

# DRAFT

MINUTES  
REGULAR MEETING  
February 8, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 8, 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; Councilmember Rosemary Scott; 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; 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 Heyward)

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

## Presentations

- Proclamation recognizing the Official San Antonio Stock Show & Rodeo Season. (Mayor/B. Hall/Ambassadors)

Mayor Gutierrez read and presented the Official San Antonio Stock Show & Rodeo Season Proclamation to Ms. Barbara Hall Ambassador from the San Antonio Stock Show Ambassador Program. Other Ambassadors were present along with members from the Discovery 4H of Schertz Club.

## City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Brian James who announced upcoming City Events.

### Friday, February 11th

Chuck Wagon Breakfast

7:30 AM – 9:30 AM

Schertz Financial Center, 16895 IH 35 North

Scrambled eggs, sausage, biscuits, gravy, peach cobbler, and coffee will be served.

Strategic Planning Retreat

9:00 AM

Community Room, Fire Station #3  
11917 Lower Seguin Road

**Tuesday, February 15th**

Council on the Go  
Meet and Greet – 6:00 PM – 6:30 PM  
Meeting – 6:30 PM  
John Paul II Catholic High School  
6720 FM 482, New Braunfels

**Friday, February 18th**

Mother/Son Dance  
6:00-8:00 PM  
Schertz Civic Center

**Saturday, February 19th**

Daddy/Daughter Dance  
4:00-6:00 PM or 7:00-9:00 PM  
Schertz Civic Center

**Tuesday, February 22nd**

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

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

Mayor Gutierrez recognized City Manager Dr. Mark Browne who thanked the Emergency Management Coordinator, Summer Hall and the Emergency Management Team for the work they did last week during the winter storm. The city was able to open a fully operational Emergency Operation Center that was able to assist citizens during the inclement weather.

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

Mayor Gutierrez thank the City Staff for the preparation, coordination and responding to the winter storm this past week.

**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 Gutierrez recognized the following residents who spoke:

- Discovery 4H Club of Schertz- 9120 FM 1518: Ms. Autumn Hagen, President of the Discover 4H of Schertz introduced their club and explained that the members learn leadership, citizenship, responsibility and animal care.
- Dana Eldridge-2628 Gallant Fox Drive: Mr. Eldridge has attended many city council meetings and his concern is about employee turnover and employees leaving to go to another city for a higher wage. He stated the city needs to address this issue and retain these trained employees.
- Adrian Perez-12015 Rockroot: Mr. Perez is not in favor of approving Ordinance No. 22-S-08 proposing to amend the Comprehensive Land Use Plan by changing approx. 15 acres from Estate Neighborhood Land Use to Mixed-Use Neighborhood Land Use designation. He stated that the information that the NRP

Group that presented at the February 1, 2022, City Council meeting was disingenuous with their information.

- Rose Hendrix-3047 Turquoise: Ms. Hendrix is concerned of all the development occurring in south Schertz. She would like to address the flooding in that area, current TIA's with the roadway expansions, turn lanes on Lower Seguin Road and the truck traffic that uses streets in her neighborhood for truck thoroughfares.

### **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 the following Agenda Items 1 through 3 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of the regular meeting of February 1, 2022. (B. Dennis)
2. **Ordinance No. 22-M-06** - Consider action approving an Ordinance amending Chapter 21 Community Development of the City of Schertz Code of Ordinances by adding Article III Enterprise Zones, enabling nomination of qualifying projects to the State of Texas for Enterprise Project Designation. *Final Reading* (M. Browne/A. Perez)
3. **Resolution No. 22-R-15** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a program and expenditures as provided for in the Economic Development Performance Agreement between Sysco Corporation and the City of Schertz Economic Development Corporation. (M. Browne/A. Perez)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. As there were none, Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1 through 3.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Michael Dahle to approve Consent Agenda Items 1-3.

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

Passed

### **Discussion and Action Items**

### **Public Hearings**

4. **Resolution No. 22-R-16** - Conduct a Public hearing and consideration and/or action adopting a 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)

Mayor Gutierrez read the following into record:

### **Resolution No. 22-R-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS  
NOMINATING AN ENTERPRISE ZONE PROJECT UNDER THE PROVISIONS  
ESTABLISHED IN STATE LAW AND CHAPTER 21 OF THE CODE OF THE CITY OF  
SCHERTZ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE**

Mayor Gutierrez recognized Economic Development Corporation (EDC) Director Adrian Perez who provided a brief PowerPoint presentation regarding the nomination of Sysco USA I, Inc. as an Enterprise Zone Project nominee.

Mayor Gutierrez opened the Public Hearing and as no one spoke; closed the Public Hearing for Council comments.

Mayor Gutierrez recognized Councilmember Dahle who stated he agreed with EDC Director Perez and stated Sysco has been a great corporate citizen and offer good high paying jobs. He appreciates the commitment they have made to the City. Mayor Pro-Tem Scagliola agreed with Councilmember Dahle and stated Sysco has been a good partner with our City.

Mayor Gutierrez asked for a motion to approve Resolution No. 22-R-16.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michael Dahle

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

Passed

5. **Ordinance No. 22-S-07** - Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed-Use Neighborhood land use designation to the Single-Family Residential land use designation, generally located 3,650 feet east from the intersection of Schaefer Road and FM 1518, also known as Bexar County Property Identification Numbers, 309807, 309837, 309814 City of Schertz, Bexar County, Texas. *First Reading* (B. James/L. Wood/M.Harrison)

Mayor Gutierrez read the following into record:

**ORDINANCE NO. 22-S-07**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS  
AMENDING THE COMPREHENSIVE LAND USE PLAN BY CHANGING  
APPROXIMATELY 44 ACRES OF THE FUTURE LAND USE MAP FROM THE MIXED-USE  
NEIGHBORHOOD LAND USE DESIGNATION TO THE SINGLE FAMILY RESIDENTIAL  
LAND USE DESIGNATION, GENERALLY LOCATED APPROXIMATELY 3,650 FEET EAST  
OF THE INTERSECTION OF SCHAEFER ROAD AND FM 1518, ALSO KNOWN AS BEXAR  
COUNTY PROPERTY IDENTIFICATION NUMBERS 309807, 309814, AND 309837 CITY OF  
SCHERTZ, BEXAR COUNTY, TEXAS.**

Mayor Gutierrez recognized City Planner Megan Harrison who presented a PowerPoint presentation regarding the proposed change to the Comprehensive Land Use Plan.

Mayor Gutierrez recognized Mr. Raymond Tarin, MTR Engineers who came forward also providing a presentation regarding the proposed amendment to the Comprehensive Land Use Plan and information regarding their proposed project and requests Council approval.

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

- Mr. J. C. Herrera, owner of Shady Oaks Ranch, which parallels this property. He stated that he did send the Developer, City Staff and Council a letter from their attorney, and they should have had the opportunity to read it. Mr. Herrera stated he has been in the area 21 years, many utilize his place for various celebratory events such as graduation events, weddings, music events and that he has his beer and wine licenses through the State and the City. He expressed concern about developer to make sure that the potential clients that will be purchasing the homes are aware of his place and that the proposed homes will be backing up against his property.

Mayor Gutierrez stated that the attorney representing Mr. J.C Herrera sent a letter to all Councilmembers stating his concerns and wanted the letter to be entered as part of the official record/minutes.

- Mr. Wayne Ashbruner-1200 N. Old Bastrop, San Marcos, TX- Mr. Ashbruner explained that the developer is asking Council to change the land use to bring in a higher product with 9000 sq. ft lots vs. the current zoning use that could be to build numerous apartments. He is asking Council to support this resolution.

Mayor Gutierrez closed the Public Hearing and opened up for Council Comments.

City Council had questions and concerns that Mr. Brian James was able to answer concerning the development and noise concerns of the owners of Shady Oaks Ranch.

Councilmember Rosemary Scott left the council meeting due to illness at 7:15p.m.

Mayor Gutierrez asked for a motion to approve Ordinance No. 22-S-07 on the first reading.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-07 on the first reading.

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-S-08** - Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood land use designation to the Mixed-Use Neighborhood Center land use designation, generally located 2,500 feet southeast from the intersection of Lower Seguin Road and FM 1518, known as 9120 E FM 1518 N, also known as Bexar County Property Identification Numbers, 309999 and 309997, City of Schertz, Bexar County, Texas. **First Reading** (B.James/L.Wood/M.Harrison)

Mayor Gutierrez stated let the record reflect that is 7:16p.m. and Councilmember Dahle stepped down from the dais.

For full disclosure and transparency, Councilmember Dahle has filed a conflict with interest affidavit with the City Secretary and will not be participating on this discussion.

Mayor Gutierrez read the following into record:

#### **ORDINANCE NO. 22-S-08**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS  
AMENDING THE COMPREHENSIVE LAND USE PLAN BY CHANGING**

**APPROXIMATELY 15 ACRES OF THE FUTURE LAND USE MAP FROM THE ESTATE NEIGHBORHOOD LAND USE DESIGNATION TO THE MIXED-USE NEIGHBORHOOD LAND USE DESIGNATION, GENERALLY LOCATED APPROXIMATELY 2, 500 FEET EAST OF THE INTERSECTION OF LOWER SEGUIN ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 309997 AND 309999 CITY OF SCHERTZ, BEXAR COUNTY, TEXAS. **FIRST READING****

Mayor Gutierrez recognized City Planner Megan Harrison who provided a PowerPoint presentation regarding the proposed change to the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood Land Use Designation to the Mixed-Use Neighborhood Land Use.

Mayor Gutierrez recognized the developer Mr. Jason Arachiga with NRP Group who provided a presentation on the FM 1518 Multifamily Comprehensive Land Plan Amendment. Mr. Arachiga informed the Council that the NRP Group met with the Schertz Housing Authority and are in negotiations for a partnership.

Mayor Gutierrez opened up the Public Hearing for those wishing to speak.

Residents who support Ordinance No. 22-S-08.

- City Secretary Brenda Dennis -Ms. Dennis read a letter from Ms. Maggie Titterington, CEO & Chamber President.
- Aubrey Dahle-9120 East FM 1518
- Len Winmend-4205 Crown Oak Pass
- Wayne Ashbruner-1200 N. Old Bastrop Hwy. San Marcos, TX
- Ashley Fehrman-Land Use Atty with NRP Group
- Annica Dahle-9120 East FM 1518
- Karen Dahle-9120 East FM 1518
- Allison Carrasco-9304 Canopy Bend

Residents who oppose Ordinance No. 22-S-08.

- Adrian Perez-12015 Rockroot
- Todd Vishen-8926 Green Grant
- Victoria Campos-12015 Rockroot

Mayor Gutierrez close the public hearing and opened up for Council comments. City Council thanked the citizens that spoke to Ordinance No. 22-S-08. Schertz needs more affordable housing with the growth the city is experiencing and currently there are very little options.

Mayor Gutierrez asked for a motion to approve Ordinance 22-S-08 on the first reading.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward to approve Ordinance 22-S-08 on the first reading.

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

Passed.

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided roll call vote confirmation for Agenda Items 1 through 6.

Councilmember Michael Dahle returned to the dais at 9:05 pm.

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

Mayor Gutierrez mentioned Informational Agenda Item 7 that was in their packets "2021 Racial Profiling Annual Report", he also mentioned that the information could be found online.

### **7. 2021 Racial Profiling Annual Report - Schertz Police Department**

## **Requests and Announcements**

- Announcements by the City Manager.

No announcements at this time.

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

Councilmember Dahle would like to have monthly updates on the Comprehensive Land Use Plan proposed timeline and execution.

- 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 Davis attended the Schertz Housing Authority meeting on February 7, 2022.

Councilmember Heyward received her 3rd Certified Municipal Officer's Pin.

City Attorney Dan Santee invited everyone to Save the Date - July 29th, 2022 for their Annual Municipal Hog Wild Conference Event which will be at the Schertz Civic Center.

## **Adjournment**

Mayor Gutierrez adjourned the meeting at 9:09 pm.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary