth in Work Order No. 15 for professional engineering services for city senior center parking lot improvements; Attached thereto in an amount not to exceed sixty thousand one hundred sixty seven dollars and zero cents (\$60,167.00); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.

INTRODUCTION

The purpose of this item is for engineering services for the city senior center parking lot.

BACKGROUND

The City of Seagoville has contracted with Garver LLC, for professional engineering services for city senior center parking lot improvements. City staff has deemed that the reconstruction city senior center parking lot is beyond staff's capability's and will need to be completely engineered before reconstruction can take place.

FINANCIAL IMPACT

FY2024 budget.

RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

1. Resolution
2. Garver work order #15

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, APPROVING AN AGREEMENT WITH GARVER, LLC. AS SET FORTH IN WORK ORDER NO. "15" FOR PROFESSIONAL ENGINEERING SERVICES FOR THE SENIOR CENTER PARKING LOT IMPROVEMENTS; ATTACHED THERETO IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND ONE HUNDRED SIXTY SEVEN DOLLARS AND ZERO CENTS (\$60,167.00); AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Garver, LLC, ("Engineer") provides professional engineering services for city senior center parking lot improvements engineering services; and

WHEREAS, the City Council hereby finds that it is in the best interest of the City to approve the agreement for Professional Engineering Services for city senior center parking lot improvements engineering services as set forth in work order no. 15 attached thereto, in an amount not to exceed sixty thousand one hundred sixty seven dollars and zero cents (\$60,167.00); and authorizes the City Manager to execute the same;

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

SECTION 1. The City Council approves the agreement for Professional Engineering Services for city senior center parking lot improvements engineering services as set forth in work order no. 15 attached thereto, in an amount not to sixty thousand one hundred sixty seven dollars and zero cents (\$60,167.00); and hereby authorizes the City Manager to execute said Agreement.

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

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

provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

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

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 3rd day of June, 2024.

APPROVED:

Lackey Stepper Sebastian, Mayor

ATTEST:

Sara Egan, City Secretary

APPROVED AS TO FORM:

David Berman, City Attorney



WORK ORDER NO. 15
City of Seagoville
City Senior Center Parking Lot Improvements
Project No. 2301571

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 **City Senior Center Parking Lot Improvements**

The OWNER intends to utilize GARVER on a lump sum basis for the survey, geotechnical investigation, design, and bidding services, for the replacement of the existing asphalt parking lot at the City Senior Center with concrete (or asphalt).

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. Preliminary Design (60%)

- 2.1. 60% Plans – GARVER will prepare preliminary design plans (60%). These plans will include the proposed parking lot improvements, lighting recommendations, and property ownership. The following is the estimated sheet list:

1. Cover Sheet (Assume 1 sheet)
2. Location/Key map (Assume 1 sheet)
3. General notes, legend, abbreviations (Assume 2 sheets)
4. Project control sheet (Assume 1 sheet)
5. Existing grading and drainage, existing drainage calculations (Assume 1 sheet)
6. Proposed grading and drainage plan, proposed drainage calculations (Assume 1 sheet)
7. Proposed paving plan (Assume 1 sheet)
8. SWPPP narrative and erosion control notes & details (Assume 2 sheets)
9. Civil detail sheets (Assume 2 sheets)

Total anticipated sheets = 12

- 2.2. 60% 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. 60% OPCC – Prepare an estimate of construction quantities and develop an AACE Class II 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 Preliminary Design (60%) plans
- One (8.5"x11") copies and a digital copy in PDF format of the Preliminary Design (60%) specifications, if special specifications necessary
- AACE Class II OPCC

3. Final Design (100%)

- 3.1. Final Design Plans – GARVER will prepare final design plans (100%). This will include all necessary details and notes for the construction of the proposed parking lot, and addressing of all Owner provided comments.
- 3.2. 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 NCTCOG Public Works Construction Standards.
- 3.3. Final Engineer's OPCC – Prepare an estimate of construction quantities and develop an AACE Class I 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 I OPCC

4. Bidding Services

The bidding period for bidders is anticipated to extend for a 14-calendar day duration. The City will post advertisement for bids and coordinate publishing. During the bidding phase of the project, GARVER will:

- 4.1. Assist the City with completing Bid Forms, Bid Item Descriptions, and assembling the contract documents as requested. It is anticipated that the Owner will provide the standard contract language and associated front end documents.
- 4.2. Support the Contract Documents by answering technical questions presented by prospective bidders.
- 4.3. Attend pre-bid meeting. GARVER will prepare the meeting agenda and conduct meeting.
- 4.4. Attend the bid opening, prepare bid tabulation, evaluate bids, and recommend award.



5. Construction Services

During the construction phase of work, GARVER will accomplish the following, as needed, for one construction contract:

- 5.1. Preparation of 5 sets of conformed plans for construction (3- half size 11" x 17" and 2 – full size 22" x 34") with modifications to include all addenda issued during bidding. Garver shall also supply the Owner with one digital copy of the conforming plans and specifications (with addendums as necessary) in .pdf, Microsoft Word (.docx) and AutoCAD (.dwg) format.
- 5.2. Attend one (1) preconstruction meeting. Owner will prepare the meeting agenda and prepare and distribute the meeting minutes. Assume meetings held in-person at the Owner's office.
- 5.3. Evaluate and respond up to three (3) construction material submittals and shop drawings. Each submittal and shop drawing review includes the original submittal and shop drawing review and an assumption of one (1) resubmittal review. Additional submittal and shop drawing reviews will be considered Extra Work. Corrections or comments made by GARVER on the shop drawings during this review will not relieve the Contractor from compliance with requirements of the Contract Documents. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
- 5.4. Issue up to two (2) instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents. If GARVER is requested to respond to additional RFIs, it will be considered Extra Work.
- 5.5. Provide documentation and assist the Owner in processing of up to one (1) change order, including applications for extension of construction time. Evaluate the cost and scheduling proposed by the contractor and support the Owner in negotiation with the Contractor.
- 5.6. Participate in final project walkthrough, prepare punch list, review final project closing documents, and review and sign final pay request.
- 5.7. Preparation of record drawings based on information provided by the contractor and Owner inspector as follows:
 - 5.7.1. Prepare and furnish record drawings based on Contractor as-built redlines. Submit digital file in PDF and AutoCAD formats, of the record drawings to the City.



Additional Services

1. Surveys

- 1.1. 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).
- 1.2. Research current property owners and obtain copies of subdivision plats, ownership deeds, and easements within the project area.
- 1.3. Locate existing property corners and right-of-way corners to establish property lines and street rights- of-way.
- 1.4. Topographic survey of the design area, from the southeast bound ROW of Meadow Grove Dr. to the southwest bound ROW on the northside of the property on E Farmers Rd. Also included is part of Putnam St. on the northwest side of the design area. 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.
- 1.5. 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.
- 1.6. Provide up to one (1) day of additional field work to survey the locations of items as identified by GARVER.



2. Geotechnical Investigation

2.1. Field Exploration

- 2.1.1. Field locate borings by handheld GPS unit. Elevations will be interpolated from civil drawings or referenced from published topographic maps.
- 2.1.2. Mobilize a truck mounted drilling rig to the site.
- 2.1.3. Perform 2 borings at a depth of 10-ft below existing grade.
- 2.1.4. Obtain representative soil samples by means of the split-barrel and Shelby tube sampling procedures in accordance with ASTM Specifications D-1586 and D-1587, respectively.
- 2.1.5. Measure the depth of groundwater at each boring at the time of drilling.

2.2. Laboratory Testing

- 2.2.1. Laboratory testing of representative soil samples will be performed to determine physical and engineering properties of the soil. The laboratory testing will include the following: Moisture Content, Atterberg limits, and Passing No. 200 sieve.

2.3. Engineering Report

- 2.3.1. Upon completion of the field exploration, lab testing, and engineering analyses, a written engineering report will be prepared and include:
 - A review of published soils mapping and/or geologic information.
 - Observations from the site reconnaissance and personnel on the drill rig, including current site conditions, surface drainage features, and surface topographic conditions, and/or available satellite imagery.
 - A description of the field exploration and lab tests performed.
 - Final logs of the soil borings in accordance with industry standard practices for geotechnical engineering. A Boring Location Plan will be included.
 - The results of the lab tests will be plotted on the final exploration logs and/or included on separate test report pages.
 - Discussion of the subsurface materials encountered along with groundwater conditions observed.
 - Recommendations for preparation of pavement subgrade and concrete pavement section.
 - Discussion of earthwork construction considerations for compaction, reuse of soils, groundwater, expansive soils, drainage, or other considerations.

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. Submitting permits for TxDOT
- B. Coordination with franchise utility entities such as Oncor, AT&T, Atmos, etc.
- C. Preparing detailed traffic control plans
- D. Environmental Information Document
- E. Public outreach
- F. Emergency response planning
- G. Sound attenuation
- H. Funding assistance
- I. Warranty assistance services
- J. Utility location services
- K. Environmental handling and documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items
- L. Stormwater permitting
- M. 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

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 & Design Management	\$3,728.00	LUMP SUM
Preliminary Design (60%)	\$21,633.00	LUMP SUM
Final Design (100%)	\$14,208.00	LUMP SUM
Bidding Services	\$2,916.00	LUMP SUM
Construction Phase Services	\$3,997.00	LUMP SUM
TOTAL BASIC SERVICES	\$46,482.00	LUMP SUM

WORK DESCRIPTION – ADDITIONAL SERVICES	FEE AMOUNT	FEE TYPE
Survey Services	\$9,660.00	LUMP SUM
Geotechnical Investigation	\$4,025.00	LUMP SUM
TOTAL FEE	\$60,167.00	LUMP SUMP



The lump sum amount to be paid under this Work Order is **\$60,167.00**. For informational purposes, a breakdown of Garver's estimated costs is included herein with approximate current hourly rates for each employee classification.

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 Senior Center Parking Lot Improvements Exhibit
 - 3.1.2 Appendix B – Fee Spreadsheet / Unit Rates

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: _____



APPENDIX A

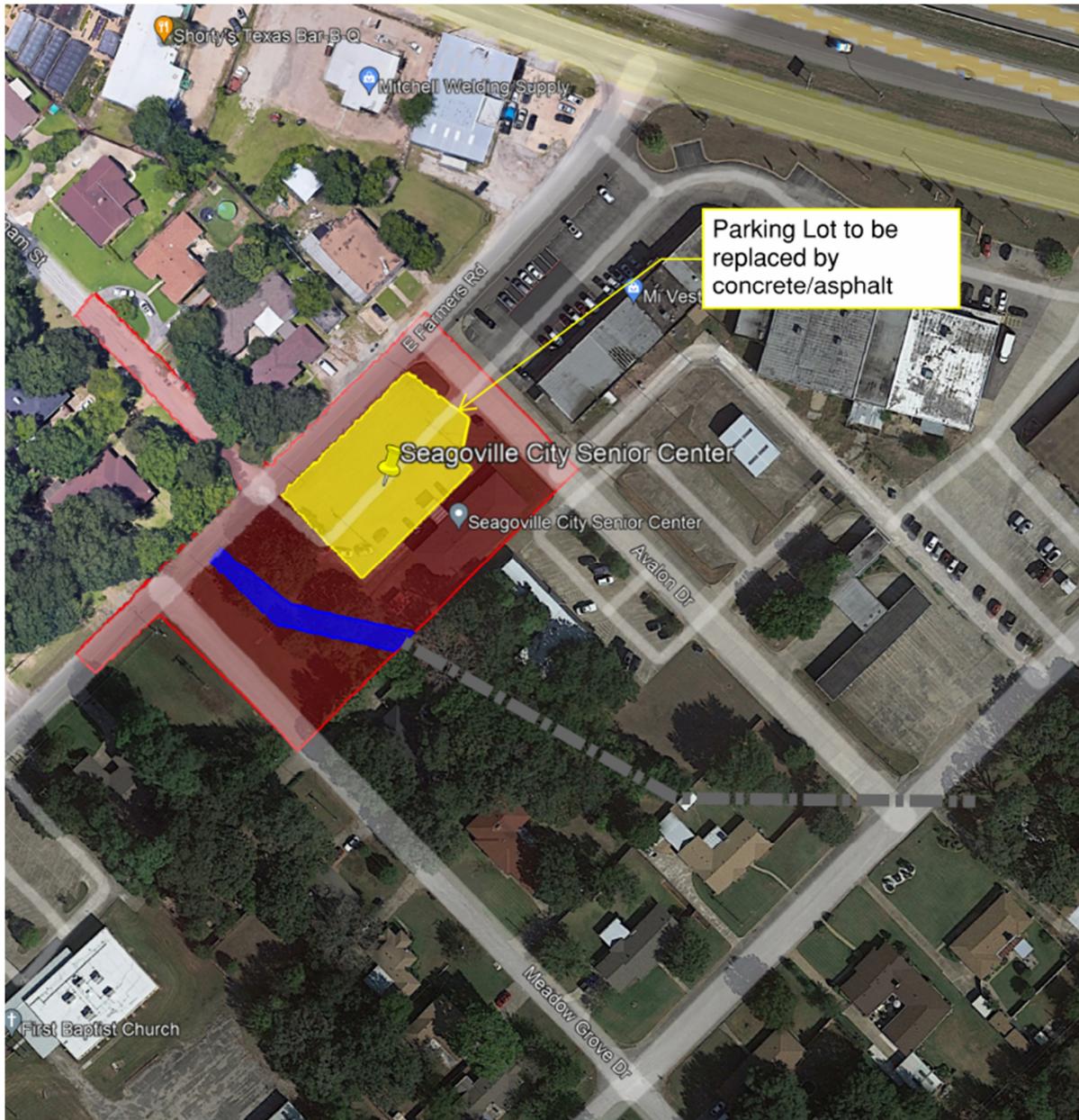




Exhibit B
City of Seagoville
City Senior Center Parking Lot Improvements
Garver Hourly Rate Schedule: July 2023 - June 2024

Classification	Rates
Engineers / Architects	
E-1	\$ 130.00
E-2	\$ 149.00
E-3	\$ 197.00
E-4	\$ 221.00
E-5	\$ 247.00
Designers	
D-1	\$ 118.00
D-2	\$ 135.00
Technicians	
T-1	\$ 95.00
T-2	\$ 115.00
Management / Administration	
AM-1	\$ 75.00
AM-2	\$ 96.00

Agreement for Professional Services

City Senior Center Parking Lot Improvements

Garver Project No. 2301571



TO: Mayor and City Council

FROM: Chris Ryan, Director of Public Works

DATE: June 3, 2024

ITEM: 15

DESCRIPTION: Discuss and consider approving a Resolution of the City Council of the City of Seagoville, Texas, approving an agreement with Garver, LLC. As set forth in Work Order No. 16 for professional engineering services for Bearden Park parking lot improvements; Attached thereto in an amount not to exceed one hundred ten thousand one hundred sixty one dollars and seventy five cents (\$110,161.75); authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.

INTRODUCTION

The purpose of this item is for engineering services for the Bearden Park parking lot.

BACKGROUND

The City of Seagoville has contracted with Garver LLC, for professional engineering services for Bearden Park parking lot improvement. City staff has deemed that the reconstruction Bearden Park parking lot is beyond staff's capability's and will need to be completely engineered before reconstruction can take place.

FINANCIAL IMPACT

FY2024 budget.

RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

1. Resolution
2. Garver work order #16

A RESOLUTION OF THE CITY OF SEGOVILLE, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGOVILLE, TEXAS, APPROVING AN AGREEMENT WITH GARVER, LLC. AS SET FORTH IN WORK ORDER NO. "16" FOR PROFESSIONAL ENGINEERING SERVICES FOR BEARDEN PARK PARKING LOT IMPROVEMENTS; ATTACHED THERETO IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND ONE HUNDRED SIXTY ONE DOLLARS AND SEVENTY FIVE CENTS (\$110,161.75); AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Garver, LLC, ("Engineer") provides professional engineering services for Bearden Park parking lot improvements; and

WHEREAS, the City Council hereby finds that it is in the best interest of the City to approve the agreement for Professional Engineering Services for Bearden Park parking lot improvements as set forth in work order no. 16 attached thereto, in an amount not to exceed one hundred ten thousand one hundred sixty one dollars and seventy five cents (\$110,161.75); and authorizes the City Manager to execute the same;

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

SECTION 1. The City Council approves the agreement for Professional Engineering Services for Bearden Park parking lot improvements engineering services as set forth in work order no. 16 attached thereto, in an amount not to one hundred ten thousand one hundred sixty one dollars and seventy five cents (\$110,161.75); and hereby authorizes the City Manager to execute said Agreement.

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

SECTION 3. That if any article, paragraph, subdivision, clause or provision of this Resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such

judgement or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

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

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 3rd day of June, 2024.

APPROVED:

Lackey Stepper Sebastian, Mayor

ATTEST:

Sara Egan, City Secretary

APPROVED AS TO FORM:

David Berman, City Attorney



WORK ORDER NO. 16
City of Seagoville
Bearden Park Parking Lot Improvements
Project No. W05-2301570

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 **Bearden Park Parking Lot Improvements**

The OWNER intends to utilize GARVER on a lump sum basis for the survey, geotechnical investigation, hydraulic analysis, design, and bidding services, for the replacement of the existing flex-base parking lot at Bearden Park with concrete (or asphalt). This work will confirm the existing drainage channel on the southeast border of the park and subsequent storm sewer along Fawn Meadow Drive won't be adversely affected by these improvements.

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. Hydrologic and Hydraulic Evaluation

- 2.1. Bearden Park drains generally to the southeast to a ditch along the southeast boundary of the park, running behind the houses along the west side of Thomas Trail. This ditch, designated herein as Bearden Park Ditch, also receives runoff from the residential neighborhood just southwest of Bearden Park (Julie/Trent/Baylee Streets). Bearden Park Ditch runs northeast to a storm sewer inlet at the northwest end of Fawn Meadow Drive, and this storm sewer system runs southeast along Fawn Meadow Drive to an outfall on the northeast side of Fawn Meadow Drive between Mary Jane Lane and Jean Drive. Some of the runoff from Bearden Park drains into an undeveloped area between Fawn Meadow Drive and East Farmers Road.
- 2.2. Garver will delineate the existing drainage area for Bearden Park Ditch and will compute existing conditions peak flow in the ditch using the Rational Method for selected storm events.
- 2.3. Garver will modify existing conditions Rational Method hydrologic calculations to reflect proposed improvements to the Bearden Park parking lot to compute proposed conditions peak flow in the Bearden Park Ditch for selected storm events.
- 2.4. Garver will perform basic hydraulic analyses of the existing Bearden Park Ditch to evaluate capacity of the channel for existing and proposed conditions peak flows. The hydraulic analysis will not include the downstream storm sewer system at Fawn Meadow Drive.
- 2.5. Garver will evaluate and recommend one (1) alternative for channel improvements to Bearden Park Ditch to increase capacity.



- 2.6. Garver will evaluate and recommend one (1) alternative for on-site detention at Bearden Park to mitigate increased peak flows for proposed conditions and/or to reduce peak flows into Bearden Park Ditch.

3. Preliminary Design (60%)

- 3.1. 60% Plans – GARVER will prepare preliminary design plans (60%). These plans will include the proposed parking lot improvements, lighting recommendations, and property ownership. The following is the estimated sheet list:

1. Cover Sheet (Assume 1 sheet)
2. Location/Key map (Assume 1 sheet)
3. General notes, legend, abbreviations (Assume 2 sheets)
4. Project control sheet (Assume 1 sheet)
5. Existing grading and drainage, existing drainage calculations (Assume 1 sheet)
6. Proposed grading and drainage plan, proposed drainage calculations (Assume 1 sheet)
7. Proposed paving plan (Assume 1 sheet)
8. SWPPP narrative and erosion control notes & details (Assume 2 sheets)
9. Civil detail sheets (Assume 2 sheets)

Total anticipated sheets = 12

- 3.2. 60% 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.
- 3.3. 60% OPCC – Prepare an estimate of construction quantities and develop an AACE Class II 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 Preliminary Design (60%) plans
- One (8.5"x11") copies and a digital copy in PDF format of the Preliminary Design (60%) specifications, if special specifications necessary
- AACE Class II OPCC

4. Final Design

- 4.1. Final Design Plans – GARVER will prepare final design plans (100%). This will include all necessary details and notes for the construction of the proposed parking lot, and addressing of all Owner provided comments.
- 4.2. 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.
- 4.3. 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

5. Bidding Services

The bidding period for bidders is anticipated to extend for a 60-day duration. The City will post advertisement for bids and coordinate publishing. During the bidding phase of the project, GARVER will:

- 5.1. Assist the City with completing Bid Forms, Bid Item Descriptions, and assembling the contract documents as requested. It is anticipated that the Owner will provide the standard contract language and associated front end documents.
- 5.2. Support the Contract Documents by answering technical questions presented by prospective bidders.
- 5.3. Attend pre-bid meeting. GARVER will prepare the meeting agenda and conduct meeting.
- 5.4. Attend the bid opening, prepare bid tabulation, evaluate bids, and recommend award.

6. Construction Services

During the construction phase of work, GARVER will accomplish the following, as needed, for one construction contract:

- 6.1. Preparation of 5 sets of conformed plans for construction (3- half size 11" x 17" and 2 – full size 22" x 34") with modifications to include all addenda issued during bidding. The Garver shall also supply the Owner with one digital copy of the conforming plans and specifications (with addendums as necessary) in .pdf, Microsoft Word (.docx) and AutoCAD (.dwg) format.
- 6.2. Attend one (1) preconstruction meeting. Owner will prepare the meeting agenda and prepare and distribute the meeting minutes. Assume meetings held in-person at the Owner's office.



- 6.3. Evaluate and respond up to three (3) construction material submittals and shop drawings. Each submittal and shop drawing review includes the original submittal and shop drawing review and an assumption of one (1) resubmittal review. Additional submittal and shop drawing reviews will be considered Extra Work. Corrections or comments made by GARVER on the shop drawings during this review will not relieve the Contractor from compliance with requirements of the Contract Documents. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
- 6.4. Issue up to two (2) instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents. If GARVER is requested to respond to additional RFIs, it will be considered Extra Work.
- 6.5. Provide documentation and assist the Owner in processing of up to one (1) change order, including applications for extension of construction time. Evaluate the cost and scheduling proposed by the contractor and support the Owner in negotiation with the Contractor.
- 6.6. Participate in final project walkthrough, prepare punch list, review final project closing documents, and review and sign final pay request.
- 6.7. Preparation of record drawings based on information provided by the contractor and Owner inspector as follows:
 - 6.7.1. Prepare and furnish record drawings based on Contractor as-built redlines. Submit digital file in PDF and AutoCAD formats, of the record drawings to the City.



Additional Services

1. Surveys

- 1.1. 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).
- 1.2. Research current property owners and obtain copies of subdivision plats, ownership deeds, and easements within the project area.
- 1.3. Locate existing property corners and right-of-way corners to establish property lines and street rights- of-way.
- 1.4. Topographic survey of the design area, from the northside right-of-way of May Road, up to the south side of the existing drainage channel. 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.
- 1.5. 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.
- 1.6. Provide up to one (1) day of additional field work to survey the locations of items as identified by GARVER.



2. Geotechnical Investigation

2.1. Field Exploration

- 2.1.1. Field locate borings by handheld GPS unit. Elevations will be interpolated from civil drawings or referenced from published topographic maps.
- 2.1.2. Mobilize a truck mounted drilling rig to the site.
- 2.1.3. Perform 2 borings at a depth of 10-ft below existing grade.
- 2.1.4. Obtain representative soil samples by means of the split-barrel and Shelby tube sampling procedures in accordance with ASTM Specifications D-1586 and D-1587, respectively.
- 2.1.5. Measure the depth of groundwater at each boring at the time of drilling.

2.2. Laboratory Testing

- 2.2.1. Laboratory testing of representative soil samples will be performed to determine physical and engineering properties of the soil. The laboratory testing will include the following: Moisture Content, Atterberg limits, and Passing No. 200 sieve.

2.3. Engineering Report

- 2.3.1. Upon completion of the field exploration, lab testing, and engineering analyses, a written engineering report will be prepared and include:
 - A review of published soils mapping and/or geologic information.
 - Observations from the site reconnaissance and personnel on the drill rig, including current site conditions, surface drainage features, and surface topographic conditions, and/or available satellite imagery.
 - A description of the field exploration and lab tests performed.
 - Final logs of the soil borings in accordance with industry standard practices for geotechnical engineering. A Boring Location Plan will be included.
 - The results of the lab tests will be plotted on the final exploration logs and/or included on separate test report pages.
 - Discussion of the subsurface materials encountered along with groundwater conditions observed.
 - Recommendations for preparation of pavement subgrade and concrete pavement section.
 - Discussion of earthwork construction considerations for compaction, reuse of soils, groundwater, expansive soils, drainage, or other considerations.

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. Submitting permits for TxDOT
- B. Coordination with franchise utility entities such as Oncor, AT&T, Atmos, etc.
- C. Preparing detailed traffic control plans
- D. Environmental Information Document
- E. Public outreach
- F. Emergency response planning
- G. Sound attenuation
- H. Funding assistance
- I. Warranty assistance services
- J. Utility location services
- K. Environmental handling and documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items
- L. Stormwater permitting
- M. 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

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 & Design Management	\$3,800.00	LUMP SUM
Hydrologic and Hydraulic Evaluation	\$31,935.00	LUMP SUM
Preliminary Design (60%)	\$27,356.00	LUMP SUM
Final Design (100%)	\$18,354.00	LUMP SUM
Bidding Services	\$3,060.00	LUMP SUM
Construction Phase Services	\$4,123.00	LUMP SUM
TOTAL BASIC SERVICES	\$88,628.00	LUMP SUM

WORK DESCRIPTION – ADDITIONAL SERVICES	FEE AMOUNT	FEE TYPE
Survey Services	\$17,508.75	LUMP SUM
Geotechnical Investigation	\$4,025.00	LUMP SUM
TOTAL FEE	\$110,161.75	LUMP SUMP



The lump sum amount to be paid under this Work Order is **\$110,161.75**. For informational purposes, a breakdown of Garver's estimated costs is included herein with approximate current hourly rates for each employee classification.

SECTION 3 – APPENDICES

- 3.1 The following Appendices are attached to and made a part of this Work Order:
 - 3.1.1 Appendix A – Bearden Park Parking Lot Improvements Exhibit
 - 3.1.2 Appendix B – Fee Spreadsheet / Unit Rates

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 Business Team Leader

Date: _____

Date: _____



APPENDIX A





Exhibit B
City of Seagoville
Bearden Park Parking Lot Improvements
Garver Hourly Rate Schedule: July 2023 - June 2024

Classification	Rates
Engineers / Architects	
E-1	\$ 148.00
E-2	\$ 154.00
E-3	\$ 197.00
E-4	\$ 221.00
E-5	\$ 247.00
Designers	
D-1	\$ 118.00
D-2	\$ 135.00
Technicians	
T-1	\$ 95.00
T-2	\$ 115.00
Management / Administration	
AM-1	\$ 75.00
AM-2	\$ 96.00

Agreement for Professional Services
Bearden Park Parking Lot Improvements

Garver Project No. 2301570



TO: Mayor and City Council
FROM: Chris Ryan, Director of Public Works
DATE: June 3, 2024
ITEM: 16
DESCRIPTION: Discuss and consider a of the City Council of the City of Seagoville, Texas, authorizing the City Manager to execute the first amendment to the lower east fork wastewater interceptor system (LEFIS) with the North Texas Municipal district (NTMWD); and providing an effective date.

INTRODUCTION

The purpose of this item is to amendment to the LEFIS contract.

BACKGROUND

On April 1, 2024, the City of Mesquite ("Mesquite") entered into an Interlocal Agreement with the City of Crandall ("Crandall") to provide wholesale wastewater services in an amount not to exceed 500,000 gallons a day to supplement Crandall's current municipal wastewater system through Mesquite's participation in the North Texas Municipal Water District's ("NTMWD") Lower East Fork Wastewater Interceptor System ("LEFIS") which serves Mesquite and the City of Seagoville ("Seagoville") in both Dallas and Kaufman counties pursuant to a contract between Mesquite, Seagoville, and NTMWD (the "LEFIS CONTRACT"); and for consideration. This will not affect any portion of the City of Seagoville's flows nor cost.

FINANCIAL IMPACT

N/A.

RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

1. Resolution
2. 1st Amendment to LEFIS

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE LOWER EAST FORK WASTEWATER INTERCEPTOR SYSTEM (LEFIS) WITH THE NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended (the “**Act**”), cities, counties, special districts, and other legally constituted political subdivisions of the State of Texas are authorized to enter into interlocal contracts and agreements with each other regarding governmental functions and services as set forth in the Act; and

WHEREAS, as authorized by Resolution No. 15-2024 approved on April 1, 2024, the City of Mesquite (“Mesquite”) entered into an Interlocal Agreement with the City of Crandall (“Crandall”) to provide wholesale wastewater services in an amount not to exceed 500,000 gallons a day to supplement Crandall’s current municipal wastewater system through Mesquite’s participation in the North Texas Municipal Water District’s (“NTMWD”) Lower East Fork Wastewater Interceptor System (“LEFIS”) which serves Mesquite and the City of Seagoville (“Seagoville”) in both Dallas and Kaufman counties pursuant to a contract between Mesquite, Seagoville, and NTMWD (the “LEFIS CONTRACT”); and for consideration.

WHEREAS, conditions precedent to Mesquite providing wholesale wastewater service to Crandall included, among others, (a) amendment of the LEFIS CONTRACT increasing the service area for which Mesquite accepts wastewater and authorizing Mesquite to provide wholesale wastewater service to Crandall, and (b) Crandall’s reimbursement of all costs and expenses incurred by Mesquite; and

WHEREAS, the First Amendment to the LEFIS CONTRACT is being presented to both the Seagoville and Mesquite City Councils, and the NTMWD Board of Directors for consideration.

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the Contract and has determined it to be in the best interest of the City of Seagoville to enter into said agreement.

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

SECTION 1. The City Council hereby authorizes the City Manager to execute the First Amendment to the LEFIS CONTRACT with Mesquite and the NTMWD, attached hereto as Exhibit 1 and incorporated herein by reference and made a part hereof.

SECTION 2. This resolution shall take effect immediately from and after its passage and

it is accordingly resolved.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 3rd day of June, 2024.

APPROVED:

Lackey Stepper Sebastian, Mayor

ATTEST:

Sara Egan, City Secretary

APPROVED AS TO FORM:

David Berman, City Attorney

**FIRST AMENDMENT TO THE LOWER EAST FORK
WASTEWATER INTERCEPTOR SYSTEM CONTRACT**

This First Amendment to the Lower East Fork Wastewater Interceptor System Contract (the “Amendment”) is made and entered by and between the North Texas Municipal Water District (the “District”), a conservation and reclamation district created pursuant to Article 16, Section 59 of the Texas Constitution pursuant to Chapter 62, Acts of the 52nd Legislature of the State of Texas, Regular Session, 1951, as amended, with the authority to provide and develop regional systems for wastewater treatment, the City of Mesquite (“Mesquite”), and the City of Seagoville (“Seagoville”). In this Amendment, the District, Mesquite, and Seagoville are referred to collectively as the “Parties.”

WHEREAS, pursuant to a Trinity East Fork Regional Wastewater System Contract (the “Regional Contract”), the District has acquired and constructed a regional Wastewater treatment system to serve various parties to such Regional Contract;

WHEREAS, the Parties have entered into that certain Lower East Fork Wastewater Interceptor System Contract (the “Contract”), effective June 21, 2005, by which the Parties have provided for the acquisition, construction, improvement, operation and maintenance of the “Interceptor System” as defined therein to convey wastewater from Mesquite and Seagoville to the Regional System;

WHEREAS, Mesquite wishes to expand its service area to provide wholesale wastewater services to the City of Crandall and has agreed to cash finance a capital project to increase capacity of the Interceptor System, and Seagoville is in agreement with such changes;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the District and Mesquite and Seagoville hereby contract and agree as follows:

Section 1. The Parties hereby amend Section 3.01 of the Contract to read as follows:
“In consideration of the payments to be made under its respective contract with the District:

- a) Seagoville has and shall have the right to discharge all of its Wastewater into the Interceptor System; and
- b) Mesquite has and shall have the right to discharge the following into the Interceptor System:
 - i) All of its Wastewater from the area shown in Exhibit A; and
 - ii) An additional annual average daily flow of 500,000 gallons per day of flow Mesquite receives from the City of Crandall (the “Crandall Flow”).
- c) Such Wastewater discharged into the Interceptor System must meet the requirements for quality as set forth in the Contract and in the Regional Contract.”

Section 2. The Parties hereby amend Section 5.04 of the Contract to read as follows:
“As the responsible agency for the establishment, administration, management, operation, and

maintenance of the Interceptor System, the District will, from time to time, determine when and to what extent it is necessary to provide additions, enlargements, improvements, repairs, and extensions to the Interceptor System to receive and transport Wastewater of any Participant, including all Additional Participants, and to issue its Bonds or collect cash financing or other funds provided by or on behalf of the Participants and any Additional Participants, to accomplish such purposes, and all Participants, including Additional Participants, shall be obligated to pay both the Operation and Maintenance Components and the Bond Service Component included in the Annual Requirements with respect to the entire Interceptor System, as expanded, as provided in Section 5.03; provided that this Section shall not be construed so as to reduce or alter the requirements of Sections 5.03 or 8.02 with respect to minimum payments.”

Section 3. The Parties hereby amend Article V of the Contract by adding a new Section 5.05 to read as follows: “5.05 CONSTRUCTION OF LIFT STATION IMPROVEMENTS. Upon execution of this Amendment, the District shall design, permit and construct with commercial diligence until completion of the lift station improvements as identified in Exhibit B of this Amendment that are needed to serve the Crandall Flow. Such improvements shall become a part of the Interceptor System, and the District shall invoice Mesquite directly for those costs at such time as funds are appropriated for such improvements. Mesquite shall be responsible for paying the invoices within thirty (30) days after receipt of each invoice for payment.”

Section 4. Unless otherwise specifically set forth in this Amendment, all capitalized terms used herein shall have the meanings set forth in the Contract.

Section 5. Except as provided in this Amendment, and subject to the modifications set forth herein, the original terms and provision of the Contract shall remain in full force and effect.

Section 6. This Amendment may be executed by the Parties in several counterparts, each of which shall constitute an original, to be effective as of the last date of execution.

NORTH TEXAS MUNICIPAL WATER DISTRICT

By: _____
Richard Peasley, President, Board of
Directors

Date: _____

ATTEST:

David Hollifield, Secretary, Board of Directors

Date: _____

CITY OF MESQUITE, TEXAS

By: _____
Daniel Alemán Jr, Mayor

Date: _____

ATTEST:

City Secretary, Mesquite

Date: _____

CITY OF SEAGOVILLE, TEXAS

By: _____
Lackey S. Sebastian , Mayor

Date: _____

ATTEST:

City Secretary, Seagoville

Date: _____

Exhibit A

Exhibit B

Cost Estimate for Lower East Fork Lift Station Improvements. The estimate includes material costs, engineering design fees, and general contingency.

Item No.	Description	Quantity	Unit	Unit Price	Estimated Cost
1	Lift Station Expansion of 22.0 MGD (two additional pumps)	1	LS	\$ 600,000	\$ 600,000
2	Pump replacement or adjustment (unconfirmed)	1	LS	\$300,000	\$ 300,000
3	New Generator and electrical service (unconfirmed)	1	LS	\$1,000,000	\$ 1,000,000
	Contingency (25%)				\$ 475,000
	Escalation June 2019 - May 2022 (28.5%)				\$ 677,000
	Total Construction				\$ 3,052,000
	Engineering/Survey (15% of Total Construction)				\$ 458,000
	Inspection (2% of Total Construction)				\$ 61,000
	Project Cost				\$ 3,571,000



TO: Mayor and City Council
FROM: Chris Ryan, Director of Public Works
DATE: June 3, 2024
ITEM: 17
DESCRIPTION: Discuss and consider directing Staff on the selection of the movie(s) to view at the annual "Movie in the Park" event to be held on: Saturday August 17, 2024, and Saturday September 14, 2024.

INTRODUCTION

The purpose of this item is for engineering services for the city senior center parking lot.

BACKGROUND

These events are hosted by the City of Seagoville and is open to the public. Citizens can come to the Movie in the Park events to be held at C.O Bruce Park located at 1801 N Hwy 175 Seagoville, Texas, 75159. The Movie in the Park promotes unity within the community. It includes two (2) nights of free entertainment for the entire family, with In an Out Burger to serve up to 250 Free Burgers, Chips, and Drinks to the community while watching the movie.

Staff is seeking the direction of Council concerning the movie to be viewed at each of the dates listed above for this annual event. There will also be a snow cone vendor. The following movies are up for consideration, there are seven (8) PG rated movies available to select from.

- **WISH (2024) PG-** In "Wish" Asha, a sharp-witted idealist, makes a wish of powerful that it is answered by a cosmic force-a little ball of boundless energy called Star. Together, Asha and Star confront a most formidable foe-the ruler of Rosas, King Magnifico- to save her community and prove that when the will of one courageous human connects with the magic of the stars, wondrous things can happen.
- **Trolls Band Together (2023) PG-** When Branch's bro Floyd is kidnapped for his musical talents by a pair of nefarious pop-star villains-Velvet and Veneer-Branch and poppy embark on a harrowing and emotional journey to reunite the other brothers and rescue Floyd from a fate even worse than pop-culture obscurity.
- **Teenage Mutant Ninja Turtles Mutant Mayhem (2023) PG-** Raphael, Leonardo, Donatello and Michelangelo are four turtle brothers with a unique set of skills and a penchant for mischief, which runs them afoul of New York City, yet when a horde of sinister



mutants begin to wreak havoc, the city must learn to rely on the turtles if they are to be saved.

- **Kung Fu Panda 4 (2024) PG-** Follow Po on his wide-eyed adventures in ancient China, whose love of kung fu is matched only by an insatiable appetite.
- **Unleash your Powers PAW PATROL (2023) PG-** When a magical meteor crash lands in Adventure City, it gives the Paw Patrol pups superpowers, transforming them into The MIGHTY PUPS! For Skye, the smallest member of the team, her new powers are a dream come true. But things take a turn for the worse when the pups' archrival Humdinger breaks out of jail and the teams up with a mad scientist to steal the superpowers for the two villains. With the fate of Adventure City hanging in the balance, the Mighty Pups must stop the supervillains before it's too late, and Skye will need to learn that even the smallest pup can make the biggest difference.
- **Wonka (2023) PG-** The film is based on character by Roald Dahi, inspired especially by one of Dahi most beloved characters. Willy Wonka, and takes place before the events of "Charlie and the Chocolate Factory".
- **Under the Boardwalk (2023) PG-** Under the boardwalk at the Jersey Shore, a land crab townie falls in love with a sea crab tourist, but tensions between their friends and families rise. When the storm casts the duo far from home, their love will lead them on an adventure.
- **Migration (2023) PG-** Illumination, creators of the blockbuster "Minions, Despicable Me, Sing and The Secret Life of Pets comedies invites you to take flight into the thrill of the unknown with a funny, feathered family vacation like no other in the action-packed new original, "Migration.

FINANCIAL IMPACT

FY2024 budget.

RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

1. List of Movies

Seagoville ★



Movie's In the Park

2024



WISH

Anticipated 1/24/24

Animated Feature

Voices by: Ariana DeBose, Chris Pine, Alan Tudyk

Walt Disney Pictures

Directed by Chris Buck, Fawn Veerasunthorn

In “Wish” Asha, a sharp-witted idealist, makes a wish of powerful that it is answered by a cosmic force—a little ball of boundless energy called Star. Together, Asha and Star confront a most formidable foe—the ruler of Rosas, King Magnifico— to save her community and prove that when the will of one courageous human connects with the magic of the stars, wondrous things can happen.



Trolls Band Together

Anticipated 2/14/24

Animated Feature

Voices By: Anna Kendrick, Daveed Diggs, Justin Timberlake

Universal Studios

Directed by Walt Dohrn, Tim Heitz

Rated PG; 92 Minutes; 2023

When Branch's bro Floyd is kidnapped for his musical talents by a pair of nefarious pop-star villains-Velvet and Veneer-Branch and poppy embark on a harrowing and emotional journey to reunite the other brothers and rescue Floyd from a fate even worse than pop-culture obscurity



Teenage Mutant Ninja Turtles Mutant Mayhem

Animated Feature

Voices by: Micah Abbey,

Shamon Brown Jr., Nicolas Cantu

Paramount Pictures

Directed by Jeff Rowe

Rated PG; 99 Minutes 2023

Raphael, Leonardo , Donatello and Michelangelo are four turtle brothers with a unique set of skills and a penchant for mischief, which runs them afoul of New York City, yet when a horde of sinister mutants begin to wreak havoc, the city must learn to rely on the turtles if they are to be saved .



Kung Fu Panda 4

Anticipated 5/08/24

Animated Feature

Voices by: Angelina Jolie, Jackie Chan, Seth Rogen

Universal Studios

Directed by Mike Mitchell, Stephanie Stine 2024

Follow Po on his wide-eyed adventures in ancient China, whose love of kung fu is matched only by an insatiable appetite.



Unleash your Powers PAW PATROL

Animated Feature

Voices by: Finn Lee-Epp, Ron Pardo, Mckenna Grace Directed by Cal Brunker

Paramount Pictures

Rated PG; 92 Minutes; 2023

When a magical meteor crash lands in Adventure City, it gives the Paw Patrol pups superpowers, transforming them into The MIGHTY PUPS! For Skye, the smallest member of the team, her new powers are a dream come true. But things take a turn for the worse when the pups' archrival Humdinger breaks out of jail and teams up with a mad scientist to steal the superpowers for the two villains. With the fate of Adventure City hanging in the balance, the Mighty Pups have to stop the supervillains before it's too late, and Skye will need to learn that even the smallest pup can make the biggest difference.



Wonka

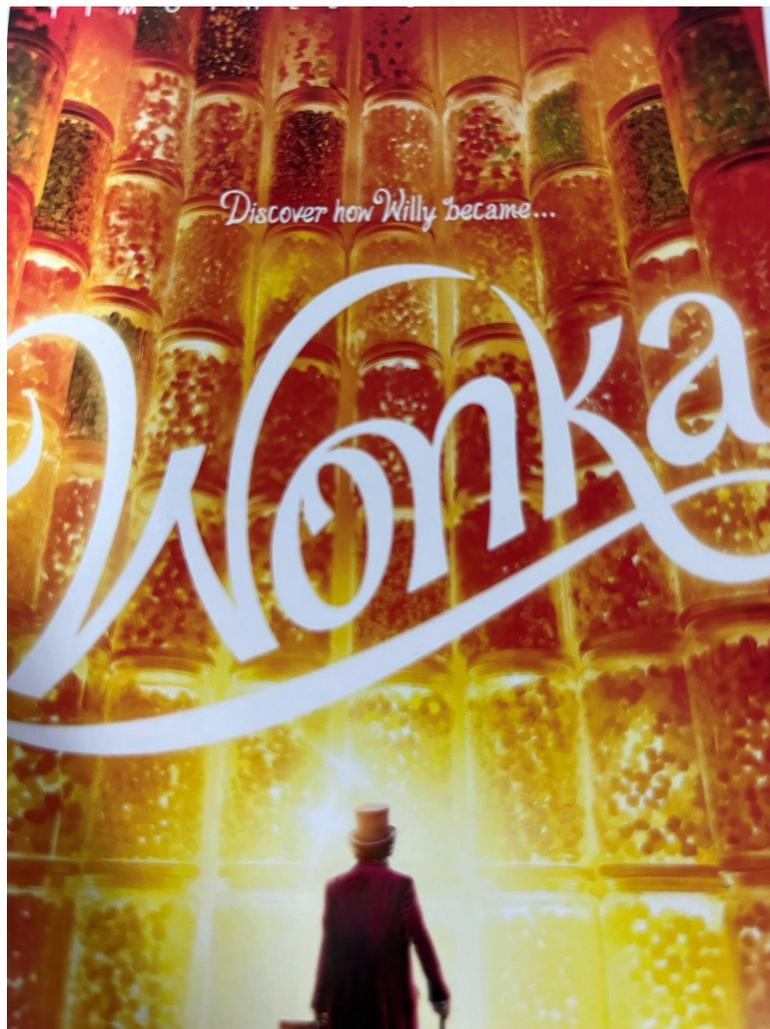
Anticipated 3/20/24

Timothee Chalamet, Keegan-Michael Key, Olivia Colman

Directed by Paul King

Rated PG; 113 Minutes; 2023

The film is based on character by Roald Dahi, inspired especially by one of Dahl's most beloved characters. Willy Wonka, and takes place before the events of "Charlie and the Chocolate Factory".



Under the Boardwalk

Animated Feature

Voices by: Keke Palmer, Michael, Bobby Cannavale

Paramount Pictures

Directed by David Soren

Rated PG; 83 Minutes; 2023

Under the boardwalk at the Jersey Shore, a land crab townie falls in love with a sea crab tourist, but tensions between their friends and families rise. When the storm casts the duo far from home, their love will lead them on an adventure.



MIGRATION MOVIE

Anticipated 2/21/24

Voices by: Elizabeth Banks, Awkwafina-Michael Key

Universal Studios

Directed by Benjamin Renner, Guylo Homsy

Rated PG:2023

Illumination, creators of the blockbuster “Minions, Despicable Me, Sing and The Secret Life of Pets comedies invites you to take flight into the thrill of the unknown with a funny, feathered family vacation like no other in the action-packed new original, “Migration.”





TO: Mayor and City Council

FROM: Bill Medina, Director of Community Development

DATE: June 3, 2024

ITEM: 18

DESCRIPTION: Discuss and consider an Ordinance amending the Code Of Ordinances, City of Seagoville, by amending Section 13.03.003, "Exceptions," of Article 13.03, "Noise," of Chapter 13, "Offenses and Nuisances," to replace Subsection (3) to allow noise related to construction activity between specified hours on certain dates; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and providing an effective date.

INTRODUCTION

Council has asked Staff to examine the possibility of amending Article 13.03 "Noise" Chapter 13 of the Seagoville Municipal Code of Ordinances.

BACKGROUND

The current Noise Ordinance provides an exception to construction equipment operating between the hours of 7:00 a.m. and 7:00 p.m.. Given the large volume of new development projects, a request has been made to determine if alternative exceptions to the noise ordinance may be permitted to accommodate the current and future construction projects.

Staff believes the proposed ordinance will accommodate several nonresidential development projects in completing construction on a more expeditious timeline. The proposed amendment to noise violation exceptions would replace the 7:00 a.m. and 7:00 p.m. regulation with the following:

"Construction activity at any time other than between the hours Monday through Saturday 7:00am and 7:00pm; and between 1:00pm and 7:00pm on Sundays provided, however, the City Manager may issue special permits for such work at other hours in case of urgent necessity and in the interest of public safety and convenience."

FINANCIAL IMPACT

N/A

RECOMMENDATION

N/A

ATTACHMENTS

1. Current Regulations
2. Proposed Ordinance

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 13.03.001 Penalty.

An offense under this article shall be deemed to be a misdemeanor and, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate punishable offense.

(Ordinance 20-06, sec. 12-137, adopted 10/5/06)

§ 13.03.002 Prohibitions.

- (a) It shall be unlawful for any person to make, cause or allow to be made any unreasonably loud or raucous noise within the city which may be offensive to a reasonable person of normal sensitivity within the area of audibility.
- (b) The following acts are deemed to create an unreasonably loud or raucous noise and shall be deemed a violation of this article, but such enumerated acts are merely an aid and amplification of the general prohibition of unreasonably loud or raucous noises in the city and are in no way an exclusive list of the types or sounds of noises prohibited by this article:
 - (1) The playing of any horn, radio, musical instrument, or other loud-speaking or noise-making device or attachment, or vocal shouting or outcry for purposes of selling anything, in a public or private place, in such a manner or volume as to disturb the peace, quiet and comfort of a reasonable person of normal sensitivity.
 - (2) The playing of any horn, radio, musical instrument, or other loud-speaking or noise-making device or attachment on any premises under the ownership, management or control of a person or business operation, in such a manner or volume as to disturb the peace or to be unreasonably offensive to a reasonable person of normal sensitivity in the vicinity or occupants of other premises in the vicinity.
 - (3) To create, make, cause or allow to be made any means of any loud and disturbing noise which may disturb a reasonable person of normal sensitivity in the vicinity of any public or private place after 11:00 p.m. and before 6:00 a.m.
 - (4) To be operating or in control of a motor vehicle in either a public or private place within the city while playing any sound amplifier which is a part of, or connected to, the vehicle stereo system or any other similar device in the motor vehicle, in such a manner that, when operated, it is audible at a distance of thirty (30) feet from the source or causes a reasonable person of normal sensitivity to be aware of the vibration accompanying the sound at a distance of thirty (30) feet from the source.
 - (5) The keeping of any animal or bird which by causing frequent or continuing noise shall disturb the comfort and repose of any person of normal sensitivity within the area of audibility.
 - (6) Any noise or sound of such a character, intensity and duration which shall disturb the comfort and repose of any person of normal sensitivity within the area of audibility.
 - (7) Engine braking prohibited. No person may use an engine-exhaust braking system while operating a motor vehicle within the corporate limits of the city. For the purpose of this section, the term engine-exhaust braking system means an engine-exhaust braking system device which converts diesel-engine power into an air compressor and when engaged operates to slow the vehicle, creating an unreasonable noise. It shall also include the production of excessive noise produced by engine retarders due to a truck operating with improperly maintained, defective, or modified muffler systems or the use of straight exhaust pipes with no mufflers.

(Ordinance 20-06, sec. 12-135, adopted 10/5/06; Ordinance 12-16 adopted 3/7/16)

§ 13.03.003 Exceptions.

The provisions of this article shall not apply to sounds produced by or emanating from the following types of events, acts or activities:

- (1) The lawful operation of aircraft, trains or legally registered motor vehicles operating on public roadways, provided that such vehicles are equipped with all noise-suppression devices required by state law.
- (2) Equipment used exclusively in the maintenance of or repairs of buildings or grounds, provided that such equipment is rated at not more than fifteen (15) horsepower.
- (3) Construction equipment operating between the hours of 7:00 a.m. and 7:00 p.m.
- (4) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- (5) The operation of farm equipment.
- (6) Parades, fairs or similar outdoor entertainment, provided that a permit for such activity has been granted by the city for not more than ten (10) days.
- (7) Lawfully operating athletic events on public property or on the grounds of private schools, religious institutions or similar nonprofit institutions.
- (8) Reasonable or ordinary noise of children at play in parks and other public places.
- (9) The reasonable use of automobile signals or horns in accordance with state law as set forth in the Texas Transportation Code and as amended from time to time.
- (10) The reasonable ringing of church bells.

(Ordinance 20-06, sec. 12-136, adopted 10/5/06)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF SEAGOVILLE, BY AMENDING SECTION 13.03.003, “EXCEPTIONS,” OF ARTICLE 13.03, “NOISE,” OF CHAPTER 13, “OFFENSES AND NUISANCES,” TO REPLACE SUBSECTION (3) TO ALLOW NOISE RELATED TO CONSTRUCTION ACTIVITY BETWEEN SPECIFIED HOURS ON CERTAIN DATES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds and determines that the City’s Noise regulations are obsolete and impractical as they relate to the use of construction equipment, and that the rapid increase in development activity creates a need for review and revision; and

WHEREAS, the City Council desires to revise the city’s noise regulations to balance the comfort and repose of citizens with the need to encourage and accommodate development activity, and that the revision of existing regulations are in the best interest of the citizens of the City and the public health, safety and welfare.

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

SECTION 1. Chapter 13, “Offenses and Nuisances,” of the Code of Ordinances, City of Seagoville, Texas, be and is hereby amended by amending Section 13.03.003 of Article 13.03, “Noise,” to repeal subpart (3) of Section 13.03.003 and replace subpart (3) in its entirety with a new subpart (3) to read in its entirety as follows:

**“CHAPTER 13
OFFENSES AND NUISANCES**

...

**ARTICLE 13.03
NOISE**

...

Sec. 13.03.003 – Exceptions.

The provisions of this article shall not apply to sounds produced by or emanating from the following types of events, acts or activities:

...

- (3) Construction activity between the hours of 7:00 AM and 7:00 PM Monday through Saturday and between 1:00 PM and 7:00 PM on Sundays; provided, however, the city manager may issue permits for such work at other times in case of urgent necessity and in the interest of public safety and convenience.

...”

SECTION 2. That all ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3. That should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance or the codes adopted hereby, as same may be amended, shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this ordinance, and upon conviction shall be punished by fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each violation.

SECTION 5. That this ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, on _____ day of _____, 2024.

APPROVED:

LACKEY STEPPER SEBASTIAN, MAYOR

ATTEST:

SARA EGAN, CITY SECRETARY

APPROVED AS TO FORM:

DAVID M. BERMAN, CITY ATTORNEY



TO: Mayor and City Council
FROM: Sara Egan, City Secretary
DATE: June 3, 2024
ITEM: 19
DESCRIPTION: Discuss and consider authorizing the City Secretary to realign the place numbering system of current terms for boards and commissions to be presented during the annual appointment/reappointment of board members.

INTRODUCTION

The purpose of this item is to authorize the City Secretary to realign the place numbering system of current terms for boards and commissions to be presented during the annual appointment/reappointment of board members at the June 17, 2024 meeting.

BACKGROUND

Place numbering systems for board positions is a tool to track appointments, vacancies, staggered terms, and overall appointment details. The change in board members over time may cause an imbalance in the staggered terms to occur. The general practice for 2-year terms is to have all odd number places to expire on odd years and even number places to expire on even years to maintain a balance of staggered terms.

FINANCIAL IMPACT

N/A

RECOMMENDATION

City Secretary recommends approval.