

DRAFT

MINUTES
REGULAR MEETING
July 6, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on July 6, 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 Rosemary Scott; Councilmember Michael Dahle; Councilmember David Scagliola; 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 Megan Santee; City
 Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez;
 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 Davis)

Councilmember Davis provided the opening prayer followed by the Pledges of Allegiance to the Flag of the United States and the State of Texas.

Presentations

- Proclamation recognizing Parks and Recreation Month. (Mayor/L. Shrum)

Mayor Gutierrez read and presented the proclamation recognizing July as Parks and Recreation Month to the Schertz Parks and Recreation Department.

- Presentation of the new Preventing Mosquitoes in our Community video. (B. James/L. Wood)

Mayor Gutierrez recognized Planning & Community Development Director Lesa Wood who provided the video that has been produced regarding the prevention of mosquitoes. This information and other campaign materials will also be available on the city website.

Employee Recognition

Mayor Gutierrez recognized the following Department Heads who introduced their new employees:

- EDC: Channary Gould - Business Retention Manager, Sheree Courney - Administrative Assistant
- Event Facilities: Blake Mitchell - Events Attendant - Unable to attend
- Fire Department: Amanda Mathews - Firefighter
- Parks & Recreation: Diego Martinez, Daniel Pillar - Seasonal Park Worker
- Police Department: Jarrod Bowers - Police Officer

City Events and Announcements

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

Assistant City Manager Brian James provided the following announcements:

Thursday, July 8th

Popsicle Party - Cypress Point Park, 5526 Cypress Point - 6:00-7:00 PM.
Celebrate Parks & Recreation Month with free Popsicles and activities!

Friday, July 9th

Joint Workshop with City Council and Planning & Zoning - City Council Chambers - 8:30 AM

Saturday, July 10th

Nature Discovery Series - Crescent Bend Nature Park - 10:00-11:00 AM.
Discover the Horns and Thorns – Staying alive is tough! Pre-registration required through www.schertz.com

Tuesday, July 13th

Next regular scheduled Council meeting

Thursday, July 22nd

Casino Night Party for All Essential Workers - Bluebonnet Palace, Selma - 6:00-9:00 PM

Randolph Metrocom Rotary Club and many sponsors are hosting a FREE Casino Night Party for ALL Essential Workers to say Thank You for what they have done for us in the last 12+ months. No cover charge for anyone! Free

appetizers, essential workers will also receive \$1000 in casino chips at no cost!

November 2nd

The City of Schertz will be holding its General Election on November 2, 2021, for the purpose of electing Council Members in Place 6 and Place 7 for a three-year term, from November 2021 to November 2024.

Any candidate desiring to have his or her name on the Official Ballot shall file with the City Secretary an application in writing in the form prescribed by the Texas Election Code declaring themselves a candidate. The filing date is no sooner than July 17, 2021, (but since the 17th falls on a Saturday and City offices are closed) the date moves to Monday, July 19, 2021, and no later than Monday, August 16, 2021, by 5:00 p.m. Qualifications for Candidacy can be found online at www.schertz.com as well as in the Candidate packet. Candidate packets are also available in the City Secretary's Office.

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

City Manager Mark Browne recognized and thanked the Schertz Parks Department for the superb job they did at the 4th of July Jubilee. He also wanted to acknowledge with a staff of only twelve employees, the Parks Department does a remarkable job maintaining all the parks in the City of Schertz.

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

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.

Mayor Gutierrez recognized the following who spoke:

- Mr. Richard Dzewitt, 2550 Chasefield, who spoke on the great 4th July Parade and 4th July Events to include the Fireworks show.
- Ms. Maggie Titterington, 1730 Schertz Parkway, who provided the following information regarding their upcoming events.

Ribbon cuttings:

July 14th at The Chamber at 10:30am for Real Estate News line

July 15th at Access Med Clinic at 10:30am

July 22nd at 10:30am The Reynoso Agency Farmers Insurance. Located at FM 3009. Mixer on July 15th from 5:30-7:00pm by Randolph Metrocom Rotary Club at Harrison Hoyse in Selma.

EPUC Education class July 21st featuring Amy House on "Sweating the Small Things". Register online. 7:30-11:00am. Breakfast included.

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 items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Special Meeting of June 17, 2021, minutes of the Joint CVLGC - Schertz - Cibolo Meeting of June 21, 2021, and minutes of the Regular Meeting of June 22, 2021. (B. Dennis)
2. **Resolution No. 21-R-60** - Consideration and/or action approving a Resolution with the Schertz Seguin Local Government Corporation (SSLGC) Fiscal Year 2021-2022 Annual Budget and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)
3. **Resolution No. 21-R-62** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 409 Main Street. (M. Browne/B. James)
4. **Resolution No. 21-R-59** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing Memorandums of Understanding with the Texas Department of Public Safety, for the purpose of obtaining a renewal of commercial vehicle enforcement authority and other matters in connection therewith. (C. Kelm/M. Casas)

Mayor Gutierrez asked Council if there were any items they wished be removed from the consent agenda, no items were removed.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Jill Whittaker to approved consent agenda items 1 through 4.

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

Passed

Discussion and Action Items

- 5. Ordinance No. 21-S-26-** Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use-New Development (MSMU-ND). (*Final Reading*) (B. James/ L. Wood/E. Delgado)

Mayor Gutierrez recognized Assistant City Manager Brian James. Mayor Gutierrez asked Council if they would like to have a presentation or have staff available for questions. No presentation was given.

Mayor Gutierrez recognized Councilmember Scagliola who stated he voted no last time was the inclusion of the Pet Shops and was concerned that it would create puppy mill problems once again.

Mayor Pro-Tem Whittaker stated that she was asking last time why a Pet Shop was not included under the new zoning district and believes it is a good idea to include for diversity along the main street area.

Councilmember Heyward stated she objected as the Pet Shops do not fit the atmosphere that she believes is being created along Main Street.

Councilmember Scott stated that she thinks adding Pet Shops is a great idea and explained how Polly's Pets on Pat Booker functions and draws in citizens, and that there are also restaurants along that road way. She is in favor of including Pet Shops.

Councilmember Davis stated that this allows for flexibility, Mayor Gutierrez also concurred that it allows flexibility.

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle to approve Ordinance No. 21-S-26 on final reading.

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

Passed

6. **Ordinance No. 21-M-28** - Consideration and/or action approving an Ordinance authorizing and amending the City Council Rules of Conduct and Procedure; repealing all ordinance or parts of ordinances in conflict with this ordinance and providing an effective date. (*First Reading*) (M. Browne)

Mayor Gutierrez introduced this item stating that Council needs to provide direction to staff regarding items placed on the agenda for Final Reading. Council discussed, and it was the consensus that items presented to Council on First Reading that do not receive a unanimous vote, shall be placed on the next agenda under the Discussion portion of the agenda.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis to approve Ordinance 21-M-28 on first reading with addition to section 7.6 that Ordinances that do not receive a unanimous vote on first reading shall be placed on the discussion portion of the next agenda.

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

Passed

Closed Session

Mayor Gutierrez recessed the regular meeting into Closed Session at 6:59 p.m. and read the following item into record:

7. The City of Schertz City Council will convene in executive session under Texas Government Code Section 551.071 to receive legal advice from its attorneys regarding the following litigation:
- Cause No. D-1-GN-18-000535; Green Valley Special Utility District v. Public Utility Commission of Texas; Deann T. Walker, Arthur D'Andrea, and Brandy Marty Marquez, in their official capacities as Commissioners of the Public Utility Commission of Texas; Brian H. Lloyd, in his official capacity as Executive Director of the Public Utility Commission of Texas,

or his successor; and the City of Schertz, Texas, in the 419th District Court of Travis County, Texas;

- No. 07-20-00167-CV; City of Schertz and Cibolo Creek Municipal Authority v. Texas Commission on Environmental Quality and Green Valley Special Utility District; in the Seventh Court of Appeals, Amarillo, Texas; and
- No. 19-51056; City of Schertz v. United States Department of Agriculture, acting by and through George Ervin “Sonny” Perdue, III, Secretary of Agriculture; Rural Utilities Service, acting by and through Edd Hargett, Sate Director; Green Valley Special Utility District; in the United States Court of Appeals for the Fifth Circuit.
- Case No. 1:17-CV-00819-SS (U.S. District Court, Western District of Texas, Austin Division), Green Valley Special Utility District vs. City of Schertz et al

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 7:54 p.m.

7a. Take any action based on discussion held in closed session under Agenda Item 7.

No action taken.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

- 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.

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

Mayor Pro- Tem Whittaker

- Two Ribbon Cuttings with The Chamber for: Walthall, Sachse & Pipes, Inc. and Patrice & Associates
- Check presentation from the Rainbow Girls to the Schertz Animal Shelter
- Special Joint Workshop with the Schertz Housing Authority
- Project Flag Line
- 4th of July Parade

Councilmember Dahle

- 4th of July Parade
- 4th of July Fireworks

Councilmember Scagliola

- 4th of July Parade
- 4th of July Fireworks

Councilmember Heyward

- TMRS Advisory Board Meeting
- 2 Webinars on Face and Instagram: Frequently Asked Questions and Advertising.
- Check presentation from the Rainbow Girls to the Schertz Animal Shelter
- Two Ribbon Cuttings with The Chamber for: Walthall, Sachse & Pipes, Inc. and Patrice & Associates
- 4th of July Parade
- 4th of July Fireworks

Councilmember Brown

- Special Joint Workshop with the Schertz Housing Authority
- Project Flag Line
- 4th of July Parade

Adjournment

Mayor Gutierrez adjourned the meeting at 7:58 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary