

DRAFT

MINUTES REGULAR MEETING January 9, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 9th, 2024, 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 Paul Macaluso; Councilmember Tiffany Gibson; Councilmember Robert Westbrook; 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 6:00 p.m.

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

Councilmember Gibson provided the opening prayer and led the Pledges of Allegiance to the Flags of the United States and the State of Texas.

Employee Introductions

- EMS: Rene Carrasco; Sydney Garcia
- Parks: Matthew Longoria-Parks Maintenance Technician

New employees were introduced to the City Council by their Department Managers.

City Events and Announcements

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

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

Monday, January 15

City offices closed in recognition of Martin Luther King, Jr., Holiday.

Tuesday, January 16

Next Regular City Council Meeting
Council Chambers
6:00 PM

Registration is open for the Father/Daughter and Mother/Son Dances. Tickets are pre-sale only through February 2, 2024 at www.Schertz.com. Cost is \$18/adults and \$12/child.

Saturday, February 3

Father/Daughter Dance
Schertz Civic Center
7:00 PM - 9:00 PM

Sunday, February 4

Mother/Son Dance
Schertz Civic Center
4:00 PM - 6:00 PM

Thursday, February 29 (meets weekly through May 2, 2024)

Citizens Police Academy
6:00 PM - 9:00 PM

Registration is currently open online at www.Schertz.com/cps. Applications are also available at the Schertz Police Department. Deadline to apply is Friday, February 23, 2024.

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

City Manager Steve Williams thanked everyone who participated in the Polar Bear Plunge held on Saturday, January 6, 2024. There were 92 participants, including YMCA staff, sponsors and Councilmember Tim Brown.

Mr. Williams congratulated Mayor Gutierrez and Councilmember Heyward for receiving the Certified Municipal Officer designation from TML.

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

Mayor Gutierrez wished everyone a Happy New Year, and eluded to some exciting developments happening in Schertz. He is hoping to share those announcements in the near future.

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.

Jose Sanz, 4101 Blueway Road, Apartment A-9, who introduced himself as a congressional candidate. Mr. Sanz stated if elected he will focus on three things (1) Securing the border - stop illegal immigration, not all immigration; (2) balancing the budget; and (3) protect the Constitution of the United States.

Dana Eldridge, 2628 Gallant Fox Dr, commended the city for getting development started by EVO. Also, happy to see planned apartment development for Schertz.

Richard Eads, 5523 Cypress Point, stated that although City ordinance requires signs be posted for a rezoning application until it is approved, they were down for approximately 7 weeks. He also expressed discontent with the time it has taken to receive a response on an open records request he submitted. He stated he received communication and a few emails prior to this meeting, but was told he'd have to wait for the rest of the documentation.

Mayor Gutierrez provided insight regarding the process and the need for specificity when submitting an open records request. He stated it is not our intent to withhold information, sometimes the volume of information requires greater time, and often attorney review, prior to release to ensure no proprietary information is inadvertently shared.

Daniel Jameson, 1048 Richmond Dr, stated his family had been asked to take down the American flag outside his house. He also is concerned with the number of abandoned vehicles within the City. He wants the City to be cleaned up.

Jeff Large, 110 Sweetleaf Lane, introduced himself as a candidate for Gualdalupe County Constable Precinct 3 and provided a brief bio. He was appointed by County Commissioners Court in June 2023 by unanimous vote to fill the vacancy left when his predecessor resigned.

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** - Consideration and/or action regarding the approval of the regular meeting minutes of December 19, 2023. (S.Edmondson/S.Courney)
2. **Appointment/Reappointment For Boards/Commissions/Committees** (S.Edmondson)
 - Planning & Zoning: Accept the resignation of Mr. Gordon Rae
3. **Resolution 24-R-02** – Authorizing a professional services agreement with Unintech Consulting Engineers, Inc., for the design of the Buffalo Valley South Utility Replacement and Street Rehabilitation Project (B.James/K.Woodlee/J.Nowak)

4. **Ordinance 23-S-32** – Approving a request for a Specific Use Permit to allow a convenience store with gas pumps on approximately 7.8 acres of land, located approximately 51-feet west from the intersection of IH-35 N Access Road and FM 2252, also known as Guadalupe County Property Identification Number 114083 and Comal County Property Identification Number 119021, City of Schertz, Guadalupe and Comal County, Texas. ***Final Reading*** (B.James/L.Wood D.Marquez)

5. **Ordinance 23-S-33** - Approving a request for a Specific Use Permit to allow a truck terminal on approximately 4 acres of land located approximately 660-feet west from the intersection of Baugh Lane and Schwab Road, also known as Comal Property Identification Number 464879, City of Schertz, Comal County, Texas. ***Final Reading*** (B.James/L.Wood/D.Marquez)

6. **Resolution 24-R-03** - Authorizing the City Manager to accept employment as an adjunct professor pursuant to the requirements of the Employment Agreement between the City Manager and the City

7. **Ordinance 23-G-30** - Amending the City of Schertz Code of Ordinances creating a Reserve Police Force in accordance with statutory mandates. ***Final Reading*** (S.Williams/J.Lowery)

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

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Michelle Watson

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
 Councilmember Paul Macaluso, Councilmember Tiffany Gibson,
 Councilmember Robert Westbrook, Councilmember Allison Heyward,
 Councilmember Tim Brown

Passed

Discussion and Action Items:

8. **Boards, Commissions and Committees:** Assign City Council Liaisons for Boards, Commissions and Committees.
 Mayor Gutierrez recognized each Councilmember in the selection of positions for the Boards, Commissions, and Committees.
 - Councilmember Davis will serve in the following capacity for the Boards, Commissions, and Committees as identified below:
 - Regular Member - Interview Committee and TIRZ II Board;
 - Chair - Main Street Committee;
 - Liaison - Parks and Recreation Advisory Board, Schertz Housing Authority, and Transportation Safety Advisory Board.

- Councilmember Watson will serve in the following capacity for the Boards, Commissions, and Committees as identified below:

Regular Member - Audit and Investment Committees;
Regular Member (Alternate) - Interview Committee;
Liaison - Library Advisory and Senior Center Advisory Boards;
Liaison (Alternate) - Cibolo Valley Local Government Corporation (CVLGC).

- Councilmember Macaluso will serve in the following capacity for the Boards, Commissions, and Committees as identified below:

Regular Member - Interview Committee;
Regular Member (Alternate) - Animal Advisory Board;
Liaison - Hal Baldwin Scholarship Committee and TIRZ II Board.

- Councilmember Gibson will serve in the following capacity for the Boards, Commissions, and Committees as identified below:

Regular Member - Interview Committee;
Liaison - Investment Advisory Board;
Liaison (Alternate) - Hal Baldwin Scholarship Committee and Schertz Historical Preservation Society.

- Councilmember Westbrook will serve in the following capacity for the Boards, Commissions, and Committees as identified below:

Regular Member (Alternate) - Schertz-Seguin Local Government Corporation (SSLGC);
Liaison - Cibolo Valley Local Government Corporation (CVLGC), Planning and Zoning Commission, and Schertz Historical Preservation Society.

- Councilmember Heyward will serve in the following capacity for the Boards, Commissions, and Committees as identified below:

Regular Member - Animal Advisory Board, Audit Committee, Building and Standards Commission, Investment Advisory Board, and Main Street Committee;
Chair - Interview Committee;
Liaison - Senior Center Advisory Board;
Liaison (Alternate) - Economic Development Corporation.

- Councilmember Brown will serve in the following capacity for the Boards, Commissions, and Committees as identified below:

Regular Member - Schertz-Seguin Local Government Corporation (SSLGC) and Main Street Committee;
Liaison - Economic Development Corporation.

**Councilmember Brown also serves as a regular board member on the Capital Improvement Program Advisory Board in his capacity as a real estate agent.*

Public Hearings

- 9. Ordinance 23-S-35** - Conduct a public hearing and consider a request to rezone approximately 65 acres of land from General Business District (GB) to Planned Development District (PDD), known as Comal County Parcel ID 75458 and Guadalupe County Parcel ID 64005, generally located southeast of the IH 35 and Schwab Road intersection, City of Schertz, Comal County and Guadalupe County, Texas. **First Reading** (B.James/L.Wood/S.Haas)

Mayor Gutierrez recognized Samuel Haas, Senior Planner, who provided the location of the subject property, that 29 public hearing notices were mailed November 3, 2023, two signs were posted, a public hearing notice was published in the San Antonio Express News on December 20, 2023, and the responses received were as follows: 2- in favor; 58 - opposed; 0 neutral.

This zoning change request is subject to LGC Code 211.006(d), thus a 3/4 majority vote is required by City Council.

Schertz Gateway PDD consists of approximately 65 acres currently zoned as GB (General Business). Proposed zoning is divided into 3 areas: Area I - 19.61 acres proposed Commercial with general business uses and a convenience store with gas pumps; Area II - 14.8 acres proposed R-4 (Multi-Family); and Area III - 29.92 acres proposed R-4 Residential Low Density/Multi-Family to include 10 units per acre with a 40-foot landscape buffer adjacent to Cypress Point.

The Planning and Zoning Commission conducted a public hearing on November 15, 2023, and made a recommendation for approval by a 5-1 vote. This approval had conditions that the base Multi-family Residential District (R-4) setbacks were to be used in Area III, along with a greater landscape buffer abutting the Cypress Point Subdivision.

Staff recommends approval of Ordinance 23-S-35 as presented and discussed.

Mayor Gutierrez recognized Ashley Farrimond, attorney representing the developer, presented a proposed plan for the development.

Mayor Gutierrez opened the Public Hearing at 6:52 P.M.

The following residents spoke in support of commercial development but in opposition of the rezoning to include multi-family housing for reasons that included traffic density, poor infrastructure, trespassing, vandalism, and liability for subsequent injuries that occur on private property.

- **Richard Eads**, 5523 Cypress Point, President of Cypress Point HOA
- **Irene O'Neal**, 5299 Top Ridge Lane
- **Lauren Hall**, 6020 Cypress Point, Vice President of Cypress Point HOA
- **Mike Mockerman**, 5222 Nature Path
- **Barbara Wright**, owns property adjacent (working farm) to planned development
- **Lindy Wright**, owns property adjacent to planned development
- **Richard King**, 1605 Schwab Road
- **Grover Wright**, 7260 Green Valley Road

Michael Dahle, former councilmember, spoke in support of the planned development. He stated that this is great location on I-35 for this type of development and encouraged Council to vote in the best interest of all Schertz residents.

Mayor Gutierrez closed the Public Hearing at 7:19 P.M.

Mayor Gutierrez thanked the residents for being courteous and respectful of the process and provided the following comments:

- Texas just passed Italy as the #8 largest economy in the world, rapidly advancing on France sitting at #7.
- In 2021, Texas picked up 2 congressional seats, which equates to 2 million additional residents. Many have selected this area.
- 82% of individuals born in Texas stay in Texas. The next closest state is at 42%.
- Among our military community, Schertz is highly recommended as the ideal location.
- The I-35 corridor between San Antonio and Austin is the fastest growing area in the nation and Schertz is in the middle of it.
- In 1991, Schertz population was 8,000 and Cibolo was 2,000. Both cities have grown and continue to grow. Combined our cities' population is now 90,000.
- We have all contributed to traffic congestion, school issues, and density.
- Residents are struggling with the lack of retail amenities and Council must address these challenges. We must meet the future needs of our city and our residents. This development is a game changer for our city and the benefits will follow.

Mayor Gutierrez opened the floor to Council for discussion.

- Councilmember Brown thanked the Mayor for his comments. He stated he had watched the Planning and Zoning meeting. He said change is inevitable and it is painful. Same concerns are brought forth by residents each time a new residential development is planned. Once the development is complete and new residents move in, these concerns are dispelled and everyone gets along just fine. Everyone wants more restaurants and entertainment, which is what this developer is trying to attract. To attract that, they need a regular customer base. Having town homes and multi-family residences will provide that customer base. He supports the rezoning.
- Councilmember Heyward asked what guarantee existed that the City would get

the quality product shown in the renderings.

Mr. Josh Pollock, co-founder of the development firm, addressed Council. He and his partner are from San Antonio and their business is based in San Antonio so they are vested in this area. They are developing their reputation and are committed to using higher quality materials and attracting a certain quality resident. Ms. Farrimond added that there are legal restrictions regarding the material requirements, so they can't address that in the PDD, however, they can add language to the PDD to address the final development product being like the renderings if that is something Council would like to see.

- Councilmember Westbrook stated he understands the concerns regarding infrastructure, traffic, safety and security. He liked the idea of the 8-foot masonry fence to address the safety and security issues posed. He asked what the probability of these apartments becoming low-income.

Mr. Haas stated that we cannot regulate income requirements for residents.

Mr. Pollock stated that this development is a market rate project so that would eliminate any probability of low-income housing.

- Councilmember Macaluso thanked the residents for their comments. Disappointment is inevitable, but without voicing their concerns, the developer wouldn't have had an opportunity to make the concessions that they agreed to make. The renderings show a quality project that will include benefits for the city, such as the establishment of more restaurants and improvements to Schwab Road. Councilmember Macaluso did ask if there will be an opportunity for the quality of the project to change after zoning is approved? And, what would be next steps in the process?

Mr. Haas said that is a possibility, but Mr. Polluck has addressed those concerns. He added that the next step is platting, then site development.

- Councilmember Brown reminded Council that this action is to consider the zoning application only. Texas passed legislation whereby cities cannot dictate project design.

Mayor Gutierrez asked for a motion to approve Ordinance 23-S-35.

Moved by Councilmember Tim Brown, seconded by Mayor Pro-Tem Michelle Watson

AYE: Mayor Pro-Tem Michelle Watson, Councilmember Mark Davis,
Councilmember Paul Macaluso, Councilmember Tiffany Gibson,
Councilmember Robert Westbrook, Councilmember Allison Heyward,
Councilmember Tim Brown

Passed

Workshop

10. Workshop-Council discuss Charter Review Topics

Mayor Gutierrez opened the floor to Council for review of the Charter. Mayor suggested reviewing each article of the Charter.

Councilmember Davis stated he didn't think the Charter Review Committee needed input from Council regarding the Charter and recommended allowing the City Attorney to lead the committee in the review. He chaired the prior Charter Review committee and found the attorney's advice and leadership to be the more valuable.

Mayor Gutierrez stated he was in favor of closing the Workshop and allowing the City Attorney to lead the Charter Review Committee.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff

There were no requests made for updates or information from Staff.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda

Councilmember Westbrook requested recognition for School Board Appreciation Month be added to the next City Council agenda. Mayor Gutierrez asked the City Secretary to prepare a proclamation.

- City and Community Events attended and to be attended (Council)

Councilmember Gibson attended the Burn Boot Camp Ribbon Cutting.

Councilmember Westbrook attended the business opening for Burn Boot Camp and the Polar Bear Plunge.

Councilmember Heyward attended the Burn Boot Camp Ribbon Cutting. She added Happy Law Enforcement Appreciation Day and thanked all the heroes in uniform for their service.

Councilmember Brown echoed the sentiments for Law Enforcement Appreciation Day. He participated in the Polar Bear Plunge and challenged fellow Councilmembers to participate next year.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:54 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary