

MINUTES  
REGULAR MEETING  
March 22, 2016

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on March 22, 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 Jim Fowler  
Councilmember Daryl John

Mayor Pro-Tem Cedric Edwards  
Councilmember Grumpy Azzoz  
Councilmember Robin Thompson

Staff Present:  
Executive Director Dudley Wait  
City Attorney Charlie Zech

Executive Director Brian James  
Executive Director Bob Cantu  
City Secretary Brenda Dennis

Call to Order – City Council Regular Session

Mayor Carpenter 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 Thompson)

Councilmember Thompson provided the opening prayer followed by members of Girl Scout Troop 4834 who led in the pledges of allegiance to the flags of the United States and the State of Texas.

City Events and Announcements

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

Mayor Carpenter recognized Executive Director Dudley Wait who provided the following announcements:

- Wednesday, March 23 – Staff Pre-Budget Retreat, 8:30 a.m. to 5:00 p.m. at the Fairfield Inn & Suites, 5008 Corridor Loop.
- Thursday, March 24 – City Council Pre-Budget Retreat, 8:30 a.m. to 5:00 p.m. at the Fairfield Inn & Suites, 5008 Corridor Loop.
- Saturday, March 26 – Easter in the Park, Pickrell Park 8:00 a.m.
- Saturday, March 26 – BVYA Opening Day Celebration, Parade 9:00 following opening ceremony.
- Tuesday, March 29 – No City Council meeting.
- Tuesday, March 29 - TxDOT Public Meeting to Discuss FM 1103 Project, Jordan Intermediate School, 515 Thistle Drive in Cibolo, 5:00 p.m. to 7:00 p.m.
- Tuesday, March 29 – GVSUD Public Meeting with TCEQ on the Green Valley Special Utility District Wastewater permit process, McQueeney Lions Club Building, 3211 FM 78, McQueeney, TX, 7:00 p.m.

- Thursday, March 31 –Bob Cantu Retirement Celebration, Civic Center 4 to 6 p.m., Bob’s last day in office is April 1, 2016. This is Bob’s last Council Meeting as we do not have a meeting on the 29<sup>th</sup>.
  - Saturday, April 2 – Movies in the Park “The Sandlot”, Schertz Ballpark, and Gates open 6:00 p.m. and movie starts at dusk. Concessions available
- Announcements and recognitions by City Manager (J. Kessel)

Mayor Carpenter recognized Executive Director Brian James who announced that Mr. Kessel was out ill this evening but he would have taken the opportunity to publically thank Mr. Bob Cantu for his service to the city and wish him well on his retirement.

Mayor Carpenter also expressed his gratitude for the time Mr. Cantu has served not only in the Air Force but with the City of Schertz. He thanked him for what he gave to the City over the last 8 years.

### Hearing of Residents

Mayor Carpenter recognized the following who spoke:

- Richard Dziewit, 2550 Chasefield Drive, who spoke on the upcoming Purple Light Celebration event that is to be held on April 10, 2016, 6:30 to 8:30 at the Brackenridge Park at the Koehler Pavilion, 3700 N. St. Mary’s Street . He stated this is a gathering of survivors, family, and friends who have been affected by pancreatic cancer.
- Mr. Glen Outlaw – 3729 Forsyth Park, who suggested that in the future items that are placed on the agenda for informational purposes, that the Council take a few minutes to explain this to those in attendance at the meeting.
- Ms. Maggie Titterington, The Chamber President, who provided information on the recent success of The Taste event. She also stated that on Tuesday, March 29, 2016, at 10:00 a.m. BG’s Catering & Restaurant will be having a Ribbon Cutting. Lastly, Ms. Titterington stated that she has been appointed as a Board of Director to the Alamo City Workforce.
- Mr. Rodney Vreeland, 506 River Road, who spoke on police corruption and cover-up on an incident (he called 911 on April 30 and May 1) he was involved in.

Mayor Carpenter directed Mr. Vreeland to speak to Executive Director Dudley Wait.

- Mr. Tim Westley, 15826 Turfway Park, who came forward stated that he is running for the Congressional District 15 seat.

Mayor Carpenter moved to the action items section of the agenda.

### Discussion and Action Items

1. **Minutes** - Consideration and/or action regarding the approval of the minutes of the Regular Meeting of March 8, 2016. (J. Kessel/B. Dennis)

Mayor Carpenter recognized Mayor Pro-Tem Edwards who moved, seconded by Councilmember Fowler to approve the minutes of the Regular Meeting of March 8, 2016. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

2. **Resolution No. 16-R-26 - CAFR FY 2014-15** –Presentation and consideration and/or action approving a Resolution authorizing approval of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2014-15. (J. Kessel/J. Santoya/J. Walters/D. Fraser)

The following was read into record:

#### **RESOLUTION NO. 16-R-26**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2014-15, AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Ms. Debbie Fraser with Armstrong, Vaughan & Associates who provided Council information on the recent audit answering questions from Council. Ms. Frazer first thanked the Finance Department who had to pull a lot of documents for them. She highlighted the following:

- Page 1 – Emphasis of Matter -As discussed in Note 1S to the financial statements, in October 2014, the City adopted a new accounting guidance from the Governmental Accounting Standards Board Statement No. 68 related to accounting for pensions. This resulted in a restatement of the prior year balances. Our opinion is not modified with respect to the matter.
- Page 19- Balance Sheet – Governmental Funds – ended the year with about \$36 million in total assets of which \$30.6 million is in cash and investments. The General Fund had \$9 million in cash and investments, Capital Projects had \$9.8 million, and the Economic Development Fund had \$9.6 million.
- Liabilities for Governmental Funds were a little over \$1.2 million. They always recommend the city keep at least 3 months of unassigned fund balance in the general fund. The City actually had 4.3 months at year end.
- Page 60 – Budget to Actual Expense for the General Fund only. The original budgeted items were \$23.2 million, and you actually brought in \$23.3 million. You increased your permits and fees, \$180,000 more than you budgeted. In fines and fees you brought in \$311,000 less than you budgeted.
- Expenditures – spent \$393,000 less than budgeted. Total general government was \$6.2 million budgeted, but actually spent only \$5.3 million, resulting in a favorable balance of almost \$1 million.
- Page 61 – Total Expenditures, budgeted \$22.8 million, actually spent almost \$21 million, resulting in a favorable spending variance of \$1.9 million. At the end, you had excess of revenues of \$2.4 million with a few other transfers in and out of \$541,000 leaving a net increased change of fund balance of \$1,894,453. This is an increase from \$7.7 million to \$9.6 million.

- Page 64 – This is a first year summary of the net pension liability. The city had a total pension liability at the end of the year of \$50.2 million. The Net Pension Fiduciary Funds are \$36.4 million, resulting with a net pension liability of \$13.8 million.

Ms. Fraser said in the last ten fiscal years of assessed taxable value, the city went from total taxable assessed value of \$1.6 billion to now being over \$3 billion—spread between residential, commercial, tax exempt and other property.

In the governance letter they issue each year they give a trend analysis at the end. Schertz had a very favorable trend analysis. Between 2014 and 2015 the city's average operating expenditures went from 3.7% down to 3.4%. The average number of months of expenditures in the fund balance went from 3.4 months to 4.3 months. Also, in looking at the 930 2011 General Bond Debt to fund equity, it was 29.1 to 1 and now it is 7.1 to 1. You want a low number in this area.

Mayor Carpenter recognized Mayor Pro-Tem Cedric Edwards who said the fiscal responsibility of the city is showing through in the leadership we have in our department heads. He said council knows they are working diligently and hard to make the taxpayer's money blossom. This is similar to looking at debt to income ratios. This is a great place for the City of Schertz to be in. He thanked staff and the Mayor very much for all they have done.

Mayor Carpenter said it is the council and staff who have brought us to this position. He remembered former Councilmember Tony Wilenchik who introduced the rest of the council at that time to the idea of arbitrage and of things we should do from a policy level that would help us get to where we are here. As he sees it, we have increased our savings, reduced our debt position and have controlled expenses and managed ourselves and gone from a 29.1 to 1 down to a 7.1 to 1 ratio, which is very healthy. This is why in the past 36 months we have had our bond rating raised twice. This allows us to refund some bonds or refinance them. In the last six years or so that we have done bond refunding, we have gotten rid of about \$4 million dollars' worth of interest that we would have had to pay. This is a lot of taxpayer money saved by financial discipline.

Mayor Carpenter recognized Councilmember Robin Thompson who said as a member of the Audit Committee, the team went over this report in much more detail. They laughed and joked which shows when everything the city and staff has done that shows this much good news, you are able to rejoice rather than despair.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Mayor Pro-Tem Edwards to approve Resolution No. 16-R-26. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

3. **Resolution No. 16-R-27** – Consideration and/or action approving a Resolution authorizing the approval of an Agreement with Thos. S. Bryne, LTD for replacement of windows and glazing systems at the Recreation Center. (J. Kessel/P. Gaudreau)

The following was read into record:

## RESOLUTION NO. 16-R-27

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE APPROVAL OF AN AGREEMENT WITH THOS. S BYRNE, LTD FOR REPLACEMENT OF WINDOWS AND GLAZING SYSTEMS AT THE RECREATION CENTER

Mayor Carpenter recognized Owners Representative Phil Gaudreau who stated what you have before you is a revisit of the replacement of the glass and glazing systems in the recreation building to address the continuous issues we have over there. This had been bid before and this is a re-bid. He introduced three members of the contractor, Thos. S. Byrnes LTD: 1) Tony Battle, President of the Southern Texas Division, 2) Todd Buckingham, Superintendent over the Aquatic project, and 3) Gary Sanchez, project manager. These gentlemen will also be involved in the recreation center project.

Mr. Gaudreau addressed questions and comments from council. He explained they will be replacing the metal and the glass. The complete exterior walls will come down and temporary interior protection walls will go up. They will take the exterior glazing elements and curtain wall down and remove that and reinstall and complete a new envelope with complete new glazing. Executive Director Brian James said they will also be making some adjustments to the design as well. Mr. Gaudreau said currently in the gymnasium, the glazing goes from the ceiling all the way to the floor and so you get human impact that knocks those windows out. In fact another one was knocked out last week so they replaced it. Part of this work is to take those units out, build up a drywall wall and put in exterior glazing that is higher taking that human impact load and dangerous condition out. That is part of this work.

The old glass will be disposed of. Seven year old glazing is way behind the times, in energy and usefulness—there were some seal failures—it is not worth recycling. We are replacing them because units have failed and we have missing pieces and members. We have had two separate investigations, and both consultants recommended the same thing, that we remove all of this and simply replace it. The wrong systems were selected for use when it was built.

Mr. John asked whether insurances would be in place for this repair for at least a year. Mr. Gaudreau said the glazing units themselves have a 10-year seal failure and the aluminum members are about the same (10-15 years). The contractor is using a subcontractor (Bulverde Glass) who will be designing and installing the system. They are very reputable in this area. They will also be utilizing a third party consultant to look at the window system prior to installation to make sure they feel the design is up to par and you will not have any water infiltration issues moving forward. They will also test the system at the end as well.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who moved, seconded by Councilmember Thompson to approve Resolution No. 16-R-27. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

Mayor Carpenter came down from the dais and thanked the contractor representatives for their help when recently the backflow preventer valve broke at the Recreation Center. It was not their responsibility to assist and fix it, but on their own they helped the city out. This is a case of a company that went above and beyond in their relationship with us.

4. **Resolution No. 16-R-28** – Consideration and/or action approving a Resolution authorizing a contract with The Davey Tree Expert Company for tree pruning services. (B. James/C. Van Zandt)

The following was read into record:

**RESOLUTION NO. 16-R-28**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS  
AUTHORIZING A CONTRACT WITH THE DAVEY TREE EXPERT COMPANY  
FOR TREE PRUNING SERVICES AND OTHER MATTERS IN CONNECTION  
THEREWITH**

Mayor Carpenter recognized Park Foreman Mike Trainor who stated they are visiting the tree trimming contract. Two (2) bids were received for this project. Parks has chosen to recommend The Davey Tree Expert Company. He asked if Council had any questions.

Executive Director Brian James interjected stating that the Parks Department went out months ago and did a request for services for tree trimming. It was so successful they wanted to go out again and do it with several other park properties the city owns.

The Parks Department has identified seven (7) City parks that require the service: Crossvine/Sedona Park, Cypress Point Park, Forest Ridge Park, Lone Oak Park, Thulemeyer Park, Ashley Park, and Schertz Parkway Median. The scope of work will include tree trimming, maintenance and repair. This project is vital to maintain safe and quality parks in Schertz.

Mayor Carpenter recognized Councilmember Fowler who moved, seconded by Mayor Pro-Tem Edwards to approve Resolution No. 16-R-28. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

5. **Resolution No. 16-R-29** – Consideration and/or action approving a Resolution authorizing a contract with the Aquatic Renovation and Service Company for replacement of the Pickrell Park Pool Liner. (B. James/C. Van Zandt)

The following was read into record:

**RESOLUTION NO. 16-R-29**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS  
AUTHORIZING A CONTRACT WITH THE AQUATIC RENOVATION AND  
SERVICE COMPANY FOR REPLACEMENT OF THE PICKRELL PARK POOL  
LINER AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Park Foreman Mike Trainor who stated the City desires to procure swimming pool liner replacement services for Pickrell pool. On September 15, 2015,

Council passed Ordinance No. 15-T-33 to approve funding in the amount of \$65,000 to accomplish this task. The scope of work involves the installation of a new, adhered PVC pool liner system. This replacement liner will allow the safe use of the pool by the public for many years to come.

The project was publicly bid using a Request for Proposals (RFP). This method allows the City to choose a contractor not only based on cost, but on qualifications and experience as well. Three (3) bids were received for this project. Parks has chosen to recommend the Aquatic Renovation & Service Company. The Aquatic Renovation & Service Company was the lowest bidder. Furthermore, after evaluation of the review committee, staff determined that the Aquatic Renovation & Service Company was also the best value selection based on the rest of the criteria including experience, qualifications, reputation, capability, past performance, experience with other entities, experience with similar projects, available resources, and corporate history and stability.

Replacement of the pool liner at Pickrell pool is absolutely essential at this time in order for the public to safely utilize this facility beginning Spring/Summer, 2016. The new liner replaces the thirteen (13) year-old liner (installed in the Spring, 2003) that has now failed.

Staff recommends Council approve hiring the Aquatic Renovation & Service Company for a contract amount of \$68,293.50 for pool liner replacement services. The fiscal impact of the project will be \$68,293.50. The majority of the funding for this project will be paid from the funding (\$65,000) that was already approved via Ordinance No. 15-T-33. The balance of \$3,293.50 will be paid for out of the contingency fund.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who moved, seconded by Councilmember Thompson to approve Resolution No. 16-R-29. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

6. **Ordinance No. 16-T-05** – Presentation and consideration and/or action approving an Ordinance authorizing a budget Adjustment to the Schertz Emergency Medical Services Fund to adjust appropriate accounts after receipt of a grant. *First Reading* (D. Wait/J. Mabbitt/K. Burnam)

The following was read into record:

#### **ORDINANCE NO. 16-T-05**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A BUDGET ADJUSTMENT TO THE SCHERTZ EMERGENCY MEDICAL SERVICES FUND TO ADJUST APPROPRIATE ACCOUNTS AFTER RECEIPT OF A GRANT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

Mayor Carpenter recognized EMS Director Jason Mabbitt who introduced EMS Public Education Community Outreach Coordinator Kellie Burnam who stated the Schertz EMS has had an active and successful Mobile Integrated Healthcare Program since 2013. We have

focused on High Utilizers of the 911 system and have successfully reduced the number of 911 calls from multiple patients, freeing up emergency resources in the City. By working with these patients, we have also improved their access to healthcare, thereby improving their health and quality of life as well as reducing costs to both the patients and the payers.

Schertz EMS has been an active participant in the Southwest Texas Regional Advisory Council's Mobile Integrated Healthcare Consortium over the last year and a half. The STRAC MIH Consortium is currently made up of Schertz EMS and the San Antonio Fire Department. The STRAC MIH Consortium has been successful in growing both programs and obtaining multiple large resources to allow our patients to utilize. Recently, the STRAC MIH Consortium was approached by University Health Systems Research Department and asked to participate in a National Access Improvement Program Grant Project regarding high utilizer pediatric asthma patients that are covered by Community First Health Plans Insurance. This project is scheduled to last for six months and will include our MIH Paramedics visiting pediatric asthma patients in their homes in an effort to educate them and their families on better management of their disease. The overall goal of the project is to reduce the number of hospital emergency room visits through proper management of their asthma. The project will grant funds to Schertz EMS to reimburse the costs associated with visiting these patients.

A total budget of \$168,497 has been submitted to the STRAC MIH Consortium to cover the costs of Schertz EMS visiting these patients. These costs will cover one MIH Paramedic that has been selected from our current full-time paramedic staff. This is not an additional FTE position at this time, rather a reassignment of duties. We will cover this person's field shifts with part time personnel. Additionally, these funds will cover a patient care monitor and a vehicle that will be used by the MIH Paramedic to visit patients as well as other medical supplies necessary for the treatment of these patients. Schertz EMS will invoice the STRAC MIH Consortium for all of the incurred expenses during the project. The grant will cover all expenses related to the program. This program will not need any additional City funding. Staff recommends approval.

Mayor and Council expressed their gratitude for the EMS Department taking ownership, moving forward and expanding this program.

Mayor Carpenter recognized Councilmember Azzoz who moved, seconded by Councilmember Fowler to approve Ordinance No. 16-T-05, first reading. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

### Workshop

- Discussion and possible action regarding the City Council Rules of Conduct and Procedure and the City Council Code of Ethics. (Item requested by Councilmember Fowler)

Mayor Carpenter recognized Councilmember Fowler who read from a statement he prepared:

I have worked on the Schertz City Council for the past ten years. As the years passed, I began to notice a slowly changing city and city council. I had total trust in the mayor and councilmembers and looked forward to hearing the different opinions from each member



because I believed each one had the city interest at heart. There was unity in spirit and we each had complete freedom to disagree without straining our relationships.

As time marched on and we began to feel the strain of super growth and more uniqueness of individuals and reasons for being on council, it became harder and harder to understand the others around me. It has been hard to keep the faith, so to speak. I truly felt wounded this last January when the mayor not only made his motion but even more so that the council passed his motion. We normally look at so many ordinances and UDC's, in which we usually take a second look at it in order to give us a chance to impact our vote.

I feel like the golden age of our Schertz Council has come to an end and a new reality is beginning. It is as though we have lost our trust in each other and that one cannot share one's thought and get an honest feedback. So what do I see for the future? We will and we must be able to take a serious and complete understanding of our policies, rules and conduct and our ethics codes and be able to teach them to those that follow after us. Therefore, I am proposing we establish a 'boot camp' for newly elected council persons. This training would not only be a review of our policies and procedures but also include interactive workshops. The training should start with us, which will also include the development of a training course for those elected persons coming after us.

Now, specific concerns about the actions taken in January 2016, my concern may be a legal situation. When the motion passed there was nothing in the procedure to eliminate conflicting procedures such as what we found in 5.1c and especially in the older document that we were working under at the time. I would think the Standing Rule 16-R-01 must also show the line item that was deleted to make sure there is no conflict between procedures.

One thing in the old document and today we discovered that there were several things that were kind of goofy. In the old document it had said that there would be a three month term. It says, 'Term dates of the Mayor Pro-Tem position will begin in February and August of each year. The election offsets by three months. Terms were to sequentially rotate according to councilmembers place number.' In the new document we have as of today, is that the three months that has been taken out; I would think that the council would need to vote on the Standing Rule. I would like to see that we put in the language that we have, but also show the deletion of the things that were deleted from the document. To me that makes it all consistent.

Those were the major things. In closing I just want to say that for the record, did the mayor do anything wrong legally? I say no. He followed the rules, made a motion, which he can do according to 9.1 and did not vote, as some people thought maybe he did, but didn't. But I say this was legal and I kind of reflect back on what I started with, 'Do unto others as you want them to be done to you.' I feel like this is one of our statements we try to live by in our city and I say, 'Mayor, I don't think you would want that to happen to you.' I really think we are entering a new age. That's my statement.

Mayor Carpenter stated Mr. Fowler brought up an excellent point, and that point is that it does look like our Rules of Procedure, Section 5 have been changed to reflect the Standing Rule that we passed and that is in fact incorrect. You are right. The old language under Section 5.1 can only be changed by an ordinance because it comes from an ordinance. So Section 5.1, Appointment Procedure for the Mayor Pro-Tem, should read as it used to be. What we did with a Standing Rule doesn't change the Rules of Procedure that are pertinent to an ordinance

so we will need to put that back the way it was and we will just have the standing rule at the end as a sort of slip note, such as what we would see in court decisions. That rule can be overturned at any time by the council; it is a rule, a discipline, it is not a change to the ordinance.

As far as what you said about having a boot camp for a newly elected person, it is a great idea; something we should do as a council. We have a little bit that we do there already. He said he was taken on a tour when he got elected of what was here and what was there; all of those basic foundational things. An introduction and overview, like what was done last October when we went through the Council Rules of Procedure and Code of Ethics is also good. It needs to be something that he, or as a group, council should cover with every newly elected member. The suggestion is timely as we will have at least two new members of council in the fall election. We do need to go back to the original language in 5.1 and have a newly elected orientation that is structured and includes us going over the Rules of Procedure and Code of ethics with each newly elected member.

Mayor Carpenter recognized Councilmember Thompson who stated he agreed that a council orientation is a tremendous idea, especially with a possibility of potentially two to six seats in play at this next election. This is a great way to jump start a new council person.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who said we already have a few things in place and it goes back to participation—it is available to you if you choose to participate. We have council retreats and workshops, disc profiles, leadership and Dale Carnegie training and open meetings training. Also, anyone can go by and sit with Brenda (City Secretary) for a period of time to learn from her, as well as going to different departments for information. We have a lot of things already in place for and available to city council. Like professional development, if you are going to go, go and take advantage of it. You may be surprised at what you learn and it could be something that sticks with you forever. He wants to encourage everyone here because these things are available and let the new ones come in and get started right away. When you go in and file, you know what you are filing for—you might want to do your homework. It is a lot more than just sitting on the dais. As Alexander Hamilton said, 'Winning is easy, governing is harder.'

Mayor Carpenter recognized Councilmember Fowler who reiterated his concerns regarding confusion that may exist up on the dais by new members in relation to when to make motions, raise points of privilege, and when to ask questions or make statements, all adding up to having the ability to make good decisions.

Mayor Carpenter recognized Councilmember Azzoz who spoke about the January 12<sup>th</sup> meeting when the mayor made his motion regarding the appointment of a mayor pro-tem who had to be in 'good standing'. He did not understand the definition of 'in good standing'. He took this at the time that he was not in good standing. He has had a lot of people contact him by phone, letters, and in person. He requests a copy of the city council meeting tape each week. He viewed that meeting on tape afterwards and feels maybe Councilmember Fowler felt he was blindsided. However, he is convinced the others were not blindsided because there were no questions from anyone else nor any discussion about it—everyone just voted for the motion.

After the meeting he received a phone call saying this was orchestrated prior to the January 12<sup>th</sup> meeting. He stated he would like to hear the definition of 'good standing' because he thought he was in good standing. That is one of the problems with that motion that evening. The other problem is the mayor stating the Mayor Pro-Tem title should be going to a senior member. That didn't happen either. That would make Mr. Fowler the senior member and make him the Mayor Pro-Tem. He is not lobbying to be a Mayor Pro-Tem; there were two problems that evening: 1) No discussion occurred from any city council member except from himself and Mr. Fowler. He had a caller that stated that discussions took place—he is going to let that go. He was told a city council member had to be in good standing. He then asked Mayor Carpenter what the definition of good standing was so we would know in the future.

Mayor Carpenter stated that they have actually never had a councilmember not in good standing. With the Ethics Rules that we passed, we have not censured anyone. A member being in good standing refers to the Code of Ethics and to the remedies Council has with regard to violations of the code.

He referenced page 8, Enforcement of Violations, going to the bullet that is 'Censure' and it is the first bullet under that which says, 'The act of placing a Councilmember under censure is an official and public reprimand of a city councilmember by the body of the city council for multiple and/or serious infractions against the city council code of ethics. Therefore city councilmembers who are placed under censure are considered to be not in good standing with the body of the council.' That is the only definition that we have and it must follow an act of council censuring an individual member. We have never done that so we have never had a member who is not in good standing. So that is where that definition comes from.

Councilmember Azzoz read what the mayor had said that night, 'I don't feel the time is right for you, Mr. Azzoz, to serve in that capacity.' Mr. Azzoz asked Mayor Carpenter why he felt that way since he was in good standing and never had been censured by council. He repeated his question as to 'who are you to tell me in public that I am not fit'? Mayor Carpenter agreed that he had never been censured but he is the Mayor, and it is part of his job to lead this council and then the council decides how to proceed forward. Mr. Azzoz asked if this was not an ethics violation. Mayor Carpenter said no, it is not. Serving as a Mayor Pro-Tem is a privilege, it is not a right, it is something that is earned, and that office is conferred by the council. It is not controlled or conferred by me. I can offer my opinions, I can make a motion, but ultimately the council decides on its own rules of procedure and the council decides what action it takes. That is the way the Charter is set up and it is set up that way for good reason. He cannot point a finger and cause a city employee to go do something because the Charter says that is interfering with city operations—that is the job of the city manager. Rules of the city council are set by the city council; it is outlined in the Charter. He can only make suggestions, commentary, and motions about what he thinks and feels. Council decides.

Councilmember Azzoz asked the mayor if none of the other city councilmembers knew about this until that evening. Mayor Carpenter stated he actually wrote that motion at about 4:30 in the afternoon of the day he made it and did not know what he was going to say until he wrote it. He doesn't see how anybody could have known about it.

Mayor Carpenter stated that this is not an inquisition. What we have this evening is an opportunity to talk about our rules of procedure and if you want to talk about changing the rules of procedure or how they work, we can do that. If you want to lodge a complaint somewhere about my behavior, do it by the rules.

Councilmember Azzoz stated he is not saying that but the mayor violated his rights. He stained the city by making the statement that Mr. Azzoz was not fit. That is all he has to say.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who interjected with a point of order stating we are actually addressing several things at one time and we need to stay focused on the actual workshop at hand. He referenced the first page of the Rules of Conduct and Procedure which states 'Understand that the majority rules; once a vote is taken if you are in the minority, agree to disagree and move on. Recognize the majority view when the expressed vote is in, it becomes an expression of city policy. Also address the merits of the issue and no personal attacks. Observe the city's written rules of conduct and procedure. When others are speaking, listen with an open mind.' He stated he thinks we have gotten off course and should just be doing the workshop about the policies and procedures. If that is over then let's end this particular item and move on.

Mayor Carpenter recognized Councilmember Fowler who stated there are certain times when we have to have a two-thirds vote. His question was regarding defining two-thirds. He looked at it with both 5 members and 7 members of council and depending how you interpret the rounding of the numbers. City Attorney Charles Zech stated the first question would be does it say two thirds of those voting who are present or two thirds of the city council. Mayor Carpenter said in our Rules, Item No. 9, we have a motion to limit or close debate or call the question. It requires an affirmative vote of two-thirds of the council. The other one is a motion to rescind, which requires a two-thirds vote of the council. He doesn't think the two-thirds is defined anywhere. Mr. Zech said he has been doing this a long time and he has always interpreted it as rounding up--that's just math. Mayor Carpenter read from the rules a procedural motion that requires an affirmative vote of two-thirds of the vote of participants voting. Our Charter also says that we have to have three affirmative votes for anything to pass otherwise the vote is rendered dead. More numbers and discussion continued by council.

- Discussion and possible action regarding the Woman Hollering Creek Project. (B. James/K. Woodlee/C. Raleigh)

Mayor Carpenter stated that at the request of staff this item has been pulled.

#### Roll Call Vote Confirmation

Mayor Carpenter recognized City Secretary Brenda Dennis who provided the roll call votes for the workshop and agenda items 1-6.

#### Requests and Announcements

7. Announcements by City Manager
  - Citizen Kudos
  - Recognition of City employee actions
  - New Departmental initiatives

No further announcements were provided.

8. 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.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who requested staff look into the possibility of placing a couple of signs within the City regarding the Schertz Lions Club.

Mayor Carpenter recognized Councilmember Thompson who asked that council be kept up to date on resident Rodney Vreeland's grievance of which he spoke about tonight regarding the Police Department.

9. 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 Councilmember Fowler who stated he attended the Northeast Partnership meeting and enjoyed their information on MPO and TXDoT. He also attended the Chamber of Commerce Business Breakfast and was interested in the information provided there regarding the use of the internet from a business standpoint. He also thanked The Chamber President, Maggie Titterington, for giving out a pitch at the Chamber luncheon regarding the 'Love Where You Live' program.

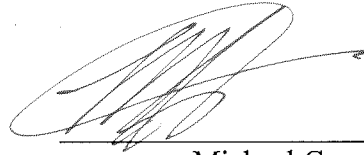
Mayor Carpenter recognized Mayor Pro-Tem Edwards who stated if you are planning on going to the Lions Club Casino Night, get your tickets soon as they are selling out rapidly. At the last Northeast Partnership meeting he listened to the superintendent from Judson High School talk about how they are going to go about funding their school. He heard Selma Mayor Tom Daly say that our school district should also speak more at the Northeast Partnership about our own progress. He asked The Chamber President Maggie Titterington to talk to Russel at Caterpillar and see if she can get with Alamo Workforce because those mechanic jobs are high paying. Kudos to The Taste event. It was fun and the leaders that were there— whoever brought the bus over for the seniors, that was a fantastic gesture. He thanked Councilmember Robin Thompson for his input in this event.

Mayor Carpenter recognized Councilmember Robin Thompson who stated they already have six pages of notes on how to make The Taste event better for next year. He also wanted to mention the part that the Schertz Civic Center staff has played in The Taste. He particularly commended Events Manager Mary Spence for her voluntary contributions even though the event is no longer held at the Schertz Civic Center. This speaks highly of our city staff.

Mayor Carpenter stated maybe some people had seen the press release regarding the Post Oak Clean Green Landfill being proposed to be placed over our primary water source. He encouraged people to start getting more educated on this topic and prepare to make your voices heard to TCEQ in Austin as they get closer to their decision making time. Our water source of the past 30 to 35 years is being threatened. Read up on it and think about what we can do to protect our interest.

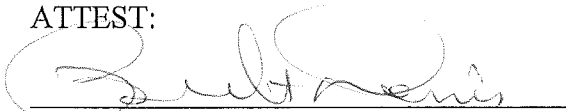
Adjournment

Mayor Carpenter adjourned the meeting at 7:45 p.m.



Michael Carpenter, Mayor

ATTEST:



Brenda Dennis, City Secretary