

DRAFT

MINUTES REGULAR MEETING September 14, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on September 14, 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 Michael Dahle; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Jill Whittaker; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

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

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)

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

Employee Recognition

- Employee Promotions (M. Browne)

Mayor Gutierrez recognized City Manager Dr. Mark Browne who recognized the newly promoted employees from June 2021 to August 2021. Dr. Browne will recognize all newly promoted employees each quarter at the City Council meetings.

June 2021:

- Starla Blake-Promoted from Communications Officer to Communications Officer Supervisor
- Megan Fennesy-Promoted from Officer to Corporal
- Chris Foerster-Promoted from EMS Lieutenant to EMS Battalion Chief
- Amanda Hausman-Promoted from Paramedic to EMS Lieutenant
- Dallas Hopper-Promoted from Officer to Corporal
- Scott Morehouse-Promoted from Corporal to Sergeant

July 2021:

- Ben Boney-Promoted from Deputy Fire Marshal to Fire Marshal
- Charles Crismon-Promoted from EMT to Paramedic
- Moses Flores-Promoted from Service Worker I to Service Worker II
- Zach Lowry-Promoted from Firefighter to FAO

August 2021:

- Rebecca Vera-Promoted from Sanitarian to Neighborhood Services Manager
- Jansin Williams-Promoted from EMT to Paramedic

City Events and Announcements

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)
- Announcements and recognitions by the City Manager (M. Browne)
- Announcements and recognitions by the Mayor (R. Gutierrez)

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following information:

- Tuesdays, September 7th through October 12th

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

- Sundays, September 12th through October 17th

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

- Thursday, September 16th

The Volunteer Appreciation Banquet scheduled for Thursday, September 16th has been postponed until March 2022

- Saturday, September 25th

Ed-Zoo-Cation
Crescent Bend Nature Park
10:00-11:00 AM

San Antonio Zoo Center for Conservation has selected Crescent Bend Nature

Park as a harvesting location to help feed their Texas Horned Lizards. Learn about the Texas Horned Lizards, carpenter ants, the history of the animals, and their importance.

If this program is not already cool enough, there is also an opportunity for appearances of live animals/lizards from the zoo! Meet at the 1st parking lot near the restroom building and trailhead.

- Tuesday, September 28, 2021

Next regular scheduled Council meeting.

- Tuesday, 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. A Special Bond Election will also be held on November 2, 2021, for or against the issuance of not to exceed \$15,450,000 of City of Schertz, Texas general obligation bonds for public safety facilities (including a new fire station), and the levying of a tax in payment thereof. Early voting by personal appearance will begin on October 18, 2021, and ends on October 29, 2021. Early voting locations will be posted on Schertz.com.

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 Michael Dahle recognized the following residents:

City Secretary Brenda Dennis-Guadalupe County Concerned Citizens Coalition asked Ms. Dennis to announce the Candidates Forum, September 30, 2021, 6:00p.m., at the Schertz Civic Center Ballroom. It is free and open to the public to ask questions to the candidates for the City of Schertz General Election, City of Cibolo General Election,

Green Valley Special Utility District Election and the Schertz Cibolo Universal City ISD Election. Light refreshments will be served.

Michele Tereletsy, 705 Marilyn Dr. - wanted to thank the author who wrote the article on Voting in the Schertz Magazine. It was an in-depth article and very useful.

Rianne Sykes-Wenske, Branch Director of Big Brothers, Big Sisters of Comal/Guadalupe Counties- wanted to introduce herself and let everyone know they are still looking for mentors and if anyone knows of a child who needs a mentor, to contact her. She left her business cards in the lobby next to the agendas.

Randy Kuepetko, 11910 Lost Meadow - has concerns about the water rates on lower usage (5,000 gallons) vs. usage around the 15,000 gallons. Mr. Kuepetko also commented on the I-35 mixed used/light industry is the way to go to keep businesses supplied with product.

Charlie Roskowski, 2013 Windy Falk- has concerns on the water sitting on Oak St. that accumulates after the rainstorms.

Lisa Mickens, 665 Cotton Patch-did not speak.

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 Items 1-4 into record. Mayor Pro- Tem Dahle read Items 5-7 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of September 7, 2021. (B. Dennis)
2. **Resolution No. 21-R-104** - Consideration and/or action to approve the appointment of Richard Dziejewit to the Board of Directors Place D-4 filling the current vacancy on the Schertz Seguin Local Government Corporation, and other matters in connection therewith. (C. Kelm)
3. **Ordinance No. 21-S-32** - 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. ***Final Reading*** (B. James/L. Wood/M.Harrison)

4. **Ordinance No. 21-S-33** - 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. ***Final Reading*** (B. James/L. Wood/M. Harrison)
5. **Ordinance No. 21-T-38**– Consideration and/or action approving an Ordinance adopting a budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022. ***Final Reading*** (B. James/J. Walters)
6. **Ordinance No. 21-T-39** – 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. ***Final Reading*** (B. James/J. Walters)
7. **Resolution No. 21-R-79** - Consideration and/or action approving a Resolution authorizing an agreement for Provisions of Professional Services between the City of Schertz and the City of Schertz Economic Development Corporation. (M. Browne/A. Perez)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Item #5 Ordinance No. 21-T-38 and Item #6 Ordinance No. 21-T-39 moved for discussion.

Mayor Gutierrez asked for a motion to approve Items #1-4 and Item #7.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward

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

Passed

Discussion and Action Items

Mayor Gutierrez read the following items into record.

5. Ordinance No. 21-T-38– Consideration and/or action approving an Ordinance adopting a budget for the fiscal year beginning October 1, 2021, and ending September 30, 2022. Final Reading (B. James/J. Walters)

Mayor Gutierrez recognized City Manager Dr. Mark Browne who wanted to correct that the ECI (Employment Condition Index) was going to be raised only .25% not 1.25%.

Mayor Gutierrez asked for a motion to approve Ordinance No. 21-T-38.

Moved by Councilmember Rosemary Scott, seconded by Councilmember Allison Heyward

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

Passed

6. Ordinance No. 21-T-39 – 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. Final Reading (B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who had no comments but wanted to explain that budget had to be approved first and that is why this was pulled together.

Mayor Gutierrez asked for a motion to approve Ordinance No. 21-T-39.

Moved by Councilmember Tim Brown, seconded by Councilmember Rosemary Scott

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

Passed

8. **Resolution No. 21-R-103** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to issue a purchase order(s) for the purchase of various vehicles/equipment as part of the FY2021-2022 Vehicle/Equipment replacement program. (C. Kelm/S. Williams/C. Hernandez)

Mayor Gutierrez recognized Fleet Manager Chris Hernandez who gave a presentation on the FY2021-2022 Vehicle/Equipment replacement program.

Within each fiscal budget year, the Fleet Department requests to purchase vehicles/equipment to add to or replace aging vehicles to maintain a good working fleet of City owned vehicles/equipment for the 2021/2022 budget year and in accordance with the Vehicle Replacement Plan previously approved by Council.

The list included: emergency vehicles, light duty vehicles, and equipment to be purchased in FY2021-22. The vehicles/equipment will be purchased from various vendors via group purchasing cooperatives and/or sole source vendors. Each group purchasing cooperative contract was competitively bid by the awarding entity. In addition to that level of competition, City staff also obtained multiple contract quotes to ensure the overall best value for the City was obtained.

Total FY2021-22 Replacement List has 31 assets that will be replaced this October 2021. The approx. cost is \$1,084,000.00 dollars.

Mayor Pro-Tem Dahle asked if the vehicles are replaced by age or repair history. They are replaced by age.

Mayor Gutierrez asked for a motion to approve Resolution 21-R-103.

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember Allison Heyward

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

Passed

9. **Ordinance No. 21-S-37** - 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 ***Final Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez asked Council if a presentation is requested. No presentation needed, Mayor Gutierrez opened up for Council comments.

Councilmember Scott reiterated her concerns about Schertz is becoming a trucking destination and believed the presentation last week by the developer was subjective. She is pro-growth would like to see other businesses in the city.

Councilmember Whittaker drove around Schertz near Lookout Rd and looked at the businesses with office space and with warehouse distribution centers. She is in favor of this development.

Mayor Pro-Tem Dahle stated he this is an appropriate development and appropriate location.

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember Mark Davis

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

NAY: Councilmember Rosemary Scott

Passed

10. **Ordinance No. 21-S-36** - 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. ***Final Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez asked Council would like another presentation on this item. Assistant City Manager Brian James informed Council there were some changes to the ordinance and staff wanted to update the Council. City Planner Megan Harrison explained based on the conversation from the last council meeting, staff made a recommendation to have the zoning changed to a Planned Development District (PDD). Other areas of concern that staff and the developer were able to work out the details out were:

- Eliminated uses such as: Airport, Heliport, or Landing Field, Recycling Collection Center, Trailer/Manufactured Home Sales
- Increased the size of the tree caliper to 3 inches
- Decreased the space between the tree plantings along the frontage to 35 feet
- Locked in the building layout

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

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

NAY: Councilmember Rosemary Scott

Passed

- 11. 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. *Second and Final Reading* (M. Browne/B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who explained that there was an update to the fee schedule from the last meeting. The Fee Schedule for the Licenses/Permit Types for Alcoholic Beverage Permits were updated to reflect the language that the Texas Alcoholic Beverage Commission implemented on these permit types on September 1, 2021.

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

Moved by Councilmember Mark Davis, seconded by Councilmember Jill Whittaker

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

Passed

- 12. Ordinance No. 21-T-41** - Consideration and/or action approving an ordinance by the City Council of the City of Schertz, authorizing an adjustment to the FY 2020-21 Budget, and other matters in connection therewith. *First Reading* (M. Browne, B. James, J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who explained that a budget adjustment is needed for Fire Employee Personnel Costs. Without this adjustment, this line item will be short funded. Also, \$125,000.00 is being transferred from Water and Sewer Administration for new meter purchases over to the Utility Billing Department. The Utility Billing Department will be responsible for purchasing meters, so the funding needed to be transferred to that department.

Mr. Walters also wanted to bring to Council's attention that at the Final Reading at the next council meeting, there may be an adjustment for the Woman Hollering Trunk-line. The contracts will be a ready to bring to Council next meeting and funding will be needed to initiate them. Staff will be requesting the budget adjustment to award the contract and begin the project.

Mayor Gutierrez opened up for Council Comments.

Councilmember Scott asked if the budget is going to be balanced with the additional funding needed for the Fire Department Personnel. Mr. Walters said yes and asked the Council to recognize the additional sales tax coming in, overall there would not be a change to the bottom line.

Mayor Gutierrez asked for a motion to approve Ordinance No. 21-T-41.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward

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

Passed

13. Proposed Appeal to Roadway Capital Recovery - Consideration and/or action on an appeal to roadway capital recovery fees by Responsive Ed. (B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who explained the roadway capital recovery fees appeal with Responsive Education Solutions. Mr. James stated that when an applicant is expanding their business, additional roadway capital recovery fees would be assessed. The roadway capital recovery fees are \$9310.00. The applicant states the roadway capital recovery fees are not applicable to them because they are a charter school. Mr. James indicated that the city staff does not agree with waiving the roadway capital recover fees and explained the appeal process to the applicant.

Mayor Gutierrez recognized Mr. Brian Dahlberg who represents the Responsive Education Solutions, who stated that under LGC § 395.022 (b) exempts school districts from paying impact fees. The project will include to add 8-10 classrooms and expand the cafeteria. Mr. Dahlberg stated with the school's 5013(c) non-profit, the Texas Supreme Court says with respect to their enrollment status, they are a governmental entity, a state public school and therefore exempt from paying impact fees.

Mayor Gutierrez stated the City Council reserves the right to go into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act. Under the Texas Government Code Chapter 551.071 the City Council has the right to confer and seek legal advice from city attorney concerning applicant's appeal of the roadway capital recovery fees.

Mayor Gutierrez recessed the regular meeting into Closed Session at 6:53 p.m.

Mayor Gutierrez reconvened back into regular session at 7:40 p.m.

Chair Mayor Gutierrez made a motion to deny the appeal of the Roadway Capital Recovery Fees. Mayor Pro-Tem Dahle seconded the motion.

Councilmember Jill Whittaker stated it was difficult decision, and she supports the charter school programs. They provide a wonderful option for families.

Councilmember Scott stated this was a difficult discussion and being a public school teacher she understands the issues.

Moved by Mayor Ralph Gutierrez, seconded by Mayor Pro-Tem Michael Dahle

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

NAY: Councilmember Rosemary Scott

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call confirmation for Consent Agenda Items 1-4, 7 and Items 5,6,and 8-13.

Closed Session

Mayor Gutierrez recessed the regular meeting into Closed Session at 7:47 p.m. and read the following into the record:

14. 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-069

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 8:50 p.m.

- 14a. Take any action based on discussion held in closed session under Agenda Item 14.
No action taken.

Roll Call Vote Confirmation

No action taken.

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 Gutierrez recognized the following:

Mayor Pro-Tem Dahle attended the Paws in the Pool Event, Planning and Zoning Sub-Committee Meeting and the TIRZ Meeting

Councilmember Whittaker attended the NEP Luncheon, MAC Luncheon, Planning and Zoning Sub-Committee and TIRZ Meeting.

Councilmember Scagliola attended the Planning and Zoning Sub-Committee Meeting

Councilmember Heyward attended the NEP Luncheon, MAC Luncheon, Paws in the Pool Event, Guadalupe Coalition Meeting- Topic: Teenage Addiction

Adjournment

Mayor Gutierrez adjourned the meeting at 8:54 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary