



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

The City Council met in a Regular Called Meeting on Tuesday, April 5, 2011 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 Don Keil
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 (Mayor Pro Tem)	2	Present	
4. Carlos Medrano	5	Present	
5. Bob Pees	8	Present	
6. Tomas Castellon	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.

<b>Citizen comments:</b>
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City Manager Doug Faseler introduced students from Texas Lutheran University (from the State Local Government Class) who were in attendance.

**6. Consent Agenda**

- a. **Ordinance on second reading** to consider a zoning change from “Commercial” and “Single-Family Residential” to “Public” for 206 E. Mountain, Lts, 1,2,3,6,7,8, Blk. 203, Inner Addition, (ZC 03-11)

**ORDINANCE APPROVED (2nd reading)**

Council member Don Keil made a motion to approve the **ordinance in the 2nd 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 second reading** to consider a zoning change from “Commercial” and “Single-Family Residential” to “Public” for 211 N. River, Lts, 1,2, 15 x 30 Alley, Blk. 196, Inner Addition, (ZC 03-11)

**ORDINANCE APPROVED (2nd reading)**

Council member Nick Carrillo made a motion to approve the **ordinance in the 2nd reading** and council member Steve Tschoepe seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- c. **Ordinance on second reading** amending Chapter 86, Utilities, Article V, Refuse Collection Services from Commercial and Industrial establishments, changing the procedures for the operation of solid waste collection services in the City of Seguin, Texas to allow earlier service in the downtown area; providing for penalties; 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

**ORDINANCE APPROVED (2nd reading)**

Council member Don Keil made a motion to approve the **ordinance in the 2nd reading** and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

**7. Presentation**

- a. Presentation and discussion regarding redistricting process and principles including initial assessment – Greg Hudson, Hudson & O’Leary

Greg Hudson, Attorney from Hudson and O’Leary presented to the council the redistricting process and principles including the initial assessment.

**8. Action Items - Discussion and Possible Motion to Approve**

- a. Minutes of the March 15, 2011 Regular Meeting

Council member Steve Tschoepe made a motion to approve the minutes of the Regular Called Meeting of March 15, 2011 and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- b. **Resolution** adopting criteria for use in redistricting of Council Member Districts – Greg Hudson, Hudson & O’Leary

**RESOLUTION APPROVED**

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

- c. **Resolution** establishing Guidelines for Person(s) submitting specific Redistricting Proposals – Greg Hudson, Hudson & O’Leary

**RESOLUTION APPROVED**

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

- d. **Public Hearing** and **Ordinance on first reading** to consider a zoning change from “Office Professional” to “Multi-Family (MF-3\_” for the property located at E. College St., 1.174+ acres, Ab. 35, John Sowell Survey (ZC 04-11) – Don Smith, Director of Planning & Zoning

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

**Citizen comments:**

No public comment at this time.

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

**ORDINANCE APPROVED (1st reading)**

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

- e. **Public Hearing** and **Ordinance on first reading** to consider a zoning change from “Agricultural Ranch”, “Commercial”, and “Manufactured Home Park” to “Industrial” for the property located at F.M. 464, 22.78+ acres, Ab. 11, J.D. Clements Survey (ZC 05-11) – Don Smith, Director of Planning & Zoning

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

**Citizen comments:**

No public comment at this time.

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

**ORDINANCE APPROVED (1st reading)**

Council member Nick Carrillo made a motion to approve the **ordinance in the 1<sup>st</sup> reading** and council member Carlos Medrano seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- f. Request from Guadalupe County Sheriff’s Office to close the 200 & 300 block of Link Road on Thursday, May 12, 2011 from 9:30 a.m. to 11:00 a.m. while conducting the “Shattered Dreams” scenario – Sheriff Arnold Zwicke

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

- g. Request from Hillcrest Assembly of God Church to close the 100 Block of East Nolte Street on Thursday, May 5, 2011 from 6:00 a.m. to 10:00 p.m. while holding *The National Day of Prayer 2011* – Mary Jo Filip, Main Street Director

Council member Steve Tschoepe 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.”

- h. Request from Seguin LULAC Council 682 to sell beer and wine while hosting their 3<sup>rd</sup> Annual Cinco de Mayo Festival on Friday, May 13, 2011 and Saturday, May 14, 2011 – Mary Jo Filip, Main Street Director

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

- i. **Resolution** authorizing the submission of an Animal Friendly Spay/Neuter Program (PY 2012) application to the Texas Department of State Health Services (DSHS) and authorizing the City Manager to act as the City’s for the City’s participation in the Spay/Neuter Program – Pamela Centeno, City Planner

**RESOLUTION APPROVED**

Council member Bob Pees 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.”

- j. **Ordinance on first reading** amending the Seguin Code of Ordinances, Article II, Building Code, Section 18-26(a)(b)(c); amending Section 18-32(a) International Energy Conservation Code; amending Article IV, Plumbing Code, Section 18-172(a); amending Article V, Gas Code, Section 18-211(a); amending Article VI, Mechanical Code, Section 18-231(a); amending Article VII, Housing Code, Section 18-251(a) by adopting the 2009 International Building Code and establishing certain exceptions to the International Building Code; providing for publication of this ordinance and 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 – Don Smith, Director of Planning & Zoning

**ORDINANCE APPROVED (1<sup>st</sup> reading)**

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

- k. **Ordinance on first reading** amending the Seguin Code of Ordinances , Article II, Fire Codes found in Chapter 50, Fire Prevention and Protection; adopting the 2009 International Fire Code with certain exceptions and additions to said code as set forth in this ordinance; providing for an effective date, publication and authorizing city staff to prepare this ordinance for submission as a supplement to the Code of Ordinances – Scott Mycue, Fire/EMS Chief

**ORDINANCE APPROVED (1<sup>st</sup> reading)**

Council member Steve Tschoepe made a motion to approve the **ordinance in the 1<sup>st</sup> reading** and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- l. **Resolution** authorizing the City Manager to execute a Multi-Party Mutual Aid Agreement between the City of Seguin and other Central Texas entities for the provision of aid in Fire Protection and Emergency Medical – Scott Mycue, Fire/EMS Chief

**RESOLUTION APPROVED**

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

- m. Creation of Fire Apparatus Operator Positions – Tammy Garcia, Director of Human Resources

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

- n. Public Safety Telecommunications Operator Salary Adjustments – Tammy Garcia, Director of Human Resources

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.”

- o. **Resolution** approving the terms and conditions of an Interlocal Agreement between the cities of Seguin and New Braunfels and the counties of Guadalupe and Comal to share the costs for obtaining a preliminary transportation plan and other information needed to further pursue a local Metropolitan Planning Organization – Douglas G. Faseler, City Manager

**RESOLUTION APPROVED**

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

- p. **Resolution** approving Metropolitan Planning Organization Expenditure for Economic Development – Tim Neeley, Assistant Director of Economic Development

**RESOLUTION APPROVED**

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

- q. Quarterly Investment Report ending December 31, 2010 – Susan Caddell, Director of Finance

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

- r. **Resolution** approving a Memorandum of Understanding among Converse, Cibolo, Schertz, Seguin, and Selma concerning the formation and initial operation of the Cibolo Valley Local Government Corporation – Andy Quittner, City Attorney

**RESOLUTION APPROVED**

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

- s. Proposed Rate Case Settlement with Centerpoint Energy – Andy Quittner, City Attorney

No action needed.

- t. **Resolution** rejecting the bids for the Coliseum & Volleyball Complex Concessionaire Contract; approving a three month extension of the agreement with RRL Concessions for operating the Coliseum and Volleyball Complex Concessions; and declaring an effective date – Rick Cortes, Assistant City Manager

**RESOLUTION APPROVED**

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

- u. **Ordinance on first reading** amending Seguin Code of Ordinances, Appendix C – Fee Schedule, Chapter 86, Solid Waste, Article II, Garbage (a) (1); providing a severability clause, an effective date, and directing staff to submit this ordinance as a supplement to the Seguin Code of Ordinances – Rick Cortes, Assistant City Manager

**ORDINANCE APPROVED (1<sup>st</sup> reading)**

Council member Tomas Castellon made a motion to approve the **ordinance in the 1<sup>st</sup> reading** and council member Carlos Medrano seconded the motion. The motion carried with seven (7) council members voting “aye” and none voting “nay” and one (1) councilmember Mary Louise Gonzales abstaining.

- v. **Resolution** finding that pursuant to Texas Government Code Sections 551.086 and 552.131 and City of Seguin Resolution No. 99R-93, discussion of Electric Power Supply Contract Negotiations is a utility-related matter concerning the City of Seguin’s competitive activity, and that if information concerning said matter was disclosed, such information would give an advantage to competitors of the City of Seguin – Rick Cortes, Assistant City Manager

**RESOLUTION APPROVED**

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

**9. Approval and/or Rejection of Bids**

- a. Water Plant Inline Turbidimeters & Controllers – Emery Gallagher, Water Utilities Manager

The recommended low bidder was:

<b>Roberts &amp; Spencer Instrument Co.</b>	<b>\$38,429.00</b>
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Council member Mary Louise Gonzales made a motion to approve the bid and council member Carlos Medrano seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- b. Geronimo Creek Treatment Plant Lift Station Upgrades – William Bissette, Director of Utilities

The recommended low bidder was:

<b>Associated Construction Partners, LTD</b>	<b>\$377,000.00</b>
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Council member Tomas Castellon made a motion to approve the bid and council member Carlos Medrano seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

**10. Acknowledgement of Bills**

The bills were acknowledged.

**11. Executive Session**

In accordance with Texas Government Code, Subchapter D, Section 551.071, 551.072, and 551.074 the City Council may convene in a closed session to discuss any of the following items, any final action or vote taken will be in public

- a. Seek legal advice regarding pending litigation of *Tara Murdoch v. City of Seguin, Texas* – Robert E. Bettac, Legal Counsel
- b. Seek legal advice regarding pending litigation or matter involving attorney-client privilege (*City of Seguin v. Diversified Coatings*) – Andy Quittner, City Attorney
- c. Review of SEDC Quarterly Compliance Report
- d. Economic Development prospect negotiations

- e. Competitive electric matter: Electric Wholesale Contract – Rick Cortes, Assistant City Manager

The regular meeting was recessed and the council went into Executive Session at 6:30 p.m. The regular meeting reconvened at 8:11 p.m.

**12. Action Item – Discussion and Possible Motion to Approve**

- a. **Resolution** approving a settlement in the case of City of Seguin v. Diversified Coatings regarding the Kingsbury Street Water Tank settlement – Andy Quittner, City Attorney

**RESOLUTION APPROVED**

Council member Tomas Castellon made a motion to approve the **resolution (City to receive \$275,000)** and council member Mary Louise Gonzales seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

**13. Adjournment**

There being no further business before the council the meeting adjourned at 8:13 PM.

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**Mayor Betty Ann Matthies**

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**City Secretary, Thalia Patlán Stautzenberger**