MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
February 7, 2017

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 would want to be treated
Work together cooperatively as a team

AGENDA
TUESDAY, FEBRUARY 7, 2017 AT 6:00 P.M.

Call to Order – Regular Session

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

A. Mayor Pro-Tem Oath of Office – Oath of Office administered to Councilmember Cedric Edwards. (Mayor Carpenter to administer oath)

New Employee Recognitions:

• Animal Services – Part-Time Kennel Tech Chantel B. Snow (D. Wait/M. Harris/S. O’Brien)
• EMS – Full Time Paramedics Savannah Thomas, Part-Time Paramedic Marla Jendrusch (D. Wait/J. Mabbitt/T. Bradford)
• Police Department – Patrol Officer Mario Hernandez. (D. Wait/M. Hansen)
• Public Works – Public Works Water Allen Diaz, Serviceman I (D. Wait/J. Hooks/D. Letbetter)
• Purchasing & Asset Management – Purchasing & Asset Manager Marc Ripley (D. Wait/J. Kurz)

Proclamation

• Proclamation recognizing the Official Rodeo Season. (M. Carpenter/B. Hall/C. Gidden)

Presentations

• Presentation and recognition of retired K-9 Rambo and introducing our new K-9 Medor. (D. Wait/M. Hansen/M. Bane)
• Presentation regarding the 2016 Citizen Satisfaction Survey. (S. Gonzalez/L. Klepper/Jason Morado)

City Events and Announcements

• Announcements of upcoming City Events (B. James/D. Wait/S. Gonzalez)
• Announcements and recognitions by City Manager (J. Kessel)

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.

Workshop

• Discussion regarding City Events and Festivals. (S. Gonzalez/L. Klepper/M. Spence/L. Shrum)

• Discussion regarding the Northcliffè Golf Course and its current and future status. (J. Kessel)

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 minutes of the Special Meeting of January 20, 2017 and the Regular Meeting of January 24, 2017. (J. Kessel/B. Dennis)

2. Boards, Commissions and Committee Member Appointments – Consideration and/or action ratifying the appointment of Mr. Roland Perry as a Regular Member to the Transportation Safety Advisory Commission and the appointments of Ms. Lisa Locken as an Alternate Member to the Parks and Recreation Advisory Board and ratifying the appointments of Councilmember Cedric Edwards, Ms. Susan Beck, Ms.
Reginna Agee and Mr. Jim Fowler to the 2017 Hal Baldwin Scholarship Committee. (B. Dennis/Mayor/Council)

3. **City Council Liaison Appointments** – Consideration and/or action ratifying the appointment of Council Member Mark Davis as a Council Liaison to the Schertz Housing Authority Board, the appointment of Council Member Angelina Kiser as a Council Liaison to the Schertz Animal Services Advisory Commission, the appointment of Council Member Bert Crawford as a Council Liaison to the Schertz-Seguin Local Government Corporation and the appointment of Council Member Mark Davis, and Council Member Bert Crawford to the Interview Committee for Boards and Commissions. (Mayor/Council)

4. **Ordinance No. 17-T-05** – Consideration and/or action approving an Ordinance authorizing a budget adjustment to fund the purchase of Smart Messaging Trailers. **Final Reading** (D. Wait/M. Hansen/M. Carey)

5. **Resolution No. 17-R-02** – Consideration and/or action approving a Resolution appointing members to the Alamo Area Council of Governments Regional Emergency Preparedness Advisory Committee (REPAC). (D. Wait/K. Long/C. Meeks)

**Discussion and Action Items**

6. **Resolution No. 17-R-04** – Consideration and/or action approving a Resolution authorizing a program and expenditures as provided for in the Economic Development Incentive Agreement between the City of Schertz Texas Economic Development Corporation and Texas Plumbing Supply Company, Incorporated. (J. Kessel/K. Kinateder)

7. **Resolution No. 17-R-05** – Consideration and/or action approving a Resolution authorizing contracts with Ford Engineering, Inc., totaling no more than $162,000, for the design of the Schertz Parkway Improvement project and various separate and unrelated engineering services during the 2016-2017 Fiscal Year. (B. James/K. Woodlee/L. Busch)

8. **Resolution No. 17-R-08** – Consideration and/or action approving a Resolution authorizing the City Manager to negotiate for the purchase of land for Fire Station 3. (D. Wait)

9. **Ordinance No. 17-S-07** - Conduct a public hearing and consideration and/or action approving an Ordinance to rezone 611 & 615 Main Street, approximately 1 acre of land, from Single Family Residential District (R-2) to Main Street Mixed Use District (MSMU). **First Reading** (B. James/L. Wood/E. Grobe)

10. **Ordinance No. 17-A-08** – Consideration and/or action approving an Ordinance regarding the annexation of approximately 63-acres of land located about 600 feet north of I-10 at 7424 Trainer Hale Road, Bexar County, Texas. **First Reading** (B. James/L. Wood/C. Gould)
11. **Ordinance No. 17-S-09** – Conduct a public hearing and consideration and/or action approving an Ordinance to zone approximately 63 acres of land to Public Use District (PUB), located about 600 feet north of I-10 at 7424 Trainer Hale Road, Bexar County, Texas. *First Reading* (B. James/L. Wood/C. Gould)

**Roll Call Vote Confirmation**

**Requests and Announcements**

12. Announcements by City Manager.

13. **Future Agenda Item Request for City Council:** This is an opportunity for City Council members to request that items be placed on a future agenda. No discussion of the merits of the item may be taken at this time. Should a Council Member oppose placement of the requested item on a future agenda, the Mayor, without allowing discussion, shall ask for the consensus of the other City Council members to place or not place the item on a future agenda.

14. Announcements by Mayor and Councilmembers

   - City and community events attended and to be attended
   - City Council Committee and Liaison Assignments (see assignments below)
   - Continuing education events attended and to be attended
   - Recognition of actions by City employees
   - Recognition of actions by community volunteers

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

   - **Ordinance No. 17-S-01** – Consideration and/or action approving an amendment to the Crossvine PDD (Ordinance 14-S-08) in order to incorporate a new Garden Home configuration in Module IIA, along with new street cross-sections and other associated development standards. The property is approximately 375 acres of land located at the intersection of Lower Seguin Road and FM 1518. *Final reading will be heard on February 28, 2017.*

16. **Councilmember Orientation**- Information and discussion regarding Public Safety Overview (Fire Station 3, Regional EMS Provider, Code Enforcement and Environmental Health.

**Executive Session**

17. City Council will meet in closed session under section 551.074 of the Texas Government Code, Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Secretary.
Reconvene into Regular Session

17a. Take any action based on discussions held in closed session under Agenda Item 17 including possible increase in salary.

Roll Call Vote Confirmation

Adjournment

CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 3rd DAY OF FEBRUARY 2017 AT 4:50 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.

Brenda Dennis

Brenda Dennis, City Secretary

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 _______________, 2017.

____________________________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 executive 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.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive 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.
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CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017
Department: City Secretary
Subject: Minutes

BACKGROUND

The City Council held a Regular meeting on January 24, 2017.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends Council approve the minutes of the Regular meeting of January 24, 2017.

ATTACHMENTS

Regular Meeting of January 24, 2017
A Special Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 20, 2017, at 8:30 a.m., Fairfield Inn & Suites, Meeting Room, 5008 Corridor Loop Road Schertz, Texas. The following members present to-wit:

Mayor Michael Carpenter
Councilmember Ralph Gutierrez
Councilmember Robin Thompson
Councilmember Bert Crawford
Councilmember Mark Davis
Councilmember Scott Larson
Councilmember Angelina Kiser

Mayor Pro-Tem Edwards was absent.

Staff Present: City Manager John Kessel
Executive Director Dudley Wait Executive Director Kyle Kinateder
IT Director Myles Clauser Assistant to the City Manager Sarah Gonzalez
City Attorney Charles Zech City Secretary Brenda Dennis

Guests Present
Mr. Glen Outlaw and Mr. Richard Dziewit

Staff who joined meeting: Jon Harshman – Director of Fleet Facilities
Michael Hansen – Police Chief David Covington – Fire Chief
Kade Long – Assistant Fire Chief Michael Harris – Marshal
Jimmy Hooks – Public Works Manager Tony Mc Falls – GIS Coordinator
Jason Mabbitt – EMS Director Chuck Van Zandt – Parks Director
Larry Busch – Engineering Melissa Uhlhorn – Library Director
Linda Klepper – Public Affairs Director James Walters – Finance Director
Jessica Kurz – Purchasing/HR Director Lesa Wood – Planning & Community Development
Director

Call to Order (General Comments)

1. Discussion and appropriate action on strategic planning issues, including but not limited to citizen survey, policy discussion and prioritization, major projects, City Council liaison assignment, and how to apply the information to assist in appropriate priority based decision-making. (J. Kessel/Executive Team)

Mayor Carpenter called the meeting to order at 8:34 a.m., and recognized City Manager John Kessel who provided information regarding the goals for the retreat and the desired outcomes.

Topics included the following and Council discussed each one providing their overview and comments:

Desired Outcomes

01-20-2017 Minutes
A. Foster alignment and continue to improve trust among Council members through dialogue.

B. Provide Council members time to share big picture views of the city and areas they are passionate about. Each member of Council shared his or her views.

C. Gain insights and improve understanding of key factors impacting the City’s ability to meet goals.

Overview

A. City Council Members discuss what they are passionate about and what they want their legacy to be.

B. Overview of Schertz Characteristics and Citizen Survey.

C. Discussion with Staff regarding ways we are doing things differently to meet the changing needs and requirements of a growing city.

D. Discussion of a Balanced Approach to managing our growth.

Staff joined the Council at 9:45 a.m., and staff was broken out into different groups so that they could share with Council what each department is doing and how they are managing through innovative ways to provide the level of service that is necessary without having the desired staffing trying to meet the changing needs and requirements of a growing city.

Council discussed the meaning of psychographics and went over our size and shape compared to Cibolo and Selma.

Mr. Jason Morado with ETC Institute went over the recent 2016 Citizen Satisfaction Survey and some of the results. Councilmember discussed some of the results.

Council reviewed the 2016 Five Year Forecast Model and the 2015 Class/Compensation study and philosophy. They reviewed the staffing ratio.

Lastly, Councilmembers reviewed the open Council liaison positions and it was decided by the group that the following would serve:

Council Member Angelina Kiser Animal Control Advisory Committee
Council Member Mark Davis, Schertz Housing Authority Board
Council Member Bert Crawford, Schertz-Seguin Local Government Corporation
Council Members Crawford and Davis will serve on the Interview Committee for appointments to the City Boards and Commissions.

Mayor and Council provided their final comments in summary they included:

A. General Goals – refine strategic plan – any need
B. Policy Values – Agree with them
C. Circle Model – still works
D. Physographics – data staff is gathering – we are becoming a data driven, fact base organizations

Adjournment

Mayor Carpenter adjourned the meeting at 4:07 p.m.

_______________________________
Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary
A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on January 24, 2017, 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:

- Mayor Michael Carpenter
- Councilmember Mark Davis
- Councilmember Scott Larson
- Councilmember Angelina Kiser
- Mayor Pro-Tem Cedric Edwards
- Councilmember Ralph Gutierrez
- Councilmember Robin Thompson
- Councilmember Bert Crawford
- Staff Present:
  - City Manager John Kessel
  - Executive Director Brian James
  - Executive Director Dudley Wait
  - Assistant to the City Manager Sarah Gonzalez
  - City Attorney Charles Zech
  - City Secretary Brenda Dennis
  - Deputy City Secretary Donna Schmoekel

**Call to Order – City Council Regular Session**

Mayor Carpenter 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.**

(Chaplain Sam Bridges)

Chaplain Bridges provided the opening prayer followed by the pledges of allegiance to the flags of the United States and the State of Texas.

**Recognition and Presentation**

- Introduction of the Student Mayors and Student Councilmembers for the Day. (Mayor Carpenter)
  - Student Mayors – Dobie Jr. High, 8th Grade Elias Santiago and Corbett Jr. High, 8th Grade Emma De Kiewiet
  - Student Councilmembers – Dobie Jr. High, 7th Grade Jacob Shannon and Corbett Jr. High, 7th Grade Landen Dietz

Mayor Carpenter recognized City Secretary Brenda Dennis who provided a brief explanation of the Student Mayor/Councilmember for the Day Program. Mayor Carpenter then expanded on the program activities of this session and asked each student to introduce himself and share with the audience what he enjoyed about the exercise. Mayor Carpenter then congratulated the students for their interest and participation and subsequently presented each one with a certificate and plaque commemorating the event.

*City Secretary Brenda Dennis left at 6:14 p.m.*

- Proclamation recognizing National Mentoring Month (Mayor Carpenter/Sonya Chapa-Weber)
Mayor Carpenter read and presented a National Mentoring Month Proclamation to Ms. Sonya Chapa-Weber, Mentor Coordinator with Communities in Schools of South Central Texas. Additional dedicated mentors in attendance with Ms. Weber to accept the proclamation were:

**Mr. David Ricker**, Mentor at Freheit Elementary  
**Ms. Jennifer Clarke**, Mentor at Canyon High School  
**Ms. Angela Green**, Mentor at Samuel Clemens High School  
**Ms. Lee Ann Cloud**, CIS Site Coordinator at Wilder Intermediate

**City Events and Announcements**

- Announcements of upcoming City Events (B. James/D. Wait/S. Gonzalez)

Mayor Carpenter recognized Executive Director Brian James who provided the following announcements:

- **Wednesday, January 25**  
  **Biz-Ed Seminar and Breakfast**  
  “Is Your Business NFL Worthy” 7:30 a.m.-12:00 p.m.  
  Crosspoint Fellowship Church – 2600 FM 3009

- **Friday, January 27**  
  **SAWS Brackish Water Plant Grand Opening**

- **Saturday, January 28**  
  **Chamber 5th Annual Health and Wholeness Fair**  
  Schertz Civic Center 11:00 a.m.-3:00 p.m.  
  Come out for a free vision, hearing and health screenings, free flu shots plus a chance to visit with over 70 vendors. Free admission.

- **Tuesday, February 7**  
  **City Council Meeting**  
  Council Chambers 6:00 p.m.

- **Thursday, February 9**  
  **Trail Riders Luncheon**  
  Pickrell Park Large Pavilion, 11:30 a.m.-1:30 p.m.  
  Northeast Partnership Meeting  
  Olympia Hills Golf and Conference Center, 11:30 a.m.

  **Ribbon Cutting Ceremony – Triton Group at Legacy Mutual Mortgage, 3820 FM 3009, Suite 148, 4:30 p.m.**

- Announcements and recognitions by City Manager (J. Kessel)

Mayor Carpenter recognized City Manager John Kessel who stated he would go right into the employee recognitions for this evening.

**Employee Recognition:**

- 20 Years of Service – Fire Marshal John Perry, Drainage Foreman Kevin Anderson, Patrol Sgt. John Eisen, Assistant Police Chief Mark Bane, EMS Paramedic Todd Kaiser.
• 25 Years of Service – CID Lt. Mike Carey.

City Manager John Kessel provided a brief bio and work history of each staff member describing their long career with the City of Schertz and presented each one with a service pin. Staff members were given a chance to say a few words and pose for a picture. Mayor and Councilmembers congratulated and thanked them for all their years of dedicated service to the community.

*Mayor Carpenter recessed the meeting at 6:50 p.m. for five minutes to allow pictures to be taken and for family audience members to exit. He reconvened at 6:55 p.m.*

**Hearing of Residents**

• Ms. Rosemary Hendrix, 3017 Turquoise, who spoke about her subdivision—Sedona; she said she was there for drainage and sewage issues. She had pictures of some ongoing construction and said all the neighbors just want to see responsible development in their area.

• Ms. Patty Cullum, 9025 Peridot, who talked about some studies that were done and stated that they still don’t know if they were ever done. She realizes there have been changes made. She would like to see some of these studies—residents are asking for this. They are all concerned about the future of Sedona and the children in the neighborhood. They would like to know about the things that never got completed or were promised for the subdivision vs. what things are finished and things for the future residents of the Crossvines Master Community.

• Mr. Glen Outlaw, 3729 Forsyth Park, who extended his appreciation for being allowed to sit in on the council retreat (public) meeting last week. It was very informative. He also would like Council to consider putting these meetings out on the internet for the public to access (other than on YouTube) without having to pay $3 for a DVD to listen to the meetings.

• Ms. Cat Anderson, 3040 Muntjac, who said they are aware of their 2005 development plan, and know a lot of things have changed since then. Today they have many concerns such as no covered mailbox stop, insufficient lighting around the neighborhood, no overhead coverage at bus stops, no pocket parks for the children to play in, insufficient drainage and no park and recreation areas. She also supplied some information regarding recent incidents of theft as well as pictures of various areas in the neighborhood with insufficient lighting.

• Mr. Grumpy Azzoz, 528 Wayward Pass, who spoke about Police Department matters especially in regard to some recent vandalism and theft involving his wife’s Tahoe. He is concerned that there is no local police protection other than themselves and did the Schertz Police Department even investigate this matter and others. He asked for city leadership to make some decisions before more serious crime and negligence takes place—negligence is what gets us in trouble. He leaves it up to them.

• Dr. David Scagliola, 3418 Foxbriar Lane, who was asked to represent a few residents (300 signatures) who are concerned about the Northcliffe Golf Course property. It has 150 active members. He provided some history on the property. There is a rumor that the front part of the golf course could be developed into a future strip mall. This source is credible and the residents are concerned once more. He would like to see this topic as a future agenda item for council to discuss and ultimately decide to keep Northcliffe as an 18-hole golf course, discuss the various opportunities to purchase the golf course (by a private entity or the City) and rezone all of the green areas to reflect a green space designation.
Workshop

- Discussion regarding the Sedona/Crossvine Batch Plant Expansion. (D. Wait)

Mayor Carpenter recognized Executive Director Dudley Wait who said the original batch plant was installed in 2006 and is operated by agreement with CCMA. It is permitted by TCEQ for 92,000 gallons of discharge a day but a single batch plant can only treat 46,000 gallons a day. He provided a map of the area of treatment. TCEQ requires a developed plan for exceeding 75% of current capacity in a three month period (which happened in April, May and June 2016). The City then developed a plan to put a second batch plant out there; council approved this on October 25, 2016.

Mr. Wait provided a map of the current development areas in south Schertz and showed the audience the location of the batch plant. He said one of the concerns of the City and the developer is that with the current pace of development, even the second batch plant will not be able to keep up with the overall demand of the total Crossvine development; we will either have to expand that plant again or do some pump and haul work. The ultimate goal is to get the Woman Hollaring trunk line placed in the ground and the new plant be built off of Trainer Hale Road near IH 10. That is the permanent plan and the design work has already been done.

Some research has been done and in 2013 Sedona averaged 85 gallons of waste water per day per residence. In 2016, Crossvine additions averaged 225 gallons of waste water per day. Two hundred forty-five (245) gallons per day is the planning numbers used for capacity calculations.

In late December, CCMA and the City sat down to begin planning for more expansion of WHTP. Some of the things they are going to do is monitor development by the month, monitor daily flows to WHTP, make a concentrated effort to rule out infiltration/inflow, and study water usage throughout the Sedona and Crossvine developments. He also spoke of some repairs that have been done and provided a couple of charts showing the quantity of water flow going to the treatment plant.

New developments included the following. The new batch plant is being painted and prepared for delivery. CCMA is working to secure a vendor for site work. Public Works is continuing to look for I&I sources throughout development. The City and CCMA will continue to monitor daily flows and development to determine the next steps. We are working with Engineering to build a trunk line for a new permanent treatment plant.

Mr. Wait addressed comments/questions from Council.

- Discussion regarding the Sedona Development and Infrastructure Issues. (D. Wait/D. Letbetter/K. Woodlee/J. Hooks/J. Walters)

Mayor Carpenter recognized Executive Director Dudley Wait who said he was going to cover the following topics: a park update, water concerns, wastewater concerns, drainage issues and corrections, sidewalks and streetlights.

Mr. Wait introduced Parks Director Chuck VanZandt who provided information regarding the parkland in the area. The City signed the Deed of Dedication for the property on December
31, 2009. The total acreage is 13.1 acres. The City arranged for the demolition/removal of thirteen ancillary structures on the property beginning January 26, 2012. The property remained as was. The farmhouse had asbestos containing materials in all the interior walls and ceiling joint compounds. On November 12, 2014, staff discussed selling the farmhouse on GovDeals to save on costs associated with demolishing the structure. The ending cost was $16,700+. The demolition/removal of the farmhouse was completed on April 13, 2016. The site was monitored during demolition to ensure no environmental hazards released into the air.

Round II of the City Tree Pruning Program saw the Class II pruning of the vast majority of the trees on the 13.1 acre site. That work was completed in late June, 2016. The site clearing (debris piles) was completed on December 6, 2016. The re-channelization of drainage through the park was completed on January 11, 2017.

Moving forward they have a conceptual plan for the park: a 10 foot wide mulch trail, half a mile in length, park benches, and picnic tables (in groupings for future nature education programs and regular day use).

The planned improvements timeline is as follows:

- January 2017 – amenities will be ordered (stone monument sign, benches and tables.
- February 2017 – Cut trail (Public Works will do this)
- March 2017 - amenity installation and community ‘Build a Trail Day’
- April 2017 – Park Grand Opening

The members of the Parks and Recreation Advisory Board recommended naming the park ‘Heritage Oaks Park’. They have some very gorgeous heritage (24+ inch diameter) trees out there and want to keep it as a passive recreation opportunity. Mr. VanZandt addressed questions and comments from Council.

Mr. Wait introduced Public Works Interim Director Jimmy Hooks who said he recently reviewed some of their complaints (in the past year or two) for this subdivision and found most of them had to do with pressure reducing valves not working adequately. They met with those homeowners who were advised to have their plumbers come out and readjust them. The pressure ranges are around 60 PSI – 80 PSI and is when it is required to have a PRV. He put some informational brochures out on table in the foyer for the residents regarding water pressure. Mr. Hooks addressed questions and comments from Council.

Mr. Wait spoke next about resident waste water concerns. The plant capacity limitations do not impact existing residents. While they do make repairs as things break or as part of their routine service, these have not created backups or overflows. CCMA is also unaware of any service issues (back-ups, odors, spills, etc.) If residents do experience backups, they should call Public Works right away so they can check out the problem(s). Most backups in homes are due to clogs in the private lines---grease in a kitchen sink, hair in a bathroom sink, etc.

Regarding drainage issues, one ongoing problem is with capacity of the rock channel at the end of Pencil Cholla to carry water flows. It appears to back up as it leaves the street and as it passes under the pedestrian bridge. Staff will work with the developer to correct these issues over the next month (end of February). Councilmembers Kiser and Gutierrez commended staff for the information and work they have done on this. Mr. Wait addressed questions and
comments from Council. Mr. Wait emphasized that maintenance will always be continuous as it is in other subdivisions throughout the city.

Mr. Wait continued addressing some issues regarding sidewalks. Two lots were set aside for either easements or access (to the park). The City put in one sidewalk and the HOA installed the other one. In the future, if a lot is not going to have a structure built on it, the sidewalk in front of it will be installed by the developer. He gave credit to Development Services Director Lesa Wood, her staff and Executive Director Brian James for their insight in learning from past practices and improving processes such as this for future developments.

Lastly, Mr. Wait spoke about street lights in the subdivision. The City practice is to put a streetlight on every corner. Some electricity providers will place them midblock on longer blocks. However, Streetlights were not installed on Hollering Vine @ Lower Seguin Road and at both Crossvine entrances off FM 1518. The City of Schertz has three main electrical providers: Guadalupe Valley Electric Corporation (GVEC), New Braunfels Utilities (NBU), and San Antonio City Public Service (CPS).

Mr. Wait provided a map showing the light locations in the Sedona Unit 1. Residents made the City aware of the lack of lighting some time ago and we dropped the ball on it. We started working with CPS a few weeks ago to get them installed and they are currently being engineered. He said staff can provide an update to resident leadership and Council on this to keep it moving. They may also address some lighting midblock on some other longer streets.

Mr. Wait ended by stating that the compliments and thanks extended by various Councilmembers earlier in the presentations really belong to Interim Director of Public Works Jimmy Hooks and his team for all the work they have done.

- Discussion and presentation on PEX Pipe issues. (B. James/L. Wood/G. Durant)

Mayor Carpenter recognized Chief Building Official Gil Durant who said this type of pipe has been around in the United States since around the 1980’s. Some of its’ common uses is for in between floor systems and plumbing connections (water heaters, washing machines, etc.)

Mr. Durant invited EMS Director Jason Mabbitt forward to tell Council of his own home experience with PEX piping. His leaks occurred in 2010 and then again in 2015. Everyone seemed to point the finger at someone else for the problem. The excuses were a bad batch of PEX pipe supplies, water pressure, and bad installation. One thing he noticed is that the leaks seemed to always be on ‘bends’. Repairs were always made and in time they learned there was actually a lawsuit against the pipe manufacturer. In his neighborhood there are about 50 homes that have been affected. In 2015 they ended up getting an attorney to represent 18 homeowners. Only then, did they agree to re-pipe the homes. There is also a second and third group of homeowners who are going through this experience. It is a mess.

Mr. Durant said he did check with the state plumbing board to see if they had other problems in other areas of the state and they said they had not received any substantial calls. He also spoke with Sidney Langford, the local investigator for the Texas Board of Plumbing Examiners who said he is looking into about 30-40 homes in the San Antonio area with the same manufacturer. At this time the state was not going to proceed with any other investigations. He found the installations to be in compliance with the instructions by the
manufacturer and plumbing code. However, he also said in the near future any plumbing inspector is going to be required to go through 6 hours of continued education. Mr. Durant answered questions from Council.

- **Ordinance No. 17-S-01** – Public Hearing and Discussion on an amendment to the Crossvine PDD (Ordinance 14-S-08) in order to incorporate a new Garden Home configuration in Module IIA, along with new street cross-sections and other associated development standards. The property is approximately 375 acres of land located at the intersection of Lower Seguin Road and FM 1518. (B. James/L. Wood/C. Gould)

The following was read into record:

**ORDINANCE NO. 17-S-01**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 375 ACRES OF LAND FROM PLANNED DEVELOPMENT DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PDD).

Mayor Carpenter recognized Planner I Channary Gould who said they were asked to provide a presentation on garden homes. She showed a map of the Crossvine Conceptual Master Plan and showed where the different modules were located. She explained the three different types of definitions for garden home - 1) UDC Definition: Garden Home, 2) Planners Dictionary Definition: Patio House, and 3) Crossvine Subdivision Definition: Garden Home. In general the garden home concept is to provide an alternative product that meets the growing demand for a variety of housing types for people in different stages of their life.

Ms. Gould provided a slide of a Garden Home/GH(1) designation (about 80 dwelling units), a Garden Home/GH(2) designation (about 80 dwelling units), and a Garden Home/GH(3) (about 81 dwelling units). She explained the differences for each one.

Director of Planning & Community Development Lesa Wood spoke about the need for garden homes in the Schertz area. A developer/builder wants to come and provide this product. Throughout the years we have discussed having a variety of housing types in order to offer diversity to our residents. This project has been on the planning table for a while and we were having many discussions/meetings. All of these plans have already been approved by our fire department. However, more discussions are needed to help get this development moving forward and provide a positive solution for everyone.

Mayor Carpenter opened the public hearing and the following individuals spoke:

- Ms. Rosemary Hendrix, 3017 Turquoise, who said that this is not the only development that is out there. She expressed concern for having enough traffic roadways and turning space. Please consider where and how the extra traffic is going to be managed through this continued development.
- Ms. Patty Cullum, 9025 Peridot, who asked if the sewer capacity would be sufficient to handle the continued development? She has also noticed the deterioration of road conditions on Lower Seguin Road due to heavy traffic; also a lot of bike riders who are coming out in groups. She is also concerned about the drainage issues; she is
seeing a lot of erosion and water runoff. She has asked for the asbuilt and construction inspection reports. She has concerns about the correctness of the utilities that were installed. As more homes are built, it will affect them all. That is why she made the request.

- Mr. Scott Morton, 3002 Pencil Cholla, who said he is not against expansion but wanted to know if where the location of the garden homes are being proposed, will there be additional entrances out to FM 1518? He spoke about flooding and storm water concerns, the lack of infrastructure out there and traffic congestion.

- Ms. Cat Anderson, 3040 Munjac, who showed several slides of a powerpoint presentation reflecting concerns that have arisen due to the expansion of the Crossvines and newly planned garden homes. Issues are blind spots on certain streets and no stop signs or speed bumps to slow speeders. Also, with the soon to be groundbreaking of the New Rose Garden Elementary School, this will be the third school within two miles and will most likely add to an already overall congested traffic problem, inadequate lighting and flooding issues.

- Mr. Nathan Goetsch, 3126 Pencil Cholla, whose concern is crime. He is serving active duty with our armed forces and is deployed for lengthy periods of time. This last time his wife sent him reports of a variety of ‘smash and grab’ crimes in the neighborhood. He is concerned for the safety of his wife and small children.

- Mr. Grumpy Azzoz, 528 Wayward Pass, who said after listening to some of the other citizens speak, they are not against development but have concerns about ‘security’. He has heard concerns about safety/ protection, stacking the homes, inadequate lighting, congested traffic, overwhelmed infrastructure, etc. These homeowners pay taxes and are not asking for anything more than a good quality of life. If we allow homes to be stacked, we face deterioration (like Windcrest). This is the future of deterioration if we do not pay attention to these issues expressed by our residents.

- Mr. Glen Outlaw, 3729 Forsyth Park, who said he made some comments about this project two weeks ago. He understands we have already approved two designs for the garden homes for the Crossvine PDD. He agrees we have a need for garden homes in this area. The fire department was involved in approving this PDD and agreed to it under certain conditions and those conditions were not present in the proposed PDD to you for approval. He just wants to make sure Council understands there are still issues that need to be solved before it comes back to them for approval.

- Ms. Rosemary Hendrix, 3017 Turquoise, who said they want to find out if there is a law about easements or how far the clearance is from the roadway to the stop sign. She wants staff to check into this. She said in the future they also want to be able to communicate to the correct department(s) about various issues. Lastly, she expressed concerns about ADA requirements and if they are still being included and enforced in the development plans. She feels they are gradually getting away from this.

- Patty Cullum, 9025 Peridot, who asked who inspects the amenities when they are built. Their pool facility does not have an ADA access feature to enter the facility nor a special area for disabled residents to enter the pool. They have quite a few residents living in the neighborhood who are disabled.

Mayor Carpenter invited City staff to come back to the podium and address any of the questions brought forward tonight by the public hearing speakers. Executive Director Brian James and Director of Planning & Community Development Lesa Wood provided additional information and addressed comments regarding the residents’ concerns and also answered various questions from Council.
Mayor Carpenter summarized by saying the GH(3) is a great layout and meets the functional needs of what a good Garden Home should offer and has more common green space between neighbors. He has seen these units elsewhere and they work very well. As to the merits of whether or not this zoning case should be approved he can’t see a reason why we would not rush at approving it when it is brought back to Council. This design is a good one and we should approve it when it comes back before us.

Executive Director Brian James said we intend to do this right and take the time we need. Staff’s goal is to find win/win solutions for everyone. Sometimes it takes a bit longer to do.

- Discussion and consideration and/or action regarding the confirmation, appointment or election of the Mayor Pro Tempore. (M. Carpenter)

Mayor Carpenter briefly explained the process of nominating/selecting a mayor pro tem for a one year time frame. He opened the item up for discussion with council. No discussion occurred as a motion and second were promptly made.

Mayor Carpenter recognized Councilmember Davis who moved, seconded by Councilmember Crawford to re-appoint Cedric Edwards as Mayor Pro-Tem. The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.

- Discussion regarding the Pavement Condition Index (PCI). (B. James/K. Woodlee/C. Palomo)

Mayor Carpenter recognized City Engineer Kathy Woodlee who introduced Graduate Engineer Cecilia Palomo who provided information regarding this item.

Ms. Palomo stated that last year the City hired a design firm to assess our roadway network, manage and rank our paving system. This was done through a software program called Micropaver. There are six steps here and this software will help us prioritize our street infrastructure, help us manage the reconstruction of our roads and utilize the budgeted funds appropriately and efficiently.

They did a PCI, which is how the roads are ranked, from 0-100. They did another study last year (2016) with a company called Infrastructure Design Solutions (IDS) with 164 center line miles of road. As the city grows in size, we need to have a maintenance program in place so we can prioritize our road maintenance network.

Some factors that affect pavement life are traffic volume and static/dynamic loads, weather (rain, poor drainage, extreme heat, freezing), preventative maintenance efforts and available funding, soil and base material under pavement, water runoff/pumping (high water), type of pavement, and age of pavement. Micropaver analyzes twenty different distress levels and then ranks the road from 0-100. The goal is to catch the issues early to be as efficient as possible with our available funding. A PCI of 85-100 is (Very Good) – Action: Preventative Crack Seal Program. A PCI of 75-89 is (Fair to Good) – Action would be surface treatment (Slurry Seal). A PCI of 41-74 (Poor) – Action: Mill and Overlay. A PCI of 0-40 (Failed) – Action: Complete Reconstruction.
She provided a map and chart reflecting the measurements of the roads in the city according to their respective conditions and said less than one percent of our roads need reconstruction.

Mayor Carpenter said according to the charts she was showing it looked like 81 one percent of our roads are in good shape and 19 percent of our roads need some attention.

Ms. Paloma said the goal is to look at the city as a whole and look at what we can do cheaply with our own equipment and also what needs to be completely reconstructed and hired out to a private contractor. They can’t pick just one area to work on. It is also about applying the right amount of money at the right time in the right area.

Ms. Palomo provided more slides regarding cost prioritizing. She said the next steps are:
- Council to review the Roadway Assessment Report.
- Staff will seek Council approval to issue Certificates of Obligation to fund first four/five years of work on identified appropriate roadways.
- Public Works to perform ongoing maintenance efforts as identified as appropriate in the report and update Micropaver as repairs are made and as new roads are added to the city network.

Councilmember Larson asked about the proposed budget for $5 million for four years. He assumes this is for requesting a bond. Mr. James clarified for Council that the idea is to come in with Certificates of Obligation (CO) and chip away at this. There is no action on this item tonight as it is the first time they have seen it. The CO’s will cover a series of things: road repair work, building repair work, park improvements (hike and bike trail), and match funding. They will come forward to do that and then move it forward.

Ms. Palomo and Executive Director Brian James continued answering more questions from Council.

- Discussion regarding crime issues and stats. (D. Wait/M. Hansen)

Mayor Carpenter recognized Police Chief Michael Hansen who provided information on crime statistics and trends as well as a very general overview with comparisons. Statistical data are taken from the FBI Uniform Crime Report (UCR) – Major Crimes. However, 2016 comparison numbers will not be available until mid-2017. Also, the Schertz 2016 numbers are approximated. The report is in four parts, the traditional summary of crimes and arrests, law enforcement officers killed and assaulted, hate crimes, and cargo theft. Major crimes are murder, assault, robbery, burglary, theft, and auto theft. Chief Hansen provided statistics for 2014, 2015, 2016 for these categories. Schertz’s clearance rate is very high at 32% for 2016. In regard to trends, they have more officers working at specific times utilizing unmarked cars, and they are reaching out to some of their partnering agencies to pool their information. Overall, empirical data supports Schertz as a safe community. The Schertz Police Department strives to continue for more ways to improve. Chief Hansen addressed comments and questions from councilmembers.

**Consent Agenda Items**
1. Minutes – Consideration and/or action regarding the approval of the minutes of the Regular Meeting of January 10, 2017. (J. Kessel/B. Dennis)

2. Ordinance No. 17-S-02 - Consideration and/or action on an amendment to the Nor-Tex Farms PDD (Ordinance 14-S-29) in order to modify the subdivision signage regulation and change the project name to Homestead. The property is approximately 434 acres of land generally located on IH 35 Frontage Road and Covers Cove. Final Reading (B. James/L. Wood/C. Gould)

The following was read into record:

ORDINANCE NO. 17-S-02

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 434 ACRES OF LAND FROM PLANNED DEVELOPMENT DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PDD).

3. Ordinance No. 17-S-03 - Consideration and/or action to approve an Ordinance to zone approximately 3 acres of land from Single-Family Residential (R-1) to Neighborhood Services (NS). The property is generally located at Southwest of FM 3009 at Green Valley Road. Final Reading (B. James/L. Wood/E. Grobe)

The following was read into record:

ORDINANCE NO. 17-S-03

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 3 ACRES OF LAND FROM SINGLE-FAMILY RESIDENTIAL, (R-1) TO NEIGHBORHOOD SERVICES DISTRICT (NS).

4. Ordinance No. 17-S-04 - Consideration and/or action on an amendment to the Hallies Cove PDD (Ordinance 16-S-32) in order to modify the minimum lot depth and the method used for calculating lot depth. The property is approximately 90 acres of land located Southeast of Trainer Hale Road and FM 1518. Final Reading (B. James/L. Wood/C. Gould)

The following was read into record:

ORDINANCE NO. 17-S-04

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 90 ACRES OF LAND FROM PLANNED DEVELOPMENT DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PDD).
Mayor Carpenter recognized Mayor Pro-Tem Edwards who moved, seconded by Councilmember Thompson to approve the consent agenda items 1-4. The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.

Discussion and Action Items

5. Ordinance No. 17-T-05 – Consideration and/or action approving an Ordinance authorizing a budget adjustment to fund the purchase of Smart Messaging Trailers. First Reading (D. Wait/M. Hansen/M. Carey)

ORDINANCE NO. 17-T-05

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A BUDGET ADJUSTMENT TO FUND THE PURCHASE OF SMART MESSAGING TRAILERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

Mayor Carpenter recognized Lt. Michael Carey who said this project will provide for the purchase of two Smart Messaging Speed trailers to be utilized throughout the City so that motorists may be made aware of the speed they are traveling. In addition, this equipment will be utilized within the school zones to notify motorists to watch for pedestrians while maintaining a safe speed. The devices may also be used solely as messaging centers advising individuals of the beginning of school, special events, notification of road closures, or other instances of community interest. These two devices would be heavily utilized along Elbel Road to work in conjunction with the new lighted crosswalks close to Samuel Clemens High School.

These two devices will be replacing a much older unit which is no longer serviceable. The older device merely displayed the speed of the target vehicle while posting no advisory.

Funds for these devices are available in the Child Safety Fund Account, which had a balance of $122,867.94 at the beginning of FY 2016-17. Each year this account balance grows, as the city collects more in child safety fees than it can expend in any one year. The fiscal impact of purchasing these two trailers will be a one-time purchase of $40,714.00. Anticipated balance after the FY 2016-17 contribution and the project expenditures would be $82,153.94. This is an acceptable expense under article 102.014 (g) of the Code of Criminal Procedure. Staff recommends approval.

Mayor Carpenter recognized Councilmember Davis who moved, seconded by Mayor Pro-Tem Edwards to approve Ordinance No. 17-T-05 first reading. The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.

Roll Call Vote Confirmation
Mayor Carpenter recognized Deputy City Secretary Donna Schmoekel who provided the roll call votes for agenda items 1-5.

Mayor Carpenter moved to Item 9.

9. Councilmember Orientation- Information and discussion regarding Public Safety Overview (Police Department, Fire Station 3, Regional EMS Provider), Water/Sewer Issues, other External Governmental Bodies (AACOG, NEP, Counties, State, Federal, TML).

Mayor Carpenter recognized Police Chief Michael Hansen who provided a PowerPoint presentation on the Schertz Police Department, its staffing, processes, duties, multi-use facilities, storage, training, other resources, and community partnerships regarding technology and face to face. He also explained their department’s vision statement and mission statement and their goals and objectives.

Mayor Carpenter recognized Executive Director Dudley Wait who introduced SSLGC and CVLGC General Manager Alan Cockrell and Assistant Manager Amber Briggs. They presented information in regard to our local water supply. They provided project histories, each organization’s board of directors/members, terms, staff and consultants. They provided a project map of the pipeline and a listing of the different facilities, the organization’s customers and the SSLGC sales. They also provided a screen shot of the SSLGC debt. Ms. Briggs explained the future expansion projects and timelines. She also explained the establishment of the water rates. Mr. Cockrell gave an update on the Post Oak Landfill. A brief history of CVLGC was provided along with its’ current board of directors, staff and contractors. A map associated with this organization was also shown in regard to current leases/projects. They offered to provide a future tour to the councilmembers of their facilities.

Executive Director Dudley Wait spoke about water and waste water rates. There is a 5 year rate plan that is updated annually due to changing circumstances and is based on charges from SSLGC and CCMA and also build capacity to pay for debt used toward capital projects. He provided a few screen shots of the adopted rate plan of 2016 and explained the information. Maps were also presented showing the different plants and storage tanks in the Schertz area.

Mayor Carpenter stated if there were no further objections he moved to adjourn the meeting and continue the rest of the items at the next meeting. As there were no objections the meeting was adjourned.

Adjournment

Mayor Carpenter adjourned the meeting at 12:42 a.m.

______________________________
Michael R. Carpenter, Mayor

ATTEST:

______________________________
Donna Schmoekel, Deputy City Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017

Department: City Secretary/City Manager

Subject: Boards, Commissions and Committee Member Appointments

BACKGROUND

The City Secretary’s Department recently received applications from Mr. Roland Perry who is interested in serving on the Traffic Safety Advisory Commission and Ms. Lisa Locken who is interested in serving on the Parks and Recreation Advisory Board.

In addition, by Resolution No. 09-R-03 in 2009, the City Council established the Hal Baldwin Scholarship to encourage graduating high school seniors who live in Schertz to pursue careers in public service. Staff recommends the following scholarship committee be appointed for 2017: Cedric Edwards, Susan Beck, Reginna Agee (all returning members) and Jim Fowler (new appointment). Staff also recommends the committee have an authorized budget of up to $5,000.00 from the Hal Baldwin Scholarship Fund to award for 2017, the same budget as last year.

FISCAL IMPACT

Funds for the Hal Baldwin Scholarship come from donations and profits from the annual Hal Baldwin Golf Tournament and are in a segregated fund, the Hal Baldwin Scholarship Fund, with a current balance of $79,766.05.

After the committee makes a recommendation, they will bring their recommendation to the full Council for approval on May 9, 2017 and then the scholarship presentation on May 23, 2017.

RECOMMENDATION

Staff recommends ratifying the appointments of: Mr. Roland Perry as a Regular member to the Traffic Safety Advisory Commission taking the place of Mr. Mark Tew and Ms. Lisa Locken as an Alternate member to the Parks and Recreation Advisory Board. Staff also recommends ratifying the appointments of: Councilmember Cedric Edwards, Ms. Susan Beck, Ms. Reginna Agee and Mr. Jim Fowler to the 2017 Hal Baldwin Scholarship Committee.
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017
Department: Council
Subject: City Council Liaison Appointments

BACKGROUND

At the Special meeting of January 20, 2017, Mayor and Council discussed the various City Council Liaison vacancies which consisted of the following:

- Schertz Animal Services Advisory Committee
- Schertz Housing Authority Board
- Schertz-Seguin Local Government Corporation
- Interview Committee for Boards and Commissions

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends Council ratify the following appointments:

- Council Member Angelina Kiser – Schertz Animal Services Advisory Committee
- Council Member Mark Davis – Schertz Housing Authority Board
- Council Member Bert Crawford – Schertz-Seguin Local Government Corporation
- Council Members Mark Davis and Bert Crawford – Interview Committee for the Boards and Commissions
CITY COUNCIL MEMORANDUM

City Council Meeting:

Department: Police/Finance

Subject: Ordinance No. 17-T-05– An Ordinance by the City Council of the City of Schertz, Texas authorizing a budget adjustment to fund two Kustom Signal Smart HT Messaging Speed Trailers. Final Reading

BACKGROUND

This project will provide for the purchase of two Smart Messaging Speed trailers to be utilized throughout the City so that motorists may be made aware of the speed they are traveling. In addition, this equipment will be utilized within the school zones to notify motorists to watch for pedestrians while maintaining a safe speed. The devices may also be used solely as messaging centers advising individuals of the beginning of school, special events, notification of road closures, or other instances of community interest. These two devices would be heavily utilized along Elbel Road to work in conjunction with the new lighted crosswalks close to Samuel Clemens High School.

These two devices will be replacing a much older unit which is no longer serviceable. The older device merely displayed the speed of the target vehicle while posting no advisory.

City Council approved this on first reading at their meeting of January 24, 2017.

FISCAL IMPACT

Funds for these devices are available in the Child Safety Fund Account, which had a balance of $122,867.94 at the beginning of FY 2016-17. Each year this account balance grows, as the city collects more in child safety fees than it can expend in any one year. The fiscal impact of purchasing these two trailers will be a one time purchase of $40,714.00. Anticipated balance after the FY 2016-17 contribution and the project expenditures would be $82,153.94. This is an acceptable expense under article 102.014 (g) of the Code of Criminal Procedure.

RECOMMENDATION

Staff recommends that the City Council approve Ordinance No.17-T-05 final reading approving the budget adjustment to purchase these two Smart Messaging Trailers.

ATTACHMENT

Ordinance No. 17-T-05
ORDINANCE NO. 17-T-05

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A BUDGET ADJUSTMENT TO FUND THE PURCHASE OF SMART MESSAGING TRAILERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance 16-T-29, the City of Schertz (the “City”) adopted the budget for the City for the fiscal year 2016-2017 (the “Budget), which provides funding for the City’s operations throughout the 2016-2017 fiscal year; and

WHEREAS, the City needs to increase the Budget to authorize expenditures of $40,714.00 for two Smart Messaging Trailers; and

WHEREAS, the City needs to increase revenue to recognize a transfer from the Child Safety Fund of $40,714.00; and

WHEREAS, City staff recommends that the City Council adjust the Budget and approve the additional revenue and expense for the Smart Messaging Trailers; and

WHEREAS, the City Council has determined that it is in the best interest of the City to adjust the Budget for the Smart Messaging Trailers, as more fully set forth in this Ordinance.

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

Section 1. The City shall adjust the Budget by $40,714 for the Smart Messaging Trailers.

Section 2. The City shall recognize the additional $40,714 in revenue from a transfer from the Child Safety Fund.

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

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

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

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

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

PASSED ON FIRST READING, the 24th Day of January, 2017.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 7th Day of February, 2017.

CITY OF SCHERTZ, TEXAS

________________________________________
Michael R. Carpenter, Mayor

ATTEST:

________________________________________
Brenda Dennis, City Secretary

(CITY SEAL)
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017

Department: City Manager

Subject: Resolution No. 17-R-02 - APPOINTING MEMBERS TO THE ALAMO AREA COUNCIL OF GOVERNMENTS REGIONAL EMERGENCY PREPAREDNESS ADVISORY COMMITTEE (REPAC)

BACKGROUND

The Alamo Area Council of Governments (AACOG) was established in 1967 under Chapter 391 of the Local Government Code as a voluntary association of local governments and organizations that serves its members through planning, information, and coordination activities. AACOG serves the Alamo Area/State Planning Region 18, which covers 13 counties and 12,582 square miles. Counties comprising the area planning region are Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, McMullen, and Wilson counties.

AACOG’s mission is to enhance the quality of life of all residents of the Alamo Region in partnership with elected and appointed officials, funders, community partners and beneficiaries. AACOG has several standing and advisory committees and one of the committees is their Regional Emergency Preparedness Advisory Committee (REPAC). REPAC establishes and updates the regional priorities of funding for projects applying for the State Homeland Security Grant funds. The priorities will be based upon state guidelines and regional planning assessments conducted by the REPAC.

The City has an opportunity to place a member onto REPAC as a voting member giving us a voice in how these funding and policy decisions are made going forward.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends Council appoint Police Lieutenant Thad Siwecki, as the City’s first alternate representative to serve on REPAC. This appointment is a replacement of Police Lieutenant John Correu. Assistant Fire Chief Kade Long, will remain as the primary member and EMS Operations Manager, Toni Bradford, will remain as the second alternate.

ATTACHMENTS
Resolution No. 17-R-02
Mayor’s Letter requesting voting seat
RESOLUTION NO. 17-R-02

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPOINTING MEMBERS TO THE ALAMO AREA COUNCIL OF GOVERNMENTS REGIONAL EMERGENCY PREPAREDNESS ADVISORY COMMITTEE AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Membership in AACOG is open to all governmental units in the 13-county Alamo area planning region. A governmental unit is any county, city, town, village, authority, district, or other political subdivision of the State of Texas.

WHEREAS, ACCOG members are allowed to appoint a representative to the Regional Emergency Preparedness Advisory Council (REPAC); and

WHEREAS, REPAC members meet monthly to review, draft, and approve regional emergency strategic plans, Threat, Hazard Identification Risk Assessments (THIRA), and the State Preparedness Report; and

WHEREAS, REPAC members meet annually to set regional homeland security priorities of funding for projects applying for the State Homeland Security Program (SHSP) grant; and

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City of Schertz have representation on the Regional Emergency Preparedness Advisory Committee by appointing members of the Fire, Police and EMS Departments; and

WHEREAS, the City Council has determined that it is in the best interest of the City to appoint Police Lieutenant, Thad Siwecki, as first alternate, to replace Police Lieutenant, John Correu as the City’s representative to serve on REPAC. Assistant Fire Chief, Kade Long will remain as the primary representative, and EMS Operations Manager, Toni Bradford, will remain as the second alternate member.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS

THAT:

Section 1. The City Council hereby authorizes the appointment of Police Lieutenant, Thad Siwecki, as first alternate, to replace Police Lieutenant, John Correu as the City’s representative to serve on REPAC. Assistant Fire Chief, Kade Long will remain as the primary representative, and EMS Operations Manager, Toni Bradford, will remain as the second alternate member

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

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

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

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

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

PASSED AND ADOPTED, this 7th day of February, 2017.

CITY OF SCHERTZ, TEXAS

______________________________
Michael R. Carpenter, Mayor

ATTEST:

______________________________
City Secretary, Brenda Dennis

(CITY SEAL)
February 07, 2017

Ms. Marcela T. Medina Public Safety Director
The Alamo Area Council of Governments
8700 Tesoro Drive
San Antonio TX 78217

Dear Ms. Medina:

This memo appoints Police Lieutenant Thad Siwecki, of the Schertz Police Department as a replacement to Police Lieutenant, John Correu as the City’s first alternate member to serve on the Alamo Area Council of Government’s Regional Emergency Preparedness Board (REPAC). Appointed members are authorized to execute any and all necessary actions on behalf of the City of Schertz to promote homeland security and “all hazards” preparedness within the region.

__________________________
Michael R. Carpenter, Mayor

1400 Schertz Parkway  Schertz, Texas  78154  210-619-1040
MEMORANDUM

City Council Meeting: February 7, 2017

Department: Economic Development

Subject: Resolution No. 17-R-04 Authorizing a program and expenditures in connection with the Economic Development Incentive Agreement with Texas Plumbing Supply Company, Inc.

BACKGROUND

Texas Plumbing Supply Company, Inc. (TPS) is a veteran-owned and family-operated independent wholesale plumbing distributor established in 1962. They employ more than 70 employees serving contractors throughout the State of Texas with locations in Houston, Brenham and Round Rock. TPS serves both commercial and residential customers. TPS seeks to establish operations in Schertz and utilize an economic development incentive to help offset costs associated with developing the site.

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

As part of the economic development agreement, TPS must commence operations at an approximately 35,000 square foot facility being constructed in the Vestal Subdivision during the 2017 calendar year. The facility will create at least $4.5 million in new taxable value. TPS will create at least 10 full-time jobs and an annual payroll of at least $407,000. In consideration, TPS will receive an $112,500 grant upon receipt of the Certificate of Occupancy and commencement of operations in Schertz.

In addition, TPS must certify annual their compliance to the terms on of the agreement for a period of five years. If TPS defaults on the agreement, they will be required to repay the grant plus interest.

FISCAL IMPACT

The $112,500 grant will be paid using SEDC Development Incentive funds which has a current account balance of $500,000. The grant will be paid to TPS once they have met the requirements outlined in the agreement.

STAFF RECOMMENDATION

Staff recommends that the City Council authorize the program and expenditures as listed in the Agreement.
SEDC BOARD RECOMMENDATION

The SEDC Board of Directors met on January 26, 2017 at their regular board meeting to consider, discuss and act on the Economic Development Incentive Agreement with Texas Plumbing Supply Company, a motion was made by Mr. Paul Macaluso; seconded by Mr. Gary Howell to recommend approval of the program and expenditures to the City Council and to authorize the Board President to execute the agreement after Council’s authorization. The motion passed unanimously.

ATTACHMENT(S)

Resolution No. 17-R-04
Economic Development Incentive Agreement (Texas Plumbing Supply Company, Inc.)
RESOLUTION NO. 17-R-04

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A PROGRAM AND EXPENDITURES AS PROVIDED FOR IN THE ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT BETWEEN THE CITY OF SCHERTZ TEXAS ECONOMIC DEVELOPMENT CORPORATION AND TEXAS PLUMBING SUPPLY COMPANY, INCORPORATED; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Development Corporation Act of 1979, as amended (Section 501.001 Texas Local Government Code, formerly the Development Corporation Act of 1979) (the “Act”) authorizes a development corporation to fund certain projects as defined by the Act and requires development corporations to enter into performance agreements to establish and provide for the direct incentive or make an expenditures on behalf of a business enterprise under a project; and

WHEREAS, Section 501.158 of the Act requires an incentive agreement to provide at a minimum for a schedule of additional payroll or jobs to be created or retained and capital investment to be made as consideration for any direct incentives provided or expenditures made by the corporation under the agreement and to specify the terms under which repayment must be made if the business enterprise does not meet the performance requirements specified in the agreement; and

WHEREAS, the City of Schertz Economic Development Corporation (“SEDC”) Board approved the Economic Development Incentive Agreement Texas Plumbing Supply Company, Inc., set forth on Exhibit A attached hereto and incorporated herein (the “Agreement”) between the SEDC, and Texas Plumbing Supply Company, Inc. (the “Company”), pursuant to the Act, at the SEDC’s Board meeting on January 26, 2017; and

WHEREAS, Section 501.073 of the Act requires that the corporation’s authorizing unit to approve all programs and expenditures of a corporation; and

WHEREAS, the SEDC has recommended that the City authorize the program and expenditures associated therewith; and

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

Section 1. The City Council hereby authorizes the program and expenditures as provided for in the Economic Development Incentive Agreement with Texas Plumbing Supply Company, Inc. as set forth in Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.
Section 3. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

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

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

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

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

PASSED AND ADOPTED, this 7TH day of February, 2017.

CITY OF SCHERTZ, TEXAS

_________________________________________
Michael R. Carpenter, Mayor

ATTEST:

_________________________________________
Brenda Dennis, City Secretary

(CITY SEAL)
EXHIBIT A

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
Texas Plumbing Supply Company, Inc.
ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
Texas Plumbing Supply Company, Inc.

This Incentive Agreement ("Agreement") is entered into to be effective as of the Effective Date (as defined in Article III below), by and between the Schertz Economic Development Corporation, located in Guadalupe County, Texas (hereinafter called "Corporation"), a Texas non-profit industrial development corporation under the Development Corporation Act and governed by TEX. LOC. GOV. CODE chapters 501, 502 and 505 and the Texas Non-Profit Corporation Act and Texas Plumbing Supply Company, Inc., a Texas corporation (hereinafter called "Company"), otherwise known as the "Parties" to this Agreement.

RECITALS

WHEREAS, the Development Corporation Act of 1979, as amended (Section 501.001 et seq, Texas Local Government Code, formerly the Development Corporation Act of 1979) (the "Act") authorizes a development corporation to fund certain projects as defined by the Act and requires development corporations to enter into performance agreements to establish and provide for the direct incentive or make an expenditures on behalf of a business enterprise under a project; and

WHEREAS, Section 501.158 of the Act requires an incentive agreement to provide at a minimum for a schedule of additional payroll or jobs to be created or retained and capital investment to be made as consideration for any direct incentives provided or expenditures made by the corporation under the agreement and to specify the terms under which repayment must be made if the business enterprise does not meet the performance requirements specified in the agreement; and

WHEREAS, Company desires to relocate and expand its warehouse and distribution operations at the Facility that will be located at the Property; and

WHEREAS, by the Expiration Date of this Agreement the Company shall employ 10 full time employees with a minimum annual payroll of $407,000 and maintain a minimum of $4,500,000 of Real Property and Tangible Personal Property; and

WHEREAS, the location of the Company, as proposed, will contribute to the economic development of the City of Schertz by creating new jobs and increased employment, promoting and developing expanded business enterprises, increased development, increased real property value and tax revenue for the City of Schertz, and will have both a direct and indirect positive overall improvement/strategy in the local and state economy; and

WHEREAS, the Corporation desires to offer incentives to Company to enable Company to construct the Facility pursuant to this Agreement in substantial conformity with the City of Schertz Economic Development Incentive Policy and the Act; and

WHEREAS, the Parties are executing and entering into this Agreement to set forth certain terms and obligations of the Parties with respect to such matters; and

WHEREAS, the Parties recognize that all agreements of the Parties hereto and all terms and
provisions hereof are subject to the laws of the State of Texas and all rules, regulations and interpretations of any agency or subdivision thereof at any time governing the subject matters hereof; and

WHEREAS, the Parties agree that all conditions precedent for this Agreement to become a binding agreement have occurred and been complied with, including all requirements pursuant to the Texas Open Meetings Act and all public notices and hearings; if any, have been conducted in accordance with Texas law; and

WHEREAS, on the Effective Date, the commitments contained in this Agreement shall become legally binding obligations of the Parties.

NOW, THEREFORE, in consideration of the mutual covenants, benefits and agreements described and contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and further described herein, the Parties agree as follows:

ARTICLE I
RECITALS

1. Recitals. The recitals set forth above are declared true and correct by the Parties and are hereby incorporated as part of this Agreement.

ARTICLE II
AUTHORITY AND TERM

1. Authority.
   a. The Corporation’s execution of this Agreement is authorized by the Act and constitutes a valid and binding obligation of the Corporation. The Corporation acknowledges that Company is acting in reliance upon the Corporation’s performance of its obligations under this Agreement in making the decision to commit substantial resources and money to the establishment of the Project, hereinafter established.

2. Term. This Agreement shall become enforceable upon the Effective Date, hereinafter established, and shall continue until the Expiration Date, hereinafter established, unless terminated sooner or extended by mutual agreement of the Parties in the manner provided for herein.

3. Purpose. The purpose of this Agreement is to formalize the agreements between the Company and the Corporation for the granting of funds to cover certain costs associated with Company’s Project and specifically state the covenants, representations of the Parties, and the incentives associated with Company’s commitment to abide by the provisions of the Act and to abide by the terms of this Agreement which has been approved by the Corporation and the Company as complying with the specific requirements of the Act. It is expressly agreed that this Agreement constitutes a single transaction. A failure to perform any obligation by the Company
may constitute a breach of the entire Agreement and terminate any further commitments (if any) by the Corporation unless an alternative penalty or remedy is provided for herein.

4. **Administration of Agreement.** Upon the Effective Date, the Corporation delegates the administration and oversight of this Agreement to the Executive Director of the Corporation. Any proposed amendments to the Agreement shall require the approval of the Board of Directors of the Corporation.

**ARTICLE III**

**DEFINITIONS**

As used in this Agreement, the following terms shall have the meanings ascribed below. All undefined terms shall retain their usual and customary meaning as ascribed by common and ordinary usage.

“Annual Payroll” shall mean the total wages paid, exclusive of employee benefits, to Full-time Employees at the Schertz Facility.

“Bankruptcy” shall mean the dissolution or termination of a Party’s existence as a going business, insolvency, appointment of receiver for any party of such Party’s property and such appointment is not terminated within ninety (90) days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against such party and such proceeding is not dismissed within ninety (90) days after the filing thereof.

“Certificate of Occupancy” shall mean the signed certificate issued by the City of Schertz Inspections Division granting the Company the right to occupy the Facility and confirming that the entire work covered by the permit and plans are in place.

“Commercially Reasonable Efforts” shall mean a hired third party vendor that has been approved by the City of Schertz to perform necessary reviews and inspections on behalf of the City of Schertz Development Services Department.

“Default” shall mean failure by any Party to timely and substantially comply with any performance requirement, duty, or covenant if uncured within sixty (60) days of receiving written notice from any other Party.

“Effective Date” shall be the date of the last signing by a party to the agreement.

“Expiration Date” shall mean the earlier of:

1. Five (5) years from the Effective Date of this Agreement; or
2. The date of termination, provided for under Article VII of this Agreement.

“Facility” shall mean the approximate 35,000 square foot warehouse and distribution facility being constructed at the Property.
“Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party, including, without limitation, acts of God or the public enemy, war riot, civil commotion, insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of a party), fires, explosions or floods, strikes, slowdowns or work stoppages.

“Full-time Employee” shall mean: (1) an employee with a regular work schedule of at least 36 hours per week as reported on the Texas Employers Quarterly Wage Report from the Texas Workforce Commission and (2) are entitled to at least the customary employer-sponsored employee benefits package afforded by the Company to its similarly situated employees at other locations.

“Grant” shall mean cash payment from Corporation upon Company receiving their Certificate of Occupancy and commencing operations in Schertz.

“Project” shall mean the construction, relocation and expansion of Company’s warehouse and distribution operations to the Facility along with the creation of 10 Full-time Employees.

“Property” Shall mean Lot 1, Block 1 of the Vestal Subdivision, Unit-1A located in the City of Schertz, Comal County, Texas.

“Real Property” shall mean the land, building and all improvements to real property that are constructed on the land and added to the Project subsequent to the execution of this Agreement and is accounted on the tax rolls by the Comal County Appraisal District.

“State of Texas” shall mean the Office of the Texas Comptroller, or its successor.

“Tangible Personal Property” shall mean tangible personal property, equipment, machinery, fixtures and inventory owned or leased by Company that is added to the Project subsequent to the execution of this Agreement and is accounted on the tax rolls by the County Appraisal District.

**ARTICLE IV**
**ECONOMIC DEVELOPMENT GRANTS**

1. **Grant.**

   (a) Subject to the satisfaction of all the terms and conditions of this Agreement and the obligation of Company to repay the Grant pursuant to Article V hereof, the Corporation agrees to provide Company with a Grant in the amount of ONE HUNDRED TWELVE THOUSAND AND FIVE HUNDRED DOLLARS and no/100 ($112,500).

   (b) **Current Revenue.** The funds distributed hereunder shall be paid solely from lawfully available funds to the Corporation. Under no circumstances shall the obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. None of the obligations under this Agreement
shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

2. **Confidentiality.** The Corporation agrees to the extent allowed by law, to keep all tax information and documentation received, pursuant to this Agreement hereof, confidential. In the event a request is made for such information, Corporation will not disclose the information unless required to do so by the Attorney General of Texas.

**ARTICLE V**

**CONDITIONS TO ECONOMIC DEVELOPMENT GRANTS**

The obligation of the Corporation to pay funds in the form of a Grant shall be conditioned upon Company’s continued compliance with and satisfaction of each of the conditions set forth in this Agreement.

1. **Commencing Operations.** Company must obtain a Certificate of Occupancy from the City of Schertz and commence operations at the Facility during the 2017 Calendar Year.

2. **Real and Tangible Personal Property Creation.** Company must create and maintain a minimum of FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS ($4,500,000.00) in total Real Property and Tangible Personal Property value throughout the five year compliance period with the following benchmarks:

   (a) $4,500,000.00 January 1, 2018 as certified on the tax rolls by the Comal County Appraisal District.

   (b) $4,500,000.00 January 1, 2019 as certified on the tax rolls by the Comal County Appraisal District.

   (c) $4,500,000.00 January 1, 2020 as certified on the tax rolls by the Comal County Appraisal District.

   (d) $4,500,000.00 January 1, 2021 as certified on the tax rolls by the Comal County Appraisal District.

3. **Job and Wage Creation.** Company must create and maintain the Full-time Employees and minimum Annual Payroll benchmarks according to the following schedule:

   (a) 10 Full-time Employees as reported to the Texas Workforce Commission for the 2017 4th quarter Texas Employers Quarterly Wage Report.

   (b) 10 Full-time Employees with a minimum Annual Payroll of $407,000 as reported to the Texas Workforce Commission for the 2018 4th quarter Texas Employers Quarterly Wage Report.

   (c) 10 Full-time Employees with a minimum Annual Payroll of $407,000 as reported to the Texas Workforce Commission for the 2019 4th quarter Texas Employers Quarterly Wage Report.
(d) 10 Full-time Employees with a minimum Annual Payroll of $407,000 as reported to the Texas Workforce Commission for the 2020 4th quarter Texas Employers Quarterly Wage Report.

(e) 10 Full-time Employees with a minimum Annual Payroll of $407,000 as reported to the Texas Workforce Commission for the 2021 4th quarter Texas Employers Quarterly Wage Report.

4. **Recapture.** In the event of Default by the Company, the Corporation shall as its sole and exclusive remedy for Default hereunder, after providing Company notice and an opportunity to cure, have the right to recapture (as applicable, the “Recaptured Amount”):

(a) 100% of the Grant if the Default occurs on or prior to December 31, 2021

The Recaptured Amount shall be paid by the Company within one hundred twenty (120) days after the date Company is notified by the Corporation of such Default (the “Payment Date”). In the event the Recaptured Amount is not repaid by the applicable Payment Date, the unpaid portion thereof shall accrue interest at the rate of two percent (2.00%) per annum from the Effective Date until paid in full.

5. **Annual Report.** The Company shall submit an Annual Report (an “Annual Report”) for the preceding Calendar Year to the Executive Director of the Corporation each year not later than February 15th. The Annual Report should substantially conform to the Annual Report Form attached as Exhibit A to this Agreement. The first Annual Report will be due February 15th, 2018.

6. **Payment of Legal Fees.** Company commits to reimburse the Corporation for the necessary legal fees in the preparation of any amendment to this Agreement requested by Company. Timely payment shall be made within 60 days of submittal of invoice to Company by the Corporation or its assigns. Each Party shall bear its own legal fees in connection with the negotiation of this Agreement.

**ARTICLE VI**

**COVENANTS AND DUTIES**

1. **Company’s Covenants and Duties.** Company makes the covenants and warranties to the Corporation, and agrees to timely and fully perform the obligations and duties contained in Article V of this Agreement. Any false or substantially misleading statements contained herein or failure to timely and fully perform those obligations and duties within this Agreement shall be an act of Default by the Company.

(a) Company is authorized to do business and is in good standing in the State of Texas and shall remain in good standing in the State of Texas and the United States of America during any term of this Agreement.

(b) The execution of this Agreement has been duly authorized by Company’s authorized agent, and the individual signing this Agreement is empowered to execute such Agreement and bind the entity. Said authorization, signing, and binding effect is not in contravention of any law, rule, regulation, or of the provisions of Company’s by-laws, or of any agreement or instrument to which Company is a party to or by which it may be bound.
(c) Company is not a party to any Bankruptcy proceedings currently pending or contemplated, and Company has not been informed of any potential involuntary Bankruptcy proceedings.

(d) To its current, actual knowledge, and subject to the Certificate of Occupancy (or other approvals and permits to be obtained under subpart (f) immediately below), Company has acquired and maintained all necessary rights, licenses, permits, and authority to carry on its business in the City of Schertz and will continue to use its best efforts to maintain all necessary rights, licenses, permits, and authority.

(e) Company shall timely and fully comply with all of the terms and conditions of this Agreement.

(f) Company agrees to obtain or cause to be obtained, all necessary permits and approvals from City of Schertz and/or all other governmental agencies having jurisdiction over the construction of any improvements to the Facility.

(g) Company shall be responsible for paying, or causing to be paid, to City of Schertz and all other governmental agencies the cost of all applicable permit fees and licenses required for construction of the Project. Company agrees to develop the Project in accordance with the ordinances, rules, and regulations of the City of Schertz in effect on the date the Project was designated, unless specified otherwise in this Agreement. Company, in its sole discretion, may choose to comply with any or all City of Schertz rules promulgated after the Effective Date of this Agreement.

(h) Company agrees to commence and complete the Project in substantial accordance with the Agreement.

(i) Company shall cooperate with the Corporation in providing all necessary information to assist them in complying with this Agreement.

(j) During the term of this Agreement, Company agrees to not knowingly employ any undocumented workers as part of the Project, and, if convicted of a violation under 8 U.S.C. Section 1324a(1), Company shall be in Default (subject to the remedies in Article V above). Company is not liable for an unknown violation of this Section by a subsidiary, affiliate, or franchisee of Company or by a person with whom Company contracts provided however that identical federal law requirements provided for herein shall be included as part of any agreement or contract which Company enters into with any subsidiary, assignee, affiliate, or franchisee for which Grant provided herein will be used.

(k) Maintain and prepare financial statements in accordance with generally accepted accounting principles in the United States of America as established by the Financial Accounting Standards Board and permit Corporation to visit, examine, audit, inspect, and make and take away copies or reproductions of Company’s book of accounts and other records at mutually agreed upon times (provided, Corporation shall pay the reasonable fees and disbursements of any accountants or other agents of Corporation, selected by Corporation, for the foregoing purposes). Unless written notice of another location is given to Corporation, Company’s books and records will be located at the Property.
(l) Furnish to Corporation audited year-end financial statements to include balance sheet, operating statement and surplus reconciliation, together with an officer’s certificate of compliance with this Agreement including computations of all quantitative covenants, within ninety (90) days after the end of each annual accounting period. Additionally, Company agrees to provide to Corporation, on a quarterly basis, un-audited, interim financial statements, and promptly provide Corporation with such additional information, reports, or statements respecting its business operations and financial condition as Corporation may reasonably request from time to time.

(m) Grant Corporation the right to periodically (and with reasonable advance notice) verify the terms and conditions of this Agreement including, but not limited to, the number of persons employed by Company as a result of the assistance provided hereunder, the addresses of those persons, the number of hours each employee worked during the previous 12 months, the total expenses attributable to training and employing those employees, and the cumulative payroll for Company’s Schertz operation.

2. Corporation’s Covenants and Duties.

(a) Grant Payment. The Corporation is obligated to pay Company a Grant in the amount of ONE HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS ($112,500). The Corporation will deduct any charges that have been applied for the Fast Tracking of the project. The Grant shall be paid within thirty (30) days after receipt by the Company of a copy of the Certificate of Occupancy and evidence that Company has commenced operations in Schertz, Texas at the Facility.

3. Substantial Compliance and Default. Failure by any Party to timely and substantially comply with any performance requirement, duty, or covenant shall be considered an act of Default if uncured within sixty (60) days of receiving written notice from any other Party. Failure of Company to timely and substantially cure a default will give the Corporation the right to terminate this Agreement, as reasonably determined by the Board of Directors of the Corporation and the City Council of Schertz.

ARTICLE VII
TERMINATION

1. Termination. This Agreement shall terminate upon the earliest occurrence of any one or more of the following:

(a) The written agreement of the Parties;
(b) The Agreement’s Expiration Date;
(c) Default by Company (at the option of the Corporation).
ARTICLE VIII
DISPUTE RESOLUTION

1. Mediation. If a dispute arises out of or relates to this Agreement or the breach thereof, the Parties shall first in good faith seek to resolve the dispute through negotiation between the upper management of each respective Party. If such dispute cannot be settled through negotiation, the Parties agree to try in good faith to settle the dispute by mediation under the Commercial Mediation Rules of the American Arbitration Association, San Antonio, Texas, before resorting to arbitration, litigation, or some other dispute resolution procedure; provided that a Party may not invoke mediation unless it has provided the other Party with written notice of the dispute and has attempted in good faith to resolve such dispute through negotiation. Notwithstanding the foregoing, any Party may seek immediate equitable relief, without attempting to settle a dispute through mediation, in any case where such Party is entitled to equitable relief by law, the terms of the Agreement, or otherwise. All costs of negotiation, mediation, and arbitration collectively known as alternate dispute resolution (“ADR”) shall be assessed equally between the Parties with each party bearing their own costs for attorneys’ fees, experts, and other costs of ADR and any ensuing litigation.

2. During the term of this Agreement, if Company files and/or pursues an adversarial proceeding against the Corporation regarding this Agreement without first engaging in good faith mediation of the dispute, then, at the Corporation’s option, all access to the funds provided for hereunder may be deposited with a mutually acceptable escrow agent that will deposit such funds in an interest bearing account until the resolution of such adversarial proceeding.

3. Under no circumstances will the funds received under this Agreement be used, either directly or indirectly, to pay costs or attorney fees incurred in any adversarial proceeding regarding this Agreement against either the Corporation or the City of Schertz.

ARTICLE IX
MISCELLANEOUS

1. Binding Agreement. The terms and conditions of this Agreement shall be binding on and inure to the benefit of the Parties, and their respective successors and assigns. The Executive Director of the Corporation shall be responsible for the administration of this Agreement and shall have the authority to execute any instruments, duly approved by the Corporation, on behalf of the Parties related thereto. Notwithstanding any other provision of this Agreement to the contrary, performance of either Party under this Agreement is specifically contingent on Company obtaining a Certificate of Occupancy from the City of Schertz and commencing operations at the Facility under the terms of this Agreement.

2. Mutual Assistance. The Parties will do all things reasonably necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out such terms and provisions.

3. Representations and Warranties. The Corporation represents and warrants to Company that this Agreement is within their authority, and that they are duly authorized and empowered to enter into this Agreement, unless otherwise ordered by a court of competent
jurisdiction. Company represents and warrants to the Corporation that it has the requisite authority to enter into this Agreement.

4. **Assignment.** Company shall have the right to assign all of its rights, duties, and obligations under this Agreement to a duly qualified third party with prior written approval of the Corporation. Any assignment provided for herein shall not serve to enlarge or diminish the obligations and requirements of this Agreement, nor shall they relieve Company of any liability to the Corporation including any required indemnity in the event that any Assignee hereof shall at any time be in Default of the terms of this Agreement. The Corporation may demand and receive adequate assurance of performance including the deposit or provision of financial security by any proposed Assignee prior to its approval of an assignment.

5. **Independent Contractors.**

(a) It is expressly understood and agreed by all Parties hereto that in performing their services hereunder, Company at no time will be acting as an agent of the Corporation and that all consultants or contractors engaged by Company respectively will be independent contractors of Company; and nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed the Parties hereto understand and agree that the Corporation will not be liable for any claims that may be asserted by any third party occurring in connection with services performed by Company respectively under this Agreement, unless any such claims are due to the fault of the Corporation.

(b) By entering into this Agreement, except as specifically set forth herein, the Parties do not waive, and shall not be deemed to have waived, any rights, immunities, or defenses either may have, including the defense of parties, and nothing contained herein shall ever be construed as a waiver of sovereign or official immunity by the Corporation with such rights being expressly reserved to the fullest extent authorized by law and to the same extent which existed prior to the execution hereof.

(c) No employee of the Corporation, or any board member, or agent of the Corporation, shall be personally responsible for any liability arising under or growing out of this Agreement.

6. **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed delivered by actual delivery, or on the first business day after depositing the same in the hands of a reputable overnight courier (such as United States Postal Service, FedEx or UPS) and addressed to the Party at the address set forth below:

If intended for SEDC:

Schertz Economic Development Corporation  
Attention: Exec. Dir. of Economic Development  
1400 Schertz Parkway  
Schertz, TX 78154
With a copy to:
Denton, Navarro, Rocha, & Bernal, PC
Attention: Charles E. Zech
2517 North Main Avenue
San Antonio, TX 78212

If to the Company:  Texas Plumbing Supply Company, Inc.
Attention: Vice President
7586 Morley Street
Houston, Texas 77061

Any Party may designate a different address at any time upon written notice to the other Parties.

7. Governmental Records. All invoices, records and other documents required for submission to the City pursuant to the terms of this Agreement are Governmental Records for the purposes of Texas Penal Code Section 37.10

8. Governing Law. The Agreement shall be governed by the laws of the State of Texas, and the venue for any action concerning this Agreement (subject to the dispute resolution mechanisms of Article VIII above) shall be in the Courts of Guadalupe County. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

9. Amendment. This Agreement may be amended by mutual written agreement of the Parties, as approved by the Board of Directors of the Corporation.

10. Legal Construction. In the event any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions of this Agreement, and it is the intention of the Parties to this Agreement that, in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid, or unenforceable.

11. Interpretation. Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. Regardless of which Party prepared the initial draft of this Agreement, this Agreement shall, in the event of any dispute, whatever its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against any Party.

12. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the Parties that, in any manner, relates to the subject matter of this Agreement, except as provided for in any Exhibits attached hereto or duly approved amendments to this Agreement, as approved by the Board of Directors of the Corporation.

13. Paragraph Headings. The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the various and several paragraphs.
14. **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

15. **Exhibits.** Any Exhibits attached hereto are incorporated by reference for all purposes.

16. **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the Parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

17. **Indemnification.**

COMPANY AGREES TO DEFEND, INDEMNIFY AND HOLD THE CORPORATION AND CITY, AND THEIR RESPECTIVE OFFICERS, AGENTS AND EMPLOYEES HARMLESS FROM AND AGAINST ANY AND ALL REASONABLE LIABILITIES, DAMAGES, CLAIMS, LAWSUITS, JUSTMENTS, ATTORNEY FEES, COSTS, EXPENSES AND ANY CAUSE OF ACTION THAT DIRECTLY RELATES TO ANY OF THE FOLLOWING: ANY CLAIMS OR DEMANDS BY THE STATE OF TEXAS THAT THE CORPORATION HAS BEEN ERRONEOUSLY OR OVER-PAIRED SALES AND USE TAX FOR ANY PERIOD DURING THE TERM OF THIS AGREEMENT AS A RESULT OF THE FAILURE OF COMPANY TO MAINTAIN A PLACE OF BUSINESS AT THE PROPERTY OR IN THE CITY OF SCHERTZ, OR AS A RESULT OF ANY ACT OR OMISSION OR BREACH OR NON-PERFORMANCE BY COMPANY UNDER THIS AGREEMENT EXCEPT THAT THE INDEMNITY PROVIDED HEREBIN SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE ACTION OR OMISSIONS OF THE CORPORATION OR CITY. THE PROVISIONS OF THIS SECTION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. IT BEING THE INTENTION OF THE PARTIES THAT COMPANY SHALL BE RESPONSIBLE FOR THE REPAYMENT OF ANY ANNUAL GRANTS PAID TO COMPANY HEREBIN THAT INCLUDES CITY SALES TAX RECEIPTS THAT THE STATE OF TEXAS HAS DETERMINED WAS ERRONEOUSLY PAID, DISTRIBUTED OR ALLOCATED TO THE CORPORATION.

18. **Additional Instruments.** The Parties agree and covenant to cooperate, negotiate in good faith, and to execute such other and further instruments and documents as may be reasonably required to fulfill the public purposes provided for and included within this Agreement.

19. **Force Majeure.** Whenever a period of time is herein prescribed for action to be taken by the Company, the Company shall not be liable or responsible for, and there shall be excluded from the computation of any such period of time, any delays due to causes of any kind whatsoever which are caused by Force Majeure.
Executed on this 10 day of January, 2017

COMPANY

Texas Plumbing Supply Company, Inc., a Texas corporation

By: [Signature]
Name: Glenn Fuller
Title: President

STATE OF TEXAS X
COUNTY OF Harris X

This information was acknowledged before me on this 10 day of January, 2017 by [first and last name], [title] for Texas Plumbing Supply, Inc., a Texas corporation, on behalf of said agency. Glenn Fuller, President

[Signature]
Notary Public, State of Texas

MICHELE NGUYEN GONZALEZ
Notary's typed or printed name

12/10/18
My commission expires

[Notary Seal]
MICHELE NGUYEN GONZALEZ
Notary Public, State of Texas
My Commission Expires
December 10, 2018
Executive on this _____ day of ______________________, 20__

SCHERTZ ECONOMIC DEVELOPMENT CORPORATION

Industrial Development Corporation

By: __________________________________________

Name: Tim Brown
Title: President

STATE OF TEXAS     X
COUNTY OF GUADALUPE    X

This information was acknowledged before me on this _____ day of ______________________, ________
by [first and last name], [title] for Texas Plumbing Supply, Inc., a Texas corporation, on behalf of said agency.

______________________________________________
Notary Public, State of Texas

______________________________________________
Notary’s typed or printed name

______________________________________________
My commission expires

APPROVED AS TO FORM:

By: _______________________________________

_________________________, SEDC Attorney
Exhibit A

SAMPLE ANNUAL CERTIFICATION REPORT FORM

[SEE ATTACHED]
Annual Certification Report

Reporting Period: January 1 to December 31, 20__


### I. Project Information

**Project Information:**
- Company’s legal name:
- Project address subject to incentive:
- Company primary contact: _______________ Title: _______________
- Phone number: __________________ E-mail address: __________________

### II. Reporting Information

**Employment and Wage Information:**
- Has the Company employed undocumented workers? □ Yes □ No
- What is the total number of Full-time Employees located at the Schertz facility during the calendar year? _____________
- What is the total Annual Payroll for the Schertz facility during the calendar year? _____________

**Investment Information:**
- What is the 20___ appraised ad valorem tax value for Real Property? _____________
- What is the 20___ appraised ad valorem tax value for Tangible Personal Property? _____________

**Narrative:**
Please attach a brief narrative explaining the current year’s activities and/or comments relating to any potential defaults.

### III. Additional Information (Voluntary)

**Employment:**
- Total full-time employees: _____________
- Total annual payroll: _____________
- Number of full-time jobs added in past year: _____________
- Number of employees that live in Schertz, Texas: _____________
- Interested in being contacted about workforce training opportunities? □ Yes □ No
- Interested in being contacted for assistance with City permits? □ Yes □ No
IV. Certification

I certify that, to the best of my knowledge and belief, the information and attachments provided herein are true and accurate and in compliance with the terms of Economic Development Incentive Agreement.

I further certify that the representations and warranties contained within the Agreement remain true and correct as of the date of this Certification, and Texas Plumbing Supply Company, Inc. remakes those representations and warranties as of the date hereof.

I further certify that the employment and wage information provided is true and accurate to the best of my knowledge and I can provide documentation from the Texas Workforce Commission to support my claim if so requested.

I understand that this Certificate is being relied upon by the SEDC in connection with the expenditure of public funds.

I have the legal and express authority to sign this Certificate on behalf of Texas Plumbing Supply Company, Inc.

Name of Certifying Officer __________________________ Certifying Officer’s Title __________________________

Phone Number __________________________ E-Mail Address __________________________

Signature of Certifying Officer __________________________ Date __________________________

STATE OF TEXAS X
COUNTY OF __________________________ X

This information was acknowledged before me on this ______ day of __________, ______ by [first and last name], [title], for Texas Plumbing Supply, Inc., a Texas corporation, on behalf of said agency.

________________________________________________________________________
Notary Public, State of Texas

________________________________________________________________________
Notary’s typed or printed name

________________________________________________________________________
My commission expires

The Annual Certification Report is to be completed, signed and returned on or before February 15, 20__,. Please send an original to the following address:

Attention: Executive Director
City of Schertz Economic Development Corporation
1400 Schertz Parkway, Bldg. No. 2
Schertz, TX 78154

17
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017
Department: Engineering and Public Works
Subject: Resolution No. 17-R-05 - A Resolution by the City of Schertz authorizing contracts with Ford Engineering, Inc., totaling no more than $162,000 for the design of improvements to Schertz Parkway and various separate and unrelated engineering services during the 2016-2017 Fiscal Year

BACKGROUND
Ford Engineering, Inc., (FEI) was awarded a three-year agreement for On-Call Engineering Services via Resolution 14-R-55. The City’s practice is to seek authorization from Council when expenditures with a vendor exceed $50,000 in one fiscal year. The City has several projects coming up (outlined below) for which professional engineering services will be required, and FEI is qualified to provide such services.

In addition to the known projects, the Engineering and Public Works Departments have a periodic need for engineering and/or surveying services with very limited scope. It is desired that Staff have the ability to request consulting services to be provided and invoiced on an hourly basis as needed.

Staff wishes to contract with Ford for the following projects:

<table>
<thead>
<tr>
<th>Proposed Projects</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schertz Parkway Engineering</td>
<td>$61,095</td>
</tr>
<tr>
<td>Corbett Elevated Water Storage Tank (additional services)</td>
<td>$12,875</td>
</tr>
<tr>
<td>Engineering Services related to Elevated Storage Tank Painting</td>
<td>$38,030</td>
</tr>
<tr>
<td>Miscellaneous Tasks</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

The total of known, proposed projects equals $112,000. Staff is requesting approval for expenditures totaling no more than $162,000 to allow for the City to contract with FEI for the known proposed projects and to have the ability to contract with Ford for up to an additional $50,000 for unexpected minor consulting tasks that may arise during this fiscal year.

GOAL
To obtain authorization from City Council to contract with FEI to provide professional engineering and/or surveying services in an amount not to exceed $162,000 during the 2016-2017 Fiscal Year.
SUMMARY OF RECOMMENDED ACTION
Staff recommends that Council authorize the use of Ford for engineering and surveying services as needed for the 2016-2017 Fiscal Year in an amount not to exceed $162,000.

FISCAL IMPACT
Funds are budgeted and available for the not-to-exceed amount of $112,000 for the known proposed projects. Any currently unknown tasks that exceed current budget amounts will be appropriately funded and proper procedures for any necessary budget adjustments will be followed prior to any work being authorized.

ATTACHMENTS
Resolution 17-R-05
Schertz Parkway Project Agreement with FEI
RESOLUTION NO. 17-R-05

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING CONTRACTS WITH FORD ENGINEERING, INC., TOTALING NO MORE THAN $162,000, FOR THE DESIGN OF THE SCHERTZ PARKWAY IMPROVEMENT PROJECT AND VARIOUS SEPARATE AND UNRELATED ENGINEERING SERVICES DURING THE 2016-2017 FISCAL YEAR AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz (the “City”) requires professional engineering and surveying services for the completion of the Schertz Parkway Improvement Project and various separate and unrelated projects; and

WHEREAS, City staff has determined that Ford Engineering, Inc., (FEI) is qualified to provide such services for the City; and

WHEREAS, FEI is an approved On-Call Engineering Firm for the City of Schertz; and

WHEREAS, the City Council authorizes City Staff to use FEI for the design of the Schertz Parkway Improvement Project and various separate and unrelated projects to be invoiced in an amount not to exceed $162,000 for the 2016-2017 Fiscal Year.

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreements with FEI in substantially the form set forth on Exhibit A. Engineering services will be provided related to projects and minor consulting tasks and total expenditures shall not exceed $162,000 for the 2016-2017 Fiscal Year.

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

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

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

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.
Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

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

PASSED AND ADOPTED, this 7th day of January, 2017

CITY OF SCHERTZ, TEXAS

__________________________
Michael R. Carpenter, Mayor

ATTEST:

__________________________
Brenda Dennis, City Secretary

(CITY SEAL)
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017

Department: City Manager

Subject: Resolution No. 17-R-08 – A Resolution by the City Council of the City of Schertz, Texas authorizing the City Manager to negotiate for the purchase of land for Fire Station 3

BACKGROUND

In early 2015, as a part of the City’s Facility Master Plan, a study was conducted to determine a costing program for Fire Station 3 and to determine the most appropriate location to provide the greatest enhancement to overall response times.

The site location analysis recommendation came from the ISO Based Fire Station Location study performed by Mr. Mike Pietsch, P.E., a sub-consultant of Facilities Master Plan consultant WHJ Architects who did the programing and costing estimates.

The ISO study identified the preferred locations of future fire stations, the probable sequence of construction, and three possible locations to be evaluated within the general location of the next station to be constructed (FS#3).

As part of the ISO study, Mr. Pietsch, P.E. evaluated three different parcels of land on a variety of factors including site layout, utility accessibility and availability, drainage and flooding issues, emergency travel routes, and options for safely entering into normal traffic.

The preferred site identified in this review would allow multiple options for site layout, had all utilities on site or across the street, no flooding concerns and allowed for emergency response vehicles to enter traffic several hundred feet before encountering F.M. 1518. In preparing for the purchase of this land, the City has obtained an appraisal to guide the overall negotiation process.

After the financing for Fire Station 3 was approved by the voters in November 2015, work began on selecting an architectural firm and a preliminary design was developed. This has been accomplished and we are prepared to move forward in acquiring the land for this new building.

Council Action

Staff is seeking authorization from the City Council to negotiate a final location and price for the location of Fire Station #3. If so authorized, Staff would send an offer letter to the property owner seeking to reach agreement on the purchase of a particular tract of land at a particular price.

If accepted by the property owner, the City would then enter a due diligence period where we would prepare an exact survey, perform an environmental phase 1 evaluation, and perform initial Geo-Tech testing of the soils in order to reach a final agreement on the purchase of the property.

Therefore, Staff is seeking to authorization to negotiate the purchase of approximately 4.5 acres land on the north side of Lower Seguin Road approximately 1,200 feet west of F.M. 1518 with a general value conforming to an appraised value for land by a certified land appraiser conforming.
to the Uniform Standards of Professional Appraisal Practice and Title XI Regulations and related standards.

Community Benefit

The construction of Fire Station 3 will improve the overall response capabilities of Schertz Fire/Rescue. This will be most notable in areas of Schertz south of F.M. 78, but this addition will improve responses all across the City.

The land we are proposing to purchase will place this new station in a location that will maximize the exposure to our citizens and will allow for safe ingress and egress for years to come.

Summary of Recommended Action

City staff recommends that City Council approve Resolution 17 – R – 08 authorizing the City Manager to enter into negotiations to purchase approximately 4.5 acres of land on the north side of Lower Seguin Road and west of F.M. 1518 as the site for Fire Station 3. Once a price has been agreed upon and due diligence is completed, staff will return to Council to approve the purchase of the actual land site.

FISCAL IMPACT

Based upon the appraisal recently completed, we anticipate the purchase price to be within the scope of the budget. These funds will come from funding identified within the TIRZ agreement or from the voter approved GO bonds for Fire Station 3.

RECOMMENDATION

Staff recommends Council approval of Resolution 17-R-08.

ATTACHMENTS

Resolution 17-R-08
RESOLUTION NO. 17-R-08

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR THE PURCHASE OF LAND FOR THE APPROPRIATE PLACEMENT OF FIRE STATION THREE.

WHEREAS, the citizens of the City of Schertz voted to approve general obligation bonds for the construction of a new fire station in the southern section of Schertz; and

WHEREAS, an ISO Based Fire Station Location study was performed by a professional engineer as a part of the City’s overall facility master plan; and

WHEREAS, the Fire Station Location study identified three preliminary locations in the vicinity of F.M. 1518 and Ray Corbett Drive as appropriate locations for fire station three; and

WHEREAS, additional review was conducted on these three preliminary locations based upon potential site layout, utility availability and accessibility, drainage and flooding concerns, emergency travel routes, and options for safely entering into normal traffic flow to rank order the three locations from most feasible to least feasible; and

WHEREAS, a parcel of land on the north side of Lower Seguin Road, approximately 1,200 feet west of F.M. 1518 was determined to be the most feasible location for the new fire station; and

WHEREAS, preliminary architectural design work has been completed and it has been determined that approximately 4.5 acres of land is necessary to accommodate the proposed site plan; and now therefore,

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

Section 1. The City Council hereby authorizes the City Manager to enter into negotiations with the property owner or their agent for the purchase of approximately 4.5 acres of land for the location of Fire Station Three with a general value conforming to an appraised value for land by a certified land appraiser conforming to the Uniform Standards of Professional Appraisal Practice and Title XI Regulations and related standards.

Section 2. City Council authorizes the City Manager to extend an offer letter to the property owner and if agreement is reached, the City would enter into a due diligence period where surveys and testing would be completed to verify the parcel of land is appropriate for the construction of a fire station.

Section 3. City Council acknowledges that once a purchase price is agreed to and all due diligence is completed, City Staff will report back to City Council for authorization to move forward with land purchase.
Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 7th day of February, 2017.

CITY OF SCHERTZ, TEXAS

Mayor, Michael R. Carpenter

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017
Department: Planning & Community Development
Subject: Ordinance No. 17-S-07 – Conduct a public hearing and consideration and/or action approving an Ordinance to rezone 611 & 615 Main Street, approximately 1 acre of land, from Single Family Residential District (R-2) to Main Street Mixed Use District (MSMU). (First Reading)

BACKGROUND

Guadalupe DelToro, the property owner, is requesting to rezone approximately 1 acre of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU). The property has a commercial building that is currently unoccupied.

The public hearing notice was published in the San Antonio Express News on January 18, 2017. Twenty (20) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on December 30, 2016, prior to the Planning & Zoning Commission meeting that took place on December 14, 2016. At the time of this report being prepared, Staff has received one (1) response in favor and zero (0) responses opposed, or neutral to the request.

Goal

Guadalupe DelToro is requesting to rezone approximately 1 acre of land located at 611 & 615 Main Street from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU).

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

The Sector Plan amendment to the Comprehensive Land Use Plan (CLUP) designates the subject property as part of Historic Downtown Schertz. The objectives for Historic Downtown Schertz are to leverage Schertz’s history and heritage to create a unique destination with local independent businesses, encouraging the use of existing buildings. The Main Street Mixed Use District (MSMU) was created to help achieve these objectives and is intended to provide a base zoning district to the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical constraints in the Main Street area.

- **Comprehensive Land Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. The proposed zone change will provide for either single family or low intensity commercial occupancy.

- **Impact on Infrastructure:** The proposed zoning request should have a minimal impact on the existing and planned water and wastewater systems.

- **Impact on Public Facilities/Services:** The proposed rezoning request should have no impact on public services, such as schools, fire, police, parks and sanitation services.

- **Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is currently surrounded by single family land uses. The Main Street Mixed-Use District (MSMU) will allow for either low intensity commercial or single-family residential uses.

The Comprehensive Land Use Plan identifies this area as Historic Downtown Schertz which is intended to leverage Schertz’s history and heritage to create a unique destination with local independent businesses, encouraging the use of existing buildings. The rezoning request appears to have a minimal impact on the public infrastructure, facilities or services and is consistent with the Comprehensive Land Use Plan and compatible with the surrounding land uses.

The applicant is proposing to rezone the property for the current Single-Family Residential District-2 (R-2) to Main Street Mixed Use District (MSMU), to allow for low intensity commercial land uses that are permitted in the Main Street Mixed Use District (MSMU).

Based on the Comprehensive Land Use Plan and surrounding land uses the Main Street Mixed Use District (MSMU) is the most appropriate zoning district for this tract of land. Staff recommends approval of the rezoning application as submitted.

**FISCAL IMPACT**

None
RECOMMENDATION

The Planning and Zoning Commission conducted the public hearing on January 11, 2017 and offered a recommendation of approval by a unanimous vote.

Staff recommends approval of the rezoning request based on compatibility with the adjacent land uses and compliance with the Comprehensive Land Plan.

ATTACHMENT

Ordinance No. 17-S-07
P&Z Staff Report
ORDINANCE NO. 17-S-07

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 1 ACRE OF LAND FROM SINGLE-FAMILY RESIDENTIAL DISTRICT, (R-2) TO MAIN STREET MIXED USE DISTRICT (MSMU).

WHEREAS, an application to rezone approximately 1 acre of land generally located 290 feet northeast of the intersection of Main Street and Randolph Ave, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

WHEREAS, on January 11, 2017, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning; and

WHEREAS, on February 07, 2017 the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS: THAT:

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned Main Street Mixed Use District (MSMU).

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

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

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

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

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

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

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

Approved on first reading the 7th day of February, 2017.

PASSED, APPROVED AND ADOPTED on final reading the 14th day of February, 2017.

____________________________________
Michael R. Carpenter, Mayor

ATTEST:

________________________________
Brenda Dennis, City Secretary
(SEAL OF THE CITY)
Exhibit A

"The Property"

A certain tract of land situated in Guadalupe County, Texas, which is more fully described as follows:

BEGINNING at an iron pin set on the new north right-of-way line of Main Street, said point also being the present southwest corner of the Willie E. Ebert tract as recorded in Volume 191, Page 501, Deed Records of Guadalupe County, Texas;

THENCE South 60° 00' West along the new north right-of-way line of Main Street, a distance of 95.00 feet to an iron pin set for the southwest corner of this tract;

THENCE North 30° 19' West along the east line of the Mrs. Dora Rhodes tract as recorded in Volume 211, Page 360, Deed Records of Guadalupe County, Texas, a distance of 116.00 feet to an iron pin set for the northwest corner of this tract;

THENCE North 60° 00' East a distance of 95.00 feet to an iron pin set for the northeast corner of this tract;

THENCE South 30° 19' East along the west line of the above mentioned Willie Ebert tract, a distance of 116.53 feet to the Point Of Beginning and containing 11,070.18 square feet of land.
Exhibit B
“The Property”
TO: Planning and Zoning Commission

PREPARED BY: Emily Grobe, Planner

CASE: ZC2016-014 – 611 & 615 Main Street - Zoning

SUBJECT: Hold a public hearing, consider and make a recommendation to City Council on a request to rezone 611 & 615 Main Street, approximately 1 acre of land, from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU).

GENERAL INFORMATION:
Owner/Applicant: Guadalupe DelToro

APPLICATION SUBMITTAL DATE: December 13, 2016 (Original Application)

PUBLIC NOTICE: Twenty (20) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on December 30, 2016 with a public hearing notice to be published in “San Antonio Express” and the “Herald” prior to the City Council public hearing. At the time of this staff report zero (0) response in favor or opposed have been received.

ITEM SUMMARY: The applicant is proposing to rezone approximately 1 acre of land from Single-Family Residential District-2 (R-2) to Main Street Mixed Use District (MSMU). The property is located at 815 Main Street. The site has an office building that is currently unoccupied.

LAND USES AND ZONING:

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential District - 2 (R-2)</td>
<td>Main Street Mixed Use District (MSMU)</td>
<td>Vacant</td>
</tr>
</tbody>
</table>

Adjacent Properties:

<table>
<thead>
<tr>
<th>North Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential District - 2 (R-2)</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>South Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way</td>
<td>Main Street</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>East Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential District - 2 (R-2)</td>
<td>Single Family</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family Residential District - 2 (R-2)</td>
<td>Single Family</td>
</tr>
</tbody>
</table>
GENERAL LOCATION AND SITE DESCRIPTION: The subject property is generally located 290 feet northeast of the intersection of Main Street and Randolph Ave. The site is currently designed to be used as an office building, but is unoccupied.

PROPOSED ZONING: The request is to rezone approximately 1 acre of land from Single-Family Residential District (R-2) to Main Street Mixed Use District (MSMU) in order to allow a commercial use.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Sector Plan amendment to the Comprehensive Land Use Plan (CLUP) designates the subject property as part of Historic Downtown Schertz. The objectives for Historic Downtown Schertz are to leverage Schertz’s history and heritage to create a unique destination with local independent businesses, encouraging the use of existing buildings. The Main Street Mixed-Use District (MSMU) was created to help achieve these objectives. The Main Street Mixed-Use District (MSMU) is intended to provide a base zoning district to the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical constraints.

- Comprehensive Plan Goals and Objectives: The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zone change will provide for either single family or low intensity commercial occupancy.

- Impact of Infrastructure: The proposed rezoning request should have a minimal impact on the existing water and wastewater systems.

- Impact of Public Facilities/Services: The proposed rezoning request will have a no impact on public services, such as schools, fire, police, parks and sanitation services.

- Compatibility with Existing and Potential Adjacent Land Uses: The subject property is currently surrounded by single family land uses. The Main Street Mixed-Use District (MSMU) will allow for either low intensity commercial or single-family residential.

STAFF ANALYSIS AND RECOMMENDATION: The Comprehensive Land Use Plan identifies this area as Historic Downtown Schertz which is intended to leverage Schertz’s history and heritage to create a unique destination with local independent businesses, encouraging the use of existing buildings. The rezoning request appears to have a minimal impact on the public infrastructure, facilities or services and is consistent with the Comprehensive Land Use Plan and compatible with the surrounding land uses.

The applicant is proposing to rezone the property for the current single-Family Residential District-2 (R-2) to Main Street Mixed Use District (MSMU), to allow for low intensity commercial land uses that are permitted in the Main Street Mixed Use District (MSMU).

Based on the Comprehensive Land Use Plan and surrounding land uses the Main Street Mixed Use District (MSMU) is the most appropriate zoning district for this tract of land. Staff recommends approval of the rezoning application as submitted.
**Planning Department Recommendation**

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* While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:** The Planning and Zoning Commission is making a recommendation to City Council on the propose zoning application. In considering action on a zoning application, the Commission should consider the criteria within UDC, Section 21.5.4 D.

**Attachments:**
Public Hearing Notice Map
Exhibit
Property Survey
Proposed Zoning Changes

611/615 Main Street

ABS: 221 SUR: G MALPAZ 0.2540 AC.
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017
Department: Planning & Community Development
Subject: Ordinance No. 17-A-08 – Consideration and/or action approving an Ordinance regarding the annexation of approximately 63 acres of land, located about 600 feet north of I-10 at 7424 Trainer Hale Road, Bexar County, Texas. (First Reading)

BACKGROUND

Annexation is the act of incorporating land into the City. Annexation of land into the City’s corporate limits may be voluntary or involuntary. Each type has Local Government Code requirements that identifies the necessary process based on the annexation type. The City’s Unified Development Code (UDC) Section 21.4.8 includes provisions that apply to requests for voluntary annexation meeting certain criteria.

Cibolo Creek Municipal Authority (CCMA) submitted a petition for voluntary annexation to the City of Schertz for an approximate 63 acre tract of land. The subject property is located approximately 600 feet north of I-10 and is located in Bexar County Texas, at 7424 Trainer Hale Road. Currently, the subject property is in the Extraterritorial Jurisdiction (ETJ) of the City of Schertz and within the Schertz-Cibolo-Universal Independent School District boundaries.

City Council accepted CCMA’s petition for voluntary annexation of the subject site and adopted Resolution 16-R-92 on December 13, 2016, which initiated the process to annex and zone the property. A separate zoning request is being processed concurrent with this proposed annexation case.

CCMA is planning on constructing a waste water treatment plant on the subject property. In 2014, CCMA requested annexation of approximately 69 acres of land located immediately north of the subject property. The City annexed the property in 2015 by Ordinance 15-A-01 and zoned the site Public Use District. CCMA intends to use the approximate 69 acre site as a natural buffer.

Goal

Cibolo Creek Municipal Authority petitioned for voluntary annexation into the City of Schertz because of their desire to be located within the Schertz city limits.
**Community Benefit**

Promote the safe, orderly, efficient development and ensure compliance with the City’s vision of future growth.

**Summary of Recommended Action**

Staff recommends approval of Ordinance 17-A-08 to annex the approximate 63 acre site.

**FISCAL IMPACT**

In accordance with Texas Local Government Code (LGC) Chapter 43 the City must provide services to the land on the effective date of the annexation. While some services are provided to the subject property through interlocal agreement the City of Schertz must provide police protection, fire protection, emergency medical services, operation and maintenance of streets, solid waste collection and sewer service. Water service is provided by Green Valley Special Utility District.

**RECOMMENDATION**

Staff recommends approval of Ordinance 17-A-08 annexing the subject site into the City corporate limits.

**ATTACHMENT**

Annexation Exhibit
Ordinance 17-A-08
ORD 17-A-08
Proposed Annexation
CCMA
CB 5193 P-20 ABS 5

62.94 AC

Annexation
ORDINANCE NO. 17-A-08

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 63 ACRES LOCATED ON TRAINER HALE ROAD, APPROXIMATELY 600 FEET NORTH OF 1-10, BEXAR COUNTY, TEXAS.

WHEREAS, the City Council of the City of Schertz (the “City”) has determined that it should annex the territory described on Exhibit A attached hereto and made a part hereof (the “Annexed Land”); and

WHEREAS, the Annexed Land is located entirely within the extraterritorial jurisdiction of the City, is contiguous to the corporate boundaries of the City (or is deemed to be contiguous, pursuant to Section 43.035(c) of the Texas Local Government Code, as amended), and may be annexed pursuant to Chapter 43 of the Texas Local Government Code, as amended; and

WHEREAS, Texas Local Government Code Section 43.028 authorizes the City of Schertz to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries upon petition of a landowner; and

WHEREAS, a public hearing notice was published in the Daily Commercial Recorder on December 9, 2016; and

WHEREAS, on December 13, 2016 the City Council conducted a public hearing and after considering the request for voluntary annexation, adopted Resolution 16-R-92 accepting a petition for voluntary annexation; and

WHEREAS; the City Council finds that the Annexed Land is suitable for municipal purposes and it is in the best interest of the City and the citizens and inhabitants thereof that the Annexed Land be annexed to and made a part of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS

THAT:

Section 1. The City hereby annexes the Land described in Exhibit A.

Section 2. The Annexed Land shall be included within the City’s corporate limits effective on the effective date of this Ordinance, and all taxable property in the Annexed Land shall hereafter bear its pro rata part of the taxes levied by the City, subject to allowable exemptions.

Section 3. The inhabitants of the Annexed Land shall be entitled to all of the rights and privileges of all the citizens of the City and be bound by the acts, ordinances, resolutions, and regulations of the City.
Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 5. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 6. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 9. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 10. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 7th day of January, 2017.

PASSED, APPROVED AND ADOPTED on final reading the 14th day of January, 2017.

____________________________________
Michael R. Carpenter, Mayor

ATTEST:

________________________________
Brenda Dennis, City Secretary
EXHIBIT A

D. A. MAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
62.940 ACRE TRACT OF LAND

Being 62,940 acres of land out of the E. Gortari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County, Texas, and being all of a 62.139 acre tract of land described in Volume 8434, Page 1819 of the Official Public Records of Real Property of Bexar County, Texas, and said 62.940 acres of land being more particularly described as follows:

BEGINNING at a ½" iron pin found on the Northeast right-of-way line of Trainer Hale Road, a Southwesterly corner of a 69.106 acre tract of land as described in Volume 6160, Page 1686 of the Official Public Records of Real Property of Bexar County, Texas, and being the most Westerly corner of this herein described 62.940 acre tract of land;

THENCE departing the Northeast right-of-way line of said Trainer Hale Road and with the Southeast line of said 69.106 acre tract of land, N 59° 47' 58" E distance of 3090.45 feet to a ½" iron pin found on line for a reference point, a total distance of 3239.04 feet to the center of Cibolo Creek for the East corner of said 69.106 acre tract of land and being the Northerly corner of this herein described 62.940 acre tract of land;

THENCE with the meanders of Cibolo Creek the following calls and distances:

S 16° 43' 50" E a distance of 385.56 feet to a point;

S 47° 04' 33" E a distance of 140.10 feet to a point;

and S 59° 31' 14" E a distance of 424.41 feet to point for the most Northerly corner of a 54.72 acre tract of land as described in Volume 3357, Page 401 of the Official Public Records of Real Property of Bexar County, the Easterly corner of this herein described 62.940 acre tract of land;

THENCE departing the center line of Cibolo Creek, and with a fence along the Northwesterly line of said 54.72 acre tract of land, S 62° 57' 00" W a distance of 240.92 feet to a ½" iron pin found for a corner of said 54.72 acre tract of land, and a corner of this herein described 62.940 acre tract of land;

THENCE with the Northwesterly line of said 54.72 acre tract of land, the following calls and distances:

S 59° 48' 53" W a distance of 669.73 feet to a ½" iron pin with cap stamped "DAM #5348 PROP. COR." set for a corner;

and S 59° 55' 16" W a distance of 2362.65 feet to a ½" iron pin found on the Northeast right-of-way line of said Trainer Hale Road, a Westerly corner of said 54.72 acre tract of land and being the Southwest corner of this herein described 62.940 acre tract of land;
THENCE with the Northeast right-of-way line of Trainer Hale Road, the following calls:

N 42° 13' 33" W a distance of 108.20 feet to a ½" iron pin found for a corner and beginning of a curve to the curve to the right;

With said curve to the right, having a Radius of 2315.23 feet, an Arc Length of 199.88 feet, a Delta Angle of 04° 56' 47", and a Chord bearing and distance of N 39° 50' 53" W, 199.82 feet to a corner;

and N 37° 22' 29" W a distance of 561.79 feet to the POINT OF BEGINNING and containing 62.940 acres of land, more or less;

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

Surveyed on the ground this the 12th day of May, 2014.

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191200

Ordinance 17-A-08
CITY COUNCIL MEMORANDUM

City Council Meeting: January 7, 2017
Department: Planning & Community Development
Subject: Ordinance No. 17-S-09 – Conduct a public hearing and consideration and/or action approving an Ordinance to zone approximately 63 acres of land to Public Use District (PUB), located about 600 feet north of I-10 at 7424 Trainer Hale Road, Bexar County, Texas. (First Reading)

BACKGROUND

The applicant is requesting to zone approximately 63 acres of land located at 7424 Trainer Hale Road approximately 600 feet north of Interstate 10 to Public Use District (PUB). Public Use District (PUB) is intended to identify and provide for land owned or may be owned by the City, County, State or Federal Government or the School District; land that has been dedicated to the City for public use such as parks and recreation, and land designated and dedicated to the City as a greenbelt.

The subject property is currently located in the Extra Territorial Jurisdiction (ETJ) of the City of Schertz and is owned by Cibolo Creek Municipal Authority who has indicated their desire to voluntary annex the property and develop a municipal wastewater treatment plant at this location.

The public hearing notice was published in The San Antonio Express News on January 18, 2017. Six (6) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on December 30, 2016. At the time of this report being prepared, staff has not received any responses.

Goal

Cibolo Creek Municipal Authority is requesting to rezone the approximate 63 acre tract of land to Public Use District (PUB).

Community Benefit

Promote safe, orderly, efficient development and ensure compliance with the City’s vision of future growth.
Summary of Recommended Action

Staff reviewed the request for conformance with the Comprehensive Land Use Plan. The Plan designates the subject property for Agricultural Residential which is intended to preserve the rural/agriculture state to include large lot residential and some related commercial uses permitted such as: landscaping business, metal workshop, farmers market, convenience store, etc.

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zone change supports the goal to ensure adequate development of public facilities as well as upgrade public facilities and services in order to meet the challenges of growth.

- **Impact of Infrastructure:** The proposed zone change will have a large impact on the wastewater infrastructure system by providing additional capacity for community growth.

- **Impact of Public Facilities/Services:** The proposed rezoning request should have minimal impact on public services, such as schools, fire, police, parks and sanitation services.

- **Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is currently surrounded by undeveloped land, single family residential and agriculture uses which is currently consistent with the Comprehensive Land Use Plan.

The zoning request has been reviewed by staff and determined to be in general conformance with the Comprehensive Land Use Plan, particularly due to the proposed construction of a waste water treatment facility that will ensure quality of life and improve service for our growing community.

**FISCAL IMPACT**

None

**RECOMMENDATION**

The Planning and Zoning Commission conducted the public hearing on January 11, 2017 and offered a recommendation of approval with a 5-0 vote and one abstention.

Staff recommends approval of Ordinance 17-S-09 to zone the subject property to Public Use District (PUB).

**ATTACHMENT**

Ordinance No. 17-S-09
P&Z Staff Report
ORDINANCE NO. 17-S-09

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS
AMENDING THE OFFICIAL ZONING MAP BY ZONING APPROXIMATELY 63
ACRES OF LAND TO PUBLIC USE DISTRICT (PUB).

WHEREAS, an application to zone approximately 63 acres of land described in the Exhibit A
and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

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

WHEREAS, on January 11, 2017, the Planning and Zoning Commission conducted a public
hearing and, after considering the Criteria, made a recommendation to City Council to approve
the requested rezoning; and

WHEREAS, on February 07, 2017 the City Council conducted a public hearing and after
considering the Criteria and recommendation by the Planning and Zoning Commission,
determined that the requested zoning be approved as provided for herein.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:

    Section 1. The Property as shown and more particularly described in the attached Exhibit
A and Exhibit B, is hereby zoned Public Use District (PUB).

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

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

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

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

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

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

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

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

Approved on first reading the 7th day of February, 2017.

PASSED, APPROVED AND ADOPTED on final reading the 14th day of February, 2017.

---------------------------------------------
Michael R. Carpenter, Mayor

ATTEST:

________________________________________
Brenda Dennis, City Secretary
(SEAL OF THE CITY)
Exhibit A

"The Property"

DAMAWYER
LAND SURVEYING

METES AND BOUNDS DESCRIPTION
FOR A
62.940 ACRE TRACT OF LAND

Being 62.940 acres of land out of the E. Gortari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County, Texas, and being all of a 62.139 acre tract of land described in Volume 8434, Page 1819 of the Official Public Records of Real Property of Bexar County, Texas, and said 62.940 acres of land being more particularly described as follows:

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THENCE departing the Northeast right-of-way line of said Trainer Hale Road and with the Southeast line of said 69.106 acre tract of land, N 59° 47' 58" E distance of 3090.45 feet to a ½” iron pin found on line for a reference point, a total distance of 3239.04 feet to the center of Cibolo Creek for the East corner of said 69.106 acre tract of land and being the Northerly corner of this herein described 62.940 acre tract of land;

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THENCE departing the center line of Cibolo Creek, and with a fence along the Northwesterly line of said 54.72 acre tract of land, S 62° 57’ 00" W a distance of 240.92 feet to a ½” iron pin found for a corner of said 54.72 acre tract of land, and a corner of this herein described 62.940 acre tract of land;

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and N 37° 22’ 29” W a distance of 561.79 feet to the POINT OF BEGINNING and containing 62.940 acres of land, more or less;

Bearings based on the Texas State Plane Coordinate System, Texas South Central Zone (4204), N.A.D 1983.

Surveyed on the ground this the 12th day of May, 2014.

[Signature]

Drew A. Mawyer
Registered Professional Land Surveyor No. 5348
TBPLS Firm Registration #10191300

[Stamp]
Proposed Zoning Change

ORD 17-S-09
CIBOLO CREEK MUNICIPAL AUTHORITY
CB 5193 P-20 ABS 5
TO: Planning and Zoning Commission

PREPARED BY: Channary Gould, Planner I

CASE: ZC2016-008 CCMA South Schertz Plant - Zoning

SUBJECT: Hold a public hearing, consider and make a recommendation on a request to zone approximately 63 acres of land to Public Use District (PUB). The property is more specifically described as a portion of the E. Gotari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County Texas; located at 7424 Trainer Hale Road.

GENERAL INFORMATION:
Owner/Applicant: Cibolo Creek Municipal Authority, Clint Ellis

APPLICATION SUBMITTAL DATE: June 29, 2016 (Original Application)

PUBLIC NOTICE: Six (6) public hearing notices were mailed to surrounding property owners on December 30, 2016 with a public hearing notice to be published in “San Antonio Express” and the “Herald” prior to the City Council public hearing. At the time of this staff report no responses have been received.

ITEM SUMMARY: The applicant is requesting to zone approximately 63 acres of land located at 7424 Trainer Hale Road, about 600 feet north of Interstate 10 to Public Use District (PUB). The subject property is currently located in the Extra Territorial Jurisdiction (ETJ) of the City of Schertz and is owned by Cibolo Creek Municipal Authority who has petitioned for voluntary annexation of the property in order to develop a municipal wastewater treatment plant at this location. On December 13, 2016, City Council adopted Resolution 16-R-92 accepting Cibolo Creek Municipal Authority’s petition for voluntary annexation.

LAND USES AND ZONING:

Subject Property:

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<th>Existing</th>
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<th>Land Use</th>
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<th>Proposed</th>
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<th>Land Use</th>
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<td>Public Use District (PUB)</td>
<td>Municipal Wastewater Treatment Plant</td>
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Adjacent Properties:

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<th>Land Use</th>
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<td>Vacant / Agriculture</td>
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<th>South</th>
<th>Pre-Development (PRE)</th>
<th>Vacant / Agriculture</th>
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<tr>
<td>East</td>
<td>Cibolo Creek – City of Cibolo</td>
<td>Agriculture</td>
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Zoning | Land Use
--- | ---
West | Predevelopment District (PRE) | Rehabilitation Center

**PLATTING STATUS:** The subject property is currently unplatted.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The Comprehensive Land Use Plan designates the subject property as Agricultural Residential which is defined in the Comprehensive Land Plan as intended to preserve the rural/agriculture state to include large lot residential and some related commercial uses permitted such as: landscaping business, metal workshop, farmers market, convenience store, etc.

- **Comprehensive Plan Goals and Objectives:** The proposed rezoning request is generally in conformance with the goals and objectives of the Comprehensive Plan. In particular, the proposed zone change supports the goal to ensure adequate development of public facilities as well as upgrade public facilities and services in order to meet the challenges of growth.

- **Impact of Infrastructure:** The proposed zone change will have a large impact on the wastewater infrastructure system by providing additional capacity for community growth.

- **Impact of Public Facilities/Services:** The proposed rezoning request should have minimal impact on public services, such as schools, fire, police, parks and sanitation services.

- **Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is currently surrounded by predominantly undeveloped land and agriculture uses which is consistent with the Comprehensive Land Use Plan.

**STAFF ANALYSIS AND RECOMMENDATION:** The Comprehensive Land Use Plan identifies this area as Agricultural Residential to provide for large acre lots and includes ancillary uses to the neighborhood. This zone change recommendation will be presented in conjunction with a voluntary annexation request. Staff recommends approval.

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</tbody>
</table>

*While the Commission can impose conditions; conditions should only be imposed to meet requirements of the UDC.

**COMMISSIONERS CRITERIA FOR CONSIDERATION:** The Planning and Zoning Commission is making a recommendation to City Council on the propose zoning application. In considering action on a zoning application, the Commission should consider the criteria within UDC, Section 21.5.4 D.

**Attachments:**
- 200-Foot Notice Map
- Zoning Exhibit
CITY COUNCIL MEMORANDUM

City Council Meeting: February 7, 2017
Department: Planning & Community Development
Subject: Ordinance 17-S-01 – Status update for the proposed amendment to the Crossvine PDD.

BACKGROUND

On January 10, 2017 City Council conducted a public hearing and approved the first reading for Ordinance 17-S-01 to amend the Crossvine PDD in order to incorporate a new Garden Home configuration in Module IIA, along with new street cross-sections and other associated development standards. At this meeting, City Council requested that staff provide more information about how the new garden home configuration compares to the previously approved garden home configurations. City Council also requested more information related to the overall concerns raised by residents, particularly the subject areas of lighting, sewer capacity, status of Heritage Oaks Park, and Fire Department’s review of the proposed PDD Amendment.

City Council requested to hold a workshop and conduct a public hearing at the January 24, 2017 meeting. During the January 24th meeting, City staff members gave presentations to provide City Council information about street lights in the Sedona and Crossvine communities, latest updates on Heritage Oaks Park, progress on the second package treatment plant, drainage conditions around the Sedona and Crossvine communities, and more specific information about garden home configurations associated with the Crossvine PDD.

Since the January 24, 2017 meeting, staff has met with and coordinated with the applicant to discuss revisions to the Crossvine PDD 3rd Amendment document. City staff and the applicant are still in the process of making revisions to the 3rd Amendment PDD document to ensure that all parties’ concerns are adequately addressed, particularly related to building separation standards and Fire Code compliance.

The applicant has requested that Council schedule the item for consideration at the February 28, 2017 City Council meeting.

FISCAL IMPACT

NONE

RECOMMENDATION

No action required at this time.
CITY COUNCIL MEMORANDUM

City Council Meeting:    February 7, 2017
Department:      Mayor/Council
Subject:               Mayor Pro-Tem Appointment

BACKGROUND

The City Council held a Regular meeting on January 24, 2017 and discussed the appointment procedures for the Mayor Pro-Tem as written in the City Council Rules of Conduct and Procedure. Members of Council voted to appoint Cedric Edwards as Mayor Pro-Tem for the period beginning February 7, 2017 ending February 1, 2018.

FISCAL IMPACT

None

RECOMMENDATION

Mayor Carpenter to provide Oath Of Office.

ATTACHMENTS

Oath of Office
In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Cedric Edwards, do solemnly swear (or affirm), that I will faithfully execute the duties of Mayor Pro-Tem for the City of Schertz, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

___________________________________
Affiant

SWORN TO and subscribed before me by affiant on the 7th day of February 2017.

____________________________________
Signature of Person Administering Oath

(Seal)

Printed Name

___________________________________
Title

Form #2204
WHEREAS, February 9, 2017 marks the 68th Anniversary of the San Antonio Stock Show & Rodeo – San Antonio’s largest single event; and

WHEREAS, The San Antonio Livestock Exposition, Inc. is a volunteer organization that emphasizes agriculture and education to develop the youth of Texas; and

WHEREAS, Since inception of the San Antonio Livestock Exposition, Inc. scholarship program, $171.4 million has been committed to the youth of Texas in the form of scholarships, grants, endowments, auctions, calf scramble programs and show premiums with $11.3 million committed in 2016; and

WHEREAS, Over 7,500 Texas youth have been given college educational opportunities because of the San Antonio Stock Show & Rodeo Scholarship Fund; and

WHEREAS, The San Antonio Stock Show and Rodeo has been recognized by the Professional Rodeo Cowboys Association as the “Best Large Indoor Rodeo of the Year” for the past twelve consecutive years; and

WHEREAS, during the 2016 event, over Two Million visitors attended the SA Stock Show & Rodeo; and

WHEREAS, The lifeblood of the organization are the over 6,000 dedicated volunteers and its corporate partners and patrons who understand the importance of agriculture and value quality family entertainment.

NOW, THEREFORE, BE IT RESOLVED that the City of Schertz through its Mayor, Michael R. Carpenter, and the City Council, hereby recognizes and proclaims February 9-26, 2017 as ‘Official Rodeo Season” and February 9, 2017 as ‘Official dress Western San Antonio Day” and we call upon the people of the City of Schertz to join us in supporting the activities and mission of the San Antonio Stock Show & Rodeo to support the youth of Texas, education and agriculture.

IN WITNESS WHEREOF, I hereunto set my hand and caused the seal of Schertz to be affixed this 7th day of February, 2017.

Mayor Michael R. Carpenter