



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**January 5, 2021**

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

**CITY OF SCHERTZ CORE VALUES**

**Do the right thing**  
**Do the best you can**  
**Treat others the way you want to be treated**  
**Work cooperatively as a team**

**AGENDA**  
**TUESDAY, JANUARY 5, 2021 at 6:00 p.m.**

**Overflow seating available at the Civic Center, Conference Hall, Building #5**

**City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, January 5, 2021, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.**

**Call to Order**

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

**City Events and Announcements**

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

**Hearing of Residents**

**Residents who choose to watch the meeting via live stream, but who would like to participate in Residents to be Heard, should email their comments to City Secretary, Brenda Dennis, at [bdennis@schertz.com](mailto:bdennis@schertz.com) by 5:00 p.m. on Monday, January 4, 2021, SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number, agenda item # if applicable or subject of**

## discussion, and your comments.

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

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

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

## Consent Agenda Items

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

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of December 08, 2020 and the Special Workshop Session meeting of December 09, 2020. (B. Dennis)
2. **Resolution No. 21-R-01** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)
3. **Ordinance No. 21-M-02** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas reaffirming the Council Code of Ethics, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. (***First & Final***) (Mayor/Council)

## Discussion and Action Items:

4. **Boards, Commissions and Committees Appointments/Reappointments/Resignations** - Consideration and/or action approving the resignation of Mr. Bob Cantu from the Reinvestment Zone Number Two (TIRZ) Board of Directors, reappointing Mr. Michael Dahle and Mr. Gary Inmon, and filling the current vacancy. (Mayor/Council)

## Public Hearings

5. **Resolution No. 21-R-03-** Conduct a public hearing, consideration and/or action approving a Resolution accepting a petition for voluntary annexation of approximately 142 acres of land located generally 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas. (B. James/ L. Wood/ E. Delgado)
6. **Ordinance No. 21-S-01 -** Conduct a public hearing, consideration, and/or action approving a request to rezone approximately 10.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located southeast of the intersection between Hallie Chase and Hallie Loop, more specifically described as Hallie's Cove Subdivision Units 4A and 4B, City of Schertz, Bexar County, Texas. ***First Reading*** (B. James/L. Wood/N. Kopyay)

### Workshop

7. **Chapter 30 Fire Prevention and Protection -** Workshop discussion related to the updated Schertz Code of Ordinances, Chapter 30 Fire Prevention Code, and local amendments related to adopting the International Fire Code, 2018 Edition. (M. Browne/J. Kelm/K. Long)
8. **Workshop Discussion and Update (Ordinance 20-H-18) -** Discussion and update regarding the COVID-19 virus and our current Ordinance No. 20-H-18 Declaration of Local Disaster. (M. Browne/K. Long/S. Hall)

### Roll Call Vote Confirmation

### Closed Session

9. City Council will meet in closed session under section 551.074 of the Texas Government Code, Personnel Matters, to conduct the annual evaluation of the City Secretary, Brenda Dennis.
10. City Council will meet in closed session under Section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations, Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.
  - Project E-064

### Reconvene into Regular Session

- 9a. Take any action based on discussions held in closed session under Agenda Item 9.
- 10a. Take any action based on discussions held in closed session under Agenda Item 10.

## Roll Call Vote Confirmation

### Requests and Announcements

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.
- 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

### 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 31st DAY OF DECEMBER 2020 AT 12:45 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

**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 \_\_\_\_\_, 2021. TITLE: \_\_\_\_\_**

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

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

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



**Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.**

**COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS**

<b>Mayor Gutierrez</b> Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Scagliola – Place 5</b> Cibolo Valley Local Government Corporation - Alternate Hal Baldwin Scholarship Committee Interview Committee for Boards and Commissions - Alternate Schertz-Seguin Local Government Corporation
<b>Councilmember Davis– Place 1</b> Interview Committee for Boards and Commissions Main Street Committee - Chair Schertz Housing Authority Board TIRZ II Board	<b>Councilmember Scott – Place 2</b> Interview Committee for Boards and Commissions Schertz Animal Services Advisory Commission
<b>Councilmember Jill Whittaker – Place 3</b> Audit Committee	<b>Councilmember Dahle – Place 4</b> Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions TIRZ II Board
<b>Councilmember Heyward – Place 6</b> Audit Committee Investment Advisory Committee	<b>Councilmember Brown – Place 7</b> Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** January 5, 2021  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the regular meeting of December 08, 2020 and the Special Workshop Session meeting of December 09, 2020. (B. Dennis)

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**BACKGROUND**

The City Council held a Regular City Council meeting on December 8, 2020 and a Special Workshop Session on December 9, 2020.

**RECOMMENDATION**

Recommend Approval.

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**Attachments**

12-08-2020 Draft Minutes  
12-09-2020 Draft Minutes

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# DRAFT

## MINUTES REGULAR MEETING December 8, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on December 8, 2020, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Rosemary Scott; Councilmember Mark Davis; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City     City Manager Dr. Mark Browne; Assistant City Manager Brian James;  
Staff:   Assistant City Manager Charles Kelm; City Attorney Daniel Santee; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez; Deputy City Secretary Gayle Wilkinson

### **Call to Order**

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

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

Councilmember Heyward provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and the State of Texas.

### **Presentations**

Employee Recognition Service Pins

City Manager Dr. Mark Browne recognized and presented the following with their years of service pins.

- 30 year Service Pin awarded to Eber Busch - (M. Browne)
- 30 Year Service Pin awarded to Matt Troncoso - (M. Browne)
- 20 year Service Pin awarded to Bryan Timmons - (M. Browne)
- 20 year Service Pin awarded (virtually) Martha Amescua - (M. Browne)

## Employee Recognition

*Each Department Head introduced their new employees.*

- Animal Services - Rosa Lopez Animal Services Technician. (M. Browne/C. Kelm/G. Dispain)
- Engineering - Eric Schulze, Jennifer Shortness Engineers. (M. Browne/B. James/K. Woodlee)
- Inspections - Beth Morris, Ilyssa Velasquez Permit Technicians. (M. Browne/B. James/L. Wood)
- Parks - Larry May, Park Maintenance Technician. (M. Browne/B. James/J. Montney)
- Police Department - Danny Vincent, Ayleen Almanza Police Officers. (M. Browne/C. Kelm/M. Hansen)
- Public Works Fleet - Jeffery Dempsey Fleet Mechanic. (M. Browne/C. Kelm/S. Williams/C. Hernandez)
- Public Works Wastewater - Stephen Mayfield Wastewater Manager. (M. Browne/C. Kelm/S. Williams/D. Letbetter)
- Utility Billing - Anna Miranda Utility Billing Clerk. (M. Browne/B. James/J. Walters/R. Rosales)

## City Events and Announcements

- Announcements of upcoming City Events (B. James/C. Kelm/S. Gonzalez)

Ms. Gonzalez provided the following information:

### **Wednesday, December 9th**

City Council Special Workshop

6:00 PM

Civic Center Bluebonnet Hall

Workshop to address concerns regarding the chip seal project completed as part of the 2018 SPAM program.

### **Tuesday, December 22nd**

City Council Meeting Cancelled

### **Thursday, December 24th and Friday, December 25th**

City Offices Closed for Christmas Eve and Christmas Day

### **Thursday, December 31st**

New Year's Eve Maskerade

8:00 PM

Pickrell Park

Much like this year, this event will be like one you've never seen! Instead of the

traditional eye masks, put on your nicest face mask and join us in welcoming the new year with a 2020 twist on a classic Masquerade Ball! Join us for the New Year's Eve Maskerade on Thursday, December 31 at Pickrell Park beginning at 8:00 PM. There will be live music, food vendors, and a mask contest. We can't wait to ring in the new year with you!

### **Friday, January 1st**

City Offices Closed for New Year's Day

### **Tuesday, January 5th**

First regular Council Meeting of 2021

6:00 PM

Council Chambers

- Announcements and recognitions by the City Manager (M. Browne) **None were provided.**
- Announcements and recognitions by the Mayor (R. Gutierrez) **None were provided.**

### **Hearing of Residents**

**Residents who choose to watch the meeting via live stream, but who would like to participate in Residents to be Heard, should email their comments to City Secretary, Brenda Dennis, at [bdennis@schertz.com](mailto:bdennis@schertz.com) by 5:00 p.m. on Monday, December 7, 2020, SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number, agenda item # if applicable or subject of discussion, and your comments.**

*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.*

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*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.*

Mayor Gutierrez recognized the following who spoke regarding:

- Ms. Diana Taylor, 5505 Columbia Drive - who spoke regarding she has had no follow-up regarding her drainage problems, speed bumps, asked what the city is going to do about the young man and police brutality, and what is the city going to do about Martinez. She stated that racism is in Schertz.

The following spoke regarding the Zakee Rayford incident, police accountability, police policies:

- Ms. Myra Dumapias - no address given. Mayor Gutierrez asked Ms. Dumapias to state her name and address for the record, there was a conflict between Ms. Dumapias and the Mayor as to why her address needed to be given. Mayor Gutierrez indicated it was based on their rules of procedure. She provided it very quickly and the Mayor asked her to slow down due to not being able to capture what address she gave for the record. Further conflict arose between Ms. Dumapias as she wanted to see the exact law where she has to give her address. The Mayor stated that giving her address was part of the rules and procedures. Ms. Dumapias stated she didn't feel safe giving her address because what she is about to address has to do with police brutality. Mayor asked please if she would like to speak to provide the address. Ms. Dumapias indicated that she did not feel safe. As she did not repeat her address the Mayor asked if she would please take a seat. Conflict between Ms. Dumapias and the Mayor continued until the Mayor asked that the microphone be turned off. The Mayor asked Ms. Dumapias to take a seat. Ms. Dumapias turned toward the crowd and continued trying to tell those what facts she had in a very loud voice. The Mayor asked for the next person, Ms. Josey Garcia to come forward.
- Ms. Josey Garcia - Mayor stated that Ms. Garcia did not list an address on the list and to please state her name and address. She stated as a community advocate she does not feel safe to put her physical home address, as that might put her life in jeopardy while they are begging for the lives of others. Ms. Garcia got very loud stating the community is crying and begging. Mayor stated that they want to hear from her and want her input, but that we do need her name and address.

Mayor stated "ladies and gentlemen we're trying to be respectful here, we are trying to get the meeting going as planned. The name and address are part of their rules of procedure, if you refuse to provide your name and address, then we are going to refuse to allow you to speak. Believe him, he wants to hear from you, Council wants to hear your input, but we do need your name and address." Ms. Garcia became very loud, Mayor continued stating that he will not allow them to use our City Council as part of your platform." Ms. Garcia stated that there is no platform, Mayor stated that it certainly appears to be that - reference their platform. Mayor stated "that you can step up to the mic and provide your name and address, and we will be glad to hear from you/them."

- Ms. Jolene Garcia, (the guest of Marie Bond) - 1013 Keanna Place - Ms Garcia

made a plea to Mayor Gutierrez and Council to contact Mr. Kevin Rayford and Zekee Rayford. She pleaded with Council to make historical change with their policing. She stated she did have an agenda and a platform and it was their right to be a person of color in this country without fear of retribution of the skin we live in. "Be on the right side of history. We are ready to work with you to make change."

- Ms. Mandy Moore, 1653 N.Santa Clara Rd - She spoke about, in her opinion, uncouth remarks that were made last Council Meeting showing bias in our community. She spoke about the abuse of power in the Zekee Rayford event and the obvious bias of some citizens with their actions as they walked through the crowd outside the council chamber. Ms. Moore gave her opinion on the actual arrest of Mr. Zekee Rayford. Ms. Moore's time was up and Mayor Gutierrez asked her to return to her seat. Her microphone was turned off, and she continued to talk and yell to Council. Ms. Moore did return to her seat after several requests from Mayor Gutierrez.
- Mr. Leonard Moore, 1653 N. Santa Clara Rd - Mr. Moore started off by telling Council they all know what happened with the Zekee Rayford incident and are choosing to do nothing about it. Mr. Moore rehearsed the events of Zekee Rayford's arrest and expressed his disgust with the actual arrest and the Council's reaction. Mr. Moore asked Council to hold the police officers accountable for their actions.
- Ms. Valerie Reiffert, a guest at 5504 Columbia Dr. - Ms. Reiffert reiterated some events of November 10, 2020, at the City Council meeting highlighting events that she disagreed with. Ms. Reiffert also acknowledged one of Schertz EMT workers asking Zekee's mother how Zekee was doing. She noted the difference of the EMT worker who showed he had a heart and really cares about the victim and the Police Department and who they are really protecting and serving. Ms. Reiffert gave additional closing remarks.
- Ms. Sandra Kearns, 416 Eagle Flight - Ms. Kearns began her remarks by asking Council to place the issue of Police accountability on the agenda. Ms. Kearns addressed Mayor Gutierrez and asked him to release reports (files and records) of the police officers involved in the Zekee Rayford arrest. (While Ms. Kearns was speaking, another woman in the back of the room began to speak. Mayor Gutierrez asked her to please hold her comments and have more respect while Ms. Kearns is speaking.) Ms. Rayford stated Zekee's past was released, and he was slandered but Mayor Gutierrez would not release the Police officers records. (Mayor Gutierrez gave Ms. Kearns his e-mail address and offered to send the 20 videos available of the Zekee Rayford incident).
- Darius Lemelle, 1013 Keanna Place - Mr. Lemelle stated he is a black veteran who recently returned from Iraq. Mr. Lemelle stated before going to Iraq he was trained in the rules of engagement and proportionate force. He noted since many Police departments possess military style weapons and gear he would think it is common sense that the same rules of engagement apply when dealing with American citizens. Mr. Lemelle continued to point out the unnecessary force used by the Police officers and how he feels it was unmerited. Mr.

Lemelle stated he has seen a bias against the Rayford family and rehearsed the events of a March 16th warrant to search the families home and identifies questionable details about the raid. Mr. Lemelle states he believes the officers involved in the event on November 2, 2020, should be terminated and Office Martinez should be terminated and charged with perjury for the March 16, 2020, raid. Mr. Lemelle gave additional closing remarks. Applause erupted in the back of the chambers - Mayor Gutierrez asked the people to please hold their applause stating "this is not an awards banquet" Mayor Gutierrez states being disrespectful does not help your cause.

- Ms. Marie Bonds, 1013 Keanna Place - Ms. Bonds identifies herself as the sister of Zekee Rayford. Ms. Bonds gives statistics referencing unarmed black Americans killed by officers in the states. Ms. Bonds gave additional closing remarks. Ms. Bonds began to reading names from a list she had as she walked away from the podium. Mayor Gutierrez invited Mr. Brad Ward to come to the podium to speak while Ms. Bonds was still reading names with a loud voice. Mayor Gutierrez stated our rules and procedures are designed to maintain order. Conducting yourselves in this manner is, at times, shameful. The reading of names and talking continued as Mayor Gutierrez again invited Mr. Brad Ward to speak.
- Mr. Brad Ward, 12619 Maid Marian - Mr. Ward addressed building codes and some compliance with them. He spoke about the difficulty of getting permits to build his home. He finally hired a builder to build his home and now that his home is built, he can't obtain a certificate of occupancy because of missing paperwork. He expressed his concern/views on the stringent requirements to build in Schertz. He posed the question if the inspections on his foundation are required to get his certificate of occupancy, how did the house make it to framing stage? Mr. Ward is asking for the city to consider waivers for some engineering requirements that are keeping him from obtaining his certificate of occupancy.
- Ms. Kapree Rayford, 1013 Keanna Place - She is concerned that the Zekee Rayford arrest is not being place on the agenda and that her brother had to move out of her fathers home. Ms. Rayford poses the question of why the Schertz Police Department won't hold their police officers accountable for their actions like they are holding Zekee Rayford accountable for his action? Ms. Rayford gave additional closing remarks.
- Mr. Jack Miller - 1013 Keanna Place - Mr. Miller addressed the police officer involved in child pornography and made several comments regarding the Schertz Police department. He also made mention of the footage he has on his camera that took place at our City Council meeting. Mr. Miller asked for additional time and Mayor Gutierrez responded, no. Mr. Miller unbuttoned his shirt and took his shirt off. The words "Don't tase me Bro" were written on his stomach and his back.
- Ms. Desiree Schanding, 5227 Roundtable Dr., San Antonio, TX.- Ms. Schanding spoke about Officer Martinez and the warrant he used to search the Rayford home. Ms. Schanding also recounted the event of November 2, 2020, that involved Zekee Rayford. Ms Schanding stated we allow police officers too



much discretion in the line of duty. She also defines a felony charge in evading in a motor vehicle and states this charge should be dropped. Ms. Schanding asked that Police policies be placed on the Council's agenda.

- Mr. Ferrando Heyward, 2628 Hansel Heights - Mr. Heyward states Schertz acts too conservative and slow on acting on information dispense. Mr Ferrando gave statistics with the city of Schertz on traffic violations. Mr. Hewyward shared if you feel unsafe with police, slow down, put on your hazard lights, and call 911. Mr. Heyward was stopped because his time was up.

There was talking from the back of the room - indiscernible.

## **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.

Mayor Gutierrez read the following items:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Regular meeting of December 1, 2020. (B. Dennis)
2. **Ordinance No. 20-S-41** - Consideration and/or action upon a request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU), located at 603 Main Street, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay).
3. **Ordinance No. 20-S-42** - Consideration and/or action upon request to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), located at 539 Main Street, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay).
4. **Ordinance No. 20-S-40** - Consideration and/or action upon a request for a Specific Use Permit to allow the ‘Commercial Amusement, Outdoor’ land use on approximately 17.5 acres of land, located at 18658 Interstate Highway 35 N, City of Schertz, Guadalupe County, Texas, also known as Wiederstein Ranch Lot 1, Block 1. ***Final Reading*** (B. James/L. Wood/N. Kopyay)

5. **Resolution No. 20-R-142** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 530 and 534 Main Street. (M. Browne/B. James)
6. **Resolution No. R-20-143** - Consideration and/action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the acquisition of Lot 1, Block 50 of the Live Oak Hills Addition. (M. Browne/B. James)
7. **Resolution 20-R-138** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an extension of the agreement for Management Services between the City of Schertz and the Schertz/Seguin Local Government Corporation (SSLGC) and other matters in connection therewith.
8. **Resolution 20-R-48** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas approving a Standard Utility Agreement with the Texas Department of Transportation relating to the relocation of a segment of sewer main near the intersection of IH-35 and FM 1103. (C. Kelm/S. Williams/S. McClelland)
9. **Ordinance No. 20-T-38** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2020-2021 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. ***Final Reading*** (M. Browne/B. James/J. Walters)

Mayor Gutierrez asked Council if there were any items to be removed from Consent for separate action. Mayor Gutierrez recognized Mayor Pro-Tem Scott who requested agenda item 2, Ordinance No. 20-S-41 be removed for separate action.

Moved by Councilmember Michael Dahle, seconded by Councilmember David Scagliola to approve Consent Agenda item s 1, and 3 through 9.

AYE: Mayor Pro-Tem Rosemary Scott, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

## Discussion and action items

Mayor Gutierrez read the following items:

**2. Ordinance No. 20-S-41** - Consideration and/or action upon a request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU) located at 603 Main Street, City of Schertz, Guadalupe County, Texas ***Final Reading*** (B. James/L. Wood/N. Kopyay)

Mayor Gutierrez recognized Mayor Pro-Tem Scott who commented on the statement "we encourage the Main Street Mixed Use concept, however emphasis needs to be placed on developing a positive environment, and several citizens were expressing concerns for guidelines to be implemented so the neighborhood remains safe and non-disruptive." She believes that they were talking about the noise possibly with bars or others. She asked Mr. James if that would be part of that or is that in the broader scope. Mr. James answered stating he would say its related and is probably part of the broader scope and would say that this item and the other is rezoning to mixed uses. Council recently amended the Code of Ordinances with regard to the Main Street Mixed Use zoning district and that was to allow by right restaurants and taverns. Taverns is what our ordinance calls a Bar. He further explained the rezone, to not just be a Monday through Friday 8:00 to 5:00, and the idea to have some restaurants, some bars for a greater kind of nightlife. He continued the explanation and Mayor Pro-Tem Scott saw that there was support for the change.

Moved by Mayor Pro-Tem Rosemary Scott, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-S-41.

AYE: Mayor Pro-Tem Rosemary Scott, Councilmember Mark Davis, Councilmember Jill Whittaker, Councilmember Michael Dahle, Councilmember David Scagliola, Councilmember Allison Heyward, Councilmember Tim Brown

Passed

**10. Ordinance No. 20-T-39** - Consideration and/or action upon an Ordinance to extend the term of the Tax Increment Financing Reinvestment zone No. 2 (Sedona/Crossvine) and expand the boundaries. ***Final Reading*** (B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who came forward introducing this item and addressed the change to make it more explicit.

Moved by Councilmember Michael Dahle, seconded by Councilmember David Scagliola to approve Ordinance No. 20-T-39.

AYE: Mayor Pro-Tem Rosemary Scott, Councilmember Mark Davis,  
Councilmember Jill Whittaker, Councilmember Michael Dahle,  
Councilmember David Scagliola, Councilmember Allison  
Heyward, Councilmember Tim Brown

Passed

## Workshop

- 11. City Council Rules of Conduct and Procedure** - Discussion regarding possible changes to the current City Council Rules of Conduct and Procedure. (Mayor/Council)

Mayor Gutierrez recognized City Secretary Brenda Dennis who came forward stating that this item was placed on the agenda for possible additions or deletions as we have new members of council. Mayor Gutierrez opened it up for Council discussion and it was the concurrence of those present to leave the Ordinance as is with no changes.

- 12. City Council Code of Ethics** - Discussion regarding possible changes to the current City Council Code of Ethics. (Mayor/Council)

Mayor Gutierrez recognized City Secretary Brenda Dennis who came forward stating that this item was placed on the agenda for possible additions or deletions as we have new members of council, and that the current Ordinance does not reflect the sitting Councilmembers. Mayor Gutierrez opened it up for Council discussion and it was the concurrence of those present to leave the Ordinance as is with no changes. Ms. Dennis stated that she will bring back this ordinance only to reflect concurrence of the sitting Councilmembers and have each of them sign.

- 13. Chapter 18 Building and Building Regulations** - Workshop and discussion related to the update of Schertz Code of Ordinances, Chapter 18 Building and Building Regulations and local amendments.

Mayor Gutierrez recognized Ms. Lesa Wood, Planning and Community Development Director who introduced Mr. Gil Durant, Chief Building Official. Ms. Wood and Mr. Durant provided a PowerPoint presentation regarding proposed updates to the Building regulations and why they are planning on adopting new or amended building codes. It was the concurrence of Council to move forward bringing back changes.

**14. Workshop Discussion on Roadway Improvements - regarding Corridor Oaks sewer line extension in preparation of roadway improvements on FM 1103. (C. Kelm)**

Mayor Gutierrez recognized Assistant City Manager Charles Klem who provided a PowerPoint regarding this item addressing several questions from Council. Councilmember provided their comments as well as Mr. Kahn the property owner.

Further discussion regarding the property owner not being compensated for the 291 feet, he was compensated for the 401 feet, which is the 297 feet and the engineering costs that are associated with it, and the construction costs. Councilmember Dahle stated again, the 291 feet is an additional expense, and yes if it was a new developer coming in per our UDC then absolutely they would be required to pay, but the property in question pre-dates everything out there except the convenience store. Councilmember Dahle stated that if Mr. Kahn did not get compensated from TxDOT for the 291 feet, if we are going to require it, then he believes that the City should take care of.

Councilmember Whittaker, had Mr. Kelm go over the disputes. One is the 291 feet and installation. Mr. Kahn came forward explaining what TxDOT purchased from him was for 401 feet and purchased 10 feet of land at an additional \$40,000. TxDOT did not cover the additional 291 feet. Mayor stated that he did get reimbursed for his property. Mr. Kahn is looking for compensation of the 25 foot easement.

Assistant City Manager Brian James came forward explaining what is required for a public line and the requirements for the property owner. He stated that Mr. Kahn is wanting to construct a sewer line, that triggers the need to extend across the property and provide an easement for it. Mr. Kahn came up once again explaining his issue.

Discussions continued on the two issues: 291 feet and compensation for the additional land. Mr. Kahn's expectations are to bring the Walgreens sewer to the boundary line and have the City pay for the additional feet at \$11:00 per square feet.

Mayor stated let's work on two resolutions, one for the 291 feet and another for the compensation of the additional land needed.

Mayor and Council continued discussion particularly with Mr. Kahn's issue and requested they form an add hoc group to discuss the issues. Mayor Gutierrez, Councilmembers Whittaker, Councilmember Scagliola, and Councilmember Dahle will serve on the add hoc committee.

## **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for items 1 through 11.

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

Mayor Gutierrez mentioned items 15 through 17 that were in the Council's packet as well as available online.

- 15. Library Projects** - Update on Library Projects. (M. Browne/B. James/M. Uhlhorn)
- 16. Monthly update** - on major projects in progress/CIP. (B. James/K. Woodlee)
- 17. 2021 Master Calendar** - Information on 2021 Master Calendar and Boards/Commissions (M. Browne/S. Gonzalez)

## **Requests and Announcements**

- Announcements by the City Manager. *No further announcements were provided.*
- Requests by Mayor and Councilmembers for updates or information from staff. *No requests given.*
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda. *No items requested.*
- 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

Mayor Gutierrez recognized the following members of Council:

Mayor Pro-Tem Scott, mentioned and commented on the recent City Tree Lighting ceremony.

Councilmember Whittaker mentioned she completed her AACOG Elected Officials Workshop training and the Texas Municipal League Newly Elected City Official training and also stated she attended the Tree lighting and The

Holidazzle events.

Councilmember Dahle mentioned he attended the Tree lighting ceremony, Breakfast with Santa event, Kris Kringle Market, Schertz Main Street Markets and the Schertz Holidazzle Parade.

Councilmember Scagliola stated he attended the Schertz Holidazzle Parade and thanked staff for a wonderful event.

Councilmember Heyward stated she attended several ribbon cutting events, Tree Lighting Ceremony, Breakfast with Santa, Main Street Market and attended the Holidazzle Parade.

Lastly, Councilmember Heyward stated that he was nominated by Bennett Sandlin to serve on the Texas Municipal Retirement Advisory Committee on the benefit design, she was approved by the TMRS Board of Trustees.

Councilmember Brown he echoed Councilmember Scagliola in thanking all the City Employees/Staff for the Tree Lighting Ceremony and parade, and stated for this ba-hum-bug kind of guy, he felt pretty good.

Mayor Gutierrez thanked the Staff for the Tree lighting event and the Parade it brought the Christmas spirit into our City. His Christmas message is "may your holiday spirit shine bright, Christmas is a feeling in your heart, Christmas is the best time of the year, so let the spirit of the season fill your hearts and your home." Merry Christmas from our Council to our residents.

## **Adjournment**

Mayor Gutierrez adjourned the meeting at 9:00 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

# DRAFT

## MINUTES REGULAR MEETING December 9, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on December 9, 2020, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem Rosemary Scott; Councilmember Mark Davis; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City      City Manager Dr. Mark Browne; Assistant City Manager Brian James;  
Staff:    Assistant City Manager Charles Kelm; City Secretary Brenda Dennis; City Engineer Kathy Woodlee; Engineer John Nowak; Public Works Director Suzanne Williams

### Call to Order

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

### 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.*



## *No One Spoke.*

### **Workshop**

- Discussion and direction on chip seal projects as part of the SPAM program. (M. Browne/B. James/K. Woodlee)

Mayor Gutierrez recognized City Engineer Kathy Woodlee and Engineer John Nowak who provided a PowerPoint presentation regarding the 2018 SPAM Resurfacing projects. (A copy can be found on the Engineering page of the City Website) The following highlights were covered, and Ms. Woodlee and Mr. Nowak addressed questions from the audience:

- SPAM – Street Preservation and Maintenance Program:
  - Our program to maintain and extend the life of our streets
  - PCI – Pavement Condition Index
    - Study done about every 5 years to:
  - All this data will allow the City to update the City's PAVER database and begin to develop a plan for the next five-year SPAM cycle.
- Pavement Condition Index
- Pavement Preservation
- Areas Chip Sealed: Deer Haven, Greenfield Village, The Estates at Wilson's Preserve, Lone Oak
- Pros and Cons of Chip Seal
- Current Chip Seal Status
- Current Chip Seal Complaints
- Remedies for the Chip Seal
- Other Resurfacing Options
  - Fog Seal, Scrub Seal, Slurry seal, Micro Paving/Micro Sealing, Cape Seal, In Place Recycling and Mill and Overlay.
- Pros and Cons of Fog Seal Alone
- Pros and Cons of Scrub Seal
- Pros and Cons of Slurry Seal
- Pros and Cons of Micro Paving/Micro Sealing
- Pros and Cons of Cape Seal
- Pros and Cons of In Place Recycling
- Pros and Cons of Mill and Overlay
- 2018 SPAM Bid Costs
- Future Resurfacing efforts

## **Adjournment**

Mayor Gutierrez adjourned the special Workshop Meeting at 6:45 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** January 5, 2021

**Department:** Finance

**Subject:** Resolution No. 21-R-01 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)

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**BACKGROUND**

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

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

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

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

The resolution authorizes the debt for these areas that is more than 180 days outstanding as of November 1, 2020, to be written off. These write-offs come before council quarterly and last came before council on September 22, 2020.

**Previous Write off Amount:**

February 2017:	\$621,138.97
June 2017:	\$544,944.16
September 2017:	\$510,516.01
January 2018:	\$510,637.79
March 2018:	\$433,427.15
June 2018:	\$439,627.14
September 2018:	\$521,281.82
December 2018:	\$727,307.39
March 2019:	\$564,227.77

June 2019:	\$580,155.10
September 2019:	\$586,664.65
December 2019:	\$591,829.90
March 2020:	\$616,900.00
June 2020:	\$552,157.34
September 2020:	\$605,161.66

## **GOAL**

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

## **COMMUNITY BENEFIT**

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

## **SUMMARY OF RECOMMENDED ACTION**

Approve Resolution No. 21-R-01 to write off receivables that are older than 180 days.

## **FISCAL IMPACT**

This accounting adjustment will not affect the City's Budget or financial standing. The amount written off is estimated during the budget process and is accounted for in the revenue estimations and the bad debt expense accounts. The action taken tonight will reduce the amount shown as owed to the City by \$467,802.06 and set it equal to the amount seen as still reasonably collectible. The breakdown is as follows:

EMS - \$405,083.38

Utility Billing - \$62,718.68

Magazine - \$0.00

The EMS write off amount is down about 20% due to fewer calls during this time as these write offs would be for April through June of 2020 which were affected by COVID-19.

The amount being written off for Utility Billing is more than double the typical amount given that the City has not been doing shutoffs due to the economic impacts of the COVID Pandemic. Next council meeting, staff is proposing a workshop to review this practice.

## **RECOMMENDATION**

Staff recommends Council approve Resolution No. 21-R-01.

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### **Attachments**

Resolution 21-R-01

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## RESOLUTION NO. 21-R-01

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EMS DEBT REVENUE ADJUSTMENTS, UTILITY BILLING DEBT REVENUE ADJUSTMENTS AND SCHERTZ MAGAZINE DEBT REVENUE ADJUSTMENTS FOR CERTAIN INACTIVE OUTSTANDING RECEIVABLES AND OTHER MATTERS IN CONNECTION THEREWITH.**

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City maintains quarterly debt revenue adjustments for inactive outstanding accounts; and

WHEREAS, the City Council has determined that it is in the best interest of the City that all inactive outstanding accounts after 180 days nonpayment will be sent to City Council for consideration for write offs.

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

Section 1. The City Council hereby authorizes the write off in the amount and distribution of accounts below:

<i>Function</i>	<i>Amount</i>
EMS	\$405,083.38
Utility Billing	\$62,718.68
Magazine	\$0.00
Total	\$467,802.06

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 finding 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

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 5th day of January 2021.

CITY OF SCHERTZ, TEXAS

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Mayor Ralph Gutierrez, Mayor

ATTEST:

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City Secretary, Brenda Dennis

(CITY SEAL)

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** January 5, 2021  
**Department:** City Secretary  
**Subject:** Ordinance No. 21-M-02 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas reaffirming the Council Code of Ethics, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. *(First & Final)* (Mayor/Council)

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**BACKGROUND**

A workshop discussion was held on December 8, 2020 with the current members of Council regarding their City Council Code of Ethics, at that time no changes or additions were proposed.

**GOAL**

Reaffirm the City Council Code of Ethics and amend to include the current sitting members by having each agree to place their signatures on the adopted document.

**COMMUNITY BENEFIT**

To clearly reaffirm the Council's Code of Ethics.

**SUMMARY OF RECOMMENDED ACTION**

Approve Ordinance 21-M-02 on first and final reading.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Approve Ordinance 21-M-02.

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**Attachments**

Ordinance  
Code of Ethics

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**ORDINANCE NO. 21-M-02**

**AN ORDINANCE BY THE CITY OF SCHERTZ, TEXAS REAFFIRMING  
THE COUNCIL CODE OF ETHICS REPEALING ALL ORDINANCES  
OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE;  
AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Schertz has previously adopted a Code of Ethics;  
and

**WHEREAS**, the City Council through its action taken on December 8, 2020 desires to reaffirm  
the existing City Council Code of Ethics to include the current sitting members.

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

Section 1. That the City Council Code of Ethics be amended to include the current sitting  
members by having each agree to place their signatures on the adopted document.

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 Ordinance for all purposes and are adopted as a part  
of the judgment and findings of the Council.

Section 3. 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 4. This Ordinance 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 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 6. 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 7. This Ordinance shall be effective upon the date of final adoption hereof and  
any publication required by law.

PASSED ON FIRST AND FINAL READING, the 5<sup>TH</sup> day of January 2021.



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Mayor, Ralph Gutierrez

ATTEST:

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City Secretary, Brenda Dennis

(Seal of City)



*1-5-2021 adopted*

## **City Council Code of Ethics**

### **Introduction**

The City Council Code of Ethics (the “Codes”) applies only to the members of the City Council: the Mayor, the Mayor Pro-Tem and the other City Council members. Furthermore, all provisions of the Codes apply equally to the Mayor, Mayor Pro-Tem and City Council members, who must follow the content of the Codes as well as the spirit.

It is the policy of the City Council that all of its members shall abide by federal and state law. It is also the policy of the City Council that all of its members shall abide by the provisions set forth in the City Charter and all City ordinances and policies, including the Codes.

### **Purpose**

By adopting these Codes, Council members commit to:

- transparent and accountable governance;
- honest, fair, and respectful dealings with fellow Council members, City staff, and the wider community; and
- working together to deliver the best outcomes for the long-term interests of the City.

These standards, together with the ongoing requirement for Council members to abide by Council policies, as they change from time to time, will ensure that public trust and confidence in the City Council is enhanced.

### **Limitations**

The Codes are intended to support, explain, or otherwise clarify the articles set forth in the City Charter or to exercise the specific right given to the City Council in the City Charter in Article III, Section 3.01 and Article IV, Section 4.08, to exercise its governmental powers. Nothing in the Codes is intended to contradict or supersede the City Charter or state law.

### **Procedure**

1. Council Member and Board, Committee or Commission Member Interactions
  - a. City boards, committees and commissions are formed in order to provide independent recommendations to Council and, in the case of some commissions, to conduct hearings in order to make determinations, which may or may not be subject to appeal to the Council.
2. Council Members Serving as Council Liaisons
  - a. A Council liaison is a Council member who is specifically assigned to be the liaison between the City Council and a board, committee or commission. The



*1-5-2021 adopted*

primary role of the liaison is that of facilitator of communications between the board, committee or commission and the Council. A Council member who is appointed to sit as a member of a board, committee or commission is not a liaison for purposes of this policy.

- b. A Council liaison shall facilitate communications between the board, committee or commission and the Council. The liaison should not be an advocate for the board, committee or commission, give direction to a board, committee or commission or influence a decision of a board, committee or commission. The liaison may, however, assist and provide guidance to a board, committee or commission with their work plans or agendas.
- c. A Council Liaison Acts as the:
  - i. Spokesperson on behalf of the Council *when so directed by the Council*.
  - ii. Contact person, if the board, committee or commission (or an individual board, committee or commission member) wants such a channel of communication.
  - iii. Council representative present to identify procedural and structural issues relating to the effective functioning of the board, committee or commission for Council.
- d. Council Liaison Participation Expectations:
  - i. Attendance is discretionary with the Council member. Attendance as a liaison at a board, committee or commission meetings is not required.
  - ii. Liaisons shall have no vote on the board, committee or commission.
  - iii. Liaison attendance at board, committee or commission retreats is discouraged unless attendance is requested by the board, committee or commission.
  - iv. Liaisons do not have a right to be in attendance at board, committee or commission closed sessions and shall abstain from attending such closed sessions unless invited to attend by the collective board, committee or commission.

## **Ethical Conduct Rules**

### **1. Ethical Conduct Rules for all City Council Members**

- a. During City Council meetings, City Council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the City Council.



*1-5-2021 adopted*

- b. During City Council meetings, a City Council member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine discussion to the question under debate, avoid discussion of personalities and indecorous language, and refrain from personal attacks and verbal abuse.
- c. During City Council meetings, a City Council member desiring to question the administrative staff shall address questions to the City Manager, who shall be entitled either to answer the question(s) or designate a member of City staff. Such designation may occur at any time, including prior to a City Council meeting. City Council members shall not berate nor admonish staff members.
- d. During City Council meetings, a City Council member, once recognized, shall not be interrupted while speaking unless called to order by the presiding officer, to raise a point of order, procedure, or privilege, or unless the speaker chooses to yield to questions from another member. If a City Council member is called to order while speaking, that member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed. If ruled to be not in order, the member shall remain silent or make additional remarks so as to comply with rules of the City Council.
- e. During City Council meetings, City Council members shall confine their questions to the particular matters before the assembly, and in debate, shall confine their remarks to the issues before the City Council.
- f. During City Council meetings, when there is more than one speaker on the same subject, City Council members will delay their comments until after all speakers on the subject have been heard.
- g. Council members shall clearly state when he/she has been directed by Council to speak on behalf of the City Council at the meeting of any board, committee, or commission. All other commentary offered before a board, committee or commission is deemed to be the personal opinion of the Council member.
- h. Council members shall not speak on behalf of the Council at any place or time unless they have been so directed by the body of the City Council. Any commentary offered at any time, in public or otherwise, is deemed to be the personal opinion of the City Council member speaking.



*1-5-2021 adopted*

- i. Council members shall not speak to any board, committee or commission member on any matter that may come before the Council in a manner designed to influence the member.
  - j. No Council member shall privately lobby any member outside of the meetings in an attempt to influence his or her individual vote.
  - k. Any Council member who has testified on his or her own behalf or as a witness before a board, committee or commission on any administrative action which then comes to Council is disqualified from participating as a Council member on the matter *only if there is a legal conflict of interest.*
2. Confidentiality of Information Shared in Closed Session
- a. Council members should keep all matters discussed in closed session confidential.
  - b. Any Council member who is found to have violated State Law with regards to the conduct of closed sessions shall be deemed to have violated the Codes.
3. Individual Members of Council Providing Direction or Instruction to the City Manager or Staff
- a. Only the City Council, acting as a body, is permitted to provide direction and instruction to the City Manager, City Secretary, City Attorney, or the City Judge (or Judges) regarding any matter confronting the City, whether policy-related or otherwise.
  - b. No member of Council (specifically including the Mayor, the Mayor Pro-Tem and the individual Council members) shall, at any time, give individual instruction to, attempt to define policy for, or make any demand of the City Manager, City Secretary, City Attorney, or the City Judge (or Judges) or any member of staff.
  - c. No member of Council shall attempt to influence the City Manager, City Secretary, City Attorney, City Judge (or Judges) or any member of staff to circumvent City rules, policies, or ordinances.



*1-5-2021 adopted*

- d. Any member of Council may, of course, at any time, make requests of the City Manager, City Secretary, City Attorney, or the City Judge (or Judges) or any member of staff for information, assistance, or other help as may be necessary, so long as no orders, threats, promises, intimidations, or ultimatums, explicit or implicit, are issued.
- e. The single exception to this rule is that in times of emergency lawfully declared by the Mayor, the Mayor may act independently as to matters of urgent need until a meeting of the Council, in quorum, can be called.
- f. Any member of Council giving individual instruction or making a demand of the City Manager, City Secretary, City Attorney, or the City Judge (or Judges) or any member of staff, with the exception of times of emergency lawfully declared by the Mayor, during which time the Mayor may act independently until a meeting of the Council, in quorum, can be called, shall be deemed to have violated the Codes.

#### 4. City Council Media Communication Guidelines

- a. Effective media relations best serves the City by providing accountability to the public and transparency of government, ensuring accurate information is conveyed to the public, establishing and maintaining an accurate public perception of the City; informing residents of City programs and services, and promoting the City's achievements, activities, and significant events.
- b. Council Members and the Mayor have been elected to represent our community and are free to speak to the media on any subject. This policy and its included guidelines are intended to ensure that accurate consistent information is provided to the media and that City Council's integrity and professional image is preserved.
- c. Guidelines:
  - 1. Council Members and the Mayor have the right to express personal opinions on any issue, but must make it clear that they are speaking for themselves, are not speaking in an official capacity for the City, and are not speaking on behalf of City Council, unless the position has been adopted by the City Council;
  - 2. All conversations with a member of the media should be treated as on the record.
  - 3. Where time permits City Council members and the Mayor should communicate with the City's Public Information Officer prior to interviews with the media; otherwise, all interviews with a member of the media should be reported to the



*1-5-2021 adopted*

City's Public Information Officer as soon as reasonably possible after the interview.

4. There are certain highly sensitive issues that may require greater discretion when speaking to media. These issues include:
  - i. Legal issues, including liability issues and pending litigation;
  - ii. Personnel issues, including those surrounding existing and former employees;
  - iii. Questions that involve police or fire investigations; or
  - iv. A community-wide situation or emergency.

It is highly encouraged that City Council members and the Mayor contact the City Manager for any relevant information prior to commenting on such matters.

## **Violations**

1. Violation of the Code of Ethics
  - a. Council members are expected to abide by the Codes at all times.
  - b. Any Council member not adhering to the Codes shall be in violation of said Codes.
2. Violations of Provisions of the City Charter
  - a. Council members are expected to abide by the articles set forth in the City Charter.
  - b. Any Council member who acts in violation of or in a manner inconsistent with the provisions of the City Charter shall be deemed to have violated the Codes.



*1-5-2021 adopted*

### 3. Violations of Law or Policy by Council Members

Depending on the circumstances of alleged violations of law or policy, the Council may initiate an investigation of the allegations prior to the filing of a request for any of the actions described in this policy.

Nothing in this policy shall preclude individual Council members from making public statements regarding such alleged conduct.

In deciding whether or not to open an investigation (whether pursuant to these rules or pursuant to Article IV, Section 4.10 of the City Charter), City Council should consider:

- a. whether a Council investigation may compromise other investigations regarding the same alleged actions, and, if the actions may result in criminal charges, whether the right of the accused Council member to a fair jury trial may be compromised by proceeding with an investigation;
- b. if persons involved in the allegations may choose to exercise their constitutional right against self-incrimination, which may limit the investigation's ability to present a full picture of alleged events; and
- c. how to ensure the protection of rights of those accused of violations of law or policy, those making such accusations, and those who have information regarding the accusations.

At any point during any of the processes described in this policy, the Council may refer the matter, as appropriate, to the Bexar, Comal or Guadalupe County District Attorney, the Texas Elections Commission, or to another law enforcement agency, for investigation. Following such a referral, the Council may proceed with any actions it chooses to take under the provisions of the City Charter.

### **Reporting Violations**

Any suspected violation or alleged violation by a Council member must be reported to the Mayor. Any suspected violation or alleged violation by the Mayor shall be reported to the Mayor Pro-Tem and the City Attorney. In the case of a City staff member making the report regarding a Council member, the report shall be made to the City Manager, who will then report it to the Mayor. Upon report, the City Manager and City Attorney will assist the Mayor (or the Mayor Pro-Tem regarding a report concerning the Mayor) in following the procedures addressing violations or alleged violations.





*1-5-2021 adopted*

## **Procedure for Conducting Inquiries**

The role of leading an inquiry of any Council member for any violation or alleged violation of this policy lies with the Mayor, Mayor Pro-Tem, and, if approved by Council, an independent attorney or investigator. If the Mayor is the subject of an inquiry, the Mayor Pro-Tem, or the next ranking official by seniority and, if approved by Council, an independent attorney or investigator will lead the inquiry. The City Attorney shall not conduct the investigation of any Council member.

All Council members have a right to participate in the inquiry process regarding violations or alleged violations and their subsequent enforcement.

Any member of the Council who is the subject of an inquiry shall have the ability to provide a written statement responding to the findings of the inquiry.

## **Enforcement of Violations**

The members of City Council have the obligation to govern themselves responsibly in the enforcement of any violation of this policy. The objective for establishing rules of enforcement pertaining to this policy is to provide fair, consistent, concise, and efficient guidelines for the use of enforcement against violations of this policy. As a general matter, enforcement of this policy may be progressive, but circumstances may indicate that strong actions be taken immediately. Furthermore, Council is not bound to the enforcement guidelines of this policy and should make decisions on a case-by-case basis. City Council, as a collective body, may change the order of the disciplinary steps listed below, or may choose not to use any step, depending on the circumstances under review.

City Council members may take any appropriate disciplinary action including, but not limited to:

- Cautioning
  - Cautioning is identified as a verbal reprimand due to a violation of the policy. The cautioning is only a verbal reprimand and shall not be recorded.
  - A cautioning shall only be administered in private by the Mayor with only one (1) member of Council present. If the Mayor is receiving the cautioning, it shall be administered in private by the Mayor Pro-Tem with only one (1) member of Council present.
- Correction



*1-5-2021 adopted*

- Correction is identified as a verbal reprimand due to multiple policy violations. The correction of any Council member, including the Mayor, will not be administered in writing, and shall be conducted in accordance with the Open Meetings Act.
- A quorum of Council plus one (1), including the corrected Council member, shall be present during the correction of another Council member.
- The City Attorney shall be notified of the correction before the correction is administered and the City Attorney shall be present during the administration of the correction.
- Censure
  - The act of placing a Council member under censure is an official and public reprimand of a City Council member by the body of the City Council for multiple and/or serious infractions against the City Council Code of Ethics. Therefore, City Council Members who are placed under censure are considered to be 'not in good standing' with the body of the Council.
  - The censure of any Council member, including the Mayor, shall be administered in writing.
  - Censure may last up to sixty (60) days or as appropriately defined by City Council on a case-by-case basis.
  - At the end of the censure period, the censure has expired and shall not be extended.
  - A Council member placed under censure may return to a good standing status once their censure period has ended.
  - The body of the City Council may determine to end the censure period of a Council member prior to the conclusion of said period at their discretion.
  - All censure hearings shall be conducted in accordance with the Open Meetings Act.
  - Because censures are administered in writing, a censure must be publicly voted on in open session of City Council. The censure of any Council member must be passed by a 2/3 supermajority vote.



*1-5-2021 adopted*

The following Members of Council have received and agreed to place their signatures on this adopted document this 5th Day of January 2021.

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Ralph Gutierrez, Mayor

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Rosemary Scott, Mayor-Pro-Tem,  
City Council Place 2

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Mark Davis, City Council Place 1

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Jill Whittaker, City Council Place 3

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Michael Dahle, City Council Place 4

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David Scagliola, City Council Place 5

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Allison Heyward City Council Place 6

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Tim Brown, City Council Place 7

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** January 5, 2021

**Department:** City Secretary

**Subject:** Boards, Commissions and Committees Appointments/Reappointments/Resignations - Consideration and/or action approving the resignation of Mr. Bob Cantu from the Reinvestment Zone Number Two (TIRZ) Board of Directors, reappointing Mr. Michael Dahle and Mr. Gary Inmon, and filling the current vacancy. (Mayor/Council)

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**BACKGROUND**

The terms for the following TIRZ Board Members expired on December 31, 2020: Mr. Bob Cantu, Mr. Michael Dahle and Mr. Gary Inmon. The City Secretary reached out to those whose terms were expiring and received the following response back: Mr. Michael Dahle and Mr. Gary Inmon would like to continue to serve, and Mr. Bob Cantu wishes to resign at this time.

With the resignation of Mr. Cantu it leaves a vacancy to fill. The following individuals have expressed interest in serving:

Mrs. Allison Heyward, Mrs. Jill Whittaker and former Councilmember Scott Larson.

Staff recommends ratification of the resignation of Mr. Bob Cantu and the reappointments of Mr. Michael Dahle and Mr. Gary Inmon. Staff also recommends Council discuss filling the current vacancy left by Mr. Cantu with one of the three (3) following candidates:

- Mrs. Allison Heyward
  - Mrs. Jill Whittaker
  - Mr. Scott Larson
-

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** January 5, 2021  
**Department:** Planning & Community Development  
**Subject:** Resolution No. 21-R-03- Conduct a public hearing, consideration and/or action approving a Resolution accepting a petition for voluntary annexation of approximately 142 acres of land located generally 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas. (B. James/ L. Wood/ E. Delgado)

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### BACKGROUND

Annexation of land into the City's corporate limits may be voluntary or involuntary. Each type has Texas Local Government Code (LGC) requirements that identify 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. This section of the City's UDC includes provisions for processing of voluntary annexation requests.

Schertz 312, LLC has submitted a petition for voluntary annexation to the City of Schertz for approximately 142 acres of land located generally 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas.

The subject property is directly related to City of Schertz, Resolution 20-R-83 and City of San Antonio, Ordinance 2020-12-10-0903. These documents between the two cities agreed to a release of the subject property from the City of San Antonio's Extraterritorial Jurisdiction to the City of Schertz based on certain conditions to be met by the City of Schertz. One of those conditions was that the City of Schertz would start the annexation proceedings on the property within three months of the effective date of the ordinance. This resolution (Res. No. 21-R-03) is the initial step in the annexation proceedings on this property, which complies with the requirement based on the agreement between the City of Schertz and the City of San Antonio.

Upon City Council accepting Schertz 312, LLC's current petition for voluntary annexation of the approximately 142 acres, it would initiate the process to annex and zone the property. The adoption of this resolution accepting the petition for annexation from Schertz 312, LLC does not annex the subject property, but allows for City Council to annex the property by ordinance in the future. A subsequent ordinance for annexation must be approved by City Council to annex the property, tentatively scheduled to be heard at the January 26, 2021, City Council meeting. Schertz 312, LLC has also request to zone the subject property, upon annexation, Manufacturing District- Light (M-1).

A public hearing notice was published on December 16, 2020, in the San Antonio Express News.

### GOAL

Schertz 312, LLC is requesting voluntary annexation into the City of Schertz because of their desire to be located within the Schertz City limits and their desire to develop the property in accordance with the requested Manufacturing District- Light (M-1) zoning district.

### 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 Resolution 21-R-03 accepting a petition for voluntary annexation.

### **FISCAL IMPACT**

The approval of Resolution 21-R-03 accepting a petition for voluntary annexation does not have a financial impact on the City; however, the end annexation of the property will. 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.

### **RECOMMENDATION**

Staff recommends approval of Resolution 21-R-03 accepting a petition for voluntary annexation.

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#### **Attachments**

Resolution 12-R-03

Res. No 21-R-03- EXHIBIT A

Res. No 21-R-03- EXHIBIT B

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## **RESOLUTION NO. 21-R-03**

### **A RESOLUTION OF THE CITY COUNCIL OF SCHERTZ, TEXAS ACCEPTING A PETITION FOR VOLUNTARY ANNEXATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SCHERTZ**

**WHEREAS**, a petition for annexation from Schertz 312, LLC for approximately 142 acres of land located generally 3,500 feet southwest of the intersection of Doerr Lane and Bell North Drive, Comal County, Texas and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; 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**, the complete petition packet is attached hereto as Exhibit B; and,

**WHEREAS**, the City staff has recommended that the petition for annexation be accepted; and

**WHEREAS**, upon accepting the petition for voluntary annexation of the subject property, the City may annex the property by adoption of an ordinance.

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

Section 1. The City Council hereby accepts the Petition for Voluntary Annexation.

Section 2. The City Council shall act upon the Petition for Voluntary Annexation and annex the subject property by ordinance at a future meeting of the City Council at such time the City Council deems to be in the best interest of the City.

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 Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 4. 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 5. This Resolution 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 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 7. 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 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 5<sup>th</sup> of January, 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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City Secretary, Brenda Dennis

(CITY SEAL)



**EXHIBIT A**  
**(VOLUNTARY ANNEXATION PETITION PACKET)**

# SCHERTZ 312, LLC

December 22, 2020

City of Schertz, TX  
1400 Schertz Pkwy.  
Schertz, TX 78154

In re: Voluntary Annexation Request of approximate 142.096 acres by Schertz 312, LLC  
("Owner")

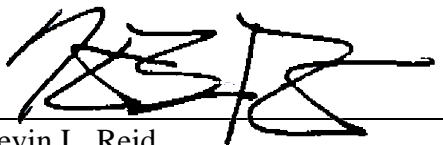
Dear sir or madam,

By this letter, Owner hereby respectfully requests the voluntary annexation into the City of Schertz, Texas of the approximately 142.096 acres generally located at the end of Tejas Way, South of Doerr Lane ("Property"), as such Property is depicted in the enclosed ALTA/NSPS Land Title Survey.

Sincerely,

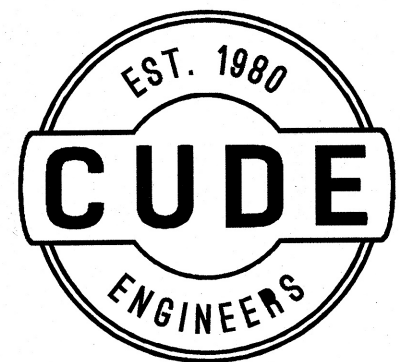
Schertz 312, LLC

By:

  
\_\_\_\_\_  
Kevin L. Reid,  
Manager

Encl. as stated





4122 Pond Hill Road, Suite 101  
San Antonio, Texas 78231  
P:(210) 681.2951 F: (210) 523.7112

**ALTA/NSPS LAND TITLE SURVEY**  
**142.096 ACRES**  
BEING OUT OF THE VICENTE MICHELI SURVEY NO. 114, ABSTRACT 383  
COMAL COUNTY, TEXAS

DATE

MAY 2, 2018

PROJECT NO.

03227.001

DRAWN BY

B.D.B.

CHECKED BY

B.B. &amp; J.W.R.

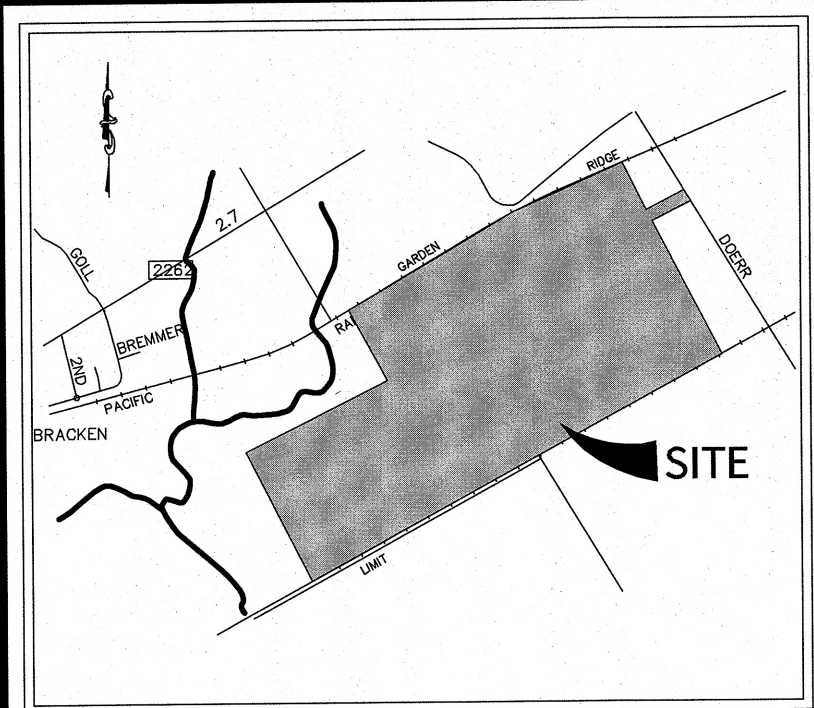
REVISIONS

1.	MAY 15, 2018
2.	MAY 30, 2018
3.	JUNE 4, 2018
4.	JUNE 5, 2018
5.	JUNE 18, 2018
6.	
7.	
8.	
9.	

CUDE ENGINEERS

TBPE No. 455  
TBPLs No. 10048500

OF



## LOCATION MAP

## LEGEND

P.O.B. = POINT OF BEGINNING

F.M. = FARM-TO-MARKET

3 GW = GUY WIRE

PP = POWER POLE

OHE = OVERHEAD ELECTRIC

●<sub>1</sub> = SET 1/2" IRON ROD WITH "CUDE" CAP●<sub>2</sub> = FOUND 1/2" IRON ROD

P.R.C.T. = PLAT RECORDS, COMAL COUNTY, TEXAS

D.R.C.T. = DEED RECORDS, COMAL COUNTY, TEXAS

O.P.R.C.T. = OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS

## NOTES:

- THE SURVEYOR HAS RELIED ON THE TITLE REPORT ISSUED BY CHICAGO TITLE INSURANCE COMPANY, GF NO. 4311028584, EFFECTIVE DATE OF MAY 1, 2018 AND ISSUED MAY 23, 2018 WITH REGARD TO THE EXISTENCE OF RECORDED EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THE SUBJECT PROPERTY. ITEMS PER SCHEDULE B OF THE ABOVE REFERENCE TITLE REPORT ARE AS FOLLOWS:

## SCHEDULE B - 10.

A. EASEMENT GRANTED TO MAGNOLIA GAS CO. FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN VOLUME 56, PAGE 509, DEED RECORDS, COMAL COUNTY, TEXAS (DOES AFFECT THIS TRACT AS SHOWN). MODIFICATION, RATIFICATION AND PARTIAL RELEASE OF RIGHT OF WAY AGREEMENT AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 201306020199, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS (DOES NOT AFFECT THIS TRACT. AFFECTS 83.526 ACRE TRACT).

B. WATER RIGHTS CONVEYED TO TXL OPERATIONS, LP, AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200106026886, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT.)

C. WATER RIGHTS PERMIT AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200106012397, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. AMENDED WATER RIGHTS PERMIT AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200206010300, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. REISSUANCE OF WATER RIGHT PERMIT AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200806039206, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. CORRECTED WATER RIGHTS PERMIT AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200906034491, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT.)

D. IRREVOCABLE DESIGNATION OF HISTORICALLY IRRIGATED LANDS PERTAINING TO EDWARDS ACQUFER GROUNDWATER RIGHTS AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200906030321, REAL PROPERTY RECORDS, BEXAR COUNTY, TEXAS. (DOES AFFECT THIS TRACT.)

E. EASEMENT GRANTED TO THE CITY OF SAN ANTONIO FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN VOLUME 183, PAGE 464, DEED RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

F. WATER RIGHTS PERMIT AS DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200106007555, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. CORRECTED AND AMENDED WATER RIGHTS PERMIT DESCRIBED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200406029234, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT.)

G. EASEMENT GRANTED TO ENTEX, INC. FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN VOLUME 330, PAGE 95, DEED RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

H. EASEMENT GRANTED TO ENTEX, INC. FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN VOLUME 330, PAGE 103, DEED RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

I. TERMS, CONDITIONS AND STIPULATIONS OF THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 331, PAGE 284, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. AS FURTHER AFFECTED BY MODIFICATION OF EASEMENT RECORDED IN DOCUMENT NUMBER 200606046589, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

J. EASEMENT GRANTED TO AT&T CORP FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 200706037609, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

K. PERMANENT EASEMENT AGREEMENT GRANTED TO ENTERPRISE TEXAS PIPELINE LLC FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 201306020198, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

L. PIPELINE RIGHT OF WAY AND EASEMENT GRANTED TO MULTIFUELS TEXAS PIPELINE, LLC FOR THE PURPOSE(S) PROVIDED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 201606013118, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)

R. EASEMENT AWARDED TO LEVEL 3 COMMUNICATIONS, LLC FOR THE PURPOSES PROVIDED IN INSTRUMENT RECORDED IN DOCUMENT NUMBER 201506023999, OFFICIAL PUBLIC RECORDS, COMAL COUNTY, TEXAS. (DOES AFFECT THIS TRACT AS SHOWN.)



## LEGAL DESCRIPTION:

142.096 ACRES OF LAND LOCATED IN THE VICENTE MICHELI SURVEY NUMBER 114, ABSTRACT NUMBER 383, COMAL COUNTY, TEXAS AND BEING A PORTION OF THAT CALLED 16.84 ACRES, THE CALLED 99.6 ACRES AND A PORTION OF THE CALLED 78.966 ACRES, CONVEYED TO BERNICE FRIESENHAHN, TRUSTEE OF THE SCHEEL REVOCABLE TRUST, AS DESCRIBED IN DOCUMENT NUMBER 980600089, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS; SAID 142.096 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A FOUND 1/2" INCH IRON ROD LOCATED IN THE NORTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD AND MARKING THE MOST SOUTHEASTERLY CORNER OF THE SAID 16.84 ACRES, SAME BEING THE MOST SOUTHERLY CORNER OF THE CALLED 83.526 ACRES CONVEYED TO BERNICE FRIESENHAHN, TRUSTEE OF THE SCHEEL REVOCABLE TRUST, AS DESCRIBED IN DOCUMENT NUMBER 980600089, OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS;

THENCE, SOUTH 61DEG 54' 35" WEST, ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, A DISTANCE OF 2,601.87 FEET, TO A SET 1/2" INCH IRON ROD WITH "CUDE" CAP;

THENCE, NORTH 30DEG 20' 49" WEST, LEAVING THE NORTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD AND CROSSING THE SAID 16.84 ACRES, THE SAID 99.6 ACRES AND THE 78.966 ACRES, A DISTANCE OF 1,843.02 FEET, TO A SET 1/2" INCH IRON ROD WITH "CUDE" CAP LOCATED IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE SAID 78.996 ACRES;

THENCE, NORTH 59DEG 35' 58" EAST, CROSSING THE SAID 78.966 ACRES, A DISTANCE OF 1,074.50 FEET, TO A SET 1/2" INCH IRON ROD WITH "CUDE" CAP;

THENCE, NORTH 29DEG 38' 06" WEST, A DISTANCE OF 817.74 FEET, TO A SET 1/2" INCH IRON ROD WITH "CUDE" CAP LOCATED IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE MISSOURI PACIFIC RAILROAD;

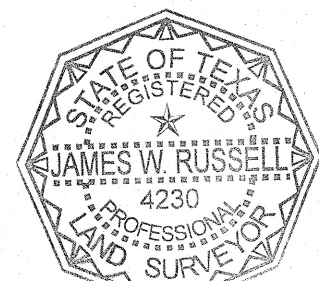
THENCE, NORTH 60DEG 06' 45" EAST, ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE SAID MISSOURI PACIFIC RAILROAD, A DISTANCE OF 2,168.02 FEET, TO A SET 1/2" INCH IRON ROD MARKING THE MOST NORTHERLY NORTHWEST CORNER OF THE SAID 83.526 ACRES;

THENCE, ALONG THE COMMON BOUNDARY LINES BETWEEN THE SAID 83.526 ACRES AND THE 78.966 ACRES, THE 99.6 ACRES AND THE 16.84 ACRES, THE FOLLOWING COURSES:

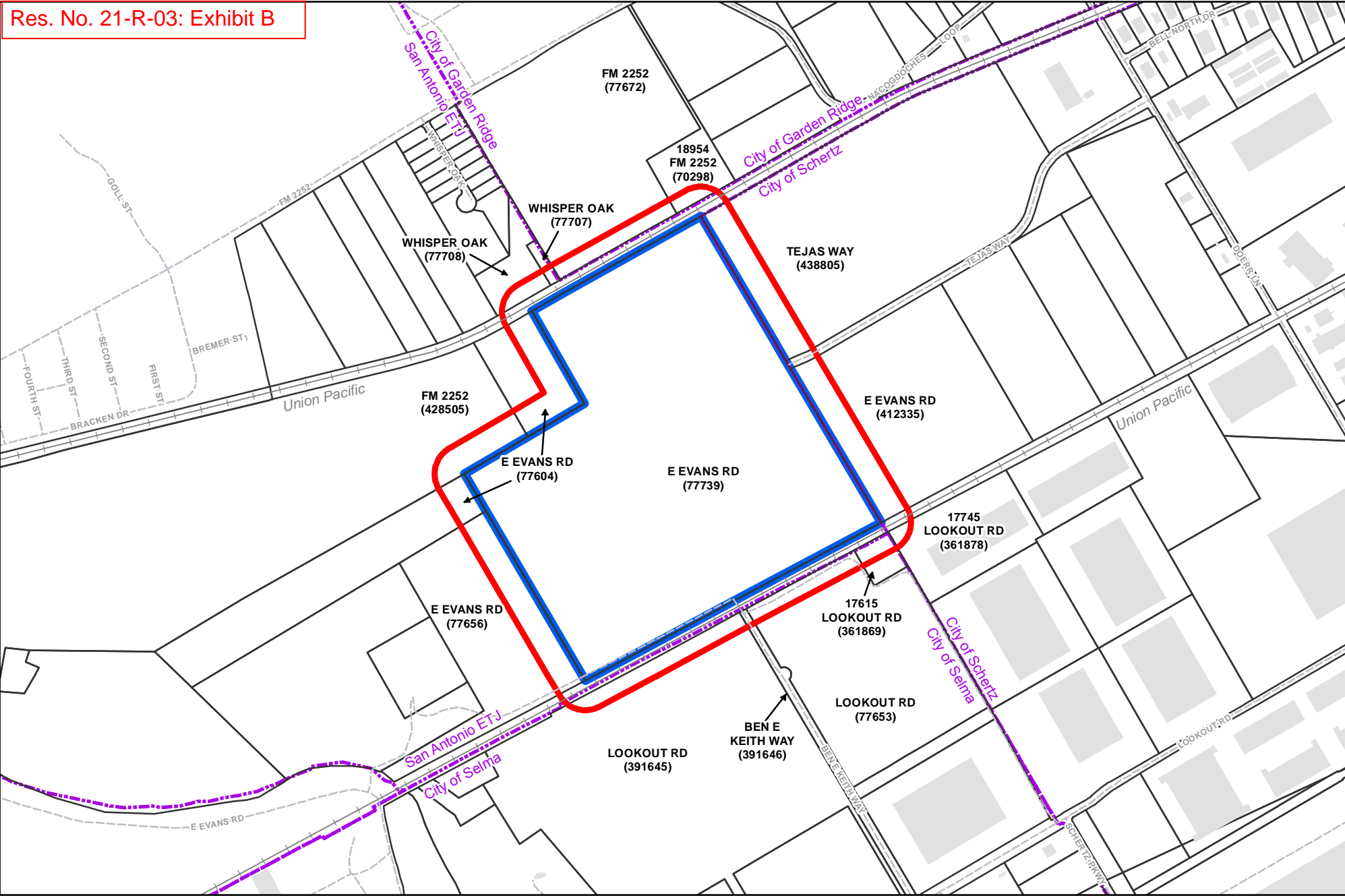
SOUTH 29DEG 52' 36" EAST, A DISTANCE OF 40.00 FEET, TO A SET 1/2" INCH IRON ROD WITH "CUDE" CAP;  
SOUTH 60DEG 05' 13" WEST, A DISTANCE OF 652.70 FEET, TO A FOUND 1/2" INCH IRON ROD;  
SOUTH 30DEG 28' 21" EAST, A DISTANCE OF 1,091.87 FEET, TO A FOUND 1/2" INCH IRON ROD;  
SOUTH 30DEG 16' 16" EAST, A DISTANCE OF 1,619.85 FEET, TO THE POINT OF BEGINNING AND CONTAINING 142.096 ACRES OF LAND, MORE OR LESS.

## GENERAL NOTES:

- BASIS OF BEARINGS: THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (93).
- FLOODPLAIN STATEMENT: A PORTION OF THIS PROPERTY LIES WITHIN ZONE "W", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE "AE", AREAS WITH BASE FLOOD ELEVATIONS DETERMINED, PER FEMA MAP NUMBER 48091C0485F, WITH AN EFFECTIVE DATE OF SEPTEMBER 2, 2009.
- BURIED UTILITIES AND/OR PIPE LINES ARE SHOWN PER VISIBLE AND APPARENT SURFACE EVIDENCE OR AS-BUILT DRAWINGS OF THE CONSTRUCTED UTILITIES LINES. IF MORE ACCURATE LOCATIONS OF UNDERGROUND UTILITIES ARE REQUIRED, THE UTILITY WILL HAVE TO BE VERIFIED BY FIELD POT-HOLING. CUDE ENGINEERS AND THE SURVEYOR OF RECORD SHALL NOT BE LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES.
- ALL PROPERTY CORNERS ARE SET 1/2" IRON RODS WITH CAP STAMPED "CUDE" UNLESS OTHERWISE NOTED.









Last Update: December 14, 2020  
City of Schertz, GIS Administrator: Tony McAllis, gis@schertz.com (210) 610-1184  
"The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall The City of Schertz be liable for any special, indirect or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be made and information may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time."

# City of Schertz

## TITAN NORTH PROPOSED ANNEXATION

 200' Notification Buffer  
 Schertz City Boundary



## CITY COUNCIL MEMORANDUM

**City Council Meeting:** January 5, 2021

**Department:** Planning & Community Development

**Subject:** Ordinance No. 21-S-01 - Conduct a public hearing, consideration, and/or action approving a request to rezone approximately 10.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located southeast of the intersection between Hallie Chase and Hallie Loop, more specifically described as Hallie's Cove Subdivision Units 4A and 4B, City of Schertz, Bexar County, Texas. *First Reading* (B. James/L. Wood/N. Koplyay)

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### BACKGROUND

The original Hallie's Cove Planned Development District (PDD) zone change was approved by the Schertz City Council on September 27, 2016. An amendment to the Hallie's Cove PDD was approved by the Schertz City Council on January 24, 2017 in order to modify the minimum required lot depths and the method of measuring lot depths for irregular lots, which are defined as lots fronting cul-de-sacs, knuckled sacs, and curved streets.

This zoning application will be a further amendment to the Hallie's Cove PDD for Units 4A and 4B in order to amend the dimensional standards. The applicant is proposing this amendment to the Hallie's Cove PDD to ensure that Lots 8 and 11, Block 4 within Unit 4A and Lots 9 and 10, Block 4 within Unit 4B meet the zoning requirements necessary to subdivide the property. During the design phase of the Hallie's Cove Units 4A and 4B preliminary plats, a drainage easement (Lot 900, Block 4) was required to be widened by the City to accommodate the proposed development. This resulted in the adjacent single-family residential lots being shortened to 109 feet, which meant that the lots no longer satisfied the dimensional requirements per the PDD.

The applicant is proposing the following modifications to the PDD dimensional requirements to ensure that Lots 8-11, Block 4 can be subdivided in accordance with the subject property's zoning ordinance:

- The minimum depth for buildable single-family residential lots adjacent to drainage easements is proposed to be a minimum of 109 feet, instead of the currently required 119 feet, and
- The minimum area for lots adjacent to drainage easements is proposed to be a minimum of 8,720 square feet, instead of the currently required 9,600 square feet.

Please see the attached exhibit, entitled 'Dimensional Standards Comparison', that shows the existing dimensional requirements compared with the proposed dimensional requirements for reference. The proposed change to the dimensions of the buildable lots adjacent to drainage easements can be seen listed as superscript "c". This modification will only apply to Lots 8-11, Block 4, because the reduced requirements for lot depth and area are only applicable to buildable lots immediately adjacent to drainage easements.

The requested amendment to the Hallie's Cove PDD will be referred to herein as a rezoning since it requires the adoption of a new zoning ordinance.

**Compatibility with Comprehensive Plan Goals and Objectives:** The Comprehensive Plan, through the South Schertz Sector Plan, identifies the subject properties as Estate Neighborhood. The Estate

Neighborhood future land use designation is intended to address residential development patterns in Southern Schertz by requiring a minimum lot size of 0.5 acres. This leaves two potential options for redevelopment in the Estate Neighborhood designated areas: R-A zoning with mandated minimum 0.5 acres per lot, or the ENPDD zoning alternate development option that mandates an equivalent overall density to the R-A zoning district, while also allowing for residential clustering to preserve larger open spaces and reduce infrastructure costs. The overall density of the subdivision remains unchanged through the proposed rezone, and the character of the development standards remains consistent with the ENPDD alternate development option, approved as part of the original Hallie's Cove PDD. Therefore, the proposed rezone is compatible with the goals and objectives of the Comprehensive Plan.

**Compatibility with Existing and Potential Adjacent Land Uses:** The subject property is currently surrounded by agriculture/undeveloped land and single-family residential land. The proposed rezone to PDD is compatible with the existing and potential adjacent land uses.

**Impact to Public Infrastructure and Facilities/Services:** The proposed rezone should not have an adverse impact on public infrastructure or facilities/services.

**Public Hearing Notices:** In preparation for this public hearing, twenty-one (21) public hearing notices were mailed to surrounding property owners on November 25, 2020, and a public hearing notice was published in the *San Antonio Express* on December 16, 2020. At the time of this report staff has received two (2) responses: one in favor and one neutral to the proposed zone change.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission held a public hearing on December 9, 2020 and made a recommendation to City Council to approve the proposed zone change by a 7-0 vote.

## **GOAL**

The goal of the proposed rezone is to amend the Hallie's Cove Units 4A & 4B PDD development standards to allow for a reduced minimum lot depth and minimum lot area for buildable single-family residential lots adjacent to drainage easements.

## **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 applicant is proposing an amendment to the Hallie's Cove PDD development standards to reduce the minimum lot depth from 119 feet to 109 feet and the minimum lot area from 9,600 square feet to 8,720 square feet for buildable single-family residential lots adjacent to drainage easements. The modifications to the dimensional requirements will ensure that Lots 8-11, Block 4 can be subdivided in accordance with the subject property's zoning ordinance. The proposed rezone will not alter the character of the Hallie's Cove Subdivision, and will allow Units 4A and 4B to develop as originally intended with the previously approved Hallie's Cove PDD. Therefore, Staff recommends approval of the proposed rezone as submitted.

## **FISCAL IMPACT**

None

## **RECOMMENDATION**

Staff recommends approval of the proposed zone change to Planned Development District (PDD).

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**Attachments**

Ordinance 21-S-01

Ordinance 21-S-01 Exhibit A

Ordinance 21-S-01 Exhibit B

Ordinance 21-S-01 Exhibit C

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Responses

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**ORDINANCE NO. 21-S-01**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 10.5 ACRES OF LAND FROM PLANNED DEVELOPMENT DISTRICT (PDD) TO PLANNED DEVELOPMENT DISTRICT (PDD), LOCATED SOUTHEAST OF THE INTERSECTION BETWEEN HALLIE CHASE AND HALLIE LOOP, MORE SPECIFICALLY DESCRIBED AS HALLIE S COVE SUBDIVISION UNITS 4A AND 4B, CITY OF SCHERTZ, BEXAR COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 10.5 acres of land located southeast of the intersection between Hallie Chase and Hallie Loop, and more specifically described in 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 December 9, 2020, 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 according to the development standards set forth in Exhibit C attached herein (the “Development Standards”); and

**WHEREAS**, on January 5, 2021, 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 Planned Development District (PDD)

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 5<sup>th</sup> day of January, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 12<sup>th</sup> day of January, 2021.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

Field Notes for a Tract of Land  
Containing 10.329 acres (449,912.26 square feet)

10.329 acres (449,912.26 square feet) tract of land situated in the Eligio Gortari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County, Texas, being out of the remainder of a 70.831 acre tract of land as conveyed to HLH Development, LLC, by Assumption Warranty Deed, as recorded in Document No. 20180237610 of the Official Public Records of Bexar County, Texas, said 10.329 acres (449,912.26 square feet) tract of land being more particularly described as follows:

**Beginning:** at a point being the most southerly terminus point of Hallie Loop, a 50.00-foot wide right of way as shown on plat of Hallies Cove Subdivision Unit 2, as recorded in Document Number 20180120002 of the Official Public Records of Bexar County, Texas, and being an interior corner of the herein described tract;

**Thence,** with the southeast boundary of said Hallies Cove Subdivision Unit 2, the following three (3) courses:

North 59 degrees 30 minutes 41 seconds East, a distance of 297.83 feet to a found iron rod with a yellow plastic cap stamped "CDS MUERY S.A. TX", being the easterly corner of Lot 2, Block 6, of said Hallies Cove Subdivision Unit 2, and being an angle point in the herein described tract;

South 30 degrees 54 minutes 12 seconds East, a distance of 25.20 feet to a point, being the most southerly terminus point of Hallie River, a 50.00-foot wide right of way as shown on said plat of Hallies Cove Subdivision Unit 2, and being an angle point in the herein described tract;

North 59 degrees 23 minutes 51 seconds East, a distance of 146.41 feet to a found iron rod with a yellow plastic cap stamped "CDS MUERY S.A. TX", being the west corner of Lot 1, Block 7, of said Hallies Cove Subdivision Unit 2, and being the south corner of Lot 2, Block 7, as shown on plat of Hallies Cove Subdivision Unit 3, as recorded in Document Number 20190211497 of the Official Public Records of Bexar County, Texas, said iron rod being an angle point in the herein described tract;

**Thence,** with the southeast and the easterly boundary of said Hallies Cove Subdivision Unit 3, the following nine (9) courses:

North 59 degrees 31 minutes 00 seconds East, a distance of 333.00 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being the south corner of Lot 6, Block 7, as shown on plat of said Hallies Cove Subdivision Unit 3, being the north corner of the herein described tract;

South 30 degrees 29 minutes 00 seconds East, a distance of 170.00 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an interior angle in the herein described tract;

North 59 degrees 31 minutes 00 seconds East, a distance of 52.46 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an angle point in the herein described tract;

South 30 degrees 29 minutes 50 seconds East, a distance of 124.25 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an angle point in the herein described tract;

South 59 degrees 31 minutes 00 seconds West, a distance of 165.00 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an angle point in the herein described tract;

South 30 degrees 29 minutes 00 seconds East, a distance of 8.21 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being a point of tangent curvature to the left;

Along the arc of said curve to the left, a distance of 20.48 feet, having a radius of 30.00 feet, a central angle of 39 degrees 06 minutes 54 seconds, and a chord bearing and distance of South 50 degrees 02 minutes 27 seconds East, 20.09 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being a point of reverse curvature to the right;

Along the arc of said curve to the right, a distance of 115.61 feet, having a radius of 50.00 feet, a central angle of 132 degrees 28 minutes 26 seconds, and a chord bearing and distance of South 03 degrees 21 minutes 41 seconds East, 91.52 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being a point of non-tangency;

South 30 degrees 29 minutes 00 seconds East, a distance of 115.10 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being the south corner of Lot 23, Block 4, designated as Park/Open Space as shown on plat of said Hallies Cove Subdivision Unit 3, said iron rod being on the southeasterly boundary of the remainder of said 70.831 acre tract, being an angle point in the herein described tract;

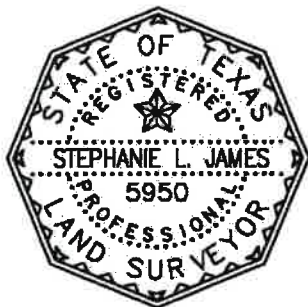
**Thence**, with the southeast boundary of the remainder of said 70.831 acre tract, South 59 degrees 41 minutes 07 seconds West, a distance of 742.02 feet to a point being the south corner of the remainder of said 70.831 acre tract, and the south corner of the herein described tract;

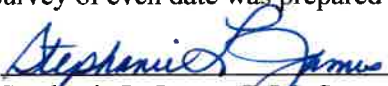
**Thence**, with the southwest boundary of the remainder of said 70.831 acre tract, North 30 degrees 29 minutes 28 seconds West, a distance of 515.35 feet to a found iron rod with a red plastic cap stamped "RPLS 4540" on the southeast boundary of Lot 7, Block 4 as shown on said plat of Hallies Cove Subdivision Unit 2, being the north corner of a 1.021 acre tract described by deed recorded in Volume 8165, Page 717 of the Official Public Records of Bexar County, Texas, said iron rod being the west corner of the herein described tract;

**Thence**, with the southeast boundary of said Lot 7, Block 4, North 22 degrees 24 minutes 09 seconds East, a distance of 126.95 feet to a found iron rod with a yellow plastic cap stamped "CDS MUERY S.A. TX" on the southwesterly right of way of said Hallie Loop, being a point of non-tangent curvature to the right;

**Thence**, with the southwesterly right of way of said Hallie Loop, along the arc of said curve to the right, a distance of 52.49 feet, having a radius of 575.00 feet, a central angle of 05 degrees 13 minutes 51 seconds, and a chord bearing and distance of South 42 degrees 31 minutes 03 seconds East, 52.48 feet to the **Point of Beginning**, containing 10.329 acres (449,912.26 square feet) of land.

**Note:** Basis of bearing was established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. A survey of even date was prepared for this description



  
Stephanie L. James, R.P.L.S.  
Registered Professional Land Surveyor  
No. 5950  
Date: 2019-10-07      Job #19043  
Revised Date: 2019-12-18

GENERAL NOTES:

1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.

2) ONLY THOSE COPIES WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR WILL BE CONSIDERED A "VALID" COPY. MOY TARIN RAMIREZ ENGINEERS, LLC., WILL NOT BE RESPONSIBLE FOR THE CONTENT OF ANYTHING OTHER THAN A VALID COPY OF THIS SURVEY.

3) THIS EXHIBIT IS NOT AN IMPROVEMENT SURVEY. IMPROVEMENTS AND RECORDED EASEMENTS AFFECTING THE SUBJECT PROPERTY MAY EXIST BUT ARE NOT SHOWN.

4) A FIELD NOTE DESCRIPTION OF EVEN DATE WAS PREPARED FOR THIS SURVEY.

5) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

KEY NOTES:

① VARIABLE WIDTH E.G.T.T.V., WATER, SANITARY SEWER, DRAINAGE & TURNAROUND EASEMENT  
DOC.#20180085937, O.P.R.B.C.T.

② VARIABLE WIDTH E.G.T.T.V., WATER, SANITARY SEWER, DRAINAGE & TURNAROUND EASEMENT  
(VOL.20001, PG. 217, O.P.R.B.C.T.)  
DOC.#20180120002 AND DOC.#20180085936, O.P.R.B.C.T.

③ VARIABLE WIDTH SANITARY SEWER EASEMENT  
(VOL.20001, PG. 217, O.P.R.B.C.T.)  
DOC.#20180120002 AND  
DOC.#20180085933, O.P.R.B.C.T.

④ VARIABLE WIDTH E.G.T.T.V., WATER, SANITARY SEWER, DRAINAGE & TURNAROUND EASEMENT (BEING RECORDED CONCURRENTLY WITH THE HEREIN PLAT, DOC.#20190211497, O.P.R.B.C.T.)



• Engineers  
• Surveyors  
• Planners

**Moy Tarin Ramirez Engineers, LLC**

TBPELS ENGINEERING F-5297/SURVEYING NO. 10131500

12770 CIMARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249

TEL: (210) 698-5051  
FAX: (210) 698-5085



SCALE: 1"=200'



LEGEND:

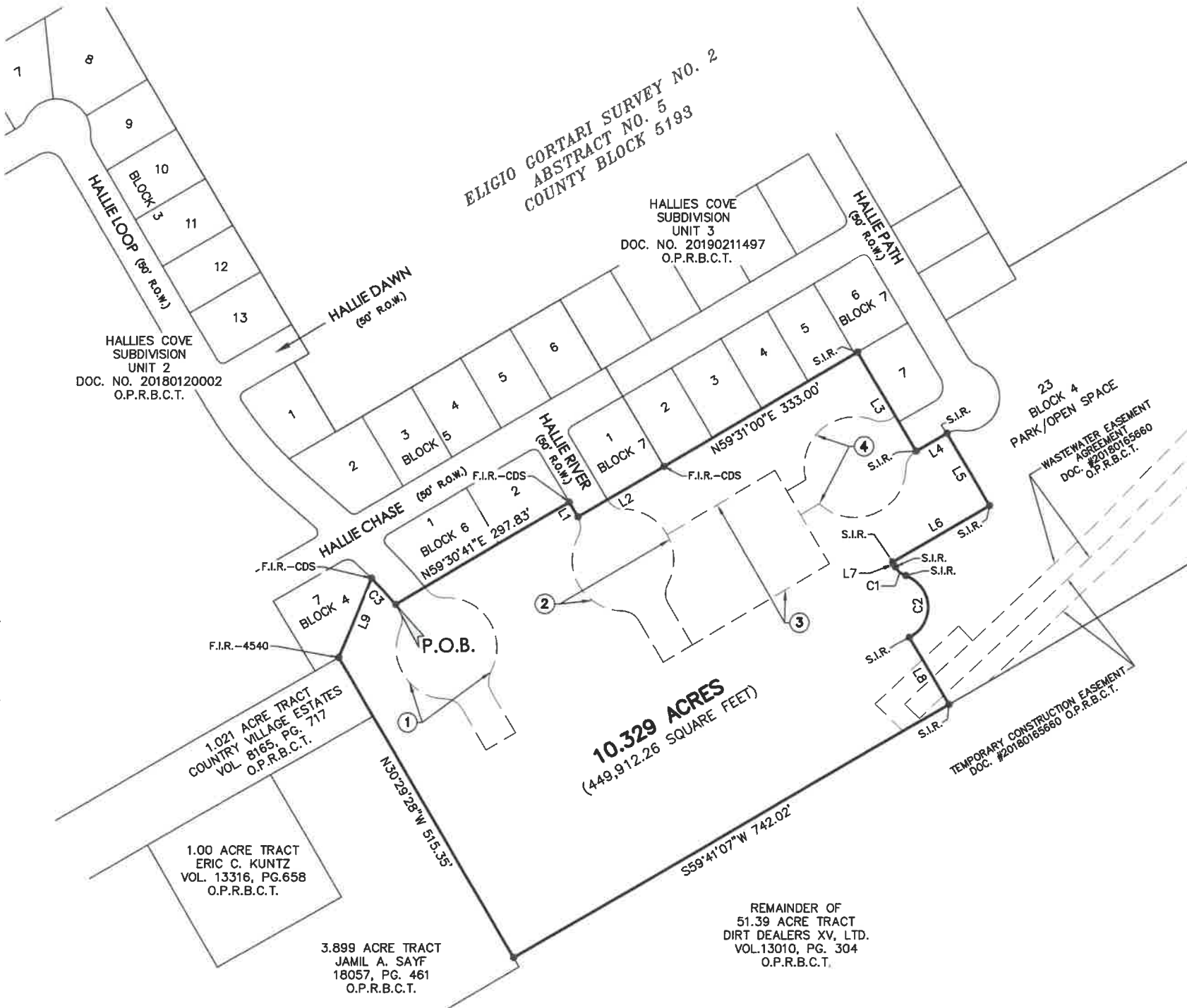
F.I.R. FOUND IRON ROD  
F.I.R.-CDS FOUND IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CDS MUERY S.A.TX"  
F.I.R.-4540 FOUND IRON ROD WITH A RED PLASTIC CAP STAMPED "RPLS 4540"  
O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS  
P.O.B. POINT OF BEGINNING  
R.O.W. RIGHT OF WAY  
S.I.R. SET 1/2" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "MTR ENG"

CURVE TABLE

CURVE NO.	DELTA	ARC LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	39°06'54"	20.48'	30.00'	S50°02'27"E	20.09'
C2	132°28'26"	115.61'	50.00'	S03°21'41"E	91.52'
C3	5°13'51"	52.49'	575.00'	S42°31'03"E	52.48'

LINE TABLE

LINE	LENGTH	DIRECTION
L1	25.20'	S30°54'12"E
L2	146.41'	N59°23'51"E
L3	170.00'	S30°29'00"E
L4	52.46'	N59°31'00"E
L5	124.25'	S30°29'50"E
L6	165.00'	S59°31'00"W
L7	8.21'	S30°29'00"E
L8	115.10'	S30°29'00"E
L9	126.95'	N22°24'09"E



*Stephanie L. James*

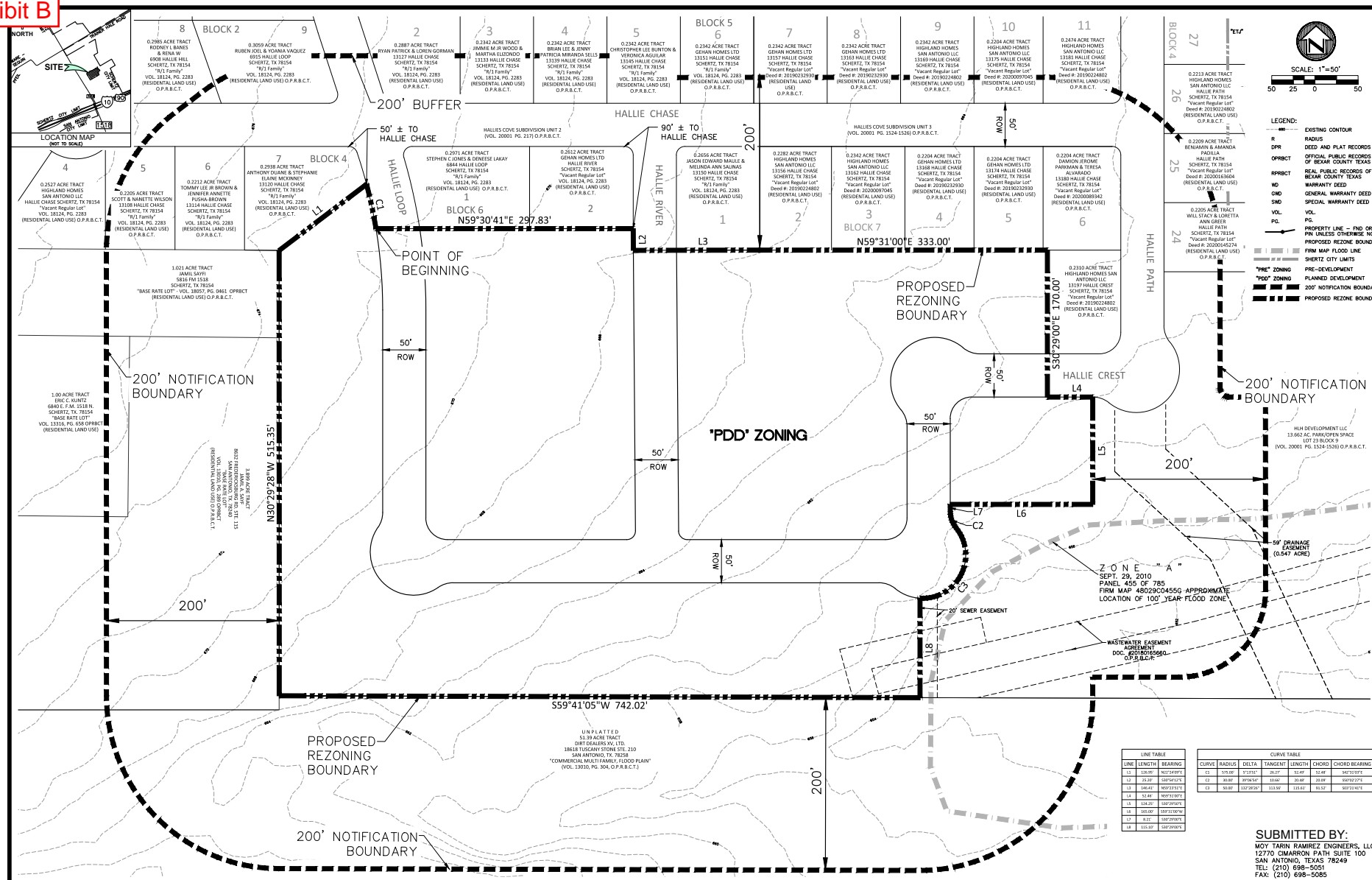
EXHIBIT OF

10.329 ACRES (449,912.26 SQUARE FEET) TRACT OF LAND SITUATED IN THE ELIGIO GORTARI SURVEY NO. 2, ABSTRACT NO. 5, COUNTY BLOCK 5193, BEXAR COUNTY, TEXAS, BEING OUT OF THE REMAINDER OF A 70.831 ACRE TRACT OF LAND AS CONVEYED TO HLH DEVELOPMENT, LLC, BY ASSUMPTION WARRANTY DEED, AS RECORDED IN DOCUMENT NO. 20180237610 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

DATE: 10-07-2019  
REVISED DATE: 12-18-2019

JOB NO. 19043





CONDITION	ZONING	AREA (AC.)
EXISTING	"PDD"	10.33
PROPOSED	"PDD"	10.33

1. THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DO NOT SET THE ALIGNMENT. ALIGNMENT IS DETERMINED AT TIME OF FINAL PLATTING.
2. ALL OPEN SPACE, COMMON AREAS, GREENBELTS, LANDSCAPE, DRAINAGE EASEMENT OR OTHER AREAS IDENTIFIED AS PRIVATE SHALL BE THE RESPONSIBILITY OF THE OWNER OR OWNER'S SUCCESSORS AND/OR ASSIGNS.
3. ACCORDING TO FLOOD INSURANCE RATE MAP, MAP 48029C0455G DATED SEPT. 29, 2010, SITE IS WITHIN THE 100-YEAR FLOODPLAIN.
4. CONTOURS ARE FROM SAN ANTONIO RIVER AUTHORITY LGAR.
5. AN ELEVATION CERTIFICATE WILL BE REQUIRED FOR ALL LOTS WITHIN 100' OF THE 100 YEAR FLOOD AS PER FIRM MAP 48029C0455G, PANEL 455 OF 705. SEE ATTACHED SEMI-FIRM MAP.

**HALLIES COVE UNIT 4**  
10.33 ACRES ~ TOTAL TRACT AREA

BEING 10.33 ACRES OF LAND SITUATED IN THE ELIGIO GORTARI SURVEY NO. 2, ABSTRACT NO. 5, COUNTY BLOCK 5193 IN BEXAR COUNTY, TEXAS, SAID 86.86 ACRES TRACT BEING A PORTION OF A CALLED 80 ACRE TRACT OF LAND AS DESCRIBED IN DEED TO WATER STAPPER AND WIFE, LONNIE STAPPER, RECORDED IN VOL. 2643, PG. 271 OF THE DEED RECORDS OF BEXAR COUNTY, TEXAS.

**SUBMITTED BY:**  
MOY TARIN RAMIREZ ENGINEERS, LLC  
12770 CIMARRON PATH SUITE 100  
SAN ANTONIO, TEXAS 78249  
TEL: (210) 698-5051  
FAX: (210) 698-5085

SURVEYED BY:  
ATWELL, LLC

**OWNER/APPLICANT**  
HLH DEVELOPMENT  
15720 BANDERA ROAD, SUITE 103  
HELOTES, TEXAS 78023  
TEL: (210) 698-5490

#### WALLIES COVE UNIT 4 ~ 10.33 ACRES

ZONING EXHIBIT

SCHERTZ, TEXAS

**MTR**

- Engineers
- Surveyors
- Planners

**Nov. Tarin Ramirez Engineers, LLC**

FIRM TBPELS ENG F-5297 SVY F-10131500  
22770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051  
SAN ANTONIO, TEXAS 78249 FAX: (210) 698-5095

REVISION		
NO.	DATE	DESCRIPTION

[illegible]

BY	
POL	
POL	
POL	

BY:	DNV. BY:	CHGD. BY:	DATE:
-----	----------	-----------	-------

# HALLIES COVE UNITS 4A & 4B

An Estate Neighborhood Planned Development District  
Schertz, Bexar County, Texas



- *Engineers*
- *Surveyors*
- *Planners*

---

***Moy Tarin Ramirez Engineers, LLC***

12770 Cimarron Path, Ste. 100 San Antonio, TX 78249

TBPELS: Engineering F-5297/Surveying F-10131500

Phone 210-698-5051 Fax 210-698-5085

MTR JOB #19043

**November 2020**

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- Estate Neighborhood Planned Development District (ENPDD) - Section 21.5.13(F)(2)
  - Open Space Requirements

#### **III. Site Design Standards (Article 9)**

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  - Screening Along Arterial Roadways

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Exhibit “D” – Entry Sign Locations

Exhibit “E” – Street Parking Section

Exhibit “F” – Master Development Plan

**I. General**

Hallies Cove Unit 4 is a proposed 10.33 acre single family residential development in the City of Schertz, Bexar County, Texas. Located along FM 1518, approximately 2,800 feet north of IH 10, the property is mostly undeveloped pasture with areas of floodplain. Because of its proximity to the floodplain and the ability to offer some significant open space for use by the City of Schertz linear trail system, Hallies Cove Unit 4 intends to use a residential cluster option in order to maximize the open space available.

Except as noted herein, the property will develop in accordance with the Estate Neighborhood Planned Development District (ENPDD) as specified in the Unified Development Code (UDC). Unless otherwise specified herein, all future development on the Property shall be governed by the UDC as amended.

**AFFECTED UDC ARTICLES**

**II. Zoning Districts (Article 5)**

**Dimensional Requirements Residential Zoning Districts Table 21.5.7(A).**

All buildable lots in Hallies Cove Unit 4A and 4B will develop in accordance with the R1 zoning district with the following exceptions:

Minimum Lot Size and Dimensions			Minimum Yard Setback (ft.)		
Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft)	Side (ft)	Rear (ft)
9,600 <sup>c</sup>	80	119 <sup>a,c</sup>	25	10	20 <sup>b</sup>
a. Lot depth, measured alongside property lines, for irregular lots, lots fronting cul-du-sacs or knuckles and curved streets, may vary in length provided that the average length of the two (2) side lot lines shall not be less than one hundred (100) feet.					
b. A maximum of twenty (20) linear feet of the building width may have a reduced minimum rear yard setback of ten (10) feet. Building width shall be measured in a straight line parallel to the lot width as defined by the UDC.					
c. Lots adjacent to drainage easements, will have a minimum lot depth of one hundred nine (109) feet and a minimum area of 8,720 square feet					

**Estate Neighborhood Planned Development District (ENPDD) Section 21.5.13(F)(2)**

Open Space Requirement:

Hallies Cove will provide 39 percent (39%) of the gross total acreage and will provide for more spacious lots with an R-1 density rather than using an extra dense lot size to meet the requirements of the ENPDD.



### **III. Site Design Standards (Article 9)**

#### **Screening and Fencing – Section 21.9.8(C)**

Screening Along Arterial Roadways:

Hallies Cove will provide 70 feet of landscape buffer to include shrubs, trees, and meandering berms along its entire frontage of FM 1518 in lieu of the 8' tall masonry wall.

### **IV. Signs and Advertising Devices (Article 11)**

#### **Subdivision Entry Signs – Section 21.11.15(D)**

Maximum Number of Signs:

Hallies Cove will have two (2) primary entrance signs. See Attached Exhibit for location.

### **V. Transportation (Article 14)**

#### **Streets – Section 21.14.1(P)**

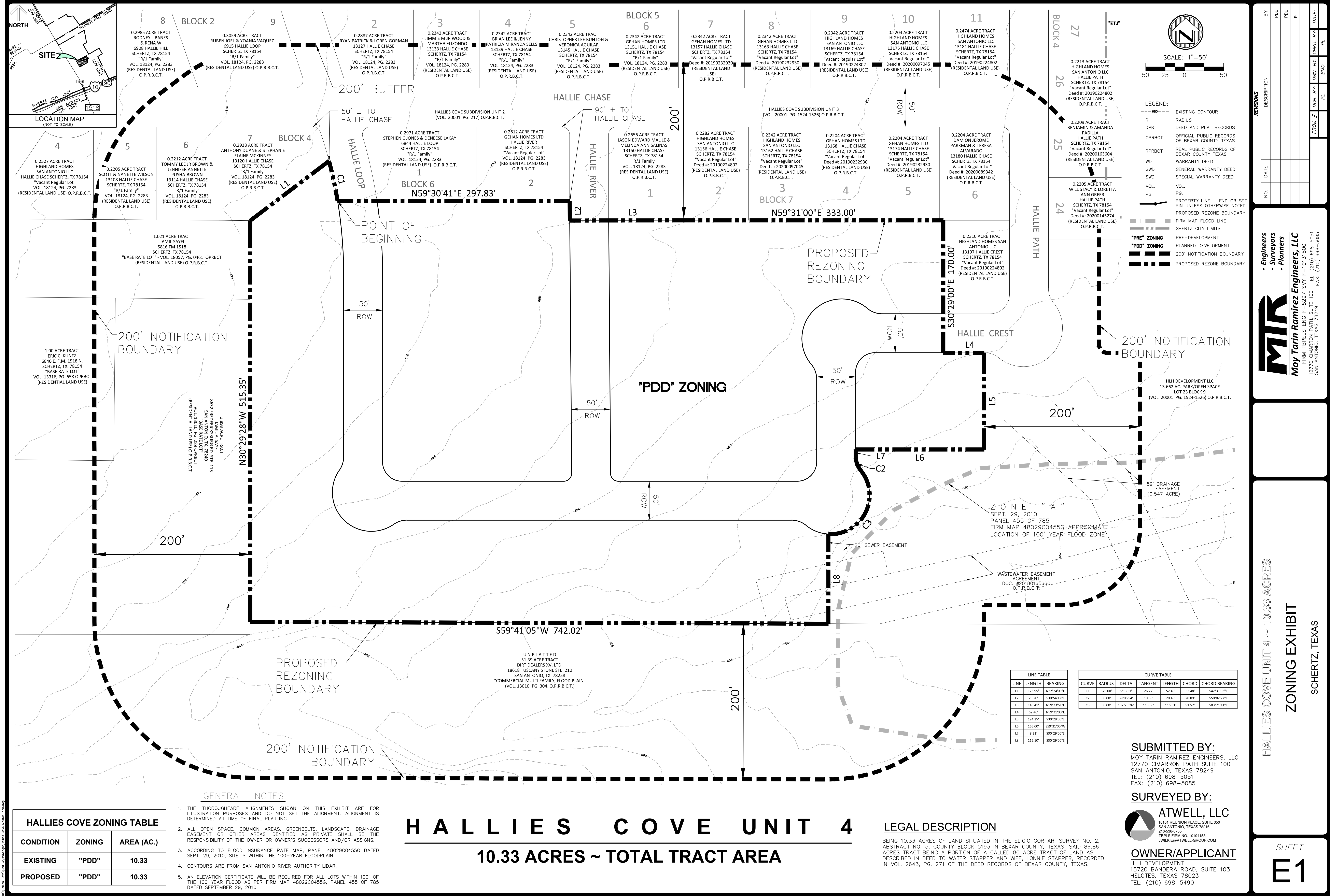
Street Improvements:

Hallies Cove will use a wider local street - residential section to provide dedicated parallel parking to the public for access to the proposed northern parkland. The street section will be adjacent to the open space and is described in Table 1. See attached Exhibit for cross-section.

Table 1					
Classification	ROW	Pavement	Drainage Width	Sidewalk Width	Hike / Bike Trail
Local Street; Residential with parallel parking	55'	35'	Curb or Curb and Gutter	5 feet both sides	N/A

### **VI. Amendments to the Planned Development District (PDD)**

Any significant future changes from the established Dimensional Requirements for the approved PDD, or changes that alter the concept of the PDD and/or increase the density, will cause the plan to be re-submitted for approval by the Planning & Zoning Commission and the City Council, including a new public hearing with applicable fees. Minor changes which do not change the concept or intent of the development shall be approved or denied administratively. Adjustments to detention areas as a result of stormwater management will be considered a minor change.



Field Notes for a Tract of Land  
Containing 10.329 acres (449,912.26 square feet)

10.329 acres (449,912.26 square feet) tract of land situated in the Eligio Gortari Survey No. 2, Abstract No. 5, County Block 5193, Bexar County, Texas, being out of the remainder of a 70.831 acre tract of land as conveyed to HLH Development, LLC, by Assumption Warranty Deed, as recorded in Document No. 20180237610 of the Official Public Records of Bexar County, Texas, said 10.329 acres (449,912.26 square feet) tract of land being more particularly described as follows:

**Beginning:** at a point being the most southerly terminus point of Hallie Loop, a 50.00-foot wide right of way as shown on plat of Hallies Cove Subdivision Unit 2, as recorded in Document Number 20180120002 of the Official Public Records of Bexar County, Texas, and being an interior corner of the herein described tract;

**Thence,** with the southeast boundary of said Hallies Cove Subdivision Unit 2, the following three (3) courses:

North 59 degrees 30 minutes 41 seconds East, a distance of 297.83 feet to a found iron rod with a yellow plastic cap stamped "CDS MUERY S.A. TX", being the easterly corner of Lot 2, Block 6, of said Hallies Cove Subdivision Unit 2, and being an angle point in the herein described tract;

South 30 degrees 54 minutes 12 seconds East, a distance of 25.20 feet to a point, being the most southerly terminus point of Hallie River, a 50.00-foot wide right of way as shown on said plat of Hallies Cove Subdivision Unit 2, and being an angle point in the herein described tract;

North 59 degrees 23 minutes 51 seconds East, a distance of 146.41 feet to a found iron rod with a yellow plastic cap stamped "CDS MUERY S.A. TX", being the west corner of Lot 1, Block 7, of said Hallies Cove Subdivision Unit 2, and being the south corner of Lot 2, Block 7, as shown on plat of Hallies Cove Subdivision Unit 3, as recorded in Document Number 20190211497 of the Official Public Records of Bexar County, Texas, said iron rod being an angle point in the herein described tract;

**Thence,** with the southeast and the easterly boundary of said Hallies Cove Subdivision Unit 3, the following nine (9) courses:

North 59 degrees 31 minutes 00 seconds East, a distance of 333.00 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being the south corner of Lot 6, Block 7, as shown on plat of said Hallies Cove Subdivision Unit 3, being the north corner of the herein described tract;

South 30 degrees 29 minutes 00 seconds East, a distance of 170.00 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an interior angle in the herein described tract;

North 59 degrees 31 minutes 00 seconds East, a distance of 52.46 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an angle point in the herein described tract;

South 30 degrees 29 minutes 50 seconds East, a distance of 124.25 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an angle point in the herein described tract;

South 59 degrees 31 minutes 00 seconds West, a distance of 165.00 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being an angle point in the herein described tract;

South 30 degrees 29 minutes 00 seconds East, a distance of 8.21 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being a point of tangent curvature to the left;



Along the arc of said curve to the left, a distance of 20.48 feet, having a radius of 30.00 feet, a central angle of 39 degrees 06 minutes 54 seconds, and a chord bearing and distance of South 50 degrees 02 minutes 27 seconds East, 20.09 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being a point of reverse curvature to the right;

Along the arc of said curve to the right, a distance of 115.61 feet, having a radius of 50.00 feet, a central angle of 132 degrees 28 minutes 26 seconds, and a chord bearing and distance of South 03 degrees 21 minutes 41 seconds East, 91.52 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being a point of non-tangency;

South 30 degrees 29 minutes 00 seconds East, a distance of 115.10 feet to a set 1/2" iron rod with an orange plastic cap stamped "MTR ENG", being the south corner of Lot 23, Block 4, designated as Park/Open Space as shown on plat of said Hallies Cove Subdivision Unit 3, said iron rod being on the southeasterly boundary of the remainder of said 70.831 acre tract, being an angle point in the herein described tract;

**Thence**, with the southeast boundary of the remainder of said 70.831 acre tract, South 59 degrees 41 minutes 07 seconds West, a distance of 742.02 feet to a point being the south corner of the remainder of said 70.831 acre tract, and the south corner of the herein described tract;

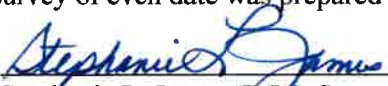
**Thence**, with the southwest boundary of the remainder of said 70.831 acre tract, North 30 degrees 29 minutes 28 seconds West, a distance of 515.35 feet to a found iron rod with a red plastic cap stamped "RPLS 4540" on the southeast boundary of Lot 7, Block 4 as shown on said plat of Hallies Cove Subdivision Unit 2, being the north corner of a 1.021 acre tract described by deed recorded in Volume 8165, Page 717 of the Official Public Records of Bexar County, Texas, said iron rod being the west corner of the herein described tract;

**Thence**, with the southeast boundary of said Lot 7, Block 4, North 22 degrees 24 minutes 09 seconds East, a distance of 126.95 feet to a found iron rod with a yellow plastic cap stamped "CDS MUERY S.A. TX" on the southwesterly right of way of said Hallie Loop, being a point of non-tangent curvature to the right;

**Thence**, with the southwesterly right of way of said Hallie Loop, along the arc of said curve to the right, a distance of 52.49 feet, having a radius of 575.00 feet, a central angle of 05 degrees 13 minutes 51 seconds, and a chord bearing and distance of South 42 degrees 31 minutes 03 seconds East, 52.48 feet to the **Point of Beginning**, containing 10.329 acres (449,912.26 square feet) of land.

**Note:** Basis of bearing was established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. A survey of even date was prepared for this description



  
Stephanie L. James, R.P.L.S.  
Registered Professional Land Surveyor  
No. 5950  
Date: 2019-10-07      Job #19043  
Revised Date: 2019-12-18

GENERAL NOTES:

1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.

2) ONLY THOSE COPIES WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR WILL BE CONSIDERED A "VALID" COPY. MOY TARIN RAMIREZ ENGINEERS, LLC., WILL NOT BE RESPONSIBLE FOR THE CONTENT OF ANYTHING OTHER THAN A VALID COPY OF THIS SURVEY.

3) THIS EXHIBIT IS NOT AN IMPROVEMENT SURVEY. IMPROVEMENTS AND RECORDED EASEMENTS AFFECTING THE SUBJECT PROPERTY MAY EXIST BUT ARE NOT SHOWN.

4) A FIELD NOTE DESCRIPTION OF EVEN DATE WAS PREPARED FOR THIS SURVEY.

5) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT.

KEY NOTES:

① VARIABLE WIDTH E.G.T.T.V., WATER, SANITARY SEWER, DRAINAGE & TURNAROUND EASEMENT  
DOC.#20180085937, O.P.R.B.C.T.

② VARIABLE WIDTH E.G.T.T.V., WATER, SANITARY SEWER, DRAINAGE & TURNAROUND EASEMENT  
(VOL.20001, PG. 217, O.P.R.B.C.T.)  
DOC.#20180120002 AND DOC.#20180085936, O.P.R.B.C.T.

③ VARIABLE WIDTH SANITARY SEWER EASEMENT  
(VOL.20001, PG. 217, O.P.R.B.C.T.)  
DOC.#20180120002 AND  
DOC.#20180085933, O.P.R.B.C.T.

④ VARIABLE WIDTH E.G.T.T.V., WATER, SANITARY SEWER, DRAINAGE & TURNAROUND EASEMENT (BEING RECORDED CONCURRENTLY WITH THE HEREIN PLAT, DOC.#20190211497, O.P.R.B.C.T.)



• Engineers  
• Surveyors  
• Planners

**Moy Tarin Ramirez Engineers, LLC**

TBPELS ENGINEERING F-5297/SURVEYING NO. 10131500

12770 CIMARRON PATH, SUITE 100  
SAN ANTONIO, TEXAS 78249

TEL: (210) 698-5051  
FAX: (210) 698-5085



SCALE: 1"=200'



LEGEND:

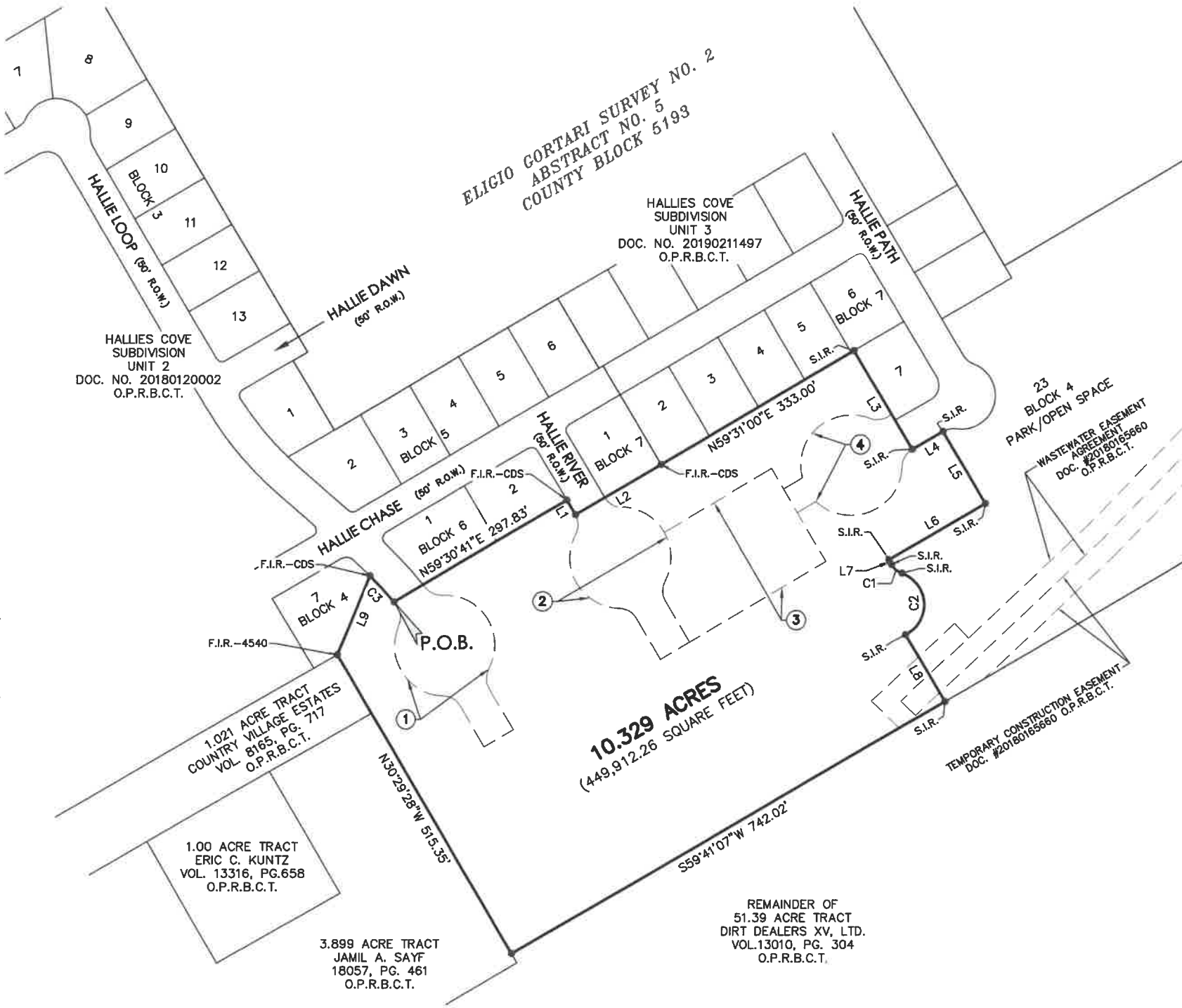
F.I.R.	FOUND IRON ROD
F.I.R.-CDS	FOUND IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "CDS MUERY S.A.TX"
F.I.R.-4540	FOUND IRON ROD WITH A RED PLASTIC CAP STAMPED "RPLS 4540"
O.P.R.B.C.T.	OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
S.I.R.	SET 1/2" IRON ROD WITH AN ORANGE PLASTIC CAP STAMPED "MTR ENG"

CURVE TABLE

CURVE NO.	DELTA	ARC LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
C1	39°06'54"	20.48'	30.00'	S50°02'27"E	20.09'
C2	132°28'26"	115.61'	50.00'	S03°21'41"E	91.52'
C3	5°13'51"	52.49'	575.00'	S42°31'03"E	52.48'

LINE TABLE

LINE	LENGTH	DIRECTION
L1	25.20'	S30°54'12"E
L2	146.41'	N59°23'51"E
L3	170.00'	S30°29'00"E
L4	52.46'	N59°31'00"E
L5	124.25'	S30°29'50"E
L6	165.00'	S59°31'00"W
L7	8.21'	S30°29'00"E
L8	115.10'	S30°29'00"E
L9	126.95'	N22°24'09"E



*Stephanie L. James*

EXHIBIT OF

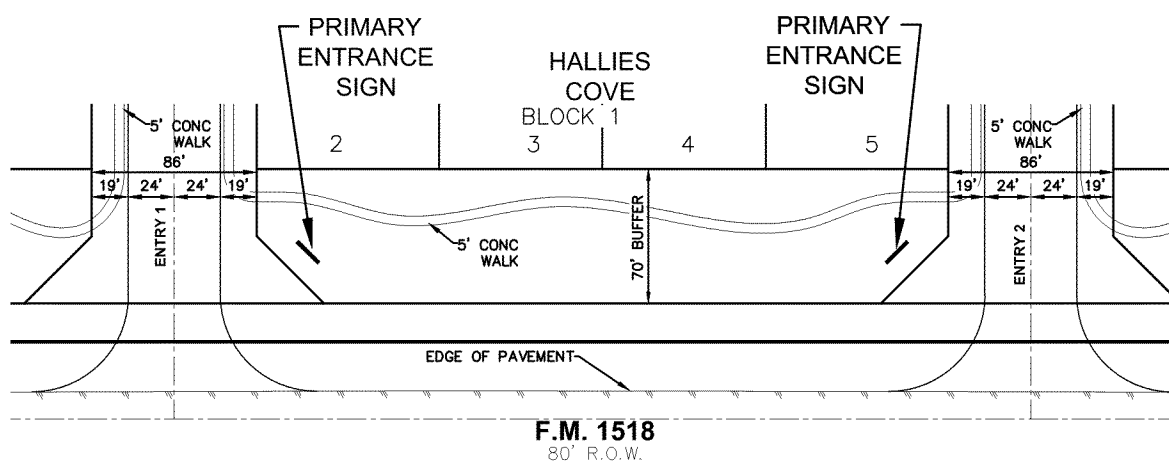
10.329 ACRES (449,912.26 SQUARE FEET) TRACT OF LAND SITUATED IN THE ELIGIO GORTARI SURVEY NO. 2, ABSTRACT NO. 5, COUNTY BLOCK 5193, BEXAR COUNTY, TEXAS, BEING OUT OF THE REMAINDER OF A 70.831 ACRE TRACT OF LAND AS CONVEYED TO HLH DEVELOPMENT, LLC, BY ASSUMPTION WARRANTY DEED, AS RECORDED IN DOCUMENT NO. 20180237610 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

DATE: 10-07-2019  
REVISED DATE: 12-18-2019

JOB NO. 19043



SCALE: 1" = 100'



File: P:\Housman\63 acres - FM 1518 Hallies Cove\DWG\Hallies Cove Master Plan Sign Exhibit.dwg

**COURSEN-KOEHLER**  
**ENGINEERING & ASSOCIATES**

11802 Warfield, Suite 200 • San Antonio, Texas 78216  
Tel: 210.807.9030 • Fax: 210.855.5530  
www.coursen-koeehler.com • TBPE Firm No. F-10747

**HALLIES COVE**

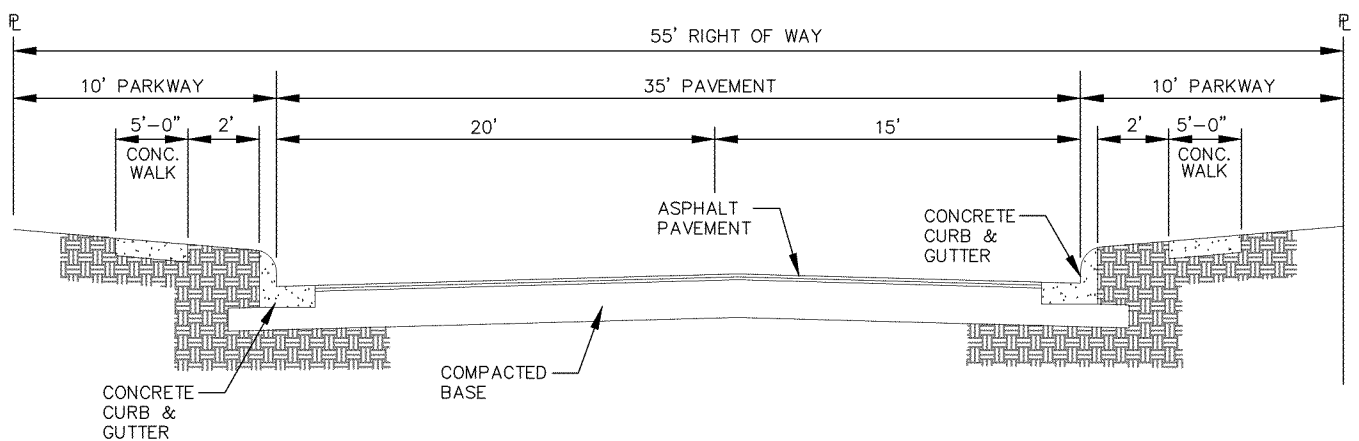
**ENTRANCE SIGN  
EXHIBIT**

JOB NO.: 15046.00

DATE: 08/08/16

DRAWN: PDL

REVISIONS:



**LOCAL STREET  
RESIDENTIAL  
WITH PARALLEL PARKING**

N.T.S.

**COURSEN-KOEHLER**  
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**HALLIES COVE**

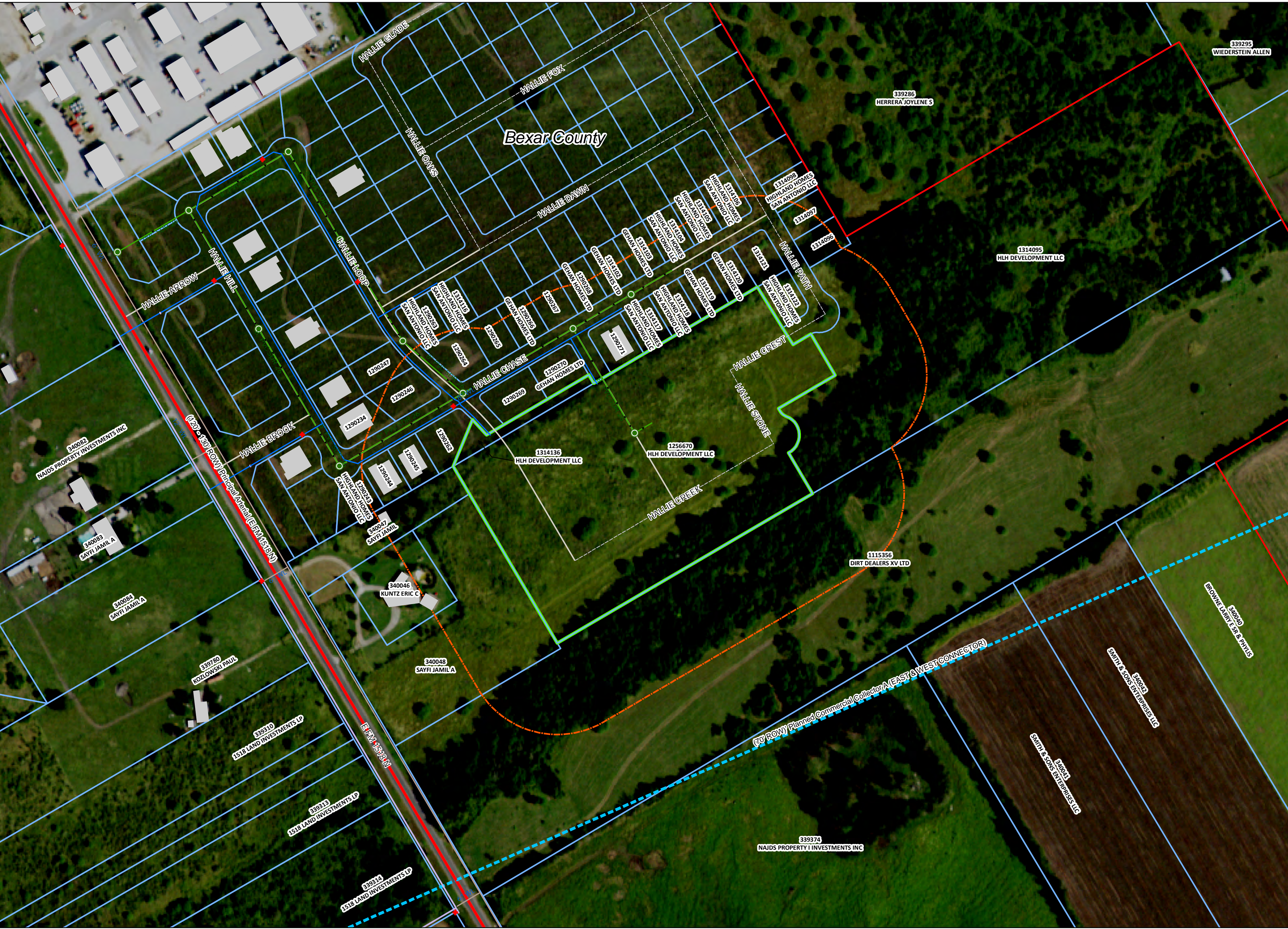
**LOCAL STREET  
RESIDENTIAL  
WITH PARALLEL PARKING**

JOB NO.: 15046.00  
DATE: 08/08/16  
DRAWN: PDL  
REVISIONS:











**SCHIERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

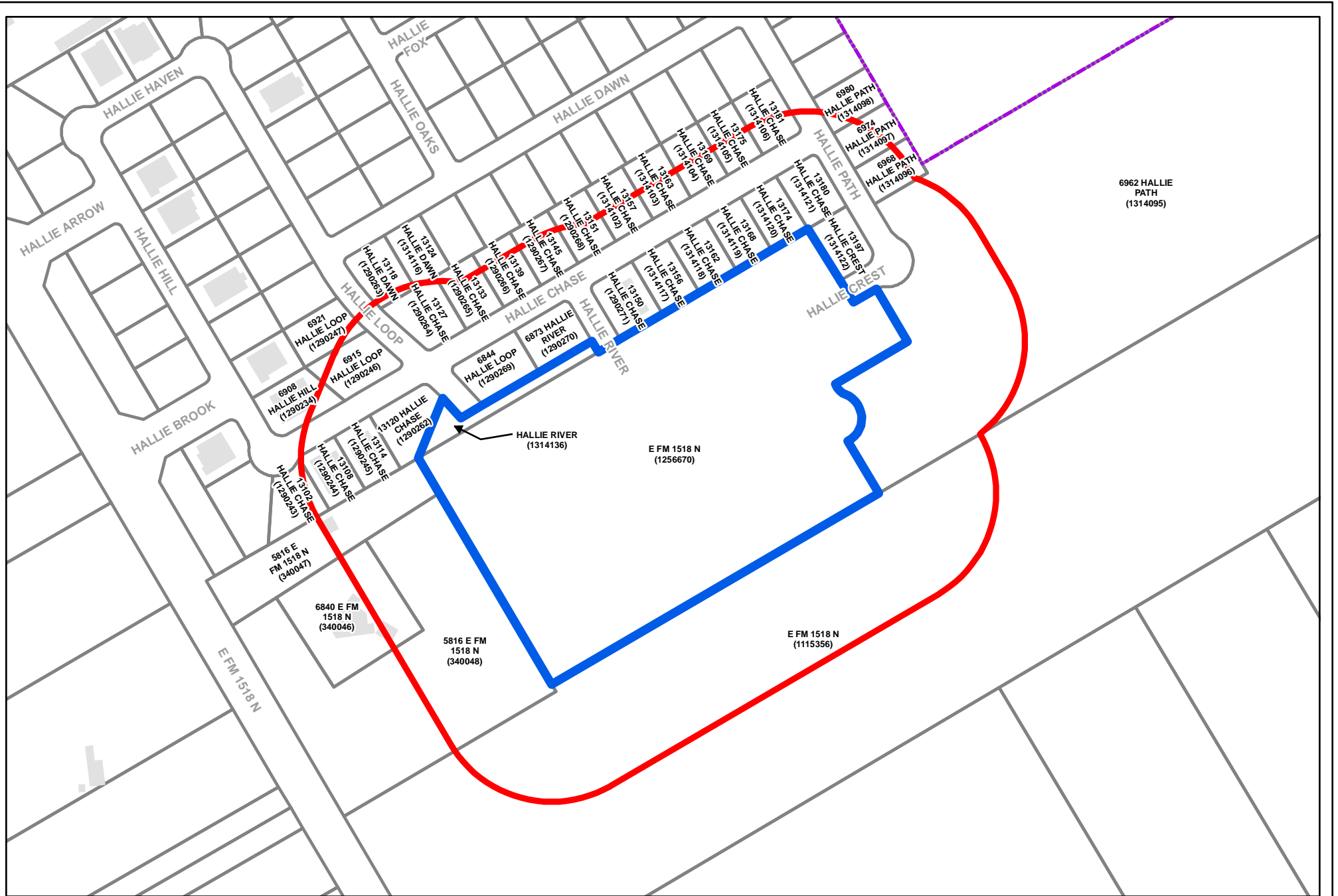
**HALLIES COVE SUBDIVISION  
UNITS 4A & 4B**

 <all other values>	 <all other values>	 Planned Secondary Arterial	 Commercial Collector B	 1"	 8"	 20"	 Schertz Gravity	 Hydrant	 200' Buffer
 Highways	 Freeway	 Secondary Rural Arterial	 Planned Commercial Collector B	 2"	 10"	 24"	 Schertz Pressure	 Manholes	 Schertz Municipal Boundary
 Major Roads	 Principal Arterial	 Planned Secondary Rural Arterial	 Commercial Collector A	 3"	 12"	 30"	 Neighboring Gravity	 County Boundaries	
 Minor Roads	 Planned Principal Arterial	 Residential Collector	 Planned Commercial Collector A	 4"	 16"	 36"	 Private Pressure		
 Other Cities	 Secondary Arterial	 Planned Residential Collector		 6"	 18"				

0 75 150 300 450 600 750 Feet

1 Inch = 150 Feet





**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

Last Update: October 16, 2020

City of Schertz, GIS Specialist: Bill Gardner, gis@schertz.com (210) 619-1185

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

# City of Schertz

## HALLIES COVE SUBDIVISION

### UNITS 4A & 4B



Parcel Boundaries

Schertz Municipal Boundary



200' Notification Buffer



## NOTICE OF PUBLIC HEARING

November 25, 2020

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, December 9, 2020** at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

**ZC2020-010** – A request to rezone approximately 10.5 acres of land from Planned Development District (PDD) to Planned Development District (PDD), generally located southwest of the intersection between Hallie Chase and Hallie Loop, more specifically described as Hallie's Cove Subdivision Units 4A and 4B, City of Schertz, Bexar County, Texas.

The Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. *This form is used to calculate the percentage of landowners that support and oppose the request.* You may return the reply form below prior to the first public hearing date by mail or personal delivery to Nick Kopyay, Planner, 1400 Schertz Parkway, Schertz, Texas 78154, by fax (210) 619-1789, or by e-mail [nkopyay@schertz.com](mailto:nkopyay@schertz.com). If you have any questions please feel free to call Nick Kopyay, Planner directly at (210) 619-1782.

Sincerely,

*Nick Kopyay*

Nick Kopyay  
Planner

### Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-010**

COMMENTS: PREDICATED UPON MEETING INFORMATION AND RESULTS

NAME: WILLIAM LORETTA A. GREER SIGNATURE: Will A. Greer Loretta A. Greer  
(PLEASE PRINT)

STREET ADDRESS: 6968 HALLIE PATH, SCHERTZ, 78154

DATE: 2 DECEMBER 2020

## Nick Koplyay

---

**To:** Nick Koplyay  
**Subject:** RE: Rezone 10.5 acres of land from PDD - Hallie Chase

**Sent:** Tuesday, December 1, 2020 12:29 PM  
**To:** Nick Koplyay <nkoplyay@schertz.com>  
**Cc:** JROCK81@YAHOO.COM  
**Subject:** Re: Rezone 10.5 acres of land from PDD - Hallie Chase

Mr. Koplyay - thank you for contacting me via cell phone yesterday. I appreciate your prompt response and detailed explanation. Jason Maule and I are both in favor of the rezone request. We reside at 13150 Hallie Chase, Schertz, TX 78154

Thanks again for your service. Have a great day!

Dr. Melinda Salinas  
cell 210-274-5212

A student is not an interruption of our work...the student is the purpose of it. We are not doing a favor by serving the student...the student is doing us a favor by giving us the opportunity to do so.

*The information in this transmission may contain privileged and confidential information and is intended only for the use of the person(s) named above. If you are not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender immediately by reply email and destroy all copies of the original message.*

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** **January 5, 2021**  
**Department:** **City Secretary**  
**Subject:** **Workshop Discussion and Update (Ordinance 20-H-18) - Discussion and update regarding the COVID-19 virus and our current Ordinance No. 20-H-18 Declaration of Local Disaster. (M. Browne/K. Long/S. Hall)**

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**BACKGROUND**

Staff will provide Council with an update regarding the COVID-19 Virus. Discussion will include the recent Executive Order 29 relating to the use of face coverings.

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**Attachments**

Revised 20-H-18

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## **Ordinance No. 20-H-18**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ TO SUPERSEDE ORDINANCE 20-H-15; EXTENDING A DECLARATION OF LOCAL DISASTER; RESTRICTING CERTAIN ACTIVITIES; ESTABLISHING PENALTIES FOR VIOLATIONS. PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY; FIRST AND FINAL READING**

**WHEREAS**, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough, and shortness of breath. Outcomes have ranged from mild to severe illness, and in some cases death; and

**WHEREAS**, on January 20, 2020, the World Health Organization (WHO) Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern (PHEIC), advising countries to prepare for the containment, detection, isolation and case management, contact tracing and prevention of onward spread of the disease; and

**WHEREAS**, on March 13, 2020, President Trump declared a state of emergency due to COVID- 19; and

**WHEREAS**, President Trump has invoked the Stafford Act, which will allow state and local governments to access federal disaster relief funds; and

**WHEREAS**, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying that COVID-19 poses an imminent threat of disaster for counties in the state of Texas; and

**WHEREAS**, the Texas Department of State Health Services has now determined that, as of March 19, 2020, COVID- 19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

**WHEREAS**, to date, there have been 48,693 confirmed positive cases in Texas; and

**WHEREAS**, the crisis that is now a pandemic has infected 4,805,430 people around the world resulting in 318,554 deaths, with 1,537,830 cases confirmed in the United States; and

**WHEREAS**, on March 31, 2020 Governor Abbott issued GA-14 superseding local authority invoked under Chapter 418 of the Government Code, and Chapter 81 and 122 of the Health and Safety Code where local order conflict with GA-14 or any previous order of the Governor related to the pandemic;

**WHEREAS**, also on April 17, 2020, Governor Abbott issued Executive Order GA-16 to replace Executive Order GA- 14, and while Executive Order GA- 16 generally continued through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

**WHEREAS**, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders and the continued gradual reopening of Texas pursuant to GA-18- GA-23 and subsequent orders of the Governor; and

**WHEREAS**, pursuant to the Texas Disaster Act of 1975, the Mayor is designated as the Emergency Management Director of the City of Schertz, and may exercise the powers granted by the governor on an appropriate local scale; and

**WHEREAS**, Ralph Gutierrez, the Mayor of the City of Schertz previously determined and declared that extraordinary and immediate measures must be taken to respond quickly, prevent and alleviate the suffering of people exposed to and those infected with the virus, as well as those that could potentially be impacted by COVID-19;

**WHEREAS**, a declaration of local disaster and public health emergency includes the ability to reduce the possibility of exposure to disease, control the risk, promote health, compel persons to undergo additional health measures that prevent or control the spread of disease, including isolation, surveillance, quarantine, or placement of persons under public health observation, including the provision of temporary housing or emergency shelters for persons misplaced or evacuated and request assistance from the governor of state resources.

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

- Section 1. 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 City Council.
- Section 2. That the local state of disaster and public health emergency originally declared by Mayor Ralph Gutierrez for the City of Schertz, Texas, pursuant to §418.108(a) of the Texas Government Code and renewed and extended to May 26, 2020 at 11:59 p.m. by City Council Ordinance 20-H-15 pursuant to §418.108(b) of the Government Code, including all rules and regulations, is hereby further amended and extended until the Disaster Declaration put in place by Governor Abbott for the State of Texas expires.
- Section 3. Pursuant to §418.108(c) of the Government Code, this declaration of a local state of disaster and public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- Section 4. Pursuant to §418.108(d) of the Government Code, this declaration of a local state of disaster and public health emergency activates the City of Schertz, Texas, emergency management plan.
- Section 5. All ordinances 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 herein except those portions deemed to conflict with any emergency orders of Governor Abbott.

- 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 Council 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, Texas Government Code, as amended.
- Section 9. Should Governor Abbott lift the statewide disaster declaration and orders now in place prior to the date of expiration stated herein, this ordinance shall no longer be subject to enforcement by the City and shall be repealed by the City Council at the first legally posted meeting thereafter.
- Section 10. Any peace officer or other person with lawful authority is further authorized to enforce the provisions of this Ordinance or the orders of the Governor in accordance with the authority granted under the Texas Disaster Act of 1975, as applicable, which allows a fine not to exceed \$1000.00 and confinement not to exceed 180 days pursuant to Government Code 418.173.
- Section 11. This Ordinance shall be in force and effect from its first and final passage, and any publication required by law.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS  
THIS ORDINANCE WAS PASSED, ON FIRST AND FINAL READING, THE 23<sup>rd</sup> DAY  
OF JUNE 2020.**

CITY OF SCHERTZ, TEXAS

By: \_\_\_\_\_

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary