

# DRAFT

## MINUTES REGULAR MEETING April 7, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 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 Mark Davis; Councilmember Rosemary Scott; Councilmember Scott Larson; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City     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**

Mayor Gutierrez 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 Pro-Tem Davis)**

Mayor Pro-Tem Davis provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

Mayor Gutierrez reminded students who were participating in the Hal Baldwin Scholarship to sign the sheet in the back if in attendance but also stated that if students are applying, they do not have to attend the meeting in person but can watch it on-line and still get credit. He stated that students should contact Sarah Gonzalez at 210-619-1015 for any questions, or they can email her at [sgonzalez@schertz.com](mailto:sgonzalez@schertz.com).

## City Events and Announcements

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

None were provided.

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

Dr. Browne stated that he wanted to thank members of staff for the great work they have been doing during this entire crisis: Fire Chief Kade Long, he has done an outstanding job leading us through this, his hard work and long hours putting all the pieces of information he receives daily, IT Director Myles Clauser and his team for doing a fantastic job. They have had to respond to so many new things, and they have with style and grace. Everything with getting us on MicroSoft Teams and working on all the virtual meetings, responding to new and emerging technologies, while doing their normal jobs. Public Affairs Director Linda Klepper Communication staff Devan and Madison great work they are doing to the public informed by updating the website and Facebook, very instrumental in helping us as a team to get through this time.

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

Mayor Gutierrez also stated he would like to pass along his gratitude to our City staff. They are spending long hours during this time, and he really appreciates them for the job they are doing.

## Hearing of Residents

***Residents who choose to watch the meeting via live stream, but who would like to participate in Residents to be Heard, should email their comments to City Secretary, Brenda Dennis, at [bdennis@schertz.com](mailto:bdennis@schertz.com) by 5:00 p.m. on Monday, April 6, 2020, SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number, agenda item # if applicable or subject of discussion, and your comments.***

*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 Mr. Frank Walters, 4702 Wedgewood Drive, who spoke regarding concerns on public health and safety in his neighborhood with the construction workers working out in his neighborhood. Mr. Walters provided examples and asked that the Mayor have someone look into this.

Mayor Gutierrez recognized City Secretary Brenda Dennis and asked if anyone had emailed her who wished to address Council. Ms. Dennis stated no one else had signed up.

### **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.

The following was read into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of March 24, 2020. (B. Dennis)
2. **Resolution No. 20-R-33** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Schertz Main Street Local Flavor Economic Development Grant for 602 Main Street and related matters in connection therewith. (M. Browne/B. James)
3. **Resolution No. 20-R-34** - Consideration and/or action approving a Resolution authorizing purchases up to \$125,000 with CDW, a vendor belonging to a purchasing cooperative. (M. Browne/B. James)
4. **Resolution No. 20-R-35** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing additional expenditures with Tom Green & Company, Engineers, Inc. totaling no more than \$65,000 for HVAC re-commissioning and related services. (M. Browne/B. James)

5. **Resolution No. 20-R-36** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas establishing the basis of pay for the Judge and Prosecutor during the Public Health Emergency and Disaster and other matters in connection therewith. (M. Browne/B. James)
  
6. **Ordinance No. 20-S-01** - Consider and/or action for an Ordinance on a request to rezone approximately 12.5 acres of land from Manufactured Home Park District (MHP) to Planned Development District (PDD), located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. *Final Reading* (B. James/L. Wood/N. Kopyay)

Mayor Gutierrez recognized Mayor Pro-Tem Davis who requested agenda #3 be removed from consent for separate action.

Moved by Councilmember Michael Dahle, seconded by Councilmember Scott Larson to approve consent agenda items 1, 2, 4, 5 & 6.

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

Passed

### **Discussion and action items**

3. **Resolution No. 20-R-34** - Consideration and/or action approving a Resolution authorizing purchases up to \$125,000 with CDW, a vendor belonging to a purchasing cooperative. (M. Browne/B. James)

The following was read into record:

### **RESOLUTION NO. 20-R-34**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING PURCHASES OF UP TO \$125,000 WITH CDW A VENDOR BELONGING TO A PURCHASING COOPERATIVE AND OTHER MATTERS IN CONNECTION THEREWITH.**

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating that Council knows the staff typically on a number of different kind of expenditures will come forward early in the year to get a not to exceed amount for a number of vendors. One of the departments that does that is the IT Department on

purchases they make throughout the year. They have a number of Buyboard vendors they use (about three or four) they get approved and not to exceed amount. This year they came forward, just in January for \$95,000 this vendor, and essentially they just exceeded that amount. They lost track of a couple of purchases earlier in the year, not an excuse, just an explanation. They exceeded that amount and are coming back to inform Council that had occurred. Because of purchases going forward wanted to increase the amount to \$125,000.

Mayor Gutierrez recognized Mayor Pro-Tem Davis who explained why he had pulled this item off consent and provided information on passed occurrences where at that time he voted no. He read the portion that was placed in the Council's supporting documents for the request. His primary point is, that if we have identified a problem that we have internal accounting problem, whether it be in purchasing, in finance or in a department, how are we tracking our expenditures? He would hope that we would fix this and get this squared away. There seems to still be gaps in the procedures. As he mentioned he voted no the last time, and that is why he will be voting no this time. So, therefore he made a motion to disapprove Resolution No. 20-R-34 pending a City review of how we track expenditures and some kind of process where we re-educate all of our departments on the proper methods for accounting of the equipment purchases that they spent throughout the year, the motion was seconded by Councilmember Scagliola.

Mayor Gutierrez asked for comments from Council. Councilmembers discussed the following and staff addressed their concerns and questions:

- Clarification that the expenditures and additional expenditures requested did not exceed the budgeted amount, it exceeded the approved amount for the particular vendor
- Discussion regarding the processes in place and the reason staff is bringing this to Council
- Discussion regarding the current process, tracking system how it failed and how to fix it moving forward
- Transparency and integrity of bringing it forward
- Purchases could be made with another vendor
- Staff is working on correcting the processes, re-emphasize and making sure we are continuing to do the right thing
- Future agenda item to discuss the process improvements made to the procurement system

*"Due to the length of this item, please refer to the City of Schertz-YouTube for this meeting"*

Mayor Pro-Tem Davis who moved, seconded by Councilmember Scagliola to disapprove Resolution No. 20-R-34 pending a City review of how we track expenditures and some kind of process where we re-educate all of our departments on

the proper methods for accounting of the equipment and purchases that they spent throughout the year.

AYE: Mayor Pro-Tem Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember Scagliola

NAY: Councilmembers Scott Larson, Councilmember Allison Heyward and Councilmember Tim Brown

Passed

7. **Ordinance No. 20-H-06** - Consideration and/or action approving an Ordinance of the City of Schertz, Texas, amending chapter 14-Animal Control, of the code of Ordinances; providing for mandatory micro chipping regulations for dogs and cats; therefore removing the requirement for an annual city license for dogs and cats; providing a conflict clause; providing for severability; providing for publication; and providing an effective date. *First Reading* (C. Kelm/M. Bane/S. Solitto)

Mayor Gutierrez recognized Assistant Police Chief Marc Bane who introduced this item addressing questions and concerns from Council regarding the issue can chipping cause cancer, where the microchips are placed, how to keep micro-chipping information updated and costs. This item was approved by the Animal Advisory Board on February 5, 2020.

Moved by Councilmember David Scagliola, seconded by Councilmember Tim Brown Move to approve Ordinance 20-H-06 on first reading.

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

Passed

8. **Ordinance No. 20-D-10** - 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 86-115, Maximum limits generally on specific streets, adding the maximum speed limits of FM 1103 to a construction speed limit and thus temporarily changing the maximum speed limit. *First Reading* (C. Kelm/S. Williams/D. Letbetter)

Mayor Gutierrez recognized Public Works Director Suzanne Williams who introduced this item addressing questions from Council.

Moved by Councilmember Scott Larson, seconded by Councilmember Michael Dahle to approve Ordinance 20-D-10 on first reading.

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

Passed

9. **Ordinance No. 20-T-11** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2019-2020 Budget to transfer funds for the purchase of software, parts, and labor for 14 existing Flashing School Zone Lights and the purchase of three additional lights, repealing all ordinances in conflict with this ordinance; and providing an effective date. *First Reading* (C. Kelm/S. Williams/D. Letbetter)

Mayor Gutierrez recognized Public Works Director Suzanne Williams who introduced this item addressing questions from Council.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-T-11.

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

Passed

10. **Ordinance No. 20-H-13** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz amending Ordinance No. 20-H-09; extending a Declaration of Local Disaster and Public Health Emergency; amending the rules and regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations; providing and effective date and declaring an emergency. *First and Final Reading* (Mayor/Council)

Mayor Gutierrez provided the following words:

"This silent enemy COVID-19 has placed distance between us, has postponed graduations, and crushed many dreams. Several businesses are in unique circumstances, offering limited or no service, and yet many businesses will never recover from these extra-ordinary circumstances. The impact of this silent enemy is daunting and unimaginable. But it has also made our

community stronger.

Thank you all, thanks to our first responders, city staff, health care workers, businesses and grocery store workers, and to those staying home to protect the most vulnerable in our community. As a community we must continue to adhere to the CDC and Government guidelines to flatten the curve.

We appreciate everything you do.

Although the number of positive cases in our city is low, we cannot let our guard down. We have the potential of hurting people without even knowing it. Related models from New York, New Jersey, and Michigan first indicated our state would reach the APEX approximately around April 30th. Our combine efforts have made an impact, and now that date is April 20th.

The local newspaper San Antonio Express indicates if we can STAY AT HOME for 30 days it could save 5600 lives and keep 56,000 from being hospitalized. One of these individuals may reside within our community or it maybe someone we know.

The most crucial time is approaching, and we are prepared and every precautionary measure will be taken to minimize the risk.

As city representatives, our residents look to us to weigh our decision on the facts, however, in this situation there is too many unknowns. Local businesses are suffering, but the most critical consideration should be based on the health and safety of our community.

Everyone's efforts will get us back to normal times and better days."

Fire Chief Kade Long and Assistant City Manager Charles Kelm provided updated information regarding the numbers in our area, state and nation. Mr. Kelm addressed Council regarding the proactive approach the Police and Code Enforcement departments are taking when they are called out on a reported issue. Staff addressed further questions and concerns from Council. Members of Council provided their comments on the presentation and the extension being asked to approve.

Mayor Gutierrez called for a motion for Ordinance 20-H-13 first and final reading and declaring an emergency.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Ordinance 20-H-13 first and final reading and declaring an emergency.

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

Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 10.

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

Mayor Gutierrez also pointed out that agenda items 11 and 12 were provided in their Council packets and are also available for public view on our website.

11. Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)
12. **City closures/cancellations** - City Operation update information regarding closures, event cancellations and others. (M. Browne/K. Long)

### **Requests and Announcements**

- Announcements by the City Manager.

Nothing further.

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

Mayor Gutierrez reminded staff of an item of discussion for a future agenda regarding the procurement process as discussed this evening.

- 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

No announcements were provided.

### **Adjournment**

As there was no further business Mayor Gutierrez adjourned the meeting at 7:33 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Gayle Wilkinson, Deputy City Secretary