

# DRAFT

## MINUTES REGULAR MEETING December 3, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on December 3, 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 Robert Westbrook; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Paul Macaluso; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Place 4 (vacant)

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

### **Call to Order**

Mayor Gutierrez called the meeting to order at 6:00 p.m.

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

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

### **Employee Introductions**

Mayor Gutierrez recognized City Department Heads who introduced the following new staff:

- **Parks:** Melanie Santiago-Administrative Assistant
- **Police:** Christopher Brusich-Police Officer, Joshua Dorantes-Police Officer
- **Public Works:** Krystopher Rojas-Industrial Electrician

### **Presentations**

#### **Presentation on the upcoming Holiday event on Saturday December 7, 2024. (S.Gonzalez/L.Shrum/C.Paddock)**

Mayor Gutierrez recognized Recreation Manager Cassie Paddock who provided an update on the Holiday event, including a brief overview of the schedule.

## **Presentation of TRAPS 2024 Central Region Awards to the Schertz Parks & Recreation Department. (S.Gonzalez/L.Shrum)**

Mayor Gutierrez recognized Recreation Manager Cassie Paddock and Jared Montney. Mr. Montney stated that the Parks and Rec staff participated in the TRAPS Maintenance Rodeo held on November 14, 2024, in Austin, with the following results:

- 3rd Place - Zero Turn Mower: Ray Tyquiengco
- 4th Place - Truck and Trailer: Diego Martinez and Daniel Delong
- 6th Place - Truck and Trailer: Cole Moody and Larry May
- 5th Place - Backhoe: Ian King
- 5th Place - Irrigation Assembly: Ian King and Diego Martinez
- 6th Place - Nail Drive: Cole Moody

Ms. Paddock presented the Region Awards won by or nominated by the City of Schertz that were announced at the Central Region Conference:

- Park Professional of the Year: Lauren Shrum
- Conservation Award: The Great Springs Project
- Photo - Facilities: Veterans Memorial Plaza
- Photo - Special Events: Color Fight

### **City Events and Announcements**

- Announcements of upcoming City Events (B.James/S.Gonzalez)  
Assistant City Manager Sarah Gonzalez presented upcoming City events.
- Announcements and recognitions by the City Manager (S.Williams)  
City Manager Williams congratulated the Parks and Rec team for the awards they won.
- Announcements and recognitions by the Mayor (R.Gutierrez)  
The Mayor had no announcements or recognitions.

### **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.*

*All handouts and/or USB devices must be submitted to the City Secretary no later than noon on the Monday preceding the meeting. Handouts will be provided to each Councilmember prior to the start of the meeting by the City Secretary. All USB devices will be vetted by City IT staff to ensure City property is protected from malware.*

No residents signed up to speak during the Hearing of Residents.

### **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** - Approving the Special Session Council Meeting minutes of November 18, 2024, and regular meeting minutes of November 19, 2024.(S.Edmondson/S.Courney)
2. **Resolution 24-R-159** - Approving a recommendation to name the adjacent park properties located in the 5700 Block of Jimmy Walker Drive and 2911 Homestead Parkway as Hilltop Park. (S.Gonzalez/L. Shrum)
3. **Master Calendar** - Approval of 2025 Master Calendar (S.Williams/Z.Reed)
4. **Resolution 24-R-161** - Authorizing an increase in expenditures with Musco Sports Lighting for the Schertz Soccer Complex Lighting Project (S.Gonzalez/L.Shrum)

No items were removed for separate action.

Mayor Gutierrez asked for a motion to approve Consent Agenda Items #1 - #4.

Moved by Councilmember Michelle Watson, seconded by Councilmember Allison Heyward

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

Passed

### **Discussion and Action Items**

5. **Resolution 24-R-150** - Establishing a legislative platform and priorities for the 89th legislative session in Texas. (S.Gonzalez/L.Klepper)

Mayor Gutierrez recognized Public Affairs Director Linda Klepper, who introduced Resolution 24-R-150. Ms. Klepper explained the purpose of the legislative platform, stating staff priorities for both advocacy and opposition for the 89th legislative session.

Councilmember Brown commended the work done to break down the number of bills submitted to present those that will affect the City directly.

Councilmember Heyward thanked Ms. Klepper for her work and stated that TML has

partnered with TAMIO to have multiple organizations on the same page. Mayor Gutierrez stated that out of the 186 legislators, only 39 have municipal experience, and they are making decisions that will impact us. Having the information provided will be a great help and thanked Mr. Williams for putting this project into action and Ms. Klepper for the work she has done.

Moved by Councilmember Tim Brown, seconded by Councilmember Allison Heyward

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

Passed

**6. Resolution 24-R-160 - Authorizing a construction contract with E-Z Bel Construction for the Buffalo Valley South Project (B.James/K.Woodlee/J.Nowak)**

Mayor Gutierrez recognized Assistant City Engineer John Nowak who introduced Resolution 24-R-160. He explained the bid packages received and provided support for staff's recommendation to accept the award-based bid plus alternates 1 and 2.

Mayor Pro-Tem Robert Westbrook asked if the bid included a project manager. Mr. Nowak explained that the Engineering Department would be doing most of the project manager doing most of the inspections, but would be hiring a testing firm to inspect the materials. Mayor Pro-Tem then asked what the basis for the contingency entailed. Mr. Nowak explained the contingency was to cover any incidental costs that arise during construction. Mayor Pro-tem asked whether there were any penalties assessed for not completing the project within the specified timeline. Mr. Nowak stated that the vendor is assessed "liquidated damages" for every day they exceed the expected completion date. That amount is approximately \$600/day.

Moved by Councilmember Tim Brown, seconded by Councilmember Michelle Watson

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

Passed

**7. Application for Landmark Property Designation - Consideration of a Landmark Property Designation for the Schertz-Cibolo Cemetery, which is located at 93 Bubbling Springs Road. (S.Williams/B.James)**

Mayor Gutierrez recognized Deputy City Manager Brian James who presented the application for Landmark Property Designation. The application was submitted by Dr. Miguel Vasquez to the Schertz Historical Preservation Society, whose mission

includes promoting awareness of the City's past, including important places. At their October meeting, the board recommended approval of the Landmark Property Designation.

Mayor Gutierrez recognized Councilmember Tim Brown who made the motion to approve the application for Landmark Property Designation; seconded by Councilmember Allison Heyward.

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

Passed

Mayor Gutierrez presented a proclamation for the Landmark Property Designation for the Schertz-Cibolo Cemetery to Dr. Miguel Vasquez and Dietz family members. Dr. Vasquez thanked the Mayor and Council and stated that the Schertz-Cibolo Cemetery has received three historical designations; State, County, and now City.

## Public Hearings

8. **Ordinance 24-S-170** - Conduct a public hearing and consider a request for a Specific Use Permit to allow Mixed-Use Self-Storage in General Business (GB) on approximately 2.2 acres of land, located along the IH-35 North access road, near the intersection of Cibolo Valley Drive, more specifically known as a portion of Guadalupe County Property Identification Number 185564, City of Schertz, Guadalupe County, Texas. (B.James/L.Wood/W.Willingham)

Planner William Willingham introduced Ordinance 24-S-170 to consider a request for a Specific Use Permit to allow Mixed-Use Self-Storage in General Business on approximately 3.65 acres of land, located along the IH-35 North access road, near the intersection of Cibolo Valley Drive, more specifically known as a portion of Guadalupe County Property Identification Number 185564, City of Schertz, Guadalupe County, Texas. Mr. Willingham stated four public notices were sent on October 22, 2024. No responses have been received. A public hearing notice was published in the San Antonio Express on November 13, 2024. The Planning and Zoning Commission recommended approval of Ordinance 24-S-170 with a 4-0 vote and Staff recommends approval of Ordinance 24-S-170 conditioned upon the following:

1. A building permit is approved within two years of the adoption of the SUP ordinance; and
2. Twenty percent of the usable square footage of the first floor of the proposed Mixed-Use Self-Storage building be for office, service, or retail space, and separate from the individual units for rent or lease.

Applicant, Storage Hub, represented by Ms. Ashley Farrimond of Killen, Griffin & Farrimond, was recognized and provided a presentation to Council regarding the

proposed development. She stated this would take the place of the previous SUP approved for the FM 3009 location. The developer believes the IH-35 location to be better suited for their project.

Public Hearing opened at 6:52 p.m.  
No residents came forward to speak.  
Public Hearing closed at 6:53 p.m.

Mayor Gutierrez recognized a discrepancy in the size of the property listed on the agenda vs what was presented by staff and the applicant. Deputy City Manager Brian James confirmed the property size presented by staff (3.65 acres) is correct.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Brown asked if the extension of Four Oaks Lane would be part of this development. Ms. Farrimond responded that the extension through the end of the property would be done at the same time as the development to ensure secondary access was available.

Councilmember Brown made a motion to approve Ordinance 24-S-170 with the change in acreage to 3.65 acres of land; seconded by Councilmember Michelle Watson.

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

Passed

9. **Ordinance 24-S-159** – Conduct a public hearing and consider a request to rezone approximately 3.014 acres of land to Agricultural District (AD), more specifically known as a portion of Comal County Property Identification Number 79004, Comal County, Texas. (B.James/L.Wood/E.Delgado)

Planning Manager Emily Delgado introduced Ordinance 24-S-159 stating the purpose of this ordinance was to establish a zoning district for the recently annexed property.

Public Hearing opened at 7:06 p.m.  
No residents came forward to speak.  
Public Hearing closed at 7:07 p.m.

No Council discussion occurred.

Moved by Councilmember Tim Brown, seconded by Councilmember Paul Macaluso

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

Passed

Moved by Councilmember Tim Brown, seconded by Councilmember Paul  
Macaluso

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

Passed

- 10. Ordinance 24-S-167** - Conduct a public hearing and consider a request to rezone approximately 100 acres of land from General Business District (GB) and Agricultural District (AD) to Manufacturing Light District (M-1) and Apartment / Multifamily Residential District (R-4) generally located at the intersection of Schwab Road and IH 35, more specifically known as Comal County Property Identification Numbers 79017, 75463, 79018, and 75468, City of Schertz, Comal County, Texas. (B.James/L.Wood/S.Haas)

Senior Planner Samuel Haas introduced Ordinance 24-S-167 to consider a request to rezone approximately 100 acres of land from General Business District (GB) and Agricultural District (AD) to Manufacturing Light District (M-1) and Apartment / Multifamily Residential District (R-4) generally located at the intersection of Schwab Road and IH 35, more specifically known as Comal County Property Identification Numbers 79017, 75463, 79018, and 75468, City of Schertz, Comal County, Texas. Mr. Haas stated seven public notices were sent on October 25, 2024. Two responses have been received; 1 in favor and 1 neutral. A public hearing notice was published in the San Antonio Express on November 13, 2024. The applicant is asking to rezone 80.8 acres as M-1, and 19.2 acres as R-4. The proposed zoning change meets all criteria for approval outlined in the UDC and conforms to the Comprehensive Land Plan and surrounding land use is consistent. The Planning and Zoning Commission met on November 6, 2024, and recommended approval with a 4-0 vote. Staff recommends approval of Ordinance 24-S-167.

Paul Landa, MTR Engineers, spoke on behalf of the applicant. He stated the developer controls approximately 123 acres but is only asking for 100 acres to be rezoned. They intend to have commercial, industrial, and multifamily. They believe this fits with the City's vision for this property. He asked that Council approve this request.

Public Hearing opened at 7:17 p.m.  
No residents came forward to speak.  
Public Hearing closed at 7:17 p.m.

Mayor Gutierrez opened the floor to Council for discussion.

Councilmember Macaluso doesn't support rezoning property from GB off the interstate frontage road. He stated this is limited real estate that is core general business area for future retail growth.

Councilmember Brown stated that this is small enough area that it won't have a great impact on the future. There is currently nothing in this area and you need bodies before retail comes. It is appropriate at this time in this location.

Councilmember Davis requested clarification on the area currently GB that would not be rezoned. Mr. Haas provided the response.

Moved by Councilmember Tim Brown, seconded by Councilmember Michelle Watson

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

NAY: Councilmember Paul Macaluso

Passed

- 11. Ordinance 24-S-169** - Conduct a public hearing and consider a request to rezone approximately .23 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), more specifically known as 702 Main Street, also known as Guadalupe County Property Identification Number 21458, City of Schertz, Guadalupe County, Texas. (B.James/L.Wood/S.Haas)

Senior Planner Samuel Haas introduced Ordinance 24-S-169 requesting to rezone 0.23 acres of land from GB to MSMU, more specifically known as 702 Main Street, also known as Guadalupe County Property Identification Number 21458, City of Schertz, Guadalupe County, Texas. Per applicant's letter of intent, they are proposing a pet store with grooming. Mr. Haas stated ten public notices were sent on October 25, 2024. One response in favor has been received. A public hearing notice was published in the San Antonio Express on November 13, 2024. The proposed zoning change meets all criteria for approval outlined in the UDC, conforms to the Comprehensive Land Plan, surrounding land use is consistent, and MSMU District is uniquely appropriate to Main Street. The Planning and Zoning Commission met on November 6, 2024, and recommended approval with a 4-0 vote. Staff recommends approval of Ordinance 24-S-169.

Public Hearing opened at 7:24 p.m.

No public came forward to speak.

Public Hearing closed at 7:25 p.m.

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

Moved by Councilmember Paul Macaluso, seconded by Councilmember Tim Brown

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

Passed

- 12. Ordinance 24-S-168** - Conduct a public hearing and consider a request to rezone approximately 1.66 acres of land from General Business District (GB) and Single Family Residential District (R-2) to Main Street Mixed Use District (MSMU), more specifically known as 819, 817, and 815 Main Street and 810 Exchange Avenue, also known as Guadalupe County Property Identification Numbers 29057, 29058, 29059, 29060, 67493, 67495 City of Schertz, Guadalupe County, Texas.  
(B.James/L.Wood/S.Haas)

Senior Planner Samuel Haas introduced Ordinance 24-S-168 requesting to rezone 1.66 acres of land from GB and R-2 to MSMU, more specifically known as 819, 817, and 815 Main Street and 810 Exchange Avenue, also known as Guadalupe County Property Identification Numbers 29057, 29058, 29059, 29060, 67493, and 67495 City of Schertz, Guadalupe County, Texas. Per applicant's letter of intent, there is no proposed development plan at this time. Mr. Haas stated 21 public notices were sent on October 25, 2024. Two responses have been received; one in favor and one neutral. A public hearing notice was published in the San Antonio Express on November 13, 2024. The proposed zoning change meets all criteria for approval outlined in the UDC, conforms to the Comprehensive Land Plan, surrounding land use is consistent, and MSMU District is uniquely appropriate to Main Street. The Planning and Zoning Commission met on November 6, 2024, and recommended approval with a 4-0 vote. Staff recommends approval of Ordinance 24-S-168.

Public Hearing opened at 7:29 p.m.

No public came forward to speak.

Public Hearing closed at 7:30 p.m.

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

Moved by Councilmember Mark Davis, seconded by Councilmember Michelle Watson

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

Passed

- 13. Ordinance 24-A-158-** Conduct a public hearing and consider a request for voluntary annexation of approximately 3.014-acres, a portion of Comal County Property Identification Number 79004 Comal County, Texas. (B.James/L.Wood/E.Delgado)

Planning Manager Emily Delgado introduced Ordinance 24-A-158 stating the purpose of this ordinance was to request approval for voluntary annexation of approximately 3.014-acres, a portion of Comal County Property Identification Number 79004 Comal County, Texas.

Public Hearing opened at 7:01 p.m.  
No residents came forward to speak.  
Public Hearing closed at 7:02 p.m.

No Council discussion occurred.

Moved by Councilmember Michelle Watson, seconded by Councilmember Allison Heyward

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

Passed

## **Workshop**

- 14.** Workshop on the National League of Cities Membership (A.Heyward)

Workshop was postponed.

## **Information available in City Council Packets - NO DISCUSSION TO OCCUR**

- 15.** FY24 Summary report of Library activities (S.Gonzalez/M.Uhlhorn)

## **Requests and Announcements**

- Requests by Mayor and Councilmembers for updates or information from Staff  
No requests from 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 from Mayor or Councilmembers for items or presentations to be placed on a future City Council agenda.
- City and Community Events attended and to be attended (Council)

Councilmembers Heyward and Brown attended the SEDC Board Meeting and TxDOT Stakeholders Meeting.

**Adjournment**

Mayor Gutierrez adjourned the meeting at 7:31 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary