

DRAFT

MINUTES
REGULAR MEETING
October 26, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 26, 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 Michael Dahle; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Jill Whittaker; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

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

Call to Order

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

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

Mayor Gutierrez recognized Mayor Pro-Tem Michael Dahle who provided the opening prayer and the Pledges of Allegiances to the Flags of the United States and the State of Texas.

Presentations

Mayor Gutierrez recognized Fire Chief Kade Long who thanked the students and their families for attending tonight's award ceremony. Chief Long and Fire Marshal Ben Boney presented all the poster winners with an award.

	NAME	GRADE	SCHOOL
WINNERS FROM KINDERGARTEN - 1ST GRADE			
3rd place	Mackenzie Morgan	1st	Paschal Elementary
2nd Place	Luz Guerra	1st	Rose Garden Elementary
1st Place	Dean Sannipoli	Kinder	School of Science & Technology
WINNERS FROM 2ND & 3RD GRADE			
3rd place	Evie Garrett	2nd	Rose Garden Elementary
2nd Place	Jackson Boney	3rd	Rose Garden Elementary
1st place	Audrey DeLeon	2nd	Sippel Elementary

WINNERS FROM 4TH GRADE

3rd place			
2nd place	Ryker Dempsey	4th	Paschal Elementary
1st place	Caden Moody	4th	Green Valley Elementary

MAYOR'S CHOICE

Nova Salazar	2nd	Rose Garden Elementary
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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)

Saturday, October 30th

Drive-Thru Candy Cruise

2:00-5:00 PM

The 'Drive-Thru' Candy Cruise will be open from 2:00 - 5:00 p.m. on Saturday, October 30, 2021. Families are encouraged to dress in costume and visit participating businesses, groups, and City departments. Participating vendors will have their 'trunk' outdoors to share their 'treats'. A map of participating vendors will be available on October 25 on Schertz.com and on social media.

If you would like to have a station on the Candy Cruise, register on [CivicRec](#). There is no fee to participate. Options for businesses/organizations with no storefront are available. If you have any questions, please call Schertz Parks & Recreation at (210) 619-1850 or email parksandrec@schertz.com. If you would like to participate by donating candy, donation stations will be located at the Schertz Family YMCA, Schertz Aquatics Center, City Hall, and The Chamber.

Tuesday, November 2nd

Early voting continues through Friday, October 29th for the purpose of electing Council Members in Place 6 and Place 7 for a three-year term, from November 2021 to November 2024, and for a Special Bond Election regarding the issuance of not to exceed \$15,450,000 of City of Schertz, Texas general obligation bonds for public safety facilities (including a new fire station), and the levying of a tax in payment thereof. Early voting locations, dates and times, as well as a copy of the bond ordinance can be found at www.schertz.com.

Election day is Tuesday, November 2, 2021 from 7:00 AM to 7:00 PM.

There will not be a City Council meeting that evening.

Tuesday, November 9th

Next regular scheduled Council meeting, 6:00 PM, Council Chambers

Monday, November 15th

Special Council meeting to canvass election results, 6:00 PM, Council Chambers

Hearing of Residents

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.

Mr. Noah Pritchett-258 Maiden Cove-Mr. Pritchett is a student at Kung Mung Mu Sul of Schertz, and gave an update on past and upcoming events with their school. The events included:

- Obstacle Course Event to benefit Schertz Animal Shelter, raised \$500.00
- Bike Ride to raise money the Alamo Breast Cancer Foundation
- Every Saturday in October offered free Women's Self-Defense Classes
- Costume Contest
- RACAP Food Drive-to collect non-perishables for RACAP

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 read Consent Items 1-4 into record. Mayor Pro-Tem Dahle read Consent Items 4-8 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of October 12, 2021. (B. Dennis)
2. **Ordinance No. 21-T-46** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2021-2022 budget to provide funding for an agreement with M&S Engineering for Design, Bid, and Construction Phase professional services for the Civic Center HVAC Replacement Project and authorizing the execution of the agreement, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. **(Final Reading)** (C. Kelm/S. Williams/S. McClelland)
3. **Resolution 21-R-118** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing an easement with Centerpoint Energy Resource Corp. on the City of Schertz Animal Adoption Center property, and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)
4. **Resolution No. 21-R-119** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing approval of the Guadalupe Appraisal District (G.A.D.) Facility Parking Lot Expansion. (M. Browne)

5. **Appointments and Resignations to the Various City Boards, Commissions and Committees** - Consideration and/or action appointing Mr. Shawn Moore as a Regular Member to the Parks and Recreation Advisory Board and moving Mrs. Jaime Acevedo to the Alternate 1 Position. (B. Dennis/Council)

6. **Resolution 21-R-115** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an Interlocal Agreement with the Alamo Area Council of Governments to receive federal funding for the Schertz Area Senior Center Congregate Meal Program. (B. James/L. Shrum)

7. **Ordinance No. 21-S-42** - Consider and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone 1.373 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (RA), generally located 750 feet east of the intersection between Trainer Hale Road and FM 1518, 9049 Trainer Hale Road, also known as Bexar County Property Identification Number 310238, City of Schertz, Bexar County, Texas. (**Final Reading**) (B. James/L. Wood/M. Harrison)

8. **Ordinance No. 21-S-43** - Consider and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 45 acres of land from General Business District (GB) to Manufacturing Light District (M-1), generally located approximately 1,300 feet east of Friesenhahn Lane and 450 feet north of IH-35 access road, also known as Comal County Property Identification Numbers 150166 & 81285, City of Schertz, Comal County, Texas. (**Final Reading**) (B. James/L. Wood/M. Harrison)

Moved by Councilmember Allison Heyward, seconded by Councilmember Mark Davis

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

Passed

Discussion and Action Items

9. **Ordinance No. 21-S-44** - Consideration and or/action to approve an Ordinance by the City Council of the City of Schertz, Texas to amend the Schertz Code of Ordinances, Unified Development Code (UDC), Article 5, Subsection 21.5.8 Permitted Use Table, to add "Aggregate Extraction". (**Final Reading**) (B. James/L. Wood/M. Harrison)

Mayor Gutierrez asked City Council if another Staff Presentation was needed, no presentation was necessary. Mayor Gutierrez asked if Councilmembers had any comments:

Councilmember Scott asked for clarification about the Commission (P&Z) and City Council seeing the proposed plans before anything passes. Mr. Brian James stated that yes, both the Commission and City Council would have the opportunity to see the plan. He reiterated that this final reading on Ordinance 21-S-44 is about amending the Code of Ordinances, Unified Development Code (UDC) to add on the Permitted Use Table: Aggregate Extraction.

Councilmember Scott asked additional questions about the original applicant's statement who

asked about aggregate extraction. Dr. Browne added, that approving this ordinance, the regulations and possibilities of an SUP remains the same. It can be approved/disapproved or changed to meet staff's recommendations. Staff retains absolute authority regarding the specifics of a SUP project.

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember Allison Heyward

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

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote for Items 1-9.

Workshop

Mayor Gutierrez recognized Fire Chief Kade Long and Fire Marshal Ben Boney who presented the proposed UDC Cul-De-Sac Update.

Current UDC: Section 21.14.1 - Streets E Dead-End Streets and Cul-De-Sacs

- Cul-De-Sac streets shall not exceed 500 feet in length and shall have a turnaround of not less than 150 feet in diameter of ROW in single-family residential areas, 150 feet in diameter of ROW in multi-family areas and not less than 200 feet in diameter of ROW in commercial and industrial areas. This provision may be modified upon approval of the Fire Chief and City Engineer.
- Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with Paragraph C of this section when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended.
- Note: Pavement/drivable surface widths are currently given in the Public Works Design Specifications.

Purpose of Cul-De-Sac Changes:

- These changes are intended to reduce the need for backing of emergency vehicles, garbage trucks, delivery vehicles, etc.
- Fire Dept Ladder trucks have a turning diameter of 110'
- Current pavement widths do not meet that intent due to larger vehicle sizes and homes with more parking needs.
- Residential
 - Decrease ROW diameter from 150' to 140'
 - Add pavement/drivable surface diameter shall be 120'
 - Reasoning for 120' is to maintain a minimum of 96' turnaround required by Fire Code when residents park along the curb in cul-de-sacs (10' on each side)

- Commercial
 - Decrease ROW diameter from 200' to 160'
 - Add pavement/drivable surface diameter shall be 130'
 - Reasoning for 130' is to maintain a minimum of 96' turnaround required by Fire Code when commercial vehicles park along the curb in cul-de-sacs (15' on each side)
- Temporary Turn-Arounds
 - Add pavement/drivable surface shall meet current Fire Code requirements
 - Currently cul-de-sac are 96' with fire lane striping or other approved turn-around

Neighboring Cities

- New Braunfels
 - Res - ROW 130' and pavement 110'
- San Antonio
 - Res - ROW 100' and pavement 96'
- Universal City
 - Res - Pavement 100'
 - Com – Pavement 200'
- Selma
 - Res - Pavement 96'
- Leon Valley
 - Res – Pavement 100'
 - Com – Pavement 200'
- Shavano Park
 - Res - ROW 100' and pavement 96'
 - Com – ROW 150' and pavement 146'
- Schertz
 - Res – 150' ROW
 - Com – 200' ROW

2018 Fire Code

- Fire code requires Cul-De-Sacs to be minimum of 96' in diameter
 - That 96' shall not be obstructed in any manner, including parking of vehicles and would require fire lane striping or signage.

Chief Long and Staff recommend moving forward with the proposed cul-de-sac changes.

10. Discussion regarding Cul-De-Sac widths in the UDC Section 21.14.1 - Streets E. (C. Kelm/K. Long/B. Boney)

Mayor Gutierrez opened up discussion for Council comments.

Councilmember Tim Brown commented on the Residential 100' pavement diameter cul-de-sac, stating that the space between the driveways are approx 8 feet and car lengths are at least 20 feet, therefore residents cannot park inside the cul-de-sac.

Assistant City Manager Brian James stated that this is one of the topics that a joint City Council and PZ meeting would discuss; requiring cul-de-sacs and a greater lot width, therefore effectively having fewer houses around the cul-de-sac and allowing more parallel

parking in the cul-de-sac.

Councilmember David Scagliola asked Chief Long to review the proposed recommendations. He believes that the minimums should be greater, especially when firefighters need to back up on streets. Councilmember Scagliola stated he would agree to those minimums if Chief Long felt comfortable with them. Chief Long stated they researched other cities minimums and that they also had input from the Engineering and Planning Depts.

Councilmember Whittaker asked who is asking and benefiting from the changes for with the new minimum cul-de-sac measurements. Chief Long stated this is a balance between the developers and the Engineering and Planning Departments. The Fire Dept. is bringing this forward because these recommendations are something they could agree to and achieve a balance concerning all the departments.

City Engineer Kathy Woodlee provided background information on this topic. She acknowledged that the city has a conflict with the development code and the design guide. The development code has a 150 ft. diameter ROW and the public works' design guide has a 120 ft. diameter ROW and 100 ft. pavement diameter. Once this was discovered, it was necessary to bring this issue forward to City Council and decide on the specifications they wanted. Ms. Woodlee recommends that the City Council look at the pavement diameter and not the ROW diameter when discussing the recommendations. Councilmember Whittaker stated that with these recommendations moving forward, there is an increase in the pavement diameters.

Staff's Recommendation is:

- Residential
 - Decrease ROW diameter from 150' to 140'
 - Add pavement/drivable surface diameter shall be 120'
 - Reasoning for 120' is to maintain a minimum of 96' turnaround required by Fire Code when residents park along the curb in cul-de-sacs (10' on each side)
- Commercial
 - Decrease ROW diameter from 200' to 160'
 - Add pavement/drivable surface diameter shall be 130'
 - Reasoning for 130' is to maintain a minimum of 96' turnaround required by Fire Code when commercial vehicles park along the curb in cul-de-sacs (15' on each side)

Councilmember Davis stated these changes would solve a problem moving forward, but doesn't solve the existing problems now? Have we looked at any alternatives for the current radius diameters? Have we considered looking at the mix of vehicles? Chief Long explained that they do look at the needs of the area around each Fire Station and what piece of equipment is needed where. Newer technology on fire trucks have improved the turning radius on many vehicles.

Mayor Gutierrez asked Mr. Brian James if this is consistent with the PDD's. Mr. James stated that the PDD's usually don't get down to this level of design, and they defer back to city standards and city practices. PDD's would not be exempt from this. Mr. James would defer to Chief Long and his recommendations.

Mayor Gutierrez thanked Chief Long for the workshop presentation.

Closed Session

11. City Council will meet in Closed Session under Section 551.071 of the Texas Government Code, Consultation with Attorney to receive legal advice related to utility relocation associated with the FM1518 project.
12. City Council will meet in Closed Session under Section 551.072 of the Texas Government Code, regarding the purchase, sale, exchange or lease of real property in support of City Water and Wastewater Services in Northern Schertz.

Mayor Gutierrez recessed the regular meeting into Closed Session at 7:01 p.m. and read the following items into record:

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 7:51 p.m.

- 11A. Take any action based on discussions held in closed session under Agenda Item 11.

No action taken.

- 12A. Take any action based on discussions held in closed session under Agenda Item 12.

No action taken.

Roll Call Vote Confirmation

No roll call vote confirmation needed.

Requests and Announcements

- Announcements by the City Manager.

City Manager Mark Browne stated Love Where You Live was conducted this past weekend, and it was a great success. He thanked Planning Department- Lesa Woods and Code Enforcement- Rebecca Vera for the great job coordinating with Republic Services and Public Works-Suzanne Williams and Public Works Department for providing a crew and tree chipper for the event. At the next meeting there will be a presentation on the event.

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

Councilmember Tim Brown asked for an update from Assistant City Manager Charles Kelm and Interim-Police Chief Marc Bane on the concerns of heavy truck usage on Schertz Parkway. He would like an update in approx. a month.

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

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Dahle attended: Chamber Luncheon, Classic Car Show by the Schertz Historical

Preservation Committee and Skylight Balloon Fest Preview.

Councilmember Davis attended: Classic Car Show hosted by the Schertz Historical Preservation Committee

Councilmember Scott attended: Community Connections Event hosted by Judson ISD

Councilmember Whittaker attended: NEP Luncheon, Chamber Luncheon and Skylight Balloon Fest

Councilmember Scagliola attended: Skylight Balloon Fest, Chamber Luncheon, SSLGC, Civic Leaders Appreciation Luncheon by Judson ISD and will attend the Lion's Club Casino Night on October 29, 2021

Councilmember Heyward attended: American Rescue Plan Business Grant Meeting, NEP Luncheon, SCUCISD Retirement Ceremony, Special Main Street Committee Meeting, Car Show hosted by the Schertz Historical Preservation Committee, Chamber Luncheon, Fire Safety Poster Contest and Skylight Balloon Fest

Councilmember Brown attended: Skylight Balloon Fest

Adjournment

Mayor Gutierrez adjourned the meeting at 7:56 p.m.

ATTEST:

Ralph Gutierrez, Mayor

Sheila Edmondson, Deputy City Secretary