

DRAFT

MINUTES REGULAR MEETING April 5, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 5, 2022, 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 David Scagliola; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Mark Davis

City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Staff: Manager Charles Kelm; City Attorney Daniel Santee; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez; Deputy City Secretary Sheila Edmondson

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. (Mayor Pro-Tem Scagliola)

Mayor Pro-Tem Scagliola provided the Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.

Presentations

- Lions Club: Stuffed Animal presentation to Schertz First Responders. (Mayor Pro-Tem Scagliola)

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola and Lions Club Member as well as Richard Dziejewit, Lions Club Member who presented to City Manager Dr. Mark Browne stuffed animals that were given to the Lions Club and is bringing them for members of our Schertz Emergency Services to use and hand out when they are out on calls.

Proclamations:

Mayor Gutierrez recognized the following groups, read and presented them their proclamations of recognition. Members of each group thanked the City for their support.

- National Library Week (April 3rd through April 9th, 2022) (Mayor/M. Uhlhorn)

- National Sexual Assault Awareness Month (Mayor/A. Story)
- National Crime Victim's Rights Week (Mayor/K. Chandler)
- National Child Abuse Prevention & Awareness Month (Mayor/S. Baker)
- Month of the Military Child & Purple Up for the Military Kids Day (Mayor/D. Thomas/J. Coffey)

New Employee Recognition

Members from the following departments recognized and introduced their new employees. The below employees were introduced and each thanked the City of the opportunity.

- EDC - Holly Malish - Deputy Director of Economic Development
- EMS - Scott Calame & Alexis Martinez- EMT (P/T); Victoria Herrera, Darcy Reiser & Brayton Sears - EMT; David Graham - EMS-Supply Coordinator (P/T);
- Fire - Eric Flores - Firefighter
- Police - Eduardo Herrera - Police Officer; Lillian Rodriguez - Communication Officer

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following announcements:

Saturday, April 9th

Love Where You Live Event

8:00 AM-4:00 PM

Volunteers needed to help with yard work and bulk trash in the Schertz Villages & Heritage Neighborhoods

Sign-in at Arlan's Market parking lot, 909 Curtiss Avenue

Shred Day

9:00 AM-12:00 PM

Hosted by Hyper

Chamber of Commerce, 1730 Schertz Parkway

First Responders Appreciation Event

1:00 PM- 4:00 PM

Retama Park – 2nd Parking Lot

Sponsored by Justice of the Peace John Terry, Constable Michael Skrobareck, and Sue Boissoneault

Now thru Sunday, April 24th

Kickball League Sign-Up

Games will be played every Sunday evening from 6:00-10:00 PM at Thulemeyer Park.

Tuesday, April 12th

Next regular scheduled Council meeting, 6:00 PM, Council Chambers

Thursday, April 14th

Northeast Partnership Meeting

11:30 AM – 1:00 PM

Olympia Hills Golf & Conference Center, Universal City

RSVP to the City Secretary

Monday, April 18th

SSLGC Joint Meeting with Council

6:00 PM – 7:00 PM

3027 N, Austin Street Utilities Operation Center Training Room

- Announcements and recognitions by the City Manager (M. Browne)

Mayor Gutierrez recognized City Manager Dr. Mark Browne who thanked Parks Recreation & Community Services Director Lauren Shrum, her team and all city staff volunteers who made the "Movin on Main" event such a success.

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

Mayor Gutierrez stated he wanted to thank U.S. Congressman Gonzales as our City appreciates the \$3.5 million of Federal Funding for the Corbett Ground Water Facility. Special thanks to the Lion's Club, this past weekend for restoring the signage at the Gutierrez Park. Also, special thanks to our City Staff, YMCA, Parks and Recreation Staff for a successful "Movin on Main" event. Lastly, "Love where you Live" event this Saturday - let's go out and help our neighbors - everyone is meeting at Arlan's Market parking lot, 909 Curtiss Avenue at 8:00 a.m.

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.

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

Mayor Gutierrez recognized the following who spoke:

- Ms. Jennifer Campos, 7711 Windview Way, who came forward addressing the Council regarding her participation in The Chamber's Leadership Core Class.

- Ms. Brenda Dennis on behalf of Mr. Gil McGillivray, 572 Foxford Run Drive, read into record a problem that he has been having for over a year regarding a barking dog behind his home (google maps 5408 Holly Lane) he stated the dog barks at all hours of the night and day. *City Manager Dr. Browne stated that Mr. Gil McGillivray has been contacted, and they are addressing his problem.*

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.

Mayor Gutierrez and Mayor Pro-Tem Scagliola read the following items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of March 22, 2022. (B. Dennis/S.Edmondson)
2. **Resignations and Appointments to Boards/Commissions/Committees**-Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)
 - Resignation of Dr. Susan Raiford from the Historical Preservation Committee.
 - Appointment of Mr. Alex Fuentes as an Alternate Member to the Building and Standards Commission.
3. **Ordinance No. 22-S-11** - Consideration and/or action on a request to rezone approximately 9 acres of land from General Business District (GB) and Pre-Development District (PRE) to General Business District (GB) and General Business District-2 (GB-2), generally located approximately 3,000 feet east of the intersection of Schwab Road and IH-35 access road, also known as a portion Comal County Property Identification Number 78178, City of Schertz, Comal County, Texas. ***Final Reading*** (B. James/M. Harrison)
4. **Resolution No. 22-R-38** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas regarding a request to amend the Main Street Local Grant Program. (M. Browne/B. James)
5. **Resolution No. 22-R-35** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract with Scientel Solutions, LLC of Aurora IL, for implementation of the Schertz Master Communications Plan. (B. James/M. Clauser)

6. **Ordinance No. 22-T-16** -Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the FY 2021/2022 Budget to allocate funds for the Schertz Council Facilities Audio and Video Systems Upgrade Project in the amount of \$451,686.00 *Final Reading* (B. James/ M. Clauser)

7. **Ordinance No. 22-T-17**- Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the FY 2021/2022 City of Schertz Budget to provide an additional \$65,835.00 from the dedicated PEG Fund for the Master Communication Plan. *Final Reading* (B. James/M. Clauser)

8. **Resolution No. 22-R-36** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (M. Browne/J. Walters)

9. **Resolution No. 22-R-37** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an amendment to the Interlocal Agreement between the City of Schertz and the City of Cibolo for EMS Services. (C. Kelm/J. Mabbitt)

Mayor Gutierrez asked Council if there were any items they wished removed. Mayor Gutierrez recognized Councilmember Heyward who requested Consent Agenda Item 8 be removed for separate action.

Mayor Gutierrez called for a motion to approve Consent Agenda Items 1-7 and Consent Item 9.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward to approve consent agenda items 1 through 7 and item 9.

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

Passed

Discussion and Action Items

8. **Resolution No. 22-R-36** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (M. Browne/J. Walters)

Mayor Gutierrez read the above item into record:

Mayor Gutierrez recognized Councilmember Heyward who wanted to know information about the outstanding Utility Bills and were some of those accounts low income individuals. She was provided some information regarding assistance available through the " Low Income Energy Assistance Program" and another assistance program "Comprehensive Energy Assistance Program Community Council of South Central Texas" as she wanted to know if the city could get them some assistance in getting their bills paid by providing them the information. Assistant City Manager Brian James stated that he would get that information from her and certainly pass along the information.

Mayor Gutierrez called for a motion to approve.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

10. **Resolution No. 22-R-22** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Contract with Trox, Inc. of San Antonio, Texas for implementation of the Schertz Council Chambers AV Systems Upgrade. (B. James/M. Clauser)

Mayor Gutierrez recognized Director of the IT Department Myles Clauser who provided a brief PowerPoint of the City Council Chambers AV System Upgrades. Mr. Clauser stated working with various stakeholders the staff issued an RFP for improvements to the audio and video systems in the Council Chambers Main Room. Three proposals were submitted, and it was determined that the best value to the City was presented by Trox, Inc. of San Antonio in the amount of \$451,686.00. This upgrade will improve the quality of live and recorded meetings on both the internet and on the planned cable channel, streamline management of Council meeting minutes, allow for electronic voting, etc.

Staff recommends that Council approves Resolution No. 22-R-22 authorizing the agreement with Trox Inc. of San Antonio Texas for improvements to the Council Chambers Audio and Video Systems. Mr. Clauser addressed questions from Council.

Mayor Gutierrez asked for a motion to approve.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward to approve Resolution No. 22-R-22.

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

Passed

Public Hearings

11. **Ordinance No. 22-S-15** - Conduct a Public Hearing and consideration and/or action on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 2.7 acres of land, more specifically described as the northwest corner of IH-35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Number 62840, City of Schertz, Guadalupe County, Texas. **First Reading** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized City Planner Megan Harrison who provided a brief PowerPoint presentation regarding the request. The goal is to approve a Specific Use Permit in order to allow for a convenience store with gas pumps on approximately 2.7 acres of land. Due to the limited adverse impact on adjacent development and the compatibility between the proposed land use and the Comprehensive Land Use Plan, Staff recommends approval of the Specific Use Permit to allow a convenience store with gas pumps at the subject property conditioned upon the following:
A building permit is approved within one year of the adoption of the SUP Ordinance; and
The use begins operation within two years of the issuance of the necessary building permit(s).

The Planning and Zoning Commission held a Public Hearing on March 9, 2022, where they made a recommendation to the City Council with a vote of 6-0.

Ms. Harrison recognized J. D. Dudley, Real Estate Project Manager, QuikTrip who also came forward providing further information on the proposed request.

Mayor Gutierrez opened the public hearing and recognized the following who spoke:

- Mr. Dana Eldridge 2628 Gallant Fox Drive, who stated he is not against QuikTrip, he is just questioning the location as there are several other gas stations and convenient stores in the area.

As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments. Mayor Gutierrez provided his comments of approval on this item. As there was no further discussion, Mayor Gutierrez called for a motion to approve.

Moved by Councilmember Tim Brown, seconded by Mayor Pro-Tem David Scagliola to approve Ordinance No. 22-S-15 on first reading.

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

Passed

12. **Ordinance No. 22-T-12** - Conduct a Public Hearing and Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, amending Chapter 78, Article VII, Roadway Capital Recovery Fees incorporating amended land use assumptions and amended Capital Improvements Plans for such facilities providing for collection of impact fees. *First Reading* (M. Browne/B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating City staff is proposing to update the City's roadway impact fee to account for newly annexed property. This includes land that had been in the City's Extra Territorial Jurisdiction (ETJ) and was recently annexed at the request of property owners who are anticipating developing the property as well as the property that was released by the City of San Antonio to the northwest of Lookout Road and Doerr Lane that was recently annexed. The goal is to include these properties in the City's roadway impact fee service areas and to designate the thoroughfares in these areas as system roadways. As part of the required process the City had to update its land use assumptions and capital improvements plan. This also results in new maximum assessable fees in each service area, but the city is not proposing to change the actual impact fee per service unit that is currently being charged - \$1,000.00 per service unit for residential and \$175.00 per service unit for non-residential. The update was prompted by the need to add areas to the City's roadway impact fee service areas which will also add sections of roads as system roadway.

The update also factors in the City's participation in the cost of constructing Cibolo Valley Drive from Old Wiederstein to IH-35. As part of the process, the City's consultant had to update the land use assumptions and capital improvements plan, which essentially estimates the cost of constructing these roads to provide additional capacity that will be needed based on new development and divides that cost among new development in the form of the maximum fee per service unit. The areas where the changes are occurring are the land released by the City of San Antonio from their ETJ, generally to the northwest of Lookout Road and Doerr Lane. This also adds the extension of Tejas Way to the roadway CIP. The second area is in the area of Parklands 2 and adds a section of Big John Lane to the roadway CIP. The third area is around Lower Seguin Road to account for the annexation of the Saddlebrook and Carmel Ranch developments and adds sections of Raf Burnett, Lower Seguin Road, a north/south collector and the north/south collector that is the FM 3009 extension. It also includes the actual City Participation cost for Cibolo Valley Drive. While the report results in a new maximum assessable fee per service unit for each service area which is slightly lower in three of the service areas and slightly higher in the other one, these amounts are still above the amounts the City charges. Staff is not proposing a change to the fee amount charged.

This Ordinance provides funding for the expansion of roadway triggered by new development. Staff recommends approval to the City's Roadway Impact Fee program.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments. Mr. James addressed comments and questions from Mayor and Council. Mayor Gutierrez called for a motion to approve.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Ordinance No. 22-T-12 on first reading.

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

Passed

13. **Ordinance No. 22-S-13** - Conduct a Public Hearing for consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, amending the Master Thoroughfare Plan. *First Reading* (M. Browne/B. James)

Mayor Gutierrez who recognized Assistant City Manager Brian James who provided information on this item stating the City is proposing to amend the Master Thoroughfare Plan to include the extension of Tejas Way in the area that was recently annexed after being released by the City of San Antonio from their ETJ. The amendment is occurring generally north of Lookout Road and West of Doerr Lane, west and south of the current Tejas Way. This provides for the orderly growth and development of the City. Adding the extension of Tejas Way to the Thoroughfare Plan informs the community that the road is planned to exist.

Staff recommends approval of Ordinance 22-S-13 to amend the Master Thoroughfare Plan to add the extension of Tejas Way.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments. No comments from Council, Mayor Gutierrez called for a motion to approve.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michael Dahle to approve Ordinance No. 22-S-13 on first reading.

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

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for Agenda Items 1 through 13.

Closed Session

Mayor Gutierrez read the following closed session items into record:

14. The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the direction to fill the City Manager vacancy.
15. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code, the City of Schertz will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters: CAUSE NO. 1:17-CV-819-LY GREEN VALLEY SPECIAL UTILITY DISTRICT V. THE CITY OF SCHERTZ, ET. AL.

Mayor Gutierrez recessed the meeting into Closed Session at 7:30 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 8:56 p.m.

16. Take any action based on discussions held in Closed Session under Agenda Item 14.
No action taken.
17. Take any action based on discussions held in Closed Session under Agenda Item 15.
No action taken.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

18. Mayor and Council Compensation. (M. Browne/J. Walters)

Mayor Gutierrez stated that Agenda Item 18 is an informational item only and can be found in the Council packets as well as can be found on-line.

Requests and Announcements

- Announcements by the City Manager.

Mayor Gutierrez recognized City Manager Dr. Browne who stated that we talked about the April 18, 2022 Joint Meeting with SSLGC and we are going to carpool and City Secretary Brenda Dennis sent you and email, we will need RSVP's. City Secretary Brenda Dennis stated that we have reserved two vehicles for those wishing to carpool and that they need to be here before 5:00 p.m., in the City Managers Office area as we are leaving promptly at 5:00 p.m.

- Requests by Mayor and Councilmembers for updates or information from staff.

None at this time were requested.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

No items were requested.

- Announcements by Mayor and Councilmembers
 - City and community events attended and to be attended
 - City Council Committee and Liaison Assignments (see assignments below)
 - Continuing education events attended and to be attended
 - Recognition of actions by City employees
 - Recognition of actions by community volunteers

Mayor Gutierrez recognized the following:

Mayor Pro-Tem Scagliola who stated he attended the "Movin on Main" Event and enjoyed it, great event and participated in the Zumba event and still has his swagger! Looking forward to a possible Tik-Tok

Councilmember Whittaker stated she also attended the "Movin on Main" event and commented on how all members of public safety kept them safe, she also attended Pre-Budget Retreat, the new format was very interesting, she enjoyed it, and it was a good process.

Councilmember Dahle stated he attended the Pre-Budget Retreat, appreciated the new format, attended the Memorial Ceremony for Chris Price and attended the "Movin on Main" event,

Councilmember Heyward stated she attended the TCMA William King Cole Workshop, the workshop was very informative and received a lot of information, she will pass along some PowerPoints she received. She also attended the Guadalupe County Children's Advocacy Center with putting up 863 pinwheels at Christian Brothers, FM 3009. She attended the Galveston's Ironman Relay with her husband. She also stated if you know of someone who has MS and want assistance in get moving, a group called Meet Fight.com, they believe they need to get moving and have bicycles that they give away to assist and sponsor individuals go attend various Ironman events.

Councilmember Brown stated he attended the Pre-Budget Retreat and enjoyed it and also attended the "Movin on Main" event, it was a great event.

Adjournment

Mayor Gutierrez adjourned the meeting at 9:03 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary