

# DRAFT

## MINUTES REGULAR MEETING October 25, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 25, 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

Absent: Councilmember Tim Brown

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 Davis)**

Mayor Gutierrez recognized Councilmember Mark Davis who provided the opening prayers followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

### **Presentations:**

Dudley Wait-20 Year Service Pin  
Richard Kunz-20 Year Service Pin

Mayor Gutierrez recognized City Manager, Dr. Mark Browne. Dr. Browne stated that Officer Kunz began his employment with the City of Schertz Police Department on July 10, 2002. He is a certified instructor and School Resource Office (SRO). Officer Kunz holds a bachelor's degree in Criminal Justice from Southwest Texas State University. Dr. Browne thanked Officer Kunz for serving the City of Schertz with courage and distinction and presented him with his 20-year Service Pin.

Dr. Browne invited Mr. Dudley Wait to the podium. Mr. Wait started with the City of Schertz in June 2001 as the EMS Director at a time when EMS was transitioning from volunteers to positions to a full time paid force. In 2015, he became the Assistant City Manager where he oversaw public safety and public works. When he left the ACM

position in 2018, he remained with EMS in a part-time position. He began his education at Texas A&M University. He became a certified EMT in 1985 and a certified paramedic in 1988. Currently serves as the President on the SSLGC Board which works with the City on water issues. Dr. Browne thanked him for his service to the City of Schertz and presented him with his 20-year Service Pin.

Mayor Gutierrez thanked both employees for their dedicated service to the City of Schertz.

## **City Events and Announcements**

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

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

### **Monday, October 31**

Trunk-or-Treat at the Station

5:00-8:00 PM

Fire Stations #1, #2, and #3

### **Tuesday, November 1**

Next regular scheduled Council meeting

6:00 PM

Council Chambers

### **Early Voting Continues**

Early Voting continues for the November 8, 2022, General Election until Friday, November 4, 2022. Please check the City's website for locations, dates, and times.

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

None at this time.

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

Mayor Gutierrez stated TXDot is starting construction on FM 1103 on November 1, 2022. Construction is expected to continue for several months.

## **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 Mayor Pro-Tem Allison Heyward who introduced the following:

Joseph Guidry-Judson ISD, Live Oak, TX. - Mr. Guidry provided information about the two bonds that are on the November 8, 2022.

Ron Henry, 505 Exchange Ave, Schertz, TX. - Mr. Henry asked that the Historical Grant is extended to both sides of Exchange Avenue.

### **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 Consent Agenda Items 1-4 into record.

Mayor Pro-Tem Allison Heyward read Consent Agenda Items 5-9 into record.

1. **Resolution No. 22-R-112** - A Resolution by the City Council of the City of Schertz, Texas authorizing a Memorandum of Understanding between the City of Schertz Economic Development Corporation and the City of Schertz Texas. (M. Browne/ A. Perez)
  
2. **Resolution No. 22-R-113** - A Resolution by the City Council of the City of Schertz, Texas authorizing a Funding Agreement between the City of Schertz Economic Development Corporation and the City of Schertz Texas for Signalization on Schertz Parkway. (M. Browne/ A. Perez)
  
3. **Resolution No. 22-R-114** - A Resolution by the City Council of the City of Schertz, Texas authorizing a Funding Agreement between the City of Schertz Economic Development Corporation and the City of Schertz Texas for Redevelopment of Lookout Road. (M. Browne/A. Perez)
  
4. **Resolution No. 22-R-116** - A Resolution by The City of Schertz City Council authorizing an Interlocal Agreement between the City of Schertz, Texas and the City of Selma, Texas Regarding Funding of Design and Construction of Signalization of the Intersection of Lookout Rd. and Schertz Parkway. (M. Browne / A. Perez)
  
5. **Resolution No. 22-R-117** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing expenditures associated with the FY 22-23 Vehicle/Equipment Replacement Program and other matters in connection therewith. (B. James/S. McClelland/C. Hernandez)

6. **Resolution No. 22-R-125-** Consideration and/or action approving a Resolution authorizing the City of Schertz to enter into Service Agreements with C3 Environmental and AR6 General Contracting for on-call concrete repair, replacement, and related matters. (B. James/S.McClelland/D. Letbetter)
7. **Resolution No. 22-R-115-** Consideration and/or action approving a Resolution authorizing the City of Schertz to enter into a contract with Brauntex Materials and Vulcan Construction Materials for asphalt, hot mix, and related materials and other matters in connection therewith (B. James/S. McClelland/D. Letbetter)
8. **Resolution No. 22-R-98 -** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas creating Neighborhood Empowerment Zones along FM 78. (M. Browne/B. James)
9. **Resolution No. 22-R-121 -** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Wastewater Pump and Haul Agreement with Meritage Homes of Texas, LLC. (M. Browne/B. James)

Mayor Gutierrez asked if any items needed to be removed for separate action. Councilmember David Scagliola requested Consent Agenda Items 8 and 9.

Mayor Gutierrez asked for a motion for Consent Agenda Items 1-7.

### **Discussion and Action Items**

8. **Resolution No. 22-R-98 -** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas creating Neighborhood Empowerment Zones along FM 78. (M. Browne/B. James)

Mayor Gutierrez read the following into record:

#### **RESOLUTION NO. 22-R-98**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CREATING THE SCHERTZ FM 78 NEIGHBORHOOD EMPOWERMENT ZONE EAST AND THE SCHERTZ FM 78 NEIGHBORHOOD EMPOWERMENT ZONE WEST OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH**

Mayor Gutierrez recognized Councilmember Scagliola. Councilmember Scagliola stated he believes FM 78 is the gateway to Schertz, but he is concerned with the scope of the empowerment zones. ACM Brian James spoke to the concerns stating that staff are asking only to designate two areas along FM78 as empowerment zones at this time. Tailoring of incentives will come at a later date with input from the residents/owners within those zones.

Moved by Councilmember David Scagliola, 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

Passed

9. **Resolution No. 22-R-121** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Wastewater Pump and Haul Agreement with Meritage Homes of Texas, LLC. (M. Browne/B. James)

Mayor Gutierrez read the following into record:

### **RESOLUTION 22-R-121**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AGREEMENT WITH THE DEVELOPER OF THE CARMEL RANCH SUBDIVISION PROJECT FOR SEWER PUMP AND HAUL.**

Mayor Gutierrez recognized Councilmember David Scagliola who expressed concerns with pump and haul agreements in general. He stated these agreements create a financial risk for the City.

ACM James addressed the concerns and stated that the City should not be so risk-adverse that they become obstacles to the City moving forward. Dr. Browne, City Manager, added that this request came from the developer in an effort to help the project move forward. Mayor Gutierrez added that they mitigated the risk with the addition of homes to be developed.

Moved by Councilmember Michael Dahle, 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

Passed

10. **Ordinance No. 22-S-41**- 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. **Final Reading** (B. James / L. Wood / E. Delgado)

Mayor Gutierrez stated that Councilmember Michael Dahle had stepped down from the dias. The subject property for this ordinance is owned by Councilmember Dahle, who has filed the appropriate forms claiming conflict of interest.

Mayor Gutierrez recognized ACM James who stated that the developer for this item has requested a motion to table discussion until the November 1, 2022, City Council Meeting.

Mayor Gutierrez read the Ordinance into record and requested a motion to table the item.

Moved by Councilmember Jill Whittaker, seconded by Mayor Pro-Tem Allison Heyward Applicant has requested to table the item until November 1, 2022.  
Motion to Table

AYE: Mayor Pro-Tem Allison Heyward, Councilmember Mark Davis,  
Councilmember Jill Whittaker, Councilmember David Scagliola  
Passed

- 11. Resolution No. 22-R-123** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Subdivision Improvement Agreement with 1518 Apartments, Ltd. (M. Browne/B. James)

Mayor Gutierrez stated that Councilmember Dahle had not returned to the dias because he is the owner of the land subject to this development. He then recognized ACM Brian James. Mr. James stated this subdivision agreement allows the developer to file platt while working on public improvements. The agreement will provide greater assurance that the City does not take on the cost of the improvement if the developer defaults by requiring a surety bond.

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 David Scagliola  
Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized Interim City Secretary Sheila Edmondson who provided roll call confirmation on Consent Agenda Items 1-7 and Agenda Items 8-11.

### **Closed Session**

12. The City Council will convene in closed session pursuant to Texas Government Code Section 551.072, deliberation regarding real property, to discuss the purchase, exchange, lease, or value of real property within the City of Schertz, for a public facility.
13. 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 on an appointment of a new City Manager.
14. The City Council will meet in Closed Session under Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the vacancy of the City Secretary position.
15. Take any action based on discussions held in Closed Session under Agenda Item 12.
16. Take any action based on discussions held in Closed Session under Agenda Item 13.
17. Take any action based on discussions held in Closed Session under Agenda Item 14.

### **Reconvene into Regular Session**

### **Roll Call Vote Confirmation**

### **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

#### **Requests and Announcements**

- Announcements by the City Manager
- Requests by Mayor and Councilmembers for updates or information from Staff
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
- Announcements by Mayor and Councilmembers
  - City and Community Events attended and to be attended
  - City Council Committee and Liaison Assignments (see assignments below)
  - Continuing Education Events attended and to be attended
  - Recognition of actions by City Employees
  - Recognition of actions by Community Volunteers

### **Adjournment**

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, Interim City Secretary