



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

The City Council met in a Regular Called Meeting on Tuesday, June 15, 2010 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. Invocation – Councilman Nick L. Carrillo
2. Pledge of Allegiance/Salute to the Texas Flag
3. Roll Call

ATTENDANCE

Councilmember	District	Present	Absent
1. Don Keil (Mayor Pro Tem)	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	4	Present	
7. Nick Carrillo	3	Present	
8. Steve Tschoepe	6	Present	
9. Mayor Betty Ann Matthies		Present	

4. 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:

Councilman Bob Pees

He asked about the procedure regarding weedy lots.

Councilman Don Keil

He asked what caused the spike in our sales tax previously.

Councilman Tomas Castellon

He wanted to compliment the city staff on the work that they did in responding to the flood.

5. Presentations

a. **North Austin Street (123 Business) Texas Department of Transportation Project – Joe Ramos, City Engineer**

Joe Ramos, City Engineer updated the council on the N. Austin St. Texas Department of Transportation Project.

- Broadening of 123 Business up to IH 10 to provide a continuous left turn lane
- Parallel storm drainage
- Sidewalk amenities
- Bicycle amenities
- Provide off-site drainage outfall along Seideman Street

TxDOT asks for the development of a resolution that discusses responsibilities necessary to implement these improvements to resolve the needs and meet the expectations for BS 123.

Once the Resolution is passed by the City Council, TxDOT will develop:

1. An Advanced Funding Agreement.
2. Develop a project schedule for a FY2014 implementation.

The official timeline is 2014.

Citizen Comments

Name: Sam Flores

Address: 1211 Old Homestead

City: Seguin, Texas

He stated that TxDOT had neglected this area for 50 years. He asked the council to support the resolution with TxDOT.

b. **Update on Coliseum Parking Lot Resurfacing and Lighting Project – Joe Ramos, City Engineer and William Bisette, Director of Utilities**

Joe Ramos, City Engineer and William Bisette, Director of Utilities updated the council on the Coliseum Parking Lot Resurfacing and Lighting Project.

c. **Seguin Economic Development Corporation (SEDC) Semi-Annual Report – Terry Trevino, Director of Economic Development**

Terry Trevino, Director of Economic Development presented the SEDC Semi-Annual Report.

d. **Update on Neighborhood Stabilization Project (NSP) – Don Smith, Director of Planning**

Don Smith, Director of Planning updated the council on the Neighborhood Stabilization Project.

e. **Report on June 9, 2010 Flood and Recovery Efforts – Doug Faseler, City Manager**

City Manager, Doug Faseler provided a report and a powerpoint of photos of the FLOOD of June 9, 2010 flood and recovery efforts.

6. Consent Agenda

- a. **Public Hearing** and **Ordinance on second reading** amending the General Zoning Ordinance of the City of Seguin to incorporate a State Hwy 123 South Corridor Overlay District with site development standards for all properties which front or adjoin South State Hwy 123 Bypass from Eastwood Dr. (aka FM 466) south to the existing city limits, and South State Hwy 123 Business from FM 725 south to the existing city limits, excluding residential zoned properties

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 (2nd reading)

Council member Steve Tschoepe made a motion to approve the consent agenda and council member Tomas Castellon seconded the motion. The motion carried with all council members voting "aye" and none voting "nay."

- b. **Public Hearing** and **Ordinance on second reading** granting to Centerpoint Energy Resources Corporation, d.b.a. Centerpoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Seguin, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing for an effective date

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 (2nd reading)

Council member Bob Pees made a motion to approve the consent agenda and council member Tomas Castellon seconded the motion. The motion carried with all council members voting "aye" and none voting "nay."

- c. **Ordinance on second reading** amending FY2010 General Fund Capital Projects Budget
- d. **Ordinance on second reading** amending FY2010 Special Revenue Fund Budget

ORDINANCE APPROVED (2nd reading)

Council member Don Keil made a motion to approve the consent agenda for items 6c and 6d and council member Bob Pees seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

7. Action Items - Discussion and Possible Motion to Approve

a. Minutes of the June 1, 2010, Regular Meeting

Council member Mary Louise Gonzales made a motion to approve the minutes of the Regular Called Meeting of June 15, 2010 and council member Tomas Castellon seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

b. Election of Mayor Pro-Tem – Mayor Betty Ann Matthies

Council member Steve Tschoepe made a motion to approve Mary Louise Gonzales as Mayor Pro Tem and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

c. **Resolution** adopted by the Board of Directors of the Schertz/Seguin Local Government Corporation authorizing the issuance of Obligations designated as “Schertz/Seguin Local Government Corporation Contract Revenue Bonds, Series 2010”; acknowledging that these Obligations were sold to Coastal Securities, Inc., Houston, Texas, as the authorized representative of a Group of Underwriters pursuant to the provisions of a Purchase Contract; ratifying, reconfirming and readopting the provisions of a Regional Water Supply Contract executed between the City of Seguin, the City of Schertz and the Schertz/Seguin Local Government Corporation; and authorizing the Mayor, City Secretary, and the City Manager of the City of Seguin, Texas to execute on behalf of the City of Seguin, Texas all necessary documents in connection with the bond issue transaction and other matters in connection therewith – Duane Westerman, SAMCO Capital Markets

RESOLUTION APPROVED

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

d. **Public Hearing** and **Ordinance on first reading** amending Zoning Ordinance Section 27 by adding “Farmer’s or Gardener’s Market” as a permitted use in “Public” Zoned District with a Specific Use Permit; providing a severability clause , providing for publication, declaring 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

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

- e. **Public Hearing** and **Ordinance on first reading** amending Sections 11.C.2 & 19.C of the Zoning Ordinance by eliminating the one-year limitation and annual review requirement for manufactured homes; providing for a severability clause, providing for publication, declaring 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

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

- f. **Public Hearing** and **Ordinance on first reading** abandoning a 0.406 acre unimproved right-of-way, held by the City of Seguin and authorizing the City Manager to reconvey the tract of land to the adjoining property owner, providing a severability clause and declaring an effective date – Don Smith, Director of Planning

Citizen Comments

Name: Jim Price, ARA Realty

Address: 217 S. River

City: Seguin, Texas

He represented the owner of the adjoining property and asked if the council had any questions.

ORDINANCE APPROVED (1st reading)

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

- g. **Public Hearing** and **Ordinance on first reading** to consider a Zoning Change Request from “Commercial” to “Single-Family Residential” for the property located at Mill Creek Crossing, .353 acre tract, .761 acre tract and a .335 acre tract, Ab. 20, A.M. Esnaurizar Survey (ZC 12-10) – Don Smith, Director of Planning

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 Don Keil made a motion to approve the **ordinance in the 1st reading** and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- h. **Public Hearing** and **Ordinance on first reading** to consider a Zoning Change Request from “Pre-Development” to “Single-Family Residential” for the property located at Country Club Dr. SS, 8.01 acres, Ab. 23, E. Gortari Survey, (ZC 14-10) – Don Smith, Director of Planning

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

- i. **Resolution** authorizing the City Manager to renew contract for Benefits Consultant – Tammy Garcia, Director of Human Resources

RESOLUTION APPROVED

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

- j. **Public Hearing** and **Ordinance on first reading** amending the Seguin Code of Ordinances, Chapter 30 - Courts by adding Sections 30-7 and 30-8 to provide for a Juvenile Case Manager Fee and associated procedures; providing a severability clause; an effective date; and directing staff to submit this ordinance as an amendment to the Code of Ordinances – Andy Quittner, City Attorney

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 Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- k. Public Hearing and Ordinance on first reading establishing a 4-way stop at the intersection of North Heideke Street and East Cedar Street; providing for penalties for violations thereof; providing a severability clause; an effective date, and directing staff to submit this ordinance as a supplement to the Seguin Code of Ordinances – Kevin Kelso, Police Chief

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 Don Keil 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.”

- l. Ordinance on emergency passage to temporarily amend Appendix C, Seguin Code of Ordinances, Fee Schedule, for a period ending September 1, 2010 for flood impacted areas as identified in Exhibit “A”; providing for an effective date and declaring an emergency so that this ordinance shall be an effective ordinance immediately after one reading thereof – Don Smith, Director of Planning

ORDINANCE APPROVED (One Emergency Reading)

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

- m. Discussion of Ordinance No. 09-92 regulating the maintenance of the parkway (right-of-way) by property owners – Councilman Manuel Cevallos

Council member Steve Tschoepe made a motion to ask staff to bring back a report in 60-90 days:

- Identify problem areas and possible solutions
- The present ordinance will stay in tact

to approve Steve Tschoepe and council member Mary Louise Gonzales seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- n. Discussion on possible Overhanging Tree Ordinance – Councilman Bob Pees

Discussion was held on the overhanging tree ordinance.

- o. Ordinance on first reading amending the 2009/10 General Fund Budget – Doug Faseler, City Manager

ORDINANCE APPROVED (1st reading)

Council member Mary Louise Gonzales 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.”

- p. **Ordinance on first reading** amending the 2009/10 Utility Fund Budget – Doug Faseler, City Manager

ORDINANCE APPROVED (1st reading)

Council member Mary Louise Gonzales 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.”

8. Bid(s):

- a. Truck w/Dump Body – Joe Ramos, City Engineer

The recommended bid was to pursue the original Buy Board quote from Philpott Motor Company

Philpott Motor Company	\$58,631.00
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Council member Don Keil 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.”

9. Acknowledgement of Bills

The bills were acknowledged.

10. Executive Session

In accordance with Texas Government Code, Subchapter D, Section 551.071, 551.072, and 551.087 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. Economic Development
- b. The Aransas Project vs. Bryan Shaw, et al, lawsuit involving Guadalupe Blanco River Authority (GBRA), among others, that could potentially effect Seguin’s Guadalupe River water rights

The regular meeting was recessed and the council went into Executive Session at 7:15 p.m. The regular meeting reconvened at 7:45 p.m.

11. Action Item - Discussion and Possible Motion to Approve

- a. Joining Guadalupe Blanco River Authority (GBRA) customers, Mayors and others in Amicus Curarie briefs being filed on behalf of the GBRA and State Defendants in the lawsuit, titled: The Aransas Project vs. Bryan Shaw, et al – Andy Quittner, City Attorney

No action needed.

12. Adjournment

There being no further business before the council the meeting adjourned at 7:46 PM.

Mayor Betty Ann Matthies

City Secretary, Thalia Patlán Stautzenberger