

# DRAFT

## MINUTES REGULAR MEETING June 23, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 23, 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 Pro-Tem Mark Davis; Mayor Ralph Gutierrez; 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; Assistant  
          to the City Manager Sarah Gonzalez; City Secretary Brenda Dennis

### **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. (Mayor Pro-Tem Davis)**

### **Presentations**

- Introduction of the FY 2020-2021 Schertz Sweetheart Court Ambassadors. (B. James/L. Shrum/M. Spence)

Mayor Ralph Gutierrez recognized Events Manager Mary Spence who introduced the FY 2020-2021 Schertz Sweetheart Court Ambassadors:

TaMya Whiteside, Miss Sunshine  
Nina Guastafierro, Miss Friendly City  
Olivia Coats, Miss Jubilee  
Zaire Franklin, Miss Schertz

Miss Schertz, Zaire Franklin, spoke about her experience applying and serving on the Sweetheart Court. She expressed her gratitude for the

opportunity to represent Schertz. TaMya Whiteside, Miss Sunshine, Miss Nina Guastafierro, Miss Friendly City and Miss Oliva Coats, Miss Jubilee also expressed their gratitude and thanks.

Mayor Gutierrez congratulated the Sweetheart Court and thanked them for representing our city.

## 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)

None at this time.

## 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, June 22, 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 who spoke:

- Ms. Tracy Campos - 12340 Schaefer Rd. - Expressed her opinion/concerns referencing item No. 4, Ordinance Number 20-S-16. She wanted Council to know the surrounding property owners were all against this proposed subdivision and that none of the property owners knew this was coming before Council on the June 9, Council meeting.

Mayor Gutierrez asked City Secretary Brenda Dennis if any residents had signed up on-line to be heard. She indicated 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 were read into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 9, 2020. (B. Dennis)
2. **Resolution 20-R-68** - 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 \$121,179.00 with Grande Truck Center for a new Fleet Vehicle and other matters in connection therewith. (C. Kelm/S. Williams/C.Hernandez)
3. **Ordinance No. 20-S-17**- Consideration and/or action approving an Ordinance on a request to amend the official zone map by rezoning approximately 0.5 acres of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU), located at 619 Main Street, City of Schertz, Guadalupe County, Texas. **Final Reading** (B. James/ L. Wood/ N. Kopyay)
4. **Ordinance Number 20-S-16** - Consideration and/or action approving an Ordinance on a request to amend the Comprehensive Land Use Plan by changing approximately 229 acres of the Future Land Use Map from the Mixed Use Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation, generally located approximately 6,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 309419, 309811, 310011, and 310013, City of Schertz, Bexar County, Texas. **Final Reading** (B. James/ L. Wood/N. Kopyay)

Mayor Gutierrez recognized Councilmember Rosemary Scott who asked that agenda item 4 to be removed from Consent for separate discussion.

Moved by Councilmember Michael Dahle, seconded by Councilmember Tim Brown to approve consent agenda items 1-3.

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**

The following item was read into record:

**4. Ordinance Number 20-S-16** - Consideration and/or action approving an Ordinance on a request to amend the Comprehensive Land Use Plan by changing approximately 229 acres of the Future Land Use Map from the Mixed Use Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation, generally located approximately 6,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 309419, 309811, 310011, and 310013, City of Schertz, Bexar County, Texas. Final Reading (B. James/ L. Wood/N. Kopyay)

Mayor Gutierrez recognized Assistant City Manager Brian James who came forward to address questions from Council.

Mayor Gutierrez recognized the following:

Councilmember Rosemary Scott who stated for the record this Ordinance was not taken lightly and Council spoke at great length about this proposal. She also noted for the record the Ordinance was posted on the agenda for the public to view as is required.

Councilmember Dahle who confirmed with Planner 1 Nick Kopyay that notification was mailed out prior to the public hearing for the Planning and Zoning Commission meeting referencing Ordinance 20-S-16 to property owners within 200 ft. of the property under discussion. Mr. Kopyay also stated notification was also published in the San Antonio Express News 15 days prior to the public hearing for the City Council meeting as per state law requirements.

Councilmember David Scagliola noted the plan presented to Council was a conceptual drawing and was not approved by council. The approval by Council was to amend the Comprehensive Land Use Plan - not the conceptual drawing.

Assistant City Manager Brian James continued addressing questions and comments from Council.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-S-16 ***Final 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

The following item was read into record:

5. **Ordinance No. 20-T-21** - 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 increase the budget amount by \$5,000.00 for the Hal Baldwin Scholarship, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. ***First Reading*** (M. Browne/S. Gonzalez)

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who introduced this item stating that this is an increase to the general fund budget by \$5,000.00 for the Hal Baldwin Scholarship, she stated that the money requested is available in Hal Baldwin Scholarship fund, she addressed questions from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Scott Larson to approve Ordinance 20-T-21 ***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

The following item was read into record:

6. **Ordinance No. 20-T-22** - 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 increase the budget amount by \$100,000.00 for the General Fund (Maintenance Services), repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *First Reading* (C. Kelm/S. Williams/T. Buckingham)

Mayor Gutierrez recognized Facilities Manager Todd Buckingham who introduced this item stating that due to unexpected and emergency projects and \$50,000 in funds from an FY 18-19 maintenance project not being encumbered into this fiscal year, there was a shortfall in the remaining balance of the Maintenance Services General Fund account. With approval of this ordinance, \$100,000 will be used from additional sales tax received to meet the maintenance services needs of the City for the remainder of this fiscal year.

Moved by Councilmember David Scagliola, seconded by Mayor Pro-Tem Mark Davis to approve Ordinance No. 20-T-22 *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

## Public Hearings

The following item was read into record:

7. **Ordinance 20-S-19** - Conduct a public hearing, and consideration and/or action approving an Ordinance on a request to rezone approximately 0.5 acres of land from Single-Family Residential District (R-2) to General Business District (GB), located at 603 Main Street, City of Schertz, Guadalupe County, Texas. *First Reading* (B. James/ L. Wood/ N. Kopyay).

Mayor Gutierrez recognized Planner 1 Nick Kopyay who introduced this item on the request to rezone approximately 0.5 acres of land from Single-Family Residential District to General Business District, located at 603 Main Street.

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

Mayor Gutierrez recognized Planner 1 Nick Kopyay along with Assistant City Manager Brian James who addressed questions from Council.

Moved by Councilmember Michael Dahle, seconded by Councilmember Scott Larson to approve Ordinance 20-S-19 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

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1-7.

### **Workshop**

- 8. Workshop Discussion and possible action regarding (Ordinance 20-H-18)**  
- Discussion and possible action regarding Ordinance No. 20-H-18 and update regarding the COVID-19 virus and our current Ordinance No. 20-H-18 Declaration of Local Disaster. (M. Browne/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long who provided updated COVID-19 information to include topics such as active cases, situational awareness, state data, city services, and disaster declarations.

Mayor Gutierrez addressed Council referencing COVID-19 data in our community and the factors involved. His recommendation is to approve an extension of our declaration ordinance until July 7, 2020, thus retain the authority to continue to receive reimbursements.

Mayor Gutierrez opened the floor for discussion from Council. Fire Chief Kade Long addressed questions/concerns from Council.

After a considerable amount of discussion, Mayor Gutierrez made a motion from the Chair to extend our Ordinance to coincide with the Governor's Orders and Expiration date.

Mayor Gutierrez then recognized Councilmember Rosemary Scott who asked additional questions, Fire Chief Kade Long addressed those.

Mayor stated there was a motion on the floor from the Chair to extend our

Ordinance to coincide with the Governor's Order and expiration date.

Moved by Mayor Ralph Gutierrez, seconded by Councilmember David Scagliola to approve a motion to extend our declaration Ordinance to coincide with the Governor's Orders and expiration date.

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. Mobile Food Unit License Reciprocity (MFU) - Workshop discussion and possible action regarding Mobile Food License Reciprocity. (C. Kelm/M. Bane)**

City Manager Mark Browne introduced City Sanitarian Rebecca Vera who provided a PowerPoint detailing Mobile Food Unit (MFU) License Reciprocity.

Fire Chief Kade Long provided a PowerPoint detailing Fire Inspections for Mobile Food Unit's and their necessity.

Mayor Gutierrez opened the floor for comments/questions from Council. Assistant City Manager Charles Kelm, Sanitarian Rebecca Vera, Fire Chief Kade Long, and City Manager Mark Browne addressed comments/questions from a lively discussion with Council.

The direction from Council was to draft an Ordinance to include an administrative fee and a fire permit fee (fee's to be decided by Council) and bring it back to Council.

**Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda item #8.

**Closed Session**

The following was read into record:

**10.** City Council will meet in closed session under Section 551.071 of the Texas Government Code, for consultation with the City Attorney, to receive legal advice regarding a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code, to include the following matters:

- a. Annexations pursuant to delayed annexation development agreements.

Mayor Gutierrez recessed the regular meeting into closed session at 8:12 p.m.

### **Reconvene into Regular Session**

Mayor Gutierrez reconvened into regular session at 9:15 p.m.

**10A.** Take any action based on discussions held in closed session under Agenda Item 10.

No action taken at this time.

### **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

Mayor Gutierrez recognized Councilmember Rosemary Scott who stated she had a great meeting with EMS Director Jason Mabbitt and complimented them on the great job they perform for our City.

Mayor Gutierrez recognized Councilmember Michael Dahle who stated he had attended the Chamber Luncheon held at Santiko's and commented on

how nice their facility is. He also attended the Chamber Mixer at the Bluebonnet.

Mayor Gutierrez recognized Councilmember David Scagliola who attended the Chamber Luncheon held at Santiko's and commented "it was absolutely wonderful". He also asked for an update on the chip seal at Wilson's Preserve.

Mayor Gutierrez recognized Councilmember Allison Heyward who thanked the City for the beautiful plant that was sent and the prayers in behalf of the passing of her father-in-law, Joseph Heyward. Her family greatly appreciated the gesture.

Mayor Gutierrez expressed his sincere appreciation to staff during the difficult time of COVID-19.

### **Adjournment**

Mayor Gutierrez adjourned the meeting at 9:18 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary