

DRAFT

MINUTES REGULAR MEETING July 12, 2022

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

Absent: Councilmember Jill Whittaker

City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Staff: 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.

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

Mayor Gutierrez recognized Councilmember Michael Dahle 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 Parks and Recreation Month. (Mayor/L. Shrum)

Mayor Gutierrez recognized the Parks, Recreation and Community Services Team, the Parks and Recreation Advisory Board Members, the YMCA Members and the Schertz Senior Center Board Members who were present. Mayor Gutierrez read and presented the Proclamation recognizing Parks and Recreation Month.

City Events and Announcements

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

Assistant to the City Manager, Sarah Gonzalez provided the following upcoming announcements:

Thursday, July 14

NEP

11:30 AM

Olympia Hills Golf and Conference Center

Please RSVP to the City Secretary's office.

Saturday, July 16

Ed-Zoo-Cation

Identifying flora, fauna, and animals in the park with Texas Parks & Wildlife

10:00 – 11:00 AM

Crescent Bend Nature Park

Music & Movies in the Park

Float & Flick: Luca

7:00 PM – 11:00 PM

Pickrell Park Pool

Thursday, July 21

Pickleball Play

6:00 PM – 8:00 PM

Pickrell Park

Saturday, July 23

Music & Movies in the Park

Float & Flick: Cloudy with a Chance of Meatballs

7:00 PM – 11:00 PM

Pickrell Park Pool

Tuesday, July 26

Next regular scheduled Council meeting

6:00 PM

Council Chambers

Election Information

Filing for place on the November 8, 2022 ballot for the City of Schertz Joint General Election to elect a Mayor and Councilmembers in Place 1 and 2 for a three-year term from November 2022 and ending November **2025 begins July 25** and ends August 22, 2022 at 5:00 PM. Candidate packets are available online on the city's website and can also be obtained in the City Secretary's office, 1400 Schertz Parkway, Building #2.

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

City Manager Dr. Mark Browne thanked the Parks, Recreation & Community Services Team, YMCA, Senior Center Board Members for all their work hosting, volunteering, managing the many parks, and managing all the city events.

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

Mayor Gutierrez also thanked the Parks Team for the great work they are doing.

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 Scagliola recognized the following who spoke:

- Tiffany Gibson, 6939 Hallie Loop, who asked what's most important, our improvements or commercial property. City Manager Dr. Mark Browne directed Assistant Brian James to get with Ms. Gibson.
- Kandace Mancha, 946 Oak Park, spoke on the dirt staging area on Live Oak Road across from Mesa Oaks, the trucks, equipment dust and construction that is affecting their property, dust on porch, causing dirt going into their pool.
- Gina Menzics, 950 Oak Park, who also spoke on the dirt staging area on Live Oak Road and the problem it is causing to their property.
- James Taylor, 2212 Crary Meadow, who also spoke on the dirt staging area on Live Oak Road and problems and concerns of safety - children playing on the dirt pile, and equipment being left unattended.

City Manager Dr. Mark Browne directed Assistant City Manager Charles Kelm to get with the residents regarding their concerns.

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 1-3 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of July 5, 2022. (B. Dennis)
2. **Ordinance No. 22-M-29** - Consideration and/or action approving an Ordinance amending the City Council Rules of Conduct and Procedure to include the Appointment Procedures for City Council Liaison Positions to the City of Schertz Boards, Commissions and Committees. **Final Reading** (M. Browne/B. Dennis/S. Edmondson)

to approve the following City Council Liaison appointments:

Animal Advisory Board - Current member is Councilmember Allison Heyward,
Councilmember Scagliola Alternate Member

EDC - Councilmember Tim Brown, Councilmember Allison Heyward Alternate
Member

Board of Adjustments - Mayor Ralph Gutierrez

Building and Standards Commission - Councilmember Allison Heyward

Historical Preservation Committee - Councilmember Jill Whittaker

Library Advisory Board - Councilmember Jill Whittaker

Parks & Recreation Advisory Board - Councilmember Mark Davis

Planning and Zoning Commission - Councilmember Michael Dahle

Transportation Safety Advisory Commission - Councilmember Mark Davis

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

Passed

- 3. Resolution No. 22-R-72** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to enter into an Interlocal Agreement for EMS billing services with the City of Alamo Heights, and other matters in connection therewith. (C. Kelm/J. Mabbitt)

Mayor Gutierrez ask 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 1-3.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Consent agenda items 1-3.

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

Passed

Discussion and Action Items

- 4. City Council Liaison Appointments** - Discussion and possible action regarding various City Council Liaison Appointments to the City of Schertz Boards, Commissions and Committees. (Mayor/Council/B. Dennis)

Mayor Gutierrez introduced City Secretary Brenda Dennis who stated that with the passing of Ordinance No. 22-M-29 the Council will now discuss the below City Council Boards, Commissions and Committee Liaison Positions and make their

selections:

Animal Advisory Board - Current member is Councilmember Allison Heyward

EDC - Meets on the 4th Thursday of each month

Board Of Adjustments - Meets on an as needed basis

Building and Standards Commission - Meets on an as needed basis

Historical Preservation Committee - Meets quarterly on the 4th Thursday of the month, January, April, July and October

Library Advisory Board - Meets on the 1st Monday of each month

Parks & Recreation Advisory Board - Meets bi-monthly on the 4th Monday of the month

Planning & Zoning Commission - Meets on the 2nd and 4th Wednesdays of the month

Transportation Safety Advisory Commission - Meets on the 1st Thursday of the month

Ms. Dennis stated that Councilmember Jill Whittaker expressed interest in serving on the Historical Preservation Committee and the Library Advisory Board.

The following liaison assignments were made:

Animal Advisory Board - Current member is Councilmember Allison Heyward, Councilmember David Scagliola as an Alternate Member

EDC - Councilmember Tim Brown, Councilmember Allison Heyward Alternate Member

Board of Adjustments - Mayor Ralph Gutierrez

Building and Standards Commission - Councilmember Allison Heyward

Historical Preservation Committee - Councilmember Jill Whittaker

Library Advisory Board - Councilmember Jill Whittaker

Parks & Recreation Advisory Board - Councilmember Mark Davis

Planning and Zoning Commission - Councilmember Michael Dahle

Transportation Safety Advisory Commission - Councilmember Mark Davis

Public Hearings

5. **Resolution No. 22-R-70** - Conduct a public hearing and consideration and/or action approving a Resolution of the City of Schertz Texas Authorizing the Approval of Development Agreements with Wiederstein Trust Fund, Brian Beutnagel and Valerie Hartmann, for approximately 124 acres of land to install on-site sewage facilities and other matters in connection therewith. (B. James/L. Wood/M. Harrison)

Mayor Gutierrez read the following into record:

RESOLUTION NO. 22-R-70

**A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS
AUTHORIZING THE APPROVAL OF A DEVELOPMENT AGREEMENTS
WITH WIEDERSTEIN TRUST FUND, BRIAN BEUTNAGEL AND VALERIE
HARTMANN FOR APPROXIMATELY 124 ACRES OF LAND TO INSTALL
ON-SITE SEWAGE FACILITIES AND OTHER MATTERS IN
CONNECTION THEREWITH**

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating all three of the items are related to the Sterling Grove project off of Trainer Hale. The first item on the agenda is the Development Agreement for Sterling Grove. The Developer has requested a Development Agreement to allow septic on the portion of the property of the coming items that are going to be 1/2 acre. Normally waivers for septic are done as part of the platting process, to be clear, when P&Z considered this zoning they did not consider this item, they are not necessarily opposed to it but for them, it is not a zoning issue, it is a platting issue. For the Developer the problem is if we are going to come in and request annexation and request zoning, we need to know we can do the project we want to do. It was problematic for them to not know if they could do septic on that property, or is the city going to deny that waiver and expect them to sewer it. The solution is the Development Agreement. Essentially that is why they are here this evening to request a Development Agreement so that for that 1/2 acre portion on the subsequent item they would be allowed to do the septic. Staff is comfortable doing a Development Agreement to allow septic.

Mayor Gutierrez opened the public hearing and recognized the following:

- Vallarie Hartmann, 621 Beutnagel, Seguin who is here tonight speaking on behalf of her brother Brian Beatnagel and herself and is the owner of the 78 acres on Trainer Hale Road that is part of the Sterling Grove Development and spoke in favor of this item.
- Rebecca Weiderstein Robertson, 9275 Weir Road, who spoke representing the Weiderstein Estate on behalf of herself, her sister Vickie Weiderstein McDaniel, brother David Weiderstein and sister Diane Weiderstein Hunter also spoke in favor and support of zoning change for the Development Agreement, annexation and rezoning of the property.

As no one else spoke; Mayor Gutierrez closed the public hearing for Council comments and questions.

Mayor Gutierrez recognized Councilmember Davis who stated this is not a zoning issue, this is a question of waste water. He understands the area in question, part of the development is not in our CCN, it is in Green Valley area. Because we have had discussions in the past with regard to the development of Wiederstein Road on the north side and requirement to have property owners on the north side that are currently on septic ultimately having to tie into a regular septic system, he wonders what the long-term prospect this is for South Schertz? His first question, does Green Valley have anything in the area that they could tie into the Green Valley System, and if not has this been explored to see if Green Valley could support it? His other question would be if Green Valley has nothing in the area, have we contacted Green Valley to see if there is any type of Interlocal Agreement we could do to tie that particular property, those 1/2 acre lots into our system? He stated if you look at the map, the light green area is in the Green Valley CCN, on the map the properties to the right and below are all Green Valley. Ultimately at some point Green Valley is going to have to develop infrastructure to support anything in those other areas as well. One of his questions is in the long-term, how problematic is it going to be, or is it problematic if in five or ten years from now those property owners are told now there is a connection to Green Valley, you have to now dig up your property, dig up streets, sidewalks to do tie-ins to Green Valley's Septic system. If this may be the case would it not be more reasonable to at least approach Green Valley can they temporarily tie into our CCN with the understanding that in the future there would be a tie-in where Green Valley could reach into without having to disrupt the entire community?

In answer, Mr. James stated the applicant representative is here, but staff's understanding is the applicant has had conversations with Green Valley about what it would take to serve this property and bring the sewer out to it and that's not a viable option. Certainly we have had other properties in the City of Schertz that are in Green Valley's CCN where those developers have reached out to Green Valley and found a way to get Green Valley to release them, not on a temporary basis but a permanent basis going forward. This has not worked out here.

The applicants 1/2 acre plan is based on the assumption their doing septic, it is not initially what they came in wanting to do, so his impression is they feel like they have exhausted all of those options with Green Valley, but can not tell if they have floated the idea of a temporary solution. It is his assumption that the Developer is not planning to put in or design these in a way they can easily tie-in to sewer. Once the decision to go septic you are not designing the subdivision necessarily to convey sewer flow. From that standpoint it is a significant engineering challenge to come into a neighborhood that was built initially on septic without provision for sewer to come in and to retro fit it, things do not flow in the right way, and you can't get it there. His understanding from the Developer they feel like they have exhausted those avenues, this is what they are left with, thus this request. Developer has exhausted efforts to be able to tie into Green Valleys system.

Councilmember Scagliola stated that he is in favor of the 1/2 acre lots, has problems with septic and request that we speak to a Green Valley Representative, strongly

agrees with Councilmember Davis to see about tying into Green Valley's System.

Councilmember Dahle stated he is not in favor of septic as well, and would like to see if Green Valley will grant a temporary local agreement to service this area. Once this area goes septic, it will always be septic and that would be a revenue loss to Green Valley SUD. If an agreement cannot be made, he would agree to septic tanks for this area.

Councilmember Heyward concerns that if this area goes with septic tanks, and down the road Green Valley SUD wants these homes to tie into the lines, it would be costly for the homeowners. Councilmember Heyward would also like to talk to Green Valley about this project.

Councilmember Brown asked what type of septic tanks are going in, aerobic or traditional. Mr. James stated that most in this area are using aerobic septic tanks. Councilmember Brown stated that these are more modern than the traditional. He would also like the city to sit down and talk to Green Valley. However, at this time with their elections occurring, it would be difficult to talk to them right now. He also stated that the developers have a right to move forward with their project.

Ms. Ashley Farrimond, with Killen, Griffin & Farrimond presented an example layout of a typical 0.5 acre Septic lot. They had many discussions about the layouts, costs of extending infrastructure. She addressed the concerns of the maintenance of septic tanks but added this community will have an HOA and in their rules, an annual inspection of the septic tank would be required and turned into the HOA.

Mr. Todd Blackmon with Pape-Dawson Engineers stated that the city had expressed that they wanted gravity sanitary sewer. They had explored every opportunity but, GVSUD was not willing to remove this site from their CCN. GVSUD would be willing to service this site, but at this time there is no infrastructure to GVSUD lines. The cost would be too much for the developer to cover. They did vet every option to provide gravity sanitary sewer and this was the only option left.

Mr. James stated that the developers and engineers have had several conversations that GVSUD, and they are unwilling to release this part of their CCN. He suggested that since there are concerns that Staff has not had additional conversations with GVSUD about other options, Council could wait on voting on this tonight and give Staff time in the next two weeks to reach out to GVSUD.

Councilmember Dahle made motion to approve Resolution 22-R-70. Councilmember Brown seconded the motion.

Councilmember Davis had a question of where and when the Staff did pump and haul to homes. Mr. James said he did not have the exact numbers, but at this time, pump and haul is not recommended for this development. Councilmember Davis stated that if the City is prone to not being septic, he believes another discussion with GVSUD about the challenges of this development should happen, to make sure all options have been looked at.

Councilmember Dahle amended his motion to approve Resolution No. 22-R-70 with the provision that Staff has two weeks to reach out to Green Valley SUD to attempt to reach an agreement and if not, then we accept the Resolution 22-R-70 as is. Councilmember Brown seconded that.

Mayor Gutierrez recognized Mr. Madison Inselmen with Felder Homes, who stated they did do an official request for service from Green Valley SUD. They did try to negotiate with Green Valley to solve this problem, however septic tanks are the best option for this development.

Mayor Gutierrez called for a vote.

Moved by Councilmember Michael Dahle, seconded by Councilmember Tim Brown

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

Passed

6. **Ordinance No. 22-S-27** - Conduct a public hearing and consideration and/or action on a request for voluntary annexation of approximately 287 acres of land generally located 6,050 feet east from the intersection of Trainer Hale Road and FM 1518 also known as Bexar County Property Identification Numbers 310053, 310060, 310121, Bexar County, Texas *First Reading* (B. James, L. Wood, M. Harrison)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-S-27

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 287 ACRES OF LAND LOCATED IN BEXAR COUNTY APPROXIMATELY 6,050 FEET EAST OF THE INTERSECTION OF TRAINER HALE ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 310053, 310060, 310121, BEXAR COUNTY, TEXAS.

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating the property owners are requesting voluntary annexation into the City of Schertz because they are wanting to develop the property as a residential subdivision under the Planned Development District (PDD).

On behalf of each of the property owners, Scott Felder Homes LLC, Pape-Dawson Engineers, Ltd., and Killen, Griffin & Farrimond, PLLC., submitted a petition for

voluntary annexation to the City of Schertz for approximately 287 acres of land. The properties are generally located 6,050 feet east of the intersection of Trainer Hale Road and FM 1518, also known as Property Identification Numbers 310053, 310060, and 310121.

On June 7, 2022, City Council approved Resolution 22-R-53, accepting a petition for voluntary annexation, therefore allowing this annexation ordinance to be heard by the City Council. The property owners are also requesting to zone the subject property to Planned Development District (PDD) which will be heard immediately following action of the annexation Ordinance 22-S-27. Staff recommends approval of annexation Ordinance 22-S-27.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for Council comments and questions. There were no comments or questions from Council.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-27.

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

Passed

- 7. Ordinance No. 22-S-28** - Conduct and hold a public hearing and consideration and/or action on a request to rezone approximately 362 acres of land to Planned Development District (PDD), generally located 6,050 feet east from the intersection of Trainer Hale Road and FM 1518 also known as Bexar County Property Identification Numbers, 310053, 310060, 310061 and 310121, Bexar County, Texas. ***First Reading*** (B. James, L. Wood, M. Harrison)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-S-28

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 362 ACRES OF LAND TO PLANNED DEVELOPMENT DISTRICT (PDD), GENERALLY LOCATED 6,050 FEET EAST OF THE INTERSECTION OF TRAINER HALE ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS, 310053, 310060, 310061, AND 310121, BEXAR COUNTY, TEXAS

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item stating the applicant is proposing to zone change approximately 362 acres of land from Pre-Development District (PRE) and Development Agreements (Delayed Annexation) (DVL)/outside city limits to Planned Development District (PDD).

The City Council held a public hearing on July 5th, 2022 where the Council discussed the proposed concept plan and having the applicant add more variety of lot sizes to the overall development. The Council discussed having the 672 lots and of those be the 55' by 110' but then also having 35% of the 672 be 65' by 110' or larger. The Council also discussed the proposed sign to be installed and having a visual provided.

Staff went back to the applicant and discussed the comments that were had by the Council. The applicant requested that instead of having the 65' by 110' (7,150sqft) lot size have it be 60' by 110' (6,600sqft). The applicant also provided a graphic of the proposed sign, which has been added into the staff report attachments.

Staff recommends approval of Ordinance 22-S-28, a request to rezone approximately 362 acres of land to Planned Development District (PDD) as proposed, specifically with a maximum of 672 of the suburban style lots, 65% of which will be a minimum of SFR1 (55'x110') or larger and 35% of which will be a minimum of SFR2 (65' x 110') or larger.

Mayor Gutierrez opened the public hearing and as no one spoke; closed the public hearing for questions and comments from Council. Mayor Pro-Tem Scagliola stated that this was nicely laid out and hits the spirit and intent. Staff did a great job for the rezone.

As no one else spoke Mayor Gutierrez call for motion to approve Ordinance No. 22-S-28.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Allison Heyward to approve Ordinance No. 22-S-28 on first reading.

AYE: Mayor Pro-Tem David Scagliola, Councilmember Mark Davis,
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 1-7.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

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

Mayor Gutierrez recognized Councilmember Heyward who wanted an update on the status of the map of City facilities. City Manager Dr. Browne stated they are working on the map. She also stated that she know we are dealing with CityView, but for those that are not computer savvy, will we still take those calls over the phone. Dr. Browne stated that he will talk to Assistant City Manager Brian James and get back to her.

- 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

No announcements were provided.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:39 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary