

DRAFT

MINUTES REGULAR MEETING September 3, 2019

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on September 3, 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; Mayor Pro-Tem Tim Brown; Councilmember Mark Davis; Councilmember Ralph Gutierrez; Councilmember Scott Larson; Councilmember Cedric Edwards; Councilmember David Scagliola; Councilmember Allison Heyward

City Staff: City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Manager Charles Kelm; City Attorney Daniel Santee; Assistant to the City Manager Sarah Gonzalez; City Secretary Brenda Dennis

Call to Order – City Council Regular Session

Mayor Carpenter called the regular meeting to order at 6:00 p.m.

Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Mayor Pro-Tem Tim Brown)

Presentations

- Proclamation recognizing National Payroll Week. (M. Carpenter/K. Brown)

Mayor Carpenter read the proclamation and gave Andrea Jones, a member of the Alamo Chapter American Payroll Association, a chance to make comments and presented her with the proclamation.

Employee Recognition

- EMS Department - Tanner Buckley, Jansin Williams - EMT Tyler Kunz, - Part-Time EMT

EMS Operations Manager Brandon Hill introduced his new personnel giving a brief bio of each.

- Marshal's Division - Rebecca Vera - Sanitarian; Chris Wilson part-time kennel technician

Lieutenant Steve Pulaski introduced Sanitarian Rebecca Vera giving a brief bio.

Sergeant Steve Solitto introduced part-time kennel tech Chris Wilson giving a brief bio.

- Library - Caira Spenrath - Part-Time Library Clerk

Library Director Melissa Uhlhorn introduced part-time library clerk Caira Spenrath giving a brief bio.

Mayor Carpenter welcomed all the new employees to the City of Schertz.

City Events and Announcements

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

Assistant City Manager Charles Kelm made the following announcements:

Wednesday September 4

6:00 pm in the Community Center

Next Dodge Ball game - Drop ins are welcome and encouraged

Saturday September 7

Pickerel Park from 12:00 pm to 4:00 pm

Paws in the Pool

Tuesday September 10

Schertz Council Chambers at 6:00 pm

Next regular City Council Meeting

Thursday September 12

Schertz Civic Center at 6:30 pm

Volunteer Appreciation Banquet

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

None at this time.

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

None at this time.

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 resident to speak:

Dana Eldridge - 2628 Gallant Fox Dr. - Gave his thoughts on filling out election forms.

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 Consent items were read into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of August 27, 2019. (B. Dennis)
2. **Resolution No.19-R-112** Consideration and/or action approving a Resolution authorizing and approving a professional services agreement with Sledge Engineering LLC and AG|CM for On-Call Owner's Representative and Project Management Services and all matters in connection therewith. (B. James/K. Woodlee/J. Gohlke)

3. **Resolution No. 19-R-114** - Consideration and/or action authorizing a Resolution by the City Council of the City of Schertz, Texas, authorizing veterinarian services with Cibolo Small Animal Hospital, with services rendered not to exceed \$75,000. (C. Kelm/M. Bane)
4. **Resolution 19-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)
5. **Ordinance No. 19-A-21**- 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) *Final Reading*
6. **Ordinance No. 19-S-20**- 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) *Final Reading*
7. **Cancellation of the October 1, 2019, October 8, 2019 and November 5, 2019 Council Meetings** - Consideration and/or action cancelling the October 1, 2019 City Council meeting due to National Night Out, cancelling the October 8, 2019 City Council meeting due to the Texas Municipal League Conference in San Antonio and cancelling the November 5, 2019 City Council meeting due to the election. (M. Browne/B. Dennis)

Moved by Councilmember Cedric Edwards, seconded by Councilmember Ralph Gutierrez to approve consent agenda items 1-7.

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

Passed

Discussion and Action Items

The following item was read into record:

- 8. Resolution No. 19-R-116** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, calling a special election to be held on November 5, 2019 for the purpose of electing a Councilmember for place 4 for the remaining year of the unexpired term and making provision for the conduct of the election; authorizing contracts with the elections administrators of Bexar and Guadalupe counties to conduct this election; authorizing the election to be held as a joint election; resolving other matters incident and related to such election; and declaring an effective date. (Mayor/Council/D. Santee)

Mayor Carpenter recognized City Secretary Brenda Dennis who gave an explanation for the special election for place 4 for the remaining unexpired term of Councilmember Place 4 and answered questions from Council.

Moved by Councilmember Cedric Edwards, seconded by Councilmember David Scagliola to approve Resolution No. 19-R-116.

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

Passed

The following item was read into record:

- 9. Nominations for Candidates** - Consideration and/or action to nominate candidate(s) for Guadalupe Appraisal District Board of Directors. (Mayor/Council/B. Dennis)

Mayor Carpenter recognized City Secretary Brenda Dennis who explained the nominations for Guadalupe, Bexar and Comal Appraisal District Board of Directors.

Mayor Carpenter asked Council to consider casting their votes for a former member of this Council and our current Guadalupe County Tax Assessor/Collector, Daryl John, who currently serves as the Secretary of the Appraisal Board.

Mayor Carpenter asked if there were any other nominations. There were not.

Mayor Carpenter asked City Secretary Brenda Dennis to prepare a Resolution for the Guadalupe Appraisal District Board of Directors nominee, Daryl John.

No action taken at this time.

The following item was read into record:

10. **Nominations for Candidates** - Consideration and/or action to nominate candidate(s) for Bexar Appraisal District Board of Directors. (Mayor/Council/B. Dennis)

Mayor Carpenter asked if there were any recommendations from Council. There was not. Mayor Carpenter recommended that Council cast their vote for J. Keith Hughey who has been on that board and has served for a number of years.

Mayor Carpenter asked City Secretary Brenda Dennis to prepare a Resolution for the Bexar Appraisal District Board of Directors nominee, J. Keith Hughey.

No action taken at this time.

The following item was read into record:

11. **Nominations for Candidates** - Consideration and/or action to nominate candidate(s) for the Comal Appraisal District Board of Directors. (Mayor/Council/B. Dennis)

Mayor Carpenter asked if there were any recommendations from Council. There was not. Mayor Carpenter recommended that Council cast their vote for Dan Krueger who is currently serving as Chair of that board.

Mayor Carpenter asked City Secretary Brenda Dennis to prepare a Resolution for the Comal Appraisal District Board of Directors nominee, Dan Krueger.

No action taken at this time.

The following item was read into record:

12. **Resolution No. 19-R-113** Consideration and/or action approving a Resolution authorizing and approving amendments to the Planning and Zoning Commission Bylaws (B. James/L. Wood/B. Cox/E. Delgado)

Mayor Carpenter recognized Senior Planner Bryce Cox who provided a power point and explanation of the revised Bylaws for the Planning and Zoning Commissions.

Moved by Mayor Michael Carpenter, seconded by Mayor Pro-Tem Tim Brown to approve Resolution No. 19-R-113.

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

Passed

Public Hearings

- 13. Ordinance No. 19-S-22** Conduct a public hearing and consideration and/or action on an Ordinance for amendments to the Schertz Code of Ordinances, Chapter 18 Building and Building Regulations and Part III Unified Development Code (UDC), including Article 3 Boards, Commissions, and Committees, Article 4 Procedures and Applications, Article 8 Special Uses and General Regulations, Article 9 Site Design Standards, and Article 12 Subdivisions. (B. James, L. Wood, B. Cox, E. Delgado, N. Kopyay) *First and Final Reading and Declaring an Emergency*

The following item was read into record:

Ordinance No. 19-S-22 - An Ordinance by the City Council of the City of Schertz, Texas, amending Part III, Schertz Code of Ordinances, The Unified Code (UDC) including article 3 Boards, Commissions, and Committees, Article 4 procedures and applications, Article 8 Special Uses and General Regulations, Article 9 Site Design Standards, and Article 12 Subdivisions and Schertz Code of Ordinances Chapter 18 Building and Building Regulations; Repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; providing a Severability Clause; and providing an effective date; and declaring an emergency.

Mayor Carpenter recognized Planner 1 Emily Delgado and Senior Planner Bryce Cox who gave a Power Point and explanation of the amendments to the City of Schertz Unified Development Code.

Mayor Carpenter opened the Public Hearing and as there was no one that spoke, Mayor Carpenter closed the Public Hearing.

Mayor Carpenter opened up Council for questions. Senior Planner Bryce Cox and City Manager Dr. Browne answered questions from Council.

Mayor Carpenter thanked and congratulated Planning and Community Development for their hard work on this project and expounded on his view of the Legislature imposing a continual effort to erode local decision-making.

Moved by Mayor Michael Carpenter, seconded by Councilmember Cedric Edwards to approve Ordinance No. 19-S-22 First and Final Reading and Declaring an Emergency.

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

Passed

The following item was read into record:

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

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

City Manager Dr. Browne stopped the presentation to give an update on our health insurance renewal. The renewal rate has been proposed by our insurance company as a 21.6% increase. We budgeted for a 10% increase. We are exploring strategies to make up for the short fall. The dollar amount comes out to about \$150,000.00. Last year the City went out for new proposals and changed insurance companies. We would like to maintain the relationship with our current insurance company if possible and keep our existing benefits for our employees.

Finance Director James Walters continued his presentation on the proposed budget for 2019-20.

Mayor Carpenter opened the Public Hearing and as there was no one that spoke, Mayor Carpenter closed the Public Hearing.

Mayor Carpenter opened up Council for questions. Finance Director James Walters and City Manager Dr. Browne answered questions from Council.

No action taken at this time.

15. **Ordinance No. 19-T-23** – Consideration and/or action approving an Ordinance adopting a budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020. *First Reading* (B. James/J. Walters)

The following item was read into record:

Ordinance No. 19-T-23 - An Ordinance adopting a budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020, in accordance with the charter of the City of Schertz, Texas; providing for the filing of the budget; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; and providing an effective date.

Mayor Carpenter recognized Finance Director James Walters to answer questions from Council. There were none.

Moved by Councilmember Scott Larson, seconded by Mayor Pro-Tem Tim Brown to approve Ordinance No. 19-T-23.

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

Passed

The following item was read into record:

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

Mayor Carpenter recognized Finance Director James Walters who provided a Power Point and explanation of the Proposed Tax Rate per section 26.05 (b) of the Tax Code, the Tax Rate can only be adopted with more than 60% of the votes in favor of the proposed Tax Rate. Since Schertz has 7 voting Councilmembers, 5 members must vote in favor of the Tax Rate for it to pass.

Mayor Carpenter opened the Public Hearing and as there was no one that spoke, Mayor Carpenter closed the Public Hearing.

No action was taken at this time.

The following item was read into record:

17. **Ordinance No. 19-T-24** – Conduct a public hearing and consideration and/or action approving an ordinance approving the appraisal roll; setting the tax rate; levying and assessing general and special ad valorem taxes for the use and support of the municipal government of the city of Schertz, Texas. **First Reading** (B. James/J. Walters)

Mayor Carpenter recognized Finance Director James Walters who recommended continuing with the existing rate of \$0.5146.

Moved by Mayor Pro-Tem Tim Brown, seconded by Councilmember Allison Heyward to approve Ordinance No. 19-T-24.

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

NAY: Councilmember David Scagliola

Passed

Roll Call Vote Confirmation

City Secretary Brenda Dennis provided roll call confirmation for items 1-8, 12-13, 15 & 17.

Councilmember Edwards asked for clarification on the Schertz voters in Comal County in the election.

City Secretary Brenda Dennis clarified at this time Guadalupe County Election Administrators is going to be handling our Comal County two precincts. At this time she had not heard back from Comal County about the approval of possible vote centers in Comal County. They are waiting for approval from the Secretary of State. If the vote centers are approved, the City Secretary will come back with a contract to run our Comal County precincts.

Workshop

18. **City Council Rules of Conduct and Procedure** - Discussion and possible action regarding the City Council Rules of Conduct and Procedure. (Mayor/Council)

Mayor Carpenter discussed the effects of House Bill 2840 and clarified we don't need to change our current practice as long as we have our hearing of residents occur before any action items. He also discussed House Bill 2840

subsection e - a governmental body may not prohibit public criticism of the governmental body including criticism of any act, omission, policy, procedure, program or service. The subsection does not apply to public criticism that is otherwise prohibited by law. Mayor Carpenter asked our Legal Counsel, Dan Santee to look at our Rules of Procedure and make sure the language we have now saying that everything has to be directed to the body is still okay or if we need to amend that language.

Councilmember Edwards stated because of decorum, if someone is attacking a Councilmember we should at least be able to give a rebuttal. He asked that this also be checked into. Mayor Carpenter asked Legal Counsel, Dan Santee to also review this issue.

Mayor Carpenter also suggested Council consider going back and re-visiting the decision that was made that says any given Council Member as an individual may place an item on the agenda and the chair will not entertain any objections.

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.

None at this time.

- 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

Councilmember Gutierrez attended the following events:

- SCUCISD Budget Meeting

Councilmember Heyward attended the following events:

- JBSA Luncheon

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

19. Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)

Adjournment

As there was no further business Mayor Carpenter adjourned at 7:57 pm.

Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary