

DRAFT

MINUTES REGULAR MEETING January 7, 2025

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 7, 2025, 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; City Secretary Sheila Edmondson; Deputy City Secretary Sheree Courney

Call to Order

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

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

Councilmember Allison Heyward 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:

- **Animal Services:** Carla Cardona-Kennel Technician
- **EMS:** Valentin Hernandez-Paramedic; Steven Amen-EMT (Part-Time); Noah Ellis-EMT (Part-time)
- **Neighborhood Services:** Patrick McIntyre-Code Enforcement Officer
- **Parks:** Steven Lovelace-Parks Maintenance Technician (P/T)
- **Police:** Luis Gonzales-Public Safety Communications Officer
- **Police:** Jonathan Bagby-Police Officer; Francisco Lopez-Police Officer
- **Utility Billing:** Marvin Burkett-Meter Technician

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 Steve Williams congratulated Sydney Paredes, Parks Department, for being awarded the TRAPS internship to attend their Leadership Institute.

Mr. Williams also extended congratulations to the following employees on their promotions:

Irene Chavez to Purchasing Specialist
Adam Rodriguez to Police Officer

- Announcements and recognitions by the Mayor (R. Gutierrez)
Mayor Gutierrez extended thanks to City Staff for the work on the Christmas Tree Lighting Ceremony, the parade, and the Blue Santa program.

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.

Mayor Pro-Tem Robert Westbrook recognized the following residents:

Ben Guerrero, 506 Capot Court Ln, stated he is a candidate for City Council Place 4 and encouraged all city residents to vote in the Runoff Election. He provided a brief background and statements regarding his stance on certain issues if elected. He thanked Guadalupe County Conservative Republicans, the Schertz Police Association, and Mr. Roy Richard for their endorsements.

Daniel Jameson, 1048 Richmond Dr, informed Council that Lowe's Home Improvement had contributed \$30,000 for renovations at the VFW and had offered an additional contribution. He invited Council and residents to come out to the VFW for breakfast to support local veterans.

Michele Tereletsky, 705 Marilyn Dr, thanks to the Fire Department for assisting seniors with

checking smoke detectors and to Public Works for their quick and professional response to her request for help with a water leak.

Jill Moore, 3534 Woodlawn Farms, who spoke in support of the Savannah and Irish Creek development. However, she stated there is still an issue with the intersection traffic.

Consent Agenda Items

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

1. **Minutes** - Approval of the minutes from the Council Meeting on December 17, 2024 and the Canvassing the Election Meeting on December 26, 2024.
(S.Edmondson/S.Courney)
2. **Resolution 24-R-143** - Authorizing an agreement with GenServ Inc. for preventative maintenance and on-call generator services (B.James/D.Hardin/C.Hernandez/A.Puentes)
3. **Resolution 25-R-001** - Authorizing the EMS, Utility Billing, Schertz Magazine, and Library debt revenue adjustments. (S.Gonzalez/J.Walters)

Mayor Gutierrez asked Council if any items needed to be removed for separate action.

Councilmember Davis requested agenda item #3 be removed.

Mayor Gutierrez asked for a motion to approve agenda items #1 and #2.

Moved by Councilmember Michelle Watson, seconded by Mayor Pro-Tem Robert Westbrook.

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

Passed

Mayor Gutierrez recognized Assistant City Manager Sarah Gonzalez to open discussion on agenda item #3, Resolution 25-R-001: Authorizing the EMS, Utility Billing, Schertz Magazine, and Library debt revenue adjustments. Councilmember Davis asked about the process that was implemented to prevent write-offs related to the magazine. Ms. Gonzalez deferred to Public Affairs Director Linda Klepper, who explained that the magazine had not had any write-offs for approximately seven years. This situation resulted from a long-term relationship with a business that had consistently run ads without incident until recently. Staff did attempt to reach out, but business could not be reached. The ad was pulled, but not until after it had run for two consecutive

months. No other questions were posed.

Mayor Gutierrez asked for a motion to approve Resolution 25-R-001.

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

Discussion and Action Items

4. **Resolution 25-R-006** - Articulating the City of Schertz' position on potential truck bypass routes on FM 2252. (S.Williams/B.James)

Mayor Gutierrez recognized Deputy City Manager Brian James who introduced Resolution 25-R-006 articulating the City of Schertz' position on a potential truck bypass requiring trucks to take the spur of FM 2252 as opposed to the direct route. Mr. James stated that although staff appreciate the concerns voiced by Garden Ridge and desire to support finding solutions to regional issues, until they have data they are not in favor of altering the current traffic patterns. He reiterated they want to work collaboratively, but need to do so in a thoughtful way, taking into account all the implications. Staff is seeking concurrence from Council on this issue.

Mayor Gutierrez asked for clarification regarding the city's stance on the issue and the approval of the resolution. Mr. James provided the clarification. Mayor also asked how many Garden Ridge residents reside on FM2252 that brought this issue up for discussion. Mr. James stated it was not residents, but a member of the Garden Ridge Council that brought the issue forward. Mr. James also indicated that he did not believe this issue had been heard by the Garden Ridge Council yet. He went on to say, staff doesn't disagree that we have challenges with truck traffic throughout the area, however, they are businesses in the community, who employ residents of the community, and they provide resources we need in terms of concrete, asphalt, and other items we rely on for our projects, so we need to really think how we work with folks to find appropriate solutions.

Councilmember Davis asked if we anticipated any issue with getting AAMPO or TxDOT to do any updated studies in this area. Mr. James responded that AAMPO is involved in a study currently that doesn't include this area, but had indicated they would not be opposed to including it. TxDOT has not committed at this time.

Mayor Gutierrez stated he is not in favor of having all the trucks use city streets. He sympathizes with Garden Ridge, but it would put a great burden on our city. Mr. James responded that staff are looking for a collaborative approach to find a solution that works for the businesses as well as the cities.

Mayor Gutierrez asked for a motion to approve Resolution 25-R-006.

Moved by Councilmember Michelle Watson, seconded by Councilmember Allison Heyward

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

Passed

5. Resolution 25-R-005 Approving a Utility Service Extension Request for the Woman Hollering Townhomes (B.James/K.Woodlee)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who introduced Resolution 25-R-005. She explained that, historically it was common practice if a property was to be developed in the ETJ and they wanted to tie onto City utilities they were granted the option if they annexed into the city. However, the rule changed at the state level and Council adopted an ordinance last year that stated we can't force you to annex if you are already in our CCN and we are obligated to serve, but we need to make sure we have a mechanism to go through the process to make sure it is an appropriate service or extension of service and City Council would have the authority to grant the approval of the request. This development is in the ETJ, so the city doesn't have zoning authority or platting authority over the property, but they want to tie onto our water/wastewater systems. They went through extensive meetings to discuss capacities and tie in locations. The development does meet all the criteria that's set forth in the new ordinance, so staff recommends approval of the service extension request.

Mayor Gutierrez asked if consideration of developments in the City limits was taken when determining the capacity for this development. Ms. Woodlee stated they did look into the sewer shed that would tie into the same location. There is currently capacity, but they cannot predict with 100% accuracy based on potential development within the city limits in the future.

City Manager Steve Williams stated we hold the CCNs for those areas so we are obligated to serve.

Mayor Gutierrez reiterated it is a state mandate that puts the burden on the city. If the development doesn't annex, they won't pay any taxes to the city. What are the implications if the City says no to the resolution?

City Attorney advised Council could say no, which could result in the developer petitioning to be removed from the CCN and/or the PUC could reach out and say this is in your CCN and you are obligated to serve. If the developer doesn't petition to be removed from the CCN, the City is still obligated to provide service. Developer is

required to come to the City because they are in our CCN. He also cautioned the Council that there could be implications for all properties within the CCN.

Mr. James pointed out that having the developer petition to be removed from the CCN could have broader ranging issues for the City as they determine how to best to deal with their sewage.

Councilmember Davis stated he understands this is a lose-lose situation, but he cannot support the resolution. The residents of the new development will use all the same resources without paying for them, while city residents use and pay for them through city tax dollars.

Councilmember Brown asked if there is a way to recoup some of the funds lost in tax dollars by applying a different rate. The response was yes, they pay a higher rate because they are in the ETJ. Councilmembers Brown and Heyward concur that to deny the service under our CCN is not the right path. It will ultimately cost the city in both time and dollars.

Councilmember Mark Davis motioned to table item #5 until the next scheduled meeting, seconded by Councilmember Michelle Watson.

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

Passed

Public Hearings

- 6. Ordinance 25-S-002** – Conduct a public hearing and consider a request to rezone approximately 85 acres of land, from Agricultural District (AD) to approximately 30 acres as Single-Family Residential District (R-6) and approximately 55 acres as Single-Family Residential District (R-2), generally located 2,000 feet North of the intersection of Weir Road and Trainer Hale Road, more specifically known as Bexar County Property Identification Numbers 310048 and 1190132, City of Schertz, Bexar County, Texas. (B.James/L.Wood/D.Marquez)

Mayor Gutierrez recognized Planner Daisy Marquez who introduced Ordinance 25-S-002 to consider a request to rezone approximately 85 acres of land, from Agricultural District (AD) to approximately 30 acres as Single-Family Residential District (R-6) and approximately 55 acres as Single-Family Residential District (R-2), generally located 2,000 feet North of the intersection of Weir Road and Trainer Hale Road, more specifically known as Bexar County Property Identification Numbers 310048 and 1190132, City of Schertz, Bexar County, Texas. Ms. Marquez stated 11 public notices were sent on November 19, 2024. Four responses have been received; 3

in favor and 1 in opposition. A public hearing notice was published in the San Antonio Express on December 18, 2024. The applicant is asking to rezone 54 acres as R-2, and 30 acres as R-6. The maximum allowed for a tract for R-6 is 30 acres. 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 December 4, 2024, and recommended approval by a unanimous vote. Staff recommends approval of Ordinance 25-S-002.

Applicant, Shad Schmid, Kingfish Development, thanked Council for the opportunity to speak and offered to address any questions they had.

Public Hearing opened at 7:08 p.m.
No residents came forward to speak.
Public Hearing closed at 7:09 p.m.

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

Moved by Councilmember Tim Brown, seconded by Councilmember Michelle Watson

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

Passed

- 7. Ordinance 25-S-001** - Conduct a public hearing and consider a request to rezone approximately 26 acres of land, from Single-Family Residential District (R-2) to Single-Family Residential District (R-6), known as a portion of Guadalupe County Property Identification Number 64640, generally located 78 feet South of the intersection of Savannah Drive and Irish Creek Road, City of Schertz, Guadalupe County, Texas.(B.James/L.Wood/D.Marquez).

Planner Daisy Marquez introduced Ordinance 25-S-001 to consider a request to rezone approximately 26 acres of land, from Single-Family Residential District (R-2) to Single-Family Residential District (R-6), known as a portion of Guadalupe County Property Identification Number 64640, generally located 78 feet South of the intersection of Savannah Drive and Irish Creek Road, City of Schertz, Guadalupe County, Texas. Ms. Marquez stated 22 public notices were sent out on November 19, 2024. Twenty responses have been received; 1 in favor and 19 in opposition. A public hearing notice was published in the San Antonio Express on December 18, 2024. Since the city received 20.13% in opposition, a vote of at least 3/4 of all members of the City Council is required in accordance with LGC 211.006 (d). The applicant is asking to rezone 26 acres as R-6. Ms. Marquez stated that when considering the surrounding uses and the Comprehensive Land Use Plan, the existing R-2 better promotes the health, safety, and general welfare of the City. Additionally, Ms. Marquez stated that the existing traffic concerns on Savannah Drive at the intersection

of FM 1518 and the intersection at Schertz Parkway, as well as the existing sight visibility concerns were taken into consideration. The Planning and Zoning Commission met on December 4, 2024, and recommended approval with a 4-2 vote. Ms. Marquez concluded by stating that in previous zoning discussions, the City Council had established a policy that if a proposed zone change would not result in an inherently better development than what could potentially develop with the current zoning, then the proposed zone change would not be desired. Therefore, staff recommends denial of Ordinance 25-S-001.

On behalf of Meritage Homes (applicant), Patrick Christensen, addressed Council stating they were asking for the R-6 to allow for more green space within the development. Staff had approved multi-family rental for this property previously, so it seemed they would be agreeable to the R-6 which would provide less density. They are requesting mixed development by having both R-2 and R-6. He also stated that they requested be allowed to put a stop sign to help with the traffic issues at the intersection.

Public Hearing opened at 7:21 p.m.
No residents came forward to speak.
Public Hearing closed at 7:21 p.m.

Mayor Gutierrez posed several questions to which staff responded and then opened the floor to Council for discussion. Council was divided in support of the development. Some expressed concerns about the traffic, mixture of housing options, and development within the APZ.

Mayor Gutierrez asked for a motion to approve Ordinance 25-S-001.

Moved by Councilmember Michelle Watson, seconded by Councilmember Tim Brown

AYE: Mayor Pro-Tem Robert Westbrook, Councilmember Michelle Watson, Councilmember Tim Brown

NAY: Councilmember Mark Davis, Councilmember Paul Macaluso, Councilmember Allison Heyward

Failed

8. **Ordinance 25-S-003** - Conduct a public hearing and consider a request to rezone approximately 20 acres of land from General Business District (GB), Agricultural District (AD), and Pre-Development District (PRE) to Middle Density Residential District (R-5), more specifically known as 5524 Eckhardt Road, also known as a portion of Comal County Property Identification Numbers 75449 and 78233, City of Schertz, Comal County, Texas. (B.James/L.Wood/S.Haas)

Senior Planner Samuel Haas introduced Ordinance 25-S-003 to consider a request to rezone approximately 20 acres of land from General Business District (GB), Agricultural District (AD), and Pre-Development District (PRE) to Middle Density

Residential District (R-5), more specifically known as 5524 Eckhardt Road, also known as a portion of Comal County Property Identification Numbers 75449 and 78233, City of Schertz, Comal County, Texas. Mr. Haas stated sixteen public notices were sent on November 22, 2024. No responses have been received. A public hearing notice was published in the San Antonio Express on December 18, 2024. Additionally, a public hearing notice was provided to Comal ISD. Applicant is proposing portions of their property be rezoned to Middle Density Residential District (R-5). 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. Schertz Fire, EMS, and Police Departments have been notified of the zone change request and have provided no objection. The Planning and Zoning Commission met on December 4, 2024, and recommended approval with a 6-0 vote. Staff recommends approval of Ordinance 25-S-003.

Public Hearing opened at 8:00 p.m.
No residents came forward to speak.
Public Hearing closed at 8:00 p.m.

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

Moved by Councilmember Michelle Watson, seconded by Councilmember Tim Brown

AYE: Councilmember Mark Davis, Councilmember Michelle Watson,
Councilmember Paul Macaluso, Councilmember Allison Heyward,
Councilmember Tim Brown

Passed

9. **Ordinance 25-S-004** - Conduct a public hearing and consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 11, Section 21.11.6 Prohibited Signs and Section 21.11.17 Temporary Signs.
(B.James/L.Wood/E.Delgado)

Planning Manager Emily Delgado introduced Ordinance 25-S-004 to consider amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC), to Article 11, Section 21.11.6 Prohibited Signs and Section 21.11.17 Temporary Signs. Staff proposed three amendments to the UDC.

Public Hearing opened at 8:05 p.m.
No residents came forward to speak.
Public Hearing closed at 8:06 p.m.

Mayor Gutierrez opened the floor to Council for discussion.

After extension discussion regarding the proposed amendments, Councilmember Michelle Watson motioned to table agenda item #9, 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

Information available in City Council Packets - NO DISCUSSION TO OCCUR

10. **Quarterly Update-** City Council Approved Zoning and Specific Use Permit Ordinances in relation to current development status
11. **Information** regarding a pending update to the City of Schertz Water and Wastewater Master Plans, Land Use Assumptions, and Capital Improvement Plans that establish the basis for updates to the City's Water and Wastewater Impact Fees.

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)
No City and Community Events attended or to be attended were announced by Councilmembers.

Adjournment

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

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary