

MINUTES  
REGULAR MEETING  
October 17, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 17, 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 Michelle Watson; Councilmember Mark Davis; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

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 6:00 p.m.

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Davis)**

Councilmember Davis provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and State of Texas.

**Proclamations**

**Hill Country Night Sky Month-October 2023-Ms. Michelle Molina  
(Councilmember Heyward)**

Councilmember Heyward presented the Hill Country Night Sky Month-October 2023 Proclamation to Ms. Michelle Molina.

**Memorial Service Detachment Proclamation (Mayor Ralph Gutierrez)**

Mayor Gutierrez presented the Memorial Service Detachment Proclamation to Command Sergeant Major Luis Gonzalez and Chief Petty Officer Manny Mendoza.

**Presentations**

**Milestone Service Pin Presentation (S.Williams)**

City Manager Steve Williams presented Sgt. Michael McGuire a pin in honor of and gratitude for his 20 years of dedicated service to the City of Schertz.

**Recognition of outgoing Schertz Economic Development Corporation Board Member Roy W. Richard, Jr. (B.James/S.Wayman)**

Executive Director Scott Wayman and members of the Schertz Economic Development Corporation team presented Mr. Richard with a commissioned Watercolor representing the milestones of his life in appreciation of his contributions and service to the City. Deputy City Manager Brian James added that the City of Schertz is a better place today because of Mr. Richard. Mayor Gutierrez provided accolades and heartfelt thanks to Mr. Richard for all the contributions he made and his part in helping to shape the City of Schertz.

**Presentation of the TML Municipal Excellence Award (S. Williams/S. Gonzalez)**

The City of Schertz received the TML Municipal Excellence Award for Public Safety for its Yellow Dot Program. The Yellow Dot Program is a free service to the community that allows first responders to have a detailed medical history of those patients that are special needs and/or high acuity. Upon enrollment in the program a yellow sticker is placed on the back windshield of the participants' vehicle. Assistant City Manager Sarah Gonzalez presented the criteria used to judge nominees for the Excellence Award and introduced Paramedic Amy Anderson and EMS Division Chief Mike Shown who are credited with the development of the program in Schertz.

**Presentation of Scenic City Award Designation (B. James/S. Wayman)**

Ashley Ritchey, Business Engagement Manager, Schertz Economic Development Corporation, was the catalyst behind the application process. The award is given by Scenic Texas, a 501(c)(3) non-profit organization whose mission is to preserve and enhance the state of Texas' visual environment. The evaluation includes a review of the City's existing ordinance and code language in ten areas - Streetscape enhancement; Parks, Trails, and Open Space; Lighting Standards; Design Integrity; Landscaping; Sign Control; Litter and Graffiti Prohibition; Utility and Cable Line Programs; Dumpster Screening; and Unique Municipal Features and Special Programs.

Due to Ms. Ritchey's efforts, the City of Schertz received a Platinum Scenic City Award Designation for 2023 at the Annual TML Conference. This is the highest honor of all designations. To receive this designation a city must receive at least 319 out of a possible 333 points. Schertz is one of 28 Platinum status cities and the only one in the San Antonio MSA.

**City Events and Announcements**

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

Deputy City Manager provided the following list of upcoming events for the City:

**Thursday, October 19**

Domestic Violence Candlelight Vigil  
Schertz Civic Center, Bluebonnet Hall  
6:00 p.m. - 7:30 p.m.

**Friday, October 20**

Music & Movies in the Park and Costume Contest - "Hocus Pocus"

Rhine Valley Park

7:00 p.m. - 9:30 p.m.

**Sunday, October 22**

Owl Prowl

Crescent Bend Nature Park

8:30 p.m. - 9:30 p.m.

**Friday, November 10**

Schertz-Cibolo-Selma Veterans Day Ceremony

Selma Heroes Memorial, 9375 Corporate Drive, Selma

9:00 a.m.

**Friday, November 10**

Veterans Day Observance

City Offices Closed

**Saturday, November 11**

Veterans Day

Nature Discovery Series - Horns & Thorns

Crescent Bend Nature Park

10:00 a.m. - 12:00 p.m.

**Tuesday, November 14**

Next Regular City Council Meeting

Council Chambers

6:00 p.m.

**Election Information**

The City of Schertz will be holding its General Election on November 7, 2023, for the purpose of electing Council Members in Place 3, Place 4, and Place 5 for a three-year term, November 2023 - November 2026. Early voting begins October 23 and ends November 3, 2023. Please check your County Election Page for a list of Early Voting sites/hours of operation and Election Day voting sites/hours of operation.

- Announcements and recognitions by the City Manager (S. Williams)  
No announcements were provided by the City Manager.
- Announcements and recognitions by the Mayor (R. Gutierrez)  
No announcements were provided by the Mayor.

## 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 Watson recognized the following residents:

Maureen Maus, 3434 Wimbledon Drive, voiced opposition to Ordinance 23-M-28 amending the Code of Conduct and Procedures on Videoconferencing and Hearing of Residents: Written Statements.

Richard Maus, 3434 Wimbledon Drive, voiced opposition to Ordinance 23-M-28 amending the Code of Conduct and Procedures on Videoconferencing and Hearing of Residents: Written Statements. Mr. Maus also expressed concerns with the PDD process.

## 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** - Approval of the minutes from the regular meeting of October 10, 2023 (S.Edmondson/S.Courney)
2. **Resolution 23-R-104** - Authorizing an amendment to the Services Agreement with Vanguard Cleaning Systems increasing the maximum expenditures to \$204,179.28 during the 2023-24 fiscal year. (B. James, D. Hardin-Trussel/C. Lonsberry)
3. **Resolution 23-R-109** - Authorizing a Schertz/Seguin Local Government Corporation (SSLGC) Budget Amendment for Fiscal Year 2022-23. (B. James/L. Busch)
4. **Ordinance 23-S-25** - Approving a request to rezone approximately 14.3 acres from General Business (GB) to Single-Family Residential District (R-2), located approximately 483 feet from the intersection of Green Valley Road and Eckhardt Road, also known as a portion of 4600 Eckhardt Road and 7263 Green Valley Road, Schertz, Guadalupe County, Texas. **Final Reading** (B. James/L. Wood/ D. Marquez)

5. **Ordinance 23-S-27** - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 4, Section 21.4.12 Variances and Article 9 Section 21.9.7 Landscaping and Section 21.9.9 Tree Mitigation. *Final Reading* (B. James/ L. Wood/ S. Haas)
6. **Resolution 23-R-103** - Authorizing the City Manager to sign an Advanced Funding Agreement with the Texas Department of Transportation for Local Government Contributions to a Transportation Improvement Project to provide for Schertz Parkway Bridge Signage. (B.James/S.Wayman)

Mayor Gutierrez asked Council if any item needed to be removed from Consent for discussion. No items were removed. Mayor Gutierrez asked for a motion to approve Consent Agenda items #1 - 6.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward

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

Passed

## Discussion and Action Items

7. **Ordinance 23-M-28** - Amending the Code of Conduct and Procedures on Videoconferencing and Hearing of Residents: Written Statements. *First Reading* (S.Edmondson)

Deputy City Secretary Sheree Courney brought forth Ordinance 23-M-28 highlighting issues/concerns brought forth during the previous meeting's workshop. There was no discussion on the videoconferencing amendments. There was brief discussion regarding the Hearing of Residents: Written Statements to address concerns brought forth during the Hearing of Residents. Councilmember Whittaker explained that Council is expected to be diligent about reading all correspondence from residents. There is nothing in the policy currently that requires the reading of statements by the City Secretary's Office. Councilmember Scagliola stated that as council members they have the option to invoke the Point of Privilege and read any statement into record. Councilmember Dahle concurred with Councilmember Whittaker stating this was a practice implemented during Covid, but sees no reason to continue the practice.

Moved by Councilmember Michael Dahle, seconded by Mayor Pro-Tem Michelle Watson

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

Passed

8. **Resolution 23-R-102** – Approving a bond resolution previously adopted by the board of directors of the Schertz/Seguin Local Government Corporation authorizing the issuance of obligations designated as “Schertz/Seguin Local Government Corporation Contract Revenue Improvement Bonds, New Series 2023”; acknowledging that these bonds will be sold pursuant to the provisions of a purchase contract; ratifying, reconfirming, and readopting the provisions of a regional water supply contract executed between the City of Schertz, Texas, the City of Seguin, Texas, and the Schertz/Seguin Local Government Corporation; authorizing the Mayor, the City Manager, and the City Secretary of the City of Schertz, Texas to execute on behalf of the City of Schertz, Texas all documents in connection with this transaction; and other matters in connection therewith. (S. Williams/ B. James/J. Walters/M. McLiney/A. Friedman)

Assistant City Manager Sarah Gonzalez introduced Mr. Andrew Friedman, SAMCO Financial Market, financial advisor for the City of Schertz, who explained the process for the issuance of bonds for SSLGC and asked for approval of Resolution 23-R-102.

Mayor Gutierrez called for a motion to approve Resolution 23-R-102.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward

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

Passed

## Public Hearings

9. **Ordinance 23-S-24** – Conduct a public hearing and consider a request to rezone approximately 2.1 acres of land from Neighborhood Services District (NS) and Planned Development District (PDD) to Planned Development District (PDD), known as Guadalupe County Parcel ID 31970, 31971, 31972, 31973, 31980, 31981, 31982, 31983, generally located northwest of the intersection between Schertz Parkway and Wiederstein Road, City of Schertz, Guadalupe County, Texas. *First Reading* (B. James/S. Haas)

Samuel Haas, Senior Planner, provided the location of the subject property, five

public hearing notices were sent on September 15, 2023, public hearing notice was published in the San Antonio Express News on September 29, 2023, and the responses received as of October 17, 2023 (2 in favor; 0-opposed; 0-neutral).

The Planning and Zoning Commission met on September 27, 2023, and recommended approval with a 7-0 vote.

Mayor Gutierrez opened the public hearing. No public came forward to speak. Mayor Gutierrez closed the public hearing and opened the floor to Council for discussion.

There was brief discussion among Council as to why this small parcel had not been included previously with the larger property when it was zoned. Mr. Haas explained that at the time the subject property had not been sold to the developer so could not be included.

Mayor Gutierrez called for a motion to approve Ordinance 23-S-24.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Michelle Watson

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

Passed

10. **Ordinance 23-S-78** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5, Section 21.5.4 Zoning Change/Zoning Map Amendment. *First Reading* (B. James, L. Wood, S. Haas)

Samuel Haas, Senior Planner, provided background on Local Government Code 211.007 and explained the proposed amendments is to provide a Friday preceding a Council meeting as a deadline for the receipt of the public notices to be included in the count to determine whether a super majority vote has been triggered. This will allow time to confirm property ownership through the County Appraisal District and to ensure there are no duplications.

Planning and Zoning Commission met on September 27, 2023, and recommended approval with a 7-0 vote with provision to include deadline accommodations for holidays and city closures.

Mayor Gutierrez opened the public hearing. No public came forth to speak. Mayor Gutierrez closed the public hearing and opened the floor to Council for discussion.

After a brief discussion, Mayor Gutierrez asked for a motion to approve Ordinance

23-S-78.

Moved by Councilmember Allison Heyward with a modification that a timestamp be added to the public notice upon receipt, seconded by Mayor Pro-Tem Michelle Watson.

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

Passed

Mayor Gutierrez recessed to Closed Session at 7:20 p.m.

### **Closed Session**

11. 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-91
  - Project: E-92
  - Project: E-88

Mayor Gutierrez convened Closed Session at 7:26 p.m.

Mayor Gutierrez recessed Closed Session at 7:51 p.m.

### **Reconvene into Regular Session**

Mayor Gutierrez reconvened to Regular Session at 7:56 p.m.

### **Discussion and Action Items**

12. Take any action based on discussions held in Closed Session under Agenda Item #11.

No action was taken on discussions held in Closed Session under Agenda Item #11.

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

#### **Requests and Announcements**

- Requests by Mayor and Councilmembers for updates or information from Staff  
No requests by 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 by Mayor or Councilmembers that items or presentations be placed on a future City Council agenda.
- Announcements and City Events attended by Councilmembers  
Councilmember Whittaker attended the NEP Luncheon, La Madeline Ribbon Cutting, and The Chamber Luncheon.

Councilmember Scagliola attended the EMS Picnic and The Chamber Luncheon.

Councilmember Heyward attended the ATAC Meeting, Smoke Detector Giveaway, Bulverde Chamber of Commerce Fundraiser, and The Chamber Luncheon.

Councilmember Brown attended the NEP Luncheon and The Chamber Luncheon.

**Adjournment**

Mayor Gutierrez adjourned the meeting at 8:01 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary