

DRAFT

MINUTES REGULAR MEETING November 1, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on November 1, 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 Mark Browne; Assistant City Manager Brian James; City Attorney Daniel Santee; Assistant to the City Manager Sarah Gonzalez; Interim 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 State of Texas.

Presentations

- Proclamation-Municipal Court Appreciation Week-November 7th-11th, 2022

Mayor Gutierrez proclaimed the week of November 7th -11th, 2022 as Municipal Court Appreciation Week and presented Municipal Court Clerks with the Municipal Court Appreciation Week Proclamation.

- Proclamation-International Accounting Day-November 10th, 2022

Mayor Gutierrez proclaimed November 10, 2022, as International Accounting Day and presented James Walters, City of Schertz Finance Director, and Babett Martin, City of Schertz Assistant Finance Director, with the International Accounting Day 2022 Proclamation.

City Events and Announcements

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

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

Early voting for November 8 General Election continues through Friday, November 4, 2022

Check the City Website for locations, dates and times.

Tuesday, November 8

Election Day

Refer to City Website for locations

Thursday, November 10

Northeast Partnership Monthly meeting

11:30 a.m.

Olympia Hills Golf Course and Conference Center

RSVP to Sheila

Friday, November 11

Veterans Day

City Offices Closed

Veterans Day Celebration - Schertz, Cibolo & Selma

9:00 a.m.

Cibolo City Hall, 200 S. Main Street, Cibolo

Saturday, November 12

Nature Discovery Series

10:00 - 11:00

Crescent Bend Nature Park, 12805 Schaefer Road

Friday, November 18

Hal Baldwin Scholarship Golf Tournament

Registration and Check-in starting at 7:00 a.m.

Shotgun start at 9:00 a.m.

Olympia Hills Golf Course

Monday, November 21

City Council Meeting to Canvass November 8 Election

6:00 p.m.

City Council Chambers

Thursday, November 24

Thanksgiving

City Offices Closed

Friday, November 25

Thanksgiving Holiday
City Offices Closed

Saturday, November 26

Star Party
5:00 - 8:00
Crescent Bend Nature Park, 12805 Schaefer Road

Thursday, December 1

Deck the City Hall Tree Lighting Ceremony
6:00 p.m.
Hal Baldwin Municipal Complex, City Hall Bldg. 1

Saturday, December 3

Holidazzle
8:00 a.m. - 7:00 p.m.
Hal Baldwin Municipal Complex

Tuesday, December 6

Next regular scheduled City Council Meeting
6:00 p.m.
Council Chambers

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

City Manager Dr. Mark Browne recognized and thanked Chief Rogers and the Fire Department for the success of the Trunk-or-Treat event.

Recognized and thanked Patti Casas and the Municipal Clerks for the service they provide.

Recognized and thanked James Walters and the Finance Department staff for the work they do on behalf of the City.

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

Mayor Gutierrez had no additional announcements or recognitions at this time.

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 asked Mayor Pro-Tem Heyward to call the first speaker.
Mayor Pro-Tem Heyward recognized the following speakers:

Maggie Titterington, 1730 Schertz Parkway

Chamber Updates and Appreciation Recognition

Skylight was a big success in spite of not being able to float but they did have tethered balloon rides, Record 22,000 people in attendance. Moving the event to the last weekend in September next year, September 29-30.

The Chamber Military Affairs Committee has been working with the City of Cibolo on the November 11th Veterans Day Ceremony. The keynote speaker will be Brigadier General Russell Driggers, Commander 502nd Air Base JBSA Randolph.

Special thanks for the work done on the Kramer House for their Ribbon Cutting to the following individuals:

John Wilston
Joe Villerreal
Bruno Sepeda
Jeremiah Yandal
Chad Lonsberry
Sammy Maieda
Toby Salazar
Doug Ledbetter
Coyle French
Trevor Walker
Buddy Lewis
Michael Hernandez
Kevin Anderson
Jared Motney
Larry May
Ian Kind
Diego Isaac
Cole Moody
Nick Cromer
Ray Taikienko
Robert Dobratz
Office of Lexis Taylor

Ribbon Cutting and Grand Re-opening for First United Bank on Monday, November 5th. Ms. Titterington expressed her many thanks to Brian James and his team for helping get the renovations underway.

She recognized the Coldwell Banker and Health Texas items on the Consent Agenda and expressed her thanks and gratitude for the assistance given by Dr. Browne, Brian James, the development team, and GVEC which helped them overcome some of the challenges, enabling them to break ground. She also recognized Adrian Perez and the EDC Board of Directors for their help in getting Coldwell Banker and Health Texas to

this point.

There were no additional comments from residents.

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.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of October 11, 2022 and regular meeting of October 25, 2022. (S.Edmondson)
2. **Resolution 22-R-127-** A Resolution by the City Council of the City of Schertz authorizing an agreement with UBEO Services, LLC for the upgrade of multi-function printers and copiers and other matters in connection therewith. (M. Brown/J. Kurz/J. Gohlke)
3. **Resolution No. 22-R-110** - A Resolution by the City Council of the City of Schertz, Texas authorizing an Economic Development Performance Agreement between the City of Schertz, City of Schertz Economic Development Corporation and 3009 OAC Investments, LLC. (M. Browne/ A. Perez)
4. **Resolution No. 22-R-111** - A Resolution by the City Council of the City of Schertz, Texas authorizing an Economic Development Performance Agreement between the City of Schertz, City of Schertz Economic Development Corporation and Schertz RE Company, LLC. (M. Browne/ A. Perez)
5. **Resolution No. 22-R-104** - A Resolution by the City Council of the City of Schertz, Texas authorizing an Economic Development Performance Agreement between the City of Schertz, City of Schertz Economic Development Corporation and Schertz Medical Building, LLC. (M. Browne/ A. Perez)

Mayor Gutierrez asked if any items needed to be removed for discussion. No requests to move items from Consent were received. Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1 - 4.

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

Discussion and Action Items

6. **Ordinance 22-T- 43** - An Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2022-2023 Budget to fund audio/visual improvements for Municipal Court, repealing all ordinance or parts of ordinance in conflict with this ordinance; and providing an effective date. *First Reading* (M.Browne/J.Walters)

Mayor Gutierrez read the following into the record:

ORDINANCE NO. 22-T-43
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2022-2023 BUDGET TO FUND AUDIO/VISUAL IMPROVEMENTS FOR MUNICIPAL COURT, 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 for the additional audio/visual improvements is to allow municipal court to be held in the Council Chamber. The current courtroom is slated for renovations to create office space for new personnel. The funding to be utilized for the audio/visual improvements required for the municipal court will come from court technology restricted funds that can only be used for core technology upgrades. The current fund balance is \$507,000. This adjustment will provide the additional \$10,000 required to accommodate court needs.

Mayor Gutierrez called for a motion to approve Ordinance No. 22-T-43.

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

7. **Resolution 22-R-128** - Consideration and/or action approving a Resolution amending the Schertz Main Street Area Preservation Incentive Program. (B. James)

Mayor Gutierrez read the following into the record:

RESOLUTION NO. 22-R-128
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,

**TEXAS AMENDING THE SCHERTZ MAIN STREET AREA
PRESERVATION INCENTIVE PROGRAM CITY OF SCHERTZ, TEXAS,
AND RELATED MATTERS IN CONNECTION THEREWITH**

Mayor recognized Assistant City Manager Brian James stated that the goal of this resolution is to modify the Historic Preservation Grant to stipulate the property has to be in the Main Street area, or it has to have one of the Landmark designations. Landmark designations require it be a historic structure, at least 50 years old, and have significance to the City (architectural or event). These grants are for improvements of the primary elements of the building, such as foundation, roof, etc., not interior renovations.

Councilmember Whittaker stated she is the City Council Liaison to the Historical Preservation Committee, and she supports expanding the grant outside the Main Street area with the recommendation of the Historic Preservation Committee. Entire Aviation Heights is historic in nature and there is great potential specifically in this area.

Councilmember Brown asked for confirmation that the grants are for exterior renovation and preservation and that the City Historical designation does not fall under the State Historical designation criteria which may require the owner to do additional improvements creating undue financial strain. Mr. James confirmed the use of the grants for exterior renovation and stated that they make it very clear this is an Honorary Acknowledgment of the history as opposed to a historic designation from the State.

Councilmember Dahle asked for the maximum value of the grant. Mr. James responded that it is a dollar for dollar match up to \$20,000.

Mayor Gutierrez asked for confirmation that the grants are for structural and not landscaping. Mr. James confirmed stating that the grants are for owners of structures used for residential exterior improvements to the roof, foundation, and wall repairs, including brick repointing.

Mayor Gutierrez asked about the funding source for the grants. Mr. James stated that the grants are paid from the General Fund.

Councilmember Davis requested clarification on the use of the grant to renovate front porches to bring them in line with the historic structure. Mr. James suggested adding clarifying language to speak to the "historic look" of the structure to the motion to add it to the program.

Councilmember Whittaker requested clarification regarding the landmark designation process. Mr. James stated that in order to get on the list of Landmark properties, a request is made to the Historic Preservation Committee. Committee evaluates the request and makes a recommendation. If the recommendation is approved, Staff will notify the property owner of the nomination. If the owner is accepting of the recognition, then the recommendation goes to Council where a proclamation will be

read signifying the Landmark designation. Once they are on the Landmark designation list, they can apply for the grant. The application goes to the Historic Preservation Committee first, and if approved, it then goes to Council.

Mayor Gutierrez asked how long they would need to wait to apply for a second grant. Mr. James stated that currently awards are made on a one-time basis.

Mayor Gutierrez called for a motion to approve Resolution 22-R-128.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember Tim Brown Motion made and amended to approve Resolution 22-R-128 with addition of verbiage that states grants will be limited to exterior structural or aesthetic modifications that are approved and coordinated through the Historical Preservation Committee.

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

Passed

- 8. 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 for the record that Councilmember Dahle had stepped down from the dais. Councilmember Dahle is the property and has signed an affidavit regarding a conflict of interest regarding this ordinance.

Mayor Gutierrez read the following into record:

**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.**

Mayor Gutierrez recognized Councilmember Scagliola. Councilmember Scagliola stated he is in favor of Workforce housing and this development satisfies a significant need in our community, so he is in favor of the development. However, he objected to a seeming disregard for the voice of the people. He stated it is the absolute

responsibility of the developer to ensure projects in our city are perceived as being beneficial to our community. It is the responsibility of the developer to inform the residents and ensure they're objections are heard and addressed. He did not feel that was accomplished.

Mayor Gutierrez called for a motion to approve Ordinance No. 22-S-41.

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

9. **Resolution 22-R-129-** Consideration and/or action approving an amendment to the contract for upgrades to the Council Chambers with Bluum USA, Inc. (B. James, M. Clauser)

Mayor Gutierrez asked Councilmember Dahle to rejoin Councilmembers on the dais.

Mayor Gutierrez read the following into the record:

**RESOLUTION NO. 22-R-129
CONSIDERATION AND/OR ACTION APPROVING AN AMENDMENT TO
THE CONTRACT FOR UPGRADES TO THE COUNCIL CHAMBERS WITH
BLUUM USA, INC.**

Mayor Gutierrez recognized Assistant City Manager Brian James. ACM James explained that the amendment to the contract is required in order to make the necessary audio/visual improvements in the Council Chambers to accommodate the Municipal Court.

Mayor recognized Councilmember Davis who asked if the contract included updated outlets with the USB port. Jack Bluebird, IT Department, responded affirmatively.

Councilmember Scagliola asked for the start date. Mr. Bluebird responded by stating late December.

Mayor asked if there were any other questions or comments. None were expressed.

Mayor Gutierrez called for a motion to approve Resolution 22-R-129.

Moved by Councilmember Mark Davis, 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

Roll Call Vote Confirmation

Mayor Gutierrez recognized Interim City Secretary Sheila Edmondson who provided roll call confirmation for Consent Agenda Items 1-4 and Agenda Items 5-8.

Closed Session

10. City Council will meet in closed session under 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-86
 - Project E-88
11. The City Council will convene in closed session pursuant to Section 551.071 of the Texas Government Code to conduct a private consultation with its attorney about pending or contemplated litigation or a settlement offer on one or more of the following matters: Green Valley Special Utility District vs. City of Schertz et al Case No. 17-CV-00819-LY (U.S. District Court, Western District of Texas, Austin Division); City of Schertz v. United States Department of Agriculture, et al., No. 19-51056 (U.S. Fifth Circuit Court of Appeals); City of Schertz, Texas v. Texas Commission on Environmental Quality, et al. No. 07-20-00167-CV (Seventh Court of Appeals, Amarillo, Texas); Green Valley Special Utility District v. the Public Utility Commission of Texas and DeAnn T. Walker; Arthur C. D’Andrea, Jr.; Shelly Botkin; in their official capacities as Commissioners of the Public Utility Commission of Texas; and John Paul Urban in his official capacity as Executive Director the Public Utility Commission of Texas; and the City of Schertz, Texas. Cause No. D-1-GN-18-000535, In the District Court of Travis County, Texas, 419th Judicial District; Application of Green Valley Special Utility District for New TPDES Permit, No. WQ0015917-001 (Texas Commission on Environmental Quality)
12. 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.

13. 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.

Reconvene into Regular Session

14. Take any action based on discussion held in Closed Session under Agenda Item 9.

Start time: 7:28 p.m.

End time: 7:41 p.m.

No action taken on Agenda Item 9.

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

Start 6:55 p.m.

End 7:41 p.m.

No action taken on Agenda Item 10.

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

Start time: 8:16 p.m.

End time: 8:25 p.m.

Mayor Gutierrez asked for a motion. Mayor Pro-Tem Heyward made a motion to appoint Steve Williams as the City Manager with an effective date of 1 December. Seconded by Councilmember Scagliola.

Moved by Mayor Pro-Tem Allison Heyward, seconded by Councilmember David Scagliola

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

Passed

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

Start time: 8:28 p.m.

End time: 8:35 p.m.

No action taken on Agenda Item 12.

Roll Call Vote Confirmation

Mayor Gutierrez recognized Interim City Secretary Sheila Edmondson who provided roll call confirmation for Closed Session Agenda Item 10.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Requests and Announcements

- Announcements by the City Manager.

Dr. Browne welcomed the new City Manager, Steve Williams.

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

No requests by Mayor or Councilmembers for updates or information from staff.

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

No requests by Mayor or 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

Mayor Pro-Tem Heyward welcomed Steve Williams as the new City Manager.

Attended the EDC meeting as City Council Liaison.

Attended the 'Live to Lead Leadership Conference' with Jay Johnson.

Ribbon cutting for Nolan Agency, a health care insurance company.

Ag event at elementary school.

Councilmember Davis welcomed Steve Williams to Schertz.

Councilmember Whittaker welcomed Steve Williams.

Attended Coffee with the Chamber.

Attended the Historic Preservation Committee Meeting.

Attended First United Bank Community Prayer Event.

Councilmember Dahle welcomed Mr. Williams.

Attended the first meeting of the Schertz Young Leaders Program.

Attended CVLGC Meeting.

Councilmember Scagliola

Attended Chamber Ribbon cutting ceremony for Kramer House.
Attended the Domestic Violence Observance in Cibolo.
Voted

Councilmember Brown welcomed Mr. Williams.

Adjournment

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary