

# DRAFT

## MINUTES REGULAR MEETING November 9, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on November 9, 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 Adolfo Ruiz; 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 Scagliola)**

Councilmember Scagliola provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

### **Presentations**

#### **• Love Where You Live (Eric Wilber/L. Wood/R. Vera)**

Mayor Gutierrez recognized Mr. Eric Wilber, Chairman with Love Where You Live, a 501(3)c Non-Profit organization. He stated their Vision is to "Inspire collaboration between cities, churches, businesses, other non-profits and schools to achieve physical transformation through neighborhood cleanups, home maintenance and repair projects".

Mr. Wilber provided a PowerPoint presentation about their organization and the neighborhoods they serve.

- LWYL Strategy use the principle of "love your neighbor as yourself" (Matthew 22.39) to show how much we love and care for our neighbors.
- Focus our efforts on helping homeowners who may not be able to do the work themselves (widows, elderly, disabled, impoverished, etc.)
- Keep our neighborhoods beautiful, safe and stable through both semi-annual clean-up events and individual home projects
- Become a resource for local governments, non-profits, churches and residents when they see neighbor in need.

Mr. Wilber provided a re-cap of their latest event held in the Northcliffe Neighborhood on October 23, 2021. They served 34 homeowners and had a record 224 volunteers that provided much needed clean-up for several homes. He wanted to thank Republic Services, City of Schertz Public Work employees, City Council and Schertz residents. It was a successful event and made a real difference for some homeowners in Northcliffe.

## **Employee Recognition**

Mayor Gutierrez recognized City Manager Dr. Mark Browne who presented the 25 Years of Service Pin to the following employees:

- 25 Years of Service Pin recognition to John Eisen
- 25 Years of Service Pin recognition to Marc Bane

## **New Employee Introductions:**

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

- Animal Services - Mariah Quinn - Animal Services Officer
- Civic Center/Events - Larry Deveny - Part-time Events Attendant
- Engineering - Travis Westbrook - Graduate Engineer
- Neighborhood Services - Amanda Cantu - Sanitarian
- Public Works - Vanessa DiCiolla - Administrative Manager; Adrian Puentes - Fleet Crew Supervisor; Jorge Guzman Service Worker 1

## **City Events and Announcements**

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

**Thursday, November 11th**

Veteran's Day Ceremony - 9:00 AM - Veterans Memorial Plaza

**Thursday and Friday, November 11th and 12th**

Veteran's Day Holiday, City Offices Closed

**Friday, November 12th**

Hal Baldwin Scholarship Golf Tournament - 8:00 AM – 5:00 PM -Olympia Hills Golf Course & Conference Center

**Saturday, November 13th**

Nature Discovery Series – Discover Early Texans - 10:00 AM - Crescent Bend Nature Park

**Monday, November 15th**

Special Council meeting to canvass election results, 6:00 PM, Council Chambers

**Thursday and Friday, November 25th and 26th**

Thanksgiving Holiday, City Offices Closed

**Thursday, December 2nd**

Deck the City Hall (Tree Lighting Ceremony) - 6:00 PM - Building #1 (in front of City Hall)

**Saturday, December 4th**

Holidazzle - 8:00 AM – 7:00 PM - Hal Baldwin Municipal Complex

Breakfast with Santa, Sessions at 8:00 AM, 9:30 AM, and 11:00 AM. Tickets are \$10.00 and registration is required. Call the Parks & Rec Office at 210-619-1850 for more information

Kris Kringle Market from 10:00 AM – 3:00 PM

Holiday Hoopla! Featuring the Mt. Schertz snow hill and snow angel play area. Festival of Angels Lighted Night Parade -- \$15.00 fee for businesses to participate. Register on CivicRec.

**Tuesday, December 7th**

Next regular scheduled Council meeting, 6:00 PM, Council Chambers

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

City Manager Dr. Mark Browne stated that the Mayor, Schertz EMS and himself participated in a Randolph Air Force Base ceremony/photo shoot, that also included Randolph AFB personnel and City of Schertz employees. The ceremony was to recognize the Inter-Local Agreement that was signed by both entities. He also thanked Assistant to the City Manager Sarah Gonzalez for setting up the

ceremony today and EMS Director Jason Mabbitt for his work on the Interlocal Agreement with Randolph Air Force Base.

## **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.**

Mayor Gutierrez recognized the following:

- Maggie Titterington, 1730 Schertz Parkway- Ms. Titterington gave a brief update on the 4th Annual Skylight Balloon Fest held in City of Selma. It was a great success and had over 15,000 attendees. Next year's Skylight Balloon Fest is already in the works. The last Chamber Luncheon of the year will be held on Tuesday, November 16, 2021, at the Schertz Civic Center. It will be the Membership Appreciation and Awards Ceremony. The Chamber and Military Affairs Committee will be hosting the Veterans Day Ceremony at 9:00 a.m. on Thursday, November 11, 2021, at Veterans Plaza in Schertz. Registration to be part of the Health and Wholeness Fair that The Chamber and City of Schertz are hosting, is scheduled for January 29th, 2022. It will be free to the public. More information will be the Chamber's website very soon.
- Judy Goldick, 807 Main Street - Ms. Goldick has concerns about the parking on Main Street. She will be opening up her 6th business on Main Street and there are a lot of cars parked on Main Street. Business owners are trying to revitalize the Main Street area and with 40-50 cars parked regularly on that street, it is a concern for the business owners. She stated the cars that are being moved around, and they block the view and do not provide accessibility to the customers who want to patronize Main Street businesses. She wanted to bring her concerns to City Council.

## **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 regular meeting of October 26, 2021. (B. Dennis)
2. **Appointments and Resignations to the Various City Boards, Commissions and Committees** - Consideration and/or action approving the resignation of Mr. Bill Bowers from the Transportation Safety Advisory Commission (TSAC), the appointment of Mr. Michael Winter as a Regular Member, and the appointments of Mr. Andres Dominguez and Mr. Paul Wiley as Alternate Members. (B. Dennis/Council)
3. **Resolution No. 21-R-117** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Public Library Interlocal Agreement with Guadalupe County. (B. James/M. Uhlhorn)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action, as there were none, Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1-3.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve consent agenda items 1 through 3

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**

4. **Resolution 21-R-123** - Consideration and approval of a Resolution by the City Council of the City of Schertz, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date. (M. Browne/J. Walters)

Mayor Gutierrez read the following item into record:

**Resolution No: 21-R-123**  
**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF**

**SCHERTZ, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND PROVIDING AN EFFECTIVE DATE**

Mayor Gutierrez recognized Finance Director James Walters who explained that for the City to issue Certificates of Obligation (“CO”) to fund capital improvement projects, the City must first adopt a Notice of Intention Resolution and then post the Notice of Intention in the City’s paper of record for two consecutive weeks and post the Notice on the City’s website.

By law, the City can sell its COs at least 46 days after the first publication so long as a petition, certified by the City Secretary, containing signatures of at least 5% of the qualified voters, is not submitted to the City prior to the sale. This Resolution alerts the Citizens that the proposed projects will be considered, and a Certificate of Obligation (“CO”) may be approved on January 11, 2022.

The Resolution makes clear that the City intends to issue COs in an amount not-to-exceed \$10,150,000 for the purposes of purchasing and installing energy management and conservation equipment, street improvements and constructing improvements to the City’s Utility System, which includes FM 1518 utility relocation and roadway improvements for FM 3009 and FM intersection.

Moved by Councilmember David Scagliola, seconded by Councilmember Tim Brown to approve Resolution No. 21-R-123.

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

- 5. Ordinance No. 21-F-47** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas amending Chapter 90, of the Code of Ordinances, Article V, Water and Wastewater Capital Recovery Fees; Repealing all Ordinances or Parts of Ordinance in conflict with this Ordinance, and providing an effective date. *(First Reading)* (C. Kelm/S. Williams/S. McClelland)

Mayor Gutierrez read the following item into record:

## **ORDINANCE NO. 21-F-47**

### **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES, ARTICLE V, WATER AND WASTEWATER CAPITAL RECOVERY FEES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

Mayor Gutierrez recognized Assistant Director of Public Works Scott McClelland who gave a presentation and explained the changes in a section of Chapter 90 that needs to be modified with regard to how capital recovery fees are assessed. The first revision is to change the time of assessment of capital recovery fees to final plat recordation. This change aligns the City process with surrounding agencies such as CCMA and SSLGC. The second revision is to clarify language regarding properties that were platted prior to the first capital recovery fee being established. The proposed revision will charge developments platted prior to the first capital recovery fees an amount equal to the initial capital recovery fee. The current wording of the section would require the development to pay the current capital recovery fee.

Assistant City Manager Brian James explained the reasoning for making the changes to this part of Chapter 90.

Council had some questions concerning if the city is giving too much of a break on the impact fees to a developer who recorded their final plat years ago, but are now just deciding to build. Mr. James said it mainly affects the older parts of town where plats were recorded and not built up. He did state with the city bringing in less revenue, it was thought to be a more fair and consistent to those who recorded before the impact fees were updated.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward to approve Ordinance No. 21-F-47 on first reading.

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-48** - 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 additional funding for the Tri County Parkway Project Construction Phase, repealing all Ordinances or Parts of Ordinances in conflict with this Ordinance; and providing an effective date. *First Reading* (M. Browne/A. Perez)

Mayor Gutierrez read the following item into record:

**ORDINANCE NO. 21-T-48**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2021- 2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE TRI COUNTY PARKWAY PROJECT CONSTRUCTION PHASE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Gutierrez recognized Economic Development Director Adrian Perez who provided information on the request to adjustment to the Fiscal Year 2021-2022 Budget to provide additional funding for the Tri County Parkway Project Construction Phase,

Tri County Parkway, from Corridor Parkway to FM 3009, and Lookout Road between Tri County Parkway and Doerr Lane (“Tri County Parkway”) is a major collector that supports primary job employers and commercial businesses within the Schertz Industrial Park.

On October 17, 2019, the SEDC Board of Directors approved Resolution No. 2019-19 recommending to City Council approval of up to \$4,050,000.00 for the Tri County Parkway project from the FY 2020-2021 SEDC Budget. On January 7, 2020, City Council approved Resolution No. 20-R-03 approving allocation of funding for the Tri County Parkway project.

A brief description of the project includes the reconstruction of Tri County Parkway from Corridor Parkway to FM 3009 and Lookout Road from Tri County Parkway to Doerr Lane and replacement and upsizing of the sanitary sewer mains in those roadway segments. The original project scope included improvements to the intersection at Tri County Parkway and FM 3009. However, TxDOT has indicated signaling is currently not warranted. This element was removed from the scope.

Engineering released Request for Bids (RFB) on August 10, 2021. Bids were opened on Tuesday, September 21, 2021, for the Tri County Parkway Project.

To date, the SEDC Reserves have transferred a total of \$4,050,00.00 to the City General fund in support of the Tri County Parkway project. Total construction budget based on lowest bid and contingency totals \$4,900,000.00. This Budget Adjustment Ordinance allocates an additional \$1,240,000.00 bringing the total project cost including scoping and construction to \$5,290,000.00 summarized as follows:

Original Project Allocation \$4,050,000.00  
- Engineering Costs \$ 390,000.00  
= Construction Balance \$3,660,000.00

Construction Budget Required (Lowest Bid + 8% Contingency)  
\$4,900,000.00  
Construction Budget Adjustment (Budget Adjustment Ordinance  
21-T-48) \$1,240,000.00  
Total Project Cost: \$5,290,000.00

On October 28, 2021, the SEDC Board of Directors approved Resolution No. 2021-10 recommending to City Council approval of up to \$5,290,000.00 for resurfacing of Tri County Parkway.

Councilmember Scott asked if this budget adjustment was for an expansion project. Mr. Perez explained the project was just to resurface the existing roads in the Tri County Parkway.

Moved by Councilmember Rosemary Scott, seconded by Mayor Pro-Tem Michael Dahle to approve Ordinance No. 21-T-48 on first reading.

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

- 7. Resolution No. 21-R-120** - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Bexar County Appraisal District for the FY2022-2023 term. (Mayor/Council)

Mayor Gutierrez read the following item into record:

### **RESOLUTION NO. 21-R-120**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF**

**SCHERTZ, TEXAS CASTING VOTES TO ELECT DIRECTORS FOR THE BEXAR COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM.**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided information for the Bexar County Appraisal District Board of Director nominees explaining that the City of Schertz has three votes to cast. Councilmember Heyward recommended Bexar County Candidate: Trish DeBerry. Councilmember Whittaker and Councilmember Brown concurred with Councilmember Heyward's recommendation to give 3 votes to Trish DeBerry.

Moved by Councilmember Allison Heyward, seconded by Councilmember Jill Whittaker to approve Resolution No. 21-R-120 casting the 3 votes for Trish DeBerry.

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

- 8. Resolution No. 21-R-121** - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Comal County Appraisal District for the FY2022-2023 term.(Mayor/Council)

Mayor Gutierrez read the following item into record:

**RESOLUTION NO. 21-R-121**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CASTING VOTES TO ELECT DIRECTORS FOR THE COMAL COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM.**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided information for the Comal County Appraisal District Board of Director nominees. She stated that the City of Schertz has 64 votes that could be given to one candidate or Council could divide them amongst the nominees.

Ms. Dennis stated staff reached out to the City of Garden Ridge and they had nominated and cast their votes for Randy Maschek. Councilmember Heyward agreed with the City of Garden Ridge's choice and recommended that all 64 votes be given to Candidate Randy Maschek.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Resolution No. 21-R-121 casting the 64 votes for Randy Maschek.

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. **Resolution No. 21-R-122** - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Guadalupe County Appraisal District for the FY2022-2023 term. (Mayor/Council)

Mayor Gutierrez read the following item into record:

### **RESOLUTION NO. 21-R-122**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CASTING VOTES TO ELECT DIRECTORS FOR THE GUADALUPE COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM.**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided information for the Guadalupe County Appraisal District Board of Director nominees. Ms. Dennis stated that the City has 245 votes for which Council could cast their votes for one candidate or distribution the 245 among the others.

Ms. Dennis stated staff reached out to the following cities: City of Selma will be casting their votes for Daryl John, City of Cibolo at the time of the writing did not indicate where they will be casting their votes.

Councilmember Scagliola recommended either Daryl John or Letticia Sever. Councilmember Whittaker recommended splitting the 245 votes between both candidates. Councilmember Scagliola recommended splitting the votes: 125 to Daryl John and 120 to Letticia. Councilmember Heyward recommended: 120 votes for Daryl John and 125 to Letticia Sever.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Resolution No. 21-R-122 casting 120 votes for Daryl John and 125 votes for Letticia Sever

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

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided the roll call for Items 1-3, and 4-9.

### **Closed Session**

Mayor Gutierrez read the following:

- 10.** City Council will meet in Closed Session under Section 551.071 of the Texas Government Code, Consultation with Attorney to receive legal advice related to utility relocation associated with the FM 1518 project.

Mayor Gutierrez recessed the meeting into Closed Session at 7:16 p.m. and read the following item into record:

### **Reconvene into Regular Session**

Mayor Gutierrez reconvened back into regular session at 7:47 p.m.

- 10A.** Take any action based on discussions held in closed session under Agenda Item 10.

No action taken at this time.

### **Roll Call Vote Confirmation**

No roll call vote.

### **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

Mayor Gutierrez mentioned Item 11 indicating this was informational item only and that the information was provided in the Council packets as well as can be found online.

- 11. Monthly update** - on Major Projects in progress/CIP. (B. James/K. Woodlee)

## Requests and Announcements

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

Councilmember Scott stated she would like a presentation on the plans and progress of the Main Street Project after the new year.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Dahle attended: Grand Opening Ceremony for the new Chamber Office in Selma, Ribbon Cutting Ceremony for the Purple Pig Restaurant

Councilmember Whittaker attended: Coffee with the Chamber, Grand Opening Ceremony for the new Chamber Office in Selma, Ribbon Cutting Ceremony for the Purple Pig Restaurant

Councilmember Scagliola attended: The Lion's Club Casino Night, a reminder that the Schertz Small Business Grant Program Applications are due by the 1st of December, and the Hal Baldwin Golf Tournament

## Adjournment

Mayor Gutierrez adjourned the meeting at 7:51 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary