

DRAFT

MINUTES REGULAR MEETING June 17, 2025

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 17, 2025, 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 Allison Heyward; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Paul Macaluso; Councilmember Ben Guerrero; Councilmember Robert Westbrook; Councilmember Tim Brown

Staff present: City Manager Steve Williams; City Attorney Daniel Santee; 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 Heyward)

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

Presentations

Presentation of Kick Cancer Pep Rally & 5K Run 2025 Donation to Mays Cancer Center at UT Health San Antonio MD Anderson Cancer Center.

(S.Gonzalez/L.Shrum/C.Paddock)

Parks and Recreation Manager Cassie Paddock provided a recap of the Kick Cancer event that was held in March 2025 in honor of former Councilmember Tony Willenchek. This year the event raised \$10,899.85 for the Mays Cancer Center. Ms. Paddock thanked the Clemens band and cheerleaders for bringing the spirit, and the following sponsors for their generous support: HEB, Schertz Cibolo Emergency Clinic, Remax, GVEC, Renewal by Anderson, Schertz Bank & Trust, State Farm Agent Nathan Oberron, and SAMCO Capital.

Mayor Gutierrez and Ms. Paddock presented the check to Dr. Steven Zumaran, Director of Development for Cancer, Basic Sciences and Research. Dr. Zumaran thanked everyone for their continued support of cancer research.

City Events and Announcements

- Announcements of upcoming City Events (B.James/S.Gonzalez)
Deputy City Manager Brian James announced upcoming city events.
- Announcements and recognitions by the City Manager (S.Williams)
No announcements or recognitions were provided by City Manager Steve Williams.
- Announcements and recognitions by the Mayor (R.Gutierrez)
No announcements or recognitions were provided by Mayor Gutierrez.

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.

All handouts and/or USB devices must be submitted to the City Secretary no later than noon on the Monday preceding the meeting. Handouts will be provided to each Councilmember prior to the start of the meeting by the City Secretary. All USB devices will be vetted by City IT staff to ensure City property is protected from malware.

Mayor Pro Tem Heyward recognized the following residents:

Daniel Jameson, 1048 Richmond Drive, reminded everyone about the monthly VFW breakfast from 8-11 a.m. on Saturday, June 21, and he thanked Council for allowing the VFW to participate in the Memorial Day event.

Floy Simmons, 1216 Cyrus McCormick, addressed the new trash service stating it was unrealistic to expect someone 90 years old to move the 96-gallon trash receptacles. She suggested staff needed training in community communications, and they needed to engage residents in the process. *City Manager Steve Williams instructed Assistant City Manager Sarah Gonzalez to assist Ms. Simmons in applying for a modification with Frontier Waste so they will pick up and return the trash receptacles for her.*

Maggie Titterington, 1730 Schertz Parkway, provided an update on upcoming Chamber events, including the celebration of their 20th Anniversary (thanking the City of Schertz for being a founding member) and the Hyper group's pet supply drive for city shelters in Schertz, Cibolo, and Selma.

Brent Bolter, 2633 Cloverbrook Lane, suggested that Council go to the Schertz Facebook page and read the comments regarding the new trash contract. He stated that more than a few residents are upset with the coming change that they have no control over. When he went to

thank the Republic staff as they picked up trash this week, they told him that he was not the only resident to thank them. He closed by thanking the city and specifically the department that was responsible for the recent re-striping Belmont Parkway. It is much appreciated.

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 City Council Workshop Meeting on June 3, 2025, and the City Council Meeting on June 3, 2025 (S.Edmondson/S.Courney)
2. **Appointments, Re-appointments, and Resignations - City of Schertz Boards, Commissions and Committees**

Resignations

Library-Linda Duvall

Planning & Zoning-Richard Braud (not seeking reappointment)

Appointments

Library-Bradley Thuringer

Parks-Sydney Shippey

Historical Preservation Society-Rose Arispe

Reappointments

BOA

Frank McElroy

Reginna Agee

Alfred Degollado

Library

Patti Paulson

Laura Wilson

Chris Bryan

Margaret Riley

Patti Dilworth

Ruth Tienor

Planning and Zoning and CIAC

Roderick Hector

Patric McMaster

Judy Goldick-Commissioner to Alternate 1

Clayton Wallace-Alternate 1 to Commissioner

David Hughes-Alternate 2 to Commissioner

Parks and Recreation

Tim Dusek-Alternate to Board Member

3. **Resolution 25-R-067** - Authorizing an amendment to the Subdivision Improvement Agreement for Homestead Unit 9 (S.Williams/B.James)
4. **Resolution 25-R-068** - Approval of the Heritage Oaks Wastewater Capital Recovery Offset Agreement (S.Williams/B.James)
5. **Resolution 25-R-069** - Authorizing a new Subdivision Improvement Agreement for Graytown Unit 3A (S.Williams/B.James)
6. **Resolution 25-R-071** – Authorizing expenditures with GenServe Inc. at the East Live Oak Water Facility for generator system replacement (B.James/D.Hardin/L.Busch/N.Ferris)
7. **Resolution 25-R-073** - Authorizing an agreement with the Texas State Library and Archives Commission for the reimbursement of expenses incurred through the lending of Schertz Public Library materials to other libraries (S.Gonzalez/E.Bertoia)
8. **Resolution 25-R-074** – Authorizing a task order agreement with Unintech Consulting Engineers, Inc. for professional engineering-related services on the Northcliffe Country Club Estates Water and Wastewater Main Replacement Project and updating the associated Capital Improvement Plan Project Sheets (B.James/K.Woodlee/J.Nowak)
9. **Resolution 25-R-075** – Authorizing a task order agreement with Kimley-Horn and Associates, Inc. for professional engineering-related services for the design of the 2025 SPAM Resurfacing Project and updating the associated Capital Improvement Plan project sheets (B.James/K.Woodlee/J.Nowak)
10. **Resolution 25-R-076** – Authorizing a task order agreement with Kimley-Horn and Associates, Inc. for professional engineering-related services for the design of the western portion of the Kramer Farm Subdivision Rehabilitation Project (B. James/K. Woodlee/J. Nowak)
11. **Resolution 25-R-78** - Approving a Schertz Main Street Preservation Grant for 420 Curtiss (S.Williams/B.James)

Mayor Gutierrez asked if any items needed to be removed for separate action.

No items were removed.

Mayor Gutierrez asked for a motion to approve consent agenda items #1-11.

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

AYE: Mayor Pro Tem Allison Heyward, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Ben Guerrero, Councilmember Robert Westbrook,
Councilmember Tim Brown

Passed

Mayor Gutierrez recognized Mayor Pro Tem Heyward following the vote. Ms. Heyward welcomed Bradley Thuringer and Sydney Shippey who were in attendance. Thanking them for volunteering to serve on a city board. Mayor Gutierrez stated his appreciation for their service on the city boards as well.

Discussion and Action Items

- 12. Resolution 25-R-079** - Authorizing an application to TxDOT for Transportation Alternatives funding and an Advanced Funding Agreement with TxDOT if the project is selected for The Great Northern Trail design and construction (S.Gonzalez/L.Shrum)

Mayor Gutierrez recognized Parks and Recreation Director Lauren Shrum who introduced Resolution 25-R-079. Ms. Shrum provided a map of the area and provided background information regarding the Great Northern Trail project that they have been working on for several years. This trail is approximately 8 miles long and 10 feet wide, running from the southern Schertz city limits to northern Schertz near the Cypress Point neighborhood. Two years ago, the city acquired a piece of property, the Comal Dry Creek Nature Park off of FM 482 and Bunker Street. The city is working in conjunction with the Great Springs project on this application to TxDOT for funding for the section from FM 1103 to Cypress Point, then down Schwab Road to the Comal Dry Creek Nature Park. This call includes construction as well as design professional services. This program calls for a 20% match of local funds to 80% federal funds. This project is estimated at \$7.7 million. To fund the City's match, they are looking at Parkland Dedication revenues over the next couple of years, possibly seeking EDC funding like other quality of life projects, and/or pushing back other projects listed in the CIP if they are awarded funding through this program call. They do have letters of support from the Great Springs Project, the Schertz Parks and Recreation Advisory Board, Comal County Commissioners' Court, Comal Trails Alliance, and the AAMPO. Also, TxDOT has provided a letter of no objection.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Westbrook asked the following questions:

1. What criteria would be used to determine whether the Pickerell Park pool or Crescent Bend phase 2 would be delayed to support the match and whether this decision would return to Council for final approval?

Ms. Shrum responded that the city works with the advisory board to prioritize capital improvement projects. Then they take it through the city staff process where they look at prioritizing projects comprehensively. Finally, yes, they would bring the capital improvement program to Council for approval each fiscal

year.

2. Would it be ADA compliant?

Ms. Shrum responded the design would be done with ADA in mind.

3. Have Selma and New Braunfels been consulted about trail connectivity?

Ms. Shrum responded that they have received a letter of support from New Braunfels for the Dry Comal Creek project, but they didn't receive one specifically for this. However, they are working on this from their direction to meet our trail network at this location on FM 482. She further indicated they have consulted with Selma on their trails master plan and have interlocked all of our trail plans for the future.

Councilmember Guerrero requested confirmation that the total cost is \$7.7 million, so the city's match would be \$1.5 million. He asked what the main area of funding would be for the city's match.

Ms. Shrum confirmed the funding amounts and stated they had not worked out the funding yet. She reiterated they are looking at parkland revenue funds over the next couple of years, and they could present to the economic development corporation board like they've done for previous quality of life projects. It could come from multiple sources.

Mayor Pro Tem Heyward asked if the city had reached out to our congressman for a community project funding application as a regional project, since we are connecting to other communities.

Ms. Shrum stated they had not. Normally, you can't use federal funding as a match, but she'd look into it.

Councilmember Brown asked for confirmation that the resolution brought forth this evening is only to request authorization to submit an application for a grant. The consideration for funding will only come if selected and that won't be known until around October.

Ms. Shrum confirmed.

Councilmember Tim Brown made a motion to approve Resolution 25-R-079, seconded by Mayor Pro Tem Allison Heyward.

AYE: Mayor Pro Tem Allison Heyward, Councilmember Mark Davis,
Councilmember Michelle Watson, Councilmember Paul Macaluso,
Councilmember Ben Guerrero, Councilmember Robert Westbrook,
Councilmember Tim Brown

Passed

Public Hearings

13. **Ordinance 25-S-024** – Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 11 - Sign and Advertising Devices, Article 3 Boards, Commissions, and Committees - Section 21.3.3 - Planning and Zoning Commission, Article 7 - Nonconforming Uses, Lots, and Structures, and Article 16 – Definitions.(B.James/L.Wood/S.Haas)

Mayor Gutierrez recognized Senior Planner Samuel Haas who introduced Ordinance 25-S-024. Mr. Haas provided background information related to the amendments. Last update to Article 11 occurred in 2017. Proposed changes include editorial changes to convey the information better, removing redundant and unnecessary language. The intent is to provide consistency with UDC and other city policies. Mr. Haas provided examples of the editorial changes and omitted redundancies. He then outlined changes to the code related to signs (wall signs, freestanding signs, and temporary signs.) The Planning and Zoning Commission met on May 7, 2025, and recommended approval with a 7-0 vote with modification to freestanding signs on FM roadways and Schertz Parkway to allow 35' tall sign. Staff made the proposed change. Staff recommends approval of Ordinance 25-S-024.

Mayor Gutierrez stated this item is on the agenda as a public hearing.

Public Hearing opened at 6:42 p.m.

The following residents spoke:

Maggie Titterington, 1730 Schertz Parkway, spoke on behalf of several businesses. Ms. Titterington stated that the regulations on feather flags did not afford the same flexibility as other temporary signs. She asked council to consider increasing the duration from 14 to 28 days. These would be 7-day increments, allowing businesses to display their feather flags up to four times per year, consistent with the rest of the UDC code for temporary signs. This would support local business visibility, remaining mindful of the aesthetic, but being a little more fair and equitable, as well as providing more flexibility. She was appreciative of all the other changes and thanked the staff for all the work they put into the edits.

Public Hearing closed at 6:46 p.m.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Davis asked for clarification on the feather flags restriction to 14 days.

Mr. Haas responded that businesses can have up to three feather flags which can be displayed for up to 14 days per calendar year.

Councilmember Davis stated his concerns are (1) they aren't obstructing traffic or pedestrians, (2) the number of signs - happy capped at three, and (3) whether they are serviceable. He noted there are no comments regarding whether the flags are frayed,

faded, unserviceable, ripped, or torn. He has no issue bumping the number of days from 14 to 28 or 30 so long as there was enforcement of their serviceability.

Deputy City Manager Brian James stated they were not going to enforce the maintenance of feather flags.

Councilmember Brown stated great job putting the changes together. It's a lot clearer, a lot easier to read. However, he agrees with Ms. Titterington, that on the feather flags, four 7-day periods a year is reasonable.

Deputy City Manager James stated that staff is fine either way, but as a reminder, they have to pull a temporary permit to put the feather flag up for that week period. If the expectation is that staff enforce the code, we're going to enforce the code. The problem is, we're going to tell them to get a permit when they've already had the flags up for a week, so are we then going to tell them we aren't issuing a permit or do we issue the permit? This one is going to be a challenge and staff needs there to be an understanding that it's not always going to be handled in a way that every individual in the community feels it should be handled.

Councilmember Brown responded that they understand there is always going to be that one business that is "special" but they trust the city to be able to manage it just like all the other signs we have.

Mayor Gutierrez stated that Ms. Titterington was speaking on behalf of Schertz businesses. Therefore, the comments she made should be given strong consideration to allow 28 days.

Mayor Ralph Gutierrez motioned to approve Ordinance 25-S-024, seconded by Councilmember Mark Davis.

AYE: Councilmember Mark Davis, Councilmember Michelle Watson,
Councilmember Paul Macaluso, Councilmember Robert Westbrook,
Councilmember Tim Brown

NAY: Mayor Pro Tem Allison Heyward, Councilmember Ben Guerrero
Passed

Workshop

14. **Review of Ordinance 23-M-28** City Council Rules of Conduct and Procedure (Mayor Gutierrez)

Mayor Gutierrez opened the workshop Review of Ordinance 23-M-28 asking if there were any questions or comments regarding general grammar or misspelling edits. None being noted, he went on to discuss four items:

1. Under Article 2.2.B Absences: the city secretary should be annotating a Councilmember's absence and the reason therefore in the minutes of the meeting from which the Councilmember is absent. This is currently not being enforced. Question for Council is do you want to enforce it or remove it?

Mayor Pro Tem Heyward asked if this is something that we have not enforced, and

we haven't had an issue with it, or is it to let residents know why a Councilmember is absent from the dais so its more transparent?

Mayor Gutierrez responded that he believed that is why it was added to the Rules and Procedures and didn't think they needed to be specific as to why a Councilmember is not in attendance. They can make it very general by using medical, training, work-related, or personal or they can simply remove it from the article.

Councilmember Brown stated that if we aren't doing anything to enforce he wasn't sure it needed to remain. He asked if there were any known issues with this council or previous councils?

Councilmember Guerrero concurred with Councilmember Brown. If it hasn't been an issue then we don't need it.

City Attorney Dan Santee stated that the Charter says the Mayor or a Councilmember shall forfeit his or her office upon the failure to regularly attend City Council meetings without an approved absence obtained by a majority vote by City Council either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from City Council.

Mayor Gutierrez stated the Charter overrides the Council's Rules and Procedures, so they will enforce it. They will make general comments, whether it is work-related, personal, or medical, and it will be added to the minutes. He went on to say that as the presiding officer, during announcements and recognitions by the Mayor, he will annotate at that point any absences so they can be put on the record.

2. Article 7: there's a conflict between the City Charter and the Council Rules and Procedures regarding the number of readings required for an ordinance from two readings to one reading.

Councilmember Westbrook asked for clarification on the placement of an ordinance on the agenda. Mayor Gutierrez explained that that language was specific to the need for two readings and was no longer relevant.

3. Article 11.1: No person may concurrently serve on more than one board unless by virtue of his or her position on Council. Currently, we have members serving on more than one board, committee, or commission. Question is do we enforce it or do we make adjustments to this policy?

Mayor Pro Tem Heyward stated we are not currently enforcing it and didn't see the need to change whether they are on more than one board. Additionally, she stated there could be legislative changes that will affect the Capital Improvements Advisory Committee (CIAC). Some of the members of CIAC are members of the Planning and Zoning Commission (P&Z). There are also special requirements for the Building and Standards Board which doesn't meet often and may be filled by members of another board. She believes the number of volunteers serving on multiple boards has decreased.

Mayor Gutierrez stated he understands why these articles were included in their Rules and Procedures, but most of them occurred prior to anyone currently serving on Council. He stated part of it was to extend the opportunities for more participation. However, if we don't limit we could have members on more than two boards. Question is whether to limit board membership to one board, two boards, or unlimited?

Councilmember Davis asked for clarification regarding if this was Councilmembers on boards or residents on boards. He went on to explain that

historically, there have been instances where there were no volunteer applications to fill board vacancies, so limiting volunteers would not be in the best interest of the city. He feels if we had sufficient volunteers there are members who serve on multiple boards that would step aside for a new applicant. We need the flexibility to allow members to sit on multiple boards. It may be problematic to have someone that is on EDC and P&Z, but not Parks and TSAC concurrently, so those cases should be looked at independently. He asked if members of P&Z were required to be CIAC.

Deputy City Manager Brian James stated that it is not a requirement for members of P&Z to be on CIAC, however, because of the requirements for CIAC, sometimes members of P&Z have the required qualifications to serve on CIAC. However, that could change with the new legislation. The Building and Standards Commission is another example that requires specific skill sets that are difficult to fill requiring the city to use members from other boards. He further stated that he didn't think Council needed to constrain themselves to a specific number of boards, committees, and commissions.

Mayor Pro Tem Heyward stated this could be an issue addressed by the Interview Committee, since you have 3 Councilmembers on this committee in addition to board, committee, and commission chairs. She felt there was no need to put a policy in place.

Councilmember Macaluso stated he believes we do have a shortage of volunteers, especially for certain committees. However, he does see how there should be a restriction to allow someone on the Parks Board to serve on the EDC or the EDC to serve on P&Z. So, can we specify certain boards that an individual could not concurrently serve on and allow more flexibility on the others.

Mayor Gutierrez stated we could certainly make that change.

Councilmember Westbrook addressed Mayor Pro Tem Heyward's point, regarding the Interview Committee being the gatekeeper. When should Council be notified that we have someone serving on multiple boards?

Mayor Gutierrez stated that without it being in the policy, the Council wouldn't be notified.

Mayor Pro Tem Heyward stated that during the interview process they would identify individuals applying for certain boards that are serving on others and ensure they don't serve concurrently on specified boards. It is the Interview Committee that brings up recommendations for the Council to vote upon, so if the recommendation doesn't come up, then Council won't be asked to vote on it.

Councilmember Brown read the following excerpt from the Rules and Procedures, 'membership and selection of members shall be determined by the Council if not specified by the Charter, the Code of Ordinances, or State law.' He went on to say, it is up to the Council except in those three cases. You can't say 'OK interview committee, you're in charge of policy unless we have a policy.'

Councilmember Davis stated that the only thing he is hearing from Council is that there are certain combinations that they probably want to stay away from. Instead of saying you can't be on more than two boards or you can't be on more than three, it would be better to specify appointed board members cannot serve concurrently on Board "A" and Board "B" or on Board "B" and Board "C". He is more concerned with someone sitting on EDC and P&Z, than he is with someone sitting on Parks and P&Z.

Councilmember Guerrero concurs with Councilmember Macaluso. He would allow members to serve on two boards since there aren't too many currently serving on multiple boards and the number of applicants is low.

Councilmember Macaluso added an issue with serving on Parks and EDC since they are using EDC funds to fund some of the park projects, but doesn't think they need to limit the number of boards to two. The Interview Board looks at rosters and would be cognizant of the individual board memberships.

Councilmember Brown would like the wording to be something along the lines of allowing multiple boards with the exception of serving concurrently on EDC, Parks, and P&Z.

4. Article 11.1 Persons related within the second degree by affinity or consanguinity to the Mayor or other any member of the Council shall not be eligible to serve on a standing committee. (*Note: due to potential or perceived conflict of interest, Mayor Pro Tem Heyward recused herself from the dais.*)

Councilmember Davis stated this had come up before when they had an applicant who applied to be on a board or commission that was related to a Councilmember. He served on the Interview Committee when this occurred and he stated the discussion was more of 'is it a public appearance?' The individual wanted to be on Planning and Zoning. The Interview Committee's concern was that there are a few boards that have specific responsibilities that weigh heavily coming into the City Council, particularly Planning and Zoning and EDC. Beyond that all the other committees are like advisory positions. Parks and Rec come in with a recommendation for a park or a trail, but they have no obligation or authority other than the recommendation to Council. It is public perception that if a family member recommends something and the Councilmember approves it or concurs with it on the dais, the cards are stacked. Councilmember Davis doesn't perceive this to be an issue with the Library Board, Parks Board or TSAC. Recommendations from TSAC get vetted by staff before they are brought forward to Council. Boards that are more autonomous with a lot more authority would be P&Z and EDC. If any restrictions are going to be placed on family members serving on boards and commissions it should be limited to not allowing service on P&Z and EDC.

Mayor Gutierrez added Board of Adjustments, Building and Standards.

Deputy City Manager suggested possibly TIRZ.

Mayor Gutierrez added TIRZ to the list. Language will be added stating family members can not serve on P&Z, EDC, BOA, Building and Standards, or TIRZ.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

15. Petition for Removal of Property from the City of Schertz ETJ - Update on approximately 6.46 Acre ETJ Release in Northern Schertz near FM 2252 within Comal County (B.James/L.Wood/E.Delgado)

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 that items or presentations be placed on a future agenda.
- City and Community Events attended and to be attended (Council)
Mayor Pro Tem Heyward attended GFOAT Budget Academy a 16-hour training and the TML Financial Bootcamp. She received her Certified Municipal Officer Legacy pin.

Councilmember Davis attended the Interview Committee, TSAC, Parks & Rec Board, and the Housing Authority meetings.

Councilmember Macaluso attended the Interview Committee meeting.

Councilmember Guerrero attended the Youth Firefighters graduation and the VFW meeting.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:26 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary