

MINUTES  
REGULAR MEETING  
April 26, 2016

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 26, 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 Secretary Brenda Dennis

Executive Director Brian James  
City Attorney Charlie Zech  
Assistant to the City Manager Sarah Gonzalez

**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.**  
(Mayor Carpenter)

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

Mayor Carpenter recognized Boy Scouts Riley Hayden and Blake Dixon from Troop 51 who were in the audience this evening.

**City Events and Announcements**

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

Mayor Carpenter recognized Executive Director Brian James who provided the following announcements:

- **Thursday, April 28**, Wounded Warriors Luncheon, hosted by Yellow Cab/Greater San Antonio Transportation, 9600 IH 35 North, 11:30 a.m.
- **Friday, April 29**, Sam Willoughby's Retirement Lunch and Social, Schertz Civic Center, 12:00 – 2:00 p.m.
- **Friday, April 29**, 7<sup>th</sup> Annual Knock Out Child Abuse Bowl-a-Thon, Fiesta Lanes, 10202 Huisache Ave, New Braunfels, 5:30 p.m.

**SAVE THE DATE:**

- **Thursday, May 5**, Schertz Sweetheart Coronation, Civic Center, 5:45 p.m.
- **Thursday, May 12**, Northeast Partnership Luncheon, Olympia Hills Golf Club, 11:30 a.m.
- **Sunday, May 15**, Schertz EMS Golf Tournament, Olympia Hills Golf Club,

Registration begins at 7:30 a.m.

- **Tuesday, May 17**, The Chamber Luncheon, Schertz Civic Center, 11:30 a.m.
  - **Tuesday, May 17**, Council On The Go, Norma J. Paschal Elementary Cafeteria, 590 Savannah Drive; the meeting starts at 6:30 p.m.
  - **Sunday, May 22**, Annual EMS Banquet and Casino Night, Schertz Civic Center, 5:30-9:00 p.m.
  - **Monday, May 23**, Grumpy's Mexican Café Operation Comfort Fundraiser, 18817 FM 2252, 11:00 a.m. – 2:00 p.m., BBQ Barbecue Chicken & Brisket lunch plate \$10.00, 100% of proceeds go to Operation Comfort.
- Announcements and recognitions by City Manager (J. Kessel)

Mayor Carpenter recognized City Manager John Kessel who stated he wanted to recognize Police Officer Rudy Pena. Mr. Kessel stated that they received a letter from the State of Minnesota Department of Corrections/Special Investigations expressing their appreciation to Officer Pena for his essential role in the apprehension of a Minnesota fugitive. Mr. Kessel passed the letter around to Councilmembers.

Mr. Kessel stated that he doesn't know if we received the official final word, but he knows there are members of the Bond Committee who are in the audience this evening and wanted to take the opportunity to mention the FM 1518 Bond Project. This is a project that the voters, on the recommendation of the Bond Committee, approved \$5 Million dollars of City of Schertz money to act as seed money. We then worked with TxDOT. TxDOT committed an additional \$5 Million to that project bringing the total to \$10 Million and then TxDOT applied to the MPO for a grant of an additional \$9.5 Million. That grant was approved and now we are a Tier 1 project. The City of Schertz has invested \$5 Million dollars and we will have \$19.5 Million that will be going towards that project. Mr. Kessel stated that they have been recently working with TxDOT to see what we can do to move forward. We are now an official project with some significant funding and they are also aware of our need to move to a phase 2 and do the engineering and environmental portion as if we had additional funding so that we can keep that project moving forward. Mr. Kessel stated that they had a vote yesterday afternoon and he spoke with TxDOT yesterday morning and they were confident that the only thing that could change on the vote was the timing of when it would happen with the MPO funding. He stated he did not get a final word on the outcome of the vote but they were confident that it would happen. This is a big deal for us moving forward and a great use of city money.

### Presentations:

- Check presentation to CTRC regarding proceeds from the 2016 Wilenchik Walk/Run. (J. Kessel/L. Klepper/M. Spence)

Mayor Carpenter recognized Events Manager Mary Spence who provided a brief Power Point presentation stating that the Wilenchik Walk is in honor and memory of Former Councilmember Tony Wilenchik. Ms. Spence gave special thanks to our volunteers including: City staff, Boy Scout Troop 51, students at the School of the Americas, Schertz Sweethearts, residents John and Alayna DuBois, Joy Graham from the YMCA, and Citizens on Patrol. Special thanks was also given to our major sponsor, HEB.

Ms. Spence stated that tonight we have a check in the amount of \$10,480.08 to present to the Cancer Therapy & Research Center (CTRC). Ms. Spence introduced Ms. Vicki Shapiro, with the Sarcoma Group who accepted the check on CTRC's behalf. Ms. Spence stated that donations this year were up 15% from last year. Ms. Spence stated that total donations to date were \$160,761.89. Ms. Shapiro thanked the City for hosting the event and for the donations they have provided over the years.

- Presentation awards regarding the 2016 Wilenchik Walk/Run. (J. Kessel/L. Klepper/M. Spence.

Mayor Carpenter recognized Events Manager Mary Spence who stated that tonight awards for best t-shirt design, most funds raised and the winners of the 5K run will be presented. The following awards were presented:

1 <sup>st</sup> Place Team Best T-Shirt Design	Team Tatum – Captain Katie Gunn
1 <sup>st</sup> : Most Funds raised by a Team	Team American Bank & Trust, \$503.00
2 <sup>nd</sup> : Most Funds raised by a Team	Team Tatum - \$435.00
1 <sup>st</sup> Place Men (Run)	Daniel Arias
2 <sup>nd</sup> Place Men (Run)	Keith Ferguson
3 <sup>rd</sup> Place Men (Run)	Henry Langislene
1 <sup>st</sup> Place Women (Run)	Donna Thompson
2 <sup>nd</sup> Place Woman (Run)	Jeanette Munoz
3 <sup>rd</sup> Place Women (Run)	Tyler Agnew (Clark)

Mayor Carpenter stated this was great work on putting this event on and \$160,761.89 is a lot of money and it was all done out of love of the volunteers. He thanked everyone.

Mayor Carpenter stated that he would like to move the agenda around for a special presentation this evening that Councilmember Flower would like to provide and moved to agenda item 7.

#### 7. 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 Carpenter recognized Councilmember Fowler who came forward providing an update and thanks to all those who participated in the Aviation Heights clean-up this past weekend.

Councilmember Fowler read the following:

We had an awesome event Saturday and Sunday (Photos were showing as he was providing this information).

With many people volunteering, the project exceeded our expectations, but the success of this project did not lie in the hands of a few, but on the hands of the many volunteers. These volunteers came from homeowners, from businesses such as Subaru Auto, The Chamber of Commerce, the City of Schertz employees, Bexar Waste, members of the United Methodist Church Faith and Action Group, the United Methodist Confirmation Class and the Love Where you Live group, which is made up of five churches: United Methodist Church, First Baptist Church Schertz, Cibolo Valley Baptist Church, Northeast Bible, and many other smaller church groups that wanted to share in this event.

The guiding principle of all the faith groups is basically showing the love of Christ through loving our neighbors as ourselves, and doing what is the right thing to do. Lives were changed. Neighbors transformed old landmarks, which were replaced with new landmarks. Some thought no one cared for them while others thought they had won the lottery and others were truly deeply thankful by the work that was done. One example was, Mr. Fowler showed an old dirty T-shirt that was given to him because that was all that the resident could give and he insisted that he take it. I will never forget the deep impact we had on this combat veteran with a prosthetic leg.

I don't know how many roll-off containers of trash and old furniture was collected or how many tree limbs were run through the chipper, or how many yards were cleaned up or just how many curb trash pickups were made. There was an impact on people's lives that could not afford to dispose of or repair these things.

No one group could accomplish all the tasks that we did this last weekend. It took a request from the Historical Society to the City of Schertz who invited Love Where You Live, of which the United Methodist Church is a member, volunteering and combining Love Where You Live with their Faith and Action annual event, which began planning and coordinating and getting the word out to businesses. The end results were nine major projects accomplished, more than 20 smaller projects completed and many trash and limbs chipped, compacted, or hauled away.

One last thing, a special thanks to Environmental Health Manager Jessie Hamilton from the Marshal Services office who did a lot of leg work overseeing the needs of this past weekend. Without him it would not have ran as smoothly. Mr. Fowler left us with these thoughts; remember sometimes there will be a neighbor with the need, maybe your neighbor, and someday you might even be that neighbor.

Someone asked him how he felt about the effects of seeing these projects completed. He said he felt pride but at the same time he felt like thanking the lord saying "you guys did well". He thought of the bible verse "Well done you good and faithful servant". You have done what I wanted you to do and that is to show my love to your neighbors."

Councilmember Fowler stated that the dirty T-shirt that was given to him has a combat vet emblem on it, and again, that man said that was all he could give. Councilmember Fowler showed the T-shirt to the group. Many other people were just as impacted for all the work that was done.

Mayor Carpenter stated that Mr. Fowler inspired us all, him and all his volunteers. Mayor Carpenter, Councilmembers and the audience gave a standing ovation to Councilmember Fowler on the success of this event and a job well done.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who congratulated Councilmember Fowler for the successful cleanup event stating that the spirit that is embodied in this community is absolutely contagious and it is also attributed to the leadership as well.

Mayor Pro-Tem Edwards also stated that on Friday, April 22, 2106 the Lions Club hosted their Casino Night and raised over \$17,000. They raise the money to give back to the community in providing scholarships for summer camps and the Schertz-Cibolo Educational Foundation.

Mayor Carpenter recognized Councilmember Azzoz who also commended Councilmember Fowler for his leadership and the success of the Aviation Heights project this weekend. Councilmember Azzoz also mentioned the upcoming fundraiser for Operation Comfort event on Monday, May 23, 2016. Councilmember Azzoz provided information as to how the funds are used for our disabled veterans.

Mayor Carpenter recognized Councilmember John who echoed the sentiments from Council and thanked Councilmember Fowler.

Mayor Carpenter recognized Councilmember Thompson who also echoed the sentiments and complimented Councilmember Fowler and all members of the community and city employees who participated. He stated that he would like to see this as an annual event on our calendar. Councilmember Thompson also thanked the Bond Committee for their efforts in the success of the FM 1518 project.

Mayor Carpenter expressed his gratitude to Councilmember Flower and all those that participated in the clean-up this weekend.

Mayor Carpenter stated that he had one more announcement. Mayor Carpenter stated that today is City Manager John Kessel's 50<sup>th</sup> Birthday; all those in attendance sang happy birthday. Mayor Carpenter recessed the regular meeting at 6:36 p.m., for a break and asked those in attendance to join them in the back as we celebrate Mr. Kessel's birthday with a cake.

Mayor Carpenter reconvened the meeting at 6:56 p.m.

### **Hearing of Residents**

Mayor Carpenter recognized the following who spoke:

- Ms. Maggie Titterington, The Chamber President who came forward providing photos of the recent Aviation Heights Clean-up project this past weekend. Ms. Titterington also provided information on upcoming events. Ms. Titterington expressed her comments on the recent information regarding the funding of FM 1518 project from TxDOT and receiving the grant from MPO.

- Ms. Gail Douglas, 11536 Ware Seguin Road, Chair of the Library Foundation who came forward providing information on an upcoming Schertz Library Foundation fundraiser. She stated that the Library will be hosting a mini golf course in the Library. They will be closing the Library for two days on June 10-11, 2016. All proceeds will go to E-books; she stated that she still has three sponsorship holes available. They are also taking silent auction items and will be hosting a silent auction event.

## Workshop

- Discussion of Special Called Council Retreats. (Item requested by Councilmember Thompson)

Mayor Carpenter recognized Councilmember Thompson who stated that the workshops are foundational to all the work we end up doing with the Council. The ability to interact with staff, with some of the personality testing and leadership styles that we do to make us a team for success is important.

He feels we owe it to our citizens and staff for the work that they do that all Council be present if possible. He stated that previously we had these retreats on Fridays and had good attendance from the Council and then we moved them to Thursday thinking that would help. He stated that his observation was that at the last retreat we had the lowest turnout of Councilmembers since he has been here and as a result he suggested that the workshops be moved back to Fridays. Historically this has worked best for the Council and he would like to hear input from the other Councilmembers.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who stated that Thursdays are normally his end of the month and end of week and that Fridays work better for him and he can manage his day and is in agreement to move them back to Friday. He stated that we also need an extra day for staff as they always meet prior to them meeting. He would like to get input from the other Councilmembers as well.

Mayor Carpenter recognized Councilmember John who stated that he is good with Fridays.

Mayor Carpenter recognized Councilmember Fowler who stated that we moved the workshops to Thursdays to accommodate Councilmember Azzoz as he was tied up on Fridays and asked him if there was any way he could rearrange his schedule to be available on Fridays. Councilmember Azzoz stated that he will do his best and we all can't promise things and he doesn't know what may happen in his life from day to day but he is ok with whatever changes the Council wants to meke; going back to Friday is fine.

Mayor Carpenter stated that this item is on for discussion and that as he hears no decent we will move them back to Fridays.

Mayor Carpenter recognized City Manager John Kessel who stated what he would recommend, and we have already booked our retreat for November with the facilitator, if we do want to do these on a Friday, then he needs to change that reservation this week. What he has heard is a consensus to move them back to Fridays. If we want to move them to Fridays

he needs to know tonight. This is not an action item and he would come back at the next meeting with an amended calendar, but if he is misunderstanding that, then he would ask for more discussion to make sure that he fully understands and knows what to tell our consultant.

Mayor Carpenter recognized Councilmember Thompson who stated that would it be beneficial if we were to raise it in such a way that our preference is to move back to Fridays if the facilitator is available, and if not to make those active starting next year. Mr. Kessel stated that he is fine with that if Council wishes us to go back to Fridays then he will visit with them.

Mayor Carpenter recognized Councilmember Fowler who reminded Council that we are going to have at least four (4) new Councilmembers later this year and this is a good way to start them off. He stated that it is a good idea to move the retreat meetings to Fridays.

Mayor Carpenter stated that it sounds like a consensus if nothing else and Mr. Kessel can move forward with this information. Mr. Kessel stated that for the record we would move the team building retreat to December 2<sup>nd</sup> which is a Friday and we would have them on Fridays thereafter. Mayor Carpenter stated it sounds correct. Mayor Carpenter stated that if there are any concerns to please get with Mr. Kessel individually.

### Consent Agenda Items

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Regular Meeting of April 12, 2016. (J. Kessel/B. Dennis)
2. **Ordinance No. 16-D-06** – Consideration and/or action approving an Ordinance providing that the Code of Ordinances of the City of Schertz, Texas be amended by revising Chapter 86, Section 86-41, Stop Intersections – Designated regarding the installation of a stop sign at the intersection of Tractor Pass and Planters Pass. **Final Reading** (B. James/K. Woodlee/D. Letbetter)

The following was read into record:

#### **ORDINANCE NO. 16-D-06**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF SCHERTZ, TEXAS, BE AMENDED BY REVISING SECTION 86-41, STOP INTERSECTIONS-DESIGNATED; AND PROVIDING AN EFFECTIVE DATE.**

3. **Boards, Commissions and Committee Member Resignations and Appointments** – Consideration and/or action ratifying the resignation of Mr. Howson Lau of the Library Advisory Board and the Committee of Committees effective May 3, 2016, and ratifying the appointment of Alternate 1 Ms. Shonale Burke as Regular member and ratifying the appointment of Alternate 2 Rebecca Scheffler to Alternate 1.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Fowler to approve the consent agenda items 1-3. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John and Thompson voting for and no one voting no. Motion passed.**

## Discussion and Action Items

4. **Ordinance No. 16-C-09** – Conduct a Public Hearing and consideration and/or action approving an Ordinance amending the Schertz Code of Ordinance Chapter 18, Buildings and Building Regulations, Article 1, In General, Section 18 Inspections. *First Reading* (B. James/L. Wood/G. Durant)

PH

The following was read into record:

### **ORDINANCE NO. 16-C-09**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF SCHERTZ CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II INTERNATIONAL BUILDING CODE, SECTION 18-41 AMENDMENTS AND ARTICLE III INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS, SECTION 18-61 AMENDMENTS.**

Mayor Carpenter recognized Executive Director Brian James who stated staff has determined a need to revise the current building codes with regard to inspections. The current building code requires an engineer to seal some aspects of plans – foundations, wind bracing, structural elements, etc. The proposed amendment to the building code allows the engineer of record who sealed those plans to inspect that aspect of the building in-lieu-of staff. The engineer must provide advance notice and certify that it was constructed per the approved plans which they sealed. The building inspections department can require additional documentation to ensure the project was constructed per the approved plans and code. Mr. James stated that they would come back to council at a later date to let them know how this is going as well as how the fences and shed are doing.

Mayor Carpenter opened the public hearing and as no one else spoke, Mayor Carpenter closed the public hearing for Council comments.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who stated that he would like to make a comment that this actually prevents a lot of overlapping and this is a smart move and it is more efficient.

Mayor Carpenter recognized Councilmember Azzoz who asked Mr. James for clarification that the proposed amendment to the building code would allow the engineer of record who sealed those plans to inspect that aspect of the building in lieu of staff. Mr. James concurred that whichever part of the plans the engineer seals they have the ability to do that. Councilmember Azzoz also stated that this is a good change and very friendly for our city.

Mayor Carpenter recognized Councilmember Azzoz who moved, seconded by Mayor Pro-Tem Edwards to approve Ordinance No. 16-C-09, 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.**

## Roll Call Vote Confirmation



Mayor Carpenter recognized City Secretary Brenda Dennis who provided the roll call votes for agenda items 1-4.

### Requests and Announcements

5. Announcements by City Manager

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

No further announcements were provided.

6. 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 Councilmember Azzoz who would like staff to provide an update on the Animal Adoption Center. Mr. James stated that he would have staff provide an update in the next few weeks as next week's agenda is fairly large. Mayor Carpenter stated that at staff's convenience, they should provide this information.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who stated that we decided to talk about the ability of the Lions Club being able to place their signs up and he stated the Lions Club would be willing to pay for those. He would like an updated status report. Mr. James stated that he will also do an update on that as well.

Mr. James stated that there is a correction on the date of the mini-golf course event at the Library. It is actually the 10<sup>th</sup> and 11<sup>th</sup> of June. (Correction was made above under the Hearing of Residents section).

8. Information available in City Council Packets - **NO DISCUSSION TO OCCUR**

- Information regarding Inter-connectivity between Pollo Tropical, Wendy's, Whataburger and Valero) ( Information requested by Mayor Pro-Tem Edwards)

Mayor Carpenter, for the record, made note of the above item stating that this was information to Council in their packets and it is also available for those to view on our website.

### Executive Session

Mayor Carpenter recessed the regular meeting into executive session at 7:17 p.m.

9. City Council will meet in closed session under section 551.071 of the Texas Government Code, Consultation with Attorney, regarding three Texas Tax Code Section 312 Tax Abatement Agreements between the City of Schertz and the following companies:
- CST Diamond, L.P.
  - Corridor Hotel II, Ltd
  - Verde Tri-County Ltd

**Reconvene into Regular Session**

Mayor Carpenter reconvened into regular session at 7:53 p.m.

- 9a. Take any necessary action based on discussions held in closed session under Agenda Item number 9.

Mayor Carpenter recognized Councilmember Azzoz who moved, seconded by Councilmember John to allow staff to close out CST Diamond, L.P. and Verde Tri-County Ltd. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Fowler, Azzoz, John 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 votes for agenda item 9a.

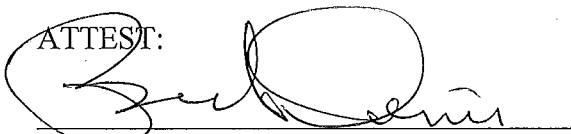
**Adjournment**

Mayor Carpenter adjourned the meeting at 7:54 p.m.



Michael Carpenter, Mayor

ATTEST:



Brenda Dennis, City Secretary