

# DRAFT

## MINUTES REGULAR MEETING September 7, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on September 7, 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; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Jill Whittaker; Mayor Pro-Tem Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

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**

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 Heyward)**

Mayor Gutierrez recognized Councilmember Allison Heyward who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

### **Presentations**

- Proclamation recognizing Childhood Cancer Awareness Month. (Mayor/Rebecca Lee)

Mayor Gutierrez recognized Ms. Rebecca Lee and her family and presented a proclamation recognizing the month of September 2021 as Childhood Cancer Awareness Month in the City of Schertz.

- Proclamation recognizing National Payroll Week (Mayor/Andrea Jones)

Mayor Gutierrez recognized Ms. Andrea Jones and presented a proclamation recognizing September 6-10, 2021 National Payroll Week in the City of Schertz.

**Guadalupe Regional Medical Center - Prescription Assistance report.**  
(Mayor/Council/J. Riggs/M. Ishak)

Mayor Gutierrez recognized Mr. Jerry Riggs, Pharmacy Manager from the Guadalupe Regional Medical Center. Mr. Riggs gave a presentation on the GRMC Prescription Assistance Program Report from March 1, 2021 through August 31, 2021.

Highlights from the March 1, 2021 to August 31, 2021 Report:

- Total number of patients served by the program: 907
- Total number of Schertz residents served by the program: 27
- Total number of prescriptions provided by the program: 21,371
- Retail dollar value of prescriptions provided by the PAP: \$5,967,696.42
- Retail dollar value of prescriptions provided to Schertz residents: \$156, 598.65

Mr. Riggs will be retiring in December 2021 and introduced Mr. Mohaib Ishak, who will be his replacement.

**New Employee Introductions:**

Various Department Heads introduced the following new employees from their departments.

- Fire Department: Acton Hartzell - Fire Fighter
- Police Department: Ismael De La Cruz
- Public Works: Michael Doss - Drainage Worker 1, Raymond Garcia, Benjamin Rantz, Brandon Eskildsen, Juan Zamarripa - Service Worker I; Christopher Peacock - Street Worker II

**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:

**Special Announcement:**

The American Heart Association/American Stroke Association recently presented the City of Schertz EMS with the Mission: Lifeline® - EMS Gold Plus Award. Schertz EMS is a part of an elite group of prehospital agencies recognized by the

American Heart Association. The award recognizes their commitment and success in implementing a higher standard of prehospital care by ensuring that every STEMI patient receives treatment according to nationally accepted recommendations and standards.

### **Tuesdays, September 7th through October 12th**

Fall 2021 Adult Cornhole League (Ages 21 and up)  
6:00-10:00 PM

### **Saturday, September 11th**

Paws in the Pool  
Pickrell Park Pool  
10:00 AM – 4:00 PM  
Limited capacity sessions at 10 AM, 12 PM and 2 PM. Registration required on Schertz.com. \$3 per human, up to 2 dogs per human.

### **Sundays, September 12th through October 17th**

Fall 2021 Adult Kickball League (Ages 21 and up)  
6:00-10:00 PM

### **Tuesday, September 14th**

Next regular scheduled Council meeting.

### **Tuesday, November 2nd**

The City of Schertz will be holding its General Election on Tuesday, 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.

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

Mayor Gutierrez recognized Dr. Mark Browne wanted to thank the City of Schertz Sign Shop Supervisor Bryan Timmons and his staff for the new City Seal sign that was added to the front of the Council Chamber building.

### **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 residents:

Daniel Jameson, 1048 Richmond Dr. - Mr. Jameson wanted to thank the Parks Staff for the wonderful 4th of July Parade this past year. He also wanted to thank Councilmember Jill Whittaker who presented his parents with a proclamation and a pin celebrating their 64th Wedding Anniversary.

Dana Eldridge, 2628 Gallant Fox Dr. - Mr. Eldridge wanted to share some of the following observations:

- He asked why is there a constant turnover of employees, asked how can we retain our employees.
- If Main St. is supposed to have a Historic-look, why do we have businesses that are painted a bright yellow and green.
- Main St. has quite a few businesses that are alcohol related.

Jeannine Graham- introduced herself to the City Council and audience, and announced she is a running for City Council Place 7. She shared a brief bio of herself.

Judith Williams-introduced herself to the City Council and audience, and announced she is running for City Council Place 6. She shared a brief bio of herself.

### **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 Consent Items 1-4 into record. Mayor Pro-Tem Dahle read Consent Items 5-8 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Special Budget Workshop meeting of August 6, 2021 and the minutes of the regular meeting of August 24, 2021. (B. Dennis)
2. **Resolution No. 21-R-96** - 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 agreement with Halff Associates, Inc., for design, bid, and construction phase engineering services for the FM 1518 (Aztec Lane) Water Utility Relocation project in advance of the FM 1518 road widening project. (B. James/K. Woodlee/E. Schulze)
3. **Resolution No. 21-R-93** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas to join with the State of Texas and Political Subdivisions of the State as a Party in the Texas Opioid Settlement Agreements secured by the Office of the Attorney General and authorizing the City Manager to execute Settlement Participation Forms and establishing an effective date. (M. Browne)
4. **Ordinance No. 21-T-34** – Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing a budget adjustment relating to the Aviation Heights Waterline Improvements (Phases 5, 6, & 7) construction project. *Final Reading* (B. James/ K. Woodlee/ J. Shortess)
5. **Ordinance No. 21-T-35** - Consideration and/or action authorizing an adjustment to the fiscal year 2021 budget to provide services to Randolph JBSA. *Final Reading* (M. Browne/B. James/J. Walters)
6. **Resolution No. 21-R-94** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas re-appointing Mr. Brian Edgington to the Board of Directors Place D-4 of the Cibolo Valley Local Government Corporation (CVLGC), and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)
7. **Resolution No. 21-R-98** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a Task Order Agreement with Kimley-Horn Associates, Inc. for an amount not to exceed \$700,000.00 for the Main Street Improvement Project. (B. James/J. Nowak)

8. **Resolution No. 21-R-95** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an extension to the Management Services 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/ S. McClelland)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action, as there were none, Mayor Guterrez asked for a motion to approve Consent Agenda Items 1-8.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

### Discussion and Action Items

9. **Ordinance No. 21-M-40** - Consideration and/or action to approve an Ordinance by the City Council of the City of Schertz, Texas amending the City of Schertz Code of Ordinances and certain other Ordinances by amending and establishing fees for certain licenses, permits, and other services provided by the City of Schertz. *First Reading* (M. Browne/B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who gave a brief presentation to City Council on the annual update to the Fee Schedule. He explained that the changes that are being made are not to generate additional funds, but change, simplify and removing fees we do not use anymore.

Mayor Gutierrez asked for a motion to approve Ordinance No. 21-M-40.

Moved by Councilmember Jill Whittaker, seconded by Mayor Pro-Tem Michael Dahle

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

Passed

10. **Resolution No. 21-R-86** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the renaming of Gutierrez Xeriscape Park to Gutierrez Garden Park. (B. James/L. Shrum)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the background information on the recommendation of Gutierrez Xeriscape Park to Gutierrez Garden Park. The Guadalupe Master Gardener Association has worked in partnership in maintaining this park. Through conversations with them and staff, it was recommended that the park be changed to Gutierrez Garden Park. Mayor Gutierrez reached out to the Gutierrez family and they have no objections to the name change.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward

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

Passed

## Public Hearings

Mayor Gutierrez read the following item into record:

11. **Ordinance No. 21-S-37** - Conduct a Public Hearing and Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend the Comprehensive Land Use Plan by changing approximately 118 acres of the Future Land Use Map from Commercial Campus land use designation to the Highway Commercial land use designation as well as amend the language for Highway Commercial, generally located 2,500 feet east from the intersection of Hubertus Road and IH-35 frontage road, also known as Comal County Property Identification Numbers, 75290 and 75369, City of Schertz, Comal County, Texas **First Reading** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Assistant City Manager Brian James who explained why the owner of this property is wanting to change the use of his 118 acres to Highway Commercial Land for industrial uses from Commercial Campus. To do this the city needs to amend the Comprehensive Land Use Plan by changing approximately 118 acres of the Future Land Use Map from Commercial Campus land use designation to the Highway Commercial land use designation as well as amend the language for Highway Commercial. The fundamental question staff sees is what degree does Council wants to retain

this zoning of General Business up and down IH 35.

Mayor Gutierrez recognized Mr. James McKnight- Land Use Attorney representing the owner of IDV, LLC. Mr. McKnight gave a presentation and clarified that the original request for the 118 acres to be rezoned has been changed to only 42 acres to be changed from General Business to General Business 2. The presentation also included a conceptual video of the proposed land use. Mr. Tim Harrington with IDV, LLC provided information of the proposed buildings uses.

Mayor Gutierrez opened the Public Hearing and recognized the following residents:

Dana Eldridge, 2628 Gallant Fox Drive - Mr. Eldridge expressed concerns of having just a warehouse-look on the frontage road. He also has concerns with the traffic from the FM 1103, northbound and southbound.

Bradley Bedner, 107 Elm Leaf Lane- Mr. Bedner wanted to know if they put the warehouse in, would the businesses be filled. He approves of the warehouse plan.

Mayor Gutierrez closed the public hearing for Council comments.

Councilmember Brown thanked the developer for the presentation stated the plan balances the desire to preserve the hard corners open for commercial development, but allowing the developer to proceed with their plans.

Councilmember Scott has some concerns of adding more warehouse development and asked if heavy industrial would possibly be near residential areas.

Mayor Pro-Tem Dahle stated this is a good place to develop a project like this and the GB frontage area is large enough have both commercial developments and a light industrial area.

Mayor Gutierrez asked the developer if they could move their warehouses further back on the property and keep the frontage GB. The developer did state that their plans will have the light industrial retail in the front design. It might not be the traditional retail in GB, but retail/offices will be in the front of the warehouse buildings. Mayor Gutierrez stated that the City is experiencing rapid growth and we must not lose focus on the principles that made the city what it is. Council is presented with a complex decision. Mayor Gutierrez respectfully asked the City Council to deny this request.

Other comments included:

- This development plan is a good fit for this area of the city.
- The GB designation in this area is large enough to have this "mid-block" section to be changed to GB-2.
- The original GB designation for this area years ago, can be reviewed and updated.
- Concerns that the conceptual video of what the development could be, might not be what is built.

Mayor Gutierrez recognized Mayor Pro-Tem Dahle who moved to approve Ordinance No. 21-S-27.

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember David Scagliola

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

NAY: Councilmember Rosemary Scott, Councilmember Allison Heyward

Passed

- 12. Ordinance No. 21-S-36** - Conduct a Public Hearing and consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 42 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business District-2 (GB-2) and Manufacturing Light District (M-1), generally located approximately 2,500 feet east from the intersection of Hubertus Road and IH-35, also known as Comal Property Identification Numbers 75290 and 75369, City of Schertz, Comal County, Texas. *First Reading* (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Assistant Brian James who explained what the developers' vision is for the property. Staff is recommending that Council approves to zone to a PDD with a base zone of GB-2 and M-1.

Mayor Gutierrez opened the public hearing:

James McNight, 112 E Pecan, - Mr. McNight said there were approx. 11 additional uses by changing the rezone from a GB to GB-2 and isn't as much a big change.

Mayor Gutierrez closed the public hearing, and recognized Mayor Pro-Tem who made a motion to approve Ordinance No. 21-S-36 with the modification

that the rezoning to be a Planned Development District (PDD) with the base zoning of General Business District-2 (GB2). Staff and the applicant will work out the details for the next meeting.

*(Councilmember Heyward stepped off the dais)*

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember Tim Brown

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

NAY: Councilmember Rosemary Scott

Other: Councilmember Allison Heyward (ABSENT)

Passed

- 13. Ordinance No. 21-S-32** - Conduct a Public Hearing and consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 1 acre of land from General Business District (GB) to Main Street Mixed Use- New Development generally located at the hard corner of Main Street and Schertz Parkway, 820/824 Main Street, also known as Guadalupe County Property Identification Number 16630, City of Schertz, Comal County, Texas. *First Reading* (B. James/L. Wood/M.Harrison)

Mayor Gutierrez recognized Assistant City Manager Brian James who explained that the applicant is requesting a rezone on their property from General Business District (GB) to Main Street Mixed Use- New Development generally located at the hard corner of Main Street and Schertz Parkway.

Mayor Gutierrez opened the public hearing to the residents:

Michele Tereletsky, 705 Marilyn Dr. - Ms. Tereletsky asked that whoever builds on this property that they use a neutral paint color.

Mayor Gutierrez closed the public hearing for Council comments. Council comments included:

- Asking what the square footage is, and how many parking spaces are planned for this business
- The city have limited options on materials allowed by the Building Code, It does not regulate paint color
- What is the direction of what we want Main Street to look like and the zoning

- Main Street Committee's vision-making Main Street a gathering place

Councilmember Whittaker made a motion to approve Ordinance 21-S-32, seconded by Councilmember Davis.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Mark Davis

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

Passed

- 14. Ordinance No. 21-S-33** - Conduct a Public Hearing and consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 0.4 acres of land from General Business District (GB) to Main Street Mixed Use- New Development generally located 250 feet east of the intersection of Main Street and Randolph Avenue, 610 Main Street, also known as Guadalupe County Property Identification Number 168552, City of Schertz, Comal County, Texas. ***First Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Assistant City Manager Brian James who explained a request to rezone approximately 0.4 acres of land from General Business District (GB) to Main Street Mixed Use- New Development.

Mayor Gutierrez opened the the public hearing and recognized the following residents:

Dana Eldridge, 2628 Gallant Fox Dr. - Mr. Eldridge asked if we can have ordinances that regulate sheds and trees on properties, why can't we limitations on Main St. on the building and types of businesses that are coming to the Main Street area.

Michele Tereletsky, 705 Marily Dr.- Ms. Tereletsky commented that if the city gives out Main St. funds to help businesses, there should be some stipulations on building colors. She would like more Councilmembers to come down to Main St. at night.

Denise Andabaker, 610 Main St. -Ms. Andabaker owns the property, and stated it is not going to be a bar, it is going to be a food truck park with open setting area. She is wants to bring in good food and drinks to the area.

Mayor Gutierrez closed the public hearing for Council comments. Council comments included:

- Councilmember Davis clarified that the Main Street is not designated a Historical Preservation Area. Therefore the city cannot dictate how a building is designed
- Main Street Grant Programs-funding for applicants for improvements
- Historic designation properties are very restrictive for property owners.
- Main Street's shift to a future vision, will take time.

Councilmember Whittaker made a motion to approve Ordinance 21-S-33. Councilmember Scott seconded the motion.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Rosemary Scott

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

Passed

- 15. Ordinance No. 21-T-38**– Conduct a Public Hearing and consideration and/or action approving an Ordinance adopting a budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022. *First Reading* (B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who gave a brief recap of the budget highlights on on the FY 2021-22 Budget.

Mayor Gutierrez opened the public hearing. No one spoke. Mayor Gutierrez closed the public hearing for Council comments. No one spoke.

Councilmember Davis made a motion to approve Ordinance 21-T-38. Councilmember Heyward seconded the motion.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward

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

Passed

- 16. Ordinance No. 21-T-39** – Conduct a Public Hearing and consideration and/or action approving an Ordinance approving the appraisal roll; setting the tax rate; levying and assessing general and special ad valorem taxes for the use and support of the municipal government of the city of Schertz, Texas. *First Reading* (B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who gave a brief presentation on the appraisal roll; setting the tax rate; levying and assessing general and special ad valorem taxes for the use and support of the municipal government of the city of Schertz, Texas. Mr. Walters explained the motion must be passed with a super majority.

Mayor Gutierrez opened the public hearing. No one spoke. Mayor Gutierrez closed the public hearing for Council comments. No one spoke.

Councilmember Heyward made a motion to approve Ordinance 21-T-39. Councilmember Scagliola seconded the motion.

Moved by Councilmember Allison Heyward, seconded by Councilmember David Scagliola

Motion passed with a super majority.

AYE: Mayor Ralph Gutierrez, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Jill Whittaker, Mayor Pro-Tem 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 for confirmation Items 1-8 and 9-16.

## **Requests and Announcements**

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

- 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 Dahle attended the Planning and Zoning Sub-Committee meeting

Councilmember Whittaker attended the Planning and Zoning Sub-Committee meeting, 2 Ribbon Cuttings for State Farm and Fearfully and Wonderfully Made (Aerial Yoga), Watchdog Elite Services, the TML Region 7 Dinner

Councilmember Heyward attended 2 Ribbon Cutting for State Farm, Watchdog Elite and Fearfully and Wonderfully Made (Aerial Yoga), Plaque Presentation for Business Incentives, Board Meeting for TMRS Benefit Advisory Board, TAMCC Nominating Committee, TML Region 7 Workshop/Dinner, Schertz Animal Adoption Event

### **Adjournment**

Mayor Gutierrez adjourned the meeting at 9:05 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, Deputy City Secretary