

DRAFT

MINUTES REGULAR MEETING December 19, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on December 19, 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 Paul Macaluso; Councilmember Tiffany Gibson; Councilmember Michael Dahle; Councilmember Robert Westbrook; 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)

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

Discussion and Action Items

- 1. Resolution 23-R-134** - Approving a resolution canvassing the returns and declaring the results of the December 9, 2023, Runoff Election, and other matters in connection therewith.
(Mayor/Council/S.Edmondson)

Mayor Gutierrez recognized City Secretary Sheila Edmondson who provided the results of the December 9, 2023, Runoff Election. Mayor Gutierrez opened the floor to Council for discussion. No discussion took place. Mayor Gutierrez asked for a motion to approve Resolution 23-R-134.

Mayor Gutierrez expressed his thanks to Guadalupe County Elections Office for their assistance with the Runoff Election.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Paul Macaluso, Councilmember Michael Dahle, Councilmember Robert Westbrook, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Oath of Office

Prior to the Oath of Office, Mayor Gutierrez thanked Councilmember Dahle for his service to the City of Schertz. Councilmember Dahle thanked his family for their support and stated it was a joy and a privilege to serve the City for the past 15 years. Mayor Gutierrez presented Councilmember Dahle with a plaque and a street sign recognizing his years of dedicated service. City Manager Steve Williams presented Councilmember Dahle with a City Manager Coin in recognition of his exemplary service.

Mayor Gutierrez then invited Ms. Tiffany Gibson, newly elected Councilmember to Place 4, to the podium for the Oath of Office.

2. Elected Officer-Oath of Office (S.Edmondson)

- Oath of Office to Elected Councilmember Place 4
City Secretary Sheila Edmondson performed the Oath of Office for Ms. Gibson, who then took her place on the dais.
- Comments by Councilmember Place 4
Councilmember Gibson thanked everyone for trusting in her by electing her to the Council. She went on to thank her family and volunteers who helped with the election. She confirmed her commitment to serving to the best of her ability, not taking any vote lightly.

Mayor Gutierrez called for a short recess at 6:15 p.m. for a small reception to welcome Ms. Gibson to City Council.

Mayor Gutierrez reconvened to Regular Session at 6:30 p.m.

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:

Friday, December 22 and Monday, December 25

City Offices Closed in Observance of the Christmas holiday

Monday, January 1

City Offices Closed in Observance of New Year's Day

Saturday, January 6

Polar Bear Plunge

Pickrell Park Pool

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

Tuesday, January 9

Next Regularly Scheduled 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:

Schertz Parks & Rec held their first "Blizzard Paddle Battle" Pickleball Tournament on Saturday, December 9, 2023. Eleven teams participated.

The Star Party at Crescent Bend Nature Park, a collaborative event between the Parks & Rec department and the San Antonio Astronomical Association, held on Saturday, December 16, 2023, was attended by approximately 50 people learning about stars, planets, and other parts of the universe.

The Schertz Police Department held their Blue Santa Program. Thanks to the generous donations and support from community members and volunteers, 187 kids received gifts.

The Schertz Police Department also participated in the Kensington Ranch HOA Christmas parade.

Recognition of Charis Lawry who was promoted from Utility Billing Clerk to Lead Utility Billing Clerk.

Mr. Williams stated he awarded four City Manager Coins:

1. Officer Wetson for earning a Lifesaving Award from Schertz PD for utilizing his tactical medical kit on a gunshot victim.
2. Officer Pena for earning a Lifesaving Award from Schertz PD for performing CPR on a resident keeping him alive until EMS arrived.
3. Librarian Lizzi Bertoia for her diligence in recovering approximately \$100,000 in funds that had rolled to the State Comptrollers Office.
4. Bill Gardner, GIS Specialist, for being a utility player, demonstrating his willingness to share his time and talent with the Employee Appreciation Committee and numerous city-wide events.

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

Mayor Gutierrez expressed kudos to the officers for their lifesaving techniques in taking care of the residents of our City. He wished everyone a great holiday season and a Happy

New Year.

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:

Tim Knotts, 12050 Lower Seguin Road, stated he has been a property owner in Schertz since 1971, when it was only Bexar County. Prior to being annexed by Schertz in the mid-1980s, the land was zoned for commercial business. In 1996, they built boat storage units. Last year he wanted to add another unit, and was told that his property was not zoned for boat storage anymore. He states this was the first time he heard his property was rezoned and by law he should have received notification by mail. Additionally, he states he contracts with an individual who stores limos on his property, which the City says he cannot do due to the zoning. He feels the City did not provide notification and should not interfere with an ongoing contract.

Richard Kunz, 2960 Red Tip Drive, comes as a citizen of Schertz and as representative of the Schertz Police Association as its President, with Chris Meeks, President of the Schertz Firefighter Association, to speak in support of the Pay Plan Proposal.

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.

3. **Minutes** - Approving the regular meeting minutes of December 5, 2023.
(S.Edmondson/S.Courney)
4. **Appointment/Reappointment For Boards/Commissions/Committees** (S.Edmondson)
 - Appointment to the Parks & Recreation Advisory Board
 - Ms. Elizabeth Wiley-Parks & Recreation Board Member
 - Ms. Penny Jennings-Parks & Recreation Board Member
 - Ms. Rosemary Scott-Parks & Recreation Alternate Board Member
 - Mr. Robert Marks-Parks & Recreation Alternate Board Member

5. **Resolution 23-R-132** - Authorization of EMS, Utility Billing, Schertz Magazine, and Library debt revenue adjustments. (S.Gonzalez/J.Walters)
6. **Resolution 23-R-130** - Authorizing the City Manager to enter into an agreement with Global Traffic Technologies for procuring Opticom services for intersection preemption. (G. Rodgers/D. Kramer)
7. **Resolution 23-R-131** - Authorizing the City Manager to sign a renewal of the Interlocal Agreement with Guadalupe County for the provision of fire protection services from the city of Schertz Fire Department to designated areas of Guadalupe County (G.Rodgers/D.Kramer)
8. **Resolution 23-R-133** - Approving a recommendation to name the 10.5-acre park property at FM 482 and Bunker Street as Dry Comal Creek Nature Park. (S.Gonzalez/L.Shrum)
9. **Resolution 23-R-125** - Authorizing a contract amendment with Maldonado Nursery and Landscaping in excess of \$50,000 for mowing and landscape maintenance of medians, parkways, and public grounds. (S.Gonzalez/L.Shrum)
10. **Resolution 23-R-121** - Authorizing a contract with Tyler Technologies for Police Records Management System. (S.Williams/J.Lowery)
11. **Resolution 23-R-135** - Authorizing the City Manager to enter into a Memorandum of Agreement with Joint Base San Antonio for the use of their fire training facilities (G.Rodgers/D.Kramer)
12. **Resolution 23-R-138** - Authorizing a Schertz Main Street Local Flavor Economic Development Grant for 409 Main Street. (S.Williams/B.James)

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #3 - 12.

Moved by Councilmember Paul Macaluso, seconded by Mayor Pro-Tem Michelle Watson

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
Councilmember Paul Macaluso, Councilmember Tiffany Gibson,
Councilmember Robert Westbrook, Councilmember Allison Heyward,
Councilmember Tim Brown

Passed

Discussion and Action Items

- 13. Resolution 23-R-139** - Authorizing the City Manager to accept an approximately 13.07 acre tract of land located on the south side of Schaefer Road, approximately 1,715 feet east of the intersection with FM 1518. (S.Williams/B.James)

Mayor Gutierrez recognized Deputy City Manager Brian James who stated the property is being donated to the City and staff are seeking approval to accept the donation. Staff have toured the property and done some preliminary studies to include soil samples. Issues that were found have been addressed. Mr. James assured Council that staff are continuing to research the property to ensure the City isn't buying a problem property.

After brief discussion, Mayor Gutierrez asked for a motion to approve Resolution 23-R-139.

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

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis, Councilmember Paul Macaluso, Councilmember Tiffany Gibson, Councilmember Robert Westbrook, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 14. Resolution 23-R-136** - Authorizing the City Manager to accept an approximately 5.913 acre tract of land located on the southwest side of FM 1518 at the intersection of FM 1518 and Nell Deane Blvd. (S. Gonazalez/L. Shrum)

Mayor Gutierrez recognized Parks and Rec Director Lauren Shrum who stated that a former member of the Parks and Rec Advisory Board approached her with the opportunity to accept a donation of his property. No studies have been done to date. Property is in the floodway.

Mayor Gutierrez asked for a motion to approve Resolution 23-R-136.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tiffany Gibson

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis, Councilmember Paul Macaluso, Councilmember Tiffany Gibson, Councilmember Robert Westbrook, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

15. Discussion and Action regarding the upcoming City of Schertz appointment to the Schertz Seguin Local Government Corporation (SSLGC)
(S.Williams/B.James/L.Busch)

Mayor Gutierrez recognized City Manager Steve Williams, who explained the appointment process for the SSLGC Board. Mayor Gutierrez and Mr. Williams asked Councilmember Tim Brown to accept a nomination to serve on the Board. City Attorney Dan Santee stated that attorneys for the City and the Board are in agreement that there is nothing in the law that precludes Councilmember Brown from serving on the Board with the understanding that a conflict could arise from which Councilmember Brown would need to abstain. Councilmember Brown stated he understood and accepted the nomination for the appointment.

Mayor Gutierrez made the motion from the Chair to nominate Councilmember Brown as a member of the SSLGC Board, seconded by Councilmember Allison Heyward.

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
Councilmember Paul Macaluso, Councilmember Tiffany Gibson,
Councilmember Robert Westbrook, Councilmember Allison Heyward
Passed

16. Approval of the Classification and Compensation Implementation Plan
(S.Williams/S.Gonzalez/J.Kurz)

Mayor Gutierrez recognized City Manager Steve Williams, who stated it was affirmed during the pre-budget workshop that the number one priority for the new fiscal year was going to be compensation because Schertz was lagging behind the market, resulting in high turnover rates as well as high vacancy rates. In order to maintain a competitive posture in the market in which we were competing, an adjustment of salaries to get into the range of our comparison cities are averaging was necessary. To do this, the City contracted with Public Sector Personnel Consultants (PSPC).

Mayor Gutierrez recognized Matthew Weatherly, President and owner of PSPC, who presented a brief overview of the findings of the Comprehensive Class and Comp Study. Following the presentation, Mayor Gutierrez opened the floor to the Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve the Comp Study.

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

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
Councilmember Paul Macaluso, Councilmember Tiffany Gibson,
Councilmember Robert Westbrook, Councilmember Allison Heyward,
Councilmember Tim Brown

Passed

Public Hearings

17. **Ordinance 23-S-32** – Conduct a public hearing and consider a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 7.8 acres of land, located approximately 51-feet west from the intersection of IH-35 N Access Road and FM 2252, also known as Guadalupe County Property Identification Number 114083 and Comal County Property Identification Number 119021, City of Schertz, Guadalupe and Comal County, Texas. *First Reading* (B.James/L.Wood D.Marquez)

Mayor Gutierrez recognized Daisy Marquez, Planner, who provided the location of the subject property, that five public hearing notices were sent November 1, 2023, a public hearing notice was published in the San Antonio Express News on November 29, 2023, and the responses received were as follows: 1 in favor; 4-opposed; 0 neutral.

A Specific Use Permit (SUP) is not subject to LGC Code 211.006(d), thus a 3/4 majority vote is not required by City Council.

The Planning and Zoning Commission conducted a public hearing on November 15, 2023, and offered a recommendation of approval with the condition that a building permit is issued within two (2) years of the SUP ordinance approval.

Staff recommends approval of the Specific Use Permit to allow a convenience store with gas pumps on the subject property with the condition that a building permit is issued within two (2) years of the SUP ordinance approval.

Mayor Gutierrez recognized Cheryl Chinen, a broker associate with DRG Commercial, representing the developer. Ms. Chinen presented a proposed plan prepared by the architect for the development, including the landscape plan.

Mayor Gutierrez opened the Public Hearing at 7:23 p.m.

Dana Eldridge, 2628 Gallant Fox Drive, expressed concerns with the location creating a greater issue with traffic on IH-35 access.

Mayor Gutierrez closed the Public Hearing at 7:26 p.m. and opened the floor to Council for discussion.

- Councilmember Brown mentioned that TxDOT improvements are underway to alleviate some of the traffic issues.
- Councilmember Macaluso expressed concerns about enforcement of the overnight parking restrictions placed on trucks.
 - Deputy City Manager James indicated that overnight parking is not a violation of the code from the City's perspective, so it would be difficult to enforce it.
- Councilmember Heyward stated that there may be a need for greater enforcement

of traffic violations, such as excessive speed and failure to abide by posted stop signs for big trucks.

Mayor Gutierrez asked for a motion to approve Ordinance 23-8-32.

Moved by Mayor Pro-Tem Michelle Watson, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis, Councilmember Paul Macaluso, Councilmember Tiffany Gibson, Councilmember Robert Westbrook, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

- 18. Ordinance 23-S-33** - Conduct a public hearing and consider a request for a Specific Use Permit to allow a truck terminal on approximately 4 acres of land located approximately 660-feet west from the intersection of Baugh Lane and Schwab Road, also known as Comal Property Identification Number 464879, City of Schertz, Comal County, Texas. *First Reading* (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Daisy Marquez, Planner, who provided the location of the subject property, that four public hearing notices were sent November 1, 2023, a public hearing notice was published in the San Antonio Express News on November 29, 2023, and the responses received were as follows: 0 in favor; 0-opposed; 0 neutral. Applicant is requesting a Specific Use Permit to allow a Truck Terminal on the approximate 4 acres. UDC 21.5.8 requires an SUP for a Truck Terminal in General Business District. A Specific Use Permit (SUP) is not subject to LGC Code 211.006(d), thus a 3/4 majority vote is not required by City Council.

The Planning and Zoning Commission conducted a public hearing on November 15, 2023, and offered a recommendation of approval with the condition that a building permit is issued within two (2) years of the SUP ordinance approval. Staff recommends approval of the Specific Use Permit to allow a convenience store with gas pumps on the subject property with the condition that a building permit is issued within two (2) years of the SUP ordinance approval.

Mayor Gutierrez opened the Public Hearing at 7:39 p.m.

No public spoke regarding Ordinance 23-R-33.

Mayor Gutierrez closed the Public Hearing at 7:39 p.m. and opened the floor to Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 23-R-33.

Moved by Councilmember Mark Davis, seconded by Mayor Pro-Tem Michelle Watson

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
Councilmember Paul Macaluso, Councilmember Tiffany Gibson,
Councilmember Robert Westbrook, Councilmember Allison Heyward,
Councilmember Tim Brown

Passed

- 19. Ordinance 23-S-34** - Conduct a public hearing and consider a Specific Use Permit to allow a convenience store with gas pumps on approximately 1.61 acres of land, located at the intersection of Schaefer Road and FM 1518, also known as: 11786 Schaefer Road, City of Schertz, Bexar County, Texas. *First Reading* (B.James/L.Wood/S.Haas)

Mayor Gutierrez recognized Samuel Haas, Senior Planner, who provided the location of the subject property, that 18 public hearing notices were sent November 3, 2023, a public hearing notice was published in the San Antonio Express News on November 29, 2023, and the responses received were as follows: 1 - in favor; 5 - opposed; 0 - neutral.

Per applicant letter of intent, the applicant is proposing to construct an approximately 8,725 square foot strip center with an approximately 2,040 square foot canopy over gas pumps. A Specific Use Permit (SUP) is required to allow gas pumps. An SUP is not subject to LGC Code 211.006(d), thus a 3/4 majority vote is not required by City Council.

The Planning and Zoning Commission met on November 15, 2023, and offered a recommendation of approval with a 4-2 vote on the condition that Conceptual Site Plan be adhered to.

The Schertz Departments of Engineering, Planning, Fire, and Public Works have reviewed the application with no objection. Therefore, staff recommends approval of Ordinance 23-S-34 as presented with conditions as follows:

1. A building permit is approved within two years of the adoption of the SUP Ordinance.
2. The convenience store with gas pumps adheres to the Conceptual Site Plan as much as possible.

Mayor Gutierrez recognized Patrick Christenson, who was representing the developer. Mr. Christenson shared that the developer noted there are no gas stations between FM 78 and IH-10 on FM 1518 and that this development will have EV charging stations and Wi-Fi indoors.

Mayor Gutierrez opened the Public Hearing at 7:49 p.m.

Tim Knotts, 12050 Lower Seguin Road, supports the idea for having gas pumps at the subject property.

The following residents spoke in opposition to the SUP for gas pumps citing safety,

property values, and traffic concerns:

Lance Campbell, 1048 Pecan Branch
Alex Smith, 11708 Cypress Barn
Bill Charest, 10425 Bowies Knoll
Denise Torres, 11705 Cypress Barn
Simone Owens, 10501 Pecan Branch
Lora Balusik, 10315 Owl Woods

Mayor Gutierrez closed the Public Hearing at 8:02 p.m. and opened the floor to Council for discussion.

- Councilmember Davis voiced concerns with the lighting associated with gas stations, in addition to the egress/regress for the subject property. Agrees South Schertz needs gas stations but its not a priority.
- Councilmember Gibson stated she lives off of FM 1518 and agrees a gas station could be problematic due to pollution and traffic. Quality of life will be affected.
- Councilmember Westbrook asked Mr. Haas why he believes that the proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as safety, traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods? Mr. Haas responded that the type of activity is compatible with commercial zoning. There is a Dollar General retail store to the north and FM 1518 is a major arterial thoroughfare. It is consistent with future comprehensive plan. Deputy City Manager Brian James added information related to TxDOT's projected improvements for FM 1518.
- Mayor Gutierrez added that there a number of gas stations on FM 3009 and one that backs up to a neighborhood on Schertz Parkway and Live Oak. FM 1518 will look a lot like FM 3009 in the future. Traffic is already there and will increase as neighborhoods increase. Understands the residents as it changes the character of their neighborhood.
- Councilmember Heyward asked how close is the Valero to Woodland Oaks? Mr. James responded that the proximity is close to what is being considered for the subject property.

Mayor Gutierrez asked for a motion to approve Ordinance 23-S-34.

Moved by Councilmember Tim Brown, seconded by Councilmember Paul Macaluso

AYE: Councilmember Paul Macaluso, Councilmember Allison Heyward,
Councilmember Tim Brown

NAY: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
Councilmember Tiffany Gibson, Councilmember Robert Westbrook

Failed

Mayor Gutierrez recessed to Closed Session at 8:19 p.m.

Closed Session

20. 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-88

Mayor Gutierrez convened Closed Session at 8:24 p.m.

Mayor Gutierrez recessed Closed Session at 9:20 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened to Regular Session at 9:25 p.m.

21. Take any action based on discussion held in Closed Session under Agenda Item #20.

No action was taken based on discussion in Closed Session under Agenda Item #20.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

22. **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 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 by Mayor and Councilmembers
 - City and Community Events attended and to be attended

*Mayor Pro-Tem Watson attended the Cibolo Parade and the Northcliff Parade.

*Councilmember Macaluso attended the Cibolo Parade and the Interview Committee Meeting.

*Councilmember Heyward attended the Animal Advisory Board Meeting, TML Public Fund Training, Cibolo Parade, the Jingle & Mingle Staff Event, and the Interview Committee Meeting. She also thanked Facilities Director Chad Lonsberry and his team for the amazing job done in setting up the new Council Office, with special thanks to Antonio Wilson and his wife for the light switch plate.

*Councilmember Brown stated he didn't attend any events but wanted to take the opportunity to wish everyone a Merry Christmas.

Adjournment

Mayor Gutierrez adjourned the meeting at 9:28 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary