

MINUTES  
REGULAR MEETING  
June 28, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 28, 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 Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Jill Whittaker; Councilmember Michael Dahle

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 pm.

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

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

### **Presentations**

- Presentation and update regarding Neighborhood Services. (B. James/L. Wood/R. Vera)

Mayor Gutierrez recognized Neighborhood Services Mnager Rebecca Vera who provided a PowerPoint of the Neighborhood Services Department.

- Comprised of two Divisions: Code Enforcement and Environmental Health (Sanitarian).
- Our mission is to protect and promote the health, safety and Keep Schertz a beautiful place to live.
- Neighborhood Services has developed a new logo and a proactive approach to engage neighborhoods to reinvigorate the sense of community.

Goals:

- Protect the community from environmental and health hazards.
- To provide quality education and enforcement of city codes and ordinances so that Schertz is a great livable community.
- Work hand-in-hand with community stakeholders to increase and maintain a high

quality of life.

- Provide interdepartmental assistance and direction when enforcing city regulation.

Benefits:

- Maintain property values
- Create a sense of community
- Improved property maintenance
- Foster resident pride in their neighborhood

Programs in the Works

- HOA Engagement
  - Love Where You Live
  - Resource outreach – Grant Application
  - COMING SOON!! Schertz Community Tool Shed will offer the use lawn care equipment for Schertz residents at no cost.
- Presentation regarding CityView. (B. James/L. Wood/E. Delgado)

Mayor Gutierrez recognized Senior Planner Emily Delgado who explained that due to the council chamber computer being unable to access the city internet, she would like to postpone the CityView Presentation to another City Council meeting.

Mayor Gutierrez asked for a motion to postpone the CityView Presentation.

Moved by Councilmember Heyward, seconded by Mayor Pro-Tem Scagliola

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

PASSED

ABSENT: Councilmember Jill Whittaker, Councilmember Michael Dahle

## City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who provided the following information:

### **Monday, July 4**

City Offices Closed in observance of Independence Day

### **4th of July Jubilee**

Let Freedom Run 5K – Starts promptly at 9:15 AM

Don your best patriotic gear and run along the Jubilee parade route prior to the parade. 2022 marks the 10th race in Schertz. Register for the race on Schertz.com.

Parade – Begins at 9:30 AM

In a time-honored tradition, individuals and non-profit groups are welcome to join the

City of Schertz for a Patriotic Parade through downtown Schertz.  
Float and Fireworks – From 6:00 - 10:00 PM -- SOLD OUT!

Live Music – Begins at 6:00 PM

Groove Knight will be providing Live Music at Pickrell Park!

Kids Carnival – Opens at 11:00 AM

The Kids Carnival is held at Thulemeyer Park.

Fireworks Show – Begins at approximately 9:15 PM

Bring your blankets and lawn chairs to Pickrell Park for a spectacular finale to Jubilee.

Sponsored by HEB.

## **Tuesday, July 5**

Next regular scheduled Council meeting

6:00 PM

Council Chambers

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

Mayor Gutierrez recognized City Manager Mark Browne who thanked the Public Works Utilities Dept. for taking care of the numerous water main breaks. He also thanked the Parks Dept. for all their hard work in preparation for the 4th of July Jubilee festivities and for fixing the pump at Pickrell Park over the weekend.

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

Mayor Gutierrez thanked the Parks Dept. for the Great Northern Trail Grand Opening and the work put in for the 4th of July Jubilee. He also wanted to thank the Public Works Dept. for taking care of the water main breaks during this dry season. Mayor Gutierrez wished Fire Chief Kade Long congratulations on his recent retirement from the City of Schertz.

## **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.*

No one signed up to speak.

## **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 Consent Agenda Items 1-5 into record.

Mayor Pro-Tem Scagliola read the following Consent Agenda Items 6-10 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 14, 2022. (B. Dennis)
2. **Resolution No. 22-R-61** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas accepting the semi-annual report with respect to the progress of the Capital Improvements Plan, and other matters in connection therewith. (C. Kelm/S. Williams)
3. **Appointments and Reappointments to the Tax Increment Reinvestment Zone II (TIRZ) Board** - Consideration and/or action approving the appointment of Bradford Pittenger and the reappointment of Clark McChesney, Jr. (B. Dennis/Mayor-Council)
4. **Appointments and Reappointments to various Boards, Commissions and Committees** - Consideration and/or action approving the Reappointments and Appointments to the Building and Standards Commission, Historical Preservation Committee, the Planning & Zoning Commission and the Transportation Safety Advisory Commission. (B. Dennis/Mayor-Council)
5. **Resolution No. 22-R-62** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an amendment to Resolution 21-R-112 for the purchase of a Brush Truck from Siddons Martin Emergency Group for FY2021-2022. (C. Kelm/K. Long)
6. **Resolution No. 22-R-64** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas appointing members to the Alamo Area Council of Governments Regional Emergency Preparedness Advisory Committee. (C. Kelm/K. Long)
7. **Resolution No. 22-R-66** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (M. Browne/J. Walters)
8. **Resolution 22-R-65** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the SSLGC Fiscal Year 2022-2023 Water Rates and other matters in connection therewith. (C. Kelm/S. Williams/A.Beard)

9. **Resolution 22-R-67-** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the Schertz Seguin Local Government Corporation (SSLGC) Budget Amendment for Fiscal Year 2021-22 in the amount of \$380,000 as a transfer to the SSLGC Operating Fund, \$300,000 as a transfer to the Rate Stabilization fund and \$569,669 as a transfer to the Repair and Replacement fund and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)
  
10. **Resolution 22-R-68 -** Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the SSLGC Fiscal Year 2022-2023 Annual Budget and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)

Mayor Gutierrez asked if there were any items City Council wished to be removed from the Consent Agenda. As no items were removed, Mayor Gutierrez asked for a motion to approve Consent Agenda Items 1-10.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward

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

Passed

## Discussion and Action Items

## Public Hearings

11. **Ordinance No. 22-S-25 -** Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 22 acres of the Future Land Use Map from the Agricultural Conservation land use designation to the Multi-Family Residential land use designation, generally located approximately 1,100 feet west of the intersection between FM 482 and Hubertus Road, also known as Comal County Property Identification Numbers 401272, 401273, 75375, 75237, 75246 City of Schertz, Comal County, Texas. ***First Reading*** (B. James/L. Wood/M. Harrison)

Mayor Gutierrez read the following into record:

### **ORDINANCE NO. 22-S-25**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE COMPREHENSIVE LAND USE PLAN BY CHANGING APPROXIMATELY 22 ACRES OF THE FUTURE LAND USE MAP FROM THE AGRICULTURAL**

**CONSERVATION LAND USE DESIGNATION TO THE  
MULTIFAMILY RESIDENTIAL LAND USE DESIGNATION,  
GENERALLY LOCATED APPROXIMATELY 1,100 FEET WEST OF  
THE INTERSECTION OF F 482 AND HUBERTUS ROAD, ALSO  
KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION  
NUMBERS 401272, 401273, 75375, 75237, AND 75246 CITY OF  
SCHERTZ, COMAL COUNTY, TEXAS.**

Mayor Gutierrez recognized City Planner Megan Harrison who presented a PowerPoint presentation explaining the request to amend the Comprehensive Land Use Plan by changing approximately 22 acres of the Future Land Use Map from the Agricultural Conservation land use designation to the Multi-Family Residential land use designation. This proposed Future Land Use designation is intended to allow Apartment buildings, and developments with three or more units as well as nursing homes and assisted-care group living facilities.

Mayor Gutierrez recognized Mr. Chris Bancroft, Texas Multi-Family Capital, 111 West 6th Street, Austin, TX, who is the applicant who is requesting to amend the Comprehensive Land Use Plan. Mr. Bancroft explained why they are asking to amend the Comprehensive Land Use Plan, so they can then request to rezone this area for Multi-Family Residential land use.

Mayor Gutierrez opened the Public Hearing and recognized the following:

Mr. Dana Eldridge, 2628 Gallant Fox Drive-Mr. Eldridge's concern is the traffic that will increase with the current middle school, the planned elementary school and the large industrial type businesses with trucks using the roads around this area.

As no one else spoke; Mayor Gutierrez closed the Public Hearing for asked for Council comments.

Councilmembers expressed concerns with building residential on west side of IH-35. However, with Danville Middle School located on Hubertus Rd, and the plans to build an elementary school nearby, affordable housing is needed. Multifamily developments are a good start.

Mayor Gutierrez asked for a motion to approve Ordinance 22-S-25 on the first reading.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown

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

Passed

12. **Ordinance No. 22-S-26** - Conduct a public hearing and consideration and/or action on a request to rezone approximately 22 acres of land to Apartment/Multi-Family Residential District (R-4), generally located 1,100 feet west of the intersection of FM 482 and Hubertus Road, also known as Comal County Property Identification Numbers 401272, 401273, 75375, 75237, and 75246, City of Schertz, Comal County, Texas. *First Reading* (B. James/L. Wood/M. Harrison)

Mayor Gutierrez read the following into record:

**ORDINANCE NO. 22-S-26**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 22 ACRES OF LAND TO APARTMENT/MULTI-FAMILY RESIDENTIAL DISTRICT (R4), GENERALLY LOCATED 1,100 FEET WEST OF THE INTERSECTION OF FM 482 AND HUBERTUS ROAD, ALSO KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBERS, 401272, 401273, 75375, 75237, AND 75246, COMAL COUNTY, TEXAS. FIRST READING**

Mayor Gutierrez recognized City Planner Megan Harrison who presented a PowerPoint presentation explaining the request to rezone stating the property has the land use designation under the Sector Plan for North Schertz as Agricultural Conservation. The applicant requested a zone change for the approximately 22 acres of land to Apartment/Multi-Family Residential District (R-4). The applicant also requested, for the approximately 22 acres of land, through a Comprehensive Land Use Plan Amendment to change the land use designation to Multi-Family Residential District. The zone change and land use designation change would still leave a vast amount of large acre residential tracts as well as Agricultural Conservation land use designation for Northern Schertz. This proposed rezoning would be a less intense use for the area given that a majority of the properties are zoned Manufacturing Light (M-1) and would act as a buffer to the existing large acre residential lots from the light industrial/commercial uses and schools.

The Planning and Zoning Commission held a public hearing on May 25, 2022, and offered a recommendation of approval with a 5-0 vote. Staff supports the Commission's recommendation and recommends approval of the proposed rezoning from Agricultural District (AD) and Manufacturing Light (M-1) to Apartment/Multi-Family Residential District (R-4).

Mayor Gutierrez recognized Mr. Chris Bancroft, Texas Multi-Family Capital, 111 West 6th Street, Austin, TX., who provided a brief presentation on the proposed project.

Mayor Gutierrez opened the Public Hearing and as no one spoke; closed the Public Hearing for Council comments. Mayor Gutierrez called for a motion to approve Ordinance 22-S-26 on the first reading.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Ordinance No. 22-S-26 on first reading.

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

Passed

- 13. Resolution No. 22-R-58** - Conduct a public hearing and consideration and/or action approving a Resolution accepting a petition for voluntary annexation of approximately 45 acres of land generally located 3,700 feet east of the intersection of FM 1518 and Schaefer Road, known as property addresses 12250 Schaefer Road and 12198 Schaefer Road, also known as Bexar County Property Identification Numbers 309837, 309814, and 309807 Bexar County, Texas. (B. James/L. Wood/M. Harrison)

Mayor Gutierrez read the following into record:

#### **RESOLUTION NO. 22-R-58**

#### **A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SCHERTZ**

Mayor Gutierrez recognized City Planner Megan Harrison who stated on behalf of each property owner Moy Tarin Ramirez Engineers, LLC submitted a petition for voluntary annexation to the City of Schertz for approximately 45 acres of land. The property is generally located 3,700 feet east of the intersection of FM 1518 and Schaefer Road, also known as Property Identification Numbers 309837, 309814, and 309807.

Upon City Council accepting the petition for the voluntary annexation of the approximately 45 acres of land, the property owners would be able to initiate the annexation and zone change processes for the subject property. The adoption of this resolution does not annex the subject properties into the City, but instead allows the City Council to annex the property by ordinance in the future. A subsequent ordinance for annexation must be approved by City Council in order to annex the property into the City of Schertz. There was a public hearing notice published in the "San Antonio Express" newspaper on June 8th, 2022.

The property owners are requesting voluntary annexation into the City of Schertz due to wanting the subject properties to be located within the City of Schertz City limits in order to develop the land as a Planned Development District (PDD). Staff recommends approval.

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

for a motion to approve Resolution No. 22-R-58.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Resolution No. 22-R-58

AYE: Mayor Ralph Gutierrez, Mayor Pro-Tem David Scagliola, Councilmember Mark Davis, 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 13.

### **Workshop**

Mayor Gutierrez recessed the meeting at 6:47 p.m. as they lost a quorum as Councilmember Heyward left the dais. Mayor Gutierrez reconvened the meeting at 6:51 p.m. as a quorum was now present, and Councilmember Heyward returned to the dais.

#### **14. Discussion regarding fees being waived and charged for the Main Street area.**

Mayor Gutierrez recognized Assistant City Manager Brian James who provided a presentation explaining the Current Development Fee Waivers for the Main Street Area.

Currently, waive Inspection and Planning Fees as well as the floodplain permit fees and clearing and grading fees for the Main Street Incentive Area since 2016.

Development fees/charges not being waived in the Main Street Area

- Tree Mitigation Fees
- Street cut and tap fees
- Impact Fees – roadway, water (City and SSLGC) and sewer (City and CCMA).

If Council desires to waive the tree mitigation, street cut and tap fees, staff recommends doing so in conjunction with the creation of a Neighborhood Empowerment Zone.

The City Council does not have the power to waiver the impact fees charged by CCMA and SSLGC.

Impact Fees must comply with Chapter 395 of the Texas Local Government Code so waiving them is more problematic and would require removing Main Street from the impact fee service areas. If Council is interested, staff can work with the City Attorney to explore this option.

Councilmember Davis stated this is a worthy topic to pursue. Council has had several discussions about putting in effort towards the Main Street redevelopment project. If we are wanting to make Main Street a walkable community, a community gathering place, and encourage new businesses to come down there, it is difficult with the challenges with the floodplain and other issues. With the costs the business owners will have in redeveloping, it can potentially help encourage the redevelopment on Main Street.

Councilmember Brown asked if there is a way reassess the fees instead of waiving them in full. ACM Mr. James responded that, yes, they can create an Empowerment Zone around Main Street and reduce the fees or adjust them.

Mayor Pro-Tem Scagliola would like to have the City be more of a partner with the local business owners vs. spending a lot of city money. He stated he would like to speak to with ACM Brian James on this and other topics at a later time.

ACM Mr. James confirmed that Council would like Staff to speak with Mayor Pro-Tem Scagliola, work with the City Attorney about the implications of these options and then come back to Council with other options.

### **Roll Call Vote Confirmation**

No roll call vote.

### **Requests and Announcements**

- Announcements by the City Manager.

No further announcements.

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

No items 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 Davis stated he attended the retirement ceremony for Fire Chief Kade Long.

Councilmember Heyward stated she also attended the retirement ceremony for Fire Chief Kade Long, and last week attended the TML Board of Directors Conference.

Councilmember Brown state he too attended the retirement ceremony for Fire Chief Kade Long.

**Adjournment**

Mayor Gutierrez adjourned the meeting at 7:16 p.m.

ATTEST:

---

Ralph Gutierrez, Mayor

---

Brenda Dennis, City Secretary