

DRAFT

MINUTES REGULAR MEETING April 2, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 2, 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 Paul Macaluso; Councilmember Mark Davis; Councilmember Michelle Watson; 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)

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

Special Announcements

● Hal Baldwin Scholarship

Mayor Gutierrez instructed students in attendance for the Hal Baldwin Scholarship to sign in. Anyone with questions regarding the Hal Baldwin Scholarship should contact Assistant City Manager Sarah Gonzalez via email at sgonzalez@schertz.com.

Presentations

● TMLI Award of Leadership-City of Schertz (presented by Councilmember Heyward)

Mayor Gutierrez recognized Councilmember Heyward who presented the Texas Municipal League Institute (TMLI) Award of Leadership to Mayor Gutierrez and City Manager Steve Williams. This award was presented to the City of Schertz for recognizing the importance of continuing education to the enhancement of local

governance by investing in training of elected leaders through TMLI 2023 for the 5 years of certified municipal officer training received by Councilmember Heyward.

Proclamations

- **National Library Week**-April 7-13, 2024 (Mayor Gutierrez)
Mayor Gutierrez presented the National Library Week - April 7-13, 2024 Proclamation to Library Director Melissa Uhlhorn.
- **Crime Victims' Rights Week**-April 21-27, 2024 (Councilmember Westbrook)
Councilmember Westbrook presented the Crime Victims' Rights Week - April 21-27, 2024 Proclamation to Michele Meehan of Guadalupe County Children's Advocacy Center; Reghan Thibodeaux, Ashton Story, and Dianne Chambers of Thriving Hearts Crisis Center; Crime Victims' Liaison Heather Davis of the Schertz Police Department; and Crime Victims' Liaison Krista Taylor of the Cibolo Police Department.
- **Sexual Assault Awareness Month**-April 2024 (Councilmember Heyward)
Councilmember Heyward presented the Sexual Assault Awareness Month - April 2024 Proclamation to Michele Meehan of Guadalupe County Children's Advocacy Center; Reghan Thibodeaux, Ashton Story, and Dianne Chambers of Thriving Hearts Crisis Center; Crime Victims' Liaison Heather Davis of the Schertz Police Department; and Crime Victims' Liaison Krista Taylor of the Cibolo Police Department.
- **Child Abuse Prevention & Awareness Month**-April 2024 (Councilmember Brown)
Councilmember Brown presented the Child Abuse Prevention & Awareness Month - April 2024 Proclamation to Michele Meehan of Guadalupe County Children's Advocacy Center; Reghan Thibodeaux, Ashton Story, and Dianne Chambers of Thriving Hearts Crisis Center; Crime Victims' Liaison Heather Davis of the Schertz Police Department; and Crime Victims' Liaison Krista Taylor of the Cibolo Police Department.
- **Military Child Month**-April 2024 (Councilmember Gibson)
Councilmember Gibson presented the Military Child Month - April 2024 to Ms. Andrea Seelbinder (retired Army) and her son Parker.

Employee Recognition

Mayor Gutierrez recognized City Department Heads who introduced new staff:

- Engineering: Robert Walker-Associate Engineer
- Police: Maria Hartman-Public Safety Communications Officer

The following staff will be introduced at the first Regular City Council Meeting in May:

- Municipal Court-Samantha Caballero-Deputy Court Clerk
- Public Works-Streets: Harris Atilano-Street Maintenance Worker I

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:

Saturday, April 6 and Sunday, April 7

2024 Great Texas Air Show

JBSA-Randolph

Gates open at 9:00 a.m.

Performances begin at 11:00 a.m.

U.S. Air Force Thunderbirds scheduled to perform at 3:00 p.m.

Saturday, April 13

Nature Discovery Series - Discover Impressive Insects

Crescent Bend Nature Park

9:30 a.m. - 10:30 a.m.

Sunday, April 14

Movin' on Main

Main Street

12:00 p.m. - 4:00 p.m.

Tuesday, April 16

Next Regularly Scheduled City Council Meeting

Council Chambers

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

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

Employee Promotions:

- Coyle French promoted to Drainage Worker II
- Jessica Dycus to Assistant Finance Director
- Jennifer Villarreal to F/T Paramedic

As part of the Classification and Compensation Study, several departments were recommended for Level II or Senior positions to create development paths in specific career areas. As a result, Human Resources has worked with these departments to finalize a Job Progression Program for those identified positions. Below are the individuals promoted as part of this progression program:

- Lizzi Bertoia, April Toman, and Stephanie Barbosa to Senior Librarian
- Jessica Wheless to Library Assistant
- Eric Schulze to Senior Engineer
- John Nowak to Assistant City Engineer
- Dylan Sandberg to Journeyman Plumber
- Oscar Medina and Bryan Jackson to Senior IT Support Specialist

- Stephen Gillard to Fleet Mechanic II
- Mike Walkden to Senior Financial Analyst
- Cole Moody and Ian King to Park Maintenance Technician II

Other notable recognitions:

Congratulations to Cole Moody and Larry May from Parks and Recreation Department, who placed 4th in the Truck and Trailer competition at the Texas Recreation & Parks Society (TRAPS) State Maintenance Rodeo in Galveston on February 27th. 53 teams participated in this year's event. Ian King competed in the Backhoe competition, but fell short of the podium. Great job representing Schertz!

Congratulations to three Schertz employees who were recently appointed to leadership positions in the Texas Recreation & Parks Society (TRAPS)! Parks Director Lauren Shrum was sworn in as the Central Region Director for the TRAPS Board of Directors, Recreation Manager Cassie Paddock was sworn in as the Chair of the Future & Young Professionals Branch of TRAPS, and Recreation Coordinator Sydney Paredes was sworn in as Central Region Representative of the Future & Young Professionals Branch.

Happening in the City:

The Schertz-Cibolo-Selma Lions Club, in partnership with the City and HEB, hosted the 12th annual Easter in the Park event on Saturday, March 30th. There were 376 children registered for the age-appropriate egg hunts as well as food, vendors, and other activities for kids of all ages. Total attendance at the event was estimated at 1,000.

● **Announcements and Recognitions by the Mayor (R.Gutierrez)**

Mayor Gutierrez congratulated City staff on their promotions and new positions.

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 Macaluso recognized the following residents:

Taurean Washington, 1029 Silvertree Blvd., who introduced himself as a new resident and business. He's a visual artist and entrepreneur. He will be showcasing his art and business at the Schertz Library, Movin' on Main, JBSA-Randolph for the Air Show, JBSA base exchanges, and doing classes for K-12 through Schertz Parks and Rec.

Maggie Titterington, 1730 Schertz Parkway, who serves as Chair of the Schertz Historical Preservation Committee (SHPC) provided an update on news and upcoming events:

- There are two new committee members and one that will be interviewed next week.

- The Committee has created a brief strategy plan for things they'd like to do.
- July 26 at 7:00 p.m. - SHPC is partnering with Schertz Parks and Rec for the Movies in the Park at Cypress Point Park. They will be doing a historical trivia night (facts about Schertz) with prizes donated by Whataburger in Schertz.
- October - Historical Scavenger Hunt. Using a map of Schertz, 15 areas with buildings that have historical value and are adding to the history of Schertz. Maps will be available at the Visitors Center. More information will be printed in the Schertz Magazine in the months to come.
- SHPC is still seeking more committee members, as well as old Schertz photos or people that want to share video memories. SHPC wants to preserve the history of the city by possibly creating a video montage to play at an event. More information is available at Schertz.com.

Mayor Pro-Tem Macaluso recognized the following residents who spoke in opposition to Ordinance 24-S-08, a request to rezone approximately 44.3 acres of land from Single-Family Residential District (R-2) to Planned Development District (PDD), known as Guadalupe County Property Identification Number 6460, located approximately 78 feet south of the intersection of Savannah Drive and Irish Creek Road, City of Schertz, Guadalupe County, Texas:

- Mark Rivera, 220 Stampede Ranch
- Phil Jackson, 3410 Wimbledon Drive
- Heather Jackson, 3410 Wimbledon Drive
- John P. Clark, 347 Rustic Willow
- Carol Davis, 3337 Wimbledon Drive
- Sheila Jolly, 3001 Casillero Street
- Brenda Rich, 3609 Lazy Diamond
- Richard Maus, 3434 Wimbledon Drive
- Stephanie Hayes, 3625 Sunglade Ranch
- Richard Horne, 427 Rustic Willow
- James Price, 3509 Big Horn Trail
- Kip Holmstead, 3560 Irish Creek Road
- Brad Parker, 323 Rustic Willow
- David Estrada, 3557 Irish Creek Road
- Barbara Wargo, 3513 Blue Moon Spur
- Amy Cappiello, 368 Silver River

Reasons for opposition included traffic, detract from value of single-family homes, developer misrepresentation in the application, lessens quality of life, density, infrastructure at capacity, low water pressure will get worse, and safety of children.

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 March 19, 2024. (S.Edmondson/S.Courney)
2. **Appointment/Reappointment For Boards/Commissions/Committees (S.Edmondson)**
 - **Reappointments**
 - Mark Penshorn - Capital Improvement Advisory Committee
 - Bryan L. Jones - Capital Improvement Advisory Committee
3. **Resolution 24-R-33** - Accepting the semi-annual report on the progress of the Capital Recovery Capital Improvements Plan (B.James/K.Woodlee)
4. **Resolution 24-R-37** - Authorizing the City Manager to execute the application for Firehouse Subs Public Safety Foundation grant program for lifesaving equipment. (S.Williams/G.Rodgers)
5. **Resolution 24-R-38** - Authorizing the City Manager to execute the application for Urban Area Security Initiative - Regular Projects (UASI-R) grant program for eligible activities. (S.Williams/G.Rodgers)
6. **Ordinance 24-S-06** - Approving amendments to the City of Schertz Comprehensive Plan. *Final Reading* (B.James/L.Wood/S.Haas)
7. **Resolution No. 24-R-39** - A resolution authorizing the lease of property at 11958 Schaefer Road to SER Construction Partners, LLC (B.James/K.Woodlee/E.Schulze)
8. **Resolution 24-R-30** - Authorizing the approval of a GVEC Utility Cooperative Agreement for the Main Street Improvements Project (B.James/K.Woodlee/J.Nowak)

Mayor Gutierrez asked Council if any items needed to be removed from Consent for further discussion. No items were removed. Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - 8.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Paul Macaluso

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

Passed

Public Hearings

9. **Ordinance 24-A-10** - Conduct a public hearing and consider an ordinance on a petition for voluntary annexation of approximately 7-acres, a portion of Bexar County Property Identification Number 339286, also known as 8215 Trainer Hale Road, City of Schertz, Bexar County, Texas. **First Reading** (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who explained Ordinance 24-A-10 is a petition for voluntary annexation of approximately 7.7 acres and provided the location of the subject property. HLH Development is requesting voluntary annexation because they desire to be located within the Schertz city limits, and they desire to develop the subject property in accordance with Single-Family Residential District (R-1) for approximately 19 residential lots. She stated that City Council accepted Resolution 24-R-07 on February 20, 2024, which initiated the annexation process. The accompanying zone change application was heard at the March 6, 2024 Planning and Zoning Commission Meeting. A Public Hearing Notice was published in the San Antonio Express News on March 13, 2024. Staff recommends approval of Ordinance 24-A-10 accepting the petition for voluntary annexation of approximately 7.7 acres.

Mayor Gutierrez opened the Public Hearing at 7:34 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 7:35 p.m.

Mayor Gutierrez opened the floor to Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 24-A-10.

Moved by Councilmember Mark Davis, seconded by Councilmember Michelle Watson

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

Other: Councilmember Allison Heyward (ABSENT)

Passed

10. **Ordinance 24-S-09**- Conduct a public hearing and consider a request to rezone approximately 7.7 acres of land, a portion of Bexar County Property Identification Number 339286, to Single-Family Residential District (R-1), also known as 8215 Trainer Hale Road, City of Schertz, Bexar County, Texas. **First Reading** (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided a briefing regarding the request to rezone approximately 7.7 acres of land to Single-Family Residential District (R-1): Hallies Court at Hallies Cove. She provided the location of the subject property, that the property is currently under development agreement

Delayed Annexation (DVL), 23 public hearing notices were sent February 21, 2024, a public hearing notice sign was posted on the property, a public hearing notice was published in the San Antonio Express-News on March 13, 2024, and 8 responses have been received all in opposition of the proposed rezone. The Planning and Zoning Committee held a public hearing on March 6, 2024, and made a recommendation for approval with a 4-2 vote. As of March 27, 2024, at 12:00 p.m., 16.42% of the landowners within the 200' notice area have sent written opposition. Therefore, only a simple majority is required for Council to approve this request.

Mayor Gutierrez opened the Public Hearing at 7:44 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 7:44 p.m.

Mayor Gutierrez opened the floor to Council for discussion. No discussion occurred.

Moved by Councilmember Tiffany Gibson, seconded by Councilmember Allison Heyward

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

Passed

11. **Ordinance 24-S-11** - Conduct a public hearing and consider a request to rezone approximately 3.6 acres of land from Single-Family Residential District (R-1) to Neighborhood Services District (NS), known as Guadalupe County Property Identification Number 42797, more specifically described as 3517 FM 3009, City of Schertz, Guadalupe County, Texas. ***First Reading*** (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided a briefing regarding the request to rezone approximately 3.6 acres of land from Single-Family Residential District (R-1) to Neighborhood Services (NS). She provided the location of the subject property, 44 public hearing notices were sent February 21, 2024, a public hearing notice sign was posted on the property, and 13 responses have been received - 9-Opposition, 3-In Favor, and 1-Neutral. The Planning and Zoning Committee held a public hearing on March 6, 2024, and made a recommendation for approval with a 6-0 vote. As of March 27, 2024, at 12:00 p.m., 11.75% of the landowners within the 200' notice area have sent written opposition. Therefore, only a simple majority is required for Council to approve this request. The proposed zone change to NS per the letter of intent is to expand the Kellum Development.

Mayor Gutierrez recognized Patrick Christensen, 315 East Commerce, attorney representing the applicant, who stated that the Single-Family Residential zoning on FM 3009 is not appropriate for the subject property. NS designation will allow for the expansion of the existing medical offices.

Mayor Gutierrez opened the Public Hearing at 7:52 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 7:53 p.m.

Mayor Gutierrez opened the floor to Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-11.

Moved by Councilmember Michelle Watson, seconded by Councilmember Allison Heyward

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

Passed

- 12. Ordinance 24-S-15** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District and Article 9 - Site Design Standards. *First Reading.* (B.James/L.Wood/E.Delgado)

Mayor Gutierrez recognized Planning Manager Emily Delgado who provided a briefing outlining the proposed amendments to Part III of the Schertz Code of Ordinances Unified Development Code (UDC) to Article 5 - Zoning District and Article 9 - Site Design Standards. She stated this amendment is specifically for the Public Use District or PUB height requirements. She explained that the Resurrection Baptist Church located at 1002 Live Oak Road is zoned Public Use District (PUB) and they want to do a remodel expansion. As part of the expansion, they want to add a church steeple, but the maximum height permitted in the PUB zoning district is 35', which is not sufficient for the steeple. Other property owners, including the City of Schertz, have run into the same maximum height issue. There are 70 parcels in the city with PUB, 64 - Government/Civic Use, 5 places of worship, and 1 private citizen in Crescent Bend Park. On March 27, 2017, the Board of Adjustments granted a variance to the PUB height requirements for Samuel Clemens High School to build a new auditorium to reach 56', and on May 21, 2018, they granted a variance to build the Ray Corbett Elevated Water Storage Tank to reach 225'. Staff is proposing to eliminate the maximum height requirement for the PUB and to add 'e' to all of the commercial zoning districts which states approval of a specific use may be conditioned upon modifications to the dimensional requirements. Two other sections that are proposed to be modified under Article 9 for clean up. Under Section 21.9.3 - Lots, the current UDC states that we want front and side building setback lines to be shown on all plats, when in practice, we actually ask for those to be removed as building setback lines are memorialized by the zoning district and shouldn't be on a recorded plat document. In Section 21.9.12 - Site Plan Process cleanup is based on the specific use permit change that happened a couple of months ago, eliminating the site plan requirement. This section was missed when that UDC amendment happened.

Staff recommends approval of Ordinance 24-S-15. Article 9 clean up is necessary for

UDC consistency and the PUB height requirement elimination will align with previous adopted policies and make municipal/civic functions easier.

Mayor Gutierrez opened the Public Hearing at 7:57 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 7:57 p.m.

Mayor Gutierrez opened the floor to Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-15.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

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

Passed

- 13. Ordinance 24-S-16** - Conduct a public hearing and consider amendments Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District and Article 16 - Definitions. *First Reading* (B.James/L.Wood/E.Delgado)

Mayor Gutierrez recognized Planning Manager Emily Delgado who provided a briefing outlining the proposed amendments to Part III of the Schertz Code of Ordinances Unified Development Code (UDC) to Article 5 - Zoning District and Article 16 - Definitions. She stated this amendment is specifically in relation to mini warehouse public storage and land use. She explained that the City has received a growing interest for self-storage facilities located within the General Business District across the city. So, staff is proposing a new use to control the style and nature of these developments. Currently, the UDC has a land use called mini warehouse public storage with a definition of buildings containing separate individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit. However, there is a trend in the self-storage industry which offers a product of greater architectural and construction standards and in some cases offers a mixture of uses. Schertz has seen a similar product at 21586 IH 35 N, in the Hubertus Retail Subdivision, the current CubeSmart self-storage facility. As there is demand for self-storage in the real estate market, and Schertz has been amenable to mixed-use storage facilities in the past, staff is proposing to amend the UDC to create a new mixed-use self-storage land use. Mixed-Use Self-Storage will be a climate-controlled building(s) containing ground floor retail, service, or office space with separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within the individual storage units. Such building(s) shall be a minimum of 45-feet. Staff recommends approval of Ordinance 24-S-16.

The Planning and Zoning Committee met on March 6, 2024, and recommended

approval with a 6-0 vote.

Mayor Gutierrez opened the Public Hearing at 8:02 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 8:02 p.m.

Mayor Gutierrez opened the floor to Council for discussion. No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-16.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

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

Passed

14. Councilmember Gibson requested a Point of Privilege.
Mayor Gutierrez granted a recess at 8:04 p.m.
Mayor Gutierrez reconvened the meeting at 8:11 p.m.

Ordinance 24-S-17 - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District. *First Reading* (B.James/L.Wood/E.Delgado)

Mayor Gutierrez recognized Planning Manager Emily Delgado who provided a briefing outlining the proposed amendments to Part III of the Schertz Code of Ordinances Unified Development Code (UDC) to Article 5 - Zoning District. She stated this amendment is specifically for automobile sales. The proposal is for automobile sales new or used to be permitted by right in M-1, M-2, and GB-2. Moving GB-2 from requiring the SUP to permitting by right, and allowing for someone to request an SUP for automobile sales within the General Business (GB) district with some caveats there would be limited uses added into the Unified Development Code which would state automobile sales within the City of Schertz shall have the following limited uses: (1) no automobile sales within three miles of another automobile sales (property line to property line); (2) no automobile sales shall be within 250' of any single-family residential zoning or use; and (3) automobile sales uses are required to have automobile repair major as an accessory use. Staff feels current UDC regulations are sufficient for automobile sales. The proposed amendments do not align with city policies and goals. The amendments open the possibility for automobile sales to be closer to residential uses, which staff believe to be counter to healthful development. General Business districts (GB) tend to be high value-high visibility, commercial real estate. Automobile sales are prevalent in the wider regional market and permitting them would not be an efficient use of land in Schertz. Staff drafted these amendments as a path forward in the event Council is open to the idea of allowing greater potential for automobile sales. However, staff recommends denial of Ordinance 24-S-17.

The Planning and Zoning Commission met on March 6, 2024, and recommended approval with a 6-0 vote with the condition that one limited use be "250 feet from single-family residential zoning or use". Staff originally proposed all residential zoning or use. This requested change by Planning and Zoning allows for automobile sales to be adjacent to multi-family zoning districts.

Mayor Gutierrez recognized Ken Brown, 100 NE Loop 410, Suite 1385, attorney for the applicant. Mr. Brown reminded Council of his previous appearance in September 2023 whereby the applicant requested the change to General Business-2 and to approve the SUP for an automobile dealership, and there was concern that changing the base district to GB-2 with a vacant piece of property and the applicant didn't follow through with their intended plan for the property would allow certain industrial uses that were inconsistent with the surrounding uses and was not favored by the council. He stated that at that time they agreed that they didn't feel like an automobile dealership is an industrial use and they were supportive of working with staff to come up with an amendment such as this. His client, North Park, still has the property which is 5 acres right on the boundary of Schertz city limits and Selma, which is a unique situation. They still want to build a luxury dealership on this site and he asked Council to support this ordinance.

Mayor Gutierrez opened the Public Hearing at 8:19 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 8:19 p.m.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Heyward is not amenable to having an automobile dealership in this location. She would prefer a restaurant. The things that Schertz needs, such as new roads or road repairs, require revenue, and the City doesn't receive any revenue from automobile sales. She was also concerned with having an automobile dealership in close proximity to any residential zoning district.

Mayor Gutierrez stated Schertz has about six miles of property along I-35. This property is prime real estate for the City and revenue-generating businesses are a priority for this council for the frontage road.

Councilmember Brown concurs with Councilmember Heyward. He does not want an automobile dealership at the entrance of the city.

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-17.

Moved by Councilmember Michelle Watson, seconded by Councilmember Mark Davis

AYE: Councilmember Mark Davis, Councilmember Michelle Watson,
Councilmember Tim Brown

NAY: Mayor Pro-Tem Paul Macaluso, Councilmember Tiffany Gibson,
Councilmember Robert Westbrook, Councilmember Allison Heyward

Failed

- 15. Ordinance 24-S-14** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 1 - General Provisions, Article 4 - Procedures and Applications, and Article 14 - Transportation. *First Reading* (B.James/K.Woodlee/J.Nowak)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who provided a briefing outlining the proposed amendments to Part III of the Schertz Code of Ordinances Unified Development Code (UDC) to Article 1 - General Provisions, Article 4 - Procedures and Applications, and Article 14 - Transportation. Ms. Woodlee stated that some sections of the UDC conflict with other documents, such as the Master Thoroughfare Plan; the Public Works Design Guide; and Local Government Code. Some of the language is ambiguous, making it difficult to apply to different situations. Some sections have not been updated and are out of date with current practices and/or with Local Government Code. This Ordinance addresses amendments for 15 sections of the UDC.

- Section 21.1.10 - Development Manual: this amendment adds language required by the new Local Government Code regulations related to posting of the manual.
- Section 21.1.11 - Public Works Specifications Manual: this amendment adds language required by new local Government Code regulations related to Council approval of amendments.
- Section 21.4.2 - Initiation of Application: this amendment removes Public Works as a separate certifying department and matches language that conflicted with another UDC section.
- Section 21.4.11 - Utility Service Extension: this amendment removes City's authority to require annexation as a condition of approval of utility service to a property already within the City's CCN (where the City is already obligated to provide service); explicitly adds a requirement for a formal request for Utility Service Extension if project is not required to plat; and adds requirement for applicant to process CCN transfer, update service area map, and amend the CIP.
- Section 21.4.14 - Appeals: this amendment updates time frames to comply with Local Government Code limitations.
- Section 21.4.15 - Public Infrastructure Improvements, Construction Plans, and Improvements Agreements: this amendment adds limitation of extensions of construction plan approvals to no longer than plat extension; adds a requirement for electric utilities to be installed prior to plat recordation; and adds reference to Public Works Specifications Manual.

Assistant City Engineer John Nowak addressed the following amendments:

- Section 21.14.1 - Streets: these amendments will increase clarity, reduce intended exclusions based on interpretatins, and correctly identify some documents.
 - 21.14.1 (e): this paragraph was changed to remove an internal conflict and update the cul-de-sac requirements to accommodate emergency vehicles.

- 21.14.1 (f): this paragraph was changed as the information is contained in other documents incorporated by reference.
- 21.14.1 (h): this paragraph was changed to reflect the current procedure for street naming and addressing.
- 21.14.1 (n - p): these paragraphs were changed, so they do not conflict with other documents and to clarify the difference between "islands" and "medians."
- 21.14.1 (s): this paragraph was changed to improve the lighting requirements.
- 21.14.1 (t): this paragraph was changed to reflect current practice.
- Section 21.14.3 - Additional Design Requirements: this amendment removed some paragraphs that are not transportation items and are contained elsewhere in the UDC, and provides clarification on which roadways this section applies to.
- Section 21.14.5 - Driveways: this amendment removes conflicts with other documents and specifies driveways on state facilities need to meet TXDOT requirements.
- Section 21.14.6 - Sidewalks and Hike and Bike Trails: this amendment clarifies the minimum sidewalk width, removes conflicts with other documents, and references other documents where the standards are.
- Section 21.14.7 - Traffic Impact Analysis: this amendment explicitly states some additional analysis items the City can request be included in the TIA, closes some "loopholes" in the current requirements, makes mitigation efforts more "roughly proportional" in some situations, and makes our requirements more consistent with other City requirements.
- Section 21.14.8 - Precedence: new section recommended by our legal team to address conflicts between UDC and other documents.

Mr. Nowak explained the difference between "islands" and "medians". "Islands" are more scenic with no designated function related to traffic control, whereas "medians" have a designated function in the control of traffic.

The proposed amendments promote the health, safety, and/or general welfare of the City and the safe, orderly, efficient and healthful development of the City. Well-organized infrastructure systems are essential in promoting health, safety, and welfare. The UDC functions more effectively and efficiently when it more closely aligns with State laws (the Local Government Code). Staff recommends approval of these amendments because they remove conflicts between the UDC and other documents, update some standards to be current with common engineering practices, and improve some of the technical requirements to better fit our community. They would also help align the UDC better with the Local Government Code.

Mayor Gutierrez opened the Public Hearing at 8:42 p.m.

The following resident spoke:

Richard Maus, 3434 Wimbledon Drive, stated this ordinance addresses many of the items that have been discussed. Having the developer pay for the cost of increased traffic for all these different issues.

No other residents spoke.

Mayor Gutierrez closed the Public Hearing at 8:43 p.m.

Mayor Gutierrez requested clarification on "islands" vs "medians" as a standard vs a preference. Mr. Nowak explained that islands are usually brought forward by the developer because they want to have a certain look to the entrance to their development. There is no technical need or reason for it. From City Staff perspective, they don't recommend islands. They are only concerned with medians to ensure safe arterials for traffic especially in high traffic volume areas.

Mayor Gutierrez opened the floor to Council for discussion.

No discussion occurred.

Mayor Gutierrez asked for a motion to approve Ordinance 24-S-14.

Moved by Mayor Pro-Tem Paul Macaluso, seconded by Councilmember Michelle Watson

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

Passed

- 16. Ordinance 24-S-12** - Conduct a public hearing and consider a request to rezone approximately 11.7 acres of land from General Business District (GB) to General Business District -2 (GB-2), known as Comal County Property Identification Numbers 78053 and 116266, Guadalupe County Property Identification Numbers 68327, 68329, 114080, and 114082 generally located 500 feet west of the intersection of FM 2252 and IH-35 Frontage Road, City of Schertz, Guadalupe and Comal County, Texas. ***First Reading*** (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided the location of the subject property, that 7 public notices were sent February 21, 2024, two public hearing notice signs were posted on the property, a public hearing notice was published in the San Antonio Express-News on March 13, 2024, and no responses have been received at this time.

The applicant is proposing to rezone approximately 11.7 acres from General Business District (GB) to General Business District-2 (GB-2). Approximately 4 acres of the property have been used as some type of storage use since prior to 1995. The rest of the 7.8 acres was not in use in 1995 and neither staff nor the applicant have a record that authorized the expansion of that area. Although the land use would no longer be nonconforming if the zone change and Specific Use Permit (SUP) are approved, the applicant would still need to plat their property, provide improvements, submit a site

plan, demonstrate compliance with the UDC, and receive a certificate of occupancy and utilize the property in a manner generally as they would like. If the zoning case and/or the SUP are not approved, staff would work with the applicant, providing reasonable time to bring the site into compliance.

The proposed change to GB-2 would allow more intense uses that are not compatible with the surrounding development and is incompatible with the Comprehensive Plan Land Use designations. The existing General Business District (GB) and the permitted uses within GB are more compatible with the surrounding adjacent land uses and the Comprehensive Plan land use designation. Therefore, Staff recommends denial of Ordinance 24-S-12. The Planning and Zoning Commission met on March 6, 2024, held a public hearing, and recommended denial by a 4-2 vote.

Ken Brown, Brown & McDonald, 100 NE Loop 410, attorney representing the applicant stated that the staff provided an accurate summary of the situation regarding the business and their expansion. They have been operating in this location since prior to 1995 and have had continuous operations through today. When they started their operations on the original tract it was zoned General Business and there wasn't the requirement for the SUP. The SUP requirement was added in 2006, so at that point they weren't entitled to expand to the adjacent tract. The business was unaware of the requirement for the SUP, so continued to expand on the adjacent tract. Attorney claims they have non-conforming rights on the original tract. They did not have authorization to expand on the adjacent track, but business has been good, so they expanded. As soon as it was brought to their attention by Staff they took action to submit an application for the rezoning. Their only option was GB-2 with an SUP for portable building storage and sales. Applicant respectfully requested consideration for this matter.

Ashley Farrimond, of Killen, Griffin, and Farrimond, 10101 Reunion Place, attorney for Mobile Mini, who is the long-term (approximately 24 year) tenant on this property. They are a global company with locations all over the world, and they provide secure onsite storage units mostly for job sites, plus climate-controlled offices, for construction-based companies. As the area has grown and continues to grow, so has their business. Currently, they have about 2600 units that are out for lease, 20 employees that office here, so it's an ongoing and thriving business at this location. They understand there are concerns with the GB-2, particularly on IH-35, unfortunately there are no better options in terms of zoning. Although they do have the non-conforming rights on the original tract, they do need the GB-2 with the SUP on the remaining tract. The business wishes to remain in Schertz and asks the Council for consideration on this matter.

Mayor Gutierrez opened the Public Hearing at 9:02 p.m.

No residents came forward to speak.

Mayor Gutierrez closed the Public Hearing at 9:02 p.m.

Mayor Gutierrez asked Ms. Marquez to bring up the slide with the GB-2 permitted uses. He pointed out that automobile sales was listed under the permitted uses and that Council had just denied another ordinance requesting the same zoning on IH-35. He

stated that what makes this difficult is that the property owner has been in this location for 20 plus years. IH-35 is a jewel for the City of Schertz because of the amount of traffic to and within our city. We want to see the businesses flourish here. He then opened the floor to Council for discussion.

Mayor Pro-Tem Macaluso stated it is a difficult decision because you have someone that has had a small business here for quite a while. However, opening it up to GB-2 would be a mistake and, obviously, if he were to sell the land and that zoning is in place, you have all these different options that could come in there that are not desirable for our community. He stated he supported the staff recommendation.

Councilmember Heyward asked if the business is working with Neighborhood Services since they don't have the impervious surface for parking. Deputy City Manager Brian James responded that Neighborhood Services went out due to the expansion of the use which prompted the action by the applicant. He furthered his comment to say that staff would not be out there tomorrow issuing citations if the ordinance did not pass. Staff recognizes the business has been there awhile and they will work with them. Their goal is to get compliance and find a win-win solution for both the business, the property owner, and the City. Councilmember Heyward also mentioned the height of the stacked units, which Mr. James stated he believed that is what caught everyone's eye and eventually led to the expansion. Councilmember Heyward concurred with Mayor Pro-Tem Macaluso voicing her concern with possibilities of future development based on the other permitted uses for the GB-2 zoning.

Mayor Gutierrez asked Deputy City Manager James using KFC as an example what options were available to the applicant if the ordinance is denied. Where KFC is located the first 300-350 feet is zoned GB, but the property directly behind it zoned GB-2. What does the applicant need to do to allow the first 400 feet off the frontage to be GB, and provide him the opportunity to do his regular business with the Mini Storage units. Mr. James responded that traditionally the City of Schertz Comprehensive Plan Future Land Use has the north side of IH-35 with commercial office, service uses, generally the frontage for various distances and then industrial behind that. Conversely, we have typically maintained the south side of IH-35 as retail service type uses, and then residential use, so industrial would be problematic. The business can do anything in the GB District. Mayor Gutierrez stated that he is suggesting the business be permitted to use the frontage as GB and allow him GB-2 on the backside of it. This would probably require re-platting and Council's approval. The owner has been there for over 20 years and we don't want to run him out of business. However, they understand the requirements associated with the zoning issue. Mr. James restated that the concern for staff is opening this side of IH-35 to GB-2. They don't want to create a precedence for future requests nor do they want to allow business to ignore zoning changes as they expand.

City Manager Steve Williams asked Mr. James to explain how staff would help the applicant if the Ordinance were denied. Mr. James restated that the issue was the expansion of the business without approval. There is a development process all businesses must follow during an expansion.

Councilmember Gibson stated it's a matter of doing something and asking for forgiveness later. Unfortunately, the business owner didn't properly plan out or discuss anything with the city. Even if the Council approves the ordinance, the landowner is still going to have to make a tremendous amount of improvements. Either way, there will be significant costs. Mr. James responded, "true, however, if the ordinance is approved, the property owner will be the one to make that decision."

Councilmember Brown said that by allowing GB-2 we would be reducing the value in that area. He told staff to work with them.

Councilmember Westbrook asked what is the best outcome for the applicant. Mr. James responded as follows:

- if the zoning and SUP are approved, the applicant can then go through the development process and while that may be expensive that's their choice. They have that path forward. They control their own destiny.
- if the zoning is denied, then you can't approve the SUP. At that point, staff meets with the property owner, the business owner, and their attorneys to discuss a pathway forward. The goal is to get compliance, not give them citations, and find a win-win-win solution.

Councilmember Davis made the motion to disapprove Ordinance 24-S-12; seconded by Councilmember Gibson.

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

Ordinance 24-S-12 was denied.

17. **Ordinance 24-S-13** - Conduct a public hearing and consider a request for a Specific Use Permit to allow Portable Building Sales in General Business District-2 (GB-2) on approximately 11.7 acres of land known as Comal County Property Identification Numbers 78053 and 116266, Guadalupe County Property Identification Numbers 68327, 68329, 114080, and 114082, generally located 500 feet west of the intersection of FM 2252 and IH-35 Frontage Road, City of Schertz, Guadalupe and Comal County, Texas. *First Reading* (B.James/L.Wood/D.Marquez)

Mayor Gutierrez stated that this is a Special Use Permit associated with Ordinance 24-S-12. Since Ordinance 24-S-12 did not pass, there is no vote required on Ordinance 24-S-13.

18. Mayor Gutierrez called Point of Privilege for a short recess.
Mayor Gutierrez recessed the meeting at 9:21 p.m.
Mayor Gutierrez reconvened the meeting at 9:31 p.m.

Ordinance 24-S-08 - Conduct a public hearing and consider a request to rezone

approximately 44.3 acres of land from Single-Family Residential District (R-2) to Planned Development District (PDD), known as Guadalupe County Property Identification Number 6460, located approximately 78 feet south of the intersection of Savannah Drive and Irish Creek Road, City of Schertz, Guadalupe County, Texas.
First Reading (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who provided a briefing regarding the request to rezone approximately 44.3 acres from Single-Family Residential District (R-2) to Planned Development District (PDD). She provided the location of the subject property, that 65 public hearing notices were sent February 23, 2024, and as of March 27, 2024 (12:00 p.m.) 545 responses had been received - 543-Opposition, 2-In Favor, and 0-Neutral, and two public hearing notice signs were posted on the property. The Planning and Zoning Committee held a public hearing on March 6, 2024, and made a recommendation of denial with a 5-1 vote. 28.79% of the landowners within the 200' notice area have sent written opposition. Therefore, super majority is required for Council to approve this request.

Following the Planning and Zoning Commission meeting, the developer made modifications to the proposed Planned Development District. In an effort to address some concerns of the public, the developer is proposing to reduce the proposed density and building style from what was presented to the Planning and Zoning Commission. The modification will reduce the maximum density from 11 dwelling units per acre for a maximum allowed total of 486 units to be built in Area II and allowed for single-family attached, single-family detached, and garden style apartments to 6.7 dwelling units per acre for a maximum allowed total of 297 units to be built within Area II with only single-family detached units.

Due to the proposed Planned Development District's preservation of the APZII, reduced density, and compatibility with the Comprehensive Land Use Plan land use designation, Staff recommends approval of Ordinance 24-S-08.

Ken Brown of Brown and McDonald, attorney for the applicant, presented the modified PDD to Council. He stated that the developer heard the residents' concerns regarding density and traffic and immediately made modifications. Schertz requires JBSA approval for development in certain areas. The applicant met with JBSA and secured a positive recommendation for development.

Mayor Gutierrez presented slides to the public outlining the zoning notification requirement, FM 1518 is not a City road, concerns for traffic on FM 1518 need to be addressed to TXDOT, the number of units has been reduced from 465 to 297, PDD was modified to show no homes in the APZ II, developer is not building an apartment complex they are building single-family detached rentals, they are considered multi-family because they have one owner with common spaces and amenities, it is a gated community, JBSA supports the development, Texas Government Code requires a 3/4 vote when 20% of landowners adjacent to subject property submit written opposition.

Mayor Gutierrez opened the Public Hearing at 10:11 p.m.

The following twenty-four residents spoke in opposition to Ordinance 24-S-08:

- Richard Maus, 3434 Wimbledon Drive, opposes the PDD process. PDD requires accurate site plans and demonstrate community benefit, this application does not.
- Kip Holmstead, 3560 Irish Creek Road, residents are not afraid of change, property can be developed as is. Developer should build in accordance with the current zoning and not change the zoning to meet his needs.
- Robert Hobbs, 101 Hawks Meadows, the PDD modifications do not address the necessary infrastructure improvements this development will require
- Kristy Duffett, 3400 Woodlawn Farms, traffic is already out of control. Adding 300 more homes will only make this worse.
- Jill Moore, 3534 Woodlawn Farms, traffic is already bad. A light is needed, but the intersection is on a blind curve so was told it's not possible. Very concerned for the safety of the children.
- Kyra Spennath, 101 Hawks Meadows, grew up in a multi-family area that is now Crescent Bend Park. Concerned with corners being cut, ecological impact, and traffic.
- Robert Druckman, 3520 Enchanted Farm, still 297 families which means more traffic, rental is not the same as pride in home ownership, and as a veteran he takes exception with the mention of the developer being a Westpoint graduate, he should have some honor. He sees this as just a means to make money.
- Brad Parker, 323 Rustic Willow, urged Council to look at the previous ordinances that were heard and voted upon this evening. 24-S-09 and 24-S-12 didn't fit so Council voted against them. Everything in this area is zoned R-2 and a PDD does not fit with the R-2. Market is being flooded with rental property development now. Not against development, just want the development to be consistent with what is there now.
- Len Bauer, 3604 Sunlodge Ranch, uses Irish Creek to access his residence. The area cannot absorb additional traffic.
- Amy Cappiello, 368 Silver River, at the Commissioners Meeting they were unable to get market rates, but those were available tonight. There are plenty of rental properties now. Renters do not have the same pride in their residence as homeowners. Please consider the environmental impact - future greenspace.
- Barbara Wargo, 3513 Blue Moon Spur, the applicant is deceptive in their statistics. There is 3 times the density of homes in their development plan than are currently in Kensington Ranch.
- Michelle York 3601 Sunlodge Ranch, the Traffic Impact Analysis appears to be done over one day with peak hours between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m. In this neighborhood a lot of people leave before 7:00 a.m. and a lot of kids have to be at school at 7:00 a.m. so it really wasn't indicative of some of the higher traffic volumes and the kids moving around during these hours. For the afternoon hours, school has already let out by 4:00 so its not a good measure of peak traffic. The reference to no pedestrian traffic is erroneous. There is a lot of pedestrian traffic and all hours of the day.
- Rick Perez, 340 Lonestar Gate, just because the developer went to West Point doesn't mean his ideas are any better or he is any smarter than anyone else. This is not safe and healthy growth for this area. As far as esthetics, and Council not

wanting car dealerships because they don't like how they look. Well, what about how these rental homes are going to look in residential areas.

- Leticia Blacksher (Barnes), 3508 Irish Creek, provided an account of the dangerous traffic due to the blind curves and speed. She has to use Irish Creek and its already horrendous. Take care of that before adding more homes.
- David Estrada, 3557 Irish Creek Road, felt that the comments from the developer were belittling. If they were really listening to the residents they would be addressing the traffic concerns.
- Jimmy Heer, 3501 Willows Ranch, 17 homes on the opposite side of Irish Creek traffic is a major concern. Savannah is not safe for drivers much less kids on bicycles due to speed and blind curves,
- George Molina, 3509 Willows Ranch, issue with comment that crime and traffic won't be issue. As a former San Antonio police officer he experienced issues with rental properties, both the owners and the renters. Blind spots on Savannah are an issue. Adding more vehicles is just going to make it worse.
- Gary Livingston, 3517 Mesquite Chase, attended the planning meeting and heard the same lawyer speak there and it was just misinformation after misinformation. Doesn't believe that what was presented at the planning meeting and then how quickly they changed tonight that there wasn't some plan in place for that to happen. Fully believes they gave a bad proposal at first knowing residents would be up in arms so that they could then present what they did tonight and think they would be ok with the new shiny toy.
- Charlotte Barr, 3632 Drivewood Ranch, also doesn't buy that the PDD modification wasn't orchestrated. Traffic is a major concern. Change is good but it has to make sense. Focus on the kids. Drive down Irish Creek Road and you will see how difficult it already is.
- Donna Cobur, 3504 Willows Ranch, this is not a good fit for where they are trying to put this. She looked up a three mile radius of how many apartment complexes there were and stopped counting at 40. They're not at full occupancy. The information in the packet indicates the PDD would allow them to build a standard apartment complex so it doesn't sound like their plan is genuine. It also states maximum height 35 feet. She stated she is opposed.
- Jason Witherspoon, 3505 Willows Ranch, stated everyone knows that theory doesn't translate to reality when traffic or interseptions are involved. You can have a great theory, say there are ways to mitigate this area but until those 300 homes are developed and people are on the road you don't really know what's going to happen. That's just a fact of life. Also, if the lawyer was really listening and interested in what they were saying he doesn't see why they're not developing 160 single-family homes on the 33 acres. They comply with JBSA rules, and they would meet the needs of people in the area. We have voiced our concerns and the best they can say is we're going to reduce the number of rental units. Lastly, his understanding of the PDD is that once Council approves it, the only thing they have to comply with is the maximum number of units, the type of units they dont have to comply. They can make the building multi-story.
- Carolina Olson, 435 Harvest Point, reiterated that even if they reduced the number by 60 units, that could still mean anywhere from 120 to 300 more cars. She would like to see the developer reduce that number by another half. The community has a number of young families with children. All of these children

will be driving in the next couple of years, that's already going to increase traffic that is already at capacity, not just for Kensington Ranch but also Orchard Park. She doesn't understand how they can have one exit from that apartment complex. What happens in an emergency? She shared the TIA with her uncle, a 30 year veteran of TXDOT, and he told her it is missing a lot of information.

- Tom Troutner, 3612 Sharp Hill, suggested putting the apartments where the car lot was to be, then spoke to the Traffic Impact Study. The hard numbers listed on pages 11-15 are astounding. If you have rentals, what about public transportation? Is there an account for that? There is no mitigating factors for traffic, you can't expand Savannah; you can't expand Schertz Parkway. Restriping it for a left-hand turn lane that's already there mitigates nothing. Putting roundabouts to slow down traffic doesn't decrease traffic, it just slows it down and its going to be slow enough already. If they really wanted to make this happen they would have done a comprehensive TIA instead of this cursory one for two hours in the morning and two hours at night on a Thursday. The numbers are misleading. 300 units was the magic number from the start. They put 486 out there so they could reduce it to make it look like they were doing someone a big favor and their not. The drainage and the other TIA, they are staying away purposely from 1518 because there's no way they can fix that. That's TxDot's deal so its not going to happen and until somebody gets killed or emergency services can't get through.
- Dennis Wheeler, 401 Ron Creek, stated he had two main objectives. Today he counted the cars, 63 cars from Paschal Elementary School to about 400 meters from Irish Creek to the last car. One car leaves, one car comes so could be more than 63. His wife waited 5 minutes trying to make a left turn, plus there are kids always walking and riding bikes up and down the street. Safety and traffic are the biggest concerns.

Mayor Gutierrez closed the Public Hearing at 11:07 p.m.

Mayor Gutierrez thanked the residents for being respectful of the process and assured residents that Council does listen to their concerns regarding this development. It's important to know that we listen to what you say and will take all of these factors into consideration. City staff and Council, both past and present, play a crucial role in protecting this City. They must ensure that development is sustainable and beneficial to our city as a whole. They have done an excellent job because our city has grown and continues to grow. Development can bring improvements which enhance the quality of life for everyone in our community, making it a more desirable place for people to live and work. Development stimulates economic growth by attracting new businesses. This HEB would not exist if we didn't have the rooftops. Manufacturers, restaurants, and other businesses all lead to the prosperity of our city and this council has a difficult decision to make that involves careful consideration of various factors, and the potential outcome, but most important, the long-term impact of our city.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Heyward asked if there was any way to mitigate the dark streets and areas with no sidewalks. Brian James responded that Schertz could fund these on the

Schertz city limit side. He added that the Transportation Safety Advisory Committee reviewed speed and sight issues and solutions need to be addressed in the budget process. She also asked about the issue with water pressure mentioned by several residents. Mr. James stated this was the first he had this and would look into it,

Councilmember Macaluso stated he had seen the traffic issue firsthand on Savannah. It is a legitimate concern for the welfare of the kids. He also asked how much the city was willing to absorb in multi-family units. Doesn't believe they bring crime or devaluation of single-family residences. He asked how this PDD fit the requirement of innovation. Ms. Marquez explained the PDD was the only option to keep the AZII Area free from development.

Councilmember Brown stated that all the arguments heard this evening were made when their subdivision was being developed. He provided the background regarding the building of two subdivisions in the area. Same concerns for safety and traffic due to density were voiced then. Residents were saying Savannah Drive would become a racetrack into FM 1518, so the developer put in the big curve. Now residents are complaining about the curve. He stated that he's been in the real estate business for 21 years so he watches this very closely. He hears the concerns, but he believes it's more an issue of "not in my backyard." The issues expressed about the rental aspect, according to tax records your subdivision has 52 non-owner occupied homes. That means about 27% of the homes in your neighborhood are rentals now. He doesn't believe the people renting those homes are all criminals or trashy and stated that they should exercise caution with that kind of perspective. As for the PDD itself, he asked is there any transportation option to go out through the south from the developer's standpoint? Mr. James said no, they don't control the property south of them, so they can't guarantee access. He reminded Council that the State Legislature doesn't allow the City to require Right-of-Way dedication if the developer doesn't want to dedicate it unless its on the CIP and it's funded. So there's no way to mandate connectivity down to the South.

Councilmember Davis asked what the maximum number of dwelling units allowed is for multi-family. Mr. James responded 24 units per acre. He stated that zoning is never easy. Every time a zoning case is brought forward, surrounding property owners don't want it and property owners that are trying to make effective use of their property. We hear it from South Schertz all the time. But, he has an issue with the PDD process. He appreciates the thought of protecting JBSA-Randolph, and the concerns for APZ I and II, but asked if that wasn't a moot point at this time. Our surrounding communities have not cared about zoning restrictions or limiting development in APZ II. That's clearly evident by the units built by the City of Selma. A comment was made earlier about why we did not notify Selma or University City regarding this zoning case. In all the years I have served on Council, and before when I would come to the meetings faithfully, I don't recall either City notifying Schertz of their development plans. So, I believe any discussion regarding the APZ on that side of town is a moot point. The damage is already done. So, to say we have a proposal that includes preserving 11 acres adjacent to an area that is already overdeveloped by Air Force recommended standards for an aircraft potential incident zone is comical. There is an issue with the math, which has been pointed out

several times, where it says 6.9 units per acres because we're taking credit for what we could possibly build on 11 acres and we're just going to roll that over onto the 32 acres. There is still a density issue that we do not have enough information on as it rolls into Savannah Drive. That's the biggest impact. We can't account for the schools. Schools build schools based on the need. There's no impact on grocery stores. Our HEB used to be packed, but now there's a new store in Cibolo. There are a lot of things we can't account for, but the density and having a good plan from the get-go is important. This is why he has an issue with PDDs. This was proposed one way and went to Planning and Zoning Commission who made a recommendation to Council based on what was presented to them, and then it comes to Council and its a different package. He has a hard time accepting the PDD process when it's an ever changing process.

Councilmember Heyward stated that when Universal City decided to do Orchard that our mayor talked to their mayor and it didn't matter. She doesn't think that just because Selma or Universal City did something doesn't mean Schertz should do it. We don't have to be the City that doesn't care about the APZ because it doesn't matter. She stated she understands what it means when houses encroach upon some of the bases and some of the missions can't be done. Being associated with that and seeing how some communities suffered when missions went away, then a lot of houses went up for sale because some of those people followed where the mission went and some cities have a hard time recuperating from that. She went on to state that she is all about making sure, because of her connection and being connected, that Randolph is okay and we're not messing up Randolph just because Universal City and Selma did. She wants to say 'okay residents I hear you, but it's about Randolph and the neighborhood.' She went on to state that she thinks about the mission and the affect it would have on Schertz if Randolph went away. She won't do anything to jeopardize the JBSA mission. She also stated that the PDD process is not the greatest but she always wants to take people at their word until they prove they are not honest. She told the residents that she hears them, but she cautioned them on labeling people.

Mayor Gutierrez asked Mr. James if the PDD states single-family detached homes. Mr. James confirmed that it does. It's only called multi-family because it's one lot, one property owner, with multiple homes. Not multiple lots with individual ownership. He also stated that they have to stay within the confines of the PDD, only one family per unit/building, but the design is up to the developer. Council can limit the number of stories through the PDD process.

Councilmember Davis wanted to go on the record to counter the comments regarding the JBSA mission stating he would do anything in his power to protect the mission of Randolph Air Force Base. Regardless of what Schertz does in this situation, from his perspective the damage in APZ II has already been done with development by two other communities. He is intimately familiar with the base realignment and closure process as part of a closure team for an Air Force base. He suggested that Staff and Council look at the last DoD report that talked about base realignment and closure because the general purpose of realignment and closure is to rid the Department of Defense of excess capacity. They do a study and look at the installations that have excess capacity. The question would be where Randolph fits into that scheme, or

Lackland, or anybody else of excess capacity. If you read the report you might have a slightly enhanced perspective of our environment in this area. He added that he couldn't stress this any harder, base realignment and closure is a political decision that is made in Washington, D.C.

Councilmember Heyward asked if there is any traffic mitigation that can be done for Irish Creek Road. Mr. James responded that the Right-of-Way that's been dedicated is directly opposite Irish Creek. Typically, they line roads up, you don't want to offset. When roads are aligned you can better mitigate, for that. For the current Right-of-Way to shift, the HOA that controls property on either side would have to agree for that shift or in theory Council would have to use the power of eminent domain to get Right-of-Way to make that shift. For the purposes of a zoning case, they don't get into individual solutions, that is done during the platting process.

Councilmember Westbrook asked if the site plan is required for the PDD. If so, do we have a copy? Mr. James responded that the developer has provided one, but they have not locked it in. We do not always require them to lock them into a certain layout. Councilmember Westbrook added that we often take these issues into silos as opposed to a holistic approach. Saying that a multi-family development is fine area by area, without taking into consideration that at some point there is a cumulative effect on the "feel", the quality of life, of the City of Schertz. Mr. James responded that they look broadly in terms of wanting this to be a sustainable community, and we don't want too much of one type of use. Some communities struggle because they are predominantly residential, so they lack commercial development to help support that tax base. Councilmember Westbrook then asked for clarification on the fundamental reason for this PDD being to address the flight zone. Mr. James affirmed and added that Council had told Staff they didn't want to see another PDD simply to modify development standards, and they didn't want staff to recommend it. The PDD needed to be unique and innovative. Councilmember Westbrook asked why they needed the PDD in this case if they could build on the AZII area anyway, as was previously stated. Mr. James responded that City Council cannot approve a zoning case in the APZs unless JB SA submits written approval. Councilmember Westbrook closed with when the developer purchased the property it was zoned R-2, so they knew the risk and they will make money if it stays zoned R-2.

Mayor Gutierrez added that Schertz has problem with certain properties because of development around it. For instance, a decision has been made to extend FM 3009 which did not exist when Saddlebrook was developed. Mr. James reminded Council that part of the reason they went with the lot sizes they did in Saddlebrook was because through the middle they would have this major arterial roadway. For that development to happen with that impact they had to get more lots out of it. Mayor Gutierrez closed his comment with housing is expensive. To afford a \$300,000 home, an individual needs about an \$80,000 per year salary. Most homes in Schertz are in the \$400,000 range. There is a lot of multi-family coming into Schertz because of affordability and most young Americans aren't interested in mowing the lawn. They are more interested in playing their games and being on their little machines. That's why we see the shift in what's being built. This Council works with developers to fill the needs of what previous Council have said, for instance, keeping a car dealership off

of IH-35. Each parcel of land is very challenging. Each development is going to bring traffic. IH-35, I-10, and FM 1103 are all being worked on. People will find a way to get home during a traffic jam because we live here we know the back roads.

Mayor Pro-Tem Macaluso made a motion to deny the request to rezone. Seconded by Councilmember Westbrook. Mayor Gutierrez clarified that two 'YES' votes would disallow the rezone. City Attorney Dan Santee indicated that the problem is that the motion made is a negative motion. So, if you cast a 'Yes' vote you are denying the zone; two 'NO' votes means the negative motion fails because a super majority is required to pass it. Having the motion in the affirmative is preferable. A motion in the affirmative would have to have a super majority to pass.

Councilmember Davis requested the motion be withdrawn and resubmitted in the affirmative. Mayor Gutierrez asked Mayor Pro-Tem Macaluso if he would consider withdrawing his motion. Motion was withdrawn.

Mayor Gutierrez requested the motion be restated to approve Ordinance 24-S-08.

Moved by Mayor Pro-Tem Paul Macaluso, seconded by Councilmember Tiffany Gibson

AYE: Councilmember Michelle Watson, Councilmember Allison Heyward

NAY: Mayor Pro-Tem Paul Macaluso, Councilmember Mark Davis,
Councilmember Tiffany Gibson, Councilmember Robert Westbrook,
Councilmember Tim Brown

Failed

Mayor Gutierrez recessed to Closed Session at 12:16 a.m.

Closed Session

19. Closed session pursuant to Texas Government Code Section 551.071 to receive legal advice and counsel from the City Attorney regarding:
 1. Post Oak Landfill Administrative Appeal
 2. Issues relating to Schertz Police Department policies and procedures regarding the creation and retention of department documents.

Mayor Gutierrez convened Closed Session at 12:16 a.m.

Mayor Gutierrez recessed Closed Session at 12:33 a.m.

Mayor Gutierrez reconvened to Regular Session at 12:35 a.m.

Reconvene into Regular Session

20. Take any action based on discussion held in Closed Session under Agenda Item #19.

Mayor Gutierrez made a motion not to move forward on the Post Oak Landfill litigation; seconded by Councilmember Heyward.

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

Passed

Information available in City Council Packets - NO DISCUSSION TO OCCUR

21. December 2023 and January 2024 Financial Statements (S.Gonzalez/J.Walters)

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
A request from Mayor Pro-Tem Macaluso to add a discussion of the second phase of the Skate Park area on the next Workshop agenda.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
No requests were made by Mayor or Council for updates or information from Staff.
- City and Community Events attended and to be attended (Council)

Councilmember Watson attended the BVYA Opening and the Lions Club Easter in Pickrell Park.

Councilmember Gibson attended the Pre-Budget Meeting, the Lions Club Easter in the Park, and the Schertz Historical Preservation Committee meeting.

Councilmember Westbrook attended the Pre-Budget Meeting and the Schertz Historical Preservation Committee meeting.

Councilmember Heyward attended the Employee Remembrance, the Pre-Budget Meeting, the EDC meeting and the Lion's Club Easter in the Park.

Councilmember Brown attended the Employee Remembrance.

Adjournment

Mayor Gutierrez adjourned the meeting at 12:39 a.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary