

DRAFT

MINUTES REGULAR MEETING October 12, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 12, 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; 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 Whittaker)

Mayor Gutierrez recognized Councilmember Whittaker 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 Mr. Ken Greenwald former City Councilmember and Planning and Zoning Commissioner. (Mayor)

Mayor Gutierrez recognized Ms. Thelma Greenwald and Mr. Kenneth Greenwald and presented a proclamation recognizing Mr. Ken Greenwald's 42 years of volunteer service to the City of Schertz, SSLGC, and CCMA Board of Directors.

- Proclamation recognizing Domestic Violence Awareness Month. (Mayor/K. Chandler/Hanna Fisher-Klug)

Mayor Gutierrez recognized Ms. Hanna Fisher-Klug-Community Engagement Specialist-Guadalupe Valley Family Violence Shelter, Krista Chandler-Crime Victim Liaison, Officer Anna Kraft and presented a proclamation recognizing October as Domestic Violence Awareness Month.

Employee Recognition

- 20 Year Service Recognition to Mr. Dudley Wait - EMS. (M. Browne) is scheduled for the November 9, 2021 City Council Meeting.

New Employee Recognition

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

- EMS - Amber Cockrum - EMS Billing Specialist; Sean Hilla, Miranda Horak, John Mays-Thompson, Austin Redman, Nick Romero - EMT's; Darienn Trotter - Paramedic
- PD - Krista Chandler - Crime Victim Liaison; Animal Control: Jaralynne Biggs - Animal Services Technician, Ashley Evans - Animal Services Officer
- Public Works - John Woolston - Facilities Manager; Raymond Garcia, Benjamin Rantz, Brandon Eskildsen, Juan Zamarripa, Caleb Fisher - Service Worker I

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 on upcoming events.

Saturday, October 16th
Schertz Historical Preservation Car Show
Pickrell Park
9:00 AM – 4:00 PM

The Nature Discovery Series is back for Fall 2021! Get your little ones outdoors to discover the exciting nature right in our own backyard. Kids are encouraged to explore, discover, and ask questions to help grow their knowledge of nature. This free program is designed for families with elementary-aged children, but older and younger siblings are also welcome. Texas Master Naturalist volunteers will lead the themed programs on the second Saturday of the month held at Crescent Bend Nature Park. Class will begin at 10:00 a.m., but please arrive early and meet at the first parking lot near the restroom building and the trailhead. Pre-register

on Schertz.com

Sunday, October 17th

Last Game of the Season! Fall 2021 Adult Kickball League (Ages 21 and up)
6:00-10:00 PM

Tuesday, October 26th

Next regular scheduled Council meeting.

Saturday, October 30th

Drive-Thru Candy Cruise
2:00-5:00 PM

The 'Drive-Thru' Candy Cruise will be open from 2:00–5:00 p.m. on Saturday, October 30, 2021. Families are encouraged to dress in costume and visit participating businesses, groups, and City departments. Participating vendors will have their 'trunk' outdoors to share their 'treats'. A map of participating vendors will be available on October 25 on Schertz.com and on social media.

If you would like to have a station on the Candy Cruise, register on CivicRec. There is no fee to participate. Options for businesses/organizations with no storefront are available. If you have any questions, please call Schertz Parks & Recreation at (210) 619-1850 or email parksandrec@schertz.com. If you would like to participate by donating candy, donation stations will be located at the Schertz Family YMCA, Schertz Aquatics Center, City Hall, and The Chamber.

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. A copy of the bond ordinance can be found at www.schertz.com - 2021 General & Special Election information. 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 as well as Election Day Vote Centers.

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

Mayor Gutierrez recognized City Manager Dr. Mark Browne who congratulated the following employees for their recent promotions: Fire Department: Alex

Armstrong-FAO to Lieutenant, Fire Department: Dana Kellum-Firefighter to FAO.

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

No announcements were provided.

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:

- Gary Inmon, SCUCISD Board Member- Mr. Inmon shared a personal story that Mr. Ken Greenwald was the first person he met when he and his family moved to Schertz. He also provided a personal history of his professional career and he is currently a SCUCISD School Board Member. He stated that SCUCISD is a great school district, and it attracts a lot of new residents, because the quality of the schools.
- Hanna Fisher-Klug-Guadalupe Valley Family Violence Shelter who spoke at the presentation of the Domestic Violence Awareness Month Proclamation presentation.

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 1-4 into record. Mayor Pro-Tem read the following Items 5-8 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of September 28, 2021. (B. Dennis)
2. **Appointments and Resignations to the Various City Boards, Commissions and Committees** - Consideration and/or action accepting the resignations of Mr. Rick Haynes from the Planning and Zoning Commission, and the resignation of Ms. Kimberly Smith from the Parks Advisory Board. (B. Dennis/Interview Committee/Council)
3. **Resolution 21-R-97** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas authorizing the city staff to enter into purchase negotiations with GBRA for 3.4096 acres of land located at 22330 IH-35 North in Schertz, Comal County, Texas. (C. Kelm/S. Williams/S. Mayfield)
4. **Resolution No. 21-R-81** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to execute a drainage easement with Schertz-Cibolo-Universal City Independent School District for construction of drainage improvements on the Samuel Clemens High School property by the Elbel Storm Drain and Overlay Project. (B. James/K. Woodlee/J. Nowak)
5. **Resolution No. 21-R-113** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with Terracon Consultants, Inc. relating to the Aviation Heights Water Line Improvements (Phases 5, 6, & 7) Project Construction Materials Testing and Inspection and authorizing the budget expenditures for the project. (B. James/K. Woodlee/J. Shortess)
6. **Resolution No. 21-R-114** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas accepting the Semi-annual report with respect to the progress of the Capital Improvements Plan, and other matters in connection therewith. (B. James/K. Woodlee)
7. **Resolution No. 21-R-112** - 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 Emergency Services Vehicles as part of the 2021-2022 Vehicle/Equipment replacement program. (C. Kelm/S. Williams/C. Hernandez)

8. **Resolution No. 21-R-108** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with Raba Kistner, Inc., for Construction Materials Observation and Testing Services related to the Woman Hollering Creek Wastewater Project. (B. James/K. Woodlee)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor Gutierrez removed Item 3, Resolution 21-R-97, and stated it will be rescheduled to the October 26, 2021, City Council Meeting.

Mayor Gutierrez asked for a motion to approve Consent Agenda Items-1,2 and 4-8.

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

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

Discussion and Action Items

9. **Ordinance No. 21-T-46** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2021-2022 budget to provide funding for an agreement with M&S Engineering for Design, Bid, and Construction Phase professional services for the Civic Center HVAC Replacement Project and authorizing the execution of the agreement, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. (**First Reading**) (C. Kelm/S. Williams/S. McClelland)

Mayor Gutierrez recognized Assistant Public Works Director Scott McClelland who explained the request for authorizing an adjustment to the fiscal year 2021-2022 budget to provide funding for an agreement with M&S Engineering for Design, Bid, and Construction Phase professional services for the Civic Center HVAC Replacement Project.

The proposed project includes:

- Remove existing split system and select ductwork,
- Install new packaged unit with variable air volume units outside and VAV terminal units inside.

Costs:

- Design: \$85,000 (M&S Engineering)
- Estimated Construction: \$825,000
- Proposed to use HOT (Hotel Occupancy Tax) Funds: current balance is \$2,246,341.96

Mayor Gutierrez asked for a motion to approve Ordinance No. 21-T-46. (*First Reading*)

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

- 10. Ordinance No. 21-B-45** - Consideration and approval of an Ordinance by the City Council of the City of Schertz, Texas authorizing the issuance of “City of Schertz, Texas General Obligation and Refunding Bonds, Series 2021”, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; and other matters incident and related thereto, and providing an effective date. (*First and final reading*) (M. Browne/J. Walters/M. McLiney)

Mayor Gutierrez recognized Finance Director James Walters who introduced Mr. Mark McLiney, Financial Advisor, SAMCO, who helped facilitate the sale of these refunding bonds. Mr. McLiney stated the bonds we are selling now will close in November within 90-day window of the call date of February 1, 2022. With Staff support, they went out and bid these bonds today and received 8 bids. The top bid was BOK Financial Services, Inc. with the rate of 1.18%. It equates to approx. a savings of \$65,000 a year, a total of \$710,000. The length of loan was not extended. By November 9, 2021, Bonds Closing: proceeds delivered into escrow account for future defeasance and by February 1st, 2022, Series 2012 and Series 2013 debt to be retired with escrowed proceeds.

Councilmember Scott asked what was our bond rating. It is AA+, 2nd highest possible. Mayor Pro-Tem Dahle and Councilmember Brown thanked Finance Director Walters for his hard work.

Councilmember Scagliola moved to adopt and ordinance authorizing the

issuance of the City of Schertz, Texas General Obligation Refunding Bonds Series 2021.

Moved by Councilmember David Scagliola, 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

Public Hearings

Mayor Gutierrez read the following item into record:

- 11. Ordinance No. 21-S-42** - Conduct a public hearing and consider and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone 1.373 acres of land from Pre- Development District (PRE) to Single-Family Residential/ Agricultural District (RA), generally located 750 feet east of the intersection between Trainer Hale Road and FM 1518, 9049 Trainer Hale Road, also known as Bexar County Property Identification Number 310238, City of Schertz, Bexar County, Texas. ***First Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized City Planner Megan Harrison who presented information for a request to rezone 1.373 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (RA), generally located 750 feet east of the intersection between Trainer Hale Road and FM 1518, 9049 Trainer Hale Road.

Planning and Zoning Commission held a public hearing on September 8, 2021 and made a recommendation to the City Council to approve the rezone from Pre-Development District (PRE) to Single-Family Residential/Agricultural District (RA). Staff recommends approval of the rezone request.

Mayor Gutierrez opened the Public Hearing, and no one spoke; closed the Public Hearing for Council comments.

Councilmember Whittaker stated when the individual came to Planning and Zoning, he thought it might be a commercial opportunity for this property. Ms. Harrison stated the applicant was told that the Comprehensive Plan indicated that this area would be single-family residential.

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

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-S-43** - Conduct a public hearing and consider and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 45 acres of land from General Business District (GB) to Manufacturing Light District (M-1), generally located approximately 1,300 feet east of Friesenhahn Lane and 450 feet north of IH-35 access road, also known as Comal County Property Identification Numbers 150166 & 81285, City of Schertz, Comal County, Texas. (*First Reading*) (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized City Planner Megan Harrison who presented information for the request to rezone approx. 45 acres of land from General Business District (GB) to Manufacturing Light District (M-1). The applicant Mr. Robert Dye, Managing/Co-Founder of Forefront Commercial Real Estate explained in detail the reason why they are requesting a rezone from GB to M-1.

Mayor Gutierrez opened the Public Hearing, and as no one spoke; closed the Public Hearing for Council Comments.

Council comments included appreciation for the upscale design, approving the owner's design of office space in front of property and keeping manufacturing behind off of IH-35 frontage.

Moved by Councilmember Mark Davis, 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. **Ordinance No. 21-S-44-** Conduct a public hearing and consideration and or/action to approve an Ordinance by the City Council of the City of Schertz, Texas to amend the Schertz Code of Ordinances, Unified Development Code (UDC), Article 5, Subsection 21.5.8 Permitted Use Table, to add "Aggregate Extraction". (*First Reading*) (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized City Planner Megan Harrison who presented information for the request to approve Ordinance No. 21-S-44, to amend the Schertz Code of Ordinances, Unified Development Code (UDC) Article 5, Subsection 21.5.8 Permitted Use Table, to add "Aggregate Extraction". Staff was approached by the applicant for a proposed use of aggregate extraction, where he would be taking good dirt of his property to sell. Staff took this proposed usage to the Planning and Zoning Commission, and there was a discussion between the Commission, Staff and Applicant. The PZ Commission made a recommendation to the City Council to have the proposed use of, Aggregate Extraction, to be placed in Manufacturing Light (M-1) and Manufacturing Heavy (M-2) with an Specific Use Permit (SUP). Staff supports the recommendation made by the Commission.

Mayor Gutierrez inquired about the letter of approval from Randolph Air Force Base(RAFB). The RAFB letter was a letter of no objection to the use to place this in this zoning district, however the applicant would have go back to RAFB and get approval of the rezone to M-1 or M-2, because this property is in the AZ-1.

Mayor Gutierrez opened the Public Hearing, and as no one spoke; closed the Public Hearing for Council Comments.

Mayor Pro-Tem Dahle indicated that this is two issues intertwined. 1. Adding the Aggregate Extraction to the UDC with an SUP. 2. Location of the applicant's property (near RAFB), as well looking at the other properties, or cities near this property.

Councilmember Davis stated that this is not about a rezone, it is about adding Aggregate Extraction category into the permitted use table with M-1 and M-2 to the UDC.

Councilmember Scagliola mentioned that he read about complaints from neighbors who complain about the noise and dust with this zoning in another city. He agreed with Mayor Pro-Tem Dahle in wanting approval from the neighboring HOA's.

Councilmember Brown reiterated that this is not about rezoning, it is about adding Aggregate Extraction to the permitted use table of M-1 and M-2 in the UDC.

Councilmember Whittaker stated this is a good heads-up for the potential rezone request for this property, but the ordinance is about adding Aggregate Extraction to the permitted use table of M-1 and M-2.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Michael Dahle, Councilmember Jill Whittaker, Councilmember Tim Brown

NAY: Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember David Scagliola, Councilmember Allison Heyward

Failed

Assistant City Manager Brian James asked City Council to make a recommendation on where they would allow this use in terms of the zoning chart. If there are some concerns with Council, a recommendation for M-2 with an SUP would be an option. Mr. James reiterated that we do need to get the request listed in the UDC.

Mayor Gutierrez asked if a motion to approve the Ordinance No. 21-S-44 (First Reading) with a M-2 with an SUP. Councilmember Brown made a motion to approve. Seconded by Councilmember Whittaker.

Moved by Councilmember Tim Brown, 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

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for Agenda items 1,2 and items 4-13.

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.

Councilmember Scott asked for an updated presentation of the Master Land Use Plan.

- 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 reminded everyone that Schertz Historical Preservation Committee is hosting a Classic Car Show this weekend at Pickrell Park, he also attended the National Night Out events at Riata and Crossvine.

Councilmember Davis attended the TML 2021 Annual Conference, Houston TX.

Councilmember Scott attended the Candidate Forum hosted by the Guadalupe County Concerned Citizens Coalition.

Councilmember Whittaker attended the Candidate Forum hosted by the Guadalupe County Concerned Citizens Coalition, attended the National Night Out event at Crossvine, the TML 2021 Annual Conference, Houston, TX. and the Council & P&Z Sub-Committee Meeting.

Councilmember Scagliola attended the National Night Out event at Riata and Homestead, the TML 2021 Annual Conference, Houston TX. and the City Council & P&Z Sub-Committee Meeting.

Councilmember Heyward attended Candidate Forum hosted by Guadalupe County Concerned Citizens Coalition, attended the National Night Out events with Constable Michael Skrobarcek and other elected officials at Woodbridge Oak Trail Estates, Carolina Crossing North, Greenshire and Cypress Point, attended the TML 2021 Annual Conference, Houston TX, and a meeting for TML Region 7 Board of Directors.

Councilmember Brown attended the Candidate Forum hosted by Guadalupe

County Concerned Citizens Coalition, attended the National Night Out events with Constable Michael Skrobarcek and other elected officials at Woodbridge Oak Trail Estates, Carolina Crossing North, Greenshire and Cypress Point.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:33 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary