

# DRAFT

## MINUTES REGULAR MEETING February 23, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 23, 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 Jill Whittaker; Councilmember Mark Davis; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Rosemary Scott

City Manager Dr. Mark Browne; Assistant City Manager Brian James;  
Staff: Assistant City Manager Charles Kelm; City Attorney Daniel Santee; Assistant to the City Manager Sarah Gonzalez; City Secretary Brenda Dennis

### **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 Scagliola)**

Councilmember Scagliola 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.

### **Presentations**

- Texas Festival & Event Association's Kaliff Marketing Awards. (M. Browne/B. James/L. Shrum)

Mayor Gutierrez recognized Parks, Recreation and Community Services Director

Lauren Shrum who provided the following information regarding the recent Kaliff Marketing Awards they received:

First Place: Best Miscellaneous On-Site Decor - Daddy Daughter Dance (featured recognition Michelle Yang, Robert Dobratz, Niki Kromer, Art Ortiz)

First Place: Best Other Merchandise - Kick Cancer-Pep Rally 5K Run (featured recognition City of Schertz Public Affairs)

First Place: Best Educational Program - Nature Discovery Series (featured recognition Texas Master Naturalists Program)

First Place: Best Inclusivity Program - Trunk-or-Treat Sensory Area (featured recognition Special Education Parent Advisory Committee and the City of Cibolo)

Second Place: Best Single Magazine Display Ad - Daddy Daughter Dance (featured recognition City of Schertz Public Affairs)

Third Place: Best Outdoor Billboard - Holidazzle (featured recognition City of Schertz Public Affairs)

Mayor and Council congratulated the Parks, Recreation and Community Services department and others who assisted on these accomplishments.

## **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 announcements:

### **Tuesday, March 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 at [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)

Mayor Gutierrez recognized City Manager Dr. Mark Browne who thanked our tremendous staff for all the work they did last week during the Winter storm. It was unbelievable the amount of effort and hours they put in, some literally 24 hours per day to ensure that our systems were safe. Particularly our Public Works Staff, Public Safety Staff. He stated that it would take him too long to start recognizing them by name. The staff really went above and beyond the call of duty to make sure the City was as safe as possible. A tremendous effort by the entire team - thanks to all. We look forward to some appropriate ceremony where we can honor some of the individual efforts that took place.

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

Mayor Gutierrez asked to please join him in applauding our Public Works Crews, they did an excellent job. Their dedication and commitment to providing the services that were needed to our city, he cannot say enough. Thank you to our team for their efforts and dedication to this community.

### **Hearing of Residents**

*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:

- Carl Douglas, 2550 Woodland Village, who addressed the Council regarding Henry Gutierrez who died approximately three/four years ago, Christmas Eve. He asked if it was now a cold case type incident or has it been turned over to another jurisdiction. He addressed the Council regarding the recent power outages and the ability for the city to notify the residents. He addressed the Council regarding the COVID-19 vaccination sign-up and how to sign-up and get on this list and the need to get more information out to community regarding the process.
- Mr. Dean Weirtz, 4301 Monument Pass who stated that the effects of the last 12 months have had a negative effect on communities, individuals and cities. Mr.

Weirtz reflected as to the nature of each of the events and provided information on (1) COVID-19 Pandemic; (2) the terrible divide citizens of our nation have been forced to endure during and beyond the Presidential political campaign of 2020, political distrust and hate from those possessing different opinions; (3) the destructive winter weather that produced serious hardships and even death within many of the Texas communities. These three events occurring together might well be considered what we sometimes call the perfect storm.

He spoke regarding his dealing with COVID and the winter survival issues over the past few weeks. He spoke about the outstanding community responses to at least two of the three aforementioned crises which deserves public acknowledgement and praise; that is the COVID Pandemic event and the winter crises. He feels strongly enough about his family's experience which has had such appreciation for the services received that it prompted him to appear at this public forum to publicly commend those responsible for relief services provided. He continued complimenting staff on the outstanding planning and accommodations of the vaccines and the outstanding services of providing warming stations during the winter crisis.

- Mr. Richard Elder, 4317 Willow Oak who spoke regarding Schertz survival of the recent winter storm - cold blast, a well-timed rolling blackout from GVEC and water availability from the City of Schertz. He spoke regarding the Schertz Fire/EMS and Ambulance crews performed very well. Schertz 911 Center made a well-timed 911 call back when the AT&T Uverse digital phone could receive calls but not complete calls - the call back procedure worked well.

He spoke regarding the COVID-19 Vaccine situation and process in San Antonio. He addressed the Council regarding the need to get information out to Schertz Seniors. Suggestions on how to contact them, via Meals on Wheels program list, enlisting church, fraternal and club organizations to contact seniors. Enlist the Congressional staff to accomplish an emergency FCC Media Brach "STA" or Special temporary authority FM Broadcast station to play a tape of the current status of appointments. The "STA" is good for 6 months and is renewable.

He suggested using a wait list system, if coded as to a category date of sign up, the sequence number for that day, that information can be broadcast on the FM station without a personal information issue.

Is Schertz prepared for the really big event? Are critical support functions backed up with standby - backup generators? Are backup resources exercised on a regular basis and realistically? Are functional systems like sewer lift stations equipped with backup? When was the last time the Schertz Emergency Operations Center ran on generator for 3-5 days requiring a refueling contractor to support continued generator operations?

Lastly, he spoke about a possible section within the City of Schertz website, might

outline how Schertz is prepared for disaster situations of this recent degree and operational test and evaluation - life is full of examples.

Mayor Gutierrez recognized and asked City Secretary Brenda Dennis if she had received any emails for inclusion, she indicated no.

### **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 Special Workshop Retreat Meeting of February 5, 2021 and the minutes of the Regular Meeting of February 9, 2021. (B. Dennis)
2. **Boards, Commissions and Committee Member Resignations** - Consideration and/or action approving the resignation of Mr. Paul Ryson from the Transportation Safety Advisory Commission. (M. Browne/B. Dennis)
3. **Resolution 21-R-16.** Presentation and consideration and/or action regarding the 2020 Annual Racial Profiling Report. (M. Browne/C. Kelm/M. Hansen)

Mayor Gutierrez asked Council if there were any items they wished to be removed for separate action. Mayor Gutierrez recognized Mayor Pro-Tem Whittaker who requested that agenda item 3 be removed.

Moved by Mayor Pro-Tem Jill Whittaker, seconded by Councilmember Mark Davis to approve consent agenda items 1 & 2.

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

Passed

### **Discussion and Action Items**

**3. Resolution 21-R-16** - Presentation and consideration and/or action regarding the 2020 Annual Racial Profiling Report. (M. Browne/C. Kelm/M. Hansen)

Mayor Gutierrez recognized Mayor Pro-Tem Whittaker who addressed several questions to staff and provided her observations of the 2020 Annual Racial Profiling report. Members of Council also provided their observations of the report and addressed questions. Council continued with a lengthy discussion of this item.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Resolution No: 21-R-16.

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

Passed

### Public Hearings

**4. Ordinance No. 21-A-05** - Conduct a public hearing and consideration and/or action on a request for voluntary annexation of approximately 214 acres 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, Bexar County, Texas. *First Reading* (B. James, L. Wood, N. Kopyay)

Mayor Gutierrez recognized Senior Planner Nick Kopyay who provided a PowerPoint presentation introducing this item.

Mayor Gutierrez stated that as this is a public hearing he opened the public hearing for those wishing to speak. As no one spoke; Mayor Gutierrez closed the public hearing for Council comments. No comments were made or provided by Council.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Ordinance No. 21-A-05 on first reading.

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

Passed

5. **Ordinance No. 21-S-06** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 229 acres of land to Planned Development District (PDD), 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. *First Reading* (B. James, L. Wood, N. Kopyay)

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

Senior Planner Nick Kopyay addressed several questions from Councilmembers. A lengthy discussion was held by each member of Council who provided their views and thoughts on approval or disapproval of the proposed zoning change.

Moved by Councilmember Michael Dahle, seconded by Councilmember Tim Brown to approve Ordinance No. 21-S-06 on first reading.

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

NAY: Councilmember David Scagliola

Passed

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 5.

## **Workshop**

6. **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 Summar Hall who provided information regarding the following:

- Vaccination update (vaccination clinic this week (February 25th))

Received 1st Dose Allocations - Moderna 300 - did not receive last week due to storm

Received 1st Dose Allocations - Pfizer 1170 - week 11 allocation

- Current Case Numbers for Guadalupe, Comal and Bexar County
- EOC Activities - Current Numbers
- Active County Case Counts
- SCUCISD Active Case Counts
- State of Texas Testing Positivity Rates
- State Disaster Declaration - February 4, 2021, Governor Abbot extended State Disaster Declaration for additional 30 days. City of Schertz declaration follows State.
- Daily New Cases - State
- State Hospitalization Rates
- Hospitalizations Bexar County

7. **Winter Weather Emergency Declaration of Local Disaster for Schertz, Texas** - Workshop discussion and update regarding the Winter Weather Emergency Response, our Declaration of Local Disaster, and impacts of power outages on our residents and water system. (M. Browne/C. Kelm/K. Long/S. Hall)

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who provided a PowerPoint presentation regarding the Winter Storm Response. Highlights included:

**Winter Storm Timeline:**

Emergency Response Operations

- Public Safety Calls (Feb 15-19, 2021)
- Police Department Operations
- Fire Department Operations
- Emergency Medical Services Operations
- Public Works Operations (24 Hour Operations)
- Utilities
- Utility Recovery
- Significant Challenges

- Stone Crest Apartments
- Recovery Efforts

### **Roll Call Vote Confirmation**

Mayor Gutierrez no roll call vote confirmation was required regarding the workshop items.

### **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

Mayor Gutierrez mentioned agenda items 8 and 9 that were in the City Council packets as well as the information could be found online. No action necessary.

8. Mayor and Council Compensation. (B. James/J. Walters)
9. SEDC Annual Report FY 2019-2020. (M. Browne/A. Perez)

### **Requests and Announcements**

- Announcements by the City Manager.

No further announcements were provided.

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

No requests were given at this time.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

No items requested 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 the following:

Mayor Pro-Tem Whittaker stated that she attended the Northeast Partnership Luncheon last week, as well as assisted with the COVID Clinic.

Councilmember Scagliola stated he attended The Chamber Luncheon today.

Councilmember Heyward stated she attended and assisted with the COVID Call Clinic, attended the Northeast Partnership meeting, assisted with the COVID Clinic, attended the Guadalupe County Precinct 3 Constable Food Drive, and attended the Chamber Luncheon today. She commented on the State of the City Videos that the Cities of Schertz, Selma and Cibolo provided.

Councilmember Brown stated he attended the Chamber Luncheon today, and the City of Schertz State of the City Video is the best one.

### **Adjournment**

Mayor Gutierrez adjourned the meeting at 8:30 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary