



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes City Council

Tuesday, June 17, 2014

5:30 PM

Council Chambers

1. **Call to Order**
2. **Invocation - Council Member Nick Carrillo**
3. **Pledge of Allegiance/Salute to the Texas Flag**
4. **Roll Call**

Present: 8 - Council Member Ernest Leal, Council Member Jeannette Crabb, Council Member Nick L. Carrillo, Council Member Tomas V. Castellon, Council Member Carlos Medrano, Council Member Fonda Mathis, Council Member Donna Dodgen, and Council Member Bob Pees

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.

CITIZEN COMMENTS

Councilwoman Donna Dodgen

She reminded everyone about the 5th Annual Cinderella Ball that will be held at the Coliseum on June 22, 2014 from 7pm-9:30pm.

Councilman Bob Pees

He stated that the Starbucks sign has gone up. He also announced that the new water tank will be raised tomorrow morning at 4am.

Councilwoman Jett Crabb

She announced that Chief Kelso was selected as the DEA DARE Law Enforcement Executive of the Year.

Councilman Ernest Leal

He congratulated Kyle Kramm on his new role as Director of Main Street. He also asked about Baxter St. and the painting going on outside of a certain business.

City Manager, Doug Faseler announced that Pam Centeno has been selected as the new Planning and Zoning Director.

6. Presentation**a. 14-184**

Certificate of Recognition honoring Vernon Doege upon his retirement - Mayor Don Keil

Mayor Don Keil presented to Vernon Doege (who was not in attendance) a certificate of recognition upon retirement.

b. 14-203

Seguin Economic Development Corporation's FY2014 Semi-Annual Report - Terry Trevino, Director of Economic Development

Terry Trevino, SEDC Director presented the FY2014 Semi-Annual Report to the city council.

7. Consent Agenda

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

a. 14-197

City Council MINUTES 5-20-2014 REGULAR

b. 14-194

City Council Minutes of 5-29-2014 WORKSHOP

c. 14-210

City Council MINUTES of June 5, 2014 SPECIAL CALLED MEETING

d. 14-157

Ordinance on second reading of the City Council of Seguin, Texas amending Section 35 of the Zoning Ordinance for Seguin, Texas to update Planned Unit Development Regulations; Providing for a Severability Clause and Providing for an effective date.

A motion was made by Council Member Dodgen, seconded by Council Member Medrano, that this Ordinance be adopted. The motion carried by the following vote:

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: ORD 2014-26

8. Action Items - Discussion and Possible Motion to Approve

- a. ZC 04-14** Public Hearing and approval of an Ordinance on first reading to consider a General Land Use Plan in conjunction with a Zoning Change Request from Commercial to Planned Unit Development for property located at 320 W. Nolte St., approx. 0.4267 acres, (ZC 04-14) - Pamela Centeno, Acting Director of Planning/Codes
- The regular meeting was recessed and the public hearing was called to order.*
- CITIZEN COMMENTS**
- Name: Stephanie Morris
Address: 5617 Valerie St.
City: Houston, Texas
She and her husband are the buyers of the Nolte property and operators of the restaurant. They have partnered up with Paul Shroeder who will be the general manager of the restaurant and the executive chef of the restaurant. They are excited about the restaurant and want to be good neighbors with those already in the area.*
- Name: Joe Machado
Address: 330 W. Nolte
City: Seguin, Texas
He lives next door to the Nolte St. address and he asked about the 12 parking spaces and shared his concern about the exhaust that would be located on the side of the house where his pool and backyard are located.*
- The public hearing was adjourned and the regular meeting was reconvened.*
- A motion was made by Council Member Dodgen, seconded by Council Member Crabb, that this Zoning Ordinance be approved on first reading. The motion carried by the following vote:**
- Presiding:** 1 - Mayor Keil
- Nay:** 2 - Council Member Leal, and Council Member Carrillo
- Aye:** 6 - Council Member Crabb, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees
- b. 14-208** Resolution ratifying an Amendment to the Consent and Non-Disturbance Agreement between the City, the Lake Seguin Hydro-Electric Partners, LLC and First Commercial Bank - Andy Quittner, City Attorney
- A motion was made by Council Member Pees, seconded by Council Member Leal, that this Resolution be approved. The motion carried by the following vote:**
- Presiding:** 1 - Mayor Keil
- Nay:** 1 - Council Member Castellon
- Aye:** 7 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees
- Enactment No: RES 2014-61

- c. **14-182** Resolution approving a development agreement with HX Development, LLC for the construction of certain public improvements related to the Greenspoint Subdivision to be built along Highway 46 and Rudeloff Road - Andy Quittner, City Attorney

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-62

- d. **14-202** Resolution approving an adjustment to the FY2014 Seguin Economic Development Corporation (SEDC) Budget - Terry Treviño, Director of Economic Development

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014R-63

- e. **14-199** Resolution of the City Council of the City of Seguin, Texas approving a Cost Sharing Agreement with Tyson Foods, Inc. for the disposal of excess sludge produced at the City's Wastewater Treatment Plant - Rick Cortes, Assistant City Manager

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-64

- f. **14-201** Resolution waiving building permit and related fees, and making provisions to pay city water and wastewater impact fees for the construction of up to two houses per year by Habitat for Humanity - Andy Quittner, City Attorney

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-65

g. 14-200

Resolution waiving fees for plumbing permits and inspections for connections to the City of Seguin sanitary sewer system for properties located within the Oak Village North (OVN) Subdivision- Pamela Centeno, Acting Director of Planning/Codes

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-66

h. 14-190

Resolution authorizing the submission of a FY2014 Community Oriented Policing Services (COPS) Hiring Program (CHP) Grant application to the U.S. Department of Justice; and authorizing the City Manager to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the 2014 CHP Grant Program Twila Wood, Purchasing Manager

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-67

i. 14-205

Ordinance on first reading establishing the lawful speed limit on US 90 (Kingsbury Street) from Heideke Street to State Highway 123; providing for penalties; providing a severability clause; providing an effective date; providing for publication; and providing preparation for submission as a supplement to the Code of Ordinances - Jose (Joe) R. Ramos, Jr., City Engineer

Item was deferred till July 1, 2014 City Council meeting.

This Ordinance was tabled.

j. 14-213

Resolution acknowledging the acceptance of the Texas Department of Transportation (TxDOT) bid on the Transportation Enhancement/Hike & Bike

Trail Grant Project and authorizing negotiation of deduct change orders -
Jose (Joe) R. Ramos, Jr., City Engineer

Item was deferred till July 1, 2014 City Council meeting.

This Action Item was tabled.

k. 14-198

Request for Purchase of 4-Drum Puller and Tensioner to complete
Conductor and Pole Replacement Project on North Heideke - Clarence
Smith, Director of Electric Utilities

*Staff is recommending the 2nd lowest bidder TSE Int., Inc. in the amount of
\$127,701. The 1st lowest bidder did not meet all City specifications and did not have
sufficient references.*

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo,
Council Member Castellon, Council Member Medrano, Council Member
Mathis, Council Member Dodgen, and Council Member Pees

9. Acknowledgment of Bills

The bills were acknowledged.

10. Executive Session

a. 13-013

Deliberate pending/contemplated litigation, settlement offers(s), and matters
concerning privileged and unprivileged client information deemed
confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional
Conduct in accordance with Section 551.071 of the Texas Government
Code: *LCRA Litigation* - Andy Quittner, City Attorney

b. 13-057

Deliberation and consultation with attorneys regarding Geronimo Creek
Phase V Project and contemplated litigation as a result of dispute with
Salinas Contruction Technologies, in accordance with Section 551.071 -
Andy Quittner, City Attorney

c. 13-094

Deliberation and Consultation with attorneys regarding Geronimo Creek
Phase IV Project, litigation involving KIVA, Inc. and contemplation of litigation
and settlement with First National Insurance Co., in accordance with Section
551.071 - Jeff Chapman, Special Counsel and Andy Quittner, City Attorney

*The regular meeting was recessed and the council went into Executive Session at
6:23 pm. The regular meeting reconvened at 6:44 pm.*

11. Action Items - Discussion and Possible Motion to Approve

- a. **14-206** Resolution authorizing a Change Order in the amount of \$255,101.81 for the Phase I & II Streets, Curbs, Repair of Driveways and Driveway Pipe, and Landscape Material for the Oak Village North Project; and declaring an effective date - Jose (Joe) Ramos, Jr., P.E., City Engineer

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-68

- b. **14-181** Resolution authorizing the expenditure of \$94,898.19 for the remaining punchlist items needed to complete the Geronimo Creek Sewer Phase V Project, Oak Village North; and declaring an effective date - Jose (Joe) R. Ramos, Jr., P.E., City Engineer

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

Enactment No: RES 2014-69

- c. **14-207** Ordinance on first reading amending the Fiscal Year 2014 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 Mathis, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Leal, Council Member Crabb, Council Member Carrillo, Council Member Castellon, Council Member Medrano, Council Member Mathis, Council Member Dodgen, and Council Member Pees

12. Adjournment

There being no further business before the council the meeting adjourned at 6:46 pm.

Don Keil, Mayor

Thalia Patlan Stautzenberger, City Secretary