

DRAFT

MINUTES REGULAR MEETING May 24, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on May 24, 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 Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Staff: Manager Charles Kelm; City Attorney Adolfo Ruiz; City Secretary Brenda Dennis; 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 Michael Dahle)

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

Presentations

- Recognition and presentation of certificates to the 4th Grade Students of Rose Garden Elementary for participation in the Schertz Future Leaders Program. (Mayor/B. Dennis)

City Secretary Brenda Dennis thanked Rose Garden Elementary's Student Council and Ms. Chelsea Belcher, Student Council Advisor, for participating in the Schertz Future Leadership Program. She thanked all the City Departments who participated in today's Future Leadership Program. It was a great day for the students to meet with the Mayor, Councilmembers, City Manager and City Staff to learn about leadership. Mayor Gutierrez and Ms. Dennis presented all the students with a certificate.

- Recognition and Check presentation to May's Cancer for proceeds of the "Kick Cancer Pep Rally and 5K Run". (M. Browne/L. Shrum)

Mayor Gutierrez and Parks Director Lauren Shrum presented a check to May's Cancer Center with the proceeds from the "Kick Cancer" Pep Rally and 5K Run.

Proclamations

- Proclamation recognizing Community Action Month. (Mayor/Bobby Deike/Rebecca McHaney)

Mayor Gutierrez presented a proclamation to the Community Council of South Central Texas recognizing the month of May as Community Action Month.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who announced the following.

Monday, May 30

Memorial Day – City Offices Closed

Memorial Day Ceremony

10:00 AM (Council asked to arrive at 9:30 AM and check-in with Henry Conway)

Veteran’s Memorial Park

3864 Cibolo Valley Drive, Cibolo

Light refreshments will be served

Monday-Friday, June 6-June 10

Junior High Fire Academy and High School Fire Academy

8:00 AM – 12:00 PM

Fire Station #1

There will be a graduation ceremony at 12:00 PM on Friday, June 10 for the cadets and family members with certificates being handed out and pizza and cake being served.

City Council is invited to come out on any of the days or times to watch the cadets participate in the many training activities planned.

Tuesday, June 7

Next regular scheduled Council meeting

6:00 PM

Council Chambers

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. Preston Kinikin, 11218 Forest Pass Ct, Live Oak, TX.- Mr. Kinikin introduced himself and his organization, Warriors of Ramoth. Warriors of Ramoth are a non-profit organization of Veterans and First Responders who provide assistance to Veterans and First Responders in need. Counseling, meetings with dinner and guidance are available to veterans and first responders at no charge.
- Ms. Laurel Friday, 11218 Forest Pass Ct, Live Oak, TX-Yielded her time -3 minutes to Mr. Preston Kinikin.
- Ms. Kathleen Chipma, 201 Winburn - Ms. Chipma asked that the fountain at Pickrell Park gets fixed and wanted signs for dog owners to pick up after their animals. She is also concerned with the speeding on Oak St. She would like stop signs and possible electronic speed monitors added to Oak St.
- Ms. Carole Herr, City of Cibolo Parks and Recreation- Ms. Herr invited City Council to attend the Joint Memorial Day Ceremony on May 30th, 2022 at Veteran's Park in Cibolo, TX.
- Ms. Tiffanie Shirley- Physicians Premier, introduced herself and is part of the Chamber Leadership Core Program.

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 agenda items 1 through 3 and Mayor Pro-Tem Scagliola read agenda items 4-7 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of May 10, 2022 (B. Dennis)
2. **Resolution No. 22-R-50** - Consideration and/or action approving a Resolution by the City Council of Schertz, Texas authorizing a Purchase Agreement with Loyal 9 Manufacturing, DBA Sons of Liberty Gun Works, for M4 Long Rifles and accessories. (M. Bane/W. Sutton)
3. **Resignations and Appointments to Boards/Commissions/Committees** - Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)
 - Resignation of Mr. Dean Weirtz from the Historical Preservation Committee

4. **Resolution No. 22-R-48** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas awarding the contract for landscaping the Cibolo Valley Drive medians to Cutrite Landscaping, and other matters in connection therewith. (B. James/L. Shrum)
5. **Resolution No. 22-R-51** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an amendment to the Professional Services Contract with Raba Kistner, Inc. for the Tri-County Parkway Project to add scope and fees for construction materials sampling and testing. (B. James/K. Woodlee/J. Nowak)
6. **Ordinance No. 22-M-20** - Consideration and/or action adopting an Ordinance by the City Council of the City of Schertz, Texas setting dates for the end of terms of volunteer members on City Boards, Commissions, and Committees, and requiring new applicants wishing to serve or fill a vacancy be interviewed by the Interview Committee at the same time the City Board conducts their annual interviews. Repealing all ordinances or resolutions or parts of an ordinances or resolutions in conflict with this ordinance; and providing an effective date. **(Final Reading)** (Interview Committee/S. Edmondson)
7. **Ordinance No. 22-T-21**- Consideration and/or action adopting an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the fiscal year 2021-2022 budget to landscape the Cibolo Valley Drive medians, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. **(Final Reading)** (B.James/L.Shrum)

Mayor Pro-Tem Scagliola requested that Consent Agenda Item 6 be removed for separate action.

Mayor Gutierrez stated that we have a request to remove Agenda Item 6 from consent and ask Council if there were any others. As no further items were removed, Mayor Gutierrez called for a motion to approve Consent Agenda Items 1-5 and Item 7.

Moved by Councilmember Allison Heyward, seconded by Councilmember Jill Whittaker to approve Consent Agenda Items 1 through 5 and Agenda Item 7.

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

6. Ordinance No. 22-M-20 - Consideration and/or action adopting an Ordinance by the City Council of the City of Schertz, Texas setting dates for the end of terms of volunteer members on City Boards, Commissions, and Committees, and requiring new applicants wishing to serve or fill a vacancy be interviewed by the Interview Committee at the same time the City Board conducts their annual interviews. Repealing all ordinances or resolutions or parts of an ordinances or resolutions in conflict with this ordinance; and providing an effective date. *(Final Reading)*

Mayor Gutierrez read into record the following:

ORDINANCE NO. 22-M-20

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS SETTING EXPIRATION DATES FOR THE END OF TERMS OF VOLUNTEER MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES, AND REQUIRING NEW APPLICANTS WISHING TO SERVE OR FILL A VACANCY BE INTERVIEWED BY THE INTERVIEW COMMITTEE AT THE SAME TIME THE CITY BOARD CONDUCTS THEIR ANNUAL INTERVIEWS, ANNUAL INTERVIEWS OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE *(Final Reading)*

Mayor Gutierrez recognized Mayor-Pro Tem Scagliola who asked for this item to be removed from the Consent Agenda. Mayor Pro-Tem Scagliola asked that in Exhibit B, Section 2, the phrase "*at the same time the City Boards conduct their annual interviews...*" be removed since it has not been decided that the Interview Board will be conducting annual interviews of Board members. He also stated that in the Ordinance under Section 2, the word "*same*" needs to be removed, because it implies the interviews would be conducted at the same time at the annual reviews. Mayor Pro-Tem Scagliola made a motion to approve Ordinance 22-M-20 with the changes he listed above. Councilmember Brown seconded the motion.

Councilmember Whittaker clarified that the ordinance was setting new end of term dates, and suggested "*that at the term ending date, the new candidates would be interviewed.*" be added.

Mayor Gutierrez called for the vote on Ordinance 22-M-20.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Tim Brown

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

Passed

8. **Ordinance No. 22-D-22** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article IV, Section 86-118 Maximum Limits in School Zones to add a segment of Fairlawn Avenue; and providing an effective date. (*First Reading*) (B. James/K. Woodlee)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-D-22

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 86, ARTICLE IV, SECTION 86-118 MAXIMUM LIMITS IN SCHOOL ZONES TO ADD A SEGMENT OF FAIRLAWN AVENUE; AND PROVIDING AN EFFECTIVE DATE (*First Reading*)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who introduced this item who stated with the opening of the School of Science and Technology at the intersection of the northbound frontage road of IH 35 and Fairlawn Avenue, it became apparent through the observation of new traffic in the vicinity that the establishment of school speed zone would promote safer travel by raising awareness of modified traffic behavior and patterns during particular times of the day when school is in session.

This concern was presented to the Transportation Safety Advisory Commission (TSAC). During its regular meeting on March 3, 2022, TSAC discussed the issue and voted unanimously to recommend that a school speed zone be established along Fairlawn Avenue in the vicinity of the newly opened school. The goal of this ordinance is to ensure that school zones are up-to-date in the City of Schertz and enforced through the Code of Ordinances, and provide for safe travel while maintaining proper records for maximum speed limits in school zones.

The establishment of a school zone in the vicinity of the School of Science and Technology promotes awareness of school time traffic patterns and subsequently results in a safer environment for vehicular and pedestrian traffic in the area. Staff recommends approval.

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola who stated it is good to coordinate with the Schools on these issues. As there were no further comments, Mayor Gutierrez call for a motion to approve Ordinance No. 22-D-22 on first reading.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem David Scagliola to approve Ordinance No. 22-D-22.

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

Passed

9. **Ordinance No. 22-D-23** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article V, Section 86-149 Parking Prohibited to add segments of Fairlawn Avenue; and providing an effective date. (*First Reading*) (B. James/K. Woodlee)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-D-23

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 86, ARTICLE V, SECTION 86-149 PARKING PROHIBITED TO ADD SEGMENTS OF FAIRLAWN AVENUE; AND PROVIDING AN EFFECTIVE DATE (*First Reading*)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who stated with the development and opening of the School of Science and Technology (SST) at the intersection of Fairlawn Avenue with the north-bound IH 35 frontage road, traffic in the vicinity was significantly affected. SST staff worked to implement operational schemes to minimize disruption on the adjacent roadways, however, individuals dropping off and picking up students from the school continue to park, stop, and/or stand along Fairlawn Avenue and particularly around the traffic-calming circle. The presence of those vehicles cause confusion and backup of vehicles traveling through the zone. That backup in turn creates an unsafe and inefficient traffic situation.

City and SST staff worked together to observe the behavior of the motorists over a period of months during the school year and determined that the purpose for parking, stopping, or standing in this area is generally to avoid proceeding through the car line established by the school to effectively, safely, and efficiently allow for student pick up and drop off from the facility. Adequate off-street queue length is available and should be used. It is expected that eliminating vehicles from the sides of the public street along this stretch will allow more free-flow of traffic and subsequently a safer situation.

This concern was presented to the Transportation Safety Advisory Commission (TSAC). During its regular meeting on March 3, 2022, TSAC discussed the issue and voted unanimously to recommend that a no parking zone be established along Fairlawn Avenue in the vicinity of the newly opened school.

There is currently a no parking zone around the traffic-calming circle by Sippel Elementary further to the south, this is remaining in place. Staff recommends approval. As there was no discussion from Council, Mayor Gutierrez called for a motion to approve Ordinance No 22-D-23 on first reading.

Moved by Councilmember Allison Heyward, seconded by Councilmember Mark Davis to approve Ordinance No. 22-D-23 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 agenda items 1 through 9.

Workshop

- 10. Main Street Project** - Worksession Discussion regarding the Main Street Project. (M. Browne/B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following information regarding the Schertz Main Street Redevelopment Project:

Recent Background

- On April 19, 2022, the Schertz Main Street Committee met to review a revised redevelopment proposal/design for Main Street.
- Staff and the Committee have been working since this past fall with a design team from Kimley-Horn on design elements for Main Street.
- Code Enforcement
- Targeted Incentives
- Design Review Discussion
- Plane and Art Installation
- Next Meeting Date April 19, 2022

Design Overview

- On April 19, 2022, the Schertz Main Street Committee met to review a revised redevelopment proposal/design for Main Street.
- Staff and the Committee have been working since this past fall with a design team from Kimley Horne on design elements for Main Street.
- The design elements being considered include:
 - Street Resurfacing including sections of decorative paving
 - Entry Monumentation
 - Street Furniture
 - Improved Lighting
 - Landscaping and Art Concepts
 - Undergrounding of Existing Overhead Utilities

- Replacement of Water and Sewer Lines
- Wayfinding Concepts
- Define Parking Areas

Context

- The physical improvements to Main Street are the most significant step to date in revitalizing Schertz's Main Street.
- Prior Initiatives as part of this larger effort have included:
 - Grants
 - New Zoning Districts
 - Modifications to development regulations
 - Special Events
 - Highlighting Main Street businesses and progress

Progress

- During the past 5 years or so, significant private investment.
- Purple Pig
- The Bar House
- Americana Coffee & Espresso Bar
- Las Pinchachas
- Chrissy Rae's Dance
- KM Counseling
- Regal Realty
- Coming Soon: The Hidden Grove Food Truck Court New Building 824 Main

Purpose/Goal

- Regular Maintenance like in other areas of the City
 - Street and Utility work simply needs to be done given current conditions
- Provide a place to serve as the heart of the community
- Current Promote economic development – particularly small locally owned businesses
- Invest in the area as a way to ensure the larger Aviation Heights Neighborhood doesn't decline

Cost

- Regular Maintenance like in other areas of the City
 - Street and Utility work simply needs to be done given current conditions
- Provide a place to serve as the heart of the community
- Current Promote economic development – particularly small locally owned businesses
- Invest in the area as a way to ensure the larger Aviation Heights Neighborhood doesn't decline
- Staff is going to utilize other sources of funding where available, but staff needs to know Council is willing to cover this amount so as to move forward.
- In particular staff is going to seek additional funding from SEDC given the

City's increased investment. This would reduce the amount to be issued next year.

- Art is anticipated to be an additional cost covered from HOT funds.
- A portion of the Lindbergh project can be covered from the SPAM funds.
- Staff is still finalizing the cost to underground utilities.
- Significant contingency and cushion has been included given rising costs.

Summary

- Staff is recommending to do this as one effort not to phase it – like the skateboard park so as to have a big impact.
- This will likely be all of our legacy project – the most memorable thing that the City will do over 35 years.
- It will have a long-lasting – resurrecting the heart of the community and maintaining the vitality for the older part of our community.

Mayor Gutierrez opened it up for Council questions and comments. Council discussed the staff's recommendation of issuing CO bonds over 2 years to cover costs associated with the redevelopment with \$3,250,000 being issued this year and \$7,250,000 in 2024. Staff indicated this will reduce bonding capacity and eat up the savings and nullify the tax swap to 2030. It was the consensus for staff to move forward.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

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

Councilmember Dahle regarding the Main Street Project discussion this evening and as we are moving forward he would like to see for detailed information regarding the cost categories on what we are looking at.

Councilmember Heyward stated that she had received a call that the AC System was out at the Senior Center and was one of those days which it was really hot, she wanted to thank all the staff, public works for jumping on it to make sure they had the proper cooling. She also thanked staff for working with the company who repairs the systems and instead of a six-week turn around, they were able to shorten it to three weeks.

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

Councilmember Heyward requested a discussion regarding Council going back to liaisons on City Boards, Commissions and Committees.

Councilmember Davis requested a discussion and action item regarding an overview of all fees City of Schertz charges for development - specifically in regard to the impact of waiving them from Main Street Development.

Councilmember Heyward requested discussion with Council and Staff on being able to meet with all the different Boards, Commissions and Committees at least once a year.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Scagliola stated he attended the City of Live Oak Armed Forces Day Parade and today the Joint City Council and Planning & Zoning Subcommittee meeting.

Councilmember Davis stated he attended the Joint Cibolo and Schertz Police Memorial Day Ceremony.

Councilmember Whittaker stated she attended last week the Northeast Partnership Meeting, Chamber Luncheon and this week she attended the Bellissimo Studios Ribbon Cutting event this week, the Joint Cibolo and Schertz Police Memorial Day Ceremony and today the Joint City Council and Planning & Zoning Subcommittee meeting.

Councilmember Dahle stated he attended the Joint City Council and Planning & Zoning Subcommittee meeting today.

Councilmember Heyward stated she attended the Chamber Luncheon, the Joint Cibolo and Schertz Police Memorial Day Ceremony, Investment Committee Meeting. Some awesome news for her and is exciting, she attended the TML 6 Day Leadership Academy Program. She completed her Academy, and she is now a TML Leadership Fellow.

Councilmember Brown stated he attended Joint Cibolo and Schertz Police Memorial Day Ceremony.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:34 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary