



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes

City Council

Tuesday, February 20, 2024

5:30 PM

Council Chambers

1. **Call to Order**

Mayor Donna Dodgen called the City Council Regular Meeting to order at 5:30 P.M.

2. **Invocation - Council Member Chris Rangel**

3. **Pledge of Allegiance/Salute to the Texas Flag**

4. **Roll Call**

Present: 8 - Council Member Joe Rea, Council Member Sonia Mendez, Council Member Jim Lievens, Council Member Chris Rangel, Council Member Paul Gaytan, Council Member Monica N. Carter, Council Member Jason Biesenbach, and Council Member Bill Keller

Presiding: 1 - Mayor Donna Dodgen

5. **Hearing of Residents:**

Invitation to hear citizens and council members in advance of regular business on items other than what is on the agenda, which shall be limited to five (5) minutes. Due to the Open Meetings Act discussions on matters not on the agenda are not allowed, therefore discussion shall be limited to 1) Statements of specific factual information given in response to any inquiry; 2) A recitation of existing policy in response to an inquiry; 3) A proposal to place the subject on the agenda for a future meeting; 4) For the record, please state your name and address before speaking.

Clara Winters, 1818 Auxiliary Airport Rd, thanked City Council for approving the new bathroom at the Seguin-Saegert Pickleball Complex. She informed that there is a strong group of people who play there. Often, all 9 courts are full with 12 paddles in the paddle rack waiting to play. She said the new courts have brought many people in the community together, but they have also brought people to Seguin from all over Texas, California, Connecticut, Florida, Michigan, Massachusetts, Arizona, and even South Africa and Australia. She commented that her main areas of concern were that the gates to the courts are not locked overnight and that there have been people rollerblading and skateboarding on the courts. She suggested that the signs prohibiting those activities be made larger.

Cindy Burton, 138 Walton Way, dittoed Ms. Winters. She agreed that the new courts are an asset for the community as it improves the quality of life of residents and brings

all demographics together. She thanked City Council for their support of the Seguin-Saegert Pickleball Complex.

Councilmember Biesenbach announced that early voting started today. He encouraged everyone that is registered to vote to go vote as every vote counts.

Councilmember Keller said that there are bluebonnets blooming near his home so spring is around the corner,.

Mayor Dodgen reminded everyone that the first public meeting for the re-development of the Wells Fargo Building in downtown Seguin is tomorrow, Wednesday, February 21, 2024 at 6 P.M. at the Seguin Public Library and invited everyone to attend. She also informed that Seguin only needs 4 more people to sign up for the Blood Drive to meet its goal. The bloodmobile will be at the Coliseum Parking Lot from 9 A.M. to 1 P.M. on Friday, February 23, 2024.

6. Presentation

a. Career & Technical Education Month Proclamation

Indexes:

Attachments: [2024 Career and Technical Education Month Proclamation](#)

Mayor Dodgen read the Career and Technical Education Month Proclamation and declared February 1 - 29, 2024 "Career and Technical Education Month" in Seguin, Texas.

Economic Development Director Josh Schneuker commented on the workforce development efforts made by Seguin over the last year. He said that there has been several new connections made in the industry and Ashlynn Tover-Read has done excellent job creating and managing those connections. Schneuker announced that this is Ashlynn's last week with the City of Seguin as she is leaving to go to work for FAME USA. He said she worked diligently to get a FAME chapter set-up in Seguin and that she did such a great job they asked her to come work for them. She will be setting up FAME chapters across the state of Texas. Schneuker said that it will be weird to come to work and Ashlynn not be here, but knows that this is a great opportunity for her and is proud of the professional that she has become.

Ashlynn Tover-Read said that choosing to leave Seguin was the hardest decision of her life. She recognized that she would not have been given the opportunity to work for FAME USA without the City and the ISD and is grateful for her time here and for the mentorship that Josh Schneuker has provided to her. Lastly, she said that is not goodbye forever, because she still lives in Seguin and would be around.

b. Engineers Week Proclamation

Indexes:

Attachments: [Engineers Week 2024](#)

Mayor Dodgen read the Engineers Week proclamation and declared February 19 - February 24, 2024 "Engineers Week" in Seguin, Texas.

C.

Presentation & discussion on brush all grapple truck service, John Donnelly, director of Public Works

Indexes:

Attachments: [all grapple truck service memo 1-9-241 - PH Edits.docx](#)
[brush all grapple 1-16-24 \(002\).docx](#)

Public Works Director John Donnelly said that if alley brush removal was discontinued there would be 27 alleys and 1,012 residents that would be affected. Currently, alley brush pickup is performed by a crew and chipper machine, as the use of the grapple trucks in the alleys is unsafe due to electrical lines, tree and garbage obstructions and, in some areas, unimproved pavement. Donnelly explained that using the chipping machine instead of the grapple trucks is labor intensive and subjects his workers to more injury. In 2016, Public Works experienced 300 lost days of work from work-related injuries. Since the purchase of the first grapple truck, Public Works has lost only 25 days of work due to work-related injuries. The grapple trucks are able to remove more brush debris in a shorter time frame with less injury, improving efficiency. He said that Public Works currently operates two grapple trucks but would like to add up to two more grapple trucks to the fleet and reclassify the positions needed to operate the added trucks.

Donnelly explained the approach Public Works would take to educate and communicate the change of service to the affected residents and gave a phased timeline to remove alley chipping by January 2025.

Councilmember Lievens identified that this was not just a safety issue, but also an efficiency issue.

Mayor Dodgen thanked Donnelly for continuing to offer this service to Seguin residents.

City Manager Parker agreed with Mayor Dodgen. He explained that Seguin is able to offer brush chipping 5 cycles a year, much more than other cities who typically offer it once or twice a year. With the growth that Seguin is experiencing, the new grapple trucks would be able to prolong that exceptional service.

7. **Consent Agenda**

**Councilmember Rea moved to approve the items on the Consent Agenda.
Mayor Pro Tem Carter seconded the motion.**

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

a.

January 19, 2024 City Council Workshop Minutes and February 6, 2024 City Council Regular Meeting Minutes

Indexes:

Attachments: [CC.Workshop.Minutes January 19, 2024](#)
 [CC.Meeting.Minutes February 6, 2024](#)

The minutes of the January 19, 2024 City Council Workshop and the February 6, 2024 City Council Regular Meeting were approved.

b.

Check Report: February 3, 2024 to February 16, 2024

Indexes:

Attachments: [Check Report 02032024 - 02162024](#)

The bills were acknowledged.

c.

Ordinance on second reading to consider amendments to the City of Seguin's Unified Development Code (UDC) Sections 1.2.1 & 1.2.2 Officials- Authority and Responsibilities of the City Council and Planning and Zoning Commission, and Section 3.2.18 Planning Unit Development.

Indexes:

Attachments: [CC Memo UDC PUD District 2024](#)
 [Planning Commissioner Report-UDC Amendments 3.2.18, 1.2.1, 1.22](#)
 [Ordinance PlannedUnitDev 2024](#)

This Ordinance was adopted.

Enactment No: ORD 2024-005

d.

Ordinance on second reading amending the Seguin Code of Ordinances Chapter 98, Traffic and Vehicles, Article II, Traffic Control Devices, Section 98-40, Designation of No Through Truck Traffic Streets by adding East Pine Street to the list; providing for publication of this Ordinance; providing a severability clause; providing for an effective date; and authorizing city staff to prepare this ordinance for submission as a supplement to the code of ordinances.

Indexes:

Attachments: [2024-02-06 Memo E Pine St thru trucks](#)
 [2024.02.06 Ordinance No Thru Trucks E Pine](#)
 [E. Pine St. \(809 E Pine St\)](#)
 [2024.01.12 Request](#)

This Zoning Ordinance was adopted.

Enactment No: ORD 2024-006

e.

Comprehensive Safety Action Plan Safe Streets and Roads for All (SS4A) Study Review Committee and Transportation + Mobility Master Plan (TMMP) Advisory Committee Appointments. Melissa Reynolds, Director of Engineering

& Capital Projects - Jennifer R. Shortess, PE, CFM - Assistant Director of Engineering & Capital Projects

Indexes:

Attachments: [CC Memo Advisory Committees Feb 2024](#)

The appointment was approved.

- f. 2024 Downtown Street Closures and Sale of Alcohol Requests - Kyle Kramm, Main Street & CVB Director/HPO.

Indexes:

Attachments: [City Council Memo Street Closures 2024](#)

This Action Item was approved.

- g.

Resolution of the City Council of Seguin, Texas accepting the Petition for Release from the City's Extraterritorial Jurisdiction filed by David and Cynthia Cox for three properties in Guadalupe County (Property ID's 70322, 70336 and 70324) and granting the request for Release effective the date of the passing of this Resolution - Pamela Centeno, Director of Planning & Codes

Indexes:

Attachments: [Staff Memo_ETJ Release Request from Cox](#)
 [Resolution Release_Cox](#)
 [Petition Release_Cox](#)

This Resolution was approved.

Enactment No: RES 2024-036

- h.

Resolution of the City Council of Seguin, Texas accepting the Petition for Release from the City's Extraterritorial Jurisdiction filed by Jason Lewis for two properties in Guadalupe County (Property ID's 150515 and 156801) and granting the request for Release effective the date of the passing of this Resolution - Pamela Centeno, Director of Planning & Codes

Indexes:

Attachments: [Staff Memo_ETJ Release Request from Lewis J](#)
 [Resolution Release_Lewis J](#)
 [Petition Release_Lewis J](#)

This Resolution was approved.

Enactment No: RES 2024-037

- i.

Resolution of the City Council for the City of Seguin, Texas, authorizing

submission of a grant application in response to the U.S. Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant Program. - Kathy Wood, Grant Administrator

Indexes:

Attachments: [02-20-2024 City Council MEMO to Submit Assistance to Firefighter Grant \(AFG\) Application](#)
[Resolution.Fire.Grant](#)

This Resolution was approved.

Enactment No: RES 2024-038

j.

Resolution of the City Council for the City of Seguin, Texas, authorizing submission of a grant application in response to the Office of the Governor, Public Safety Office, Homeland Security Grants Division, FY2025 Local Border Security Program. - Kathy Wood, Grant Administrator

Indexes:

Attachments: [02-20-2024 City Council MEMO to submit FY25 LBSP Application](#)
[02-20-2024 City Council RESOLUTION to submit FY25 LBSP Application](#)

This Resolution was approved.

Enactment No: RES 2024-039

k.

Resolution of the City Council for the City of Seguin, Texas, authorizing submission of a grant application in response to the Office of the Governor, Public Safety Office, Homeland Security Grants Division, State and Local Cybersecurity Grant Program - Mitigation Projects, FY2025.- Kathy Wood, Grant Administrator

Indexes:

Attachments: [02-20-2024 City Council MEMO to submit FY25 SLSGP-Mitigation Application](#)
[02-20-2024 City Council RESOLUTION to submit FY25 SLSGP-Mitigation Application](#)

This Resolution was approved.

Enactment No: RES 2024-040

l.

Resolution of the City Council for the City of Seguin, Texas, authorizing submission of a grant application in response to the Office of the Governor Public Safety Office, Homeland Security Grants Division, State and Local Cybersecurity Grant Program- Assessment and Evaluation Projects, FY 2025 - Kathy Wood, Grants Administrator

Indexes:

Attachments: [02-20-2024 City Council MEMO to submit FY25
SLSGP-Assessment and Eval. Application](#)
 [02-20-2024 City Council RESOLUTION to submit FY25
SLSGP-Assessment and Eval. Application](#)

This Resolution was approved.

Enactment No: RES 2024-041

8. Action Items - Discussion and Possible Motion to Approve

- a. Public Hearing and Resolution authorizing the City Manager to enter into of a Professional Services Agreement with Kimley-Horn for the design and other engineering services to implement Railroad Quiet Zones in Seguin; and establishing an Effective Date. - Melissa Reynolds, P.E., CFM - Director of Engineering & Capital Projects

Indexes:

Attachments: [2024.02.06 Memo RRQZ PSA](#)
 [PSA - Kimberly Horn - RRQZ-FINAL](#)
 [Resolution.Kimley.Horn](#)

City Engineer Melissa Reynolds recalled that City Staff began research on the potential for implementation of Railroad Quiet Zones in Seguin at the request of City Council in 2022. In December 2023, a Request for Qualifications was released for Professional Services for development of Railroad Quiet Zones for the City of Seguin. On January 29, 2023. City staff reviewed the statement(s) of qualifications and recommend awarding the contract to Kimley-Horn and Associates, Inc. for \$213,445 based on their presented experience and qualifications. This project was budgeted for in this fiscal year's CIP budget.

Mayor Dodgen opened the Public Hearing at 5:54 P.M.

There being no public comment, Mayor Dodgen closed the Public Hearing at 5:54 P.M.

A motion was made by Council Member Rea, seconded by Council Member Carter, that this Resolution be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens,
 Council Member Rangel, Council Member Gaytan, Council Member Carter,
 Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2024-042

- b. Public Hearing and Resolution authorizing the City Manager to enter into a Reimbursement Agreement for Quiet Zone Services with Union Pacific Railroad; and establishing an Effective Date. Melissa Reynolds, P.E., CFM - Director of Engineering & Capital Projects

Indexes:

Attachments: [2024.02.20 Memo UP Reimb. Agreement \(1\)](#)
 [2024.02.20 Resolution UP Reimb. Agreement](#)
 [2024-01-09 QZRA TX187001](#)

City Engineer Melissa Reynolds explained that the Union Pacific Railroad requires a public authority wishing to move forward with any project that may impact their right-of-way to enter into a standard Reimbursement Agreement. Because the City wishes to initiate a Railroad Quiet Zone Project, it will trigger the need for such an agreement. City Staff recommends the execution of the agreement in order to allow the City to begin the evaluation and design of the quiet zones. The reimbursement agreement indicates an estimated reimbursement of \$50,000. This cost will be over the estimated budget for FY2024 and will be accounted for with a mid-year budget adjustment of \$15,000.

Mayor Dodgen opened the Public Hearing at 5:56 P.M.

There being no public comment, she closed the Public Hearing at 5:56 P.M.

A motion was made by Council Member Rea, seconded by Council Member Keller, that this Resolution be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2024-043

C.

Public Hearing and Ordinance on first reading amending the Seguin Code of Ordinances Chapter 74, Parks, amending Article IV, Standards of Care for Youth Recreation Programs; providing for publication of this ordinance; providing a severability clause; providing for an effective date; and authorizing city staff to prepare this ordinance for submission as a supplement to the Code of Ordinances - Jack Jones, Director of Parks and Recreation.

Indexes:

Attachments: [Memo for Standards of Care for 2024-2025](#)
 [2024-2025 JAAM Parent Handbook](#)
 [Ordinance.Amend.Standards.of.Care](#)

Parks and Recreation Director Jack Jones explained the State of Texas Department of Family and Protective Services administers state regulations and general licensing procedures for all child-care facilities. Municipalities can choose to be exempted from the licensing requirements and applicable state regulations if certain conditions are met, and provided the municipality annually adopts by ordinance standards of care after a public hearing. The JAM After School program and Summer Camp are guided by the Standards of Care for Youth Recreation Programs (Program Handbook). Differences contained in the Program Handbook 2024-2025 from last year include;

updated program withdrawal policies, account changes and inquiries can only be made by the primary or secondary guardian on the child's account, addition of a restroom policy and the requirement that all participants must be potty trained and independent with clothing changes. The new handbook also clarifies that the after school program does not have access to the nurse's office and children's medication stored with the school district, removes Intercession Day as a holiday, and further clarifies that a person with a legal right to the child may pick them up at any time.

Mr. Jones stated that the Parks and Recreation Advisory Board unanimously approved the Standards of Care for Youth Recreation Program at their February 5, 2024 and City Staff recommends City Council approval.

Mayor Dodgen opened the Public Hearing at 5:59 P.M.

There being no public comment, Mayor Dodgen closed the Public Hearing at 5:59 P.M.

A motion was made by Council Member Keller, seconded by Council Member Biesenbach, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

d.

Resolution authorizing the purchase of 40 transformers in various sizes for use on new development projects and restocking purposes by the Electric Utilities department declaring date-Adam Ryals, Manager Utility Warehouse and Rick Cortes Deputy City Manager

Indexes:

Attachments: [Agenda Item Memo 1.12.24 Transformers](#)

[Resolution 40 Transformers 1.12.24](#)

[Bid Tab AF-2024-11 Transformers](#)

Utility Warehouse Manager Adam Ryals stated that City Staff solicited for bids for the purchase of forty (40) transformers in various sizes, as described in the attached bid tabulation for use by the City's Electric Utilities Department. He informed that seven bids were received, ranging from \$106,898 to \$326,684. After review, City Staff recommended approval to purchase the transformers from Sunbelt Solomon Services, LLC for \$189,520 because they had the shortest lead time, 42-56 days.

A motion was made by Council Member Jason Biesenbach, seconded by Council Member Chris Rangel, that this Resolution was approved.. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2024-044

e.

Resolution authorizing the City Manager to execute an Interlocal Agreement between the City of Seguin, Texas and Meadowlake Water Control and Improvement District 1

Indexes:

Attachments: [Meadowlake.Memo.Feb.20.2024](#)

[1. Resolution](#)

[2. Secretary Certificate - Interlocal Agreement](#)

[SEGUIN_COs 2024_INTERLOCAL AGREEMENT](#)

This Resolution was tabled.

f.

Ordinance on first reading of the City Council of Seguin, Texas amending Chapter 46, Article VIII, to amend the City of Seguin Noise Ordinance; authorizing City Staff to prepare this ordinance as a supplement to the City Code of Ordinances; providing for a severability clause; providing for publication; and declaring an effective date. Mark Kennedy, City Attorney

Indexes:

Attachments: [Noise.Ordinance.Memo](#)

[Council Noise Ord Presentation](#)

[Noise.Ordinance \(2024.Amendment\)\(Final\)\(Redline\)](#)

Mr. Parker reminded that in November 2023, the Seguin Police Department gave a presentation on the City of Seguin noise ordinance. This presentation compared Seguin's current city noise ordinance with other surrounding jurisdictions. Since then, City Staff have worked together to propose a new noise ordinance, giving Seguin PD clear direction to properly enforce noise issues within our community.

Parker explained that the proposed new decibel levels for the community are:
- Up to 85 decibels during daytime which is from 8:00 a.m. to 10:00 p.m. (11:00 p.m. on Fridays and Saturdays)
- Up to 75 decibels during nighttime which is from 10 p.m. to 8:00 a.m. (from 11:00 p.m. on Fridays and Saturdays)

Mr. Parker stated that the proposed levels are representative of what other communities are doing in regard to noise levels and added that this ordinance also proposes a sound permit for those entities who might be requesting a variance from sound levels such as the Monster Truck Show. Now, every police officer has an decibel reader application on their cell phone.

City Attorney Mark Kennedy added that the new ordinance would eliminate the section on vibrations, making the nuisance measurable, therefore enforceable. He also mentioned that the new ordinance escalates punitive damages, increasing the fine with repeated offenses.

Mr. Parker thanked the Planning and Codes Department, Deputy City Manager Rick

Cortes, and City Attorney Mark Kennedy who all worked together to come up with the proposed ordinance.

Councilmember Gaytan asked how this ordinance would affect concerts at The Backyard and wanted to know if the parameters were sufficient to eliminate the 1 A.M. noise nuisance downtown.

Attorney Kennedy reminded that simply being able to hear music doesn't equate a nuisance - the noise would have to exceed the decibel levels described in the ordinance.

Councilmemembr Gaytan asked what studies had been done to ensure that the City is assigning appropriate levels to the different types of zones in the City i.e. downtown, residential, bar district, commercial. Mr. Kennedy answered that the noise levels provided were done and presented in Oct 2023 and there has not been a study done since then.

Councilmemembr Lievens suggested that the City Council adopt the ordinance to establish the new parameters but allow for City Council to take action and amend the ordinance if and when the adopted parameters are exceeded. Mr. Parker also suggested that the proposed ordinance is a good starting point.

Councilmember Gaytan proclaimed that as the Councilmember for the downtown district he could not support adopting this ordinance without more studies and more data.

Mayor Dodgen reminded that City Council requested that City Staff update the ordinance, not gather more data.

Councilmember Lievens questioned whether the ordinance describes the location that the measurement must occur as clearly as Mr. Kennedy described it.

Councilmember Biesenbach asked Lt. Mike McCann to give the examples of different decibel levels that he presented at a previous meeting.

Mayor Dodgen closed this item at 6:13 P.M. with the intent of reopening it further down the agenda.

Mayor reopened the item at 6:27 P.M.

Councilmember Biesenbach read that 75 decibels is equivalent to the sound of a gas powered lawn mower, 85 decibels to the inside of loud restaurant. He said that his experience as a sound technician with his church has helped him learn the difference between sounds and he thought that the proposed parameters are not too loud.

Gaytan reiterated that he would not support adopting the ordinance until there is more studies conducted and data collected so that he can make an informed decision. He would rather do it right the first time and wait for more information.

Mayor Dodgen suggested that City Council adopt the ordinance and ask City Staff to present more data in 6 months.

Biesenbach voiced that he likes the way that staff has written the ordinance, clarifies things that were unclear originally, and increases the fines with repeated offense.

Councilmember Lievens said he respects Gaytan's opinion but believes that different zones may make things more difficult with enforcement. He declared that he was comfortable with adopting the proposed decibel levels because they are similar to what other cities have adopted and are industry established. He announced that he would be in favor of adopting the ordinance now with the ability to amend it in the future if needed.

Councilmember Rangel and Councilmember Keller agreed that a baseline needed to be adopted. Rangel added that data would need to continue to be gathered as Seguin grows and changes.

Councilmember Biesenbach mentioned that City Council just approved the street closures for downtown in the consent agenda, providing a map to City Staff on where and when to gather data.

Councilmember Rea proclaimed that the residents have asked for and want the music and entertainment in Seguin.

Councilmember Rangel opined that the complaints received are for DJs more than anything else.

Councilmember Lievens asked if fines would be assessed within the first six months and Mayor Dodgen confirmed that they would as the full ordinance would be in effect upon final approval.

Gaytan voiced that he would like fines not to be issued the first six months.

Mr. Parker mentioned that adopting this ordinance would give "teeth" for police officers to address any noise complaints at short-term rental properties, but as always the officers could use their discretion.

Mayor Dodgen asked Chief Brady to comment on an officer's discretion. Chief Brady said that the officers wield a great deal of discretion in everything that they do. Their goal is to contact the violator and get compliance. A citation is typically reserved for those who refuse to comply or who offend repeatedly.

A motion to approve was made by Councilmember Keller, seconded by Councilmember Lievens, that this Ordinance be approved on first reading. The motion carried by the following vote:

9.

Ordinance on first reading amending the Seguin Code of Ordinances, Appendix C - Fee Schedule, Chapters 50; providing for a severability clause; declaring an effective date; and authorizing city staff to submit this Ordinance as a supplement to the Seguin Code of Ordinances; Greg Dreiss, Fire Marshal

Indexes:

Attachments: [Council Memo Permit Fee Changes 2024](#)
 [Modified Permit Fee 2024](#)
 [Ordinance.Amending.Ch.50.App.C](#)

Fire Marshall Greg Dreiss explained that the proposed ordinance would adjust multiple

fees to ensure that the permit fees charged account for the staff hours required to complete the permit reviews and required inspections. A survey of surrounding cities was conducted to ensure new permit fees do not exceed regional charges.

He said that City Staff recommend increasing the following fees:

1. Preliminary Plan Reviews
2. Underground Fire Lines
3. Fire Sprinkler Systems
4. Fixed Pipe Suppression Systems
5. Smoke Control Systems
6. Fire Alarm Systems
7. Day Care Annual Inspections
8. Medical Facility Annual Inspections
9. Commercial Burn Permits
10. Tent Permits
11. Carnival Ride Inspections
12. Rushed Reviews
13. After Hours Inspections
14. Re-inspections
15. Fire Watch

Mr. Dreiss detailed that City Staff recommended adding the following fees:

1. Private Hydrant Inspections
2. Emergency Responder Radio Coverage Systems
3. Fireworks Display Permits
4. Partial Inspections
5. Punch List Inspections
6. Fire Watch with an apparatus
7. Nuisance Fire Alarms

And lastly, he explained that City Staff recommended the following fees be removed:

1. Final Inspection Fee (Now included in preliminary plan review)
2. LPG tank permits
3. Mobile Food Vendor (A fee is collected by Health Department)

A motion was made by Councilmember Biesenbach, seconded by Councilmember Keller, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

h.

Ordinance on first reading amending the 2018 International Fire Code; providing for a severability clause, providing for an effective date; providing for publication of this ordinance; and authorizing staff to submit this ordinance as a supplement to the Code of Ordinances, Greg Dreiss, Fire Marshal.

Indexes:

Attachments: [Council Memo fire code amendments 2024](#)

[Ordinance amending 2018 International Fire Code updates](#)

Fire Marshall Greg Dreiss gave an overview of the proposed amendments to the 2018 International Fire Code. The amendments consisted of defining and setting a fee for excessive nuisance fire alarms, defining when a self-storage unit would require a fire sprinkler system, and clarifying what occupancy classifications are regulated by the fire sprinkler system requirement that is already in place. Additionally, it adds a requirement for all multi-family units to install an automatic suppression stove extinguishing system if a fire sprinkler system is not already installed and adjusts the height requirement of a Knox Box from 8' to 6'.

Councilmember Gaytan quesitoned if a self-storage that was not tempature controlled would need a sprinkler system and Mr. Dreiss answered that if the unit has exterior access only and is under 6,000 sqft then it does not need a sprinkler system.

A motion to approve was made by Councilmember Rea, seconded by Councilmember Gaytan, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

i.

Resolution declaring a retired Unimac gear extractor as Surplus Property; authorizing its transfer to the New Berlin Volunteer Fire Department; and declaring an effective date - Dale Skinner, Fire/EMS Chief

Indexes:

Attachments: [Council Memo Extractor Donation 2024](#)

[Extractor Asset Disposal Form](#)

[Gear.Extractor.Surplus.Property\(Resolution\)](#)

A motion was made by Council Member Lievens, seconded by Council Member Carter, that this Resolution be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: 2024R-046

j.

Resolution approving the trade in of retired Medic Unit #318 as part of the purchase of a Medic unit; and declaring an effective date - Dale Skinner, Fire/EMS Chief

Indexes:

Attachments: [Seguin Estimate Q2781-1](#)
 [Council Memo Ambulance Trade In 2024](#)
 [Resolution.Trade.318](#)

A motion was made by Council Member Biesenbach, seconded by Council Member Lievens, that this Resolution be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

k.

Resolution of the City Council for the City of Seguin, Texas, authorizing submission of a Community Project Funding request to the Office of Congresswoman Monica De La Cruz for inclusion in the FY2025 U.S. House of Representatives Appropriation Committee funding requests. - Kathy Wood, Grant Administrator

Indexes:

Attachments: [02-20-2024 City Council MEMO to Submit Community Project Funding](#)
 [Activity Center Board Resolution to BGC](#)
 [Resolution.Community.Project.Funding](#)

Justice Holmes and Kathy Woods explained that the U.S. House of Representatives' House Appropriation Committee is accepting requests for the Community Project Funding (CPF), formerly known as "earmarks", for the Fiscal Year 2025 appropriations process. Through the CPF program, members of Congress may direct funds to specific entities and projects to serve the public good.

They explained that Congresswoman Monica De La Cruz has offered to sponsor the City of Seguin's CPF request. The City is asking for \$2.3M to rehabilitate the Seguin Activity Center located at 624 Zorn Street. This money would be used for the building repairs and to bring the building to code. The CPF does not have a matching component and would be considered an Economic Development Initiative as it would be the only activity center in the City Limits.

Additionally, Ms. Holmes stated that the City Council approved a resolution in 2013, conveying the building and operation of the Seguin Activity Center to the Boys & Girls Clubs of South-Central Texas. The building has been closed since 2014, but when it was open played a vital role in the community, providing many educational and recreation programs for children and adults. If awarded the grant, the City intends to use the funding to restore the building and re-open the activity center with or without the participation of the Boys & Girls Club.

Biesenbach proclaimed that earmarks are nothing more than a glorified bribe by politicians to buy votes and gave several examples in history to support his statement. He said that while the project is admirable, the local voters should decide how and when to fund the project. He agrees that an activity center is needed, but does not agree with using this mechanism to fund it. He would like the City to hold the Boys &

Girls Club accountable for the promises they made. And in the case that they cannot operate the activity center, the residents of Seguin should pay for it and not everyone across the country by using federal funds.

Ms. Woods explained that the grant funds have already been allocated and will be awarded whether Seguin receives the grant or not.

Councilmember Gaytan declared that he is 100% in support of this grant request. He stated that the City has limited funds and does not have the money to invest in this very important project. He believes that an activity center is a vital part of a community and reflected on how his experiences at the Boys Club was a very important part of his childhood. He does not want the City to miss out on this opportunity.

Councilmember Biesenbach agreed that Seguin needed to do something to try to provide for an activity center, but does not like the idea of the federal government spending money it does not have.

Councilmember Rangel stated that if Seguin doesn't get awarded the money, someone will. The money will be spent either way so he thinks Seguin should submit the grant application.

Councilmember Keller questioned who owns the building currently and opined that because the Boys & Girls Club signed the resolution 11 years ago, they acknowledged that the City owns the building.

Mr. Parker informed that the Boys and Girls Club is planning to go out to solicit money to make improvements to the building. He said the Boys and Girls Club has the money for annual operations, about \$350-500k annually, but they do not have the money to make the improvements to the building. He added that it would be good if the City could find a partner to successfully operate an activity center.

Mayor Dodgen suggested that something needs to happen to begin the process of getting an activity center operating in Seguin and that the City needed to start somewhere.

Mayor Pro Tem Carter asserted that this grant gives potential to bring back something that they thought would never come back to life. She stated that City Council is doing the children of this community a huge disservice if they allow this opportunity to pass.

Councilmember Rangel agreed with Mayor Pro Tem Carter and recalled that the Boys & Girls Club was open for everyone to attend and he would like an opportunity to bring it back for the kids.

Councilmember Lievens commented that no one at the dais is against having an activity center. He said not knowing who will own and operate the center is his main concern. He doesn't want the City to invest this much money and watch it go to waste. Whomever operates the facility needs to be held accountable to certain operational standards. Seguin deserves the best so the activity center needs to be run correctly.

Mayor Pro Tem Carter said that she trusts City Manager and Attorney and knows that they will look closely into the ownership and operation of the center, but that it would be silly to pass up the opportunity to receive the grant.

Mayor Dodgen agreed with Mayor Pro Tem Carter and said there is still time to clarify that who will own and operate the center.

A motion was made by Council Member Carter, seconded by Council Member Rea, that this Resolution be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Nay: 1 - Council Member Biesenbach

Aye: 7 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, and Council Member Keller

Enactment No: RES 2024-048

I.

Resolution of the City Council for the City of Seguin, Texas, authorizing submission of a grant application in response to the Office of the Governor, Public Safety Office, Operation Lone Star Grant Program, FY2025. - Kathy Wood, Grant Administrator

Indexes:

Attachments: [02-20-2024 City Council MEMO to submit FY25 Operation Lone Star Application](#)
[02-20-2024 City Council RESOLUTION to submit FY25 Operation Lone Star Application](#)

Justice Holmes informed that the Office of the Governor Public Safety Office is soliciting grant applications for Operation Lone Star. She explained that this grant is available to applicants where a local disaster declaration has been issued relating to border security issues. Guadalupe County recently passed such a resolution which enables our Seguin to apply for this grant funding. Holmes said the grant application is due mid-March, requires no matching funds. The City would use the awarded funds to purchase vehicles outfitted for canine units, add up to two staff members, and other various equipment to assist the Joint Operations and INtelligence Centers.

Councilmember Biesenbach read that on January 30, 2024, Guadalupe County Commissioner's Court approved a resolution supporting Governor Abbott's efforts to secure the Texas-Mexico border. He attempted to get a similar resolution on the City Council's resolution but the deadline to get an item on the agenda had passed. He proclaimed that the City should not "ride on the coattails of the County" to be eligible for this grant money, but should pass its own resolution of support.

Councilmember Biesenbach motioned to postpone this item to March 5, 2024 to give City Staff time to draft a resolution similar to Guadalupe County's resolution. Councilmember Keller seconded the motion.

Councilmember Gaytan voiced his opposition to the motion, stating that it was forcing his hand to make a decision on a political statement not related to the question at hand.

Biesenbach said that he was not trying to be divisive, that the word "invasion" has a constitutional meaning and he would like the City of Seguin to pass a resolution of support itself instead of falling back to the County.

Councilmember Lievens asked about the grant application timeline.

Kathy Woods responded that the application is due March 13th so the deadline could be met if the item was considered at the March 5th City Council meeting.

Mayor Pro Tem Carter, Councilmember Lievens, and Councilmember Rangel stated that they opposed postponing this item.

Councilmember Lievens pleaded that he does not want to be divisive and respects the views of everyone on City Council. He said fighting for this is not worth what it could do to the unity of City Council.

The motion to postpone this item to the March 5, 2024 meeting failed by the following vote:

For: Mendez, Keller, Biesenbach

Against: Lievens, Rangel, Carter, Rea, Gaytan

A motion was made by Mayor Pro Tem Carter that this Resolution be approved, Councilmember Gaytan seconded the motion. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Nay: 1 - Council Member Biesenbach

Aye: 7 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, and Council Member Keller

Enactment No: 2024R-049

m.

Resolution authorizing the execution of the Second Amendment to the Performance Agreement between the Seguin Economic Development Corporation and Yukon Venture Partners, LLC. - Josh Schneuker, Director of Economic Development

Indexes:

Attachments: [2024-02-20 Yukon PA Amendment 2 Memo \(Seguin CC MTG\)](#)
[SEDC Resolution 2024-05 Yukon Ventures 2nd Amendment](#)
[Resolution Second Amendment Yukon Performance Agreement \(Seguin City Council\)](#)
[Second Amendment Yukon PA](#)

Economic Development Director Josh Schneuker reminded that in the spring of 2022, City Council approved a Performance Agreement for Yukon to develop a cold storage warehouse facility on a 15.8-acre tract of land located at Lawson Street and US Hwy 90. The facility will be at least 150,000 square feet and have a minimum total capital investment of \$30,000,000.

Due to delays experienced as they moved through the City's development process as well as the delays created by the Lawson Street Reconstruction Project, Yukon was unable to finalize their development plans. The Second Amendment to the Performance Agreement changes the deadline to commence construction from February 15, 2024 to December 31, 2025 and the deadline to complete construction from December 31, 2024 to December 31, 2025. Schneuker informed that the Seguin Economic Development Corporation approved the Second Amendment at their February 12, 2024 meeting.

A motion was made by Council Member Keller, seconded by Council Member Carter, that this Resolution be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2024-050

9. **Closed Session**

Mayor Dodgen, City Council, City Manager Steve Parker, Deputy City Manager Rick Cortes, City Attorney Mark Kennedy, and Economic Development Director Josh Schneuker convened into Closed Session at 7:13 P.M.

- a. **Pursuant to Section 551.087 of the Texas Government Code - Deliberation Regarding Economic Development Negotiations (1)** to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. **(2)** to deliberate the offer of a financial or other incentive to a business prospect.

- Project Jackpot
- Project DIY

Indexes:

- b. **Pursuant to Sections 551.071(2) and 551.086 of the Texas Government Code - Consultation with Attorney (1)** for the City Council to deliberate and/or consult with and seek advice from its attorney(s) regarding certain City utilities and/or arrangements with the wholesale providers for certain City utilities. Possible action may follow in Open Session.

Indexes:

- c. **Pursuant to Sections 551.071(2) and 551.072 of the Texas Government Code - Consultation with Attorney and Deliberation Regarding Property Negotiations (1)** for the City Council to deliberate and/or consult with and seek advice from its attorney(s) regarding prospective use and/or lease of City of Seguin Parks facilities.

Indexes:

10. **Reconvene Regular Council Meeting Action and Consider Action on Items as a Result of Closed Session.**

Mayor Dodgen reconvened into Open Session at 7:54 P.M. No action was taken as a result of Closed Session.

11. Adjournment

Mayor Dodgen adjourned the meeting at 7:54 P.M.

Donna Dodgen, Mayor

Attest:

Kristin Mueller
City Secretary