

MINUTES
REGULAR MEETING
July 26, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on July 26, 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 Daniel Santee; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez

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. (Mayor Pro-Tem Scagliola)

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

City Events and Announcements

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

Assistant City Manager, Charles Kelm provided the following upcoming announcements:

Thursday, July 28
Glow in the Park
8:00 PM – 10:00 PM
Ashley Park

Saturday, July 30
Music & Movies in the Park
Movie: Inside Out
7:00 PM – 11:00 PM
Ashley Park

Tuesday, August 2
Next regular scheduled Council meeting

6:00 PM
Council Chambers

Friday, August 5
Council Budget Retreat
8:00 AM – 4:00 PM
Bluebonnet Hall

Election Information

Filing for place on the ballot has begun for the November 8, 2022 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**. Filing 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. Browne announced the following promotions:

Greg Rodgers promoted from Assistant Fire Chief to Fire Chief

Madeline Keiholz promoted from EMT to Paramedic

Alicia Sepeda promotion from Communications Officer to Communications Supervisor

Dr. Browne thanked the Public Works Crew and the IT Crew for all the hard work they did with the new carpet in Building #2, appreciate everything they did to get the job done and the project is now completed.

Lastly, it has come the time to say goodbye to one of our own and that is Charles Kelm our Assistant City Manager. Dr. Browne announced he will be departing the City, but his last day is this Friday. Dr. Browne wanted to say thank you for all the great work and appreciates his support and certainly has worked extremely hard on behalf of the City. There are many accomplishments that he can be proud of and appreciates all he has done and the efforts he has made because he has made a difference in the City. We wish him the best in his future endeavors.

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

Mayor Gutierrez announced that he has filed his documents and is seeking re-election.

Mayor Gutierrez thanked Mr. Kelm for his contributions and dedication to the City, he appreciates everything that he has done, and he also wishes him well on his future endeavors.

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:

- Ms. Tiffany Gibson, 6939 Hallie Loop, who announced her candidacy for City Council Place 2.
- Ms. Michelle Watson, 5404 Storm King, who announced her candidacy for City Council Place 2.
- Mr. Dana Eldridge, 2628 Gallant Fox Drive, who spoke on the need for more funding for Animal Control.

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.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of July 12, 2022. (B. Dennis)
2. **Resolution No. 22-R-74** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an Interlocal Agreement with Savvik Buying Group, for Cooperative Purchasing Services, and other matters in connection therewith. (J. Kurz/J.Golke)
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. Richard "Monty" Gonzales from the Historical Preservation Committee

Mayor Gutierrez asked 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 through 3.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Consent Agenda Items 1 through 3.

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

- 4. Resolution No. 22-R-70** - Consideration and/or action approving a Resolution of the City of Schertz Texas Authorizing the Approval of Development Agreements with Wiederstein Trust Fund, Brian Beutnagel and Valerie Hartmann, for approximately 124 acres of land to install on-site sewage facilities and other matters in connection therewith. (B. James/L. Wood/M. Harrison)

Mayor Gutierrez read the following into record:

RESOLUTION NO. 22-R-70

**A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS
AUTHORIZING THE APPROVAL OF A DEVELOPMENT AGREEMENTS
WITH WIEDERSTEIN TRUST FUND, BRIAN BEUTNAGEL AND VALERIE
HARTMANN FOR APPROXIMATELY 124 ACRES OF LAND TO INSTALL
ON-SITE SEWAGE FACILITIES AND OTHER MATTERS IN
CONNECTION THEREWITH**

Mayor Gutierrez recognized City Attorney Dan Santee who requested Council convene into Closed Session. Mayor Gutierrez stated that as a reminder Council can convene into closed session at any time, therefore at the request of our City Attorney we will convene into Closed Session,

Closed Session:

Mayor Gutierrez recessed into Closed Session at 6:14 p.m.

Reconvene into Regular Session:

Mayor Gutierrez reconvened into regular session at 6:39 p.m., after discussion and deliberation regarding Resolution No. 22-R-70. Mayor Gutierrez stated since there is no action to be taken the Resolution will stand as previously approved.

Closed Session

Mayor Gutierrez moved to Agenda Item 9 and read the following into record:

- 9.** The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code, Personnel Matters, to conduct the annual evaluation of the Municipal Judge.

Mayor Gutierrez recessed the regular meeting at 6:40 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened into Regular Session at 6:57 p.m., and moved to Agenda Item 12.

12. Take any action based on discussions held in Closed Session under Agenda Item 9.

A motion was made by the Chair, seconded by Councilmember Dahle to increase the compensation entitlement to our City Judge and the amounts are as follows: \$1,150.00 for a court session, \$950.00 for a jury trial, \$575.00 for a special docket, \$100.00 per magistrate.

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

Passed

Public Hearings

5. **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. *Final Reading* (B. James, L. Wood, M. Harrison)

Mayor Gutierrez recognized Assistant City Manager Brian James who stated this item was approved by Council at the last meeting, and at the last meeting Council approved the Development Agreements Associated with these two items. The Development Agreements are for the properties that are currently not in the City limits, they authorize those properties to develop under septic and are consistent with the large 1/2 acre lots on the zoning. We needed to execute those, which we have done prior to annexation.

The next step is the annexation of the properties into the City followed by the zoning. Staff recommends approval of this item.

Mayor Gutierrez opened the Public Hearing and as no one spoke; closed the Public Hearing for Council comments. As there were no comments from Council, Mayor Gutierrez called for a motion to approve Ordinance No. 22-S-27 on final reading.

Moved by Councilmember Michael Dahle, seconded by Councilmember Jill Whittaker to approve Ordinance No. 22-S-27 on final reading.

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

Passed

6. **Ordinance No. 22-S-28** - Conduct 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. ***Final Reading*** (B. James, L. Wood, M. Harrison)

Mayor Gutierrez recognized Assistant City Manager Brian James who stated this is the largest property you are considering of all three of these related. You can see the subject property that they are looking to develop is part of the Sterling Grove Project. Notices have been published, we have covered the Land Use Plan and the current zoning. Mr. James pointed out that essentially what the Developer is looking to do and showed an overhead and stated that the property to the right of the overhead shown that is the larger 1/2 acre property for which not in the City, and we approved the development agreement. A good portion of the property is going to be a minimum 1/2 acre lots and the Developer is planning on having those being on a septic system. There is a small piece that the Development Agreement does not apply to, if they want to septic those, which we believe they do, as part of the platting process they would need to ask for this by septic waiver. He stated the left side of the diagram (west side) is a typical suburban style development and discussed the development standards being proposed.

Mr. James stated that since the last meeting, the Developer has come in and asked that the SRF1 and SRF2 regarding the covered patios be allowed to encroach an additional 5 feet into the building set back line. Staff is ok with this and have built it into the Ordinance. Staff is recommending approval and there was discussion regarding signage, and they have provided graphics, again Staff is recommending approval as conditioned in the Ordinance.

Mayor Gutierrez opened the Public Hearing and as no one spoke; closed the Public Hearing for Council comments. As there were no comments from Council, Mayor Gutierrez called for a motion to approve Ordinance 22-S-28 on final reading.

Moved by Councilmember Michael Dahle, seconded by Councilmember Jill Whittaker to approve Ordinance No. 22-S-28 on final reading.

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

Passed

Workshop

7. **Appointment of the Mayor Pro-Tem** - Discussion and consideration and/or action regarding the confirmation, appointment or election of the Mayor Pro-Tem.
(Mayor/Council)

Mayor Gutierrez stated the Mayor-Pro Tem is a member of the Council who preforms duties in the Mayor's absence or incapacity. The Mayor Pro-Tem is elected by the Council with a majority vote. The Mayor Pro-Tem has the right to vote on any matter that comes before Council while performing their duties as Mayor. The Mayor Pro-Tem's term is six months.

Mayor Gutierrez thanked current Mayor Pro-Tem David Scagliola for performing his duties from January 2022 through August 2022.

He stated next rotation for Mayor Pro-Tem will be Councilmember Allison Heyward and would serve the term August 2022 through February 2023.

Mayor Gutierrez called for a motion to appoint Councilmember Allison Heyward as the next Mayor Pro-Tem.

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. **10 Acre Property Acquisition** - Discussion regarding potential 10 acre property acquisition generally at FM 482 and Bunker Street. (M. Browne/B. James)

Mayor Gutierrez recognized Parks Director Lauren Shrum who explained how this acquisition plan will work into the Schertz Trails System. She stated the City is currently working on the Great Northern Trail and have made quite a bit of progress. The goals of the trail system are to connect the community. She stated they have received input from the community from or Parks Master Plan and Citizen Satisfaction survey and the top of the list has been trails for citizens to use.

Funding:

Purchase Price \$375,000

- Great Springs Project is working on an appraisal and environmental assessment
- City staff exploring options to fund the purchase
 - Looked at Tree Mitigation Fund (\$646,919 reserves) due to the amount of heritage sized oak trees on the property – not a viable option per legal team
 - Could take a loan from reserves and pay back over time
 - \$37,000 (unallocated in the Park Fund to date)
 - \$496,000 projected revenues to the Park Fund in 2024

- City would apply for grant funding to develop the property
 - TPWD Trail Grant \$300,000 – February 1, 2023
 - TPWD Outdoor Recreation Grant \$750,000 – August 1, 2024
 - Researching other grants (trail, historical, local foundations)

Maintenance

- Property would remain undeveloped initially
- Maintenance levels would be at our “natural standard” similar to Crescent Bend Nature Park
 - Mowing in clearing off Bunker Street 6 times a year
 - Pipe rail fence surrounds the property so its secure
- Trailhead Amenities
 - Natural surface parking
 - Restroom Facility and Water Fountain
 - Trail and interpretive signage
 - Picnic Pavilion

Additional Considerations

- Deed restrictions on the property
- Appraisal and Environmental Assessment
- Funding
- Parks & Recreation Advisory Board's general consensus for staff to continue to explore the options to acquire this property
- Council feedback

Assistant City Manager Brian James stated we have a short window and there is still work to be done if we want to move forward on this to include exhausting all funding options. He asked if this is something Council would like to have Staff work on.

Mayor Pro-Tem Scagliola stated he loves this idea and the possibility of having bicyclists utilize this area. He appreciates Staff looking outside the box and thinking of what Parks could be.

Councilmember Heyward likes the idea because it brings a nature trail on the northern part of the City. She appreciates the staff looking at options to funding it.

Councilmember Dahle likes the idea, but has concerns about making sure Staff can take care of the maintenance.

Councilmember Davis stated it is worthwhile pursuing for its location and the potential to draw people in and connect to other trails. He shared the concern of maintenance of the park but stated this type of park being a nature park, we should be able to maintain it.

Councilmember Brown is also in favor of this project.

Mayor Gutierrez has some hesitation because the city currently has 26 parks, and we currently have parks that need attention. He would also like to see a plan and have

visuals of what this park could be.

Mayor Gutierrez stated there is a consensus to have Staff continue with this project.

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided roll call confirmation on Consent Agenda Items 1-3 and Agenda Items 5, 6, 7 and Item 12.

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, Personnel Matters, to discuss the direction to fill the City Manager vacancy.

11. The City Council will meet in closed session in accordance with Section 551.072, Texas Government Code deliberation regarding the purchase, exchange, lease, or value of Real Property for future roadways, roadway extensions, and roadway expansions.

Reconvene into Regular Session

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

No action taken.

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

Mayor Gutierrez asked for a motion regarding the purchase, exchange, lease or value of Real Property for future roadways, roadway extensions, and roadway expansions.

Councilmember Mark Davis made a motion for the City to enter in to an agreement to purchase subject property for the amount not to exceed \$3.58 million, subject to coordination, review and approval of the purchase contract by the City Manager and the City Attorney.

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle

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 Item 14.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez stated that Agenda Items 15 and 16 are Informational items and can be found in the Council packets as well as can be found online.

9. Quarterly Financial Reports

Information provided to Council in the Agenda Packet and are available for viewing on Schertz.com website.

10. Update on Annexations and Delayed Annexation Agreements (Requested by Council Member Davis)

Information provided to Council in the Agenda Packet and are available for viewing on Schertz.com website.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

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

No requests for updates or information from staff.

- 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

Councilmember Mark Davis stated he attended the Parks and Recreation Advisory Board meeting

Councilmember Jill Whittaker stated she attended the NEP Meeting

Councilmember Michael Dahle stated he attended the Chamber Luncheon

Councilmember Allison Heyward stated she attended the following events. Animal Advisory Board meeting, Kung Jung Mu Sul Studio for a discussion on Leadership, the NEP meeting, Main Street Committee meeting, the Chamber Luncheon, Police Jr. Academy, First Footings of New Braunfels meeting

Adjournment

Mayor Gutierrez adjourned the meeting at 8:09 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary