

DRAFT

MINUTES REGULAR MEETING October 22, 2019

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 22, 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 Allison Heyward; Councilmember Mark Davis; Councilmember Ralph Gutierrez; Councilmember Scott Larson; Councilmember Cedric Edwards; Councilmember David Scagliola; Councilmember Tim Brown

City Staff: City Manager Dr. Mark Browne; Assistant City Manager Brian James; 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. (Councilmember Larson)

Presentations

- Introduction of the Student Mayors and Student Councilmembers for the Day. (Mayor Carpenter/B. Dennis)

Mayor Carpenter recognized City Secretary Brenda Dennis who provided a brief explanation of the Student Mayors and Student Councilmembers Program and thanked all the Staff and Councilmembers who participated and made this event a success. Brenda Dennis asked each student to introduce themselves and share what they learned today. The following students spoke:

- Rita Estes - 7th Grade - Dolby Jr. High - Student Councilmember
- Owen Moore - 8th Grade - Dolby Jr. High - Student Mayor
- Paul Menke - 8th Grade - Corbett Jr. High - Student Mayor
- Tiffani Livingston - 7th Grade - Corbett Jr. High - Student Councilmember

Mayor Carpenter gave a brief summary of the Student Councilmember and Student Mayor Program, congratulated the students and thanked the school district for their participation. Mayor Carpenter also thanked City Secretary Brenda Dennis for making this program possible. Mayor Carpenter and City Manager Dr. Mark Browne presented each student with a certificate and plaque.

- 2019 Fire Prevention Poster Contest Winners. (C. Kelm/K. Long)

Mayor Carpenter recognized Fire Chief K. Long who made brief remarks about the annual poster contest and turned the announcements of the winners over to Fire Marshal Thomas Pinder who announced the following winners providing each student with a trophy:

Winners from Kindergarten - 2nd Grade

- 1st place - Trenton Rauscher - 2nd grade - Wiederstein Elementary
- 2nd place - Deziree Ramirez - 1st grade - Rose Garden Elementary
- 3rd place - Jackson Boney - 1st grade - Rose Garden Elementary

Winners from 3rd & 4th Grade

- 1st place - Aidan Garza - 3rd grade - Rose Garden Elementary
- 2nd place - Jayla Smith - 3rd grade - Rose Garden Elementary
- 3rd place - Hudson Freeman - 3rd grade - Rose Garden Elementary

Winners from 5th & 6th Grade

- 1st place - Deyton Boney - 5th grade - Jordan Intermediate

Mayor's Choice

- Mayor's Choice - Kelani Johnson - Kindergarten - Paschal Elementary

- Proclamation recognizing Comal Settlement - Heritage Neighborhood. (B. James)

Mayor Carpenter recognized members of the Historical Preservation Committee who were present this evening and provided preliminary remarks thanking the Schertz Historical Committee for their exceptional work and commented on how unique and exceptional the Heritage Neighborhood is and encouraged all to visit it. Mayor Carpenter presented the proclamation to the Schertz Historical Preservation Committee Chair Elizabeth Strong.

- Proclamation recognizing the VFW to live up to its motto, "to honor the dead by helping the living" with the sale of small red flowers (poppies). (Mayor/Mike Espinola, previous Post Commander)

Mayor Carpenter provided preliminary remarks on the valuable and remarkable work the VFW performs for our community and read the proclamation. A round of applause was given to the VFW for the great work they do.

Employee Recognition

- Facilities Services - Chad Lonsberry, HVAC Technician I. (T. Buckingham)

Facilities Manager Todd Buckingham introduced HVAC Technician Chad Lonsberry and gave a brief bio.

- Parks, Recreation & Community Services - Rowdy Clark, Park Worker I. (L. Shrum)

Parks Manager Jared Montney introduced Park Worker I Rowdy Clark and gave a brief bio.

- Police Department - Jordan Flores, Communications Officer. (M. Hansen)

Communications Manager Kim Harris introduced Communications Officer Jordan Flores and gave a brief bio.

- Public Works - Streets - Roberto Mata Jr., and Isaac Rodriguez, Street Worker I. (D. Letbetter)

Public works Manager Doug Letbetter introduced Street Worker I Roberto Mata Jr. and Isaac Rodriguez and gave a brief bio for each.

- Utility Billing - Melissa Gomez, Utility Billing Clerk I. (D. Hardin-Trussell)

Utility Billing Manager Dawniecia Hardin-Trussel introduced Utility Billing Clerk I Melissa Gomez and gave a brief bio.

- Public Affairs - Madison Porras, Marketing & Communications Specialist (D. Flores)

Communications Manager Devan Flores introduced Marketing & Communications Specialist Madison Porras and gave a brief bio.

Mayor Pro-Tem Tim Brown arrived at 6:41 pm.

City Events and Announcements

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

Assistant City Manager Charles Kelm provided the following announcements:

Election Notice:

The City of Schertz is holding a Joint General and Special Election on November 5, 2019, for the purpose of electing Councilmembers for Place 1, Place 2 and for Mayor and for a Special Election to fill the vacancy of the unexpired term for Councilmember Place 4.

Early voting began Monday, October 21st and continues through November 1, 2019.

Information regarding Early Voting and Election Day Voting Centers for Comal, Guadalupe and Bexar County is available on the city's website and in the October Schertz Magazine.

Saturday, October 26
Community Shred Day
125 Pecan Drive 9:00 am – 1:00 pm
Free on-site shredding services for residents of Schertz

Trunk or Treat
Pickrell Park 5:00 pm – 8:00 pm
Safe trick-or-treat, costume contest, scary hay ride, zombie laser tag, spooky house, and much more!

Monday, October 28
Candlelight Vigil to Honor Lives Lost Due to Domestic Violence
Pickrell Park Small Pavilion 6:30 pm
Attendees are asked to wear purple in support

Tuesday, November 5
City Council Meeting has been canceled due to Election Day.

Saturday, November 9
11917 Lower Seguin 11:00 am - 2:00 pm
Fire Station No. 3 Grand Opening

- 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 residents:

Julianna Kirk - 1230 Borgfeld Rd - Announced the following leadership events Kung Jung Mu Sul of Schertz is sponsoring:

- In the month of October they are raising money for the Alamo Breast Cancer Foundation.
- They will have a booth at the Remax Skylight Balloon Festival on October 25th - 27th.
- They are hosting a Monster Mash costume party at their school on November 1st.

Frank SantaMaria - 2805 Red Tip - Expressed his concern about his water bills and the lack of water pressure at his home.

Mayor Carpenter noted there would be a presentation later in the meeting from staff on what they have found referencing the high water bill concerns from residents.

Joyce Briscoe - 113 Will Rogers - Mrs Briscoe thanked the City of Schertz and all the taxpayers for providing a Senior Center for the area seniors to enjoy. She advised the City of Schertz to start planning for the future of the Schertz Senior Center and the additional space needed for the growing number of seniors that enjoy the different activities. She would like to include neighboring cities in the dialogue on how to fund for future space, management and programs with an equitable outcome with Interlocal agreements.

Maggie Titterington - 1730 Schertz Parkway - Announced the following event:

- Remax Skylight Balloon Fest - Friday, October 25th from 5:00 pm - 9:30 pm, Saturday, October 26th from 7:30 am - 9:30 pm and October 27th from 7:30 am - 12:30 pm

Cathy Marston - 1024 Valley Forge Dr. - Mrs. Marston handed out informational packets to Council, commented on the Fair Chance Ordinance and urged the Council, Chamber and County to support it.

Bonnie Marston - 1024 Valley Forge Dr. - Gave testimony to how the Fair Chance Ordinance is the step in the right direction.

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 September 24, 2019. (G. Wilkinson)
2. **Resolution No. 19-R-143** - Consideration and/or action approving a Resolution authorizing a Personal Services Agreement with Charmain Sanchez for services related to marketing and developing certain City Property for the purpose of the installation and operation of wireless communications equipment and systems and the continued management of the City’s telecommunications tenants. (C. Kelm/J. Gohlke)
3. **Resolution No. 19-R-145** - Consideration and/or action approving a Resolution authorizing a Public Library Interlocal Agreement with Guadalupe County, Texas. (B. James/M. Uhlhorn)
4. **Resolution No. 19-R-140** - Consideration and/or action approving a Resolution authorizing contracts totaling no more than \$100,000 with SA Paramount Construction, LLC for labor and related materials for various separate and unrelated concrete related projects during the 2019-2020 fiscal year. (C. Kelm/D. Letbetter)
5. **Resolution No. 19-R-128** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a drainage easement through dedicated public parkland for the Rhine Valley Unit 3B development. (B. James/L. Shrum)
6. **Resolution No. 19-R-144** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the Amendment No. 3 to the Economic Development Incentive Agreement with Amazon.com Services, Inc. and other matters in connection therewith. (M. Browne/J. Kolbe)

7. **Resolution 19-R-146** - Consideration and/or action of a Resolution approving a bond 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 refunding bonds, Series 2019 (San Antonio Water System Expansion Water Treatment Project 2)"; acknowledging that these obligations were sold to the authorized representative of a group of underwriters identified in the preliminary official statement pursuant to the provisions of a purchase contract; ratifying, reconfirming, and readopting the provisions of a mutual regional water supply contract executed between the City of Schertz, Texas, the City of Seguin, Texas, the Schertz/Seguin Local Government Corporation, and the City of San Antonio, Texas, acting by and through its San Antonio Water System; authorizing the Mayor, the City Secretary, and/or the City Manager of the City of Schertz, Texas to execute on behalf of the City of Schertz, Texas all documents in connection with this transaction; and other matters in connection therewith. (C. Kelm/J. Walters)
8. **Resolution No. 19-R-105** -Consideration and/or action approving a Resolution authorizing the City Manager to enter into an agreement with Babcock Road 165, Ltd. for reimbursement for a roadway extension to Ripps Kreuzler. (M. Browne/B. James)
9. **Resolution No. 19-R-147** -Consideration and/or action approving a Resolution authorizing the City Manager to enter into an agreement with ILF N-T Owner, LP. for reimbursement for a roadway extension in the Homestead Development. (M. Browne/B. James)
10. **Resolution 19-R-141** - Consideration and/or action accepting the appraised value offer of the Texas Department of Transportation (TxDOT) to acquire a parcel of land needed for the FM 1518 expansion project, and other matters in connection therewith. (B. James/K. Woodlee)
11. **Ordinance 19-S-25** - Consideration and/or action approving an Ordinance on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 8.5 acres of land, more specifically described as the northwest corner of the intersection between IH-35 and Schwab Road, City of Schertz, Comal County, Texas (B. James/L. Wood/N. Kopyay) ***Final Reading.***
12. **Resolution No. 19-R 142** - Consideration and/or action approving a Resolution authorizing the revised By-Laws of the Planning and Zoning Commission, and other matters in connection therewith. (B. James / L. Wood / E. Delgado)

- 13. Cancellation of the November 26, 2019, Council Meeting** - Consideration and/or action cancelling the November 26, 2019, City Council meeting due to Thanksgiving. (M. Browne/B. Dennis)

Moved by Mayor Michael Carpenter, seconded by Councilmember Cedric Edwards to approve Consent Agenda Items 1-13.

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

Passed

Discussion and Action Items

The following item was read into record:

- 14. Ordinance No. 19-M-28** - Consideration and/or action approving an Ordinance amending the City Council Rules of Conduct and Procedure; repealing all ordinances or parts of ordinances in conflict with the ordinance. (Mayor/Council/B. Dennis) *First and Final reading declaring an emergency.*

Mayor Carpenter recognized City Secretary Brenda Dennis who addressed the revision to the City Council Rules of Conduct and Procedure due to recent passage of HB No. 2840.

Moved by Councilmember Cedric Edwards, seconded by Councilmember Mark Davis to approve Ordinance 19-M-28 first and final reading declaring an emergency.

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

Passed

Public Hearings

- 15. Ordinance 19-S-27:** Conduct a public hearing, consideration and/or action for an Ordinance on a request to rezone approximately 27 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to Planned Development District (PDD), located at 17975 IH-35, City of Schertz, Guadalupe County, Texas (B. James, L. Wood, N. Kopyay) *First*

Reading

The following item was read into record:

An Ordinance by the City Council of the City of Schertz, Texas amending the official zoning map by rezoning approximately 27 acres of land from general business district (GB) and manufacturing light district (M-1) to planned development district (PDD), located at 17975 IH-35, City of Schertz, Guadalupe Couty, Texas.

Mayor Carpenter recognized Planner I Nick Kopyay who provided a Power Point and gave a brief explanation on a request to rezone approximately 27 acres from General Business to Light District.

Mayor Carpenter opened the Public Hearing, and as there was no one who spoke; closed the Public Hearing for Council comments or questions. No comments or questions from Council.

Moved by Mayor Michael Carpenter, seconded by Councilmember Cedric Edwards to approve Ordinance 19-S-27 first reading.

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

Passed

Roll Call Vote Confirmation

City Secretary Brenda Dennis provided roll call for items 1-15.

Workshop

- 16. Water Meters** - Workshop and discussion on the new water meters and bill amounts in August and September. (B. James/J. Walters) (Item requested by Councilmember Larson)

Mayor Carpenter recognized Finance Director James Walters who provided a Power Point presentation on the history of the City's water meters and the necessity to replace them. He also went through the process of purchasing new meters as well as installation and the process of reading the new meters. It was noted there had been some complaints about leaks resulting from the change out and/or damage to the property lines not being properly flushed. The city has investigated leaks and is continuing to investigate leaks and coordinating repairs when applicable. The City of Schertz is addressing the

complaints of high water bills for various reasons and has provided postcards for the residents of Schertz identifying common causes of high water bills and is asking residents to contact Utility Billing and/or the City Management with any questions or concerns.

- 17. City Council Code of Ethics** - Discussion and Consideration and/or action regarding the City Council Code of Ethics. (Mayor/Council) (Item requested by Mayor Carpenter)

Mayor Carpenter suggested allowing our City Attorney's to explore the best practices of vetting ethics complaints without placing them on an agenda. There being no disagreement to this suggestion, our city attorney, Dan Santee, will move forward with exploring the best practices for vetting ethics complaints.

Requests and Announcements

- Announcements by the City Manager.

City Manager Dr. Mark Browne thanked Finance Director James Walters and Assistant City Manager Brian James for their hard work to resolve the water meter issues.

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

Councilmember Scagliola requested an update on the current status of the Senior Center and a development plan.

Councilmember Scagliola asked for information from staff on the Fair Chance Ordinance.

- 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 Brown attended the following event:

- TML Conference in San Antonio

Councilmember Davis attended the following events:

- Guadalupe County Community Coalition

- Schertz Housing Authority Meeting

Councilmember Gutierrez attended the following events:

- National Night Out
- Love Where You Live
- TML Conference in San Antonio
- Car Show on October 12
- Philippine Festival
- Knights of Columbus - Columbus Day Meal

Councilmember Scagliola attended the following events:

- TML Conference in San Antonio
- CASA Casino Night
- Student Council and Student Mayor Program

Councilmember Heyward attended the following events:

- Manufacturing Day at ITM
- Love Where You Live
- Coffee with Cops
- Manufacturing Day with Caterpillar
- TML Conference in San Antonio
- Fire Prevention Week Poster Contest
- Chamber Luncheon
- Student Council and Student Mayor Program

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

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

Adjournment

As there was no further business Mayor Carpenter adjourned at 8:01 p.m.

Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary