

DRAFT

MINUTES REGULAR MEETING July 5, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on July 5, 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; Assistant to the City Manager Sarah Gonzalez; Deputy City Secretary Sheila Edmondson

Call to Order

Mayor Gutierrez called the meeting to order at 6:00 p.m.

Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Whittaker)

Mayor Gutierrez recognized Councilmember Jill Whittaker who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

Employee Recognition - Introduce New Employees

Department Heads introduced their new employees to the City Council.

- Engineering: Herman Pacheco, Inspector
- Finance: Mike Walkden, Finance Analyst
- Planning & Community Development: Samuel Haas, Planner
- Public Works Drainage: Trevor Walker, Drainage Worker 1
- Public Works Streets: Jesse Jr. Nauta, and Ernesto Galan, Street Worker I; Brian Ricker, Anthony Grubbs and Jeremy Weaver, Service Worker I;

Presentations

- Presentation regarding CityView (B. James/L. Wood/E. Delgado)

Mayor Gutierrez recognized Senior Planner Emily Delgado who provided a brief PowerPoint with live demonstration on the features of the new CityView software. She stated CityView is a land use management software which will help automate business processes such as planning projects, permitting, inspections, contractors' registrations and code enforcement. The new software will allow citizens, applicants and contractors to sign up and/or register to use an interactive web portal to submit, pay, request, and track their projects, permits and inspections, planning applications, and code enforcement complaints online.

Departments involved: Planning and Community Development including all three divisions (Planning, Building Permits and Inspections, and Neighborhood Services), Engineering Department, Public Works Department, Fire Department, Parks Department, IT and GIS.

CityView Components

CityView consists of three separate applications:

- Portal: Utilized by residents and customers to submit, receive updates and comments, and pay fees for applications, permits, and code enforcement complaints
- Workspace: Utilized by City Staff to complete reviews of the applications submitted, process applications and permits
- Mobile: Utilized by Field Staff, ie. Inspectors to complete inspections in the field

CityView Portal is accessible from the City of Schertz Website, CityView Workspace is utilized by City Staff to complete their day-to-day work assignments, and CityView Mobile is utilized by field staff to complete their inspections.

Ms. Delgado provided stats since GoLive on May 16th. Key take aways since GoLive:

- Prior to CityView Building Permits was utilizing multiple different software programs (Incode, WebQA, Sharepoint, Planner). Now Permits and Inspections is utilizing only CityView which has decreased the processing and intake time of permits.
- By only needing one software system it is providing staff more time to assist customers at the counter and on the phone. This is not unique just to Building Permits, other departments such as Planning, Engineering, Fire, and Public Works have also eliminated other software programs they were using.
- CityView offers transparency for the residents and customers that was not previously available.
- CityView's reporting capabilities provides staff the ability to quickly

see workload, current status, next steps, revenue, etc. Previously, it was much more difficult and not as encompassing.

Ms. Delgado opened it up for questions and comments from Council. Mayor and Council provided their comments on how useful this software will make it for all involved to be able to track their projects, permits and inspections, planning applications, and code enforcement complaints online.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following announcements:

Thursday, July 7

Taco Palenque - City of Schertz Ribbon Cutting Ceremony 12 Noon, 17605 I-35 N

Celebrating Parks & Rec Month Pupsicle Party 6:00 – 8:00 PM, Schertz Dog Park, 940 Community Circle

Saturday, July 9

Nature Discovery Series Discover Clues & Traces 10:00 – 11:00 AM, Crescent Bend Nature Park

Tuesday, July 12

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

Thursday, July 14 NEP, 11:30 AM, Olympia Hills Golf and Conference Center
Please RSVP to the City Secretary's office.

Election Information

Filing for place on the November 8, 2022 ballot for the City of Schertz Joint General Election to elect a Mayor and Councilmembers in Place 1 and 2 for a three-year term from November 2022 and ending November 2025 **begins July 25 and ends August 22, 2022 at 5:00 PM**. Candidate packets are available online on the city's website and can also be obtained in the City Secretary's office, 1400 Schertz Parkway, Building #2.

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

City Manager Dr. Mark Browne thanked all the employees who helped with the 4th of July Jubilee event. It was a fantastic success, and he really appreciated everyone's efforts. Led by Lauren Shrum and her team, everything went really well from the parade in the morning to the carnival and other activities in the afternoon and then the music and fireworks that evening.

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

Mayor Gutierrez also expressed his thanks to all staff involved in the success of the 4th of Jubilee event.

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:

- Ms. Maggie Titterington, 1730 Schertz Parkway, provided the following information:

Great 4th of July and many thanks to the staff for all their hard work. As a resident, I so appreciate the celebration.

July 19th is our monthly Chamber Luncheon featuring the graduation of our Leadership CORE class. Jay Johnson will be our guest keynote speaker.

July 29th is our Summer Smoothie Celebration at Tropical Smoothie from 7:30am to 9:00am. This takes the place of our "Coffee at The Chamber" events through the summer months. Free smoothies and breakfast goodies are available, so come out.

CityView is fantastic, and she would like to see if we can do a presentation to their members.

The Chamber took first place for Best Directory at the Texas Chamber of Commerce Executives Conference last week. They also placed in the Top 10 of the San Antonio Business Journals List of Top Chambers of Commerce in the area.

- Mr. Daniel Jameson, 1048 Richmond Drive, commented on the great 4th July Jubilee event.
- Mr. Herman Harlohs, 11564 Ware Seguin Road, stated he had a situation happen a few weeks ago where an individual was going at a high rate of speed on his street and lost control and went through his fence. Issue why they lost control is the road condition around the 11520 location there is a dip and a bump and a dip, those that live in the area drive around on the other lane to avoid it, also at the 12630 location there is also a large dip. At these locations you can see skid marks where trailer hitches have hit the holes and left marks, some neighbors have indicated the dips are so sever that it hits their oil pans because they are bottoming out. Wanting to know if someone from Public Works can come out to improve those areas, he also mentioned the reflectors

that the contractor put in when they improved that road need to be replaced as well as no stripping visible. He stated that the old portion of Ware Seguin needs new signage. City Manager Dr. Mark Browne asked Assistant City Manager Charles Kelm to speak to Mr. Harlohs.

- Mr. Nick Sherman, 653 Padova, Cibolo, is on the Board of Directors with the Green Valley SUD and was here tonight on his own behalf. Green Valley has had an unexpected Board vacancy in their Presidency, and the Vice President automatically ascends to the Presidency, the remaining Board Members will appoint a replacement director. They have an agenda posted with instructions on how to apply and any resident of Schertz that has Green Valley services are eligible to put in their name for appointment. The date of July 14th has been set to consider appointments, anyone interested, please go to their website where instructions are listed there - email your information to Mr. Pat Allen, General Manager at pallen@Gvsud.org and your name will be added to the list of applicants.

Second point of business is that he lives in the area of Old Weiderstein Road and greatly appreciates the City doing improvements to the roadway. Public works did a great job.

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 Consent Agenda Items 1-3 into record. Mayor Pro-Tem Scagliola read the following Consent Agenda Items 4-6 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 28, 2022. (B. Dennis)
2. **Ordinance No. 22-S-25** - Consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 22 acres of the Future Land Use Map from the Agricultural Conservation land use designation to the Multi-Family Residential land use designation, generally located approximately 1,100 feet west of the intersection between FM 482 and Hubertus Road, also known as Comal County Property Identification Numbers 401272, 401273, 75375, 75237, 75246 City of Schertz, Comal County, Texas. **Final Reading** (B. James/L. Wood/M. Harrison)
3. **Ordinance No. 22-S-26** - Consideration and/or action on a request to rezone approximately 22 acres of land to Apartment/Multi-Family Residential District (R-4), generally located 1,100 feet west of the intersection of FM 482 and Hubertus Road, also known as Comal County Property Identification Numbers 401272, 401273, 75375, 75237, and 75246, City of Schertz, Comal County, Texas. **Final Reading** (B. James/L. Wood/M. Harrison)

4. **Resolution No. 22-R-71** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to sign a Letter of Intent (LOI) with Southwest Ambulance Sales for the purchase of one (1) new ambulance for Fiscal Year 2022/2023. (C. Kelm/J.Mabbitt)

5. **Resolution No. 22-R-60** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas calling the November 8, 2022, City of Schertz Joint General Election with Comal County, Bexar County and Guadalupe County and approving the Comal County Agreement/Memorandum of Understanding, Bexar County Agreement/Memorandum of Understanding and the Guadalupe County Election Contract. (B. Dennis/Council)

6. **Resolution 22-R-69** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into an agreement with the Texas State Library and Archives Commission relating to the reimbursement of expenses incurred through the lending of Schertz Public Library materials to other libraries. (B. James/M. Uhlhorn)

Mayor Gutierrez ask if there were any items City Council wished to be removed from the Consent Agenda. As no items were removed, Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1-6.

Moved by Councilmember Tim Brown, seconded by Councilmember Jill Whittaker to approve Consent Agenda Items 1-6.

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

7. **Ordinance No. 22-M-29** - Consideration and/or action approving an Ordinance amending the City Council Rules of Conduct and Procedure to include the Appointment Procedures for City Council Liaison Positions to the City of Schertz Boards, Commissions and Committees. **First Reading** (M. Browne/B. Dennis/S. Edmondson)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-M-29

An Ordinance amending the City Council Rules of Conduct and Procedure to include the Appointment Procedures for City Council Liaison Positions to the City of Schertz Boards, Commissions and Committees. (First Reading)

Mayor Gutierrez recognized City Secretary Brenda Dennis who introduced this item stating a few meetings back Council discussed and concurred to have City Council Liaisons appointed to the various City of Schertz Boards, Commissions and Committees and set up guidelines. Ms. Dennis stated that this Ordinance amends the Council's Rules of Conduct and Procedures to include the appointment procedures under Article 5 adding Section 5.3 - Appointment procedures for City Council Liaison Positions. The following was reviewed:

Section 5.3 – Appointment procedure for City Council Liaison Positions to the City of Schertz Boards, Commissions and Committees.

- a. The Council will discuss, and with a majority vote, appoint the Councilmember to serve as the Board, Commission, or Committee City Council Liaison.
- b. The appointed City Council Liaison must be a Councilmember and must meet the qualifications of Section 4.02 of the City Charter. In addition, to be appointed to the position of a City Council Liaison, a Councilmember must be an elected member of Council and a member in good standing.
- c. Assignments for the City Council Liaison positions will be reviewed annually in December, and if needed, changes in appointments can be made at this time. Appointments can also be made at any time if there is an open City Council Liaison position.
- d. The appointed City Council Liaison may be removed by Council by a two-thirds (2/3) majority vote of the members of Council at any time during his or her appointment.
- e. City Council Liaison will attend meetings for observation purposes only and will provide updates and information from their assigned Board, Commission or Committee to City Council when needed.
- f. City Council Liaison do not serve as ex-officio members of Boards, Commissions, and Committees. They are to facilitate communications between the City Council and their assigned Board, Commission, or Committee.
- g. City Council Liaison will be careful of their personal opinions, political opinions and limit contact with Board, Commission and Committee members. Any public comments made by a Councilmember at these meetings should be clearly made as an individual opinion and not a reflection or representation of the City Council. They are also to remember that the members serve the community, not the individual Councilmembers
- h. Council reserves the right to alter this procedure at any time by resolution or rule

Ms. Dennis addressed question from Mayor Pro-Tem Scagliola regarding (d) regarding removal by Council by a two-thirds vote and was that correct. Ms. Dennis stated that she would look into it and make sure it was correct. As there were no more questions, Mayor Gutierrez call for a motion.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem David Scagliola to approve Ordinance No. 22-M-29 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

Public Hearings

- 8. Ordinance No. 22-S-27** - Conduct a public hearing and consideration and/or action on a request for voluntary annexation of approximately 287 acres of land generally located 6,050 feet east from the intersection of Trainer Hale Road and FM 1518 also known as Bexar County Property Identification Numbers 310053, 310060, 310121, Bexar County, Texas *First Reading* (B. James, L. Wood, M. Harrison)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-S-27

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 287 ACRES OF LAND LOCATED IN BEXAR COUNTY APPROXIMATELY 6,050 FEET EAST OF THE INTERSECTION OF TRAINER HALE ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 310053, 310060, 310121, BEXAR COUNTY, TEXAS.

Mayor Gutierrez recognized City Planner Megan Harrison who presented a PowerPoint presentation on a request for voluntary annexation of approximately 287 acres of land generally located 6,050 feet east from the intersection of Trainer Hale Road and FM 1518.

On behalf of each of the property owners, Scott Felder Homes LLC, Pape-Dawson Engineers, Ltd., and Killen, Griffin & Farrimond, PLLC., submitted a petition for voluntary annexation to the City of Schertz for approximately 287 acres of land. The property owners are requesting voluntary annexation into the City of Schertz because they are wanting to develop the property as a residential subdivision under the Planned Development District (PDD).

As part of the annexation process staff is required to send public hearing mailers prior to the City Council meeting to all the properties within 200-feet as well as the associated School District. Unfortunately, staff did not complete this crucial step, therefore, there can be no action on Ordinance 22-S-27.

Mayor Gutierrez opened the Public Hearing, as no one spoke, closed the Public Hearing for Council comments. There were no comments from Council.

No action taken.

9. **Ordinance No. 22-S-28** - Conduct and hold a public hearing and consideration and/or action on a request to rezone approximately 362 acres of land to Planned Development District (PDD), generally located 6,050 feet east from the intersection of Trainer Hale Road and FM 1518 also known as Bexar County Property Identification Numbers, 310053, 310060, 310061 and 310121, Bexar County, Texas. *First Reading* (B. James, L. Wood, M. Harrison)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-S-28

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 362 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED 6,050 FEET EAST OF THE INTERSECTION OF TRAINER HALE ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS, 310053, 310060, 310061, AND 310121, BEXAR COUNTY, TEXAS.

Mayor Gutierrez recognized City Planner Megan Harrison who presented a PowerPoint presentation on the request to rezone approximately 362 acres of land to Planned Development District (PDD), generally located 6,050 feet east from the intersection of Trainer Hale Road and FM 1518.

The applicant is proposing to zone change approximately 362 acres of land from Pre-Development District (PRE) and Development Agreements (Delayed Annexation) (DVL)/outside city limits to Planned Development District (PDD).

According to the proposed Sterling Grove Subdivision PDD Development Standards, the subdivision will have two different base zoning districts: 'SF 55' and '0.5ac'.

The Sterling Grove Conceptual Plan indicates that there will be approximately 3 acres of park, 15.3 acres of open space, approximately 27 acres of land for floodplain, open space, and city trail system, and approximately 3 acres of land for an amenity center. There is also several basins and drainage easements through the development as well.

Additionally, the Sterling Grove Subdivision PDD Development Standards proposed to modify the regulations for Subdivision Entry Signs from the current: 32 square feet per sign face to the proposed 200 square feet per sign face and from the current: 1 Primary Entry Sign and 1 Second Entry Sign which is 75% of the Primary to the proposed 2 Primary Entry Signs (no secondary) both of which would be located on Trainer Hale Road.

As part of the associated annexation process from the subject property, staff is required to send public hearing mailers prior to the City Council meeting to all properties within 200-feet as well as the associated School District. Unfortunately, staff did not complete this crucial step, therefore, there can be no action/motion on the annexation 22-S-27. Since the annexation of the property cannot proceed until proper noticing is completed, the zone change required Ordinance 22-S-28 also cannot proceed forward with an action/motion.

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

Councilmember Jill Whittaker liked that the developer is going to have 1/2 acre lots, however with the applicant only putting in 55 feet wide lots, it does not meet the discussion where the developer stated their intentions would be to have mixed lot sizes. She would like it written into the PDD that there will be mixed lot sizes.

Assistant City Manager Brian James explained that he understands what Councilmember Whittaker is saying, however the "mixed lot sizes" need to be determined by Council. Technically there could be a "foot" added, and it would change the lot of size (from 55 feet), so having Council determine what "other lot sizes" (60,65,70 feet) that would be acceptable would help Staff explain it to developers.

Councilmember Dahle stated he agrees with what Councilmember Whittaker said, and would like to see another "tier level" of lot sizes added.

Council had questions about the request for a sign size change. City Planner Megan Harrison stated she would have the developer bring a conceptual drawing to see what they are proposing.

No action taken.

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided a roll call vote confirmation for Consent Agenda Items 1-6, 7. Items 8 and 9, no action taken.

Closed Session

Mayor Gutierrez read the following into record:

- 10.** The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the direction to fill the City Manager vacancy.

11. City Council will meet in Closed Session in accordance with 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-080

12. City Council will meet in closed session under Section 551.071 to consult with City attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, to wit: police department evidence room storage and destruction procedures.

Mayor Gutierrez recessed the Regular Meeting at 7:14 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened into Regular Session at 8:56 p.m.

13. Take any action based on discussions held in Closed Session under Agenda Item 10.

Mayor Gutierrez stated the Closed Session for Agenda Item 10 started at 7:19 pm and was closed at 7:26 pm.

No action was taken.

14. Take any action based on discussions held in Closed Session under Agenda Item 11.

Mayor Gutierrez stated the Closed Session for Agenda Item 11 started at 7:32 pm and closed at 8:21 pm.

No action was taken.

15. Take any action based on discussions held in Closed Session under Agenda Item 12.

Mayor Gutierrez stated that the Closed Session for Agenda Item 12 started at 8:22 pm and ended at 8:49 pm.

No action was taken.

Roll Call Vote Confirmation

No roll call vote needed, no action was taken.

Requests and Announcements

- Announcements by the City Manager.

None at this time

- 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.

Mayor Pro-Tem Scagliola would like to have discussion or find a way or process for a resident to get information, help, or assistance or possible services that are not city related. City Manager Dr. Browne stated he would meet with Mayor Pro-Tem Scagliola to get some specifics on his request.

Councilmember Davis asked for an update on the delayed annexations. Assistant City Manager Brian James stated he would get that information for Council.

Councilmember Heyward would like to be part of the discussion with City Manager Dr. Browne and Mayor Pro-Tem Scagliola about assisting residents with non-city related information. There is some information Councilmember Heyward would like to include.

- Announcements by Mayor and Councilmembers.

Mayor Pro-Tem Scagliola attended the 4th of July Jubilee and participated in the parade. He had a great time and thanked all who were involved.

Councilmember Mark Davis attended the 4th of July Jubilee and thanked staff for their effort on the Jubilee.

Councilmember Jill Whittaker attended the 4th of July Jubilee and stated the parade was great. She attended the carnival, bands and fireworks and enjoyed it all. She thanked Parks and Rec and all the departments who were out there supporting the Jubilee.

Councilmember Dahle attended the Chamber's Tropical Smoothie event and the 4th of July Jubilee. He congratulated the staff who put in a lot of effort and extra hours to provide a wonderful Jubilee.

Councilmember Allison Heyward attended the CRASE/Stop the Bleed Class on June 25th, 2022. It was great class. She also attended a Chamber ribbon cutting ceremony in Cibolo. Ms. Heyward also attended the 4th of July Jubilee and had a great time.

Councilmember Tim Brown thanked the staff and volunteers for a wonderful Jubilee.

Adjournment

Mayor Gutierrez adjourned the meeting at 9:03 pm.

ATTEST:

Ralph Gutierrez, Mayor

Brenda Dennis, City Secretary