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City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes

City Council

Tuesday, May 21, 2019

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 Mark Herbold

3. Pledge of Allegiance/Salute to the Texas Flag

4. Roll Call

Present: 8 - Council Member Mark Herbold, Council Member Fonda Mathis, Council Member Ernest Leal, Council Member Jeannette Crabb, Council Member Chris Rangel, Council Member Jeremy Roy, Council Member Penny Wallace, and Council Member Chris Aviles

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.

Council Member Jet Crabb said that on Saturday, May 18, 2019 the Seguin Police & Fire/EMS Departments held a very successful Badges, Bykes & Tykes event. Over 100 bicycles were given away.

6. Presentation

a. 19-150

State and Local Laws Impacting Mobile, Manufactured, and Modular Homes - Pamela Centeno, Director of Planning/Zoning and Andrew Quittner, City Attorney

City Attorney Andrew Quittner made a presentation on industrialized or modular housing. Industrialized Housing is defined as modulares are comparable to site built

homes. An industrialized home is all two-by-fours and two-by-sixes. If you were to look behind the walls it looks much like any other house. Industrialized or modular homes fall under state standards, which limits some of the restrictions that can be placed on these homes. Cities do not have a lot of control over industrialized (modular) housing. Modular homes are required to follow all Building codes. City can enforce all zoning and set back requirements. They are considered as real property, as banks do for financing. Meets the median value. On modular homes the wheels, tongue are removed and the home has metal straps that are tied into the concrete. Existing mobile homes can be replaced with another updated manufactured home.

Name: Rebecca Murray
Address: 131 Tomahawk
City: Seguin

Ms. Murray addressed the City Council stating that there are two types of modular homes, The off-frame modular home closely resembles a site-built home, and they have no problem with those types. Ms. Murray says the home is an on-frame modular home, which looks like a manufactured home. She says it takes about \$1200 to turn this manufactured home into a modular home. It is strapped down by metal straps on cinder blocks, just like any other manufactured home. It is tied into cement strips which would make it more stable but it does not fit their neighborhood. There neighborhood is made up of very nice homes of brick, stucco, and rock. This home does not stand up to the standards of our neighborhood.

Name: Donna Raetzsch
Address: 126 Wampum Way
City: Seguin

Ms. Raetzsch told the City Council that they felt like the home was incompatible with their neighborhood. I think that we need to try to protect neighborhoods like this, because we want to have executives come and live in Seguin. Now they are moving to New Braunfels. Tor Subdivision is a really nice neighborhood and professionals would enjoy living there, but when you see mobile homes being brought in they are not going to build in our area. This needs to be addressed city wide not just for Tor.

Several residents spoke asking the City Council to consider developing an ordinance restricting the building of some modular homes. They asked that the City Council protect their neighborhood. There were some discussions about the value of the home, which staff suggested was actually close to \$275,000 when the cost of the land is added.

Name: Sydney Burton
Address: 138 Wampum Way

Name: Rodney Vogel
Address: 137 Tomahawk

Name: Rodney Burton
Address: 138 Wampum Way

Name: Martha & Curtis Chapman
Address: 146 Tomahawk

Name: Janet Hudson

Address: 164 Wampum Way

Name: Chris Williams

Address: 142 Tomahawk

Council Member Fonda Mathis addressed the City Council stating that she has mailed a letter to Senator Zaffirini and Representative Kuempel asking them to consider revisiting a ruling which puts consumers at risk of predatory lending and set them up for failure as a homeowner. Need to offer some protection to our citizens who are being sold mobile housing and to protect cities from the potential aftermath of a mobile home during disasters. Further stating that TDLR says that cities are required by law to treat these modular homes as any other home being built. These homes are still very much not the quality of permanent stick built homes and very much mobile. Because they are certified by TDLR as modular, the consumer can secure financing from lenders for 30 years. It is documented that these hybrid homes depreciate in value, unlike most stick built homes. We can't provide protection to our existing neighborhoods either from decreasing the value of their property. Council Member Mathis did ask staff to consider giving council members a heads up if any of these kinds of houses were going up in other areas of the city.

b. [19-144](#)

City of Seguin Financial Reports for the Six Months Ended March 31, 2019 -
Susan Caddell, Director of Finance

7. **Consent Agenda**

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

a. [19-139](#)

City Council Minutes of May 7, 2019 Regular & Special Called Meeting

This Minutes was approved

b. [ZC 05-19](#)

Ordinance on second reading to consider a Zoning Change from Public (P) to Agricultural-Ranch (A-R) for property located at 550 Brackenridge Lane, Property ID 53414 (ZC 05-19)

This Zoning Ordinance was adopted

Enactment No: ORD 2019-024

c. [ZC 06-19](#)

Ordinance on second reading to consider a Zoning Change from Commercial (C) to Public (P) for property located at 321 W. Court, Property ID 13415 (ZC 06-19)

This Zoning Ordinance was adopted

Enactment No: ORD 2019-025

d. [ZC 04-19](#)

Ordinance on second reading to consider a Zoning Change from Commercial (C) to Neighborhood Commercial (NC) for property located at 107 N. Saunders, Property ID 46176 (ZC 04-19)

This Zoning Ordinance was adopted

Enactment No: ORD 2019-026

e. [19-123](#)

Ordinance on second reading amending the City of Seguin Unified Development Code, Section 3.4.3. - Land Use Matrix, adding a separate land use for Utility Facilities; providing for a severability clause, publication, and an effective date; and authorizing staff to submit the ordinance as a supplement to the Seguin Code of Ordinances

This Ordinance was adopted

Enactment No: ORD 2019-027

8. Action Items - Discussion and Possible Motion to Approve**a.** [19-145](#)

Approval of Quarterly Investment Report for Quarter Ended March 31, 2019 - Susan Caddell, Director of Finance

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

b. [19-146](#)

Ordinance on first reading amending the fiscal year 2019 Utility Fund Budget of the City of Seguin, Texas; and declaring an effective date - Susan Caddell, Director of Finance

A motion was made by Council Member Crabb, 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 Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

c. [19-149](#)

Resolution approving a five-year contract with Springs Hill Water Supply Corporation for billing services for sewer service provided by the City of Seguin to Springs Hill customers; and declaring an effective date - Susan Caddell, Director of Finance

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

Enactment No: RES 2019-056

d. [19-143](#)

Resolution of the City Council of the City of Seguin, Texas to submit an amended resolution to the Office of the Governor in the amount of \$20,800 for FY2020 Local Border Security grant application; authorizing the City Manager to execute all documents associated with the submission; and declaring an effective date - Dana Losey, Grants Coordinator

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 Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

Enactment No: RES 2019-057

e. [19-147](#)

Resolution of the City Council of the City of Seguin, Texas approving the submission of a grant application to the Texas Department of Agriculture's FAST Fund for use to purchase tools for the Fire Department; authorizing the City Manager to execute all documents associated with the grant submission; and declaring an effective date - Dana Losey, Grants Coordinator

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

Enactment No: RES 2019-058

f. [19-142](#)

Resolution authorizing the City Manager to execute an emergency Professional Services Agreement with TRC Engineers for engineering and construction management services for the design and replacement of the force main that failed at the City's Geronimo Creek Wastewater Treatment Plant; and declaring an effective date - Timothy J. Howe, Director Water/Wastewater Utilities

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

Enactment No: RES 2019-059

g. [19-141](#)

Resolution authorizing the City Manager to execute change order number 6 in the amount of \$179,463.00 to R.P. Constructors Water / Wastewater Improvement Projects contract; declaring an effective date - Timothy J. Howe, Director of Water / Wastewater Utilities

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

Enactment No: RES 2019-060

h. [19-140](#)

Resolution of the City Council of Seguin, Texas authorizing the City Manager to execute an Amendment to the License Agreement between the City of Seguin and the Wilson Pottery Foundation allowing the foundation to open a gift shop at the Sebastopol House; and declaring an effective date - Jack Jones, Director of Parks and Recreation

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

Presiding: 1 - Mayor Keil

Aye: 8 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, Council Member Wallace, and Council Member Aviles

Enactment No: RES 2019-061

9. Acknowledgment of Bills

The bills were acknowledged.

a. [19-138](#)

Check Report: May 3, 2019 through Mary 16, 2019

10. **Executive Session**

The regular meeting was recessed and the council went into Executive Session at 7:00 pm. The regular meeting reconvened at 7:23 pm.

a. [15-105](#)

Deliberate pending/contemplated litigation, settlement offer(s), public nuisance, 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 - Andy Quittner, City Attorney

11. **Adjournment**

There being no further business before the council the meeting adjourned at 7:23 pm.

Don Keil, Mayor

Attest:

Naomi Manski, City Secretary