

DRAFT

MINUTES REGULAR MEETING October 11, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 11, 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; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Tim Brown

City Staff: 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 Tim Brown)

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

Presentations

- Schertz Emerging Leaders Program (M. Browne/S. Gonzalez)

Mayor Gutierrez recognized Ms. Sarah Gonzalez, Assistant to the City Manager, City of Schertz. Ms. Gonzalez gave a presentation on the Schertz Emerging Leaders Program. She provided an overview of the 8-month curriculum and pairing of participants with mentors. Ms. Gonzalez then turned the presentation over to Dr. Mark Browne, City Manager. Dr. Browne described the highly competitive application and selection process and stated the program was open to all departments and designed to help employees advance. He invited the Mayor to join him to recognize the graduates with the presentation of certificates.

Members of the inaugural class included:

- Bryce Burch, Public Works, Street Worker I
- Will Dalrymple, Inspections, Plans Examiner
- Eric Haugen, Information Technology, Sr. Computer Support Systems Engineer

- Megan Lagunas, Animal Services Manager
- Chad Lonsberry, Public Works, HVAC Tech I
- Demetrio Martinez, Public Works, Streets Crew Supervisor
- Michael Reed, EMS, Instructor/Paramedic
- William Sutton, Police Corporal
- Antonio Valle, Public Works, Sign Shop (absent)

Ms. Gonzalez asked all mentors to stand and be recognized.

Mentors for the program included:

- Sarah Gonzalez, Assistant to the City Manager
 - Jessica Kurz, Human Resources Director
 - Scott McClelland, Assistant Director of Public Works
 - Tony McFalls, GIS Coordinator
 - Greg Rodgers, Fire Chief
 - Lauren Shrum, Parks Director
 - James Walters, Finance Director
 - Kathy Woodlee, Engineering Director
- Proclamation: National Planning Month (Planning Department)

Mayor Gutierrez recognized Ms. Lesa Wood, Planning and Development Director, and presented a proclamation recognizing the month of October 2022 as National Community Planning Month in the City of Schertz.

Ms. Wood thanked the Mayor for recognizing the Planning department. She shared the recognition and her thanks with the City's planning team, Sam and Emily, as well as the Planning and Zoning Commission, the City Council, and the community at large.

- Proclamation: Fire Prevention Month (Fire Department)

Mayor Gutierrez recognized members of the Fire Department and presented a proclamation recognizing October 9-15, 2022, as Fire Prevention Week in the City of Schertz to Fire Marshall Ben Boney.

- Fire Prevention Poster Winners (Fire Department)

Fire Marshall Ben Boney presented awards to the winners of the Fire Prevention Poster Contest. Theme: Fire won't wait, Plan your escape. There were 73 posters submitted and 450 votes cast.

Kindergarten through 1st Grade Winners:

- 3rd Place: Harlee Cortinas, Kindergarten, Rose Garden Elementary
- 2nd Place: Steven Goralewirz, 1st grade, Wiederstein Elementary
- 1st Place: Dean Sannipoli, Kindergarten, Wiederstein Elementary

2nd and 3rd Grade Winners:

- 3rd Place: Audrey Deleon, 3rd grade, Sippel Elementary
- 2nd Place: Harper Inman, 3rd grade, Schertz Elementary
- 1st Place: Braxton Inman, 2nd grade, Schertz Elementary

4th Grade Winners:

3rd Place: Xander Morgan, Paschal Elementary

2nd Place: Micelys Maldonado, Watts Elementary

1st Place: Jackson Boney, Rose Garden Elementary

Mayor's Choice Award: Braxton Inman, 2nd grade, Schertz Elementary for PacMan.

Employee Introductions

Various Department Heads introduced the following new employees from their departments.

- Public Affairs: Caanon Gibbons - Marketing & Communications Specialist
- Police Department: Matthew DeLeon - Police Officer
- Public Works: Fleet - Alberto Maldonado - Fleet Mechanic
- Public Works: Water - Adam Rodriguez - Service Worker 1

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:

Saturday, October 15

Love Where You Live Event

8:00 AM-4:00 PM

Aviation Heights Neighborhood

Sign-in at First Baptist Church, 600 Aero Avenue

2nd Annual Schertz Historical Preservation Committee Car Show

9:00 AM-12:00 PM

Pickrell Park

Friday, October 21

City Council Workshop

8:30 AM-11:30 AM

Council Chambers

Skylight Balloon Fest - Friday-Sunday, October 21-23

16765 Lookout Road, Selma

Complete event information can be found at www.skylightballoonfest.com

- **Friday, October 21** - 5:00 PM-9:00 PM
- **Saturday, October 22** - 12:45 PM-4:45 PM
- **Saturday, October 23** - 7:30 AM-11:30 AM

Monday, October 24

Early Voting for the November 8, 2022, General Election begins Monday, October

24th and runs through Friday, November 4, 2022. Please check the City’s website for locations, dates, and times.

Tuesday, October 25

Next regular scheduled Council meeting
6:00 PM
Council Chambers

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

Dr. Mark Browne recognized Sarah Gonzalez and Jessica Kurz for their work on the Emerging Leaders Program. He also recognized the Planning and Fire Departments for the work they do.

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

No announcements or recognitions were provided by Mayor Gutierrez.

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.

No one spoke.

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 Consent Items 1, 2, 4, and 5 into the record. Item 3 was pulled for discussion.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Special Meeting of September 26, 2022, and the minutes of the Regular Meeting of September 27, 2022. (B. Dennis/S. Edmondson)
2. **Ordinance No. 22-S-36-** Consideration and/or action on a request to rezone approximately 20 acres of land to Planned Development District (PDD), the properties, a portion of Parcel ID 67955, approximately 4.2 acres of land, generally located southeast of Archer Pass and Winkler Trail, a portion of Parcel ID 67955, approximately 4.5 acres of land, generally located 1,100 feet southeast of Archer Pass

and Winkler Trail, and a portion of Parcel ID 112888, approximately 11 acres of land, generally located 2,900 feet southeast of the intersection of Homestead Parkway and Hartley Square, City of Schertz, Guadalupe County, Texas. **Final Reading** (B. James /L. Wood /E. Delgado)

- 3. Resolution No. 22-R-119** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Cooperation Agreement with the Texas Home Collaborative. (M. Browne/B. James)

Mayor Gutierrez stated for the record that Councilman Michael Dahle had stepped down from the dais. Councilmember Dahle is the owner of the property in question, so recused himself from the discussion and had previously signed an affidavit regarding the conflict of interest form.

- 4. Resolution No. 22-R-99** - Consideration and/or action to approve Resolution 22-R-99 updating the fee schedule for FY 2022-23 to waive certain fees within the Main Street Empowerment Zone. (M. Browne/B. James)

- 5. Resolution No. 22-R-102** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing Subdivision Improvement, Reimbursement and Capital Recovery Offset Agreements with Schertz 1518, Ltd. (M. Browne/B. James)

Mayor Gutierrez stated item 3 would be removed for separate action and asked Council if there were any additional items they wished removed for separate action. No other items were removed.

Mayor Gutierrez asked for a motion to approve Agenda Items 1, 2, 4, and 5.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Michael Dahle

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

Mayor Gutierrez stated that they will discuss Item 3 after Item 6.

6. **Resolution No. 22-R-118** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas adopting a policy regarding Public Improvement Districts (PIDs). (M. Browne/B. James)

Mayor Gutierrez read the following into record:

RESOLUTION NO. 22-R-118

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS ADOPTING A POLICY REGARDING THE CREATION OF PUBLIC IMPROVEMENT DISTRICTS (PIDs), AND RELATED MATTERS IN CONNECTION THEREWITH

Mayor Gutierrez recognized Assistant City Manager Brian James who gave a brief presentation to Council on the standardization of a policy for PIDs.

A PID is an economic development tool whereby a geographical area is designated as such which allows an additional assessment to be established for that property. That assessment is used to fund infrastructure for that property. This resolution is for the establishment of a policy.

Councilmember Whitaker asked which entity usually requests a PID. Mr. James responded that they are usually requested by a developer on behalf of a property owner, but can be the owner of the property if they are developing the property on their own. Further clarification was requested regarding the role of residents. Mr. James explained that if there are residents living on the property they have a say in whether a PID is established. Future owners of the property are informed of the PID.

Councilmember Whitaker asked for clarification on Section 8 regarding absence of an amount designated as a maximum assessment for a PID that would be allowed. Mr. James explained the concern was not allowing the assessment to be too large. We need to keep the PID amount flexible to ensure Schertz remains competitive, we don't want to price ourselves out of the market.

Councilmember Brown elaborated on the State regulations regarding PIDs and the administration of it by the county appraisal district. Stated he supported the use of PIDs, great tool to have, and appreciates the work done on the establishment of the policy.

Councilmember Dahle stated Council had asked for this policy a year ago and appreciated the work that went into its development.

Mayor Gutierrez asked for any additional comments and requested a motion to approve Resolution 22-R-118.

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

3. **Resolution No. 22-R-119** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Cooperation Agreement with the Texas Home Collaborative. (M. Browne/B. James)

Mayor Gutierrez stated for the record that Councilman Michael Dahle had stepped down from the dais. Councilman Dahle is the owner of the property in question, so recused himself from the discussion and had previously signed an affidavit regarding the conflict of interest form.

Mayor Gutierrez read the following into record:

RESOLUTION NO. 22-R-119
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,
TEXAS AUTHORIZING A COOPERATION AGREEMENT WITH THE
TEXAS HOME COLLABORATIVE, AND OTHER MATTERS IN
CONNECTION THEREWITH

Mayor Gutierrez asked for a motion to approve Resolution No. 22-R-119.

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 David Scagliola,
Councilmember Tim Brown

Passed

7. **Ordinance No. 22-S-41**- Conduct a public hearing and consideration and/or action on a request to rezone approximately 15 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Lower Seguin Road and FM 1518, also known as Bexar County Property Identification Number 309997 and 309999, City of Schertz, Bexar County, Texas. **First Reading** (B. James / L. Wood / E. Delgado)

Mayor Gutierrez stated for the record that Councilman Michael Dahle had stepped down from the dais Councilman Dahle is the owner of the property in question, so recused himself from the discussion and had previously signed an affidavit regarding the conflict of interest form.

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-S-41

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 15 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED 2,200 FEET SOUTHEAST OF THE INTERSECTION OF LOWER SEGUIN ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 309997 AND 309999, BEXAR COUNTY, TEXAS.

Mayor Gutierrez recognized Assistant City Manager Brian James who explained that the rezone was to designate the property as a Planned Development District (PDD) for multi-family project. Staff recommended approval stating we want to be a community that is sustainable and that requires a mix of housing options. Concerns regarding the impact on infrastructure have been addressed. Council has approved the Woman Hollering to address the water/waste water concerns, funding has been approved by Council and residents of Schertz to improve FM1518 and to build Fire Station 4. Development has to happen before infrastructure improvements occur.

Mayor Gutierrez opened the public hearing to the residents:

Ms. Jennifer Pugh, 8914 Stage Stem, concern 1.6 parking spaces for each apartment, where will excess cars park. Will they park on residential streets?

Mr. Todd Bishop, 8926 Green Grant, timing of the infrastructure. Estimated completion date for FM1518 is TBD. Construction to begin 5-10 years. Recommended allowing open discussion with public.

Mr. Robert Marks, 12245 Forbach Drive, not opposed to the project. Location is confusing because the area isn't built up enough for lower income families, only thing available is Dollar General, there are no grocery stores, no public transportation in this area. Emergency response time will be delayed due to rapidly growing neighborhoods without the infrastructure support.

Ms. Aubrey Dahle, 9120 E FM1518 N, this issue has been under discussion through Planning and Zoning and brought forward through City Council previously. Property owner feels it is not up to anyone else to decide what is done

Ms. Anika Dahle, 9120 E FM1518 N, owns cattle that often get out of the property onto public road which is safety hazard for the cows as well as drivers and passengers on the road.

Mr. Wayne Ashebrenner, 1200 N Old Bastrop Road, San Marcos, Tx, Broker handling the sale of this property. Reached out to Chris Price. Exhaustive

meetings throughout the past several months to allow public discussion one hosted by Councilmember Whitaker. This is not low income housing, it is workforce housing. Timing is good.

Ms. Karen Dahle, owner of 9120 E FM1518, property in question. Texas provides landowner rights to do with their land as they want. Went through the process, had experts come in to help, talked to neighbors, wants the right to sell.

Ms. Angela Sherrad 8915 Sage Stem, lives directly behind property in question. Social worker who has dealt with families in multifamily housing, concern with the traffic, took 30 minutes to get to the intersection of I-10 and FM1518, concern with legal issues no police officers in the area, takes 15 minutes so will take police officers that long or longer during periods of heavy traffic to respond very concerned that crime will go up in the area.

Mr. Gerald Baldrige, 9323 Winding Bloom, purchased their home and had to agree to restrictions, so property owners don't just get to do what they want. Concerned with crime rate going up. Concerned with the children in the schools in the area. Impressionable kids at an impressionable age. Police response time will be delayed. Would like to see studies on how this type of development has on the schools.

Mayor Gutierrez closed public hearing and recognized the developer to address concerns expressed by the individuals that spoke. Jason Arechiga, 22603 Impala Bend, San Antonio, with the NRP Group, provided a summary of the planned project. They construct and manage the units. Not problem free. Good record of keeping track, zero tolerance of felonies, criminal and credit background checks are done, they worked extensively with the Schertz Housing Authority. Designed to be a community that protects the residents. Gated property with 300 units mix of 1-4 bedroom units, 1.72 parking spaces, and they plan to provide transportation to residents. Offer many residential services to create and enhance the community.

Mayor Gutierrez opened to the Council for discussion.

Councilmember Davis open comment with his biggest concern being the timing of the development with the infrastructure improvements. FM1518 is funded, utility relocation being done, issue with Right of Way with Randolph AFB. Mr James stated that TXDOT has an alternative plan if they are unable to secure the ROW. He reiterated that there is little doubt that the development will begin before FM1518 is complete. Development and growth around us will not stop and will impact the traffic on FM1518.

Councilmember Whitaker stated that a lot of information gathering has occurred over the past few months. She asked several questions related to the management of the development. Leading with whether residents were required to show some sort of income, to which Mr. Arechiga responded affirmatively. He also stated that the Schertz Housing Authority would be a full partner and

have full say in the occupancy requirements. She also asked how occupancy per unit would be managed? Mr. Arechiga responded with bi-annual inspections, maintenance reviews, being vigilant by seeing whose coming and going. Violations will be addressed. Councilmember Whitaker asked how many staff would be on site? Mr. Arechiga stated a manager, assistant manager, two leasing agents, two maintenance personnel, and roving staff who might work at multiple locations. Councilmember Whitaker also expressed concerns with issues that arose at other properties managed by the NRP Group and asked how these issues would be averted at the development planned for Schertz. Councilmember Whitaker closed her comments with the timing, home market values, planned infrastructure improvements, and school. Hopes that residents do feel that their concerns have been heard.

Councilmember David Scagliola questioned the validity of some of the issues that are being brought to his attention. He expressed the responsibility of resolving issues with the residents falls to the developer. It is not his responsibility. Doesn't believe resolution has been met which makes his job easier.

Councilmember Tim Brown growth is happening faster than imagined. Not a standalone unit in the middle of the field. Everyone wants rural surroundings, but private property rights belong to the owner. Schools are ready. TXDOT is planning ahead for the growth. Schertz has no control over the road construction or the timing of it. More propensity for increased crime for the planned 3,000 single residences than a 300 unit multi-family community.

Mayor Pro-Tem Heyward addressed the issue of workforce housing. Many cities are dealing with the same issue. We must provide housing that our lower wage employees can afford.

Mr. James added that the Planning and Zoning Commission approved this action with a vote of 6-0 at their last meeting.

Mayor Gutierrez asked for a motion to approve Ordinance 22-S-41.

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

AYE: Councilmember Mark Davis, Councilmember Jill Whitaker, Mayor Pro-Tem Allison Heyward, and Councilmember Tim Brown.

NAY: Councilmember David Scagliola

Motion passed 4-1.

Roll Call Vote Confirmation

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided roll call confirmation on Consent Agenda Items 1, 2, 4 and 5, and Agenda Items 3, 6-9.

Closed Session

Mayor Gutierrez recessed into Closed Session at 8:24 p.m.

- 8.** City Council will convene in closed session pursuant to Section 551.071 of the Texas Government Code, to seek the advice of legal counsel 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:
 - A. The terms and conditions of the franchise agreement between CPS Energy and the City
 - B. The Preliminary Investigative Report of a personnel investigation conducted by the City Attorney

- 9.** City Council will convene in closed session pursuant to Section 551.074 of the Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee; to wit:
 - A. Discussion, update and direction on the search for an appointment of a new city manager
 - B. City Secretary Brenda Dennis

Reconvene into Regular Session

Mayor Gutierrez reconvened the meeting at 10:11 p.m.

- 10.** Take any action based on discussions held in Closed Session under Agenda Item 8A.
No action required.

- 11.** Take any action based on discussions held in Closed Session under Agenda Item 8B.
No action required.

- 12.** Take any action based on discussions held in Closed Session under Agenda Item 9A.
No action required.

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

No action required.

Roll Call Vote Confirmation

No roll call necessary.

Discussion and Action Items

14. Consideration and/or action on the acceptance of City Secretary Brenda Dennis' retirement paperwork.

Mayor Pro-Tem Heyward made a motion to accept City Secretary Brenda Dennis' retirement effective October 11, 2022. Seconded by Councilmember Whittaker.

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 Tim Brown

NAY: Councilmember David Scagliola

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided roll call for Item 14.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

15. **November 8, 2022, Notice of Election** - Bexar, Comal and Guadalupe Counties Early Voting and Election Day Vote Center Information. (B. Dennis/Mayor-Council)

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

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

Councilmember Scagliola asked ACM Brian James to look into the heavy trucks using

Copperas Cove as a thorough fare to Homestead subdivision.

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

Councilmember Scagliola would like to discuss parkland dedications and views on linear parks.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Heyward attended the TML Board Meeting and TML Annual Conference.

Councilmember Davis attended the TML Annual Conference.

Councilmember Whittaker attended the TIRZ Board Meeting and attended National Night Out events.

Councilmember Dahle attended National Night Out events.

Councilmember Scagliola attended National Night Out Events and attended the TML Conference.

Councilmember Brown attended National Night Out Events attended the TML Conference.

Adjournment

Mayor Gutierrez adjourned the meeting at 10:18 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Deputy City Secretary