



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes

City Council

Tuesday, November 5, 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**

Mayor Dodgen announced that Chaplin Emmanuel Carpenter with Hope for Hospice will give invocation in lieu of Stephen Shortess, St. Andrew's Episcopal Church.

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

4. **Roll Call**

District 2 position is vacant.

Present: 7 - Councilmember Joe Rea, Councilmember Jim Lievens, Councilmember Chris Rangel, Councilmember Paul Gaytan, Councilmember Monica N. Carter, Councilmember Jason Biesenbach, and Councilmember Bill Keller

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.

Marshal Harris, 1729 Rosewood St, spoke on what removing God and prayers from school has done to our nation, that the United States used to be a Republic but is now a democracy, that a nation not under God and not looking to God is in trouble, stating that the United States can do things differently than Israel. He asked City Council to consider removing fluoride from the water system and mentioned water conservation and that Lake Mead and Canyon Lake are in trouble.

Councilmember Biesenbach reminded that there is less than an hour and half left to vote in the November 5, 2024 General Election and encouraged people to go vote. He also wished all the candidates good luck.

City Manager Steve Parker acknowledged the success of key staff members. He explained that the Seguin Housing map made it into a book by ESRI, the City's GIS

software provider. He said he was proud of GIS Manager Travis Acklin and Chief Information Officer Shane McDaniel for their excellent work.

Mayor Dodgen invited everyone to attend the Art and Wine Walk this Saturday, November 9th from 3:30-6:00 P.M. She also acknowledged Fire Marshal Greg Dreiss for his recent award and Landra Salansky for receiving the Lifetime Achievement Award during the 2024 Texas Court Clerks Association Conference. Lastly, Mayor Dodgen announced that Finance Director Susan Caddell lost her mother-in-law recently and asked that we all keep Susan in our thoughts and prayers.

6. Presentation

- a. Presentation, discussion and possible action regarding future improvements at the Huber Road railroad crossing. - Melissa Reynolds, P.E., CFM, MPA - Director of Engineering | Capital Projects

Indexes:

Director of Engineering and Capital Projects Melissa Reynolds gave a presentation on the Huber Road Safety Improvement. She explained that the City is still working on the quiet zone project and that the traffic impact analysis for development has warranted a traffic signal at Huber and W. New Braunfels Ave. The signal has not yet been funded. TxDOT Rail Division and the Union Pacific Railroad has commented that the vertical grade at the Huber Rd railroad crossing is a safety concern as there is a risk for vehicles high-centering on the tracks due to rate of change in the roadway grade and it adds to the visibility issue. The maximum approach grade should not exceed 3 inches of the rail elevation at a point 30 feet away from the center of the nearest rail on both sides of the crossing. This rail crossing height difference equates to over 10 inches over 30 feet. Another identified safety concern at that intersection is the misalignment of Huber Rd and Fleming Dr. Intersection misalignment accounts for 53% of accidents and crossing grade accounts for 31% of accidents at that intersection. The proposed traffic signal is another safety concern as it is likely that vehicles would stop on the tracks, adding significant risk of train collision. She reported that Seguin has about 25 trains a day, 13 in the day and 12 at night. The train speeds are between 30-60 mph, but they have been clocked as fast as 79 mph.

Ms. Reynolds presented the City Council with two options; leaving the intersection of Huber Rd and W. New Braunfels Ave. open and closing the intersection permanently. If City Council chooses to keep the intersection of Huber and W. New Braunfels Ave. open, a traffic light will be required, the grade issue would need to be addressed as well as raised medians on Huber from W. New Braunfels Ave. through the railroad crossing. If City Council chose to permanently close the railroad crossing, Huber would be permanently barricaded at W. New Braunfels Ave and just passed the railroad crossing. She mentioned a private access gate could be installed for the proposed booster pump station.

Ms. Reynolds explained that if the City kept the existing railroad crossing conditions but became a quiet zone, the risk at that intersection is estimated to increase by 66.39%. With the installation of mountable medians with channelization devices or non-traversable curb medians with or without channelization devices, the risk would decrease by 58.3% and 66.64% respectively. By closing the railroad crossing, the risk would be reduced by 100%. She reminded that this railroad crossing is currently close and that residents are taking alternative routes currently. Lastly, Ms. Reynolds listed some financial incentive opportunities that the City may take advantage of if they

chose to close the railroad crossing or make improvements to it.

Councilmember Lievens stated that he does not want to close the intersection but thinks that it may be the right thing to do. He voiced his concern for those living on and near Hildago St. He suggested that the City work to do some community outreach and gather citizen input before making this decision so that the residents are not surprised by it and that they are able to have a voice in the decision.

Councilmember Rangel agreed with Councilmember Lievens that he would like there to be community outreach and citizen input gathered.

Councilmember Rea agreed that it is likely that the railroad should be closed.

Councilmember Gaytan said that he is against closing the railroad crossing for now, but suggests that the City keep it open and do what is needed to make it safe.

Councilmember Lievens would like to believe that the new design of I-10 will make the area cleaner and more safe and that right now people are also having to take alternate routes because of the construction at Hwy 46 and I-10. Ms. Reynolds added that the work at I-10 is expected to be completed at the end of 2027, but that construction on Hwy 123 will begin next fall, Rudeloff Phase 1 will be completed the first quarter of 2026, construction on Rudeloff Phase 2 and Cordova will follow.

Councilmember Biesenbach commented that the grade issue seems to be the biggest issue with this railroad crossing, financially. Ms. Reynolds added that the grade and the traffic signal would be needed if it was to remain open, both of which are not funded. Ms. Reynolds commented that her department can work to put together an online poll for the community.

City Manager Steve Parker suggested that solely an online survey may not work. He stated that he was attending the HOA meeting at Mills Creek soon and he would discuss this with the residents who show up to that meeting.

Mayor Dodgen mentioned that she liked using multiple ways to communicate and suggested that they hold a meeting at Teatro's Cultural Arts Center as well.

7. Consent Agenda

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

a. Minutes of the October 15, 2024 City Council Regular Meeting.

Indexes:

This Minutes was approved.

b. Check Report October 12, 2024 through November 1, 2024.

Indexes:**This Check Report was acknowledged.**

- c.** Resolution approving agreements between the City of Seguin and the following organizations that receive financial appropriation in the FY2025 Hotel 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 Resolution was approved.**

Enactment No: RES 2024R-242

- d.** Resolution accepting the Petition for Release from the City's Extraterritorial Jurisdiction filed by Tray and Christy Rohlf for two properties in Guadalupe County (Property ID No.'s 183019 and 183020) and granting the request for Release effective the date of the passing of this Resolution. - Shelly Jackson, Asst. Director of Planning & Codes

Indexes:**This Resolution was approved.**

Enactment No: RES 2024R-243

- e.** Resolution accepting the Petition for Release from the City's Extraterritorial Jurisdiction filed by Jaquelin Ball for one property in Guadalupe County (Property ID No. 64981) and granting the request for Release effective the date of the passing of this Resolution. - Shelly Jackson, Asst. Director of Planning & Codes

Indexes:**This Resolution was approved.**

Enactment No: RES 2024R-244

- f.** Resolution accepting the Petition for Release from the City's Extraterritorial Jurisdiction filed by Preslock Living Trust for one property in Guadalupe County (Property ID No. 70326) and granting the request for Release effective the date of the passing of this Resolution. - Shelly Jackson, Asst. Director of Planning & Codes

Indexes:

This Resolution was approved.

Enactment No: RES 2024R-245

- g.** Resolution authorizing the City Manager to execute a purchase order in the amount of \$51,021.78 for 2024 Palo Alto licensing and support renewal; and declaring an effective date. - Shane McDaniel, Chief Information Officer

Indexes:

This Resolution was approved.

Enactment No: RES 2024R-246

- h.** Resolution authorizing the City Manager to execute a purchase order to renew the Esri Enterprise Agreement for three years at a cost of \$129,800; and declaring an effective date. - Shane McDaniel, Chief Information Officer

Indexes:

This Resolution was approved.

Enactment No: RES 2024R-247

- i.** Resolution authorizing the City Manager to enter into a Professional Services Agreement in the amount of \$49,735 with Halff & Associates, Inc. for Professional Services for the South Camp Street Drainage Improvements Project; and declaring an effective date. - Melissa Reynolds, P.E., MPA, CFM, Director of Engineering & Capital Projects

Indexes:

This Resolution was approved.

Enactment No: RES 2024R-248

- j.** Resolution of Votes Cast to Elect Directors for the Guadalupe Appraisal District for the years 2025-2026.

Indexes:

This Resolution was approved.

Enactment No: RES 2024R-249

- k.** Resolution approving the purchase of 20 sets of structural firefighting gear; and declaring an effective date. - Dale Skinner, Fire/EMS Chief

Indexes:

This Resolution was approved.

Enactment No: 2024R-250

- l.** Resolution authorizing the installation of Well #3 for Starcke Park Golf Course; and declaring an effective date. - Bruce Allen, Golf Course General Manager

Indexes:**This Resolution was approved.**

Enactment No: RES 2024R-251

- m. Proposed road closures of Nelda Street and South Saunders Street related to various upcoming special events and/or facility rentals at the Seguin Events Complex. - Jack Jones, Director of Parks and Recreation.

Indexes:**This Action Item was approved.****8. Action Items - Discussion and Possible Motion to Approve**

- a. Resolution of the City Council of the City of Seguin, Texas, awarding the contract for the Hazardous Waste Collection Event to Heritage Environmental; authorizing the City Manager to execute all necessary documents; and providing and effective date. - Kate McCloud, Grants Administrator

Indexes:

Grants Administrator Kate McCloud explained that the City issued a Request for Proposals for a Hazardous Waste Collection Event to ensure the safe disposal of hazardous materials within the community. After review of the submitted proposals, it is recommended that Heritage Environmental be awarded the contract. Their proposal meets the criteria outlined in the RFP and offers the most comprehensive services for the most competitive price.

Councilmember Lievens asked if the City has hosted an event like this before and Mayor Dodgen responded that they have provided hazardous waste disposal different ways in the past, but not through hosting an event.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-252

- b. Resolution authorizing the City of Seguin to enter into an agreement with the Texas Department of Transportation for placement of automatic license plate readers on State Highway Right of Ways and authorizing the City Manager to act on behalf of the City of Seguin in all matters related to this agreement, including execution of all required documentation. - Jason Brady, Chief of Police

Indexes:

Police Chief Jason Brady stated that the Police Department is working to place license

plate readers in the State right-of-way. This resolution would allow Mr. Parker to enter into an agreement with TxDot to enter into an agreement with TxDot for the Police Department to do that.

Suzanne Wynn, 425 Alta Vista Dr., said that she will not discuss the constitutionality of license plate readers in general, but wanted to focus on the indemnification clause. She said if someone Googles "Flock Safety Lawsuits" they would find that Flock is being sued by several entities. She stated that this contract reads that the City of Seguin would pay Flock's legal costs if sued in 2024. She does not want to pay for the suit. She called out that the contract also calls for up to a 2% property tax increase to cover the associated costs. She suggested that if the City wants automatic license plate readers, that it should look at a different system in order to avoid lawsuits. She also reported that the contract says that the City would be building them a facility. She suggested that the contract needed to be heavily reviewed and fine tuned before it is signed.

Chief Brady reminded that the Flock agreement had already been signed and that this agreement is to allow the City to place license plate readers in TxDOT's right-of-way.

Councilmember Gaytan asked if City Attorney Mark Kennedy would like to comment on any of the issues presented by Ms. Wynn. Mr. Kennedy replied that he will review the contract and make any necessary changes before adoption. Councilmember Gaytan then asked if that contract is related to what they are currently voting on and Mr. Kennedy reiterated that it is not.

Mayor Dodgen stated that this items is for use of the TxDOT right-of-way.

City Manager Steve Parker said that City Staff will go back and review the contract and address any legal concerns.

Councilmember Gaytan asked if the contract is revocable and Mr. Kennedy answered it has its own terms for termination and those are negotiable.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-253

C.

Resolution authorizing the City Manager to enter into a Professional Services contract with Lowery Property Advisors, LLC for professional services related to property appraisals as a part of the real estate acquisition for the construction of the Link Road Water - Wastewater Capacity Upgrade project; and declaring an effective date. - Timothy J. Howe, Director - Water/Wastewater Utilities

Indexes:

Water and Wastewater Utilities Director Timothy Howe reminded that City Council approved a professional engineering proposal for the design of a 12-inch diameter

sanitary sewer replacement and an 8-inch water main extension project to increase capacity in the wastewater collection system from Cordova Lift Station to Link Road. In addition, the proposal included the design of an 8-inch water main extension from the Navarro High School property. This project is immediately necessary to support further development in this area. This resolution would authorize an agreement with Lowery Property Advisors, LLC for the appraisals of approximately twenty parcels with a cost not to exceed \$60,000.00 to assist the City in the real estate acquisition needed for this project.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-261

- d.** Resolution awarding the bid for the construction of the Huber Stempel Water Project related to the Springs Hill CCN transfer to Skyblue Utilities, Inc; and declaring an effective date. - Timothy J. Howe, Director - Water/Wastewater Utilities

Indexes:

Water and Wastewater Director Timothy Howe reported that the City received 9 sealed bids on October 8, 2024 for approximately 24,000 linear feet of new water line required to distribute water within the area that Springs Hill Water Supply Corporation transferred to the City of Seguin in October 2022. Tri-Hydro was the design consultant on the project. The lowest bidder was Skyblue Utilities, Inc in the amount of \$5,095,795.26, which includes a \$510,000 contingency. The construction completion period is three hundred calendar days. This project is critical for the City to provide water service to the CCN transfer area and will be funded through certificates of obligation.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-254

- f.** Resolution approving a proposal from GVEC for electric system improvements necessary to serve the increased load requirements for the Geronimo Creek Wastewater Treatment Plant expansion; and declaring an effective date - Timothy J. Howe, Director - Water/Wastewater Utilities

Indexes:

Water and Wastewater Director Timothy Howe explained that GVEC is the current

electric provider for the Geronimo Creek Wastewater Treatment Plant. GVEC has identified necessary system improvements are required to serve the increased load of the expansion. The estimated cost of these improvements is \$719,000 but that they will be billed for the actual cost of the improvements thus requiring a "true up" at the close of the improvement project. For that reason, he is requesting an additional \$81,000 in contingency monies and approval for a not to exceed amount of \$800,000.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-256

e.

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. - Timothy Howe, Director - Water / Wastewater Utilities

Indexes:

Water and Wastewater Director Timothy Howe stated that the City of Seguin contracts with Springs Hill Water Supply Corporation (SHWSC) to bill sewer customers that do not have City of Seguin water services but have their sewer services. the contract for these billing services expired on May 25, 2024. Both the City and SHWSC agreed to continue the contract and align the expiration date with the City's fiscal year. Additionally, the term of the contract is for five years and the contract will consist of a flat fee of \$2,000 per month rather than the 2% plus postage fee the City paid in prior contracts.

Councilmember Lievens asked if the households are already in Seguin why the City can't just add sewer billing to the trash bill that those residents are already getting. The Mayor responded that some of the households could be in the CC&N but not in the City limits. Deputy City Manager Rick Cortes added that it is easier for SHWSC to do it because they have control of the water. City Manger Steve Parker explained that the in order for the City to bill, SHWSC would have to send over the readings each month and then a City staff member would have to input it all into our system to bill them. It would cost the City more money to try to bill themselves than it does to pay SHWSC to do it.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-255

- g.** Ordinance on second reading to consider a Zoning Change from Single Family Residential (R-1) to Commercial (C) for the property located at 1321 Peach St., Property ID:187580, (ZC 13-24). - Pamela Centeno, Director of Planning and Codes

Indexes:

Director of Planning and Codes Pamela Centeno stated that her office recieved a request for zoning change from Single-Family Residential to Commercial for the property located at 1321 Peach Street. The property is currently undeveloped and adjacent to other existing commercial developments that front Kingsbury and King streets. The property does meet the requirement for commercial zoning. Mrs. Centeno reported that the Planning and Zoning Commission voted to recommend approval of the zoning change request.

Mayor Dodgen opened the Public Hearing at 6:33 P.M.

There being no public comment, Mayor Dodgen closed the Public Hearing at 6:33 P.M.

Councilmember Gaytan asked if the Planning and Zoning Commission considered rezoning the property to Neighborhood Commercial instead of Commercial and Mrs. Centeno answered that the potential use for the property is a parking lot and if they chose to rezone it to Neighborhood Commercial it would require replatting whereas Commercial zoning does not. Councilmember Gaytan commented that because it was zoned Commercial, a gas station could end up there. Mrs. Centeno said it would be difficult to get one to fit on that lot, but possible a small one would fit. Councilmember Gaytan then asked if the parking lot could just be negotiated through a lease agreement and Mrs. Centeno replied that the land use matrix does not allow stand alone parking lots in neighborhood commercial and added that of the property does become a parking lot screening would be required.

A motion was made by Councilmember Biesenbach, seconded by Councilmember Lievens, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Dodgen

Nay: 2 - Councilmember Rea, and Councilmember Gaytan

Aye: 5 - Councilmember Lievens, Councilmember Rangel, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

- h.** Ordinance on second reading to consider a Zoning Change from Commercial (C) to Public (P) for a property located at 3251 N S.H. 123, Property ID: 18864 (ZC 14-24). - Pamela Centeno, Director of Planning and Codes.

Indexes:

Director of Planning and Codes Pamela Centeno stated that the City received a zoning change request for the property located at 3251 North SH 123. The property is owned by Guadalupe County and is the site of the future Elections Office. Guadalupe County has requested to change the zoning from Commercial to Public. Mrs. Centeno reported that the Planning and Zoning Commission voted to recommend approval of the zoning change request.

Mayor Dodgen opened the Public Hearing at 6:38 P.M.

There being no public comment, Mayor Dodgen closed the Public Hearing at 6:38 P.M.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

- i. Ordinance on second reading to consider a Zoning Change from Public (P) to Neighborhood Commercial (NC) for a property located at 216 E. College Street, Property ID: 22695, (ZC 03-24A). - Pamela Centeno, Director of Planning and Codes

Indexes:

Director of Planning and Codes Pamela Centeno informed that the City received a zoning change request for the property located at 216 E. College, which is the site of the Mary B. Erskine school building. The property, previously owned by Seguin ISD, is privately owned and proposed for redevelopment. The property owner is requesting to change the zoning from Public to Neighborhood Commercial. There are no specific plans yet for redevelopment of the site. Mrs. Centeno reported that the Planning and Zoning Commission, after holding two public hearings and tabling the decision at their first meeting, voted to recommend approval of the zoning change request.

Mayor Dodgen opened the Public Hearing at 6:40 P.M.

There being no public comment, Mayor Dodgen closed the Public Hearing at 6:40 P.M.

Councilmember Gaytan asked what can be done in Neighborhood Commercial and Mrs. Centeno responded by listing several uses allowed in Neighborhood Commercial; mixed use, assisted living centers, daycares, nursing homes, K-12 schools, governmental offices, clinics, labs, medical offices, churches, event facilities, meeting halls, and restaurants. Councilmember Gaytan commented that he would like to see a plan and a good faith representation first before considering a zoning change. He opined that the neighboring property owners deserved to know what was going to be there before it appears and said he has concerns about the potential for noise pollution. Mrs. Centeno said that presenting a plan is not required, except if they were to go through the Planned Unit Development process. City Council could deny the zoning change request and the applicant could come back through the PUD process.

Councilmember Biesenbach commented that the Mary B. Erskine building has been vacant for a long time and the public is waiting for someone to do something with it. With a Public zoning, the uses are very limited. Councilmember Biesenbach suggested that this zoning change will give the property owners an avenue of uses to explore. He stated that he is in favor of making this first step and since this property sits inside of the Tax Increment Reinvestment Zone and improvements will benefit all of downtown in the future.

Councilmember Gaytan rebutted that this is more than a first step -- it is more like a final step and he reiterated that the neighborhood deserves to know what is going to happen.

Mayor Pro Tem Carter commented that all uses that Mrs. Centeno listed are appropriate in that area. She opined that if the City continues to make it difficult to do something with the property, it will never get developed.

Councilmember Lievens said that he appreciates Councilmember Gaytan's questions. He suggested that rezoning the property will make it easier to market the property.

Councilmember Gaytan commented that he not asking for a plan that is binding, but for something at all to show what they are planning to do with the property.

Councilmember Biesenbach stated that at the Planning and Zoning Commission meeting the applicants gave a presentation of some ideas for potential use.

A motion was made by Councilmember Biesenbach, seconded by Councilmember Carter, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Dodgen

Nay: 1 - Councilmember Gaytan

Aye: 6 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

- j. Public Hearing and Ordinance on first reading to consider amendments to the City of Seguin's Unified Development Code Section 3.4.3 Land Use Matrix and Definitions, to add "Outdoor Entertainment Venues (Large and Small)" as a new use. - Pamela Centeno, Director of Planning and Codes

Indexes:

Director of Planning and Codes Pamela Centeno stated that her department is seeking to amend the Unified Development Code to add outdoor entertainment venues to the land use matrix. In the past, a Specific Use Permit (SUP) was needed for all live entertainment. With this amendment, outdoor venues will be categorized into small and large outdoor entertainment venues by the maximum occupancy allowance for that outdoor space. Large venues, defined by an outdoor area with an occupancy of 150 or more, will require the approval of a SUP. The SUP process requires a public hearing, which will allow surrounding property owners the opportunity to voice concerns about potential impacts. It also allows the Planning and Zoning Commission to adopt conditions to protect the surrounding properties. Small venues, an outdoor area with an occupancy of less than 150, will not require a SUP. All outdoor entertainment venues will still be required to meet all applicable City requirements like parking, ingress/egress, life safety and fire and building codes.

Mayor Dodgen opened the Public Hearing at 6:57 P.M.

Suzanne Wynn, 425 Alta Vista Terrace, suggested that City Council should let the people vote on this topic. She said she has heard a lot of talk in the community in how the Schoolyard has affected the surrounding neighbors. She added that she appreciates the comments made by Councilmember Gaytan about the old Mary B. Erskin school property because with it being a 4 acre site there is plenty of room there for an outdoor entertainment venue. She reiterated that the people should be able to vote on this topic.

There being no other public comments, Mayor Dodgen closed the Public Hearing at 7:00 P.M.

Councilmember Gaytan stated that he gets around downtown and questioned if Bar Seguin's occupancy is greater than 100. Mrs. Centeno said she didn't think so but didn't have their occupancy numbers in front of her. She clarified that the outdoor entertainment venues will still have requirements that need to be met, like bathrooms, parking, and abiding to the noise ordinance.

Councilmember Gaytan declared that he wants downtown to be successful, but for neighbors to live in peace as well. He asked if The Schoolyard would be affected. Mrs. Centeno responded that they would be affected and that they currently have an outdoor festival permit that has to be issued for each event. Councilmember Gaytan suggested that City staff provide City Council with the number of venues that this ordinance would effect. He opined that 150 seems like too high of number to separate a small venue from a large venue. He said he would like to see what the occupancy load is for Bar Seguin.

Councilmember Biesenbach asked if the occupancy rate of the outdoor venue is based on and Mrs. Centeno replied that it is based on the occupancy is calculated by Fire Marshal using a formula.

Councilmember Lievens said that agrees with Councilmember Gaytan's comments and would like to see occupancy numbers for existing businesses.

City Manager Steve Parker suggested that City staff provide City Council with the occupancy numbers at the second reading of this ordinance or this ordinance could be tabled while staff gathered occupancy numbers for downtown businesses that host outdoor events, like the Abbott House, Mosheim Events, Seguin Billards, Johnny Pickles, Bar Seguin, etc.

Gaytan commented that he lives on Nolte and can sometimes hear noise from downtown events clearly in his living room. He said if it is happening to him, it is happening to other people too. He wants downtown to be successful but also to mitigate noise pollution.

Councilmember Gaytan made a motion, seconded by Councilmember Biesenbach, to table this item until the data requested can be provided by City staff. The motion carried by the following vote:

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

k.

Ordinance on second reading to consider amendments to the City of Seguin's Unified Development Code Sections 1.2.2, 1.4, 2.9.F, 2.9.1.B, 2.9.2, 2.9.3, 2.9.11, and Definitions to amend the delegation of plat approval responsibility as allowed by Chapter 212 of the Local Government Code. - Pamela Centeno, Director of Planning and Codes

Indexes:

Director of Planning and Codes Pamela Centeno apprised that this ordinance would make amendments to the Unified Development Code related to the subdivision platting

process. The proposed changes are prompted by the State Legislature's 2023 amendments to the Local Government Code, which now allows administrative approval of Final Plats, creating a more consistent and efficient platting process for property owners.

She informed that the Local Government Code requires that a plat be approved if it conforms to all applicable State and local regulations, regardless if the authority responsible for approval is the Commission or employees of the municipality. Mrs. Centeno mentioned that City staff would provide the Planning and Zoning Commission with a quarterly report of approved plats so that they can stay abreast of the development happening in Seguin.

Mayor Dodgen opened the Public Hearing at 7:30 P.M.

Suzanne Wynn, 425 Alta Vista Terrace, declared that it was public comment at the Planning and Zoning Commission meeting that got the occupancy number reduced for the Outside Entertainment Venue definitions. She discussed her opposition to this ordinance, opining that it is removing the appointed and elected officials from the process. She argued that the State Legislature stated that the Planning and Zoning Commission "may delegate" to City staff, not that they "must delegate". She ascertained that house prices are falling in Seguin and that while she has been told that the City does not make changes after a final plat, her neighborhood has been reappraised 7 times since the final plat. Ms. Wynn commented that so many subdivisions have been approved for District 6 that it will be larger than all of Seguin was four years ago. She declared that the City has a serious lack of urban planning.

There being no other public comment, Mayor Dodgen closed the Public Hearing at 7:35 P.M.

Councilmember Lievens thanked Mrs. Centeno for her knowledge. Councilmember Lievens asked for clarification regarding the 30 day deadline. Mrs. Centeno replied that State law requires that they approve or deny a plat 30 days from the date it was submitted. In order to meet that timeline, the City has established submittal dates. So even if the developer has a plat ready before that date, they have to wait to submit it until the submittal date. By making this change, developers would be able to submit the plat as soon as it ready, staff could review, make comments and approve or deny without waiting for the once a month Planning and Zoning Commission. Lievens asked if it would still notify surrounding property owners and Mrs. Centeno answered that they do not send notifications for final plats.

Councilmember Gaytan stated that it sounded to him like for efficiency purpose the City wants to remove some of the democratic process. He declared that City Council should not strip the Planning and Zoning Commission's authority. He commented that he has the utmost respect for Mrs. Centeno and City Management and is sure that staff would make good decisions, but it is not in conjunction with the democratic process the City now has. If the process delays the project, then it delays the project. He announced that he is respectfully opposed to this ordinance amendment.

City Manager Steve Parker mentioned that it is a struggle to meet the shot clock that the State has set and reminded that the Planning and Zoning Commission can not deny a plat if it conforms to all applicable State and local regulations. Mrs. Centeno expressed that it is not staff's intention to take away transparency and added that it even now it is City staff, not the Planning and Zoning Commission, that determines whether the plat conforms to all applicable laws. Mrs. Centeno suggested that another

option would be to allow for administrative approval, but to put a report of plats approved on every Planning and Zoning Commission agenda so that it could be discussed.

Mayor Dodgen mentioned that the Planning and Zoning Commission approves and validates the work that City staff has already done.

Councilmember Gaytan asked if the current Planning and Zoning Commission is in support of this amendment and Mrs. Centeno answered that they voted 7-0 in favor of the change.

At 7:52 P.M., Suzanne Wynn, 425 Alta Vista Terrace, commented that citizen input is good. She said that her neighborhood got through approval without the fire department having a second access point. She also spoke about her neighborhood requesting a Children at Play sign a little over a year ago and informed not only did they not get one, but the City rewrote the regulations so that no neighborhood could get a sign. She opined that if City Council votes for this, it takes the elected officials out of the process, and does away with transparency. She said that if this passes, Texans will be Texans and will improvise and will flood open records requests. She said she appreciates everything that Mrs. Centeno does but sometimes citizens do not agree with you.

A motion was made by Councilmember Biesenbach, seconded by Councilmember Carter, that this Ordinance be approved on first reading. The motion carried by the following vote:

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

- I.** Resolution of the City Council of Seguin, Texas authorizing the City Manager to execute a Master Services Agreement with Schneider Engineering LLC d/b/a SEnergy, related to as-needed professional services for the City's Electric Utility facilities; and declaring an Effective Date. - Mark Kennedy, City Attorney

Indexes:

City Attorney Mark Kennedy informed that Seguin has utilized SEnergy for the past ten years for electrical support and distribution center planning. This year, the City has requested a system fusing study, used to provide necessary information facilitated by the exponential growth throughout the city. The Purchasing Department and Legal Counsel recommend that Schneider Engineering be placed under a Master Services Agreement. This is to avoid the City from being accused of compound purchases over a year and to follow appropriate procurement processes.

Deputy City Manager Rick Cortes added that Schneider Engineering has worked with the Seguin for the last 19 years and has done several studies throughout the years.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-257

m.

Resolution declaring a necessity for the acquisition of a 0.62 acre permanent utility easement and a 0.62 acre temporary construction easement on a tract of land out of the A.M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, and being a portion of a called 60 acre tract of land described in that certain deed to Lynette K. Cranford as recorded in Document No. 2001000256 in the Deed Records of Guadalupe County, Texas, for the purpose of the installation, construction, operation, maintenance, repair, upgrade and removal of multiple water, wastewater and reuse water transmission lines and related above and below ground appurtenances along Huber Road between IH-10 and Field Road to increase water service capacity to the area and achieving the public use of the Springs Hill Water Supply Corporation CCN Transfer Project and authorizing the institution of condemnation proceedings to acquire said property interests to the extent negotiations are unsuccessful. - ConCouncil may opt to hold portion(s) of this item in Closed Session, pursuant to Sections 551.071 and 551.072 of the Texas Government Code. Any actions will be taken in Open Session. - Connie Real, Real Estate Manager

Indexes:

City Attorney Mark Kennedy recommended that City Council convene into Executive Session for agenda items 8.m. and 8.o. Agenda item 8.n. is being pulled from the agenda as that matter is being settled.

Pursuant to sections 551.071(2) and 551.072 of the Texas Government Code, consultation with attorney/staff and deliberation regarding the purchase and/or value of real property, Mayor Dodgen convened into Closed Session at 8:02 P.M.

Mayor Dodgen reconvened the meeting into Open Session at 8:21 P.M.

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-258

n.

Resolution declaring a necessity for the acquisition of a 0.09 acre permanent utility easement and a 0.27 acre temporary construction easement on a tract of land out of the A.M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, and being a portion of a called 103.84 acre tract of land described in that certain deed to Hilmar Karl Klaehn and wife, Adelene Wendel Klaehn as recorded in Volume 340, Page 353, Deed Records of Guadalupe County, Texas, for the purpose of the installation, construction, operation,

maintenance, repair, upgrade and removal of multiple water, wastewater and reuse water transmission lines and related above and below ground appurtenances along Huber Road between IH-10 and Field Road to increase water service capacity to the area and achieving the public use of the Springs Hill Water Supply Corporation CCN Transfer Project and authorizing the institution of condemnation proceedings to acquire said property interests to the extent negotiations are unsuccessful. Council may opt to hold portion(s) of this item in Closed Session, pursuant to Sections 551.071 and 551.072 of the Texas Government Code. Any actions will be taken in Open Session. - Connie Real, Real Estate Manager

Indexes:

Mayor Dodgen pulled this item from the agenda as it is in the process of being settled.

- o.** Resolution declaring a necessity for the acquisition of permanent utility easements and temporary construction easements on two parcels of land in the M. Cherino Survey, Abstract No. 10 and the A. M. Esnaurizar Survey, Abstract No. 20, Guadalupe County, Texas, being out of a called 10 acre tract of land and a called 80 acre tract of land, respectively, as conveyed to Larry D. Grimm and being more particularly described by metes and bounds in that certain Warranty Deed recorded at Document No. 1993000443 of the Official Public Records of Guadalupe County, Texas, and being the same tracts of land conveyed to the Grimm Revocable Trust in Document No. 202399013409 of the Official Public Records of Guadalupe County, Texas for the purpose of the installation, construction, operation, maintenance, repair, upgrade and removal of multiple water, wastewater and reuse water transmission lines and related above and below ground appurtenances and achieving the public use of distributing potable water from the State Highway 123 elevated storage tank as part of the Ground Water/Surface Water Loop Project and authorizing the institution of condemnation proceedings to acquire said property interests to the extent negotiations are unsuccessful. Council may opt to hold portion(s) of this item in Closed Session, pursuant to Sections 551.071 and 551.072 of the Texas Government Code. Any actions will be taken in Open Session. - Connie Real, Real Estate Manager

Indexes:

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

Presiding: 1 - Dodgen

Aye: 7 - Councilmember Rea, Councilmember Lievens, Councilmember Rangel, Councilmember Gaytan, Councilmember Carter, Councilmember Biesenbach, and Councilmember Keller

Enactment No: RES 2024R-260

9. Adjournment

Mayor Dodgen adjourned the meeting at 8:26 P.M.

Donna Dodgen, Mayor

ATTEST:

Kristin Mueller, City Secretary