



COUNCIL AGENDA
City Hall Council Chambers
210 E. Gonzales
Seguin, Texas 78155

The City Council met in a Regular Called Meeting on Tuesday, January 17, 2012 at 5:30 p.m. in the City Hall Council Chambers, City Hall, 210 E. Gonzales Street in the City of Seguin with Mayor Betty Ann Matthies presiding.

1. Call to Order
2. Invocation – Councilman Carlos Medrano
3. Pledge of Allegiance/Salute to the Texas Flag
4. Roll Call

ATTENDANCE

Councilmember	District	Present	Absent
1. Don Keil	7	Present	
2. Manuel Cevallos	1	Present	
3. Mary Louise Gonzales	2	Present	
4. Carlos Medrano	5	Present	
5. Bob Pees	8	Present	
6. Tomas Castellon(Mayor Pro Tem)	4	Present	
7. Nick Carrillo	3	Present	
8. Steve Tschoepe	6	Present	
9. Mayor Betty Ann Matthies		Present	

5. Hearing of Residents

- a. 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.

Citizen comments:

Name: Bill Musgraves

Address: 140 Spanish Oak (Oak Village North)

City: Seguin, Texas

He stated that it was a mistake for OVN to be annexed into the city and believes that there is another alternative and that is to reverse the process and de-annex OVN.

He stated that the city project (Geronimo Creek Sanitary Sewer Project) was not a good project and that it will never pay for itself. The city would only be pouring more money into a bad situation.

He further stated that since there are problems with Phase IV and other problems with signing a contract for the next phase he would like to see the city put off the decision on any sort of a contract.

City Council Tomas Castellon

He stated that he had asked about numerous things and questioned why they had not been brought back to council. (Example: Video Camera for the council)

6. Presentation – Mayor Betty Ann Matthies

- a. Certificate of Recognition honoring *Donald Smith* upon his retirement

Mayor Betty Ann Matthies recognized Don Smith upon his retirement with a certificate of recognition.

- b. Certificate of Recognition honoring *A. G. Hodges* upon his retirement

Mayor Betty Ann Matthies recognized A.G. Hodges upon his retirement with a certificate of recognition.

7. Consent Agenda

- a. **Ordinance on second reading** amending FY2012 Special Revenues Fund Budget

ORDINANCE APPROVED (2nd reading)

Council member Steve Tschoepe made a motion to approve the consent agenda and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

8. Action Items – Discussion and Possible Motion to Approve

- a. January 3, 2012 Regular Meeting Minutes

Council member Bob Pees made a motion to approve the minutes of the January 3, 2012 Regular Meeting Minutes and council member Tomas Castellon seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- b. **Resolution** authorizing the City Manager to execute an agreement demonstrating the City of Seguin’s commitment to continue as a “Sustaining Level Official Main Street City” – Mary Jo Filip, Main Street Director

RESOLUTION APPROVED

Council member Manuel Cevallos made a motion to approve the **resolution** and council member Tomas Castellon seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- c. The Bird Sculpture Sanctuary Project for Walnut Springs Park – Tim Patek, Director of Parks & Recreation

Council member Mary Louise Gonzales made a motion to approve and council member Carlos Medrano seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

Dennis Martin the representative for the proposed Bird Sanctuary provided an overview to the council regarding the proposed Walnut Springs Park Bird Sculpture Sanctuary Project.

He stated that the project would provide public art for the City of Seguin and it would enhance the park as well. He provided a slideshow of the proposed bird sculptures and explained what the eight birds would look like and the materials that they would be made from.

He explained that the project would cost \$18,000. The Let Shine Seguin awarded a grant of \$2,500 and the Bird Sanctuary Project group was asking for \$2,500 from the City of Seguin. He went on to say that the remaining funds would be coming from individuals, corporations, foundations, grants and in-kind gifts.

The projected timeline would be May-August 2012.

- d. **Resolution** authorizing the City Manager to execute a Facilities Use Agreement between the Seguin Area Chamber of Commerce and the City of Seguin for use of the Large Pavilion in Max Starcke Park – Tim Patek, Director of Parks & Recreation

RESOLUTION APPROVED

Council member Carlos Medrano made a motion to approve the **resolution** and council member Mary Louise Gonzales seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- e. Revised Guadalupe Agricultural & Livestock Fair Association Street Closure Requests for 2012 – Tim Patek, Director of Parks & Recreation

Council member Manuel Cevallos made a motion to approve and council member Don Keil seconded the motion. The motion carried with all council members (7) seven voting “aye” and one councilmember Tomas Castellon voting “nay.”

- f. **Ordinance on first reading** amending Chapter 106, Vehicles for Hire by adding new definitions and regulations including Limousine Services; amending Appendix C – Fee Schedule; providing for publication, an effective date, a severability clause, and authorizing city staff to submit this ordinance as a supplement to the Code of Ordinances – Andy Quittner, City Attorney

ORDINANCE APPROVED (1st reading)

Council member Bob Pees made a motion to approve the **ordinance in the 1st reading** and council member Steve Tschoepe seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- g. **Resolution** authorizing the City Manager to execute an agreement with HRM Land Acquisition Solutions, LLC in an amount not to exceed \$197,909.80 for the provision of professional services for the U.S. Corp of Engineers Walnut Branch Aquatic Ecosystem and Restoration Project – Joe Ramos, City Engineer

RESOLUTION APPROVED

Council member Mary Louise Gonzales made a motion to approve the **resolution** and council member Tomas Castellon seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- h. Change Order in the amount of \$25,565.40 with Kiva Construction for the IH-10 @ FM 725 Sanitary Sewer Project – Joe Ramos, City Engineer

Council member Bob Pees made a motion to approve and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay”.

9. Approval and/or Rejection of Bids

- a. Geronimo Creek Sewer Project, Phase V – Joe Ramos, City Engineer

Citizen comments:

Name: Forest Mims

Address: 433 Twin Oak (OVN)

City: Seguin, Texas

He shared the following concerns with the council:

- What are the City’s plans to remove the 105 ft long and 30 inch diameter steel pipe that was improperly welded and is still lying on the bottom of the creek
- He asked when and where a second creek crossing would be attempted and if city staff would be there to oversee the creek
- He shared a listing of facts that he researched regarding the contractor that is being considered for Phase V. He sited various jobs in which the contractor in question had not performed satisfactorily.

He asked that Phase 5 be tabled and asked the council to discuss in more detail and find out more about the contractor and come back with more information.

He asked if there was going to be a final completion date for Phase 4.

Name: Paul Soto

Address: 154 Lone Oak (OVN)

City: Seguin, Texas

He asked the council to investigate the companies and review their references. He said that it should be important to each councilmember about this project. He asked that the item be tabled and that the council conduct more research before the city commits itself.

Name: Doug Mannel

Address: 132 Spanish Oak (OVN)

City: Seguin, Texas

He stated that he understands the bidding process but that the low bidder is not necessarily the best choice.

Name: Gale Minton

Address: 120 Spanish Oak (OVN)

City: Seguin, Texas

She stated that OVN residents were very satisfied with the meeting with that had been conducted by City Manager, Mr. Faseler and the staff and they (OVN) were here to thank them. However now there is a giant step backwards with the facts that Mr. Mims had presented.

- She asked what the non-essential items were that were taken out of the bid.
- She asked for something in writing that says something positive about the contractor's work.

She asked the council to be responsible for the work in this project.

Name: Skip Skonnard

Address: 135 Lone Oak (OVN)

City: Seguin, Texas

He stated that he enjoyed the meeting that City Manager Doug Faseler and City Staff conducted with OVN residents. He stated that there were issues and red flags with the contractor that the city is considering for Phase V. He asked the council to investigate the facts presented by Mr. Mims. He appealed to the council to table the item.

Council member Bob Pees made a motion to approve the contract with the contingency to investigate the claims and accusations and if there are substantial disqualifiers found in that investigation then come back and disqualify the contract and council member Nick Carrillo seconded the motion. The motion carried with all council members voting "aye" and none voting "nay."

- b. LED Street Light Fixtures – William Bissette, Director of Utilities

The recommended bidder was:

Techline	\$38,148.00
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Council member Bob Pees made a motion to approve the bid and council member Nick Carrillo seconded the motion. The motion carried with all council members voting "aye" and none voting "nay."

10.Action Items – Discussion and Possible Motion to Approve

- a. **Ordinance on first reading** amending FY2012 Utility Fund Budget – Susan Caddell, Director of Finance

ORDINANCE APPROVED (1st reading)

Council member Carlos Medrano made a motion to approve the **ordinance in the 1st reading** and council member Tomas Castellon seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- b. **Ordinance on first reading** amending Section 41. Board of Adjustments, of the Seguin Zoning Ordinance to decrease the membership to five members plus two alternates and making other changes necessary to comply with State Law; declaring an emergency; providing a severability clause; declaring an effective date; and authorizing city staff to prepare this ordinance for submission as a supplement to the Code of Ordinances– Andy Quittner, City Attorney

Council member Steve Tschoepe made a motion to declare an emergency and council member Carlos Medrano seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

ORDINANCE APPROVED (1st reading)

Council member Carlos Medrano made a motion to approve the **ordinance in the 1st reading** and council member Mary Louise Gonzales seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

11. Boards and Commissions

- a. Library Task Force (1 Appointment)

Council member Bob Pees made a motion to approve Isabel Gonzales (to replace Mary Ellen Mendez who resigned due to health reasons) and council member Carlos Medrano seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- b. Main Street Advisory Board (4 Appointments)

Council member Carlos Medrano made a motion to approve

- Barbara Peterson (Hispanic Chamber)
- John Flores (replaced Kristy Stone who resigned from board)
- Sherry Nefford-Esse (President of Chamber of Commerce to replace Bob Pickett)
- Robert Etlinger (Guadalupe County Representative)

and council member Tomas Castellon seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

12. Acknowledgement of Bills

The bills were acknowledged.

13. Adjournment

There being no further business before the council the meeting adjourned at 6:59 p.m.

Mayor Betty Ann Matthies

City Secretary, Thalia Patlán Stautzenberger

