

DRAFT

MINUTES REGULAR MEETING July 11, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on July 11, 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 David Scagliola

Absent: Councilmember Michael Dahle; Councilmember Allison Heyward

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

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 Davis)

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

Employee Introductions

Mayor Gutierrez recognized City Department Heads who introduced new staff:

- I.T.: Andrew Conley-Senior Systems Administrator; Venny Nunez-I.T. Support Specialist
- Utility Billing: Tommy Perez-Utility Billing Clerk

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:

Thursday, July 13

Glow Party

8:00 p.m. - 9:00 p.m.

Rhine Valley Park

Saturday, July 15

Float & Flick in the Park - "Jungle Cruise"

7:00 p.m. - 9:00 p.m.

Pickrell Park

Tuesday, July 18

Next Regular City Council Meeting

Council Chambers

6:00 p.m.

- Announcements and recognitions by the City Manager (S. Williams)
Mayor Gutierrez recognized City Manager Steve Williams who provided the following:

Teen Police Academy - held June 19 - 23, 2023. Run by Officer Anna Kraft, 14 teens learned about driving safety, internet safety, crime scene investigation, toured the fire department, and learned how to become a police officer.

July 4th Jubilee

Parade was a resounding success. 3,500 attendees lined the streets along the parade route to watch City officials and 72 entrants, a total of 1,200 people, greet them. Entries were judged, and award winners are as follows:

Municipal Entries

1st Place - Wreaths Across America

2nd Place - Schertz Historic Preservation Committee

3rd Place - Councilman Joel Hicks, City of Cibolo

Business Entries

1st Place - Shops at the Mill

2nd Place - HEB

3rd Place - Joonbug Pest Control

Nonprofit/Individual Entries

1st Place - Off the Pavement Adventures

2nd Place - BSC Cub Scouts Pack #51

3rd Place - Klassich VDubs

5K Freedom Run had 309 participants.

Fireworks in the Park - 16 local food trucks, activities, carnival, live music provided by Groove Knight and fireworks were enjoyed by approximately 8,000 attendees. Additionally, there were 300 people in attendance at the Float & Fireworks at Pickrell Park Pool.

City Manager Williams thanked the Jubilee Sponsors - HEB, Caterpillar, Slim Chickens, and Schertz/Cibolo Emergency Clinic and conveyed kudos to the staff for making it a successful event.

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

Mayor Gutierrez conveyed kudos to the staff and vendors for the work in creating such a successful event. He thanked the sponsors who made the event possible. Mayor Gutierrez also expressed thanks to all the volunteers who helped with PROJECT FLAGLINE.

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:

Wyatt Agee, 9375 Corporate Drive, Selma, spoke as a participant of The Chamber CORE Leadership Program, thanking Council, City Manager Steve Williams, and Assistant Manager Gonzalez for their support of the program.

Richard Maus, 3434 Wimbledon Dr., Schertz, who spoke about the City of Schertz Unified Development Code. He referenced the book "12 Rules for Life: An Antidote to Chaos." He stated that one of the first indications of chaos is frustration that leads to anger. In his observation regarding the zoning change for the Villas at Bluebonnet Ridge there has been very little order. As of July 7th, there were 67 responses to the public notice for the Villas of which 66 opposed and one was in favor showing the current PDD is less popular than the last one.

Lynn Yeamans, 3509 Charleston Ln., Cibolo, a resident of Northcliffe, spoke regarding the annexation of the neighborhood into the City of Schertz. Promises to improve sidewalks and streets did not come to fruition. Except for services provided by the Fire and EMS Departments, who have provided excellent service, she feels like a stepchild. The city's lack of follow through on previous promises and support for maintaining the former golf course have added to her frustration and negative feelings toward the City of Schertz. She requests Council re-evaluate the actions taken that affect their area and treat them like real homeowners and property owners of the City of Schertz.

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 meeting minutes of June 20, 2023. (S.Edmondson/S.Courney)
2. **Appointment, Reappointment and Resignations on Boards, Commissions and Committees** - The Interview Committee met on June 22, 2023, to review applications for appointment and reappointment, and conduct interviews for the Board of Adjustment, Planning and Zoning Commission, Library Advisory Board, and Schertz Historical Preservation Committee. (S.Edmondson)
3. **Resolution 23-R-10** - Consideration and/or action approving a resolution by the City Council of the City of Schertz, Texas, authorizing a ninth amendment to the interlocal agreement with the Alamo Area Council of Governments (AACOG) to provide funding in the amount of \$42,666.00 for transit services in the City of Schertz. (S. Williams/B. James)
4. **Resolution 23-R-56** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a Task Order Agreement Modification to the Task Order with Halff Associates, adding design tasks and increasing the not to exceed amount to \$511,000.00 for the Lookout Road Reconstruction Project. (B. James/J. Nowak)

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - 4.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michelle Watson

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

Passed

Discussion and/or Action

5. Discussion and/or Action on Electronic Voting. (Mayor/Scagliola)

Mayor Gutierrez recognized Councilmember Scagliola who opened the discussion on the electronic voting system. Councilmember Scagliola would prefer a verbal vote or have the voting displayed on the screen as the vote is occurring, not published after everyone has voted. Councilmember Scagliola expressed concerns that changing the voting mechanism from verbal to electronic might violate the City Charter and/or Council Rules and Procedures. Councilmember Scagliola referenced section 9 of the Rules and Procedures stating that 'voting matters shall be by roll call and the Ayes and Nays shall be recorded in the minutes.'

Mayor Gutierrez stated that the use of the electronic voting system does not violate the process for voting as listed in the City Charter and Council Rules and Procedures.

Mayor Gutierrez reminded Council that the roll call confirmation was not done at the time of the vote whereas the new system allows individuals to freeze the vote screen to see how individuals have voted when viewing on YouTube making it much more transparent.

Mayor Gutierrez then opened the floor to Council for discussion.

Councilmembers Brown and Whittaker conveyed support for the electronic voting system as is.

Mayor Gutierrez asked for a motion.

A motion to use the current voting system and confirmation system as it is was

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michelle Watson

AYE: Mayor Pro-Tem Tim Brown, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Jill Whittaker

NAY: Councilmember David Scagliola

Passed

6. **Resolution 23-R-55**– Consideration and/or action by the City Council of the City of Schertz, Texas, approving a Resolution calling for the November 7, 2023, City of Schertz Joint General Election with Comal County, Bexar County and Guadalupe County and making a provision for the conduct of the election; authorizing contracts with the County Clerk of Comal County and the Election Administrators of Bexar and Guadalupe Counties to conduct this election and authorizing these elections to be held as Joint Elections. (Mayor/S.Edmondson)

Mayor Gutierrez recognized City Secretary Sheila Edmondson who presented information regarding the Joint General Election to be held November 7, 2023. City Council Places 3, 4, and 5 will be on the ballot for this election. She provided the estimated cost of \$45,000 for the General Election with the inclusion of costs for a possible run-off. Ms. Edmondson also provided the status of contracts with the respective county election officials. She advised Council that Guadalupe County Election Officials will be using the City of Schertz Community Center as their home base for early voting as well as election day voting due to renovations at the Guadalupe County Offices on Elbel Drive.

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

Mayor Gutierrez asked for a motion to approve Resolution 23-R-55.

Moved by Councilmember Mark Davis, seconded by Mayor Pro-Tem Tim Brown

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

Passed

7. Special Announcement: Charter Review (Mayor/S.Edmondson)
Mayor Gutierrez advised Council and residents that a Charter Review will be called for by Resolution at the August 15, 2023, Regular City Council meeting. Council was asked to send recommendations for individuals to serve on the Charter Review Committee to City Secretary Sheila Edmondson no later than August 8, 2023. He asked residents interested in serving on the committee to contact him or a member of the Council for consideration.

Public Hearings

8. **Ordinance 23-S-13** - Conduct a public hearing and/or action on amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5, Section 21.8.5 Permitted Use Table, and Article 16 Definitions. (*First Reading* B.James, L.Wood, S.Haas)

Mayor Gutierrez recognized Samuel Haas, Sr. City Planner. Mr. Haas explained the reasoning behind the amendments to Part III of the Schertz Code of Ordinances, Unified Development Code to Article 5, Section 21.8.5 Permitted Use Table, and Article 16 Definitions are based interest in the city for energy-based land uses specifically solar and battery storage. Staff found language in the Unified Development Codes of neighboring municipalities and determined to maintain competitiveness in this field amendments to the City of Schertz's UDC were needed. On May 24, 2023, the Planning and Zoning Committee approved the amendments with some adjustments. The addition of the amendments, necessitated definitions of Solar Energy, Solar/Photovoltaic Facility, and Power Storage System in Article 16. The recommended adjustments from Planning and Zoning Commission were to allow such uses in the Public Use District (PUB) with a Specific Use Permit because these areas are spread throughout the City and need to be considered on a case-by-case basis.

Staff have determined that power storage and solar energy production have less adverse impacts on surrounding properties as other forms of energy-based land uses and believe that M1 and M2 zoning districts would be appropriate, therefore Staff recommends approval of the amendments to the UDC as proposed and discussed.

Mayor Gutierrez opened the Public Hearing. No Public spoke. Public Hearing was closed.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Scagliola asked if the City had been approached by anyone about Wind energy. Mr. Haas responded with not at this time.

Mayor Pro-Tem asked if approval from JBSA Randolph had been received. Deputy City Manager Brian James responded that Randolph would probably have issues with wind turbines due to the height slope standard which the City has a regulation in place. The only issue communicated to the City with solar is reflectivity and there are regulations in place for that as well.

Mayor Gutierrez expressed additional concerns with the placement near JBSA Randolph.

Councilmember Davis stated he doesn't see an issue with military installations. Lackland and McGuire (NJ) have solar panels.

Mayor Gutierrez asked for a motion to approve Ordinance 23-S-13.

Moved by Councilmember David Scagliola, seconded by Councilmember Jill Whittaker

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

Passed

Information available in City Council Packets - NO DISCUSSION TO OCCUR

9. **Monthly Update** - FY 2022-23 Approved Expanded Programs (S. Williams/S. Gonzalez)
10. **Monthly Update** - Major Projects In Progress/CIP (B. James/K. Woodlee)

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
No requests were made by the 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 were made by the Mayor or Councilmembers to place items or presentations on a future City Council agenda.
- Announcements by Mayor and Councilmembers

- City and Community Events attended and to be attended
 - Mayor Pro-Tem Brown - attended the 4th of July Jubilee Parade. Kudos to the staff and volunteers for a great job and recognition of the work and effort that went into it.
 - Councilmember Davis - attended the 4th of July Jubilee Parade. Expressed his thanks to the staff for a great event with the Jubilee. Attempted the TIRZ II meeting today which failed to make a quorum.
 - Councilmember Watson - attended the 4th of July Jubilee Parade. Expressed thanks to all the volunteers for the work. It was a great festival.
 - Councilmember Whittaker - attended the 4th of July Jubilee Parade.
 - Councilmember Scagliola - attended the 4th of July Jubilee Parade and event at Pickrell Park. Stated the event was wonderful.

- City Council Committee and Liaison Assignments (see assignments below)

- Continuing Education Events attended and to be attended

No Continuing Education Events attended or to be attended were announced.

- Recognition of actions by City Employees

No recognition of actions by City Employees was given.

- Recognition of actions by Community Volunteers

No recognition of actions by Community Volunteers was given.

Adjournment

Mayor Gutierrez adjourned the meeting at 6:49 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary