

DRAFT

MINUTES REGULAR MEETING September 22, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on September 22, 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 Rosemary Scott; Councilmember Mark Davis; 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

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 Scott)

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

Mayor Gutierrez gave specific requests to guests and staff in reference to wearing their masks during the City Council meeting and departing the Council meeting.

Presentations

- Proclamation recognizing Fire Prevention Week. (Mayor/K. Long)

Mayor Gutierrez read and presented the proclamation to Fire Chief Kade Long and commented on the new Ladder Truck presented earlier. Mayor thanked Chief Long and all the Fire Department for their work and commitment to

our City's safety and well-being.

- Proclamation recognizing Chamber of Commerce Week. (Mayor/M. Titterington)

Mayor Gutierrez read and presented the proclamation to Chamber President Maggie Titterington. Mrs. Titterington expressed her gratitude for serving our communities at the Chamber. Mayor made a few closing remarks stating the Chamber is a business network representing the business community and is a key element to our economic development and thanked Mrs. Titterington for her service to our City.

- Proclamation honoring Manufacturing Day. (Mayor/J. Kolbe)

Mayor Gutierrez read and presented the proclamation to Mr. Brad Bowdoin with Caterpillar who expressed his thanks to the City of Schertz and the community for being a wonderful partner. Mayor commented on Manufacturers being the main element in the United States progressing and a driving force in innovations and thanked Caterpillar for their contribution in our community.

Employee Recognition

- City Management - Cyndi Simmons, Administrative Assistant. (M. Browne/S. Gonzalez)
- EMS - Mike McFerran, EMS Supply Coordinator; Madeline Keilholz, Eric Stephens, Charles Liles - EMT. (C. Kelm/J. Mabbitt/B. Hill)
- Public Works - Dominic Dominguez, and Jeremy Perez Drainage Worker 1. (C. Kelm/S. Williams/D. Letbetter)

Mayor Gutierrez recognized the appropriate Department Heads, who introduced their new employees. Each new employee had an opportunity to speak.

City Events and Announcements

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

Assistant City Manager Charles Kelm announced early voting begins Tuesday, October 13, 2020, and ends Friday, October 30, 2020, to elect Councilmembers for places 3, 4, and 5. For a full listing of all early voting listings and times please visit schertz.com.

- 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 by 5:00 p.m. on Monday, September 21, 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:

- Nancy Klinitzki - 1028 Chloe Court - Expressed her desire and her communities desire for the City of Schertz to repair the recently repaved roads in Wilson Estates Preserves - noting the chip seal repair has degraded.
- John Lamantia - 1021 Hiram Ln. - After praising Counsel for a job well done over his years of living in Schertz, he expressed his concern with the rocks left behind after the recently repaved roads in Wilson Estates Preserves.
- Shane Cipolla (Vice President of the HOA at the Estates of Wilson Preserve) - 1201 Gwendolyn Way - Concerned with the condition of their roads in Estates of Wilson Preserve and the rocks left as the finished product on their roads. The roads chip seal severely degrades the property values in their neighborhood and respectfully requested the City return their roads to the condition prior to the re-surface.
- Diana Taylor - 5505 Columbia Dr. - Expressed her concern with many attempts to make contact with the City to address problems she was experiencing, with no response. She expressed her ongoing desire/concern to have speed bumps in Fairhaven and to fix the sidewalks.

- Connie Andrews - 1120 Gwendolyn Way - Expressed her concern with the rocks on the newly repaved surface of her road in Estates of Wilson Preserve.
- Steve Rice - 1017 Chole Ct - Gave his time to Shane Cipolla.
- Jill Whittaker - 12214 Hopeseed - Introduced herself as a candidate for City Council place 3 and gave a brief history of her careers and family life.
- Robert Bueker - 1000 Antler Dr. - Expressed his concern about the condition of their street in Estates of Wilson Preserve and requested a promise from City Council that it will not happen again. Mr. Bueker offered discussing a few methods that might improve the situation with Council.

Mayor Gutierrez asked City Secretary Brenda Dennis if any resident had signed up on-line to be heard. She indicated there was one. City Secretary Brenda Dennis read the following:

- John Sullivan - 513 Triple Crown - Expressed his gratitude for the work the Tax Increment Reinvestment Zone #2 (TIRZ) has done to help the Crossvine community grow and draw more people to southern Schertz. He also asked City Council to remember to properly fund the service and projects we need to provide a high quality of life throughout the rest of the city as well.

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 items were read into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of September 8, 2020. (B. Dennis)
2. **Resolution No. 20-R-106** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to enter into an agreement with Ford Engineering, Inc., for design, bid, and construction phase engineering services for the Aviation Heights Water line relocation project in advance of the Construction project. (C. Kelm/S. Williams/J. Hooks)
3. **Resolution 20-R-90** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an extension of the agreement for Management Services between the City of Schertz and the Schertz/Seguin Local Government Corporation (SSLGC) and other matters in connection therewith. (C. Kelm/S. Williams/J. Hooks)

4. **Resolution No. 20-R-109** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to enter into an agreement for the remodel of the Kitchen and Warming Area for the Schertz Civic Center in an amount not to exceed \$154,295.00 with IM General Contractors. (C. Kelm/S. Williams/T. Buckingham)
5. **Resolution No. 20-R-110** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to issue a purchase order(s) for the purchase of various vehicles as part of the 2020-2021 vehicle replacement program. (C. Kelm/S. Williams/C. Hernandez)
6. **Resolution No. 20-R-111** - 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 the Comal County District Attorney in reference to the disposition of seized property and contraband. (C. Kelm/M. Hansen)
7. **Resolution No. 20-R-112** - 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 615 Main Street and related matters in connection therewith. (M. Browne/B. James)
8. **Resolution No. 20-R-105** - 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)
9. **Cancellation of the November 3, 2020, and November 24, 2020, Council Meetings** - Consideration and/or action canceling the November 3, 2020, and November 24, 2020, City Council meetings due to the election and Thanksgiving week. (M. Browne/B. Dennis)
10. **Calling a Special Meeting November 16, 2020** – Consideration and/or action calling a special meeting on Monday, November 16, 2020, to canvass the results of the November 3, 2020, General Election, call a Runoff Election if necessary and possible swearing in of newly elected officials. (M. Browne/B. Dennis)

11. **Resolution No. 20-R-97** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to enter into Interlocal agreements for allocation of Emergency Medical Services and for mutual aid agreements. (C. Kelm/J. Mabbitt)

12. **Boards, Commissions and Committee Member Resignations/Appointments** - Consideration and/or action appointing Mr. Graham Clark McChesney Jr. for the vacant board member position on the Transportation Increment Reinvestment Zone #2 (TIRZ). (Mayor/Council)

Mayor Gutierrez asked Council if there were any items to be removed from Consent for separate action. Mayor Gutierrez recognized Mayor Pro-Tem Scott who requested agenda item 5 be removed for separate action.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve consent items 1-4 and 6-12.

AYE: Mayor Pro-Tem Rosemary Scott, Councilmember Mark Davis, 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:

5. **Resolution No. 20-R-110** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to issue a purchase order(s) for the purchase of various vehicles as part of the 2020-2021 vehicle replacement program. (C. Kelm/S. Williams/C. Hernandez)

Mayor Gutierrez recognized Mayor Pro-Tem Scott who asked staff a few questions. Fleet Manager Chris Hernandez and Purchasing and Asset Management Manager Julie Golke addressed the questions.

Moved by Mayor Pro-Tem Rosemary Scott, seconded by Councilmember Michael Dahle to approve Resolution No. 20-R-110.

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

Passed

The following item was read into record:

- 13. Resolution No. 20-R-107** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing an amended Development Agreement, Project/ Financing Plan, and Interlocal Agreement for the Tax Increment Reinvestment Zone #2 (TIRZ) #2 (Sedona/Crossvine). (M. Browne/B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided a PowerPoint presentation giving a background/explanation of Tax Increment Reinvestment Zone #2 (TIRZ) or Sedona/Crossvine TIRZ and answered questions from Council. Councilmembers Scagliola, Councilmember Dahle and Mayor Gutierrez gave additional remarks on their endorsement of the TIRZ (Sedona/Crossvine) developments.

Moved by Councilmember David Scagliola, seconded by Mayor Pro-Tem Rosemary Scott to approve Resolution No. 20-R-107.

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

Passed

The following item was read into record:

- 14. Resolution No. 20-R-104** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, supporting the use of HOT Revenues for Park Improvements. (M. Browne)

Mayor Gutierrez recognized City Manager Dr. Mark Browne who introduced this item and gave a brief description of a potential bill for Texas Municipal League (TML) to allow HOT funds to be used for park improvements and answered questions from Council.

Moved by Councilmember Michael Dahle, seconded by Councilmember David Scagliola to approve Resolution 20-R-104.

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

NAY: Councilmember Scott Larson

Passed

Public Hearings

The following item was read into record:

15. **Ordinance No. 20-T-32** – Conduct a Public Hearing and consideration and/or action approving an Ordinance approving the appraisal roll; setting the tax rate; levying and assessing general and special ad valorem taxes for the use and support of the municipal government of the city of Schertz, Texas.
Second and Final Reading (B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who provided a short PowerPoint presentation stating the tax rate voted on at the previous Council meeting for *first reading* of \$0.5121 - an 0.8% increase in the tax rate.

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

Councilmember Scott went on the record to explain the factor that swayed her at the last Council meeting to cast the second vote for the tax rate of \$0.5121. She was moved by Councilmember Brown recalling the Tax Workshop and the ultimate goal in setting the tax rate is to reduce debt. Councilmember Scagliola stated he is confident the tax increase is unneeded and reserves the right to say "I told you so" next year.

Mayor Gutierrez gave clarification on this year's tax rate of \$0.5121, that will be voted on, will be lowering the tax rate and increasing the revenue. Councilmember Brown clarified we are lowering the tax rate, we are not raising anything. The only people who will have an increase in their tax bill will be the ones who have an increase in their property values and don't have other exemptions. Councilmembers Scagliola and Larson stated the tax rate being voted on (\$0.5121) **does** raise taxes. Mayor Pro-Tem Scott gave additional closing remarks.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown that the property tax rate be increased by the adoption of a tax rate of (0.5121), which is effectively a (0.8%) increase in the tax rate.

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

NAY: Councilmember Scott Larson, Councilmember David Scagliola

Passed

The following item was read into record:

- 16. Ordinance No. 20-S-29** - Conduct a Public Hearing and consideration and/or action on an amendment of Part III, Schertz Codes of Ordinances, Unified Development Code (UDC), Article 5, Subsection 21.5.8 Permitted Use Table, to amend permitted land uses within the Main Street Mixed Use (MSMU) zoning district. *First Reading* (B. James/L. Wood/E. Delgado)

Mayor Gutierrez recognized Assistant City Manager Brian James who briefed the Council regarding the amendment to the UDC, Article 5, Subsection 21.5.8 permitted use table amendment.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments. Mr. James addressed questions from Council.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance 20-S-29 on first reading.

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

Passed

The following item was read into record:

- 17. Ordinance No. 20-S-30** - Conduct a public hearing, consideration and/or action on a request to rezone approximately 2.94 acres of land from Single-Family Residential/Agricultural District (R-A) and General Business District (GB) to Neighborhood Services District (NS), located northwest of the intersection between FM 1518 and Schaefer Road, City of Schertz, Bexar County, Texas, also known as DG Schertz Addition Subdivision Lot 2, Block 1. *First Reading* (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Assistant City Manager Brian James who briefed the Council on the request to rezone the property.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments. Mr. James addressed questions from Council.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward to approve Ordinance 20-S-30 on first reading.

AYE: Mayor Pro-Tem Rosemary Scott, Councilmember Mark Davis, 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 confirmation for agenda items 1 through 17.

Workshop

The following item was read into record:

- 18. Bond refinancing Opportunity - Workshop on possible bond refinancing opportunity. (M. Browne/B. James/J. Walters/M. McLiney/A. Friedman)**

Mayor Gutierrez recognized Finance Director James Walters who briefed the Council regarding an opportunity for possible bond refunding. Mr. Walters introduced Financial Advisory Mark McLiney who briefed the Council on the opportunity of refinancing the GO Bonds, Series 2011 and the GO Refunding bonds, Series 2011A with potential gross savings of \$1,342,223. Mr. McLiney reviewed the timetable of events that will occur and answered questions from Council. It was the consensus of Council for staff to move forward with the refunding opportunity.

The following item was read into record:

- 19. Workshop Discussion and Update (Ordinance 20-H-18) - Discussion 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 a PowerPoint presentation with updates on COVID-19 to include EOC Activities, Daily Positivity Rates, State Data, Hospitalizations in Bexar County and the State Disaster Declaration from the Governor's office. Chief Long answered questions from Council.

Mayor Gutierrez thanked our staff for providing the information and keeping

Council updated.

Closed Session

Mayor Gutierrez asked staff and guests who were not participating in the closed sessions to wait outside the chamber until they were finished. Mayor Gutierrez recessed the regular meeting into Closed Session at 8:19 p.m., and the following item was read into record:

- 20.** The City Council will meet in closed session in accordance with 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-063

Reconvene into Regular Session

Mayor Gutierrez reconvened into regular session at 8:43 p.m.

20A. Take any action based on discussion held in closed session under Agenda Item 20.

No action taken.

Roll Call Vote Confirmation

No roll call was taken as no action was provided on agenda item 20A.

Requests and Announcements

- Announcements by the City Manager.

None at this time.

- Requests by Mayor and Councilmembers for updates or information from staff.

Mayor Gutierrez recognized Councilmember Scagliola who requested to receive a re-assessment of the pavement projects we currently have. He commented on the complaints received this evening from neighbors in the Estates of Wilson Preserve Neighborhood. He would also like to know specifically what the issues

are in the Fairhaven Neighborhood and what possible solutions are available. He would like an update and would be willing to sit down with Dr. Browne and not have an agenda item is necessary.

Mayor Gutierrez recognized Councilmember Dahle who would also like updates on the paving issues and discuss if the chip seal process is the ideal solution for residential streets. He would like to look at our options.

Mayor Gutierrez recognized Mayor Pro-Tem Scott who stated she is in total agreement with having updates as well as options of how we can resolve the Estates at Wilson Preserve issue without having to spend 1 or 2 million dollars.

Other comments were provided by Councilmembers and Assistant City Manager Brian James stated that staff could cover the issues raised above in an overview as requested.

Mayor Gutierrez recapped stating we will do an update for Council on possible remedies and see what the wishes of Council are at that 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 Davis who stated he attended the Schertz Housing Authority meeting and met the new management group - Kennedy Housing Authority. They have a great team and manage other housing authorities and are looking forward to working with the City of Schertz.

Mayor Gutierrez recognized Councilmember Dahle who stated he attended the following: Paws in the pool; Chamber Mixer held at the Bluebonnet Palace; Grand opening at the Americana Coffee and Espresso Bar on Main.

Mayor Gutierrez recognized Councilmember Heyward who stated she attended the following: Northeast Partnership Luncheon; AACOG Economic Development webinar; TXT 21 Webinar; Summer New Vendor event; Paws in

the pool; The Chamber luncheon; Greater Bexar County Council of Cities webinar; and the BSA Ribbon cutting.

Mayor Gutierrez recognized Councilmember Brown who asked to give Chief Hansen a special thank-you to the Special Project Officer who provided a Personal Protection presentation today. We appreciate what the Schertz Police Department is doing.

Adjournment

Mayor Gutierrez adjourned the meeting at 8:50 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary