

MINUTES
REGULAR MEETING
May 9, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on May 9, 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

Attendees:

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 Dahle)

Mayor Gutierrez recognized Councilmember Dahle who provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and State of Texas.

Proclamations

- National Prevention Week May 7-13, 2023 (Councilmember Whittaker)

Councilmember Whittaker presented the National Prevention Week May 7-13, 2023 Proclamation to Katarina Eberhard, Guadalupe County Community Coalition Coordinator with the San Antonio Council on Alcohol and Drug Awareness and members of the Community and Council on Alcohol and Drug Awareness.

- National Police Memorial Day May 15, 2023 and National Police Week May 14-20, 2023 (Councilmember Heyward)

Councilmember Heyward presented the National Police Memorial Day May 15, 2023, and National Police Week May 14-20, 2023 Proclamation to Chief Jim Lowery, Assistant Chief Manny Casas, Assistant Chief Daniel Roman and members of the Schertz Police Department.

- Economic Development Week May 8-12, 2023 (Mayor Pro-Tem Brown)

Mayor Pro-Tem Brown presented the Economic Development Week May 8-12, 2023

Proclamation to members of the Schertz Economic Development Staff, Executive Director Scott Wayman, Deputy Director Holly Malish, and Business Engagement Manager Ashley Ritchey.

- World Facility Management Day - May 10, 2023 (Councilmember Dahle)

Councilmember Dahle presented the World Facility Management Day, May 10, 2023, Proclamation to Facilities Manager Chad Lonsberry and members of the City of Schertz Facilities Management staff.

Presentation-Upcoming July 4th Jubilee (S. Gonzalez/L. Shrum/C. Paddock)

Mayor Gutierrez recognized Cassie Paddock, City of Schertz Recreation Manager, who presented details related to the upcoming July 4th Jubilee. Volunteers are needed for Project Flagline to help with the placement of approximately 4,000 flags along Schertz Parkway from I-35 Frontage Road to Curtis Avenue. Sign up through Civic Rec on the Schertz website. Activities for the Jubilee include the Freedom 5K, parade, live music, family fun, and fireworks. 5K starts at 9:15 a.m., the Parade theme is "Stars and Stripes" and starts at 9:30 a.m. Fireworks are being sponsored by HEB again this year. Caterpillar and Slim Chickens are sponsoring the Jubilee this year as well. Registration for Float and Fireworks will open May 1st online. Capacity for the Float and Fireworks is limited to 300 individuals. Tickets are \$3/person.

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:

Saturday, May 13

Nature Discovery Series - Discover What's Swimming
Crescent Bend Nature Park
10:00 a.m. - 12:00 p.m.

Sunday, May 14

Mothers' Day

Saturday, May 20

Dark Skies & Fireflies
Crescent Bend Nature Park
7:00 p.m. - 9:00 p.m.

Tuesday, May 23

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

Monday, May 29

Memorial Day - City Offices Closed

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

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

- Parks Department had their first Movie in the Park of the season at Pickrell Park on May 5th, approximately 35 attended and enjoyed the movie "Selena".
- 2023 Schertz Parks and Recreation Fun Guide was released with this month's Schertz magazine.
- Recognition of City Staff Promotions - Jack Bluebird, IT Director; Angel Carpenter, EMS Lieutenant; Dawniecia Hardin, Internal Services Director; Brian Sledge, Battalion Chief; Tyler Wilson, EMS Field Training Officer; Alexandria Wheeler, full-time Library Assistant.

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

Mayor Gutierrez congratulated staff on their promotions.

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:

Daniel Jameson, 1048 Richmond Drive, who invited City Council and Staff to the Veterans Memorial Day Service at the Veterans Memorial.

Dr. Miguel Vasquez, Chair of Schertz Historical Preservation Committee, who provided an update of the recent Cemetery Tour. 110 visitors attended the event where they took the self-guided tour, searched for arrowheads, and listened to music.

Sylvia Salas-Brown, 9778 Mulhouse, who spoke in opposition of a multi-family development on 1518 stating the infrastructure is not in place to support it.

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 regarding the approval of the regular meetings minutes of April 25, 2023, and May 2, 2023. (S.Edmondson/S.Courney)

2. **Resolution 23-R-40** - Consideration and/or action by the City Council of the City of Schertz authorizing in Interlocal Agreement between the City and Alamo Area Metro SWAT

3. **Resolution 23-R-39**- Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the Schertz Seguin Local Government Corporation (SSLGC) Budget Amendment for Fiscal Year 2022-23 in the amount of \$1,705,000 as a transfer to the Operating Fund and \$1,450,000 as a transfer to the Repair/Replacement Fund. (B.James/L. Busch)

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - 3.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward

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

Passed

Discussion and Action Items

4. **Ordinance 23-M-11** - Consideration and/or action on amending Ordinance 15-M-32, Section 1. Time and Place of Regular Council Meetings, Section 2-2(a) of the Code of Ordinances to be hereby amended to read "(a) Regular meetings of the City Council shall be held on the **first and third Tuesdays of each month**, provided that the City Council by motion or resolution or the City Manager in consultation with the Mayor may cancel any such regular meeting due to conflicting events or meetings or lack of need for a meeting so long as at least one regular meeting of City Council is conducted each month." (*Final Reading*) (S. Williams)

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Dahle who requested clarification on the start date. Mr. Williams responded June 1, 2023. Councilmember Dahle stated no objection to the change.

Mayor Gutierrez asked for a motion to approve Ordinance 23-M-11.

Moved by Councilmember Allison Heyward, seconded by Councilmember Jill Whittaker

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

NAY: Councilmember Mark Davis

Passed

5. **Application for Landmark Property Designation** - Consideration and/or action approving a Landmark Property Designation for 1001 Elbel - Clemens High School. (S. Williams/B. James).

Mayor Gutierrez recognized Deputy City Manager Brian James. Mr. James provided the following summary regarding the request for a Landmark Property Designation for 1001 Elbel - Clemens High School.

The City has a process to recognize areas of historic significance in the community as either Landmark Property Designation or the Historic Neighborhood Designation. First the property is brought to the attention of the Historic Preservation Committee, then an application is submitted, research is conducted on the property, presented to and voted on by the Historic Preservation Committee. If approved, it is brought to City Council for a vote and if approved, a proclamation is read recognizing the historic significance of the property.

The Clemens History Club did the research and reported on the historic significance of the school and its standing in the community which they presented to the Historic Preservation Committee who voted in favor of a Landmark Property Designation.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Whittaker stated she was present at the Historic Preservation Committee meeting where the Clemens History Club presented the report. She said it was extremely well done. She congratulated the students on their efforts and thanked them for taking the time to recognize their school and share that with the Schertz community.

Moved by Mayor Pro-Tem Tim Brown, seconded by Councilmember Allison Heyward

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

Passed

Mayor Gutierrez recognized Councilmember Jill Whittaker who presented the Landmark Property Designation, 1001 Elbel Road, Proclamation to the Clemens History Club, Mr. Marc Thornton and Ms. Janet Gensheimer, faculty sponsors and students, Clay Alford, Meredith Daniels, Madison Jenkins, Madison Kuhlmann, Logan Michael, Elysia Salazar, Elisa Scott, Hannah Wainwright, Addison Welch, and Charles Zentil.

6. Discussion and consideration and/or action on a Charter Review.

Mayor Gutierrez stated he placed this item on the agenda after discussion with City Manager Steve Williams. A Charter Review has not been conducted since 2014. Items needing clarification include audio video conferencing, specifically the number of meetings that an elected official would be permitted to use audio video conferencing in lieu of personally present, and Run-off Election. Charter requires a run-off election if no candidate is elected by 50% plus 1. Issues brought to light include additional cost, timing (holidays), and the number of voters who participated in the run-off.

Mayor recognized City Manager Steve Williams who asked the City Attorney, Dan Santee, to provide guidance on the Charter review process and timing. Mr. Santee said there are two ways to amend a charter, either by selecting a commission for the review which can take up to 180 days, or by Council performing the review themselves and adding amendments.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Davis, chaired the 2014 Charter review, and stated it is time for a review. He supports having an outside commission not having Council do it themselves. He doesn't believe there is any urgency. More important to get it done the right way.

Mayor Pro-Tem Brown, served on the review committee, and agrees it is important to have citizens outside the Council on the commission conducting the review. Believes it is time for a charter review, but no urgency for the upcoming election.

Councilmember Heyward stated it would be reviewed by citizens during the vote, so has no objection to having Council do the review and put amendments on the ballot.

Councilmember Whittaker stated it is time to review the charter, but also sees no urgency. A more efficient system is needed. She would like the commission to be established sooner, but no urgency to put the recommendations on the ballot for the next election.

Councilmember Dahle requested clarification from attorney regarding the time frame by which Council must act on recommendations from the commission. Mr. Santee stated that the commission has a deadline to provide their recommendations, but Council is not bound by a time period to accept or reject their recommendations. The understanding is that you will call an election soon after the Charter Review has been completed. Councilmember Dahle agrees with other councilmembers that there does need to be a review, a commission should be convened to do the review, and no urgency to put it on the upcoming election ballot.

Councilmember Davis asked if attendance in person versus virtually needed to be codified in the Charter or could it be put in the City Council Code of Conduct. Mr. Santee responded that it could be put in the Code of Conduct. Attending by video

conference is allowed by state law, but there are rules that go along with that as to where the quorum has to be present. The reason to put it in the Charter is because that is where the forfeiture provisions are for forfeiting office if you violate something. Councilmember Davis would prefer to modify the Code of Conduct and if it becomes a problem have it addressed by a citizen-led panel. Recommends having the panel seated at the beginning of the year.

Councilmember Heyward asked the attorney for clarification on which document is best vehicle for attendance via video conferencing versus in person.

Mayor Gutierrez proposed creating a resolution to convene the Charter Review committee and suggested each council member select a citizen to participate on the panel.

Councilmember Scagliola agreed with allowing the 180 days for the review and having a citizen panel. Having residents involved adds credibility to the process.

Mr. Santee added final comments regarding plurality versus majority voting. If moving to plurality voting then terms would need to be changed to two years by state law.

Public Hearings

7. **Ordinance 23-S-09** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 15 acres of land from Pre-Development District (PRE) to Apartment/Multi-Family Residential District (R-4), located approximately 1,800 feet east of the intersection of FM 1518 and Ray Corbett Drive, also known as Bexar County Property Identification Number 309863, City of Schertz, Bexar County, Texas. (*First Reading*) (B. James, L. Wood, S. Haas)

Applicant has pulled the application for Ordinance 23-S-09. No action taken.

8. **Ordinance 23-S-10** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 1 acre of land from Single-Family Residential District (R-1) to Neighborhood Services District (NS), located approximately 600 feet south of the intersection of FM 3009 and Live Oak Road, also known as Guadalupe County Property Identification Number 67544, City of Schertz, Guadalupe County, Texas. (*First Reading*). (B. James, L. Wood, S. Haas)

Mayor Gutierrez recognized Sam Haas, Sr. Planner, who briefed Council on Ordinance 23-S-10. He provided maps to show location of the property and stated that in accordance with state law, on March 30, 2023, 25 Public Notices were sent to residents within 200 feet of the property, a notice sign was placed on the property, and a Public Hearing ad was placed in the San Antonio Express newspaper on April 19, 2023. Three responses in opposition have been received as of April 26, 2023. Per applicant Letter of Intent, proposed development will be a medical office with a pharmaceutical drive-thru. Staff recommended approval of the request to rezone

based on the compatibility with the Comprehensive Land Use Plan and the compatibility with existing land uses in the area. The Schertz Planning and Zoning Commission met on April 12, 2023, and voted 5-0 to recommend Council approve the proposed zone change as presented.

Mayor Gutierrez opened the Public Hearing to Residents. No residents spoke.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Scagliola stated there have been no complaints on the current development in the area and believes this is a continuation of that development.

Councilmember Dahle stated that the applicant's proposed land use adjacent to the Clinic is appropriate.

Moved by Councilmember Michael Dahle, seconded by Councilmember Michelle Watson

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

Passed

Presentations

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Requests and Announcements

- 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

Councilmember Scagliola requested discussion on the electronic versus voice vote.

- Announcements by Mayor and Councilmembers
- City and Community Events attended and to be attended
 - Councilmember Watson attended the Cibolo Well Ribbon-cutting.
 - Councilmember Scagliola attended the Cibolo Well Ribbon-cutting.
 - Councilmember Heyward attended the Schertz Young Leaders Graduation Dinner, MSI Ribbon-cutting, volunteered at the Schertz Bank & Trust Chamber Golf Tournament and participated in a Legislative webinar.
- 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 7:20 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheree Courney, Deputy City Secretary