

DRAFT

MINUTES REGULAR MEETING December 7, 2021

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

City City Manager Dr. Mark Browne; Assistant City Manager Brian James;
Staff: Assistant City Manager Charles Kelm; City Attorney Megan Santee; 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)

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

Employee Recognition

- 20 Years of Service Pin recognition to Dudley Wait

Mr. Wait was unavailable for presentation.

- 25 Years of Service Pin recognition to Kevin Anderson

Assistant City Manager Charles Kelm presented a 25 Years of Service Pin to Mr. Kevin Anderson and thanked him for service and commitment to the City of Schertz.

- Recognition to Jason Mabbitt - Achievement for the Randolph EMS Contract

Mayor Gutierrez recognized City Manager Dr. Mark Browne who presented EMS Director Jason Mabbitt with the City Manager's Coin for his work on the Randolph EMS Contract. Mayor Gutierrez also thanked EMS Director Mabbitt for this achievement and presented him with a City Council Coin. EMS Director Mabbitt thanked both Dr. Mark Browne and Mayor Gutierrez for recognizing him tonight, but wanted everyone to know it was team effort. The EMS Staff worked very hard on this contract and EMS Director Mabbitt thanked them for their assistance.

New Employee Introductions:

Mayor Gutierrez recognized various Department Heads who introduced their new employees:

- **Animal Services:** Mariah Quinn-Janson - Animal Services Officer
- **Library:** Michelle Wiegand - Library Clerk, Lila Hudson - Library Clerk
- **Police Department:** Haylee Humphrey - Communications Officer

Presentations:

- Presentation on the *Schertz Emerging Leaders Program* (M. Browne/J. Kurz/S. Gonzalez)

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez and HR Director Jessica Kurz who presented the Schertz Emerging Leaders Program to City Council.

The Schertz Emerging Leaders Program Overview:

- 8-month curriculum of leadership development
- Facilitated by Strategic Government Resources (SGR)
- Will include and incorporate concepts related to
 - Leadership
 - Human behavior
 - Trust
 - Effective communication
 - Conflict resolution
 - Emotional intelligence, and more

Mentorship Component (Structured and formal)

- Monthly sessions will consist of
 - In-person course instruction

- Pre- and post-session assignments
- Assigned book and reading schedule
- Mentor meetings

Participation in program does not result in monetary increase, promotion, or guaranteed merit increase.

2022 Inaugural Class

- Michael Reed EMS
- Eric Haugen IT
- Michelle Yang Parks
- Megan Lagunas Animal Services
- Demetrio Martinez Streets
- Will Dalrymple Inspections
- Antonio Valle Sign Shop
- Bryce Burch Streets
- Chad Lonsberry Facilities
- Will Sutton Police

Councilmember Scott asked about Strategic Government Resources (SGR) and the essay selection process. Ms. Gonzalez explained that the Executive Management Team (Dr. Browne, ACM James and ACM Kelm) reviewed the essays and recommended the 10 employees for this program. Mayor Gutierrez and Dr. Browne thanked Ms. Gonzalez and Ms. Kurz for their work on the Schertz Emerging Leaders Program.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Brian James who announced upcoming City Events.

Tuesday, December 14th - Next regular scheduled Council meeting, 6:00 PM, Council Chambers

Tuesday, December 14th

Breakfast with the Blue
8:00 AM-10:00 AM
Jalisco (FM 3009)

Friday, December 17th

Blue Santa Day
4:00 PM-6:00 PM
Community Center

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

Dr. Mark Browne thanked the Parks Dept. and all the volunteers who helped with the Holidazzle and Festival of Angels Event. It well attended and a great success. Dr. Browne also thanked the Police Dept., Public Works Dept., Animal Care Services Dept., Public Affairs, Fire Dept., Neighbor Services, Civic Center Staff, EMS Staff and all the community volunteers that help make City Events successful.

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

Mayor Gutierrez thanked the Parks Dept., all city staff and community volunteers for their participation in making City Events successful and enjoyed by the community.

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 who spoke:

- Douglas Becker, 9410 Arranda Lane- Mr. Becker stated that the area he lives in, they do not have sewers. He would like a sewer line put in to service this area. He and his neighbors do pay taxes and would hope that a sewer line can be installed.
- Daniel Jameson- Thanked the city for recognizing his parents on their anniversary this past summer. It was a memorable event for his parents, and they enjoyed it. His father enjoyed the Veterans Day festivities and felt honored to be at the ceremony. Mr. Jameson stated that he and his parents enjoyed the Holidazzle Parade.
- Maggie Titterington- Thanked the City Staff for the wonderful traditions of the Tree Lighting Ceremony, Holidazzle and Festival of Angels. She loved the improvements to the tree and the overall events. Ms. Titterington stated on Agenda #10- she is in favor and supports the rezoning. On Agenda #11-The PZ Sub-Committee Workshop Overview, Ms. Titterington supports the recommended changes concerning Tree Mitigation.
- Glen Outlaw, 3729 Forsyth Park- Mr. Outlaw stated that he observed a Schertz Police Officer on a motorbike doing traffic enforcement. He stated that traffic enforcement is very important especially when there are drivers going over the speed limit on Schertz Parkway and FM 3009. Mr. Outlaw encouraged City Council and Dr. Browne with this next budget cycle to possibly phase in

additional staffing to the Police Department over the next few years.

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 and Mayor Pro-Tem Dahle read the following items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of November 9, 2021 and the minutes of the Special Meeting of November 15, 2021. (B. Dennis)
2. **Resolution No. 21-R-129** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract with Texas Sterling Construction Co. for the Tri-County Parkway Project and authorizing the budget expenditures for the project. (B. James/K. Woodlee/J. Nowak)
3. **Resolution No. 21-R-124** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract with Fuquay, Inc. for the 2020 Fog Seal Project and authorizing the budget expenditures for the project. (B. James/K. Woodlee/J. Nowak)
4. **Resolution No. 21-R-128** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a budget amendment to the Schertz-Seguin Local Government Corporation Fiscal Year 2021-2022 Annual Budget in the amount of \$122,000.00 as a transfer to the SSLGC Future Development Fund and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)
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. (*Final Reading*) (C. Kelm/S. Williams/S. McClelland)

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. (*Final Reading*) (M. Browne/A. Perez)

7. **Appointments and Resignations to the Various City Boards, Commissions and Committees** - Consideration and/or action approving the appointment of Ms. Judy Goldick as a Regular Member, the appointment of Mr. Roderick Hector as Alternate Member to the Planning and Zoning Commission and the appointment of Mr. James "Brad" Snow to the Parks & Recreation Advisory Board. (B. Dennis/Council)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor recognized Councilmember Scott who requested that Agenda Item 2 be removed for separate discussion. Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1, and 3 through 7.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Rosemary Scott to approve consent agenda items 1, and 3 through 7.

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

Passed

Discussion and Action Items

2. **Resolution No. 21-R-129** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract with Texas Sterling Construction Co. for the Tri-County Parkway Project and authorizing the budget expenditures for the project. (B. James/K. Woodlee/J. Nowak)

Mayor Gutierrez read the following into record:

RESOLUTION NO. 21-R-129

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A CONTRACT WITH TEXAS STERLING CONSTRUCTION CO. RELATING TO THE TRI-COUNTY PARKWAY PROJECT AND AUTHORIZING THE BUDGET EXPENDITURES FOR THE PROJECT

Mayor Gutierrez recognized Assistant City Manager Brian James and City Engineer

John Nowak. Mr. James introduced this item stating this item is to obtain authorization from City Council to execute a construction contract with Texas Sterling Construction Co. for \$4,524,163.98 and not to exceed amount of \$4,900,000.00 for the Tri-County Parkway Project.

The project will replace the existing sanitary sewer line in Tri-County Parkway between FM 3009 and Lookout Road and on Lookout Road from Tri-County Parkway to Doerr Lane with a larger sanitary sewer line and will reconstruct Tri-County Parkway from FM 3009 to Corridor Parkway and reconstruct Lookout Road from Tri-County Parkway to Doerr Lane. The larger sewer line will provide for additional sanitary sewer capacity in the area for existing and future development. Reconstruction of the pavement sections will provide a new driving surface and a stronger pavement section, capable of supporting the traffic loading on the streets.

Mr James addressed Councilmember Scott's question regarding the contractor selected for the project.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward to approve Resolution No. 21-R-129.

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

Passed

- 8. Ordinance No. 21-T-50** - 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, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. (*First Reading*) (M. Browne/J. Walters)

The following was read into record:

ORDINANCE NO. 21-T-50

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2021-2022 BUDGET, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE - First Reading

Mayor Gutierrez recognized Finance Director James Walters who introduced this item stating this budget amendment ordinance is meant to move unused budgeted amounts from FY 2020-21 to FY 2021-22. This adjustment is for

departments that had unused budgeted amounts due to delays in manufacturing, back ordered/out of stock items, or project schedules that run through multiple fiscal years. The identified items and amounts to be rolled forward amount to \$1,258,932. A list of items are outlined below:

1. Increase Planning and Zoning Division's budget by \$401,314 - \$400,000 for the Master Plan and \$1,314 for furniture related to the new Senior Planner position.
2. Increase Public Affairs budget by \$16,000 for the Citizen Satisfaction Survey which was delayed due to COVID concerns.
3. Increase Engineering budget by \$13,115 - \$4,075 for the Municipal Facilities Stormwater Control Inventory and \$9,040 for a Lift Station Design Guide update.
4. Increase Library's budget by \$1,762 to utilize donated funds for new activity center equipment for the children's room.
5. Increase Fleet budget by \$1,953 for procure supplies for the Park's replacement vehicle.
6. Increase Fire's budget by \$36,409 for backordered supplies.
7. Increase Street's budget by \$111,000 - \$51,000 for FM 78 Maintenance and \$60,000 for Aviation Heights Sidewalks Phase II
8. Increase Facilities Maintenance budget by \$182,000 - \$45,000 for the completion of the Animal Adoption Center's gate and fence and \$137,000 for corrective maintenance projects like the City Hall front counter remodel.
9. Increase the Water & Sewer budget by \$91,000 - \$73,000 for sewer camera system for inspecting sewer mains and \$18,000 for a leak detection system.
10. Increase EMS budget by \$359,492 - \$293,490 for the approved ambulance purchase and \$34,086 for supplies including safety vests, flu vaccines and uniforms.
11. Increase the Hotel Occupancy Tax budget by \$44,888 for the new banquet chairs that had shipping delays.

Staff is also proposing to purchase the new fire apparatus that was approved in the Fire Station 4 bonds. If this purchase is made before 2022, the City will save about \$80,000. The full price of the fire apparatus is \$1,298,921 and will be reimbursed by voter approved bonds issued later in 2022. Mr. Walters addressed questions from Council.

Moved by Councilmember Tim Brown, seconded by Councilmember Mark Davis to approve Ordinance No. 21-T-50 on first reading.

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

Passed

Public Hearings

9. **Ordinance No. 21-S-49** - Conduct a Public Hearing and Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas amending Article 15 replacing Section 21.15.4, of the City of Schertz Unified Development Code, Easements and Utilities; Repealing all Ordinances or Parts of Ordinance in Conflict with this Ordinance, and providing an effective date. *(First Reading)* (C. Kelm/S. Williams)

The following was read into record:

ORDINANCE NO. 21-S-49

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS REPLACING SECTION 21.15.4 OF THE CODE OF ORDINANCES, ARTICLE XV, EASEMENTS AND UTILITIES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE - First Reading

Mayor Gutierrez recognized Public Works Director Suzanne Williams who introduced this item stating Article 15, Section 21.15.4-Easements and Utilities states that all utilities shall be located in the front yard, installed underground, and if placed above ground the poles must be steel. The rigidness of the language without flexibility makes it very difficult to consistently enforce. The Ordinance is being updated to clarify to the customer how and where utility poles can be installed underground or overhead to ensure the installation of utility poles meet the City's standards.

In addition, the current language does not provide clarification to the developer and/or City staff as to the direction for utility growth in Schertz in different zones. So waivers have consistently been given and there are currently utility poles installed above ground, underground, on one side of the street, both sides of the street, and are both wooden and steel poles. Because it is in the City's best interest to coordinate and regulate the placement of public and private utilities, the City proposes to clarify Article 15 to help ensure reliable, safe, and aesthetically pleasing infrastructure. The proposal provides guidelines to developers and City staff to direct the growth of the City in the direction the City desires. In addition, flexibility is included in the article that considers both overhead and underground utilities to ensure cost-effective utilities for the residents.

Such regulations and coordination shall be managed under the UDC.

This article was approved by the Schertz Planning and Zoning Commission on November 17, 2021.

Mayor Gutierrez opened the public hearing for those wishing to speak and recognized the following:

- Mr. Glen Outlaw, 3729 Forsyth Park- Mr. Outlaw, as Chairman of the Planning and Zoning he wanted to address two issues. Mr. Outlaw stated that the Planning and Zoning Commission forwarded it to City Council with recommendation of approval. The first concern was the lighting standards and that they were compatible with JBSA Randolph and how they would communicate with them on these issues. The other concern was the part about installing poles and providing conduit with installation. They wanted to make sure it stated that the city will decide if a project will need conduit or not.

As there were no others wishing to speak, Mayor Gutierrez closed the public hearing. Mayor Gutierrez asked if they had discussed clearance on the height of the poles. Councilman Brown appreciates the flexibility being written into the document. Ms. Williams stated that the concerns that the Planning and Zoning had were addressed.

Mayor Pro-Tem Dahle asked about the utilities being underground vs. overhead installation. If overhead installation was needed, the developer would request it with a waiver. The current ordinance does not allow overhead, so staff added flexibility into the ordinance to address those issues. Mayor Pro-Tem Dahle asked about the requirements underground and when conduit was needed. Assistant City Manager Kelm explained that our franchise agreements outlines the standards needed for underground installation and the City follows those agreements.

Dr. Browne thanked the staff for their hard work on expanding and clarifying the ordinance on such matters. It will cut down on the request for waivers with this expanded ordinance.

Moved by Councilmember David Scagliola, seconded by Councilmember Tim Brown to approve Ordinance No. 21-S-49 on first reading.

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

Passed

10. **Ordinance No. 21-S-51** - 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 2.5 acres of land from Single-Family Residential/Agricultural District (RA) to Planned Development District (PDD), located at 7809 FM 1518 N, also known as Bexar County Property Identification Number 1149102, City of Schertz, Bexar County, Texas. *(First Reading)* **(B. James/L.Wood/M.Harrison)**

Mayor Gutierrez read the following into record:

ORDINANCE NO. 21-S-51

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 2.5 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), LOCATED AT 7809 FM 1518N, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER 1149102, BEXAR COUNTY, TEXAS.

Mayor Gutierrez recognized Planner Megan Harrison who introduced this item stating the applicant is proposing to rezone approximately 2.5 acres of land to Planned Development District (PDD) as part of The Crossvine PDD. Four (4) public hearing notices were mailed to the surrounding property owners on November 5, 2021, with a public hearing notice published in the "San Antonio Express" on November 19, 2021, prior to the City Council Public Hearing. At the time of this staff report staff has received zero (0) responses in favor or opposed to the zone change.

The goal of the proposed zone change is to incorporate an additional 2.5 acre of land into The Crossvine Planned Development (PDD) and to apply the terms, conditions, and requirements associated in the existing The Crossvine Module IIIB. The Planning and Zoning Commission conducted a public hearing on November 17, 2021, and offered a recommendation of approval with a vote of 4-0. Therefore, staff supports the recommendation made by the Planning and Commission and recommends approval of The Crossvine PDD 6th Amendment.

Mayor Gutierrez recognized the applicant Mr. Chris Price who introduced himself and stated he was here if City Council had any questions.

Mayor Gutierrez opened the public hearing for those wishing to speak, as no one spoke, Mayor Gutierrez closed the public hearing for Council comments.

Mayor Gutierrez recognized Councilmember Whittaker who stated that being on the Sub-Committee and talking about PDD's this request makes complete since that everything around this parcel has been approved and this

should mirror the previous agreements. Ms. Harrison addressed concerns presented by Councilmember Scott regarding the 5-foot set backs.

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 21-S-51 on first reading.

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 Deputy City Secretary Sheila Edmondson who provided the roll call vote confirmation for agenda items 1 through 10.

Workshop

- 11.** Workshop and Presentation providing an overview and summary of the City Council and Planning and Zoning Commission Sub Committee (B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following overview information which came out of several Sub-Committee meetings:

General Overview:

- The City Council and Planning and Zoning Commission held a joint meeting where they discussed current issues for current and proposed development standards for the City of Schertz.
- It was decided to create a smaller group to discuss the pressing concerns that each board had.

- The subcommittee was created which consisted of 6 members, members identified below:
 - 3 members from City Council
 - Councilmember Jill Whittaker, Chair for the subcommittee
 - Mayor Pro-Tem Michael Dahle
 - Councilmember David Scagliola
 - 3 members from the Planning and Zoning Commission
 - Commissioner Richard Braud
 - Commissioner Earl Platt
 - Commissioner Jimmy Odom

- The subcommittee met for their first meeting on September 7th and held a total of 7 meetings
- During the course of the meetings there were discussions on:
 - Lot sizes / density
 - Set backs
 - Straight Zoning
 - Planned Development Districts
 - Design Standards
 - Tree Mitigation Fee Caps

- After much discussion, the consensus from the subcommittee was to recommend allowing straight zoning for R-6 and R-7, currently prohibited from being requested, with the caveat that the allowance would only occur if:
 - There are approved upon residential subdivision design standards
 - A limitation on the size of areas that can be zoned R-6 and R-7, specifically,
- R-6:
 - 7,200sq ft minimum lot area
 - Maximum of 40 acres allowable
- R-7
 - 6,600 sq ft minimum lot area
 - Maximum of 30 acres allowable

- The subcommittee outlined the following as design standards that are to be included in all residential developments as desired by the City:
 - Two off street parking spaces must be provided for mailbox kiosks
 - Mailboxes must be covered
 - Curvilinear streets are desired, and specific standards will be provided for developers to follow

- For example, a residential street cannot be over 500 feet without the center line deflecting at least 30 feet. Shorter streets under 500 feet can be straight.
 - Usable Open Space needs to be provided
- Specifically, 1 acre for the first 100 lots, and a 1/2 acre for the next 100 lots
- Open space needs to be disbursed in the development with a ½ acre minimum of open space

- The purpose of the Planned Development Districts are to promote and encourage innovative development in the City of Schertz. It is a way for the developer to take the current regulations and build upon those to make a unique development that stands out, among others.

- The subcommittee was made aware that developers are needing clearer direction of what the city is wanting to see within the PDD's. Therefore, the subcommittee created a list of items they would want to see within Planned Development Districts.

Assistant City Manager Brian James stated that staff will go back and work with Planning and Zoning to finalize the standards that were discussed.

Councilmember Jill Whittaker stated that the Sub-Committee spent over 8-9 hours discussing these issues. She thanked the staff for preparing the information on the topics that were discussed. The Sub-Committee compromised on many issues and collectively agreed on several issues presented tonight. Mayor Pro-Tem Dahle agreed that the end results were a compromise and stated that he believes these standards will be good for the city. Councilmember Scagliola stated that most of the topics the Sub-Committee were in agreement in many of the concerns, and it was just a matter of finding the right verbiage. Mayor Gutierrez thanked the Sub-Committee and Staff for working together on this project.

Subcommittee Outcomes Tree Mitigation Fee Cap

- Currently tree mitigation is calculated at \$100 per DBH
 - Protected Trees (trees 8”- 24”) are mitigated at a 1:1 ratio- or \$100 per inch
 - Heritage Trees (trees 24” or greater) are mitigated at a 3:1 ratio- or \$300 per inch
- The general intent of the Tree Mitigation program is to get the developer to be thoughtful about which trees they take out when they develop property.
- However, the current mitigation rates for heavily wooded lots can cause a significant amount of tree mitigation fee to be due. The goal behind the tree mitigation program is not about collecting money but making sure the developers are thoughtful with their design and construction.
- Based on this there was discussion on capping the tree mitigation fee that could be collected on a per acre basis.

- Based on the discussions at the subcommittee meeting, staff was directed to proceed forward with a proposed UDC Amendment to cap the tree mitigation fee that can be collected to \$10,000 per acre.

Mayor Gutierrez stated he liked this recommendation and developers will know the potential costs for tree mitigation moving forward with their project. With the current standards, developer would not know the costs of tree mitigation before getting a tree survey done. With a cap, the developer will get a sense of what costs they are potentially looking at. Councilmember Brown and Councilmember Heyward wanted to confirm that other part of the

current tree mitigation standards would not change, only the cap of \$10,000 an acre was recommended.

Councilmember Davis stated he does not see the cap being more beneficial to what we currently have with the tree mitigation program. He continued in stating that we currently penalize developers with heavily wooded lots compared to developers with open lots. There are no details to how the \$10,000 cap is achieved and if it is possible to have the developers sidestep the costs without definitive details of the Tree Mitigation Program written out. Councilmember Davis believes this does not meet the spirit of the intent moving forward on how we properly look at a piece of property and give guidance to a developer.

Assistant City Manager Brian James stated that no property is created equal, and there is no way to equalize that detail. If City Council would like Staff to work on other options, they will discuss it in further detail and come back to Council.

Councilmember Davis would like to see some comparisons on previous projects' costs and the costs if the \$10,000 cap was in place. ACM James will put some comparison data together and bring it back to Council. He will also contact developers who have done work in the city and ask them how much their tree survey cost. ACM James explained that the tree survey helps the developer with the current requirements to save a certain percentage of trees on the property. Without the survey there is not a way to know what is on their property. ACM James and staff will go back and discuss the current tree mitigation, tree surveys, heritage trees, landscaping requirements and take time to really look at all these issues.

Closed Session

Mayor Gutierrez read the following closed session items into record:

12. 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-074
 - Project E-080

13. City Council will meet in Closed Session under Section 551.071 of the Texas Government Code, Consultation with the Attorney regarding contract negotiations with Schertz-Seguin Local Government Corporation (SSLGC)

Mayor Gutierrez recessed the meeting into Closed Session at 8:25 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 10:01 p.m.

- 12a. Take any action based on discussion held in Closed Session under Agenda Item 12.

No action was taken.

- 13a. Take any action based on discussion held in Closed Session under Agenda Item 13.

No Action was taken.

Roll Call Vote Confirmation

No roll call vote confirmation as no action was taken on agenda items 12a & 13a.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez mentioned Items 14, 15 & 16 indicating these were informational items only and that the information was provided in the Council packets as well as can be found online.

14. **Quarterly Financial Reports** - Quarterly Financial Reports. (M. Browne/J. Walters/B. Martin)

15. **2022 Master Calendar** - Information on 2022 Master Calendar and Boards/Commissions (M. Browne/S. Gonzalez)

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

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

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

No items requested.

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

No items were requested.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Dahle attended: Tree Lighting Ceremony last week, Holiday Parade on Saturday, Ribbon Cutting Ceremony for the Hot Works Yoga and lastly this evening before Council the opening of our new Repair Shop Facility at 27 Commercial Place.

Councilmember Davis attended: Tree Lighting Ceremony last week, Holiday Parade on Saturday and the opening of our new Repair Shop Facility at 27 Commercial Place.

Councilmember Scott attended: Tree Lighting Ceremony.

Councilmember Whittaker attended: Tree Lighting Ceremony, Holiday Parade on Saturday, 12th Flying Training Wing Community and Senior Leaders Holiday Social, and today's opening of our new Repair Shop Facility at 27 Commercial Place.

Councilmember Scagliola attended: Chamber Luncheon, Tree Lighting Ceremony, Holiday Parade on Saturday, and today's opening of our new Repair Shop Facility at 27 Commercial Place.

Councilmember Heyward attended: Ribbon Cutting Ceremony for Community First Health, Ribbon Cutting Ceremony for Hot Works Yoga, Chamber Luncheon, TMRS Advisory Board Meeting in Austin and their grand opening of their new facility, Public Investment Act Training in San Antonio, Tree Lighting Ceremony, Holiday Parade on Saturday, 12th Flying Training Wing Community and Senior Leaders Holiday Social.

Councilmember Brown attended: Tree Lighting Ceremony, Holiday Parade on Saturday, and today's opening of our new Repair Shop Facility at 27 Commercial Place.

Adjournment

Mayor Gutierrez adjourned the meeting at 10:06 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Deputy City Secretary