

# DRAFT

MINUTES  
REGULAR MEETING  
March 8, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on March 8, 2022, 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 David Scagliola; Councilmember Mark Davis; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; 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

## 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)

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

Mayor Gutierrez reminded the Students who were participating in the Hall Baldwin Scholarship Program, to make sure that they sign the sheet in the back. Mayor Gutierrez also stated that those who are watching on-line to please make sure that they contact Sarah Gonzalez at 210-619-1015 to receive credit.

## Presentations

- Proclamation recognizing Schertz Knights of Columbus Day.

Mayor Gutierrez recognized Members of the Schertz Knights of Columbus who were present and came forward accepting the Proclamation recognizing Schertz Knights of Columbus Day. Mr. Javier Espinada thanked the City for the recognition and stated they enjoy supporting the community and giving back to the community. He stated that on the 20th they will be celebrating with all members what has happened over the last 50 years.

Mayor Gutierrez thanked the Knights of Columbus members for giving back to the community, they have contributed in so many ways. The COVID-19 Shot Clinic, the excellent Fish Fries on Fridays, etc.

## 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 upcoming events:

### **Saturday, March 19th**

#### **Breakfast with the Heat**

9:00 AM – 11:00 AM

Schertz YMCA

The event will be on the splash pad. Bring your families and your smiles!

### **Tuesday, March 22nd**

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

### **Friday, March 25th**

#### **Pre-Budget Retreat**

8:30 AM-5:00 PM

Fire Station #3

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

Mayor Gutierrez recognized City Manager Dr. Mark Browne who showed a photo of the Leadership Team which consists of the City Department Heads and the Executive Management Team from the City Managers office. He stated we gathered for a Retreat on Thursday and Friday, starting with a walk at Heritage Oaks Park - beautiful park and beautiful day. He stated it was a very good retreat which included talking about team building and how to move forward as a team. The frank conversations were great and everyone got a lot of out of it. He is very optimistic about the future of our team and appreciated everyone's input. It was a very successful event.

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

Mayor Gutierrez stated that this past weekend we had the Kick Cancer Wilenchik Walk/Run for Life event. He thanked all the residents who participated in supporting the cause.

He stated he has a special presentation and called Mr. Brian James, Assistant City Manager and presented him with his medal. Mayor Gutierrez stated that he received 2nd place in his age group. Mayor also presented Councilmember Michael Dahle with his medal who received 1st place in his age group. Mr. James stated that there were two in his age group.

Mayor Gutierrez also stated that he had the honor of attending a special birthday celebration for Mr. Raymond Flores and his 100th birthday celebration. Mr. Flores shared some great stories.

## 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 Pro-Tem Scagliola recognized the following who spoke:

- Mr. Daniel Jameson, 1048 Richmond Drive who came forward stating that he was picking someone up on Ray Corbett Drive and was unable to see the street sign because it was not visible. He requested that

the sign be brightened up for better visibility. He stated that there are several other signs that are not visible and suggested that they get painted and that this could be a project.

- Ms. Maggie Titterington, 1730 Schertz Parkway who came forward providing the following Chamber Updates:
  - Thank you for ribbon cutting attendance and support in Live Oak.
  - Heb kick-off to The Taste- area restaurants seeing more traffic
  - Updates to visitor center landscaping- thank you to City for doing this, it's looking great
  - Requested White letters of support- if City has issues they want brought up to our State Representatives, please give to her before April 12th
  - Leadership CORE- class project is the Schertz Animal Facility. Will raise funds and donations and present at July luncheon.
- Mr. Bobby Jones, 12406 Guy Guisborne, who spoke about the drainage ditch issues behind his home, he provided photographs of the issues. Mayor directed Mr. Jones to Public Works Director Suzanne Williams to discuss.
- Ms. Judy Goldick and Mr. Jerry Goldick, 807 Main Street, who address the Council again on the serious parking issues on Main Street. The parking issues are affecting businesses on Main Street and suggested a variance to park behind the fence. As a point of record, Mayor and City Manager stated that the Main Street Committee is looking into these issues.

### 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 into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of regular meeting of March 1, 2022. (B. Dennis)
2. **Resolution No. 22-R-28** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into a job order contract with Sullivan Contracting Services to complete the Civic Center HVAC Replacement Project. (C. Kelm/S. Williams/S. McClelland)
3. **Ordinance No. 22-T-09** - 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 the Civic Center HVAC Replacement Project, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. **(Final Reading)** (C. Kelm/S. Williams/S. McClelland)
4. **Ordinance No. 22-T-10** - 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, of \$570,000, to provide funding for the purchase of property currently owned by Guadalupe Basin River Authority (GBRA), repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. **(Final Reading)** (C. Kelm/S. Williams)

5. **Resolution No. 22-R-33** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into a contract to purchase 3.4096 acres of property currently owned by Guadalupe Blanco River Authority (GBRA) at 22330 IH-35 North, Schertz, Texas. (C. Kelm/S. Williams)
6. **Resolution No. 22-R-32** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the extension of the Independent Audit Services Contract for two years with Patillo, Browne, and Hill. (M. Browne/J. Walters/B. Martin)
7. **Resignations to Boards/Commissions/Committees** - Consideration and/or action regarding resignations to various Boards/Commissions/Committees. (Council/B. Dennis)
  - Resignation of Mr. Mateo Garcia - Transportation Safety Advisory Commission
8. **Resolution No. 22-R-26** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with Fuquay, Inc. relating to the Crest Oak Wastewater Upsize and authorizing the budget expenditures for the project. (B. James/K. Woodlee/J. Shortess)

Mayor Gutierrez asked Council if there were any items the wished removed for separate action. As there were none, Mayor Gutierrez called for a motion to approve Consent Agenda items 1 through 8.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michael Dahle to approve consent agenda items 1 through 8.

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

Passed

## Discussion and Action Items

9. **Resolution No. 22-R-31** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas accepting the Comprehensive Annual Financial Report - CAFR Fiscal Year 2020-21. (M. Browne/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters and Assistant Finance Director Babet Martin who introduced Mr. Clayton Rodgers with Patillo, Brown and Hill, LLP, who provided information regarding their responsibilities to the audit. He provided a brief presentation regarding the Comprehensive Annual Financial Report and stated that everything was good, the City was in compliance, and they offered an Unmodified Opinion, which is the highest rating the City can receive. He also provided information that was required this year regarding on the Single Audit Report. Mr. Rodgers thanked the Finance Department Staff and others who assisted in the gathering of the information. Mr. Rodgers addressed questions from Council.

Mayor Gutierrez called for a motion to approve Resolution No. 22-R-31 accepting the Comprehensive Annual Report - CAFR Fiscal Year 2020-21.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward to approve Resolution No. 22-R-31.

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

Passed

- 10. Ordinance No. 22-G-14** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas amending Chapter 66, Police - Articles I and II of the Code of Ordinances of the City of Schertz, Texas to provide for the establishment of the City of Schertz Police Department; establishing the position of Chief of Police and providing for the employment of Police Officers; prescribing the qualifications, duties and responsibilities of the Chief of Police and Police Officers establishing the jurisdictional boundaries of the department; providing a savings clause, and providing an effective date. *First Reading* (C. Kelm/M. Bane)

Mayor Gutierrez recognized Interim Police Chief Marc Bane who provided a brief presentation regarding the proposed changes.

He stated the City of Schertz Police Department is pursuing a "Recognized" status from the Texas Police Chiefs Association's Law Enforcement Best Business Practices Recognition Program. The standards of the Recognition Program require specific language creating a police department and the authority and responsibility of both Officers and the Chief of Police than the current language. The proposed amended ordinance will meet the criteria as set forth Texas Police Chiefs Association's Law Enforcement Best Business Practices Recognition Program.

He stated the Texas Chiefs of Police Law Enforcement Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 166 Texas Law Enforcement Best Practices. Being "Recognized" means that a police agency has proven that it meets or exceeds all the identified Best Practices for Texas Law Enforcement. These Best Practices cover aspects of law enforcement operations such as use of force, protection of citizen rights, pursuits, property and evidence management, and patrol and investigative operations. Approving the changes to this ordinance is one step closer to obtaining Best Practices Recognition. Staff recommends approval of amending Chapter 66 Police Articles I and II of the Code of Ordinances. Chief Bane addressed questions from Council.

Mayor Gutierrez called for a motion to approve Ordinance No. 22-G-14 on first reading.

Moved by Councilmember Allison Heyward, seconded by Councilmember Jill Whittaker to approve Ordinance No. 22-G-14 on first reading.

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

Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for Consent Agenda items 1 through 8 and Agenda items 9 & 10.

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

Mayor Gutierrez stated that Agenda Item 11 is an informational only item and was provided in the Council packets and can be viewed as well on the City website.

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

**Requests and Announcements**

- Announcements by the City Manager.

City Manager Dr. Browne thanked Mr. James Walters and Ms. Babet Martin on the great work they did to get the Audit completed. They did a tremendous amount of work, and it is one of the biggest efforts for the year for the Finance Department. Outstanding work this year!

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

None at this time.

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

No items requested.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Scagliola attended the Kick Cancer event - staff did a great job setting it up, the BVYA Opening Day Celebration where Mayor Boyle of Cibola threw out the softball, and he was able to throw out the hard ball for the event. He didn't embarrass the City.

Councilmember Davis stated that he attended the Schertz Housing Authority meeting Monday.

Councilmember Whittaker stated she attended the BVYA Opening Day Parade Celebration, the Ribbon cutting in the City of Live Oak and mentioned there were several cities there celebrating the opening. Feels good that all the cities support the businesses.

Councilmember Dahle stated he attended the Kick Cancer event and thanked his dog Maverick for dragging him along for such a great time to finish the race.

Councilmember Heyward stated she attended the Ribbon Cutting event in Live Oak and also mentioned it was great to see so many cities out participating, even representatives from At Home attended, she also attended the Guadalupe County Collation for Drug Addiction and Alcohol.

Councilmember Brown stated he attended the Kick Cancer event and thanked the Parks and Recreation department for the great work in setting it up.

**Adjournment**

Mayor Gutierrez adjourned the meeting at 6:51 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary