

MINUTES  
REGULAR MEETING  
June 27, 2017

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 27, 2017, 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 Ralph Gutierrez  
Councilmember Robin Thompson  
Councilmember Bert Crawford

Councilmember Mark Davis  
Councilmember Scott Larson  
Councilmember Angelina Kiser

Staff Present:  
Executive Director Brian James  
Assistant to City Manager Sarah Gonzalez  
City Secretary Brenda Dennis

City Manager John Kessel  
Executive Director Dudley Wait  
City Attorney Charles Zech  
Deputy City Secretary Donna Schmoekel

Absent:  
*Mayor Pro-Tem Cedric Edwards*

**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 Larson)

Councilmember Larson provided the opening prayer followed by 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/S. Gonzalez)

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

- **Monday and Tuesday, July 3<sup>rd</sup> and 4<sup>th</sup> City Offices Closed in Observance of Independence Day**
- **Tuesday, July 4 42<sup>nd</sup> Annual 4<sup>th</sup> of July Jubilee 9:00 AM – 10:00 PM**  
Pickrell, Park Pre-register for the Freedom 5K at [www.raceentry.com](http://www.raceentry.com). Come out to enjoy the parade, carnival, live music, watermelon eating contest, a variety of great food and fireworks. Swim in the Pickrell Park Pool 6:00 PM – 10:00 PM. Advance sale tickets can

be purchased for the swim event for \$3.00 at the Schertz Parks and Recreation Office. For more information call Ext. 1850.

- **Tuesday, July 11<sup>th</sup> City Council Meeting 6:00 PM** Council Chambers
- Announcements and recognitions by City Manager (J. Kessel)

Mayor Carpenter recognized City Manager John Kessel who congratulated the Schertz Library Foundation and spoke of the success this past Saturday of the Library Mini Golf Tournament fundraiser---230 participants. He thanked all staff and board members who were instrumental in planning and executing another successful event.

### Presentation

- Proclamation Designating July 2017 as Parks and Recreation Month. (Mayor/C. VanZandt/L. Shrum)

Mayor Carpenter recognized Director of Parks and Recreation Chuck VanZandt and Assistant Director of Parks and Recreation Lauren Shrum and read and presented them with a proclamation recognizing July 2017 as Park and Recreation Month. Mr. VanZandt stated the slogan for this year is "Put your play on". He said the 4<sup>th</sup> of July Jubilee should be great this year as some changes have been made.

Assistant Director of Parks and Recreation Lauren Shrum said she had some good news. A few months ago they came before council to request a match of funds (20%) for the possibility of being granted a match to that of 80% in federal funding from the Alamo Area MPO for some bike and hike trails as well as some sidewalk improvements. They were notified of the approval of that funding yesterday afternoon.

### Hearing of Residents

None one spoke.

*Mayor Carpenter moved to Item 6 on the Agenda.*

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6. **Ordinance No. 17-S-20**– Conduct a Public Hearing and Consideration and/or action approving an Ordinance to amend the Schertz Comprehensive Land Plan by changing certain land area designations on the Future Land Use Plan in Northern Schertz. ***First Reading*** (B. James/L. Wood/B. Cox)

The following was read into record:

### **ORDINANCE NO. 17-S-20**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE COMPREHENSIVE LAND PLAN BY CHANGING**

**CERTAIN LAND AREAS TO SINGLE FAMILY RESIDENTIAL DESIGNATION AND CERTAIN LAND AREAS TO COMMERCIAL CAMPUS DESIGNATION ON THE FUTURE LAND USE PLAN.**

Mayor Carpenter recognized Senior Planner Bryce Cox who stated this item is to amend the land use plan for two areas in northern Schertz. This is being proposed by city staff. Periodically they look for inconsistencies and have found two areas through a number of zoning cases and land plan requests over the past few years.

There are two sections. The first area proposed for amendment is generally located along Old Wiederstein Road from Wiederstein Road extending east to just past FM 1103, and is predominately single family residential homes and commercial business along FM 1103. The second area proposed for amendment is generally located along IH-35 beginning approximately 700 feet east of Schwab Road continuing east to the Schertz ETJ limit, and is mostly commercial businesses and undeveloped property.

He explained that the City's Comprehensive Land Plan (CLP) is broken into a number of pieces including the Future Land Use Plan, the Master Thoroughfare Plan, the Parks and Recreation Master Plan, and the Sector Plan amendment.

He provided maps showing the two areas of which they wish to change. Given the existing development, they don't feel the current land use proposal is accurate. They are proposing single family residential for the first area. The second area is in north Schertz and is currently classified as agricultural conservation which is predominantly large lot residential (5+ acres). Staff is proposing this to be changed to a commercial campus designation, which encourages the development of lower intensity commercial and office uses. Staff wants to amend the future land use plan to be current with what the zoning is and what the area will develop as.

At the Planning and Zoning Commission meeting on May 24, 2017, there were nine people who came and spoke. Two were in favor, four opposed, and the remaining three just had some questions or observations. At this same meeting, the commissioners did recommend approval by unanimous vote, as does city staff.

Mayor Carpenter opened the Public Hearing and recognized the following who spoke:

- Mr. Carl Baker, Attorney with Golden, Steves, and Gordon, 300 Convent Street, San Antonio, TX, who represents Eckhardt Springs LLC, which owns property off of IH 35 and Eckhardt Road. He is here tonight to express their full support to the proposed change from agricultural use to commercial campus. They feel this is an appropriate change and will help encourage development along IH 35 and provide a very strong tax base for the City of Schertz.

As no one else spoke, Mayor Carpenter closed the public hearing for Council comments.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Ordinance No. 17-S-20 first reading. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

*Mayor Carpenter moved to Item 5 on the Agenda.*

5.

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**Ordinance No. 17-S-21**– Conduct a Public Hearing and Consideration and/or action approving an Ordinance amending the City of Schertz Master Thoroughfare Plan. *First Reading* (B. James/K. Woodlee)

#### ORDINANCE NO. 17-S-21

**AMENDING THE MASTER THOROUGHFARE PLAN OF THE CITY OF SCHERTZ; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized City Engineer Kathy Woodlee who provided information via a PowerPoint presentation. The highlights were:

\*The purpose of a Thoroughfare Plan is to provide for the orderly development of an adequate major street system as land development occurs and as traffic increases. (Are our existing roads sized properly? What new roads do we need as the City grows?)

\*To enable coordination with outside agencies and private interests with respect to roadway improvements (We need to be sure our future roads line up with our neighbors' future roads.)

\*To reduce travel and transportation costs (Proper planning and construction minimizes traffic congestion.)

Who is involved? **1)** Staff (Engineering, Planning, Public Works, Administration) **2)** Consultant (Freese and Nichols, Inc. (FNI) **3)** Steering Committee (Planning and Zoning Commission, Economic development Board, Transportation Safety Advisory Commission) **4)** Public Input (Open House, public meetings, public hearings) **5)** City Council (Adopt updated Master Thoroughfare Plan)

Background/History – Periodic updates to the City's Master Plans are needed to keep up with significant changes in the development of the City (population, land use patterns).

Ms. Woodlee stated the last complete City of Schertz Thoroughfare Plan was prepared in 2002 as part of the City's Comprehensive Plan. In 2002 the estimated population was 22,732. A Sector Plan completed in 2011-2013 identified a need for a Thoroughfare Plan update. The estimated 2013 population was 35,929. The 2013 planning process did not

include travel forecast modeling, functional classification and access management evaluation, CIP development, or other pieces of a full Thoroughfare Planning process. The July 2016 population estimate was 39, 453 and is our latest estimate.

Thoroughfare Plan Tasks were: 1) identify issues and develop policies (Level of service, character of roads) 2) Coordinate with other agencies 3) Analyze existing thoroughfare system (mapping, traffic counts, planning developments) 4) Future Land Use Growth Scenarios (10 to20 year projections, travel forecasting) 5) Development of Thoroughfare Plan 6) Plan Strategies and CIP Programming 7) Plan Adoption and Documentation.

Ms. Woodlee provided a map of the proposed Master Thoroughfare Plan for 2017. There are several classifications of roadways, principal arterials, secondary arterials, secondary rural arterials, residential collectors, and commercial collectors. Maintaining roads on the thoroughfare plan will result in preserving options for the future. For example, without connection over Cibolo Creek, mobility will be considerably reduced. In the short time of just one-year congestion has grown on FM 78 from a 5 mile trip between Lower Seguin Road and Elbel Road by 3 minutes. Between 4-6 pm the same trip grew by two minutes.

Modeling results for the future, without any other route to take, there will be more delays. This includes delays for any emergency vehicles responding to calls for assistance.

The Planning and Zoning Commission has recommended approval since their Public Hearing of May 24, 2017. Tonight, staff is asking council to adopt the Master Thoroughfare Plan, thereby amending the City's Comprehensive Plan.

Ms. Woodlee asked if Council had any questions. She stated Freese and Nichols representatives David Paine and Edmund Haas were also in the audience this evening and available for questions as well.

Mayor Carpenter opened the Public Hearing and recognized the following who spoke:

- Mr. Tra Womack, 8519 Tuscan Hills, Garden Ridge, TX, who voiced his opposition towards part of the plan. His disagreement is in regard to the east-west connector that is called a commercial backer that runs between FM 1103 and over to FM 2252 and on to probably Wiederstein Road. His concern is that this will cut off part of that commercial property later on. There is none of this on the north side of IH 35. He doesn't agree with the east-west connector when you already have Old Wiederstein, Green Valley and other roads that cut through the area.

As no one else spoke, Mayor Carpenter closed the public hearing for Council comments.

Executive Director Brian James addressed questions from Councilmember Crawford in regard to Mr. Womack's concerns. Mr. Womack was invited back up to the podium and he clarified further that his main concern is that when you adopt this plan you are in effect reserving that right of way. If it is not 'noted' then it affects property there for 'everyone'.

We all know development on IH 35 is eventually going to happen. You are tying up something until someone decides to make that decision. That is also his concern.

Mayor Carpenter commented that as time has shown, the city has tried to be very flexible with property owners and he is confident this trend will continue into the future as more development continues.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Ordinance No. 17-S-21 first reading. **The vote was 5-1-0 with Councilmembers Davis, Gutierrez, Larson, Thompson, and Kiser voting for and Councilmember Crawford voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

*Mayor Carpenter moved to Item 12 of the agenda.*

12. **Resolution 17-R-41** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the Acceptance of Assignment of the City's exclusive Solid Waste Franchise Agreement. (D. Wait)

The following was read into record:

**RESOLUTION NO. 17-R-41**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE ACCEPTANCE OF ASSIGNMENT OF THE CITY'S EXCLUSIVE SOLID WASTE FRANCHISE AGREEMENT, AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Executive Director Dudley Wait who stated the city was approached in May by the owner(s) of Bexar Waste who have decided to sell their company to another entity. Part of this transaction will involve the franchise agreement that the city has with Bexar Waste, which would need to be assigned to the new purchaser. The franchise agreement has a clause in it that allows that to happen.

Mr. Wait introduced Miguel Gutierrez who spoke of the family's difficult decision and he thanked the City for the many years of doing business together. The purchasing company will be 'Republic Services'. Others were considered, but the family feels most comfortable with Republic Services acquiring their business and feels it will be a good fit for the city.

Mayor Carpenter, on behalf of Council, Staff, and the residents, thanked him and his family for their years of service to the community. Each councilmember also spoke a few words of gratitude for the Bexar Waste – Gutierrez family's service and contributions.

Mr. Gutierrez stated the Republic Land Fill Administrator and the Municipal Services Manager were present tonight. He introduced Tom Armstrong who proceeded to explain

the transition process they have been undergoing with Bexar Waste to have as seamless a transfer of business as possible. Mr. Armstrong answered questions from council.

Mayor Carpenter recognized Councilmember Crawford who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-41. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

*Mayor Carpenter moved to Item 11 on the agenda.*

11. **Resolution No, 17-R-42** - Consideration and/or action approving a Resolution authorizing an amendment to an existing Development Agreement (Schaefer Road/FM 1518 area) for Friesenhahn property on FM 1518 near Schaefer Road. (B. James)

The following was read into record:

#### **RESOLUTION NO. 17-R-42**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AMENDMENT TO THE EXISTING DEVELOPMENT AGREEMENT (SCHAEFER ROAD/FM 1518 AREA), AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Executive Director Brian James who stated in April 2011, the City entered into a development agreement regarding the timing of annexation of properties owned by Mr. and Mrs. Milton Friesenhahn. The agreement generally stipulated that the City would not annex their properties for 10 years if they did not develop.

One of the tracts owned by the Friesenhahns is at the northeast corner of Corbett Drive and FM 1518, directly south of the future Rose Garden Elementary School that is currently under construction. During the site planning stage of the project it was generally agreed that the southern entrance drive for the school should be located directly across FM 1518 from Arbor Park, the street that is the southern entrance to the Willow Grove subdivision (Rose Garden Elementary School will have another drive on FM 1518 that aligns with Pecan Branch, the northern entrance into the Willow Grove subdivision). The school property stops just short of that point, and is owned by the Friesenhahns. The attached Rose Garden Elementary School site plan shows how the drives will be misaligned if an easement is not granted.

SCUCISD approached the Friesenhahns about acquiring an access easement on their property that would align with Arbor Park and serve both the Rose Garden Elementary School site and the Friesenhahn's property when it develops, likely for commercial uses.

Rather than wanting to sell the easement to the District, the Friesenhahns indicated they wanted the City to grant an extension to their delayed annexation agreement. They wanted the agreement to be extended by 5 additional years, so that annexation would not occur prior to 2026 if the properties did not develop. They also wanted assurances they would be granted an access drive-off of Corbett Drive if it met all City standards, something the City would have done anyway.

While this is really an issue between SCUCISD and the Friesenhahns, if they cannot reach agreement, which they have not been able to up to this point, and the entrance to Rose Garden Elementary School is offset from Arbor Park, Schertz residents will suffer the consequences of increased traffic congestion, which is a significant issue on FM 1518 and also challenges associated with access to an elementary school, something that is a great concern to the City and residents.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-42. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

### Closed Session

Mayor Carpenter convened into closed session at 7:10 p.m. under the following sections.

15. City Council will meet in closed session under Section 551.071 of the Texas Government Code, consultation with attorney to consult with the City Attorney regarding personnel issues and the City's Animal Shelter.

### Reconvene into Regular Session

Mayor Carpenter convened back into regular session at 8:28 p.m.

- 15a. Take any action based on discussions held in closed session under Agenda Item 15.

No action was taken.

*Mayor Carpenter moved to the workshop section of the agenda.*

### Workshop

- Discussion regarding City of Schertz support for the Schertz Housing Authority including funding. (Item requested by Councilmember Davis)

Mayor Carpenter recognized Executive Director Brian James who said for clarification, the Schertz Housing Authority is not a board, commission, or committee of the city—it stands alone. The city has the ability to provide funding to outside organizations not



related to it, and we have done so in the past. However, it is based on a finding that there is a public purpose to it (i.e. providing medical care, transportation services).

What staff would need is time to develop an ordinance or resolution along with their findings of what the public service benefit would be for the community. Council could dictate how those funds are spent, or more broadly say, 'Utilize these funds in pursuit of your mission as you see fit'.

In this particular case, there is some litigation that has occurred with the federal government and for those entities participating in it, they cannot use federal funds to effectively sue the federal government. In this case, he understands that the Schertz Housing Authority is solely funded by the federal government in their mission. Staff can go in whatever direction Council wishes to go.

Mayor Carpenter recognized Councilmember Davis who stated he is the liaison representative from the City to the Housing Authority and it is an eye-opening experience. They serve the Schertz-Cibolo area and they have a significant waiting list for adequate facilities for some of our less fortunate community members.

The Schertz Housing Authority has an opportunity to participate in a law suit. It deals with a 20-12 operating subsidy from HUD in urban development from the federal government where they changed the appropriations back in 2012. As a result, 309 housing authorities throughout the country joined together in a class action suit against HUD on the action they took in 2012. They just recently won that lawsuit and the federal government was ordered to pay out \$135 million to those 309 housing authorities because it was ruled that HUD was in breach of contract with them. Our Schertz Housing Authority was not a party to this particular lawsuit but they were notified that the first party was going to initiate a second lawsuit on behalf of the housing authorities who did not participate in the first one. If they decide to participate, based on the calculations from the first lawsuit, they could ultimately be entitled to about \$58,000. However, they would have to pay a \$1,000 filing fee, but they could not use any federal funds for this fee.

His original question for bringing this up was is this something that city funds could be used for and if so how? However, they are under a timeline to agree to participate in this law suit. The deadline is August 15, 2017.

Mr. James said he felt staff could work with the city attorney to craft something that would be generally categorized that they could use for their operations and come back with it at the next council meeting on July 11, 2017.

Mayor Carpenter stated and asked for confirmation that the city does assist several other organizations annually such as the Guadalupe County Prescriptions Assistance Program the Guadalupe County Children's Advocacy Center; so we seem to have a precedence in assisting agencies or entities that we find perform specific services for our area. He can't think of a better one that fits this mold than the Schertz Housing Authority. It is not at all unusual for us to do this. He asked for staff to come back to council with some verbiage

that would help council make a decision on this. Mr. James said they would put it on the agenda for July 11, 2017.

- Review, discussion and possible action regarding the City Charter. (Item requested by Councilmember Thompson)

Mayor Carpenter recognized Councilmember Thompson who proposed this item be postponed for another thirty days when perhaps we have a lighter agenda to consider.

- Discussion and update regarding the City of Schertz 2<sup>nd</sup> Quarter Financial Statement. (B. James/J. Walters)

Mayor Carpenter recognized Finance Director James Walters who provided statistical data regarding the second quarter financial report. The information is also now posted on the city website. We are halfway through the budget year and most of the city's revenue comes from property taxes which are due each January so we get the bulk of our revenue in the first half of the year. Mr. Walters continued on his with his presentation and briefly explained the current status of each budget category.

- Discussion and update on the HVAC system design and repairs at the Animal Adoption Center. (D. Wait)

Mayor Carpenter recognized Executive Director Dudley Wait who provided some background information and a current update on the city's animal shelter. In March of 2014 the new adoption facility opened for business. By the summer, staff started noticing some heating and air conditioning problems. There were a number of things that started happening such as water dripping down from chiller lines in the ceiling, mold developing, unpleasant odors, etc.

In September/October of 2015, they put together a team consisting of City Management, Marshal's Office, Animal Control, our building people as well as the building design architects, the HVAC engineer and the facility builder. The met regularly to start addressing the many issues that we were having.

Mr. Wait explained how the facility's HVAC system is supposed to work. The builder and design team have stood by us and worked together to correct the problems. All the refrigerant lines have been reinsulated and gradually many of the problems were alleviated. However, the one problem they are still working with is the positive pressure core, which they have been unable to maintain.

The design engineer has suggested we may need an outside air handling unit. It is a unit that will run when the temperature is at a certain level in the building. Mr. Wait explained how they work. This summer for the first time since 2014, they are maintaining a comfortable work environment in the shelter. They don't have humidity issues and they don't have temperature issues--they believe they are on the right track now. In mid-July

they will be doing another test. They will determine at that time if they would need another air handler unit. Mr. Wait addressed questions/comments from council.

### **Consent Agenda Items**

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** – Approval of the minutes of the Regular Meeting of June 13, 2017. (J. Kessel/B. Dennis)
2. **Ordinance No. 17-M-19** – Consideration and/or action approving an Ordinance amending Ordinance 15-M-41 prohibiting violations of the City Charter. *Final Reading* (M. Carpenter/C. Zech)

The following was read into record:

#### **ORDINANCE NO. 17-M-19**

#### **AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS PROHIBITING VIOLATIONS OF THE CITY CHARTER**

3. **Boards, Commissions and Committee Member Resignations and Appointments** – Consideration and/or action approving the resignation of Ms. Barbara Hall from the Historical Preservation Committee and the Committee of Committees Advisory Board and the resignation of Mr. Michael Dahle from the Committee of Committees Advisory Board, and the appointment of Ms. Sue Boissonneault to the Committee of Committees Advisory Board. (Mayor/Council/B. Dennis)
4. **Resolution No. 17-R-40**- Consideration and/or action approving a Resolution authorizing 2nd quarter EMS, Utility Billing and Schertz Magazine Revenue Adjustments. (B. James/J. Walters/J. Mabbitt/L. Klepper)

The following was read into record:

#### **RESOLUTION NO. 17-R-40**

#### **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.**

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Gutierrez to approve consent items 1-4. **The vote was unanimous with**

Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.

Discussion Items

7. **Resolution No. 17-R-43** – Consideration and/or action approving a Resolution authorizing two Interlocal Agreements between the City of Schertz and the Bexar County District Attorney in reference to the disposition of seized property including property from gambling establishments. (D. Wait/M. Hansen)

The following was read into record:

**RESOLUTION NO. 17-R-43**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING TWO INTERLOCAL AGREEMENTS FOR THE DISPOSITION OF SEIZED CONTRABAND PROPERTY WITH THE BEXAR COUNTY DISTRICT ATTORNEY, AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Police Chief Michael Hansen who stated disposition of seized property is regulated by State law, specifically Chapters 18 (gambling paraphernalia) and 59 (general property) of the Texas Code of Criminal Procedure. The attorney representing the State (County District Attorney) is authorized by this code to enter into an agreement with a law enforcement agency to determine how such property and/or proceeds from such property will be disposed. There must be an agreement for the law enforcement agency to receive any property or proceeds. This agreement provides the manner and means that any said seized property and/or contraband and proceeds therefrom will be disposed.

The attorney representing the State has the sole authority to create the agreement and it is evident by the diversity seen in Bexar County's two separate agreements and the single Comal County agreement presented at the Council meeting on June 13, 2017. The proposed Bexar County agreements separates those items associated with illegal gambling and established rules and guidelines different from property seized from other crimes. This is within the purview of the attorney to do so. In contrast, the current Guadalupe County agreement is two pages that separates the property into two categories; vehicles and everything else.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-43. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

8. **Resolution No. 17-R-45** – Consideration and/or action approving a Resolution authorizing two amendments to the existing agreement with the San Antonio River Authority related to the rates for sewage transportation, treatment and disposal. (D. Wait/J. Hooks)

The following was read into record:

**RESOLUTION NO. 17-R-45**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AMENDMENTS TO THE EXISTING AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY FOR SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL, AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Assistant Director of Public Works Jimmy Hooks who stated this item is to make two amendments to the interlocal agreement we have with the San Antonio River Authority. The first amendment is to adjust the date that the rates will go into effect. Last year it was June 1 and this year it will be July 1. The second amendment is for the rates. There was an increase in the base rate and a decrease in the per gallon rate. Mr. Hooks, Executive Director Brian James, and Executive Director Dudley Wait addressed questions and comments from council.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-45. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

9. **Resolution No. 17-R-44** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing a Public Library Interlocal Agreement with the City of Selma. (B. James/M. Uhlhorn)

The following was read into record:

**RESOLUTION NO. 17-R-44**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A PUBLIC LIBRARY INTERLOCAL AGREEMENT (SELMA) WITH THE CITY OF SELMA, TEXAS, AND OTHER MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter recognized Library Director Melissa Uhlhorn who stated Schertz has had an agreement with Selma for library service since 2009. Selma had approached the city during the library construction in 2008 and the agreement was styled similar to the one we already had in place at that time with Guadalupe County.

Earlier this year Selma contacted us wanting to discontinue the agreement at the end of this fiscal year. However, we reached out to them and asked how we could modify the agreement to what they would feel comfortable with it and still provide services for their residents. Not that much changed in the agreement other than the formula for funding.

With the new agreement, there will now be a bit of a decrease in funding that we will receive from them. However, we still feel this new arrangement is beneficial to both communities and we recommend approval.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-44. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

10. **Resolution No. 17-R-18** – Consideration and/or action approving a Resolution appointing and re-appointing Directors of the Tax Increment Reinvestment Zone Number Two, City of Schertz, Texas. (B. James)

The following was read into record:

#### RESOLUTION NO. 17-R-18

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPOINTING AND REAPPOINTING DIRECTORS OF REINVESTMENT ZONE NUMBER TWO, CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH**

Mayor Carpenter asked council if they had any questions or concerns about the appointees. As there were none, a motion to approve was initiated.

Mayor Carpenter recognized Council Councilmember Davis who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-18. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

13. **Resolution No. 17-R-25**– Consideration and/or action approving a Resolution authorizing the City Manager to enter into an agreement with Green Valley Special Utility District for the exchange of Certificate of Convenience and Necessity related to the development of schools by Comal County Independent School District. (D. Wait)

The following was read into record:

## RESOLUTION NO. 17-R-25

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GREEN VALLEY SPECIAL UTILITY DISTRICT FOR THE EXCHANGE OF CERTIFICATE OF CONVENIENCE AND NECESSITY RELATED TO THE DEVELOPMENT OF SCHOOLS BY THE COMAL COUNTY INDEPENDENT SCHOOL DISTRICT**

Mayor Carpenter asked council if they had any questions or concerns about this item. As there were none, a motion to approve was brought forward.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-25. **The vote was unanimous with Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Mayor Pro-Tem Edwards was absent. Motion passed.**

14. **Resolution No. 17-R-29** - Consideration and/or action approving a Resolution authorizing the City Manager to enter into an agreement with Green Valley Special Utility District for the exchange of Certificate of Convenience and Necessity related to the development of the Homestead Subdivision. (D. Wait)  
The following was read into record:

## RESOLUTION NO. 17-R-29

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GREEN VALLEY SPECIAL UTILITY DISTRICT FOR THE EXCHANGE OF CERTIFICATE OF CONVENIENCE AND NECESSITY RELATED TO THE DEVELOPMENT OF THE HOMESTEAD SUBDIVISION**

Mayor Carpenter asked council if they had any questions or concerns about this item. As there were none, a motion to approve it was initiated.

Mayor Carpenter recognized Councilmember Thompson who moved, seconded by Councilmember Kiser to approve Resolution No. 17-R-29. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.**

### Roll call Vote Confirmation

Mayor Carpenter recognized Deputy City Secretary Donna Schmoekel who provided the roll call votes for agenda items 1-14.

### Closed Session

Mayor Carpenter convened into closed session at 9:20 p.m. under the following section.

16. City Council will meet in closed session under section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.

- Project E-030
- Project E-031

### **Reconvene into Regular Session**

Mayor Carpenter convened back into regular session at 10:15 p.m.

- 16a. Take any action based on discussions held in closed session under Agenda Item 16.

No action taken.

### **Requests and Announcements**

17. Announcements by City Manager.

No announcements were provided.

18. 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 shall instruct the City Secretary to place on the agenda for the next regular session an item to discuss the merits of placing the item that was objected to on a future agenda for full consideration.

No requests were made.

19. 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 Thompson who inquired if the council members would be getting their packets for the 4<sup>th</sup> of July Jubilee for next week. The answer was yes, they would be getting them soon.



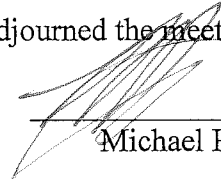
Mayor Carpenter recognized Councilmember Kiser who said she recently visited the Police Department and had the opportunity to visit with the kids participating in the Junior Police Academy. If you have a chance, go and see them run the obstacle course.

Mayor Carpenter recognized Councilmember Thompson who said this past Saturday 'The Chamber' had its Home Living Showcase at the Schertz Civic Center. He thanked the City Public Affairs and Civic Center staff for doing a great job once again.

Mayor Carpenter stated he would be leaving on an airplane in a few hours and since Mayor Pro-Tem Edwards is out of town also, should anything arise needing the Mayor's attention, the next senior person in line to step in would be Councilmember Thompson.

**Adjournment**

As there was no further business, Mayor Carpenter adjourned the meeting at 10:19 p.m.

  
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Michael R. Carpenter, Mayor

ATTEST:

  
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Donna Schmoekel, Deputy City Secretary

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