

DRAFT

MINUTES
REGULAR MEETING
May 11, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on May 11, 2021, 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 Jill Whittaker; Councilmember Mark Davis; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Rosemary Scott

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

Call to Order

Mayor Gutierrez called the 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 Scott)

Mayor Gutierrez provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas, as Councilmember Scott was absent.

Presentations

Mayor Gutierrez read and presented the following proclamations:

- Proclamation naming May 9-15, 2021 as Economic Development Week in the City of Schertz. (Mayor/EDC Department)

- Proclamation designating May 16-22, 2021 as Emergency Medical Services Week. (Mayor/EMS Department)
- Proclamation observing the week of May 9, 2021 through May 14, 2021 as National Police Week (Mayor/Police Department)
- Proclamation designating May 16 - 22, 2021 as National Public Works Week. (Mayor/Public Works)

Employee Recognition

- EMS: Meghan Stevens - EMS Billing Clerk; Felipe (Phillip) Garcia, Jason Lelek - EMS Paramedics (J. Mabbitt/B. Hill)
- Facility Services: Travis Hodges - Facilities Manager (S. Williams)
- Public Works: Service Worker 1 Wilfredo Marroquin, Ruben Rodriguez; Caleb West Service Worker 1 (S. Williams/D. Letbetter)
- Utility Billing: Charis Kempen - Utility Billing Clerk (J. Walters/D. HardinTrussel/R. Rosales)

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who provided the following information:

- Sweetheart Court Scholarship Program 2021-22. More information and applications for the Sweetheart Court are available through the City's website at Schertz.com. Deadline to apply is Thursday, May 20th.

- Sundays, April 18th through May 23rd

Come enjoy watching the Adult Kickball League (ages 21 years and older) sponsored by the Schertz Parks & Rec Social League. Games are played Sunday evenings from 6-10 PM through May 23rd at Thulemeyer Park.

- Wednesday, May 12th

Cibolo/Schertz Fallen Texas Officers Ceremony
 6:00 PM – 7:20 PM
 Santikos Movie Theater
 18124 IH-35 North, Cibolo

- Thursday, May 13th

Northeast Partnership meeting
 11:30 AM – 1:00 PM
 Olympia Hills Golf & Conference Center, Universal City
 RSVP to the City Secretary

- Tuesday, May 18th

Council on the Go Meeting
Meet and Greet from 6:00-7:00 PM
Meeting from 7:00-8:30 PM
St. John Paul II Catholic High School Cafeteria
6720 FM 482, New Braunfels

- Tuesday, May 25th - Next regular scheduled Council meeting

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

Mayor Gutierrez recognized City Manager Dr. Browne who recognized Officer Chelsie Garcia who took the initiative to successfully take a 10-week Academic Course to become a Polygraph Examiner. It was a very broad and diverse curriculum, and she now begins a period of internship where she has complete 10 polygraphs after which she will become fully certified. Dr. Browne congratulated Officer Garcia.

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

No announcements were provided.

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 Pro-Tem Whittaker recognized the following who spoke:

- Mr. Robert Bellin, Jr., 3600 Augusta Glade - Carolina Crossing who spoke on concerns of the development on Wiederstein Road and had provided a petition of 25 names of other residents who also are concerned with the development. (These were submitted also by email) Mr. Bellin stated that he wanted the Council to know that the citizens are engaged in the process and how it will change the environment. He stated that according to the initial response it did meet the criteria

of 20% of the affected area - this also necessitates the need of the 75% vote approval on this zoning change.

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.

Mayor Gutierrez read the following consent items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of May 5, 2021. (B. Dennis)
2. **Appointments/Resignation to Boards and Commissions/Committees** - Consideration and/or action regarding appointments/resignations to various Boards and Commissions/Committees. (Council/B. Dennis)
 - Resignation of Paul Ryson - Transportation Safety Advisory Board
 - Resignations of John Baker, Sabrina Allen and Sue Boissonneault - Historical Preservation Committee
 - Appointments of Jesse Gonzales, Jason Baltaric - Historical Preservation Committee
 - Appointment of Ronald Stevens - Transportation Safety Advisory Commission
3. **Resolution No. 21-R-39** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with Myers Concrete Construction, LP relating to the 2020 Silt Removal Projects and authorizing the budget expenditures for the project. (B. James/K. Woodlee/J. Shortess)
4. **Resolution 21-R-42** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the City Manager to enter into a Design-Build Agreement with Team Mechanical of Texas, LLC for the Animal Adoption Center HVAC Replacement Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)
5. **Resolution No. 21-R-40** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas, amending the Schertz/Seguin Local Government Corporation (SSLGC) Fiscal Year 2021 Annual Budget (C. Kelm/S. Williams/A. Beard)

6. **Resolution No. 21-R-41** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas, authorizing the submission of a grant application in an amount up to \$36,950.06 to the Office of the Governor, Homeland Security Division, for the 2021 State Homeland Security Grant Urban Area Security Initiative (UASI) Program; and authorizing the acceptance of the funds, upon award. (C. Kelm/K. Long/S. Hall)
7. **Resolution No. 21-R-43** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into an Interlocal Agreement for Fire Protection Services with Bexar County, and other matters in connection therewith. (C. Kelm/K. Long)
8. **Ordinance No. 21-T-19** – Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the Fiscal Year 2021 Budget to provide funding for professional services related to the Corbett Ground Storage Tank, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *First Reading* (B. James/K. Woodlee/J. Shortess)
9. **Ordinance 21-A-13** - Consider and/or take action on a request for voluntary annexation of approximately 35.5 acres of land generally located approximately 4,000 feet southeast of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, Bexar County, Texas. *Final Reading* (B. James, L. Wood, E. Delgado)
10. **Ordinance 21-S-14** Consider and/or take action on a request to rezone approximately 39.5 acres of land to Planned Development District (PDD), generally located approximately 4,000 feet southeast of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, Bexar County, Texas. *Final Reading* (B. James, L. Wood, E. Delgado)
11. **Ordinance 21-S-15** Consideration and/or take action on a request to rezone approximately 66 acres of land from Single-Family Residential District (R-2) and Neighborhood Services District (NS) to Planned Development District (PDD), generally located southwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James, L. Wood, E. Delgado)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor Gutierrez recognized Councilmember Scagliola who requested that agenda items 5, 10 & 11 be removed for separate action.

Mayor Gutierrez asked for a motion to approve consent agenda items 1 through 4 and 6 through 9.

Moved by Mayor Pro-Tem Jill Whittaker, seconded by Councilmember Tim Brown to approve consent agenda items 1 through 4 and 6 through 9.

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

Passed

Workshop

Mayor Gutierrez moved to the workshop section of the agenda.

12. 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/S. Hall)

Mayor Gutierrez recognized Emergency Management Coordinator Summar Hall who provided the following updated information:

- **Upcoming Vaccination Clinics**

Civic Center Clinics:

May 12th & 13th: 2nd Dose Moderna

May 14th: 2nd Dose Pfizer

- **On-Site Clinics:** May 14th – 8 am to 12 pm

- Clemens High School

- Steele High School

Vaccination Update as of 5-11-2021 300 pm

County: Guadalupe - Public Health Region: 8

Percentage of Population 16+ Vaccinated with at least one does: 44.54%

Percentage of Population 16+ Fully Vaccinated: 34.34%

Percentage of Population 65+ Vaccinated with at least one does: 68.18%

Percentage of Population 65+ Fully Vaccinated: 57.69%

Current Case Numbers:

Guadalupe County	Comal County	Bexar County
Confirmed Cases: 11,017	Confirmed Cases: 5,619	Confirmed Cases: 181,968
Probable Cases: 3,743	Probable Cases: 4,908	Probably Cases: 37,961
Fatalities: 211	Fatalities: 319	Fatalities: 3,518

Active Cases: 143	Active Cases: 357	Active Cases: 4,002
Recovered Cases: 14,379	Recovered Cases: 9,875	Recovered Cases: 212,409

SCUCISD: Staff Cases: 0; Student Cases: as of May 11th, 31 cases have been reported.

State Disaster Declaration

- May 5, 2021

Governor Abbott extended State Disaster Declaration for additional 30 days.

City of Schertz’s declaration follows State

- Evaluation and Discussion of the City of Schertz Declaration will be brought to Council early June.

Ms. Summer reviewed the testing positivity rates, Daily New Cases - State, and Hospitalization rates. Ms. Summer addressed questions from Council.

Discussion and Action Items

Mayor Gutierrez read the following items into record:

5. Resolution No. 21-R-40 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas, amending the Schertz/Seguin Local Government Corporation (SSLGC) Fiscal Year 2021 Annual Budget (C. Kelm/S. Williams/A. Beard)

Mayor Gutierrez recognized Councilmember Scagliola who stated he had this item removed in order to comment publicly regarding the work that Ms. Briggs-Beard has been doing for the Schertz-Seguin Local Government Corporation as well as acknowledge SSLGC's performance and the decisions made to keep our source of water secured. Ms. Briggs-Beard thanked the Council and indicated that it was a team effort for everything that was accomplished and the decisions made during the winter storm.

Councilmember Heyward who concurred with Councilmember Scagliola, that Ms. Briggs-Beard is doing a fantastic job.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Resolution No. 21-R-40.

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

Passed

10. Ordinance 21-S-14 Consider and/or take action on a request to rezone approximately 39.5 acres of land to Planned Development District (PDD), generally located approximately 4,000 feet southeast of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, Bexar County, Texas. *Final Reading* (B. James, L. Wood, E. Delgado)

Mayor Gutierrez recognized Councilmember Scagliola who stated he didn't need a briefing on this, he pulled this on a procedural issue, generally it shouldn't show up on a consent agenda if any member of the Council voted nay. He believes that one member of Council did vote nay the last time it came before Council, but unfortunately that individual is not here this evening. He stated he had no further comments, it was just procedural, and he made a motion to approve.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 21-S-14 on final reading.

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

Passed

11. Ordinance 21-S-15 Consideration and/or take action on a request to rezone approximately 66 acres of land from Single-Family Residential District (R-2) and Neighborhood Services District (NS) to Planned Development District (PDD), generally located southwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James, L. Wood, E. Delgado)

Mayor Gutierrez recognized Councilmember Scagliola who asked to pull this item from the Consent Agenda.

Councilmember Scagliola stated when he voted for the PDD at the last council meeting, (May 4, 2021) it was because in his opinion, a far more superior plan than the current zoning. He understood a lot of residents were upset and reached out to him to express their concerns. He understands the emotional part of this decision and he too had concerns about the conceptual plan. After the Planning and Zoning meeting on April 14, 2021 and the City Council Meeting on May 4, 2021, the Developer addressed the issues brought up at both meetings.

Councilmember Scagliola thanked the Planning and Zoning Commission for bringing many of the issues to the Developer, who was able to modify before he addressed City Council. He also wanted to let the Planning and Zoning Commissioners know he

appreciated their time as they are the subject experts. The Developer made numerous modifications to the PDD that Planning, and Zoning brought up. He still had concerns about Wiederstein Rd, but the Developer did do a redesign and improved it some more. He hopes that Planning and Zoning, Staff and the Developer will work further to address those concerns.

Mayor Gutierrez spoke and expressed appreciation for the Planning and Zoning Commission and all they do. He recognized that all their comments and concerns brought up at their last meeting were taken into consideration by the Developer and he made some adjustments to his PDD.

Mayor Gutierrez recognized Councilmember Davis who thanked Councilmember Scagliola for pulling this item off the Consent Agenda. Councilmember Davis was going to do it, since at the last meeting it was not a unanimous vote to approve and felt it needed to put back on Discussion and Action. Councilmember Davis asked to get an updated briefing on the current modifications before he commented.

Mayor Gutierrez recognized Senior Planner Emily Delgado who wanted to go over two things, the Public Hearing responses and the changes that were made from the last meeting. Topics included setbacks from 7.5 ft. to 6 ft, cul-de-sacs from 100 ft. to 150 ft. and the addition to add an alley to the north portion of Wiederstein Rd. The addition of the alley would reduce the number of cars backing out onto Wiederstein from private driveways. Ms. Delgado also informed the City Council that they received a petition the night before pushing the total percentage of disapproval over with 21.15%. With the disapproval notices over the 20% mark, it now it requires a super majority (75%) for approval.

Councilmember Davis stated the vast majority of this area is zoned residential, and it will be developed. He thinks the initial plan is great product and will be unique to the area. Councilmember Davis's only concern is that with a PDD, it inserts into the process a lot a higher level of flexibility in developing this property and a lot of the flexibility is a gray area. The coving plan coming forward is a great plan, but still has concerns the generalness of a PDD concerning the traffic and safety matter in this area.

Mayor Gutierrez recognized Mayor Pro Tem Whittaker who had two questions for Staff:

With adding an alley behind the Northside of Wiederstein, are we keeping the parking on the Wiederstein? Is that correct so the width of the road?

Assistant City Manager Brian James stated the applicant has given himself the option add an alley load that, so once he makes the decision, staff will work with him on the appropriate cross section of the street. When the plat goes to the Planning and Zoning Commission, the developer will need a variance or wavier to the Subdivision Ordinance requirements for that street. Staff will wait for the proposal and will make a recommendation with the platting at the PZ Commission at that time.

Mayor Pro-Tem Whittaker asked are the circles on the map the trees that are identified and retained?

Mr. Eugenio, the developer, stated the circles on the conceptual map are the existing heritage trees.

Mayor Pro Tem Whittaker wanted the citizens and Planning and Zoning Commission to know they listened to all their concerns that were identified. The strongest opposition is what the residents are going to lose, the wildlife, trees and natural beauty. Stated she has empathy for the citizens concerns, but it is zoned to be developed and cannot deny a PDD because residents want to keep it that it is natural state. She wanted residents to know that City Council is listening, and concerns are being heard, however, how we vote does not mean we are not hearing their concerns.

Mayor Gutierrez recognized Councilmember Dahle who wanted Planning and Zoning Commission to know he appreciates the concerns they brought up at their meeting because those concerns were heard, and the developer made some significant changes to the PDD conceptual plan. He also thanked the residents and reassured them their voices have not gone unheard. Councilmember Dahle stated that as City Council they need to do what is best for entire community. He read excerpts from an article and wanted to share some thoughts about “cookie-cutter” developments and how communities and master plans are developed. He stated the City Council, Staff and consultants like the Planning and Zoning Commission, have a responsibility to redefine what we want to see in residential communities. Moving forward and having conversations on future development and find common agreed definitions. We have talked for years to do better development and this, this PDD concept is a great opportunity do so.

Mayor Gutierrez recognized Councilmember Heyward who wanted to let Planning and Zoning Commission their concerns were heard. She stated as City Council, we tend not to disagree all the time, (Planning and Zoning Commission, City Council and Staff) but when we do, it appears to be the worst thing. Topics become a mountain, instead of a molehill. Moving forward, Councilmember Heyward wants to make sure the Planning and Zoning Commission are notified ahead of time that changes were made on projects that City Council is voting on. Councilmember Heyward asked if there was a Traffic Impact Analysis (TIA) done and it was done in 2019 indicating that area of Wiederstein Rd had approx. 2000 vehicles per a day. City of Schertz designated collector road poll goes from 2,000-18,000 vehicles. Councilmember Heyward recognized the concerns of the residents about the wildlife around the proposed development.

Mayor Gutierrez recognized Councilmember Brown who wanted to thank the developer for addressing the concerns that the Planning and Zoning Commission and City Council brought up and his quick adjustments on his proposed PDD. The original conceptual plan and the updated conceptual plan had significant changes which included the topics

of straight streets, 90-degree block corners, and small lots. He also wanted Planning and Zoning Commission to know they were heard and that City Council took their input seriously. He likes the modern development of the conceptual plan using the space to its best use.

Councilmember Davis stated we are not going to be perfect, but we should not try to legislate each lot size from the dais.

Mayor Gutierrez stated the Developer presented a plan in Planning and Zoning meeting on April 14, 2021 and he made the adjustments to the concerns they brought up at that meeting. When the developer brought the updated conceptual plan to City Council at the first reading, he then took City Council's concerns and made additional adjustments with one week before tonight's meeting.

Assistant City Manager Brian James reminded the City Council with the petition brought forward with 21.5% disapproval, it does require a $\frac{3}{4}$ of City Council, and $\frac{3}{4}$ of council is 6, therefore with only 6 Councilmembers in attendance tonight, all 6 are needed to approve.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward approve Ordinance No. 21-S-15 on final reading.

AYE: Mayor Pro-Tem Jill Whittaker, Councilmember Mark Davis, 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 vote confirmation for agenda items 1 through 11.

Closed Session

Mayor Gutierrez recessed the regular meeting into Closed Session at 7:33 p.m. and read the following item into record:

13. City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body

seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.

- Project E-065
- Project E-066
- Project E-067
- Project E-068

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 7:59 p.m.

- 13a.** Take any action based on discussion held in closed session under Agenda Item 13.
No action taken.

Roll Call Vote Confirmation

No additional roll call was needed as Council did not take any action based on closed session.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez read the captions for agenda items 14 & 15 and mentioned these items were provided in the City Council packets as well as the information could be found online and for public viewing at our website schertz.com. No action necessary.

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

- 15. Quarterly Financial Reports.**

Requests and Announcements

- Announcements by the City Manager.

No further announcements were provided.

- Requests by Mayor and Councilmembers for updates or information from staff.

None at this time.

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

No items requested.

- 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 the following:

Mayor Pro-Tem Whittaker who stated she finished her last Citizen Police Academy class, she graduated, and she is an Alumni - look out for Citizens on Patrol, when they get a vehicle, she will be patrolling. She also stated that they did a really good job representing the City of Schertz at the Chamber Golf Tournament yesterday. The City's team won the closest to the pin and she won a raffle basket.

Councilmember Davis stated that he attended the Community Hilltop Park meeting at NorthCliffe, staff did a great job of presenting the Vision of the City for a very large park on the north side. He also attended the Housing Authority meeting, the board and staff are eagerly looking forward to the joint workshop coming up.

Councilmember Dahle stated he also attended the Community Hilltop Park meeting at NorthCliffe, great turnout, and great conversations with the residents.

Councilmember Scagliola stated he attended the SSLGC Ground Breaking Ceremony in Nixon the ribbon cutting for Tiny Jazz, attended the COVID Shot Clinic and also attended the Community Hilltop Park meeting.

Councilmember Heyward stated she also attended the SSLGC Ground Breaking Ceremony in Nixon, attended the Schertz Animal Advisory Board meeting, attended the plaque presentation for Tiny Jazz, she attended the Chamber Golf Tournament (not a player) but volunteered selling tickets. She also attended the Community Hilltop Park meeting.

Adjournment

Mayor Gutierrez adjourned the meeting at 8:04 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary