



City of Seguin

210 E. Gonzales Street
Seguin TX, 78155

Meeting Minutes - Final

City Council

Tuesday, September 20, 2022

5:30 PM

Council Chambers

Public & Virtual

1. Call to Order

The City Council met in a REGULAR Called Meeting on September 20, 2022 at 5:30 pm in the City Hall Council Chambers, City Hall, 210 East Gonzales in City of Seguin, with Mayor Donna Dodgen presiding.

4. Roll Call

Present: 7 - Council Member Jeremy Roy, Council Member Chris Aviles, Council Member Chris Rangel, Council Member Monica N. Carter, Council Member Sonia Mendez, Council Member Mark Herbold, and Council Member Joe Rea

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. 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.

Board President of the Board of Trustees of the Navarro ISD, Rene Rehfeld, 330 N. State Hwy 123, Seguin, TX, 78155, read a resolution to City Council, RESOLUTION OF THE NAVARRO INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES REGARDING PLANNED DEVELOPMENT(S) WITHIN THE DISTRICT BOUNDARIES.

Guadalupe County Judge Kyle Kutscher, 14394 N State Hwy 123, San Marcos, TX 78666, Spoke on the great partnership the county, and city have and would like to continue fostering that relationship. Judge Kutscher states that he feels obligated to voice his concern in the opposition of the planned development project (and not speaking for the commissioners as they have not gathered to speak on this matter) Judge Kutscher states he feels a project of this type cuts the legs from other taxing jurisdictions as the Navarro ISD, and Guadalupe County, stating that neither entity will receive any revenues from this project, also stating the county loses out directly \$200,000 thousand dollars on taxable value on this one structure. Judge Kutscher states "to be blunt, this looks like an opportunistic venture of the City of Seguin to be able to take funding, and revenue, and the taxing structure from the school district, and the county and be able to keep it for the City." Judge Kutscher states this is not a

done deal yet, and respectfully asked that the City Council to bring this back, advertise and communicate with their partners so as to give answers to questions that they have.

Jim Lievens, 225 Windwood Circle, Seguin, TX 78155, Mr. Leivens spoke on how he, and all other citizens at the City Council meeting are opposing the planned development, and realize they are late because it has already been passed, but feel they are just now finding out all the facts regarding this project. Mr. Leivens states that his intent this evening is to advocate for public education within the community; he would never disagree with the need for workforce housing. Mr. Leivens stated he is hopeful for the spirit of cooperation, and possibly for the City to share the future funds with the Navarro ISD, and Guadalupe County.

Tammy Harborth, 8380 Boenig Rd, Seguin, TX 78155, Mrs. Harborth spoke on an article published on March 15, 2022, by staff writer David DeKunder. 'Fly-by-night' project dies: Castle Hills rejects 300-unit apartment complex amid public backlash.

Jodi Koenig, 9175 Huber Rd, Seguin, TX 78155, spoke on her concern about the conflict of interest related to the Attorney the City has hired to protect the City's interest. Ms. Koenig states that James Plummer is documented as a spearhead, an ambassador in utilizing PFC's for housing expansion. Ms. Koenig stated that the community members had questions, and proceeded to ask questions. Has there been discussions on negative impacts of property values, and schools districts? Was there bias toward the PFC formations? Have any of the council members had the opportunity to work with a PFC in the past?

Aaron Rich, 2716 Coral Valley, Seguin, TX 78155, Mr. Rich stated he just wanted to posed some questions stating that the frustration in the community comes from what they perceive to be a lack of transparency. Members want more answers and Mr. Rich stated he, and the community want to know where they currently stand with this, and also how much room is there for negotiation? Mr. Rich states that 75 years will become a burden on Navarro ISD, and the Guadalupe County, also stating this does not feel like the City's decisions are in the spirit of partnership. Mr. Rich states the community would like to have an item on the agenda for a future meeting to discuss this project in more in depth.

Elizabeth Engelhardt, Publisher of the Seguin Gazette, and Felicia Frazier Managing Editor, 805 E. Court St., Seguin, TX 78155. Ms. Englhardt states that they are here to implore the City Council to remove changes to the City Charter from the ballot regarding public notices, stating that these changes are not in the best interest of the City residents but are in violation of the state law, stating that City Attorney Andrew Quittner has misinterpreted the law, and has miss informed City Council. Ms. Englehardt states that the purpose of public notices is to make citizens aware of governmental actions and intent.

Reid Pillifant, Associate of Haynes and Boone LLP, 600 Congress Ave, Suite 1300, Austin, TX. Mr. Pillifant advised City Council that it does have certain obligations under state law to informs city citizens about significant events by publishing notice in a qualified newspaper. Also City has obligations to publish notice of summary of amendments, and any fiscal impact also budget hearings, and any adopted ordinances. Mr. Pilliafant has made himself available if the City has any questions.

Darius Gil, 204 Windwood Circle, Seguin, TX 78155, Mr. Gil wanted to announce his candidacy for District 3, and gave some information about himself, stating he has lived

in Seguin his whole life. Mr. Gil gave thanks to Council Member Aviles for all his time, and effort he has put in for District 3, and also thanked Council Member Roy for his endorsement.

Mayor Donna Dodgen made an announcement regarding the Fall Cleanup day, and that will be on Saturday, September 24th at the Seguin Coliseum from 8 a.m. to 12 p.m. Also Fire department is doing a window into prevention, requesting all businesses in Seguin to spread the word about fire prevention. Decorating windows to show support in preventing fires.

6. Presentation

- a. [22-414](#) Presentation, discussion and possible direction to staff regarding the implementation process for Railroad Quiet Zones - Melissa Reynolds, PE, CFM, MPA - City Engineer

Indexes:

City Engineer Melissa Reynolds presented a presentation on CITY OF SEGUIN RAILROAD QUIET ZONES.

~Railroad Crossings in Seguin: 6 at-grade rail crossings, 4 grade separated crossings, Average of 25 trains per day. What is a quiet zone? A quiet zone is an FRA exemption to the rule requiring trains to routinely sound their horns when approaching public highway-rail grade crossings. A quiet zone is a section of rail line at least one-half mile in length that contains one or more consecutive public grade crossing or a single public grade crossing at which locomotive horns are not routinely sounded. What to expect within a quiet zone: Upgraded warning devices, and additional safety measures installed at grade crossings. The community requesting the quiet zone is responsible for funding the installation of additional safety measures. Train horns may still sound. Quiet zones only prohibit horns to be routinely sounded as a train approaches a grade crossing. Train crews can and will still sound horns in emergency situations or for other safety reasons.

Only a public agency may request a quiet zone through the FRA. It's all about risk-Risk Index. A quiet Zone Risk Index (QZRI) must meet one of the following: QZRI less than or equal to the Risk Index With Horns (RIWH), QZRI less than the National Significant Risk Threshold (NSRI). Each at-grade crossing within a proposed "zone" must be equipped with minimum safety measures "Flashing lights", "Gates", "Constant warning timing." Appropriate "Zones" for Seguin: Crossing with minimum safety measures Krueger Road lacks all necessary minimum safety measures. Minimum zone length of one-half mile. All Crossings should have gates, lights, bells, and constant warning time (CWT). Will these crossings allow for Supplemental Safety Measures (SSMs)? Which SSM is appropriate where? Safety Improvement Options (FRA) include Supplemental Safety Measures (SSM), Four-Quadrant Gate systems, Medians or Channelization Devices, One-Way Streets with Gates, Permanent Closure. Alternative Safety Measures (ASM) require FRA Approval are Modified SSMs(i.e.Non-Complying Medians, Three-quadrant Gates, etc.), Engineered ASMs (i.e. Geometric Improvements), Non-Engineered ASMs (i.e. Programmed Enforcement, Photo Enforcement, Education, etc.).

A four-quadrant gate is a type of grade crossing barrier gate, Gate mechanism on each side of the tracks for both directions of vehicular traffic, Cost estimate: \$250,000 plus potential construction and maintenance agreement.

SSM-Medians or Channelization Devices: Traffic channelization devices or median

barriers separate vehicular traffic. Prevents vehicular traffic from circumventing the gate arms. Cost estimate: \$10,000 to \$30,000

SSM - Permanent Closure: The most effective option for risk removal is removal of the crossing all together. The roadway would be closed on either side of the crossing and traffic re-routed. Cost estimate: \$5,000- \$15,000

Possible Seguin Quiet Zone- Phase I, Rudeloff Road, Huber Road, N. Guadalupe Street, N. Austin Street, Heideke Street. Process for Quiet Zone Implementation, STAFF Feasibility Study-Staff Level, Data Collection, Quiet Zone Risk Index (QZRI) Calculation, 3RD PARTY, Identify Funding & Enlist Professional Services, Complete Design, Notice of Intent(NOI), Complete Safety Improvement Construction, Final Inspection, Notice of Establishment.

Melissa Reynolds provided the Quiet Zone Risk at each identified crossing with a recommendation of identifying Krueger Road crossing as a later project.

Next Steps:

Data Collection - Traffic counts, crash data, updating FRA train data

Quiet Zone Risk Index (QZRI) Verification: updated data entered into the FRA QZRI calculator

Identify Funding & Enlist Professional Services ~Design~NOI~Construction~NOE

b. [22-415](#)

Presentation of the City of Seguin's Citywide Drainage Improvement Projects webpage for Texas General Land Office Grant awarded in January of 2022 in the amount of \$37.8 million - Melissa Reynolds, PE, CFM, MPA - City Engineer

Indexes:

City Engineer, Melissa Reynolds gave a presentation on the city wide Drainage Projects, presentation was regarding a page on the City's website created to keep the public informed with projects currently under design.

GIS Analyst, Travis Acklin presented the interactive map to City Council; GIS story map webpage features a geographic layout, photos, and general project information to provide appropriate messaging in an easy to digest format.

7. Consent Agenda

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

Presiding: 1 - Mayor Dodgen

Aye: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

a. [22-418](#)

City Council Meeting Minutes of September 6, 2022

Indexes:

The Minutes of September 6, 2022 was approved on the Consent Agenda.

- b. [ZC 14-22 CC](#) Ordinance on second and final reading to consider a zoning change from Agricultural-Ranch to Commercial for the SE corner of US 90 E & IH 10 E, Property Id 43195 (ZC 14-22)

Indexes:

This Zoning Ordinance was adopted

Enactment No: ORD 2022-074

- c. [22-369](#) Ordinance on second and final reading increasing the effective rate of the Wastewater Impact Fee from \$5,711.00 to \$7,139.00; approving the Effective Fees to be charged; providing for publication of this ordinance; authorizing staff to prepare this ordinance for submission to the Seguin Code of Ordinances; and providing an effective date

Indexes:

This Ordinance was adopted

Enactment No: ORD 2022-075

- d. [22-387](#) Ordinance on second and final reading amending the Seguin Code of Ordinances Chapter 74, Parks, amending Article II, Parks and Recreation Advisory Board; 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:

This Ordinance was adopted

Enactment No: ORD 2022-076

- e. [22-380](#) Ordinance on second and final reading amending the Seguin Code of Ordinances, Appendix C - Fee Schedule, Chapter 86, Solid Waste Article II Garbage and Article IV Curbside Recycling; providing a severability clause; publication; and effective date; and authorizing staff to submit this ordinance as a Supplement to the Seguin Code of Ordinances

Indexes:

This Ordinance was adopted

Enactment No: ORD 2022-077

- f. [22-342](#) Resolution of the City Council of the City of Seguin, Texas authorizing the City Manager to execute a purchase order with P2 Emulsion as the sole source for stabilizing emulsion for the pavement maintenance projects for FY23 in an amount not to exceed \$350,000.00 - John Donnelly, Director of Public Works

Indexes:**This Resolution was approved**

Enactment No: RES 2022-144

- g. [22-386](#) Resolution approving one-year contracts with Brauntex Materials and Century Asphalt to supply hot mix asphaltic concrete needed by the Seguin Public Works; and declaring an effective date - John Donnelly, Director of Public Works

Indexes:**This Resolution was approved**

Enactment No: RES 2022-145

- h. [22-417](#) Resolution approving an Interlocal Agreement between Guadalupe County and the City of Seguin for Library Services; and providing an effective date - Jacki Gross, Library Director

Indexes:**This Resolution was approved**

Enactment No: RES 2022-146

- i. [22-427](#) Boards and/or Committee Appointment
a. Building & Standards

Indexes:**This Appointment was approved**

- j. [22-421](#) Bill List Report: September 5, 2022 to September 16, 2022

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

- a. [22-420](#) Resolution by the City Council of the City of Seguin, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date - Duane Westerman, SAMCO Capital Markets, Inc.

Indexes:**This Resolution was approved**

Presiding: 1 - Mayor Dodgen

Aye: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

Enactment No: RES 2022-147

b. [22-422](#)

Ordinance on second and final reading levying a tax rate of \$0.5225 per \$100 valuation for the City of Seguin for the tax year 2022; providing for the effective date; and providing for publication of this ordinance - Susan Caddell, Director of Finance

Indexes:

City Manager, Steve Parker spoke on the Annual process to establish the tax rate for the new year. The vote was taken with a roll call.

A motion was made by Council Member Aviles, 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: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

Enactment No: ORD 2022-078

c. [22-423](#)

Ordinance on second and final reading adopting the 2022-2023 Fiscal Year General Fund Budget and making appropriation in accordance with said budget for the period beginning the first day of October 2022 and ending the last day of September 2023; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; and providing for the publication of this ordinance - Susan Caddell, Director of Finance

Indexes:

City Manager, Steve Parker spoke on how the City of Seguin has had a strong sales growth over 26% up from the previous year, which is a great trend and we are leading the region in sales tax growth year after year.

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

Presiding: 1 - Mayor Dodgen

Aye: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

Enactment No: ORD 2022-079

d. [22-424](#)

Ordinance on second and final reading adopting the 2022-2023 Fiscal

Year Debt Service Fund Budget and making appropriation in accordance with said budget for the period beginning the first day of October 2022 and ending the last day of September 2023; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; providing for the effective date; and providing for the publication of this ordinance - Susan Caddell, Director of Finance

Indexes:

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

Presiding: 1 - Mayor Dodgen

Aye: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

Enactment No: ORD 2022-080

e. [22-425](#)

Ordinance on second and final reading adopting the 2022-2023 Fiscal Year Special Revenue Fund and Fiduciary Funds Budget and making appropriation in accordance with said budget for the period beginning the first day of October 2022 and ending the last day of September 2023; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; providing an effective date; and providing for the publication of this ordinance - Susan Caddell, Director of Finance

Indexes:

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

Presiding: 1 - Mayor Dodgen

Aye: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

Enactment No: ORD 2022-081

f. [22-426](#)

Ordinance on second and final reading adopting the 2022-2023 Fiscal Year Utility Fund Budget and making appropriation in accordance with said budget for the period beginning the first day of October 2022 and ending the last day of September 2023; appropriating money to a sinking fund to pay interest and principal due on the City's indebtedness; providing an effective date; and providing for the publication of this ordinance - Susan Caddell, Director of Finance

Indexes:

A motion was made by Council Member Aviles, seconded by Council Member Carter, that this Ordinance be approved on first reading. The motion carried by

the following vote:

Presiding: 1 - Mayor Dodgen

Aye: 7 - Council Member Roy, Council Member Aviles, Council Member Rangel, Council Member Carter, Council Member Mendez, Council Member Herbold, and Council Member Rea

Enactment No: ORD 2022-082

9. **Closed Session**

The regular meeting was recessed and the council went into Closed Session at 7:00 pm. The regular meeting reconvened at 7:36 pm.

- a. [14-192](#) In accordance with Section 551.071, Deliberation and Consultation with attorney(s) regarding litigation Kingsbury v City of Seguin - Andy Quittner, City Attorney

Indexes:

10. **Adjournment**

There being no further business before the council the meeting adjourned at 7:36 pm.

Donna Dodgen, Mayor

Attest:

Kimberly Allison, Deputy City Secretary