

# DRAFT

## MINUTES REGULAR MEETING August 27, 2019

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on August 27, 2019, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Michael Carpenter; Councilmember Allison Heyward; Councilmember Mark Davis; Councilmember Ralph Gutierrez; Councilmember Scott Larson; Councilmember Cedric Edwards; Councilmember David Scagliola; Mayor Pro-Tem Tim Brown

City     City Manager Dr. Mark Browne; Assistant City Manager Brian James;  
Staff:   Assistant City Manager Charles Kelm; City Attorney Daniel Santee; City  
          Secretary Brenda Dennis; Deputy City Secretary Gayle Wilkinson

### **Call to Order – City Council Regular Session**

Mayor Carpenter called the regular meeting to order at 6:01 p.m.

### **Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Heyward)**

### **City Events and Announcements**

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)

Assistant to the City Manager Sarah Gonzalez announced the following:

Wednesday, August 28

Adult dodgeball begins. Drop-ins allowed to play for \$5 per person

Monday, September 2

City Offices closed in Observance of Labor Day

Tuesday, September 3

City Council Meeting 6:00 pm Council Chambers

- Announcements and recognitions by the City Manager (M. Browne)

None given.

- Announcements and recognitions by the Mayor (M. Carpenter)

Mayor Carpenter announced he attended a luncheon put on by the Gold Star mothers and families for roughly 70 World War II Veterans and gave a moving overview of the event.

## **Hearing of Residents**

*This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.*

***All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.***

*Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

Mayor Carpenter recognized the following residents:

Carl Douglas - 2550 Woodland Village Place - Gave his thanks for a drainage problem corrected that has existed since 1997 - "Good things come to those that wait".

Ken Greenwald - 205 Westchester Dr. - Has a complaint with the budget not including an additional Planning and Zoning employee.

Mayor Carpenter pointed out that Carl Douglas and Ken Greenwald had both served on the Council in the past and thanked them both for continuing to be involved.

Mayor Carpenter then moved to Announcements by Mayor and Councilmembers section of the agenda and per a point of privilege request by Councilmember Edwards.

## **Announcements by Mayor and Councilmembers:**

Mayor Carpenter recognized Councilmember Edwards.

Councilmember Edwards stated:

“First I’d like to say everyone’s called and asked about the ballot debacle and about the number that was missing and the section that was missing and I don’t have a problem showing people my application. But I want to make it clear that when I put this on the overhead you will clearly see that Gayle was doing her job, Gayle was doing her job. I’ll come down and just show you guys so no one else has to call the office and say what’s going on. You will know from me firsthand right here. If we can just get the overhead and I’ll take less than a couple of minutes here guys. So as you know I have filed for a write in on the ballot. That is my declaration for write in right there, so you guys are aware of it. Two things - this is my application that Gayle actually signed this is in 2019, and she signed, and she documented that as well. This is the application that we had started on and that was signed as well but never received, not dated received or a signature by the secretary but it was notarized as valid and the other document that I want to share with you guys is this document right here. So this document is also a ballot that I filed and this is for City Council Schertz Place 4 in 2017, so I don’t even know if I’m a Council member right now. I got to admit I may not even be a Council member since I filed these documents in 2017 and clearly it was approved and of course we have a notary and this is came off the website, this is microfiched so being that be the case I just want to let you know there have been mistakes made. I did ask for a ruling from the Texas Secretary of State and I’ve asked for a ruling from our city attorney. I have not heard back on that, but we did get another ruling from the Secretary of State. We have two rulings and those rulings are actually conflicting right now, so we’ve actually asked for another ruling for them to come together and make a decision. So we await that information to determine whether or not I’m going to be on the ballot. So even as a write in I still believe that my chances are good. So I just want to let you guys know what happened and let the public know so everyone doesn’t have to keep calling and asking me what happened. All right, thank you.

Mayor Carpenter moved forward with Consent Agenda items.

### **Consent Agenda Items**

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

The following items were read into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of August 13, 2019. (B. Dennis)

2. **Resolution No.19-R-102** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the Schertz EMS Charity Care Policy. (C. Kelm/J. Mabbitt)
3. **Resolution-R-108** - Consideration and/or action approving the Resolution by the City Council of the City of Schertz, Texas authorizing an agreement for management services between the City of Schertz and the Schertz/Seguin Local Government, and other matters in connection therewith. (C. Kelm/A. Beard)
4. **Resolution No. 19-R-103** - Consideration and/or action approving a Resolution authorizing the City Manager to enter into an agreement for the purchase of one (1) fire apparatus and associated equipment. (C. Kelm/K. Long)
5. **Resolution 19-R-106** - Consideration and or action approving a Resolution to continue to collect bingo prize fees, and other matters in connection therewith (M.Browne/J. Walters)

Actual verbiage read into record:

**Resolution No. 19-R-106** - A Resolution by the City Council of the city of Schertz, Texas authorizing the city to continue to collect bingo prize fees, and other matters in connection therewith.

Moved by Councilmember Cedric Edwards, seconded by Councilmember Ralph Gutierrez to approve consent agenda items 1-5.

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Ralph Gutierrez, Councilmember Scott Larson, Councilmember Cedric Edwards, Councilmember David Scagliola, Mayor Pro-Tem Tim Brown

Passed

## **Discussion and Action Items**

The following item was read into record:

6. **Resolution No. 19-R-109** - Consideration and/or action approving a Resolution approving the Employee Policies related to Sick Leave Pool and Holiday Pay. (M. Browne/C. Kelm/J. Kurz)

Mayor Carpenter recognized Human Resources & Purchasing Director

Jessica Kurz who provided a PowerPoint and explanation of the Sick Leave Pool and Holiday Pay. Human Resources & Purchasing Director Jessica Kurz, Assistant Police Chief Marc Bane, and City Manager Dr. Browne addressed questions from Council.

Moved by Mayor Michael Carpenter, seconded by Councilmember Mark Davis to approve Resolution No. 19-R-109.

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Ralph Gutierrez, Councilmember Scott Larson, Councilmember Cedric Edwards, Councilmember David Scagliola, Mayor Pro-Tem Tim Brown

Passed

The following item was read into record:

7. **Resolution No. 19-R-107** – Consideration and/or action approving a Resolution reaffirming The Compensation Philosophy And Policy Statements and Other Matters In Connection Therewith. (M. Browne/C. Kelm/J. Kurz)

Mayor Carpenter recognized Human Resources & Purchasing Director Jessica Kurz who read the tenants of the Compensation Philosophy and Policy Statements to Council for reaffirmation. Dr. Mark Browne stated that staff had looked at the tenants and felt like it couldn't be said better. Human Resources & Purchasing Director Jessica Kurz and City Manager Dr. Browne answered questions from Council.

Moved by Mayor Michael Carpenter, seconded by Councilmember Cedric Edwards to approve Resolution No. 19-R-107.

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Ralph Gutierrez, Councilmember Scott Larson, Councilmember Cedric Edwards, Councilmember David Scagliola, Mayor Pro-Tem Tim Brown

Passed

The following item was read into record:

8. **Resolution 19-R-99** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving an animal care matrix outlining the care and treatment of animals brought into the Animal Shelter or otherwise under the care of Animal Control Officers. (C. Kelm/M. Hansen/M. Bane)

Mayor Carpenter recognized Assistant Police Chief Marc Bane who gave an explanation of the Animal Care Matrix outlining care and treatment of animals brought to the Animal Shelter or the Animal Control Officers and answered questions from Council.

Moved by Mayor Michael Carpenter, seconded by Councilmember David Scagliola to approve Resolution No. 19-R-99.

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Ralph Gutierrez, Councilmember Scott Larson, Councilmember Cedric Edwards, Councilmember David Scagliola, Mayor Pro-Tem Tim Brown

Passed

Mayor Carpenter moved to agenda items 11 and 12.

### **Public Hearings**

The following item was read into record:

11. **Ordinance No. 19-A-21**- Conduct a public hearing, consideration and/or action for an Ordinance on a request for voluntary annexation of approximately 58 acres of land located approximately 1000 feet west of the intersection of Engel Road and private street, Big John Lane, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado) First Reading

Actual verbiage read into record:

**Ordinance No. 19-A-21** - an Ordinance by the City Council of the City of Schertz, Texas, providing for the extension of the boundary lines of the City of Schertz, Texas by the annexation of approximately 58 acres of land located in Guadalupe county approximately 1,000 feet west of the intersection of Engel road and private street, big John Lane.

Mayor Carpenter recognized Planner 1 Emily Delgado who provided a Power Point with explanation for the annexation of approximately 58

acres of land located approximately 1000 feet west of the intersection of Engel Road and private street, Big John Lane, Guadalupe County.

Mayor Carpenter opened the Public Hearing, and as there was no one who wished to speak; Mayor Carpenter closed the Public Hearing for Council comments. No comments from Council.

*Councilmember David Scagliola left the dais and was not present for the vote but returned after the vote was taken.*

Moved by Councilmember Ralph Gutierrez, seconded by Councilmember Mark Davis

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Ralph Gutierrez, Councilmember Scott Larson, Councilmember Cedric Edwards, Mayor Pro-Tem Tim Brown

Passed

The following item was read into record:

- 12. Ordinance No. 19-S-20** - Conduct a public hearing, consideration and/or action for an Ordinance on a request to rezone approximately 64 acres of land to Planned Development District (PDD). The subject property is contiguous to the existing Parklands Planned Development, and approximately 1000 feet west of the intersection of Engel Road and private street, Big John Lane, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado) First Reading

Actual verbiage read into record:

**Ordinance No. 19-S-20** - An Ordinance by the City Council of the City of Schertz, Texas amending the official zoning map by rezoning approximately 64 acres of land from pre-development district, (PRE), Planned Development District (PDD) and delayed annexation (DVL) to planned development district (PDD). (First Reading)

Mayor Carpenter recognized Planner 1 Emily Delgado who provided a Power Point and explanation of the request to rezone approximately 64 acres of land to Planned Development District (PDD).

Mayor Carpenter opened the Public Hearing and the following spoke:

- Michele Tereletsky - 705 Marilyn Drive - She asked when does a private park become a city maintained park?

Mayor Carpenter closed the Public Hearing and gave Planner 1 Emily Delgado the opportunity to address Michele Tereletsky's question, which she did. Assistant City Manager Brian James also addressed Michele Tereletsky's question.

Mayor Carpenter opened the floor for Council to ask questions which Planner 1 Emily Delgado and Assistant City Manager Brian James addressed.

Moved by Councilmember Cedric Edwards, seconded by Councilmember David Scagliola

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Ralph Gutierrez, Councilmember Scott Larson, Councilmember Cedric Edwards, Councilmember David Scagliola, Mayor Pro-Tem Tim Brown

Passed

Mayor Carpenter moved to item 13 on the Agenda.

13. **2019 Citizen Satisfaction Survey Results** - Workshop presentation and discussion regarding the 2019 Citizen Satisfaction Survey Results. (S. Gonzalez/L. Klepper)

Mayor Carpenter recognized Public Affairs Director Linda Klepper who introduced Jason Morado with ETC Institute who provided a Power Point with explanation regarding the 2019 Citizen Satisfaction Survey results and answered questions from Council.

Mayor Carpenter gave glowing remarks about the results of our survey and thanked our staff for the execution they put forth every day and also our City Council and volunteers in the city for the time given to help break down the walls to help staff move forward positively.

The following item was read into record:

9. **Public Hearing on Proposed Budget for FY 2019-20** - Conduct a public hearing and presentation regarding the adoption of the FY 2019-20 Budget. (*First required public hearing*) (M. Browne/B. James/J. Walters)

Mayor Carpenter recognized Finance Director James Walters who provided a Power Point and brief explanation of the FY 2019-20 budget.

Mayor Carpenter opened the Public Hearing. The following spoke:

- Michael Dahle - 9120 E. FM 1518 - Expressed his disappointment there would not be a new employee or contracted individual given to the Planning Department and asked Council to reconsider this decision. He also addressed the need to update our UDC.
- John Sullivan - 513 Triple Crown - Mr. Sullivan agreed with Mr. Dahle on the need of an additional employee with the Planning Department and expressed his concern that we are not spending enough money on growth issues in our city.

As no one else spoke, Mayor Carpenter closed the Public Hearing and opened it up for questions from Council.

Finance Director James Walters and City Manager Dr. Browne addressed questions from Council.

Mayor Carpenter asked that we not get ahead of ourselves on revisiting the budget until the Staffing Study is completed.

*Councilmember Edwards left the dias.*

- 10. Public Hearing on the Proposed Tax Rate** - Conduct a public hearing regarding the adoption of the FY 2019-20 Tax Rate. (First required public hearing) (M. Browne/B. James/J. Walters)

Mayor Carpenter recognized Finance Director James Walters who provided a Power Point and brief explanation of the FY 2019-20 Tax Rate.

Mayor Carpenter opened the Public Hearing and as there was no one to speak, Mayor Carpenter closed the Public Hearing for Council Comments.

No discussion from Council.

### **Requests and Announcements**

- Announcements by the City Manager.

None at this time.

- Requests by Mayor and Councilmembers that items be placed on a future City Council agenda.

Councilmember Davis requested a presentation from staff regarding our UDC on non-comforming billboards regarding their maintenance, replacement, or movement.

- Announcements by Mayor and Councilmembers
  - City and community events attended and to be attended
  - City Council Committee and Liaison Assignments (see assignments below)
  - Continuing education events attended and to be attended
  - Recognition of actions by City employees
  - Recognition of actions by community volunteers

Mayor Pro-Tem Tim Brown announced he attended the following events:

- EDC Roundtable discussion by the Tri-City Business Park.

*Councilmember Edwards returned to the dias.*

Councilmember Ralph Gutierrez announced he attended the following events:

- Chamber Luncheon and the Caterpillar Chamber bowling events.
- Councilmember also thanked the citizens who helped search for their lost Yorkie and commented on how this was a strong reflection on the type of community we have.

At this point Mayor Carpenter returned to the roll call vote confirmation.

### **Roll Call Vote Confirmation**

Deputy City Secretary Gayle Wilkinson provided roll call confirmation for items 1-8 and 11-12.

Mayor Carpenter returned to Announcements from Mayor and City Council Members.

Councilmember Edwards asked to correct a statement he made earlier in the evening when he spoke. He stated Legal Counsel Dan Santee did send him an e-mail stating it wouldn't be appropriate for him to make an opinion about his ballot entry. He wanted to correct his error before someone said he didn't.

Councilmember Heyward announced she attended the following events:

- TxDOT Northeast I-35 Expansion meeting.
- CPS Suburban Summit.
- First Annual Budget Meeting in the Industrial Park
- Chamber Luncheon and the Caterpillar Chamber bowling events.

Councilmember Edwards requested Rob Veters, with Ace Mart, phone number.

Information available in City Council Packets - **NO DISCUSSION TO OCCUR**

14. First installment for Infrastructure Grant per the Economic Development Performance Agreement with Schertz 312, LLC.

**Adjournment**

As there was no further business Mayor Carpenter adjourned at 8:11 p.m.

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Michael R. Carpenter, Mayor

ATTEST:

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Gayle Wilkinson, Deputy City Secretary