



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes City Council

Tuesday, August 5, 2014

5:30 PM

Council Chambers

1. **Call to Order**
2. **Invocation - Council Member Ernest Leal**
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

Name: George Nisson

Address: 452 Nisson

City: Seguin, Texas

He shared his concern regarding the traffic problems with trucks running lights at State Hwy 46 and Kingsbury and Court Street. He provided some recommendations.

Councilmember Donna Dodge informed the audience that she just filed for office for District 7 in the November 2014 General Municipal Election.

Councilmember Bob Pees informed everyone about the Book Fest being held in Austin, Texas.

Councilmember Ernest Leal shared compliments regarding the new speed bumps by the coliseum.

6. **Presentation**

a. 14-247

Certificate of Recognition honoring Paul Gonzales upon his retirement - Mayor Don Keil

Mayor Keil presented a certificate of recognition in honor of the retirement of Paul Gonzales. (not in attendance)

7. Consent Agenda

This was approved on the Consent Agenda

a. 14-257

City Council MINUTES of July 11, 2014 SCM
City Council MINUTES of July 15, 2014 REGULAR
City Council MINUTES of July 28, 2014 SCM

The minutes were approved

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

b. ZC 08-14

Ordinance on second reading to consider a Zoning Change Request from Agricultural Ranch to Single-Family Dwelling District for the property located at SH 46 and Rudeloff Rd., Abstract 11, J.D. Clements Survey, approx. 215.9 acres, Property ID's 52815, 53356, 53354 (ZC 08-14)

A motion was made by Council Member Dodgen, seconded by Council Member Medrano, that this Zoning 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 2014-33

c. ZC 07-14

Ordinance on second reading to consider a Zoning Change Request from Commercial to Multi-Family for the property located at 1037 W. Court, Lot 2-A, Ybarra Subdivision, approx. 0.55 acres, Property ID 111960 (ZC 07-14)

A motion was made by Council Member Dodgen, seconded by Council Member Medrano, that this Zoning 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 2014-34

- d. **14-063** Ordinance on second reading renewing Chapter 70, Article II of the Seguin Code of Ordinances regarding the Curfew for Minors; providing a severability clause, an effective date and for publication; and authorizing city staff to submit this ordinance as a supplement to the Seguin Code of Ordinances

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 2014-35

- e. **14-226** Ordinance on second reading amending the City of Seguin Code of Ordinances, Appendix C - Fee Schedule, Chapter 74, Parks and Recreation, Section A - Max Starcke Park Golf Course; providing for a severability clause and an effective date; and authorizing city staff to submit this ordinance as a supplement to the Seguin Code of Ordinances

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 2014-36

8. **Action Items - Discussion and Possible Motion to Approve**

- a. **ZC 06-14** Public Hearing and approval of an Ordinance on first reading to consider a Zoning Change Request from Pre-Development to Commercial for the property located at the 1500 Block of IH-10 W, Abstract 11, JD Clements Survey, approx. 9.0624 acres, Property ID 151751 and Abstract 11, JD Clements Survey, approx. 2.5194 acres, Property ID 151752 (ZC 06-14) - Pamela Centeno, Director of Planning/Codes

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

Citizen Comments No public comment at this time.

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

A motion was made by Council Member Carrillo, seconded by Council Member Mathis, that this Zoning 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

- b. 14-229** Public Hearing and approval of an Ordinance on first reading amending Sections 20, 21, and 22 of the Zoning Ordinance for Seguin, Texas to update Multi-Family Dwelling District Regulations; Providing for a Severability Clause and Providing for an effective date- Pamela Centeno, Director of Planning/Codes

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

Citizen Comments No public comment at this time.

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

A motion was made by Council Member Pees, 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: 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

- c. 14-261** Resolution authorizing the sale of surplus property in accordance with the City's Disposal of Assets Policy - Twila Wood, Purchasing Manager

A motion was made by Council Member Mathis, 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 2014-80

- d. 14-241** Resolution of the City Council of the City of Seguin, Texas appointing Kevin Kolb to serve as Presiding Judge of the Seguin Municipal Court of Record, approving and authorizing the City Manager to execute an agreement between the City of Seguin and Judge Kolb; providing for findings of fact and providing for an effective date -Andy Quittner, City Attorney

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: 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 2014-81

- e. 14-242** Resolution appointing Darrell Hunter as Associate Municipal Judge for the

City of Seguin Municipal Court of Record; providing for an effective date -
Andy Quittner, City Attorney

A motion was made by Council Member Mathis, seconded by Council Member Carrillo, 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 2014-82

f. 14-250

Ordinance by the City Council of the City of Seguin, Texas authorizing the issuance of "City of Seguin, Texas General Obligation Refunding Bonds, Series 2014", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement, a purchase contract, and an escrow and trust agreement; complying with the letter of representations on file with the depository trust company; delegating the authority to certain members of the city council and city staff to approve and execute certain documents relating to the Sale of Bonds; and providing an effective date - Duane Westerman, SAMCO Capital Markets

A motion was made by Council Member Dodgen, seconded by Council Member Carrillo, 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 2014-37

g. 14-256

Presentation regarding the site plan for the new community park on the west side of Seguin as approved in the November 2013 Parks Bond Election - Jack Jones, Director of Parks and Recreation

Jack Jones, Director of Parks and Recreation provided an overview regarding the site plan for the new community park on the west side.

h. 14-248

Resolution authorizing the City Manager to execute a Design/Build Agreement with Transcend, Inc. D/B/A SPA Skateparks for a not-to-exceed price of \$385,000 to provide design, build, and construction administration services for a new public skateboard park within the new community park on the west side of Seguin as approved in the November 2013 Parks Bond Election - Jack Jones, Director of Parks and Recreation

A motion was made by Council Member Castellon, 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 2014-83

i. 14-258 Radio System & Technology Upgrade - Kevin Kelso, Police Chief

Projected cost \$114,126 of this option as identified by MOTOROLA.

A motion was made by Council Member Crabb, seconded by Council Member Leal, 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

j. 14-260 Ordinance on first reading amending FY2014 General Fund Budget - Susan Caddell, Director of Finance

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: 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

k. 14-249 Ordinance on first reading amending the Seguin Code of Ordinances by adding a new Section 102-10 establishing provisions regarding tampering with utility meters and assessing a fee; providing for procedural requirements; authorizing city staff to prepare this Ordinance for submission as a supplement to the City Code; and providing an effective date - Andy Quittner, City Attorney

A motion was made by Council Member Dodgen, seconded by Council Member Carrillo, 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

- I. **14-246** Ordinance on first reading amending the Seguin Code of Ordinances, Appendix C - Fee Schedule, Chapters 18, 22, 42, 74, 82, 102 and Appendix A, Subdivision Fees; 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

A motion was made by Council Member Dodgen, seconded by Council Member Castellon, 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

- m. **14-263**

Order and Notice of General Election to be held November 4, 2014 for Seguin, Texas City Council Districts 3, 5, 7, and 8; declaring an effective date - Andy Quittner, City Attorney

A motion was made by Council Member Leal, seconded by Council Member Mathis, 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. **14-251**

Deliberate pending litigation, settlement offer(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: *Alfelio Martinez vs City of Seguin* - Andy Quittner, City of Seguin

The regular meeting was recessed and the council went into Executive Session at 6:38 pm. The regular meeting reconvened at 6:54 pm.

11. **Adjournment**

There being no further business before the council the meeting adjourned at 6:54 pm.

12. **WORKSHOP AGENDA**

The Workshop began at 6:54 pm.

a. **14-245**

Presentation of the FY2015 Budget - Doug Faseler, City Manager
General Fund Budget
Debt Service
Special Revenues Budget
Utility Fund Budget

City Manager, Doug Faseler provided the council with a presentation of the FY2015 Budget at 6:54 pm.

General Fund Revenues

- *Property Tax Revenue*
- *Miscellaneous Violations*
- *Building Permits*
- *Right of Way User Fee*
- *Sales Tax*
- *Refuse Collection Fees*
- *EMS Revenues*
- *Golf Course Receipts*

Increase in Expenditures

- *Salaries & Benefits*
- *Transfers to General I&S Fund*
- *Class/Comp Study Contingency*
- *Indigent Health Care*

Proposed Additional Positions/Adjustments

- *Police Department (1 police officer/1 Telecommunications Operator)*
- *Animal Services (1 Animal Services Officer)*
- *Fire/EMS (1 Firefighter/Paramedic)*
- *Public Works/Streets Department (2 additional positions of Equipment Operators)*
- *Parks (2 additional positions of service workers)*
- *Library (Upgrade of Library Technician)*
- *Information Technologies (1 Radio/Technical Specialist 1/2 in General Fund & 1/2 in Utility Fund)*

General Fund Capital Equipment

Examples: Golf Carts (Lease), Sweeper (New Lease), Street Patch Truck (Lease), Street Sweeper (continued lease), Articulated Rubber Tire Wheel Loader (Continued Lease), Communication Center Radio Upgrade, Equipment (Fire/EMS) etc....

General Fund Capital Improvement Projects Multi-Year Program

Examples: Walnut Springs Park Phase II (Hike and Bike Trail, Walnut Branch

Eco-System Restoration, Library, Park Improvements at Hoermann Park Property, Starcke Park Improvements, Starcke Park Restrooms, Manuel Castilla Restrooms, College-Cedar Street Sidewalk Network, Jefferson Street Sidewalk Network, other sidewalks, Kitchen Improvements at Coliseum, Enterprise Software etc....

Street/Highway Drainage Project

Examples: River Street Drainage System & Reconstruction, Heideke Street Reconstruction, North Austin Street Reconstruction and Drainage, Tor Drive, South River Street/Klein (Washington to Klein) engineering & construction, Vaughn Street, Preston Drive, Ireland Street Drainage (Erskine to San Marcos), North Austin Street Alley Access (West Baxter to W. Martindale)

Property Tax Rate

*Property Tax Revenue Increase-\$671,470
Increase in values of \$28,349,395 or 2.07%*

Effective Tax Rate is \$.5244

Current Tax Rate \$.5173

Recommending the effective tax rate of \$.5244 a \$.0071 increase. This rate will increase taxes on the average home \$8.20 per year.

Debt Service Tax Rate Buydown

Actual debt service payments increased by \$634,334. Recommending to buydown the I&S rate by \$450,000 allowing more of the recommended tax rate of \$.5244 to go towards maintenance and operations.

Occupancy Tax Civic Organizations Funding

Funded FY2013 and FY2014 \$625,000

Recommend FY2015 \$650,000

Utility fund Increases in Revenue

**Electric Rate*

**Water Revenue*

**Sewer Testing Revenue*

Utility Fund in Expenditures

**Salaries & Benefits*

**Indirect Cost Allocation*

**Transfers to Utility I & S Fund*

**Attorney Fees*

**Class/Comp Study Contingency*

Utility Decrease in Expenditures

Wholesale Power Costs

Water Purchased

Proposed Additional Positions/Adjustments

Electric Department (Crew Leader, Journeyman Lineworker, 2 Apprentice Lineworkers)

Utility Administration (Conversion of Assistant Director of Utilities position, which has remained vacant, to Utilities Engineer)

Utility Billing (Customer Service Representative from 1/2 time to 3/4 time for 6 months during the software conversion)

Information Technologies (1/2 position of Radio/Technical Specialist funded by Utility Funds and 1/2 position funded in General Fund)

*Utility Fund Capital Equipment**Examples: Technology Items, Miscellaneous Equipment, Service Bucket Truck, 1 Ton Crew Truck, Enclosed Trailer, 1/2 Ton Pick-Up etc....**Utility Fund Multi-Year Capital Improvements Plan**Examples: Walnut Branch WWTP Phosphorous Study, River Street Drainage System Water/Sewer Replacement, Heideke Street Water/Sewer/Electric Repl., North Austin/TxDot Project Water/Sewer/Electric Repl., Wastewater Technically Based Limits Study, Water Storage Tank North 123 Fencing/Landscaping, GVEC Equipment Purchase Service Area Conversion, Outage Management System etc....***13. Adjournment***There being no further business before the council the meeting adjourned at 7:53 pm.*

Don Keil, Mayor

Thalia Patlan Stautzenberger, City Secretary