

DRAFT

MINUTES REGULAR MEETING June 22, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 22, 2021, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

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

Absent: Councilmember Rosemary Scott

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

Call to Order

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

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

Mayor Gutierrez recognized Councilmember Brown who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

Presentations

- **Sweetheart Court Presentation** - Introduction of the FY21-22 Sweetheart Court. (L. Shrum/M. Spence)

Mayor Gutierrez recognized Events Manager Mary Spence who introduced the following FY21-22 Sweetheart Court members:

Miss Schertz, Olivia Coats
Miss Jubilee, Reagan Cabe

Miss Friendly City, Hailey Skorbarcek
Miss Sunshine, Nina Guastafierro

Mayor Gutierrez thanked the Sweetheart Court for being Ambassadors for the City.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following information:

Saturday, June 26th

Music & Movies in the Park
Pickrell Park, 703 Oak Street
Music--Carbonlily, 7:00 PM
Movie--“Dirty Dancing”, 8:30 PM

Thursday, July 1st

Joint Council Workshop with Housing Authority Board
Council Chambers
8:30 AM – 10:30 AM

Thursday, July 1st

July is Parks and Recreation Month and Parks will be hosting free Popsicle Parties every Thursday at a different park in the month of July. The first one will be held at Ashley Park on Thursday, July 1st 6:00 PM – 7:00 PM

Friday, July 2nd

Project Flag Line
Volunteers and staff assist in placing flags along Schertz Parkway
Volunteers will meet on Friday, July 2nd in the parking lot adjacent to the Johnie McDow Sports Complex (in front of the Civic Center) at 955 Community Circle Drive at 7:00 AM. Small groups of up to 5 people will be assigned a section of Schertz Parkway. At 7:15 AM, groups will drive to their assigned locations then place flags along the parkway. Volunteers are asked to bring their own safety vest, wagon for supplies, and a hammer or mallet if possible. Volunteers are asked to register on CivicRec. If anyone has trouble with creating an account or registering, they can contact Michelle Yang at 619-1635.

Sunday, July 4th

Let Freedom Run 5K begins at 9:15 AM
Schertz Parkway

Jubilee Patriotic Fun in 2021! Parade begins at 9:30 AM
Schertz Parkway

4th of July Jubilee
Pickrell Park
Kids Carnival opens at 11:00 AM
Family Zone/Food Vendors begin at 5:00 PM
Live Music begins at 6:00 PM
Fireworks begin at 9:15 PM

Monday, July 5th

City Office Closed in observance of July 4th Holiday

Tuesday, July 6th

Next regular scheduled Council meeting

Friday, July 9th

Joint Workshop with City Council and Planning & Zoning
City Council Chambers
8:30 AM

November 2nd

The City of Schertz will be holding its General Election on November 2, 2021, for the purpose of electing Council Members in Place 6 and Place 7 for a three-year term, from November 2021 to November 2024. Any candidate desiring to have his or her name on the Official Ballot shall file with the City Secretary an application in writing in the form prescribed by the Texas Election Code declaring themselves a candidate. The filing date is no sooner than July 17, 2021, (but since the 17th falls on a Saturday and City offices are closed) the date moves to Monday, July 19, 2021, and no later than Monday, August 16, 2021, by 5:00 p.m. Qualifications for Candidacy can be found online at www.schertz.com as well as in the Candidate packet. Candidate packets are also available in the City Secretary's Office.

- Announcements by the City Manager (M. Browne)

No announcements were provided.

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

No announcements were provided.

Hearing of Residents

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.

No one signed up to speak.

Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

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

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 8, 2021 and the minutes of the Special meeting of June 15, 2021. (B. Dennis)
2. **Resolution No. 21-R-55** - Consideration and/or action approving a Resolution authorizing a Community Development Block Grant Program Cooperative Agreement with Bexar County, and other matters in connection therewith. (M. Browne/B. James/B. Dennis)
3. **Boards, Commission and Committee Appointments** - Consideration and/or action appointing Dr. Susan Raiford to the Historical Preservation Committee. (B. Dennis/Mayor-Council)
4. **Resolution 21-R-56** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a right of way easement with Guadalupe Valley Electric Cooperative, Inc. on the City of Schertz 27 Commercial Place property, and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

5. **Ordinance No. 21-S-20** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 2 acres of land from General Business District (GB) to General Business-2 (GB-2), generally located approximately 5,500 feet east of the intersection between Schwab Road and IH-35 Access Road, 6420 IH 35, also known as Property ID 67796, City of Schertz, Comal County, Texas. *Final Reading* (B. James/L. Wood/M. Harrison)
6. **Ordinance No. 21-S-21** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business (GB) and Manufacturing Light District (M-1), generally located approximately 2,000 feet west of the intersection between FM 2252 and IH-35, also known as Comal County Property Identification Number 78020, City of Schertz, Comal County, Texas. *Final Reading* (B. James/L. Wood/M. Harrison)
7. **Ordinance No. 21-S-22** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 61 acres of land from General Business District (GB), Single-Family Residential/ Agricultural District (R-A), and Planning Development District (PDD) to Planned Development District (PDD), located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County Property Identification Number 309889, 309923, and 1058761, City of Schertz, Bexar County, Texas. *Final Reading* (B. James/L. Wood/M. Harrison)
8. **Ordinance No. 21-T-25** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz Texas, authorizing an adjustment to the Fiscal Year 2020-2021 Budget to provide funding for Civic Center chairs, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *Final Reading* (S. Gonzalez/L. Klepper)
9. **Ordinance No. 21-H-24** - Consideration and/or action approving an Ordinance of the City of Schertz to amend Ordinance 20-H-18 to establish an expiration date for the Declaration of Local Disaster to June 22, 2021 at 11:59 PM. *Final Reading* (M. Browne/C. Kelm/K. Long/S. Hall)
10. **Resolution No. 21-R-57** - 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)

- 11. Resolution 21-R-58** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the City Manager to enter into an agreement with DAC, Inc. of New Braunfels, Texas, for the installation of the security systems as part of the Fleet Maintenance Building Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor Gutierrez recognized Councilmember Davis who asked that agenda Item 10 be removed for separate action. Mayor Gutierrez called for a motion to approve consent agenda items 1 through 9 and agenda item 11.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michael Dahle to approve consent agenda items 1 through 9 and agenda item 11.

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

Passed

Discussion and Action

- 10. Resolution No. 21-R-57** - 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)

Mayor Gutierrez recognized Councilmember Davis who stated that he just wanted to make sure that when we had the workshop regarding the American Rescue Plan, that the funds we received from the Federal Government, that we are adequately looking at the categories of the revenue adjustments (1) Utility billing; (2) EMS billing. His question was there should be some of those accounts where someone has not paid due to the recent pandemic and that should be an easy correlation to move some of the funds as lost revenues to the City. He can not see why some would not qualify. In answer, Finance Director James Walter stated those are lost revenues and per Council's direction, we are looking into those and getting a dollar amount related to the outstanding Utility and EMS bills. He stated what information Council has before them tonight are write-offs, it's an accounting procedure for accounts greater than 180 days. We will never get those, so any action tonight won't affect what we bring

forward to you regarding lost revenue.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Resolution No. 21-R-57.

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

Passed

Public Hearings

Mayor Gutierrez read the following item into record:

- 12. Ordinance No. 21-S-26-** Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use-New Development (MSMU-ND). (*First Reading*) (B. James/ L. Wood/E. Delgado)

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating based on recent communications with property owners and developers interested in revitalizing and redeveloping properties along Main Street, that are facing difficulties in complying with the current Main Street Mixed-Use zoning district, staff feels that the creation of a new zoning district is the most appropriate solution. The proposed zoning district and UDC amendments will allow greater flexibility and achieve the desired goals for the redevelopment and new construction to occur on Main Street.

By creating flexibility in landscaping and screening not only for MSMU-ND but also incorporating the changes for MSMU will truly allow the properties to be able to convert from residential to commercial and vice versa without the requirement to install an eight-foot masonry wall or the twenty-foot landscape buffer. Additionally, the proposed modifications to parking and setbacks will allow for greater flexibility for developing properties on Main Street.

The Planning and Zoning Commission offered a recommendation of approval with a vote of 7-0, with changes to two sections of the proposed UDC amendments which were discussed during the meeting. These changes included adding additional clarity for which subsections within UDC Article

14, Section 21.14.3 are not applicable to the Main Street Mixed Use-New Development (MSMU-ND) zoning district and to add additional square footage scales in relation to required parking for Main Street Mixed Use- New Development (MSMU-ND). Both of these changes were incorporated into the proposed amendments included within this ordinance.

Staff recommends approval of Ordinance 21-S-26, the proposed amendments to the Unified Development Code (UDC) for the indicated subsections within Article 5, 9, and 14 as presented.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments. Ms. Delgado addressed questions from Council regarding minimum offset, and the uses. Mayor Pro-Tem Whittaker asked why a pet shop was not listed as a use, Councilmember Davis addressed concerns regarding a dance hall & nightclub uses.

Mayor Gutierrez recognized Councilmember Davis who moved to approve Ordinance 21-S-26 and was seconded by Councilmember Heyward. The Mayor asked if that included the modification of the pet store and the bar and dance hall? Councilmember Davis amended his motion.

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle to approve Ordinance No. 21-S-26 with an approved usage of a pet store and a special use permit requirement for a dance hall.

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

NAY: Councilmember David Scagliola, Councilmember Allison
Heyward

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 12.

Requests and Announcements

- Announcements by the City Manager.

City Manager Dr. Mark Browne asked for guidance and clarification from the City Council regarding the placement of a City Ordinance's Final Reading when it did not receive a unanimous vote on the First Reading.

Mayor Ralph Gutierrez requested that this discussion be added to the July 6, 2021 City Council Agenda for discussion.

Dr. Browne mentioned to Council that he will be out of the office Thursday and Friday.

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

Councilmember David Scagliola asked if the discussion about the name change of Gutierrez Park was in fact a name change or change in the type of park. He asked for clarification and if this discussion was going to be sent to the Parks and Recreation Advisory Board to be discussed and brought back to Council with a recommendation. Mayor Gutierrez confirmed this item will be sent to Parks and Recreation Advisory Board for discussion and recommendation.

- Requests by Mayor and Councilmembers that items or presentations 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

Mayor Pro-Tem Whittaker

- 12th Flying Training Wing MAC Luncheon-RAFB
- Northeast Partnership Meeting
- Council on the Go Meeting- June 15, 2021
- American Rescue Plan Workshop
- The Chamber Ribbon Cutting Ceremonies for: RentWerx and Sister Rivers Realty
- Covid-19 Vaccine Clinic Volunteer-Thank You Luncheon
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Davis

- American Rescue Plan Workshop
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting
- Main Street Committee Meeting

Councilmember Dahle

- The Chamber Luncheon
- Council on the Go Meeting- June 15,
- American Rescue Plan Workshop
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Scagliola

- The Chamber Luncheon
- The Chamber Mixer
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Heyward

- 12th Flying Training Wing MAC Luncheon-RAFB
- Northeast Partnership Meeting
- AACOG Elected Official Workshop Webinar
- Ceremonial Check Presentation with Representative Vicente Gonzalez
- Main Street Committee Meeting
- American Rescue Plan Workshop
- Two-webinars- Facebook and Instagram for Government Entities
- TML Legislative Wrap-up
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Brown

- Main Street Committee Meeting
- American Rescue Plan Workshop
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Mayor Gutierrez thanked all the volunteers who worked at the Covid-19 Shot Clinics.

Adjournment

Mayor Gutierrez adjourned the meeting at 6:44 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary