

DRAFT

MINUTES
REGULAR MEETING
July 13, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on July 13, 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 Daniel Santee; 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 recognized Councilmember Scott who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

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:

Saturday, July 31st

Star Party

Crescent Bend Nature Park

8:30 – 11:00 PM

Members of the San Antonio Astronomical Society will provide telescopes for participants to view the night sky.

Tuesday, August 3rd

Next regular scheduled Council meeting

National Watermelon Day

Pickrell Park Pool

5:00 – 7:00 PM

Watermelon slices, themed games, and activities.

Tuesdays, September 7th through October 12th

Fall 2021 Adult Cornhole League (Ages 21 and up)

6:00-10:00 PM

Registration open online at www.schertz.com

\$25.00 registration fee, includes team t-shirt

Sundays, September 12th through October 17th

Fall 2021 Adult Kickball League (Ages 21 and up)

6:00-10:00 PM

Registration open online at www.schertz.com

\$25.00 registration fee, includes team t-shirt

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)

None were provided.

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

None were provided.

Hearing of Residents

No one spoke.

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.

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 meeting of the Special Meeting of July 1, 2021 and the minutes of the Regular Meeting on July 6, 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 David Reynolds - Board of Adjustments and Resignation of Charles Reynolds - Historical Preservation Committee
 - Appointment of Jackie Hollis and Judith Williams to the Historical Preservation Committee, and appointment of Danielene Salas as a regular member to the Board of Adjustments.
3. **Resolution No. 21-R-65** - 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 539 Main Street. (M. Browne/B. James)
4. **Resolution No. 21-R-63** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas authorizing the City Manager to enter into a contract with Andale Construction Inc., for the application of HA5 asphalt preservation product in the Mesa Oaks Subdivision. (C. Kelm/S. Williams/D. Letbetter)

5. **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. (*Final Reading*) (M. Browne)

Mayor Gutierrez stated he was asked to remove Item 3 from Consent and asked Council if there were any others items. Mayor Gutierrez recognized Councilmember Scagliola who requested agenda Item 4 also be removed for separate action. Mayor Gutierrez stated that the Consent Agenda now exists of Items 1, 2, 5.

Moved by Councilmember Allison Heyward, seconded by Councilmember David Scagliola to approve Consent Agenda Items 1, 2 and 5.

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

3. **Resolution No. 21-R-65** - 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 539 Main Street. (M. Browne/B. James)

Mayor Gutierrez recognized Mayor Pro-Tem Whittaker who stated that she is not against the Local Flavor Grants but believes this particular request does not fit the certain criteria as outlined: project design, privacy fence, visibility no benefit, not visible - no create local charm, help develop a sense of place in and round Main Street, foster civic pride, etc. Questioned the Historical part of the house will not be part of the building, concerns with noise, activity will be in the evenings, additional traffic and parking issues.

Other Members of Council expressed their thoughts of approval for the request:

- Strengthen economy
- Creates a gathering place
- No concerns with parking as city has two vacant lots to provide parking
- Change the feel
- On the right move
- Future use of EDC funds

- Look at revising the program
- Encourages investment
- Will increase tax values

Moved by Councilmember Michael Dahle, seconded by Councilmember David Scagliola to approve Resolution No. 21-R-65.

AYE: Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

NAY: Mayor Pro-Tem Jill Whittaker

Passed

- 4. Resolution No. 21-R-63** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into a contract with Andale Construction Inc., for the applicaiton of HA5 asphalt preservation product in the Mesa Oaks Subdivision. (C.Kelm/S. Williams/D. Ledbetter)

Mayor Gutierrez recognized Councilmember Scagliola who indicated that he pulled this item for transparency. He stated he likes the HA5 Asphalt. Staff addressed additional questions regarding how old Mesa Oaks Subdivision streets are as well as commented on the product being used.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis to approve Resolution No. 21-R-63.

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. Resolution No. 21-R-64** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas calling the November 2, 2021, City of Schertz Joint General Election with Comal County, Bexar County and Guadalupe County and approving the Comal County Agreement/Memorandum of Understanding, Bexar County Agreement/Memorandum of Understanding and the Guadalupe County Election Contract. (B. Dennis/Council)

Mayor Gutierrez recognized City Secretary Brenda Dennis who introduced this item stating the resolution before you calls the November 2, 2021 City of

Schertz Joint General Election with Bexar, Comal, and Guadalupe Counties for City Council in Places 6 & 7 for a three-year term beginning November 2021 and ending 2024.

First day to file for place on the ballot is Saturday, July 17th but since our office is closed it moves to Monday, July 19, 2021, and last day to file is Monday, August 16, 2021, by 5:00 pm. Candidate packets can be found on our website as well as in the City Secretary's office. Within the packets this evening are draft early voting and election day vote centers, as they have not been approved by the counties' commissioner's courts. Once approved we will be providing updated information to the Council, will be available on our website as well as be published in the Schertz Magazine.

Cost estimate correction for Bexar County, their packet indicated \$3000 to \$3500, estimate came in today at \$1,155.52, total estimated cost for this election is \$42,247.91. Early voting begins October 18th and ends October 29th. Election day is Tuesday, November 2, 2021.

Public Hearings

Mayor Gutierrez reading the following item into record:

- 7. Ordinance No. 21-S-27-** Hold a public hearing, consider and make a recommendation on a request for a Specific Use Permit to allow a monopole tower, telecommunications facility on approximately 0.056 acres of land generally located north-east of the intersection of FM 3009 and FM 78, also known as 200 FM 3009, also known as Guadalupe County Property Identification Numbers 153960, City of Schertz, Guadalupe County, Texas. (B. James / L. Wood / E. Delgado) *First Reading*

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating the applicant is requesting approval of a Specific Use Permit for approximately 0.056 acres in order to construct a 105-foot tall monopole, telecommunications facility. The full subject property is currently developed as the Lockaway Storage mini-warehouse / public storage business located at the intersection of FM 3009 and FM 78. The proposed telecommunications lease area is for an undeveloped 0.056 acres of the property.

The Planning and Zoning Commission held a public hearing on June 23, 2021, which no residents spoke. The Commission made a recommendation to the City Council with a vote of 7-0 for the 105' tall monopole, telecommunications facility located at 200 FM 3009.

Finally, City Staff consulted with the City Attorney to fully understand the

implications of the Federal Telecommunications Act on this application.

Based on the information provided by the City Attorney, City Staff determined that the application met the minimum requirements of the Telecommunications Act through the maps and studies that were submitted demonstrating the need for additional coverage in the area around Elbel Road.

Because the application meets the minimum requirements laid out in the Telecommunications Act as well as the UDC, Staff is recommending approval of the Specific Use Permit as submitted.

Mayor Gutierrez stated this was a public hearing and opened it up for public comment, as no one spoke, Mayor Gutierrez closed the public hearing. Mayor Gutierrez recognized Vince Gerard with Vincent Gerard & Associates, Inc., representing the applicant who provided a brief PowerPoint regarding the project answering questions from Council.

Mayor Gutierrez opened it up for Council questions and comments:

- 5G concerns - technology
- Types of providers
- What equipment is used to expand - vendors?
- Comscope - 5G Macro's

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle to approve Ordinance No. 21-S-27 on first 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

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 7.

Workshop

8. Workshop discussion on the results of the Water and Wastewater Rate Study.
(C. Kelm/S. Williams/D. Kneuper)

Mayor Gutierrez recognized Public Works Director Suzanne Williams who introduced this item stating the item is in relationship to the Water/Wastewater CIP program. Ms. Williams showed the W/WW CIP FY20-21 & FY21-22 various projects involved. Some include:

- Riata Lift Station (\$1.4 million)
- Crest Oak Sewer Line (\$1.1 million)
- Corridor Oaks (\$75, 000)
- Aviation Heights Waterline replacement (\$2.4 million)
- 16" Dedicated Transmission Line (\$5.5 million)
- FM 1518 Utility Relocations (\$5.5 million)

Ms. Williams recognized Megan Kirkland, Senior Consultant with Newgen Strategies and Solutions who provided a PowerPoint presentation regarding the Water & Wastewater Rate Study with the following highlights:

- Presented the Rate History of Water and Wastewater from 2018 to current (Note: FY2021-no water or wastewater rate increase)
- Regional Bill Comparison: 10 Local Cities- currently Schertz is #5
- Summary of Issues Facing Utilities: Growth, Capital Improvement Projects, SSLGC Water Purchases (Guadalupe Plant), Simplify Rate Structure
- Simplify Rate Structure- explained the new rate structure for water/wastewater tier rates
- 5-Year Outlook - Water Revenue Requirement and Wastewater Revenue Requirement
- Rate Revenue Scenarios with: 3% vs. 4% rate increase

Mayor Gutierrez and City Council discussed the following:

- Rate increases to pay for CIP Projects
- American Relief Plan-distributing funds
- Approx. 50% of residents would be not impacted with new rates,
- Commercial rate increases
- Infrastructure is needed with the city's growth to be able to provide service in the future
- Rate increase or 4% increase covers the CIP Projects for the next 5 years and monitor the costs each year- Staff recommendation- 4% rate increase

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez mentioned Item 9 indicating this was informational item only and that the information was provided in the Council packets as well as can be found online.

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

Requests and Announcements

- Announcements by the City Manager.

Nothing further.

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

Councilmember Brown regarding the Main Street program and possibly look at adjacent properties. In answer, Mr. James indicated that there would be no problem adjusting the boundaries and a Resolution to change the boundaries. Suggest a workshop to discuss further.

- 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:

- Joint City Council & Planning & Zoning Workshop
- Presentation: Proclamation for the Jameson's recognizing their 64th Wedding Anniversary
- Leadership discussion with Ted Meyers and students from Kung Jung Mu Sul

Councilmember Scott:

- Joint City Council & Planning & Zoning Workshop

Councilmember Dahle:

- Joint City Council & Planning & Zoning Workshop

- Woodland Oaks HOA Pizza Event Saturday

Councilmember Heyward:

- Joint City Council & Planning & Zoning Workshop
- Attending the CADCA Conference (Community Anti-Drug Coalition) with Guadalupe County
- Leadership discussion with Ted Meyers and students from Kung Jung Mu Sul

Councilmember Brown:

- Joint City Council & Planning & Zoning Workshop

Adjournment

Mayor Gutierrez adjourned the meeting at 7:44 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary