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City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes

City Council

Tuesday, May 7, 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 - Council Member Jeannette Crabb

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.

*Name: Julian Leal
Address: 849 Prexy
City: Seguin, Texas*

Talked about proper edicate when shaking hands.

*Name: Ron Varela
Address: 440 Hickory Forrest Dr
City: Seguin, Texas*

Mr. Varela said he just returned from Austin concerning his Ethics Complaint. Mr. Varela advises that the City of Seguin is violating his property rights. City Attorney and city council have been presented with his documents and yet no one will grant him permission for a hearing. Request a meeting with city council so he may present his

documents.

Name: Larry Lee
Address: 103 Hillside
City: Seguin, Texas

Spoke to City Council about the proposed GVEC power station off Hwy 123 South. GVEC representatives have stated that it all comes down to money. Mr. Lee said he has been told that it did not matter whether the Planning & Zoning Commission and City Council did not approve the zoning, GVEC will proceed. He asked that City Council help the residents of this area and keep them informed of any meeting dates.

Director of Water/Wastewater Utilities Tim Howe made a presentation on the work that went into fixing the damage to a 16" sewer line that caused an overflow on Saturday, May 4th at 6:00 a.m. at the Geronimo Creek WWTP. The City Departments all came together to help mitigate the overflow of raw sewage and keep much of it from spilling into the Geronimo Creek. Howe said a major crisis may have been averted, but they are still working to monitor the contamination levels of the nearby waterway to ensure that no challenges are overlooked. Proper notifications have been made and they will continue to monitor the river.

6. Consent Agenda

A motion was made by Council Member Mathis, seconded by Council Member Herbold, 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. [19-125](#)

City Council Minutes of April 16, 2019

This Minutes was approved

b. [19-115](#)

Ordinance on second reading creating a no parking zone on both sides of Eighth Street in the City of Seguin, Texas; and providing for an effective date

This Ordinance was adopted

Enactment No: ORD 2019-018

7. Action Items - Discussion and Possible Motion to Approve

a. [ZC 05-19](#)

Public Hearing and Ordinance on first 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) - Pamela Centeno, Director of Planning & Codes

The regular meeting was recessed and the public hearing was called to order. There being no Citizen Comments, the public hearing was adjourned and the regular meeting was reconvened.

A motion was made by Council Member Herbold, 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

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. [ZC 06-19](#)

Public Hearing and Ordinance on first 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) - Pamela Centeno, Director of Planning & Codes

The regular meeting was recessed and the public hearing was called to order. There being no citizen comments, the public hearing was adjourned and the regular meeting was reconvened.

A motion was made by Council Member Mathis, seconded by Council Member Wallace, that this Zoning 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. [ZC 04-19](#)

Public Hearing and Ordinance on first 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) - Pamela Centeno, Director of Planning & Codes

The regular meeting was recessed and the public hearing was called to order. There being no comments from the public, the public hearing was adjourned and the regular meeting was reconvened.

A motion was made by Council Member Rangel, seconded by Council Member Wallace, that this Zoning 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

d. [19-136](#)

Public Hearing and Ordinance on first reading to consider a request for Voluntary Annexation into the Seguin City Limits an area of land at the northeast corner of SH 46 and Cordova Rd, being approximately 110.27 acres

of land, including a 104.09-acre tract of land with Property ID 55083 and the adjacent 6.18 acres of State Hwy 46 right-of-way, in Guadalupe County, Texas and in the Seguin ETJ; and declaring an effective date - Pamela Centeno, Director of Planning & Codes.

The regular meeting was recessed and the public hearing was called to order. There being no public comments, the public hearing was adjourned and the regular meeting was reconvened.

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

e. [19-135](#)

Public Hearing and Ordinance on first reading to consider a request for Voluntary Annexation into the Seguin City Limits an area of land at the northwest corner of SH 46 and Three Oaks Rd, being approximately 87.827 acres of land, including a 79.427-acre tract of land with Property ID 55496, the adjacent 0.99 acres of Three Oaks Rd right-of-way, and 7.41 acres of State Hwy 46 right-of-way, in Guadalupe County, Texas and in the Seguin ETJ; and declaring an effective date - Pamela Centeno, Director of Planning & Codes.

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

*Name: Summer Greathouse
Address: 300 Convent
City: San Antonio, Texas*

Ms. Greathouse stated that she was speaking on behalf of the Three Oaks Subdivision. While she supports the annexation of this property with one caveat that the developer be required to comply with Seguin's development code standards, including lot sizes, impervious cover and drainage requirements in order to abate any detrimental effects on surrounding landowners as well as the Guadalupe River.

*Name: Steve Brungta
Address: 560 Three Oaks
City: Seguin, Texas*

He spoke in favor of the voluntary annexation and agrees with the Mayor's view of building low income housing. Do not want to see the entrance into our City with sub-standard housing.

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

Council Members questioned the minimum lot width. Pamela Centeno, Director of

Planning advised that since the developer submitted his preliminary plat with the City of New Braunfels they could have the smaller lot size of 36 feet width, while Seguin's minimum is 50 feet. The developers proposed lot width is a 45 feet minimum on their master plan submitted to the City of New Braunfels.

After further discussion by City Council on drainage, subdivision standard requirements, traffic impact analysis, the Mayor said he felt it was important to bring this subdivision into the city to regulate the drainage and building regulations versus leaving it the County where there would be no regulations.

Council Member Chris Aviles disagreed with the Mayor stating that the City should hold the developer to the higher standards. He said they have had issues with the developer in his neighborhood, he's left so many things unprepared and ADA compliance.

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

Presiding: 1 - Mayor Keil

Nay: 1 - Council Member Aviles

Aye: 7 - Council Member Herbold, Council Member Mathis, Council Member Leal, Council Member Crabb, Council Member Rangel, Council Member Roy, and Council Member Wallace

f. [19-123](#)

Public Hearing and Ordinance on first 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 - Pamela Centeno, Director of Planning & Codes

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

Director of Planning and Zoning Pamela Centeno said that this is a Zoning process and not GVEC in particular. With the adoption of this ordinance all public utility entities would be required to apply for a Specific Use Permit.

City Attorney Andy Quittner advised that the Public Utility Commission does regulate substations. PUC is not municipal friendly. The adoption of this ordinance would show better planning and that the City of Seguin is trying to work with GVEC, which goes a long way with the PUC.

*Name: Larry Lee
Address: 103 Hillside
City: Seguin, Texas*

I just want to know "Do we have a chance to stop GVEC from building?" Do they still go through Planning&Zoning Commission? Mr. Faseler advised that GVEC would need to go to the Planning & Zoning for a Specific Use Permit for approval or denial. They do not typically go to city council unless the SUP is denied then GVEC has a right to appeal which does go before city council. Mr. Lee said he spoke with the GVEC General Manager and that this comes down to money.

Council Member Fonda Mathis wanted to clarify the questions that Mr. Lee had. If we don't adopt the ordinance then the owner would apply for a zoning change to public, which would open the property up to all types of usage. If we adopt this ordinance for any public utility facility to comply with this Zoning process with a SUP then the City has a detailed say in the requirements.

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

Pamela Centeno said that the change in the Zoning process would require a more detailed process with a SUP, such as requiring screening, buffers, impact to neighboring property owners. Once an application is made a notice would be forwarded to all neighboring property owners. At this time the soonest GVEC could ask for a Zoning/SUP process will be July.

Mayor Keil stated that it's unfortunate but the GVEC members need to speak out at the GVEC Board Meetings and make them aware of how you feel about the proposed development.

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

Presiding: 1 - Mayor Keil

Nay: 1 - Council Member Leal

Aye: 6 - Council Member Herbold, Council Member Mathis, Council Member Crabb, Council Member Rangel, Council Member Roy, and Council Member Wallace

Abstain: 1 - Council Member Aviles

g. [19-101](#)

Ordinance on second reading amending FY2019 General Fund Budget; and declaring an effective date - Susan Caddell, Director of Finance

A motion was made by Council Member Crabb, seconded by Council Member Leal, that this Ordinance be adopted. 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: ORD 2019-019

h. [19-102](#)

Ordinance on second reading amending FY2019 Utility Fund Budget; and declaring an effective date - Susan Caddell, Director of Finance

A motion was made by Council Member Wallace, seconded by Council Member Rangel, that this Ordinance be adopted. 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: ORD 2019-020

i. [19-103](#)

Ordinance on second reading amending FY2019 Special Revenue Fund; and declaring an effective date - Susan Caddell, Director of Finance

A motion was made by Council Member Mathis, seconded by Council Member Herbold, that this Ordinance be adopted. 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: ORD 2019-021

j. [19-129](#)

Approval of reports for the quarter ended March 31, 2019 for the following organizations that receive Occupany Tax funding:

- 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 Area Chamber of Commerce
- i. Seguin Art League
- j. The Fields of Huber Ranch, LLC

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

k. [19-127](#)

Resolution of the City Council of the City of Seguin, Texas amending Utility Billing Customer Service Policy; 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 2019-051

I. [19-121](#)

Resolution approving the adoption of an Electronic Record System as the official record copy for the City of Seguin; and declaring an effective date - Naomi Manski, City Secretary

A motion was made by Council Member Mathis, 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 2019-052

m. [19-134](#)

Resolution approving amendments to the bylaws of Historic Preservation & Design Commission; and declaring an effective date - Kyle Kramm, Main Street & CVB Director

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 2019-053

n. [19-132](#)

Resolution approving a Capital Improvement Agreement with Scrappy Development, LLC for the construction of a sanitary sewer line running along property east of Highway 46 to near the intersection of Highway 46 and Cordova Road; authorizing the city manager to execute the Agreement; and declaring an effective date - Andy Quittner, City Attorney

A motion was made by Council Member Herbold, seconded by Council Member Crabb, 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 2019-054

o. [19-137](#)

Resolution awarding a Professional Services Agreement with Halff & Associates for implementing a Storm Water Program with associated Storm Water Fees; authorizing the City Manager to execute the agreement; and declaring an effective date - David Rabago, P.E., City Engineer

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 2019-055

p. [19-133](#)

Presentation on the one year review of the effects of extended hour on premise alcohol service - Andrew Quittner, City Attorney

City Attorney Andrew Quittner stated that there have been no significant changes since some of the local bars have chosen to extend their business hours. There are six establishments with the extended hours.

This Presentation was received and filed

q. [19-130](#)

Board and/or Committee Appointments

a. Convention & Visitors Bureau (CVB)

A motion was made by Council Member Crabb, seconded by Council Member Herbold, that this Appointment 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

8. **Acknowledgment of Bills**

The bills were acknowledged.

a. [19-124](#)

Check Report: April 11, 2019 through May 2, 2019

9. **Executive Session**

The regular meeting was recessed and the council went into Executive Session at 7:12

pm. The regular meeting reconvened at 7:38 pm.

a. [16-176](#)

In accordance with Section 551.071(b) and 551.074 consultation on a personnel matter - Mayor Don Keil

b. [13-014](#)

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

10. **Adjournment**

There being no further business before the council the meeting adjourned at 7:38 pm.

Don Keil, Mayor

Attest:

Naomi Manski, City Secretary