

DRAFT

MINUTES REGULAR MEETING April 26, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 26, 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 Brown)

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

Presentations

- Proclamation recognizing National Administrative Professionals Day (April 27th).

Mayor Gutierrez recognized all the Schertz Administrative Professionals, read and presented the proclamation recognizing National Administrative Professionals Day. Administrative Professionals Present were: Tiffany Danhof, Shelly Krauss, Korrin Bond, Melissa Fleck, Jacki Marbach, Felicia Canales, Adriana Rutledge, Cyndi Simmons, Irene Chavez, Vanessa DiCiolla

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following announcements:

- **Saturday, April 30th**

Adopt a Shelter Pet Day

10:00 AM – 4:00 PM

800 Community Circle

Cats \$15.00, Dogs \$35.00

- **Tuesday, May 3**

Blood Drive

8:00 AM – 1:00 PM

1400 Schertz Parkway

The Bloodmobile will be parked in the parking lot.

Next regular scheduled Council meeting

6:00 PM

Council Chambers

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

City Manager Dr. Browne stated he deeply appreciates all that our Administrative Professionals do each day for the City of Schertz. They are the glue that keep things together. Thank you so much for your service, dedication, and professionalism. Each of you make a meaningful contribution to our mission. Best wishes on this Administrative Professionals Day!

Dr. Browne also thanked all the Staff who helped and supported the Randolph Air Force Base Airshow this weekend: Public Works, Facilities, EMS, Fire, Police - Great Work!

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

Mayor Gutierrez also thanked all the departments who assisted and supported this weekend the Randolph Air Force Base Airshow.

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:

City Secretary Brenda Dennis read on behalf of The Chamber, that Chamber President recently and suddenly lost her husband and has been out of the office and will be on extended leave. The Chamber office in Selma and Schertz are still operating at the high capacity that everyone has come to expect and appreciates. Should you have any needs or questions, please address them to Angela Surprise, the Director of Operations at 210-619-1960 or her email at finance@thechamberinfo. Thank you for your support during this difficult time for our Chamber and our President.

Michelle "Micky" Tereletsky, 705 Marilyn Drive, expressed the following kudos and thank you: for painting the Fire Hydrants, Brian James for assisting a Senior Citizen with an incident that occurred, Assistant City Manager Charles Kelm for getting Public Works Crews out to fix a curb, which had swelled over the years, Amanda Evans, Animal Control for assisting with her baby bunny situation. She stated in each event everyone was professional and thanked everyone for a great job.

Sylvia Salas-Brown, 9779 Mulhouse Drive, commended the City for a great Air Show as she saw on social media that the City supported it. She stated that on Aztec Way the growth of all the bushes is overgrown, requesting could the City help getting it cut and getting the area cleaned up. She is not sure if this is something that the City could ask for volunteers to assist in a clean-up day. Maybe have this done next quarter, and she would be willing to help. Also, on Rhine Valley Park, 9958 Mulhouse she stated that they have found paraphernalia such as condoms, broken glass and reports of individuals doing illegal activities in the park by the playground. The residents in the area are concerned as they do not know what time this is happening and there are no lights, it's very dark. As residents is there something they can do to request some lights and police presence in the park and area.

Dana Eldridge, 2628 Gallent Fox Drive, who thanked the City for fixing Old Wiederstein Road. He said it is the best he has seen in 16 years. He did mention that with all the rain we have had they might want to take a look as the rain hits the blacktop.

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 1-5 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of April 12, 2022. (B. Dennis)

2. **Resignations and Appointments to Boards/Commissions/Committees** - Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)
 - Resignation of Mr. John Sullivan from the Transportation Safety Advisory Commission

3. **Resolution No. 22-R-16** - Consideration and/or action adopting an amended resolution nominating Sysco USA I, Inc. as an Enterprise Zone Project under the provisions established in State Law and Chapter 21 of the Code of the City of Schertz. (M. Browne/A. Perez)

4. **Ordinance No. 22-S-18** - 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. ***Final Reading*** (B. James/M. Browne)

Mayor Gutierrez asked Council if there were any items they wished removed. As no items were requested, Mayor Gutierrez called for a motion to approve consent agenda items 1-4.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward to approve consent agenda items 1 through 4.

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. **Ordinance No. 22-S-19** - 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 Offstreet Parking. ***Final Reading*** (B. James/M. Browne)

Mayor Gutierrez read the following item 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 21.4.5 POST DECISION PROCEDURES, 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 OFFSTREET PARKING REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE (Final Reading)

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating at the April 12, 2022, City Council meeting, there was 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. Based on the Council recommendation, Staff has removed the proposed amendments to Article 5 from the draft ordinance. As such, Staff is recommending only changing the following sections:

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 part of the design standards for residential development 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 permits for businesses to park vehicles on an unpaved area for up to six months. Staff will revisit the residential changes.

As there were no comments from Council, Mayor Gutierrez called for a motion to approve Ordinance No. 22-S-19 on first reading.

Moved by Councilmember Allison Heyward, seconded by Councilmember Jill Whittaker to approve Ordinance No. 22-S-19 on first reading with the residential changes pulled.

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 5.

Closed Session

Mayor Gutierrez read the following closed session items into record:

6. City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
 - Project E-081

7. 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.
8. The City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the status of the Police Chief Selection.

Mayor Gutierrez recessed the meeting into Closed Session at 6:24 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened back into regular session at 7:42 p.m.

9. Take any action based on discussions held in Closed Session under Agenda Item 6.
No action taken.
10. Take any action based on discussions held in Closed Session under Agenda Item 7.
No action taken.
11. Take any action based on discussions held in Closed Session under Agenda Item 8.
No action taken.

Roll Call Vote Confirmation

No action taken under Closed Session, therefore no roll call vote confirmation needed.

Requests and Announcements

- Announcements by the City Manager.
No further announcements
- Requests by Mayor and Councilmembers for updates or information from staff.
No requests or updates requested.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.
No items requested.
- Announcements by Mayor and Councilmembers

Councilmember Whittaker attended the Ribbon Cutting event with Real Estate with Jill, the Schertz-Seguin Local Government Joint Workshop meeting, Northeast Partnership

meeting, and the 12th Flying Training Wing MAC Luncheon.

Councilmember Dahle attended the Schertz-Seguin Local Government Joint Workshop meeting virtually while on the road.

Councilmember Heyward attended the Schertz-Seguin Local Government Joint Workshop meeting, Chamber Luncheon, ATAC Meeting - May is Bike to work month, Main Street Committee meeting, TMRS Advisory Board Meeting, Ribbon Cutting with Real Estate by Jill, Chamber Mixer, Military Appreciation Day, and Saturday Belmont Park Vendor Market Day.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:47 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary