

DRAFT

MINUTES REGULAR MEETING April 28, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 28, 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 Scott Larson; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Rosemary Scott Excused Absence

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;
 Deputy City Secretary Gayle Wilkinson

Call to Order – City Council Regular Session

Mayor Gutierrez called the regular 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 Scott Larson)

City Events and Announcements

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

None at this time.

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

None at this time.

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

Mayor Gutierrez reminded those students participating in the Hal Baldwin Scholarship Program they are required to sign in on the sign in sheet in the back of the room or contact Assistant to the City Manager Sarah Gonzalez.

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 by 5:00 p.m. on Monday, April 27, 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 the following person:

- Maggie Titterington - 1730 Schertz Parkway - Maggie gave an update on the status of the Chamber of Commerce and discussed some Zoom webinars they have available to aid small businesses and addressing re-engaging the workforce. All webinars and information are available at thechamber.info.

Mayor Gutierrez asked City Secretary Brenda Dennis if there were any hearing of residents submitted in writing. There were none.

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 April 14, 2020. (B. Dennis)
2. **Resolution No. 20-R-32** - Consideration and/or action approving 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. (B. James/J. Walters)
3. **Resolution No. 20-R-38** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an Interlocal Agreement between the City of Schertz and Education Service Center Region 20 for the participation in the ESC 20 Fiber Consortium and other matters in connection therewith. (B. James/M. Uhlhorn)
4. **Resolution No. 20-R-41** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures in an amount not to exceed \$100,000 with Gall's LLC. (C. Kelm/J. Gohlke)
5. **Resolution No. 20-R-43** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the submission of a Grant Application in an amount up to \$78,398.00 to the Office of the Governor, Homeland Security Division for the 2020 State Homeland Security Grant Urban Area Security Initiative (UASI) Program; and authorizing the acceptance of the funds, upon award. (C. Kelm/K. Long)
6. **Resolution No. 20-R-44** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures with Farrwest Environmental Supply totaling no more than \$90,000.00 for supplies and equipment during the 2019-2020 Fiscal Year and other matters in connection therewith. (C. Kelm/K. Long)
7. **Resolution No. 20-R-45** - Consideration and/or action approving a Resolution by the City Council of The City Of Schertz, Texas authorizing expenditures in an amount not to exceed \$525,000.00 with Siddons Martin Emergency Group and other matters in connection therewith. (C. Kelm/K. Long)
8. **Resolution No. 20-R-46** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas, authorizing an Interlocal Agreement for funding assistance with the Schertz Housing Authority. (M. Browne/B. James)

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve consent agenda items 1 - 8.

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

Passed

Public Hearings

The following was read into record:

- 9. Ordinance No. 20-S-12** - Conduct a public hearing, consider and take action on a request for a Specific Use Permit to allow a Convenience Store with Gas Pumps on approximately 2 acres of land, more specifically described as the southeast corner of FM 3009 and Ripps-Kreusler Road, City of Schertz, Guadalupe County, Texas. *First Reading* (B. James/L. Wood/N. Kopyay)

Mayor Gutierrez recognized Planner Nick Kopyay who provided a PowerPoint and introduced this item.

Mayor Gutierrez opened the public hearing for those wishing to speak, and as no one spoke: closed the public hearing for Council comments.

Moved by Councilmember Scott Larson, seconded by Councilmember David Scagliola to approve Ordinance 20-S-12, *First Reading*.

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

Passed

Discussion and Action Items

The following was read into record:

- 10. Ordinance No. 20-T-14** - 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 Reserves for \$250,025.00; repealing all Ordinances or Parts of 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

presented a PowerPoint, introduced this item and answered questions from Council along with Finance Director James Walters.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance 20-T-14, *First Reading*.

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

Passed

The following was read into record:

11. **Ordinance No. 20-H-15** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz amending Ordinance No. 20-H-13; 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 recognized Fire Chief Kade Long who provided a PowerPoint and addressed Council with an update of our status on the Coronavirus in reference to Governor Abbott's press conference where he issued three (3) executive orders. Chief Kade Long outlined the Governors approach to opening the Texas economy in reference to Schertz. Chief Kade Long addressed questions from Council along with City Attorney Dan Santee, and City Manager Dr. Mark Browne.

Mayor Gutierrez addressed Council about the different struggles present during EOC (Emergency Operations Center) discussions/meetings and that our focus is on what is best for our City.

Moved by Councilmember David Scagliola, seconded by Mayor Pro-Tem Mark Davis to approve Ordinance 20-H-15, *First and Final Reading* declaring an emergency.

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

NAY: Councilmember Scott Larson

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call confirmation for agenda items 1 - 11.

Workshop

12. Discussion and Presentation regarding procurement procedures and policies. (C. Kelm/J. Gohlke)

Mayor Gutierrez recognized Purchasing & Asset Manager Julie Gohlke who provided a PowerPoint discussing where we were in our procedures, where we are now, and some challenges we still face moving forward and answered questions from Council.

Closed Session

The following was read into record:

13. City Council will recess into Closed Session as authorized by the Texas Open Meetings Act, the City Council will adjourn into closed under Section 551.071, of the Texas Government Code Consultation with legal counsel regarding pending litigation:

1. Cause No. D-1-GN-18-006040; Cibolo, et al v. TCEQ
2. *Green Valley Special Utility District vs. City of Schertz et al*; Case No.: 17-CV-00819-SS (U.S. District Court, Western District of Texas, Austin Division); Fifth Circuit of Appeals Case No. :18-51092

Mayor Gutierrez recessed the regular meeting into closed session at 7:27 p.m.

Mayor Gutierrez asked all who were not participating in the closed session to step outside until the conclusion of the meeting due to the Covid-19 virus and the need for the meeting to be conducted in the main Council Chambers.

Reconvene into Regular Session

- 13A. Take any action based on discussions held in closed session under Agenda item 13.

No action taken at this time.

14. Update on drainage project

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

No announcements were given at this time.

Adjournment

As there was no further business, Mayor Gutierrez adjourned the meeting at 8:04 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Gayle Wilkinson, Deputy City Secretary