



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**December 8, 2020**

**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, DECEMBER 8, 2020, at 6:00 p.m.**

**COUNCIL MEMBER/STAFF INDIVIDUAL PHOTOS 3:00 PM TO 5:15 PM**  
**GROUP COUNCIL PHOTOS 5:30 PM**

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

**City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, December 8, 2020, 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**

**Employee Recognition Service Pins**

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

## Employee Recognition

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

## City Events and Announcements

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

## Hearing of Residents

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

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

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

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

## Consent Agenda Items

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

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Regular meeting of December 1, 2020. (B. Dennis)

2. **Ordinance No. 20-S-41** - Consideration and/or action upon a request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU), located at 603 Main Street, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay).
3. **Ordinance No. 20-S-42** - Consideration and/or action upon request to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), located at 539 Main Street, City of Schertz, Guadalupe County, Texas. ***Final Reading*** (B. James/L. Wood/N. Kopyay).
4. **Ordinance No. 20-S-40** - Consideration and/or action upon a request for a Specific Use Permit to allow the 'Commercial Amusement, Outdoor' land use on approximately 17.5 acres of land, located at 18658 Interstate Highway 35 N, City of Schertz, Guadalupe County, Texas, also known as Wiederstein Ranch Lot 1, Block 1. ***Final Reading*** (B. James/L. Wood/N. Kopyay)
5. **Resolution No. 20-R-142** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 530 and 534 Main Street. (M. Browne/B. James)
6. **Resolution No. R-20-143** - Consideration and/action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the acquisition of Lot 1, Block 50 of the Live Oak Hills Addition. (M. Browne/B. James)
7. **Resolution 20-R-138** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an extension of the agreement for Management Services between the City of Schertz and the Schertz/Seguin Local Government Corporation (SSLGC) and other matters in connection therewith.
8. **Resolution 20-R-48** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas approving a Standard Utility Agreement with the Texas Department of Transportation relating to the relocation of a segment of sewer main near the intersection of IH-35 and FM 1103. (C. Kelm/S. Williams/S. McClelland)
9. **Ordinance No. 20-T-38** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2020-2021 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. ***Final Reading*** (M. Browne/B. James/J. Walters)

#### **Discussion and action items**

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

#### **Workshop**

- 11. City Council Rules of Conduct and Procedure** - Discussion regarding possible changes to the current City Council Rules of Conduct and Procedure. (Mayor/Council)
- 12. City Council Code of Ethics** - Discussion regarding possible changes to the current City Council Code of Ethics. (Mayor/Council)
- 13. Chapter 18 Building and Building Regulations** - Workshop and discussion related to the update of Schertz Code of Ordinances, Chapter 18 Building and Building Regulations and local amendments.
- 14. Workshop Discussion on Roadway Improvements** - regarding Corridor Oaks sewer line extension in preparation of roadway improvements on FM 1103. (C. Kelm)

### **Roll Call Vote Confirmation**

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

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

### **Requests and Announcements**

- Announcements by the City Manager.
- 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 DECEMBER 2020 AT 4:45 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

BRENDA DENNIS

**I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON \_\_\_\_ DAY OF \_\_\_\_\_, 2020. TITLE: \_\_\_\_\_**

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

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

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

## COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

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

<b>Councilmember Whittaker – Place 3</b> Audit Committee	<b>Councilmember Dahle – Place 4</b> Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions TIRZ II Board
<b>Councilmember Heyward – Place 6</b> Audit Committee Investment Advisory Committee Main Street Committee	<b>Councilmember Brown – Place 7</b> Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the Regular meeting of December 1, 2020. (B. Dennis)

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**BACKGROUND**

The City Council held a Regular City Council meeting on December 1, 2020.

**RECOMMENDATION**

Recommend Approval.

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**Attachments**

12-1-2020 Draft min

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# DRAFT

## MINUTES REGULAR MEETING December 1, 2020

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on December 1, 2020, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

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

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

### **Call to Order - Regular meeting**

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

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

### **Presentation**

- Fundraiser donation presentation from the Scenic Hills Subdivision to our first responders in Schertz. (C. Kelm/J. Mabbitt/B. Hill) Christin Taylor - Pat McMaster - Carol Najarian from Scenic Hills)

Members from the Scenic Hills Subdivision came forward and explained their recent fundraising event and presented the following proceed checks:

- Police Department \$400.00

- EMS Department \$600.00
- Fire Department \$400.00
- Citizen Life Saving award. (C. Kelm/K. Long)

Mayor Gutierrez recognized Fire Chief Kade Long who came and provided the following comments:

We are here is this evening to recognize a worker from First Street Assisted Living Center: Ms. Leslie Barrientes

Early in the morning of October 26, 2020, we had a fire alarm call come in at 0449 at the First Street Assisted Living Center from an alarm monitoring company. Our dispatchers quickly elevated this call to a structure fire which added additional fire engines. When Quint 1 and Battalion Chief arrived, they found smoke pouring out the front door and a window to the left of the front door. The Battalion Chief was quickly able to ascertain from Ms. Barrientes that all the residents were accounted for outside the building upon our crew's arrival. This allowed our fire crews to concentrate on the stopping the fire spread instead of searching the building for residents. Our fire crews were able to pull a fire line into the room where the fire had started, which was that room to the left of the front door and finish putting out the fire. The sprinkler system had also activated which assisted in keeping the fire from growing rapidly or spreading from the room of origin. I would certainly commend our fire crews for their quick work of this fire as well as the high-quality customer service that they provided. The Fire Marshal and Asst Fire Marshal arrived on scene shortly after to investigate the cause of the fire. Our firefighters then carried some of the burned and wet items outside and mopped up the floor so that we could get all the residents back inside.

Now, for the reason we are here. As we started gathering information one thing that quickly become apparent was the heroic actions of Ms. Barrientes. As I had mentioned earlier, everyone was outside the building when our Firefighters arrived. We discovered that when the fire alarm had sounded Ms. Barrientes was making sure everyone was up and getting out of the building. Then, recognizing that one of the resident's doors was not open she went to open the door but was unable to get it opened. Ms Barrientes acted quickly and without hesitation. She grabbed a chair and ran outside and broke the window and assisted the resident in getting out to safety. Her quick actions undoubtedly saved lives early this October morning.

Mayor Gutierrez and Fire Chief Kade Long presented Ms. Leslie Barrientes with a plaque for her lifesaving act.

## Hearing of Residents

**Residents who choose to watch the meeting via live stream, but who would like to participate in Residents to be Heard, should email their comments to City Secretary, Brenda Dennis, at [bdennis@schertz.com](mailto:bdennis@schertz.com) by 5:00 p.m. on Monday, November 30, 2020 , SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number, agenda item # if applicable or subject of discussion, and your comments.**

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

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Mayor Gutierrez recognized the following who spoke regarding Law Enforcement, police accountability, and the recent police violence:

- Michele Terelesky, 705 Marilyn, Schertz
- Sandra Kearns, 416 Eagle Flight, Cibolo
- Dana Eldridge, 2628 Gallant Fox Dr., Schertz
- Soctt Titterington, 5325 Storm King, Schertz
- Sandra Dieckhoner, 5005 Timber Springs, Schertz
- Josey Garcia, 147 Amber Knoll, San Antonio
- Brenda Pacheco, 218 Bean, San Antonio
- Jack Miller, 4839 Dick Gordon, San Antonio

Mayor Gutierrez provided the following comments:

Thank you, for sharing your views, we value your input. All sides of the spectrum have been presented during the Hearing of Residents. Everyone will have their own thought-provoking interpretation of the incident, dissenting opinions have value.

This Council is listening. Those on one side will reason with the other side. And vice

verse. Those, in the middle (my regrets) will receive it from both sides. Trying to persuade you to see it their way. Everyone has one common goal JUSTICE! This is what everyone is seeking.

Now I ask you?

It is fair to demand immediate action, when the process has not been completed. This process will take some time. How long? I don't Know

I Know - Patience is tough and patience bitter, but patience is also a key element to JUSTICE. For you see democracy cannot flourish when there is hate. Justice can not be served when there is rage.

## **City Events and Announcements**

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

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following information on the upcoming events:

### **Thursday, December 3rd**

“Deck the City Hall” Event

6:00 PM

Hal Baldwin Municipal Complex

In addition to the traditional Holiday tree lighting, we will be lighting the Hal Baldwin Municipal Complex! Enjoy live music, a craft, and hot cocoa.

### **Saturday, December 5th**

Holidazzle Event sponsored by Schertz Parks and Recreation

Breakfast with Santa sessions at 8:00 AM, 9:30 AM, and 11:00 AM – Space is limited and tickets are \$10.00 each. Call the Parks & Recreation Office at 210-619-1850 for more information.

Kris Kringle Market from 9:00 AM – 4:00 PM

Holiday Hoopla ice skating rink, giant snow globe, Mt. Schertz snow hill, and snow angel play area from 2:00 PM – 8:00 PM

Holly Jolly Entertainment begins at 3:00 PM on the outdoor stage. Fireside Toasting & Roasting food trucks available for special treats!

Festival of Angels lighted night parade along Schertz Parkway and Main Street beginning at Pickrell Park at 6:00 PM and concluding at Community Circle Drive.

Social distancing will be encouraged and masks are required.

## **Tuesday, December 8th**

Last regular Council Meeting for 2020

6:00 PM

Council Chambers

## **Wednesday, December 9th**

City Council Special Workshop

6:00 PM

Civic Center Bluebonnet Hall

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

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

None were provided.

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

Mayor Gutierrez stated he would like to thank Mike Patrick and Harmon BBQ for the Give Back Thanksgiving Dinner. Thank you sponsors and volunteers for your contribution to the success of this year's event. Over 1000 meals were served that is quite an accomplishment.

Congratulations to our City Secretary Brenda Dennis recognize by the Texas Municipal Clerks for her outstanding record management systems.

## **Consent Agenda Items**

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

Mayor Gutierrez read the following items:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Regular meeting of November 10, 2020, and the minutes of the Special meeting of November 16, 2020. (B. Dennis)
2. **Resolution No. 20-R-139** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for Schertz Main Street Local Flavor Economic Development Grants for 539 and 820 Main Street. (B. James)



3. **Ordinance No. 20-S-37** - Consideration and/or action upon a request to amend the Comprehensive Land Use Plan by changing approximately 40 acres of the Future Land Use Map from the Estate Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation, generally located approximately 4,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, City of Schertz, Bexar County, Texas. *Final Reading* (B. James/L. Wood/ N. Koplyay)
4. **Ordinance No. 20-K-35** - Consideration/or action upon an Ordinance requesting to close and abandon to the abutting property owners a portion of Urban Lane Right-of-Way between Live Oak Hills Subdivision Lot 1, Block 55 (Guadalupe County Property ID: 32206) and Live Oak Hills Subdivision Lot 18, Block 54 (Guadalupe County Property ID: 32205); and establishing an effective date hereof. *Final Reading* (B. James/L. Wood/E. Delgado)
5. **Resolution 20-R-140** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, awarding a professional services contract to Avant Strategic Partners for required bond arbitrage calculations and filing. (B. James/J. Walters)
6. **Resolution No. 20-R-119** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with AG|CM Inc, in an amount not to exceed \$32,663 for the construction management of the Schertz Pedestrian Routes & Bike Lanes Project and the Live Oak Road Turn Lane Addition. (B. James/L. Shrum)
7. **Resolution No. 20-R-118** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing a contract with D&S Concrete, in the amount of \$1,256,960.95 for the construction of the Schertz Pedestrian Routes & Bike Lanes Project and the Live Oak Road Turn Lane Addition. (B. James/L. Shrum)
8. **Resolution No. 20-R-134** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing the City Manager to enter into a lease agreement with Stryker Flex Financial for the acquisition of sixteen (16) Stryker Life Pak monitor/defibrillators, associated equipment and service plan. (C. Kelm/J. Mabbitt)

Mayor Gutierrez asked Council if there were any items to be removed from Consent for separate action. Mayor Gutierrez recognized Councilmember Scagliola who requested agenda item 3, Ordinance No. 20-S-37 be removed for separate action, and Mayor Gutierrez recognized Councilmember Whittaker who requested agenda item 2, Resolution No. 20-R-139 be removed

for separate action.

Moved by Councilmember Michael Dahle, seconded by Councilmember Mark Davis to approve consent agenda items 1, and 4 through 8.

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

Passed

## **Discussion and Action Items**

The following were read into record:

**2. Resolution No. 20-R-139** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving requests for Schertz Main Street Local Flavor Economic Development Grants for 539 and 820 Main Street. (B. James)

Mayor Gutierrize recognized Assistant City Manager Brian James who addressed Councilmember Whittaker's questions regarding landscaping and why the look will be changing.

Moved by Councilmember Allison Heyward, seconded by Councilmember Tim Brown to approve Resolution No. 20-R-139.

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

Passed

**3. Ordinance No. 20-S-37** - Consideration and/or action upon a request to amend the Comprehensive Land Use Plan by changing approximately 40 acres of the Future Land Use Map from the Estate Neighborhood and Agricultural Conservation land use designations to the Single-Family Residential land use designation, generally located approximately 4,000 feet east of the intersection between FM 1518 and Lower Seguin Road, also known as Bexar County Property Identification Numbers 310024 and 310031, City of Schertz, Bexar County, Texas. Final Reading (B. James/L. Wood/ N. Kopolyay)

Mayor Gutierrez recognized Councilmember Scagliola who stated that he had voted

no on this item and should not have been a consent item. He stated that in addition to the unanimous disapproval by Planning and Zoning Commission he voted no on his own concerns, and will likely do so again. His message is really to the Planning and Zoning Commission, we recognize what you do, and it really isn't an easy job and is greatly appreciated. Don't let the approval of this item discourage you and certainly do not take it out of context. There is a lot of things happening in our City and within our Planning and Zoning Department and this just maybe an anomaly. He is sure that they will get to the bottom of it in the very near future and find a strategy to move forward.

Moved by Councilmember Michael Dahle, seconded by Councilmember Jill Whittaker to approve Ordinance No. 20-S-37 on final reading.

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

NAY: Councilmember David Scagliola

Passed

9. **Ordinance No. 20-T-38** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2020-2021 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. ***First Reading*** (M. Browne/B. James/J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who introduced this item addressing questions from Council.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-T-38 on first reading.

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

Passed

10. **Resolution 20-R-141** - Consideration and/or action approving a Resolution adding Christmas Eve to the City's Holiday Schedule and authorizing Education Pay for Eligible Full-Time City Employees. (C. Kelm/J. Kurz)

Mayor Gutierrez recognized Director of Human Resources & Purchasing Jessica Kurz who introduced this item addressing questions from Council.

Moved by Councilmember David Scagliola, seconded by Councilmember Michael Dahle to approve Resolution No. 20-R-141.

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

Passed

## Public Hearings

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

Mayor Gutierrez recognized Planner 1 Nick Koplyay who provided a PowerPoint presentation regarding this item.

Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. As no one spoke, Mayor Gutierrez closed the public hearing for Council comments. No Council comments were provided.

Moved by Councilmember Tim Brown, seconded by Councilmember Mark Davis to approve Ordinance No. 20-S-41 on first reading.

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

Passed

12. **Ordinance No. 20-S-42** - Conduct a public hearing, consideration and/or action upon request to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), located at 539 Main Street, City of Schertz, Guadalupe County, Texas. ***First Reading*** (B. James/L. Wood/N. Koplyay).

Mayor Gutierrez recognized Planner 1 Nick Koplyay who provided a PowerPoint presentation regarding this item.

Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. As no one spoke, Mayor Gutierrez closed the public hearing for Council comments. No Council comments were provided.

Moved by Councilmember Michael Dahle, seconded by Councilmember Allison Heyward to approve Ordinance No. 20-S-42.

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

Passed

- 13. Ordinance No. 20-S-40** - Conduct a public hearing, consideration and/or action upon a request for a Specific Use Permit to allow the ‘Commercial Amusement, Outdoor’ land use on approximately 17.5 acres of land, located at 18658 Interstate Highway 35 N, City of Schertz, Guadalupe County, Texas, also known as Wiederstein Ranch Lot 1, Block 1. ***First Reading*** (B. James/L. Wood/N. Kopyay)

Mayor Gutierrez recognized Planner 1 Nick Kopyay who provided a PowerPoint presentation regarding this item.

Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item.

Mayor Gutierrez recognized Mr. Dana Eldridge, 2628 Gallant Fox Drive, who spoke in favor of the item, but concerns with the condition of Old Wiederstein Road and need for repair as more traffic will come from this new event. As no one else spoke, Mayor Gutierrez closed the public hearing for Council comments.

Staff members Nick Kopyay and Assistant City Manager Brian James addressed questions from Council.

Moved by Councilmember Tim Brown, seconded by Councilmember David Scagliola to approve Ordinance No. 20-S-40 on first reading.

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

Passed

- 14. Ordinance No. 20-T-39** - Conduct a public hearing, consideration and/or action upon an Ordinance to extend the term of the Tax Increment Financing Reinvestment zone No. 2 (Sedona/Crossvine) and expand the boundaries.  
*First Reading* (B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who introduced this item. Mayor Gutierrez stated this was a public hearing and opened the public hearing for those wishing to speak on this item. As no one spoke, Mayor Gutierrez closed the public hearing for Council comments.

Moved by Councilmember Tim Brown, seconded by Councilmember David Scagliola to approve Ordinance 20-T-39.

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

Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 14.

### **Workshop**

- 15. Workshop Discussion and Update (Ordinance 20-H-18)** - Discussion and update regarding the COVID-19 virus and our current Ordinance No. 20-H-18 Declaration of Local Disaster. (M. Browne/K. Long/S. Hall)

Mayor Gutierrez recognized Emergency Management Coordinator Summer Hall who provided Council with the latest information regarding current numbers on active cases of COVID-19 in Guadalupe, Bexar, and Comal counties as well as fatality rates. EMC Summer Hall gave specifics on the breakdowns for surrounding areas, schools, daily state counts, and hospitalization rates. Ms. Hall addressed comments and questions from Council.

- 16. City Council Liaison Appointments** - Discussion and possible action regarding various City Council liaison appointments. (Mayor/Council/B. Dennis)

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided a brief history on the annual choosing of the liaison appointments from Council and filling any vacancies due to the recent election. Mayor

Gutierrez provided each Councilmember an opportunity to voice their desires for the liaison positions. The positions are as follows:

- Councilmember Rosemary Scott - Interview Committee for Boards and Commissions and Schertz Animal Services Advisory Board.
- Councilmember David Scagliola - Cibolo Valley Local Government Corporation - Alternate; Hal Baldwin Scholarship Committee; Interview Committee for Boards and Commissions; and Schertz-Seguin Local Government Corporation.

Councilmember David Scagliola proposed Council create a position for a liaison with the Schertz Senior Center. City Secretary Brenda Dennis stated she would sit down with the YMCA and discuss the proposed liaison position and would bring it back to council as a future agenda item.

- Councilmember Mark Davis - Interview Committee for Boards and Commissions; Main Street Committee - Chair; Schertz Housing Authority Board; and TIRZ II Board.
- Councilmember Allison Heyward - Audit Committee; Investment Advisory Committee; and Main Street Committee.
- Councilmember Tim Brown - Main Street Committee and Schertz-Seguin Local Government Corporation - alternate.
- Councilmember Michael Dahle - Cibolo Valley Local Government Corporation; Interview Committee for Boards and Commissions; and TIRZ II Board.
- Councilmember Jill Whittaker - Audit Committee.

Councilmember Jill Whittaker expressed a desire to be on the TIRZ II Board. Assistant City Manager Brian James stated there were set spots on that board, and they would have to bring back an item to increase the board members or there was also a possibility of replacing one of the two members whose terms were up at the end of this month. City Secretary Brenda Dennis stated she will look into the positions open with the TIRZ II Board.

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

Mayor Gutierrez mentioned that items 17 and 18 were informational items and the information was provided to Council as well as available to the public.

17. Update on Utility Billing Operation Changes. (B. James/J. Walters)
18. Update on Scope and Philosophy of the Comprehensive Plan and UDC Update. (B. James)

## **Requests and Announcements**

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.  
No requests were given.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda. No items requested.
- Announcements by Mayor and Councilmembers
  - City and community events attended and to be attended
  - City Council Committee and Liaison Assignments (see assignments below)
  - Continuing education events attended and to be attended
  - Recognition of actions by City employees
  - Recognition of actions by community volunteers

No announcements were provided.

## **Adjournment**

Mayor Gutierrez adjourned the meeting at 7:59 p.m.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary



## CITY COUNCIL MEMORANDUM

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** Ordinance No. 20-S-41 - Consideration and/or action upon a request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU), located at 603 Main Street, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James/L. Wood/N. Koplyay).

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### BACKGROUND

The applicant is proposing to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU). The property is located at 603 Main Street and is currently developed with one residential structure and an accessory detached garage.

Twenty-four (24) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on November 6, 2020, and a public hearing notice was published in the “San Antonio Express” on November 11, 2020. At the time of this report staff has received four neutral responses to the public hearing notices.

The Planning and Zoning Commission met on November 18, 2020 and made a recommendation to City Council to approve the proposed zone change by a 7-0 vote.

City Council approved this at their meeting of December 1, 2020.

### GOAL

The project goal is to rezone the subject property from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU) in order to re-purpose the existing house on-site into a counseling office.

### COMMUNITY BENEFIT

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

### SUMMARY OF RECOMMENDED ACTION

The Sector Plan amendment to the Comprehensive Land Use Plan designates the subject property as part of Historic Downtown Schertz. The objective for Historic Downtown Schertz is to leverage Schertz’s history and heritage to create a unique destination with local independent businesses, while encouraging the use of existing buildings. The Main Street Mixed-Use District (MSMU) was created to help achieve these objectives. The MSMU zoning district is intended to provide a base zoning district to the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are also provided as part of this district due to physical constraints. The proposed zone change to MSMU at 603 Main Street is in conformance with the Comprehensive Plan, because MSMU will allow the subject property to accomplish the goals

established for Historic Downtown Schertz; the MSMU zoning district will allow the applicant to take advantage of the existing improvement on-site by repurposing the existing house to develop a counseling office.

The proposed zone change should also have a minimal impact on infrastructure and public facilities. The subject property is currently surrounded by single-family dwellings and right-of-way, with commercial businesses in the vicinity along Main Street, so the proposed zone change should also have a minimal impact on the existing and future adjacent land uses.

Based on the new zoning district's compatibility with the Comprehensive Land Use Plan and the land uses of the adjacent properties, the MSMU zoning district is the most appropriate zoning district for the subject property. Staff recommends approval of the zone change application as submitted.

### **FISCAL IMPACT**

None

### **RECOMMENDATION**

Staff recommends approval of the proposed zone change to Main Street Mixed Use District as submitted.

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### **Attachments**

Ordinance 20-S-41

Ordinance 20-S-41 Exhibit A

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Responses

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## **ORDINANCE NO. 20-S-41**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 0.35 ACRES OF LAND FROM NEIGHBORHOOD SERVICES DISTRICT (NS) TO MAIN STREET MIXED USE DISTRICT (MSMU), LOCATED AT 603 MAIN STREET, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 0.35 acres of land located at 603 Main Street, 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 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

**WHEREAS**, on November 18, 2020, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning; and

**WHEREAS**, on December 1, 2020, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

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

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

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

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

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

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

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

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

Approved on first reading the 1<sup>st</sup> day of December, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 8<sup>th</sup> day of December, 2020.

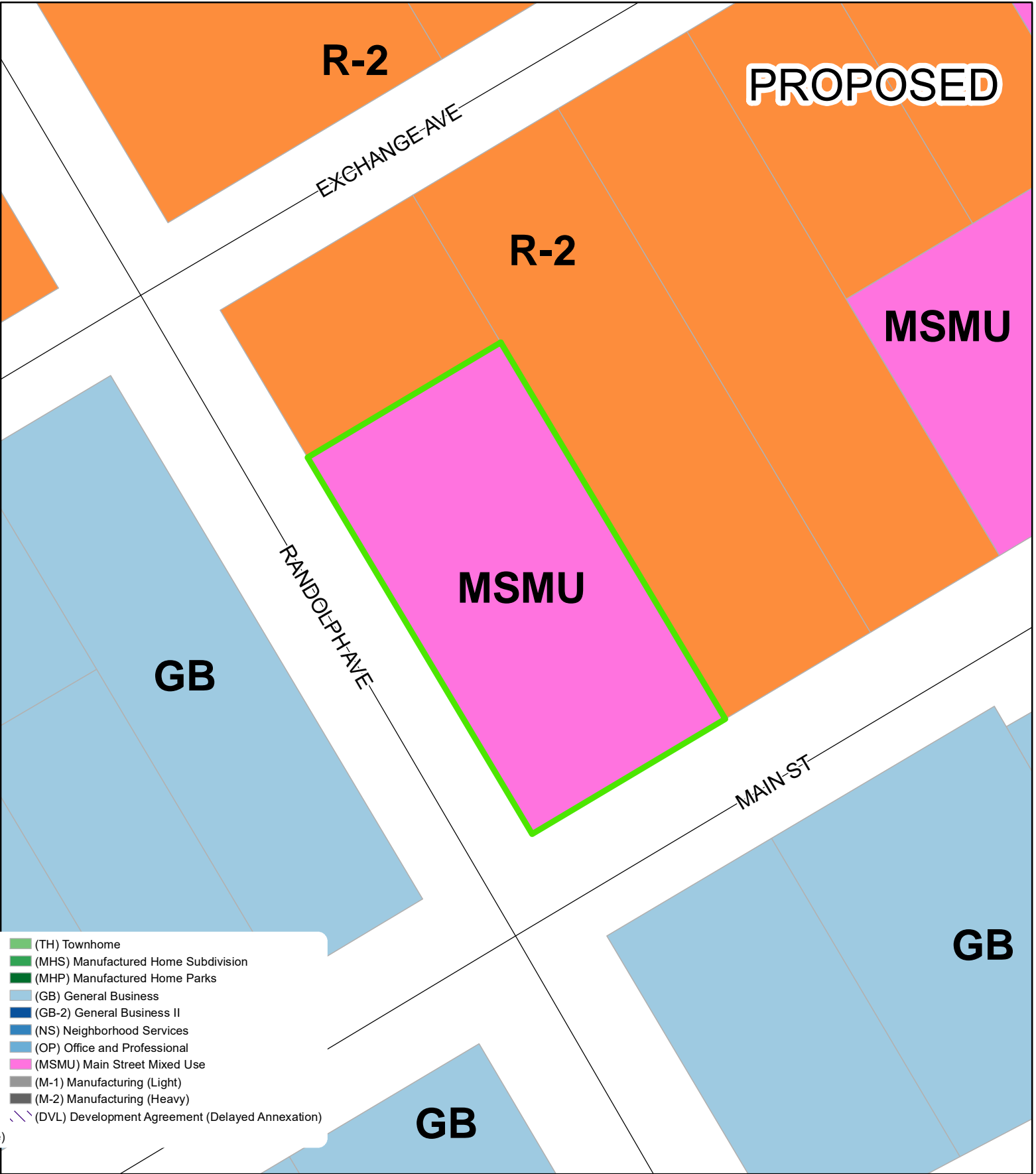
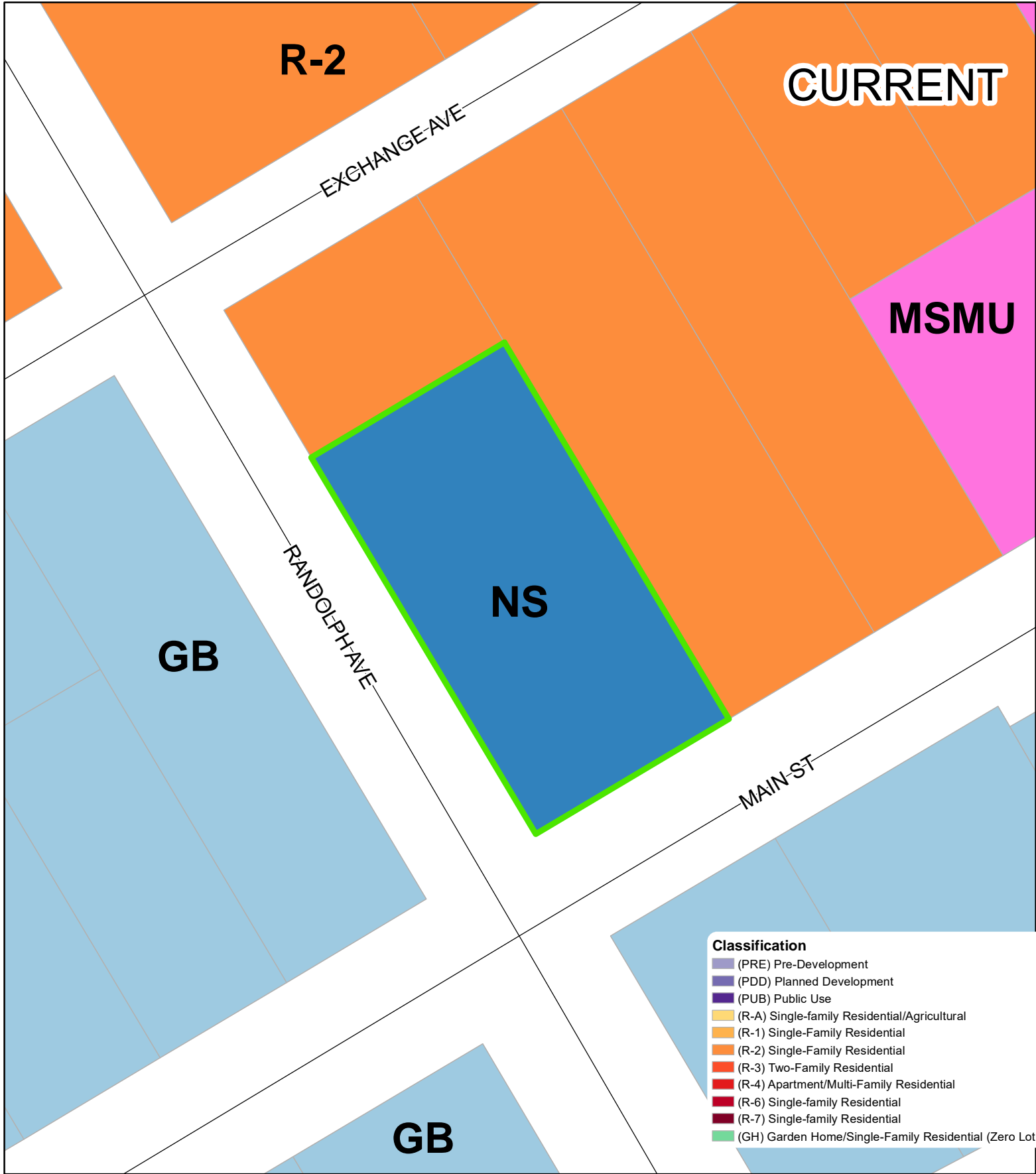
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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)



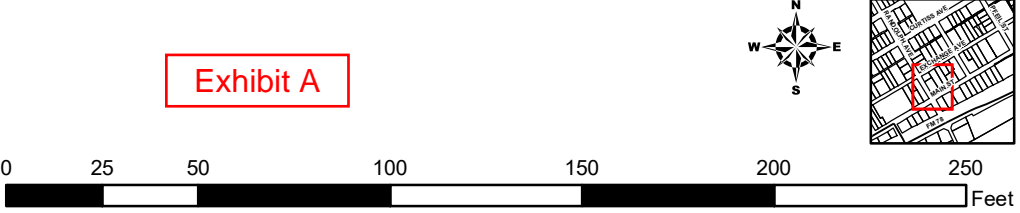
- Classification**
- (PRE) Pre-Development
  - (PDD) Planned Development
  - (PUB) Public Use
  - (R-A) Single-family Residential/Agricultural
  - (R-1) Single-Family Residential
  - (R-2) Single-Family Residential
  - (R-3) Two-Family Residential
  - (R-4) Apartment/Multi-Family Residential
  - (R-6) Single-family Residential
  - (R-7) Single-family Residential
  - (GH) Garden Home/Single-Family Residential (Zero Lot Line)

- (TH) Townhome
- (MHS) Manufactured Home Subdivision
- (MHP) Manufactured Home Parks
- (GB) General Business
- (GB-2) General Business II
- (NS) Neighborhood Services
- (OP) Office and Professional
- (MSMU) Main Street Mixed Use
- (M-1) Manufacturing (Light)
- (M-2) Manufacturing (Heavy)
- (DVL) Development Agreement (Delayed Annexation)

Proposed Zoning Change


**603 Main Street**  
ABS: 221 SUR: G MALPAZ 0.3400 AC.

Exhibit A









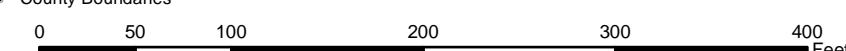
# SCHERTZ

COMMUNITY • SERVICE • OPPORTUNITY

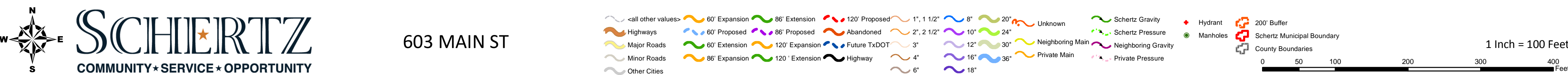
## 603 MAIN ST

<all other values>	60' Expansion	86' Extension	120' Proposed	1", 1 1/2"	8"	20'	Schertz Gravity	Hydrant	200' Buffer
Highways	60' Proposed	86' Proposed	Abandoned	2", 2 1/2"	10"	24'	Schertz Pressure	Manholes	Schertz Municipal Boundary
Major Roads	60' Extension	120' Expansion	Future TxDOT	3"	12"	30"	Neighboring Gravity	County Boundaries	0
Minor Roads	86' Expansion	120' Extension	Highway	4"	16"	36"	Private Pressure	50	100
Other Cities				6"	18"			200	300

1 Inch = 100 Feet









NOTICE OF PUBLIC HEARING

November 6, 2020

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, November 18, 2020 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

**ZC2020-011** – A request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU), located at 603 Main Street, City of Schertz, Guadalupe County, Texas.

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

Sincerely,

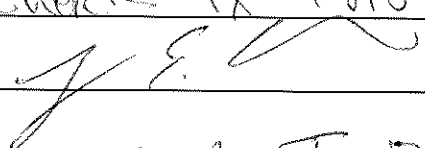


Nick Kopyay  
Planner

Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-011**

COMMENTS: 404 Curtiss AVE Schertz TX 78154

NAME: Rody E. Andabalen SIGNATURE:   
(PLEASE PRINT)

STREET ADDRESS: 404 Curtiss AVE Schertz TX 78154

DATE: 11/10/2020



Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-011**

COMMENTS: \_\_\_\_\_

NAME: MARJORIE LUENSMANN SIGNATURE Marjorie Luensmann  
(PLEASE PRINT)

STREET ADDRESS: 609 Main St. Schertz, TX 78154-2146

DATE: 11/10/2020

1400 Schertz Parkway



Schertz, Texas 78154



210.619.1000



[schertz.com](http://schertz.com)

NOTICE OF PUBLIC HEARING

November 6, 2020

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Sincerely,

*Nick Kopyay*

Nick Kopyay  
Planner

Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-011**

COMMENTS: \_\_\_\_\_

NAME: Sue Ann Cherrine SIGNATURE: *Sue Ann Cherrine*  
(PLEASE PRINT)

STREET ADDRESS: 534 Main St., Schertz TX 78154

DATE: 11-14-2020

We encourage the main street mixed use concept. Emphasis needs to be placed on developing a positive environment. Guidelines need to be implemented so the neighborhood remains safe and non-disruptive.

NOTICE OF PUBLIC HEARING

November 6, 2020

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, November 18, 2020 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

**ZC2020-011** – A request to rezone approximately 0.35 acres of land from Neighborhood Services District (NS) to Main Street Mixed Use District (MSMU), located at 603 Main Street, City of Schertz, Guadalupe County, Texas.

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

Sincerely,

*Nick Kopyay*

Nick Kopyay  
Planner

Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for ZC2020-011

COMMENTS: Please don't approve a bar to be located at that

NAME: April Guadarrama SIGNATURE Agudarrama address. We don't  
(PLEASE PRINT)

STREET ADDRESS: 524 Exchange need a bar  
DATE: 11-15-20 in a quiet  
neighborhood.

*I'm having issues with  
The Bar House!*

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** Ordinance No. 20-S-42 - Consideration and/or action upon request to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), located at 539 Main Street, City of Schertz, Guadalupe County, Texas. *Final Reading* (B. James/L. Wood/N. Koplyay).

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### BACKGROUND

The applicant is proposing to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU). The property is located at 539 Main Street and is currently developed with one residential structure and one accessory structure.

Twenty-four (24) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on November 6, 2020, and a public hearing notice was published in the “San Antonio Express” on November 11, 2020. At the time of this report staff has received four neutral responses and one favorable response to the public hearing notices.

The Planning and Zoning Commission met on November 18, 2020 and made a recommendation to City Council to approve the proposed zone change by a 7-0 vote.

City Council approved this on first reading at their meeting of December 1, 2020.

### GOAL

The project goal is to rezone the subject property from General Business District (GB) to Main Street Mixed Use District (MSMU) in order to re-purpose the existing house and accessory structure on-site into two commercial businesses.

### COMMUNITY BENEFIT

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

### SUMMARY OF RECOMMENDED ACTION

The Sector Plan amendment to the Comprehensive Land Use Plan designates the subject property as part of Historic Downtown Schertz. The objective for Historic Downtown Schertz is to leverage Schertz’s history and heritage to create a unique destination with local independent businesses, while encouraging the use of existing buildings. The Main Street Mixed-Use District (MSMU) was created to help achieve these objectives. The MSMU zoning district is intended to provide a base zoning district to the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are also provided as part of this district due to physical constraints. The proposed zone change to MSMU at 539 Main Street is in conformance with the Comprehensive Plan, because MSMU will allow the subject property to accomplish the goals established for Historic Downtown Schertz; the MSMU zoning district will permit the applicant to take

advantage of the existing improvement on-site by utilizing the existing house to develop two commercial businesses.

The proposed zone change should also have a minimal impact on infrastructure and public facilities. The subject property is currently surrounded by single-family dwellings and right-of-way, with commercial businesses in the vicinity along Main Street, so the proposed zone change should also have a minimal impact on the existing and future adjacent land uses.

Based on the new zoning district's compatibility with the Comprehensive Land Use Plan and the land uses of the adjacent properties, the MSMU zoning district is the most appropriate zoning district for the subject property. Staff recommends approval of the zone change application as submitted.

## **FISCAL IMPACT**

None

## **RECOMMENDATION**

Staff recommends approval of the proposed zone change to Main Street Mixed Use District as submitted.

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## **Attachments**

Ordinance 20-S-42

Ordinance 20-S-42 Exhibit A

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Responses

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## **ORDINANCE NO. 20-S-42**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 0.35 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) TO MAIN STREET MIXED USE DISTRICT (MSMU), LOCATED AT 539 MAIN STREET, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 0.35 acres of land located at 539 Main Street, 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 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

**WHEREAS**, on November 18, 2020, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning; and

**WHEREAS**, on December 1, 2020, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

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

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

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

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

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

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

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

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

Approved on first reading the 1<sup>st</sup> day of December, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 8<sup>th</sup> day of December, 2020.

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary  
(SEAL OF THE CITY)

## **ORDINANCE NO. 20-S-42**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 0.35 ACRES OF LAND FROM GENERAL BUSINESS DISTRICT (GB) TO MAIN STREET MIXED USE DISTRICT (MSMU), LOCATED AT 539 MAIN STREET, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS.**

**WHEREAS**, an application to rezone approximately 0.35 acres of land located at 539 Main Street, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

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**WHEREAS**, on November 18, 2020, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested rezoning; and

**WHEREAS**, on December 1, 2020, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

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

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

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

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

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



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

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

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

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

Approved on first reading the 1<sup>st</sup> day of December, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 8<sup>th</sup> day of December, 2020.

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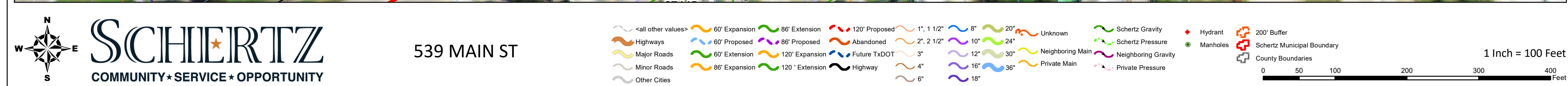
Ralph Gutierrez, Mayor

ATTEST:

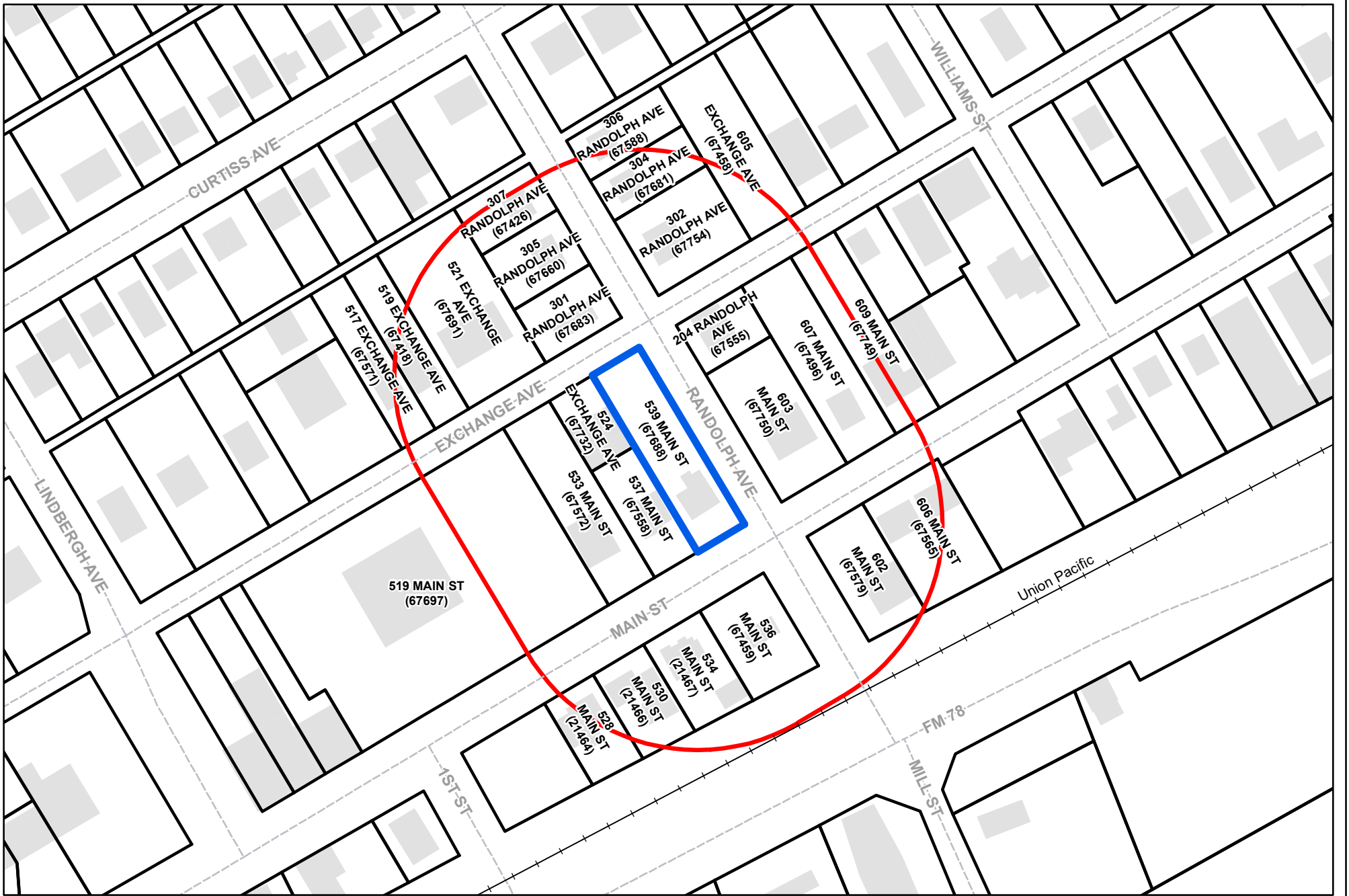
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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)









# City of Schertz

539 MAIN ST

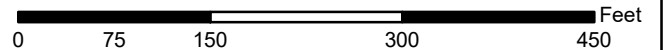
ABS: 221 SUR: G MALPAZ 0.3340 AC.



200' Buffer



Parcel Boundaries



## NOTICE OF PUBLIC HEARING

November 6, 2020

Dear Property Owner,

The Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, November 18, 2020 at 6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and make recommendation on the following item:

**ZC2020-012** – A request to rezone approximately 0.35 acres of land from General Business District (GB) to Main Street Mixed Use District (MSMU), located at 539 Main Street, City of Schertz, Guadalupe County, Texas.

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

Sincerely,

Nick Kopyay  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-012**COMMENTS: N/ANAME: Rudy Andabaker SIGNATURE:   
(PLEASE PRINT)STREET ADDRESS: 610 Main Street Schertz TX 78154DATE: 11/10/2020

Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-012**

COMMENTS: \_\_\_\_\_

NAME: MARJORIE LUENSMANN SIGNATURE Marjorie Luensmann  
(PLEASE PRINT)

STREET ADDRESS: 609 Main Schertz, TX 78154-2146

DATE: 11/10/2020

NOTICE OF PUBLIC HEARING

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Sincerely,

*Nick Kopyay*

Nick Kopyay  
Planner

Reply Form

I am: in favor of ☒ opposed to ☐ neutral to ☐ the request for **ZC2020-012**

COMMENTS:

NAME: Ramona G. Garcia SIGNATURE Ramona G. Garcia  
(PLEASE PRINT)

STREET ADDRESS: 204 Randolph Ave

DATE: \_\_\_\_\_

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Sincerely,

Nick Kopyay  
Planner

## Reply Form

I am: in favor of ☐ opposed to ☐ neutral to ☒ the request for **ZC2020-012**COMMENTS: We encourage the main street mixed use concept. Emphasis needs to be placed on developing a positive environment. Guidelines need to be implemented so the neighborhood remains safe and non-disruptive.NAME: Sue Ann Cherrine SIGNATURE: Sue Ann Cherrine  
(PLEASE PRINT)STREET ADDRESS: 534 Main St, Schertz TX 78154DATE: 11-14-2020



## NOTICE OF PUBLIC HEARING

November 6, 2020

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Sincerely,

Nick Kopyay  
Planner

## Reply Form

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(PLEASE PRINT)STREET ADDRESS: 530 Main St, Schertz TX 78154DATE: 11-14-2020



## CITY COUNCIL MEMORANDUM

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** Ordinance No. 20-S-40 - Consideration and/or action upon a request for a Specific Use Permit to allow the 'Commercial Amusement, Outdoor' land use on approximately 17.5 acres of land, located at 18658 Interstate Highway 35 N, City of Schertz, Guadalupe County, Texas, also known as Wiederstein Ranch Lot 1, Block 1. *Final Reading (B. James/L. Wood/N. Kopyay)*

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### BACKGROUND

The applicant is requesting a Specific Use Permit to allow the 'Commercial Amusement, Outdoor' land use on approximately 17.5 acres of land, located at 18658 IH-35 N. The applicant would like to utilize the 'Commercial Amusement, Outdoor' land use in order to operate outdoor paintball facilities on the northeast side of the property.

The subject property is located at 18658 IH-35 North, also known as Wiederstein Ranch Lot 1, Blk 1, and is currently developed with an approximately 70,000 square foot indoor commercial amusement center (EVO Entertainment) containing movie theaters, bowling alleys, arcade games, etc.

Three (3) public hearing notices were mailed to surrounding property owners within two hundred (200) feet of the subject property on November 6, 2020, and a public hearing was published in the "San Antonio Express" on November 11, 2020. At the time of this report staff has received one response in favor of the Specific Use Permit.

The Planning and Zoning Commission met on November 18, 2020 and made a recommendation to City Council to approve the proposed Specific Use Permit by a 7-0 vote. The following project representatives spoke at the Planning & Zoning Commission public hearing:

- Chris Cline, EVO Entertainment, CDO, answered the Commission's questions regarding specifics of the proposed paintball facilities

City Council approved this at their meeting of December 1, 2020.

### GOAL

The goal of the proposed Specific Use Permit is to allow the Commercial Amusement Outdoor land use on approximately 17.5 acres of land, located at 18658 IH-35 N.

### COMMUNITY BENEFIT

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

### SUMMARY OF RECOMMENDED ACTION

## **Impact on Adjacent Development**

The subject property is currently surrounded by an approximately 73 acre tract of land zoned General Business District (GB) and Manufacturing Light District (M-1) that is largely undeveloped with some minor agricultural uses, an approximately 21 acre tract of land zoned General Business District (GB) that is developed with an outdoor flea market plus some residential dwellings towards the rear of the property, and the Interstate Highway 35 Right-Of-Way. The site plan associated with this Specific Use Permit request to allow the 'Commercial Amusement, Outdoor' land use shows that the paintball courses are planned to be situated along the eastern property boundary, which would place the paintball facilities adjacent to the outdoor flea market and the residential dwellings towards the rear of the property. While the property owner is taking all the necessary precautions associated with a paintball facility, including the installation of 20 foot tall, professional grade paintball netting around the entirety of both paintball courses, thus preventing the paintballs from leaving the subject property and interfering with the surrounding properties, there could still be potential impacts on the adjacent land uses in terms of noise. However, the subject property and the potentially affected adjacent properties are along Interstate Highway 35, so some noise traffic should be expected from the roadway and any commercial businesses that operate along the roadway. Therefore, the addition of a paintball facility with the necessary precautions in the area should not have a major noise impact on the surrounding properties beyond what should be expected along an interstate highway. The property owner of the Bussey's Flea Market also reached out to staff to and has no objections to the proposed paintball facilities being constructed next to his property.

## **Conformance with the Comprehensive Land Use Plan**

In addition, the proposed Specific Use Permit to allow the 'Commercial Amusement, Outdoor' land use should not have an adverse impact on any potential adjacent development, because the proposed land use is in conformance with the North Schertz Sector Plan. The subject property and the adjacent properties along IH-35 are all identified under the Commercial Campus land use designation within the North Schertz Sector Plan. The Commercial Campus land use designation is intended to allow for a variety of commercial uses and should also accommodate light manufacturing or flex office spaces; therefore, the 'Commercial Amusement, Outdoor' land use, and the paintball facilities more specifically, should not impede the redevelopment of any adjacent properties in accordance with the Comprehensive Land Use Plan.

## **Conceptual Site Plan**

- **Architectural Standards:** The proposed Specific Use Permit would not make any modifications to the existing 70,000 square foot indoor commercial amusement center (EVO Entertainment), which already complies with the architectural feature requirements (i.e. horizontal and vertical articulations) defined in Schertz Unified Development Code (UDC) Sec. 21.9.5 Exterior Construction and Design Standards
- **Parking:** The applicant is proposing no changes to the current parking facilities with the addition of the proposed 'Commercial Amusement, Outdoor' land use. The applicant believes that the peak traffic hours for the existing indoor commercial amusement facility and the proposed paintball courses operate during different times of the day, and that the existing parking is sufficient for the current number of daily customers. The COVID-19 pandemic has reduced the daily traffic within the EVO facility, and if additional parking is required to meet consumer expectations or traffic standards following the attenuation of the pandemic, then the applicant will install more parking spaces on site in any of the available space.
- **Screening requirements:** The applicant is proposing to screen the paintball courses with 20 foot tall, professional grade paintball netting that will prevent any of the paintballs from leaving the designated facilities and encroaching into the remainder of the subject property or onto adjacent properties. The existence of residential dwellings in the rear of the General Business District

(GB) zoned property that also houses the outdoor flea market, would typically require the applicant to install an 8' masonry fence along with a 20' landscape buffer including the necessary tree and shrub plantings in accordance with UDC Sec. 21.9.7.G & Sec. 21.9.8.B.3; however, the applicant is already installing a 20' screening net that will obstruct the paintball facility from the neighboring properties. Therefore, due to the unique screening precautions already being taken given the proposed land use, the applicant is requesting to not install the masonry wall and associated landscape buffer along the southeast portion of the property line adjacent to the residential dwellings.

- Landscaping: The proposed Specific Use Permit would not make any modifications to the existing landscaping on-site, and the applicant is not planning to remove any trees on site since the heavily wooded nature of the southeast portion of the subject property will be utilized as part of one of the paintball courses. The removal of any Protected/Heritage class trees on-site will require a Tree Removal Permit and any necessary tree mitigation fees.
- Access and circulation: The subject property's access to the IH-35 frontage road is not proposed to change under the requested Specific Use Permit. The addition of the paintball facilities will also not have a major impact on the subject property's site circulation given that the drive aisles and parking spaces are proposed to remain as they exist today.

A Specific Use Permit (SUP) to allow the 'Commercial Amusement, Outdoor' land use in association with the attached Site Plan would permit the applicant to construct two paintball courses over approximately 10 acres of land on the eastern subject property boundary. Staff recommends approval of the proposed SUP given the request's compatibility with the Comprehensive Plan, the minimal additional impact to the existing and potential adjacent land uses beyond what would be expected along Interstate Highway 35, and the benefit the land use would provide to the community.

- The North Schertz Sector identifies the subject property as Commercial Campus, which is intended primarily for a wider variety of commercial land uses. The requested 'Commercial Amusement, Outdoor' land use is compatible with the Commercial Campus future land use designation; therefore, the proposed SUP is compatible with the Comprehensive Plan.
- The proposed 'Commercial Amusement, Outdoor' land use should also have a minimal impact on the existing and potential surrounding land uses. The paintball courses proposed under this SUP would be constructed along the eastern property boundary and adjacent to the property zoned General Business District (GB) and developed with the outdoor flea market and residential houses; however, the applicant is taking precautionary measures, including installing 20 foot tall screening and protection netting around both courses to ensure there is as little adverse impact to the neighbors as possible. The North Schertz Sector Plan identifies the neighboring properties as Commercial Campus as well, so the development of the 'Commercial Amusement, Outdoor' land use should also have a limited impact on the potential land uses that will develop under the Commercial Campus future land use designation.
- The addition of the paintball courses would also provide an amenity that is not currently present in the City of Schertz. There are very limited commercial properties that offer outdoor entertainment facilities such as the paintball courses proposed under this SUP, and the allowance of the 'Commercial Amusement, Outdoor' land use through the associated site plan would allow for increase the variety of commercial businesses available to our residents, especially along IH-35.

## **FISCAL IMPACT**

None

## **RECOMMENDATION**

Staff recommends approval of the Specific Use Permit to allow the 'Commercial Amusement, Outdoor' land use alongg with the attached site plan, conditioned upon the following:

1. A building permit is approved within one year of the adoption of the SUP ordinance; and
2. The use begins operation within two years of the issuance of the necessary building permit(s).

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### **Attachments**

Ordinance 20-S-40

Ordinance 20-S-40 Exhibit A

Aerial Map

Public Hearing Notice Map

Public Hearing Notice Response

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## **ORDINANCE NO. 20-S-40**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR OPERATION OF A COMMERCIAL AMUSEMENT OUTDOOR LAND USE AT 18658 INTERSTATE HIGHWAY 35 NORTH, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS, ALSO KNOWN AS WIEDERSTEIN RANCH LOT 1, BLOCK 1.**

**WHEREAS**, an application for Specific Use Permit to allow a *Commercial Amusement Outdoor* land use at 18658 Interstate Highway 35 North, more particularly described in Exhibit A attached hereto and incorporated herein by reference, (hereinafter, the “Property”) has been filed with the City; and

**WHEREAS**, the City’s Unified Development Code Section 21.5.11.E. provides for certain conditions to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested specific use permit (the “Conditions”); and

**WHEREAS**, on November 18, 2020, the Planning and Zoning Commission conducted a public hearing and, after considering the Conditions, hereby makes a recommendation of approval of a Specific Use Permit for an *Commercial Amusement Outdoor* land use; and

**WHEREAS**, on December 1, 2020, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested Specific Use Permit be approved as provided for herein.

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

Section 1. A Specific Use Permit for 18658 Interstate Highway 35 North, more particularly described in the attached Exhibit A, is hereby approved to allow a *Commercial Amusement Outdoor* land use conditioned upon the following occurring:

- a) A building permit is approved within one year of the adoption of this ordinance; and
- b) The use begins operation within two years of the issuance of the necessary building permit(s).

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 1<sup>st</sup> day of December, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 8<sup>th</sup> day of December, 2020.

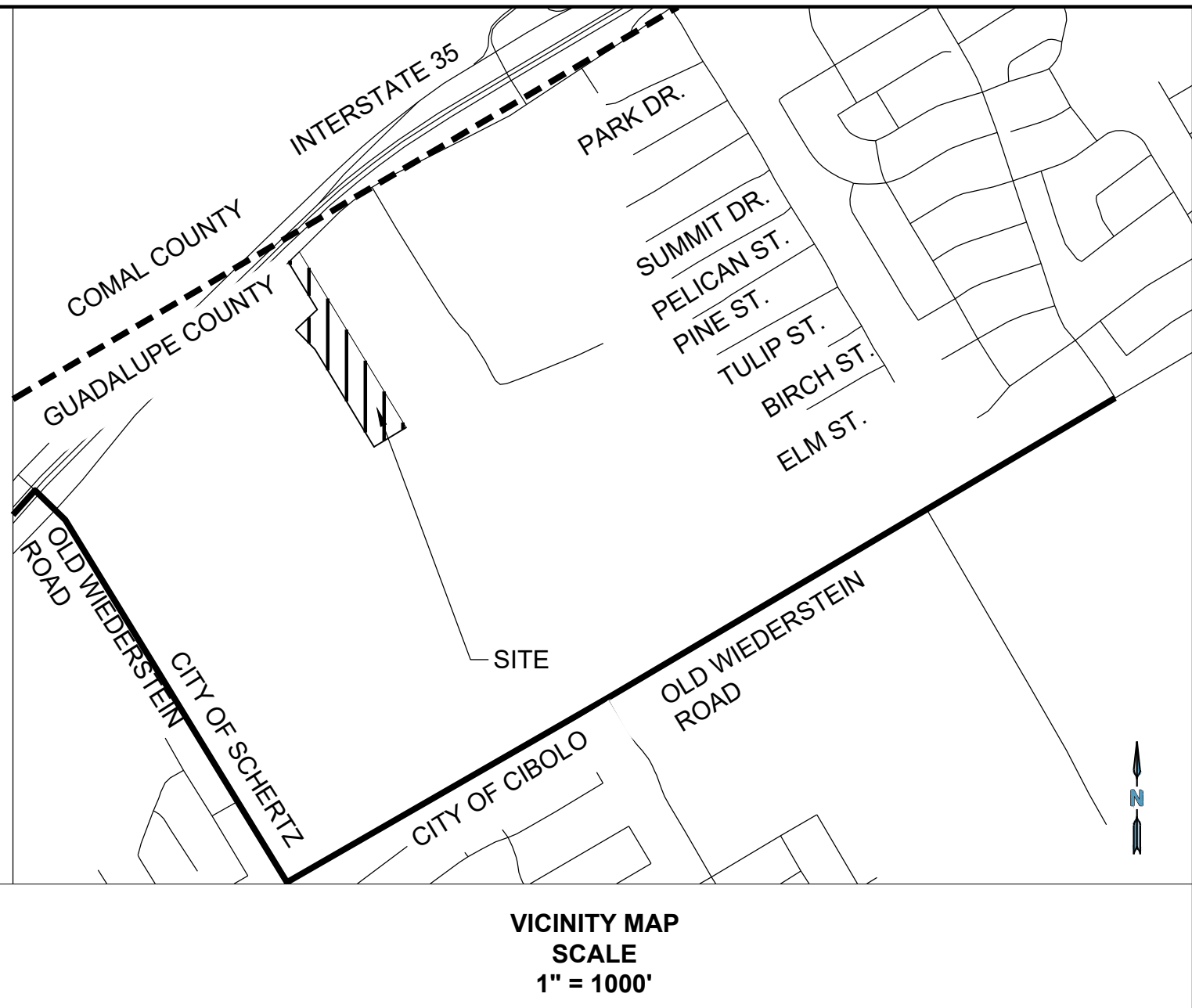
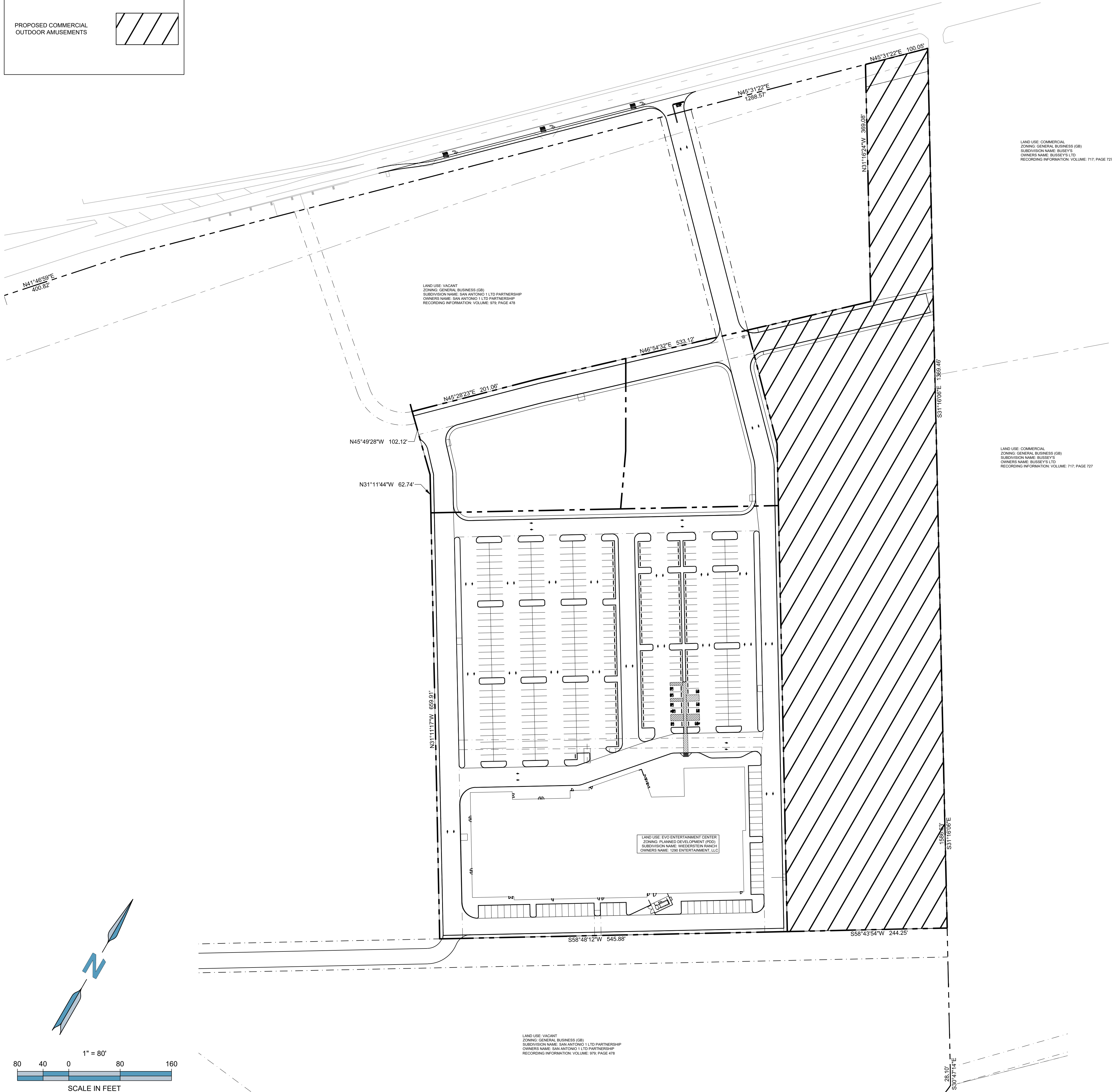
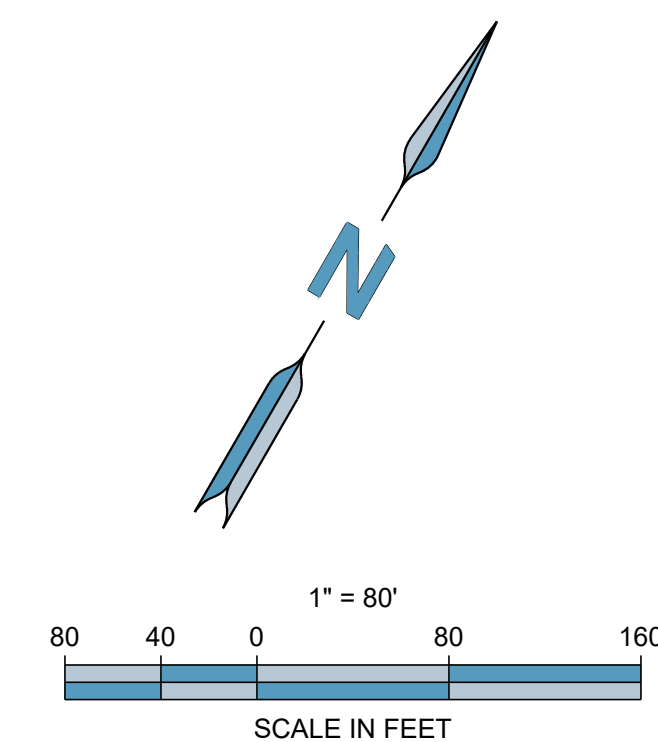
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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary  
(SEAL OF THE CITY)



**SUP EXHIBIT**  
**WIEDERSTEIN RANCH**  
**LOT 1; BLOCK 1**  
**NORTHEAST CORNER OF OLD WIEDERSTEIN ROAD AND IH-35**  
**SCHERTZ, TX, 78154**

OWNER/APPLICANT:  
EVO ENTERTAINMENT GROUP  
ATTN: CHRIS CLINE  
500 W. 2ND STREET  
AUSTIN, TEXAS 78701  
PH: (214) 632-3358

PREPARED: NOVEMBER 11, 202

ENGINEER:

**FORESITE**  
group

**TBPE Firm No. F-12878**  
Foresite Group, Inc.  
1999 Bryan St.  
Suite 890  
Dallas, TX 75201

o | 214.939.7123  
f | 888.765.8135  
w | [www.fg-inc.net](http://www.fg-inc.net)  
D/B/A Foresite Consulting Group of Texas, Inc.

DEVELOPER:

EVO ENTERTAINMENT  
GROUP

500 W. 2ND STREET  
AUSTIN, TX 78701

CONTACT: CHRIS CLINE

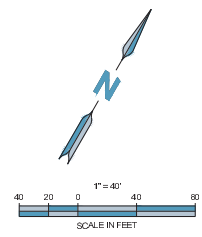
**EVO ENTERTAINMENT**  
SCHERTZ, TEXAS

PROJECT:

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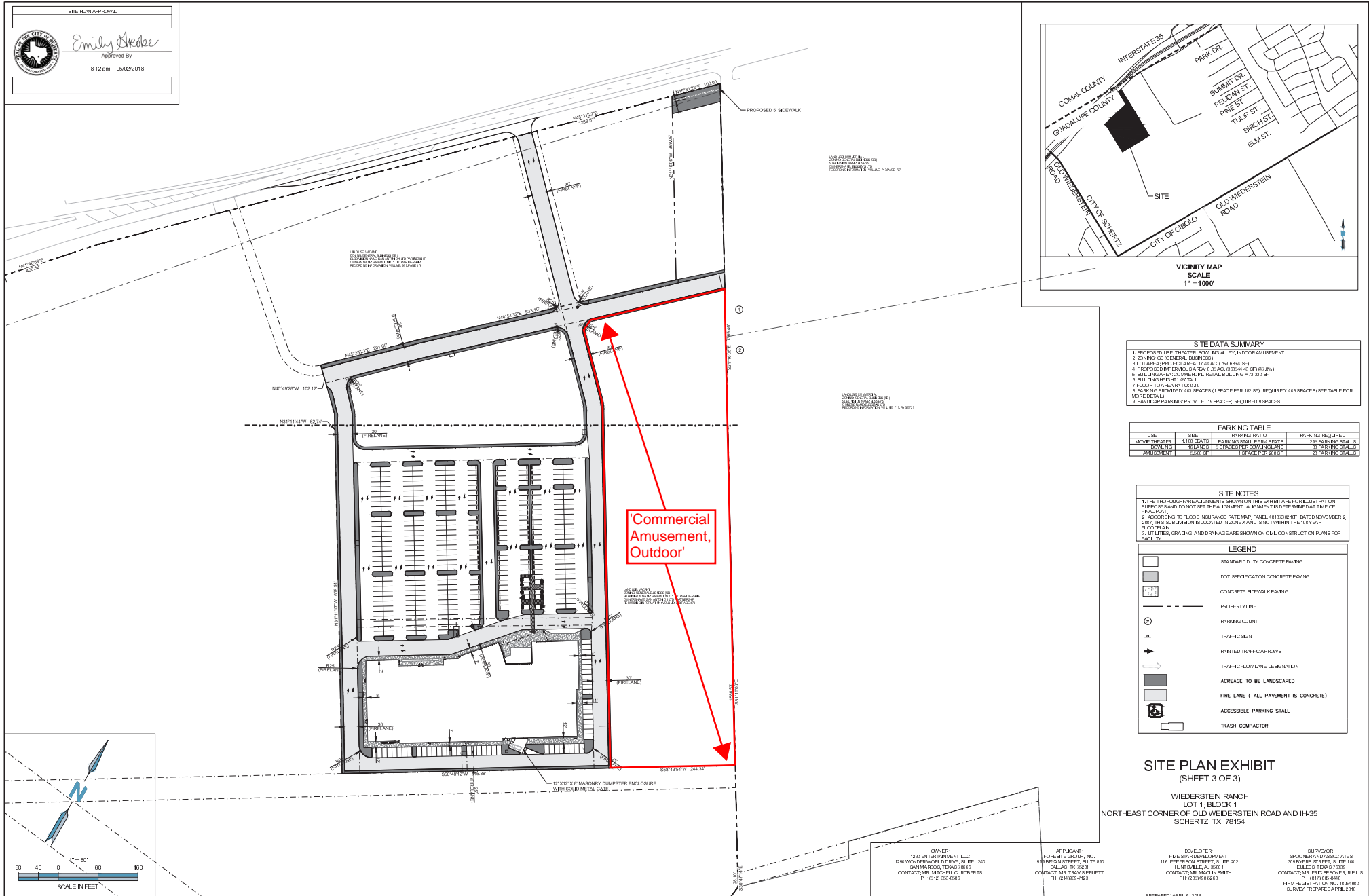
PROJECT MANAGER:	TP
DRAWING BY:	FGI
JURISDICTION:	CITY OF SCHERTZ
DATE:	11/11/2020
TITLE:	

SUP EXHIBIT	
SHEET NUMBER:	
EXHIBIT A	
COMMENTS:	
OBJ/FILE NUMBER:	1075.001









SITE PLAN EXHIBIT  
(SHEET 3 OF 3)

WIEDERSTEIN RANCH  
LOT 1; BLOCK 1  
NORTHEAST CORNER OF OLD WEIDERSTEIN ROAD AND IH-35  
SCHERTZ, TX, 78154

OWNER:  
1290 ENTERTAINMENT,LLC  
1290 WONDERWORLD DRIVE, SUITE 124  
SAN MARCOS, TEXAS 78666  
CONTACT: MR. MITCHELL C. ROBERTS  
PH: (512) 353-8586

APPLICANT:  
FORESITE GROUP, INC.  
1999 BRYAN STREET, SUITE 890  
DALLAS, TX 75201  
CONTACT: MR. TRAVIS PRIETT  
PH: (214) 838-7123

DEVELOPER:  
FIVE STAR DEVELOPMENT  
116 JEFFERSON STREET, SUITE 202  
HUNTSVILLE, AL 35801  
CONTACT: MR. MACLIN SMITH  
PH: (205)480-6260

SURVEYOR:  
SPOONER AND ASSOCIATES  
309 BYERS STREET, SUITE 100  
EULESS, TEXAS 76039  
CONTACT: MR. ERIC SPOONER, R.P.L.S.  
PH: (817) 695-8448  
FIRM REGISTRATION NO. 10054900  
SURVEY PREPARED APRIL 2018

PREPARED: APRIL 9, 2018

PLANT SCHEDULE					
TREES	BOTANICAL NAME (COMMON NAME)	COUNT	CAL		QTY
	QUERCUS MACROCARPA (BURR OAK) CALIPER MEASURED 4" ABOVE GRADE	8 @ B	2.5" CAL		54
	QUERCUS TEXANA (TEXAS RED OAK) CALIPER MEASURED 4" ABOVE GRADE	8 @ B	2.5" CAL		47
	ULMUS AMERICANA (AMERICAN ELM) CALIPER MEASURED 4" ABOVE GRADE	8 @ B	2.5" CAL		70
SHRUBS	BOTANICAL NAME (COMMON NAME)	SIZE	SPACING		QTY
	OLEA FRUTICOSA (SAPOTA) MIN 30" HT	3 GAL	36" @ C		361
	LEX MONITORIA (NANA) (DWARF YALPOON) MIN 30" HT	3 GAL	36" @ C		384
	LEUCOPHYLLUM FRUTICOSUM (TEXAS SAGE) MIN 30" HT	3 GAL	36" @ C		546
GROUND COVERS	BOTANICAL NAME (COMMON NAME)	COUNT	SPACING		QTY
	LIRIOPE SPIRATA (CREEPING LILY TURF)	4 PKT	10" @ D		1,048
SCISSUED	BOTANICAL NAME (COMMON NAME)	COUNT	SPACING		QTY
	CYNODON DACTYLON TIF 419 (BERMUDA GRASS)	3000			78,570 SF
	SEEDING	9 BED			60,000 SF

#### GENERAL LANDSCAPE NOTES:

- WARRANTY: ALL PLANTS SHALL BE WARRANTED TO REMAIN ALIVE, HEALTHY, AND IN THRIVING CONDITION FOR A PERIOD OF ONE YEAR FROM FINAL ACCEPTANCE.
- PLANTS SHALL MEET SPECIFICATIONS AND AMERICAN STANDARD FOR NURSERY STOCK STANDARDS.
- PLANTS SHALL BE PROVEN QUALITY. PLANTS SHALL BE SOUND, HEALTHY AND VIGOROUS, WELL BRANCHED, AND DENSELY FOLIATED WHEN IN LEAF.
- HEIGHT AND SPREAD DIMENSIONS SPECIFIED REFER TO THE MAIN BODY OF THE PLANT AND NOT FROM BRANCH TIP TO TIP. IF A RANGE OF SIZE IS GIVEN, NO PLANT SHALL BE SMALLER THAN THE MINIMUM SIZE SPECIFIED.
- SHADE TREES SHALL BE STRAIGHT UNLESS OTHERWISE SPECIFIED.
- PLANTS SHALL BE SUBJECT TO REVIEW BY OWNER REPRESENTATIVE. OWNER REPRESENTATIVE SHALL BE THE SOLE JUDGE OF THE QUALITY AND ACCEPTABILITY OF MATERIAL AND PLANTING.
- PLANTING PLANS INDICATE DIAGRAMMATIC LOCATIONS ONLY. SITE ADJUSTMENTS OF PLANTING DESIGN AND RELOCATION OF PLANT MATERIAL INSTALLED PRIOR TO OWNER REPRESENTATIVE'S APPROVAL SHALL BE DONE WITHOUT PENALTY OR ADDITIONAL COST TO OWNER. STAKE PLANT LOCATIONS AT SITE AND OBTAIN OWNER REPRESENTATIVE'S APPROVAL PRIOR TO PLANT INSTALLATION.
- PLACE PLANTS UPRIGHT AND TURNED SO THAT THE MOST ATTRACTIVE SIDE IS VIEWED.
- BE FAMILIAR WITH UNDERGROUND UTILITIES BEFORE DIGGING. THE CONTRACTOR SHALL BE OBLIGED TO RELOCATE ALL UNDERGROUND UTILITIES.
- PROVIDE SHOULDER TRENCH AT SHRUB BEDS IN LAWN AREAS UNLESS OTHERWISE NOTED.
- PROVIDE 2" THICKNESS MULCH AT ALL PLANTS AND PLANTING BEDS. MULCH MUST BE 3" THICK AT TIME OF FINAL ACCEPTANCE BY OWNER REPRESENTATIVE. UNLESS OTHERWISE NOTED, MULCH IN BRUSH AND TREE PLANTING BEDS SHALL BE PINE STRAW UNLESS OTHERWISE NOTED. MULCH IN GROUND COVER BEDS TO BE SHREDED HARDWOOD UNLESS OTHERWISE NOTED.
- MAINTENANCE WORK SHALL BE PERFORMED UNTIL DATE OF FINAL ACCEPTANCE BY OWNER REPRESENTATIVE.
- CONTRACTOR'S PRICES SHALL INCLUDE ALL LABOR AND MATERIAL NECESSARY TO COMPLETE THE WORK, I.E. MULCH, PLANTING, SOIL MIX, WOOD AND WIRE STAKING MATERIAL, ETC.
- QUANTITIES NECESSARY TO COMPLETE THE WORK ON THE DRAWING SHALL BE FURNISHED. QUANTITY ESTIMATES HAVE BEEN MADE CAREFULLY, BUT THE CONTRACTOR REPRESENTATIVE ASSUMES NO LIABILITY FOR OMISSION OR ERRORS. HIS ESTIMATES ARE ONLY AN AID FOR GUIDANCE OF QUANTITIES AND A CHECK FOR THE CONTRACTOR TO COMPARE WITH HIS OWN ESTIMATES. DIFFERENCES SHALL BE BROUGHT TO THE ATTENTION OF OWNER REPRESENTATIVE. NO EXTRA COMPENSATION SHALL BE ALLOWED FOR EXTRA QUANTITIES NECESSARY TO COMPLETE THE WORK.
- WHERE LANDSCAPING AREAS ADJOIN CRASSED HIGHWAYS, SUCH AREAS SHALL BE CONSIDERED PART OF THE LANDSCAPED AREA FOR PURPOSES OF MAINTENANCE. AS AT COMPLETION OF SITE IMPROVEMENTS, THE PROPERTY OWNER SHALL HAVE AN OBLIGED ELEMENT OF THE PROPOSED DISTURBANCE FROM THE SITE TO THE ROAD FRONTAGE IN ORDER TO COMPLETE THE REQUIRED MAINTENANCE.
- A MAINTENANCE INSPECTION OF TREES WILL BE PERFORMED AFTER TWO FULL GROWING SEASONS FROM THE DATE OF THE FINAL CONSTRUCTION INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR ORNANCE COMPLIANCE.
- CONTRACTOR TO DESIGN BUILT IRRIGATION SYSTEM. IRRIGATION HEADS TO BE INSTALLED FLUSH WITH GRADE.

#### LANDSCAPE REQUIREMENTS:

SITE LANDSCAPE: 8 TREES PER ACRE

1.1A1 ACRES (13.5 - 14.5) = 108 TREES REQUIRED  
108 TREES REQUIRED  
108 TREES PROPOSED

STREET FRONTAGE LANDSCAPE: (1) TREE PER 20 LF

108 LF @ 20 LF = 5 TREES REQUIRED  
5 TREES REQUIRED  
5 TREES PROPOSED

LANDSCAPE AREA: MINIMUM 26% LANDSCAPED AREA

1.1A1 ACRES (13.5 - 14.5) = 3.6 ACRES (3.6% OF LANDSCAPED AREA REQUIRED)  
3.6 ACRES (3.6% OF LANDSCAPED AREA REQUIRED)

RUNNING LOT: MINIMUM 10% LANDSCAPED AREA; (1) SHADE TREE PER 100 LF ALONG PERIMETER

214,887 SF @ 10% = 21,489 SF  
21,489 SF @ 10% OF LANDSCAPED AREA REQUIRED  
21,489 SF @ 10% OF LANDSCAPED AREA REQUIRED

21,489 SF @ 10% = 66.17 TREES REQUIRED  
66 TREES REQUIRED  
66 TREES PROPOSED

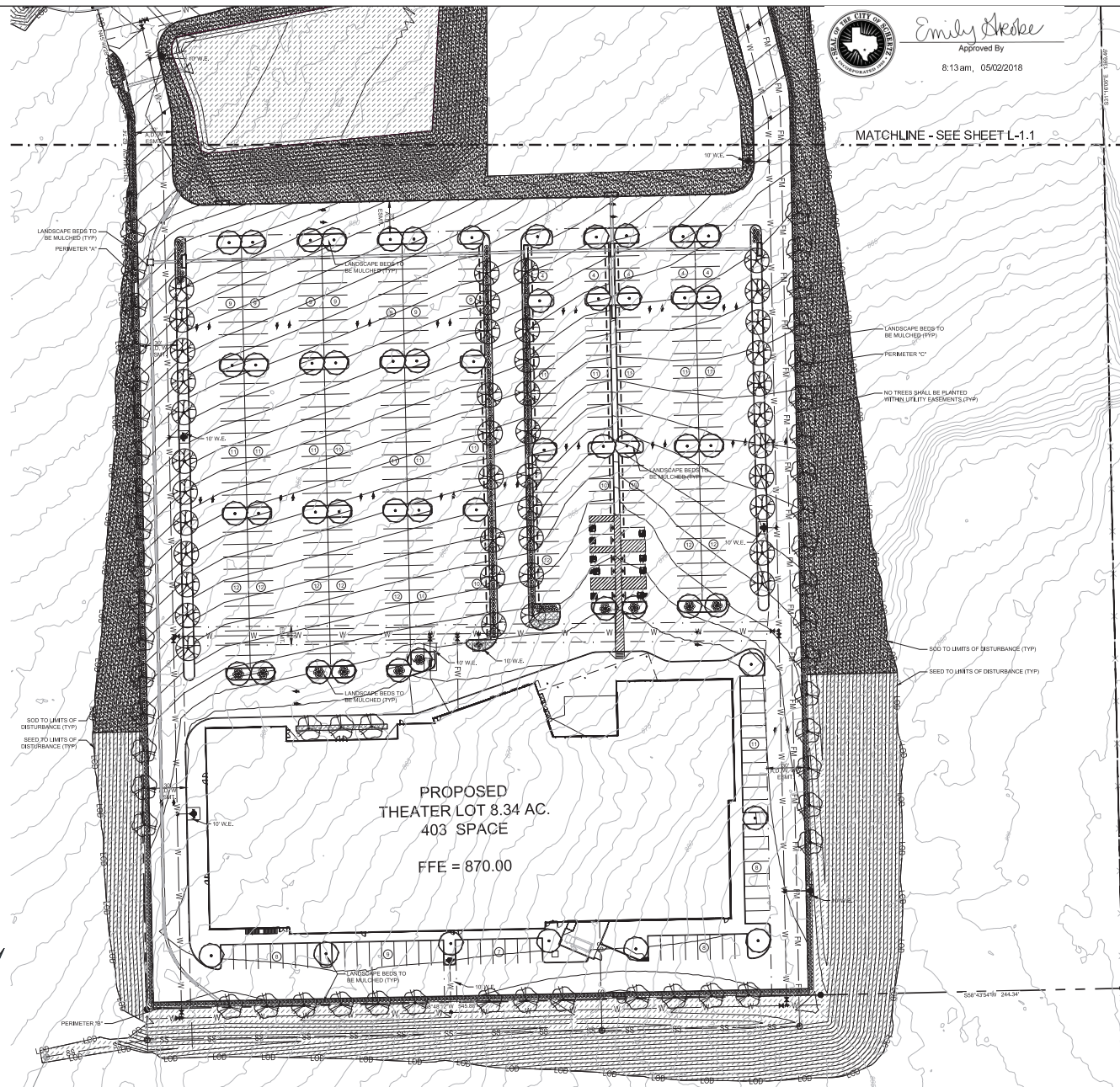
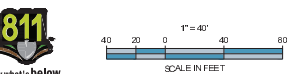
PERIMETER A: 408 LF @ 10 LF = 40.8 TREES REQUIRED  
40 TREES REQUIRED  
40 TREES PROPOSED

PERIMETER B: 408 LF @ 10 LF = 40.8 TREES REQUIRED  
40 TREES REQUIRED  
40 TREES PROPOSED

PERIMETER C: 604 LF @ 10 LF = 60.4 TREES REQUIRED  
60 TREES REQUIRED  
60 TREES PROPOSED

TREE MITIGATION: ALL PROTECTED TREES SHALL BE MITIGATED AT A 1:1 DBH INCH RATIO FOR EVERY PROTECTED TREE REMOVED

11 TREES REMOVED  
11 TREES PROPOSED



City of Schertz  
Approved By  
Emily Skeke  
8:13 am, 05/02/2018

MATCHLINE - SEE SHEET L-1.1

ENGINEER:

**FORESITE group**

TYPE Firm No. F-1-2078  
Foresite Group, Inc.  
1999 Bryan St.  
Suite 100  
Dallas, TX 75201  
www.foresitegroup.com  
w | www.foresitegroup.com  
D | B | A Foresite Consulting Group of Texas, Inc.

DEVELOPER:

**EVO ENTERTAINMENT GROUP**

1290 WONDER WORLD DRIVE  
SUITE 1240  
SAN MARCOS, TX 78666

CONTACT: MITCHELL C. ROBERTS

PROJECT:

**EVO ENTERTAINMENT SCHERTZ, TEXAS**

SEAL:

THESE PLANS WERE PREPARED UNDER THE SUPERVISION AND DIRECTION OF  
SEAN FAULKNER, PE #25811  
THESE PLANS ARE RELEASED FOR INITIAL REVIEW PURPOSES ONLY.  
THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

REVISIONS:

	DATE

PROJECT MANAGER: TP

DRAWING BY: KCM

JURISDICTION: CITY OF SCHERTZ

DATE: 04/05/2018

TITLE:

LANDSCAPE PLAN

SHEET NUMBER:

**L-1**

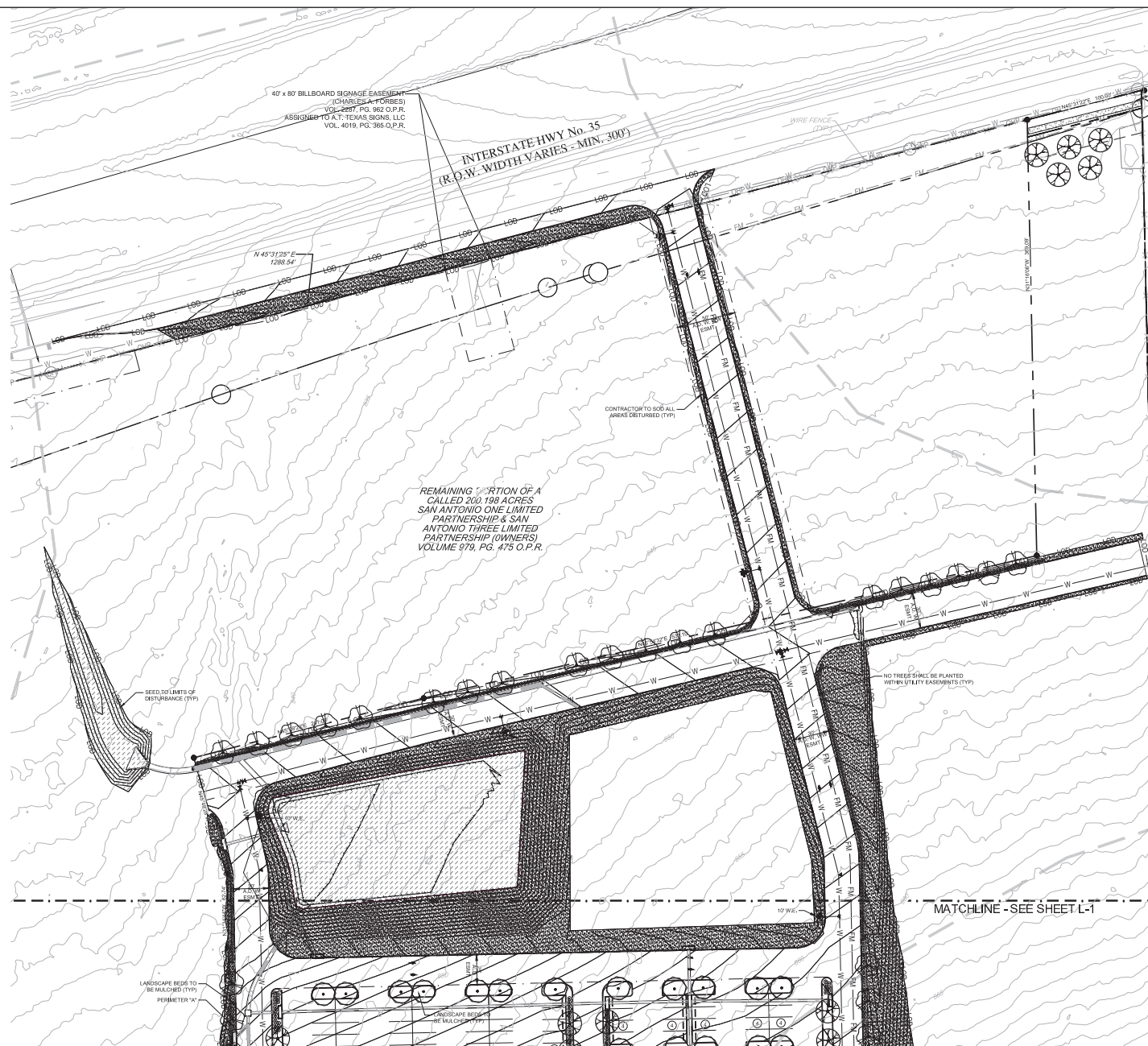
COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOBFILE NUMBER: 1075.001



Approved By

8:13 am, 05/02/2018



**FORESITE**  
group

**TBPE Firm No. F-12878**  
ForeSite Group, Inc.  
1999 Bryan St.  
Suite 890  
Dallas, TX 75201  
D/B/A Foresite Consulting Group of Texas, Inc.

**o** | 214.939.7123  
**f** | 888.765.8135  
**w** | [www.fg-inc.net](http://www.fg-inc.net)

EVO ENTERTAINMENT  
GROUP

1290 WONDER WORLD DRIVE  
SUITE 1240  
SAN MARCUS, TX 78666

CONTACT: MITCHELL C. ROBERTS

SEAL:

THESE PLANS WERE PREPARED UNDER THE  
SUPERVISION AND DIRECTION OF

SEAN FAULKNER, PE #92561

THESE PLANS ARE RELEASED FOR INITIAL  
REVIEW PURPOSES ONLY.

THIS DOCUMENT IS PRELIMINARY IN  
NATURE AND IS NOT A FINAL, SIGNED AND  
SEALED DOCUMENT

REVISIONS DAT

PROJECT MANAGER: T

DRAWING BY: KC

JURISDICTION: CITY OF SCHERTS

DATE: 04/05/2011

TITLE:

LANDSCAPE PLAN

SHEET NUMBER

L-1.1

COMMENTS: NOT RELEASED FOR CONSTRUCTION

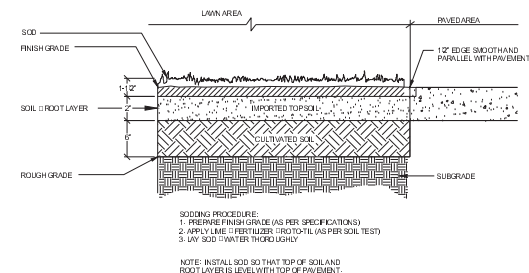
JOB/FILE NUMBER: 1075 00

1075.001

F:\1075.001 (SEC) OLD WEDERSTEIN RD &amp; I-35 (SO-EERTZ, TX)\DWG\L-1 LANDSCAPE PLAN.DWG



Know what's below  
**Call** before you dig



**1 SOD INSTALLATION**  
NOT TO SCALE



CONTACT: MITCHELL C. ROBERTS

JOB/FILE NUMBER: 1075 001



ENGINEER

**FORESITE**  
group

*TBPE Firm No. F-12878*  
ForeSITE Group, Inc.  
1999 Bryan St.  
Suite 890  
Dallas, TX 75201  
D/B/A ForeSITE Consulting Group of Texas, Inc.

o | 214.939.7123  
f | 888.765.8135  
w | [www.fsiginc.net](http://www.fsiginc.net)



DEVELOPER:

**EVO ENTERTAINMENT  
GROUP**

1230 WONDER WORLD DRIVE  
SUITE 1240  
SAN MARCUS, TX 78666

CONTACT: MITCHELL C. ROBERTS

EVO ENTERTAINMENT  
SCHERTZ, TEXAS

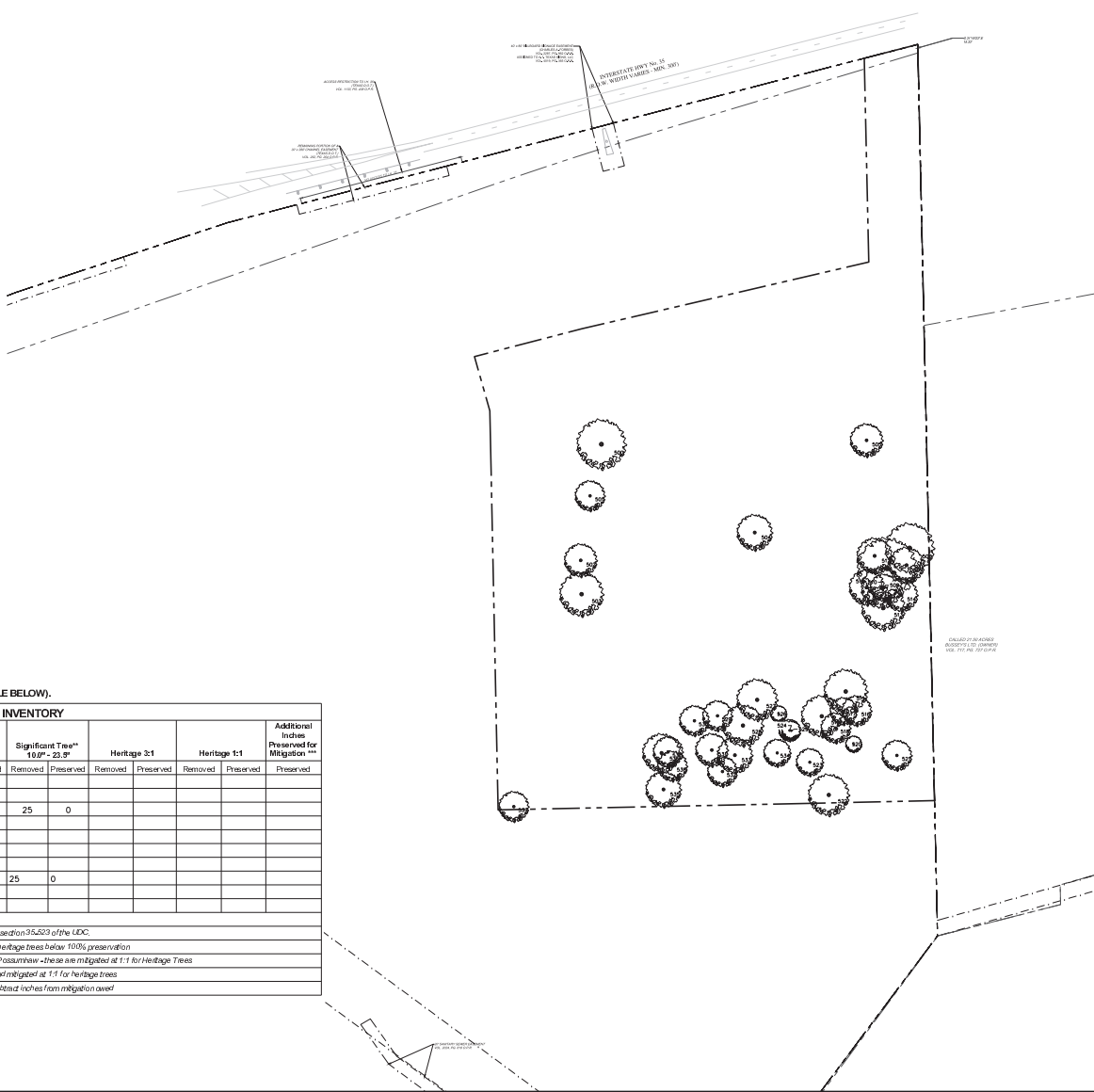
SEAL:	
	
REVISIONS	DATE
 CITY COMMENTS	04/25/18
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PROJECT MANAGER:	
DRAWING BY:	
JURISDICTION:	CITY OF SCHENECTADY
DATE:	04/25/18
TITLE:	

TREE PRESERVATION PLAN

SHEET NUMBER: L-3

COMMENTS: NOT RELEASED FOR CONSTRUCTION

JOB/FILE NUMBER: 1075.00



TREE LEGEND	
Point #	TREE
500	18" CEDAR
501	11" CEDAR
502	12" CEDAR
503	16" CEDAR
504	13" CEDAR
505	12" CEDAR
506	18" MESQUITE
508	22" MESQUITE
509	10" HURSACHE
510	15" HURSACHE
511	13" HACKBERRY
512	13" MESQUITE
513	16" HACKBERRY
515	16" CEDAR
516	11" CEDAR
517	10" CEDAR
518	11" CEDAR
519	15" MESQUITE
520	6" BUMELIA
521	11" CEDAR

TREE LEGEND	
Point #	TREE
522	15" MESQUITE
523	10" CEDAR
524	8" PERSIMMON
525	7" PERSIMMON
526	6" PERSIMMON
527	15" CEDAR
528	15" CEDAR
529	11" CEDAR
530	11" CEDAR
531	12" CEDAR
532	11" CEDAR
533	13" CEDAR
534	10" CEDAR
535	13" CEDAR
536	14" CEDAR
537	11" CEDAR
538	11" CEDAR
539	11" CEDAR

TREE PROTECTION NOTES:

**PROTECTED TREES** - TREES HAVING A CANOPY BETWEEN 8" AND LESS THAN 24" DIAMETER (DBH) - TREES HAVING A DBH GREATER THAN OR EQUAL TO 24"

ALL TREES SHALL BE PROTECTED BY A FENCE, FRAME OR BOK CONSTRUCTED TO PREVENT DAMAGE TO THE TREE. THE PROTECTION OF TREES SHALL NOT BE REMOVED UNTIL CONSTRUCTION IS COMPLETE.

A MINIMUM OF THREE (3) FEET OF 4" X 4" WOOD OR FENCE SHALL BE SUFFICIENT TO PROTECT TREES FROM DAMAGE.

NO PERSON SHALL DISGARD ANY BRANCHES, TWIGGLES, OR TWIGGLES, PLACE ANY PRUNING MATERIAL OR PLACE ANY DRINK OR PARKING AREA WITHIN THE DRIP LINE OF ANY TREE OR HEAVY SHED. ANY VIOLATION OF THIS SECTION BY THE CITY MANAGER OR HER DEPUTY SHALL BE SUBJECT TO A CITATION BY THE CITY MANAGER OR HER DEPUTY.

NO PERSON SHALL ATTACH ANY ROPE, WIRE, NAIL, ADVERTISING POSTER OR OTHER CONTRIBUTION TO ANY PROTECTED OR HERITAGE TREE.

IF ANY TREE IS TO BE REMOVED BY INTENTIONAL DAMAGE OR PRUNING OR AS A RESULT OF NATURAL CAUSE, THE DAMAGED AREA SHALL BE IMMEDIATELY COVERED WITH TREE WOUND DRESSING.

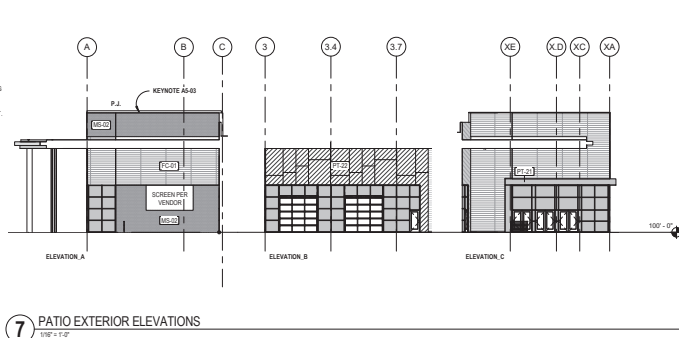
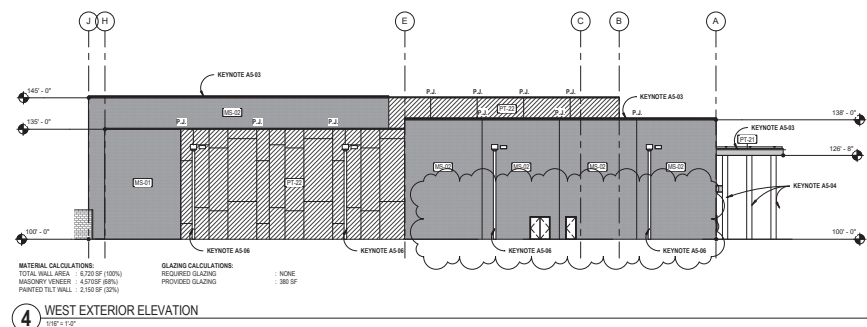
ALL NECESSARY AND REASONABLE EFFORTS SHALL BE MADE DURING THE REMOVAL OF ANY TREE TO PREVENT DAMAGE TO ANY OTHER SURROUNDING TREES TO PREVENT THE SPREAD OF DANGEROUS DISEASE TO ANY OTHER SURROUNDING TREES.

9 MITIGATION INCHES REQUIRED (SEE TREE INVENTORY TABLE BELOW).

[illegible]

Preserved: Trees to remain that meets root protection zone requirements described in section 3.5.5.2.3 of the UDC.





- 01 "J." INDICATES CENTERLINE OF PANEL JOINT PER STRUCTURAL DRAWINGS. CALCUL. ALL JOINTS.
  - 02 "C." INDICATES CONTROL JOINT BETWEEN DISMISSAL WALL ASSEMBLIES.
  - 03 SEAL ALL EXTERIOR PENETRATIONS AND JOINTS WITH GULK TO MATCH ADJACENT WALL COLOR. INTEGRALLY COLORED GULK SHALL MATCH ADJACENT WALL COLOR. SUBMIT COLOR SAMPLES TO ARCHITECT TO COORDINATE COLOR SELECTIONS.
  - 04 EXTEND FINISHES BEHIND ALL SIGNAGE.
  - 05 PAINT FACES OF DOORS AND FRAME TO MATCH ADJACENT WALL COLOR.
  - 06 ALL PREFINISHED METAL COPING AND FLASHING TO MATCH PT-21
  - 07 ALL LINES SHOWN NOT CALLED TO BE PANEL OR CONTROL JOINTS ARE REVEALS PER **8 / A50.00**
- 1

## GENERAL NOTES

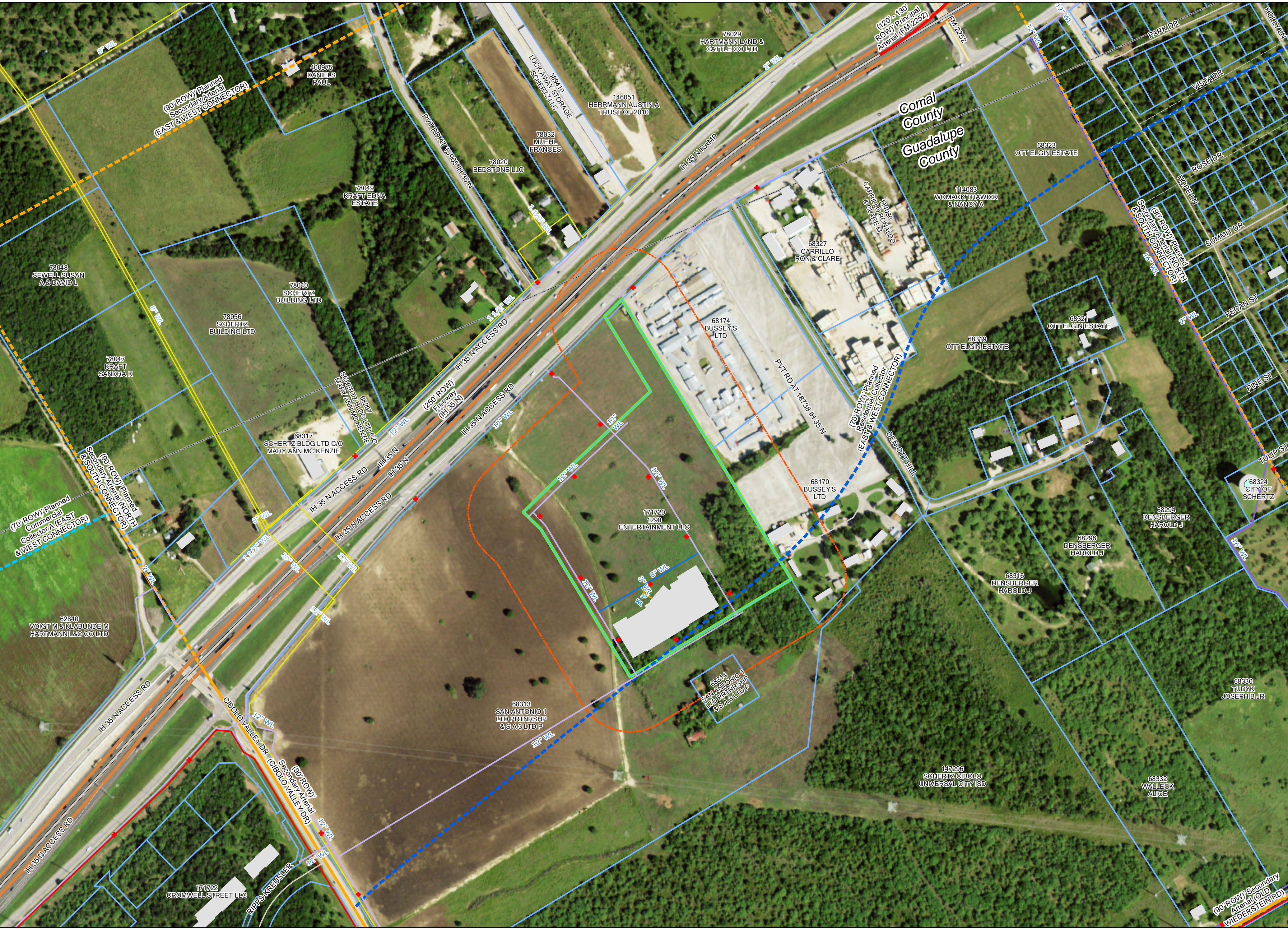
12" x 18"

A50.00

Approved By Emily Stecke  
8:13 am, 05/02/2018







**SCHERTZ**  
COMMUNITY • SERVICE • OPPORTUNITY

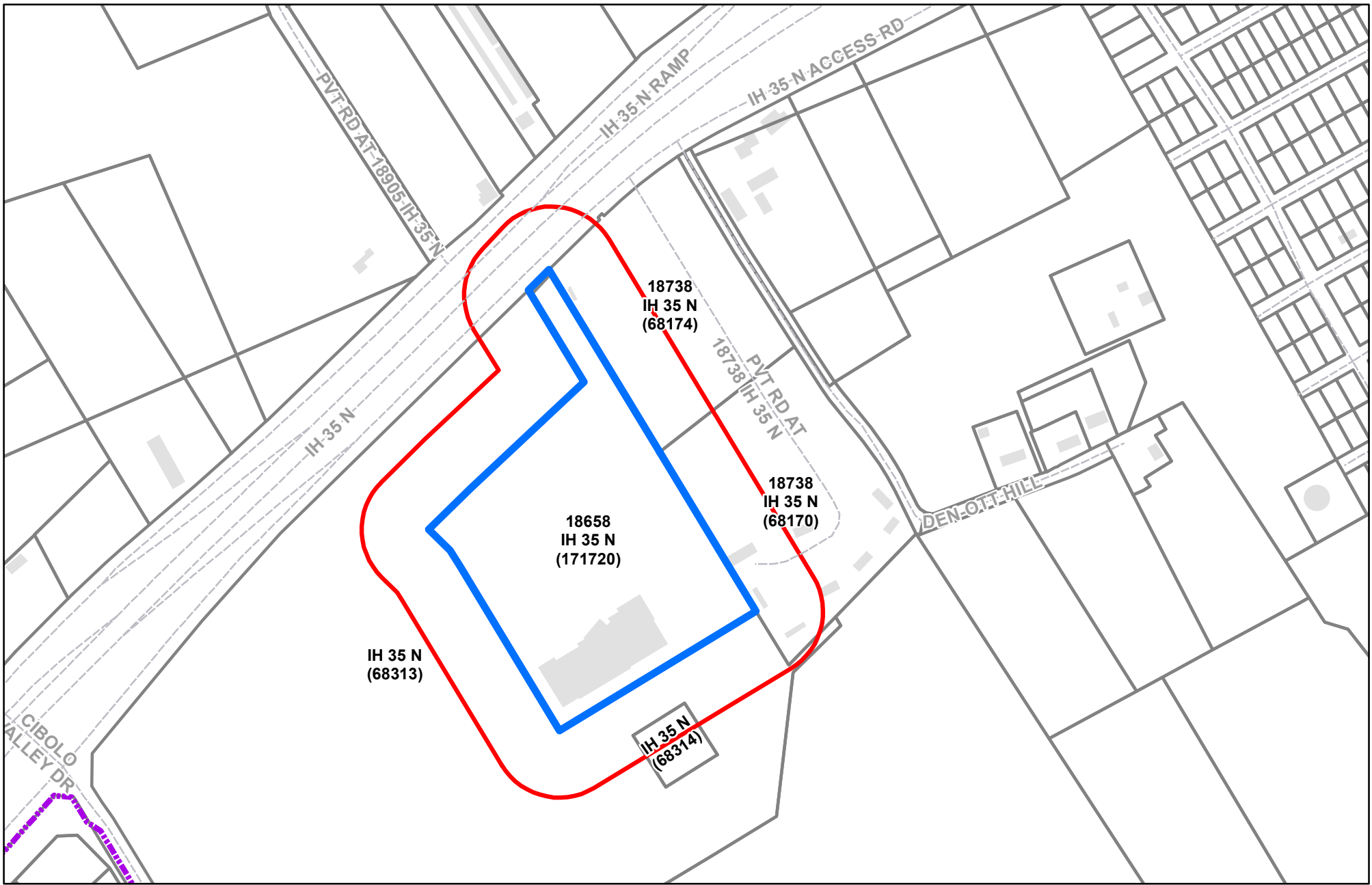
**WIEDERSTEIN RANCH**

<all other values>	60' Expansion	86' Extension	120' Proposed	1", 1 1/2"	8"	20'	Unknown	Schertz Gravity	Hydrant	200' Buffer
Highways	60' Proposed	86' Proposed	Abandoned	2", 2 1/2"	10"	24'	Neighboring Main	Schertz Pressure	Manholes	Schertz Municipal Boundary
Major Roads	60' Extension	86' Extension	Future TxDOT	3"	12"	30'	Neighboring Gravity	Private Main	Private Pressure	County Boundaries
Minor Roads	86' Expansion	120' Extension	Highway	4"	16"	36"				
Other Cities				6"	18"					

0 125 250 500 750 1,000 Feet

1 Inch = 250 Feet





## Nick Koplyay

---

**From:** Busseys Fm <busseysfm@gmail.com>  
**Sent:** Thursday, November 19, 2020 10:56 AM  
**To:** planning@schertz.com  
**Subject:** Busseys input

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Day Nick, Busseys has reviewed the current setup for the EVO paintball course and has no issues at this time.

Thank you,  
Steven Smith, president  
Busseys Flea Market  
2104646477

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** Executive Team  
**Subject:** Resolution No. 20-R-142 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving a request for a Schertz Main Street Local Flavor Economic Development Grant for 530 and 534 Main Street. (M. Browne/B. James)

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**BACKGROUND**

The owner of the properties at 530 and 534 Main Street is applying for a Local Flavor Grant. 534 Main Street is the location of Sue's Stitch N Sew. The adjacent property, 530 Main Street is used as a residence and storage/overflow display space for Sue's Stitch N Sew. The owner is proposing to continue to the tubular steel fencing that presently exists across the front of the properties, along Main Street, along part of the east and south sides. Initially, the applicant was also proposing fencing along the entire east side, but given that fencing is being installed as part of the agreement the City has to buy the property to the east (the location of the new parking lot) the applicant is modifying the request. The initial estimate of the cost of the fence was \$10,200. The cost will be less, as a result of the change in scope of the project. However, the applicant is also requesting approval of grant funds to reface the existing signage. As such staff is requesting approval of grant funds for work up to to \$10,200 (50% match of \$5,100) for both the fencing and signage. These fall under the site improvement and signage categories of the Local Flavor Grant.

Staff does want to note that while both properties are zoned GB - General Business, the property at 530 Main has a Homestead exemption given the residential use. Local Flavor Grants are normally only for commercial properties. However, the primary structure has been used in the past as both a residence and excess storage/display space for Sue's Stitch N Sew. Additionally, an SUP was approved in 2002 for a small living addition at the rear of the business. The cost of the fencing is only estimated to be approximately 20% of the initial fence cost. As such, staff feels the situation meets the intent of the Local Flavor Grant Program.

**GOAL**

Promote and enhance commercial activity along Main Street to promote the economic, cultural and general welfare of the public. The area around Main Street in Schertz once served as the commercial and social hub of the community. The City seeks to improve the image of the area around Main Street through the inducement of public money to promote local economic development and stimulate business and commercial activities in the City.

**COMMUNITY BENEFIT**

Encourage the attraction of small businesses that will create local charm and help develop a sense of place in and around Main Street. Promote commercial development. Stabilize and improve property values. Foster civic pride. Strengthen the economy of the City by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support of local businesses.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of Resolution 20-R-142 approving a Schertz Main Street Local Flavor Economic Development Grant for up to \$5,100 for 530/534 Main.

**FISCAL IMPACT**

Up to \$5,100 for the grant.

**RECOMMENDATION**

Approval of Resolution 20-R-142.

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**Attachments**

Photos 530 and 534 Main

Res 20 R 142

Funding Agreement

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534 Main



530 Main



**RESOLUTION NO. 20-R-142**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A REQUEST FOR A SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT GRANT FOR 530/534 MAIN STREET IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH**

**WHEREAS,** The City of Schertz desires to protect, enhance, and preserve the historic resources and landmarks which represent distinctive elements of Schertz' historic, architectural, economic, cultural, and social heritage by providing property owners and incentive for protecting their property; and

**WHEREAS,** the City of Schertz desires to encourage the attraction of small businesses that will create local charm and help develop a sense of place in and around Main Street;

**WHEREAS,** the City of Schertz desires to stabilize and improve property values; and

**WHEREAS,** Foster civic pride in the beauty and accomplishments of the past, and to promote the use of the historic structures for the culture, education, and general welfare of residents; and

**WHEREAS,** Strengthen the economy of the city by protecting and enhancing the attractiveness of the Main Street area to residents and visitors, as well as provide support and stimulus to businesses.

**WHEREAS,** the City Council approved the Schertz Main Street Local Flavor Economic Development Grant;

**WHEREAS,** staff is in support of this program and recommended approval of the grant request for 530/534 Main Street for up to \$5,100;

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

Section 1. The City Council hereby approves the Schertz Main Street Local Flavor Economic Development Grant request for 530/534 Main Street subject to the approved criteria of the program and execution of a funding agreement generally as outlined in Exhibit "A".

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

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

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

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

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

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

PASSED AND ADOPTED, this 8<sup>th</sup> day of December, 2020.

CITY OF SCHERTZ, TEXAS

---

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

(CITY SEAL)



## **Exhibit A**

STATE OF TEXAS               §  
   §  
COUNTY OF BEXAR         §

SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT PROGRAM  
FUNDING AGREEMENT BETWEEN THE CITY OF SCHERTZ, TEXAS AND  
Sue Ann Cherrine FOR EXPENDITURE OF HOTEL OCCUPANCY TAX FUNDS

This Hotel Tax Funding Agreement (AGREEMENT) is made and entered into by and between the City of Schertz, Texas (CITY) and Sue Ann Cherrine, (ENTITY).

WHEREAS, the ENTITY has developed a proposal to Additional decorative fencing and signage for the properties at 530 and 534 Main Street (the "Project"); and

WHEREAS, Section 380.001 of the Texas Local Government Code, as amended, allows the governing body of a municipality to establish and provide for the administration of one or more programs to promote state and local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program is intended to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors; and

WHEREAS, funding for the Schertz Main Street Local Flavor Economic Development Program will be provided annually through the City's General Fund; and

WHEREAS, the Schertz Main Street Local Flavor Economic Development Program will enhance other city efforts to improve, beautify, and promote economic development in the Main Street area.

WHEREAS, the area around Main Street in Schertz once served as commercial and social hub of the community; and

WHEREAS, the City seeks to improve the image of the area around Main Street through restoration and rehabilitation of structures in the Main Street area to serve as a commercial, social, cultural and tourism hub of the City; and

WHEREAS, the City Council of the City of Schertz desires to provide funds to Sue Ann Cherrine (ENTITY).

NOW, THEREFORE, it is mutually agreed by and between the CITY and ENTITY as follows:

## GENERAL PROVISIONS

Section 1. Purpose. The purpose of this Agreement is to provide funding to the ENTITY for the project identified in the attached Exhibit "A" (the "Project"), the intent of which is to promote state and local economic development and to stimulate business and commercial activity in the municipality to encourage and expansion and attract small businesses that create local charm and help develop a sense of place in and around Main Street, promote commercial development, stabilize and improve property values, foster civic pride, and protect and enhance the attractiveness of the Main Street area to residents and visitors.

Section 2. Obligation of the ENTITY. The ENTITY shall use all of the awarded funds provided by the CITY in accordance with Chapter 351 of the Texas Tax Code, the ENTITY'S funding application, and the attached Exhibit "A".

Section 3. Reporting Requirements of the ENTITY. The ENTITY shall deliver a detailed accounting of the expenditures for the Project within thirty (30) days after completion of the Project (the "Post Event Report"). The Post Event Report shall include copies of receipts and other documents establishing the expenditures for the project. The CITY shall not make reimbursements for expenditures where no receipt or invoice is provided. Partial or incomplete reports will not be accepted.

Section 4. Authorization of Payment. Subject to the ENTITY'S satisfactory performance and compliance with the terms of this AGREEMENT, the CITY agrees to pay the ENTITY up to fifty percent (50%) of the Project. The Project is estimated to be up to \$ 10,200.00 and fifty percent of which is \$ 5,100.00. Payment will be made within forty-five (45) days of acceptance of the complete Post Event Report. Partial or incomplete reports will not be accepted. Only expenditures that meet Chapter 351 of the Tax Code and this AGREEMENT shall be reimbursed.

Section 5. Appeal Process. Any ENTITY wishing to appeal the decision of the CITY must present their appeal in writing within ten (10) business days of funding denial.

Section 6. Rights. The City of Schertz has the right, at any time, to inspect the books or records of the ENTITY that may relate to performance of this AGREEMENT. The CITY, at its sole expenses, has the right to conduct an audit of the ENTITY or Project.

Section 7. Term. The AGREEMENT shall become effective as of the date entered below. The AGREEMENT shall terminate one year from its effective date or once the terms have been met, whichever occurs first.

Section 8. Indemnification. The ENTITY agrees to defend, indemnify and hold harmless the CITY, its officers, agents and employees, against any and all claims, lawsuits, judgments, cause of action, costs and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the ENTITY's breach of any of the terms or provisions of this AGREEMENT, or by any negligent act or omission of the ENTITY, its officers, agents, servants, employees, contractors, or subcontractors, in the performance of this AGREEMENT; except that the indemnity provided for in this paragraph shall not apply



to any liability resulting from the sole negligence of the CITY, its officers, agents, employees or separate contractors, and in the event of joint and concurrent negligence of both the ENTITY and the CITY under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph 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. Both parties expressly agree that this AGREEMENT does not assign any responsibility for civil liability to the City of Schertz that may arise by virtue of this AGREEMENT.

Section 9. Termination. A party may terminate this AGREEMENT in whole or in part if the other party fails to comply with a term of the AGREEMENT, including the inability of the ENTITY to conform to any change required by federal, state or local laws or regulations; or for the convenience of either party. The terminating party shall provide written notification to the other party of the decision to terminate this AGREEMENT within thirty (30) days before the effective date of termination. A party may terminate the AGREEMENT for breach of any provision of this AGREEMENT, upon written notice of the breach and the breaching party shall have ten (10) days after receipt of the written notice in which to cure the breach to the satisfaction of the non-breaching party.

Section 10. Notice. All notices required or permitted under this AGREEMENT shall be in writing and shall be delivered in person or mailed as follows:

to the CITY at:

City of Schertz  
Attention: City Manager  
1400 Schertz Parkway  
Schertz, TX 78154  
(210) 619-1000

To \_\_\_\_\_  
Attention: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### MISCELLANEOUS

Section 11. Entire Agreement. This AGREEMENT constitutes the entire agreement of the parties regarding the subject matter contained herein. The parties may not modify or amend this AGREEMENT, except by written agreement approved by the governing bodies of each party and duly executed by both parties.

Section 12. Approval. This AGREEMENT has been duly and properly approved by each party's governing body and constitutes a binding obligation on each party.

Section 13. Assignment. Except as otherwise provided in this AGREEMENT, a party may not assign this AGREEMENT or subcontract the performance of services without first obtaining the written

consent of the other party.

Section 14. Non-Waiver. A party's failure or delay to exercise right or remedy does not constitute a waiver of the right or remedy. An exercise of a right or remedy under this AGREEMENT does not preclude the exercise of another right or remedy. Rights and remedies under this AGREEMENT are cumulative and are not exclusive of other rights or remedies provided by law.

Section 15. Paragraph Headings. The various paragraph headings are inserted for convenience of reference only, and shall not affect the meaning or interpretation of this AGREEMENT or any section thereof.

Section 16. Attorney fees. In any lawsuit concerning this AGREEMENT, the prevailing party shall be entitled to recover reasonable attorney's fees from the nonprevailing party, plus all out-of-pocket expense such as deposition costs, telephone, calls, travel expenses, expert witness fees, court costs, and their reasonable expenses, unless otherwise prohibited by law.

Section 17. Severability. The parties agree that in the event any provision of this AGREEMENT is declared invalid by a court of competent jurisdiction that part of the AGREEMENT is severable and the decree shall not affect the remainder of the AGREEMENT. The remainder of the AGREEMENT shall be in full force and effect.

Section 18. Venue. The parties agree that all disputes that arise of this AGREEMENT are governed by the laws of the State of Texas and venue for all purposes herewith shall be in Milam County, Texas.

Section 19. Certificate of Insurance. The ENTITY agrees to provide a certificate of insurance for liability and worker's compensation insurance or letter of self-insurance on its letterhead indicating its self-insured status before any event awarded funding under this AGREEMENT. The cost of the insurance herein mentioned to be secured and maintained by the ENTITY shall be borne solely by the ENTITY.

IN WITNESS HEREOF, the CITY and ENTITY make and execute this AGREEMENT to be effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY OF SCHERTZ, TEXAS

ENTITY – Sue Ann Cherrine

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Secretary

## EXHIBIT A

[Describe the project to be performed]



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** Executive Team  
**Subject:** Resolution No. R-20-143 - Consideration and/action approving a Resolution by the City Council of the City of Schertz, Texas authorizing the acquisition of Lot 1, Block 50 of the Live Oak Hills Addition. (M. Browne/B. James)

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**BACKGROUND**

In 2018, the City acquired 37 lots in the Live Oak Hills Addition from LCRA for \$3,700 to provide land for construction of the hike and bike trail related to the Pedestrian and Bike Lanes Project. These lots are almost entirely encumbered by the electrical transmission easements held by CPS, LCRA, and GVEC. Council authorized the construction contract for the hike and bike trail at the December 1, 2020 meeting.

The Live Oak Hills Subdivision is a legally platted subdivision that was filed in 1963, prior to the property being annexed by the City of Schertz in 1984. When the subdivision was platted, while in Guadalupe County, the public infrastructure improvements (streets, water and sewer) were not installed to serve the lots. This is commonly referred to as a "paper subdivision." Freeway Manor is also a "paper subdivision."

The owner of the property, LMC Properties, approached the City about accursing it from them. Given that it is adjacent to the lots the City already owns, the property owner is willing to sell the lot for \$100 plus closing costs and the challenges in private owners developing lots in Live Oak Hills, staff is recommending the City acquire it. This additional land, that is not encumbered by easements could be used for amenities associated with the hike and bike trail.

**GOAL**

Acquire additional property adjacent to the land acquired by the City from LCRA in 2018 that was acquired to provide for the hike and bike trail construction from Schertz Parkway to Wiederstein Road.

**COMMUNITY BENEFIT**

Provides more area of City owned land adjacent to the future hike and bike trail, the contract for the construction of which was awarded on December 1, 2020. This land will provide space to potentially add amenities. Additionally, it removes a parcel of land in the Live Oak Hills Subdivision from private ownership where development is hampered by a lack of infrastructure.

**SUMMARY OF RECOMMENDED ACTION**

Approval of Resolution 20-R-143 authorizing the City Manager to acquire Lot 1, Block 50 of the Live Oaks Hills Addition.

**FISCAL IMPACT**

The purchase price for the property is \$100.00. The City paid \$100.00 per parcel as part of the purchase of lots from LCRA in 2018. Additionally, the City agrees to pay closing costs.

**RECOMMENDATION**

Approval of Resolution 20-R-143.

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**Attachments**

Res 20 R 143

Exhibit

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**RESOLUTION NO. 20-R-143**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE ACQUISITION OF LOT 1, BLOCK 50 OF THE LIVE OAK HILLS ADDITION IN THE CITY OF SCHERTZ, TEXAS, AND RELATED MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, The City of Schertz acquired adjacent properties to accommodate the future hike and bike trail to be constructed as part of the Pedestrian Routes and Bike Lanes Project awarded by the Alamo Area Metropolitan Planning Organization (AAMPO) and for which City Council awarded a construction contract on December 1, 2020; and

**WHEREAS**, the City of Schertz desires to provide amenities along the future hike and bike trail as well as provide an open space along the trail route; and

**WHEREAS**, the lots acquired for the actual trail are encumbered by utility easements which limit their use; and

**WHEREAS**, the City hereby seeks the authority to purchase the property after being approached by the property owner;

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

Section 1. The City Council hereby authorizes the purchase of Lot 1, Block 50 of the Live Oaks Hills Addition for up to \$100.00, as generally shown on Exhibit "A".

Section 2. That the City Manager is authorized to execute any and all documents necessary to complete the acquisition and pay for appropriate closing costs.

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

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

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



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

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

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

PASSED AND ADOPTED, this 8<sup>th</sup> day of December, 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

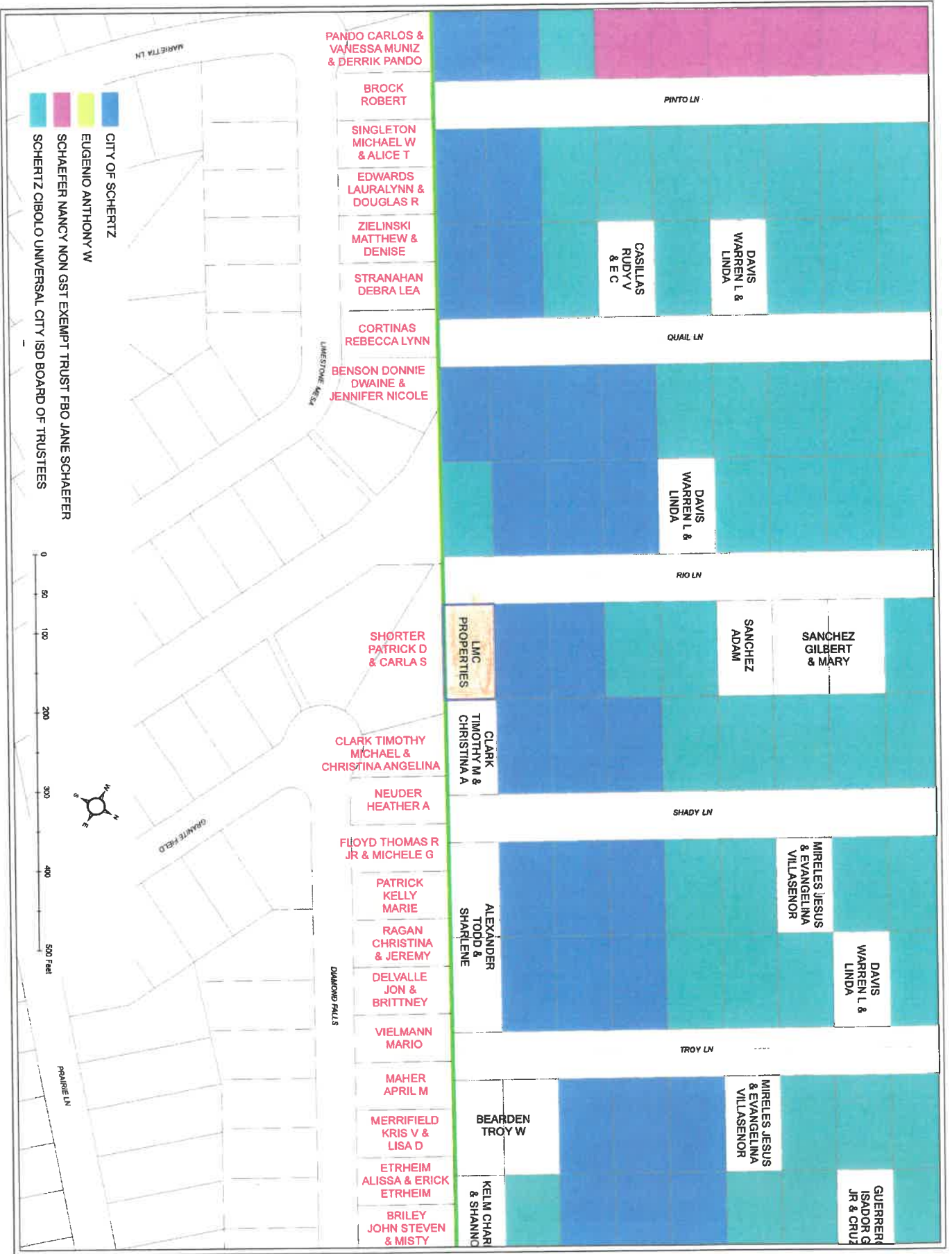
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Brenda Dennis, City Secretary

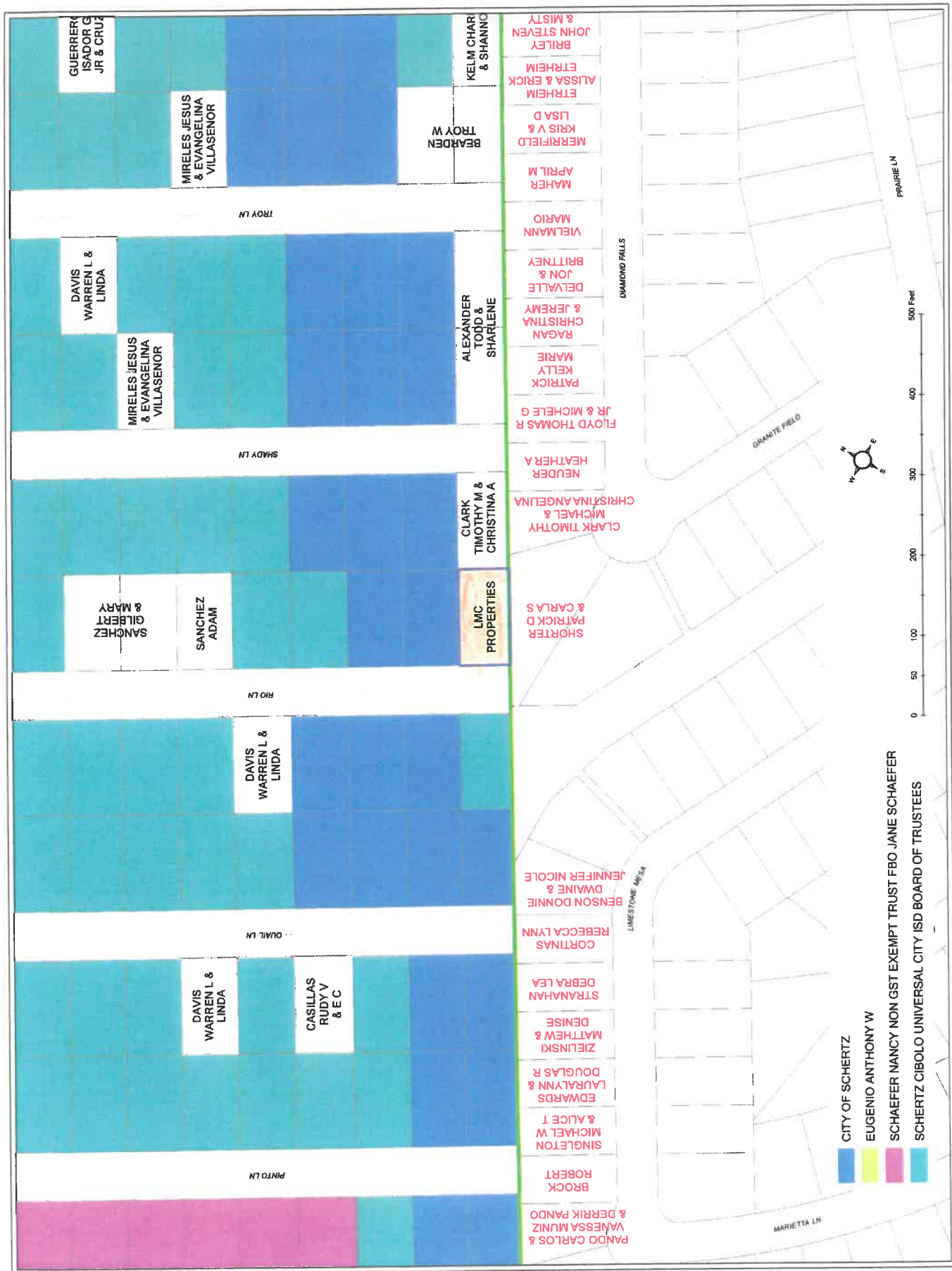
(CITY SEAL)

## **Exhibit A**

Property to be Acquired







Property to be Acquired

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** Public Works  
**Subject:** Resolution 20-R-138 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an extension of the agreement for Management Services between the City of Schertz and the Schertz/Seguin Local Government Corporation (SSLGC) and other matters in connection therewith.

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**BACKGROUND**

**BACKGROUND**

SSLGC, the City of Schertz, and the City of Seguin worked to make substantial changes to the Agreement for Management Services between SSLGC, the City of Schertz, and the City of Seguin. These changes are a result of the continued transition of SSLGC to a single entity that functions more autonomously from the Corporation's owner cities (Schertz and Seguin). The revised agreement was presented and approved at the August 20, 2020, SSLGC monthly board meeting by the Board of Directors. After the initial SSLGC board approval, the City of Schertz' attorney recommended modifications to the agreement, including the agreement's structure, to address liability concerns related to protecting the City in regard to labor laws. Further, there are concerns that in the new agreement, Schertz is ceding too much employment authority to SSLGC while still retaining full liability for the General Manager and Assistant General Manager for which the City of Schertz is the employer of record for these two positions.

At the SSLGC monthly board meeting on September 17, 2020, the SSLGC Board of Directors rescinded their prior approval of the MSA presented and accepted an extension of the current Management Services Agreement with the City of Schertz through December 31, 2020. Then, at the SSLGC monthly board meeting on November 19, 2020, the SSLGC Board of Directors excepted an additional extension to the current Management Services Agreement extending to January 31, 2021. During this extension period, the SSLGC Executive Committee will work through further modifications to the management services agreements related to SSLGC.

Services provided under this MSA are subject to oversight by the SSLGC Board, SSLGC General Manager, and City Management.

Term of the agreement is January 1, 2021, through January 31, 2021, unless otherwise renewed or extended at the discretion of both parties

**GOAL**

**GOAL**

To extend the Management Services Agreement.

**COMMUNITY BENEFIT**

## COMMUNITY BENEFIT

In addition to helping ensure SSLGC maintains compliance with state/local law, through this MSA, Schertz is controlling costs which would impact tax rates and fees passed along to Schertz Residents, as well as maintaining our partnership with SSLGC

## SUMMARY OF RECOMMENDED ACTION

### SUMMARY OF RECOMMENDED ACTION

Staff recommends council approve Resolution 20-R-138

## FISCAL IMPACT

### FISCAL IMPACT

This agreement has no direct cost

## RECOMMENDATION

### RECOMMENDATION

Staff recommends council approve Resolution 20-R-138

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### Attachments

Resolution 20-R-138

MSA Extension

SSLGC Resolution R-20-19

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**RESOLUTION NO. 20-R-138**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN EXTENSION OF THE AGREEMENT FOR MANAGEMENT SERVICES BETWEEN THE CITY OF SCHERTZ AND THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION, AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City staff of the City of Schertz (the “City”) and the Schertz/Seguin Local Government (“SSLGC”) have determined that the SSLGC requires management services relating to managing the daily operations of the SSLGC; and

WHEREAS, the City Council has determined that it is in the best interest of the City to extend the contract with SSLGC pursuant to the Agreement for Management Services Between the City of Schertz and the Schertz/Seguin Local Government Corporation attached hereto as Exhibit A (the “Agreement”).

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

Section 1. The City Council hereby authorizes the City Manager to extend and deliver the Agreement with SSLGC in substantially the form set forth on Exhibit A.

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

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

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

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

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

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

PASSED AND ADOPTED, this 8th day of December, 2020.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

(CITY SEAL)

**EXHIBIT A**

**AGREEMENT FOR MANAGEMENT SERVICES BETWEEN THE CITY OF  
SCHERTZ AND THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION**



**AGREEMENT FOR MANAGEMENT SERVICES  
BETWEEN THE CITY OF SCHERTZ AND  
THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION**

**THE STATE OF TEXAS**

**KNOWN ALL BY THESE PRESENTS:**

**COUNTY OF GUADALUPE**

**THIS AGREEMENT**, executed the 19<sup>th</sup> day of November, 2020 by and between the City of Schertz, a municipal corporation, acting by and through its City Manager, situated in Guadalupe County, Texas (hereinafter referred to as "Schertz"), and the Schertz/Seguin Local Government Corporation (hereinafter referred to as "SSLGC") acting by and through its General Manager is as follows:

**WITNESSETH:**

**I.**

Schertz agrees to provide certain management, administrative, operational, and customer relations, to SSLGC according to the terms of this Agreement. The General Manager of SSLGC shall be an employee of Schertz but shall be assigned to SSLGC and shall be charged with the responsibility of carrying out SSLGC's operations and programs as adopted by the SSLGC Board. SSLGC agrees that the General Manager may be terminated as an employee only by Schertz, but as long as this Agreement remains in effect, Schertz shall consult with SSLGC prior to terminating the General Manager. Direct services Schertz shall perform for SSLGC pursuant to this Agreement shall include, but not limited to the following:

1. Assist the SSLGC General Manager in preparing a budget for the forthcoming year for review and approval by the SSLGC Board and City Councils of Schertz and Seguin.
2. Providing professional development and succession planning training to the General Manager to enable them to provide long term strategic leadership to SSLGC.
3. (Subject to Article IX of this Agreement) providing risk management services in accordance with the requirement of the SSLGC's bond resolutions, the water supply agreement with Schertz and the City of Seguin, the terms of this Agreement, and directives of the SSLGC Board.

Schertz's services under this agreement are subject to oversight and direction by the SSLGC Board. Schertz will procure SSLGC Board approval for all contracts and management decisions affecting SSLGC and governed by the terms of this Agreement. In performing its duties under this Agreement, Schertz shall act for the benefit of SSLGC and not of any individual in the SSLGC water project.

**II.**

SSLGC shall reimburse Schertz the cost for the management services provided to SSLGC by Schertz pursuant to this Agreement as described in the following paragraph. Such payments shall be paid on a quarterly basis and payable by the 25<sup>th</sup> day April, July, October and January.

To compensate Schertz for the costs it will incur to perform the services described in this Agreement, SSLGC will reimburse Schertz the actual expenditures incurred, not to exceed the SSLGC fiscal year 2019-2020 total budget. The SSLGC Board will establish the amount of reimbursement to be paid to Schertz for services under this Agreement for each subsequent fiscal year during SSLGC's budget process. Schertz will have the right at any time during a fiscal year to seek additional reimbursement if Schertz reasonably determines that the budgeted amount is inadequate to compensate Schertz for the costs it incurs on behalf of SSLGC in providing services under this agreement. Projected cash shortages resulting from unplanned costs related SSLGC operations and the services to be provided by Schertz under this Agreement will be brought to the immediate attention of the SSLGC Board.

The SSLGC Board or SSLGC General Manager will have the right during normal business hours upon three business days' prior written notice, to audit, examine, or reproduce any or all books and records of Schertz related to the performance of its duties under this Agreement.

In the event of the termination of this Agreement, SSLGC will be responsible for paying Schertz only the portion of the cost allocated to periods prior to the effective date of termination.

### III.

It is the express purpose of this Agreement to have Schertz, through the SSLGC General Manager, implement, administer, and carry out the duties required for the operations of the public water systems owned by SSLGC.

### IV.

Schertz acknowledges that the City of Seguin, the City of Schertz, and the Schertz/Seguin Local Government Corporation have entered into a Cost Allocation Agreement Relating to the Guadalupe Project.

### V.

Schertz acknowledges that the City of Seguin, the City of Schertz, and the Schertz/Seguin Local Government Corporation have entered into a Tri-Lateral Agreement Relating to Water Sales.

### VI.

Schertz acknowledges that the SSLGC General Manager is responsible for supervision and leadership of all SSLGC Staff. He/She will develop, with Board and Executive Committee approval, an organizational chart and lines of responsibility for all leadership positions to include but not be limited to an Operations Manager and Water Superintendent for the efficient and appropriate operations of the corporation. These positions and/or others not named here shall be filled or left vacant by the General Manager as they see fit with the approval of the SSLGC Board and Executive Committee.

The General Manager will participate in the annual review process of all SSLGC Operations Personnel, be informed of any personnel actions and provide for the annual review of the Operations Manager, and Administrative Staff.

## **VII.**

The SSLGC Administrative Building at 108 W. Mountain Street, Seguin, Texas 78155, will be known as the location of the SSLGC Administrative Office and SSLGC meeting site.

## **VIII.**

Subject to early termination as provided in Article VII below, this Agreement shall be in effect for a period commencing **JANUARY 1, 2021** and ending **JANUARY 31, 2021**, unless otherwise renewed or extended at the discretion of both parties.

## **IX.**

### **TERMINATION:**

1. This Agreement may be terminated by Schertz or SSLGC, in whole, or from time to time in part, upon ninety (90) day written notice from the terminating party to the other party. The effective date of termination shall be ninety (90) days after delivery of Notice of Termination specifying to what extent performance or work under the Agreement shall be terminated ninety (90) days after receipt by the notified party.
2. After receipt of a Notice of Termination Schertz shall:
  - a. Stop work on the date as specified in the Notice of Termination to extent possible.
  - b. Place no further orders or subcontracts except as may be necessary for completion of the work not terminated.
  - c. Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination in so far as possible.
  - d. SSLGC shall pay expenses incurred through the date of termination.

## **X.**

It is expressly understood that Schertz and SSLGC each retain the right to pursue other avenues for development and operation of public water systems, when it is determined to be in the best interest of Schertz or SSLGC to do so, and this Agreement shall not limit either Schertz's right or SSLGC's right to pursue such interests.

## **XI.**

It is the intent of the parties for SSLGC to acquire, after consultation with Schertz, insurance and other risk management programs to protect SSLGC, its property, and its participants.



To the extent permitted by law and to the extent SSLGC is protected by insurance or other risk management program, SSLGC shall defend, indemnify and hold harmless Schertz from and against claims, demands, actions, judgments, and liabilities asserted by any person other than SSLGC arising out of the performance by Schertz of its services on behalf of, and as agent of, SSLGC under this Agreement, except such claims, demands, actions, judgments, and liability arising out of the willful misconduct or gross negligence of Schertz.

**XII.**

This Agreement shall take effect on the 1<sup>st</sup> day of JANUARY, 2021.

**IN WITNESS WHEREOF**, the parties have executed this Contract in the year and on the day indicated.

**SCHERTZ/SEGUIN LOCAL  
GOVERNMENT CORPORATION  
108 W. Mountain St.  
Seguin, Texas 78155**

**CITY OF SCHERTZ, TEXAS  
1400 Schertz Parkway  
Schertz, Texas 78154**

  
\_\_\_\_\_  
**Amber Beard, General Manager**

\_\_\_\_\_  
**Mark Browne, City Manager**

11/19/2020  
\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

**SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION  
STATE OF TEXAS  
COUNTY OF GUADALUPE**

**A RESOLUTION AUTHORIZING AN EXTENSION OF THE MANAGEMENT  
SERVICES AGREEMENT BETWEEN THE SCHERTZ/SEGUIN LOCAL  
GOVERNMENT CORPORATION AND THE CITY OF SCHERTZ**

**WHEREAS**, the Schertz/Seguin Local Government Corporation desires to enter into a Management Services Agreement with the City of Schertz; and

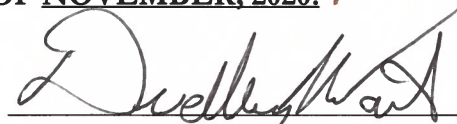
**WHEREAS**, the board accepts an extension of the current Management Services Agreement with the City of Schertz until the earlier of the date chosen by the City of Schertz which is a party to the particular Management Services Agreement or September 30, 2021; and

**WHEREAS**, the Agreement for Management Services between the City of Schertz and the Schertz/Seguin Local Government Corporation attached hereto and incorporated herein for all purposes represents the proposed Agreement between the parties.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE  
SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION:**

1. That the Schertz/Seguin Local Government Corporation hereby approves the Management Services Agreement between the Schertz/Seguin Local Government Corporation and the City of Schertz.
2. That the General Manager be authorized to execute the Management Services Agreement between the Schertz/Seguin Local Government Corporation and the City of Schertz.

**PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF NOVEMBER, 2020.**

  
Dudley Wait, President

**Attest:**

  
Ken Greenwald, Secretary

**OR**

\_\_\_\_\_  
Amber Beard, Assistant Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** Public Works  
**Subject:** Resolution 20-R-48 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz Texas approving a Standard Utility Agreement with the Texas Department of Transportation relating to the relocation of a segment of sewer main near the intersection of IH-35 and FM 1103. (C. Kelm/S. Williams/S. McClelland)

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**BACKGROUND**

The Texas Department of Transportation (TxDOT) has two projects near the intersection of IH-35 and FM 1103. The first project, which has been completed, was the reconstruction and widening of the FM 1103 bridge over IH-35. The second project is the FM 1103 expansion project which is widening FM 1103 from IH-35 through Schertz and Cibolo. The City of Schertz was required to relocate segments of water and sewer main along FM 1103 in order to accommodate both projects. The sewer main relocation was required due to the bridge widening and associated lane additions at the frontage road intersection. The new sewer main was completed in late spring of 2020. Because the utility relocation was caused by an Interstate Highway Project, the relocation is 100% reimbursable by TxDOT. City Staff has worked with the TxDOT Utility Division to capture all the eligible costs associated with the sewer relocation. Once the Standard Utility Agreement is executed the City can submit for reimbursement by TxDOT.

**GOAL**

To obtain authorization from City Council to allow the City Manager to sign a Standard Utility Agreement with TxDOT for the reimbursement of funds spent relocating a section of sewer main near IH-35 and FM 1103.

**COMMUNITY BENEFIT**

Because the sewer main relocation was done to accommodate an Interstate Highway Project, the cost of the relocation is eligible for 100% reimbursement.

**SUMMARY OF RECOMMENDED ACTION**

Approval of Resolution 20-R-48 authorizing the City Manager to sign a Standard Utility Agreement with TxDOT.

**FISCAL IMPACT**

The Standard Utility Agreement will allow the City to request reimbursement on approximately \$225,000 of expenses paid by the City to complete the relocation of the sewer main.

**RECOMMENDATION**



Approval of Resolution 20-R-48 authorizing the City Manager to sign a Standard Utility Agreement with TxDOT for the reimbursement of funds spent relocating a section of sewer main near IH-35 and FM 1103.

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**Attachments**

Resolution

Draft Standard Utility Agreement

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## **RESOLUTION NO. 20-R-48**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING A STANDARD UTILITY AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION RELATING TO THE RELOCATION OF A SEGMENT OF SEWER MAIN NEAR THE INTERSECTION OF IH-35 AND FM 1103 AND ALL MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City of Schertz (the “City”) was required to relocate existing sewer main facilities within the Texas Department of Transportation (TxDOT) right-of-way to accommodate the reconstruction of the FM 1103 bridge over IH-35; and

WHEREAS, the City is eligible for reimbursement of all project costs associated with the sewer main relocation through a Standard Utility Agreement with TxDOT; and

WHEREAS, the City Council has determined that it is in the best interest of the City to seek reimbursement of all eligible costs from TxDOT, pursuant to the Standard Utility Agreement attached hereto as Exhibit A (the “Agreement”).

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Standard Utility Agreement with TxDOT, in substantially the form set forth on Exhibit A.

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

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

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

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

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

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

PASSED AND ADOPTED, this 8<sup>st</sup> day of December, 2020.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)



**EXHIBIT A**  
**TXDOT STANDARD UTILITY AGREEMENT**

## STANDARD UTILITY AGREEMENT

U-Number: U\*\*\*\*\* Project ID # A\*\*\*\*\*

District: San Antonio  
Federal Project No.: NH 2019 (797)  
ROW CSJ: 0016-05-\*\*\*  
Highway Project Letting Date: 03/2017

County: Comal  
Highway: IH 35  
From: At FM 1103  
To:

This Agreement by and between the State of Texas, acting by and through the Texas Transportation Commission, ("**State**"), and City of Schertz - Sewer, ("**Utility**"), acting by and through its duly authorized representative, shall be effective on the date of approval and execution by and on behalf of the **State**.

**WHEREAS**, the **State** has deemed it necessary to make certain highway improvements as designated by the **State** and approved by the Federal Highway Administration within the limits of the highway as indicated above (the "**Highway Project**");

**WHEREAS**, the proposed Highway Project will necessitate the adjustment, removal, and/or relocation of certain facilities of the **Utility** as indicated in the following statement of work: Relocate approximately 605 L.F. of 8-inch Sanitary Sewer, install 4 precast Manholes, 21.96 V.F. of precast Manholes (extra depth), reconstruct 2 manholes, abandon 582.1 L.F. of 8 inch sewer main, remove 3 sewer Manholes, 645.28 L.F. of trench excavation safety protection, 50 L.F. of Steel casing (18in) (open cut), 32 L.F. of water pipe (PVC) (12 IN) (open cut). 19.4 C.Y. of flowable fill, In addition adjust 32 feet of 12" water main due to conflict with the proposed 8 inch sanitary sewer main.; and more specifically as shown in the **Utility's** plans, specifications and estimated costs, which are attached hereto as Attachment "A".

**WHEREAS**, the **State** will participate in the costs of the adjustment, removal, and relocation of certain facilities to the extent as may be eligible for State and/or Federal participation.

**WHEREAS**, the **State**, upon receipt of evidence it deems sufficient, acknowledges the **Utility's** interest in certain lands and facilities that entitle it to reimbursement for the adjustment, removal, and relocation of certain of its facilities located upon the lands as indicated in the statement of work above.

### NOW, THEREFORE, BE IT AGREED:

The **State** will pay to the **Utility** the costs incurred in adjustment, removal, and relocation of the **Utility's** facilities up to the amount said costs may be eligible for **State** participation.

All conduct under this agreement, including but not limited to the adjustment, removal, and relocation of the facility, the development and reimbursement of costs, any environmental requirements, and retention of records will be in accordance with all applicable federal and state laws, rules and regulations, including, without limitation, the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. §§ 4601, et seq., the National Environmental Policy Act, 42 U.S.C. §§ 4321, et seq., the Buy America provisions of 23 U.S.C. § 313 and 23 CFR 635.410, as amended, Texas Transportation Code § 223.045, the Utility Relocations, Adjustments, and Reimbursements provisions of 23 CFR 645, Subpart A, and the Utility Accommodation provisions of 23 CFR 645, Subpart B.

The **Utility** shall supply, upon request by the **State**, proof of compliance with the aforementioned laws, rules, regulations, and guidelines prior to the commencement of the adjustment, removal, and relocation of the facility.

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

The Utility shall not commence any physical work, including without limitation site preparation, on the State's right of way or future right of way, until TxDOT provides the Utility with written authorization to proceed with the physical work upon TxDOT's completion and clearance of its environmental review of the Highway Project. Any such work by the Utility prior to TxDOT's written authorization to proceed will not be eligible for reimbursement and the Utility is responsible for entering any property within the proposed limits of the Highway Project that has not yet been acquired by TxDOT. This written authorization to proceed with the physical work is in addition to the authorization to commence work outlined below. Notwithstanding the foregoing, the provisions of this paragraph are required only when TxDOT has not obtained completion and clearance of its environmental review of the Highway Project prior to the execution of this Agreement by the State and the Utility.

The **Utility** shall comply with the Buy America provisions of 23 U.S.C. § 313, 23 CFR 635.410, as amended, and the Steel and Iron Preference provisions of Texas Transportation Code § 223.045 and, when products that are composed predominately of steel and/or iron are incorporated into the permanent installation of the utility facility, use domestically manufactured products. TxDOT Form 1818 (Material Statement), along with all required attachments, must be submitted, prior to the commencement of the adjustment, removal, and relocation of the facility, as evidence of compliance with the aforementioned provisions. Failure to submit the required documentation or to comply with the Buy America, and Steel and Iron Preference requirements shall result in: (1) the **Utility** becoming ineligible to receive any contract or subcontract made with funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991; (2) the **State** withholding reimbursement for the costs incurred by the **Utility** in the adjustment, removal, and relocation of the **Utility's** facilities; and (3) removal and replacement of the non-compliant products.

The **Utility** agrees to develop relocation or adjustment costs by accumulating actual direct and related indirect costs in accordance with a work order accounting procedure prescribed by the **State**, or may, with the **State's** approval, accumulate actual direct and related indirect costs in accordance with an established accounting procedure developed by the **Utility**. Bills for work hereunder are to be submitted to the **State** not later than one (1) year after completion of the work. Failure to submit the request for final payment, in addition to all supporting documentation, within one (1) year after completion of the work may result in forfeiture of payment for said work.

When requested, the **State** will make intermediate payments at not less than monthly intervals to the **Utility** when properly billed. Such payments will not exceed 90 percent (90%) of the eligible cost as shown in each such billing. Intermediate payments shall not be construed as final payment for any items included in the intermediate payment.

The **State** will, upon satisfactory completion of the adjustment, removal, and/or relocation and upon receipt of final billing prepared in an approved form and manner and accounting for any intermediate payments, make payment in the amount of 90 percent (90%) of the eligible costs as shown in the final billing prior to audit and after such audit shall make an additional final payment totaling the reimbursement amount found eligible for **State** reimbursement.

Alternatively, the **State** agrees to pay the **Utility** an agreed lump sum of \$N/A as supported by the attached estimated costs. The **State** will, upon satisfactory completion of the adjustments, removals, and relocations and upon receipt of a final billing, make payment to the **Utility** in the agreed amount.

Upon execution of this agreement by both parties hereto, the **State** will, by written notice, authorize the **Utility** to perform such work diligently and to conclude said adjustment, removal, and relocation by the stated completion date which is attached hereto in Attachment "C". The completion date shall be extended for delays caused by events outside the **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with the **Utility's** ability to proceed with the work, or any other event in which the **Utility** has exercised all due care in the prevention thereof so that the causes of other events are beyond the control and without the fault or negligence of the **Utility**.

This agreement in its entirety consists of the following elements:

Standard Utility Agreement – ROW-U-35;

- Plans, Specifications, and Estimated Costs (Attachment "A");
- Accounting Method (Attachment "B");

Initial	Date	Initial	Date
TxDOT		Utility	



- Schedule of Work (Attachment “C”);
- Statement Covering Contract Work – ROW-U-48 (Attachment “D”);
- Utility Joint Use Acknowledgment – ROW-U-JUAA and/or Utility Installation Request – Form 1082 (Attachment “E”);
- Eligibility Ratio (Attachment “F”);
- Betterment Calculation and Estimate (Attachment “G”); and
- Proof of Property Interest – ROW-U-1A, ROW-U-1B, or ROW-U-1C (Attachment “H”).

All attachments are included herein as if fully set forth. In the event it is determined that a substantial change from the statement of work contained in this agreement is required, reimbursement therefore shall be limited to costs covered by a modification or amendment of this agreement or a written change or extra work order approved by the **State** and the **Utility**.

This agreement is subject to cancellation by the **State** at any time up to the date that work under this agreement has been authorized, and such cancellation will not create any liability on the part of the **State**. However, the **State** will review and reimburse the **Utility** for eligible costs incurred by the **Utility** in preparation of this Agreement.

The State Auditor may conduct an audit or investigation of any entity receiving funds from the **State** directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the Legislative Audit Committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

The **Utility** by execution of this agreement does not waive any of the rights that the **Utility** may have within the limits of the law.

It is expressly understood that the **Utility** conducts the adjustment, removal, and relocation at its own risk, and that the **State** makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

**UTILITY**

Utility: City of Schertz - Sewer  
*Name of Utility*

By: \_\_\_\_\_  
*Authorized Signature*

Mark Browne  
*Print or Type Name*

Title: City Manager

Date: \_\_\_\_\_

**EXECUTION RECOMMENDED:**

\_\_\_\_\_  
*Director of TP&D (or designee), San Antonio District*

**THE STATE OF TEXAS**

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: \_\_\_\_\_  
*District Engineer (or designee)*

Date: \_\_\_\_\_

\_\_\_\_\_  
Initial Date  
TxDOT

\_\_\_\_\_  
Initial Date  
Utility

# **Attachment “A”**

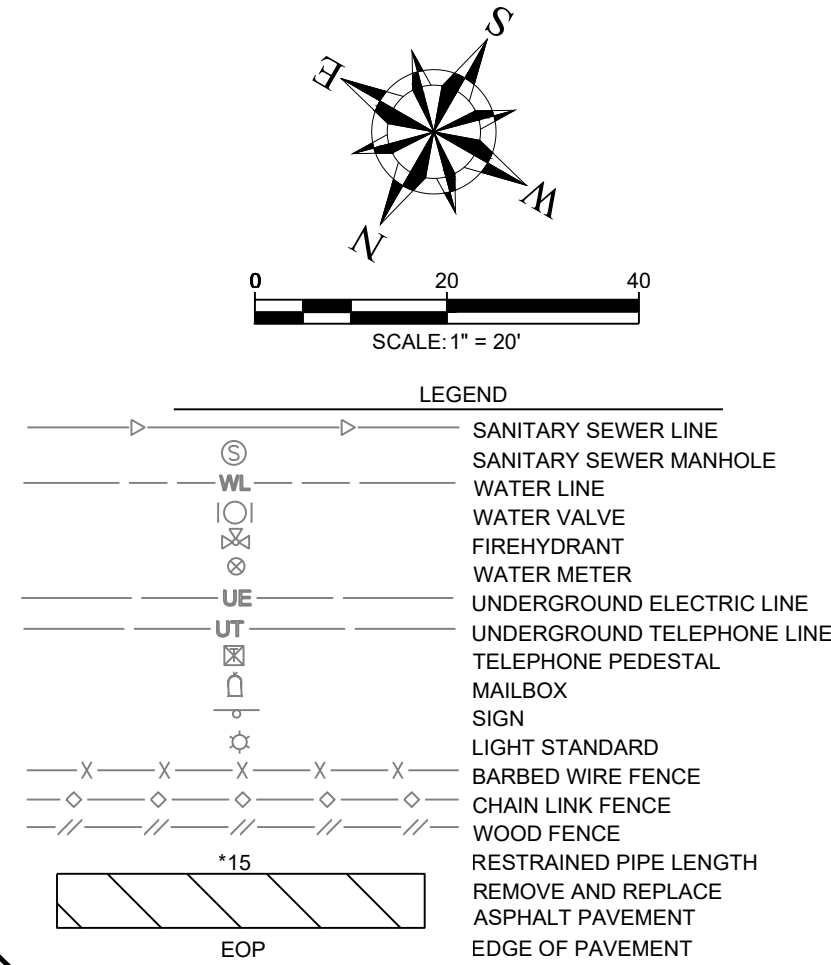
## **Plans, Specifications, and Estimated Costs**

All material items that must meet Buy America or Steel and Iron Preference Provision requirements must be indicated with an asterisk (\*).

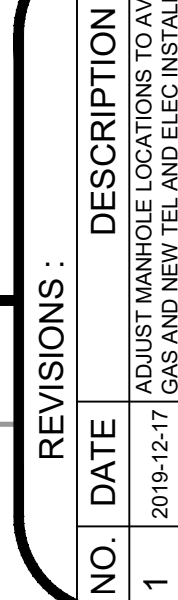
\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility





- HORIZONTAL SCALE : 1" = 20  
VERTICAL SCALE : 1" = 10

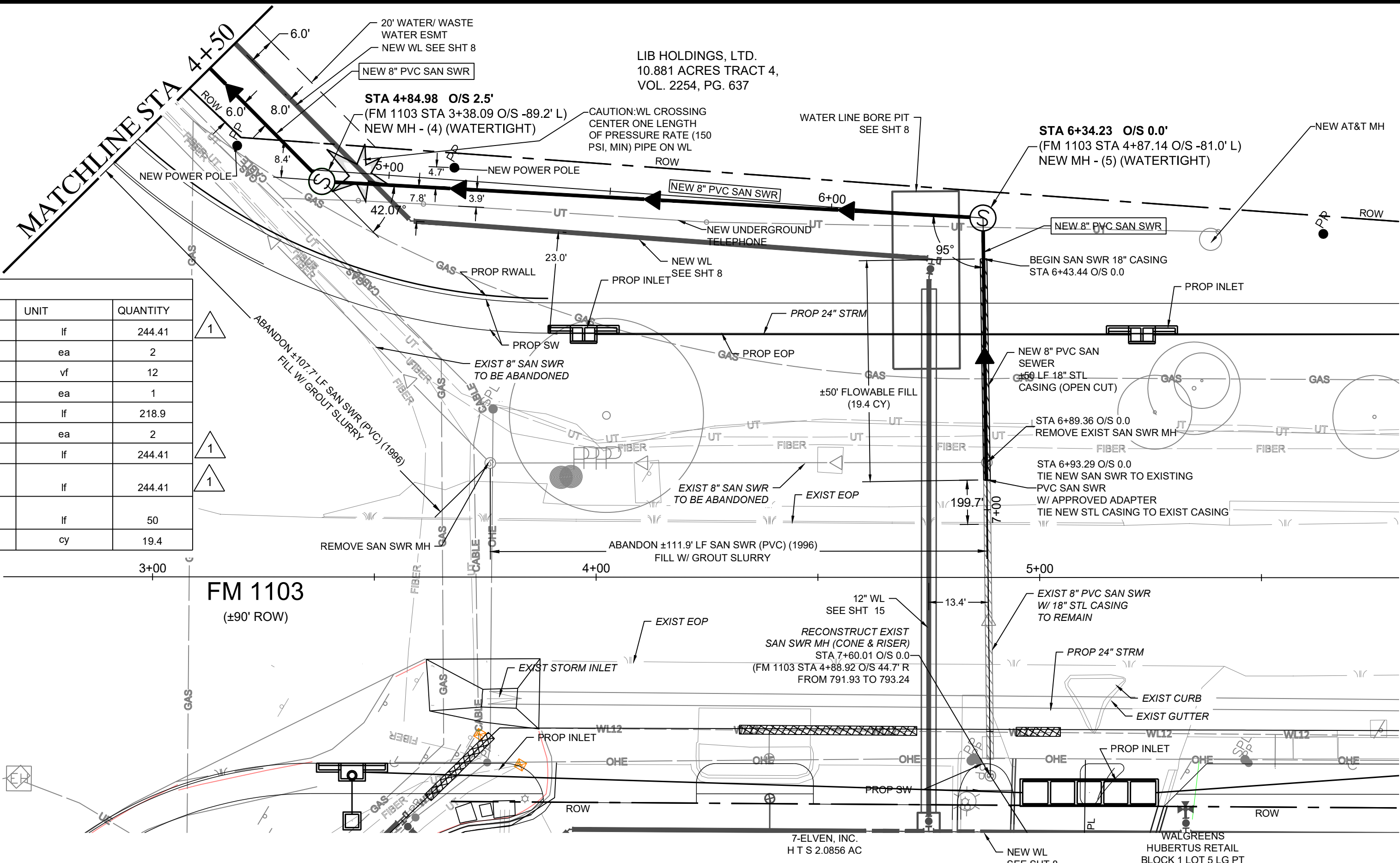


PROJECT NO. 1124.9211



DRAWINGS ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT/ENGINEER, WHETHER THE PROJECT FOR WHICH THEY ARE COVERED IN THE CONTRACT, WITHOUT WRITTEN AGREEMENT WITH, AND APPROPRIATE COMPENSATION TO FORD ENGINEERING, INC.

QUANTITY TABLE			
ITEM NO.	DESCRIPTION	UNIT	QUANTITY
01740	Site Restoration (Utility Construction)	lf	244.41
02082	Precast Manholes (0-6ft deep)	ea	2
02082	Precast Manholes (extra depth)	vf	12
02086	Reconstruct Manhole (Cone and Riser)	ea	1
02222	Abandon Sewer (8 IN)	lf	218.9
02222	Remove Sewer Manhole	ea	2
02260	Trench Excavation Safety Protection	lf	244.41
02531	Sanitary Sewer (PVC) (8 IN) (Complete) (Open Cut)	lf	244.41
02531	Sanitary Sewer (STL Casing) (18 IN) (Open Cut)	lf	50
TXDOT401*	Flowable Fill	cy	19.4
			3+00



- ABANDONMENT OF SEWER MAIN (TXDOT ROW):**
- CUT, PLUG & ABANDON THE EXISTING 8" SANITARY SEWER AS SHOWN IN PLANS
  - ABANDONED PIPE DOES NOT CONTAIN HAZARDOUS MATERIAL. THE PIPE IS COMPOSED OF ASBESTOS CEMENT PIPE (ACP)
  - RETURN MANHOLE LIDS TO THE CITY.
  - REMOVE ALL ABANDONED MAIN IN CONFLICT W/ PROP TXDOT WORK, AS SHOWN IN PLANS. PLUG EXIST ABANDONED MAIN & FILL W/ GROUT SLURRY (ITEM 02519).
  - REMOVE MANHOLE = REMOVE CONE AND LID AND RESTORE PAVEMENT (ITEM 02222)

Horizontal Alignment Report

Alignment Name: NEW SEWER  
Station Range: Start: 0+00.01, End: 8+04.82  
Description: NEW SEWER ALONG IH-35

Begin Alignment - SEWER  
N 13,778,209.6348 E 2,210,968.6771 0+00.01

Line (1)  
S54° 30' 02.78"W 99.992'  
N 13,778,151.5700 E 2,210,887.2710 1+00.00

Line (1)  
Line (2)  
S43° 02' 05.86"W 79.514'  
N 13,778,093.4500 E 2,210,833.0069 1+79.51

Line (3)  
S59° 09' 05.91"W 209.451'  
N 13,777,986.0501 E 2,210,653.1871 3+88.97

Line (4)  
S14° 32' 56.66"W 93.205'  
N 13,777,895.8334 E 2,210,629.7730 4+82.17

Line (5)  
S26° 38' 50.27"E 152.062'  
N 13,777,759.9228 E 2,210,697.9725 6+34.23

Line (6)  
S58° 21' 23.17"W 55.123'  
N 13,777,731.0034 E 2,210,651.0450 6+89.36

Line (7)  
S58° 34' 02.59"W 70.650'  
N 13,777,694.1600 E 2,210,590.7630 7+60.01

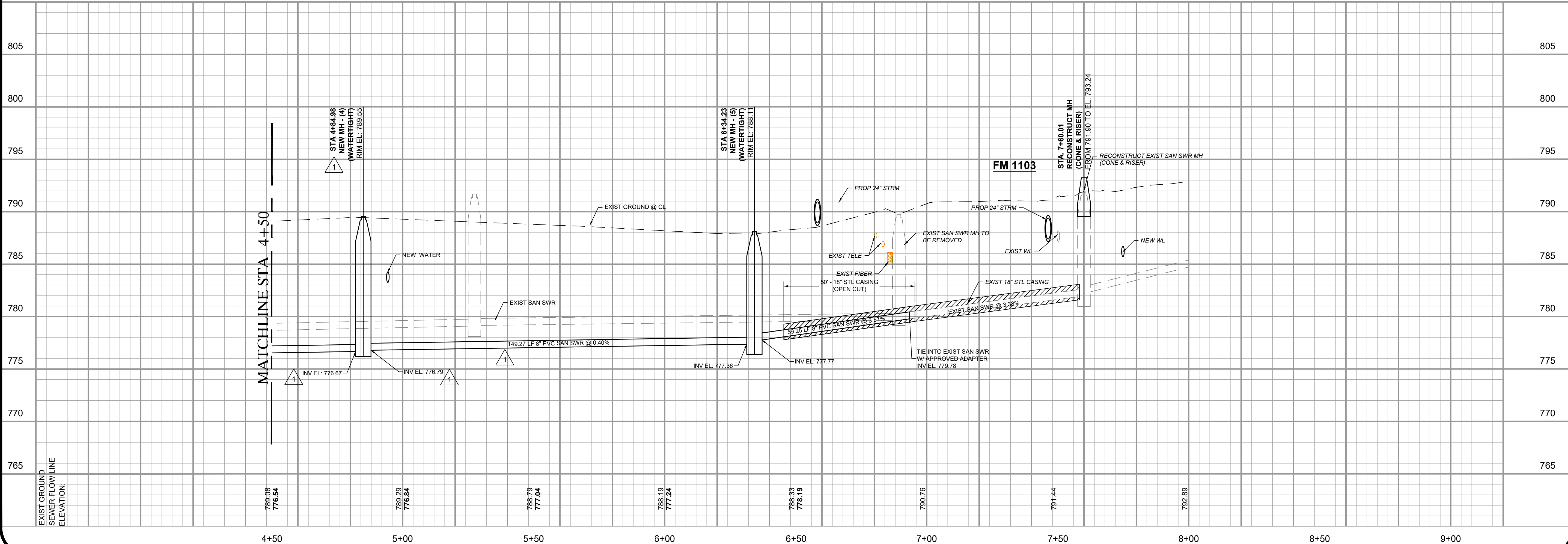
Line (8)  
S26° 24' 34.34"W 44.817'  
N 13,777,654.0200 E 2,210,570.8290 8+04.82

End Alignment - SEWER  
N 13,777,654.0200 E 2,210,570.8290 8+04.82

COORDINATES PROVIDED ARE IN MODIFIED TEXAS STATE PLANE COORDINATES, NAD 83, NAVD 88, WITH A SCALE FACTOR OF 1.00017 APPLIED

HORIZONTAL SCALE : 1" = 20'  
VERTICAL SCALE : 1" = 10'

- NOTES:**
- LOCATIONS OF EXISTING UTILITIES IS APPROXIMATE. CONTRACTOR TO FIELD VERIFY DEPTH AND HORIZONTAL LOCATION.
  - "N.S.P.I." IS "NO SEPARATE PAY ITEM"
  - TEST ALL SANITARY SEWER BY AIR PRESSURE TEST, DEFLECTION TESTING AND PROVIDE A POST CONSTRUCTION TELEVISION.
  - CONTRACTOR TO PROVIDE SUPPORT AS NEEDED FOR POWER POLES.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING TO ITS ORIGINAL OR BETTER CONDITION FROM DAMAGE DONE TO EXISTING FENCES, CURBS, STREETS, DRIVEWAYS, LANDSCAPING AND STRUCTURES PER SPECIFICATION 01740
  - PROP = WORK BY TXDOT, APPROX LOCATION, SHOWN FOR REFERENCE.
  - WHEN WORKING IN TXDOT ROW COMPLY W/ TXDOT PERMIT ISSUED BY TXDOT. CONTACT TXDOT MAINTENANCE DIVISIONS 48 HRS PRIOR TO BEGINNING WORK.
  - EXCAVATION WITHIN 10 LF OF PROP TXDOT EOP TO BE BACKFILLED W/ FLOWABLE BACKFILL PER TXDOT SPEC 401.
  - ALL PIPE TO BE PVC SDR 26, PS 115 UNLESS OTHERWISE SHOWN ON PLANS. ITEM 02531 IS INCLUSIVE OF ALL TYPES.
  - ALL CROSSING W/ WATER MAINS TO COMPLY W/ TAC RULES 217.53.D.
  - ALL EXCAVATION WITHIN 10' OF TXDOT EDGE OF PAVT TO BE BACKFILLED TO WITHIN 6" OF FINISH GRADE WITH FLOWABLE BACKFILL PER TXDOT SPEC 401.
  - PROVIDE BYPASS PUMPING TO ASSUME 8" PIPE FLOWING FULL @ 0.4% SLOPE.



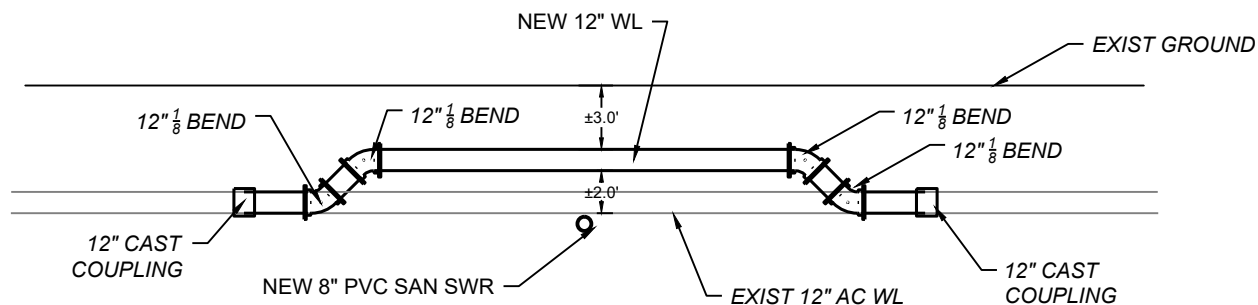
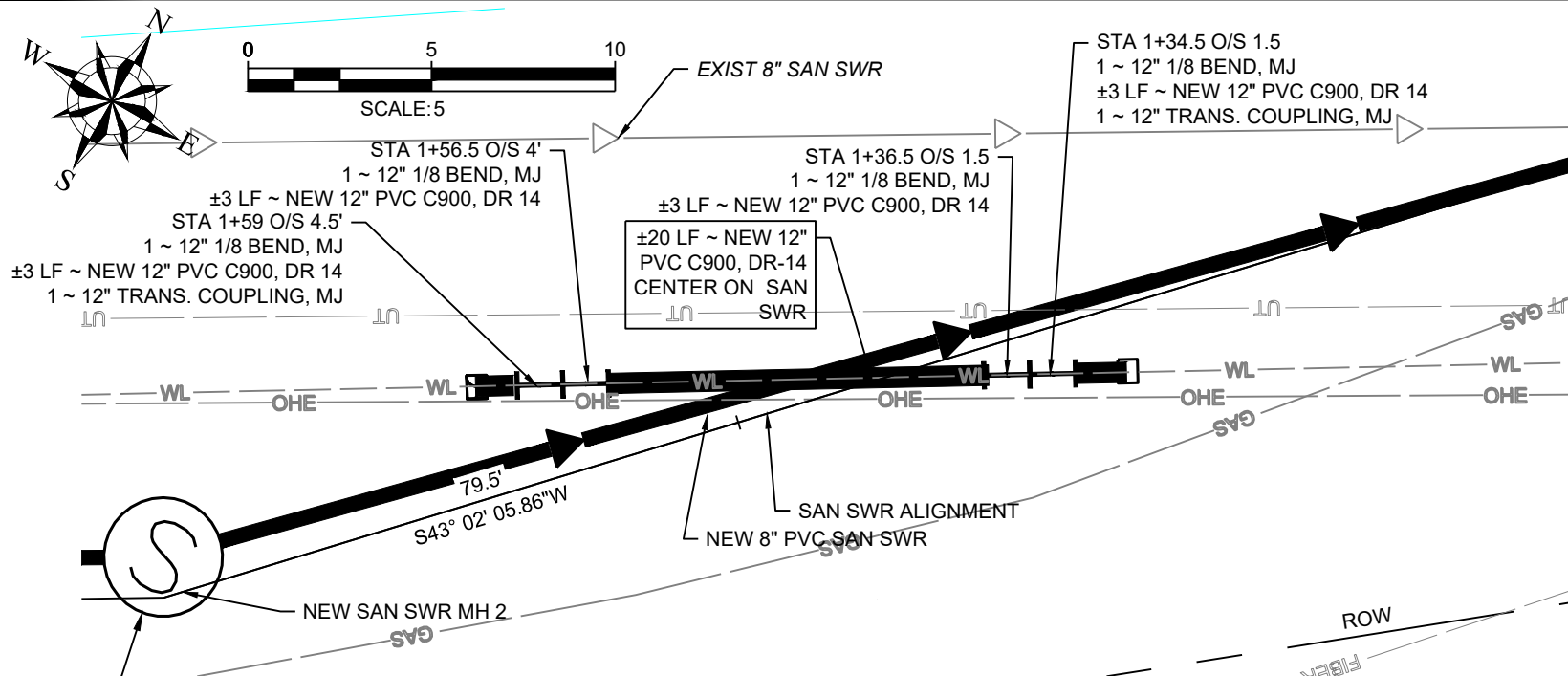
REVISIONS:

NO.	DATE	DESCRIPTION
1	2019-12-18	ADJUST MANHOLE LOCATIONS TO AVOID GAS AND NEW TEL AND ELECTRICALS
2	-	-
3	-	-
4	-	-

CITY OF SCHERTZ  
FM 1103 TXDOT UTILITY ADJUSTMENTS  
CSJ 12-6801-013 NON-JOINT BID ADJUSTMENT  
SEWER PLAN AND PROFILE  
STA 4+50 TO END

PROJECT NO. 1124.9211

2-6-2019



SCALE: 1" = 100'

2/13/20

PROJECT NO. 1124.9211

###

WATERLINE OFFSET AT SAN SWR STA 1+45

FM 1103 TXDOT UTILITY ADJUSTMENTS  
CSJ 12-6801-013 NON-JOINT BID ADJUSTMENT

**FORD ENGINEERING INC.**

ENGINEERING • SURVEYING • PLANNING

10827 WYE DRIVE, STE 104, SAN ANTONIO, TEXAS 78217 • P: (210) 580-4777 • F: (210) 580-4940

TBPE No. 1162 • WWW.FORDEENGINEERING.COM • TBPLS No. 10016400

21B

City of Schertz  
Sewer Reimbursement Estimate

8/17/2020

U-Number:	***** Project I.D. #A*****
Highway:	IH-35
ROW CSJ:	0016-05-***
Const CSJ:	0016-05-115
County:	Comal
Limits:	At F.M. 1103

Internal Design Phase: Project Management						
ITEM	SPEC	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
		City of Schertz - Water/Wastewater Manager (Interim Director)	hr	16	\$ 61.03	\$ 976.48
		City of Schertz - Engineering Project Manager	hr	4	\$ 45.71	\$ 182.84
Internal Design Phase: Subtotal						\$ 1,159.32
External Design Phase: Consulting Engineering						
ITEM	SPEC	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
		Ford Engineering - Principal (Engineer of Record)	hr	16	\$ 200.00	\$ 3,200.00
		Ford Engineering - Senior Engineer, PE	hr	40	\$ 165.00	\$ 6,600.00
		Ford Engineering - EIT	hr	150	\$ 95.00	\$ 14,250.00
External Design Phase: Subtotal						\$ 24,050.00
Internal Construction Phase: Project Management and Inspections						
ITEM	SPEC	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
		City of Schertz - Engineering Project Manager	hr	26	\$ 45.71	\$ 1,188.46
		City of Schertz - Senior Graduate Engineer	hr	11	\$ 43.29	\$ 454.55
		City of Schertz - Inspector	hr	53	\$ 32.54	\$ 1,708.35
Internal Construction Phase: Subtotal						\$ 3,351.36
External Construction Phase: Consulting Engineering						
ITEM	SPEC	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
		Ford Engineering - Principal (Engineer of Record)	hr	6	\$ 200.00	\$ 1,200.00
External Construction Phase: Subtotal						\$ 1,200.00
Construction Contract						
ITEM	SPEC	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
1	01502	Mobilization	ls	1.0	\$ 9,340.59	\$ 9,340.59
2	01555	Traffic Control and Regulation	ls	1.0	\$ 10,000.00	\$ 10,000.00
3	01740	Site Restoration (Utility Construction)	lf	593.30	\$ 10.00	\$ 5,933.00
4	02082	Precast Manholes (0--6ft deep)	ea	4.0	\$ 8,200.00	\$ 32,800.00
5	02082	Precast Manholes (extra depth)	vf	21.96	\$ 800.00	\$ 17,568.00
6	02531	Sanitary Sewer (PVC) (8 IN) (Complete) (Open Cut)	lf	593.3	\$ 110.00	\$ 65,263.00
7	02531	**Sanitary Sewer (STL Casing) (18 IN) (Open Cut)**	lf	50.0	\$ 260.00	\$ 13,000.00



City of Schertz  
Sewer Reimbursement Estimate

8/17/2020

<b>8</b>	02086	Reconstruct Manhole (Cone and Riser)	ea	2.0	\$ 4,300.00	\$ 8,600.00
<b>9</b>	02221	Remove Asphalt Pavement (complete)	sy	44.4	\$ 10.00	\$ 444.44
<b>10</b>	02221	Remove Concrete Sidewalk and Driveway	sy	5.6	\$ 40.00	\$ 222.40
<b>11</b>	02221	Remove Concrete Curbing, Curb & Gutter	lf	10.0	\$ 5.00	\$ 50.00
<b>12</b>	02221	Existing Manhole Excavation	cy	10.0	\$ 350.00	\$ 3,500.00
<b>13</b>	02222	Abandon Sewer w/ Grout (8 IN)	lf	582.1	\$ 12.00	\$ 6,985.20
<b>14</b>	02222	Remove/Abandon Existing Sewer Manhole	ea	3.0	\$ 300.00	\$ 900.00
<b>15</b>	02260	Trench Excavation Safety Protection	lf	593.30	\$ 1.00	\$ 593.30
<b>16</b>	02511	Water Pipe (PVC) (12 IN) (Complete) (Open Cut)	lf	32.0	\$ 112.48	\$ 3,599.36
<b>17</b>	02513	Water Tie-In (Complete) (12")	ea	2.0	\$ 2,460.00	\$ 4,920.00
<b>18</b>	02771	Curbing, Curb and Gutter	lf	10.0	\$ 30.00	\$ 300.00
<b>19</b>	02775	Concrete Sidewalk (5 feet)	sy	5.6	\$ 75.00	\$ 417.00
<b>20</b>	TXDOT401	Flowable Fill	cy	19.4	\$ 140.00	\$ 2,716.00
<b>21</b>	MISC 1	Bypass Pumping	ls	1.0	\$ 9,000.00	\$ 9,000.00
Construction Contract: Subtotal						\$ 196,152.29
<b>TOTAL ESTIMATE</b>						<b>\$ 225,912.97</b>

\*\*Steel Casing to be Compliant with Buy America\*\*

## Attachment “B” Accounting Method



### **Actual Cost Method of Accounting**

The utility accumulates cost under a work order accounting procedure prescribed by the Federal or State regulatory body and proposes to request reimbursement for actual direct and related indirect costs.



### **Lump Sum Method of Accounting**

Utility proposed to request reimbursement based on an agreed lump sum amount supported by a detailed cost analysis.

\_\_\_\_\_  
Initial

\_\_\_\_\_  
Date  
TxDOT

\_\_\_\_\_  
Initial

\_\_\_\_\_  
Date  
Utility

## Attachment “C” Schedule of Work

Estimated Start Date: Work has been completed, (subject to physical work restrictions prior to the issuance of environmental clearance as required by the provisions of this agreement)

Estimated Duration (days): 90 days, Work performed under a Emergency Work Authorization

Estimated Completion Date: 4/15/20

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility



# **Attachment “D”**

## **Statement Covering Contract Work**

(ROW-U-48)  
(ROW-U-48-1, if applicable)

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility



STATEMENT COVERING UTILITY CONSTRUCTION CONTRACT WORK  
(AS APPEARING IN ESTIMATE)

Form ROW-U-48  
(Rev. 3/19)  
Page 1 of 1

U-Number: ~~U15618~~

ROW CSJ Number: ~~0016-05-124~~

District: San Antonio

County: Comal

Highway No.: IH 35

Federal Project No.: NH 2019 (507)

I, Julie Gohlke, a duly authorized and qualified representative of  
City of Schertz - Sewer, hereinafter referred to as **Owner**, am fully cognizant of the  
facts and make the following statements in respect to work which will or may be done on a contract basis as it appears in the  
estimate to which this statement is attached.

It is more economical and/or expedient for **Owner** to contract this adjustment, or **Owner** is not adequately staffed or equipped  
to perform the necessary work on this project with its own forces to the extent as indicate on the estimate.

Procedure to be Used in Contracting Work

- ☒ A. Solicitation for bids is to be accomplished through open advertising and contract is to be awarded to the lowest  
qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be  
performed. Associated bid tabulations will be provided to the **State**. *See attached*
- ☐ B. Solicitation for bids is to be accomplished by circulating to a list of pre-qualified contractors or known qualified  
contractors and such contract is to be awarded to the lowest qualified bidder who submits a proposal in conformity  
with the requirements and specifications for the work to be performed. Associated bid tabulations will be provided to  
the **State**. Such presently known contractors are listed below:
- 1.
  - 2.
  - 3.
  - 4.
  - 5.
- ☐ C. The work is to be performed under an existing continuing contract under which certain work is regularly performed  
for **Owner** and under which the lowest available costs are developed. The existing continuing contract will be made  
available to the **State** for review at a location mutually acceptable to the **Owner** and the **State**. If only part of the  
contract work is to be done under an existing contract, give detailed information by attachment hereto.
- ☐ D. The utility proposes to contract outside the foregoing requirements and therefore evidence in support of its proposal  
is attached to the estimate in order to obtain the concurrence of the State, and the Federal Highway Administration  
Division Engineer where applicable, prior to taking action thereon (approval of the agreement shall be considered as  
approval of such proposal).
- ☐ E. The utility plans and specifications, with the consent of the State, will be included in the construction contract  
awarded by the State. In the best interest of both the **State** and the **Owner**, the **Owner** requests the **State** to include  
the plans and specifications for this work in the general contract for construction of Highway \_\_\_\_\_  
in this area, so that the work can be coordinated with the other construction operations; and the construction  
contract is to be awarded by the **State** to the lowest qualified bidder who submits a proposal in conformity with the  
requirements and specifications for the work to be performed. If this option is chosen, attach form ROW-U-48-1, the  
terms of which are incorporated herein by reference.

*Julie Gohlke*  
Signature  
*Purchasing + Asset Manager*  
Title

*7/28/2020*  
Date

City of Schertz bid the sewer relocations in the same project as the water relocations for the FM 1103 expansion project. Highlighted bid items reflect items included in Sewer SUA Estimate, below is a breakdown of the costs split that were split between sewer and water (highlighted blue).

FM 1103 TXDOT UTILITY ADJUSTMENTS Bid Tabulation Bid date:													
Project No. 1124.9211				Engineers Estimate		D&D Contractors		D Guerra Construction		EZ Bel Construction		Pronto Sandblasting	
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.0	TPDES -Storm Water Pollution Prevention Plan	ls	1	\$24,865.87	\$24,865.87	\$10,452.85	\$10,452.85	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00	\$30,000.00	\$30,000.00
2.0	Mobilization	ls	1	\$82,886.25	\$82,886.25	\$125,434.15	\$125,434.15	\$80,000.00	\$80,000.00	\$100,000.00	\$100,000.00	\$120,000.00	\$120,000.00
3.0	Traffic Control and Regulation	ls	1	\$24,865.87	\$24,865.87	\$55,748.51	\$55,748.51	\$11,500.00	\$11,500.00	\$25,000.00	\$25,000.00	\$90,000.00	\$90,000.00
4.0	Site Restoration (Utility Construction)	lf	3032.29	\$30.00	\$90,968.70	\$48.78	\$147,915.11	\$10.00	\$30,322.90	\$18.00	\$54,581.22	\$40.00	\$121,291.60
5.0	Precast Manholes (0-6ft deep)	ea	4	\$7,500.00	\$30,000.00	\$10,452.85	\$41,811.40	\$8,200.00	\$32,800.00	\$15,000.00	\$60,000.00	\$15,000.00	\$60,000.00
6.0	Precast Manholes (extra depth)	vf	21.6	\$300.00	\$6,480.00	\$836.23	\$18,062.57	\$800.00	\$17,280.00	\$1.00	\$21.60	\$1,000.00	\$21,600.00
7.0	Reconstruct Manhole (Cone and Riser)	ea	1	\$2,000.00	\$2,000.00	\$3,484.28	\$3,484.28	\$4,300.00	\$4,300.00	\$8,000.00	\$8,000.00	\$5,000.00	\$5,000.00
8.0	Remove Asphalt Pavment (complete)	sy	311	\$7.00	\$2,177.00	\$34.84	\$10,835.24	\$10.00	\$3,110.00	\$20.00	\$6,220.00	\$20.00	\$6,220.00
9.0	Remove Concrete Pavment (complete)	sy	20	\$5.00	\$100.00	\$48.78	\$975.60	\$40.00	\$800.00	\$40.00	\$800.00	\$100.00	\$2,000.00
10.0	Remove Concrete Sidewalk and Driveway	sy	6	\$7.00	\$42.00	\$76.65	\$459.90	\$40.00	\$240.00	\$50.00	\$300.00	\$50.00	\$300.00
11.0	Remove Concrete Curbing, Curb & Gutter	lf	121	\$7.00	\$847.00	\$13.94	\$1,686.74	\$5.00	\$605.00	\$5.00	\$605.00	\$10.00	\$1,210.00
12.0	Abandon Sewer (8 IN)	lf	582.1	\$30.00	\$17,463.00	\$34.84	\$20,280.36	\$12.00	\$6,985.20	\$10.00	\$5,821.00	\$20.00	\$11,642.00
13.0	Remove Sewer Manhole	ea	3	\$1,500.00	\$4,500.00	\$7,665.42	\$22,996.26	\$300.00	\$900.00	\$2,000.00	\$6,000.00	\$1,000.00	\$3,000.00
14.0	Trench Excavation Safety Protection	lf	3032.29	\$2.00	\$6,064.58	\$3.48	\$10,552.37	\$1.00	\$3,032.29	\$1.00	\$3,032.29	\$10.00	\$30,322.90
15.0	Water Pipe (DI) (12 IN) (Complete) (Open Cut)	lf	45	\$113.00	\$5,085.00	\$167.25	\$7,526.25	\$150.00	\$6,750.00	\$125.00	\$5,625.00	\$240.00	\$10,800.00
16.0	Water Pipe (PVC) (12 IN) (Complete) (Open Cut)	lf	2089	\$113.00	\$236,057.00	\$104.53	\$218,363.17	\$110.00	\$229,790.00	\$125.00	\$261,125.00	\$150.00	\$313,350.00
17.0	Water Pipe (PVC) (12 IN) (Complete) (Open Cut w/ 24" DIA SH. Casing)	60	\$200.00	\$12,000.00	\$209.06	\$12,543.60	\$230.00	\$13,800.00	\$275.00	\$16,500.00	\$120.00	\$7,200.00	
18.0	Water Pipe (PVC) (12 IN) (Complete) (Augered w/ 24" DIA STL Casing)	261	\$350.00	\$91,350.00	\$627.17	\$163,691.37	\$492.00	\$128,412.00	\$550.00	\$143,550.00	\$500.00	\$130,500.00	
19.0	Water Service (1 IN) (short side)	ea	12	\$790.00	\$9,480.00	\$1,393.71	\$16,724.52	\$1,450.00	\$17,400.00	\$4,000.00	\$48,000.00	\$900.00	\$10,800.00
20.0	Water Service (2 IN) (short side)	ea	1	\$790.00	\$790.00	\$3,484.28	\$3,484.28	\$2,400.00	\$2,400.00	\$7,500.00	\$7,500.00	\$1,500.00	\$1,500.00
21.0	Water Tie-In (Complete) (12")	ea	13	\$3,000.00	\$39,000.00	\$2,787.43	\$36,236.59	\$2,460.00	\$31,980.00	\$7,500.00	\$97,500.00	\$2,400.00	\$31,200.00
22.0	Water Cut, Plug, Abandon (12 IN)	lf	2080	\$20.00	\$41,600.00	\$13.94	\$28,995.20	\$15.00	\$31,200.00	\$12.00	\$24,960.00	\$15.00	\$31,200.00
23.0	Water Cut, Plug, Remove (12 IN)	lf	245	\$20.00	\$4,900.00	\$285.71	\$69,998.95	\$35.00	\$8,575.00	\$18.00	\$4,410.00	\$30.00	\$7,350.00
24.0	Fire Hydrant Assembly (Complete)	ea	7	\$4,800.00	\$33,600.00	\$6,271.71	\$43,901.97	\$5,000.00	\$35,000.00	\$7,500.00	\$52,500.00	\$7,000.00	\$49,000.00
25.0	Salvage Fire Hydrant	ea	7	\$600.00	\$4,200.00	\$1,045.28	\$7,316.96	\$315.00	\$2,205.00	\$500.00	\$3,500.00	\$1,000.00	\$7,000.00
26.0	Gate Valves (12 IN)	ea	8	\$3,000.00	\$24,000.00	\$4,877.99	\$39,023.92	\$2,875.00	\$23,000.00	\$3,500.00	\$28,000.00	\$3,000.00	\$24,000.00
27.0	Blow Off Valve (12"x2") (TEMP)	ea	11	\$1,250.00	\$13,750.00	\$4,877.99	\$53,657.89	\$2,300.00	\$25,300.00	\$2,500.00	\$27,500.00	\$1,200.00	\$13,200.00
28.0	Water Meter Relocate (Complete)	ea	13	\$250.00	\$3,250.00	\$487.80	\$6,341.40	\$470.00	\$6,110.00	\$200.00	\$2,600.00	\$150.00	\$1,950.00
29.0	Sanitary Sewer (PVC) (8 IN) (Complete) (Open Cut)	lf	593.29	\$100.00	\$59,329.00	\$48.78	\$28,940.69	\$110.00	\$65,261.90	\$100.00	\$59,329.00	\$300.00	\$177,987.00
30.0	Sanitary Sewer (STL Casing) (18 IN) (Open Cut)	lf	50	\$100.00	\$5,000.00	\$348.43	\$17,421.50	\$260.00	\$13,000.00	\$250.00	\$12,500.00	\$350.00	\$17,500.00
31.0	Curbing, Curb and Gutter	lf	128	\$16.00	\$2,048.00	\$48.78	\$6,243.84	\$30.00	\$3,840.00	\$35.00	\$4,480.00	\$40.00	\$5,120.00
32.0	Concrete Sidewalk (5 FT)	sy	20	\$65.00	\$1,300.00	\$243.90	\$4,878.00	\$75.00	\$1,500.00	\$110.00	\$2,200.00	\$150.00	\$3,000.00
33.0	Wire Fence (3 STRAND)	lf	30	\$17.00	\$510.00	\$62.72	\$1,881.60	\$20.00	\$600.00	\$35.00	\$1,050.00	\$30.00	\$900.00
34.0	Flowable Fill	cy	230	\$110.00	\$25,300.00	\$418.11	\$96,165.30	\$140.00	\$32,200.00	\$200.00	\$46,000.00	\$250.00	\$57,500.00
35.0	Fence (Chain Link) (4 ft)	lf	260	\$17.00	\$4,420.00	\$62.72	\$16,307.20	\$30.00	\$7,800.00	\$25.00	\$6,500.00	\$50.00	\$13,000.00
36.0	Bypass Pumping	ls	1	\$5,000.00	\$5,000.00	\$27,874.25	\$27,874.25	\$9,000.00	\$9,000.00	\$20,000.00	\$20,000.00	\$75,000.00	\$75,000.00
				\$915,229.27		\$1,378,213.79		\$890,999.29		\$1,148,710.11		\$1,491,643.50	

- 2.0 Mobilization: Calculated at 5% of total cost of reimbursement: \$9,165.59
- 3.0 Traffic Control and Regulation: \$10,000.00
- 4.0 Site Restoration (Utility Construction): \$5,933.00
- 8.0 Remove Asphalt Pavement (complete): \$444.44
- 10.0 Remove Concrete Sidewalk and Driveway: \$222.40
- 11.0 Remove Concrete Curbing, Curb & Gutter: \$50.00
- 14.0 Trench Excavation Safety Protection: \$593.30
- 16.0 Water Pip (PVC)(12in)(Complete)(Open Cut): \$3,599.36
- 21.0 Water Tie-In (Complete)(12"): \$4,920.00
- 31.0 Curbing, Curb and Gutter: \$300.00
- 32.0 Concrete Sidewalk (5 FT): \$417.00
- 34.0 Flowable Fill: \$2,716.00
- **Total: \$38,361.09**

- 5.0 Precast Manholes (0--6ft deep): \$32,800.00
- 6.0 Precast Manholes (extra depth): \$17,568.00
- 7.0 Reconstruct Manhole (Cone and Riser): \$8,600.00
- 12.0 Abandon Sewer w/ Grout (8 IN): \$6,985.20
- 13.0 Remove/Abandon Existing Sewer Manhole: \$900.00
- 29.0 Sanitary Sewer (PVC) (8 IN) (Complete) (Open Cut): \$65,263.00
- 30.0 Sanitary Sewer (STL Casing) (18 IN) (Open Cut): \$13,000.00
- 36.0 Bypass Pumping: \$9,000.00
- **Total: \$154,116.20**

## **Attachment “E”**

### **Utility Joint Use Acknowledgment – (ROW-U-JUAA) and/or Utility Installation Request – (Form 1082)**

- ☐ Utility Joint Use Acknowledgment (ROW–U–JUAA)
- ☒ Utility Installation Review/Permit Number: SAT20190301170415

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility



## Attachment “F” Eligibility Ratio

Eligibility Ratio established: 100 %

- ☐ Non-interstate Highway (Calculation attached)
- ☒ Interstate Highway

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

## Attachment “G”

### Betterment Calculation and Estimate

- ☐ Elective Betterment Ratio established: 0 %  
(Calculation attached)
- ☐ Forced Betterment  
(Provide supporting documentation)
- ☒ Not Applicable

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

## Attachment “H” Proof of Property Interest

☐ Supporting documentation of compensable property interest that establishes reimbursement eligibility as referenced in Texas Transportation Code §203.092.

☐ Property interest documented through applicable affidavits and required attachments.

☐ ROW-U-1A **and**

☐ ROW-U-1B

**Or**

☐ ROW-U-1C

☒ The roadway improvement project is designated as an Interstate Highway project; therefore, no supporting documentation of compensable interest is required.

\_\_\_\_\_  
Initial      Date  
TxDOT

\_\_\_\_\_  
Initial      Date  
Utility

CITY COUNCIL MEMORANDUM

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** Ordinance No. 20-T-38 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2020-2021 budget, repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; and providing an effective date. *Final Reading* (M. Browne/B. James/J. Walters)

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**BACKGROUND**

This budget amendment ordinance is meant to move unused budgeted amounts from FY 2019-20 to FY 2020-21. This adjustment is for departments that had unused budgeted amounts due to delays in manufacturing, back ordered/out of stock items, or project schedules that run through multiple fiscal years. The identified items and amounts to be rolled forward amount to \$895,860. A list of items are outlined below:

1. The Engineering department has \$35,000 left on its Municipal Facility and Stormwater Control Inventory and City Operations Assessment Study.
2. The Parks department has \$146,714 from the previous year for the Senior Center Parking Lot and Ashley Park Concrete Trail projects and to use unused special events budget for additional holiday lighting.
3. The Human Resources department has \$41,962 remaining from their employee wellness program funded by BlueCross BlueShield and will be used on additional wellness programs in FY 2020-21.
4. The Facility Maintenance department has \$224,000 remaining from the Police, Fire, EMS bathroom and shower repairs project.
5. The Fleet Maintenance department has \$4,503 remaining to complete the outfitting of a service truck purchased in FY 2019-20.
6. The Water & Sewer budget has \$83,287 remaining to purchase a new truck budgeted in FY 2019-20 that was delayed and complete the Water System Risk and Resilience Assessment and Emergency Response Plan.
7. The Drainage Fund budget has \$35,120 remaining to purchase a new truck budgeted in FY 2019-20 that was delayed.
8. The Streets budget has \$81,515 remaining to purchase a new truck budgeted in FY 2019-20 and to finish the Westchester Sidewalk Phase II project.
9. The EMS budget has \$261,612 remaining to purchase a new ambulance that was budgeted in FY 2019-20.
10. The Police budget has \$13,047 remaining to finish purchasing the remaining vehicle equipment and pistols that were budgeted in FY 2019-20.
11. The Fire department has \$18,062 remaining to purchase uniforms/boots and a fire hose and complete a deck for Station #2 that was from FY 2019-20.

Staff is also requesting transferring the budget for mowing contract services from Parks to Drainage as part of an internal reorganization of duties and responsibilities. This transfer will have no fiscal impact and all budgets were approved in FY 2020-21.



Council approved this on first reading at their meeting of December 1, 2020.

**GOAL**

To move forward unused budget amounts on approved programs from FY 2019-20 to prevent expenses from the previous fiscal year from inhibiting the operating budgets for FY 2020-21.

**COMMUNITY BENEFIT**

N/A

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of Ordinance 20-T-38 on final reading.

**FISCAL IMPACT**

This adjustment will use budgeted amounts from FY 2019-20. Those unused funds increased fund balance at the end of the fiscal year. This adjustment will use \$944,822 of fund balance that will be reported on the annual financial report.

The transfer of the mowing contract budget from Parks to Drainage will have no fiscal impact.

**RECOMMENDATION**

Staff recommends approval of Ordinance 20-T-38.

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**Attachments**

Ordinance 20-T-38

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## **ORDINANCE NO. 20-T-38**

### **AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2020-2021 BUDGET, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, pursuant to Ordinance 20-T-31, the City of Schertz (the “City”) adopted the budget for the City for the fiscal year 2020-2021 (the “Budget”), which provides funding for the City’s operations throughout the 2020-2021 fiscal year; and

WHEREAS, the City needs to increase the budget and re-encumber \$944,822 in previously approved expenditures; and

WHEREAS, the City needs to transfer \$17,229 from Parks to Drainage due to the change in department overseeing the mowing contracts; and

WHEREAS, City staff recommends that the City Council of the City adjust the Budget and approve the ordinance; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to adjust the Budget and approve the budget for expenses approved in FY 2019-2020 and to transfer the budget related to mowing contracts from Parks to Drainage, as more fully set forth in this Ordinance.

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

Section 1. The City shall increase Engineering’s budget by \$35,000 for the remaining amount of the Municipal Facility and Stormwater Control Inventory and City Operations Assessment Study.

Section 2. The City shall increase Parks’ budget by \$146,714 to complete the Senior Center Parking Lot and Ashley Park Concrete Trail projects and to use remaining special events budget for additional holiday lighting.

Section 3. The City shall increase Human Resources budget by \$41,962 to use the remaining funds from the BlueCross BlueShield \$50,000 wellness fund the city receives for related activities such as fun runs, water bottle stations, and advanced health screenings.

Section 4. The City shall increase Facility Maintenance budget by \$224,000 to complete the budgeted Police, Fire, and EMS restroom and shower repairs.

Section 5. The City shall increase Fleets’ budget by \$4,503 to complete the outfitting of a service truck purchased in FY 2019-20.

Section 6. The City shall increase Water & Sewer's budget by \$83,287 to purchase a truck and complete a Water System Risk and Resilience Assessment and Emergency Response Plan budgeted from FY 2019-20.

Section 7. The City shall increase the Drainage Fund budget by \$35,120 to purchase a truck budgeted from FY 2019-20.

Section 8. The City shall increase Streets' budget by \$81,515 to purchase a truck and complete the Westchester Sidewalk Phase II project budgeted for FY 2019-20.

Section 9. The City shall increase EMS' budget by \$261,612 to purchase an ambulance budgeted from FY 2019-20.

Section 10. The City shall increase Police's budget by \$13,047 to purchase additional vehicle equipment and pistols budgeted from FY 2019-20.

Section 11. The City shall increase Fire's budget by \$18,062 to purchase uniforms, boots, a fire hose, and complete a deck for Station #2 budgeted from FY 2019-20.

Section 12. The City shall transfer \$17,229 from Parks' to the Drainage Fund.

Section 13. 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 14. 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 15. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 16. 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 17. 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 18. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 1st day of December, 2020.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 8th day of December, 2020.

CITY OF SCHERTZ, TEXAS

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Mayor

ATTEST:

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City Secretary

(CITY SEAL)



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** Ordinance No. 20-T-39 - Consideration and/or action upon an Ordinance to extend the term of the Tax Increment Financing Reinvestment zone No. 2 (Sedona/Crossvine) and expand the boundaries. *Final Reading (B. James)*

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**BACKGROUND**

In 2006 the City Council approved Ordinance 6-T-61 creating the Tax Increment Reinvestment Zone (TIRZ) #2 which is known as the Sedona/Crossvine TIRZ. Initially, it was intended to run until 2027 and had an area of approximately 825 acres. In addition to the City of Schertz, Bexar County and the San Antonio River authority participate in the TIRZ #2. The developer of the Crossvine approached the City about extending the TIRZ #2 to 2041 and expanding the boundaries to 952 acres. On September 22, 2020, the City Council approved Resolution 20-R-107 authorizing an Amended Development Agreement, Project/Financing Plan and Interlocal Agreement. These items were recommended for approval by the TIRZ Board on August 21, 2020. These documents incorporate the extension and expansion.

State Law requires the extension and expansion to be approved by Ordinance as well to amend the Project and Financing Plan. As such, Staff is requesting City Council approve Ordinance 20-T-39 authorizing the extension and expansion and approving the Amended Project and Financing Plan as reflected in the approved Amended Development Agreement, Project/Financing Plan and Interlocal Agreement.

**GOAL**

Provide for the continued high quality of development in the TIRZ by responding to changing economic and land use conflicts by amending the term of the TIRZ #2 and boundaries.

**COMMUNITY BENEFIT**

The approval of the amendment allows for the orderly and high quality development of the area and responds to the unique issues and challenges of the economy and the area.

**SUMMARY OF RECOMMENDED ACTION**

Approval of Ordinance 20-T-39 authorizing the extension and expansion of the TIRZ #2 and the Amended Project and Financing Plan. These are consistent and in keeping with the recently approved Project and Finance Plan, Interlocal Agreement and Development Agreement by resolution.

City Council approved this on first reading at their meeting of December 1, 2020.

**FISCAL IMPACT**

The extension of the TIRZ #2 boundaries allows for a longer period of time for the developer to receive the maximum reimbursement and the expansion of the boundaries allows the increment to be collected from a larger area.

**RECOMMENDATION**

Staff recommends approval of Ordinance 20-T-39 on final reading.

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**Attachments**

Ord 20 T 39

CCM Sept 20, 2020

Res 20 R 107

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## **ORDINANCE NO. 20-T-39**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO EXTEND THE TERM OF THE TAX INCREMENT REINVESTMENT FINANCE ZONE NO. 2 (SEDONA/CROSSVINE) AND EXPAND THE BOUNBARIES AND APPROVE THE AMENDED PROJECT AND FINANCING PLAN, CITY OF SCHERTZ, TEXAS.**

**WHEREAS**, in accordance with the Tax Increment Financing Act, Texas Tax Code, Chapter 311, the City Council of the City of Schertz through Ordinance 06-T-61 designated the Tax Increment Reinvestment Zone #2 (Sedona/Crossvine) generally located on the west side of FM 1518, north of Ware Seguin Road and primarily south of Lower Seguin Road;

**WHEREASA**, on October 27, 2008 the City Council of the City of Schertz, Texas approved Ordinance 08-T-50 approving the Project and Financing Plan of the TIRZ #2;

**WHEREAS**, on August 21, 2020 the TIRZ #2 (Sedona/Crossvine) board voted to amend the Development Agreement, Project/Financing Plan and Interlocal Agreement for the TIRZ #2 (Sedona/Crossvine) including expanding the boundaries, extending the term and increasing the maximum reimbursement amount; and

**WHEREAS**, on September 22, 2020 the City Council of the City of Schertz approved Resolution 20-R-107 Development Agreement, Project/Financing Plan and Interlocal Agreement for the TIRZ #2 (Sedona/Crossvine) including expanding the boundaries, extending the term and increasing the maximum reimbursement amount; and

**WHEREAS**, the Tax Increment Financing Act, Texas Tax Code Chapter 311 stipulates that the governing body of the municipality may enlarge an existing reinvestment zone may enlarge the boundaries of the zone and may extend the term of the zone and approve amendments to the Project and Financing Plan by ordinance or resolution after notice and a hearing on the matter subject to the restrictions on composition of the reinvestment zone; and

**WHEREAS**, the City Council of the City of Schertz held a public hearing on December 1, 2020 after providing the required notice; and

**WHEREAS**, less than 30% of the property in the proposed expanded zone, excluding property that is publicly owned, is used for residential purposes; **NOW THEREFORE:**

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

Section 1. The boundaries of the TIRZ #2 (Sedona/Crossvine) are hereby amended as per Exhibit "A" *Boundary Map*.

Section 2. The term of the TIRZ #2 (Sedona/Crossvine) is hereby extended to through December 31, 2041.

Section 3. The Amended Project and Financing Plan is hereby approved, as per Exhibit “B” *Amended Project and Finance Plan Schertz Reinvestment Zone #2*.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

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

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

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

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

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

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

Approved on first reading the 1<sup>st</sup> day of December, 2020.

PASSED, APPROVED AND ADOPTED on final reading the 8<sup>th</sup> day of December, 2020.

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary



Exhibit A  
“Boundary Map”

Exhibit “B”  
Amended Project and Financing Plan Schertz Reinvestment Zone #2

## Agenda No. 13.

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** September 22, 2020  
**Department:** City Secretary  
**Subject:** Resolution No. 20-R-107 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas, authorizing an amended Development Agreement, Project/ Financing Plan, and Interlocal Agreement for the Tax Increment Reinvestment Zone #2 (TIRZ) #2 (Sedona/Crossvine). (M. Browne/B. James)

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**BACKGROUND**

The Tax Increment Reinvestment Zone #2 (TIRZ #2 Sedona/Crossvine) was created in 2006 by the City of Schertz. A TIRZ is a mechanism to jumpstart development and ultimately generate new tax revenue. It builds needed public infrastructure in areas lacking adequate development to attract businesses; encourages development, thereby increasing property values and long-term property tax collections; and reduces the cost of private development by providing reimbursement for eligible public improvements. A TIRZ uses improvements to spur development and raise property values within a zone. Then it funnels some tax collected on that increase in value into a fund that pays for the improvements.

In addition to the City of Schertz, Bexar County and the San Antonio River Authority (SARA) participate in the TIRZ.

The TIRZ #2 was created at the request of the owner/developer of the Sedona Master Planned Community. As part of the creation a Project and Finance Plan; Interlocal Agreement; and Development Agreement were approved. Only one phase of the development was constructed, the neighborhood known as Sedona off of Lower Seguin Road and Hollering Vine. With the economic downturn in the late 2000s the project was sold to the current developer, Schertz 1518, Ltd.

Initially the TIRZ included about 825 acres, was to run through 2027 and would generate a maximum reimbursement to the developer of \$45,000,000. Homes values were estimated to be between \$160,000 and \$240,000 and the average market value of those homes in 2018 was \$212,793. The value of home that have been constructed since then are conservatively estimated at between \$250,000 and \$350,000. The new average market value in 2018 of these newer homes was \$321,538.

The Project and Finance Plan details the improvements that will be made and estimates the revenue to be generated to pay for/reimburse the developer for the improvements. It also outlines the property to be included in the zone. The Interlocal Agreement between the City, Bexar County, SARA and the TIRZ outlines the terms of the TIRZ and the agreement between the entities to participate in the TIRZ (and includes the Project and Finance Plan). It also outlines the percent of increased revenue to be contributed to the TIRZ. The Development Agreement is between the participating entities and the developer outlining the obligations of the developer, Schertz 1518, Ltd. and the entities.

In 2015, as a result of the economic downturn the developer sought and the City approved Ordinance 15-R-80 amending the Development Agreement that extended the term of the TIRZ and increased the maximum contribution. This occurred also as a result of the rezoning and rebranding of the development as The Crossvine. The rezoning significantly increased the amount of open space and transformed the nature of the development. Prior to seeking County approval, a significant issue arose with regard to land use conflicts with JBSA Randolph. A large section of the TIRZ that was zoned for large lot single family development was in the Accident Potential Zone II (APZ II) and the recently updated Joint Land Use Study (JLUS) no longer recommended large residential lots in the area. As a result, the developer let lapse an option to purchase and develop this land which then allowed the owner to enter into a conservation easement thus eliminating the land use conflict. This stalled the approval process and necessitated updating the Project and Finance Plans.

The proposed amendments increase the maximum reimbursement to \$66,000,000 as a function of the increase in the cost of improvements and revenue generated by the zone. It also increases the size of the TIRZ to approximately 948

acres. It extends the TIRZ to the end of 2041. Per these amendments, the City's contribution remains at 100%, SARA's remains at 55% and Bexar County's is proposed to increase from 58% to 89%. It also includes the maximum portion of the \$66,000,000 each entity will contribute - City of Schertz \$47,190,000; SARA \$990,000; and Bexar County \$17,820,000. Other amendments include: adjusting the developer's contribution to the Fire Station to \$500,000 and indicating the City can use any of those funds for other purposes, the developer agreeing that the tract of land on Ware Seguin Road dedicated to the City for a Fire Station can be used for any purpose. Finally, the developer is required to dedicate an additional 1 acre tract next to the current Fire Station on Lower Seguin Road to the City. Other changes have been made as outlined in the attachment, but one of note is that the developer must impose the architectural restrictions that were in the zoning but can no longer be enforced by the City due to changes in State Law.

Finally, a significant factor in increasing the term of the agreement is to account for the substantial number of exemptions in the area. In 2015 the assessed value (the part that pays property taxes) was 92% of the determined market value. As of 2019 that had declined to 76%. This means the TIRZ is not generating the anticipated revenue to be paid to the developer for the cost of improvements. By extending the term, it allows more time for the developer to potentially be reimbursed, though there is no guarantee of that.

The TIRZ Board unanimously recommended approval of the amendments at their August 21, 2020, meeting.

#### **GOAL**

Provide for the continued high quality of development in the TIRZ by responding to changing economic and land use conflicts by amending the documents.

#### **COMMUNITY BENEFIT**

The approval of the amendments allows for the orderly and high quality development of the area. It also provides additional land near Fire Station #3 that can be used for an expansion of City facilities and allows the tract of land owned by the City and dedicated by the developer to be used for any purpose the City desires.

#### **SUMMARY OF RECOMMENDED ACTION**

Approval of Resolution 20-R-107 authorizing the amendments to the Development Agreement, Project/Financing Plan and Interlocal Agreements for TIRZ #2.

#### **FISCAL IMPACT**

The amendment increases the maximum City contribution until the end of 2041 to \$47,190,000, but only if the TIRZ generates that amount of revenue.

#### **RECOMMENDATION**

Approval of Resolution 20-R-107.

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#### **Attachments**

Resolution 20-R-107  
Change Overview  
Project Financing Plan  
Development Agreement  
Interlocal Agreement  
Crossvine Update

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**RESOLUTION NO. 20-R-107**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AMENDED DEVELOPMENT AGREEMENT, PROJECT/FINANCE PLAN, AND INTERLOCAL AGREEMENT FOR THE TAX INCREMENT REINVESTMENT ZONE #2 (TIRZ) #2 (SEDONA/CROSSVINE).**

WHEREAS, In October 2006 the City created the Reinvestment Zone Number Two.

WHEREAS, the national economic crisis resulted in slowed development within the City and the Reinvestment Zone Number Two.

WHEREAS, changes in land use compatibility have necessitated adjustments to the development plan to ensure compatibility with JBSA Randolph.

WHEREAS, changes in laws with regard to property tax exemptions have necessitated adjustments to the Project and Finance Plan.

WHEREAS, in recognition of a change in the development climate, and in order to continue progress of the project, the parties have agreed to amend the original development agreement to reflect a revised project as described in this Agreement and specified in a revised project and financing plans.

WHEREAS, the Parties wish to amend and restate the full terms and provisions of the original development agreement, so that from and after the effective date, this amended and restated development agreement shall negate, replace, and supersede the original development agreement.

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

Section 1. The City Council hereby authorizes the City Manager to execute the Amended and Restated Development Agreement, Project and Finance Plan and Interlocal Agreement for Reinvestment Zone Number Two Sedona & Crossvine Development Project generally as included in Exhibit "A".

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

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

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

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

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

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

PASSED AND ADOPTED, this 22<sup>nd</sup> day of September 2020.

CITY OF SCHERTZ, TEXAS

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Mayor, Ralph Gutierrez

ATTEST:

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City Secretary, Brenda Dennis

(CITY SEAL)

Exhibit "A"

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** City Council Rules of Conduct and Procedure - Discussion regarding possible changes to the current City Council Rules of Conduct and Procedure. (Mayor/Council)

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**BACKGROUND**

The last time the Council's Rules of Conduct and Procedures were reviewed was in October of 2019. Since that time new members of Council have been elected and seated.

Council to review and proposed possible changes if necessary and direct staff to prepare a revised ordinance to bring back at a future date for approval.

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**Attachments**

Council Rules

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## **CITY OF SCHERTZ**

### **CITY COUNCIL**

#### **RULES OF CONDUCT AND PROCEDURE**

These Rules of Conduct and Procedure (these “Rules”) are intended to provide an understandable and workable structure for City Council meetings.

These Rules shall serve to aid the conduct of public business at Council meetings, to facilitate communication at Council meetings among Councilmembers and between Councilmembers and City staff and members of the public, and to promote confidence in the citizens that their government is performing its duties with the highest of ethical standards and with a genuine interest in the well-being of the community.

These Rules are in all events subject to the City Charter and applicable provisions of State law, including the Texas Open Meetings Act.

As a part of these Rules, the Council has established the following Code of Conduct for the Mayor and all Councilmembers:

- Address the merits of the issues — no personal attacks
- Focus on representing the interests of all citizens.
- Attempt to resolve personal conflicts among Councilmembers internally before speaking publicly.
- Assume positive intentions — don’t look for hidden agendas.
- Observe the City’s written Rules of Conduct and Procedure.
- When others are speaking, listen with an open mind.
- Recognize that inappropriate public disclosure of confidential information can be detrimental to the City and its citizens.
- Understand that “majority rules”. Once a vote is taken, if you were in the minority agree to disagree and move on. Recognize that a majority view, when expressed in a vote, becomes an expression of City policy.
- Coordinate all requests of the City staff through the City Manager.

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## **ARTICLE 1. AUTHORITY**

- 1.1 City Charter. Section 4.09 (d) of the City Charter provides that the Council shall, by ordinance, determine its own rules and order of business.
- 1.2 Effective Date; Amendment. These Rules shall be in effect upon their adoption by the Council and until such time as they are amended, or new rules are adopted. In the event of a conflict between these Rules and the Charter, the Charter shall govern over these Rules. In the event of a conflict between these Rules and State law, State law shall take precedence.

## **ARTICLE 2. GENERAL RULES**

- 2.1 Meetings to be Public. All meetings of the Council and all meetings of committees composed of a quorum of the Council shall be open to the public as provided by State law, except when State law allows closed or Closed sessions for certain limited topics.
- 2.2 Attendance. Councilmembers shall attend all meetings of the Council. Absence of a Councilmember from a meeting shall be managed in accordance with 2.2 B.

A. Quorum. Four members of the Council, not including the Mayor, shall constitute a quorum. In the absence of the Mayor, the Mayor Pro Tem or other presiding officer shall be counted for purpose of determining the existence of a quorum. If a quorum is not present, those in attendance will be named, and they may recess to a later time as permitted by State law or may hear business before them, taking no official action.

B. Absences. In the event a Councilmember is unable to attend a meeting of the Council, the Councilmember shall notify either the Mayor or the City Secretary as soon as they become aware that they will be unable to attend. Notification may be accomplished via e-mail or telephone and must include the reason for the absence.

Absences from meetings of the City Council that are due to occupational or business demands, personal or family illness or absence from the city shall be approved by the Council as excused.

The City Secretary shall annotate the Councilmember's absence and the reason therefore in the minutes of the meeting from which the Councilmember is absent. Council approval of the subject minutes shall ratify the absence and the reason given therefore and thus excuse the absence. If a Councilmember raises an objection to the absence or the reason given therefore at the time the minutes are to be approved, the matter may be place on a future agenda for debate, discussion and further consideration.

- 2.3 Minutes of Meetings. An account of all proceedings of the Council shall be kept by the City Secretary and shall constitute the official record of the Council. Such minutes, after being approved by the Council (except any closed or closed session portion), shall be open to public inspection. The City Secretary shall provide an index showing the action

of the Council in regard to all matters before to it at both regular and special meetings. A recording or “certified agenda” of each closed or closed session shall be made and maintained as required by State law.

- 2.4 Questions to Contain One Subject. All questions submitted for a vote shall contain only one subject. If two or more subjects are involved, any Councilmember may require a division, if the subjects can be reasonably divided.
- 2.5 Right to the Floor. Subject to Section 8.5, any Councilmember or member of City staff desiring to speak shall be recognized by the Mayor (or the presiding officer in the Mayor’s absence) at an appropriate time and shall confine his/her remarks to the subject under consideration or to be considered.
- 2.6 City Manager. The City Manager or the Acting City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council but shall have no vote. The City Manager shall be notified of all special meetings of the Council.
- 2.7 City Attorney. The City Attorney shall attend all meetings of the Council as required by the Council or as requested by the City Manager, and shall, upon request of the Council or the City Manager, give an opinion, either written or oral, on questions of law.
- 2.8 City Secretary. The City Secretary or the Deputy City Secretary shall attend all meetings of the Council, unless excused, and shall keep the official minutes.
- 2.9 Officers and Employees. Any officer or employee of the City, when requested by the City Manager, shall attend meetings of the Council. If requested to do so by the City Manager, they shall present information relating to matters before the Council.
- 2.10 Rules of Order. Part 8 of these Rules shall govern the proceedings of the Council.
- 2.11 Suspension of Rules. Any provision of these Rules not required by the Charter or State law may be temporarily suspended by a majority vote of the Councilmembers who are present. The vote of each person on any such suspension shall be entered in the minutes.
- 2.12 Amendment to Rules. These Rules may be amended, or new rules adopted, by a duly adopted ordinance.
- 2.13 Matters Not Addressed by Rules. Issues of the conduct or procedure of public meetings not addressed by these Rules, the Charter, or State law shall be determined by the Mayor (or the presiding officer in the Mayor’s absence).

### **ARTICLE 3. TYPES OF MEETINGS**

- 3.1 Regular Meetings. The Council shall hold regularly scheduled meetings as provided by the Code of Ordinances, Part II, Section 2-2. The Council may also hold regularly scheduled meetings which may be designated by the Council as “workshop” sessions.

- 3.2 Special Meetings. Special meetings may be called by the Mayor, the City Manager, or any three (3) members of the Council. The call for a special meeting shall be filed with the City Secretary in written form, except that announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, hour, and place of the special meeting and shall identify the subject or subjects to be considered.
- 3.3 Recessed Meetings. Subject to State law, any meeting of the Council may be recessed to a later time, provided that no recess shall be for a longer period than until the next regular meeting.
- 3.4 Adjourned Meetings. Any meeting of the Council that has been adjourned may not be reconvened except by a motion to reconsider prior to any Councilmember's departure from the Council chamber. See Sections 9.3 and 9.4.
- 3.5. Closed Sessions. Closed sessions may only be held in accordance with state law.
- 3.6 Emergency Meetings. In case of emergency or urgent public necessity, an emergency meeting may be called as a special meeting as set forth in Section 3.2, however, an emergency meeting may not be held unless authorized by, and notice is given in accordance, with State law.

#### **ARTICLE 4. PRESIDING OFFICER AND DUTIES**

- 4.1 Mayor. The Mayor, if present, shall preside as Mayor at all meetings of the Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and the Mayor Pro-Tem, the most senior Councilmember (by time of service on the Council) present shall be the chairperson.
- 4.2 Call to Order. Each meeting of the Council shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro-Tem. In the absence of both the Mayor and the Mayor Pro-Tem, the meeting shall be called to order by the most senior Councilmember (by time of service on the Council) present.
- 4.3 Preservation of Order. The presiding officer shall preserve order and decorum, prevent personalities from becoming involved during debate or the impugning of members' motives, and confine Councilmembers in debate to the question under discussion.
- 4.4 Rulings by Presiding Officer. The presiding officer shall rule on points of privilege, points of procedure or order, and withdrawals of motions, subject to the right of any member to appeal to the Council as set forth in Article 9 of these Rules. See Sections 9.3, 9.4, 9.5, 9.6, and 9.8.
- 4.5 Questions to be Stated. The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken on all votes.
- 4.6 Substitution of Mayor. In the event the Mayor must relinquish the chair, the Mayor shall call upon the Mayor Pro-Tem to preside if the Mayor Pro-Tem is present. If the Mayor

Pro-Tem is not present, the Mayor may call upon the most senior Councilmember (by time of service on the Council) present to preside, but such substitution shall not continue beyond adjournment of that meeting.

## **ARTICLE 5. APPOINTMENT PROCEDURES**

### Article 5 Section 5.1 Appointment Procedure for the Mayor Pro Tem.

- (a) The Council will discuss, and with a majority vote, appoint the Councilmember to serve as the Mayor Pro Tem for the City.
- (b) The appointed Mayor Pro Tem must be a Councilmember and must meet the qualifications of Section 4.02 of the City Charter. In addition, to be appointed to the position of Mayor Pro Tem, a Councilmember must be an elected member of Council and a member in good standing.
- (c) Term dates for the Mayor Pro Tem position will begin in February and August of each year (the election dates offset by three (3) months). Terms will sequentially rotate according to Councilmember place.
- (d) If the Councilmember place that is up for appointment as Mayor Pro Tem is vacant or is held by a Councilmember who is not qualified to serve as Mayor Pro Tem, the Mayor Pro Tem appointment will go to the next qualified Councilmember.
- (e) The position will have a term of office of six (6) months.
- (f) The appointed Mayor Pro Tem may be removed by Council by a two-thirds (2/3) majority vote of the members of Council at any time during his or her term.
- (g) Council reserves the right to alter this procedure at any time by resolution or rule.

### 5.1 Appointment Procedure for a Councilmember.

- (a) The Council may appoint a Councilmember to a vacant seat as authorized by Section 4.06 of the City Charter.
- (b) The Council will announce and advertise on the City's website and in the City's newspaper of record that applications are being accepted for a vacant position on Council.
- (c) A due date for applications to be submitted will be set.
- (d) Applicants must meet the qualifications for a Councilmember set forth in Section 4.02 of the City Charter.
- (e) Applications will be received by the City Secretary's office and distributed to all Councilmembers.



- (f) An interview date will be set and posted for a public meeting.
- (g) Interviews of prospective candidates will be held in a public forum by a quorum of Councilmembers.
- (h) Councilmembers will discuss, and appoint by majority vote, the new member of Council at either the same meeting as the interviews or at a subsequent Council meeting.
- (i) The Council is the final judge of whether a candidate is qualified to serve as a Councilmember as set forth in Section 4.03 of the City Charter.
- (j) Council reserves the right to alter this procedure at any time by resolution or rule.

## ARTICLE 6. ORDER OF BUSINESS

- 6.1 Agenda. The City Manager and the City Secretary shall prepare an agenda for each meeting of the Council. Items may be placed on the agenda by the City Manager (or in his absence any Assistant City Manager), the Mayor, or any Councilmember, except that a Councilmember directing that an item or items be placed on an agenda must do so in open session, during a properly posted meeting of the Council. Items placed on the agenda by the City Manager (or in his absence any Assistant City Manager) may be removed only by the City Manager (or any Assistant City Manager) and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary's Office under the Texas Open Meetings Act. Items placed on an agenda by the Mayor may be removed only by the Mayor, and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary's Office under the Texas Open Meetings Act. Items placed on the agenda by a Councilmember may be removed only by that specific Councilmember, and he/she may do so at any time that permits the agenda for the Council meeting to be properly posted by the City Secretary's Office under the Texas Open Meetings Act.
- (a) Information Required. Any item to be on the agenda must be provided to the City Manager pursuant to a procedure established and modified by the City Manager from time to time. Each item on the agenda must contain sufficient information so that full disclosure of the item to be addressed is present so as to alert the Council and the public of the topic to be considered.
  - (b) Order of Listing Items; Sponsor and Responsible Staff. The agenda shall list all items for consideration in a format recommended by the City Manager. The name of the person or persons placing an item on the agenda and the name of any expected staff presenter shall be stated on the agenda.
  - (c) Copy Provided to Mayor and Council Members. The City Secretary shall furnish the Mayor and each Councilmember a copy of the agenda, including the proposed ordinances, resolutions, petitions, notices, or other materials as required. Copies of attachments and background material will generally be provided for the initial

presentation only and should be retained by the Mayor and the Councilmembers until such time as the item is finalized.

- (d) Copy Available to Public. A copy of the agenda, with or without attachments as determined by the City Manager, shall be made available to the public at City Hall prior to the meeting. Copies of the agenda shall be available to the public at the meeting.
  - (e) Order; Exception. The ordinances, resolutions, and other proposed actions shall be taken up and disposed of by the Council in the order listed in the agenda, subject to the right of the presiding officer to take up matters in a different order.
  - (f) Chair Shall Not Entertain Objections. An agenda item properly placed on a future agenda by a member of Council during open session shall not be subject to objection by another member.
- 6.2 Communication to Mayor and Council. The City Manager shall provide the Council with a copy of each ordinance or resolution and appropriate analysis of items proposed to be acted upon by the Council at a meeting. These communications shall be delivered to the Mayor and Councilmembers along with the agenda. This information should also be retained by the Mayor and Councilmembers until such time as the item is finalized. Staff members, in making presentations to Council at a meeting of the Council, should endeavor to restrict their presentations to five (5) minutes, excluding responses to questions by the Mayor and/or Councilmembers.
- 6.3 Approval of Minutes. Minutes may be approved without public reading if the City Secretary has previously furnished the Mayor and each Councilmember with a copy thereof.
- 6.4 Presentations by Members of Council. The agenda shall provide a time when the Mayor and each Councilmember may bring before the Council any business that person believes should be brought up during the “Requests by Mayor and Councilmembers” and “Announcements by Mayor and Councilmembers” portions of the agenda. These matters need not be specifically listed on the agenda unless the person desiring to make a comment knows prior to posting of the agenda that he/she will make such comment. In response to an unposted comment, there (1) may only be a statement of factual information in response, (2) a recitation of existing City policy, or (3) discussion regarding a proposal to place the subject on the agenda for a subsequent meeting.
- 6.5 Consent Agenda. At the direction of the City Manager (or in his absence an Assistant City Manager) with respect to items believed to be non-controversial, the City Secretary shall place multiple items on a “Consent Agenda” portion of the agenda, subject to the right of the Mayor or any Councilmember to request at the meeting that any one or more of such items be removed from the Consent Agenda for individual consideration. First readings of ordinances shall in all events be posted for individual consideration and shall not be included on the Consent Agenda.

**ARTICLE 7.**  
**CONSIDERATION OF ORDINANCES, RESOLUTIONS, AND MOTIONS**

- 7.1 Printed, Typewritten, or Electronic Form. All ordinances and resolutions shall be presented to the Council only in printed, typewritten, or electronic form.
- 7.2 City Manager Review. All ordinances and resolutions shall be reviewed by the City Manager or his designee.
- 7.3 City Attorney to Approve. All ordinances and resolutions shall be approved as to form and legal content by the City Attorney, when requested by the Mayor or the City Manager.
- 7.4 Funding. All actions authorizing an expenditure of money shall include the exact source of the funds to be expended.
- 7.5 Reading of Caption Only. Upon being introduced, each proposed ordinance or resolution shall be read by caption only.
- 7.6 Ordinances—Two Readings; Emergencies. Ordinances introduced at a Council meeting shall not be finally acted upon until at least the next regular meeting, except that immediate action may be taken upon an emergency as determined by the Council in accordance the Charter or State law.
- 7.7 Recording of Votes. The ayes and nays shall be taken upon the consideration of all ordinances and resolutions and shall be entered in the minutes of the Council.
- 7.8 Vote Required. Approval of every ordinance, resolution, or motion, unless otherwise required by these Rules, the Charter, or State law, shall require the affirmative vote of four (4) Councilmembers who are present and eligible to vote.
- 7.9 Tie Vote. In the event of a tie in votes on any motion, the Mayor shall cast the decisive vote in accordance with Section 4.05 of the Charter. Other Councilmembers acting as presiding officer shall not be restricted to voting only in the event of a tie.
- 7.10 Numbering Ordinances and Resolutions. After approval of a resolution or an ordinance on second reading or on a single reading as an emergency, the City Secretary shall assign a number to each ordinance or resolution within the records of the City.
- 7.11 Ordinance Passage Procedure. After passage, an ordinance shall be signed by the presiding officer and shall be attested by the City Secretary or Deputy City Secretary, and it shall be filed and thereafter preserved in the office of the City Secretary.

**ARTICLE 8.**  
**RULES OF DECORUM**

- 8.1 Recognition by presiding officer. Subject to Section 8.5, No person shall address the Council without first being recognized by the presiding officer.

- 8.2 Order. While the Council is in session, the Councilmembers must preserve the order and decorum of the meeting, and a Councilmember shall neither, by statement or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any other Councilmember while speaking or refuse to obey the orders of the presiding officer. Councilmembers are expected to remain on the dais during a Council meeting unless they have good cause to vacate.
- 8.3 Presiding Officer. The Mayor or the Mayor Pro-Tem or such other member of the Council who is serving as the presiding officer may participate in debate, subject only to such limitations of debate as are the rights and privileges of a Councilmember by reason of such Councilmember acting as the presiding officer. If the presiding officer is engaged in debate and is, at the insistence of four (4) Council members, abusing the position of the presiding officer, the presiding officer must relinquish the chair to the Mayor Pro-Tem, or in his/her absence, to the next most senior Councilmember (by time of service on the Council) present. The Mayor Pro-Tem or such other member, other than the Mayor, who is serving as presiding officer may move, second, and debate from the chair, subject only to such limitations of debate as are the rights and privileges of a Councilmember by reason of the member acting as the presiding officer.
- 8.4 Improper References to be Avoided. When a Councilmember has the floor pursuant to Section 2.5 or 8.5, he/she shall avoid all references to personalities and indecorous language.
- 8.5 Interruptions. A Councilmember, once recognized, shall not be interrupted by the Mayor or another Councilmember when speaking unless it is to raise a point of privilege (Section 9.4) or a point of procedure or order (Section 9.5), or to enter a motion to withdraw a previously-stated motion (Section 9.8), or as otherwise provided in these Rules. If a Councilmember, while speaking, is interrupted as set forth herein, the Councilmember so interrupted should cease speaking until the question is determined.

## **ARTICLE 9.**

### **MOTIONS AND MEETING PROCEDURES**

- 9.1 Motions. A Councilmember, after he/she obtains the floor, or the Mayor may make a motion on the particular subject of discussion or a procedural point as permitted. A “Second” to the motion, if required, must be made by a Councilmember who did not make the motion within a reasonable but brief time period. The Mayor may not “Second” a motion. A motion or a “Second” merely implies that the maker of the motion and the person who “Seconds” agree that the motion should come before the meeting and not that he/she necessarily favors the motion. Without a “Second”, if required, the motion dies.
- 9.2 Debate. Debate, if permitted, must be limited to the merits of the issue under discussion as stated by the presiding officer.
- 9.3 Motion Procedures. There are twelve (12) types of motions in three (3) categories: Meeting Conduct Motions (4 types), Disposition Motions (7 types), and Main Motions



(1 type)\*. When any motion is pending, any motion listed above it on the chart below is in order; those below it are out of order.

Motion	May Interrupt Speaker	Second Required	Debatable	Amendable	Resolved by Chair No Vote	Affirmative Vote by 4 Councilmembers	2/3 Vote
<b>A. Meeting Conduct Motions</b>							
1. point of privilege	yes	no	no	no	yes	no	no
2. point of procedure or order	yes	no	no	no	yes	no	no
3. to appeal a ruling	no	yes	yes	no	no	yes	no
4. to recess	no	yes	yes	yes	no	yes	no
<b>B. Disposition Motions</b>							
5. to withdraw	yes	no	no	no	yes	no	no
6. to postpone	no	yes	yes	yes	no	yes	no
7. to refer	no	yes	yes	yes	no	yes	no
8. to amend	no	yes	yes	yes	no	yes	no
9. to limit or close debate or "call the question"	no	yes	yes	yes	no	no	yes
10. to extend debate	no	yes	yes	yes	no	yes	no
11. to count the vote	no	yes	no	no	no**	no	no
<b>C. Main Motions</b>							
12. to reconsider	yes	yes	if original motion was debatable	no	no	yes	no
13. to rescind	no	yes	yes	yes	no	no	yes
14. to take action	no	yes	yes	yes	no	Yes***	no

\*\* Mandatory if seconded; no vote required

\*\*\* Unless a greater vote is required by the Charter or State Law

9.4 **Point of Privilege.** A point of privilege, sometimes called a point of personal privilege, is a communication from a Councilmember to the presiding officer, drawing urgent attention to a need for personal accommodation. For example, the point may relate to an inability to see or hear, a matter of comfort, a matter of requested convenience, or an

\* Sections 9.3 through 9.14 are included by permission of Donald A. Tortorice, The Modern Rules of Order, ABA Publishing, 2<sup>nd</sup> Edition.

\*\* Mandatory if seconded; no vote required

overlooked right of privilege that should have been accorded to the Councilmember(s). In essence, it is a call to the presiding officer for the purpose of assuring a Councilmember's convenient and appropriate participation in the meeting. Because of its urgent nature, a point of privilege can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, it cannot be debated or amended, and no vote is required.

- 9.5 Point of Procedure or Order. A point of procedure, sometimes called a point of order, is a question addressed to the presiding officer, no seconding is required, and either inquiring into the manner of conducting business or raising a question about the propriety of a particular procedure. It is simply an inquiry and is resolved by correction or clarification by the presiding officer. A point of procedure can interrupt a speaker. Because it is addressed to the attention of and action by the presiding officer, a second is not required, and it cannot be debated or amended, and no vote is taken.
- 9.6 To Appeal a Ruling. Decisions or rulings of the presiding officer are final on questions of procedure, except that any ruling by the presiding officer's ruling can be appealed to a vote of the Council. Whenever a Councilmember questions the appropriateness or essential fairness of the presiding officer, that member can appeal the ruling to a vote of the meeting. If, however, a motion is out of order as a matter of law (not a proper subject of the meeting, improper notice given, etc.), the presiding officer's ruling cannot be appealed. A motion to appeal cannot interrupt a speaker. To prevent frivolous appeals, a second is required. The motion is subject to debate (which should be brief) and, by its nature, is not amendable. To overrule a procedural decision of the presiding officer, an affirmative vote of four (4) Councilmembers is required.
- 9.7 To Recess. A motion to recess requests a brief interruption of the meeting's business, usually so that an ancillary matter can be addressed, or simply to provide a needed break. Unless stated in the motion, the period of recess is decided by the presiding officer. If necessary, a recess can extend the meeting from one day to another, subject to State law. The motion cannot interrupt a speaker, and a second is required. It is debatable, it can be amended, and an affirmative vote of four (4) Councilmembers is required.
- 9.8 To Withdraw. Only the maker of the motion can make a motion to withdraw it. It is essentially a communication to the presiding officer that the maker is withdrawing his/her proposal. This is the maker's privilege; thus, it does not require a second. Because the withdrawal motion obviates discussion, it can interrupt a speaker. In addition, because another Councilmember later can make a similar motion, a withdrawal motion is not subject to debate, amendment, or vote. The presiding officer should simply state that the motion is withdrawn, and the meeting should proceed with a new treatment of the issue at hand—or a new issue.
- 9.9 To Postpone or Extend. These motions may arise from a need for further information, a matter of convenience, or for any other reason that will enable the Council to deal with the issue more effectively during the same meeting or at a later time. Unless otherwise specifically provided in the motion itself, a postponed or extension motion can be renewed at a later appropriate time during the meeting or, if properly posted, at a later meeting. This motion cannot interrupt a speaker. It requires a second, it is debatable, and

it is amendable (particularly as to postponement, timing), and an affirmative vote of four (4) Councilmembers is required.

- 9.10 To Refer. A motion to refer is typically used to submit an issue to a committee, usually for study leading to a subsequent recommendation. Because it ordinarily disposes the motion for purposes of the current meeting, a motion to refer is subject to the same rules that apply to a main motion. (See Section 9.14). This motion cannot interrupt a speaker, and a second is required. It is debatable and amendable, and an affirmative vote of-four (4) Councilmembers is required.
- 9.11 To Amend. A motion to amend proposes a change in the wording of a motion then under consideration. When a motion to amend is pending and an amendment to the amendment is proposed, the presiding officer should focus discussion on the latest amendment, resolve that question, then proceed to the first amendment before continuing discussion on the main motion. Votes on amendments are thus in reverse order of the sequence in which they are proposed. A motion to amend cannot interrupt a speaker. It requires a second, and it is debatable and amendable. An affirmative vote of four (4) Councilmembers is required for approval of the amendment. Note that State law may restrict amendments to proposals that are required to be set forth in the notice of the meeting.
- 9.12 To Limit or Close Debate or “Call the Question”. Because the extent to which an issue is discussed rests primarily with discretion of the presiding officer, it is the presiding officer who carries the burden of ensuring that adequate time and discussion are given to differing points of view. A motion to limit or close debate is therefore an overruling of the presiding officer’s determination. A motion to close debate is the same as a motion to “call the question”. Because this motion affects the most fundamental right of any Councilmember, the right to speak one’s views, it is the only procedural motion that requires an affirmative vote of two-thirds of participants voting.
- 9.13 To Count the Vote. A motion to count the vote should be limited to those circumstances where the convenient hearing of “yeas” and “nays” cannot clearly resolve the issue. It represents the right of a Councilmember to have a vote demonstrated by count. That count can be directed by the presiding officer either as a showing of hands or a standing of voting members while the vote is recorded. Upon completion of the count, the presiding officer announces the result—and final disposition of the issue voted upon. This motion cannot interrupt a speaker. It requires a second; it is neither debatable nor amendable; and, because of the importance of the matter, it should be considered mandatory; thus, no vote is required.
- 9.14 Motion to Reconsider. Allows a main motion to be brought back before the City Council for consideration. May be made only at the meeting at which the vote to be reconsidered was taken. It may be made by any member of City Council. Any City Council member may second it. It can be made while any other question is pending, even if another member has the floor. It requires a majority vote to pass. A motion may only be reconsidered twice. If the reconsideration is moved while another subject is before the City Council, it cannot interrupt the pending business, but, as soon as the pending business has been disposed of the motion has the preference over all other main motions

and general business of the agenda. In such a case the Mayor does not state the question on the reconsideration until the immediately pending business is completed.

- 9.15 Motion to Rescind. The motion to rescind is a main motion without any privilege, may only be made when there is nothing else before the City Council and must be made at the same meeting at which the subject matter of the motion was considered, and it requires a two-thirds vote of the City Council members. It cannot be made if a motion to reconsider has been previously made. The motion to rescind can be applied to votes on all main motions with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the City Council cannot undo; or, where a resignation has been acted upon, or one has been appointed to, or expelled from, a committee or office, and was present or was officially notified. In the case of expulsion, the only way to reverse the action afterwards is to restore the person to the committee or office, which requires the same preliminary steps and vote as is required for the original appointment.
- 9.16 To Take Action; Main Motions. Main motions state proposed policy or action on a substantive issue being considered by the Council. As such, the motion is an initial call to take particular action. Although lowest in precedence among all motions, main motions are clearly the most important: through their content, the business decisions of the Council are determined. A main motion can be made only when a prior main motion has been disposed of. It cannot interrupt a speaker; a second is required; it is debatable and amendable; and an affirmative vote of four (4) Councilmembers is required unless a greater vote is prescribed by the Charter or State law.
- 9.17 Effect of Abstentions; action on required Abstentions; Effect of non-required Abstentions. The following rules shall apply when a Council Member abstains from voting on an item:

When the Council Member is Legally Obligated to Abstain.

When a Council Member is legally obligated to abstain from voting pursuant to Texas Local Government Code Chapter 171, a local ordinance or the City Charter then the Council Member shall leave the dais and exit City Council Chambers until such time as the debate and vote on the item has been concluded. The City Secretary shall record that the Council Member left the room and abstained from the vote in the official minutes and there shall be no other effect.

When the Council Member as no Legal Obligation to Abstain from Voting.

When a Council Member has no legal obligation to abstain from voting then an abstention shall be recorded in the minutes as an abstention and shall procedurally be treated as a “no” vote.

## **ARTICLE 10. ENFORCEMENT OF DECORUM**

- 10.1 Warning. All persons other than a recognized speaker shall, at the request of the presiding officer, be silent. If, after receiving a warning from the presiding officer, a

person persists in disturbing the meeting, the presiding officer may order the person to leave the meeting. The Chief of Police, or such member or members of the Police Department or other persons as the presiding officer may designate, shall be sergeant-at-arms of the Council meetings. If the person so requested does not leave the meeting, the presiding officer may order the sergeant-at-arms to remove such person.

- 10.2 Removal. Any designated sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the presiding officer, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the Council (or successor provision of law).
- 10.3 Resisting Removal. Any person who resists removal by the sergeant-at-arms shall be charged with violating Section 42.05 (a) of the Texas Penal Code.
- 10.4 Motions to Enforce. Any Council member may move to require the presiding officer to enforce these Rules and the affirmative vote of a majority of the Councilmembers present and eligible to vote shall require the presiding officer to do so.
- 10.5 Adjournment. In the event that any meeting is willfully disturbed by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and when order cannot be restored by the removal of the individuals who are creating the disturbance, the meeting may be adjourned and the remaining business considered at the next regular or a special meeting or, subject to State law, may be recessed to a set time and date.

## **ARTICLE 11.**

### **CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS**

- 11.1 Standing Committees. The Council may create committees, boards and commissions to assist in the conduct of the operation of the City government with such duties as the Council may specify not inconsistent with the Charter, the Code of Ordinances, or State law. Membership and selection of members shall be as determined by the Council if not specified by the Charter, the Code of Ordinances, or State law. No person may concurrently serve on more than one Board unless, by virtue of his/her position on the Council, he/she also holds a position on another Board. Persons related within the second degree by affinity or consanguinity to the Mayor or any member of the Council shall not be eligible to serve on a standing committee. No standing committee so appointed shall have powers other than advisory to the Council or to the City Manager, except as otherwise specified by the Charter, the Code of Ordinances, or State law.
- 11.2 Special Committees. The Council may, as the need arises, authorize the appointment of “ad hoc” Council committees. Except where otherwise specifically provided by the Charter, the Mayor and the City Council shall appoint the members of the special committees. Any committee so created shall be given a “mission statement” directing its activities. Any special committee shall cease to exist upon the accomplishment of the special purpose for which it was created or when abolished by a majority vote of the Councilmembers present and entitled to vote.



## **ARTICLE 12. CITIZENS RIGHTS**

- 12.1 Addressing the Council. Any person desiring to address the Council by oral communication shall first secure the permission of the presiding officer.
- 12.2 Manner of Addressing the Council – Time Limit. Each person addressing the Council shall speak at the podium into the microphone (or at another designated location), shall give his/her name and address in an audible tone of voice for the record, and, unless further time is granted by the Council, shall, subject to Section 12.4 below, limit his/her remarks to three (3) minutes or less. A person who addresses the Council through a translator will limit his/her remarks to six (6) minutes or less. All remarks shall be addressed to the Council as a body, and not to any individual member thereof. No person, other than members of the Council or City staff (when requested by the presiding officer) and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council, unless requested or approved by the presiding officer. No questions shall be asked the Councilmembers, except through the presiding officer. Responses to questions may be limited as required by State law.
- 12.3 Personal and Slandorous Remarks. Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous, either while addressing the Council or otherwise while in attendance at a Council meeting, may be requested to leave the meeting, pursuant to Article 10 of these Rules, and may be removed from the meeting if necessary for the conduct of the remainder of the meeting. This is not intended to prohibit public criticism of the Council, including criticism of any act, omission, policy, procedure, program, or service unless such is otherwise prohibited by law.
- 12.4 Public Hearings. After being recognized by the presiding officer, interested persons, or their authorized representatives, may address the Council with respect to the subject matter of a public hearing being conducted. The presiding officer may establish procedures at a public hearing to limit the amount of time (which, unless modified by the presiding officer, shall be as set forth in Section 12.2 above) interested persons may speak, subject to the Councilmembers' right to appeal the presiding officer's ruling pursuant to Section 9.6. Subject to modification by the presiding officer, and subject to the Councilmembers' right of appeal pursuant to Section 9.6, the normal order of a public hearing is as follows: (i) the opening of the hearing and the establishment, if any, of a modified public hearing procedure by the presiding officer; (ii) address to the Council by any interested person(s); (iii) discussion by the Mayor and Councilmembers, including requests for information from City staff or any person(s) who addressed the Council; and (iv) action by the Council, if any is posted on the agenda relating to the hearing.
- 12.5 Written Communications. Interested persons, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail or by addressing the City Secretary, who shall, on the request of the writer, distribute copies to the Councilmembers.

- 12.6 Hearing of Residents. There shall be included on the agenda of each City Council meeting, prior to any items listed on the agenda for action to be taken, an item labeled "Hearing of Residents". After being recognized by the presiding officer, members of the public (giving precedence to residents of the City) may address the Council on items on or not on the agenda at that time, providing they have completed the "Hearing of Residents" form, unless authorized by the presiding officer. The form shall be made available to persons wishing to address the Council prior to the calling of the meeting to order and such completed form shall be made available to the presiding officer prior to the calling of the meeting to order. The persons signed up for "Hearing of Residents" must speak during the "Hearing of Residents" portion of the meeting. Councilmembers and members of City staff may not discuss unpasted items nor take any action thereon other than to (1) make a statement of factual information, (2) make a statement of existing City policy, or (3) discuss placing the item on a future agenda. Persons speaking shall be subject to the time limits set forth in Section 12.2, unless otherwise authorized by the presiding officer.

### **ARTICLE 13. COUNCIL AND STAFF RELATIONS**

- 13.1 City Manager to Provide Information. The City Manager is directly responsible for providing information to all the Councilmembers concerning any inquiries by a specific Councilmember. If the City Manager or his staff's time is being dominated or misdirected by a Councilmember, it is his responsibility to inform the Mayor or the Council as a whole.
- 13.2 City Manager's Responses to Requests. The City Manager is expected to respond in a timely manner to the Council and Councilmember's requests. When information is requested, the City Manager will estimate a reasonable time frame for collecting the requested information.
- (a) If the City Manager disagrees with the request, he should say so and explain his position.
  - (b) If the City Manager disagrees with individual directives, he should initiate clarification of the Council's will with regard to the individual Councilmember's request.
  - (c) The City Manager may delegate responsibility for the response as necessary and appropriate, but the City Manager will be responsible for its receipt by the Council in a timely manner.
  - (d) The City Manager should maintain a checklist and timetable for requests and other directives of the Council.
  - (e) All Councilmembers will be provided the same written information when any matter under consideration may be of general concern to the Council. There will be no preferential dissemination of information by the City Manager or his staff.

- 13.3 Directions to City Manager. During meetings of the Council, unless a vote is taken, a consensus of the Councilmembers present will be required to direct the City Manager to take any action.
- 13.4 City Manager's Duty to Inform. The City Manager is responsible for keeping the Council informed. The Council should be provided weekly reports outlining progress on outstanding issues as well as information on new issues and opportunities. Additionally, the Council should be informed of City news prior to release of such information to the community, newspaper(s), or other governmental entities, etc.
- 13.5 Customer Concerns. It is the responsibility of the City Manager to establish procedures for handling customer concerns in all departments with prompt feedback to citizens and Councilmembers.
- 13.6 City Manager/Council Relations. The City Manager should strive to maintain positive relations with the Council by following these guidelines:
- (a) Work to establish mutual trust with the Council.
  - (b) Maintain open lines of communication with the Council and keep Council informed.
  - (c) Inform all Councilmembers of educational opportunities, recognizing that an educated Council is in the City's best interest.
  - (d) Include the Council in City-sponsored employee social events.
  - (e) Conduct orientation sessions for new Councilmembers, including a tour of City buildings and introductions to staff.

\* \* \*

Amended: October 22, 2019

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** City Secretary  
**Subject:** City Council Code of Ethics - Discussion regarding possible changes to the current City Council Code of Ethics. (Mayor/Council)

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**BACKGROUND**

The last time the City Council Code of Ethics were reviewed was in September of 2018. Since that time new members of Council have been elected and seated.

Council to review and propose possible changes if necessary and direct staff to prepare a revised ordinance to bring back at a future date for approval.

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**Attachments**

Code of Ethics

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**ORDINANCE NO. 18-M-31**

**AN ORDINANCE BY THE CITY OF SCHERTZ, TX AMENDING CITY COUNCIL CODE OF ETHICS; AMENDING SECTION 3 PROCEDURE FOR CONDUCTING INQUIRIES REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

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

**WHEREAS**, the City Council through its action taken on August 14, 2018 desires to update the existing City Council Code of Ethics amending Section 3 Procedure for Conducting Inquiries; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend, update, and clarify the Code of Ethics as they relate to dealing with the Procedure for Conducting Inquiries.

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

Section 1. That the City Council Code of Ethics Section 3 be amended as follows:

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

All Council members ~~who are not the subject of an inquiry~~ have a right to participate in the inquiry process regarding violations or alleged violations and their subsequent enforcement.

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

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

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such



conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

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

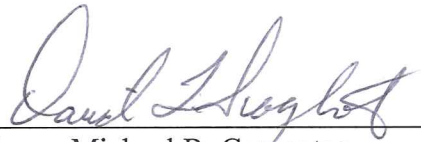
Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this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

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


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

PASSED ON FIRST READING, the 28<sup>TH</sup> day of August 2018.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 4th day of September 2018.

  
\_\_\_\_\_  
Mayor, Michael R. Carpenter

ATTEST:

  
\_\_\_\_\_  
City Secretary, Brenda Dennis





## **City Council Code of Ethics**

### **Introduction**

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

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

### **Purpose**

By adopting these Codes, Council members commit to:

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

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

### **Limitations**

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

### **Procedure**

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



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

## **Ethical Conduct Rules**

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



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



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





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

#### 4. City Council Media Communication Guidelines

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



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

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

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

## **Violations**

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



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

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

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

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

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

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

### **Reporting Violations**

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



## **Procedure for Conducting Inquiries**

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

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

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

## **Enforcement of Violations**

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

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

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



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



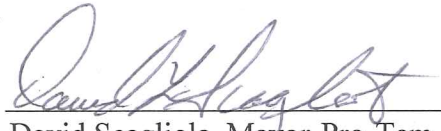


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The following Members of Council have received and agreed to place their signatures on this adopted document this 4th Day of September 2018.



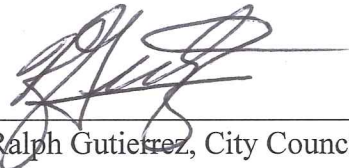
Michael R. Carpenter, Mayor



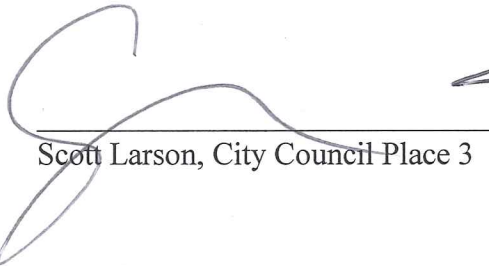
David Scagliola, Mayor-Pro-Tem,  
City Council Place 5




Mark Davis, City Council Place 1



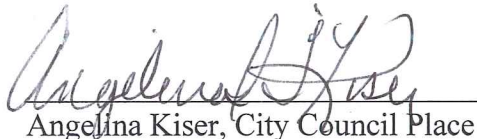
Ralph Gutierrez, City Council Place 2



Scott Larson, City Council Place 3



Cedric Edwards, Sr., City Council Place 4



Angelina Kiser, City Council Place 6



Bert Crawford, City Council Place 7

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** Planning & Community Development  
**Subject:** Chapter 18 Building and Building Regulations - Workshop and discussion related to the update of Schertz Code of Ordinances, Chapter 18 Building and Building Regulations and local amendments.

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**BACKGROUND**

The City of Schertz Planning and Community Development Department – Inspections Division has determined a need to amend the City’s adopted building codes regarding sanitation, fire, building, plumbing, mechanical, fuel/gas and electrical requirements and would like to get feedback and direction from City Council from a policy standpoint before moving forward with recommendations to the Building and Standards Commission and eventually City Council.

*The purpose of the building code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards, and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.*

When adopting new or amended International Building Codes cities generally adopt some local amendments. Local amendments are adopted to mitigate regional climate (i.e weathering), environmental conditions (i.e. wind, flooding, wildfire, etc.), geological, topographic and natural hazards. Some of those amendments are part of the building appendix written by the International Code Council for municipalities to adopt new construction practices or trending construction and some are local and base on industry professional recommendations.

Municipalities adopt new building codes because of industry standard changes and to provide for implementation of new construction practices and improvements in safety standards for the safety and welfare of the community. The codes are also intended to ensure the proper construction of structures built and to follow compliance with the requirements of the Insurance Service Office Inc. (ISO) which regulates estimated insurance costs. The ISO program evaluates a community’s building code enforcement with the intent to encourage code compliant construction ultimately providing discounts on property insurance within municipalities with effective codes adopted and that are well-enforced.

City staff holds monthly contractors’ meetings (a short hiatus during COVID) to discuss construction practices and gain input from the development/construction community. Homebuilders, Electricians, Plumbers, Mechanical Contractors, Greater San Antonio Builder Association, and other Professional Individuals have provided input on codes that they feel need to be amended through these meetings. Staff is prepared to propose those requested changes.

The City of Schertz Code of Ordinances, Chapter 18 includes mandates that provide for future code adoptions which are consistent with the standards adopted by the State of Texas. The State of Texas does allow for municipalities to adopt local amendments to those mandated standards. The following codes are currently being regulated through those mandates:

1. National Electrical Code 2020 – enforcement started November 1, 2020 as mandated by the State of Texas.
2. International Energy Conservation Code 2015 as mandated by the State of Texas.
3. International Swimming Pool and Spa Code 2018 (ISPSC) as mandated by the State of Texas.

The City currently regulates construction under the 2012 ICC Codes and will be requesting to adopt the 2018 ICC Codes with some local amendments as listed below:

1. International Building Code (IBC) 2018
2. International Residential Code for One and Two Family Dwellings (IRC) 2018
3. International Fuel Gas Code (IFGC) 2018
4. International Mechanical Code (IMC) 2018
5. International Plumbing Code (IPC) 2018
6. International Existing Buildings Code (IEBC) 2018
7. Manual of Cross Connection Control, Tenth edition

Staff has been reviewing the adopted local amendments and is preparing modifications to provide less oversight in certain areas, to reduce overall cost to the contractor and property owner and to gain efficiency for department staff for example:

1. Foundation documents: The City adopted additional foundation regulation several years ago which included 10 documents of which many require a register engineer to prepare. These regulations are local amendments and not required by the International Building Code. Staff would like to propose that Council consider only requiring 3 of those documents to release a residential Certificate of Occupancy instead of 10. This will benefit both the contractor, homeowner, and City by reducing the cost of project as each letter could cost the contractor as much as \$400 for preparation cost, save time in the contractor's project management and reduce staff time collecting reviewing and managing the documents which will allow staff to work with residents and contractors on other construction projects.
2. Contractors registration: The City requires that contractors show proof by providing a copy of their general liability insurance in the amount of \$300,000.00 for all contractors. All trades that are regulated by the State of Texas such as Electricians, Plumbers, Air Conditioning Contractors and other state regulated licensed contractors are required to submit insurance to the State of Texas. The State of Texas through the Texas Department of Licensing and Regulation, the Texas State Board of Plumbing Examiners and the Texas Commission on Environmental Quality control the amount of insurance required per trade and this amount is subject to change. Contractors not maintaining minimum insurance requirements are not allowed to work in the State of Texas and are subject to fines and penalties. Staff would like to propose to continue to license and require insurance for General Contractors (builders, etc.) only, as they are not State regulated, but not any State Licensed contractor. The State of Texas provides guidelines and timeframes for contractors to provide insurance information to anyone wanting to file a claim against a licensed company. The benefits will include a time savings for both the contractor, insurance company and the City which will result in the contractor submitting less paperwork, insurance company has one less place to submit documents which holds up permitting at times when staff has to wait on the certificate to be submitted and staff managing and tracking the insurance certificates.
3. Staff is prepared to remove some the local amendments because the code books have caught up to our adopted local amendments and others to follow the minimum code standards set forth in the ICC Code books for example removing three amendments related to a Bathroom Branch Circuits, Minimum Ampacity and size, and Dwelling Unit receptacle outlet requirements are just a few. Additionally, Staff is preparing to add a permit exemption for Pergolas, Arbors and Trellis structures less than 300 square foot in size.

The public input meetings moving forward will include:

- December 2020 – Workshops with City Council and Building and Standards Commission
  - January 2021 - Stakeholder meetings (Contractors, Builders, GSABA); Building and Standards Commission for in-depth presentation.
  - February 2021 - Stakeholder meetings (Contractors, Builders, GSABA); Building and Standards Commission for recommendation
  - March 2021 – City Council presentations
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CITY COUNCIL MEMORANDUM

**City Council Meeting:** December 8, 2020  
**Department:** Library  
**Subject:** Library Projects - Update on Library Projects. (M. Browne/B. James/M. Uhlhorn)

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**BACKGROUND**

This is an update on the progress of miscellaneous Library projects begun in 2020.

**ESC Fiber20 Project (Completed)**

In April 2020, the City of Schertz entered into an Interlocal Agreement with Educational Service Center Region 20 to participate in the Fiber20 consortium. The consortium was created to build a new fiber ring network in order to provide high speed Internet access to public schools and libraries across 20 counties.

New fiber was installed by the contractor in front of the library along Schertz Parkway in April. The connection to the library was completed in May. The Internet service provider began providing service in late July/early August. The City's IT department tested the new network during September before completely switching over to it in late October/early November.

Participation in this consortium provides us with Internet speeds between 1-10 Gbps, depending on our equipment capabilities, while lowering our monthly service costs from \$515/month to only \$170/month. Previous Internet service from Spectrum was for a much slower 50 Mbps connection.

**Bexar County BiblioTech Hotspot Project (Completed)**

As part of the Federal government's response to the COVID emergency, CARES grant funds were made available to state and local governments to help manage the effects of the pandemic. Because of the shift to remote work, schooling, health and other services, Internet access has become a necessity in this crisis. At the same time, the digital divide has worsened due to the loss of income from furloughs and business closures. Libraries traditionally fill the gap with public Internet access but all libraries in the area were closed. To help fill the need, BiblioTech Library applied for and received funds to purchase mobile hotspots to make Internet service available to all in Bexar County who needed it. To help distribute the hotspots, BiblioTech partnered with other local public libraries. In July 2020, the City of Schertz signed an Interlocal Agreement with Bexar County and BiblioTech to circulate hotspots through our library. The Library received 100 hotspots, processed them and made them available for circulation to any Schertz library cardholder, just in time for the return to school. Since August, hotspots have circulated over 200 times, and approximately half of them are checked out at any one time. According to feedback from customers, they are mainly being used to help alleviate bandwidth problems for households with multiple children involved in remote schooling, but others are using them for business purposes. One customer checked one out to use when meeting with clients in outside venues. He could meet outdoors with them and still have online access to his businesses web page. There is also at least one instance of a homebound customer using one to gain access to the Internet. He never had Internet service before, but was able to use the hotspot for entertainment and keeping in



contact with others during COVID restrictions.

### **Workforce Solutions Alamo (WSA) Memorandum of Agreement (In Process)**

Workforce Solutions Alamo (WSA) is the governing board for a 13-county regional workforce system—a network of service providers and contractors that brings people and jobs together. At the beginning of FY 19-20, WSA approached the Library about housing one of its job seeker computer kiosks to make it easier for people in the immediate area to apply for jobs, receive mentoring and set up childcare. Work on the project was delayed for a number of months because of the pandemic, but a Memorandum of Agreement solidifying the partnership was signed in July 2020. Under the agreement, the Library will house WSA's computer kiosk in a room that previously housed a print release station. As part of the agreement, the City added a door to the room to provide privacy to kiosk users. WSA will supply all equipment, furniture and their own dedicated Internet service to the space. The door installation project was completed in September, and WSA has scheduled Internet installation the first week in December. The kiosk should be installed shortly thereafter, with the kiosk available to the public at the beginning of 2021. The City has completed all assigned tasks on this project and is waiting for WSA to complete the furnishing of the room.

### **TSLAC CARES Grant (In Process)**

In April 2020, Texas State Library and Archives Commission (TSLAC) received a portion of Texas' CARES funds to help Texas public libraries manage the effects of the pandemic. Two million dollars was made available to libraries through two rounds of reimbursement grants. Schertz Public Library applied for funds during the first round of grants in May 2020. In August, the Library received word that we would receive \$24,702 in grant funds, one of only 38 libraries to receive funds in the first round. The funds are to be expended by July 1, 2021.

The grant request included different projects to help the Library provide services during the pandemic, including:

- Equipment to help staff share computer desktops with customers in order to provide technology help
- Equipment to create videos for virtual programming
- A new educational online service called Niche Academy which provides tutorials and online learning tools
- A new online tool for the business community and job-seekers called AtoZ Databases
- A new online crafting database called CreativeBug
- New e-books and e-audiobooks for our cloudLibrary and Overdrive platforms
- The addition of a mobile check-out module to our circulation system for easy, contactless check-out for customers who need to limit their exposure to people and surfaces

The first five projects in the bulleted list have been completed. The equipment has been installed and staff are using it to provide computer help from a distance rather than stand next to the customer. The video equipment is being used to create online content. AtoZ Databases, Niche Academy and Creativebug are all available on our electronic resources web page as of November 25.

The first round of reimbursement requests was submitted October 1; the second round on December 1.

The purchase of additional digital content is scheduled for February 2021. Work has begun on the mobile check-out module, but is not scheduled for completion until after the beginning of 2021. All grant projects are on schedule and should be completed well before the grant deadline.

### **Library Operation During COVID**

Library operations have been greatly impacted by the pandemic. The attached document highlights the ways we've successfully adapted our operations.

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## **Attachments**

Library Information for Council

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# SCHERTZ PUBLIC LIBRARY



Schertz Public Library is an award-winning, State-accredited public library, and a department of the City of Schertz, operating under City ordinances, policies, and guidelines. The Library also looks to and participates in a broader network of public, school and academic libraries, and library-focused organizations that spark ideas and vision for the future, and provide guidance and feedback on usage policies, best-practices and benchmarking.

The Library and its Advisory Board were established by Council resolution in 1978 in response to a petition by a group of concerned citizens who decried the lack of library services in the City and the western end of Guadalupe County. The original library opened in June of that year in a 1,500 sq. ft. facility on Main St. with approximately 5,000 donated books and a small crew of dedicated volunteers. It outgrew the location quickly, and by 1983 had moved to a newly-built facility (the current site of the Senior Center). Explosive growth in the 1990s/early 2000s drove the need for a new facility, resulting in the approval of a bond proposal in 2006. Construction of the current 30,000+ sq. ft. facility was completed in 2009, with move-in in August of that year.

## FISCAL YEAR 19-20 RECAP

2020 has been the year of profound disruptions to everyone's life. From the moment COVID-19 appeared, it changed everything. From the tragic loss of life to the absurdity of toilet paper shortages, no aspect of life has been left untouched by its impact.

The Library's primary goals are to be a community hub, and to provide life-long recreational and educational opportunities for everyone in our service population. Much of the Library's regular operation is at odds with the best practices required to limit the spread of COVID. That, along with the facts that people of all ages and vulnerabilities are regular users of the Library, and the Library often sees more than 1,000 people per day, required staff to regroup and re-design operations to keep customers and staff as safe as possible.

The following pages provide a re-cap of the operational changes implemented by the Library in the last fiscal year, statistics, and what can be expected as we move forward.

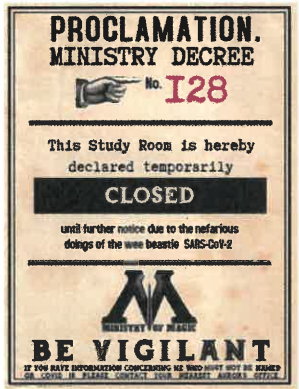


## FAST FACTS

Cardholders.....	31,296
Number of Items.....	139,477
Employees.....	21
FY21 Budget.....	\$1,062,442
Service Population.....	108,117

## OUR PARTNERSHIPS

The Library has a long history of partnering with other entities. Currently, in addition to Schertz, the Library provides services to the residents of Cibolo, Selma and Guadalupe County through inter-local agreements. Our service population is more than 108,000 people, which is the second largest service population in the area. San Antonio Public and Bexar County Bibliotech Libraries share the largest. Funding through these ILAs provides a little over 1/4 of our budget.



## THE LIBRARY DURING COVID

### Shut-down

The pandemic hit just at the time of year the Library is deep in preparation for Summer Reading programming and events. All in-building public services were shut down on March 16, 2020 for a 6-week period. Most staff members worked at home during that time where they answered customer email inquiries, managed online resources and social media platforms, completed individualized staff training, performed database maintenance, performed collection development duties, and re-worked all in-person programming to become virtual programming. Some staff members still reported daily for on-site duty in order to empty the book return, disinfect and quarantine library materials, shelve materials, and issue digital-access library cards to customers. The Library's online resources continued to be available as was the public Wi-Fi. Some of our materials budget was reallocated to purchase additional e-books to meet the increased demand for digital product. Virtual programs were added to our website beginning March 22. Even though the building was closed, library services never completely shut down.

### Curbside Service

The Library re-opened for additional limited services on May 4, 2020. We began delivering library materials to customers through curbside service, quickly following with curbside delivery of print jobs. The building remained closed to the public and all programming continued to be delivered via the web. Staff worked steadily throughout May, creating and prepping for the library's first ever all-virtual Summer Reading Event. Staff delivered more than 16,500 items outside to customers between May 4 and October 3.

### Summer Programming

Traditionally, the Library's busiest time of the year falls between the first week of June and the first week of August. As the building remained closed, staff were unsure of what to expect, but we launched our adult and youth Summer Reading programs at the beginning of June. All programs were either recorded and then posted to the web, or streamed live as in the case of our musical guest performers, Will Parker and Lucas Miller. Another guest performer, Hideout Kids, provided an interactive, online improvisational theatre experience for viewers. Other programming included story times for toddlers and preschoolers, science programming for school-age youth, and poetry, scrapbooking and book club programming for adults. Virtual programming had participation, but, overall, attendance was much lower than what we see for in-person programs. Two hundred sixty-seven adults and children participated in the reading portion of our summer program and two hundred forty people participated in virtual programming during the summer event.

The most successful element of the Summer Reading program was our weekly Take-and-Make kits and Science kits for youth, and our Craft kits for teens and adults. The Take-and-Make kits were created for toddlers and preschoolers and included all supplies necessary to create a craft complimentary to the week's story time theme. The Science kits were similar, but included supplies to carry out a science experiment or science-related craft. These, too, matched the week's program theme. Adults and teens enjoyed craft kits, including Paint-chip calendars, suncatchers, and Scrabble

*"I am so happy you are offering this service!" — Feedback comment from a print-job curbside customer*



## THE LIBRARY DURING COVID

tile coasters. In all, close to 950 craft and science kits were given out. Staff also created themed “book bundles” and “movie bundles” that could be reserved and picked up through curbside service.

### **Community Outreach**

In addition to summer programming, staff came up with ways to continue engaging with the community (in a safe manner!) over the summer. Youth Services staff worked with HOAs to set up on-site visits in Crossvine, Laura Heights, and Homestead. They took books for check-out, summer activity kits, and offered on-site library card registration. Staff also delivered book bundles and picture books to Primrose. Adult Services staff continued to deliver books to Forest Ridge Memory Care Unit and created and delivered summer reading program bags to the Schertz Senior Center for dispersal through the Meals on Wheels program. Additionally, library donations not earmarked for specific projects were used to obtain new books for our Storywalk located at the Playscape as a way to provide a family-friendly outdoor reading activity.

### **Re-Opening**

Beginning on August 4, we added appointment-based, in-person services such as library card updates and computer usage. On October 6, the building re-opened to the public for all services except in-person programming, meeting room use and study room use. Some furniture has been removed to help with social distancing, infrared temperature scanning equipment was installed, as well as sneeze guards at all point-of-service desks. Masks are required in the building to help us protect the vulnerable populations that use the library daily and to help protect staff who often cannot maintain social distance during transactions. In addition to in-building services, curbside delivery continues. Library operation hours have changed to Tuesday-Saturday, 11 am-6 pm so weekend and evening staff hours can be reassigned to handle both circulation desk duties and curbside duties. Curbside continues to account for approximately 1/3 of circulation.

### **Moving Forward**

As the Library is a community hub and a place where people of all ages and abilities interact, the Library’s goal is to continue to remain open and provide as many services as possible without endangering vulnerable persons. Modifications to our operations are temporary and we consider our responses to be fluid, meaning that what we do may change depending on current state and local government recommendations, service demands and our capacity to fulfill them, the prevalence of COVID-19, and hospitalization rates. We will continue to provide curbside service as long as necessary.

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*“Thank you for all the effort you go through to make books available. It can't be easy, but it is definitely appreciated.” — Email comment from a 5th grader*

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(Right) One of our Summer Reading participants with her completed “Jack & the Beanstalk” Make-and-Take craft kit.

(Far Right) Another participant enjoys “Unicorn Slime,” one of the science kits available for elementary students.





## PROJECT UPDATES

Even though COVID disrupted the Library's usual operations, several projects were completed or remain underway.

### ***Partnership with Workforce Solutions Alamo (WSA)***

Workforce Solutions Alamo (WSA) is the governing board for a 13-county regional workforce system—a network of service providers and contractors that brings people and jobs together. At the beginning of FY19-20, WSA approached the Library about housing one of their computer kiosks to make it easier for people in the immediate area to apply for jobs, receive mentoring and set up childcare. A Memorandum of Agreement was signed in July 2020, modifications to one of the Library's rooms was completed in September, and Internet service is scheduled to be installed the first week in December. The kiosk should be installed shortly thereafter, with the kiosk available to the public at the beginning of 2021.

### ***Partnership with Bexar County's BiblioTech Library***

As part of the Federal government's response to the COVID emergency, CARES grant funds were made available to state and local governments to help manage the effects of the pandemic. Because of the shift to remote work, schooling, health and other services, Internet access has become a necessity in this crisis. At the same time, the digital divide has worsened due to the loss of income from furloughs and business closures. Libraries traditionally fill the gap with public Internet access but all libraries in the area were closed. To help fill the need, BiblioTech Library applied for and received funds to purchase mobile

*"I'm writing because although I didn't discover it until the summer, we've been enjoying all of the virtual storytime programming. I just want to THANK YOU for all of your efforts and hard work! We've watched the new fall youtube videos, she really enjoys the Fox rhyme. I'm sure it's a lot of work to put these together but it has been a big comfort to see and hear from Ms. Michelle especially from the familiar storytime area. It gives me hope that things are slowly turning around and we look forward to seeing you all again when things improve." —From a customer's email*



## PROJECT UPDATES

hotspots to make Internet service available to all in Bexar County who needed it. To help distribute the hotspots, Bibliotech partnered with other local public libraries. The Schertz Public Library entered into an agreement with Bibliotech to circulate hotspots in August. The Library received 100 hot spots, processed them and made them available for circulation to any library card holder, just in time for the return to school.

### ***TSLAC CARES Grant***

In April 2020, Texas State Library and Archives Commission (TSLAC) received a portion of Texas' CARES funds to help Texas public libraries manage the effects of the pandemic. Two million dollars was made available to libraries through two rounds of reimbursement grants. Schertz Public Library applied for funds during the first round of grants in May 2020. In August, the Library received word that we would receive \$24,702 in grant funds, one of only 38 libraries to receive funds in the first round. The funds are to be expended by July 1, 2021. The grant request included different projects to help the Library provide services during the pandemic, including:

- Equipment to create videos for virtual programming and to help staff share computer desktops with customers in order to provide technology help
- A new educational online service called Niche Academy which provides tutorials and online learning tools
- A new online tool for the business community and job-seekers called AtoZ Databases
- A new online crafting database called CreativeBug
- New e-books and e-audiobooks for our cloudLibrary and Overdrive platforms
- The addition of a mobile check-out module to our circulation system for easy, contactless check-out for customers who need to limit their exposure to people and surfaces

The first four projects in the bulleted list have been completed. The equipment has been installed and staff are using it to provide computer help from a distance rather than stand next to the customer. The video equipment is being used to create online content. AtoZ Databases, Niche Academy and Creativebug are all available on our electronic resources web page as of November 25.

The first round of reimbursement requests was submitted October 1; the second round on December 1.

The purchase of additional digital content is scheduled for February 2021. Work has begun on the mobile check-out module, but is not scheduled for completion until after the beginning of 2021. All grant projects are on schedule and should be completed well before the grant deadline.

### ***ESC Fiber20 Project***

In April 2020, the City of Schertz entered into an Interlocal Agreement with Educational Service Center Region 20 to participate in the Fiber20 consortium. The consortium was created to build a new fiber ring network in order to provide high speed Internet access to public schools and libraries across 20 counties.

New fiber was installed by the contractor in front of the Library along Schertz Parkway in April. The connection to the Library was completed in May. The Internet service provider began providing service in late July/early August. The City's IT department tested the new network during September before completely switching over to it in late October/early November.

Participation in this consortium provides us with Internet speeds between 1-10 Gbps, depending on our equipment capabilities, while lowering our monthly service costs from \$515/month to only \$170/month. Previous Internet service from Spectrum was for a much slower 50 Mbps connection.



# FY 20 STATISTICS

## CIRCULATION



- **Print/AV Materials**  
190,648 items



- **Digital Materials**  
48,540 items



- **Computers**  
15,455 uses

**Total Circulation 254,643**

## IN-PERSON PROGRAMMING

**# of Youth Programs 178**  
**# of Attendees 5,065**



**# of Adult Programs 110**  
**# of Attendees 965**

## VIRTUAL PROGRAMMING

**# of Youth Programs 72**  
**# of Attendees 447**



**# of Adult Programs 12**  
**# of Attendees 47**

## TECHNOLOGY

**168,191**  
**WiFi Sessions**



**43,414**  
**Webpage Sessions**

## COLLECTION



**Titles**  
**128,303**

**Items**  
**139,477**

## USERS

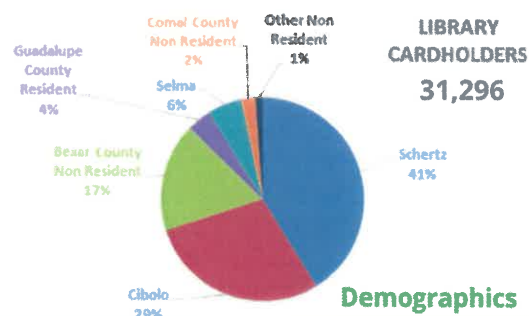


**Visitor Count**  
**102,297**

**New Cards**  
**2,700**



**Renewed Cards**  
**2,329**



## VOLUNTEERS

**# of**  
**Volunteers**

**288**



**# of**  
**Hours**

**2,158**

## BUILDING USAGE



**Meeting Room**  
**Usage**  
**421**



**Food Truck**  
**Vendors**  
**44**



**Hours**  
**Open**  
**2,192**

**CITY COUNCIL MEMORANDUM**

**City Council Meeting: December 8, 2020**

**Department: Engineering**

**Subject: Monthly update - on major projects in progress/CIP. (B. James/K. Woodlee)**

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**Attachments**

December 2020 Major Project Update

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## CITY COUNCIL MEMORANDUM

**City Council Meeting:** December 8, 2020

**Department:** City Manager

**Subject:** Update on Major Projects in Progress

### Background

This is the monthly update on large capital projects that are in progress or in the planning process. This update is being provided so Council will be up to date on the progress of these large projects. If Council desires more information on any project or on projects not on this list, please reach out to staff and that information will be provided.

### **Facilities Projects:**

#### **1. 27 Commercial Place Renovation:**

- Project Status: Design Phase
- Estimated Construction Start: Spring 2021
- Estimated Cost of Construction: \$1.65 million
- Project Update: City Staff continues to work with F.A. Nunnelly and Sledge Engineering on the design phase. The 50% design was reviewed by City Staff and comments were conveyed to the design team in November. It is expected that 95% plans will be submitted to the City for review in early January.

#### **2. Civic Center Kitchen Remodel**

- Project Status: Phase 1 under Construction, Phase 2 in Planning
- Estimated Construction Start: October 2020
- Estimated Completion: February 2021
- Estimated Project Cost: \$168,000
- Project Update: Phase 1 is the Grand Ballroom Kitchen and has begun construction. The City Staff are coordinating construction around Civic Center reservations. Phase 1 is 60% complete. The demo and flooring are complete. The Make Up Air unit is at 90%. The Range Hood is at 60% complete. Phase 2 is the Blue Bonnet Kitchen and will remain operational until Grand Ballroom Kitchen is complete.

#### **3. Emergency Services Restroom Remodel Project**

- Project Status: Phase 1 is Substantially Complete, Phase 2 under Construction, Phase 3 in Planning
- Estimated Construction Start: August 2020
- Estimated Completion: January 2021



- Cost of Construction (All Phases): \$224,075.00
- Project Update: Fire Station 1 is Phase 1 of the project and has been substantially completed and undergoing punch work. The Police Station is Phase 2 of the Emergency Services Restroom Remodel Project and is underway and due to be complete the week of 12-7-20. Phase 3 of the project will be EMS Station 1 and will begin once Phase 2 is complete.

#### **4. Remodel Building 11 on Commercial Place**

- Project Status: Complete
- Estimated Start: Summer 2020
- Estimated Completion: November 2020
- Project Update: Certificate of Occupancy is awarded and remodel is complete. Engineering Department has started relocating to office space portion of building and look to be 80% complete.

### **Streets Projects:**

#### **1. Westchester Sidewalk Phase II (Valley Forge to Gettysburg Drive)**

- Project Status: Construction Phase
- Estimated Start: October 2020
- Estimated Completion: November 2020
- Cost of Construction: \$49,492.00
- Project Update: C-3 Environmental has completed installation of the sidewalk and ADA ramps. GVEC has relocated the few utility poles that were in conflict with the project. Only final clean up and restoration work remains in order to complete the project.

#### **2. Curtiss Avenue Sidewalk**

- Project Status: Construction Phase
- Estimated Start: October 2020
- Estimated Completion: January 2021
- Cost of Construction: \$314,289.00
- Project Update: C-3 Environmental began installing the new sidewalk at FM 1518 and working towards Schertz Parkway. As of early December, the sidewalk had been installed from FM 1518 to almost Pfeil Street. Retaining walls have been installed up to Randolph Avenue as well. GVEC has relocated the necessary utility poles out of the path of the sidewalk.

### **Drainage Projects:**

#### **1. Castle Hills Channel, Colony Drive Channel, Osage Avenue Channel**

- Project Status: Under Construction
- Estimated Start: November 2020
- Estimated Completion: Spring 2020
- Cost of Construction: \$378,425.15 (NTE \$416,267.68)
- Project Update: C-3 Environmental is mostly complete with the Colony Drive Channel and plan to be fully complete in early December. C-3 plans to begin work on the Castle Hills Channel in early December. The Castle Hills Channel is

expected to take about six weeks to complete and then C-3 will begin the Osage Avenue Channel.

**2. Savannah Pond, Westchester Channel, Arroyo Verde**

- Project Status: Design Phase
- Consultant: Ford Engineering
- Estimated Construction Start: Spring 2021
- Project Update: No change from previous update. Design is 90% complete on the project. City Staff is reviewing the plans and will provide comments to the design consultant. The project is expected to be advertised for bid in early 2021.

**3. Fire Station #2 Channel Improvements**

- Project Status: Design Phase
- Consultant: Ford Engineering
- Estimated Construction Start: Early 2021
- Project Update: Design is 90% complete on the project. City Staff provided comments to the design consultant. The project is expected to be advertised for bid in December or January with contract award following in early 2021.

**Water Projects:**

**1. FM 1103 Utility Relocation Project Phase I:**

- Project Status: Closeout Phase
- Construction Start: August 2019
- Construction Completion: Fall 2020
- Cost of Construction: \$964,424.12
- Project Update: No change from previous update. The contractor has completed the punch list items. City Staff is working on verifying those items are complete in order to finalize the project.

**1. FM 1103 Utility Relocation Project Phase II:**

- Project Status: Closeout Phase
- Construction Start: September 2020
- Construction Completion: November 2020
- Cost of Construction: \$130,283.75 (NTE: \$143,312.00)
- Project Update: M&C Fonseca began work in the middle of September and substantially completed the work in late October. A punch list was generated and the contractor has completed those items and is awaiting final acceptance.

**2. E. Live Oak Pump Additions Project:**

- Project Status: Under Construction
- Construction Start: April 2020
- Construction Completion: Winter 2020
- Cost of Construction: \$1,560,000.00

- Project Update: The contractor completed the final two connections to the existing piping and completed the installation of all underground piping. The installation of electrical components continues as equipment is delivered to the site. The contractor is preparing to install the pumps and motors in December. The project is expected to be completed in winter of 2020.

### **Engineering Projects:**

#### **1. 2018 Street Preservation and Maintenance Reconstruction Project:**

- Project Status: Substantially Complete
- Construction Start: January 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$1,501,199
- Project Update: No change from last update. The striping has been delayed until the concrete pavement surface can be smoothed out more. Arrangements are being made to have the pavement ground to smooth out the surface and improve the ride quality. Additional traffic control set-ups will be done for the grinding operations.



#### **2. 2018 Street Preservation and Maintenance Rehabilitation Project:**

- Project Status: Fully Complete
- Construction Start: April 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$2,611,348.00
- Project Update: No change from the last update. All of the construction and punch list items have been fully completed.

**3. 2018 Street Preservation and Maintenance Resurfacing Project:**

- Project Status: Under Construction
- Construction Start: March 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$791,174.34
- Project Update: No change from previous update. This project is as complete as it can be at this time. The remainder of the chip seal on Live Oak Road will be completed after the curb, gutter, and sidewalk is constructed by a separate project later this year. In response to citizen complaints, the Design Engineer, LAN, is conducting an independent review of the finished chip seal. Staff will brief Council during a workshop on December 9th.

**4. Cibola Valley Drive Expansion Project:**

- Project Status: Under Construction
- Construction Start: May 2020
- Construction Completion: Summer 2021
- Cost of Construction: \$4,806,762 total (\$1,300,000 City of Schertz Contribution)
- Project Update: Construction of the east side of the street is underway. Storm drain culverts installation is nearing completion and the subgrade preparation on the southern end of the project has been completed. The majority of the new traffic signal equipment has arrived. The signal poles and mast arms have not yet arrived. The Contractor anticipates having the paving of the east side completed in a couple of months.

**5. Cherry Tree Rehabilitation Project:**

- Project Status: Bidding complete
- Consultant: Ford Engineering
- Project Start Date: November 2020
- Project Completion Date: December 2020
- Total Project Cost: \$273,193.80 (NTE amount \$300,600)
- Project Update: Construction is ongoing. The curb and gutter sections have been replaced and some of the sidewalk sections have been replaced. Asphalt removal has been completed and the contractor is working on cement stabilizing the base material. Once the cement stabilization is complete, the new pavement will be placed.

**6. Elbel Road Storm Drain and Paving:**

- Project Status: Design
- Consultant: Ford Engineering
- Project Start Date: August 2020
- Project Completion Date: Summer 2021
- Total Project Cost: \$1,341,000
- Project Update: No change from last update. Project design is complete. The contract documents are undergoing the final QA/QC check. The project will be ready for bid once construction funding has been identified.

**7. 2020 Street Preservation and Maintenance (Resurfacing) Project:**

- Project Status: Design
- Consultant: Kimley-Horn
- Project Update: The project design is almost complete. Finalizing the design has been placed on hold until after the December 9<sup>th</sup> Workshop on chip seals. Staff will provide a briefing on the project once the design has been finalized

**8. Tri-County Parkway Reconstruction Project:**

- Project Status: Design
- Consultant: Halff Associates
- Project Update: Survey work and some data collection has been completed. Halff Associates has started the formal design of the project and expects to have the design and bid package completed by the end of May.

**9. Corbett Elevated Water Storage Tank:**

- Project Status: Under Construction
- Construction Start: March 2019
- Construction Completion: Fall 2020
- Cost of Construction: \$4,682,000.00
- Project Update: The tank continues to operate on the system as designed. The contractor continues to finalize items on the site and complete punch list items.

**10. Woman Hollering Creek Wastewater Interceptor Main and Lift Station:**

- Project Status: Design
- Consultant: Cobb, Fendley & Associates, Inc.
- Estimated Construction Start: Winter 2021
- Estimated Cost of Construction: \$12 million
- Project Update: City Staff is reviewing final construction plans and specifications submitted by CobbFendley. The Final Plat for the lift station site along IH 10 is scheduled for consideration by the Planning and Zoning Commission on December 9, 2020. The Site Plan will be submitted as soon as plat approval is done. The total number of easements acquired is 20 out of a total of 21. Negotiation of the final needed easement is in process. The project is expected to be advertised for bid in December 2020 or January 2021.

**11. Pedestrian Routes and Bike Lanes Project:**

- Project Status: Bidding Complete
- Estimated Construction Start: Fall 2020
- Estimated Cost of Construction: \$1.3 million
- Project Update: TXDOT award concurrence has been received. The Construction contract was brought to Council for approval at the December 1<sup>st</sup> meeting along with a contract with our construction management on call firm to provide for inspections during the construction process. With Council approval of the contracts, a pre-construction meeting will be held with TXDOT personnel, the contractor, and our construction management firm. After the preconstruction meeting we will have a construction schedule from the contractor.



**12. Water and Wastewater Master Plan Update and Impact Fee Study:**

- Project Status: Study
- Consultant: Lockwood, Andrews, and Newnam, Inc.
- Project Start Date: December 2019
- Project Completion Date: Spring 2021
- Total Project Cost: \$467,280 (NTE \$500,000)
- Project Update: City Staff met with Consultant in September to review water and wastewater models. Consultant working on finalizing models and beginning future land use analysis.

**13. 16 Dedicated Transmission Main Phase I:**

Overall project intent is the construction of a 16” dedicated water transmission main to connect the Live Oak water storage facility to the IH 35 storage tank. Phase 1 of the project includes a route study, land acquisition coordination, and preliminary design of the main.

- Project Status: Study
- Consultant: Kimley-Horn & Associates
- Project Start Date: August 2020
- Project Completion Date: Spring 2021
- Project Cost (Phase I Study): \$267,848 (NTE \$294,000)
- Project Update: Kimley-Horn has generated three alignment options and has begun coordination efforts to further analyze each option. Preliminary utility coordination meetings have been held and right of entry forms have been sent out to effected property owners in order to obtain more detailed field analysis. In early November City Staff participated in the first workshop with Kimley-Horn to review the potential alignments. A draft Technical Memorandum with route recommendation was submitted by Kimley-Horn and is under City review.

**14. Stormwater Control Inventory and City Operations Assessment**

The work of this project is an action included in the City’s Stormwater Management Plan (Plan). The Plan is the blueprint of activities needed to comply with the City’s Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Permit required by virtue of the City’s classification as Municipal Separate Storm Sewer System (MS4).

This project specifically consists of development of an inventory of City facility stormwater controls and an assessment of city operations as related to stormwater control and quality.

- Project Status: Study
- Consultant: Utility Engineering Group, PLLC
- Project Start Date: July 2020
- Project Completion Date: Spring 2021
- Total Project Cost: \$35,000
- Project Update: No change from previous update. City staff is reviewing consultant-provided list of City sites proposed for visits.

**15. Riata Lift Station Relocation (Design Phase)**

Overall project intent is to relocate the Riata Lift Station ahead of TxDOT’s IH-35 NEX Project to remove it from conflict with the proposed improvements. The design phase will

identify a new site for the lift station, design the new lift station, and design the abandonment of the existing lift station.

- Project Status: Design Phase
- Consultant: Utility Engineering Group, PLLC (UEG)
- Project Start Date: August 2020
- Project Completion Date: Spring 2021
- Total Project Cost: \$129,795 (NTE \$143,000)
- Project Update: UEG and Staff have obtained a right of entry from the property owner. Field work, including survey, has begun and UEG is working on design. The environmental subconsultant completed the Antiquities Permit of Texas application and submitted to the Texas Historical Commission prior to conducting their field survey.

#### **16. Aviation Heights Phase 5, 6, and 7 (Design Phase)**

Overall project intent is the construction of an 8" water main within the Aviation Heights area along Aero Avenue, Brooks Avenue, Winburn Avenue, Mitchell Avenue, and Aviation Avenue.

- Project Status: Design Phase
- Consultant: Ford Engineering
- Project Start Date: October 2020
- Project Completion Date: Summer 2021
- Total Project Cost: \$113,135 (NTE \$125,000)
- Project Update: Ford Engineering provided draft construction plans for City review. Comments from Public Works and Engineering will be incorporated into construction plans prior to Advertisement for Bids.

#### **TxDOT Roadway Projects:**

- 1. FM 1103 Improvement Project:** No change from November update. Utility relocations continue (including electric and communications). Schertz Public Works is working to relocate water and wastewater lines that conflict with the planned roadway and drainage improvements (see FM 1103 Utility Relocation Project updates). Delays in the relocation of other utilities has caused further rescheduling of the target let date for a construction contract from January 2021 to July 2021.
- 2. FM 1518 Improvement Project:** TxDOT is in the Plans, Specs, and Estimates (PS&E) stage of the project. At this time, a consultant for TxDOT has prepared 30% construction plans. Utility coordination for the project is also underway. The City is negotiating a scope and fee with Halff Associates for the design of relocation of water and wastewater facilities that conflict with the roadway improvement. TxDOT continues acquiring property needed as right of way for the expansion project. As parcels are acquired, TxDOT contractors are physically clearing the right of way in preparation for final surveying and design. TxDOT has not yet acquired parcels needed from JB SA-Randolph. The plan is to move through that process together with property needed for improvements to Loop 1604 on the opposite side of the base. The TxDOT project is currently scheduled for letting in September 2022;

construction may begin as early as January 2023. The \$44.8 million, fully funded project is expected to take approximately three years of construction to complete.

3. **I-35 Operational Improvements Project (FM 2252 to Schwab Road):** No change from November update. New southbound FM 1103 exit ramp and Schwab Road entrance ramps have been opened. New northbound FM 1103 entrance ramp has been opened. Embankment is being placed for the new northbound Schwab road exit ramp. Contractor continues with main lane and frontage road reconstruction, drainage work, and miscellaneous flat work, including rip rap, colored textured concrete, and mow strip, and with landscape items. Anti-graffiti coating is being placed on walls. Detours will continue to be necessary and TxDOT and its contractors will keep the City informed of detours and closures and can assist in disseminating information to the public as needed. Estimated final cost of the project is \$25.5 million. The current schedule includes an expectation of substantial completion in June 2021, and final project completion in July 2021.
4. **I-35 NEX (I-410 South to FM 1103):** TxDOT is acquiring needed right of way and carrying out demolition activities as property is acquired. A full description of the project to expand I-35 from I 410 South to FM 1103 can be found by searching keywords "I-35 from I-410" at TxDOT.gov. Schematic exhibits of the proposed improvements are available on that website. Public Works and Engineering staff are participating in utility coordination meetings with TxDOT and its contractors regarding relocations that may need to take place in advance of or in conjunction with the roadway construction. Construction is expected to begin in spring 2021 and take 4 to 5 years to complete. The portion of the I-35 NEX project from the Cibolo Creek to its termination at FM 1103 has a cost of \$621 million.
5. **IH-10 Graytown Road to Guadalupe County Line:** IH-10 is being expanded from four lanes to six lanes and frontage roads are being transitioned to one-way. This project includes the signalization of the intersection of FM 1518 and IH-10. Project design was able to be adjusted so that no City of Schertz utility facilities will be impacted and no adjustments are necessary to accommodate the proposed improvements. Construction is currently expected to begin in January 2021. This approximately \$157 million project has a construction timeline of 53 months.

#### **Planning and Community Development Projects:**

1. **CityView Permitting and Development Software:**

No change since last update: City staff and CityView have been working together on a phased approach for the three modules of the new land use software which are as follows: Code Enforcement (CE), Planning (PL) and Permitting/Inspections (PI). The CE Module has been configured. City Staff has been actively validating (verify configuration) the CE Module. The Planning Module was submitted to CityView on January 23, 2020 for configuration. The data collection for the Permitting/Inspections module is complete and the CityView team is verifying the information submitted for completeness. CityView is drafting the final project scope document for approval by all parties. Once the scope document is executed CityView will start the configuration of all the software components. When the configuration is complete by CityView and the software is validated (tested) by

City Staff, we move to end user staff training and then go live. A proposed timeline to go-live with the software will be determined once configuration and validation of modules have been completed.

- Total Project Cost: \$523,766.00
- Project Start Date: June 2018
- Project Completion Date: TBD - 2021

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** December 8, 2020  
**Department:** Executive Team  
**Subject:** 2021 Master Calendar - Information on 2021 Master Calendar and Boards/Commissions (M. Browne/S. Gonzalez)

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**BACKGROUND**

Each year staff drafts a Master Calendar that serves as a planning tool for the upcoming year.

There are a couple items to note which are the dates of the Council on the Go series and the Special Called Council meetings/retreats, which are tentatively planned as follows:

- February 5<sup>th</sup> – Council Planning Retreat – location TBD
- February 16<sup>th</sup> – Council on the Go – Schertz Civic Center
- March 16<sup>th</sup> – City Council & HOA Presidents Meeting – Schertz Civic Center
- March 19<sup>th</sup> – Council Pre-Budget Retreat – location TBD
- May 18<sup>th</sup> – Council on the Go – Schertz Civic Center
- August 6<sup>th</sup> – Council Budget Retreat – location TBD
- November 15<sup>th</sup> – Council Meeting to Canvass Results of November 2<sup>nd</sup> Election

All above dates are reflected on the 2021 Master Calendar.

Due to the uncertainty of social distancing restrictions, staff is still working to finalize the dates for many of the events sponsored by Parks & Recreation and the YMCA. Once these special events have been secured, staff will provide an amended calendar to reflect that information.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

As in years past, staff recommends Council approval of the Master Calendar with the following considerations regarding City Council meetings:

- Cancel the October 5, 2021 Council Meeting due to the Annual TML Conference and Texas National Night Out
- Cancel the November 2, 2021 Council Meeting due to Election Day
- Cancel the November 23, 2021 Council Meeting due to the Thanksgiving Holiday
- Cancel the December 28, 2021 Council Meeting due to the December Holidays

If Council has concerns with these considerations, please contact the City Manager's office.

Additionally, staff has provided a detailed list of 2021 Council/Boards/Commissions and a 2021 City Council Calendar.

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**Attachments**

2021 Master Calendar







# Master Calendar 2021

- 1 New Years Day (Office Closed)  
18 Martin Luther King, Jr. Day (Office Closed)

JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

- 5 & 6 Daddy/Daughter Dances  
12 Chinese New Year (Year of the Ox)  
14 Valentine's Day  
15 President's Day (Office Closed)  
17 Ash Wednesday

- 2 Texas Independence Day  
6 Kick Cancer Pep Rally & 5K Run  
8-12 SCUCISD Spring Break  
14 Daylight Savings Begins  
17 St. Patrick's Day  
19 Employee Remembrance Day  
20 Spring Begins  
27 Passover  
28 Palm Sunday

MARCH						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

- 2 Good Friday  
4 Easter  
11 Ramadan Begins  
21 Administrative Professionals Day

- 9 Mother's Day  
16 Armed Forces Day  
31 Memorial Day (Office Closed)

MAY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

- 14 Flag Day  
20 Summer Begins  
20 Father's Day

- 4 Independence Day (Office Closed July 5)  
4 Float & Fireworks

JULY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

AUGUST						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- 5-16 Yom Kippur  
6 Labor Day (Office Closed)  
6-8 Rosh Hashanah  
11 Patriot Day  
22 Fall Begins

SEPTEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

OCTOBER						
S	M	T	W	T	F	S
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10	11	12	13	14	15	16
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24	25	26	27	28	29	30
31						

- 5 Texas National Night Out  
6-8 Annual TML Conference (Houston)  
11 Columbus Day (Office Closed)  
16 Boss's Day (Observed Oct. 15)  
30 Trunk or Treat  
31 Halloween

- 2 Election Day  
7 Daylight Savings Time Ends  
11 Veterans Day (Office Closed Nov. 11 & 12)  
25 Thanksgiving (Office Closed Nov. 25 & 26)  
28 Hanukkah Begins

NOVEMBER						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER						
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 4 Holidazzle  
6 Hanukkah Ends  
21 Winter Begins  
24 Christmas Eve (Office Closed)  
25 Christmas Day  
26 Kwanzaa Begins  
31 New Year's Eve (Office Closed)

- Council Meeting  
"Council on the Go"/Retreat/Special  
City Holidays (Office Closed)

- Animal Services Advisory Committee  
Planning & Zoning Committee  
Parks & Recreation Advisory Board

- SSLGC  
Economic Development Corporation  
CVLGC  
TIRZ Board

- Library Advisory Board  
Historical Preservation Committee  
Transportation Safety Advisory Committee

- Red Letter  
SCUCISD Holidays

Dates are subject to change.  
Check [www.schertz.com](http://www.schertz.com) for updated information.



## City Council Calendar 2021

JANUARY						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY						
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28						

MARCH						
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21	22	23	24	25	26	27
28	29	30	31			

APRIL						
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MAY						
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30	31					

JUNE						
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27	28	29	30			

JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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24	25	26	27	28	29	30
31						

NOVEMBER						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER						
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5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

	Council Meeting
	"Council on the Go" Meeting
	Council Workshop/Retreat/Special Called Meeting
Red Letter	City Holiday -- City Offices Closed

Dates are subject to change.  
Check [www.schertz.com](http://www.schertz.com) for updated information

## **2021 Council/Boards/Commissions**

### **City Council Meetings**

Day: 1<sup>st</sup>, 2<sup>nd</sup>, and 4<sup>th</sup> Tuesdays of the month (see calendar for proposed cancelled meetings)  
Time: 6:00 PM  
Location: Council Chambers  
Special: February 16<sup>th</sup> and May 18<sup>th</sup> – “Council on the Go” Meetings  
November 15<sup>th</sup> – Canvass Results of November 2<sup>nd</sup> Election

### **SEDC - Schertz Economic Development Corporation**

Day: 4<sup>th</sup> Thursday of the month  
Time: 6:00 PM  
Location: Council Chambers  
Exceptions: November 18<sup>th</sup> (3<sup>rd</sup> Thursday)  
December 16<sup>th</sup> (3<sup>rd</sup> Thursday)

### **Library Advisory Board**

Day: 1<sup>st</sup> Monday of the month  
Time: 6:30 PM  
Location: Schertz Library - Meeting Room 1  
Exceptions: No meeting in July  
September 13<sup>th</sup> (2<sup>nd</sup> Monday)

### **Parks & Recreation Advisory Board**

Day: Bi-monthly on the 4<sup>th</sup> Monday of the month (beginning January)  
Time: 5:30 PM  
Location: Bob Andrews Conference Room★  
Exception: November 15<sup>th</sup> (3<sup>rd</sup> Monday)

### **P & Z – Planning and Zoning**

Day: 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month  
Time: 6:00 PM  
Location: Council Chambers  
Exceptions: November 17<sup>th</sup> (one meeting, 3<sup>rd</sup> Wednesday)  
December 8<sup>th</sup> (one meeting, 2<sup>nd</sup> Wednesday)

### **TSAC – Transportation Safety Advisory Commission**

Day: 1<sup>st</sup> Thursday of the month  
Time: 5:30 PM  
Location: Council Chambers Conference Room★  
Exceptions: No meetings in January, July, or December

### **SHPC – Schertz Historical Preservation Committee**

Day: Quarterly on the 4<sup>th</sup> Thursday of the month:  
January 28<sup>th</sup>, April 22<sup>nd</sup>, July 22<sup>nd</sup>, and October 28<sup>th</sup>  
Time: 6:30 PM  
Location: Bob Andrews Conference Room★

### **TIRZ Board – Tax Increment Reinvestment Zone**

Day: Meets on the 2<sup>nd</sup> Tuesdays for the following months:  
January 12<sup>th</sup>, April 13<sup>th</sup>, July 13<sup>th</sup>, and October 12<sup>th</sup>  
Time: 4:00 PM  
Location: Council Chambers

**Animal Services Advisory Committee**

Day: Quarterly on the 1<sup>st</sup> Wednesdays for the following months:  
February 3<sup>rd</sup>, May 5<sup>th</sup>, August 4<sup>th</sup>, and November 3<sup>rd</sup>  
Time: 6:00 PM  
Location: Council Chambers Conference Room★

**SSLGC – Schertz-Sequin Local Government Corporation**

Day: 3<sup>rd</sup> Thursday of the month  
Time: 1:30 PM  
Location: SSLGC Administration Office Building, 108 W. Mountain Street, Seguin TX 78155

**CVLGC – Cibolo Valley Local Government Corporation**

Day: Quarterly on the 4<sup>th</sup> Thursday of the month:  
January 28<sup>th</sup>, April 22<sup>nd</sup>, July 22<sup>nd</sup>, and October 28<sup>th</sup>  
Time: 9:00 AM  
Location: Alternates between Schertz & Cibolo – contact Jackie Gaines [jackie.gaines@cvlgc.com](mailto:jackie.gaines@cvlgc.com)  
Special: Board Meeting TBD  
Joint (Schertz and Cibolo) City Council Meeting TBD, City of Cibolo

**Board of Adjustments**

Note: Will be held on an as-needed basis  
Planning and Community Development will work with City Staff, Board Members, and the Applicant to coordinate the meeting.

**Building and Standards Commission**

Note: Will be held on an as-needed basis  
Planning and Community Development will work with City Staff, Board Members, and the Applicant to coordinate the meeting.

★These meetings are being held in the Civic Center until further notice due to COVID social distancing guidelines