

**MINUTES  
REGULAR MEETING  
January 12, 2016**

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 12, 2016, 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:

Mayor Michael Carpenter  
Councilmember Grumpy Azzoz  
Councilmember Cedric Edwards

Mayor Pro-Tem Fowler  
Councilmember Daryl John  
Councilmember Robin Thompson

Staff Present:  
Executive Director Brian James  
Executive Director Bob Cantu  
City Secretary Brenda Dennis

City Manager John Kessel  
Executive Director Dudley Wait  
City Attorney Charles Zech

**Call to Order – City Council Regular Session**

Mayor Carpenter called the meeting to order at 6:03 p.m.

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

Councilmember Thompson provided the opening prayer followed by the pledges of allegiance to the flags of the United States and the State of Texas.

Mayor Carpenter stated that last time he allowed the Student Mayor to also call the meeting to order and he recognized Kelsey Ayers who banged the gavel calling the meeting to order.

**Recognition and Presentation**

- **Introduction of the Student Mayors and Student Councilmembers for the Day. (Mayor Carpenter)**
  - **Student Mayors – Dobie Jr. High, 8<sup>th</sup> Grade James Kemter and Corbett Jr. High, 8<sup>th</sup> Grade Kelsey Ayers**
  - **Student Councilmembers – Dobie Jr. High, 7<sup>th</sup> Grade Raymond Ambrose and Corbett Jr. High, 7<sup>th</sup> Grade Kyle Dorsey**

Mayor Carpenter recognized the Student Mayors and Student Councilmembers for the day. Each student provided brief information on what they learned during the day. Mayor Carpenter, Superintendent Greg Gibson and City Manager John Kessel presented each student with a plaque and certificate in recognition of their participation in the Student Mayors and Student Councilmembers for the Day Program.

Mayor Carpenter recognized City Secretary Brenda Dennis and Social Studies Coordinator Rebecca (Becky) Williams who came forward thanking all those that participated in the success of the program today.

Mayor Carpenter recessed the meeting at 6:17 p.m., for photos.

Mayor Carpenter reconvened the regular meeting at 6:24 p.m.

### **City Events and Announcements**

- Announcements of upcoming City Events (B. James/D. Wait/B. Cantu)

No announcements were made.

- Announcements and recognitions by City Manager (J. Kessel)

No announcements were made.

### **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 Carpenter recognized the following who spoke:

- Mr. Richard Dziewit, 2550 Chasefield Drive, who spoke as a member of the Guadalupe County Crime Stoppers. He thanked city representatives who met with a group from the governor's office who came to see if Schertz would be a good place to have a convention. He thanked Maggie Titterington, Jake Jacobs, Sue Boissonneault Jaclyn Ponder, Kyle Kinatader, Robin Thompson and especially Erin Matlock, who put together a group of things the conventioners could do while in the City of Schertz. The next step is to go in February to Odessa to promote Schertz as the city to hold the convention in 2017. He thanked everyone for doing an excellent job.
- Ms. Laurie Crites, 8128 Garden North, who spoke about the Adult MegaPlex billboard on IH-35 which alarms her. She shared some porn addiction statistics with council. She asked council to definitely send the letter in Agenda Item #2. She wants our city to be protected from porn addiction. She wants the billboard advertisement taken down.
- Mr. Miguel Gutierrez, 2608 Patron Village, who expressed on behalf of his family their deep gratitude to the City of Schertz for the use of the Civic Center and city personnel and volunteers assisting last Tuesday when his father, Henry Gutierrez, was buried. The family

appreciates the huge outpouring of support from the City. With regard to Bexar Waste, the company is rock solid and they are committed to the same level of service that his father demanded. Nothing will change there. He hopes he can fill his father's role and you can call him any time. He thanked the city staff again for everything they have done.

### **Discussion and Action Items**

1. **Minutes** - Consideration and/or action regarding the approval of the minutes of the Regular Meeting of January 5, 2016. (J. Kessel/B. Dennis)

Mayor Carpenter recognized Councilmember Azzoz who moved, seconded by Councilmember Edwards to approve the minutes of the Regular Meeting of January 5, 2016. **The vote was unanimous with Mayor Pro-Tem Fowler, Councilmembers Azzoz, John, Edwards and Thompson voting for and no one voting no. Motion passed.**

2. **Resolution No. 16-R-01** – Consideration and/or action approving a Resolution authorizing the issuance of a letter from the City of Schertz regarding the Adult Megaplex billboard located at Schertz Parkway and IH 35. (B. James)

The following was read into record:

#### **RESOLUTION NO. 16-R-01**

#### **A RESOLUTION BY THE CITY COUNCIL DIRECTING THE MAYOR OF SCHERTZ TO SIGN AND SEND A LETTER TO THE ADULT MEGPLEX.**

Mayor Carpenter recognized Councilmember Thompson who stated he feels this drafted letter is lacking and is a statement that leans to a more neutral theme. He would like to see the addition of something more, perhaps stating that the city council has received multiple complaints about the billboard and would like to see it removed from the city limits. He feels this is a step in the right direction but needs to be strengthened more.

Mayor Carpenter recognized Councilmember Azzoz who stated we have to be careful because we are infringing on free enterprise. He is looking at the legal part of it and the right of businesses and their right to advertise. He does not think we can successfully defeat this. He made reference to the online retailer Amazon.com and what they are selling nationwide. He is not saying this is a great thing to have. It's just a business and he is for the rights of protecting individuals and their businesses.

Mayor Carpenter recognized Councilmember Fowler who said he thinks we should take some action about our displeasure regarding the billboard advertisement but we may want to consider how we can involve the community and our churches working together in unity. He thinks this letter would only be a beginning but it has to start somewhere. This could be an opportunity for all of our churches working together.

Mayor Carpenter recognized Councilmember John who said people are going to do what they want but he thinks it doesn't hurt to ask—maybe the billboard owners will be sympathetic and take the advertisement down.

Mayor Carpenter recognized Councilmember Edwards who said maybe citizen involvement is the way to go (i.e. a petition). People have free will. So do the advertisers. If we do send a letter, we also have to send it to the billboard owner. Billboards command \$2,600+ per month. There are also some economic questions we need to be aware of.

Discussion continued regarding constitutional rights, freedom of enterprise, advertisement patterns, etc. Mayor Carpenter said that on the advice of their legal counsel, he would like to talk to them about this matter, so under The Texas Code 551.071 they are going to go into executive session at this time.

***Mayor Carpenter recessed the meeting into Executive Session under section 551.072 Consultation with the City Attorney at 6:52 p.m.***

***Mayor Carpenter reconvened back into open session at 7:07 p.m.***

Mayor Carpenter recognized Councilmember Azzoz who recommended tabling this item for discussion at another time.

Mayor Carpenter stated this is challenging. This is a clear first amendment question. The constitution and the amendments were put in place to limit government and to protect the people. We have to be careful not to go to far as a government. However, this does not limit individuals. He suggests that if council desires not to take any action, then we simply take no action and move on with the rest of the meeting.

Councilmember Azzoz withdrew his request to table the item and made a motion to take no action. Mayor Carpenter stated no motion was needed to take no action. Since no one else spoke up, no action was taken.

### **Workshops**

- Discussion and possible action regarding amending the City Council Rules of Conduct and Procedure and the City Council Code of Ethics. (Item requested by Councilmember Edwards and confirmed by Mayor Carpenter)

Mayor Carpenter recognized Councilmember Edwards who stated he feels the established trust amongst council may have been a little bit mired recently and he feels we need to get back that trust amongst ourselves, our colleagues, and departmental staff. He had asked for this to be put on the agenda to find out if our legal counsel could provide anything to help us add clarity with our code of conduct and code of ethics in regard to public media matters.

Mayor Carpenter said each councilmember has a first amendment right to say just about anything they want to say at any time. He asked Councilmember Edwards if he wanted legal counsel to come forth at a future meeting with a presentation on this topic. Mr. Edwards said while he doesn't want to infringe on individual rights he also does not want to see any hindrance occur toward what our staff is doing. What we saw over the last couple of weeks was a clear case of hindrance. This is his only concern. He asks that we prepare something about how to handle public media matters and add it to our city code of ethics.

Mayor Carpenter recognized Councilmember Thompson who said maybe it could be something that states if there is any interview by a councilmember, there has to be a representative from the City Information Office also present at that interview to assist and provide guidance to the councilmember being interviewed.

Mayor Carpenter recognized Councilmember Azzoz who stated what he said in the media interview recently was clearly posted in the newspaper. He did not hinder anything. Mayor Carpenter interrupted the discussion to remind everyone to stay on the subject specifically posted on the agenda. Councilmember Edwards responded that he is only asking for some type of parameters to be added that would specifically address public media matters.

Mayor Pro-Tem Fowler and Councilmember John both expressed concern about being careful of what is said by council; to be aware of our credibility and use restraint with our words, especially when it is about high profile emergencies, investigations, or tragedies. Councilmember John stated we should be very sensitive to these situations.

City Attorney Charles Zech offered to get with staff to craft some language that would not infringe on any first amendment rights but still gets across the position of council on how media relation issues should be handled. He gets the feeling that we just want to be careful with information when it is provided by council and to keep in mind the intricacies of law enforcement and any other privacy concerns that may arise as a result of their speech.

Councilmember Edwards stated he wanted to publicly apologize to Councilmember Azzoz and did not want him to feel he was targeting just him. Councilmember Edwards stated he feels council needs a foundation on this topic for the future on which they all can rely on. Councilmember Azzoz thanked him for his apology.

Mayor Carpenter commented that he feels council already has the ability to police and discipline itself and to try to legislate this some more upfront could become problematic. He thinks we have enough information before us already to police ourselves.

For further clarification, City Attorney Charles Zech stated his understanding of what is being asked for is guidelines on how we might handle issues of a sensitive nature—and that is all it would be. There would not be any language stating if you do this, these are the ramifications. It would just be sort of common sense guidance on how to handle issues drafted in a way that we would not be treading upon any constitutional rights.

Mayor Carpenter recognized City Manager John Kessel who stated he feels it would be beneficial on the staff level to initiate some media training not only to council but to executive management, department heads and any other staff member who may have an opportunity to meet with the media. He proposed that Public Affairs Director Linda Klepper work with our Emergency Operation staff and develop a training program that could be useful to staff and other individuals such as Citizens on Patrol that interact with us regularly. Councilmember John stated he thinks that TML offers such a class that we could look into.

Mayor Carpenter stated he feels a need to put out a motion and see how the council feels about it. With deference to action taken by the Schertz City Council on April 16, 1974 with regard to the selection of a Mayor Pro-Tem, Mayor Carpenter moved that this council pursuant to our rules of procedure, and particularly Article V, Section 5.1, subsections (a), (b),

and (g), establish by rule and as such in this case a standing rule that mayors pro-tem shall be appointed for a term of one year beginning and ending in February of each year. And that said, mayors pro tem shall be appointed by a majority vote of council following a properly made motion to appoint a member who is both eligible and in good standing with council at the time the motion is made and that such rule take effect immediately. Councilmember John seconded the motion. **The vote was 3-2-0 with Councilmembers John, Edwards, and Thompson voting yes, Mayor Pro-Tem Fowler and Councilmember Azzoz voting no. Motion Passed.**

A short discussion continued as to the 'history' of the rotation of the Mayor Pro-Tem versus the appointment and the length of time served as mayor pro-tem. History went back to former Councilmember/General Marsh who at that time felt the term should be rotated every six months amongst each councilmember.

- Discussion and consideration and/or action regarding the confirmation, appointment or election of the Mayor Pro Tempore.

Mayor Carpenter moved that Councilmember Cedric Edwards be appointed Mayor Pro-Tem for a period of one year immediately following the expiration of Mayor Pro-Tem Fowler's term of service. Councilmember John seconded the motion. **The vote was 3-2-0 with Councilmembers John, Edwards, and Thompson voting yes, Mayor Pro-Tem Fowler and Councilmember Azzoz voting no. Motion Passed.**

### **Roll Call Vote Confirmation**

Mayor Carpenter recognized City Secretary Brenda Dennis who provided the roll call votes for agenda item 1, and the two (2) workshop items.

### **Requests and Announcements**

#### 3. Announcements by City Manager

- Citizen Kudos
- Recognition of City employee actions
- New Departmental initiatives

Mayor Carpenter recognized City Manager John Kessel who reminded everyone that council would be having their retreat at the GVEC Operations Center Training Room this coming Thursday and Friday. On Thursday, city staff will be there and on Friday, City Council will be there with staff joining them in the afternoon. After the meeting tonight please visit with the City Secretary (Councilmembers John, Azzoz, Fowler and Edwards) to provide her with some needed information regarding the retreat.

Also, the City held two groups today in the council chambers 1) The Chamber Leadership Core, and 2) Student Mayor and Student Councilmember for the Day Program. They had very impressive results from these activities. A lot of staff participated, including City Secretary Brenda Dennis, Director of Public Affairs Linda Klepper, Officer Helen Lafitte, Parks Manager Chuck VanZandt, City Engineer Kathy Woodlee, and Director of Planning and Community Development Lesa Wood and GIS Coordinator Tony McFalls. There were other

staff members that participated in both of these exercises. He hopes to see us continue in these student programs. He congratulated Brenda Dennis and Linda Klepper for today's success.

4. **Future Agenda Item Request for City Council:** This is an opportunity for City Council members to request that items be placed on a future agenda. No discussion of the merits of the item may be taken at this time. Should a Council Member oppose placement of the requested item on a future agenda, the Mayor, without allowing discussion, shall ask for the consensus of the other City Council members to place or not place the item on a future agenda.

No items were requested.

5. 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
- Upcoming City Council agenda items

Mayor Carpenter recognized Mayor Pro-Tem Fowler who just wanted to verify the dates of the regular council meetings beginning this month as the 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> Tuesdays. City Secretary Brenda Dennis confirmed this as correct.

Mayor Carpenter recognized Councilmember Azzoz who stated at 'Operation Comfort' they are still collecting contributions for our wounded soldiers going through rehab. He will provide more information at the next council meeting.

Mayor Carpenter recognized Councilmember Edwards who stated General Marsh's husband passed away and the funeral was this past Friday.

Mayor Carpenter recognized Councilmember Thompson who complimented city staff of the Schertz Civic Center in showcasing the Civic Center to the Texas Crime Stoppers representative on Friday.

Mayor Carpenter also mentioned that regarding the passing of General Marsh's husband any visit or card sent her way would be appreciated.

### **Executive Session**

6. City Council will meet in closed session under section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.

***Mayor Carpenter recessed the meeting into Executive Session under section 551.074 of the Texas Government Code, Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary at 7:45 p.m.***

**Reconvene into Regular Session**

- 6a. Take any necessary action based on discussions held in closed session under Agenda Item number 7.

*Mayor Carpenter reconvened back into open session at 9:16 p.m.*

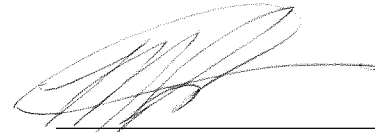
Mayor Carpenter recognized Mayor Pro-Tem Fowler who made a motion to give the City Secretary a pay increase of 2% effective immediately, seconded by Councilmember Azzoz. **The vote was unanimous with Mayor Pro-Tem Fowler, Councilmembers Azzoz, John, Edwards and Thompson voting for and no one voting no. Motion passed.**

**Roll Call Vote Confirmation**

Mayor Carpenter recognized City Secretary Brenda Dennis who provided the roll call vote for agenda item 6a.

**Adjournment**

Mayor Carpenter adjourned the meeting at 9:18 p.m.



Michael Carpenter, Mayor

ATTEST:



Brenda Dennis, City Secretary