



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes

City Council

Tuesday, December 17, 2024

5:30 PM

Council Chambers

1. Call to Order

Mayor Dodgen called the meeting to order at 5:30 P.M.

2. Invocation - Stephen Shortess, St. Andrew's Episcopal Church

3. Pledge of Allegiance/Salute to the Texas Flag

4. Roll Call

Excused: 1 - Councilmember Monica N. Carter

Present: 7 - Councilmember Joe Rea, Councilmember David Eveld, Councilmember Jim Lievens, Councilmember John Carlsson, Councilmember Paul Gaytan, Councilmember Bill Keller, and Councilmember Jason Biesenbach

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.

Linda Duncan, 1633 Golden Sage Dr., congratulated Mayor Dodgen for being voted as Top Choice Best Elected Official and Top Choice Local Celebrity by the audience of KWED Radio AM 1580/Seguin Daily News and presented her with a plaque.

Rick Spenser, 1436 Seguin, on behalf of the Seguin Elks Lodge, invited everyone to attend the Veterans and First Responders Breakfast on the 3rd Saturday of every month. The cost is \$8 per person but free to veterans and first responders. This Saturday's breakfast will consist of a breakfast casserole, biscuits and gravy, coffee and orange juice.

Councilmember Lievens thanked to Mayor Dodgen for doing a proclamation to honor Lillian Lieven's 100th birthday on November 23rd. He commended Mayor Dodgen for being so agreeable to attend everything that comes her way and for bringing such high energy and being friendly. Additionally, he said while he was taking his mother and her

friends to eat at Burnt Bean, he noticed a lack of handicap parking spaces downtown and has asked Melissa Reynolds to look into it.

Mayor Dodgen informed that Jerry Hernandez, a former Seguin Police Department employee, passed away this morning. She asked that we all keep his family in our thoughts and prayers. Mayor Dodgen also congratulated Human Resource Generalist Courtney Tolliver for graduating with her MBA in Information Systems from Lamar University and Police Lieutenant Mike McCann for graduating with his MS in Applied Criminology from A&M Commerce.

6. Presentation

- a. Certificate of Recognition presented to Burnt Bean Co. on receiving a MICHELIN Bib Gourmand award and being included in the inaugural MICHELIN Guide Texas. - Donna Dodgen, Mayor

Indexes:

Mayor Dodgen read the proclamation congratulating Burnt Bean Co. for being a Michelin Bib Gourmand winner.

- b. City of Seguin Financial Reports for the Year Ended September 30, 2024. - Susan Caddell, Director of Finance

Indexes:

Finance Director Susan Caddell gave the Financial Reports for Year Ended September 30, 2024.

- c. Presentation and update on the project status of Rudeloff Road Phase I construction. - Melissa Reynolds, P.E., CFM, MPA - Director Capital Projects | Engineering

Indexes:

Director of Capital Projects and Engineering Melissa Reynolds gave an update on the status of the Rudeloff Project. She informed that construction started this summer and the utility work is 70% complete and the road is approximately 7% complete, consisting mostly of ROW clearing. She explained that the current focus is Culvert #3 and the waterline. Roadway construction is scheduled to begin first quarter of next year. While there is still a conflict with AT&T, the project is still moving forward, with an estimated completion early 2026. She stated that potholes are being patched in areas of wash out but that the contractor is required to keep the road drivable and maintain it up to the condition it was in when the project began.

Councilmember Carlsson thanked Mrs. Reynolds for her responsiveness to his questions and concerns related to this project. He commented that pothole maintenance does make things a little better and that any progress reports on this project are appreciated.

Councilmember Lievens thanked Mrs. Reynolds for her presentation and declared that he does not give her enough credit. She has won many awards in her field and things have really moved forward at a much faster pace since she has been employed with the City. Councilmember Lievens asked Mrs. Reynolds when she thought the two new lanes will be open and Mrs. Reynolds replied in about six months, but depends on

weather as well as if there are any change orders. Because this is a federally funded project, any change orders must not only be approved by the City, but AAMPO, TxDot and the Federal Government.

Councilmember Carlsson commented that because there is no center strip on the road it is difficult to navigate at night. Deputy City Manager Rick Cortes said that the City can look at striping the road, but that it require spending tax payer money on a temporary solution.

7. Consent Agenda

A motion was made by Councilmember Keller, seconded by Councilmember Biesenbach, that the following Consent Agenda items be approved. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

- a. Minutes of the December 3, 2024 City Council Regular Meeting.

Indexes:

This Minutes was approved.

- b. Check Report November 30, 2024 through December 13, 2024.

Indexes:

The Check Report was acknowledged.

- c. Board and/or Committee Appointments - Mayor Donna Dodgen

- a. Building and Standards
- b. Commission on the Arts
- c. Central Texas Tech Center Advisory
- d. Golf Advisory
- e. Historic Preservation
- f. Library Foundation
- g. Library Advisory
- h. Main Street Advisory
- i. Parks & Recreation Advisory
- j. Planning & Zoning Commission
- k. Seguin Economic Development Corp
- l. SSLGC
- m. Zoning Board of Adjustments

Indexes:

This Action Item was approved.

- d. Approval of reports for the quarter ended September 30, 2024 for the

following organizations that receive Occupancy Tax funding. - Susan Caddell, Director of Finance

- a. Seguin Conservation Society
- b. Mid-Texas Symphony
- c. Teatro de Artes de Juan Seguin
- d. Seguin-Guadalupe County Hispanic Chamber of Commerce
- e. Seguin Heritage Museum
- f. Guadalupe County Fair Association
- g. Seguin LULAC Council #682
- h. Seguin Art League
- i. The Fields of Huber Ranch, LLC

Indexes:

This Action Item was approved.

- e. Approval of Quarterly Investment Report for Quarter Ended September 30, 2024 - Susan Caddell, Director of Finance

Indexes:

This Action Item was approved.

- f. Ordinance on second reading amending the Seguin Code of Ordinances, Chapter 102, Utilities, Article VII, Drought Contingency and Water Emergency Response Plan to adopt the 2024 Drought Contingency and Water Emergency Response Plan for the City of Seguin; providing for a severability clause; providing for publication of this Ordinance; authorizing City staff to prepare this Ordinance as a supplement to the Seguin Code of Ordinances; and declaring an effective date. - Timothy J. Howe, Director - Water / Wastewater Utilities

Indexes:

This Ordinance was adopted.

Enactment No: ORD 2024-066

- g. Ordinance on second reading amending the Seguin Code of Ordinances, Appendix D - Discharges for Industrial Wastes to adopt revised technically based local limits for the City of Seguin Wastewater Treatment Plants; providing for a severability clause; providing for publication of this Ordinance; authorizing City staff to prepare this Ordinance as a supplement to the Seguin Code of Ordinances; and declaring an effective date. - Timothy J. Howe, Director - Water / Wastewater Utilities

Indexes:

This Ordinance was adopted.

Enactment No: ORD 2024-067

8. Action Items - Discussion and Possible Motion to Approve

- a. Resolution approving the budgets for the following organizations that receive Occupancy Tax funding - Susan Caddell, Director of Finance
- a. Seguin Conservation Society
 - b. Mid-Texas Symphony
 - c. Teatro de Artes de Juan Seguin
 - d. Seguin-Guadalupe County Hispanic Chamber of Commerce
 - e. Seguin Heritage Museum
 - f. Guadalupe County Fair Association
 - g. Seguin LULAC Council #682
 - h. Seguin Art League
 - i. The Fields of Huber Ranch, LLC

Indexes:

Finance Director Susan Cadell explained that these budgets were submitted to her by each of the organizations that receive Occupancy Tax funding and need City Council's approval.

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

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

Enactment No: RES 2024R-286

- b. Resolution to review City of Seguin Investment Policy in order to conform to Public Fund Investment Act, Texas Government Code Annotated, Chapter 2256. - Susan Caddell, Director of Finance

Indexes:

Finance Director Susan Caddell reminded that the law requires the City to review and adopt an Investment Policy annually. No changes to the policy were made.

A motion was made by Councilmember Keller, seconded by Councilmember Biesenbach, that this Action Item be approved. The motion carried by the following vote:

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

- c. Resolution to review and adopt the list of brokers/dealers authorized to engage in investment transactions with the City of Seguin - Susan Caddell, Director of Finance

Indexes:

Finance Director Susan Caddell informed that a list of brokers and dealers authorized to engage with the City of Seguin is required by the Investment Policy and the Public Funds Investment Act. The list is attached to this resolution as an exhibit.

A motion was made by Councilmember Rea, seconded by Councilmember Eveld, that this Action Item be approved. The motion carried by the following vote:

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

- d. Resolution of the City Council of the City of Seguin, Texas awarding a bid in the amount of \$17,911,808.79 to D&D Contractors, Inc. for the North Heideke Street Drainage Improvement Project (a GLO CGBG-MIT Grant Project); authorizing the City Manager to enter into a construction contract with D&D Contractors, Inc.; and declaring an effective date. - Melissa Reynolds, PE, MPA, CFM, Director Capital Projects | Engineering

Indexes:

Director of Engineering and Capital Projects Melissa Reynolds reminded that the City of Seguin was awarded a grant for nearly \$38M from the General Land Office for flood mitigation and infrastructure improvements. The City has divided the work into four projects and the largest of the 4 projects is the North Heideke project. The request for bid consisted of a base bid and bid alternate. The City received 6 sealed bids. The base bid amounts ranged from \$15.5M to \$24M. The bid alternate amounts ranged \$17.9M to \$22.6M. TRC is the engineer of record for this project. After completing the bid tab analysis, the recommendation was to go with the bid alternate because the October 2026 deadline for completion is critical to ensure grant funding. The apparent low bidder for the alternate bid, D&D Contractors, Inc. has successfully completed similar work in the past. Additionally, they are nearing completion on a complex street reconstruction project with the City of Seguin and they have performed well on that project. The engineer of record, TRC, conducted reference checks on other projects supplied and found they have successfully completed those projects. Mrs. Reynolds recommended that the project be awarded to the low bidder for the Alternate Bid, D&D Contractors, Inc. in the amount of \$17,911,808.79.

Joe Olivares, 211 W. Jefferson Ave., Harlingen, informed that he represents GO Underground LLC, the apparent low bidder on the base bid. He explained that his bid was for nearly \$2.3M less than was awarded. He said he had checked with local suppliers who guaranteed that box culverts had a lead time of only 2-3 weeks. He said he has been in this business for 24 years and is bonded up to \$60M. He said that he has had very little communication with the engineer on this project and would have liked the opportunity to explain his means and methods. He asked City Council to consider tabling this item and revisiting it at a future meeting.

Councilmember Gaytan asked Mrs. Reynolds for her response to Mr. Olivares. Mrs. Reynolds answered that TRC and City Staff did a diligent review of references and bid items and that their recommendation stands. She said that there were a lot of factors that played into the decision, like the discrepancy in bid, limited references and experience with a project of this size, the location and accessibility of the street, and large scale new developments and the timeline and critical nature of the project.

Deputy City Manager Rick Cortes commented that knowing the contractor and the quality of the work they do makes a difference on a project of this size. He added that he is confident in the recommendation made.

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

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 6 - Councilmember Rea, Councilmember Eveld, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

Abstain: 1 - Councilmember Lievens

Enactment No: RES 2024R-289

- e.** Resolution adopting Guidelines and Criteria for Tax Abatements; and declaring an effective date. - Josh Schnueker, Director of Economic Development

Indexes:

Director of Economic Development Josh Schnueker explained that Chapter 312 of the Tax Code requires that the guidelines and criteria for tax abatements need to be readopted every two years. No changes to the existing guidelines were made and this would extend the effective date through 12/31/2026.

Councilmember Carlsson congratulated Mr. Schnueker for the recent press release.

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

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

Enactment No: RES 2024R-290

- f.** Resolution of the City Council of the City of Seguin, Texas authorizing the City Manager to approve a Purchase Order with Deere & Company-Tellus Equipment Solutions in the amount of \$75,057.76 for the

purchase of a John Deere Tractor for the Parks and Recreation Department; and declaring an effective date. -Jack Jones, Director of Parks and Recreation

Indexes:

Director of Parks and Recreation Jack Jones informed that this request is to purchase a tractor that will be used to drag and chisel the rodeo arena for horse and barrel racing. Staff received a BuyBoard quote in the amount of \$75,057.76 from John Deere Company through Tellus Equipment Solutions located in Seguin. BuyBoard is a Local Government Purchasing Cooperative. City purchases utilizing BuyBoard are in compliance with all State bidding requirements. Funding for this purchase was approved in the FY24/25 Capital Equipment Budget.

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

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

Enactment No: RES 2024R-291

- g.** Resolution to authorize the City Manager to execute a 1st Amendment to Agreement Between the City of Seguin and Darrell Dullnig, for services as an Associate Municipal Court Judge, extending the original Agreement until end of March 2025. - Mark Kennedy, City Attorney

Indexes:

City Attorney Mark Kennedy explained that Darrell Dullnig executed a contract for municipal judicial services with the City of Seguin in 2023, the term of which ran until December 6, 2024. His appointment has remained that of an "Associate Judge", even though he is the lone judge presiding over municipal matters, after Judge Kevin Kolb passed away on March 28, 2023. Staff would like an opportunity to properly procure a contract for Judicial Services, resulting in an appointment to the Municipal Judge position by City Council in accordance with City Ordinance. Extending Judge Dullnig's contract through the first quarter of 2025 will provide staff the opportunity to develop specifications and bring an item back to City Council to identify and implement the process for procuring such services. Since Judge Dullnig's contract expired on December 6, 2024, an extension is appropriate under the circumstances. If the contract extension is approved, Judge Dullnig will hold over in his appointment until end of the contract term, March 30, 2025.

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

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

Enactment No: RES 2024R-292

- h.** Resolution of the City Council of the City of Seguin, Texas, for accepting for filing a Landowner Petition requesting the creation of the Walnut Springs Public Improvement District; finding the petition to be compliant with applicable laws; calling a public hearing to consider the creation of the Public Improvement District; authorizing and directing that notice of the Public Hearing to be given as required by law; providing for an immediate effective date; and resolving other matters in connection therewith. - Mark Kennedy, City Attorney

Indexes:

City Attorney Mark Kennedy informed that this resolution is accepting the filing of a Landowner Petition requesting the creation of the Walnut Springs Public Improvement District and scheduling a public hearing.

Stephanie Liebe, Partner at Norton Rose Fulbright, informed that the Developer had a new map created for the district that will make a slight change to the acreage included in the district. She will work with the City Secretary's Office to ensure that the notice is properly updated before publishing.

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

Excused: 1 - Councilmember Carter

Presiding: 1 - Mayor Dodgen

Aye: 7 - Councilmember Rea, Councilmember Eveld, Councilmember Lievens, Councilmember Carlsson, Councilmember Gaytan, Councilmember Keller, and Councilmember Biesenbach

Enactment No: RES 2024R-293

9. Closed Session

Mayor Dodgen convened into Closed Session at 6:31 P.M.

- a.** EXECUTIVE/CLOSED SESSION MEETING - An executive/closed session meeting will be held pursuant to **Section 551.087 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.
- Downtown Projects

Indexes:

10. **Reconvene into Open Session and Take Action on Items as a Result of Closed Session, if Necessary**

Mayor Dodgen reconvened into Open Session at 6:56 P.M.

11. **Adjournment**

Mayor Dodgen wished everyone a Merry Christmas.

Mayor Dodgen adjourned the meeting at 6:57 P.M.

Donna Dodgen, Mayor

ATTEST:

Kristin Mueller, City Secretary