



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

The City Council met in a Regular Called Meeting on Tuesday, November 16, 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. 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.

Citizen comments:
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Name: Lee Wilson, representative from the Seguin Elks Lodge  
Address: 1745 Redwood  
City: Seguin, Texas

As a member of the Seguin Elks Lodge, she invited the Mayor, Councilmembers, the audience and the media to attend a ceremony on Sunday, December 5, 2010 honoring the Veterans and a young West Point graduate from Kyle who was killed in action in Afghanistan.

**6. Consent Agenda**

- a. **Ordinance on second reading** amending Section 94-31 of the Seguin Code of Ordinances to add an extended tax exemption for improvements made in the Historical District for Investments of \$500,000 or more; providing for 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
- b. **Ordinance on second reading** amending Chapter 86, Utilities, Article V, Refuse Collection Services from Commercial and Industrial Establishments, concerning the franchise requirements and procedures for the operation of solid waste collection services in the City of Seguin, Texas; providing for the number of available annual franchises; establishing standards of service; providing for payment of a franchise fee; making other miscellaneous provisions; providing for penalties; providing a severability clause; and directing staff to prepare this ordinance for submission as a supplement to the Code of Ordinances
- c. **Ordinance on second reading** amending Chapter 98 (Traffic and Vehicles) of the Seguin City Code by adding Article IV (Wireless Communication Devices) which prohibits certain use of wireless communication devices while operating a motor vehicle; renumbering the remaining articles; creating an offense; establishing penalties; authorizing city staff to prepare this ordinance for submission as a supplement to the City Code; and providing for an effective date

**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.”

**7. Presentations**

- a. Certificate of Appreciation recognizing City of Seguin Employee Volunteers for the 2010 Fall Clean-Up Day – Mayor Betty Ann Matthies

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.”

- b. Seguin Economic Development Corporation Annual Report – Terry Treviño, Executive Director

Terry Trevino presented the SEDC annual report to the council.

- c. Award of a Commercial Grease Separator offered by Trapzilla to a non-profit or charitable organization – William Bissette, Director of Utilities

Council member Manuel Cevallos 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.”

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

a. Minutes of the November 2, 2010 Regular Meeting

Council member Bob Pees made a motion to approve the minutes of the Regular Called Meeting of November 2, 2010 and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- b. **Ordinance** authorizing the issuance of “City of Seguin, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2010”; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates; including the approval and distribution of an official statement; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements of the Letter of Representations with the Depository Trust Company; and providing an effective date - Duane Westerman, SAMCO Capital.

**ORDINANCE APPROVED**

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

This item will be addressed at a later time in the meeting.

- c. **Resolution** authorizing amendment of the Retiree Health Plan - Tammy Garcia, Director of Human Resources

**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.”

- d. Recess Regular meeting of Seguin City Council and call to order meeting of City of Seguin Employee Benefits Trust

The regular meeting was recessed and the meeting of City of Seguin Employee Benefits Trust was called to order.

- e. **Resolution** authorizing the Chairman of the Employee Benefit Trust to execute a **contract** for Employee Group Health, Dental and Life Benefits – Tammy Garcia, Director of Human Resources

**RESOLUTION APPROVED**

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

- f. Adjourn meeting of Seguin Employee Benefits Trust and reconvene meeting of Seguin City Council

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

- g. **Ordinance on first reading** amending FY 2011 General Fund Budget – Susan Caddell, Director of Finance

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

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

- h. **Ordinance on first reading** amending FY 2011 Utility Fund Budget – Susan Caddell, Director of Finance

**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.”

- i. **Ordinance on first reading** amending FY 2011 Special Revenue Fund Budget – Susan Caddell, Director of Finance

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

- j. **Ordinance on first reading** authorizing and allowing, under the act governing the Texas Municipal Retirement System, “Updated Service Credits” in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are in the employment of the City of Seguin; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for the ordinance; and directing staff to submit this ordinance as an amendment to the Code of Ordinances – Tammy Garcia, Director of Human Resources

**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 Bob Pees seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- k. **Resolution** authorizing the City Manager to execute an **agreement** with the Seguin Dog Park, Inc. for the establishment and maintenance of an off-leash dog park located in Max Starcke Park West; and declaring an effective date – Tim Patek, Director of Parks & Recreation

**RESOLUTION APPROVED**

Council member Don Keil made a motion to approve the **resolution** (with an increase in height of the fence from 48 inches to 72 inches to the top of the fence) and council member Manuel Cevallos seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- l. **Resolution** authorizing the City Manager to apply for a **grant** with the Texas Parks and Wildlife for the establishment and maintenance of a Paddling Trail along a portion of the Guadalupe River below the Saffold Dam in Max Starcke Park; and declaring an effective date – Tim Patek, Director of Parks & Recreation

**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.”

- m. **Resolution** approving Franchise Applications for Commercial Solid Waste Hauling Services – Rick Cortes, Assistant City Manager

**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 seven (7) council members voting “aye”, none voting “nay” and one councilmember, Mary Louise Gonzales abstaining.

- n. **Ordinance on first reading** creating a “No Parking Zone” on the south side of the 500 block of West College Street in the City of Seguin, Texas; providing for the effective date; providing for publication; and providing penalties for violation thereof – Rick Cortes, Assistant City Manager

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

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

Name: J.P. Amador

Address:

City: Seguin, Texas

He requested that the council not approve the “No Parking Zone.”

- o. **Ordinance on first reading** amending Seguin Code of Ordinances Chapter 82, Article I, Section 82-1. Definitions, amending Article IV, Section 82 by adding Section 82-107. Electronic Signs, and amending Section 82-121. Animation; providing for an offense of the Code of Ordinances of the City of Seguin, Texas, providing for a penalty clause, providing for a severability clause, declaring an effective date, providing for publication, and authorizing city staff to prepare this ordinance for submission as a supplement to the Code of Ordinance – Pamela Centeno, City Planner

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

Council member Bob Pees 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 (4) four council members voting “aye” and (4) four voting “nay” Mayor Betty Ann Matthies broke the tie by voting “aye” with the final vote of five (5) voting “nay” and four (4) voting “aye”.

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

- p. **Ordinance on first reading** amending Section 98-11, Use of Roller Propelled Devices; 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 – Mary Jo Filip, Main Street Director

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

- q. Street closure request from The Seguin Conservation Society to close the 200 Block of East Live Oak from 6:00 – 9:00 p.m. on December 3, 2010 during the Holiday Stroll Event at Heritage Village – Council member Don Keil

Council member Don Keil 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.”

- r. **Resolution** setting Impact Fee Public Hearing Dates – Don Smith, Director of Planning

**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.”

- s. FY2010 Quarterly Reports for the following organizations – Susan Caddell, Director of Finance
  - a. Seguin Convention & Visitors Bureau
  - b. Seguin Conservation Society
  - c. Mid-Texas Symphony

- d. Teatro de Artes de Juan Seguin
- e. Seguin-Guadalupe County Hispanic Chamber of Commerce
- f. Seguin Heritage Museum
- g. Guadalupe County Fair Association
- h. The Fields of Huber Ranch

Council member Don Keil made a motion to approve and council member Bob Pees seconded the motion. The motion carried with seven (7) council members voting “aye”, none voting “nay” and one (1) councilmember Mary Louise abstaining.

- t. **Resolution** approving the FY2011 Hotel Occupancy Tax Budgets for the following organizations – Susan Caddell, Director of Finance
  - a. Seguin Convention & Visitors Bureau
  - b. Mid-Texas Symphony
  - c. Teatro de Artes de Juan Seguin
  - d. Seguin Heritage Museum
  - e. Guadalupe County Fair Association
  - f. The Fields of Huber Ranch
  - g. Seguin Lulac Council #682

**RESOLUTION APPROVED**

Council member Don Keil 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.”

**Special Note:**

The resolution did not include the Hispanic Chamber since they turned in their budgets after the deadline. That budget will be provided to the council at the next council meeting.

- u. **Resolution** approving agreements between the City of Seguin and the following organizations that receive financial appropriation in the FY2011 Hotel Occupancy Fund – Susan Caddell, Director of Finance
  - a. Seguin Convention & Visitors Bureau
  - b. Mid-Texas Symphony
  - c. Teatro de Artes de Juan Seguin
  - d. Seguin Heritage Museum
  - e. Guadalupe County Fair Association
  - f. The Fields of Huber Ranch
  - g. Seguin Lulac Council #682

**RESOLUTION APPROVED**

Council member Don Keil made a motion to approve the **resolution (with the exception of the Hispanic Chamber as referenced in item 8t)** and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

**Special Note:**

- The resolution did not include the Hispanic Chamber as is referenced in item 8t.
- A new item added in the agreements was that if the organizations owe any kind of property tax, any mowing liens or owes any debt to the city, they will not receive their funding until their debt is paid in full. This effects two organizations:
  - The Fields of Huber Ranch (owes \$6,975 for the use of the city's detention pond)  
and
  - Seguin LULAC Council #682 (owes \$92.47)

As soon as their debt is paid and the council approves this resolution then these two organizations will receive their funding for the first quarter.

- v. **Resolution** approving the agreements between the City of Seguin and the following organizations that receive financial appropriation in the FY2011 General Fund – Susan Caddell, Director of Finance
- a. Retired and Senior Volunteer Program
  - b. Activity Center of Seguin and Guadalupe County
  - c. Guadalupe County MHMR
  - d. Guadalupe Valley Family Violence Shelter
  - e. Guadalupe County Children's Advocacy Center
  - f. Seguin Youth Services

Name: Alma Garcia

Address: 605 Cordova Loop

City: Seguin, Texas

She addressed the council regarding the Seguin Youth Services Center. She lived in the Blumberg area of Seguin and shared her concern about the children in that area that were not receiving services by SYS.

There was a great deal of discussion among the council members. The City Attorney provided an explanation of non-profit organizations.

### **RESOLUTION**

Council member Don Keil made a motion to approve the [resolution](#) and council member Nick Carrillo seconded the motion.

Council member Tomas Castellon made a motion to [amend the original motion](#) (that an audit of Seguin Youth Services be conducted before they receive the funding. The city would pay for the audit. After the audit is complete then the Agreement for the Seguin Youth Services would be brought back to the council.) and council member Carlos Medrano seconded the motion. The motion carried with six (6) council members voting "aye" and two (2) voting "nay."

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

For the record, Council member Don Keil stated that he invited an audit of SYS, but just on principle he stood by his motion.

Council member Don Keil made a motion to approve the agreements for a-e (a. RSVP, b. Activity Center, c. Guadalupe MHMR, d. Guadalupe County Family Violence Shelter and e. Guadalupe Children’s Advocacy Center and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

- w. **Resolution** approving the Official City of Seguin Tax Roll for 2010 – Susan Caddell, Director of Finance

**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.”

- x. Investment Training for the Director of Finance – Susan Caddell, Director of Finance

Council member Bob Pees 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.”

- y. **Resolution** approving the Financing of a Street Patching Truck and Street Sweeper – Susan Caddell, Director of Finance

**RESOLUTION APPROVED**

Council member Tomas Castellon 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 Bid(s):**

- a. Street Sweeper – Joe Ramos, City Engineer

The recommended low bidder was:

<b>TYMCO</b>	<b>\$183,075.00</b>
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Council member Mary Louise Gonzales made a motion to approve the bid and council member Steve Tschoepe seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

b. Street Patching Truck – Joe Ramos, City Engineer

The recommended low bidder was:

<b>Freightleiner of Austin</b>	<b>\$62,632.00</b>
<b>Bergkamp, Inc.</b>	<b>\$66,600.00</b>
<b>Total Amount</b>	<b>\$129,232.00</b>

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.”

c. (9) 250 KVA Single Phase Pad Mount Compartmental Type Transformers – William Bisette, Director of Utilities

The recommended the second lowest bidder was:

<b>HD Supply</b>	<b>\$46,530.00</b>
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Council member Steve Tschoepe 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.”

The Mayor asked council to return to item 8b.

**10. Acknowledgement of Bills**

The bills were acknowledged.

**11. Adjournment**

There being no further business before the council the meeting adjourned at 6:59 PM

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Mayor Betty Ann Matthies

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City Secretary, Thalia Patlán Stautzenberger