

DRAFT

MINUTES REGULAR MEETING December 1, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on December 1, 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 Jill Whittaker; 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; Deputy City Secretary Gayle Wilkinson

Call to Order - Regular meeting

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 Scagliola)

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

Presentation

- Fundraiser donation presentation from the Scenic Hills Subdivision to our first responders in Schertz. (C. Kelm/J. Mabbitt/B. Hill) Christin Taylor - Pat McMaster - Carol Najarian from Scenic Hills)

Members from the Scenic Hills Subdivision came forward and explained their recent fundraising event and presented the following proceed checks:

- Police Department \$400.00

- EMS Department \$600.00
- Fire Department \$400.00
- Citizen Life Saving award. (C. Kelm/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long who came and provided the following comments:

We are here is this evening to recognize a worker from First Street Assisted Living Center: Ms. Leslie Barrientes

Early in the morning of October 26, 2020, we had a fire alarm call come in at 0449 at the First Street Assisted Living Center from an alarm monitoring company. Our dispatchers quickly elevated this call to a structure fire which added additional fire engines. When Quint 1 and Battalion Chief arrived, they found smoke pouring out the front door and a window to the left of the front door. The Battalion Chief was quickly able to ascertain from Ms. Barrientes that all the residents were accounted for outside the building upon our crew's arrival. This allowed our fire crews to concentrate on the stopping the fire spread instead of searching the building for residents. Our fire crews were able to pull a fire line into the room where the fire had started, which was that room to the left of the front door and finish putting out the fire. The sprinkler system had also activated which assisted in keeping the fire from growing rapidly or spreading from the room of origin. I would certainly commend our fire crews for their quick work of this fire as well as the high-quality customer service that they provided. The Fire Marshal and Asst Fire Marshal arrived on scene shortly after to investigate the cause of the fire. Our firefighters then carried some of the burned and wet items outside and mopped up the floor so that we could get all the residents back inside.

Now, for the reason we are here. As we started gathering information one thing that quickly become apparent was the heroic actions of Ms. Barrientes. As I had mentioned earlier, everyone was outside the building when our Firefighters arrived. We discovered that when the fire alarm had sounded Ms. Barrientes was making sure everyone was up and getting out of the building. Then, recognizing that one of the resident's doors was not open she went to open the door but was unable to get it opened. Ms Barrientes acted quickly and without hesitation. She grabbed a chair and ran outside and broke the window and assisted the resident in getting out to safety. Her quick actions undoubtedly saved lives early this October morning.

Mayor Gutierrez and Fire Chief Kade Long presented Ms. Leslie Barrientes with a plaque for her lifesaving act.

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 30, 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 regarding Law Enforcement, police accountability, and the recent police violence:

- Michele Terelesky, 705 Marilyn, Schertz
- Sandra Kearns, 416 Eagle Flight, Cibolo
- Dana Eldridge, 2628 Gallant Fox Dr., Schertz
- Soctt Titterington, 5325 Storm King, Schertz
- Sandra Dieckhoner, 5005 Timber Springs, Schertz
- Josey Garcia, 147 Amber Knoll, San Antonio
- Brenda Pacheco, 218 Bean, San Antonio
- Jack Miller, 4839 Dick Gordon, San Antonio

Mayor Gutierrez provided the following comments:

Thank you, for sharing your views, we value your input. All sides of the spectrum have been presented during the Hearing of Residents. Everyone will have their own thought-provoking interpretation of the incident, dissenting opinions have value.

This Council is listening. Those on one side will reason with the other side. And vice

verse. Those, in the middle (my regrets) will receive it from both sides. Trying to persuade you to see it their way. Everyone has one common goal JUSTICE! This is what everyone is seeking.

Now I ask you?

It is fair to demand immediate action, when the process has not been completed. This process will take some time. How long? I don't Know

I Know - Patience is tough and patience bitter, but patience is also a key element to JUSTICE. For you see democracy cannot flourish when there is hate. Justice can not be served when there is rage.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following information on the upcoming events:

Thursday, December 3rd

“Deck the City Hall” Event

6:00 PM

Hal Baldwin Municipal Complex

In addition to the traditional Holiday tree lighting, we will be lighting the Hal Baldwin Municipal Complex! Enjoy live music, a craft, and hot cocoa.

Saturday, December 5th

Holidazzle Event sponsored by Schertz Parks and Recreation

Breakfast with Santa sessions at 8:00 AM, 9:30 AM, and 11:00 AM – Space is limited and tickets are \$10.00 each. Call the Parks & Recreation Office at 210-619-1850 for more information.

Kris Kringle Market from 9:00 AM – 4:00 PM

Holiday Hoopla ice skating rink, giant snow globe, Mt. Schertz snow hill, and snow angel play area from 2:00 PM – 8:00 PM

Holly Jolly Entertainment begins at 3:00 PM on the outdoor stage. Fireside Toasting & Roasting food trucks available for special treats!

Festival of Angels lighted night parade along Schertz Parkway and Main Street beginning at Pickrell Park at 6:00 PM and concluding at Community Circle Drive.

Social distancing will be encouraged and masks are required.

Tuesday, December 8th

Last regular Council Meeting for 2020

6:00 PM

Council Chambers

Wednesday, December 9th

City Council Special Workshop

6:00 PM

Civic Center Bluebonnet Hall

Workshop to address concerns regarding the chip seal project completed as part of the 2018 SPAM program.

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

None were provided.

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

Mayor Gutierrez stated he would like to thank Mike Patrick and Harmon BBQ for the Give Back Thanksgiving Dinner. Thank you sponsors and volunteers for your contribution to the success of this year's event. Over 1000 meals were served that is quite an accomplishment.

Congratulations to our City Secretary Brenda Dennis recognize by the Texas Municipal Clerks for her outstanding record management systems.

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.

Mayor Gutierrez read the following items:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Regular meeting of November 10, 2020, and the minutes of the Special meeting of November 16, 2020. (B. Dennis)
2. **Resolution No. 20-R-139** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for Schertz Main Street Local Flavor Economic Development Grants for 539 and 820 Main Street. (B. James)

3. **Ordinance No. 20-S-37** - Consideration and/or action upon a 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. *Final Reading* (B. James/L. Wood/ N. Kopylay)
4. **Ordinance No. 20-K-35** - Consideration/or action 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. *Final Reading* (B. James/L. Wood/E. Delgado)
5. **Resolution 20-R-140** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, awarding a professional services contract to Avant Strategic Partners for required bond arbitrage calculations and filing. (B. James/J. Walters)
6. **Resolution No. 20-R-119** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with AG|CM Inc, in an amount not to exceed \$32,663 for the construction management of the Schertz Pedestrian Routes & Bike Lanes Project and the Live Oak Road Turn Lane Addition. (B. James/L. Shrum)
7. **Resolution No. 20-R-118** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with D&S Concrete, in the amount of \$1,256,960.95 for the construction of the Schertz Pedestrian Routes & Bike Lanes Project and the Live Oak Road Turn Lane Addition. (B. James/L. Shrum)
8. **Resolution No. 20-R-134** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to enter into a lease agreement with Stryker Flex Financial for the acquisition of sixteen (16) Stryker Life Pak monitor/defibrillators, associated equipment and service plan. (C. Kelm/J. Mabbitt)

Mayor Gutierrez asked Council if there were any items to be removed from Consent for separate action. Mayor Gutierrez recognized Councilmember Scagliola who requested agenda item 3, Ordinance No. 20-S-37 be removed for separate action, and Mayor Gutierrez recognized Councilmember Whittaker who requested agenda item 2, Resolution No. 20-R-139 be removed

for separate action.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve consent agenda items 1, and 4 through 8.

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

Passed

Discussion and Action Items

The following were read into record:

2. Resolution No. 20-R-139 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for Schertz Main Street Local Flavor Economic Development Grants for 539 and 820 Main Street. (B. James)

Mayor Gutierrize recognized Assistant City Manager Brian James who addressed Councilmember Whittaker's questions regarding landscaping and why the look will be changing.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Resolution No. 20-R-139.

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

Passed

3. Ordinance No. 20-S-37 - Consideration and/or action upon a 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. Final Reading (B. James/L. Wood/ N. Kopyay)

Mayor Gutierrez recognized Councilmember Scagliola who stated that he had voted

no on this item and should not have been a consent item. He stated that in addition to the unanimous disapproval by Planning and Zoning Commission he voted no on his own concerns, and will likely do so again. His message is really to the Planning and Zoning Commission, we recognize what you do, and it really isn't an easy job and is greatly appreciated. Don't let the approval of this item discourage you and certainly do not take it out of context. There is a lot of things happening in our City and within our Planning and Zoning Department and this just maybe an anomaly. He is sure that they will get to the bottom of it in the very near future and find a strategy to move forward.

Moved by Councilmember Michael Dahle, seconded by Councilmember Jill Whittaker to approve Ordinance No. 20-S-37 on final reading.

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

NAY: Councilmember David Scagliola

Passed

- 9. Ordinance No. 20-T-38** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2020-2021 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. *First Reading* (M. Browne/B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who introduced this item addressing questions from Council.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-T-38 on first reading.

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

Passed

- 10. Resolution 20-R-141** - Consideration and/or action approving a Resolution adding Christmas Eve to the City's Holiday Schedule and authorizing Education Pay for Eligible Full-Time City Employees. (C. Kelm/J. Kurz)

Mayor Gutierrez recognized Director of Human Resources & Purchasing Jessica Kurz who introduced this item addressing questions from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Resolution No. 20-R-141.

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

Passed

Public Hearings

- 11. Ordinance No. 20-S-41** - Conduct a public hearing, consideration and/or action upon a request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU), 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 provided a PowerPoint presentation regarding this item.

Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. As no one spoke, Mayor Gutierrez closed the public hearing for Council comments. No Council comments were provided.

Moved by Councilmember Tim Brown, seconded by Councilmember Mark Davis to approve Ordinance No. 20-S-41 on first reading.

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

Passed

- 12. Ordinance No. 20-S-42** - Conduct a public hearing, consideration and/or action upon request to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), located at 539 Main Street, City of Schertz, Guadalupe County, Texas. *First Reading* (B. James/L. Wood/N. Kopyay).

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation regarding this item.

Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. As no one spoke, Mayor Gutierrez closed the public hearing for Council comments. No Council comments were provided.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-S-42.

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

Passed

- 13. Ordinance No. 20-S-40** - Conduct a public hearing, consideration and/or action upon a request for a Specific Use Permit to allow the ‘Commercial Amusement, Outdoor’ land use on approximately 17.5 acres of land, located at 18658 Interstate Highway 35 N, City of Schertz, Guadalupe County, Texas, also known as Wiederstein Ranch Lot 1, Block 1. *First Reading* (B. James/L. Wood/N. Kopyay)

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation regarding 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 Mr. Dana Eldridge, 2628 Gallant Fox Drive, who spoke in favor of the item, but concerns with the condition of Old Wiederstein Road and need for repair as more traffic will come from this new event. As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments.

Staff members Nick Kopyay and Assistant City Manager Brian James addressed questions from Council.

Moved by Councilmember Tim Brown, seconded by Councilmember David Scagliola to approve Ordinance No. 20-S-40 on first reading.

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

Passed

- 14. Ordinance No. 20-T-39** - Conduct a public hearing, consideration and/or action upon an Ordinance to extend the term of the Tax Increment Financing Reinvestment zone No. 2 (Sedona/Crossvine) and expand the boundaries. *First Reading* (B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item. Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. As no one spoke, Mayor Gutierrez closed the public hearing for Council comments.

Moved by Councilmember Tim Brown, seconded by Councilmember David Scagliola to approve Ordinance 20-T-39.

AYE: Mayor Pro-Tem Rosemary Scott, Councilmember Mark Davis, Councilmember Jill Whittaker, 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 14.

Workshop

- 15. 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/S. Hall)

Mayor Gutierrez recognized Emergency Management Coordinator Summer Hall who provided Council with the latest information regarding current numbers 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. Ms. Hall addressed comments and questions from Council.

- 16. City Council Liaison Appointments** - Discussion and possible action regarding various City Council liaison appointments. (Mayor/Council/B. Dennis)

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided a brief history on the annual choosing of the liaison appointments from Council and filling any vacancies due to the recent election. Mayor

Gutierrez provided each Councilmember an opportunity to voice their desires for the liaison positions. The positions are as follows:

- Councilmember Rosemary Scott - Interview Committee for Boards and Commissions and Schertz Animal Services Advisory Board.
- Councilmember David Scagliola - Cibolo Valley Local Government Corporation - Alternate; Hal Baldwin Scholarship Committee; Interview Committee for Boards and Commissions; and Schertz-Seguin Local Government Corporation.

Councilmember David Scagliola proposed Council create a position for a liaison with the Schertz Senior Center. City Secretary Brenda Dennis stated she would sit down with the YMCA and discuss the proposed liaison position and would bring it back to council as a future agenda item.

- Councilmember Mark Davis - Interview Committee for Boards and Commissions; Main Street Committee - Chair; Schertz Housing Authority Board; and TIRZ II Board.
- Councilmember Allison Heyward - Audit Committee; Investment Advisory Committee; and Main Street Committee.
- Councilmember Tim Brown - Main Street Committee and Schertz-Seguin Local Government Corporation - alternate.
- Councilmember Michael Dahle - Cibolo Valley Local Government Corporation; Interview Committee for Boards and Commissions; and TIRZ II Board.
- Councilmember Jill Whittaker - Audit Committee.

Councilmember Jill Whittaker expressed a desire to be on the TIRZ II Board. Assistant City Manager Brian James stated there were set spots on that board, and they would have to bring back an item to increase the board members or there was also a possibility of replacing one of the two members whose terms were up at the end of this month. City Secretary Brenda Dennis stated she will look into the positions open with the TIRZ II Board.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez mentioned that items 17 and 18 were informational items and the information was provided to Council as well as available to the public.

17. Update on Utility Billing Operation Changes. (B. James/J. Walters)
18. Update on Scope and Philosophy of the Comprehensive Plan and UDC Update. (B. James)

Requests and Announcements

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.
No requests were given.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda. No items requested.
- 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

Mayor Gutierrez adjourned the meeting at 7:59 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary