

# DRAFT

## MINUTES REGULAR MEETING December 13, 2022

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

City Staff: City Manager Steve Williams; 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 Scagliola)**

Mayor Gutierrez recognized Councilmember David 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/S. Gonzalez)

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

### **Monday, December 19 – Friday, December 23 and Monday, December 26 – Friday, December 30**

Schertz Runoff Election Early Voting for City Council Place 2 and Mayor

8:00 AM – 5:00 PM

Schertz Elections Office Annex

1101 Elbel Road (Next to the Post Office)

or Seguin Elections Office, 215 S. Milam Street, Seguin

Note: Applies to all Schertz residents regardless of the county they reside in

### **Friday, December 23**

City Offices Closed in Observance of Christmas Eve

**Monday, December 26**

City Offices Closed in Observance of Christmas Day

**Saturday, December 31**

New Year's Eve Celebration

8:00 PM – 12:15 AM

Pickrell Park

**Monday, January 2**

City Offices Closed in Observance of New Year's Day

**Tuesday, January 3**

Schertz Runoff Election Day

7:00 AM – 7:00 PM

Schertz Elections Office Annex

1101 Elbel Road (Next to the Post Office)

Note: This will be the only voting location for Schertz residents and applies to all Schertz residents regardless of the county they reside in

**Saturday, January 7**

Polar Bear Plunge

10:00 AM – 12:00 PM

Pickrell Park

**Tuesday, January 10**

Next regular scheduled Council meeting

6:00 PM

Council Chambers

- Announcements and recognitions by the City Manager (S. Williams)

Mayor Gutierrez recognized City Manager Steve Williams who thanked Dylan Sandburg from Facilities Management for driving the Council float in the Cibolo Christmas Parade. And provided big kudos to Andrew McBride, Schertz Seguin LGC Manager, and to his team and contractors for going above and beyond in repairing a water leak related to a tap connecting a 42 inch water main to their new water plant. SSLGC staff and contractors worked around the clock for roughly three days straight to control the leak. Finally, he expressed a big thank you and acknowledge all the hard work the staff and the achievements they accomplished throughout the past year.

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

The mayor expressed his thanks to Mr. McBride and his team for repairing the water line stating it was crucial to get it done. He also thanked Public Works for their work in putting the Council float together and driving it in the Cibolo parade. He presented Joe Villarreal with the trophy they won for placing 3rd in the parade.

Mayor closed with expressing holiday wishes and an invitation to all citizens to join Council at Pickrell Park for the New Year's celebration.

## **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:

Hengam Stanfield, 4206 Wenzel Dale Dr., Schertz, 78108. Ms. Stanfield is the owner of Mattenga's Pizzeria as well as the chair for the Chamber Board of Directors. Ms. Stanfield, representing Maggie Titterington, President of the Chamber, spoke in support of new member, Gray House Blooms, for Council's approval of a Main Street Grant. She added that The Chamber had worked with the Contreras family for a dozen years and that when Mrs. Contreras passed away it seemed a legacy was ending. When the owners of Gray House Blooms, Jerry and Tammy, approached the Chamber with plans of opening and continuing flower service for our community with the support of Jason Contreras it seemed fitting that they would carry on a long-standing tradition of a quality florist in our city. The Chamber has worked with Jerry, Tammy, Jason, and City staff to include among others, Gil Durant and Brian James, to see this come to fruition with Council approval and look forward to planning a future grand opening and ribbon cutting ceremony to introduce the next generation of floral design on Main Street.

## **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 #1-3 for the record.

Mayor Pro-Tem Heyward read Items #4-7 for the record.

- 1. Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of November 1, 2022. (S.Edmondson)

2. **Resolution No. 22-R-130** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 817 Main Street. (S.Williams/B. James)
  
3. **Resolution No. 22-R-136** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 507 Main Street. (S.Williams/B. James)
  
4. **Ordinance No. 22-T-49** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2022-2023 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. ( *Final Reading*) (B. James/J. Walters)
  
5. **Ordinance No. 22-S-45** Consideration and/ or action on a request to rezone approximately 0.14 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), generally located southeast of the intersection of Randolph Ave and Exchange Ave, also known as 204 Randolph Ave, also known as Guadalupe County Property Identification Number 67555, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado)(*Final Reading*)
  
6. **Ordinance No. 22-S-42** - Consideration and /or action on a request to rezone approximately 31 acres of land from General Business District (GB) to Single-Family Residential District (R-2), the property, a portion of Parcel ID 63998, generally located approximately 1,000 feet to the northwest of the Eckhardt Road and Green Valley Road intersection. City of Schertz, Guadalupe County, Texas. (B. James, L. Wood, S. Haas) (*Final Reading*)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor recognized Councilmember Dahle who requested Agenda Item #7 be removed for separate discussion.

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1-6.

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

7. **Ordinance No. 22-S-44** - Consideration and/ or action on a request to rezone approximately 75 acres of land from General Business District (GB) and Manufacturing District-Light (M-1) to Planned Development District (PDD), generally located southeast of the intersection of IH 35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers 68313, 68314, and 148510, City of Schertz, Guadalupe County, Texas. (B. James, L. Wood, E. Delgado) (*Final Reading*)

Mayor Gutierrez recognized Councilmember Dahle who requested this Item #7 be removed from Consent Agenda and placed in Discussion.

Councilmember Dahle stated appreciation for the clarification on the automotive major and then questioned section 8 of the PDD document where it states that all boundaries to shift in location up to 50 feet and then in parentheses it says up to 75 feet from what is shown on the PDD plan. Mr. James responded that the City would go up to 75 feet to allow flexibility as they go into design. Councilmember Dahle asked that the numbers be consistent, and the language corrected when Council approves it.

Mayor Gutierrez asked for a motion to approve Ordinance No. 22-S-44.

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, Councilmember Tim Brown

Passed

8. **Resolution No. 22-R-132** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas creating the Schertz Senior Citizen Emergency Expense Support Program. (S. Williams/B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James. Mr. James stated that City staff is seeking to seed this program with \$10,000 from the Contingency Fund. This is a pilot program meant to assist seniors who are faced with a challenge where there is not an easy solution. Currently, the city partners with Love Where You Live and provides some funding for the Schertz Housing Authority and the Prescription Assistance Program. Occasionally city staff become involved in situations where a senior has a problem that creates an issue and has the probability of becoming an ongoing issue or becoming worse. This emergency expense support program would provide a resource to put toward the effort and have staff facilitate improvement, keeping the problem from escalating into a larger issue. The intent is to help mitigate the risks of a situation becoming a larger problem down the road not to become people's first resort to fix any problem. The plan is to review the program after 6 months and report to Council on who they have been able to help if anyone and with what types of issues.

If the pilot proves successful then the hope is to fund it in the future at a larger amount and publicize it more broadly.

Mayor opened the floor for discussion and recognized Councilmember Scagliola who expressed concerns on the management of the program and whether this need would be better satisfied by outside agencies.

Mayor recognized Councilmember Whittaker who requested clarification on situations that might qualify a senior for the program and subsequently expressed her support of the program as the City being a "good neighbor."

Mayor recognized Mayor Pro-Tem Heyward who stated she feels it's a good program and is in support of the pilot.

Mayor recognized Councilmember Brown who stated he would be in support of the program so long as there are clear limits, there is a definitive negative effect on the individual, it is something the city has an effect on, and based on legal advice that other municipalities have implemented such programs.

Mayor Gutierrez stated his initial thought on the program aligned with Councilmember Scagliola but after hearing more details on situations where the City could inadvertently cause an issue for a resident, he now supports the program. To qualify resident must be minimum of 65.

Mayor Gutierrez asked for final comments. None were made.

Mayor Gutierrez asked for a motion to approve Resolution No. 22-R-132.

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

9. **Resolution 22-R-137** - Consideration and/or action by the City Council of the City of Schertz, Texas authorizing the land acquisition of a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street, and specifying funding sources, and other matters in connection therewith. (B. James/L. Shrum)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided a brief synopsis that led up to the opportunity for purchase and funding resources that would be used for the acquisition of the property.

Mayor Gutierrez opened the floor for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Resolution 22-R-137.

Moved by Councilmember Mark Davis, 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

### **Closed Session**

Mayor Gutierrez read the following into record:

10. The 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-088
  
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 under Section 551.074 of the Texas Government Code, Personnel Matters, to discuss the vacancy of the City Secretary position.

Mayor Gutierrez recessed the Regular Meeting at 6:35 p.m. into closed session.

### **Reconvene into Regular Session**

Mayor Gutierrez reconvened into Regular Session at 7:42 p.m.

Item Number#10-Project E88- No action taken.

Item Number# 11-Green Valley Special Utility District-No action taken.

Item Number# 12-City Secretary Vacancy-No action taken.

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized Interim City Secretary Sheila Edmondson who provided roll call on Agenda Items #1-9.

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

### **Requests and Announcements**

- Announcements by the City Manager

No announcements by the City Manager.

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

Councilmember Dahle requested that Assistant City Manager Brian James look into the budgeting issue for graffiti removal, citizen concerns regarding the convenience store on 78 that's closed down has graffiti appearing again, and at the old Shell Station on the corner of 1518 and I-10.

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

No requests for future agenda were made.

- Announcements by Mayor and Councilmembers

No announcements were made.

- City and Community Events attended and to be attended

Mayor Pro-Tem Heyward attended the development subcommittee meeting, City of Schertz Harassment Training, and the AMPO Emergency Resiliency meeting. Also

alerted everyone about Meat Fight, an organization that works with individuals diagnosed with MS.

Councilmember Dahle attended the development subcommittee meeting.

Councilmember Scagliola attended the Cibolo Christmas Parade.

**Adjournment**

Mayor Gutierrez adjourned the meeting at 7:48 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, Interim City Secretary