

# DRAFT

## MINUTES REGULAR MEETING January 7, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 7, 2020, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Tim Brown; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward

Absent: Councilmember Scott Larson Excused absence

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

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

Mayor Gutierrez called the regular meeting to order at 6:00 p.m.

### **Call to Order**

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

Councilmember Davis provided the opening prayer followed by the Pledges of Allegiances to the Flags of the United States and the State of Texas.

### **Presentations**

- Proclamation for Communities in Schools Mentoring Month. (Mayor/Sonya Chapa)

Mayor Gutierrez recognized Ms. Sonya Chapa who came forward, Mayor Gutierrez read and presented the proclamation. Ms. Chapa provided words of appreciation and thanks to the City of Schertz for their participation in the mentoring system.

## **Employee Recognition**

- EMS - Ashley Dwight - Paramedic (J. Mabbitt)
- Parks - Nicole Kromer - Parks Worker 1 (L. Shrum)
- Parks - Gow Litzenburger - Parks Crew Leader (L. Shrum)

Various Department Directors/Representatives introduced their newly hired employees and gave brief bio's of each. Each new employee was given the opportunity to speak.

## **City Events and Announcements**

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

Assistant City Manager Charles Kelm provided the following announcements:

- Thursday, January 9th Northeast Partnership Meeting 11:30 am, Olympia Hills Golf and Conference Center
- Saturday, January 11th Polar Bear Plunge 10:00 am, Wendy Swan Memorial Park
- Monday, January 13th Resume Writing and Cover Letters, Library Meeting Room #1. New Year, new resume! Learn how to plan, create, and format the best resume for you. The program will discuss best practices and go over free library resources specific to resumes and cover letters.
- Tuesday, January 14th City Council Meeting 6:00 pm, Council Chambers

Library Fiesta Medals-The Schertz Library Foundation has Library Fiesta medals available for purchase. The medals are \$10.00 each while supplies last. All proceeds will be used to fund special projects for the library.

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

Dr. Browne recognized our Animal Care staff, particularly Animal Services Manager Ginger Dispain, for receiving a perfect score on an unannounced state inspection of their facility.

Dr. Browne also recognized and congratulated Scott McClelland, with our Engineering Department, for receiving his professional engineer designation.

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

Mayor Gutierrez announced he had received a letter from a resident complimenting the exceptional work Animal Services Officer, Nicole Hansen, does for our City.

Mayor Gutierrez expressed his wishes to everyone for a Happy New Year.

## Hearing of Residents

*This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.*

***All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.***

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

Mayor Gutierrez recognized the following to speak:

- Cathy Marston - 1024 Valley Forge Dr. - Ms. Marston gave an update on the activities and accomplishments of Free Battered Texas Women. She also announced an event they are having called Re-imagining Re-entry on Tuesday, January 14, from 6:00 to 8:00 p.m. at the concert hall at The University of the Incarnate Word.

## 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** – Consideration and/or action regarding the approval of the minutes of the meeting of December 10, 2019. (B. Dennis)
2. **Boards, Commissions and Committee Member Appointments** - Consideration and/or action appointing Mr. Guillermo (Will) Soto and Mr. Howard Alperin for the remaining terms of Mr. Lou and Mrs. Judith Lynn Foehrkolb on the Historical Preservation Committee. (Mayor/Council/B. Dennis)

3. **Resolution No. 20-R-04** - Consideration and/or action approving a Resolution authorizing contracts totaling no more than \$100,000.00 with Deere & Company for the purchase of a new tractor and parts/labor during the 2019-2020 fiscal year and other matters in connection therewith. (C. Kelm/S. Williams/D. Letbetter)
4. **Resolution No. 20-R-02** - Consideration and/or action approving a Resolution authorizing purchases up to \$95,000 with any one vendor belonging to a purchasing cooperative, including Southern Computer Warehouse, Intech Southwest, PCS Mobile, SHI, Dell and CDW. (B. James/M. Clauser)

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle to approve consent items 1-4.

AYE: Mayor Pro-Tem Tim Brown, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward

Passed

### Discussion and Action Items

5. **Resolution No. 20-R-03** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a program and expenditures of the City of Schertz Economic Development Corporation's funds not to exceed \$4,050,000.00 for Tri County Parkway & Intersection Infrastructure Improvements. (M. Browne/J. Kolbe)

Mayor Guitierrez recognized Ms. Jennifer Kolbe, Business Retention Manager for the Schertz Economic Development Corporation who provided a graphic and gave a brief overview of the Tri County Parkway & Intersection Infrastructure Improvements and answered questions from Council. Staff recommended approval of the item.

Moved by Mayor Pro-Tem Tim Brown, seconded by Councilmember Allison Heyward to approve Resolution No. 20-R-03.

AYE: Mayor Pro-Tem Tim Brown, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward

Passed

6. **Resolution No. 20-R-06** - Consideration and/or action approving a Resolution declaring a public necessity for the acquisition of certain water pipeline easements and temporary construction easements in connection with the Schertz/Seguin Local Government Corporation (SSLGC) Schertz Additional Point of Delivery Project. (C. Kelm/A. Beard)

Property descriptions:

- SCZ-GU-001 Continental Homes of Texas: William Bracken Survey, Abstract 57, Guadalupe County, Texas, Being a portion of a called 110.48 acre tract
- SCZ-BX-003 Bexar County: William Bracken Survey, Abstract 48, Bexar County, Texas, Being a portion of a called 8.62 acre tract
- SCZ-BX-003.1 Bexar County: William Bracken Survey, Abstract 48, Bexar County, Texas, Being a portion of a called 4.360 acre tract
- SCZ-BX-007 Board of Trustees of the Schertz-Cibolo-Universal City Independent School District: William Bracken Survey, Abstract 43, Bexar County, Texas, Being a portion of a called 4.100 acre tract

Mayor Gutierrez recognized the Ms Amber Beard, General Manager of the Schertz, Seguin Local Government Corporation (SSLGC) who provided a brief Power Point and also provided a brief summary of declaring the properties listed as a public necessity and answered questions from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis to approve Resolution No. 20-R-06.

AYE: Mayor Pro-Tem Tim Brown, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward

Passed

## Public Hearings

7. **Resolution No. 20-R-07** – Conduct a Public Hearing and consideration and/or action approving a Resolution authorizing the power of eminent domain for the acquisition of permanent pipeline easements and certain property rights necessary for the Schertz/Seguin Local Government Corporation (SSLGC) Schertz Additional Point of Delivery Project for the construction, enlargement and maintenance of pipelines and appurtenances designed to carry water for the City of Schertz; the acquisition of temporary construction easements; directing the City Manager or the City Manager’s Designee to execute all documents to institute eminent domain proceedings; and directing the City Attorney to initiate condemnation proceedings. (C. Kelm/A. Beard)

Property descriptions:

- SCZ-GU-001 Continental Homes of Texas: William Bracken Survey, Abstract 57, Guadalupe County, Texas, Being a portion of a called 110.48 acre tract
- SCZ-BX-003 Bexar County: William Bracken Survey, Abstract 48, Bexar County, Texas, Being a portion of a called 8.62 acre tract
- SCZ-BX-003.1 Bexar County: William Bracken Survey, Abstract 48, Bexar County, Texas, Being a portion of a called 4.360 acre tract
- SCZ-BX-007 Board of Trustees of the Schertz-Cibolo-Universal City Independent School District: William Bracken Survey, Abstract 43, Bexar County, Texas, Being a portion of a called 4.100 acre tract

Mayor Gutierrez recognized the General Manager of the Schertz, Seguin Local Government Corporation Amber Beard who gave a Power Point and brief summary on authorizing eminent domain proceedings on the parcels listed and answered questions from Council.

Mayor Gutierrez opened the Public Hearing.

As no one spoke, Mayor Gutierrez closed the Public Hearing and opened it up for questions from Council.

Ms. Amber Beard, General Manager of the Schertz, Seguin Local Government Corporation answered and addressed questions from Council.

Mayor and Members of Council provided their remarks on the process and view of eminent domain.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Resolution No. 20-R-07 using the required form for the motion. Required motion was as follows:

“I move that the City of Schertz City Council authorize the use of the power of eminent domain to acquire up to 4 parcel units of easement property located along the water pipeline route beginning at the North corner of Schaffer Road and Cibolo Creek, crossing Schaeffer Road in a Southern direction then crossing the Cibolo Creek in a Western direction, then crossing Schaeffer Road in a Western direction and continuing South and parallel to Schaeffer Road and Cibolo Creek, then traversing in a Southwesterly direction across and then in a Westerly direction along Schaeffer Road, then traversing South towards Raf Burnette and then continuing West along the North side of Raf Burnette, then continuing South parallel to Texas Valley and then continuing Southwesterly to the Corbett

Elevated Storage Tank site for the public purpose of constructing, enlarging, and maintaining the Schertz/Seguin Local Government Corporation Schertz Additional Point of Delivery Project to address the ongoing water supply needs for the City of Schertz and to connect to the Corbett Elevated Storage Tank; the first record vote applies to all 4 units of easement properties to be condemned or subject to condemnation.”

AYE: Mayor Pro-Tem Tim Brown, Councilmember Mark Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward

Passed

## **Roll Call Vote Confirmation**

City Secretary Brenda Dennis provided the roll call vote confirmation for agenda items 1 through 7.

## **Requests and Announcements**

- Announcements by the City Manager.

None at this time.

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

None at this time.

- 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

Councilmember Rosemary Scott provided the following remarks:

- Expressed her appreciation for those who spoke with compassion and conviction for those whose property was affected by the eminent domain procedure.
- Provided remarks about the need for screening or vetting volunteers properly to protect our children and our community.
- Attendance at the Newly Elected Workshop in San Antonio on Friday.

Councilmember Michael Dahle provided the following remarks:

- Attended the Holidazzle Parade.
- Attended the Cibolo Parade.
- Invited to be a judge at the Willow Grove Homeowners Association Christmas Light Contest.
- Attended the Chamber Mixer with Texas State Optical.
- Participated in the Blue Santa Program.

Councilmember David Scagliola provided the following remarks:

- Announced the Council Meeting he was presently in was his first event of the year - looking forward to a good 2020.

Councilmember Allison Heyward provided the following remarks

- Attended a ribbon cutting at Coney Island.
- Attended Cookies with Santa at the YMCA.
- Attended the Open Meetings Webinar in Live Oak, Texas.
- Attended the Senior Center Christmas Party and Ugly/Pretty Sweater contest.
- Attended Meet Santa at the Schertz Bank.
- Attended Swim with Santa at the YMCA.
- Attended a ribbon cutting at Sweet Island Botanicals.
- Attended the Small Cell Webinar in Live Oak, Texas.
- Participated in the Blue Santa Program.
- Is presently attending the Chamber Leadership Corp Program.
- Attended Raising Cane's Polar Bear Plunge.

Mayor Gutierrez provided the following remarks:

- Participated in the Blue Santa Program. He took the opportunity to thank the Police Department and the volunteers that put smiles on the kids faces during the holidays. Mayor Gutierrez also mentioned he had attended several other events during the holidays.

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

8. Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)

## **Adjournment**

Mayor Gutierrez adjourned the meeting at 6:50 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary