

DRAFT

MINUTES REGULAR MEETING April 25, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 25, 2023, 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 Tim Brown; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward

Staff present: City Manager Steve Williams; Deputy City Manager Brian James; Assistant City Manager Sarah Gonzalez; City Attorney Daniel Santee; City Secretary Sheila Edmondson; Deputy City Secretary Sheree Courney

Call to Order

Mayor Gutierrez called the meeting to order at 6:03 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

- National Library Week April 23-29, 2023 (Mayor Pro-Tem Brown)

Mayor Pro-Tem Brown presented the National Library Week April 23-29, 2023, Proclamation to Schertz Library Director Melissa Ulhorn. Ms. Ulhorn expressed her appreciation for the recognition and thanked the Library staff for all the work they do.

- National Administrative Professionals Appreciation Week April 23-29, 2023 (Councilmember Davis)

Councilmember Davis presented the National Administrative Professionals Appreciation Week April 23-29, 2023, Proclamation to 11-City Administrative Assistants and 1-Administrative Manager who were present.

City Events and Announcements

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

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

Through Thursday, April 27

RACAP Food Drive

Sponsored by Heidelberg Materials and Randolph Area Christian Assistance Program

Collection Boxes can be found in the lobbies of City Hall Bldg. 1, Administration Bldg. 2, Police Department, Library, and YMCA.

Tuesday, May 2

Next regular City Council Meeting

6:00 p.m.

Council Chambers

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

Mayor Gutierrez recognized City Manager Steve Williams who provided the following:

- Recognition of Julie Gohlke, Purchasing Manager, who earned her Certified Procurement Professional Designation from the National Institute of Governmental Purchasing;
- Love Where You Live Program had a service project on Saturday where 315 volunteers from seven churches helped 70 families in six different neighborhoods with their homes;
- Parks and Recreation Department held an Ed-ZOO-cation program partnering with the San Antonio Zoo at Crescent Bend Park
- Regional Job Fair will be held on May 11th at the Cibolo YMCA;
- Library is promoting "Be a Human Book" giving residents an opportunity to talk to readers about their experiences, perspectives, values, and beliefs. They are currently recruiting volunteers to participate.

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

Mayor Gutierrez thanked the residents who attended the meeting this evening.

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 Brown recognized the following residents who spoke in opposition to the rezoning application, Ordinance 23-S-02, submitted for the Northcliff Golf Course:

Carol Davis, 3337 Wimbledon Dr, by proxy
Howson Lau, 3678 Pebble Beach
Tammy Kennedy, 3712 Pebble Beach
Phil Jackson, 3410 Wimbledon
Heather Jackson, 3410 Wimbledon
Steve Gooding, 5717 Fairways Dr.
Ana Bruno Andino, 3701 Columbia
James Riedel, 3433 Charleston
Richard Maus, 3434 Wimbledon
Janet Willson, 3805 Overlook Dr.
Tom Willson, 3805 Overlook Dr.
Jan Baldwin, 3401 Columbia
Reed Carr, 3509 Columbia
Bill Edmonds, 4909 Crestwood Dr.
Susan DeGraffenried, 5140 Columbia Dr.
Donald Dendy, 3149 Cameron River
Michelle Swisher, 6105 Mule Deer

Mayor Pro-Tem Brown recognized the following residents who spoke in support of the rezoning application, Ordinance 23-S-02, submitted for the Northcliff Golf Course:

Gregory Sebold, 3841 Greenridge
David Prestridge, 3708 Hillside
Mary Graham, 3701 Hillside
Brad Weberg, 3809 Overlook Dr.
Maggie Igel, 3712 Hunters Glen
Diane Weberg, 3809 Overlook Dr.
Othann Warner, 3717 Hunters Glen
Dana Giggy, 3825 Overlook

Mayor Pro-Tem Brown recognized the following residents who spoke in support of Mr. Robert Fishback, former director of the Schertz Senior Center:

Don Sweet, 832 Water Oak
Catherine Ann Stinson, 140 Kaylee Chase
Mehri Wallace, 126 Silver Terrace
Robert Fishback,
Doris Wahrenbrock, 121 Meadow Lark
Mardenia Anderson, 124 Kitty Hawk Run
Will Clouse, 6938 Robin Hood Way
Sandra Davis, 2644 Gallant Fox Dr.
Micheline Sutton, 805 Maple Dr.
Maria Fishback, 140 Dew Fall Trail

Mayor Pro-Tem Brown recognized the following residents:

Mr. Robert Fishback, 140 Dew Fall Trail - Mr. Fishback provided a statement regarding his resignation as director of the Schertz Senior Center. Mr. Fishback called upon the

City Council to revoke one individual's membership due to actions that consistently violate the code of conduct and to address City staff's inappropriate actions regarding this situation.

Ms. Sandra Basham, 125 Falcon Drive, and Ms. Kathleen Chipman, 201 Winburn, who presented a quilt made by members of the Good Samaritan Oncology Support Group to Mayor Gutierrez.

Mr. Dennis Elliott, 2567 Smokey Creek, who expressed concerns with fees applied to his property taxes without notification.

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.

1. **Minutes** – Consideration and/or action approving the regular meeting minutes of April 11, 2023. (S.Edmondson/S.Courney)

Mayor Gutierrez asked for a motion to approve Consent Agenda Item #1.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michael Dahle

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

Passed

Discussion and Action Items

2. **Ordinance 23-S-02** - 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. (**Final Reading**) (B. James/ L. Wood/ E. Delgado)

Mayor Gutierrez recognized Ms. Lesa Wood, Planning and Community Development Director, who provided a summary of the request to rezone approximately 5 acres of land from Pre-Development District (PRE) to Planned Development District (PDD). Followed by Mr. Buck Benson, attorney for the applicant. This is complex due to the existence of five HOAs and the introduction of the PID. Original application was

rentals vs ownerships, so they changed the application to Townhomes. Now the issue is density but no one has provided a number. Applicant has tried to address concerns of the neighborhood and council. Feels that only single family homes would be acceptable to them, but that is not feasible for the developer.

Mayor Gutierrez offered the following comments:

The fundamental question here is: Is this development a good idea for our city?

The council has three major tasks:

1. Pass a budget to ensure or citizens are provided essential services
2. To address problems, and
3. Create a future that does not exist.

Changes are being considered in Austin. HB1514 will change the zoning threshold from 20% of affected owners to 50% to trigger a super majority.

Mayor opened the floor to council for discussion:

Councilmember Scagliola thanked Mr. Benson for reaching out to the HOAs and shared four points:

1. He supports governance at the grassroots level
2. They need to agree to disagree and walk away friends
3. Not against developers or developments, not in favor of this one
4. The area is not appropriately zoned. R6-R7 zoning would be most appropriate.

Councilmember Heyward spoke in response to the comments regarding the UDC, Council representation, traffic, and foundation issues. To which she provided the following:

- This land is zoned for PDD and therefore is not subject to the UDC.
- Councilmembers must do what is in the best interest of all of Schertz.
- Traffic study done by George Mason University which included neighborhoods in San Antonio show that traffic for Townhomes is less than single family residences.
- Foundation issues are common throughout Texas due to our soil and drought.

Councilmember Heyward closed her comments with legislative updates that will significantly impact the ability of cities to limit the number of homes, to restrict lot sizes, etc.

No other Councilmembers commented.

Mayor called for a motion to approve Ordinance 23-S-02.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward.

AYE: Mayor Pro-Tem Tim Brown, Councilmember Michelle Watson,
Councilmember Jill Whittaker, Councilmember Michael Dahle,
Councilmember Allison Heyward

NAY: Councilmember Mark Davis, Councilmember David Scagliola

Greater than 20% of affected property owners voted against the zoning triggering a super majority vote to pass. Affirmative votes did not meet the super majority requirement.

Motion Failed

Closed Session

3. The City Council will meet in closed session in accordance with Section 551.072, Texas Government Code deliberation regarding the purchase, exchange, lease, or value of Real Properties for future roadways, roadway extensions, and roadway expansions; city facilities, drainage and detention; and general municipal uses.

Mayor Gutierrez recessed Regular Session at 8:33 p.m.

Closed Session start time: 8:48 p.m.

Closed Session end time: 9:10 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened to Regular Session at 9:12 p.m.

No action was taken from Closed Session.

Roll Call Vote Confirmation

Information available in City Council Packets - NO DISCUSSION TO OCCUR

4. **Quarterly Financial Reports - FY 2022-23 1st Quarter**
5. **Guadalupe Regional Medical Center Prescription Assistance Program - for Schertz Enrollees Report**

Requests and Announcements

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

Councilmember Scagliola requested staff work on a resolution for the issues brought to light regarding the senior center without getting involved in YMCA personnel issues. Mr. Williams stated staff will review the YMCA contract and report back to Council

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

No 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

Councilmembers Watson attended the NEP luncheon.

Councilmember Whittaker attended the Alamo Title Ribbon Cutting.

Councilmember Scagliola attended The Chamber mixer and SSLGC.

Councilmember Heyward attended The Chamber and NEP luncheons; TML Legislative Update Webinar; JBSA Quarterly Community Partnership Meeting on Zoom; Ribbon cuttings for New York Life-Joey Menchey, River City Gutters, and Alamo Title Company; and participated in the Staff Purple Up! Military Child Month Photo.

- 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 9:16 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary