

DRAFT

MINUTES REGULAR MEETING January 5, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 5, 2021, 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 Staff: City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Manager Charles Kelm; City Attorney Daniel Santee; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez; Executive Director Economic Development Adrian Perez

Call to Order

Mayor Gutierrez called the 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 Brown)

Mayor Gutierrez recognized Councilmember Tim Brown who provided the invocation followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

Mayor Gutierrez stated he has a special announcement, Council and guests while seated it is perfectly fine for you to remove your mask or while speaking at the podium, but as you approach the dais or depart the Chamber we respectfully ask that you place your face mask back on.

City Events and Announcements

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

No announcements were provided.

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

No announcements or recognitions were provided.

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

Mayor Gutierrez wished everyone a Happy New Year and let's hope this year is better hope than the previous.

Hearing of Residents

Mayor Gutierrez read the following:

This time is set aside for any person who wishes to address the City Council. Each person is limited to 3 minutes, and we ask before addressing the Council, for the record, please state your name and address. Mayor Gutierrez stated that as you can see we have the five rules and will be suspending the rule of stating the address.

Mayor Gutierrez recognized Mayor Pro-Tem Scott who stated "Point of Order" she would like to suggest in lieu of that maybe just say the City that they are from, and would it be acceptable? Mayor Gutierrez recognized Councilmember Heyward who stated that this is one of the rules that has been in place since Hal Baldwin was the Mayor and we are suspending it because why, because some people don't want to give their address, and we tell the residents that they have to. She disagreed with suspending the rule of stating their address. If we are going to suspend it we should get rid of it all together, not just suspend it. With the objection being raised, Mayor Gutierrez stated that he would call for a vote from Council on the objection raised by Councilmember Heyward. He indicated that voting yes would enforce the requirement, if you vote no the address requirement is not necessary.

The vote was as follows: Those voting for (Yes): Councilmembers Davis, Whittaker, Scagliola, Heyward and Brown; those voting No: Mayor Pro-tem Scott and Councilmember Dahle. ***Motion passed and the address requirement is necessary.***

Mayor Gutierrez pointed out that the rules and procedures reference page number 14, article 12 section 12.2 it is required that you provide your name and address. We have an ordinance in case you question the enforcement of this request, Ordinance No. 19-M-29.

Mayor Gutierrez recognized Councilmember Scagliola who stated it says you need to provide your address, doesn't necessarily mean you need to verbalize your address if the address is present on the signup sheet that you have, for clarification wouldn't that be

providing an address? He thinks the City Secretary needs to keep tally of those who speak before the Council, and he believes that's the reason for the rule. Mayor Gutierrez asked Mayor Pro-Tem Scott if the addresses were provided on the sheet. Mayor Gutierrez asked Ms. Dennis what's the clarification on the address requirement, and if it is written on the sign in sheet is it necessary that it's announced, in answer she stated it is her understanding that their name and address be stated for the record. Mayor Gutierrez stated that is correct, and on the sheet this evening, three individuals did not place an address. Mayor Pro-Tem Scott stated that she did like the idea Councilmember Scagliola brought it up and if we could do that.

Mayor Gutierrez stated that the issue has already been voted on that the address requirement was necessary, and he thinks it was confirmed. He stated while speaking at the podium your address will be required.

Mayor Gutierrez and Mayor Pro-Tem Scott recognized the following who spoke:

- Mr. Leonard Moore who stated that if he could just take a moment and address the rule of why some of us do not feel comfortable giving their address. He is certain it's obvious to all of you and if it is not it should be. Some people do not feel safe giving their address with all the rioting, looting, and spoke to a recent issue regarding a Congress person who was vandalized. Mr. Moore continued explaining and asked if they were going to pay to remove the spray paint, pay to replace windows? No. That is why some of them are scared to give our address. He feels like they need to vote on that again and take that into consideration. Mayor Gutierrez thanked Mr. Moore for his comments and stated that we will go ahead and move on. Mr. Moore provided the following address for the record 1653 N. Santa Clara 78124. Mr. Moore provided comments on history, hypocrisy and his expectations. (For a full version regarding the rest that Mr. Moore spoke about, please go to the City's website at www.schertz.com to view the meeting). Mr. Moore continued for his 3 minutes.
- Mrs. Mandy Moore, 1653 N. Santa Clara 78124, she commented on the last time she spoke, she asked what did humanity mean to them and that we all make mistakes. All they are asking is that they are heard, requesting Council put an item on the agenda regarding the need to change the training for the Police. She would like to have conversations with the Council, wants them to listen and have a back and forth conversation.
- Mrs. Maggie Titterington, who addressed Council on their upcoming events, and a shout out to Gil Durant and Mr. James for assisting a new business owner with permitting. Councilmember Davis reminded Mrs. Titterington to state her name and address for the record. Mrs. Titterington stated her name and her address of 1730 Schertz Parkway for the record. A list of events can be found on their website.
- Mr. Dana Eldridge, 2628 Galant Fox Drive, who spoke on a recent incident that occurred at the Schertz Housing Authority facility, and a shout out to the staff who quickly got the gas back on for the residents. He also addressed police training, parental training, job training, military training and that we all go through training.

He also spoke about providing the training in his career and different situations. He stated our police constantly go through training - the problem that we are having is the fact that we are not having parental training to teach our children how to properly handle situations. Again we all train every day of our life's learning the job.

- Mr. Jack Miller, didn't state his address and stated that he handed out to each member of Council a packet training record for Officer Chavarria, which is what the city released to him. Mayor Gutierrez asked Mr. Miller to provide his name and address. He stated that his name is Jack Miller currently he is homeless, he is trying to establish an address and asked the Mayor if he would gladly share his address with the public, he will establish his residency at his house, he will have a cot, it will be halfway on the sidewalk so as not to block it and halfway into his yard, because it is not trespassing unless he fully enters his yard. Mr. Miller stated that if the Mayor did not want to do that by the next council meeting he will have an address established. It will either be his, the Police Chiefs or one of your addresses (pointing to the Council). If anybody would like to share with him their address we can get that done, and he can provide you one right away, but currently he is homeless. Mr. Miller asked if he may begin talking? He is working to establish residency, and he hopes that the fact that he is homeless doesn't prevent him from speaking publicly. Mayor Gutierrez asked Council if they would make an exception on this? No. Mayor Gutierrez recognizing Councilmember Heyward stated that they had already voted that you have to provide an address, and he needs to give an address, those are the rules that they passed. Mayor Gutierrez stated that Council has made the rule, a question from Mr. Miller, what address should he use, in answer Mayor stated if he could provide the shelter address. Mr. Miller stated that he just got kicked out of the shelter right before the meeting, well my house, and I don't even own the house, so he is homeless. Mayor Gutierrez stated that he wasn't going to allow Mr. Miller to speak but thanked him for showing up. Mr. Miller provided the address of the Bexar County Jail (he spoke so fast it was not audible) because that is probably where he will be tonight. The Mayor accepted that address. Mr. Miller asked if they could get the timer reset, Mayor stated no it is still on. Mr. Miller stated that they were discussing the address thing and wanted to know if they were really going to run the time while discussing his address? Mayor Gutierrez indicated that we were wasting time - Mr. Miller argued with the Mayor about the time remaining. The Mayor granted Mr. Miller three (3) minutes by his watch, and Mr. Miller began speaking about the investigation and that they found one policy violated and that was about being polite. He actually received the policy by another Police Officer today and in five minutes he identified eight (8) policies that were violated. He will provide everyone a copy of those eight (8) policies and additional ones he finds in the future. He spoke on Officer Chavarria's record with points of interest, as he continued his time was up. Mayor Gutierrez indicated that Mr. Miller's time was up, Mr. Miller got angry due to him not being able to finish and again the Mayor told Mr. Miller that he had set his watch and his time was up. Angry, yelling and screaming slamming open the exit doors, Mr. Miller left the 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.

Mayor Gutierrez read the following items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of December 08, 2020 and the Special Workshop Session meeting of December 09, 2020. (B. Dennis)
2. **Resolution No. 21-R-01** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)
3. **Ordinance No. 21-M-02** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas reaffirming the Council Code of Ethics, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. (*First & Final*) (Mayor/Council)

Mayor Gutierrez asked Council if there were any items to be removed from Consent for separate action. No items were removed.

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

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:

4. **Boards, Commissions and Committees**
Appointments/Reappointments/Resignations - Consideration and/or action approving the resignation of Mr. Bob Cantu from the Reinvestment Zone Number Two (TIRZ) Board of Directors, reappointing Mr. Michael Dahle and Mr. Gary Inmon, and filling the current vacancy. (Mayor/Council)

Mayor Gutierrez recognized City Secretary Brenda Dennis who introduced this item stating that tonight Council will be considering the resignation of Mr. Bob Cantu, reappointing Councilmember Dahle and Mr. Gary Inmon. She stated that Council will need to decide from the following who will fill the vacancy of Mr. Cantu. Candidates are former Councilmember Scott Larson, Councilmember Allison Heyward and Councilmember Jill Whittaker. Mayor Gutierrez recognized Councilmember Heyward who stated that due to other obligations, she is withdrawing her name.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve the resignation of Mr. Cantu, reappoint Mr. Gary Inmon and Councilmember Dahle and appoint Councilmember Whittaker to fill the vacancy of Mr. Cantu.

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

- 5. Resolution No. 21-R-03-** Conduct a public hearing, consideration and/or action approving a Resolution accepting a petition for voluntary annexation of approximately 142 acres of land located generally 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas. (B. James/ L. Wood/ E. Delgado)

Mayor Gutierrez recognized Planner 1 Nick Kopyay who introduced this item. Mayor Gutierrez opened the public hearing for those wishing to speak and as no one spoke; closed the public hearing for Council comments. Mr. Kopyay addressed questions from Councilmembers.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Resolution No. 21-R-03.

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

6. **Ordinance No. 21-S-01** - Conduct a public hearing, consideration, and/or action approving a request to rezone approximately 10.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located southeast of the intersection between Hallie Chase and Hallie Loop, more specifically described as Hallie's Cove Subdivision Units 4A and 4B, City of Schertz, Bexar County, Texas. *First Reading* (B. James/L. Wood/N. Kopyay)

Mayor Gutierrez recognized Planner 1 Nick Kopyay who introduced this item. Mayor Gutierrez opened the public hearing for those wishing to speak and as no one spoke; closed the public hearing for Council comments. Mr. Kopyay and Assistant City Manager Brian James addressed questions from Councilmembers.

Moved by Councilmember Tim Brown, seconded by Councilmember Jill Whittaker to approve Ordinance No. 21-S-01 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

Workshop

7. **Chapter 30 Fire Prevention and Protection** - Workshop discussion related to the updated Schertz Code of Ordinances, Chapter 30 Fire Prevention Code, and local amendments related to adopting the International Fire Code, 2018 Edition. (M. Browne/J. Kelm/K. Long)

Mayor Gutierrez recognized Fire Marshal Tomas Pinder who provided a PowerPoint presentation regarding the need to update the current code addressing questions from Council. (A copy of the PowerPoint can be found in the City Secretary's Department)

8. **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 a PowerPoint presentation on the COVID virus and EOC activities addressing questions from Council. Ms Summer also in the presentation provided information regarding the vaccination update and the City of Schertz being a vaccine provider. Ms. Summer indicated that all this information will be made available on the city's website.

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for the special vote of requiring citizens to state their address for the record and agenda items 1 through 6.

Closed Session

Mayor Gutierrez recessed the regular meeting into Closed Session at 7:36 p.m. and read the following items into record.

9. City Council will meet in closed session under section 551.074 of the Texas Government Code, Personnel Matters, to conduct the annual evaluation of the City Secretary, Brenda Dennis.

10. City Council will meet in closed session under 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 back into regular session at 9:23 p.m.

9a. Take any action based on discussions held in closed session under Agenda Item 9. No action was taken.

10a. Take any action based on discussions held in closed session under Agenda Item 10. No action was taken.

Roll Call Vote Confirmation - Roll call vote confirmation as no action was taken on items 9A and 10A.

Requests and Announcements

- Announcements by the City Manager. Nothing further was added.
- Requests by Mayor and Councilmembers for updates or information from staff. Mayor Gutierrez recognized Councilmember Dahle who requested an update in the SPAM program regarding Schertz Parkway
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda. Mayor Gutierrez recognized Councilmember Scagliola who stated that he would like to once again receive City Department updates to include highlights from the year and where they are going in the future.
- 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 the following members of Council:
Councilmember Michael Dahle who thanked Assistant City Manager Charles Kelm with assisting him with a problem a resident had.

Councilmember David Scagliola who stated Happy New Year.

Adjournment

Mayor Gutierrez adjourned the meeting at 9:25 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary