



MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
May 7, 2024

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

CITY OF SCHERTZ CORE VALUES
Do the right thing
Do the best you can
Treat others the way you want to be treated
Work cooperatively as a team

AGENDA
TUESDAY, MAY 7, 2024 at 6:00 p.m.

Call to Order

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

Proclamations

- National Police Week May 12-18, 2024 and National Peace Officers Memorial Day May 15, 2024 (Councilmember Heyward)
- World Facilities Management Day May 8, 2024 (Councilmember Watson)
- Economic Development Week May 6-10, 2024 (Mayor Pro-Tem Macaluso)
- National Prevention Week (Substance Abuse) May 12-18, 2024 (Councilmember Gibson)
- International Firefighters Day May 4, 2024 (Councilmember Westbrook)

Employee Introductions

- EMS: Brooke Bush-Billing Specialist
- Municipal Court: Samantha Caballero-Court Clerk
- Civic Center: Dawn Williams Civic Center Coordinator
- Library: Miguel Martinez-Library Assistant
- Public Works-Water: Michael Willis-Water/Wastewater Worker I
- Public Works-Streets: Harris Atilano-Street Maintenance Worker I
- Purchasing: Daniel Ellenburg-Purchasing Manager

City Events and Announcements

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

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

Consent Agenda Items

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

1. **Minutes** - Consideration and/or action regarding the approval of the regular meeting minutes of April 16, 2024. (S.Edmondson/S.Courney)
2. **Resolution 24-R-52** - Authorizing a Cost Sharing Agreement for the Saddlebrook Development.(S.Williams/B.James)
3. **Appointment/Reappointment/Resignations For Boards/Commissions/Committees** (S.Edmondson)

Appointments

- Sophie Rodriguez - Schertz Historical Preservation Committee
- Maria Fain - Schertz Historical Preservation Committee

Resignations

- Robert Marks - Transportation Safety Advisory Commission and Parks and Recreation Advisory Board

Public Hearings

4. **Ordinance 24-H-07-** Conduct a public hearing, consider and possible action on proposed updates to the Schertz Code of Ordinances, Chapter 34 - Health, Article IV Smoking in public places and Article VI - Illegal Smoking Materials. **First Reading** (B.James/L.Wood/A.Cantu).
5. **Ordinance 24-S-18 -** Conduct a public hearing and consider a request to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), known as Bexar County Property Identification Number 308385, also known as 12396 Schaefer Road, City of Schertz, Bexar County, Texas. **First Reading** (B.James/L.Wood/D.Marquez)
6. **Ordinance 24-S-19-** Conduct a public hearing and consider a request to rezone approximately 3 acres of land, from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), a portion of Bexar County Property Identification Number 308402, also known as 11627 Voges Pass, City of Schertz, Bexar County, Texas. **First Reading** (B.James/L.Wood/D.Marquez)

Closed Session

7. The City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
 - Project:E-94

Reconvene into Regular Session

8. Take any action based on discussion held in Closed Session under Agenda Item #7.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

9. **Monthly Update** - Major Projects In Progress/CIP (B.James/K.Woodlee)
10. **Neighborhood Services** - Quarterly Update

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda
- City and Community Events attended and to be attended (Council)

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 3RD DAY OF MAY 2024 AT 1:15 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEILA EDMONDSON

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON _____ DAY OF _____, 2024.

TITLE: _____

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

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

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

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

Mayor Gutierrez Member Audit Committee Investment Advisory Committee Main Street Committee Liaison Board of Adjustments Senior Center Advisory Board-Alternate	Councilmember Davis– Place 1 Member Interview Committee Main Street Committee - Chair TIRZ II Board Liaison Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Board
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<p>Councilmember Watson-Place 2 Member Audit Committee Interview Committee-Alternate</p> <p>Liaison Library Advisory Board Senior Center Advisory Board Cibolo Valley Local Government Corporation-Ex-Officio</p>	<p>Councilmember Macaluso – Place 3 Member Interview Committee Hal Baldwin Scholarship Committee-Alternate</p> <p>Liaison TIRZ II Board Animal Services Advisory Committee</p>
<p>Councilmember Gibson – Place 4 Member Interview Committee Hal Baldwin Scholarship Committee Investment Advisory Committee</p> <p>Liaison Schertz Historical Preservation Society</p>	<p>Councilmember Westbrook – Place 5 Liaison Schertz-Seguin Local Government Corporation (SSLGC) Planning and Zoning Commission Schertz Historical Preservation Society Cibolo Valley Local Government Corporation (CVLGC)-Alternate</p>
<p>Councilmember Heyward – Place 6 Member Animal Services Advisory Committee Audit Committee Interview Committee-Chair Investment Advisory Committee Main Street Committee</p> <p>Liaison Building and Standards Commission Economic Development Corporation - Alternate Senior Center Advisory Board</p>	<p>Councilmember Brown – Place 7 Member Main Street Committee Schertz-Seguin Local Government Corporation (SSLGC)</p> <p>Liaison Economic Development Corporation</p>

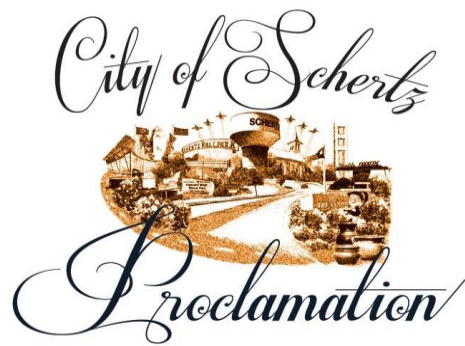
CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024
Department: City Secretary
Subject: Proclamations

- **National Police Week May 12-18, 2024 and National Peace Officers Memorial Day May 15, 2024 (Councilmember Heyward)**
- **World Facilities Management Day May 8, 2024 (Councilmember Watson)**
- **Economic Development Week May 6-10, 2024 (Mayor Pro-Tem Macaluso)**
- **National Prevention Week (Substance Abuse) May 12-18, 2024 (Councilmember Gibson)**
- **International Firefighters Day May 4, 2024 (Councilmember Westbrook)**

Attachments

05-07-2024 Police Week
05-07-2024 Facilities Management Day
05-07-2024 Economic Development Week
05-07-2024 National Prevention Week
05-07-2024 International Firefighters Day



National Police Memorial Day-May 15th, 2024

National Police Week-May 12th-18th, 2024

WHEREAS, the members of the City of Schertz Police Department play an essential role in safeguarding the rights and freedoms of the citizens of Schertz and provide a vital public service; and

WHEREAS, the City of Schertz Police Department consists of 68 Sworn Officers, 16 Professional Staff members, 4 Record Clerks, 16 Telecommunicators, 16 Crossing Guards, and 9 Animal Control Staff members; and

WHEREAS, the City of Schertz Police Department responded to approximately 29,821 service calls last year; and

WHEREAS, the City of Schertz Police Department hosts 15 Community Events throughout the year which include Breakfast with the Blue, Community Car Seat Check, Citizen's Police Academy, Jr. Police Academy, Community Safety Presentations (Boy Scouts, Girl Scouts, Daycares, etc.); and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

NOW, THEREFORE, BE IT RESOLVED, that I, Ralph Gutierrez , Mayor of the City of Schertz,
call upon all citizens of the City of Schertz to observe

May 15, 2024, as National Peace Officers Memorial Day

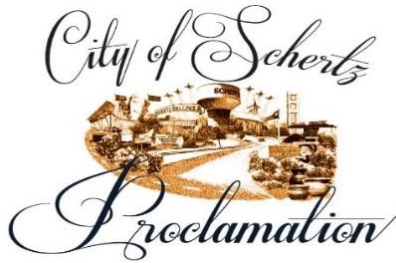
to honor those officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize
and pay respect to the survivors of our fallen heroes.

I further call upon all citizens of Schertz and upon all patriotic, civic and educational organizations to observe
the week of May 12-18, 2024 as National Police Week

with appropriate ceremonies and observances in which all of our citizens may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN TESTIMONY WHEREOF, I
have hereunto set my hand and
caused the SEAL of the City of
Schertz to be affixed this 7^h day of
May 2024.

Ralph Gutierrez, Mayor



World Facilities Management Day ***“Inspire, Integrate, Innovate”*** **May 8, 2024**

WHEREAS, World Facilities Management Day is May 8, 2024 and this year’s theme is *“Inspire, Integrate, Innovate”* and

WHEREAS, Facility Management (FM) is a profession dedicated to ensuring the functionality, comfort, safety, sustainability, and efficiency of the buildings in which we all live and work; and

WHEREAS, facility managers ensure that buildings and all components work properly, whether the space is a factory, office, hospital, shopping mall, airport, museum, or municipal government offices; and

WHEREAS, facility managers perform and oversee a variety of essential functions, including cleaning, security, maintenance, grounds management, emergency response, disaster mitigation, project management, real estate management and sustainability planning; and

WHEREAS, FM is a crucial part of every organization because it ensures that the places, we use are safe, comfortable, and healthy; and

WHEREAS, organizations such as the International FM Association (IFMA) serve the global Facility Management community through career development, learning, networking opportunities and leadership skills to empower facility managers to solve challenges today and in the future; and

WHEREAS, World FM Day recognizes the efforts of the Facilities Management profession anywhere that facility management professionals influence the health, safety, productivity, and well-being of people who utilize the built environment; and

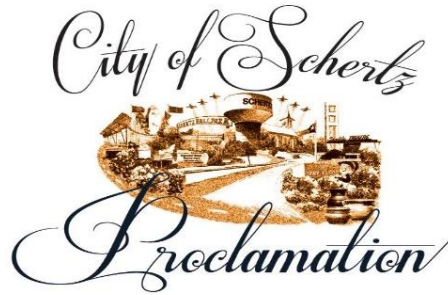
WHEREAS, we are grateful for the positive impact facility managers have on our infrastructure, the safety of our population and our economy; and

WHEREAS, it is fitting and proper to recognize the efforts of organizations and individuals working to ensure a safer built environment, happy and healthy occupants, and a sustainable world;

NOW, THEREFORE, BE IT RESOLVED that I, Ralph Gutierrez, Mayor of the City of Schertz, do hereby proclaim **May 8, 2024, as World Facility Management Day** and ask our citizens to appreciate the service and dedication our Facilities Department provides to the City of Schertz each day.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused the SEAL of the City of
Schertz to be affixed on this 7th
day of May 2024.

Ralph Gutierrez, Mayor



ECONOMIC DEVELOPMENT WEEK

May 6 - 10, 2024

WHEREAS, more than 100,000 economic development or related professionals worldwide are committed to creating, retaining, and expanding top-tier opportunities that facilitate long-term, equitable community growth; and

WHEREAS, the Schertz Economic Development Corporation (SEDC) is committed to promoting sustainable economic growth, enhancing the quality of life for our residents, and attracting investment to our city; and

WHEREAS, economic development professionals serve as stewards, bridging connections between community stakeholders such as residents, business leaders, elected officials, industry executives, and educational administrations, to collaborate in promoting job creation, community investment, infrastructure advancements, and an optimistic future; and

WHEREAS, during Economic Development Week, we celebrate the importance of fostering an environment that supports entrepreneurship, innovation, and the growth of small businesses, which are the backbone of our local economy; and

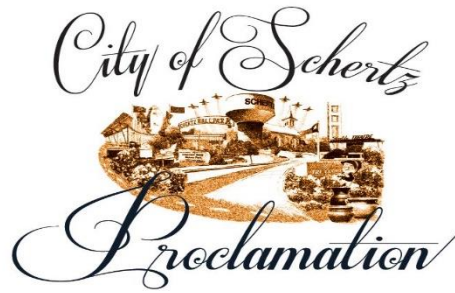
WHEREAS, the Schertz Economic Development Corporation has been a catalyst to significant commercial capital investment into the community over the past 26 years.

NOW, THEREFORE, BE IT RESOLVED that I, Ralph Gutierrez,
Mayor of the City of Schertz recognizes

May 6 – 10, 2024 as ECONOMIC DEVELOPMENT WEEK
and reminds individuals of the importance of this community celebration which supports expanding opportunities, bettering lives, and moving society forward.

IN TESTIMONY WHEREOF, I
have hereunto set my hand and caused
the SEAL of the City of Schertz to be
affixed on this 7th day of May 2024.

Ralph Gutierrez, Mayor



National Prevention Week
“A Celebration of Possibility”
May 12-18, 2024

WHEREAS, National Prevention Week, “A Celebration of Possibility”, is a public education campaign to promote the work of communities and organizations dedicated to raising awareness about the importance of substance use prevention and positive mental health; and

WHEREAS, we, recognize the power of prevention, and the small, daily actions done by individuals, combined with the actions of families and communities come together to make up the larger, bold movement of prevention; and

WHEREAS, the Guadalupe County Community Coalition works daily with the community and all their partners to promote the awareness of substance use prevention and positive mental health, implementing prevention strategies, and showcasing effectiveness of evidence-based prevention resources; and

WHEREAS, substance use prevention and mental health promotion make a difference! We want to continue this conversation beyond National Prevention Week, and we encourage you to share your unique perspective on why prevention is important to you; and

NOW, THEREFORE, BE IT RESOLVED, that I, Ralph Gutierrez,
Mayor of the City of Schertz, hereby proclaims

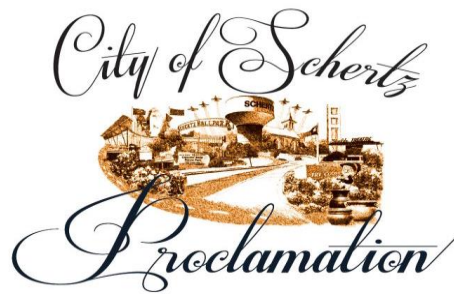
May 12-18, 2024 as National Prevention Week

and urges residents to join the Guadalupe County Community Coalition in raising awareness about the importance of substance use prevention and positive mental health.

IN TESTIMONY WHEREOF, I
have hereunto set my hand and
caused the SEAL of the City of
Schertz to be affixed on this 7th day
of May 2024.

Ralph Gutierrez, Mayor

“A Celebration of Possibility” May 12-18, 2024



International Firefighters' Day-May 4th, 2024

WHEREAS, Firefighters dedicate their lives to the protection of life and property; and sometimes that dedication is in the form of countless hours volunteered over many years, in others it is many selfless years working in the industry; in all cases it risks the ultimate sacrifice of a firefighter's life; and

WHEREAS, International Firefighters' Day (IFFD) is a time where the community can recognize and honor the sacrifices that firefighters make to ensure that their communities and environment are as safe as possible; it is also a day in which current and past firefighters can be thanked for their contributions; and

WHEREAS, International Firefighters' Day is observed each year on the 4th of May on where we remember the past firefighters who have died while serving our community or dedicated their lives to protecting the safety of us all; and show our support and appreciation to the firefighters worldwide who continue to protect us so well throughout the year; and

WHEREAS, hailing from all walks of life, they are our mothers, fathers, brothers, sisters, aunts, uncles, grandparents, neighbors, and friends. They protect us without wanting recognition or reward. In our time of need they are there with courage, compassion, and loyalty. They are the essence of the true meaning of community.

NOW, THEREFORE, BE IT RESOLVED that I, Ralph Gutierrez, Mayor, now call upon all citizens of the City of Schertz to observe

May 4, 2024 as International Firefighters Day

in recognition of the selfless and dedicated efforts of our fire and emergency services personnel.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the SEAL of the City of Schertz to be affixed on this 7th day of May 2024.

Ralph Gutierrez, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024
Department: City Secretary
Subject: Minutes - Consideration and/or action regarding the approval of the regular meeting minutes of April 16, 2024. (S.Edmondson/S.Courney)

Attachments

Minutes 04-16-2024

DRAFT

MINUTES REGULAR MEETING April 16, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on April 16, 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; City Attorney Daniel Santee; Assistant City Manager Sarah Gonzalez; Deputy City Secretary Sheree Courney

Call to Order

Mayor Gutierrez called the meeting to order at 6:01 p.m.

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

Mayor Gutierrez recognized Councilmember Westbrook 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 or by phone at 210-619-1015.

Proclamations

● Public Safety Telecommunicators Appreciation Week April 14-20, 2024

(Councilmember Watson)

Councilmember Watson presented the Public Safety Telecommunicators Appreciation Week April 14 - 20, 2024 Proclamation to Communications Manager Nichole Kuhlmann and members of the Dispatch Center Team. Ms. Kuhlmann recognized and thanked everyone on the team for their unwavering commitment.

- **Work Zone Safety April 15-19, 2024** (Mayor Pro-Tem Macaluso)
Mayor Pro-Tem Macaluso presented the Work Zone Safety April 15 - 19, 2024 Proclamation with the theme 'Work Zones are Temporary, Actions behind the Wheel can Last Forever' to Public Works Director Larry Busch and members of the Public Works Team that are present in these work zones.
- **Animal Care and Control Week-April 14-20, 2024** (Councilmember Heyward)
Councilmember Heyward presented the Animal Care and Control Week April 14 - 20, 2024 Proclamation to Animal Services Manager Megan Legunas, Lt. Scott LaCour, and members of the Animal Services Team.
- **Administrative Professionals Week April 21-27, 2024** (Councilmember Gibson)
Mayor Gutierrez presented the Administrative Professionals Week April 21 - 27, 2024 Proclamation to the Administrative Professionals from across the City, thanking them for their service to the City.
- **Small Business Week-April 28-May 4, 2024** (Councilmember Brown)
Councilmember Brown presented the Small Business Week April 28 - May 4, 2024 Proclamation to Maggie Titterington, President of The Schertz-Cibolo-Selma Chamber of Commerce, representing Schertz small businesses.
- **Building Safety Month-May 2024** (Councilmember Westbrook)
Councilmember Westbrook presented the Building Safety Month May 2024 Proclamation to Chief Building Official Jim Bruce and members of the Inspections Team. Mr. Bruce stated that his team participated in the creation of some reels on building safety and tips for residents doing work at home that will be showcased via the City of Schertz Social Media. He added that members of the team would be at Lowe's on May 14th and 16th between 9:00 a.m. and 11:00 a.m. to meet with residents and answer any questions regarding building and permitting.

Presentations

- **Milestone Service Pin Presentation: Fire Department- Lt. Chris King** (S. Williams)
City Manager Steve Williams presented Fire Department Lt. Chris King, a pin in honor and gratitude for his 20 years of dedicated service to the City of Schertz.

City Events and Announcements

- **Announcements of upcoming City Events** (B. James/S. Gonzalez)
Mayor Gutierrez recognized Assistant City Manager Sarah Gonzalez, who provided the following:

Saturday, April 20

Love Where You Live - Spring Outreach Service Day

North Center, 3501 Morning Drive, Schertz

8:00 a.m. - 4:00 p.m.

---and---

Ed-Zoo-cation in the Park
Crescent Bend Nature Park
10:00 a.m. - 11:00 a.m.

Sunday, April 28

Walk with a Naturalist
Crescent Bend Nature Park
3:30 p.m.

---and---

Owl Prowl
Crescent Bend Nature Park
8:30 p.m. - 9:30 p.m.

Tuesday, May 7

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

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

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

Rashad Beecham promoted from Police Cadet to Police Officer.

Jessica Wheless promoted from Library Assistant (PT) to Library Assistant (FT)

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

Mayor Gutierrez thanked City staff for their work with the Texas Air Show where Schertz Police Department, Fire Department, EMS, and Public Works provided support; and to City Staff that helped make Movin' on Main a successful event.

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 who spoke in opposition of voluntary annexation:

- Mark A. Penshorn, 8320 Trainer Hale Rd.
- Reagan Rawk, 7993 Trainer Hale Rd.
- Todd Hoffmann, 5751 FM 482
- Marty Friesenhahn, 22900 Old Nacogdoches
- Mark Friesenhahn, 231 High Creek Rd.

- Sharlene Fey, 6028 FM 482
- Sharlene Fey (Proxy for Sandra Reeh), 5887 FM 482
- Timothy Fey, 6028 FM 482
- Ronald Schott, 1300 Engel Rd.

Mayor Pro-Tem recognized Maggie Titterington, 1730 Schertz Parkway, who provided the following Chamber updates:

- Great luncheon on Tuesday, April 16:
 - Nonprofit luncheon that had 192 business and representative attendees and 22 nonprofit organizations from around the area.
 - HYPER group presented a check for \$1,200 to the SCUCISD Education Foundation from donations they received during their recent "free" shred day.
- May 3 - Ribbon Cutting for Northern D'Lights Coffee, 1248 FM 78 #101, at 10:00 a.m.
- May luncheon - TxDOT will provide an update on projects impacting Schertz along I-35 and FM 1103

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 April 2, 2024. (S.Edmondson/S.Courney)
2. **Ordinance 24-S-11** - Approving 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. **Final Reading** (B.James/L.Wood/D.Marquez)
3. **Ordinance 24-S-15** - Approving 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. **Final Reading**.(B.James/L.Wood/E.Delgado)
4. **Ordinance 24-S-16** - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 5 - Zoning District and Article 16 - Definitions. **Final Reading** (B.James/L.Wood/E.Delgado)
5. **Ordinance 24-S-14** - Approving 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. **Final Reading** (B.James/K.Woodlee/J.Nowak)

6. **Resolution 24-R-44** - Authorizing a Schertz/Seguin Local Government Corporation (SSLGC) Midyear Budget Amendment for Fiscal Year 2023-24. (B. James/L. Busch)
7. **Resolution 24-R-46** - Amendment of contract with AG|CM, Inc., for Owner's Representative Services related to the Woman Hollering Creek Wastewater Project. (B. James/K. Woodlee)
8. **Resolution 24-R-45** - Authorizing the City Manager to issue a purchase order for the purchase of a replacement fire apparatus as part of the FY27 Vehicle/Equipment Replacement/Acquisition program. (S. Williams/G Rodgers)
9. **Resolution 24-R-47** - Acceptance of a Water and Sewer Easement from Schertz Bank and Trust. (S.Williams/B.James)
10. **Resolution No. 24-R-48** - Declare a public necessity for the acquisition of a certain water pipeline easement and temporary construction easement in connection with a future waterline. (S.Williams/B.James)

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 - 10.

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

Discussion and Action Items

11. **Resolution 24-R-41**- Authorizing a resolution accepting a petition for voluntary annexation of approximately 507-acres, known as Comal County Property Identification Numbers 75449, 75463, 79012, 75462, 78923, 374148, 79018, 79017, 75468, 374146, 374145, 374144, 374147, 78218, 78957, 78960, 78976, 79001, 78945, 78946, 75480, 78247, 79009, 79006, 79004, and approximately 387- acres, known as Guadalupe County Property Identifications Numbers 63992, 61614, 68378, 68377, 68382, 68381, 68380, 68374, 61615, 68384, 68385, 68383, 61511, 61609 (B.James/L.Wood/E.Delgado).

Mayor Gutierrez recognized Planning Manager Emily Delgado who provided the following background information.

Annexation of land into the City's corporate limits may be voluntary or involuntary. The Texas Local Government Code (LGC) provides requirements and outlines the process for the annexation type. The proposed annexations are voluntary based on the Delayed Annexation Development Agreements that were originally entered into in 2010 and 2011 and extensions that were offered in 2020 and 2021. Thus, Chapter 43, Subchapter C-3 of the Texas Local Government Code applies. The agreements were based on Texas Local Government Code 43.035 (b)(1) and 212.172 in order to (i) guarantee the continuation of the extraterritorial status of the land for the term of the agreement and (ii) authorize the enforcement of all regulations and planning authority of the City that did not interfere with the use of the land for agriculture or wildlife management or as timber land. Per the agreements that were signed and executed, specifically Section 5. Term; Annexation at End of Term, stipulates that ten (10) years after the effective date of the agreement the property is to be annexed to the City of Schertz.

In 2020 and 2021, Council authorized the City Manager and staff to offer extensions based on the nationwide and statewide declaration of public health emergency in relation to COVID-19. This also allowed staff time to complete the Comprehensive Land Use Plan update which would be utilized when zoning the annexed properties. The extensions provided the same rights as previously established in the original agreements but would delay the annexation of the properties until January 1, 2024, at which time the City would begin annexation proceedings and conclude them no later than December 31, 2024.

With the approval of Ordinance 24-S-06, the Comprehensive Land Use Plan has been officially adopted and can be utilized for zoning cases moving forward. City staff has started the annexation and zoning process in accordance with the Development Agreement Extensions. Resolution 24-R-41 is the first step in the annexation process for these parcels. It authorizes acceptance of a petition for voluntary annexation of 25 properties, approximately 529 acres within Comal County and 14 properties, approximately 477 acres within Guadalupe County which are identified above.

A letter was mailed to each property owner providing a tentative calendar for the annexation and zoning process with information on the history of the original agreements, the extensions, and what staff will be proposing for the zoning designation for the property, which is based on the newly adopted Comprehensive Land Use Plan designations. The adoption of Resolution 24-R-41 does not annex the subject properties but allows Council to annex the properties by Ordinance in the future. An ordinance for annexation must be approved by Council to annex the properties, which is tentatively scheduled for the June 4, 2024, City Council meeting. The zoning application to accompany the annexation is tentatively scheduled for the May 8, 2024, Planning and Zoning Commission meeting,

Staff recommended approval of Resolution 24-S-41.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Brown asked if there is an option to delay zoning after the annexation

if the Resolution is approved. Ms. Delgado deferred to City Attorney Dan Santee. Mr. Santee stated that the intention is for these properties to be zoned upon annexation. What they are zoned and ultimately if they are annexed will be decided at a future date. They will go through a parallel process in the Planning and Zoning Commission so that when they come forward to Council they will be annexed and then zoned consecutively on that agenda.

Councilmember Brown asked if they had to annex within a certain period of time following approval of the resolution. Mr. Santee responded in the affirmative. The resolution starts the process with regard to scheduling the public hearings that are going to take place. Then, when the time comes to approve the annexation ordinance, it falls to the discretion of Council to decide whether the property is annexed. According to the communication, the process is to be completed by December.

City Manager Steve Williams stated that the concern is the zoning and the ability to use their land as they are currently using it, and asked Ms. Delgado to explain how under the process of annexation the use doesn't necessarily change because it is zoned. Ms. Delgado replied that the proposed zoning identified in the letters that was sent to the property owners was based off the corresponding Comprehensive Land Use Plan designation. So, based off the future land use map that was recently adopted by Council, there's a zoning district that corresponds with that. That zoning district is what was identified to the property owners. If we are planning to zone the property single-family residential R2, and it's currently used for agricultural, that agricultural use from the permitted use table is not permitted, however, since they are currently using that property for agricultural purposes it would be considered non-conforming upon annexation, and they can continue to utilize the property as agricultural land with limitations as stated in UDC Article 7, non-conforming use section. A change in utilization of the property would trigger the need for conformance with the new zoning designation established with the annexation. Zoning is in place to protect the property and adjacent properties and is based on what was adopted as part of the Comprehensive Land Use Plan.

Councilmember Heyward asked what happens if the property is sold. Ms. Delgado stated that so long as the new owner continues to utilize the property for agricultural purposes, the City will allow it. If, however, the new owner wants to develop the property, they would be required to do so in accordance with the designated zoning district.

Councilmember Heyward stated that in accordance with the agreement, the City is required to provide services immediately upon annexation. How will that work? Mr. Williams stated that some services will be provided immediately upon annexation and others might correspond to development in terms of sewer or water service. These services are driven by development. There is a provision for that service currently that the CCN holder will continue to provide. Not all of these areas are in the City's CCN. Some are in New Braunfels Utilities and some are in Green Valley SUD. It will be incumbent upon that provider to provide that service. We will have the ability to start extending services right away for things like road services. Councilmember Heyward wanted to ensure that the property owners would be able to continue to use their land

the way they had been utilizing it even after annexation. Mayor Gutierrez responded that that point had been clarified. Mr. Williams added that for the issue of taxation, if a property owner has an agricultural, timber, or wildlife exemption on file with their appraisal district, they will continue to carry that. It does not change with annexation. It will only change if you change the use of that portion of your property.

Mayor Pro-Tem Macaluso asked if there were any penalties for being non-conformance. Ms. Delgado responded that there is not necessarily a penalty, but that there is a chapter in the Unified Development Code that the property owners would have to follow for example with regard to expansions. Mayor Pro-Tem Macaluso asked what issues would the property owners face if they wanted to expand their house if they are considered non-conforming. Mr. Santee responded that there wouldn't be an issue with the expansion of a house because they utilize the property as AG and a house is allowable for AG use, so that would not be considered an expansion if it's for living quarters. Mayor Pro-Tem Macaluso stated he was trying to look at it from the property owners' perspective and asked, were they expected to guess if they wanted to make some kind of changes what would cause an issue. Mr. Santee asked Ms. Delgado if she had a copy of the Chapter regarding non-conforming use, so she pulled up Article 7, Section 21.7.3, for Council to reference. She explained that anything necessary for the operation of the agricultural business would not be considered an expansion. She indicated that growing the herd, putting in a stock tank, building a barn, etc., would all be part of the operation of the business. Mr. Santee added that there are protections for agricultural uses in the current agricultural code as well, that State law is going to limit what you can do with local zoning regulations to limit agricultural uses, and they expanded that in the last legislative session.

Mayor Gutierrez asked for a motion to approve Resolution 24-R-41.

Moved by Councilmember Tim Brown, seconded by Councilmember Mark Davis

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. Resolution 24-R-42-** Authorizing a resolution accepting a petition for voluntary annexation of approximately 2,200 -acres, known as Bexar County Property Identification Numbers 310064, 1141730, 339772, 339773, 339362, 339744, 1050203, 340030, 339348, 339359, 339341, 339353, 339778, 310012, 309842, 310125, 339293, 339295, 340059, 1178479, 339276, 310059, 309418, 309421, 339325, 339284, 309837, 1103093, 310111, 310040, 310004, 310225, 339274, 339275, 339328, 1013798, 310222, 310026, 1274920, 339286, 339285, 310019, 1139530, 1056967, 339331, 1178480, 309427, 309425, 310006, 1056966, 312023, 310002, 310048, 1311565, 310022, 312015, 312017, 310126, 339290, 339288, 339790, 339334, 339329, 1140481, 310007, 312008, 309429, 1190132, 310032, 310039, 310090, 310107, 1103091, 1207560, 1103091. (Ms/L. Wood/E.Delgado).

Mayor Gutierrez recognized Planning Manager Emily Delgado, who stated that the background information for Resolution 24-S-42 mimics Resolution 24-S-41. Resolution 24-S-42 addresses properties located in Bexar County, whereas Resolution 24-S-41 addressed annexation of properties in Guadalupe and Comal counties. This resolution begins the process of annexation of 75 properties, approximately 2,200 acres within Bexar County.

Staff recommends approval of Resolution 24-S-42, accepting a petition for voluntary annexation for approximately 2,200 acres within Bexar County.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Westbrook asked Ms. Delgado to address two concerns brought forth by property owners, (1) safety and security, asking if Schertz has enough police officers to cover their area and how quickly they can respond, and (2) taxes. City Manager Williams addressed both concerns beginning with the taxes, stating that for an appraised value of \$1,054,000 property in Comal County after the AG exemption is applied, the taxable value is \$3,770, which would have an impact of \$18 per year in property taxes. As to the safety and security concerns, currently they are not in the city, so law enforcement does not respond or patrol that area. Part of the annexation process is to outline a service plan. Councilmember Westbrook asked if there was any concern that we would not be able to respond in a timely manner to an emergency. Mr. Williams stated that, in terms of services, Schertz currently provides EMS and Fire services to these areas based on an agreement with the county. The level of service is generally driven by demand. If one of these areas were to redevelop as a neighborhood, it would more likely than not increase the level of service provided.

Councilmember Brown stated from previous questions and discussion, Council wants to ensure that property owners are able to continue to utilize their property in the same manner after annexation. Annexation provides the City with a way to control growth, if in the future the property owner or their heirs decide to sell or change the use of the property. As far as services, Mr. Williams made it clear that there would be an annexation services plan developed as part of the process. Councilmember Brown went on to say that the amount that homeowners currently pay for homeowner insurance would probably go down as services in the area increase. He reassured the property owners that Council wants to ensure they are able to continue to use their land in the same manner they've been using it, while at the same time ensuring there is a way to plan usage in the future if the land is sold or repurposed. Without planned usage, if a parcel were sold to a developer, that developer could put in anything whether it was appropriate for the area or not.

Mayor Gutierrez concurred with Councilmember Brown, stating it is not only to protect the city but also to protect their neighbors from non-conforming development.

Mayor Gutierrez asked for a motion to approve Resolution 24-R-42.

Moved by Councilmember Michelle Watson, seconded by Councilmember Tim Brown

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. Mayor Gutierrez recessed Council at 7:45 p.m. for a short break. Mayor Gutierrez reconvened Council at 7:52 p.m.

Ordinance 24-A-10 - Approving 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. *Final Reading* (B.James/L.Wood/D.Marquez)

Mayor Gutierrez stated Ordinance 24-A-10 passed on the First Reading and asked if Council wanted to hear the presentation again. Council declined to hear the presentation again. Mayor Gutierrez asked for a motion to approve Ordinance 24-A-10.

Moved by Councilmember Mark Davis, seconded by Councilmember Michelle Watson

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

Failed

14. **Ordinance 24-S-09**- Approving 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. *Final Reading* (B.James/L.Wood/D.Marquez)

Mayor Gutierrez stated Ordinance 24-S-09 passed on the First Reading and asked if Council wanted to hear the presentation again. Council declined to hear the presentation again. Mayor Gutierrez asked for a motion to approve Ordinance 24-S-09.

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

15. Resolution 24-R-40 - Authorizing a Pro-Rata Agreement, Cost Sharing Agreement and Roadway Impact Fee Credit Agreement for the Saddlebrook Development.(S.Williams/B.James)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who stated this resolution encompasses four agreements. Three are standard agreements with subdivision developments, (1) Reimbursement Agreement - which includes items the City needs but to get some economies of scale having the developer construct those improvements while building the subdivision and having the City reimburse for those small items; (2) Roadway Capital Recovery Offset Agreement - where the developer is constructing a portion commonly known as the 3009 extension, actually Red Bud Canyon in the Saddlebrook subdivision, which is on our master thoroughfare plan they get credit toward their roadway impact fee payments that would be made when the homes are built; and (3) Pro Rata Agreement - where the city will pay for the excess capacity that they're building in the lift station and force main amounts, so we have some control over which developments coming in will be able to use those EDUs or the capacity in the lift station. The fourth agreement is a Subdivision Improvement Agreement which was requested by the developer.

The Subdivision Improvement Agreement will allow a developer to record their plat and sell properties on that plat prior to the infrastructure being completed and accepted by the City. A few years ago, the City received requests like this from residential and commercial developers. What has happened is a residential subdivider will create a preliminary plat, a final plat, put up security for the infrastructure, then record the final plat which allows them to sell the lots. They sell the individual lots, someone wants to put their home on the lot, but we aren't able to give the CofO because the developer has not completed construction of the infrastructure. This creates problems for new citizens moving into the city and for the City trying to keep after the developer to complete the infrastructure. So it's a big problem for residential subdivisions.

Similarly, for commercial subdivisions, a developer will file a plat, basically flip the property, so they put up security for infrastructure, sell the property to a buyer who thinks they're getting a property that has the infrastructure to submit for a building permit and build something, only to find out the infrastructure may not have been completed. For commercial projects, commercial subdivisions who are ready to build their business that include some required infrastructure must file their plat to obtain a building permit. If the developer has gone to the expense, hired an architect and an engineer, and has plans for their building and public infrastructure, the City will allow them to post security, so they can put everything under one construction contract, so building can occur simultaneously. If the infrastructure isn't completed by the time

they need the CofO it's all within their own control.

Ms. Woodlee stated that staff had come to Council previously for guidance on City policy regarding the handling of these agreements. Council did not grant general approval and advised staff to bring each agreement to them explicitly stating the risks associated with that agreement for their consideration. In this case, the Saddlebrook developer has requested a Subdivision Improvement Agreement for the purpose of authority to transfer lots from a land bank to a different division of their corporation, which in this case, is the builder. They have agreed to include in the agreement a restriction that allows the sale of those lots only a single time and only to the builder. The builder would not be able to sell the lots until the infrastructure is done and accepted.

Staff is requesting authorization to move forward with all four of the agreements listed above, which includes the Subdivision Improvement Agreement with the Saddlebrook developer.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Westbrook asked if the worst case example would be like what happened in Freeway Manor. Ms. Woodlee responded that Freeway Manor is a good example of a paper subdivision. The lots exist, they can be sold to anyone, and there is no infrastructure. So, the person who purchases the lot wouldn't be able to pull a permit to build a home without building the infrastructure. She added that this is the worst example of what can happen when the infrastructure is not complete prior to recordation of the plat, which is not necessarily a risk in this case.

Mayor Gutierrez added that in this case, the builder cannot sell the lots without completing the infrastructure. Ms. Woodlee stated that is correct.

City Manager Williams asked if it required a bond. Ms. Woodlee stated yes, and the infrastructure would also be bonded, so if the developer did not complete the construction, the City could call the bond and use the funds to complete the infrastructure.

Councilmember Gibson asked how the city knew that this developer only has one builder they are selling to. Ms. Woodlee explained that the developer is selling it to themselves. They are two divisions of the same corporation. Councilmember Gibson asked if they could still sell to multiple builders.

Mayor Gutierrez explained that in some subdivisions there are three builders. They buy a certain number of lots in a neighborhood and they build in that dedicated portion of land, but they cannot resell it.

Mr. Williams added that the intention is to mitigate the risk of an individual buyer being left holding the bag like in a Freeway Manor type scenario. If its in a builder's hand it's more likely to be completed.

Councilmember Brown stated that it is common for a large development to have more than one builder. It adds variety different price points to the neighborhood. It ensures the success of the neighborhood in the long run. In today's world, developers are not taking 100 acres of land and cutting it up into 75 lots and selling it. Millions of dollars of infrastructure go into these developments before anything even starts. He stated he sees value in this agreement.

Ms. Woodlee added that the developer in this case is Ashton San Antonio Residential LLC and the builder is Ashton Woods. The builder in this case is the developer, which is not common.

Mayor Gutierrez asked for a motion to approve Resolution 24-R-40.

The motion to authorize the Pro-Rata Agreement, Cost Sharing Agreement, Roadway Impact Fee Credit Agreement, and the Subdivision Improvement Agreement for the Saddlebrook Development was

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

- 16. Resolution 24-R-29** - Authorizing the City Manager to execute an agreement with Marksmen General Contractors for Construction Manager at Risk services related to the design and construction of Fire Station #4. (S.Williams/G.Rodgers)

Mayor Gutierrez recognized Battalion Chief John Perry, Schertz Fire Department, who stated the goal of the Resolution is to authorize City Manager Steve Williams to execute an agreement for Construction Manager at Risk services with Marksmen Construction, for the design and construction of Fire Station #4. Benefits of this position are (1) mitigating the city's overall potential risks because the contract includes a guaranteed maximum price for the project which provides a predictable budget and helps to ensure the city receives a quality fire station in order to continue to provide superior service and response times to our residents and the visitors of our city; (2) help the city move forward and get closer to our ISO rating in our next evaluation.

The City has an agreement with Icon Architects for the design of Fire Station #4, previously approved by Council, and the initial design efforts are currently underway. We are at the stage of the project where expected costs of the proposed project need to be determined by a qualified construction manager before the design can proceed further. Per Local Government Code 2269.254, the government entity shall select

offeror that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation. The decision for the proposed Construction Manager At Risk was based on the outcome of the request for qualifications process by using the two-step selection process for Construction Manager At Risk. The first step was the return of four responses to the RFQ on January 4, 2024. Responses were evaluated and ranked based on their qualifications. Step 2, involved the top three firms submitting a cost proposal along with in-person interviews conducted by the selection committee on February 9, 2024. Using LGC 2269.254 as the basis for decision, best value and ranking evaluation, Marksmen General Contractors was identified as the top firm. Fiscal impact is estimated at \$1,257,000, and the approval for these services come from within the bond approved for Fire Station #4.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Westbrook asked who was on the selection committee and what separated #1 from #2 and #3 in terms of value. Purchasing Director Jessica Kurz responded that the selection committee comprised of 7 individuals, made up of city staff from the Fire Department, Engineering, and those involved in the planning process, in addition to, the owner's representative, and herself. In regards to what separated the selected firm from the other two, she stated they invited the top three ranked firms for on-site interviews, which gave them the opportunity to talk to their teams, their project planning teams, their construction management teams, regarding their experience with fire stations. She stated they did their due diligence and reached out to references for all three firms. Ultimately, Marksmen and the #2 firm were very well qualified and highly competitive, so ultimately they looked at price, with Marksmen coming in slightly below in cost. The 3rd ranked firm, was a much smaller firm with more limited resources and their experience with Fire House design wasn't exactly the product they were seeking for Fire Station #4.

Councilmember Westbrook then asked if the firm was local. Ms. Kurz responded that they are local, out of San Antonio. Councilmember Westbrook asked if they had experience building Fire Stations. Ms. Kurz responded yes. The #2 firm had built Fire Station #3, and Marksmen had built several which the selection committee did visit.

Mayor Gutierrez asked for a motion to approve Resolution 24-R-29.

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

Mayor Gutierrez recessed to Closed Session at 8:15 p.m.

Closed Session

17. The City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
 - Project:E-86

Mayor Gutierrez convened Closed Session at 8:20 p.m.

Mayor Gutierrez recessed Closed Session at 8:28 p.m.

Mayor Gutierrez reconvened to Regular Session at 8:33 p.m.

Reconvene into Regular Session

18. Take any action based on discussion held in Closed Session under Agenda Item #17.

Mayor Gutierrez made the motion to approve Resolution 24-R-43, a Resolution by the City Council of the City of Schertz Texas authorizing an expenditure as reflected in an Economic Development Performance Agreement Between the City of Schertz Economic Development Corporation and Axiom Group, Inc and other matters in connection therewith; 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

19. Monthly Update - Major Projects in Progress/CIP (B.James/K.Woodlee)

Requests and Announcements

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

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

- City and Community Events attended and to be attended (Council)
Mayor Pro-Tem Macaluso attended Movin' on Main.

Councilmember Davis attended Movin' on Main.

Councilmember Watson attended Movin' on Main.

Councilmember Gibson attended Movin' on Main, TML Leadership Academy, and The Chamber Luncheon.

Councilmember Westbrook attended Movin' on Main.

Councilmember Heyward attended Movin' on Main, the NEP Luncheon, The Chamber Luncheon, and the Ribbon Cutting for Travelin' Tom's.

Councilmember Brown attended Movin' on Main and the NEP Luncheon.

Adjournment

Mayor Gutierrez adjourned the meeting at 8:36 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024
Department: City Secretary
Subject: Resolution 24-R-52 - Authorizing a Cost Sharing Agreement for the Saddlebrook Development.(S.Williams/B.James)

BACKGROUND

On April 6, 2024 Council approved a Pro-Rata Agreement, a Cost Sharing Agreement, a Roadway Impact Fee Credit Agreement and a subdivision improvement agreement for the Saddlebrook Development. It was subsequently determined that the cost to be reimbursed in the Cost Sharing agreement was actually \$194,976.24 and not \$109,769.36. Given the increase in reimbursement amount, staff is seeking approval of the cost sharing agreement.

GOAL

Provide for the orderly development of infrastructure within the City of Schertz.

COMMUNITY BENEFIT

Provide for development of infrastructure in a timely, cost-effective manner.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 24-R-52 authorizing a cost sharing agreement with the Saddlebrook Development.

FISCAL IMPACT

The Reimbursement Agreement for improvements would be \$194,976.24 from City fund balance.

RECOMMENDATION

Approval of Resolution 24-R-52.

Attachments

Resolution 24-R-52 w Attachment

RESOLUTION NO. 24-R-52

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A REIMBURSEMENT AGREEMENT FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH

WHEREAS, the Developer of Saddlebrook is constructing public improvements and the City desires for additional public improvements related to those improvements to be constructed at this time; and

WHEREAS the Developer has agreed to construct the additional improvements if the City agrees to participate by paying for the cost of those additional improvements; and

WHEREAS, the City Council finds that it is in the best interest of the City to enter into the Pro-Rata Agreement, Roadway Impact Fee Credit Agreement and Reimbursement Agreement with the Developer of the Saddlebrook development.

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

Section 1. The City Council hereby authorizes the City Manager to execute the agreement generally in the form attached subject to approval of minor changes approved by the City Attorney as shown on Exhibit "A".

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

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

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

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

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

as amended.

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

PASSED AND ADOPTED, this ____th day of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City

Exhibit A

**REIMBURSEMENT AGREEMENT WITH SADDLEBROOK DEVELOPER FOR
CONSTRUCTION OF PUBLIC IMPROVEMENTS**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GUADALUPE §

This REIMBURSEMENT AGREEMENT (the “Agreement”) is by and between Jen Texas 32, LLC. (the “Owner” or “Developer”) and the CITY OF SCHERTZ, a Texas municipal corporation (the “City”), (sometimes collectively referred to as the “Parties”) and is effective upon the execution of this Agreement by the Developer and the City (the “Effective Date”).

WHEREAS, the Owner is the owner of that certain real property located in the City of Schertz, Bexar County, Texas, more specifically described on **Exhibit “A”**, attached hereto and made a part hereof for all purposes (the “Property” or “Saddlebrook”); and

WHEREAS, the Owner seeks to develop a residential subdivision on the Property that requires the construction of certain public improvements; and

WHEREAS, during the development planning stage for the Property, the Developer submitted to the City a request that the City participate in the completion of some of the Improvements (the “Improvements”), which will benefit portions of the City beyond the Saddlebrook property; and

WHEREAS, Developer has requested that it be allowed to construct the Improvements to serve the Property, which will also benefit portions of the City beyond the Saddlebrook property and share the costs with the City; and

WHEREAS, Developer has commenced construction or will commence construction of the remainder of the Improvements; and

WHEREAS, the City and Developer find it to be to their mutual advantage to enter into this Agreement for the construction of appropriate and necessary public facilities; and

WHEREAS, Section 212.071, et. seq. of the Texas Local Government Code authorizes municipalities to enter into a contract with a developer of a subdivision or land in the municipality to construct public improvements related to the development without complying with the competitive sealed bidding procedures of Chapter 252 of the Texas Local Government Code; and,

WHEREAS, Section 212.071, et. seq. of the Texas Local Government Code limits the participation by the municipality at a level not to exceed 30 percent of the total contract price.

NOW THEREFORE, in consideration of the agreements set forth herein and for other reciprocal good and valuable consideration, the receipt and sufficiency of which are hereby

acknowledged and stipulated by the Parties, the Owner and the City agree as follows:

1. Definitions: The following terms and phrases used in this Agreement shall have the meanings ascribed hereto:
 - 1.1. “Agreement” means this agreement, including any amendments hereto, between the City and Developer.
 - 1.2. “Contractor” shall mean each person, firm, corporation, partnership, association, or other entity awarded a contract by Developer for the construction and installation of the Improvements (or portion thereof).
 - 1.3. “Improvements” shall mean the improvements described on Exhibit “B”
 - 1.4. “City’s Participation Costs” shall mean costs associated with the construction of the Improvements, as designated on Exhibit “C” as City of Schertz responsibility.
2. Ownership of the Property: The Owner hereby represents and warrants that, as of the Effective Date, it has not conveyed, assigned, or transferred all or any portion of its interest in the Property to any other person or entity.
3. Construction of Improvements; Covenants: The Owner and the City covenant and agree to the following:
 - 3.1. Construction of Improvements. Developer agrees to construct the Improvements in accordance with the plans and specifications for units 1B, 2, & 3 as approved by the City Engineer on June 13, 2023, June 15, 2023, and April 21, 2023, respectively, as illustrated in Exhibit “B” attached hereto. No change in the shall be made by Developer without the prior written consent of the City Engineer, which consent shall be unreasonably conditioned, withheld or delayed. The entire cost of the construction of the Improvements shall be the responsibility and obligation of Developer, except as herein provided.
 - 3.2. Contracts for Construction. Developer shall utilize the competitive sealed bidding procedure as defined in Local Government Code Sec.252 Subchapter C to select a qualified Contractor to construct the Improvements in accordance with the approved plans and specifications if required per Local Government Code Sec. 212 Subchapter C. The contract may be awarded via one or more contracts to either to the lowest responsible bidder(s) or to the bidder(s) who provides goods and services at the best value for the municipality. The City Engineer shall review all bid documents, contract documents, and costs estimates. Developer shall be solely responsible for payment of the work as it is completed and shall make all payments in a timely manner to the Contractor, and any other parties under contract with the Developer in connection with the construction of the Improvements.
 - 3.3. Performance, Payment and Warranty Bonds. Developer’s Contractor shall post

within the City faithful performance, payment, and warranty bonds for construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Chapter 2253, Texas Government Code. The Developer shall covenant to warrant the public improvements for a period of two (2) years following acceptance by the City of all Improvements. A warranty bond shall be provided in the amount of 20% of the costs of the Improvements for such period.

- 3.4. Inspection. The City Engineer or designee shall periodically inspect the construction of the Improvements in the same manner, and shall possess the same authority, as is provided during the construction of subdivision improvements pursuant to the City of Schertz Subdivision Ordinance, as amended.
- 3.5. Insurance. The Contractor awarded the contract to construct the Improvements shall be required to carry Worker's Compensation Insurance on his employees and public liability and property damage insurance on his equipment and employees. The public liability insurance shall be not less than five hundred thousand dollars (\$500,000.00) per person and one million dollars (\$1,000,000.00) per occurrence, with property damage insurance of not less than five hundred thousand dollars (\$500,000.00). In addition, City shall be furnished with Certificates of Insurance and shall be named an additional named insured on such Certificates, and City shall be notified within thirty calendar days of any cancellation of such insurance.
- 3.6. Accounting. Developer shall submit to City a complete accounting of all costs incurred by Developer in the construction of the Improvements. City will not contribute or pay for any costs incurred by Developer which were not approved by City prior to it being incurred. Developer shall maintain the accounting of the Improvements for a period of two years from the date of acceptance by the City, and the City may inspect the Developer's books and records related to the Improvements at any time with reasonable notice.
- 3.7. Indemnity. Developer agrees to protect, indemnify and save City harmless from and against all claims, demands and causes of action of every kind and character arising in favor of any third party on account of, or resulting from, the performance of this Agreement by Developer or Developer's agents, representatives, employees, contractors, or subcontractors.

4. Obligations and Payments: The Owner and the City covenant and agree to the following:

- 4.1. City Obligations. The City agrees to pay to Developer City's Participation Costs which shall equate to the actual costs for the City's responsibility as illustrated on **Exhibit "C"**. Notwithstanding any provision of this Agreement to contrary, City's Obligation shall only be for the reimbursement of costs incurred by Developer and shall not in any event exceed **One Hundred Ninety-Four Thousand Nine Hundred Seventy-Six Dollars and Twenty-Four Cents (\$194,976.24)** (hereinafter the "City's Share").

- 4.2. Payment Procedures. City shall deliver to Developer full payment of the City's Share as provided in this this section.
- 4.3. Submittal and review. Developer shall submit and the City Engineer shall review documentation, as may be reasonably required by City Engineer, showing final, actual construction costs paid by the Developer.
- 4.4. Upon the City Engineer's review and approval of the documents, a final inspection on the Improvements shall be conducted, noting any required corrections or repairs. Once corrections or repairs are made and deemed acceptable, the City will accept the Improvements.
- 4.5. Within 30 days of both the acceptance of the Improvements and the dedication of all necessary utility easements, the City will pay to Developer the City's Participation Costs (Exhibit "C").

5. Assignments, Modifications and Waiver.

- 5.1. Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.
- 5.2. Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment or modification only in writing, and by the signatures and mutual consent of the Parties.
- 5.3. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- 5.4. Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive, but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- 5.5. Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- 5.6. Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- 5.7. Venue. This Agreement shall be performable and enforceable in Guadalupe

County, Texas, and shall be construed in accordance with the laws of the State of Texas.

- 5.8. Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- 5.9. Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows: No Joint Venture.

If to the Owner:

Jen Texas 32, LLC
8023 Vantage Drive, Suite 220
San Antonio, TX 78230
Attention: Blake Harrington

If to the City:

CITY OF SCHERTZ
1400 Schertz Parkway
Schertz, Texas 78154
Attention: City Manager

With copy to:

Denton Navarro Rocha Bernal & Zech, P.C.
2517 N. Main Avenue
San Antonio, Texas 78212
Attention: T. Daniel Santee

- 5.10. No Joint Venture. Nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except, as otherwise specifically provided herein, neither Party shall in any way assume any

of the liability of the other for acts of the other or obligations of the other.

- 5.11. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument.
- 5.12. Approval of Agreement. The City has approved the execution and delivery of this Agreement pursuant to Section 21.4.15(C.) (2.) of the City's Unified Development Code, and the Owner represents and warrants that it has taken all necessary action to authorize its execution and delivery of this Agreement.
- 5.13. Governmental Immunity. The City does not waive or relinquish any immunity or defense on behalf of itself, its officers, employees, Councilmembers, and agents as a result of the execution of this Agreement and the performance of the covenants and actions contained herein.
- 5.14. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
- 5.15. Integration. This Agreement is the complete agreement between the Parties as to the subject matter hereof and cannot be varied except by the written agreement of the Owner and the City. The Owner and the City each agrees that there are no oral agreements, understandings, representations or warranties which are not expressly set forth herein.
- 5.16. Legal Construction. If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, such unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of this Agreement. Whenever the context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language.
- 5.17. Recitals; Exhibits. Any recitals in this Agreement are represented by the Parties hereto to be accurate, constitute a part of the Parties' substantive agreement, and are fully incorporated herein as matters of contract and not mere recitals. Further, any exhibits to this Agreement are incorporated herein as matters of contract and not mere exhibits.
- 5.18. No Joint Venture. It is acknowledged and agreed by the Parties that the terms hereof are not intended to, and shall not be deemed to, create a partnership or joint venture among the Parties.

[Signatures and acknowledgments on the following pages]

Signature Page to
Agreement with Developer for Construction of Public Improvement

This Agreement has been executed by the Parties as of the dates of the Acknowledgments to be effective as of the Effective Date.

Owner:

Jen Texas 32, LLC

By:

Name:

Title:

Date:

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2024 by _____, the _____ of Jen Texas 32, LLC, on behalf of said limited liability company.
(SEAL)

Notary Public in and for
The State of Texas

My Commission Expires:

Signature Page to
Agreement with Developer for Construction of Public Improvement

This Community Facilities Agreement has been executed by the parties as of the dates of the Acknowledgments to be effective as of the Effective Date.

City:

CITY OF SCHERTZ,
a Texas municipal corporation

By: _____
Name: Steve Williams, its City Manager

THE STATE OF TEXAS §
 §
COUNTY OF GUADALUPE §

This instrument was acknowledged before me on the ____ day of _____, 2024 by Steve Williams, City Manager of the City of Schertz, Texas, a Texas municipal corporation, on behalf of said City.

(SEAL)

Notary Public in and for
The State of Texas

My Commission Expires: _____

EXHIBIT A The Property

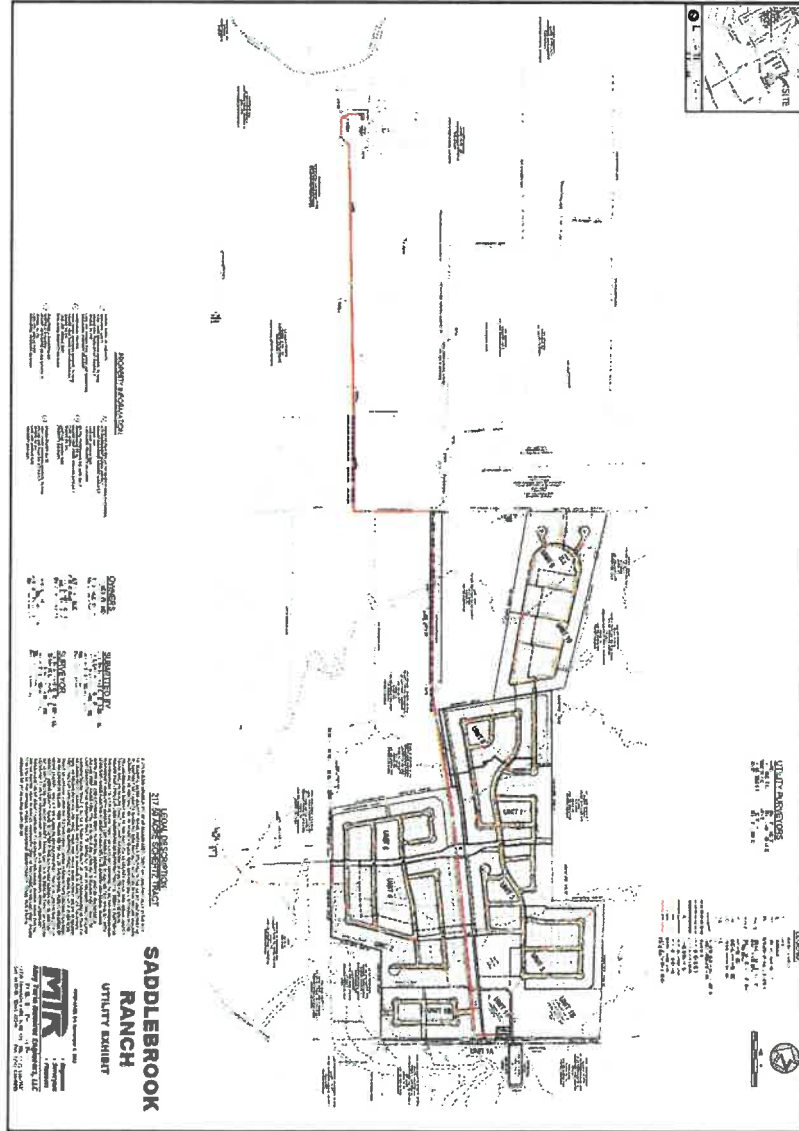
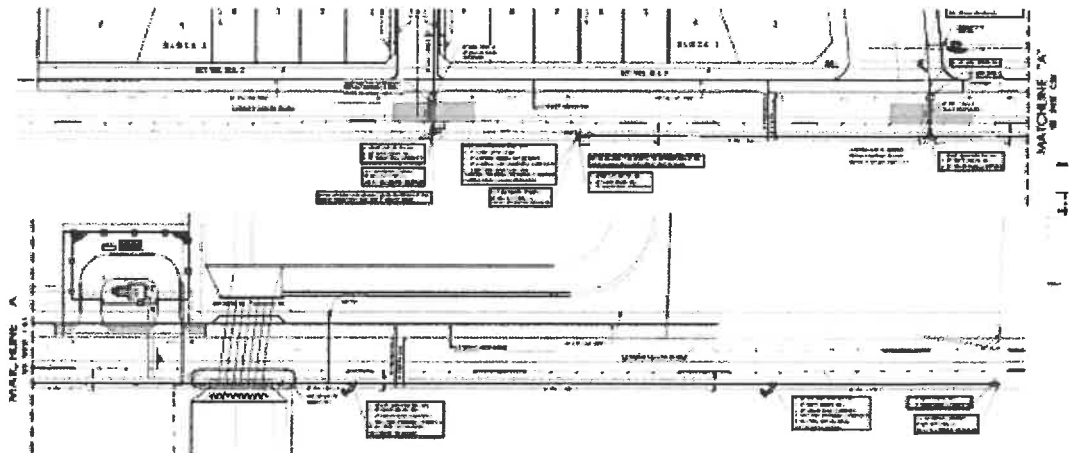
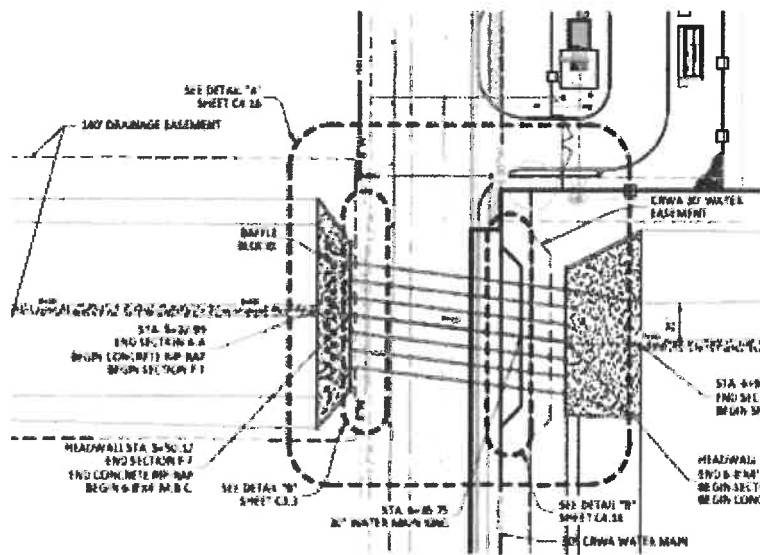


EXHIBIT B The Improvements

Water Main Upsizing



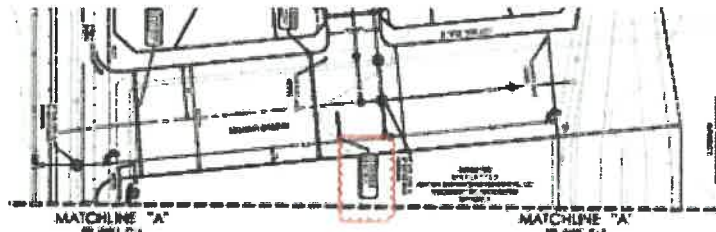
Culvert Extension



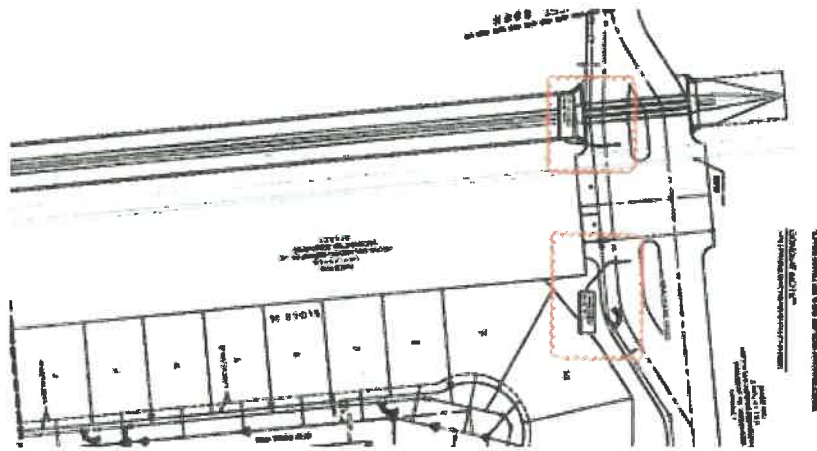
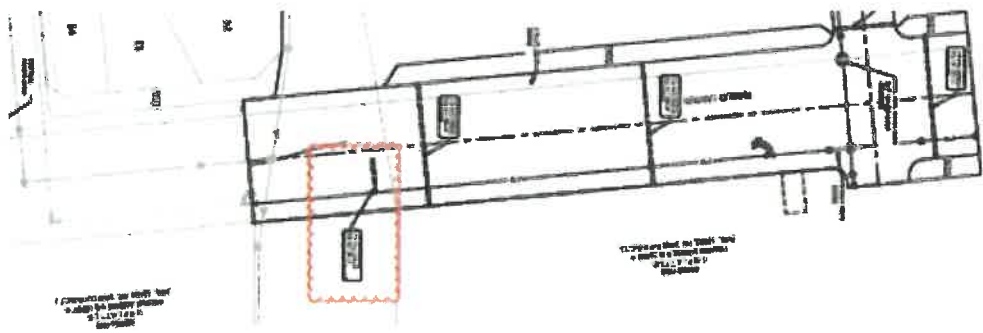
DRAIN "A"

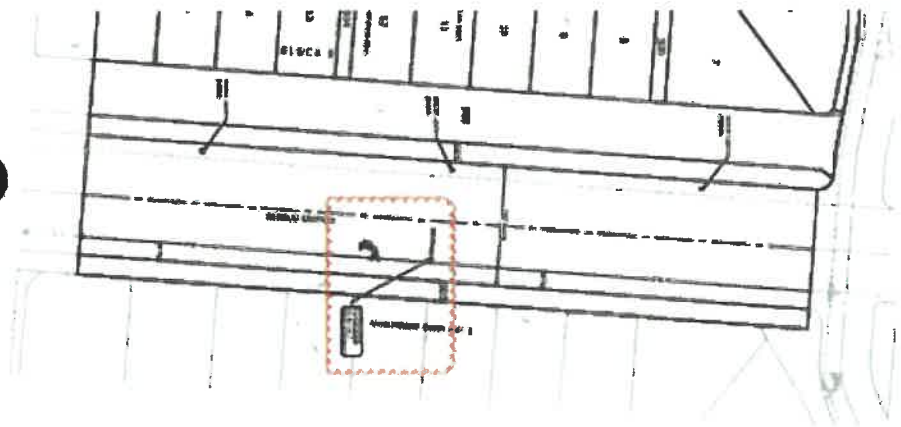
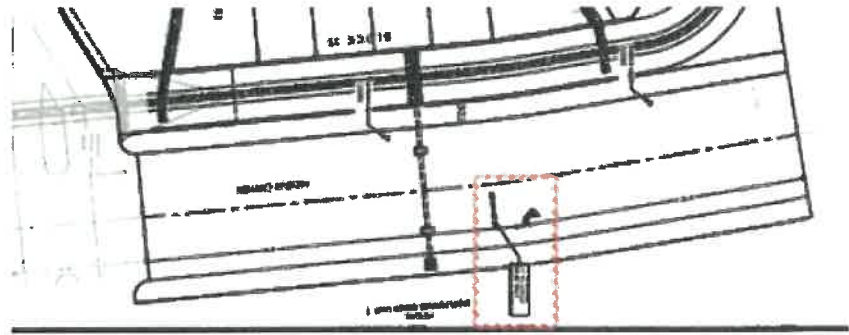
STA. 0100.00 TO STA. 14400.00

Irrigation Conduits



30001241





**EXHIBIT C
CITY'S PARTICIPATION COSTS**

City of Schertz Oversizing Estimate

WATER IMPROVEMENTS - LOWER SEGUIN RD.

ITEM	DESCRIPTION	UNIT	EST/QTY	\$/UNIT	AMOUNT
1	8" Pipe DR 14 PVC	LF	1,895	\$ 55.71	\$ (94,428.45)
2	8" Pipe DI Pipe	LF	80	\$ 92.11	\$ (7,368.80)
3	8" Gate Valve	EA	4	\$ 1,957.93	\$ (7,831.72)
4	12" Pipe DR 14 PVC	LF	1,765	\$ 96.93	\$ 171,081.45
5	12" Pipe DI Pipe	LF	80	\$ 96.93	\$ 7,754.40
6	12" Gate Valve	EA	4	\$ 4,000.00	\$ 16,000.00
TOTAL CONSTRUCTION COST					\$ 85,206.88

Drain A- Offsite & Lower Seguin Rd Crossing

ITEM	DESCRIPTION	UNIT	EST/QTY	\$/UNIT	AMOUNT
1	Additional 8' x 4' MBC	LF	113	\$ 838.72	\$ 94,775.36
TOTAL CONSTRUCTION COST					\$ 94,775.36

Conduits

ITEM	DESCRIPTION	UNIT	EST/QTY	\$/UNIT	AMOUNT
1	Irrigation - 1-6"/1-4" PVC Bundle	LF	200	\$ 74.97	\$ 14,994.00
TOTAL CONSTRUCTION COST					\$ 14,994.00

TOTAL OVERALL CONSTRUCTION COST \$ 194,976.24

\$194,976.24 Total City's Participation Costs

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024
Department: Planning & Community Development
Subject: Ordinance 24-H-07- Conduct a public hearing, consider and possible action on proposed updates to the Schertz Code of Ordinances, Chapter 34 - Health, Article IV Smoking in public places and Article VI - Illegal Smoking Materials. *First Reading* (B.James/L.Wood/A.Cantu).

BACKGROUND

City Council from time to time, on its own motion, or at the recommendation of City staff proposes to amend, change, or modify text in any portion of the Code of Ordinances. It is generally considered good practice to periodically review and update the ordinances. The Code of Ordinances, Chapter 34, Article IV Smoking In Public places was last updated in 2011 and recently reviewed to evaluate the change in smoking behaviors. Smoking has evolved since the last ordinance update with the use of electronic smoking devices, vaping devices and the continued use of tobacco smoking, which has prompted the proposed changes.

Electronic cigarettes and vaping devices contain nicotine, toxic chemicals, and are associated with lung and cardiovascular diseases. Brief exposure to secondhand smoke can cause health risks so prohibiting smoking indoors in certain areas can improve air quality and reduce exposure to second-hand smoke.

The proposed ordinance amendments add definitions to provide greater clarity. They also add prohibitions for the smoking of E-cigarettes and vaping where the smoking of cigarettes is prohibited. The addition of a signage requirement, as is currently required under State Law, for areas where smoking is prohibited will all City Staff to enforce this requirement.

Staff is proposing to remove the prohibition on smoking within 25 feet of any public entrance or exit from an enclosed facility. It has been noted that many areas outside of buildings where people smoke are within 25’ of the door. Staff is recommending leaving it up to the owner/operator to determine how far from a door or entrance they want to prohibit smoking – if at all. Finally, the removal of Article VI-Illegal Smoking Materials in its entirety as state law addresses illegal smoking materials already enforced by licensed peace officers.

Parks, Police, Planning, Library, City Managers Office and Legal were included in the review of the proposed ordinance changes. Any comments from departments were incorporated into the ordinance document attached. Additional recommendations from the American Heart Association have been included.

The proposed revisions will bring the Code of Ordinances into alignment with State Law and consistent with surrounding municipalities.

Article IV	
Sec 34-89 Definitions	<ul style="list-style-type: none"> ● Adding language to match the State certificates and current name. ● Adding definition Bar, E-cigarette, Enclosed Area, Private club, Restaurant, Retail Tobacco Store, and Vaping ● Adding to Smoke or smoking meaning

Sec 34-91 Smoking in public places generally prohibited, and other offenses	<ul style="list-style-type: none"> • Revision to subsection (1), (2), and (4) • Removing subsection (5)
Sec. 34-92	<ul style="list-style-type: none"> • Revision to section. • Sec. 34-92 moved to Sec. 34-94
Sec 34-93 Certain places exempt	<ul style="list-style-type: none"> • Addition to subsection (1) (3) and (4) • Revision to subsection (b)(1). • Removing subsection (5), (6), (7), and (8)
Sec 34-94 Prohibition of smoking in places of employment	<ul style="list-style-type: none"> • Addition to subsections (1) and (2) • Removal of subsections (3) and (4) • Sec. 34-94 moved to Sec. 34-92
Sec 34-95 Disposition of filters	<ul style="list-style-type: none"> • Removal of Sec 34-95
Sec 34-96 Penalties	<ul style="list-style-type: none"> • Revision to penalties
ARTICLE VI.-ILLEGAL SMOKING MATERIALS	<ul style="list-style-type: none"> • Removal of Article VI.

GOAL

To amend the code of ordinances to be consistent with State and Federal Law as well as with business practices and community goals in order to maintain sound, stable and desirable business practices.

COMMUNITY BENEFIT

It is the City’s desire to promote health and safety conditions for all establishments.

SUMMARY OF RECOMMENDED ACTION

The requirements in the municipal code are to promote the health and welfare of the city as a whole. The proposed updates to the ordinance will keep the city in line with State and Federal Laws as well as current smoking trends. For these reasons, the staff is recommending approval of the proposed amendments.

RECOMMENDATION

Approval of Ordinance 24-H-07

Attachments

- Ordinance 24 H 07 w attachments
- clean version of proposed ordinance
- redlined version of proposed ordinance
- Chapter 34 Article VI Removal
- City Council Presentation Slides

ORDINANCE NO. 24-H-07

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS
AMENDING SCHERTZ CODE OF ORDINANCES, CHAPTER 34 HEALTH, ARTICLE
IV – SMOKING IN PUBLIC PLACES.**

WHEREAS, the City staff of the City of Schertz (the “**City**”) recommended that the City Council approve the amended Code of Ordinances, Chapter 34 Health, Article IV to address proposed updates to smoking ordinance.

WHEREAS, the City staff has provided the amended Code of Ordinances, Chapter 34 attached hereto as Exhibit A.

WHEREAS, on May 7, 2024, the City Council conducted a public hearing and after consideration of the amendments to Chapter 34 Health has determined that the proposed amendments are appropriate and in the interest of the public safety, health, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SCHERTZ, TEXAS:**

Section 1. The current Code of Ordinances, Chapter 34 Health, Article IV is hereby amended as set out in Exhibit A attached hereto.

Section 2. Article VI – Illegal Smoking Materials of Chapter 34 of the current Code of Ordinances is deleted in its entirety.

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

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

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

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

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

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

PASSED ON FIRST READING, the ____ day of _____ 2024.

PASSED APPROVED and ADOPTED ON SECOND READING, the ____ day of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

Exhibit "A"

Code of Ordinances

Chapter 34 Health

Article IV- Smoking in Public Places

Sec. 34-89. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bar means any commercial establishment that derives 51 percent or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code and has a valid on-premises consumption license issued by the Texas Alcoholic Beverage Commission.

City facility means any building owned or operated by the City of Schertz.

Electronic smoking device means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or a consumable liquid or other material aerosolized or vaporized during the use of an electronic cigarette or device. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor, and aerosol, liquid, or vapor used in such a device.

Employee means any person who is employed by an employer in consideration for monetary compensation or profit.

Employer means any person, partnership, corporation, association, or other entity that employs one or more persons.

Enclosed Area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not it contains openings of any kind.

Place of employment means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a place of employment unless it is used as a child care, adult day care, or health care facility.

Public place means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, bars, bingo facilities, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, recreational facilities, city facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

Recreational facilities means any public or private area open to the public for recreational purposes, including but not limited to, parks, swimming pools, athletic facilities, athletic fields, playgrounds, or other city owned or operated areas with athletic, play, recreational equipment, or trails.

Restaurant means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term restaurant includes the bar area within a restaurant.

Retail Tobacco Store/Electronic Vaping Store means a retail store used primarily for the sale of tobacco products, electronic smoking devices, and related accessories in which the sale of other non-tobacco products is incidental, and includes vape shops or other establishments that primarily sell electronic smoking devices.

Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, including marijuana/cannabis, in any manner or in any form. Smoking includes the use of electronic smoking devices which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

Vaping means inhaling or exhaling vapors of electronic vaping liquid from an electronic vaping device.

(Ord. No. 01-H-24, § 7½-80, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-90. Article not to excuse noncompliance with other measures.

Nothing in this article excuses noncompliance with any state or federal law, provisions of this Code, or any other applicable ordinance of the city, or any rule or regulation adopted pursuant thereto, which prohibits smoking.

(Ord. No. 01-H-24, § 7½-81, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-91. Prohibition of smoking in public places, and other offenses.

A person commits an offense if he/she:

- (1) Knowingly smokes in an enclosed public place within the city, including but not limited to, the following places:
 - (a) Recreational facility;
 - (b) Lobbies, elevators, hallways, restrooms, reception areas, and other common areas;
 - (c) Restaurants and bars, except for outdoor seating areas designated as smoking;
- (2) The owner or operator of a public place commits an offense if the person fails to take necessary steps to prevent or stop another person from smoking in an enclosed area in a public place; or

(Ord. No. 01-H-24, § 7½-82, 11-20-2001; Ord. No. 07-H-32, I, 7-3-2007; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-92. Prohibition of smoking in places of employment.

Each employer who operates a place of employment in the city shall:

- (1) Prohibit smoking in all enclosed areas within places of employment. This includes common work areas, auditoriums, conference and meeting rooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, reception areas, lobbies, restrooms and all other enclosed areas.

(Ord. No. 01-H-24, § 7½-85, 11-20-2001; Ord. No. 07-H-32, I, 7-3-2007; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-93. Certain places exempt.

- (a) Smoking may be permitted in the following areas and if smoking is permitted the provisions of section 34-91 shall not apply:
 - (1) Retail Tobacco Store/Electronic Vaping Stores; provided, however, that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article; or
 - (2) Private residences (unless used as a child care, adult day care, or health care facility); or
 - (3) Hotel and motel rooms rented to guests and designated as a smoking room; or

- (4) Outdoor seating areas of restaurants, bars, or lounges if signs are posted at each entrance to such areas to inform potential patrons that the area allows smoking.
- (b) Notwithstanding any other provisions of this section, any owner, operator, manager, or other person who controls any public place described in this section may declare that entire public place or any portion of the public place as a nonsmoking area.

(Ord. No. 01-H-24, § 7½-84, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec.34-94. Signs required in public places and place of employment.

(a) “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted at every entrance in a public place and place of employment where smoking is prohibited by this ordinance, by the owner, operator, manager, or other person in control.

(b) The operator of a public place or place of employment shall conspicuously post signs in areas where smoking is permitted under Sec. 34-93

(Ord. No. 01-H-24, § 7½-83, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-95. Penalties.

Any person who violates any provision of this article shall be subject to a fine not exceeding two hundred dollars (\$200.00) for the first offense and shall be fined an amount not more than five hundred dollars (\$500) for each conviction after the first.

(Ord. No. 01-H-24, § 7½-87, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-96. Inconsistent provisions.

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

(Ord. No. 01-H-24, § 3, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Secs. 34-97, 34-98, 34-99. Reserved.

Sec. 34-89. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bar means any commercial establishment that derives 51 percent or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code and has a valid on-premises consumption license issued by the Texas Alcoholic Beverage Commission.

City facility means any building owned or operated by the City of Schertz.

Electronic smoking device means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or a consumable liquid or other material aerosolized or vaporized during the use of an electronic cigarette or device. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor, and aerosol, liquid, or vapor used in such a device.

Employee means any person who is employed by an employer in consideration for monetary compensation or profit.

Employer means any person, partnership, corporation, association, or other entity that employs one or more persons.

Enclosed Area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not it contains openings of any kind.

Place of employment means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a place of employment unless it is used as a child care, adult day care, or health care facility.

Public place means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, bars, bingo facilities, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, recreational facilities, city facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

Recreational facilities means any public or private area open to the public for recreational purposes, including but not limited to, parks, swimming pools, athletic facilities, athletic fields, playgrounds, or other city owned or operated areas with athletic, play, recreational equipment, or trails.

Restaurant means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term restaurant includes the bar area within a restaurant.

Retail Tobacco Store/Electronic Vaping Store means a retail store used primarily for the sale of tobacco products, electronic smoking devices, and related accessories in which the sale of other non-tobacco products is incidental, and includes vape shops or other establishments that primarily sell electronic smoking devices.

Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or

synthetic, including marijuana/cannabis, in any manner or in any form. Smoking includes the use of electronic smoking devices which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

Vaping means inhaling or exhaling vapors of electronic vaping liquid from an electronic vaping device.

(Ord. No. 01-H-24, § 7½-80, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-90. Article not to excuse noncompliance with other measures.

Nothing in this article excuses noncompliance with any state or federal law, provisions of this Code, or any other applicable ordinance of the city, or any rule or regulation adopted pursuant thereto, which prohibits smoking.

(Ord. No. 01-H-24, § 7½-81, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-91. Prohibition of smoking in public places, and other offenses.

A person commits an offense if he/she:

- (1) Knowingly smokes in an enclosed public place within the city, including but not limited to, the following places:
 - (a) Recreational facility;
 - (b) Lobbies, elevators, hallways, restrooms, reception areas, and other common areas;
 - (c) Restaurants and bars, except for outdoor seating areas designated as smoking;
- (2) The owner or operator of a public place commits an offense if the person fails to take necessary steps to prevent or stop another person from smoking in an enclosed area in a public place; or

(Ord. No. 01-H-24, § 7½-82, 11-20-2001; Ord. No. 07-H-32, I, 7-3-2007; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-92. Prohibition of smoking in places of employment.

Each employer who operates a place of employment in the city shall:

- (1) Prohibit smoking in all enclosed areas within places of employment. This includes common work areas, auditoriums, conference and meeting rooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, reception areas, lobbies, restrooms and all other enclosed areas.

(Ord. No. 01-H-24, § 7½-85, 11-20-2001; Ord. No. 07-H-32, I, 7-3-2007; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-93. Certain places exempt.

- (a) Smoking may be permitted in the following areas and if smoking is permitted the provisions of section 34-91 shall not apply:

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- (1) Retail Tobacco Store/Electronic Vaping Stores; provided, however, that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article; or
 - (2) Private residences (unless used as a child care, adult day care, or health care facility); or
 - (3) Hotel and motel rooms rented to guests and designated as a smoking room; or
 - (4) Outdoor seating areas of restaurants, bars, or lounges if signs are posted at each entrance to such areas to inform potential patrons that the area allows smoking.
- (b) Notwithstanding any other provisions of this section, any owner, operator, manager, or other person who controls any public place described in this section may declare that entire public place or any portion of the public place as a nonsmoking area.

(Ord. No. 01-H-24, § 7½-84, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec.34-94. Signs required in public places and place of employment.

(a) “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted at every entrance in a public place and place of employment where smoking is prohibited by this ordinance, by the owner, operator, manager, or other person in control.

(b) The operator of a public place or place of employment shall conspicuously post signs in areas where smoking is permitted under Sec. 34-93

(Ord. No. 01-H-24, § 7½-83, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-95. Penalties.

Any person who violates any provision of this article shall be subject to a fine not exceeding two hundred dollars (\$200.00) for the first offense and shall be fined an amount not more than five hundred dollars (\$500) for each conviction after the first.

(Ord. No. 01-H-24, § 7½-87, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-96. Inconsistent provisions.

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

(Ord. No. 01-H-24, § 3, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Secs. 34-97, 34-98, 34-99. Reserved.

Sec. 34-89. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bar means any commercial establishment that derives 51 percent or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code and has a valid on-premises consumption license issued by the Texas Alcoholic Beverage Commission.

City facility means any building owned or operated by the City of Schertz.

Dining area means any area in which meals or entrees are served but shall not include areas where the incidental service of hors d'oeuvres, snacks, pretzels, popcorn, or similar items are provided, or where food sales in the area are less than five percent of gross receipts.

Electronic smoking device means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or a consumable liquid or other material aerosolized or vaporized during the use of an electronic cigarette or device. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor, and aerosol, liquid, or vapor used in such a device.

Employee means any person who is employed by an employer in consideration for monetary compensation or profit.

Employer means any person, partnership, corporation, association, or other entity that employs one or more persons.

Enclosed Area means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not it contains openings of any kind.

~~*HVAC system* means a single heating, ventilating, and air conditioning system.~~

Place of employment means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a place of employment unless it is used as a childcare, adult day care, or health care facility. ~~any enclosed indoor area under the control of an employer to which employees have access during the course of employment, and includes but is not limited to stores, offices, professional, financial, and other commercial establishments; restaurants; enclosed shopping malls; public and private institutions of higher education; the common areas of health care facilities, and nursing and convalescent home.~~

Public place means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, bars, bingo facilities, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, recreational facilities, city facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. The term "public place" also includes the area within 25 feet of the exterior of any public entrance or public exit from any city facility. If any "recreational facility" is fenced or otherwise enclosed, for purposes of the definition of "public place", such "recreational facility" shall include all areas within 25 feet outside of such fence or enclosure. If any "recreational facility" is not fenced or otherwise enclosed, for purposes of the definition of "public place", such "recreational facility" shall include all areas within 25 feet of each item of athletic, play, or recreational equipment. A private residence is not a "public place" unless if it is used as a childcare, adult day care, or health care facility.

Recreational facilities means any public or private area open to the public for recreational purposes, including but not limited to, ~~city owned or operated~~ parks, swimming pools, athletic facilities, athletic fields, playgrounds, or other city owned or operated areas with athletic, play, ~~or~~ recreational equipment, or trails.

Restaurant means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public-school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term restaurant includes the bar area within a restaurant.

Retail Tobacco Store/Electronic Vaping Store means a retail store used primarily for the sale of tobacco products, electronic smoking devices, and related accessories in which the sale of other non-tobacco products is incidental, and includes vape shops or other establishments that primarily sell electronic smoking devices.

Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, including marijuana/cannabis, in any manner or in any form. Smoking includes the use of electronic smoking devices which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article. ~~the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or device, or the lighting of, emitting, or exhaling the smoke of a pipe, cigar, or cigarette of any kind.~~

Vaping means inhaling or exhaling vapors of electronic vaping liquid from an electronic vaping device.

(Ord. No. 01-H-24, § 7½-80, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-90. Article not to excuse noncompliance with other measures.

Nothing in this article excuses noncompliance with any state or federal law, provisions of this Code, or any other applicable ordinance of the city, or any rule or regulation adopted pursuant thereto, which prohibits smoking.

(Ord. No. 01-H-24, § 7½-81, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-91. Prohibition of sSmoking in public places generally prohibited, and other offenses.

A person commits an offense if he/she:

- (1) Knowingly smokes in an enclosed public place within the city, including but not limited to, the following places: ~~and is not in an area designated as an employee smoking area or as a smoking area under this article; or~~
 - (a) Recreational facility;
 - (b) Lobbies, elevators, hallways, restrooms, reception areas, and other common areas;
 - (c) Restaurants and bars, except for outdoor seating areas designated as smoking;
- (2) ~~Is the owner, lessee, or other person in charge of a public place or restaurant and knowingly or intentionally permits, or fails to make a reasonable effort to prevent commission, by another, of the offense described within subsection (1) of this section;~~ The owner or operator of a public place commits an offense if the person fails to take necessary steps to prevent or stop another person from smoking in an enclosed area in a public; place or
- (3) ~~Fails to have prominently displayed a no-smoking sign, a designated smoking area sign as required by this article; or~~

-
- (4) ~~Is an employer who operates a place of employment in the city and fails to adopt and implement a smoking policy which is consistent with the requirements of this article within three months of adoption of this article or upon opening for business, or fails to maintain thereafter a written smoking policy which is consistent with the requirements of this article; or~~
 - (5) ~~Is an employer who operates a place of employment in the city and fails to communicate a smoking policy which is consistent with the requirements of this article to all employees within three weeks of adoption of the policy or fails to post the smoking policy conspicuously in all workplaces under the employer's jurisdiction.~~

(Ord. No. 01-H-24, § 7½-82, 11-20-2001; Ord. No. 07-H-32, I, 7-3-2007; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-94 Sec. 34-92. Prohibition of smoking in places of employment.

~~Each employer who operates a place of employment in the city shall, within three months of adoption of this article or upon opening for business, adopt, implement, and maintain a written smoking policy which is consistent with the requirements of this article. If smoking will be permitted, the policy shall contain, at a minimum, the following provisions and requirements:~~

- (1) ~~The owner, lessee, or other person in charge of a public place may, but is not required to, designate one or more areas as smoking areas for the use of the employees as part of the smoking policy provided for in this section. A designated employee smoking area may include private enclosed offices. Designated employee smoking areas may be located in areas to which employees, but not the general public, except by invitation only, have access during the course of employment. A common employee work area shall not be designated as an employee smoking area unless every person who works in that area agrees in writing to the designation. In no event shall an employee restroom or an area containing food or drink dispensing facilities be designated as an employee smoking area. **Prohibit smoking in all enclosed areas within places of employment. This includes common work areas, auditoriums, conference and meeting rooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, reception areas, lobbies, restrooms and all other enclosed areas.**~~
- (2) ~~If such employee smoking area is designated, each such smoking area shall:~~
 - a. ~~Be in an area set aside for the use of employees, but not accessible to members of the general public except by specific invitation of the employer or employee;~~
 - b. ~~Be ventilated to prevent the mixing of air from the designated employee smoking area to other areas or the public area;~~
 - c. ~~Be a physically enclosed area separated from nonsmoking areas;~~
 - d. ~~Be designated by appropriate signs which are clearly visible to employees and members of the public entering the area; and~~
 - e. ~~Contain ashtrays, containers, or other facilities for the extinguishment of smoking materials.~~
- (3) ~~The smoking policy shall be communicated within three weeks of adoption of all employees and shall be posted conspicuously in all workplaces under the employer's jurisdiction.~~
- (4) ~~The owner, lessee, or other person in charge of a public place that designates one or more areas as designated smoking areas for the public shall not require employees to work in a designated smoking area if the employee request to work in a nonsmoking area.~~

(Ord. No. 01-H-24, § 7½-85, 11-20-2001; Ord. No. 07-H-32, I, 7-3-2007; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-93. Certain places exempt.

- (a) Smoking may be permitted in the following areas and if smoking is so permitted the provisions of section 34-91 shall not apply:
- (1) ~~Tobacco specialty retail shops~~ **Retail Tobacco Store/Electronic Vaping Stores**; provided, however, that **smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this article**; or
 - (2) Private residences (unless used as a child care, adult day care, or health care facility); or
 - (3) Hotel and motel rooms rented to guests **and designated as a smoking room**; or
 - (4) ~~Enclosed meeting or assembly rooms in restaurants, hotels, motels, and other public places if the entire room is used for a private function; or~~
 - (4) **Outdoor seating areas of restaurants, bars, or lounges if signs are posted at each entrance to such areas to inform potential patrons that the area allows smoking.**
 - (5) ~~Businesses licensed to sell alcoholic beverages on premises or nonprofit commercial facilities, provided in either case that food sales do not constitute more than 25 percent of such business's or organization's gross receipts; or~~
 - (6) ~~Any facility other than a restaurant otherwise described as a public place which has installed a separate HVAC system and air filtering equipment for a designated smoking area encompassing not more than 25 percent of the total seating area; or~~
 - (7) ~~A special separate dining area of any restaurant with an area serving as a dining area in compliance with this Article, if the separate dining area is enclosed on all sides and has a separate HVAC system or if it is enclosed on three sides, has a separate HVAC system, and is removed by 15 feet from any area in which smoking is not allowed and has air filtering equipment installed by April 1, 2002; the smoking section shall be situated so the ventilation minimizes the effect of smoke in nonsmoking areas and so that air from the smoking area is not drawn across a nonsmoking area; or~~
 - (8) ~~Outdoor seating areas of restaurants if an area encompassing at least 25 percent of the seating is reserved for nonsmoking.~~
- (b) ~~(1) Notwithstanding any other provisions of this section, any owner, operator, manager, or other person who controls any public place described in this section may declare that entire public place or any portion of the public place as a nonsmoking area. The owner, operator, manager, or other person who controls the public place shall place a sign or signs, visible at each entrance to the premises, notifying persons entering the premises that smoking is prohibited, or that smoking, other than within designated smoking areas, is prohibited.~~
- ~~(2) A person commits an offense if he knowingly smokes in any public place or portion thereof declared a nonsmoking area in accordance with subsection (b)(1) of this section.~~

(Ord. No. 01-H-24, § 7½-84, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

~~Sec. 34-92~~ **Sec.34-94. Signs required in public places and place of employment.**

- (a) "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously**

posted at every entrance in a public place and place of employment where smoking is prohibited by this ordinance, by the owner, operator, manager, or other person in control.

(b) The operator of a public place or place of employment shall conspicuously post signs in areas where smoking is permitted under Sec. 34-93

~~The owner, lessee, or other person in charge of a public place shall place a sign or signs, visible at each entrance to the premises, notifying persons entering the premises that smoking is prohibited, or that smoking, other than within designated smoking areas, is prohibited. The owner, lessee, or other person in charge of a public place shall post a sign, or signs, in each area designated as smoking.~~

(Ord. No. 01-H-24, § 7½-83, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-95. Disposition of filters.

~~All filter used in HVAC systems and other air filtration devices under this article shall be disposed of in compliance with requirements established by the Texas Commission on Environmental Quality.~~

(Ord. No. 01-H-24, § 7½-86, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-965. Penalties.

Any person who violates any provision of this article shall be subject to a fine not exceeding **two hundred dollars (\$200.00) for the first offense and shall be fined an amount not more than five hundred dollars (\$500) for each conviction after the first.** ~~each offense.~~

(Ord. No. 01-H-24, § 7½-87, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Sec. 34-976. Inconsistent provisions.

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

(Ord. No. 01-H-24, § 3, 11-20-2001; Ord. No. 11-M-06, § 1, 4-19-2011)

Secs. 34-97, 34-98, 34-99. Reserved.

ARTICLE VI. ILLEGAL SMOKING MATERIALS

Sec. 34-110. Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings.

Person shall mean an individual, a group of two or more individuals, proprietorship, corporation, partnership, association, wholesaler, retailer, or any licensed or unlicensed business.

Illegal smoking material shall mean any plant or other substance, natural or synthetic, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one or more of the following substances or chemicals:

- (1) ~~Salvia divinorum or salvinorin A—all parts of the plant currently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts;~~
- (2) ~~2[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;~~
- (3) ~~(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-211 or Dexanabinol);~~
- (4) ~~1-pentyl-3-(1-naphthyl)indole (also known as JWH-018);~~
- (5) ~~1-butyl-3-(1-naphthyl)indole (also known as JWH-073); or~~
- (6) ~~1-pentyl-3-(4-methoxynaphthyl)indole (also known as JWH-081).~~

Products containing some or all of the above substances are potentially marketed under, but not limited to the following chemical names:

~~"K-2," "K-2 Summit," "K-2 Sex," "Genie," "Descents," "Zohai," "Sage," "Spice," "Sence," "Smoke," "Skunk," "KO nock-out 2," "Spice Gold," "Spice Diamond," "Yucatan Fire," "Solar Flare," "Pep Spice," "Fire N' Ice," "Blaze," "Red X Dawn," "Salvia Divinorum" and "Salvoria A".~~

Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this article, regardless of whether they are marketed under alternative names.

Illegal smoking material paraphernalia shall mean any paraphernalia, equipment or utensil that is used or intended to be used in ingesting or inhaling illegal smoking materials and may include, but is not limited to the following:

- (1) ~~A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;~~
- (2) ~~A water pipe;~~
- (3) ~~A carburation tube or device;~~
- (4) ~~A smoking or carburation mask;~~
- (5) ~~A chamber pipe;~~

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- (6) ~~— A carburetor pipe;~~
 - (7) ~~— An electric pipe;~~
 - (8) ~~— An air-driven pipe;~~
 - (9) ~~— A chillum;~~
 - (10) ~~— A bong; or~~
 - (11) ~~— An ice pipe or chiller.~~

(Ord. No. 10-H-37, Art. I, 12-14-2010)

~~Sec. 34-111. Purpose.~~

~~The purpose of this article is to prohibit the manufacture, purchase, sale, offer for sale, delivery, or gift of illegal smoking materials as defined herein within the corporate limits of the City of Schertz, and to prohibit the possession or use of illegal smoking materials and illegal smoking material paraphernalia within the corporate limits of the City of Schertz. Any form of delivery, including without limitation a simple gift, constitutes a violation of this article by all parties involved.~~

(Ord. No. 10-H-37, Art. I, 12-14-2010)

~~Sec. 34-112. Manufacture, display, purchase, sell, deliver, offer, barter, or give.~~

~~It shall be unlawful for any person to manufacture, purchase, sell, offer for sale, barter, publicly display, deliver, or to give any illegal smoking material to any person within the corporate limits of the City of Schertz.~~

(Ord. No. 10-H-37, Art. I, 12-14-2010)

~~Sec. 34-113. Possession or use of illegal smoking materials.~~

~~It shall be unlawful for any person to have in his or her possession, or to use, inject, ingest, inhale, or otherwise introduce into the human body, illegal smoking materials within the corporate limits of the City of Schertz.~~

(Ord. No. 10-H-37, Art. I, 12-14-2010)

~~Sec. 34-114. Possession or use of illegal smoking material paraphernalia.~~

~~It shall be unlawful for any person to have in his or her possession any illegal smoking material paraphernalia with the intent to use it, to ingest, inhale or otherwise consume or introduce into the human body illegal smoking material. It is a violation of this section if a person is found in possession of illegal smoking material paraphernalia and appropriate forensic testing is done by the city or at its request on the paraphernalia showing traces of illegal smoking material present on the paraphernalia.~~

(Ord. No. 10-H-37, Art. I, 12-14-2010)

~~Sec. 34-115. Affirmative defenses to prosecution.~~

~~It shall be an affirmative defense to prosecution for a violation of this article:~~

-
- (a) ~~If the use of the illegal smoking material is at the direction or under a prescription issued by a licensed physician or dentist authorized to prescribe controlled substances within the State of Texas.~~
 - (b) ~~If an individual charged with a violation can provide proper and complete historic documentation that the use of such materials is a portion of a religious undertaking or activity of a religious denomination in which they have long standing historic membership supported by documentation from clergy or spiritual leader recognized by the State of Texas.~~
 - (c) ~~If the sale or possession of Salvinorin A was in conjunction with ornamental landscaping and used solely for that purpose.~~

~~(Ord. No. 10 H 37, Art. I, 12-14-2010)~~

Sec. 34-116. Penalties.

- (a) ~~Any person, firm or corporation violating a provision of this article shall be guilty of a Class C misdemeanor and shall, upon conviction, be subject to a fine of not less than \$100.00, nor more than \$2,000.00.~~
- (b) ~~In addition to the fine, the City of Schertz shall be entitled to restitution for expenses incurred by it in connection with the testing of substances related to the fine. The restitution under this subsection (b) and fine under (a) above together shall not exceed \$2,000.00.~~
- (c) ~~A violation constitutes a separate offense for each regulated item involved.~~
- (d) ~~A violation constitutes a separate offense for each day a violation continues.~~
- (e) ~~The penal provisions imposed under this article shall not preclude the City of Schertz from filing a civil suit to enjoin the violation of this article. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.~~

~~(Ord. No. 10 H 37, Art. I, 12-14-2010)~~

Secs. 34-117—34-120. Reserved.

CHAPTER 34 ARTICLE IV

PROPOSED UPDATE

SMOKING IN PUBLIC PLACES

AMANDA CANTU
SANITARIAN

EVOLUTION OF SMOKING DEVICES



CURRENT LANGUAGE TO MATCH STATE LAW

- Update language/terminology/definitions to match State rules throughout chapter 34 article IV
- Electronic smoking device, Minor, Retail Tobacco Store, and Vaping
- Addition to subsections 34-89, 34-93, 34-94, 34-96
- Revisions to subsections 34-91, 34-94, 34-95, and 34-96
- Removal of Sec. 34-95 Disposition of filters
- Expand Penalties
- Removal of ARTICLE.- ILLEGAL SMOKING MATERIALS

COMMENTS & QUESTIONS

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E-mail Address

healthinspector@schertz.com

SCHERTZ
COMMUNITY. SERVICE. OPPORTUNITY.

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024

Department: Planning & Community Development

Subject: Ordinance 24-S-18 - Conduct a public hearing and consider a request to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), known as Bexar County Property Identification Number 308385, also known as 12396 Schaefer Road, City of Schertz, Bexar County, Texas. *First Reading* (B.James/L.Wood/D.Marquez)

BACKGROUND

The applicant is requesting to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A). The subject property is currently a single-family home.

On March 20, 2024, ten (10) public hearing notices were mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of the staff report, seven (7) responses in favor, zero (0) responses neutral, and zero (0) responses in opposition have been received. A public hearing notice was published in the "San Antonio Express" on April 10, 2024. Additionally, one (1) sign was placed on the property. The Planning and Zoning Commission held a public hearing for this item on April 3, 2024.

GOAL

The proposed zone change is for approximately 1.8 acres of land to Single-Family Residential/ Agricultural District (R-A). The applicant wished to rezone their property to be able to pull future permits for their home.

COMMUNITY BENEFIT

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

SUMMARY OF RECOMMENDED ACTION

To the north of the property, there are single-family homes within the City of Schertz Extraterritorial Jurisdiction (ETJ). To the east and south, the property is Pre-Development District (PRE) and is used for agriculture and is undeveloped. To the west of the property is Right-of-Way, also known as Schaefer Road.

When evaluating zone changes, staff uses criteria listed in UDC Section 21.5.4.D. The criteria are listed below.

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

The proposed Single-Family Residential / Agricultural District (R-A) does implement the policies of

the adopted Comprehensive Land Plan. The Comprehensive Land Use Plan classifies the subject property and area as Complete Neighborhood. The intent of the Complete Neighborhood land use designation is a general area characterized by a mix of housing options with supporting land uses, but when considering the appropriateness of housing density, factors such as roadway classification and conflicts among land uses should be considered. The proposed Single-Family Residential/ Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan designation as per its statement of purpose and intent from UDC Section 21.5.5.

The intention of the Single-Family Residential/ Agricultural District (R-A) is to provide a district suitable for minimum half-acre lots where development may be premature. The surrounding properties include single-family homes and some agricultural uses that are within the City of Schertz Extraterritorial Jurisdiction (ETJ), with some still maintaining Pre-Development District (PRE) since their annexation.

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

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. The chosen Single-Family Residential/ Agricultural District (R-A) dimensional and development standards as stated in Section 21.5.7.A of the Unified Development Code, are compatible with what is in the surrounding area.

Table 21.5.7.A Dimensional Requirements Residential Zoning Districts										
		Minimum Lot Size Dimensions			Minimum Yard Setback (Ft)					Miscellaneous Lot Requirements
Code	Zoning District	Area Sq.Ft	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Impervious Coverage
R-A	Single-Family Residential/ Agricultural	21,780	-	-	25	25-	25	2	35	50%

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

Yes, the permitted uses in Single-Family Residential/ Agricultural District (R-A) are appropriate within the immediate area of the land to be reclassified. The purpose and intent of the Single-Family Residential/ Agricultural District (R-A) is to provide areas in which agricultural land may be held in such use for as long is practical and reasonable, with minimum half-acre lots, and where development may be premature due to lack of utilities, capacity or services, as per UDC Section 21.5.5.

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

The entry point for the subject property is on Schaefer Road. Schaefer Road is a Secondary Arterial with a 90-foot Right-of-Way. To the south of the subject property, Raf Burnette is a Planned Secondary Arterial with a 90-foot Right-of-Way and is also known as the planned East & West Connector.

The subject property is currently serviced by the City of Schertz for water. The property currently has an on-site septic system.

A public hearing notice was mailed to Schertz-Cibolo-Universal City Independent School District to notify them of the proposed zone change. Included as attachments are the most recent Demographic Report 3Q23 for SCUCISD as well as the most recent 10-Year Campus Forecasting Presentation. The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

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

When the property was annexed, the property was established as Pre-Development District (PRE). The intent of the Pre-Development District (PRE) is to be a temporary designation for existing uses or newly annexed properties. The applicant would like to pull building permits for their home and since Pre-Development District (PRE) is simply a placeholder, a zone change is required.

6. Whether there is an error in the original zoning of the property for which a change is requested; There was no error in the original zoning of the property.

The property has been Pre-Development District (PRE) since it was annexed into the City of Schertz in 2011 with Ordinance 11-A-22. Pre-Development District (PRE) is a placeholder and this property along with others in this area and around southern Schertz were given Pre-Development District (PRE) instead of zoning each individual property.

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

This does not impact the first reading at City Council.

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

Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special consideration from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

The proposed zone change to Single-Family Residential/Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan and is appropriate within the immediate area of the subject property, thus Staff recommends approval of Ordinance 24-S-18.

The Planning and Zoning Commission met on April 3, 2024, and made a recommendation of approval with a 6-0 vote.

Attachments

Ordinance 24-S-18 with attachments

Aerial Exhibit

Public Hearing Notice Map

Public Hearing Responses

Zoning Exhibit

SCUCISD 10 Year Campus Forecasting

SCUCISD Demographic Report

200' Notification Protest Map

City Council Presentation Slides

ORDINANCE NO. 24-S-18

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 1.8 ACRES OF LAND FROM PRE-DEVELOPMENT DISTRICT (PRE) TO SINGLE-FAMILY RESIDENTIAL/ AGRICULTURAL DISTRICT (R-A), KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER 308385, MORE SPECIFICALLY KNOWN AS 12396 SCHAEFER ROAD, SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, an application to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural (R-A), known as Bexar County Property Identification Number 308385, more specifically described as 12396 Schaefer Road, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

WHEREAS, on April 3, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council of approval; and

WHEREAS, on May 7, 2024, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

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

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

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

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

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

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

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

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

PASSED ON FIRST READING, the _____ of _____ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description- Metes and Bounds

Exhibit "A" Property Description - Metes and Bounds

FIELD NOTES

August 22, 2022

Revised October 26, 2022

BEING 1.821 acres of land, more or less, out of the G. Malpaz Survey No. 67, Abstract 464, County Block 5054, Bexar County, Texas and also being out of a 33.749 acre tract described in Volume 5553, Page 453 of the Real Property Records of Bexar County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the existing northeast R.O.W. line of Schaefer Road for the most northwesterly corner of this tract and the most northwesterly corner of the above referenced 33.749 acre tract, said point also being the most southwesterly corner of Lost Meadows Subdivision, Unit 4 as recorded in Volume 9200, Pages 127-128 of the Deed and Plat Records of Bexar County, Texas;

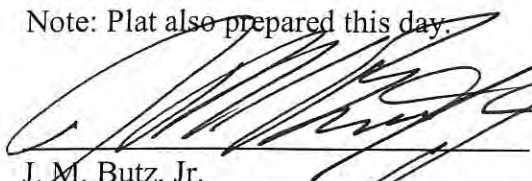
THENCE, N 58°45'29" E, (*Ref. Brg. N 58°45'29" E-5553/453*) 432.06 feet generally along an existing fence and the common line with said subdivision to an iron rod set in same for the most northeasterly corner of this tract;

THENCE, S 31°14'31" E, 178.15 feet along the common line with a 30.951 acre tract, surveyed this day, to an iron rod set for the most southeasterly corner of this tract;

THENCE, S 57°45'11" W, 380.55 feet along the common line with said 30.951 acre tract to an iron rod set in the existing northeast R.O.W. line of Schaefer Road for the most southwesterly corner of this tract;

THENCE, N 28°56'41" W, (*N 28°50'00" W-5553/453*) 186.01 feet along said northeast R.O.W. line to the POINT OF BEGINNING and containing 1.821 acres of land, more or less.

Note: Plat also prepared this day.

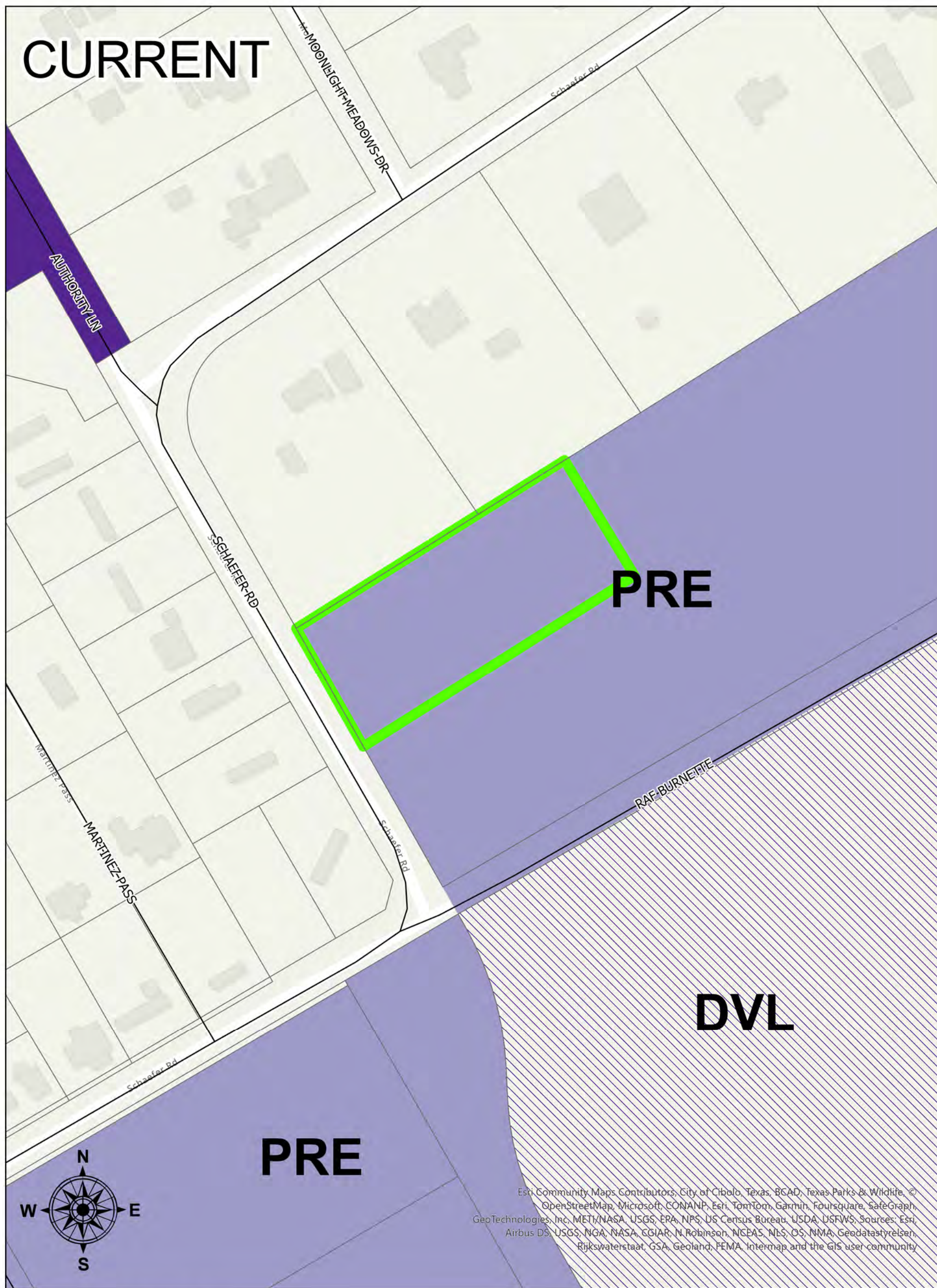

J. M. Butz, Jr.
Registered Professional Land Surveyor
No. 2024



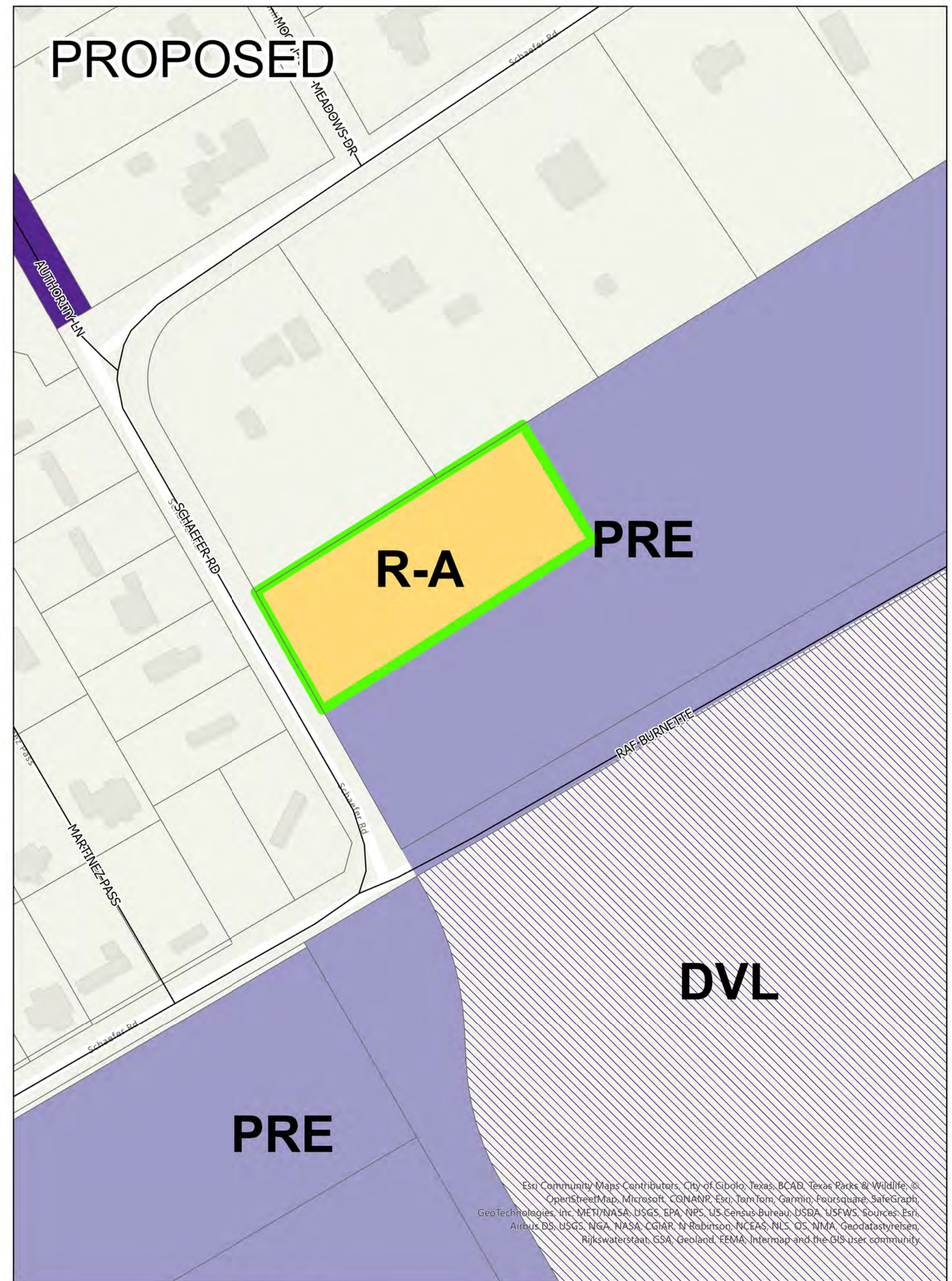
FN12-149.A1.rev

Exhibit "B"
Zone Change Exhibit

CURRENT



PROPOSED

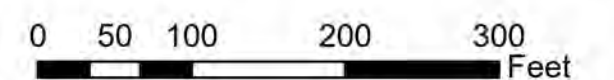


Proposed Zoning Change 12396 Schaefer Rd

Exhibit "B": Zone Change Exhibit

Classification

- (PRE) Pre-Development
- (PDD) Planned Development
- (PUB) Public Use
- (R-A) Single-family Residential/Agricultural
- (R-1) Single-Family Residential
- (R-2) Single-Family Residential
- (R-3) Two-Family Residential
- (R-4) Apartment/Multi-Family Residential
- (R-6) Single-family Residential
- (R-7) Single-family Residential
- (AD) Agricultural District
- (GH) Garden Home/Single-Family Residential (Zero Lot Line)
- (TH) Townhome
- (MHS) Manufactured Home Subdivision
- (MHP) Manufactured Home Parks
- (GB-2) General Business II
- (NS) Neighborhood Services
- (OP) Office and Professional
- (MSMU) Main Street Mixed Use
- (MSMU-ND) Main Street Mixed Use New Development
- (M-1) Manufacturing (Light)
- (M-2) Manufacturing (Heavy)
- (DVL) Development Agreement (Delayed Annexation)



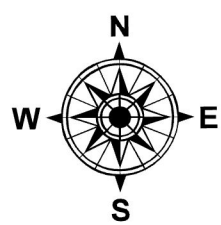
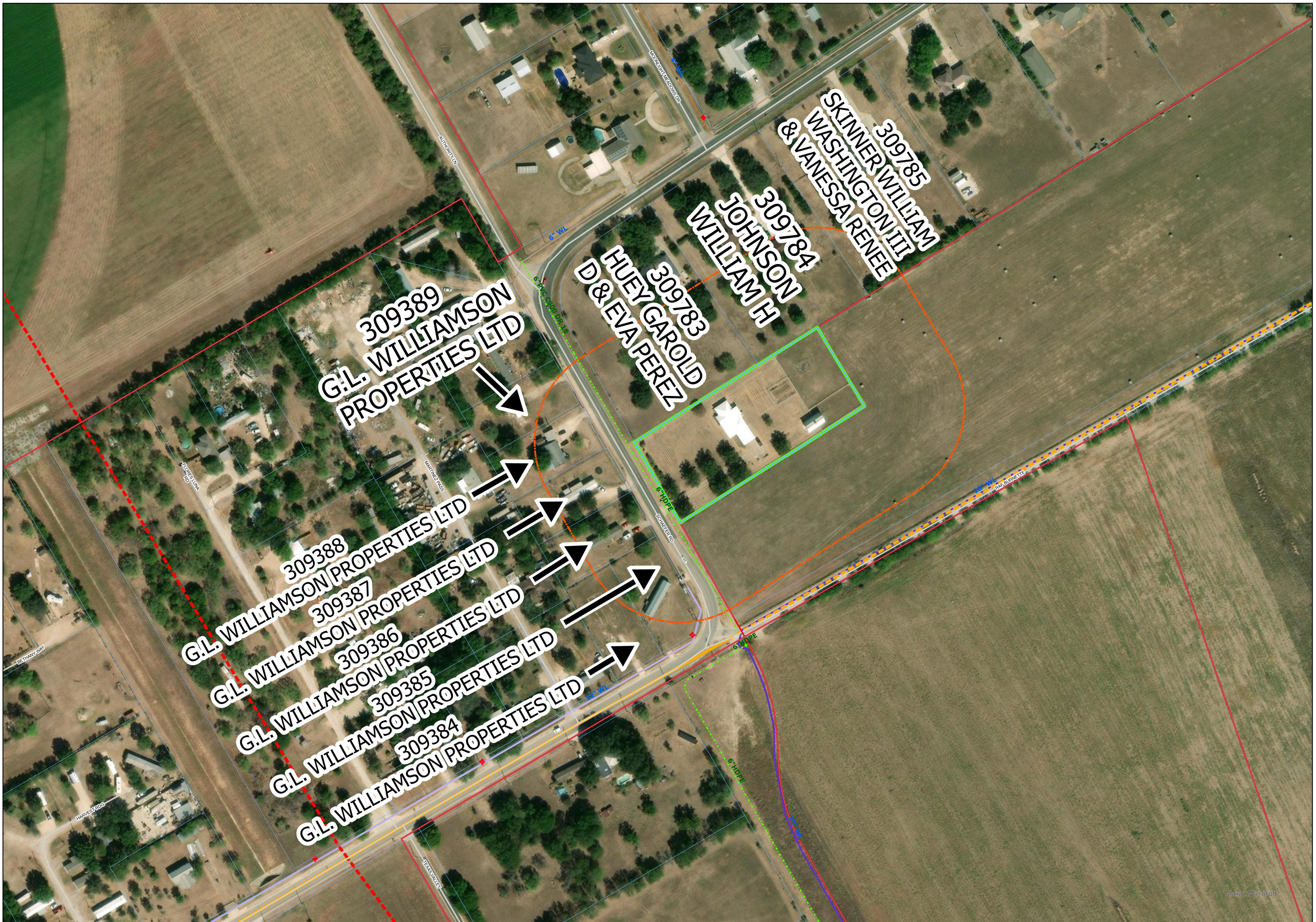
Last update: March 20, 2024

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

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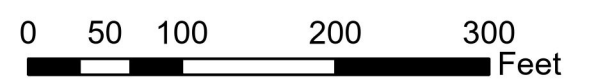
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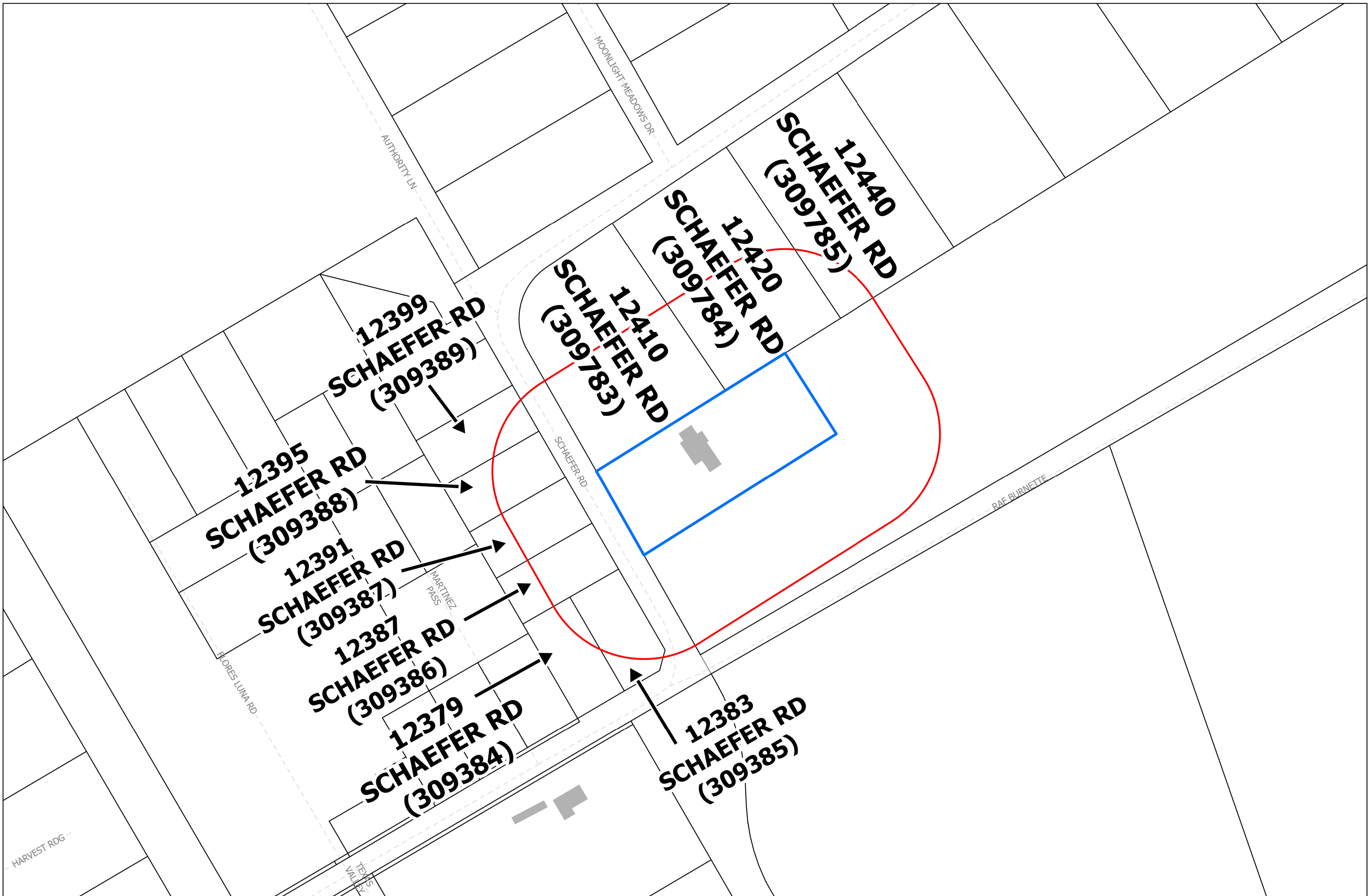


SCHIERTZ
COMMUNITY • SERVICE • OPPORTUNITY

12396 SCHAEFER RD REZONE
(PLZC20240040)

<ul style="list-style-type: none"> Highways Major Roads Minor Roads 	<ul style="list-style-type: none"> Freeway Principal Arterial Planned Principal Arterial Secondary Arterial Planned Secondary Arterial Secondary Rural Arterial 	<ul style="list-style-type: none"> Planned Secondary Rural Arterial Residential Collector Planned Residential Collector Planned Commercial Collector B Commercial Collector A Planned Commercial Collector A 	<ul style="list-style-type: none"> 1" 2" 3" 4" 6" 	<ul style="list-style-type: none"> 8" 10" 12" 16" 18" 	<ul style="list-style-type: none"> 20" 24" 30" 36" Unknown 	<ul style="list-style-type: none"> Schertz Gravity Schertz Pressure Neighboring Gravity Private Pressure 	<ul style="list-style-type: none"> Hydrant Manholes CCMA Lift Station Private Lift Station 	<ul style="list-style-type: none"> Schertz Lift Station CCMA Treatment Plant Schertz Treatment Plant County Boundaries Schertz Municipal Boundary ETJ
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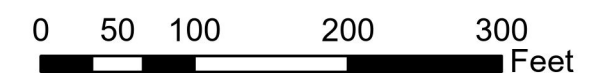
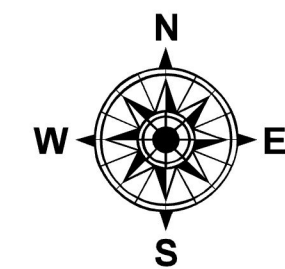




City of Schertz

12396 SCHAEFER RD REZONE
(PLZC20240040)

-  Project Area
-  200' Buffer



NOTICE OF PUBLIC HEARING

March 20, 2024

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, April 3rd, 2023 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

PLZC20240040 – Hold a public hearing and make a recommendation on a request to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential / Agricultural District (R-A), known as Bexar County Property Identification Number 308385, also known as 12396 Schaeffer Road, City of Schertz, Bexar County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. You may return the reply form below by mail or personal delivery to Daisy Marquez, Planner, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail: planning@schertz.com. If you have any questions, please feel free to call Daisy Marquez, Planner at (210) 619-1782.

Sincerely,



Daisy Marquez, AICP
Planner

Reply Form:

*City Council will have two readings on the request after the recommendation from the Planning and Zoning Commission. This form is used to calculate the protest in accordance with LGC, Local Government Code 211.006(d). **The written protest must be received by City no later than noon (central time) on the Friday before each reading by the City Council.** If the name of the person signing this form does not match the name listed as the owner on the appraisal district website, proof of ownership is required in order for this to count towards the protest.*

I am: in favor of opposed to neutral to the request for **PLZC20240040**

COMMENTS: _____

NAME: Michael Thiel Burnett SIGNATURE: 
(PLEASE PRINT)

STREET ADDRESS: 12396 Schaeffer Rd

DATE: 3-26-24

PLZC20240040
12396 Schaefer Rd

My dad bought approximately 33 acres in Bexar county approximately 34 years ago. He built a house and barn on part of the property and the rest he sprigged coastal bermuda on. For years he raised and sold horse quality coastal hay. Dad passed away in 2021 and my sister and I inherited the place. We sold the field shortly after we received ownership. I had lived with dad in his house since 2003 so I decided to buy out my sister so that I can continue living here. The reason I'm asking for the rezoning is because of the way my property is zoned now I cannot add or build anything on it. The only thing I can do is make repairs. Like my dad said when he built this place he was never going to move and would die here. I feel the same way, I do not plan on moving. I would very much appreciate y'all changing my zoning to R&A and I appreciate y'all's consideration in this matter.

Sincerely,
Michael T Burnette

A handwritten signature in black ink that reads "Michael T. Burnette". The signature is written in a cursive style and is positioned below the typed name.

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I am: in favor of opposed to neutral to the request for **PLZC20240040**

COMMENTS: _____

NAME: THOMAS L BROWN

(PLEASE PRINT)

SIGNATURE 

STREET ADDRESS: 12379 Schaeffer Rd

DATE: 4/1/2024

NOTICE OF PUBLIC HEARING

March 20, 2024

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Sincerely,

[Handwritten signature of Daisy Marquez]

Daisy Marquez, AICP
Planner

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I am: in favor of [checked] opposed to [] neutral to [] the request for PLZC20240040

COMMENTS: _____

NAME: THOMAS L. BROWN SIGNATURE [Handwritten Signature]
(PLEASE PRINT)

STREET ADDRESS: 12383 Schaeffer Rd

DATE: 4/1/2024

NOTICE OF PUBLIC HEARING

March 20, 2024

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[Handwritten signature]

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I am: in favor of [checked] opposed to [] neutral to [] the request for PLZC20240040

COMMENTS: _____

NAME: THOMAS BROWN (PLEASE PRINT) SIGNATURE [Handwritten Signature]

STREET ADDRESS: 12387 Schaeffer Rd

DATE: 4/1/2024

NOTICE OF PUBLIC HEARING

March 20, 2024

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[Handwritten signature of Daisy Marquez]

Daisy Marquez, AICP
Planner

Reply Form:

City Council will have two readings on the request after the recommendation from the Planning and Zoning Commission. This form is used to calculate the protest in accordance with LGC, Local Government Code 211.006(d). The written protest must be received by City no later than noon (central time) on the Friday before each reading by the City Council. If the name of the person signing this form does not match the name listed as the owner on the appraisal district website, proof of ownership is required in order for this to count towards the protest.

I am: in favor of [checked] opposed to [] neutral to [] the request for PLZC20240040

COMMENTS: []

NAME: THOMAS BROWN SIGNATURE [Handwritten signature]

(PLEASE PRINT)

STREET ADDRESS: 12391 Schaeffer Rd

DATE: 4-1-2024

NOTICE OF PUBLIC HEARING

March 20, 2024

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, April 3rd, 2023 at 6:00 p.m. located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make a recommendation on the following item:

PLZC20240040 – Hold a public hearing and make a recommendation on a request to rezone approximately 1.8 acres of land from Pre-Development District (PRE) to Single-Family Residential / Agricultural District (R-A), known as Bexar County Property Identification Number 308385, also known as 12396 Schaeffer Road, City of Schertz, Bexar County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. You may return the reply form below by mail or personal delivery to Daisy Marquez, Planner, 1400 Schertz Parkway, Schertz, Texas 78154, or by e-mail: planning@schertz.com. If you have any questions, please feel free to call Daisy Marquez, Planner at (210) 619-1782.

Sincerely,

[Handwritten signature of Daisy Marquez]

Daisy Marquez, AICP
Planner

Reply Form:

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COMMENTS: _____

NAME: THOMAS BROWN (PLEASE PRINT) SIGNATURE [Handwritten signature]

STREET ADDRESS: 12395 Schaeffer Rd

DATE: 4/1/2024

NOTICE OF PUBLIC HEARING

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Sincerely,

[Handwritten signature]

Daisy Marquez, AICP
Planner

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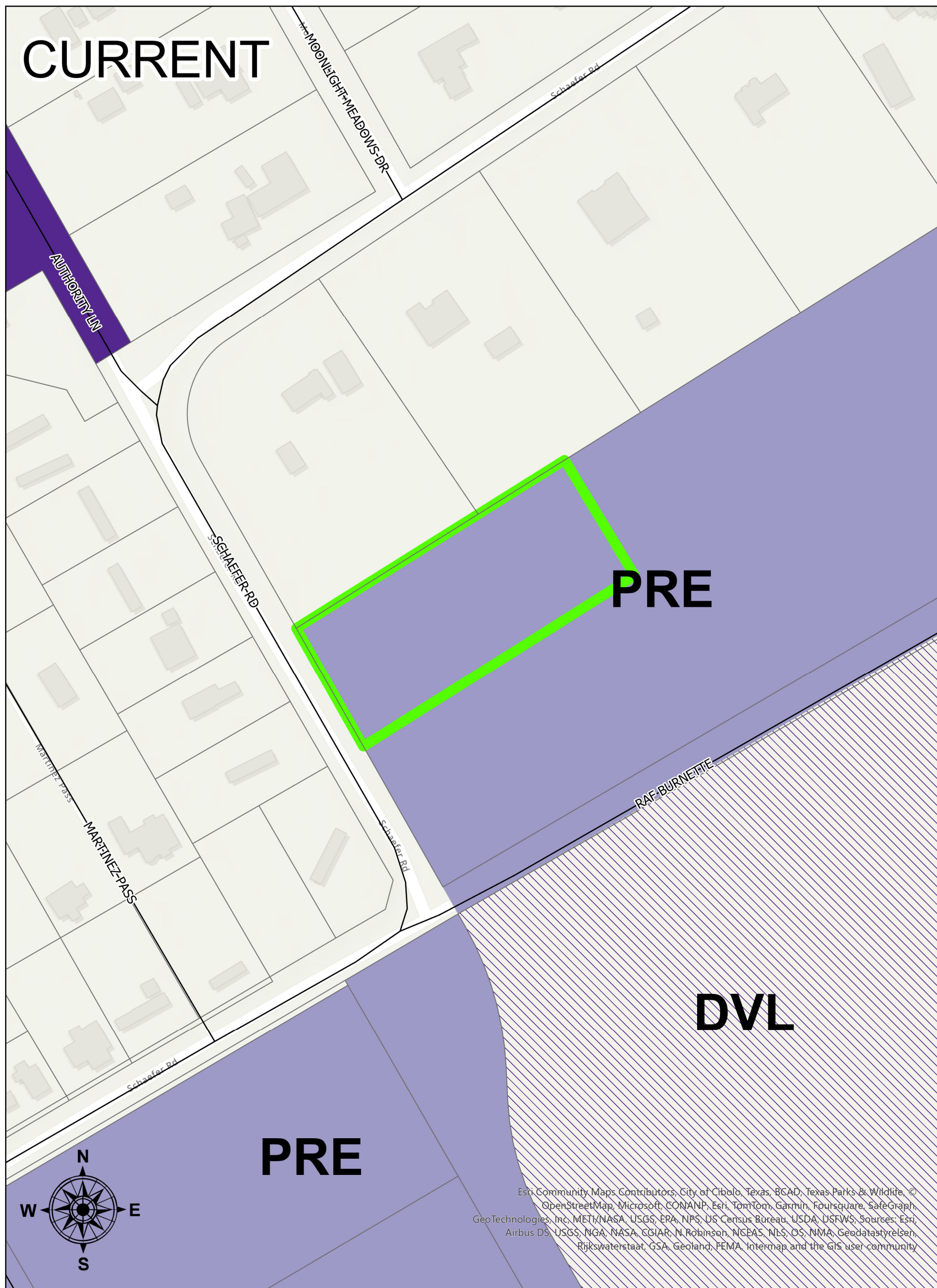
COMMENTS: _____

NAME: THOMAS BROWN SIGNATURE [Handwritten Signature]
(PLEASE PRINT)

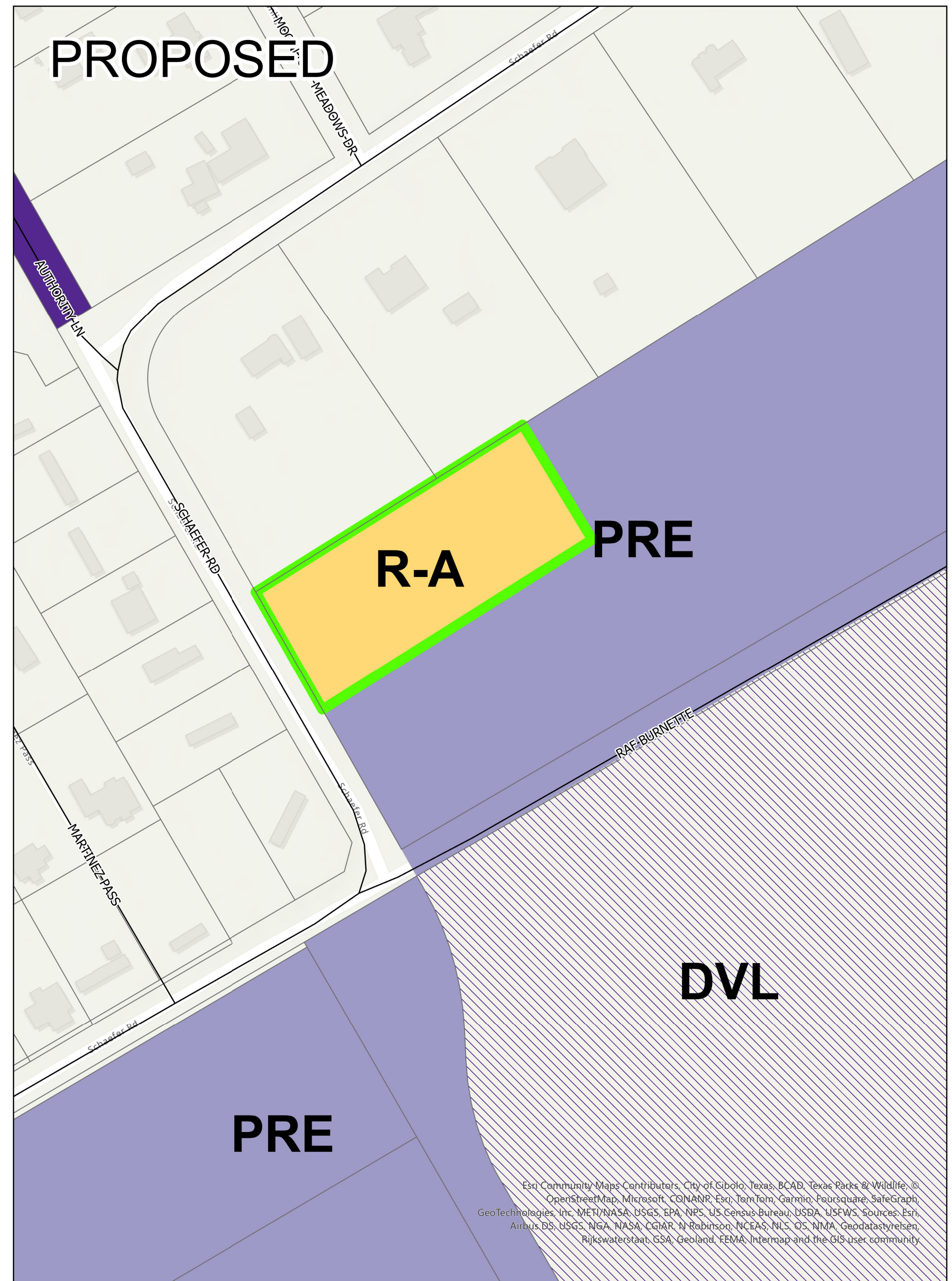
STREET ADDRESS: 12399 Schaeffer Rd

DATE: 4/1/2024

CURRENT



PROPOSED



Proposed Zoning Change 12396 Schaefer Rd

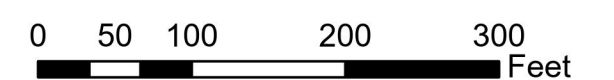
Classification

- (PRE) Pre-Development
- (PDD) Planned Development
- (PUB) Public Use
- (R-A) Single-family Residential/Agricultural
- (R-1) Single-Family Residential
- (R-2) Single-Family Residential
- (R-3) Two-Family Residential
- (R-4) Apartment/Multi-Family Residential
- (R-6) Single-family Residential
- (R-7) Single-family Residential
- (AD) Agricultural District
- (GH) Garden Home/Single-Family Residential (Zero Lot Line)
- (TH) Townhome
- (MHS) Manufactured Home Subdivision
- (MHP) Manufactured Home Parks
- (GB) General Business
- (GB-2) General Business II
- (NS) Neighborhood Services
- (OP) Office and Professional
- (MSMU) Main Street Mixed Use
- (MSMU-ND) Main Street Mixed Use New Development
- (M-1) Manufacturing (Light)
- (M-2) Manufacturing (Heavy)
- (DVL) Development Agreement (Delayed Annexation)



Last update: March 20, 2024
City of Schertz, GIS Specialist: Alexa Venezia Dasse, avdasse@schertz.com (210) 619-1174

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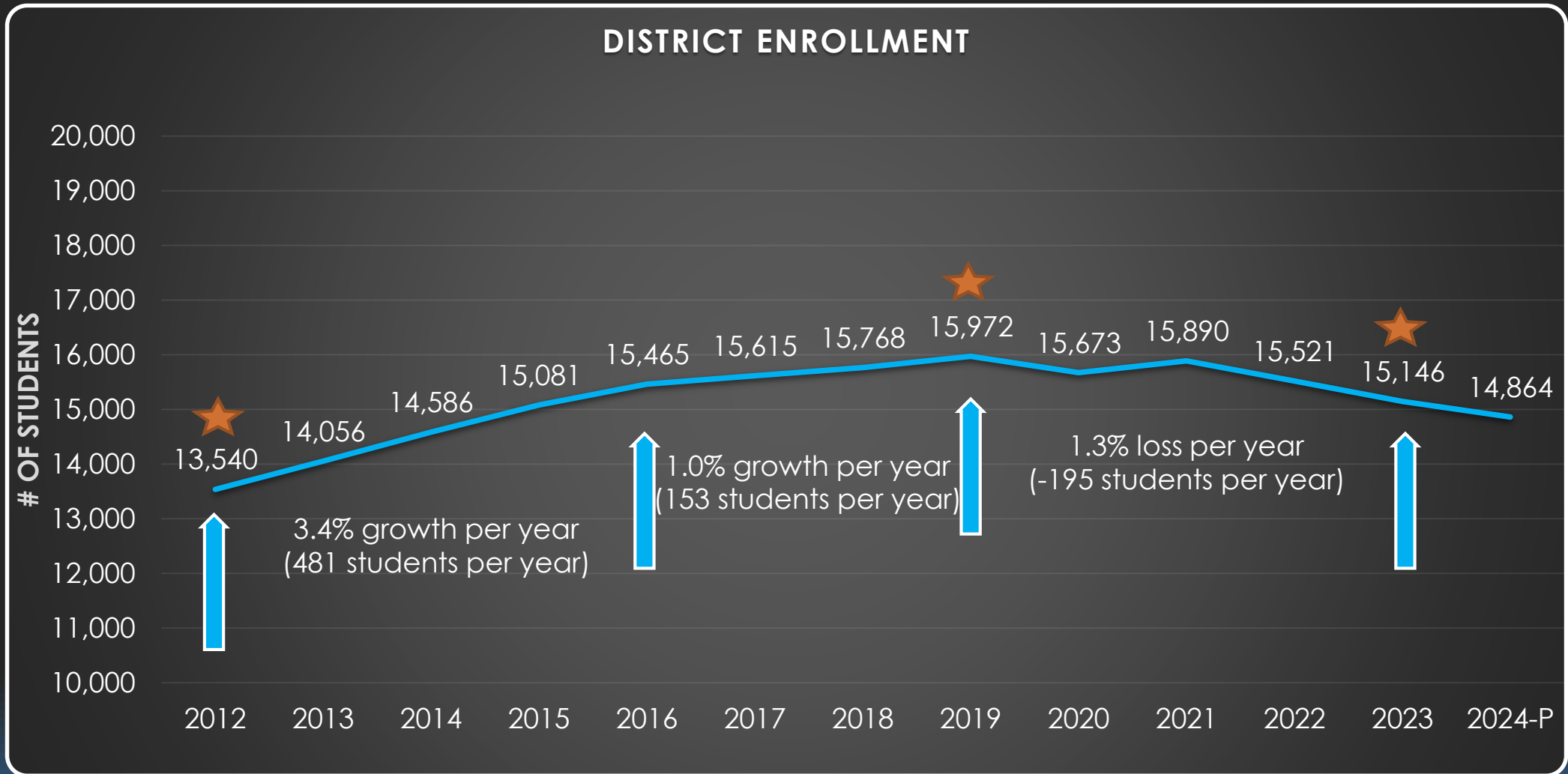
SCHERTZ - CIBOLO - UNIVERSAL CITY ISD

10 YEAR CAMPUS FORECASTING

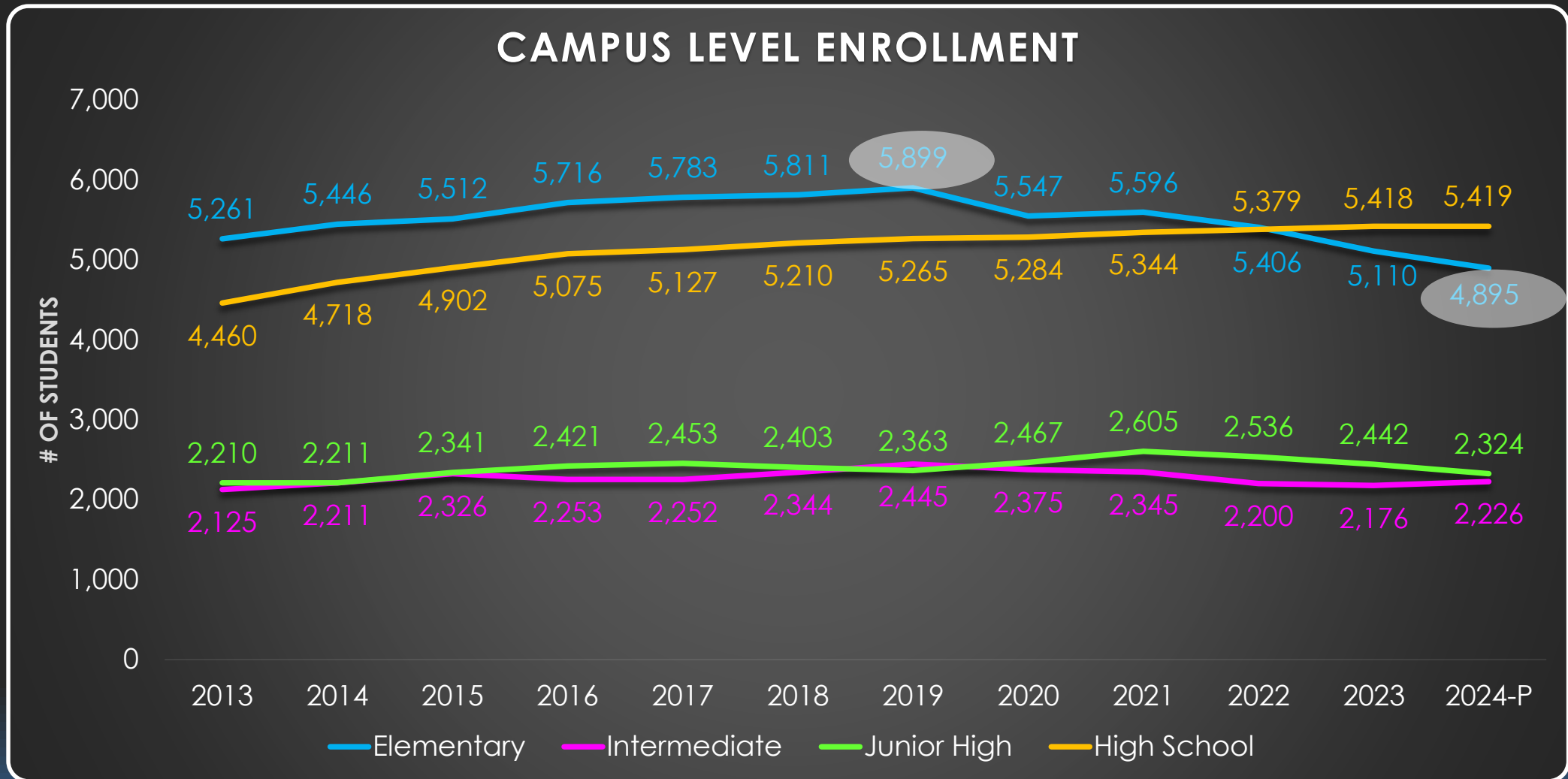
FORECASTING CONSIDERATIONS

- ENROLLMENT
 - HISTORICAL TRENDS
 - PROJECTIONS
 - TRANSFERS TO CHARTERS AND OTHER ISDs
- CAMPUS CAPACITY
- BONDING CAPACITY

HISTORICAL ENROLLMENT



HISTORICAL ENROLLMENT BY CAMPUS LEVEL



ENROLLMENT HISTORY BY LEVEL – OCTOBER

- 2019 TO 2023 ENROLLMENT DECREASE
 - HIGH SCHOOL ENROLLMENT HAS REMAINED STRONG
 - WE HAVE ADDED 154 HIGH SCHOOL STUDENTS SINCE 2019
 - AND JUNIOR HIGH HAS ONLY LOST 39 STUDENTS SINCE 2019
- ELEMENTARY IS WHERE WE HAVE FELT THE LARGEST DROP IN ENROLLMENT
 - SPECIFICALLY, 918 STUDENTS LOST SINCE 2019
 - AND 219 STUDENTS LOST AT THE INTERMEDIATE LEVEL.

STUDENT TRANSFERS

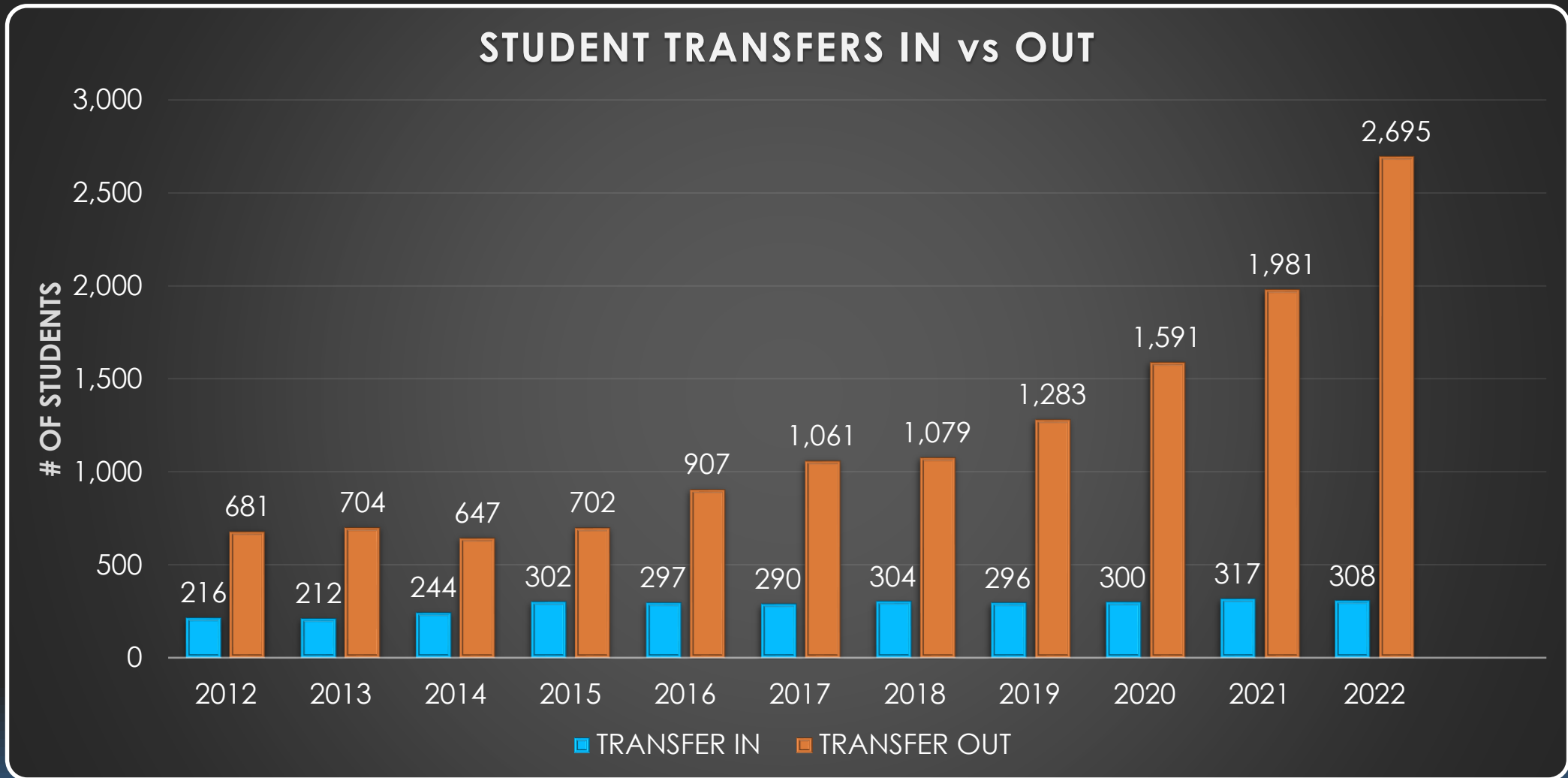
PEIMS YEAR	TRANSFER IN	TRANSFER OUT	DIFFERENCE
2012	216	681	-465
2013	212	704	-492
2014	244	647	-403
2015	302	702	-400
2016	297	907	-610
2017	290	1061	-771
2018	304	1079	-775
2019	296	1283	-987
2020	300	1591	-1291
2021	317	1981	-1664
2022	308	2695	-2387
2023	Data available in March		

First Year of Founders Charter School →

First Year of School of Science and Technology →

First Year of Legacy Traditional School →

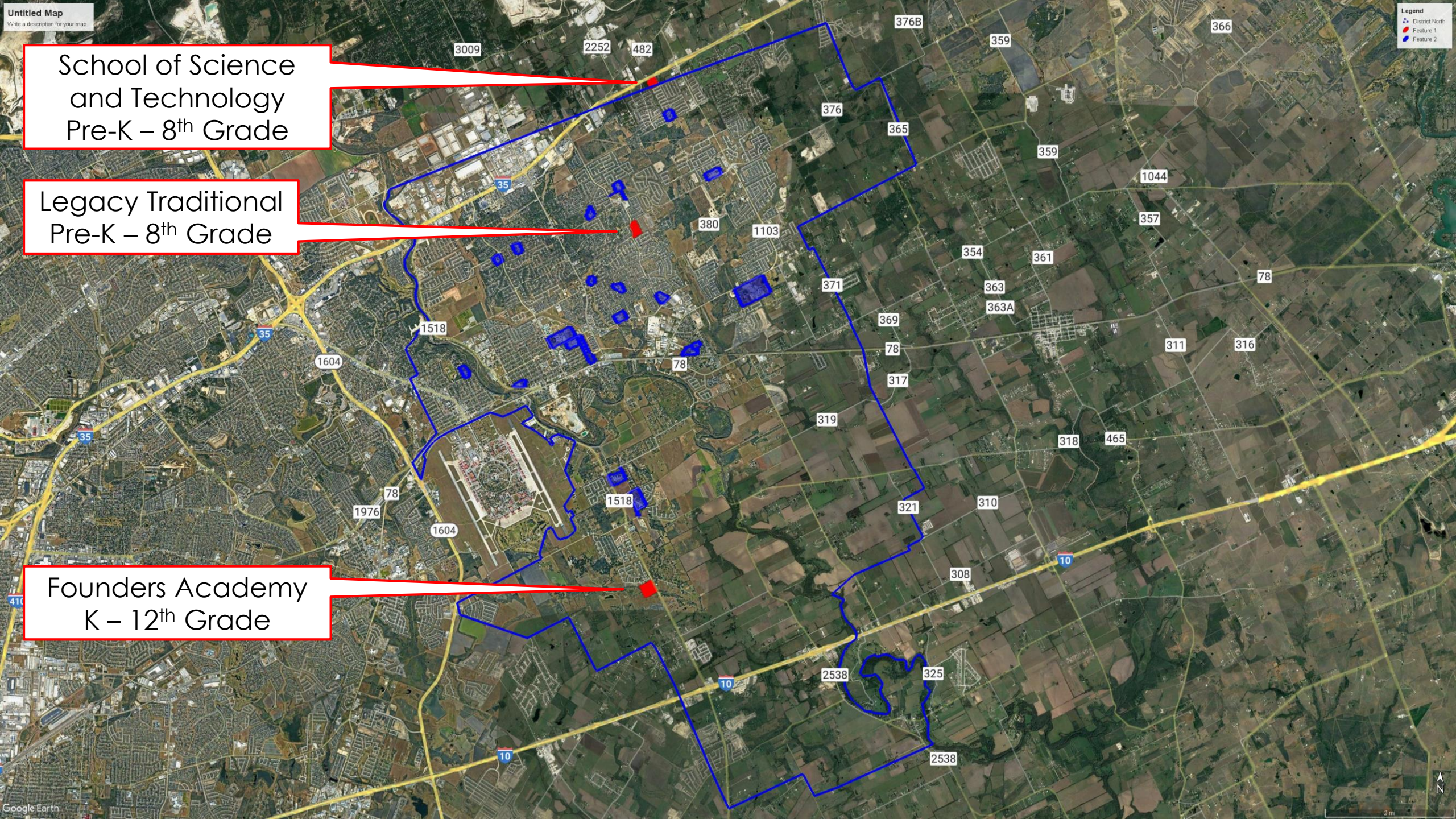
STUDENT TRANSFERS IN VS. OUT



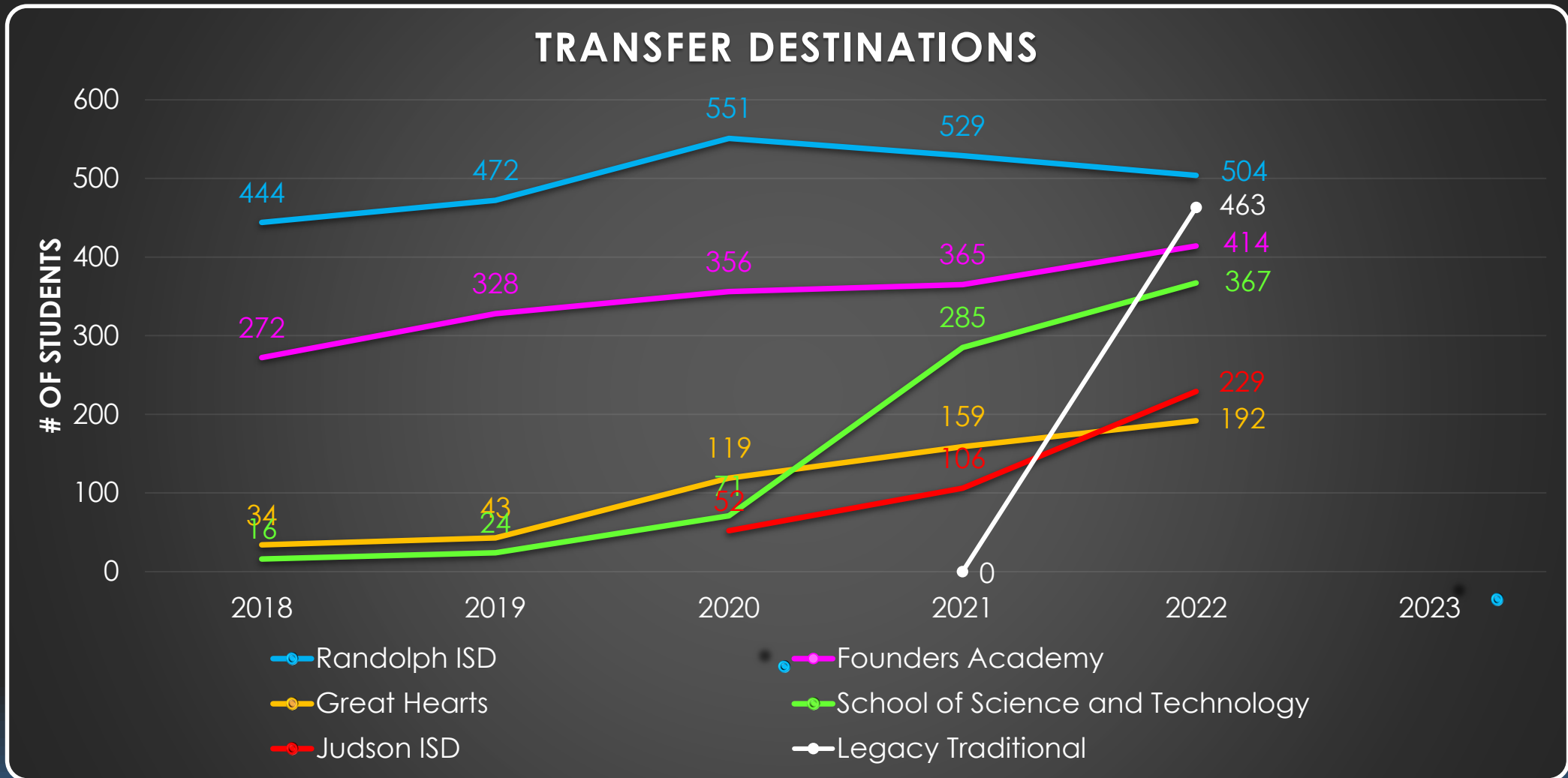
School of Science and Technology
Pre-K – 8th Grade

Legacy Traditional
Pre-K – 8th Grade

Founders Academy
K – 12th Grade

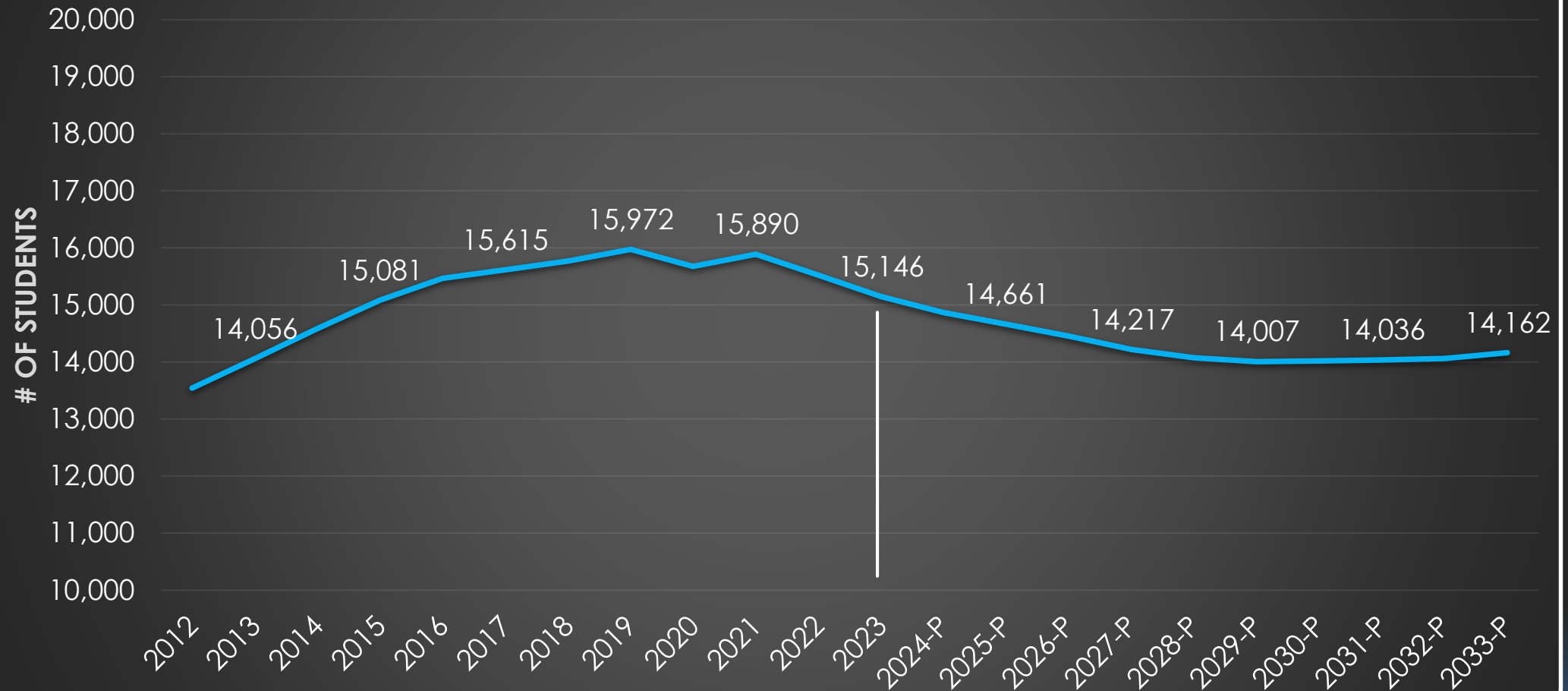


MAIN DESTINATIONS FOR TRANSFERS OUT



SO, HOW MANY STUDENTS WILL WE HAVE IN THE FUTURE?

DISTRICT HISTORICAL ENROLLMENT AND PROJECTIONS



ENROLLMENT PROJECTIONS

- OVER THE NEXT 6 YEARS OUR DISTRICT IS PROJECTED TO LOSE ON AVERAGE 1.3% OF OUR ENROLLMENT ANNUALLY.
 - RESULTING IN THE POTENTIAL DECLINE IN ENROLLMENT OF ANOTHER 1,139 STUDENTS OVER THE SAME PERIOD
 - LARGER GRADUATING CLASSES CONTINUE TO BE REPLACED WITH SMALLER PRE-K AND KINDER
 - GROWTH IN CHARTER ENROLLMENT IS LIKELY TO CONTRIBUTE TO THE SMALLER ELEMENTARY CLASS SIZES

PEIMS YEAR	PROJECTED ENROLLMENT	GROWTH (DECLINE)	PERCENTAGE CHANGE
2023	15,146	-375	-2.42%
2024-P	14,864	-282	-1.86%
2025-P	14,661	-203	-1.37%
2026-P	14,451	-210	-1.43%
2027-P	14,217	-234	-1.62%
2028-P	14,073	-144	-1.01%
2029-P	14,007	-66	-0.47%
2030-P	14,017	10	0.07%
2031-P	14,036	19	0.14%
2032-P	14,059	22	0.16%
2033-P	14,162	103	0.73%

ENROLLMENT PROJECTIONS

- BEGINNING IN 2030 THE DISTRICT IS EXPECTED TO BEGIN ADDING STUDENTS
 - INCOMING ELEMENTARY ENROLLMENT AND GRADUATING CLASSES BEGIN TO REACH A BALANCE
 - IN 2033 WE ARE PROJECTED TO RETURN TO THE ENROLLMENT WE HAD IN 2013

PEIMS YEAR	PROJECTED ENROLLMENT	GROWTH (DECLINE)	PERCENTAGE CHANGE
2023	15,146	-375	-2.44%
2024-P	14,864	-282	-1.86%
2025-P	14,661	-203	-1.37%
2026-P	14,451	-210	-1.43%
2027-P	14,217	-234	-1.62%
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2030-P	14,017	10	0.07%
2031-P	14,036	19	0.14%
2032-P	14,059	22	0.16%
2033-P	14,162	103	0.73%

WHY HAS IT BECOME SO HARD TO PROJECT ENROLLMENT?

- PRIOR TO COVID AND AREA CHARTER SCHOOLS, SCUC WAS ESSENTIALLY THE ONLY OPTION FOR PARENTS MOVING INTO OUR GROWING COMMUNITY.
 - WHEN PROJECTING GROWTH, BIRTH RATES AND HOUSING GROWTH WERE THE ONLY TWO MAJOR VARIABLES WE HAD TO CONSIDER.
- BEGINNING 2017 WITH THE FIRST AREA CHARTER SCHOOL, PARENTS BEGAN TO EXERCISE THEIR CHOICE.
 - WITH COVID WE SAW VIRTUAL LEARNING ENTER THE GAME AND HOMESCHOOLING BECAME MORE PREVALENT
 - OUR COMMUNITY ALSO CONTINUED TO EXPERIENCE AGING IN PLACE
- PROJECTING ENROLLMENT IS MUCH MORE DIFFICULT WITH THESE ADDED VARIABLES.

FORECASTING CONSIDERATIONS

- ENROLLMENT
 - HISTORICAL TRENDS
 - PROJECTIONS
 - TRANSFERS TO CHARTERS AND OTHER ISDs
- CAMPUS CAPACITY

UNDERSTANDING CAMPUS CAPACITY

- DESIGN CAPACITY

- CAPACITY OF A CAMPUS AS ARCHITECTURALLY DESIGNED WITH EVERY FULL-SIZE CLASSROOM AT FULL CAPACITY
- EX. SIPPEL ELEMENTARY HAS A DESIGN CAPACITY OF 750 STUDENTS

- FUNCTIONAL CAPACITY

- DESIGN CAPACITY OF A CAMPUS MINUS 10% TO ACCOUNT FOR SPECIAL PROGRAMS ON A CAMPUS THAT REDUCE THE CAPACITY OF A FULL-SIZE CLASSROOM
- EX. SIPPEL ELEMENTARY HAS A FUNCTIONAL CAPACITY OF 675 STUDENTS

- MAXIMUM CAPACITY

- CAMPUS CAPACITY CONSIDERING THE ADDITION OF PORTABLE CLASSROOM BUILDINGS TO THE DESIGN CAPACITY AND THE NUMBER OF STUDENTS THE COMMON AREAS OF THE CAMPUS CAN SUPPORT
- EX. SIPPEL ELEMENTARY HAS A MAXIMUM CAPACITY OF 1058 STUDENTS

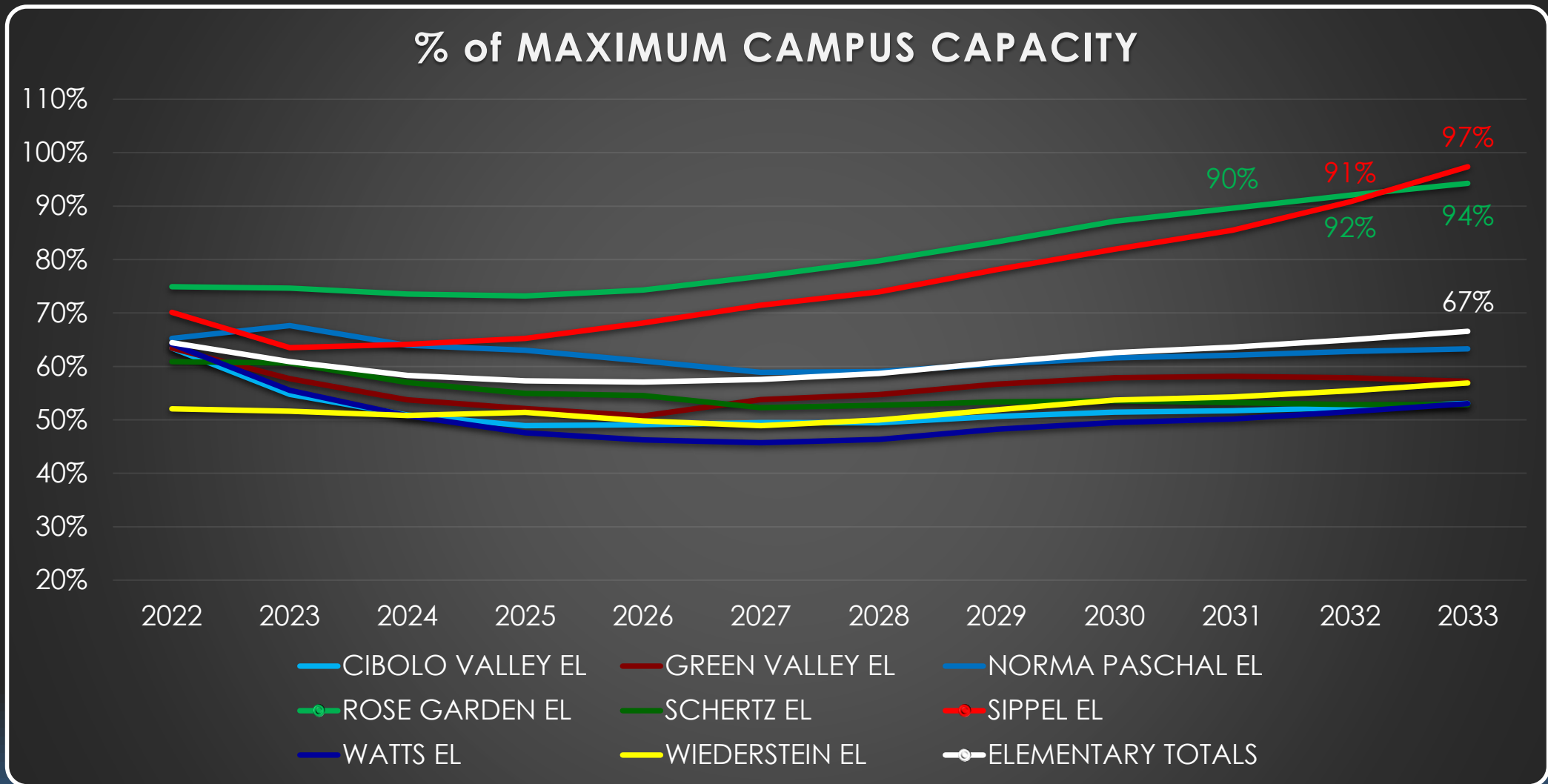
PLANNING USING OUR MAXIMUM CAPACITY

- WE BEGIN CONSIDERING THE USE OF **CAPACITY RELIEF TOOLS** WHEN A CAMPUS REACHES **90%** OF ITS MAXIMUM CAPACITY. THE DISTRICT HAS SEVERAL TOOLS AT OUR DISPOSAL
- TOOLS TO REDUCE/MAINTAIN THE ENROLLMENT OF A CAMPUS INCLUDE:
 - CAPPING ENROLLMENT OF THE CAMPUS TO NEW STUDENTS
 - MOVING SPECIAL PROGRAMS TO CAMPUSES WITH LOWER ENROLLMENTS
- TOOLS TO BALANCE THE ENROLLMENT AT CAMPUSES INCLUDE:
 - REZONING THE ATTENDANCE BOUNDARIES
- TOOLS TO INCREASE THE CAPACITY OF THE CAMPUS/DISTRICT INCLUDE:
 - ADDING PORTABLE CLASSROOM BUILDINGS
 - ADDING TO OR RENOVATING THE EXISTING BUILDING
 - BUILDING A NEW CAMPUS TO THE DISTRICT

ELEMENTARY CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
CIBOLO VALLEY EL	891	1,200	761	657	611	587	589	594	594	608	617	620	627	637
% Max Capacity			63%	55%	51%	49%	49%	49%	49%	51%	51%	52%	52%	53%
GREEN VALLEY EL	673	924	586	533	497	482	469	497	506	524	535	537	535	529
% Max Capacity			63%	58%	54%	52%	51%	54%	55%	57%	58%	58%	58%	57%
NORMA PASCHAL EL	673	924	603	625	591	582	564	544	546	559	569	574	580	585
% Max Capacity			65%	68%	64%	63%	61%	59%	59%	60%	62%	62%	63%	63%
ROSE GARDEN EL	891	1,200	899	896	882	878	891	923	957	999	1,046	1,075	1,104	1,131
% Max Capacity			75%	75%	74%	73%	74%	77%	80%	83%	87%	90%	92%	94%
SCHERTZ EL	675	1,102	671	668	628	605	601	576	581	588	591	586	582	582
% Max Capacity			61%	61%	57%	55%	55%	52%	53%	53%	54%	53%	53%	53%
SIPPEL EL	675	1,058	742	672	679	690	721	756	782	827	867	904	961	1,030
% Max Capacity			70%	64%	64%	65%	68%	71%	74%	78%	82%	85%	91%	97%
WATTS EL	673	924	593	513	469	440	428	423	428	446	457	463	476	490
% Max Capacity			64%	56%	51%	48%	46%	46%	46%	48%	49%	50%	52%	53%
WIEDERSTEIN EL	675	1,058	551	546	538	544	527	517	529	549	568	574	587	602
% Max Capacity			52%	52%	51%	51%	50%	49%	50%	52%	54%	54%	55%	57%
ELEMENTARY TOTALS	5,826	8,390	5,406	5,110	4,895	4,808	4,790	4,830	4,922	5,099	5,250	5,335	5,453	5,587
% Max Capacity			64%	61%	58%	57%	57%	58%	59%	61%	63%	64%	65%	67%
Elementary Percent Change			-3.40%	-5.48%	-4.21%	-1.78%	-0.37%	0.83%	1.91%	3.59%	2.96%	1.63%	2.20%	2.46%
Elementary Absolute Change			-190	-296	-215	-87	-18	40	92	177	151	85	117	134

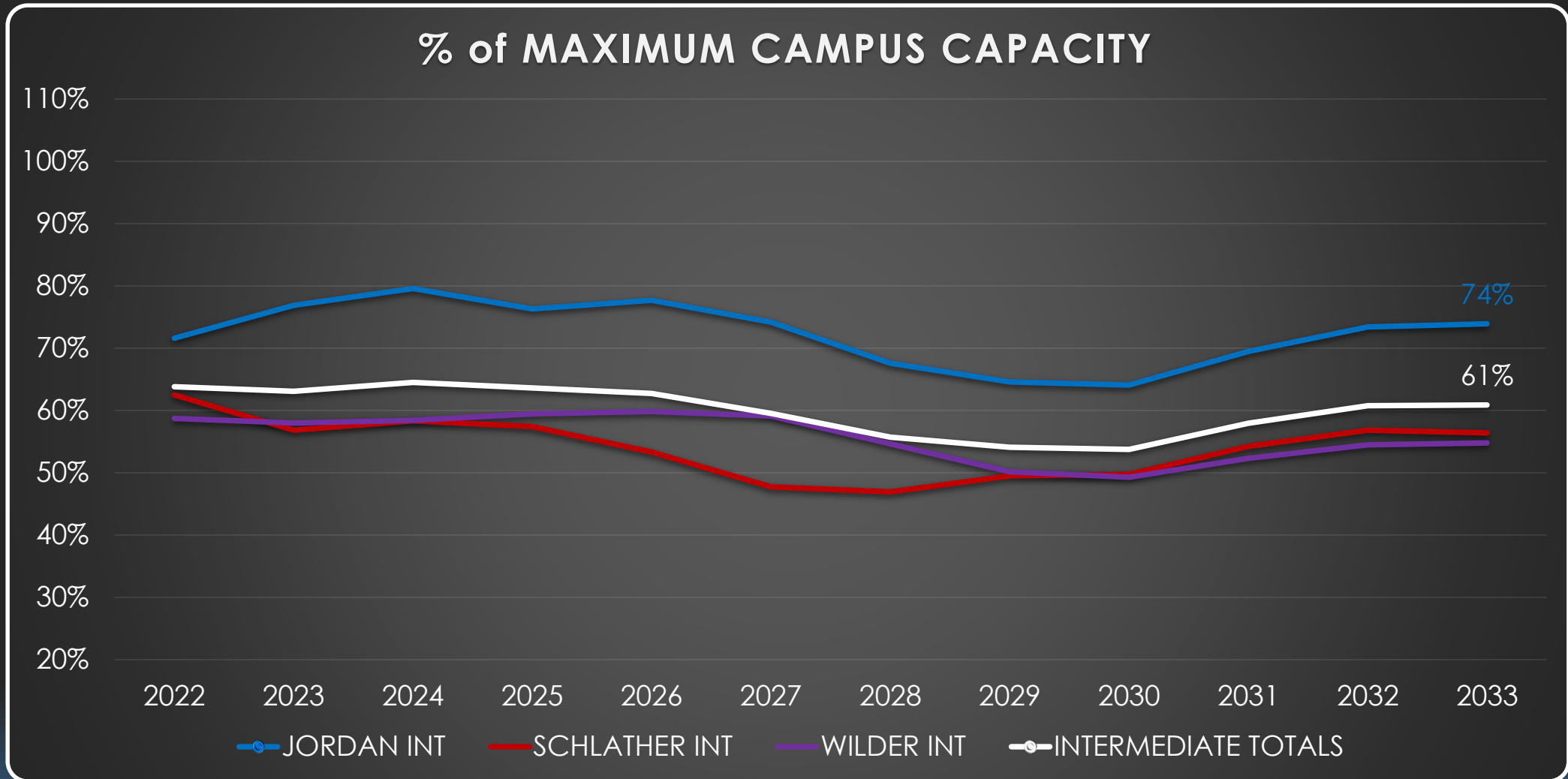
ELEMENTARY CAPACITIES



INTERMEDIATE CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
JORDAN INT	810	1,000	716	769	796	763	777	742	676	646	641	695	734	739
% Max Capacity			72%	77%	80%	76%	78%	74%	68%	65%	64%	70%	73%	74%
SCHLATHER INT	810	1,200	750	682	700	689	640	573	563	594	597	651	682	677
% Max Capacity			63%	57%	58%	57%	53%	48%	47%	50%	50%	54%	57%	56%
WILDER INT	810	1,250	734	725	730	743	748	739	683	627	616	654	681	685
% Max Capacity			59%	58%	58%	59%	60%	59%	55%	50%	49%	52%	54%	55%
INTERMEDIATE TOTALS		3,450	2,201	2,176	2,226	2,195	2,165	2,054	1,922	1,867	1,854	2,000	2,097	2,101
% Max Capacity			64%	63%	65%	64%	63%	60%	56%	54%	54%	58%	61%	61%
Intermediate Percent Change			-6.13%	-1.09%	2.30%	-1.39%	-1.37%	-5.13%	-6.43%	-2.86%	-0.70%	7.87%	4.85%	0.19%
Intermediate Absolute Change			-144	-24	50	-31	-30	-111	-132	-55	-13	146	97	4

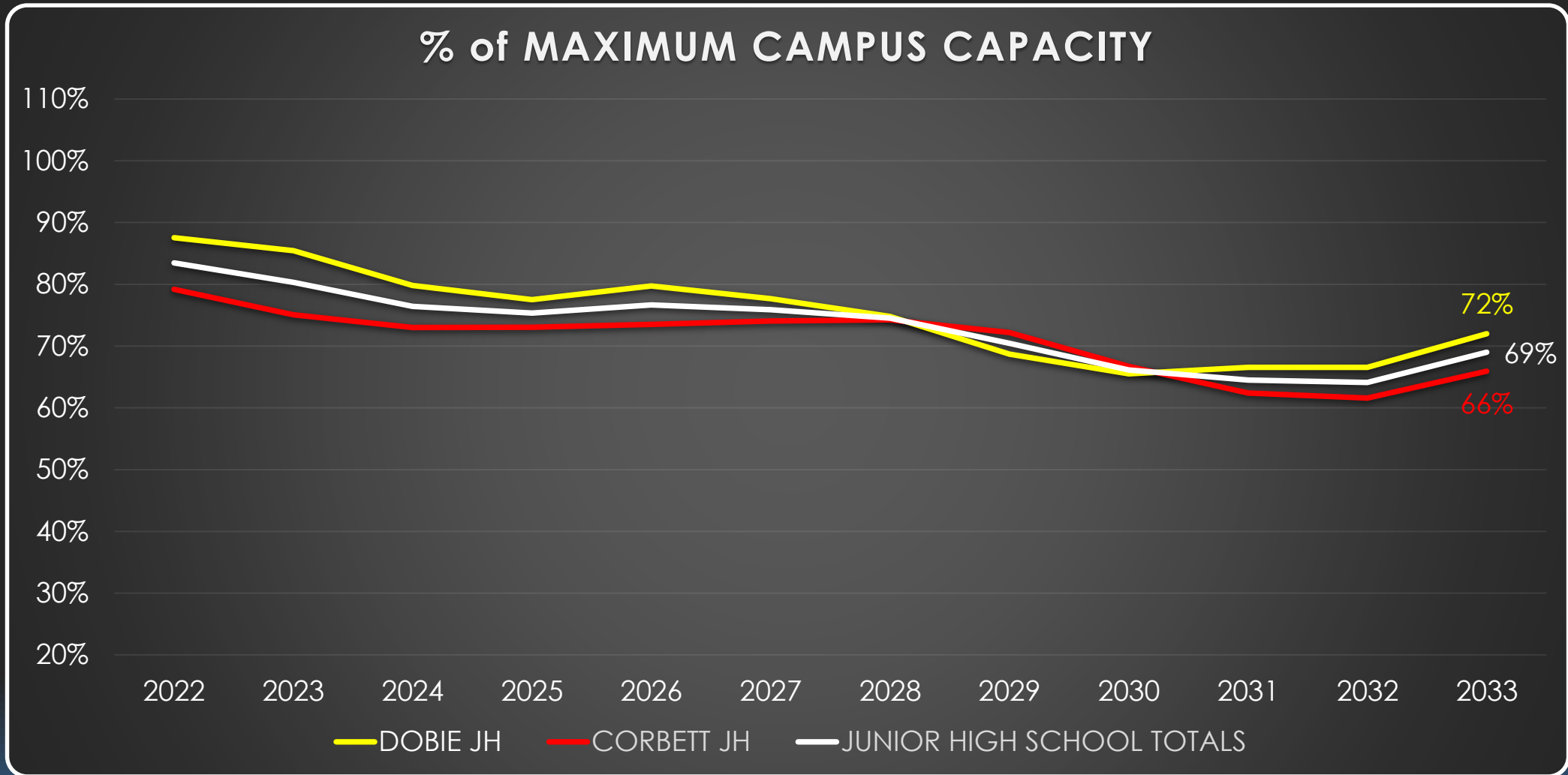
INTERMEDIATE CAPACITIES



JUNIOR HIGH CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
DOBIE JH	1,300	1,540	1,348	1,316	1,229	1,194	1,228	1,196	1,152	1,058	1,009	1,025	1,025	1,109
% Max Capacity			88%	85%	80%	78%	80%	78%	75%	69%	66%	67%	67%	72%
CORBETT JH	1,080	1,500	1,188	1,126	1,095	1,096	1,103	1,111	1,114	1,083	1,001	936	924	989
% Max Capacity			79%	75%	73%	73%	74%	74%	74%	72%	67%	62%	62%	66%
JUNIOR HIGH SCHOOL TOTALS		3,040	2,537	2,442	2,324	2,290	2,331	2,307	2,266	2,141	2,010	1,961	1,949	2,098
% Max Capacity			83%	80%	76%	75%	77%	76%	75%	70%	66%	65%	64%	69%
Junior High School Percent Change			-2.62%	-3.71%	-4.83%	-1.46%	1.79%	-1.03%	-1.78%	-5.52%	-6.12%	-2.44%	-0.61%	7.64%
Junior High School Absolute Change			-68	-94	-118	-34	41	-24	-41	-125	-131	-49	-12	149

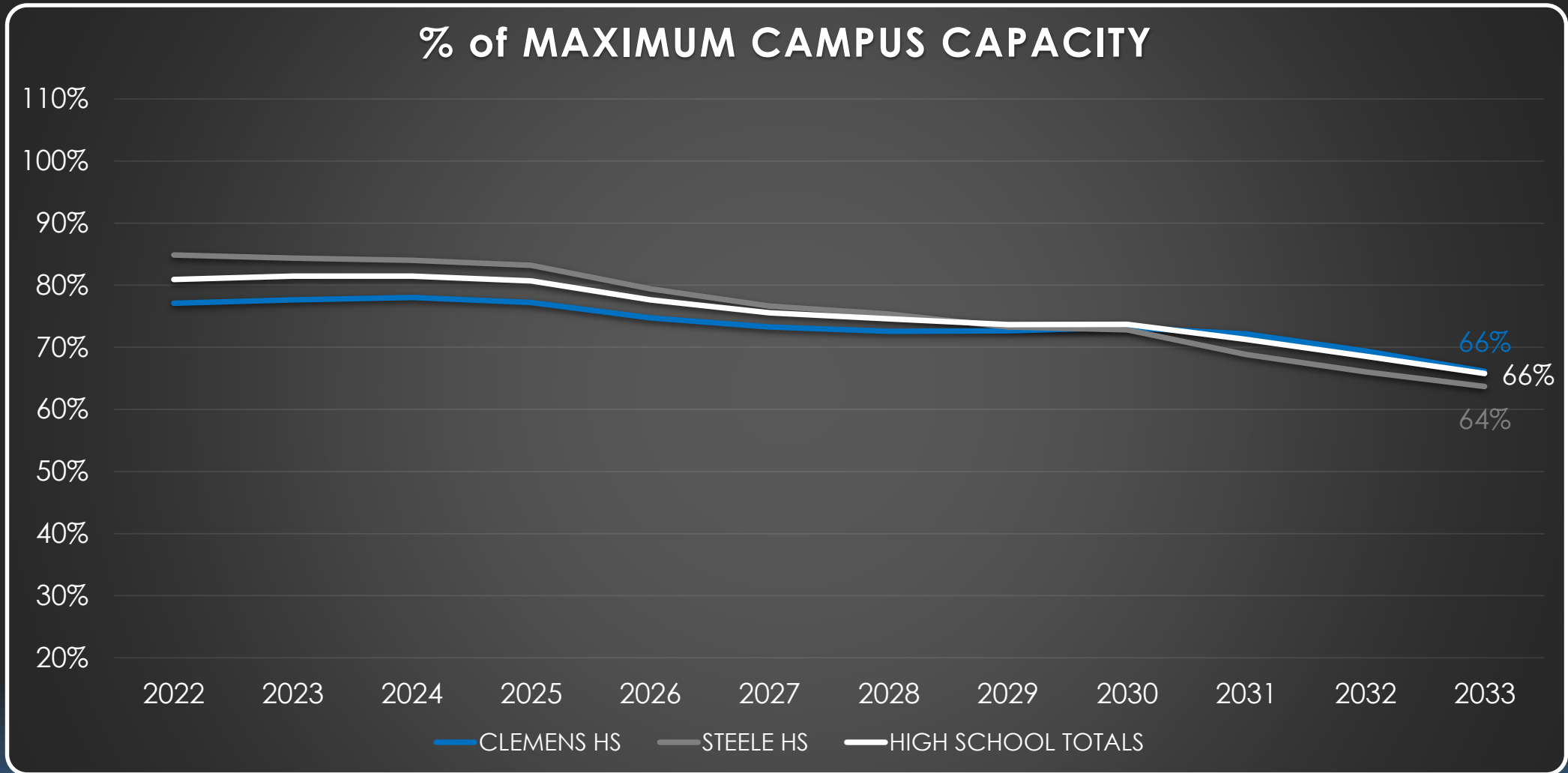
JUNIOR HIGH CAPACITIES



HIGH SCHOOL CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
CLEMENS HS	2,700	3,300	2,544	2,563	2,576	2,550	2,469	2,419	2,397	2,400	2,418	2,383	2,292	2,183
% Max Capacity			77%	78%	78%	77%	75%	73%	73%	73%	73%	72%	69%	66%
STEELE HS	2,160	3,200	2,716	2,700	2,688	2,663	2,541	2,452	2,411	2,345	2,330	2,202	2,113	2,038
% Max Capacity			85%	84%	84%	83%	79%	77%	75%	73%	73%	69%	66%	64%
HIGH SCHOOL TOTALS		6,650	5,381	5,418	5,419	5,368	5,165	5,026	4,963	4,900	4,903	4,740	4,560	4,376
% Max Capacity			81%	81%	81%	81%	78%	76%	75%	74%	74%	71%	69%	66%
High School Percent Change			0.69%	0.71%	0.02%	-0.94%	-3.78%	-2.69%	-1.25%	-1.27%	0.06%	-3.32%	-3.80%	-4.04%
High School Absolute Change			37	38	1	-52	-204	-137	-64	-63	3	-163	-180	-183

HIGH SCHOOL CAPACITIES



FORECASTING CONSIDERATIONS

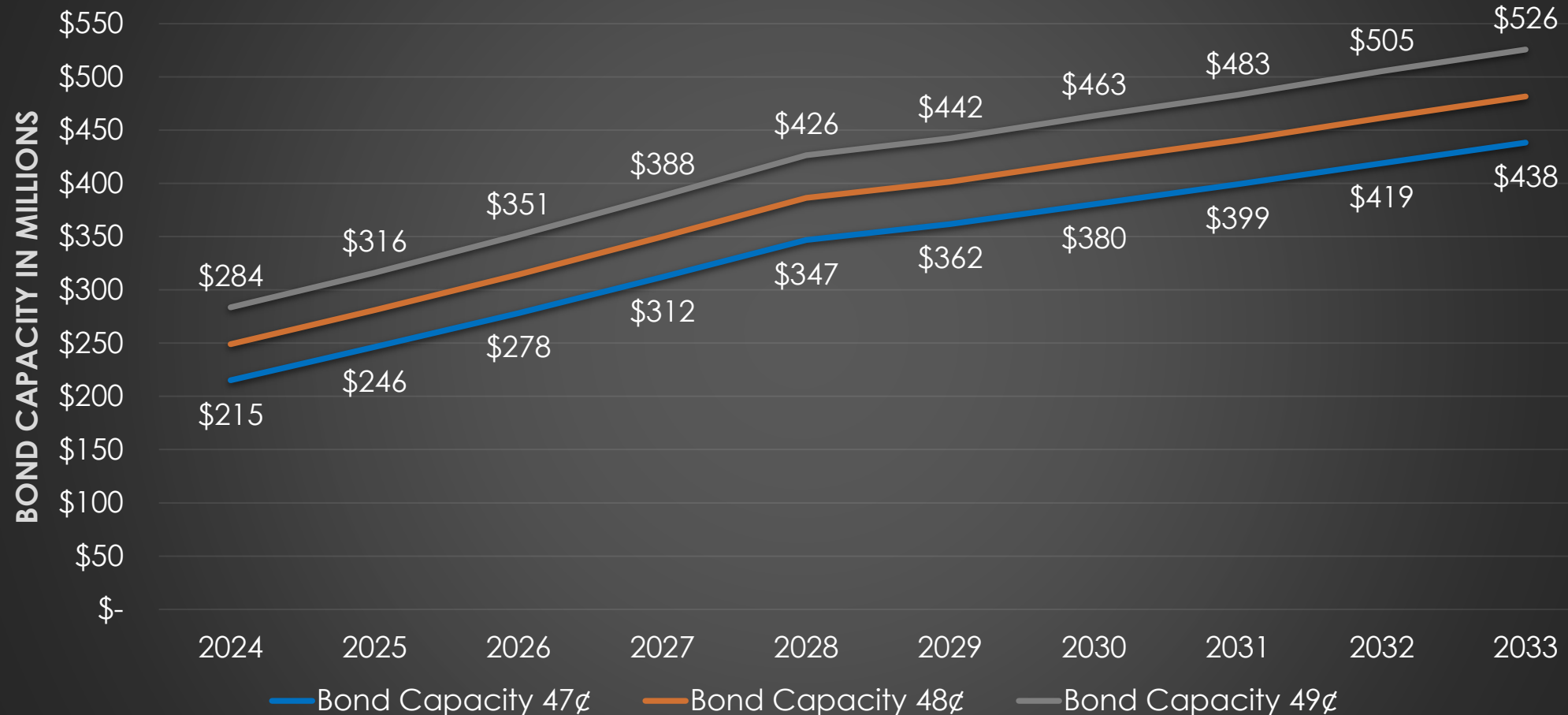
- ENROLLMENT
 - HISTORICAL TRENDS
 - PROJECTIONS
 - TRANSFERS TO CHARTERS AND OTHER ISDs
- CAMPUS CAPACITY
- BONDING CAPACITY

PROJECTING BONDING CAPACITY - SCUC

- PROJECTING TAX REVENUE
 - ASSUMES NO REFINANCING FOR BOND SAVINGS
 - DEFEASING PRINCIPAL
 - MODEST PROPERTY VALUE GROWTH
 - 4.0% ANNUAL INCREASE FOR 2024-2028
 - 2.0% ANNUAL INCREASE FOR 2029-2033
- AS DEBT IS RESTRUCTURED AND PROPERTY VALUES INCREASE, WE BEGIN TO HAVE SOME BONDING CAPACITY
 - CAPACITY FOR ADDITIONAL DEBT IS LOWER AT FIRST, MORE IN LATER YEARS
- FORECASTING USING THREE OPTIONS FOR I&S TAX RATE
 - **\$0.47** PER \$100 OF VALUATION (CURRENT), **\$0.48** PER \$100 VALUATION, AND **\$0.49** PER \$100 VALUATION

PROJECTED AVAILABLE BOND DOLLARS

SCUC Bond Capacity by Year & Rate



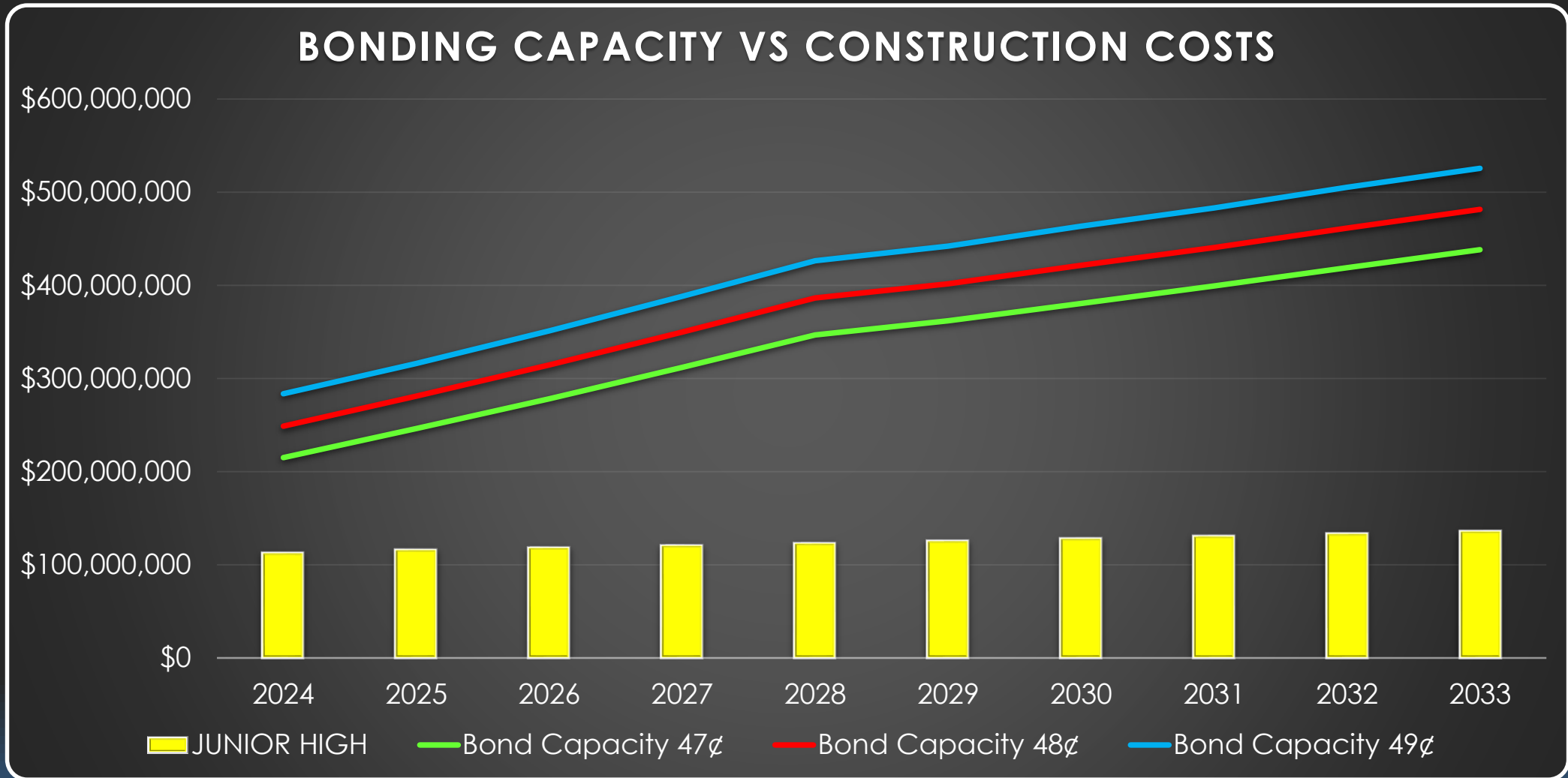
PROJECTING FACILITY COSTS - SCUC

- PROJECTING FUTURE COSTS OF NEW FACILITIES
 - FLUCTUATING MATERIALS AND LABOR COSTS MAKE LONG-TERM PROJECTIONS DIFFICULT
 - THE MARKET HAS SEEN HUGE INFLATION OVER THE LAST SEVERAL YEARS, BUT SEEMS TO HAVE STABILIZED DURING 2023
 - 2020-2023 WE EXPERIENCED 7-15% INFLATION ANNUALLY
 - PROJECTING PAST 2024
 - 3% ANNUAL INFLATION FOR 2024
 - 2% ANNUAL INFLATION FOR 2025 AND BEYOND
- CONSTRUCTION ESTIMATE RULES OF THUMB – 2024 DOLLARS
 - HIGH SCHOOL - \$235 MILLION
 - JUNIOR HIGH SCHOOL - \$113 MILLION
 - INTERMEDIATE/ELEMENTARY - \$72 MILLION

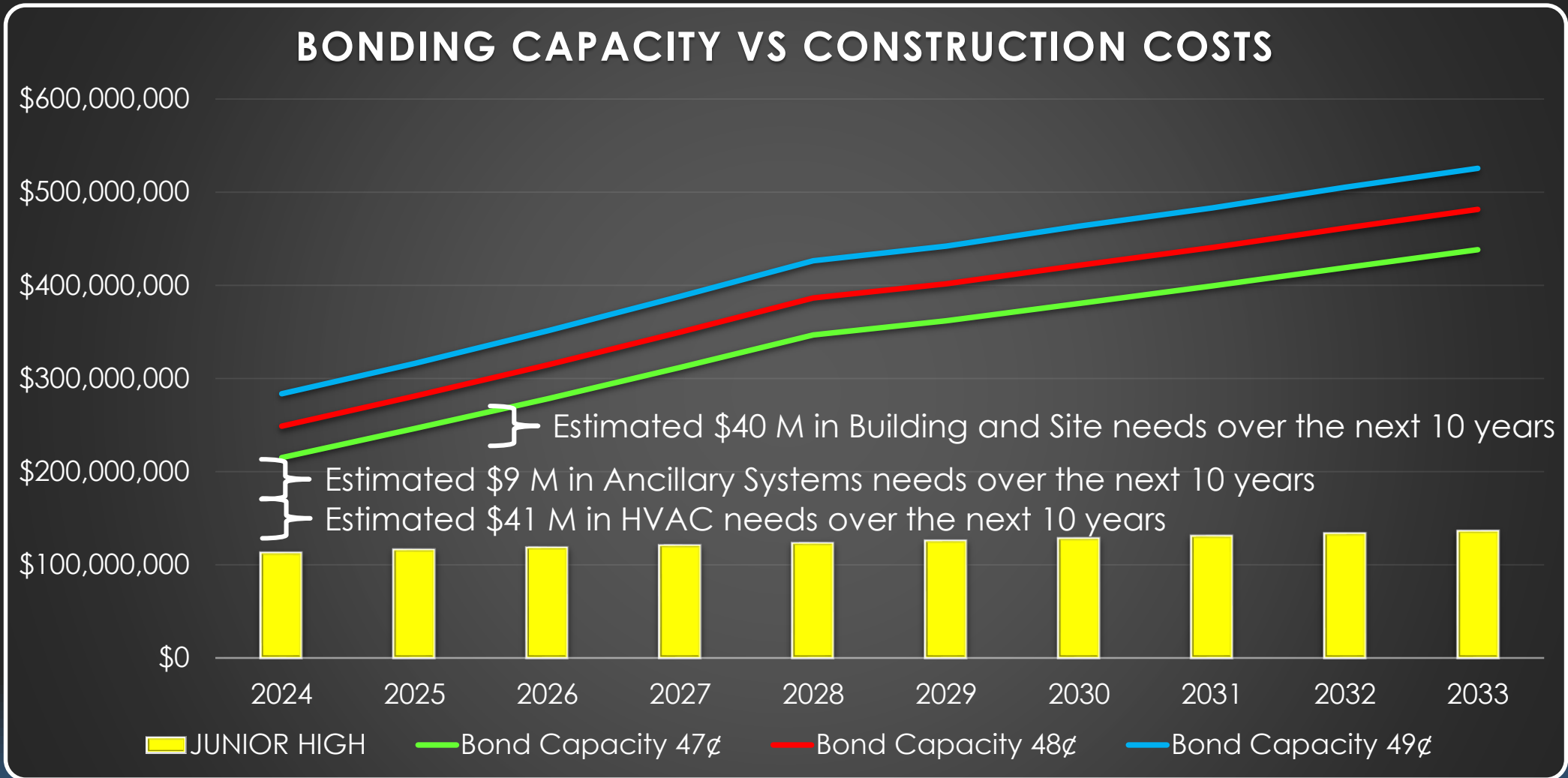
PROJECTING FACILITY COSTS - SCUC

YEAR	High School	Junior High	Elementary/ Intermediate
2024	\$ 235,000,000	\$ 113,000,000	\$ 72,000,000
2025-P	\$ 242,050,000	\$ 116,390,000	\$ 74,160,000
2026-P	\$ 246,891,000	\$ 118,717,800	\$ 75,643,200
2027-P	\$ 251,828,820	\$ 121,092,156	\$ 77,156,064
2028-P	\$ 256,865,396	\$ 123,513,999	\$ 78,699,185
2029-P	\$ 262,002,704	\$ 125,984,279	\$ 80,273,169
2030-P	\$ 267,242,758	\$ 128,503,965	\$ 81,878,632
2031-P	\$ 272,587,614	\$ 131,074,044	\$ 83,516,205
2032-P	\$ 278,039,366	\$ 133,695,525	\$ 85,186,529
2033-P	\$ 283,600,153	\$ 136,369,435	\$ 86,890,260
2034-P	\$ 289,272,156	\$ 139,096,824	\$ 88,628,065

PROJECTED BOND CAPACITIES VS. CONSTRUCTION COSTS



PROJECTED BOND CAPACITIES VS. CONSTRUCTION COSTS



TAKE AWAYS....

- STUDENT ENROLLMENT/PROJECTIONS
 - PRIOR TO COVID-19 SCUC ISD'S ENROLLMENT GROWTH HAD SLOWED TO 1% PER YEAR
 - COVID AND THE OPENING OF CHARTER SCHOOLS HAS IMPACTED DISTRICT ENROLLMENT, ESPECIALLY AT THE YOUNGER GRADES
 - THIS MULTI-YEAR IMPACT IS REDUCING OUR ENROLLMENT EVEN WITH NEW HOUSING
 - AN AVERAGE 1% ANNUAL DECLINE IN ENROLLMENT IS FORECASTED FOR THE NEXT SIX YEARS
- CAPACITY RELIEF TOOLS
 - WE HAVE MULTIPLE TOOLS TO HELP RELIEVE OUR CAMPUSES ONCE THEY SURPASS 90% OF THEIR MAX CAPACITY AND MOVE CLOSER TO 100%
- WITH OUR PROJECTED ENROLLMENT DECLINING, OUR ATTENTION MUST BE FOCUSED ON MAINTAINING THE INFRASTRUCTURE OF OUR EXISTING BUILDINGS AND IDENTIFYING FUTURE PROGRAMMATIC NEEDS FOR OUR STUDENTS
- WE ALSO NEED TO CONSIDER IF 2 JUNIOR HIGHS CONTINUE TO MEET THE NEEDS OF OUR DISTRICT

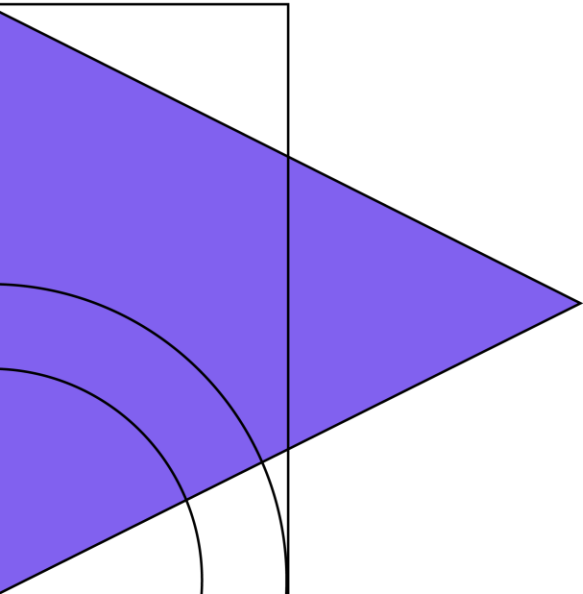
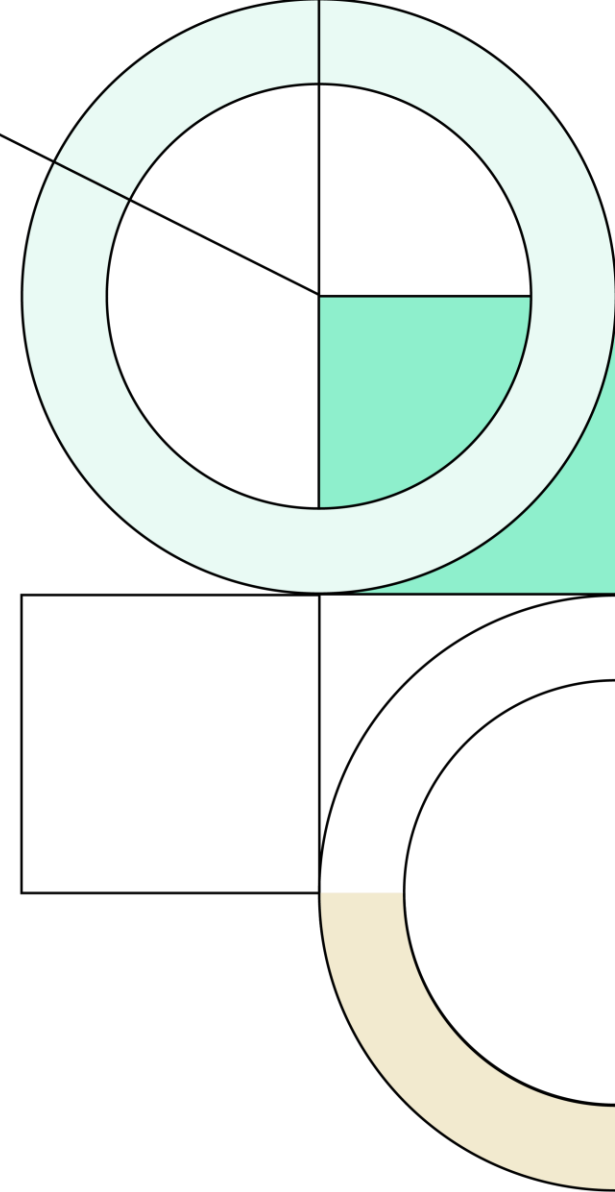
QUESTIONS/COMMENTS

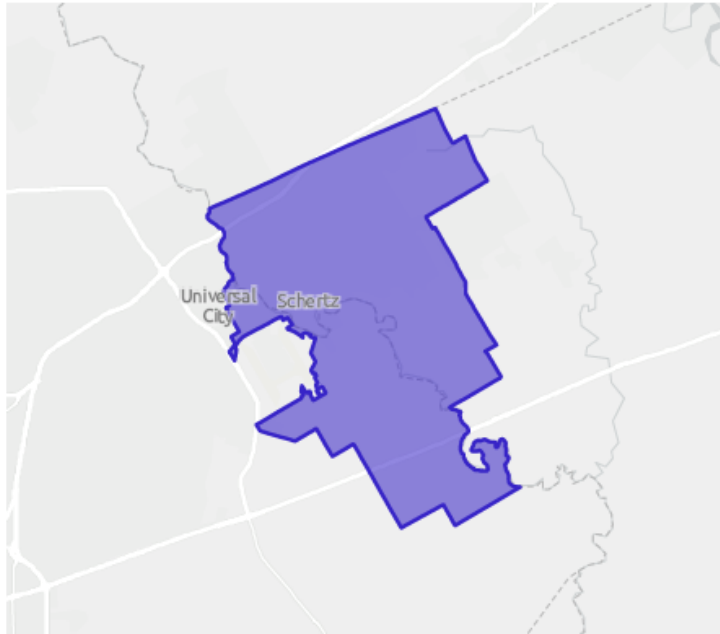




3Q23

Demographic Report





POPULATION TRENDS AND KEY INDICATORS

SCHERTZ CIBOLO ISD
Area: 60.01 square miles

90,971	30,960	2.93	36.4	\$97,350	\$267,439	109	128	80
Population	Households	Avg Size Household	Median Age	Median Household Income	Median Home Value	Wealth Index	Housing Affordability	Diversity Index

MORTGAGE INDICATORS



\$15,445

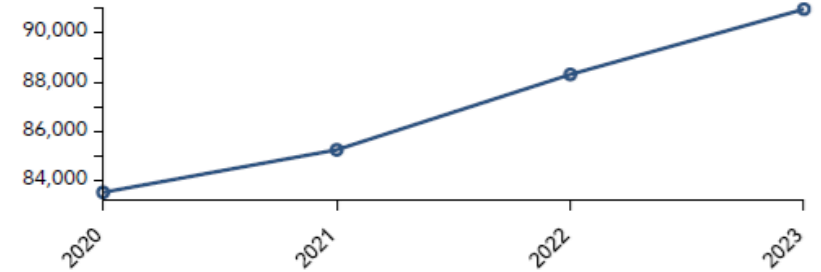
Avg Spent on Mortgage & Basics



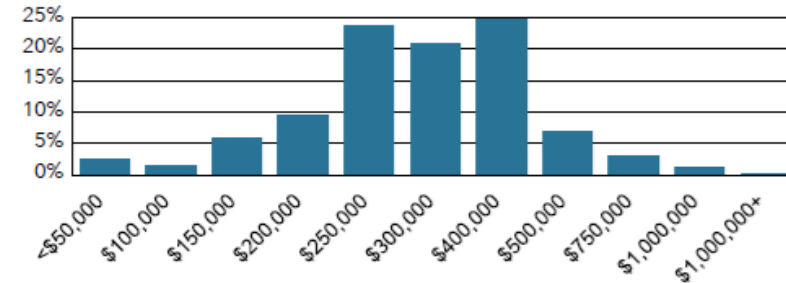
16.5%

Percent of Income for Mortgage

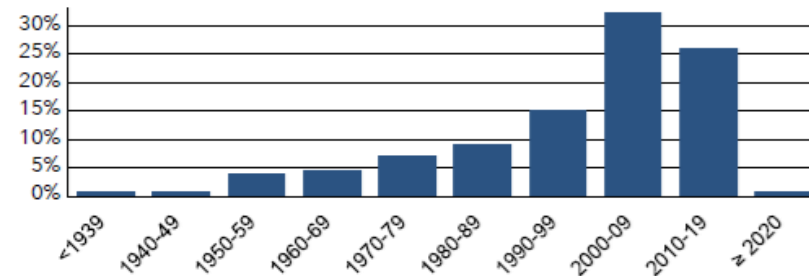
Historical Trends: Population



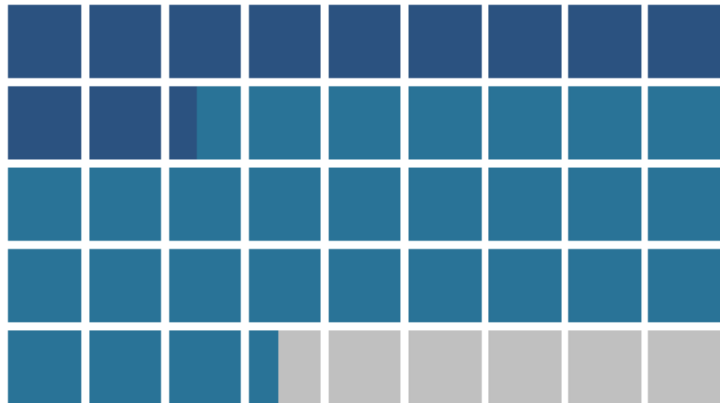
Home Value



Housing: Year Built



POPULATION BY AGE



■ Under 18 (25.3%)
 ■ Ages 18 to 64 (62.3%)
 ■ Aged 65+ (12.4%)

POPULATION BY GENERATION



3.0%

Greatest Gen:
Born 1945/Earlier



15.8%

Baby Boomer:
Born 1946 to 1964



21.2%

Generation X:
Born 1965 to 1980



26.4%

Millennial:
Born 1981 to 1998



24.1%

Generation Z:
Born 1999 to 2016



9.5%

Alpha: Born
2017 to Present

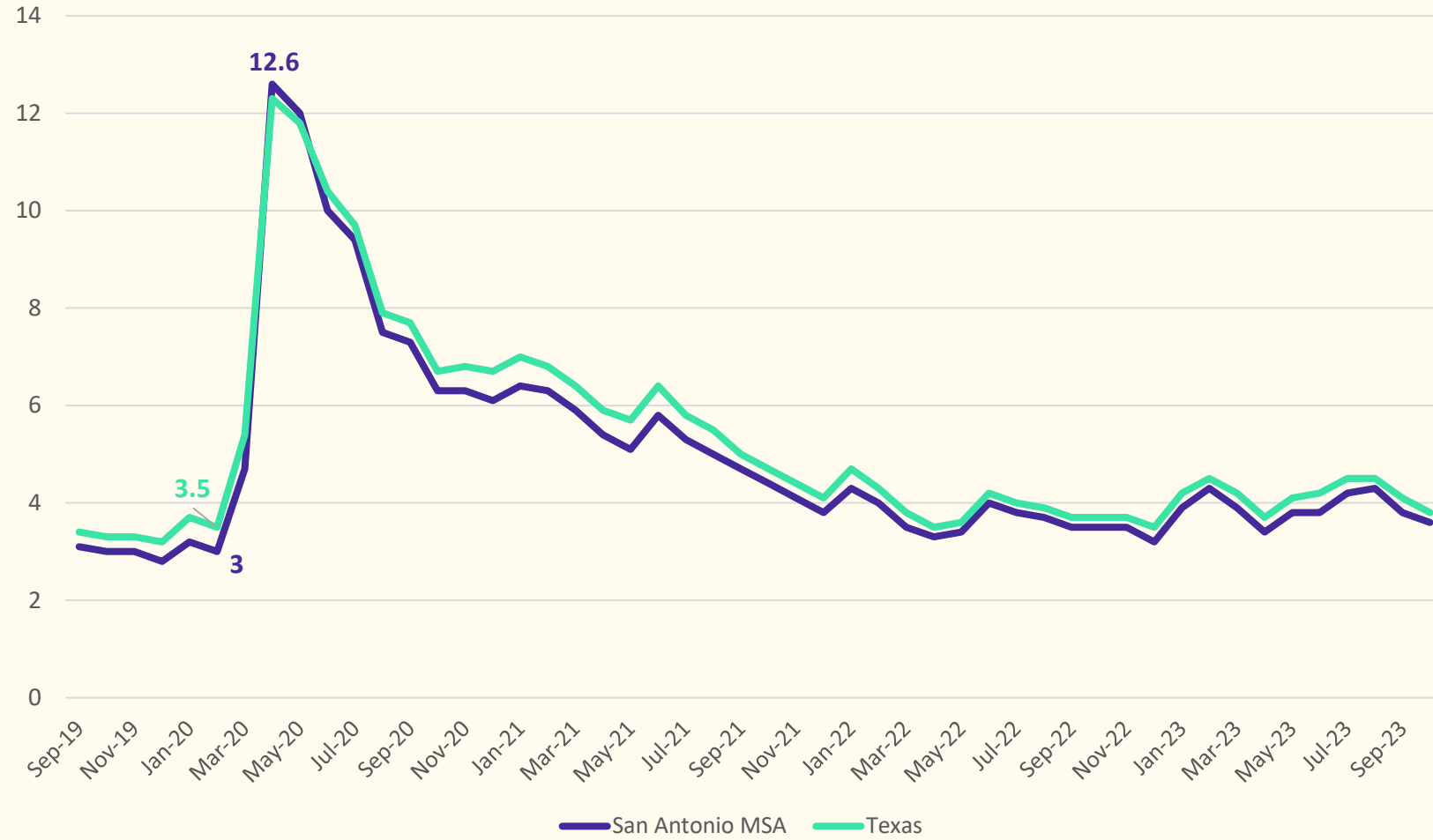


Source: This infographic contains data provided by Esri (2023, 2028), Esri-U.S. BLS (2023), ACS (2017-2021). © 2024 Esri

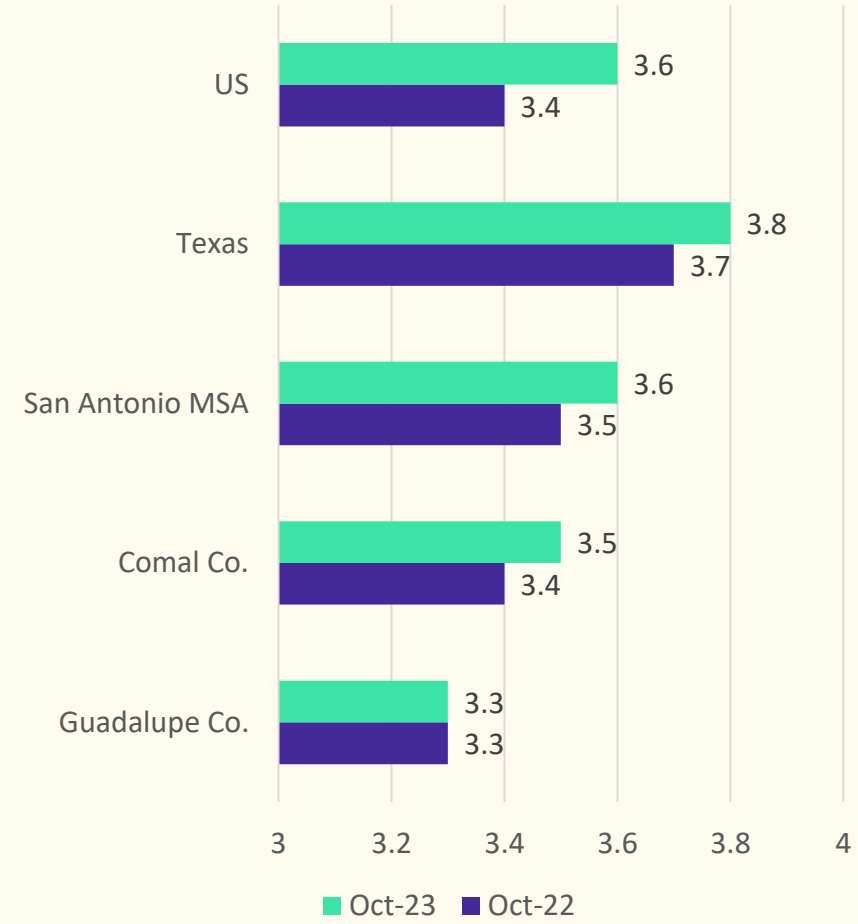


Local Economic Conditions

Unemployment Rate, Sept 2019 – Oct 2023



Unemployment Rate, Year Over Year

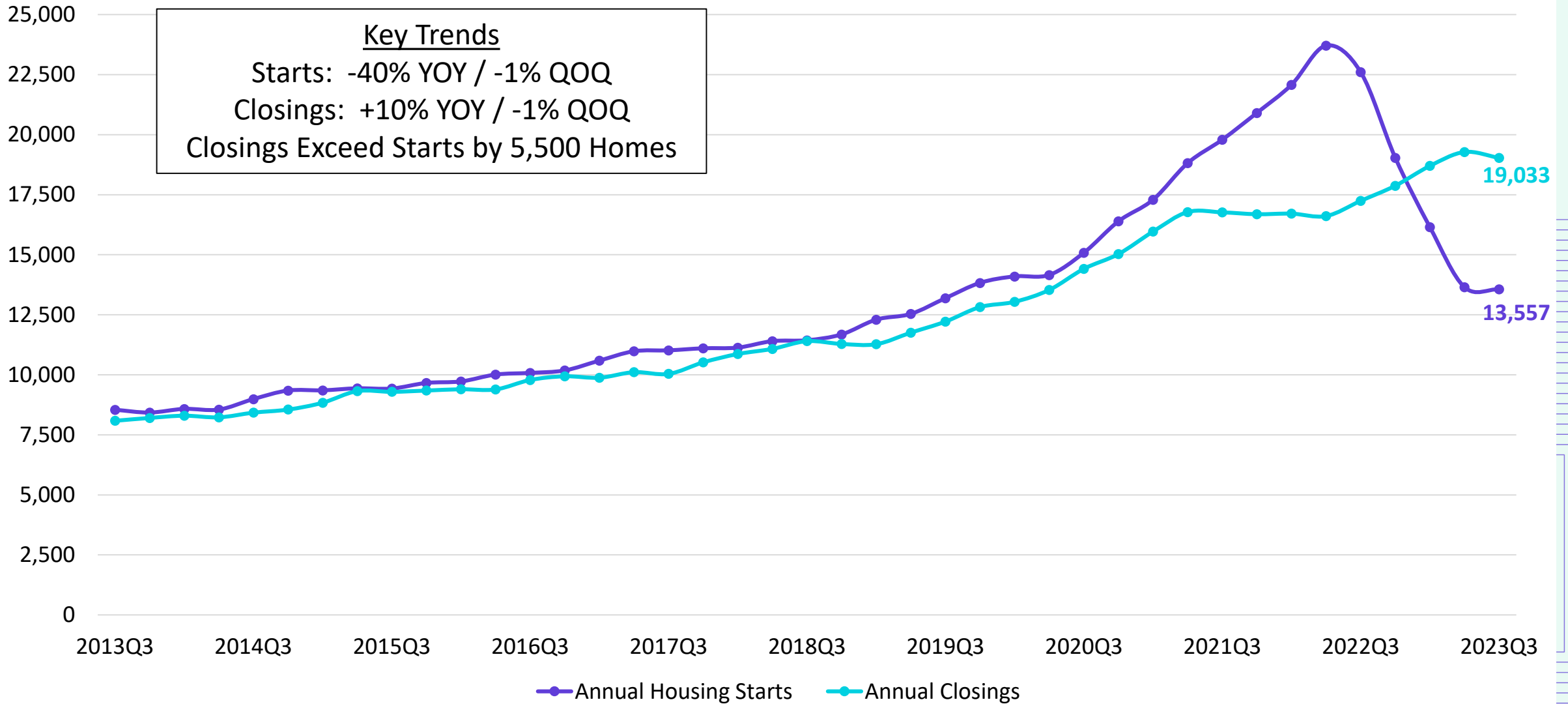




San Antonio New Home Starts & Closings

Annual Housing Starts vs. Annual Closings

Key Trends
 Starts: -40% YOY / -1% QOQ
 Closings: +10% YOY / -1% QOQ
 Closings Exceed Starts by 5,500 Homes

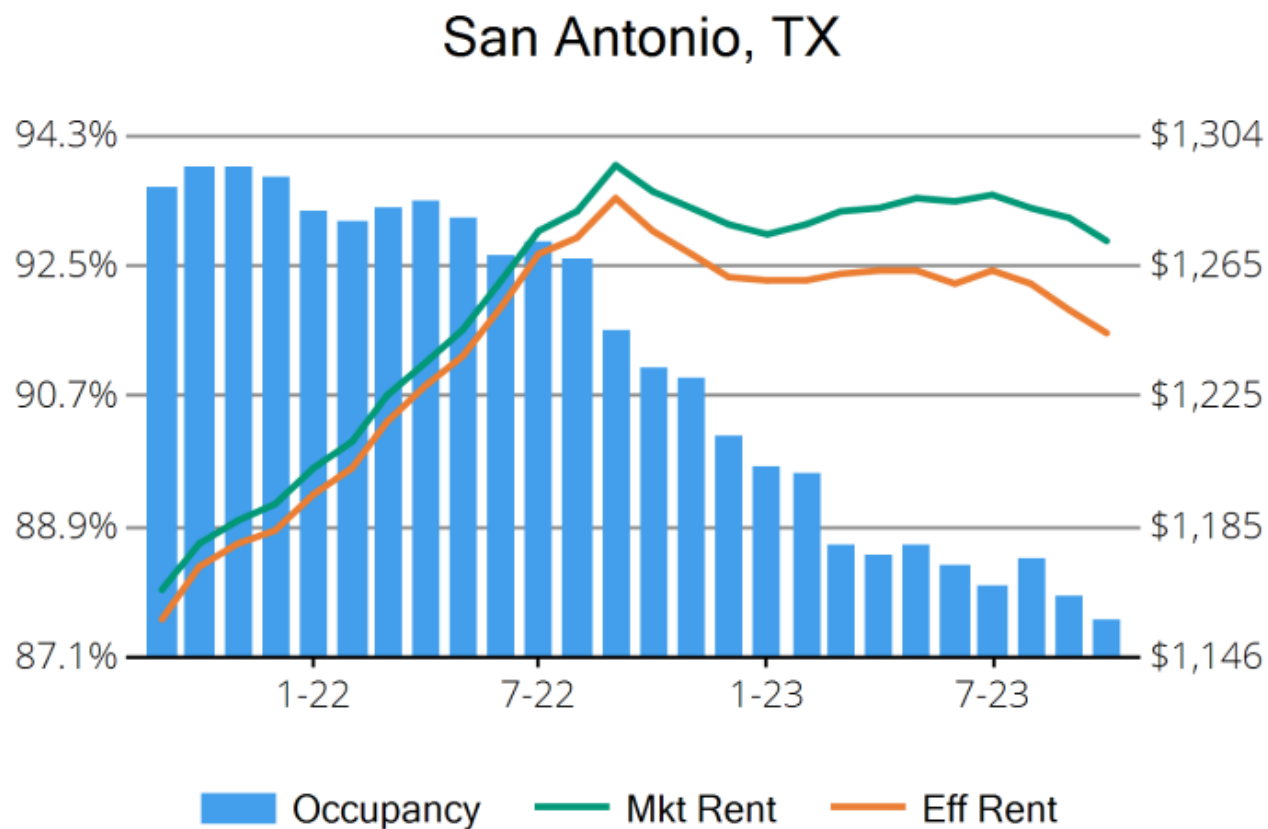




Housing Market Trends: Multi-family Market- Oct. 2023

Stabilized and Lease-up Properties

Conventional Properties	Oct 2023	Annual Change
Occupancy	87.6	-3.8%
Unit Change	6,465	
Units Absorbed (Annual)	-1,119	
Average Size (SF)	858	+0.5%
Asking Rent	\$1,272	-1.2%
Asking Rent per SF	\$1.48	-1.8%
Effective Rent	\$1,244	-2.5%
Effective Rent per SF	\$1.45	-3.0%
% Offering Concessions	34%	+94.7%
Avg. Concession Package	5.8%	+30.6%





San Antonio New Home Ranking Report

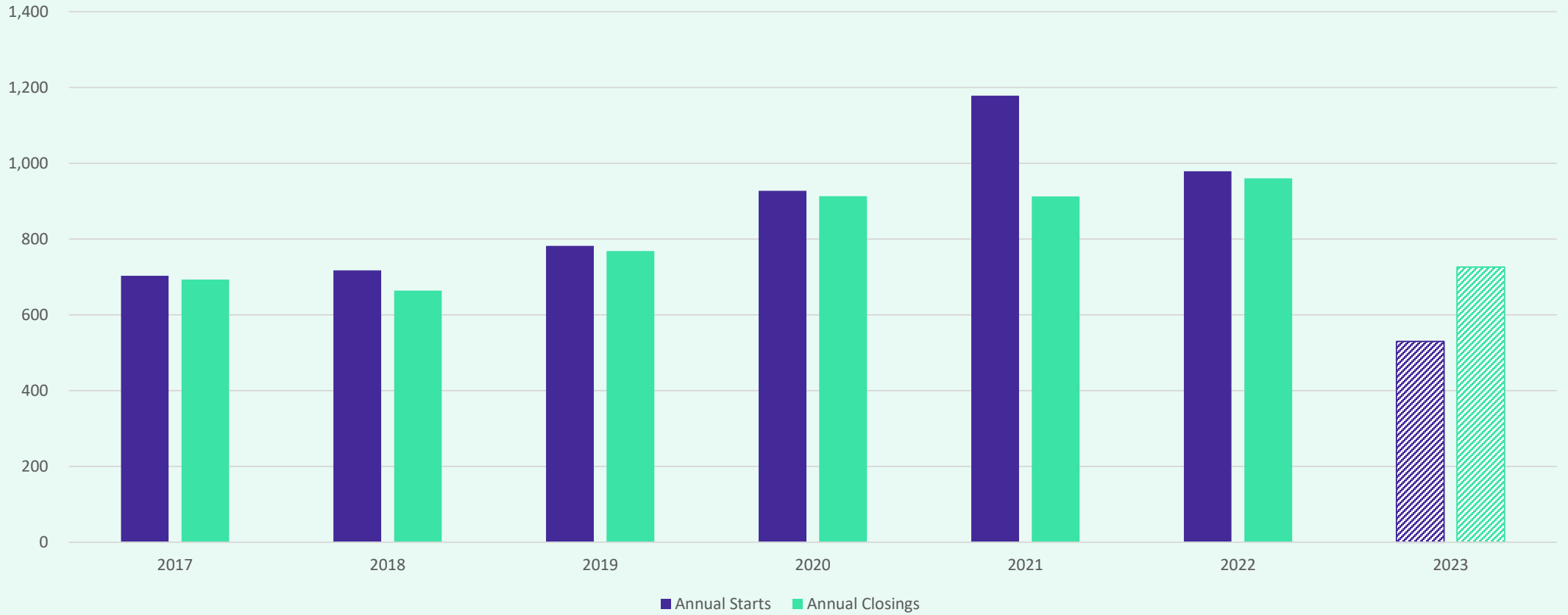
ISD Ranked by Annual Closings – 3Q23

Rank	District Name	Annual Starts	Annual Closings	Inventory	VDL	Future
1	NORTHSIDE ISD	2,762	4,009	2,287	7,237	24,003
2	COMAL ISD	1,960	2,971	1,982	4,390	22,269
3	EAST CENTRAL ISD	1,469	2,282	1,036	4,414	26,268
4	MEDINA VALLEY ISD	1,859	2,139	1,351	4,375	25,751
5	JUDSON ISD	783	1,322	583	774	1,228
6	SOUTHWEST ISD	890	1,106	673	2,704	9,156
7	SCHERTZ-CIBOLO-U CITY ISD	593	1,060	550	1,819	6,914
8	NEW BRAUNFELS ISD	510	762	406	1,203	6,767
9	NAVARRO ISD	636	692	458	1,457	4,461
10	BOERNE ISD	569	623	534	1,263	10,547
11	SEGUIN ISD	327	471	253	681	5,280
12	NORTH EAST ISD	368	463	223	701	5,711
13	SOUTHSIDE ISD	419	460	327	1,082	10,948
14	SAN ANTONIO ISD	94	240	166	347	794
15	SOUTH SAN ANTONIO ISD	129	219	137	250	539
16	LYTLE ISD	51	73	35	157	1,306
17	HARLANDALE ISD	5	41	0	14	43
18	ALAMO HEIGHTS ISD	27	33	58	20	19
19	EDGEWOOD ISD	0	28	0	0	42
20	MARION ISD	62	24	62	283	4,388

* Based on additional housing research by Zonda Education



District New Home Starts and Closings by Quarter



Starts	2017	2018	2019	2020	2021	2022	2023
1Q	196	175	201	237	294	349	103
2Q	168	180	176	197	300	393	186
3Q	167	177	207	261	265	174	241
4Q	172	185	198	232	319	63	
Total	703	717	782	927	1,178	979	530

Closings	2017	2018	2019	2020	2021	2022	2023
1Q	194	133	138	165	190	181	280
2Q	172	185	211	249	258	227	247
3Q	179	185	240	286	268	218	199
4Q	148	161	179	213	196	334	
Total	693	664	768	913	912	960	726

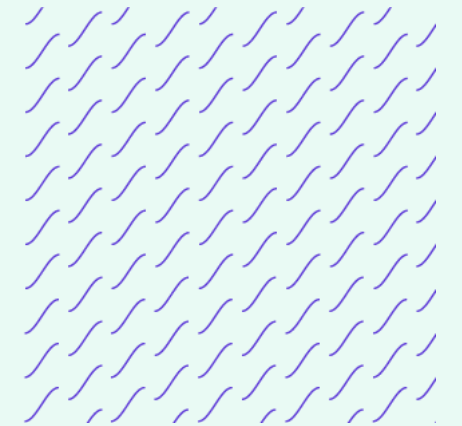


District Housing Overview by Elementary Zone



Elementary	Annual Starts	Quarter Starts	Annual Closings	Quarter Closings	Under Const.	Inventory	Vacant Dev. Lots	Future
CIBOLO VALLEY	73	22	58	23	39	77	168	430
GREEN VALLEY	0	0	0	0	0	0	0	0
PASCHAL	1	0	3	1	0	1	45	242
ROSE GARDEN	146	44	307	41	94	147	590	3,017
SCHERTZ	32	6	103	12	15	24	0	60
SIPPEL	80	42	130	33	46	90	639	1,743
WATTS	61	26	152	25	24	68	76	580
WIEDERSTEIN	200	101	307	64	96	143	301	842
Grand Total	593	241	1,060	199	314	550	1,819	6,914

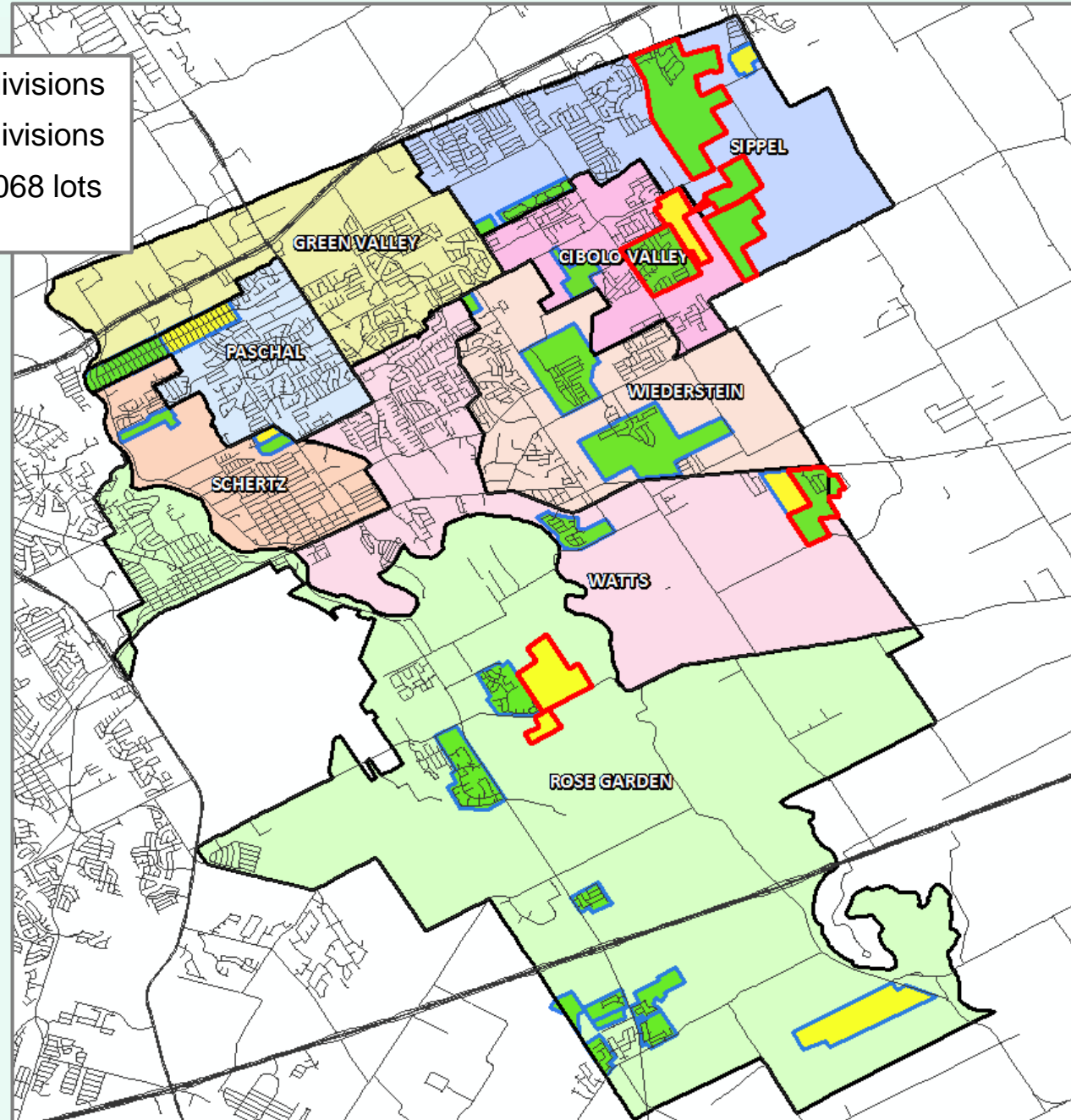
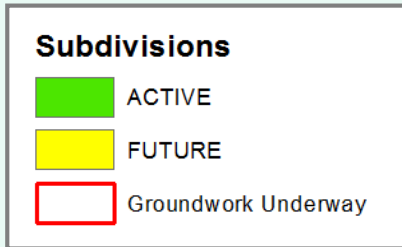
- Highest activity in the category
- Second highest activity in the category
- Third highest activity in the category





District Housing Overview

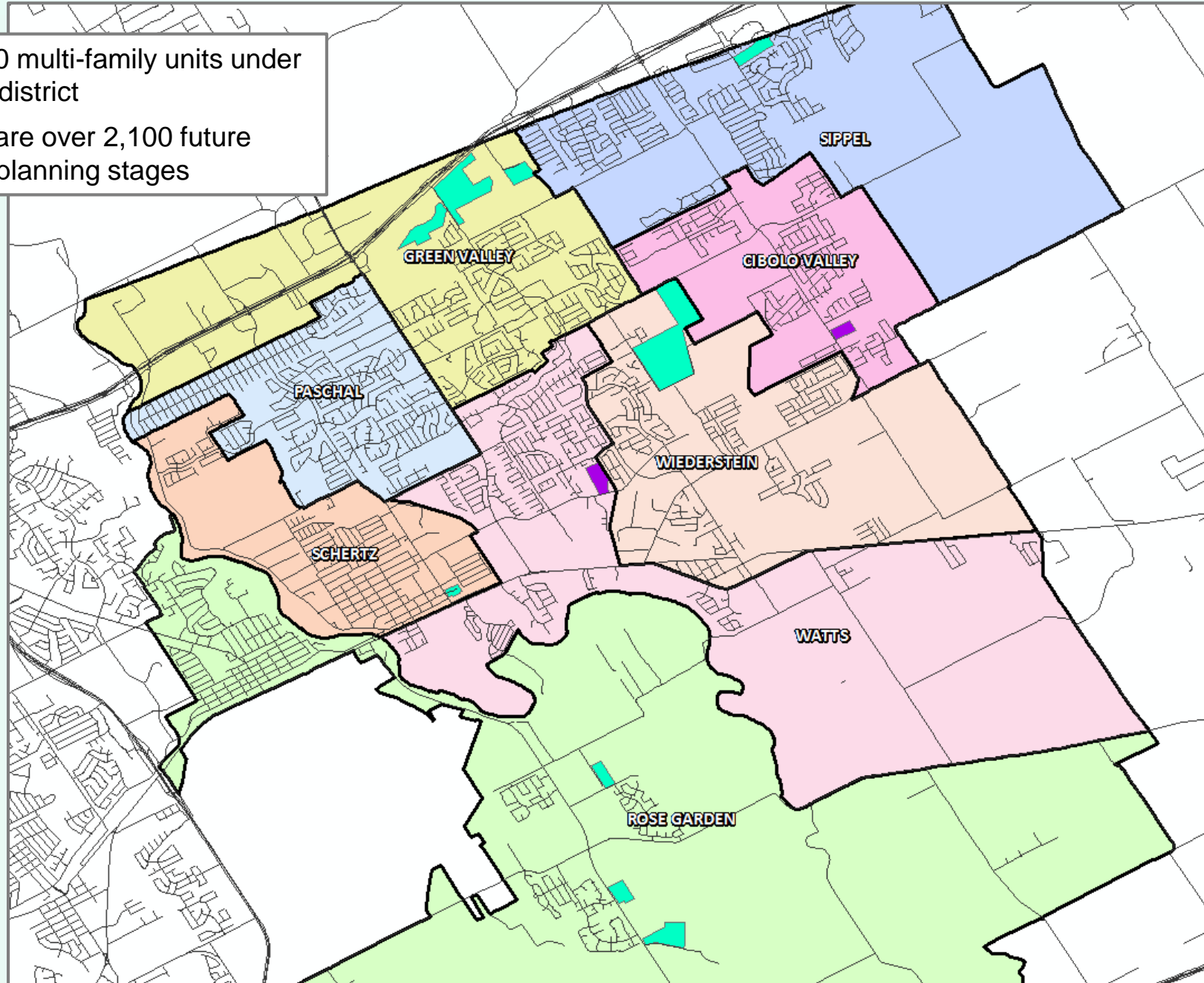
- The district has 24 actively building subdivisions
- Within SCUCISD there are 8 future subdivisions
- Of these, groundwork is underway on 1,068 lots within 8 subdivisions





District Multi-Family Overview

- The district has over 550 multi-family units under construction across the district
- Within SCUCISD there are over 2,100 future multi-family units in the planning stages

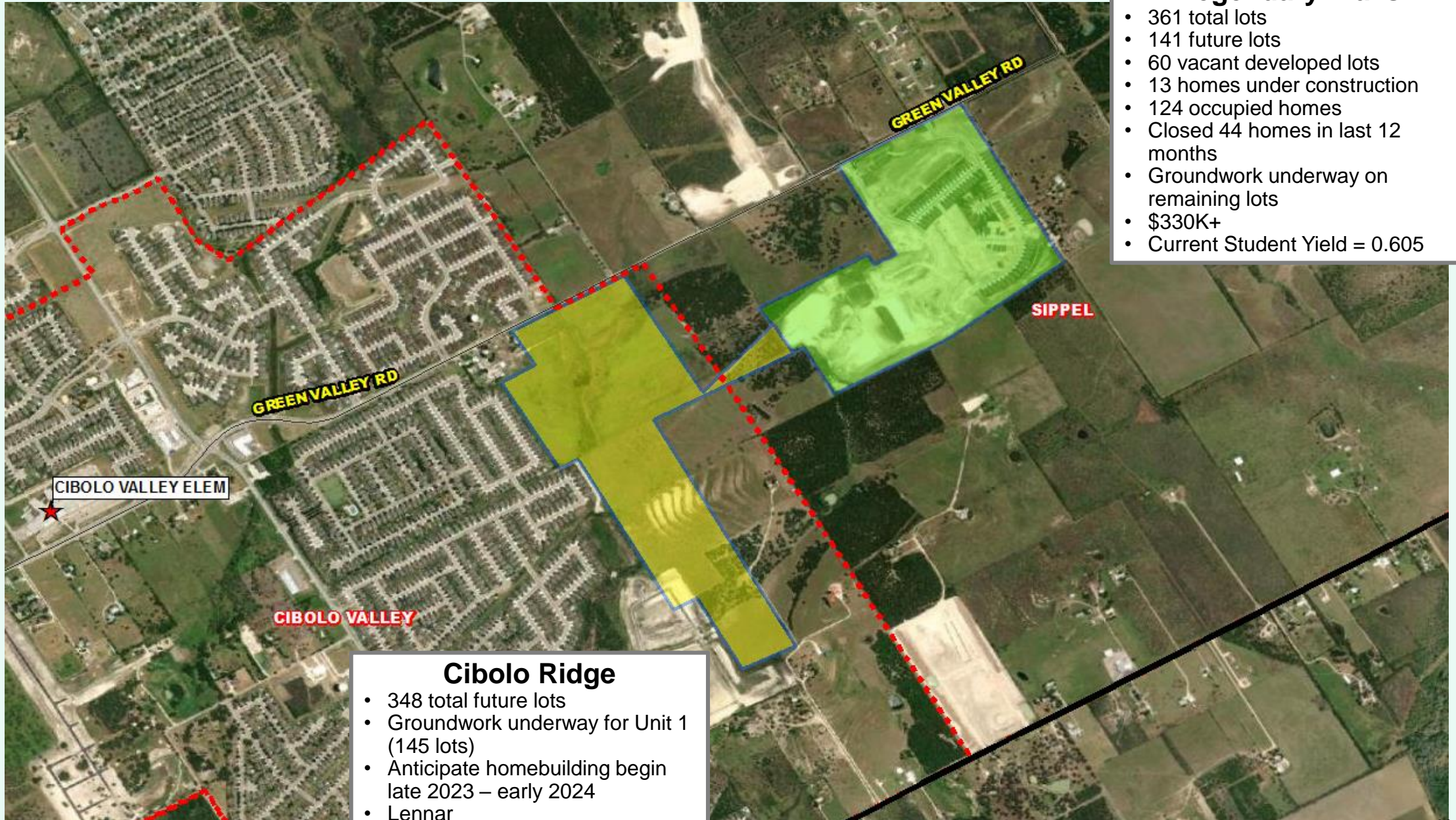


Multi-Family Developments

- MF Under construction
- Future Multi-Family

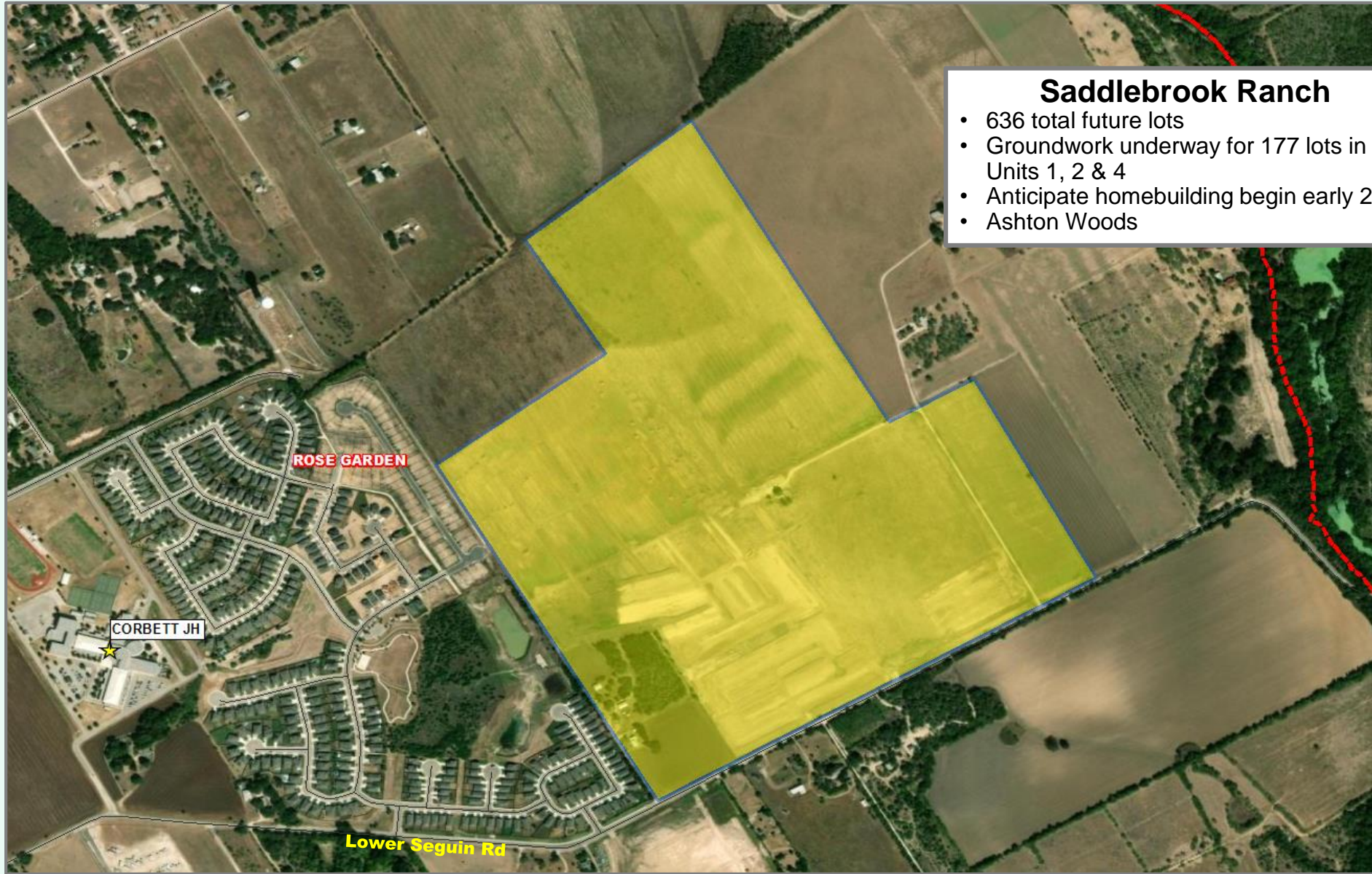


Residential Activity





Residential Activity

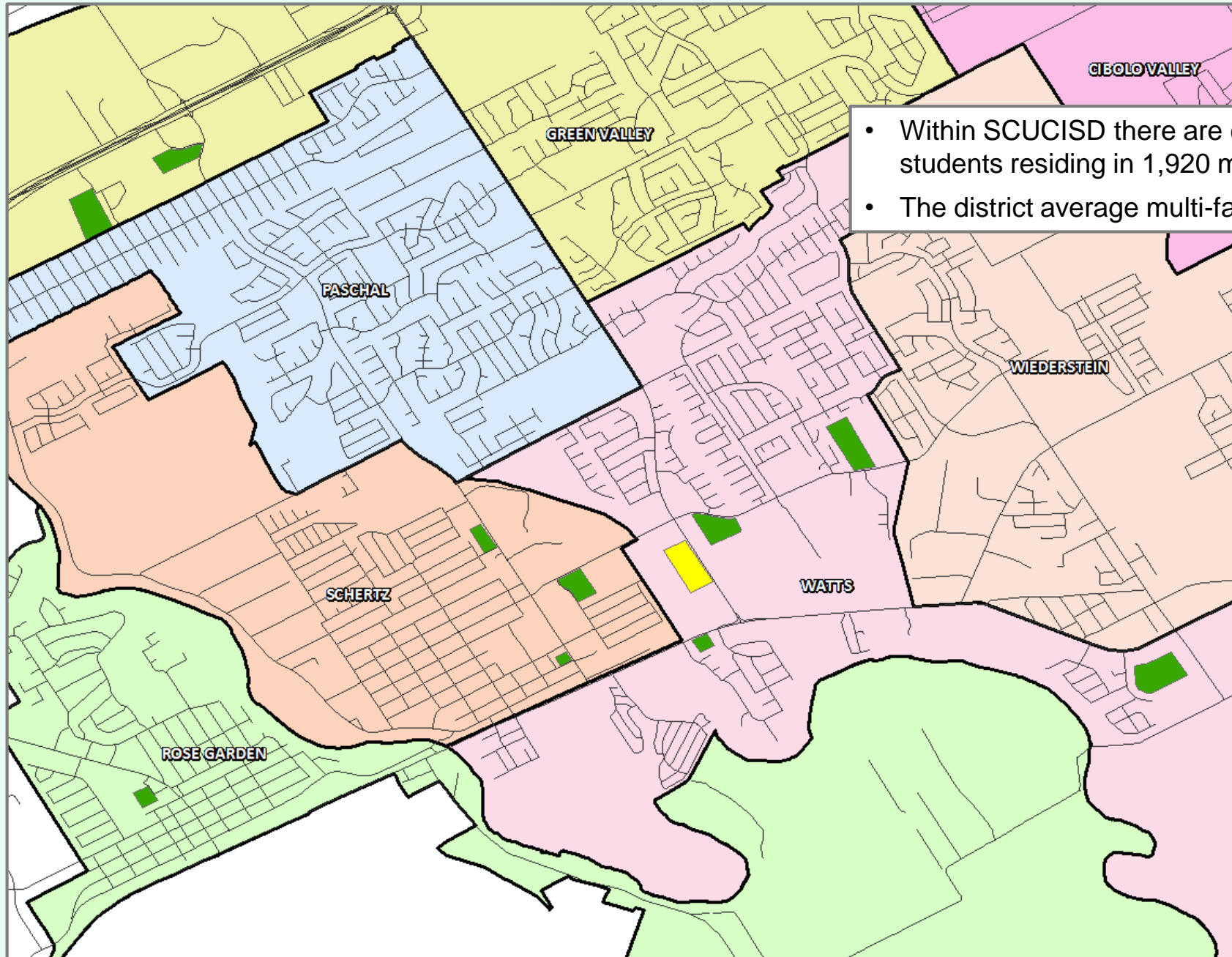


Saddlebrook Ranch

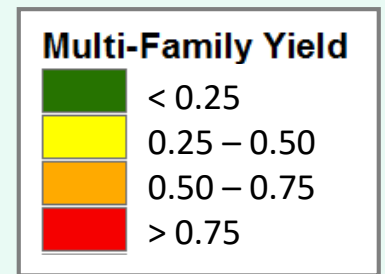
- 636 total future lots
- Groundwork underway for 177 lots in Units 1, 2 & 4
- Anticipate homebuilding begin early 2024
- Ashton Woods



Multi-Family Yield



- Within SCUCISD there are currently 287 students residing in 1,920 multi-family units
- The district average multi-family yield is 0.149





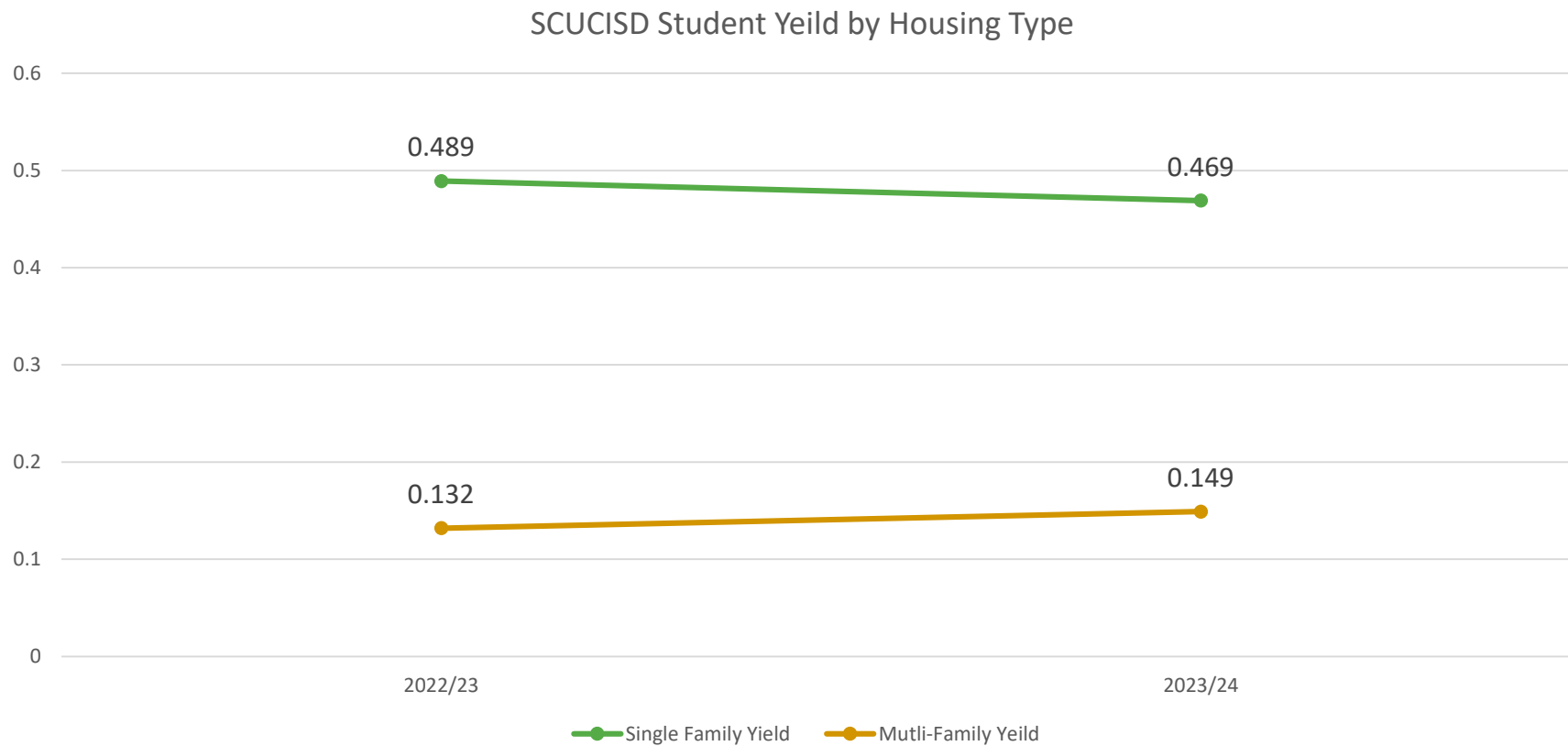
Student Yield by Housing Type



Single Family Yield
0.469



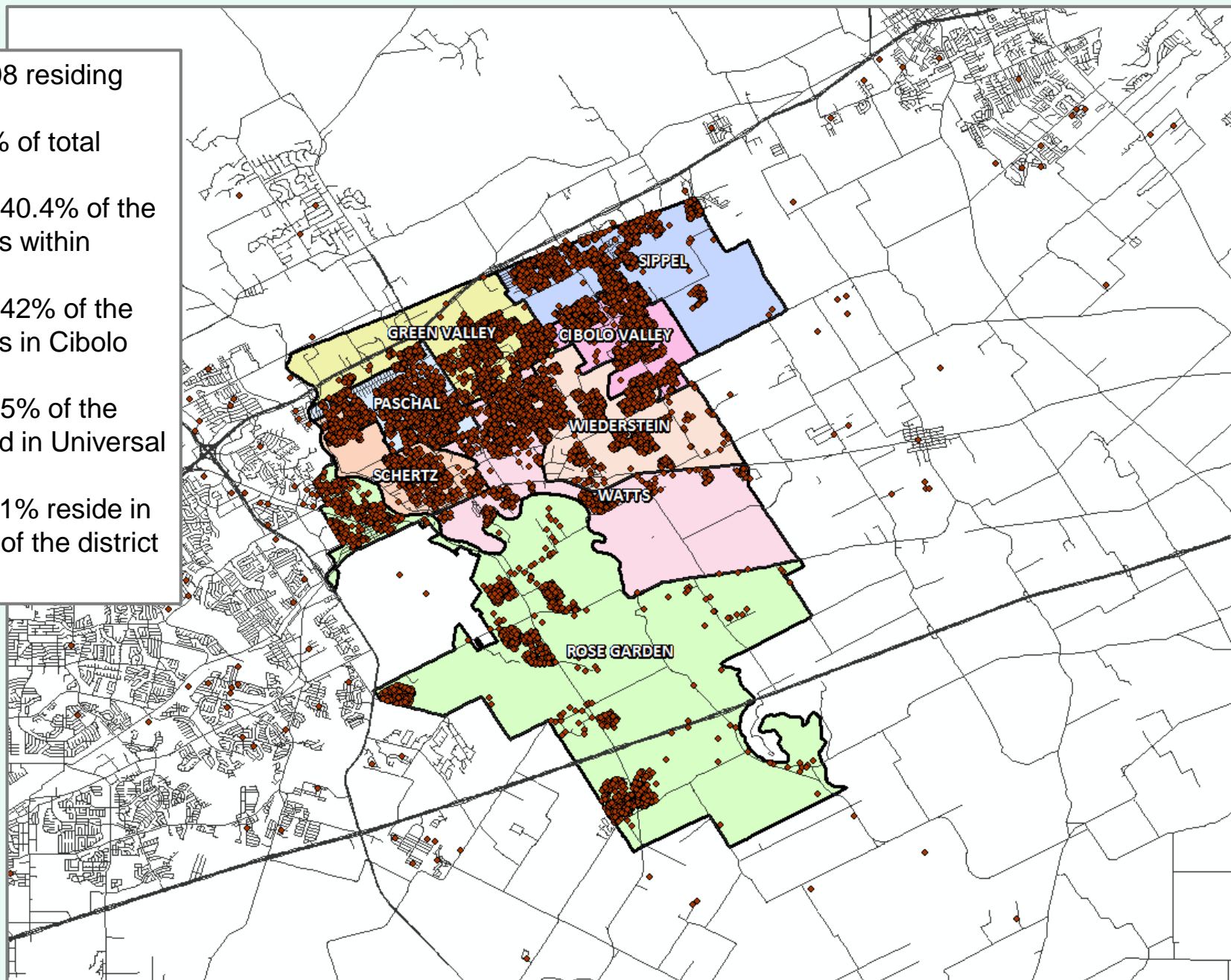
Multi-Family Yield
0.149





Student Density

SCUCISD currently has 308 residing out of district
This represents roughly 2% of total SCUCISD students
6,124 students, or roughly 40.4% of the district population resides within Schertz city limits
6,372 students, or roughly 42% of the district population resides in Cibolo city limits
687 students, or roughly 4.5% of the district population resided in Universal City city limits
1,665 students roughly 11.1% reside in the unincorporated area of the district





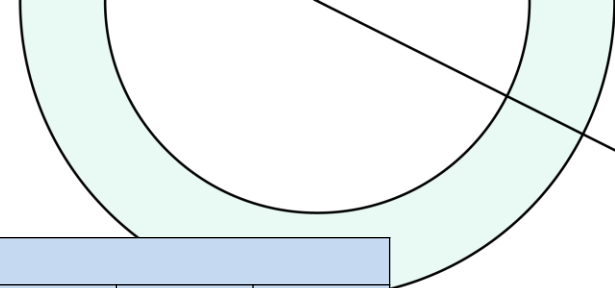
Ten Year Forecast by Grade Level

Year (Oct.)	EE/PK	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	Total	Total Growth	% Growth
2019/20	413	1,048	1,036	1,093	1,125	1,184	1,211	1,234	1,183	1,180	1,419	1,340	1,282	1,224	15,972	154	1.0%
2020/21	325	951	1,019	1,040	1,077	1,135	1,143	1,232	1,248	1,219	1,293	1,394	1,305	1,292	15,673	-299	-1.9%
2021/22	455	935	997	1,019	1,074	1,116	1,124	1,221	1,287	1,318	1,428	1,347	1,305	1,264	15,890	217	1.4%
2022/23	436	819	962	998	1,077	1,114	1,067	1,133	1,230	1,306	1,478	1,371	1,247	1,283	15,521	-369	-2.3%
2023/24	430	788	838	967	997	1,090	1,079	1,097	1,178	1,264	1,435	1,459	1,238	1,286	15,146	-375	-2.4%
2024/25	384	747	849	866	1,006	1,043	1,108	1,118	1,126	1,198	1,413	1,427	1,354	1,225	14,864	-282	-1.9%
2025/26	406	789	795	870	896	1,052	1,061	1,134	1,145	1,145	1,328	1,387	1,321	1,332	14,661	-203	-1.4%
2026/27	443	861	840	816	897	933	1,072	1,093	1,167	1,164	1,269	1,316	1,274	1,306	14,451	-210	-1.4%
2027/28	438	850	918	851	841	932	950	1,104	1,120	1,187	1,294	1,256	1,218	1,258	14,217	-234	-1.6%
2028/29	446	866	907	945	879	879	947	975	1,128	1,138	1,318	1,278	1,161	1,206	14,073	-144	-1.0%
2029/30	456	886	919	941	978	919	893	974	994	1,147	1,265	1,304	1,180	1,151	14,007	-66	-0.5%
2030/31	465	904	940	951	970	1,020	935	919	1,000	1,010	1,277	1,251	1,205	1,170	14,017	10	0.1%
2031/32	477	931	960	973	982	1,012	1,038	962	944	1,017	1,128	1,263	1,156	1,193	14,036	19	0.1%
2032/33	489	954	984	995	1,006	1,025	1,029	1,068	989	960	1,130	1,117	1,167	1,146	14,059	22	0.2%
2033/34	500	976	1,011	1,021	1,028	1,051	1,042	1,059	1,099	999	1,066	1,120	1,034	1,156	14,162	103	0.7%

*Yellow box = largest grade per year
Green box = second largest grade per year*



Ten Year Forecast by Elementary Campus



Campus	Functional Capacity	Max Capacity	Fall	ENROLLMENT PROJECTIONS									
			2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
CIBOLO VALLEY EL	891	1,200	657	611	587	589	594	594	608	617	620	627	637
GREEN VALLEY EL	673	924	533	497	482	469	497	506	524	535	537	535	529
NORMA PASCHAL EL	673	924	625	591	582	564	544	546	559	569	574	580	585
ROSE GARDEN EL	891	1,200	896	882	878	891	923	957	999	1,046	1,075	1,104	1,131
SCHERTZ EL	675	1,102	668	628	605	601	576	581	588	591	586	582	582
SIPPEL EL	675	1,058	672	679	690	721	756	782	827	867	904	961	1,030
WATTS EL	673	924	513	469	440	428	423	428	446	457	463	476	490
WIEDERSTEIN EL	675	1,058	546	538	544	527	517	529	549	568	574	587	602
ELEMENTARY TOTALS			5,110	4,895	4,808	4,790	4,830	4,922	5,099	5,250	5,335	5,453	5,587
Elementary Percent Change			-5.48%	-4.21%	-1.78%	-0.37%	0.83%	1.91%	3.59%	2.96%	1.63%	2.20%	2.46%
Elementary Absolute Change			-296	-215	-87	-18	40	92	177	151	85	117	134
JORDAN INT	810	1,000	769	796	763	777	742	676	646	641	695	734	739
SCHLATHER INT	810	1,200	682	700	689	640	573	563	594	597	651	682	677
WILDER INT	810	1,250	725	730	743	748	739	683	627	616	654	681	685
INTERMEDIATE TOTALS			2,176	2,226	2,195	2,165	2,054	1,922	1,867	1,854	2,000	2,097	2,101
Intermediate Percent Change			-1.09%	2.30%	-1.39%	-1.37%	-5.13%	-6.43%	-2.86%	-0.70%	7.87%	4.85%	0.19%
Intermediate Absolute Change			-24	50	-31	-30	-111	-132	-55	-13	146	97	4

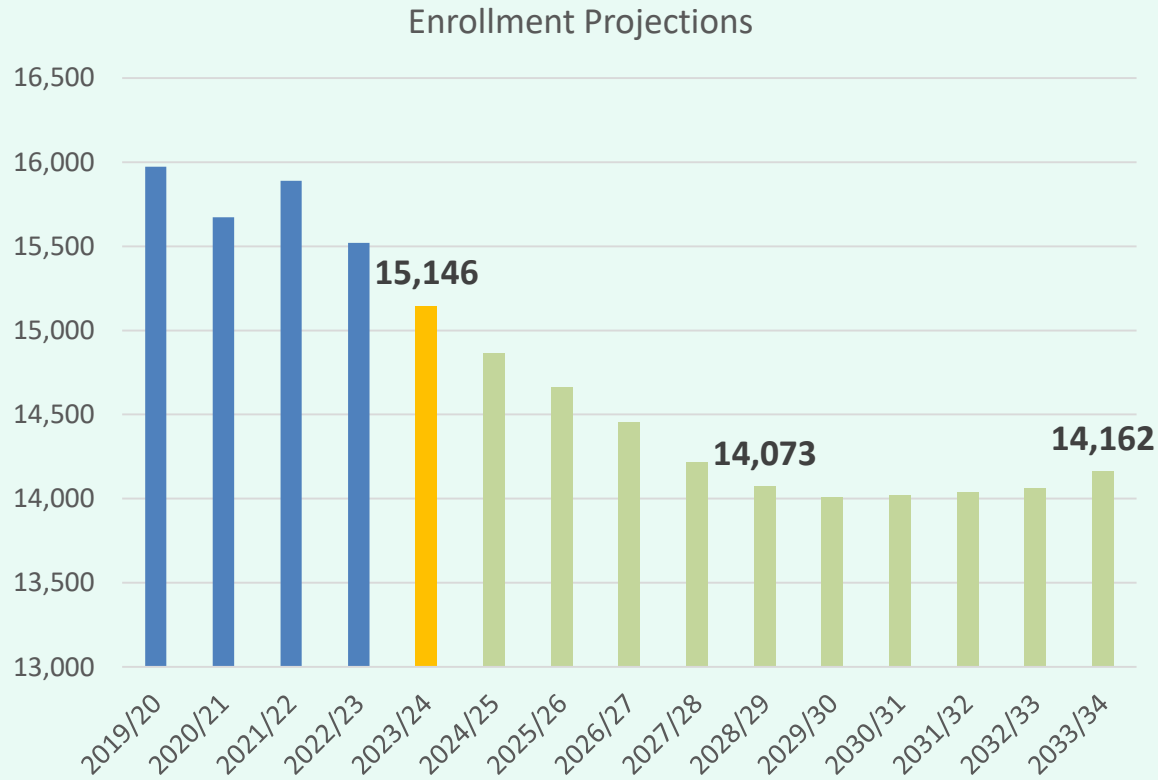


Ten Year Forecast by Secondary Campus

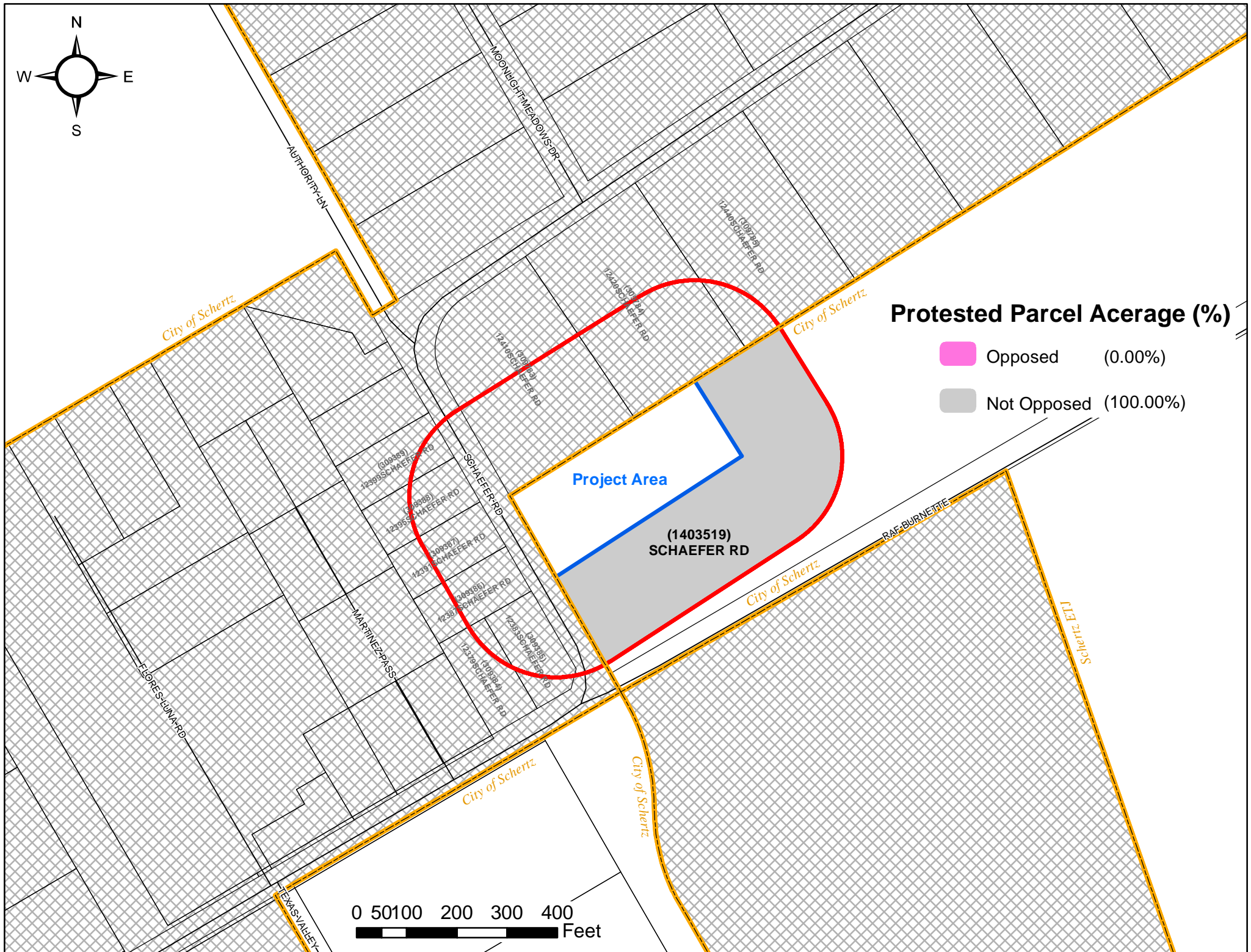
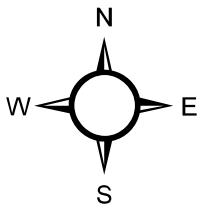
Campus	Functional Capacity	Max Capacity	Fall	ENROLLMENT PROJECTIONS									
			2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
DOBIE JH	1,300	1,540	1,316	1,229	1,194	1,228	1,196	1,152	1,058	1,009	1,025	1,025	1,109
CORBETT JH	1,080	1,500	1,126	1,095	1,096	1,103	1,111	1,114	1,083	1,001	936	924	989
JUNIOR HIGH SCHOOL TOTALS			2,442	2,324	2,290	2,331	2,307	2,266	2,141	2,010	1,961	1,949	2,098
Junior High School Percent Change			-3.71%	-4.83%	-1.46%	1.79%	-1.03%	-1.78%	-5.52%	-6.12%	-2.44%	-0.61%	7.64%
Junior High School Absolute Change			-94	-118	-34	41	-24	-41	-125	-131	-49	-12	149
CLEMENS HS	2,700	3,300	2,563	2,576	2,550	2,469	2,419	2,397	2,400	2,418	2,383	2,292	2,183
STEELE HS	2,160	3,200	2,700	2,688	2,663	2,541	2,452	2,411	2,345	2,330	2,202	2,113	2,038
ALSELC			155	155	155	155	155	155	155	155	155	155	155
HIGH SCHOOL TOTALS			5,418	5,419	5,368	5,165	5,026	4,963	4,900	4,903	4,740	4,560	4,376
High School Percent Change			0.73%	0.02%	-0.94%	-3.78%	-2.69%	-1.25%	-1.27%	0.06%	-3.32%	-3.80%	-4.04%
High School Absolute Change			39	1	-51	-203	-139	-63	-63	3	-163	-180	-184
DISTRICT TOTALS			15,146	14,864	14,661	14,451	14,217	14,073	14,007	14,017	14,036	14,059	14,162
District Percent Change			-2.42%	-1.86%	-1.37%	-1.43%	-1.62%	-1.01%	-0.47%	0.07%	0.14%	0.16%	0.73%
District Absolute Change			-375	-282	-203	-210	-234	-144	-66	10	19	22	103



Key Takeaways



- Enrollment in Schertz Cibolo ISD decreased by -2.4% since 2022/23
- Enrollment declines related to Charter expansions and lower Kindergarten enrollments
- 3rd quarter new home starts bounce back to 241 starts highest in the past year
- The district has 24 actively building subdivisions with more than 1,800 lots available to build on
- SCUCISD has 8 future subdivisions with over 6,900 lots in the planning stages
- Groundwork is underway on more than 1,000 lots across the district
- Larger graduating classes verses smaller Kindergarten classes leading to decrease in overall enrollment
- District enrollment near 14,000 students in 2028/29 school year



Protested Parcel Acentage (%)

- Opposed (0.00%)
- Not Opposed (100.00%)

0 50 100 200 300 400 Feet

Ordinance 24-S-18

Zone Change from Pre-Development to Single-Family Residential/ Agricultural
District (R-A) Schaefer Rd (1.8 acres)

Daisy Marquez | Planner



12396 Schaefer Road

Existing Single-Family Home

Existing Zoning:

Pre-Development (PRE)

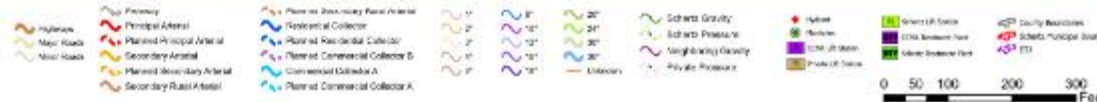
Proposed Zoning:

Single-Family Residential/ Agricultural (R-A)

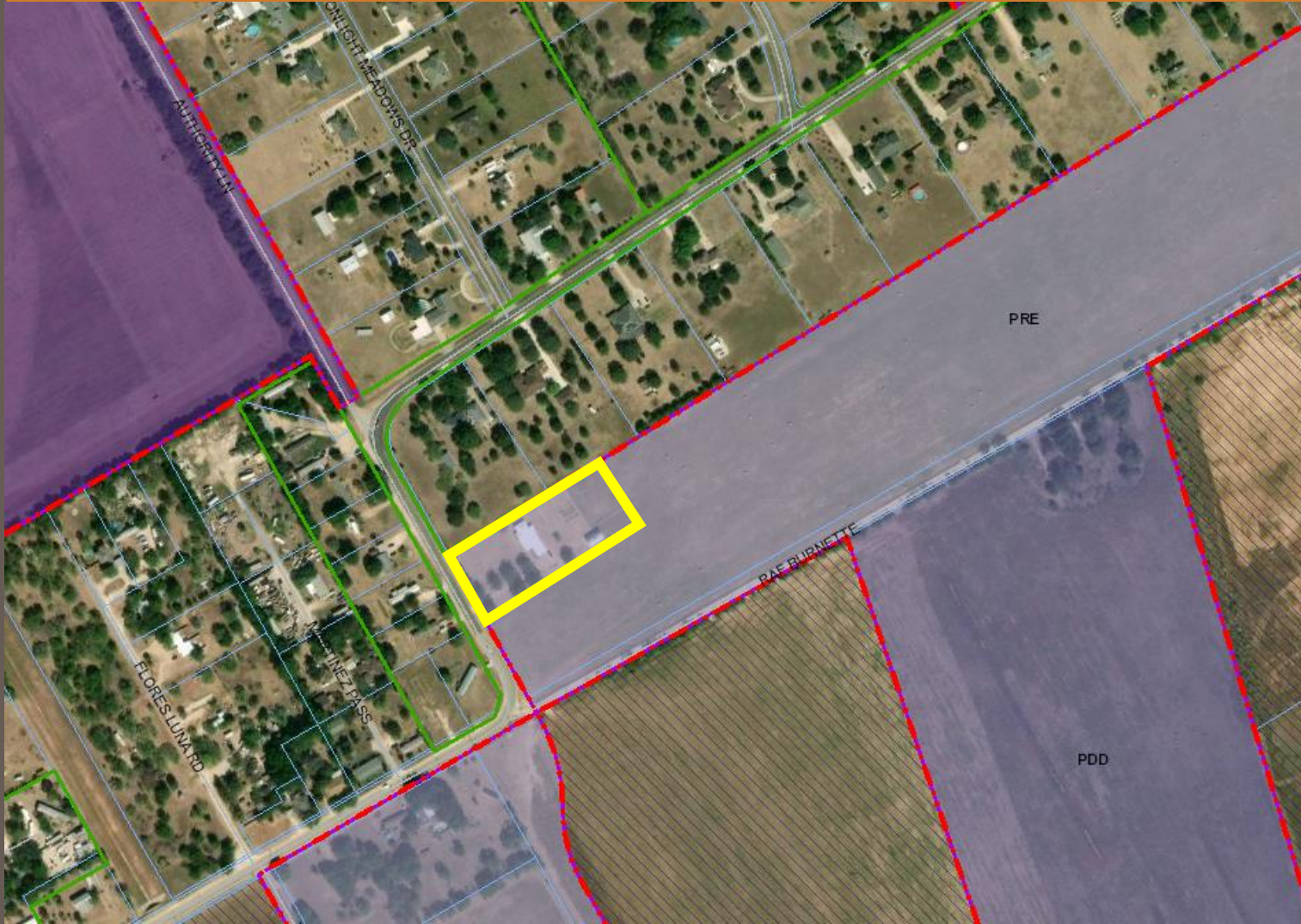


SCHERTZ
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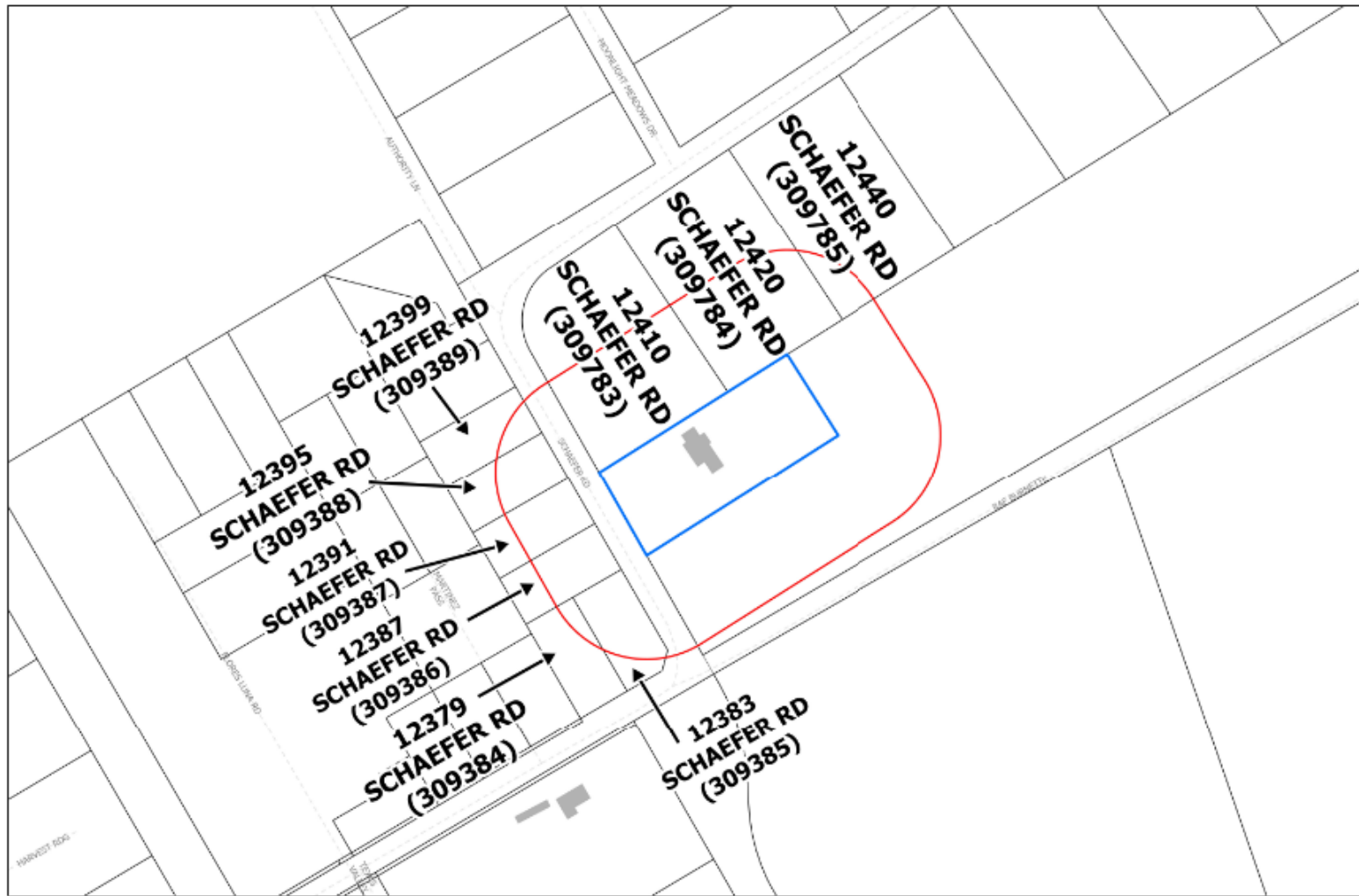
12396 SCHAEFER RD REZONE
(PLZC20240040)



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	Existing Zoning	Land Use
North	Extraterritorial Jurisdiction (ETJ) City of Schertz	Single Family
South	Pre-Development District (PRE)	Undeveloped
East	Pre-Development (PRE)	Undeveloped
West	Right-of-Way	Schaefer Road



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City of Schertz

12395 SCHAEFER RD REZONE
(PLZC20240040)

 Project Area
 200' Buffer

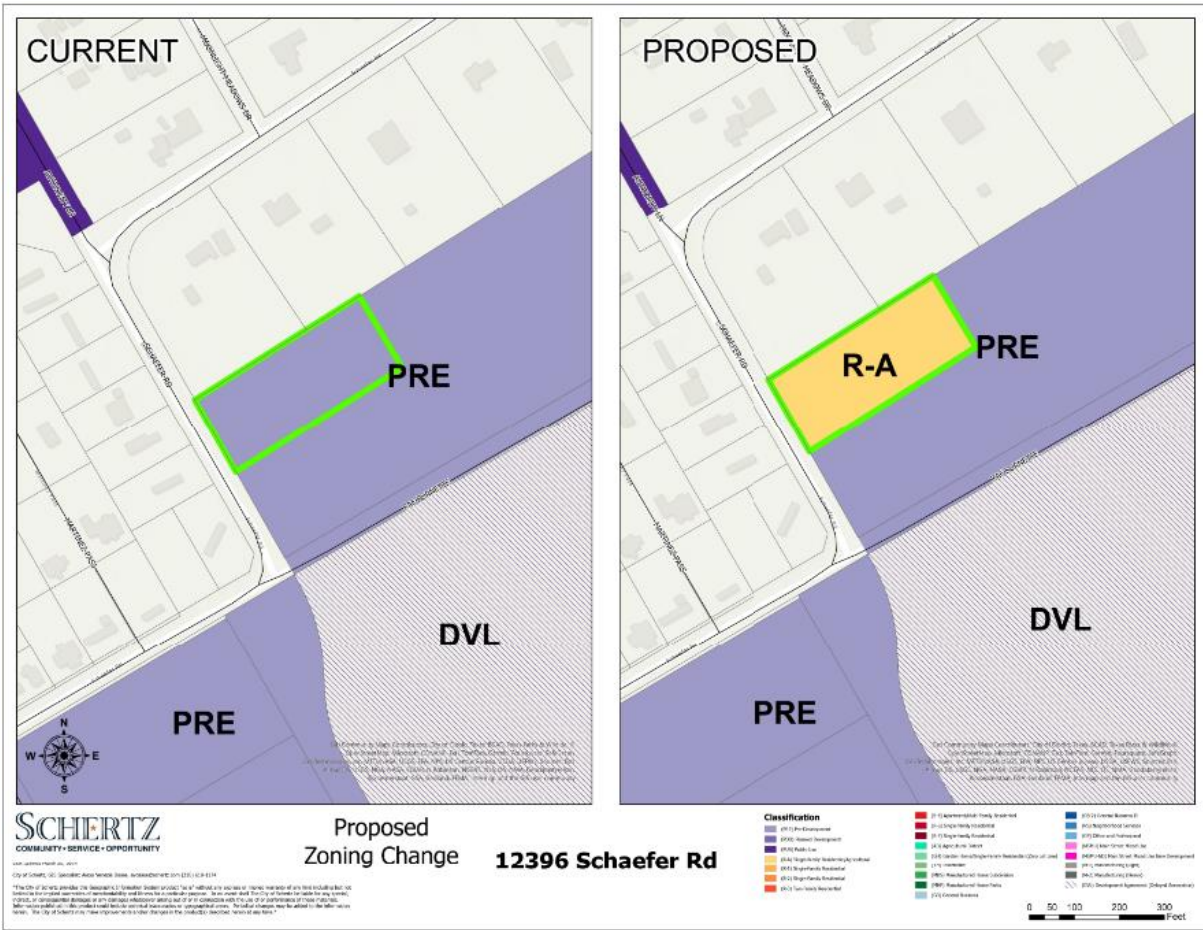


0 50 100 200 300 Feet

- March 20, 2024 a total of 10 Public Hearing Notices were sent out.
- Responses Received:
 - 0 – Opposition,
 - 7-In Favor
 - 0-Neutral
- 1 sign was posted on the property.
- April 3, 2024 Planning and Zoning Commission held a public hearing.
- Posted in the “San Antonio Express” on April 10, 2024.

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COMMUNITY. SERVICE. OPPORTUNITY.

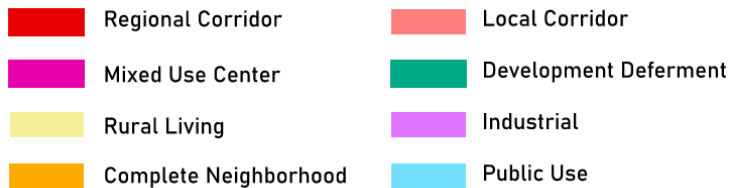
Proposed Zone Change



- UDC Section 21.5.4 states that a Zone Change is required to establish the use of land and the development associated with the proposed zoning classification for the purpose of establishing and maintaining sound, stable, and desirable development.
- The proposed zone change to Single-Family Residential/ Agricultural District (R-A) per the letter of intent, is for the applicant to pull future building permits.

UDC SECTION 21.5.4.D Criteria for Approval

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



- The proposed Single-Family Residential/ Agricultural District (R-A) does implement the policies of the adopted Comprehensive Land Plan.
- The Comprehensive Land Use Plan classifies the subject property and area as Complete Neighborhood. The intent of Complete Neighborhood land use designation is a general area characterized by a mix of housing options with supporting land uses, but when considering the appropriateness of housing density, factors such as roadway classification and conflicts among land uses should be considered.
- The proposed Single-Family Residential/ Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan designations as per its statement of purpose and intent from UDC Section 21.5.5. The intent of the Single-Family Residential/ Agricultural District (R-A) is to provide a district suitable for minimum half-acre lots where development may be premature. The surrounding properties include single family homes and some agricultural uses that are within the City of Schertz Extraterritorial Jurisdiction (ETJ), with some still maintaining Pre-Development District (PRE) since their annexation.

UDC SECTION 21.5.4.D Criteria for Approval

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

Code	Zoning District	Minimum Lot Size Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements	
		Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Impervious Coverage
R-A	Single-Family Residential/ Agriculture	21,780	-	-	25	25	25	2	35	50%

- As part of promoting health, safety and general welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts.
- The chosen Single-Family Residential/ Agricultural District (R-A) dimensional and development standards as stated in Section 21.5.7A of the Unified Development Code, are compatible with what is in the surrounding area.

UDC SECTION 21.5.4.D Criteria for Approval

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

- Yes, the permitted uses in Single-Family Residential/ Agricultural District (R-A) are appropriate within the immediate area of the land to be reclassified. The purpose and intent of the Single-Family Residential/ Agricultural District (R-A) is to provide areas in which agricultural land may be held in such use for as long is practical and reasonable, with minimum half-acre lots, and where development may be premature due to lack of utilities, capacity or services, as per UDC Section 21.5.5.

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

- The entry point for the subject property is on Schaefer Road. Schaefer Road is a Secondary Arterial with a 90-foot Right-of-Way. To the south of the subject property, Raf Burnette is a Planned Secondary Arterial with a 90-foot Right-of-Way and is also known as the planned East & West Connector. The subject property is currently serviced by the City of Schertz for water.
- A public hearing notice was mailed to Schertz-Cibolo-Universal City Independent School District to notify them of the proposed zone change. Included as attachments are the most recent Demographic Report 3Q23 for SCUCISD as well as the most recent 10-Year Campus Forecasting Presentation.
- The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

UDC SECTION 21.5.4.D Criteria for Approval

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

- When the property was annexed, the property was established as Pre-Development District (PRE). The intent of the Pre-Development District (PRE) is to be a temporary designation for existing uses or newly annexed properties. The applicant would like to pull building permits for their home and since Pre-Development District (PRE) is simply a placeholder, a zone change is required.

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

- There was no error in the original zoning of the property. The property has been Pre-Development District (PRE) since it was annexed into the City of Schertz in 2011 with Ordinance 11-A-22. Pre-Development District (PRE) is a placeholder and this property along with others in this area and around southern Schertz were given Pre-Development District (PRE) instead of zoning each individual property.

7. Whether all of the applicant's back taxes owed to the City have been paid in full;

- This does not impact the first reading at City Council.

UDC SECTION 21.5.4.D Criteria for Approval

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

- Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special consideration from the Planning and Zoning Commission or the City Council.

Recommendation

Staff Recommendation

The proposed zone change to Single-Family Residential/ Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan and is appropriate within the immediate area of the subject property, thus Staff recommends approval of PLZC20240040.

Planning and Zoning Commission

The Planning and Zoning Commission met on April 4, 2024 and made a recommendation of approval with a 6-0 vote.

COMMENTS AND QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024

Department: Planning & Community Development

Subject: Ordinance 24-S-19- Conduct a public hearing and consider a request to rezone approximately 3 acres of land, from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A), a portion of Bexar County Property Identification Number 308402, also known as 11627 Voges Pass, City of Schertz, Bexar County, Texas. *First Reading* (B.James/L.Wood/D.Marquez)

BACKGROUND

The applicant is requesting to rezone approximately 3 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (R-A). The subject property is currently a single-family home with agriculture.

On March 20, 2024, seven (7) public hearing notices were mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of the staff report, zero (0) responses in favor, zero (1) response neutral, and zero (0) responses in opposition have been received. A public hearing notice was published in the "San Antonio Express" on April 10, 2024. Additionally, one (1) sign was placed on the property. The Planning and Zoning Commission held a public hearing for this item on April 3, 2024.

GOAL

The proposed zone change is for approximately 3 acres of land to Single-Family Residential/ Agricultural District (R-A). Per the letter of intent submitted with the application, the property owner desires to remodel their existing home.

COMMUNITY BENEFIT

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

SUMMARY OF RECOMMENDED ACTION

To the north of the property, the property is zoned Pre-Development District (PRE) and is used as a single-family home and agricultural. To the east of the property is Voges Pass. To the west, the property is zoned Manufacturing District-Heavy (M-2) and is currently used for industrial uses. To the south, the property is within the Schertz Extraterritorial Jurisdiction (ETJ) and is used for a single-family home and agriculture.

When evaluating zone changes, staff uses criteria listed in UDC Section 21.5.4.D. The criteria are listed below.

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

The proposed Single-Family Residential / Agricultural District (R-A) does implement the policies of the adopted Comprehensive Land Plan.

The Comprehensive Land Use Plan classifies the subject property and area as Complete Neighborhood. The intent of the Complete Neighborhood land use designation is a general area characterized by a mix of housing options with supporting land uses, but when considering appropriateness of housing density factors such as roadway classification and conflicts among land uses should be considered.

The proposed Single-Family Residential/ Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan designation as per its statement of purpose and intent from UDC Section 21.5.5. The intent of the Single-Family Residential/ Agricultural District (R-A) is to provide a district suitable for minimum half-acre lots where development may be premature. The surrounding properties are Pre-Development District (PRE) and the subject property is at the edge of the City of Schertz Extraterritorial Jurisdiction (ETJ).

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

As part of promoting health, safety, and welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts. The chosen Single-Family Residential/ Agricultural District (R-A) dimensional and development standards as stated in Section 21.5.7 of the Unified Development Code, are compatible with what is in the surrounding area.

Table 21.5.7.A Dimensional Requirements Residential Zoning Districts										
		Minimum Lot Size Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements	
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Impervious Coverage
R-A	Single-Family Residential/ Agricultural	21,780	-	-	25	25	25	2	35	50%

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

Yes, the uses permitted in Single-Family Residential/ Agricultural District (R-A) are appropriate within the immediate area of the land to be reclassified. The purpose and intent of the Single-Family Residential / Agricultural District (R-A) is to provide areas in which agricultural land may be held in such use for as long as is practical and reasonable with residences a minimum of half-acre in size, and where development is premature due to lack of utilities, capacity or services, as per UDC Section 21.5.5.

A majority of the surrounding properties are zoned Pre-Development District (PRE) and are used for single family residential and agriculture. Additionally, the southern property line of the subject property

is adjacent to the City of Schertz Extraterritorial Jurisdiction.

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

The existing access point for the property is off of the existing Voges Pass. Voges Pass is a private road and is not maintained by the City of Schertz. The subject property currently uses an on-site septic system and is serviced by the City of Schertz for water.

A public hearing notice was mailed to Schertz-Cibolo-Universal City Independent School District to notify them of the proposed zone change. Included as attachments are the most recent Demographic Report 3Q23 for SCUCISD as well as the most recent 10-Year Campus Forecasting Presentation. The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

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

The applicant would like to renovate the existing home and the Pre-Development District (PRE) is a placeholder and requires a zone change for construction, building permits, etc.

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

There was no error in the original zoning of the property. The subject property was annexed into the City of Schertz in 1974 with Ordinance 74-A-24. Pre-Development District (PRE) is a placeholder and this property along with others in the area and around southern Schertz were given Pre-Development District (PRE) instead of zoning each individual property.

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

This does not impact the first reading at City Council.

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

Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special consideration from the Planning and Zoning Commission or the City Council.

RECOMMENDATION

The proposed zone change to Single-Family Residential/Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan and is appropriate within the immediate area of the subject property. Thus, Staff recommends approval of Ordinance 24-S-19.

The Planning and Zoning Commission met on April 3, 2024, and made a recommendation of approval with a 6-0 vote.

Attachments

Ordinance 24-S-19 with attachments

Aerial Exhibit

Public Hearing Notice Map

Zoning Exhibit

SCUCISD 10 Year Campus Forecasting

SCUCISD Demographic Report

200' Notification Protest Map

City Council Presentation Slides

ORDINANCE NO. 24-S-19

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 3 ACRES OF LAND FROM PRE-DEVELOPMENT DISTRICT (PRE) TO SINGLE-FAMILY RESIDENTIAL/ AGRICULTURAL DISTRICT (R-A), KNOWN AS A PORTION OF BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER 308402, MORE SPECIFICALLY KNOWN AS 11627 VOGES PASS, SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, an application to rezone approximately 3 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural (R-A), known as a portion of Bexar County Property Identification Number 308402, more specifically described as 11627 Voges Pass, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

WHEREAS, on April 3, 2024, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council of approval; and

WHEREAS, on May 7, 2024, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

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

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

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

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

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

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

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

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

PASSED ON FIRST READING, the _____ of _____ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

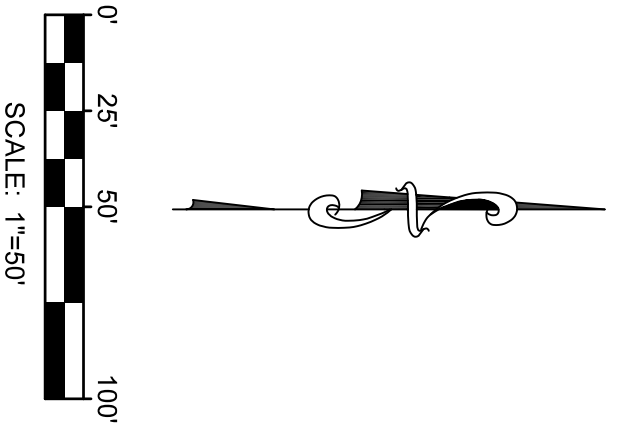
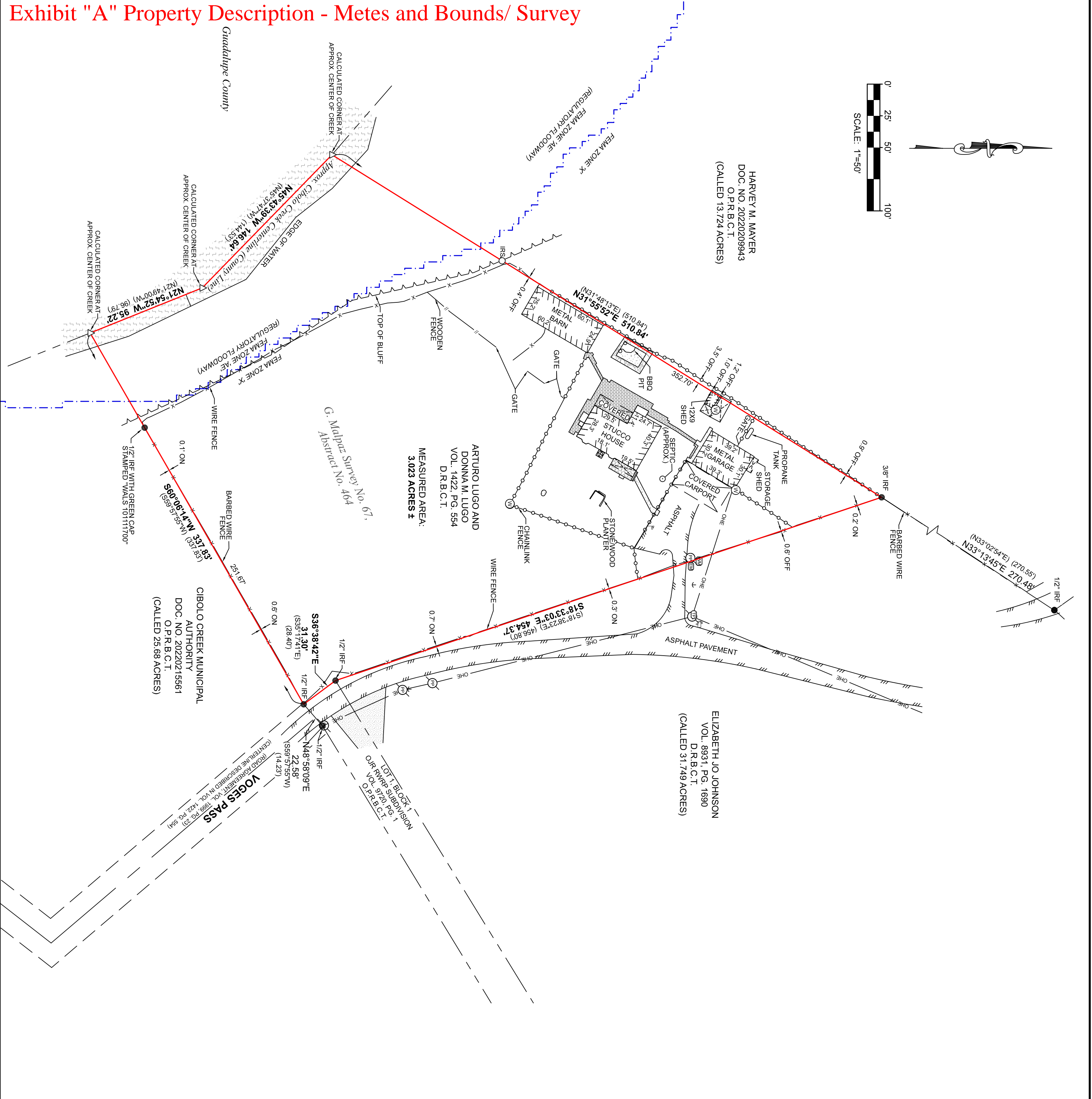
ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description- Metes and Bounds/ Survey

Exhibit "A" Property Description - Metes and Bounds/ Survey



HARVEY M. MAYER
 DOC. NO. 20220209943
 O.P.R.B.C.T.
 (CALLED 13.724 ACRES)

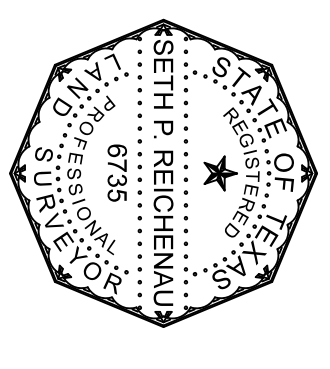
ARTURO LUGO AND
 DONNA M. LUGO
 VOL. 1422, PG. 554
 D.R.B.C.T.
 MEASURED AREA:
 3.023 ACRES ±

ELIZABETH JO JOHNSON
 VOL. 8931, PG. 1690
 D.R.B.C.T.
 (CALLED 31.749 ACRES)

CIBOLO CREEK MUNICIPAL
 AUTHORITY
 DOC. NO. 20220215561
 O.P.R.B.C.T.
 (CALLED 25.688 ACRES)

VOGES PASS
 (CONTRACT RESUBMITTED VOL. 1689, PG. 23)
 (GENERAL RESUBMITTED VOL. 1422, PG. 554)

Seth Reichenu
 NOVEMBER 27, 2023
 SETH P. REICHENU
 R.P.L.S. NO. 6735
 FIELD CREW: LDR, TOP
 DRAWN BY: ALA
 REVISION #:



- GENERAL NOTES:**
1. BEARINGS ARE BASED ON PROPERTY CORNERS FOUND AND ROTATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE (4204), NAD 1983. GEODID 18. DISTANCES ARE IN U.S. SURVEY FEET (GRID).
 2. UNDERGROUND UTILITIES NOT LOCATED OR SHOWN.
 3. PROPERTY IS SUBJECT TO ALL APPLICABLE DEVELOPMENT CODES AND ZONING ORDINANCES.
 4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND THE SURVEYOR DID NOT RESEARCH THE DEED RECORDS.
 5. PER WWW.FEMA.GOV, THIS PROPERTY APPEARS TO BE LOCATED IN ZONE X & ZONE AE. THIS PROPERTY WAS FOUND IN MAP NUMBER 4802902095F, DATED 8/29/2010.
 6. FENCES SHOWN HEREON ARE GRAPHIC ONLY. WITH DIMENSIONAL TIES SHOWN AT SPECIFIC LOCATIONS WHERE THEY WERE PHYSICALLY MEASURED. MEASUREMENTS ARE TO THE INSIDE OF THE FENCE FROM THE SUBJECT PROPERTY. THE FENCE LINE MAY MEANDER BETWEEN MEASURED LOCATIONS.
 7. OWNERSHIP DEED RECORDED IN VOLUME 1422, PAGE 554, DEED RECORDS, BEXAR COUNTY, TEXAS.

SURVEYOR'S CERTIFICATION

I, SETH REICHENU, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, INDICATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY SUPERVISION.

THE FIELD WORK WAS COMPLETED ON NOVEMBER 15, 2023

AS-BUILT SURVEY

3.023 ACRE TRACT

SITUATED IN THE G. MALPAZ SURVEY NO. 67,

ABSTRACT NUMBER 464

CITY OF SCHERTZ, BEXAR COUNTY, TEXAS

ADDRESS: 11627 VOGES PASS, SCHERTZ, TX

PREPARED FOR

DMJ Custom Build - Remodel
 19115 FM 2252 #14
 Garden Ridge, TX 78266



SURVEYOR

engineering | surveying | planning

Contact: Seth Reichenu, RPLS

Tel: (830) 282-0333 Email: info@dillodev.com

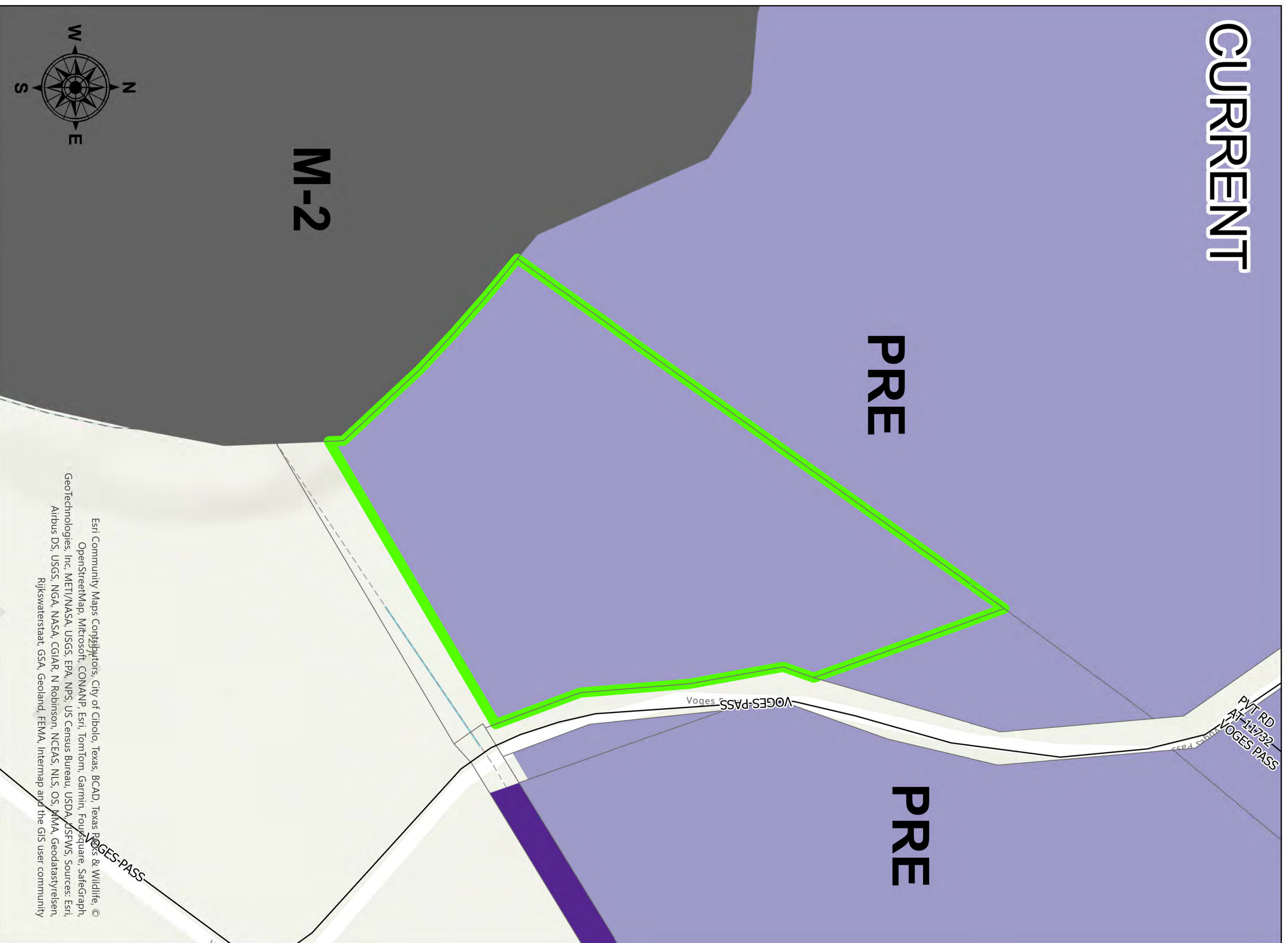
Address: 967 Broadway, New Braunfels, TX 78130

TX Engineering Firm No. F-22833

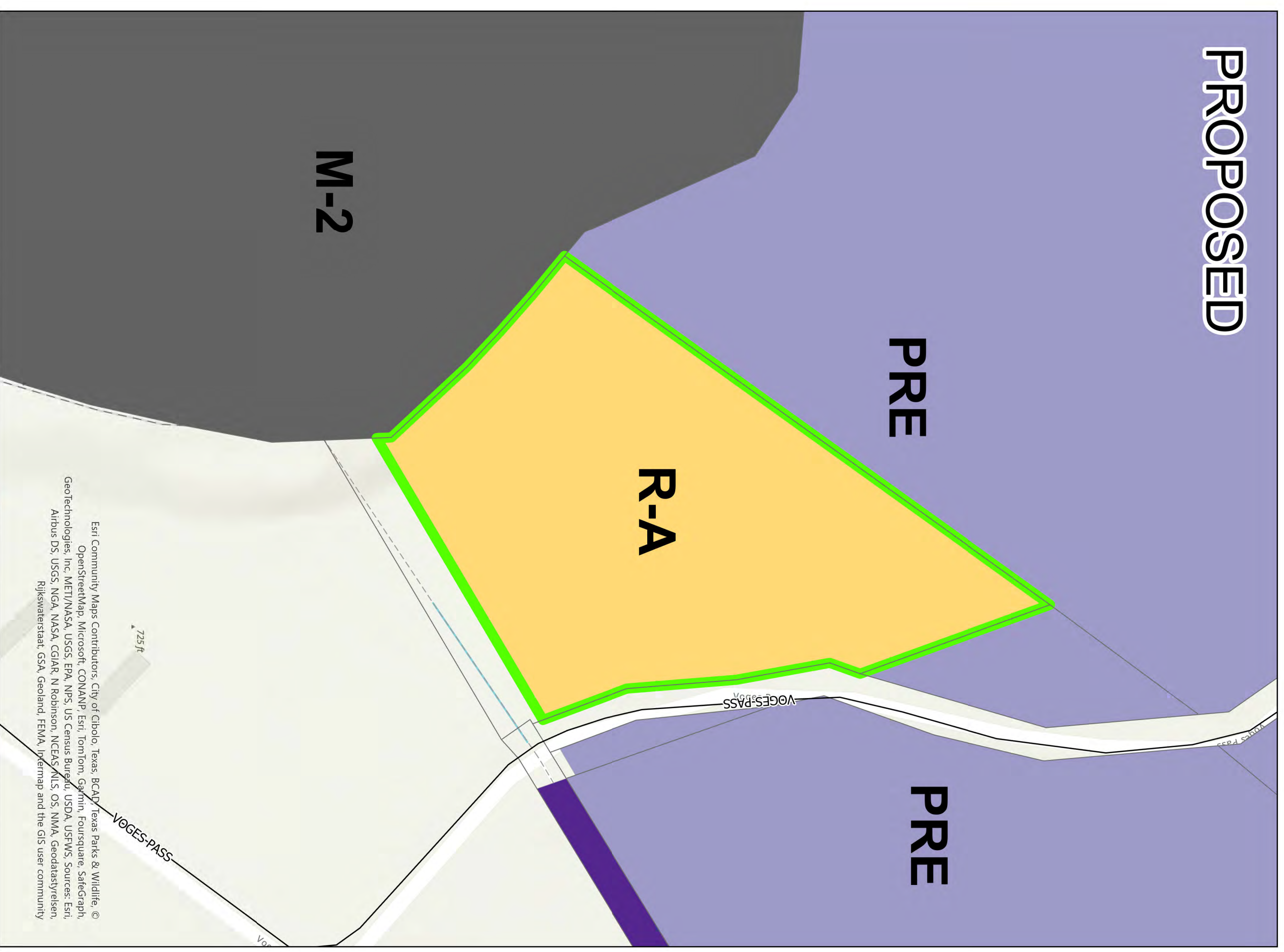
TX Surveying Firm No. 10194711

Exhibit "B"
Zone Change Exhibit

CURRENT



PROPOSED



SCHERTZ

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Last update: March 20, 2024

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

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Proposed

Zoning Change

11627 Voges Pass

G. MALPAZ SURVEY NO.67, ABS NUM: 464

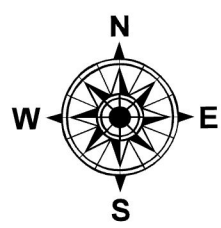
Exhibit "B": Zone Change Exhibit

Classification	
(PRE) Pre-Development	(R-4) Apartment/Multi-Family Residential
(R2D) Planned Development	(R-5) Single-Family Residential
(R1B) Public Use	(R-7) Single-Family Residential
(R-4) Single-Family Residential/Agricultural	(AD) Agricultural District
(R-1) Single-Family Residential	(GH) Garden Home/Single-Family Residential (Zero Lot Line)
(R-2) Single-Family Residential	(TH) Townhome
(R-3) Two-Family Residential	(MNS) Manufactured Home Subdivision
	(MHP) Manufactured Home Parks
	(GB) General Business
	(GB-2) General Business II
	(NS) Neighborhood Services
	(OP) Office and Professional
	(NSMU) Main Street Mixed Use
	(NSMUND) Main Street Mixed Use New Development
	(M-1) Manufacturing (Light)
	(M-2) Manufacturing (Heavy)
	(OVA) Development Agreement (Delayed Annotation)



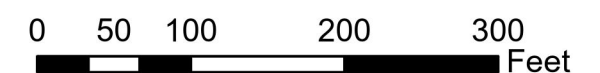
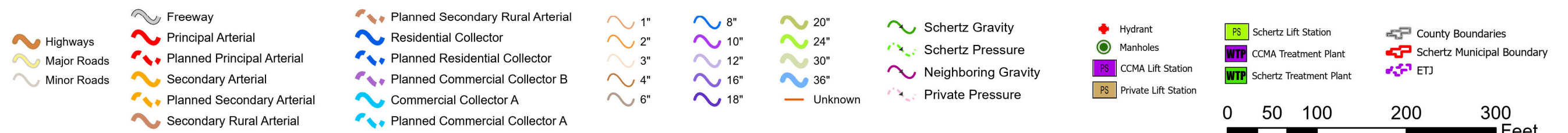


Mazur, Microsoft



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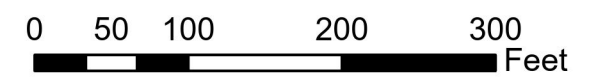
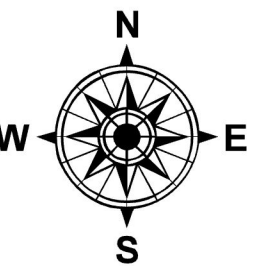
11627 VOGES PASS REZONE
(PLZC20240050)



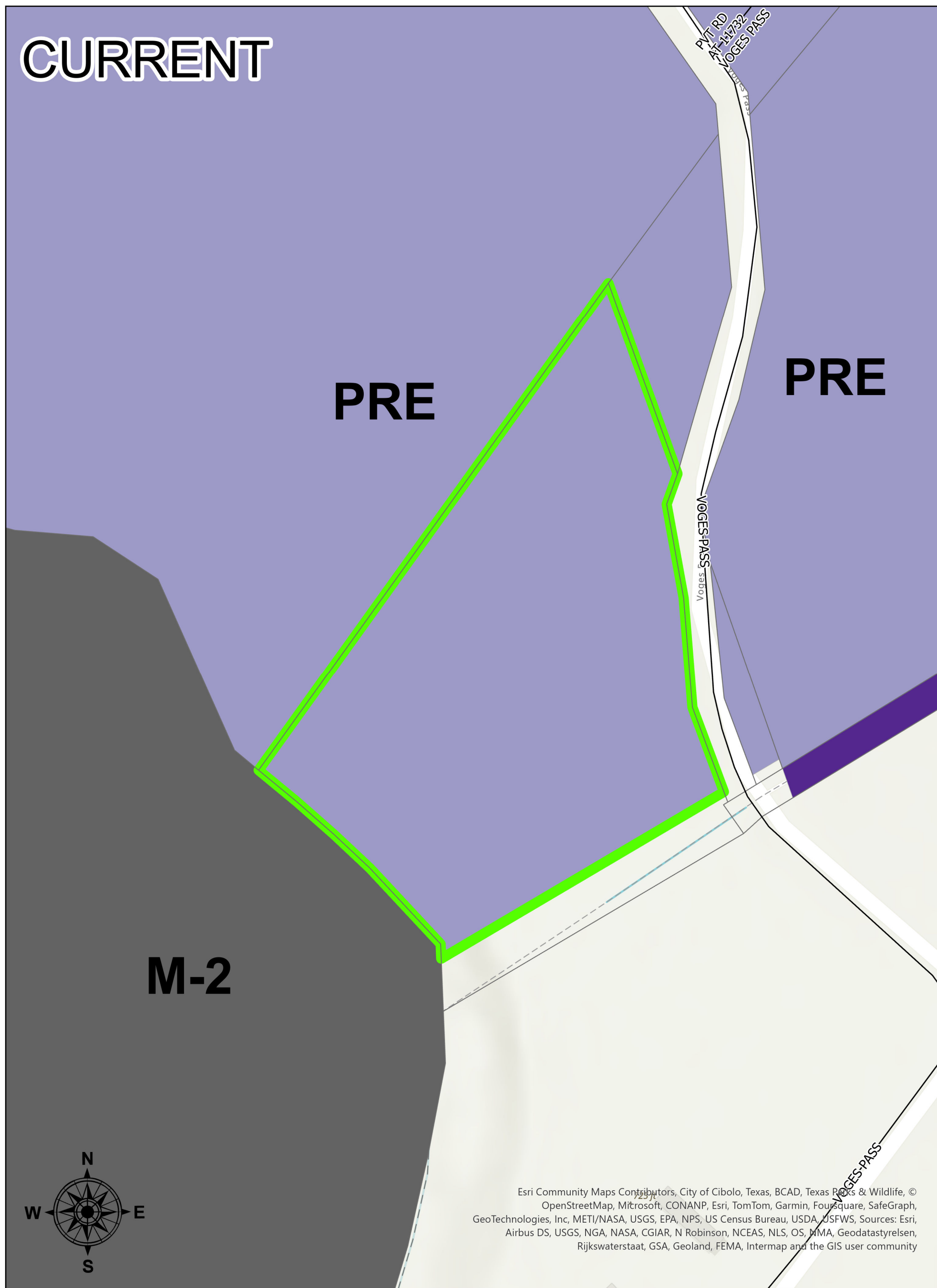


City of Schertz

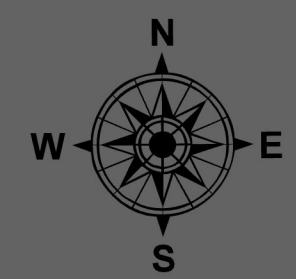
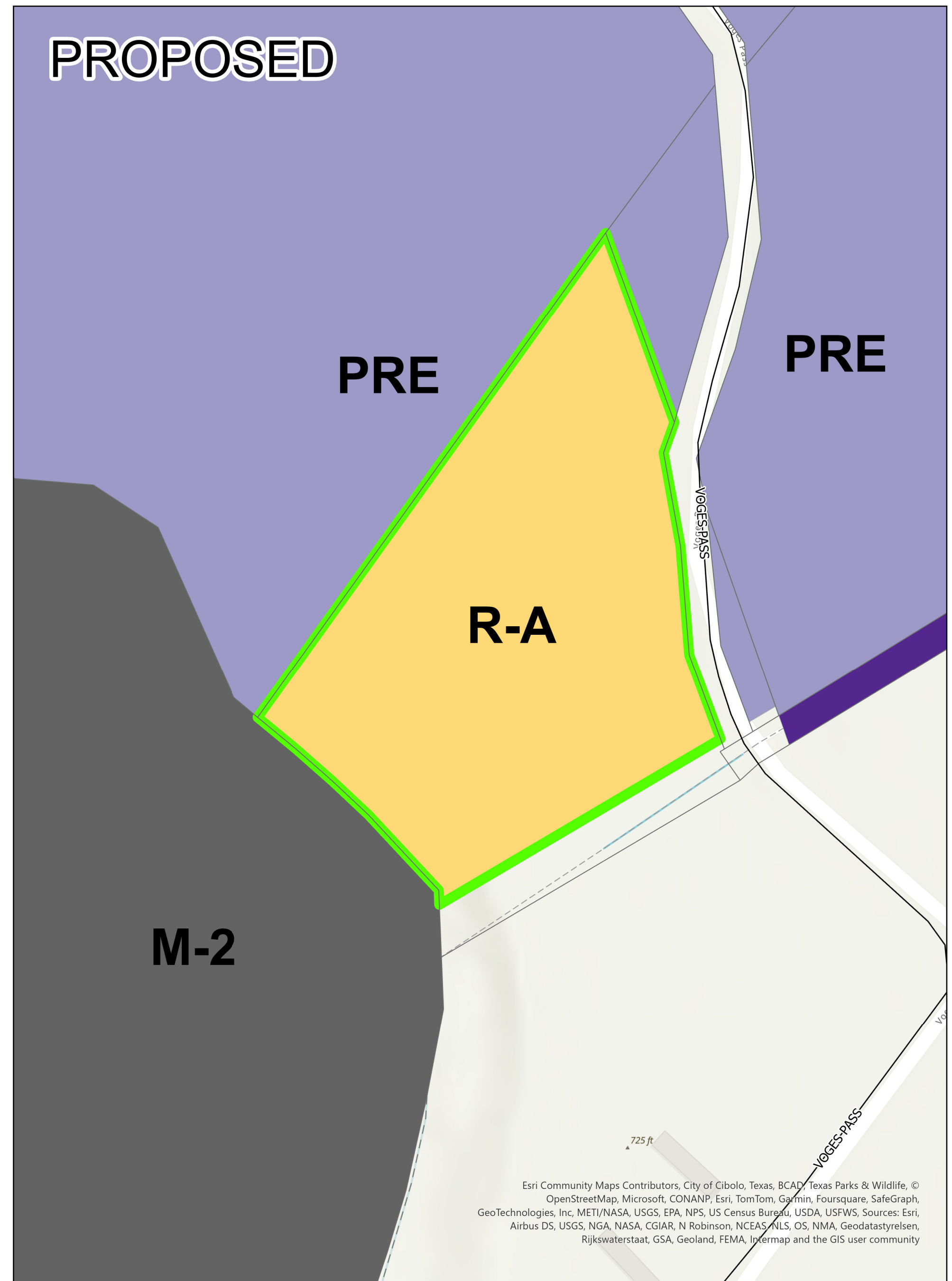
11627 VOGES PASS REZONE
(PLZC20240050)



CURRENT



PROPOSED



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Last update: March 20, 2024
 City of Schertz, GIS Specialist: Alexa Venezia Dasse, avdasse@schertz.com (210) 619-1174

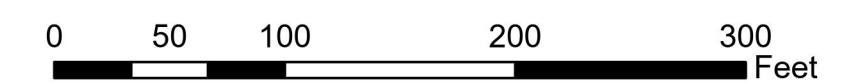
Proposed Zoning Change

11627 Voges Pass

G. MALPAZ SURVEY NO.67, ABS NUM: 464

Classification

- (PRE) Pre-Development
- (PDD) Planned Development
- (PUB) Public Use
- (R-A) Single-Family Residential/Agricultural
- (R-1) Single-Family Residential
- (R-2) Single-Family Residential
- (R-3) Two-Family Residential
- (R-4) Apartment/Multi-Family Residential
- (R-6) Single-Family Residential
- (R-7) Single-Family Residential
- (AD) Agricultural District
- (GH) Garden Home/Single-Family Residential (Zero Lot Line)
- (TH) Townhome
- (MHS) Manufactured Home Subdivision
- (MHP) Manufactured Home Parks
- (GB) General Business
- (GB-2) General Business II
- (NS) Neighborhood Services
- (OP) Office and Professional
- (MSMU) Main Street Mixed Use
- (MSMU-ND) Main Street Mixed Use New Development
- (M-1) Manufacturing (Light)
- (M-2) Manufacturing (Heavy)
- (DVL) Development Agreement (Delayed Annexation)



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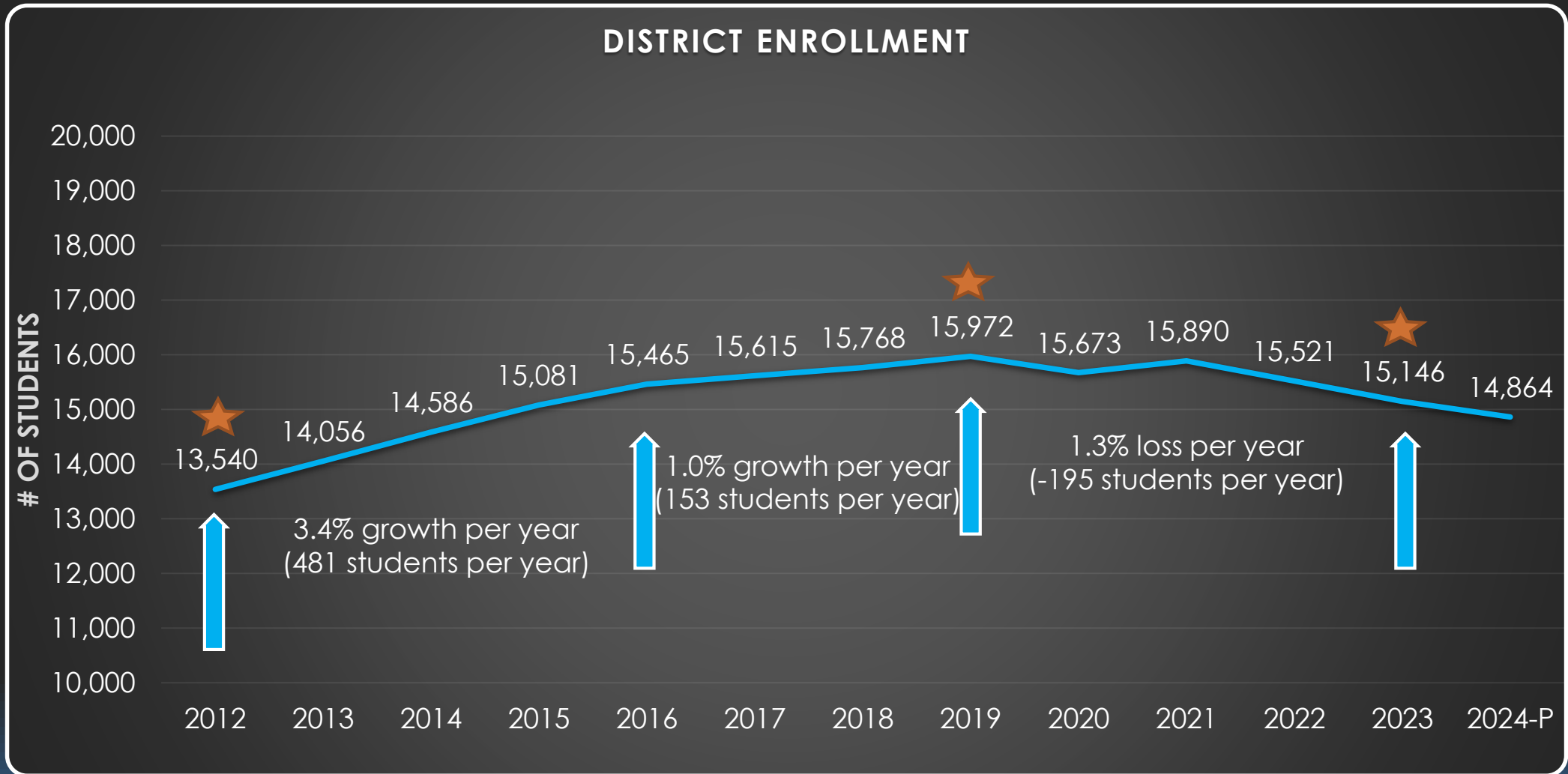
SCHERTZ - CIBOLO - UNIVERSAL CITY ISD

10 YEAR CAMPUS FORECASTING

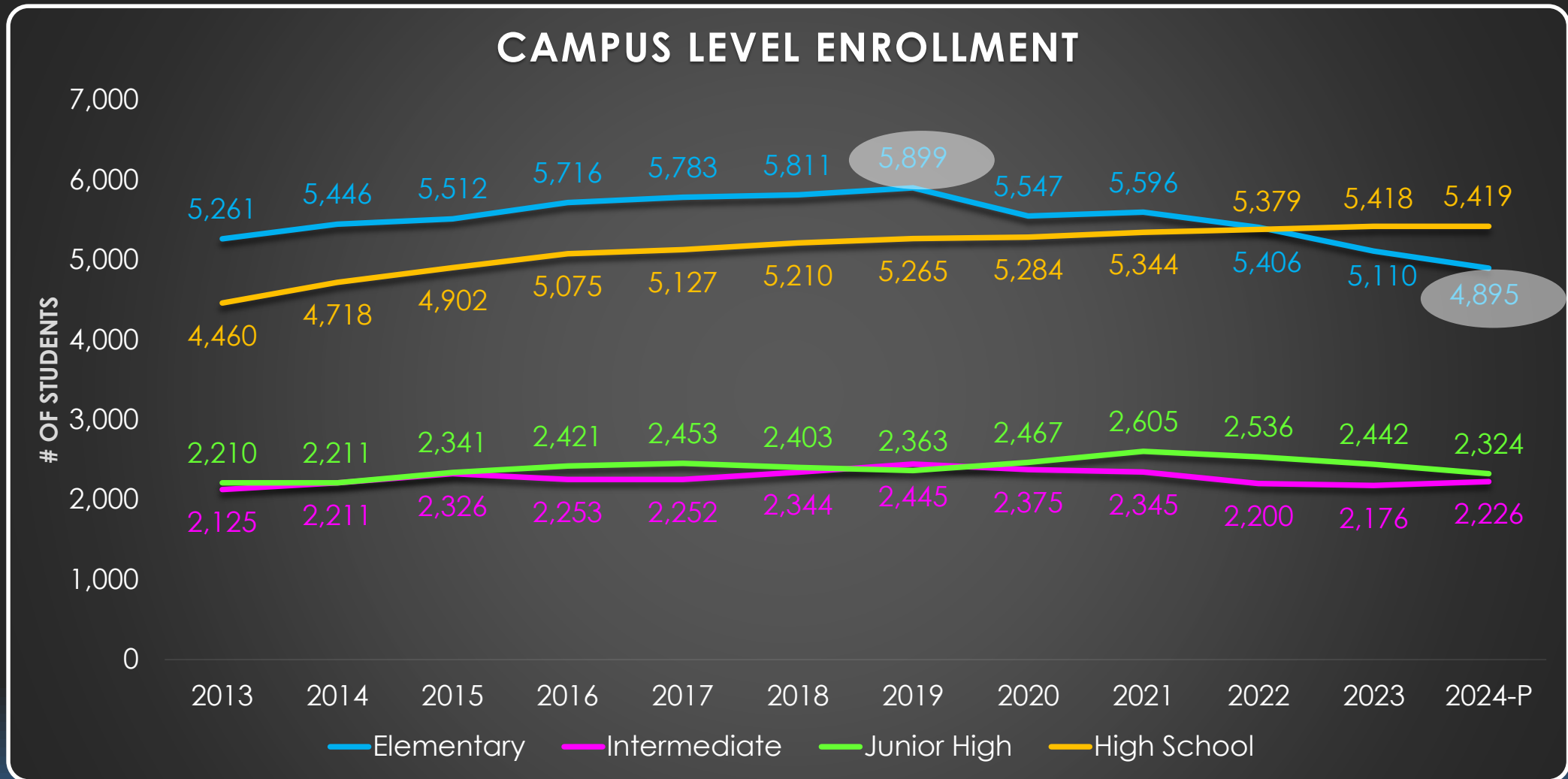
FORECASTING CONSIDERATIONS

- ENROLLMENT
 - HISTORICAL TRENDS
 - PROJECTIONS
 - TRANSFERS TO CHARTERS AND OTHER ISDs
- CAMPUS CAPACITY
- BONDING CAPACITY

HISTORICAL ENROLLMENT



HISTORICAL ENROLLMENT BY CAMPUS LEVEL



ENROLLMENT HISTORY BY LEVEL – OCTOBER

- 2019 TO 2023 ENROLLMENT DECREASE
 - HIGH SCHOOL ENROLLMENT HAS REMAINED STRONG
 - WE HAVE ADDED 154 HIGH SCHOOL STUDENTS SINCE 2019
 - AND JUNIOR HIGH HAS ONLY LOST 39 STUDENTS SINCE 2019
- ELEMENTARY IS WHERE WE HAVE FELT THE LARGEST DROP IN ENROLLMENT
 - SPECIFICALLY, 918 STUDENTS LOST SINCE 2019
 - AND 219 STUDENTS LOST AT THE INTERMEDIATE LEVEL.

STUDENT TRANSFERS

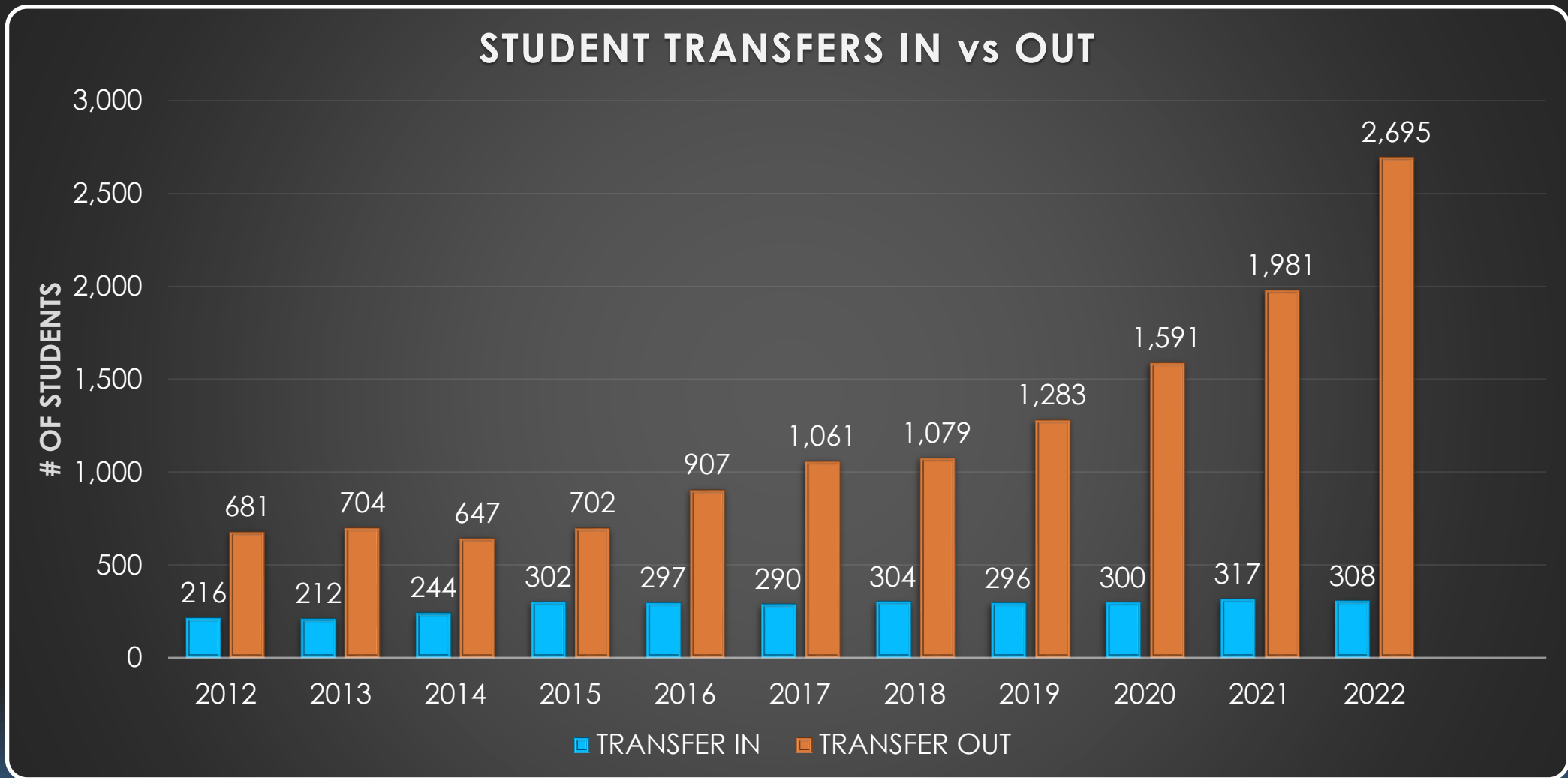
PEIMS YEAR	TRANSFER IN	TRANSFER OUT	DIFFERENCE
2012	216	681	-465
2013	212	704	-492
2014	244	647	-403
2015	302	702	-400
2016	297	907	-610
2017	290	1061	-771
2018	304	1079	-775
2019	296	1283	-987
2020	300	1591	-1291
2021	317	1981	-1664
2022	308	2695	-2387
2023	Data available in March		

First Year of Founders Charter School →

First Year of School of Science and Technology →

First Year of Legacy Traditional School →

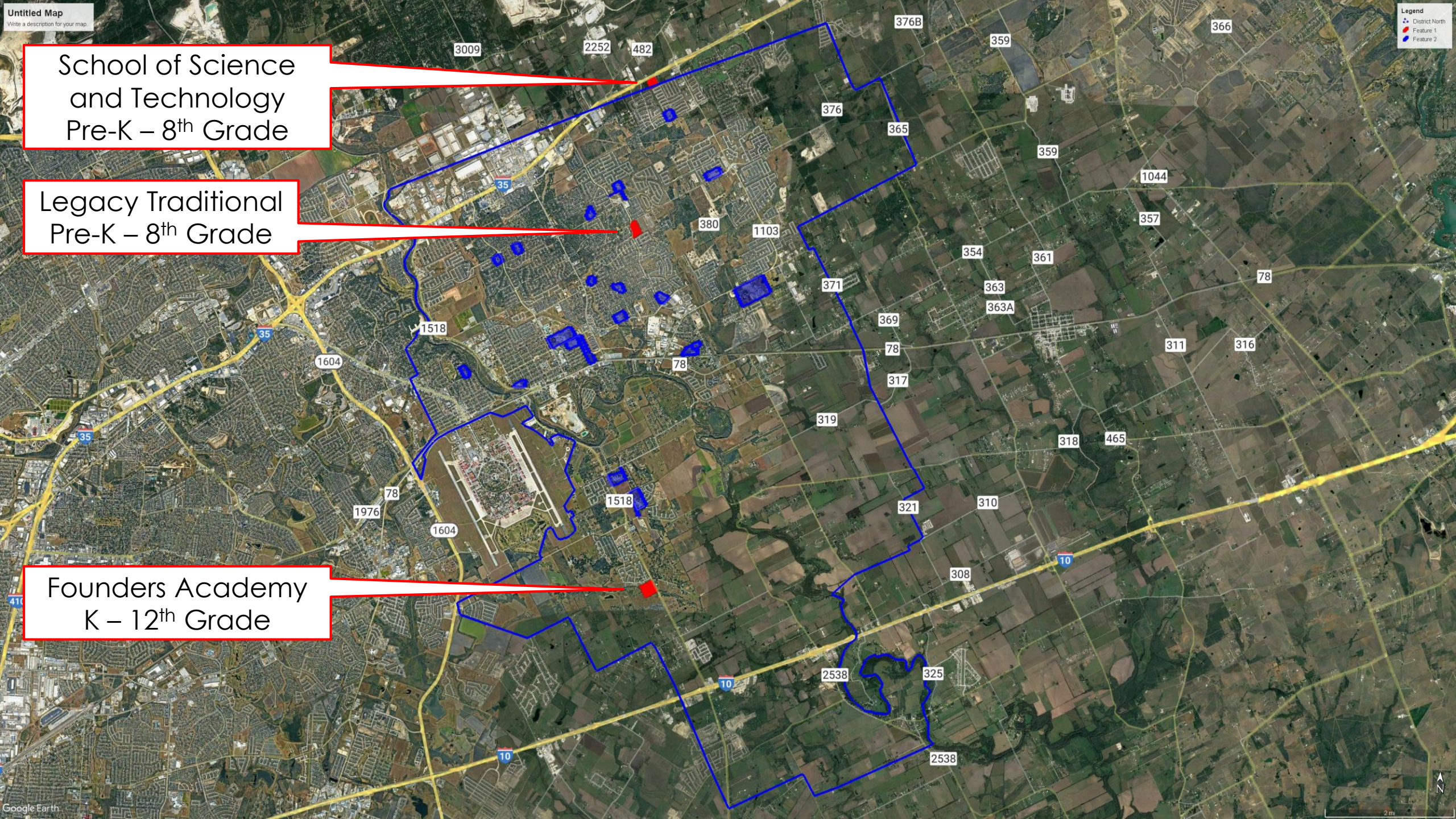
STUDENT TRANSFERS IN VS. OUT



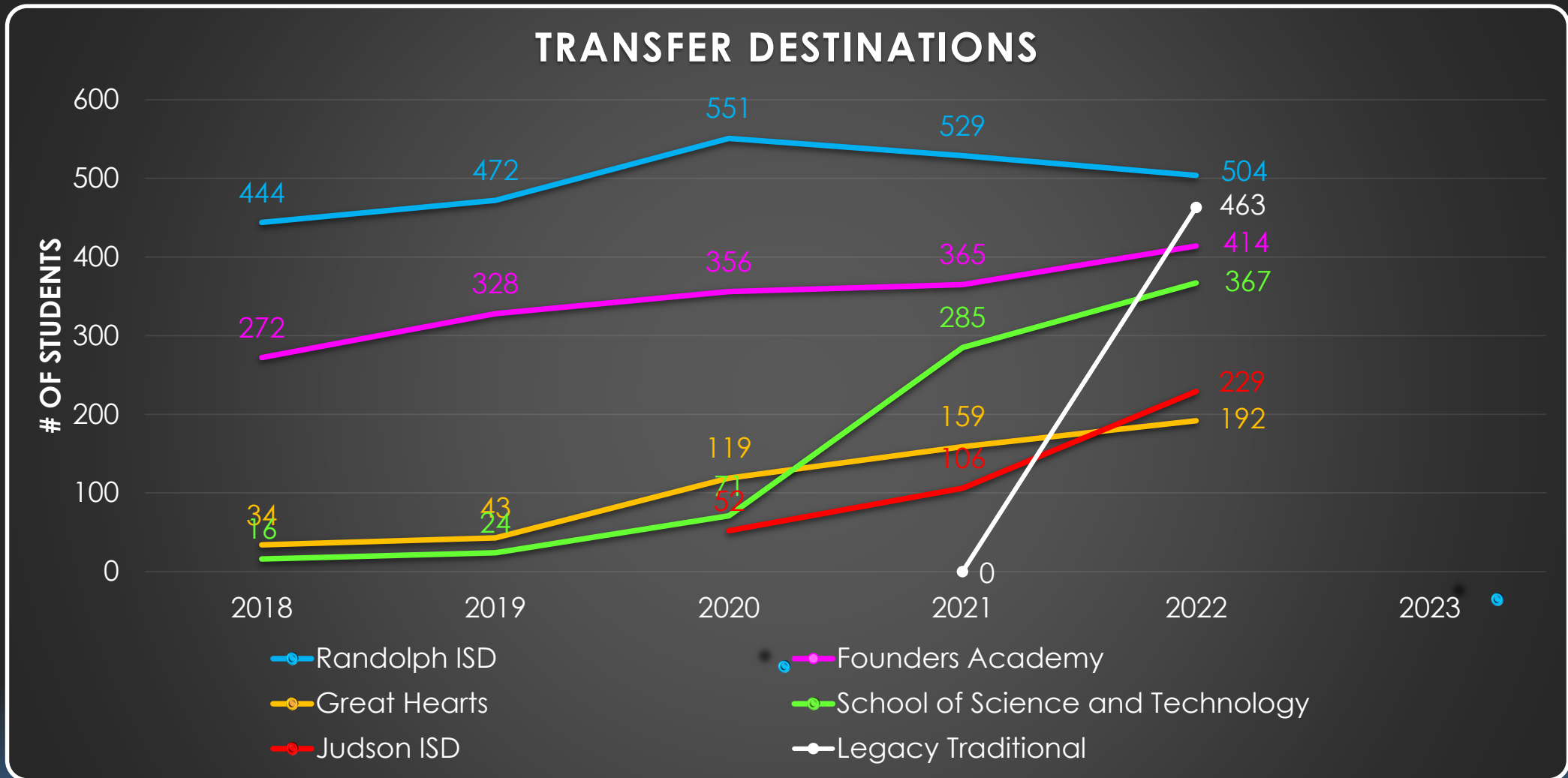
School of Science and Technology
Pre-K – 8th Grade

Legacy Traditional
Pre-K – 8th Grade

Founders Academy
K – 12th Grade

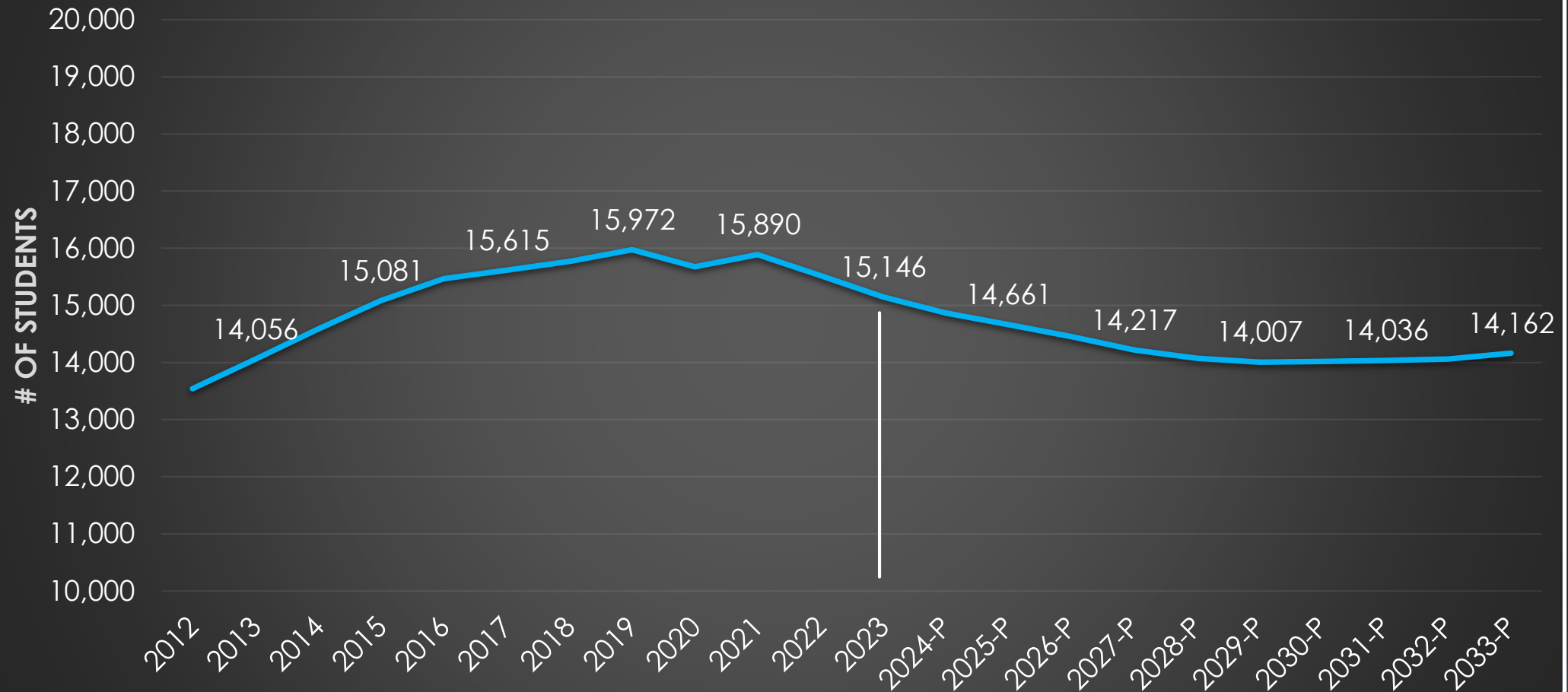


MAIN DESTINATIONS FOR TRANSFERS OUT



SO, HOW MANY STUDENTS WILL WE HAVE IN THE FUTURE?

DISTRICT HISTORICAL ENROLLMENT AND PROJECTIONS



ENROLLMENT PROJECTIONS

- OVER THE NEXT 6 YEARS OUR DISTRICT IS PROJECTED TO LOSE ON AVERAGE 1.3% OF OUR ENROLLMENT ANNUALLY.
 - RESULTING IN THE POTENTIAL DECLINE IN ENROLLMENT OF ANOTHER 1,139 STUDENTS OVER THE SAME PERIOD
 - LARGER GRADUATING CLASSES CONTINUE TO BE REPLACED WITH SMALLER PRE-K AND KINDER
 - GROWTH IN CHARTER ENROLLMENT IS LIKELY TO CONTRIBUTE TO THE SMALLER ELEMENTARY CLASS SIZES

PEIMS YEAR	PROJECTED ENROLLMENT	GROWTH (DECLINE)	PERCENTAGE CHANGE
2023	15,146	-375	-2.42%
2024-P	14,864	-282	-1.86%
2025-P	14,661	-203	-1.37%
2026-P	14,451	-210	-1.43%
2027-P	14,217	-234	-1.62%
2028-P	14,073	-144	-1.01%
2029-P	14,007	-66	-0.47%
2030-P	14,017	10	0.07%
2031-P	14,036	19	0.14%
2032-P	14,059	22	0.16%
2033-P	14,162	103	0.73%

ENROLLMENT PROJECTIONS

- BEGINNING IN 2030 THE DISTRICT IS EXPECTED TO BEGIN ADDING STUDENTS
 - INCOMING ELEMENTARY ENROLLMENT AND GRADUATING CLASSES BEGIN TO REACH A BALANCE
 - IN 2033 WE ARE PROJECTED TO RETURN TO THE ENROLLMENT WE HAD IN 2013

PEIMS YEAR	PROJECTED ENROLLMENT	GROWTH (DECLINE)	PERCENTAGE CHANGE
2023	15,146	-375	-2.44%
2024-P	14,864	-282	-1.86%
2025-P	14,661	-203	-1.37%
2026-P	14,451	-210	-1.43%
2027-P	14,217	-234	-1.62%
2028-P	14,073	-144	-1.01%
2029-P	14,007	-66	-0.47%
2030-P	14,017	10	0.07%
2031-P	14,036	19	0.14%
2032-P	14,059	22	0.16%
2033-P	14,162	103	0.73%

WHY HAS IT BECOME SO HARD TO PROJECT ENROLLMENT?

- PRIOR TO COVID AND AREA CHARTER SCHOOLS, SCUC WAS ESSENTIALLY THE ONLY OPTION FOR PARENTS MOVING INTO OUR GROWING COMMUNITY.
 - WHEN PROJECTING GROWTH, BIRTH RATES AND HOUSING GROWTH WERE THE ONLY TWO MAJOR VARIABLES WE HAD TO CONSIDER.
- BEGINNING 2017 WITH THE FIRST AREA CHARTER SCHOOL, PARENTS BEGAN TO EXERCISE THEIR CHOICE.
 - WITH COVID WE SAW VIRTUAL LEARNING ENTER THE GAME AND HOMESCHOOLING BECAME MORE PREVALENT
 - OUR COMMUNITY ALSO CONTINUED TO EXPERIENCE AGING IN PLACE
- PROJECTING ENROLLMENT IS MUCH MORE DIFFICULT WITH THESE ADDED VARIABLES.

FORECASTING CONSIDERATIONS

- ENROLLMENT
 - HISTORICAL TRENDS
 - PROJECTIONS
 - TRANSFERS TO CHARTERS AND OTHER ISDs
- CAMPUS CAPACITY

UNDERSTANDING CAMPUS CAPACITY

- DESIGN CAPACITY

- CAPACITY OF A CAMPUS AS ARCHITECTURALLY DESIGNED WITH EVERY FULL-SIZE CLASSROOM AT FULL CAPACITY
- EX. SIPPEL ELEMENTARY HAS A DESIGN CAPACITY OF 750 STUDENTS

- FUNCTIONAL CAPACITY

- DESIGN CAPACITY OF A CAMPUS MINUS 10% TO ACCOUNT FOR SPECIAL PROGRAMS ON A CAMPUS THAT REDUCE THE CAPACITY OF A FULL-SIZE CLASSROOM
- EX. SIPPEL ELEMENTARY HAS A FUNCTIONAL CAPACITY OF 675 STUDENTS

- MAXIMUM CAPACITY

- CAMPUS CAPACITY CONSIDERING THE ADDITION OF PORTABLE CLASSROOM BUILDINGS TO THE DESIGN CAPACITY AND THE NUMBER OF STUDENTS THE COMMON AREAS OF THE CAMPUS CAN SUPPORT
- EX. SIPPEL ELEMENTARY HAS A MAXIMUM CAPACITY OF 1058 STUDENTS

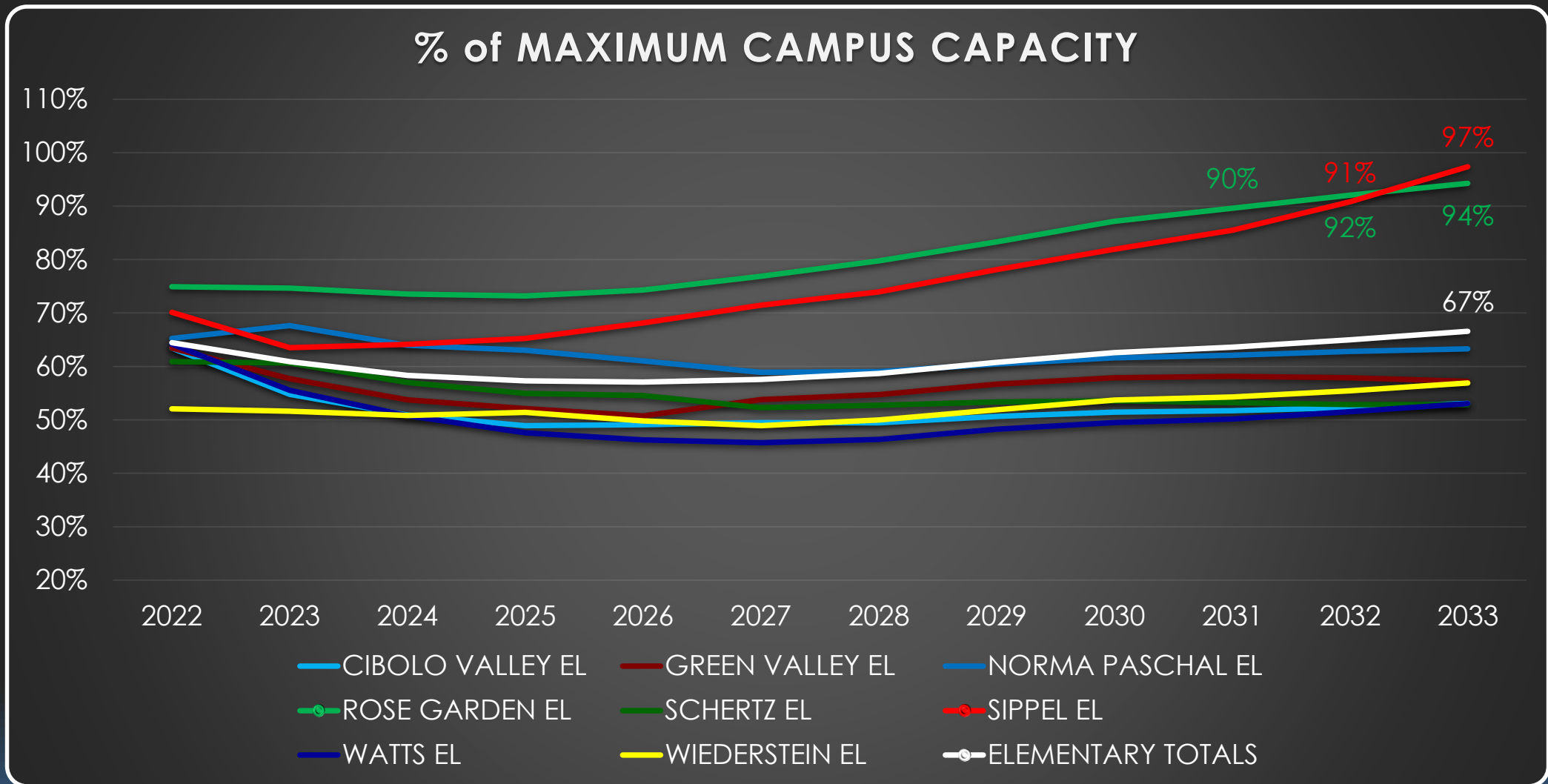
PLANNING USING OUR MAXIMUM CAPACITY

- WE BEGIN CONSIDERING THE USE OF **CAPACITY RELIEF TOOLS** WHEN A CAMPUS REACHES **90%** OF ITS MAXIMUM CAPACITY. THE DISTRICT HAS SEVERAL TOOLS AT OUR DISPOSAL
- TOOLS TO REDUCE/MAINTAIN THE ENROLLMENT OF A CAMPUS INCLUDE:
 - CAPPING ENROLLMENT OF THE CAMPUS TO NEW STUDENTS
 - MOVING SPECIAL PROGRAMS TO CAMPUSES WITH LOWER ENROLLMENTS
- TOOLS TO BALANCE THE ENROLLMENT AT CAMPUSES INCLUDE:
 - REZONING THE ATTENDANCE BOUNDARIES
- TOOLS TO INCREASE THE CAPACITY OF THE CAMPUS/DISTRICT INCLUDE:
 - ADDING PORTABLE CLASSROOM BUILDINGS
 - ADDING TO OR RENOVATING THE EXISTING BUILDING
 - BUILDING A NEW CAMPUS TO THE DISTRICT

ELEMENTARY CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
CIBOLO VALLEY EL	891	1,200	761	657	611	587	589	594	594	608	617	620	627	637
% Max Capacity			63%	55%	51%	49%	49%	49%	49%	51%	51%	52%	52%	53%
GREEN VALLEY EL	673	924	586	533	497	482	469	497	506	524	535	537	535	529
% Max Capacity			63%	58%	54%	52%	51%	54%	55%	57%	58%	58%	58%	57%
NORMA PASCHAL EL	673	924	603	625	591	582	564	544	546	559	569	574	580	585
% Max Capacity			65%	68%	64%	63%	61%	59%	59%	60%	62%	62%	63%	63%
ROSE GARDEN EL	891	1,200	899	896	882	878	891	923	957	999	1,046	1,075	1,104	1,131
% Max Capacity			75%	75%	74%	73%	74%	77%	80%	83%	87%	90%	92%	94%
SCHERTZ EL	675	1,102	671	668	628	605	601	576	581	588	591	586	582	582
% Max Capacity			61%	61%	57%	55%	55%	52%	53%	53%	54%	53%	53%	53%
SIPPEL EL	675	1,058	742	672	679	690	721	756	782	827	867	904	961	1,030
% Max Capacity			70%	64%	64%	65%	68%	71%	74%	78%	82%	85%	91%	97%
WATTS EL	673	924	593	513	469	440	428	423	428	446	457	463	476	490
% Max Capacity			64%	56%	51%	48%	46%	46%	46%	48%	49%	50%	52%	53%
WIEDERSTEIN EL	675	1,058	551	546	538	544	527	517	529	549	568	574	587	602
% Max Capacity			52%	52%	51%	51%	50%	49%	50%	52%	54%	54%	55%	57%
ELEMENTARY TOTALS	5,826	8,390	5,406	5,110	4,895	4,808	4,790	4,830	4,922	5,099	5,250	5,335	5,453	5,587
% Max Capacity			64%	61%	58%	57%	57%	58%	59%	61%	63%	64%	65%	67%
Elementary Percent Change			-3.40%	-5.48%	-4.21%	-1.78%	-0.37%	0.83%	1.91%	3.59%	2.96%	1.63%	2.20%	2.46%
Elementary Absolute Change			-190	-296	-215	-87	-18	40	92	177	151	85	117	134

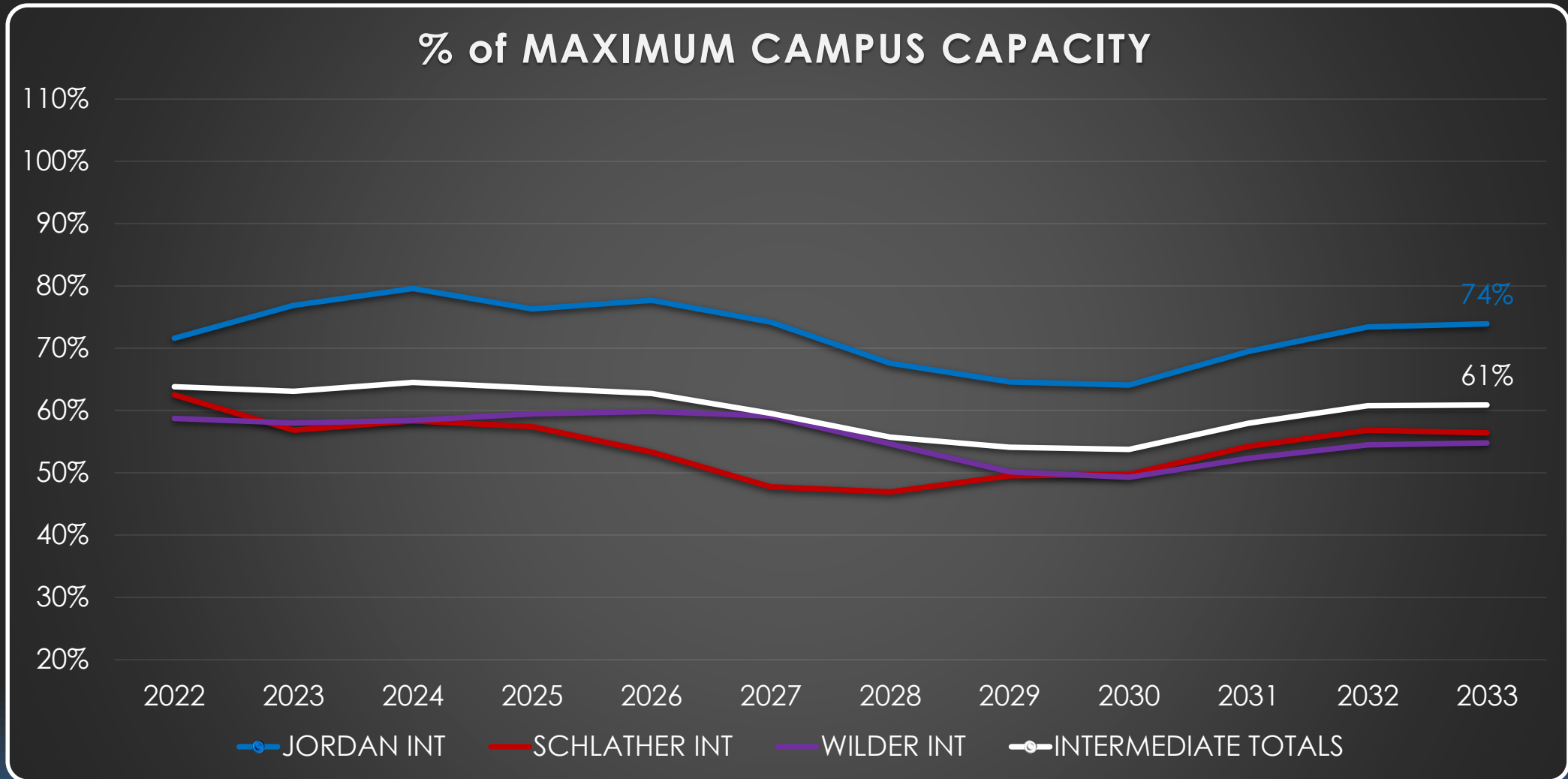
ELEMENTARY CAPACITIES



INTERMEDIATE CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
JORDAN INT	810	1,000	716	769	796	763	777	742	676	646	641	695	734	739
% Max Capacity			72%	77%	80%	76%	78%	74%	68%	65%	64%	70%	73%	74%
SCHLATHER INT	810	1,200	750	682	700	689	640	573	563	594	597	651	682	677
% Max Capacity			63%	57%	58%	57%	53%	48%	47%	50%	50%	54%	57%	56%
WILDER INT	810	1,250	734	725	730	743	748	739	683	627	616	654	681	685
% Max Capacity			59%	58%	58%	59%	60%	59%	55%	50%	49%	52%	54%	55%
INTERMEDIATE TOTALS		3,450	2,201	2,176	2,226	2,195	2,165	2,054	1,922	1,867	1,854	2,000	2,097	2,101
% Max Capacity			64%	63%	65%	64%	63%	60%	56%	54%	54%	58%	61%	61%
Intermediate Percent Change			-6.13%	-1.09%	2.30%	-1.39%	-1.37%	-5.13%	-6.43%	-2.86%	-0.70%	7.87%	4.85%	0.19%
Intermediate Absolute Change			-144	-24	50	-31	-30	-111	-132	-55	-13	146	97	4

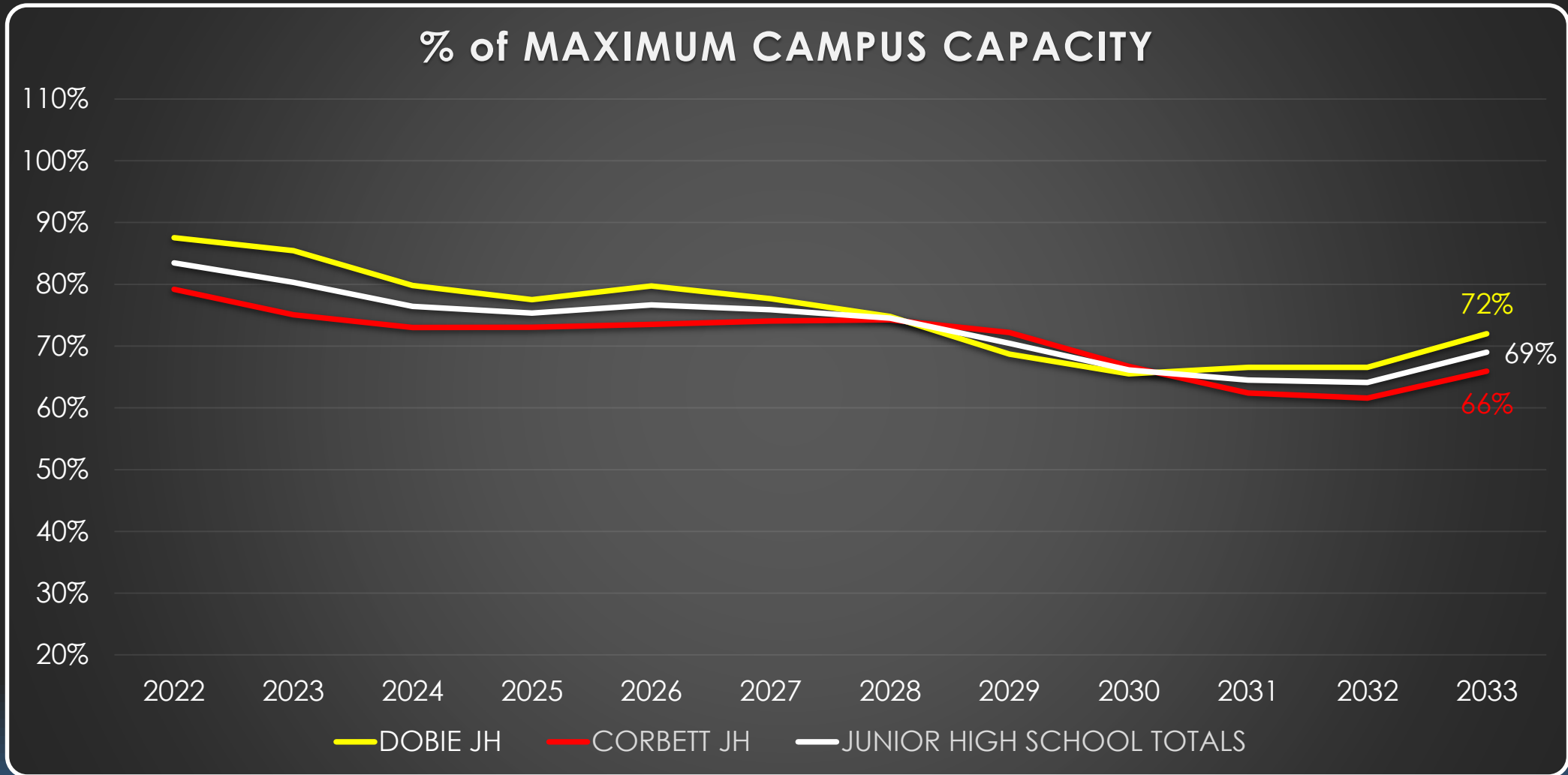
INTERMEDIATE CAPACITIES



JUNIOR HIGH CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
DOBIE JH	1,300	1,540	1,348	1,316	1,229	1,194	1,228	1,196	1,152	1,058	1,009	1,025	1,025	1,109
% Max Capacity			88%	85%	80%	78%	80%	78%	75%	69%	66%	67%	67%	72%
CORBETT JH	1,080	1,500	1,188	1,126	1,095	1,096	1,103	1,111	1,114	1,083	1,001	936	924	989
% Max Capacity			79%	75%	73%	73%	74%	74%	74%	72%	67%	62%	62%	66%
JUNIOR HIGH SCHOOL TOTALS		3,040	2,537	2,442	2,324	2,290	2,331	2,307	2,266	2,141	2,010	1,961	1,949	2,098
% Max Capacity			83%	80%	76%	75%	77%	76%	75%	70%	66%	65%	64%	69%
Junior High School Percent Change			-2.62%	-3.71%	-4.83%	-1.46%	1.79%	-1.03%	-1.78%	-5.52%	-6.12%	-2.44%	-0.61%	7.64%
Junior High School Absolute Change			-68	-94	-118	-34	41	-24	-41	-125	-131	-49	-12	149

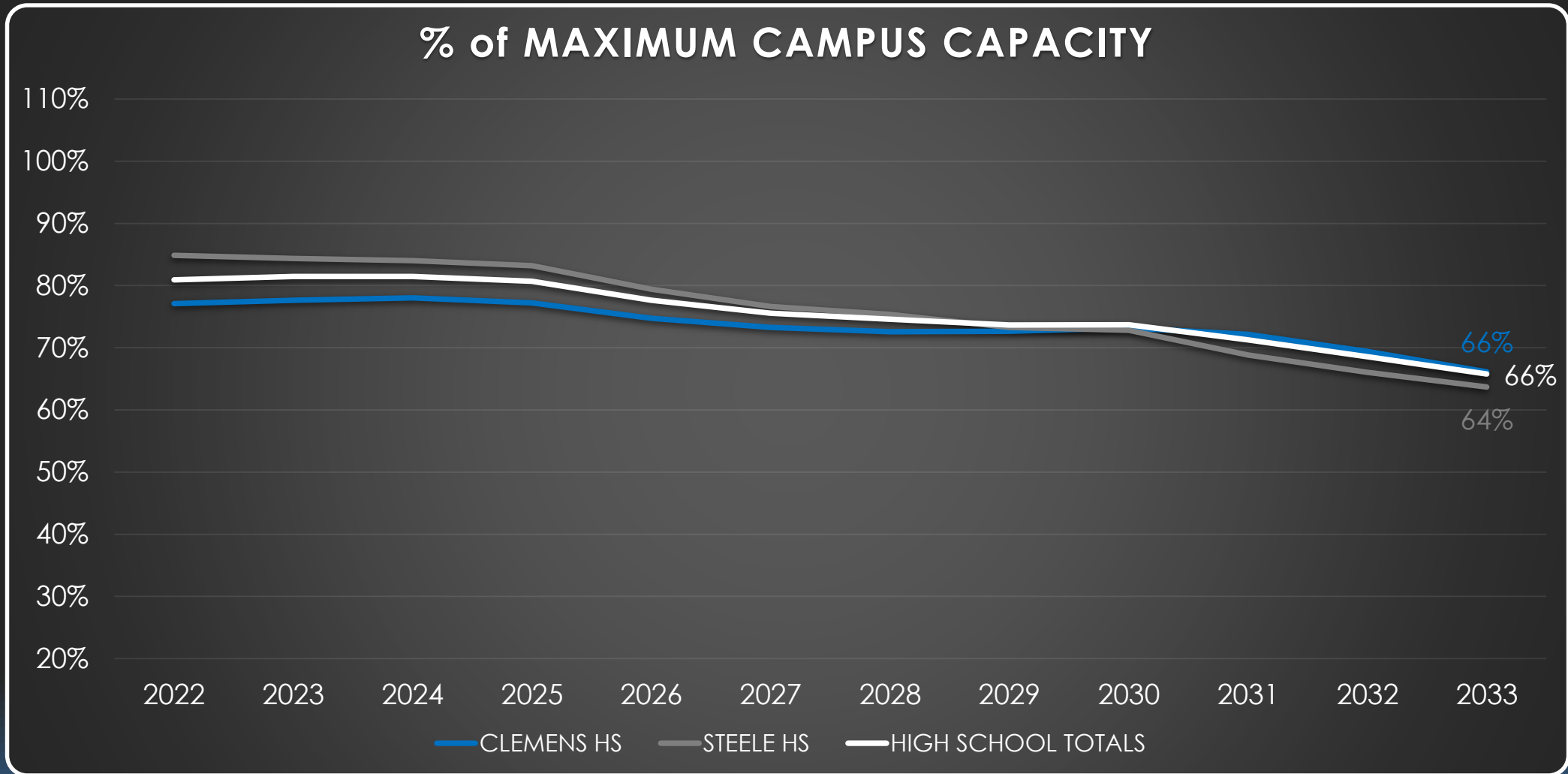
JUNIOR HIGH CAPACITIES



HIGH SCHOOL CAPACITIES

Campus	Functional Capacity	Max Capacity	Previous Year	Current PEIMS	ENROLLMENT PROJECTIONS									
			2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
CLEMENS HS	2,700	3,300	2,544	2,563	2,576	2,550	2,469	2,419	2,397	2,400	2,418	2,383	2,292	2,183
% Max Capacity			77%	78%	78%	77%	75%	73%	73%	73%	73%	72%	69%	66%
STEELE HS	2,160	3,200	2,716	2,700	2,688	2,663	2,541	2,452	2,411	2,345	2,330	2,202	2,113	2,038
% Max Capacity			85%	84%	84%	83%	79%	77%	75%	73%	73%	69%	66%	64%
HIGH SCHOOL TOTALS		6,650	5,381	5,418	5,419	5,368	5,165	5,026	4,963	4,900	4,903	4,740	4,560	4,376
% Max Capacity			81%	81%	81%	81%	78%	76%	75%	74%	74%	71%	69%	66%
High School Percent Change			0.69%	0.71%	0.02%	-0.94%	-3.78%	-2.69%	-1.25%	-1.27%	0.06%	-3.32%	-3.80%	-4.04%
High School Absolute Change			37	38	1	-52	-204	-137	-64	-63	3	-163	-180	-183

HIGH SCHOOL CAPACITIES



FORECASTING CONSIDERATIONS

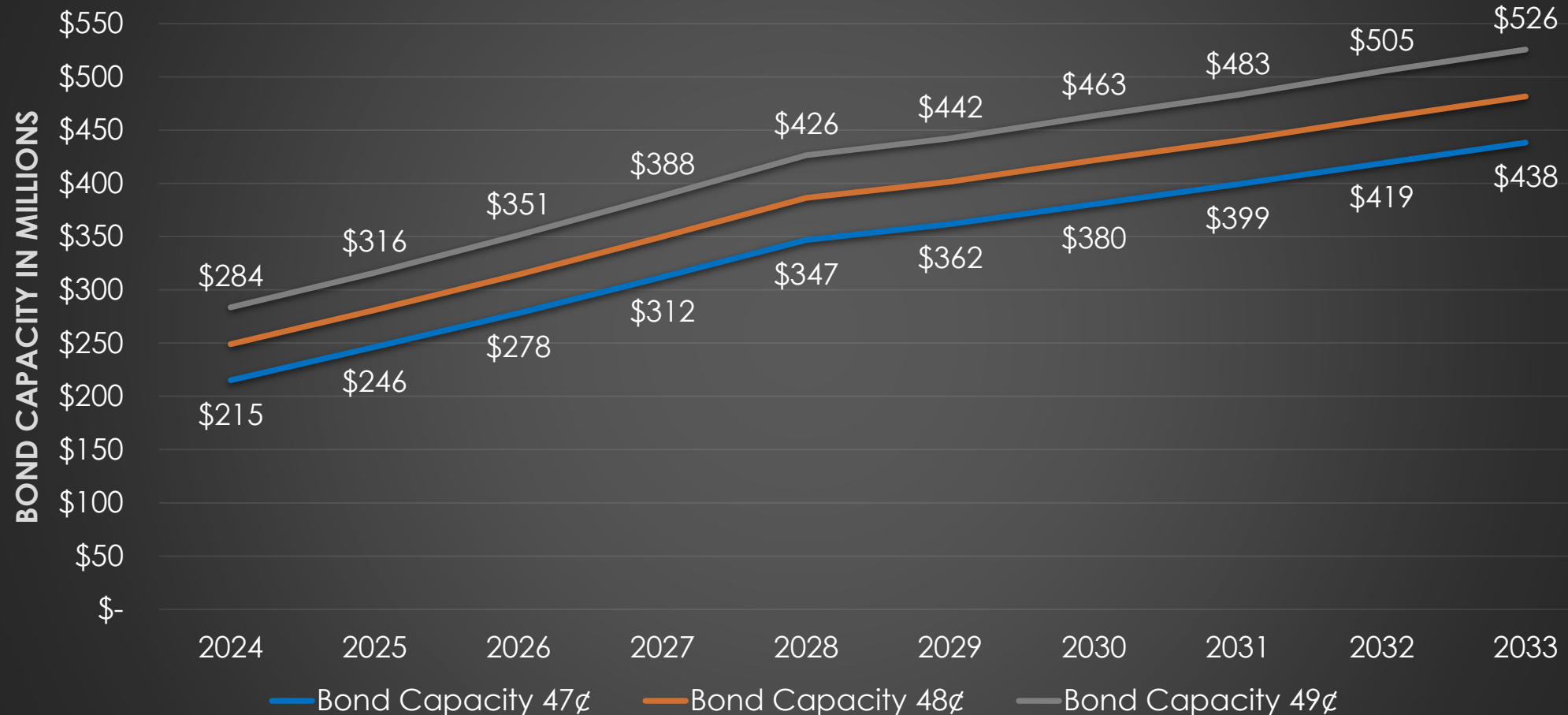
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PROJECTING BONDING CAPACITY - SCUC

- PROJECTING TAX REVENUE
 - ASSUMES NO REFINANCING FOR BOND SAVINGS
 - DEFEASING PRINCIPAL
 - MODEST PROPERTY VALUE GROWTH
 - 4.0% ANNUAL INCREASE FOR 2024-2028
 - 2.0% ANNUAL INCREASE FOR 2029-2033
- AS DEBT IS RESTRUCTURED AND PROPERTY VALUES INCREASE, WE BEGIN TO HAVE SOME BONDING CAPACITY
 - CAPACITY FOR ADDITIONAL DEBT IS LOWER AT FIRST, MORE IN LATER YEARS
- FORECASTING USING THREE OPTIONS FOR I&S TAX RATE
 - **\$0.47** PER \$100 OF VALUATION (CURRENT), **\$0.48** PER \$100 VALUATION, AND **\$0.49** PER \$100 VALUATION

PROJECTED AVAILABLE BOND DOLLARS

SCUC Bond Capacity by Year & Rate



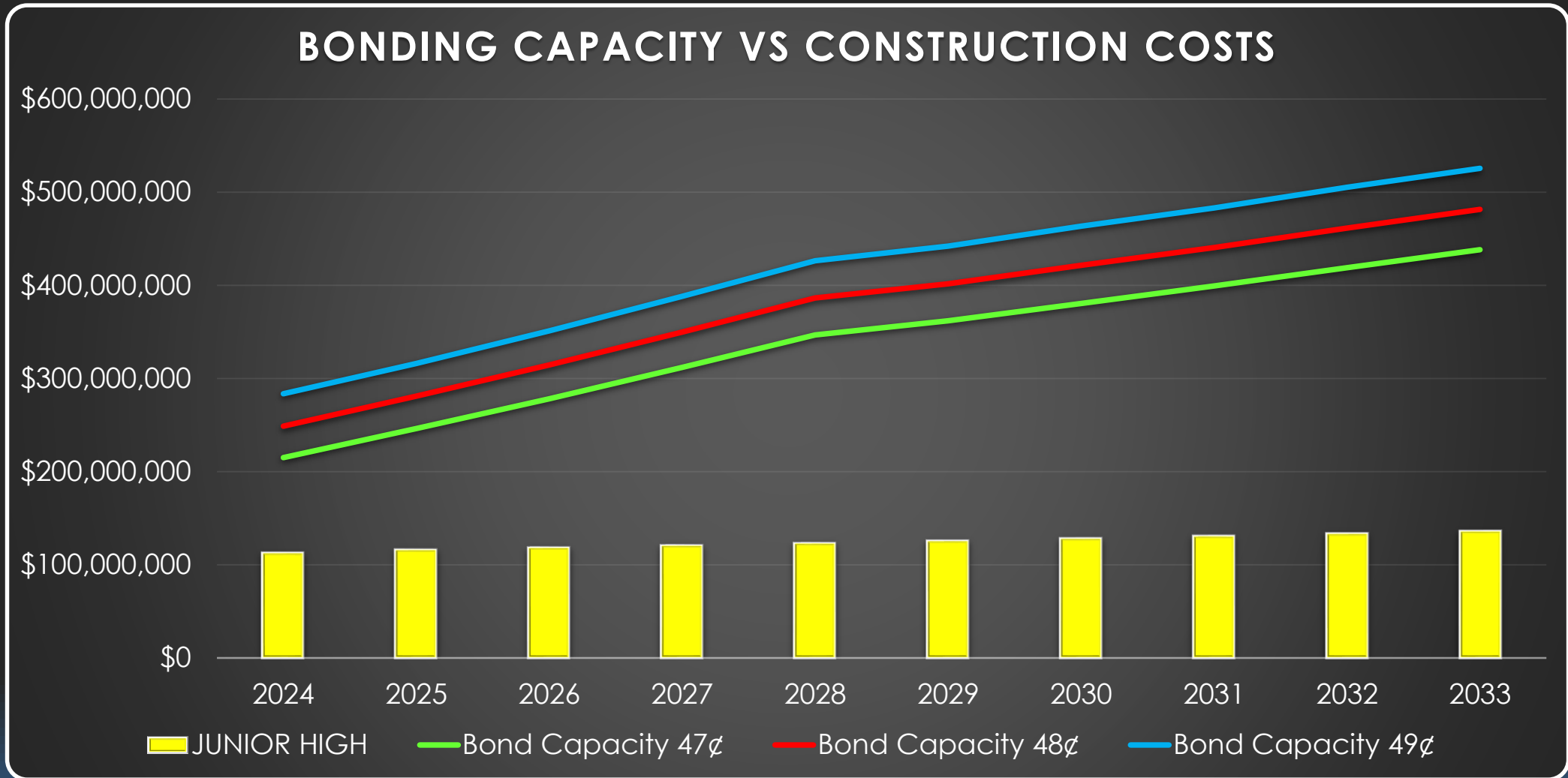
PROJECTING FACILITY COSTS - SCUC

- PROJECTING FUTURE COSTS OF NEW FACILITIES
 - FLUCTUATING MATERIALS AND LABOR COSTS MAKE LONG-TERM PROJECTIONS DIFFICULT
 - THE MARKET HAS SEEN HUGE INFLATION OVER THE LAST SEVERAL YEARS, BUT SEEMS TO HAVE STABILIZED DURING 2023
 - 2020-2023 WE EXPERIENCED 7-15% INFLATION ANNUALLY
 - PROJECTING PAST 2024
 - 3% ANNUAL INFLATION FOR 2024
 - 2% ANNUAL INFLATION FOR 2025 AND BEYOND
- CONSTRUCTION ESTIMATE RULES OF THUMB – 2024 DOLLARS
 - HIGH SCHOOL - \$235 MILLION
 - JUNIOR HIGH SCHOOL - \$113 MILLION
 - INTERMEDIATE/ELEMENTARY - \$72 MILLION

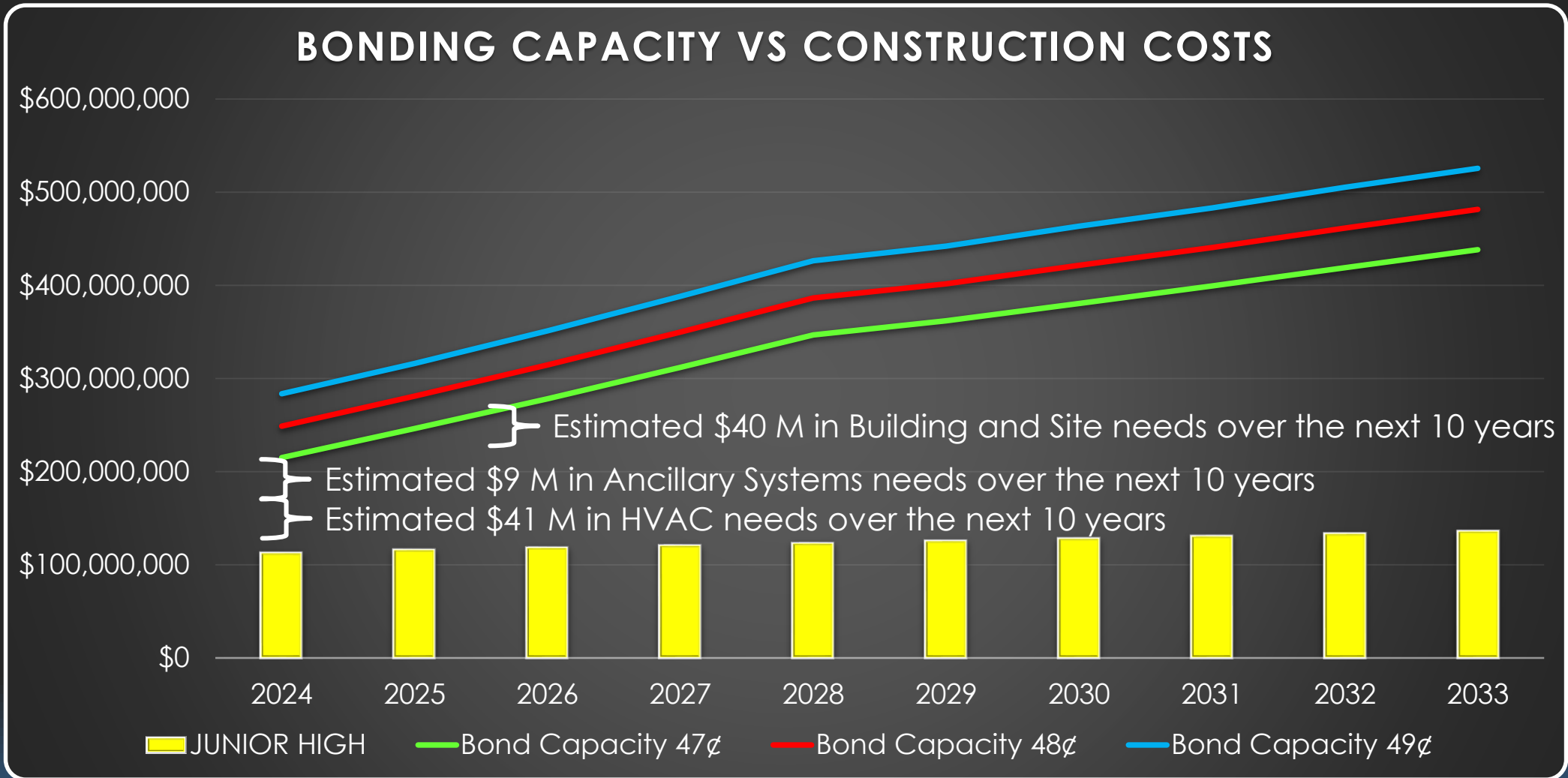
PROJECTING FACILITY COSTS - SCUC

YEAR	High School	Junior High	Elementary/ Intermediate
2024	\$ 235,000,000	\$ 113,000,000	\$ 72,000,000
2025-P	\$ 242,050,000	\$ 116,390,000	\$ 74,160,000
2026-P	\$ 246,891,000	\$ 118,717,800	\$ 75,643,200
2027-P	\$ 251,828,820	\$ 121,092,156	\$ 77,156,064
2028-P	\$ 256,865,396	\$ 123,513,999	\$ 78,699,185
2029-P	\$ 262,002,704	\$ 125,984,279	\$ 80,273,169
2030-P	\$ 267,242,758	\$ 128,503,965	\$ 81,878,632
2031-P	\$ 272,587,614	\$ 131,074,044	\$ 83,516,205
2032-P	\$ 278,039,366	\$ 133,695,525	\$ 85,186,529
2033-P	\$ 283,600,153	\$ 136,369,435	\$ 86,890,260
2034-P	\$ 289,272,156	\$ 139,096,824	\$ 88,628,065

PROJECTED BOND CAPACITIES VS. CONSTRUCTION COSTS



PROJECTED BOND CAPACITIES VS. CONSTRUCTION COSTS



TAKE AWAYS....

- STUDENT ENROLLMENT/PROJECTIONS
 - PRIOR TO COVID-19 SCUC ISD'S ENROLLMENT GROWTH HAD SLOWED TO 1% PER YEAR
 - COVID AND THE OPENING OF CHARTER SCHOOLS HAS IMPACTED DISTRICT ENROLLMENT, ESPECIALLY AT THE YOUNGER GRADES
 - THIS MULTI-YEAR IMPACT IS REDUCING OUR ENROLLMENT EVEN WITH NEW HOUSING
 - AN AVERAGE 1% ANNUAL DECLINE IN ENROLLMENT IS FORECASTED FOR THE NEXT SIX YEARS
- CAPACITY RELIEF TOOLS
 - WE HAVE MULTIPLE TOOLS TO HELP RELIEVE OUR CAMPUSES ONCE THEY SURPASS 90% OF THEIR MAX CAPACITY AND MOVE CLOSER TO 100%
- WITH OUR PROJECTED ENROLLMENT DECLINING, OUR ATTENTION MUST BE FOCUSED ON MAINTAINING THE INFRASTRUCTURE OF OUR EXISTING BUILDINGS AND IDENTIFYING FUTURE PROGRAMMATIC NEEDS FOR OUR STUDENTS
- WE ALSO NEED TO CONSIDER IF 2 JUNIOR HIGHS CONTINUE TO MEET THE NEEDS OF OUR DISTRICT

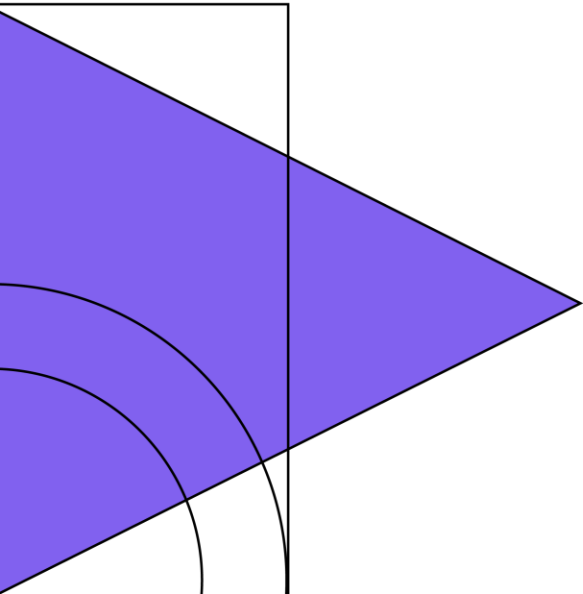
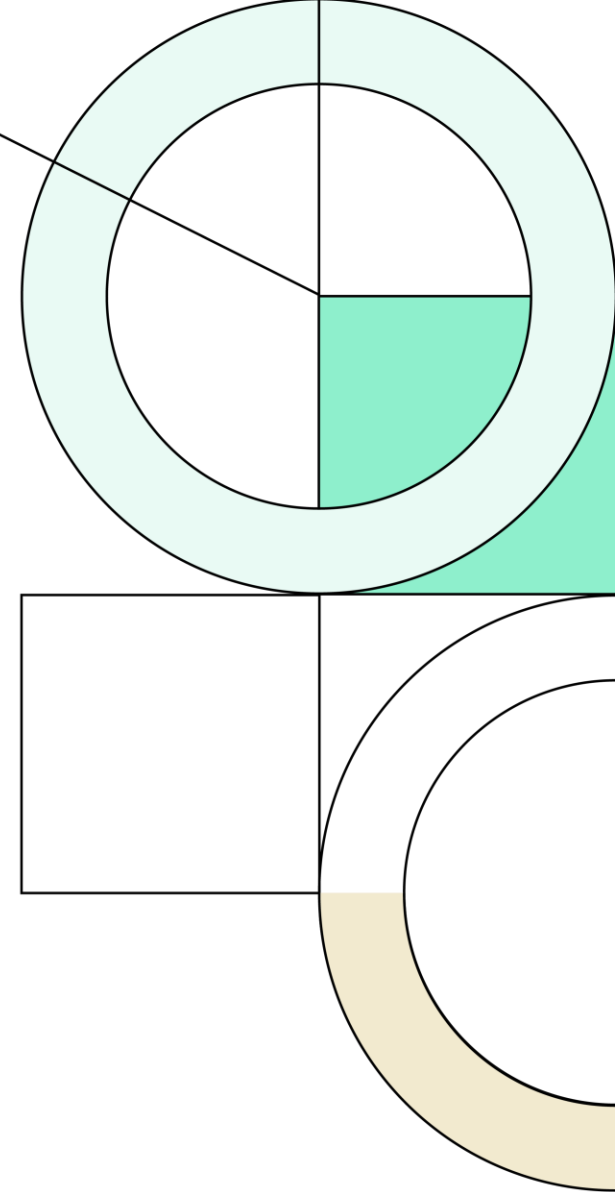
QUESTIONS/COMMENTS

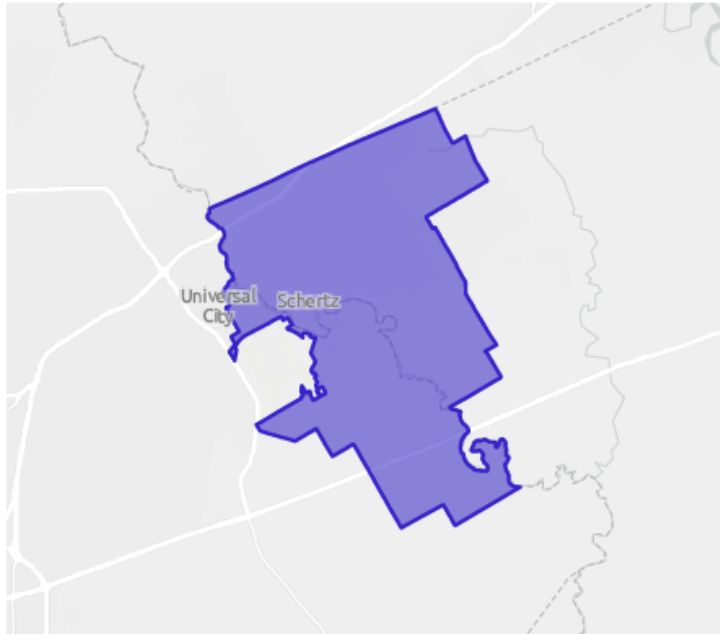




3Q23

Demographic Report





POPULATION TRENDS AND KEY INDICATORS

SCHERTZ CIBOLO ISD
Area: 60.01 square miles

90,971	30,960	2.93	36.4	\$97,350	\$267,439	109	128	80
Population	Households	Avg Size Household	Median Age	Median Household Income	Median Home Value	Wealth Index	Housing Affordability	Diversity Index

MORTGAGE INDICATORS



\$15,445

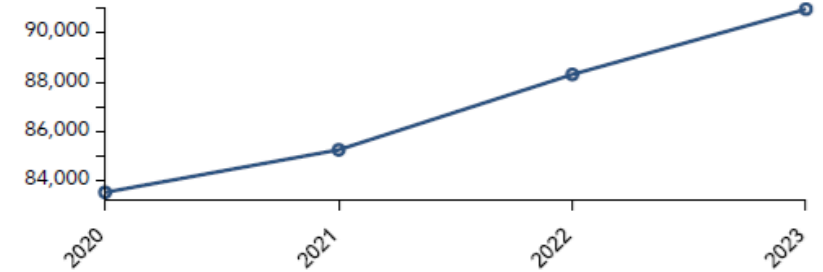
Avg Spent on Mortgage & Basics



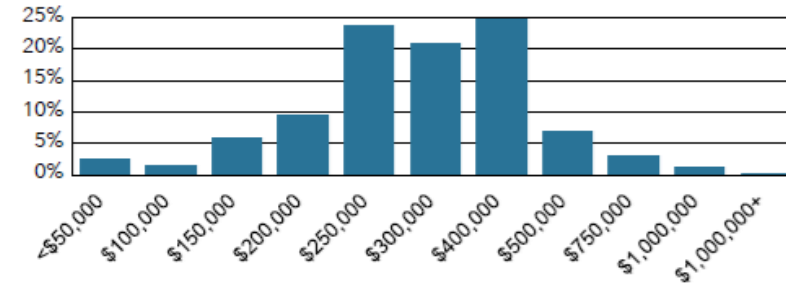
16.5%

Percent of Income for Mortgage

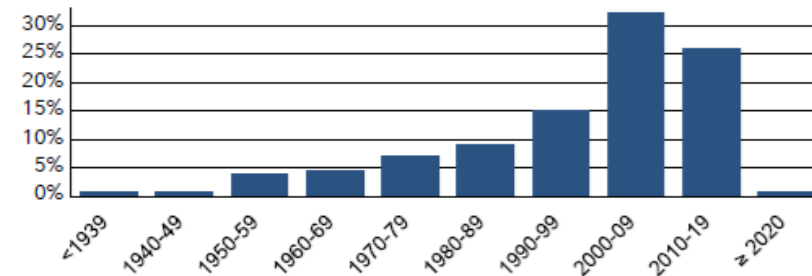
Historical Trends: Population



Home Value



Housing: Year Built



POPULATION BY AGE



Under 18 (25.3%)
Ages 18 to 64 (62.3%)
Aged 65+ (12.4%)

POPULATION BY GENERATION



3.0%

Greatest Gen:
Born 1945/Earlier



15.8%

Baby Boomer:
Born 1946 to 1964



21.2%

Generation X:
Born 1965 to 1980



26.4%

Millennial:
Born 1981 to 1998



24.1%

Generation Z:
Born 1999 to 2016



9.5%

Alpha: Born
2017 to Present

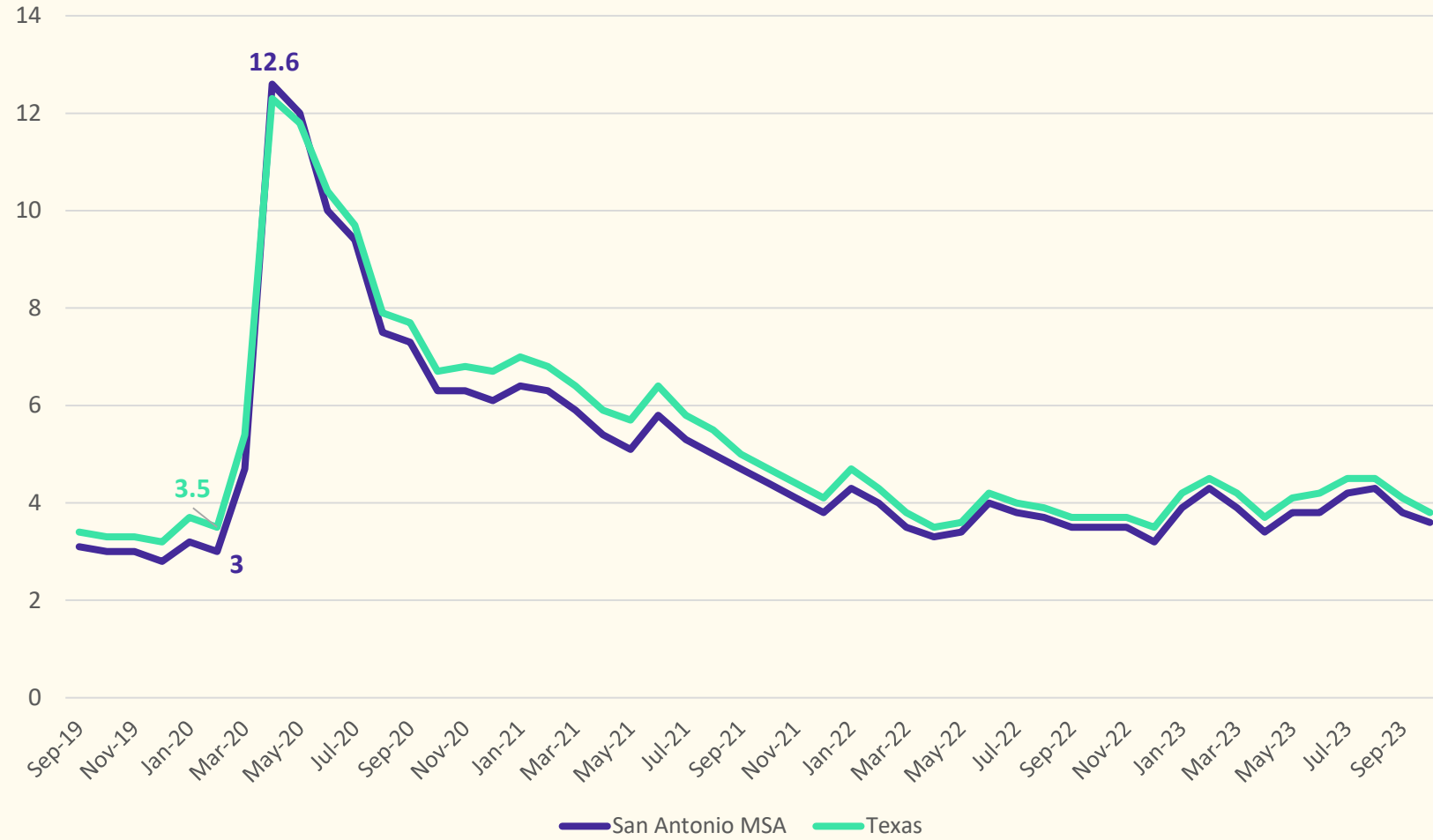


Source: This infographic contains data provided by Esri (2023, 2028), Esri-U.S. BLS (2023), ACS (2017-2021). © 2024 Esri

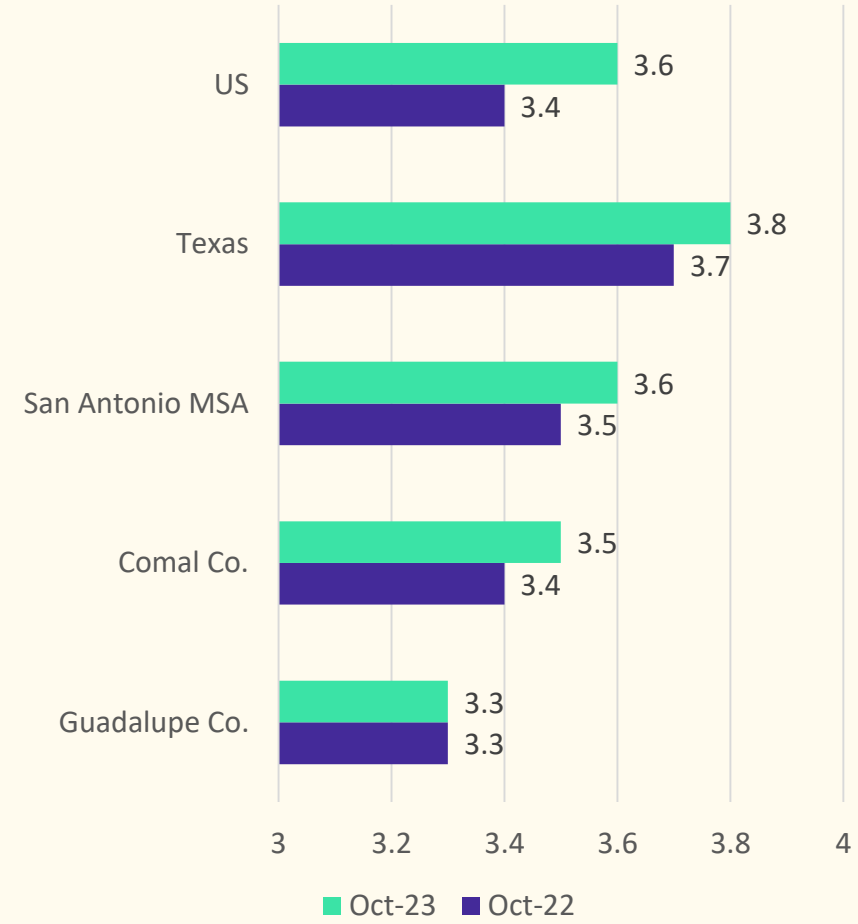


Local Economic Conditions

Unemployment Rate, Sept 2019 – Oct 2023



Unemployment Rate, Year Over Year

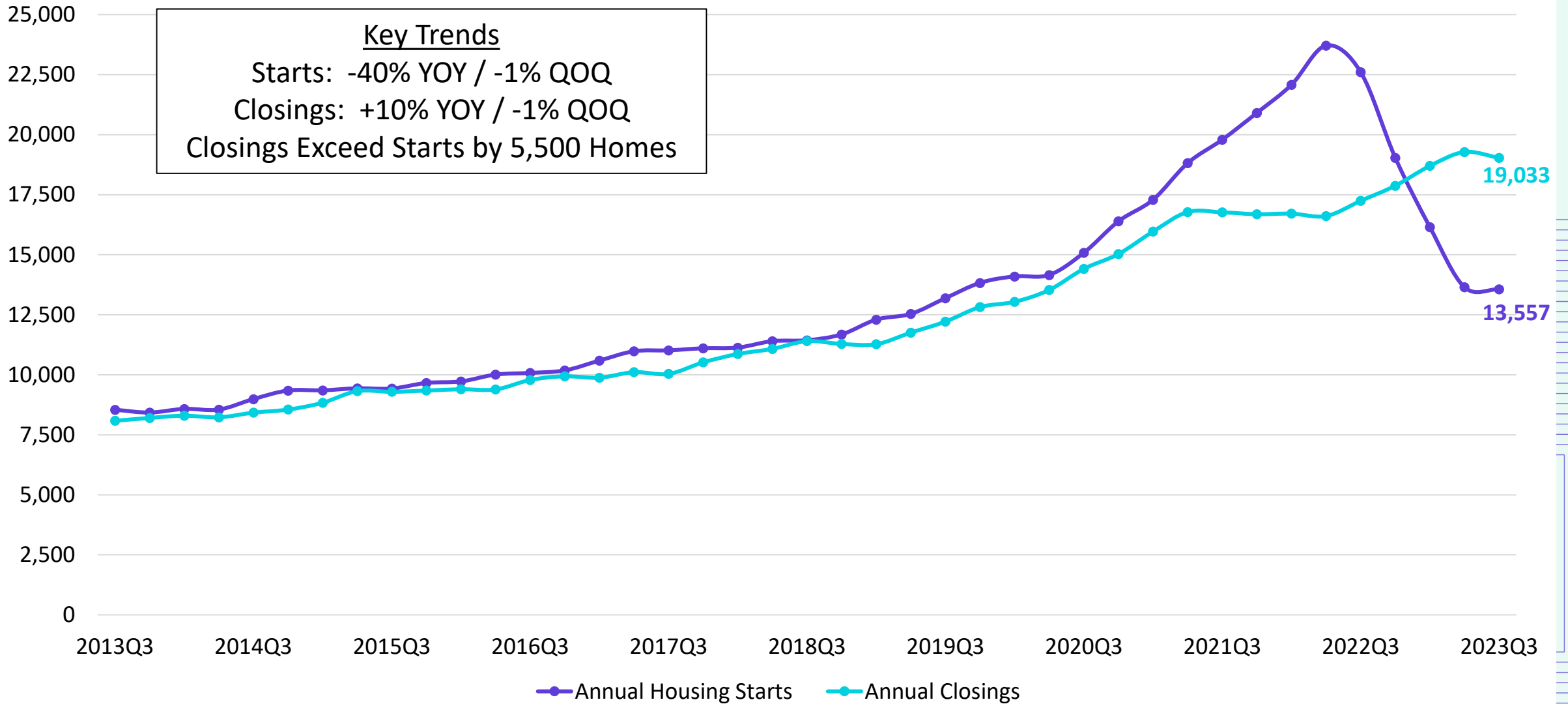




San Antonio New Home Starts & Closings

Annual Housing Starts vs. Annual Closings

Key Trends
 Starts: -40% YOY / -1% QOQ
 Closings: +10% YOY / -1% QOQ
 Closings Exceed Starts by 5,500 Homes

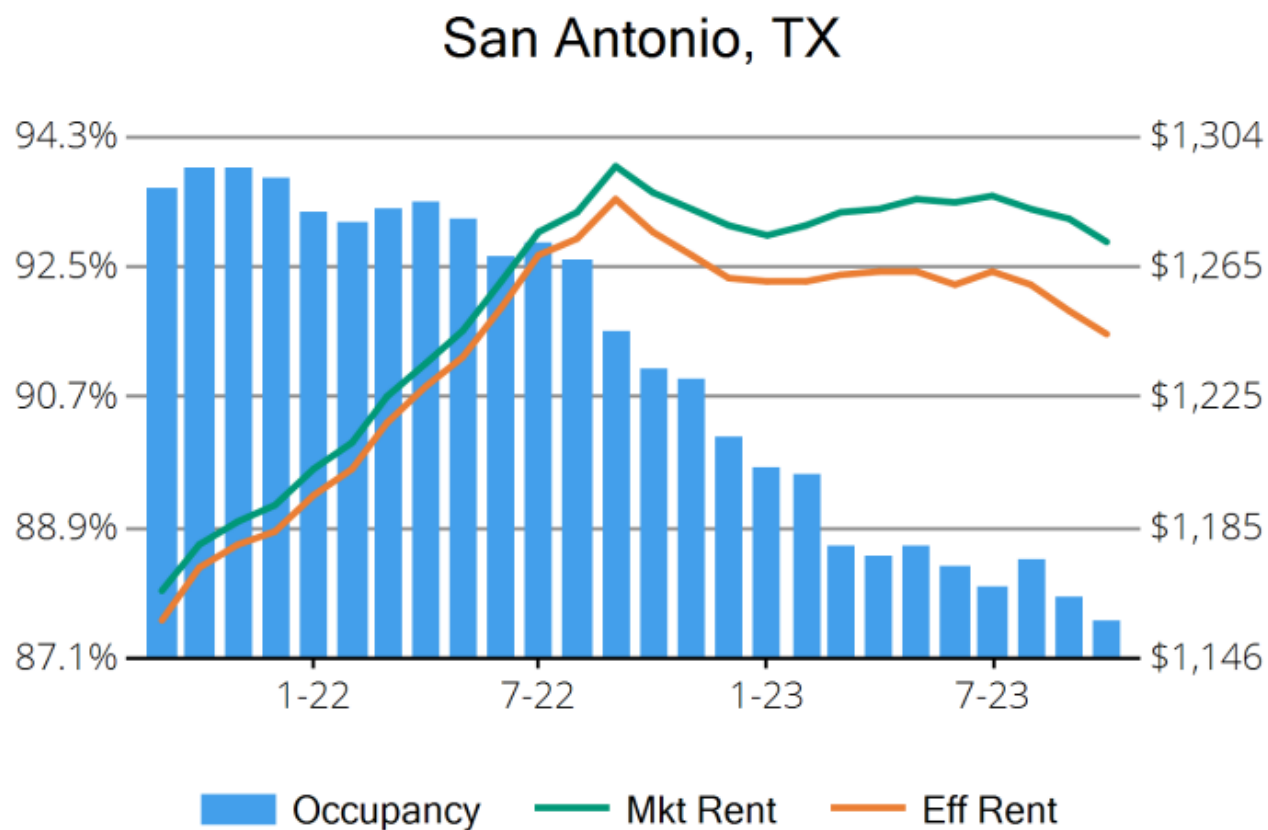




Housing Market Trends: Multi-family Market- Oct. 2023

Stabilized and Lease-up Properties

Conventional Properties	Oct 2023	Annual Change
Occupancy	87.6	-3.8%
Unit Change	6,465	
Units Absorbed (Annual)	-1,119	
Average Size (SF)	858	+0.5%
Asking Rent	\$1,272	-1.2%
Asking Rent per SF	\$1.48	-1.8%
Effective Rent	\$1,244	-2.5%
Effective Rent per SF	\$1.45	-3.0%
% Offering Concessions	34%	+94.7%
Avg. Concession Package	5.8%	+30.6%





San Antonio New Home Ranking Report

ISD Ranked by Annual Closings – 3Q23

Rank	District Name	Annual Starts	Annual Closings	Inventory	VDL	Future
1	NORTHSIDE ISD	2,762	4,009	2,287	7,237	24,003
2	COMAL ISD	1,960	2,971	1,982	4,390	22,269
3	EAST CENTRAL ISD	1,469	2,282	1,036	4,414	26,268
4	MEDINA VALLEY ISD	1,859	2,139	1,351	4,375	25,751
5	JUDSON ISD	783	1,322	583	774	1,228
6	SOUTHWEST ISD	890	1,106	673	2,704	9,156
7	SCHERTZ-CIBOLO-U CITY ISD	593	1,060	550	1,819	6,914
8	NEW BRAUNFELS ISD	510	762	406	1,203	6,767
9	NAVARRO ISD	636	692	458	1,457	4,461
10	BOERNE ISD	569	623	534	1,263	10,547
11	SEGUIN ISD	327	471	253	681	5,280
12	NORTH EAST ISD	368	463	223	701	5,711
13	SOUTHSIDE ISD	419	460	327	1,082	10,948
14	SAN ANTONIO ISD	94	240	166	347	794
15	SOUTH SAN ANTONIO ISD	129	219	137	250	539
16	LYTLE ISD	51	73	35	157	1,306
17	HARLANDALE ISD	5	41	0	14	43
18	ALAMO HEIGHTS ISD	27	33	58	20	19
19	EDGEWOOD ISD	0	28	0	0	42
20	MARION ISD	62	24	62	283	4,388

* Based on additional housing research by Zonda Education



District New Home Starts and Closings by Quarter



Starts	2017	2018	2019	2020	2021	2022	2023
1Q	196	175	201	237	294	349	103
2Q	168	180	176	197	300	393	186
3Q	167	177	207	261	265	174	241
4Q	172	185	198	232	319	63	
Total	703	717	782	927	1,178	979	530

Closings	2017	2018	2019	2020	2021	2022	2023
1Q	194	133	138	165	190	181	280
2Q	172	185	211	249	258	227	247
3Q	179	185	240	286	268	218	199
4Q	148	161	179	213	196	334	
Total	693	664	768	913	912	960	726

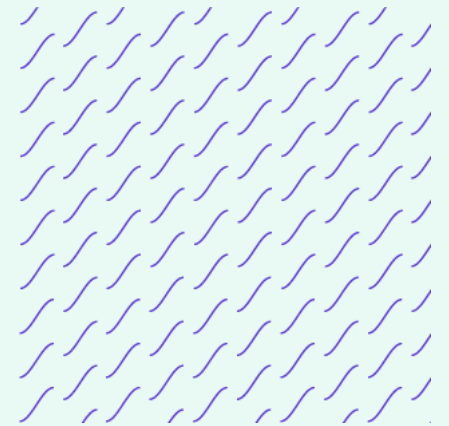


District Housing Overview by Elementary Zone



Elementary	Annual Starts	Quarter Starts	Annual Closings	Quarter Closings	Under Const.	Inventory	Vacant Dev. Lots	Future
CIBOLO VALLEY	73	22	58	23	39	77	168	430
GREEN VALLEY	0	0	0	0	0	0	0	0
PASCHAL	1	0	3	1	0	1	45	242
ROSE GARDEN	146	44	307	41	94	147	590	3,017
SCHERTZ	32	6	103	12	15	24	0	60
SIPPEL	80	42	130	33	46	90	639	1,743
WATTS	61	26	152	25	24	68	76	580
WIEDERSTEIN	200	101	307	64	96	143	301	842
Grand Total	593	241	1,060	199	314	550	1,819	6,914

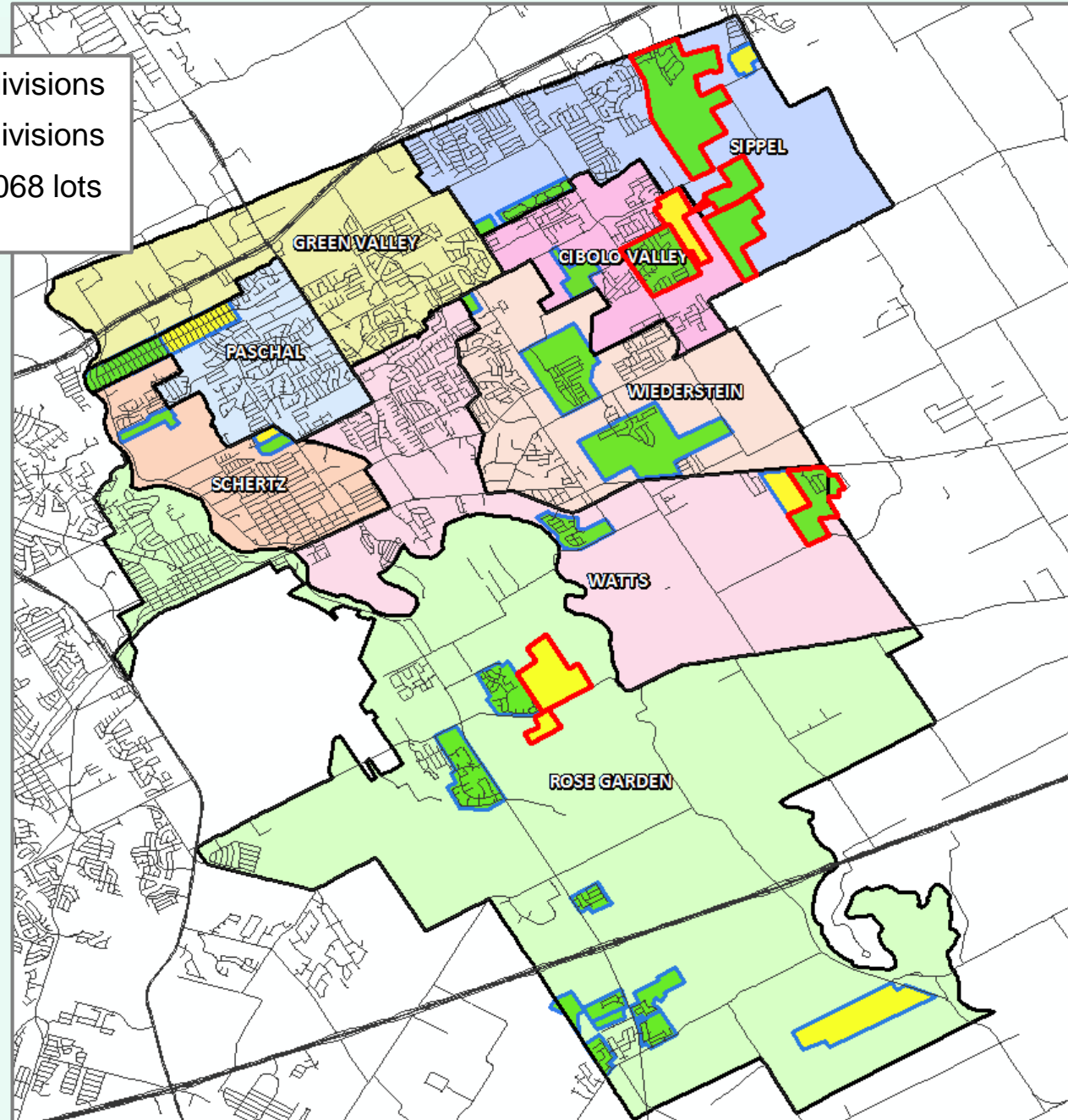
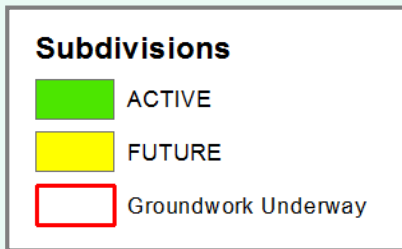
- Highest activity in the category
- Second highest activity in the category
- Third highest activity in the category





District Housing Overview

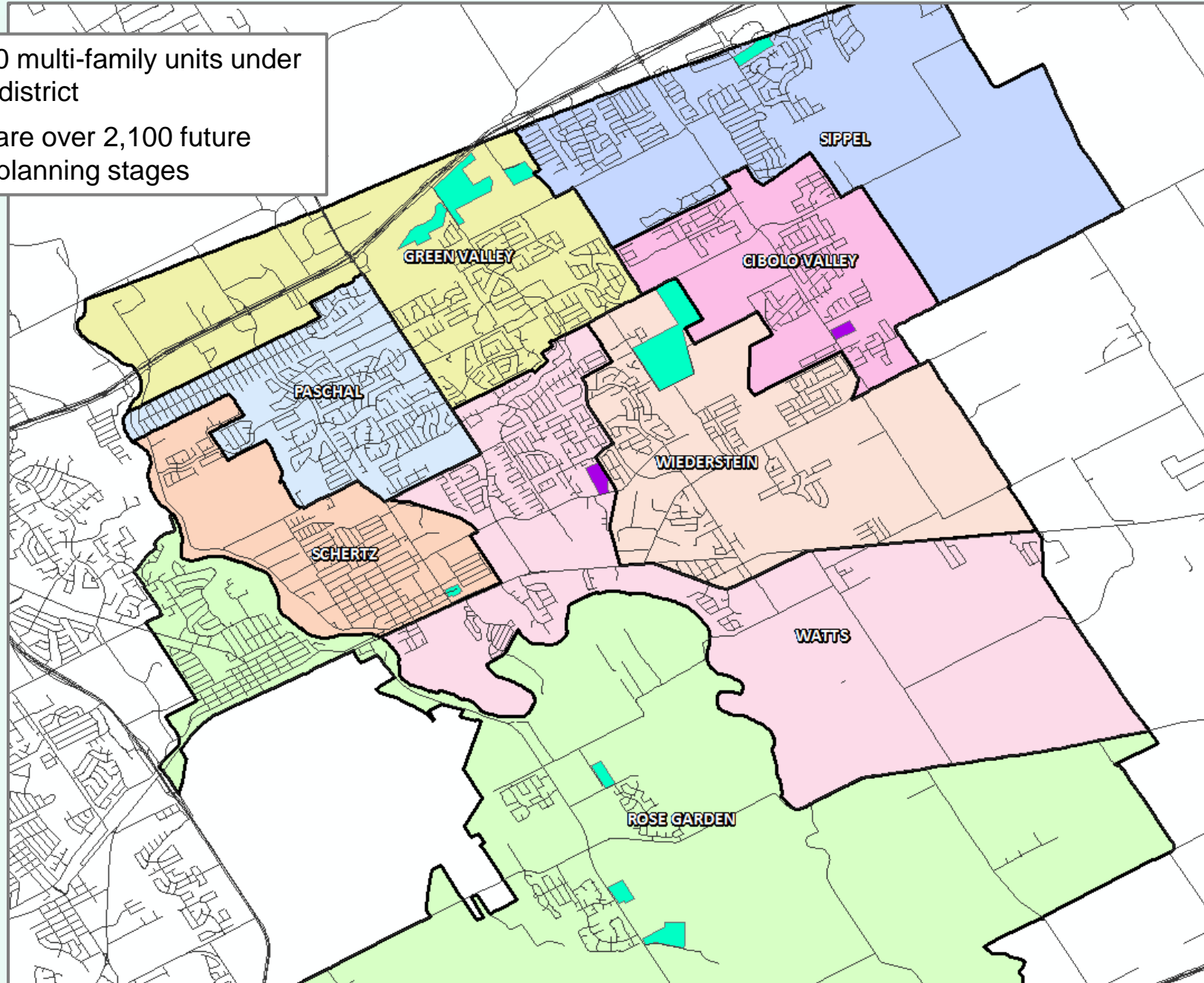
- The district has 24 actively building subdivisions
- Within SCUCISD there are 8 future subdivisions
- Of these, groundwork is underway on 1,068 lots within 8 subdivisions







District Multi-Family Overview

- The district has over 550 multi-family units under construction across the district
- Within SCUCISD there are over 2,100 future multi-family units in the planning stages

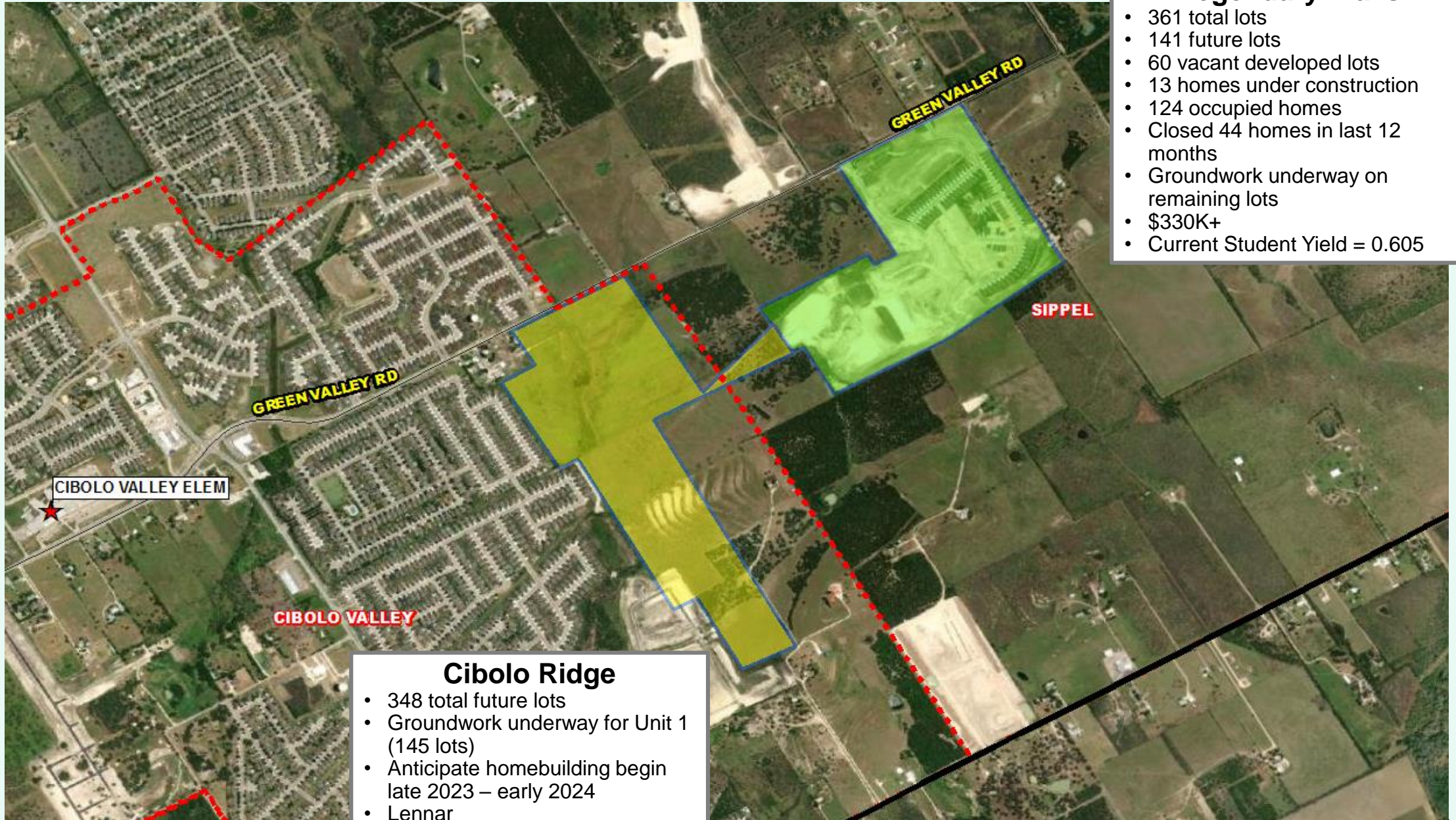


Multi-Family Developments

-  MF Under construction
-  Future Multi-Family

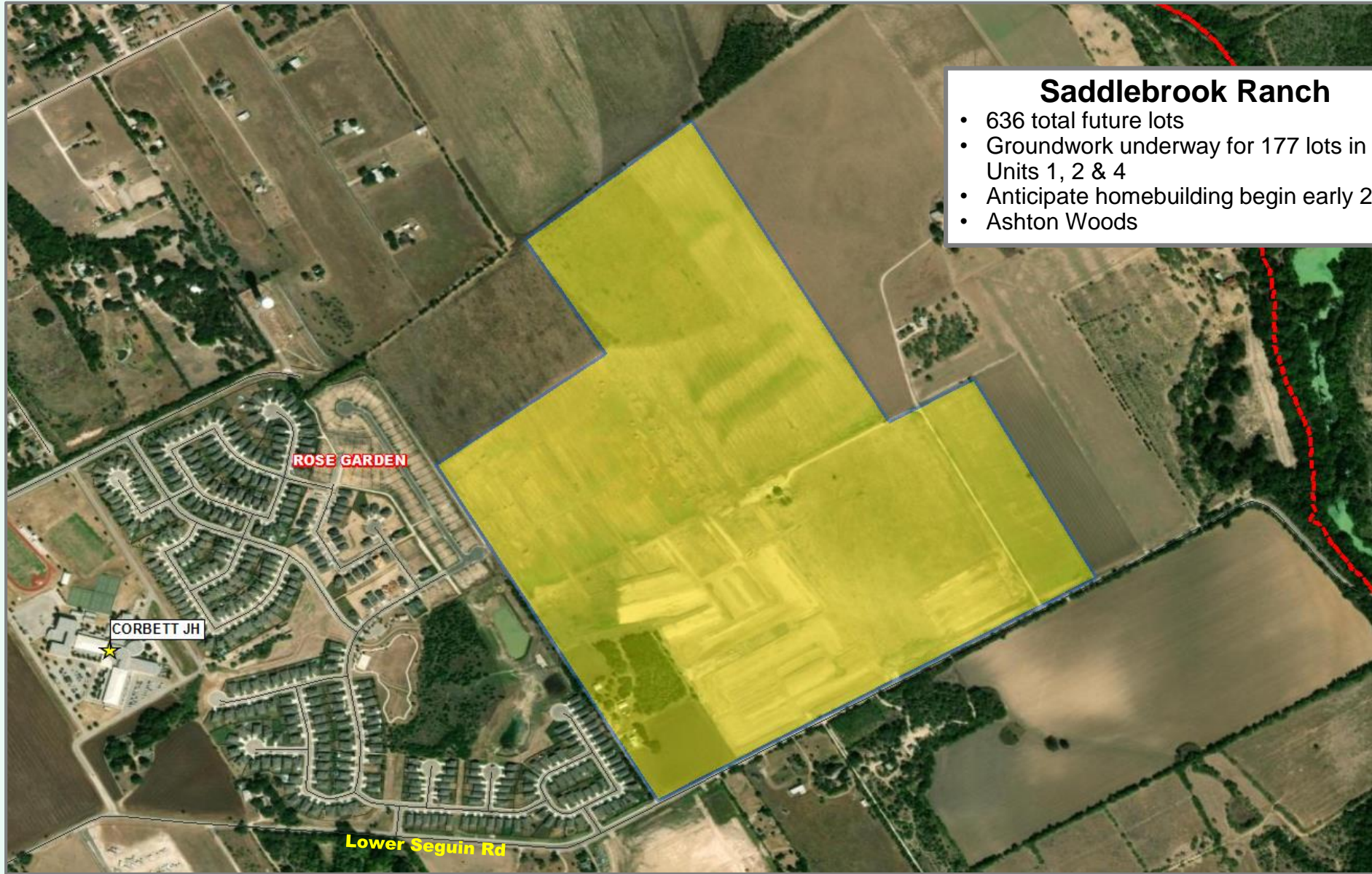


Residential Activity





Residential Activity

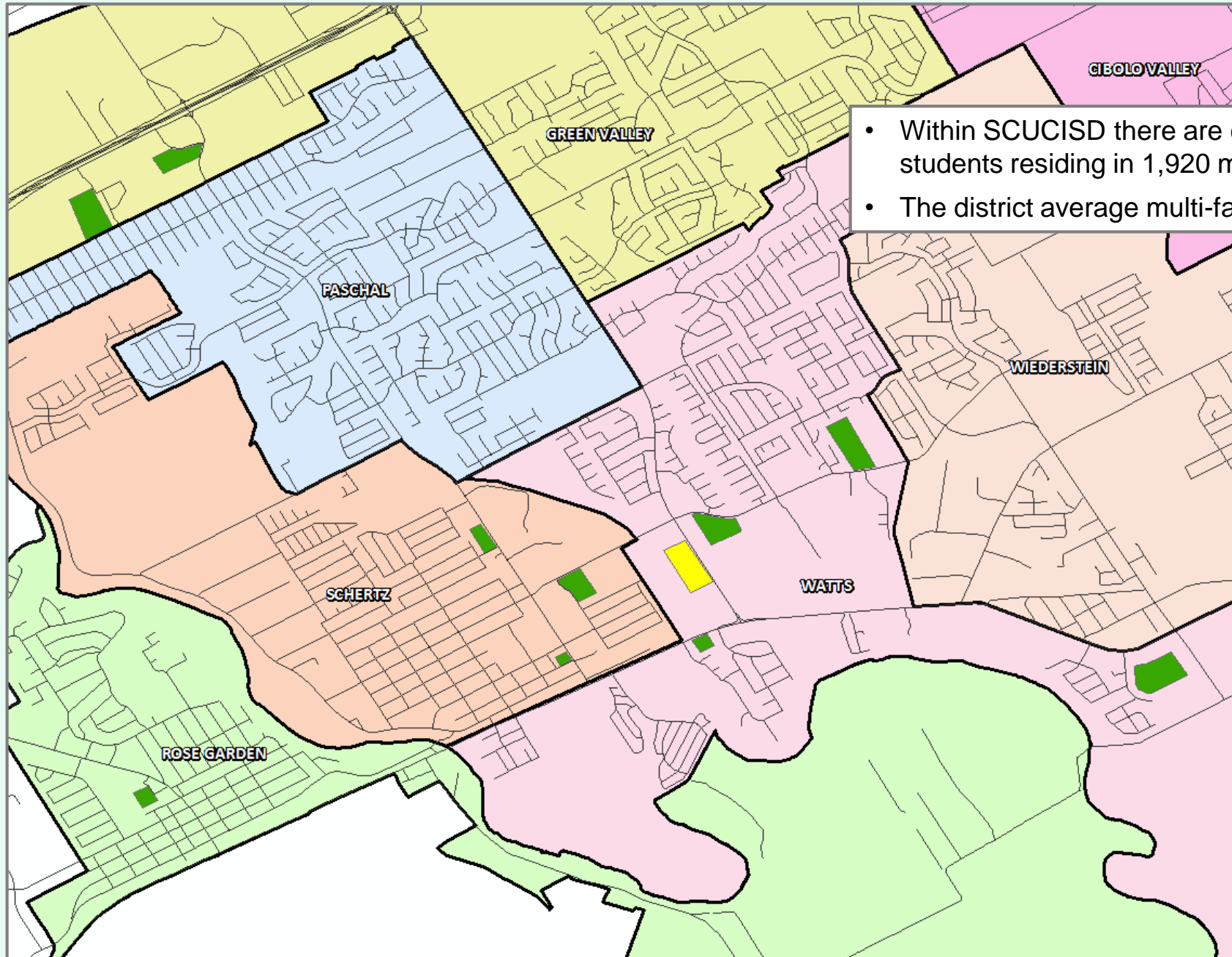


Saddlebrook Ranch

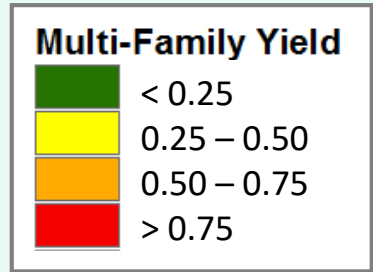
- 636 total future lots
- Groundwork underway for 177 lots in Units 1, 2 & 4
- Anticipate homebuilding begin early 2024
- Ashton Woods



Multi-Family Yield



- Within SCUCISD there are currently 287 students residing in 1,920 multi-family units
- The district average multi-family yield is 0.149





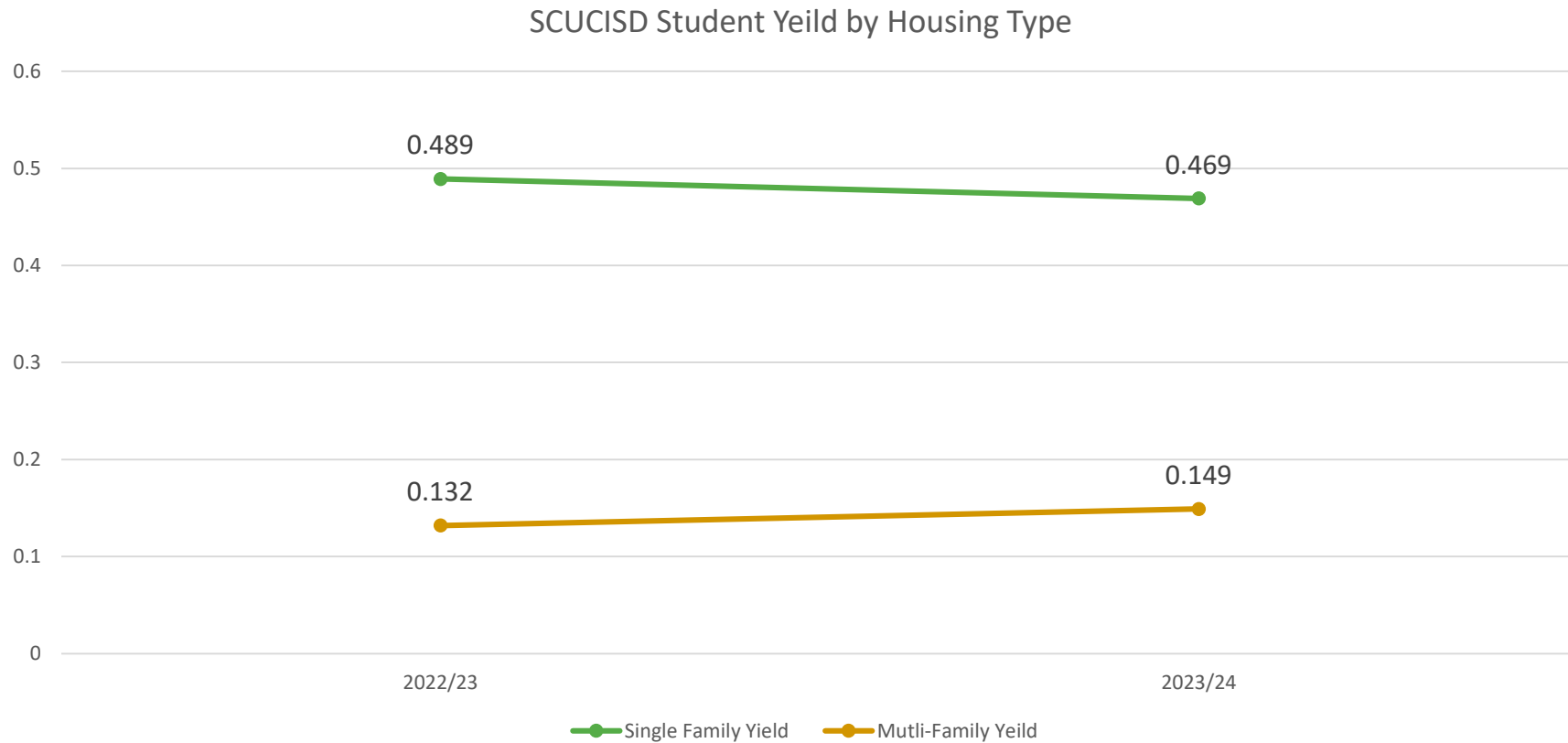
Student Yield by Housing Type



Single Family Yield
0.469



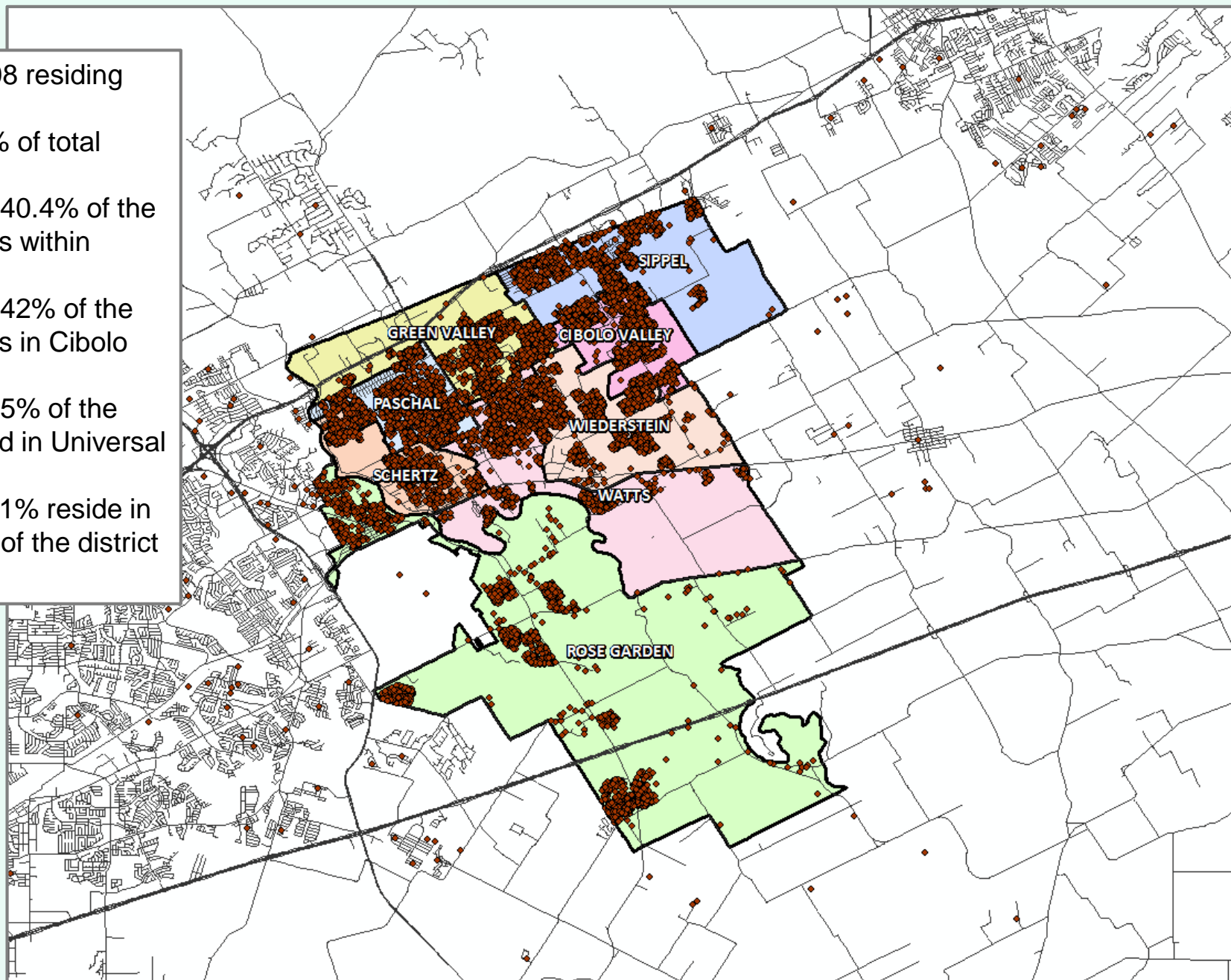
Multi-Family Yield
0.149





Student Density

SCUCISD currently has 308 residing out of district
This represents roughly 2% of total SCUCISD students
6,124 students, or roughly 40.4% of the district population resides within Schertz city limits
6,372 students, or roughly 42% of the district population resides in Cibolo city limits
687 students, or roughly 4.5% of the district population resided in Universal City city limits
1,665 students roughly 11.1% reside in the unincorporated area of the district





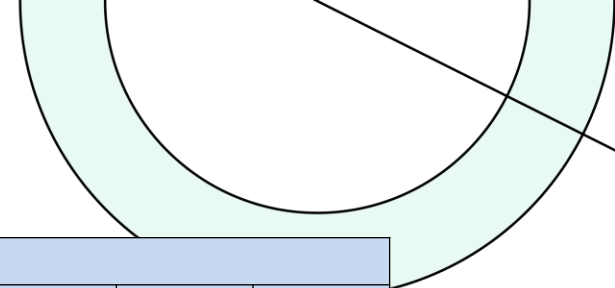
Ten Year Forecast by Grade Level

Year (Oct.)	EE/PK	K	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	Total	Total Growth	% Growth
2019/20	413	1,048	1,036	1,093	1,125	1,184	1,211	1,234	1,183	1,180	1,419	1,340	1,282	1,224	15,972	154	1.0%
2020/21	325	951	1,019	1,040	1,077	1,135	1,143	1,232	1,248	1,219	1,293	1,394	1,305	1,292	15,673	-299	-1.9%
2021/22	455	935	997	1,019	1,074	1,116	1,124	1,221	1,287	1,318	1,428	1,347	1,305	1,264	15,890	217	1.4%
2022/23	436	819	962	998	1,077	1,114	1,067	1,133	1,230	1,306	1,478	1,371	1,247	1,283	15,521	-369	-2.3%
2023/24	430	788	838	967	997	1,090	1,079	1,097	1,178	1,264	1,435	1,459	1,238	1,286	15,146	-375	-2.4%
2024/25	384	747	849	866	1,006	1,043	1,108	1,118	1,126	1,198	1,413	1,427	1,354	1,225	14,864	-282	-1.9%
2025/26	406	789	795	870	896	1,052	1,061	1,134	1,145	1,145	1,328	1,387	1,321	1,332	14,661	-203	-1.4%
2026/27	443	861	840	816	897	933	1,072	1,093	1,167	1,164	1,269	1,316	1,274	1,306	14,451	-210	-1.4%
2027/28	438	850	918	851	841	932	950	1,104	1,120	1,187	1,294	1,256	1,218	1,258	14,217	-234	-1.6%
2028/29	446	866	907	945	879	879	947	975	1,128	1,138	1,318	1,278	1,161	1,206	14,073	-144	-1.0%
2029/30	456	886	919	941	978	919	893	974	994	1,147	1,265	1,304	1,180	1,151	14,007	-66	-0.5%
2030/31	465	904	940	951	970	1,020	935	919	1,000	1,010	1,277	1,251	1,205	1,170	14,017	10	0.1%
2031/32	477	931	960	973	982	1,012	1,038	962	944	1,017	1,128	1,263	1,156	1,193	14,036	19	0.1%
2032/33	489	954	984	995	1,006	1,025	1,029	1,068	989	960	1,130	1,117	1,167	1,146	14,059	22	0.2%
2033/34	500	976	1,011	1,021	1,028	1,051	1,042	1,059	1,099	999	1,066	1,120	1,034	1,156	14,162	103	0.7%

*Yellow box = largest grade per year
Green box = second largest grade per year*



Ten Year Forecast by Elementary Campus



Campus	Functional Capacity	Max Capacity	Fall	ENROLLMENT PROJECTIONS									
			2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
CIBOLO VALLEY EL	891	1,200	657	611	587	589	594	594	608	617	620	627	637
GREEN VALLEY EL	673	924	533	497	482	469	497	506	524	535	537	535	529
NORMA PASCHAL EL	673	924	625	591	582	564	544	546	559	569	574	580	585
ROSE GARDEN EL	891	1,200	896	882	878	891	923	957	999	1,046	1,075	1,104	1,131
SCHERTZ EL	675	1,102	668	628	605	601	576	581	588	591	586	582	582
SIPPEL EL	675	1,058	672	679	690	721	756	782	827	867	904	961	1,030
WATTS EL	673	924	513	469	440	428	423	428	446	457	463	476	490
WIEDERSTEIN EL	675	1,058	546	538	544	527	517	529	549	568	574	587	602
ELEMENTARY TOTALS			5,110	4,895	4,808	4,790	4,830	4,922	5,099	5,250	5,335	5,453	5,587
Elementary Percent Change			-5.48%	-4.21%	-1.78%	-0.37%	0.83%	1.91%	3.59%	2.96%	1.63%	2.20%	2.46%
Elementary Absolute Change			-296	-215	-87	-18	40	92	177	151	85	117	134
JORDAN INT	810	1,000	769	796	763	777	742	676	646	641	695	734	739
SCHLATHER INT	810	1,200	682	700	689	640	573	563	594	597	651	682	677
WILDER INT	810	1,250	725	730	743	748	739	683	627	616	654	681	685
INTERMEDIATE TOTALS			2,176	2,226	2,195	2,165	2,054	1,922	1,867	1,854	2,000	2,097	2,101
Intermediate Percent Change			-1.09%	2.30%	-1.39%	-1.37%	-5.13%	-6.43%	-2.86%	-0.70%	7.87%	4.85%	0.19%
Intermediate Absolute Change			-24	50	-31	-30	-111	-132	-55	-13	146	97	4



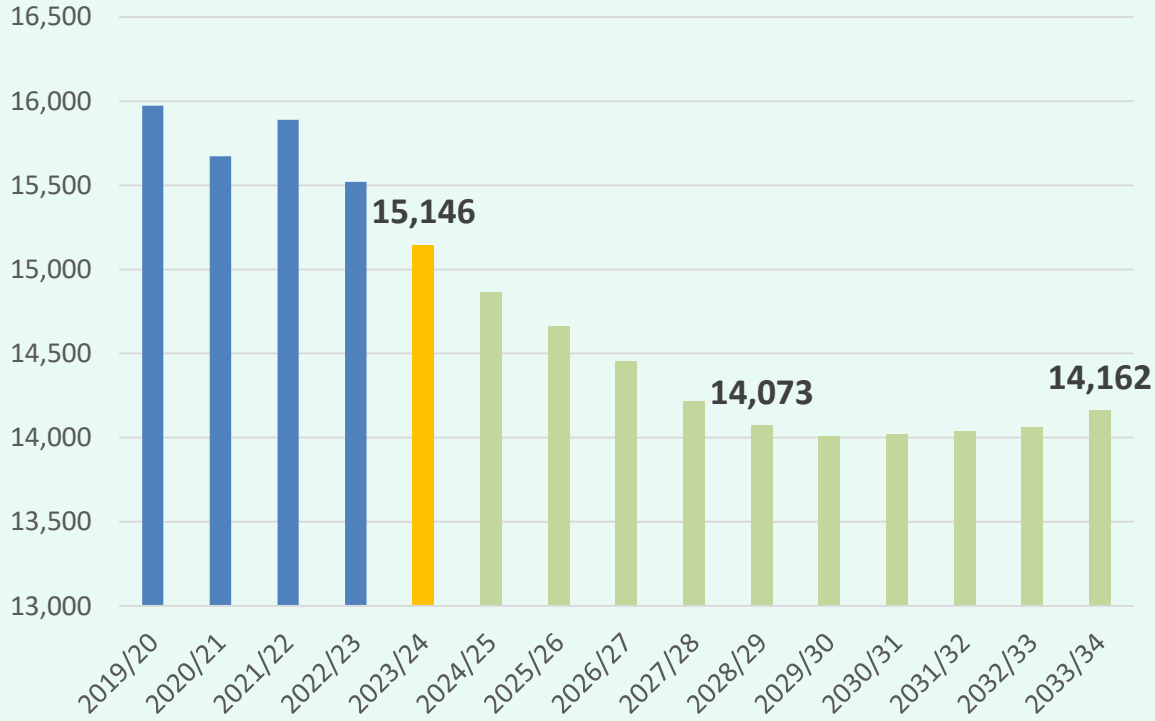
Ten Year Forecast by Secondary Campus

Campus	Functional Capacity	Max Capacity	Fall	ENROLLMENT PROJECTIONS									
			2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
DOBIE JH	1,300	1,540	1,316	1,229	1,194	1,228	1,196	1,152	1,058	1,009	1,025	1,025	1,109
CORBETT JH	1,080	1,500	1,126	1,095	1,096	1,103	1,111	1,114	1,083	1,001	936	924	989
JUNIOR HIGH SCHOOL TOTALS			2,442	2,324	2,290	2,331	2,307	2,266	2,141	2,010	1,961	1,949	2,098
Junior High School Percent Change			-3.71%	-4.83%	-1.46%	1.79%	-1.03%	-1.78%	-5.52%	-6.12%	-2.44%	-0.61%	7.64%
Junior High School Absolute Change			-94	-118	-34	41	-24	-41	-125	-131	-49	-12	149
CLEMENS HS	2,700	3,300	2,563	2,576	2,550	2,469	2,419	2,397	2,400	2,418	2,383	2,292	2,183
STEELE HS	2,160	3,200	2,700	2,688	2,663	2,541	2,452	2,411	2,345	2,330	2,202	2,113	2,038
ALSELC			155	155	155	155	155	155	155	155	155	155	155
HIGH SCHOOL TOTALS			5,418	5,419	5,368	5,165	5,026	4,963	4,900	4,903	4,740	4,560	4,376
High School Percent Change			0.73%	0.02%	-0.94%	-3.78%	-2.69%	-1.25%	-1.27%	0.06%	-3.32%	-3.80%	-4.04%
High School Absolute Change			39	1	-51	-203	-139	-63	-63	3	-163	-180	-184
DISTRICT TOTALS			15,146	14,864	14,661	14,451	14,217	14,073	14,007	14,017	14,036	14,059	14,162
District Percent Change			-2.42%	-1.86%	-1.37%	-1.43%	-1.62%	-1.01%	-0.47%	0.07%	0.14%	0.16%	0.73%
District Absolute Change			-375	-282	-203	-210	-234	-144	-66	10	19	22	103



Key Takeaways

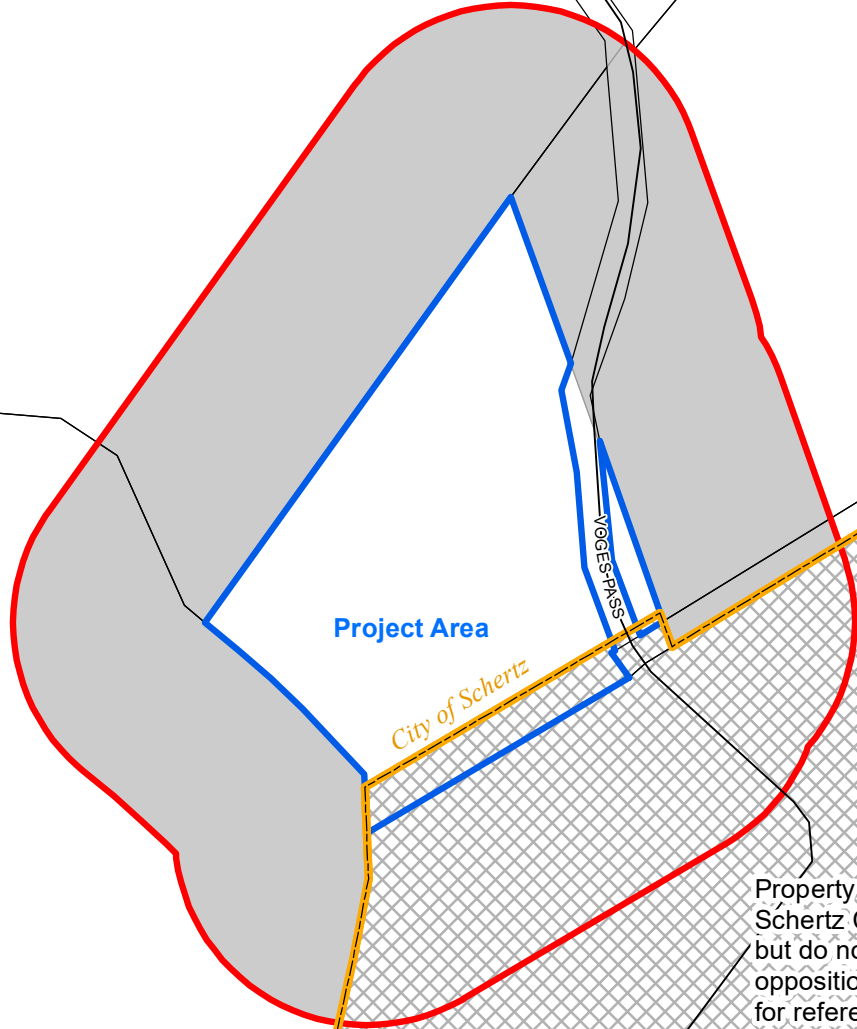
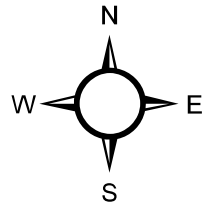
Enrollment Projections



- Enrollment in Schertz Cibolo ISD decreased by -2.4% since 2022/23
- Enrollment declines related to Charter expansions and lower Kindergarten enrollments
- 3rd quarter new home starts bounce back to 241 starts highest in the past year
- The district has 24 actively building subdivisions with more than 1,800 lots available to build on
- SCUCISD has 8 future subdivisions with over 6,900 lots in the planning stages
- Groundwork is underway on more than 1,000 lots across the district
- Larger graduating classes verses smaller Kindergarten classes leading to decrease in overall enrollment
- District enrollment near 14,000 students in 2028/29 school year

Protested Parcel Acentage (%)

- Opposed (0.00%)
- Not Opposed (100.00%)

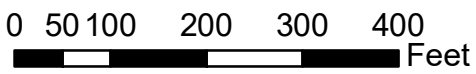


Project Area

City of Schertz

VOGES-PASS

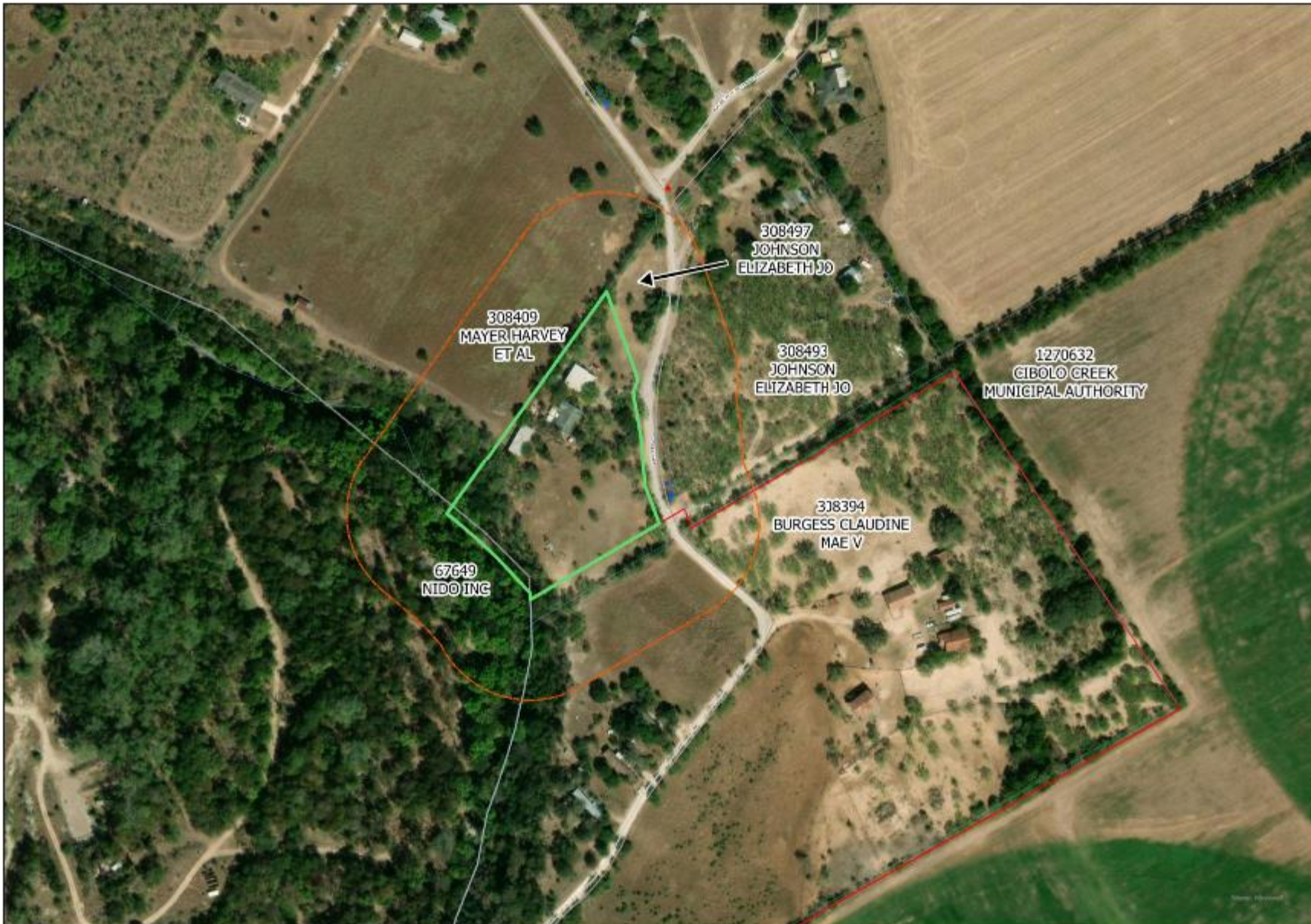
Property owners outside the Schertz City Limits are notified but do not count towards the opposition tally and are only shown for reference purposes.



Ordinance 24-S-19

Zone Change from Pre-Development to Single-Family Residential/ Agricultural
District (R-A) Voges Pass (3 acres)

Daisy Marquez | Planner



11627 Voges Pass

Existing Single-Family Home

Existing Zoning:

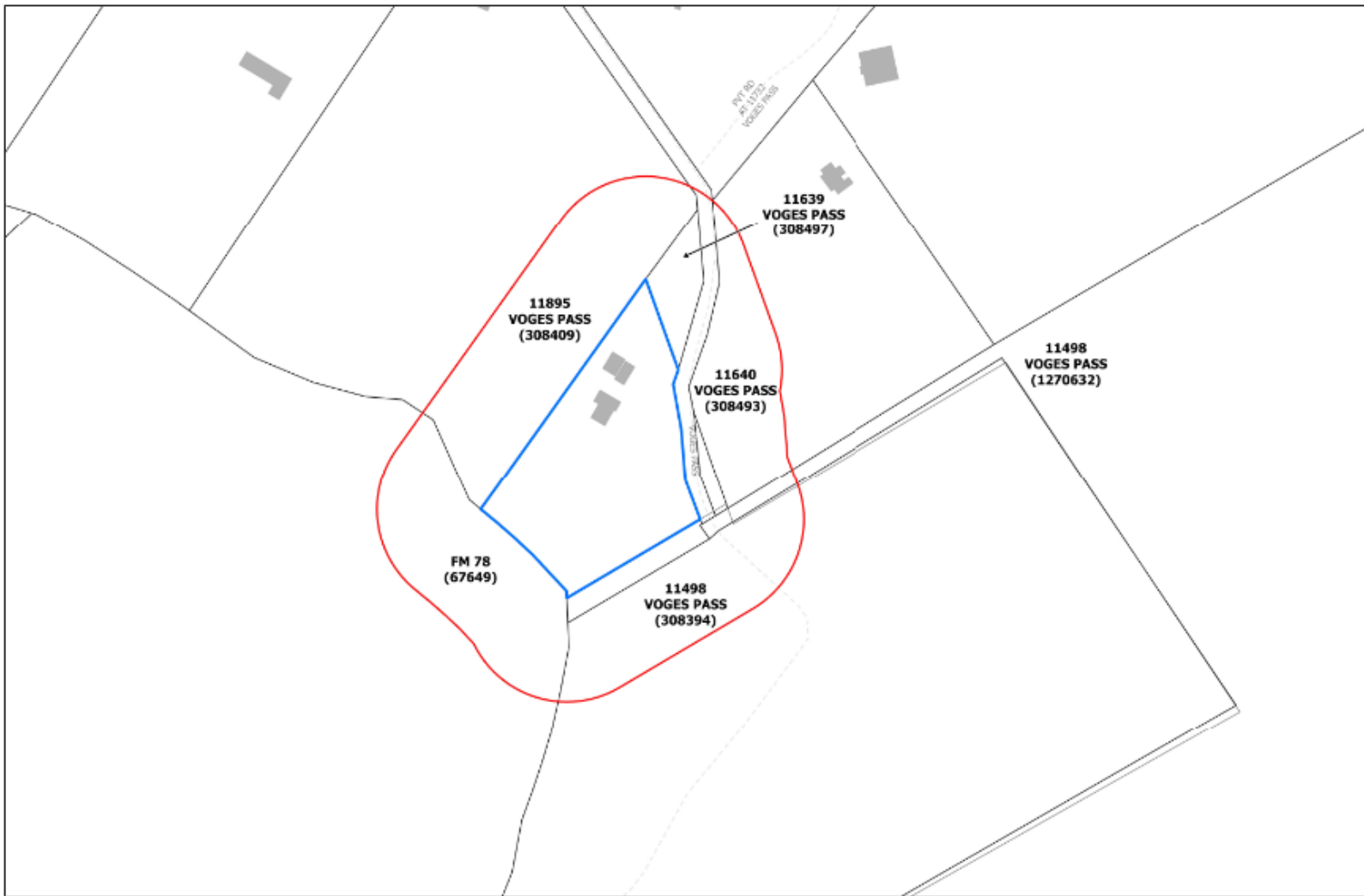
Pre-Development (PRE)

Proposed Zoning:

Single-Family Residential/ Agricultural (R-A)



	Existing Zoning	Land Use
North	Pre-Development District (PRE)	Single Family Residential/ Agricultural
South	Extraterritorial Jurisdiction (ETJ)	Single Family Residential/ Agricultural
East	Right-Of-Way; Private	Voges Pass
West	Manufacturing District -Heavy (M-2)	Undeveloped



SCHERTZ
COMMUNITY • SERVICE • OPPORTUNITY

City of Schertz, GIS Specialist, Alvin, Jr via Email, avin@schertztx.com (281) 491-1174
 *The City of Schertz provides this geographic information system product "as is" without any express or implied warranty, and the user assumes all liability for any use, including but not limited to the implied warranty of fitness for a particular purpose. In no event shall the City of Schertz be liable for any special, indirect, or consequential damages or any damages whatsoever arising out of or in connection with the use of or participation in this system. Certain data contained in this product could include confidential information or proprietary data. Proceed with care in any use of this product. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time.

City of Schertz

11627 VOGES PASS REZONE
(PLZC20240050)

○ 200'
Buffer

Project
Area



0 50 100 200 300
Foot

- March 20, 2024 a total of 7 Public Hearing Notices were sent out.
- Responses Received:
 - 0 – Opposition,
 - 0-In Favor,
 - 1-Neutral
- 1 sign was posted on the property.
- April 3, 2024, Planning and Zoning Commission held a public hearing.
- Posted in the “San Antonio Express” on April 10, 2024.

UDC SECTION 21.5.4.D Criteria for Approval

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



- | | |
|---|---|
|  Regional Corridor |  Local Corridor |
|  Mixed Use Center |  Development Deferment |
|  Rural Living |  Industrial |
|  Complete Neighborhood |  Public Use |

- The proposed Single-Family Residential/ Agricultural District (R-A) does implement the policies of the adopted Comprehensive Land Plan.
- The Comprehensive Land Use Plan classifies the subject property and area as Complete Neighborhood. The intent of Complete Neighborhood land use designation is a general area characterized by a mix of housing options with supporting land uses, but when considering the appropriateness of housing density, factors such as roadway classification and conflicts among land uses should be considered.
- The proposed Single-Family Residential/ Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan designations as per its statement of purpose and intent from UDC Section 21.5.5. The intent of the Single-Family Residential/ Agricultural District (R-A) is to provide a district suitable for minimum half-acre lots where development may be premature.
- The surrounding properties are Pre-Development District (PRE) and the subject property is at the edge of the City of Schertz Extraterritorial Jurisdiction (ETJ).

UDC SECTION 21.5.4.D Criteria for Approval

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

- As part of promoting health, safety and general welfare, the City should encourage development compatible with surrounding uses utilizing standards and transitional uses to alleviate negative impacts.
- The chosen Single-Family Residential/ Agricultural District (R-A) dimensional and development standards as stated in Section 21.5.7A of the Unified Development Code, are compatible with what is in the surrounding area.

		Minimum Lot Size Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements	
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Impervious Coverage
R-A	Single-Family Residential/ Agriculture	21,780	-	-	25	25	25	2	35	50%

UDC SECTION 21.5.4.D Criteria for Approval

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

- Yes, the permitted uses in Single-Family Residential/ Agricultural District (R-A) are appropriate within the immediate area of the land to be reclassified. The purpose and intent of the Single-Family Residential/ Agricultural District (R-A) is to provide areas in which agricultural land may be held in such use for as long is practical and reasonable, with minimum half-acre lots, and where development may be premature due to lack of utilities, capacity or services, as per UDC Section 21.5.5.
- The majority of the surrounding properties are Pre-Development District (PRE) and are used for single family residential and agricultural. Additionally, the southern portion of the property is adjacent to the City of Schertz Extraterritorial Jurisdiction (ETJ).

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

- The existing access point for the property is off of the existing Voges Pass. Voges Pass is a private road and is not maintained by the City of Schertz. The subject property currently uses an on site septic system and is serviced by the City of Schertz for water.
- A public hearing notice was mailed to Schertz-Cibolo-Universal City Independent School District to notify them of the proposed zone change. Included as attachments are the most recent Demographic Report 3Q23 for SCUCISD as well as the most recent 10-Year Campus Forecasting Presentation.
- The City of Schertz Police, Fire and EMS Departments have indicated they do not have any concerns regarding the proposed rezoning requests or their ability to provide services.

UDC SECTION 21.5.4.D Criteria for Approval

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

- The applicant would like to renovate the existing home and the Pre-Development District (PRE) is a placeholder and requires a zone change for construction, building permits, etc.

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

- There was no error in the original zoning of the property. The subject property was annexed into the City of Schertz in 1974 with Ordinance 74-A-24. Pre-Development District (PRE) is a placeholder and this property along with others in this area and around southern Schertz were given Pre-Development District (PRE) instead of zoning each individual property.

7. Whether all of the applicant's back taxes owed to the City have been paid in full;

- This does not impact the first reading at City Council.

UDC SECTION 21.5.4.D Criteria for Approval

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

- Staff has ensured all UDC requirements have been met for the proposed zone change, and at this time have not received any special consideration from the Planning and Zoning Commission or the City Council.

Recommendation

Staff Recommendation

The proposed zone change to Single-Family Residential/ Agricultural District (R-A) is compatible with the Comprehensive Land Use Plan and is appropriate within the immediate area of the subject property, thus Staff recommends approval of PLZC20240050.

Planning and Zoning Commission

The Planning and Zoning Commission met on April 4, 2024 and made a recommendation of approval with a 6-0 vote.

COMMENTS AND QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024

Department: Engineering

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

Attachments

5-7-24 Council Update on Major Projects

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024
Department: City Manager
Subject: Update on Major Projects in Progress

Background

This is the monthly update on large projects that are in progress or in the planning process. This update is being provided so Council will be up to date on the progress of these large projects. If Council desires more information on any project or on projects not on this list, please reach out to staff and that information will be provided.

Facilities Projects:

1. Demolish/Remove Unoccupied City Buildings Project

Project Description – Demolish unoccupied existing structures

- Project Status: Researching contractors
- Projected Completion: Unknown
- Project Cost: Estimated

Project Update: Astex completed the asbestos/lead survey on April 19th. We are currently awaiting the results before proceeding looking for a vendor to award the demolition contract.

2. Building 10 Parks Renovation

Project Description – Improve the conditions of Building 10 Parks for city staff to work comfortably and provide more storage, correct code compliance and ADA accessibility issues, and build an adequate IT communication closet to provide internet services to all the city buildings located on Commercial Place.

- Project Status: Design
- Projected Completion: Unknown
- Project Cost: estimated \$750,000
- Consultant: M&S Engineering

Project Update: No new updates. City staff are currently reviewing the scope of work provided by M&S. The next step is finding funding and a contractor.

3. Kramer House Deck Replacement

Project Description – Replace and repair the deck, install a new staircase leading to the front of the building, extend the stone walk path, and landscape.

- Project Status: Completed
- Projected Completion: Spring 2024
- Project Cost: \$5,000-\$10,000

Project Update: The deck replacement and landscaping have been completed.

4. Fleet Building Parking Lot

Project Description – Pave the open grassy area located at 27 Commercial Place

- Project Status: Replat phase
- Projected Completion: Unknown
- Consultant: M&S Engineering/Unitech Consulting Engineers, Inc.
- Contractor: To be determined

Project Update: No new updates. Unitech Consulting Engineers, Inc., is still actively preparing the replat of the property in preparation for site planning, design, and construction of paved parking and storage space at 27 Commercial Place, the replat process can take up to 30+ days.

Drainage Projects:

1. FM 78 South Channel Silt Removal

Project Description – Silt removal for the existing FM 78 South Drainage channel to include permitting, easement acquisition and construction.

- Project Status: Easement Acquisition and Construction
- Projected Completion: Fall of 2024
- Project Cost: Design \$32,100, Drainage Report \$4,600, Construction \$172,587 base bid, \$268,545 alternate in lieu
- Consultant: Unitech Consulting Engineers, Inc.
- Contractor: Contract has not yet been awarded

Project Update: No new updates. Staff is working with Unitech to coordinate easement acquisition services.

Water and Wastewater Projects:

1. Woman Hollering Creek Wastewater Interceptor Main and Lift Station

- Project Description – Design and construction of a sanitary sewer system to collect and convey wastewater to the future CCMA water reclamation plant off Trainer Hale Road in Southern Schertz. The system will consist of approximately 19,000 linear feet of 30” gravity wastewater line running generally along Woman Hollering Creek from the existing Sedona lift station on FM 1518 to a new lift station on IH 10 and approximately 6,000 feet of force main from the lift station to CCMA plant. It will also include an additional 18” gravity line approximately 1,500 feet in length that will first serve the Hallie’s Cove Subdivision. The system is necessary for the new CCMA plant to begin operation and to allow the existing Woman Hollering Lift Station at Sedona to be taken out of service.
- Project Status: Construction
- Projected Completion: Spring 2024
- Project Cost: Engineering/Design \$1,087,594, Land purchases, ROW, legal and advertising \$700,810, Construction \$11,100,000, totaling \$12,888,404
- Design Engineer: Cobb Fendley & Associates, Inc.
- Owner’s Representative: AGCM, Inc.
- Contractor: Thalle Construction Co, Inc.

Project Update: Wastewater gravity and force mains are 99 percent complete. Final work on the new lift station is nearing completion. Unexpected delays have occurred throughout the project, but final testing and startup is expected at the end of May 2024.

2. Riata Lift Station Relocation (Design Phase)

Project Description – Relocation of the Riata Lift Station ahead of TxDOT’s IH 35 NEX project to remove it from conflict with the proposed highway improvements. The design phase included identification of a new site for the lift station, design of new lift station and design of the abandonment of the existing lift station. Property and easement acquisitions were required. The new lift station is needed to maintain sewer services.

- Project Status: In January 2024, the City completed the acquisition of necessary easements and the existing lift station.
- Projected Completion: Spring 2025
- Project Cost: Design & Acquisition of easements and existing lift station \$478,000; Construction Estimate \$2,388,705 (to be reimbursed by TxDOT)
- Consultant: Utility Engineering Group, PLLC
- Contractor: This project has not yet been bid
- Project Update: Staff is reviewing the bid package that UEG has prepared. We plan to start advertising in May to bid by June.



3. FM 1518 Utility Relocations

Project Description – Relocation of water and sewer utilities to avoid conflicts as part of the TxDOT FM 1518 Improvement Project.

- Project Status: Design/Bid and Construction
- Projected Completion: The City’s utility relocation portion of the project is expected to be complete the summer of 2025.
- Project Cost: Design NTE \$980,000, Construction \$8,986,837
- Consultant: Half Associates
- Contractor: SER Construction Partners (TxDOT’s General Contractor)

Project Update: The TxDOT contractor is beginning to mobilize equipment and material this month. Staff continues to review material submittals on the joint-bid work. Bid documents are being finalized on the non-joint bid portion of the project. We plan to advertise in May to bid by June.

4. Corbett Ground Storage Tank

Project Description – Construction of a new 3-million-gallon Ground Storage Tank (GST). The GST will be used to fill the existing Corbett Elevated Storage Tank and provide additional water storage capacity. This new GST will receive water directly from the Schertz Seguin Local Government Corporation.

- Project Status: Construction Phase
- Projected Completion: May 2025
- Project Cost: Design \$466,265, Construction \$7,360,054
- Consultant: Unintech Consulting Engineers
- Contractor: Pesado Construction Co.

Project Update: Construction of the tank is progressing as expected on schedule. Concrete dome of tank is being poured as of the writing of this update. Staff continue to work with Unintech to complete tasks needed to secure a final award of the allocation from the congressional grant funding.

5. Water Loop Lines

Project Description – Install 12” water main lines to provide a looped distribution system from Ware Seguin to Lower Seguin and Pfeil Road to N Graytown Road.

- Project Status: Design
- Projected Completion: Spring 2025
- Project Cost: Design NTE \$200,000, Construction \$4,400,000

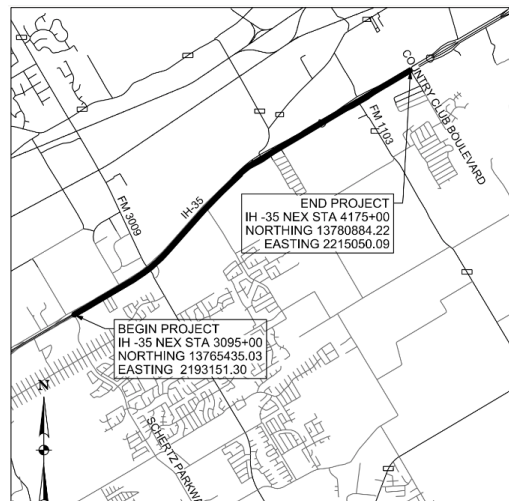
Project Update: No new updates. Staff is working with Unintech to coordinate easement acquisition services.

6. IH 35 NEX-North Utility Relocations

Project Description – Relocation of water and sewer utilities to avoid conflicts as part of the TxDOT IH 35 NEX project.

- Project Status: Design
- Projected Completion: Joint Bid Construction is planned for End of 2026
- Project Cost: Design & Easement Acquisition Services - \$1,250,000
- Consultant: Half Associates

Project Update: Half is working to address comments to the 90% design. They are continuing the easement acquisitions for the project. TXDOT has requested that work within easements be completed by separate contract outside of the joint bid work due to prior environmental clearances. We are working to address this request.



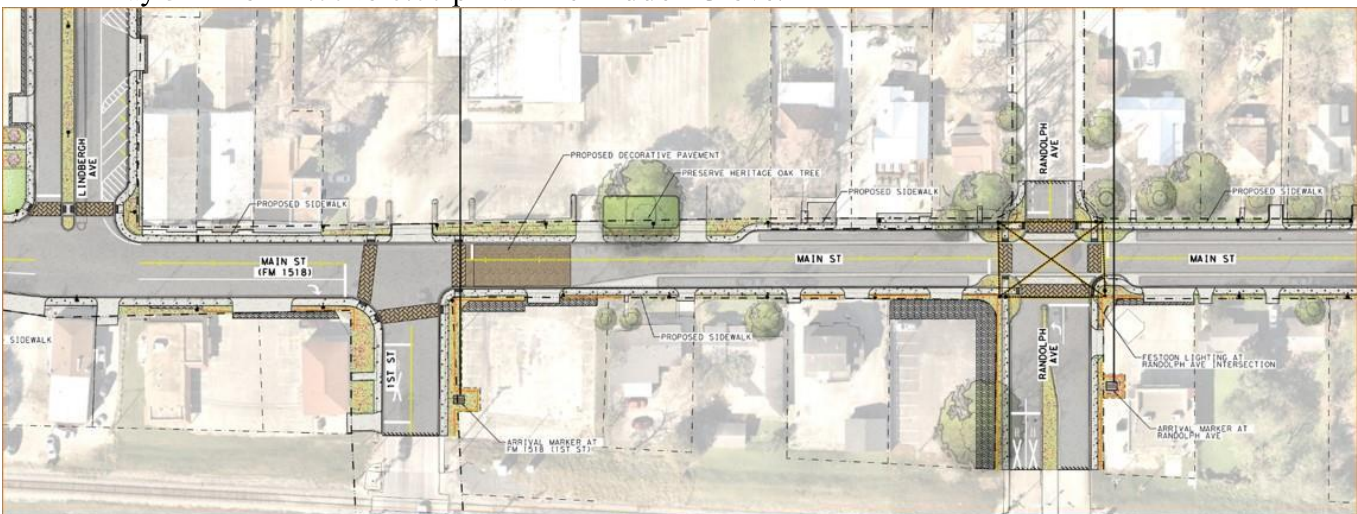
Street Projects:

1. Main Street Improvements Project

Project Description – The project will improve sidewalks, provide street lighting, way-finding signage, landscaping, utility relocations, and architectural elements such as decorative concrete, decorative lighting, screening, and area signage. This project will also replace aging water and sanitary sewer mains and reconstruct the street with a new, stronger pavement section. Additionally, Lindbergh between Main and Exchange will be reconstructed.

- Project Status: Design
- Projected Completion: Fall 2026
- Project Cost: Design NTE \$2,173,905, Construction \$24,600,000
- Consultant: Kimley- Horn Associates

Project Update: Staff is in the process of issuing the first payment of GVEC for the relocation of their facilities underground. Our consultant is working with GVEC to identify any conflicts with their proposed relocation with the water and sewer line replacements. Once any conflicts have been resolved, the water and sewer line replacement plans will be finalized, and this portion of the work will be bid. Staff anticipates the work will be bid this Summer. The first Main Street Project Open House will be held on May 31st from 4:00 to 6:00 pm at The Hidden Grove.



2. Lookout Road Reconstruction

Project Description – The project involves reconstruction of Lookout Road from Schertz Parkway to Doerr Lane. A traffic signal at the Lookout Road/Schertz Parkway intersection will also be installed. The project also includes the replacement and upsizing the existing sanitary sewer main in Lookout Road from Doerr Lane to Schertz Parkway.

- Project Status: Design
- Projected Completion: Fall 2024
- Project Cost: Design \$571,000 (\$20,000 from Selma), Construction estimate \$6,738,092 (\$100,000 from Selma)
- Design Consultant: Half Associates

Project Update: Some right of entry forms we have been waiting on have been received. This allows us to do some additional survey and fine tune the widening at the intersections of Lookout and Doerr Lane and Schertz Parkway. Staff is coordinating with CPS to get them to complete their relocation plans in a timely fashion so the project bid schedule can be determined.

3. Lower Seguin Road Reconstruction

Project Description – The project includes the development of a preliminary design and secure environmental clearance for a 2.9-mile segment of Lower Seguin Road to widen and improve the street to the section identified in the Master Thoroughfare Plan. The results of this project will be used to acquire needed right-of-way; develop final construction plans; and secure federal funding to assist with construction costs.

- Project Status: Design
- Projected Completion: Fall 2024
- Project Cost: Preliminary Design \$985,000
- Consultant: Halff & Associates

Project Update: We're still waiting on some right of entry forms to be turned in so the survey work outside of the existing right of way can be completed. A second mailing has been sent out to the property owners who have not responded to the requests. An Interlocal Agreement between Schertz and Converse has been created and reviewed by our City Attorney. The agreement is being reviewed by Converse Staff. Our consultant is performing the required traffic modeling and forecasting for the project.

4. 2024 SPAM Resurfacing and Rehabilitation

Project Description – The project includes the performance of prep work (base repairs, crack sealing, level up, etc.) and application of a slurry seal to the surface of various streets in the City. Work on other streets includes removal of existing asphalt surface; cement stabilization of base material; and application of a new layer of asphalt on street surface for other various City streets. PCI data was used to select the streets in the project.

- Project Status: Design
- Projected Completion: Fall 2024
- Project Cost: \$3,220,000 (estimated total)
- Design Consultant: Kimley-Horn Associates

Project Update: The Slurry Seal project is under Staff review. The plans are expected to be finalized and the bid package created. The rehabilitation plans are expected to be submitted for review this month.

5. Buffalo Valley South Resurfacing and Rehabilitation

Project Description – Water and sanitary sewer main replacements and street rehabilitation of Buffalo Valley South, specifically Mill Street, 1st St, 2nd St, Bowman St, Lee St, Church St, Zuehl St, and Wuest. PCI data was used to select the streets in the project. Project will be funded with a combination of SPAM funding (for the street rehabilitation) and ARP funding for the utility replacement.

- Project Status: Design
- Projected Completion: Design Summer 2024; Construction Fall 2025
- Project Cost: \$5,978,268 (estimated total)
- Design Consultant: Unintech Consulting Engineering

Project Update: The geotechnical reports confirms that the proposed rehabilitation plan for the streets will provide an appropriate, improved pavement section for the subdivision. The topo survey work has been completed. The project is on track to have plans for Staff to review this Summer.



Parks & Recreation Projects:

1. Wendy Swan Memorial Park Splashpad

Project Description – Demolition of existing residential sized pool and construction of a new splash pad.

- Project Status: Warranty Work
- Projected Completion: March 8, 2024
- Project Cost: \$297,350
- Contractor: T.F. Harper & Associates

Project Update: The manufacturer of the filtration system made multiple repairs on 4/10/24 and the system has been working correctly. The potential leak under the pad was inspected by the staff and the contractor and determined that it is not a leak but air bubbles. Staff will continue to monitor it over the season. There is a backwash issue in the pump room and the contractor is working to correct that in the next few weeks. This does not affect the operation of the system and it is open to the public.

2. Schertz Soccer Complex Irrigation Water Storage Project

Project Description – Upgrading electrical components, upsizing well pump and piping, and adding storage capacity for irrigation of the Schertz Soccer Complex.

- Project Status: Bidding Phase III
- Projected Completion: Summer 2024
- Project Cost: \$107,036.90
- Consultant: Unintech Engineering
- Contractor: TBD

Project Update: Phase III is replacing the well pump and piping and bids have been received but because of delays staff is currently revising bids to begin Phase III. There is a new concern raised by the well contractor that the casing may be undersized to accommodate the new upsized pipe and pump. Next steps are to camera the well casing to verify casing width. Still waiting on well contractor to schedule the camera work. No new updates.

TxDOT Roadway Projects:

- 1. FM 1103 Improvement Project:** Construction officially began in November 2022, and was originally expected to be complete in fall 2026. Some progress is being made on the roadway while utility relocation continues. General project updates are available by signing up at this link: [FM 1103 Construction Newsletter](#)
- 2. FM 1518 Improvement Project:** SER Construction, LLC, formally began construction on the on April 9, 2024. The contractor has leased property owned by the City on Schaefer Road to stage construction activities. The first few months of the project will be mainly underground utility construction and will mostly take place outside travel lanes. While there may be some delays, major traffic disruptions should not be experienced much during this phase of the project. TxDOT and its consultant will be creating media update options that will be passed along by Staff once available.
- 3. IH-35 NEX (I-410 South to FM 1103):** The central segment of the I-35 Northeast Expansion project continues with Alamo NEX Construction handling the design-build project. The central section runs from 410 N to FM 3009. Utility coordination work for the northern segment of the project is underway. TxDOT consultants have met with Public Works and Engineering Staff to begin establishing relocation needs. The City will be reimbursed for the costs of all needed relocations except for any upsizing or improvements above current conditions. Updates about the project can be obtained by signing up at the following link: [I 35 NEX Project Updates](#)
- 4. IH-10 Graytown Road to Guadalupe County Line:** Work for the widening of the main lanes and utility relocations continues. Work on the FM 1518 bridge over IH 10 continues and will involve numerous episodes of the rerouting of traffic including shifting lanes and detours as necessary. Updates regarding the IH 10 project are available by signing up at the following link: [IH 10 Expansion Information](#)

Note: If links do not work, please contact engineering@schertz.com.

Studies and Plans:

1. Water and Wastewater Master Plan Update and Impact Fee Study

Project Description – Collect, review data from the City and provide updated data for the Land Use Plan, Water and Wastewater System Model, Master Plan, CIP, Water/Wastewater Impact Fees, and Flow monitoring.

- Project Status: Study
- Projected Completion: Summer 2024
- Project Cost: \$500,000
- Consultant: Lockwood, Andrews & Newnam
- Project Update: The consultant is making final revisions to the capital improvement project lists and cost estimates for the master plans. Those project costs are used for the calculation of maximum updated impact fees. The identified projects will also be added to the City's comprehensive capital improvement program. Statutorily required meetings and hearings regarding the adoption of updated impact fees are expected to begin in spring/summer 2024.

2. PCI Data Collection Study

Project Description – Perform pavement condition inspection on all City streets and place inspection data into the City’s PAVER software. Help create a new GIS map layer for the revised PCI scores for all City streets.

- Project Status: 100% complete
- Projected Completion: March 2024
- Project Cost: \$130,000
- Consultant: Fugro, Inc.

Project Update: This project is complete.

CITY COUNCIL MEMORANDUM

City Council Meeting: May 7, 2024
Department: Planning & Community Development
Subject: Neighborhood Services - Quarterly Update

Attachments

NS Quarterly Report Jan - March 2024

Neighborhood Services - Quarterly Report
January 1 - March 30, 2024

Code and Health Inspections	
Retail Food Service inspections	
<ul style="list-style-type: none"> • Total 115 ○ Routines/complaints 106 ○ Weekend events 9 	
Code Cases and Investigations	
<ul style="list-style-type: none"> • Total Code Cases 485 ○ Cases resolved 349 ○ Cases In-process 136 ○ Grass and weeds 63 ○ Graffiti 7 	
Court appearances/cases	15
Abatement & Liens	4 includes securing 2 vacant structures
Tool Shed	
Equipment rentals	
<ul style="list-style-type: none"> • Yearly total 179 ○ January 2024 15 ○ February 2024 52 ○ March 2024 112 	
Total equipment borrowed since inception (Sept. 2022)	568
Updates	
Weatherization Grant application	EECBG grant application submitted April 5, 2024. Expected turnaround time is 30 days.
Clean the Creek	The second annual event was held on Saturday February 24, 24 and hosted 101 volunteers. Together city staff and volunteers removed approximately 6,000 lbs. of trash from the Cibolo Creek watershed near Cut Off Park and Crescent Bend Natural Area.
Love Where You Live (LWYL)	LWYL held another successful event on Saturday April 20, 2024. 250 volunteers worked on service projects ranging from yard work to minor home maintenance for 70 residents. This event supports our residents directly with free services.