



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**April 14, 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 14, 2020 at 6:00 p.m.**

*City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, April 14, 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.**  
**(Councilmember Scott)**

**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 13, 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 April 7, 2020. (B. Dennis)
2. **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. **Final Reading** (C. Kelm/M. Bane/S. Solitto)
3. **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. **Final Reading** (C. Kelm/S. Williams/D. Letbetter)
4. **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. **Final Reading** (C. Kelm/S. Williams/D. Letbetter)

## **Discussion and Action Item**

5. **Resolution 20-R-39-** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas Authorizing Expenditures in Excess of \$50,000 with Silsbee Ford in Fiscal Year 2019-20 and Other Matters In Connection Therewith. (C. Kelm/C Hernandez /J. Gohlke)
6. **Resolution No. 20-R-37 -** Consideration and/or action approving a resolution authorizing additional expenditures not to exceed \$857,739 with Fuquay, Inc. for the 2018 SPAM Resurfacing project. (B. James/J. Nowak)

## **Roll Call Vote Confirmation**

## **Workshop**

7. **Emergency Operations Update regarding current COVID-19 cases -** Workshop discussion and update regarding current COVID-19 cases. (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 10th DAY OF APRIL 2020 AT 4:50 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 14, 2020  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the meeting of April 7, 2020. (B. Dennis)

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**BACKGROUND**

The City Council held a Regular City Council meeting on Tuesday, April 7, 2020.

**RECOMMENDATION**

Recommend Approval.

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**Attachments**

4-7-20 minutes

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# DRAFT

## MINUTES REGULAR MEETING April 7, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 7, 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

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

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

### **Call to Order**

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

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

Mayor Pro-Tem Davis provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

Mayor Gutierrez reminded students who were participating in the Hal Baldwin Scholarship to sign the sheet in the back if in attendance but also stated that if students are applying, they do not have to attend the meeting in person but can watch it on-line and still get credit. He stated that students should contact Sarah Gonzalez at 210-619-1015 for any questions, or they can email her at [sgonzalez@schertz.com](mailto:sgonzalez@schertz.com).

## City Events and Announcements

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

None were provided.

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

Dr. Browne stated that he wanted to thank members of staff for the great work they have been doing during this entire crisis: Fire Chief Kade Long, he has done an outstanding job leading us through this, his hard work and long hours putting all the pieces of information he receives daily, IT Director Myles Clauser and his team for doing a fantastic job. They have had to respond to so many new things, and they have with style and grace. Everything with getting us on MicroSoft Teams and working on all the virtual meetings, responding to new and emerging technologies, while doing their normal jobs. Public Affairs Director Linda Klepper Communication staff Devan and Madison great work they are doing to the public informed by updating the website and Facebook, very instrumental in helping us as a team to get through this time.

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

Mayor Gutierrez also stated he would like to pass along his gratitude to our City staff. They are spending long hours during this time, and he really appreciates them for the job they are doing.

## 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.*

Mayor Gutierrez recognized Mr. Frank Walters, 4702 Wedgewood Drive, who spoke regarding concerns on public health and safety in his neighborhood with the construction workers working out in his neighborhood. Mr. Walters provided examples and asked that the Mayor have someone look into this.

Mayor Gutierrez recognized City Secretary Brenda Dennis and asked if anyone had emailed her who wished to address Council. Ms. Dennis stated no one else had signed up.

### **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. Koplyay)

Mayor Gutierrez recognized Mayor Pro-Tem Davis who requested agenda #3 be removed from consent for separate action.

Moved by Councilmember Michael Dahle, seconded by Councilmember Scott Larson to approve consent agenda items 1, 2, 4, 5 & 6.

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**

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)

The following was read into record:

### **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.**

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating that Council knows the staff typically on a number of different kind of expenditures will come forward early in the year to get a not to exceed amount for a number of vendors. One of the departments that does that is the IT Department on

purchases they make throughout the year. They have a number of Buyboard vendors they use (about three or four) they get approved and not to exceed amount. This year they came forward, just in January for \$95,000 this vendor, and essentially they just exceeded that amount. They lost track of a couple of purchases earlier in the year, not an excuse, just an explanation. They exceeded that amount and are coming back to inform Council that had occurred. Because of purchases going forward wanted to increase the amount to \$125,000.

Mayor Gutierrez recognized Mayor Pro-Tem Davis who explained why he had pulled this item off consent and provided information on passed occurrences where at that time he voted no. He read the portion that was placed in the Council's supporting documents for the request. His primary point is, that if we have identified a problem that we have internal accounting problem, whether it be in purchasing, in finance or in a department, how are we tracking our expenditures? He would hope that we would fix this and get this squared away. There seems to still be gaps in the procedures. As he mentioned he voted no the last time, and that is why he will be voting no this time. So, therefore he made a motion to disapprove Resolution No. 20-R-34 pending a City review of how we track expenditures and some kind of process where we re-educate all of our departments on the proper methods for accounting of the equipment purchases that they spent throughout the year, the motion was seconded by Councilmember Scagliola.

Mayor Gutierrez asked for comments from Council. Councilmembers discussed the following and staff addressed their concerns and questions:

- Clarification that the expenditures and additional expenditures requested did not exceed the budgeted amount, it exceeded the approved amount for the particular vendor
- Discussion regarding the processes in place and the reason staff is bringing this to Council
- Discussion regarding the current process, tracking system how it failed and how to fix it moving forward
- Transparency and integrity of bringing it forward
- Purchases could be made with another vendor
- Staff is working on correcting the processes, re-emphasize and making sure we are continuing to do the right thing
- Future agenda item to discuss the process improvements made to the procurement system

*"Due to the length of this item, please refer to the City of Schertz-YouTube for this meeting"*

Mayor Pro-Tem Davis who moved, seconded by Councilmember Scagliola to disapprove Resolution No. 20-R-34 pending a City review of how we track expenditures and some kind of process where we re-educate all of our departments on

the proper methods for accounting of the equipment and purchases that they spent throughout the year.

AYE: Mayor Pro-Tem Davis, Councilmember Rosemary Scott, Councilmember Michael Dahle, Councilmember Scagliola

NAY: Councilmembers Scott Larson, Councilmember Allison Heyward and Councilmember Tim Brown

Passed

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)

Mayor Gutierrez recognized Assistant Police Chief Marc Bane who introduced this item addressing questions and concerns from Council regarding the issue can chipping cause cancer, where the microchips are placed, how to keep micro-chipping information updated and costs. This item was approved by the Animal Advisory Board on February 5, 2020.

Moved by Councilmember David Scagliola, seconded by Councilmember Tim Brown Move to approve Ordinance 20-H-06 on 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

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)

Mayor Gutierrez recognized Public Works Director Suzanne Williams who introduced this item addressing questions from Council.

Moved by Councilmember Scott Larson, seconded by Councilmember Michael Dahle to approve Ordinance 20-D-10 on 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

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)

Mayor Gutierrez recognized Public Works Director Suzanne Williams who introduced this item addressing questions from Council.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-T-11.

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

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)

Mayor Gutierrez provided the following words:

"This silent enemy COVID-19 has placed distance between us, has postponed graduations, and crushed many dreams. Several businesses are in unique circumstances, offering limited or no service, and yet many businesses will never recover from these extra-ordinary circumstances. The impact of this silent enemy is daunting and unimaginable. But it has also made our

community stronger.

Thank you all, thanks to our first responders, city staff, health care workers, businesses and grocery store workers, and to those staying home to protect the most vulnerable in our community. As a community we must continue to adhere to the CDC and Government guidelines to flatten the curve.

We appreciate everything you do.

Although the number of positive cases in our city is low, we cannot let our guard down. We have the potential of hurting people without even knowing it. Related models from New York, New Jersey, and Michigan first indicated our state would reach the APEX approximately around April 30th. Our combine efforts have made an impact, and now that date is April 20th.

The local newspaper San Antonio Express indicates if we can STAY AT HOME for 30 days it could save 5600 lives and keep 56,000 from being hospitalized. One of these individuals may reside within our community or it maybe someone we know.

The most crucial time is approaching, and we are prepared and every precautionary measure will be taken to minimize the risk.

As city representatives, our residents look to us to weigh our decision on the facts, however, in this situation there is too many unknowns. Local businesses are suffering, but the most critical consideration should be based on the health and safety of our community.

Everyone's efforts will get us back to normal times and better days."

Fire Chief Kade Long and Assistant City Manager Charles Kelm provided updated information regarding the numbers in our area, state and nation. Mr. Kelm addressed Council regarding the proactive approach the Police and Code Enforcement departments are taking when they are called out on a reported issue. Staff addressed further questions and concerns from Council. Members of Council provided their comments on the presentation and the extension being asked to approve.

Mayor Gutierrez called for a motion for Ordinance 20-H-13 first and final reading and declaring an emergency.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Ordinance 20-H-13 first and final reading and declaring an emergency.

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 the roll call vote confirmation for agenda items 1 through 10.

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

Mayor Gutierrez also pointed out that agenda items 11 and 12 were provided in their Council packets and are also available for public view on our website.

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.

Nothing further.

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

Mayor Gutierrez reminded staff of an item of discussion for a future agenda regarding the procurement process as discussed this evening.

- 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

No announcements were provided.

### **Adjournment**

As there was no further business Mayor Gutierrez adjourned the meeting at 7:33 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Gayle Wilkinson, Deputy City Secretary

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 14, 2020  
**Department:** City Secretary  
**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. *Final 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. ~~DLICENSING~~ 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 14, 2020  
**Department:** City Secretary  
**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. *Final 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:

\_\_\_\_\_  
Ralph Gutierrez, Mayor

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

(CITY SEAL)

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 14, 2020  
**Department:** City Secretary  
**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. *Final 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 14, 2020  
**Department:** Purchasing & Asset Management  
**Subject:** Resolution 20-R-39- Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas Authorizing Expenditures in Excess of \$50,000 with Silsbee Ford in Fiscal Year 2019-20 and Other Matters In Connection Therewith. (C. Kelm/C Hernandez /J. Gohlke)

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**BACKGROUND**

City staff is in the process of completing the 2019-2020 vehicle replacement program as approved during Budget Season. As part of the program, Staff obtained quotes for the vehicles from multiple Group Purchasing Organization vendors to ensure the City is obtaining best value for the vehicles needed.

In Fiscal Year 19-20 City purchased one Battalion Chief Vehicle for Fire for \$37,000 as approved with Fire Dept Budget and received approval via Resolution 19-R-118 for the purchase of Nine (9) Police Interceptors for \$300,000. Staff is requesting authorization to spend an additional \$150,000.00 for five (5) additional vehicles included in the Vehicle Replacement Plan for EMS, Fleet, Facilities, Meter Tech, and Inspections. This approval would provide authorization not to exceed \$500,000.00 with Silsbee Ford.

Silsbee Ford has a Contract with the Good Buys Group Purchasing Cooperative which allows the City to leverage increased buying power and recognize greater cost savings.

**GOAL**

Issue a purchase order for the five vehicles as approved in the Vehicle Replacement Plan for Budget Year 19-20.

**COMMUNITY BENEFIT**

The Fleet & Facility Services Department has developed a 5-year replacement program to provide equitable solutions for vehicle replacement. The strategy is based on current industry/municipal standards, as well as, yearly review and adjustments by the Fleet staff through means of condition assessments. With the combined efforts of staff including Fleet and Purchasing, staff solicited multiple bids for all vehicles and equipment through local and statewide vendors associated with Texas cooperative purchase agreements. These cooperative agreements allow the City to utilize contracts with a large network of participating vendors providing the best value for the City.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends council approve Resolution 20-R-39

**FISCAL IMPACT**

The City of Schertz will fund the purchase of vehicles and equipment through the city's general fund, with money approved in the FY 19-20 budget.

## **RECOMMENDATION**

Staff recommends council approve Resolution 20-R-39

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### **Attachments**

Resolution 20R-39

Vehicle Quotes

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**RESOLUTION NO. 20-R-39**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,  
TEXAS AUTHORIZING EXPENDITURES IN AN AMOUNT NOT TO  
EXCEED \$500,000.00 WITH SILSBEЕ FORD INC**

WHEREAS, Fleet Services has a need to purchase five (5) vehicles as part of the Vehicle Replacement Program; and

WHEREAS, City Staff has done due diligence in researching what vehicles best fits the needs of the department, to obtain the best pricing and to provide the best quality of vehicles; and

WHEREAS, the City of Schertz has chosen Silsbee Ford, a vendor participating in the GoodBuy Cooperative Program, for the purchase the vehicles; and

WHEREAS, the City has previously spent approximately \$337,000.00 with Silsbee Ford as approved previously; and

WHEREAS, the additional vehicles will have a cost not to exceed \$150,000.00; and

WHEREAS, purchases under the cooperative programs meet the requirements under Subchapter C, Chapter 791.025 of the Texas Government Code, which states that a local government that purchases goods and services under this section satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services; and

WHEREAS, the City Council has determined that it is in the best interest of the City to authorize the City Manager to contract with Silsbee Ford, pursuant to the vendor quote process award information attached hereto as Exhibit A (the "Supporting Documentation").

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

Section 1. The City Council hereby authorizes expenditures to Silsbee Ford in a not to exceed amount of **FIVE HUNDRED THOUSAND AND ZERO DOLLARS (\$500,000.00)**.

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 14th 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)



## PRODUCT PRICING SUMMARY

**GOODBUY 20 8F000 VEHICLES**

**VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656**

**End User:** CITY OF SCHERTZ (INSPECTION)

**Prepared by:** GLEN ANGELLE

**Contact:** JERRY MCFARLAND

**Phone:** 409-880-9191

**Email:**

**Email:** [gangellescowboyfleet@gmail.com](mailto:gangellescowboyfleet@gmail.com)

**Product Description:** 2020 F-150 REG. CAB

**Date:** March 19, 2020

**A. Bid Item:** \_\_\_\_\_ **A. Base Price:** \$ 21,222.00

**B. Factory Options**

Code	Options	Bid Price	Code	Options	Bid Price
	101A PACKAGE	\$ 2,280.00			
	5.0L V8	\$ 1,995.00			
	RUNNING BOARDS	\$ 250.00			
	40/20/40 VINYL SEATS				
	REAR CAMERA				
	AM/FM/RADIO				
	AIR				

**Total of B. Published Options:** \$ 4,525.00

**Published Option Discount (5%)** \$ (226.25)

**C. Additional Options [not to exceed 25%]**

\$= 4.4 %

Options	Bid Price	Options	Bid Price
4 CORNER LEDS/ SWITCH	\$ 695.00		
BETTER BUILT TOOLBOX	\$ 450.00		

**Total of C. Unpublished Options:** \$ 1,145.00

**D. Floor Plan Interest (for in-stock and/or equipped vehicles):** \$ -

**E. Lot Insurance (for in-stock and/or equipped vehicles):** \$ -

**F. Contract Price Adjustment:** 2 YR. LIC. & REG. \$ 160.00

**G. Additional Delivery Charge:** 283 miles \$ 495.25

**H. Subtotal:** \$ 27,321.00

**I. Quantity Ordered** 1 x K = \$ 27,321.00

**J. Trade in:** \$ -

**K. GOODBUY Administrative Fee (\$300 per purchase order)** \$ 300.00

**L. TOTAL PURCHASE PRICE INCLUDING GOODBUY FEE** \$ 27,621.00



## PRODUCT PRICING SUMMARY

**GOODBUY 20 8F000 VEHICLES**

**VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656**

**End User:** CITY OF SCHERTZ (INSPECTION)

**Prepared by:** GLEN ANGELLE

**Contact:** JERRY MCFARLAND

**Phone:** 409-880-9191

**Email:** \_\_\_\_\_

**Email:** gangelles.cowboyfleet@gmail.com

**Product Description:** 2020 F-150 REG. CAB

**Date:** March 19, 2020

**A. Bid Item:** \_\_\_\_\_

**A. Base Price:** \$ 21,222.00

**B. Factory Options**

Code	Options	Bid Price	Code	Options	Bid Price
	CAMPER W/ YOUR SPECS	\$ 7,456.00			
	101A PACKAGE	\$ 2,280.00			
	5.0L V8	\$ 1,995.00			
	RUNNING BOARDS	\$ 250.00			
	40/20/40 VINYL SEATS				
	REAR CAMERA				
	AM/FM/RADIO				
	AIR				

**Total of B. Published Options:** \$ 11,981.00

**Published Option Discount (5%)** \$ (226.25)

**C. Additional Options [not to exceed 25%]**

\$= 2.1 %

Options	Bid Price	Options	Bid Price
4 CORNER LEDS/ SWITCH	\$ 695.00		

**Total of C. Unpublished Options:** \$ 695.00

**D. Floor Plan Interest (for in-stock and/or equipped vehicles):**

\$ -

**E. Lot Insurance (for in-stock and/or equipped vehicles):**

\$ -

**F. Contract Price Adjustment:** 2 YR. REG. AND INSPECTION

\$ 160.00

**G. Additional Delivery Charge:** 283 miles

\$ 495.25

**H. Subtotal:**

\$ 34,327.00

**I. Quantity Ordered** 1 x **K =**

\$ 34,327.00

**J. Trade in:** \_\_\_\_\_

\$ -

**K. GOODBUY Administrative Fee (\$300 per purchase order)**

\$ 300.00

**L. TOTAL PURCHASE PRICE INCLUDING GOODBUY FEE**

\$ 34,627.00



## PRODUCT PRICING SUMMARY

**GOODBUY 20 8F000 VEHICLES**

**VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656**

**End User:** CITY OF SCHERTZ (EMS)

**Prepared by:** GLEN ANGELLE

**Contact:** JERRY MCFARLAND

**Phone:** 409-880-9191

**Email:**

**Email:** gangelle.cowboyfleet@gmail.com

**Product Description:** 2020 EXPLORER

**Date:** March 19, 2020

**A. Bid Item:** \_\_\_\_\_ **A. Base Price:** \$ 27,982.00

**B. Factory Options**

Code	Options	Bid Price	Code	Options	Bid Price
	XLT PACKAGE	\$ 3,427.00		EXT. METALIC BLUE	
	2.3L ECO BOOST				
	10 SPD. AUTO				
	FRONT BUCKET SEATS				
	AIR				
	3RD. ROW SEAT				
	REAR CAMERA				
	AM/FM/MP3				
	SYNC				

**Total of B. Published Options:** \$ 3,427.00

**Published Option Discount (5%)** \$ -

**C. Additional Options [not to exceed 25%]**

\$= 5.1 %

Options	Bid Price	Options	Bid Price
AFTERMARKET LEATHER SEATS	\$ 1,600.00		

**Total of C. Unpublished Options:** \$ 1,600.00

**D. Floor Plan Interest (for in-stock and/or equipped vehicles):**

\$ -

**E. Lot Insurance (for in-stock and/or equipped vehicles):**

\$ -

**F. Contract Price Adjustment:** 2 YR. REG & INSPECTION

\$ 160.00

**G. Additional Delivery Charge:** 283 miles

\$ 495.25

**H. Subtotal:**

\$ 33,664.25

**I. Quantity Ordered** 1 x K =

\$ 33,664.25

**J. Trade in:**

\$ -

**K. GOODBUY Administrative Fee (\$300 per purchase order)**

\$ 300.00

**L. TOTAL PURCHASE PRICE INCLUDING GOODBUY FEE**

**\$ 33,964.25**



## PRODUCT PRICING SUMMARY

**GOODBUY 20 8F000 VEHICLES**

**VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656**

**End User:** CITY OF SCHERTZ (MP0103)

**Prepared by:** GLEN ANGELLE

**Contact:** JERRY MCFARLAND

**Phone:** 409-880-9191

**Email:** \_\_\_\_\_

**Email:** gangelles.cowboyfleet@gmail.com

**Product Description:** 2020 F-150 CREW CAB

**Date:** March 19, 2020

**A. Bid Item:** \_\_\_\_\_

**A. Base Price:** \$ 24,115.00

**B. Factory Options**

Code	Options	Bid Price	Code	Options	Bid Price
	101A PACKAGE	\$ 2,480.00			
	5.0L V8	\$ 1,995.00			
	RUNNING BOARDS	\$ 250.00			
	40/20/40 VINYL SEATS				
	REAR CAMERA				
	AM/FM/RADIO				
	AIR				

**Total of B. Published Options:** \$ 4,725.00

**Published Option Discount (5%)** \$ (236.25)

**C. Additional Options [not to exceed 25%]**

\$= 4.0 %

Options	Bid Price	Options	Bid Price
4 CORNER LEDS/ SWITCH	\$ 695.00		
BETTER BUILT TOOLBOX	\$ 450.00		

**Total of C. Unpublished Options:** \$ 1,145.00

**D. Floor Plan Interest (for in-stock and/or equipped vehicles):**

\$ -

**E. Lot Insurance (for in-stock and/or equipped vehicles):**

\$ -

**F. Contract Price Adjustment:** 2 YR. REG. AND INSPECTION

\$ 160.00

**G. Additional Delivery Charge:** 283 miles

\$ 495.25

**H. Subtotal:**

\$ 30,404.00

**I. Quantity Ordered** 1 x K =

\$ 30,404.00

**J. Trade in:** \_\_\_\_\_

\$ -

**K. GOODBUY Administrative Fee (\$300 per purchase order)**

\$ 300.00

**L. TOTAL PURCHASE PRICE INCLUDING GOODBUY FEE**

\$ 30,704.00



## PRODUCT PRICING SUMMARY

GOODBUY 20 8F000 VEHICLES

VENDOR--Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: CITY OF SCHERTZ (U17)

Prepared by: GLEN ANGELLE

Contact: JERRY MCFARLAND

Phone: 409-880-9191

Email: \_\_\_\_\_

Email: gangelles.cowboyfleet@gmail.com

Product Description: 2020 F-150 REG. CAB

Date: March 19, 2020

A. Bid Item: \_\_\_\_\_

A. Base Price: \$ 21,222.00

### B. Factory Options

Code	Options	Bid Price	Code	Options	Bid Price
	101A PACKAGE	\$ 2,280.00			
	5.0L V8	\$ 1,995.00			
	RUNNING BOARDS	\$ 250.00			
	40/20/40 VINYL SEATS				
	REAR CAMERA				
	AM/FM/RADIO				
	AIR				

Total of B. Published Options: \$ 4,525.00

Published Option Discount (5%) \$ (226.25)

### C. Additional Options [not to exceed 25%]

\$= 4.4 %

Options	Bid Price	Options	Bid Price
4 CORNER LEDS/ SWITCH	\$ 695.00		
BETTER BUILT TOOLBOX	\$ 450.00		

Total of C. Unpublished Options: \$ 1,145.00

D. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

E. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

F. Contract Price Adjustment: 2 YR. REG & INSPECTION.

\$ 160.00

G. Additional Delivery Charge: 283 miles

\$ 495.25

H. Subtotal:

\$ 27,321.00

I. Quantity Ordered 1 x K =

\$ 27,321.00

J. Trade in: \_\_\_\_\_

\$ -

K. GOODBUY Administrative Fee (\$300 per purchase order)

\$ 300.00

L. TOTAL PURCHASE PRICE INCLUDING GOODBUY FEE

\$ 27,621.00

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** April 14, 2020  
**Department:** Engineering  
**Subject:** Resolution No. 20-R-37 - Consideration and/or action approving a resolution authorizing additional expenditures not to exceed \$857,739 with Fuquay, Inc. for the 2018 SPAM Resurfacing project. (B. James/J. Nowak)

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### BACKGROUND

On February 11, 2020, City Council approved Resolution 20-R-16 authorizing execution of a construction contract with Fuquay, Inc. for the 2018 SPAM Resurfacing project. The resolution also contained a not to exceed contract amount (\$755,000) which is greater than the contract amount (\$686,199.77) to allow funds (\$68,800.23) for unforeseen project changes that can come up during construction of projects. Such unforeseen changes include a change in ground conditions, variations in constructed quantities versus contract quantities, and additional work needed to complete the project.

The project design effort was undertaken over a year ago. Since the project design, some street segments in the project deteriorated more rapidly than expected and it took longer to awarded a contract. When construction began, Staff reviewed the street segments with the contractor to verify base repair locations and asphalt leveling. During this process, staff identified some base repair areas had grown slightly, some new base repair areas appeared, and some new asphalt leveling areas were identified. If these areas are not properly addressed, they will cause the new driving surface to fail prematurely. The majority of these additional areas were discovered on Live Oak, at a cul-de-sac in Greenfield Village, and in the Lone Oak subdivision.

These expanded and new areas represent a significant increase to the contract amount - the cost for this additional work is almost \$105,000 - about 15% of the original contract which is within the allowance for change orders. The increase, unfortunately, exceeds the not to exceed contract amount established in Resolution 20-R-16 and given the unexpected issues that have been occurring those contingency funds will likely be needed. In order to cover these additional costs and not reduce the amount of new surfacing installed by the project, the not to exceed amount must be increased (authorize additional funding for the project). Based on prior similar Council direction (Schertz Parkway reconstruction) staff is recommending not scaling the project back or cutting costs in other areas of the project to come in under the current not to exceed, but to request additional funding to do it correctly so that the full benefit is realized.

### GOAL

Increase the maximum, not to exceed contract amount for the 2018 SPAM Resurfacing project to \$857,739 (previously authorized amount of \$755,000 plus \$102,739).

### COMMUNITY BENEFIT

The SPAM Resurfacing project will put a new driving surface onto several street segments in the city. Placement of the new surface is a pavement preservation strategy. This essentially helps reset the Pavement Condition Index to a perfect, or near perfect, condition at a relatively low cost. However, before the new surface can be placed, some prep work must be performed to the street segments. The prep work includes base repairs and asphalt leveling. If the prep work is not done, then the new surface will not last the typical service life expected. During the prep work for the project, additional base repairs and asphalt leveling was discovered on some street segments. Funding these additional repairs is needed to properly prep the street segments for the new surfacing.

### **SUMMARY OF RECOMMENDED ACTION**

Approval of a resolution to increase the not to exceed contract amount for the 2018 SPAM Resurfacing project to provide for some additional base repairs and asphalt leveling.

### **FISCAL IMPACT**

Funding for the proposed increase in the not to exceed contract amount is available from Certificates of Obligation for Road Improvement funding. The amount of additional funding requested to be authorized (\$102,739), together with contingency already authorized, will cover the cost of the additional work quantities and replenish the construction project contingency to be used for any further unforeseen overages without exceeding the statutorily allowable 25% increase to the contract value.

	Original Authorized by 20-R-16	Revised Authorized by 20-R-37
Contract Amount	\$ 686,199.77	\$ 790,957.34
Contingency	\$ 68,800.23	\$ 66,781.66
Not To Exceed Amount	\$ 755,000.00	\$ 857,739.00

It should be noted, that the reduction in funds from the Certificates of Obligation for Road Improvement funding will reduce the amount available for future projects. Additionally, given the rapid deterioration on these projects, staff will need to review the cost estimates of future projects as if this is occurring on those streets, the projected budgets will need to increase, further reducing the number projects on next year's CIP that can be undertaken.

### **RECOMMENDATION**

Staff recommends Council approve Resolution 20-R-37 and increase the do not exceed amount to \$857,739 for the 2018 SPAM Resurfacing project.

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### **Attachments**

Resolution 20-R-37

Maps

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**RESOLUTION NO. 20-R-37**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ,  
TEXAS, INCREASING THE BUDGET EXPENDITURES FOR THE  
CONTRACT WITH FUQUAY, INC., RELATING TO THE 2018 SPAM  
RESURFACING PROJECT**

WHEREAS, The City staff of the City of Schertz (the “City”) has recommended that the City increase the maximum expenditure amount for the construction contract relating to the 2018 Street Preservation and Maintenance (SPAM) Resurfacing project; and

WHEREAS, some of the street segments’ conditions deteriorated significantly since the project was designed, requiring additional base repair efforts and asphalt levelling; and

WHEREAS, the City desires to perform the additional repairs and levelling before the new surfacing is applied to the streets; and

WHEREAS, excess Certificates of Obligation for Road Improvements funding is available to provide for the additional repairs and levelling.

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

Section 1. The City Council hereby increases the not to exceed amount for the construction contract with Fuquay, Inc., for the 2018 SPAM Resurfacing project to \$857,739.00.

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 14<sup>th</sup> day of April, 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

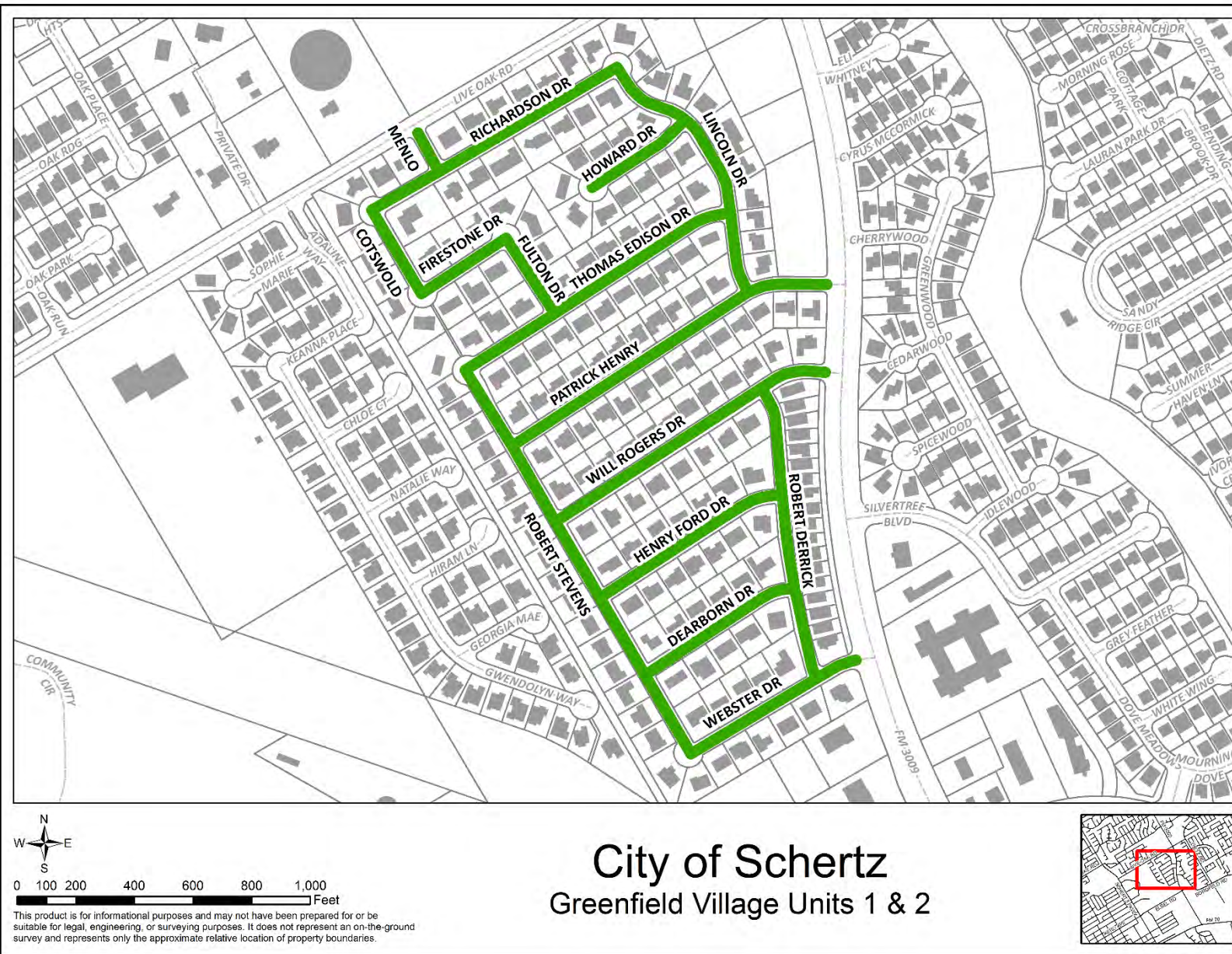
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Brenda Dennis, City Secretary

(CITY SEAL)

# Units 1 & 2

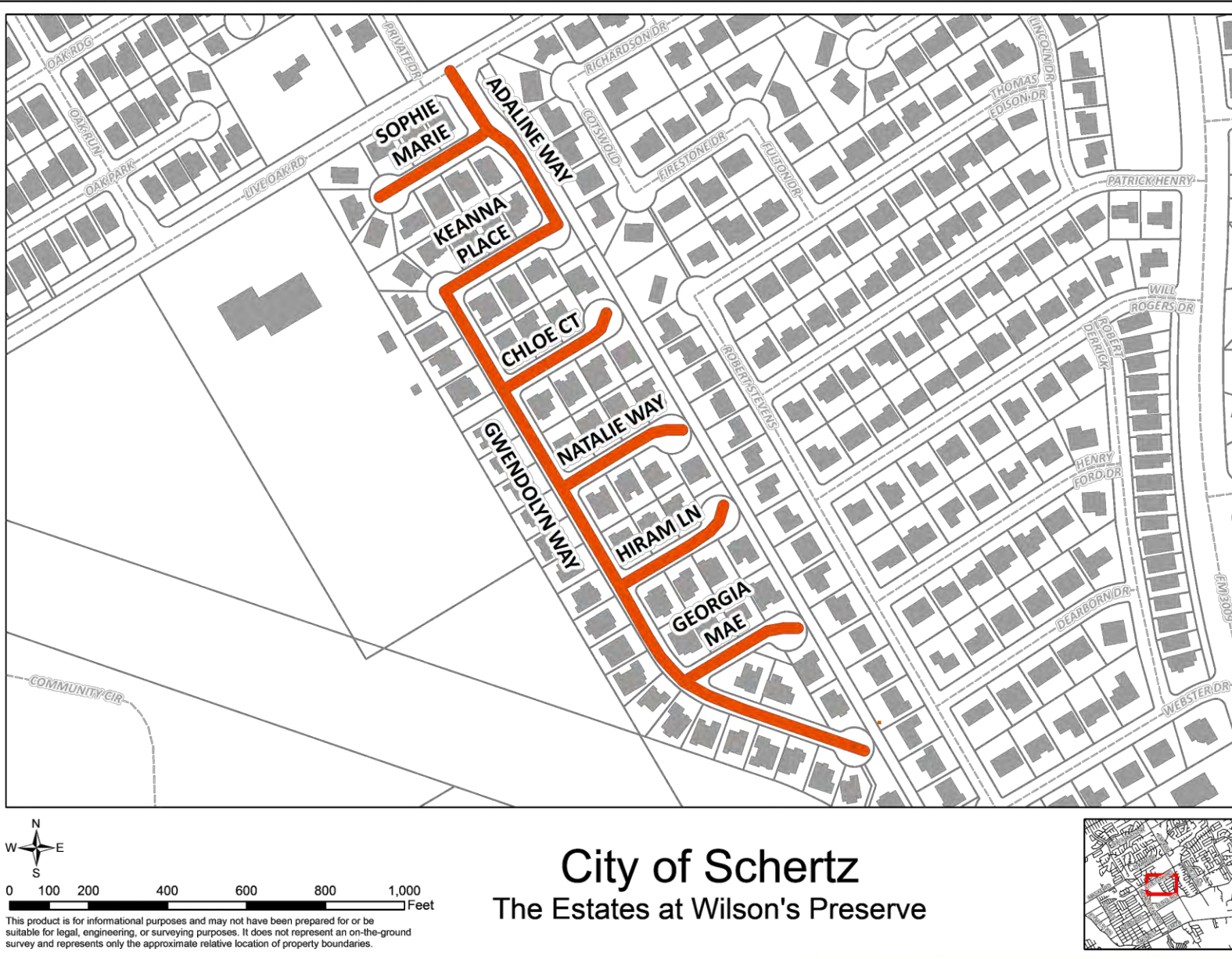
- Chip seal
- Provides a new driving surface
- Spot drainage (valley gutters) and base repairs and chip seal





# The Estates at Wilson's Preserve

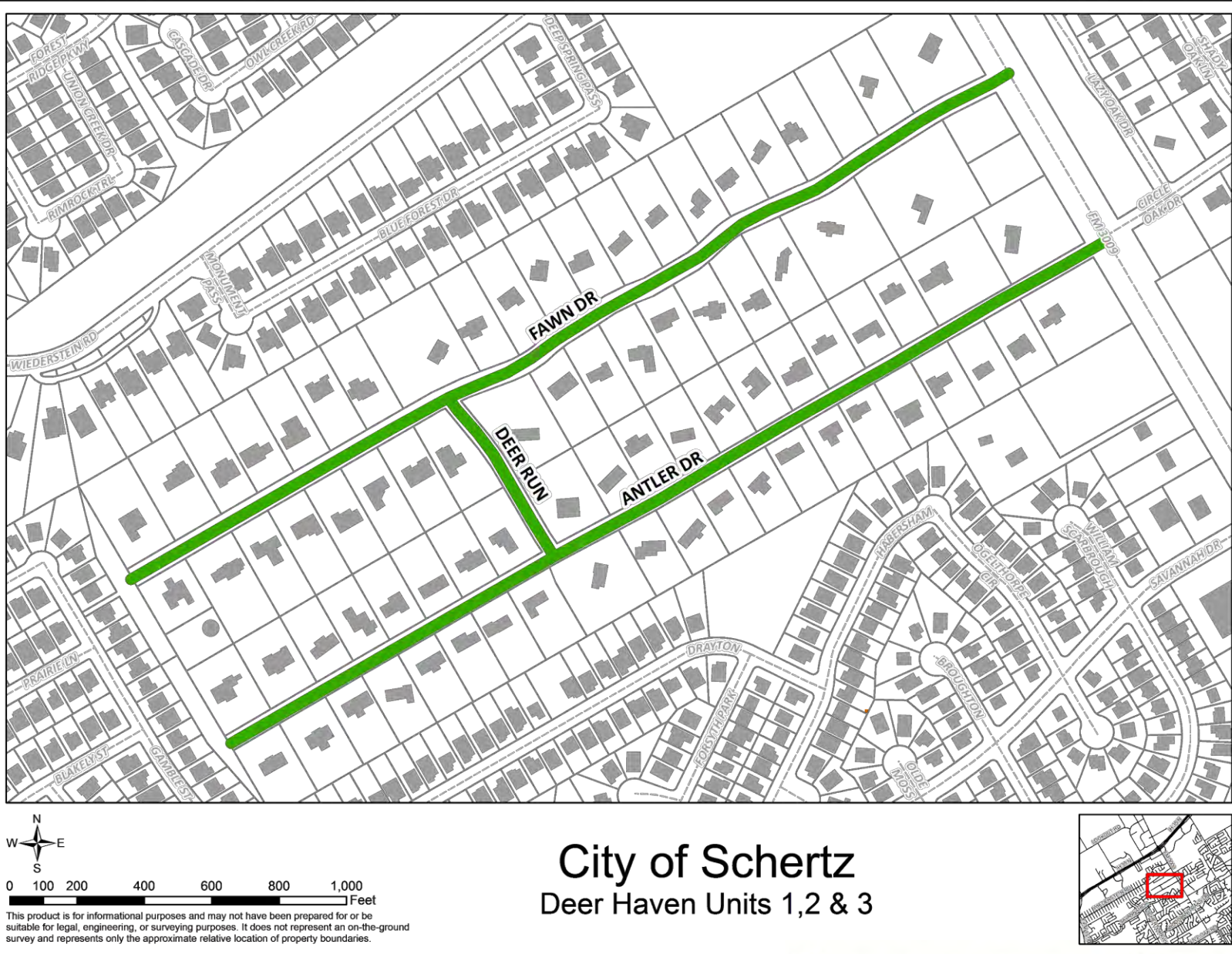
- Chip seal
- Provides a new driving surface
- Localized base repairs



# Deer Haven

## Units 1, 2, & 3

- Chip seal
- Provides a new driving surface
- Localized base repairs

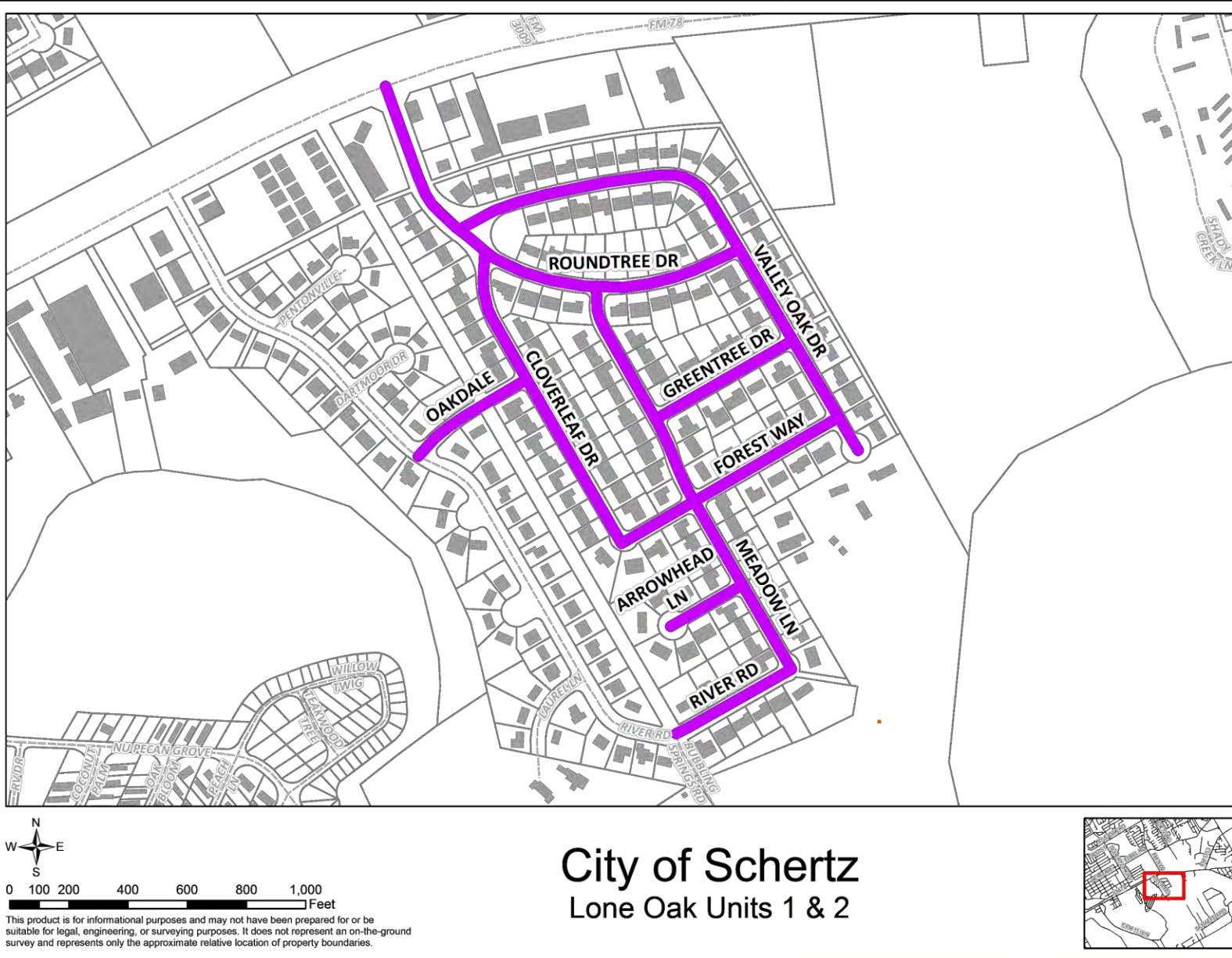




# Lone Oak

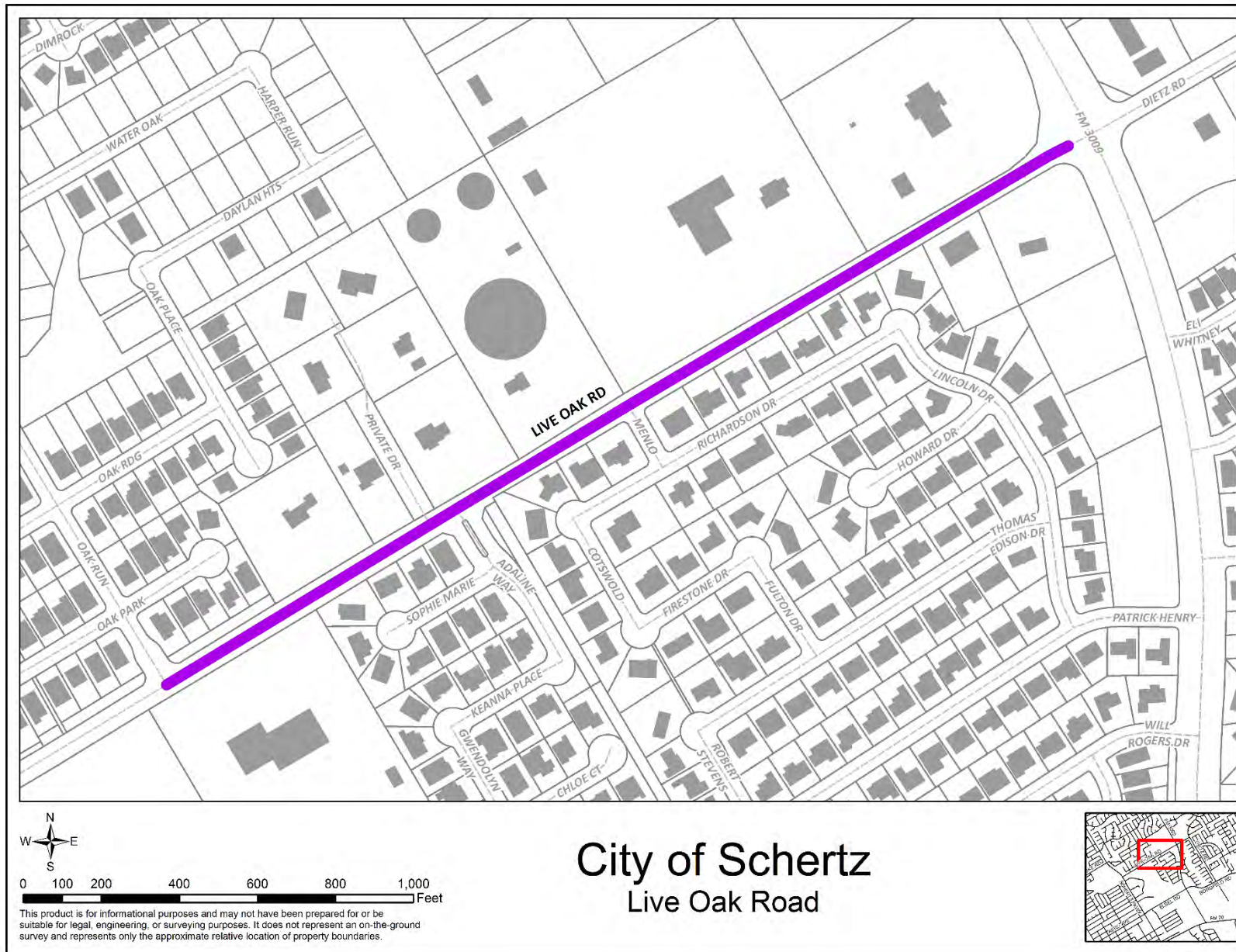
## Units 1 & 2

- Chip seal
- Provides a new driving surface
- Localized base repairs



# Live Oak Road

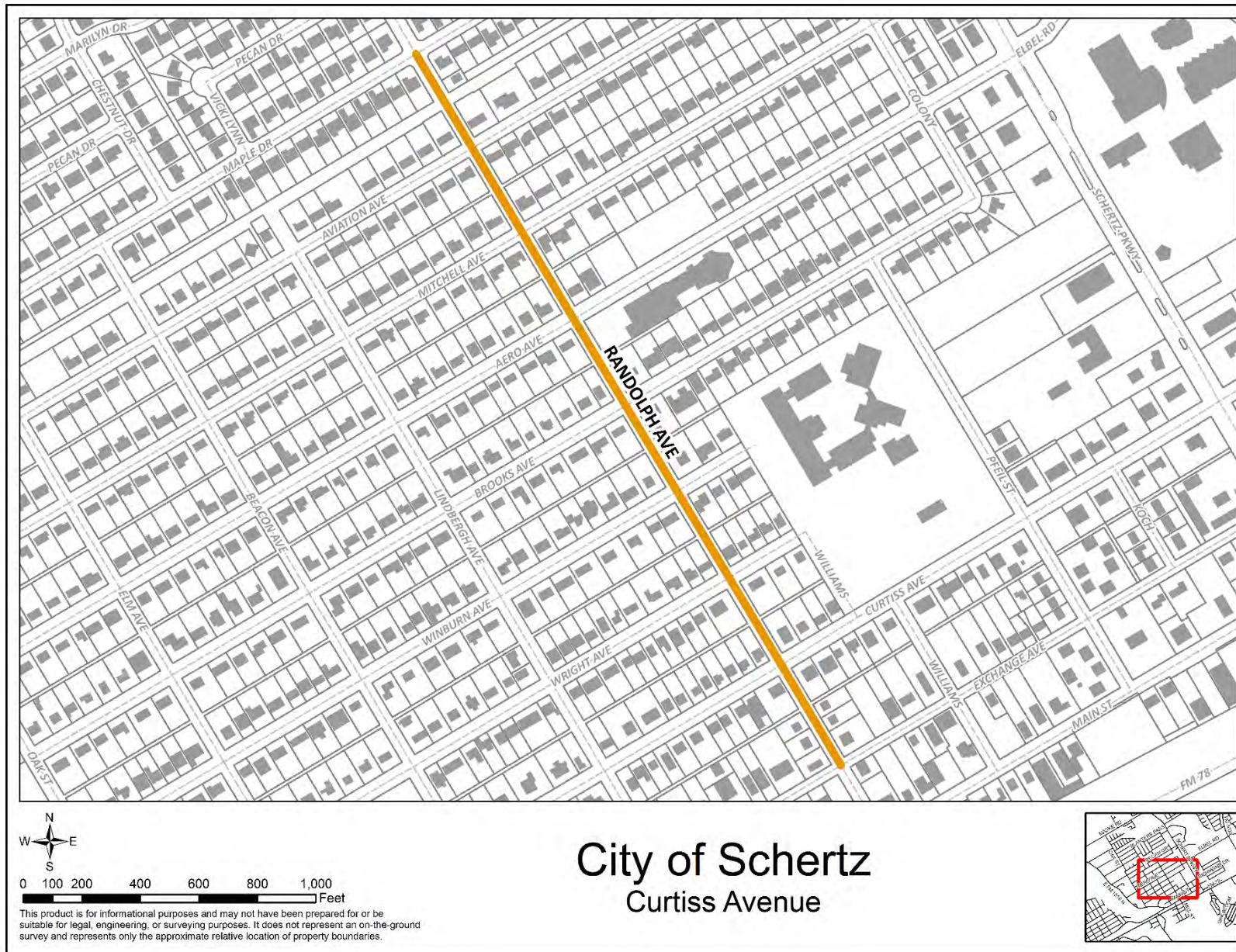
- Completes earlier effort
- Will need to coordinate with Parks MPO project
- Spot base repairs; asphalt leveling; and chip seal





# Randolph Avenue

- “Prep work” already completed by Public Works
- Provides a new driving surface
- Chip seal

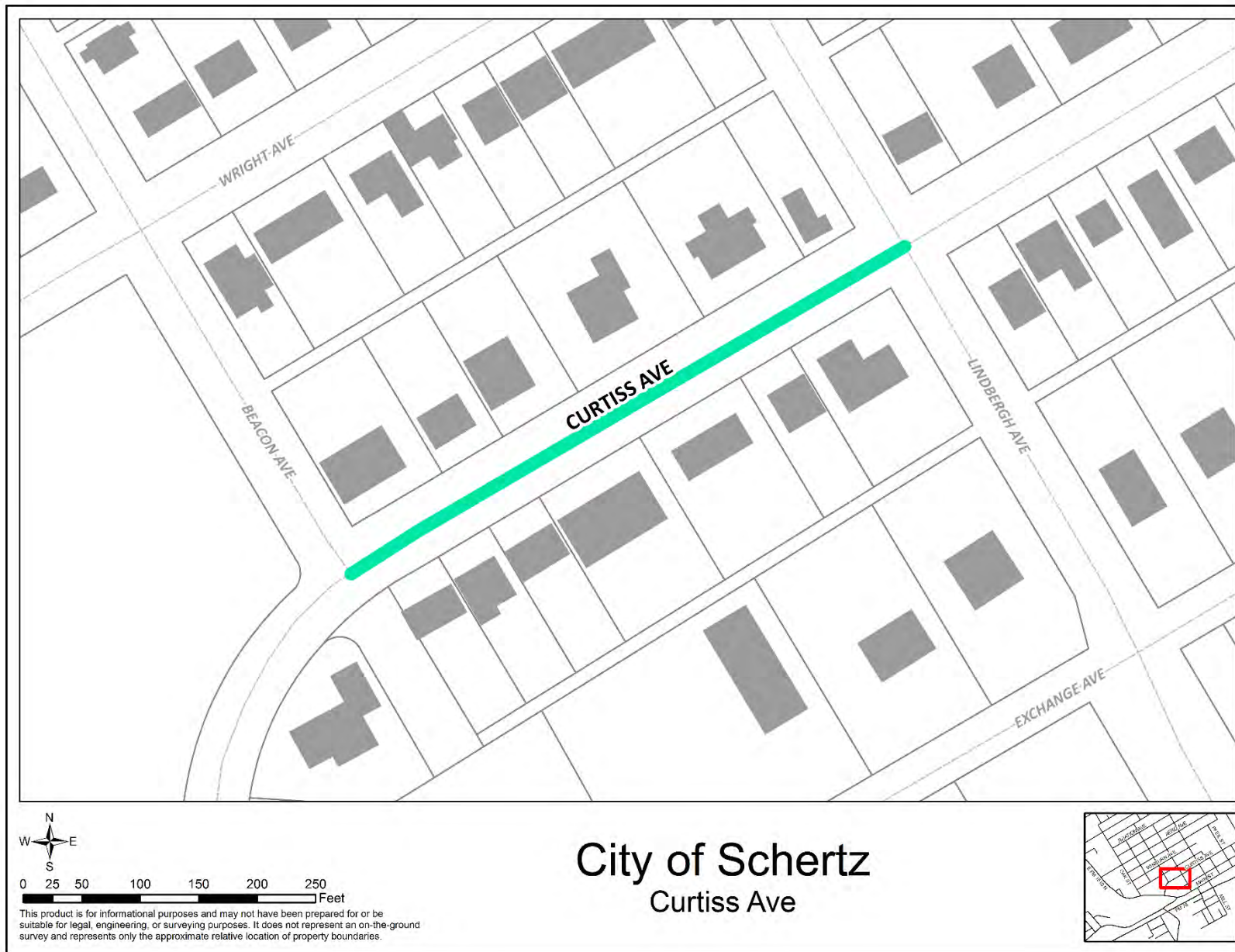




# Curtiss Avenue

Completes the “list” from the  
PCI report

Spot base repairs; crack  
sealing; and chip seal



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** April 14, 2020  
**Department:** Executive Team  
**Subject:** Emergency Operations Update regarding current COVID-19 cases - Workshop discussion and update regarding current COVID-19 cases. (M. Browne/K. Long)

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**BACKGROUND**

Emergency Management Coordinator and Fire Chief Kade Long will provide updated information regarding the COVID-19 virus and confirmed cases within the City of Schertz and surrounding areas.

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