



MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
July 6, 2021

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

CITY OF SCHERTZ CORE VALUES

Do the right thing

Do the best you can

Treat others the way you want to be treated

Work cooperatively as a team

AGENDA

TUESDAY, JULY 6, 2021 at 6:00 p.m.

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

Call to Order

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

Presentations

- Proclamation recognizing Parks and Recreation Month. (Mayor/L. Shrum)
- Presentation of the new Preventing Mosquitoes in our Community video. (B. James/L. Wood)

Employee Recognition

- EDC: Channary Gould - Business Retention Manager, Sheree Courney - Administrative Assistant
- Event Facilities: Blake Mitchell - Events Attendant
- Fire Department: Amanda Mathews - Firefighter
- Parks & Recreation: Diego Martinez, Daniel Pillar - Seasonal Park Worker
- Police Department: Jarrod Bowers - Police Officer

City Events and Announcements

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

Hearing of Residents

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

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

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

Consent Agenda Items

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

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the Special Meeting of June 17, 2021, minutes of the Joint CVLGC - Schertz - Cibolo Meeting of June 21, 2021, and minutes of the Regular Meeting of June 22, 2021. (B. Dennis)
2. **Resolution No. 21-R-60** - Consideration and/or action approving a Resolution with the Schertz Seguin Local Government Corporation (SSLGC) Fiscal Year 2021-2022 Annual Budget and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)
3. **Resolution No. 21-R-62** - 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 409 Main Street. (M. Browne/B. James)
4. **Resolution No. 21-R-59** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing Memorandums of Understanding with the Texas Department of Public Safety, for the purpose of obtaining a renewal of commercial vehicle enforcement authority and other matters in connection therewith. (C. Kelm/M. Casas)

Discussion and Action Items

5. **Ordinance No. 21-S-26-** Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use- New Development (MSMU-ND). (*Final Reading*) (B. James/ L. Wood/E. Delgado)
6. **Ordinance No. 21-M-28** - Consideration and/or action approving an Ordinance authorizing and amending the City Council Rules of Conduct and Procedure; repealing all ordinance or parts of ordinances in conflict with this ordinance and providing an effective date. (*First Reading*) (M. Browne)

Roll Call Vote Confirmation

Closed Session

7. The City of Schertz City Council will convene in executive session under Texas Government Code Section 551.071 to receive legal advice from its attorneys regarding the following litigation:
 - Cause No. D-1-GN-18-000535; Green Valley Special Utility District v. Public Utility Commission of Texas; Deann T. Walker, Arthur D’Andrea, and Brandy Marty Marquez, in their official capacities as Commissioners of the Public Utility Commission of Texas; Brian H. Lloyd, in his official capacity as Executive Director of the Public Utility Commission of Texas, or his successor; and the City of Schertz, Texas, in the 419th District Court of Travis County, Texas;
 - No. 07-20-00167-CV; City of Schertz and Cibolo Creek Municipal Authority v. Texas Commission on Environmental Quality and Green Valley Special Utility District; in the Seventh Court of Appeals, Amarillo, Texas; and
 - No. 19-51056; City of Schertz v. United States Department of Agriculture, acting by and through George Ervin “Sonny” Perdue, III, Secretary of Agriculture; Rural Utilities Service, acting by and through Edd Hargett, Sate Director; Green Valley Special Utility District; in the United States Court of Appeals for the Fifth Circuit.
 - Case No. 1:17-CV-00819-SS (U.S. District Court, Western District of Texas, Austin Division), Green Valley Special Utility District vs. City of Schertz et al

Reconvene into Regular Session

- 7a. Take any action based on discussion held in closed session under Agenda Item 7.

Roll Call Vote Confirmation

Requests and Announcements

- Announcements by the City Manager.
- Requests by Mayor and Councilmembers for updates or information from staff.
- Requests by Mayor and Councilmembers that items or presentations be placed on a future City Council agenda.
- Announcements by Mayor and Councilmembers
 - City and Community events attended and to be attended
 - City Council Committee and Liaison Assignments (see assignments below)
 - Continuing education events attended and to be attended
 - Recognition of actions by City employees
 - Recognition of actions by Community volunteers

Adjournment

CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 2nd DAY OF JULY 2021 AT 11:15 A.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 Animal Advisory Commission Audit Committee Investment Advisory Committee Main Street Committee	Councilmember Brown – Place 7 Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

CITY COUNCIL MEMORANDUM

City Council Meeting: July 6, 2021
Department: City Secretary
Subject: Minutes – Consideration and/or action regarding the approval of the minutes of the Special Meeting of June 17, 2021, minutes of the Joint CVLGC - Schertz - Cibolo Meeting of June 21, 2021, and minutes of the Regular Meeting of June 22, 2021. (B. Dennis)

BACKGROUND

The City Council held a Special City Council Meeting on June 17, 2021, Joint Meeting on June 21, 2021, and Regular Meeting on June 22, 2021.

RECOMMENDATION

Recommend Approval.

Attachments

06-17-2021 draft minutes
06-21-2021 CVLGC Joint Minutes
6-22-2021 draft minutes

DRAFT

MINUTES REGULAR MEETING June 17, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 17, 2021, 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 Jill Whittaker; Councilmember Mark Davis; Councilmember Rosemary Scott; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

City Staff: City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Manager Charles Kelm; City Secretary Brenda Dennis; Assistant to the City Manager Sarah Gonzalez; Finance Director James Walters; City Attorney Dan Santee; Economic Development Director Adrian Perez; EMS Director Jason Mabbitt; Director of Human Resources & Purchasing Jessica Kurz

Call to Order

Mayor Gutierrez called the meeting to order at 8:35 a.m.

Hearing of Residents

No one signed up to speak.

Workshop

- Discussion and direction regarding the American Rescue Plan. (M. Browne)

Mayor Gutierrez stated Dr. Browne will be providing a plan overview regarding the timing and distributions of funds. He indicated that the City is receiving \$9,166,792.19. He stated that last week Congressman Gonzales presented the City with the ceremonial check.

City Manager Dr. Mark Browne provided the following PowerPoint presentation answering questions and gathering Council's feedback:

Background

- \$1.9 trillion economic stimulus bill passed by 117th United States Congress
 - Will deliver \$350 billion for eligible state, local, territorial, and Tribal governments
- Signed into law by President Biden on 3/11/21
- Intent is to speed up the recovery from the economic and health effects of the Covid-19 pandemic
- Expected stimulus package – \$9 million
- Expected to receive funds in two tranches
 - First tranche - (equal to 50% of the allocation - \$4.5 million) within 60 days of enactment
 - Second tranche (the remaining 50%) not earlier than one year after the first disbursement
- Key dates to keep in mind
 - December 31, 2024: Funds must be obligated
 - December 31, 2026: End of period of performance

Limitations on Spending

Areas where money can be spent

- Category 1: Support public health expenditures
- Category 2: Address negative economic impacts caused by the public health emergency
- Category 3: Replace lost public sector revenue
- Category 4: Provide premium pay for essential workers
- Category 5: Invest in water, sewer, and broadband infrastructure

At pre-budget retreat discussed putting money in each category

Proposal for Spending

- Staff's spending proposal for 1st tranche - \$4.5 million
 - Category 1: Support public health expenditures - \$423,250
 - Category 2: Address negative economic impacts caused by the public health emergency - \$1.4 million
 - Category 3: Replace lost public sector revenue - \$63,500
 - Category 4: Provide premium pay for essential workers - \$500,000
 - Category 5: Invest in water, sewer, and broadband infrastructure - \$2.2 million
- Combined proposed amount: \$4,586,750

Category 1: Support public health expenditures

- Funding COVID-19 mitigation efforts certain public health and safety staff, etc.

- Overtime amounts for Public Safety

Proposed spending amount: \$423,250

- \$296,400 for Police
- \$126,850 EMS

Category 2: Address negative economic impacts caused by the public health emergency

- Develop matching grant program for businesses/non-profits

Proposed spending amount: \$1.4 million

Category 3: Replace lost public sector revenue

- Lost revenues from Rentals (Civic Center, Parks Pavilions) experienced due to the pandemic – budget to actual

Proposed spending amount: \$63,500

Category 4: Provide premium pay for essential workers

- Lump sum of \$1,000 for every employee

Proposed spending amount: \$500,000

Category 5: Invest in water, sewer, and broadband infrastructure

- Master Communication Plan - \$500,000
- Generators - \$500,000
 - Edwards Wells and NACO Tower (\$225K)
 - I35/Morning Drive and Corbett Water Towers (\$262K)
- Water/Sewer projects (Crest Oak Sewer Line) - \$1.2 million

Proposed spending amount: \$2.2 million

Second Tranche - \$4.5 million

- Same structure, or;
 - Use entire amount in category 5 – investments in water, sewer, and broad Loop Line Construction (\$664K)
 - Aviation Heights Phase 8 Waterline replacements (\$550K)
 - SCADA replacement Phases 1,2,3 (\$189K total)
 - Replace I35 Elevated Storage Tank piping (\$400K)
 - Greenshire Drive AC Waterline Design & Construction (\$3.3M)
 - Ware-Seguin Water Tank (\$350K)
 - Wastewater Town Creek Phase IV Route Study/Design/Easement (\$900K)
 - band infrastructure

- Greytown to Pfeil

Members of Council commented on the following:

- Possible reimbursement for COVID-19 Clinic clean up
- Matching grant programs for businesses - non-profits - application process, amount of match
- Emphasis on businesses that were impacted during COVID-19 pandemic
- Permit fees - shortage of building materials
- Premium pay for essential workers, amount to the workers was discussed
- Debt revenue - funds city lost during the pandemic

Adjournment

Mayor Gutierrez adjourned the meeting at 9:55 a.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

MINUTES
SPECIAL JOINT MEETING
June 21, 2021

A Special Joint Meeting was held by the Cibolo Valley Local Government Corporation, the Schertz City Council of the City of Schertz, and the Cibolo City Council of the City of Cibolo, Texas, on June 21, 2021, at 6:30 p.m. at Cibolo City Hall, 200 South Main Street, Cibolo, TX 78108. The following members present to-wit:

Present: Schertz Mayor Ralph Gutierrez; Schertz Mayor Pro-Tem Jill Whittaker; Schertz Councilmember Mark Davis; Schertz Councilmember Michael Dahle; Schertz Councilmember David Scagliola; Schertz Councilmember Allison Heyward; Schertz Councilmember Tim Brown; CVLGC President Justin Murray; CVLGC Vice-President Garth Coursen; CVLGC Secretary Lesley Pedde; CVLGC Executive Director Scott McClelland; CVLGC Schertz Ex-Officio Michael Dahle; CVLGC Cibolo Ex-Officio Ted Gibbs; Engineering Consultant (Walker Partners) John Winkler; Engineering Consultant (Walker Partners) Hunter Garza; Attorney Art Rodriguez; CVLGC Admin/Operations Manager Jackie Gaines; Engineering Consultant (Utility Engineering Group) David Kneuper; Cibolo Mayor Stosh Boyle, Cibolo Mayor Pro-Tem Joel Hicks, Cibolo Councilmember Jennifer Schultes; Cibolo Councilmember Reggie Bone, Cibolo Councilmember Ted Gibbs; Cibolo Councilmember Mark Allen; Cibolo Councilmember Tim Woliver

Absent: Councilmember Rosemary Scott, City of Schertz, Councilmember Steve Quinn, City of Cibolo

City Staff: Schertz City Manager Dr. Mark Browne; Schertz Assistant City Manager Charles Kelm; City Secretary Brenda Dennis; Deputy City Secretary Sheila Edmondson; Cibolo Interim City Manager Chief Bryan Hughhins; Cibolo City Secretary Peggy Cimics; Cibolo Public Works Director Tim Fousse; Cibolo I.T. Chris Martinez

Call to Order- Justin Murray, President

Justin Murray, President Cibolo Valley Local Government Corporation called their meeting to order at 6:33 pm.

1. A. City of Cibolo

Mayor Stosh Boyle called their meeting to order at 6:33pm and thanked everyone for attending. Mayor Boyle stated that Councilmember Jennifer Schultes and Councilmember Steve Quinn were absent. A motion was made by Mayor Pro-Tem Joel Hicks to approve the absence of Councilmember Steve Quinn. The vote was unanimous. Motion passed. Councilmember Jennifer Schultes arrived a few minutes late.

B. City of Schertz

Mayor Ralph Gutierrez stated there was a quorum called their meeting to order at 6:33pm.

2. Pledge of Allegiance

All stood and recited the Pledge of Allegiance.

3. Welcome/Opening Remarks-Stosh Boyle, Mayor of Cibolo & Ralph Gutierrez, Mayor of Schertz.

Mayor Boyle, City of Cibolo thanked everyone for coming tonight and wanted to commend all those who stepped up and volunteered their time.

Mayor Gutierrez, City of Schertz thanked everyone for attending tonight's meeting. Cities cannot do things by themselves, and sometimes it takes partners to get things accomplished, that is why we are working together with CVLGC.

President Justin Murray asked the two appointed representatives from both City Councils to share their thoughts on participation in the last couple of meetings.

Cibolo Councilmember Ted Gibbs stated there were three areas of concern for the City of Cibolo. 1. Increase water volume by year 2024. 2. Ownership and control of water sources. 3. Security and Diversity, diversity of multiple water sources and the security that water systems do not get hacked.

Schertz Councilmember Michael Dahle explained that development of water resources is a very long term and very challenging effort with the multiple regulatory agencies in addressing the needs of these two cities. CVLGC will be updating their Strategic Plan and had some frank discussions about how they can meet everyone's needs and doing in a way that works for everyone.

4. Introductions-Justin Murray, President

President Justin Murray introduced Scott McClelland as the new Executive Director. Mr. McClelland took over for Ms. Amber Beard. He also thanked CVLGC Admin/Operations Manager Jackie Gaines for all her hard work.

5. Discussion of Strategic Plan update for the CVLGC Project- Scott McClelland, Executive Director and John Winkler, Walker Partners

Executive Director Scott McClelland and Engineer Consultant John Winkler provided a

PowerPoint presentation covering the following information and addressed comments and questions from audience.

Organizational Structure:

Board Members:

City of Schertz: Justin Murray, Brian Edgington

City of Cibolo: Garth Coursen, Lesley Pedde

Ex-Officio Members:

City of Schertz: Michael Dahle

City of Cibolo: Ted Gibbs

CVLGC Staff:

Scott McClelland, Executive Director

Jackie Gaines, Administrative Assistant

CVLGC Consultants:

Accounting: Jennifer Reininger, Reininger Business Solutions LLC

Engineering: John Winkler, Walker Partners

Legal: Art Rodriguez, Russell Rodriguez Hyde & Bullock, LLP

Water Lease Services: Rene Moulinet Jr. HRM Land Acquisition Solutions

Workshop Outline:

- Summary of CVLGC Year
- Introduction to the Strategic Plan Update
- Review Scoring Criteria and Weighting
- Potential Project List
- Plan Forward
- Questions

Summary of CVLGC Year:

- Master Services Agreement with City of Schertz in FY 20-21
- Shifted to quarterly Board Meetings in FY 19-20
- Maintained all current water leases
- Officially began the Strategic Plan Update in April
- Board held two workshops to work through the Strategic Plan Update

Strategic Plan Update:

- Direction from last Joint Council Meeting was to periodically evaluate the economics of Wilson County Project vs. other projects
- Last Strategic Plan was finalized in 2015

- Current Project is the Wilson County Project

Selection Criteria:

- Cost
- Difficulty in obtaining Water
- Resilience to political, regulatory, and environmental changes
- Length of time to complete
- CVLGC Ownership
- Diversity of Water Sources

Selection Criteria: Weighting

<u>Selection Criteria</u>	<u>Weighting</u>
1. Cost	30%
2. Difficulty in Obtaining Water	20%
3. Resilience to political, regulatory and environmental changes	15%
4. Length of time to complete	10%
5. CVLGC Ownership	15%
6. Diversity of Water Sources	10%

Potential Projects:

- Cibolo Valley Local Government Corporation (CVLGC) - Wilson County Project (10,000 Acre-Feet)
- Alliance Regional Water Authority (ARWA) - Phases 1, 2, 3 - (30,000 Acre-Feet)
- Canyon Regional Water Authority (CRWA) - Wells Ranch Phase 3 - (7,000 Acre-Feet)
- Guadalupe Blanco River Authority (GBRA) - Carrizo Project - (15,000 Acre-Feet)
- New Braunfels Utility (NBU) - ASR Project - (10,818 Acre-Feet)
- San Antonio Water System (SAWS) - Expanded Carrizo Project - (21,000 Acre-Feet)
- San Antonio Water System (SAWS) - Vista Ridge - (50,000 Acre-Feet)
- San Antonio Water System (SAWS) - Brackish Water Project - (70,000 Acre-Feet)
- Schertz Seguin Local Government Corporation (SSLGC) - Brackish Water Project - (95,000 Acre-Feet)

Plan Forward:

- Finalize analysis of CVLGC needs
- Finalize project list to evaluate
- Using the Scoring Criteria and Weighting, evaluate each project
- Board to recommend the best project for CVLGC to move forward
- Present the Board recommendation to each City Council for approval

- Execute approved recommendation

Question Session:

Mayor Ralph Gutierrez thanked the CVLGC Staff for the presentation.

Cibolo Councilmember Mark Allen asked about the Selection Criteria Weighting and thought the quality and the distance the water travels to get to Cibolo are important metrics to look at. He also asked about diversity of water sources and if we looking to pick more than one project. Executive Director Scott McClelland stated there isn't just one project to fit all the needs of both cities. Cibolo Councilmember Mark Allen asked for an update from the last meeting where there was some opposition with some water rights being sold to CVLGC. President Justin Murray explained that the area where they were wanting to purchase water rights had some opposition, so CVLGC stepped back from that particular project. He does believe if this is one of the projects they are wanting to pursue, opposition might stir up again.

Schertz Mayor Ralph Gutierrez asked what the number one challenge is in obtaining water. Engineer Consultant John Winkler stated that permitting is the most challenging aspect of obtaining water. President Justin Murray added that each project will have its own unique challenges and that's where weighting the criteria in all projects helps CVLGC select the best projects to pursue. Executive Director Scott McClelland added that on some projects, the most difficult part will be negotiating with those agencies to get a part of those projects. The challenges vary.

Schertz Councilmember Michael Dahle stated that this is where the ownership question comes into play in the weighting of a project. If we are currently receiving water from a source, but down the road that agency needs more water for themselves, this could create issues.

Cibolo Councilmember Tim Woliver asked how the length of time on each project is calculated. Executive Director Scott McClelland explained the timeline is from when we start the project to when we get water.

Cibolo Mayor Stosh Boyle asked about the 2-acre feet to an acre for water rights. President Justin Murray explained that Wilson County is 2-acre foot /an acre and for Wilcox County it is 1-acre foot/ an acre. Mayor Stosh Boyle asked why local land owners wouldn't want to sell water rights to help their own community. President Justin Murray explained there are several complex issues with that option to consider.

Closing Remarks:

President Justin Murray closing remarks included that tonight's meeting had a different focus. It was not about a specific project, but the focus on how we need to maintain the engines of our local economies which is growth. Water is required for that growth. Working as team and maintaining the integrity of this organization is key to the success of this project. He also asked for everyone to reach out to our representatives.

Executive Director Scott McClelland thanked everyone for attending and thanked the CVLGC Board for all their work.

Schertz Mayor Ralph Gutierrez agreed that the two cities need to work together and adjourned the meeting at 7:43 pm.

Cibolo Mayor Stosh Boyle thanked the CVLGC Board for all their hard work and thanked everyone for attending the meeting. Mayor Pro-Tem Joel Hicks made a motion to adjourn the meeting. Councilmember Ted Gibbs seconded the motion. All in favor, motion passed. Meeting adjourned at 7:43pm.

Ralph Gutierrez, Mayor City of Schertz

Stosh Boyle, Mayor City of Cibolo

Sign and Date

Sign and Date

Justin Murray, President of CVLGC

Sign and Date

ATTEST:

Brenda Dennis
City Secretary
City of Schertz

DRAFT

MINUTES REGULAR MEETING June 22, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 22, 2021, 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 Jill Whittaker; Councilmember Mark Davis; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward; Councilmember Tim Brown

Absent: Councilmember Rosemary Scott

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

Call to Order

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

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

Mayor Gutierrez recognized Councilmember Brown who provided the opening prayer followed by the Pledges of Allegiance to the Flags of the United States and State of Texas.

Presentations

- **Sweetheart Court Presentation** - Introduction of the FY21-22 Sweetheart Court. (L. Shrum/M. Spence)

Mayor Gutierrez recognized Events Manager Mary Spence who introduced the following FY21-22 Sweetheart Court members:

Miss Schertz, Olivia Coats

Miss Jubilee, Reagan Cabe

Miss Friendly City, Hailey Skorbarcek
Miss Sunshine, Nina Guastafierro

Mayor Gutierrez thanked the Sweetheart Court for being Ambassadors for the City.

City Events and Announcements

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

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

Saturday, June 26th

Music & Movies in the Park
Pickrell Park, 703 Oak Street
Music--Carbonlily, 7:00 PM
Movie--“Dirty Dancing”, 8:30 PM

Thursday, July 1st

Joint Council Workshop with Housing Authority Board
Council Chambers
8:30 AM – 10:30 AM

Thursday, July 1st

July is Parks and Recreation Month and Parks will be hosting free Popsicle Parties every Thursday at a different park in the month of July.
The first one will be held at Ashley Park on Thursday, July 1st
6:00 PM – 7:00 PM

Friday, July 2nd

Project Flag Line
Volunteers and staff assist in placing flags along Schertz Parkway
Volunteers will meet on Friday, July 2nd in the parking lot adjacent to the Johnnie McDow Sports Complex (in front of the Civic Center) at 955 Community Circle Drive at 7:00 AM. Small groups of up to 5 people will be assigned a section of Schertz Parkway. At 7:15 AM, groups will drive to their assigned locations then place flags along the parkway. Volunteers are asked to bring their own safety vest, wagon for supplies, and a hammer or mallet if possible. Volunteers are asked to register on CivicRec. If anyone has trouble with creating an account or registering, they can contact Michelle Yang at 619-1635.

Sunday, July 4th

Let Freedom Run 5K begins at 9:15 AM
Schertz Parkway

Jubilee Patriotic Fun in 2021! Parade begins at 9:30 AM
Schertz Parkway

4th of July Jubilee
Pickrell Park
Kids Carnival opens at 11:00 AM
Family Zone/Food Vendors begin at 5:00 PM
Live Music begins at 6:00 PM
Fireworks begin at 9:15 PM

Monday, July 5th

City Office Closed in observance of July 4th Holiday

Tuesday, July 6th

Next regular scheduled Council meeting

Friday, July 9th

Joint Workshop with City Council and Planning & Zoning
City Council Chambers
8:30 AM

November 2nd

The City of Schertz will be holding its General Election on November 2, 2021, for the purpose of electing Council Members in Place 6 and Place 7 for a three-year term, from November 2021 to November 2024. Any candidate desiring to have his or her name on the Official Ballot shall file with the City Secretary an application in writing in the form prescribed by the Texas Election Code declaring themselves a candidate. The filing date is no sooner than July 17, 2021, (but since the 17th falls on a Saturday and City offices are closed) the date moves to Monday, July 19, 2021, and no later than Monday, August 16, 2021, by 5:00 p.m. Qualifications for Candidacy can be found online at www.schertz.com as well as in the Candidate packet. Candidate packets are also available in the City Secretary's Office.

- Announcements by the City Manager (M. Browne)

No announcements were provided.

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

No announcements were provided.

Hearing of Residents

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

No one signed up to speak.

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 and Mayor Pro-Tem Whittaker read the following items into record:

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of June 8, 2021 and the minutes of the Special meeting of June 15, 2021. (B. Dennis)
2. **Resolution No. 21-R-55** - Consideration and/or action approving a Resolution authorizing a Community Development Block Grant Program Cooperative Agreement with Bexar County, and other matters in connection therewith. (M. Browne/B. James/B. Dennis)
3. **Boards, Commission and Committee Appointments** - Consideration and/or action appointing Dr. Susan Raiford to the Historical Preservation Committee. (B. Dennis/Mayor-Council)
4. **Resolution 21-R-56** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a right of way easement with Guadalupe Valley Electric Cooperative, Inc. on the City of Schertz 27 Commercial Place property, and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

5. **Ordinance No. 21-S-20** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 2 acres of land from General Business District (GB) to General Business-2 (GB-2), generally located approximately 5,500 feet east of the intersection between Schwab Road and IH-35 Access Road, 6420 IH 35, also known as Property ID 67796, City of Schertz, Comal County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)
6. **Ordinance No. 21-S-21** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 6 acres of land from General Business District (GB) and Manufacturing Light District (M-1) to General Business (GB) and Manufacturing Light District (M-1), generally located approximately 2,000 feet west of the intersection between FM 2252 and IH-35, also known as Comal County Property Identification Number 78020, City of Schertz, Comal County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)
7. **Ordinance No. 21-S-22** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 61 acres of land from General Business District (GB), Single-Family Residential/ Agricultural District (R-A), and Planning Development District (PDD) to Planned Development District (PDD), located at 9661 E FM 1518N, 10105 E FM 1518N, and 7901 E FM 1518N, also known as Bexar County Property Identification Number 309889, 309923, and 1058761, City of Schertz, Bexar County, Texas. ***Final Reading*** (B. James/L. Wood/M. Harrison)
8. **Ordinance No. 21-T-25** - 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 to provide funding for Civic Center chairs, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. ***Final Reading*** (S. Gonzalez/ L. Klepper)
9. **Ordinance No. 21-H-24** - Consideration and/or action approving an Ordinance of the City of Schertz to amend Ordinance 20-H-18 to establish an expiration date for the Declaration of Local Disaster to June 22, 2021 at 11:59 PM. ***Final Reading*** (M. Browne/C. Kelm/K. Long/S. Hall)
10. **Resolution No. 21-R-57** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)

- 11. Resolution 21-R-58** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz authorizing the City Manager to enter into an agreement with DAC, Inc. of New Braunfels, Texas, for the installation of the security systems as part of the Fleet Maintenance Building Project and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)

Mayor Gutierrez asked Council if there were any items they wished removed for separate action. Mayor Gutierrez recognized Councilmember Davis who asked that agenda Item 10 be removed for separate action. Mayor Gutierrez called for a motion to approve consent agenda items 1 through 9 and agenda item 11.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michael Dahle to approve consent agenda items 1 through 9 and agenda item 11.

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

Passed

Discussion and Action

10. Resolution No. 21-R-57 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments for certain inactive outstanding receivables and other matters in connection therewith. (B. James/J. Walters)

Mayor Gutierrez recognized Councilmember Davis who stated that he just wanted to make sure that when we had the workshop regarding the American Rescue Plan, that the funds we received from the Federal Government, that we are adequately looking at the categories of the revenue adjustments (1) Utility billing; (2) EMS billing. His question was there should be some of those accounts where someone has not paid due to the recent pandemic and that should be an easy correlation to move some of the funds as lost revenues to the City. He can not see why some would not qualify. In answer, Finance Director James Walter stated those are lost revenues and per Council's direction, we are looking into those and getting a dollar amount related to the outstanding Utility and EMS bills. He stated what information Council has before them tonight are write-offs, it's an accounting procedure for accounts greater than 180 days. We will never get those, so any action tonight won't affect what we bring

forward to you regarding lost revenue.

Moved by Councilmember Mark Davis, seconded by Councilmember Allison Heyward to approve Resolution No. 21-R-57.

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

Public Hearings

Mayor Gutierrez read the following item into record:

12. **Ordinance No. 21-S-26-** Conduct a public hearing, consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use-New Development (MSMU-ND). (*First Reading*) (B. James/ L. Wood/E. Delgado)

Mayor Gutierrez recognized Senior Planner Emily Delgado who introduced this item stating based on recent communications with property owners and developers interested in revitalizing and redeveloping properties along Main Street, that are facing difficulties in complying with the current Main Street Mixed-Use zoning district, staff feels that the creation of a new zoning district is the most appropriate solution. The proposed zoning district and UDC amendments will allow greater flexibility and achieve the desired goals for the redevelopment and new construction to occur on Main Street.

By creating flexibility in landscaping and screening not only for MSMU-ND but also incorporating the changes for MSMU will truly allow the properties to be able to convert from residential to commercial and vice versa without the requirement to install an eight-foot masonry wall or the twenty-foot landscape buffer. Additionally, the proposed modifications to parking and setbacks will allow for greater flexibility for developing properties on Main Street.

The Planning and Zoning Commission offered a recommendation of approval with a vote of 7-0, with changes to two sections of the proposed UDC amendments which were discussed during the meeting. These changes included adding additional clarity for which subsections within UDC Article

14, Section 21.14.3 are not applicable to the Main Street Mixed Use-New Development (MSMU-ND) zoning district and to add additional square footage scales in relation to required parking for Main Street Mixed Use- New Development (MSMU-ND). Both of these changes were incorporated into the proposed amendments included within this ordinance.

Staff recommends approval of Ordinance 21-S-26, the proposed amendments to the Unified Development Code (UDC) for the indicated subsections within Article 5, 9, and 14 as presented.

Mayor Gutierrez opened the public hearing, and as no one spoke; closed the public hearing for Council comments. Ms. Delgado addressed questions from Council regarding minimum offset, and the uses. Mayor Pro-Tem Whittaker asked why a pet shop was not listed as a use, Councilmember Davis addressed concerns regarding a dance hall & nightclub uses.

Mayor Gutierrez recognized Councilmember Davis who moved to approve Ordinance 21-S-26 and was seconded by Councilmember Heyward. The Mayor asked if that included the modification of the pet store and the bar and dance hall? Councilmember Davis amended his motion.

Moved by Councilmember Mark Davis, seconded by Councilmember Michael Dahle to approve Ordinance No. 21-S-26 with an approved usage of a pet store and a special use permit requirement for a dance hall.

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

NAY: Councilmember David Scagliola, Councilmember Allison
Heyward

Passed

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 12.

Requests and Announcements

- Announcements by the City Manager.

City Manager Dr. Mark Browne asked for guidance and clarification from the City Council regarding the placement of a City Ordinance's Final Reading when it did not receive a unanimous vote on the First Reading.

Mayor Ralph Gutierrez requested that this discussion be added to the July 6, 2021 City Council Agenda for discussion.

Dr. Browned mentioned to Council that he will be out of the office Thursday and Friday.

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

Councilmember David Scagliola asked if the discussion about the name change of Gutierrez Park was in fact a name change or change in the type of park. He asked for clarification and if this discussion was going to be sent to the Parks and Recreation Advisory Board to be discussed and brought back to Council with a recommendation. Mayor Gutierrez confirmed this item will be sent to Parks and Recreation Advisory Board for discussion and recommendation.

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

None at this time.

- Announcements by Mayor and Councilmembers

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

Mayor Pro-Tem Whittaker

- 12th Flying Training Wing MAC Luncheon-RAFB
- Northeast Partnership Meeting
- Council on the Go Meeting- June 15, 2021
- American Rescue Plan Workshop
- The Chamber Ribbon Cutting Ceremonies for: RentWerx and Sister Rivers Realty
- Covid-19 Vaccine Clinic Volunteer-Thank You Luncheon
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Davis

- American Rescue Plan Workshop
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting
- Main Street Committee Meeting

Councilmember Dahle

- The Chamber Luncheon
- Council on the Go Meeting- June 15,
- American Rescue Plan Workshop
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Scagliola

- The Chamber Luncheon
- The Chamber Mixer
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Heyward

- 12th Flying Training Wing MAC Luncheon-RAFB
- Northeast Partnership Meeting
- AACOG Elected Official Workshop Webinar
- Ceremonial Check Presentation with Representative Vicente Gonzalez
- Main Street Committee Meeting
- American Rescue Plan Workshop
- Two-webinars- Facebook and Instagram for Government Entities
- TML Legislative Wrap-up
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Councilmember Brown

- Main Street Committee Meeting
- American Rescue Plan Workshop
- CVLGC Joint City-Schertz/Cibolo Workshop Meeting

Mayor Gutierrez thanked all the volunteers who worked at the Covid-19 Shot Clinics.

Adjournment

Mayor Gutierrez adjourned the meeting at 6:44 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: July 6, 2021
Department: Public Works
Subject: Resolution No. 21-R-60 - Consideration and/or action approving a Resolution with the Schertz Seguin Local Government Corporation (SSLGC) Fiscal Year 2021-2022 Annual Budget and other matters in connection therewith. (C. Kelm/S. Williams/A. Beard)

BACKGROUND

A proposed annual budget for the period commencing October 1, 2021 and ending September 30, 2022 has been prepared by the Schertz/Seguin Local Government Corporation (SSLGC) General Manager and Staff. This proposed budget shows a \$524,972 increase from last FY budget (\$9,143,827-\$9,668,799).

It is the desire of SSLGC to have the FY2021-22 SSLGC Budget approved by the City of Schertz City Council. The SSLGC Board of Directors approved the FY 2021-22 Budget on June 17, 2021.

GOAL

To approve the SSLGC FY2021-22 Annual Budget.

COMMUNITY BENEFIT

The City of Schertz is a member of the Schertz/Seguin Local Government Corporation. It is through SSLGC that the City provides water to its residents and businesses. Approval of the budget will ensure that the citizens and businesses of Schertz will continue to receive this vital resource and service.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of the Resolution approving the proposed SSLGC FY2021-22 Annual Budget

FISCAL IMPACT

This budget is based on SSLGC revenue.

RECOMMENDATION

Staff recommends approval.

Attachments

SSLGC FY 21-22 Annual Budget

SSLGC Resolution-FY 21-22 Annual Budget

Schertz resolution-SSLGC FY 21-22 Annual Budget

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Schertz *Seguin*

L O C A L G O V E R N M E N T C O R P O R A T I O N

TO: SSLGC Board of Directors

FROM: Amber Beard, General Manager & Valentin T. Ruiz Jr., Assistant General
 Manager

SUBJECT: FY 2021-22 Budget

DATE: June 11, 2021

On behalf of the SSLGC staff, we present the 2021-22 Budget for the Schertz/Seguin Local Government Corporation. The annual budget is presented to provide a comprehensive review of SSLGC's operations and services during the new fiscal year beginning on October 1, 2021.

In presenting the Budget Report, we would like to recognize Finance Director Susan Caddell (City of Seguin), Office Administrator Clarissa Barrientes, and Superintendent Derrik Wesch for their contributions to the development of the FY2021-22 Budget.

Each year's budget process offers unique challenges in presenting a balanced budget that maintains SSLGC's successful delivery of potable water to customers, with the least impact possible on our customers through utility rates. The specific budgets are presented in detail for your review. A summary on significant points is presented as introduction.

Review of FY2020-21 Budget

Overall, the FY2020-21 expenditures are estimated to be lower than budget appropriations. The projected Operating Fund expenditures are \$9,084,393 which is \$59,434 below budgeted expenditures.

The projected FY2020-21 Operating Fund revenues are projected to be \$9,852,101 which is \$708,274 above the budgeted revenues.

The Operating Fund is projected to end FY2020-21 with a positive estimated cash balance of \$767,708.

FY2021-22 Operating Fund Revenues

When compared to FY2020-21, the projected FY2021-22 Operating Fund Revenues show an increase of \$984,051 which represents an increase of 10.76%.

FY 2021-22 Operating Fund Expenditures

The FY2021-22 expenditures increased \$524,972, or 5.74% when compared to FY2020-21. Costs for personnel and benefits represent 18.3% of the total Operating Fund expenditures.

Some of the noted increases in expenditures include:

- | | |
|---|-----------|
| (1) Salaries and benefits (18.2% increase) | \$272,772 |
| This includes a 3% cost of living increase and up to a 2.5% merit increase for SSLGC's City of Seguin employees. This includes a 1.25% Employment Cost Index increase and up to a 4% merit increase for SSLGC's City of Schertz employees. This includes 2 additional Operator Positions and 1 Part-Time Administrative Technician. | |
| (2) Professional Services (154.5% increase) | \$195,500 |
| This includes an asset management software program and its implementation and water lease management services. | |
| (3) City Distribution Fee (new line item) | \$45,000 |
| This amount was previously drafted directly from revenues. This fee is the estimated reimbursement amount to the City of Schertz for distributing water to the City of Selma for SSLGC. | |
| (4) Building/Auto Liability (12% increase) | \$15,000 |
| This is due to TML's insurance cost changes of an estimated 8.5% Property rate increase, 10.9% Errors and Omissions increase, 1% General Liability increase and 2% Auto Liability increase. | |

Personnel

The proposed budget includes a 3% cost of living increase and up to a 2.5% merit increase for SSLGC's City of Seguin employees. The proposed budget also includes a 1.25% Employment Cost Index increase and up to a 4% merit increase for SSLGC's City of Schertz employees. This also includes 2 additional Operator positions and 1 Part-Time Administrative Technician position. The merit increases are based on employee performance ratings.

In order to address the growth demands within the water system, and maintain and improve service levels, the following additional personnel are proposed in the FY2021-22 budget:

Proposed additional positions include 2 additional Operators and 1 Part-Time Administrative Technician as a result of the growth the SSLGC system has experienced. The Guadalupe Project (estimated to be completed at the end of CY2022) adds an additional wellfield

(6 wells), treatment plant (6.0 MGD), and wellfield pipeline network of 26,734 feet to the system. The 36" Parallel Pipeline Project will add 93,790 feet of additional transmission pipeline and the South Schertz Delivery Point Project has added over 10,476 feet of additional transmission pipeline. The Part-Time Administrative Technician is proposed to assist with the implementation and administration of the Asset Management and Maintenance Programs and also aid the Operations Manager and Superintendent with their daily administrative duties.

Capital Improvement Projects

The proposed SSLGC Capital Improvement projects includes the following projects that are proposed to be funded through:

Issuance of Revenue Bonds:

Emergency Generators	\$2,000,000
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These funds will be utilized for purchase and installation of emergency generators for the SSLGC system. The generators will be phased in over a period of 5 years.

42" & 30" Parallel Pipeline Project (Engineering and Easement Acquisition)	\$3,456,000
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These funds will be utilized for engineering and easement acquisition for this project.

Repair and Replacement Fund:

Well 6 Lowering	\$476,400
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These funds will be utilized to lower Well #6 and include the upsizing of the pump and motor

Well 6 SCADA Replacement	\$36,000
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These funds will be utilized for the replacement of SCADA components on Well 6

Pressure Filters 7-9 Painting	\$518,400
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These funds will be utilized for the painting of these filters and the removal and replacement of their filter media.

Pressure Filters 7-9 Valve Replacement	\$217,920
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These funds will be utilized for the replacement of valves for these filters.

Impact Fee Fund

Springs Hill Hwy 123 Connection	\$250,000
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These funds will be utilized for the new connection with Springs Hill Water Supply Corporation.

Emergency Connection Project	\$2,000,000
These funds will be utilized for an emergency connection project with CRWA	

FY2021-22 Operations and Maintenance Fund

Pumps and Motors	\$100,000
These funds will be used for the capitalized replacement of pumps and motors.	

Water Transmission Lines	\$25,000
These funds will be used for the capitalized replacement of water transmission lines including ARV's, isolation valves and drain valves.	

Capital Equipment

The proposed capital equipment includes the purchase of one half-ton pickup truck in the amount of \$45,000 to replace a SUV with over 145,000 miles. In addition, \$7,000 is included in the Operating Fund to replace some Corporation staff computers.

Conclusion

The presented proposed FY2021-22 Budget represents a balanced budget that will enable the Schertz/Seguin Local Government Corporation to continue to provide quality water to its customers.

**SCHERTZ-SEGUIN LOCAL GOVERNMENT CORPORATION
2021-22 BUDGET
SUMMARY - ALL FUNDS**

Fund	Estimated Working Capital 10/1/2021	Estimated Revenues	Transfers In	Proposed Expenditures	Transfers Out	Estimated Working Capital 9/30/2022
Operating Fund	3,670,978	10,127,878	-	8,818,799	850,000	4,130,057
Construction Fund	51,185,504	3,500	-	36,109,151	-	15,079,853
I&S Fund	985,965	7,451,660	-	7,430,333	-	1,007,292
Repair/Replacement Fund	7,320,535	5,950	600,000	2,641,584	-	5,284,901
Future Development Fund	2,509,491	2,550	250,000	386,000	-	2,376,041
Impact Fund	4,693,706	605,000	-	2,150,000	-	3,148,706
Reserve Fund	1,362,297	1,050	-	-	-	1,363,347
Rate Stabilization Fund	1,526,088	1,500	-	-	-	1,527,588
SAWS I&S Fund	833,876	1,391,434	-	1,389,450	-	835,860

**SSLGC
2020/21 ANNUAL BUDGET**

**SSLGC OPERATING FUND - 058
SCHERTZ/SEGUIN LOCAL GOVT. CORP. - 5500**

The City of Seguin is utilized for services for the Schertz/Seguin Water System in accordance with a management services agreement between the City of Seguin, the City of Schertz and the Schertz/Seguin Local Government Corporation (SSLGC). The City of Seguin is the employer of record for all positions listed below with the exception of the General Manager and Assistant General Manager. The City of Schertz is the employer of record for the General Manager and Assistant General Manager. The Schertz/Seguin Local Government Corporation reimburses the City of Schertz for the costs for these positions. Since the City of Seguin is utilized for both financial and human resources administration services through the management services agreement, costs for Seguin positions are transferred directly from SSLGC accounts.

PERSONNEL SCHEDULE

POSITION TITLE:	19/20	20/21	21/22
General Manager	1	1	1
Assistant General Manager	0	1	1
Operations Manager	1	1	1
Water System Superintendent	1	1	1
Office Administrator	1	1	1
Part-Time Administrative Technician	1	0	1
Operator I	6	8	9
Operator II	4	3	4
Operator III	2	1	1
Operator IV	0	0	0
Service Worker	1	1	1
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	18	18	21

BUDGET SUMMARY

This budget includes the following:

1. An increase in Professional Services of \$195,500. The cost of an asset management services is included for \$250,000.
2. An increase in City Distribution Fee of \$45,000. This is the fee the Corporation pays the City of Schertz for the water distribution to Selma. Prior to FY22, this amount was taken directly from revenues.
3. A decrease in Electric of \$401,685. In FY21, the budget included the effects from the snowstorm.
4. In FY22, the water leases will be separated between Gonzales County and Guadalupe County leases.

2021-22 Budget - SSLGC Operating Revenues

Account Number	Account Name	FY 2020 Actual	FY 2021 Budget	FY 2021 03/31/21	FY 2021 Estimates	FY2022 Budget
058 - SCHERTZ-SEGUIN GOV'T CORP OPERATING FUND						
Revenue						
Charges for Services						
058-341003	Management Services-CVLGC	50,000	0	0	0	0
058-341005	SAWS Well Field Operation	85,009	0	43,767	87,534	90,379
Charges for Services Total:		135,009	0	43,767	87,534	90,379
Utility						
058-343007	Water Sales	9,368,809	9,143,827	4,635,670	9,631,355	9,673,367
Utility Totals:		9,368,809	9,143,827	4,635,670	9,631,355	9,673,367
Interest Revenues						
058-361002	Investment Pools Interest Earnings	2,110	0	245	350	300
058-361004	Texas CLASS Interest Earnings	21,321	0	2,156	3,650	3,000
058-361020	Restricted Cash	(231)	0	(5)	(150)	(200)
Interest Revenues Totals:		23,200	0	2,397	3,850	3,100
Miscellaneous Revenues						
058-362030	Miscellaneous Revenues	5,893	0	1,382	2,000	2,000
058-362078	Solar Power Project	0	0	0	0	231,670
Miscellaneous Revenues Totals:		5,893	0	1,382	2,000	233,670
Lease Revenues						
058-363040	Lease Payments	578	0	7,712	23,160	23,160
058-363060	Grazing Leases	159,007	0	26,401	104,202	104,202
Lease Revenues Totals:		159,585	0	34,113	127,362	127,362
SCHERTZ-SEGUIN GOV'T CORP OPERATING FUND Totals:		9,692,496	9,143,827	4,717,328	9,852,101	10,127,878

2021-22 Budget-SSLGC Operating Expenditures

Account Number	Account Name	FY 2020 Actual	FY 2021 Budget	FY 2021 03/31/21	FY 2021 Estimates	FY2022 Budget
058 - SCHERTZ-SEGUIN GOV'T CORP OPERATING FUND						
55 - SSLGC						
11 - Salaries						
058-5500-110100	Regular Salaries	734,505	936,772	336,123	918,000	1,145,649
058-5500-112000	Overtime/On Call	55,812	80,000	32,440	78,400	90,035
058-5500-112100	Holiday Pay	12,842	15,125	9,024	15,125	18,000
11 - Salaries Totals:		803,159	1,031,897	377,586	1,011,525	1,253,684
12 - Benefits						
058-5500-121000	Payroll Taxes	59,077	77,779	27,882	76,223	86,525
058-5500-122000	Retirement	173,343	227,848	82,905	223,291	254,485
058-5500-123000	Health Insurance	97,276	148,370	50,782	145,402	162,234
058-5500-123100	Life Insurance	900	1,133	411	1,110	1,258
058-5500-124000	Workers' Compensation	7,626	8,500	3,671	8,500	10,113
12 - Benefits Totals:		338,223	463,630	165,652	454,526	514,615
32 - Professional Services						
058-5500-320500	Professional Services	84,260	126,500	47,600	126,500	322,000
058-5500-321000	Annual Audit	12,190	13,000	12,500	13,000	13,000
058-5500-321200	Consultant Services	102,085	141,000	45,994	141,000	120,000
058-5500-321500	Attorney Fees	27,279	50,000	10,332	40,000	50,000
058-5500-321600	Landfill Opposition	150	10,000	150	5,000	5,000
058-5500-323500	Solid Waste Contract	3,907	3,000	1,912	4,600	4,600
32 - Professional Services Totals:		229,872	343,500	118,489	330,100	514,600
34 - Technical Services						
058-5500-342100	Gonzales Underground Water Distric	95,917	100,000	39,672	100,000	100,000
058-5500-342200	City Distribution Fee	42,934	0	18,558	45,000	45,000
058-5500-342400	GCGCD Permit Fee	159,516	223,500	142,731	223,500	173,500
058-5500-342500	GCUWCD Mitigation Fund Pymt	61,852	75,000	65,953	65,953	69,500
058-5500-343000	Testing/Inspection Fees	14,205	22,400	9,592	22,000	20,000
34 - Technical Services Totals:		374,425	420,900	276,505	456,453	408,000
41 - Utilities Services						
058-5500-411000	Electric	1,612,262	2,501,685	750,723	2,501,685	2,100,000
058-5500-412000	Water	748	800	319	800	800
058-5500-413000	Sewer	774	800	360	800	800
058-5500-414000	Gas-Centerpoint	560	900	500	800	900
058-5500-415000	Telephone Service	184	0	0	0	0
058-5500-415200	Telephone-Mobile Phone	5,473	5,000	2,459	5,000	5,000
41 - Utilities Services Totals:		1,620,001	2,509,185	754,361	2,509,085	2,107,500
43 - Repair and Maintenance						
058-5500-431200	Office Maintenance-Computer	9,041	7,811	1,597	8,500	8,500
058-5500-432100	V&E Maint.-Motor Vehicles	12,769	14,000	7,299	14,000	14,000
058-5500-432200	V&E Maint.-Machine & Tool	17,324	20,000	4,408	20,000	20,000
058-5500-432300	V&E Maint.-Heavy Equipment	21,228	12,000	4,059	12,000	9,000
058-5500-432400	V&E Maint.-Communications	30,817	31,000	8,464	25,000	27,400
058-5500-432500	V&E Maint.-Pumps & Motors	252,668	250,000	51,193	250,000	150,000
058-5500-433000	Buildings Maintenance	20,774	30,000	3,920	30,000	30,000
058-5500-434601	L&I Maint.-WATER System	76,672	125,000	14,308	125,000	100,000
058-5500-436000	Property Maintenance	3,516	70,000	11,916	45,000	45,000
43 - Repair and Maintenance Totals:		444,809	559,811	107,163	529,500	403,900
44 - Rental						
058-5500-441000	Equipment Rental	3,166	7,000	1,819	5,000	7,000
058-5500-443500	Water Leases	2,630,257	2,630,000	1,134,350	2,630,000	0
058-5500-443501	Water Leases-Guadalupe County	0	0	43,009	0	516,200
058-5500-443502	Water Leases-Gonzales County	0	0	165,887	0	2,176,900
44 - Rental Totals:		2,633,422	2,637,000	1,345,065	2,635,000	2,700,100

		FY 2020 Actual	FY 2021 Budget	FY 2021 03/31/21	FY 2021 Estimates	FY2022 Budget
52 - Insurance						
058-5500-521000	Building/Auto Liability	122,086	125,689	125,689	125,689	140,000
058-5500-524000	Unemployment Insurance	4,201	2,000	1,726	2,000	2,000
52 - Insurance Totals:		126,287	127,689	127,415	127,689	142,000
54 - Advertising						
058-5500-541000	Publication of Notices	1,146	5,000	2,491	5,000	5,000
54 - Advertising Totals:		1,146	5,000	2,491	5,000	5,000
61 - General Supplies						
058-5500-611000	Office Supplies	5,329	6,000	3,772	6,000	6,000
058-5500-612000	Postage	1,319	1,200	544	1,200	1,200
058-5500-613000	Operating Supplies	8,485	6,000	1,059	6,000	6,000
058-5500-613300	Chemicals	553,339	500,000	182,821	500,000	500,000
058-5500-613500	Laboratory Supplies	8,066	18,400	5,178	18,400	18,400
058-5500-614300	Safety Supplies	4,399	4,000	2,184	4,000	4,000
058-5500-616000	Uniforms	5,453	7,000	3,786	7,000	7,000
058-5500-618000	Minor Tools and Equipment	4,551	5,000	869	5,000	5,000
61 - General Supplies Totals:		590,940	547,600	200,212	547,600	547,600
62 - Energy and Fuel						
058-5500-621000	Gasoline	12,419	15,000	5,110	15,000	15,000
62 - Energy and Fuel Totals:		12,419	15,000	5,110	15,000	15,000
65 - Miscellaneous						
058-5500-655100	Employee Recognition	0	2,000	0	2,000	2,000
058-5500-655200	Recruitment	0	10,000	2,027	3,500	0
65 - Miscellaneous Totals:		0	12,000	2,027	5,500	2,000
66 - Education						
058-5500-661000	Seminar Tuition	9,949	15,000	1,913	10,000	10,000
058-5500-662000	Certification Fees	1,290	2,000	478	2,000	2,000
058-5500-665000	Travel and Lodging	2,096	9,000	57	2,000	7,500
058-5500-665500	Meals	326	1,200	230	1,000	1,200
058-5500-666000	Dues	726	2,900	0	2,900	2,900
058-5500-667000	Subscriptions	171	200	371	200	200
66 - Education Totals:		14,558	30,300	3,048	18,100	23,800
67 - Public Relations						
058-5500-671000	Public Relations	763	5,000	1,830	4,000	4,000
67 - Public Relations Totals:		763	5,000	1,830	4,000	4,000
70 - Capital Outlay						
058-5500-704200	Transmission Lines	0	0	0	0	25,000
058-5500-706100	Mach. & Equip.-Office	10,104	7,000	0	7,000	7,000
058-5500-706200	Mach. & Equip.-Heavy Equipment	471	0	89	0	0
058-5500-706500	Machine & Equipment-Small Equipm	0	30,000	27,817	30,000	0
058-5500-706600	Machine & Equipment-Pumps & Mo	0	0	0	0	100,000
058-5500-707100	Transportation-Vehicles	0	50,000	0	50,000	45,000
70 - Capital Outlay Totals:		10,575	87,000	27,906	87,000	177,000
82 - Intragvrnmntl. Transfers						
058-5500-826100	Repair & Replacement Fund	600,000	1,600,000	300,000	1,600,000	600,000
058-5500-826200	Future Development Fund	375,000	250,000	125,000	250,000	250,000
82 - Intragvrnmntl. Transfers Totals:		975,000	1,850,000	425,000	1,850,000	850,000
96 - Use of Retained Earnings						
058-9800-960000	Use of Retained Earnings	0	(1,501,685)	0	(1,501,685)	0
96 - Use of Retained Earnings Totals:		0	(1,501,685)	0	(1,501,685)	0
98 - Depreciation						
058-5500-984500	Depreciation / SSLGC	11,225	0	0	0	0
98 - Depreciation Totals:		11,225	0	0	0	0
SCHERTZ-SEGUIN GOV'T CORP OPERATING FUND Totals:		8,186,824	9,143,827	3,939,860	9,084,393	9,668,799

**SSLGC
2021/22 ANNUAL BUDGET**

**SSLGC CONSTRUCTION FUND - 059
SCHERTZ/SEGUIN LOCAL GOVT. CORP.**

The SSLGC Construction Fund accounts for all the proceeds from the TWDB SWIRFT Revenue Bonds as well as the expenditures for the Guadalupe County Wellfield Project and the Parallel Pipeline Project.

**2021-22 Budget-SSLGC Construction
Fund Revenues**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
059 - SCHERTZ/SEGUIN LGC-CONSTRUCTION FUND						
Revenue						
Interest Revenues						
059-361004	Texas CLASS Interest Earnings	33,894	0	1,142	1,700	2,500
059-361020	Restricted Cash	500,989	0	3,090	5,500	1,000
Interest Revenues Totals		534,883	0	4,232	7,200	3,500
<hr/>						
SSLGC-CONSTRUCTION FUND TOTALS		534,883	0	4,232	7,200	3,500

2021-22 Budget - SSLGC Construction Fund Expenditures

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
059 - SCHERTZ/SEGUIN LGC-CONSTRUCTION FUND						
90 - Non Departmental						
70 - Capital Outlay						
059-9000-703000	Impr. Other Than Building	(149,400)	0	1,354,393	13,479,203	36,109,151
70 - Capital Outlay Totals:		(149,400)	0	1,354,393	13,479,203	36,109,151
98 - Use of Fund Balance/Retained Earnings						
96 - Use of Retained Earnings						
059-9800-960000	Use of Retained Earnings	0	0	0	(13,472,003)	(36,105,651)
96 - Use of Retained Earnings Totals:		0	0	0	(13,472,003)	(36,105,651)
SCHERTZ/SEGUIN LGC-CONSTRUCTION FUND TOTALS		(149,400)	0	1,354,393	7,200	3,500

The SSLGC I&S Fund accounts for all water sale proceeds from the debt service rates charged along with the payment of principal and interest of corporation debt other than the SAWS Revenue Bonds.

**2021-22 Budget - SSLGC I&S
 Revenues**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
060 - SCHERTZ/SEGUIN LGC-I&S						
Revenue						
Utility						
060-343007	Water Sales	7,405,419	0	4,839,131	7,450,495	7,450,460
Utility Totals:		7,405,419	0	4,839,131	7,450,495	7,450,460
Interest Revenues						
060-361002	Investment Pools Interest Earnings	2,515	0	14	20	0
060-361004	Texas CLASS Interest Earnings	14,146	0	858	1,500	1,200
Interest Revenues Totals:		16,660	0	872	1,520	1,200
SCHERTZ/SEGUIN LGC-I&S TOTALS		7,422,079	0	4,840,003	7,452,015	7,451,660

**2021-22 Budget - SSLGC I&S
Expenditures**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
060 - SCHERTZ/SEGUIN LGC-I&S						
92 - Debt Service						
90 - Principal Payments						
060-9200-908000	2014 Revenue Refunding	0	0	0	570,000	590,000
060-9200-908100	2015 Revenue Impr & Refunding	0	0	0	785,000	825,000
060-9200-908800	2016 Revenue Bds-SWIRFT Funding	0	0	0	1,250,000	1,260,000
060-9200-909200	2018 Revenue Refunding	0	0	0	540,000	565,000
90 - Principal Payments Totals:		0	0	0	3,145,000	3,240,000
91 - Interest Payments						
060-9200-915500	2001 Revenue Bonds	520,000	0	260,000	520,000	520,000
060-9200-918000	2014 Revenue Refunding	109,450	0	50,563	92,575	75,175
060-9200-918100	2015 Revenue Impr. & Refunding	1,669,175	0	828,775	1,641,850	1,609,650
060-9200-918800	2016 Revenue Bds-SWIRFT Funding	991,531	0	490,434	980,867	969,242
060-9200-919200	2018 Revenue Refunding	810,175	0	398,650	783,800	761,825
060-9200-919400	2016 SWIRFT-Board Participation	165,627	0	82,814	165,627	248,441
91 - Interest Payments Totals:		4,265,958	0	2,111,235	4,184,719	4,184,333
92 - Fiscal Agent Fees						
060-9200-920000	Fiscal Agent Fees	6,804	0	2,199	6,000	6,000
92 - Fiscal Agent Fees Totals:		6,804	0	2,199	6,000	6,000
SCHERTZ/SEGUIN LGC-I&S TOTALS		4,272,762	0	2,113,433	7,335,719	7,430,333

**SSLGC
2021/22 ANNUAL BUDGET**

**SSLGC REPAIR AND REPLACEMENT FUND - 061
SCHERTZ/SEGUIN LOCAL GOVT. CORP.**

The SSLGC Repair and Replacement Fund is utilized for the repair and replacement of SSLGC's water system infrastructure. Funds are transferred annually to this fund from O&M water rate revenues and retained earnings.

2021-22 Budget-Repair/Replacment Fund Revenues

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
061 - SSLGC-REPAIR/REPLACEMENT FUND						
Revenue						
Interest Revenues						
061-361002	Investment Pools Interest Earnings	17,093	0	1,011	1,200	1,000
061-361004	Texas CLASS Interest Earnings	68,192	0	3,142	5,250	5,000
061-361020	Restricted Cash	73	0	4	(50)	(50)
Interest Revenues Totals		85,358	0	4,157	6,400	5,950
Intragovernmental Transfers						
061-391063	Transfers from SSLGC Operating Dep	600,000	1,600,000	300,000	1,600,000	600,000
Intragovernmental Transfers Totals		600,000	1,600,000	300,000	1,600,000	600,000
SSLGC-REPAIR/REPLACEMENT FUND TOTALS		685,358	1,600,000	304,157	1,606,400	605,950

**2021-22 Budget-
Repair/Replacement Fund
Expenditures**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Budget</u>	<u>FY 2021 03/31/21</u>	<u>FY 2021 Estimates</u>	<u>FY2022 Budget</u>
061 - SSLGC-REPAIR/REPLACEMENT FUND						
90 - Non Departmental						
43 - Repair and Maintenance						
061-9000-434600	L&I Maint.-Dist. System	121,479	0	21,841	240,773	400,000
43 - Repair and Maintenance Totals:		121,479	0	21,841	240,773	400,000
70 - Capital Outlay						
061-9000-703000	Improvements Other Than Buildings	198,167	0	300,814	1,022,705	2,241,584
70 - Capital Outlay Totals:		198,167	0	300,814	1,022,705	2,241,584
96 - Use of Retained Earnings						
058-9800-960000	Use of Retained Earnings	0	0	0	0	(2,035,634)
96 - Use of Retained Earnings Totals:		0	0	0	0	(2,035,634)
SSLGC-REPAIR/REPLACEMENT FUND TOTALS		319,645	0	322,655	1,263,478	605,950

**SSLGC
2021/22 ANNUAL BUDGET**

**SSLGC FUTURE DEVELOPMENT FUND - 062
SCHERTZ/SEGUIN LOCAL GOVT. CORP.**

The SSLGC Future Development Fund was a fund created prior to SSLGC collecting Impact Fees. The Future Development Fund is now utilized for items contributing to the development and improvement of the SSLGC water system that do not qualify for Repair and Replacement Fund use or Impact Fee Fund use.

2021-22 Budget - SSLGC Future Development Fund Revenues

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
062 - SSLGC FUTURE DEVELOPMENT FUND						
Revenue						
Interest Revenues						
062-361002	Investment Pools Interest Earnings	7,246	0	38	45	50
062-361004	Texas CLASS Interest Earnings	31,623	0	1,603	2,800	2,500
062-361020	Restricted Cash	(6)	0	7	10	0
Interest Revenues Totals:		38,863	0	1,647	2,855	2,550
Miscellaneous Revenues						
062-362078	Solar Power Project	231,670	0	0	231,670	0
Miscellaneous Revenues Totals:		231,670	0	0	231,670	0
Intragovernmental Transfers						
062-391063	Transfers from SSLGC Operating Fund	375,000	0	125,000	250,000	250,000
Intragovernmental Transfers Totals:		375,000	0	125,000	250,000	250,000
062 - SSLGC FUTURE DEVELOPMENT FUND TOTALS		645,532	0	126,647	484,525	252,550

**2021-22 Budget-SSLGC Future
Development Fund Expenditures**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Budget</u>	<u>FY 2021 03/31/21</u>	<u>FY 2021 Estimates</u>	<u>FY2022 Budget</u>
062 - SSLGC FUTURE DEVELOPMENT FUND						
90 - Non Departmental						
32 - Professional Services						
062-9000-320500	Professional Services	59,807	0	40,385	365,011	386,000
32 - Professional Services Totals:		59,807	0	40,385	365,011	386,000
70 - Capital Outlay						
062-9000-701000	Land	(500)	0	0	0	0
062-9000-702000	Buildings	700,010	0	(182,599)	(182,599)	0
062-9000-703000	Improvements Other Than Building	(682,364)	0	126,530	231,446	0
70 - Capital Outlay Totals:		17,146	0	(56,069)	48,847	0
96 - Use of Retained Earnings						
058-9800-960000	Use of Retained Earnings	0	0	0	0	(133,450)
96 - Use of Retained Earnings Totals:		0	0	0	0	(133,450)
SSLGC FUTURE DEVELOPMENT FUND TOTALS		76,953	-	(15,684)	413,858	252,550

The SSLGC Impact Fee fund is utilized to help pay for the expansion and additional capacity required of water supply, treatment facilities, pump stations and storage tanks. Impact fees are collected through a one-time charge imposed on new development in the City of Schertz and the City of Seguin to help recover capital costs associated with SSLGC providing the infrastructure and other required improvements to provide service to that new development. Land use assumptions and capital improvements to be included in the impact fee calculations are updated and reviewed every five years with the last update being in 2018.

2021-22 Budget-SSLGC Impact Fee Fund Revenues

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
065 - SSLGC IMPACT FUND						
Revenue						
Utility						
065-343013	Water Impact Fee	683,719	0	360,792	700,000	600,000
Utility Totals:		683,719	0	360,792	700,000	600,000
Interest Revenues						
065-361002	Investment Pools Interest Earnings	19,823	0	1,078	1,100	1,000
065-361004	Texas CLASS Interest Earnings	52,827	0	2,413	4,200	4,000
065-361020	Restricted Cash	(109)	0	32	0	0
Interest Revenues Totals:		72,541	0	3,523	5,300	5,000
SSLGC IMPACT FUND TOTALS		756,260	0	364,315	705,300	605,000

2021-22 Budget-SSLGC Impact Fee Fund Expenditures

Account Number	Account Name	FY 2020 Actual	FY 2021 Budget	FY 2021 03/31/21	FY 2021 Estimates	FY2022 Budget
065 - SSLGC IMPACT FUND						
90 - Non Departmental						
70 - Capital Outlay						
065-9000-703000	Impr. Other Than Building	1,313,405	0	193,015	1,600,163	2,150,000
70 - Capital Outlay Totals:		1,313,405	0	193,015	1,600,163	2,150,000
96 - Use of Retained Earnings						
058-9800-960000	Use of Retained Earnings	0	0	0	(894,863)	(1,545,000)
96 - Use of Retained Earnings Totals:		0	0	0	(894,863)	(1,545,000)
SSLGC IMPACT FUND TOTALS		1,313,405	0	193,015	705,300	605,000

The SSLGC Reserve Fund was established to maintain according to bond covenants. The covenants require a balance of the annual average debt service payment of the earlier bonds issued.

2021-22 Budget-SSLGC Reserve Fund Revenues

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
		<u>Actual</u>	<u>Budget</u>	<u>03/31/21</u>	<u>Estimates</u>	<u>Budget</u>
066 - SSLGC RESERVE FUND						
Revenue						
Interest Revenues						
066-361002	Investment Pools Interest Earnings	11,890	0	277	300	250
066-361004	Texas CLASS Interest Earnings	867	0	500	850	800
066-361020	Restricted Cash	0	0	0	0	0
Interest Revenues Totals:		12,757	0	777	1,150	1,050
066 - SSLGC RESERVE FUND TOTALS		12,757	0	777	1,150	1,050

The SAWS I&S Fund accounts for contributions from San Antonio Water Systems toward the payment of principal and interest of the SSLGC Contract Revenue Refunding Bonds, Series 2019.

2021-22 Budget-SAWS I&S Fund Revenues

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u> <u>Actual</u>	<u>FY 2021</u> <u>Budget</u>	<u>FY 2021</u> <u>03/31/21</u>	<u>FY 2021</u> <u>Estimates</u>	<u>FY2022</u> <u>Budget</u>
069 - SSLGC I&S - SAWS						
Revenue						
Interlocal Agreement						
069-331690	Interlocal Agreement / San Antonio	1,510,187	0	605,117	1,512,787	1,390,974
Interlocal Agreement Totals:		1,510,187	0	605,117	1,512,787	1,390,974
Interest Revenues						
069-361004	Texas CLASS Interest Earnings	5,560	0	406	580	500
069-361020	Restricted Cash	(234)	0	(20)	(40)	(40)
Interest Revenues Totals:		5,326	0	386	540	460
SSLGC I&S - SAWS Totals		1,515,513	0	605,503	1,513,327	1,391,434

**2021-22 Budget SAWS I&S Fund
Expenditures**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Budget</u>	<u>FY 2021 03/31/21</u>	<u>FY 2021 Estimates</u>	<u>FY2022 Budget</u>
069 - SSLGC I&S - SAWS						
92 - Debt Service						
90 - Principal Payments						
069-9200-909500	2019 SSLGC Refunding Bonds-SAWS	0	0	0	635,000	655,000
90 - Principal Payments Totals:		0	0	0	635,000	655,000
91 - Interest Payments						
069-9200-917700	SSLGC 2012 Rev Bds-SAWS	13,400	0	0	0	0
069-9200-919500	2019 SSLGC Refunding Bonds-SAWS	895,114	0	384,338	755,975	733,450
91 - Interest Payments Totals:		908,514	0	384,338	755,975	733,450
92 - Fiscal Agent Fees						
069-9200-920000	Fiscal Agent Fees	0	0	415	1,000	1,000
92 - Fiscal Agent Fees Totals:		0	0	415	1,000	1,000
SSLGC I&S - SAWS Totals:		908,514	0	384,753	1,391,975	1,389,450

The SSLGC Rate Stabilization Fund was created in 2017 by the SSLGC Board of Directors to be used in order to prepare for volatile periods which can greatly impact the rates of SSLGC water customers are charged and can be used to avoid passing along pricing peaks to these customers. These funds can only be used based upon staff recommendation and Board of Directors approval. The fund balance for the rate stabilization fund will be evaluated annually and any adjustments due to anticipated needs may be made by the Board of Directors.

2021-22 Budget-SSLGC Rate Stabilization Fund Reveues

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY 2021</u>	<u>FY2022</u>
057 - SSLGC Rate Stabilization Fund		Actual	Budget	03/31/21	Estimates	Budget
Revenue						
Interest Revenues						
057-361004	Texas CLASS Interest Earnings	18,680	0	1,038	1,700	1,500
057-361020	Restricted Cash	(40)	0	(0)	0	0
Interest Revenues Totals:		18,640	0	1,038	1,700	1,500
SSLGC Rate Stabilization Fund Totals:		18,640	0	1,038	1,700	1,500

**2021-22 Budget-SSLGC Rate
Stabilization Fund Expenditures**

<u>Account Number</u>	<u>Account Name</u>	<u>FY 2020 Actual</u>	<u>FY 2021 Budget</u>	<u>FY 2021 03/31/21</u>	<u>FY 2021 Estimates</u>	<u>FY2022 Budget</u>
057 - SSLGC Rate Stabilization Fund						
90 - Non Departmental						
81 - Contributions						
057-9000-818000	Winter Weather Relief Credit	0	0	36,025	36,025	0
81 - Contributions Totals:		0	0	36,025	36,025	0
98 - Use of Fund Balance/Retained Earnings						
96 - Use of Retained Earnings						
057-9800-960000	Use of Retained Earnings	0	0	0	(34,325)	0
96 - Use of Retained Earnings Totals		0	0	0	(34,325)	0
SSLGC Rate Stabilization Fund Totals:		0	0	36,025	1,700	0

FY2022-2026 SSLGC FUND
CAPITAL IMPROVEMENT PROJECTS/EQUIPMENT

	FY	Project	Projected Cost	Approved Funding	Funding Source
	2022				
1		Well 6 Lowering	\$476,400	\$476,400	RR
2		Well 6 SCADA Replacement	\$36,000	\$36,000	RR
3		Pressure Filters 7-9 Painting	\$518,400	\$518,400	RR
4		Pressure Filters 7-9 Valve Replacement	\$217,920	\$217,920	RR
5		Springs Hill Hwy 123 New Connection	\$250,000	\$250,000	IF
6		Replacement of Staff Computers	\$7,000	\$7,000	FY22
7		Water Transmission Lines	\$25,000	\$25,000	FY22
8		Pumps and Motors	\$100,000	\$100,000	FY22
9		Emergency Generators	\$2,000,000	\$2,000,000	Bonds
10		42" & 30" Parallel Pipeline Project (Engineering & Easement Acquisition)	\$3,456,000	\$3,456,000	Bonds
11		Emergency Connection Project	\$2,000,000	\$2,000,000	IF
12		New truck to replace Ford Explorer	\$45,000	\$45,000	FY22
		TOTAL	\$9,131,720	\$9,131,720	
	2023				
1		Road Seal Coat	\$76,800	\$76,800	RR
2		Well 8 Lowering	\$490,692	\$490,692	RR
3		Well 8 SCADA Replacement	\$37,080	\$37,080	RR
4		Pressure Filters 1-3 Painting	\$533,952	\$533,952	RR
5		Pressure Filters 1-3 Valve Replacement	\$224,458	\$224,458	RR
6		Water Transmission Lines	\$25,000	\$25,000	FY23
7		Pumps and Motors	\$100,000	\$100,000	FY23
8		Emergency Generators	\$2,000,000	\$2,000,000	Bonds
9		42" & 30" Parallel Pipeline Project (Engineering & Easement Acquisition)	\$3,456,000	\$3,456,000	Bonds
		TOTAL	\$6,943,982	\$6,943,982	
	2024				
1		Well 1 Lowering	\$505,412	\$505,412	RR
2		Well 1 SCADA Replacement	\$38,192	\$38,192	RR
3		Pressure Filter 6 Painting	\$183,324	\$183,324	RR
4		Pressure Filters 4-6 Valves	\$231,191	\$231,191	RR
5		Water Transmission Lines	\$25,000	\$25,000	FY24
6		Pumps and Motors	\$100,000	\$100,000	FY24
7		Emergency Generators	\$2,000,000	\$2,000,000	Bonds
8		42" & 30" Parallel Pipeline Project (Engineering & Easement Acquisition)	\$3,588,000	\$3,588,000	Bonds
		TOTAL	\$6,671,120	\$6,671,120	
	2025				
1		Well 5 Lowering	\$520,576	\$520,576	RR
2		Well 5 SCADA Replacement	\$39,338	\$39,338	RR
3		Pressure Filters 10-12 Painting	\$618,997	\$618,997	RR
4		Pressure Filters 10-12 Valves	\$238,127	\$238,127	RR
5		Water Transmission Lines	\$25,000	\$25,000	FY25
6		Pumps and Motors	\$100,000	\$100,000	FY25
7		Emergency Generators	\$2,000,000	\$2,000,000	Bonds
8		42" & 30" Parallel Pipeline Project (Construction)	\$29,750,000	\$29,750,000	Bonds
		TOTAL	\$33,292,038	\$33,292,038	

FY2022-2026 SSLGC FUND
CAPITAL IMPROVEMENT PROJECTS/EQUIPMENT

	FY	Project	Projected Cost	Approved Funding	Funding Source
	2026				
1		Well 7 Lowering	\$536,192	\$536,192	RR
2		Well 7 SCADA Replacement	\$40,518	\$40,518	RR
3		Water Transmission Lines	\$25,000	\$25,000	FY26
4		Pumps and Motors	\$100,000	\$100,000	FY26
5		Pressure Tank Painting BPS	\$87,790	\$87,790	RR
6		WTP Clearwell 1 Painting	\$326,848	\$326,848	RR
7		BPS Tank 2 Painting	\$515,933	\$515,933	RR
8		Emergency Generators	\$2,000,000	\$2,000,000	Bonds
9		42" & 30" Parallel Pipeline Project (Construction)	\$29,750,000	\$29,750,000	Bonds
		TOTAL	\$33,382,280	\$33,382,280	
2022-2026 Grand Total			\$89,421,140	\$89,421,140	

SSLGC = Schetz/Seguin Local Government Corporation

Bonds - New Utility Revenue Bond Issue

FY22 - Current Year Funding

IF - Water Impact Fund

RR- Repair & Replacement Fund

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

**A RESOLUTION ADOPTING THE SCHERTZ/SEGUIN LOCAL GOVERNMENT
CORPORATION FISCAL YEAR 2021-2022 BUDGET AND MAKING
APPROPRIATION IN ACCORDANCE WITH SAID BUDGET**

WHEREAS, in accordance with the Schertz/Seguin Local Government Corporation Bylaws, it is necessary to adopt a budget for the fiscal year 2021-2022; and

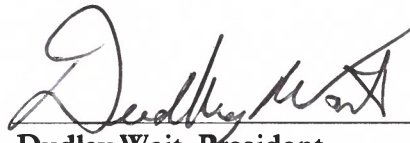
WHEREAS, a proposed annual budget for the period commencing October 1, 2021 and ending September 30, 2022 has been prepared by the Schertz/Seguin Local Government Corporation Financial Officer and the City of Seguin Director of Finance, and the Board of Directors has considered the proposed budget; and

WHEREAS, the budget for the fiscal year 2021-2022 for the Schertz/Seguin Local Government Corporation is attached.

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

The budget for the fiscal year commencing October 1, 2021 and ending September 30, 2022 is hereby approved and adopted.

Passed and approved this the 17th day of June, 2021.


Dudley Wait, President

Attest:


Ken Greenwald, Secretary

OR

Robin Dwyer, Assistant Secretary

RESOLUTION NO. 21-R-60

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION FISCAL YEAR 2021-2022 ANNUAL BUDGET, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Schertz Seguin Local Government Corporation (SSLGC) is a corporation for the provision of and transportation of water wholly owned by both the City of Schertz and the City of Seguin; and

WHEREAS, SSLGC By-Laws require that the corporation establish an annual budget and said annual budget must be approved by the SSLGC Board of Directors and both the City of Schertz and the City of Seguin; and

WHEREAS the proposed FY 2021-22 Fiscal Year Budget, provided herein as Attachment A, has been approved by the SSLGC Board of Directors at their regularly scheduled May Board Meeting; and

WHEREAS, the City staff of the City of Schertz (the "City") recommends that the City approve the Schertz/Seguin Local Government Corporation Fiscal Year 2021-22 Annual Budget; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the budget to ensure that the citizens and businesses of Schertz continue to receive excellent and vital water service.

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

Section 1. The City Council hereby authorizes the approval of the Schertz/Seguin Local Government Corporation Fiscal Year 2021-22 Annual Budget.

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 6th day of July 2021.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

CITY COUNCIL MEMORANDUM

City Council Meeting: July 6, 2021
Department: Executive Team
Subject: Resolution No. 21-R-62 - 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 409 Main Street. (M. Browne/B. James)

BACKGROUND

The owner of the property at 409 Main, which is the location of The Social on Main (formerly the location of Thirsty Joe's) has applied for a Schertz Main Street Local Flavor Economic Development Grant. This is the second application for this location. The owner contacted the City in mid-June about needing to replace an HVAC Unit. Given that the HVAC unit was failing, after applying for the grant, the applicant proceeded with the work. The Local Flavor Grant program allows applicants to apply for grants within 14 days of completing work that is a repair or a replacement. The estimated cost of the work is to be \$5,800, so the applicant is applying for a grant of up to \$2,900. This falls under the Systems category and is eligible for up to \$15,000 in matching funds.

The owner applied for grants of up to \$19,500 for work on the building in 2020. The City paid \$11,000 in grants for work that was done as part of that grant. Although the applicant had additional grant funding available for this work, the funding agreement requires work to be completed within one year of the execution of the agreement. The agreement was executed on June 9, 2020 and the applicant contacted the City on June 16, 2021, thus a new grant was needed.

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 to local businesses.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Resolution 21-R-60 approving a Schertz Main Street Local Flavor Economic Development Grant for up to \$2,900 subject to the applicant entering into the incentive agreement.

FISCAL IMPACT

Up to \$2,900.

RECOMMENDATION

Approval of Resolution 21-R-60.

Attachments

409 Main LFG Agreement

Resolution 21-R-62

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SCHERTZ MAIN STREET LOCAL FLAVOR ECONOMIC DEVELOPMENT PROGRAM
FUNDING AGREEMENT BETWEEN THE CITY OF SCHERTZ, TEXAS AND Joe,
Frances and Jolean Huerta, FOR EXPENDITURE OF LOCAL FLAVOR GRANT
FUNDS

This Local Flavor Development Program Funding Agreement (AGREEMENT) is made and entered into by
and between the City of
Schertz, Texas (CITY) and Joe, Frances and Jolean Huerta, (ENTITY).

WHEREAS, the ENTITY has developed a proposal to
Make HVAC improvements at 409 Main (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 Joe, Frances and Jolean Huerta (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 proposed HVAC work falls into the Systems Grant category which is eligible for up to \$15,000 annually. The Project is estimated to be approximately \$5,800.00 and fifty percent of that is \$2,900. 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 Joe, Frances and Jolean Huerta at:
Attention: Joe Huerta
409 Main
Schertz, Texas 78154

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 _____, 2021.

CITY OF SCHERTZ, TEXAS

ENTITY

City Manager

(Joe Huerta)

(Frances Huerta)

(Jolean Huerta)

ATTEST:

City Secretary

(Date)

EXHIBIT A

[Describe the project to be performed]

RESOLUTION NO. 21-R-62

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 409 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 409 Main Street for up to \$2,900;

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 409 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 6th day of July, 2021.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

Exhibit A

CITY COUNCIL MEMORANDUM

City Council Meeting: July 6, 2021
Department: Police Department
Subject: Resolution No. 21-R-59 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing Memorandums of Understanding with the Texas Department of Public Safety, for the purpose of obtaining a renewal of commercial vehicle enforcement authority and other matters in connection therewith. (C. Kelm/M. Casas)

BACKGROUND

The Schertz Police Department has recently coordinated with Texas DPS and has been qualified to partake in enforcement of Commercial Motor Vehicle related laws. Continued enforcement requires a renewal to the existing Memorandum of Understanding with the Texas Department of Public Safety. The Memorandums of Understanding outlines the required actions and agreements to this authority.

GOAL

To retain the authority to enforce Commercial Motor Vehicle rules and weight restrictions.

COMMUNITY BENEFIT

Provides the Police Department the authority to enforce Commercial Motor Vehicle rules and weight limits. This provides a resource to assure and confirm the safety of such vehicles and drivers.

SUMMARY OF RECOMMENDED ACTION

Recommend the approval Resolution 21-R-59 that authorizes the approval of the Memorandums of Understanding that will obtain a certification of commercial vehicle enforcement authority to the Police Department.

FISCAL IMPACT

Enforcement activities may result in an increase in citations issued. This increase in citations may result in a positive increase in associated fines.

RECOMMENDATION

Recommend the approval of the Resolution 21-R-59 authorizing the Chief of Police to sign the Memorandums of Understanding for the purpose of obtaining a renewal of commercial vehicle enforcement authority.

Attachments

Resolution 21-R-59
MOU with DPS

RESOLUTION NO. 21-R-59

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING MEMORANDUMS OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY, FOR THE PURPOSE OF OBTAINING A RENEWAL OF COMMERCIAL VEHICLE ENFORCEMENT AUTHORITY AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, there exists an ongoing concern from citizens of Schertz concerning the increased operations and safety of commercial motor vehicles within the city limits; and

WHEREAS, the Texas Transportation Code strictly restricts the enforcement of weight limits and specific commercial motor vehicle rules; and

WHEREAS, the Schertz Police Department has been granted the authority to enforce weight limits and specific commercial motor vehicle rules; and

WHEREAS, the City staff of the City of Schertz has recommended that the City enter into Memorandums of Understanding with the Texas Department of Public Safety, for the purpose of obtaining a certification of commercial vehicle enforcement authority; and

WHEREAS, the Memorandum of Understanding is a two year agreement and requires renewal to remain in force; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with the Texas Department of Public Safety pursuant to the Memorandums of Understanding 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 Chief of Police to execute and deliver the Agreement with City and the Texas Department of Public Safety 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 6th day of July, 2021.

CITY OF SCHERTZ, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

EXHIBIT A

MEMORANDUMS OF UNDERSTANDING

Renewal request for the

MEMORANDUM OF UNDERSTANDING

WITH THE SCHERTZ POLICE DEPARTMENT

We have complied with all federal, CVSA, and state requirements, and are current in filing all reports required by the MOU. We request renewal of the MOU, and have provided any necessary corrections to the contact information provided below.

Existing Information

Updated Information:

Schertz Police Department
Traffic

State Tax ID Number

State Tax ID Number

Corporal A.J. Arriaga

Program Coordinator

Program Coordinator

1400 Schertz Parkway, #6
Schertz, TX 78154

Address

Address

(210) 619-1200

Voice Phone Number

Voice Phone Number

(210) 619-1220

Fax Number

Fax Number

aarriaga@schertz.com

E-mail Address

E-mail Address

Based on the last two digits of your Taxpayer Identification, you are scheduled to renew your MOU with the department before **8/1/2021**, and on the same date every **odd** year thereafter.

TO PREVENT LOSS OF AUTHORITY TO CONDUCT CVSA INSPECTIONS, please send this request form to the department thirty to sixty days before your MOU will expire by FAX to (512) 424-5712, or by mail to the Motor Carrier Bureau, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773-0522.

The information reflected above is correct and current. Please send us a renewal MOU.

Signature

Title

Date

MEMORANDUM OF UNDERSTANDING

Between

DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS (DPS)

-and-

SCHERTZ POLICE DEPARTMENT (Allied Agency)

I. GENERAL AGREEMENT

A. Introduction and Statutory Authority

DPS and Allied Agency enter into this Memorandum of Understanding (MOU) in order to maximize the effective utilization of commercial motor vehicle, driver, and cargo inspection resources; to avoid duplication of effort, to expand the number of inspections performed; to advance uniformity of inspections; and to minimize delays in schedules incurred by the industry inherent to this type of enforcement activity.

1. Due to the need for a basic delineation of routine responsibilities for the federal, state, county, and municipal agencies, it is agreed:
 - DPS will inspect vehicles operating over public highways and at carrier terminal facilities.
 - Allied Agencies must, as a routine practice, confine inspection activities to vehicles operating over public highways and city streets in their jurisdictions with the exception of municipal police officers certified under Tex. Transp. Code § 644.101. These certified municipal police officers may conduct vehicle inspections at carrier terminal facilities.
2. The Federal Motor Carrier Safety Administration (FMCSA) has imposed timeliness and accuracy standards on DPS regarding interstate and intrastate motor carrier information. DPS, in turn, has established timeliness and accuracy standards for Allied Agencies engaged in the inspection of commercial motor vehicles (CMV).
3. Allied Agencies and their authorized inspection representatives (Program Coordinators) must implement procedures in accordance with the minimum standards in this MOU.
4. In order to advance uniformity in the inspection of CMV and their operators, Allied Agencies must adopt the Commercial Vehicle Safety Alliance's (CVSA) North American Standard Roadside Inspection Procedures and the North American Standard Out-of-Service Criteria as adopted by DPS under the following:
 - Tex. Transp. Code Ch. 644, located at <http://www.statutes.legis.state.tx.us/>;
 - 37 Tex. Admin. Code Chapter 4, Subchapter B; 37 Tex. Admin. Code Chapter 16, Subchapter A; and 37 Tex. Admin. Code Chapter 21 located at <http://www.sos.texas.gov/tac/index.shtml>; and
 - The most current version of the CMV Enforcement Guidance Documents provided by DPS to the Allied Agencies:

CVSA Levels of Inspection

- Level 1 North American Standard
- Level II Walk-a-round Inspection
- Level III Driver-Only Inspection
- Level IV Special Inspection
- Level V Vehicle-Only Inspection (Terminal)

The State of Texas has an inspection quality agreement with the FMCSA in its Commercial Vehicle Safety Plan. Inspections found to be non-compliant with this policy may be nullified by the DPS Motor Carrier Bureau (MCB) from the carrier's safety profile and from the inspector's certification record by the authority of the Assistant Division Director of the DPS Texas Highway Patrol (THP) or that person's designee.

If amendments to 37 Tex. Admin. Code Chapter 4, Subchapter B require amending this MOU, DPS will do so within a reasonable period of time. The date of any amendment under this paragraph will not affect the renewal date described in Section IV, unless otherwise indicated by DPS.

II. DPS RESPONSIBILITIES

DPS will:

- A. Train, retrain (as necessary or desirable), test, and certify Allied Agency inspectors as per the agreement between DPS and the CVSA.
- B. Approve inspection forms for all inspections conducted in conformance with this MOU.
- C. Approve vehicle and driver out-of-service stickers.
- D. Supply CVSA decals on a cost-recovery basis to Allied Agencies.
- E. Supply software necessary for the data entry of all inspection information, on a cost recovery basis to Allied Agencies.
- F. Supply Allied Agencies with inspection data, upon request.
- G. Forward challenges of data in inspections or crash reports to Allied Agencies for their inspections.
- H. Conduct random in-person observation of inspections conducted by Allied Agency in order to ensure Allied Agency's inspectors maintain practical proficiency in the program.

III. ALLIED AGENCY RESPONSIBILITIES

A. Certification Testing

Allied Agency must:

1. Enroll its commissioned, full-time officers who have not met the minimum certification requirements for enforcement of Tex. Transp. Code Ch. 644 in training programs required by 37 Tex. Admin. Code § 4.13(b) prior to using these officers as inspectors for commercial vehicle enforcement. Allied Agency must reimburse DPS for costs associated with any training provided by DPS under 37 Tex. Admin. Code § 4.13(b)(5).

2. Implement a program to ensure its officers perform the required number of inspections annually, as specified in 37 Tex. Admin. Code § 4.13(c), and successfully complete the required annual certification training to maintain certification. To further program goals and achieve the highest quality in inspections, Allied Agency must ensure its officers conduct more than the minimum number of inspections required annually to maintain certification and that inspections are evenly distributed throughout the year to maintain enforcement continuity.
3. Immediately suspend from performing CVSA enforcement and inspections, any officer who fails to maintain certification or who fails to perform the required number of inspections following CVSA's North American Standard Uniform Inspection Procedures and the North American Standard Out-of-Service Criteria guidelines.
4. Send a representative to the annual MCSAP meeting held by DPS to ensure familiarity with all updated policies and procedures.

B. Policies and Guidelines

Allied Agency must:

1. Conduct inspections only by using CVSA-certified officers.
2. Only conduct inspections on-duty. No inspections may be performed at any time for the specific purpose of benefitting a carrier's safety profile whether on-site or off-site (such as a roadside or at an inspection facility). Compensation for inspections of any kind by other entities (including carriers and carrier employees) is prohibited.
3. Not use inspection as a pretext to search commercial vehicles.
4. Ensure traffic stops performed on a commercial vehicle are made by either a CVSA certified inspector or by a peace officer using probable cause or reasonable suspicion guidelines. An absence of these requisites will be cause for inspection report invalidation and a program participation review.
5. Use the most current forms approved by DPS during the inspection process. Forms and software may not be altered without the prior, written approval of DPS.
6. Ensure that CVSA-certified inspectors have adequate tools and resources to conduct queries into motor carrier registration and operating authority while conducting roadside inspections.
7. Perform Level I, IV, and V inspections requiring undercarriage inspection and brake measurements utilizing an inspection pit or with a referring officer for safety.
8. Perform only Level V terminal inspections on motor coaches for certification purposes except for unusual circumstances (such as post-crash investigations). All other inspections must be conducted roadside. Level I, II, IV and V motor coach inspections must only be performed by Passenger Vehicle Inspection certified inspectors.
9. Forward inspection data electronically to DPS within ten calendar days following the date of inspection for processing and final compliance using the most recent version of reporting software.

10. Forward crash reports involving commercial motor vehicles to Texas Department of Transportation (TxDOT) no later than ten calendar days after the date of the crash investigation.
11. Allow DPS to conduct random in-person observation of inspections conducted by Allied Agency in order to ensure that Allied Agency's inspectors maintain practical proficiency in the program.
12. Not use its certification to enforce federal safety regulations as a primary method to generate program revenue through enforcement penalties, or to enhance criminal interdiction activities.
13. Not allow officers certified to enforce federal safety regulations to participate in secondary employment activities that present a conflict of interest related to their commercial vehicle enforcement duties. This prohibition includes Allied Agency officers trained by DPS that are no longer assigned to commercial vehicle enforcement units but remain employed by the Allied Agency.
14. Require all defects disclosed during the inspection process to be corrected.
15. Adopt the Recommended Out-of-Service Criteria and other defect repair verification procedures as developed by CVSA.
16. Honor CVSA inspection decals affixed to those vehicles by all authorized agencies. CVSA decals will be affixed to vehicles which pass the Level I or V CVSA inspection with no disqualifying violations under the North American Standard Roadside Inspection Procedures and the North American Standard Out-of-Service Criteria.
17. Maintain the official copy of all reports of inspections conducted by its CVSA certified inspectors for the current calendar year, plus two additional years. The official copy may be in paper or retrievable electronic form, and it must bear the signature of the commercial motor vehicles driver involved in the inspection. A copy must be provided to DPS upon DPS's request.
18. Conduct mock inspections and safety presentations as requested by the carrier and as approved by supervisors. Allied Agency may conduct safety presentations that include a mock (walk-around) inspection, but no documented inspection may be performed as part of a walk-around or safety presentation.
19. Note circumstances in the inspection report when more than two citations are issued during an inspection. An important aspect of the MCSAP is consistency in the inspection process and uniform enforcement. While it is recognized that uniform enforcement may include the issuance of a citation by the inspecting officer, it is also recognized that there may be exceptional occasions when the issuance of multiple citations may be warranted.
20. Document all violations (citations and warnings) discovered on the inspection report as violations, including violations of local ordinances. All CMV contacts must be recorded on the inspection report.
21. Investigate and determine whether a correction to data needs to be made when data in an inspection or crash report is challenged. Allied Agency must notify the motor carrier and DPS in writing of the results of the investigation within ten calendar days. If a correction is necessary, the Allied Agency must make the correction and forward the corrected reports

to DPS immediately. Retaliatory actions against motor carriers who file data challenges are strictly prohibited

22. Must notify DPS in writing ten calendar days any time an officer's certification status changes (is certified, suspended, or decertified for different types of inspections, or transfers out of the CVSA inspection program). A cumulative list of officers whose status has changed must be sent to DPS by January 31 of each year.
23. Must comply with the annual fiscal requirements mandated by TRC 644.102 in reporting the total amount of fines collected, actual enforcement program expenses and the remittance of mandated funds to the Texas Comptroller of Public Accounts.

IV. TERMINATION OF CERTIFICATION

***** UNLESS RENEWED, THIS MOU WILL EXPIRE ON AUGUST 1, 2023.*****

A. Renewal of this MOU

To prevent a loss of authority to conduct CVSA inspections, please mail or FAX your renewal request to the Department no more than 60 nor less than 30 days prior to the expiration of this MOU. If the renewal has not been executed by the Allied Agency before the MOU expiration date, certified officers must cease performing all CVSA inspections, until the renewal has been fully executed.

B. Decertification

1. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for failure to demonstrate practical proficiency in the program during random in-person observations by DPS, or by audits of inspections submitted.
2. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for using the certification as a primary method of generating program revenue or enhancing criminal interdiction activities.
3. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, if officers to engage in secondary employment activities that present a conflict of interest with their commercial vehicle enforcement duties.
4. DPS may decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for failure to comply with the provisions of the MOU, training, officer certification, or data-sharing requirements, including the requirement that Allied Agency reimburse DPS for training expenses and the requirement that Allied Agency forward information and respond to requests in a timely manner, or any other provisions of 37 Tex. Admin. Code §§ 4.13 and 4.14. Reimbursement can be made by check or money order, payable to the Department of Public Safety of the State of Texas.
5. DPS may decertify Allied Agency for failure to comply with the annual fiscal requirements mandated by Tex. Transp. Code § 644.102. Allied Agency must properly report fines collected, actual expenses, and the amount of remittance sent to the State of Texas's Comptroller of Public Accounts.

C. Termination of Certification

1. Termination of certification, whether by decertification, request of Allied Agency, or by failure to renew, will result in the inability of Allied Agency, to retain expenses for any enforcement actions taken after the effective date of the termination of certification. All reporting requirements, including the list of officers suspended and no longer certified which is normally due by January 31 of each year, inspection data reports, and crash reports must be provided to DPS immediately upon discontinuation in the certification program.
2. Allied Agency may discontinue certification at any time by notifying DPS Program Coordinator in writing.
3. The CVSA and Federal Motor Carrier Safety Administration require officers to complete a minimum number of inspections annually in order for officers to renew their certifications. The purpose of this requirement is to ensure officers achieve and maintain practical proficiency in inspecting commercial motor vehicles. Therefore, DPS will decertify Allied Agency, or individual officers conducting inspections for Allied Agency, for failure to report any inspections to DPS within a six month period or for failure to evenly space the required number of inspections throughout the year.
4. Any Termination of Certification terminates Allied Agency's authority to enforce federal safety regulations under Texas Transp. Code Ch. 644, and Allied Agency's eligibility for reimbursement of expenses from penalties assessed. DPS will notify the program coordinator for Allied Agency and the Comptroller of Public Accounts in writing of any Termination of Certification.
5. DPS may issue a warning to Allied Agency if Allied Agency fails to conduct any inspections within a three month period. DPS may also issue a warning if Allied Agency fails to comply with MOU requirements in such a way that DPS deems the quality or timeliness of inspection data could be compromised, or certified officers would fail to maintain practical proficiency in the program. Failure to correct the compliance issues within three months, or such other period as DPS may specify, can result in termination of the MOU and decertification of Allied Agency.

V. PROGRAM COORDINATORS

The parties' program coordinators are responsible for all communications and contacts *required to manage this MOU*. The parties must provide any updates regarding contact information *within 30 calendar days*. The current program coordinators for this MOU are:

Allied Agency:

CORPORAL A.J. ARRIAGA
Program Coordinator

1400 SCHERTZ PARKWAY #6
SCHERTZ, TX 78154
Address

(210) 619.1200
Voice Phone Number

(210) 619.1220
Fax Number

arriaga@schertz.com
E-mail Address

Department:

DEPARTMENT OF PUBLIC SAFETY
Texas Highway Patrol
Motor Carrier Bureau

Captain Omar Villarreal
Manager
Program Coordinator

MCB, P.O. Box 4087
Austin Texas 78773-0522
Address

(512) 424-2053
Voice Phone Number

(512) 424-5712
Fax Number

omar.villarreal@dps.texas.gov
E-mail Address

Evidence of Acceptance:

Signature of Authorized Official

Political Subdivision

Name

Title

Date

MEMORANDUM OF UNDERSTANDING

Between

DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS (DPS)

-and-

SCHERTZ POLICE DEPARTMENT (Allied Agency)

I. General Agreement

In accordance with Texas Transportation Code § 621.402, DPS has established parameters for approved Allied Agencies seeking to enforce Texas Transportation Code Chapter 621, Subchapter F. In order to maximize the uniform enforcement of statute, the parties enter into this Memorandum of Understanding (MOU) regarding training, approved scale use, annual scale re-calibration standards, violation report requirements, and mandated annual reporting.

II. DPS Responsibilities

In order to better implement and maintain the standards in this MOU, DPS will:

1. Train, retrain (as necessary or desirable), test, and certify the officers of any qualified Allied Agency.
2. Forward any weight enforcement complaints or challenges to the issuing Allied Agency.
3. Supply software necessary for the data entry of all inspection information on a cost recovery basis to Allied Agencies.

DPS may conduct random, in-person observation of weight enforcement inspections conducted by an Allied Agency in order to ensure that Allied Agency's officers are adhering to DPS certification standards.

III. Allied Agency Responsibilities

A. **Certification Training**

Allied Agency must enroll their commissioned, full-time officers in the 40 hour, Basic CVE course conducted at the direction of the DPS Motor Carrier Bureau. A commissioned officer must obtain 80% or better to become certified as a "weight enforcement officer." After initial certification, mandated re-certification training will take place following each legislative session. Weight enforcement officers must obtain 80% or better to maintain certification. DPS will immediately suspend any officer who fails to re-certify and Allied Agency must prohibit that officer from conducting or assisting with any weight enforcement activities.

Allied Agency may discontinue agency certification at any time by notifying DPS in writing. If a certified officer separates from an Allied Agency, Allied Agency must notify DPS within ten days.

B. Application of Statute and Allied Agency Requirements

1. During the course of duty, an Allied Agency weight enforcement officer must adhere to the “reasonable suspicion” requirements in weighing a commercial motor vehicle as inferred by Transportation Code § 621.402. There must be an articulable reason to detain a vehicle prior to utilizing any type of approved scale to determine actual weight. A fixed location signaling all commercial traffic to enter a weight enforcement site is in direct conflict with this mandate.
2. Allied Agency will only conduct weight inspections while an officer is on-duty. Allied Agency may not perform inspections at any time for the specific purpose of benefitting a carrier, whether onsite or offsite (such as a roadside or at a principal place of business). Compensation for weight inspections of any kind is prohibited.

C. Approved Scales

Allied Agency must purchase and use scales from the approved Scale List found at the following URL: <http://www.dps.texas.gov/cve/Publications/approvedScaleList.pdf>. Allied Agency must re-calibrate the approved scales during each calendar year by a certified scale technician or vendor. Allied Agency must retain all individual scale calibration records for the current year plus the two previous years. These records are subject to review during contested judicial proceedings or any DPS audit.

D. Weight Inspection Reports & Upload

Allied Agency must purchase hardware and software to conduct weight inspections in order to upload the reports to DPS. Allied Agency may only issue DPS authorized weight inspection reports.

E. Annual Reporting Requirements

Allied Agency must submit an annual report of its weight enforcement activities for each calendar year to DPS. Allied Agency must send the report to the Motor Carrier Bureau in Austin, Texas by January 31 of each year for the prior year’s enforcement activities. The annual reporting requirements under this Section will survive the termination date of this MOU.

F. Statutory Financial Reporting and Remittance Requirements

Allied Agency must comply with Transportation Code § 621.506(g) and report that data to DPS.

This includes: (1) sending the required 50 percent share to the State of Texas’s Comptroller of

Public Accounts (CPA) if the fine meets the statutory criteria; and (2) only imposing the minimum

dollar fine unless the vehicle’s weight was determined by a scale given or approved by DPS. DPS will confirm fiscal standing with CPA before renewing an MOU with Allied Agency.

IV. Termination of Certification

***** UNLESS RENEWED, THIS MOU WILL EXPIRE ON AUGUST 1, 2023 *****

To prevent a loss of authority to conduct weight enforcement inspections, please email DPS with your renewal request between the 60th and 30th day prior to the expiration of your current MOU. If the Allied Agency does not sign the renewal and mail it in to DPS before its current MOU expiration date, certified officers must cease performing all weight enforcement activities, until DPS receives the new fully executed MOU.

DPS may issue a warning to Allied Agency if Allied Agency fails to comply with MOU requirements in such a way that DPS deems that the weight enforcement action being taken is contrary to established training and statute. Failure to immediately correct any compliance issue or comply with the required remittance of assessed fines to the Comptroller of Public Accounts may result in the termination of the established MOU and the decertification of Allied Agency.

V. Program Coordinators and Signatory Acceptance

Allied Agency's weight enforcement coordinators are responsible for all communications and contacts required to manage this MOU. The coordinators must provide any updates regarding contact information within 30 calendar days.

DPS Program Coordinator:

Captain Omar Villarreal
THP Motor Carrier Bureau
P.O. Box 4087
Austin, Texas 78773-0522
Phone: (512) 424-2053
Fax: (512) 424-5712
Omar.Villarreal@dps.texas.gov

Allied Agency Program Coordinator
 Insert name and title here. CPL. A.J. ARRIAGA
 Insert address
 1400 SCHERTZ PKWY. #6
 SCHERTZ, TX 78154
 Insert phone, fax, and email
 (210) 619.1200 fax (210) 619.1220
 aarriaga@schertz.com

Allied Agency Authorized Representative <i>Insert name and title here</i>
Signature of Authorized Representative Date:

CITY COUNCIL MEMORANDUM

City Council Meeting: July 6, 2021

Department: Planning & Community Development

Subject: Ordinance No. 21-S-26- Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to amend Part III, Schertz Code of Ordinances, Unified Development Code (UDC), specifically for subsections within Articles 5, 9 and 14 in order to establish a new zoning district, Main Street Mixed Use- New Development (MSMU-ND). *(Final Reading)* (B. James/ L. Wood/E. Delgado)

BACKGROUND

Update from the June 22, 2021 City Council meeting:

At the June 22nd City Council meeting Ordinance 21-S-26 was presented by staff and a discussion in relation to the applicability, permitted use table, parking, and the proposed changes was had between the City Council and staff. Based on this discussion and the motion made, the following two changes were incorporated into the Ordinance:

- The land use "Pet Store" is now proposed to be permitted by right within the proposed Main Street Mixed Use- New Development zoning district.
- The land use ""Dance Hall / Night Club" is now proposed to be permitted with the requirement a Specific Use Permit is obtained within the proposed Main Street Mixed Use- New Development zoning district.

There were no other changes made between the first reading and the ordinance attached for the final reading besides the above two modifications to the proposed Permitted Use Table.

At the June 22nd meeting, City Council approved Ordinance No. 21-S-26 with a 4-2 vote.

As stated in the Unified Development Code (UDC), City Council from time to time, on its own motion, or at the recommendation of City staff amend, change, or modify text in any portion of the UDC to establish and maintain stable and desirable development. It is generally considered good practice to periodically review and update the development regulations due to changing conditions, community goals, and/or State and Federal regulations. The proposed UDC Amendment includes the creation of a new zoning district titled Main Street Mixed Use- New Development (MSMU-ND).

Within the UDC the existing Main Street Mixed-Use District (MSMU) is intended to provide a base zoning district for the area along Main Street. This zoning district has unique characteristics including reduced setbacks and parking requirements due to the physical constraints of the properties along Main Street and the ability to use the properties as residential or commercial.

Although the existing Main Street Mixed-Use (MSMU) zoning district has proven beneficial for property owners that want to utilize the existing structures on Main Street, it does not lend itself to development with new structures. Rather than making modifications to the existing MSMU zoning district, staff determined that it would be more appropriate to create another zoning district that was specifically designed for properties along Main Street that the property owner desires to redevelop the property and construct a new structure, rather than utilizing the existing structure.

On May 26, 2021, the Planning and Zoning Commission conducted a public hearing in relation to this proposed UDC amendment. No one spoke during this public hearing. A public hearing notice was published in the "San Antonio Express" on June 2, 2021 for the public hearing to be held at City Council.

Proposed Amendments:

Staff is proposing the creation of the Main Street Mixed-Use New Development (MSMU-ND) zoning district, which is structured off the existing Main Street Mixed-Use zoning district with the following changes in order to allow for increased flexibility for redevelopment of properties along Main Street.

UDC Section	Proposed MSMU-ND Regulation
Article 5, Section 21.5.5- Statement of Purpose and Intent for Residential Districts	O. Main Street Mixed- Use New Development District (MSMU-ND). Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.
Article 5, Section 21.5.7- Dimensional and Developmental Standards- Table 21.5.7.A Dimensional Requirements	Lot Size: 5,000sqft Width: 50 feet Depth: 100 feet Front Yard Setback: 10 feet Side Yard Setback: 5 feet Rear Yard Setback: 10 feet Parking Spaces: Parking spaces are determined based on the square footage of the structure: 0 sqft - 1,500 sqft requires 2 parking spaces 1,501 sqft - 5,000 sqft requires 5 parking spaces; unless the proposed land use would require less. 5,0001 sqft - 10,000 sqft requires 10 parking spaces; unless the proposed land use would require less. Over 10,000 sqft requires 20 parking spaces; unless the proposed land use would require less. Max Height: 35 Feet Impervious Coverage: 80% Key: j, k, m
Article 5, Section 21.5.8 Permitted Use Table- Table 21.5.8	Addition of MSMU-ND with all the same permitted uses as currently permitted within the MSMU zoning district
Article 9, Section 21.9.7 Landscaping, G Nonresidential and Multifamily Landscape Buffer Requirements	Addition of #3: Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed Use- New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.

Article 9, Section 21.9.7 Landscaping, H.2 Perimeter Landscaping	Addition of text within subsection 2.a: The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed Use- New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.
Article 9, Section 21.9.8 Screening and Fencing, B Fences in Nonresidential and Multifamily Areas	Addition of text within subsection 3: Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed Use- New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.
Article 14, Section 21.14.3 Additional Design Requirements	Addition of text within subsection C, D, and E in relation to Landscape Buffer, Off-Street Parking, and Building Setback Line: The requirements of this section are not applicable to properties zoned Main Street Mixed-Use- New Development (MSMU-ND).

The full proposed UDC amendment language red lines can be reviewed in the attachments to this staff report.

GOAL

To amend the UDC to review and update the development regulations due to changing conditions, community goals and State and Federal regulations as well as establish and maintain sound stable and desirable development.

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

Approve Ordinance 21-S-26 amending the Unified Development Code (UDC), specifically for subsections within Article 5, 9, and 14 in order to establish a new zoning district, Main Street Mixed Use- New Development (MSMU-ND).

FISCAL IMPACT

None.

RECOMMENDATION

Based on recent communications with property owners and developers interested in revitalizing and redeveloping properties along Main Street, that are facing difficulties in complying with the current Main Street Mixed-Use zoning district, staff feels that the creation of a new zoning district is the most appropriate solution. The proposed zoning district and UDC amendments will allow greater flexibility and achieve the desired goals for the redevelopment and new construction to occur on Main Street.

By creating flexibility in landscaping and screening not only for MSMU-ND but also incorporating the changes for MSMU will truly allow the properties to be able to convert from residential to commercial and vice versa without the requirement to install an eight-foot masonry wall or the twenty-foot

landscape buffer. Additionally, the proposed modifications to parking and setbacks will allow for greater flexibility for developing properties on Main Street.

The Planning and Zoning Commission offered a recommendation of approval with a vote of 7-0, with changes to two sections of the proposed UDC amendments which were discussed during the meeting. These changes included adding additional clarity for which subsections within UDC Article 14, Section 21.14.3 are not applicable to the Main Street Mixed Use-New Development (MSMU-ND) zoning district and to add additional square footage scales in relation to required parking for Main Street Mixed Use- New Development (MSMU-ND). Both of these changes were incorporated into the proposed amendments included within this ordinance.

Staff recommends approval of Ordinance 21-S-26, the proposed amendments to the Unified Development Code (UDC) for the indicated subsections within Article 5, 9, and 14 as presented.

Attachments

Ord. No 21-S-26
UDC Redline Changes

ORDINANCE NO. 21-S-26

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING PART III, SCHERTZ CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE (UDC) SUBSECTIONS WITHIN ARTICLE 5, ARTICLE 9, AND ARTICLE 14; SPECIFICALLY FOR THE CREATION OF THE MAIN STREET MIXED USE- NEW DEVELOPMENT (MSMU-ND) ZONING DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance No. 10-S-06, the City of Schertz, Texas (the “City”) adopted as Amended and Restated Unified Development Code on April 13, 2010, as further amended (the “Current UDC”); and

WHEREAS, City Staff has reviewed the Current UDC and have recommended certain revision and updates to, and reorganization of, the Current UDC;

WHEREAS, on May 26, 2021 the Planning and Zoning Commission conducted a public hearing and thereafter recommended approval; and

WHEREAS, on June 22, 2021 the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the proposed amendments are appropriate and in the interest of the public safety, health and welfare;

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

Section 1. The current UDC is hereby amended as set forth on Exhibit A hereto.

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. 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. 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.

Approved on first reading the 22nd day of June, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 6th day of July, 2021.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

Exhibit A

Unified Development Code
Amendments to Subsections within Articles 5, 9, and 14

See Attached-
Red Text Identifies New UDC Language

Sec. 21.5.5. - Statement of Purpose and Intent for Residential Districts.

- O. *Main Street Mixed- Use New Development District (MSMU-ND)*. Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.

Sec. 21.5.7. - Dimensional and Developmental Standards.

- A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Table 21.5.7.A DIMENSIONAL REQUIREMENTS
RESIDENTIAL ZONING DISTRICTS

		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Imperv Cover	Key
MSM U- ND	Main Street Mixed Use- New Development	5,000	50	100	10	5	10	<p>Parking Spaces are determined based on the square footage of the structure.</p> <p>0 sqft – 1,500 sqft requires 2 parking spaces.</p> <p>1,501 sqft - 5,000 sqft, requires 5 parking spaces; unless the proposed land use would require less.</p> <p>5,001 sqft - 10,000 sqft, requires 10 parking spaces; unless the proposed land use</p>	35	80%	j,k,m

								would require less. Over 10,000sqft requires 20 parking spaces; unless the proposed land use would require less.			
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Key:

a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed 24 units per acre.
b.	1.5 parking spaces per bedroom.
c.	Zero lot line Garden Homes.
d.	20-foot paved alley for ingress/egress to all rear garages.
e.	5-foot shall be designated maintenance easement.
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.
g.	25-foot set back to property line adjoining public street.
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way.
i.	Minimum lot area for each unit.
j.	Site Plan approval required.
k.	Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.
l.	No variances may be permitted to exceed the maximum impervious cover limitations
m.	Refer to Article 14, section 21.14.3 for additional design requirements
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.

Article 5, Section 21.5.8- Permitted Use Table:

MSMU-ND	PERMITTED USES
P	Accessory Building, Residential
	Agricultural/Field Crops
	Airport, Heliport or Landing Field
	Alcohol Package Sales
	Antenna and/or Antenna Support Structure, Commercial
P	Antique Shop
	Appliances, Furniture and Home Furnishings Store
P	Art Gallery/Library/Museum
	Assisted Care or Living Facility
	Athletic Stadium, Private
	Athletic Stadium, Public
	Automobile Parking Structure/Garage
	Automobile Parts Sales
	Automobile Repairs & Service, Major
	Automobile Repairs & Service, Minor
	Automobile Sales
P	Bakery
P	Bank, Saving and Loan, Credit Union
P	Beauty Salon/Barber Shop
P	Bed and Breakfast Inn
P	Book Store
	Bottling Works
	Building Material and Hardware Sales
	Cabinet or Upholstery Shop
	Car Wash, Automated
	Car Wash, Self Serve
	Cemetery or Mausoleum
S	Church, Temple, Synagogue, Mosque, or Other Place of Worship
	Civic/Convention Center

	College, University, Trade, or Private Boarding School
	Commercial Amusement, Indoor
	Commercial Amusement, Outdoor
	Community Center
	Concrete/Asphalt Batching Plant
	Convenience Store w/o Gas Pumps
	Convenience Store w/ Gas Pumps
S	Dance Hall/Night Club
P	Day Care Center
	Department Store
	Dry Cleaning, Major
P	Dry Cleaning, Minor
	Family or Group Home
P	Farmers Market
	Flea Market, Inside
	Flea Market, Outside
P	Florist
	Fraternity, Sorority, Civic Club or Lodge
P	Furniture Sales
	Gasoline Station/Fuel Pumps
	Gated Community
	General Manufacturing/Industrial Use
	Golf Course and/or Country Club
P	Governmental Facilities
P	Gymnastics/Dance Studio
	Hazardous Waste
P	Health/Fitness Center
	Heavy Equipment Sales, Service or Rental
	Home Improvement Center
	Hospital
	Hotel/Motel
	Household Appliance Service and Repair
S	In-Home Day Care
	Landfill
	Laundromat
	Livestock
P	Locksmith/Security System Company

P	Medical, Dental or Professional Office/Clinic
	Mini-Warehouse/Public Storage
	Manufactured/Mobile Homes
	Manufacturing
	Mortuary/Funeral Home
	Multi-Family Apartment Dwelling
	Municipal Uses Operated by the City of Schertz
P	Museum
	Nursery, Major
	Nursery, Minor
	Office Showroom
	Office-Warehouse/Distribution Center
	One-Family Dwelling Attached
P	One-Family Dwelling Detached
P	Packaging/Mailing Store
P	Park/Playground/Similar Public Site
	Pawn Shop
P	Pet Store
P	Pharmacy
	Portable Building Sales
P	Post Office
	Print Shop, Major
P	Print Shop, Minor
	Private Club
	Railroad/Bus Passenger Station
	Recreational Vehicle Park
	Recreational Vehicle Sales and Service
	Recycling Collection Center
	Recycling Collection Point
	Recycling Facility
	Rehabilitation Care Facility
	Restaurant, Drive-In
P	Restaurant or Cafeteria
P	Retail Stores and Shops
P	School, Public or Private
	Sexually Oriented Business (See Ordinance No. 02-L-16)
	Stable, Commercial

	Storage or Wholesale Warehouse
	Tattoo Parlors/Studios
P	Tavern
	Taxidermist
	Theater, Outdoor
	Theater, Indoor
	Tool Rental
	Trailer/Manufactured Homes Sales
	Truck Sales, Heavy Equipment
	Truck Terminal
	Two-Family Dwelling
	Veterinarian Clinic/Kennel, Indoor
	Veterinarian Clinic/Kennel, Outdoor
	Welding/Machine Shop
	Wrecking or Salvage Yard
S	New and Unlisted Uses

Sec. 21.9.7. - Landscaping.

G. *Nonresidential and Multifamily Landscape Buffer Requirements.*

1. In addition to any screening requirements of section 21.9.8, a nonresidential or multifamily use adjacent to a residential use or residentially zoned property shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval.
2. The landscape buffer and planting requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provided at or near the property boundary.
3. Due to the flexibility in residential / nonresidential for the Main Street Mixed-Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.

H. *Parking Area Landscaping.* Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from these standards. Section H does not apply to public schools.

1. *Interior Landscaping.* A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
 - b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size.
 - d. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.
2. *Perimeter Landscaping.* All parking lots and vehicular use areas shall be screened from all abutting properties with a wall, fence, hedge, berm or other durable landscape barrier. All parking lots and vehicular use areas shall be screened from all abutting public rights-of-way with a wall, berm or combination of hedge and berm. Any living barrier shall be established in a minimum five foot (5') planting strip. Plants and materials used in living barriers shall be at least thirty inches (30") high at the time of planting and shall be of a type and species that will attain a minimum height of three feet (3') one (1) year after planting. Any landscape barrier not containing live plants or trees shall be a minimum of three feet (3') high at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent residential properties.
 - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining

area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping. The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.

- b. Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned or used for single family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm which shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. The requirements of this subsection do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
- c. Perimeter landscape areas shall contain at least one (1) shade tree for each fifty linear feet (50'), or fraction thereof, of perimeter area.

Sec. 21.9.8. - Screening and Fencing.

B. *Fences in Nonresidential and Multifamily Areas.*

1. *Height.* No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes and regulations. All fences for public water and wastewater facilities are allowed to be opaque.
2. *Fence Materials.*
 - a. *Materials Permitted.* Fences may be constructed of pressure treated wood, decorative metal, chain link or similar woven wire mesh, stone, brick, above ground electrical fencing or other materials traditionally used in private fence construction.
 - b. *Prohibited Materials.* Hog wire or chicken wire, screening slats within chain link, and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals. Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.
3. *Fences Adjacent to Residential Property.* Where any nonresidential or multifamily use, lot or parcel except public schools is adjacent to or separated by only a local street or alley from a lot or parcel that is zoned for single family residential use, the nonresidential or multifamily use shall construct a masonry screening wall a minimum of eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening wall shall be maintained in good condition. Any sections of this UDC or any other City ordinances, codes or regulations concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way. Where any nonresidential or multifamily use, lot or parcel is located in such a manner so as to be at a higher elevation than an adjacent lot or parcel that is zoned for single family residential use, the required masonry screening wall shall be constructed on the higher elevation so as to mitigate the adjacent residential property from the impacts of the adjacent use. **Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.**
4. *Screening of Trash Receptacles.* All trash receptacles shall be screened from public view by a solid screening wall a minimum of eight feet (8') in height and constructed of a masonry material. Gates shall be of solid metal and shall be closed at all times except when loading and unloading.
5. *Fences within Public Easements.* Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.
6. *Gates for Vehicular Access.* Gates designed for vehicular access shall be set back from the property line a

Sec. 21.14.3. - Additional Design Requirements.

A. *Purpose and Applicability.*

1. The purpose of this Section is to establish additional development standards applicable to certain streets within the City to ensure uniform and quality development resulting in an attractive environment compatible with businesses and residential dwellings which does the following:
 - a. provides an environment and living conditions favorable to the public;
 - b. provides a creative approach to land use and related physical development;
 - c. creates a pattern of development which preserves trees and outstanding natural topography and prevents soil erosion and pollution;
 - d. encourages mixed use development through innovative uses of modern development concepts; and
 - e. produces open space and recreation areas.
2. The requirements of this section shall be applicable to all roadways classified as Principal Arterials or Secondary Arterials in accordance with section 21.14.1 including, but not limited to, Schertz Parkway, FM 3009, Old Wiederstein Road, Country Club Blvd, FM 78, FM 1518, FM 482, and Wiederstein Road.

B. *Permitted Uses.* Buildings, structures and land shall be used in accordance with the uses permitted in the applicable zoning district and shall comply with the dimensional requirements of that district in accordance with Article 5 of this UDC.

C. *Landscape Buffer.* In addition to the requirements of section 21.9.7 of this UDC for landscaping, a minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. Parking and vehicular use areas adjacent to the right-of-way shall have land berm walls or a vegetative hedge barrier to reduce vehicular reflections to the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

E. *Building Setback Line.* A minimum fifty foot (50') building setback shall be required adjacent to all rights-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow for a reduction in the minimum required setback when an alternative site layout and design provides for additional open space or landscaping and off-street parking will be located entirely at the rear of the building or lot. In no case shall the minimum building setback be reduced less than the minimum required setback for the applicable zoning district in. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

F. *Driveways and Access (Connectivity).* Access shall be limited to provide for safe traffic flow and the design shall provide interior drives to limit the number of accesses to the public right-of-way. Access easement should be utilized to limit the number of driveway accesses. Accesses should be planned to match existing driveways or street intersections on the opposite side of the street. All driveways shall have a minimum sight distance of 240 feet.

G. *Screening.* A masonry screening wall a minimum of eight foot (8') in height shall be provided where the rear yard of any residential or nonresidential lot abuts a Principal or Secondary Arterial. Any masonry screening wall constructed as part of a new residential subdivision shall be constructed of a like and similar material and color as screening walls in adjacent subdivisions to provide a consistent streetscape.

***Proposed UDC amendments
to establish the MSMU-ND Zoning District***

Existing Main Street Mixed-Use District (MSMU) UDC language included for reference

Sec. 21.5.5. - Statement of Purpose and Intent for Residential Districts.

- N. *Main Street Mixed-Use District (MSMU)*. Intended to provide a base zoning district in the area along Main Street. In light of the history of the area and variety of land uses that exist, this zoning district allows for both single-family residential uses and low intensity commercial uses. Reduced setbacks and parking requirements are provided as part of this district due to physical restraints.
- O. *Main Street Mixed- Use New Development District (MSMU-ND)*. Intended to provide a base zoning district in the area along Main Street, specifically for new development of existing properties. This district is intended to mirror The Main Street Mixed-Use District (MSMU), allowing for both single-family residential uses and low intensity commercial uses. Reduced setbacks, parking requirements, along with reduced landscape buffers are provided as part of this district due to physical restraints of the existing properties.

Sec. 21.5.7. - Dimensional and Developmental Standards.

- A. *General.* All projects or developments shall comply with all of the applicable dimensional and development standards of this Article. Additional requirements may also apply as required in other sections of this UDC. All area requirements and lot sizes shall be calculated based on gross acres.

Table 21.5.7.A DIMENSIONAL REQUIREMENTS
RESIDENTIAL ZONING DISTRICTS

		Minimum Lot Size And Dimensions			Minimum Yard Setback (Ft)				Miscellaneous Lot Requirements		
Code	Zoning District	Area Sq. Ft.	Width Ft.	Depth Ft.	Front Ft.	Side Ft.	Rear Ft.	Minimum Off-Street Parking Spaces	Max Height Ft.	Max Imperv Cover	Key
MSMU	Main Street Mixed Use	5,000	50	100	10	5	20	2	35	80%	h,j,k,m,n
MSMU-ND	Main Street Mixed Use-New Development	5,000	50	100	10	5	10	Parking Spaces are determined based on the square footage of the structure. 0 sqft – 1,500 sqft requires 2 parking spaces. 1,501 sqft - 5,000 sqft, requires 5 parking spaces; unless the proposed land use would require less.	35	80%	j,k,m

								<p>5,001 sqft - 10,000 sqft, requires 10 parking spaces; unless the proposed land use would require less.</p> <p>Over 10,000sqft requires 20 parking spaces; unless the proposed land use would require less.</p>			
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Key:

a.	Add 1,800 square feet of area for each unit after the first 3 units. Maximum density shall not exceed 24 units per acre.
b.	1.5 parking spaces per bedroom.
c.	Zero lot line Garden Homes.
d.	20-foot paved alley for ingress/egress to all rear garages.
e.	5-foot shall be designated maintenance easement.
f.	Corner lot shall have 10-foot side yard setback from street right-of-way.
g.	25-foot set back to property line adjoining public street.
h.	Corner lot shall have minimum 15-foot side yard setback from street right-of-way.
i.	Minimum lot area for each unit.

j.	Site Plan approval required.
k.	Swimming pools count toward the maximum impervious cover limitations, unless the swimming pool is equipped with a water overflow device appropriate for such pool, and only if it drains into any pervious surface, in which case the water surface shall be excluded.
l.	No variances may be permitted to exceed the maximum impervious cover limitations
m.	Refer to Article 14, section 21.14.3 for additional design requirements
n.	All single family residential dwelling units constructed within this district shall be constructed with an enclosed garage.
o.	Side yard setback of 7.5 ft. for R-1, R-2, R-3, R-6, R-7, and MHS continues in effect for all subdivisions vested on the date of adoption of Ordinance No. 11-S-15.

Article 5, Section 21.5.8- Permitted Use Table:

Proposed Full Permitted Use Table for Main Street Mixed-Use New Development

(existing MSMU permitted uses included for reference)

MSMU-ND	MSMU	PERMITTED USES
P	P	Accessory Building, Residential
		Agricultural/Field Crops
		Airport, Heliport or Landing Field
		Alcohol Package Sales
		Antenna and/or Antenna Support Structure, Commercial
P	P	Antique Shop
		Appliances, Furniture and Home Furnishings Store
P	P	Art Gallery/Library/Museum
		Assisted Care or Living Facility
		Athletic Stadium, Private
		Athletic Stadium, Public
		Automobile Parking Structure/Garage
		Automobile Parts Sales
		Automobile Repairs & Service, Major
		Automobile Repairs & Service, Minor
		Automobile Sales
P	P	Bakery
P	P	Bank, Saving and Loan, Credit Union
P	P	Beauty Salon/Barber Shop
P	P	Bed and Breakfast Inn
P	P	Book Store
		Bottling Works
		Building Material and Hardware Sales
		Cabinet or Upholstery Shop
		Car Wash, Automated
		Car Wash, Self Serve
		Cemetery or Mausoleum
S	S	Church, Temple, Synagogue, Mosque, or Other Place of Worship
		Civic/Convention Center
		College, University, Trade, or Private Boarding School

		Commercial Amusement, Indoor
		Commercial Amusement, Outdoor
		Community Center
		Concrete/Asphalt Batching Plant
		Convenience Store w/o Gas Pumps
		Convenience Store w/ Gas Pumps
S		Dance Hall/Night Club
P	P	Day Care Center
		Department Store
		Dry Cleaning, Major
P	P	Dry Cleaning, Minor
		Family or Group Home
P	P	Farmers Market
		Flea Market, Inside
		Flea Market, Outside
P	P	Florist
		Fraternity, Sorority, Civic Club or Lodge
P	P	Furniture Sales
		Gasoline Station/Fuel Pumps
		Gated Community
		General Manufacturing/Industrial Use
		Golf Course and/or Country Club
P	P	Governmental Facilities
P	P	Gymnastics/Dance Studio
		Hazardous Waste
P	P	Health/Fitness Center
		Heavy Equipment Sales, Service or Rental
		Home Improvement Center
		Hospital
		Hotel/Motel
		Household Appliance Service and Repair
S	S	In-Home Day Care
		Landfill
		Laundromat
		Livestock
P	P	Locksmith/Security System Company
P	P	Medical, Dental or Professional Office/Clinic
		Mini-Warehouse/Public Storage
		Manufactured/Mobile Homes
		Manufacturing

		Mortuary/Funeral Home
		Multi-Family Apartment Dwelling
		Municipal Uses Operated by the City of Schertz
P	P	Museum
		Nursery, Major
		Nursery, Minor
		Office Showroom
		Office-Warehouse/Distribution Center
		One-Family Dwelling Attached
P	P	One-Family Dwelling Detached
P	P	Packaging/Mailing Store
P	P	Park/Playground/Similar Public Site
		Pawn Shop
P		Pet Store
P	P	Pharmacy
		Portable Building Sales
P	P	Post Office
		Print Shop, Major
P	P	Print Shop, Minor
		Private Club
		Railroad/Bus Passenger Station
		Recreational Vehicle Park
		Recreational Vehicle Sales and Service
		Recycling Collection Center
		Recycling Collection Point
		Recycling Facility
		Rehabilitation Care Facility
		Restaurant, Drive-In
P	P	Restaurant or Cafeteria
P	P	Retail Stores and Shops
P	P	School, Public or Private
		Sexually Oriented Business (See Ordinance No. 02-L-16)
		Stable, Commercial
		Storage or Wholesale Warehouse
		Tattoo Parlors/Studios
P	P	Tavern
		Taxidermist
		Theater, Outdoor
		Theater, Indoor
		Tool Rental

		Trailer/Manufactured Homes Sales
		Truck Sales, Heavy Equipment
		Truck Terminal
		Two-Family Dwelling
		Veterinarian Clinic/Kennel, Indoor
		Veterinarian Clinic/Kennel, Outdoor
		Welding/Machine Shop
		Wrecking or Salvage Yard
S	S	New and Unlisted Uses

Sec. 21.9.7. - Landscaping.

G. *Nonresidential and Multifamily Landscape Buffer Requirements.*

1. In addition to any screening requirements of section 21.9.8, a nonresidential or multifamily use adjacent to a residential use or residentially zoned property shall provide a minimum twenty foot (20') landscape buffer adjacent to the property line of the residential use or residentially zoned property. A minimum of one (1) shade tree shall be planted for each thirty linear feet (30') of landscape buffer. A minimum of ten (10) shrubs shall be planted for each fifty linear feet (50') of landscape buffer. All other areas within the landscape buffer shall be covered with grass or another solid vegetative cover approved at the time of Site Plan approval.
2. The landscape buffer and planting requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provided at or near the property boundary.
3. Due to the flexibility in residential / nonresidential for the Main Street Mixed-Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the twenty-foot (20') landscape buffer requirement is not applicable.

H. *Parking Area Landscaping.* Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance with the following criteria. Areas used for parking or vehicle storage that are under, on or within buildings are exempt from these standards. Section H does not apply to public schools.

1. *Interior Landscaping.* A minimum of ten percent (10%) of the gross parking areas shall be devoted to living landscaping which includes grass, ground covers, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway and sidewalks. The following additional criteria shall apply to the interior of parking lots. Interior landscaping requirements do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.
 - a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs.
 - b. There shall be a minimum of one (1) shade tree planted for each 400 square feet or fraction thereof of required interior landscape area.
 - c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall be a minimum of 200 square feet or ten feet (10') by twenty feet (20') in size.
 - d. Planter islands shall contain a combination of trees, shrubs, lawn, ground cover and other appropriate materials provided such landscaping does not cause visual interference within the parking area.
2. *Perimeter Landscaping.* All parking lots and vehicular use areas shall be screened from all abutting properties with a wall, fence, hedge, berm or other durable landscape barrier. All parking lots and vehicular use areas shall be screened from all abutting public rights-of-way with a wall, berm or combination of hedge and berm. Any living barrier shall be established in a minimum five foot (5') planting strip. Plants and materials used in living barriers shall be at least thirty inches (30") high at the time of planting and shall be of a type and species that will attain a minimum height of three feet (3') one (1) year after planting. Any landscape barrier not containing live plants or trees shall be a minimum of three feet (3') high at time of installation. Perimeter landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent residential properties.
 - a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, except a public alley, a perimeter landscape area of at least fifteen feet (15') in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary access ways from the public right-of-way shall be permitted through all such landscaping. The requirements of this subsection do not apply to properties zoned Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND). Properties under these zoning districts shall provide a minimum landscape buffer of five (5) feet adjacent to a public right-of-way when off-street parking or vehicular use areas abut.
 - b. Whenever an off-street parking or vehicular use area abuts an adjacent residential property line, a perimeter landscape area of at least ten feet (10') in width shall be maintained between the edge of the parking area and the adjacent property line. Access ways between lots may be permitted through all perimeter landscape areas. Landscaping shall be designed to visually screen the parking area. Whenever such property is zoned

or used for single family residential purposes, a landscape buffer shall include a masonry wall and hedge, or berm which shall be a minimum of three feet (3') in height and a maximum of eight feet (8') in height. The requirements of this subsection do not apply to public water and wastewater facilities if an eight feet (8') masonry fence is provide at or near the property boundary.

- c. Perimeter landscape areas shall contain at least one (1) shade tree for each fifty linear feet (50'), or fraction thereof, of perimeter area.

Sec. 21.9.8. - Screening and Fencing.

B. *Fences in Nonresidential and Multifamily Areas.*

1. *Height.* No fence, screen, or wall shall exceed eight feet (8') in height. No fence, screen, or wall within a required front yard shall exceed eight feet (8') in height. Fences constructed in the front yard shall be non-opaque and shall not interfere with the sight visibility triangle as required by this UDC or any other applicable City ordinances, codes and regulations. All fences for public water and wastewater facilities are allowed to be opaque.
2. *Fence Materials.*
 - a. *Materials Permitted.* Fences may be constructed of pressure treated wood, decorative metal, chain link or similar woven wire mesh, stone, brick, above ground electrical fencing or other materials traditionally used in private fence construction.
 - b. *Prohibited Materials.* Hog wire or chicken wire, screening slats within chain link, and barbed wire are prohibited except on parcels or lots one acre or greater in size in conjunction with the containment of livestock or farm animals. Three strand barbed wire on top of chain link fencing is permitted when associated with public water and wastewater facilities and when not visible from public rights-of-way or adjacent properties.
3. *Fences Adjacent to Residential Property.* Where any nonresidential or multifamily use, lot or parcel except public schools is adjacent to or separated by only a local street or alley from a lot or parcel that is zoned for single family residential use, the nonresidential or multifamily use shall construct a masonry screening wall a minimum of eight feet (8') in height. The screen shall be located no closer to the street than the property line. Such screening wall shall be maintained in good condition. Any sections of this UDC or any other City ordinances, codes or regulations concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a right-of-way. Where any nonresidential or multifamily use, lot or parcel is located in such a manner so as to be at a higher elevation than an adjacent lot or parcel that is zoned for single family residential use, the required masonry screening wall shall be constructed on the higher elevation so as to mitigate the adjacent residential property from the impacts of the adjacent use. **Due to the flexibility in residential / nonresidential for the Main Street Mixed Use (MSMU) and Main Street Mixed-Use - New Development (MSMU-ND) zoning districts, the masonry wall requirement is not applicable.**
4. *Screening of Trash Receptacles.* All trash receptacles shall be screened from public view by a solid screening wall a minimum of eight feet (8') in height and constructed of a masonry material. Gates shall be of solid metal and shall be closed at all times except when loading and unloading.
5. *Fences within Public Easements.* Fences within a public easement shall have a gate or removable panel to allow for maintenance access to such easement. The City shall not be responsible for damage to any fence that may occur as a result of maintenance of any utility within the easement.
6. *Gates for Vehicular Access.* Gates designed for vehicular access shall be set back from the property line a

Sec. 21.14.3. - Additional Design Requirements.

A. *Purpose and Applicability.*

1. The purpose of this Section is to establish additional development standards applicable to certain streets within the City to ensure uniform and quality development resulting in an attractive environment compatible with businesses and residential dwellings which does the following:
 - a. provides an environment and living conditions favorable to the public;
 - b. provides a creative approach to land use and related physical development;
 - c. creates a pattern of development which preserves trees and outstanding natural topography and prevents soil erosion and pollution;
 - d. encourages mixed use development through innovative uses of modern development concepts; and
 - e. produces open space and recreation areas.
2. The requirements of this section shall be applicable to all roadways classified as Principal Arterials or Secondary Arterials in accordance with section 21.14.1 including, but not limited to, Schertz Parkway, FM 3009, Old Wiederstein Road, Country Club Blvd, FM 78, FM 1518, FM 482, and Wiederstein Road.

B. *Permitted Uses.* Buildings, structures and land shall be used in accordance with the uses permitted in the applicable zoning district and shall comply with the dimensional requirements of that district in accordance with Article 5 of this UDC.

C. *Landscape Buffer.* In addition to the requirements of section 21.9.7 of this UDC for landscaping, a minimum twenty foot (20') wide landscape buffer shall be provided adjacent to any public right-of-way. Trees shall be planted at an average density of one (1) tree per twenty linear feet (20') of street frontage except for public schools. The landscape buffer shall require an irrigation system and shall be maintained by the property owner. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

D. *Off-Street Parking.* Off street parking is permitted adjacent to the landscape buffer along the right-of-way. Parking and vehicular use areas adjacent to the right-of-way shall have land berm walls or a vegetative hedge barrier to reduce vehicular reflections to the right-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow a reduction in the minimum required landscape buffer when off-street parking is located entirely along the side or rear of the building or lot. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

E. *Building Setback Line.* A minimum fifty foot (50') building setback shall be required adjacent to all rights-of-way. A waiver may be granted by the Planning and Zoning Commission which would allow for a reduction in the minimum required setback when an alternative site layout and design provides for additional open space or landscaping and off-street parking will be located entirely at the rear of the building or lot. In no case shall the minimum building setback be reduced less than the minimum required setback for the applicable zoning district in. **The requirements of this section are not applicable to properties zoned Main Street Mixed-Use - New Development (MSMU-ND).**

F. *Driveways and Access (Connectivity).* Access shall be limited to provide for safe traffic flow and the design shall provide interior drives to limit the number of accesses to the public right-of-way. Access easement should be utilized to limit the number of driveway accesses. Accesses should be planned to match existing driveways or street intersections on the opposite side of the street. All driveways shall have a minimum sight distance of 240 feet.

G. *Screening.* A masonry screening wall a minimum of eight foot (8') in height shall be provided where the rear yard of any residential or nonresidential lot abuts a Principal or Secondary Arterial. Any masonry screening wall constructed as part of a new residential subdivision shall be constructed of a like and similar material and color as screening walls in adjacent subdivisions to provide a consistent streetscape.

CITY COUNCIL MEMORANDUM

City Council Meeting: July 6, 2021
Department: Executive Team
Subject: Ordinance No. 21-M-28 - Consideration and/or action approving an Ordinance authorizing and amending the City Council Rules of Conduct and Procedure; repealing all ordinance or parts of ordinances in conflict with this ordinance and providing an effective date. (*First Reading*) (M. Browne)

BACKGROUND

At the City Council meeting of June 22, 2021, City Manager Dr. Mark Browne requested direction from Council regarding the placement of City Ordinances on Final Reading. He indicated that staff needed direction for agenda placement when an Ordinance does not receive a unanimous vote for approval on First Reading.

Does the Council wish to have the item placed on Discussion for Final Reading or should it go on the Consent Agenda? The attached Ordinance will provide clarity to staff as well as be incorporated into the City Council Code of Conduct and Procedures.

GOAL

To clarify, update and amend the Council's Rules of Conduct and Procedures related to the placement of Ordinances on Final Reading.

COMMUNITY BENEFIT

To clearly establish procedures for Council related to City Ordinances.

SUMMARY OF RECOMMENDED ACTION

To approve Ordinance No. 21-M-28 on first reading by Council choosing (a) or (b) regarding placement of City Ordinances on Final Reading.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

To approve Ordinance No. 21-M-28 on first reading by Council choosing (a) or (b) regarding placement of City Ordinances on Final Reading.

Attachments

Ordinance
Rules of Conduct & Procedure

ORDINANCE NO. 21-M-28

AN ORDINANCE BY THE CITY OF SCHERTZ AUTHORIZING AND AMENDING CITY COUNCIL RULES OF CONDUCT AND PROCEDURE; 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 Rules of Conduct and Procedure for the conduct of meetings of the City Council 19-M-28; and

WHEREAS, the City Council discussed the following changes at their meeting of July 6, 2021; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend, update, and clarify the Rules of Conduct and Procedure as they relate to the placement of Ordinances on final reading.

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

Section 1. That the City Council's Rules of Conduct and Procedure are amended as follows:

Article 7 Consideration of Ordinances, Resolutions, and Motions

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 with the Charter or State law. **Ordinances that do not receive a unanimous vote on first reading shall (a) be placed on the consent portion of the next agenda or (b) be placed on the discussion portion of the agenda.**

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.

APPROVED ON FIRST READING the 6th day of July 2021.

PASSED, APPROVED AND ADOPTED ON FINAL READING, the ____ day of July 2021.

Mayor, Ralph Gutierrez

ATTEST:

City Secretary, Brenda Dennis

(Seal of City)

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. **Ordinances that do not receive a unanimous vote on first reading shall (a) be placed on the consent portion of the next agenda or (b) be placed on the discussion portion of the next agenda.**
- 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
A. Meeting Conduct Motions							
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. Disposition Motions							
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
C. Main Motions							
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, 2nd 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: July 13, 2021