



**MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
October 10, 2023**

**HAL BALDWIN MUNICIPAL COMPLEX COUNCIL CHAMBERS
1400 SCHERTZ PARKWAY BUILDING #4
SCHERTZ, TEXAS 78154**

CITY OF SCHERTZ CORE VALUES

Do the right thing

Do the best you can

Treat others the way you want to be treated

Work cooperatively as a team

**AGENDA
TUESDAY, OCTOBER 10, 2023 at 6:00 p.m.**

Call to Order

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

Proclamations

DVAM-Domestic Violence Awareness Month Proclamation-October 2023

Planning Month-October 2023

Manufacturing Day Oct 6, 2023

Fire Prevention Week Proclamation

Employee Introductions

- Civic Center: Kasha Ennis-Events Attendant
- EMS: Cooper Woodward-Paramedic
- Engineering: Samuel Lopez-Engineering Inspector
- Fire Dept: Melissa Rodriguez-Administrative Assistant; Phillip Moore-Firefighter
- Inspections: Michelle Cherry-Permit Technician; Christina Timke-Permit Technician
- Library: Nichole Badraun-Programming Specialist; Jessica Wheless-Library Assistant

- Police Dept: Hank Fahnert-Police Officer; Andrew England-Police Officer; Rashad Beecham-Police Cadet;
- Police Communications-Taiya Connell-Communications Officer
- Public Affairs: Jenna Kock-Marketing & Communications Specialist

Presentations

Recognition of 2023 Emerging Leaders Class (S.Williams/S.Gonzalez/J.Kurz)

City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)
- Announcements and recognitions by the City Manager (S. Williams)
- Announcements and recognitions by the Mayor (R. Gutierrez)

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.

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.

1. **Minutes** - Approval of the regular meeting minutes of September 19, 2023. (S.Edmondson/S.Courney)
2. **Resolution 23-R-98** - Approving a Resolution authorizing the City Manager to enter into an Interlocal Agreement with Guadalupe County for Library Services. (S. Gonzalez/M. Uhlhorn)
3. **Resolution 23-R-101** - Accepting the semi-annual report on the progress of the Capital Recovery Capital Improvements Plan (B. James/K. Woodlee)

4. **Resolution 23-R-106** – Authorizing the City Manager to enter into an agreement with Halff Associates, Inc., for design, bid, and construction phase engineering services for the IH 35 NEX-North Water and Wastewater Utility Relocation Project. (B. James/K. Woodlee/E. Schulze)
5. **Resolution 23-R-111** – Authorizing Expenditures in an amount not to exceed \$2,731,724.00 with Axon Enterprise, Inc., for the purchase of Body-worn, In-Car Cameras and Taser Replacements. (S.Williams/J.Lowery/H.Murphy)
6. **Resolution 23-R-105** – Authorizing the purchase of property and easements along IH-35 for the Riata Lift Station (B.James/K.Woodlee/E.Schulze)

Discussion and Action Items

7. **Resolution 23-R-96** - Nominations for the Guadalupe Appraisal Board of Directors for a term from 2023-2025.

Public Hearings

8. **Ordinance 23-S-27** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 4, Section 21.4.12 Variances and Article 9 Section 21.9.7 Landscaping and Section 21.9.9 Tree Mitigation. **First Reading** (B. James, L. Wood, S. Haas)
9. **Ordinance 23-S-26** – Conduct a public hearing and consider a request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294. **First Reading** (B. James, L. Wood, E. Delgado)
10. **Ordinance 23-S-25** - Conduct a public hearing and consider a request to rezone approximately 14.3 acres from General Business (GB) to Single-Family Residential District (R-2), located approximately 483 feet from the intersection of Green Valley Road and Eckhardt Road, also known as a portion of 4600 Eckhardt Road and 7263 Green Valley Road, Schertz, Guadalupe County, Texas. **First Reading** (B. James/L. Wood/ D. Marquez)

Workshop

11. Discussion regarding the status of City's electronic marquee sign

Information available in City Council Packets - NO DISCUSSION TO OCCUR

12. Monthly Update - Major Projects In Progress/CIP (B.James/K.Woodlee)

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
- Announcements by Mayor and Councilmembers
 - City and Community Events attended and to be attended
 - City Council Committee and Liaison Assignments (see assignments below)
 - Continuing Education Events attended and to be attended
 - Recognition of actions by City Employees
 - Recognition of actions by Community Volunteers

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 7th DAY OF OCTOBER 2023 AT 4:45 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEILA EDMONDSON

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON ____ DAY OF _____, 2023. TITLE: _____

This facility is accessible in accordance with the Americans with Disabilities Act. Handicapped parking spaces are available. If you require special assistance or have a request for sign interpretative services or other services, please call 210-619-1030.

The City Council for the City of Schertz reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act.

Closed Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<p>Mayor Gutierrez Audit Committee Board of Adjustments Investment Advisory Committee Main Street Committee</p>	<p>Councilmember Davis– Place 1 Interview Committee for Boards and Commissions Main Street Committee - Chair Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Commission</p>
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Senior Center Advisory Board-Alternate	TIRZ II Board
Councilmember Watson-Place 2 Audit Committee Library Advisory Board Senior Center Advisory Board Interview Committee for Boards and Commissions Cibolo Valley Local Government Corporation-Alternate	Councilmember Whittaker – Place 3 Historical Preservation Committee Interview Committee for Boards and Commissions-Chair TIRZ II Board
Councilmember Dahle – Place 4 Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions Planning & Zoning Commission TIRZ II Board	Councilmember Scagliola – Place 5 Animal Advisory Commission - Alternate Hal Baldwin Scholarship Committee Schertz-Seguin Local Government Corporation
Councilmember Heyward – Place 6 Animal Advisory Commission Audit Committee Building and Standards Commission Economic Development Corporation - Alternate Investment Advisory Committee Main Street Committee Interview Committee for Boards and Commissions-Alternate Senior Center Advisory Board	Councilmember Brown – Place 7 Economic Development Corporation Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

CITY COUNCIL MEMORANDUM

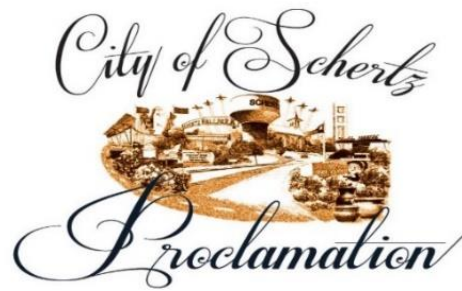
City Council Meeting: October 10, 2023

Department: City Secretary

Subject: DVAM-Domestic Violence Awareness Month Proclamation-October 2023

Attachments

DVAM Proclamation



Domestic Violence Awareness Month 2023

WHEREAS, the crime of domestic violence violates an individual’s privacy and dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse including abuse to children and the elderly; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people, but cut across all economic, racial, and societal barriers, and are supported by societal indifferences; and

WHEREAS, the impact of domestic violence is wide ranging, directly effecting individuals and society as a whole, here in this community Guadalupe Valley Family Violence Shelter answered **992 crisis calls and provided 6398 services to survivors from September 2022 to July 2023** and

WHEREAS, women are not only targets; men, young children and the elderly also are victims, and sadly, emotional scars are often permanent, and domestic violence costs United States’ companies at least \$3.5 billion in lost work time, increased health care costs, higher turnover, and lower productivity; and

WHEREAS, it is battered women themselves who have been in the forefront of efforts to bring peace and equality to the home.

NOW, THEREFORE, I, Ralph Gutierrez, Mayor, of the City of Schertz, Texas, do hereby proclaim the month of October as

“Domestic Violence Awareness Month”

and call all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our effort to prevent domestic violence, thereby strengthening the communities in which we live.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Schertz to be affixed this 10th day of October 2023.

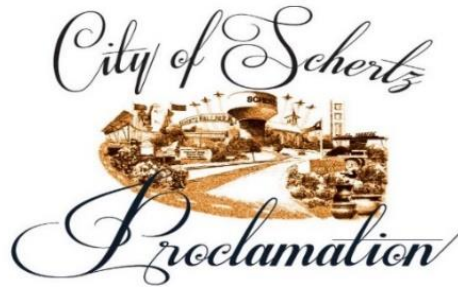
Ralph Gutierrez, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: City Secretary
Subject: Planning Month-October 2023

Attachments

Planning Month Proclamation



COMMUNITY PLANNING MONTH OCTOBER 2023

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient, and long-lasting recovery; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Schertz, and

WHEREAS, we recognize the many valuable contributions made by the Planning Division of the City of Schertz and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT I, Ralph Gutierrez, Mayor hereby proclaims
the month of October 2023 as

Community Planning Month

in conjunction with the celebration of National Community Planning Month.

In witness whereof, I have hereunto
set my hand and caused the Seal of
the City of Schertz to be affixed this
10th day of October 2023.

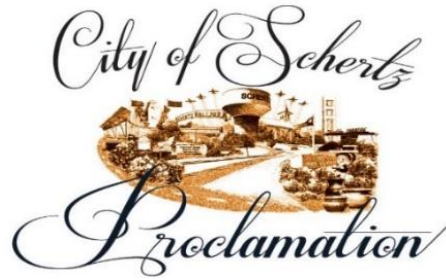
Ralph Gutierrez, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: **October 10, 2023**
Department: **City Secretary**
Subject: **Manufacturing Day Oct 6, 2023**

Attachments

Manufacturing Proclamation



NATIONAL MANUFACTURING DAY

October 6, 2023

WHEREAS, Manufacturing Day is a celebration of modern manufacturing that aims to inspire the next generation of manufacturers and increase awareness of the importance of this industry to our local and national economy; and

WHEREAS, Schertz, Texas is the home of more than 40 manufacturing companies, and manufacturing plays an essential role in the economic prosperity and growth of our community, providing jobs, innovation, and essential products that improve our quality of life; and

WHEREAS, the manufacturing sector provides jobs such as engineers, welders, carpenters, computer programmers, designers, assembly workers, machine operators, metal fabricators, production workers, and many other specialists contributing significantly to our city's economic vitality; and

WHEREAS, Schertz manufacturers produce automotive parts, boiler systems, concrete products, custom millwork, industrial engine blocks, eyeglasses, fabricated metal products, protective coatings, screen media, signs, textiles, and more; and

WHEREAS, the City of Schertz is dedicated to strengthening and developing manufacturing through economic development programs and partnerships with workforce development partners such as the Schertz Cibolo Universal City Independent School District career and other technology education programs in the region.

NOW, THEREFORE, I, Ralph Gutierrez, Mayor of the City of Schertz, do hereby proclaim

October 6, 2023, as National Manufacturing Day

to show appreciation and recognition for our local manufacturers and commend their positive contributions to our community, and the opportunities they create for the City of Schertz.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Schertz to be affixed this 10th day of October 2023.

Ralph Gutierrez, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Fire Department
Subject: Fire Prevention Week Proclamation

BACKGROUND

The 2023 Fire Prevention Week campaign works to educate everyone about simple but important actions they can take to keep themselves and those around them safe when cooking.

GOAL

Fire prevention and safety.

COMMUNITY BENEFIT

Protection of life and property through education.

SUMMARY OF RECOMMENDED ACTION

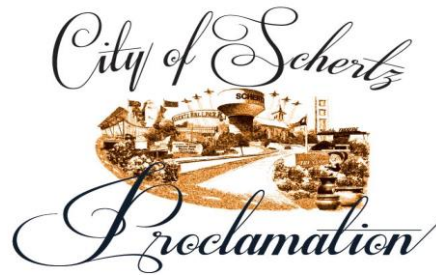
Urge the people of Schertz to take simple and easy to perform steps towards fire safety in their homes related to cooking.

RECOMMENDATION

Proclaim October 8-14, 2023 Fire Prevention Week.

Attachments

Fire Prevention Proclamation



Fire Prevention Week Proclamation

October 8-14, 2023

WHEREAS, the City of Schertz is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 338,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, City of Schertz residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, residents who have planned and practices a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, City of Schertz first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, City of Schertz residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention Week theme: “**Cooking safety starts with YOU. Pay attention to fire prevention™**,” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW, THEREFORE, I, Ralph Gutierrez, Mayor of Schertz do hereby proclaim.

October 8-14, 2023, as Fire Prevention Week

throughout this city, and I urge all the people of Schertz to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2023, and to support the many public safety activities and efforts of Schertz Fire Rescue and our emergency services team.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Schertz to be affixed on this October 10, 2023.

Ralph Gutierrez, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Executive Team
Subject: Recognition of 2023 Emerging Leaders Class
(S.Williams/S.Gonzalez/J.Kurz)

BACKGROUND

The Schertz Emerging Leaders Program is a comprehensive effort to provide advanced training to budding leaders in all departments and at all levels so that they can reach their leadership potential and add even more value to the quality of service that the City provides to its customers.

Congratulations to the 2023 Emerging Leaders Class:

- Korrin Bond, Information Technology, Administrative Assistant
 - Devan Christensen, Public Affairs, Communications Manager
 - Tiffany Danhof, Planning & Community Development, Administrative Assistant
 - Shawn Ceeko, Police Department, Patrol Sergeant
 - Robert Dobratz, Parks & Recreation, Parks Maintenance Crew Supervisor
 - Dana Kellum, Fire Department, Fire Apparatus Operator
 - Charis Lawry, Utility Billing, Utility Billing Clerk
 - Sean McKenna, Police Department, Patrol Sergeant
 - Erin Noah, Inspections, Building Inspector
 - Marc Yamazi, Neighborhood Services, Code Enforcement Officer
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CITY COUNCIL MEMORANDUM

City Council Meeting: **October 10, 2023**
Department: **City Secretary**
Subject: **Minutes - Approval of the regular meeting minutes of September 19, 2023.
(S.Edmondson/S.Courney)**

Attachments

09-19-2023 Minutes DRAFT

DRAFT

MINUTES REGULAR MEETING September 19, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on September 19, 2023, 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 Michelle Watson; Councilmember Mark Davis; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Staff present: City Manager Steve Williams; Deputy City Manager Brian James; Assistant City Manager Sarah Gonzalez; City Attorney Daniel Santee; City Secretary Sheila Edmondson; Deputy City Secretary Sheree Courney

Call to Order

Mayor Gutierrez called the meeting to order at 6:01 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 and led the Pledges of Allegiance to the Flags of the United States and State of Texas.

Proclamations

● National Preparedness Month-September 2023

Councilmember Dahle presented the National Preparedness Month - September 2023 Proclamation to Brandon High, Emergency Management Coordinator, and members of the Emergency Management team. Mr. High provided a new resource, the State of Texas Emergency Assistance Registry (STEAR) for those residents who need additional assistance during an emergency. Information regarding STEAR can be found at STEAR.tdem.texas.gov.

● I.T. Professionals Day-September 19, 2023

Councilmember Heyward presented the I.T. Professionals Day - September 19, 2023, Proclamation to Jack Bluebird, I.T. Director, and members of the I.T. staff.

● HR Professionals Day-September 26, 2023

Councilmember Whittaker presented the HR Professionals Day - September 26, 2023, Proclamation to Jessica Kurz, HR and Purchasing Director.

City Events and Announcements

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

Mayor Gutierrez recognized Assistant City Manager Sarah Gonzalez who provided the following:

Saturday, September 23

Love Where You Live Fall Service Day
First Baptist Church of Schertz
600 Aero Avenue
8:00 a.m. - 4:00 p.m.

Community Car Seat Check
629 Westchester, Community Playscape
9:00 a.m. - 2:00 p.m.

Friday & Saturday, September 29 - 30

Skylight Balloon Fest
16765 Lookout Road, Selma

Friday, September 29: 5:00 p.m. - 9:00 p.m.
Saturday, September 30: 7:00 a.m. - 9:00 a.m. and
2:00 p.m. - 9:00 p.m.

Tuesday, October 3

National Night Out
Various neighborhoods throughout the City
6:00 p.m. - 8:00 p.m.

Tuesday, October 3 - Friday, October 6

TML Annual Conference
Dallas, TX

Saturday, October 7

Dunkin' for Pumpkins
Schertz Aquatics Center
4:00 p.m. - 6:00 p.m.

Monday, October 9

Columbus Day
City Offices Closed

Tuesday, October 10

Next Regular Council Meeting
Council Chambers
6:00 p.m.

Election Information - The City of Schertz will be holding its General Election on November 7, 2023, for the purpose of electing Council Members for Place 3, Place 4, and Place 5 for three year terms.

- Announcements and recognitions by the City Manager (S. Williams)

Mayor Gutierrez recognized City Manager Steve Williams who provided the following:

Recognition of Ethan Hydes who was promoted from EMT to Paramedic.

Tuesday, October 10

Kenneth Greenwald Water Treatment Plant Dedication
Schertz - Seguin Local Government Corporation (SSLGC)
2339 County Road 114
Nixon, TX
11:00 a.m. - 1:00 p.m.

- Announcements and recognitions by the Mayor (R. Gutierrez)
No announcements from Mayor Gutierrez were made.

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 Watson recognized the following residents:

Mark Roberts, 1000 FM 3009, Schertz, by proxy.

City Secretary Sheila Edmondson read Mr. Roberts statement into the record. Mr. Roberts, owner of Classic Collision on Borgfeld Road, requested grandfather status and the granting of an exemption from the City Ordinance prohibiting parking of vehicles on grass within the city limits. Mr. Roberts stated he had discussions several years ago with the city engineer regarding the possibility of paving some of the area to alleviate the parking, however, additional city ordinances requiring green space and detention prevented this from happening. He also stated, the business has used the grass area for parking since 2002.

Geoff Nienstedt, 100 Pecan Drive, owner of Roadrunner Towing, stated he has had a contract with the city for 22 years and has been able to provide quick response to all calls from the City. The parking ordinance will force him to move out of the city and into the county which will greatly delay his ability to service the city with the same responsiveness. He has sought out other properties within the city limits, but none are available. He understands not wanting parking on grass in neighborhoods, but this ordinance is detrimental

to businesses. He asked Council to seek a solution that will benefit all.

Robert Roberson, 4015 Lower Seguin Road, Green Valley Board Member who is running for re-election. He stated that during his time on the Board, the City of Schertz and Green Valley reached an agreement to provide wastewater services to residents of south Schertz, increased their staff to 53-55 employees, and are servicing approximately 17,000 residential connections. He hopes, if re-elected, to expand that service. Green Valley's philosophy is to ensure that growth pays for growth in our communities.

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.

1. **Minutes** - Approval of the minutes from the regular meeting of September 5, 2023. (S.Edmondson/S.Courney)
2. **Ordinance 23-T-23** - Authorizing adjustments to the FY 2022-23 Budget. *Final Reading* (S. Gonzalez/J. Walters)
3. **Ordinance 23-S-16** – Consideration of a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 5.5 acres of land, more specifically described 1008 and 1020 FM 78, Schertz, TX 78154, also known as Guadalupe County Property Identification Number: 67650 and 67552, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James, L. Wood, E. Delgado)
4. **Resolution 23-R-95** - Authorizing expenditures of up to \$220,000 with Silsbee Ford, \$127,000 with Caldwell Country Ford/Chevrolet, \$166,000 with Southwest Ambulance Sales, \$270,000 with Frazer, \$168,000 with Closner, and \$265,000 with Doggett Freightliner for the purchase of various vehicles/equipment as part of the 2023-2024 Vehicle/Equipment Replacement/Acquisition program. (B. James/D. Hardin-Trussel/C. Hernandez)
5. **Resolution 23-R-97**- Approving a contract for Architectural and Engineering Services for Fire Station 4. (S.Williams/G.Rodgers)
6. **Resolution 23-R-99** - Authorizing a Schertz Main Street Local Flavor Economic Development Grant for 508 Main Street. (S. Williams/B. James)
7. **Resolution 23-R-88** - Authorization of EMS, Utility Billing, Schertz Magazine, and Library debt revenue adjustments. (S.Gonzalez/J.Walters)

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - 7.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward

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

Passed

Public Hearings

8. **Ordinance 23-S-21** - Conduct a public hearing to consider a request to rezone approximately 4.5 acres of land from General Business District (GB) to General Business-2 District (GB-2), located at the intersection of IH 35 Access Road and Legacy Oaks Parkway, also known as 16746 IH 35 N, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 64672. ***First Reading*** (B. James, L. Wood, D. Marquez)

Mayor Gutierrez recognized Daisy Marquez, Planner, who provided the location of the subject property, the public hearing notices sent August 8, 2023, public hearing notice published in the San Antonio Express News on August 30, 2023, and the responses received as of September 7, 2023 (2 in favor; 0-opposed; 0 neutral).

Current zoning is General Business District (GB). Proposed zoning is General Business-2 District (GB-2). GB-2 requires a Specific Use Permit (SUP) for automobile sales, allows light-industrial, and heavier traffic uses. Per applicant letter of intent, applicant needs to rezone to GB-2 to request SUP for the proposed automobile sales at the subject property.

Recommendations:

The Schertz Planning and Zoning Commission met on August 23, 2023, and voted to recommend that the City Council approve the proposed zone change as presented with a 5-2 vote.

Staff recommends denial of the requested Specific Use Permit based on incompatibility with the Comprehensive Land Use Plan Designation, and inconsistency with the existing uses in the area and along the southern IH-35 corridor.

Applicant, Ken Brown representing Kahlig Automobile Group, who owns 13 North Park dealerships in and around the San Antonio area, including the Audi dealership in Selma, presented a brief video of the planned development. Mr. Brown stated he understands the staff's concerns should the dealership be granted the GB-2 zoning and then leave. They spoke with the Wuest family who is willing to enforce restrictive covenants to prevent undesirable uses of the property in the future as a proactive measure. They are proposing a luxury vehicle dealership.

Mayor Gutierrez opened the meeting to the Public Hearing

Mr. Dana Eldridge, 2628 Gallant Fox Drive, stated he is opposed to having a car dealership developed on the subject property and recommended an alternative site.

No other public spoke. Mayor Gutierrez closed Public Hearing and opened the floor to Council for discussion.

Councilmembers discussed the uses of GB-2 and the future implications of rezoning the subject property. Most were not opposed to an automobile dealership but did not think this was the appropriate location.

Mayor Gutierrez called for a motion to approve Ordinance 23-S-21.

Moved by Councilmember David Scagliola, seconded by Councilmember Mark Davis

AYE: Councilmember Mark Davis, Councilmember David Scagliola

NAY: Mayor Pro-Tem Michelle Watson, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember Allison Heyward, Councilmember Tim Brown

Failed

9. **Ordinance 23-S-22** – Conduct a public hearing and consider a request for a Specific Use Permit to allow automobile sales on approximately 4.5 acres of land, located at the intersection of IH 35 Access Road and Legacy Oaks Parkway, also known as 16746 IH 35 N, Schertz, Guadalupe County, Texas, also known as Guadalupe County Property Identification Number 64672. *First Reading* (B. James, L. Wood, D. Marquez)

Mayor Gutierrez explained that since Ordinance 23-S-21 failed, no public hearing is required for this item as no action can be taken.

Workshop

10. **Presentation on Planned Development Districts (PDDs)**

Mayor Gutierrez recognized Planning Manager Emily Delgado who presented information on PDDs. A PDD is created to promote and encourage innovative development that is sensitive to the surrounding land uses. If this necessitates varying from available zoning districts, the proposed development should demonstrate community benefits. They should not be used to deviate from the provisions of the UDC that contradict its intent. Ms. Delgado provided the minimum land size standards and the standards of PDD development.

The criteria for approval are as follows:

- (1) whether the proposed PDD implements the policies of the adopted Comprehensive Land Plan;
- (2) whether the proposed PDD promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;
- (3) whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
- (4) whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;
- (5) the extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning;
- (6) whether all the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,
- (7) whether other criteria are met which, at the discretion of the Planning and Zoning Commission and City Council, are deemed relevant and important in the consideration of the amendment.

Discussion surrounding PDDs vs amendments to the UDC is driven by the City's goals/desires.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Whittaker stated there is a community benefit of smaller lot sizes because salaries are not rising as fast as the cost of living, so more people can afford a home if the lot sizes are reduced. She would like some of the standard reductions that are approved consistently to be addressed as amendments to the UDC.

Councilmember Brown stated he still likes the variety of lot sizes. The PDD allows for a mix of single residential and multifamily developments.

Councilmember Scagliola likes the diversity the PDD provides, however, he likes straight zoning too. He added that the PDD is supposed to benefit the city and not be a mechanism for the developer to define the building standards, for example reducing the size of a lot by 30% from what the UDC allows. He is not okay with using the PDD in this manner.

Councilmember Davis added that you have rules, and those rules should be followed. Allowing developers to submit what they want outside of the UDC is counterproductive to staff and the community at large. There is some value to the PDD, such as signage and/or landscaping. He requested data comparing lot sizes including setbacks with neighboring cities. PDD should not be used to deviate from lot size. Lot size should be a line item in the UDC.

Mayor Pro-Tem Watson agreed that the PDD should not be used to deviate from the standard lot size.

Councilmember Dahle concurred with Councilmember Whittaker that the UDC needed to be amended for the signage. He stated that the PDD needs to identify the community benefit and the onus is on the developer to present that. He suggested that if the PDD is used to reduce the lot size, then there should be some stipulation that at least half the lots must meet the minimum size limitations as defined in the UDC. There should be some intent by the developer to meet the base zoning requirements, but if the shape of the property creates an issue to do so, then the PDD should be submitted.

Councilmember Heyward stated she has no issue with the PDD especially if the developer is bringing in something unique, and they can show the community benefit. PDDs allow the city to have some control over the design elements and things the city is looking for with the new development. Lot size plays a role in affordability, so we need the flexibility.

Deputy City Manager Brian James provided insight on the use of PDDs vs the UDC requirements. He shared the issues faced by staff when addressing variances, how much flexibility can be given, and whether setting stricter measures in the UDC will have greater implications.

Mayor Gutierrez closed the discussion with final thoughts regarding guidelines needing to be provided to developers trying to maximize the value of the property on what is negotiable and what is not.

11. Presentation on Parking on Unimproved Surfaces

Mayor Gutierrez recognized Rebecca Vera, Neighborhood Services Manager, who provided an update on UDC Article 10 Parking Standards and Article 8 Outdoor Display and Storage violations. She stated there are several open cases in both residential and mixed-use properties. Ms. Vera explained the Case Progression from Violation Noted to Citation. A typical case can take as long as 6 months before a citation is issued. The City does offer property owners or businesses an extension of up to 6 months to work through solutions. There are processes in place to help property owners get resolution.

Mayor Gutierrez opened the floor to council for questions. Dr. Scagliola stated that the intent was to clean up the property, but not to create a greater problem. He didn't believe encumbering small business to fill in a retention pond to pave a parking lot was the intention that Council set out to achieve. He would like to sit with small businesses that are affected by the parking ordinance specifically to work through alternative resolutions. He understands there are some egregious situations, where you can tell it has gone on too long and the use is inappropriate, however, there are businesses that in all good faith want to comply with City ordinances who have operated for a long time and contributed to the growth of the City immensely. He would like an opportunity, or someone from the staff, to sit down with businesses and come up with a compromise.

Councilmembers Whittaker, Dahle, and Heyward were all in agreement with Dr. Scagliola. Additionally, they all agreed that the staff has done an excellent job in implementing and enforcing the code. Unfortunately, no one intended for the ordinance to force small businesses out of the city or to create a larger issue.

Councilmember Davis stated that the ordinance needs to be enforced across the board. Parking on unimproved surfaces has been a prohibition in the City for a long time. He understands the concern of small businesses but as a business grows, they need to account for several issues including parking for staff and storage of vehicles. He reiterated his disagreement that this was something that the City would need to make an exception for. There must be a way to look at this in the code and find solutions. More research needs to be done to find resolutions without making exceptions to the code.

Deputy City Manager Brian James provided final comments for staff. He agreed that there is more work to be done and he believes that staff has an idea on how Council wants them to move forward.

City Attorney Santee requested direction on pending cases to provide guidance to the prosecutor. Mr. Santee explained these are criminal citations, so it is a significant issue if a business or property owner is brought into municipal court and stands trial. He also stated that there could be no distinction between residential and industrial violators. Council asked that the cases be paused until a final decision has been reached.

12. Presentation on Funding the Cost for Steel Utility Poles

Mayor Gutierrez recognized Deputy City Manager Brian James who provided a brief presentation on steel utility poles vs wood utility poles. The UDC generally requires utilities to be underground, however, waivers can be granted generally based on adjacent land use to allow them to be overhead so long as they are on steel poles. Utility companies generally charge the developer to extend utilities to and through a project as part of providing service and pass the cost of the steel poles along to the developer. When there is the need for a general extension or upgrade in service paid for by the utility company, they push back on the steel pole requirement. In addition to the UDC, the franchise agreement and the Public Utility Commission (PUC) regulations must be considered.

Issue at hand is a CPS project to replace 20 existing wooden poles on Ray Corbett Drive. CPS has provided a cost to upgrade these poles from wood to steel at an estimated cost of \$106,834, which is \$63,902 greater than the cost to use wooden poles. Staff is seeking guidance from Council on whether to pay the additional \$63,902 for the steel poles or opt for the wooden poles.

Mr. James stated that outside of a large project like FM 1518, staff estimates they review utility company driven projects involving 100-200 poles per year. The average increased cost for steel poles is \$3200/each, so the increased cost could range

between \$320,000 and \$640,000 per year that would come from the general fund.

Councilmember Whittaker stated that the steel poles look nice, but she's not convinced its fiscally responsible to spend the extra funding on them.

Councilmember Dahle stated he wasn't in favor of having steel poles mandated in the UDC before and is still highly opposed to spend additional funding on them. Funds could be spent in other, more important areas,

Councilmember Brown likes how the steel poles on FM 1518 look and asked if they could do something like a PCI where we have a plan of what roads are going to be prioritized. Makes sense to him to approve the funding for the steel poles on Ray Corbett as an extension of the 1518 and its entry into a nice neighborhood. He is not advocating that every pole be a steel pole but with a plan and prioritization of main streets, Council can determine which areas they would like to have them placed.

13. Discussion Regarding Rules and Procedures

a. Videoconferencing

Mayor Gutierrez recognized Councilmember Heyward who requested videoconferencing be discussed by Council. Councilmember Heyward stated she brought this forward after attending an event at TML where this issue was discussed. It is not mandated by the State, but if you allow it, you must follow certain guidelines set by the State. In seeking an opinion from the City Attorney, she does not believe videoconferencing should be permitted.

Councilmember Whittaker stated that she found it quite challenging to follow what was happening because it was difficult to hear when she participated in a Council meeting via videoconferencing. Since there are only two meetings per month, and there is the availability to watch the recording of the meeting, she does not support videoconferencing.

Councilmember Dahle stated he had participated in Council meetings via videoconferencing, and he concurred with Councilmember Whittaker that it was difficult to hear. He is not opposed to disallowing videoconferencing, but there is some value in allowing it once or twice for extenuating circumstances.

Councilmember Brown stated he is torn on the issue. He hates to limit participation by not allowing it, but there needs to be justification. Council should shoot for 100% live participation. If, however, we aren't following the state guidelines, then we shouldn't allow it.

Councilmember Davis said they should disallow it. A few years ago, they increased the number of Councilmembers, so there shouldn't be an issue with establishing a quorum, plus the number of meetings per month was recently reduced to two. Additionally, there is a provision that says if you're out for

work, illness, or city business it's an excused absence. It is not worth the additional work to set up the technology equipment to accommodate it. Although we have great IT support here, the individual on the other end may not have appropriate internet or cell service to fulfill their end of the agreement. If you can't be in attendance, have an excused absence.

Councilmember Heyward followed up by stating like Councilmember Whittaker, she had difficulty with internet service when she tried to videoconference from a hotel as well. The service was intermittent, communication was delayed, and she couldn't always hear.

Mayor Gutierrez closed the discussion stating that Councilmember Davis was correct in his statement regarding absences, and it is taxing on the staff. He stated this would be brought back to Council with an ordinance for approval.

b. Hearing of Residents-Written Communications

Mayor Gutierrez recognized Councilmember Whittaker who requested this topic be brought to Council for discussion. Councilmember Whittaker stated that although the website said the City Secretary would read statements received from residents, it's not the actual policy. She would like Council to go back to the policy and not read them. All Councilmembers have their email addresses readily available, and to her knowledge everyone reads theirs, so residents can email them directly, or they can email them to the City Secretary who will then forward them to Council. They do not need to be read.

Councilmember Heyward referenced Ordinance 21-M-28 which reflects the City Council's Rules and Procedures does not say that written communications will be read but rather distributed to Council. State law does not require resident statements to be read by staff during City Council meetings.

Councilmember Davis stated he understands what the rules say. He indicated that the issue that arose at the last council meeting when Council was asked whether a statement should be read that Council was not provided a copy of the email beforehand. Had the statement been provided, Council would not have voted to have it read, but documented it had been received.

Councilmember Heyward asked for clarification on the process going forward.

Mayor Gutierrez responded that any written communications received from residents as part of the Hearing of Residents will only be provided to Council and not read a loud at the Council meeting. Nothing needs be changed in the Rules and Procedures, but the website needs to be updated to accurately reflect the policy.

Mayor Gutierrez recessed to Closed Session at 9:31 p.m.

Closed Session

14. The City Council will meet in closed session pursuant to 551.071 of the Texas Government Code, consultation with attorney to receive legal advice related to interpretations regarding land use under the comprehensive plan.

Mayor Gutierrez convened Closed Session at 9:35 p.m.

Mayor Gutierrez recessed Closed Session at 9:55 p.m.

Reconvene into Regular Session

Mayor Gutierrez reconvened to Regular Session at 10:00 p.m.

15. Take any action based on discussion held in Closed Session under Agenda Item #14.

No action was taken based on discussion in Closed Session under Agenda Item #14.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

16. **Monthly Financial Statements for June and July 2023** (S. Gonzalez/J. Walters)

17. **Guadalupe Appraisal District Information-Nominations and Voting Process** - Guadalupe Appraisal District sent the process and timeline for nominating candidates for the GAD Board of Directors. Please see attached brief description and the calendar of dates in which action is needed. (S.Williams/S.Edmondson)

Requests and Announcements

- **Requests by Mayor and Councilmembers for updates or information from Staff**
No requests by Mayor or Councilmembers for updates or information from Staff.

- **Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda**
No requests by Mayor or Councilmembers that items or presentations be placed on a future City Council agenda.

- **Announcements and City Events attended by Councilmembers**

- *Councilmember Davis attended the TIRZ II meeting.

- *Councilmember Whittaker attended The Chamber Luncheon, TIRZ Board meeting, NEP Luncheon, and the Ditzzy Gypsy Ribbon Cutting.

- *Councilmember Scagliola attended The Chamber Luncheon.

- *Councilmember Heyward attended Paws in the Pool, NEP Luncheon, First United Bank's Women's Night of Empowerment, The Chamber Luncheon, Ditzzy Gypsy Ribbon Cutting

- *Councilmember Brown attended The Chamber Luncheon.

Adjournment

Mayor Gutierrez adjourned the meeting at 10:02 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Library
Subject: Resolution 23-R-98 - Approving a Resolution authorizing the City Manager to enter into an Interlocal Agreement with Guadalupe County for Library Services. (S. Gonzalez/M. Uhlhorn)

BACKGROUND

The City of Schertz and Guadalupe County have had an interlocal agreement regarding the provision of library service to County residents since 1981. The Commissioners' Court has long held the view that library services are beneficial to all County residents and has entered into agreements with each of the three public libraries in the County to provide library service to all its residents for many years. The proposed Interlocal Agreement is for one fiscal year, from October 1, 2023 through September 30, 2024, with an option to renew each successive year. The agreement can be terminated by either party with written notice not less than 30 days prior to the agreement's end.

Note—the City of Cibolo has also provided funding for the Schertz Library since the late 1990s. The FY 2024 agreement is in the amount of \$40,000. The City of Selma has provided funding since 2009 and the FY 2024 agreement will provide approximately \$25,000 in the upcoming fiscal year. A recent look at cardholder statistics shows that 71% of the library's cardholders live in Guadalupe County. The majority of them live within the limits of the cities of Schertz, Cibolo and Selma and are entitled to use the Schertz Library as a result of Schertz resident status, or the agreements with the other cities. Only 4.4% of the library's Guadalupe County cardholders live in other parts of Guadalupe County.

One other item of note—it is the Schertz Library's practice to allow residents of the State of Texas to use the library free of charge. Out of state residents pay \$15.00 per person per year to have full access to all resources. The Texas State Library has a program called Texshare in which Schertz participates. The program allows Schertz Library cardholders to have access to resources, though often on a limited basis, at other participating libraries, including the San Antonio Public Library System, Seguin Library and the New Braunfels Library System.

GOAL

The goal is to eliminate digital divide and provide educational opportunities for all County residents by providing access to library services without duplication of effort on the County's part. Contracting with existing library service providers is an efficient way to provide service, while at the same time, it helps offset our own operational costs.

COMMUNITY BENEFIT

The Schertz Public Library fills a significant community need by providing quality of life opportunities for area families and individuals. Services include circulation of books and other media, access to digital content, public computers and Internet, educational programs, and reference services. This Interlocal agreement is mutually advantageous to both the County and the City. It allows the County to efficiently and economically provide library service to its residents who would not otherwise have it, and the City receives funds that help offset operating costs for its residents. It also allows

Schertz residents to use the libraries in Seguin and Marion free-of-charge.

SUMMARY OF RECOMMENDED ACTION

Staff recommends re-authorizing the Public Library Interlocal Agreement with Guadalupe County as it is mutually beneficial.

FISCAL IMPACT

The County will pay the City \$228,009.96 in monthly installments of \$19,000.83 for Library Services as outlined in the ILA under section III, Consideration, which is a 4.8% increase over last fiscal year. The Schertz Library budget is \$1,386,218 for FY24.

RECOMMENDATION

Staff recommends approval of Resolution 23-R-98 and re-authorizing the Public Library Interlocal Agreement with Guadalupe County as it is mutually beneficial.

Attachments

Resolution 23-R-98 with attachment

RESOLUTION NO. 23-R-98

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS
AUTHORIZING A PUBLIC LIBRARY INTERLOCAL AGREEMENT WITH
GUADALUPE COUNTY, TEXAS, AND OTHER MATTERS IN CONNECTION
THEREWITH**

WHEREAS, the City Council (the "City Council") of the City of Schertz (the "City") has determined that it is in the best interest of the City to enter into a Public Library Interlocal Agreement with the Guadalupe County, Texas (the "County"), permitting the citizens of the County to utilize the services of the City's public library; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Public Library Interlocal Agreement with Guadalupe County in substantially the form set forth on Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of _____, 2023

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmonson, City Secretary

(CITY SEAL)

Exhibit "A"
Interlocal Agreement

**PUBLIC LIBRARY INTERLOCAL AGREEMENT BETWEEN
GUADALUPE COUNTY AND
THE CITY OF SCHERTZ**

This Public Library InterLocal Agreement, effective as of the date of final execution (hereinafter referred to as “Agreement”), is between Guadalupe County (hereinafter referred to as “County”), Texas, and the City of Schertz, (hereinafter referred to as “City”), Texas.

WHEREAS, the City has an established public library and has for several years provided free public library services to all citizens of the County residing in or near the City by informal agreement with the County; and

WHEREAS, the County and the City have determined to enter into this Agreement relating to the provision of free public library services (hereinafter referred to as “Library Services”), to the citizens of the County, and to set out the purposes, terms, rights, objectives, duties, and responsibilities of the County and the City with respect thereto; and

WHEREAS, the County and the City have determined that the provision of the Library Services is a public purpose and within their statutory powers of government; and

WHEREAS, the County and City are political subdivisions of the State of Texas, and are authorized to execute this Agreement pursuant to *Texas Government Code* 791.001 et. seq. as amended, and *Local Government Code* Section 323, as amended (the “Act”).

NOW, THEREFORE, the County and the City, acting by and through their duly authorized officers, hereby covenant and agree as follows:

I. Purpose

1. The City agrees that the established library of the City shall assume the functions of a county library within the County, all as permitted by the Act.
2. The Librarian of the City’s established library holds a county librarian’s certificate from the Texas Library and Archives Commission, as required by the Act.
3. All public library facilities, books, reading material, and other equipment in the possession of the City’s library shall be equally accessible to all residents of the County during the term of this Agreement.
4. All public library facilities, books, reading material, and other equipment currently owned by the City of acquired for use in its established public library during the term of this Agreement shall remain the property of the City.

II. Term and Renewal

This agreement shall be for a term commencing with effective date of this Agreement through and including October 1, 2023 to September 30, 2024 (the “Initial Term”), unless either party to this Agreement notifies the other party in writing that it wishes to terminate this Agreement. Such notice shall

be provided not less than thirty (30) days prior to the end of the Initial Term or any Renewal Term.

III. Consideration

1. In consideration of the City’s provision of the Library Services during the Initial Term, the county agrees to pay the City a monthly sum of \$19,000.83 (Nineteen Thousand Dollars and 83/100) on the 15th day of each month following the effective date of this Agreement.
2. The County and the City agree that the monthly amount payable by the County to the City shall be determined by good faith negotiations between the County and City and that such amount shall be determined not less than thirty (30) days before the end of the Initial Term and each Renewal Term.

IV. Authorization

The governing bodies of the County and the City have duly authorized this Agreement.

V. Severability

If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, for remaining portions hereof shall continue in full force and effect.

VI. Amendments

This agreement represents the complete understanding of the County and the City with respect to the matters described herein, and this Agreement may not be amended or altered without the written consent of both parties.

IN WITNESS WHEREOF, the undersigned have entered into the Public Library InterLocal Agreement, effective as stated herein.

GUADALUPE COUNTY, TEXAS

ATTEST

By: _____
Kyle Kutscher
Guadalupe County Judge

By: _____
Teresa Kiel
Guadalupe County Clerk
Date: _____

CITY OF SCHERTZ, TEXAS

ATTEST

By: _____
Steve Williams
City Manager

By: _____
Sheila Edmondson
City Secretary
Date: _____

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Engineering
Subject: Resolution 23-R-101 - Accepting the semi-annual report on the progress of the Capital Recovery Capital Improvements Plan (B. James/K. Woodlee)

BACKGROUND

Section 395.058 (c) (4) of the Texas Local Government Code requires the Capital Improvements Advisory Committee (CIAC) to file semi-annual reports with respect to the progress of the capital improvement plan and report to City Council any perceived inequities in implementing the plan or imposing impact fees. Section 90-158 of the City's Code of Ordinances includes the same requirement. During the September 27, 2023 meeting, the CIAC received the semi-annual report covering October 1, 2022, through March 31, 2023, and recommended approval to City Council.

Active projects and associated expenses that are funded using Impact Fee Funds this period were as follows:

Water

- Corbett Ground Storage Tank
 - Expenses 1st Half FY23
 - Professional services - \$36,017.92
 - Construction - \$299,279.49
 - Status: Construction Phase. Construction contract awarded but construction delayed due to delays in grant funding process.
- City-wide Water Master Plan and Impact Fee Update Study
 - Expenses 1st Half FY23:
 - Professional services - \$11,040.20
 - Status: Water system model finalized, projected future demands applied, identification of capital improvement projects underway.
- Ware Seguin to Lower Seguin and Graytown to Pfeil Loop Lines
 - Expenses 1st Half FY23: Professional services - \$99,440.00
 - Status: Design and easement acquisition efforts underway.

Sewer

- Woman Hollering Creek Wastewater Project
 - Expenses 2nd Half FY22:
 - Professional services - \$164,187.25
 - Construction - \$3,551,704.40
 - Status: Construction continuing, force main installation complete, gravity main installation ongoing, lift station wet well and storage well construction underway. Supply chain delays impacting electrical components, completion and lift station startup projected 1st half FY24.
- City-wide Wastewater Master Plan and Impact Fee Update Study
 - Expenses 1st Half FY23: Professional services - \$10,605.70

- Status: Wastewater system model being finalized, projected capacity demands based on future land use assumptions being developed and applied.

Roadway

- Service Area 1
 - Expenses 1st Half FY23 - \$88,172.99 for median landscaping of newly constructed Cibolo Valley Drive from IH 35 to Old Wiederstein Road
- Service Area 2
 - Expenses 1st Half FY23 - \$102,494.88 annual partial reimbursement to Babcock Road 165, Ltd., for cost of Ripps Kreusler extension (\$205,076.89 remaining to be paid)
- Service Areas 3 and 4 - no expenses 1st Half FY23

GOAL

The goal of Resolution 23-R-101 is Council acceptance of the semi-annual report regarding capital recovery funds for the first half of fiscal year 2022-2023.

COMMUNITY BENEFIT

The benefit of the semi-annual report process and acceptance of the report is compliance with State law and the City's Code of Ordinances to ensure that capital recovery fees are being collected and spent appropriately.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 23-R-101 accepting the Capital Recovery Semi-Annual Report as recommended by the CIAC.

RECOMMENDATION

Staff recommends that City Council approve Resolution 23-R-101 accepting the Capital Recovery Semi-Annual Report as recommended by the CIAC.

Attachments

Res 23 R 101 with attachments

RESOLUTION NO. 23-R-101

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, ACCEPTING THE SEMIANNUAL REPORT WITH RESPECT TO THE CAPITAL RECOVERY CAPITAL IMPROVEMENT PLANS, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Capital Improvements Advisory Committee (CIAC) has reviewed the revenue and expenditures relating to the established Capital Recovery Fees in accordance with the Capital Improvements Plans for the City of Schertz; and

WHEREAS, the City Council accepts the Semiannual Reports as filed by the CIAC in accordance with Texas Local Government Code Chapter 395;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT:

Section 1. The City Council hereby accepts the Capital Recovery Balance Report with respect to the Capital Improvement Plans for the City of Schertz, Texas, for the period between October 1, 2022 through March 31, 2023, as shown in Exhibit A, Capital Recovery Impact Fee Report, and Exhibit B, Minutes of the September 27, 2023, City of Schertz Capital Improvements Advisory Committee Meeting.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

EXHIBIT A

Capital Recovery Impact Fee Report

**CITY OF SCHERTZ
CAPITAL RECOVERY IMPACT FEE REPORT
Oct 1, 2022 TO March 31, 2023**

	***** IMPACTS FEES *****		
	Water	Sewer	Total
Beginning Allocated Impact Fee Balance ¹	4,349,036.20	5,548,597.44	9,897,633.64
Net Change in Allocated Impact Fees	(21,629.11)	(3,646,586.19)	(3,668,215.30)
Ending Allocated Impact Fee Balance	4,327,407.09	1,902,011.25 #	6,229,418.34
Beginning Unallocated Impact Fee Balance	4,886,683.88	521,636.10	5,408,319.98
Revenues:			
Impact Fees	403,129.80	184,500.54	587,630.34
Transfer In	0.00	0.00	0.00
Interest Earned	963.06	17,586.65	18,549.71
Investments Income	108,034.79	113,009.62	221,044.41
Expenses:			
Professional Services	0.00	0.00	0.00
Auditor/Accounting Services	0.00	0.00	0.00
Investment Mgt Fee - Sewer	0.00	1,557.72	1,557.72
Transferred Out	0.00	0.00	0.00
Total Revenue Over/(Under) Expense	512,127.65	313,539.09	825,666.74
Ending Unallocated Impact Fee Balance	5,398,811.53	835,175.19	6,233,986.72
Estimated Cost of Unfunded Projects			
Loop Lines	793,121.81		
Capital Impact Fee Study - Water	78,417.12		
Capital Impact Fee Study - Sewer		97,902.49	
Cibolo West Trunk Line		6,000,000.00	
Total Unfunded Project Costs	871,538.93	6,097,902.49	6,969,441.42
Unfunded Projects to Ending Unallocated Impact Fee Balance ²	4,527,272.60	(5,262,727.30)	(735,454.70)

¹ **Allocated Impact Fee Balances only include Capital Recovery funds and not funds from any other source. It also assumes Capital Recovery Funds are used first when allocated.**

² **Negative Unfunded Projects to Ending Impact Fee Balance to be funded by future revenues or through other sources**

Capital Recovery Water Projects

Capital Improvements Program	SE Quad Pump Station	SE Quad GST	SE Quad Elevated Tank	SE Quad Distribution Mains	NE Quad Distribution Mains	IH10 Corridor Distribution Mains
Original Cost Estimate	\$ 1,688,289	\$ 1,100,000	\$ 1,250,000	\$ 1,700,000	\$ 1,600,000	\$ 1,000,000
Current Project Designation	Corbett Ground Storage Tank	Corbett Ground Storage Tank- RL2	Corbett Elevated Tank - RL1	Loop Lines - WA1		
Current Cost Estimate		\$ 5,000,000	\$ 5,650,000	\$ 1,806,076		

Capital Recovery Funding/Allocation

2011						
2012						
2013			\$ 12,251.14			
2014			\$ 500.00			
2015			\$ 86,166.10			
2016			\$ 3,050,000.00			
2017						
2018						
2019			\$ 1,375,000.00			
2020						
2021		\$ 512,000.00				
2022		\$ 4,230,818.70				

Capital Recovery Funding Balance	\$ -	\$ 4,742,818.70	\$ 4,523,917.24	\$ -	\$ -	\$ -
Other Funding Sources	\$ -	\$ -	\$ 924,031.46	\$ 1,012,954.19	\$ -	\$ -
Total Project Funding Sources	\$ -	\$ 4,742,818.70	\$ 5,447,948.70	\$ 1,012,954.19	\$ -	\$ -

Project Annual Expenses

First Half 2012						
Second Half 2012						
First Half 2013						
Second Half 2013			\$ 12,251.14			
First Half 2014			\$ 6.77			
Second Half 2014			\$ 2,081.13			
First Half 2015			\$ 980.00			
Second Half 2015			\$ 120,233.32			
First Half 2016			\$ 87,843.28			
Second Half 2016			\$ 22,763.75			
First Half 2017			\$ -			
Second Half 2017			\$ 40,403.20			
First Half 2018			\$ 6,248.00			
Second Half 2018			\$ 7,485.13			
First Half 2019			\$ 50,510.63			
Second Half 2019			\$ 1,994,741.24			
First Half 2020			\$ 1,385,858.48			
Second Half 2020			\$ 1,161,122.42			
First Half 2021			\$ 172,980.16			
Second Half 2021		\$ 114,254.48	\$ 91,433.48			
First Half 2022		\$ 154,707.22	\$ -			
Second Half 2022		\$ 124,820.80	\$ -			
First Half 2023		\$ 21,629.11		\$ 40,455.00		
Total Expenses	\$ -	\$ 415,411.61	\$ 5,156,942.13	\$ 40,455.00	\$ -	\$ -

Allocated Impact Project Fee Balance	\$ -	\$ 4,327,407.09	\$ -	\$ -	\$ -	\$ -
Project Balance	\$ -	\$ 4,327,407.09	\$ 291,006.57	\$ 972,499.19	\$ -	\$ -

Project Status	Future	Future	Complete	Future	Future	Future
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Capital Recovery Sewer Projects

Capital Improvements Program	Final South Sewershed Master Plan	Town Creek Phase III	Town Creek Phase IV	Woman Hollering Creek STP PH II	South Schertz Trunk Lines and Lift Station	South Schertz Trunk Lines and Lift Station
Original Cost Estimate	\$ 15,000	\$ 659,126	\$ 1,000,000	\$ 600,000	\$ 9,600,000	
Current Project Designation		Town Creek Phase III - QA3		Crossvines Batch Plant Expansion - QA4	Woman Hollering Trunk Line - QA2/Q01	Cibolo West Truck Line
Current Cost Estimate		\$ 931,740		\$ 487,848	\$ 12,000,000	\$ 6,000,000.0

Capital Recovery Funding/Allocation

2011						
2012						
2013						
2014						
2015						
2016						
2017						
2018				\$ 487,848.00		
2019				\$ -		
2020						
2021					\$ 7,795,000.00	
2022						

Capital Recovery Funding Balance	\$ -	\$ -	\$ -	\$ 487,848.00	\$ 7,795,000.00	\$ -
Other Funding Sources		Bond 2007 \$ 931,739.74			Bond 2013 \$ 3,069,305.46	
Total Project Funding Sources	\$ -	\$ 931,739.74	\$ -	\$ 487,848.00	\$ 10,864,305.46	\$ -

Project Annual Expenses

First Half 2012						
Second Half 2012					\$ 82,262.17	
First Half 2013					\$ 49,861.30	
Second Half 2013		\$ 980.00			\$ 17,032.55	
First Half 2014		\$ 28,743.00			\$ 61,364.70	
Second Half 2014		\$ 46,690.62			\$ 34,775.84	
First Half 2015		\$ 5,858.72			\$ 5,382.50	
Second Half 2015		\$ 815,683.00			\$ 38,315.41	
First Half 2016		\$ 33,784.40			\$ 121,438.32	
Second Half 2016					\$ 83,983.26	
First Half 2017					\$ 6,220.00	
Second Half 2017					\$ 4,048.18	
First Half 2018					\$ 247,870.62	
Second Half 2018				\$ 68,609.20	\$ 212,479.83	
First Half 2019				\$ 225,595.33	\$ 56,860.59	
Second Half 2019				\$ 41,375.48	\$ 225,106.41	
First Half 2020				\$ -	\$ 98,737.52	
Second Half 2020				\$ -	\$ 143,307.30	
First Half 2021				\$ -	\$ -	
Second Half 2021				\$ -	\$ 16,123.52	
First Half 2022				\$ -	\$ 6,615.06	
Second Half 2022				\$ -	\$ 3,886,885.47	
First Half 2023					\$ 3,715,891.65	
Total Expenses	\$ -	\$ 931,739.74	\$ -	\$ 335,580.01	\$ 9,114,562.20	\$ -

Allocated Impact Project Fee Balance	\$ -	\$ -	\$ -	\$ 152,267.99	\$ 1,749,743.26	\$ -
Project Balance	\$ -	\$ -	\$ -	\$ 152,267.99	\$ 1,749,743.26	\$ -
Project Status	Future	Complete	Future	On Going	On Going	Future

CITY OF SCHERTZ
ROADWAY IMPACT FEE REPORT
Oct 1, 2022 TO March 31, 2023

	***** ROADWAY IMPACTS FEES *****				
	Area 1	Area 2	Area 3	Area 4	Total
Beginning Allocated Impact Fee Balance	0.00	0.00	0.00	0.00	0.00
Net Change in Allocated Impact Fees	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Ending Allocated Impact Fee Balance	0.00	0.00	0.00	0.00	0.00
Beginning Unallocated Impact Fee Balance	805,970.93	564,027.75	1,183,301.24	6,053.19	2,559,353.11
Revenues:					
Impact Fees	109,471.43	98,144.59	141,540.00	0.00	349,156.02
Transfer In	0.00	0.00	0.00	0.00	0.00
Interest Earned	94.09	471.99	162.39	2.34	730.81
Investments Income	17,509.00	11,584.55	27,074.48	178.82	56,346.85
Expenses:					
Development Incentive Fund	0.00	102,494.88	0.00	0.00	102,494.88
Professional Services	0.00	0.00	0.00	0.00	0.00
Auditor/Accounting Services	0.00	0.00	0.00	0.00	0.00
Transferred Out	0.00	0.00	0.00	0.00	0.00
Contingency	0.00	0.00	0.00	0.00	0.00
Construction	88,172.99	0.00	0.00	0.00	88,172.99
Total Revenue Over/(Under) Expense	<u>38,901.53</u>	<u>7,706.25</u>	<u>168,776.87</u>	<u>181.16</u>	<u>215,565.81</u>
Ending Unallocated Impact Fee Balance	844,872.46	571,734.00	1,352,078.11	6,234.35	2,774,918.92

EXHIBIT B

Minutes of the September 27, 2023 Capital Improvement Advisory Committee Meeting

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MINUTES
September 27, 2023

The Capital Improvement Advisory Committee convened on September 27, 2023 at 5:00 p.m. at the Municipal Complex, Council Chambers, 1400 Schertz Parkway Building #4, Schertz, Texas.

Present: Glen Outlaw, Chairman; Richard Braud, Vice Chairman; Danielle Craig, Commissioner; Judy Goldick, Commissioner; Mark Penshorn, Board Member; Tamara Brown, Commissioner; Patrick McMaster, Commissioner

Absent: Gordon Rae, Commissioner; Roderick Hector, Commissioner; Bryan L. Jones, Board Member; John Carbon, Commissioner

Staff present: Lesa Wood, Director of Planning & Community Development
Brian James, Deputy City Manager
Emily Delgado, Planning Manager
Tiffany Danhof, Administrative Assistant
Ameriz Gamez, Planner
Daisy Marquez, Planner
Samuel Haas, Senior Planner
Larry Busch, Director of Public Works
Jerad Moheit, Water/Wastewater Foreman
Kathy Woodlee, City Engineer

1. CALL TO ORDER / ROLL CALL THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE MEETING

Chairman Mr. Outlaw called the meeting to order at 5:07 P.M.

2. SEAT ALTERNATE TO ACT IF REQUIRED

Mrs. Craig and Mr. McMaster were seated as the alternates.

3. HEARING OF RESIDENTS

This time is set aside for any person who wishes to address the Capital Improvement Advisory Committee. Each person should fill out the Speaker's register prior to the meeting. Presentations should be limited to no more than three (3) minutes. Discussion by the Committee 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.

Residents who choose to watch the meeting via live stream, but who would like to participate in the Hearing of Residents, should email their comments to the Planning Division, at planning@schertz.com by 5:00p.m. on Tuesday, September 26, 2023, so that the Planning Division may read the public comments into the record under the hearing of residents. In the body of the email please include your name, your address, phone number, agenda item number if applicable or subject of discussion, and your comments.

No one spoke.

4. PUBLIC HEARING:

- A. Hold a public hearing, consider, and file the semi-annual report evaluating the progress of the City on achieving the capital improvements program and identifying any problems in implementing the plans or administering the capital recovery fees.

Kathy Woodlee provided a presentation.

Chairman Mr. Outlaw opened the public hearing at 5:14 P.M.

No one spoke

Chairman Mr. Outlaw closed the public hearing at 5:14 P.M.

Motioned by Commissioner Judy Goldick, seconded by Board Member Mark Penshorn to approve the report as corrected

Vote: 6 - 1 Passed

NAY: Commissioner Patrick McMaster

*Abstain counts as a nay vote.

Motioned by Commissioner Patrick McMaster, seconded by Commissioner Judy Goldick to reconsider the motion

Vote: 7 - 0 Passed

Motioned by Commissioner Patrick McMaster, seconded by Commissioner Judy Goldick to approve

Vote: 7 - 0 Passed

5. **ADJOURNMENT OF THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE MEETING**

Chairman Mr. Outlaw adjourned the regular meeting at 5:26 P.M.

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Engineering
Subject: Resolution 23-R-106 – Authorizing the City Manager to enter into an agreement with Halff Associates, Inc., for design, bid, and construction phase engineering services for the IH 35 NEX-North Water and Wastewater Utility Relocation Project. (B. James/K. Woodlee/E. Schulze)

BACKGROUND

The Texas Department of Transportation (TxDOT) is working on a project to widen the right of way and paving of IH-35 from Pasatiempo Drive to Country Club Boulevard in the City of Schertz.

Before the roadway improvements enter the construction phase, most utilities (including City water and wastewater facilities) must be relocated outside of the ultimate pavement section. The relocation of City facilities is 100% reimbursable due to the project being a federal interstate project. Only if the City decides to make upgrades to the existing utilities would the City be responsible for any costs associated with the project.

Halff Associates, Inc., one of the City’s on call Engineers, is familiar with the location and operation of City utilities along IH-35 and has experience with City utility relocation projects along TxDOT roadways and is fully equipped to provide these services to the City.

GOAL

Contract for design services to relocate water and wastewater lines necessitated by TxDOT’s IH-35 NEX-North road widening project.

COMMUNITY BENEFIT

The relocation of these lines will ensure the City utilities are provided in an alignment that allows adequate space for future maintenance.

SUMMARY OF RECOMMENDED ACTION

Staff recommends that the City Council approve Resolution 23-R-106, authorizing a project agreement with Halff Associates, Inc., for design, bid, and construction phase engineering services for water and wastewater relocations in advance of the IH-35 NEX-North roadway widening project.

FISCAL IMPACT

Funding for the design work has been allocated from the City’s Water and Sewer Construction Reserves. The cost of design is \$1,143,372 with a not to exceed amount of \$1,259,000. Funding for the construction of the utility relocations will be handled separately and is currently estimated to be \$10 million. The City will have to provide initial funding, however, this project is 100% reimbursable because it’s a federal interstate project.

RECOMMENDATION

Approval of Resolution 23-R-106.

Attachments

Res 23 R 106

RESOLUTION NO. 23-R-106

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HALFF ASSOCIATES, INC., TOTALING NO MORE THAN \$1,250,000 FOR DESIGN, BID, AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE IH 35 NEX-NORTH WATER AND WASTEWATER UTILITY RELOCATION PROJECT., AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City enter into an agreement for design, bid, and construction phase engineering services for the IH 35 NEX-North water and wastewater facilities relocation project; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with Halff Associates, Inc., for the design, bid, and construction phase services as described in the Project Agreement attached hereto. (the “Agreement”).

WHEREAS, the City Council authorizes expenditures with Halff Associates, Inc., for the IH 35 NEX-North Utility Relocation project for \$1,143,372 with a not to exceed amount of \$1,250,000 for the 2023-2024 Fiscal Year.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement with Halff Associates, Inc., in substantially the form set forth on Attachment 1.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of October, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(CITY SEAL)

ATTACHMENT 1
PROJECT AGREEMENT

This is Task Order
No. 15, consisting of
8 pages.

Task Order

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated October 17, 2019 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- a. Effective Date of Task Order: **TBD**
- b. Owner: City of Schertz
- c. Engineer: Halff, Inc.
- d. IH35 NEX North Utility Relocations
- e. Specific Project (description):
 - TxDOT is currently under design for the I-35 NEX North project, a Federal Funded project that requires relocation of all public and private utilities.
 - Design Utility Relocations of approximately 22,000 feet of water lines predominantly of 12-inch diameter. All other City of Schertz water lines and services smaller than 6-inch in diameter and within TxDOT construction limits are included in this scope of work.
 - Design Utility Relocations of approximately 3,500 feet of wastewater lines sizes 4- and 16-inch in diameter, including a 4-inch force main. All wastewater service relocations within TxDOT construction limits are included in this scope of work.
 - TxDOT is expecting 60% plan submittal in October 2023 with 90% and Final Joint Bid Utility submittals due January 2024, and June 2024, respectively.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:

PROJECT ASSUMPTIONS

- Contract for utility relocations will be between Halff and the City of Schertz
- TxDOT will reimburse cost to City of Schertz
- The improvements are planned to be joint-let for bidding in December 2024

- Utility conflict mitigation limits for the City of Schertz are along the IH35 NEX North Project (CCSJ/RCSJ: 0016-05-111, 0016-06-115) from Schertz Parkway to Country Club Boulevard
- Utility relocation PS&E will be prepared and included as part of the IH35 NEX North Project (CCSJ/RCSJ: 0016-05-111, 0016-06-115).
- Special Specification will be administratively approved by TxDOT for modifications necessary for the proposed IH35 NEX water and wastewater main improvements (TBD).
- TxDOT/City to provide all base files for utility relocation design.
- SUE is being provided by TxDOT consultants. An allowance is included within Halff's scope and fee to cover additional SUE expense (as necessary) outside of TxDOT contract values.
- TxDOT to provide additional SUE QLA test holes as needed for utility relocation design. An allowance is included within Halff's scope and fee to cover additional SUE QLA test holes (20 max) outside of TxDOT contract values.
- Assume "Buy America" for all iron and steel utility design elements.
- TxDOT is expecting 60% plan submittal in October 2023 with 90% and Final Joint Bid Utility submittals due January 2024, and June 2024, respectively.

PHASE 1 – Project Management and Coordination

- a) Engineer will manage the design team schedule and budgets, including sub-consultants (if applicable), and maintain project records contracts in accordance with the agreement. Based on TxDOT's current schedule, eight (8) month design phase and twelve (12) month construction phase of project management anticipated.
- b) Engineer will prepare monthly invoices in a format acceptable to the city along with a progress report of activities accomplished during the period.
- c) Participate in weekly coordination meetings with city staff to discuss project updates and address conflicts. For estimating purposes, twenty (20) meetings are estimated, if more meetings are required, supplemental services may be required.

Deliverables –Weekly coordination meeting notes, Monthly Progress Reports, Meeting Minutes

PHASE 2 – Data Collection and Review

Task 1 – Data Acquisition

Halff will review existing record drawing and existing easement information obtained from the City including but not limited to:

- a) As-built records for all available City water and wastewater within the area of study.
- b) Existing plat and separate instrument easement documents recorded with the City of Schertz, Guadalupe and Comal Counties.
- c) Pending development plans with anticipated connections, ROW and/or easement dedications to the City of Schertz.
- d) Review of TxDOT provided base files including survey, SUE information.

Task 2 – Subsurface Utility Engineering and Utility Coordination

- a) Provide up to twenty (20) SUE quality level 'A' test holes at locations of potential conflict as identified through the conflict analysis process for the IH35 NEX North Project. Consultant will provide a map of proposed test holes to the City for review and approval prior to beginning any field work.
- b) Perform conflict analysis with proposed improvements.
- c) Task 2 allowance requires additional authorization in the event needed.

Task 3 – Topographic Survey (as needed)

- a) Perform field survey required collect supplemental site topography information needed in the design of the project; establish or locate at least two Benchmarks within the job site. Provide necessary number of control points on the ground for the Project and ensuring horizontal and vertical control correspond with the design plans.

Deliverables (as needed) –SUE test hole data sheets, meeting minutes.

PHASE 3 – Utility Design – Halff shall develop plans, specifications, and estimate (PS&E) to be incorporated into construction documents for use in bidding and constructing of the TxDOT initiated IH35 NEX North project. Plans will be prepared and submitted to the City of Schertz and TxDOT to coincide with the 60%, 90%, and Bid phase submittals. The final design will consist of the following tasks and is based on the assumptions below:

- Utility design will in accordance with the following manuals and standards:
 - Modified Special Specification incorporating City of Schertz standards and approved by TxDOT as part of the current IH35 NEX North joint bid project
 - City of Schertz standards and specifications relative to water and wastewater mains
 - Texas Commission on Environmental Quality (TCEQ)
- Utility relocation design will be submitted for review and approval by TxDOT
- TxDOT approved utility relocation design will be incorporated into the IH35 NEX North construction drawings

Task 1 - 60% PS&E Documents

1. The 60% PS&E construction plan set shall consist of the following:
 - a) Utility general notes
 - b) Demo and Removal plan
 - c) Review of TxDOT's construction traffic control plan and phasing
 - d) Water plan and profile sheets
 - e) Wastewater plan and profile sheets
 - f) Wastewater bypass plan
 - g) Standard and project specific details
2. Prepare draft technical specifications for the water and wastewater utility relocations for the IH35 NEX North project. TxDOT Special Specifications will be modified and provided to the City

and TxDOT for administrative approval. Such modified special specifications are anticipated to be utilized to supplement TxDOT general conditions.

3. Prepare a 60% opinion of probable construction costs (OPCC)

Task 2 - 90% and Bid Set PS&E Documents

1. The 90% PS&E construction plan shall consist of the following:
 - a) Incorporate City of Schertz and TxDOT review comments on the 60% submittal.
 - b) Prepare any additional sheets required that were not included in the 60% submittal phase.
 - c) Revise technical specifications for the water and wastewater utility relocations associated with the IH35 NEX North project. TxDOT Special Specifications will be modified and provided to the City and TxDOT for administrative approval. Such modified special specifications are anticipated to be utilized to supplement TxDOT general conditions.
 - d) Prepare a 90% opinion of probable construction costs (OPCC)

Task 3- Bid Construction Documents

- a) Incorporate City of Schertz and TxDOT review comments on the 90% submittal.
- b) Finalize, seal, and incorporate the utility relocation plans into the IH35 NEX North project bid construction document package.
- c) Engineer will address contractor questions during the TxDOT bid process. For estimating purposes, ten (10 max) contractor questions are included.
- d) Engineer will prepare any Addenda necessary during the TxDOT bid process. For estimating purposes, one (1 max) Addenda issuance is included.

Deliverables –60%, 90%, and bid construction submittals of plans, specifications, and opinion of probable construction cost.

PHASE 4 – Construction Phase Services

These services are intended to assist the City in administering the contract for construction, monitoring the performance of the construction Contractor, verifying that Contractor's work is in substantial compliance with the contract documents, and assisting the City in responding to the events that occur during construction. Administration Services as defined below.

Task 1 – Submittals

Review of Shop Drawings, Samples and Submittals - Halff review and approve all submittals for the water and wastewater relocation of the Contractor's shop drawings, samples and other submittals for conformance with the design concept and general agreement of the contract. Halff will log and track all shop drawings, samples and submittals. Halff shall coordinate with City of Schertz for quality control. For estimating purposes, Ten (10 max) submittals are estimated to be reviewed. Additionally, two (2) rounds of comments and review of revised submittals are anticipated for this task.

Task 2 - Requests for Information (RFI)

Halff will review the Contractor's requests for information or clarification of the contract for construction. Halff will coordinate and issue responses to requests to Contractor. Halff will log and track the Contractor's requests. Twenty (20 max) RFI's are assumed as part of this proposal.

Task 3- Review of Contractor's Requested Changes

Halff shall review all Contractor-requested changes to the contract for construction. Halff will make recommendations to City regarding the acceptability of the Contractor's request and, upon approval of the City, assist in negotiations of the requested change. Upon agreement and approval, Halff shall prepare and submit supporting change order documents and plan revisions. Twenty (20 max) reviews of contractor's requested changes are assumed as part of this proposal.

Task 4- Contractor Pay Application Review

Halff will review each contractor pay application submitted by the contractor to TxDOT (or TxDOT's third party construction inspection engineer) and verify quantities installed with the onsite construction inspector. Halff will coordinate with the City project manager on any submitted pay application and formally send correspondence onto TxDOT (or TxDOT's third party construction inspection engineer) upon direction of the City. Ten (10 max) pay application are anticipated for this task.

Task 5 -Completion of Record Documents

Halff shall prepare construction Record Documents based on information received from the Construction Contractor within thirty (30) days of substantial completion of construction and provide one (1) set of paper hard copy reproducible and one (1) electronic set of record drawings in .dwg and .pdf formats to the City of Schertz. These record documents are a compilation of the sealed engineering drawings for the IH35 NEX North utility relocation project, modified by addenda and change orders, and information furnished by the contractor. Information shown in the record documents provided by the contractor, or others not associated with the design engineer, cannot be verified for accuracy or completeness.

Specified Additional Services

Task 1 – Easement Acquisition (6 Parcels)

- a) **Appraisal Services** – Appraisal Services provided by Lowery Property Advisors. Mario Caro, MAI, AI-GRS, will prepare complete appraisal report for the parcel to be acquired utilizing TxDOT Forms No. ROW-A-5 and ROW-A-6 as applicable. These reports shall conform to City policies and procedures along with the Uniform Standards of Professional Appraisal Practices.

- b) **Appraisal Review Services** – Appraisal Review Services will be provided by HLH Appraisal Review Services. Harvey Heerssen will review appraisal report for the parcel to determine consistency of values, supporting documentation related to the conclusion reached, and compliance with City of Schertz policies and procedures and the Uniform Standards of Professional Appraisal Practices

Task Order Form

EJCDC® E-505, Agreement Between Owner and Engineer for Professional Services – Task Order Edition.

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and prepare and submit to the City of Schertz the Form "Tabulation of Values," for the appraisal.

c) Acquisition Services

- 1) Analyze preliminary title commitment report to determine potential title problems, propose and inform City of Schertz of methods to cure title deficiencies. This includes analysis of access easements.
- 2) Secure title commitment updates in accordance with insurance rules and requirements for parcel payment submissions. There should not be any charges at this point, but if there are changes (such as abstractor fees) these costs must be reimbursed to Halff as pass-through costs.
- 3) Analyze appraisal and appraisal review reports and confirm the City of Schertz's approved value prior to making offer for the parcel.
- 4) Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).
- 5) Prepare the initial offer letter, instruments of conveyance, and any other documents required or requested by City of Schertz on applicable City of Schertz forms.
- 6) The written offer, appraisal report, and required brochures must be sent to the property owner or the property owner's designated representative through CMRRR. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.
- 7) Maintain original signed Receipt of Appraisal, (unless property owner refuses to sign it, it will be so noted) and the unsigned CMRRR receipt for billing purposes.
- 8) Respond to property owner's inquiries verbally and in writing within three business days.
- 9) Prepare a separate negotiator contact report for the parcel.
- 10) Maintain parcel file of original documentation related to the purchase of the real property or property interests.
- 11) Advise property owner on the Administrative Settlement process. Transmit to City of Schertz any written counteroffer from property owner including supporting documentation, and provider recommendation, with regards to Administrative Settlements in accordance with City of Schertz policies and procedures.
- 12) Prepare final offer letter, documents of conveyance as necessary, and provide by CMRRR.

Task 2 – Metes and Bounds Descriptions (6 Parcels)

- 1) Prepare metes & bounds descriptions and accompanying parcel exhibits for six (6) parcels. The descriptions will be prepared in a manner acceptable for easement conveyance or other similar uses.
- 2) Set Parcel Corners.
- 3) Individual parcel exhibits shall be in pdf format, and shall be sealed, signed and dated by a Registered Professional Land Surveyor.

ITEMS EXCLUDED FROM SCOPE OF SERVICES

1. Archeological survey and/or historic structure survey, including application for an Antiquities Permit, preparation of a historic research design, performing cultural resources reconnaissance or intensive surveys, evaluation of any resources for eligibility for listing in the NRHP, evaluation of effects on NRHP-eligible or NRHP-listed sites, or development of mitigation plans
2. USFWS and TPWD coordination/consultation
3. Field surveys for federal and state-listed threatened and endangered species.
4. Phase I Environmental Site Assessment
5. Design of public and franchised utility adjustments that are not noted in the above scope
6. Traffic Control Plans
7. Analyzing or simulating water supply networks
8. Storm Water Pollution Prevention Plan (SWPPP)
9. Property acquisition or negotiations, including easements, other than six (6) parcels as stated in the scope of work.
10. Filing fees, permit fees, and license fees
11. Coordination with individual property owners (Design and Construction Phases)
12. Construction Site visit or status meetings (City staff will perform inspection services, construction progress meetings and quality control during construction) (Halff can perform these services as supplemental services but will require scope modifications)
13. Drafting any City Council agenda items, exhibits, ordinances, resolutions or attendance of council meetings
14. Engineer's certificates. The Engineer shall not be required to execute any documents subsequent to the signing of this Agreement that in any way might, in the judgment of the Engineer, increase the Engineer's risk or the availability or cost of his professional or general liability insurance
15. Administrative and Billing process for City design fee or construction cost reimbursement packages with TxDOT.

Any additional services required beyond those specifically identified in this proposal are beyond the scope of services to be provided. Additional services, if requested, will be separately identified and negotiated and such additional scope and commensurate fee will be authorized under a supplemental agreement to this proposal/contract.

3. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B:

4. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

<u>Party</u>	<u>Action</u>	<u>Schedule</u>
Engineer	Furnish: 1. The consultant will submit five set of plans and specifications at the 60%, and two sets of plans at the 95% and Construction Documents. Consultant will participate in submittal review meetings for each milestone.	Half personnel will be available to commence work upon written notice to proceed. 60% Plans will be submitted on October 24, 2023.
Owner	1. As Built drawings for public utilities within R.O.W. 2. Adjacent development plats. 3. Future projected utility layouts	As Coordinated

5. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Fee provided shall be considered lump sum for the services described in this Task Order. ***See attached Exhibit B for Fee Schedule.***

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

6. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is **TBD.**

OWNER:	ENGINEER:
By: _____	By: <u>Edward Herolt, P.E.</u>
Print Name: _____	Print Name: _____
Title: _____	Title: _____
	Engineer License or Firm's: <u>F-312</u>
	State of: <u>Texas</u>
DESIGNATED REPRESENTATIVE FOR TASK ORDER:	DESIGNATED REPRESENTATIVE FOR TASK ORDER:
Name: _____	Name: _____
Title: _____	Title: _____
Address: _____	Address: _____
Email Address: _____	Email Address: _____
Phone: _____	Phone: _____

EXHIBIT B - FEE SCHEDULE

IH35_NEX_Utility_Relocations - City of Schertz Estimated Level of Effort

POSITION DESCRIPTION	No. Sheets	Sr. Project Manager/QAQC	Project Manager/Sr. Engineer	Mid Project Engineer	Engineer EIT	Survey Technician	Admin Assistant	Sr. RPLS Manager	SUE/Survey Crew 2-man	SUE Test Holes (ea)	Lump Sum Fee	Total Labor hrs.	Cost
BILLABLE LABOR RATES		\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00	Lump Sum		
PHASE 1													
PROJECT STARTUP & MANAGEMENT & COORDINATION													
a) Project Management and Coordination (assumes 8 months design, 12 month construction)		40	120	60								220	\$49,260.00
b) Prepare Monthly Invoices and Progress Reports (Assumes 18 Invoices)			9	18			18					45	\$6,633.00
c) Project Meetings (Assumes 20 meetings)			40	40	20							100	\$18,580.00
Total Hours		40	169	118	20	0	18	0	0	0		365	
SUMMARY													
HOURS SUB-TOTALS		40	169	118	20	0	18	0	0	0		365	-
BILLABLE RATE PER HOUR		\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00			-
TOTAL - PHASE 1		\$11,880.00	\$37,687.00	\$20,886.00	\$2,580.00	\$0.00	\$1,440.00	\$0.00	\$0.00	\$0.00	\$0.00		\$74,473.00
PHASE 2													
DATA COLLECTION AND REVIEW													
TASK 1	Data Acquisition		4	16	40	24						84	\$14,932.00
TASK 2	SUE (Level A Testholes) (Allowance)			2	8	16				20		46	\$63,926.00
TASK 3	Topographic Survey (Allowance)		2	8	16		40	40	120			226	\$43,930.00
Total Hours			6	26	64	40	40	0	40	120	20	356	
SUMMARY													
HOURS SUB-TOTALS			6	26	64	40	40	0	40	120	20	356	-
BILLABLE RATE PER HOUR			\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00		-
TOTAL - PHASE 2			\$1,782.00	\$5,798.00	\$11,328.00	\$5,160.00	\$5,120.00	\$0.00	\$10,080.00	\$23,520.00	\$60,000.00	\$0.00	\$122,788.00
PHASE 3													
UTILITY DESIGN													
TASK 1	60% PS&E	85											
	Utility Investigation (Survey, As-Builts, Field Observations)			12	24	60						96	\$14,664.00
	Prepare SUE Pothe Plan (Allowance)			2	8	8						18	\$2,894.00
	ROW and Easement Review		4	4	12	16						36	\$6,268.00
	Review and Coordinate Construction Phasing Plan with TxDOT		4	12	20	32						68	\$11,532.00
	Prepare Removal Plan			16	40	40						96	\$15,808.00
	Prepare Water Design and Plan and Profile Sheets		12	100	200	420						732	\$115,444.00
	Prepare Water Details		8	24	60	84						176	\$29,184.00
	Prepare Wastewater Design and Plan and Profile Layout Sheets		8	100	200	420						728	\$114,256.00
	Prepare Preliminary Wastewater Bypass Plan			12	50	84						146	\$22,362.00
	Prepare Exception to Policy Request and Variance Request Letters			4	8	16						28	\$4,372.00
	Prepare Project Schedule		4	24	24							52	\$10,788.00
	Prepare Draft Technical Specifications		24	60	40							124	\$27,588.00
	OPCC (AAACE 56R-08 Class 2)		4	12	30	60						106	\$16,914.00
	QAQC		24	20								44	\$11,588.00
	Prepare 60% Submittal Package (5 complete sets)				4	12		4				20	\$2,576.00
	Workshop Review Meeting and Walkthrough		8	24	24	24						80	\$15,072.00
TASK 2	90% PS&E												
	Respond to and Address 60% Comments		2	24	24	80						130	\$20,514.00
	Review and Coordinate Construction Phasing Plan with TxDOT		2	12	16	24						54	\$9,198.00
	Finalize Removal Plan			4	8	48						60	\$8,500.00
	Finalize Water Design and Layout Sheets		4	40	80	340						464	\$68,128.00
	Finalize Water Details		4	12	24	50						90	\$14,562.00
	Finalize Wastewater Design and Layout Sheets		4	24	80	200						308	\$46,500.00
	Finalize Wastewater Bypass Plan			8	12	50						70	\$10,358.00
	Finalize Exception to Policy Request and Variance Request Letters			4	8	16						28	\$4,372.00
	Update Project Schedule			4	12							16	\$3,016.00
	Finalize Technical Specifications		24	24	40							88	\$19,560.00
	OPCC (AAACE 56R-08 Class 2)		4	8	12	40						64	\$10,256.00
	QAQC		24	8								32	\$8,912.00
	Prepare 90% Submittal Package (5 complete sets)		1	4	4	12		4				25	\$3,765.00
	Workshop Review Meeting		4	8	8	8						28	\$5,420.00

EXHIBIT B - FEE SCHEDULE

IH35_NEX_Utility_Relocations - City of Schertz Estimated Level of Effort

POSITION DESCRIPTION	No. Sheets	Sr. Project Manager/QAQC	Project Manager/Sr. Engineer	Mid Project Engineer	Engineer EIT	Survey Technician	Admin Assistant	Sr. RPLS Manager	SUE/Survey Crew 2-man	SUE Test Holes (ea)	Lump Sum Fee	Total Labor hrs.	Cost
BILLABLE LABOR RATES		\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00	Lump Sum		
TASK 3	100% PS&E												
	Address 90% Comments and Resubmit Package (2 complete sets)	2	18	30	60							110	\$17,658.00
	Prepare Sealed Plans and Specifications	2	24	48	70							144	\$23,472.00
	Prepare Final Exception to Policy Request and Variance Request Letters		2	4	8							14	\$2,186.00
	Prepare Final Engineer's OPCC		8	8	24							40	\$6,296.00
	Prepare 100% submittal (two (2) sets of contract documents)	4	18	32	30		2					86	\$14,896.00
	Attend the Pre-Bid Conference	2	2									4	\$1,040.00
	Review and respond to RFIs during Bidding (10 max)	2	12	24								38	\$7,518.00
	Prepare & issue addenda to Bidders (1 max)	2	4	8								14	\$2,902.00
	Review bid tabulation		4	8	8							20	\$3,340.00
	Prepare Sealed Plans and Specifications with Addendums	2	12	12	12							38	\$6,942.00
	Total Hours	189	714	1246	2356	0	10	0	0	0		4515	
SUMMARY													
	HOURS SUB-TOTALS	189	714	1246	2356	0	10	0	0	0		4515	-
	BILLABLE RATE PER HOUR	\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00			-
	TOTAL - PHASE 3	\$56,133.00	\$159,222.00	\$220,542.00	\$303,924.00	\$0.00	\$800.00	\$0.00	\$0.00	\$0.00	\$0.00		\$740,621.00
PHASE 4													
CONSTRUCTION PHASE SERVICES													
TASK 1	Submittals (10 max)	4	12	12								28	\$5,988.00
TASK 2	RFIs (20 max)	4	8	8	24							44	\$7,484.00
TASK 3	Review of Contractor's Requested Changes (20 max)	4	8	16	20							48	\$8,384.00
TASK 4	Review of Contractor's Pay Application (10 max)	4	8	16								28	\$5,804.00
TASK 5	Record Documents	4	24	24	80							132	\$21,108.00
	Total Hours	20	60	76	124	0	0	0	0	0		280	
SUMMARY													
	HOURS SUB-TOTALS	20	60	76	124	0	0	0	0	0		280	-
	BILLABLE RATE PER HOUR	\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00			-
	TOTAL - PHASE 4	\$5,940.00	\$13,380.00	\$13,452.00	\$15,996.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$48,768.00
SPECIFIED ADDITIONAL SERVICES													
ROW Acquisition Services													
TASK 1	Appraisal Services (Assumes 6 Parcels)		4								\$ 18,000.00	4	\$18,892.00
	Appraisal Review Services (Assumes 6 Parcels)		4								\$ 9,600.00	4	\$10,492.00
	Acquisition Services (Assumes 6 Parcels)		2								\$ 66,000.00	2	\$66,446.00
TASK 2	Prepare Metes and Bounds for six (6) Properties		2								\$ 30,000.00	2	\$30,446.00
	Survey Services to Stake Proposed easement Corners for Parcel Acquisition for six (6) Properties		2								\$ 30,000.00	2	\$30,446.00
	Total Hours	0	14	0	0	0	0	0	0	0		14	
SUMMARY													
	HOURS SUB-TOTALS	0	14	0	0	0	0	0	0	0		14	-
	BILLABLE RATE PER HOUR	\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00			-
	TOTAL - SPECIFIED ADDITIONAL SERVICES	\$0.00	\$3,122.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$153,600.00		\$156,722.00
TOTAL PROJECT SUMMARY													
	HOURS SUB-TOTALS	255	983	1504	2540	40	28	40	120	20		5530	\$1,143,372.00
	BILLABLE RATE PER HOUR	\$297.00	\$223.00	\$177.00	\$129.00	\$128.00	\$80.00	\$252.00	\$196.00	\$3,000.00		5530	
	TOTAL PROJECT SUMMARY	\$75,735.00	\$219,209.00	\$266,208.00	\$327,660.00	\$5,120.00	\$2,240.00	\$10,080.00	\$23,520.00	\$60,000.00	\$153,600.00		\$1,143,372.00

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Police Department
Subject: Resolution 23-R-111 – Authorizing Expenditures in an amount not to exceed \$2,731,724.00 with Axon Enterprise, Inc., for the purchase of Body-worn, In-Car Cameras and Taser Replacements. (S.Williams/J.Lowery/H.Murphy)

BACKGROUND

Schertz Police Department has the immediate need to purchase body-worn, in-car cameras and Tasers to replace the discontinued existing cameras and tasers

GOAL

Obtain resolution by City Council authorizing expenditures with Axon Enterprise, Inc.

COMMUNITY BENEFIT

Purchasing the Axon OPS10+ bundle is technologically integrative, allows for continued growth, and the most cost-effective option.

SUMMARY OF RECOMMENDED ACTION

Seek resolution by City Council authorizing the final purchase of body-worn, in-car, and Tasers through Axon Enterprise, Inc.

FISCAL IMPACT

The funds for the purchase of body-worn, in-car cameras, and Tasers are listed in the expanded program approved in the 2023-2024 annual police department budget. Total cost will be \$2,731,724 to be paid over 5 years equaling \$546,344.80 annually.

RECOMMENDATION

Request resolution from City Council for final contract award and purchase from Axon Enterprise, Inc.

Attachments

Res-23-111

RESOLUTION NO. 23-R-111

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPENDITURES IN AN AMOUNT NOT TO EXCEED \$2,731,724.00 WITH AXON ENTERPRISE, INC FOR THE PURCHASE OF BODY-WORN, IN-CAR CAMERAS AND TASER REPLACEMENTS.

WHEREAS, the Schertz Police Department has the immediate need to purchase body-worn, in-car cameras and Tasers to replace the discontinued existing Watchguard Cameras and Axon Enterprise, Inc., Tasers to help keep our officers and citizens safe; and

WHEREAS, City Staff has done due diligence in researching what body-worn, in-car cameras and Tasers best fits the needs of the department, to obtain the best pricing and to provide the best quality of technological products; and

WHEREAS, the Schertz Police Department has chosen Axon Enterprise, Inc., a BuyBoard National Purchasing Cooperative vendor, for the purchase of this equipment; and

WHEREAS, the BuyBoard National Purchasing Cooperative is a national online purchasing cooperative formed between the National School Boards Association and several state school boards associations, developed to comply with state laws which require government entities to make purchases through a competitive procurement process; and

WHEREAS, BuyBoard gives public entities the advantage of leveraging the cooperative's ability to obtain bulk discounts, combined with the ease of online, web-based shopping and ordering; and

WHEREAS, purchases under the cooperative programs meet the requirements under the Texas Local Government Purchasing Code rule for cooperative purchases as adopted by the City of Schertz Resolution 11-R-41 on August 30, 2011 amending the City's purchasing policy; and

WHEREAS, the City of Schertz will fund the purchase of body-worn, and in-car cameras, and Tasers through this expanded program approved in the 2023-2024 annual police department budget.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the purchase of body-worn, in-car cameras and Tasers not to exceed the amount of two million, seven hundred thirty-one thousand, seven hundred twenty-four dollars (\$2,731,724.00) during the FY 2023-2024.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the

provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

EXHIBIT "A"

Axon Enterprise, Inc Quotes

Axon Enterprise, Inc.
 17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 VAT: 86-0741227
 Domestic: (800) 978-2737
 International: +1.800.978.2737

Q-461794-45202-577MA

Issued: 10/03/2023

Quote Expiration: 10/27/2023

Estimated Contract Start Date: 02/01/2024

Account Number: 110932

Payment Terms: N30

Delivery Method:



SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Business:Delivery;Invoice-1400 Schertz Pkwy 1400 Schertz Pkwy Schertz, TX 78154-1634 USA	Schertz Police Dept - TX 1400 Schertz Pkwy Schertz TX 78154-1634 USA Email:	Matt Appelbaum Phone: Email: mappelbaum@axon.com Fax:	Virgil Jones Phone: 210-658-5321 Email: vjones@schertz.com Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$1,233,881.60
ESTIMATED TOTAL W/ TAX	\$1,233,881.60

Discount Summary

Average Savings Per Year	\$33,624.80
TOTAL SAVINGS	\$168,124.00

Payment Summary

Date	Subtotal	Tax	Total
Jan 2024	\$246,776.32	\$0.00	\$246,776.32
Jan 2025	\$246,776.32	\$0.00	\$246,776.32
Jan 2026	\$246,776.32	\$0.00	\$246,776.32
Jan 2027	\$246,776.32	\$0.00	\$246,776.32
Jan 2028	\$246,776.32	\$0.00	\$246,776.32
Total	\$1,233,881.60	\$0.00	\$1,233,881.60

Quote Unbundled Price: \$1,402,005.60
 Quote List Price: \$1,335,696.60
 Quote Subtotal: \$1,233,881.60

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
BWCUwTAP	BWC Unlimited with TAP	115	60	\$108.19	\$98.58	\$98.58	\$680,202.00	\$0.00	\$680,202.00
A la Carte Hardware									
H00002	AB4 Multi Bay Dock Bundle	14			\$1,638.90	\$1,638.90	\$22,944.60	\$0.00	\$22,944.60
H00001	AB4 Camera Bundle	115			\$849.00	\$749.00	\$86,135.00	\$0.00	\$86,135.00
A la Carte Software									
73746	PROFESSIONAL EVIDENCE.COM LICENSE	6	60		\$39.00	\$0.00	\$0.00	\$0.00	\$0.00
73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	1500	60		\$0.55	\$0.00	\$0.00	\$0.00	\$0.00
73682	AUTO TAGGING LICENSE	115	60		\$9.00	\$9.00	\$62,100.00	\$0.00	\$62,100.00
73478	REDACTION ASSISTANT USER LICENSE	115	60		\$9.00	\$9.00	\$62,100.00	\$0.00	\$62,100.00
73739	PERFORMANCE LICENSE	115	60		\$9.00	\$9.00	\$62,100.00	\$0.00	\$62,100.00
73618	AXON COMMUNITY REQUEST+ LICENSE	115	60		\$9.00	\$9.00	\$62,100.00	\$0.00	\$62,100.00
73680	RESPOND DEVICE PLUS LICENSE	115	60		\$19.00	\$19.00	\$131,100.00	\$0.00	\$131,100.00
A la Carte Services									
85055	AXON FULL SERVICE	1			\$26,775.00	\$0.00	\$0.00	\$0.00	\$0.00
79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1			\$3,000.00	\$3,000.00	\$3,000.00	\$0.00	\$3,000.00
11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	60		\$9.00	\$9.00	\$62,100.00	\$0.00	\$62,100.00
Total							\$1,233,881.60	\$0.00	\$1,233,881.60

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB4 Camera Bundle	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK	115	01/01/2024
AB4 Camera Bundle	100147	AXON BODY 4 - NA - US FIRST RESPONDER - BLK - RAPIDLOCK	3	01/01/2024
AB4 Camera Bundle	100466	USB-C to USB-C CABLE FOR AB4	127	01/01/2024
AB4 Camera Bundle	74028	WING CLIP MOUNT, AXON RAPIDLOCK	127	01/01/2024
AB4 Multi Bay Dock Bundle	100206	AXON BODY 4 - 8 BAY DOCK	14	01/01/2024
AB4 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	14	01/01/2024
AB4 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	14	01/01/2024
BWC Unlimited with TAP	73309	AXON CAMERA REFRESH ONE	118	07/01/2026
BWC Unlimited with TAP	73689	MULTI-BAY BWC DOCK 1ST REFRESH	15	07/01/2026
BWC Unlimited with TAP	73310	AXON CAMERA REFRESH TWO	118	01/01/2029
BWC Unlimited with TAP	73688	MULTI-BAY BWC DOCK 2ND REFRESH	15	01/01/2029

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BWC Unlimited with TAP	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	115	02/01/2024	01/31/2029
BWC Unlimited with TAP	73746	PROFESSIONAL EVIDENCE.COM LICENSE	115	02/01/2024	01/31/2029
A la Carte	73478	REDACTION ASSISTANT USER LICENSE	115	02/01/2024	01/31/2029
A la Carte	73618	AXON COMMUNITY REQUEST+ LICENSE	115	02/01/2024	01/31/2029
A la Carte	73680	RESPOND DEVICE PLUS LICENSE	115	02/01/2024	01/31/2029
A la Carte	73682	AUTO TAGGING LICENSE	115	02/01/2024	01/31/2029
A la Carte	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	1500	02/01/2024	01/31/2029
A la Carte	73739	PERFORMANCE LICENSE	115	02/01/2024	01/31/2029
A la Carte	73746	PROFESSIONAL EVIDENCE.COM LICENSE	6	02/01/2024	01/31/2029

Services

Bundle	Item	Description	QTY	QTY
A la Carte	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	115
A la Carte	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE		1
A la Carte	85055	AXON FULL SERVICE		1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
BWC Unlimited with TAP	80464	EXT WARRANTY, CAMERA (TAP)	115	02/01/2024	01/31/2029
BWC Unlimited with TAP	80464	EXT WARRANTY, CAMERA (TAP)	3	02/01/2024	01/31/2029
BWC Unlimited with TAP	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	15	01/01/2025	01/31/2029

Payment Details

Jan 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 1	73478	REDACTION ASSISTANT USER LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 1	73618	AXON COMMUNITY REQUEST+ LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 1	73680	RESPOND DEVICE PLUS LICENSE	115	\$26,220.00	\$0.00	\$26,220.00
Year 1	73682	AUTO TAGGING LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 1	73739	PERFORMANCE LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 1	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 1	BWCUwTAP	BWC Unlimited with TAP	115	\$136,040.40	\$0.00	\$136,040.40
Year 1	H00001	AB4 Camera Bundle	115	\$17,227.00	\$0.00	\$17,227.00
Year 1	H00002	AB4 Multi Bay Dock Bundle	14	\$4,588.92	\$0.00	\$4,588.92
Total				\$246,776.32	\$0.00	\$246,776.32

Feb 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Invoice Upon Fulfillment	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	1500	\$0.00	\$0.00	\$0.00
Invoice Upon Fulfillment	73746	PROFESSIONAL EVIDENCE.COM LICENSE	6	\$0.00	\$0.00	\$0.00
Invoice Upon Fulfillment	85055	AXON FULL SERVICE	1	\$0.00	\$0.00	\$0.00
Total				\$0.00	\$0.00	\$0.00

Jan 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 2	73478	REDACTION ASSISTANT USER LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 2	73618	AXON COMMUNITY REQUEST+ LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 2	73680	RESPOND DEVICE PLUS LICENSE	115	\$26,220.00	\$0.00	\$26,220.00
Year 2	73682	AUTO TAGGING LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 2	73739	PERFORMANCE LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 2	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 2	BWCUwTAP	BWC Unlimited with TAP	115	\$136,040.40	\$0.00	\$136,040.40
Year 2	H00001	AB4 Camera Bundle	115	\$17,227.00	\$0.00	\$17,227.00
Year 2	H00002	AB4 Multi Bay Dock Bundle	14	\$4,588.92	\$0.00	\$4,588.92
Total				\$246,776.32	\$0.00	\$246,776.32

Jan 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 3	73478	REDACTION ASSISTANT USER LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 3	73618	AXON COMMUNITY REQUEST+ LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 3	73680	RESPOND DEVICE PLUS LICENSE	115	\$26,220.00	\$0.00	\$26,220.00
Year 3	73682	AUTO TAGGING LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 3	73739	PERFORMANCE LICENSE	115	\$12,420.00	\$0.00	\$12,420.00

Jan 2026

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 3	BWCUwTAP	BWC Unlimited with TAP	115	\$136,040.40	\$0.00	\$136,040.40
Year 3	H00001	AB4 Camera Bundle	115	\$17,227.00	\$0.00	\$17,227.00
Year 3	H00002	AB4 Multi Bay Dock Bundle	14	\$4,588.92	\$0.00	\$4,588.92
Total				\$246,776.32	\$0.00	\$246,776.32

Jan 2027

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 4	73478	REDACTION ASSISTANT USER LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 4	73618	AXON COMMUNITY REQUEST+ LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 4	73680	RESPOND DEVICE PLUS LICENSE	115	\$26,220.00	\$0.00	\$26,220.00
Year 4	73682	AUTO TAGGING LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 4	73739	PERFORMANCE LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 4	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 4	BWCUwTAP	BWC Unlimited with TAP	115	\$136,040.40	\$0.00	\$136,040.40
Year 4	H00001	AB4 Camera Bundle	115	\$17,227.00	\$0.00	\$17,227.00
Year 4	H00002	AB4 Multi Bay Dock Bundle	14	\$4,588.92	\$0.00	\$4,588.92
Total				\$246,776.32	\$0.00	\$246,776.32

Jan 2028

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 5	73478	REDACTION ASSISTANT USER LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 5	73618	AXON COMMUNITY REQUEST+ LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 5	73680	RESPOND DEVICE PLUS LICENSE	115	\$26,220.00	\$0.00	\$26,220.00
Year 5	73682	AUTO TAGGING LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 5	73739	PERFORMANCE LICENSE	115	\$12,420.00	\$0.00	\$12,420.00
Year 5	79999	AUTO TAGGING / PERFORMANCE IMPLEMENTATION SERVICE	1	\$600.00	\$0.00	\$600.00
Year 5	BWCUwTAP	BWC Unlimited with TAP	115	\$136,040.40	\$0.00	\$136,040.40
Year 5	H00001	AB4 Camera Bundle	115	\$17,227.00	\$0.00	\$17,227.00
Year 5	H00002	AB4 Multi Bay Dock Bundle	14	\$4,588.92	\$0.00	\$4,588.92
Total				\$246,776.32	\$0.00	\$246,776.32

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract BuyBoard Contract 648-21 is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

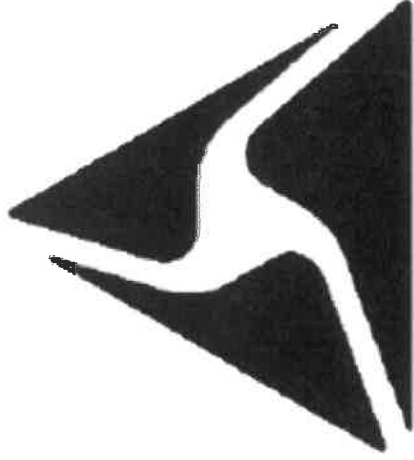
Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

10/3/2023





Axon Enterprise, Inc.
 17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 VAT: 86-0741227
 Domestic: (800) 978-2737
 International: +1.800.978.2737

Q-508312-45202.574MA

Issued: 10/03/2023

Quote Expiration: 10/27/2023

Estimated Contract Start Date: 05/01/2024

Account Number: 110932

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Business:Delivery;invoice-1400 Schertz Pkwy 1400 Schertz Pkwy Schertz, TX 78154-1634 USA	Schertz Police Dept - TX 1400 Schertz Pkwy Schertz TX 78154-1634 USA Email:	Matt Appelbaum Phone: Email: mappelbaum@axon.com Fax:	Virgil Jones Phone: 210-658-5321 Email: vjones@schertz.com Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$1,133,858.40
ESTIMATED TOTAL W/ TAX	\$1,133,858.40

Discount Summary

Average Savings Per Year	\$21,506.88
TOTAL SAVINGS	\$107,534.40

Payment Summary

Date	Subtotal	Tax	Total
Apr 2024	\$226,771.68	\$0.00	\$226,771.68
Apr 2025	\$226,771.68	\$0.00	\$226,771.68
Apr 2026	\$226,771.68	\$0.00	\$226,771.68
Apr 2027	\$226,771.68	\$0.00	\$226,771.68
Apr 2028	\$226,771.68	\$0.00	\$226,771.68
Total	\$1,133,858.40	\$0.00	\$1,133,858.40

Quote Unbundled Price: \$1,241,392.80
 Quote List Price: \$1,133,858.40
 Quote Subtotal: \$1,133,858.40

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
Fleet3B+TAP	Fleet 3 Basic + TAP	86	60	\$225.58	\$204.74	\$204.74	\$1,056,458.40	\$0.00	\$1,056,458.40
A la Carte Software									
80402	RESPOND DEVICE LICENSE - FLEET 3	86	60		\$15.00	\$15.00	\$77,400.00	\$0.00	\$77,400.00
Total							\$1,133,858.40	\$0.00	\$1,133,858.40

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
Fleet 3 Basic + TAP	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	86	04/01/2024
Fleet 3 Basic + TAP	70112	AXON SIGNAL UNIT	86	04/01/2024
Fleet 3 Basic + TAP	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	86	04/01/2024
Fleet 3 Basic + TAP	72034	FLEET SIM INSERTION, VZW	86	04/01/2024
Fleet 3 Basic + TAP	72036	FLEET 3 STANDARD 2 CAMERA KIT	86	04/01/2024
Fleet 3 Basic + TAP	72036	FLEET 3 STANDARD 2 CAMERA KIT	2	04/01/2024
Fleet 3 Basic + TAP	72040	FLEET REFRESH, 2 CAMERA KIT	86	04/01/2029
Fleet 3 Basic + TAP	72040	FLEET REFRESH, 2 CAMERA KIT	2	04/01/2029

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Basic + TAP	80400	FLEET, VEHICLE LICENSE	86	05/01/2024	04/30/2029
Fleet 3 Basic + TAP	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	172	05/01/2024	04/30/2029
A la Carte	80402	RESPOND DEVICE LICENSE - FLEET 3	86	05/01/2024	04/30/2029

Services

Bundle	Item	Description	QTY
Fleet 3 Basic + TAP	73391	FLEET 3 DEPLOYMENT (PER VEHICLE)	86

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Fleet 3 Basic + TAP	80379	EXT WARRANTY, AXON SIGNAL UNIT	86	04/01/2025	04/30/2029
Fleet 3 Basic + TAP	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	86	04/01/2025	04/30/2029
Fleet 3 Basic + TAP	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	2	04/01/2025	04/30/2029

Payment Details

Apr 2024	Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	80402		RESPOND DEVICE LICENSE - FLEET 3	86	\$15,480.00	\$0.00	\$15,480.00
Year 1	Fleet3B+TAP		Fleet 3 Basic + TAP	86	\$211,291.68	\$0.00	\$211,291.68
Total					\$226,771.68	\$0.00	\$226,771.68

Apr 2025	Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	80402		RESPOND DEVICE LICENSE - FLEET 3	86	\$15,480.00	\$0.00	\$15,480.00
Year 2	Fleet3B+TAP		Fleet 3 Basic + TAP	86	\$211,291.68	\$0.00	\$211,291.68
Total					\$226,771.68	\$0.00	\$226,771.68

Apr 2026	Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	80402		RESPOND DEVICE LICENSE - FLEET 3	86	\$15,480.00	\$0.00	\$15,480.00
Year 3	Fleet3B+TAP		Fleet 3 Basic + TAP	86	\$211,291.68	\$0.00	\$211,291.68
Total					\$226,771.68	\$0.00	\$226,771.68

Apr 2027	Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	80402		RESPOND DEVICE LICENSE - FLEET 3	86	\$15,480.00	\$0.00	\$15,480.00
Year 4	Fleet3B+TAP		Fleet 3 Basic + TAP	86	\$211,291.68	\$0.00	\$211,291.68
Total					\$226,771.68	\$0.00	\$226,771.68

Apr 2028	Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	80402		RESPOND DEVICE LICENSE - FLEET 3	86	\$15,480.00	\$0.00	\$15,480.00
Year 5	Fleet3B+TAP		Fleet 3 Basic + TAP	86	\$211,291.68	\$0.00	\$211,291.68
Total					\$226,771.68	\$0.00	\$226,771.68

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract BuyBoard Contract 648-21 is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

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Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

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Signature

Date Signed

10/3/2023



FLEET STATEMENT OF WORK BETWEEN AXON ENTERPRISE AND AGENCY

Introduction

This Statement of Work ("SOW") has been made and entered into by and between Axon Enterprise, Inc. ("AXON"), and Schertz Police Dept - TX the ("AGENCY") for the purchase of the Axon Fleet in-car video solution ("FLEET") and its supporting information, services and training. (AXON Technical Project Manager/The AXON installer)

Purpose and Intent

AGENCY states, and AXON understands and agrees, that Agency's purpose and intent for entering into this SOW is for the AGENCY to obtain from AXON deliverables, which used solely in conjunction with AGENCY's existing systems and equipment, which AGENCY specifically agrees to purchase or provide pursuant to the terms of this SOW.

This SOW contains the entire agreement between the parties. There are no promises, agreements, conditions, inducements, warranties or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in the SOW.

Acceptance

Upon completion of the services outlined in this SOW, AGENCY will be provided a professional services acceptance form ("Acceptance Form"). AGENCY will sign the Acceptance Form acknowledging that services have been completed in substantial conformance with this SOW and the Agreement. If AGENCY reasonably believes AXON did not complete the professional services in conformance with this SOW, AGENCY must notify AXON in writing of the specific reasons within seven (7) calendar days from delivery of the Acceptance Form. AXON will remedy the issues to conform with this SOW and re-present the Acceptance Form for signature. If AXON does not receive the signed Acceptance Form or written notification of the reasons for rejection within 7 calendar days of the delivery of the Acceptance Form, AGENCY will be deemed to have accepted the services in accordance to this SOW.

Force Majeure

Neither party hereto shall be liable for delays or failure to perform with respect to this SOW due to causes beyond the party's reasonable control and not avoidable by diligence.

Schedule Change

Each party shall notify the other as soon as possible regarding any changes to agreed upon dates and times of Axon Fleet in-car Solution installation-to be performed pursuant of this Statement of Work.

Axon Fleet Deliverables

Typically, within (30) days of receiving this fully executed SOW, an AXON Technical Project Manager will deliver to AGENCY's primary point of contact via electronic media, controlled documentation, guides, instructions and videos followed by available dates for the initial project review and customer readiness validation. Unless otherwise agreed upon by AXON, AGENCY may print and reproduce said documents for use by its employees only.

Security Clearance and Access

Upon AGENCY's request, AXON will provide the AGENCY a list of AXON employees, agents, installers or representatives which require access to the AGENCY's facilities in order to perform Work pursuant of this Statement of Work. AXON will ensure that each employee, agent or representative has been informed or consented to a criminal background investigation by AGENCY for the purposes of being allowed access to AGENCY's facilities. AGENCY is responsible for providing AXON with all required instructions and documentation accompanying the security background check's requirements.

Training

AXON will provide training applicable to Axon Evidence, Cradlepoint NetCloud Manager and Axon Fleet application in a train-the-trainer style method unless otherwise agreed upon between the AGENCY and AXON.

Local Computer

AGENCY is responsible for providing a mobile data computer (MDC) with the same software, hardware, and configuration that AGENCY personnel will use with the AXON system being installed. AGENCY is responsible for making certain that any and all security settings (port openings, firewall settings, antivirus software, virtual private network, routing, etc.) are made prior to the installation, configuration and testing of the aforementioned deliverables.

Network

AGENCY is responsible for making certain that any and all network(s) route traffic to appropriate endpoints and AXON is not liable for network breach, data interception, or loss of data due to misconfigured firewall settings or virus infection, except to the extent that such virus or infection is caused, in whole or in part, by defects in the deliverables.

Cradlepoint Router

When applicable, AGENCY must provide AXON Installers with temporary administrative access to Cradlepoint's [NetCloud Manager](#) to the extent necessary to perform Work pursuant of this Statement of Work.

[Evidence.com](#)

AGENCY must provide AXON Installers with temporary administrative access to Axon Evidence.com to the extent necessary to perform Work pursuant of this SOW.

Wireless Upload System

If purchased by the AGENCY, on such dates and times mutually agreed upon by the parties, AXON will install and configure into AGENCY's existing network a wireless network infrastructure as identified in the AGENCY's binding quote based on conditions of the sale.

VEHICLE INSTALLATION

Preparedness

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer less weapons and items of evidence. Vehicle(s) will be deemed 'out of service' to the extent necessary to perform Work pursuant of this SOW.

Existing Mobile Video Camera System Removal

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer which will remove from said vehicles all components of the existing mobile video camera system unless otherwise agreed upon by the AGENCY.

Major components will be salvaged by the AXON Installer for auction by the AGENCY. Wires and cables are not considered expendable and will not be salvaged. Salvaged components will be placed in a designated area by the AGENCY within close proximity of the vehicle in an accessible work space.

Prior to removing the existing mobile video camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's systems' operation to identify and operate, documenting any existing component or system failures and in detail, identify which components of the existing mobile video camera system will be removed by the AXON Installer.

In-Car Hardware/Software Delivery and Installation

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer, who will install and configure in each vehicle in accordance with the specifications detailed in the system's installation manual and its relevant addendum(s). Applicable in-car hardware will be installed and configured as defined and validated by the AGENCY during the pre-deployment discovery process.

If a specified vehicle is unavailable on the date and time agreed upon by the parties, AGENCY will provide a similar vehicle for the installation process. Delays due to a vehicle, or substitute vehicle, not being available at agreed upon dates and times may result in additional fees to the AGENCY. If the AXON Installer determines that a vehicle is not properly prepared for installation ("Not Fleet Ready"), such as a battery not being properly charged or properly up-fit for in-service, field operations, the issue shall be reported immediately to the AGENCY for resolution and a date and time for the future installation shall be agreed upon by the parties.

Upon completion of installation and configuration, AXON will systematically test all installed and configured in-car hardware and software to ensure that ALL functions of the hardware and software are fully operational and that any deficiencies are corrected unless otherwise agreed upon by the AGENCY, installation, configuration, test and the correct of any deficiencies will be completed in each vehicle accepted for installation.

Prior to installing the Axon Fleet camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's existing systems' operation to identify, document any existing component or vehicle systems' failures. Prior to any vehicle up-fitting the AXON Installer will introduce the system's components, basic functions, integrations and systems overview along with reference to AXON approved, AGENCY manuals, guides, portals and videos. It is both the responsibility of the AGENCY and the AXON Installer to agree on placement of each component, the antenna(s), integration recording trigger sources and customer preferred power, ground and ignition sources prior to permanent or temporary installation of an Axon Fleet camera solution in each vehicle type. Agreed placement will be documented by the AXON Installer.

AXON welcomes up to 5 persons per system operation training session per day, and unless otherwise agreed upon by the AGENCY, the first vehicle will be used for an installation training demonstration. The second vehicle will be used for an assisted installation training demonstration. The installation training session is customary to any AXON Fleet installation service regardless of who performs the continued Axon Fleet system installations.

The customary training session does not 'certify' a non-AXON Installer, customer-employed Installer or customer 3rd party Installer, since the AXON Fleet products does not offer an Installer certification program. Any work performed by non-AXON Installer, customer-employed Installer or customer 3rd party Installer is not warranted by AXON, and AXON is not liable for any damage to the vehicle and its existing systems and AXON Fleet hardware.



Axon Enterprise, Inc.
 17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 VAT: 86-0741227
 Domestic: (800) 978-2737
 International: +1.800.978.2737

Q-507738-45202.569MA

Issued: 10/03/2023

Quote Expiration: 10/27/2023

Estimated Contract Start Date: 02/01/2024

Account Number: 110932

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
Business:Delivery;Invoice-1400 Schertz Pkwy 1400 Schertz Pkwy Schertz, TX 78154-1634 USA	Schertz Police Dept - TX 1400 Schertz Pkwy Schertz TX 78154-1634 USA Email:	Matt Appelbaum Phone: Email: mappelbaum@axon.com Fax:	William Sulton Phone: (210) 619-1252 Email: wsulton@schertz.com Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$363,984.00
ESTIMATED TOTAL W/ TAX	\$363,984.00

Discount Summary

Average Savings Per Year	\$11,567.60
TOTAL SAVINGS	\$57,838.00

Payment Summary

Date	Subtotal	Tax	Total
Jan 2024	\$72,796.80	\$0.00	\$72,796.80
Jan 2025	\$72,796.80	\$0.00	\$72,796.80
Jan 2026	\$72,796.80	\$0.00	\$72,796.80
Jan 2027	\$72,796.80	\$0.00	\$72,796.80
Jan 2028	\$72,796.80	\$0.00	\$72,796.80
Total	\$363,984.00	\$0.00	\$363,984.00

Quote Unbundled Price: \$421,822.00
 Quote List Price: \$380,734.00
 Quote Subtotal: \$363,984.00

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
T10Cert	TASER 10 Certification Bundle	80	60	\$84.39	\$75.83	\$75.83	\$363,984.00	\$0.00	\$363,984.00
A la Carte Services									
85147	CEW STARTER	1			\$9,950.00	\$0.00	\$0.00	\$0.00	\$0.00
85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1			\$6,800.00	\$0.00	\$0.00	\$0.00	\$0.00
Total							\$363,984.00	\$0.00	\$363,984.00

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
TASER 10 Certification Bundle	100390	TASER 10 HANDLE, YLW, CLASS 3R	80	01/01/2024
TASER 10 Certification Bundle	100390	TASER 10 HANDLE, YLW, CLASS 3R	2	01/01/2024
TASER 10 Certification Bundle	100393	TASER 10 LIVE DUTY MAGAZINE BLACK	80	01/01/2024
TASER 10 Certification Bundle	100393	TASER 10 LIVE DUTY MAGAZINE BLACK	2	01/01/2024
TASER 10 Certification Bundle	100394	TASER 10 HALT TRN MAGAZINE BLUE (HOOK-AND-LOOP-TRAINING)	4	01/01/2024
TASER 10 Certification Bundle	100395	TASER 10 LIVE TRAINING MAGAZINE PURPLE	4	01/01/2024
TASER 10 Certification Bundle	100396	TASER 10 INERT MAGAZINE RED	4	01/01/2024
TASER 10 Certification Bundle	100399	TASER 10 LIVE CARTRIDGE	1600	01/01/2024
TASER 10 Certification Bundle	100400	TASER 10 HALT CARTRIDGE	480	01/01/2024
TASER 10 Certification Bundle	100401	TASER 10 INERT CARTRIDGE	32	01/01/2024
TASER 10 Certification Bundle	100611	TASER 10 SAFARILAND HOLSTER, RH	50	01/01/2024
TASER 10 Certification Bundle	100613	TASER 10 SAFARILAND HOLSTER, LH	30	01/01/2024
TASER 10 Certification Bundle	100623	ENHANCED HOOK-AND-LOOP TRAINING (HALT) SUIT (V2)	2	01/01/2024
TASER 10 Certification Bundle	20018	TASER BATTERY PACK, TACTICAL	80	01/01/2024
TASER 10 Certification Bundle	20018	TASER BATTERY PACK, TACTICAL	14	01/01/2024
TASER 10 Certification Bundle	20018	TASER BATTERY PACK, TACTICAL	2	01/01/2024
TASER 10 Certification Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	01/01/2024
TASER 10 Certification Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	1	01/01/2024
TASER 10 Certification Bundle	74200	TASER 6-BAY DOCK AND CORE	1	01/01/2024
TASER 10 Certification Bundle	80087	TASER TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	2	01/01/2024
TASER 10 Certification Bundle	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	2	01/01/2024
TASER 10 Certification Bundle	100399	TASER 10 LIVE CARTRIDGE	160	01/01/2025
TASER 10 Certification Bundle	100400	TASER 10 HALT CARTRIDGE	480	01/01/2025
TASER 10 Certification Bundle	100399	TASER 10 LIVE CARTRIDGE	160	01/01/2026
TASER 10 Certification Bundle	100400	TASER 10 HALT CARTRIDGE	480	01/01/2026
TASER 10 Certification Bundle	100399	TASER 10 LIVE CARTRIDGE	160	01/01/2027
TASER 10 Certification Bundle	100400	TASER 10 HALT CARTRIDGE	480	01/01/2027
TASER 10 Certification Bundle	100399	TASER 10 LIVE CARTRIDGE	160	01/01/2028
TASER 10 Certification Bundle	100400	TASER 10 HALT CARTRIDGE	480	01/01/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 10 Certification Bundle	20248	TASER 7 EVIDENCE.COM LICENSE	80	02/01/2024	01/31/2029
TASER 10 Certification Bundle	20248	TASER 7 EVIDENCE.COM LICENSE	1	02/01/2024	01/31/2029

Services

Bundle	Item	Description	QTY
TASER 10 Certification Bundle	100751	TASER 10 DUTY CARTRIDGE REPLACEMENT ACCESS PROGRAM	80

Services

Bundle	Item	Description	QTY
TASER 10 Certification Bundle	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
TASER 10 Certification Bundle	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
TASER 10 Certification Bundle	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
TASER 10 Certification Bundle	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
TASER 10 Certification Bundle	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
TASER 10 Certification Bundle	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	1
TASER 10 Certification Bundle	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	1
TASER 10 Certification Bundle	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	1
TASER 10 Certification Bundle	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	1
TASER 10 Certification Bundle	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	1
A la Carte	85147	CEW STARTER	1
A la Carte	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
TASER 10 Certification Bundle	100704	EXT WARRANTY, TASER 10 HANDLE	80	01/01/2025	01/31/2029
TASER 10 Certification Bundle	100704	EXT WARRANTY, TASER 10 HANDLE	2	01/01/2025	01/31/2029
TASER 10 Certification Bundle	80374	EXT WARRANTY, TASER 7 BATTERY PACK	80	01/01/2025	01/31/2029
TASER 10 Certification Bundle	80374	EXT WARRANTY, TASER 7 BATTERY PACK	2	01/01/2025	01/31/2029
TASER 10 Certification Bundle	80374	EXT WARRANTY, TASER 7 BATTERY PACK	14	01/01/2025	01/31/2029
TASER 10 Certification Bundle	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	1	01/01/2025	01/31/2029

Payment Details

Jan 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	85147	CEW STARTER	1	\$0.00	\$0.00	\$0.00
Year 1	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1	\$0.00	\$0.00	\$0.00
Year 1	T10Cert	TASER 10 Certification Bundle	80	\$72,796.80	\$0.00	\$72,796.80
Total				\$72,796.80	\$0.00	\$72,796.80

Jan 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	85147	CEW STARTER	1	\$0.00	\$0.00	\$0.00
Year 2	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1	\$0.00	\$0.00	\$0.00
Year 2	T10Cert	TASER 10 Certification Bundle	80	\$72,796.80	\$0.00	\$72,796.80
Total				\$72,796.80	\$0.00	\$72,796.80

Jan 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	85147	CEW STARTER	1	\$0.00	\$0.00	\$0.00
Year 3	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1	\$0.00	\$0.00	\$0.00
Year 3	T10Cert	TASER 10 Certification Bundle	80	\$72,796.80	\$0.00	\$72,796.80
Total				\$72,796.80	\$0.00	\$72,796.80

Jan 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	85147	CEW STARTER	1	\$0.00	\$0.00	\$0.00
Year 4	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1	\$0.00	\$0.00	\$0.00
Year 4	T10Cert	TASER 10 Certification Bundle	80	\$72,796.80	\$0.00	\$72,796.80
Total				\$72,796.80	\$0.00	\$72,796.80

Jan 2028						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	85147	CEW STARTER	1	\$0.00	\$0.00	\$0.00
Year 5	85149	CEW 2 DAY PRODUCT SPECIFIC INSTRUCTOR COURSE	1	\$0.00	\$0.00	\$0.00
Year 5	T10Cert	TASER 10 Certification Bundle	80	\$72,796.80	\$0.00	\$72,796.80
Total				\$72,796.80	\$0.00	\$72,796.80

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract BuyBoard Contract 648-21 is incorporated by reference into the terms and conditions of this Agreement. In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

10/3/2023



CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Engineering
Subject: Resolution 23-R-105 – Authorizing the purchase of property and easements along IH-35 for the Riata Lift Station (B.James/K.Woodlee/E.Schulze)

BACKGROUND

Due to conflicts with the Texas Department of Transportation’s (TxDOT) proposed IH-35 NEX Northbound Frontage Road project, the City of Schertz must relocate the existing Riata Lift Station and associated sewer mains. The relocated improvements will be shifted approximately 60 feet away from the existing frontage road and will be located within a new site for the lift station and easement for the gravity and force mains leading to and from the lift station from Fairlawn Avenue.

In order to relocate the lift station and associated sewer mains, property and easements will need to be secured adjacent to the existing site and out of conflict with the TXDOT widening. It has been determined that 0.6174 acres would need to be purchased to meet the new lift station site requirements, along with 0.2965 acres for a permanent easement and 0.2480 acres for a temporary construction easement for the sewer mains.

TXDOT’s appraisal revealed an unadjusted square footage value range of \$4.28 - \$7.50. Permanent easements were estimated to have a 90% of purchase price value and temporary easements 10%. On April 25th, Staff briefed Council on the property. Council authorized Staff to negotiate with the property owner to acquire the property.

The City’s on-call engineer and right-of-way agent began negotiations with the property owner to acquire the property. Our agent was able to secure an agreement to purchase the property and easements. With closing costs and surveying the acquisition has a not to exceed cost of \$300,000.

As is typical with utility relocations along interstate facilities necessitated by TxDOT improvements, the cost is fully reimbursable. Responsibilities of the City and TxDOT related to this relocation are outlined in a Standard Utility Agreement (SUA) funding reimbursement.

GOAL

To obtain authorization from City Council to purchase the property and easements along IH- 35 for the Riata Lift Station relocation plus closing and survey costs for a not to exceed amount of \$300,000.

COMMUNITY BENEFIT

The purchase of property and easements will allow for the relocation of utilities and the continuation of sewer service to residents and businesses along the IH 35 corridor.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 23-R-105 to authorize the purchase of the property needed to for the lift station relocation.

FISCAL IMPACT

Initial funding has been allocated from the City’s Water and Sewer Construction Reserves. All project costs are reimbursable from the State of Texas due to this being an interstate highway. The cost is up to \$300,000.

RECOMMENDATION

Approval of Resolution 23-R-105.

Attachments

Resolution 23-R-105

RESOLUTION NO. 23-R-105

A RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AND EASEMENTS ALONG IH 35 FOR THE RIATA LIFT STATION.

WHEREAS, the Texas Department of Transportation (TxDOT) is undertaking the Interstate Highway 35 North East Expansion (IH 35 NEX) Project and has acquired additional right of way for the widening of the highway; and

WHEREAS, the Riata Wastewater Lift Station of the City of Schertz, Texas, (City) is located in conflict with the planned TxDOT improvements to IH 35; and

WHEREAS, the State of Texas will pay to the City of Schertz the costs incurred in adjustment, removal, and relocation of the Riata Lift Station and Wastewater Mains, including the site and easements; and

WHEREAS, Staff briefed City Council on the merits of acquiring the property and Council authorized Staff to negotiate for purchasing the property on April 25, 2023; and

WHEREAS, the City's realtor has negotiated with the property owner and the property owner has agreed to sell the property to the City; and

WHEREAS, City Staff has recommended that the City purchase the property and associated easements for the relocation of utilities along Interstate Highway 35 (Riata Lift Station and Associated Gravity and Force Mains) and reimbursement of project costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes purchasing the property and easements located along IH 35 and authorizes the City Manager to execute the necessary documents to purchase the property for an amount not to exceed **THREE HUNDRED THOUSAND DOLLARS** (\$300,000.00) during the FY 2023-2024.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be

valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this ____ day of October, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: City Secretary
Subject: Resolution 23-R-96 - Nominations for the Guadalupe Appraisal Board of Directors for a term from 2023-2025.

BACKGROUND

Per S 6.03 (b.) of the Texas Tax Code, the terms of all members of the Guadalupe Appraisal District Board of Directors will expire on December 31, 2023. A letter was forwarded to the required representatives of the taxing units entitled to participate in the nomination and voting process for the directors to serve the next two-year term.

The Schertz City Council is entitled to nominate a candidate for each directorship to serve the 2023-2025 term.

The following candidates have already been nominated for the 2023-2025 Guadalupe Appraisal Board of Directors: Mr. Ben Amador, Ms. Letticia Sever, Mr. Jim Lievens and Mr. Darren Dunn.

Attachments

Resolution 23-R-96

RESOLUTION 23-R-96

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS IN SUPPORT OF THE NOMINATION (S) FOR THE GUADALUPE APPRAISAL BOARD OF DIRECTORS AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, section 6.03(k), of the Texas Property Tax Code, requires that each taxing unit entitled nominate candidates by Resolution and submit the list of nominees to the results of that vote to the Chief Appraiser of the Guadalupe County Appraisal District on or before October 15, 2023; and

WHEREAS, the City of Schertz hereby supports the following nominee (s) for the Guadalupe Appraisal District Board of Directors for the following 2023-2025 year; and

WHEREAS, the City Council has determined that it is in the best interest of the City to nominate _____ .

NOW, THEREFORE, BE IT RESOLVED that the City Council of the CITY OF SCHERTZ hereby nominate(s) _____ for directorship for the Guadalupe Appraisal District Board of Directors with a term ending December 31, 2025.

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 3. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 4. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 5. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 6. This Resolution shall be in force and effect from and after its formal passage, and it is so resolved.

PASSED AND ADOPTED, this _____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Planning & Community Development
Subject: Ordinance 23-S-27 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 4, Section 21.4.12 Variances and Article 9 Section 21.9.7 Landscaping and Section 21.9.9 Tree Mitigation. *First Reading* (B. James, L. Wood, S. Haas)

BACKGROUND

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

Staff is proposing to make the city's Unified Development Code align more closely with the State of Texas Local Government Code (LGC). Ordinance 23-S-27 will accomplish this by amending Article 4 - Variances, and two sections of Article 9 in relation to tree caliper planting requirements.

A Public Hearing notice was published in the San Antonio Express News on September 20, 2023. On September 13th, 2023, the Planning & Zoning Commission conducted a public hearing and made a recommendation of approval as presented.

Proposed Amendments:

Staff is proposing to add language to Article 4, Section 21.4.12 Variances for clarification. Specifically, section 21.4.12.1.A states the following: "A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district." The Local Government Code has slightly more nuanced criteria in regards to the "economic gain or loss" than the UDC, and may be considered when granting variances as it pertains to structures. The Board of Adjustment has not denied nor has staff recommended denial for any variance within this regard. This proposed UDC amendment is an effort to be proactive and add clarity for staff, residents, and applicants.

In this section of the UDC, staff is proposing to add verbatim language from the Local Government Code Section 211.009 (b-1) to the end of Section 21.4.12 as follows:

In considering a variance as applied to a structure, the board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

- **The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;**
- **Compliance would result in a loss to the lot on which the structure is located of at least 25**

- percent of the area on which development may physically occur;
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality considers the structure to be a nonconforming structure

For Article 9, staff is proposing to reduce Schertz's UDC planting requirement to two inches (2") to match the LGC minimum with relation to tree mitigation. This requires amendments in UDC Section 21.9.9 - Tree Mitigation. In LGC Section 212.905, the State has a minimum tree planting requirement of 2" inches. All trees planted above this requirement are eligible for mitigation credits. While the City of Schertz's current minimum of 2.5" inches is technically still permitted, the UDC has effectively built-in a credit process that may add complexity and confusion to the process.

Staff is also proposing to make the UDC more consistent and have the minimum planting requirements lowered in UDC Section 21.9.7 - Landscaping. The City of Schertz is permitted to have the current minimum of 2.5" inches however, in order to avoid confusion staff is recommending to lower the tree planting minimum in this section as well to make all planting requirements match in the UDC and be more in line with the LGC. Making the UDC consistent will help staff and applicants by making the development process easier to understand.

Proposed UDC Amendments to Tree Caliper Min. Requirements		
UDC Section	Current	Proposed (<i>match LGC</i>)
21.9.7 - Landscaping	2.5 inches	2 inches
21.9.9 - Tree Mitigation	2.5 inches	2 inches

Finally, staff is proposing to include clarifying language that such tree calipers are measured at 4.5 feet above the ground, an industry term known as Diameter at Breast Height (DBH). Currently, the UDC has language that states 4-foot measurement requirements and 4.5-foot measurement requirements. These proposed amendments will make the UDC more consistent and just use the industry standard of 4.5 feet DBH.

GOAL

To amend the UDC to review and update the development regulations due to changing conditions and community goals in order to establish and maintain sound, stable and desirable development.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The proposed amendments would help align the Schertz UDC with the State law, and make the development process easier for applicants and staff. These amendments have been reviewed by our legal team with no objection.

On September 13th, 2023, the Planning & Zoning Commission conducted a public hearing and made a unanimous recommendation of approval as presented.

RECOMMENDATION

The proposed amendments would add clarity for staff, residents, and applicants. Therefore, staff recommends approval of Ordinance 23-S-27.

Attachments

Ord. 23-S-27

UDC Section 21.4.12 Variances - (redlines)

UDC Section 21.9.7. Landscaping - (redlines)

UDC Section 21.9.9. Tree Preservation and Mitigation - (redlines)

City Council Presentation Slides

ORDINANCE NO. 23-S-27

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 4 SUBSECTION 21.4.12 VARIANCES & ARTICLE 9 SUBSECTION 21.9.7 LANDSCAPING & SUBSECTION 21.9.9 TREE MITIGATION.

WHEREAS, pursuant to Ordinance No. 10-S-06, the City of Schertz (the “City”) adopted and Amended and Restated Unified Development Code on April 13, 2010, as further amended (the “Current UDC”); and

WHEREAS, City Staff has reviewed the Current UDC and have recommended certain revision and updates to, and reorganization of, the Current UDC;

WHEREAS, on September 13, 2023, the Planning and Zoning Commission conducted public hearings and, thereafter recommended approval; and

WHEREAS, on October 10, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health, and welfare.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS: THAT:

Section 1. The current UDC is hereby amended as set forth on Exhibit A and Exhibit B hereto.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this

Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the ____ day of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"

Unified Development Code (UDC) Amendments

Article 4 Section 21.4.12 – Variances

Sec. 21.4.12. Variances.

A. *Applicability.*

1. The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.
2. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance.

B. *Application Requirements.* Any request for a variance shall be accompanied by an application prepared in accordance with the Development Manual.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a variance shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other appropriate City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the BOA for consideration.
2. *Notification requirements.* An application for a variance requires the following notification in accordance with section 21.4.3:
 - a. Written notice; and
 - b. Published notice.
3. *Decision by the BOA.*
 - a. The BOA shall receive the recommendation of the City Manager or his/her designee and shall hold a public hearing in accordance with section 21.4.4. The Board may vote to approve, approve with conditions, or deny the variance.
 - b. The Board may, on its own motion or by request of the property owner, postpone consideration of the variance to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 - c. The approval shall be effective for a period of 180 days after the date of such approval. If no application for building permit is submitted within that time, the variance shall become null and void.
 - d. The disapproval of a variance shall require compliance by the applicant, if applicable, within fifteen (15) days after the date of disapproval and upon written notification by staff.

D. *Criteria for approval.* In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the Board must determine the following:

1. The requested variance does not violate the intent of this UDC or its amendments;

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2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
 3. The hardship is in no way the result of the applicant's own actions; and
 4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
 5. In considering a variance as applied to a structure, the Board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
 - a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e. The municipality considers the structure to be a nonconforming structure.
- E. *Appeals of BOA Decisions.* Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, board of the City may appeal a decision of the BOA regarding any variance request in accordance with section 21.3.4 of this UDC.
- F. *Finding of fact.* The board shall complete a finding of fact for Variance or appeal to support its conclusion for each variance or appeal presented to it.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

Exhibit "B"

Unified Development Code (UDC) Amendments

Article 9 Section 21.9.7. – Landscaping

&

Article 9 Section 21.9.9 – Tree Mitigation

Sec. 21.9.7. Landscaping.

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.
- C. *Single Family and Duplex Residential*
Installation and Maintenance.
1. Prior to issuance of a Certificate of Occupancy sod shall be in place in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half (½) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
 2. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
 3. Vegetation other than grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee.
 4. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
 5. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
 6. Every single family residential lot shall provide a minimum of two (2) shade trees having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level which are a minimum of two inches (2") caliper at the time of planting.
- D. *Nonresidential and Multi-Family.* The provisions of this section apply to new construction except public water and wastewater facilities for which only subsections 14 and 16 below apply.

Existing developments where all structures are not being demolished, do not have to comply with all of these requirements. Rather they cannot decrease compliance with an individual requirement to the point that they no longer comply with that individual requirement.

Installation and Maintenance.

1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan.

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2. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Temporary Certificate of Occupancy may be issued for up to four (4) months.
 3. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
 4. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
 5. Trees planted having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level shall be a minimum of two inches (2") caliper at the time of planting. All trees planted to meet the minimum landscaping, requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a two inch (2") tree will have a twenty inch (20") radius or forty inch (40") diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
 6. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
 7. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.
 8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
 9. A minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).
 10. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
 11. All commercial and multi-family properties shall provide shade trees at a ratio of nine (9) trees per acre. Industrial property shall provide shade trees at a ratio of six (6) trees per acre. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
 12. Interior Landscaping. A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide[d] at or near the property boundary.

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13. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twenty (20) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 162 square feet or nine feet by eighteen feet (9' x 18') in size. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area. This subsection does not apply to public schools.
 14. Perimeter Landscape Area - Where a nonresidential or multifamily use adjacent to a nonresidential or multifamily use that is zoned for nonresidential or multifamily uses shall provide a minimum five-foot (5') landscape buffer adjacent to those uses except where the building extends into that five foot (5') landscape buffer. A minimum of one (1) shade tree shall be planted for each one-hundred linear feet (100') of landscape buffer except where the entire five-foot (5') wide landscape buffer is encumbered by an easement that does not allow the planting of trees. A nonresidential or multifamily use adjacent to a single family or duplex residential use or single family or duplex residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the proper line of the residential use or residentially zoned property. A minimum of one (1) shade tree [s]hall be planted for each thirty (30) linear feet of landscape buffer. The landscape buffer shall be covered with grass or another solid vegetative cover. The landscape buffer shall include a masonry wall which shall be eight feet (8') in height. The requirement of this subsection doe[s] not apply to public water and wastewater facilities if an eight foot (8') masonry wall is provided at or near the property boundary.
- F. *Landscape Plan Required.* A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:
1. location of all existing trees with indication as to those to be preserved;
 2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
 3. species of all plant material to be used;
 4. size of all plant material to be used;
 5. spacing of plant material where appropriate;
 6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
 7. description of maintenance provisions of the landscaping plan; and
 8. persons responsible for the preparation of the landscape plan.

(Ord. No. 16-S-27 , §§ 3, 4, 8-30-2016; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

Sec. 21.9.9. Tree Preservation and Mitigation.

A. *Purpose and Intent.*

1. The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
2. It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class and Heritage Class trees possible.

B. *Applicability and Exemptions.*

1. The provisions of this section are applicable to the following:
 - a. all new residential and nonresidential development within the City except public schools;
 - b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction except public schools;
 - c. any grading, filling or clearing of land in the City limits; and
 - d. any selective or individual removal of any Protected Class or Heritage Class Tree in the City limits.
2. The following definitions shall be applicable to the provisions of this section:
 - a. *Protected Class Trees.* Trees having a DBH (diameter at breast height measured four and one half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
 - b. *Heritage Class Trees.* Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Class Trees".
 - c. *Damage.* Damage shall be considered any injury to a tree including, but not limited to:
 - i. uprooting;
 - ii. severance of the root system or main trunk;
 - iii. storage of topsoil, construction materials, debris or chemicals within the drip line area;
 - iv. compaction of soil within the drip line area;
 - v. a substantial change in the natural grade above a root system or within the drip line area;
 - vi. pruning or removal of more than twenty-five percent (25%) of the living tissue; or
 - vii. Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.
3. The following are exempt from the preservation, mitigation and permitting requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)
- g. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- h. Protected Class and Heritage Class trees of the following exempted tree species:

Table 21.9.9 Exempted Trees	
Common Name	Scientific Name
Hackberry	Celtis occidentalis
Eastern Red Cedar	Juniperus virginiana
Common Ashe Juniper	Juniperis ashei
Chinaberry	Melia azedarach
Mesquite	Prosopis spp.
Ligustrum	Ligustrum spp.

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
 - 1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
 - 2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
 - 3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)

D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:

1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two inches (2").
2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two inches (2").
3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

E. *Tree Protection Standards.*

1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
 - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
 - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
 - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
 - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
2. It is the intent of the City to control and prevent the spread of Oak Wilt.
 - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
 - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

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- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec.21.9.7.E.2. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
 2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
 2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
 3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.2. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
 2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
 3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.2.f. above;
 4. a tree inventory that summarizes the following:
 - a. total number of DBH caliper inches on the site;
 - b. total number of DBH caliper inches to be removed;
 - c. total number of DBH caliper inches to be preserved;
 - d. location of any proposed tree mitigation;
 - e. any proposed tree preservation credits; and
 5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
 - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
 - b. The tree is proposed for removal because it is within a future public utility location.
 2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:

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- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
 - b. The requested waiver does not violate the intent of this section or the UDC;
 - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
 - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

(Ord. No. 16-S-27 , § 6, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-08 , § 1(Exh. A), 2-27-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 22-S-18 , § 1(Exh. A), 4-26-2022)

PROPOSED REDLINES

Sec. 21.4.12. Variances.

A. *Applicability.*

1. The BOA shall have the ability to authorize, in specific cases, a variance from the zoning regulations of this UDC if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this UDC would result in unnecessary hardship, so that the spirit of this UDC is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district.
2. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance.

B. *Application Requirements.* Any request for a variance shall be accompanied by an application prepared in accordance with the Development Manual.

C. *Processing of Application and Decision.*

1. *Submittal.* An application for a variance shall be submitted to the City Manager or his/her designee. The City Manager or his/her designee shall review the application for completeness in accordance with section 21.4.2. The City Manager or his/her designee may, at its option, request a recommendation from any other appropriate City department or consultant. The City Manager or his/her designee shall notify the applicant of items requiring correction or attention before providing a recommendation on the application. After appropriate review, the City Manager or his/her designee shall forward a written recommendation to the BOA for consideration.
2. *Notification requirements.* An application for a variance requires the following notification in accordance with section 21.4.3:
 - a. Written notice; and
 - b. Published notice.
3. *Decision by the BOA.*
 - a. The BOA shall receive the recommendation of the City Manager or his/her designee and shall hold a public hearing in accordance with section 21.4.4. The Board may vote to approve, approve with conditions, or deny the variance.
 - b. The Board may, on its own motion or by request of the property owner, postpone consideration of the variance to a certain date that is not more than thirty (30) calendar days after the date of the current consideration in order to review additional information or modifications which may have a direct bearing on the final decision.
 - c. The approval shall be effective for a period of 180 days after the date of such approval. If no application for building permit is submitted within that time, the variance shall become null and void.
 - d. The disapproval of a variance shall require compliance by the applicant, if applicable, within fifteen (15) days after the date of disapproval and upon written notification by staff.

D. *Criteria for approval.* In order to make a finding of hardship and grant a variance from the zoning regulations of this UDC, the Board must determine the following:

1. The requested variance does not violate the intent of this UDC or its amendments;

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2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
 3. The hardship is in no way the result of the applicant's own actions; and
 4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

5. In considering a variance as applied to a structure, the Board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

- a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- e. The municipality considers the structure to be a nonconforming structure.

E. *Appeals of BOA Decisions.* Any person or persons aggrieved by any decision of the BOA, or any taxpayer or any officer, department, board of the City may appeal a decision of the BOA regarding any variance request in accordance with section 21.3.4 of this UDC.

F. *Finding of fact.* The board shall complete a finding of fact for Variance or appeal to support its conclusion for each variance or appeal presented to it.

(Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018)

PROPOSED REDLINES

Sec. 21.9.7. Landscaping.

- A. *Purpose.* The purpose of this section is to establish landscaping requirements to enhance the community's ecological, environmental, and beautification efforts as well as its aesthetic qualities. It is the intent of this section to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen, regeneration, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City.
- B. *Enforcement.* If at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in nonconformance with standards and criteria of this section, notice by the City may be issued to the owner, citing the violation and describing what action is required to comply with this section. The owner, tenant or agent shall have forty-five (45) days after the date of said notice to restore landscaping as required. The City may extend the time of compliance based on weather conditions. If the landscaping is not restored within the allotted time, such person shall be in violation of this UDC.
- C. *Single Family and Duplex Residential*
Installation and Maintenance.
1. Prior to issuance of a Certificate of Occupancy sod shall be in place in full front and rear yards, except for landscape beds and gardens. On property containing a minimum of one-half (½) acre or greater, sod in front and rear yards shall be planted adjacent to the slab for a distance of fifty feet (50') and for a distance of twenty feet (20') in side yards.
 2. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
 3. Vegetation other than grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee.
 4. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
 5. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
 6. Every single family residential lot shall provide a minimum of two (2) shade trees having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level which are a minimum of two ~~and one half inches (2.5")~~ caliper ~~measured at four feet (4') above ground level~~ at the time of planting.
- D. *Nonresidential and Multi-Family.* The provisions of this section apply to new construction except public water and wastewater facilities for which only subsections 14 and 16 below apply.

Existing developments where all structures are not being demolished, do not have to comply with all of these requirements. Rather they cannot decrease compliance with an individual requirement to the point that they no longer comply with that individual requirement.

Installation and Maintenance.

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1. Prior to issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan approved as part of the Site Plan.
 2. In any case in which a Certificate of Occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a Temporary Certificate of Occupancy may be issued for up to four (4) months.
 3. All landscaped areas shall be irrigated with an approved automatic underground irrigation system unless the landscaped area has been designed utilizing xeriscaping methods. All irrigation systems shall be designed and sealed in accordance with the Texas Commission on Environmental Quality (TCEQ) and shall be professionally installed. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.
 4. Vegetation other than approved grasses or ground cover under six inches (6") in height is prohibited in any City right-of-way unless specifically authorized in writing by the City Manager or his/her designee, after consultation with the Director of Public Works or his/her designee.
 5. Trees planted having a DBH (diameter at breast height) measured four and one half feet (4.5') above existing ground level shall be a minimum of two ~~and one half inches (2.5")~~ caliper ~~measured at four feet (4') above ground level~~ at the time of planting. All trees planted to meet the minimum landscaping requirements of this section shall be planted so as to provide for no impervious material within the drip line of the tree. For the purposes of determining the drip line to meet the requirements of this section, the drip line radius shall be measured as being ten (10) times the caliper of the tree. For example, a two ~~and one half inch (2.5")~~ tree will have a ~~twenty-five inch (205")~~ radius or ~~fiftyfour~~ inch (540") diameter. Tree wells or tree grates may be utilized to meet the requirements of this section. The City may, at its option, require certification by a registered arborist that adequate space has been provided for pervious cover beneath the drip line of a tree.
 6. New landscaped areas shall be prepared so as to achieve a soil depth of at least two inches (2").
 7. The use of architectural planters in nonresidential districts may be permitted in fulfillment of landscape requirements subject to approval of the Planning and Zoning Commission at the time of Site Plan approval.
 8. Landscape planting shall not be erected or installed in such a manner as to interfere with traffic view or impose a safety hazard.
 9. A minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).
 10. A minimum of twenty percent (20%) of the total land area of any proposed multifamily or nonresidential development shall be landscaped and shall be comprised of trees, shrubs, sod or other ground cover. In the event of the construction of a phased development, the minimum twenty percent (20%) requirement shall apply to each phase as it is developed.
 11. All commercial and multi-family properties shall provide shade trees at a ratio of nine (9) trees per acre. Industrial property shall provide shade trees at a ratio of six (6) trees per acre. Public schools shall provide shade trees at a ratio of at least four (4) trees per acre. Existing trees may be counted toward meeting the requirements of this section.
 12. Interior Landscaping. A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. Interior landscaping

requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide[d] at or near the property boundary.

13. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twenty (20) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 162 square feet or nine feet by eighteen feet (9' x 18') in size. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area. This subsection does not apply to public schools.
14. Perimeter Landscape Area - Where a nonresidential or multifamily use adjacent to a nonresidential or multifamily use that is zoned for nonresidential or multifamily uses shall provide a minimum five-foot (5') landscape buffer adjacent to those uses except where the building extends into that five foot (5') landscape buffer. A minimum of one (1) shade tree shall be planted for each one-hundred linear feet (100') of landscape buffer except where the entire five-foot (5') wide landscape buffer is encumbered by an easement that does not allow the planting of trees. A nonresidential or multifamily use adjacent to a single family or duplex residential use or single family or duplex residentially zoned property shall provide a minimum twenty-foot (20') landscape buffer adjacent to the proper line of the residential use or residentially zoned property. A minimum of one (1) shade tree [s]hall be planted for each thirty (30) linear feet of landscape buffer. The landscape buffer shall be covered with grass or another solid vegetative cover. The landscape buffer shall include a masonry wall which shall be eight feet (8') in height. The requirement of this subsection doe[s] not apply to public water and wastewater facilities if an eight foot (8') masonry wall is provided at or near the property boundary.

F. *Landscape Plan Required.* A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the Site Plan. The landscape plan shall contain the following information:

1. location of all existing trees with indication as to those to be preserved;
2. location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscaping features;
3. species of all plant material to be used;
4. size of all plant material to be used;
5. spacing of plant material where appropriate;
6. type of watering system and location of watering source, irrigation, sprinkler, or water system, including placement of water sources;
7. description of maintenance provisions of the landscaping plan; and
8. persons responsible for the preparation of the landscape plan.

(Ord. No. 16-S-27 , §§ 3, 4, 8-30-2016; Ord. No. 18-S-04 , § 1(Exh. A), 1-23-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 21-S-26 , § 1(Exh. A), 7-6-2021; Ord. No. 23-S-07 , § 1(Exh. A), 3-14-2023)

Sec. 21.9.9. Tree Preservation and Mitigation.

A. *Purpose and Intent.*

1. The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape. It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
2. It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class and Heritage Class trees possible.

B. *Applicability and Exemptions.*

1. The provisions of this section are applicable to the following:
 - a. all new residential and nonresidential development within the City except public schools;
 - b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction except public schools;
 - c. any grading, filling or clearing of land in the City limits; and
 - d. any selective or individual removal of any Protected Class or Heritage Class Tree in the City limits.
2. The following definitions shall be applicable to the provisions of this section:
 - a. *Protected Class Trees.* Trees having a DBH (diameter at breast height measured four and one half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
 - b. *Heritage Class Trees.* Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Class Trees".
 - c. *Damage.* Damage shall be considered any injury to a tree including, but not limited to:
 - i. uprooting;
 - ii. severance of the root system or main trunk;
 - iii. storage of topsoil, construction materials, debris or chemicals within the drip line area;
 - iv. compaction of soil within the drip line area;
 - v. a substantial change in the natural grade above a root system or within the drip line area;
 - vi. pruning or removal of more than twenty-five percent (25%) of the living tissue; or
 - vii. Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.
3. The following are exempt from the preservation, mitigation and permitting requirements of this section:

- a. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
- b. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
- c. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
- d. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
- e. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
- f. Protected Class trees from the Undesirable Trees list in UDC Table 21.9.7F. (A waiver to mitigation for Heritage Class trees may be requested)
- g. Protected Class and Heritage Class trees located on property that has an existing one family or two-family dwelling that is occupied.
- h. Protected Class and Heritage Class trees of the following exempted tree species:

Table 21.9.9 Exempted Trees	
Common Name	Scientific Name
Hackberry	Celtis occidentalis
Eastern Red Cedar	Juniperus virginiana
Common Ashe Juniper	Juniperis ashei
Chinaberry	Melia azedarach
Mesquite	Prosopis spp.
Ligustrum	Ligustrum spp.

- C. *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section 21.9.9.B.3. above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
 - 1. *Protected Trees.* Any Protected Trees not exempt from preservation in section B.3. above may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services Any decision of the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC.
 - 2. *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Director of Parks, Recreation and Community Services. Any decision by the Director of Parks, Recreation and Community Services regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with section 21.4.14 of this UDC. All Heritage Trees shall be required to meet the mitigation requirements of this section.
 - 3. *Minimum Preservation.* In the development of any site, at least twenty-five percent (25%) of all mitigatable Protected Class and Heritage Class trees must be preserved. (A waiver to the 25% preservation requirement may be requested)

D. *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes may not include those listed as exempt in subsection 21.9.9.B.3. above nor any of the undesirable trees identified in table 21.9.7F. All trees planted for mitigation purposes must be a species of shade tree identified in table 21.9.7.A. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment which will be used to place trees at public parks, schools, or other approved public facilities throughout the City. Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees. Mitigation requirements are:

1. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two ~~and one half~~ inches (2.5").
2. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two ~~and one half~~ inches (2.5").
3. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection 21.9.9.D.1. and D.2. above.
4. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.
5. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

E. *Tree Protection Standards.*

1. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
 - a. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
 - b. A minimum of three inches (3") of mulch or compost shall be spread beneath the drip line of the preserved tree.
 - c. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the City Manager or his/her designee at the time of Site Plan approval.
 - d. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
2. It is the intent of the City to control and prevent the spread of Oak Wilt.
 - a. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
 - b. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.

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- F. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of UDC Sec.21.9.7.E.2. The following minimum tree preservation credits may be requested:
1. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
 2. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- G. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:
1. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
 2. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
 3. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- H. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section 21.9.9.B.2. above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
1. existing/proposed topography;
 2. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
 3. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section 21.9.9.B.2.f. above;
 4. a tree inventory that summarizes the following:
 - a. total number of DBH caliper inches on the site;
 - b. total number of DBH caliper inches to be removed;
 - c. total number of DBH caliper inches to be preserved;
 - d. location of any proposed tree mitigation;
 - e. any proposed tree preservation credits; and
 5. a summary of the tree protection methods to be utilized.
- I. *Waiver.*
1. *General.* The City Manager or his/her designee may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
 - a. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management); or
 - b. The tree is proposed for removal because it is within a future public utility location.
 2. *Criteria for approval.* Waivers shall be evaluated using the following criteria:

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- a. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
 - b. The requested waiver does not violate the intent of this section or the UDC;
 - c. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;
 - d. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.
3. Any decision of the City Manager or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the City Manager or his/her designee as outlined above.

(Ord. No. 16-S-27 , § 6, 8-30-2016; Ord. No. 17-S-40 , § 1(Exh. A), 10-24-2017; Ord. No. 18-S-08 , § 1(Exh. A), 2-27-2018; Ord. No. 18-S-24 , § 1(Exh. A), 8-7-2018; Ord. No. 22-S-18 , § 1(Exh. A), 4-26-2022)

Ord. 23-S-27

UDC Amendments to Article 4 – Variances
& Article 9 – Landscaping and Tree
Mitigation

Samuel Haas | SENIOR PLANNER

Article 4 – Variances

Proposed Amendments

UDC Section 21.4.12.A.:

"A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this UDC to other parcels of land in the district."

Article 4 – Variances

Proposed Amendments

Local Government Code 211.009(b-1):

In considering a variance as applied to a structure, the board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

- a) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;*
- b) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;*
- c) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;*
- d) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or*
- e) The municipality considers the structure to be a nonconforming structure*

Article 4 – Variances

Proposed Amendments

UDC Section 21.4.12.D. *Criteria for approval:*

2. Special conditions of restricted area, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to other parcels of land in the same zoning district;
3. The hardship is in no way the result of the applicant's own actions; and
4. The interpretation of the provisions in this UDC or any amendments thereto would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.
5. In considering a variance as applied to a structure, the Board may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:
 - a. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 - b. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 - c. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - d. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e. The municipality considers the structure to be a nonconforming structure.

Article 9 – Min. Tree Caliper Proposed Amendments

In the Local Government Code Section 212.905, the State has a minimum tree planting requirement of 2" inches.

All trees planted above this requirement are eligible for mitigation credits.

Tree Mitigation - UDC Section 21.9.9.D:

1. Protected Class Trees. Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
2. Heritage Class Trees. Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").

Article 9 – Min. Tree Caliper Proposed Amendments

Residential Landscaping - UDC Section 21.9.7.C.6:

Every single family residential lot shall provide a minimum of two (2) shade trees which are a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting.

Nonresidential Landscaping - UDC Section 21.9.7.D.5:

Trees planted shall be a minimum of two and one-half inches (2.5") caliper measured at four feet (4') above ground level at the time of planting.....

Article 9 – Min. Tree Caliper Proposed Amendments

Staff is proposing to lower all minimum Tree Caliper Requirements to 2" in conformance with LGC requirements and to make the UDC more consistent and easier to apply.

Additionally, trees are measured by Diameter at Breast Height (DBH) which is an industry standard of 4.5 feet above the ground. Staff is also proposing to amend the UDC to include this.

Ord. 23-S-27

Proposed Amendments

Article 4 – Variances

- Adding LGC language to 21.4.12.D: *Criteria for approval*

Article 9 – Tree Min. Caliper

- 21.9.9 - Tree Mitigation
 - Min. replacement tree caliper size
- 21.9.7 - Landscaping
 - Min. tree planting size (Res. & Non-res.)
 - Changing height of measurement from 4 feet to 4.5 feet
 - *Industry standard practice*

Staff Recommendation

- **The amendments would help the UDC align more closely with the LGC. Would also provide added clarity for applicants and staff**
- **The Planning & Zoning Commission recommended approval with a 7-0 vote at the September 13th, 2023, meeting.**
- **Therefore, staff recommends approval of the amendments to the Unified Development Code (UDC) as proposed and discussed.**

COMMENTS & QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023

Department: Planning & Community Development

Subject: Ordinance 23-S-26 – Conduct a public hearing and consider a request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294. *First Reading (B. James, L. Wood, E. Delgado)*

BACKGROUND

The applicant was initially proposing to rezone approximately twenty-one (21) acres from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4) in order to develop a multi-family development with a maximum density of twenty-four (24) units per acre.

Twenty-One (21) public hearing notices were mailed to the surrounding property owners on August 30, 2023. A public hearing notice was published in the "San Antonio Express" on September 20, 2023. At the time of this report, September 29, 2023, staff has received seven (7) responses opposed (one of the owner responses represents two property IDs), ten (10) response in favor, and zero (0) response neutral for the requested rezoning.

On Friday, October 6 the applicant formally notified staff that they were formally withdrawing a portion of the property from the rezoning request to remove the long narrow strip of property to IH-35. They intend to use this access the larger rectangular shaped property where they would like to develop multi-family. Since this narrow strip would only be used for access and no actual units or items required per the site design standards - parking, required landscaping, etc. it does not have to be rezoned. The acreage of the property they are now requesting to be rezoned is approximately 18.9 acres.

By formally altering their rezoning request, the area being considered by Council has been reduced and the area for which written opposition is considered has also been altered. Staff did not alter the caption to avoid confusion based on the notice that was published.

If a proposed zoning change is protested in writing and signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed zoning change or zoning map amendment and extending 200 feet from that area, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council according to LGC, Local Government Code § 211.006(d). At the time of this staff report October 6, 2023, at 12:00pm) the total percentage of the protested parcel acreage is 31.11%, therefore, the $\frac{3}{4}$ vote has been triggered for the October 10, 2023, City Council.

GOAL

The proposed zoning is for approximately 18.9 acres from Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4).

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

Section 21.5.4 Zoning Change/Zoning Map Amendment D Criteria For Approval lists 8 criteria to be considered in considering a recommendation for a zoning change. While the concepts are covered in the discussion in the staff reports, staff thought it might be helpful to articulate each and provide a concise response on each.

1. Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map;

The description of Single Family Residential in the Comprehensive plan indicates that "the Single Family Residential use may include a mix of residential uses" not a mix of single family residential uses. As such some multi-family is consistent with this language. Further the Comprehensive Plan has a goal to "Achieve an efficient, diverse and balanced pattern of land uses within the City and the ETJ." and objective of providing "an appropriate mix of different land use types in suitable locations, densities and patterns consistent with the goals and objectives established in the Plan" which this would do. Finally, the plan states that "Housing should be developed to meet all needs of the community in terms of affordability, availability, adequacy and accessibility. Commercial Retail and Office" Multifamily housing helps to meet this need, especially in light of the rapidly increased cost of housing that has been discussed over the past few years.

2. Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

As part of promoting health, safety and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. Given the existing M-1 zoning adjacent to the subject property, multi-family provides a better transition than single family detached lots.

3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

The site development standards in the UDC for multi-family development and the use of multifamily are appropriate and in fact seem to be the best in light of the significant variation in terms of zoning and land uses - single family residential, commercial and industrial.

4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

As the Comprehensive Plan notes, as development matures in rural areas, higher densities should be considered, Given the location of the subject property and the proximity of development, the city's various plans and infrastructure projects assume higher intensity development in this area, rather than rural, this includes a planned thoroughfare running through the northern portion of the property and one

to the east, approximately 350' away and the water storage tank less than 150' away. Given the population changes in SCUCISD this change does not conflict with the school district's plans including the 10 year campus forecasting.

5. Whether there have been environmental and/or economical changes which warrant the requested change;

As has been a topic of discussion over the last few years, the significant rise in housing prices supports looking to increase the supply of multi-family housing. As has been mentioned in the past at P&Z the new median home value in SCUCISD has risen to over \$430,000 from \$210,650 in the past 10 years.

6. Whether there is an error in the original zoning of the property for which a change is requested;

There is not an error, but the R-A zoning is generally more common in the areas designated in the FLUP as Estate Neighborhood and Agricultural Conservation. The plan seems to anticipate these requests for greater density as areas continue to develop.

7. Whether all of the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,

This does not impact consideration by P&Z or the first reading from Council.

8. Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Much of the opposition heard at P&Z was similar to every case where there is proposed multi-family zoning. A lot of this has to do with current levels of infrastructure versus planned or proposed infrastructure.

The reduced subject property is currently zoned Single Family Residential / Agricultural (RA). In the vicinity of the subject property there are properties zoned General Business (GB), Manufacturing Light (M-1), Planned Development District (PDD) and Single Family Residential / Agricultural (R-A). The proposed Apartment / Multi-Family Residential (R-4) zoning district is consistent with the General Business zoned properties, and PDD zoned properties designated for Multi-Family Development within the area. Additionally, the subject parcel is immediately adjacent to a 101-acre tract of land that is zoned Manufacturing Light (M-1). The proposed R-4 zoning district would act as a buffer between Commercial and Industrial properties and the residential.

The existing zoning Single-Family Residential (R-A) per UDC Article 5 Section 21.5.5 is intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable. Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre). This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards. Specifically, the UDC states “.. In such use for as long as is practical and reasonable.” The subject property is located 1,580 feet from IH 35, 600 feet to the north is property zoned for General Business, 340 feet to the east is property zoned General Business, immediately adjacent to property zoned Manufacturing Light, and 700 feet to the west is property zoned PDD that will be developed as Multi-Family. The existing Single Family Residential / Agricultural (R-A) zoning is not consistent with the land uses in the vicinity and the zoning designations.

The 2002 Comprehensive Land Plan identified the subject property as Commercial Campus and Industry, Technology and R and D. The subject property was not modified with the 2013 Sector Plan. In 2017, Ordinance 17-S-20 amended the portion of property identified as Industry, Technology, and R and D to the current designation of Single Family Residential. The modified subject property is identified as “Single Family Residential” on the Comprehensive Land Use Map. The Single-Family Residential use may include a mix of residential uses as well as limited commercial development. The City of Schertz has historically interpreted this to include multi-family / apartment. The Comprehensive Land Use Plan supports the proposed zone change to Apartment / Multi-Family (R-4). The Planning Division has recommended approval on several Multi-Family projects / zone changes that the Comprehensive Land Use Plan designated the property as “Single Family Residential”. Such as Schertz Station, located approximately 700 feet west of the subject property has approximately 29.09 acres that is designated as “Single Family Residential” on the Comprehensive Land Use Plan. This property was approved to be zoned Planned Development District (PDD) with a base zoning of Apartment / Multi-Family (R-4). Specifically, the 29.09 acres will be developed as 318 Multi-Family units.

In the vicinity of the subject property there are several properties that have the “Single Family Residential” Comprehensive Land Use Plan Designation and are zoned for Commercial, Industrial, or Multi-Family. In evaluating the requested zone change, staff evaluated the subject property and surrounding properties as well based on the comprehensive land use plan and the current uses on the properties in the area. If other properties in the vicinity currently zoned Single-Family Residential / Agricultural (R-A) requested a zone change to Apartment / Multi-Family (R-4), the Planning Division would recommend approval based on the surrounding land uses and zoning districts along with the Comprehensive Land Use Plan supporting a mix of residential uses. Additionally, if properties in the vicinity zoned R-A requested a commercial designation such as General Business, staff would support this zone change request as well based on the Comprehensive Land Use Plan- Single Family Residential designation supporting limited commercial development.

RECOMMENDATION

Based on the surrounding land uses and zoning designations, along with the Comprehensive Land Use Plan designation being intended for a mix of residential uses, staff recommends approval of the proposed zone change (Ord. 23-S-26) from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4).

The proposed zoning is consistent with the comprehensive plan, that allows for a variety of residential type uses.

The proposed zoning is not anticipated to have an adverse impact on adjacent properties. To the north is single family homes on relatively large lots. With the city's development regulations, any structure would be at least 125' from the existing homes to the north, and be separated by Den Ott Hill. Unlike the subject property, those properties are not located next to industrial zoned property (M-1) which is not compatible with single family detached homes.

Finally, the City has a substantial interest in protecting public health, safety and welfare of having an appropriate transition of uses and multifamily is commonly used to buffer between single family uses and non residential uses.

The Planning and Zoning Commission conducted a public hearing on September 13, 2023 and made a recommendation of approval with a 7-0 vote of the initial 21 acre rezoning request.

Due to the late change in the property requested to be rezoned, staff will add the correct exhibits to the draft ordinance prior to council.

Attachments

Changed Rezoning Request

written protest map

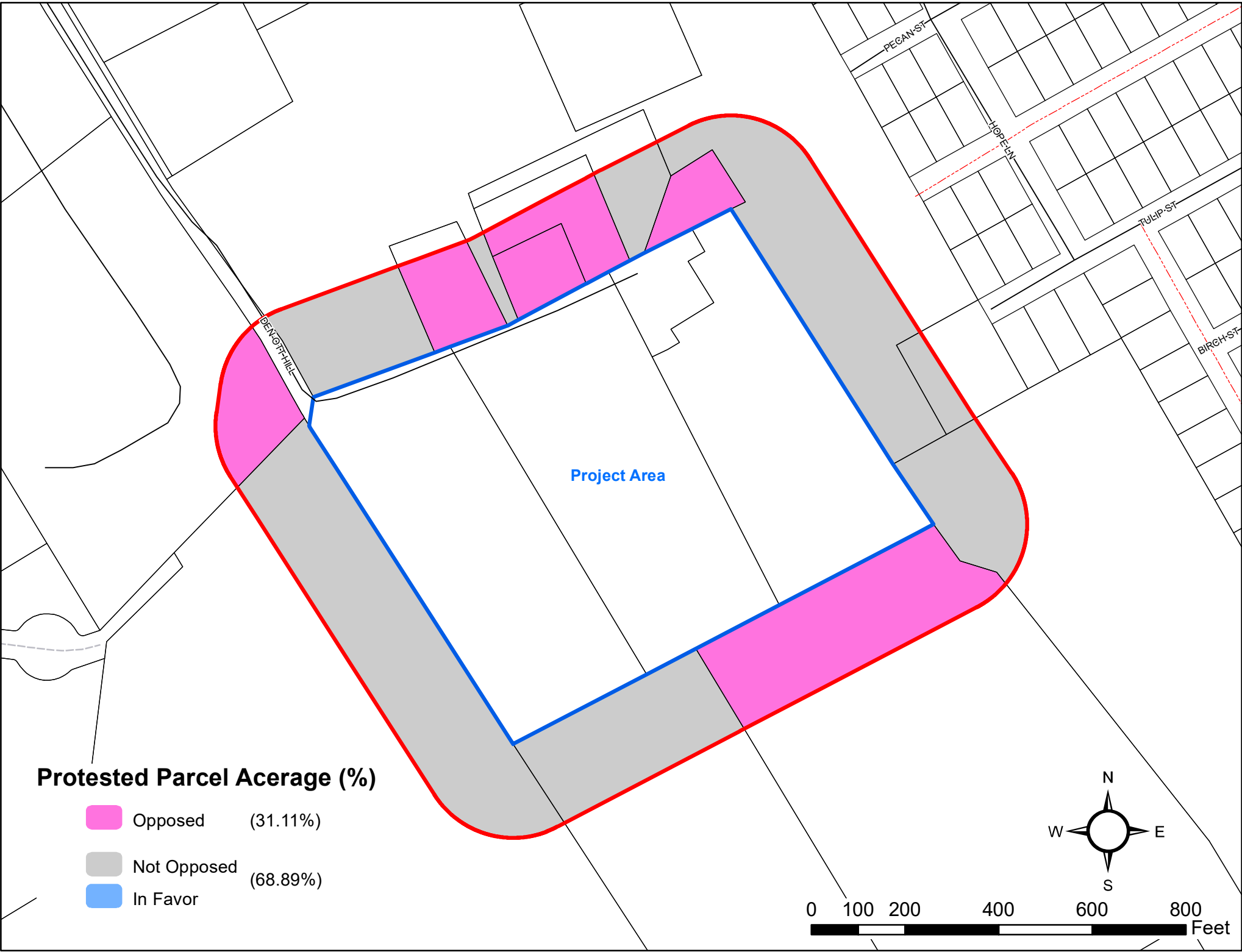
Ordinance missing attachments

aerial exhibit

Public Hearing Notice Map

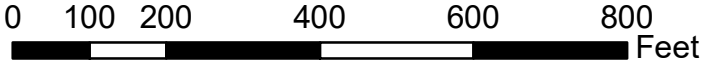
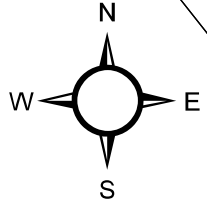
Public Hearing Responses as of 09.29.2023

CC presentation



Protested Parcel Acreage (%)

- Opposed (31.11%)
- Not Opposed (68.89%)
- In Favor



ORDINANCE NO. 23-S-26

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 19.9 ACRES OF LAND FROM SINGLE-FAMILY RESIDENTIAL / AGRICULTURAL DISTRICT (R-A) TO APARTMENT / MULTI-FAMILY RESIDENTIAL DISTRICT (R-4), LOCATED APPROXIMATELY 3,000 FEET EAST OF THE INTERSECTION OF IH 35 ACCESS ROAD AND CIBOLO VALLEY DRIVE, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBERS 68316, 68296, 68295, 68294, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS

WHEREAS, an application to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68316, 68296, 68295, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

WHEREAS, Staff recommended approval of the proposed zoning change after considering the criteria in the Unified Development Code and finding they supported the proposed request; and

WHEREAS, the City of Schertz’ adopted Comprehensive Plan and Future Land Use Plan support the proposed zoning change as the request is consistent with the designation on the Future Land Use Plan for providing a mix of residential uses and as a response to rapidly increasing housing prices; and

WHEREAS, there is a significant variation in the zoning in the area, lot size mix, deed restrictions impacting land uses and a recently approved request to rezone for multi-family in the vicinity; and

WHEREAS, noted in the Comprehensive Plan, and is being seen in this area as development continues and matures, higher densities may be appropriate; and

WHEREAS, in light of rising housing prices have created a significant demand for more affordable housing which is often achieved through greater density; and

WHEREAS, on September 13, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the presentations and comments as well as the discussion in the staff report, and considered the criteria for approval made a recommendation to City Council to approve to the request rezoning to Apartment / Multi-Family Residential (R-4); and

WHEREAS, on October 10, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned Apartment / Multi-Family Residential (R-4).

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED ON FIRST READING, the ____ day of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the ____ day of _____, 2023.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description- Metes and Bounds

Exhibit "B"
Zone Change Exhibit



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



2204 Den-Ott Hill
(PLZC20230051)

- | | | | | | | | |
|--------------------|----------------------------|----------------------------------|--------------------------------|-----|-----|-----|---------------------|
| <all other values> | <all other values> | Planned Secondary Arterial | Commercial Collector B | 1" | 8" | 20" | Schertz Gravity |
| Highways | Freeway | Secondary Rural Arterial | Planned Commercial Collector B | 2" | 10" | 24" | Schertz Pressure |
| Major Roads | Principal Arterial | Planned Secondary Rural Arterial | Commercial Collector A | 3" | 12" | 30" | Neighboring Gravity |
| Minor Roads | Planned Principal Arterial | Residential Collector | Planned Commercial Collector A | 4" | 16" | 36" | Private Pressure |
| Other Cities | Secondary Arterial | Planned Residential Collector | 6" | 18" | | | |

- Hydrant
- Manholes
- 200' Buffer
- Schertz Municipal Boundary
- County Boundaries





Esri Community Maps Contributors, City of Cibolo, Texas, City of New Braunfels, BCAD, Comal County, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Last update: May 15, 2023

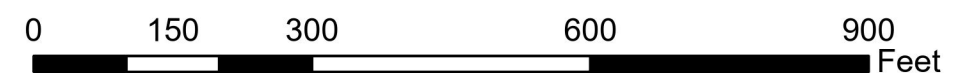
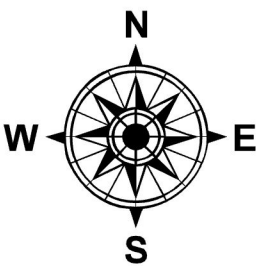
City of Schertz, GIS Specialist: Alexa Venezia Dasse, avdasse@schertz.com (210) 619-1174

The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall the City of Schertz be liable for any special, indirect, or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time.

City of Schertz

2044 Den-Ott Hill
Zoning Variance
(PLZC20230051)

 Project Area
 200' Buffer



Reply Form

I am: in favor of opposed to neutral to the request for PLZC20230051

COMMENTS: Supportive of the entire development, including Site Plans 2 & 3

NAME: Douglas Jasek SIGNATURE Douglas E. Jasek
(PLEASE PRINT)

STREET ADDRESS: 19018 Old Wiederstein Rd

DATE: 9/6/23

NOTICE OF PUBLIC HEARING

August 30, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, September 13, 2023**, at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

PLZC20230051– A request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294, also known as 2204 Den-Ott Hill, 2228 Den-Ott Hill, 2300 Den-Ott Hill, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154 or by email at planning@schertz.com. If you have any questions, please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,



Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: _____

NAME: John JASEK
(PLEASE PRINT)

SIGNATURE 

STREET ADDRESS: 19018 Old Winderstem Road, Schertz, Tx 78154

DATE: 9/6/23

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: _____

NAME: Gloria Densberger (PLEASE PRINT) SIGNATURE: *Gloria Densberger*

STREET ADDRESS: 18780 IH 35 N lot #1 Schertz TX 78154

DATE: 9/5/23

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: _____

NAME: Joe B Tudyk Jr SIGNATURE Joe B Tudyk Jr
(PLEASE PRINT)

STREET ADDRESS: 18940 Old Wiederstein Rd

DATE: Sept 5

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [] opposed to [X] neutral to [] the request for PLZC20230051 land.

COMMENTS: Concern over access on the road; crime, value

NAME: Sandra Ott SIGNATURE Sandra Ott

STREET ADDRESS: 16780 IH 35 N#3 Schertz, TX 78154

DATE: Sept. 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: _____

NAME: James OTT SIGNATURE *James Ott*
(PLEASE PRINT) (2217 Den-Ott Hill)

STREET ADDRESS: 18780 IH 35A.#13 Schertz Tx 78154

DATE: 9-5-2023

NOTICE OF PUBLIC HEARING

August 30, 2023

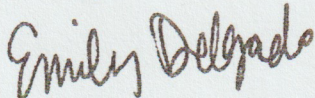
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Sincerely,



Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for PLZC20230051

COMMENTS: Property I.D.# 68294 owner vote

NAME: Harrold J. Densberger SIGNATURE: Harrold J. Densberger
(PLEASE PRINT)

STREET ADDRESS: 13834 Jelly Roger St. Corpus Christi, TX 78418

DATE: Sept 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

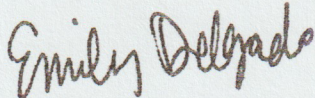
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Sincerely,



Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for PLZC20230051

COMMENTS: Property I.D. # 68295 owner vote

NAME: Harold J. Densberger SIGNATURE Harold J. Densberger
(PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: Sept. 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

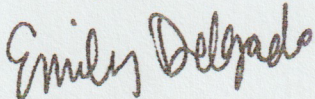
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Sincerely,



Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for PLZC20230051

COMMENTS: Property ID. 68296 owner vote

NAME: Harrold J. Densberger SIGNATURE: Harrold J. Densberger
(PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: Sept 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [checked] opposed to [] neutral to [] the request for PLZC20230051

COMMENTS: Property I.D # 68315 owner vote

NAME: HAROLD J. DENSBERGER SIGNATURE [Signature] (PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: 5 Sept. 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

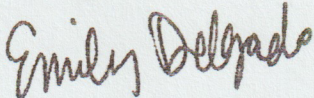
Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, September 13, 2023**, at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

PLZC20230051– A request to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68315, 68316, 68296, 68295, 68294, also known as 2204 Den-Ott Hill, 2228 Den-Ott Hill, 2300 Den-Ott Hill, City of Schertz, Guadalupe County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Emily Delgado, Planning Manager, 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154 or by email at planning@schertz.com. If you have any questions, please feel free to call Emily Delgado, Planning Manager directly at (210) 619-1784.

Sincerely,



Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: Property I.D. 68316 owner vote

NAME: Arnold J. Densberger SIGNATURE: Arnold J. Densberger
(PLEASE PRINT)

STREET ADDRESS: 13834 Jolly Roger St. Corpus Christi, TX 78418

DATE: Sept. 5, 2023

NOTICE OF PUBLIC HEARING

August 30, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, September 13, 2023, at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [checked] opposed to [] neutral to [] the request for PLZC20230051

COMMENTS: Property ID: 68319

NAME: Diana Ott-Densberger, et al SIGNATURE Diana Ott-Densberger (PLEASE PRINT)

STREET ADDRESS: PO Box 18155 Corpus Christi, TX 78480

DATE: 9-6-2023

NOTICE OF PUBLIC HEARING

August 30, 2023

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, September 13, 2023, at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of [checked] opposed to [] neutral to [] the request for PLZC20230051

COMMENTS: Property ID: 68325 (road)

NAME: DIANA OTT DENSBERGER, et al SIGNATURE [Signature] (PLEASE PRINT)

STREET ADDRESS: PO Box 18155 Corpus Christi, TX 78480

DATE: 9-6-2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: Property ID: 122576

NAME: Diana Ott SIGNATURE: *Diana Ott*
(PLEASE PRINT)

STREET ADDRESS: P.O. Box 18155 Corpus Christi, TX 78480

DATE: 9-6-2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: I had to get a Variance for my Access point with my existing Home being already there

NAME: Adam Nicholas Sharp SIGNATURE [Signature]
(PLEASE PRINT)

STREET ADDRESS: 2233 Den-off hill Schertz TX 78154

DATE: 9-5-2023

NOTICE OF PUBLIC HEARING

August 30, 2023

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Sincerely,

Emily Delgado

Emily Delgado
Planning Manager

Reply Form

I am: in favor of opposed to neutral to the request for **PLZC20230051**

COMMENTS: _____

NAME: Steven Smith SIGNATURE *Steven Smith*
(PLEASE PRINT)

STREET ADDRESS: 18738 IH 35 N, SCHERTZ, TX 78154

DATE: 6 Sept 23

Ord. 23-S-26

19.9 acre zone change request from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4)

Emily Delgado | PLANNING MANAGER



- Subject Property Outlined in Green
- Approximately 21 acres of land
- Currently undeveloped / residential / agricultural land



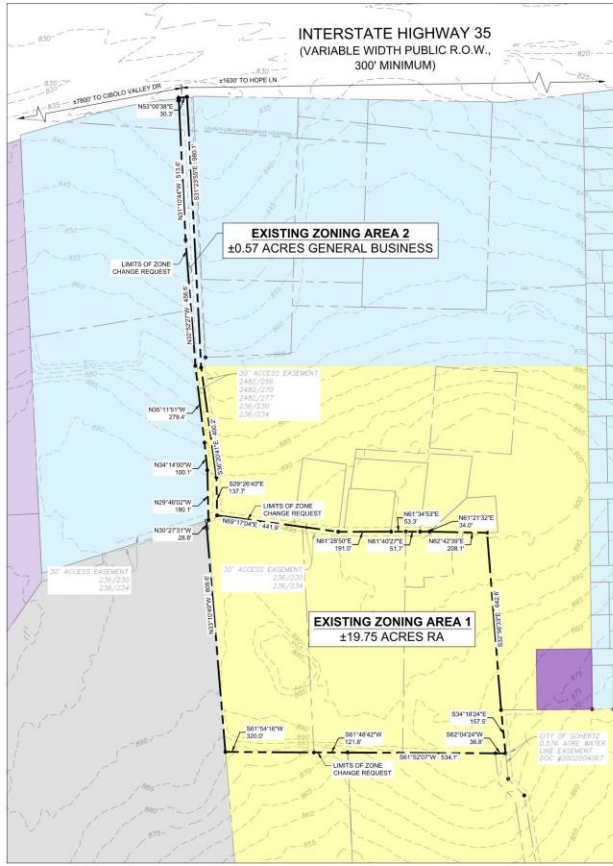


- August 30: 21 public hearing notices mailed
- Newspaper Notice: September 20th
- Responses Received:
7- Opposition
10- In Favor
0- Neutral

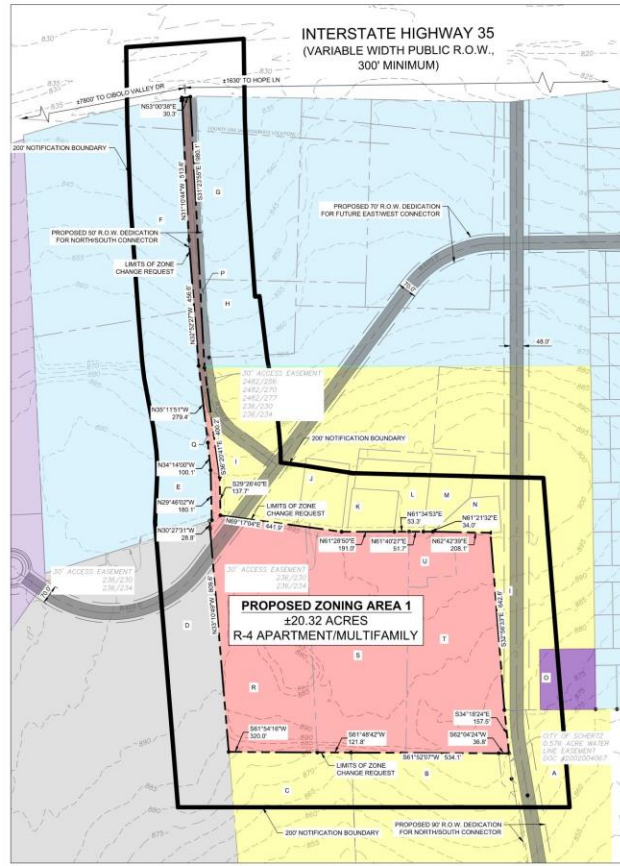
- 2 Signs were posted
- Note that this is the old graphic as are allow of the following

Public Hearing Responses

- If a proposed zoning change is protested in writing and signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed zoning change or zoning map amendment and extending 200 feet from that area, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the City Council according to LGC, Local Government Code § 211.006(d).
- At the time of the staff report (September 29, 2023 at 3:00pm) the total percentage of the protested parcel acreage is 36.70%, therefore, the $\frac{3}{4}$ vote has been triggered for this zone change request when it is heard by the City Council.
- The $\frac{3}{4}$ vote requirement has been triggered for the October 10, 2023 City Council meeting.



EXISTING ZONING
SCALE = 1" = 200'



PROPOSED ZONING
SCALE = 1" = 200'

KEY	Owner Name	Property ID Number	Address	Land Use	Zoning	Subdivision Name (If Applicable)	Recording Information
A	JASEK DOUGLAS E & NOREEN A BAKER & JOHN H JASEK	68302	7725 SILENT FOREST DR SUGAR LAND, TX 77479	Single Family	RA	N/A	VOL. 3379, PG. 363
B	TUDYK JOSEPH B JR	68330	19040 OLD WEDERSTEIN RD, CIBOLO, TX 78108	Single Family	RA	N/A	VOL. 2022, PG. 9903476
C	FICUS PROPERTIES LLC	68332	8417 MAHOGANY COURT, LAREDO TX, 78045	Vacant land	RA	N/A	VOL. 2021, PG. 99037331
D	SCHERTZ CIBOLO UNIVERSAL CITY ISO	347296	1060 LABEL ROAD SCHERTZ, TX 78154	Vacant land	M1	N/A	VOL. 4216, PG. 0649
E	BUSSEY'S LTD	68170	18738 IH 35 N, SCHERTZ, TX 78154	Commercial	GB	N/A	VOL. 717, PG. 727
F	BUSSEY'S LTD	68174	18738 IH 35 N, SCHERTZ, TX 78154	Commercial	GB	N/A	VOL. 717, PG. 727
G	CARRILLO RON & CLARE	68327	P O BOX 690843, SCHERTZ, TX 78269	Commercial	GB	N/A	VOL. 1473, PG. 0671
H	CARRILLO RON & CLARE	68329	P O BOX 690843, SCHERTZ, TX 78269	Commercial	GB	N/A	VOL. 1473, PG. 0671
I	DENSBERGER DIANA OTT ETAL	68319	P O BOX 18155, CORPUS CHRISTI, TX 78480	Vacant land	GB/RA	N/A	N/A
J	OTT JAMES & BRENDA	68320	P O BOX 172, SCHERTZ, TX 78154	Single Family	RA	N/A	VOL. 1076, PG. 0054
K	DENSBERGER HAROLD J & GLORIA L	68326	18780 IH 35N #1, SCHERTZ, TX 78154	Single Family	RA	N/A	VOL. 764, PG. 476
L	SHARP NICOLE MARIE	122093	18780 IH 35 NORTH LOT 2, SCHERTZ, TX 78154	Single Family	RA	N/A	VOL. 2216, PG. 0070
M	OTT DIANA	122576	P O BOX 18155, CORPUS CHRISTI, TX 78480	Single Family	RA	N/A	VOL. 2343, PG. 24338
N	OTT SANDRA	175371	18780 IH 35N #5, SCHERTZ, TX 78154	Vacant land	RA	N/A	VOL. 2035, PG. 9902565
O	City of Schertz	68324		Water Tower	PUB	N/A	VOL. 730M PG. 799
P	DENSBERGER DIANA OTT ETAL	68325	P O BOX 18155, CORPUS CHRISTI, TX 78480	Commercial	GB	N/A	VOL. 2020, PG. 99012670
Q	DENSBERGER HAROLD J	68315	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Commercial	RA	N/A	VOL. 2019, PG. 99027112
R	DENSBERGER HAROLD J	68316	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112
S	DENSBERGER HAROLD J	68296	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112
T	DENSBERGER HAROLD J	68294	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112
U	DENSBERGER HAROLD J	68295	13834 JOLLY ROGER ST, CORPUS CHRISTI, TX 78418	Single Family	RA	N/A	VOL. 2019, PG. 99027112

200' NOTIFICATION OWNER TABLE

LEGEND

	RA - SINGLE FAMILY RESIDENTIAL / AGRICULTURAL
	GB - GENERAL BUSINESS
	PDD - PLANNED DEVELOPMENT
	M1 - MANUFACTURING (LIGHT)
	PUB - PUBLIC USE
	R-4 APARTMENT / MULTIFAMILY



PROJECT CONTACT LIST:

SURVEYOR
KIMLEY-HORN
15017 REYNOL PLACE, STE 400
SAN ANTONIO, TEXAS 78247
PHONE: 210-541-3866
CONTACT: JOHN GREGORY MOSEY, R.P.L.S.

CIVIL ENGINEER
KIMLEY-HORN
15017 REYNOL PLACE, STE 400
SAN ANTONIO, TEXAS 78247
PHONE: 210-541-3843
CONTACT: JASON LINK, P.E.

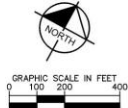
OWNER
MARSTAN COZIES LLC
500 MAPLE DRIVE
SCHERTZ, TX 78154
PHONE: 210-577-9524

DEVELOPER
MARSTAN COZIES LLC
1519 EAST 27TH STREET
BROKING, TX 78128
PHONE: 210-461-2643
CONTACT: STANLEY HULLESOHN

FEMA FLOODPLAIN NOTE:
ACCORDING TO FEMA FLOOD MAP 4818702000, DATED 11/02/2007, THE ENTRY OF THIS SITE FALLS WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD).

EASEMENT RECORDATION NOTE:
ALL EASEMENTS REFERENCED TO THE RECORDS OF GUADALUPE COUNTY, TEXAS UNLESS OTHERWISE NOTED.

PROPOSED THOROUGHFARE NOTE:
THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT THE TIME OF FINAL PLAN.








JOB NO.:
SCALE: AS LISTED
DATE: 8/29/2023





- **Current Zoning Designation: General Business (GB) and Single Family Residential / Agricultural (R-A)**

-  **Subject Property**
-  (R-A) Single-family Residential/Agricultural
-  (GB) General Business
-  (PDD) Planned Development
-  (M-1) Manufacturing (Light)

Bussey's Flea Market: Zoned GB // Comp Designation Commercial Campus and Single-Family Res.

EVO Development: Zoned PDD. This portion has a base zoning of GB // Comp Designation: Commercial Campus and Single-Family Res.

Schertz Station: Zoned PDD. This portion has a base zoning of R-4 and will develop as Multi-Family // Comp Designation: Single-Family Res.



Freeway Manor: Zoned GB // Comp Designation Highway Commercial, Commercial Campus and Single-Family Res.

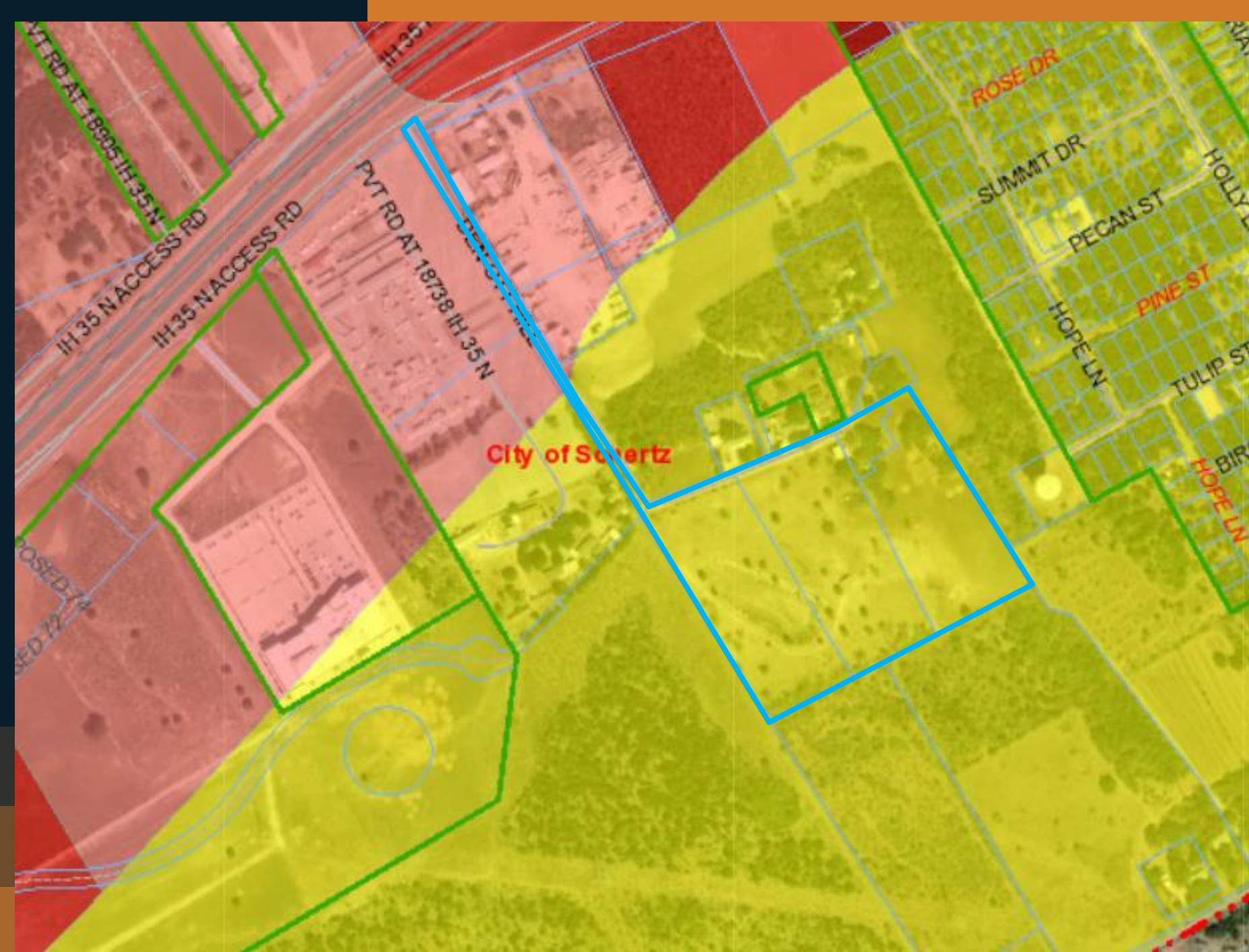
Commercial Development: Zoned GB // Comp Designation Commercial Campus and Single-Family Res.

SCUC ISD: Zoned M-1. Comp Designation: Single-Family Res.


Surrounding Land Uses

- In the vicinity of the subject property there are several properties that have the “Single Family Residential” Comprehensive Land Use Plan Designation and are zoned for Commercial, Industrial, or Multi-Family.
- The proposed Apartment / Multi-Family Residential (R-4) zoning district is consistent with the General Business zoned properties, and PDD zoned properties designated for Multi-Family Development. Additionally, the subject parcel is immediately adjacent to a 101-acre tract of land that is zoned Manufacturing Light (M-1). The proposed R-4 zoning district would act as a buffer between Commercial and Industrial properties and the residential.


- Comprehensive Land Use Plan Designation: Commercial Campus and Single-Family Residential



 Subject Property

 Commercial Campus

 Single Family Residential

 Highway Commercial

Comprehensive Land Use Plan Designation

- **The 2002 Comprehensive Land Plan identified the subject property as Commercial Campus and Industry, Technology and R and D.**
- **The subject property was not modified with the 2013 Sector Plan.**
- **In 2017, Ordinance 17-S-20 amended the portion of property identified as Industry, Technology, and R and D to the current designation of Single Family Residential. The portion of property that extends from IH 35 access road is identified as Commercial Campus.**

Comprehensive Land Use Plan Designation

B. Commercial Campus

The Campus Commercial land use/character area is intended to encourage the development of lower intensity commercial and office uses in the locations between major intersections as a buffer between the Interstate Highway and adjoining neighborhoods. Given the significant linear frontage along IH-35 in North Schertz, there are several opportunities to accommodate low impact campus development that takes advantage of the highway frontage and any major environmental assets (such as flood plains, steep grades, and significant vegetation) as aesthetic amenities on the site. This category could also accommodate light manufacturing or flex office uses set in a campus like environment in addition to multi-family residential located at mid-block locations and as transitions between office/light industrial uses and adjoining single-family residential uses. Some of the character-defining elements recommended are:

- Land Use Mix: Mostly office, research, flex-office, and supporting uses, light industrial and assembly uses, educational and other institutional uses. This category may include some multi-family uses at mid-block locations and as a buffer between the highway and single-family neighborhoods only. Generally, multi-family should only be considered in locations that may not be ideally suited for retail, office, or light industrial uses such as mid-block locations, behind major commercial uses, and on sites with environmental constraints. In addition, multi-family uses should be incorporated and/or phased in with other retail and office uses.

- The first 1,050 feet of the subject property (encompassing the portion of the property that is the access to IH 35 access road) is identified as Commercial Campus. The Commercial Campus designation supports Multi-Family.

Comprehensive Land Use Plan Designation

Single Family Residential. Conventional detached dwellings. For areas proposed to utilize a traditional neighborhood design the Single Family Residential use may include a mix of residential uses as well as limited commercial development to support the daily activities of the development. In all Single Family Residential use areas, public and semi-public development such as schools and churches are encouraged as neighborhood focal points.

- The majority of the subject property is identified as “Single Family Residential” on the Comprehensive Land Use Map. The Single Family Residential use may include a mix of residential uses as well as limited commercial development. The City of Schertz has historically interpreted this to include multi-family / apartment. The Comprehensive Land Use Plan supports the proposed zone change to Apartment / Multi-Family (R-4).

Comprehensive Land Use Plan Designation

- **The Planning Division has recommended approval on several Multi-Family projects / zone changes that the Comprehensive Land Use Plan designated the property as “Single Family Residential”.**
- **Schertz Station- Approved via Ordinance 22-S-44, which is located approximately 700 feet west of the subject property has approximately 29.09 acres that is designated as “Single Family Residential” on the Comprehensive Land Use Plan. This property was approved to be zoned Planned Development District (PDD) with a base zoning of Apartment / Multi-Family (R-4). Specifically, the 29.09 acres will be developed as 318 Multi-Family units.**

Comprehensive Land Use Plan Designation

- **Another Example of recommendation of Multi-Family**
 - **The Villas at Bluebonnet Ridge- This approximately 25 acre property (identified as Single Family Residential on the Comprehensive Land Use Plan) has requested to be rezoned to a Planned Development District three times. The first was for a PDD with a base zoning of Apartment / Multi-Family (R-4), the second was for a PDD with a base zoning of Townhome District (TH), and the third was for a PDD with a base zoning of Two-Family Residential (R-3). The Planning Division recommended approval on all three of these cases as the proposed zoning would provide a mixture of residential housing as desired by the Comprehensive Land Use Plan.**

Staff Analysis- Zoning

- **The existing zoning Single-Family Residential (R-A) per UDC Article 5 Section 21.5.5:**
 - **is intended to provide for areas in which agricultural land may be held in such use for as long as is practical and reasonable.**
 - **Residences in this District are intended to be on a minimum lot size of 21,780 square feet (one-half acre).**
 - **This District is suitable for areas where development is premature due to lack of utilities, capacity or service, and for areas that are unsuitable for development because of physical restraints or potential health or safety hazards.**

Staff Analysis- Zoning

- The UDC states “.. In such use for as long as is practical and reasonable.” The subject property is located 1,580 feet from IH 35, 600 feet to the north is property zoned for General Business, 340 feet to the east is property zoned General Business, immediately adjacent to property zoned Manufacturing Light, and 700 feet to the west is property zoned PDD that will be developed as Multi-Family.
- The existing Single Family Residential / Agricultural (R-A) is not consistent with the surrounding land uses and zoning designations.

Staff Analysis- Zoning

- **If other properties in the vicinity currently zoned Single-Family Residential / Agricultural (R-A) requested a zone change to Apartment / Multi-Family (R-4), the Planning Division would recommend approval based on the surrounding land uses and zoning districts along with the Comprehensive Land Use Plan supporting a mix of residential uses.**
- **Additionally, if properties in the vicinity zoned R-A requested a commercial designation such as General Business, staff would support this zone change request as well based on the Comprehensive Land Use Plan- Single Family Residential designation supporting limited commercial development.**

UDC Sec. 21.5.4.D: Criteria for Approval

There are 8 Criteria for Approval that the P&Z and City Council should consider in relation to Zone Change Requests.

#1: Whether the proposed zoning change or zoning map amendment implements the policies of the adopted Comprehensive Land Plan, including the land use classification of the property on the Future Land Use Map;

The description of Single Family Residential in the Comprehensive plan indicates that "the Single Family Residential use may include a mix of residential uses" not a mix of single family residential uses. As such some multi-family is consistent with this language. Further the Comprehensive Plan has a goal to "Achieve an efficient, diverse and balanced pattern of land uses within the City and the ETJ." and objective of providing "an appropriate mix of different land use types in suitable locations, densities and patterns consistent with the goals and objectives established in the Plan" which this would do. Finally, the plan states that "Housing should be developed to meet all needs of the community in terms of affordability, availability, adequacy and accessibility. Commercial Retail and Office." Multifamily housing helps to meet this need, especially in light of the rapidly increased cost of housing that has been discussed over the past few years.

UDC Sec. 21.5.4.D: Criteria for Approval

#2: Whether the proposed zoning change or zoning map amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City;

As part of promoting health, safety and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. Given the existing M-1 zoning adjacent to the subject property, multi-family provides a better transition than single family detached lots.

UDC Sec. 21.5.4.D: Criteria for Approval

#3: Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;

The site development standards in the UDC for multi-family development and the use of multifamily are appropriate and in fact seem to be the best in light of the significant variation in terms of zoning and land uses - single family residential, commercial and industrial.

UDC Sec. 21.5.4.D: Criteria for Approval

#4: Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers or other public services and utilities to the area;

As the Comprehensive Plan notes, as development matures in rural areas, higher densities should be considered, Given the location of the subject property and the proximity of development, the city's various plans and infrastructure projects assume higher intensity development in this area, rather than rural, this includes a planned thoroughfare running through the northern portion of the property and one to the east, approximately 350' away and the water storage tank less than 150' away. Given the population changes in SCUCISD this change does not conflict with the school district's plans including the 10 year campus forecasting.

UDC Sec. 21.5.4.D: Criteria for Approval

#5: Whether there have been environmental and/or economical changes which warrant the requested change;

As has been a topic of discussion over the last few years, the significant rise in housing prices supports looking to increase the supply of multi-family housing. As has been mentioned in the past at P&Z the new median home value in SCUCISD has risen to over \$430,000 from \$210,650 in the past 10 years.

UDC Sec. 21.5.4.D: Criteria for Approval

#6: Whether there is an error in the original zoning of the property for which a change is requested;

There is not an error, but the R-A zoning is generally more common in the areas designated in the FLUP as Estate Neighborhood and Agricultural Conservation. The plan seems to anticipate these requests for greater density as areas continue to develop.

UDC Sec. 21.5.4.D: Criteria for Approval

#7: Whether all of the applicant's back taxes owed to the City have been paid in full (no application will receive final approval until all back taxes are paid in full); and,

This does not impact consideration by P&Z or the first reading from Council.

UDC Sec. 21.5.4.D: Criteria for Approval

#8: Whether other criteria are met, which, at the discretion of the Planning and Zoning Commission and the City Council, are deemed relevant and important in the consideration of the amendment.

Much of the opposition heard at P&Z was similar to every case where there is proposed multi-family zoning. A lot of this has to do with current levels of infrastructure versus planned or proposed infrastructure.

Recommendation

Staff Recommendation:

- Based on the surrounding land uses and zoning designations, along with the Comprehensive Land Use Plan designation being intended for a mix of residential uses, Staff recommends approval of the proposed zone change (Ord. 23-S-26) from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4).

Planning and Zoning Commission Recommendation:

- The Schertz Planning and Zoning commission met on September 13, 2023, and voted to recommend approval of the proposed zone change with a 7-0 vote.

COMMENTS & QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023

Department: Planning & Community Development

Subject: Ordinance 23-S-25 - Conduct a public hearing and consider a request to rezone approximately 14.3 acres from General Business (GB) to Single-Family Residential District (R-2), located approximately 483 feet from the intersection of Green Valley Road and Eckhardt Road, also known as a portion of 4600 Eckhardt Road and 7263 Green Valley Road, Schertz, Guadalupe County, Texas. *First Reading (B. James/L. Wood/ D. Marquez)*

BACKGROUND

The applicant is proposing to rezone approximately 14.3 acres of land, a portion of 4600 Eckhardt Road and 7263 Green Valley Road, to Single-Family Residential District (R-2). The subject property is currently zoned General Business District (GB), and is currently undeveloped.

Nine (9) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on August 28, 2023. A public hearing notice was published in the "San Antonio Express" on September 20, 2023. At the time of this report, Staff has received (0) responses in favor, (0) opposed, and (1) response neutral to the proposed request. Additionally, two (2) Public Hearing Notice signs were placed on the property on September 1, 2023. The Planning and Zoning Commission conducted a public hearing on this item at the September 13, 2023, meeting.

GOAL

The proposed zoning is for approximately 14.3 acres of land from General Business District (GB) to Single-Family Residential District (R-2). Per the letter of intent submitted with the application, the applicant desires to rezone 7263 Green Valley Road and the southern portion of 4600 Eckhardt Road to be cohesive with the northern portion that is already Single-Family Residential District (R-2) for the development of single-family detached homes.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The Comprehensive Land Use Plan (CLUP) designates this subject property as Single Family Residential. The Single Family Residential land use designation is intended to encourage the development of a mix of residential that includes detached dwelling units which may include limited commercial development to support daily activities. The current General Business District (GB) zoning of the subject property is not in conformance with the Single Family Residential land use designation of the Comprehensive Plan. The proposed zone change to Single-Family Residential District (R-2) is in conformance with the intended Single-Family Residential land use designation. The subject property is currently adjacent to existing single family residences, vacant land, Eckhardt Road right-of-way, and Green Valley Road right-of-way.

The proposed Single-Family Residential District (R-2) is consistent with the existing surrounding land uses and surrounding properties.

The proposed zone change to Single-Family Residential District (R-2) is for a portion of the subject property 4600 Eckhardt Road and subject property 7263 Green Valley Road, which are both currently zoned General Business District (GB). The intent of the zone change is to match the existing Single-Family Residential District (R-2) of the northern portion of 4600 Eckhardt Road that was rezoned from General Business District (GB) with Ordinance Number 22-S-42 in December 2022.

RECOMMENDATION

The Planning and Zoning Commission conducted a public hearing on September 13, 2023, where the Commission made a recommendation of approval which passed with a 7-0 vote.

Due to the proposed zone change to Single-Family Residential District (R-2) meeting the intent of the Comprehensive Plan, being compatible with adjacent land uses, and matching the remaining portion of 4600 Eckhardt Road, Staff recommends approval of the proposed zone change from General Business District (GB) to Single-Family Residential District (R-2) at the subject properties.

Attachments

Ordinance 23-S-25

Aerial Exhibit

Public Hearing Notice Map

Public Hearing Responses

City Council Presentation Slides

ORDINANCE NO. 23-S-25

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 14.3 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) TO SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2), LOCATED APPROXIMATELY 483 FEET FROM THE INTERSECTION OF GREEN VALLEY ROAD AND ECKHARDT ROAD, ALSO KNOWN AS A PORTION OF 4600 ECKHARDT ROAD AND 7263 GREEN VALLEY ROAD, SCHERTZ, GUADALUPE COUNTY, TEXAS.

WHEREAS, an application to rezone approximately 14.3 acres of land from General Business District (GB) to Single-Family Residential District (R-2), located approximately 483 feet from the intersection of Green Valley Road and Eckhardt Road, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

WHEREAS, on September 13, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning to Single-Family Residential District (R-2); and

WHEREAS, on October 10, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned Single-Family Residential District (R-2)

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED ON FIRST READING, the _____ of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description- Metes and Bounds

**METES AND BOUNDS DESCRIPTION
FOR
A PROPOSED 14.23 ACRE TRACT**

A **14.23 acre** tract of land, situated in the Emanuela De Los Santos Coy Survey Abstract No. Tate2, in the City of Schertz, Guadalupe County, Texas and being a portion of the 44.332 acre tract of land as conveyed to Mustang Oaks, LLC of record in Document Number 99000734 of the Official Public Records of Guadalupe County, Texas (OPR) and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Northwest right-of-way line of Green Valley Road (a variable width right-of-way), for a corner of the 44.332 acre tract and the south corner of a 5.503 acre tract of land conveyed to Kathy Adams and Jason Lund of record in Volume 2416, Page 26 of the Official Public Records of Guadalupe County, Texas, and a corner of the herein described tract;

THENCE: S 60°17'00" W, with the Northwest right-of-way line of Green Valley Road and the southeast line of the 44.332 acre tract, a distance of **973.47 feet**, for the East corner of a called Tract One as conveyed to Schwab Credit Trust of record in Volume 4176, Page 767 of the Official Public Records of Guadalupe County, Texas, for the South corner of the herein described tract;

THENCE: N 25°24'38" W, along and with the Northeast line of said Tract One and the Southwest line of said 44.332 acre tract, a distance of **451.63 feet**, for a West corner of the herein described tract;

THENCE: over and across said 44.332 acre tract, the following five (5) courses:

1. **N 54°42'09" E**, a distance of **139.45 feet** to a point, for an angle point of the herein described tract,
2. **N 48°10'58" E**, a distance of **365.37 feet** to a point, for an angle point of the herein described tract,
3. **N 48°21'21" E**, a distance of **342.93 feet** to a point, for an angle point of the herein described tract,
4. **N 43°37'52" E**, a distance of **337.09 feet** to a point, for an angle point of the herein described tract,
5. **N 31°00'21" E**, a distance of **342.29 feet** to a point in the Southwest line of Eckhardt Road (a variable width right-of-way), for the North corner of the herein described tract;

THENCE: S 24°28'50" E, with the Southwest line of Eckhardt Road and the East line of said 44.332 acre tract, a distance of **330.14 feet**, for an East corner of the herein described tract;

THENCE: Along and with the common line between said 5.503 acre tract, and the 44.332 acre tract, the following three (3) courses:

1. **S 59°25'28" W**, a distance of **461.11 feet** to a point, for an angle point of the herein described tract,
2. **S 34°06'14" E**, a distance of **141.77 feet** to a point, for an angle point of the herein described tract;
3. **S 24°57'12" E**, a distance of **399.72 feet** to the **POINT OF BEGINNING** and containing **14.23 acres** more or less, in the City of Schertz, Guadalupe County, Texas and being described in accordance with an exhibit prepared by KFW Surveying.

Exhibit "A": Property Description - Metes and Bounds

"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."




Saul V. Castillo

07/10/2023
Date

Job No.: 21-232
Prepared by: KFW Surveying
Date: July 10, 2023
File: S:\Draw 2021\21-232 Eckhardt Rd\DOCS\FN 14.23 AC.docx

Exhibit "B"
Zone Change Exhibit

Exhibit "B": Zone Change Exhibit

4.99 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61591
 (DOC # 161659)
 OWNER: DAKE COLLEEN J
 7208 GREEN VALLEY RD
 CIBOLO, TX 78108

4.99 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61628
 (VOL. PG. 1)
 OWNER: GROVER E. & BA WRIGHT
 7280 GREEN VALLEY RD
 CIBOLO, TX 78108

0.75 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61626
 (VOL. 477, PG. 698 O.P.R.)
 OWNER: BARBARA ANN WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

23.83 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61592
 (VOL. 2780, PG. 1073 O.P.R.)
 OWNER: BARBARA WRIGHT
 7260 GREEN VALLEY RD
 CIBOLO, TX 78108

11.882 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61525
 (VOL. 669, PG. 102 O.P.R.)
 OWNER: HAROLD M. KLAERNER
 7470 GREEN VALLEY RD
 NEW BRAUNFELS, TX 78132

0.630 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: (GUADALUPE COUNTY)
 PROPERTY ID: 61526
 (VOL. 669, PG. 102 O.P.R.)
 OWNER: HAROLD M. KLAERNER
 7470 GREEN VALLEY RD
 NEW BRAUNFELS, TX 78132

NOTE
 REFERENCED PROPERTY IS IN STATE AERIALS DETERMINED
 TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS
 SCALE FROM FEMA FLOOD MAP #9 OF 480 COMMUNITY
 PANEL NO. 4818700096 DATED NOVEMBER 2, 2007

ZONING TABLE		
TOTAL ACREAGE	EXISTING ZONING	PROPOSED ZONING
14.23 ACRES	GB	R-2

22.14 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 64006
 (VOL. 4176, PG. 767 O.P.R.)
 OWNER: SCHWAB CREDIT TRUST
 RUBY F. SCHWAB - TRUSTEE
 1288 N BUSINESS 35
 NEW BRAUNFELS, TX 78130

1.50 ACRE TRACT
 LAND USE: N/A
 ZONING: GB
 PROPERTY ID: 133815
 (DOC # 2039900734)
 OWNER: MUSTANG OAKS LLC
 4630 N LOOP 1604
 WEST STE 514
 SAN ANTONIO, TX 78249

43.50 ACRE TRACT
 OWNER: MUSTANG OAKS LLC
 (DOC # 2039900734 O.P.R.)

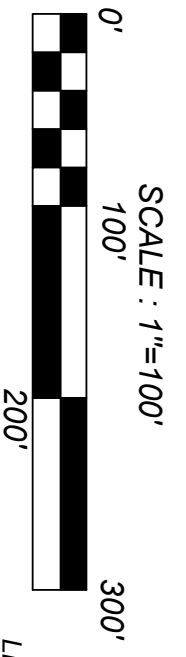
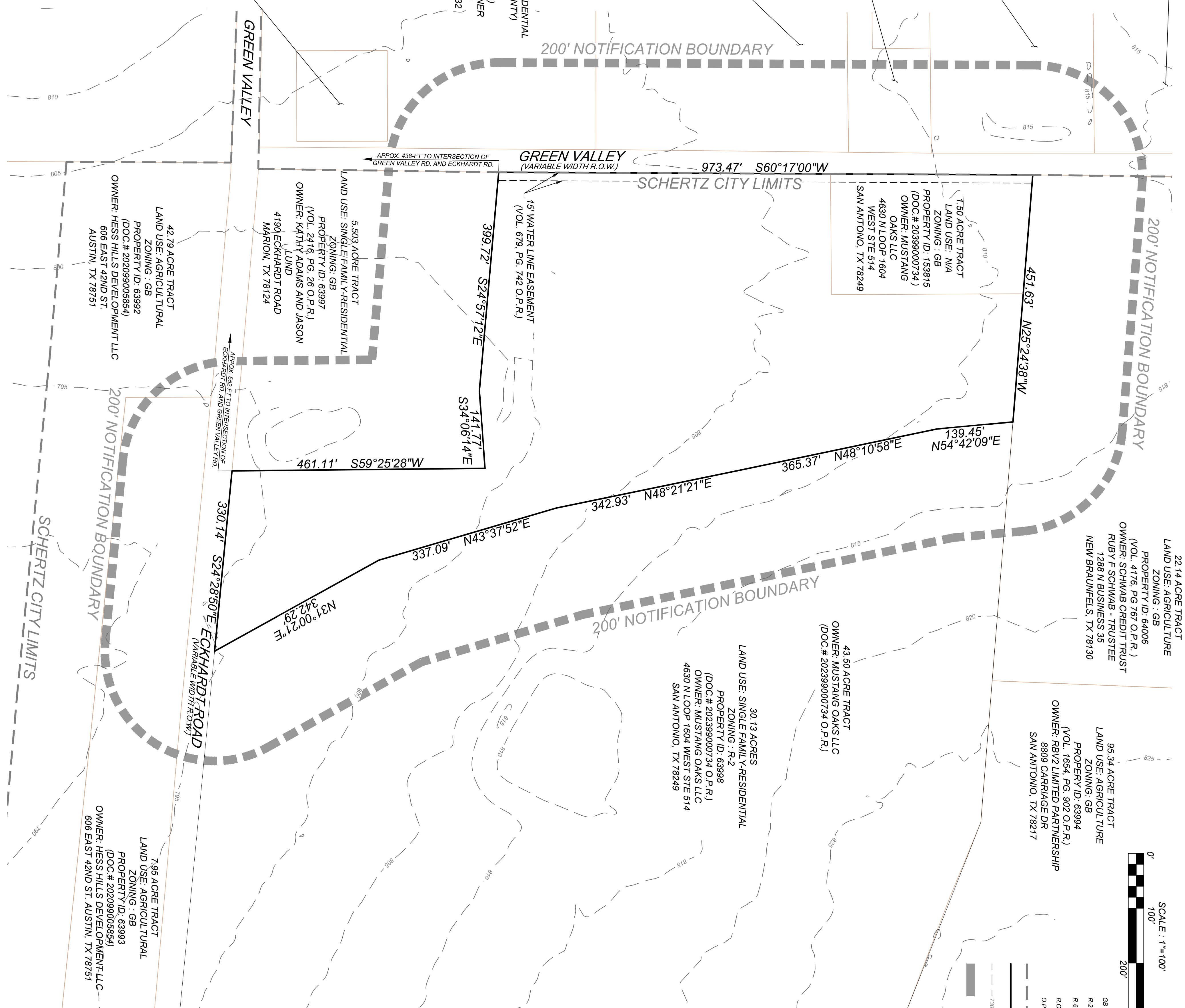
30.13 ACRES
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: R-2
 PROPERTY ID: 63998
 (DOC # 2023900734 O.P.R.)
 OWNER: MUSTANG OAKS LLC
 4630 N LOOP 1604 WEST STE 514
 SAN ANTONIO, TX 78249

96.34 ACRE TRACT
 LAND USE: AGRICULTURE
 ZONING: GB
 PROPERTY ID: 63994
 (VOL. 1654, PG. 902 O.P.R.)
 OWNER: RBVZ LIMITED PARTNERSHIP
 8809 CARRIAGE DR
 SAN ANTONIO, TX 78217

42.79 ACRE TRACT
 LAND USE: AGRICULTURAL
 ZONING: GB
 PROPERTY ID: 63992
 (DOC # 20209005854)
 OWNER: HESS HILLS DEVELOPMENT LLC
 606 EAST 42ND ST.
 AUSTIN, TX 78751

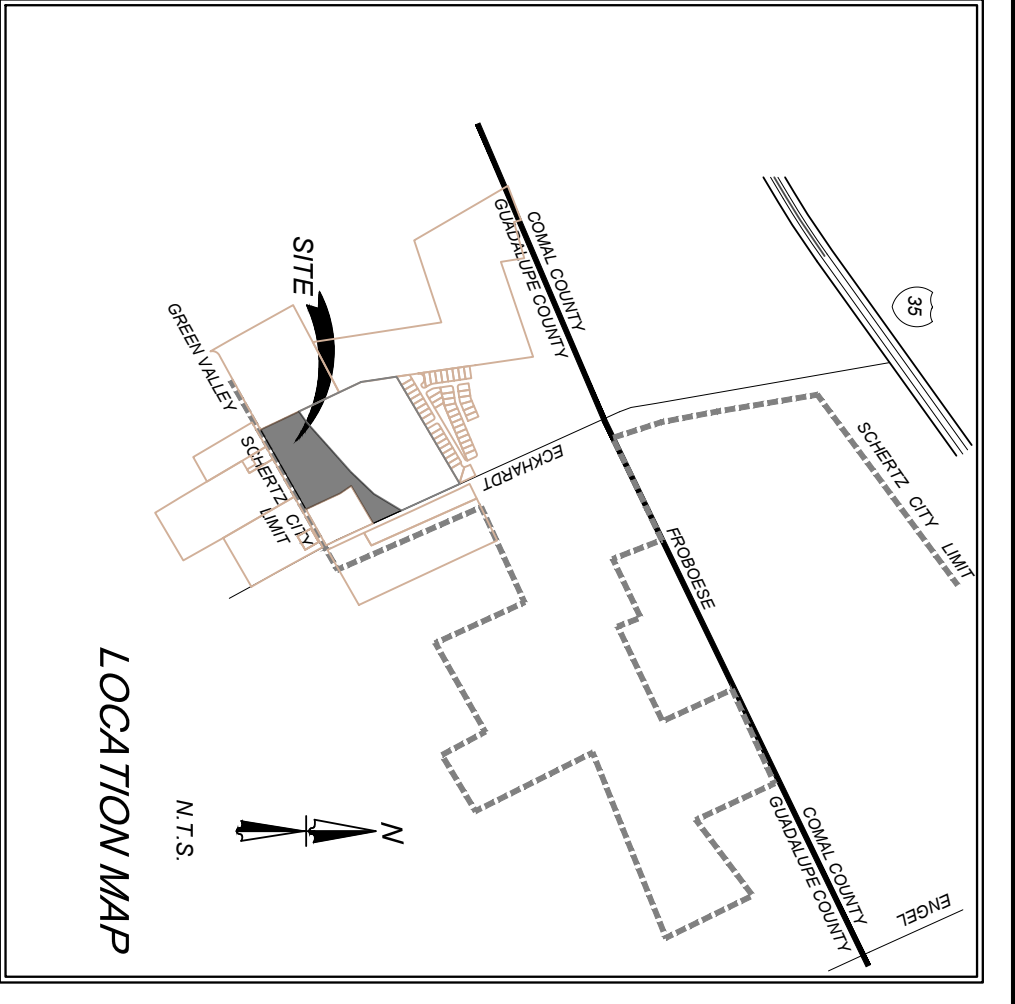
5.503 ACRE TRACT
 LAND USE: SINGLE FAMILY-RESIDENTIAL
 ZONING: GB
 PROPERTY ID: 63997
 (VOL. 2416, PG. 26 O.P.R.)
 OWNER: KATHY ADAMS AND JASON MARION
 4190 ECKHARDT ROAD
 MARION, TX 78124

7.95 ACRE TRACT
 LAND USE: AGRICULTURAL
 ZONING: GB
 PROPERTY ID: 63993
 (DOC # 20209005854)
 OWNER: HESS HILLS DEVELOPMENT LLC
 606 EAST 42ND ST. AUSTIN, TX 78751



LEGEND

- GB = GENERAL BUSINESS
- R-2 = SINGLE FAMILY - 2
- R-6 = SINGLE FAMILY - 6
- R.O.W. = RIGHT OF WAY
- O.P.R. = OFFICIAL PUBLIC RECORDS
- = SCHERTZ CITY LIMITS
- = BOUNDARY
- = EXISTING CONTOURS
- = 200' NOTIFICATION BOUNDARY



OWNER/APPLICANT:
 MUSTANG OAKS LLC
 4630 N LOOP 1604 WEST STE 514
 SAN ANTONIO, TX 78249
 (210) 415-0697
 ENGINEER:
 KFW ENGINEERS & SURVEYING
 162 W. MILL ST., NEW BRAUNFELS, TX 78130
 PHONE: (830) 220-6042
 FAX: (830) 627-9097

18.461 ACRE TRACT
 LAND USE: SINGLE FAMILY RESIDENTIAL
 ZONING: R6
 CYPRESS POINT, UNIT 4
 (VOL. 8, PGS. 729-730 M.P.R.)

WHITE ELM



**ACKERMANN SUBDIVISION
 ZONING EXHIBIT**
 SCHERTZ, TEXAS
 GUADALUPE COUNTY

LEGAL DESCRIPTION:
 A 14.23 ACRE TRACT OF LAND, OUT OF THE GARROLD M. GAHAGAN JR. SURVEY NO. 298,
 ABSTRACT NO. 142, THE EMANUELA DE LOS SANTOS COY SURVEY ABSTRACT NO. 93,
 BEING OUT OF THE 44.36 ACRE TRACT OF LAND AS CONVEYED TO MUSTANG OAKS LLC
 OF RECORD IN DOCUMENT NUMBER 2023900734 OF THE OFFICIAL PUBLIC RECORDS
 OF GUADALUPE COUNTY, TEXAS AND SITUATED IN THE CITY OF SCHERTZ, GUADALUPE
 COUNTY, TEXAS.

PREPARED : JULY, 2023



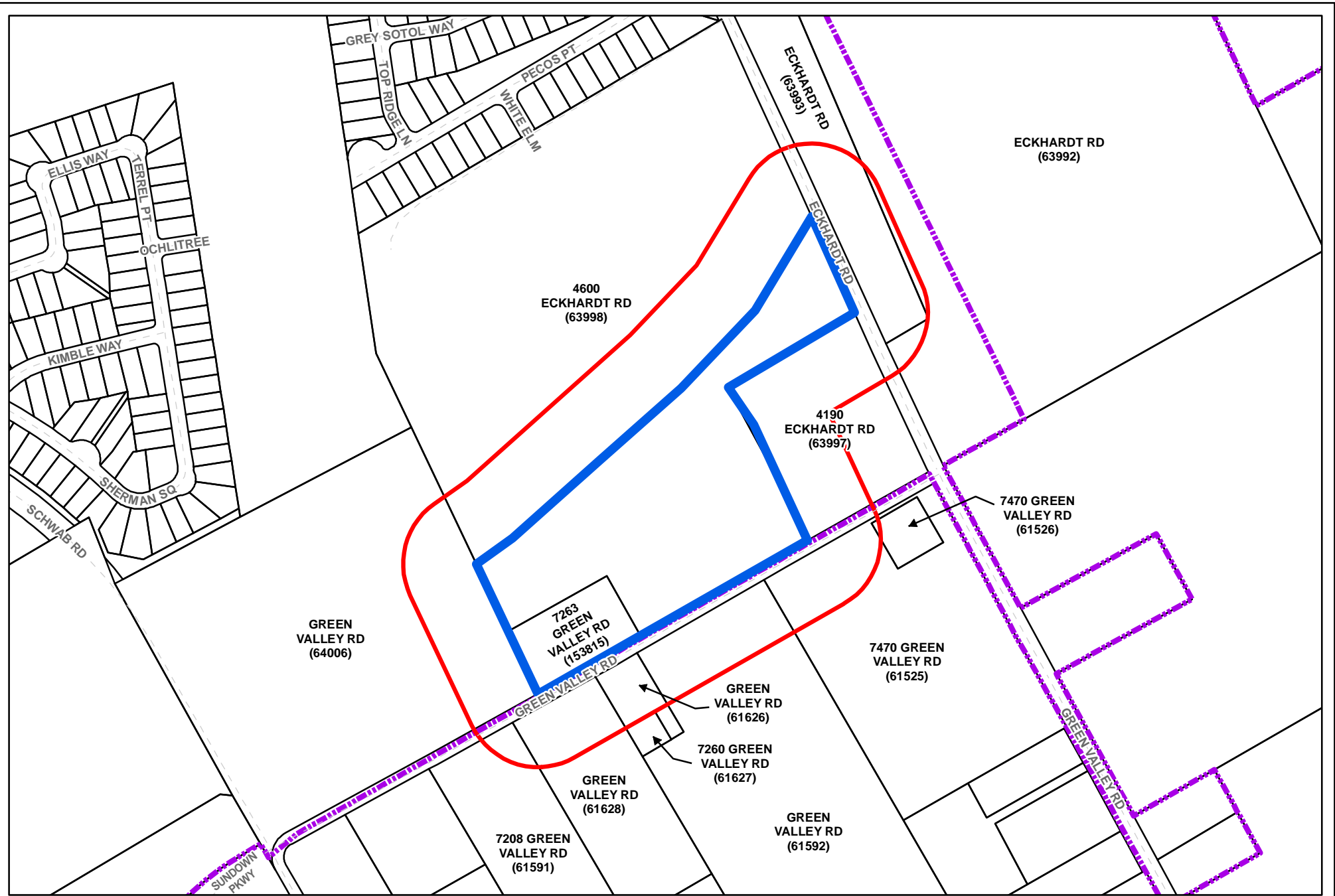
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



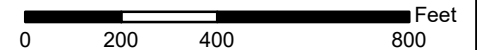
**ACKERMANN TRACT
ZONE CHANGE
(PLZC20230170)**

<all other values>	<all other values>	Planned Secondary Arterial	Commercial Collector B	1"	8"	20"	Schertz Gravity	Hydrant	CCMA Treatment Plant
Highways	Freeway	Secondary Rural Arterial	Planned Commercial Collector B	2"	10"	24"	Schertz Pressure	Water Storage Facility	Schertz Lift Station
Major Roads	Principal Arterial	Planned Secondary Rural Arterial	Commercial Collector A	3"	12"	30"	Neighboring Gravity	Manholes	Private Lift Station
Minor Roads	Planned Principal Arterial	Residential Collector	Planned Commercial Collector A	4"	16"	36"	Private Pressure	Schertz Treatment Plant	CCMA Lift Station
Other Cities	Secondary Arterial	Planned Residential Collector	6"	18"				200' Buffer	Schertz Municipal Boundary
								Schertz ETJ Boundary	County Boundaries





City of Schertz
ACKERMANN TRACT
ZONE CHANGE
(PLZC20230170)



NOTICE OF PUBLIC HEARING

August 28, 2023

To whom it may concern,

The City of Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, September 13th, 2023 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following item:

PLZC20230170 - Hold a public hearing, consider, and make a recommendation on a request to rezone approximately 14.3 acres from General Business District (GB) to Single-Family Residential District (R-2), located approximately 483 feet from the intersection of Green Valley Road and Eckhardt Road, also known as a portion of 4600 Eckhardt Rd, Schertz, Guadalupe County, also known as Guadalupe County Property Identification Number 63998 and 7263 Green Valley Road, Schertz, Guadalupe County, also known as Guadalupe County Property Identification Number 153815.

Because you own property within 200 feet of the subject property, the Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. If you would like to express how you feel, please complete the bottom portion of this letter and return before the public hearing date by mail or personal delivery to Daisy Marquez, Planner 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call Daisy Marquez, Planner directly at (210) 619-1782.

Sincerely,

[Handwritten signature of Daisy Marquez]

Daisy Marquez
Planner

Reply Form

I am: in favor of [] opposed to [] neutral to [X] the request for PLZC20230170

COMMENTS: Have Questions on why the change? Future development?

NAME: Chris Brown SIGNATURE [Handwritten signature]
(PLEASE PRINT)

STREET ADDRESS: 11835 Parliament st. Apt #1014 San Antonio, TX 78216

DATE: 11/8/23

Ord. 23-S-25

Zone Change for A portion of 4600 Eckhardt Rd
& 7263 Green Valley Road (14.3 acres)

Daisy Marquez | PLANNER

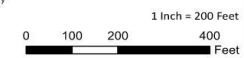


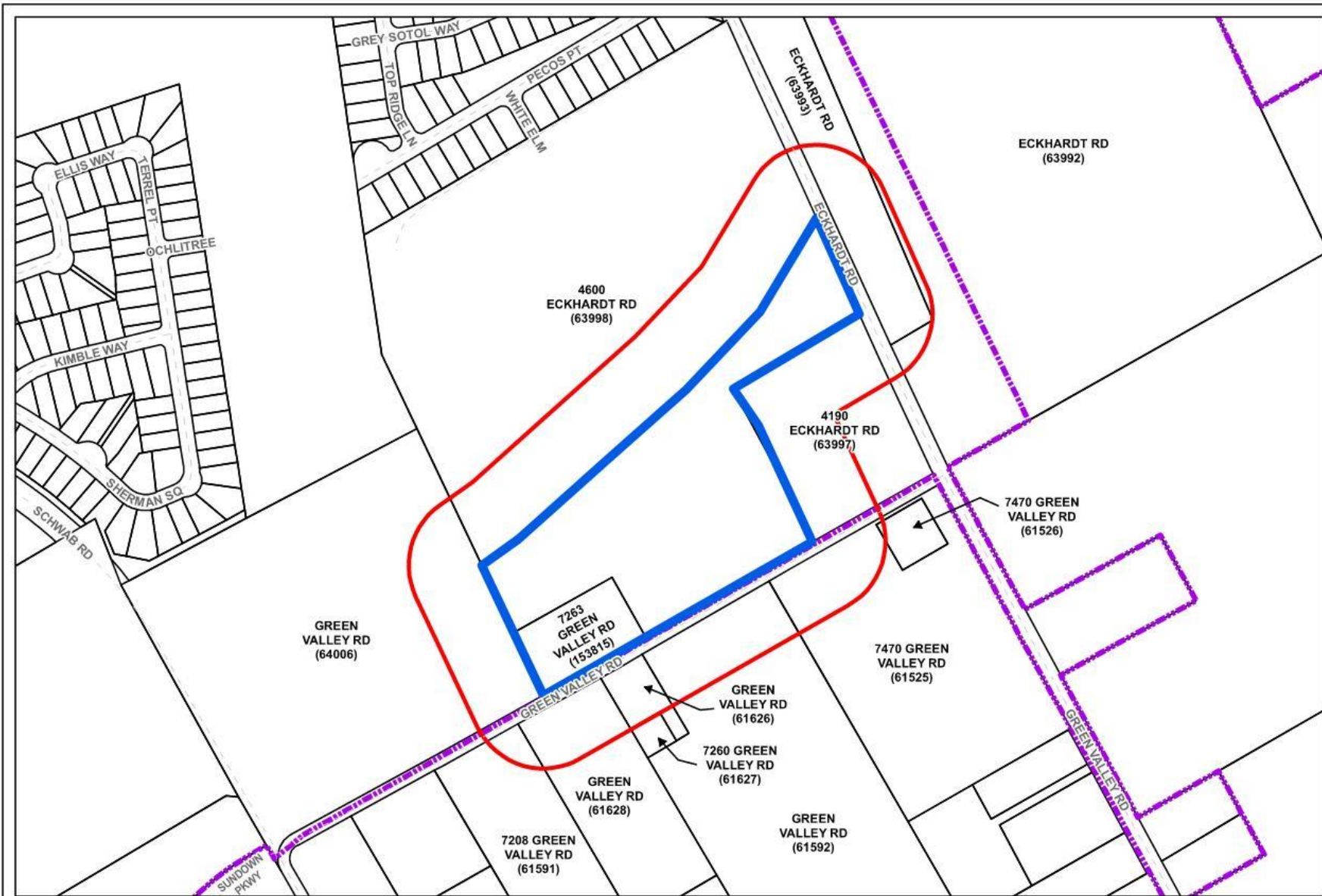
**ACKERMANN TRACT
ZONE CHANGE
(PLZC20230170)**

- | | | | | | | | | |
|---|--|---|--|---|--|--|---|--|
| <ul style="list-style-type: none"> <all other values> Highways Major Roads Minor Roads Other Cities | <ul style="list-style-type: none"> <all other values> Freeway Principal Arterial Planned Principal Arterial Secondary Arterial | <ul style="list-style-type: none"> Planned Secondary Arterial Secondary Rural Arterial Planned Secondary Rural Arterial Planned Residential Collector | <ul style="list-style-type: none"> Commercial Collector B Planned Commercial Collector B Commercial Collector A Planned Commercial Collector A | <ul style="list-style-type: none"> 1" - 6" 8" - 12" 14" - 18" 20" - 24" 26" - 30" 36" - 48" 60" - 72" 84" - 96" | <ul style="list-style-type: none"> Schieritz Gravity Schieritz Pressure Neighboring Gravity Private Pressure | <ul style="list-style-type: none"> Hydrant Water Storage Facility Manholes Schieritz Treatment Plant | <ul style="list-style-type: none"> CCMA Treatment Plant Schieritz Lift Station Private Lift Station CCMA Lift Station | <ul style="list-style-type: none"> 200' Buffer Schieritz Municipal Boundary Schieritz ETJ Boundary County Boundaries |
|---|--|---|--|---|--|--|---|--|

Source: Sor. M. Alan, GeoPyr, Bartlett Geographics, ENR/Airbus DS, USDA, USGS, Core 5000, TMI, and the GIS User Community

SCHIERITZ
COMMUNITY. SERVICE. OPPORTUNITY.



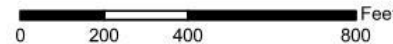


SCHIERTZ
COMMUNITY • SERVICE • OPPORTUNITY

Last Update: July 17, 2023
City of Schertz, GIS Department, gis@schertztx.com
The City of Schertz is not liable for any errors or omissions in this map. The City of Schertz is not liable for any damages or injury resulting from the use of this map. The City of Schertz is not liable for any damages or injury resulting from the use of this map. The City of Schertz is not liable for any damages or injury resulting from the use of this map.

**City of Schertz
ACKERMANN TRACT
ZONE CHANGE
(PLZC20230170)**

 200' Buffer
 Project Area
 City Limit Boundary

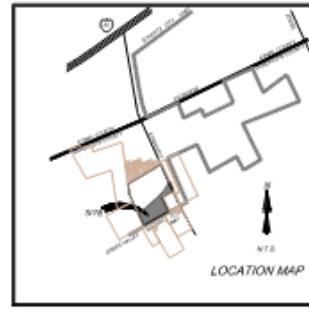
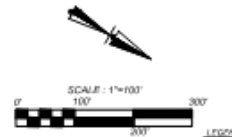


- August 28: 9 public hearing notices mailed.
- Published in the San Antonio Express on September 20, 2023
-
- Responses Received:
0- Opposition
0- In Favor
1- Neutral

SCHIERTZ
COMMUNITY. SERVICE. OPPORTUNITY.

NOTE: UNDEVELOPED PROPERTY IS IN ZONE V. AREAS DETERMINED TO BE EXCLUDED PER THE ANTI-SPECULATION PROVISIONS AS SET FORTH IN THE CITY OF SCHERTZ CHARTER AND ORDINANCE. PHASE NO. 100, NEWSPAPER DRIVE ACQUISITION, 2007

ZONING TABLE		
TOTAL ACREAGE	BASE ZONING	PROPOSED ZONING
14,774.02 SQ. FT.	GB	R-2



4.39 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: (GUADALUPE COUNTY)
PROPERTY ID: 61541
(VOL. 15155)
OWNER: DAKE COLLEEN J
7208 GREEN VALLEY RD
CIBOLO, TX 78108

4.99 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: (GUADALUPE COUNTY)
PROPERTY ID: 61628
(VOL. 15155)
OWNER: GROVER E & BA WRIGHT
7260 GREEN VALLEY RD
CIBOLO, TX 78108

0.75 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: (GUADALUPE COUNTY)
PROPERTY ID: 61636
(VOL. 477, PG. 698 O.P.R.)
OWNER: BARBARA ANN WRIGHT
7700 GREEN VALLEY RD
CIBOLO, TX 78108

22.63 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: (GUADALUPE COUNTY)
PROPERTY ID: 61692
(VOL. 2780, PG. 1073 O.P.R.)
OWNER: BARBARA WRIGHT
7260 GREEN VALLEY RD
CIBOLO, TX 78108

11.683 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: (GUADALUPE COUNTY)
PROPERTY ID: 61535
(VOL. 889, PG. 100 O.P.R.)
OWNER: HAROLD W KLASNER
7470 GREEN VALLEY RD
NEW BRAUNFELS, TX 78130

0.633 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
PROPERTY ID: 61526
ZONING: (GUADALUPE COUNTY)
(VOL. 999, PG. 102 O.P.R.)
OWNER: HAROLD W KLASNER
7470 GREEN VALLEY RD
NEW BRAUNFELS, TX 78130

1.730 ACRE TRACT
LAND USE: AGRICULTURE
ZONING: GB
PROPERTY ID: 612815
(DOC # 20239900734)
OWNER: MUSTANG
OAKS LLC
4530 N LOOP 1604
WEST STE 514
SAN ANTONIO, TX 78249

32.14 ACRE TRACT
LAND USE: AGRICULTURE
ZONING: GB
PROPERTY ID: 645506
(VOL. 4176, PG. 783 O.P.R.)
OWNER: SCHWAB CREDIT TRUST
RUBY F SCHWAB - TRUSTEE
1288 N BUSINESS 35
NEW BRAUNFELS, TX 78130

93.34 ACRE TRACT
LAND USE: AGRICULTURE
ZONING: GB
PROPERTY ID: 63394
(VOL. 1654, PG. 902 O.P.R.)
OWNER: RWU LIMITED PARTNERSHIP
8558 CARTRIDGE DR
SAN ANTONIO, TX 78217

43.50 ACRE TRACT
OWNER: MUSTANG OAKS LLC
(DOC # 20239900734 O.P.R.)

20.12 ACRES
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: R-2
PROPERTY ID: 62068
(DOC # 20239900734 O.P.R.)
OWNER: MUSTANG OAKS LLC
4600 N LOOP 1604 WEST STE 514
SAN ANTONIO, TX 78249

18.491 ACRE TRACT
LAND USE: SINGLE-FAMILY RESIDENTIAL
ZONING: R6
CYPRESS POINT, UNIT 4
(VOL. & PGS. 729-730 M.P.R.)

5.552 ACRE TRACT
LAND USE: SINGLE FAMILY-RESIDENTIAL
ZONING: GB
PROPERTY ID: 63097
(VOL. 2415, PG. 26 O.P.R.)
OWNER: KATY ADAMS AND JASON
LAND
4160 EDWARD ROAD
MAYNOR, TX 78124

42.79 ACRE TRACT
LAND USE: AGRICULTURAL
ZONING: GB
PROPERTY ID: 63992
(DOC # 202399005854)
OWNER: HESS HILLS DEVELOPMENT LLC
606 EAST 42ND ST
AUSTIN, TX 78751

785 ACRE TRACT
LAND USE: AGRICULTURAL
ZONING: GB
PROPERTY ID: 63995
(DOC # 202399005854)
OWNER: HESS HILLS DEVELOPMENT LLC
606 EAST 42ND ST, AUSTIN, TX 78751



**ACKERMANN SUBDIVISION
ZONING EXHIBIT**
SCHERTZ, TEXAS
GUADALUPE COUNTY

LEGAL DESCRIPTION:
A 14.21 ACRES TRACT OF LAND, OUT OF THE CARROLL M. GAGHAN, JR. SURVEY NO. 258, ABSTRACT NO. 142, THE BRAMBLE OR LOS SANTOS CDP SURVEY ABSTRACT NO. 99 BEING OUT OF THE 44.36 ACRE TRACT OF LAND AS CONVEYED TO MUSTANG OAKS, LLC BY RECORDS IN DOCUMENT NUMBER 20239900734 OF THE OFFICIAL PUBLIC RECORDS OF GUADALUPE COUNTY, TEXAS, AND SITUATED IN THE CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.

PREPARED: JULY, 2023

SCHERTZ
COMMUNITY. SERVICE. OPPORTUNITY.



•Portion of 4600 Eckhardt Rd and 7263 Green Valley Road are zoned General Business (GB)

	Existing Zoning	Land Use
North	Single-Family Residential (R-6) & Single-Family Residential (R-2)	Single-Family Residences
South	Right-of-Way	Green Valley Road
East	General Business District (GB) & Right of Way	Undeveloped & Eckhardt Rd
West	General Business District (GB)	Agriculture/ Undeveloped

Proposed Rezone



- **Current Zoning is General Business District (GB).**
- **Proposed Zoning is Single-Family Residential District (R-2).**
- **Per Letter of Intent- Applicant wishes to rezone the remaining portion of the property to match the already zoned (R-2) on the northern portion of the property. The intent for the property is to build single-family homes.**

Staff Analysis

- **Comprehensive Plan Conformance:**

The current Comprehensive Land Use Plan identifies this property as Single-Family Residential. Single-Family Residential is meant for a mix of residential uses to include detached dwelling units and may include limited commercial development to support daily activities.

The proposed zone change to Single-Family Residential (R-2) would be in conformance with the intention of the Single-Family Residential Land Use Designation.

Staff Analysis

- The proposed rezoning to Single-Family District (R-2) would be consistent with the existing surrounding uses.
- The northern portion of the property was rezoned in December 2022 to Single-Family Residential (R-2) with Ordinance Number 22-S-42.
- The proposed rezone to Single-Family District (R-2) is compatible with adjacent land uses, will match the current zoning of the rest of the property, and aligns with the intent of the Comprehensive Land Use Plan.

Recommendation

Staff Recommendation:

- Staff recommends approval of the proposed zone change from General Business District (GB) to Single-Family Residential (R-2) due to its consistency with existing land uses and compatibility with the Comprehensive Plan.

Planning and Zoning Commission Recommendation:

- The Schertz Planning and Zoning Commission met on September 13, 2023, and voted to recommend that the City Council approve the proposed zone change as presented with a 7-0 vote.

COMMENTS & QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: Facility & Fleet
Subject: Discussion regarding the status of City's electronic marquee sign

BACKGROUND

1. Internal Services to provide a presentation on the City's current electronic sign that has been deemed inoperable, unrepairable, and inside GVEC electric easement. Requesting guidance from Council on relocating the sign within the complex or remove the sign indefinitely leaving the Hal Baldwin monument.
-

Attachments

Electronic Sign Presentation

Electronic Marquee Sign

Dawniecia Hardin Trussell | Internal Services Director |
Facilities

Current Electronic Sign

-
- Sign has been struggling for approx. 2 years and is now inoperable. It is beyond repair as parts are not available and must be replaced.
- Current sign is in the GVEC right-of-way which they do not allow as it poses safety concerns and operational problems. The understanding was it could not be replaced in this same location.
- Staff has been researching options.

City Requirements

The UDC includes a waiver for government signs to not comply with the sign regulations that apply to businesses. These include:

- Location Restrictions. No electronic signs shall be permitted within 150 feet of a residentially zoned property or property used for residential purposes.
- Maximum area of an electronic sign shall not exceed 50 square feet. In this case if the sign was the max size of 90 square feet, then only 50 square feet can be electronic and the other 40 would be static.
- Minimum setback: 15 feet from the property line
- Maximum sign height: 18 feet on Schertz Parkway
- Maximum sign area: 90 square feet per sign face (both sides can be the maximum size)
- Number of signs: 1 freestanding ground sign per lot per street frontage

Suggested Design



Going Forward

- **Remove the electronic portion of the sign, keeping the Hal Baldwin Monument**
- **Relocate sign within the Hal Baldwin Complex, maintaining street visibility**
- **Request a waiver to keep the sign on City Campus but relocate its current position**
- **Cost to demo & install**
 - **\$84,638 to \$91,271.00 (based on size)**

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COMMENTS & QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023

Department: Engineering

Subject: Monthly Update - Major Projects In Progress/CIP (B.James/K.Woodlee)

Attachments

October 2023 Major Projects Update

CITY COUNCIL MEMORANDUM

City Council Meeting: October 10, 2023
Department: City Manager
Subject: Update on Major Projects in Progress

Background

This is the monthly update on large projects that are in progress or in the planning process. This update is being provided so Council will be up to date on the progress of these large projects. If Council desires more information on any project or on projects not on this list, please reach out to staff and that information will be provided.

Facilities Projects:

1. Borgfeld Facility Renovation Project

- Project Status: Scope development phase - Demo of existing drywall, insulation, HVAC system and water heater to use as office space.
- Projected Completion: Unknown.
- Project Update: No change from last update. The building is secured. Staff is pursuing alternate plan involving a partnership with Guadalupe County for use of office space at their FM 78 facility. Upon finalization of that agreement, staff will provide a recommendation on what to do with this building.

2. Building 10 Parks Renovation

- Project Status: Design phase
- Projected Completion: Unknown
- Estimated Cost: \$250,000 initial cost
- Project Update: No change from last update. M&S Engineering is working on the additional scope of work to include the bay area of the building. City staff is currently reviewing the scope of work provided by M&S. Next step is finding a contractor and funding.

3. Kramer House Deck Replacement

- Project Status: Partially complete.
- Previously Projected Completion: Fall 2022
- Estimated Cost: Estimated \$85,000 - \$100,000
- Project Update: Deck work is complete including the addition of stairs and painting. City staff will begin trying to get a contract for landscaping now that cooler weather has arrived.

4. Fleet Building Parking Lot

- Project Status: Permit phase
- Consultant: M&S Engineering
- Contractor: To Be Determined
- Project Completion: 2023
- Project Update: No change from last update. Site Plan Certification for project in process. A proposal is under review for professional services relating to the replat of the subdivision, as four lots are currently being used as one purpose. Awaiting completion of replat. M&S Engineering will assist design scope of work.

Drainage Projects:

1. FM 78 South Channel Silt Removal

- Project Status: Easement Acquisition and Construction
- Design Engineer: Unintech Consulting Engineers, Inc.
- Project Start: September 2022
- Project Cost: \$32,100 (Design) + \$4,600 Drainage Report
- Construction Costs: \$172,587.31 base bid, \$268,545.00 alternate in lieu
- Project Update: No Change - Efforts to secure the necessary access easements are still ongoing.

Water and Wastewater Projects:

1. Woman Hollering Creek Wastewater Interceptor Main and Lift Station

- Project Status: Construction
- Construction Contractor: Thalle Construction Co., Inc.
- Construction Management: AG|CM
- Design Engineer: Cobb, Fendley & Associates, Inc.
- Construction Start: January 2022
- Estimated Cost of Construction (including construction and ancillary contracts): \$12 million
- Project Update: Installation of the 30-inch and 18-inch gravity pipe and manholes is complete and testing is ongoing. The lift station wet well and storage well structures are complete. Construction and installation of electrical equipment slabs and conduit at the lift station site continues.
- Issues: Current substantial completion expected late 2023.

2. 24" Dedicated Transmission Main Design Phase II

Overall project intent is the construction of a 24" dedicated water transmission main to connect the Live Oak water storage facility to the IH 35 storage tank. Phase 1 (route study) was completed in March 2021. Phase 2 (construction design) is nearing completion.

- Project Status: Design Phase – moving into Easement Acquisition Phase
- Consultant: Kimley-Horn & Associates
- Design Project Start Date: June 1, 2021
- Phase 2 Project Completion Date: Summer 2023
- Project Cost (Phase 2 Design): \$1,508,875.50 (Easement Acquisition): \$900,000

- Project Update: The project is on a hold while staff works on other projects. Following is the most recent update from where the project will be resumed when adequate time is available.
 - Pre-100% design plans are complete. Plans will be reviewed and updates made as necessary once project construction phase nears. Easement acquisition was authorized by Council and initiated. Land acquisition agents reached out to property owners for easement related to temporary (construction) and permanent easements. Several property owners agreed to the initial offer letters. Meetings have been held with HOA representatives (Greenshire and Arroyo Verde) to discuss the needed easements and impacts to the property. Staff will work with the design team to make modifications to the specific alignment through HOA greenbelts based on feedback from those communities.

3. Riata Lift Station Relocation (Design Phase)

Overall project intent is to relocate the Riata Lift Station ahead of TxDOT's IH-35 NEX Project to remove it from conflict with the proposed improvements. The design phase included identification of a new site for the lift station, design of the new lift station, and design of the abandonment of the existing lift station.

- Project Status: Design and Property Acquisition
- Consultant: Utility Engineering Group, PLLC (UEG)
- Design Project Start Date: August 2020
- Expected Design Project Completion Date: 2023
- Total Project Cost (Design Phase): \$129,795 (NTE \$143,000)
- Estimated Construction Cost: \$2,388,705
- Estimated Property Acquisition: \$300,000
- Project Update: Resolution 23-R-105 is set for October Council meeting to approve the purchase of the lift station site and necessary easements for a Not to Exceed amount of \$300,000.

4. FM 1518 Utility Relocations

Overall project intent is to relocate the water and sewer utilities to avoid conflicts as part of the TxDOT FM 1518 Project. The current contract is for the design services of the project.

- Project Status: Design/Bid
- Consultant: Half Associates
- Design Project Start Date: June 2021
- Design Project Completion Date: Spring 2023
- Total Project Cost (Design Only): \$548,370 (NTE \$600,000)
- Project Update: TxDOT is still planning for an October 2023 letting date. City relocation plans and agreements have been approved for the joint-bid project. TxDOT has asked the City to include the relocation of a backflow device for RAFB as part of a non-joint bid project which will be reimbursable through TxDOT. A contract for design services for that relocation is expected to be on the October 17, 2023 Council Agenda.

5. Corbett Ground Storage Tank

Overall project intent is to construct a new 3-million-gallon ground storage tank on Ray Corbett Drive. The ground storage tank (GST) will be used to fill the Corbett Elevated Storage Tank, the East Live Oak Elevated Storage Tank, and have additional water storage capacity.

- Project Status: Pre-Construction Phase
- Consultant: Unintech Consulting Engineers
- Construction Start Date: Original date January 7, 2023 (approx.). Project is delayed due to federal regulation uncertainty related to grant funding requirements – see update below.
- Expected Project Completion Date: 550 calendar days after construction begins
- Total Design Cost: Design \$466,265.00
- Total Construction Cost: \$7,028,017.00
- Project Update: As of October 3, 2023, Staff is still awaiting response and instruction from the EPA regarding requested waivers from American Iron and Steel (AIS) provisions and the Buy American, Build American (BABA) Act and the application for categorical exemption for the project (related to the grant funding). Staff continues to consult with EPA staff and the project engineer (Unintech) to address options to move the project forward. Cost increases due to the delays experienced while waiting for grant-related issues to be resolved are expected. At this time anticipated changes are still expected to be within the not-to-exceed amount of funding approved by Council.

6. FM 2252 Utility Relocations

Overall project intent is to relocate the water utilities to avoid conflicts as part of the TxDOT FM 2252 Project. The current contract is for the design services of the project.

- Project Status: Construction
- Consultant: Unintech Consulting Engineers
- Design Project Start Date: May 2022
- Construction Substantial Completion Date: September 2024
- Total Design Cost: \$19,617.50
- Total Construction Cost: \$247,053.50 (NTE \$275,000)
- Project Update: No-Change - Utilities have been relocated by CC Carlton and the City has conducted a final walk through. Close-out documents including the warranty bond are being assembled to complete the project.

7. Water Loop Lines

Overall project intent is to install 12” water lines to provide a looped distribution system from Ware Seguin to Lower Seguin and Pfeil Road to N Graytown Road

- Project Status: Design
- Consultant: Unintech Consulting Engineers
- Design Start Date: July 2022
- Total Design Cost: \$ 186,973.00 (NTE \$200,000.00)
- Estimated Construction Cost: \$ 4,400,000.00
- Project Update: 60% plan set comments have been sent back to consultant to incorporate into 90% design. Right of Entry and easement acquisition efforts are ongoing.

8. IH 35 NEX-North Utility Relocations

Overall project intent is to relocate water and sewer utilities to avoid conflicts as part of the TxDOT IH 35 NEX-North Project. The current contract, authorization for which is on the October 10, 2023, Council Agenda, is for the design and easement acquisition services of the project.

- Project Status: Design
- Consultant: Halff Associates
- Design Project Start Date: October 2023
- Expected Design Project Completion Date: Summer 2024
- Total Project Cost Design and Easement Acquisition Services: NTE \$1,250,000
- Project Update: Resolution 23-R-106 is set for October Council meeting to approve the contract for design and easement acquisition services for Halff Associates

Street Projects:

2. Main Street Improvements Project

- Project Status: Design
- Consultant: Kimley-Horn Associates
- Project Update: Consultant is coordinating with utility companies to refine the conflicts and gather information about future utility relocations. GVEC is re-checking relocation plans and updating costs.

3. Schertz Parkway/Lookout Road Signalization

- Project Status: Design
- Consultant: Halff Associates
- Current Estimated Construction Cost: \$300,000 (\$100,000 of which will come from Selma)
- Project Status: Nothing new to report.

4. Lookout Road Reconstruction

- Project Status: Design
- Consultant: Halff Associates
- Current Estimated Construction Cost: \$6 million

- Project Update: Consultant has continued to make progress on the project plans. It is expected that 90% plans will be complete and submitted to the City for review in the next couple of weeks.

5. 2023 SPAM Resurfacing

- Project Status: Construction
- Construction Cost: \$195,000
- Project Update: The slurry seal application is expected to start and be completed in the Middle of October 2023. The contractor will distribute fliers to affected residents before the application starts. The contractor has mobilized equipment and the slurry seal aggregate to a staging area on Pecan Street.

6. 2023 Trainer Hale Repairs

- Project Status: Construction
- Construction Cost: \$130,000
- Project Update: Construction of this project has been delayed slightly due to some changes in the repair areas. Staff has coordinated with the contractor to get the repair areas identified and work is expected to start in the very near future. Work is expected to take only three days to complete.

7. 2023 Windy Meadows Overlay

- Project Status: Construction
- Construction Cost: \$340,000
- Project Update: The project has been completed.

Parks & Recreation Projects:

1. Wendy Swan Memorial Park Splashpad

- Project Status: Under Construction
- Construction Start Date: September 29, 2022
- Construction Contractor: T.F. Harper & Associates
- Estimated Project Completion: October 2023
- Project Cost: \$297,350.09
- Project Status: Splash pad construction is complete, and the Grand Opening was held on July 31. The restroom repairs are on-going. Rough-in electrical and plumbing is complete, and installation of the interior walls is 50% complete. The temporary restroom trailer is still in place. The splashpad will remain open daily 9 am – 9 pm until October 31 (weather permitting.)

2. Schertz Soccer Complex Irrigation Water Storage Project

- Project Status: Phase 1 Under Construction, Phase II pending schedule
- Construction Start Date: October 2022
- Construction Management: City staff
- Construction Contractor: various subcontractors
- Estimated Project Completion: March 2024
- Project Estimated Cost: \$107,036.90
- Project Status: Original single bid received in the summer of 2022 was rejected due to being significantly higher than engineer's estimate. Project was phased out into various

subspecialties and is being managed by city staff to contract individual subcontractors. Phase I included demolition of existing fence and placing of temporary fencing. Phase II was electrical work to bring panel up to code and add capacity for larger pumps and is completed. Phase III is replacing the well pump and piping and bids have been received and the work is being scheduled. Staff is currently revising bids to begin Phase III.

TxDOT Roadway Projects:

- 1. FM 1103 Improvement Project:** Unexpected utility conflicts are still causing delay of the overall project. While construction officially began in November 2022, and was expected to be complete in fall 2026, at this time, a date for roadway construction to resume is unknown. Updates will be shared as available from TxDOT. General project updates are available by signing up at this link: [FM 1103 Construction Newsletter](#)
- 2. FM 1518 Improvement Project:** At the time of submittal of this update, the scheduled let date for the project is planned for October 5, 2023. A report of the letting should be shared in next month's project update.
- 3. IH-35 NEX (I-410 South to FM 1103):** The central segment of the I-35 Northeast Expansion project continues with Alamo NEX Construction handling the design-build project. The central section runs from 410 N to FM 3009.

Utility coordination work for the northern segment of the project is also underway. TxDOT consultants have met with Public Works and Engineering Staff to begin establishing relocation needs. The City will be reimbursed for costs of all needed relocations except for any upsizing or improvements above current conditions.

Updates about the project can be obtained by signing up at the following link: [I 35 NEX Project Updates](#)

- 4. IH-10 Graytown Road to Guadalupe County Line:** Work for the widening of the main lanes and utility relocations continues. Work on the FM 1518 bridge over IH 10 continues and will involve numerous episodes of the rerouting of traffic including shifting lanes and detours as necessary. Final completion of the bridge including turnarounds and full signalization is expected in summer 2023.

Updates regarding the IH 10 project are available by signing up at the following link: [IH 10 Expansion Information](#)

Note: If links do not work, please contact engineering@schertz.com.

Studies and Plans:

- 1. Water and Wastewater Master Plan Update and Impact Fee Study**
 - Project Status: Study
 - Consultant: Lockwood, Andrews, and Newnam, Inc.
 - Project Start Date: December 2019
 - Project Completion Date: TBD 2023/2024
 - Total Project Cost: \$500,000

- Project Update: Staff is still working with LAN to include finishing touches to the wastewater Capital Improvement Plan. Following any comments and revisions after Staff review, the consultant will begin the impact fee calculation phase of the project. Statutorily required meetings and hearings regarding the adoption of updated impact fees is expected to begin in the early part of 2024.

2. Stormwater Control Inventory and City Operations Assessment

The work of this project is an action included in the City's Stormwater Management Plan (Plan). The Plan is the blueprint of activities needed to comply with the City's Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Permit required by virtue of the City's classification as Municipal Separate Storm Sewer System (MS4).

This project specifically consists of development of an inventory of City facility stormwater controls and an assessment of city operations as related to stormwater control and quality.

- Project Status: Study
- Consultant: Utility Engineering Group, PLLC
- Project Start Date: July 2020
- Project Completion Date: Summer 2023
- Total Project Cost: \$35,000
- Project Update: No change from last project update. Consultant and City staff have visited City sites for information collection. Consultant has submitted a final draft from the compiled information and Inventory Assessment is under review by staff.

3. PCI Data Collection Study

- Project Status: Nearly fully complete
- Consultant: Fugro, Inc.
- Project Cost: \$123,200
- Project Update: No change from last update. The consultant is working with IT and GIS to get the revised data configured in the manner we want it and the GIS map layer created in our system.

Planning and Community Development Projects:

1. Comprehensive Land Use Plan Update

Freese and Nichols, the firm hired by the city to assist staff with updating the plan, is estimating that the Comprehensive Plan update is about half-way complete. Staff has conducted three Comprehensive Plan Advisory Committee (CPAC) Meetings. The third meeting was on September 27th and Freese and Nichols presented a preview of the Future Land Use Map to the committee. The fourth and final CPAC meeting is tentatively scheduled for November 15th, 2023. The online survey has generated a total of 203 responses as of September 29th. The interactive map has a total of 57 comments as well. Staff has reached out to Samuel Clemens High School to get the youth the community involved with the survey and interactive map, and an article in the Schertz Magazine has also generated interest. Freese and Nichols, along with staff will be at the Dunkin' for Pumpkins event on October 7th, with two tables set up to generate more excitement and involvement with survey handouts, activities, candy and Schertz-branded memorabilia for kids and parents alike.

Information Technologies Projects

1. Master Communications Plan Citywide Network Upgrade

Vendor has completed installation of the radios and switches at Live Oak, Nacogdoches, Scenic Hills, I-35, and Corbett. Cameras are currently being programmed for installation. Final completion is expected to be end of year 2023.

2. Council Chambers AV Upgrade

Permanent microphones were received and set up for use. Court functionality has been completed and staff have received training. City staff working on SOPs for operational use on control panels. City staff will receive general function training from vendor prior to project completion. Estimated project completion date is the end of October 2023.