



**MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
February 8, 2022**

**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, FEBRUARY 8, 2022 at 6:00 p.m.

City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, February 8, 2022, 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 Heyward)**

Presentations

- Proclamation recognizing the Official San Antonio Stock Show & Rodeo Season. (Mayor/B. Hall/Ambassadors)

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

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 meeting of the regular meeting of February 1, 2022. (B. Dennis)
2. **Ordinance No. 22-M-06** - Consider action approving an Ordinance amending Chapter 21 Community Development of the City of Schertz Code of Ordinances by adding Article III Enterprise Zones, enabling nomination of qualifying projects to the State of Texas for Enterprise Project Designation. ***Final Reading*** (M. Browne/A. Perez)
3. **Resolution No. 22-R-15** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a program and expenditures as provided for in the Economic Development Performance Agreement between Sysco Corporation and the City of Schertz Economic Development Corporation. (M. Browne/A. Perez)

Discussion and Action Items

Public Hearings

4. **Resolution No. 22-R-16** - Conduct a Public hearing and consideration and/or action adopting a resolution nominating Sysco USA I, Inc. as an Enterprise Zone Project under the provisions established in State Law and Chapter 21 of the Code of the City of Schertz. (M. Browne/A. Perez)

5. **Ordinance No. 22-S-07** - Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed-Use Neighborhood land use designation to the Single-Family Residential land use designation, generally located 3,650 feet east from the intersection of Schaefer Road and FM 1518, also known as Bexar County Property Identification Numbers, 309807, 309837, 309814 City of Schertz, Bexar County, Texas. ***First Reading*** (B. James/L. Wood/M.Harrison)
6. **Ordinance No. 22-S-08** - Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood land use designation to the Mixed-Use Neighborhood Center land use designation, generally located 2,500 feet southeast from the intersection of Lower Seguin Road and FM 1518, known as 9120 E FM 1518 N, also known as Bexar County Property Identification Numbers, 309999 and 309997, City of Schertz, Bexar County, Texas. ***First Reading*** (B.James/L.Wood/M.Harrison)

Roll Call Vote Confirmation

Information available in City Council Packets - NO DISCUSSION TO OCCUR

7. 2021 Racial Profiling Annual Report - Schertz Police Department

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 4th DAY OF FEBRUARY 2022 AT 1:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

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 _____, 2022. TITLE: _____

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

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

Closed Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

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

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022
Department: City Secretary
Subject: Minutes – Consideration and/or action regarding the approval of the minutes of the meeting of the regular meeting of February 1, 2022. (B. Dennis)

BACKGROUND

The City Council held a Regular City Council meeting on February 1, 2022.

RECOMMENDATION

Recommend Approval.

Attachments

02-01-2022 Minutes

MINUTES
REGULAR MEETING
February 1, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 1, 2022, 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 David Scagliola; Councilmember Mark Davis; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Rosemary Scott

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

Call to Order

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

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

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

A. Mayor Pro-Tem Oath of Office - Oath of Office administered to Councilmember David Scagliola. (B. Dennis)

City Secretary Brenda Dennis provided the Oath of Office for the Mayor Pro-Tem office to Councilmember David Scagliola.

Presentations

- Proclamation recognizing Career and Technology Education Month. (Mayor/Amy Massey SCUCISD)

Mayor Gutierrez read and presented the proclamation to Ms. Amy Massey, Career and Technical Education Coordinator for the Schertz-Cibolo-Universal City Independent School District. Ms. Massey provided background information regarding the program and thanked the Economic Development Department and the City of Schertz who assist with this program.

Employee Recognitions

New Employee Introductions:

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

- 311 Public Affairs: Guadalupe Martinez - 311 Customer Relations
- EDC: Casey Moeller - Business Engagement Manager
- EMS: Samantha Sommers, Paramedic; Tyler Warneke, EMT

- Fire: Annaliese Fielder - Firefighter
- Inspections: Amanda Cox - Permit Technician
- Police Department: Catherine Gibbs - Communications Officer, Melissa Hurst - Civilian Evidence Technician
- Public Works: Jonathan Chapman, Jose Sanchez - Street Worker II - Elijah Allen - Street Worker I
- Public Works: Robert Pfeil, Michael Claxton - Service Worker I. Nicholas Ferris - SCADA Technician

City Events and Announcements

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

Mayor Gutierrez recognized Assistant to the City Manager Sarah Gonzalez who provided the following announcements:

Friday, February 4th

Strategic Planning Retreat

8:30 AM

Community Room, Fire Station #3

11917 Lower Seguin Road

Saturday, February 5th

Swim N' S'mores

4:30-6:30 PM

Schertz Aquatic Center, 621 Westchester Drive

Enjoy swimming, s'mores, and hot chocolate on the splash pad.

Tuesday, February 8th

Next regular scheduled Council meeting, 6:00 PM, Council Chambers

Friday, February 11th

Chuck Wagon Breakfast

7:30 AM – 9:30 AM

Schertz Financial Center, 16895 IH 35 North

Scrambled eggs, sausage, biscuits, gravy, peach cobbler, and coffee will be served.

Save the Date Tuesday, February 15th

Council on the Go

Meet and Greet – 6:00 PM – 6:30 PM

Meeting – 6:30 PM

John Paul II Catholic High School

6720 FM 482, New Braunfels

- Announcements and recognitions by the City Manager (M. Browne)

No Announcements were provided.

- Announcements and recognitions by the Mayor (R. Gutierrez)

No announcements were provided.

Hearing of Residents

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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:

- Ms. Maggie Titterington, Chamber President stated that their Health and Wholeness Fair was a success and wanted to give a shout-out to Mr. Richard Dziewit and Ms. Sue Boissonneault who assisted with the parking for this event.

Ms. Titterington reminded Council of their upcoming Chamber Luncheon, February 15, 2022 where the cities will be presenting their "State of the City" Videos" - City of Schertz, City of Cibolo, and the City of Selma.

Ms. Titterington spoke as a resident of the Fairhaven Homeowners Association, in thanking the Public Works Department, Suzanne Williams and others for assisting in the installation of the long over due speed humps.

Discussion and Action Items

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meetings of January 11, 2022 and January 25, 2022. (B. Dennis/S. Edmondson)

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve the January 11, 2022 and the January 25, 2022 minutes with the correction of the Mayor Pro-Tem.

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

Passed

Public Hearings

Mayor Gutierrez read the following into record:

2. **Ordinance No. 22-M-06** - Hold a Public Hearing, consider action amending Chapter 21 Community Development of the City of Schertz Code of Ordinances by adding Article III Enterprise Zones, enabling nomination of qualifying projects to the State of Texas for Enterprise Project Designation.
First Reading (M. Browne/A. Perez)

Mayor Gutierrez recognized Economic Development Director Adrian Perez who introduced this item

and provided the following information:

- **Program Background** - The Texas Enterprise Zone Program (EZP) is a state sales and use tax refund program for qualifying costs provided to companies relocating or expanding in Texas.

- New or existing companies can secure a State of Texas sales tax refund by:

- meeting capital investment thresholds
- creating and/or retaining jobs that employ a percentage of enterprise zone residents, or veterans.

- Companies must:

- Secure the nomination of a local community to submit an application.
- Scored by the State of Texas versus other projects on a quarterly basis.

- **Community Benefit**

- City of Schertz may offer nominations of up to six projects per biennium for a State Sales Tax rebate (not local sales tax).
- Provides an additional tool to encourage companies to locate or expand operations and create new jobs in the community as well as to hire from Veteran populations.

- **Fiscal Impact**

- No direct fiscal impact as the sales tax rebate is paid from the portion collected by the State of Texas.
- Administrative impact is minimal and can be integrated into ongoing incentive monitoring duties.

Staff recommends approval of Ordinance 22--06 adding Section III to Chapter 21 of the City of Schertz Code of Ordinances titled Community Development.

Mayor Gutierrez opened the Public Hearing, and as no one spoke; closed the Public Hearing for Council comments and questions. Mr. Perez addressed questions from Council.

Moved by Councilmember Tim Brown, seconded by Councilmember Michael Dahle to approve Ordinance No. 22-M-06 on first reading.

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

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for Agenda Items 1 & 2.

CLOSED SESSION

Mayor Gutierrez read the following into record:

3. 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.

Mayor Gutierrez recessed the regular meeting into Closed Session at 6:35 p.m.

Reconvene into Regular Session

Councilmember Whittaker left the meeting at 7:30 p.m.

Mayor Gutierrez reconvened back into Regular Session at 7:36 p.m.

- 3a. Take any action based on discussions held in Closed Session under Agenda Item 3.

Motion was made by Councilmember Heyward seconded by Councilmember Dahle to provide our City Secretary a pay increase of 3% with an effective date of next pay period.

AYE: Mayor Pro-Tem Scagliola, Councilmember Davis, Councilmember Michael Dahle, Councilmember Allison Heyward, Councilmember Tim Brown
(*Councilmember Jill Whittaker had left the meeting at 7:30 p.m.*)

Motion Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized Deputy City Secretary Sheila Edmondson who provided the roll call vote confirmation for Agenda Item 3A.

Requests and Announcements

- Announcements by the City Manager.

Nothing further.

- Requests by Mayor and Councilmembers for updates or information from staff.

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola who stated that some members of the Lions Club had a District meeting last week and one of the members came back with a truck load of little stuffed dolls and animals; they asked if our First Responders have a program where they carry these types of items in their trucks. He was wondering if we had that type of program and if we do the member would like for him to find a home for the box of toys he has. Mayor Pro-Tem Scagliola stated that he would talk to Dr. Browne about this to see what we could do.

- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.

No items were 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 Councilmembers:

- Councilmember Dahle who stated he attended the First Coffee with the Chamber at their new facility in Selma last week.
- Councilmember Heyward who stated that she attended the TML Regional Officer Orientation, Ribbon Cutting Ceremony for Tri Hydro Engineering Corporation.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:42 p.m.

ATTEST:

Ralph Gutierrez, Mayor

Brenda Dennis, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022
Department: Economic Development Corporation
Subject: Ordinance No. 22-M-06 - Consider action approving an Ordinance amending Chapter 21 Community Development of the City of Schertz Code of Ordinances by adding Article III Enterprise Zones, enabling nomination of qualifying projects to the State of Texas for Enterprise Project Designation. *Final Reading* (M. Browne/A. Perez)

BACKGROUND

This action adds Section III to Chapter 21 of the City of Schertz Code of Ordinances titled Community Development. Section III defines the City of Schertz intent to participate in the Texas Enterprise Zone Program (EZP).

The Texas Enterprise Zone Program (EZP) is a state sales and use tax refund program designed to encourage private investment and job creation in economically distressed areas of the state. Texas communities must nominate companies in their jurisdiction to receive an Enterprise Zone designation and thus be eligible to receive state sales and use tax refunds on qualified expenditures. Companies must meet minimum capital investment thresholds and create and/or retain jobs that employ a certain percentage of economically disadvantaged individuals, enterprise zone residents, or veterans.

A community with less than 250,000 in population, may have up to six enterprise projects in a single biennium.

City Council approved this on first reading at their meeting of February 1, 2022.

GOAL

To enhance the competitiveness of the City of Schertz to secure jobs and investment through nomination of qualifying projects to the State Enterprise Zone Program.

COMMUNITY BENEFIT

Participation in the State Enterprise Zone Program allows the City of Schertz to enhance its incentive offerings to include nomination of up to six projects per biennium for a State Sales Tax rebate (not local sales tax). This provides another tool to encourage companies to locate or expand operations and create new jobs in the community.

SUMMARY OF RECOMMENDED ACTION

Approve Ordinance No. 22-M-06 on final to enable participation in the State Enterprise Zone Program and enhance the competitiveness of Schertz in securing new jobs and investment.

FISCAL IMPACT

None. Successful nomination of a project to receive an enterprise project designation will result in the State of Texas rebating its portion of sales tax revenue paid by the project. Local sales tax is not rebated as a result of participation in this program.

RECOMMENDATION

City staff recommends approval of Ordinance No. 22-M-06 on final reading amending Chapter 21 Community Development of the City of Schertz Code of Ordinances by adding Article III Enterprise Zones, enabling nomination of qualifying projects to the State of Texas for designation as enterprise projects.

Attachments

Ordinance 22-M-06

Enterprise Zone Program Summary

ORDINANCE NO. 22-M-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING CHAPTER 21 COMMUNITY DEVELOPMENT OF THE CITY OF SCHERTZ CODE OF ORDINANCES BY ADDING ARTICLE III ENTERPRISE ZONES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Schertz, Texas (the “City”) has previously adopted guidelines and regulations for community development and established the Schertz Economic Development Corporation to accomplish said public purpose; and,

WHEREAS, the State Legislature has previously established the state enterprise zone program to establish a process that clearly identifies severely distressed areas of the state and provides incentives by state and local government to induce private investment in those areas by removing unnecessary governmental regulatory barriers to economic growth and to provide tax incentives and economic development program benefits; and,

WHEREAS, territory in the municipal boundaries and in the extraterritorial jurisdiction of a municipality is considered to be in the jurisdiction of the municipality for purposes of establishing an enterprise program; and,

WHEREAS, before nominating a project or activity of a qualified business in Schertz for designation as an enterprise project, the City Council of the City of Schertz must hold a public hearing and, by ordinance, must identify and summarize briefly any local incentives available; and,

WHEREAS, the City Council held a public hearing on February 1, 2022 at which interested persons were allowed to speak and present evidence for or against the City’s participation in the program; and

WHEREAS, the City Council hereby finds that establishment of an enterprise zone program is in the best interest of the community and would enhance and further the community development of Schertz.

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

Section 1. Chapter 21-Community Development of the Schertz Code of Ordinances is hereby amended by adding Article III Enterprise Zones as set forth in the attached Exhibit A.

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

Section 3. All 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 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 Council 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, Texas Government Code, as amended.

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

PASSED AND ADOPTED on first reading this 1st day of February 2022.

PASSED AND ADOPTED on second and final reading this 8th day of February 2022.

CITY OF SCHERTZ, TEXAS

Mayor Ralph Gutierrez

ATTEST:

City Secretary Brenda Dennis

EXHIBIT A

CHAPTER 21-COMMUNITY DEVELOPMENT OF THE CITY OF SCHERTZ CODE OF ORDINANCES IS HEREBY AMENDED BY ADDING ARTICLE III ENTERPRISE ZONES AS SET FORTH BELOW:

Article III. - Enterprise Zones

Sec. 21-50. Definitions

In this article, the following terms shall have the meanings assigned to them in this section unless the context clearly requires otherwise:

Enterprise project. The term “enterprise project” shall mean a project or activity designated as an enterprise project pursuant to the Texas Enterprise Zone Act and within the jurisdiction of the City as said jurisdiction is defined by the Texas Enterprise Zone Act.

Enterprise zone. The term “enterprise zone” shall mean an area within the jurisdiction of the City as said jurisdiction is defined by the Texas Enterprise Zone Act and designated as an enterprise zone pursuant to the Texas Enterprise Zone Act.

Nominated projects or activities. The term “nominated projects or activities” shall mean any project or activity nominated by the City for status as an enterprise project.

Qualified business. The term “qualified business” shall have the meaning assigned to that term in the Texas Enterprise Zone Act.

Qualified employee. The term “qualified employee” shall have the meaning assigned to that term in the Texas Enterprise Zone Act.

Texas Enterprise Zone Act. The term “Texas Enterprise Zone Act” shall mean Texas Government Code Chapter 2303.

Sec. 21-51. Intent to participate in the Texas Enterprise Zone Program; Existing enterprise zones reconfirmed.

It is the intent of the City Council that the City of Schertz shall participate in the Texas Enterprise Zone Program as provided in this article.

Sec. 21-52. Incentives available in enterprise zones.

To the fullest extent allowed by law, the following local incentives, at the election of the City Council, may be made available to projects or activities in an enterprise zone, including without limitation nominated projects or activities of qualified businesses in an enterprise zone:

- (a) The city may abate taxes on the increase in value of real property improvements and eligible personal property that locate in an enterprise zone. The level of abatement shall

be based upon the amount of capital investment by the business receiving the abatement, the extent to which the business receiving the abatement creates jobs for qualified employees, and any other applicable criteria set forth in the City's Amended and Restated Criteria and Guidelines for Tax Abatement, as same may from time to time be amended by the City Council.

(b) The City may provide:

1. Incentives thru its economic development corporation as allowed by law;
2. Grants or incentives through Chapter 380 agreements;
3. Other tax deferrals, tax refunds or tax incentives.
4. Local Sales Tax Refund
5. Freeport Exemption
6. Upon a recommendation from the Schertz Economic Development Corporation, Economic Development Sales Tax (4B) Contribution

(c) The City may create Tax increment Reinvestments zones to aid in the revitalization of areas with Tax Increment Financing.

(d) The City may provide regulatory relief to businesses, including:

1. Zoning changes or variances;
2. Exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
3. Streamlined permitting.

(e) The City may provide enhanced municipal services to businesses, including:

1. Improved police and fire protection
2. Institution of community crime prevention programs; or
3. Special public transportation routes or reduced fares.

(f) The City may provide improvements in community facilities, including:

1. Capital improvements in water and sewer facilities;
2. Road repair; or
3. Creation or improvement of parks.

(g) The City may provide improvements to housing, including:

1. Low-interest loans for housing rehabilitation, improvement, or new construction; or
2. Transfer of abandoned housing to individuals or community groups.

(h) The City may provide business and industrial development services, including:

1. Low-interest loans for business;
2. Use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
3. Provision of publicly owned land for development purposes, including residential, commercial, or industrial development; The City may sell real property owned by the City and located in the enterprise zone in accordance with Section 2303.513 of the Texas Government Code.
4. Creation of special one-stop permitting and problem resolution centers or ombudsmen; or
5. Promotion and marketing services.

(i) The City with cooperation with local educational institutions may provide job training and employment services to businesses, including:

1. Retraining programs;
2. Literacy and employment skills programs;
3. Vocational education; or
4. Customized job training.

Sec. 21-53. Enterprise zones designated as reinvestment zones for tax abatement.

The enterprise zone areas within the city are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Sec. 21-54. Designation of enterprise zone liaison.

The Executive Director of the Schertz Economic Development Corporation shall serve as the City's liaison to communicate and negotiate with the Office of the Governor Economic Development & Tourism through the Economic Development Bank and enterprise project(s) and to oversee enterprise zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

TEXAS ENTERPRISE ZONE PROGRAM

Under the statewide cap of 105 projects per biennium, a community with less than 250,000 in population, may have up to six enterprise projects. A community with 250,000 in population or greater may have up to nine enterprise projects.

Upon a community designating a business as an enterprise project, and upon that project's designation being approved by the state, the business would be eligible for the following incentives:

State Sales and Use Tax Refunds

An enterprise project is eligible for a refund for all state sales and use taxes paid and used at the qualified business site. The total amount of any refund will continue to be predicated on investment amount and number of jobs created/retained.

The refund for each designation can be an amount ranging from a minimum of \$2,500 per job to a maximum of \$7,500 per job as follows:

1. Half Enterprise Project: If project investment amount is greater than \$40,000 and equal to \$5 million or more, then refund amount is \$2,500 per job up to a maximum of 250 jobs created/retained. Maximum refund available is \$625,000;
2. Enterprise Project: If project investment amount is equal to or greater than \$5 million or more, then refund amount is \$2,500 per job up to a maximum of 500 jobs created/retained;
3. Double Jumbo Enterprise Project: If project investment amount is equal to or greater than \$150 million and less than \$250 million, then refund amount is \$5,000 per job up to a maximum of 500 jobs created;
4. Triple Jumbo Enterprise Project: If project investment amount is equal to or greater than \$250 million, then refund amount is \$7,500 per job up to a maximum of 500 jobs created. Maximum refund available is \$3.75 million.

Receipts for purchases of building materials and machinery and equipment and payroll information are required to be retained as part of the audit process. *(Note: All contracts should separate the costs for building materials and/or equipment from the costs of labor and services in order to be eligible.)*

The refund for sales and use tax must be for all eligible items for use at the qualified business site. For more information, visit <https://gov.texas.gov/business/page/texas-enterprise-zone-program>.

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022

Department: Economic Development Corporation

Subject: Resolution No. 22-R-15 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a program and expenditures as provided for in the Economic Development Performance Agreement between Sysco Corporation and the City of Schertz Economic Development Corporation. (M. Browne/A. Perez)

BACKGROUND

Sysco is the global leader in selling, marketing and distributing food products to restaurants, healthcare and educational facilities, lodging establishments and other customers who prepare meals away from home. Its family of products also includes equipment and supplies for the foodservice and hospitality industries. With more than 58,000 associates, the company operates 343 distribution facilities worldwide and serves more than 650,000 customer locations. For fiscal year 2021 that ended July 3, 2021, the company generated sales of more than \$51 billion.

In 2012 Sysco established Sysco Central Texas at 1260 Schwab Rd, in Schertz. The existing facility employs approximately 450 team members supporting operations that have resulted in over \$100,000,000 in real and personal property investment per the Comal County Appraisal District as of 2021. Sysco is a model corporate partner and has consistently participated in workforce development events such as Job Shadow Day and other community events. To meet increasing demand in the South Texas market Sysco is seeking to expand its Schertz facility.

Approval of Resolution 22-R-15 provides authorization for funding for a three-year 50% rebate on the incremental value of the project expansion. The grant will be capped at up to \$25,000 per year or 50% of the incremental value (whichever is less) of the improvement using calendar year 2021 as the base year. Grant is payable annually based on satisfactory performance based on Performance Table A. Unsatisfactory performance may result in withholding of payment or recapture of grant funds paid and/or termination of the agreement.

Performance Table A

Performance Period Jan 1 - Dec 31	Existing Jobs	New Jobs	Total Jobs at an Avg of \$70K	Total Minimum Payroll	Real Property Investment	Personal Property Investment	Proposed Incremental Value Rebate
Yr. 0 – 2022	450			\$24.8M	\$10M	\$2.6M	
Yr. 1 – 2023		8	458	\$25.2M			50%
Yr. 2 – 2024		8	466	\$26.1M			50%
Yr. 3 – 2025		8	474	\$26.5M			50%
Yr. 4 – 2026		8	482	\$27M			
Yr. 5 – 2027		8	490	\$27.4M			

On Thursday, January 27, 2022 the SEDC Board of Directors approved the attached SEDC Resolution 2022-1 recommending funding of the attached agreement between the SEDC and Sysco Corporation.

GOAL

To grow the Schertz economy through Projects that focus on the creation/retention of Primary Jobs through partnerships with local industrial Fortune 500 companies to lower cost of expansion, making Schertz a community of choice for new investment and job creation.

COMMUNITY BENEFIT

This action helps to secure additional jobs, investment, and expansion prospects for the community through a partnership with Sysco Corporation. Securing and maintaining working relationships with local Fortune 500 companies helps to ensure Schertz is a community of choice for future expansions and/or follow-on investment and job creation. In addition, entering into partnerships to lower expansion costs continues to be an essential tool for communities to remain competitive as corporations respond to the post-COVID market with expansions and consolidation activity.

SUMMARY OF RECOMMENDED ACTION

SEDC Staff recommends approval of Resolution 22-R-15 authorizing funding Agreement between Sysco Corporation and the City of Schertz Economic Development Corporation.

FISCAL IMPACT

An annual grant of up to \$25,000 (totaling up to \$75,000 over the course of the agreement) will be paid through an allocation to the annual incentive budget from the SEDC Reserve Fund.

RECOMMENDATION

Staff recommends approval of Resolution 22-R-15 authorizing a program and expenditures as provided for in the Economic Development Performance Agreement between Sysco Corporation and the City of Schertz Economic Development Corporation.

Attachments

SEDC Resolution 2022-1

Resolution 22-R-15

SEDC/Sysco Performance agreement

SEDC RESOLUTION NO. 2022-1

A RESOLUTION BY THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT CORPORATION, TEXAS AUTHORIZING AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BETWEEN THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT CORPORATION AND SYSCO CORPORATION; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz Economic Development Corporation (“SEDC”) is a non-profit industrial development corporation duly established under the Development Corporation Act of 1979, as amended (Section 501.001 et seq. Texas Local Government Code, formerly the Development Corporation Act of 1979) (the “Act”);

WHEREAS, all of the powers of the corporation are vested in the SEDC Board of Directors (the “Board”) appointed by the governing body of the corporation’s authorizing unit; and

WHEREAS, the Act authorizes a development corporation to fund certain projects as defined by the Act and request development corporations to enter into performance agreements to establish and provide for the direct incentive or make an expenditure on behalf of a business enterprise under a project; and

WHEREAS, Sysco Corporation (“Company”) through wholly-owned subsidiary Sysco USA I, Inc. desires to expand its Texas operations within its existing building that is located at 1260 Schwab Rd, Schertz, Comal County, Texas 78132; and

WHEREAS, Company intends to maintain 450 full time employees with a minimum annual payroll of \$24,800,000 and create an additional 50 jobs totaling 490 jobs and a minimum annual payroll of \$27,400,000; and

WHEREAS, the SEDC intends to provide a 50% incremental rebate based upon the real and personal property taxes paid by Company for calendar years 2023, 2024 and 2025 to the City of Schertz; and

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

WHEREAS, the SEDC desires to offer incentives to Company to enable Company to expand its local Facility and workforce pursuant to this Agreement in substantial conformity with the City of Schertz Economic Development Incentive Policy and the Act; and

WHEREAS, Section 501.158 of the Act requires an incentive agreement to provide at a minimum for a schedule of additional payroll or jobs to be created or retained and

capital investment to be made as consideration for any direct incentives provided or expenditures made by the corporation under the agreement and to specify the terms under which repayment must be made if the business enterprise does not meet the performance requirements specified in the agreement; and

WHEREAS, Section 501.073 of the Act requires the SEDC's authorizing unit to approve all programs and expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT CORPORATION THAT:

1. The Board hereby approve the Economic Development Performance Agreement attached hereto as Exhibit A and authorizes the President to execute same, in substantially the same form attached, upon approval of the expenditure by the City Council.
2. The Board hereby recommends the City Council of Schertz consider nomination of Company for a State Enterprise Project Designation.
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 Board.
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.
5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
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 board hereby declares that this Resolution would have been enacted without such invalid provision.
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.
8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 27th day of January, 2022.

CITY OF SCHERTZ ECONOMIC
DEVELOPMENT CORPORATION

DocuSigned by:

Sammi Morrill

B79724DDE863462...

Sammi Morrill, SEDC Board Secretary for
Paul Macaluso, SEDC Board President

ATTEST:

DocuSigned by:

Jesse Carrasco

C5CF031541184E3...

Jesse Carrasco, SEDC Board Treasurer

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Exhibit A

**ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT
SYSCO CORPORATION.**

[SEE ATTACHED]

RESOLUTION NO. 22-R-15

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ TEXAS AUTHORIZING A PROJECT AND EXPENDITURE OF THE SCHERTZ ECONOMIC DEVELOPMENT CORPORATION, TEXAS IN THE FORM OF AN ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT BETWEEN THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT CORPORATION AND SYSCO CORPORATION AKA SYSCO USA I, INC.; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz Economic Development Corporation (“SEDC”) is a non-profit industrial development corporation duly established under the Development Corporation Act of 1979, as amended (Section 501.001 et seq. Texas Local Government Code, formerly the Development Corporation Act of 1979) (the “Act”);

WHEREAS, all of the powers of the corporation are vested in the SEDC Board of Directors (the “Board”) appointed by the governing body of the corporation’s authorizing unit; and

WHEREAS, the Act authorizes a development corporation to fund certain projects as defined by the Act and request development corporations to enter into performance agreements to establish and provide for the direct incentive or make an expenditure on behalf of a business enterprise under a project; and

WHEREAS, Sysco Corporation (“Company”) through wholly-owned subsidiary Sysco USA I, Inc. desires to expand its Texas operations within its existing building that is located at 1260 Schwab Rd, Schertz, Comal County, Texas 78132; and

WHEREAS, Company intends to maintain 450 full-time employees with a minimum annual payroll of \$24,800,000 and create an additional 40 jobs totaling 490 jobs and a minimum annual payroll of \$27,400,000; and

WHEREAS, the SEDC intends to provide a 50% incremental rebate based upon the real and personal property taxes paid by Company calendar years 2023, 2024 and 2025 to the City of Schertz; and

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

WHEREAS, the SEDC desires to offer incentives to Company to enable Company to expand its local Facility and workforce pursuant to this Agreement in substantial conformity with the City of Schertz Economic Development Incentive Policy and the Act; and

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

WHEREAS, Section 501.073 of the Act requires the SEDC's authorizing unit to approve all programs and expenditures.

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

1. 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 Council.
2. The City Council hereby approves the project and expenditure as requested and recommended by the SEDC as represented by the Economic Development Performance Agreement attached hereto as Exhibit A.
3. The City Council acknowledges the recommendation from the SEDC to consider nominating Company for a State Enterprise Project Designation and consider such by separate Resolution.
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.
5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
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 board hereby declares that this Resolution would have been enacted without such invalid provision.
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.

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

PASSED AND ADOPTED, this _____ day of _____, 2022.

CITY OF SCHERTZ

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

Exhibit A

**ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT
SYSCO CORPORATION.**

[SEE ATTACHED]

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT Sysco Corporation

This Economic Development Incentive Agreement (“Agreement”) is entered into to be effective as of February 8th, 2022, by and between the Schertz Economic Development Corporation, located in Guadalupe County, Texas (hereinafter called “Corporation”), a Texas non-profit industrial development corporation under the Development Corporation Act and governed by TEX. LOC. GOV. CODE chapters 501, 502 and 505 and the Texas Non-Profit Corporation Act and Sysco Corporation, a Delaware Corporation authorized to do business in Texas (hereinafter called “Company”), otherwise known as the “Parties” to this Agreement.

RECITALS

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

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

WHEREAS, Company, through wholly-owned subsidiary Sysco USA I, Inc. desires expand its Schertz Texas operations within an existing building that is located at 1260 Schwab Rd, Schertz, Comal County, Texas 78132; and

WHEREAS, over the term of the Agreement, Company intends to create an additional 40 and maintain 450 full time employees with a minimum annual payroll of \$27,400,000; and

WHEREAS, Corporation intends to provide a 50% incremental rebate based upon the real and personal property taxes paid by Company calendar years 2023, 2024 and 2025 and other terms and conditions set forth in this Agreement; and

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

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

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

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

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

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

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

ARTICLE I RECITALS

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

ARTICLE II AUTHORITY AND TERM

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

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

3. Purpose. The purpose of this Agreement is to formalize the agreements between the Company and the Corporation for the granting of funds in the form of an incremental real and personal property tax rebate to cover certain costs associated with Company's Project and specifically state the covenants, representations of the Parties, and the incentives associated with Company's commitment to abide by the provisions of the Act and to abide by the terms of this Agreement which has been approved by the Corporation and the Company as complying with the

specific requirements of the Act. It is expressly agreed that this Agreement constitutes a single transaction. A failure to perform any obligation by the Company may constitute a breach of the entire Agreement and terminate any further commitments (if any) by the Corporation unless an alternative penalty or remedy is provided for herein.

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

ARTICLE III

DEFINITIONS

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

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

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

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

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

“Effective Date” shall be the date of the last signature authorizing this agreement.

“Expiration Date” shall mean the earlier of:

1. April 15, 2028; or
2. The date of termination, provided for under Article VII of this Agreement.

“Facility” shall mean the property and improvements that house the Project and being located at 1260 Schwab Rd, Schertz, Comal County, Texas 78132.

“Force Majeure” shall mean any contingency or cause beyond the reasonable control of a party, including, without limitation, acts of God or the public enemy, war riot, civil commotion,

insurrection, government or de facto governmental action (unless caused by the intentionally wrongful acts or omissions of a party), fires, explosions or floods, strikes, slowdowns or work stoppages.

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

“Grant” shall mean the three cash payments from Corporation to Company in the form of a 50% property tax rebate for taxes paid to the City of Schertz on New Incremental Value for calendar years 2023, 2024 and 2025 based upon the taxes paid by Company for the real and tangible personal property on-site at Company’s Schertz operation.

“New Incremental Value” shall mean, as used herein, calendar year 2023 real and personal property assessment as determined by the Comal County Appraisal District less the 2021 Assessed Value or other means acceptable to the Schertz Economic Development Corporation for the purpose of validating incremental assessed value from the base value established for Calendar year 2021 and associated with new construction for the planned expansion and excluding new personal property investment in the existing facility.

“Project” shall mean the expansion of Company’s Schertz Facility along with the creation of 40 Full-time Employee jobs.

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

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

ARTICLE IV

ECONOMIC DEVELOPMENT INCENTIVE TERMS AND CONDITIONS

1. Incentive.

Subject to the satisfaction of all the terms and conditions of this Agreement and the obligation of Company to repay the Grant pursuant to Article V hereof, the Corporation agrees to provide Company with the following economic development incentives:

Incremental Property Tax Rebate:

Corporation shall provide an incremental property tax rebate of 50% of the New Incremental Value created by the expansion project for calendar year 2023, 2024, and 2025 in the form of an annual grant of up to \$25,000, whichever is less.

The Grant shall be paid within sixty (60) days after receipt of a copy of the Annual Report reflecting that the applicable performance period objectives have been met as shown in the following Performance Table:

Performance Table

Performance Period Jan 1 - Dec 31	Existing Jobs	New Jobs	Total Jobs at an Avg of \$70K	Total Minimum Payroll	Real Property Investment	Personal Property Investment	Proposed Incremental Value Rebate
Yr. 0 – 2022	450			\$24.8M	\$10M	\$2.6M	
Yr. 1 – 2023		8	458	\$25.2M			50%
Yr. 2 – 2024		8	466	\$26.1M			50%
Yr. 3 – 2025		8	474	\$26.5M			50%
Yr. 4 – 2026		8	482	\$27M			
Yr. 5 – 2027		8	490	\$27.4M			

State Enterprise Zone Project Nomination :

The Corporation will facilitate the City of Schertz adopting an enabling ordinance and nominate Company's project for a State Enterprise Project designation for the March 1, 2022 round of applications.

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

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

4. Conditions Precedent. The obligation of the Corporation to pay funds in the form of a Grant shall be conditioned upon Company's continued compliance with and satisfaction of each of the conditions set forth in this Agreement as reflected in the Performance Table above.

5. Annual Report. The Company shall submit an Annual Report (an "Annual Report") for the preceding Calendar Year to the Executive Director of the Corporation each year not later than February 15th. The Annual Report should substantially conform to the Annual Report Form attached as Exhibit A to this Agreement. The first Annual Report will be due February 15th, 2022.

ARTICLE V COVENANTS AND DUTIES

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

(a) Company is authorized to do business and is in good standing in the State of Texas and shall remain in good standing in the State of Texas and the United States of America during any term of this Agreement and shall timely and fully comply with all of the terms and conditions of this Agreement to commence and complete the Project in accordance with the Agreement.

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

(c) Company is not a party to any Bankruptcy proceedings currently pending or contemplated, and Company has not been informed of any potential involuntary Bankruptcy proceedings.

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

(e) Company agrees to obtain or cause to be obtained, all necessary permits and approvals from City of Schertz and/or all other governmental agencies having jurisdiction over the construction of any improvements to the Facility and shall be responsible for paying, or causing to be paid, to City of Schertz and all other governmental agencies the cost of all applicable permit fees and licenses required for construction of the Project.

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

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

(h) Maintain and prepare financial statements in accordance with generally accepted accounting principles in the United States of America as established by the Financial Accounting Standards Board and permit Corporation to visit, examine, audit, inspect, and make and take away copies or reproductions of Company's book of accounts and other records at mutually agreed upon times (provided, Corporation shall pay the reasonable fees and disbursements of any accountants or other agents of Corporation, selected by Corporation, for the foregoing purposes). Unless written notice of another location is given to Corporation, Company's books and records will be located at 1260 Schwab Rd, Schertz, Comal County, Texas 78132.

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

2. Corporation's Covenants and Duties. The Corporation is obligated to pay Company a Grant in the form of a rebate on personal property taxes paid to the City of Schertz as outlined in Performance Table. The Grant shall be paid within sixty (60) days after receipt of a copy of the Annual Report reflecting that the applicable performance period objectives have been met as set forth in this Agreement.

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

4. Recapture. In the event of Default by the Company, the Corporation shall as its sole and exclusive remedy for Default hereunder, after providing Company notice and an opportunity to cure, have the right to discontinue all future Grant payments and recapture all amounts previously paid under this Agreement (as applicable, the "Recaptured Amount").

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

ARTICLE VI TERMINATION

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

- (a) The written agreement of the Parties;
- (b) The Agreement's Expiration Date;
- (c) Default by Company (at the option of the Corporation).

ARTICLE VII DISPUTE RESOLUTION

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

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

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

ARTICLE VIII MISCELLANEOUS

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

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

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

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

5. Independent Contractors.

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

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

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

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

If intended for SEDC: Schertz Economic Development Corporation
Attention: Exec. Dir. of Economic Development
1400 Schertz Parkway
Schertz, TX 78154

With a copy to:
Denton, Navarro, Rocha, & Bernal, PC
Attention: T. Daniel Santee
2517 North Main Avenue
San Antonio, TX 78212

If to the Company: Sysco Corporation
Attention: Eddie Tantoco
Director of Tax & Business Incentives
1390 Enclave Pkwy
Houston, TX 77077

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

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

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

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

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

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

12. Interpretation. Each of the Parties has been represented by counsel of their choosing in the negotiation and preparation of this Agreement. Regardless of which Party prepared

the initial draft of this Agreement, this Agreement shall, in the event of any dispute, whatever its meaning or application, be interpreted fairly and reasonably and neither more strongly for or against any Party.

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

14. Paragraph Headings. The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of the various and several paragraphs.

15. Counterparts. This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

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

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

18. Indemnification.

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

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

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

Executed on this 27th day of January 2022.

SCHERTZ ECONOMIC DEVELOPMENT CORPORATION

DocuSigned by:
By: Sammi Morrill
B79724DDE863462...
Sammi Morrill, SEDC Board Secretary for
Paul Macaluso, SEDC Board President

ATTEST:

DocuSigned by:
By: Jesse Carrasco
C5CF031541184E3...
Jesse Carrasco, SEDC Board Treasurer

Executed on this 3rd day of February, 2022

COMPANY

SYSCO CORPORATION

By: 
Name: Anita Zielinski
Title: Chief Accounting Officer

Exhibit A

SAMPLE ANNUAL CERTIFICATION REPORT FORM

[SEE ATTACHED]

Annual Certification Report

Reporting Period: January 1 to December 31, 20__

The Annual Certification Report for the Economic Development Incentive Agreement between the City of Schertz Economic Development Corporation and _____, is due on **February 15, 20__**. Please sign and return the Annual Certification Report form with accompanying narrative.

I. PROJECT INFORMATION

Project Information:

Company's legal name: _____

Project address subject to incentive: _____

Company primary contact: _____ Title: _____

Phone number: _____ E-mail address: _____

II. REPORTING INFORMATION

Employment and Wage Information:

Has the Company employed undocumented workers? ☐ Yes ☐ No

What is the total number of Full-time Employees located at the Schertz facility during the calendar year? _____

What is the total Annual Payroll for the Schertz facility during the calendar year? _____

Investment Information:

What is the 20__ appraised ad valorem tax value for Tangible Personal Property? _____

Narrative:

A brief narrative explaining the current year's activities and/or any potential defaults has been provided? ☐ Yes ☐ No

III. ADDITIONAL INFORMATION (VOLUNTARY)

Employment:

Total full-time employees: _____

Total annual payroll: _____

Number of full-time jobs added in past year: _____

Number of employees that live in Schertz, Texas: _____

Interested in being contacted about workforce training opportunities? ☐ Yes ☐ No

Interested in being contacted for assistance with City permits? ☐ Yes ☐ No

IV. CERTIFICATION

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

I further certify that the representations and warranties contained within the Agreement remain true and correct as of the date of this Certification, and Sysco Corporation. remakes those representations and warranties as of the date hereof.

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

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

I have the legal and express authority to sign this Certificate on behalf of Sysco Corporation.

Name of Certifying Officer

Certifying Officer's Title

Phone Number

E-Mail Address

Signature of Certifying Officer

Date

STATE OF TEXAS X
COUNTY OF GUADALUPE X

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

Notary Public, State of Texas

Notary's typed or printed name

My commission expires

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

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

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022
Department: Economic Development Corporation
Subject: Resolution No. 22-R-16 - Conduct a Public hearing and consideration and/or action adopting a resolution nominating Sysco USA I, Inc. as an Enterprise Zone Project under the provisions established in State Law and Chapter 21 of the Code of the City of Schertz. (M. Browne/A. Perez)

BACKGROUND

Sysco is the global leader in selling, marketing and distributing food products to restaurants, healthcare and educational facilities, lodging establishments and other customers who prepare meals away from home. Its family of products also includes equipment and supplies for the foodservice and hospitality industries. With more than 58,000 associates, the company operates 343 distribution facilities worldwide and serves more than 650,000 customer locations. For fiscal year 2021 that ended July 3, 2021, the company generated sales of more than \$51 billion.

In 2012, Sysco established Sysco Central Texas at 1260 Schwab Rd, in Schertz serving much of South Texas. The current operation currently employs approximately 450 team members with an operation that has resulted in over \$100,000,000 in real and personal property investment per the Comal County Appraisal District as of 2021. Sysco is a model corporate partner and has consistently participated in workforce development events such as Job Shadow Day and other community events. To meet increasing demand in the South Texas market Sysco is seeking to expand its Schertz facility.

Approval of Resolution 22-R-16 nominates Sysco USA I, Inc., a wholly-owned subsidiary of Sysco Corporation, for a State Enterprise project designation through the Texas Enterprise Zone Program.

The Texas Enterprise Zone Program is a state sales and use tax refund program designed to encourage private investment and job creation in economically distressed areas of the state. Texas communities must nominate companies in their jurisdiction to receive an Enterprise Zone designation and thus be eligible to receive state sales and use tax refunds on qualified expenditures. Companies must meet minimum capital investment thresholds and create and/or retain jobs that employ a certain percentage of economically disadvantaged individuals, enterprise zone residents, or veterans. A community with less than 250,000 in population, may have up to six enterprise project nominations in a single biennium.

GOAL

To grow the Schertz economy through Projects that focus on the creation/retention of Primary Jobs. Projects include partnerships with local industrial Fortune 500 companies to lower cost of expansion, making Schertz a community of choice for new investment and job creation.

COMMUNITY BENEFIT

This action helps to secure additional jobs, investment, and expansion prospects for the community through a partnership with Sysco Corporation. Securing and maintaining working relationships with local Fortune 500 companies helps to ensure Schertz is a community of choice for future expansions and/or follow-on investment and job creation. In addition, entering into partnerships to lower expansion costs continues to be an essential tool for communities to remain competitive as corporations respond to the post-COVID market with expansions and consolidation activity.

SUMMARY OF RECOMMENDED ACTION

Approval of Resolution 22-R-16 will use one of six State Enterprise Project nominations to nominate the Sysco USA I, Inc. expansion to the State of Texas for consideration under the Texas Enterprise Zone Program. The State of Texas will consider this project against other projects across the State for an Enterprise Project designation which would make the project eligible to potentially receive a sales tax refund. If the project is successful it could qualify for a sales tax refund from the State of Texas (not City of Schertz sales tax) based on jobs, wages, and investment.

FISCAL IMPACT

There is no fiscal impact to the City of Schertz as this project designation may result in State of Texas sales tax refund. No local funding is used to fund this incentive.

RECOMMENDATION

Staff recommends approval of Resolution 22-R-16 nominating Sysco USA I, Inc. for a State Enterprise Project designation.

Attachments

Resolution 22-R-16

RESOLUTION NO. 22-R-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS NOMINATING AN ENTERPRISE ZONE PROJECT UNDER THE PROVISIONS ESTABLISHED IN STATE LAW AND CHAPTER 21 OF THE CODE OF THE CITY OF SCHERTZ; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Schertz, Texas (the “City”) has previously adopted guidelines and regulations for community development and established the Schertz Economic Development Corporation to accomplish said public purpose; and,

WHEREAS, the City has previously passed Ordinance No. 22-M-06 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 22-M-06;

WHEREAS, the Office of the Governor Economic Development and Tourism (EDC) through the Economic Development Bank (Bank) will consider Sysco USA I, Inc. (Sysco) as an enterprise project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Sysco has applied to the City for designation as an enterprise project;

WHEREAS, before nominating a project or activity of a qualified business in Schertz for designation as an enterprise project, the City Council of the City of Schertz must hold a public hearing and, by resolution, must identify and summarize briefly any local incentives available; and,

WHEREAS, the City Council held a public hearing on February 8, 2022 at which interested persons were allowed to speak and present evidence for or against the City’s participation in the program and the nomination of Sysco as an enterprise project; and

WHEREAS, the City Council hereby finds that the nomination and support of Sysco as an enterprise project is in the best interest of the community and would enhance and further the community development of Schertz, and further finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act for the reasons set forth below.

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

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

Section 2. The City finds that Sysco meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- a. Sysco is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located in an enterprise zone and at least twenty-five percent (25.0%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- b. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
- c. The designation of Sysco as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 3. The City finds that Sysco meets the criteria for tax relief and other incentives adopted by the City and nominates Sysco for enterprise project status on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability.

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.

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

PASSED AND ADOPTED on this 8th day of February 2022.

CITY OF SCHERTZ, TEXAS

Mayor Ralph Gutierrez

ATTEST:

City Secretary Brenda Dennis

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022

Department: Planning & Community Development

Subject: Ordinance No. 22-S-07 - Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed-Use Neighborhood land use designation to the Single-Family Residential land use designation, generally located 3,650 feet east from the intersection of Schaefer Road and FM 1518, also known as Bexar County Property Identification Numbers, 309807, 309837, 309814 City of Schertz, Bexar County, Texas. *First Reading* (B. James/L. Wood/M.Harrison)

BACKGROUND

Twenty (20) public hearing notices were mailed to the surrounding property owners within two hundred (200) feet of the subject property on December 30, 2021, with a public hearing notice published in the "San Express News", on January 19, 2022, prior to the City Council public hearing. At the time of this report staff has received zero (0) in favor, and six (6) opposed to the proposed Comprehensive Land Use Plan Amendment.

Owner of Property ID 309807 & 309814: Wesley H. Rumpf
Owner of Property ID 309837: Ernest E. & Regina E. Marshall
Applicant: Raymond Tarin, Moy Tarin Ramirez Engineers

GOAL

The goal is to amend the Comprehensive Land Use Plan by changing approximately 44 acres of land on the Future Land Use Map from Mixed Use Neighborhood land use designation to Single-Family Residential land use designation.

COMMUNITY BENEFIT

The community benefit is to promote safe, orderly, efficient development and bring about the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The applicant is requesting to amend the Comprehensive Land Use Plan by changing approximately 44 acres on the Future land Use Map from Mixed Use Neighborhood land use designation to Single-Family Residential land use category.

The Future Land Use Map for the subject area was evaluated as part of the Sector Plan Amendment to the Comprehensive Land Use Plan, adopted by City Council on July 16, 2013. The subject properties' area currently designated under the Mixed Use Neighborhood land use designation. Mixed Use Neighborhood is intended to accommodate the development of walkable neighborhoods within South Schertz in the vicinity of the intersection of FM 1518 and Lower Seguin Road. It also would allow the

mixture of retail, restaurant, office, civic, and multifamily residential uses. The subject property, not being in proximity to the intersection to capitalize on the benefits that the Mixed Use Neighborhood calls for, but instead it is approximately 3,650 feet away which in turn makes it less attractive for the mixture of retail, restaurant, office, and range of housing types.

The applicant is proposing to change the future land use designation of the subject properties to Single-Family Residential. This proposed future land use designation is intended to be comprised of primarily conventional detached dwellings.

FISCAL IMPACT

None

RECOMMENDATION

The 2013 Sector Plan Amendment of the Comprehensive Land Use Plan sought to establish future development objectives that balance the traditionally rural and agricultural identify that has shaped the character of Southern Schertz with the opportunity for smart growth as the City continues to develop south of FM 78. The proposed development that led to the applicant filing this Comprehensive Land Use Plan amendment involves the potential of providing larger lot residential products consisting of, 80'x120'. The proposed subdivision does not fit within the Mixed Use Neighborhood land use designation, which is mainly described as retail, restaurants, office, and multifamily residential uses. Therefore, the applicant has proceeded forward with this proposed Comprehensive Land Use Plan Amendment to reclassify the properties under the Single-Family Residential land use designation in order to develop the property with larger lot residential.

The South Schertz area, based on recently approved Future Land Use Plan amendments (Carmel Ranch and Saddlebrook both approved in 2020) has begun to see a shift from the rural, large lot, agricultural areas to more of the traditional subdivision type development with a mixture in lot sizes, as well as open space/park, amenity centers, and creating walkable pathways for residents. Additionally, last year the City Council made a motion to approve in the FY2020-2021 budget to allocate funding for a full Comprehensive Land Use Plan Amendment. This would allow staff the opportunity to tailor the future plans for Schertz to the evolving needs and desires of our residents. The full amendment would enable City Staff to make modifications to the Future Land Use Map that are the more appropriate for each area within Schertz. As the city has seen in recent years there has been deviation from the current plan to allow for more single-family residential neighborhoods. With the previous and incoming developments they are working to keep the esthetics of southern Schertz, with creating larger lots, vast amounts of open space and developing walkable pathways meandering through the neighborhood. The subject property, like many others in the area, having the land use designation of Mixed Use Neighborhood, were found to be more appropriate at the time the Schertz Sector Plan Amendment of the Comprehensive Land Use Plan done in 2013. However, the property being set back from the major intersection of FM 1518 and Schaefer Road it does not meet the intention of Mixed Use Neighborhood, which calls for connectivity through the development to allow for retail, restaurant, and a mixture of housing types. However, the property does appeal to creating larger lot single family residential products, including open space/park amenities.

The Planning and Zoning Commission held a public hearing on January 12, 2022, where they made a recommendation of approval to the City Council with a vote 7-0.

Staff recommends approval of the Comprehensive Land Use Plan Amendment from the Mixed- Use Neighborhood land use designation to the Single-Family Residential land use designation.

Attachments

Ord. No. 22-S-07

Comprehensive Plan Amendment Request Letter

Exhibit A: Property Exhibit

Exhibit B: Current Comprehensive Land Use Plan

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Responses

ORDINANCE NO. 22-S-07

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE COMPREHENSIVE LAND USE PLAN BY CHANGING APPROXIMATELY 44 ACRES OF THE FUTURE LAND USE MAP FROM THE MIXED-USE NEIGHBORHOOD LAND USE DESIGNATION TO THE SINGLE-FAMILY RESIDENTIAL LAND USE DESIGNATION, GENERALLY LOCATED APPROXIMATELY 3,650 FEET EAST OF THE INTERSECTION OF SCHAEFER ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 309807, 309814, AND 309837 CITY OF SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, an application to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed-Use Neighborhood land use designation to Single-Family Residential land use designation, also known as Bexar County Property Identification Numbers 309807, 309814, and 309837, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.4.6.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 an amendment to the Comprehensive Land Use Plan (the “Criteria”); and

WHEREAS, on January 12, 2022, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested Comprehensive Land Use Plan Amendment; and

WHEREAS, on February 8, 2022, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested Comprehensive Land Use Plan Amendment be approved as provided for herein.

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

Section 1. The current Comprehensive Land Use Plan is hereby amended to change the Future Land Use Map of the property, as shown and more particularly described in the attached Exhibit B, from Mixed Use Neighborhood land use designation to Single-Family Residential land use designation.

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.

Section 8. 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 8th day of February 2022.

PASSED, APPROVED AND ADOPTED on final reading the 22nd day of February 2022.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

November 5, 2021



Planning & Community Development Department
Attn.: Lesa Wood, Director Planning &
Community Development Department
City of Schertz 1400 Schertz Parkway
Schertz, Texas 78154

Re: Rumpf Tract Subdivision Comprehensive Plan Amendment Request Letter

Dear Ms. Wood:

In connection with the proposed annexation, rezoning, and development of the Rumpf Tract Subdivision, we are requesting that the City's Future Land Use Plan be amended. The subject properties, three in total, are +/- 43.188-Acres, and are located at 12198 Schaefer Road and 12250 Schaefer Road (See Exhibit "1").

The City of Schertz Sector Plan lists the current Land Use for the subject properties as 'Mixed Use Neighborhood.' We are requesting that these land uses be amended to 'Single-Family Residential' (See Exhibit "3"). Additionally, the owners of the Subject Property will be submitting annexation and zoning requests pursuant to their existing Development Agreements with the City.

The proposed rezoning for the subject properties will be to the 'Planned Development District' designation. That application will be filed within the following couple of weeks. The proposed Planned Development District will match the Master Plan for the Rumpf Tract Subdivision and will be submitted at a later time following approval of the Sector Plan revision.

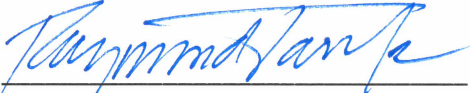
The existing 'Mixed Use Neighborhood' land use designations for the subject properties does not allow for the development of a single-family residential subdivision. The proposed change to 'Single-Family Residential' land use designation falls in line with the City of Schertz Future Land Plan of designating the tracts as 'Traditional Neighborhood Design, Transit-Oriented Development.' The proposed subdivision would provide consumers with a larger lot product (80'x120') than is generally available in the surrounding developments, as well as with quick access to FM1518 and the surrounding schools.

We believe that this amendment request for the Subject Property is appropriate, and ask for your support in amending the Future Land Use Plan in this regard.

I appreciate your consideration of our proposed plan amendment. Please do not hesitate to contact me regarding any questions about the request.

Sincerely,

Moy Tarin Ramirez Engineers, LLC.



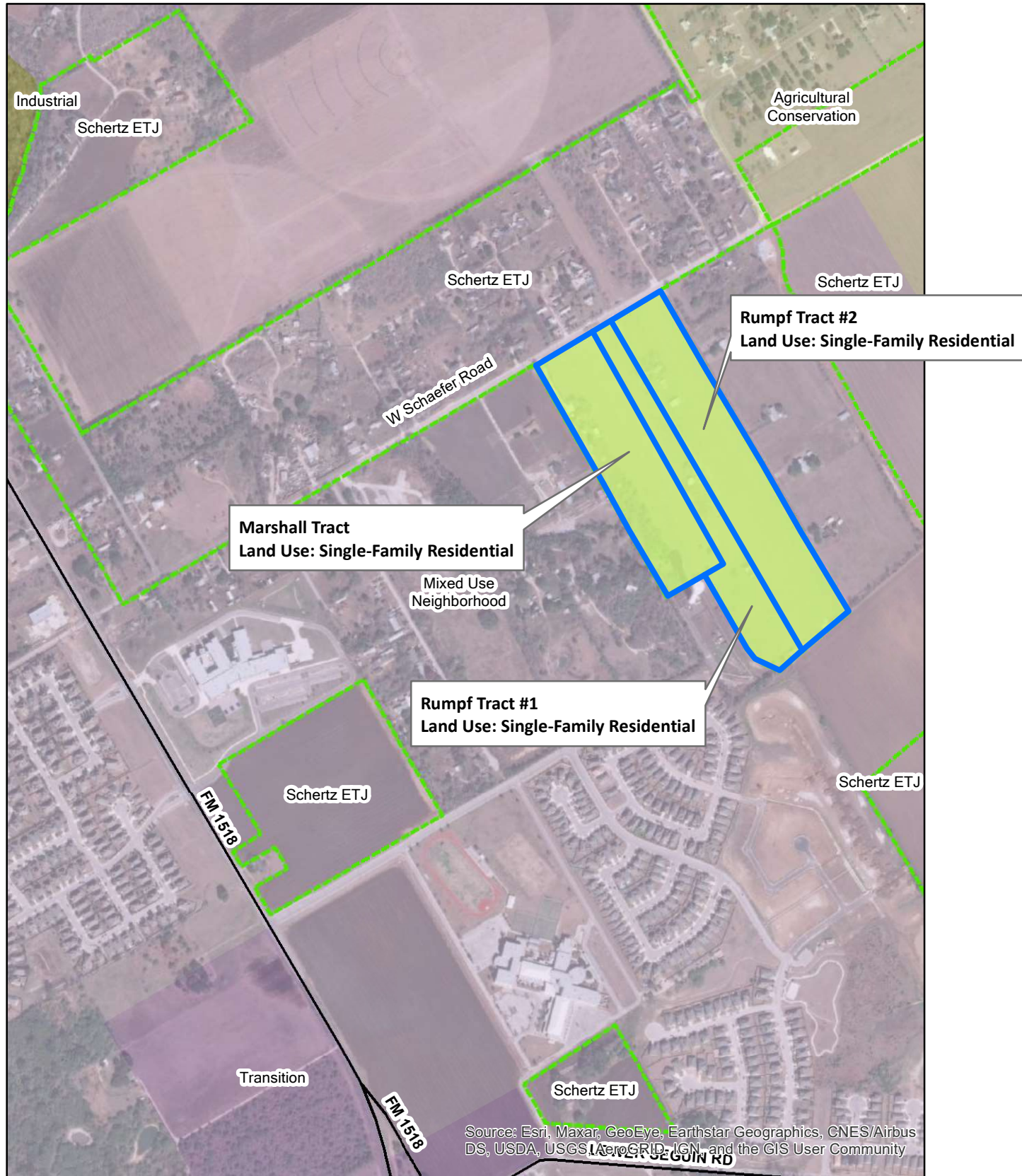
Raymond Tarin Jr., PE, CFM, LEED AP
Principal

Enclosures: As Stated


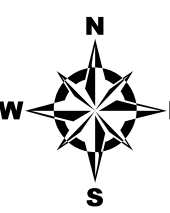
Exhibit 1: Location Map



Exhibit 3: Proposed Land Use







RUMPF & MARSHALL TRACTS

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

Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1 Inch = 300 Feet

0 150 300 600 Feet



NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 12, 2022 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:

ZC2021-017 A request to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed Use Neighborhood land use designation to the Single-Family Residential land use designation, generally located 3,650 feet east from the intersection of Schaefer Road and FM 1518, also known as Bexar County Property Identification Numbers, 309807, 309837, and 309814 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 Megan Harrison, Planner, 1400 Schertz Parkway, Schertz, Texas 78154, by fax (210) 619-1789, or by e-mail mharrison@schertz.com. If you have any questions please feel free to call Megan Harrison, Planner directly at (210) 619-1781.

Sincerely,



Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **ZC2021-017**

COMMENTS: HAVE BUSINESS THATS IS NEXT DOOR FOR 21 YEARS

NAME: JAMES HERRERA SIGNATURE James Herrera
(PLEASE PRINT)

STREET ADDRESS: 12020 SCHAEFER RD SCHERTZ, TX 78108

DATE: 1-6-22

NOTICE OF PUBLIC HEARING

December 30, 2021

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The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 12, 2022** 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:

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Sincerely,



Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **ZC2021-017**

COMMENTS: Schaefer Rd and FM1518 cannot accomodate the additional traffic

NAME: Ralph E. Zimmermann SIGNATURE Ralph Zimmermann
(PLEASE PRINT)

STREET ADDRESS: 11020 Texas Valley, Schertz Tx 78108

DATE: 1/3/2022

NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 12, 2022** 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:

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Sincerely,



Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **ZC2021-017**

COMMENTS: Schaefer Road and FM1518 cannot accommodate the traffic.

NAME: TONY SOWELL FAYE SOWELL SIGNATURE Tony Sowell Faye Sowell
(PLEASE PRINT)

STREET ADDRESS: 10792 Texas Valley, Schertz, TX 78108

DATE: 1-3-2022

NOTICE OF PUBLIC HEARING

December 30, 2021

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Sincerely,



Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **ZC2021-017**

COMMENTS: _____

NAME: Delbert B. Toskey SIGNATURE [Signature]
(PLEASE PRINT)

STREET ADDRESS: 10714 Texas Valley

DATE: 1/4/2022

NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 12, 2022 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:

ZC2021-017 A request to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed Use Neighborhood land use designation to the Single-Family Residential land use designation, generally located 3,650 feet east from the intersection of Schaefer Road and FM 1518, also known as Bexar County Property Identification Numbers, 309807, 309837, and 309814 City of Schertz, Bexar County, Texas

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Sincerely,

MH

Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for ZC2021-017

COMMENTS:

NAME: DORIS DAULT SIGNATURE Doris Dault
(PLEASE PRINT)

STREET ADDRESS: 10890 Texas Valley Schertz Texas
DATE: Jan 3, 2022 78108

NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 12, 2022** 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:

ZC2021-017 A request to amend the Comprehensive Land Use Plan by changing approximately 44 acres of the Future Land Use Map from Mixed Use Neighborhood land use designation to the Single-Family Residential land use designation, generally located 3,650 feet east from the intersection of Schaefer Road and FM 1518, also known as Bexar County Property Identification Numbers, 309807, 309837, and 309814 City of Schertz, Bexar County, Texas

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Sincerely,

Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **ZC2021-017**

COMMENTS: _____

NAME: ALVIN A. SCHULZ SIGNATURE Alvin A. Schulz
(PLEASE PRINT)STREET ADDRESS: 12340 Schaefer Rd.DATE: 1-4-2022

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022

Department: Planning & Community Development

Subject: Ordinance No. 22-S-08 - Conduct a public hearing and consideration and/or action on a request to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood land use designation to the Mixed-Use Neighborhood Center land use designation, generally located 2,500 feet southeast from the intersection of Lower Seguin Road and FM 1518, known as 9120 E FM 1518 N, also known as Bexar County Property Identification Numbers, 309999 and 309997, City of Schertz, Bexar County, Texas. *First Reading* (B.James/L.Wood/M.Harrison)

BACKGROUND

Twenty-four (24) public hearing notices were mailed to the surrounding property owners within two hundred (200) feet of the subject property on December 30, 2021, with a public hearing notice published in the "San Antonio Express", on January 19, 2022, prior to the City Council public hearing. At the time of this report staff received three (3) responses in favor and eight (8) responses opposed to the proposed Comprehensive Land Use Plan Amendment.

Owner of Property ID 309999 & 309997: Karen L. Dahle
Applicant: Moy Tarin Ramirez Engineers, Raymond Tarin

GOAL

The goal is to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from the Estate Neighborhood land use designation to the Mixed-Use Neighborhood land use designation.

COMMUNITY BENEFIT

The community benefit is to promote safe, orderly, efficient development and bring about the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The applicant is requesting to amend the Comprehensive Land Use Plan by changing approximately 15 acres on land of the Future Land Use Map from the Estate Neighborhood land use designation to the Mixed Use Neighborhood Center land use designation.

The Future Land Use Map for the subject area was evaluated as part of the Sector Plan Amendment to the Comprehensive Land Use Plan, adopted by City Council on July 16, 2013. The subject properties' are currently under the Estate Neighborhood land use designation. The Estate Neighborhood land use designation is designed to preserve the rural Southern Schertz by maintaining open space, large lots, and areas with large wooded lots. The land use designation is intended to have large residential lots (1/2 acre min.), maintain 50% of open space, and to encourage cluster neighborhood development.

The applicant is proposing to change the Future Land Use designation of the subject properties to

Mixed Use Neighborhood Center. This proposed future land use designation is intended to be comprised of primarily a mixture of retail, restaurant, office, and multifamily residential uses.

FISCAL IMPACT

None.

RECOMMENDATION

The 2013 Sector Plan Amendment of the Comprehensive Land Use Plan sought to establish future development objectives that balance the traditionally rural and agricultural identity that has shaped the character of South Schertz with the opportunity for smart growth as the City continues to develop south of FM 78. The proposed development that led to the filing of this Comprehensive Land Use Plan involves the potential for a multifamily type complex. Therefore, the applicant has moved forward with this proposed Comprehensive land Use Plan Amendment to reclassify the properties under the Mixed Use Neighborhood Center future land use designation.

The South Schertz area, based on recently approved Future Land Use Plan amendments (Carmel Ranch and Saddlebrook both approved in 2020) has begun to see a shift from the rural, large lot, agricultural areas to more of the traditional subdivision but also a mixture of multifamily to allow open space and amenities. Additionally, in the FY2020-2021 budget City Council approved to allocated funding for a full Comprehensive Land Use Plan Amendment. This would allow staff the opportunity to tailor the future plans for Schertz to the evolving needs and desires of our residents. The full amendment would enable City Staff to make modifications to the Future Land Use Map that are the more appropriate for each area within Schertz. The subject property, like many others in the area, having the land use designation of Estate Neighborhood, were found to be more appropriate at the time the Schertz Sector Plan Amendment of the Comprehensive Land Use Plan was done in 2013. Staff understands that the intention of the Amendment in 2013 was to maintain the character of Southern Schertz as the rural/agricultural feel and to have larger lots with the 50% open space. However, due to the evolving needs that we are experiencing allowing this amendment to the mixed-use neighborhood land use designation, which is intended to have multifamily, would allow the opportunity for working families to live in the area and have quick access to Randolph Air Force Base and Interstate 10. At less than 20 acres in size this property is not really large enough to be able to develop using the alternative estate neighborhood cluster development. Having this option would be beneficial given that the property has such relatively shallow depth to width.

The upcoming Comprehensive Plan amendment would allow staff to reconcile the gaps between our future plan, the residents' desires, and current market conditions. However, this proposed Comprehensive Land Use Plan amendment for the subject tracts would allow the property owners the ability to have their property develop as desired, now, without requiring them to await the full Comprehensive Land Use Plan Amendment.

The Planning and Zoning Commission met on January 12, 2022, where they made a recommendation of approval to the City Council with a vote of 4-3. Commissioner Odom, Commissioner Platt, and Commissioner Hector voted nay to the proposed Comprehensive Land Use Plan Amendment for the following reasons:

- Current zoning district, Pre-Development District, would not support the intended use of multi-family
- Changing from rural area to more city like
- Only able to afford living in Schertz at the end of your career
- Infrastructure waits for the development and has to catch up
- Affect the character of FM 1518

Staff recommends approval of the Comprehensive Land Use Plan Amendment from Estate Neighborhood land use designation to Mixed Use Neighborhood Center land use designation.

Attachments

Ord. No. 22-S-08

Comprehensive Plan Amendment Request Letter

Exhibit A: Property Exhibit

Exhibit B: Current Comprehensive Land Use Plan

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Responses

ORDINANCE NO. 22-S-08

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE COMPREHENSIVE LAND USE PLAN BY CHANGING APPROXIMATELY 15 ACRES OF THE FUTURE LAND USE MAP FROM THE ESTATE NEIGHBORHOOD LAND USE DESIGNATION TO THE MIXED-USE NEIGHBORHOOD LAND USE DESIGNATION, GENERALLY LOCATED APPROXIMATELY 2, 500 FEET EAST OF THE INTERSECTION OF LOWER SEGUIN ROAD AND FM 1518, ALSO KNOWN AS BEXAR COUNTY PROPERTY IDENTIFICATION NUMBERS 309997 AND 309999 CITY OF SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, an application to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood land use designation to Mixed-Use Neighborhood land use designation, also known as Bexar County Property Identification Numbers 309997 and 309999, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.4.6.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 an amendment to the Comprehensive Land Use Plan (the “Criteria”); and

WHEREAS, on January 12, 2022, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested Comprehensive Land Use Plan Amendment; and

WHEREAS, on February 8, 2022, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested Comprehensive Land Use Plan Amendment be approved as provided for herein.

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

Section 1. The current Comprehensive Land Use Plan is hereby amended to change the Future Land Use Map of the property, as shown and more particularly described in the attached Exhibit B, from Estate Neighborhood land use designation to Mixed-Use Neighborhood land use designation.

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.

Section 8. 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 8th day of February 2022.

PASSED, APPROVED AND ADOPTED on final reading the 22nd day of February 2022.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

October 25, 2021



Planning & Community Development Department
Attn.: Lesa Wood, Director Planning &
Community Development Department
City of Schertz 1400 Schertz Parkway
Schertz, Texas 78154

Re: FM 1518 Comprehensive Land Plan Amendment Request Letter

Dear Ms. Wood:

In connection with the proposed rezoning and development of the FM 1518 Multi-family Tract, we are requesting that the City's Comprehensive Land Use Plan be amended. The subject property is +/- 14.69-Acres and is located at 9120 E FM 1518 North Schertz, Texas 78154 (See Exhibit "1").

The City of Schertz Current Land Use Plan lists the subject property as 'Estate Neighborhood' designation (See Exhibit "2"). We are requesting that the land use be amended to 'Mixed Use Neighborhood Center' (See Exhibit "3"). The proposed change in land use for the subject property will be in order to develop a Multi-family Apartment complex. A rezoning application will be submitted after the Comprehensive Land Plan Amendment has been approved to change the zoning of the subject tract from Pre-Development (Pre) to Planned Development District (PDD).

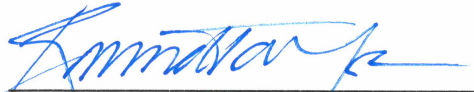
The existing 'Estate Neighborhood' land use designation for the subject property does not allow for the development of a Multi-Family Apartment Complex. Given the subject property's location, it is situated in prime position to provide working families quick commute times to Randolph Air Force Base and access to Interstate Highway 10. Additionally, this proposed multi-family development provides more housing options for working families. There has been a large increase in Single-Family Residential developments in the area which has provided the necessary infrastructure to support this multi-family complex.

We believe that this amendment request for the Subject Property is appropriate, and ask for your support in amending the Comprehensive Land Use Plan in this regard.

I appreciate your consideration of our proposed plan amendment. Please do not hesitate to contact me regarding any questions about the request.

Sincerely,

Moy Tarin Ramirez Engineers, LLC.



Raymond Tarin Jr., PE, CFM, LEED AP
Principal

Enclosures: As Stated

EXHIBIT 1: LOCATION MAP

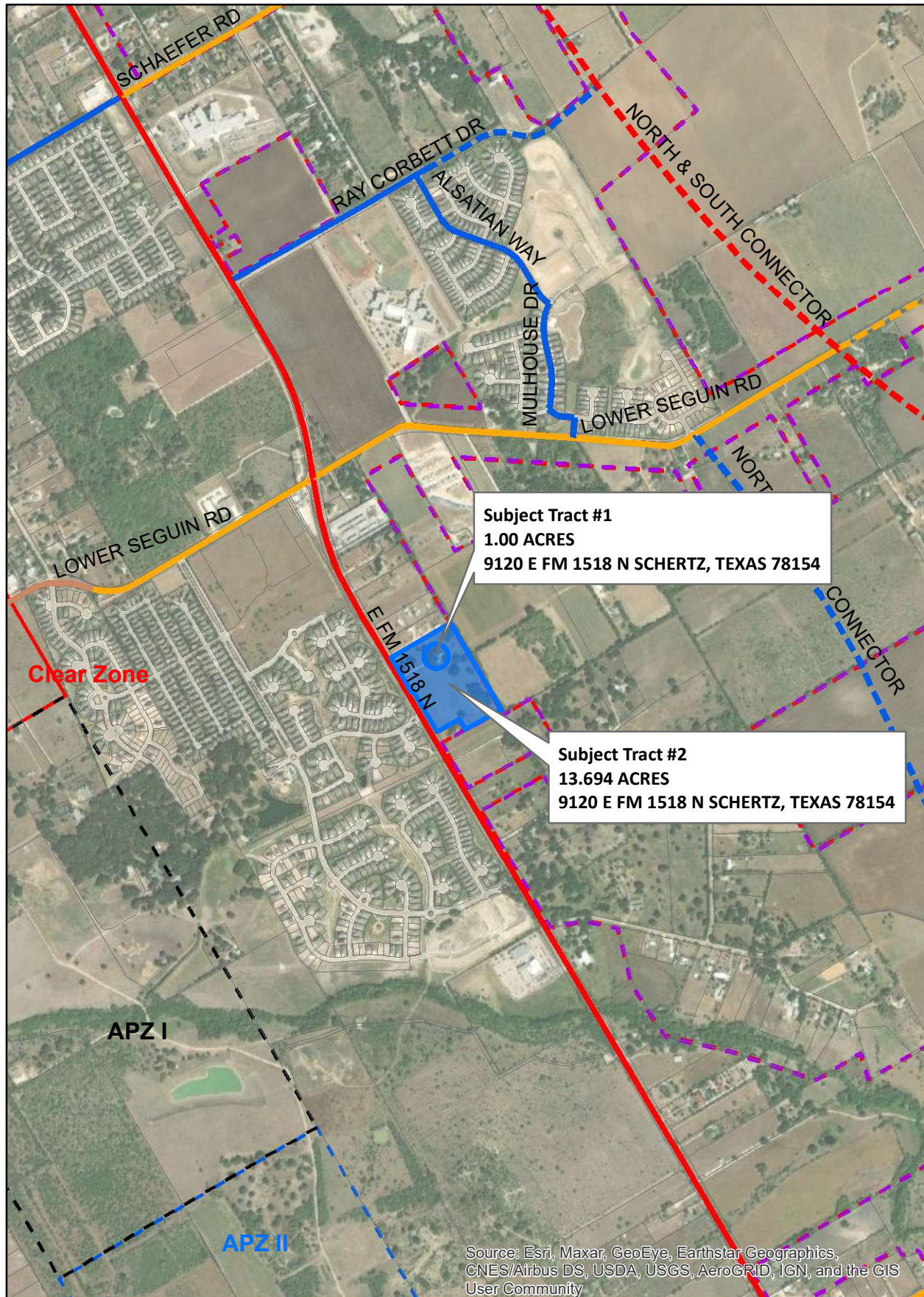


EXHIBIT 2: EXISTING COMPREHENSIVE PLAN

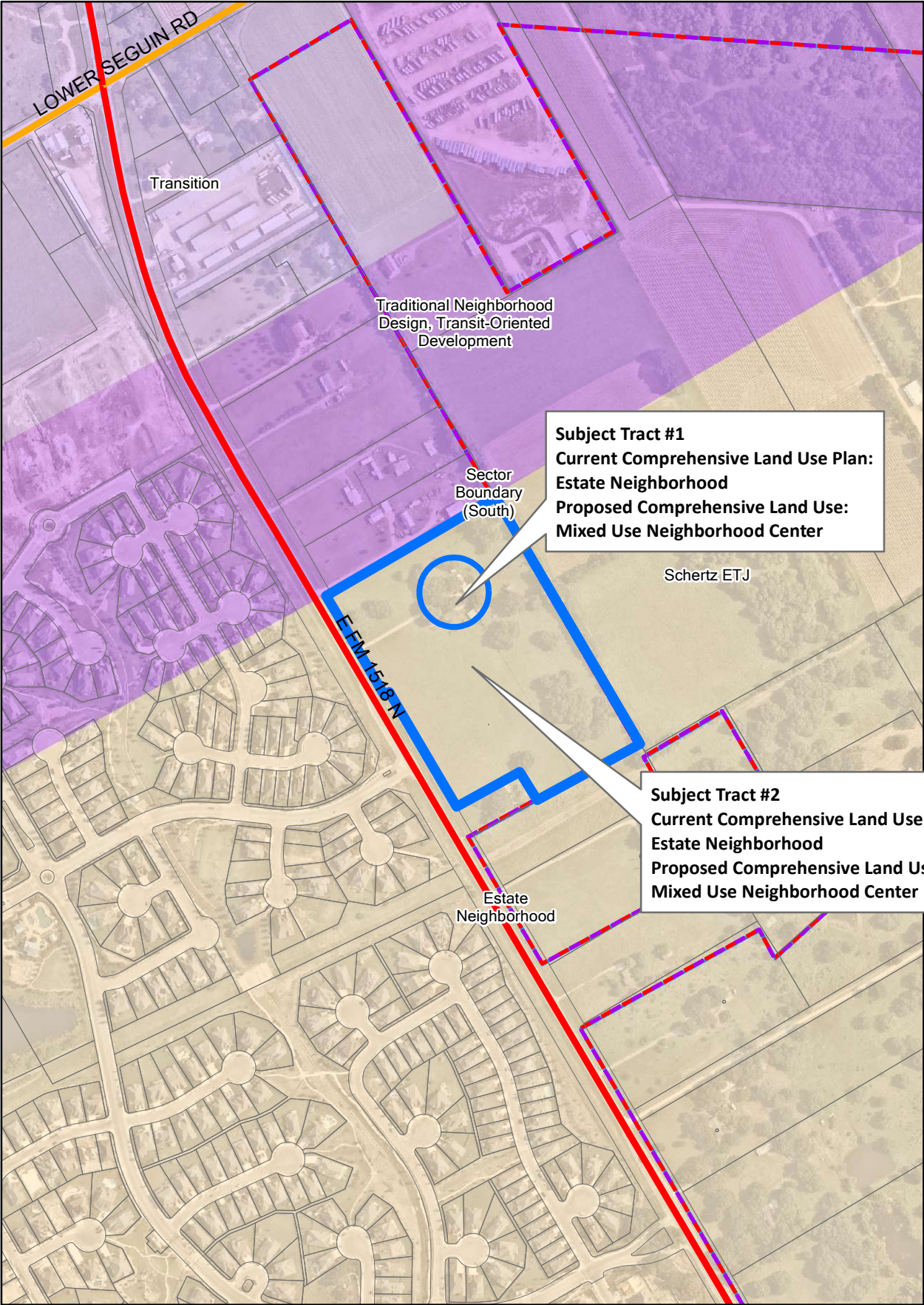


EXHIBIT 3: PROPOSED COMPREHENSIVE PLAN

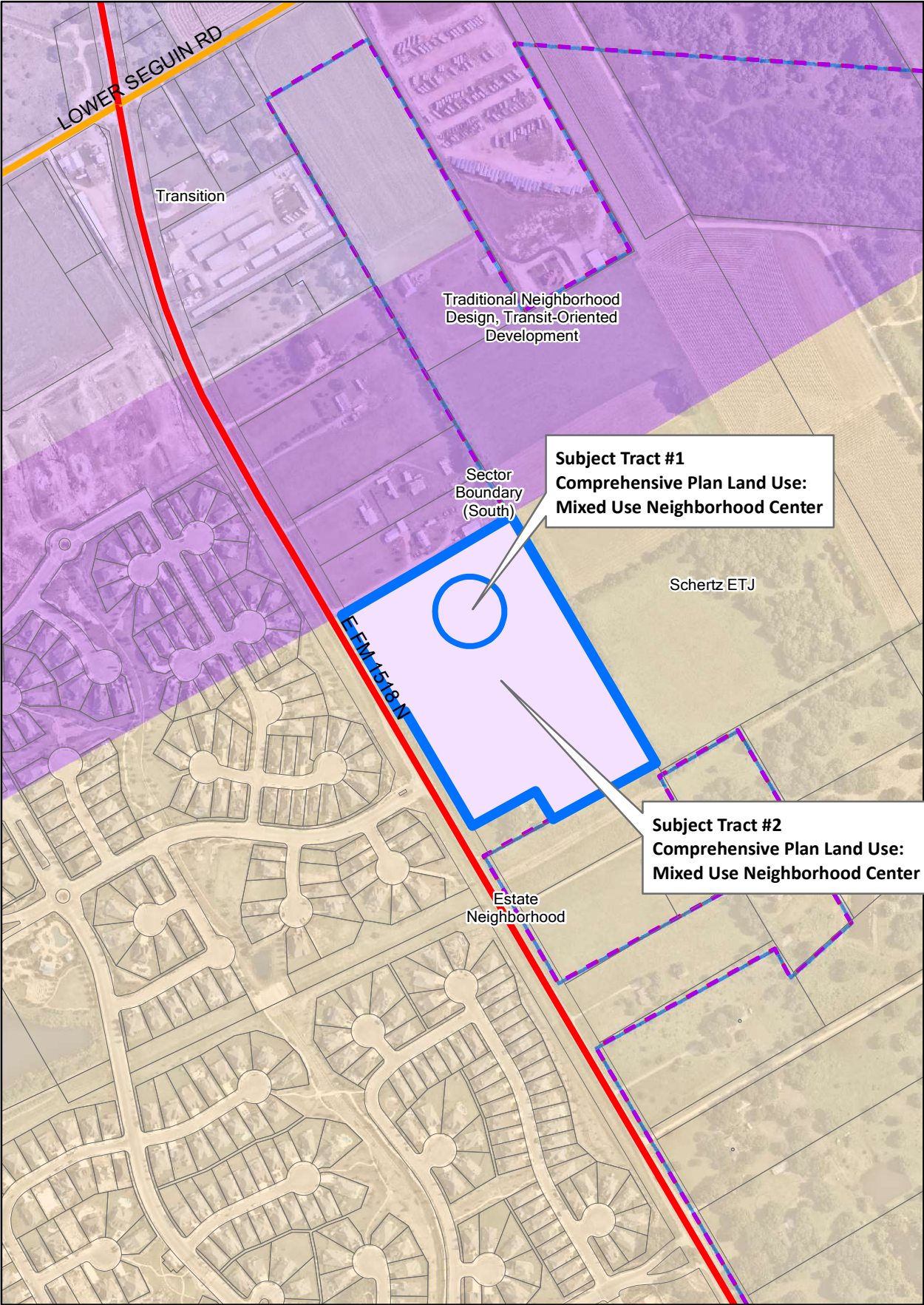


EXHIBIT 1: LOCATION MAP

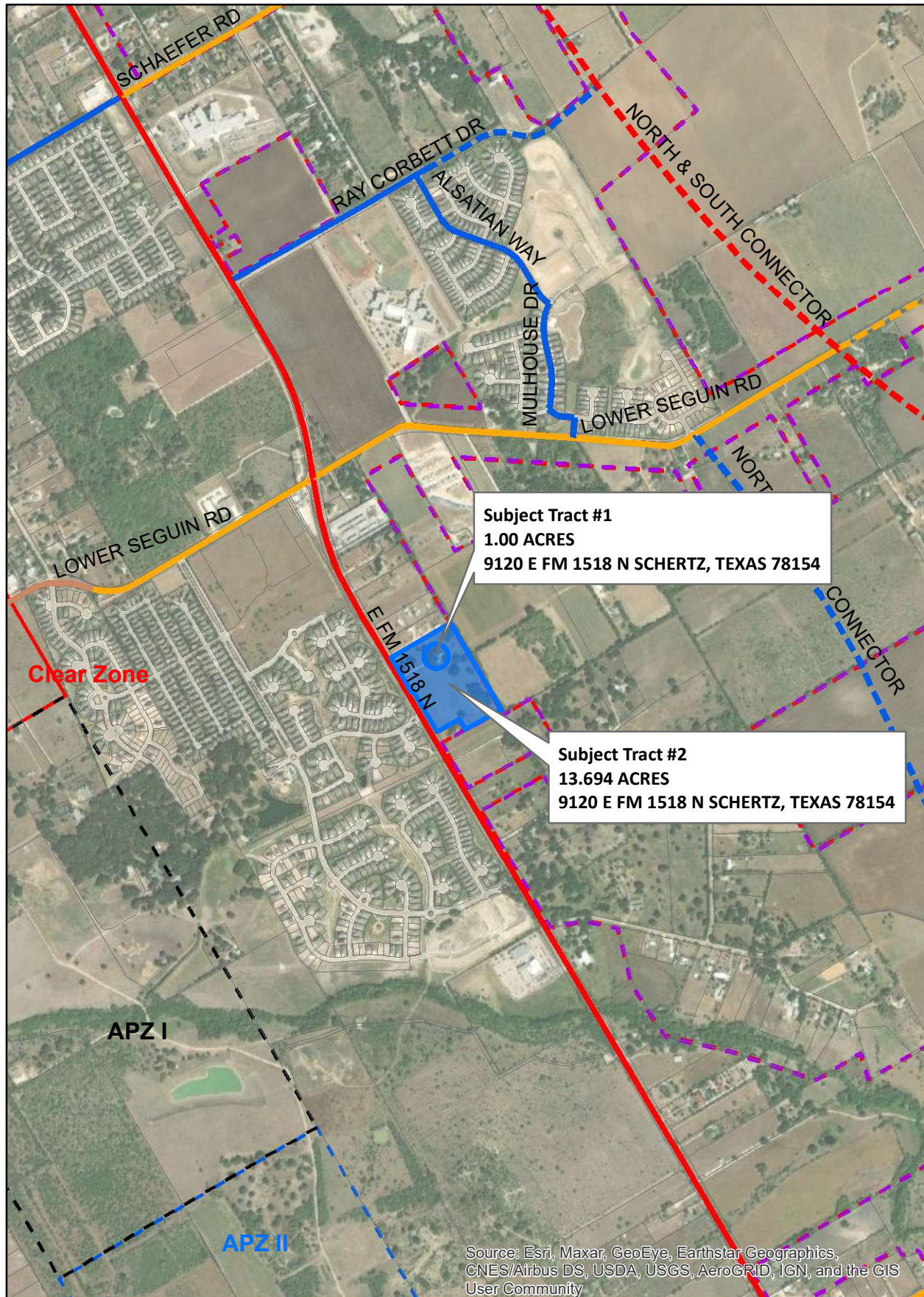
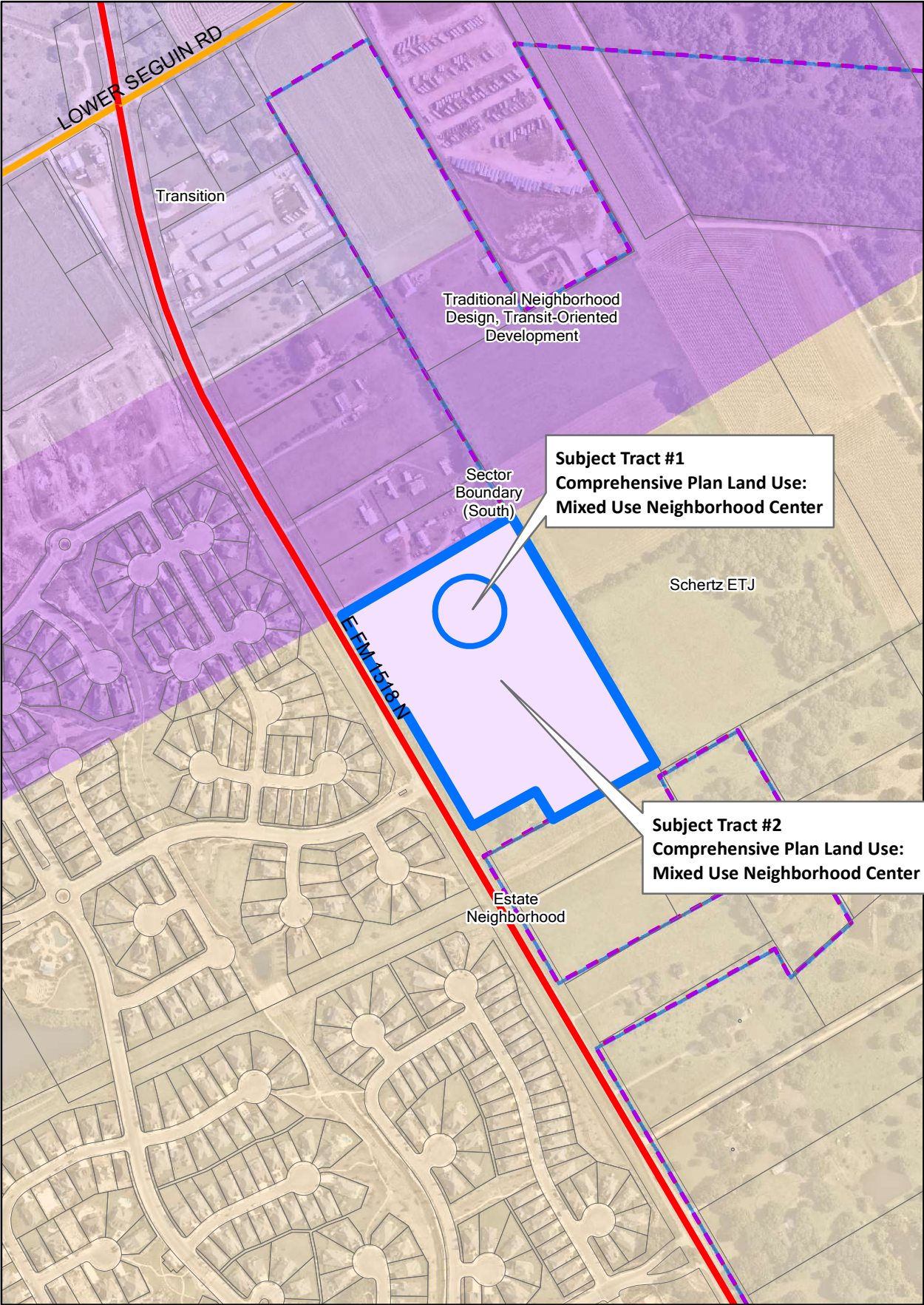
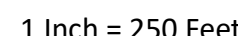
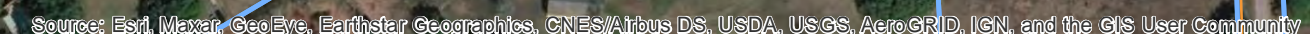
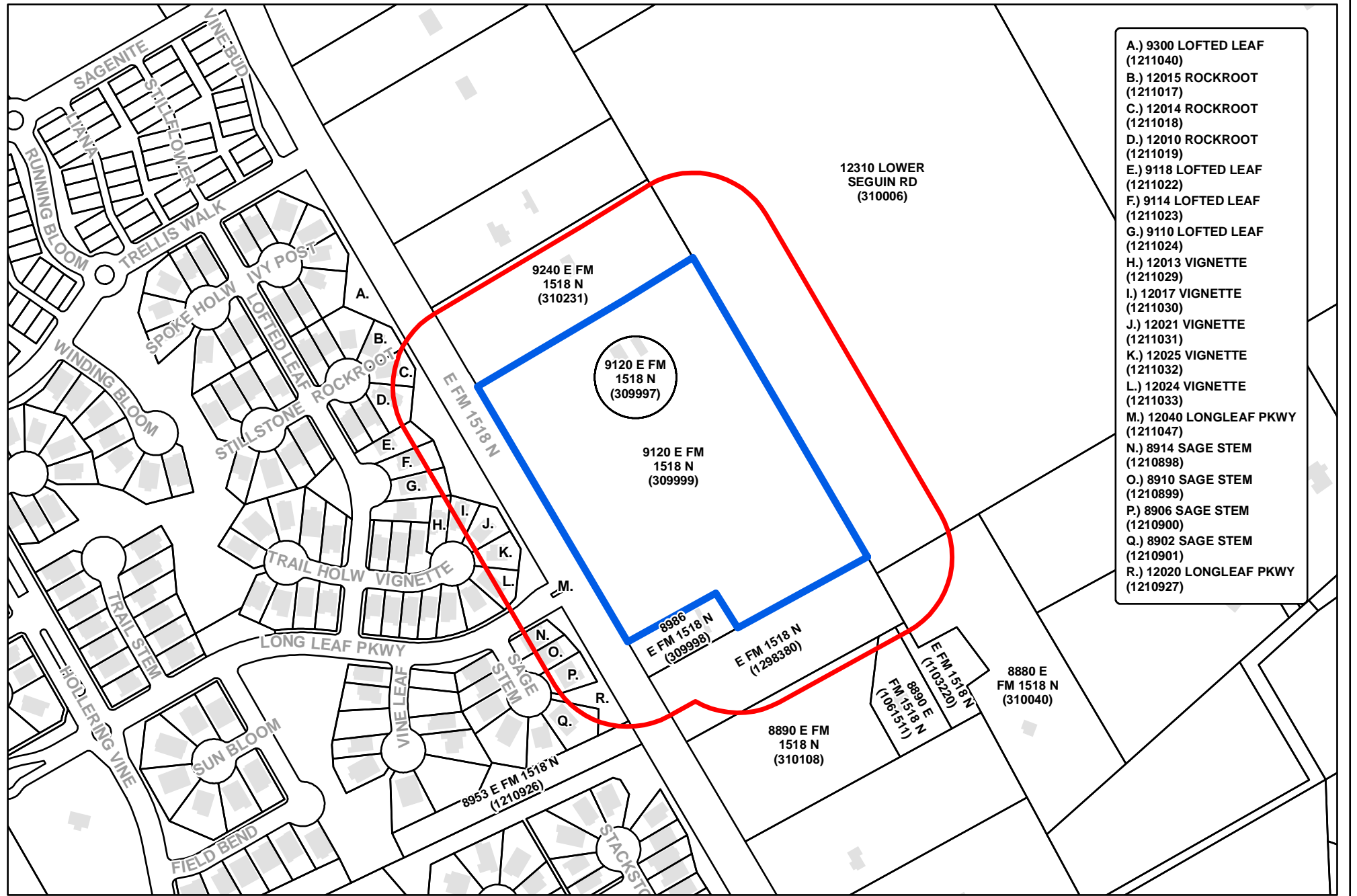


EXHIBIT 3: PROPOSED COMPREHENSIVE PLAN







Megan Harrison

From: Megan Harrison
Sent: Thursday, January 6, 2022 4:40 PM
To: Lloyd Fairley
Subject: RE: Michael Dahle Property Rezone

Mr. Fairley,

I will keep this for our records. I completely understand your concern and encourage you to present this matter at the P&Z meeting.

Thank you,

Megan Harrison
Planner
City of Schertz
1400 Schertz Parkway
Schertz, TX 78154
Office: 210-619-1781
Fax: 210-619-1789
Schertz.com

From: Megan Harrison
Sent: Thursday, January 6, 2022 4:33 PM
To: Megan Harrison <MHarrison@schertz.com>
Subject: RE: Michael Dahle Property Rezone

Thank you for the quick response Megan. I will support the redesignation of land use to "Mixed Use Neighborhood Center" and the Rezoning to R4.

I would respectfully request that the city adopt ordinance rules that require developments to present the Stormwater Management Plan to the neighboring properties or properties affected by the stormwater flows, prior to the plat approval process. Especially when stormwater quality is a concern for the neighboring properties. I cannot allow effluent water that contains pesticides or industrial chemicals to enter my hay fields. The quality hay in my fields will be consumed by horses and the chemicals will be presented through the hay.

I can present this case to the P&Z if needed.

Respectfully,
Lloyd Fairley
Engineering Manager
Alamo Group (TX) Inc.



WEB [Alamo Industrial](#) | [Terrain King](#) | **FACEBOOK** | **LINKEDIN** | **INSTAGRAM**

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From: Megan Harrison <MHarrison@schertz.com>

Sent: Thursday, January 06, 2022 4:15 PM

To: Lloyd Fairley

Subject: RE: Michael Dahle Property Rezone

Mr. Fairley,

Thank you for reaching out to the Planning Division. Please see my responses below in red to your questions with reference to the proposed Comprehensive Land Use Plan Amendment for 9120 FM 1518. Please let me know if there are any further questions or concerns.

Thank you,

Megan Harrison

Planner

City of Schertz

1400 Schertz Parkway

Schertz, TX 78154

Office: 210-619-1781

Fax: 210-619-1789

Schertz.com

From:

Sent: Thursday, January 6, 2022 3:48 PM

To: Megan Harrison <MHarrison@schertz.com>

Subject: Michael Dahle Property Rezone

Hello Megan,

You recently sent out a notice for the rezoning of property at 9120 E FM 1518. This property is adjacent to my property at 12290 Lower Seguin Rd. I would like to have some clarification on a few things before I respond to the survey.

1. Will there be drainage studies and runoff retention requirements for the apartment buildings and other commercial complex?
 - If the property were to receive approval of the Comprehensive Land Use Plan Amendment and Zoning (which has not taken place yet) they would be required to go through the platting process. The first step for

platting is the preliminary plat. For the preliminary plat they will need to provide a preliminary Stormwater Management Plan that shows the post vs pre, development. Also with the City of Schertz it is required to have detention on the property and the Engineering Department would have to review

2. What would the setback requirements be for these structures under this zoning?

- If the property were to be approved for the zoning of multi-family apartment district, (has not submitted a zoning application) then we would look at the surrounding uses and determine how they are being used. If they are being used as residential then the requirement for the City of Schertz is to construct an 8-foot masonry wall with a 20-foot landscape buffer. The setbacks for the property would be 50' front yard setback as it is located on FM 1518, 10' side yard setback and 20' rear yard setback.

3. Will the city require the developer to build and maintain a fence structure between my farmland and the apartment/commercial complex?

- As mentioned above if the properties adjacent to this lot are used as residential then the developer would be required to construct the 8-foot masonry wall.

Respectfully,
Lloyd Fairley
Engineering Manager
Alamo Group (TX) Inc.



WEB [Alamo Industrial](#) | [Terrain King](#) | [FACEBOOK](#) | [LINKEDIN](#) | [INSTAGRAM](#)

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Megan Harrison

From: Karen Dahle <adchfalkor@yahoo.com>
Sent: Thursday, January 6, 2022 8:20 AM
To: Megan Harrison
Subject: ZC2021-018 Land use

I support the ZC2021-018 to amend the Comprehensive Land Use Plan.

Karen Dahle with Pooka, my Journey to the Past and Fire Spirit

And not forgotten:

ADCH MACH Falkor OAP, OJP, NFP(waitin' by the pot of gold, like his heart) and Vapor AX, AXJ, XF, GS-O, JS-E-OP, RS-E, BN, RN, Charm USA EOJ Team Member, MXJ, MXF, MX, RS-E, GS-E, JS-E-SP, AAD(My Princess)

NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, January 12, 2022 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:

ZC2021-018 A request to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood land use designation to the Mixed-Use Neighborhood Center land use designation, generally located 2,500 feet southeast from the intersection of Lower Seguin Road and FM 1518, known as 9120 E FM 1518N, also known as Bexar County Property Identification Numbers, 309999 and 309997, 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 Megan Harrison, Planner, 1400 Schertz Parkway, Schertz, Texas 78154, by fax (210) 619-1789, or by e-mail mharrison@schertz.com. If you have any questions please feel free to call Megan Harrison, Planner directly at (210) 619-1781.

Sincerely,

Megan Harrison
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for ZC2021-018

COMMENTS: _____

NAME: GROSVING MASTER Community SIGNATURE 
(PLEASE PRINT)STREET ADDRESS: 314 E. Commerce St. Suite 600, San Antonio 78205DATE: 1.4.22

NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

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Sincerely,

Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for ZC2021-018COMMENTS: See AttachedNAME: Jennifer Pugh
(PLEASE PRINT)SIGNATURE Jennifer PughSTREET ADDRESS: 8914 Sage Stem,DATE: 12 Jan 2022

David Pugh / Jennifer Pugh
8914 Sage Stem
Scheritz, TX

12 January 2022

This memo is in response to the Notice of Public Hearing scheduled on Wednesday, 12 January 2022. (ZC2021-018)

COMMENTS: Our residence is located directly across FM 1518 from the proposed Mixed-Use Neighbourhood Center site. We are completely opposed to this proposed development as it would be too close to the residential properties in our community area. In addition, the future road project expansion of FM1518 will generate a more than normal traffic pattern. Having a commercial property so close would add to the traffic. Our objection is based mainly on the close proximity of our property. As our housing area is not a gated community and having a commercial site that close would definitely "encourage" non-residents to use CrossVine as a thru-fare for non-residential traffic. It wouldn't be ideal.

It would be better if another available site (not that close to the homes) along FM 1518 could be proposed instead.

David L Pugh
Jennifer Pugh

Kind regards,
David & Jennifer Pugh

Megan Harrison

From: eckhofflt@aol.com
Sent: Monday, January 10, 2022 11:04 AM
To: Megan Harrison
Subject: Public hearing ZC2021-018

Ma'am, I am opposed to PIN 309999, and 309997 to your Public hearing ZC2021-018. It is bad enough you are widening 1518 to make more noise behind our house and now you want to put even more noise. If I knew all this was going to happen, I won't move out here. Thanks, Thomas Eckhoff 12014 Rockroot.

PLANNING & COMMUNITY
DEVELOPMENT

NOTICE OF PUBLIC HEARING

December 30, 2021

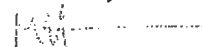
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Sincerely,

Megan Harrison
Planner

Reply Form

I am: ~~supporting~~ opposed to ~~neutral~~ the request for ZC2021-018COMMENTS: I strongly oppose any commercial development in the zone described above.NAME: Walter D. Sherrod
(PLEASE PRINT)

SIGNATURE

STREET ADDRESS: 8910 Sage Stem Schertz, Tx 78154DATE: 1/8/2022

NOTICE OF PUBLIC HEARING

December 30, 2021

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Sincerely,

MH
Megan Harrison
Planner

Reply Form

I am: ☒ in favor of ☐ opposed to ☒ neutral to ☐ the request for ZC2021-018

COMMENTS:

NAME:

(PLEASE PRINT)

SIGNATURE

STREET ADDRESS:

DATE:

1-9-22

*homeowner

NOTICE OF PUBLIC HEARING

December 30, 2021

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Sincerely,

Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for ZC2021-018

COMMENTS: _____

NAME: Eric Poole
(PLEASE PRINT)SIGNATURE STREET ADDRESS: 12025 VignetteDATE: 1-8-22



COMMUNITY
SERVICE
OPPORTUNITY

PLANNING & COMMUNITY
DEVELOPMENT

NOTICE OF PUBLIC HEARING

December 30, 2021

To whom it may concern,

The Schertz Planning and Zoning Commission will conduct a public hearing on Wednesday, January 12, 2022 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:

ZC2021-016 A request to amend the Comprehensive Land Use Plan by changing approximately 15 acres of the Future Land Use Map from Estate Neighborhood land use designation to the Mixed-Use Neighborhood Center land use designation, generally located 2,500 feet southeast from the intersection of Lower Seguin Road and FM 1518, known as 9120 E FM 1518N, also known as Bexar County Property Identification Numbers, 309999 and 309997, City of Schertz, Bexar County, Texas

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Sincerely,

Megan Harrison
Planner

Reply Form

I am: In favor of ☐ opposed to ☒ neutral to ☐ the request for ZC2021-016

COMMENTS: We need more info, please

NAME: Ronna Poole
(PLEASE PRINT)

SIGNATURE: Ronna Poole

STREET ADDRESS: 12025 Schertz

DATE: 1-8-22

NOTICE OF PUBLIC HEARING

December 30, 2021

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Sincerely,

MH

Megan Harrison
Planner

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for ZC2021-018

COMMENTS:

NAME: Adrian Perez + Victoria Campos
(PLEASE PRINT)

SIGNATURE

STREET ADDRESS: 12015 Rockroot Schertz TX 78154

DATE: 1/9/22

Reply Form

I am: in favor of ☐ opposed to ☒ neutral to ☐ the request for **ZC2021-018**

COMMENTS: This move would change the neighborhood ^{increase foot Traffic} bring rise in crime,

NAME: Reynaldo Montes SIGNATURE Reynaldo Montes
(PLEASE PRINT)

STREET ADDRESS: 9118 Lofted Leaf Schertz, Tx

DATE: 01-07-22 78154

CITY COUNCIL MEMORANDUM

City Council Meeting: February 8, 2022
Department: Police Department
Subject: 2021 Racial Profiling Annual Report - Schertz Police Department

BACKGROUND

Police Departments within the State of Texas require the submission of annual Racial Profiling Reports. Attached is the final 2021 report from the traffic stops conducted by Schertz Police Department personnel.

Attachments

2021 Racial Profiling Report

Racial Profiling Report | Full Report

Agency Name:	Schertz Police Department
Reporting Date:	January / 2022
TCOLE Agency Number:	187203
Chief Administrator:	Marc Bane
Agency Contact Information:	
Phone:	210-619-1200
Email:	mbane@schertz.com
Mailing Address:	1400 Schertz Parkway Building 6 Schertz, Texas 78154

This Agency filed a full report.

Schertz Police Department has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the Schertz Police Department from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the Schertz Police Department if the individual believes that a peace officer employed by the Schertz Police Department has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the Schertz Police Department 's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the Schertz Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Schertz Police Department 's policy adopted under this article;
- (6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (a) the race or ethnicity of the individual detained;
 - (b) whether a search was conducted and, if so, whether the individual detained consented to the search;
 - (c) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (d) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(e) the location of the stop; and

(f) the reason for the stop; and

(7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(a) the Texas Commission on Law Enforcement; and

(b) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: Marc Bane

Chief Administrator

Schertz Police Department

Date: **/**/2022

Schertz Police Department Racial Profiling Information

Total stops: 4,836

Gender

Female: 1,818

Alaska Native/American Indian: 3

Asian/Pacific Islander: 55

Black: 295

Hispanic/Latino: 311

White: 1,154

Male: 3,018

Alaska Native/American Indian: 15

Asian/Pacific Islander: 48

Black: 543

Hispanic/Latino: 756

White: 1,656

Race or ethnicity

Alaska Native/American Indian: 18

Asian/Pacific Islander: 103

Black: 838

Hispanic/Latino: 1,067

White: 2,810

Was race or ethnicity known prior to stop

Yes: 68

No: 4,768

Reason for stop?

Violation of law: 160

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 17

Hispanic/Latino: 60

White: 83

Preexisting knowledge: 45

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 9

Hispanic/Latino: 6

White: 30

Moving traffic violation: 3,721

Alaska Native/American Indian: 14

Asian/Pacific Islander: 85

Black: 643

Hispanic/Latino: 775

White: 2,204

Vehicle traffic violation: 908

Alaska Native/American Indian: 4

Asian/Pacific Islander: 18

Black: 168

Hispanic/Latino: 226

White: 492

Street address or approximate location of the stop

City street: 3,770

US highway: 512

County road: 152

State highway: 364

Private property or other: 36

Was a search conducted

Yes: 199

Alaska Native/American Indian: 1

Asian/Pacific Islander: 0

Black: 45

Hispanic/Latino: 43

White: 110

No: 4,637

Alaska Native/American Indian: 17

Asian/Pacific Islander: 103

Black: 793

Hispanic/Latino: 1,024

White: 2,700

Reason for Search

Consent: 26

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 8

Hispanic/Latino: 3

White: 15

Contraband in plain view: 2

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 0

Hispanic/Latino: 1

White: 1

Probable cause: 159

Alaska Native/American Indian: 1

Asian/Pacific Islander: 0

Black: 34

Hispanic/Latino: 37

White: 87

Inventory: 8

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 1

Hispanic/Latino: 2

White: 5

Incident to arrest: 4

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 0

Hispanic/Latino: 2

White: 12

No Search: 4,637

Alaska Native/American Indian: 17

Asian/Pacific Islander: 103

Black: 793

Hispanic/Latino: 1,024

White: 2,700

Was Contraband discovered

Yes: 172

Alaska Native/American Indian: 1

Asian/Pacific Islander: 0

Black: 37

Hispanic/Latino: 39

White: 95

No: 27

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 8

Hispanic/Latino: 4

White: 15

Description of contraband

Drugs: 157

Alaska Native/American Indian: 1

Asian/Pacific Islander: 0

Black: 31

Hispanic/Latino: 36

White: 89

Currency: 1

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 1

Hispanic/Latino: 0

White: 0

Weapons: 2

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 1

Hispanic/Latino: 1

White: 0

Alcohol: 10

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 2

Hispanic/Latino: 2

White: 6

Stolen property: 2

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 0

Hispanic/Latino: 1

White: 1

Other: 21

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 6

Hispanic/Latino: 7

White: 8

Result of the stop

Written warning: 2,779

Alaska Native/American Indian: 12

Asian/Pacific Islander: 59

Black: 525

Hispanic/Latino: 626

White: 1,557

Citation: 2,016

Alaska Native/American Indian: 6

Asian/Pacific Islander: 43

Black: 303

Hispanic/Latino: 432

White: 1,232

Written warning and arrest: 24

Alaska Native/American Indian: 0

Asian/Pacific Islander: 1

Black: 6

Hispanic/Latino: 5

White: 12

Citation and arrest: 17

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 4

Hispanic/Latino: 4

White: 9

Arrest

Total: 41

Arrest based on

Violation of Penal Code: 30

Alaska Native/American Indian: 0

Asian/Pacific Islander: 1

Black: 6

Hispanic/Latino: 7

White: 16

Violation of Traffic Law: 1

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 0

Hispanic/Latino: 0

White: 1

Outstanding Warrant: 10

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 4

Hispanic/Latino: 2

White: 4

Was physical force resulting in bodily injury used during stop?

Yes: 4

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 1

Hispanic/Latino: 1

White: 2

No: 4,832

Alaska Native/American Indian: 18

Asian/Pacific Islander: 103

Black: 837

Hispanic/Latino: 1,066

White: 2,808

Was Arrest Due to Contraband Found?

Yes 17

Alaska Native/American Indian: 0

Asian/Pacific Islander: 0

Black: 4

Hispanic/Latino: 4

White: 9

No 24

Alaska Native/American Indian: 0

Asian/Pacific Islander: 1

Black: 6

Hispanic/Latino: 5

White: 12

Number of Complaints of Racial Profiling

Total 0

Resulted in Disciplinary Action 0

Did Not Result in Disciplinary Action 0