

DRAFT

MINUTES REGULAR MEETING May 7, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on May 7, 2024, 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 Paul Macaluso; Councilmember Michelle Watson; Councilmember Tiffany Gibson; Councilmember Robert Westbrook; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Mark Davis

Staff present: City Manager Steve Williams; Deputy City Manager Brian James; City Attorney Daniel Santee; 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 6:01 p.m.

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

Mayor Gutierrez recognized Councilmember Heyward who led the Pledges of Allegiance to the Flags of the United States and State of Texas.

Proclamations

- **National Police Week May 12-18, 2024 and National Peace Officers Memorial Day May 15, 2024 (Councilmember Heyward)**
Councilmember Heyward presented the National Police Week May 12-18, 2024, and National Peace Officers Memorial Day May 15, 2024, Proclamation to Lt. Scott LaCour and members of the Schertz Police Department.
- **World Facilities Management Day May 8, 2024 (Councilmember Watson)**
Councilmember Watson presented the World Facilities Management Day May 8, 2024, Proclamation to Dawniecia Hardin-Trussell and members of the Facilities team.
- **Economic Development Week May 6-10, 2024 (Mayor Pro-Tem Macaluso)**
Councilmember Macaluso presented the Economic Development Week May 6-10, 2024, Proclamation to Schertz Economic Development Director Scott Wayman and Business Engagement Manager Ashley Ritchey.

- **National Prevention Week (Substance Abuse) May 12-18, 2024 (Councilmember Gibson)** Councilmember Gibson presented the National Prevention Week May 12-18, 2024, Proclamation to Ms. Katerina Eberhard, Mr. Marcus Kavanaugh, and other members of the Guadalupe County Community Coalition.
- **International Firefighters Day May 4, 2024 (Councilmember Westbrook)** Councilmember Westbrook presented the International Firefighters Day May 4, 2024, Proclamation to Battalion Chief John Perry and members of the Schertz Fire Department.

Employee Introductions

Mayor Gutierrez recognized City Department Heads who introduced new staff:

- EMS: Brooke Bush-Billing Specialist
- Municipal Court: Samantha Caballero-Court Clerk
- Civic Center: Dawn Williams Civic Center Coordinator
- Library: Miguel Martinez-Library Assistant
- Public Works-Water: Michael Willis-Water/Wastewater Worker I
- Purchasing: Daniel Ellenburg-Purchasing Manager

The following staff will be introduced at the first Regular City Council Meeting in June:

- Public Works-Streets: Harris Atilano-Street Maintenance Worker I

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 11

Nature Discovery Series, Discover the Forest
Crescent Bend Nature Park
9:30 a.m. - 11:00 a.m.

Wednesday, May 15

2024 Police Memorial in Partnership with Cibolo Police Department
Santikos Theater
6:00 p.m. - 8:00 p.m.

Saturday, May 18

Dark Skies and Fireflies Event
Crescent Bend Nature Park
7:00 p.m.

Sunday, May 19

EMS Touch a Truck Event - celebrating their 50th Anniversary Extravaganza
The Forum Shopping Center
10:00 a.m. - 2:00 p.m.

Tuesday, May 21

Next Regular 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 congratulated: Starla Blake, who was recognized by the Cibolo Police Department as the Dispatcher of the Year and Sgt. Marty Trevino, who was recognized by SCUCISD Education Foundation as SRO of the Year.

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

Mayor Gutierrez congratulated the two employees for their recognitions as stated by the City Manager. He had no other announcement.

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 Macaluso recognized the following residents:

Maggie Titterington, 1730 Schertz Parkway, who provided the following Chamber updates:

- On May 5th, members of the Military Affairs Committee welcomed the Honor Flight Veterans - video is posted on the Chamber Facebook page.
- May 21 - Chamber Luncheon - TxDOT will provide area updates on projects
- May 22 - Ribbon Cutting for Mayday Pest Solutions at 10:00 a.m. at the Schertz Chamber office located at 1730 Schertz Parkway.
- May 23 - Ribbon Cutting for Edward Jones Branch Office, Financial Advisor Matt Bauer, at 10:00 a.m. at 1 Commercial Place, Suite 101.
- May 29 - Ribbon Cutting for G & J Contracting at 4:00 p.m. at 17305 IH-35.

She also provided an update as the Chair of the Schertz Historical Preservation Committee, stating they have added two new members to the committee with another pending appointment for June. Pleased that the committee is growing and stated they have some exciting events planned which she will provide an update on at a future meeting.

She thanked Council for having the Workshop preceding the Council Meeting and offered her opinion regarding the Movin' on Main event. Stating that if it's the branding

of the event, which she says is branded well, that it would be in the best interest of the event to postpone it during Main Street renovations, don't rename and move it in the interim. If you have a separate event, market it as a different event.

Reagan Rawe, 7993 Trainer Hale Road Unit 4, who spoke regarding the Bexar County Annexation. He began by stating that the \$18 difference per month that was quoted was for agricultural only. When you start making them part of the city without providing the services that you can't provide, it's also going to add \$487.20 for every \$100,000 of the full appraisal value of the homestead on their property. In the case of his house, costing \$200,000 in 2010, the appraisal district currently values just short of half a million. So, we're talking more than \$18. He questioned whether this was on a per-acre basis. Mr. Williams offered to speak about the valuation following the meeting. Mr. Rawe stated the amount is very underestimated, and it would have a great impact on the property owners without any services. He went on to say that during the break at the last meeting, residents had spoken to many of the members and the city attorney stating that the original agreement was made, so the City of Schertz could create codes that would affect agricultural areas instead of trying to apply city codes to agricultural areas. Apparently, that has not been developed, so you can't put up barbed wire out in the country and you cannot repair it without getting a building permit.

Ashley Ritchey, 1400 Schertz Parkway, identified herself as the Business Engagement Manager with the Schertz EDC and a member of the Schertz Leadership Core. She was at the meeting to observe.

Kaylin Maher, 6051 FM 3009, Suite 247, identified herself as part of the Schertz Leadership Core also there to observe.

Joshua Barry, 12370 Erstein Valley, spoke regarding traffic safety concerns in the Rhine Valley Subdivision. He wanted to know why they were now going through their fourth speed test when nothing ever gets done. They need stop signs, especially on the bend where he resides. He has a child on the spectrum who will just dart into the street and there have been other hearing-impaired children. Vehicles "fly down" the road. There are also sight issues due to stone pillars. He informed the Council of multiple traffic violations, including vehicles running stop signs, going around school buses while it is stopped for children to exit. They have residents standing in the middle of the road trying to help children cross safely. He stated that citizens should not have to beg the Council for basic safety measures. He went on to say that they are carrying to protect themselves. He stated he has nothing but respect for the PD, but they can't be everywhere. They have been told to police it themselves, within reason, but they must do what they must do. No parent should have to put themselves at risk to protect the children.

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 April 16, 2024. (S.Edmondson/S.Courney)
2. **Resolution 24-R-52** - Authorizing a Cost Sharing Agreement for the Saddlebrook Development.(S.Williams/B.James)
3. **Appointment/Reappointment/Resignations For Boards/Commissions/Committees** (S.Edmondson)

Appointments

- Sophie Rodriguez - Schertz Historical Preservation Committee
- Maria Fain - Schertz Historical Preservation Committee

Resignations

- Robert Marks - Transportation Safety Advisory Commission and Parks and Recreation Advisory Board

Mayor Gutierrez stated that Item #3 had been pulled from Consent and asked if there were any other Consent Items that needed to be removed for further discussion. No other items were removed for discussion.

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - #2.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

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

Passed

Item #3, second section was removed from Consent because Mr. Robert Marks chose to exercise his right to resolute determination for his position on the Transportation Safety Advisory Commission and the Parks and Rec Advisory Board and rescinded his resignation and elected for Council to make the final decision and asked that Council proceed with dignity and diligence related to this matter. The resolution is to remove "resignation of" and add "removal of" Robert Marks from the boards.

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

Mayor Gutierrez asked for a motion to approve item #3, the removal of Robert Marks, from TSAC and the Parks and Recreation Advisory Board.

Moved by Councilmember Michelle Watson, seconded by Councilmember

Allison Heyward

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

Passed

Public Hearings

- 4. Ordinance 24-H-07-** Conduct a public hearing, consider and possible action on proposed updates to the Schertz Code of Ordinances, Chapter 34 - Health, Article IV Smoking in public places and Article VI - Illegal Smoking Materials. *First Reading* (B.James/L.Wood/A.Cantu).

Mayor Gutierrez recognized Sanitarian Amanda Cantu who provided a briefing that included the evolution of smoking devices from 1st generation disposable cigalike to 2nd generation medium-size rechargeable/refillable to 3rd generation large-size tank/mod, to the current 4th generation nicotine salt/pod mod devices. Smoking devices are continuously evolving.

The first proposed change is to update language terminology and definitions throughout Chapter 34, Article IV, to match State rules. Definitions include electronic smoking device, retail tobacco store, and vaping. Additional updates include additions to subsection 34-89, 34-93, and 34-94; revisions to subsections 34-91, 34-94, and 34-96; and removal of subsection 34-95 and Article 6 removal of illegal smoking material. Also recommended are updates to the penalties.

Ms. Cantu stated that it is the City's desire to promote health and safety conditions for all establishments and the proposed revisions will bring Code of Ordinances into alignment with State law and be consistent with surrounding municipalities.

Mayor Gutierrez opened the Public Hearing at 6:48 p.m.
The following residents spoke:

Katarina Eberhard, 101 Patrick Henry Drive, stated she came to educate the Council on the dangers of secondhand smoke and aerosol from Vapes both in the workplace and in general. She addressed the undeniable health risks associated with exposure to secondhand smoke according to the CDC and the World Health Organization. Secondhand smoke contains over 7,000 chemicals, including more than 70 known carcinogens that cause heart disease, lung cancer, and other serious illnesses. Hospitality workers and other nonsmokers exposed to secondhand smoke are at increased risks for developing these illnesses. Children, pregnant women, and individuals with pre-existing health conditions are particularly vulnerable as well. Secondhand smoke is the third leading cause of preventable death in the United States claiming the lives of approximately 42,000 Americans every year. Concerning Vaping, the use of electronic cigarettes has become increasingly more prevalent,

especially among our youth. The aerosol emitted from these devices contains harmful substances such as nicotine, ultrafine particles, volatile organic compounds, and heavy metals which can be inhaled by bystanders. Recent data shows that exposure to secondhand aerosols from vaping can impair respiratory function and impose health risks like secondhand smoke. Our youth are exceptionally vulnerable to the impacts of secondhand smoke as well. In our area, the average age of first use of tobacco or a tobacco product is 12. One in ten of our youth report using a tobacco product in the past month. This early exposure harms their developing brains and bodies and increases the likelihood of substance-use disorders and lifelong health issues. Furthermore, secondhand smoke not only poses health risks but also exacts a substantial economic toll on our community. According to the American Lung Association, secondhand smoke costs our economy \$5.6 billion per year due to lost productivity alone. Secondhand smoke related issues cost Texas over \$8.8 billion annually in healthcare. She thanked the Council for bringing awareness to this issue and that by understanding the significant health risks associated with secondhand smoke and aerosols we take an important step in protecting our community.

Theresa Spiess, 5749 Bill Haus, began with a shoutout to the Schertz Police and Fire Departments for the work in her neighborhood, Scenic Hills, today. She stated she is a resident of Schertz as well as the Executive Director of the American Heart Association locally and was proud to hear Council was considering this ordinance that gets rid of some of the exemptions for some of our businesses that allow tobacco use and, more importantly, that it includes vaping. Vaping is an epidemic for our kids, and this is a bold step Council is taking to ensure that our city, with this ordinance, will have a comprehensive tobacco-free ordinance. So, you join many other cities throughout the state who are taking this step to move into the next century and protect everyone from secondhand smoke.

Sarah Stafford, Board Certified Pediatrician at Northeast Pediatric Associates located at 5000 Schertz Parkway, stated she strongly supports the proposed updates to our city smoking ordinance being considered this evening. She told Council that their leadership and support of these updates will improve the health and quality of life for everyone in Schertz. While the damaging effects of smoking are well known, what is overlooked is the impact that secondhand smoke has on people who have made the choice not to smoke. She reiterated that 42,000 Americans die from preventable diseases such as heart disease and lung cancer due to their exposure to secondhand smoke. If the Ordinance is passed it will ensure that all Schertz residents are protected from dangerous indoor exposure to secondhand smoke while at work. As a doctor, she stated she was proud to work in the City of Schertz, a city that prides itself on being family friendly and promoting health. She asked Council to join over 100 Texas cities who have already passed similar ordinances by supporting this ordinance. As a pediatrician, she stated that we used to start talking to kids about smoking and vaping in high school, but she recently had a 10-year-old tell her they were offered a vape in the bathroom at their school. This is not hypothetical, it's happening now.

Marcus Cavanaugh, 10418 Connell Pond, read a statement from Dr. Dean, a retired pediatric pulmonologist. Dr. Dean stated that he is concerned about allowing smoking in public places, given the impact that secondhand smoke has on children with asthma

or individuals with sensitive lungs. Secondhand smoke is an inhaled irritant that can irritate the lining of the lungs of children with asthma. Children with asthma have easily irritated lungs based on allergy predispositions. Inhaled irritants like tobacco smoke and vaping or even poorly ventilated rooms or exposure to external pollutants can trigger an asthma attack. 44% of children with asthma have uncontrolled asthma, which means lung function can dip to critically low levels that are unrecognizable to children or parents. Additionally, inflammatory triggers such as tobacco smoke, vaping, or pollution or exposure to high levels of allergic irritants can further an inflamed lung lining and drop lung function to systemic levels where the child is coughing with exercise or sleep disruption due to coughing. This may lead to an asthma attack that evolves into a trip to the emergency room to get it under control. All asthma attacks have the potential to lead to life-threatening events. On average in Texas, 10 -15 children die from asthma attacks on a yearly basis. These deaths are preventable. It is difficult for primary care physicians to manage asthma in the best of conditions, so it's important that communities help these children and adults with asthma or other lung problems such as chronic lung disease and minimize the irritants that these susceptible individuals encounter while enjoying public events. There's another solid irritant that accumulates in public places with tobacco smoking that children do not have to be exposed to directly but contributes to inflammation in the lungs. This irritant is called thirdhand smoke. These are the particle residue of tobacco that settles on the furniture and walls of an establishment. This residue is picked up on the clothes and the hands of people in the room, brought to the home of the child or adult with asthma, transferred to the dust and environmental atmosphere and is breathed in from bed coverings, toys, or dust on stuffed animals. This irritant contributes to inflammation of the lungs, leading to unexpected flare-ups of asthma due to constant exposure in the home and environment.

Jerry Saavedra, American Heart Association, 4847 Limestone Well Drive, San Antonio, there on behalf of the Smokefree Texas Coalition, which involves the American Cancer Society, the American Lung Association Campaign for tobacco-free kids and other national health organizations. They 100% support the updates that are recommended in the amended ordinance tonight. They have reviewed the ordinance, and it aligns with the best practices and what now most cities consider 100% comprehensive, and they are excited for Schertz to have an ordinance that meets current national standards. From their review, he suggested one area for possible conversation revolves around the penalties section. Currently, it states the first offense is \$200, the second offense is \$500, but it doesn't differentiate between an individual or a business that has habitually allowed smoking. He asked that they move away from law enforcement (criminal) penalties to code violations and civil penalties, more along the lines of a public health perspective.

Mayor Gutierrez closed the Public Hearing at 7:00 p.m.

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

Mayor Gutierrez asked for a motion to approve Ordinance 24-H-07.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

5. **Ordinance 24-S-18** - Conduct a public hearing and consider a request to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), known as Bexar County Property Identification Number 308385, also known as 12396 Schaefer Road, City of Schertz, Bexar County, Texas. **First Reading** (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided the location of the subject property, explanation of adjacent properties, that 10 public notices were sent on March 12, 2024, a public hearing notice sign was posted on the property, and a public hearing notice was published in the San Antonio Express-News on April 10, 2024. Public Hearing Notice responses received as follows: 0 - Opposition; 7 - in favor; and 0 - Neutral. Per the letter of intent, the proposed zoning change is to allow the applicant to pull future building permits.

When determining a recommendation, staff review UDC Section 21.5.4.D Criteria for approval. Staff reviewed each of the 8 criteria and provided the outcome to Council.

Staff recommends approval of the proposed rezoning to R-A. The Planning and Zoning Commission held a public hearing on April 3, 2024, and made a recommendation of approval with a 6-0 vote.

Mayor Gutierrez opened the public hearing at 7:09 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the public hearing at 7:09 p.m.

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

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-18.

Moved by Councilmember Tim Brown, seconded by Councilmember Michelle Watson

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

Passed

6. **Ordinance 24-S-19-** Conduct a public hearing and consider a request to rezone approximately 3 acres of land, from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), a portion of Bexar County Property Identification Number 308402, also known as 11627 Voges Pass, City of Schertz, Bexar County, Texas. *First Reading* (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided the location of the subject property, explanation of adjacent properties, that 7 public notices were sent on March 20, 2024, a public hearing notice sign was posted on the property, and a public hearing notice was published in the San Antonio Express-News on April 10, 2024. Public Hearing Notice responses received as follows: 0 - Opposition; 0 - in favor; and 1 - Neutral. Per the letter of intent, the proposed zoning change is to allow the applicant to remodel their home.

When determining a recommendation, staff review UDC Section 21.5.4.D Criteria for approval. Staff reviewed each of the 8 criteria and provided the outcome to Council.

Staff recommends approval of the proposed rezoning to R-A. The Planning and Zoning Commission held a public hearing on April 3, 2024, and made a recommendation of approval with a 6-0 vote.

Mayor Gutierrez opened the public hearing at 7:18 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the public hearing at 7:18 p.m.

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

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-19.

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

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

Passed

Closed Session

7. 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-94

Mayor Gutierrez stated Project E-94 has been postponed until further notice.

Reconvene into Regular Session

Closed session was postponed, therefore regular session did not recess.

8. Take any action based on discussion held in Closed Session under Agenda Item #7.

No action was taken on Agenda Item #7 due to postponement.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

9. **Monthly Update** - Major Projects In Progress/CIP (B.James/K.Woodlee)

10. **Neighborhood Services** - Quarterly Update

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
Councilmember Watson requested a Workshop on increasing certification pay for the police department and another look at the Comp Study for pay rate in certain departments for the more established employees. Mr. Williams responded that he would get with her to clarify these requests.

Councilmember Heyward asked if that would be part of the budget meeting. Mr. Williams responded that typically, that would be something discussed during the budget process. He went on to say they are currently working on certification pay citywide. Councilmember Heyward asked Councilmember Watson if this discussion could wait for the budget meeting as opposed to having a separate workshop. Mr. Williams stated that they are currently working on a certification pay program that they plan to bring to the Council soon. Councilmember Watson said she would like a date, so the issue doesn't sit on the back burner. Mr. Williams stated he thought money had been budgeted for the current year, so we wouldn't have to wait for the budget workshop. Assistant City Manager Gonzalez stated that funds were not budgeted for the certification process in this year's budget; funds were budgeted for job progression. She stated that certification pay would be part of an expanded program discussion. The budget retreat is scheduled for August 2, 2024.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
- City and Community Events attended and to be attended (Council)

Councilmember Gibson attended the Northern D'Lights Ribbon Cutting.

Councilmember Heyward attended the Volunteer Banquet, the TMLIRP Board Meeting, Souffle Cafe Ribbon Cutting in Cibolo ETJ, TML Small Cities Conference in Granbury, and The Chamber Open. And, she spoke with the Schertz Young Leaders about her leadership journey.

Councilmember Brown attended a tour of the Post Oak Landfill with the SSLGC.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:25 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary