

# DRAFT

## MINUTES REGULAR MEETING April 12, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 12, 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 Daniel Santee; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez

### **Call to Order**

Mayor Gutierrez called the meeting to order at 6:00 p.m. Mayor Gutierrez reminded the Students who were participating in the Hall Baldwin Scholarship Program, to make sure that they sign the sheet in the back. Mayor Gutierrez also stated that those who are watching on-line to please make sure that they contact Sarah Gonzalez at 210-619-1015 to receive credit.

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

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

### **Presentations**

- Special Accommodation to Monica Kuehn for baby deliveries over 911 Phone. (C. Kelm/M. Bane/N. Kuhlmann)

Mayor Gutierrez recognized Nichole Kuhlmann who came forward recognizing Monica Kuehn for her assistance in delivering two babies over the phone. Ms. Kuhlmann commended Monica for such a great job. One of the babies was present this evening.

## Proclamations

- Proclamation recognizing National Public Safety Telecommunications Week. (Mayor Gutierrez/N. Kuhleman)

Mayor Gutierrez recognized all the Schertz Telecommunicators, read and presented the proclamation recognizing National Public Safety Telecommunications week. Ms. Kuhleman provided a brief description of the job duties.

- Proclamation recognizing National Animal Care and Control Appreciation Week. (Mayor Gutierrez/M. Bane/M. Lagunas)

Mayor Gutierrez recognized all the Animal Services Staff, read and presented the proclamation recognizing National Animal Care and Control Appreciation Week.

## 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:

### **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.

### **Thursday, April 14th**

#### **Northeast Partnership meeting**

11:30 AM – 1:00 PM

Olympia Hills Golf & Conference Center, Universal City

RSVP to the City Secretary

### **Monday, April 18th**

#### **SSLGC Joint Meeting with Council**

6:00 PM – 7:00 PM

3027 N, Austin Street Utilities Operation Center Training Room

### **Saturday, April 23rd and Sunday, April 24th**

JBSA Great Texas Air Show

Randolph AFB

### **Tuesday, April 26th**

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

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

City Manager Dr. Mark Browne recognized and thanked all the Schertz Dispatch Officers, our Telecommunicators for the fantastic job they do every day for the Community, the same for our Animal Care Officers. Megan has done a great job

leading that organization. They are back in their facility as the air conditioning is working, we will be having a reopening event on April 30th. More information to come.

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

Mayor Gutierrez thanked all those that volunteered for the Love Where you Live Clean up this past weekend, what great community involvement. Dr. Browne thanked Mr. Fowler for making this happen.

## **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.***

*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 who spoke:***

- Daniel Jameson 1048 Richmond Drive, who spoke on the recent Love Where you Live Clean up day and all the volunteers who came out to support the event.
- Maggie Titterington, 1730 Schertz Parkway, who provided the following Chamber updates:

Next week our luncheon at Bella on the Vine. We are sold out, but we have a waiting list. It is our nonprofit focus as well and we have a presentation from shred day that benefits the Guadalupe County Children's Advocacy Center.

Speaking of shred day so, we want to give a shout out of thanks to the Schertz Police, Suzanne and her team at Public Works and Charles Kelm for helping us coordinate.

April 21st we have two events. A ribbon cutting at the Sharks Offices to welcome real estate with Jill at 10:30 a.m. and our quarterly Three Business Mixer at Santikos from 5:30 to 7:00 p.m.

We finished our Taste event and want to thank all the community participants. Winners of the best of are: Best Entrée - Abel's Diner, Best Beverage - Tropical Smoothie Cafe, Best Appetizer - Willie's Ice House and Best Dessert - Nothing Bundt Cakes.

Last Leadership Core went to Austin today and I brought up the question about next year's legislation having some type of small business granting or funding as incentives. I was told by Senator Campbell office that there are funds set aside from ARPA of approximately 40 million that there will be discussions about that possibility.

- Dana Eldgridge, 2628 Gallant Fox Drive, who spoke regarding agenda item 9 stating that last week he mentioned the power lines with regard to QT going in on 35 and Cibolo Valley, he failed to recognize the that it's going to be Cibolo Valley Drive/Hal Baldwin Avenue. He indicated that he has lived in Schertz for several years and that has been Wiederstein Road until the last couple of years when it was changed to Cibolo Valley. Never been an indication that it was Hal Baldwin Drive - going over 35. His question was where did this come up, how much is it going to cost the City to rename it and redo all the signs? He indicated that if the road name was going to change it should have been Cibolo Valley/Wiederstein Road.
- Christina Kazmierczak, 2785 Valencia, Miss Amazing Texas, who spoke regarding inclusion of more people with disabilities, promote more job opportunities for those with disabilities. People with disabilities have so much to offer to their community. Open the door for them to be a valued member of the community.
- Pastor Zek White, 9360 Corporate Drive, who thanked Mr. James and his staff for working on the ordinances that will be discussed this evening.

## 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 Agenda Items 1-4 into record and Mayor Pro-Tem Scagliola read Agenda Items 5-9.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of Special Pre-Budget Retreat Meeting of March 25, 2022, and minutes of the Regular Meeting of April 5, 2022. (B. Dennis)
2. **Ordinance No. 22-T-12** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, amending Chapter 78, Article VII, Roadway Capital Recovery Fees incorporating amended land use assumptions and amended Capital Improvements Plans for such facilities providing for collection of impact fees. *Final Reading* (M. Browne/B. James)
3. **Ordinance No. 22-S-13** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, amending the Master Thoroughfare Plan. *Final Reading* (M. Browne/B. James)

4. **Resolution No. 22-R-41** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for Schertz Main Street Local Flavor Economic Development Grants for 539 and 820 Main Street. (B. James)
5. **Resolution No. 22-R-42** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Subdivision Improvement Agreement with Crossvine Module 2, Unit 1. (M. Browne/B. James)
6. **Resolution No. 22-R-30** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the acceptance of a warranty deed from Schertz 1518, Ltd. for Lot 1, Block 1 of the Schertz Forest Unit 1 Addition. (M. Browne/B. James)
7. **Resolution No. 22-R-39** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a second round of hazard pay for employees that continued to provide services during the COVID-19 Pandemic Emergency Declaration period. (M. Browne/J. Walters)
8. **Resolution No. 22-R-40** - Consideration and/action approving a Resolution by the City Council of the City of Schertz, Texas authorizing use of American Rescue Plan Act funds for the purchase of a new ambulance. (M. Browne/J. Walters)
9. **Ordinance No. 22-S-15** - Consideration and/or action on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 2.7 acres of land, more specifically described as the northwest corner of IH-35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Number 62840, City of Schertz, Guadalupe County, Texas. **Final Reading** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez asked Council if there were any items they wished removed. Mayor Pro-Tem Scagliola requested Agenda Item 9 be removed for separate agenda. Mayor Gutierrez called for a motion to approve Agenda Items 1 through 8 on the Consent Agenda.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem David Scagliola to approve consent agendas 1 through 8.

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

**9. Ordinance No. 22-S-15** - Consideration and/or action on a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 2.7 acres of land, more specifically described as the northwest corner of IH-35 and Cibolo Valley Drive, also known as Guadalupe County Property Identification Number 62840, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James/L. Wood/M. Harrison)

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola stated he is not against the special use permit, his concern was with the naming of streets without prior discussion. Assistant City Manager Brian James provided the explanation of how the street was named.

Mayor Gutierrez recognized Councilmember Heyward who also had concerns on the naming of the street. She indicated that she would like a workshop discussion item regarding the naming of roads.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-15 on final reading.

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

Passed

## **Public Hearings**

**10. Ordinance No. 22-S-18** - Conduct a public hearing, and consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 9 - Site Design Standards, Section 21.9.9 Tree Preservation and Mitigation, to cap the maximum required tree mitigation. *First Reading* (B. James/M. Browne)

Mayor Gutierrez read the following item into record:

### **ORDINANCE. 22-S-18**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMEND PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 9, SECTION 21.9.9 TREE PRESERVATION AND MITIGATION, TO CAP THE MAXIMUM REQUIRED TREE MITIGATION REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. FIRST READING**

Mayor Gutierrez recognized Assistant City Manager Brian James who provided an overview of the changes by updating the City's UDC to better support the goals and objectives of the City's Comprehensive Plan. He stated that this ordinance would

reduce the amount of mitigation required on heavily wooded lots and is anticipated to reduce the amount of tree mitigation the City receives.

Mayor Gutierrez opened the public hearing and recognized the following who spoke:

- Maggie Titterington, The Chamber who supports the changes and thanked Brian and the group for meeting to resolve the issues and asks for Council's support. Lastly on behalf of David Gleeson, Managing Partner with Brytar DG Schertz, LLC, Ms. Titterington read a letter with his supportive comments regarding the changes to the site design standards regarding sites that have an unusually dense tree coverage. He supports the changes.

As no one else spoke; Mayor Gutierrez closed the public hearing for Council comments. Members of Council provided their support for the changes and well as thanked Mr. James and the Subcommittee for all their work. Mayor Gutierrez also thanked the Subcommittee and Staff.

Mayor Gutierrez called for a motion to approve.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve Ordinance No. 22-S-18 on first reading.

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

Passed

- 11. Ordinance No. 22-S-19** - Conduct a public hearing, and consideration and/or action on amendments to Part III, Schertz Code of Ordinances, Unified Development Code (UDC), to Article 4 subsection 21.4.5 Post Decision Procedures, Article 5 subsection 21.5.2 Zoning Districts Established and 21.5.5 Statement of Purpose and Intent for Residential Districts, Article 8 subsection 21.8.9 Outdoor Display and Storage, Article 9 subsection 21.9.10 Park and Open Space Dedication Requirements and Article 10 subsection 21.10.2 Parking Standards General Provisions and 21.10.4 Parking Standards Schedule of Off-street Parking. *First Reading* (B. James/M. Browne)

Mayor Gutierrez read the following into record:

#### **ORDINANCE NO. 22-S-19**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 4, SUBSECTION 21.4.S POST DECISION PROCEDURES, ARTICLE 5 SUBSECTIONS 21.5.2 ZONING DISTRICTS ESTABLISHED AND 21.5.5 STATEMENT OF PURPOSE AND INTENT FOR RESIDENTIAL DISTRICTS, ARTICLE 8**

**SUBSECTION 21.8.9 OUTDOOR DISPLAY AND STORAGE, ARTICLE 9  
SUBSECTION 21.9.10 PARK AND OPEN SPACE DEDICATION  
REQUIREMENTS AND ARTICLE 10 SUBSECTIONS 21.10.2 PARKING  
STANDARDS GENERAL PROVISIONS AND 21.10.4 PARKING  
STANDARDS SCHEDULE OF OFF-STREET PARKING  
REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF  
ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE  
(First Reading)**

Mayor Gutierrez recognized Assistant City Manager Brian James who stated staff is proposing to make a variety of amendments to the UDC. Some of these are coming from the Subcommittee of P&Z and City Council that discussed single family residential development, others from problems the City has been experiencing on Main Street while others have been pending for some time.

Staff is proposing to amend Section 21.4.5 Post- Decision procedures, section B. The section currently limits the ability of applicants to resubmit an application that has been denied to no sooner than six months after the date of denial. The amendment stipulates that limitation does not apply if the full board or commission that was seated was not present. This change was prompted by some recent denials at BOA where a lack of board members created a situation where a unanimous recommendation for approval was needed, This seems unfair to the applicants and as such a change was proposed.

As a result of the work of the Subcommittee on residential development staff is proposing to make amendments to various sections to remove the prohibition on new zoning of R-6 and R-7 as well as to add the design criteria that was discussed. To allow R-6 and R-7 zoning to be granted, staff is proposing amendments to Section 21.5.5 Statement and Purpose of Residential Districts Sections F and G to remove the references to Ordinance No. 10-S-29 that restricted the ability to grant them. It also amends Section 21.5.2 Zoning Districts Established, limitations on R-6 and R-7 to eliminate the references to the limitations imposed by Ordinance No. 10-S-29. The changes add a cap of 30 acres for R-7 and 40 acres for R-6. As part of the design standards the parking section is being amended to require two parking spaces per mailbox kiosk which must be covered, but these can be provided in the right-of-way as long as additional paving is provided so as not to be in the lane of traffic. Staff is amending the parkland dedication section to stipulate the requirements for private open space in residential subdivisions if a City park is not being provided. The curvilinear street requirement is being added to the public works design manual.

In an effort to deal with the parking problem on Main Street that is occurring as a result of vehicles being parked on unpaved areas due to some temporary or short term issue and to deal with the excessive cars associated with auto repair uses being parked on the street, staff is proposing two related changes. The first is to allow temporary parking, of up to six months on an unpaved area. This would not push vehicles and trailers onto the street during construction on a site or in unique

situations created by the pandemic, such as shortages of vehicle parts. The second change is to not allow parking associated with an auto repair and service business that is located on Main Street to occur in the street. Businesses need to appropriately size their business - property, buildings, staffing to handle the volume of business they anticipate and not rely on the public right-of-way for vehicle storage as this creates a safety issue and negatively impacts other properties. Staff is recommending amending Section 21.10.2 General Provisions to add a subsection L that stipulates that parking and storage of vehicles associated with automobile repair and services businesses on Main Street cannot occur in the street. Staff is also recommending that section 21.8.9 Outdoor Display and Storage, subsection 4 be amended to add an additional subsection D to allow staff to issue permit for businesses to park vehicles on an unpaved area for up to six months.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments.

Assistant City Manager Brian James addressed the following questions from Members of Council:

- Street parking, enforcement, need dialogue to occur with business owners, and work with the business owners - specifically Main Street.
- Discussion regarding the possibility of issuing permits for businesses to park vehicles on an unpaved area for six-months.
- Discussion about the changes to the residential zoning districts to allow R-6 and R-7 zoning and the density and lot size mix of in Planned Development Districts that utilize these districts
- Post-Decision procedures
- Clarification 60 foot minimum lot size - 50/55 foot lots not acceptable
- Clarification of the PDD"s
- Parking design standards

In conclusion, Mr. James stated that you can recommend approval of the other sections, not the residential, staff will then look at this and pull it together and see what we have. Depending upon the record, and worst case scenario we can run this through Planning and Zoning, but he believes it makes sense if we are going to make adjustments, that we run it back through Planning and Zoning. Staff is find if Council recommends approval except the section having to do with the residential development. We will pull that out and have a clean ordinance at the next meeting.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-19 except Article 5 Subsection 21.5.2 and 21.5.5 with regard to the intent of residential district.

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

Passed

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the Roll Call Vote Confirmation for Agenda Items 1 through 11.

## **Workshop**

12. Workshop discussion on the planned road repairs on Old Wiederstein Road (C.Kelm/S. Williams)

Mayor Gutierrez recognized Assistant Public Works Director Scott McClelland who provided a PowerPoint presentation regarding the planned Old Wiederstein Road repairs addressing questions from Council. A copy of the PowerPoint can be found in the City Secretary's office.

## **Closed Session**

Mayor Gutierrez read the following closed session items into record:

13. The City Council will meet in closed session Pursuant to Texas Government Code Sec. 551.071 to consult with its attorney to seek advice about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act; to wit: discussion about the various Legal Issues involved in the development, review, adoption and amendment of Collection Development Policies for Public Libraries.

Mayor Gutierrez recessed the meeting into Closed Session at 7:31 p.m.

## **Reconvene into Regular Session**

Mayor Gutierrez reconvened back into regular session at 8:44 p.m.

14. Take any action based on discussions held in Closed Session under Agenda Item 13.

## **Roll Call Vote Confirmation**

No roll Call Vote Confirmation as no action was taken.

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

Mayor Gutierrez stated that Agenda Item 15 is an informational item only and can be found in the Council packets as well as can be found on-line.

### **15. Monthly Update on Major Projects in progress/CIP. (B. James/K. Woodlee)**

#### **Requests and Announcements**

- Announcements by the City Manager.

Mayor Gutierrez recognized City Manager Dr. Browne who stated that he attended the Randolph Metrocom Rotary meeting and was able to give a presentation on the State of the City. Great session.

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

Mayor Gutierrez recognized Councilmember Heyward who requested information regarding the street naming process, particular to the Hal Baldwin Parkway and Cibolo Valley as well as street naming in general.

Mayor Gutierrez recognized Councilmember Davis who requested information regarding our billing process, specifically with bills that are sent out and the city policy when the pay-by-date is on a weekend and the policy on grace periods/penalty fees.

- 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 Scagliola attended Shred Day at the Chamber and the First Responder Recognition Event at Retama Park

Councilmember Whittaker participated in the Employee Appreciation Fiesta Luncheon, attended Love Where You Live, Ribbon-cutting in Cibolo, TIRZ Meeting

Councilmember Dahle attended the First Responder Recognition Event at Retama Park, TIRZ Meeting

Councilmember Heyward attended a TML 3-Day Leadership Academy

Councilmember Brown thanked the Neighborhood Services Department for the presentation they gave at his HOA

#### **Adjournment**

Mayor Gutierrez adjourned the meeting at 8:50 pm.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary