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# City of Seguin

210 E. Gonzales Street  
Seguin TX, 78155

## Meeting Minutes

### City Council

Tuesday, July 17, 2018

5:30 PM

Council Chambers

#### 1. Call to Order

*The City Council met in a REGULAR Called Meeting on at 5:30 pm in the City Hall Council Chambers, City Hall, 210 East Gonzales in City of Seguin, with Mayor Don Keil presiding.*

#### 2. Invocation - Mayor Pro Tem Fonda Mathis

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

#### 4. Roll Call

**Present:** 7 - Council Member Donna Dodgen, Council Member Mark Herbold, Council Member Fonda Mathis, Council Member Ernest Leal, Council Member Jeannette Crabb, Council Member Chris Rangel, and Council Member Jim Lievens

**Presiding:** 1 - Mayor Don Keil

#### 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. Discussion of any item not on the agenda 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.**

*Name: Alan Kuntschik  
Address: 2131 Silo Ridge  
City: Seguin, Tx*

*Wanted to know what the City could do about the drainage in the Mill Creek Crossing area. There are issues that the contractor will not address. Range Rd is a dead end road and the HOA is hoping the city will work with the HOA and contractor to resolve the issues.*

*Mrs. Shepard  
2123 N. Austin  
Martindale Street is a speed way and she & her son have lost their mail boxes numerous times due to high speeding and people unable to control vehicle.*

*Name: Rev. Jeremy Roy  
Address: 210 S Travis  
City: Seguin, Tx*

*Announced intentions to run for District 5 Council Member position and expressed his condolences to the Medrano family.*

*Name: Paul Mayer  
Address: 2193 Pioneer Pass  
City: Seguin, Tx*

*Wanted to know if they are being assessed every year on the taxes? Mayor Keil explained that the Appraisal District assess the taxes on property/homes and he can protest his taxes each year, if desired. The Appraisal District is a separate entity than the city.*

*Council Member Ernest Leal - said the light at Continental will be a great asset to the area.*

*Council Member Jim Lievens - thanked staff for willingness to work with the HOA of Mill Creek.*

*Mayor - Suggested to City Council that it is time to figure out what to do about the old library. We have had the bldg assessed and Doug will be sending the report out. Citizens may want some input. Will place this on the next City Council agenda for discussion.*

*Also, Mayor expressed his condolences to the Medrano Family on behalf of the Seguin City Council.*

## **6. Consent Agenda**

**A motion was made by Council Member Mathis, seconded by Council Member Crabb, that this be approved on the Consent Agenda. The motion carried by the following vote:**

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

**a. [18-205](#)**

June 26, 2018 Regular Meeting Minutes

**This Minutes was approved**

**b. [ZC 08-18](#)**

Ordinance on second reading to consider a Zoning Change from Commercial (C) and Agricultural Ranch (A-R) to Single Family Residential (R-1) for approximately 74.41 acres situated in the M Cherino Survey, Abstract 10 on FM 20, Property IDs 52355 and 52357 (ZC 08-18)

**This Zoning Ordinance was adopted**

Enactment No: ORD 2018-033

c. [ZC 09-18](#)

Ordinance on second reading to consider a Zoning Change from Commercial (C) to Single Family Residential (R-1) for approximately 39.961 acres situated in the M Cherino Survey, Abstract 10 on FM 20, Property ID 52358 (ZC 09-18)

**This Zoning Ordinance was adopted**

Enactment No: ORD 2018-034

d. [ZC 11-18](#)

Ordinance on second reading to consider a Zoning Change from Neighborhood Commercial (NC) to Multi Family Medium Density (MF-2) for property located at the northwest corner of N. King and E. Cedar, Property ID 129921 (ZC 11-18)

**This Zoning Ordinance was adopted**

Enactment No: ORD 2018-035

e. [VAN 05042018](#)

Ordinance on second reading to consider a Voluntary Annexation into the City of Seguin City Limits for approximately 199.63 acres situated in the AM Esnaurizar Survey, Abstract 20, Guadalupe County, Texas on Cordova Road, Property IDs 54788, 55856, 55293, and 55187 (VAN 05042018)

**This Ordinance was adopted**

Enactment No: ORD 2018-036

f. [18-186](#)

Ordinance on second reading amending the guidelines for street closures in the downtown historic district and the use of certain park areas

**This Ordinance was adopted**

Enactment No: ORD 2018-037

g. [18-170](#)

Ordinance on second reading amending the Seguin Code of Ordinances, Chapter 102, Utilities, Division IV, Deposit and Service Charges, to add wholesale water sales; and amending Appendix C - Fee Schedule, Chapter 102, Utilities, Article III, Water Rates, and Article IV, Wastewater Rates; providing a severability clause; declaring an effective date; and authorizing city staff to submit this Ordinance as a supplement to the Seguin Code of Ordinances

**This Ordinance was adopted**

Enactment No: ORD 2018-038

7. **Adjournment**

*There being no further business before the council the first meeting adjourned at 5:46*

pm.

## 1. Convene into 2nd Meeting of the Seguin City Council

*The City Council met in a REGULAR Called Meeting on at 5:46 pm in the City Hall Council Chambers, City Hall, 210 East Gonzales in City of Seguin, with Mayor Don Keil presiding.*

## 2. Presentation

### a. [18-163](#)

Certificate of Recognition presented to Adrian Davila in recognition of his contributions to the culinary world including his new cookbook *Cowboy Barbecue* and representing his hometown in a positive way through appearances on *The Today Show*, the Cooking Channel's *Man Fire Food* and numerous other regional, state, and national print and television media outlets  
- Council Member Ernest Leal

*Certificate presented to Adrian Davila.*

## 3. Action Items - Discussion and Possible Motion to Approve

### a. [18-202](#)

Ordinance on second reading providing for the imposition of local sales tax on residential electric and gas service within the corporate limits of the City of Seguin; providing for a severability clause; providing for an effective date; and authorizing the city secretary to mail the ordinance by certified mail to the Texas Comptroller of Public Accounts

**A motion was made by Council Member Lievens, seconded by Council Member Leal, that this Ordinance be tabled and discussed during the budget process. The motion carried by the following vote:**

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

### b. [ZC 12-18](#)

Public Hearing and Ordinance on first reading to consider a Zoning Designation to Single Family Residential (R-2) and Commercial (C) for property annexed into the Seguin City Limits located at FM 725 and IH 10 W, Property IDs 58020 and 58021 (ZC 12-18) - Pamela Centeno, Director of Planning & Codes

*The regular meeting was recessed and the public hearing was called to order. There being no responses/comments from the public the regular meeting reconvened.*

**A motion was made by Council Member Herbold, seconded by Council**

**Member Dodgen, that this Zoning Ordinance be approved on first reading. The motion carried by the following vote:**

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: ORD 2018-039

**c.** [18-187](#)

Public Hearing and Resolution authorizing an Amendment to the City of Seguin Master Thoroughfare Plan to remove the proposed Martindale Street collector- Pamela Centeno, Director of Planning & Codes

*The regular meeting was recessed and the public hearing was called to order. There being no responses/comments from the public the regular meeting was reconvened.*

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: RES 2018-082

**d.** [18-207](#)

Public Hearing and Ordinance on first reading amending Chapter 5, Section 5.4- Sidewalks of the City of Seguin Unified Development Code, providing for a severability clause and declaring an effective date- Pamela Centeno, Director of Planning & Codes

*The regular meeting was recessed and the public hearing was called to order. There being no responses/comments from the public the regular meeting was reconvened.*

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: ORD 2018-040

**e.** [18-208](#)

Public Hearing and Ordinance on first reading amending the Seguin Code of Ordinances Section 82-107, Signs in corridor overlay districts, providing for a severability clause and declaring an effective date- Pamela Centeno, Director of Planning & Codes

*The regular meeting was recessed and the public hearing was called to order. Citizen*

*Comments*

*Name: David Wanders  
Address: 227 N Loop 1604 E  
City: San Antonio, Tx*

*In favor of the changes to the ordinances. In development a developer would prefer to work with Planning Staff to meet the needs, but increase in height and diameter still has requirements to meet.*

*The public hearing was adjourned and the regular meeting was reconvened.*

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: ORD 2018-041

**f.**     [18-212](#)

Resolution of the City Council of the City of Seguin, Texas to accept the Operation Border Star grant award from the Office of the Governor in the amount of \$18,000.00; providing an effective date -Dana Losey, Grants Coordinator

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: RES 2018-083

**g.**     [18-211](#)

Resolution ratifying the action taken by the City Manager to execute change order #1 to the contract with D & S Concrete Contractors in the amount of \$78,192.68, for the Rio Nogales Drive Street Extension Project, and declaring an effective date - Jose (Joe) R. Ramos, Jr., City Engineer

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: RES 2018-084

h. [18-204](#)

Resolution authorizing the City Manager to execute an amendment to the Professional Services Agreement with Brown and Gay Engineering (BGE) in an amount not to exceed \$55,000, for third-party project construction inspection services related to the Metropolitan Planning Organization (MPO) Projects, Tor Drive Widening Project - CSJ: 0915-46-042; and declaring an effective date - Jose (Joe) R. Ramos, Jr., P.E. City Engineer

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: RES 2018-085

i. [18-219](#)

Ordinance on first reading amending the Fiscal Year 2018 General Fund Budget of the City of Seguin, Texas - Susan Caddell, Director of Finance

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: ORD 2018-042

j. [18-213](#)

Ordinance on first reading amending the Fiscal Year 2018 Utility Fund Budget of the City of Seguin, Texas - Susan Caddell, Director of Finance

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: ORD 2018-043

k. [18-215](#)

Resolution authorizing the City Manager to execute a professional services agreement with Merrick and Company for engineering services for the

Analysis of the Seguin Water Transmission System; and declaring an effective date - David Rabago, P.E., Utilities Engineer

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: RES 2018-086

I. [18-217](#)

Ordinance on first reading amending the Seguin Code of Ordinances, Appendix C - Fee Schedule, Chapters 66, 74, 102 and Appendix A; 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 - Andy Quittner, City Attorney

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

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

Enactment No: ORD 2018-044

m. [18-216](#)

Presentation and approval of a Yard of the Month Program - Morgan Ash, Public Information Officer

*Morgan Ash stated that Mayor Pro Tem Fonda Mathis recently approached staff regarding the possible addition of a "Yard of the Month" program in the city of Seguin. The hope being that the yard signs will foster a friendly competition between residents to keep yards clean and beautiful. Staff has prepared a plan that would make custom yard signs available for neighborhoods to use as part of their own "Yard of the Month" program. The interested neighborhood and/or Homeowners' Association (HOA) would be responsible for deciding how they would identify and select who "won" the sign each month.*

**A motion was made by Council Member Mathis, seconded by Council Member Dodgen, that the Yard of the Month program be approved. The motion carried by the following vote:**

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

n. [18-220](#)

Presentation for Direction on the Implementation of a Rental Registration and Inspection Program- Pamela Centeno, Director of Planning & Codes

*Director of Planning/Codes Pamela Centeno gave City Council and staff a preliminary discussion about the implementation of a Rental Registration and Inspection Program. Planning staff has been exploring the idea for some time. There is a real need to look at some of the rental housing that exists in the city. A lot of cities are now introducing a rental registration and inspection program for those properties in the city that are rental properties and not owner occupied, and this can include single family as well as multi tenant structures. The intent for the city of Seguin for this ordinance would be to safeguard the life, health, safety, welfare and property of the occupants; the tenants; the property owners of the property being rented out as well as the general public by establishing minimum standards and registration requirements for certain residential rental property and by preventing conditions of deterioration and blight that could adversely impact the quality of life in the city. Ms. Centeno says the new plan would establish a framework that clearly spells out what landlords must do if they plan to rent residential property inside the city limits.*

*Council Members Herbold and Lievens questioned if the program would plan an unfair burden on landlords, might hurt the majority of landlords that work to provide quality housing.*

*Senior Planner Helena Schaefer is the person responsible for doing much of the research from nearly 30 other cities in an attempt to begin this initial discussion. There are some troublesome housing situations in some parts of Seguin. She shared pictures of mobile homes that had raw sewage running onto the ground, homes with burned up electrical wiring connections, pictures of backyard sheds that are being rented out to people.*

*Council Member Dodgen said this is the right thing to do for the citizens of Seguin, and she believes the council will ultimately support the program. She says it's clear that staff isn't just working to create additional bureaucracy. They are working to protect the people who very likely need the most help.*

*Council Member Crabb echoed Dodgen's comments, but she called out some of the landlords in the city and said that the council needed to do something to change some of the things that are currently happening to renters in the city.*

*After discussion the council reached a consensus for staff to move forward in developing a Rental Registration and Inspection Program.*

o. [18-221](#)

Discussion and direction on a proposed Utility Assistance Program - Doug Faseler, City Manager

*City Manager Doug Faseler said that Councilman Ernest Leal brought this suggestion to me to be able to assist low-income families with their utility bills. The program would be based on contributions collected from customers by rounding up bills. For example if your bill was \$150.01 it would be rounded up to \$151. If your bill was*

*\$150.99 it would be rounded up to \$151. Contributions would vary from month to month and range from one cent to 99 cents. If the city's program was created it would be similar to Guadalupe Valley Electric Coop's Power Up program.*

*There are so many low-income families who can't afford to pay their whole bill because they use it on rent said Councilman Ernest Leal. A detailed plan will be created for the program and presented to City Council for approval in the future, Faseler said.*

p. [18-224](#)

City Manager to expend up to \$5,100.00 for surveying on the Union Pacific property in the vicinity of New Braunfels Street towards Hildago Street - Doug Faseler, City Manager

**A motion was made by Council Member Lievens, seconded by Council Member Crabb, that this Action Item be approved. The motion carried by the following vote:**

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

q. [18-218](#)

Board and/or Committee Appointments - Mayor Don Keil

- a. Convention & Visitors Bureau
- b. Main Street Advisory Board

**A motion was made by Council Member Dodgen, seconded by Council Member Mathis, that this Appointment be approved. The motion carried by the following vote:**

**Presiding:** 1 - Mayor Keil

**Aye:** 7 - Council Member Dodgen, Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, and Council Member Lievens

4. **Acknowledgment of Bills**

*The bills were acknowledged.*

a. [18-206](#)

Check Report: June 22, 2018 through July 12, 2018

5. **Executive Session**

*The regular meeting was recessed and the council went into Executive Session at 6:59 pm. The regular meeting reconvened at 7:39 pm.*

a. [13-014](#)

Deliberation regarding Economic Development Negotiations in accordance to Section 551.087 - Doug Faseler, City Manager

b. [13-048](#)

Consultation with City Attorney in accordance with Section 551.071 and Section 551.072 regarding Deliberation on Real Property, Easements and Right-of-Way access for several projects - Doug Faseler, City Manager

6. **Adjournment**

*There being no further business before the council the meeting adjourned at 7:39 pm.*

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**Don Keil, Mayor**

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**Naomi Manski, City Secretary**