

DRAFT

MINUTES
REGULAR MEETING
June 9, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 9, 2020, 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 Ralph Gutierrez; Mayor Pro-Tem Mark Davis; Councilmember Rosemary Scott; Councilmember Scott Larson; Councilmember David Scagliola; Councilmember Michael Dahle; Councilmember Allison Heyward; Councilmember 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; Assistant to the City Manager Sarah Gonzalez

Call to Order – City Council Regular Session

Mayor Gutierrez 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 Tim Brown)

Councilmember Brown led the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

Presentations

- 2019 Achievement of Library Excellence Award Presentation - Presentation regarding the Texas Municipal Library Directors Association Excellence Award. (M. Browne/B. James/M. Uhlhorn)

Mayor Gutierrez recognized Library Director Melissa Uhlhorn who provided information regarding the award received as well as the enhancements the Library accomplished in 2019. She thanked her staff, who without them the award and enhancements of the programs would not have been possible.

1. **Resolution No. 20-R-59** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the 2020 Recipients of the Hal Baldwin Scholarship. (M. Browne/S. Gonzalez) *Presentation to follow approval.*

Mayor Gutierrez read the above into record and recognized Assistant to the City Manager Sarah Gonzalez who provided background information on this item, requesting Council approve the Resolution for the funding portion.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Resolution 20-R-59.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Rosemary Scott, Councilmember Scott Larson, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Sarah Gonzalez recognized Susan Beck, Daughter of late Mayor Hal Baldwin who provided information submitted from each student. Mrs. Beck presented the following students with a certificate and scholarship award:

- Ms. Alexa Harper - \$2500
- Mr. Jacob Braham - \$2500
- Ms. Sarah McMurry - \$5000

Mrs. Beck stated that this year the quality of the scholarship applications and information submitted was exactly in line with what her Dad believed in and he would be proud. She thanked and congratulated each student on the accomplishment. Mayor and Council also congratulated the students.

Employee Recognition

- Engineering Department - Christopher Blain - Graduate Engineer (K. Woodlee)
- Parks Department - Matthew Piller - Seasonal Parks Worker 1 (L. Shrum) (Not Present)
- Police Department - Charles Exavier, Ian McMath - Police Officers (V. Jones)
- Police Department - Stephanie Luna, Zue Tellez - Police Communication Officers (K. Harris)

Various Department heads introduced their new employees to Council. Mayor and Council welcomed each new employee.

City Events and Announcements

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

No announcements were provided.

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

City Manager Dr. Mark Browne stated that it was great to get to introduce our new employees again and welcomed each one.

Dr. Browne thanked and congratulated Library Director Melissa Uhlhorn and her staff (April, Lizzy and Natalie) for the accomplishment of receiving the 2019 Achievement of Library Excellence Award. They continue to do a fantastic job promoting the Library.

Dr. Browne also recognized EMS Team, particularly Tyler Bowker and Denise Connors who accomplished a herculean effort as they tested 1685 individuals for COVID-19 - 901 staff and 784 residents at several skilled nursing facilities in Schertz, Selma, Converse and Seguin, this was part of a regional team effort to conduct those testings that were mandated by the State. Dr. Browne stated that he appreciates the great work done and expressed that for our entire public safety employees who are still on the front-line of all this, continuing to do a fantastic job serving our community.

Dr. Browne recognized Traffic Corporal A. J. Arriaga who assisted in putting up all the signs on Elbel for the High School Seniors. He stated that one of the great things about working for the City of Schertz is that folks just do things when they don't have to, they just do things that are great for the community. A. J. Arraga is one of those individuals, he is a great representative of our Police Department.

- Announcements and recognitions by the Mayor (R. Gutierrez)

No announcements were provided.

Hearing of Residents

Residents who choose to watch the meeting via live stream, but who would like to participate in Residents to be Heard, should email their comments to City Secretary, Brenda Dennis, at bdennis@schertz.com by 5:00 p.m. on Monday, June 8, 2020, SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number, agenda item # if applicable or subject of discussion, and your comments.

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 Gutierrez recognized the following who spoke:

- Mr. Alfred Fluitt, Round Mountain, who spoke in favor of agenda item 14, Ordinance No. 20-S-16.
- Mrs. Maggie Titterington, The Chamber President who provided information on their upcoming events.

Mayor Gutierrez recognized City Secretary Brenda Dennis who stated that she had received one email prior to the meeting from Mr. Ricky Austin, 1024 Natalie Way, Schertz who expressed his displeasure with the recent chip seal applied to the roads on the Estates at Wilson's Preserve.

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 were read into record:

2. **Minutes** - Consideration and/or action regarding the approval of the minutes of the regular meeting of June 2, 2020. (B. Dennis)
3. **Ordinance No. 20-D-20** - Consideration and/or action approving an Ordinance providing that the Code of Ordinances of the City of Schertz, Texas be amended by revising Chapter 86, Section 86-115, Maximum limits generally on specific streets, adding the maximum speed limits of Cibolo Valley Drive to a construction speed limit and thus temporarily changing the

maximum speed limit, and declaring an emergency. ***First & Final Reading***
(B. James/K. Woodlee/J. Nowak)

4. **Resolution No. 20-R-66** - Consideration and/or action approving a Resolution by The City Council Of The City Of Schertz, Texas Amending Resolution No. 20-R-57 Approving Management Advisory Group Report On City Classification And Compensation Study And Other Matters In Connection Therewith. (M. Browne/C. Kelm/J. Kurz)
5. **Resolution 20-R-62** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a master service agreement between the City of Schertz and the Cibolo Valley Local Government Corporation ("CVLGC") for Management Services and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)
6. **Resolution 20-R-60** - Consideration and/or action approving a Resolution with the Schertz Seguin Local Government Corporation (SSLGC) Fiscal Year 2020-2021 Annual Budget and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)
7. **Resolution 20-R-61** - Consideration and/or action approving the Schertz Seguin Local Government Corporation (SSLGC) Fiscal Year 2020-2021 Water Rates and other matters in connection therewith. (SSLGC Resolution #SSLGC R20-06) (C. Kelm/S. Williams/A. Beard)
8. **Resolution No. 20-R-65** - Consideration and/or action approving a resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to sign Memorandum Of understanding With The Guadalupe County Fire Marshal's Office For Rescue Task Force Equipment and other matters in connection therewith. (C. Kelm/K. Long)
9. **Resolution No. 20-R-58** - Consideration and/or action approving a Resolution authorizing expenditures in an amount not to exceed \$65,738 with C-3 Environmental Inc. (C. Kelm/S. Williams/D. Letbetter)
10. **Resolution 20-R-63** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures in an amount not to exceed \$250,025 with Tymco, Inc. in Fiscal Year 2019-20 and other matters in connection therewith. (C. Kelm/S. Williams /D. Letbetter)

11. **Resolution 20-R-64** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing an Interlocal Agreement between the City of Schertz and the Alamo Area Council of Governments ("AACOG") related to the provision of goods and/or services to Joint Base San Antonio ("JBSA") and other matters in connection therewith. (C. Kelm/J. Gohlke)
12. **Resolution No. 20-R-56** - Consideration and/or action by the City Council of the City of Schertz, Texas approving a Resolution authorizing the approval of the Bexar Metro 911 budget for fiscal year 2021, and other matters in connection therewith. (M. Browne/C. Kelm)

Mayor Gutierrez asked Council if any of these items needed to be removed for separate action and recognized Councilmember Scott who asked if agenda item 4 be removed for separate action.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve consent agenda items 2, 3, and 5 through 12.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Rosemary Scott, Councilmember Scott Larson, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Discussion and Action Items

Mayor Gutierrez read the following into record:

4. **Resolution No. 20-R-66** - Consideration and/or action approving a Resolution by The City Council Of The City Of Schertz, Texas Amending Resolution No. 20-R-57 Approving Management Advisory Group Report On City Classification And Compensation Study And Other Matters In Connection Therewith. (M. Browne/C. Kelm/J. Kurz)

Mayor Gutierrez recognized Human Resources and Purchasing Director Jessica Kurz who stated the resolution before you simply seeks to build in flexibility so that as we go through the implementation process if we identify any anomalies in the study or anything that is incorrect, we can fix those without having to bring it back to Council. Any substantive changes to the report that would impact results in a greater cost to the study, we would bring back before Council.

Last week the agenda item was placed on consent we were not able to provide a presentation. The change recommended by MAG was made after the resolution had

been drafted and provided to Council in advance of the June 2nd meeting. Staff had intended to recommend including language in the resolution to allow the City Manager to approve corrections and changes as necessary in developing the first phase of implementation and adjust job descriptions and titles. She provided Councilmember Scott with examples of those types of changes.

Mayor Gutierrez recognized Councilmember Scott who stated there were two (2) points she would like to address and was sorry she was unable to attend last week. She noticed in the language that the City Manager could make minor changes, and for the record she thinks Dr. Browne is doing a fantastic job, she doesn't see the criteria for what minor even means, she would like to see some metrics on that.

Mrs. Kurz replied that in the CCM examples were provided of what would be minor changes. She also provided other examples such as a position mistakenly placed in the wrong pay grade, etc.

Councilmember Scott also stated that at the pre-budget workshop meeting she remembers there being two scenarios that were presented to them, at that time she lobbied for some more scenarios. She is not suggesting those tonight, as we have a lot on our plates, but at some point, she would like to see which road we went down, and why. Also, for the record she would like to make sure that we are not going to defund the Police Department, she wants to make sure that our police officers are taken care of and are compensated fairly with the market. She believes we are, but she really thinks we need to take care of our officers, Police and Fire. Safety is extremely important to keep Schertz - Schertz. Mrs. Kurz concurred.

Moved by Councilmember Scott Larson, seconded by Councilmember Allison Heyward to approve Resolution No. 20-R-66.

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

NAY: Councilmember Rosemary Scott

Passed

Public Hearings

The following were read into record:

- 13. Ordinance No. 20-S-17-** Conduct a public hearing, consider and/or take action on a request to amend the official zone map by rezoning approximately 0.5 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), located at 619 Main Street, City of Schertz, Guadalupe County, Texas (B. James, L. Wood, N. Kopyay) *First Reading*

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation regarding the approval of this item.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments. No comments were provided.

Moved by Councilmember Scott Larson, seconded by Councilmember Michael Dahle to approve Ordinance 20-S-17 on first reading.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Rosemary Scott, Councilmember Scott Larson, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 14. Ordinance Number 20-S-16** - Conduct a public hearing, consider and/or take action on a request to amend the Comprehensive Land Use Plan by changing approximately 229 acres of the Future Land Use Map from the Mixed Use Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation, generally located approximately 6,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 309419, 309811, 310011, and 310013, City of Schertz, Bexar County, Texas (B. James, L. Wood, N. Kopyay) *First Reading*

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation regarding this item. He stated the applicant is requesting to amend the Comprehensive Land Use Plan by changing approximately 229 acres of the Future Land Use Map from the Mixed Use Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation. Based on the intended development for the subject property as a traditional single-family neighborhood, the applicant chose to request the Single-Family Residential land use designation.

He stated nineteen (19) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on May 1, 2020, and a public hearing notice was published in the “San Antonio Express” on May 20, 2020. At the time of this report, Staff has received the following responses to the public hearing notices: five (5) in favor of the amendment, two (2) opposed to the amendment, and one (1) neutral to the amendment. The Planning and Zoning Commission met on May 15, 2020 and made a recommendation to City Council to deny the proposed amendment by

a 6-1 vote. The Commissioners spoke at length that the Comprehensive Plan needs to be updated in order to reanalyze the Future Land Use Map for Southern Schertz as a whole, instead of on a project by project basis. The Commissioners also referenced the original wishes of the Southern Schertz residents during the original public hearings for the 2013 Sector Plan, which were focused on preserving the agricultural presence in certain areas of Southern Schertz. Commissioner Chair Outlaw mentioned that he understands the way of life in Southern Schertz is changing for a number of families, but the original 2013 Sector Plan was a group effort and any large scale amendment of the plan should be as well.

Mr. Kopyay continued his presentation and stated staff is recommending denial of the proposed Comprehensive Land Use Plan amendment due to its incompatibility with the goals and objectives of the 2013 Sector Plan, and the potential collateral impact on the future development of surrounding areas given the scale and context of the proposed amendment. Staff was available for questions as well as the applicant is here to make a presentation.

Mayor Gutierrez recognized Mr. Ramon Tarin with MTR Engineers and the Civil Engineer for the project, address is 12770 Cimmaron Path, San Antonio who spoke regarding the amendment to the Comprehensive Land Plan by changing approximately 229 acres of the Future Land Use Map from the Mixed Use Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation.

He spoke regarding the proposed amendment being consistent with the overall goals of the Comprehensive Land Plan, and emphasized that traditional single-family residential neighborhoods are necessary to connect the Agricultural land with the Mixed use core. He provided information about the project utilizing photographs/maps of the proposed area (copies were provided to Council).

Mr. Tarin stated that the Comprehensive Land Use Plan and the Sector Plan should not be considered a static document, but rather the continuous process to gather and evaluate information and make informed decisions based upon constantly changing conditions. The plan is intended to be reviewed on a regular basis and to be updated accordingly. They agree with the City's goal to balance its traditional identity with the opportunity for smart growth as the City continues to develop. The requested amendments to the Comprehensive Land Use Plan they are requesting are consistent with this smart growth plan. The current plan has a multi-use core at the intersection of FM1518 and Lower Sequin. This area is surrounding areas radiating out from that core are designated as mixed use neighborhood focusing on the development of a variety of walkable retail, restaurant, office, civic and multi-family uses intended to anchor residential neighborhoods. The Schertz Sector Plan

specifically states the intent to anchor the residential neighborhoods, however with the current plan there is a sudden or a direct transition that goes right from the multi-use over to a one (1) house for every five (5) acre use immediately adjacent to it. The mixed-use neighborhood could be apartments, town homes, retail higher density uses and then immediately adjacent you have one (1) house for every five (5) acres. He showed the plan that they have been working with city staff on to develop, the master plan that they have been working on for the area.

He stated their presentation to Planning and Zoning was obvious to them that there wasn't the ability for them to understand what it was that they were proposing and what they were proposing was significantly different from what was already allowed under the mixed-use and the current Land Use Plan. Mr. Tarin continued his presentation providing further details of the proposed project which they believe are consistent with the overall goals of the Comprehensive Land Plan and Sector Plan. He stated that they are here today as staff told them they needed an amendment to the Comprehensive Land Use to change the designation to single family residential, and asked if this amendment was even needed or if this project shouldn't already be allowed with the existing Comprehensive Land Use Plan and the definition of what is already allowed under the multi-use neighborhood designation. Mr. Tarin thanked the Council for the opportunity to speak and was available for questions.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments.

Mayor Gutierrez stated that before he opens this item up for discussion, he is aware this approach is not something that Council is accustomed to and with Council's indulgence we will be reviewing 12 different items on this analysis and recommendation. This approach will allow Council to systematically and methodically consider the analysis and recommendation with two different viewpoints from the same Sector Plan. He stated that what makes this interesting is that when staff was looking at the denial they tend to overlook the approval. Therefore, this analysis and recommendation requires a closer review. Council should then decide and determine what is relevant, what is irrelevant, what's your vision and what is in the best interest of this City.

Mayor stated that the Sector Plan of 2013 provided constraints but it also provided opportunities. In addition, it focused on the benefits while reviewing the 2013 infrastructure limitations and the current agreements with land owners in place at that specific point in time. The Sector Plan page 9, section 1.5 item A "one major goal of this plan is encourage development surrounding Randolph Air Force Base", isn't that the intent of the development? Mayor Gutierrez asked with the Council's indulgence let's

dissect the analysis and recommendation. He stated that he has fifteen (15) copies here to provide to Council and staff. He also had Mr. Kopyay place these points on the overhead projector as presented. A copy of the 12 different items can be found in the City Secretary's Office. Mayor Gutierrez continued his presentation reviewing the 12 areas while staff addressed questions.

Finally, Mayor Gutierrez stated that this analysis and recommendation review was good but not perfect, it was intended to be critical and motivated to get the results and outcome they wanted, but not necessarily what the Sector Plan reflected or what would be in the best interests of the City.

Mayor Gutierrez opened the floor for Council discussion and stated that a minor adjustment to our parliamentary procedures would be made, that Mr. Tarin will be allowed to clarify points regarding questions to this amendment.

Mayor Gutierrez recognized all the Members of Council who at great length provided their questions and thoughts regarding whether to approve or disapprove this item. Some points included: items in the Comprehensive Land Plan, the 2013 Schertz Sector Plan, information received from the surrounding area on approval, information received from residents who had come before Council earlier that they can not sell their properties due to the zoning, and tht the area has changed since the 2013 Sector Plan was developed. Staff and Mr. Tarin addressed those questions. Mayor Gutierrez provided his final comments stating market conditions have changed, and we must be flexible. The Sector Plan provides more rational for the approval of this amendment vs the denial.

In 1994 FM 3009 was a 2-lane road. The Schertz Parkway connection to IH35 did not exist. Single Residential housing: Dove Meadows, the Wilson Preserves, Mesa Oaks, Jonas Woods, Ashley Park, Kramer Farms, Belmont, Riata, Arroyo Verde, The Fairways, and Cypress Point did not exist. There was no Walmart, HEB, Lowe's, MacDonald's, Whataburger, limited banks, gas stations, car washes, and no chicken eating establishments.

The day has come for this Council to determine the vision for South Schertz.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Ordinance No. 20-S-16 on first reading.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Rosemary Scott, Councilmember Scott Larson, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call confirmation for agenda items 1 through 14.

Workshop

- 15. Workshop Discussion and Update (Ordinance 20-H-18)** - Discussion and update regarding the COVID-19 virus and our current Ordinance No. 20-H-18 Declaration of Local Disaster. (M. Browne/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long who provided updated information regarding the number of cases and number of recovery cases, City Services opening updates, Phase 3 openings and changes as well as future openings.

Requests and Announcements

- Announcements by the City Manager.

No further announcements were provided.

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

No requests were made.

- 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 Gutierrez recognized Mayor Pro-Tem Davis who stated that he attended the recent Housing Authority Board meeting and announced that the Director Mynette Benedict will be retiring and that the Board will be looking to hire a new Director.

Mayor Gutierrez recognized Councilmember Dahle who thanked members of Staff for the policy discussions this evening.

Mayor Gutierrez recognized Councilmember Heyward who stated she attended the Chamber Leadership Core Class today and visited Commissioners Court,

some of our Non Profit Entities, a tour with the Connections for Individuals and Families in New Braunfels and RACAP.

Adjournment

Mayor Gutierrez adjourned the meeting at 9:08 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary