

DRAFT

MINUTES REGULAR MEETING September 13, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on September 13, 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 Allison Heyward; Councilmember Mark Davis; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Tim Brown

Absent: City Council Place 2 - Vacant

City Manager Dr. Mark Browne; Assistant City Manager Brian James; City Attorney Daniel 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 Dahle)

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

Presentations

- I.T. Professionals Day. (Mayor/IT Staff)

Mayor Gutierrez recognized the I.T. Director Myles Clauser and presented the I.T. Professionals Day proclamation to him and the entire City of Schertz I.T. Department.

- H.R. Professionals Appreciation Day. (Mayor/H.R. Staff)

Mayor Gutierrez recognized the Manager of Human Resources Leann Latham and presented the Human Resources Professionals Appreciation Day proclamation to her and her staff.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following information:

September 10-25

Annual Fall Clean-Up

8:00 AM-5:00 Daily

Saturday-Sunday, September 17-18

Hazardous Items/Tires Drop-Off

8:00 AM-5:00 PM

*Republic Services temporary collection point, 125 Pecan Drive, Schertz 10:00-11:00 AM
Entry to the site is only available to residents during this city-sponsored fall clean-up event.
Please see the city's website at www.schertz.com for complete details.*

Saturday, September 17

Ed-Zoo-Cation – Conservation of the Amazonian rainforest with San Antonio Zoo

10:00-11:00 AM

Crescent Bend Nature Park

Paws in the Pool

Two Sessions – 12:00-2:00 PM and 2:00-4:00 PM

Pickrell Park

Friday, September 23

TML Region 7 Fall Meeting

Reception begins at 4:30 PM

Dinner & Program at 6:00 PM

Nimitz Hotel Ballroom at the National Museum of the Pacific War - 311 E. Austin Street,
Fredericksburg

Contact the City Secretary's office if you wish to attend, and please include your spouse if also attending. Carpool to leave Admin Bldg 2 at 2:00 PM (It takes 1 hour and 30 minutes in good traffic)

Friday-Saturday, September 23-24

Read Before Bookstore Book Sale

10:00 AM-5:00 PM

Library Program Room located in the Children's Library

Bags will be sold for \$5.00

For more information, contact the Library at 210-619-1700

Saturday, September 24

Community Car Seat Check Event

9:00 AM – 2:00 PM
Schertz Playscape at Library

Saturday, September 24

“Get Prepped” Emergency Preparedness Block Party
10:00 AM – 2:00 PM
Schertz Municipal Complex

Tuesday, September 27

Next regular scheduled Council meeting
6:00 PM
Council Chambers

Wednesday, September 28

SCUC ISD Legislative Advocacy Luncheon
11:30 AM
SCUC ISD Board Road, Central Office, 1060 Elbel Road
Please RSVP to City Secretary’s office by September 13, 2022

Tuesday, October 4

Fall Regional Career Fair
10:00 AM – 2:00 PM
Schertz Civic Center Ballroom

As companies struggle to hire new employees amid the labor shortage, this collaborative effort between New Braunfels, Seguin, & Schertz gives job seekers and employers alike broader opportunities to connect and engage with interested and qualifying parties, all in one place. It is the intention of the EDC's to generate a successful, accessible pool of qualified talent within the region.

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

City Manager Dr. Mark Browne recognized I.T Director Myles Clauser and the entire I.T Department who work so hard keeping all our systems up and running.

City Manager Dr. Mark Browne recognized the HR Manager Leanne Latham and thanked the HR Staff for all their hard work.

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

No further announcements.

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 Allison Heyward recognized the following:

Richard Eads, 5523 Cypress Point-Mr. Eads stated His stated that the developers of Cypress Point had designated in Block 1, Lots 1-3 were for the HOA. Mr. Eads discovered that they do not belong to the HOA and are commercial properties. Lot 1 was given back to the HOA recently, and the other two lots are commercial. He would like the city to speak to the developer of Cypress Point and turn those two lots back to residential, and he has concerns with the HOA Management.

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 Items # 1-4 for the record.

Mayor Pro-Tem Heyward read Items# 5-9 for the record.

1. **Resolution No. 22-R-84** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an agreement for Provision of Professional Services between the City of Schertz and the City of Schertz Economic Development Corporation. (M. Browne/A. Perez)
2. **Cancelation of the October 4, 2022, November 8, 2022, November 22, 2022, and December 27, 2022 Council Meetings as well as scheduling a Special Meeting on November 21, 2022 for the purpose of canvassing the results of the November 8, 2022 Election** Consideration and/or action canceling the October 4, 2022, November 8, 2022, November 22, 2022, and the December 27, 2022 City Council meetings due to the National Night Out and the Texas Municipal League Conference in San Antonio, the City of Schertz Election, Thanksgiving week and the Christmas Holiday week; as well as scheduling a Special Meeting on November 21, 2022 for the purpose of canvassing the results of the November 8, 2022 Election. (M. Browne/B. Dennis)
3. **Resolution No. 22-R-96** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas amending the Professional Services Agreement with Cobb, Fendley & Associates, Inc., relating to Engineering Services for the Woman Hollering Creek Wastewater Project. (B. James/K. Woodlee)
4. **Resolution No. 22-R-89** - Consideration and/or action approving a resolution by the City Council of the City of Schertz, Texas authorizing an interlocal agreement with the City of Midlothian, for cooperative purchasing services, and other matters in connection therewith. (M. Browne/J. Mabbitt)

5. **Resolution No. 22-R-106** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Public Library Interlocal Agreement with Guadalupe County. (S. Gonzalez/M. Uhlhorn)
6. **Ordinance No. 22-D-38** - 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 of Schertz, Texas be amended by revising Article II, Section 86-39, Restrictions on Turning. *Final Reading* (B. James/K. Woodlee)
7. **Resolution No. 22-R-88** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract with Walsworth for Schertz Magazine and Parks & Rec Fun Guide printing services. (S. Gonzalez/L. Klepper)
8. **Resolution No. 22-R-95** - Consideration and/or Action approving a Resolution by the City Council of the City of Schertz, Texas, Authorizing an Advance Funding Agreement with the Texas Department of Transportation For Voluntary Local Government Contributions to Transportation Improvement Projects with no Required Match on System for FM 1518 Expansion (B. James/K. Woodlee)
9. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of August 23, 2022. (B. Dennis/S. Edmondson)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor recognized Mayor Pro-Tem Heyward who requested that Agenda Item # 2 to be removed for separate discussion, Mayor Gutierrez asked for a motion to approve Agenda Items # 1 and #3-9.

Moved by Councilmember David Scagliola, seconded by Councilmember Tim Brown to approve Consent Agenda Items #1 and 3-9.

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

Passed

Discussion and Action Items

2. Cancellation of the October 4, 2022, November 8, 2022, November 22, 2022, and December 27, 2022 Council Meetings as well as scheduling a Special Meeting on November 21, 2022 for the purpose of canvassing the results of the November 8, 2022 Election - Consideration and/or action canceling the October 4, 2022, November 8, 2022, November 22, 2022, and the December 27, 2022 City Council meetings due to the National Night Out and the Texas Municipal League Conference in San Antonio, the City of Schertz Election, Thanksgiving week and the Christmas Holiday week; as well as scheduling a Special Meeting on November 21, 2022 for the purpose of canvassing the results of the November 8,

2022 Election. (M. Browne/B. Dennis)

Mayor Gutierrez recognized Mayor Pro-Tem Heyward who requested this Item #2 to be removed from Consent Agenda and placed in Discussion.

Mayor Pro-Tem Heyward asked why are we approving these same dates every year on the Master Calendar only to cancel them later in the year. She stated we can figure out the dates listed above before the Master Calendar is approved and cancel those Council Meeting dates before placing on the Master Calendar.

Mayor Gutierrez asked for a motion to approve to not put these dates on the Master Calendar moving forward.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Jill Whittaker

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

Passed

10. **Ordinance No. 22-T-39** - 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 adjust personnel budgets, repealing all ordinances or parts of ordinances in conflict with this ordinance and providing an effective date. *First Reading* (M. Browne/J. Walters)

Mayor Gutierrez read the following into to record:

ORDINANCE NO. 22-T-39
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2021-2022 BUDGET TO ADJUST PERSONNEL BUDGETS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

Mayor Gutierrez recognized Finance Director James Walters who explained the need to adjust the FY 2021-2022 personnel budgets. It is the last quarter of the fiscal year and there were some unexpected changes that we have to adjust for at the end of the year. Some changes included deployments and changes of personnel turnover or vacancy.

Mayor Gutierrez asked for a motion to approve Ordinance No. 22-T-39.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Jill Whittaker

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

Passed

11. **Resolution No. 22-R-100** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to issue a purchase order(s) for the purchase of various vehicles/equipment as part of the FY 2022-2023 Vehicle/Equipment replacement program. (B. James/S. Williams/C. Hernandez)

Mayor Gutierrez read the following into record:

RESOLUTION NO. 22-R-100

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,
TEXAS AUTHORIZING EXPENDITURES IN AN AMOUNT NOT TO
EXCEED \$1,602,697 FOR THE FY 22-23 VEHICLE/EQUIPMENT
REPLACEMENT PROGRAM**

Mayor Gutierrez recognized Fleet Manager Chris Hernandez who presented a PowerPoint presentation on the FY2022-2023 Vehicle/Equipment Replacement Program.

The overview included:

- 10-Year Replacement Plan
- FY 2022-2023 Vehicle Replacement List
- Vehicle Acquisition
- Vendors

Goals and Objectives

- Maintain replacement/acquisition strategy in place for all City owned assets
- Seek the lowest acquisition cost while meeting the needs of Departments
- Utilize vendors participating in Purchasing Co-ops for better buying power
- Council approves Resolution 22-R-100

Councilmember Whittaker asked what is the savings to the city vs. purchasing items not going through the Buyboard vendors. The savings are approximately 20%-30% by using purchasing co-ops.

Mayor Gutierrez asked for a motion to approve Resolution 22-R-100.

Moved by Councilmember Tim Brown, seconded by Mayor Pro-Tem Allison Heyward

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

Passed

12. Texas Municipal League Intergovernmental Risk Pool Board of Trustees Nominations - Consideration and/or action nominating Board of Trustees Candidates for Places 6 through 9. (Mayor/Council)

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who presented information on the TML Intergovernmental Risk Pool Board of Trustee Nominations Ballot.

On August 24th, 2022, at the NEP Workshop Mayor's Meeting, a discussion was held about the candidates on the TML Risk Pool Ballot. NEP Mayors agreed on the selections for Place 6 and Place 7, but were unfamiliar with the candidates for Place 8 and Place 9. Mayor Mary Dennis, City of Live Oak is familiar with many of the candidates running for Place 8 and Place 9 and made recommendations for Place 8 and Place 9.

The following nominations are:

Place 6- Allison Heyward, Mayor Pro-Tem, City of Schertz

Place 7- Mary Dennis, Mayor, City of Live Oak

Place 8- Marian Mendoza, City Administrator for the City of Helotes

Place 9- Opal Mauldin-Jones, City Manager for the City of Lancaster

Mayor Gutierrez asked if there was a motion from the floor. Councilmember Whittaker nominated the following and authorized Mayor Gutierrez to cast the ballot on behalf of the City of Schertz.

Place 6- Allison Heyward, Mayor Pro-Tem, City of Schertz

Place 7- Mary Dennis, Mayor, City of Live Oak

Place 8- Marian Mendoza, City Administrator for the City of Helotes

Place 9- Opal Mauldin-Jones, City Manager for the City of Lancaster

Moved by Councilmember Jill Whittaker, seconded by Councilmember Tim Brown

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

Passed

Public Hearings

13. **Ordinance No. 22-T-30**– Conduct a Public Hearing and Consideration and/or action approving an Ordinance adopting a budget for the fiscal year beginning October 1, 2022, and ending September 30, 2023, in accordance with the Charter of the City of Schertz, Texas; providing for the filing of the Budget; providing that this Ordinance shall be cumulative of all Ordinances; providing a Severability Clause; and providing an Effective Date. *Final Reading* (B. James/J. Walters)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-T-30
AN ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF SCHERTZ, TEXAS; PROVIDING FOR THE FILING OF THE BUDGET; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gutierrez recognized Finance Director James Walters who presented the following PowerPoint presentation on the proposed budget.

Proposed Budget

Operating Funds	Proposed Expenditures
General Fund	\$44,376,036
Tax I&S Fund	8,686,248
Water & Sewer Fund	26,850,237
Capital Recovery Water	44,000
Capital Recovery Sewer	52,500
Drainage Fund	1,439,807
EMS Fund	11,719,662
SEDC	10,050,960
Roadway Impact Fee 1	5,000
Roadway Impact Fee 2	55,000
Roadway Impact Fee 3	5,000
Roadway Impact Fee 4	3,000

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Proposed Budget

Special Revenue Funds	Proposed Expenditures
Special Events Fund	\$24,000
PEG Fund	60,000
Hotel Occupancy Fund	272,915
Park Fund	125,000
Tree Mitigation	70,000
Library Fund	22,200
Historical Committee	11,750

Proposed Budget

Total Budget	Proposed Expenditures
Operating Funds	\$103,287,450
Special Revenue Funds	585,865
Total Budget	\$103,873,315

FY 2022-23 Budget

- New Positions – 32
- Additional Road Funding
- Trail Funding
- Replace Police Records Management System
- Building 27 Parking Lot
- Other Small Programs

Mayor Gutierrez opened the public hearing, no one spoke, the Mayor closed the public hearing and opened the discussion to City Council. No one spoke, so the Mayor asked for a motion to approve Ordinance 22-T-30.

Moved by Councilmember Tim Brown, seconded by Mayor Pro-Tem Allison Heyward

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

Passed

14. **Resolution No. 22-R-105** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, of ratifying the property tax increase reflected in the Adopted Budget for FY 2022-23. (M. Browne/J. Walters)

Mayor Gutierrez read the following into record:

RESOLUTION NO. 22-R-105

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE ADOPTED BUDGET FOR FISCAL YEAR 2022-23, AND OTHER MATTERS IN CONNECTION THEREWITH

Mayor Gutierrez recognized Finance Director James Walters stated that this was a state requirement. The State wanted everyone to be fully transparent about what the budget would be and what we are pricing it to in relations to the property taxes.

Mayor Gutierrez opened up the Public Hearing, No one spoke, Mayor Gutierrez closed the Public Hearing and opened it up for Council comments.

There were no comments from City Council, so Mayor Gutierrez asked for a motion to approve Resolution No. 22-R-105.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

15. **Ordinance No. 22-T-31** – Conduct a Public Hearing and consideration and/or action approving an Ordinance approving the appraisal roll; setting the tax rate; levying and assessing general and special ad valorem taxes for the use and support of the municipal government of the city of Schertz, Texas. *Final Reading* (B. James/J. Walters)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-T-31

AN ORDINANCE APPROVING THE APPRAISAL ROLL; SETTING THE TAX RATE; LEVYING AND ASSESSING GENERAL AND SPECIAL AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF SCHERTZ, TEXAS; APPORTIONING THE LEVIES FOR SPECIFIC PURPOSES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Gutierrez recognized Finance Director James Walters who provided a PowerPoint presentation on approving the appraisal roll. Setting the tax rate, levying and assessing general and special ad valorem taxes. Mr. Walters explained that this ordinance will be setting the tax rate.

Tax Rate

No-New Revenue:	The tax rate which will generate the same revenue for the city from property on the previous year's tax roll.
Voter Approval Rate:	The rate if exceeded triggers an automatic election on the tax rate.
Current:	The rate currently adopted by the City.
Proposed Max:	The maximum rate set at which the final adopted rate cannot exceed.

Tax Rate

Tax Rate Name	Tax Rate per \$100	Bill Increase	% Increase
No-new-revenue	\$0.4526	-	-
Voter Approval	\$0.4968	\$130.29	9.8%
Proposed Tax Rate	\$0.4950	\$124.99	9.4%

Mayor Gutierrez opened the Public Hearing, no on spoke, so he closed the Public Hearing, and opened it up for Council comments. Councilmember Whittaker asked if this tax rate will provide the funding for the budget they just passed. Mr. Walters stated that this tax rate will provide the funding for the budget Council just passed.

Councilmember Whittaker made the motion that, " I move that the property tax rate be increased by the adoption of this tax rate of 0.4950, which is effectively a 9.4% increase in the tax rate."

Moved by Councilmember Jill Whittaker, seconded by Mayor Pro-Tem Allison Heyward

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

NAY: Councilmember David Scagliola
Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided roll call confirmation on Consent Agenda Items 1, 3-9 and Agenda Items 2,10-15.

Closed Session

Mayor Gutierrez read the following into record:

- 16.** 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.

Mayor Gutierrez recessed the Regular Meeting at 6:50 p.m. into closed session.

Reconvene into Regular Session

Mayor Gutierrez reconvened into Regular Session at 7:24 p.m.

- 17.** Take any action based on discussions held in Closed Session under Agenda Item 16.

No action taken.

Roll Call Vote Confirmation

Information available in City Council Packets - NO DISCUSSION TO OCCUR

- 18.** **Guadalupe Regional Medical Center** - Prescription Assistance report.
(Mayor/Council/J. Riggs/M. Ishak)

Mayor Gutierrez mentioned Item 18 was an informational item and was provided in the Council packets as well as can be found online.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

- 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.

None at this time.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Heyward attended two ribbon cuttings: American Loans and Spine and Wellness Center.

Councilmember Whittaker attended the NEP Luncheon and Interview Committee Meeting.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:25 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Deputy City Secretary