



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**April 7, 2020**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS**  
**1400 SCHERTZ PARKWAY BUILDING #4**  
**SCHERTZ, TEXAS 78154**

**CITY OF SCHERTZ CORE VALUES**

**Do the right thing**

**Do the best you can**

**Treat others the way you want to be treated**

**Work cooperatively as a team**

**AGENDA**

**TUESDAY, APRIL 7, 2020 at 6:00 p.m.**

*City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, April 7, 2020 at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.*

**Call to Order**

**Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.**  
**(Mayor Pro-Tem Davis)**

**City Events and Announcements**

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)
- Announcements and recognitions by the City Manager (M. Browne)
- Announcements and recognitions by the Mayor (R. Gutierrez)

**Hearing of Residents**

*Residents who choose to watch the meeting via live stream, but who would like to participate in Residents to be Heard, should email their comments to City Secretary, Brenda Dennis, at [bdennis@schertz.com](mailto:bdennis@schertz.com) by 5:00 p.m. on Monday, April 6, 2020, SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number,*

***agenda item # if applicable or subject of discussion, and your comments.***

*This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.*

***All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.***

*Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.*

### **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.

The following was read into record:

- 1. Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of March 24, 2020. (B. Dennis)
- 2. Resolution No. 20-R-33** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Schertz Main Street Local Flavor Economic Development Grant for 602 Main Street and related matters in connection therewith. (M. Browne/B. James)
- 3. Resolution No. 20-R-34** - Consideration and/or action approving a Resolution authorizing purchases up to \$125,000 with CDW, a vendor belonging to a purchasing cooperative. (M. Browne/B. James)
- 4. Resolution No. 20-R-35** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing additional expenditures with Tom Green & Company, Engineers, Inc. totaling no more than \$65,000 for HVAC re-commissioning and related services. (M. Browne/B. James)
- 5. Resolution No. 20-R-36** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas establishing the basis of pay for the Judge and Prosecutor during the Public Health Emergency and Disaster and other matters in connection therewith. (M. Browne/B. James)

6. **Ordinance No. 20-S-01** - Consider and/or action for an Ordinance on a request to rezone approximately 12.5 acres of land from Manufactured Home Park District (MHP) to Planned Development District (PDD), located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. ***Final Reading*** (B. James/L. Wood/N. Kopyay)

### **Discussion and Action Items**

7. **Ordinance No. 20-H-06** - Consideration and/or action approving an Ordinance of the City of Schertz, Texas, amending chapter 14-Animal Control, of the code of Ordinances; providing for mandatory micro chipping regulations for dogs and cats; therefore removing the requirement for an annual city license for dogs and cats; providing a conflict clause; providing for severability; providing for publication; and providing an effective date. ***First Reading*** (C. Kelm/M. Bane/S. Solitto)
8. **Ordinance No. 20-D-10** - Consideration and/or action approving an Ordinance providing that the Code of Ordinances of the City of Schertz, Texas be amended by revising Chapter 86, Section 86-115, Maximum limits generally on specific streets, adding the maximum speed limits of FM 1103 to a construction speed limit and thus temporarily changing the maximum speed limit. ***First Reading*** (C. Kelm/S. Williams/D. Letbetter)
9. **Ordinance No. 20-T-11** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2019-2020 Budget to transfer funds for the purchase of software, parts, and labor for 14 existing Flashing School Zone Lights and the purchase of three additional lights, repealing all ordinances in conflict with this ordinance; and providing an effective date. ***First Reading*** (C. Kelm/S. Williams/D. Letbetter)
10. **Ordinance No. 20-H-13** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz amending Ordinance No. 20-H-09; extending a Declaration of Local Disaster and Public Health Emergency; amending the rules and regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations; providing and effective date and declaring an emergency. ***First and Final Reading*** (Mayor/Council)

### **Roll Call Vote Confirmation**

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

11. Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)
12. **City closures/cancellations** - City Operation update information regarding closures, event cancellations and others. (M. Browne/K. Long)

## Requests and Announcements

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers that items be placed on a future City Council agenda.
- 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

## Adjournment

### CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 3rd DAY OF APRIL 2020 AT 5:15 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

BRENDA DENNIS

**I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON \_\_\_\_ DAY OF \_\_\_\_\_, 2020. TITLE: \_\_\_\_\_**

*This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 210-619-1030.*

**The City Council for the City of Schertz reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.**

**Closed Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

### COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS



<b>Mayor Gutierrez</b> Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Scagliola – Place 5</b> Cibolo Valley Local Government Corporation - Alternate Hal Baldwin Scholarship Committee Interview Committee for Boards and Commissions - Alternate Schertz-Seguin Local Government Corporation
<b>Councilmember Davis– Place 1</b> Audit Committee Interview Committee for Boards and Commissions Main Street Committee - Chair Schertz Housing Authority Board TIRZ II Board	<b>Councilmember Scott – Place 2</b> Interview Committee for Boards and Commissions
<b>Councilmember Larson – Place 3</b> Main Street Committee – Vice Chair	<b>Councilmember Dahle – Place 4</b> Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions TIRZ II Board
<b>Councilmember Heyward – Place 6</b> Audit Committee Investment Advisory Committee Schertz Animal Services Advisory Commission	<b>Councilmember Brown – Place 7</b> Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the meeting of March 24, 2020. (B. Dennis)

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**BACKGROUND**

The City Council held a Regular City Council meeting on Tuesday, March 24, 2020.

**RECOMMENDATION**

Recommend Approval.

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**Attachments**

03-24 Draft min

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# DRAFT

## MINUTES REGULAR MEETING March 24, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on March 24, 2020, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Mark Davis; Councilmember Rosemary Scott; Councilmember Scott Larson; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

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

### **Call to Order – City Council Regular Session**

Mayor Gutierrez called the regular meeting to order at 6:00 p.m.

### **Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Councilmember Tim Brown)**

### **City Events and Announcements**

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

None at this time.

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

None at this time

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

Mayor Gutierrez reminded any students participating in the Hal Baldwin Scholarship Program to sign in on the sign-in sheet in the back of the room.

Mayor Gutierrez stated how proud he was of our city staff with all their

efforts regarding the COVID-19 virus situation.

## **Hearing of Residents**

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Mayor Gutierrez recognized the following:

- Maggie Titterington - 1730 Schertz Parkway- Gave an update/overview on some situations in our business community during this COVID-19 virus pandemic. Maggie mentioned employee's being laid off, permanent loss of jobs, and business's actually closing. Maggie also stated the Chamber is giving daily updates and information about pertinent laws and aide that can help the business community. Maggie also gave encouraging information that local business's are practicing to pull together and help each other in this uncertain time and offered continual help from the Chamber.

## **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.

The following was read into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting March 10, 2020, and the minutes of the Special Emergency meeting of March 13, 2020. (B. Dennis)

2. **Ordinance 20-S-08** - Consideration and/or action for an Ordinance on a request to rezone approximately 0.5 acres of land to Public Use District (PUB), located at 13805 IH-10 E, City of Schertz, Bexar County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay)
3. **Ordinance No. 20-A-07** - Consideration and/or action for an Ordinance on a request for voluntary annexation of approximately 0.5 acres of land located at 13805 IH-10 E, Bexar County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay)
4. **Resolution No. 20-R-30** - Consideration and/or action approving a Resolution accepting the appraised value offer of the Texas Department of transportation (TxDOT) to acquire a parcel of land needed for the IH-35 NEX project, and other matters in connection therewith. (B. James/K. Woodlee)

Councilmember Dahle noted when item number 4, Resolution No. 20-R-30 was read into record it was misread as I-10 and the Resolution states I-35.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve consent agenda items 1-4.

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

Passed

## **Discussion and Action Items**

5. **Ordinance No. 20-H-09** - Consideration and/or action approving an Ordinance of the City Council of the City of Schertz extending a declaration of local disaster; establishing rules and regulation for the duration of the disaster; restricting certain activities; establishing penalties for violations. ***(First and Final reading declaring an emergency)***. (Mayor/Council)

The following was read into record:

### **Ordinance No. 20-H-09**

An Ordinance of the City Council of the City of Schertz extending a declaration of local disaster; establishing rules and regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations. Providing an effective date and declaring an emergency. ***First and***

## ***Final Reading.***

Mayor Gutierrez began by providing the following statement:

" On March 20th, I issued a Declaration of Disaster and Public Health Emergency to elevate the city's response to COVID-19 and in support of the Executive Order GA - 08 issue by Governor Greg Abbott.

Swift and decisive action was essential during this time, so all precautionary measures are taken and disseminate public awareness. In addition, the declaration provides our city reimbursement for expenditures associated with this virus.

We don't know the level of risk or the economic impact to our city, but the trends and data from Italy indicate no one is immune, that is why we must continue to be vigilante.

The City of Schertz jurisdiction is in 3 counties, Guadalupe, Bexar, and Comal. At this time, the City of Schertz will follow guidelines issued by Guadalupe county regardless of county of residence. However, should Bexar or Comal enforce stricter guidelines or provisions, than those residing in their respective county should abide by those measures.

My authority is valid for only 7 days and will expire on March 27 unless council extends the declaration. I strongly recommend council's approval to grant a 30 days extension to provide our city the flexibility to deal with the situation as it evolves and for reasons such as:

- The health and safety of our community must be our priority.
- Compliance with the Governor's executive order is still required and may be extended.
- Additionally, to ensure our city's request for reimbursement continue to be validated.

Please note this ordinance may only be rescinded by council; therefore, it will be placed as a future agenda item to review or take necessary action.

Council, you must ask yourselves what is our local responsibilities?

Numerous options are available for your consideration and now the responsibility rests on your shoulders.

Mayor Gutierrez opened the floor for discussion from Council and recognized Fire Chief Kade Long to answer questions from Council.

Fire Chief Kade Long expressed his appreciation for Mayor Gutierrez's leadership and engagement through this trying time and answered questions from Council along with City Manager Dr. Mark Browne, City Attorney Dan Santee and Assistant City Manager Charles Kelm.

Mayor Gutierrez asked Fire Chief Kade Long for clarification of the implications of choosing to revisit in seven days as opposed to a thirty-day extension. He also stressed Council will be kept involved with decisions made.

Mayor Gutierrez made a suggestion to have a vote from Council to determine what date they would like to go with - April 7th or April 30, 2020.

Mayor Gutierrez then made a motion from the chair to extend the expiration date to April 28, 2020, motion died for lack of second.

Councilmember Larson made a suggestion to offer an alternative date of April 14, 2020.

Councilmember Scott stated she felt like adding another date threw a monkey wrench in the dates previously discussed. She is still on board with April 7, 2020, and doesn't like making reactionary or fear based decisions.

Moved by Councilmember Scott Larson, seconded by Councilmember David Scagliola to extend the date to April 14, 2020, at 11:59 p.m.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Scott Larson, Councilmember Michael Dahle, Councilmember David Scagliola

NAY: Councilmember Rosemary Scott, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

Mayor Gutierrez called for a motion to add the Mayor along with the Local Health Authority and Director of Health to Ordinance 20-H-09 who may update restrictions as discussed previously by Fire Chief Kade Long.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to add the Mayor, along with the Local Health Authority and Director of Health as an amendment to Ordinance 20-H-09 who may update restrictions.

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

NAY: Councilmember David Scagliola

Passed

Mayor Gutierrez and Council members discussed making enforcement a violation of our City Code with penalties as discussed and presented by City Attorney Dan Santee.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to make enforcement a violation of our City code with penalties.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Scott Larson,  
Councilmember Michael Dahle, Councilmember David Scagliola,  
Councilmember Tim Brown

NAY: Councilmember Rosemary Scott

Passed

Mayor Gutierrez discussed approving Ordinance No. 20-H-09 with amendments to extend the expiration date to April 14, 2020, at 11:59 p.m., to add the Mayor as one who may update restriction, and make enforcement a violation of our City Code with penalties.

Moved by Mayor Ralph Gutierrez, seconded by Mayor Pro-Tem Mark Davis to approve Ordinance No. 20-H-09 with amendments to extend the expiration date to April 14, 2020, at 11:59 p.m., to add the Mayor as one who may update restrictions, and make enforcement a violation of our City Code with penalties.

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

Passed

## **Public Hearings**

The following was read into record:



6. **Ordinance No. 20-S-01** - Conduct a public hearing and consideration and/or action for an Ordinance on a request to rezone approximately 12.5 acres of land from Manufactured Home Park District (MHP) to Planned Development District (PDD), located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4. **First Reading** (B. James/L. Wood/N. Koplyay)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided information on the rezoning case and recommended approval.

Mayor Gutierrez opened the Public Hearing and recognized Engineering Manager, Mr. Craig Shelbock, 5605 McArthur Blvd., Irving, Texas, who provided additional comments regarding the need for rezoning. As no else spoke; Mayor Gutierrez closed the Public Hearing for Council comments. No comments at this time.

Moved by Councilmember Scott Larson, seconded by Councilmember Rosemary Scott to approve Ordinance 20-S-01, First Reading.

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

Passed

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided roll call vote confirmation for agenda items 1 through 6.

## **Workshop**

7. **Proposed Amendment** - Chapter 14-Animal Control - A presentation by Schertz Animal Services to propose and discuss an ordinance of the City of Schertz, Texas, amending chapter 14-Animal Control, of the code of Ordinances; providing for mandatory micro chipping regulations for dogs and cats; therefore removing the requirement for an annual city license for dogs and cats. (C. Kelm/M. Bane/S. Solitto)

Mayor Gutierrez recognized Assistant Police Chief Marc Bane who provided a PowerPoint presentation regarding the proposed Ordinance explaining why mandatory microchipping is being considered. Assistant Chief Bane provided

information regarding the benefits, costs and implementation. Assistant Police Chief Bane addressed questions and concerns from Council. It was the consensus to have staff move forward with preparing the Ordinance.

**8. General Fund Reserve and major projects** - Discussion on general fund reserve and major projects that are currently in execution or projected to be in executing during this fiscal year. (Item requested by Mayor Gutierrez) (M. Browne/B. James/J. Walters)

Mayor Gutierrez stated that he had this item placed on the agenda due to the economic impact the virus may have on our city. He thought it prudent to review the projects and have councils input for any additional contracts that are pending before they become finalized.

Mayor Gutierrez recognized Assistant City Manager Brian James who stated that staff had provided information in their packet with regard to where we stand with the fund balance, and to recall we have a policy that targets that at 26% of our general fund, that's about nine million dollars, we are above that. The plan had been to spend down, but just as a reminder 25% of that is for disaster recovery, 1% is to make thoughtful decisions as we move into mode of an economic downturn and to adjust to maybe finish a project that would be much more expensive to pause and complete when the downturn is lifted. We are certainly over that, we had planned to spend down part of that this year for a variety of things in our budget. We have \$1.5 million above that, that we were not planning to spend down, but again large upcoming items we had about 4 million for capital improvement projects - generally roads, street and drainage, that's money we have not issued or approved contracts for construction.

We have additional positions, the 9 positions included as part of the budget that we deferred hiring until the staffing study was done. It is about \$415,000 for this year, the class and comp study we had about \$275,000 to work our way into the first year, and when projecting with the five-year model about \$250,000 the next four years out. We have merit increases this year about \$181,000 for the general fund. Those are general fund numbers of what we had budgeted this year. We want to note that some of those items are recurring so generally if we give staff raises whenever we start this year there's that amount and then you know it's increased salaries for next year.

The other part of the report in the packet was to give you a feel for what we are looking at relative to the economic impact of the virus. Certainly part of it is the impact on city revenues, pavilions, civic center and the interest we get on our investments. So those revenue decreases come directly from those things, but he thinks the bigger picture that was discussed earlier tonight is

certainly when the economy turns, businesses are struggling with that. When folks are staying at home they may be going to HEB to purchases groceries and of those things they don't pay sales tax, and they may not be making other purchases where there is sales tax coming in. Businesses that have to lay off people, quit spending on items associated with that. Business could stop making investments into new equipment and into expansions. We may see a downturn in new construction, we have not to date. As the report noted this is a new phenomenon for us, people are waiting to see how long it lasts and then what sort of aid comes from the Federal Government and the State Governments to local communities in terms of what impact it would have and then certainly there's a depression in terms of property values that often accompany these downturns - we are waiting to see on this.

Staff is certainly monitoring it, some of these things we lag behind, so we lag behind on sales tax and on property values we lag a year to two years behind, and we are obviously concerned about this. We understand our businesses and the impacts, and we are certainly keeping an eye on this as well. We are taking advantage of availing ourselves to any kind of information that is coming out as people project what impact this may have.

Mayor Gutierrez opened the floor to discussion by council. Council provided their comments and concerns regarding possible hiring freezes, protecting our employees, the necessity of proceeding with certain CIP projects and continue to be cautious in our spending. Staff addressed councils questions and concerns.

City Manager Dr. Mark Browne addressed the council regarding the class and comp study and the staffing study. He stated the critical thing he needed feedback on was the merit increases for employees, stating \$181,000 was put aside for this and wanted direction from council if they wanted to move forward. It was the consensus from Council to move forward with the merit increases for employees this year.

9. **Resolution 20-R-31-** Consideration and/or action authorizing a Resolution approving the Comprehensive Annual Financial Report - CAFR Fiscal Year 2018-19. (B. James/J. Walters)

The following was read into record:

**RESOLUTION NO. 20-R-31**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE APPROVAL OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2018-19, AND OTHER MATTERS IN CONNECTION THEREWITH

Mayor Gutierrez recognized Finance Director James Walters who provided a quick overview of the report regarding the FY 2018-19 CAFR. He stated that the Audit Committee met on March 18, 2020, to review the audit findings and financial statement as presented by the auditor Ms. Paula Lowe of Pattillo, Brown & Hill, LLP. The annual audit provides the community assurance the City is in good financial standing and operating in compliance with generally accepted accounting principles and governmental accounting standards.

Ms. Lowe provided information on their responsibility in relation to the Financial Statement Audit. She covered several sections from the CAFR via telephone conference call with the assistance of the Finance Director thanking them for allowing her to do so. She reviewed the financial highlights and statements addressing questions from members of Council.

Moved by Mayor Pro-Tem Mark Davis, seconded by Councilmember Allison Heyward to approve Resolution 20-R-31 approving the Comprehensive Annual Financial Report for Fiscal Year 2018-19.

AYE: Mayor Pro-Tem Mark Davis, Councilmember Rosemary Scott, Councilmember Scott Larson, 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 confirmation for agenda item 9.

Mayor Gutierrez also pointed out that items 10 and 11 were provided in the Council packets and are also available for public view on our website.

## **Requests and Announcements**

- Announcements by the City Manager.

Dr. Browne recognized his Team, the Public Safety Team and Facilities team for the fantastic and tremendous job they have done during this contingency crisis preparing and leading staff, making a whole range of decisions that are not normal. All of our staff have pulled together as a tremendous team and I appreciate the can-do effort to make all of this happen. He thanked them all.

Also, regarding the Hal Baldwin Scholarship, if students are applying they do not actually have to come to meeting, they can watch it on-line and can still get credit for that. Mayor Gutierrez thanked Dr. Browne for all his efforts as well

during this time.

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

Mayor Gutierrez recognized Councilmember Dahle, who didn't know if this was an agenda item or just a discussion. We have made the leap to do live-streaming of the council meetings, and given what might be going on in the future will we look at a way for citizens to be able to participate from remote locations as well?

City Manager Dr. Browne stated that this may be the last time we meet in person as a group for a while, depends on how this thing continues to evolve, so we are looking at telephonic and virtual options for council meetings. Part of this is how are we going to let the residents participate, so we will be getting more information to you. Our IT Team has taken this on as a task, and he would anticipate the next meeting would probably be telephonic and/or virtual of some sort. We will get the word out the closer we get to the meeting.

Mayor Gutierrez recognized Mayor Pro-Tem Davis who wanted to confirm that we will have the Emergency Declaration on the agenda for each week going forward. Mayor Gutierrez indicated yes.

Mayor Gutierrez recognized Councilmember Scott who stated that she received an email where there is a calling of all businesses who have U.S. Made products where they can register with Walmart to become a Walmart supplier, it may be worth sharing with our businesses. She indicated she would forward the email to the Mayor and Dr. Browne.

- 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 Pro-Tem Davis asked Dr. Browne if they had any updates or anticipate any updates on what city services we will be scaling back on, for example, specifically he knows that they have put a week hiatus on the closing of the Senior Center and the Library. With the Emergency Declaration, will they still be in effect or do we anticipate some kind of Library service to some degree?

In answer, Dr. Browne stated that this is all covered in the Emergency Declaration. We have effectively extended that until April 14, 2020, the closure of the Library and Senior Center. He thanked Mayor Pro-Tem Davis for bringing it up, everything that went along with that Emergency Declaration has

been extended. Mayor Pro-Tem Davis indicated that he just wanted to make sure those knew that the Library and Senior Center will be closed completely and will not operate. Dr. Browne stated that they will be closed down as well as the Civic Center, Park Pavilions and Play scapes. The Parks are open, other than that everything else is up and operating.

Mayor Gutierrez recognized Councilmember Scagliola who stated he received an email on the 13th of March in reference of the Banning road drainage issue and wanted to know if he had also received the email, if not he will share with him. Also, Councilmember Scagliola mentioned scholarship opportunities we know about the Hal Baldwin scholarship but would like to make mention the Cibolo Lions Club Scholarship opportunity - check out their website.

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

10. Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)
11. 2020 Census Update and Promotion. (B. James/T. McFalls)

### **Adjournment**

As there was no further business Mayor Gutierrez adjourned the meeting at 8:24 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** Executive Team  
**Subject:** Resolution No. 20-R-33 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Schertz Main Street Local Flavor Economic Development Grant for 602 Main Street and related matters in connection therewith. (M. Browne/B. James)

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**BACKGROUND**

The owner of the property at 602 Main, which is the location of Rocket's Feed has applied for a Schertz Main Street Local Flavor Economic Development Grant. This is the second application for this location. The first from 2019 was for replacement of an ice maker and to do work on insulation and the HVAC system. The matching grant amount for that work was \$15,000. With this grant, the owner is proposing to replace ceiling tiles as a continuation of the insulation and HVAC work that has been done. The estimate for the work is just over \$12,000 which would allow for a matching grant of half the cost. Staff is recommending approval for work up to \$15,000, with a match of \$7,500 to cover cost overruns. Applicants can receive no more than \$20,000 in a calendar year.

**GOAL**

Promote and enhance commercial activity along Main Street to promote the economic, cultural, and general welfare of the public. The area around Main Street in Schertz once served as the commercial and social hub of the community. The City seeks to improve the image of the area around Main Street through the inducement of public money to promote local economic development and stimulate business and commercial activities in the City.

**COMMUNITY BENEFIT**

Encourage the attraction of small businesses that will create local charm and help develop a sense of place in and around Main Street. Promote commercial development. Stabilize and improve property values. Foster civic pride. Strengthen the economy of the City by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support to local businesses.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of Resolution 20-R-33 approving a Schertz Main Street Local Flavor Economic Development Grant for up to \$7,500 subject to the applicant entering into the incentive agreement.

**FISCAL IMPACT**

Up to \$7,500 for this grant.

**RECOMMENDATION**

Approval of Resolution 20-R-33

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## **Attachments**

Res 20 R 33

602 Main Agreement

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## **RESOLUTION NO. 20-R-33**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A REQUEST FOR A SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT GRANT FOR 602 MAIN STREET IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, The City of Schertz desires to protect, enhance, and preserve the historic resources and landmarks which represent distinctive elements of Schertz' historic, architectural, economic, cultural, and social heritage by providing property owners and incentive for protecting their property; and

**WHEREAS**, the City of Schertz desires to encourage the attraction of small businesses that will create local charm and help develop a sense of place in and around Main Street;

**WHEREAS**, the City of Schertz desires to stabilize and improve property values; and

**WHEREAS**, Foster civic pride in the beauty and accomplishments of the past, and to promote the use of the historic structures for the culture, education, and general welfare of residents; and

**WHEREAS**, Strengthen the economy of the city by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support and stimulus to businesses.

**WHEREAS**, the City Council approved the Schertz Main Street Local Flavor Economic Development Grant;

**WHEREAS**, staff is in support of this program and recommended approval of the grant request for 602 Main Street for up to \$7,500;

**NOW THEREFORE, BE IT RESOLVED**, THAT THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby approves the Schertz Main Street Local Flavor Economic Development Grant request for 602 Main Street subject to the approved criteria of the program and execution of a funding agreement generally as outlined in Exhibit "A".

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 7<sup>th</sup> day of April, 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

## **Exhibit A**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT PROGRAM  
FUNDING AGREEMENT BETWEEN THE CITY OF SCHERTZ, TEXAS AND  
Francisco and Belia Camarena, FOR EXPENDITURE OF LOCAL FLAVOR GRANT  
FUNDS

This Local Flavor Development Program Funding Agreement (AGREEMENT) is made and entered into by  
and between the City of  
Schertz, Texas (CITY) and Francisco and Belia Camarena, (ENTITY).

WHEREAS, the ENTITY has developed a proposal to  
Make additional improvements and repairs, including ceiling work related to insulation, air conditioning  
602 Main (the "Project"); and

WHEREAS, Section 380.001 of the Texas Local Government Code, as amended, allows the governing body of a municipality to establish and provide for the administration of one or more programs to promote state and local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program is intended to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors; and

WHEREAS, funding for the Schertz Main Street Local Flavor Economic Development Program will be provided annually through the City's General Fund; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program will enhance other city efforts to improve, beautify, and promote economic development in the Main Street area.

WHEREAS, the area around Main Street in Schertz once served as commercial and social hub of the community; and

WHEREAS, the City seeks to improve the image of the area around Main Street through restoration and rehabilitation of structures in the Main Street area to serve as a commercial, social, cultural and tourism hub of the City; and

WHEREAS, the City Council of the City of Schertz desires to provide funds to Francisco and Belia Camarena (ENTITY).

NOW, THEREFORE, it is mutually agreed by and between the CITY and ENTITY as follows:

## GENERAL PROVISIONS

Section 1. Purpose. The purpose of this Agreement is to provide funding to the ENTITY for the project identified in the attached Exhibit "A" (the "Project"), the intent of which is to promote state and local economic development and to stimulate business and commercial activity in the municipality to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors.

Section 2. Obligation of the ENTITY. The ENTITY shall use all of the awarded funds provided by the CITY in accordance with Chapter 351 of the Texas Tax Code, the ENTITY'S funding application, and the attached Exhibit "A".

Section 3. Reporting Requirements of the ENTITY. The ENTITY shall deliver a detailed accounting of the expenditures for the Project within thirty (30) days after completion of the Project (the "Post Event Report"). The Post Event Report shall include copies of receipts and other documents establishing the expenditures for the project. The CITY shall not make reimbursements for expenditures where no receipt or invoice is provided. Partial or incomplete reports will not be accepted.

Section 4. Authorization of Payment. Subject to the ENTITY'S satisfactory performance and compliance with the terms of this AGREEMENT, the CITY agrees to pay the ENTITY up to fifty percent (50%) of the Project. The Project is estimated to be approximately \$15,000.00 and fifty percent of which, is 7,500.00. Payment will be made within forty-five (45) days of acceptance of the complete Post Event Report. Partial or incomplete reports will not be accepted. Only expenditures that meet Chapter 351 of the Tax Code and this AGREEMENT shall be reimbursed.

Section 5. Appeal Process. Any ENTITY wishing to appeal the decision of the CITY must present their appeal in writing within ten (10) business days of funding denial.

Section 6. Rights. The City of Schertz has the right, at any time, to inspect the books or records of the ENTITY that may relate to performance of this AGREEMENT. The CITY, at its sole expenses, has the right to conduct an audit of the ENTITY or Project.

Section 7. Term. The AGREEMENT shall become effective as of the date entered below. The AGREEMENT shall terminate one year from its effective date or once the terms have been met, whichever occurs first.

Section 8. Indemnification. The ENTITY agrees to defend, indemnify and hold harmless the CITY, its officers, agents and employees, against any and all claims, lawsuits, judgments, cause of action, costs and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the ENTITY'S breach of any of the terms or provisions of this AGREEMENT, or by any negligent act or

omission of the ENTITY, its officers, agents, servants, employees, contractors, or subcontractors, in the performance of this AGREEMENT; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence of the CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurrent negligence of both the ENTITY and the CITY under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity. Both parties expressly agree that this AGREEMENT does not assign any responsibility for civil liability to the City of Schertz that may arise by virtue of this AGREEMENT.

Section 9. Termination. A party may terminate this AGREEMENT in whole or in part if the other party fails to comply with a term of the AGREEMENT, including the inability of the ENTITY to conform to any change required by federal, state or local laws or regulations; or for the convenience of either party. The terminating party shall provide written notification to the other party of the decision to terminate this AGREEMENT within thirty (30) days before the effective date of termination. A party may terminate the AGREEMENT for breach of any provision of this AGREEMENT, upon written notice of the breach and the breaching party shall have ten (10) days after receipt of the written notice in which to cure the breach to the satisfaction of the non-breaching party.

Section 10. Notice. All notices required or permitted under this AGREEMENT shall be in writing and shall be delivered in person or mailed as follows:

to the CITY at:

City of Schertz  
Attention: City Manager  
1400 Schertz Parkway  
Schertz, TX 78154  
(210) 619-1000

To Francisco and Belia Camarena at:  
Attention: Francisco Camarena  
602 Main  
Schertz, Texas 78154

#### MISCELLANEOUS

Section 11. Entire Agreement. This AGREEMENT constitutes the entire agreement of the parties regarding the subject matter contained herein. The parties may not modify or amend this AGREEMENT, except by written agreement approved by the governing bodies of each party and duly executed by both parties.

Section 12. Approval. This AGREEMENT has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

Section 13. Assignment. Except as otherwise provided in this AGREEMENT, a party may not assign this AGREEMENT or subcontract the performance of services without first obtaining the written consent of the other party.

Section 14. Non-Waiver. A party's failure or delay to exercise right or remedy does not constitute a waiver of the right or remedy. An exercise of a right or remedy under this AGREEMENT does not preclude the exercise of another right or remedy. Rights and remedies under this AGREEMENT are cumulative and are not exclusive of other rights or remedies provided by law.

Section 15. Paragraph Headings. The various paragraph headings are inserted for convenience of reference only, and shall not affect the meaning or interpretation of this AGREEMENT or any section thereof.

Section 16. Attorney fees. In any lawsuit concerning this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees from the nonprevailing party, plus all out-of-pocket expense such as deposition costs, telephone, calls, travel expenses, expert witness fees, court costs, and their reasonable expenses, unless otherwise prohibited by law.

Section 17. Severability. The parties agree that in the event any provision of this AGREEMENT is declared invalid by a court of competent jurisdiction that part of the AGREEMENT is severable and the decree shall not affect the remainder of the AGREEMENT. The remainder of the AGREEMENT shall be in full force and effect.

Section 18. Venue. The parties agree that all disputes that arise of this AGREEMENT are governed by the laws of the State of Texas and venue for all purposes herewith shall be in Milam County, Texas.

Section 19. Certificate of Insurance. The ENTITY agrees to provide a certificate of insurance for liability and worker's compensation insurance or letter of self-insurance on its letterhead indicating its self-insured status before any event awarded funding under this AGREEMENT. The cost of the insurance herein mentioned to be secured and maintained by the ENTITY shall be borne solely by the ENTITY.

IN WITNESS HEREOF, the CITY and ENTITY make and execute this AGREEMENT to be effective this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF SCHERTZ, TEXAS

ENTITY

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
(Title)

ATTEST:

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City Secretary

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(Title)



## EXHIBIT A

[Describe the project to be performed]

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Insured: Rocket's Feed Restaruant and Bakery

**Claim Number:**

**Policy Number:**

**Type of Loss:** <NONE>

Date of Loss:

Date Received:

Date Inspected:

Date Entered: 11/5/2019 11:32 AM

Price List: TXSA8X\_MAY19

Restoration/Service/Remodel

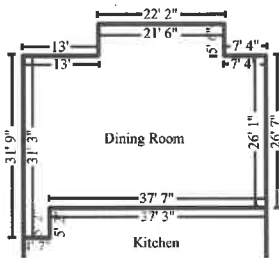
Estimate: 2019-11-05-1132-1

2019-11-05-1132-1

Main Level

Main Level

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
32. Dumpster load - Approx. 12 yards, 1-3 tons of debris	1.00 EA	429.76	0.00	0.00	85.96	515.72
Total: Main Level				0.00	85.96	515.72



Dining Room

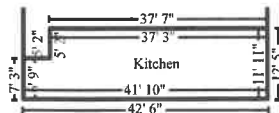
Height: 8'

1,257.33 SF Walls	1,231.57 SF Ceiling
2,488.91 SF Walls & Ceiling	1,231.57 SF Floor
136.84 SY Flooring	157.17 LF Floor Perimeter
157.17 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
14. Ceiling fan - Detach & reset	6.00 EA	0.00	171.86	0.00	206.24	1,237.40
17. Heat/AC register - Mechanically attached - Detach & reset	15.00 EA	0.00	12.75	0.00	38.26	229.51
11. R&R Suspended ceiling tile - 2' x 2'	1,231.57 SF	0.18	2.11	118.88	587.84	3,527.01
29. R&R Suspended ceiling grid - 2' x 2'	1,231.57 SF	0.16	2.24	86.36	608.44	3,650.57
Totals: Dining Room				205.24	1,440.78	8,644.49

Kitchen

Height: 8'



860.00 SF Walls	474.83 SF Ceiling
1,334.83 SF Walls & Ceiling	474.83 SF Floor
52.76 SY Flooring	107.50 LF Floor Perimeter
107.50 LF Ceil. Perimeter	

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
25. Heat/AC register - Mechanically attached - Detach & reset	5.00 EA	0.00	12.75	0.00	12.76	76.51
30. R&R Suspended ceiling tile - 2' x 2'	474.83 SF	0.18	2.11	45.83	226.64	1,359.83
31. R&R Suspended ceiling grid - 2' x 2'	474.83 SF	0.16	2.24	33.30	234.58	1,407.47
Totals: Kitchen				79.13	473.98	2,843.81

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Total: Main Level	284.37	2,000.72	12,004.02
<hr/>			
Line Item Totals: 2019-11-05-1132-1	284.37	2,000.72	12,004.02

**Grand Total Areas:**

2,117.33 SF Walls	1,706.41 SF Ceiling	3,823.74 SF Walls and Ceiling
1,706.41 SF Floor	189.60 SY Flooring	264.67 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	264.67 LF Ceil. Perimeter
1,706.41 Floor Area	1,779.63 Total Area	2,117.33 Interior Wall Area
1,566.00 Exterior Wall Area	174.00 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

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### Summary for Dwelling

Line Item Total	9,718.93
Material Sales Tax	284.37
Subtotal	10,003.30
Overhead	1,000.36
Profit	1,000.36
<b>Replacement Cost Value</b>	<b>\$12,004.02</b>
<b>Net Claim</b>	<b>\$12,004.02</b>

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**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** Executive Team  
**Subject:** Resolution No. 20-R-34 - Consideration and/or action approving a Resolution authorizing purchases up to \$125,000 with CDW, a vendor belonging to a purchasing cooperative. (M. Browne/B. James)

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**BACKGROUND**

On January 7, 2020 the City Council approved Resolution No. 20-R-02 authorizing purchases with a number of vendors including CDW for up to \$95,000 with any of the vendors. IT staff failed to adequately track all the technology related purchases that they were making with this vendor and exceeded the approved amount by approximately \$7,000. IT is reviewing their purchasing tracking procedures to ensure this sort of error does not occur again. Staff is requesting Council authorize expenditures up to \$125,000 with CDW for the remainder of the fiscal year.

**GOAL**

To expedite City operations by seeking authorization in advance for the IT Dept to make purchases from CDW a purchasing cooperative (DIR and Buy Board) vendor. These purchases can be covered with the City's budget.

**COMMUNITY BENEFIT**

This improves City operations by streamlining the procurement process when making certain technology purchases.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends that Council approve Resolution No. 20-R-34 allowing the Purchasing and IT Departments to spend up to \$125,000 this fiscal year with CDW a DIR and Buy Board vendor for technology purchases.

**FISCAL IMPACT**

Purchases will be made with already budgeted funds.

**RECOMMENDATION**

Approval of Resolution No. 20-R-34 allowing the Purchasing and IT Departments to spend up to \$125,000 this fiscal year with CDW a DIR and Buy Board vendor for technology purchases.

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**Attachments**

CDW Resolution

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## **RESOLUTION NO. 20-R-34**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING PURCHASES OF UP TO \$125,000 WITH CDW A VENDOR BELONGING TO A PURCHASING COOPERATIVE AND OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the City of Schertz (the “City”) has budgeted expenditures for technology;  
and

WHEREAS, City staff has determined that CDW, a Texas cooperative, DIR and Buy Board vendor, provides the best-value to the City for essential software and hardware, and any other related technology; and

WHEREAS, purchases under these programs meet the requirements under the Texas Local Government Purchasing Code rule for cooperative purchases as adopted by the City’s purchasing policy; and

WHEREAS, City staff are requesting the amendment of Resolution No. 20-R-34 to raise the amount approved for CDW in the fiscal year 2019-2020 from \$95,000 to \$125,000 for CDW.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes expenditures up to \$125,000 for FY 2019-2020 for CDW for technology a DIR and Buy Board vendor.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City

Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 7<sup>th</sup> day of April 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** Executive Team  
**Subject:** Resolution No. 20-R-35 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing additional expenditures with Tom Green & Company, Engineers, Inc. totaling no more than \$65,000 for HVAC re-commissioning and related services. (M. Browne/B. James)

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**BACKGROUND**

Staff is recommending that City Council authorize the City Manager to enter into a contract with Tom Green & Co. to provide HVAC recommissioning and related services for the Animal Adoption Center. The cost of services is proposed at approximately \$50,000 plus expenses for travel, subcontracts, etc. Staff is seeking authorization for an additional \$15,000 in City controlled funds.

**GOAL**

To obtain necessary services to allow the City to provide services to the community.

**COMMUNITY BENEFIT**

Provide for facilities that serve the needs of the community.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of Resolution 20-R-35 authorizing the City Manager to enter into a contract with Tom Green & Company Engineers, Inc. for HVAC recommissioning and related services.

**FISCAL IMPACT**

Up to \$65,000 plus expenses.

**RECOMMENDATION**

Approval of Resolution 20-R-35

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**Attachments**

Tom Green

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## **RESOLUTION NO. 20-R-35**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPENDITURES WITH TOM GREEN & COMPANY ENGINEERS, INC. TOTALING NO MORE THAN \$65,000 FOR HVAC RE-COMMISSION AND RELATED AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City of Schertz (the "City") requires HVAC re-commission and related services; and

WHEREAS, the City has already used the services of Tom Green & Company, Engineers, Inc.; and

WHEREAS, the City Council authorizes the City Manager to enter into an agreement with Com Green & Company Engineers, Inc. in an amount not to exceed \$65,000.00 plus expenses with \$15,000 of that being for City controlled contingencies.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes expenditures with Tom Green & Company Engineers, Inc. not to exceed \$65,000.00 for HVAC re-commissioning and related services.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 7<sup>th</sup> day of April 2020

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** Executive Team  
**Subject:** Resolution No. 20-R-36 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas establishing the basis of pay for the Judge and Prosecutor during the Public Health Emergency and Disaster and other matters in connection therewith. (M. Browne/B. James)

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**BACKGROUND**

The Municipal Court Judge and Prosecutor are normally paid per court session, with the Judge working 3 sessions per month typically and the Prosecutor working 2. The Judge is paid \$950 per session and the Prosecutor is paid \$850. Although Municipal Court days are not occurring as they normally have, the Municipal Court Office is still conducting business and to varying degrees the Judge and Prosecutor are still working for the City to deal with cases.

The Prosecutor sought clarification as to how he would be paid, prompting this item. Staff is recommending that the Prosecutor be paid at his proposed discounted hourly rate of \$130 per hour. Given the anticipated volume of work for the Judge and the need for him to respond quickly on short notice staff is recommending he be paid the equivalent per month or his normal pay for 3 court sessions per month.

**GOAL**

Provide for compensation for the Judge and Prosecutor when Municipal Court is not occurring as it had been, given that their compensation was based on the number of court days they worked per month.

**COMMUNITY BENEFIT**

Allows for the ongoing provision of necessary services for the community.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of Resolution 20-R-36 that establishes the basis of pay for the Judge and Prosecutor during the activation of the Public Health and Emergency Disaster Declaration while Municipal Court is not meeting as usual.

**FISCAL IMPACT**

This change is not anticipated to have a greater cost to the City.

**RECOMMENDATION**

Approval of Resolution 20-R-36.

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**Attachments**

Res 20 R 36

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## **RESOLUTION NO. 20-R-36**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS ESTABLISHING A BASIS OF PAY FOR THE JUDGE AND PROSECUTOR DURING THE PUBLIC HEALTH EMERGENCY AND DISASTER AND OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the City of Schertz (the "City") has declared a Public Health Emergency and Disaster; and

WHEREAS, the Governor of Texas has Executive Order No. GA-14 relating to statewide continuity of essential services and activities during the COVID-19 disaster;

WHEREAS, the operations of the Schertz Municipal Court have been disrupted by the Covid-19 disaster, and

WHEREAS, the operation of the Schertz Municipal Court has been disrupted but must continue in a modified way, and

WHEREAS, the Municipal Court Judge and Prosecutor are normally paid per court day, and

WHEREAS court days are no longer being held due to the need for social distancing and operations are being modified to continue to provide this essential service

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the Municipal Court Prosecutor to be paid an equivalent amount per month as he had been earning when court days were occurring, or \$2,800 per month and that the Prosecutor be paid on an hourly basis at a rate of \$130 per hour until such time as the Schertz Municipal Court resumes normal operations of holding court days each month at which time their compensation will return to what it had been or \$950 per session for the Judge and \$850 per session for the Prosecutor.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 7<sup>th</sup> day of April, 2020

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 7, 2020  
**Department:** Planning & Community Development  
**Subject:** Ordinance No. 20-S-01 - Consider and/or action for an Ordinance on a request to rezone approximately 12.5 acres of land from Manufactured Home Park District (MHP) to Planned Development District (PDD), located approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, City of Schertz, Guadalupe County, Texas, also known as the Windy Meadows Subdivision Unit 4 *Final Reading* (B. James/L. Wood/N. Koplyay)

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### BACKGROUND

The subject property is platted as the Windy Meadows Subdivision Unit 4, and is currently developed with 39 existing manufactured homes.

Thirteen (13) public hearing notices were mailed to surrounding property owners on February 14, 2020 in preparation of the February 26, 2020 Planning and Zoning Commission Meeting and a public hearing notice was published in the San Antonio Express on March 4, 2020 in preparation for the March 24, 2020 City Council Meeting. At the time of this staff report, staff has received zero (0) responses to the public hearing notices.

The following project representative spoke at the February 26, 2020 Planning & Zoning Commission public hearing:

- Craig Schellbach, Development Manager, Yes Communities

### GOAL

The request is to rezone approximately 12.5 acres of land from Manufactured Home Park District (MHP) to Planned Development District (PDD). Under the proposed PDD Development Standards, the base zoning for the subject property will remain MHP.

### COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

### SUMMARY OF RECOMMENDED ACTION

The request is to rezone approximately 12.5 acres of land from Manufactured Home Park District (MHP) to Planned Development District (PDD). Under the proposed PDD Development Standards, the base zoning for the subject property will remain MHP. The modifications to the Unified Development Code (UDC) proposed in the PDD Development Standards are regarding Unified Development Code Section 21.6.2 Manufactured Home Parks.

The first major amendment to the UDC is to 21.6.2.C Minimum Site Requirements, regarding the regulation of the spatial relationship between the manufactured homes and other dwellings, access easements, and public Right-Of-Way. Under the current code, each manufactured home shall exist inside a designated manufactured home space/slip sized to be a minimum of sixty feet (60') by one



hundred ten feet (110'). There are also specific open space requirements for the manufactured homes in relation to the individual slip:

1. The minimum front yard setback for each manufactured home space shall be twenty-five feet (25') from the nearest corner of the manufactured home to the front line of the manufactured home space.
2. No manufactured home shall be closer than ten feet (10') from any side space line or twenty-five feet (25') to a space line adjoining a public street.
3. For other structures on each space, the minimum setback from any space line shall be at least ten feet (10').
4. The minimum distance between manufactured homes at any point shall be twenty-five feet (25').

Under the proposed PDD Development Standards, the manufactured homes will no longer be required to exist within individual spaces/slips, and instead the spatial relationships of the structures within the manufactured home park will be regulated based on three simple setbacks:

1. Each dwelling unit shall have a minimum setback of twenty feet (20') from all other dwelling units. Any structure attached to the home shall be considered a part of the home and must maintain separation distance.
2. Each dwelling unit shall have a minimum setback of fifteen feet (15') from access easements (the private 'streets' within the manufactured home park).
3. Each dwelling unit shall have a minimum setback of ten feet (10') from public Right-Of-Way and perimeter property fencing.

These specific setbacks meet all applicable building and fire code regulations and were crafted with the assistance of our Chief Building Official and Fire Marshall. The proposed setbacks focus on being concise without compromising life safety standards by removing the individual spaces/slips and just regulating the homes based on setbacks. The two major benefits of the proposed setbacks are that they're easier to understand and measure for our Building Inspectors and property owners when re-orienting homes, and they allow for much more flexibility on the part of the property owner to tailor their manufactured homes park to the residents that live there; instead of ensuring that new homeowners have a manufactured home that will fit in the existing slip that was designed for a different home, the property owner will be allowed to place the new manufactured home wherever the setbacks allow. Manufactured homes are built to be various different shapes and sizes, so the flexibility granted via the setbacks will hopefully allow for a greater variety of manufactured homes. These new regulations are not only easier to follow and more flexible for the property owner, but they more closely align with how the property exists on paper as well; all manufactured home parks are subdivision platted as one lot with access easements acting as the private streets, so it makes more sense to regulate only setbacks instead of spaces/slips that are treated as little lots. These regulations are unique to the City, and if they successfully improve the manufactured home permitting process for both the property owner and the Planning and Community Development Department then they will hopefully provide a foundation for future Unified Development Code amendments.

The second major amendment to the UDC is to 21.6.2.D, regarding the required parking within the manufactured home park. The proposed PDD Development Standards will still require a private parking pad to serve each house, consisting of two ten foot (10') x twenty foot (20') parking spaces; however, common area parking will now also be provided in the form of 32 parking spaces along Red Bud Way and Marigold Lane and 3 temporary parking spaces at the terminus of Rain Lily Lane adjacent to Future Live Oak Road. The temporary spaces will remain in effect until Live Oak Road is constructed at that location and connects to Rain Lily Lane.

The third major amendment to the UDC is the addition of 21.6.F, regarding screening and landscape

buffering along Future Live Oak and Maske Road. A five foot (5') buffer shall be placed along the proposed alignment of Live Oak Road, which will include a masonry screening fence between six foot (6') and eight foot (8') in height, and various landscaping items: eight planters spaced between eighty feet (80') - one hundred feet (100') apart, each including a total of 12.5 caliper inches of trees planted with a minimum tree size of 2.5 caliper inches and 20 shrubs with a minimum size of 5 gallons each. These landscaping standards will allow the applicant to use a variety of different tree species to satisfy the requirements in each of the planting areas along Live Oak, and the grouping of the landscaping into planters spaced at varying intervals will hopefully allow the landscaping to look more natural and established. There will also be an upgraded screening fence consisting of treated lumber with top rail and masonry columns placed at maximum intervals of forty feet (40'), or a full masonry fence between six foot (6') and eight foot (8') in height. The screening fence upgrade along Maske Road will last much longer than the currently deteriorating wood vinyl fencing, and will allow the area to be properly maintained over time.

The Comprehensive Plan, through the Future Land Use Plan, identifies the subject property as both Manufactured Housing and Single-Family Residential. The proposed rezone to Planned Development District (PDD) will have a base zoning of Manufactured Home Park (MHP), so it is also compatible with the future land use designation in the Comprehensive Plan.

### **FISCAL IMPACT**

None

### **RECOMMENDATION**

The proposed zone change will allow for concise regulation of the spatial relationship between manufactured homes and other dwellings, access easements, and public Right-Of-Way that is unique to the City, and will also allow the City to benefit from improved landscaping and screening standards along a Residential Collector roadway featured on the Master Thoroughfare Plan. The proposed rezone is also in conformance with the goals of the Comprehensive Plan.

The Planning and Zoning Commission recommended approval of the zone change by unanimous vote; Staff also recommends approval of the zone change as submitted.

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### **Attachments**

Ord 20-S-01

Ord 20-S-01 Exhibit A

Ord 20-S-01 Exhibit B

Ord 20-S-01 Exhibit C- PDD Development Standards

Aerial Map

Public Hearing Notice Map

Conceptual Site Plan Exhibit

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## **ORDINANCE NO. 20-S-01**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 12.5 ACRES OF LAND FROM MANUFACTURED HOME PARK DISTRICT (MHP) TO PLANNED DEVELOPMENT DISTRICT (PDD), LOCATED APPROXIMATELY 1,500 FEET SOUTHWEST OF THE INTERSECTION BETWEEN SCHERTZ PARKWAY AND MASKE ROAD, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS, ALSO KNOWN AS THE WINDY MEADOWS SUBDIVISION UNIT 4.**

**WHEREAS**, an application to rezone approximately 12.5 acres of land located at approximately 1,500 feet southwest of the intersection between Schertz Parkway and Maske Road, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

**WHEREAS**, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

**WHEREAS**, on February 26, 2020, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation of approval of the requested rezoning according to the development standards set forth in Exhibit C attached herein (the “Development Standards”); and

**WHEREAS**, on March 24, 2020, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS: THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned Planned Development District (PDD)

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 24<sup>th</sup> day of March, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 7<sup>th</sup> day of April, 2020.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

Donnie Boerner Surveying Company L.P.

228 Holiday Road ♦ Comfort, Texas 78013

Phone: 830-377-2492

FIRM NO. 10193963

Field Notes for a 12.489 Acre Tract of Land

**Being** a 12.489 acre tract out of the T. Herrera Survey No. 68, Abstract No. 153, City of Schertz, Guadalupe County, Texas and being all of WINDY MEADOW UNIT 4 according to plat thereof recorded in Volume 5, Page 320B, Guadalupe County Plat Records, said 12.489 acre tract being more particularly described by metes and bounds as follows:

**Beginning** at a ½" steel rod found for the east corner of the herein described tract, the east corner of the above referenced WINDY MEADOW UNIT 4;

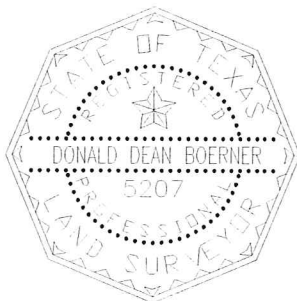
**Thence**, with the southeast line of WINDY MEADOW UNIT 4, South 60 degrees 00 minutes 00 seconds West, a distance of 464.98 feet to a point being the south corner of WINDY MEADOW UNIT 4;

**Thence**, with the southwest line of WINDY MEADOW UNIT 4, North 76 degrees 54 minutes 16 seconds West, a distance of 970.40 feet to a point being the west corner of WINDY MEADOW UNIT 4 and being in the southeast line of Maske Road as shown on plat recorded in Volume 5, Page 320B, Guadalupe County Plat Records;

**Thence**, with the northwest line of WINDY MEADOW UNIT 4, the southeast line of Maske Road, North 59 degrees 55 minutes 40 seconds East, a distance of 1173.55 feet to a point being the north corner of WINDY MEADOW UNIT 4;

**Thence**, departing the southeast line of Maske Road, with the northeast line of WINDY MEADOW UNIT 4, South 30 degrees 00 minutes 09 seconds East, a distance of 664.47 feet to the **Place of Beginning** and containing 12.489 acres of land.

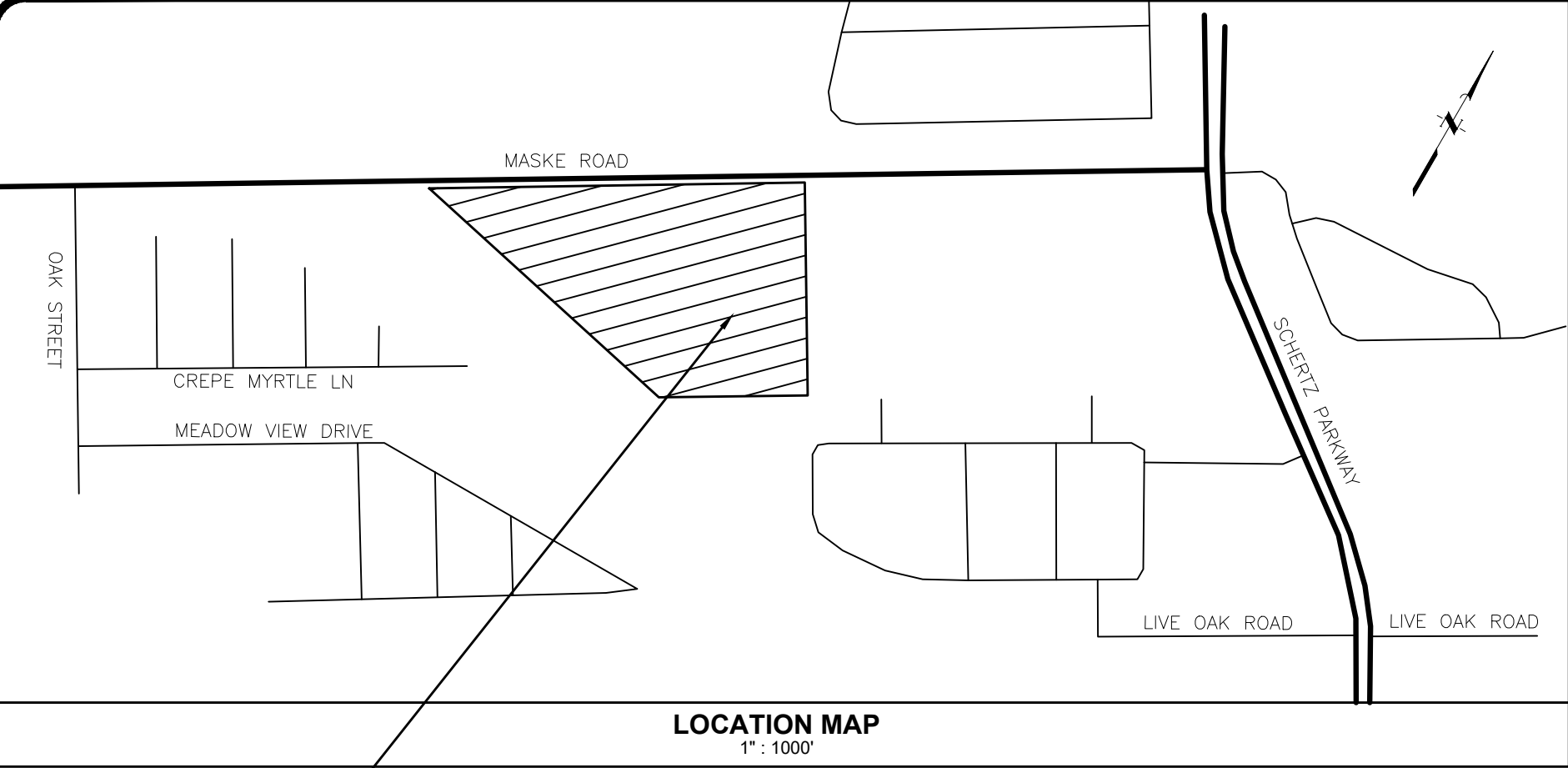
Note: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



A handwritten signature in black ink, appearing to read "D. Boerner", written over a horizontal line.

Donald Dean Boerner  
Registered Professional Land Surveyor No. 5207





PROJECT LOCATION  
MASKE ROAD  
1255 FEET SOUTH WEST OF  
INTERSECTION OF MASKE ROAD  
AND SCHERTZ PARKWAY

PROPERTIES WITHIN 200 FEET NOTIFICATION AREA							
PROPERTY	OWNERS NAME	PROPERTY ID#	ADDRESS	ADDRESS TYPE	ZONING	SUBDIVISION NAME	RECORDING INFORMATION
1	MARTINEZ ARMANDO AND KATRINA MIDDLETON	115100	2415 BETTY JOE LN SCHERTZ TX 78154	SINGLE FAMILY	R-2	NULL	DEED V 1975 PG 148, DEED # 04488
2	BOGGESS BETTY JOE ESTATES	64578	2550 BETTY JOE SCHERTZ TX 78154	RURAL	R-2	NULL	OT V 1080 PG 400, DEED # 0
3	CHALKER JON P AND TERESA F	64593	MASKE RD SCHERTZ TX 78154	RURAL	R-2	NULL	DEED V 4117 PG 494, DEED # 13-016066
4	JONAS WODDS LTD	111376	SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	OT V 1527 PG 172, DEED # 0
5	BRUMGARD NICHOLAS M & KARA M	111378	2305 HAWTHORNE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2016 PG 10654, DEED # 2016010654
6	MOORE BRIAN K SR & MEGELA E CAMPBELL REVOCABLE TRUST	111377	2301 HAWTHORNE PASS SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 3099 PG 902, DEED # 12-004183
7	PEVOTO KYLE DAVID & LORI ANN	111375	500 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2016 PG 18460, DEED # 2016-018460
8	HERINGER JOHN	111374	504 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2017 PG 7723, DEED # 2017007723
9	JOHNSON DARRELL K	111373	508 GINSBERG DRIVE SCHERTZ TX 78154	SINGLE FAMILY	GH	JONAS WOODS UNIT 4	DEED V 2007 PG 226, DEED # 9856
10	ACKERMANN ROASEMARIE	64549	MASKE RD SCHERTZ TX 78154	RURAL	R-2	NULL	DEED V 3008 PG 495, DEED # 11-010969
11	MHI PARTNERSHIP LTD	170258	515 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
12	MHI PARTNERSHIP LTD	170259	511 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
13	MHI PARTNERSHIP LTD	170260	507 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
14	MHI PARTNERSHIP LTD	170261	503 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
15	MHI PARTNERSHIP LTD	170262	616 COLT TRAIL TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
16	MHI PARTNERSHIP LTD	170263	620 COLT TRAIL TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
17	JEN TEXAS 18 LLC	170306	506 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
18	JEN TEXAS 18 LLC	170305	510 BINDSEIL GROVE TX	SINGLE FAMILY	R-7	BINDSEIL FARMS	SWD V 2018 PG 99014719, DEED # 201899014719
19	YES COMPANIES WFC LLC	47091	MEADOW VIEW DRIVE SCHERTZ TX	PLAYGROUND	MHP	WINDY MEADOW	SWD V 2016 PG 17980, DEED # 2016-017980
20	YES COMPANIES WFC LLC	47419	MASKE ROAD SCHERTZ TX	CLA13	MHP	WINDY MEADOW #3	SWD V 2016 PG 17980, DEED # 2016-017980
21	CITY OF SCHERTZ	113896	MASKE ROAD SCHERTZ TX	RURAL	R2	DRAINAGE ROW	SWD V 2113 PG 243, DEED # 0501927

LEGEND:

- SUBJECT TRACT BOUNDARY
- ADJOINING PROPERTY BOUNDARIES
- 200 FOOT NOTIFICATION BOUNDARY
- EXISTING FLOODPLAIN
- 5 FT AERIAL CONTOURS
- PROPOSED LIVE OAK ROW DEDICATION

EXISTING ZONING MHP 12.489 AC  
PROPOSED ZONING PDD 12.489 AC

OWNER:

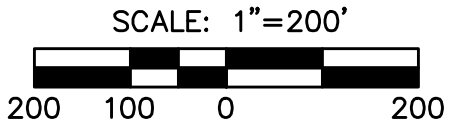
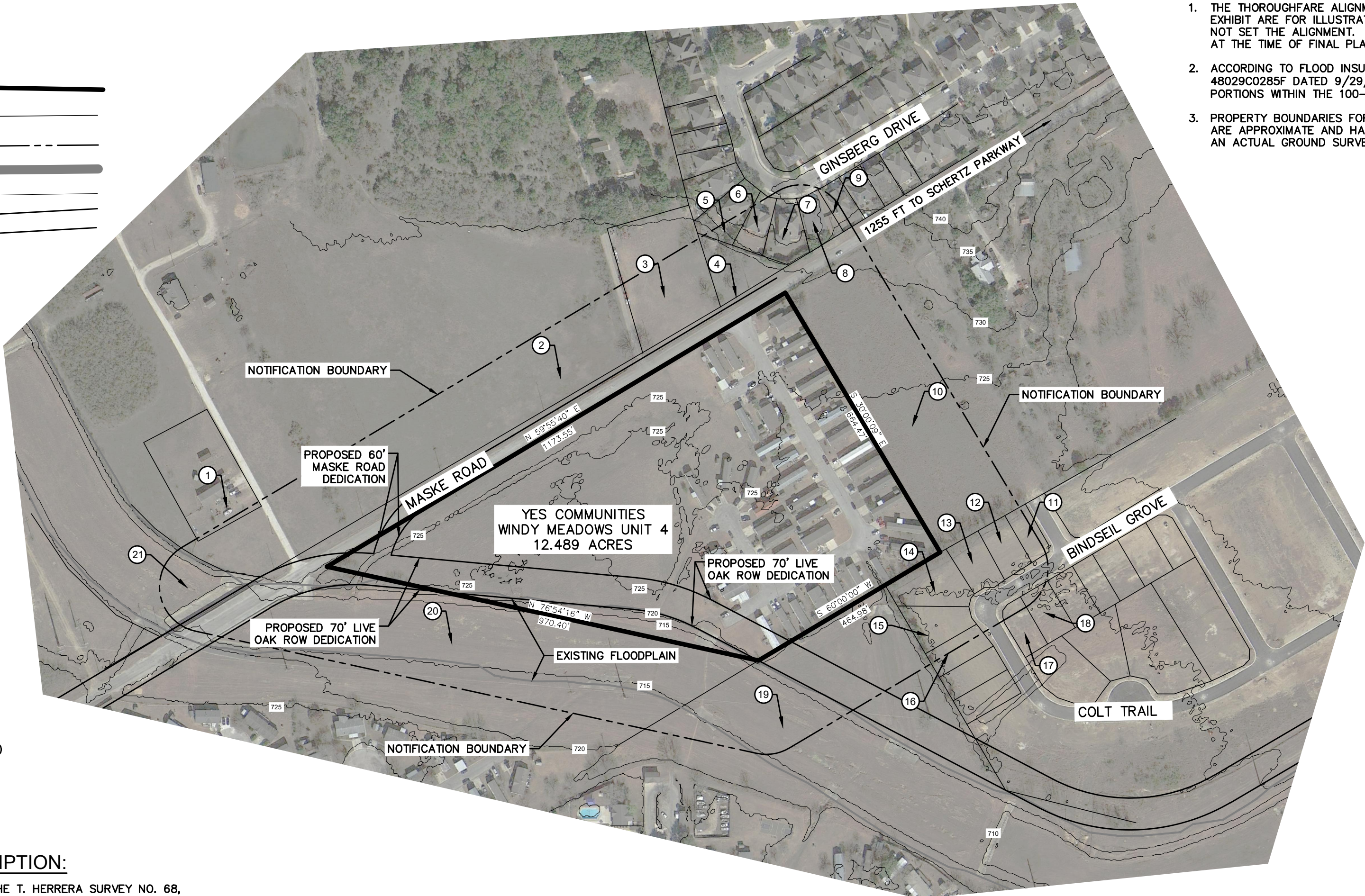
YES! COMMUNITIES  
ATTN: MIKE ASKINS  
1900 16TH STREET, SUITE 950  
DENVER COLORADO 80202  
720-440-5588

LEGAL DESCRIPTION:

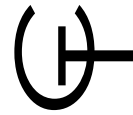
BEING A 12.489 ACRE TRACT OUT OF THE T. HERRERA SURVEY NO. 68,  
ABSTRACT NO. 153, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS AND BEING  
ALL OF WINDY MEADOW UNIT 4 ACCORDING TO PLAT THEREOF RECORDED IN  
VOLUME 5, PAGE 320B, GUADALUPE COUNTY PLAT RECORDS.

REZONING NOTES:

- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48029C0285F DATED 9/29/2010, THE SITE HAS PORTIONS WITHIN THE 100-YEAR FLOODPLAIN.
- PROPERTY BOUNDARIES FOR ADJACENT PROPERTIES ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY AN ACTUAL GROUND SURVEY.



CIVIL TECH, PLLC.  
ENGINEERS, CONSULTANTS, LAND PLANNERS



Firm No. 13711 (210) 365-5029  
P.O. BOX 2203 BOERNE, TX. 78006



YES COMMUNITIES MOBIL  
HOME PARK  
MASKE ROAD  
SCHERTZ TEXAS

ZONING SITE PLAN

SHEET NO.



**YES COMMUNITIES  
MANUFACTURED HOME PARK  
PLANNED DEVELOPMENT DISTRICT  
CITY OF SCHERTZ, GUADALUPE COUNTY TEXAS**



**October 21, 2019  
Firm Number 13711**

For:  
**YES COMMUNITIES, LLC.**

**Mike Askins  
5050 S. Syracuse Street, Suite 1200  
Denver Colorado 80237**

**Table of Contents:**

- General
- Purpose

**AFFECTED UDC ARTICLES**

1. Manufactured Homes and RV Parks (Article 6)
2. Amendments to the Planned Development District (PDD)

**APPENDIX**

Exhibit “A” – Zoning Exhibit

Exhibit “B” – Metes and Bounds

Exhibit “C” – Site Plan



- General

Yes Communities Manufactured Home Park is a proposed 12.825 acre single family residential type of development designed for the placement of homes that are transported to the site by means of attached axles or trailers. The site is located off of Maske Road approximately 1,500 feet west of Schertz Parkway within the City of Schertz, Guadalupe County, Texas. The property is partly developed with a manufactured home park, private streets, water, sewer, and electric lines serving the property consisting of approximately 12.85 acres. The owners wish to continue developing the remaining portion of the property; however the city's master thoroughfare plan has the extension of Live Oak running through the subject tract as well as the site needing a second access point. This road dedication, floodplain and city's new changes to the development articles regarding manufactured homes will not allow for the continuation of the existing tract size, spacing or layout of the development as platted.

This development has been previously platted as one lot, Unit 4 Windy Meadows, and has an approved master plan. There is currently one lot as platted with multiple "Spaces" for manufactured homes. This development will not be creating or dividing out the ownership of the property, just provide lease spaces that will house the manufactured homes.

The Planned Development District (PDD) as described in the following documents will outline how the development can utilize the existing infrastructure while upholding a greater design standard for the manufactured home park.

- Purpose

Provide for adequate space and site diversification for residential purposes that accommodate the design criteria of manufactured homes as used for single family residences. This PDD will allow for adequate vehicular and pedestrian circulation, promote housing densities compatible with existing and future public support facilities, promote the best desirable land use for this property as well as promote stability of this development.

- Development Standards

This property will develop in accordance with the provisions of the City of Schertz unified Development Code (UDC) as amended. This property will develop in accordance with the base zoning district of Manufactured Home Parks District (MHP) with the following modifications.

## **AFFECTED UDC ARTICLES**

### **1. Manufactured Homes and RV Parks (Article 6)**

#### **C. Minimum Site Requirements:**

##### **(1) Setbacks:**

- (a) Each dwelling unit shall have a minimum setback of twenty feet (20') from all other dwelling units. Any structure attached to the home shall be considered a part of the home and must maintain the minimum separation distance.
- (b) Each dwelling unit shall have a minimum setback of fifteen feet (15') from access easements.
- (c) Each dwelling unit shall have a minimum setback of ten feet (10') from public Right-Of-Way and perimeter property fencing.

##### **(2) Storage Facilities:**

- (a) A maximum one hundred twenty (120) square foot accessory building may be provided for each dwelling unit to be utilized solely for storage of personal items belonging to the owner or tenant of the space. All accessory structures shall have a minimum setback of fifteen feet (15') from all other dwelling units.

#### **D. Access, Traffic Circulation and Parking:**

- (1) Private roads will be constructed from a standard pavement section consisting of compacted subgrade, base, and a surface treatment or engineered section. The pavement section will have a minimum pavement width of thirty (30) feet.
- (2) Common area parking will be provided at thirty two (32) additional parking spaces located within the development separate from the parking pad located at each residence. The additional parking spaces will have a dimension of twenty (20) feet perpendicular to the curb and ten (10) feet parallel to the curb line. See the Site Plan for location.
- (3) Onsite parking will be provided with a private parking pad to serve each house. Parking pads will consist of concrete or asphalt pavement and have twenty (20) foot by twenty (20) foot dimensions.
- (4) Sidewalks will be constructed adjacent to public ROW's and to a width and specification as it pertains to the City of Schertz's Public Works Design Criteria as part of the new road section.

#### **E. Recreation Area:**

- (1) Individuals within this development shall have access to other YES Communities common areas within Units 1-3 of the Windy Meadows development. This is to include the amenity center, private park pavilion basketball court, swimming pool, and picnic and BBQ areas.

#### **F. Screening and Buffering**

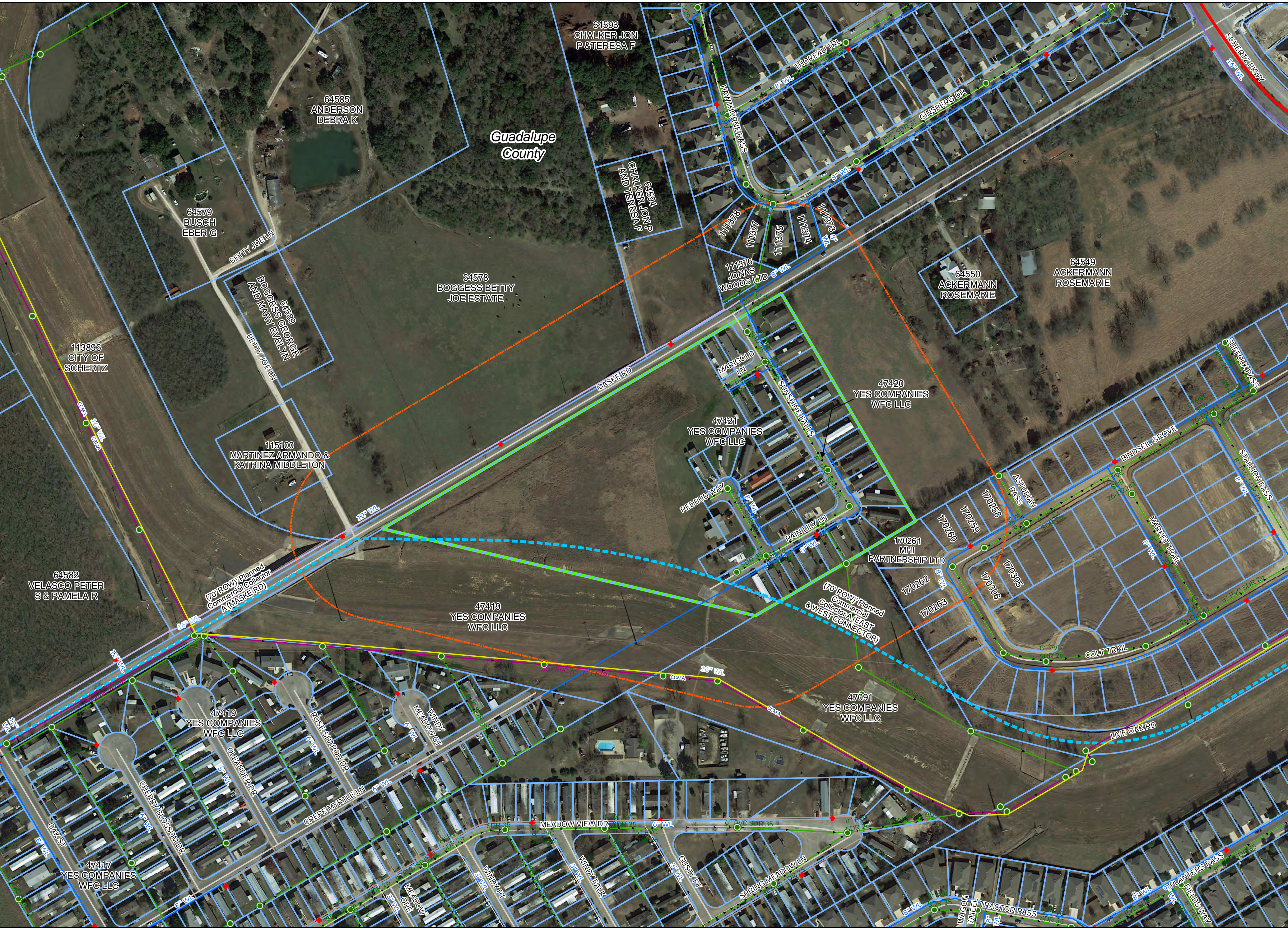
- (1) Street Buffer (Future Live Oak)

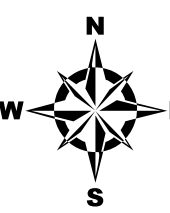
- (a) A five foot (5') street buffer for the future Live Oak alignment shall be placed along the proposed alignment of Live Oak as shown on the associated site plan. The buffer shall include a masonry fence that shall be no less than six feet (6') and no greater than eight feet (8') in height. The product known as "Fencecrete" will be an acceptable masonry material for this fence or approved equal. The fence shall terminate at the property boundaries or sooner if sight visibility becomes an issue at future or current intersections.
  - (b) The landscaping within the street buffer shall consist of eight (8) planters spaced no less than eighty feet (80') and no more than one hundred feet (100') apart. Each planter shall include a total of twelve and a half caliper inches (12.5") of trees planted, with the minimum tree size being two and a half caliper inches (2.5") and the maximum number of trees being five (5). Each planter shall also include twenty (20) shrubs, with the minimum shrub size being five (5) gallons.
- (2) Street Screening (Maske Road)
- (a) An upgraded screening fence shall be installed along Maske Road that as shown on the site plan. The fence shall consist of treated lumber including a top rail with concrete or masonry columns placed at maximum intervals of forty (40) feet or a fence of complete masonry similar to the Live Oak screening fence. The height of the fence shall be no less than six (6) feet and no greater than eight (8) feet. The fence shall terminate at the property boundaries or sooner if sight visibility becomes an issue at future or current intersections.

## **2. Amendments to the Planned Development District (PDD)**

Any significant future changes from the established Dimensional Requirements for the approved PDD, or changes that alter the concept of the PDD and/or increase the density, will cause the plan to be re-submitted for approval by the Planning & Zoning Commission and the City Council, including a new public hearing with applicable fees. Minor changes which do not change the concept or intent of the development shall be approved or denied administratively.







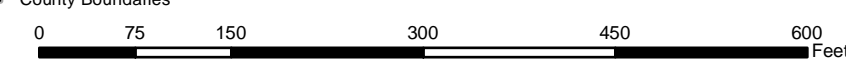
# SCHERTZ

COMMUNITY • SERVICE • OPPORTUNITY

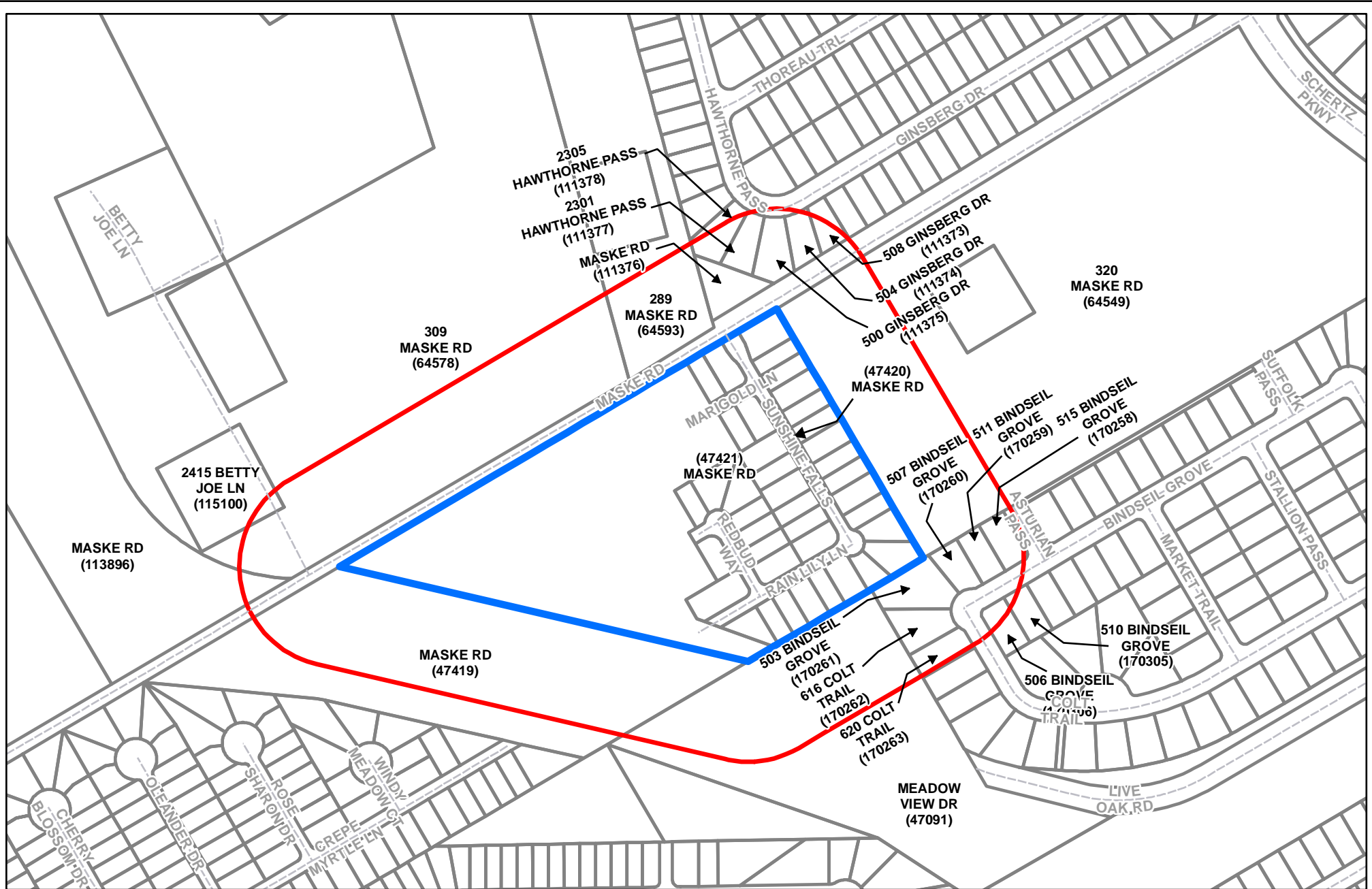
## WINDY MEADOWS U4

<all other values>	60' Expansion	86' Extension	120' Proposed	1", 1 1/2"	8"	20'	Schertz Gravity	Hydrant	200' Buffer
Highways	60' Proposed	86' Proposed	Abandoned	2", 2 1/2"	10"	24'	Schertz Pressure	Manholes	Schertz Municipal Boundary
Major Roads	60' Extension	120' Expansion	Future TxDOT	3"	12"	30'	Neighboring Main	Neighboring Gravity	County Boundaries
Minor Roads	86' Expansion	120' Extension	Highway	4"	16"	36'	Private Main	Private Pressure	0
Other Cities				6"	18"				75

1 Inch = 150 Feet







## City of Schertz

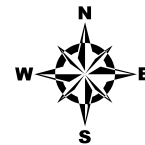
### Windy Meadows Unit 4

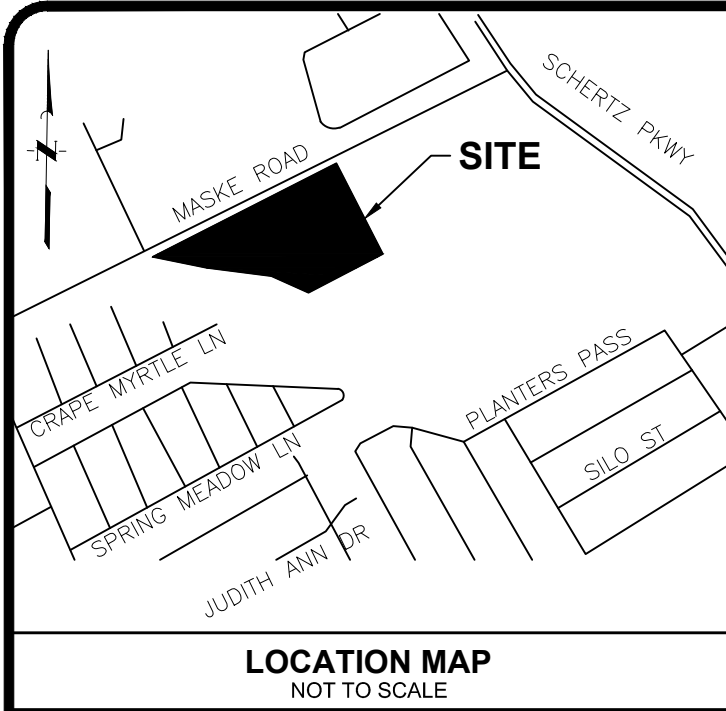


200' Notification Buffer



Parcel Boundaries





LEGEND:

- PROPERTY BOUNDARY
- EXISTING FLOODPLAIN
- PROPOSED LIVEOAK ROW
- PROPOSED LIVEOAK CENTERLINE
- EXISTING MANUFACTURED HOME
- PROPOSED MANUFACTURED HOME
- PROPOSED CONCRETE PAD
- EXISTING UTILITY EASEMENT
- EXISTING MASKE ROAD PAVEMENT
- PROPOSED 5' LANDSCAPING BUFFER

OWNER :

MIKE ASKINS  
YES COMMUNITIES  
1900 16TH STREET #950  
DENVER, COLORADO 80202  
720-440-5588

CIVIL ENGINEER :

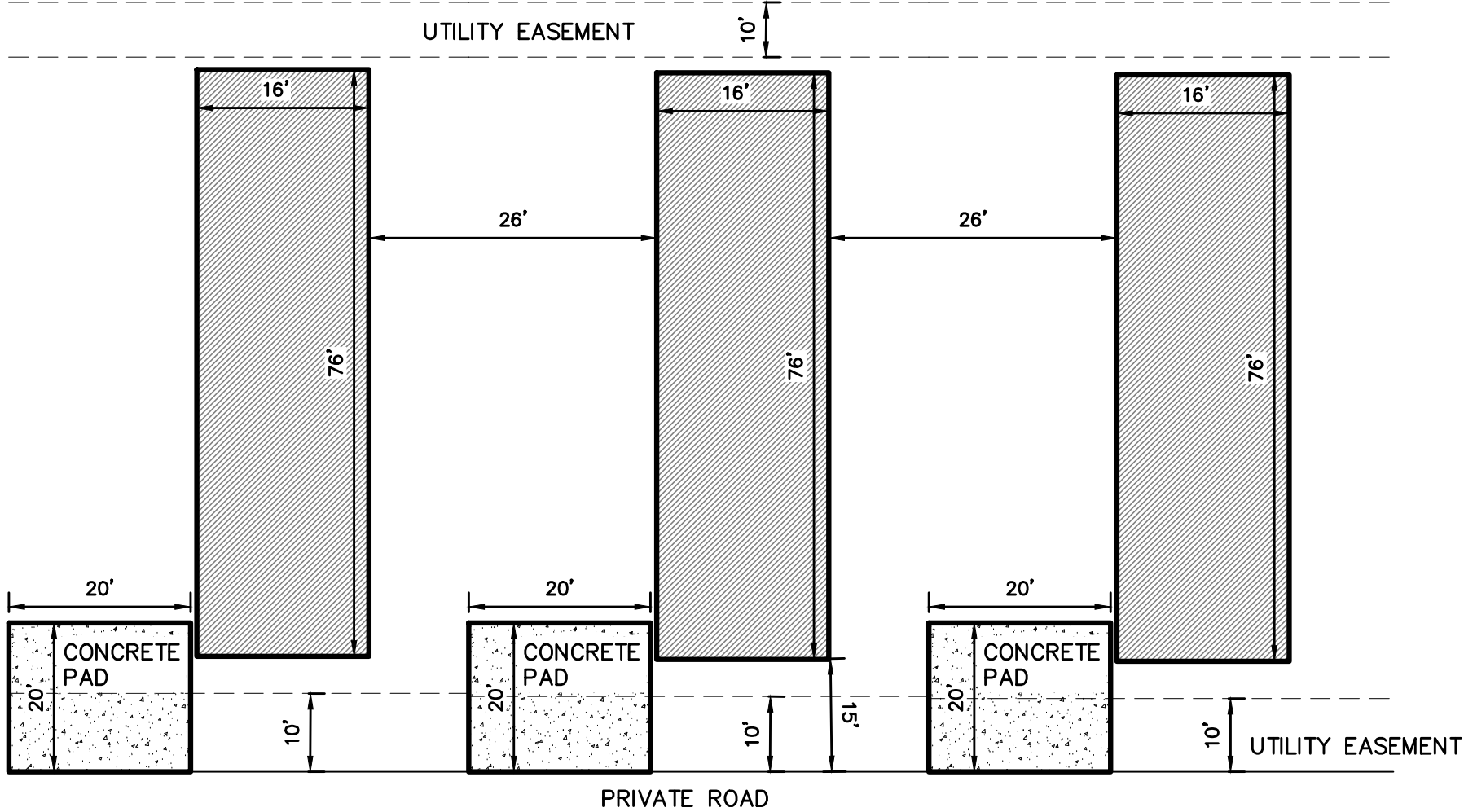
CIVIL TECH, PLLC.  
PO BOX 2203  
BOERNE TEXAS, 78006  
JAMES MCGARR  
210-365-5029

SITE NOTES:

- THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAT.
- ACCORDING TO FLOOD INSURANCE RATE MAP, PANEL 48029C0285F DATED 9/29/2010, THE SITE HAS PORTIONS WITHIN THE 100-YEAR FLOODPLAIN.
- PROPERTY BOUNDARIES AND ADJACENT PROPERTIES ARE APPROXIMATE AND HAVE NOT BEEN VERIFIED BY AN ACTUAL GROUND SURVEY.

SITE DATA SUMMARY TABLE:

- PROPOSED USE: MANUFACTURED HOME PARK
- ZONING DISTRICT: EXISTING, MHP, PROPOSED PDD
- LOT AREA : 12.489 ACRES
- SQ FT AND % OF IMPERVIOUS COVER : 267,765 SQ FT : 49%
- BUILDING AREA IN SQ FT: 89,000 SQ FT
- BUILDING HEIGHT : LESS THAN 35 FEET
- FLOOR AREA RATIO N/A
- PARKING SPOTS: 32 + 3 TEMPORARY
- NUMBER OF HANDICAP: 0
- NUMBER EXISTING DWELLINGS: 39
- NUMBER OF PROPOSED DWELLINGS: 31
- NUMBER OF SPACES MOVED/RELOCATED: 1
- NUMBER OF TOTAL DWELLING UNITS: 70

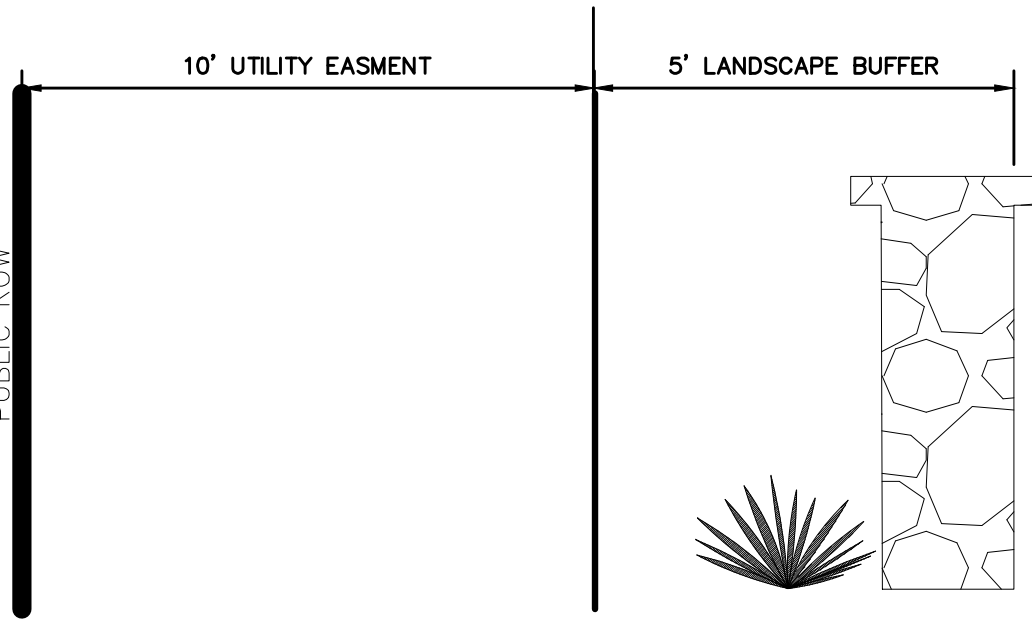


TYPICAL SPACE LAYOUT

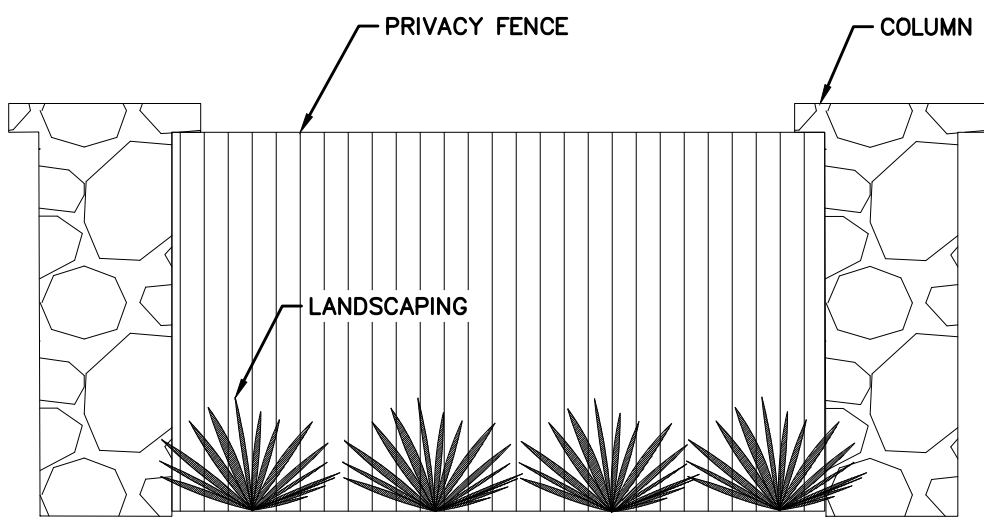
TYPICAL SPACE NOTES: N.T.S.

- HOUSES SHORTER 76 FEET IN LENGTH MAY BE PLACED IN ORDER TO MEET MINIMUM SEPARATION CRITERIA.

TYPICAL PARKING SPACE LAYOUT  
N.T.S.



LANDSCAPE BUFFER ZONE  
N.T.S.

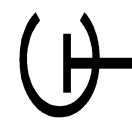


OWNERS NAME  
MARTINEZ ARMANDO AND KATRINA MIDDLETON  
BOGGESS BETTY JOE ESTATES  
CHALKER JON P AND TERESA F  
JONAS WOODS LTD  
BRUNGARD NICHOLAS M & KARA M  
MOORE BRIAN K SR & MEGELA E CAMPBELL REVOCABLE TRUST  
PEVOTO KYLE DAVID & LORI ANN  
HERINGER JOHN  
JONHSON DARRELL K  
ACKERMANN ROSEMARIE  
MHI PARTNERSHIP LTD  
MHI PARTNERSHIP LTD  
MHI PARTNERSHIP LTD  
MHI PARTNERSHIP LTD  
MHI PARTNERSHIP LTD  
MHI PARTNERSHIP LTD  
JEN TEXAS 18 LLC  
JEN TEXAS 18 LLC  
YES COMPANIES WFC LLC  
YES COMPANIES WFC LLC  
CITY OF SCHERTZ

ADDRESS  
2415 BETTY JOE LN SCHERTZ TX 78154  
2550 BETTY JOE SCHERTZ TX 78154  
MASKE RD SCHERTZ TX 78154  
SCHERTZ TX 78154  
2305 HAWTHORNE SCHERTZ TX 78154  
2301 HAWTHORNE PASS SCHERTZ TX 78154  
500 GINSBERG DRIVE SCHERTZ TX 78154  
504 GINSBERG DRIVE SCHERTZ TX 78154  
508 GINSBERG DRIVE SCHERTZ TX 78154  
MASKE RD SCHERTZ TX 78154  
515 BINDSEIL GROVE TX  
511 BINDSEIL GROVE TX  
507 BINDSEIL GROVE TX  
503 BINDSEIL GROVE TX  
616 COLT TRAIL TX  
620 COLT TRAIL TX  
506 BINDSEIL GROVE TX  
510 BINDSEIL GROVE TX  
MEADOW VIEW DRIVE SCHERTZ TX  
MASKE ROAD SCHERTZ TX  
MASKE ROAD SCHERTZ TX

PROPERTIES WITHIN 200 FEET NOTIFICATION AREA  
ADDRESS TYPE ZONING SUBDIVISION NAME  
R-2 NULL NULL  
R-2 NULL NULL  
GH JONAS WOODS UNIT 4  
GH JONAS WOODS UNIT 4  
GH JONAS WOODS UNIT 4  
GH JONAS WOODS UNIT 4  
GH JONAS WOODS UNIT 4  
R-2 NULL NULL  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
R-7 BINDSEIL FARMS  
MHP WINDY MEADOW #3  
R2 DRAINAGE ROW

CIVIL TECH, PLLC.  
ENGINEERS, CONSULTANTS, LAND PLANNERS



DATE

REVISIONS

YES COMMUNITIES  
MANUFACTURED HOMES PARK  
WINDY MEADOWS UNIT 4  
SCHERTZ, TEXAS  
SITE PLAN / MASTER PLAN

SHEET NO.

SITE

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 7, 2020  
**Department:** Police Department  
**Subject:** Ordinance No. 20-H-06 - Consideration and/or action approving an Ordinance of the City of Schertz, Texas, amending chapter 14-Animal Control, of the code of Ordinances; providing for mandatory micro chipping regulations for dogs and cats; therefore removing the requirement for an annual city license for dogs and cats; providing a conflict clause; providing for severability; providing for publication; and providing an effective date. *First Reading* (C. Kelm/M. Bane/S. Solitto)

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### BACKGROUND

The current trend, state wide, is going away from annual licensing and issued metal "dog tags" and moving toward mandatory micro chipping in pets. Metal tags are essentially 19th century technology, which can come off, get lost or be switched between animals. A microchip is implanted under the skin and is always with the animal. A mandatory micro chipping ordinance is the best possible way to ensure a lost pet is reunited with its owner. Every animal that comes in to Schertz Animal Services is scanned for a microchip. When a chip is found, staff can contact the registration company and get the owner's name, the pet's name, age, as well as the phone number, address and even the email of the owner. This is the most effective and efficient way to reunite lost pets with their owners, which has already been adopted by many large municipalities such as the City of San Antonio. This ordinance was presented to the Animal Advisory Board at the quarterly meeting on February 5, 2020, and received the support of the Advisory Board.

### GOAL

The goal is to adopt an ordinance that requires pets within the City of Schertz be micro chipped, while also removing the requirement for annual pet registration with the city.

### COMMUNITY BENEFIT

The community benefit is having the ability to quickly reunite pets with their owners. The Animal Services shelter and vehicles are equipped with a microchip scanners, allowing staff to scan for microchips. This provides the potential for pets to be returned to their owners quickly, therefore reducing animal population at the shelter. When animal population is reduced in the shelter, overall operational costs are also reduced. This ordinance also removes the requirement for pet owners to make annual visits to Animal Services to renew a license. Microchips are done once and remain for the life of the animal.

### SUMMARY OF RECOMMENDED ACTION

Staff recommends council amend chapter 14 of the code of ordinances to remove the requirement for an annual license and make animal microchips a requirement for all cats and dogs in the City of Schertz.

### FISCAL IMPACT

Animal Services collected \$2,254.00 in city license fees during the FY 2018-2019 fiscal year, with only 270 metal tags being issued. Schertz Animal Services will provide a microchipping service, which will help offset the small amount of revenue from the annual registration program. In FY 2018-2019, Animal Services spent \$198.90 on city license tags, plus the compensated staff time associated with completing the documentation and data entry associated with completing the licensing transaction, which would now be eliminated with the passing of this ordinance. Schertz Animal Services will continue to provide microchipping services for \$15.00. That fee includes placing the chip and lifetime registration with 24Pet Watch, which compared to the current \$5.00 or \$10.00 a year registration fee (fee varies on if spayed or neutered), is a significant savings to citizens over the life of a pet.

## **RECOMMENDATION**

Staff recommends approval of first reading of Ordinance 20-H-06.

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### **Attachments**

Ordinance Micro chipping

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## **ORDINANCE NO. 20-H-06**

**AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS, AMENDING CHAPTER 14-ANIMAL CONTROL, OF THE CODE OF ORDINANCES; PROVIDING FOR MANDATORY MICROCHIPPING REGULATIONS FOR DOGS AND CATS; THEREFORE REMOVING THE REQUIREMENT FOR AN ANNUAL CITY LICENSE FOR DOGS AND CATS; PROVIDING A CONFLICTS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Schertz, Texas is a Home Rule Municipality acting under authority of its Charter and laws of the State of Texas; and

**WHEREAS**, the City of Schertz, Texas has adopted animal control regulations, which are codified in Chapter 14 of the Code of Ordinances; and

**WHEREAS**, the City Council wishes to amend the existing animal control regulations to improve the overall quality of animal services within the community; and

**WHEREAS**, the City Council finds that adopting this Ordinance serves the best interests of the City and health, safety and welfare of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT:**

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 2. Chapter 14 of the City of Schertz Code of Ordinances is hereby amended as set forth in the attached Exhibit A, attached hereto and incorporated herein.

Section 3. All Ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this

Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 7th day of April 2020.

PASSED AND APPROVED ON THE SECOND READING THE 14<sup>TH</sup> day of April 2020.

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Mayor, Ralph Gutierrez

ATTEST:

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City Secretary, Brenda Dennis

(Seal of City)

## EXHIBIT A

NOTES FOR CODIFICATION SERVICE: AMEND CHAPTER 14, ANIMAL CONTROL AS PROVIDED BELOW. DELETIONS ARE NOTED AS STRIKETHROUGH AND ADDITIONS ARE NOTED AS UNDERLINED:

### City of Schertz MANDATORY ANIMAL MICROCHIPPING

**Add the following definition to section 14-1**

#### **Sec. 14-1. - Definitions.**

For purposes of this Chapter, the following terms, words, and the derivation thereof shall have the meaning given herein.

~~**Animal licensing:** The assignment by the Schertz Animal Shelter of a number to each animal for which the appropriate fee has been paid and which has been vaccinated with anti-rabies vaccine if required.~~

**Microchip:** is a permanent method of electronic identification that is implanted subcutaneously (just under the skin) between the shoulder blades at the back of an animals neck. A microchip has a unique number that is detected using a microchip scanning device.

**Microchipped:** shall mean an animal that:

(1) has a microchip implanted; and

(2) the animal, owner and microchip are registered with a national microchip registry.

**Registered Microchip:** shall mean a microchip that is registered with a company, organization or non-profit group that maintains microchip registration information, which includes identifying and contact information for animal owners.

### **Article III. ~~D~~LICENSING MICROCHIPPING AND PERMITS**

**Sec. 14-4. --Dog and Cat license required; application; license tag Microchipping Required**

- (a) ~~The owner of any dog or cat must apply for a license and pay the license fee required by the city for each dog or cat before the animal attains four months of age. The license may be purchased at the animal shelter or city business offices. The application shall~~

~~include the name and address of the applicant, description of the animal, and have attached thereto a copy of the proof of rabies vaccination if applicable.~~

- ~~(b) The animal shelter shall maintain a record of the identifying numbers of all dog or cat license tags issued.~~
- ~~(c) No person may use any pet dog or cat license for any animal other than the one for which it was issued.~~
- ~~(d) License fees shall not be required for seeing eye dogs or governmental police dogs; however, other requirements of other sub paragraphs under this article shall remain in force.~~
- ~~(e) Application for a license must be made within 30 days after obtaining a dog or cat over three months of age; this requirement will not apply to a non-resident keeping a dog or cat within the municipality for no longer than 60 days.~~
- ~~(f) Upon acceptance of the license application and fee, the city shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags will be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. Each dog and cat must wear an identification tag attached to a properly fitted collar at all times.~~
- ~~(g) The licensing period shall begin with the rabies vaccination date and shall run concurrently with this date.~~
- ~~(h) It shall be the duty of the owner of any dog or cat to procure a duplicate tag from the city in the event that the original tag is lost or destroyed. There will be a fee charged for each replacement tag.~~
- ~~(i) No person may use any license for any animal other than the animal for which it was issued.~~
- ~~(j) The animal shelter supervisor or his or her designee shall maintain a record of the identifying numbers of all tags issued.~~

- (a) All residents of the City of Schertz shall have their dog(s) and cat(s) implanted with a registered microchip.
- (b) Newborn dog(s) and cat(s) must be implanted with a registered microchip before the animal attains four (4) months of age.
- (c) Newly acquired dog(s) and cat(s) must be implanted with a registered microchip within 30 days of ownership.
- (d) New residents of the City of Schertz shall have their dog(s) and cat(s) implanted with a registered microchip within 30 days of moving to the city, if the animal is not already microchipped. If the animal is already microchipped, the owner shall update their contact information.

(e) An animal is exempt from this requirement if it is determined to be medically unsuitable for microchipping by a licensed veterinarian, in writing, provided that:

- i. The animal is determined to be medically unsuitable for microchipping, the owner shall have the animal permanently marked with an identifying tattoo by a licensed veterinarian; and
- ii. Proof of medical unsuitability for microchipping along with the identifying tattoo number and owner's or keeper's name, address and telephone number is provided to Schertz Animal Services within thirty (30) days of tattooing; and;
- iii. If there is a change in contact information, the owner or keeper of a tattooed animal shall update the contact information with Schertz Animal Services within thirty (30) days of the date of the change in contact information and;
- iv. If there is a change in ownership of a tattooed animal, the previous owner or keeper shall be responsible for notifying Schertz Animal Services of the change within thirty (30) days of the date of change in ownership; and
- v. If they reside in the City of Schertz, the new owner or keeper shall be responsible for providing Schertz Animal Services with the new owner's or keeper's name, address and telephone number within thirty (30) days after the change in ownership.

(f) If there is a change in ownership of a microchipped animal, the previous owner shall be responsible for ensuring that the microchip is no longer registered in the previous owner's name within thirty (30) days of the date of change in ownership.

(g) Any person who violates any of the provisions of this chapter shall be subject to the enforcement and penalty provision provided for in Article X. – Special Provisions.

(h) It is a defense to prosecution under this section that:

- i. At the time of the offense the person was using the dog or cat in a research program at an institution of higher education, which is accredited by the American Association for the Accreditation of Laboratory Animal Care; or
- ii. The dog or cat is being fostered by the resident, and has a microchip that is registered to the organization responsible for the animal.
- iii. The dog or cat owner is a nonresident of this city and is keeping the animal in the

city for fewer than thirty (30) days; or

- iv. The dog or cat owner has been a resident of this city for fewer than thirty (30) days;  
or
  - v. The dog or cat had been abandoned or lost and the temporary owner has had the  
animal for fewer than thirty (30) days.
- (i) It shall be an affirmative defense to prosecution under this section that the animal is a feral  
cat in the city's trap, neuter and return program.

CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 7, 2020  
**Department:** Public Works  
**Subject:** Ordinance No. 20-D-10 - Consideration and/or action approving an Ordinance providing that the Code of Ordinances of the City of Schertz, Texas be amended by revising Chapter 86, Section 86-115, Maximum limits generally on specific streets, adding the maximum speed limits of FM 1103 to a construction speed limit and thus temporarily changing the maximum speed limit. *First Reading* (C. Kelm/S. Williams/D. Letbetter)

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**BACKGROUND**

TxDot requested that the City of Schertz reduce the speed limit from 45 MPH to 40 MPH on FM 1103, from IH 35 Frontage Rd. to 260' South of Old Wiederstein Rd. (City Limits), during the construction phase of FM 1103. The Traffic Safety Advisory Commission (TSAC), during their regular meeting March 5, 2020, unanimously recommended approval. Construction speed zones will be in effect when speed reduction signs are displayed within the TxDot construction project identified as NH 2017(797). The maximum construction speed limits in this construction zone of FM 1103 will be included in the City's Code of Ordinances Sec. 86-115.

The completion of this project shall cancel these provisions of the ordinance, applying to the project, and any remaining construction speed zone signs shall be removed.

**GOAL**

To ensure safe speed limits are established and enforceable through the City's Code of Ordinances.

**COMMUNITY BENEFIT**

To provide for safe travel on streets within the City for residents and visitors.

**SUMMARY OF RECOMMENDED ACTION**

Approval is recommended to allow for placement of the construction speed limit signs.

**FISCAL IMPACT**

No cost to the city. These signs will be installed and maintained by the TxDot contractor.

**RECOMMENDATION**

Staff recommends approval of Ordinance 20-D-10 on the *First reading* April 7, 2020.

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**Attachments**

Ordinance 20-D-10

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## **ORDINANCE NO. 20-D-10**

### **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF SCHERTZ, TEXAS, BE AMENDED BY REVISING SECTION 86-115, MAXIMUM LIMITS GENERALLY ON SPECIFIC STREETS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it has been established that the maximum speed limits need to be included for FM 1103 in the Code of Ordinances where a construction speed zone is in effect when signs are displayed within Texas Department of Transportation (TxDOT) construction project NH 2017(797).

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:**

Section 1 THAT, Section 86-115-Maximum limits on specific streets of the Code of Ordinances be amended with the addition as follows:

<b>Street</b>	<b>Extent</b>	<b>Speed (MPH)</b>
FM 1103	FM IH 35 Frontage Rd. to 260' South of Old Wiederstein Rd. for a distance of 0.74.	40

Section 2 The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3 All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4 This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5 If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6 It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7 This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.



Section 8 The completion of TxDOT Project NH 2017(797) shall cancel the provision of this ordinance applying to said project.

**PASSED ON FINAL READING**, the 14th day of April 2020.

ATTEST:

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Ralph Gutierrez, Mayor

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Brenda Dennis, City Secretary

(CITY SEAL)

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** Public Works  
**Subject:** Ordinance No. 20-T-11 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2019-2020 Budget to transfer funds for the purchase of software, parts, and labor for 14 existing Flashing School Zone Lights and the purchase of three additional lights, repealing all ordinances in conflict with this ordinance; and providing an effective date. *First Reading* (C. Kelm/S. Williams/D. Letbetter)

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**BACKGROUND**

With Ordinance 20-T-11 staff is proposing to amend the budget to transfer funds from the Child Safety Fund budget to the Street Crossing Improvement Budget. While this budget adjustment is not asking to raise the overall City Budget, it will transfer amounts between the Child Safety Fund and the Street Crossing Improvements and Ordinance 11-M-28 states the City Manager may not move budgets between departments or funds without council authorization.

**GOAL**

To raise Schertz Flashing School Zone Lights to a higher standard where staff can diagnose problems from the office or phones. In addition, employees will not have to go to the field to run reports, such as change times reports.

**COMMUNITY BENEFIT**

This will benefit the city and community by minimizing down times and thus increasing safety, reduce costs, and increase personnel efficiencies.

**SUMMARY OF RECOMMENDED ACTION**

Approval is recommended to allow budget adjustment of \$60,000.00 from Child Safety Fund to the Street Crossing Improvements.

**FISCAL IMPACT**

There will be no fiscal impact to the 2019-2020 budget.

**RECOMMENDATION**

Staff recommends approval of Ordinance 20-T-11 on the First reading.

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**Attachments**

School Zone Lights

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## **ORDINANCE NO. 20-T-11**

### **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2019-2020 BUDGET, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, pursuant to Ordinance 19-T-23, the City of Schertz (the “**City**”) adopted the budget for the City for the fiscal year 2019-2020 (the “**Budget**”), which provides funding for the City’s operations throughout the 2019-2020 fiscal year; and

WHEREAS, the City needs to transfer authorized budget amounts of \$60,000.00 from the Child Safety Fund to the Street Crossing Improvement budget for the purchase of software, parts and labor for 14 existing Flashing School Zone lights and the purchase of 3 additional lights; and

WHEREAS, City staff recommends that the City Council of the City adjust the Budget and approve the ordinance; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to adjust the Budget and approve the budget transfer for the software, parts, labor and modems, for the installation of parts so that there can be communication between the fourteen flashing school zone lights, as more fully set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:

Section 1. The City shall transfer \$60,000.00 from the Child Safety Fund budget to the the . Street Crossing Improvements budget.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 7th day of April, 2020.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 14<sup>th</sup> day of April, 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis City Secretary  
(CITY SEAL)

CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 7, 2020

**Department:** City Secretary

**Subject:** Ordinance No. 20-H-13 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz amending Ordinance No. 20-H-09; extending a Declaration of Local Disaster and Public Health Emergency; amending the rules and regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations; providing and effective date and declaring an emergency. *First and Final Reading (Mayor/Council)*

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**BACKGROUND**

On March 11, 2020, the World Health Organization declared that the COVID-19 outbreak should be characterized as a pandemic. On March 13, 2020, Greg Abbott, the Governor of the State of Texas issued a proclamation that declared COVID-19 as an imminent threat of disaster. On or around March 15, 2020, the Center for Disease Control and Prevention (CDC) issued revised guidance regarding social distancing and mass gatherings of 10 or more people.

City staff and personnel continue to work with the state, federal, local authorities and our emergency management team to pay close attention to the federal government's response to the Coronavirus issue. The City has taken measures to close/cancel facilities and events through April 5, 2020. The city has canceled all non-essential boards and commission meetings as well as any City sponsored social events and activities through this time as well.

We believe that limiting staff interaction with the public is crucial at this point, and as such, effective immediately, the lobby doors at all City facilities except the Police Department. Building 1, aka City Hall, will be closed but the drive through window will continue to be open. Notices of closures have been placed on City related buildings.

On Friday, March 20, 2020, Mayor Gutierrez proclaimed and signed a Declaration of Public Health Emergency to be effective at 11:59 p.m. and until March 27, 2020, for the City of Schertz. The purpose of this Ordinance is to be able to extend the Declaration of Public Health Emergency for 60 days.

On Tuesday, March 24, 2020, Mayor and City Council passed an Ordinance extending a Declaration of Public Health Emergency to be effective at 11:59 p.m. and until April 14, 2020. Also, at this meeting it was discussed by Council to have this item placed on future agendas for discussion and possible actions.

The Mayor has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident. The local state of disaster and public health emergency declared by Mayor Ralph Gutierrez for the City of Schertz, Texas, pursuant to §418.108(a) of the Texas Government Code and renewed and extended to April 14, 2020 at 11:59 p.m. by City Council Ordinance 20-H-09 pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit A, is hereby further extended until May 5, 2020.

This Ordinance amends Ordinance 20-H-09 by extending the Declaration of Local Disaster including all

rules and regulations attached hereto as Exhibit A, is hereby further extended until May 5, 2020.

### **GOAL**

Is to decrease the spread of the virus throughout our Community and slow transmission as much as possible.

### **COMMUNITY BENEFIT**

To keep all citizens safe and reduce the transmission of the virus.

### **SUMMARY OF RECOMMENDED ACTION**

Staff recommends Council approve Ordinance No. 20-H-13 on first and final reading declaring an emergency extending a Declaration of Local Disaster until May 5, 2020; amending the Rules and Regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations; providing an effective date and declaring an emergency.

### **FISCAL IMPACT**

Unknown at this time.

### **RECOMMENDATION**

Council approve Ordinance No. 20-H-13 on first and final reading and declaring an emergency.

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#### **Attachments**

Ordinance

Exhibit A

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## **Ordinance No. 20-H-13**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ AMENDING ORDINANCE 20-H-09; EXTENDING A DECLARATION OF LOCAL DISASTER; AMENDING THE RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS. PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY. FIRST AND FINAL READING**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 20, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, to date, there have been 3,997 confirmed positive cases in Texas; and

**WHEREAS**, on Wednesday April 1, 2020, the World Health Organization (WHO) declared the crisis that is now a pandemic after infecting nearly 926,095 people around the world and killed 46,413. 211,698 cases have been confirmed in the United States according to WHO.

**WHEREAS**, the virus is characterized by mild symptoms including a runny nose, sore throat, cough and fever, similar to the influenza where in severe cases it can lead to pneumonia or breathing difficulties according to WHO; and

**WHEREAS**, those with these symptoms who have traveled to or been in contact with an individual who has traveled to a country that has coronavirus in the last two weeks are urged to see their physician; and

**WHEREAS**, on March 13, 2020, President Trump declared a state of emergency due to COVID- 19; and

**WHEREAS**, President Trump is likely to invoke the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

**WHEREAS**, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for counties in the state of Texas; and

**WHEREAS**, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, on March 31, 2020 Governor Abbott issued GA-14 superseding local authority invoked under Chapter 418 of the Government Code, and Chapter 81 and 122 of the Health and Safety Code where local order conflict with GA-14 or any previous order of the Governor related to the pandemic;

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Schertz, and may exercise the powers granted by the governor on an appropriate local scale;and

**WHEREAS**, Ralph Gutierrez, the Mayor of the City of Schertz previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources; and

**WHEREAS**, the Mayor has made a Declaration of Public Health Emergency, and further declared all rules and regulations that may inhibit or prevent prompt response to this threat suspended for the duration of the incident; and

**WHEREAS**, the Mayor, under the Texas Disaster Act of 1975, has authorized the use of all available resources of state government and political subdivisions to assist in the City's response to this situation; and

**WHEREAS**, the Mayor has determined that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be infected or impacted by COVID-19;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:**

- Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.
- Section 2. That the local state of disaster and public health emergency declared by Mayor Ralph Gutierrez for the City of Schertz, Texas, pursuant to §418.108(a) of the Texas Government Code and renewed and extended to April 14, 2020 at 11:59 p.m. by City Council Ordinance 20-H-09 pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit A, is hereby further extended until May 5, 2020.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.



- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Schertz, Texas, emergency management plan.
- Section 5. Pursuant to §418.020(c) of the Government Code, this declaration authorizes the City to commandeer or use any private property, temporarily acquire, by lease or other means, sites required for temporary housing units or emergency shelters for evacuees, subject to compensation requirements.
- Section 6. Pursuant to §122.006 of the Health and Safety Code, this declaration authorizes the City to take any actions necessary to promote health and suppress disease, including quarantine, examining and regulating hospitals, regulating ingress and egress from the City, and fining those who do not comply with the City's rules.
- Section 7. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters herein except those portions deemed to conflict with GA-14.
- Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.
- Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.
- Section 11. Should Governor Abbott lift the statewide disaster orders now in place prior to the date of expiration stated herein, this ordinance shall no longer be subject to enforcement by the City and shall be repealed by the City Council at the first legally posted meeting thereafter.
- Section 12. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS THIS ORDINANCE WAS PASSED, ON FIRST AND FINAL READING, THE 7th DAY OF APRIL 2020.**

CITY OF SCHERTZ, TEXAS

By: \_\_\_\_\_  
Ralph Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Dennis, City Secretary

## EXHIBIT A

**THE FOREGOING RULES GOVERNING PRIVATE AND PUBLIC GATHERINGS EXTENDED BY CITY COUNCIL ORDINANCE 20-H-09 IS HEREBY SUPERSEDED BY THE FOLLOWING UPDATED RESTRICTIONS TO RESPOND TO EVOLVING CIRCUMSTANCES THAT ARE DETRIMENTAL TO THE PUBLIC HEALTH. THE FOLLOWING RESTRICTIONS SHALL TAKE EFFECT AT 11:59 P.M. ON April 8, 2020 AND WILL CONTINUE THROUGH 11:59 P.M. ON MAY 5, 2020.**

**SECTION 1.** All individuals currently living within Schertz, Texas ("the City") are ordered to remain and stay at their place of Residence. To the extent individuals are using shared or outdoor spaces as allowed hereunder, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their Residence. All persons may leave their Residences only for Essential Activities or for performing or accessing Essential Governmental Functions, Healthcare Operations, Essential Businesses, and Essential Critical Infrastructure, all as defined in Section 4. Individuals experiencing homelessness are exempt from this Section but are strongly urged to obtain shelter and to utilize Social Distancing Requirements.

**SECTION 2.** All businesses operating in the County, except Essential Businesses as defined below in Section 4, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in Section 4. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own Residences (i.e., working from home) without regard to homeowner's association restrictions providing otherwise. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 4 below, including six-foot social distancing for both employees and the general public.

**SECTION 3.** All public and private gatherings of any number of people occurring outside a Residence are prohibited, except for the limited purposes as expressly permitted herein and defined in Section 4. Nothing in this Stay Home Stay Safe Order prohibits the gathering of members of the same household or family unit at their place of Residence, provided they maintain social distancing wherever reasonably possible.

### **SECTION 4. Definitions and Exemptions:**

- A. Residence:** For purposes of this Stay Home Stay Safe Order, the term "Residence" means the physical place where a person, group or family resides, including single family houses, apartment units, townhomes, condos, multi-family homes, such as duplexes, triplexes, and quadplexes, manufactured homes and recreational vehicles (RVs), and hotels, motels, shared rentals, and other related facilities. Where applicable, the term "Residence" shall include the entire area within a property's boundary lines, including porches, yards and balconies
- B. Covered Businesses and Covered Entities:** For the purposes of this Stay Home Stay Safe Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

## EXHIBIT A

**C. Essential Activities:** For purposes of this Stay Home Stay Safe Order, individuals may leave their Residence only to perform any of the following "Essential Activities":

1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, and visiting a health care professional.
2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others and to food banks and food bank depositories, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of Residences, and obtaining supplies they need to work from home.
3. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running or cycling.
4. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Stay Home Stay Safe Order, including Minimum Basic Operations.
5. To care for a family member or pet in another household.
6. To exchange children between parents, guardians, or managing conservators pursuant to a child custody order or agreement between the parties.

**D. Healthcare Operations:** For purposes of this Stay Home Stay Safe Order, individuals may leave their Residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered Healthcare Operations. Healthcare Operations also includes veterinary care and all healthcare and welfare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise facilities, athletic gyms, exercise gyms and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures. Hospitals, ambulatory surgery centers, dental offices, and other medical facilities are directed to identify procedures that are deemed "elective" by assessing which procedures can be postponed or cancelled based on patient risk considering the emergency need for redirection of resources to the current public health and safety concerns. Nursing Home Residents: The Department of Health & Human Services, Centers for Medicare & Medicaid Services (CMS) is responsible for ensuring the health and safety of nursing home residents by enforcing the standards required to help each resident attain or maintain their highest level of well-being. Facilities should restrict visitation of all visitors and adhere to the CMS, Ref: QSO-20-14-NH, Center for

## EXHIBIT A

Clinical Standards and Quality/Quality, Safety & Oversight Group Memorandum (most recent publication dated March 13, 2020).

- E. Essential Critical Infrastructure:** For purposes of this Stay Home Stay Safe Order, individuals may leave their Residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Critical Infrastructure," including, but not limited to, work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by Presidential Policy Directive 21 (PPD-21). The U.S. Department of Homeland Security, Critical Infrastructure Sectors, National Cybersecurity and Infrastructure Agency (CISA) at <https://www.cisa.gov/critical-infrastructure-sectors> Which includes: public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), financial institutions, defense and national security-related operations, and essential manufacturing operations, provided that they carry out those services or that work in compliance with the Social Distancing Requirements as defined in this Section, including the six foot social distancing, to the extent possible. Essential Businesses providing Essential Critical Infrastructure should implement screening precautions to protect employees and all activity shall be performed in compliance with Social Distancing Requirements.
- F. Essential Governmental Functions:** For purposes of this Stay Home Stay Safe Order, all services provided by governmental entities needed to ensure the continuing operation of the governmental entities to provide for the health, safety, and welfare of the public are categorically exempt from this Stay Home Stay Safe Order. Further, nothing in this Stay Home Stay Safe Order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, including the six-foot social distancing, to the extent possible. This order does not apply to the Federal or State Government.
- G. Essential Businesses. For purposes of this Stay Home Stay Safe Order, "Essential Businesses" means:**
1. Healthcare Operations, Essential Critical Infrastructure, and Essential Government Functions;
  2. Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of Residences;

## EXHIBIT A

3. Food cultivation, including farming, livestock, fishing, nurseries, and garden centers;
4. Residential, transportation and commercial/industrial construction;
5. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
6. Newspapers, television, radio, and other media services;
7. Gas stations and fuel suppliers;
8. Auto-supply, auto-repair, auto parts, auto-maintenance, vehicle manufacturing, vehicle sales and related facilities;
9. Banks and related financial institutions;
10. Hardware stores;
11. Trash and recycling collection, processing and disposal;
12. Cleaning, maintenance and security for facilities;
13. Warehouse distribution and fulfillment;
14. Storage for Essential Businesses;
15. Funeral homes, crematoriums, cemeteries, burial, and related services, provided that Social Distancing Requirements are maintained to the greatest extent possible;
16. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of Residences, Essential Activities, and Essential Businesses, in addition to emergency repairs for facilities of non-essential businesses;
17. Certain real estate functions limited to real estate property management, including scheduling necessary repairs that effect the safety and well-being of residents, executing and managing leases (commercial and residential), renewal and adjustments of leases (commercial and residential); real estate recordings and transfers, including the execution and documentation of real estate transfers; and real property related services such as permitting, inspections, construction, procurement, representation and title searches;
18. Businesses and providers providing mailing and shipping services, including post office boxes;
19. Educational institutions-including public and private pre-K establishments, K-12 schools, colleges, and universities-for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
20. Laundromats, drycleaners, and laundry service providers;
21. Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru or carry-out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Stay Home Stay Safe Order on the condition that the food is provided to students or members of the public on a pick-up or carry-out basis only;
22. Businesses that supply products needed for people to work from home or office;
23. Businesses that provide Information Technology (IT) services that are necessary to maintain internet and telecommunications systems, including the provision of essential global, national and local infrastructure for computing services, business infrastructure, communications and web- based services;
24. Businesses that provide residential and/or commercial moving services and

## EXHIBIT A

necessary moving supplies;

25. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
26. Businesses that ship or deliver groceries, food, goods or services directly to Residences;
27. Any business or manufacturer who restructures so that a substantial part of their business is for the purpose of manufacturing, producing or distributing products, intended to be directly utilized for the COVID-19 response;
28. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Stay Home Stay Safe Order;
29. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
30. Childcare, daycare and child watch facilities and providers providing services that enable employees exempted in this Stay Home Stay Safe Order to work as permitted. To the extent possible, childcare, daycare and child watch facilities and providers must operate under the following mandatory conditions:
  - a. Childcare, daycare and child watch be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).
  - b. Children should not change from one group to another.
  - c. If more than one group of children are cared for at one facility, each group should be in a separate room. Groups should not mix with each other.
  - d. Childcare providers should remain solely with one group of children.

**H. Minimum Basic Operations:** For purposes of this Stay Home Stay Safe Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their Residences.

**I. Essential Travel: For purposes of this Stay Home Stay Safe Order, Essential Travel"**

1. includes travel for any of the following purposes:
2. Any travel related to the provision of or access to Essential Activities, Healthcare Operations, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
3. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
4. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
5. Travel to return to a place of Residence from outside the jurisdiction.

## EXHIBIT A

6. Travel required by law enforcement or court order.
7. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
8. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

**J. Social Distancing Requirements:** For purposes of this Stay Home Stay Safe Order, "Social Distancing Requirements" includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. In addition, we encourage limited exposure to your family members by recommending one family member complete necessary essential shopping.

**SECTION 5:** Governor Greg Abbott by the issuance of Executive Order GA 14, has deemed religious and worship services as "Essential Services". If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19

**SECTION 6:** All public park equipment and fixtures including all playscapes are closed for public use for the duration of this order. Parks are open to the public during regular hours, but their use is limited exercise activity and Social Distancing Requirements must be followed at all times.

**SECTION 7:** Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Stay Home Stay Safe Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Schertz, TX for the next 60 days.

**SECTION 8:** Nursing homes, retirement, and long-term care facilities are instructed by this order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

**SECTION 9.** The intent of this Stay Home Stay Safe Order is to ensure that the maximum number of people self-isolate in their places of Residence to the maximum extent feasible, while enabling essential services to continue, to reduce the risk to the health and safety of the people to the maximum extent possible. When people need to leave their places of Residence, whether to obtain or perform authorized services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times comply with Social Distancing Requirements as defined in Section 4. All provisions of this Stay Home Stay Safe Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Stay Home Stay Safe Order constitutes an imminent threat to public health.



## EXHIBIT A

**SECTION 10.** This Stay Home Stay Safe Order is issued based on evidence of an increasing risk to the health and safety of the residents within the County, throughout the United States of America and the State of Texas, and scientific evidence and best practices regarding the most effective approaches to address the concerns for the health and safety of the public. The notable risk to the health and safety of the public has resulted in a public health emergency throughout the County.

**SECTION 11.** This Stay Home Stay Safe Order also is issued based on known risks to the health and safety to the people of Schertz, Texas. This Stay Home Stay Safe Order is necessary to protect the health and safety of the people and to limit the factors creating the risks.

**SECTION 12. Prohibited activities:** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Emergency Order. Pursuant to current guidance from the CDC, any gathering of more than ten people is prohibited unless exempted by this Emergency Order. Nothing in this Emergency Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie theaters, including drive-in or drive thru, concert and music halls, and country clubs or social clubs shall be closed to the public.

All home solicitation shall cease, and any existing home solicitation permits are hereby terminated.

**SECTION 13.** Pursuant to Section 418.108(h) of the Texas Government Code, this Stay Home Stay Safe Order shall control the movement of persons and the occupancy of premises in Schertz, Texas, and includes the incorporated and unincorporated areas of Schertz, Texas; and to the extent of a conflict between this Stay Home Stay Safe Order and the orders of the Governor or a county judge of Bexar, Comal or Guadalupe County, those order would prevail to the extent of any conflict, except where the City has chosen to be more strict regarding non-essential activity.

**SECTION 14.** Any person, firm, corporation or agent who shall violate a provision of this ordinance, or fail to comply therewith, or with any other requirements thereof, shall be guilty of a Class C misdemeanor. Such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation, such person shall be punished by a fine not to exceed \$2,000.00.

**SECTION 15.** Any peace officer or other person with lawful authority is further authorized to enforce the provisions of this Ordinance or the orders of the Governor in accordance with the authority granted under the Texas Disaster Act of 1975, as applicable, which allows a fine not to exceed \$1000.00 and confinement not to exceed 180 days pursuant to Government Code 418.173.

**SECTION 16.** This Stay Home Stay Safe Order will be posted on City of Schertz website at:

## EXHIBIT A

<https://www.schertz.com> and filed with the City Secretary. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Stay Home Stay Safe Order is strongly encouraged to post a copy of this Stay Home Stay Safe Order onsite and to provide a copy to any member of the public asking for a copy.

**SECTION 17.** The Mayor, Local Health Authority and Director of Health may update restrictions set out in this Exhibit as necessary to respond to the evolving circumstances of this outbreak during the duration of the Mayor's Declaration of Public Health Emergency and any extension by the Schertz City Council.

**SECTION 18.** This Emergency Order amends and supersedes the Emergency Order extended by Ordinance 20-H-09.

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** Engineering  
**Subject:** Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)

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**Attachments**

April Major Project Update

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## CITY COUNCIL MEMORANDUM

**City Council Meeting:**

**April 7, 2020**

**Department:**

**City Manager**

**Subject:**

**Update on major projects in progress/CIP, City View, Utility Meter Swap Out, and Civic Rec Software**

### **Background**

This is the monthly update on large capital projects that are in progress or in the planning process. This update is being provided so Council will be up to date on the progress of these large projects. If Council desires more information on any project or on projects not on this list, please reach out to staff and that information will be provided.

### **Facilities Projects:**

1. **Fire Station 3:** Project is complete
2. **Civic Center A/V Upgrades:** Project is complete
3. **27 Commercial Place Renovation:**
  - Project Status: Design-Build Procurement
  - Estimated Construction Start: Fall 2020
  - Estimated Cost of Construction: \$1.5 million
  - Project Update: The City received five RFQ responses for design-build services. Sledge Engineering and City Staff evaluated the RFQ responses. The project team will move forward with negotiations with the highest scoring firm and a recommendation to Council for contract award will follow.

### **Water Projects:**

1. **Water Meter Change Out:** No update from March report. As of December 31, 2019, Staff had successfully completed installing all meter change outs. Staff continues to work on the new customer portal.
2. **FM 1103 Utility Relocation Project:**
  - Project Status: Under Construction
  - Construction Start: August 2019
  - Construction Completion: Spring 2020

- Cost of Construction: \$964,424.12
- Project Update: D. Guerra installed the majority of the sewer relocation. They also installed the final segment of waterline relocation on the northeast corner of IH-35 and FM 1103. The final water segment was tied in at the beginning of April. TxDOT is analyzing the final roadway design to ensure that all of the utility conflicts have been properly resolved. The project is expected to be completed in Spring of 2020.

### **Engineering Projects:**

#### **1. 2018 Street Preservation and Maintenance Reconstruction Project:**

- Project Status: Under Construction
- Construction Start: January 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$1,501,199.00
- Project Update: The Schertz Parkway Reconstruction will begin on April 7<sup>th</sup>. The contractor will start work on the eastern side of Schertz Parkway at the intersection of Woodland Oaks. Message boards have been placed in the project area to inform residents of the upcoming project. Staff has created a project webpage, notified the HOAs on Woodland Oaks, and worked with Public Affairs to create informational releases on social media. The contractor expects to have the eastern side of the street complete in 45 days after he starts. When that side is complete, traffic will be switched over to the newly completed side and work will begin on the other side. Staff will provide weekly updates on the project website.

#### **2. 2018 Street Preservation and Maintenance Rehabilitation Project:**

- Project Status: Pending Construction
- Construction Start: April 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$2,881,784.00
- Project Update: The project will begin on April 6<sup>th</sup>. The contractor will start work in two areas simultaneously. They will begin doing the concrete work in the Northcliffe area and the Randolph reconstruction area (Main to Exchange) at the same time. Staff has created a project webpage, has notified the Northcliffe HOA, and worked with Public Affairs to inform residents of the project via social media. The project webpage will be updated weekly.

#### **3. 2018 Street Preservation and Maintenance Resurfacing Project:**

- Project Status: Pending Construction
- Construction Start: March 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$686,191.77
- Project Update: Base repairs and asphalt leveling have been completed on Randolph, in Greenfield Village, in The Estates at Wilsons Preserve, and in Lone

Oak. The contractor will start installing the concrete valley gutters in Greenfield Village next. Once we have favorable weather conditions (warmer, dry weather), the new chip seal surface can be applied. Staff has created a project web page for this work and is updating it on a weekly basis.



#### **4. 2020 Street Preservation and Maintenance Project:**

- Project Status: Planning and Design Consultant Procurement
- Project Update: Consultant contracts for the design of the next round of projects were approved by Council in March. Those agreements have been executed by the consultants and the City Manager and design has begun.

#### **5. Corbett Elevated Water Storage Tank:**

- Project Status: Under Construction
- Construction Start: March 2019
- Construction Completion: Summer 2020
- Cost of Construction: \$4,682,000.00
- Project Update: All ground phase work on the tank was completed in March. On March 13<sup>th</sup>, Landmark Structures hoisted the tank to the top of the pedestal. The roof and the floor of the tank were completed once the tank was raised into place. In early April the final coatings will be installed on the exterior and interior of the tank. Work on the pump station and other site work is expected to start in May. The project is expected to be completed July of 2020.



**6. Woman Hollering Creek Wastewater Interceptor Main and Lift Station:**

- Project Status: Design
- Estimated Construction Start: Early Summer 2020
- Estimated Cost of Construction: \$12 million
- Project Update: CobbFendley continues to work on final revisions to the plans and bid documents. In March, City Council approved the annexation and zone change for the lift station site allowing the platting process to move forward. City Staff and CobbFendley continue to negotiate with property owners to acquire necessary easements for the project. The total number of easements acquired is 16 out of a total of 21. The project is expected to be advertised for bid this Spring.

**7. Pedestrian Routes and Bike Lanes Project:**

- Project Status: Design
- Estimated Construction Start: Summer 2020
- Estimated Cost of Construction: \$1.3 million
- Project Update: Staff continues to work with TxDOT Environmental to clear the project for design approval. Final TxDOT review can take up to three months to complete. After TxDOT environmental approval is obtained, City Staff can proceed with acquiring the remaining ROW necessary for the project on E. Live Oak Road.

The letting date for the project has been pushed back by TxDOT and is currently set for July of 2020, but could be shifted further.

8. **Water and Wastewater Master Plan Update and Impact Fee Study:** No change from March update. Kickoff meeting held December 20, 2019. Data gathering is ongoing. Meeting held March 5, 2020, with consultant (LAN) and water and wastewater operations staff for field and operations data gathering. Preparation underway for deployment of wastewater flow metering at numerous locations across the City's service area.
  - Total Project Cost: \$467,280 (NTE \$500,000)
  - Project Start Date: December 2019
  - Project Completion Date: TBD – 2020/2021

### **TxDOT Roadway Projects:**

1. **FM 1103 Improvement Project:** Utility relocations continue (including electric, communications, gas, water, and wastewater). Schertz Public Works is working to relocate water and wastewater lines that conflict with the planned roadway and drainage improvements (see FM 1103 Utility Relocation Project update). Delays in the relocation of other utilities has caused the rescheduling of the target let date for a construction contract from July of 2020 to January of 2021.
2. **FM 1518 Improvement Project:** No change from March update. TxDOT continues acquiring property needed for the expansion project. Approximately 60% of 140 parcels needed for right of way have been acquired. As parcels are acquired, TxDOT is beginning to physically clear the right of way in preparation for final surveying and design. Design is approximately 30% complete. The first utility coordination meeting was held in November of 2019, and was attended by City of Schertz Engineering and Public Works Staff. Staff is working to determine the scope of necessary utility relocations in the FM 1518 project corridor. The TxDOT project is currently scheduled for letting in September of 2022; construction may begin as early as January of 2023. The \$44.8 million, fully funded project is expected to take approximately three years of construction to complete.
3. **I-35 Operational Improvements Project (FM 2252 to Schwab Road):** No change from March update. Work continues on frontage roads and at VIA park and ride lots. Lane closures and traffic rerouting will occur as necessary. TxDOT and its contractors will keep City Staff informed of detours and closures so that the City can assist in disseminating the information to the public in a timely fashion. The current schedule includes a project completion in December of 2020.
4. **I-35 NEX (I-410 South to FM 1103):** No change from March update. A full description of the project to expand I-35 from I 410 South to FM 1103 can be found by searching keywords "I-35 from I-410" at TxDOT.gov. Schematic exhibits of the proposed improvements are available on that website. Public Works and Engineering staff are participating in utility coordination meetings with TxDOT and its contractors regarding relocations that may need to take place in advance of or in conjunction with the roadway



construction. Construction is expected to begin in spring of 2021 and take 4 to 5 years to complete.

5. **I-10 Graytown Road to Guadalupe County Line:** TxDOT's consultant is working on finalizing plans for this section of I-10. The letting of the project is expected to be June of 2020. Project design was able to be adjusted so that no City of Schertz utility facilities will be impacted and no adjustments are necessary to accommodate the proposed improvements.

### **Planning and Community Development Projects:**

#### **1. CityView Permitting and Development Software:**

City staff and CityView have agreed on a phased approach for submitting the three modules which are as follows: Code Enforcement (CE), Planning (PL) and Permitting/Inspections (PI). The CE Module was submitted to CityView on November 6, 2019 and the software was configured. City Staff was trained by CityView at three training sessions (December 2<sup>nd</sup>, 4<sup>th</sup>, and 9<sup>th</sup>, 2019) to validate (verify configuration) of the Code Enforcement Module. The Planning Module was submitted on January 23, 2020 for configuration by the CityView Implementation specialists. City Staff is actively validating the configured data for the CE module while also focusing on completion of the data collection for the Permitting/Inspections module which is approximately 90% complete. Once all modules are configured and the software is validated (tested) by City Staff, we move to end user staff training and then go live. A project completion timeline schedule will be determined once configuration and validation of modules have been completed.

- Total Project Cost: \$523,766.00
- Project Start Date: June 2018
- Project Completion Date: TBD - 2020

### **Information Technology Projects:**

1. **Civic Rec Scheduling System:** No change from March update. Parks Department is moving forward with data gathering in advance of configuring system. Configuration training with the consultant was held on March 6, 2020.

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 7, 2020  
**Department:** City Secretary  
**Subject:** City closures/cancellations - City Operation update information regarding closures, event cancellations and others. (M. Browne/K. Long)

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**BACKGROUND**

Due to the Coronavirus (COVID-19) we are including updates on City Services and how to best conduct business with each department.

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**Attachments**

Operation updates

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The Coronavirus (COVID-19) situation continues to evolve daily and state officials have cautioned residents across Texas to take action against the spread of this disease through the next month.

In Governor Abbott's most recent Executive Order GA-14, implemented at 12:01 a.m. on April 2, it's been advised that every person in Texas shall, except where necessary to provide or obtain essential services as defined by the Texas Department of Emergency Management, minimize social gatherings and minimize in-person contact with people who are not in the same household. This order is in place through April 30. In support of the Governor's recent order, City offices (Senior Center, Library, City Hall, etc.) will remain closed to the public until further notice (with the exception of the Police Department Lobby) to help minimize in-person contact among staff and the general public. Preserving public health and ensuring the safety of city employees and residents is the number one priority and will continue to be the center for all decisions regarding city services.

City sponsored events and programs, as well as events at the Civic Centers/Parks Pavilions have been cancelled through April 30 in accordance with the Governor's order. All non-essential boards and commission meetings are being cancelled through April as well.

In an effort to ensure continuity of business, City Departments have been working with staff to stagger employee work schedules and are implementing remote work environments where possible to avoid the bulk of City staff becoming sick at one time and because many staff are struggling with childcare in light of the extended school closures (now closed through at least May 4 per the Governor's order). This will look different for each department, but will result in a slow-down in work productivity and likely lead to some delays. . **To be clear, all emergency operations and essential services will continue to be provided.** First responders are being screened prior to their shifts to ensure they do not have a fever; are not showing signs of being sick; and are feeling well and able to work.

While city offices are not open for in-person contact, services still continue and residents are strongly encouraged to conduct city business online, by email, or by phone. Below is information on city services and how best to conduct business with that department.

This information, along with additional COVID-19 updates, is currently on our website at [Schertz.com](http://Schertz.com).

#### UTILITY BILLING

Currently there are several options for residents to pay utility bills other than visiting the Utility Billing counter at City Hall and those are listed below. The City is also suspending disconnects for utility non-payment through April 30.

- Pay Online (no convenience fee applied)
- Pay by phone: (210) 619-1100 (\$1.00 over the phone fee will be waived)
- Pay by Mail
- Deposit Box - located on the side of City Hall

Water Utility Service: Residents and businesses can also request new water service and stop water service online.

Trash and Recycling services will continue as scheduled with only one service change to yard waste. At this time Republic Services is limiting yard waste (leaves, brush, etc.) pick up to one bag per household per pickup. Republic Services has provided three community dumpsters to help with this service change and this option allows residents to dump yard waste and other typical residential garbage as needed. All

other service requests (i.e. missed pick up, recycle bin, roll-off request, etc.) should be handled by emailing [businessoffice@schertz.com](mailto:businessoffice@schertz.com) or call (210) 619-1100.

### MUNICIPAL COURT

At this time, Schertz Municipal Court offices are closed to the public; however, clerks will continue to receive citation payments, process pleas, filings, and motions by email. Court business can still be conducted by emailing [schertzmunicipalcourt@schertz.com](mailto:schertzmunicipalcourt@schertz.com) or over the phone by calling 210-619-1500.

Payments can be made online or by phone during normal business hours 8 a.m. - 5 p.m.

### PLANNING, PERMITS, AND INSPECTIONS

For General Questions Call: (210) 619-1750

Staff is also in process of implementing a video inspection process for residential permits that allows an inspection to occur without the inspector having to enter the resident's home.

- Permitting: All building permit applications and contractor registrations can be submitted online.
- Inspections: All inspection requests are submitted online and re-inspection fee payments can be paid online.
- Planning: All applications can be emailed to [planning@schertz.com](mailto:planning@schertz.com) and payments can be paid online.

### FIRE DEPARTMENT

Incident Reports:

The public can request copies of Incident Reports by calling Fire Admin at (210) 619-1300 or sending an email to [fire@schertz.com](mailto:fire@schertz.com)

### POLICE DEPARTMENT

Crash Reports:

The public can purchase Crash Reports from Texas Department of Public Safety. Citizens may file a minor crash report online or by calling Dispatch at (210) 619-1274.

Other Police Reports:

Residents are encouraged to make police reports via email or phone. If it is an incident that is not in progress then they should email the information to [pdrecords@schertz.com](mailto:pdrecords@schertz.com) or call (210) 619-1200 and an officer will call back.

Copies of reports other than accidents can be requested by emailing [pdrecords@schertz.com](mailto:pdrecords@schertz.com).

Police Permits:

Police permit applications are available online and can be paid by phone by calling (210) 619-1200.

Investigations:

Any questions for detectives or other personnel should be addressed by telephone by calling (210) 619-1200.

Code Enforcement:

Code compliance complaints can be made online.

## ANIMAL SERVICES

Currently, staff is limiting the amount of walk-in traffic in and out of the Animal Adoption Center. With these precautions in place, staff anticipates fewer than normal adoptions and are asking for assistance from individuals, volunteers, rescues, and organizations to help foster, rescue or adopt the great animals in our shelter. Those interested in adopting an animal can check out the Petfinder website for animals needing assistance.

For strays and more information residents can go to the Animal Services main page or call (210) 619-1500.

## EMS OFFICE

EMS bill payments can be paid online, or dropped off in the drop box at 1400 Schertz Parkway, building #7. Question about bills should be directed to (210) 619-1450. Deliveries can be dropped off at the Police Department Building #6.

## FACILITY RENTALS

Inquires for City facility rentals or questions about upcoming events, residents should contact the Parks & Recreation Department or the Schertz Civic Center.

### Park Pavilion Rentals

Phone: (210) 619-1850

Email: pamen@schertz.com

### Civic and Community Center Rentals

Phone: (210) 619-1630

Email: civiccenter@schertz.com

## ENGINEERING AND PUBLIC WORKS

Anyone needing to communicate with the Schertz Engineering Department in any way may email [engineering@schertz.com](mailto:engineering@schertz.com). All plans can be accepted digitally and if files are too large to email, arrangements can be made by requesting through email. Engineering and Public Works permit applications are available online. The Engineering and Public Works Office can be reached by calling (210) 619-1800.

## LIBRARY

The Schertz Public Library has many online resources available to the community and their website details all of their services and resources available during this time.

- If anyone needs a library card they can register online to get a digital library card. This way they can access all digital resources at home.
- Returning physical items can be done at the drive-up item return which is available 24/7, and is located on the side of the building facing Elbel Rd. Late fines for materials due in the time period they are currently closed will be waived.

## RECREATION FACILITIES/SENIOR CENTER

The Recreation Center and Natatorium, are under a license agreement with the YMCA for operation of the facilities and they are both currently closed. The Senior Center is also closed for congregation, but the YMCA is continuing to put out senior lunches through a drive-thru situation.