

DRAFT

MINUTES
REGULAR MEETING
April 6, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 6, 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 Rosemary Scott; 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; Deputy City Secretary Sheila Edmondson; 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)

Councilmember Brown 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.

Mayor Gutierrez stated that students who are participating in the Hal Baldwin Scholarship and are present to sign in on the sheet in the back.

UPDATE: Due to COVID-19, students are encouraged to watch a City Council

meeting on the City's YouTube channel:

For more information, contact Sarah Gonzalez by email at sgonzalez@schertz.com.

Presentations

- 2020 Achievement of Library Excellence Award - Presentation regarding the Texas Municipal Library Directors Association Excellence Award. (M. Browne/B. James/M. Uhlhorn)

Mayor Gutierrez recognized Melissa Uhlhorn, Library Director who provided information regarding the requirements necessary to achieve this award. Mayor and Council congratulated Melissa for such an achievement.

Proclamations

Mayor Gutierrez read and presented the following proclamations:

- Proclamation recognizing the Month of the Military Child. (Mayor/J. Cofee)
- Proclamation recognizing Sexual Assault Awareness Month. (Mayor/A. Story)
- Proclamation recognizing Alcohol Awareness Month. (Mayor/A. Alston/V. Adams)

Employee Recognition

Mayor Gutierrez recognized the following Department Heads who introduced their new employees.

- EMS - Administrative Assistant, Adriana Rutledge; EMT's Levi Flickinger, James Garcia, Michael Koerner; EMS Paramedic Tyler Wilson (C. Kelm/J. Mabbitt)
- City Secretary - Deputy City Secretary, Sheila Edmondson. (Mayor/B. Dennis)
- Planning & Community Development, Planner 1, James May. (B. James/L. Wood)
- Utility Billing - Utility Billing Clerk, Charis Kempen. (B. James/J. Walters/D. Hardin-Trussell)

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 announcements:

Saturday, April 10th - Nature Discovery Series
"What's Buzzing & Blooming"
Crescent Bend Nature Park
9:30 AM

Sunday, April 11th

Movin' on Main

Wellness event on Main Street

12:00 PM – 4:00 PM

(Road closures in effect from 8:00 AM – 7:00 PM)

Tuesday, April 13th

Next regular scheduled Council meeting

Special Joint Meeting with Planning & Zoning Commission

5:30 PM

Sundays, April 18th through May 23rd

Adult Kickball League (ages 21 years and older) sponsored by the Schertz

Parks & Rec Social League

Games will be played Sunday evenings from 6-10 PM, April 18th through

May 23rd at Thulemeyer Park

Register online at Schertz.com or call the Parks Department at 210-619-1850 for more information.

Registration includes a team t-shirt!

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

No announcements were provided.

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

No announcements were provided.

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 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:

- Mr. Henry Conway, 8001 Harper Valley St. Live Oak who addressed Council regarding agenda item 8 regarding automatic sprinkler system installation requirements and the hardship it would cause for the VFW Post 8315, requested that they be exempt due to the cost of installation.
- Mr. David Garcia, 1303 Madrid Drive, Universal City who deferred his time to Henry Conway regarding agenda item 8.
- Mr. Joe Atalin, 86100 Turner Ridge, Garden Ridge, who deferred his time to Henry Conway regarding agenda item 8.
- Mr. Guadalupe Moytiver, 255 Matthew Cibolo, who also deferred his time to Henry Conway regarding agenda item 8.
- Mr. John Hoeft, 509 Schertz Parkway who addressed Council regarding agenda item 8 regarding automatic sprinkler system installation requirements and the hardship it would cause for Mikulski Hall, requested that they be exempt due to the cost of installation.
- Mr. Jesse Gonzales, 1300 Tractor Pass who also addressed Council regarding automatic sprinkler system installation requirements and the hardship it would cause for Mikulski Hall.

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 and Mayor Pro-Tem Whittaker read the following items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of March 23, 2021. (B. Dennis)
2. **Resolution No. 21-R-21** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with M&C Fonseca Construction Co., Inc. relating to the construction of the F.M. 1103 Sewer Extension Project and authorizing the budget expenditures for the project. (C. Kelm/S. Williams/S. McClelland)
3. **Resolution No. 21-R-26** - 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)

4. **Resolution No. 20-R-29** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to sign a Letter of Intent (LOI) with Sterling McCall Ford for the purchase of one (1) new ambulance for Fiscal Year 2021/2022. (C. Kelm/J. Mabbitt)
5. **Ordinance No. 21-S-08**- Consideration and/or action approving an Ordinance by the City Council of the City of Schertz , Texas on a request to rezone approximately 58 acres of land from Single-Family Residential / Agricultural (R-A) to Planned Development District (PDD), generally located approximately 1,560 feet north west of the intersection of FM 1518 and Ware-Seguin Road, also known as Bexar County Property Identification Numbers 310073, 310106, 310101, 310105, 310104, 310078, 1157215, 310077, and 310083, City of Schertz, Bexar County, Texas. (B. James / L. Wood / E. Delgado)**Final Reading**
6. **Resolution No. 21-R-28** - Consideration and/or action approving a Resolution authorizing the revised Bylaws of the Planning and Zoning Commission, and other matters in connection therewith. (B. James / L. Wood / E. Delgado)
7. **Resolution No. 21-R-27** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas authorizing temporary employees to help manage the COVID-19 vaccine clinics. (M. Browne/C. Kelm/K. Long)
8. **Ordinance No. 21-C-09** – Consideration and/or action approving an Ordinance by the City Council of The City of Schertz, Texas amending The Code Of Ordinances of the City of Schertz Chapter 30, Fire Prevention And Protection by amending existing International Codes and adopting New International Codes; Providing for a period of compliance for certain provisions; Providing for severability; Providing for a fine of not more than five hundred dollars (\$500.00) for each offense unless said violation is a violation of a regulation governing; fire safety, public health and sanitation; then by a fine of not more than two thousand dollars (\$2,000.00) for each offense. **Final Reading** (C. Kelm/K. Long)
9. **Resolution No: 21-R-30** - Consideration and/or action approving a resolution by the City Council of the City of Schertz, Texas authorizing a Police Uniform Agreement with Nardis Inc. (C. Kelm / M. Hansen / K. Kallies)

10. **Ordinance No. 21-C-07** - Consideration and/or action approving an Ordinance amending the Schertz Code of Ordinances, Chapter 18, Buildings and Building Regulations, by repealing existing International Codes and adopting new International Codes and adopting the revised Schertz Code of Ordinance, Chapter 18, Building and Building Regulations. *Final Reading* (B. James/L. Wood/G. Durant)
11. **Resolution 21-R-31** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an Interlocal Cooperation Contract Agreement with the Texas Parks and Wildlife Department (TPWD), and other matters in connection therewith. (M. Browne/C. Kelm/K. Long)
12. **Boards, Commission and Committee Appointments** - Consideration and/or action appointing Mr. Richard Gonzales to the Historical Preservation Committee. (B. Dennis/Mayor-Council)
13. **Resolution No. 21-R-19** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract for bank depository services between the City of Schertz and Schertz Bank and Trust. (M. Browne/B. James/J. Walters)

Mayor Gutierrez announced that agenda items 2 and 8 are being removed for separate action and asked Council if there were any other items they wished to be removed for separate action. Mayor Gutierrez recognized Councilmember Scott who requested that agenda items 5 and 8 be removed and Councilmember Davis requested agenda items 7 and 13 be removed for separate action.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis to approve consent agenda items 1, 3, 4, 6, 9, 10 through 12.

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

Passed

Discussion and Action Items

2. Resolution No. 21-R-21 – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with M&C Fonseca Construction Co., Inc. relating to the construction of the F.M. 1103 Sewer Extension Project and authorizing the budget expenditures for the project. (C. Kelm/S. Williams/S. McClelland)

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who introduced this item stating staff has been working with the property owner of Corridor Oaks with Mr. Kahn with sewer extension project. Mr. Kahn originally agreed to extend the 8-inch wastewater main from the corner of Walgreens/Corridor Oaks Rd across the easement of Walgreens and then across the property front of Corridor Oaks. Original agreement was to just address the project across from the Walgreen portion. Mr. Kahn has now agreed to extend it across his property. Request permission for Dr. Browne to sign this agreement with Mr. Kahn to finalize extending the 8 inch main across his property and granting the easement to the city.

Staff recommends approval of Resolution 21-R-21 authorizing the City Manager to enter into a contract with M&C Fonseca Construction Co., Inc., in an amount not to exceed \$81,659.00 for the construction of the F.M. 1103 Sewer Extension Project.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Resolution 21-R-21

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

Passed

5. Ordinance No. 21-S-08- Consideration and/or action approving an Ordinance by the City Council of the City of Schertz , Texas on a request to rezone approximately 58 acres of land from Single-Family Residential / Agricultural (R-A) to Planned Development District (PDD), generally located approximately 1,560 feet north west of the intersection of FM 1518 and Ware-Seguin Road, also known as Bexar County Property Identification Numbers 310073, 310106, 310101, 310105, 310104, 310078, 1157215, 310077, and 310083, City of Schertz, Bexar County, Texas. (B. James / L. Wood / E. Delgado)
Final Reading

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating the applicant is proposing to rezone approximately 58 acres of land from Single-Family Residential / Agricultural (R-A) to Planned Development

District (PDD), specifically as part of The Crossvine PDD.

Based on the subject property being immediately adjacent to existing The Crossvine PDD zoned properties on two sides, and FM 1518 the proposed zoning should have minimal impact on the adjacent properties. The proposed The Crossvine PDD 4th amendment to incorporate the additional 57.486 acres is consistent with PDD design standards previously approved and will be a natural continuation of the existing The Crossvine development. Staff recommends approval of zone change request, to incorporate approximately 58 acres into the Crossvine PDD.

Mayor Gutierrez recognized Councilmember Scott who address her concerns regarding the 5-foot set back. The 5ft setback is the same as the current Crossvine PDD. She is concerned about congestion and growth. Cannot escape it, but only can control it. There will be a mix of yard sizes. This is a conceptual proposal with the PDD language. Every person she spoke to, says the yards are small, want larger yards, but they are the only sizes offered. Folks wanting larger yards, says buyers are willing to give up home space for larger yards. Home prices going up, but yards are getting smaller.

Councilmember Scagliola also addressed congestion and density, however we sat down months ago and discussed the Crossvine and developed the guidelines. This is consistent with the homes being built in that development. Looking forward to sitting down for the joint meeting with PZ next week. Believes PDD are being used to develop small lots, and would like to set percentages on small, medium and larger lots.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Ordinance 21-S-08 on final reading.

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

Passed

7. Resolution No. 21-R-27 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas authorizing temporary employees to help manage the COVID-19 vaccine clinics. (M. Browne/C. Kelm/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long who introduced this item stating this item authorizes temporary employees to help manage COVID-19 vaccine clinics. Chief Long explained the intent was to get staff back to their

regular jobs. Having the temporary employees to run pre and post clinic only, so we can still hold vaccine clinics and temporary staff to run them, without using regular full time staff.

Mayor Gutierrez recognized the following:

Councilmember Davis asked are these projected to be part-time or full time or mixture of both? Chief Long answered they will be temporary staff. Depending on the need of that week's clinics, temporary employees can work 40 hrs. or 10 hrs., depending on the need the shot clinic. The end date of the temporary employment status is June. 15, 2021.

Councilmember Davis stated before we have had temporary agencies, fill positions needed, are we using a temp agency or are we using HR resources? Concerns of using volunteers for temporary staff vs. using a temp agency. Afraid we could open up a precedent of other volunteers and volunteer program. We do need the staff but find it odd that we are using a volunteer pool and now making them part-time employees. Feels leery using these volunteers as temp employees and not using temp service to provide the temporary employees.

Mayor Pro-Tem Whittaker asked about the Financial impact. Is the pay coming from the COVID-19 reimbursement funds? Chief Long said there are 2 funding mechanisms to cover the additional expense. Believes you can differentiate the difference with (clinic volunteers) temp employees vs. hiring temps from an agency. Sees this as a separate program and believes the additional funding from the government for fighting Covid to pay for the temporary employees is a good use of those funds.

Chief Long stated the thought behind this was consistency and speed at the shot clinics. There are some technical jobs and having a temp employee vs. a volunteer, the consistency and service remains high.

Councilmember Scott stated she called HR, (Mayor and Dr. Browne had no knowledge) and asked about Raquel Gutierrez being a compensated volunteer. Found out could not pay her, due to nepotism. Believes this can be very political very fast and believes the volunteers should be highly recognized.

Chief Long thanked Raquel Gutierrez for her running the volunteer program and getting staffing for the clinics.

Councilmember Dahle stated he supports this idea, the volunteer program has been wonderful so far, but is afraid we could tap out that pool of volunteers. He sees the benefit of having those volunteers hired as the temp employees because of their experience in working the clinics so far. We need to get help for the regular staff so they can get back to their duties and not being pulled in two different directions.

He sees the challenges of hiring paying some COVID-19 volunteers and not others could send the wrong message to them, and we could possibly lose some volunteers over this. This is a challenge, but we need to find the right way to implement this program.

Councilmember Heyward stated she support this, there are some wonderful volunteers that have worked long hours, long days and even nights. Bringing in new folks while we are at the tail end of this would be a disservice to the EMS Fire Dept/ Summer Hall having to train new folks to run the clinic. It runs seamlessly with these volunteers because they have been here every day, all day and then some. This is the right way to compensate them and this is a way for accountability. It is worth it.

Councilmember Davis stated he fully supports the program, and understands the workload and understands this is a one up situation, but this is a potential pitfall going forward combining volunteers and temporary employees.

Mayor Gutierrez stated he appreciates the volunteers and service to the community and very much appreciated. It is very hard to explain how we feel about you stepping up. We do need the consistency in running the clinics.

Moved by Councilmember Mark Davis, seconded by Councilmember Rosemary Scott to approve Resolution No. 21-R-27.

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

Passed

8. Ordinance No. 21-C-09 – Consideration and/or action approving an Ordinance by the City Council of The City of Schertz, Texas amending The Code Of Ordinances of the City of Schertz Chapter 30, Fire Prevention And Protection by amending existing International Codes and adopting New International Codes; Providing for a period of compliance for certain provisions; Providing for severability; Providing for a fine of not more than five hundred dollars (\$500.00) for each offense unless said violation is a violation of a regulation governing; fire safety, public health and sanitation; then by a fine of not more than two thousand dollars (\$2,000.00) for each offense. *Final Reading* (C. Kelm/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long who introduced this item stating that since the first reading the proposed changes have been made which will resolve problems and issues brought up this evening. The changes included:

Recommended Change for Section 1103.5.1 (Section 2):

FROM: “having an occupant load of 300 or more”

TO: “identified as a Night Club as defined by Schertz UDC and having an occupant load of 300 or more”

Recommended Change Section 903.2:

FROM: “firewall” AND “Building”

TO: “separation/barrier” AND “Residential ”

Possible Section 2: Those existing structures affected by the requirement established by thru the adoption of Fire Code Section 1103.5.1 Group A-2 which will require that, where alcoholic beverages are consumed in a Group A-2 occupancy identified as a Night Club as defined by Schertz UDC and having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1; shall be allowed three (3) years to achieve compliance or seek an applicable variance, from the effective date of this ordinance.

Possible 903.2: An automatic sprinkler system shall be installed throughout all levels of any new Group A (Assembly), B (Business), E (Educational), F (Factory), H (Hazardous), I (Institutional), M (Mercantile), and S (Storage) occupancies of more than 10,000 square feet or where the combined floor area on all floors, including mezzanines exceeds 10,000 square feet, and throughout all R-3 (Residential) occupancies of more than 5,000 square feet or more than two stories in height. The calculated area shall include all occupied space and exclude garage if separated from the resident and its attic space by fire separation/barrier (according to International Residential Code-2018 ED.) and also exclude any detached building. Requirements of this section shall apply to existing buildings if there is a change of occupancy type/use, an increase in square footage/occupant load that exceeds section requirements or a remodel/renovation involving more than 25% of the building.

Mayor Gutierrez recognized the following:

Councilmember Scott who thanked staff, it was a nice surprise. It takes care of the problems that were discussed at the last meeting.

Mayor Pro-Tem Whittaker stated this resolves the issues and feels comfortable with the change. She asked Chief Long on how this information will get out. In answer Chief Long stated the information will be available on the website and available when vendors come in to pull permits and will send out to builders.

Councilmember Heyward thanked staff for looking into something that will save the VFW and Knights of Columbus/Mikulski Hall.

Councilmember Scagliola stated that when he approved this on first reading, he was hoping that would not cause hardships on our businesses.

Councilmember Dahle thanked staff for finding a solution to the two (2) great organizations, so it would not have a negative impact on these businesses.

Councilmember Davis asked what is the definition difference between a nightclub, tavern and a bar. In answer, Night club has a large dance floor is the primary difference of those businesses.

A motion was made by Councilmember Dahle to approve Ordinance No. 21-C-90, Mayor recognized Chief Long who suggested amending the motion to approve with the adjusted changes.

**Councilmember Rosemary Scott left the dais and was unavailable for the vote.*

Moved by Councilmember Michael Dahle, seconded by Councilmember David Scagliola to approve Ordinance No. 21-C-09 with changes noted on final reading.

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

Other: Councilmember Rosemary Scott (ABSENT)

Passed

13. Resolution No. 21-R-19 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a contract for bank depository services between the City of Schertz and Schertz Bank and Trust. (M. Browne/B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who introduced this item stating currently Schertz Bank & Trust is the City depository. The existing depository contract was for a three-year term with two one-year renewal options. On January 14, 2021, three banks submitted proposals to the City.

The three banks are Schertz Bank and Trust, Frost Bank, and First United. The proposals were evaluated based on the following criteria: Customer Service, Financial Cost/Benefit, Banking History & Financial Strength, and Performance. The bank depository proposals were reviewed by a selection committee made up of staff members that have regular contact with the depository. They represented areas including accounts payable, accounts receivable, account reconciliation, special agreement execution between the City and a Customer, and investments.

Based on the evaluation criteria the selection committee unanimously to recommend Schertz Bank & Trust to continue providing depository services to the City. This agreement can be terminated at anytime during the contract period. Upon termination or completion of the contract terms, the City will put another request for proposals to evaluate depositories for a new contract.

Staff recommends approval of Resolution 21-R-19 to engage in a depository contract with Schertz Bank and Trust for a 3 year term with an 2 additional 1 year extension options.

Mayor Gutierrez recognized the following:

Councilmember Davis who stated he has concerns over the internal city processes and the evaluation summary. Important factors of a Depository: What interest is paid to the city accounts? What costs does the city incur?

Councilmember Davis asked how does 40 points of 100 for customer service, don't understand how customer service plays into it at that degree.

Finance Director James Walters stated customer service is important to handle problems immediately and how responsive they are. Davis says it is difficult to gage customer service of a bank we do not do business with. With Frost Bank, our POC is not even in the same branch. There is nobody at the branch that could handle our issues in a day vs. having the problem sent out.

Councilmember Davis stated he would like a reassessment of our evaluation table and see financial benefit (interest rates and fees) should be rated higher rather than 20% weighted value as it is now. Have Audit Committee and our Council members have a say in the bid process for the bank depository services.

Mayor Gutierrez brought up interesting points, on using local businesses for future RFP's.

Councilmember Scott state she understands both sides of customer service and great interest rates, and sometimes you need good service immediately. Question: Is the maintenance of \$500,000 combined average balance is that reasonable. In answer, Mr. Walters stated he believes we need to only have \$500,000 in the bank to waive the fees.

Councilmember Brown stated Schertz Bank is still number one,

Councilmember Davis state he has no problem with the banks who bid, but what value are we getting interest rate and what fees we are getting charged.

Mayor Pro-Tem Whittaker stated she agrees weighting the customer service as

high could be skewed as using it to get the decision you want.

Moved by Councilmember Allison Heyward, seconded by Councilmember Rosemary Scott to approve Resolution No. 21-R-19.

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

Passed

14. **Resolution 21-R-25** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the City Manager to amend the Design-Build Agreement with F.A. Nunnelly for the Fleet Maintenance Building Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

Mayor Gutierrez recognized Jennifer Black with Sledge Engineering who provided a brief PowerPoint on the proposed scope of work regarding Building 27 - Commercial Place renovations into a state of the art Fleet Maintenance Building. The renovations to the building include creation of office spaces, fleet shop area, and sign shop.

Goal is to award Guaranteed Maximum Price (GMP) in the amount of \$1,372,794 to FA Nunnelly for construction of the renovations of Building 27. Having a dedicated fleet maintenance building allows the City to effectively and efficiently maintain, service, and repair the City's Fleet Vehicles. Having this space will reduce the amount of money spent on third-party repairs such as dealerships and will increase the overall life expectancy of the City's Fleet. Staff recommends approval.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Resolution No. 21-R-25.

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

Passed

15. **City of Schertz Mask Policy** - Discussion and action regarding current mask policy in the City of Schertz and request guidance on extending the current policy to May 4, 2021. (M. Browne/C. Kelm/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long and City Manager Dr. Mark Browne who discussed the current mask policy. City Council discussed and staff received unanimous direction regarding an update to our City's Mask Policy. Effective Wednesday, City Staff and customers visiting our facilities will not be required to wear a mask when coming onto City property EXCEPT for the following buildings - Library, Senior Center and the Vaccine Clinics at the Civic Center. Additionally, we will stop doing the daily temperature checks except for these specific facilities. We will still follow social distance practices and we continue to encourage good hygiene practices (hand washing, covering mouth when sneezing, etc.).

The rationale for this change is that there are only 16 cases of COVID in Schertz at the current time, hospitalization rates are low and have been low for several weeks (current hospitalization rate for San Antonio area for COVID is 3.4%). Similarly, testing rates are also low (latest numbers are 5% for molecular and 2% for Antigen testing). The numbers support this change. Most employees are either vaccinated or have had the opportunity to be vaccinated. We plan to reevaluate how things are in 30 days and will provide an update at that time.

Public Hearings

16. **Ordinance No. 21-S-11** - Conduct a Public Hearing and consideration and/or action on a request to rezone approximately 25 acres of land from General Business District (GB) and General Business II District (GB-2) to General Business II District (GB-2), generally located north-east of the intersection of FM 3009 and FM 78, also known as 200 FM 3009, also known as Guadalupe County Property Identification Numbers 153960, 164035, 67453, City of Schertz, Guadalupe County, Texas. (B. James/L. Wood/E. Delgado)***First Reading***

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating the applicant is requesting to rezone approximately 25 acres of land from General Business District (GB) and General Business II District (GB-2) to entirely General Business II District (GB-2).

The requested zoning to all General Business II District (GB-2) is desired to create a cohesive zoning for the entire property rather than the current split in zoning. Additionally, the requested Specific Use Permit, is for the same approximately 25 acres with the desire to have the land use Mini-Warehouse /

Public Storage, as it would be an approved use for the entire property since the majority is already developed as such.

Although, the requested zoning of General Business II District (GB-2) is not consistent with the current designation on the Comprehensive Land Use Plan, it is consistent with the existing business and the proposed business expansion and should have a minimal impact to the surrounding properties and public infrastructure. In addition, the requested zoning will make the zoning for this entire property consistent rather than having the property have split zoning, with the middle being General Business II District (GB-2) and the front and rear of the property being General Business District. The property has been utilized for mini-warehouse / public storage since at least 2002, however per the County records could be as early as 1995. The requested zone change and the associated Specific Use Permit if approved would bring the property into a legal conforming land use status and would allow the business to expand as desired. This item was heard at the March 10, 2021, Planning and Zoning Commission meeting, in which the Commission provided a unanimous recommendation of approval of the zone change. Staff recommends approval of the zone change request to rezone approximately 25 acres of land to General Business II District (GB-2).

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments. No comments from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 21-S-11 on first reading.

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

Passed

17. **Ordinance No. 21-S-12** - Conduct a public hearing and consideration and/or action on a request for a Specific Use Permit to allow Mini-Warehouse / Public Storage on approximately 25 acres of land generally located north-east of the intersection of FM 3009 and FM 78, also known as 200 FM 3009, also known as Guadalupe County Property Identification Numbers 153960, 164035, 67453, City of Schertz, Guadalupe County, Texas. (B. James/L. Wood/E. Delgado)
First Reading

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating the applicant is requesting approval of a Specific Use Permit for approximately 25 acres in order to allow the land use Mini-Warehouse / Public

Storage by right. The property is currently developed as the Lockaway Storage mini-warehouse / public storage business located at the intersection of FM 3009 and FM 78. In conjunction with the Specific Use Permit request, the applicant has also submitted a zone change request to rezone the 25 acres to General Business II District (GB-2). The requested zoning along with the Specific Use Permit, if approved would allow the Mini-Warehouse / Public Storage land use by right, and the site would no longer be considered non-conforming.

The subject property is currently developed as a mini-warehouse / public storage business, Lockaway Storage and is proposed to be expanded to the rear of the existing business. The subject property is adjacent to undeveloped land, a previous landfill, right of way, railroad and a small portion of single-family residential / agricultural property.

The proposed expansion includes two new buildings for a total of 81,079 square feet of climate controlled office and indoor mini-warehouse / public storage and additional outdoor public storage area designed for additional RV storage on site.

Staff is recommending approval of the Specific Use Permit to allow the approximately 25 acres to be a mini-warehouse / public storage with the following conditions: a) A building permit is approved within one year of the adoption of the SUP ordinance; and b) The use begins operation within two years of the issuance of the necessary building permit(s).

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments. No comments from Council.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Ordinance No. 21-S-12 on first reading.

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

Passed

- 18. Resolution No. 21-R-22** Conduct a public hearing, consideration and/or action approving a resolution accepting a petition for voluntary annexation of approximately 35.5 acres of land generally located approximately 4,000 feet southeast of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, Bexar County, Texas. (B. James/ L. Wood/ N. Kopyay)

Mayor Gutierrez recognized Senior Planner Nick Kopyay who introduced this item stating the property owners are requesting voluntary annexation into the City of Schertz, because they want the subject property to be located within the Schertz City limits in order to zone the land Planned Development District (PDD) and develop it as a single-family residential subdivision.

Upon City Council accepting the petition for voluntary annexation of the approximately 35.5 acres, the property owners would be able to initiate the annexation and zone change processes for the subject property. The adoption of this resolution does not annex the subject property into the City, but allows for City Council to annex the property by ordinance in the future. A subsequent ordinance for annexation must be approved by City Council in order to annex the property into the City, which is tentatively scheduled to be heard at the May 4, 2021 City Council meeting. The property owners are also requesting to zone the subject property to Planned Development District (PDD) following City Council approval of the annexation ordinance. Staff recommends approval.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments. No comments from Council.

Moved by Mayor Pro-Tem Jill Whittaker, seconded by Councilmember Michael Dahle to approve Resolution No. 21-R-22.

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

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided the roll call vote confirmation for agenda items 1 through 18.

Workshop

- 19. 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 the following updated information:

Vaccination update

Vaccination Clinic April 8th & 9th

- Thursday, April 8th: Janssen Single Dose – 1,000 doses
- Friday, April 9th: Pfizer 2nd Dose – 1,170 doses

Vaccination Clinic April 15th

- Thursday, April 15th: Pfizer 2nd Dose – 1,500 doses

Guadalupe County Vaccine Data

- Allocated – 66,275 doses
- Administered – 58,135 doses
- People vaccinated with at least one dose – 37,080
- People fully vaccinated – 25,583

Current Numbers for Guadalupe, Comal and Bexar Counties:

	Guadalupe	Comal	Bexar
Confirmed	10,539	5,165	174,550
Probable Cases	3,453	4,599	33,399
Fatalities	207	286	3,360
Active Cases	105	193	4,018
Recovered Cases	13,659	9,238	200,571

Active cases for Guadalupe County and SCUCISD

State Disaster Declaration

April 5, 2021

–Governor Abbott extended State Disaster Declaration for additional 30 days.

–City of Schertz’s declaration follows State

Closed Session

Mayor Gutierrez recessed the regular meeting into Closed Session at 9:05 p.m. and read the following items into record.

20. The 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-065

- 21.** The City Council will meet in Closed Session in accordance with Section 551.071 of the Texas Government Code to consult with legal counsel regarding issues related to the JBSA-AACOG ILA task order process.

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 9:40 p.m., and stated Council met on item 20, 9:10 p.m. to 9:24 p.m., and on item 21, 9:25 p.m. to 9:35 p.m.

20a. Take any action based on discussions held in closed session under Agenda Item 20. No action was taken.

21a. Take any action based on discussions held in closed session under Agenda Item 21. No action taken.

Roll Call Vote Confirmation

No roll call vote confirmation as no action was taken in closed session.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

- 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.

Mayor Gutierrez recognized Mayor Pro-Tem Whittaker who requested item be placed on a future agenda to review and discuss the Tree Mitigation Ordinance.

- 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 who stated she attended the following:

- Ribbon Cutting for On the Grind
- PreBudget Workshop retreat
- William King Cole Session 2 training
- Various vaccine clinics

Councilmember Davis who stated he attended the following:

- PreBudget Workshop retreat

Councilmember Scott who stated she attended the following:

- PreBudget Workshop retreat

Councilmember Dahle who stated he attended the following:

- PreBudget Workshop retreat

Councilmember Scagliola who stated he attended the following:

- PreBudget Workshop retreat
- On the Grind ribbon cutting event

Councilmember Heyward who stated she attended the following:

- TMRS Budget meeting
- Moving on Main event meeting
- Food drive in Cibolo
- PreBudget Workshop retreat
- On the Grind ribbon cutting event

Councilmember Browne who stated he attended the following:

- PreBudget Workshop retreat

Adjournment

Mayor Gutierrez adjourned the meeting at 9:46 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary