

# DRAFT

## MINUTES REGULAR MEETING July 27, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on July 27, 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 David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Michael Dahle

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;  
            Deputy City Secretary Sheila Edmondson

### **Call to Order**

### **Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Mayor Pro-Tem Whittaker)**

### **City Events and Announcements**

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

Assistant to the City Manager Sarah Gonzalez provided the following information:

- Thursday, July 29th

Popsicle Party

Pickrell Park Pool

6:00 – 7:00 PM

Cool off with popsicles provided by Parks & Recreation staff.

- 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](http://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](http://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](http://www.schertz.com) as well as the Candidate packet. Candidate packets are also available in the City Secretary's Office.

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

Dr. Browne provided the following information:

- Wednesday, September 8

City of Schertz will be hosting a Luncheon for the Military Affairs Office from Randolph AFB

- Thursday, September 23

City of Schertz will be hosting a Luncheon for the Region 8 Texas City Manager's Association

- Saturday, October 2

“Get Prepped” Emergency Preparedness Block Party  
1400 Schertz Parkway - next to Public Safety Buildings.  
Demo, tours, static displays, activities, giveaways and food. Event is to help residents prepare for an emergency/disasters.

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

Mayor Gutierrez stated he received an email from Mr. and Mrs. Fernandez who wanted to thank City Employee Diego Martinez for his help today. Mr. and Mrs. Fernandez's car broke down on FM 1518 and Diego stopped, helped them get their car off the road and drove them home. Mayor Gutierrez thanked Diego for helping the Fernandez's.

## 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 Gutierrez recognized the following who spoke:

- Donald Schaezler, 19349 Old Wiederstein Rd - Mr. and Mrs. Schaezler are Directors at the Warbler Woods Bird Sanctuary, which is located near the Busch Subdivision. Mr. Schaezler objects to the petition for a waiver for an on-site sewage facilities for Busch Subdivision.

## **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 Special Joint Workshop with City Council and Planning and Zoning Commission on July 9, 2021, and the Regular City Council Meeting on July 13, 2021. (B. Dennis)
2. **Resolution No. 21-R-75** - Consideration and/or action approving a Resolution authorizing the City of Schertz to enter into Service Agreements with Beyer Mechanical and Premier Comfort for on-call HVAC services and Gerard Electric and CRI Electric for on-call Electrical services. (C. Kelm/S. Williams/S. McClelland)
3. **Resolution No. 21-R 71** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the city staff to enter into a purchase agreement with Aries Industries for the purchase of a sewer main camera. (C. Kelm/S. Williams/S. Mayfield)
4. **Resolution No. 21-R-77** - 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 task order agreement with AACOG for Emergency Medical Services on Joint Base San Antonio - Randolph. (C. Kelm/J. Mabbitt)
5. **Ordinance No. 21-S-27**- 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)

***Final Reading***

6. **Resolution No. 21-R-70** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the purchase of vehicle maintenance equipment from JF Petroleum Group as part of the Fleet Maintenance Building Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)
7. **Resolution No. 21-R-67**- Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the water CCN transfer from New Braunfels Utilities in the Rolling Hills Ranch Development to the City of Schertz. (C. Kelm/S. Williams/S. Mayfield)
8. **Resolution No. 21-R-73** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a Task Order Agreement with Terracon Consultants, Inc., for Geotechnical Services related to the Schertz Street Preservation and Maintenance Program and authorizing budget expenditures for the project and other matters in connection therewith. (B. James/K. Woodlee/J. Nowak)
9. **Resolution No. 21-R-74** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a revision of the Not To Exceed Amount of an approved contract with D&S Concrete Constructors for the CSJ#0915-46-050 Schertz Pedestrian Routes and Bike Lanes Project, increasing the total amount from \$1,286,000 to \$1,311,600. (B. James/J. Nowak)
10. **Resolution No. 21-R-69** - 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 405 Main. (M. Browne/B. James)

Mayor Gutierrez asked Council if there were any items they wished to be removed for separate action. No items were asked to be removed for separate action.

Moved by Councilmember Allison Heyward, seconded by Councilmember Mark Davis To approve Consent Agenda Items 1-10.

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

Passed

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

Passed

## Discussion and Action Items

11. **PC2021-022** – Pursuant to Section 21.12.15 of the Unified Development Code, Conduct a Public Hearing on a request to appeal a Planning and Zoning Commission determination request for a waiver related to on-site sewage facilities for the Busch Subdivision, on approximately 5-acre tract of land generally located 4,700 feet east of the intersection of Old Wiederstein Road and Cibolo Valley Drive, City of Schertz, Guadalupe County, Texas. (B. James/L. Wood/M. Harrison).

Mayor Gutierrez recognized Assistant City Manager Brian James who provided a brief overview on the request for a waiver related to on-site sewage facilities. The applicant is proposing a septic system to serve the property which is approximately a 5-acre tract of land to serve a single residence. The request was originally presented to the Planning and Zoning City and denied. The UDC allows the applicant to appeal the decision to the City Council. The City sent out public hearing notices and the city received seven responses in opposition to allowing the waiver request. Staff is recommending denial of the waiver request.

Mayor Gutierrez opened the public hearing and recognized the following:

- Donald Schaezler, 19439 Old Wiederstein Rd- operates Warbler Woods Bird Sanctuary, a 501-c3 charitable foundation. His concerns include surface run-off, ground contamination and odors from septic tanks. Mr. Schaezler provided a written document which listed additional environmental concerns if the waiver was approved.
- Susan Schaezler, 19439 Old Wiederstein Rd- co-operates the Warbler Woods Bird Sanctuary and does not support the applicant's waiver request to approve a septic system to be installed on the property. Ms. Schaezler's concerns included surface water run off the septic system area towards her property that has a well that is only 1300' away from the Busch Subdivision. She has read the details of the application, but states it does not address all the issues.
- Michele Debs, 5538 Verbena Rd, San Antonio, TX - spoke on behalf of the applicant who is requesting a waiver on the denial by Planning and

Zoning Commission to install a septic system on their 5-acre property. She noted the adjoining neighbors have septic systems and does not understand why they support the denial request. Ms Debs stated the cost to hook up to sewer included \$105,000 to \$262,000. The cost could increase due to the area where the proposed manhole would be is 25ft deep and in rock.

Mayor Gutierrez closed the public hearing.

12. **PC2021-022** - Consideration and action on an appeal of a Planning and Zoning Commission determination regarding a request for a waiver related to on-site sewage facilities for the Busch Subdivision, on approximately 5-acre tract of land generally located 4,700 feet east of the intersection of Old Wiederstein Road and Cibolo Valley Drive, City of Schertz, Guadalupe County, Texas. (B. James/L. Wood/M. Harrison).

Mayor Gutierrez opened the floor for discussion. City Councilmembers stated they understood the applicant's wish to put a septic system in, however there was a similar situation a few years back with an applicant on FM 1103 and that final decision was to have that applicant tie into the sewer system. City Council wishes to maintain consistency and follow the UDC.

Councilmember David Scagliola made a motion to uphold the Planning and Zoning decision to deny the applicant a septic tank system on his property.

Moved by Councilmember David Scagliola, seconded by Mayor Pro-Tem Jill Whittaker

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

Passed

13. **Resolution No. 21-R-72** - Consideration and/or action approving a Resolution authorizing a contract with R.L. Jones LP for construction of the Elbel Storm Drain and Overlay Project and authorizing budget expenditures for the project. (B. James/K. Woodlee/J. Nowak)

Mayor Gutierrez recognized City Engineer John Nowak who provided an update on the Elbel Storm Drain and Overlay Project. Staff opened up the bids for the Elbel Project and costs came in a little higher than anticipated. The project can be funded by transferring funds from the SPAM (Street

Preservation Maintenance Program) and reduce the planned SPAM projects. The amount needing to be transferred is \$314,000.00. Staff is recommending transferring the funds from the SPAM program and fully fund the Elbel Storm Drain and Overlay Project.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward

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

Passed

- 14. Resolution 21-R-68** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the City of Schertz Fiscal Year 2021-2022 Water and Wastewater Rates and other matters in connection therewith. (C. Kelm/S.Williams/S. McClelland)

Mayor Gutierrez recognized Public Work Director Suzanne Williams who reviewed the CIP Projects that would be funded with the FY 2021-2022 Water and Wastewater Rate increase. Ms. Williams recognized Ms. Megan Kirkland with NewGen Stragedies and Solutions who provided a PowerPoint presentation regarding the Water and 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 and City Council discussed the following:

- Discussed the 3% vs. 4% rate increase
- Raising rates by only 3% - unable to do all the projects needed and possibly risking infrastructure by pushing back projects.
- Rating the projects in order of need
- Water quality

- American Relief Plan-distributing funds

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

- 15. Council Rule 21-CR-01** - A Rule Established by the City Council of the City of Schertz, Pursuant to the City Council Rules of Procedure, Establishing a Subcommittee, which shall include three City Councilmembers, three Planning and Zoning Commissioners and Staff to review and make recommendations with regard to changes or updates to the PDD Standards, New Zoning District and the Tree Mitigation Program. (Mayor/Council)

Mayor Gutierrez stated he spoke to Chairman Glen Outlaw of the Planning and Zoning Commission who appointed Commissioner Ken Greenwald, Commissioner Earl Platt and Commissioner Jimmy Odom to the Subcommittee. Mayor Gutierrez appointed Mayor Pro-Tem Jill Whittaker, Councilmember Michael Dahle and Councilmember David Scagliola. The Subcommittee will meet and make recommendations for City Council to approve. This Subcommittee is subject to the open meetings act and will have agendas posted.

Moved by Councilmember Allison Heyward, seconded by Councilmember Rosemary Scott To approve Council Rule 21-CR-01.

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

Passed

## Workshop

- 16. Appointment of the Mayor Pro-Tem** - Discussion and consideration and/or action regarding the confirmation, appointment or election of the Mayor Pro-Tem. (Mayor/Council)

Mayor Gutierrez read and explained the responsibilities of the Mayor

Pro-Tem Office. Mayor Gutierrez thanked Mayor Pro-Tem Jill Whittaker for her service from February 2021 to July 2021. Councilmember Michael Dahle is next in rotation for the Mayor Pro-Tem position (August 2021-February 2022)

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis To approve the appointment of Councilmember Michael Dahle as the next Mayor Pro-Tem.

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

Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided roll call vote confirmations for Items 1-16.

### **Closed Session**

Mayor Gutierrez recessed the regular meeting into Closed Session at 7:24 pm and the following item into record:

17. The City Council will meet in Closed Session pursuant to Texas Government Code Section 551.072, Deliberation Regarding Real Property, to deliberate the purchase or value of real property; to wit: property necessary for future expansion of FM 3009 south of FM 78.

### **Reconvene into Regular Session**

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

17a. Take any action based on discussions held in closed session under Agenda Item 17.

No action taken.

## Requests and Announcements

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

No items requested.

- 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 attended the Reynoso Agency Farmers Insurance Ribbon Cutting Ceremony.

Councilmember Allison Heyward attended CADCA Conference, Access Medical Urgent Care Ribbon Cutting, 2021 Balcones Heights Jazz Festival, Wendy Swan Public Input Meeting and the TMRS Virtual Conference.

## Adjournment

Mayor Gutierrez adjourned the meeting at 8:03 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary