



MEETING AGENDA
City Council
SPECIAL SESSION CITY COUNCIL
March 8, 2021

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

CITY OF SCHERTZ CORE VALUES

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

SPECIAL AGENDA
MONDAY, MARCH 8, 2021 at 12:00p.m.

City Council will hold a Special Meeting at 12:00 p.m., Monday, March 8, 2021, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.

Call to Order

Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas.
(Mayor 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 by 5:00 p.m. on Friday, March 5, 2021, SO THAT THE CITY SECRETARY MAY READ THE PUBLIC COMMENTS INTO THE RECORD UNDER THE HEARING OF RESIDENTS. In the body of the email please include your name, your address, phone number, agenda item # if applicable or subject of discussion, and your comments.

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

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

be requested to leave the meeting.

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

Discussion and Action Items

- 1. Ordinance 21-M-10** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing the City to temporarily adjust its rates and charges so that the City may bill the lower of January 2021 or February 2021 for water consumption to customers; repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; providing an effective date; and declaring an emergency. ***First and Final Reading*** (M. Browne /B. James/J. Walters)

Roll Call Vote Confirmation

Adjournment

CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 4th DAY OF MARCH 2021 AT 4:30 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

BRENDA DENNIS

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON ____ DAY OF _____, 2021. TITLE: _____

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

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

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

added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

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

CITY COUNCIL MEMORANDUM

City Council Meeting: March 8, 2021
Department: Finance
Subject: Ordinance 21-M-10 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing the City to temporarily adjust its rates and charges so that the City may bill the lower of January 2021 or February 2021 for water consumption to customers; repealing all Ordinances or parts of Ordinances in conflict with this Ordinance; providing an effective date; and declaring an emergency. *First and Final Reading* (M. Browne /B. James/J. Walters)

BACKGROUND

A disaster declaration was made beginning on February 13, 2021 due to the severe winter weather seen across Texas. The City saw freezing temperatures lasting many consecutive days, snow, persistent ice, and power outages. This level of winter weather is rare for our area and many were caught unprepared.

One common safety method to help prevent pipes from freezing and bursting is to leave faucets dripping inside the house. This method was encouraged during the event and many customers took heed. Due to this and other factors like pipe breaks, water consumption was 20.3 million gallons higher city wide, this 75% higher than normal.

Staff has been communicating with both the Cibolo Creek Municipal Authority (CCMA), which treats the majority of the city's wastewater, and the Schertz Seguin Local Government Corporation, which supplies the city's water. Both entities have agreed to charge Schertz the lower usage between January 2021 and February 2021 for services in February. This would be a savings to the City of Schertz and lower the expenditures the city would normally have to pay.

The ordinance today proposes to pass on those savings to the customer using this same method. If the customer used more water in February 2021 than January 2021, they will receive a credit equal to the difference. Essentially, their February bill would be the same as the one they received in January. If they used less water than January, they would receive no adjustment.

This method of conveying relief to citizens is the same as being used by other utilities such as the San Antonio Water System.

If passed this adjustment would be seen on the utility bills customers receive in March.

GOAL

To provide relief to customers that used the drip method to prevent their water pipes from freezing and bursting, potentially causing severe damage to their homes.

COMMUNITY BENEFIT

Customers that used more water during the winter event will be billed less if their usage was more in February than in January 2021.

SUMMARY OF RECOMMENDED ACTION

Staff recommends Council approve this ordinance, which will reduce utility bills for some customers and pass along savings realized by the City of Schertz from the water and sewer providers. Given the limited time between the severe weather event and the normal billing cycle, staff recommends that Council declares an emergency to approve this ordinance on one reading to allow staff to immediately begin adjusting bills.

FISCAL IMPACT

There would be minimal fiscal impact to the City of Schertz and its Utility Fund. This ordinance would be passing along expenditure savings to the customers.

RECOMMENDATION

Staff recommends approval of Ordinance 21-M-10

Attachments

Ordinance 21-M-10

ORDINANCE NO. 21-M-10

AN ORDINANCE BY THE CITY OF SCHERTZ AUTHORIZING THE CITY TO TEMPORARILY ADJUST ITS RATES AND CHARGES SO THAT THE CITY MAY BILL THE LOWER OF JANUARY 2021 OR FEBRUARY 2021 FOR WATER CONSUMPTION TO CUSTOMERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY

WHEREAS, the City declared an emergency beginning February 13, 2021 through February 20, 2021 due to the winter storm that affected the State of Texas; and

WHEREAS, in order to protect their homes and businesses, the City encouraged citizens to use the drip method to prevent pipes from freezing and bursting; and

WHEREAS, the City's sewer treatment provider Cibolo Creek Municipal Authority and the water provider Schertz Seguin Local Government Corporation, have both agreed to charge the City for the lower usage between January 2021 and February 2021 resulting in savings to the City; and

WHEREAS, other utilities in the area are also charging their customers the lower usage between January 2021 and February 2021; and

WHEREAS, Staff proposes passing on those savings to the utility customers by billing them the lower of January 2021 or February 2021 consumption; and,

WHEREAS, to do so necessitates a temporary adjustment of established rates and charges adopted by the City; and,

WHEREAS, it is hereby found that billing utility customers the lower of January 2021 or February 2021 consumption serves a public purpose, and any private benefit is merely incidental to the greater public purpose served; and,

WHEREAS, it is hereby found that the timing of the disaster and the subsequent billing cycle constitute a sufficient basis to invoke the emergency single reading provisions of Section 4.09(e) of the City Charter.

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

Section 1. The City Council of the City of Schertz authorizes staff to adjust the utility bills to charge customers the lower of January 2021 or February 2021 consumption to be implemented on bills received by customers in March 2021.

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

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. Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and this Ordinance is hereby adopted on a single reading, and this Ordinance shall be effective upon the date hereof and any publication required by law.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT THIS ORDINANCE WAS PASSED and APPROVED on first and final reading this the 8th day of March 2021.

APPROVED:

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary