

MINUTES
REGULAR MEETING
November 10, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on November 10, 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

Absent: 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;
 Deputy City Secretary Gayle Wilkinson

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 Gutierrez)

Mayor Gutierrez provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

Mayor Gutierrez mentioned that while you are sitting in the audience you may or may not choose to wear your masks, you may remove your masks when speaking, but if you move around the chambers, we ask that you please place your masks back on.

Mayor Gutierrez recognized the following distinguished guests who were in the audience this evening and recognized the following: Commissioner Elect Michael Carpenter and City Council elect Jill Whittaker.

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, November 9, 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. Maggie Titterington - The Chamber - who provided information (Please see the Chambers website) regarding the recent and upcoming Chamber events: Veterans Ceremony at the Schertz Veterans Memorial Plaza, Brigadier General Carolyn Miller will be our keynote speaker as well as Representative Kemple and Senator Donna Campbell. Ms. Titterington mentioned that we have the Stars Complex off IH 35 old Garden Ridge Building. Danny and Rebecca Rios are utilizing the building to be used as a sports complex for professional cheer, tournaments, wrestling, baseball pitching and league training. There were challenges in getting the building ready, but staff members such as Mr. James, Mr. Kelm, Ms. Suzanne Williams, and Mr. Gill Durant gathered to work out all the kinks. She personally thanked them for all the assistance.
- Mr. Brent Bolter- 2633 Cloverbrook Lane- who spoke from his heart regarding his concerns with the recent Schertz Police incident. Mr. Bolter expressed his desire for transparency in this situation and would like the investigation to speak for itself. This is something Mr. Bolter thought he would never see in Schertz.

Mayor Gutierrez read the following: It is important to mention that Council is not

permitted to discuss or comment during the hearing of residents or on any topic that is not posted on the agenda.

He stated that he did prepare a statement that he would like to read. " Thank you for joining us today. We appreciate and value your presence and concerns. It is regrettable our City is enduring this situation. However, when laws are broken, we turn to law enforcement to restore order and protect our community, for without laws there is no order. The presumption of innocence applies to all, and decisions should be based on facts, and not emotions.

We live in a diverse community, everyone has the right to have a different view point and different opinion. We acknowledge the anxiety that perplexes you. We acknowledge the despair that frightens you. We acknowledge your concerns, and we understand why you feel this way. Our community is hurting, together we must start the healing process.

One of our City's strongest core values is "To Do The Right Thing." We are painfully enduring a complex, delicate, and fragile matter. We ask for everyone's patience as we move through the process."

City Events and Announcements

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

None were provided.

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

None were provided.

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

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who provided the following announcements:

Wednesday, November 11th

Community Veterans Day Ceremony at 9:00 AM, Veterans Memorial Plaza, 512 Schertz Parkway, Schertz
City Offices Closed

Saturday, November 14th

Discover Nature Journaling, Crescent Bend Nature Park at 10:00 AM.
This event is the last of the 2020 Nature Discovery Series.
Pre-registration is required by calling 210-619-1850.

Monday, November 16th

Special City Council Meeting at 6:00 PM to canvass the results of the November

3, 2020, Schertz General Election and swearing in ceremonies.

Wednesday, November 18th

Blue Bonnet Palace at 6:00 PM - Selma the Tri-County Chamber of Commerce is hosting their annual Elected Officials Reception - Free event for all elected officials.

Thursday, November 26th and Friday, November 27th

City Offices Closed for Thanksgiving Holiday

Saturday, November 28th

Star Party, Crescent Bend Nature Park from 5:30-8:00 PM

Come out for a chance to view the stars and the planets! Telescopes for viewing provided by the San Antonio Astronomical Association. Bring a red infrared flashlight or make your own. Dress for the weather and bring a chair. Event is free and pre-registration is not required.

Tuesday, December 1st

Next regular City Council Meeting 6:00 PM Council Chambers

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 meeting of October 27, 2020. (B. Dennis)
2. **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 with the YMCA of Greater San Antonio to operate the Schertz Area Senior Center. (B. James/L. Shrum)
3. **Resolution No. 20-R-132** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for a Schertz Main Street Local Flavor Economic Development Grant for 537 Main. (M. Browne/B. James)

4. **Resolution 20-R-113** - Consideration and/or action approving a Resolution by the City Council of the City, Texas, authorizing expenditures not to exceed \$81,888.13 with C-3 Environmental Inc., for the Ashley Park Concrete Trail Project, and other matters in connection therewith. (B.James/L.Shrum)
5. **Cancellation of the December 22, 2020, Council Meeting** - Consideration and/or action canceling the December 22, 2020, City Council meeting due to the Christmas Holiday. (M. Browne/B. Dennis)
6. **Resolution No. 20-R-115** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing an Economic Development Performance Agreement between the City of Schertz Economic Development Corporation and Phelan-Bennett, LLC. (M. Browne/A. Perez)
7. **Resolution No. 20-R-131** – 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 Cibolo Creek Municipal Authority ("CCMA") for the lease of real property for the operations and maintenance of a Wastewater Liftstation Facility. (C. Kelm/S. Williams/J.Hooks)
8. **Ordinance No. 20-M-34** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz Texas amending the City Code of Ordinances Article I. in General, Section 2-125 Designation of Records Management Officer, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance and providing an effective date. **Final Reading** (M. Browne/B. Dennis)
9. **Ordinance No. 20-S-33** - Consideration and/or action upon a request to rezone approximately 204 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to Planned Development District (PDD), located southwest of Graytown Road, stretching between Interstate Highway 10 and Boenig Drive, City of Schertz, Bexar County, Texas, also known as Bexar County Property Identification Numbers 619201 and 619202. **Final Reading** (B. James/L. Wood/N. Kopyay)

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 2 Resolution No. 20-R-109 be removed for separate action.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michael Dahle to approve consent agenda items 1, and 3 through 9.

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

Passed

Discussion and Action Items

The following item was read into record:

2. 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 with the YMCA of Greater San Antonio to operate the Schertz Area Senior Center. (B. James/L. Shrum)

Mayor Gutierrez recognized Director of Parks, Recreation and Community Services Lauren Shrum who addressed Mayor Pro-Tem Scott's questions.

Moved by Councilmember Mark Davis, seconded by Mayor Pro-Tem Rosemary Scott to approve Resolution No. 20-R-109.

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

Passed

Public Hearings

The following item was read into record:

10. Ordinance No. 20-S-37 - Conduct a public hearing, consider and/or act upon request to amend the Comprehensive Land Use Plan by changing approximately 40 acres of the Future Land Use Map from the Estate Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation, generally located approximately 4,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, City of Schertz, Bexar County, Texas. *First Reading* (B. James/L. Wood/ N. Kopyay)

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation for this item. Mr. Kopyay introduced Mr. Raymond Tarin, Engineer for this project, who also came forward providing a brief presentation.

Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. Mayor Gutierrez recognized Mr. Alfred Fluitt, owner of the 40 acres, who spoke in favor of Council passing this item. As there were no further speakers, Mayor Gutierrez closed the public hearing for Council comments.

Mayor Gutierrez made the following comments:

When campaigning for Mayor, several residents in Southern Schertz expressed their concerns regarding limited commercial establishments. One of Council's objective should be to accommodate commercial development in Schertz. One major obstacle in Southern Schertz is insufficient rooftops. Businesses will not take a risk or invest in Schertz if the demographics impede their success.

Planning and Zoning Commission expressed one concern – traffic impact. As Mr. Tarin pointed out, road construction on FM 1518 will address this issue, and future road construction will mitigate growth.

Planning and Zoning's main reason for denial was their desire to wait one maybe two years until the Comprehensive Land Use Plan is finalized. This study should not paralyze our City's growth. It is essential, we must seek and create our own destiny. We must ascertain this developer would have lost interest, and the possibility to entice or lure other developer may be strenuous. It could take three years, maybe longer, to get to this same stage in development planning for this slice of Schertz.

Similar to our City Comprehensive Land Use Plan, Developers based new housing developments on their market analysis. This analysis consists of several factors to determine the success of the development:

- Demographics - Demand
- Schools - Safety
- Quality of Life - Taxes
- Parks - Location
- Roads - Confidence in our City's Procedures

One major factor in killing any deal is TIME.

I'm certain, this Developer would have no objection to waiting a few months, but not a lengthy 24 to 36 month delay. This is an unreasonable and unacceptable expectation for any developer. Our city staff reviews the feasibility of all projects.

A review of the City's Master Plan consist of:

- Land - sewage - water
- Flood plain - drainage

All these items are considered and City staff has recommended approval. The Planning and Zoning process is not a fixed process set by any rules. Planning and Zoning is a discretionary process:

- It is an objective process
- One's own judgement
- One's opinion
- One's feelings

Council will also have their own objective opinion and I encourage them to also make their decision based on logical reasoning:

- It can't be farmed.
- It's not suitable for retail.
- It's not suitable for industrial.
- It's not multi family.
- City staff approved the request
- The owner – his preference

We must look at the growth of Schertz long term, and continue to build a culture to attract development.

We should also:

- Be excited - An enthusiastic partner
- Be flexible - Be creative
- Be supportive - Seek growth opportunities

Growth in Southern Schertz is unavoidable. We are at a crucial crossroads, and we are faced with the decision of rising to the challenge and carving a path for future success or becoming idle. Once again, the opportunity is at our doorstep.

Mayor Gutierrez recognized Councilmember Scagliola who spoke against approving the proposed rezone providing his reasons. Councilmembers Scott and Dahle spoke regarding mixed feelings on the proposed rezone also expressing their reasons. Councilmembers Davis and Heyward spoke in favor of the proposed rezone.

Moved by Councilmember Scott Larson, seconded by Councilmember Michael Dahle to approve Ordinance 20-S-37 on first reading.

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

NAY: Councilmember David Scagliola

Passed

The following item was read into record:

- 11. Ordinance No. 20-K-35** - Conduct a public hearing and consider and act upon an ordinance requesting to close and abandon to the abutting property owners a portion of Urban Lane Right-of-Way between Live Oak Hills Subdivision Lot 1, Block 55 (Guadalupe County Property ID: 32206) and Live Oak Hills Subdivision Lot 18, Block 54 (Guadalupe County Property ID: 32205); and establishing an effective date hereof. *First Reading* (B.James/L. Wood/E. Delgado)

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation on this item. Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. Mayor Gutierrez recognized the following:

Loud Interruptions from the audience occurred.

- Ms. Shannon Kelm, 3625 Diamond Falls (Owner of the property) who came forward providing a brief PowerPoint regarding the request to abandon the Right of Way and Easements at Terminus of Urban Lane in Live Oak Hills Subdivision, requesting approval.
- Ms. Tracy Groonez, 3621 Diamond Falls who spoke stating she owns another piece of property adjacent and referenced it on a previous slide. She indicated the road back in that area has not been used, she also indicated there are various types of wildlife liveing there. She just wanted to make sure that as the City begins to develop in that area to remember the wildlife. She spoke in favor of the abandonment.
- Ms. Dina Rayford, 2919 Sunset Bend, San Antonio who came forward stating that this is all wonderful, but this is a different privilege that they are not worried about right now. What they are worried about right now is the kid. She stated - 'so it seems like your not getting it and wants everybody to stay focused because she sees a few people on their phone, etc., but right now this is serious!

Individuals in the crowd began raising their voices.

Mayor Gutierrez stated that they are referencing the Ordinance in question right now. Mayor Gutierrez was interrupted by Ms. Rayford stating and raising her voice that the Council is worried about lots, and Council is not worried about lives. She raised her voice asking when the Council was going to speak regarding the recent police issue. She shouted if she was next? She will not step aside until she is next, because she cannot let Council finish the night until she speaks. Mayor Gutierrez asked if she would please take a seat, and he would get back to her. Mayor Gutierrez asked several times for Ms. Rayford to take a seat as she was out of order.

Crowd began to become very loud with their chanting "Black Lives Matter" "No Justice No Peace"

Ms. Rayford continued raising her voice and screaming into the microphone. Mayor Gutierrez tried several times to ask Ms. Rayford to take a seat and behave in a professional matter. At one point Ms. Rayford told the Mayor that she will speak and asked when it would be. Mayor Gutierrez stated that she had an opportunity to sign up to speak, and she chose not to and arrived late.

The Crowd became very loud and disruptive.

Mayor Gutierrez asked for any other comments regarding the ordinance and recognized the following:

- Mr. Ken Greenwald, 205 Westchester who spoke regarding this item.

As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments. Mayor Gutierrez recognized Mayor Pro-Tem Scott who spoke regarding the lot in question and the amount of wildlife in the area, and building and raising her children in Schertz.

Individuals in the crowd again began raising their voices. Mayor Gutierrez asked the crowd to please behave themselves in a professional manner. Mayor Gutierrez stated that they had an opportunity to sign up and speak.

Mayor Pro-Tem Scott finished her thoughts and had questions answered by staff.

Mayor Gutierrez stated that for those of you who have joined us earlier, you had an opportunity to sign up and speak and address this Council (he held up the hearing of residents sign in sheet). You chose not to put your name on the sign in sheet and now you have chosen to disrupt our Council. We are here to

discuss City business, you had the opportunity, you showed up late.

Individuals in the crowd began to escalate their disruption of the meeting with loud shouting and screaming.

Ms. Rayford asked if they were not on the ballot today? In answer, Mayor Gutierrez stated no, they were not.

Again the individuals in the crowd were shouting and screaming.

Mayor Gutierrez stated "excuse me - excuse me" - Ms. Rayford came back up to the podium shouting, you can cut off my microphone, you can do whatever you want to do, but she is going to speak, and she is going to speak on the brutality of what's going on, and she wants to speak about the police incident. *Crowd in background getting louder.*

Mayor Gutierrez stated that Council is going to take a five-minute recess, time was 7:30 p.m. Ms. Rayford shouting at the Mayor stating the smartest thing to do is to let them speak. Loud applause from the crowd. The crowd began to rise and move forward shouting "No justice - No Peace". Ms. Rayford shouting we are going to speak or it's going to be a hot mess. The crowd continuing shouting "No justice - No Peace" "Black lives matter."

Mayor Gutierrez got up from the dais and officers began to move in front to control the crowd. Officers came forward to keep the crowd back - Mayor Gutierrez stood. Crowd continued for several minutes chanting and yelling. Mayor Gutierrez stated give him a minute, restated one minute several times, tried to say something but the Mayor concluded that they are not listening.

Mayor, Members of Council, Dr. Mark Brown and City Attorney Santee got up and moved away from the dais. Members of the Kelm family were also removed from the chambers.

The interruption from the crowd continued until the police calmed the crowd down with Mayor Gutierrez going and speaking to them. A majority of the crowd left the council chambers. Mayor Gutierrez provided the sign up sheet to Ms. Rayford and others who signed in.

Mayor Pro-Tem Scott left the meeting at 7:39 p.m.

Mayor Gutierrez resumed the regular meeting at 7:43 p.m., stating that they will finish up with agenda item 11 and then open up the hearing of residents for three guests.

Mayor indicated that they were discussing Ordinance No. 20-K-35 and recognized Councilmembers who had questions and concerns. Assistant

City Manager Brian James, Legal representative Daniel Santee, and City Manager Dr. Brown addressed questions and concerns.

The Kelm Family returned to the Chambers.

Mr. James wrapped up his comments and answered additional questions from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to deny Ordinance 20-K-35 - *First Reading*.

AYE: Councilmember Michael Dahle, Councilmember David Scagliola

NAY: Councilmember Mark Davis, Councilmember Scott Larson,
Councilmember Allison Heyward

Failed

Moved by Councilmember Scott Larson, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-K-35 *First Reading*.

AYE: Councilmember Mark Davis, Councilmember Scott Larson,
Councilmember Allison Heyward

NAY: Councilmember Michael Dahle, Councilmember David Scagliola
Passed

12. **Hearing of residents**

Mayor Gutierrez moved back to the hearing of residents section and read that once again this time is set aside for any person who wishes to address the city council, each person is limited to three minutes, and we ask before addressing the council, for the record, please state your name and address. Mayor Gutierrez recognized the following:

- Ms. Dina Rayford, 2919 Sunset Bend, San Antonio who stated that she did not want to take away from anything that everyone talked about today, pointing to Ms. Kelm and her children, the park and zoning case. That's important to them, she apologized. Ms. Rayford spoke at length and in detail about her complaints and concerns with the incident that took place with the Police.
- Mayor Gutierrez recognized Mr. Ervin Lee, 365 Bordon, San Antonio who stated that in 1958 this chamber was created and when this chamber was created black people were not allowed to drink out of the same water fountains as white people. Each one of the Council has heard of black lives matter this year and can not deny that. The difference in his generation and those of us born in the 80s, the 20-year old's in the

audience have energy, meetings are not going to be the same anymore. It's not going to be comfortable anymore, it's a different country we are wanting. Mr. Lee expressed his desire for adopting a cite and release program in Schertz.

- Miss. Kapree Rayford, 2919 Sunset Bend, San Antonio - expressed her thanks for those who joined them to support their family. Miss Rayford expressed her extreme displeasure with the way the recent Police incident was handled and went into detail about the Police incident actions she thought were not handled properly. She asked that action be taken. You need to hold your Chief of Police, lieutenants, police officers, and everyone in that situation accountable the say way your are holding the kid accountable for his actions – the police officers need to be held accountable for their actions. "Point blank serious!"

The crowd left chanting “No justice – No peace” “Black lives matter” “Allison’s fired” “Allison’s fired”

- Another young lady who did not identify herself came forward to speak. This is a very small city and this video went viral. That is an 18-year-old child, nobody sitting up there (on the dais) is perfect, period! The fact that you can say he should have listened, that goes way beyond it. He has seen people die and the fact of the matter is, if your pets were getting killed the way that black people were getting killed on camera, it would be a completely different conversation. This should have been a priority and shame on you for it not being a priority.

Roll Call Vote Confirmation

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

Workshop

- 13. 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 stated he would be joined in presenting this PowerPoint by our new EMC Summer Hall. Current numbers were given on active cases of COVID-19 in Guadalupe, Bexar, and Comal counties as well as fatality rates. EMC Summer Hall gave specifics on the breakdowns for surrounding areas, schools, daily state counts, and hospitalization rates. No questions were taken from Council.

14. Staff Compression - Update on Staff Compression Issue. (C. Kelm/J. Kurz)

Mayor Gutierrez recognized Human Resources & Purchasing Director Jessica Kurz who provided a PowerPoint presentation giving an update on the staff compression issue. Human Resources formed a cross departmental team made up of representatives from Human Resources, the Police Department, Fire, EMS, the City Managers office, and a couple of non-Public Safety department representatives. This team met weekly starting in August to review the issues, evaluate the causes, and to propose potential solutions. Jessica Kurz spoke on the following outline to include – framing the issue, review decision points of the committee, share some preliminary findings, provide potential solutions, and ultimately to seek guidance from Council. Jessica Kurz and Assistant City Manager Charles Kelm addressed questions from Council.

Closed Session

Mayor Gutierrez asked staff and guests who were not participating in the closed session to wait outside the chambers until they are finished. Mayor Gutierrez recessed the regular meeting into Closed Session at 8:53 p.m., and the following item was read into record:

- 15.** 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-064

Reconvene into Regular Session

Mayor Gutierrez reconvened into regular session at 9:44 p.m.

- 14A.** Take any action based on discussion held in closed session under Agenda Item 14.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward move to provide authority to the City Manager to negotiate an agreement with Union Pacific to secure the opening of a new public railroad crossing based the closure of an existing public railroad crossing given clear delineation of:

- Traffic counts and geography acceptable to Union Pacific;
- Timing to public crossing opening by Union Pacific based on public crossing closure by the city of Schertz.

And that the impact of closure options identified can be reasonably balanced by the positive value and impact of associated industrial development that can be expected by a new public crossing.

AYE: Councilmember Mark Davis, Councilmember Scott Larson,
Councilmember Michael Dahle, Councilmember David Scagliola,
Councilmember Allison Heyward

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda item 14.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

16. **Monthly update** - on major projects in progress/CIP. (B. James/K. Woodlee)
17. Schertz Economic Development Corporation (SEDC) Performance Agreement Payments. (A. Perez)

Requests and Announcements

- Announcements by the City Manager.

None at this time.

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

None at this time.

- Requests by Mayor and Councilmembers that items or presentations 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.

Mayor Gutierrez recognized Councilmember Dahle who offered sincere condolences from his family to Mark Welch's family. He attended the Cibolo Valley Local Government Corporation (CVLGC) meeting, attended two ribbon cuttings at Tropical Smoothie Cafe and Ideal Feet.

Mayor Gutierrez recognized Councilmember Heyward who attended the Senior Center Halloween Costume Contest, the Text 21 - TxDOT quarterly meeting via Zoom, attended the two ribbon cuttings at Tropical Smoothie Cafe and Ideal Feet, and attended the Animal Shelter Advisory Meeting.

Mayor Gutierrez announced a special session November 16, at 6:00 p.m. - Please join us to say farewell to Councilmember Scott Larson and welcome our new Councilmember Jill Whittaker.

Adjournment

As there was no further business, Mayor Gutierrez adjourned the meeting at 9:47 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary