

Meeting Minutes - Final

It's real.

City Council

Tuesday, May 16, 2023	5:30 PM	Council Chambers

Public & Virtual

1. Call to Order

The City Council met in a REGULAR Called Meeting on Tuesday, May 16, 2023 at 5:30 pm in the City Hall Council Chambers, City Hall, 210 East Gonzales in City of Seguin, with Mayor Donna Dodgen presiding.

2. Invocation - Council Member Paul Gaytan

3. Pledge of Allegiance/Salute to the Texas Flag

4. Roll Call

Present: 8 - Council Member Joe Rea, Council Member Sonia Mendez, Council Member Jim Lievens, Council Member Chris Rangel, Council Member Paul Gaytan, Council Member Monica N. Carter, Council Member Jason Biesenbach, and Council Member Bill Keller

Presiding: 1 - Mayor Donna Dodgen

5. <u>Hearing of Residents:</u>

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.

> Dustin Kreger, 214 N. Leonard Lane, Seguin, Texas,78155, Business owner for Ursa Botanicals at The Backyard. Mr. Kreger wanted to announce that he would be hosting a benefit for PTSD on Saturday, May 20th from 4:00 pm - 11:00 pm, Live music, silent auction, and a dunking booth. Also stating the beneficiary " Erase PTSD Now" has won an award for transparency on how they use their funds.

> Council Member Jason Biesenbach gave a reminder that also on Saturday, May 20th from 11:30 a.m. until 2:00 p.m. the annual event of Badges, Bikes and Tykes will take place at Starcke Park and is encouraging everyone to come out.

Mayor Donna Dodgen also wanted to let everyone know that the Virginia Woods Memorial is happening this weekend also well at her home on Court Street. Also, the NAMI (National Association of Mental Illness) is going to have an event downtown and there will be a proclamation.

Mayor Donna Dodgen- Announced that the weekend of May 13th the St. James Catholic Church celebrated their 150-year Anniversary in Seguin.

South Texas Blood and Tissue and the City of Seguin will be hosting a Blood Drive on Tuesday, May 23rd at Seguin Coliseum.

6. <u>Presentation</u>

a. <u>23-247</u>

Proclamation honoring Reverend W. C. McIntyre - Mayor Donna Dodgen

Indexes:

Attachments: Reverend W.C. McIntyre

Mayor Donna Dodgen and Council member Monica Carter gave a Presentation and Proclamation honoring Reverend W.C. McIntyre for his service of over 33 years at the Zion Hill Baptist Church providing a strong leadership, Reverend McIntyre is not only a leader, but considered a friend as well.

b. <u>23-250</u> Presentation on Downtown Investments and Activities - Kyle Kramm, Main Street & CVB Director/HPO

Indexes:

Attachments: Downtown Investments.pptx

Director of Main Street, Kyle Kramm gives an Update on Downtown Seguin Investment, Recent investments, and Data; In 2022, almost \$7 million was reinvested into downtown Seguin. Since 2015, almost \$35 million has been reinvested in downtown Seguin. Over 15 new businesses opened in downtown Seguin during 2022. 17 buildings were sold, 36 rehab projects were completed and 5 public projects were completed. Main St. Program recorded 269 volunteer hours in 2022. Sales Tax Collections by downtown merchants have increased by 70% from 2018. The average appraised value per square foot in downtown Seguin increased by 44% from 2018. the new cafe and bookstore opened in May of 2022, Pecantown Books & Brews; The conversion of the residential structure into commercial property included the addition of ADA pathways, an ADA restroom. The Seguin Art League purchased 104 South Austin in 2014, the gallery opened in May of 2022. The former Starcke Sleep Shop was purchased, and three new tenants now occupy the building; Mas Knifehaus, Seguin Botanical and the One and Only Tattoo, all opened during 2022. The Mercantile @ Southern Good, Men's Clothing Boutique opened by owners of the Southern Goods Boutique. Businesses becoming property Owners; Burnt Bean Company, Traveling Gypsy, and Seguin Bar & Billiards all purchased their buildings in 2022. Investors Find Value in Downtown Properties, Multiple properties were purchased by investors, local families who see value in downtown Seguin; properties purchased included * 314 N. Austin *107 N.Austin *106 & 108 N. Austin *200 E. Court. After being struck by lightning causing a fire in 2021, Mosheim Mansion was purchased and saved. The addition of the BIG Program, Business Improvement Grant has been a driving force for downtown businesses and property owners to make investments in their properties. Upgrades to HVAC systems, ADA improvement and more. The facade grant has been a successful grant program for downtown seeing three dollars of private money

invested for every public dollar. The facade grant goes to any exterior improvements.

c. <u>23-238</u>

Presentation of the Strategic Water Supply Plan - Timothy J. Howe, Director - Water / Wastewater Utilities

Indexes:

Attachments: Council Memo - Strategic Water Supply Plan Presentation 5-16-2023

Tim Howe, Director of Water/Wastewater Department and gave a presentation on the City of Seguin Strategic Water Supply Plan; The Objective is to Create a water supply plan focusing on the development of water supplies to meet the future needs of the City's municipal, commercial, and industrial customers. The Goals are to * Develop baseline data *Establish current water supplies * Formulate future water demand projection through 2080 * Determine future water supply needs and identify supply alternatives.

Current Water Supplies - W	ater Supply Portfolio -		
WATER SUPPLY	CONTRACTUAL	FIRM YIELD	
PY/NEAR TERM PY/LON	NG TERM		
Seguin Surface Wtr Rights	7,200	7,200	7,200
7,200			
GBRA Surface Wtr	1,000	1,000	
1,000 0			
SSLGC- Gonzales Co.	8,336	5,905	5,905
5,905			
Bed and Banks Permit	9,200	TBD	2,480
2,480			
Reclaimed Wtr	700	700	
700 0			
TOTAL WATER SUPPLY	26,436	14,805	17,285
15,585			

Bed and Banks- Ability to divert water is contingent on meeting downstream subsistence flow.

Demand Scenarios - * Scenario 1 - Based on existing consumption patterns - * Scenario 2-Utilizes the full volume of wholesale water contract - * Scenario 3 - Assumed the full use of the contracts.

Potential Water Supply Alternatives - New Water Supplies- 9,300AFY *2,431 AFY - SSLGC (Gonzales County)

Permit Aggregation & Additional Wells - 1,000 AFY - Seguin Lease - 2,500 AFY -SSLGC (Brackish Groundwater) New water supply project - 1,000 AFY - GBRA Raw Water Contract - Contract extension - 2,367 AFY - SSLGC (Guadalupe County) SUMMARY - *Existing diverse water supply portfolio * Ability to meet future growth during normal weather conditions * Existing access to future water supply options * City has the ability to continue meeting its future customer needs * Challenges during extended drought - Bed and Banks - subsistence flow requirements associated with permit.

Recommendations * Annual review of the Strategic Water Supply Plan(SWSP) based on customer growth, population and demands. * Perform a detailed review to the SWSP every five years * Negotiate revisions to existing water supply agreements *Continue implementing the Citys conservation program *Perform predictive modeling to determine bed and banks firm yield * Coordinate with SSLGC to aggregate Gonzales County GCD permit * Coordinate With SSLGC to firm up the Gonzales County Permit with additional wells.

d. <u>23-242</u>

Discussion and Update regarding Meadowlake Dam with possible direction to staff

Indexes:

Attachments: Meadowlake WCID 5162023

City Manager, Steve Parker spoke on how the City of Seguin has been working very close with the Meadow Lake Dam Association and now created a WCID and working with GBRA in trying to find an affordable solution to resolve the Dam situation. Stated that Meadow Lake a taking on a large role in finding a solution. The Meadow Lake Dam Association has done a fundraiser to pay for a study, they have given the money to the City of Seguin and the City of Seguin has enacted a contract with Freese & Nichols and that study is near completion. Objective is to find a way to save Meadow Lake. If it were to stay that way permanently property value will drop, and the Cities property income would go down. GBRA has laid out some very specific guidelines. Mr. Parker states the last thing would be to come up with a firm number that GBRA is comfortable with and is an acceptable solution. Mr. Parker states that if we are able to get to that point there will be more opportunity to continue negotiation, the goal would be to call an election for WCID for debt issuance, debt rate at the November elections to see if community and Meadow Lake would consider the high taxes, they would be funding the majority of that and in the future the City could possible step in for the difference. The de watering system would be the last thing, Freese & Nichols is contemplating an over bridge crane that could be installed to move the materials that would create the de watering system. Meadow lake would need to go back to fundraising to complete this project, projected date was to be in August. The staff is recommending if the council is agreeable to loan them the money and Meadow Lake can fundraise to pay back the loan or the City can put it in the Bond Election and reimburse ourselves. That is the status.

Council member Paul Gaytan spoke on why saving Meadow Lake is in the best interest of our City as a whole and not just those one hundred and twenty residents at Meadow Lake, property values, recreational tourism and also the environmental issues that will occur.

Tess Coody-Anders, 210 S Heideke, Seguin, Texas 78155, Ms. Coody states that Meadow Lake and the river is one of those unique distinguishing characteristics in our community that we all share in. Stating that there are several people that come to Pecan Town who are there to stay on the lake, to kayak, paddleboard and to fish with their kids. If we fail to find a solution, there will be real and dramatic impacts to the entire community through impact to tax revenue.

Michael Meskill, 1101 Loch Lane, Seguin, Texas 78155, Mr. Meskill spoke on the economic impact it would have if the dam was not rebuilt, stating that Meadow Lake is an economic stimulus, it brings economic benefits to the City of Seguin.

Andy Taylor, 1290 Loch Lane, Seguin, Texas, 78155, Mr. Taylor states that the results of keeping Meadow Lake drain are not good for the community. Also stating that Mr. Parkers states earlier is a great description of the situation and what needs to happen to repair the Meadow Lake Dam.

Douglas Parker, 188 Wampum Way, Seguin, Texas, 78155, Mr. Parker states he has

two lots that were waterfront, and not creek front. Mr. Parker states that for years now Main Street Department Director Kyle Kramm and Economic Development Director, Joshua Schneuker and the Business Alliance have been promoting tourism in the City of Seguin.

Chester Jenke, 116 N. Camp, Seguin, Texas, 78155 spoke on the depreciation of the home value on a home in the lake community, stating that after twenty four months, thirty three percent of a home value on Lake Dunlap was lost. Mr. Jenke states that is significant especially when your looking at a school district or county, or when looking at the City Taxes part of it.

Mayor Donna Dodgen ask council member if they all agreed with City Manager Parker's thoughts and direction. All gave consent for City Manager to go in the direction he felt was best.

7. Consent Agenda

A motion was made by Council Member Lievens, seconded by Council Member Biesenbach, to approve the Consent Agenda. The motion carried by the following vote:

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

a. <u>23-226</u>

City Council Meeting Minutes of May 2, 2023

Indexes:

Attachments: CC MeetingMinutes May 2, 2023

The Minutes of May 2, 2023 was approved

b. <u>23-210</u>

Ordinance of the City Council of the City of Seguin, Texas, on second and final reading renewing Chapter 70, Article II of the Seguin Code of Ordinances regarding the curfew for minors; providing a severability clause; declaring an effective date; and authorizing city staff to submit this ordinance as a supplement to the Seguin Code of Ordinances

Indexes:

Attachments: Memo to Council

Ordinance

This Ordinance was adopted

Enactment No: ORD 2023-025

c. <u>23-235</u>

Resolution authorizing the City Manager to execute an Interlocal Agreement

between the City of Seguin and the City of Schertz for the provision of emergency medical services in the unincorporated area of Guadalupe County; and declaring an effective date - Dale Skinner, Fire/EMS Chief

Indexes:

 Attachments:
 Council Memo Interlocal Agreement Schertz EMS 2023

 Resolution approving a 3 year interlocal with Schertz for EMS

 Services in the County-22023

 Schertz Seguin FY24 EMS Contract

This Resolution was approved

Enactment No: RES 2023-90

d. <u>23-227</u>

Appointment to Advisory Boards and/or Commissions a. Main Street Advisory Board

Indexes:

Attachments: Council.Appointments.May2023

This Appointment was approved

e. <u>23-225</u>

Check Report: May 1, 2023 through May 12, 2023

Indexes:

Attachments: Check Report (1)

The bills were acknowledge.

8. Action Items - Discussion and Possible Motion to Approve

a. <u>23-236</u> Resolution of the City Council of Seguin, Texas authorizing the execution of a First Amendment to the Performance Agreement with Yukon Venture Partners, LLC - Josh Schneuker, Director of Economic Development

Indexes:

 Attachments:
 051623 CC_Yukon PA Amendment 1 Memo

 Resolution approving an amendment to the Economic Incentive with

 Yukon Venture Partners

 SEDC Resolution 2023-10 Yukon Ventures First Amendment

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2023-91

b. <u>23-240</u> Resolution of the City Council of Seguin, Texas authorizing the execution of a First Amendment to the Tax Abatement Agreement with Yukon Venture Partners, LLC - Josh Schneuker, Director of Economic Development

Indexes:

 Attachments:
 051623 CC Yukon TA Amendment 1 Memo

 Resolution approving an Amendment to the Tax Abatement

 Agreement with Yukon Venture Partners

 Yukon Tax Abatement Agreement 1st Amendment

Yukon Tax Abatement Agreement - FINAL & Fully Executed

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

Presiding: 1 - Mayor Dodgen

Aye: 8 - Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2023-92

c. <u>23-192</u> Resolution of the City Council of the City of Seguin, Texas approving an amendment to the Fiscal Year 2022-2023 Seguin Economic Development Corporation Budget - Josh Schneuker, Director of Economic Development

Indexes:

<u>Attachments:</u>	051623 CC Budget Amendment Memo
	SEDC Resolution 2023-09 FY23 Budget Amendement
	SEDC Resolution 2023-12 Budget Amendment Lawson Street
	Resolution approving amendment to SEDC Budget May 2023

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2023-93

d. <u>23-237</u>

Ordinance on first reading establishing an all-way stop at the intersection of West College Street and North Camp Street; providing for penalties; providing a severability clause; providing an effective date; providing for publication of this ordinance; and authorizing city staff to submit this ordinance as a supplement to the Code of Ordinances - Mary Hamann, P.E., Assistant Director of Engineering

Indexes:

<u>Attachments:</u>	2023-05-16 Memo Camp-College all-way	
	Camp-College all-way map	
	2023-05-16 Camp-College all-way Ordinance	

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: ORD 2023-026

e. <u>23-206</u>

Ordinance on first reading amending the Seguin Code of Ordinances Chapter 98-107, No parking zones by adding no parking zones on portions of FM 725, IH-10 Frontage Roads, and SH 46; 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 - Mary Hamann, P.E., Assistant Director of Engineering

Indexes:

<u>Attachments:</u>	2023-05-16 Memo TxDOT NPZs
	2023-05-16 TxDOT NPZs Ordinance
	FM 725 and IH-10 Map
	IH-10 and SH 46 Map

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: ORD 2023-027

f. <u>23-233</u>

Ordinance on first reading creating the Seguin Code of Ordinances Chapter 98-109, Parking by permit only; authorizing city staff to prepare this ordinance as a supplement to the city code of ordinances; providing for a severability clause; providing for publication; and declaring an effective date - Mary Hamann, P.E., Assistant Director of Engineering

Indexes:

Attachments: 2023-05-16 Memo PxP Creation 2023-05-16 PxP Creation Ordinance

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

- Presiding: 1 Mayor Dodgen
 - Nay: 2 Council Member Gaytan, and Council Member Biesenbach
 - Aye: 6 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Carter, and Council Member Keller

Enactment No: ORD 2023-028

g. <u>23-234</u>

Public Hearing and Ordinance on first reading amending the Seguin Code of Ordinances Section 98-109(c), to create Parking by Permit Area A; authorizing city staff to prepare this ordinance as a supplement to the city code of ordinances; providing for a severability clause; providing for publication; and declaring an effective date - Mary Hamann, P.E., Assistant Director of Engineering

Indexes:

 Attachments:
 2023-05-16 Memo PxP Area A

 Proposed PxP Area A Map

 Notices Mailed Map

 2023-05-16 PxP Area A Ordinance

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

Sylvia Manning, 430 N Saunders, Seguin, Texas stated there are more that just four houses that are affected by the parking for concerts at The Backyard. Her concern is that someone is going to get hurt because of how narrow the street is. The public hearing was adjourned and the regular meeting was reconvened.

A motion was made by Council Member Carter, seconded by Council Member Keller, that this Ordinance be approved on first reading. The motion passed by the following vote:

- Nay: 4 Council Member Rea, Council Member Lievens, Council Member Gaytan, and Council Member Biesenbach
- Aye: 5 Mayor Dodgen, Council Member Mendez, Council Member Rangel, Council Member Carter, and Council Member Keller

Enactment No: ORD 2023-029

h. <u>23-228</u> Presentation and Resolution to establish a date for a Public Hearing on updates to the 2023 Water/Wastewater Impact Fee Study - Melissa Reynolds, P.E., CFM, Director of Engineering & Capital Projects

Indexes:

Attachments: 2023-05-16 Memo W.WW Impact Fees Public Hearing 2023-05-16 - W.WW Impact Fee Resolution 2023

Presentation was presented by Melisa Reynolds and given by Representative of Freese & Nichols.

Water and Wastewater Impact Fee Update- Impact Fee Principles and Purpose *Allows cities to recoup a portion of cost of providing improvements * Provides an equitable structured approach to assessment of fees * Impact fees for a new development based on capacity consumed- Based on how much water the site will consume. * Impact Fees Calculated by Dividing Edible CIP/Growth in Service Units * Fee collected can be less than maximum- Impact Fee Per Service Unit = Eligible CIP Cost/New Service Units.

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2023-94

i. <u>23-241</u>

Resolution to award the construction bid for the North Milam Street Reconstruction Project in the amount of \$7,792,919.89 to D & D Contractors, Inc.; authorizing the City Manager to execute a contract; and providing an effective date - Melissa Reynolds, P.E., MPA, CFM, City Engineer

Indexes:

<u>Attachments:</u>	2023-05-16 Memo Milam Street Reconstruction Project
	Bid Award Recommendation - Milam Street Bid No. TF2023-20
	2023-05-16 Resolution - N Mllam Construction

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2023-95

j. <u>23-239</u> Resolution authorizing the City Manager to enter into a Professional Services contract with Trihydro Corp., in the amount of \$2,138,000.00 for final engineering design related to the River Oak Interceptor and Pecan Orchard

Lift Station Expansion Project - Timothy J. Howe, Director - Water / Wastewater Utilities

Indexes:

Attachments: Council Memo May 16, 2023 Res. May 16, 2023 Trihydro Final Engineering Proposal 5-10-2023

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

- Presiding: 1 Mayor Dodgen
 - Aye: 7 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Carter, Council Member Biesenbach, and Council Member Keller
 - Abstain: 1 Council Member Gaytan

Enactment No: RES 2023-96

9. <u>Closed Session</u>

The regular meeting was recessed and the council went into Closed Session at 8:08 pm. The regular meeting reconvened at 9:25 pm.

a. <u>15-225</u>

Deliberate and consider the purchase, exchange, lease or value of real property, in accordance with Section 551.072, of the Texas Government Code - Andrew Quittner, City Attorney

Indexes:

b. 23-157 Pursuant to Section 551.071- Consultation with Attorney to receive legal advice - Andy Quittner, City Attorney

Indexes:

c. <u>23-251</u>

In accordance with Section 551.071, Deliberation and Consultation with attorney(s) regarding litigation MGD Rio v City of Seguin - Andy Quittner, City Attorney

Indexes:

10. Action Items - Discussion and Possible Motion to Approve

a. <u>23-224</u> Resolution of the City Council of the City of Seguin, Texas authorizing the City Manager to negotiate with Springs Hill Water Supply Corporation's Board of Directors President regarding water service within the City's corporate limits, the provision of water by the City of Seguin to Springs Hill WSC on a temporary basis, and inspection standards in connection with the pending transfer of certain territory under Springs Hill's Certificate of Convenience and Necessity for water to the City; and authorizing the City Manager to execute all documents; and provide the final agreement for City Council ratification -Steve Parker, City Manager, and Tim Howe Water/Wastewater Director

Indexes:

Attachments: Springs Hill Agreement

Resolution

2023.05.16 Letter Agreement with Seguin re Interim Water and Inspection Standards (signed by DP)

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

- Presiding: 1 Mayor Dodgen
 - Aye: 8 Council Member Rea, Council Member Mendez, Council Member Lievens, Council Member Rangel, Council Member Gaytan, Council Member Carter, Council Member Biesenbach, and Council Member Keller

Enactment No: RES 2023-97

11. Adjournment

There being no further business before the council the meeting adjourned at 9:27 pm.

Donna Dodgen, Mayor

Attest:

Kimberly Allison, Deputy City Secretary