

DRAFT

MINUTES REGULAR MEETING February 28, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 28, 2023, at 6:00 p.m. in the Hal Baldwin Municipal Complex Civic Center, 1400 Schertz Parkway, Building #5, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Councilmember Allison Heyward; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola

Absent: Mayor Pro-Tem Tim Brown

City Manager Steve Williams; Deputy City Manager Brian James; Assistant City Manager Sarah Gonzalez; City Attorney Daniel Santee; City Secretary Sheila Edmondson

Call to Order

Mayor Gutierrez called the meeting to order at 6:02 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 Whittaker who provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and State of Texas.

Proclamations:

- **Career and Technology Education Month - March 2023**

Mayor Gutierrez presented the Career and Technology Education Month Proclamation for the month of February to Ms. Amy Massey, CTE Coordinator for the Schertz-Cibolo-Universal City Independent School District. Ms Massey thanked the City Council and City of Schertz for their support of the CTE Program which has grown to 115 courses across SCUCISD.

- **National Employee Appreciation Day - March 3, 2023**

Mayor Gutierrez presented the National Employee Appreciation Day Proclamation recognizing March 3, 2023, as National Employee Appreciation Day to Ms. Jessica Kurz, Director of HR and Purchasing for the City of Schertz. Ms. Kurz thanked the Mayor and City Council for their support of the employees of the City of Schertz.

City Events and Announcements

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

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

Saturday, March 4

Kick Cancer Pep Rally and 5K Run

8:00 a.m. Check-in

9:00 a.m. Start

Pickrell Park

More information can be found on the website at www.schertz.com

Tuesday, March 7

Next regular scheduled City Council Meeting

6:00 p.m.

Municipal Courtroom

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

No announcements and recognitions were made by City Manager Steve Williams.

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

Mayor Gutierrez thanked staff and community volunteers who participated in the "Clean the Creek" event.

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.

Councilmember Heyward recognized the following:

Norman St. Clair who declined to speak.

Doug Yound, 3701 Hillside, Schertz, TX. Mr. Yound requested a procedural change. He stated that every resolution and ordinance in the packet has an approval date indicated when in fact they are not approved.

Maggie Titterington, 1730 Schertz Parkway, Schertz, TX. Ms. Titterington provided an

update on the following Chamber of Commerce events.

- Health and Home Show was a great success with almost 400 attendees in a 3-hour period. She thanked Council for their partnership. The Home portion was introduced this year and was hugely successful. They will expand the Home portion of the event, which will be held on the last Saturday of January at the Civic Center. Have a community sponsor for the Home portion that will be announced at a later date.
- She thanked the City for the State of the Cities address. Loved the skit version on the video.
- Two ribbon cuttings
 - March 15: UR Ship & Print at 4:00 p.m. on FM 78
 - March 22: Gray House Blooms at 10:00 a.m. on Main Street
- She thanked the City for the Local Flavor Grant that was awarded to Gray House Blooms
- April 1: Annual Shred Day. Residents can bring up to 5 boxes of paper to be shredded, but also any metal items such as laptops. Free service but are asking for \$5 donations which will go to Operation Comfort. 50% of the proceeds collected will go to Operation Comfort.

Charles Boyle, who declined to speak.

Councilmember David Scagliola recognized the following:

Reed Carr, 3509 Columbia Drive, in Northcliffe. Concerned with the Zoning change that will put a lot of people in a small space. Northcliffe is separate from Scenic Hills, Fairways and Fairhaven. Too many units proposed. Area cannot tolerate the additional traffic. This will be detrimental effect on the neighborhood.

Ana Bruno-Andino, 3701 Columbia Dr., concerned with overdevelopment of the area. Increase in air pollution and concern for the ground. Home had foundation fixed last year and is needing repair again due to drought. Golf course is used for walking, talking to neighbors, and place for children to play.

Maureen Maus, 3434 Wimbledon Dr., declined to speak.

Richard Maus, 3434 Wimbledon Dr., requested and was granted additional time prior to the meeting. Major concern this evening is Ordinance 23-S-02. Does not understand why application is being considered by City staff. It is clear in the City's UDC this area is not appropriate for multi-family homes. This will increase traffic congestion.

Carol Davis, 3337 Wimbledon Dr., expressed disdain and stated she felt her concerns for her neighborhood were not being addressed appropriately by City leaders.

Pedro and Sally Macias, 3777 Pebble Beach, did not respond to invitation to speak.

Samantha Goggans, 3401 Foxbriar Lane, concerns with the development in the area. Traffic congestion, school buses late every day, no coordination between the cities

developing in the area. New residents will add to the traffic congestion. Only one road out of the neighborhood to FM 1103. Drop-off at local schools is unsafe now due to the amount of vehicular travel. Cares about the community and asks that the Council look closer at the traffic issues that will be compounded.

Angela (Mike) Sills, 6108 Covers Cove, has pond behind her. Location where the Senior Center is planned to be built and now with Town Homes. People wanted that feel of living on the golf course which is why they purchased their homes. Asked Council to consider alternative developments, such as a community park. People walk the trail around the golf course and meet up at the pond. Putting buildings there will bring lights, traffic, and security issues.

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 - 8 for the record.

1. **Minutes** – Consideration and/or action regarding the approval of the following minutes from the regular meeting on February 7, 2023. (S. Edmondson/S.Courney)
2. **Appointment/Reappointment For Boards/Commissions/Committees:**
 - Accept resignation of Robert Durham of the Schertz Historical Preservation Committee. (S. Edmondson)
3. **Resolution 23-R-14** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, TX, to approve an agreement with Southwest Regional Advisory Council (STRAC) to participate in the EMS Workforce Education Funding Program. (S. Williams/J. Mabbitt)
4. **Resolution 23-R-15** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, TX, to approve an agreement with SHIELD616 to participate in the SHIELD616 Program. (S. Williams/J. Mabbitt)
5. **Resolution No. 23-R-03** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to sign on behalf of the City of Schertz, applications to replat Lot 1, Block 41 of the Live Oak Hills Addition as part of the proposed Heritage Oaks Subdivision. (S. Williams/B. James)

6. **Resolution No.23-R-17-** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, accepting the semi-annual report with respect to the progress of the Capital Recovery Capital Improvements Plan, and other matters in connection therewith. (B. James/K. Woodlee)

7. **Resolution 23-R-08** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into agreements with Maldonado Nursery & Landscaping and Brightview Landscape Services, for landscape maintenance of medians, parkways, and public ground (S. Gonzalez/L. Shrum)

8. **Resolution No. 23-R-18** - 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)

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1-8.

Moved by Councilmember Mark Davis, seconded by Councilmember David Scagliola

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Michelle Watson, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola

Passed

Discussion and Action Items

9. **Resolution No. 23-R-20** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a CCN transfer between the City of Selma and City of Schertz to amend CCN boundaries and other matters in connection therewith. (B. James/L. Busch/S. Mayfield)

Mayor Gutierrez recognized Stephen Mayfield, Water/Wastewater Manager, City of Schertz, who explained the transfer of the certificate of needs and necessity from Selma CCN to the City of Schertz CCN. The area, located at the end of Tejas, is within Schertz CCN and is preparing for development.

Mayor Gutierrez asked for a motion to approve Resolution 23-R-20.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Michelle Watson, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola

Passed

10. **Resolution No. 23-R-19** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas accepting the Annual Comprehensive Financial Report - ACFR Fiscal Year 2021-22. (S. Gonzalez/J. Walters)

Mayor Gutierrez recognized Babet Martin, Assistant Finance Director, who introduced Mr. Travis Rogers, CPA with Patillo, Brown, and Hill based out of Waco. Mr. Rogers presented the audit results for fiscal year ended September 30, 2022. Independent Auditors Report, letter issued by the auditors, format has been changed from prior years in accordance with GAAP and Auditing Standards. Opinion rendered stated the City of Schertz financial statements represent fairly in all material respects. This is the highest level of assurance the auditor is able to provide. Mr. Rogers asked if there were any questions or comments.

Mayor Gutierrez thanked Mr. Rogers for his presentation and opened the floor to Council discussion. Councilmember Scagliola thanked James Walters for overseeing the City's financial processes and Mr. Rogers for conducting such a thorough audit.

Mr. Walters thanked the City departments for their assistance to the auditors and Finance Department to get the audit done in such a timely manner.

Mayor Gutierrez thanked Mr. Walters for his comments and for the work he and his team do for the City.

Mayor Gutierrez asked for a motion to approve Resolution 23-R-19.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle

AYE: Councilmember Allison Heyward, Councilmember Mark Davis, Councilmember Michelle Watson, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola

Passed

Workshop

11. Annual Racial Profiling Report PD - 2022

Mayor Gutierrez recognized Chief Lowery who presented the Racial Profiling Report for the City. He explained the legal definitions of Racial Profiling vs Criminal Profiling. He shared traffic stop statistics and explained the Schertz Police Department's (SPD) policy and training requirements. Written warnings for all traffic stops are required for data collection. SPD received zero racial profiling complaints in CY2022 as well as the prior year. 98-99% of traffic stops, the race of the driver is unknown. Average across Texas is 96-97%. The number of traffic stops

that are ticketed are equal across the board, no disparity by race. Additionally, the focus of the SPD is on the quality of traffic stops, not on the quantity of traffic stops.

Mayor Gutierrez thanked Chief Lowery for the presentation and everything he does to ensure the safety and security of the residents. He would like to see statistics based on sectors. He then opened the floor to council for discussion.

Mayor Gutierrez recognized Councilmember Dahle who asked what type of guidance is provided to officers regarding when to write citations. Chief responded that he encourages officer discretion. He avoids providing guidance that could lead to quotas. Officer should know before he gets out of his vehicle whether he will be writing a citation.

Mayor Gutierrez recognized Councilmember Davis who thanked Chief Lowery for the report and asked if it was the same as the one that is submitted to TCOLE. There was concern that some of the numbers were misleading. Chief Lowery responded that he wasn't sure how Council could have received information from a corrupted file and explained why the numbers could be different.

Public Hearings

12. **Ordinance No. 23-S-01** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 12.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. *First Reading* (B. James, L. Wood, E. Delgado)

Mayor Gutierrez recognized Emily Delgado, Planning Manager, who explained the request to rezone and showed Council a map of the subject property. The property aligns with Maske Road and is an established manufactured home community. Notice was sent to property owners surrounding the property on January 13, 2023. Public Hearing Notice was published in the Express-News on February 8, 2023. As of today's date no responses in support of or opposed to have been received. Ordinance passed in 2020 required homes to be 10 feet back from the fence location. Fence that was established is 10 feet inside subject property. By doing so they created spaces too small for full size manufactured homes. Proposed PDD to PDD will change the setback from 10 feet to 7.5 feet to allow for the full size manufactured homes only along the Maske Road side. Change was made due to traffic and safety concerns. Plan has been reviewed by Public Works and Engineering. Planning and Zoning committee recommended approval by unanimous vote. Staff recommended approval of Ordinance 23-S-01.

Mayor Gutierrez opened the Public Hearing. No one spoke.

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

Mayor Gutierrez asked for a motion to approve Ordinance 23-S-01.

Moved by Councilmember Jill Whittaker, seconded by Councilmember David Scagliola

AYE: Councilmember Allison Heyward, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Jill Whittaker,
Councilmember Michael Dahle, Councilmember David Scagliola

Passed

- 13. Ordinance No. 23-S-02** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 25 acres of land from Pre-Development District (PRE) to Planned Development District (PDD), generally located approximately 2,200 feet southeast of the intersection of Country Club Boulevard and IH-35 access road, also known as a portion of Comal County Property Identification Number 377261 and Guadalupe County Property Identification 63833, City of Schertz, Comal County and Guadalupe County, Texas. *First Reading* (B. James, L. Wood, E. Delgado)

Mayor Gutierrez announced to individuals at the meeting that the replies from the Notice of Public Hearing could not be based on conditional statements. If the individual marked in favor of, then the vote was counted as such. They still had time, until the Second Reading, to submit an amended response if they chose to do so.

Mayor Gutierrez recognized Emily Delgado, Planning Manager, who explained the details of Ordinance 23-S-02, Villas at Bluebonnet Ridge. 117 Public Hearing mailers were sent to property owners surrounding the property on January 13, 2023. Public Hearing Notice was published in the Express-News on February 8, 2023. As of today's date 32 responses in support of and 45 opposed to and one neutral have been received. Only 14.012% so super majority vote is not required. Proposed as gated property, total 198 units, measuring 1300 - 1400 sq ft area each and 7.25 acres set aside for greenspace which includes the LCRA easement. Staff recommends approval of the plan with the addition of the trail.

Ms. Delgado recognized Mr. Buck Benson, 745 East Mulberry, representing the applicant. Mr. Benson provided a brief presentation of the development plans. Developer does not want the trail and doesn't believe it should be a condition on them. Developed the project to address concerns of density. They have capped the number of units at 198. They will be doing a traffic impact and drainage study prior to starting construction.

Mayor Gutierrez opened the floor to the Public Hearing.

The following residents spoke in opposition to Ordinance 23-S-02:

Doug Yound, 3701 Hillside

Heather Jackson, 3410 Wimbledon Dr.

Cade Jackson, 3410 Wimbledon Dr.

Carter Jackson, 3410 Wimbledon Dr.
Cole Jackson, 3410 Wimbledon Dr.
Phil Jackson, 3410 Wimbledon Dr.
Richard Maus, 3434 Wimbledon Dr.
Charles Boyle, 3333 Wimbledon Dr.
Roy Jones, 3422 Wimbledon Dr.
James Hough, 5133 Black Horse
Jorge Rodriguez, 3334 Foxbriar Ln.
Samantha Goggans, 3401 Foxbriar Ln.
Kenny Rogers, 5116 Eagle Valley St.
Angel Santiago Colone, 5613 Fairways Dr
Mary Salvaterra, 3422 Wimbledon Dr.
Bill Edmonds, 4909 Crestwood Dr.
Patsy Lorrie, 3405 Wimbledon Dr.
Susan Degraffenried, Fairhaven HOA President
Carmen Rodriguez, 5621 Fairways
Allen Johanningmeier, 6058 Covers Cove
Steven Simmers, 3713 Columbia Dr.
Jan Baldwin, 3401 Columbia Dr., Northcliffe HOA VP
Anthony Kobiak, 3322 Wimbledon Dr.

In favor of:

Gregory Sebold, 3841 Green Ridge, Scenic Hill HOA President

Mayor Gutierrez closed Public Hearing and opened the floor to Council discussion.

Mayor Gutierrez recognized Councilmember Scagliola who asked Deputy City Manager Brian James to address questions/concerns posed by residents who spoke during Public Hearing. Mr. James addressed those questions/concerns.

Councilmembers Scagliola and Davis stated they are not opposed to development, but it needs to be appropriate development. Concerns with density and traffic have not been addressed adequately to support this development.

Councilmembers Whittaker, Dahle, and Heyward provided their reasoning for support of the development as outlined in the application with the addition of the trail. The inclusion of the trail is in response to resident surveys done on multiple occasions where the desire for more parks and trails across the City was consistently noted as a high priority,

Mayor Gutierrez provided his view in support of the development.

Councilmember Scagliola made the motion to NOT approve the zoning change. Motion was seconded by Councilmember Davis. Mayor Ralph Gutierrez recognized the Negative Motion and provided clarification for the negative motion vote.

AYE: Councilmember David Scagliola, Councilmember Mark Davis,
Councilmember Michelle Watson

NAY: Councilmember Jill Whittaker, Councilmember Michael Dahle,
Councilmember Allison Heyward, Mayor Ralph Gutierrez

Motion to deny approving Ordinance 23-S-02 did not pass.

Following the negative motion, Mayor Gutierrez asked for a motion to approve Ordinance 23-S-02.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michael Dahle

AYE: Mayor Ralph Gutierrez, Councilmember Allison Heyward,
Councilmember Jill Whittaker, Councilmember Michael Dahle

NAY: Councilmember Mark Davis, Councilmember Michelle Watson,
Councilmember David Scagliola

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Sheila Edmondson who provided roll call for Consent Agenda Items #1-8, Agenda Items #9, 10, 12, and 13.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

14. Quarterly Investment Reports
15. Mayor and Council Compensation. (S. Gonzalez/J. Walters)

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

No requests 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 for future agenda were made.

- Announcements by Mayor and Councilmembers

- City and Community Events attended and to be attended

Councilmember Watson attended the Special Olympics Polar Plunge.

Councilmember Whittaker attended The Chamber State of the Cities luncheon.

Councilmember Dahle attended the CVLGC meeting.
Councilmember Scaglio attended the Bexar County Trail Ride at Pickrell Park.
Councilmember Heyward attended two ribbon cuttings, The Chamber State of the Cities luncheon, Schertz Development Subcommittee, TML, and will be out next week to attend the TML Risk Pool meeting in Orlando, FL

- 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

Mayor Gutierrez adjourned the meeting at 9:51 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary