



MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
May 5, 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, MAY 5, 2020 at 6:00 p.m.

City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, May 5, 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 Gutierrez)

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 by 5:00 p.m. on Monday, May 4, 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 28, 2020. (B. Dennis)
- 2. Ordinance No. 20-T-14** - 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 Reserves for \$250,025.00; repealing all Ordinances or Parts of Ordinances in conflict with this Ordinance; and providing an effective date. ***Final Reading*** (C. Kelm/S. Williams/D. Letbetter)
- 3. Ordinance No. 20-S-12** - Consider and/or action on a request for a Specific Use Permit to allow a Convenience Store with Gas Pumps on approximately 2 acres of land, more specifically described as the southeast corner of FM 3009 and Ripps-Kreusler Road, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay)

Workshop

- 4. Workshop Discussion and Update (Ordinance 20-H-15)** - Discussion and update regarding the COVID-19 virus and our current Ordinance No. 20-H-15 Declaration of Local Disaster. (M. Browne/K. Kong)

Roll Call Vote Confirmation

Information available in City Council Packets - NO DISCUSSION TO OCCUR

- 5. Monthly update on major projects in progress/CIP.** (B. James/K. Woodlee)

6. SEDC COVID-19 Response. (M. Browne/A. Perez)

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 1st DAY OF MAY 2020 AT 2:15 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

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

CITY COUNCIL MEMORANDUM

City Council Meeting: May 5, 2020
Department: City Secretary
Subject: Minutes – Consideration and/or action regarding the approval of the minutes of the meeting of April 28, 2020. (B. Dennis)

BACKGROUND

The City Council held a Regular City Council meeting on April 28, 2020.

RECOMMENDATION

Recommend Approval.

Attachments

Minutes 04/28/2020

DRAFT

MINUTES REGULAR MEETING April 28, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 28, 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 Scott Larson; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Rosemary Scott Excused Absence

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 Scott Larson)

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 those students participating in the Hal Baldwin Scholarship Program they are required to sign in on the sign in sheet in the back of the room or contact Assistant to the City Manager Sarah Gonzalez.

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 by 5:00 p.m. on Monday, April 27, 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 the following person:

- Maggie Titterington - 1730 Schertz Parkway - Maggie gave an update on the status of the Chamber of Commerce and discussed some Zoom webinars they have available to aid small businesses and addressing re-engaging the workforce. All webinars and information are available at thechamber.info.

Mayor Gutierrez asked City Secretary Brenda Dennis if there were any hearing of residents submitted in writing. There were none.

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 14, 2020. (B. Dennis)
2. **Resolution No. 20-R-32** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)
3. **Resolution No. 20-R-38** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an Interlocal Agreement between the City of Schertz and Education Service Center Region 20 for the participation in the ESC 20 Fiber Consortium and other matters in connection therewith. (B. James/M. Uhlhorn)
4. **Resolution No. 20-R-41** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures in an amount not to exceed \$100,000 with Gall's LLC. (C. Kelm/J. Gohlke)
5. **Resolution No. 20-R-43** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the submission of a Grant Application in an amount up to \$78,398.00 to the Office of the Governor, Homeland Security Division for the 2020 State Homeland Security Grant Urban Area Security Initiative (UASI) Program; and authorizing the acceptance of the funds, upon award. (C. Kelm/K. Long)
6. **Resolution No. 20-R-44** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures with Farrwest Environmental Supply totaling no more than \$90,000.00 for supplies and equipment during the 2019-2020 Fiscal Year and other matters in connection therewith. (C. Kelm/K. Long)
7. **Resolution No. 20-R-45** - Consideration and/or action approving a Resolution by the City Council of The City Of Schertz, Texas authorizing expenditures in an amount not to exceed \$525,000.00 with Siddons Martin Emergency Group and other matters in connection therewith. (C. Kelm/K. Long)
8. **Resolution No. 20-R-46** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas, authorizing an Interlocal Agreement for funding assistance with the Schertz Housing Authority. (M. Browne/B. James)

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve consent agenda items 1 - 8.

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

Passed

Public Hearings

The following was read into record:

9. **Ordinance No. 20-S-12** - Conduct a public hearing, consider and take action on a request for a Specific Use Permit to allow a Convenience Store with Gas Pumps on approximately 2 acres of land, more specifically described as the southeast corner of FM 3009 and Ripps-Kreusler Road, City of Schertz, Guadalupe County, Texas. ***First Reading*** (B. James/L. Wood/N. Koplyay)

Mayor Gutierrez recognized Planner Nick Koplyay who provided a PowerPoint and introduced this item.

Mayor Gutierrez opened the public hearing for those wishing to speak, and as no one spoke: closed the public hearing for Council comments.

Moved by Councilmember Scott Larson, seconded by Councilmember David Scagliola to approve Ordinance 20-S-12, *First Reading*.

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

Passed

Discussion and Action Items

The following was read into record:

10. **Ordinance No. 20-T-14** - 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 Reserves for \$250,025.00; repealing all Ordinances or Parts of 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

presented a PowerPoint, introduced this item and answered questions from Council along with Finance Director James Walters.

Moved by Councilmember David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance 20-T-14, *First Reading*.

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

The following was read into record:

- 11. Ordinance No. 20-H-15** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz amending Ordinance No. 20-H-13; 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 recognized Fire Chief Kade Long who provided a PowerPoint and addressed Council with an update of our status on the Coronavirus in reference to Governor Abbott's press conference where he issued three (3) executive orders. Chief Kade Long outlined the Governors approach to opening the Texas economy in reference to Schertz. Chief Kade Long addressed questions from Council along with City Attorney Dan Santee, and City Manager Dr. Mark Browne.

Mayor Gutierrez addressed Council about the different struggles present during EOC (Emergency Operations Center) discussions/meetings and that our focus is on what is best for our City.

Moved by Councilmember David Scagliola, seconded by Mayor Pro-Tem Mark Davis to approve Ordinance 20-H-15, *First and Final Reading* declaring an emergency.

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

NAY: Councilmember Scott Larson
Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call confirmation for agenda items 1 - 11.

Workshop

12. Discussion and Presentation regarding procurement procedures and policies.
(C. Kelm/J. Gohlke)

Mayor Gutierrez recognized Purchasing & Asset Manager Julie Gohlke who provided a PowerPoint discussing where we were in our procedures, where we are now, and some challenges we still face moving forward and answered questions from Council.

Closed Session

The following was read into record:

13. City Council will recess into Closed Session as authorized by the Texas Open Meetings Act, the City Council will adjourn into closed under Section 551.071, of the Texas Government Code Consultation with legal counsel regarding pending litigation:

1. Cause No. D-1-GN-18-006040; Cibolo, et al v. TCEQ
2. *Green Valley Special Utility District vs. City of Schertz et al*;
Case No.: 17-CV-00819-SS (U.S. District Court, Western District of Texas, Austin Division); Fifth Circuit of Appeals Case No. :18-51092

Mayor Gutierrez recessed the regular meeting into closed session at 7:27 p.m.

Mayor Gutierrez asked all who were not participating in the closed session to step outside until the conclusion of the meeting due to the Covid-19 virus and the need for the meeting to be conducted in the main Council Chambers.

Reconvene into Regular Session

- 13A. Take any action based on discussions held in closed session under Agenda item 13.

No action taken at this time.

14. Update on drainage project

Requests and Announcements

- Announcements by the City Manager.

None at this time.

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

None at this time.

- Announcements by Mayor and Councilmembers

- City and community events attended and to be attended
- City Council Committee and Liaison Assignments (see assignments below)
- Continuing education events attended and to be attended
- Recognition of actions by City employees
- Recognition of actions by community volunteers

No announcements were given at this time.

Adjournment

As there was no further business, Mayor Gutierrez adjourned the meeting at 8:04 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Gayle Wilkinson, Deputy City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: May 5, 2020
Department: City Secretary
Subject: Ordinance No. 20-T-14 - 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 Reserves for \$250,025.00; repealing all Ordinances or Parts of Ordinances in conflict with this Ordinance; and providing an effective date. *Final Reading* (C. Kelm/S. Williams/D. Letbetter)

BACKGROUND

The FY 2020-2021 vehicle replacement plan identifies the need to replace the 2007 street sweeper for \$230,000. Currently, the sweeper is not working and is too costly to repair and has become inoperable, due to normal use, wear and tear. As a solution, Staff proposes to replace the 2007 street sweeper during FY 2019-2020 with money from the Reserves. Also, Staff applied and has been tentatively approved to receive a grant from Texas Commission on Environmental Quality (TCEQ) in the amount of \$112,462.00 after the new street sweeper is purchased and proof that the old street sweeper is no longer drive-able is provided to TCEQ. The \$230,000 identified in the FY 2020-2021 vehicle replacement program to purchase the new sweeper will go back into Reserves in FY 2020-2021.

GOAL

To acquire a new street sweeper this year and maintain the city sweeping schedule to meet residents' expectations and stormwater management requirements.

COMMUNITY BENEFIT

This would allow the city to operate two street sweepers that are necessary to maintain the city's sweeping program. With less downtime due to breakdowns and more effective equipment, Staff can accomplish the minimum street sweeping required to keep the curb lines clean.

SUMMARY OF RECOMMENDED ACTION

City staff recommends that the City Council approve Ordinance 20-T-14 on final reading to approve the budget amendment to purchase a new street sweeper in the FY2019-2020 budget year.

FISCAL IMPACT

The fiscal impact for the 2019-2020 budget year will be not to exceed \$250,025.00.

RECOMMENDATION

City staff recommends that the City Council of the City approve the Budget Amendment of \$250,025.00 for the purchase of a new street sweeper during FY 2019-2020.

Attachments

BA Sweeper 1

ORDINANCE NO. 20-T-14

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 \$250,025.00 from the Vehicle Replacement Fund to the Equipment Over \$5,000.00 budget for the purchase of new 2020 Tymco Street Sweeper; 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 purchase of a new 2020 Tymco Sweeper.

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

Section 1. The City shall transfer \$250,025.00 from the Vehicle Replacement Fund to Equipment over \$5000.00 line item.

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 28th day of April, 2020.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 5 day of May, 2020.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis City Secretary
(CITY SEAL)

CITY COUNCIL MEMORANDUM

City Council Meeting: May 5, 2020

Department: Planning & Community Development

Subject: Ordinance No. 20-S-12 - Consider and/or action on a request for a Specific Use Permit to allow a Convenience Store with Gas Pumps on approximately 2 acres of land, more specifically described as the southeast corner of FM 3009 and Ripps-Kreusler Road, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James/L. Wood/N. Koplyay)

BACKGROUND

A Specific Use Permit for a convenience store with gas pumps was previously recommended for approval by the Planning and Zoning Commission on March 13, 2019 and was approved with conditions by City Council on April 23, 2019. The condition was that a building is approved within one year of the adoption of the ordinance on April 23, 2019. The Ordinance 19-S-14 that was approved by City Council is scheduled to expire on April 23, 2020. The applicant had a preliminary plat for the approximately 150 acre parent tract approved by the Planning and Zoning Commission on November 13, 2019, and the applicant is currently in the final stages of the final plat certification process and building permit review process. In order to continue the project the applicant would need an approved final plat, an executed subdivision improvement agreement, and an approved building permit before April 23, 2020. This timeline was judged to be infeasible, and to ensure the quality of the project the applicant is pursuing a new Specific Use Permit Application for a convenience store with gas pumps. The proposed Specific Use Permit application and site plan are consistent with what was previously approved by the City Council in April 2019. There are no proposed modifications to the land use, the building size, or layout with this proposed new SUP.

This Specific Use Permit application was heard by the Planning and Zoning Commission on March 25, 2020 and was recommended for approval to City Council by unanimous vote.

GOAL

The goal of the application is to allow a Specific Use Permit for a convenience store with gas pumps on approximately 2 acres of land, more specifically described as the southeast corner of FM 3009 and Ripps-Kreusler Road.

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 subject property is currently surrounded by a 150 acre undeveloped parcel of land, the F.M. 3009 Right-Of-Way, and the Ripps-Kreusler Right-Of-Way. All adjacent properties are zoned General Business District (GB), and the properties on the opposite side of the two adjacent right-of-ways (currently occupied by Randolph Brooks Federal Credit Union and First United Bank) are also zoned General Business District (GB). Given that the proposed convenience store would be surrounded by three public roads and the adjacent properties are zoned General Business District (GB), the proposed

Specific Use Permit to allow a convenience store with gas pumps would not have an additional adverse impact on the adjacent development.

The Comprehensive Land Use Plan, through the Future Land Use Plan, identifies this area as both Commercial Campus and Single-Family Residential. The proposed convenience store with gas pumps is compatible with the retail commercial uses that the Future Land Use Plan designates as appropriate for land areas identified as Commercial Campus. Therefore, the proposed convenience store with gas pumps is in general conformance with the Comprehensive Plan.

A site plan was approved with the Specific Use Permit on April 9, 2019. The applicant is proposing to construct a 4,955 square foot convenience store with eight (8) gas pumps on the approximately 2 acre tract of land.

- **Architectural Standards:** The proposed convenience store complies with all architectural feature requirements (i.e. horizontal and vertical articulations) defined in Schertz Unified Development Code (UDC) Sec. 21.9.5 Exterior Construction and Design Standards.
- **Parking:** The proposed parking areas meet all current regulations within UDC Article 10 Parking Standards. The site will provide forty-three (43) parking spaces sized 10' x 20', of which three (3) will be designated as handicapped parking only.
- **Screening requirements:** The site has satisfied the minimum screening requirements for the location. The trash receptacle will be constructed of a masonry material with metal gates that meet the minimum requirements.
- **Lighting and glare standards:** The applicant will be responsible for complying with UDC Sec. 21.9.11 Lighting and Glare Standards through the building permit process.
- **Landscaping:** The proposed site plan meets all requirements outlined in UDC Sec. 21.9.7 Landscaping. The proposed site plan meets all requirements outlined in UDC Sec. 21.9.7 Landscaping. The proposed total landscaped area on the site is 24%, and the applicant is proposing to plant 39 total trees (22 Live Oak, 9 Texas Ash, and 9 Texas Redbud), which meet the requirements outlined in UDC Sec. 21.9.7.E Landscape Installation Required. The landscape plan shows that the applicant is also proposing to save both of the two existing Heritage Class trees onsite through relocation, which meets the requirement to preserve at least 25% of all mitigatable Protected and Heritage Class trees in UDC Sec. 21.9.9.C.3 Minimum Preservation. The applicant is proposing to plant fifteen (15) trees along FM 3009, which complies with the requirement of 1 tree planted per twenty linear feet (20') of street frontage along principal and secondary arterials, outlined in UDC Sec. 21.14.3 Additional Design Requirements. The applicant will comply with UDC Sec. 21.9.7.H.2 Perimeter Landscaping by planting at least 1 tree per fifty linear feet (50') along their two other street frontages to screen the proposed parking lots and vehicular use areas from the two right-of-ways. The applicant will also fully comply with UDC Sec. 21.9.7.H Parking Area Landscaping by planting one tree every twelve (12) parking spaces and at the terminus of all rows of parking.
- **Access and circulation:** The site will be provided access through three new driveways: a two-way entrance and exit on F.M. 3009, a two-way entrance and exit on the proposed extension of Baptist Health Drive, and a one-way entrance only on Ripps-Kreusler Road. A 25' fire lane is being proposed on all sides of the convenience store to allow for emergency vehicle access. The associated Site Plan and submitted Traffic Impact Analysis has been reviewed and approved by both the City of Schertz Engineering Department and the Texas Department of Transportation (TxDOT).

FISCAL IMPACT

None

RECOMMENDATION

This Specific Use Permit application was heard by the Planning and Zoning Commission on March 25, 2020 and was recommended for approval to City Council by unanimous vote.

A new Specific Use Permit for a convenience store with gas pumps will allow the applicant to ensure the quality of the plans submitted for the final plat, public improvements, and building permit instead of rushing to meet the expiration date. The idea behind the Specific Use Permit expiration condition is to make sure the applicant is moving the project forward in timely manner following City Council's approval, and progress has been made to develop the property since the approval of the previous Specific Use Permit one year ago. Therefore, Staff believes the applicant remains committed to the project and is recommending approval of the Specific Use Permit to allow a convenience store with gas pumps, once again conditioned upon the following:

- a. A building permit is approved within one year of the adoption of the SUP ordinance; and
- b. The use begins operation within two years of the issuance of the necessary building permit(s).

Attachments

Ordinance 20-S-12

Ordinance 20-S-12 Exhibit A

Aerial Map

Public Hearing Notice Map

ORDINANCE NO. 20-S-12

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR OPERATION OF A CONVENIENCE STORE WITH GAS PUMPS AT THE SOUTHEAST CORNER OF FM 3009 AND RIPPS-KREUSLER, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.

WHEREAS, an application for Specific Use Permit to allow a convenience store with gas pumps, more particularly described in Exhibit A attached hereto and incorporated herein by reference, as the Southeast Corner of FM 3009 and Ripps-Kreusler, (hereinafter, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.11.E. provides for certain conditions 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 specific use permit (the “Conditions”); and

WHEREAS, on March 25, 2020, the Planning and Zoning Commission conducted a public hearing and, after considering the Conditions, hereby makes a recommendation of approval of a Specific Use Permit for a convenience store with gas pumps; and

WHEREAS, on April 28, 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 Specific Use Permit be approved as provided for herein.

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

Section 1. A Specific Use Permit for the Southeast Corner of FM 3009 and Ripps-Kreusler, more particularly described in the attached Exhibit A, is hereby approved to allow a convenience store with gas pumps conditioned upon the following occurring:

- a) A building permit is approved within one year of the adoption of this ordinance; and
- b) The use begins operation within two years of the issuance of the necessary building permit(s).

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. 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 28th day of April, 2020.

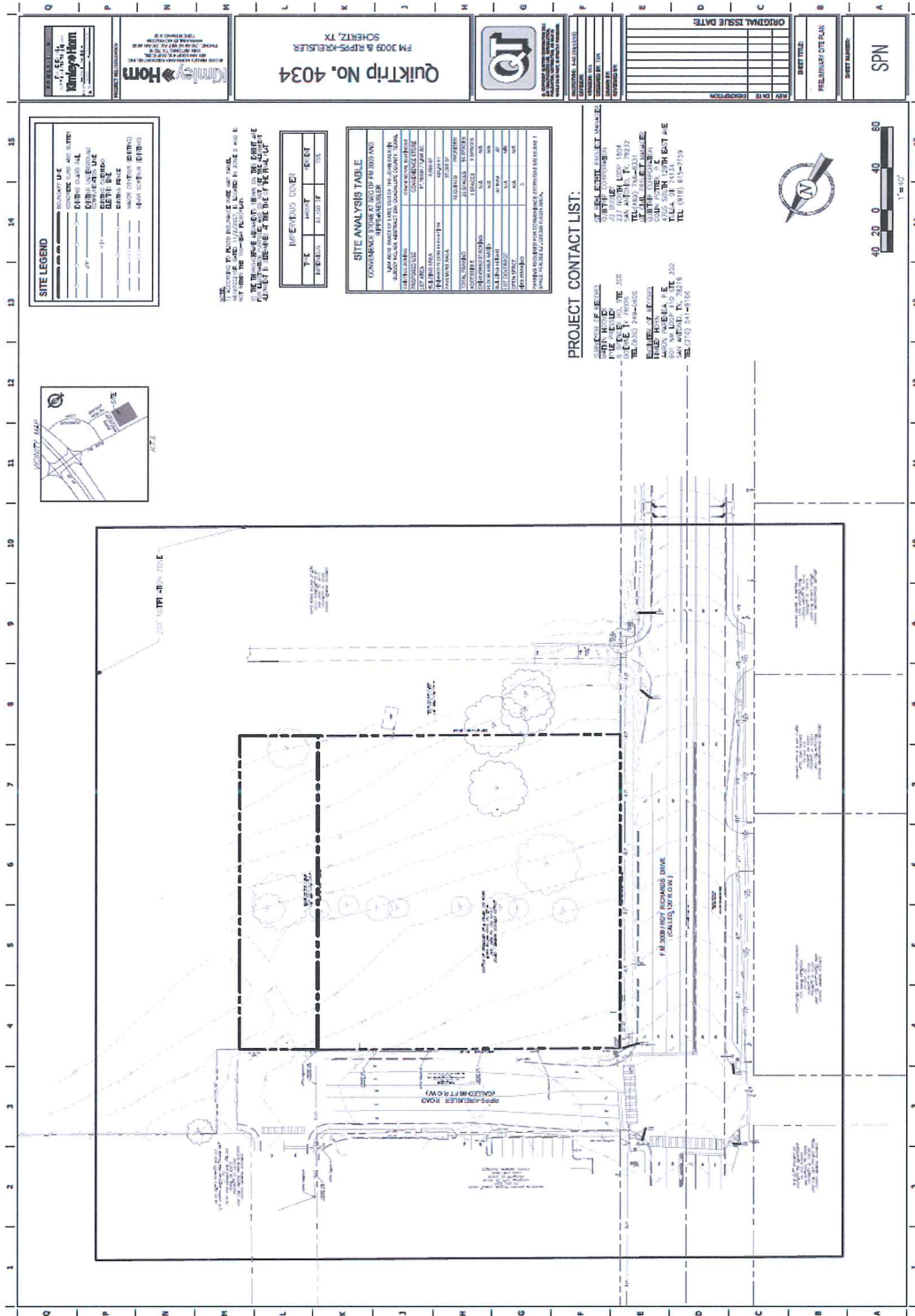
PASSED, APPROVED AND ADOPTED on final reading the 5th day of May, 2020.

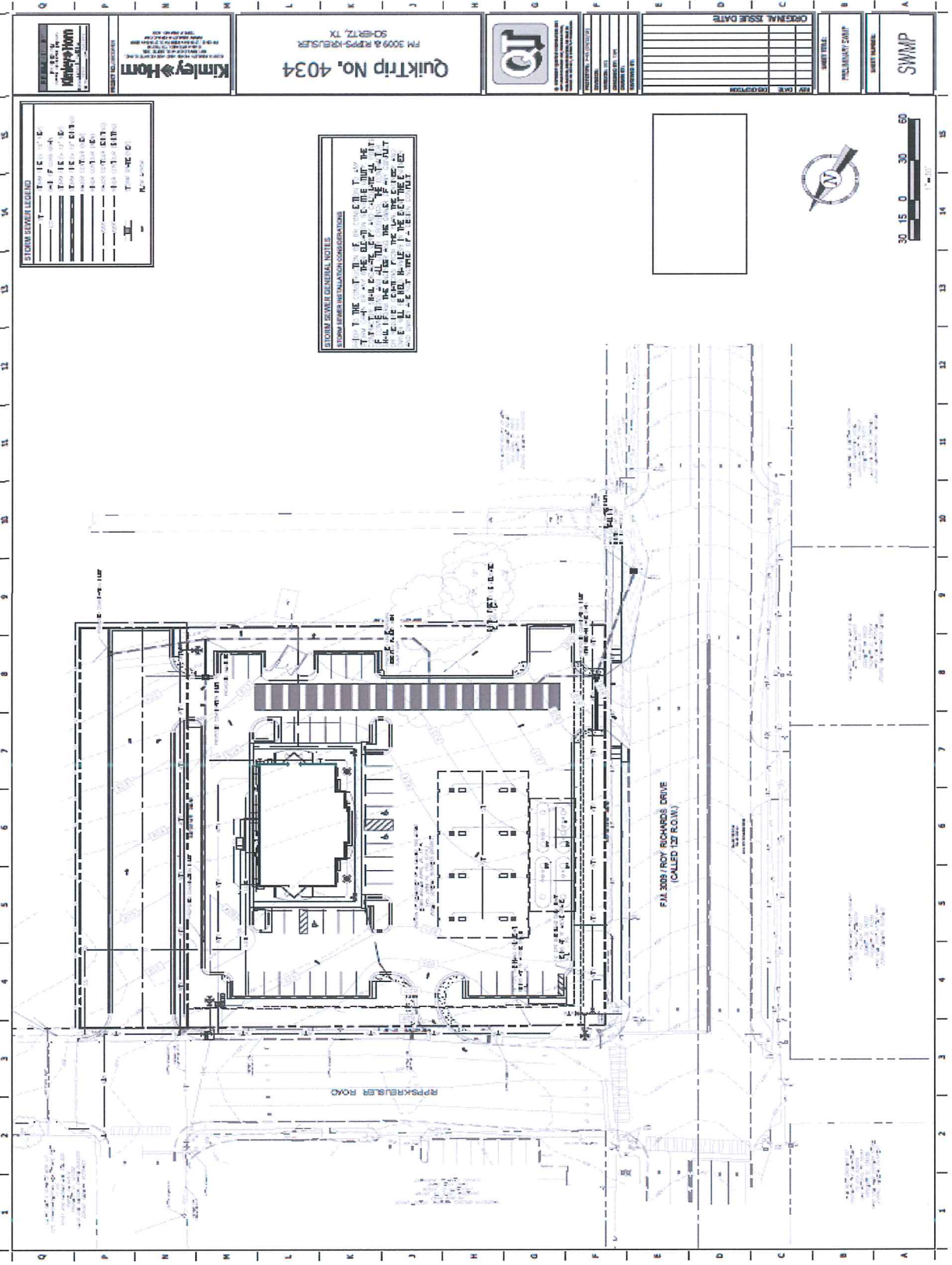
Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

Exhibit A
“The Property”

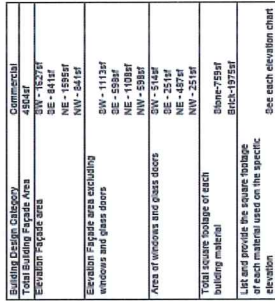




STORM SEWER GENERAL NOTES
 STORM SEWER INSTALLATION INFORMATION
 1. THE STORM SEWER SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, SECTION 100, PART 1, DIVISION 100.00, AND THE LATEST EDITION OF THE MDT STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, SECTION 100, PART 2, DIVISION 100.00.

STORM SEWER LEGEND

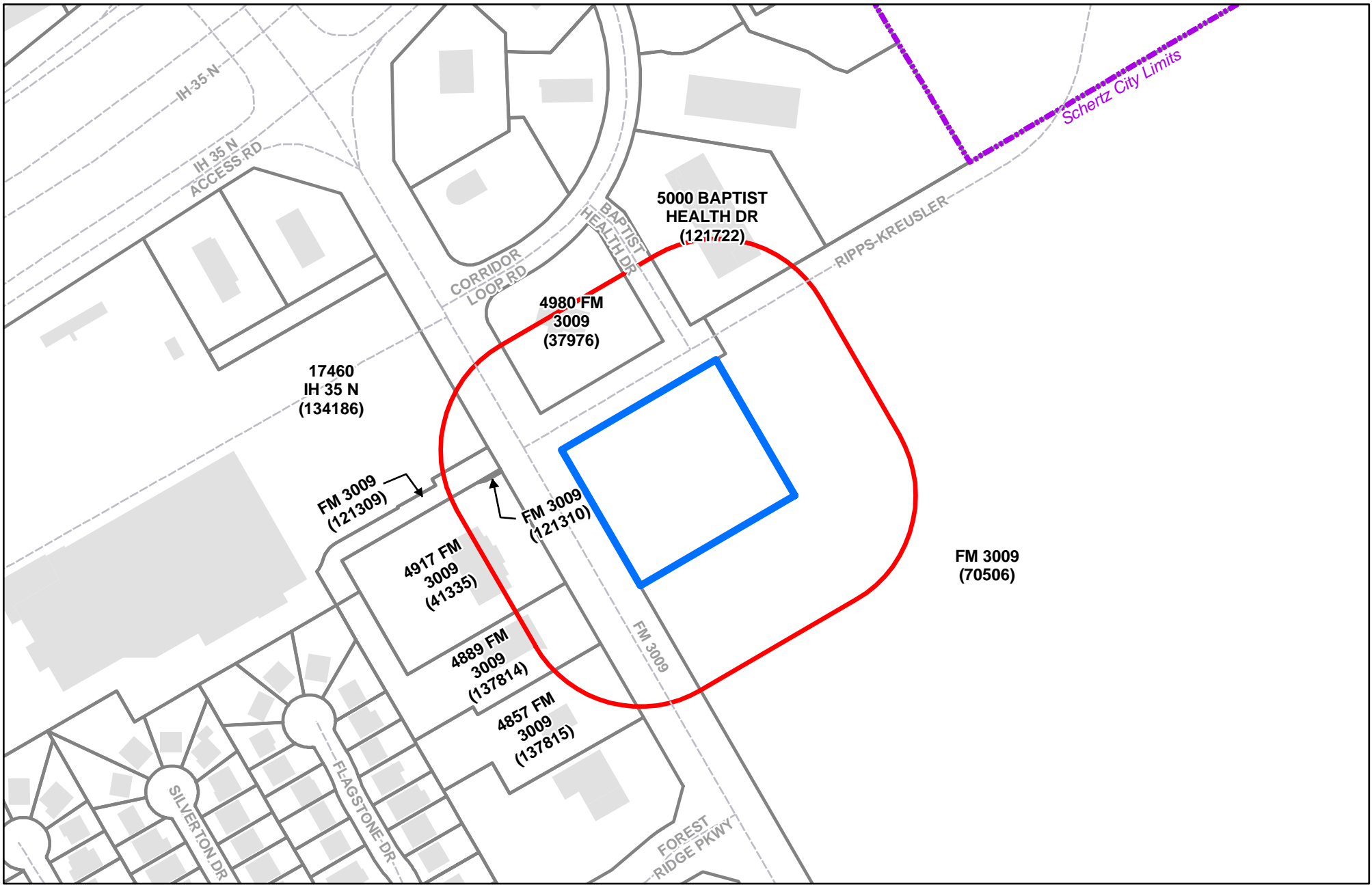
1" - 12" DIA. STORM SEWER	1" - 12" DIA. STORM SEWER
12" - 18" DIA. STORM SEWER	18" - 24" DIA. STORM SEWER
24" - 30" DIA. STORM SEWER	30" - 36" DIA. STORM SEWER
36" - 42" DIA. STORM SEWER	42" - 48" DIA. STORM SEWER
48" - 54" DIA. STORM SEWER	54" - 60" DIA. STORM SEWER
60" - 66" DIA. STORM SEWER	66" - 72" DIA. STORM SEWER
72" - 78" DIA. STORM SEWER	78" - 84" DIA. STORM SEWER
84" - 90" DIA. STORM SEWER	90" - 96" DIA. STORM SEWER
96" - 102" DIA. STORM SEWER	102" - 108" DIA. STORM SEWER
108" - 114" DIA. STORM SEWER	114" - 120" DIA. STORM SEWER
120" - 126" DIA. STORM SEWER	126" - 132" DIA. STORM SEWER
132" - 138" DIA. STORM SEWER	138" - 144" DIA. STORM SEWER
144" - 150" DIA. STORM SEWER	150" - 156" DIA. STORM SEWER
156" - 162" DIA. STORM SEWER	162" - 168" DIA. STORM SEWER
168" - 174" DIA. STORM SEWER	174" - 180" DIA. STORM SEWER
180" - 186" DIA. STORM SEWER	186" - 192" DIA. STORM SEWER
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228" - 234" DIA. STORM SEWER	234" - 240" DIA. STORM SEWER
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312" - 318" DIA. STORM SEWER	318" - 324" DIA. STORM SEWER
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732" - 738" DIA. STORM SEWER	738" - 744" DIA. STORM SEWER
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1596" - 1602" DIA. STORM SEWER	1602" - 1608" DIA. STORM SEWER
1608" - 1614" DIA. STORM SEWER	1614" - 1620" DIA. STORM SEWER
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1632" - 1638" DIA. STORM SEWER	1638" - 1644" DIA. STORM SEWER
1644" - 1650" DIA. STORM SEWER	1650" - 1656" DIA. STORM SEWER
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1668" - 1674" DIA. STORM SEWER	1674" - 1680" DIA. STORM SEWER
1680" - 1686" DIA. STORM SEWER	1686" - 1692" DIA. STORM SEWER
1692" - 1698" DIA. STORM SEWER	1698" - 1704" DIA. STORM SEWER
1704" - 1710" DIA. STORM SEWER	1710" - 1716" DIA. STORM SEWER
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1764" - 1770" DIA. STORM SEWER	1770" - 1776" DIA. STORM SEWER
1776" - 1782" DIA. STORM SEWER	1782" - 1788" DIA. STORM SEWER
1788" - 1794" DIA. STORM SEWER	1794" - 1800" DIA. STORM SEWER
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1836" - 1842" DIA. STORM SEWER	1842" - 1848" DIA. STORM SEWER
1848" - 1854" DIA. STORM SEWER	1854" - 1860" DIA. STORM SEWER
1860" - 1866" DIA. STORM SEWER	1866" - 1872" DIA. STORM SEWER
1872" - 1878" DIA. STORM SEWER	1878" - 1884" DIA. STORM SEWER
1884" - 1890" DIA. STORM SEWER	1890" - 1896" DIA. STORM SEWER
1896" - 1902" DIA. STORM SEWER	1902" - 1908" DIA. STORM SEWER
1908" - 1914" DIA. STORM SEWER	1914" - 1920" DIA. STORM SEWER
1920" - 1926" DIA. STORM SEWER	1926" - 1932" DIA. STORM SEWER
1932" - 1938" DIA. STORM SEWER	1938" - 1944" DIA. STORM SEWER
1944" - 1950" DIA. STORM SEWER	1950" - 1956" DIA. STORM SEWER
1956" - 1962" DIA. STORM SEWER	1962" - 1968" DIA. STORM SEWER
1968" - 1974" DIA. STORM SEWER	1974" - 1980" DIA. STORM SEWER
1980" - 1986" DIA. STORM SEWER	1986" - 1992" DIA. STORM SEWER
1992" - 1998" DIA. STORM SEWER	1998" - 2004" DIA. STORM SEWER
2004" - 2010" DIA. STORM SEWER	2010" - 2016" DIA. STORM SEWER
2016" - 2022" DIA. STORM SEWER	2022" - 2028" DIA. STORM SEWER
2028" - 2034" DIA. STORM SEWER	2034" - 2040" DIA. STORM SEWER
2040" - 2046" DIA. STORM SEWER	2046" - 2052" DIA. STORM SEWER
2052" - 2058" DIA. STORM SEWER	2058" - 2064" DIA. STORM SEWER
2064" - 2070" DIA. STORM SEWER	2070" - 2076" DIA. STORM SEWER
2076" - 2082" DIA. STORM SEWER	2082" - 2088" DIA. STORM SEWER
2088" - 2094" DIA. STORM SEWER	2094" - 2100" DIA. STORM SEWER
2100" - 2106" DIA. STORM SEWER	2106" - 2112" DIA. STORM SEWER
2112" - 2118" DIA. STORM SEWER	2118" - 2124" DIA. STORM SEWER
2124" - 2130" DIA. STORM SEWER	2130" - 2136" DIA. STORM SEWER
2136" - 2142" DIA. STORM SEWER	2142" - 2148" DIA. STORM SEWER
2148" - 2154" DIA. STORM SEWER	2154" - 2160" DIA. STORM SEWER
2160" - 2166" DIA. STORM SEWER	2166" - 2172" DIA. STORM SEWER
2172" - 2178" DIA. STORM SEWER	2178" - 2184" DIA. STORM SEWER
2184" - 2190" DIA. STORM SEWER	2190" - 2196" DIA. STORM SEWER
2196" - 2202" DIA. STORM SEWER	2202" - 2208" DIA. STORM SEWER
2208" - 2214" DIA. STORM SEWER	2214" - 2220" DIA. STORM SEWER
2220" - 2226" DIA. STORM SEWER	2226" - 2232" DIA. STORM SEWER
2232" - 2238" DIA. STORM SEWER	2238" - 2244" DIA. STORM SEWER
2244" - 2250" DIA. STORM SEWER	2250" - 2256" DIA. STORM SEWER
2256" - 2262" DIA. STORM SEWER	2262" - 2268" DIA. STORM SEWER
2268" - 2274" DIA. STORM SEWER	2274" - 2280" DIA. STORM SEWER
2280" - 2286" DIA. STORM SEWER	2286" - 2292" DIA. STORM SEWER
2292" - 2298" DIA. STORM SEWER	2298" - 2304" DIA. STORM SEWER
2304" - 2310" DIA. STORM SEWER	2310" - 2316" DIA. STORM SEWER
2316" - 2322" DIA. STORM SEWER	2322" - 2328" DIA. STORM SEWER
2328" - 2334" DIA. STORM SEWER	2334" - 2340" DIA. STORM SEWER
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2364" - 2370" DIA. STORM SEWER	2370" - 2376" DIA. STORM SEWER
2376" - 2382" DIA. STORM SEWER	2382" - 2388" DIA. STORM SEWER
2388" - 2394" DIA. STORM SEWER	2394" - 2400" DIA. STORM SEWER
2400" - 2406" DIA. STORM SEWER	2406" - 2412" DIA. STORM SEWER
2412" - 2418" DIA. STORM SEWER	2418" - 2424" DIA. STORM SEWER
2424" - 2430" DIA. STORM SEWER	2430" - 2436" DIA. STORM SEWER
2436" - 2442" DIA. STORM SEWER	2442" - 2448" DIA. STORM SEWER
2448" - 2454" DIA. STORM SEWER	2454" - 2460" DIA. STORM SEWER
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2496" - 2502" DIA. STORM SEWER	2502" - 2508" DIA. STORM SEWER
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2568" - 2574" DIA. STORM SEWER	2574" - 2580" DIA. STORM SEWER
2580" - 2586" DIA. STORM SEWER	2586" - 2592" DIA. STORM SEWER
2592" - 2598" DIA. STORM SEWER	2598" - 2604" DIA. STORM SEWER
2604" - 2610" DIA. STORM SEWER	2610" - 2616" DIA. STORM SEWER
2616" - 2622" DIA. STORM SEWER	2622" - 2628" DIA. STORM SEWER
2628" - 2634" DIA. STORM SEWER	2634" - 2640" DIA. STORM SEWER
2640" - 2646" DIA. STORM SEWER	2646" - 2652" DIA. STORM SEWER
2652" - 2658" DIA. STORM SEWER	2658" - 2664" DIA. STORM SEWER
2664" - 2670" DIA. STORM SEWER	2670" - 2676" DIA. STORM SEWER
2676" - 2682" DIA. STORM SEWER	2682" - 2688" DIA. STORM SEWER
2688" - 2694" DIA. STORM SEWER	2694" - 2700" DIA. STORM



Building Design Category	Commercial
Total Building Footprint Area	4844sf
Elevation Square Area	SW - 1627sf SE - 841sf NE - 584sf NW - 2541sf
Elevation Square area excluding windows and glass doors	SW - 1113sf SE - 559sf NE - 1103sf NW - 598sf
Area of windows and glass doors	SW - 514sf SE - 282sf NE - 487sf NW - 251sf
Total square footage of each building material	Stone-799sf Brick-193sf
Use and provide the square footage of each external material on the specific elevation	Use and provide the square footage of each external material on the specific elevation
See each elevation chart	





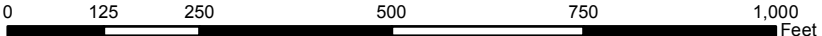


City of Schertz

FM 3009 & Ripps-Kreusler

 200' Notification Buffer

 Parcel Boundaries



CITY COUNCIL MEMORANDUM

City Council Meeting: May 5, 2020
Department: City Secretary
Subject: Workshop Discussion and Update (Ordinance 20-H-15) - Discussion and update regarding the COVID-19 virus and our current Ordinance No. 20-H-15 Declaration of Local Disaster. (M. Browne/K. Kong)

BACKGROUND

Staff will provide Council with an update regarding the COVID-19 Virus. Discussion will include how Phase 1 is progressing and update on the number of cases.

Attachments

20-H-15 Ordinance

Ordinance No. 20-H-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS SUPERSEDING ORDINANCE 20-H-13; 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 25,391 confirmed positive cases in Texas; and

WHEREAS, on Tuesday April 28, 2020, the World Health Organization (WHO) declared the crisis that is now a pandemic had infected nearly 3,052,325 people around the world and killed 211,350. 988,496 cases have been confirmed in the United States according to WHO; and

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

WHEREAS, President Trump has invoked 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, also on April 17, 2020, Governor Abbott issued Executive Order GA-16 to replace Executive Order GA- 14, and while Executive Order GA- 16 generally continued

through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

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.

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 May 5, 2020 at 11:59 p.m. by City Council Ordinance 20-H-13 pursuant to §418.108(b) of the Government Code, including all rules and regulation attached hereto as Exhibit A, is hereby further amended and extended until May 26, 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 §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 6. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.
- 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-18, or any subsequent emergency orders of Governor Abbott.
- 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 28th DAY
OF APRIL 2020.**

CITY OF SCHERTZ, TEXAS

By: _____


Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis

Brenda Dennis, City Secretary



EXHIBIT A

THE FOREGOING RULES GOVERNING PRIVATE AND PUBLIC GATHERINGS EXTENDED BY CITY COUNCIL ORDINANCE 20-H-13 IS HEREBY SUPERSEDED BY THE FOLLOWING UPDATED RESTRICTIONS TO RESPOND TO EVOLVING CIRCUMSTANCES THAT ARE DETRIMENTAL TO THE PUBLIC HEALTH. THE FOLLOWING RESTRICTION SHALL TAKE EFFECT AT 11:59 P.M. ON APRIL 30, 2020 AND WILL CONTINUE THROUGH 11:59 P.M., ON MAY 26, 2020.

SECTION 1. In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

SECTION 2. “Essential services” shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

SECTION 3. Reopened Services: “Reopened services” shall consist of the following to the extent they are not already “essential services:”

1. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer’s doorstep.
2. Starting at 11:59 P.m. on Thursday, April 30, 2020:
 - a) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment
 - b) Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking.
 - c) Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
 - d) Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed.

EXHIBIT A

- e) Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may so operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
- f) Services provided by an individual working alone in an office.
- g) Golf course operations.
- h) Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
- i) Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. Notwithstanding anything herein to the contrary, the governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor's sole discretion, based on the governor's determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as an increase in the transmission of COVTD-19 or in the amount of COVID-19 related hospitalizations or fatalities.

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President, and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

For further guidance, please see the Governor's report to Reopen Texas at <https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>

SECTION 4: Religious services should be conducted in accordance with the joint guidance issued and updated by the Attorney General and Governor.

SECTION 5: 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 6: In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

SECTION 7. This Ordinance does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or

EXHIBIT A

obtaining other essential or reopened services, visiting parks, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

SECTION 8. Prohibited activities: People shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.

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

SECTION 9. To the extent of a conflict between this Order and the orders of the Governor or a county judge of Bexar, Comal or Guadalupe County, those orders prevail to the extent of any conflict.

SECTION 10: In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not recommence before the end of the 2019-2020 school year. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home.

SECTION 11. 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 12. 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 13. 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 14. This Emergency Order amends and supersedes the Emergency Order extended by Ordinance No. 20-H-13.

CITY COUNCIL MEMORANDUM

City Council Meeting: May 5, 2020
Department: Engineering
Subject: Monthly update on major projects in progress/CIP. (B. James/K. Woodlee)

Attachments

May 2020 Major Project Update

CITY COUNCIL MEMORANDUM

City Council Meeting:

May 5, 2020

Department:

City Manager

Subject:

Update on major projects in progress/CIP, Utility Meter Swap Out, Water and Wastewater Master Plan, TxDOT Projects, CityView, 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. 27 Commercial Place Renovation:

- Project Status: Design-Build Procurement
- Estimated Construction Start: Fall 2020
- Estimated Cost of Construction: \$1.5 million
- Project Update: Marksmen-Grit, LLC has submitted a draft Design-Build contract for review by the City Attorney. Final fee negotiations are underway. The draft contract and a not-to-exceed design fee amount of \$150,000 to be presented to the City Council at the May 12, 2020 meeting for approval. Pending Council approval and final contract signatures of Design-Build contract, the design kick-off meeting to occur May 2020.

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. This project is complete.
2. **Utility Customer Portal Upgrade:** IT has approved security information for the server access for the new customer portal and training for staff is being scheduled. The go live date will be available after the training has been completed.
3. **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 completed and tied in the sewer relocation at IH-35 and FM 1103. The final water segment was tied in at the beginning of April. Work on abandoning the old water and sewer lines will continue in May. D. Guerra continues to work on site restoration throughout the project area. After further review of the roadway design by TxDOT, two additional relocation areas were identified. Staff is working to resolve these additional conflict areas. 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: Work on the eastern side of Schertz Parkway began in April. The curb and gutter have been removed and the street has been excavated to subgrade. Cement stabilization will begin in late April and continue into early May. After the cement stabilization is complete, the contractor will begin setting up to pour the new concrete pavement. Staff is providing 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: Work in the Northcliffe area and the Randolph reconstruction area (Main to Exchange) began in April. Staff is providing weekly updates on the project website.
 - Northcliffe Area: The concrete pavement at the intersection of Castle Hills and Sherwin has been completed. The contractor has also completed many sections of sidewalk and curb and gutter repairs in the project area. Additional corner ADA ramps have also been completed. The street rehabilitation process has started on Castle Hills, Sherwin, and Angel. The asphalt has been removed and the underlying material is being pulverized in preparation for cement stabilization. Beginning in late April, these streets will receive the cement stabilization. Once the stabilization is complete, the new asphalt pavement will be placed.
 - Randolph (Main to Exchange): The existing road section was removed and the subgrade was cement stabilized. The new base material on Randolph has been placed and compacted. Beginning in late April, the contractor will begin forming and pouring the new curb and gutter and sidewalks. Once the concrete work is complete, the street will be paved.



3. 2018 Street Preservation and Maintenance Resurfacing Project:

- Project Status: Pending Construction
- Construction Start: March 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$791,174.34
- Project Update: The required base repairs for the project have been completed. The contractor installed the concrete valley gutters in the Greenfield Village area, which completed all of the required prep work for the project. Warmer, drier weather is required to install the chip seal surface, so it may not be applied for another few months.

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 late March. Design of these projects is expected to begin in May.

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: The aerial phase of the interior and exterior tank coating is scheduled to be completed in early May. Work on the drainage components of the site began in late April and is planned to continue in to May. Work on the pump station 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. City Staff continues to work on the platting process for the lift station site. 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: TxDOT Environmental continues to review the project including coordinating with other State Agencies. Final TxDOT review of the plans continues. 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: Data gathering is in its final stage. A progress meeting was held April 30, 2020, with consultant (LAN) and City Staff. Six rain gauges and fifteen flow meters have been deployed throughout the City to monitor current flows and identify inflow and infiltration in the sanitary sewer system across the City's service area. Monitoring began April 13, 2020, and will continue for a minimum of 45 days.

- Total Project Cost: \$467,280 (NTE \$500,000)
- Project Start Date: December 2019
- Project Completion Date: Spring 2021

TxDOT Roadway Projects:

- 1. FM 1103 Improvement Project:** No change from April update. 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:** TxDOT continues acquiring property needed for the expansion project. Approximately 80% of the 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. TxDOT has not yet acquired parcels needed from JB SA-Randolph. The plan is to move through that process together with property needed for improvements to Loop 1604 on the opposite side of the base. 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 continues work 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):** Contractor Bridges and Roads, LLC, continues work on the VIA park and ride lots. The park and ride lots are expected to have curbs, electrical services, and asphalt by the end of May. Center medians and canopy structures are currently estimated to be complete by October of 2020. Construction also continues on the frontage roads. Lane closures and traffic rerouting will occur as necessary. Phase 2 of the project includes actual reconfiguration of ramps. Detours will be necessary and TxDOT and its contractors will keep the City informed of detours and closures and can assist in disseminating information to the public as needed. Estimated final cost of the project is \$25.5 million. The current schedule includes a project completion in April of 2021.
- 4. I-35 NEX (I-410 South to FM 1103):** No change from April 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. The portion of the I-35 NEX project from the Cibolo Creek to its termination at FM 1103 has a cost of \$621 million.
- 5. IH-10 Graytown Road to Guadalupe County Line:** TxDOT and its consultant have been working on finalizing bid documents for this section of IH-10. 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. Letting of the project is expected to be July of 2020. Construction is expected to begin in November of 2020 at the earliest and January of 2021 at the latest. This approximately \$157 million project has a construction timeline of 53 months. (Note: The Graytown Road IH-10 overpass structure was demolished as part of the IH-10 project from LOOP 1604 to Graytown Road. The project referenced here is the next project on IH-10.)

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 2nd, 4th, and 9th, 2019) to validate (verify configuration) the Code Enforcement Module. The Planning Module was submitted on January 23, 2020 for configuration by the CityView Implementation specialists. The validation was put on a short pause during the COVID situation but as of April 27 City Staff is again 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. Staff has had several conference calls with CityView to finalize the data collection and focus on moving this project to completion. 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:** The Parks and Recreation Department is moving forward with configuration training in preparation of an expected system launch on June 15, 2020.

CITY COUNCIL MEMORANDUM

City Council Meeting: May 5, 2020
Department: Economic Development Corporation
Subject: SEDC COVID-19 Response. (M. Browne/A. Perez)

BACKGROUND

SEDC Permitted Uses of Funds

Schertz Economic Development Corporation (SEDC) expenditures must be tied back to what the Texas Local Government Code Chapters 501 Subchapter C and 505 Subchapter D define as qualified projects. Qualified projects create/retain Primary Jobs or are infrastructure improvements.

The SEDC typically deploys these funds as development incentives in the form of grants, annual reimbursements, or loans. All SEDC incentives must be formalized through a performance agreement and approved by the SEDC Board of Directors and City Council. Under a performance agreement, companies must commit to payroll, job creation, and capital investment. Additionally, performance agreements include recapture provisions that outline the terms of repayment if a company does not meet its performance requirements.

Although the specific amount of an incentive varies by project, the Schertz Incentive Policy (Resolution No. 17-R-30) provides additional consideration for existing Schertz businesses, small businesses, and those that make a significant investment within Schertz.

Validating Use of Funds During COVID-19 Pandemic

At the onset of the COVID-19 Pandemic and the Governor's initial declarations, the SEDC asked the City Attorney to provide an opinion regarding whether the Governor's declaration relaxed the mandates imposed by Chapter 501 and 505 of the Texas Local Government Code. The City Attorney's response was that it did not. The SEDC staff also consulted with the State of Texas Office of Economic Development and Tourism. They also indicated that it was unlikely that their office would call for changing the legislative intent of said chapters to provide flexibility to fund retail or other non-Primary Job employer programs.

SEDC Response and Recovery Actions

Once the mandate to focus on Primary Employers was reaffirmed, the SEDC took the following actions in response to the COVID-19 Pandemic:

1. Established direct contact (phone/email) to assess the needs of local Primary Job employers.
2. Planned response in coordination with regional partners including the Chamber of Commerce, regional EDC partners, and the Governor's Office of Economic Development and Tourism.
3. Launched a resource page (www.schertzedc.com/coronavirus) for Primary Employers and provided technical assistance, including virtual business roundtables and local sourcing of Personal Protective Equipment (PPE).
4. Promoted positive stories of Schertz' companies under the hashtag: #schertzshines on their responses to the pandemic, including Rainbeau Curves' donation of PPE to City of Schertz first responders.

Primary Employer Feedback

Through contact with Primary Employers, staff received requests for assistance from smaller employers having trouble accessing federal assistance programs such as the Small Business Administration (SBA) Paycheck Protection Program (PPP).

SEDC Business Retention Grant Criteria

In response to Primary Employer feedback, the SEDC briefed the SEDC Board of Directors regarding the COVID-19 Business Retention Grant Evaluation Criteria (Attachment A) on April 23, 2020. The SEDC is looking at allocating up to \$500,000 in available budget dollars for this program in FY20. Surplus dollars are available in the FY20 SEDC Budget because not all project incentive payments will be needed.

COMMUNITY BENEFIT

The mission of the SEDC is to grow the Schertz economy through projects that support Primary Jobs and Infrastructure investment. Through establishing direct contact, providing technical assistance, and evaluating Primary Employer Business Retention Performance grants under the approved incentive program, the SEDC is helping local companies remain strong through the COVID-19 Pandemic.

FISCAL IMPACT

The SEDC FY2019-2020 Approved Budget contains \$100,000 allocated for Small Business Grants and a budget surplus of over \$400,000 in economic development incentives as of April 30, 2020. Grant payments of \$50,000 or more would need council approval.

ATTACHMENTS

Attachment A: Schertz EDC COVID-19 Business Retention Grant Evaluation Criteria

Attachments

SEDC COVID-19 Exhibit A

Attachment A

Schertz Economic Development Corporation

COVID-19 Business Retention Grant Evaluation Criteria

Eligibility: For-profit Primary job employers with fewer than 150 but employees more than 20 employees located in Schertz, Texas. Must have been in operation on or before January 1, 2010.

Grants will be considered between June and July 2020.

Employees include full time and part time.

How is the amount of the grant determined under SEDC BRG

Applicant will be requested to submit evidence validating monthly payroll costs to include:

1. Salary, wage, commission, or similar compensation.
2. Payment of cash tip or equivalent.
3. Payment for vacation, parental, family, medical, or sick leave.
4. Allowance for dismissal or separation.
5. Payment for healthcare benefits.
6. Payment for retirement benefits.
7. Payment of payroll taxes.

Sum items 1-7, subtract any salaries over \$100,000 per year. The grant award amount is obtained by multiplying two times the monthly payroll costs.

MAXIMUM GRANT AMOUNT MAY NOT EXCEED: \$100,000.

ALLOWABLE USES OF COVERED GRANT:

Grant proceeds may be used for:

- Payroll costs
- Group healthcare benefits during the covered period, including paid sick, medical or family leave, and insurance premiums
- Employee salaries, commissions, or similar compensations
- Payments of rent of facility or mortgage interest (excluding principal)

CONSIDERATIONS:

In evaluating eligibility of a grantee, the City of Schertz Economic Development Corporation shall consider whether the company has applied for SBA PPP loan or other Federal or State supported loan product.

Must commit to retaining the same number of employees on the payroll as of March 1, 2020 for five years.

If they cease operations before January 1, 2022 they have to pay back 100% of the grant.

If they cease operations before January 1, 2023 they have to pay back 80% of the grant.

If they cease operations before January 1, 2024 they have to pay back 60% of the grant.

If they cease operations before January 1, 2025 they have to pay back 40%

If they cease operations before January 1, 2026 they have to pay back 20%
(Plus 4% interest and legal fees.)

Must annually certify total number of employees and total annual payroll.

Grant Summary

The purpose of the grant program is to serve as a gap for primary job companies that have fewer than 150 but more than 20 employees to be used for the same purposes of the Small Business Administration Payroll Protection Program. In evaluating eligibility of a grantee, the City of Schertz Economic Development Corporation shall consider whether the company has applied for SBA PPP loan or other Federal or State supported loan product.

Companies will commit to retaining the number of employees they have on record when they apply for the grant for a period and stay in Schertz for 5 years. If they cease operations, or do not certify employment numbers and annual payroll amounts, they will be in default and will have to pay back all or a portion of the grant.