

# DRAFT

## MINUTES REGULAR MEETING January 26, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 26, 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

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

Mayor Pro-Tem provided the opening prayer 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.

### **Employee Recognition**

#### ***Employee Service Pins***

*City Manager Dr. Mark Browne presented the following service pins and thanked those*

*employees for their many years of service to the City:*

- 20 year Service Pin awarded to Shelley Krauss - (M. Browne)
- 20 year Service Pin awarded to Michael Jernigan - (M. Browne)
- 20 year Service Pin awarded to Mack Melancon - (M. Browne)

Each employee introduce their family members who were present.

## **City Events and Announcements**

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

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following information:

Saturday, January 30, 2021 Health & Wholeness Fair - 10 AM – 1 PM,  
Schertz Civic Center - Free to the Public

Tuesday, February 2nd - Next regular scheduled Council meeting

March 4th-May 6th - The Schertz Police Department is hosting the Citizens Police Academy starting March 4, 2021 and ending on May 6, 2021. The classes are every Thursday from 6pm-9pm. At this time, the location of the class is to be determined. Depending on how many applications we receive will depend on having the classes in the PD training room or another location.

Applications are available at the Police Department or by visiting the Schertz website [www.Schertz.com/351/Schertz-Citizens-Police-Academy](http://www.Schertz.com/351/Schertz-Citizens-Police-Academy), completing the PDF application, and returning the application to the Schertz Police Department, attention Officer Anna Kraft.

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

City Manager Dr. Browne thanked the Fire Department and all Public Safety Employees who executed a great vaccine clinic. He also thanked all other staff members who volunteered their time to make this event go smooth. Particular thanks to Emergency Management Coordinator Summer Hall and Fire Chief Kade Long and Assistant City Manager Charles Kelm for their leadership. Also, a special thanks to all those volunteers from our surrounding cities.

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

Mayor Gutierrez also thanked all Schertz staff members, our partners from Selma, Cibolo, Seguin, New Braunfels, Live Oak as well as County staff and our Community volunteers for helping with our vaccine clinic. The success of vaccinating over 1000 individuals could not have been accomplished without having everyone's participation. We say thank you very much!

## Hearing of Residents

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 read the five rules that were on the overhead. For the record please state your name address.

***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:

- Mr. Jack Miller, 4839 Dick Gordon Street, Kirby who addressed the council regarding the officers comments "if you don't calm down, they were going to get it" - that is his beef. The officer indicated that if they didn't calm down, Mr. & Mrs. Rayford - the black citizens who were angry were going to get it. Officer indicated that he was going to take some type of police action if they didn't calm down. Mr. Miller showed 3 words "angry black citizen" on a storyboard. If police ever encounter them in any form, angry black, angry citizen, black citizen, they can not take any police action unless they have a reason. He has not seen anything where Officer Chavarria will not take that action again. No one is telling him that was a problem. There was a long silence - - Mr. Miller indicated that that is how long it took Mr. Rayford to stop when the cops turned on their lights, and just to let everyone know just the other day he got pulled over for a taillight that was out, it took him a minute and 30 seconds to stop, on purpose because he called the department to verify that he was actually being pulled over by a police officer. He wasn't tased, nothing happened. The video is going to come out and it is going to show contrast of how the police handled someone who wasn't going stop. Shout out to the officers, if they didn't make the decision to stop Mr. Rayford without seeing a violation he, Mr. Miller would not be here today having this much fun.
- Mr. Leonard Moore, 1653 N. Santa Clara, 78124 who addressed Council providing an example of a dog that was misbehaving and the owner beating the dog, "why are young kids are less than dogs". What did Mr. Rayford do to earn contempt of his life. Mr. Moore continued stating he is not asking for discussion, he is asking to change the policies so police can not do the same anymore as the officers did to Mr. Rayford. Doesn't want words, wants actions.
- Mrs. Mandy Moore who addressed Council again as a matter of importance to

have policy changes. Mrs. Moore continued asking Council to change the policies. Mayor Gutierrez when Mrs. Moore was finished asked her to please state her name and address for the record. She stated "Mandy Moore 1653 N. Santa Clara, 78124."

Mayor Gutierrez asked City Secretary Brenda Dennis if anyone had emailed her a request, she indicated she had not received any at this time.

## **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 followin into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of the regular meeting of January 12, 2021. (B. Dennis)
2. **Resolution 21-R-08** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an agreement for Management Services between the City of Schertz and the Schertz/Seguin Local Government Corporation (SSLGC) and other matters in connection therewith.
3. **Resolution No. 21-R-09** - Consideration and/or action approving a Resolution authorizing the seventh amendment to the Interlocal Agreement with the Alamo Area Council of Governments (AACOG) to provide funding in the amount of \$42,666 for transit services in the City of Schertz. (M. Browne/B. James)
4. **Resolution No. 21-R-10** - Consideration and/or action approving a Resolution authorizing and approving the Investment policy and Investment Brokers and other matters in connection therewith. (B. James/J. Walters)
5. **Resolution 21-R-07** - Consideration and/or action approving a Resolution authorizing an amendment to the Professional Services Contract with Ford Engineering for the Elbel Storm Drain and Overlay Project to add signalization of the Westchester intersection to the project. (C. Kelm/K. Woodlee/J. Nowak)

Mayor Gutierrez asked Council if there were any items they wished to remove for separate action, as there were none, Mayor asked for a motion to approve consent agenda items 1 through 5.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michael Dahle to approve consent agenda items 1 through 5.

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

Mayor Gutierrez read the following items into record:

### Public Hearings

- 6. Ordinance No. 21-A-04-** Conduct a public hearing, consideration and/or action for an Ordinance on a request 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) *First Reading*

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item providing a PowerPoint presentation regarding the request. Ms. Delgado also pointed out a change that was made after Council received their packet and it was for clarification on terms of the length of the service agreement, this change will be in their packet of information for final reading. Mayor Gutierrez opened the public hearing for those wishing to speak. As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments and questions.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve Ordinance No. 21-A-04 on first reading with the change noted in the service agreement.

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

7. **Ordinance No. 21-S-03-** Conduct a public hearing on a request to rezone approximately 142 acres of land to Manufacturing District- Light (M-1). The subject property is 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) *First Reading*

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item providing a brief PowerPoint. Mayor Gutierrez opened the public hearing for those wishing to speak. As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments and questions.

Moved by Councilmember Tim Brown, seconded by Councilmember Michael Dahle to approve Ordinance No. 21-S-03 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

8. **Resolution No. 21-R-06 -** Conduct a public hearing, consideration and/or action approving a resolution accepting a petition for voluntary annexation of approximately 214 acres of land generally located approximately 6,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 309419, 309811, 310011, and 310013, City of Schertz, Bexar County, Texas. (B. James/ L. Wood/ N. Kopyay)

Mayor Gutierrez recognized Senior Planner Nick Kopyay who introduced this item providing a brief PowerPoint. Mayor Gutierrez opened the public hearing for those wishing to speak. As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments and questions.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve Resolution No. 21-R-06.

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

**9. Appointment of the Mayor Pro Tem** - Discussion and consideration and/or action regarding the confirmation, appointment or election of the Mayor Pro-Tem. (Mayor/Council)

Mayor Gutierrez stated the Mayor Pro-Tem shall be a Councilmember appointed by the City Council for a term and pursuant to procedures established by the City Council from time to time. The Mayor Pro- Tem shall act as Mayor during the absence or disability of the Mayor and in this capacity shall have the rights conferred upon the Mayor. While acting as Mayor, the Mayor Pro-Tem may vote on any matter before the City Council. Council to discuss the next qualified Councilmember to serve which at this time is Councilmember Jill Whittaker. It was consensus of Council to appoint Councilmember Jill Whittaker as the next Mayor Pro-Tem and indicated that she would be sworn it at the next Council meeting.

Moved by Councilmember Allison Heyward, seconded by Councilmember Mark Davis to appoint Mrs. Jill Whittaker as the next Mayor Pro-Tem.

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. 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 current COVID virus and EOC activities. Ms Summer also in the presentation provided information regarding the vaccination update and the City of Schertz being a vaccine provider and how the last clinic was held and executed. Ms. Hall indicated that during the last vaccination clinic they saw areas in which they will be making improvements should the City once again be able to be a vaccine provider. Ms. Hall addressed questions from Council.

**11. 2018 SPAM Resurfacing** - Discussion and direction on the 2018 SPAM Resurfacing (chip seal) project and on future SPAM project efforts. (M. Browne/B. James/K. Woodlee/J. Nowak)

Mayor Gutierrez recognized City Engineer Kathy Woodlee and City Engineer John Nowak who provided a PowerPoint presentation regarding the following:

- Pavement Preservation Projects
- Complete Project Overview
- 2020 Project Overview
- How do we select projects
- How do we select treatments applied
- Chip Seal Complaints
- Remedial Recommendations
- Recommendations for future resurfacing efforts
- 2020 SPAM resurface projects moving forward

Mrs. Woodlee and Mr. Nowak addressed questions from Council.

**12. Utility billing overdue account discussion** - Workshop discussion on the utility billing process for handling overdue accounts. (B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who reviewed with Council the current practice on handling of overdue utility accounts with Council before any changes occur.

Mr. Walters stated previously, the City would send out a late and penalty notice to citizens who missed a payment on their utility bill. Those customers would be given 10 days to pay their water would be turned off. The Meter Technicians would be called out to residences each month to turn off water for non-payment and staff found this to prompt those residents to pay their utilities.

Once COVID-19 started, staff stopped doing turn-offs to help customers that were negatively affected by the pandemic. At the time it was unclear how long and how large the effect the pandemic would have on the community.

The longer the pandemic went on, some residents began to not pay their bills. This was expected and hopefully allowed those customers to instead pay other necessary bills while they weathered the crisis.

Now staff has noticed some accounts with much larger balances. There is a concern those accounts may find it difficult pay back the balance even after the pandemic passes. This is an unintended side effect of the prolonged nature of the pandemic.

Simply writing this amount off could be considered a gift of public funds and not a good solution. Staff has begun to reach out to those account with larger balances to see if they are willing to enter into a payment contract or at least agree to paying 20% of their bill each month to slow the growth of the balance. No accounts are being turned off at this time.

Staff is considering resuming turn-offs for those not affected by COVID and encouraging those that are to commit to paying part of their balance each month to make it less of a burden when the economic pressures start to ease.

Council provided their thoughts and feed back asking questions of staff. Council was in agreement that they wanted to continue to not do penalties and resume turn-offs with a screening process to exempt or help those affected by COVID-19.

Councilmember Davis requested the amount owed report be broken down into resident versus business.

- 13. Department's performance for 2020** - City Department Heads from the Library, Information Technology, Police Department, Fire Department, and Emergency Medical Services will provide an annual update on their Department's performance for 2020. (M. Browne/B. James/C. Kelm/M. Uhlhorn/M. Clauser/M. Hansen/K. Long/J. Mabbitt)

Mayor Gutierrez recognized the following who provided Council with a 2020 performance PowerPoint report on their departments as well as provided information on how their departments were affected by the COVID 19 virus.

Melissa Uhlhorn - Library Director  
Myles Clauser - IT Director  
Police Chief - Michael Hansen  
Fire Chief - Kade Long  
Jason Mabbitt - EMS Director

### **Roll Call Vote Confirmation**

City Secretary Brenda Dennis provided the roll call vote confirmation for agenda items 1 through 9.

### **Closed Session**

Mayor Gutierrez recessed the regular meeting into Closed Session at 9:12 p.m. and read the following item into record:

- 14.** 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 Manager, Dr. Mark Browne.

## **Reconvene into Regular Session**

Mayor Gutierrez reconvened back into regular session at 10:57 p.m.

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

Mayor Gutierrez asked Council if there was a motion

Moved by Mayor Pro-Tem Rosemary Scott, seconded by Councilmember Allison Heyward to continue to retain Dr. Browne as our Schertz City Manager and offer a pay increase of \$3500.00 effective on the next pay cycle.

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**

City Secretary Brenda Dennis provided the roll call vote confirmation for agenda item 14A.

## **Requests and Announcements**

- Announcements by the City Manager.

City Manager Dr. Browne wanted to thank the Public Affairs staff for the work they did to communicate out information on our recent vaccine clinic. Thanked the Mayor and his wife Raquel and several other members of Council and community members who assisted with the vaccination clinic.

- Requests by Mayor and Councilmembers for updates or information from staff. No information requested.
- 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

Mayor Guterrez recognized the following Councilmembers"

Councilmember Dahle who stated that he attended the Chamber Luncheon, and the mixer at Schertz Auto.

Councilmember Scagliola who also stated he attended the Chamber Luncheon and the Schertz Auto Mixer.

Councilmember Heyward stated she attended the Schertz Auto Mixer as well as attended the Schertz Vaccine Clinic.

Mayor Gutierrez thanked all those involved in the success of the vaccination clinic he too attended both days and appreciated all the work it took to make this happen recognizing all those that volunteered.

### **Adjournment**

Mayor Gutierrez adjourned the meeting at 11:01 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary