



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes

City Council

Tuesday, July 16, 2024

5:30 PM

Council Chambers

1. **Call to Order**

Mayor Dodgen called the meeting to order at 5:30 P.M.

2. **Invocation - Mayor Donna Dodgen**

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

Presiding: 1 - Mayor Donna Dodgen

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.

Daniel Loyola, 112 N. Travis St., announced that he was with Congresswoman Monica De La Cruz;s office and invited anyone who has had issues with any federal agencies to her office which is now open at 112 N. Travis Street. He also provided a phone number, 830-643-0800.

Cheryl Davis, 344 Saddlehorn Dr., said that she was the President of the Mill Creek Crossing subdivision. Due to the construction on I-10 and Rudeloff, she asked the City to consider prohibiting thru-trucks in the subdivision. She thanked Mayor Dodgen, City Manager Steve Parker, and Councilmember Lievens with their help on this matter. She also thanked Director of Engineering and Capital Projects Melissa Reynolds and Assistant Director of Engineering and Capital Projects Jennifer Shortess for their help and stated that they both do so much more than engineering and they represent the City very well. She thanked Mayor Pro Tem Carter and Councilmember Keller for their

response to her on the matter. With the potential for increased traffic speeding through the community, she does not want to risk children or adults being harmed in the streets.

Fire Chief Dale Skinner and Administrative Lieutenant Mike McMann announced that their departments are working with the Seguin Housing Authority to get donated clear backpacks for Seguin ISD. They announced that donations are being accepted until July 30th and encouraged everyone to participate.

Mayor Dodgen announced the 28th Annual Texas Lineman's Rodeo is this Saturday, July 20 at Nolte Island in Seguin. She wished good luck to the apprentices and journeymen representing Team Seguin - Nathan Thiry, Taylor Ross, Steven Eldridge, JR Cruz, Alexander Duarte, Tristin Morstad, AJ Martinez, Eli Santos and Dylan Rodgers. Additionally, she wished good luck Freddy King and Bobby Jo Hyatt who are competing in the BBQ Cook-Off. She reminded that this Thursday is 3rd Thursday and the theme is Christmas in July. Downtown businesses will be opened late and it will look like Christmas. Also, Mayor invited everyone to a Public Input Session to be held from 5-7PM on Wednesday, July 24, 2024 at the Seguin Public Library to discuss updates to the City's sign ordinance. Lastly, she stated that a Regional Job Fair will be hosted at Steele High School in Cibolo on Thursday, July 25, 2024 from 10AM-2PM. The job fair will feature over 60 employers from Cibolo, New Braunfels, Schertz, and Seguin.

6. Presentation

a. Presentation and discussion regarding the City of Seguin Insurance Service Organization (ISO) Study - Dale Skinner, Fire Chief

Indexes:

Attachments: [ISO Presentation Revised](#)

Fire Chief Dale Skinner and Assistant Fire Chief Garrick Herbert gave a presentation on the Insurance Services Office (ISO) Rate Study provided by Mike Peach, an ISO consultant. ISO help set insurance premiums for home owners and business owners. The highest rating possible is a 1 and the lowest rating possible is a 10, the higher the ISO rating the lower the insurance premium. Mr. Peach helps municipalities to improve their ISO ratings by reviewing their current capabilities and listing areas of improvement. In addition to this current ISO Rate Study, Mr. Peach worked with the City of Seguin on a fire station feasibility study in 2011 and an ISO study in 2015.

Chief Skinner explained that Seguin is experiencing rapid growth and growth impacts an ISO rating.

City Manager Steve Parker added that this study also helped to ensure that City is still moving in the right direction with the initiatives it has already been working on and that the City is not wasting resources.

Chief Skinner informed that the City is currently operating 3 fire stations with two engines, one ladder truck, three ambulances and one Battalion Chief. They have 22 authorized positions per day, with a minimum daily staff of 17. He showed that all three fire stations are located south of I-10. He informed that Seguin's current ISO rating is a 2/2Y. In 2016, Seguin improved its rating from a 3 to an 2/2Y. The 2Y indicates that there are areas of the community that are outside of 5 road miles from a station or more than 1,000ft from a fire hydrant. Those areas, mostly the new homes on the Hwy

46 corridor north of I-10, have an ISO rating of 10.

Councilmember Lievens asked how other cities are improving their ISO rating and Chief Skinner answered they are adding fire stations. Chief Skinner explained that if nothing is done, Seguin would regress to an ISO 3 rating. He then detailed what criteria is used to determine an ISO rating. He said an area of improvement that the Fire Department is working on is to keep better records showing continuing education. Mr. Parker added that was one of the reasons that the training chief position was created.

Chief Skinner informed that the recommendation from the ISO Study was to operate 4 engines and a ladder truck from 4 fire stations, increase training hours, adopt the current fire code, and improve pre-plans and inspection frequency. He opined that some short term solutions would be to build fire station #4 and to sign an automatic mutual aid agreement with Guadalupe County Fire Rescue. Chief Skinner said they have requested additional personnel to staff an apparatus on order, due to arrive January 2025. Some more long term recommendations were to explore mutual aid agreements with additional cities and counties, consider building fire station #5 and fire station #6 which general locations have already been identified. He also mentioned relocated fire station #2 and #3 may be necessary to help maximize coverage.

Councilmember Lievens asked if mutual aid agreements with volunteer fire departments would help the ISO rating and Chief Skinner answered that he thinks they would not as it would need to be a career fire department that is ready to deploy around the clock. Councilmember Lievens said bonds would be needed to cover the cost of a fourth fire station, but he is also concerned about the Police Department's needed substation.

Mr. Parker added that the City has had good initial discussions with new developments coming to Seguin. They have discussed donating land for Public Improvement Districts and donating land or money to put forth to build fire stations or potential temporary structures. He said it is possible to see a bond election as early as November 2025 election but the City could fund some items up front before then.

Councilmember Lievens said a new fire station isn't needed just improve the ISO rating, but for public safety.

Mr. Parker informed that the City applied for a SAFER grant to add 6 new staff and is adding staff with each new budget.

Councilmember Gaytan declared his full support for what is needed for the City to get to an ISO 2 rating and said he would like the areas with a 10 rating to be addressed as soon as possible. Chief Skinner reiterated that Fire Station #4 would address that issue until the Geronimo area is more developed.

Mayor Dodgen said that next on the list is the fire inspection issue for commercial developments. Chief Skinner responded that the City has hired additional staffing with the Medic 1 Project and the SAFER grant several years ago, and just completed a midyear adjustment for an additional 6 firefighters. The added staff will help improve the amount of inspections that are able to be completed each year.

Mayor Dodgen stated that the City is trying as hard as it can and is taking the necessary steps but it will need to do more with a lot more money. She thanked Chief Skinner and Assistant Chief Herbert for proactively thinking about this and said she knows that the City will need to take a big leap.

- b. Presentation and update on the Meadowlake Dam Replacement Project - Steve Parker, City Manager

Indexes:

Attachments: [Meadowlake WCID 07162024](#)

City Manager Steve Parker introduced Mike Mescal and Jayce Robbins with the Meadowlake Water Improvement District and HOA. He reminded that the City signed an Interlocal Agreement to provide up to \$5M to help with repairs to the dam, provided that the majority of the payment was made by the homeowners of Meadowlake. Citizens have inquired about the status of the project so Councilmember Gaytan requested an update be made at a City Council meeting.

Jayce Robbins explained that this project began in 2019. In May of 2019, the City approved to fund the full cost of engineering. Approximately one year from today, the bids will be in hand and construction should begin. He informed that \$20.8M in funding has been secured between the City and District. While the District has the authority to spend the money, they do not have it in the bank account yet. They are working with the Water Infrastructure Financing Program, which helps new districts that do not have much credit history get funding.

By end of year, the District will be in position to sell their bonds. If the District has the confidence to move forward at the 90% of plan completion mark, they will purchase the gates and tower at that time in hopes of speeding up the timeline. Mr. Robbins informed that they were not awarded a grant they applied for through the Department of Energy (DOE) due to a technicality, but that they are currently working through another grant that is due in October through the US Bureau of Recognition. They are more confident that they will be considered for that grant.

Mike Mescal elucidated that the project was not awarded the grant with the Department of Energy because while the dam falls within a Federal Energy Regulatory Commission exempt definition, the Department of Energy has a more narrow definition. He said they were disappointed but had heard the grant was oversubscribed and the DOE was looking for reasons to disqualify applicants.

Mr. Mescal assured City Council that the Meadowlake Water Improvement District has an excellent working relationship with the Guadalupe Blanco River Authority (GBRA) and the Water Control Improvement District (WCID) Board of Directors and that they have drafted a conveyance agreement to convey the dam from GBRA to WCID. WCID wants to get further along in the project design before they invest resources. Lastly, he invited everyone to attend the future WCID board meetings.

- c. Presentation and possible direction to staff on Qualified Childcare Facility Tax Exemption (S.B. 1145) - Alora Wachholz, Deputy Director of Economic Development

Indexes:

Attachments: [Qualified Child-Care Facility Tax Exemption Memo](#)

Deputy Director Alora Wachholz explained that this item is being brought before City Council because it is outlined in the Seguin Community Economic Development Strategy (CEDS) under Goal 1, Strategy 2, that the City of Seguin is committed to making immediate and measurable impacts in workforce participation

through methods that support and promote affordable, qualified local childcare for employees. Senate Bill 1145 allows the City to authorize an ordinance that would provide a tax exemption between 50 and 100% for qualifying childcare centers, defined as an owner or operator of which participated in the Texas Workforce Commission's (TWC) Rising Star Program for that facility and at least 20% of the total number of children enrolled at the facility receive subsidized childcare services provided through the childcare services program administered by the TWC.

Ms. Wachholz informed that from March 2020-Sept 2021, almost 1 in 4 closed childcare facilities closed, due largely because of inflation and staffing costs. It is estimated that because there is not enough child care to meet employment needs, limiting parents opportunities, the lack of childcare costs the nation approximately \$11.4B annually. She said there are currently 14 childcare facilities in Seguin and 3 of them meet the definition of a qualified facility, potentially affecting \$5,242 in City taxes if this exemption takes effect. In order to take effect, the City would need to adopt an ordinance. Then, childcare facilities would file for the exemption through the Appraisal District.

Councilmember Biesenbach stated that he appreciated conversation he and Alora had earlier. He said that giving more childcare options, more parents would enter the workforce potentially gaining more in revenue for the City than the \$5,200 lost. Ms. Wachholz commented that when they went to the International Conference of Shopping Centers they spoke to several childcare providers and they all asked if the City offers this exemption.

Councilmember Gaytan asked if any of the industrial employers offer childcare to their employees and Ms. Waccholz answered that they do not, likely because it would be too much of a liability for them to have childcare at a warehouse with chemicals or heavy equipment operating.

City Manager Steve Parker mentioned that childcare is a major initiative for the Seguin Chamber as well.

Mayor Dodgen asked if Seguin's deficit in childcare facilities is known and Ms. Waccholz answered that she does not have a market gap analysis for it but that they have heard through word of mouth and that there is currently not a daycare that offers second shift care.

Mayor Pro Tem Carter said that the wait is currently 8 months to one year for newborns. Some people are getting on the waiting list as soon as they find out they are having a child.

Mayor Dodgen asked if this is an enticement for these facilities and Ms. Waccholz responded that she hopes so but at the very least it shows that Seguin is listening and it sets a precedent.

Mayor Pro Tem Carter thanked Ms. Waccholz for bringing this information to the forefront.

Councilmember Biesenbach, with the consensus of City Council, suggested that 100% staff draft an ordinance for 100% exemption for qualified childcare facilities.

7. Consent Agenda

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

Presiding: 1 - Mayor Dodgen

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

a. Minutes of the July 2, 2024 City Council Regular Meeting

Indexes:

Attachments: [CC.Meeting.Minutes July 2, 2024 Revised](#)

This Minutes was approved.

b. Check Report June 29, 2024 to July 12, 2024

Indexes:

Attachments: [Check Report 06292024 -07122024](#)

The Check Report was acknowledged.

c. Board and/or Committee Appointment - Mayor Donna Dodgen

a. Main Street Advisory Board

Indexes:

Attachments: [Memo Board Appointment - Dustin Jones - Main Street](#)
[Main Street App Dustin Jones_Redacted](#)

This Appointment was approved.

d. Resolution authorizing the auction of excess vehicles and equipment; and providing an effective date - Steven Purchase, Fleet Manager

Indexes:

Attachments: [PW Auction Memo 7-16-24](#)
[Resolution\(Equipment.Auction\)\(July.24\)](#)

This Resolution was approved.

Enactment No: RES 2024R-158

e. Resolution approving a contract with Guadalupe County for election services related to the November 5, 2024 General Election; appointing Lisa Hayes as the Elections Administrator; and declaring an effective date - Kristin Mueller, City Secretary

Indexes:

Attachments: [2024 Election Contract Memo](#)
[2024 Election Contract Resolution](#)
[2024 Election Contract](#)
[2024 Election Cost Estimate](#)

This Resolution was approved.

Enactment No: RES 2024R-159

- f. Ordinance on second reading to consider a Zoning Change from Single-Family Residential (R-1) to Neighborhood Commercial (NC) for a property located at 503 S. Austin Street, Property ID: 27867 (ZC 04-24)

Indexes:

Attachments: [Staff Memo ZC 04_24](#)
[ZC 04-24 Planning Commission Report and staff report](#)
[ZC 04-24 Ordinance](#)
[ZC0424 ExhibitA_CC](#)

This Ordinance was adopted.

Enactment No: ORD 2024-031

- g. Ordinance on second reading to consider a Zoning Change from Single-Family Residential (R-1) to Planned Unit Development (PUD) for a property located at 102 Lenz Dr., Property ID: 195969 (ZC 05-24)

Indexes:

Attachments: [Staff Memo ZC 05_24](#)
[Planning Commission Report & staff report](#)
[ZC 05-24 Ordinance](#)
[ZC0524 ExhibitA_CC](#)

This Ordinance was adopted.

Enactment No: ORD 2024-032

- h. Ordinance on second reading to consider a Zoning Change from Single-Family Residential (R-1) to Duplex-1 (DP-1) for property located at 415 Troell St., Property ID: 42289, (ZC 06-24)

Indexes:

Attachments: [Staff Memo ZC 06_24](#)
[Planning Commission Report and StaffReport ZC 06_24](#)
[ZC 06-24 Ordinance](#)
[ZC 0624 ExhibitA_CC](#)

This Ordinance was adopted.

Enactment No: ORD 2024-033

8. Action Items - Discussion and Possible Motion to Approve

- a. Discussion and possible action on establishing the boundaries for Seguin TIRZ #1 - Kyle Kramm, Main Street & CVB Director/HPO.

Indexes:

Attachments: [Council Memo - TIRZ Boundaries](#)
 [Seguin TIRZ 060424](#)

Main Street and CVB Director Kyle Kramm reminded that adopting a TIRZ would provide funding for other projects in the master plan for downtown and that per the City Council's discussion at the June 4th meeting, the discussion on the boundaries of the TIRZ #1 was to come back to City Council for further comments and discussion. Mr. Kramm reported that staff had received positive feedback and no requests to change the proposed boundaries has been made since the last meeting.

Economic Development Director Josh Schneuker informed that they will be making the presentation to the Guadalupe County Commissioners Court next week.

Councilmember Gaytan said the proposed TIRZ boundaries was presented to the Downtown Business Alliance and he was not aware of any objections. The only question he received was why it was called the "Downtown TIRZ" when it included properties that were not considered downtown. Mr. Kramm answered that the boundary was made bigger to increase the amount of tax increment collected and that the name has been changed to "TIRZ #1".

A motion was made by Councilmember Gaytan, seconded by Councilmember Keller, to approve the proposed TIRZ boundaries as presented. The motion carried by the following vote:

Presiding: 1 - Mayor Dodgen

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

- b. Resolution approving a proposal from D&D Sitework and Utilities for emergency road repairs to South Saunders and Medlin Street. - John Donnelly, Public Works Director

Indexes:

Attachments: [SAUNDERS ST. PIPE REPLACEMENT 7-11-24 \(MEMO\)](#)
[Resolution\(D&D.Saunders.Repair\)](#)
[Saunders St Emergency pipe quotes](#)
[Saunders St Emergency Repair Quote 2](#)
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[imagepeg_0060](#)
[imagepeg_1002](#)

Public Works Director John Donnelly informed that there was failed pipe system at the intersection of S. Saunders and Medlin St that caused a sinkhole and is need of emergency replacement. Replacing the pipe will be the best solution and add life to the complete storm sewer system in that area. He mentioned that the City received two bids and that City Staff recommends awarding the project to D&D Sitework and Utilities in the amount of \$144,000. There is an additional cost of \$65,000 for Public Works to repave the area. The combined cost to repair is not to exceed \$210,000.

Councilmember Biesenbach asked if there is contingency is added to the cost of the project. Mr. Donnelly responded there is contingency built into the cost of the project.

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 - Mayor Dodgen

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

Enactment No: RES 2024R-160

c.

Resolution to award the bid for the purchase, installation, and start-up of three (3) variable frequency drives at the water plant; and declaring an effective date - Timothy J. Howe, Director - Water / Wastewater Utilities

Indexes:

Attachments: [Council Memo - 7-16-2024](#)
[Resolution 7-16-2024](#)
[Bid Tab \(1\)](#)

Water and Wastewater Director Tim Howe reminded that this item came before City Council in May and that the bids were rejected based on concerns that the specifications were unclear. The specifications were clarified and the project was rebid. Mr. Howe explained that the current variable frequency drives are outdated and conflict with an auto transfer switch. This project will update the VFDs and correct that issue. City staff recommends acceptance of the low bid in the amount of \$102,700 from Austin Armature.

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

Presiding: 1 - Mayor Dodgen

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

Enactment No: RES 2024R-161

- d. Resolution authorizing an expenditure by the Seguin Economic Development Corporation (SEDC) in an amount not to exceed \$175,000 for professional services to be performed by Pape-Dawson Consulting Engineers, LLC. for the Industrial Real Estate Identification and Feasibility Study - Josh Schneuker, Director of Economic Development

Indexes:

Attachments: [Industrial Real Estate Identification and Feasibility Study Memo](#)
[Council Resolution - Industrial Feasibility Study](#)
[Pape Dawson Industrial Real Estate Study Proposal](#)
[SEDC Resolution 2024-08 Real Estate Feasibility Study](#)

Deputy Director of Economic Development Alora Wachholz stated that this proposed resolution would authorize the appropriation of \$175,000 for the Industrial Real Estate Identification and Feasibility Study Project Account. She detailed that the study would consist of three phases: 1) identify available properties over 100 acres and identify a handful of priority sites, 2) include comprehensive evaluations along with project cost estimates and site specific concept plans, and 3) provide a summary memo to assist with direction and use when recruiting developers. Also, she mentioned that SH130 has indicated their willing to participate in the feasibility study, helping to offset the cost.

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 - Mayor Dodgen

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

Enactment No: RES 2024R-162

- e. Resolution authorizing an amendment to the 2023-2024 Seguin Economic Development Corporation Budget - Josh Schneuker, Director of Economic Development

Indexes:

Attachments: [071624 City Council BA3 Memo](#)
[City Council Resolution SEDC Budget Amendment 3](#)
[SEDC Resolution 2024-09 Budget Amendment 3](#)

Deputy Director of Economic Development declared that this resolution authorizes the budget amendment to fund the Industrial Real Estate Identification Feasibility Study.

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

Presiding: 1 - Mayor Dodgen

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

Enactment No: RES 2024R-163

f. Resolution establishing a policy related to invocations at Meetings of City Council; and Declaring an Effective Date. - Mark Kennedy, City Attorney

Indexes:

Attachments: [Resolution \(Prayer\)](#)

[POLICY AND PROCEDURE REGARDING INVOCATIONS\(Seguin\)](#)

City Attorney Mark Kennedy stated that the way City Council has done invocation historically is that a councilmember says prayer before each meeting. When he started working with the City of Seguin, he was asked if that process was strictly compliant with the constitution or if it could be improved and he answered that it could be improved.

Mr. Kennedy said there has been a handful of cases that have stated that an agent of government standing and providing invocation is a step too far and a violation of the Establishment Clause. He referenced the 2014 court case Town of Greece V. Galloway, saying that case established and confirmed the legitimacy of religious leaders giving invocation before a city council meeting. This resolution would establish a similar policy in Seguin, except for that it would be City staff that scheduling clergy to give invocation. Additional, City of Seguin's policy would include religious organizations in the City's Extraterritorial Jurisdiction (ETJ).

Mayor Dodgen invited the residents who requested to speak on this topic to do so.

Rafeal Rodriguez, 462 E College St., stated that he thinks it is important to ask God to bless us as shepherds of the community and that it is important to ask for wisdom and guidance from Him at the beginning of a meeting. He stated that personally, as father and business owner, he asks God to bless him daily. He agrees that the laws of this country but reminded that the Constitution prohibits regulation of religion. He asked that the City Council reconsider approving this resolution.

Mike Diaz, 461 Horizon Pointe, thanked Councilmember Biesenbach, Councilmember Lievens, and Councilmember Keller for speaking to him on this issue. He said that he spoke with City Attorney Kennedy and received clarification on the non-profit status mentioned in the policy. He said he supports this initiative, but is concerned with Section C-1 because requiring a notification of every religious institution becomes a slippery slope. He suggested the City post notice and a sign-up that allows interested groups to participate. He stated that he is a new Seguin resident that moved here from California in September. He said he knows what big government does and moved away from there to get away from it. He said that he hopes that everyone here still believes in smaller government and reiterated that the City should post the new policy and have religious institutions apply to be on the list opining that it is a more simple and efficient way.

Curt Bedlion, 821 Elm St., said he agrees with Mr. Diaz. He suggested that this new policy would put such a burden and bureaucracy on staff that they might decide to stop doing invocation. He suggested that City Council continue to do invocation the same way that they have always done it.

Janice Weaver, 1348 E. Kingsbury, informed that she is the Executive Director of South Texas Pregnancy Center and thanked those who attended their open house. She said that the Center does a great service in Seguin and invited everyone to come tour the facility. She said that she agrees that prayer is important in all of our lives and city government. She is not sure how they could do what they do without the Lord and Savior Jesus Christ. She does not see a problem with councilmembers continuing to do invocation. If we want to invite pastors to come and say a blessing, that is fine too. She declared that we need to include God in our proceedings.

Jim Ransdell, 118 Lakeside Dr., restated how important prayer is, reminding that this nation was founded on prayer and that the federal government still starts their meetings with prayer. He commended City Council for continuing to pray at the beginning of the meetings.

Rebecca Broughton, 2407 N. Heideke St., declared that prayer is very important in her life as she prays for this city, state, and country every single day. It is necessary to follow His guidance, knowledge and wisdom to get through life. She said that the founding fathers who wrote the constitution were all faiths and we need to hold onto that. While the phrase separation of church and state exists, there is not really separation as we would not be here today if it wasn't for our Father in Heaven. She said if prayer is being taken away from our city council, it opens the door for evil to come in and take hold. She said she is in support of continuing prayer and she thanked the City Council for being fantastic.

Natalie Avalos, 3455 US Hwy 90 W, announced that she is a pastor at Crossroads Church. She declared that prayer is needed for our leaders as it is part of how we make decisions and gain wisdom on how to run the city. She said she hopes that invocation continues and that she is more than willing to come and give invocation any time.

Edward Landers, 2155 Mill Valley, informed that he has been in Seguin since 2014 and that he is retired military. He said prayer has gotten him through a lot in life and he agrees that invocation should continue. He said that council can do the prayer or invite church leaders to do it. He said that prayer will get us through and if we do not do pray it opens the door for evil.

Councilmember Gaytan asked if this policy keeps prayer in council meetings and complies with federal law and City Attorney Kennedy added that the method for identifying organizations eligible to participate in invocation was not meant to be limiting in any way, but to provide methods to get an all inclusive list, but a great reflection of the community.

Councilmember Biesenbach opined that there is misconception around the "Separation of Church and State" as it is not referenced in the U.S. Constitution but only in a letter from Thomas Jefferson to the Dansbury Baptist Association stating that the constitution had created a wall between the church and government. He also mentioned that during the First Continental Congress in 1774 began with prayer and even then they recognized it wasn't about what denomination was giving the prayer, but it was about the heart behind it. He said he thinks it is important to continue a tradition

that our founding fathers' started.

Attorney Kennedy said that the most important thing is that we are keeping prayer.

Councilmember Lievens agreed that the most important thing is that we are keeping prayer. He stated that he was concerned about all the bureaucracy and does not believe in over complicating things, but added that he is okay moving forward with this policy as it can always be reevaluated in a year or two. It is only a policy, not an ordinance, so it can be changed at any point of time.

Mayor said she wanted to tell the public and our family of Seguin, Texas that it was important to every single one of the councilmembers to keep prayer within the council chambers because they feel like it sets the stage and holds us in His incredible hands. So they looked for a way to legally continue to keep prayer and for the best way possible to be inclusive to our total community. Asking clergy members to give invocation helps to provide the fabric and texture of how we want our City to be managed and to run.

Mayor Pro Tem Carter announced that there has been much conversation about this topic and everyone agrees that prayer is important. She said that when she had the opportunity to pray at meetings, she prays from her heart, to her Lord and Savior, and does not rehearse it. She said she understands why this policy is changing and the importance of it. Personally she would love to continue to say prayer when it is her turn but will respect the majority.

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 - Mayor Dodgen

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

Enactment No: RES 2024R-164

- g.** Resolution authorizing the City Manager to execute an Agreement regarding a BuyBoard expenditure to Progressive Commercial Aquatics, LLC. in the amount of \$201,150 related to the Central Park fountain remodel/repairs - Jack Jones, Director of Parks and Recreation.

Indexes:

Attachments: [Memo for the Central Park Fountain Repair and Remodel Resolution \(Central.Park.Fountain.Repair\)](#)
[Progressive Commercial Aquatics Proposal for the repair and remodel of the Central Park Fountain](#)

Parks and Recreation Director Jack Jones proclaimed that he is excited to bring the old Central Park fountain back to life. In February 2024, a pipe bursting caused the fountain vault to flood, causing extensive damage to all of the mechanical equipment inside the vault. The City received a check for \$77k for the insurance claim and City Council had approved a budget amendment for \$100k at the April 2, 2024 City Council meeting. In order to restore the fountain to its original state and add a variety of programming options, the quote came back at \$201,150 from Progressive Commercial

Aquatics, LLC, requiring a budget amendment to make up the funding difference. Once funding is approved, Mr. Jones estimated that the fountain would be restored by Thanksgiving.

Mayor Dodgen joked that Main Street and CVB Director Kyle Kramm will be so excited he will not have to climb under the fountain to program it anymore. She asked if the fountain will be cleaned and Mr. Jones answered that it would be, informing that it had not been cleaned since 2007.

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

Presiding: 1 - Mayor Dodgen

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

Enactment No: RES 2024R-165

h. Ordinance on first reading amending the Fiscal Year 2024 General Fund Budget of the City of Seguin, Texas

Indexes:

Attachments: [Central Park Fountain memo](#)
[Central Park Fountain](#)

Finance Director Susan Caddell stated that this budget adjustment is to provide the additional funding towards the Central Park fountain repair.

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

Presiding: 1 - Mayor Dodgen

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

i. Ordinance on first reading amending the Seguin Code of Ordinances Chapter 98, Traffic and Vehicles, Article II, Traffic Control Devices, Section 98-40, Designation of No Through Truck Traffic Streets by adding Coral Sky and Saddlehorn Drive to the list; providing for publication of this Ordinance; providing a severability clause; providing for an effective date; and authorizing city staff to prepare this ordinance for submission as a supplement to the code of ordinances.

Indexes:

Attachments: [2024.07.16 Memo Mill Creek No Through Trucks](#)
[2024.07.02 Ordinance No Through Trucks Mill Creek HOA](#)
[No Through Truck Traffic Exhibit](#)

City Engineer Melissa Reynolds explained that "No through truck traffic" streets are

regulated by City Code. Heavy truck traffic caused by neighboring land uses of agricultural and industrial traverse between Rudeloff Road and State Highway 46. With the Rudeloff road construction project commencing, there are additional concerns that traffic will detour onto Coral Sky and Saddlehorn, local streets that are not identified in the City's Master Thoroughfare Plan. Citizens have requested a through truck restriction on Coral Sky and Saddlehorn Drive.

Councilmember Biesenbach said a greater police presence will be needed to enforce the no through truck traffic in that area.

Councilmember Lieven suggested that due to the way Rudeloff Rd Construction is taking place, the detours should not happen but that this is a great measure to ensure that it doesn't.

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

Presiding: 1 - Mayor Dodgen

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

j.

Ordinance on first reading amending the Seguin Code of Ordinances Chapter 98-107, No parking zones by adding no parking zones on the south side of Vitesco Technologies Drive from North Austin Street; providing for publication of this Ordinance; providing a severability clause; providing for an effective date; and authorizing city staff to prepare this ordinance for submission as a supplement to the code of ordinances

Indexes:

Attachments: [2024-07-16 Memo Vitesco Technologies No Parking](#)
[2024-07-16 Vitesco Technologies Drive No Parking Ordinance](#)
[No Parking Zone Exhibit](#)

Director of Engineering and Capital Projects Melissa Reynolds informed that there are already No Parking signs installed on both sides Vitesco Technology Dr. Vitesco is starting an expansion project and has requested that the No Parking signs on the northside of the street be removed. While the signs already existed, there was not an ordinance regulating them. This ordinance officially creates the No Parking zone on the southside of Vitesco Technology Drive. The No Parking signs on the northside of the street will be removed.

Councilmember Keller asked if the name of the street will be changed since Vitesco is changing names and Mrs. Reynolds answered that a name change is being discussed with the business owners at Economic Development Director Josh Schneuker.

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

Presiding: 1 - Mayor Dodgen

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

9. Closed Session

Mayor Dodgen convened into Closed Session at 7:30 P.M.

- a. Pursuant to sections 551.071(2) and 551.072 of the Texas Government Code (consultation with attorney and deliberation regarding the purchase and/or value of real property) for the City Council to deliberate and/or consult with and seek advice from its attorney(s) regarding the Heideke Street GLO Project. Possible action may follow in Open Session.

Indexes:

- b. Pursuant to Section 551.071 (consultation with attorney) for the City Council to deliberate and/or consult with and seek advice from its attorney(s) regarding contemplated and/or pending litigation involving the City of Seguin. Possible action may follow in Open Session.

Indexes:

10. Reconvene into Open Session and take action on items as result of Closed Session, if necessary

Mayor Dodgen reconvened into Open Session at 7:53 P.M. Mark, Connie, Pam

Heideke GLO - Biesenbach, Rea - Unanimously Approved

MDG Rio - Carter, Keller - Unanimously Approved

Motion to authorize the City Manager to execute a Purchase Agreement between the City of Seguin and SDG Texas LLC, related to the Acquisition of approximately 3.38 Acres of real property; approximately 0.013 Acres of Drainage Easement, and 0.92 Acres as a temporary construction easement, for the North Heideke GLO Project, as presented in Closed Session.

Councilmember Biesenbach, seconded by Councilmember Rea, made the motion to authorize the City Manager to execute a Purchase Agreement between the City of Seguin and SDG Texas LLC, related to the Acquisition of approximately 3.38 Acres of real property; approximately 0.013 Acres of Drainage Easement, and 0.92 Acres as a temporary construction easement, for the North Heideke GLO Project, as presented in Closed Session. The motion passed by the following vote:

Presiding: 1 - Mayor Dodgen

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

Motion to authorize the City Manager and the City Attorney to negotiate and finalize a Terms Sheet between the City and MDG Rio V Ltd, related to the development of the Rio Verde Subdivision, in step with the terms discussed in Executive Session, which can be converted to a Settlement Agreement between the parties as a means for resolving Federal Western District Court Cause Number 5:18-CV-882.

Mayor Pro Tem Carter, seconded by Councilmember Keller, made the motion to authorize the City Manager and the City Attorney to negotiate and finalize a Terms Sheet between the City and MDG Rio V Ltd, related to the development of the Rio Verde Subdivision, in step with the terms discussed in Executive Session, which can be converted to a Settlement Agreement between the parties as a means for resolving Federal Western District Court Cause Number 5:18-CV-882. The motion was approved by the following vote:

Presiding: 1 - Mayor Dodgen

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

11. Adjournment

Mayor Dodgen adjourned the meeting at 7:55 P.M.

Donna Dodgen, Mayor

Attest:

Kristin Mueller, City Secretary