

MINUTES
REGULAR MEETING
March 22, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on March 22, 2022, 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 David Scagliola; Councilmember Mark Davis; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; 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 Adolfo Ruiz; Assistant to the City Manager Sarah Gonzalez; Deputy City Secretary Sheila Edmondson;

Call to Order

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

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

Councilmember Michael Dahle provided the opening prayer followed by the Pledges to Allegiance to the Flags of the United States and the State of Texas.

Presentations

- Proclamation recognizing Alcohol Awareness Month. (A. Heyward)

Councilmember Heyward read the proclamation and presented it to Ms. Amy Alston with the San Antonio Council on Alcohol and Drug Awareness.

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 announced the upcoming City Events.

Friday, March 25th

Pre-Budget Retreat
8:30 AM-5:00 PM
Council Chambers

Sunday, April 3rd

Movin' on Main
12:00 PM-4:00 PM
Open streets event with fitness demonstrations, health & wellness vendors, DJ music, kids' activities, food trucks. Bring your bikes, scooters, strollers and get movin'!

Now thru Sunday, April 24th

Kickball League Sign-Up

Games will be played every Sunday evening from 6:00-10:00 PM at Thulemeyer Park. Sign-up at Schertz.com

Tuesday, April 5th

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

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

City Manager Dr. Mark Browne thanked Assistant to the City Manager Sarah Gonzalez and Administrative Assistant Cyndi Simmons for organizing the 26th Annual Employee Remembrance Day Ceremony.

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

Mayor Gutierrez also thanked Assistant to the City Manager Sarah Gonzalez and Administrative Assistant Cyndi Simmons for organizing the 26th Annual Employee Remembrance Day Ceremony.

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.

Mayor Pro-Tem David Scagliola recognized the following who spoke:

Daniel Jameson, 1048 Richmond Drive - Mr. Jameson thanked Assistant City Manager Charles Kelm and the Public Works Department for their quick response with some street issues on Richmond Dr. Crews came out and fixed the problem very quickly.

Ferrando Heyward, 2628 Hansel Heights - Mr. Heyward wanted to thank TSAC-Transportation and Safety Advisory Committee for working with Staff to improve the roads. He also asked that with all the hard work that is happening with the roads, he wanted to make sure the public is aware it will take time, but it is being improved. Links on the website giving an update on the city road improvements would help out. Mr. Heyward also thanked Staff for posting about Bike Safety. Mr. Heyward also mentioned that March is MS Awareness month, has concerns of Human Trafficking issues and the employee turnover rate and employee compensation for the City of Schertz.

Stephen Noethen, 3401 Abbeville Drive- Mr. Noethen asked that covered benches and picnic tables be added near the playground near the Library. Mr. Noethen also asked for a temporary traffic light near FM 1518 and IH-10. He also thanked City Manager Dr. Mark Browne for all everything he has done over the last few years.

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.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of the regular meeting of March 8, 2022. (B. Dennis)

2. **Ordinance No. 22-G-14** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas amending Chapter 66, Police - Articles I and II of the Code of Ordinances of the City of Schertz, Texas to provide for the establishment of the City of Schertz Police Department; establishing the position of Chief of Police and providing for the employment of Police Officers; prescribing the qualifications, duties and responsibilities of the Chief of Police and Police Officers establishing the jurisdictional boundaries of the department; providing a savings clause, and providing an effective date. *Final Reading* (C. Kelm/M. Bane)

3. **Resolution No. 22-R-34** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the renewal of existing three-year support agreement for ARCGIS mapping software supplied by Environmental Systems Research Institute, Inc. (ESRI). (B. James/M. Clauser)

4. **Resignations and Appointments to Boards/Commissions/Committees**-Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/S. Edmondson)
 - Resignation of Mr. Margarito Banales from the Schertz Library Advisory Board

Mayor Gutierrez asked Council if they were any items that they wished removed for separate action, as there were none, Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1-4.

Moved by Councilmember Mark Davis, seconded by Mayor Pro-Tem David Scagliola

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

Passed

Discussion and Action Items

5. **Resignation** - Consideration and/or action regarding the acceptance of the Retirement Resignation letter from City Manager Dr. Mark Browne.

Mayor Gutierrez appreciates the advanced notice the City Manager Dr. Mark Browne provided about his retirement and the opportunity for a smooth transition. He also thanked Dr. Browne for his service to the City of Schertz. His dedication and passion has been evident in everything he has done.

Mayor Gutierrez asked for a motion to approve the acceptance of the Retirement Resignation letter from the City Manager Dr. Mark Browne.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

6. **Ordinance No. 22-T-16** -Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the FY 2021/2022 budget to allocate funds for the Schertz Council Facilities Audio and Video Systems Upgrade Project in the amount of \$451,686.00 **First Reading** (B. James/ M. Clauser)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-T-16

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2021- 2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR UPGRADES TO THE COUNCIL CHAMBERS AUDIO AND VIDEO MANAGEMENT SYSTEMS PROJECT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE: AND PROVIDING AN EFFECTIVE DATE. **First Reading**

Mayor Gutierrez recognized I.T. Director Myles Clauser who provided information for the adjustment to the FY 2021/2022 budget to allocate funds for the Schertz Council Facilities Audio and Video Systems Upgrade Project. The current audio system is approximately 20 yrs old and needs to be upgraded. Requirements have changed, and we are now in an HD world. The system needs to be upgraded to meet the requirements currently needed by the City.

Mayor Gutierrez asked for a motion to approve the first reading of Ordinance No. 22-T-16.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward

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

Passed

7. **Ordinance No. 22-T-17**- Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the FY 2021/2022 City of Schertz budget to provide an additional \$65,835.00 from the dedicated PEG fund for the Master Communication Plan. **First Reading** (B. James/M. Clauser)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-T-17

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2021- 2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE MASTER COMMUNICATIONS NETWORK PROJECT, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. **First Reading**

Mayor Gutierrez recognized I.T. Director Myles Clauser who provided information on authorizing an adjustment to the FY 2021/2022 City of Schertz Budget to provide an additional \$65,835.00 from the dedicated PEG fund for the Master Communication Plan. The City is need of a city-wide area network and additional funding is needed for this project. The project will allow all the city buildings to be connected with a wireless network to communicate and the ability to broadcast on a planned public-education government TV channel.

Mayor Gutierrez asked for a motion to approve the first reading of Ordinance 22-T-17.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

Public Hearings

Mayor Gutierrez read the following into record:

- 8. Ordinance No. 22-S-11** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 9 acres of land from General Business District (GB) and Pre-Development District (PRE) to General Business District (GB) and General Business District-2 (GB-2), generally located approximately 3,000 feet east of the intersection of Schwab Road and IH-35 access road, also known as a portion Comal County Property Identification Number 78178, City of Schertz, Comal County, Texas. *First Reading* (B. James/M. Harrison)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-S-11

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 9 ACRES OF LAND TO GENERAL BUSINESS DISTRICT AND GENERAL BUSINESS DISTRICT-2, GENERALLY LOCATED 3,000 FEET EAST OF THE INTERSECTION OF SCHWAB ROAD AND IH-35 ACCESS ROAD, ALSO KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBER, 78178, COMAL COUNTY, TEXAS. *First Reading*

Mayor Gutierrez recognized City Planner Megan Harrison presented a PowerPoint presentation explaining why the owner of this property is wanting to change the zoning of the 9 acres of land from General Business District (GB) and Pre-Development District (PRE) to General Business District (GB) and General Business District-2 (GB-2), generally located approximately 3,000 feet east of the intersection of Schwab Road and IH-35 access road. Ms. Harrison stated that the Planning and Zoning Commission held a public hearing on February 9, 2022, where the commission made a vote to recommend approval with a vote of 7-0. Staff recommends approval of Ordinance No. 22-S-11.

Mayor Gutierrez recognized Ms. Ashley Farrimond from Killen, Griffin and Farrimond, Attorneys at Law, who is representing the property owners of Southern Tire Mart. She stated the owners wanted to change the current zoning PRE & GB to GB-2 (5.66 acres) and GB (3.34) and move their current business to this property.

Mayor Gutierrez opened up the Public Hearing. No one spoke, Mayor Gutierrez closed the Public Hearing for Council Comments. Ms. Farrimond answered questions from Council.

Mayor Gutierrez asked for a motion to approve the first reading of Ordinance No. 22-S-11.

Moved by Councilmember Tim Brown, seconded by Councilmember Jill Whittaker

Roll Call Vote Confirmation

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided roll call confirmation for Consent Items #1-4 and Agenda Items # 5-8.

Workshop

9. Discussion on the Main Street Vision and Challenges including parking and nonconforming uses.

Mayor Gutierrez recognized Assistant City Manager Brian James who presented a PowerPoint presentation on the Main Street Vision and Challenges that includes parking and nonconforming uses.

Main Street Vision

- Mixed Use Development
- Art centered activities and programs for kids and adults
- Restaurants with or without outdoor dining
- Places for Shopping
- Restoration of Historic Buildings
- Attractions

Main Street Opportunities and Concerns

- Location
- Infrastructure
- Historic Character
- Vacant Buildings and Vacant Land
- Connectivity
- City and Community Support
- Railway Noise
- FEMA Floodplain
- Incompatibility of Adjacent Uses
- Parking Limitations
- Existing Zoning Limitations

What We Have Done

- New Zoning Districts – MSMU and MSMU-ND
- Appropriate Uses
- Modified Development Standards
- Local Flavor Grant and Historic Preservation Grants
- Modification of Floodplain Ordinance
- Events – Movin on Main and Awareness (Schertz Magazine)
- Main Street Improvements Concepts
- Public Parking Lots

The Problem

- Incompatibility of Adjacent Uses
- Parking Limitations
- Approximately 35 parcels are zoned GB which allows Automobile Repairs and Service, Minor by right as well as truck rental. There are also nonconforming Automobile Repairs and Service Major that exist.
- This has created problems on Main Street as aspects of these uses are incompatible with the vision of Main Street.

Trying to Solve the Problem

- Increased Code Enforcement
- Have Spoken With Business Owners
- Draft Ordinance to Restrict Onstreet Parking – labor-intensive and imperfect to enforce

The Big Question

- Is it worth trying to find the approximately \$6 million to really do Main Street right in one effort if we continue to have the conflicts with land uses?

Assistant City Manager Brian James wanted to get the City Council's input on how they want the City to move forward on this subject. Council agreed that the car repair business has too many cars on public streets. Mr. James stated staff will work on finding a win-win solution to the issues on Main Street.

10. Discussion regarding the Joint Base San Antonio Randolph Joint Land Use Study and Air Installation Compatible Use Zones Study Recommendations compatible land uses and development restrictions.

Mayor Gutierrez recognized Assistant City Manager Brian James who presented a PowerPoint regarding the Joint Base San Antonio Randolph Joint Land Use Study (JLUS) and Air Installation Compatible Use Zones (AICUZ) Study Recommendations compatible land uses and development restrictions. Mr. Brian James explained the studies provided information for cities near JBSA Randolph to ensure future compatibility between land uses in surrounding communities necessary to support the continuation of the military mission at JBSA-Randolph and the increasing development occurring around the installation.

Mr. James continued to explain the AICUZ components that included AICUZ – Air Installation Compatible Use Zone, Accident Potential Zones (APZs), Clear Zones (CZ) – 3,000' x 3,000' virtually no uses allowed. Accident Potential Zone 1 (APZ 1), Accident Potential Zone 2 (APZ 2). Other Components included Land Use Restrictions, Aircraft Noise Contours, and Floor Area Ratio (FAR) restrictions.

With these guidelines, City staff would like to get a feel from City Council on how they wish to proceed. Council wishes for staff to look at the most incompatible and problematic uses within the AICUZ from the published guidelines provided and start there.

Closed Session

Mayor Gutierrez read the following closed session item into record:

11. The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the direction to fill the City Manager vacancy.

Mayor Gutierrez recessed the meeting into Closed Session at 8:17 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 8:51 p.m.

12. Take any action based on discussions held in Closed Session under Agenda Item 11.

No action was taken.

Roll Call Vote Confirmation

No roll call vote confirmation as no action was taken on Agenda Item #11.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Mayor Gutierrez mentioned Item #13 were informational items only and that the information we provide in the Council packet as well as can be found online.

13. Quarterly Financial Reports

Requests and Announcements

- Announcements by the City Manager.

None at this time.

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

None at this time.

- 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

Mayor Pro-Tem David Scagliola attended Breakfast with the Heat

Councilmember Mark Davis attended the Employee Remembrance Ceremony. Mr. Davis mentioned the passing of Robert Brockman, a Schertz Citizen

Councilmember Jill Whittaker attended the NEP Luncheon and Ribbon Cutting for JW Roofing

Councilmember Allison Heyward attended the NEP Luncheon, AMPO Resilience Committee, Active Transportation Committee Meeting, ARPA Check Award Ceremony, Breakfast with the Heat, Ribbon Cutting JW Roofing, and Employee Remembrance Ceremony.

Councilmember Tim Brown attended the NEP Luncheon and the ARPA Check Award Ceremony

Adjournment

Mayor Gutierrez adjourned the meeting at 8:51 p.m.

ATTEST:

Ralph Gutierrez, Mayor

Sheila Edmondson, Deputy City Secretary