



MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
March 19, 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, MARCH 19, 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 Macaluso)

Special Announcements

- Hal Baldwin Scholarship

Proclamations

- 311 Appreciation Day-March 11, 2024
- Take Down Tobacco Day-April 1, 2024

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 March 5, 2024. (S.Edmondson/S.Courney)
2. **Resolution 24-R-35** - Authorization of EMS, Utility Billing, Schertz Magazine, and Library debt revenue adjustments. (S.Gonzalez/J.Walters)
3. **Appointment/Reappointment For Boards/Commissions/Committees (S.Edmondson)**
 - Appointments
 - Lauren Dalton - Schertz Historical Preservation Committee
 - Martin Powell - Board of Adjustments, Alternate 2
 - Clayton Wallace - Planning and Zoning Committee, Alternate 2
 - Charles Cornelisse - Traffic and Safety Advisory Committee (from Alternate 1)
 - Christopher Hormel - Traffic and Safety Advisory Committee, Alternate 1 (from Alternate 2)
 - Robert Marks - Traffic and Safety Advisory Committee, Alternate 2
 - Reappointments
 - Lisa Connolly - Animal Services Advisory Committee
 - Becki Babcock - Schertz Historical Preservation Committee
 - Rosalyn Wise - Schertz Historical Preservation Committee
 - Christopher Hormel - Schertz Historical Preservation Committee
 - Richard Dziewit - Traffic and Safety Advisory Committee, Chair
 - Ronald Stevens - Traffic and Safety Advisory Committee
 - Paul Wiley - Traffic and Safety Advisory Committee
 - Steven Icke - Traffic and Safety Advisory Committee
 - Michael Winter - Traffic and Safety Advisory Committee
 - Resignations
 - Michele Helgren - Animal Services Advisory Committee
 - Andres Dominguez - Traffic and Safety Advisory Committee
4. **Resolution 24-R-31** - Authorizing the revised Bylaws of the Schertz Historical Preservation Committee, and other matters in connection therewith (B.James/C.Simmons)
5. **Resolution 24-R-32** – Authorizing expenditures with Prime Controls, LP at the Nacogdoches Water Facility for the SCADA Upgrade Project (B.James/L.Busch/N.Ferris)

Discussion and Action Items

6. **Resolution 24-R-34** - Accepting the Audit Report and the Annual Comprehensive Financial Report. (S.Gonzalez/J.Walters)
7. **Ordinance 24-S-04** - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 16 - Definitions. ***Final Reading*** (B.James/L.Wood/S.Haas)
8. **Ordinance 24-S-05** – Approving a request to rezone approximately 26.11 acres of land from Single-Family Residential / Agricultural District (R-A) to General Business District (GB), a portion of 11209 E FM 1518 generally located 600ft northwest of the intersection of Lisa Meadows and FM 1518, City of Schertz Bexar County, Texas, also known as Bexar County Property Identification Number 308363. ***Final Reading***. (B.James/L.Wood/S.Haas).
9. **Ordinance 24-H-03** - Approving amendments to the Code of Ordinances, Chapter 34 Health, Article I - General and Article II - Food Establishments. ***Final Reading*** (B.James/L.Wood/A.Cantu)
10. **Resolution 24-R-36** - authorizing an increase in the not to exceed amount with Freese and Nichols, Inc. to update the City's Parks Master Plan element of the Comprehensive Plan. (B.James/S.Williams).

Public Hearings

11. **Ordinance 24-S-06** - Conduct a public hearing and consider amendments to the City of Schertz Comprehensive Plan. ***First Reading*** (B.James/L.Wood/S.Haas).

Information available in City Council Packets - NO DISCUSSION TO OCCUR

12. **Monthly Update** - Major Projects In Progress/CIP (B.James/K.Woodlee)
13. Energy Efficiency and Conservation Block Grant Program Information on low to moderate income guidelines.

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, SHEREE COURNEY, DEPUTY 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 14TH DAY OF MARCH 2024 AT 5:00 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.

SHEREE COURNEY

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

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: City Secretary
Subject: Proclamations

- 311 Appreciation Day-March 11, 2024
- Take Down Tobacco Day-April 1, 2024

Attachments

311 Appreciation Day
Take Down Tobacco Day

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: City Secretary
Subject: Minutes - Consideration and/or action regarding the approval of the regular meeting minutes of March 5, 2024. (S.Edmondson/S.Courney)

Attachments

03-05-2024 Draft Minutes

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Finance
Subject: Resolution 24-R-35 - Authorization of EMS, Utility Billing, Schertz Magazine, and Library debt revenue adjustments. (S.Gonzalez/J.Walters)

BACKGROUND

In the EMS, Utility Billing, Library and Magazine functions, services are provided to customers up front and billing is settled later. Since services are provided before receiving payment, inevitably the City has customers that do not pay for the services provided.

When this occurs, staff reaches out to the customer to try to collect the outstanding payment including follow-up notices and phone calls to try to reach out to the customer to remind them of the outstanding balance and encourage payment. However, the longer the customer account goes without a payment the less likely that any payment will be received.

Once a customer account reaches 180 days without payment, Staff brings those accounts to the City Council to be “written off”. This process is an accounting procedure following the Generally Accepted Accounting Principles (GAAP), which lays the framework of accounting practices in the U.S. This designation means it is unlikely those outstanding balances will ever be collected. This leads to an accounting adjustment on the City’s Financial Statements to accurately show how much is still outstanding and is reasonable to expect collection.

If a customer’s account has been written off, this does not erase or forgive that debt. The city can and does collect some portion of the amount owed by those customers. This can be through the debt collection agency used by EMS or if the customer returns to the City and requests new services through the Magazine or Utility Billing.

On August 27, 2019, City Council approved the Schertz EMS Charity Care Policy. Approving the Charity Care Policy benefits our citizens who do not have insurance and do not have the ability to pay for ambulance services. In the past, these accounts were sent to collections and written off throughout year with little expectation to recover any revenue.

When library materials are damaged while in possession of a cardholder, or when cardholders lose or never return library materials, the cost of the item is charged to the cardholders account. In addition, a \$5.00 processing fee is charged per item. The processing fee is a recovery fee for such things as barcodes, property stamps, mylar covers, and RFID tags that are added to library property prior to circulation to the public.

Library items can be checked out for 3 weeks and subsequently renewed for 2 additional 3-week periods, for a total check-out period of 9 weeks. If items are not returned at that time, they go into an overdue notification process. The first notification goes out by email, text or phone at 7 days overdue, followed by additional notifications at 30 days, 45 days, and a final billing notification at 60 days overdue.

The resolution authorizes the debt for these areas that is more than 180 days outstanding as of December 1, 2023, to be written off. These write-offs come before council quarterly and last came before council on December 19, 2023.

Previous Write off Amount:

March 2021:	\$1,330,234.88
June 2021:	\$904,511.15

September 2021:	\$750,502.47
December 2021:	\$587,362.56
March 2022:	\$675,977.28
June 2022:	\$564,972.72
September 2022:	\$842,197.07
December 2022:	\$660,162.69
March 2023:	\$709,180.00
June 2023:	\$629,399.75
September 2023:	\$1,043,989.48
December 2023:	\$736,479.42
March 2024:	\$939,856.26

GOAL

To approve write-offs of bad debt in accordance with the standards laid out by GAAP.

COMMUNITY BENEFIT

This will show the City's Financial Statements according to national standards and City policy.

SUMMARY OF RECOMMENDED ACTION

Approve Resolution No. 24-R-35 to write off receivables that are older than 180 days.

FISCAL IMPACT

This accounting adjustment will not affect the City's Budget or financial standing. The amount written off is estimated during the budget process and is accounted for in the revenue estimations and the bad debt expense accounts. The action taken tonight will reduce the amount shown as owed to the City by \$939,856.26 and set it equal to the amount seen as still reasonably collectible. The breakdown is as follows:

EMS - \$602,369.29
EMS Charity Care - \$316,072.69
Utility Billing - \$16,450.06
Library - \$4,964.22
Magazine - \$0.00

RECOMMENDATION

Staff recommends Council approve Resolution No.24-R-35.

Attachments

Resolution 24-R-35

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Executive Team
Subject: Resolution 24-R-31 - Authorizing the revised Bylaws of the Schertz Historical Preservation Committee, and other matters in connection therewith (B.James/C.Simmons)

BACKGROUND

The Schertz Historical Preservation Committee (SHPC) reviewed and revised the Bylaws with the previous revision date of 12-6-22.

Revisions to the SHPC Bylaws include separating policies and procedures from the Bylaws.

GOAL

To approve the proposed amendments to the SHPC Bylaws.

COMMUNITY BENEFIT

The proposed amendments to the SHPC Bylaws will accurately reflect the removal of policies and procedures.

SUMMARY OF RECOMMENDED ACTION

To approve the proposed amendments to the SHPC Bylaws.

RECOMMENDATION

Staff recommends Council approval of Resolution 24-R-31.

Attachments

Resolution 24-R-31 with attachments
Current SHPC Bylaws
Proposed SHPC Bylaws

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Public Works
Subject: Resolution 24-R-32 – Authorizing expenditures with Prime Controls, LP at the Nacogdoches Water Facility for the SCADA Upgrade Project (B.James/L.Busch/N.Ferris)

BACKGROUND

The Nacogdoches Water Facility is heavily depended upon during peak water consumption times and emergencies. The configuration of the site is two well pumps, an elevated storage tank and a chlorine injection facility. Currently, the controls and SCADA integration for the site are far past their serviceable lifetime. Many critical components are no longer available, too costly, or only have used options for replacements. The main controller of the site, the Programmable Logic Controller (PLC) that automatically maintains the level in the elevated storage tank, communication to the SCADA system and operation of the pumps stopped being sold and supported in 2006. Due to its age, reading its program and making modifications or repairs is costly or impossible. Over time, many of the functions of the site have failed or have been relegated to manual reading and recording of their statuses. Some of these include flow meter readings, motor faults, power failures and chlorine cylinder weights. Communications to and from the site are carried out over a legacy radio system that is also aging, considerably slower and lacks the security that modern options have as standard.

The objective of this SCADA & Controls Upgrade project is to correct the deficiencies in the current system at Nacogdoches Water Facility, improve operational and management efficiency and provide a foundation for future expansion of data collection and control. The proposal from Prime Controls is based off an outline created to account for all necessary functions and data points, including the status of the new automatic transfer switch, generator and future data collection points.

The City solicited Request for Proposals in 2023 for on-call SCADA services and Council approved a contract with Prime Controls in November 2023 with an annual not-to-exceed amount of \$100,000.

GOAL

To authorize the City Manager to execute a Contract with Prime Controls, LP for \$78,000 and a not to exceed amount of \$90,000 for this phase of the SCADA Upgrade Project.

COMMUNITY BENEFIT

Having a modern and reliable SCADA system at the Nacogdoches Water Facility will help provide better service to the city as well as providing a means for efficient operation and management.

SUMMARY OF RECOMMENDED ACTION

Approval of this resolution will allow the execution of the contract for the SCADA Upgrades Project at the Nacogdoches Water Facility.

FISCAL IMPACT

Funding of up to \$90,000.00 for the project will come from ARPA Funds identified for the SCADA Upgrades Project.

RECOMMENDATION

Approve Resolution 24-R-32

Attachments

Resolution 24-R-32 with attachment

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Finance
Subject: Resolution 24-R-34 - Accepting the Audit Report and the Annual Comprehensive Financial Report. (S.Gonzalez/J.Walters)

BACKGROUND

State law requires that local governments complete an annual audit by an independent licensed public accounting firm and publish an annual financial report within 6 months of the fiscal year end date.

This is the official Fiscal Year 2022-23 Annual Comprehensive Financial Report (ACFR) for the City of Schertz as of September 30, 2023. These statements show the financial performance and financial health of the City for the previous fiscal year. The presentation will be made by Travis Rogers, CPA, Senior Audit Associate, of Patillo, Brown, and Hill, LLP. The Audit Committee consisting of Mayor Gutierrez, Councilmember Heyward, Councilmember Michelle Watson, City Manager Steve Williams, Deputy City Manager Brian James, Assistant City Manager Sarah Gonzalez, Finance Director James Walters, and Assistant Finance Director Jessica Dycus met on March 12, 2024 to review the audit findings and financial statements as presented by the auditor, Paula Lowe, Audit Partner, of Patillo, Brown, and Hill, LLP.

The City received the highest level of confidence from our auditors that the City's financial statements are fairly represented in the annual report and they found no significant matters or issues as stated in their Governance Letter attached and in the Independent Auditor's Report on page 1 on the ACFR.

Overall the City's financials were in good shape and increased the net position (equity) of both Governmental and Business type funds by \$48 million or 12%. The largest areas contributing to the increase were streets and utilities infrastructure donated to the City by developers and investment earnings making up \$38 million combined.

Unassigned Fund Balance in the General Fund decreased to \$12 million, or by \$246,000, bringing that balance to 31% of operating expenditures. This is a planned drawdown as required by the City's Fund Balance Policy until the fund balance equals 26% of operating expenditures.

Attachments

Resolution 24-R-34
Governance Letter

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Planning & Community Development
Subject: Ordinance 24-S-04 - Approving amendments to Part III of the Schertz Code of Ordinances, Unified Development Code (UDC) to Article 16 - Definitions.
Final Reading (B.James/L.Wood/S.Haas)

BACKGROUND

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations.

Article 16 of the Unified Development Code (UDC) is a 25-page section that gives meanings and definitions to a long list of terms, phrases, and words that are used throughout the UDC. One section of the UDC that relies heavily on Article 16 is the Permitted Use Table, which is in Article 5, Section 21.5.8. When a possible applicant proposes a project in the city, staff uses the Permitted Use Table with Article 16 to properly define an applicant's proposed development/use. Staff then determines which zoning districts permit the use. Over time, Article 5 has undergone numerous amendments to either add, and/or remove uses from the table. This has not consistently coincided with updates to Article 16 to properly define these uses. Similarly, when a use is removed from the Permitted Use Table there has not always been a corresponding removal from Article 16.

As a result, we have undefined uses that require a definition, and we have unused definitions that are cluttering Article 16. The purpose of Ordinance 24-S-04 is to clean up these unused definitions in Article 16, and to add definitions to certain uses that are found in the Permitted Use Table. Doing this will help Article 16 and Article 5 align better, and thus making the UDC more cohesive as a whole.

Additionally, two items are coming from the Engineering Department. One is a revision to the definition of "Alley", and the other is the addition and defining of the "Public Works Specification Manual". A document that was formally called the Public Works Design Guide. This new Public Works Specification Manual is proposed to be codified with a separate UDC amendment application, and will be referenced in the UDC with supplemental requirements for the development process.

Proposed Amendments:

Article 16 - Definitions	
Additions	Removals
• Adult Media • Bakery • Book Store • Department Store • Florist • Furniture Sales • Gated Community • Government Facilities • Hazardous Material • Hazardous Waste	• Boarding House • Convalescent Home • Filling, Retail Service Station • Industrialized Home • Insurance Office • Retail Food Store • Variety Store

- Heavy Equipment Service and Sales, or Rental
- Home Improvement Center
- Microbrewery/Brewpub
- Museum
- Pet Store - *The Planning and Zoning Commission recommended that this definition be reworded.*
- Pharmacy
- Portable Building Sales
- Post Office
- Public Works Specification Manual
- Railroad/Bus Station Terminal
- Recreational Vehicle Sales and Service
- Tool Rental
- Truck Terminal

Revisions

Alley: A means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a street.

GOAL

To amend the UDC to review and update the development regulations due to changing conditions and community goals in order to establish and maintain sound, stable and desirable development.

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

When evaluating UDC amendments, staff uses the Criteria of Approval found in 21.4.7.D.

1. The proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, efficient and healthful development of the City.

In order to promote orderly and efficient development, the UDC functions better when there is continuity throughout the code. Not properly defining uses in the Permitted Use Table (or the items from Engineering) opens the door for interpretation, and thus creates the potential for inconsistency. Moreover, having items exclusively in Article 16 and found nowhere else in the UDC creates clutter and even confusion for applicants and staff.

2. An amendment to the text is consistent with other policies of this UDC and the City.

The main purpose of these amendments is to make the UDC more consistent by making an effort to better align Article 5 and Article 16.

3. Any proposed amendment is consistent with the goals and objectives of this UDC and the City.

The City of Schertz Strategic Plan has clear stated goals for the Operational Values of the city. Among these is the goal to be proactive; "Proactive means initiating change by anticipating future situations in order to make things happen". Within this framework, it is the responsibility of staff to be "continuously improving and evolving", "forward thinking", and have "the ability to forecast and meet needs even before the customer identifies them". These amendments would achieve these goals in the Strategic Plan.

4. Other criteria 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.

The scheduled public hearing provides the opportunity for the City Council to determine this.

For these reasons, staff is recommending approval of Ordinance 24-S-04

The Planning and Zoning Commission met on February 7, 2024 and made a recommendation of approval with a condition that the "Pet Store" definition be changed with a 7-0 vote.

City Council met on March 5, 2024 and voted to approve the ordinance with a 6-0 vote.

RECOMMENDATION

Approval of Ordinance 24-S-04

Attachments

Ord. 24-S-04 with Exhibits

Article 16 - Redlines

Article 16 - Clean

City Council Presentation Slides

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Planning & Community Development
Subject: Ordinance 24-S-05 – Approving a request to rezone approximately 26.11 acres of land from Single-Family Residential / Agricultural District (R-A) to General Business District (GB), a portion of 11209 E FM 1518 generally located 600ft northwest of the intersection of Lisa Meadows and FM 1518, City of Schertz Bexar County, Texas, also known as Bexar County Property Identification Number 308363. *Final Reading.* (B.James/L.Wood/S.Haas).

BACKGROUND

The applicant is proposing to rezone approximately 26.11 acres of land, a portion of 11209 E FM 1518 from Single-Family Residential / Agriculture District (R-A) to General Business District (GB). Currently, the subject property is utilized for residential / agricultural. The proposed zone change to General Business District (GB) per the letter of intent, is being requested in order to develop a Commercial Multi-Sport Complex.

On January 22, 2024 a total of five (5) Public Hearing Notices were sent out to the surrounding properties that are within the 200-foot notification buffer. At the time of this staff report, (0) responses in favor, (0) responses neutral, and (0) responses in opposition have been received. A public hearing notice was published in the San Antonio Express on February 14, 2024.

GOAL

The purpose of this request is to allow for the property to be rezoned from Single-Family Residential / Agricultural District (R-A) to General Business District (GB) to allow for the permitted use of Commercial Amusement Indoor in which the applicant is proposing a Commercial Multi-Sport Complex.

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

When evaluating zone change requests, staff uses the criteria found in UDC Section 21.5.4.D

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 subject property was designated as Air Installation Compatible as part of the 2013 Sector Plan Amendment, the City's Unified Development Code Sec. 21.5.9 A.1 states that Air Installation Compatibility is established to provide control on encroachment around the military air field. The 2013 Sector Plan is vague on the appropriate zoning and land uses for the Air Installation Compatibility zone. However, in the Framework Implementations Recommendation section, the Sector Plan recommends that staff analyze and make recommendations at the time of development applications for the Air Installation Compatible Zone. Staff received a formal letter of approval from JBSA stating that the base has no objection to the rezone but does require the developer to maintain a 20' - 30' clear zone. As JBSA has approved the rezone staff concurs with JBSA and feels that the rezone is compatible with the 2013 Sector Plan and the Comprehensive Land Use Plan.

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 safe, orderly, efficient and healthful development, the City encourages the zoning be compatible with the surrounding uses to alleviate any negative impact. FM 1518 is classified in the Master Thoroughfare Plan as a Principal Arterial at this time TXDOT is beginning the process to widen it. The classification of a principal arterial is becoming realized and the trajectory of the FM 1518 corridor is one that will see significant commercial activity. As a result, the proposed General Business zoning aligns more closely with the direction that this corridor is heading.

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.

While the adjacent properties are zoned Single-Family Residential Agriculture, the wider area in this section of FM 1518 has established commercial districts. Given this, and the fulfillment of FM 1518 as a principal arterial, the proposed General Business zone change is consistent with the immediate area and the future development of the corridor.

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.

To the best of staff's knowledge, this zone change should have minimal impact on the public services, to include schools, fire, police, sanitation services, as well as existing water and wastewater systems. The subject property is directly adjacent to the FM 1518 Right-of-way. At this time, a TXDOT project to improve FM 1518 is underway. The project will widen FM 1518 into two travel lanes in each direction with a center median which will be able to accommodate any additional impact that this proposed zone change will create.

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

The current TXDOT project to improve and widen FM 1518, and the added traffic that this road will accommodate, will have an economic impact for the commercial uses in this area. Staff has determined that the potential benefit for businesses warrants this zone change.

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

The was no error in the original zoning of this property.

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

This does not impact consideration for the first reading from 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.

The upcoming public hearing will provide a format for which City Council can hear other potential issues and public opinion.

The proposed zone change meets each of the requirements set forth by the City's Unified Development Code, is consistent with the current Sector Plan, and is compatible with the surrounding zoning district and uses. The Planning and Engineering Department have reviewed the zone change with no objection and JBSA has no concerns regarding the proposed rezone to General Business District (GB). Therefore, Staff recommends approval of the proposed rezoning from Single-Family Residential / Agricultural District (R-A) to General Business District (GB).

The Planning and Zoning Commission met on February 7th, 2024 and made a recommendation of approval by a 7-0 vote.

City Council met on March 5, 2024 and voted to approve the ordinance with a 6-0 vote.

RECOMMENDATION

Approval of Ordinance 24-S-05

Attachments

Ordinance 24-S-05 With Attachments

Aerial Exhibit

Public Hearing Notice Map

City Council Presentation Slides

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Planning & Community Development
Subject: Ordinance 24-H-03 - Approving amendments to the Code of Ordinances, Chapter 34 Health, Article I - General and Article II - Food Establishments. *Final Reading*
 (B.James/L.Wood/A.Cantu)

BACKGROUND

U.S. Food and Drug Administration (FDA) publishes the Food Code, a model that assists food control jurisdictions at all levels of government by providing them with a scientifically sound technical and legal basis for regulating the retail and food service segment of the industry. Local, state, tribal, and federal regulators use the FDA Food Code as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy. The Texas Department of Health and Human Services (DSHS) has specific requirements for food service establishments in Texas. The City of Schertz adopted the Texas Food Establishment Rules (TFER) under Sec. 34.22 of Chapter 34 of the Code of Ordinances. FDA issues complete food code editions at four-year intervals with food code supplements between full editions. This allows agencies charged with retail food safety to update the code periodically.

City staff reviewed Chapter 34 for compliance with current State law. These proposed revisions will have many sections that are adding or editing language. For example, sections referencing the Texas Department of Health are updated to the Texas Department of Health and Human Services (DSHS) and food and/or beverage establishments to current terminology of food establishment. The changes also provide clarifications for requirements regarding mobile food units that will address the business operations for mobile food units.

The proposed revisions will bring the Code of Ordinances into better alignment with State law.

Article 1	
Sec 34.2 Duties and Powers of the Health Official	• Adding language to match the State certificates and current name. • Staff is proposing to remove requirement for an annual report.
Article 2	
Sec 34.22 Adoption of Texas Food Establishment Rules	• Adding language to match the State terminology for mobile food “unit”. • Adding term self-service market. • Adding section of the Texas Administrative Code for Farmers Market.
Sec 34.23 Definitions	• Adding definitions for farmers market, self-service market. • Update reference to food “and/or beverage” establishment to match State. • Update mobile food establishment to mobile food unit to match the State.

	• Update definitions for food establishment, food handler, mobile food unit and temporary food establishment.
Sec 34.24 Inspection of food establishment	• Update reference to Frozen Desert Texas Administrative Code section. • Clarify inspection priority process. • Update language to match the State terminology for mobile food “unit”. • Revisions for grading placard. • Adding mobile food unit operations requirements.
Sec 34.25 Food Handler Sanitation Course	• Update requirement to match the State requirement.
Sec 34.26 Examination and condemnation of unwholesome or questionable food or drink	• Revisions to subsection a
Sec. 34.27 Procedure when infection suspected	• Update reference to food “and/or beverage” establishment to match State. • Clarifying requirement process medical examination.
Sec. 34.28 Permits	• Update reference to food “and/or beverage” establishment to match State. • Update language to match the State terminology for mobile food “unit”.

GOAL

To amend the code of ordinances, chapter 34 proposed updating the language for retail food establishments and mobile food unit regulations to stay on trend 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 safe and sanitary conditions for all food service 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 will keep the City on trend with current food safety practices and state law and for these reasons, the staff is recommending approval of the proposed amendments.

City Council met on February 20, 2024 and voted to approve the ordinance with a unanimous vote.

RECOMMENDATION

Approval of Ordinance 24-H-03

Attachments

Ordinance 24-H-03 with exhibits
Chapter 34 Amendments (redlines)

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Executive Team
Subject: Resolution 24-R-36 - authorizing an increase in the not to exceed amount with Freese and Nichols, Inc. to update the City's Parks Master Plan element of the Comprehensive Plan. (B.James/S.Williams).

BACKGROUND

In 2022 Council approved Resolution 22-R-80, authorizing the City to enter into a contract with Freese & Nichols for the update to the City's Comprehensive Plan. The contract amount was for \$240,000.00 with an additional \$60,000.00 for additional elements of the plan - such as the Parks Master Plan. With the City poised to approve the update the Comprehensive Plan, that includes the City's Future Land Use Plan, the City can now begin working on the Parks Master Plan element, which utilizes the future population estimates and land use designations to determine future park needs. The estimated cost of the Parks Master Plan, that will include a community survey, is anticipated to be approximately \$20,000.00 more than the not to exceed amount. Staff is seeking to increase the not to exceed amount by \$25,000 to allow for the update to the Parks Master Plan.

GOAL

The update to Parks Master Plan element of the Comprehensive Plan is one of the tools used by the City in achieving the goals and objectives outlined in the City's Strategic Plan.

COMMUNITY BENEFIT

Orderly development can help a community absorb population growth while preserving the quality of life. In addition, good planning can save the city money by increasing the efficiency of decision-making. It allows the community to achieve a vision for what it wants to be in the future. Having an updated Parks Master Plan that is consistent with the larger Comprehensive Plan provides guidance in growing our parks system.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 24-R-36 increasing the not to exceed amount with Freese & Nichols to be able to enter into the task order for the Parks Master Plan Element of the Comprehensive Plan.

FISCAL IMPACT

The City originally budgeted \$400,000. for updating the City's Comprehensive Plan and UDC. Council authorized a contract with Freese & Nichols for \$240,000 for the update to the Comprehensive Plan and an additional \$60,000 for additional elements of the Comprehensive Plan - such as the Parks Master Plan, Zoning Diagnostics, Urban Design, Infrastructure Assessment, etc. Staff has been doing most of the UDC updates and anticipates doing any updates based on the approved Comprehensive Plan. The Comprehensive Plan is scheduled for Council consideration on March 19 and April 2 and at that point will have a final cost for that portion of the Comprehensive Plan Update. Completing the Parks Master Plan update will exceed the estimated available remaining funds from the original not to exceed amount. Staff estimates having approximately \$60,000.00 remaining and needing approximately \$20,000.00 more. As such staff is seeking to increase the not to exceed amount to \$25,000 to be able to enter into a task order with Freese & Nichols to update the Parks Master Plan.

RECOMMENDATION

Approval of Resolution 24-R-36.

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Planning & Community Development
Subject: Ordinance 24-S-06 - Conduct a public hearing and consider amendments to the City of Schertz Comprehensive Plan. *First Reading* (B.James/L.Wood/S.Haas).

BACKGROUND

What is a Comprehensive Plan?

The answer to that question can vary greatly depending on what city and what part of the country you are in. However, you can distill the answers down to a single over-arching theme. A Comprehensive Plan is a foundational document that cities use to help guide future development.

Land development is a complex and heavily regulated process. There are numerous tools in the toolbox to guide development, such as zoning regulations, development codes, fire codes, building codes, impact fees, state laws, federal programs, along with many others. The Comprehensive Plan is one such tool. It differs from other tools as it is not a regulatory document. It is not law. However, it is a rationale that informs our regulatory and code-making process. A city uses its Comprehensive Plan as one form of justification for its land development policies.

The current Comprehensive Plan that the city uses was adopted in 2002. The life-span for these documents typically range from 15-20 years. In 2013, the Schertz Sector Plan was adopted to supplement the current Comprehensive Plan. This is typical best practice, as Comprehensive Plans should be evaluated every 5-10 years to ensure that the community vision and goals match adopted policies and developmental realities in the city.

As the life span of the current Comprehensive Plan (with the Sector Plan supplement) has ended, the city hired the planning consulting firm Freese and Nichols to work with staff to update the Comprehensive Plan. This process began in March of 2023. The goal of the project was two-fold. First, create a Comprehensive Plan that is streamlined, flexible and easy to use, and second, concentrate on certain "Focus Areas" in the undeveloped portions of Northern and Southern Schertz to determine future land uses in these sections of the city. Through these two overarching objectives, we were able to create a plan for all of Schertz.

The first half of this process was primarily about public and stakeholder input. Freese and Nichols hosted a website that conveyed project information, updates, and timelines for the Plan. Also, this website had a survey and interactive map that allowed all citizens to engage and provide input. The final count was 408 survey responses and 74 comments on the interactive map. Running concurrent to this wider public engagement was a focus group component for the Focus Areas. The target regions in the northern and southern areas of Schertz were divided into 5 separate Focus Areas and staff organized 5 separate focus groups of stakeholders to provide more in-depth and detailed information. These groups consisted of business owners/leaders, homeowner associations, Joint-Base San Antonio, representatives from various surrounding governmental authorities, and the City of Schertz development team. These focus groups provided valuable information about the current direction of these regions, and also what the citizens and stakeholders of these regions want to see in the future. Finally, staff along with Freese and Nichols met with community stakeholders at the Dunkin' for Pumpkins event in October. This event allowed for significant interaction between the staff, the consulting team, and the citizens of Schertz.

The city organized a Comprehensive Plan Advisory Committee (CPAC), and staff along with Freese and Nichols held four separate public hearings with this committee, including one with the Schertz City Council.

These public hearings were opportunities for Freese and Nichols to give progress reports and show drafts of the new Comprehensive Plan. These public hearings provided the opportunity for the Committee and the public to give input on the progress.

The latest version of the Comprehensive Plan has been drafted and a summary is given below.

The Comprehensive Plan:

The plan is broken down into 4 Chapters as shown below.

Comprehensive Plan Chapters	
Chapter 1	Community Snapshot
Chapter 2	Focus Area & Engagement
Chapter 3	Land Use & Economic Strategy
Chapter 4	Appendices

Chapter 1: Community Snapshot

This chapter is a standard component of many planning documents. Serving as an introduction, it details what the Comprehensive Plan is, and how to use it. This section also provides an existing conditions report for the community, such as the history, geographic and demographic information, business/economic information, and other planning documents that may affect the Comprehensive Plan.

Chapter 2: Focus Area & Engagement

This chapter serves as a report on the timeline of the extensive public engagement mentioned earlier by detailing the input given at the CPAC meetings, the website, survey, and interactive map, focus groups and community event. Through this process, the Comprehensive Plan creates policy statements that reflect the voices of the community. This chapter also takes an in-depth look at the Focus Areas. Each area has its own limited existing conditions reports and recommended strategies and proposed land use.

Chapter 3: Land Use & Economic Strategy

This chapter serves the primary purpose of the document as it is the vision and the guidance for the community and the future of development. The chapter begins by highlighting topics of interest, such as Complete Communities and Innovative Stormwater Management. These serve as recommendations and considerations when guiding development. The chapter continues by establishing a Future Land Use Plan and establishing 9 land use categories detailed later in this report. Chapter 3 continues with a brief section on transportation (the City's current Master Thoroughfare Plan was fairly recent and determined to be sufficient with some minor suggestions), a section on the fiscal impact for these new land uses, and finishes with an implementation strategy for the plan.

Chapter 4: Appendices

This chapter contains two appendices that supplement the Comprehensive Plan by providing greater detail for certain sections. Appendix A has more in-depth information on demographic and market data. Appendix B is a full report of all the public engagements. This includes focus group summaries, and summaries and responses to the online survey and interactive map.

GOAL

To update the Comprehensive Plan by creating a flexible and easily utilized document to help guide development and establish a vision for the future of the community.

COMMUNITY BENEFIT

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

SUMMARY OF RECOMMENDED ACTION

The current Schertz Comprehensive Plan and the Schertz Sector Plan supplement have reached their sunset and can no longer adequately provide a framework for the future of development within Schertz. Before this whole update process began, staff sat down with our consultant, Freese and Nichols, and examined the current and prospective developmental direction of Schertz, the challenges we have regarding land use, and the issues that consistently arise when using the current Comprehensive Plan. The goal was to create a document that was easy to use, easy to understand, and flexible.

The bulk of this analysis references Chapter 3 of the new Comprehensive Plan. Chapter 1 serves as a necessary contextual device, Chapter 2 explains the process, and Chapter 4 is a compilation of data. Chapter 3 - Land Use and Economic Strategy, is where this plan will be utilized.

The current Comprehensive Plan with the Sector Plan supplement has a Future Land Use Map that established 19 land use categories as seen below:

Current Land Use Categories			
Residential	Residential-Commercial Blend	Commercial	Other
• Estate Neighborhood • Manufactured Housing • Single-Family Residential	• Agricultural Conservation • Commercial Campus • Main Street Commercial • Mixed Use Core • Mixed Use Neighborhood • Multi-Family Residential • Neighborhood Transition	• Commercial Light Industrial • Highway Commercial • Industrial • Industrial, Technology, and R&D	• Air Installation Compatible • Air Installation Impact • Civic, Schools • Parks, Open Space

The issue with having this amount of land uses is that it creates confusion. Staff has found that these categories are too specific and too detailed, and often the citizens of Schertz and applicants conflate these land use categories with our zoning regulations. The Comprehensive Plan is a guiding document, not a regulation. Land use categories in the Comprehensive Plan act as a first layer and should serve as a broad stroke or a general direction. However, zoning *is* a regulation. A more precise tool, to layer on top of the Comprehensive Plan where you fine-tune appropriate land uses with the code.

The Comprehensive Plan needs to be more flexible. Offering more land use categories does not beget more flexibility. In fact, it serves the opposite purpose. With this in mind, Freese and Nichols, along with staff, created a new Future Land Use Map and offered the new land use categories. The new categories consolidate the current ones into fewer options and provide a different nomenclature to avoid confusion with the City's zoning code. These categories are detailed below.

Proposed New Future Land Use Categories	
Main Street	A category created specifically with Main Street in mind that allows uses that are consistent with adopted policies of the city and the shared vision of Schertz's historic downtown core. There is also room to apply the concept to other areas of Schertz, if the city would ever be amenable to that.
Rural Living	This category is for sparse development and the preservation of open space. Mostly dedicated to the areas around JB-SA-Randolph to preserve and protect the mission of the

	base.
Complete Neighborhood	This category is defined as a broad residential category that provides space for much of the residential uses in the city of Schertz along with complimentary and limited commercial uses.
Local Corridor	This category is used for lower intensity commercial along Schertz's smaller commercial corridors, such as FM 3009 or FM 78.
Regional Corridor	Similar to Local Corridor but scaled up to capture activities along IH 35 and IH 10, two regionally significant corridors.
Mixed Use Center	A category to capture a mixture of uses to provide a live, work, and play element in unique spots in the City. The locations were selected due to various factors, such as being at significant intersections of roads, such as Lower Seguin and FM 1518 or Cibolo Valley Drive and IH 35, or their potential to capture wider regional trends such as a passenger rail stop.
Industrial	This category defines the current and future warehousing/industrial/general manufacturing areas in the city.
Public Use	This category is for parks, open space, and civic/government buildings and facilities.
Development Deferment	This category is applied to areas of Schertz and the ETJ that contain certain peculiarities such as resource extraction, land-fill, or development challenges that make new possibilities for this land only in the very long-term. For these reasons, staff has elected to "defer" the land use until a future time.

The result of these efforts offers a Comprehensive Plan and a Future Land Use Map that is easier to use and understand.

As mentioned above, when evaluating where to apply these new categories, Freese and Nichols, along with staff, engaged the public and analyzed 5 different "Focus Areas" in the undeveloped portions of North and South Schertz. The outcome of these efforts informed our decision to revamp the current Future Land Use Map for the entire city. As the current Comprehensive Plan is outdated, we also wanted to be informed by contemporary trends and developments in the city. This helps the updated Comprehensive Plan match the direction the city is already headed, in addition to planning for the future vision of the city.

While each area of the city has a mixture of land use categories, the following highlights the overall theme for each focus area and how we assigned the land use.

Focus Area 1 - SE Schertz (east of FM 1518, south of Schaefer Road to IH 10)

Current trends in this area are dominated by new single-family subdivision development and the expansion of FM 1518. Public engagement in this area also detailed the need for enhanced services in this region. Neighborhood units and lower intensity commercial make up the majority of this region, with the potential for mixed use centers and regionally appropriate commercial activity along the IH 10 corridor.

Focus Area 2 - SW Schertz (south of Randolph Air Force Base)

The main goal for this area was to protect the mission of JBSA - RAFB. As a result, this area is characterized by sparse/rural development patterns. Residential is not appropriate in some areas and the Comprehensive Plan is explicit that development choices will be made in conjunction with JBSA. Regionally appropriate commercial activity along the IH 10 corridor is also in this area as it is outside the impact zones of JBSA - RAFB, and creates consistency along the corridor.

Focus Area - 3 - NE Schertz (north of FM 482 mostly in the Schertz ETJ)

The area is dominated by ETJ, which is not under annexation agreements. This means that with recent developments in state law, it is uncertain if or when these areas will ever be in the city. Also, in this focus area is an ever-expanding mining and material operation. The challenges of this area are that if there is any development potential it will be very long term. So, the Comprehensive Plan essentially defers defining any land use until a time when it is more clear what the potential for this area is.

Focus Area 4 - NE Schertz (south of IH 35 abutting Cibolo near Green Vally Road)

This area is in a sparsely populated area of Schertz that has challenges with delivering utilities, maintaining infrastructure, and the presence of conservation easements. Neighborhood units were prioritized in this area, as this matches the trend of what is happening in both Schertz and Cibolo.

Focus Area 5 - N Schertz (north of IH 35 from FM 2252 to city limits with New Braunfels)

This large area will prioritize regional commercial activity, industrial, and potential mixed use centers. This theme fits what the direction of this area currently is and the input from the extensive public engagement from this area.

Rest of Schertz

The new land use categories have been evaluated and applied to the mostly built-out portions of Central Schertz. What room there was for developmental potential matches the direction this portion of the city was already headed in.

RECOMMENDATION

This new Comprehensive Plan will outline the future for development in the city and fulfill the goals stated at the beginning of this update process. If adopted, this plan will provide a clear, easy to understand, and easy to use Comprehensive Plan for citizens, applicants, staff, and our city's decision makers. This plan also provides the space for our decision makers to utilize their judgment and to better discern the appropriateness of future development.

For these reasons, staff is recommending approval of Ordinance 24-S-06.

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

Attachments

Ord. 24-S-06 with Exhibit
City Council Presentation Slides

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Engineering
Subject: Monthly Update - Major Projects In Progress/CIP (B.James/K.Woodlee)

Attachments

Monthly Updates on Major Projects

CITY COUNCIL MEMORANDUM

City Council Meeting: 03/19/2024
Department: Planning & Community Development
Subject: Energy Efficiency and Conservation Block Grant Program Information on low to moderate income guidelines.

BACKGROUND

The Energy Efficient and Community Block Grant program's goal is to assist low to moderate income residents by replacing outdated, inefficient appliances with efficient electric appliances, in conjunction with coordinating weatherization upgrades with the Alamo Area Council of Governments (AACOG) Weatherization Assistance program. These upgrades will reduce energy consumption and lower energy bills while improving the comfort and safety of homes.

A question was asked during the February 20, 2024 meeting about the income limits for eligibility. The limits for Low to Moderate Income for the purpose of this program are defined as per the guidelines set forth by the Federal Government and AACOG. See attachment.

Attachments

2024 WAP Application
