



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

The City Council met in a Regular Called Meeting on Tuesday, December 21, 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 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<br>(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: |
|-------------------|

Name: Paul Castillo, President and representative of LULAC 682  
 Address: 37 Glen Cove  
 City: Seguin, Texas

**FIRST ANNOUNCEMENT:** He stated that LULAC joined with Siempre Sustainable Seguin headed by Dr. Paul Martin and LULAC has allowed them to use their 2 acres on Eighth Street to build a community garden. Together they will build the garden. (fruit trees will also be planted) LULAC will attain general liability insurance so the community can feel safe while visiting the community garden.

Water will be needed for the garden but connecting the service is expensive. LULAC is able to pay the monthly fee but due to the cost of connecting the service, they are requesting a waiver for this project and would be greatly appreciated.

**SECOND ANNOUNCEMENT:** A Community Center is currently being considered for this property. An engineer is presently preparing an artist's concept of what it might look like. The project will be financed through fundraisers, grants, and community participation. A market analysis will be conducted in the future to assess the need of such a center.

**THIRD ITEM is a CONCERN:** He stated that LULAC 682 was dissatisfied with the conduct of the council towards citizens that come before them to voice their concerns. LULAC 682 demands an apology from the council to Ms. Alma Garcia and Mr. Luis Moreno, the two individuals that shared their concerns regarding Seguin Youth Services. LULAC 682 will seek information through the Freedom of Information Act from this organization.

**Name: Tom Bruns**

**Address: 222 Montwood**

**City: Seguin, Texas**

He wanted to share some observations. He indicated that he did not speak for the board nor the Parks and Recreation director. He shared a concern about the poor people, fees and the use of parks and recreation activities. He asked the council to consider providing more funds to Parks and Recreation in next year's budget so that more young people could be included.

**Councilmember Mary Louise Gonzales**

She extended her apology to Ms. Garcia and Mr. Moreno. She further stated that it was the obligation of the council to listen to all the citizens who bring their concerns before the council.

**Councilmember Don Keil**

He stated that he just responded to people's testimony. He stated that these people made serious criminal allegations to a person and it created severe harm to her organization upwards of damages of over \$100,000 lost to her organization. He stated that he questioned it. He stated that he still questioned the timing and the whole idea of it. He further stated that if it happens again he will question them again.

**Name: Julian Leal**

**Address: 849 Prexy**

**City: Seguin, Texas**

He shared his concerns about the matter in which some councilmember addressed members of the public during the meeting regarding Seguin Youth Services.

He also stated that the councilmember should have responded to the citizens with courtesy rather than make insinuations.

**Susan Caddell, Director of Finance**

She shared with the council the second Certificate of Achievement and Excellence in Financial Reporting from the Government Finance Officers Association in the United States and Canada.

**Chief Scott McCue**

He shared the new defibrillators that had been purchased for the city.

**Councilmember Tomas Castellon**

He asked that the council move towards video taping of the council meetings in lieu of what has transpired with the citizen concerns.

**6. Consent Agenda**

- a. **Ordinance on second reading** annexing 14.91 acres into the City of Seguin upon the voluntary request of the landowner, Love's Travel Center; property is more fully described as a 14.91 acre tract located in the William Leach Survey, Abstract 28, Guadalupe County, Texas

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

- a. Minutes of the December 7, 2010 Regular Meeting

Council member Tomas Castellon made a motion to approve the minutes of the Regular Called Meeting of December 7, 2010 and council member Bob Pees seconded the motion. The motion carried with all council members voting "aye" and none voting "nay."

- b. **Resolution** of the City of Seguin declaring its support of naming a portion of State Hwy 46 North of Interstate 10 as "Edmund Kuempel Memorial Highway" – Mayor Betty Ann Matthies

**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."

- c. **Resolution** outlining responsibilities of the City of Seguin and Texas Department of Transportation (TxDOT) for the proposed improvements on North Austin Street (123 Business) between IH-10 and the Union Pacific Railroad (UPRR) tracks – Joe Ramos, City Engineer

**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.”

- d. **Ordinance on first reading** making permanent the temporary lawful speed limit on Moss Street and Ashby Street adjacent to Guadalupe Regional Medical Center within the City of Seguin; providing for penalties for violations thereof; providing a severability clause; providing for an effective date; providing for publication; and authorizing city staff to prepare this ordinance for submission as a supplement to the Code of Ordinance – Kevin Kelso, Police 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.”

- e. **Ordinance on first reading** providing for the creation of a No Parking Zone on the west side of the 1200 Block of Eighth Street; providing for an effective date; providing for publication; and providing for penalties for violations thereof – Kevin Kelso, Police Chief

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

Council member Nick Carrillo 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.”

- f. **Resolution** of the Seguin City Council expressing its intent to create a Tax Increment Reinvestment Zone to finance public improvements in support of a proposed development; authorizing and directing preparation of a Preliminary Reinvestment Zone Financing Plan; authorizing and directing distribution of a written notice of the City’s intention to create the proposed reinvestment zone to each Taxing Unit that levies a tax in the proposed reinvestment zone; authorizing the City Manager to schedule a public hearing for the creation of the proposed reinvestment zone; authorizing a request to make presentations before certain Taxing Units; delegation of authority to make presentations and give notice to Taxing Units of formal appointment of a representative to meet with the City to discuss the project; delegating authority to call and hold meetings with representatives of each Taxing Unit; appointing Fulbright & Jaworski L.L.P. as Counsel in connection with the proposed zone; and authorizing the City Manager to enter into engagement agreements with Fulbright & Jaworski L.L.P. – Terry Treviño, Director of Economic Development

**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.”

James Griffin provided a brief explanation of the structure of a TIF grant. He provided an overview of the development itself.

- g. **Public Hearing** to consider the amendment of land use assumptions and a capital improvements plan and the imposition of water and wastewater impact fees – 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.

- h. **Ordinance on first reading** amending Appendix C – Fee Schedule, Chapter 102, Utilities, Article V, Water and Wastewater Capital Recovery Fees; providing for an effective date and authorizing staff to submit this ordinance as a supplement to the Seguin Code of Ordinances - Don Smith, Director of Planning

**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. Water Supply Study for the City of Seguin – John Winkler P.E., Walker Partners

John Winkler, consulting engineer for SSLGC from Walker Partners, presented the Water Supply Study to the council regarding water needs.

- j. **Resolution** of the Seguin City Council authorizing and approving the creation of a nonprofit corporation to act on behalf of the City of Seguin, Texas; and other matters in connection therewith – Doug Faseler, City Manager

**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.”

- k. **Resolution** declaring the City of Seguin’s support for Mike Wiggins as a representative on the South Central Texas Region L Water Planning Group – Mayor Betty Ann Matthies

**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.”

- l. **Resolution** reappointing the Municipal Court Judge for the City of Seguin Municipal Court and providing annual compensation– Mayor Betty Ann Matthies

**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. **Resolution** authorizing the City Manager to execute an agreement with M&S Engineering for engineering and other professional services – William Bisette, Director of Utilities

**[RESOLUTION APPROVED](#)**

Council member Bob Pees 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.”

- n. **Resolution** of the Seguin City Council authorizing intervention in the rate proceeding initiated by Centerpoint Energy Resources Corp., d/b/a Centerpoint Energy Entex and Centerpoint Energy Texas Gas before the Railroad Commission of Texas; authorizing retention of special counsel; requiring the reimbursement of municipal rate case expenses; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date– Andy Quittner, City Attorney

**[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.”

- o. **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

Postponed until January 4, 2010

- p. **Resolution** declaring a public necessity for the acquisition of fee title (save and except oil, gas, or other minerals, and save and except any subsurface water rights, but without any right remaining in the landowner of ingress and egress to and from the property for the purpose of exploring for, developing, drilling, producing or mining said mineral interests or subsurface water), in and to certain real property, a 2.5-acre parcel (the “Property”) out of a 459.98-acre tract of land in the George W. Davis Survey, A-115, and the James Alley Survey, A-44, in Guadalupe County, Texas, titled in the name of Walter E. Koepf; for the public purpose of upgrading, constructing, operating, reconstructing, improving and/or maintaining an existing water pipeline system of Schertz-Seguin Local Government Corporation, by and through the installation of a surge tank and related appurtenances on the Property; finding that a duly approved written offer based on written appraisal by an independent real estate appraiser for the fair cash market value of the Property has been tendered to the landowner and that further negotiations are futile; authorizing all appropriate action by the City Manager, staff, and retained attorneys, and engineering and technical consultants, in the institution and prosecution of condemnation proceedings to acquire any such interest in the Property that cannot be acquired through negotiation; ratifying and affirming all acts and proceedings heretofore done or initiated by employees, agents, and attorneys to acquire such property

interests; authorizing all other lawful action including the making of lineal and archeological surveys and appraisals necessary and incidental to such acquisitions whether by purchase or eminent domain proceedings; declaring the sections of the Resolution to be severable one from the other in the event any sections of this Resolution is determined to be invalid – Jim Frost, SSLGC Legal Counsel

**RESOLUTION APPROVED**

Council member Nick Carrillo 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.”

**8. Approval and/or Rejection of Bid(s):**

- a. Love’s Sanitary Sewer Improvements (IH-10 to FM 725) – Joe Ramos, City Engineer

The recommended bidder was:

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|-------------------|-----------------------|
| <b>KIVA, Inc.</b> | <b>\$1,196,323.20</b> |
|-------------------|-----------------------|

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. Sanitary Sewer Improvements (Hwy 90 to Oak Village North - Geronimo Creek) – Joe Ramos, City Engineer

The recommended bidder was:

|                   |                     |
|-------------------|---------------------|
| <b>KIVA, Inc.</b> | <b>\$909,362.00</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. (3) Sport Utility Vehicles & (5) Trucks – Willa Hagemann, Assistant Director of Finance

The recommended bidder was:

|                      |                     |
|----------------------|---------------------|
| <b>Griffith FORD</b> | <b>\$199,396.00</b> |
|----------------------|---------------------|

Council member Bob Pees 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.”

**9. Board/Committee Appointment(s)**

- a. Audit Committee (1)

Council member Bob Pees made a motion to approve Tomas Castellon (replacing former Councilmember Ramon Salazar) and council member Nick Carrillo seconded the motion. The motion carried with all council members voting “aye” and none voting “nay.”

b. Library Advisory Board (3)

Council member Mary Louise Gonzales made a motion to approve

- Bud Kirkendall (reappointment)
- Patty Grones (reappointment)
- Ree Mawande (to fill (City) vacancy by resignation of Denise Menchaca)
- Sharon Vogel (recommended by County to fulfill Ms. Neeley’s unexpired term)

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

**10. Executive Session**

In accordance with Texas Government Code, Subchapter D, Section 551.071 and 551.072 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. Competitive electric matter: Electric Power Supply Contract Negotiations – Rick Cortes, Assistant City Manager
- b. Legal advice concerning GBRA Water Subordination Agreement – Andy Quittner, City Attorney

The regular meeting was recessed and the council went into Executive Session at 6:45 p.m. The regular meeting reconvened at 7:02 p.m.

**11. Acknowledgement of Bills**

The bills were acknowledged.

**12. Adjournment**

There being no further business before the council the meeting adjourned at 7:03 PM.

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Mayor Betty Ann Matthies

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City Secretary, Thalia Patlán Stautzenberger