



MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
June 7, 2022

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

CITY OF SCHERTZ CORE VALUES

Do the right thing

Do the best you can

Treat others the way you want to be treated

Work cooperatively as a team

AGENDA

TUESDAY, JUNE 7, 2022 at 6:00 p.m.

City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, June 7, 2022, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.

Call to Order

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

- 1. Resolution 22-R-49** - Presentation and consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the 2022 Recipient of the Hal Baldwin Scholarship. (M. Browne/S. Gonzalez) *Presentation to follow approval.*

Presentations

- Presentation and update regarding the recent Love Where You Live Event. (Eric Wilbur, Chair LWYL)
- Presentation regarding the 4th of July Jubilee Activities. (B. James/L. Shrum)

Employee Recognition

- Planning & Community Development : William Willingham - Planning Intern
- Police Department: Emily Daniel - Communication Officer; Derrick Balderas - 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.

2. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of May 24, 2022 regular meeting. (B. Dennis)
3. **Ordinance No. 22-D-22** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article IV, Section 86-118 Maximum Limits in School Zones to add a segment of Fairlawn Avenue; and providing an effective date. **(Final Reading)** (B. James/K. Woodlee)
4. **Ordinance No. 22-D-23** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article V, Section 86-149 Parking Prohibited to add segments of Fairlawn Avenue; and providing an effective date. **(Final Reading)** (B. James/K. Woodlee)
5. **Resolution No. 22-R-56** - Consideration and or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures in excess of \$50,000 with BB Inspections for building inspection services during the remainder of the 2021-2022 Fiscal Year and other matters in connection therewith. (B. James/L. Wood)

6. **Ordinance No. 22-M-20** - Consideration and/or action adopting and amending an Ordinance by the City Council of the City of Schertz, Texas setting dates for the end of terms of volunteer members on City Boards, Commissions, and Committees, and requiring new applicants wishing to serve or fill a vacancy be interviewed by the Interview Committee. Repealing all ordinances or resolutions or parts of an ordinances or resolutions in conflict with this ordinance; and providing an effective date. **(Final Reading)** (Interview Committee/S. Edmondson/B. Dennis)
7. **Resolution 22-R-57** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing city staff and consultants to issue General Obligation Bonds Series 2022 for Fire Station 4 and improvements on FM 1518 as previously approved by the voters. (M. Browne/J. Walters)
8. **Resignations and Appointments to Boards/Commissions/Committees** - Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)
 - Resignation of Mr. Jimmy Odom from the Planning & Zoning Commission
9. **Resignation** - Consideration and/or action regarding the acceptance of the resignation of Mr. Floyd Akers, City of Schertz, Prosecutor. (M. Browne)
10. **Resolution No. 22-R-55** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing and approving the Investment Policy and Investment Brokers and other matters in connection therewith. (M. Browne/J. Walters/B. Martin)

Discussion and Action Items

11. **Resolution 22-R-54** - Consideration and approval of a Resolution by the City Council of the City of Schertz, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation, complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date. (M. Browne/J. Walters)

Public Hearings

12. **Resolution No. 22-R-53** - Conduct a public hearing, consideration and/or action approving a Resolution accepting a petition for voluntary annexation of approximately 287 acres of land generally located approximately 6,050 feet east from the intersection of Trainer Hale Road and FM 1518 also known as Bexar County Property Identification Numbers, 310053, 310060, and 310121, Bexar County, Texas. (B. James/L. Wood/M. Harrison)

13. **Ordinance No. 22-S-24** Conduct a public hearing and consider and act upon a request to close and abandon to the abutting property owners a portion of Aviation Avenue Right-of-Way, approximately 918 feet east from Farm to Market Road (FM) 1518 to Oak Street, a portion of Mitchell Avenue Right-Of-Way approximately 857 feet east from FM 1518 to Oak Street, and approximately 806 feet of Poplar Street Right-of-way north of Aero Avenue extending 161 feet north of the intersection of Aviation Avenue and Poplar Street; establish an effective date hereof. ***First Reading*** (B. James/ L. Wood/ M. Harrison)

Roll Call Vote Confirmation

Closed Session

14. City Council will meet in closed session in accordance with Section 551.074 of the Texas Government Code to discuss the vacancy of the City Prosecutor.

Reconvene into Regular Session

15. Take any action based on discussions held in Closed Session under Agenda Item 14.

Roll Call Vote Confirmation

Information available in City Council Packets - NO DISCUSSION TO OCCUR

16. Update on Printing Contract for *Schertz Magazine*.

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 10th DAY OF JUNE 2022 AT 11:00 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 _____, 2022. TITLE: _____

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

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

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

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

Mayor Gutierrez Audit Committee Investment Advisory Committee Main Street Committee	Councilmember Scagliola – Place 5 Animal Advisory Commission - Alternate 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 – Place 2 (VACANT)
Councilmember Whittaker – Place 3 Audit Committee Interview Committee for Boards and Commissions 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: June 7, 2022
Department: Executive Team
Subject: Resolution 22-R-49 - Presentation and consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving the 2022 Recipient of the Hal Baldwin Scholarship. (M. Browne/S. Gonzalez)
Presentation to follow approval.

BACKGROUND

By Resolution No. 09-R-03 in 2009, the City Council established the Hal Baldwin Scholarship. The Hal Baldwin Scholarship Committee, a committee that assists the City Council with the scholarship process, reviewed the applications and recommends the following student as a recipient for the 2022 Scholarship:

Emily Layton - \$5,000

Ms. Layton is a senior at Samuel Clemens High School and will attend the University of Texas in the fall. She plans to study for her bachelor's degree in Biology and upon graduation, attend medical school with the hopes of becoming a medical examiner for the county.

GOAL

To award the Hal Baldwin Scholarship to a graduating high school senior living in the City of Schertz who desires to pursue a career in public service.

COMMUNITY BENEFIT

The Hal Baldwin Scholarship was created in February 2009 to honor the late Mayor Hal Baldwin for his many years of public service to the City of Schertz.

SUMMARY OF RECOMMENDED ACTION

Adoption of Resolution 22-R-49

FISCAL IMPACT

\$5,000 to come from Hal Baldwin Scholarship Fund

RECOMMENDATION

Adoption of Resolution 22-R-49

Attachments

Resolution 22-R-49

RESOLUTION NO. 22-R-49

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING THE 2022 RECIPIENT OF THE HAL BALDWIN SCHOLARSHIP, AND RESOLVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, on February 10, 2009, the City Council of the City of Schertz, Texas created the Hal Baldwin Scholarship to honor Mayor Hal Baldwin for his many years of public service to the City of Schertz; and

WHEREAS, this scholarship is awarded to graduating high school seniors who live in the City of Schertz who desire to pursue a career in public service; and

WHEREAS, students desiring to be considered for the Scholarship must attend/view at least two Schertz City Council meetings, prior to submitting their application; and

WHEREAS, students must submit a statement that describes what the meaning of public service is to them and a statement regarding their educational goals and career intentions that reflects his or her interest in public service; and

WHEREAS, there is a Hal Baldwin Scholarship Committee to assist the City Council with the scholarship process by recommending potential scholarship winners to the City Council; and

WHEREAS, the Scholarship Committee has recommended that Emily Layton receive the Hal Baldwin Scholarship for 2022; and

WHEREAS, the City Council hereby finds that awarding Emily Layton the 2022 Hal Baldwin Scholarship serves a public purpose by encouraging and assisting Schertz graduating high school seniors pursue their interest in public service at the collegiate level.

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

Section 1. The City Council hereby awards the 2022 Hal Baldwin Scholarship in the amount of \$5,000 to Emily Layton.

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 ordained 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, as amended, Texas Government Code.

Section 7. This Resolution shall be in force and effect from and after its final passage.

PASSED AND APPROVED on the 7th day of June, 2022.

Mayor, Ralph Gutierrez

ATTEST:

City Secretary

(City Seal)

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: City Secretary
Subject: Minutes – Consideration and/or action regarding the approval of the minutes of the meeting of May 24, 2022 regular meeting. (B. Dennis)

BACKGROUND

The City Council held a Regular City Council meeting on May 24, 2022.

RECOMMENDATION

Recommend Approval.

Attachments

5-24-24-2022 Draft min

DRAFT

MINUTES REGULAR MEETING May 24, 2022

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on May 24, 2022 at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Mayor Ralph Gutierrez; Mayor Pro-Tem David Scagliola; Councilmember Mark Davis; City Council Place 2 - Vacant; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember Allison Heyward; Councilmember Tim Brown

City Manager Dr. Mark Browne; Assistant City Manager Brian James; Assistant City Staff: Manager Charles Kelm; City Attorney Adolfo Ruiz; 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 Michael Dahle)

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

Presentations

- Recognition and presentation of certificates to the 4th Grade Students of Rose Garden Elementary for participation in the Schertz Future Leaders Program. (Mayor/B. Dennis)

City Secretary Brenda Dennis thanked Rose Garden Elementary's Student Council and Ms. Chelsea Belcher, Student Council Advisor, for participating in the Schertz Future Leadership Program. She thanked all the City Departments who participated in today's Future Leadership Program. It was a great day for the students to meet with the Mayor, Councilmembers, City Manager and City Staff to learn about leadership. Mayor Gutierrez and Ms. Dennis presented all the students with a certificate.

- Recognition and Check presentation to May's Cancer for proceeds of the "Kick Cancer Pep Rally and 5K Run". (M. Browne/L. Shrum)

Mayor Gutierrez and Parks Director Lauren Shrum presented a check to May's Cancer Center with the proceeds from the "Kick Cancer" Pep Rally and 5K Run.

Proclamations

- Proclamation recognizing Community Action Month. (Mayor/Bobby Deike/Rebecca McHaney)

Mayor Gutierrez presented a proclamation to the Community Council of South Central Texas recognizing the month of May as Community Action Month.

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)

Mayor Gutierrez recognized Assistant City Manager Charles Kelm who announced the following.

Monday, May 30

Memorial Day – City Offices Closed

Memorial Day Ceremony

10:00 AM (Council asked to arrive at 9:30 AM and check-in with Henry Conway)

Veteran's Memorial Park

3864 Cibolo Valley Drive, Cibolo

Light refreshments will be served

Monday-Friday, June 6-June 10

Junior High Fire Academy and High School Fire Academy

8:00 AM – 12:00 PM

Fire Station #1

There will be a graduation ceremony at 12:00 PM on Friday, June 10 for the cadets and family members with certificates being handed out and pizza and cake being served.

City Council is invited to come out on any of the days or times to watch the cadets participate in the many training activities planned.

Tuesday, June 7

Next regular scheduled Council meeting

6:00 PM

Council Chambers

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.

Mayor Pro-Tem Scagliola recognized the following who spoke:

- Mr. Preston Kinikin, 11218 Forest Pass Ct, Live Oak, TX.- Mr. Kinikin introduced himself and his organization, Warriors of Ramoth. Warriors of Ramoth are a non-profit organization of Veterans and First Responders who provide assistance to Veterans and First Responders in need. Counseling, meetings with dinner and guidance are available to veterans and first responders at no charge.
- Ms. Laurel Friday, 11218 Forest Pass Ct, Live Oak, TX-Yielded her time -3 minutes to Mr. Preston Kinikin.
- Ms. Kathleen Chipma, 201 Winburn - Ms. Chipma asked that the fountain at Pickrell Park gets fixed and wanted signs for dog owners to pick up after their animals. She is also concerned with the speeding on Oak St. She would like stop signs and possible electronic speed monitors added to Oak St.
- Ms. Carole Herr, City of Cibolo Parks and Recreation- Ms. Herr invited City Council to attend the Joint Memorial Day Ceremony on May 30th, 2022 at Veteran's Park in Cibolo, TX.
- Ms. Tiffanie Shirley- Physicians Premier, introduced herself and is part of the Chamber Leadership Core Program.

Consent Agenda Items

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

Mayor Gutierrez read agenda items 1 through 3 and Mayor Pro-Tem Scagliola read agenda items 4-7 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of May 10, 2022 (B. Dennis)
2. **Resolution No. 22-R-50** - Consideration and/or action approving a Resolution by the City Council of Schertz, Texas authorizing a Purchase Agreement with Loyal 9 Manufacturing, DBA Sons of Liberty Gun Works, for M4 Long Rifles and accessories. (M. Bane/W. Sutton)
3. **Resignations and Appointments to Boards/Commissions/Committees** - Consideration and/or action regarding the resignations and appointments to various Boards/Commissions/Committees (Council/B. Dennis)
 - Resignation of Mr. Dean Weirtz from the Historical Preservation Committee

4. **Resolution No. 22-R-48** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas awarding the contract for landscaping the Cibolo Valley Drive medians to Cutrite Landscaping, and other matters in connection therewith. (B. James/L. Shrum)
5. **Resolution No. 22-R-51** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an amendment to the Professional Services Contract with Raba Kistner, Inc. for the Tri-County Parkway Project to add scope and fees for construction materials sampling and testing. (B. James/K. Woodlee/J. Nowak)
6. **Ordinance No. 22-M-20** - Consideration and/or action adopting an Ordinance by the City Council of the City of Schertz, Texas setting dates for the end of terms of volunteer members on City Boards, Commissions, and Committees, and requiring new applicants wishing to serve or fill a vacancy be interviewed by the Interview Committee at the same time the City Board conducts their annual interviews. Repealing all ordinances or resolutions or parts of an ordinances or resolutions in conflict with this ordinance; and providing an effective date. *(Final Reading)* (Interview Committee/S. Edmondson)
7. **Ordinance No. 22-T-21**- Consideration and/or action adopting an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the fiscal year 2021-2022 budget to landscape the Cibolo Valley Drive medians, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. *(Final Reading)* (B.James/L.Shrum)

Mayor Pro-Tem Scagliola requested that Consent Agenda Item 6 be removed for separate action.

Mayor Gutierrez stated that we have a request to remove Agenda Item 6 from consent and ask Council if there were any others. As no further items were removed, Mayor Gutierrez called for a motion to approve Consent Agenda Items 1-5 and Item 7.

Moved by Councilmember Allison Heyward, seconded by Councilmember Jill Whittaker to approve Consent Agenda Items 1 through 5 and Agenda Item 7.

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

Passed

Discussion and Action Items

6. Ordinance No. 22-M-20 - Consideration and/or action adopting an Ordinance by the City Council of the City of Schertz, Texas setting dates for the end of terms of volunteer members on City Boards, Commissions, and Committees, and requiring new applicants wishing to serve or fill a vacancy be interviewed by the Interview Committee at the same time the City Board conducts their annual interviews. Repealing all ordinances or resolutions or parts of an ordinances or resolutions in conflict with this ordinance; and providing an effective date. *(Final Reading)*

Mayor Gutierrez read into record the following:

ORDINANCE NO. 22-M-20

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS SETTING EXPIRATION DATES FOR THE END OF TERMS OF VOLUNTEER MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES, AND REQUIRING NEW APPLICANTS WISHING TO SERVE OR FILL A VACANCY BE INTERVIEWED BY THE INTERVIEW COMMITTEE AT THE SAME TIME THE CITY BOARD CONDUCTS THEIR ANNUAL INTERVIEWS, ANNUAL INTERVIEWS OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE *(Final Reading)*

Mayor Gutierrez recognized Mayor-Pro Tem Scagliola who asked for this item to be removed from the Consent Agenda. Mayor Pro-Tem Scagliola asked that in Exhibit B, Section 2, the phrase "*at the same time the City Boards conduct their annual interviews...*" be removed since it has not been decided that the Interview Board will be conducting annual interviews of Board members. He also stated that in the Ordinance under Section 2, the word "*same*" needs to be removed, because it implies the interviews would be conducted at the same time at the annual reviews. Mayor Pro-Tem Scagliola made a motion to approve Ordinance 22-M-20 with the changes he listed above. Councilmember Brown seconded the motion.

Councilmember Whittaker clarified that the ordinance was setting new end of term dates, and suggested "*that at the term ending date, the new candidates would be interviewed.*" be added.

Mayor Gutierrez called for the vote on Ordinance 22-M-20.

Moved by Mayor Pro-Tem David Scagliola, seconded by Councilmember Tim Brown

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

Passed

8. **Ordinance No. 22-D-22** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article IV, Section 86-118 Maximum Limits in School Zones to add a segment of Fairlawn Avenue; and providing an effective date. (*First Reading*) (B. James/K. Woodlee)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-D-22

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 86, ARTICLE IV, SECTION 86-118 MAXIMUM LIMITS IN SCHOOL ZONES TO ADD A SEGMENT OF FAIRLAWN AVENUE; AND PROVIDING AN EFFECTIVE DATE (*First Reading*)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who introduced this item who stated with the opening of the School of Science and Technology at the intersection of the northbound frontage road of IH 35 and Fairlawn Avenue, it became apparent through the observation of new traffic in the vicinity that the establishment of school speed zone would promote safer travel by raising awareness of modified traffic behavior and patterns during particular times of the day when school is in session.

This concern was presented to the Transportation Safety Advisory Commission (TSAC). During its regular meeting on March 3, 2022, TSAC discussed the issue and voted unanimously to recommend that a school speed zone be established along Fairlawn Avenue in the vicinity of the newly opened school. The goal of this ordinance is to ensure that school zones are up-to-date in the City of Schertz and enforced through the Code of Ordinances, and provide for safe travel while maintaining proper records for maximum speed limits in school zones.

The establishment of a school zone in the vicinity of the School of Science and Technology promotes awareness of school time traffic patterns and subsequently results in a safer environment for vehicular and pedestrian traffic in the area. Staff recommends approval.

Mayor Gutierrez recognized Mayor Pro-Tem Scagliola who stated it is good to coordinate with the Schools on these issues. As there were no further comments, Mayor Gutierrez call for a motion to approve Ordinance No. 22-D-22 on first reading.

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem David Scagliola to approve Ordinance No. 22-D-22.

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

Passed

9. **Ordinance No. 22-D-23** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article V, Section 86-149 Parking Prohibited to add segments of Fairlawn Avenue; and providing an effective date. (*First Reading*) (B. James/K. Woodlee)

Mayor Gutierrez read the following into record:

ORDINANCE NO. 22-D-23

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 86, ARTICLE V, SECTION 86-149 PARKING PROHIBITED TO ADD SEGMENTS OF FAIRLAWN AVENUE; AND PROVIDING AN EFFECTIVE DATE (*First Reading*)

Mayor Gutierrez recognized City Engineer Kathy Woodlee who stated with the development and opening of the School of Science and Technology (SST) at the intersection of Fairlawn Avenue with the north-bound IH 35 frontage road, traffic in the vicinity was significantly affected. SST staff worked to implement operational schemes to minimize disruption on the adjacent roadways, however, individuals dropping off and picking up students from the school continue to park, stop, and/or stand along Fairlawn Avenue and particularly around the traffic-calming circle. The presence of those vehicles cause confusion and backup of vehicles traveling through the zone. That backup in turn creates an unsafe and inefficient traffic situation.

City and SST staff worked together to observe the behavior of the motorists over a period of months during the school year and determined that the purpose for parking, stopping, or standing in this area is generally to avoid proceeding through the car line established by the school to effectively, safely, and efficiently allow for student pick up and drop off from the facility. Adequate off-street queue length is available and should be used. It is expected that eliminating vehicles from the sides of the public street along this stretch will allow more free-flow of traffic and subsequently a safer situation.

This concern was presented to the Transportation Safety Advisory Commission (TSAC). During its regular meeting on March 3, 2022, TSAC discussed the issue and voted unanimously to recommend that a no parking zone be established along Fairlawn Avenue in the vicinity of the newly opened school.

There is currently a no parking zone around the traffic-calming circle by Sippel Elementary further to the south, this is remaining in place. Staff recommends approval. As there was no discussion from Council, Mayor Gutierrez called for a motion to approve Ordinance No 22-D-23 on first reading.

Moved by Councilmember Allison Heyward, seconded by Councilmember Mark Davis to approve Ordinance No. 22-D-23 on first reading.

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

Roll Call Vote Confirmation

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote confirmation for agenda items 1 through 9.

Workshop

10. Main Street Project - Worksession Discussion regarding the Main Street Project. (M. Browne/B. James)

Mayor Gutierrez recognized Assistant City Manager Brian James who provided the following information regarding the Schertz Main Street Redevelopment Project:

Recent Background

- On April 19, 2022, the Schertz Main Street Committee met to review a revised redevelopment proposal/design for Main Street.
- Staff and the Committee have been working since this past fall with a design team from Kimley-Horn on design elements for Main Street.
- Code Enforcement
- Targeted Incentives
- Design Review Discussion
- Plane and Art Installation
- Next Meeting Date April 19, 2022

Design Overview

- On April 19, 2022, the Schertz Main Street Committee met to review a revised redevelopment proposal/design for Main Street.
- Staff and the Committee have been working since this past fall with a design team from Kimley Horne on design elements for Main Street.
- The design elements being considered include:
 - Street Resurfacing including sections of decorative paving
 - Entry Monumentation
 - Street Furniture
 - Improved Lighting
 - Landscaping and Art Concepts
 - Undergrounding of Existing Overhead Utilities

- Replacement of Water and Sewer Lines
- Wayfinding Concepts
- Define Parking Areas

Context

- The physical improvements to Main Street are the most significant step to date in revitalizing Schertz's Main Street.
- Prior Initiatives as part of this larger effort have included:
 - Grants
 - New Zoning Districts
 - Modifications to development regulations
 - Special Events
 - Highlighting Main Street businesses and progress

Progress

- During the past 5 years or so, significant private investment.
- Purple Pig
- The Bar House
- Americana Coffee & Espresso Bar
- Las Pinchachas
- Chrissy Rae's Dance
- KM Counseling
- Regal Realty
- Coming Soon: The Hidden Grove Food Truck Court New Building 824 Main

Purpose/Goal

- Regular Maintenance like in other areas of the City
 - Street and Utility work simply needs to be done given current conditions
- Provide a place to serve as the heart of the community
- Current Promote economic development – particularly small locally owned businesses
- Invest in the area as a way to ensure the larger Aviation Heights Neighborhood doesn't decline

Cost

- Regular Maintenance like in other areas of the City
 - Street and Utility work simply needs to be done given current conditions
- Provide a place to serve as the heart of the community
- Current Promote economic development – particularly small locally owned businesses
- Invest in the area as a way to ensure the larger Aviation Heights Neighborhood doesn't decline
- Staff is going to utilize other sources of funding where available, but staff needs to know Council is willing to cover this amount so as to move forward.
- In particular staff is going to seek additional funding from SEDC given the

City's increased investment. This would reduce the amount to be issued next year.

- Art is anticipated to be an additional cost covered from HOT funds.
- A portion of the Lindbergh project can be covered from the SPAM funds.
- Staff is still finalizing the cost to underground utilities.
- Significant contingency and cushion has been included given rising costs.

Summary

- Staff is recommending to do this as one effort not to phase it – like the skateboard park so as to have a big impact.
- This will likely be all of our legacy project – the most memorable thing that the City will do over 35 years.
- It will have a long-lasting – resurrecting the heart of the community and maintaining the vitality for the older part of our community.

Mayor Gutierrez opened it up for Council questions and comments. Council discussed the staff's recommendation of issuing CO bonds over 2 years to cover costs associated with the redevelopment with \$3,250,000 being issued this year and \$7,250,000 in 2024. Staff indicated this will reduce bonding capacity and eat up the savings and nullify the tax swap to 2030. It was the consensus for staff to move forward.

Requests and Announcements

- Announcements by the City Manager.

No further announcements.

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

Councilmember Dahle regarding the Main Street Project discussion this evening and as we are moving forward he would like to see for detailed information regarding the cost categories on what we are looking at.

Councilmember Heyward stated that she had received a call that the AC System was out at the Senior Center and was one of those days which it was really hot, she wanted to thank all the staff, public works for jumping on it to make sure they had the proper cooling. She also thanked staff for working with the company who repairs the systems and instead of a six-week turn around, they were able to shorten it to three weeks.

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

Councilmember Heyward requested a discussion regarding Council going back to liaisons on City Boards, Commissions and Committees.

Councilmember Davis requested a discussion and action item regarding an overview of all fees City of Schertz charges for development - specifically in regard to the impact of waiving them from Main Street Development.

Councilmember Heyward requested discussion with Council and Staff on being able to meet with all the different Boards, Commissions and Committees at least once a year.

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Scagliola stated he attended the City of Live Oak Armed Forces Day Parade and today the Joint City Council and Planning & Zoning Subcommittee meeting.

Councilmember Davis stated he attended the Joint Cibolo and Schertz Police Memorial Day Ceremony.

Councilmember Whittaker stated she attended last week the Northeast Partnership Meeting, Chamber Luncheon and this week she attended the Bellissimo Studios Ribbon Cutting event this week, the Joint Cibolo and Schertz Police Memorial Day Ceremony and today the Joint City Council and Planning & Zoning Subcommittee meeting.

Councilmember Dahle stated he attended the Joint City Council and Planning & Zoning Subcommittee meeting today.

Councilmember Heyward stated she attended the Chamber Luncheon, the Joint Cibolo and Schertz Police Memorial Day Ceremony, Investment Committee Meeting. Some awesome news for her and is exciting, she attended the TML 6 Day Leadership Academy Program. She completed her Academy, and she is now a TML Leadership Fellow.

Councilmember Brown stated he attended Joint Cibolo and Schertz Police Memorial Day Ceremony.

Adjournment

Mayor Gutierrez adjourned the meeting at 7:34 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: City Secretary
Subject: Ordinance No. 22-D-22 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article IV, Section 86-118 Maximum Limits in School Zones to add a segment of Fairlawn Avenue; and providing an effective date. (*Final Reading*) (B. James/K. Woodlee)

BACKGROUND

With the opening of the School of Science and Technology at the intersection of the northbound frontage road of IH 35 and Fairlawn Avenue, it became apparent through the observation of new traffic in the vicinity that the establishment of school speed zone would promote safer travel by raising awareness of modified traffic behavior and patterns during particular times of the day when school is in session.

This concern was presented to the Transportation Safety Advisory Commission (TSAC). During its regular meeting on March 3, 2022, TSAC discussed the issue and voted unanimously to recommend that a school speed zone be established along Fairlawn Avenue in the vicinity of the newly opened school.

City Council approved this on first reading at their meeting of May 24, 2022.

GOAL

The goal of this ordinance is to ensure that school zones are up to date in the City of Schertz and enforced through the Code of Ordinances, and provide for safe travel while maintaining proper records for maximum speed limits in school zones.

COMMUNITY BENEFIT

The establishment of a school zone in the vicinity of the School of Science and Technology promotes awareness of school time traffic patterns and subsequently results in a safer environment for vehicular and pedestrian traffic in the area.

SUMMARY OF RECOMMENDED ACTION

The action recommended is approval of Ordinance 22-D-22 on final reading, revising Chapter 86, Section 118 Maximum Limits in School Zones to include a segment of Fairlawn Avenue as described.

FISCAL IMPACT

The fiscal impact of this ordinance is the cost to install and maintain the necessary school speed zone signs.

RECOMMENDATION

Staff recommends approval of Ordinance 22-D-22 on final reading.

Attachments

Ordinance 22-D-22
Exhibit

ORDINANCE NO. 22-D-22

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 86, ARTICLE IV, SECTION 86-118 MAXIMUM LIMITS IN SCHOOL ZONES TO ADD A SEGMENT OF FAIRLAWN AVENUE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it has been established that a school speed zone should be enforced on Fairlawn Avenue between IH 35 and 130 feet north of Ashwood Street; and

WHEREAS, the City has investigated and determined that it would be advantageous and beneficial to the citizens of the City to amend Section 86-118 Maximum Limits in School Zones of the Code of Ordinances as set forth below.

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

Section 1. Chapter 86, Article IV, Section 86-118 of the Code of Ordinances, Maximum Limits in School Zones, be amended as follows by adding:

Street	Extent	Speed Limit (mph)
Fairlawn Avenue	Intersection with IH 35 to 130 feet north of intersection with Ashwood Road	20

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

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

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

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

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

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

Section 8. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 24th day of May 2022.

PASSED, APPROVED AND ADOPTED on final reading the 7th day of June, 2022.

Ralph Gutierrez, Mayor

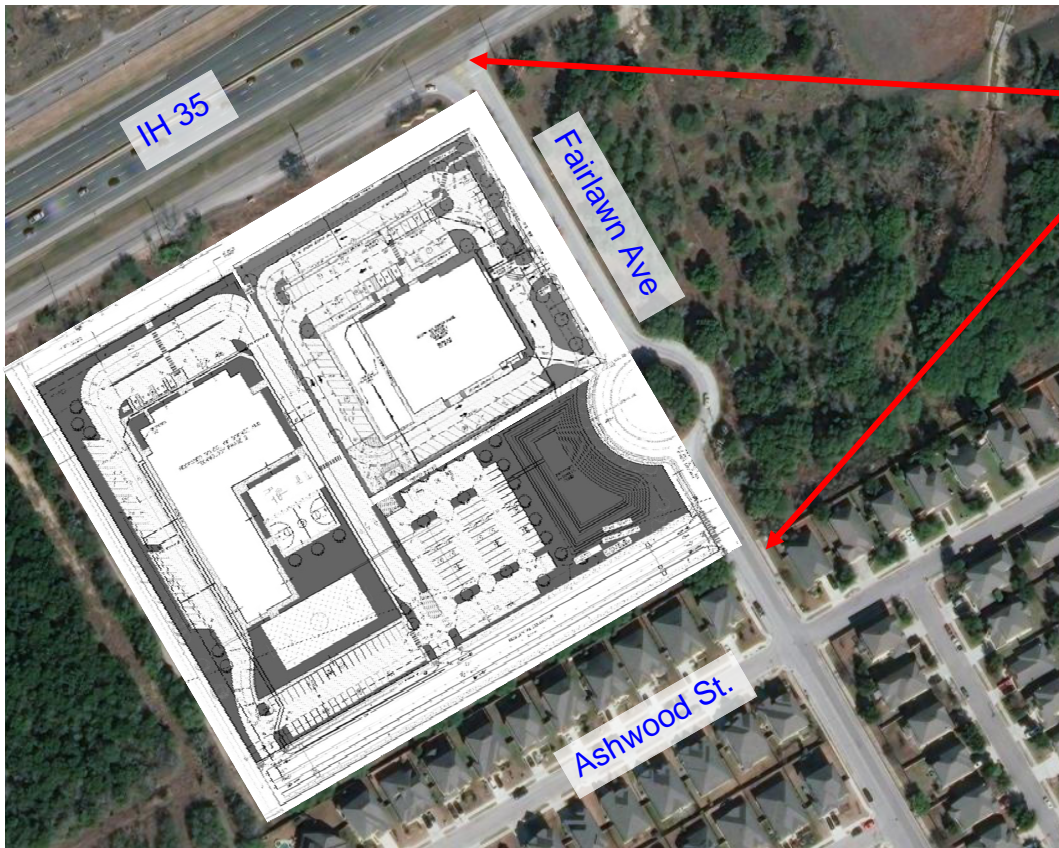
ATTEST:

Brenda Dennis, City Secretary

(SEAL OF THE CITY)

Ordinance 22-D-22

Proposed School Speed Zone on Fairlawn Avenue near new School of Science and Technology



Recommendation:

School Speed Zone
between IH 35
Access Road and
130 north of
intersection with
Ashwood Street

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: City Secretary
Subject: Ordinance No. 22-D-23 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, providing that the Code of Ordinances of the City be amended by revising Chapter 86, Article V, Section 86-149 Parking Prohibited to add segments of Fairlawn Avenue; and providing an effective date. (*Final Reading*) (B. James/K. Woodlee)

BACKGROUND

With the development and opening of the School of Science and Technology (SST) at the intersection of Fairlawn Avenue with the north-bound IH 35 frontage road, traffic in the vicinity was significantly affected. SST staff worked to implement operational schemes to minimize disruption on the adjacent roadways, however, individuals dropping off and picking up students from the school continue to park, stop, and/or stand along Fairlawn Avenue and particularly around the traffic-calming circle. The presence of those vehicles cause confusion and backup of vehicles traveling through the zone. That backup in turn creates an unsafe and inefficient traffic situation.

City and SST staff worked together to observe the behavior of the motorists over a period of months during the school year and determined that the purpose for parking, stopping, or standing in this area is generally to avoid proceeding through the car line established by the school to effectively, safely, and efficiently allow for student pick up and drop off from the facility. Adequate off-street queue length is available and should be used. It is expected that eliminating vehicles from the sides of the public street along this stretch will allow more free-flow of traffic and subsequently a safer situation.

This concern was presented to the Transportation Safety Advisory Commission (TSAC). During its regular meeting on March 3, 2022, TSAC discussed the issue and voted unanimously to recommend that a no parking zone be established along Fairlawn Avenue in the vicinity of the newly opened school.

There is currently a no parking zone around the traffic-calming circle by Sippel Elementary further to the south, this is remaining in place.

City Council approved this item on first reading at their meeting of May 24, 2022.

GOAL

The goal of this ordinance is to establish and provide the ability to enforce a prohibition on parking, stopping, and standing vehicles to keep traffic flowing in a safe and efficient manner in the vicinity of a school and a traffic calming circle.

COMMUNITY BENEFIT

Safe and efficient traffic flow is a benefit to motor vehicle operators and pedestrians who travel in the area.

SUMMARY OF RECOMMENDED ACTION

The action recommended is approval of Ordinance 22-D-23, revising Chapter 86, Section 86-149, Parking Prohibited, by adding a no parking zone on Fairlawn Avenue from the frontage road of IH 35 to 130' north of Ashwood Road.

FISCAL IMPACT

The fiscal impact of this ordinance will be the cost to install and maintain proper signage and striping in the established no parking zones.

RECOMMENDATION

Staff recommends approval of Ordinance 22-D-23 on final reading.

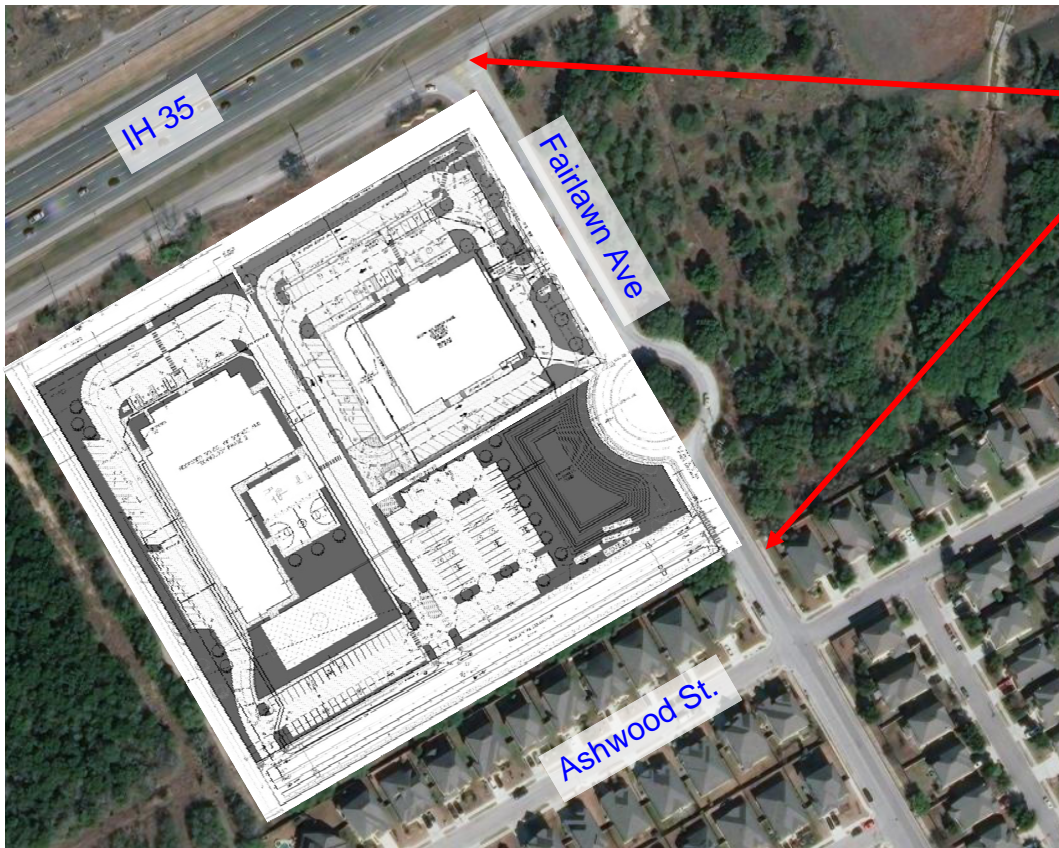
Attachments

Exhibit

Ord 22 D 23

Ordinance 22-D-23

Proposed Zone of No Parking, Stopping, or Standing Vehicles on Fairlawn Avenue near new School of Science and Technology



Recommendation:

No Parking,
Stopping, or Standing
Zone between IH 35
Access Road and
130 north of
intersection with
Ashwood Street

ORDINANCE NO. 22-D-23

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 86, ARTICLE V, SECTION 86-149 PARKING PROHIBITED TO ADD SEGMENTS OF FAIRLAWN AVENUE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it has been established that parking, stopping, and standing should be prohibited along a segment of Fairlawn Avenue, on both sides of the street and around the traffic calming circle, between IH 35 and 130 feet north of Ashwood Street; and

WHEREAS, these areas include street segments which are currently included in the City Code of Ordinances; and

WHEREAS, it is recommended to add an additional street segment where parking is prohibited along Fairlawn Avenue in Article V, Section 86-149, Parking Prohibited.

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

Section 1. Chapter 86, Article V, Section 86-149 of the Code of Ordinances, Parking Prohibited by the City of Schertz, Texas is amended as follows:

- (a) When signs are erected and/or, when recommended by the City Engineer or the Chief of Police, curb(s) are marked by painting them red with "No Parking" painted in white letters thereon, giving notice thereof, no person shall park, stop, or stand a vehicle (as identified in this section and so signed) at any time (*or at times as limited*) upon any of the following streets or portions thereof.

Add a reference to parking prohibited on Fairlawn Avenue as follows:

Street	Extent
Fairlawn Avenue	Intersection with IH 35 to 130 feet north of intersection with Ashwood Road

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

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

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

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

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

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

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

Section 8. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 24th day of May 2022.

PASSED, APPROVED AND ADOPTED on final reading the 7th day of June, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(SEAL OF THE CITY)

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: Planning & Community Development
Subject: Resolution No. 22-R-56 - Consideration and or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing expenditures in excess of \$50,000 with BB Inspections for building inspection services during the remainder of the 2021-2022 Fiscal Year and other matters in connection therewith. (B. James/L. Wood)

BACKGROUND

In an effort to meet citizen needs and department workloads, the City contracted with BB Inspections. Over the years the inspection and plan review services provided by BB Inspections has allowed the City the ability to provide a timely inspection and plan review service to citizens and builders.

This fiscal year the City has spent approximately \$40,000 with BB Inspections for inspection and plan review services. Over the fiscal year the department has had staff out on medical leave, position vacancies, another contract plan review provider retire and the implementation of a software project which has resulted in an increase in services with BB Inspections.

For the remainder of the fiscal year, the Inspections Division anticipates spending up to the amount authorized in the budget for inspection services with BB Inspections in accordance with the agreement. The City's practice is to seek authorization from Council when expenditures with a vendor exceed \$50,000 in one fiscal year.

BB Inspections was procured via the Professional Services exemption allowed in Local Government Code. The initial agreement contained a not to exceed amount of \$49,000.00 however given the above circumstances, we are amending the agreement to allow for additional expenditures in accordance with the Fee Schedule.

GOAL

To obtain authorization from City Council to contract with BB Inspections, to provide building inspections services up to the amount approved in the fiscal year budget.

COMMUNITY BENEFIT

Provide superior customer service by reducing inspection and review times for citizens and builders.

SUMMARY OF RECOMMENDED ACTION

Staff recommends that the City Council approve Resolution 22-R-56 to authorize staff to continue to utilize BB Inspections for consulting building inspection services as needed for the remainder of Fiscal Year 2021-2022. Funds in the amount of \$70,000 for contract building inspection are budgeted.

FISCAL IMPACT

Funds in the amount of \$70,000 for contract building inspection are budgeted. No additional impacts are expected.

RECOMMENDATION

Staff recommends that the City Council approve Resolution 22-R-56 to authorize staff to continue to utilize BB Inspections for building inspection services as needed for the remainder of Fiscal Year 2021-2022. Funds in the amount of \$70,000 for contract building inspections are budgeted.

Attachments

Agreement Amendment

Resolution 22-R-56

Original Agreement with Fee Schedule

AMENDMENT ONE

This Amendment is made to that Service Agreement previously executed by and between the CITY OF SCHERTZ, TEXAS ("City") and B&B Inspections LLC ("Contractor").

It is mutually understood and agreed by and between the undersigned contracting parties to amend that previously executed agreement as follows:

Section Three (3) Compensation, Item D "Not To Exceed Contract Amount" is hereby deleted in its entirety, effectively removing the contract spend limitations.

All other requirements, terms, and conditions that are not hereby amended are to remain in full force and effect.

EXECUTED on this the _____ day of _____, 2022.

CITY:

CONTRACTOR:

By: _____
Name: Dr. Mark Browne
Title: City Manager

By: _____
Name: _____
Title: _____

ADDRESS FOR NOTICE:

CITY:

CONTRACTOR:

City of Schertz
Attn: Mark Browne, City Manager
1400 Schertz Parkway
Schertz, Texas 78154

BB Inspection Services LLC
409 Sky Forest Drive
San Antonio, Texas 78252

RESOLUTION NO. 22-R-56

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, AUTHORIZING EXPENDITURES IN EXCESS OF \$50,000 WITH BB INSPECTIONS FOR BUILDING INSPECTION SERVICES DURING THE REMAINDER OF THE 2021-2022 FISCAL YEAR AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz, Texas (the “City”) requires consultant building inspection services; and

WHEREAS, City Staff has determined that BB Inspections is qualified to provide such services and has an executed contract with BB Inspections for up to \$49,000; and

WHEREAS, the City has a policy to seek authorization for purchases in excess of \$50,000 with a single vendor; and

WHEREAS, the City Council authorizes expenditures in excess of \$50,000 with BB Inspections for the Remainder of Fiscal Year 2021-2022.

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

Section 1. The City Council hereby authorizes expenditures with BB Inspections in excess of \$50,000 for the remainder of Fiscal Year 2021-2022 for building inspections services in accordance with the Agreement and Fee Schedule attached in Attachment 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 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, as amended, Texas Government Code.

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

Approved on first reading the 7th day of June 2022.

PASSED, APPROVED AND ADOPTED on final reading the 7th day of June 2022.

Ralph Guiterrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

CITY OF SCHERTZ
SERVICE AGREEMENT

THE STATE OF TEXAS §
 §
GUADALUPE COUNTY §

This Service Agreement (“Agreement”) is made and entered by and between the City of Schertz, Texas, (the “City”) a Texas municipality, and B&B Inspection Services, LLC (“Contractor”).

Section 1. Duration

This Agreement shall become effective upon the date of the final signature affixed hereto and shall remain in effect through September 30, 2022 with the option to renew for two (2) additional terms of one (1) year each unless terminated as provided for in this Agreement unless terminated as provided for in this Agreement.

Section 2. Scope of Work

- (A) Contractor shall perform the Work as more particularly described in the Scope of Work attached hereto as Exhibit “A”. The work as described in the Scope of Work constitutes the “Project”.
- (B) The Quality of Work provided under this Agreement shall be of the level of quality performed by Contractors regularly rendering this type of service.
- (C) The Contractor shall perform its Work for the Project in compliance with all statutory, regulatory and contractual requirements now or hereafter in effect as may be applicable to the rights and obligations set forth in the Agreement.
- (D) The Contractor may rely upon the accuracy of reports and surveys provided to it by the City except when defects should have been apparent to a reasonably competent Contractor or when it has actual notice of any defects in the reports and surveys.

Section 3. Compensation

- (A) The Contractor shall be paid in the manner set forth in Exhibit “A” and as provided herein.
- (B) *Billing Period.* The Contractor may submit an invoice for payment upon completion of the described tasks. Subject to Chapter 2251, Texas Government Code (the “Prompt Payment Act”), payment is due within thirty (30) days of the City’s receipt of the Contractor’s invoice. Interest on overdue payments shall be calculated in accordance with the Prompt Payment Act.
- (C) *Reimbursable Expenses.* Any and all reimbursable expenses related to the Project shall be included in the scope of Work (Exhibit A) and accounted for in the total contract amount.
- (D) *Not to Exceed Contract Amount.* **Expenditures for this contract shall not exceed FORTY-NINE THOUSAND AND N0/100 DOLLARS (\$49,000.00) per fiscal year.** The fiscal year is defined as October 1st through September 30th.

(E) *Payments Subject to Future Appropriation.* This Agreement shall not be construed as a commitment, issue, pledge or obligation of any specific taxes or tax revenues for payment to Contractor.

- (1) All payments or expenditures made by the City under this Agreement are subject to the City's appropriation of funds for such payments or expenditures to be paid in the budget year for which they are made.
- (2) The payments to be made to Contractor, or other expenditures under this Agreement, if paid, shall be made solely from annual appropriations of the City as may be legally set aside for the implementation of Article III, Section 52-a of the Texas Constitution or Chapter 380 of the Texas Local Government Code or any other economic development or financing program authorized by statute or home rule powers of the City under applicable Texas law, subject to any applicable limitations or procedural requirements.
- (3) In the event the City does not appropriate funds in any fiscal year for payments due or expenditures under this Agreement, the City shall not be liable to Contractor for such payments or expenditures unless and until appropriation of said funds is made; provided, however, that Contractor, in its sole discretion, shall have the right but not the obligation to terminate this Agreement and shall have no obligations under this Agreement for the year in respect to which said unappropriated funds relate.
- (4) To the extent there is a conflict of this Section and any other language or covenants in this Agreement, this Section 3 shall control.

Section 4. Time of Completion

The prompt completion of the Work under the Scope of Work relates is critical to the City. Unnecessary delays in providing Work under a Scope of Work shall be grounds for dismissal of the Contractor and termination of this Agreement without any or further liability to the City other than a prorated payment for necessary, timely, and conforming work done by Contractor prior to the time of termination.

Section 5. Insurance

Before commencing work under this Agreement, Contractor shall obtain and maintain the liability insurance provided for below throughout the term of the Project plus an additional two years. Contractor shall provide evidence of such insurance to the City. Such documentation shall meet the requirements noted in Exhibit B.

Contractor shall maintain the following limits and types of insurance:

Workers Compensation Insurance: Contractor shall carry and maintain during the term of this Agreement, workers compensation and employers liability insurance meeting the requirements of the State of Texas on all the Contractor's employees carrying out the work involved in this contract.

General Liability Insurance: Contractor shall carry and maintain during the term of this Agreement, general liability insurance on a per occurrence basis with limits of liability not less than \$1,000,000 for each occurrence and for fire damage. For Bodily Injury and Property Damage,

coverage shall be no less than \$1,000,000. As a minimum, coverage for Premises, Operations, Products and Completed Operations shall be \$2,000,000. This coverage shall protect the public or any person from injury or property damages sustained by reason of the Contractor or its employees carrying out the work involved in this Agreement. The general aggregate shall be no less than \$2,000,000.

Automobile Liability Insurance: Contractor shall carry and maintain during the term of this Agreement, automobile liability insurance with either a combined limit of at least \$1,000,000 per occurrence for bodily injury and property damage or split limits of at least \$1,000,000 for bodily injury per person per occurrence and \$1,000,000 for property damage per occurrence. Coverage shall include all owned, hired, and non-owned motor vehicles used in the performance of this contract by the Contractor or its employees.

Subcontractor: In the case of any work sublet, the Contractor shall require subcontractor and independent contractors working under the direction of either the Contractor or a subcontractor to carry and maintain the same workers compensation and liability insurance required of the Contractor.

Qualifying Insurance: The insurance required by this Agreement shall be written by non-assessable insurance company licensed to do business in the State of Texas and currently rated "B+" or better by the A.M. Best Companies. All policies shall be written on a "per occurrence basis" and not a "claims made" form.

Evidence of such insurance shall be attached as Exhibit "C".

Failure of Certificate Holder to demand a certificate or other evidence of full compliance with these insurance requirements or failure of Certificate Holder to identify a deficiency from evidence that is provided will not be construed as a waiver of Insured's obligation to maintain such insurance.

Section 6. Miscellaneous Provisions

- (A) *Subletting.* The Contractor shall not sublet or transfer any portion of the work under this Agreement or any Scope of Work issued pursuant to this Agreement unless specifically approved in writing by the City, which approval shall not be unreasonably withheld. Subcontractors shall comply with all provisions of this Agreement and the applicable Scope of Work. The approval or acquiescence of the City in the subletting of any work shall not relieve the Contractor of any responsibility for work done by such subcontractor.
- (B) *Compliance with Laws.* The Contractor shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts, administrative, or regulatory bodies in any matter affecting the performance of this Agreement, including, without limitation, worker's compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the Contractor shall furnish the City with satisfactory proof of compliance.
- (C) *Independent Contractor.* Contractor acknowledges that Contractor is an independent contractor of the City and is not an employee, agent, official or representative of the City. Contractor shall not represent, either expressly or through implication, that Contractor is an employee, agent, official or representative of the City. Income taxes, self-employment taxes,

social security taxes and the like are the sole responsibility of the Contractor.

- (D) *Non-Collusion.* Contractor represents and warrants that Contractor has not given, made, promised or paid, nor offered to give, make, promise or pay any gift, bonus, commission, money or other consideration to any person as an inducement to or in order to obtain the work to be provided to the City under this Agreement. Contractor further agrees that Contractor shall not accept any gift, bonus, commission, money, or other consideration from any person (other than from the City pursuant to this Agreement) for any of the Work performed by Contractor under or related to this Agreement. If any such gift, bonus, commission, money, or other consideration is received by or offered to Contractor, Contractor shall immediately report that fact to the City and, at the sole option of the City, the City may elect to accept the consideration for itself or to take the value of such consideration as a credit against the compensation otherwise owing to Contractor under or pursuant to this Agreement.
- (E) *Force Majeure.* If the performance of any covenant or obligation to be performed hereunder by any party is delayed as a result of circumstances which are beyond the reasonable control of such party (which circumstances may include, without limitation, pending litigation, acts of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions [such as, by way of illustration and not of limitation, severe rain storms or below freezing temperatures, or tornados] labor action, strikes or similar acts, moratoriums or regulations or actions by governmental authorities), the time for such performance shall be extended by the amount of time of such delay, but no longer than the amount of time reasonably occasioned by the delay. The party claiming delay of performance as a result of any of the foregoing force majeure events shall deliver written notice of the commencement of any such delay resulting from such force majeure event not later than seven (7) days after the claiming party becomes aware of the same, and if the claiming party fails to so notify the other party of the occurrence of a force majeure event causing such delay and the other party shall not otherwise be aware of such force majeure event, the claiming party shall not be entitled to avail itself of the provisions for the extension of performance contained in this subsection.
- (F) *Conflict of Terms.*
Scope of work:
In the case of any conflicts between the terms of this Agreement within the Scope of Work, this Agreement shall govern. The Scope of Work is intended to detail the technical scope of Work, fee schedule, and contract time only and shall not dictate Agreement terms.
Other Agreements between parties:
In the case of any conflicts between the terms of this Agreement and wording contained within any other attachment, amendment, and agreement executed between the parties in conjunction with this Agreement, this Agreement shall govern.
- (G) *Non-Boycott of Israel.* The City of Schertz may not enter into a contract with a company for

goods and services unless the contract contains a written verification from the company that; (i) it does not Boycott Israel; and (ii) will not Boycott Israel during the term of the contract. (Texas Government Code chapter 2270) by accepting this purchase order, the vendor (Professional or other applicable term defining the contracting party) verifies that it does not Boycott Israel, and agrees that during the term of this agreement (contract as applicable) will not Boycott Israel as that term is defined in the Texas Government Code Section 808.001, as amended.

Relevant definitions from the bill:

"Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

Section 7. Termination

(A) This Agreement may be terminated:

- (1) By the mutual agreement and consent of both Contractor and City;
- (2) By either party, upon the failure of the other party to fulfill its obligations as set forth in either this Agreement or a Scope of Work issued under this Agreement;
- (3) By the City, immediately upon notice in writing to the Contractor, as consequence of the failure of Contractor to perform the Work contemplated by this Agreement in a timely or satisfactory manner;
- (4) By the City, at will and without cause upon not less than five (5) days written notice to the Contractor.

(B) If the City terminates this Agreement pursuant to subsection 7(A)(2) or (3), above, the Contractor shall not be entitled to any fees or reimbursable expenses other than the fees and reimbursable expenses then due and payable as of the time of termination and only then for those Work that have been timely and adequately performed by the Contractor considering the actual costs incurred by the Contractor in performing work to date of termination, the value of the work that is nonetheless usable to the City, the cost to the City of employing another Contractor to complete the work required and the time required to do so, and other factors that affect the value to the City of the work performed at time of termination. In the event of termination not the fault of the Contractor, the Contractor shall be compensated for all basic, special, and additional Work actually performed prior to termination, together with any reimbursable expenses then due.

Section 8. Indemnification

CONTRACTOR AGREES TO INDEMNIFY AND HOLD THE CITY OF SCHERTZ, TEXAS AND ALL OF ITS PRESENT, FUTURE AND FORMER AGENTS, EMPLOYEES, OFFICIALS AND REPRESENTATIVES HARMLESS IN THEIR OFFICIAL, INDIVIDUAL AND REPRESENTATIVE CAPACITIES FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, JUDGMENTS, LIENS AND EXPENSES (INCLUDING ATTORNEY'S FEES, WHETHER CONTRACTUAL OR STATUTORY), COSTS AND DAMAGES (WHETHER COMMON LAW OR STATUTORY), COSTS AND DAMAGES (WHETHER COMMON LAW OR STATUTORY, AND WHETHER ACTUAL, PUNITIVE, CONSEQUENTIAL OR INCIDENTAL), OF ANY CONCEIVABLE CHARACTER, FOR INJURIES TO PERSONS (INCLUDING DEATH) OR TO PROPERTY (BOTH REAL AND PERSONAL) CREATED BY, ARISING FROM OR IN ANY MANNER RELATING TO THE WORK OR GOODS PERFORMED OR PROVIDED BY CONTRACTOR – EXPRESSLY INCLUDING THOSE ARISING THROUGH STRICT LIABILITY OR UNDER THE CONSTITUTIONS OF THE UNITED STATES.

Section 9. Notices

Any notice required or desired to be given from one party to the other party to this Agreement shall be in writing and shall be given and shall be deemed to have been served and received (whether actually received or not) if (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

Section 10. No Assignment

Neither party shall have the right to assign that party's interest in this Agreement without the prior written consent of the other party.

Section 11. Severability

If any term or provision of this Agreement is held to be illegal, invalid or unenforceable, the legality, validity or enforceability of the remaining terms or provisions of this Agreement shall not be affected thereby, and in lieu of each such illegal, invalid or unenforceable term or provision, there shall be added automatically to this Agreement a legal, valid or enforceable term or provision as similar as possible to the term or provision declared illegal, invalid or unenforceable.

Section 12. Waiver

Either City or the Contractor shall have the right to waive any requirement contained in this Agreement that is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Agreement shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or of a different type of breach or violation.

Section 13. Governing Law; Venue

This Agreement and all of the transactions contemplated herein shall be governed by and construed

in accordance with the laws of the State of Texas. The provisions and obligations of this Agreement are performable in Guadalupe County, Texas such that exclusive venue for any action arising out of this Agreement shall be in Guadalupe County, Texas.

Section 14. Paragraph Headings; Construction

The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the negotiation and preparation of this Agreement and this Agreement shall not be construed either more or less strongly against or for either party.

Section 15. Binding Effect

Except as limited herein, the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, devisees, personal and legal representatives, successors and assigns.

Section 16. Gender

Within this Agreement, words of any gender shall be held and construed to include any other gender, and words in the singular number shall be held and construed to include the plural, unless the context otherwise requires.

Section 17. Counterparts

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

Section 18. Exhibits & Attachments

All exhibits and attachments to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 19. Entire Agreement

It is understood and agreed that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements or understandings between the parties relating to the subject matter. No oral understandings, statements, promises or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally.

Section 20. Relationship of Parties

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

Section 21. Right To Audit

City shall have the right to examine and audit the books and records of Contractor with regards to the work described in Exhibit A, or any subsequent changes, at any reasonable time. Such books and records will be maintained in accordance with generally accepted principles of accounting and will be adequate to enable determination of: (1) the substantiation and accuracy of any payments required to be made under this Agreement; and (2) compliance with the provisions of this Agreement.

Section 22. Dispute Resolution

In accordance with the provisions of Subchapter I, Chapter 271, TEX. LOCAL GOV'T CODE, the parties agree that, prior to instituting any lawsuit or other proceeding arising from a dispute under this agreement, the parties will first attempt to resolve the dispute by taking the following steps: (1) A written notice substantially describing the nature of the dispute shall be delivered by the dissatisfied party to the other party, which notice shall request a written response to be delivered to the dissatisfied party not less than 5 days after receipt of the notice of dispute. (2) If the response does not reasonably resolve the dispute, in the opinion of the dissatisfied party, the dissatisfied party shall give notice to that effect to the other party whereupon each party shall appoint a person having authority over the activities of the respective parties who shall promptly meet, in person, in an effort to resolve the dispute. (3) If those persons cannot or do not resolve the dispute, then the parties shall each appoint a person from the highest tier of managerial responsibility within each respective party, who shall then promptly meet, in person, in an effort to resolve the dispute.

Section 23. Disclosure of Business Relationships/Affiliations; Conflict of Interest Questionnaire

Contractor represents that it is in compliance with the applicable filing and disclosure requirements of Chapter 176 of the Texas Local Government Code.

Certificate of Interested Parties

Effective January 1, 2016, pursuant to House Bill 1295 passed by the 84th Texas Legislature (Section 2252.908, Texas Government Code, as amended) and formal rules released by the Texas Ethics Commission (TEC), all contracts with private business entities requiring approval by the Schertz City Council will require the on-line completion of Form 1295 "Certificate of Interested Parties." Form 1295 is also required for any and all contract amendments, extensions or renewals. Contractors are required to complete and file electronically with the Texas Ethics Commission using the online filing application.

Please visit the State of Texas Ethics Commission website, https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm and <https://www.ethics.state.tx.us/tec/1295-Info.htm> for more information.

IF YOU HAVE ANY QUESTIONS ABOUT COMPLIANCE, PLEASE CONSULT YOUR OWN LEGAL COUNSEL. COMPLIANCE IS THE INDIVIDUAL RESPONSIBILITY OF EACH PERSON OR AGENT OF A PERSON WHO IS SUBJECT TO THE FILING REQUIREMENT. AN OFFENSE UNDER CHAPTER 176 IS A CLASS C MISDEMEANOR.

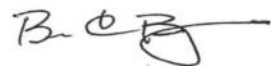
[The remainder of this page is intentionally left blank.]

EXECUTED on this the _____ day of _____, 20__.

CITY:

By: _____
Name: Dr. Mark Browne
Title: City Manager

CONTRACTOR:

By:  _____
Name: **Bruce Bealor, Jr.**
Title: **President**

ADDRESS FOR NOTICE:

CITY:

City of Schertz
Attn: Dr. Mark Browne, City Manager
1400 Schertz Parkway
Schertz, Texas 78154

CONTRACTOR:

BB Inspection Services LLC
409 Sky Forest Drive
San Antonio, Texas 78252

Exhibit "A"

SCOPE OF WORK

Project #
The Contractor shall provide plan review and building inspection services to the City.

Location

Various City locations

Scope of Work

The Contractor shall review provide building inspection services for any residential or commercial structure in Schertz, Texas. The Contractor will employ currently adopted International Building Code and Supplements thereto and the state-mandated 2017 National Electrical Code and 2015 International Energy Conservation Code.

City will schedule inspections with Contractor as needed. Contractor will provide services within one business day, unless otherwise agreed upon by City and Contractor. Contractor will provide inspection report to City electronically.

Fee Schedule

Individual Inspections	\$50.00
Combo Frame Inspections:	\$100.00
(Frame and MEP's)	
Special Inspections:	\$150.00
(Medical Gas, Residential Sprinkler systems)	

Plan Review Fee Schedule

Residential:	\$50.00 per plan
Multi Family:	\$125.00 per hour
Commercial:	\$125.00 per hour

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Exhibit "B"

REQUIREMENTS FOR ALL INSURANCE DOCUMENTS

The Contractor shall comply with each and every condition contained herein. The Contractor shall provide and maintain the minimum insurance coverage set forth below during the term of its agreement with the City. Any Subcontractor(s) hired by the Contractor shall maintain insurance coverage equal to that required of the Contractor. It is the responsibility of the Contractor to assure compliance with this provision. The City of Schertz accepts no responsibility arising from the conduct, or lack of conduct, of the Subcontractor.

INSTRUCTIONS FOR COMPLETION OF INSURANCE DOCUMENT

With reference to the foregoing insurance requirements, Contractor shall specifically endorse applicable insurance policies as follows:

1. The City of Schertz shall be named as an additional insured with respect to General Liability and Automobile Liability **on a separate endorsement.**
2. A waiver of subrogation in favor of The City of Schertz shall be contained in the Workers Compensation and all liability policies and must be provided **on a separate endorsement.**
3. All insurance policies shall be endorsed to the effect that The City of Schertz will receive at least thirty (30) days written notice prior to cancellation or non-renewal of the insurance.
4. All insurance policies, which name The City of Schertz as an additional insured, must be endorsed to read as primary and non-contributory coverage regardless of the application of other insurance.
5. **Chapter 1811 of the Texas Insurance Code, Senate Bill 425 82(R) of 2011, states that the above endorsements cannot be on the certificate of insurance. Separate endorsements must be provided for each of the above.**
6. All insurance policies shall be endorsed to require the insurer to immediately notify The City of Schertz of any material change in the insurance coverage.
7. All liability policies shall contain no cross liability exclusions or insured versus insured restrictions.
8. Required limits may be satisfied by any combination of primary and umbrella liability insurances.
9. Contractor may maintain reasonable and customary deductibles, subject to approval by The City of Schertz.
10. Insurance must be purchased from insurers having a minimum AmBest rating of B+.
11. All insurance must be written on forms filed with and approved by the Texas Department of Insurance. (ACORD 25 2010/05). Coverage must be written on an occurrence form.
12. Contractual Liability must be maintained covering the Contractors obligations contained in the contract. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent and shall contain provisions representing and warranting all endorsements and insurance coverages according to requirements and instructions contained herein.
13. Upon request, Contractor shall furnish The City of Schertz with certified copies of all insurance policies.
14. A valid certificate of insurance verifying each of the coverages required above shall be issued directly to the City of Schertz within ten (10) business days after contract award and prior to starting any work by the successful Contractor's insurance agent of record or insurance company. Also, prior to the start of any work and at the same time that the Certificate of Insurance is issued and sent to the City of Schertz, all required endorsements identified in sections A, B, C and D, above shall be sent to the City of Schertz. The certificate of insurance and endorsements shall be sent to:

City of Schertz
Purchasing Department
1400 Schertz Parkway

emailed to: purchasing@schertz.com
Faxed to: 210-619-1169

Schertz, TX 78154

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CERTIFICATE OF LIABILITY INSURANCE

A

DATE (MM/DD/YYYY)
01/01/1000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER ABC Insurance Agency 655 Main Street Tampa, FL 33333-0000	CONTACT NAME: PHONE: FAX (to, ext): FAX (alt): ADDRESS:
INSURED XYZ Company 123 Apple Street Tampa, FL 22222-0000	INSURER(S) AFFORDING COVERAGE INSURER A: Insurance Carrier INSURER B: Insurance Carrier INSURER C: Insurance Carrier INSURER D: Insurance Carrier INSURER E: Insurance Carrier INSURER F: Insurance Carrier
	NAIC # 00000 00000 00000 00000 00000 00000

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

ITEM	TYPE OF INSURANCE	ADDITIONAL	POLICY NO.	POLICY EFF.	POLICY EXP.	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	X123456	01/01/1000	01/01/1000	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (E & occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMMOP AGG \$ 1,000,000
B	GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS NON-OWN AUTOS HIRED AUTOS	Y	123456789	01/01/1000	01/01/1000	COMBINED SINGLE LIMIT (E & accident) \$ 1,000,000 BODILY INJURY (Pw person) \$ BODILY INJURY (Pw accident) \$ PROPERTY DAMAGE (Pw accident) \$
C	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$	Y				EACH OCCURRENCE \$ AGGREGATE \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICEMEMBER EXCLUDED? (Mandatory in flt) If yes, describe under DESCRIPTION OF OPERATIONS below	Y	01234	01/01/1000	01/01/1000	<input checked="" type="checkbox"/> NO STATUTORY LIMITS E L EACH ACCIDENT \$ 500,000 E L DISEASE - EA EMPLOYEE \$ 500,000 E L DISEASE - POLICY LIMIT \$ 500,000
E	Builder's Risk Professional Services	Y	123456	01/01/1000	01/01/1000	100% Insurable Value, replacement cost basis \$1,000,000 each claim / \$1,000,000 aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Effective January 1, 2012 must be compliant with Chapter 1811, Tex. Ins. Code (SB 426 enacted by Texas Legislature 82(R) session in 2011).

CERTIFICATE HOLDER City of Schertz 1400 Schertz Parkway Schertz, Tx 78154 Attn: Purchasing Dept.	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE AUTHORIZED SIGNATURE REQUIRED HERE
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ACORD 26 (2010/05)

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(Instructions for completing and submitting a certificate to the City of Schertz)

Complete the certificate of insurance with the information listed below:

- # A) Certificate of Insurance date
- # B) Producer (Insurance Agency) Information – complete name, address, telephone information, & email address.
- C) Insured's (Insurance Policy Holder) Information – complete name & address information
- D) Insurer (name/names of insurance company) **(Remember the city requires all insurance companies to be Authorized to do business in the State of Texas be rated by A.M. Best with a rating of B+ (or better) Class VI (or higher) or otherwise be acceptable to the City if not rated by A.M. Best)
- E) NAIC # (National Association of Insurance Commissioners, a # that is assigned by the State to all insurance companies)
- F) Insurer letter represents which insurance company provides which type of coverage from D
- G) General Liability Insurance Policy – must have an (x) in box. Also, "Occurrence" type policy – must have an (x) in the box (occurrence policy preferred but claims made policy can be accepted with special approval)
- H) This section shall be filled in with "Y" for yes under Additional Insured for all coverages, except for Contractor Liability and Workers' Compensation. There shall also be a "Y" for yes under all coverages for subrogation waived.
- I) Automobile Liability Insurance – must be checked for Any Auto, All Owned Autos, Hired Autos
- J) Umbrella Coverage – must be checked in this section and by occurrence whenever it is required by written contract and in accordance with the contract value.
- K) Worker's Compensation and Employers Liability Insurance – information must be completed in this section of the certificate of insurance form (if applicable).
- L) Builder's Risk Policy – for construction projects as designated by the City of Schertz.
Professional Liability Coverage – for professional services if required by the City of Schertz.
- M) Insurance Policy #'s
- N) Insurance policy effective dates (always check for current dates)
- O) Insurance Policy limits (See Insurance Requirements Checklist)
- P) This section is to list projects, dates of projects, or location of project. Endorsements to the insurance policy(ies) must be provided separately and not in this section. The following endorsements are required by the City of Schertz.
 - (1) Adding the City of Schertz as an additional insured. The "additional insured" endorsement is not required for professional liability and workers compensation insurance; and
 - (2) Waiver of Subrogation
 - (3) Primary and Non-Contributory
 - (4) Cancellation Notice
- Q) City of Schertz's name and address information must be listed in this section
- R) Notice of cancellation, non-renewal, or material change to the insurance policy(ies) must be provided to the City of Schertz in accordance with a cancellation notice endorsement to the policy and/or per the policy provisions based on the endorsement adding the city as an additional insured. (Sec. 1811.155, Tex. Ins. Code)
- S) The certificate must be signed by the Authorized Agent in this section of the certificate form.

Exhibit “C”

EVIDENCE OF INSURANCE

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CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022

Department: City Secretary

Subject: Ordinance No. 22-M-20 - Consideration and/or action adopting and amending an Ordinance by the City Council of the City of Schertz, Texas setting dates for the end of terms of volunteer members on City Boards, Commissions, and Committees, and requiring new applicants wishing to serve or fill a vacancy be interviewed by the Interview Committee. Repealing all ordinances or resolutions or parts of an ordinances or resolutions in conflict with this ordinance; and providing an effective date. (*Final Reading*) (Interview Committee/S. Edmondson/B. Dennis)

BACKGROUND

Currently, with Ordinance 12-M-33, all Boards, Commissions and Committees have May 31st expiration term date. If a current volunteer wished to continuing serving on a Board, Commission or Committee, their reappointment was approved without going through an interview process.

The Interview Committee met on March 21st, 2022 to discuss all the Boards, Commissions Committees: May 31st expiration term date. The Interview Committee recommends changing the Boards, Commissions, and Committees to a different ending term date. The Boards, Commissions and Committees will have an expiration term ending date of either: June 30th, September 30th or March 31st.

Originally this Ordinance under Section 2 stated that Citizens who apply to volunteer on City of Schertz Boards, Commissions or Committees will have an opportunity to be interviewed when yearly terms expire. After further review, staff recommends that Section 2 be revised to "that Citizens who apply to volunteer on City of Schertz Boards, Commissions or Committees will have an opportunity to be interviewed by the Interview Committee." With this language change it would allow the Interview Committee to meet to fill vacancies as they arise.

GOAL

With community interest on serving on a City of Schertz Board, Commission or Committee, the Boards, Commissions, and Committees will have different expiration dates.

COMMUNITY BENEFIT

Citizens who apply to volunteer on City of Schertz Boards, Commissions or Committees will have an opportunity to be interviewed.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Ordinance No. 22-M-20 with the change to Section 2.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

Staff recommends approval of Ordinance 22-M-20 with the change to Section 2.

Attachments

Expiration Term Dates

Ord No 22-M-20

EXHIBIT A:	BOARDS, COMMISSIONS AND COMMITTEES			
YEAR:	2022	2022	2023	2023
	CURRENT:	NEW:	CURRENT:	NEW:
1-MONTH EXTENTION	MAY 2022 EXPIRATIONS EXTENDED TO JUNE 2022	JUNE 2022: EXP DATE: WILL INTERVIEW: MAY 2022	MAY 2023 EXP: WILL EXTEND TO JUNE 2023	JUNE 2023 -INTERVIEW IN MAY 2023
Jun-22	BOARD OF ADJUSTMENTS			
Jun-22	LIBRARY			
Jun-22	PLANNING AND ZONING			
Jun-22	CAPITAL IMPROVEMENT ADVISORY COMMITTEE			
4- MONTH EXTENTION	MAY 2022 EXPIRATIONS EXTENDED TO SEPTMENBER 2022	SEPTEMBER 2022: EXP DATE: WILL INTERVIEW: AUGUST 2022	MAY 2023 EXP: WILL EXTEND TO SEPTEMBER 2023	SEPTEMBER 2023 EXP: INTERVIEW IN AUGUST 2023
Sep-22	BUILDING AND STANDARDS			
Sep-22	ECONOMIC DEVELOPMENT CORPORATION			
Sep-22	PARKS			
10-MONTH EXTENTION	MAY 2022 EXPIRATIONS EXTENDED TO MARCH 2023	MARCH 2023: EXP DATE WILL INTERVEIW FEBRUARY 2023	MAY 2023 EXP: WILL EXTEND TO MARCH 2024	MARCH 2024 EXP: INTERVIEW IN FEBRUARY 2024
Mar-23	TIRZ			
Mar-23	HISTORICAL			
Mar-23	TSAC			

ORDINANCE NO. 22-M-20

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS SETTING EXPIRATION DATES FOR THE END OF TERMS OF VOLUNTEER MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES, AND REQUIRING NEW APPLICANTS WISHING TO SERVE OR FILL A VACANCY BE INTERVIEWED BY THE INTERVIEW COMMITTEE ~~AT THE SAME TIME THE CITY BOARD CONDUCTS THEIR ANNUAL INTERVIEWS~~ REPEALING ALL ORDINANCES OR RESOLUTIONS OR PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Schertz, Texas (the “City”) has established the various Boards, Commissions, and Committees set forth in Ordinance No. 22-M-20 and incorporated herein (collectively, the “Boards”), which Boards are composed of volunteer members; and

WHEREAS, currently, the terms for the members of each of the Boards ends on May 31st of the year in which the applicable volunteer members’ term expires; and

WHEREAS, the Interview Committee met on March 21, 2022, to discuss the expiration dates of all the Boards; and to discuss the process of appointments and reappointments of volunteer members; and

WHEREAS, the end date of the terms of the members of each of the Boards is hereby changed to one of the following: June 30th, September 30th, or March 31st. See Exhibit A

WHEREAS, volunteer members who term expires must resubmit an application to remain on the board and new applicants go through an interview process. See Exhibit B

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

Section 1. The Chair of the Board and the Volunteer Member will be notified by the City Secretary’s Office that the volunteer member’s term is expiring in approximately 45 days and if the volunteer member wishes to be reappointed, the volunteer member will need to resubmit an application to be reappointed to the Board they wish to serve on.

Section 2. If there are new applications from citizens wishing to serve or fill a vacancy, they will be interviewed by the Interview Committee. ~~at the same time the interviews for that Board, Commission or Committee are to be scheduled.~~

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

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

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

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

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

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

PASSED ON FIRST READING, the 10th of May 2022.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 7th day of June 2022.

Ralph Gutierrez, Mayor

ATTEST:

City Secretary, Brenda Dennis

City Seal

EXHIBIT A

The Interview Committee met on March 21, 2022, to discuss the expiration dates of all the Boards.

The following changes are recommended:

1. The Boards, Commissions and Committees will have different expiring term dates for the volunteer members.
2. The following Boards will have a June 30th term expiration date:
Board of Adjustments
Planning and Zoning
Library Advisory Board
Capital Improvement Advisory Committee
3. The following Boards will have a September 30th term expiration date: Schertz Economic Development Corporation
Building and Standards Commission
Parks and Recreation Advisory Board
4. The following Boards will have a March 31st term expiration date:
Reinvestment Zone Number Two Committee
Schertz Historical Preservation Committee
Transportation and Safety Advisory Committee

See attached spreadsheet.

EXHIBIT B- Interview Process

The Interview Committee met on March 21, 2022, to discuss the process of appointments and reappointments of volunteer members.

- 1 The Chair of the Board and the Volunteer Member will be notified by the City Secretary's Office that the volunteer member's term is expiring in approximately 45 days and if the volunteer member wishes to be reappointed, the volunteer member will need to resubmit an application to be reappointed to the Board they wish to serve on.
2. If there are new applications from citizens wishing to serve or fill a vacancy, they will be interviewed by the Interview Committee ~~at the same timeframe the interviews for that Board, Commission or Committee are to be scheduled.~~

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: Finance
Subject: Resolution 22-R-57 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing city staff and consultants to issue General Obligation Bonds Series 2022 for Fire Station 4 and improvements on FM 1518 as previously approved by the voters. (M. Browne/J. Walters)

BACKGROUND

The voters authorized the City to issue \$15,450,000 for public safety facilities (Proposition A) at an election held November 2, 2021. The Council is requested to authorize City staff and consultants to proceed with the sale of approximately \$15,450,000 General Obligation Bonds, Series 2022. The Proceeds will be used for construction of fire station No. 4. The Bonds will be amortized over 20 years and will be callable by the City in 10 years as is customary for a financing of this size.

The voters authorized the City to issue \$7,000,000 for FM 1518 and FM 1103 improvements (Proposition 1) at an election held on November 3, 2015. The Council is requested to authorize staff and consultants to proceed with the remaining \$4,395,000 from this proposition. The Bonds will be amortized over 20 years and will be callable by the City in 10 years as is customary for a financing this size.

GOAL

To provide funding for Fire Station 4 and FM 1518 improvements.

COMMUNITY BENEFIT

The community will benefit from reduced response time for fire emergency calls and improved traffic along FM 1518.

SUMMARY OF RECOMMENDED ACTION

Approval to move forward with the sale of General Obligation, voter approved, bonds in August.

FISCAL IMPACT

The issuance of the Bonds should not result in a tax rate increase. The proceeds will be delivered to the City on August 24th. The Bonds are being issued at the same time as the Certificates of Obligation, to be discussed in greater detail under separate agenda items to follow. When the CO's are approved, along with this GO Bond, it is estimated that there will be no impact on the I&S Tax Rate.

RECOMMENDATION

Approval of resolution 22-R-57 authorizing staff and consultants to proceed with the issuance process.

Attachments

Resolution 22-R-57



RESOLUTION NO. 22-R-57

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING STAFF AND CONSULTANTS TO ISSUE GENERAL OBLIGATION BONDS SERIES 2022 FOR FIRE STATION 4 CONSTRUCTION AND IMPROVEMENTS TO FM 1518 AS PREVIOUSLY APPROVED BY THE VOTERS, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City authorize staff and consultants to proceed with the issuance of \$19,845,000.00 of voter approved General Obligation Bonds; and

WHEREAS, on November 2, 2021 voters approved \$15,450,000 for the construction of Fire Station 4; and

WHEREAS, on November 3, 2021 voters approved \$7,000,000 for improvements to FM 1103 and FM 1518 and \$4,395,000 remains to be issued; and

WHEREAS, the City Council has determined that it is in the best interest of the City to issue the General Obligation Bonds for Fire Station 4 and FM 1518.

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

Section 1. The City Council hereby authorizes the City Manager to move forward with consultants to issue \$19,840,000 in General Obligation Bonds.

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 7th day of June, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A

_____ **AGREEMENT**

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022

Department: City Secretary

Subject: Resignations and Appointments to Boards/Commissions/Committees -
Consideration and/or action regarding the resignations and appointments to
various Boards/Commissions/Committees (Council/B. Dennis)

- Resignation of Mr. Jimmy Odom from the Planning & Zoning Commission

BACKGROUND

City Secretary's office received a resignation from Mr. Jimmy Odom

Recommendation is to approve the resignation.

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: City Secretary
Subject: Resignation - Consideration and/or action regarding the acceptance of the resignation of Mr. Floyd Akers, City of Schertz, Prosecutor. (M. Browne)

BACKGROUND

On May 26, 2022, the City of Schertz Mayor and Council received a resignation letter from Mr. Floyd Akers, City of Schertz, Prosecutor to be effective immediately.

City Council will formally accept his resignation.

Attachments

Mr. Akers Resignation



LAW OFFICE OF FLOYD AKERS

"Tene lupum auribus"

5-26-2022

Mayor & Council
City of Schertz
Schertz, Texas

Mayor and Members of the City Council:

Please accept this letter of resignation as prosecutor for the City of Schertz effective immediately. It has been an honor and pleasure to represent the Citizens of this great City.

Regards,

Floyd Akers
City Prosecutor



Cell (512) 529-5459
Fax (512) 667-6135



FAkersLaw@cs.com
AkersLaw@icloud.com



P.O. Box 1179
San Marcos, TX 78667-1179

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: Finance
Subject: Resolution No. 22-R-55 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing and approving the Investment Policy and Investment Brokers and other matters in connection therewith. (M. Browne/J. Walters/B. Martin)

BACKGROUND

The Investment Policy and Strategy of the City of Schertz guides staff in investing city funds. Much of the policy is outlined by the Public Funds Investment Act which ensures public entities make safe choices as to how they invest. The top priority with regard to investable public funds in both the Act and the City policy is the safety of the funds invested. This means low risk investments that can be easily withdrawn in the event the City needs funding. In order to purchase securities as investment opportunities, the City must go through an investment broker. These firms purchase investment securities in the market on the City's behalf and provide detail research and help us make better decisions to fit our needs. The City of Schertz Investment Policy and Broker list requires an annual reaffirmation by City Council. The Investment policy requires an annual review of the policy. After reviewing the policy, applicable statuses, and the current economic environment, the Investment Advisory Committee has recommended no changes to the current policy and strategy.

GOAL

City staff and Investment Committee recommends Council approving the Investment Policy and Broker list in the documents attached.

COMMUNITY BENEFIT

Ensuring the City has a sound investment policy in line with State law.

SUMMARY OF RECOMMENDED ACTION

Approval of the Investment Policy and Broker List

FISCAL IMPACT

There will not be any fiscal impact.

RECOMMENDATION

The Investment Committee recommends approval of resolution No 22-R-55.

Attachments

Resolution 22-R-55
Investment Policy
Broker List

RESOLUTION NO. 22-R-55

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING ADOPTION OF THE CITY OF SCHERTZ INVESTMENT POLICY, INVESTMENT BROKERS, AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Schertz Investment Policy and Broker list must be reviewed annually by the City Council (the “City Council”) and after such review the City of Schertz (the “City”) has determined that it is in the best interest of the City to adopt the City of Schertz Investment Policy, and

WHEREAS, the City Staff of the City of Schertz(the “City”) has recommended that the City approve the proposed list of investment brokers, therefore

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

Section 1. The City Council hereby adopts the City of Schertz Investment Policy and is repealing any and all prior changes and amendments to Investment Policy attached as Exhibit A.

Section 2. The City Council hereby authorizes the City Manager and the Investment Officers use the list of brokers to secure investments in compliance to the City Investment Policy and Strategy and the Public Funds Investment Act set forth on Exhibit B.

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 7th day of June, 2022.

CITY OF SCHERTZ, TEXAS

Mayor, Ralph Gutierrez

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)

**CITY OF SCHERTZ, TEXAS
INVESTMENT POLICY**

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I. INVESTMENT SCOPE

General Statement

This policy (this “Policy”) serves to satisfy the statutory requirement of the Public Funds Investment Act, as amended, Texas Government Code Chapter 2256, as amended (the “Act”), to define and adopt a formal written investment policy for the City of Schertz, Texas (the “City”). The City shall be authorized to invest its funds pursuant to the provisions of the Act and this Policy or, upon obtaining the prior approval of the City Council of the City (the “City Council”), any other applicable law.

Funds Included

This Policy applies to all City funds under the direct control of the City, at the present time any funds to be received in the future and any other funds held in custody by the City, unless expressly prohibited by law or unless it is in contravention of any depository contract between the City and any depository bank.

The City funds that are entrusted to the City Council for investment pursuant to this Policy are divided into the following portfolios based on the source of funds:

The operating account portfolio that consists of funds from the general fund and all other miscellaneous funds.

The agency funds portfolio, which consists of all agency funds.

Special Revenue, Special Assessment, and all other City funds.

Funds Excluded

This Policy shall not be applicable to any funds on deposit in any bond account, reserve account, or capital improvement construction account. The provisions of the ordinances authorizing the issuance of these debt obligations and the provisions of the Internal Revenue Code of 1986, as amended control the investment of funds on deposit in these accounts.

II. INVESTMENT OBJECTIVES

General Statement

Funds of the City will be invested in accordance with the Act, this Policy, written investment strategy, and written administrative procedures to be developed by the City Manager, Finance Director, and Investment Officers. The City's investment portfolio shall be managed in a manner to attain the maximum rate of return allowed through prudent and legal investing of City funds while preserving and protecting capital in the overall portfolio.

Safety

The primary objective of the City for all portfolios and funds is to ensure the safety of the principal. All investment transactions shall first seek to avoid capital losses by choosing high credit quality securities. The Investment Officers will monitor credit rating changes on a monthly basis and will immediately liquidate any investment that fails to meet the credit quality required by the Public Funds Investment Act.

Liquidity

The City's investment portfolio must be structured in a manner that will provide the liquidity necessary to meet all operating requirements which might reasonably be anticipated, and to pay obligations as they become due.

Diversification

The policy of the City, except when investing with the City's depository bank or in U.S. Treasury Bills, Bonds or Notes, will be to diversify its investment portfolio when investing in certificates of deposit of other banks and savings and loans domiciled in Texas, repurchase agreements, U.S. agencies securities, and other investment instruments provided for by law. The City's portfolio shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of investments. Investments of the City shall always be selected to provide stability of income and reasonable liquidity. Liquidity is defined as the ability to sell an investment at reasonable cost under adverse market conditions.

In establishing specific diversification strategies, the following general policies and constraints shall apply:

- (1) Portfolio maturities shall be staggered in a way that avoids undue concentration of assets in a specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
- (2) Liquidity shall be maintained through practices that ensure that the next disbursement date and payroll date are covered through current revenues, maturing investments, or marketable securities.
- (3) Risks of market price volatility shall be controlled through maturity diversification.

Yield

It is the objective of the City to earn the maximum rate of return allowed on its investments within the constraints imposed by its safety and liquidity objectives, and the applicable law governing the investment of public funds.

The City must invest its portfolios in eligible investments that yield the highest possible rate of return while providing the necessary protection of the principal. The City seeks to optimize return on investments in all portfolios. The average minimum rate of return for the entire portfolio, excluding funds needed for current obligations, must be at least equal to a no default risk rate of return indicator, such as the return on the three-month Treasury bill. If funds are subject to yield restrictions due to federal arbitrage regulations, those funds are excluded from the yield calculation.

All security transactions will be made on documented competitive bid basis to assure the City is receiving good market rates. When issued US agency securities should be compared to other securities available in the secondary market to determine competitiveness.

Public Trust

It will be the objective of the City to act responsibly as custodians of the public trust.

Portfolio Management

Under this Policy all investments will be made with the intent of pursuing, at the time of purchase, the best rate of return on securities held until maturity, and not with the intent of speculative trading. However, securities may be sold before maturity if market conditions present an opportunity for the City to benefit from this transaction.

Investment Strategy

The City maintains one commingled portfolio for investment purposes which incorporates the specific use and the unique characteristics of the funds in the portfolio. The investment strategy has as its primary objective assurance that anticipated liabilities are matched and adequate investment liquidity provided. The City shall pursue conservative portfolio management strategy. This may be accomplished by creating a ladder maturity structure with some extension for yield enhancement. The maximum maturity of any security will be five years and the maximum dollar weighted average maturity of one year or less will be calculated using the stated final maturity date of each security.

The investment strategy for debt service shall have as its primary objective the timely payment of debt service obligations. Successive debt service dates will be fully funded before any investment extensions are made.

III. INVESTMENT RESPONSIBILITY AND CONTROL

City's Investment Officers

In accordance with Section 2256.005 of the Act, the Investment Officers for the City include the City Manager, the Assistant City Managers, the Executive Director of Economic Development, the Finance Director, and the Assistant Finance Director. The Finance Director is

the primary manager of City investment portfolios, and shall develop and maintain written administrative procedures for the operation of the investment program, consistent with this Policy, including the following:

- (1) Summarizing the economic and market analysis;
- (2) Forecasting available cash for investments;
- (3) Formulating strategies for asset mix, investment instruments, maturities, and target yields;
- (4) Monitoring performance against the current investment strategy and evaluating reasons for variances;
- (5) Reporting portfolios performance for the previous quarter to the City Council; and
- (6) Revising the investment strategy based on recommendations by the Investment Advisory Committee.

The City Manager and the Investment Officers must file a statement with the City Council and the Texas Ethics Commission of any personal business relationship that they may have with a business organization as defined in the Act offering to engage in an investment transaction with the City. A personal business relationship is defined by Section 2256.005 of the Act to exist if

- (1) The Investment officer owns 10% or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- (2) Funds received by the investment officer from the business organization exceed 10% of the investment officer's gross income for the previous year or;
- (3) The investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.
- (4) The City Manager and Investment Officers must file a statement with the City Council and Texas Ethics to disclose any personal business relationships within two levels of blood or marriage with an organization seeking to sell an investment to the City.

Selecting and Processing Investments

The Investment Officers review the composition of the current portfolio and determines whether the securities under consideration maintain the portfolio within the guidelines established by this Policy, subchapter A of the Act, and all federal, state, and local statutes, rules

or regulations. The Investment Officers approve the wire transfer form authorizing the transfer of funds for a specific investment transaction.

Documenting Investments and Providing Details

The City Manager, Finance Director, and Investment Officers retain documentation of all investment transactions, including any bond swaps. The City Manager, Finance Director, and Investment Officers provide information and supporting documentation for all investment transactions for entry in the General Ledger. The City Manager, Finance Director, and Investment Officers will utilize information and back-up documentation on all investment transactions to ensure accurate calculation of cash position and accurate posting to appropriate accounts.

New Investment accounts can only be established by signatures from all Investment Officers not on probation. Changes in the account authorization or banking information may only be updated with signatures from all active Investment Officers. Investment transactions cannot be initiated and recorded by the same Investment Officer.

Developing Cash Flow Projections for All Portfolios

The City Manager, Finance Director, and Investment Officers analyze prior period data and develop and amend cash flow projections of the City's cash requirements. The cash flow projections to match assets and liabilities in order to maximize the return on investments. All funds that can be legally invested and match the available balance identified in the cash flow projections are considered available for investment.

Monitoring Investment Performance

The City Manager, Finance Director, and Investment Officers must routinely perform market and economic analysis to forecast probable market conditions for the investment period by assembling and analyzing current and trend data to develop and plan investment strategy. This analysis uses information obtained from investment advisors, brokers, and investment industry publications.

The City Manager, Finance Director, and Investment Officers monitor the current and expected yield curves for interest rate movements. When interest rates are expected to decline, maturity ranges are extended within portfolio and the constraints of this Policy. When interest rates are expected to increase, maturity ranges are shortened. The City Manager, Finance Director, and Investment Officers monitor yield spreads between various government agency issues and United States notes and bonds to determine the best value. The City Manager, Finance Director, and Investment Officers summarize economic and market trend information and present recommendations for investments strategy based on economic and market conditions to the City Council and the Investment Advisory Committee.

Reconciling Investment Records and General Ledger

The City Manager, Finance Director, and Investment Officers prepare a monthly report that includes information such as identifying investments at par value, identifying CUSIP number, disclosing the premium or discount, and the interest purchased for the City's investments. The report includes monthly and year-to-date interest accruals and amortization/accretion of premium/discount. This report should reconcile to the investment accounts in the General Ledger.

Allocating Interest Revenue

The City Manager, Finance Director, and Investment Officers allocate the interest revenue earned from investments proportionately to all accounts that participate in the investment function.

Providing Revenue Estimates for All Portfolios

The City Manager, Finance Director, and Investment Officers provide an estimate of the investment revenue for the annual budget.

Prudence

Investments of the City shall be made with judgment and the exercise of due care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital, as well as the probable income to be derived for the City. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the City.

Liability of City Manager, Finance Director, and Investment Officers

The City Manager, Finance Director, and Investment Officers are not responsible for any loss of the City funds through the failure or negligence of a depository bank or other financial or investment institution as described in Article VI of this Policy.

IV. INVESTMENT REPORTING

Quarterly Report

The City Manager, Finance Director, and Investment Officers will continually monitor and evaluate the City's investments, and report quarterly to the City Council as provided in Section 2256.023 of the Act. The report must:

- (1) describe in detail the investment position of the City on the date of the report;
- (2) be prepared jointly by all investment officers of the City;

- (3) be signed by each investment officer of the City;
- (4) contain a summary statement, prepared in compliance with generally accepted accounting principles, of each pooled fund group that states the:
 - (a) beginning market value for the reporting period;
 - (b) additions and changes to the market value during the period;
 - (c) ending market value for the period; and
 - (d) fully accrued interest for the reporting period;
- (5) state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
- (6) state the maturity date of each separately invested asset that has a maturity date;
- (7) state the account or fund or pooled group fund in the City for which each individual investment was acquired; and
- (8) state the compliance of the investment portfolio of the City as it relates to:
 - (a) the investment strategy expressed in the City's investment policy; and
 - (b) relevant provisions of the Act.

The report shall be presented not less than quarterly to the City Council and the City Manager of the City within a reasonable time after the end of the period.

If the City invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the City Council by that auditor.

Investment Advisory Committee

An Investment Advisory Committee composed of the City Manager (as Chair), the Assistant City Managers, the Executive Director of Economic Development, the Finance Director, the Assistant Finance Director, the Budget/Financial Analyst, and two representatives of the City Council, will meet no less than once semiannually to review the investment portfolio, process and practices to ensure adherence to the Act and the adopted policy.

Annual Review

This Policy and investment strategy will be reviewed by the Investment Advisory Committee and City Council annually. The Investment Advisory Committee will recommend changes to the policy annually to the City Council who shall adopt a written rule, order, ordinance, or resolution stating that it has reviewed the Policy and investment strategy and shall record in the order, ordinance or resolution any changes made to either the Policy or investment strategy.

Investment Training

The City Manager, Finance Director, and Investment Officers are required to receive 10 hours training pertaining to the Texas Public Funds Investment Act within the first 12 months after assuming duties and 8 hours every 2 years thereafter. This training shall be through courses and seminars offered by professional organizations and associations in order to ensure the quality and capability of the Investment Officers and staff in making investment decisions. Training for city council officials on the Investment Committee is recommended to provide education and knowledge pertaining to the Public Funds Investment Act but the training is not mandatory.

Notification of Investment Changes or Defaults

It shall be the duty of the City Manager, the Finance Director, and Investment Officers to notify the City Council of any significant changes in current investment methods and procedures prior to their implementation and to immediately notify the City Council in the event of a default or nonpayment of any investment acquired with City funds. In addition, the City Council in its annual review of the Policy shall adopt any order, ordinance, or resolution establishing its annual review and record any changes to the Policy or investment strategies.

Compliance Audit

The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the Policy.

V. INVESTMENT INSTRUMENTS

Authorized Investment Instruments

The City Manager, Finance Director, and Investment Officers shall use any or all of the following authorized investment instruments consistent with governing law:

- (1) Obligations, including letters of credit, of the United States or its agencies and instrumentalities;
- (2) Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency of instrumentality of the United States;

- (3) General Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than A or its equivalent;
- (4) Certificates of deposit issued by a state or national bank domiciled in this State, a savings bank domiciled in this State or a state or federal credit union domiciled in this State that are
 - (A) Guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; or
 - (B) Secured by obligations that are described by subdivisions (1)-(6) of this subsection, including mortgage-backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates or in any other manner and amount provided by law for deposits of the City; or
 - (C) Secured in any other manner and amount provided by law for deposits of the City;
- (5) Prime domestic bankers' acceptances if it
 - (A) Has stated maturity of 270 days or fewer from the date of its issuance;
 - (B) Will be, in accordance with its terms, liquidated in full at maturity;
 - (C) Is eligible for collateral for borrowing from a Federal Reserve Bank; and
 - (D) Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency;
- (6) Commercial paper if it
 - (A) Has a stated maturity of 270 days or less from the date of its issuance; and

- (B) Is rated not less than A-1, P-1, or the equivalent by at least
 - (1) Two nationally recognized credit rating agencies; or
 - (2) One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state thereof;
 - (C) For commercial paper with maturity of over 90 days, monthly credit checks will be conducted on the issuer to determine risk and to take appropriate steps to protect the investment
- (7) Fully collateralized direct repurchase agreements having a defined termination date, secured by obligations described by subdivision (1) of this subsection, pledged to the City, held in the City's name, and deposited at the time the investment is made with a third party selected and approved by the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this State;
- (8) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under the Act in a guaranteed investment contract with a term of longer than five years from date of issuance of the bonds; to be eligible as an authorized investment
- (A) The City Council must specifically authorize guaranteed investment contracts as an eligible investment in the ordinance or resolution authorizing the issuance of bonds;
 - (B) The City must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
 - (C) The City must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
 - (D) The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(E) The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

(9) Interest bearing bank deposits insured by the FDIC or National Credit Union Share Insurance Fund, and shared deposit programs, are authorized investments.

In addition to the investments described by items (1) - (9) above, the City may invest funds under its control in eligible public funds investment pools as permitted under the Act. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service or no lower than investment grade by at least one nationally recognized rating service with a weighted average maturity no greater than 90 days.

In addition to the investments described by items (1) - (9) above, the City may, in accordance with the Act, purchase, sell, and invest funds, after receiving a prospectus and other information required by the SEC, under its control in an SEC-regulated, no-load money market mutual fund with a dollar-weighted average stated maturity of 60 days and whose investment objectives include seeking to maintain a stable net asset value of \$1 per share and must comply with SEC Rule 2a-7, or a no-load mutual fund which is registered with the SEC, has an average weighted maturity of less than two years, is invested exclusively in obligations approved by the Act, is continuously rated as investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent and conforms to the requirements set forth in Sections 2256.016(b) and (c) of the Act relating to the eligibility of investment pools to receive and invest funds of the City. The City shall not (i) invest in the aggregate more than 15% of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service in mutual funds as described by the Act; (ii) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described by the Act; or (iii) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service in any one mutual fund described by the Act in an amount that exceeds 10% of the total assets of the mutual fund.

VI. INVESTMENT INSTITUTIONS

Selection of Bank and Securities Dealers

Any business organization offering to engage in an investment transaction must be given a copy of the entity's Investment Policy and must sign a certification that acknowledges they have received it and have implemented procedures to preclude imprudent transactions, and supply the City Manager, Finance Director, and Investment Officers with the information specified below. First, a broker/dealer must submit audited financial statements for the financial institution or broker/dealer. Second, a broker/dealer must provide evidence of appropriate registration by the qualified representative of the business organization as such terms are defined

in the Act. For bank dealers, this requires a statement from a senior bank official that the bank dealer is appropriately registered with its primary regulatory agency (the Office of the Comptroller of the Currency for National Banks) as a government securities dealer, municipal securities dealer, or both. For a securities firm, this requires a statement from a senior official that the firm is registered with the National Association of Securities Dealers. Finally, a broker/dealer must deliver a written statement, acceptable to the City, by the qualified representative, offering to engage in an investment transaction with the City, that they have received and thoroughly reviewed the Policy and acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the business organization that are not authorized by this Policy or the Public Funds Investment Act. The City Manager, Finance Director, and Investment Officers will recommend both primary and secondary securities dealers to the City Council for final approval. The City Manager, Finance Director and Investment Officers may not acquire or otherwise obtain any authorized investment described in this Policy from a person who has not delivered to the City the written statement required in this section.

The City Council or the designated Investment Advisory Committee member shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

Investment Management Firms

The City may contract with an investment management firm registered under either the Investment Advisors Act of 1940 or with the State Securities Board for a maximum of 2 years with renewal or extensions subject to approval by City Council by resolution.

VII. INVESTMENT COLLATERAL AND SAFEKEEPING

Collateral or Insurance for Deposits

The City Manager, Finance Director, and Investment Officers shall ensure that all deposited and invested City funds are, to the extent required, fully collateralized or insured consistent with federal and state law and the current bank depository contract in one or more of the following manners:

- (1) FDIC or National Credit Union Share coverage;
- (2) Obligations of the United States or its agencies and instrumentalities;
- (3) Direct obligations of the State of Texas or its agencies;
- (4) Other obligations, the principal of and interest on which are unconditionally guaranteed or insured by the State of Texas or the United States or its agencies and instrumentalities; or

- (5) Any other manner allowed by law.
- (6) Certificates of Deposits can be secured by an FHLB letter of credit.

Safekeeping

All purchased securities shall be held in safekeeping by the City, or a City account in a third party financial institution, or with a Federal Reserve Bank.

All certificates of deposit, insured by FDIC, purchased outside the depository bank shall be held in safekeeping by either the City or a City account in a third party financial institution.

All pledged securities by the depository bank shall be held in safekeeping by the City, or a City account in a third party financial institution, or with a Federal Reserve Bank.

All certificates of deposit, pledged by the depository bank shall be held in custody of a Federal Reserve Bank for safekeeping, be the subject of a valid pledge agreement designating the City as the beneficiary of the pledge agreement; be insured by the FDIC; be described in detail by a safekeeping receipt issued to the City by the Federal Reserve Bank having custody of the certificates; and be issued with the City as registered owner.

Delivery vs. Payment

It will be the policy of the City that all transactions, except investment pool funds and mutual funds, shall be purchased using the delivery vs. payment method through the Federal Reserve System. By so doing, City funds are not released until the City has received, through the Federal Reserve wire, the securities purchased.

	<i>Broker Dealer List of 2022</i>
1	Baird, Robert W.
2	Bank of America
3	Bank of New York (BNY)
4	Bank of Oklahoma
5	Barclays Capital
6	Benchmark Securities
7	BMO Capital Markets
8	Cantor Fitzgerald
9	Citigroup
11	Crews & Assoc
12	D.A. Davidson
15	FHN Fin'l
16	Goldman Sachs
18	Huntington Securities/Hutchinson, Shockey
20	StoneX/Intl F C Stone
21	ITG
23	JP Morgan Chase
24	Jefferies & Co
25	KeyBanc Capital Mkts
26	MarketAxess
27	Millennium Advisors
28	Morgan Stanley
29	Oppenheimer
30	Piper Jaffray
31	Raymond James/ MK
32	RBC Capital Markets
35	Stephens
36	Stifel Nicolaus
37	Stone X
39	UBS
40	US Bancorp Inv
42	Wells Fargo

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: Finance
Subject: Resolution 22-R-54 - Consideration and approval of a Resolution by the City Council of the City of Schertz, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation, complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date. (M. Browne/J. Walters)

BACKGROUND

The Resolution only alerts the Citizens that the proposed projects will be considered and Certificates of Obligation (the “Certificates”) will be approved on August 2, 2022. The City intends to issue the Certificates in an amount not to exceed \$19,855,000 for the purpose of making street and drainage repairs and improvements to the City’s utility system including water projects. The authorization of the Resolution will not have a fiscal impact. When the CO’s are approved, along with the GO Bond, it is estimated that there will be no impact on the I&S tax rate or require a utility rate increase relative to the portion of Certificates sold for making utility system improvements.

Projects included are:

FM1518 Road Improvements: \$5,605,000

Main Street Improvements: \$3,250,000

Northcliffe AC Pipe Replacement: \$2,000,000

Live Oak Water Transmission Main: \$4,000,000

FM1518 Utility Relocation: \$5,000,000

Total: \$19,855,000

This notice allows the Citizens 45 days after publication to put together a petition with 5% of registered voters to stop the sale of these bonds. If the petition succeeds, the bonds can be moved to the next ballot to be voted on.

GOAL

To provide funding for necessary improvements to roadways and the water system in the City of Schertz.

COMMUNITY BENEFIT

The community will benefit from better traffic flows from the road improvements along FM 1518 and the water line upgrades will ensure a reliable source of water for the citizens and businesses.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approving the Resolution, publishing the Notice of Intention, and to authorize the consultants to move forward with the issuance of the Certificates (along with the Bonds) scheduled to sell on August 2nd with funds delivered on August 24, 2022.

Motion: I move that the City Council adopt a Notice of Intention Resolution

FISCAL IMPACT

The issuance amounts are within the current tax rate's capacity and should not require a tax rate increase.

RECOMMENDATION

Approval of resolution 22-R-54 approving the notice of intent to sell bonds.

Motion: I move that the City Council adopt a Notice of Intention Resolution

Attachments

Resolution 22-R-54

Resolution No: 22-R-54

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *City Council*) of the City of Schertz, Texas (the *City*) has determined that it is advisable and necessary to issue and sell one or more series of certificates of obligation (the *Certificates*) in an amount not to exceed \$19,855,000 as provided pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code, Section 271.041 through Section 271.064, for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and traffic safety signalization and signage incidental thereto; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (4) the payment of professional services related to the design, construction, project management, and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain of the revenues derived from the operation of the City's utility system. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter; and

WHEREAS, prior to the offering, sale, and issuance of the Certificates, the appropriate officials of the City must review and approve the distribution of a "deemed final" preliminary official statement (the *Official Statement*) in order to comply with the requirements contained in 17 C.F.R. §240.15c2-12 (the *Securities and Exchange Commission Rule*); and

WHEREAS, based upon their review of the Official Statement, the appropriate officials of the City must find to the best of their knowledge and belief, after reasonable investigation, that the representations of facts pertaining to the City contained in the Official Statement are true and correct and that, except as disclosed in the Official Statement, there are no facts pertaining to the City that would adversely affect the issuance of the Certificates or the City's ability to pay the debt service requirements on the Certificates when due; and

WHEREAS, the City Council will comply with the requirements contained in the Securities and Exchange Commission Rule concerning the creation of a contractual obligation between the City and the proposed purchaser(s) of the Certificates (the *Purchasers*) to provide the

Purchasers with an Official Statement in a time and manner that will enable the Purchasers to comply with the distribution requirements and continuing disclosure requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, the City Council authorizes the Mayor, City Manager, City Secretary, and the City Attorney, as appropriate, or their designees, to review, approve, and execute any document or certificate in order to allow the City to comply with the requirements contained in the Securities and Exchange Commission Rule; and

WHEREAS, prior to the issuance of the Certificates, the City Council is required to publish notice of its intention to issue the Certificates in a newspaper of general circulation in the City, and if the City maintains an internet website, publish such notice of intent on the City's internet website, such notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the purposes for which the Certificates are to be issued, (iii) the manner in which the City Council proposes to pay the Certificates; (iv) the then-current principal amount of all outstanding ad valorem debt obligations of the City; (v) the then-current combined principal and interest required to pay all outstanding ad valorem debt obligations of the City on time and in full, which may be based on the City's expectations relative to the interest due on any variable rate ad valorem debt obligations; (vi) the maximum principal amount of the Certificates to be authorized; (vii) the estimated combined principal and interest required to pay the certificates to be authorized on time and in full; (viii) the estimated interest rate for the Certificates to be authorized or that the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (ix) the maximum maturity date of the Certificates to be authorized; and

WHEREAS, the City Council hereby finds and determines that such documents pertaining to the sale of the Certificates should be approved, and the City should proceed with the giving of notice of intention to issue the Certificates in the time, form, and manner provided by law;

WHEREAS, the City Council hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City; now, therefore,

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

SECTION 1: The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue the Certificates in an amount not to exceed \$19,855,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to: (1) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and traffic safety signalization and signage incidental thereto; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (4) the payment of professional services related to the design, construction, project management, and financing of the aforementioned projects. The Certificates will be payable from the levy of an annual ad valorem tax, within the limitations

prescribed by law, upon all taxable property within the City and additionally from a pledge of and lien on certain revenues derived from the operation of the City's utility system. The notice hereby approved and authorized to be published shall read substantially in the form and content of Exhibit A attached hereto, which notice is incorporated herein by reference as a part of this Resolution for all purposes.

SECTION 2: The City Secretary shall cause the notice described in Section 1 to be published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication shall be at least forty-six (46) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates. Additionally, the City Secretary shall cause the notice described in Section 1 to be posted continuously on the City's website for at least forty-five (45) days prior to the date stated therein for passage of the ordinance authorizing the issuance of the Certificates.

SECTION 3: The Mayor, City Manager, City Secretary, and the City Attorney, as appropriate, or their designees, are authorized to review and approve the Official Statement pertaining to the offering, sale, and issuance of the Certificates and to execute any document or certificate in order to comply with the requirements contained in the Securities and Exchange Commission Rule.

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

SECTION 5: All ordinances and 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 6: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 7: If any provision of this 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 8: 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, as amended, Texas Government Code.

SECTION 9: This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED, this the 7th of June, 2022.

CITY OF SCHERTZ, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

Exhibit A

NOTICE OF INTENTION TO ISSUE
CITY OF SCHERTZ, TEXAS
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Schertz, Texas will convene at its regular meeting place in the City Hall in Schertz, Texas, at 6:00 o'clock P.M., Schertz, Texas time on August 2, 2022, and, during such meeting, the City Council will consider the passage of an ordinance or ordinances and take such other actions as may be deemed necessary to authorize the issuance of one or more series of certificates of obligation in an aggregate principal amount not to exceed \$19,855,000 for the purpose or purposes of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit: (1) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and traffic safety signalization and signage incidental thereto; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements; and (4) the payment of professional services related to the design, construction, project management, and financing of the aforementioned projects. The certificates of obligation (the *Certificates*) will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and from a lien on and pledge of certain revenues derived by the City from the operation of the City's utility system. In accordance with Section 271.049, as amended, Texas Local Government Code, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$71,405,000; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$88,062,353.71; (iii) the estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$30,078,437.50; (iv) the maximum interest rate for the Certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the Certificates to be authorized is February 1, 2042. The Certificates are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Texas Local Government Code Section 271.041 through Section 271.064, Chapter 1502, as amended, Texas Government Code, and the City's Home Rule Charter.

/s/ Brenda Dennis

City Secretary,
City of Schertz, Texas

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: Planning & Community Development
Subject: Resolution No. 22-R-53 - Conduct a public hearing, consideration and/or action approving a Resolution accepting a petition for voluntary annexation of approximately 287 acres of land generally located approximately 6,050 feet east from the intersection of Trainer Hale Road and FM 1518 also known as Bexar County Property Identification Numbers, 310053, 310060, and 310121, Bexar County, Texas. (B. James/L. Wood/M. Harrison)

BACKGROUND

Annexation of land into the City's corporate limits may be voluntary or involuntary. Each type has Texas Local Government (LGC) requirements that identify the necessary process based on the annexation type. The City's Unified Development Code (UDC) Section 21.4.8 includes provisions that apply to requests for voluntary annexation as well as the criteria for approval that the City Council should consider. This section of the City's UDC includes provisions for processing voluntary annexation requests.

On behalf of each property owner Scott Felder Homes, LLC, Pape-Dawson Engineers, Ltd., and Killen, Griffin & Farrimond, PLLC., submitted a petition for voluntary annexation to the City of Schertz for approximately 287 acres land. The properties are located generally 6,050 feet east of the intersection of Trainer Hale Road and FM 1518, also known as Property Identification Numbers 310053, 310060, and 310121.

Upon City Council accepting the petition for the voluntary annexation of the approximately 287 acres of land, the property owners would be able to initiate the annexation and zone change processes for the subject property. The adoption of this resolution does not annex the subject properties into the City, but instead allows the City Council to annex the property by ordinance in the future. A subsequent ordinance for annexation must be approved by City Council in order to annex the property into the City of Schertz, which is tentatively scheduled to be heard on the July 5th, 2022, City Council meeting.

There was a public hearing notice published in the "San Antonio Express" newspaper on May 18th, 2022.

GOAL

The property owners are requesting voluntary annexation into the City of Schertz due to wanting the subject properties to be located within the City of Schertz City limits in order to develop the land as a Planned Development District (PDD).

COMMUNITY BENEFIT

Promote the safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Resolution 22-R-53 to accept the petition for voluntary annexation.

FISCAL IMPACT

The approval of Resolution 22-R-53 accepting a petition for voluntary annexation does not have a financial impact on the City. However, the approval of the subsequent annexation ordinance of the property will have a fiscal impact; in accordance with Texas Local Government Code (LGC) Chapter 43, the City must provide services to the land on the effective date of the annexation.

RECOMMENDATION

Staff recommends approval of Resolution 22-R-53 accepting a petition for voluntary annexation.

Attachments

Resolution 22-S-53

Exhibit : Metes and Bounds

Exhibit B: Petitions

RESOLUTION NO. 22-R-53

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

WHEREAS, a petition for annexation from the City of Schertz for approximately 287 acres of land generally located approximately 6,050 feet east of the intersection between FM 1518 and Trainer Hale Road, also known as Bexar County Property Identification Numbers 310053, 310060, and 310121, City of Schertz, Bexar County, Texas, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, Texas Local Government Code Section 43.028 authorizes the City of Schertz to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries upon petition of a landowner; and

WHEREAS, the complete petition packet is attached hereto as Exhibit B; and,

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

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

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

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

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

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

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

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

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

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

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

PASSED AND ADOPTED, this 7th day of June, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)

METES AND BOUNDS DESCRIPTION
FOR

A 165.410 acre, or 7,205,273 square feet more or less, tract of land out of that remaining portion of a 188.68 acre tract conveyed to Wiederstein Trust Fund, in deed recorded in Document No. 20160103970, of the Official Public Records of Bexar County, Texas, out of the J. Diaz Survey No. 66, Abstract No. 187, County Block 5059, of Bexar County, Texas. Said 165.410 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a point on the north right-of-way line of Trainer Hale Road, at the southeast corner of a called 78.146 acre tract conveyed to Valerie Hartmann & Brian Beutnagel in Document No. 20180200199 of the Official Public Records of Bexar County, Texas, and at the southwest corner of a 68.146 acre tract conveyed to Charles Luensmann in deed recorded in Volume 10175, Page 534 of said Official Public Records;

THENCE: N 30°26'31" W, departing said north right-of-way line, along and with the east line of said called 78.146 acre tract, same being the west line of called 68.146 acre tract, a distance of 2048.18 feet to a found ½" iron rod on the south line of said remainder of 188.68 acres and to the POINT OF BEGINNING of the herein described tract;

THENCE: S 59°43'43" W, along and with the south line of said remainder of 188.68 acres, same being the north line of said called 78.146 acre tract, a distance of 1676.34 feet to a found ½" iron rod at the northwest corner of said called 78.146 acre tract, same being the northeast corner of a called 144 acre tract, conveyed to Brycap Commercial Properties, LLC, in deed recorded in Volume 13921, Page 157, and in deed recorded in Volume 13921, Page 132, of the Official Public Records;

THENCE: S 59°31'01" W, along and with the south line of said remainder of 188.68 acres, same being the north line of said called 144 acre tract, a distance of 1485.72 feet to an iron fence post at the southwest corner of said called 188.68 acres, same being the southeast corner of a called 17.27 acre tract conveyed to Daniel O. Corrigan, in deed recorded in Volume 15676, Page 2488 of said Official Public Records;

THENCE: Along and with the east line of said called 17.27 acre tract, same being west line of said remainder of a 188.68 acre tract, the following bearings and distances:

N 31°26'12" W, a distance of 1084.60 feet to a fence post;

N 73°14'37" W, a distance of 373.67 feet to a fence post;

S 81°06'40" W, a distance of 329.41 feet to a fence post at the southwest corner of said called 188.68 acre tract and northwest corner of said 17.27 acre tract, both lying on the east line of Lot 17, conveyed to Thomas H. Williams in deed recorded in Volume 10847, Page 1809, of said Official Public Records;

THENCE: N 30°17'07" W, along and with the west line of said called 188.68 acre tract and the east lines of said Lot 17, east line of Lot 19, conveyed to Anthony Heyden in deed recorded in Volume 17890, Page 2269 of said Official Public Records and the east line of Lot 20A, Lot 20B, and Lot 20C conveyed to Rachel Escobedo recorded in Volume 15465, Page 1129 of said Official Public Records, a distance of 789.47 feet to an iron fence post at the northwest corner of said called 188.68 acre tract, the east line of Lot 20A, Lot 20B, and Lot 20C, and the southwest corner of a 10.126 acre tract conveyed to Krickhahn ETC. Enterprises, LLC, in deed recorded in Volume 11319, Page 762 of said Official Public Records;

THENCE: N 59°30'44" E, along and with the north line of said remainder of a 188.68 acre tract, same being the south line of said 10.126 acre tract, a common line, a distance of 3167.68 feet to a found ½" iron rod at the northeast corner of said remainder of 188.68 acres, on the west line of a 42.116 acre tract, conveyed to Alvin Krueger Melvin, in deed recorded in Volume 16034, Page 1089, of said Official Public Records;

THENCE: S 32°16'11" E, along and with said west line, a distance of 20.32 feet to a found ½" iron rod with an aluminum cap at the northeast corner of a remainder of 5.767 acre tract, conveyed to Betty Jean Wiederstein, recorded in Volume 17890, Page 2269, and in Volume 5261, Page 231, both of said Official Public Records;

THENCE: S 56°09'27" W, along and with the north line of said remainder of 5.767 acres, a distance of feet, to a point at the northeast corner of a 1.393 acre tract conveyed to Hoover Edwards, in deed recorded in Volume 8227, Page 351, of said Official Public Records, for a total distance of 278.34 feet to a found ½" iron rod at the northwest corner of said 1.393 acre tract;

THENCE: S 29°23'13" E, along and with an east line of said called 188.68 acre tract and the west line of said 1.393 acre tract, a distance of 321.87 feet to a found ½" iron rod at the southwest corner of said 1.393 acre tract, same being an interior corner of said remainder of 5.767 acre tract;

THENCE: S 29°25'41" E, along and with the east line of said remainder of 5.767 acre tract, a distance of 346.13 feet to a found ½" iron rod;

THENCE: N 65°12'00" E, along and with a north line of said called 188.68 acre tract, the south line of said remainder of 5.767 acre tract, a distance of 572.69 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson" at a north corner of said called 188.68 acre tract, the southeast corner of said remainder of a 5.767 acre tract, on the southwest line of said 42.116 acre tract;

THENCE: S 68°03'04" E, along and with said southwest line, a distance of 183.77 feet to a found ½" iron rod at the southwest corner of said 42.116 acre tract, same being a northwest corner of Tract "B", conveyed to Ruth E. Martin in deed recorded in Volume 16034, Page 1089 of said Official Public Records;

THENCE: S 51°58'59" E, along and with the east line of said called 188.68 acre tract the west line of said Tract "B", a distance of 1473.61 feet to a found ½" iron rod on the north line of said called 68.146 acre tract;

THENCE: S 59°49'51" W, along and with said north line, a distance of 362.56 feet to the POINT OF BEGINNING and containing 165.410 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 30037-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 2022
JOB NO. 30037-00
DOC. ID. N:\CIVIL\30037-00\Word\30037-00 165.423AC.docx



METES AND BOUNDS DESCRIPTION
FOR

A 78.294 acre, or 3,410,508 square feet more or less, tract of land out of all of that called 78.294 acre tract conveyed to Valerie Hartmann & Brian Beutnagel in Document No. 20180200199 of the Official Public Records of Bexar County, Texas, out of the J. Diaz Survey No. 66, Abstract No. 187, County Block 5059, of Bexar County, Texas. Said 78.294 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

BEGINNING: At a found ½" iron rod with a cap marked "Baker" on the north right-of-way line of Trainer Hale Road, at the southeast corner of said called 78.294 acre tract, and at the southwest corner of a 68.146 acre tract conveyed to Charles Luensmann in deed recorded in Volume 10175, Page 534 of said Official Public Records;

THENCE: S 59°01'17" W, along and with said north right-of-way line, a distance of 1470.42 feet to a found ½" iron rod at a southwest corner of said called 78.294 acre tract, same being the southeast corner of a 1.00 acre tract conveyed to Robert L. & Deborah K Wright, in deed recorded in Volume 17409, Page 1329 of said Official Public Records;

THENCE: N 30°26'46" W, along and with a west line of said called 78.294 acre tract, same being the east line of said 1.00 acre tract, a distance of 208.38 feet to a found ½" iron rod at an interior corner of said called 78.294 acre tract, same being the northeast corner of said 1.00 acre tract;

THENCE: S 59°41'08" W, along and with the north line of said 1.00 acre tract, same being a south line of said 78.294 acre tract, a distance of 208.48 feet to a found ½" iron rod at a southwest corner of said called 78.294 acre tract, same being the northwest corner of said 1.00 acre tract, on the east line of a remainder of 5.000 acre tract conveyed to Bryson Kneupper Properties in deed recorded in Volume 11355, Page 2475, of said Official Public Records of Bexar;

THENCE: N 30°24'26" W, along and with the west line of said 78.294 acre tract, same being the east line of said 5.000 acre tract, a common line, a distance of 817.93 feet to a found ½" iron rod at the northeast corner of said remainder of 5.000 acre tract, at the southeast corner of a called 144 acre tract conveyed to Brycap Commercial Properties LLC, in deed recorded in Volume 13921, Page 157, and Volume 13921, Page 132, both of said Official Public Records;

THENCE: N 30°19'51" W, along and with the east line of said called 144 acre tract, same begin the west line of said called 78.294 acre tract, a distance of 1040.16 feet to a found ½" iron rod at the northwest corner of said 78.294 acre tract, same being a northeast corner of said called 144 acre tract, on the south line of a remainder of 188.68 acre tract conveyed to Wiederstein Trust Fund in deed recorded in Document No. 20160103970 of said Official Public Records;

THENCE: N 59°43'43" E, along and with the north line of said 78.294 acre tract, a distance of 1676.34 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson" at the northeast corner of said called 78.294 acre tract, at the northwest corner of said 68.146 acre tract;

THENCE: S 30°26'31" E, along and with the east line of said called 68.146 acre tract, same being the west line of said 68.146 acre tract, a distance of 2048.18 feet to the POINT OF BEGINNING and containing 78.294 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 30037-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: April 2022
JOB NO. 30037-00
DOC. ID. N:\CIVIL\30037-00\Word\30037-00 78.294AC.docx



METES AND BOUNDS DESCRIPTION
FOR TRACT 1

A 43.104 acre, or 1,877,611 square feet more or less, tract of land out of that all of that called 53.28 acre tract conveyed to Kneupper Bryson Properties LTD., in deed recorded in Volume 17909, Page 62 of the Official Public Records of Bexar County, Texas, out of the J. Diaz Survey No. 66, Abstract No. 187, in County Block 5059, of Bexar County, Texas. Said 43.104 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

BEGINNING: At a set ½" iron rod with a yellow cap stamped "Pape-Dawson" on the north right-of-way line of Trainer Hale Road, an 80-foot public right-of-way, and at the southeast corner of said called 53.28 acre tract, same being the southwest corner of a remainder of 9.966 acre tract, conveyed to Gerald and Diana Vrana, in deed recorded in Volume 18990, Page 1515, of said Official Public Records;

THENCE: S 59°45'45" W, along and with said north right-of-way line, same being the south line of said called 53.28 acre tract, a distance of 1186.70 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

THENCE: Departing said north right-of-way line, over and across said called 53.28 acre tract the following bearings and distances:

N 43°21'39" W, a distance of 264.15 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 69°32'59" W, a distance of 75.10 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 88°57'21" W, a distance of 166.79 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 54°32'02" W, a distance of 92.58 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

S 59°48'04" W, a distance of 848.36 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson" on the west line of said called 53.28 acre tract, same being, same being the southeast line of a 8.300 acre tract conveyed to Gary Obearle indeed recorded in Volume 4154, Page 516 of said Official Public Records;

THENCE: N 30°27'18" W, along and with said common line, a distance of 217.59 feet to the northeast corner of said 8.300 acre tract, same being the southeast corner of a 10.013 acre tract conveyed to Michael McCoy in deed recorded in Document No. 20190008091 of said Official Public Records, a distance of 532.09 feet to a found ½" iron rod at the northeast corner of said 10.013 acre tract, on the south line of a called 144 acre tract, conveyed to Brycap Commercial Properties, LLC, in deed recorded in Volume 13921, Page 157, and Volume 13921, Page 132, both of said Official Public Records;

THENCE: Along and with the north line of said called 53.28 acre tract, same being the south line of said called 144 acre tract, the following bearings and distances:

N 60°39'30" E, a distance of 190.64 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 47°28'40" E, a distance of 73.91 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 30°43'11" E, a distance of 331.94 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

S 58°09'40" E, a distance of 113.89 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 73°30'20" E, a distance of 440.97 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

S 19°46'14" E, a distance of 119.14 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 68°52'10" E, a distance of 80.64 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 53°07'49" E, a distance of 163.88 feet to a set ½" iron rod with a yellow cap stamped "Pape-Dawson";

N 29°11'54" W, a distance of 147.22 feet to a found 2" iron pipe;

N 59°39'37" E, a distance of 1064.20 feet to a found ½" iron rod at the northeast corner of said 53.28 acre tract, same being the northwest corner of a remainder of a 9.966 acre tract, conveyed to Gerald and Diana Vrana, in deed recorded in Volume 18990, Page 1515, of said Official Public Records;

THENCE: S 30°24'03" E, along and with the east line of said 53.28 acre tract, same being the west line of said remainder of 9.966 acre tract, a distance of 1025.60 feet to the POINT OF BEGINNING and containing 43.104 acres in Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 30037-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 2022
JOB NO. 30037-00
DOC. ID. N:\CIVIL\30037-00\Word\30037-00 FN 43.104AC.docx



November 11, 2021

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 9275 Weir Avenue Schertz, Texas 78154

To Whom It May Concern:

Wiederstein Trust Fund is the owner of approximately 169.5 acres located at 9275 Weir Avenue Schertz, Texas 78154 ("Property"). This letter is a request by the owner for the voluntary annexation of the Property.

Sincerely,

Wiederstein Trust Fund


Vickie McDaniel, co-trustee

STATE OF TEXAS


COUNTY OF Austin

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BEFORE ME, the undersigned authority, on this day personally appeared Vickie McDaniel, co-trustee of Wiederstein Trust Fund, who acknowledged she is authorized to execute this document on its behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16 day of November, 2021.




Notary Public, State of Texas
Printed Name: JUANA MORA

November 11, 2021

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154


Re: Voluntary Annexation - 9275 Weir Avenue Schertz, Texas 78154

To Whom It May Concern:

Wiederstein Trust Fund is the owner of approximately 169.5 acres located at 9275 Weir Avenue Schertz, Texas 78154 ("Property"). This letter is a request by the owner for the voluntary annexation of the Property.

Sincerely,

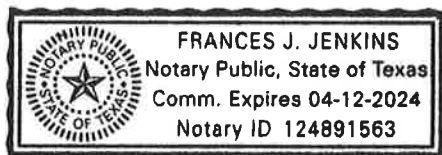
Wiederstein Trust Fund



David Wiederstein, co-trustee

STATE OF TEXAS §
 §
COUNTY OF Bexar §

BEFORE ME, the undersigned authority, on this day personally appeared David Wiederstein, co-trustee of Wiederstein Trust Fund, who acknowledged he is authorized to execute this document on its behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of November, 2021.




Notary Public, State of Texas
Printed Name: Frances Jenkins

November 11, 2021

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 9275 Weir Avenue Schertz, Texas 78154

To Whom It May Concern:

Wiederstein Trust Fund is the owner of approximately 169.5 acres located at 9275 Weir Avenue Schertz, Texas 78154 ("Property"). This letter is a request by the owner for the voluntary annexation of the Property.

Sincerely,

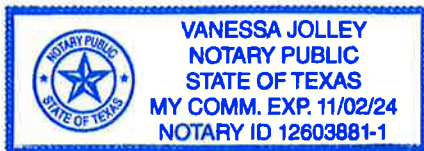
Wiederstein Trust Fund

Diane Hunter
Diane Hunter, co-trustee

STATE OF TEXAS §
 §
COUNTY OF Guadalupe §

BEFORE ME, the undersigned authority, on this day personally appeared Diane Hunter, co-trustee of Wiederstein Trust Fund, who acknowledged she is authorized to execute this document on its behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of November 2021.



Vanessa Jolley
Notary Public, State of Texas
Printed Name: Vanessa Jolley

November 11, 2021

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 9275 Weir Avenue Schertz, Texas 78154

To Whom It May Concern:

Wiederstein Trust Fund is the owner of approximately 169.5 acres located at 9275 Weir Avenue Schertz, Texas 78154 ("Property"). This letter is a request by the owner for the voluntary annexation of the Property.

Sincerely,

Wiederstein Trust Fund


Rebecca Robertson, co-trustee

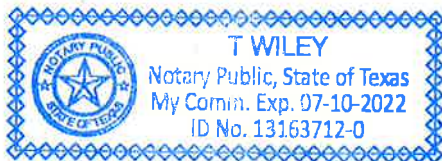
STATE OF TEXAS


COUNTY OF Bexar

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BEFORE ME, the undersigned authority, on this day personally appeared Rebecca Robertson, co-trustee of Wiederstein Trust Fund, who acknowledged she is authorized to execute this document on its behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16 day of Nov, 2021.




Notary Public, State of Texas
Printed Name: T. Wiley

November 4, 2021

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 8676 Trainer Hale Road Schertz, Texas 78154

To Whom It May Concern:

I, Brian Beutnagel, along with Valerie Hartmann, own approximately 78.146 acres located at 8676 Trainer Hale Road, Schertz, Texas 78154 ("Property"). This letter is a request by both owners for the voluntary annexation of the Property.

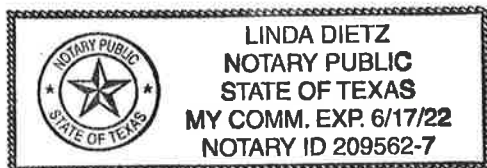
Sincerely,



Brian Beutnagel

STATE OF TEXAS §
COUNTY OF Guadalupe §

BEFORE ME, the undersigned authority, on this day personally appeared Brian Beutnagel who acknowledged he is authorized to execute this document.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of November, 2021 2021.




Notary Public, State of Texas
Printed Name: Linda Dietz

November 4, 2021

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 8676 Trainer Hale Road Schertz, Texas 78154

To Whom It May Concern:

I, Valerie Hartmann, along with Brian Beutnagel, own approximately 78.146 acres located at 8676 Trainer Hale Road, Schertz, Texas 78154 ("Property"). This letter is a request by both owners for the voluntary annexation of the Property.

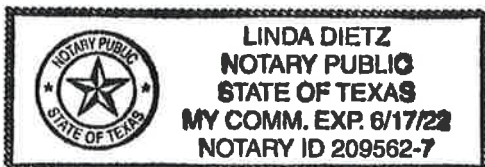
Sincerely,



Valerie Hartmann

STATE OF TEXAS §
COUNTY OF Guadalupe §

BEFORE ME, the undersigned authority, on this day personally appeared Valerie Hartmann who acknowledged she is authorized to execute this document.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of November 2021 2021.




Notary Public, State of Texas
Printed Name: Linda Dietz

May 31, 2022

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 8850 Trainer Hale Road Schertz, Texas 78154

To Whom It May Concern:

Kneupper Bryson Properties, Ltd. is the owner of approximately 43.104 acres located at 8850 Trainer Hale Road Schertz, Texas 78154 ("Property"). Please accept this letter as a request for voluntary annexation of the Property.

Sincerely,

Kneupper Bryson Properties, LTD,
a Texas limited partnership

By: EdPat Management, LLC,
a Texas limited liability company
its General Partner

By: [Signature]
Name: Bryan Bryson
Title: Manager

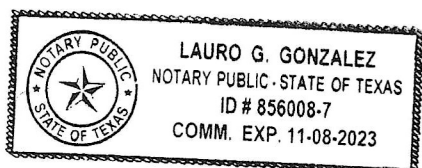
STATE OF TEXAS

COUNTY OF Bexar

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BEFORE ME, the undersigned authority, on this day personally appeared Bryan Bryson of EdPat Management, LLC, a Texas limited liability company, General Partner of Kneupper Bryson Properties, Ltd., a Texas limited partnership, who acknowledged he is authorized to execute this document on its behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 1st day of June,
2021.
2022



[Signature]
Notary Public, State of Texas
Printed Name: Lauro Gonzalez

May 31, 2022

City of Schertz
Planning Department
1400 Schertz Pkwy
Schertz, TX 78154

Re: Voluntary Annexation - 8850 Trainer Hale Road Schertz, Texas 78154

To Whom It May Concern:

Kneupper Bryson Properties, Ltd. is the owner of approximately 43.104 acres located at 8850 Trainer Hale Road Schertz, Texas 78154 ("Property"). Please accept this letter as a request for voluntary annexation of the Property.

Sincerely,

Kneupper Bryson Properties, LTD,
a Texas limited partnership

By: EdPat Management, LLC,
a Texas limited liability company
its General Partner

By: *Caprice Fredrickson*
Name: *Caprice Fredrickson*
Title: *Manager*

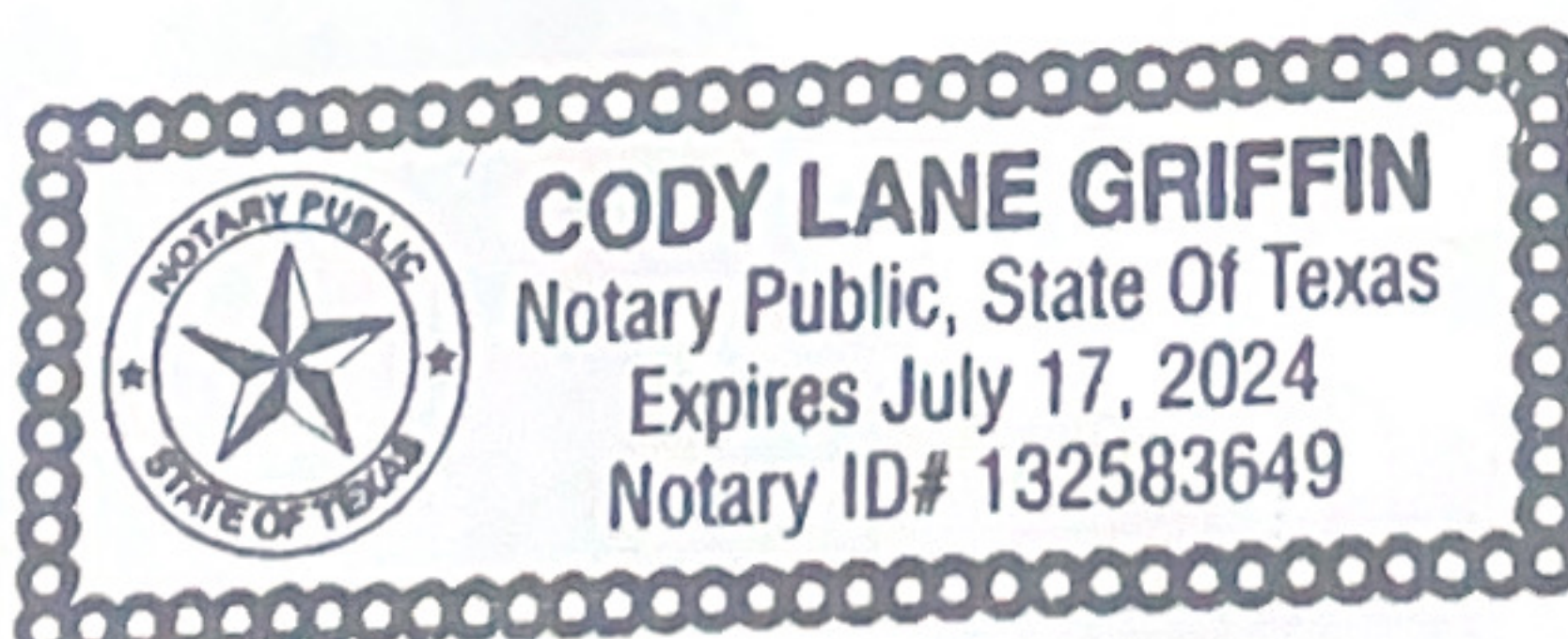
STATE OF TEXAS

COUNTY OF *TARRANT*

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BEFORE ME, the undersigned authority, on this day personally appeared *Caprice Suzanne Fredrickson, Manager* of EdPat Management, LLC, a Texas limited liability company, General Partner of Kneupper Bryson Properties, Ltd., a Texas limited partnership, who acknowledged he is authorized to execute this document on its behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this *1* day of *June*, 2021.



[Signature]
Notary Public, State of *Texas*
Printed Name: *Cody Lane Griffin*

CITY COUNCIL MEMORANDUM

City Council
Meeting: June 7, 2022

Department: Planning & Community Development

Subject: Ordinance No. 22-S-24 Conduct a public hearing and consider and act upon a request to close and abandon to the abutting property owners a portion of Aviation Avenue Right-of-Way, approximately 918 feet east from Farm to Market Road (FM) 1518 to Oak Street, a portion of Mitchell Avenue Right-Of-Way approximately 857 feet east from FM 1518 to Oak Street, and approximately 806 feet of Poplar Street Right-of-way north of Aero Avenue extending 161 feet north of the intersection of Aviation Avenue and Poplar Street; establish an effective date hereof.*First Reading* (B. James/ L. Wood/ M. Harrison)

BACKGROUND

The Parks and Recreation Department is proposing to add parking at Thulemeyer Park. As part of that effort, they are proposing to replat the park as a single lot. To do that, they need to first have City Council abandon the existing right-of-way within the park. Thulemeyer Park is located within a portion of the larger Aviation Heights Subdivision which was platted in 1928.

The sections of right-of-way that is proposed for abandonment is a portion of Aviation Avenue Right-Of-Way approximately 918 feet east from Farm to Market Road (FM) FM 1518 to Oak Street a portion of Mitchell Avenue Right-Of-Way approximately 857 feet east from FM 1518 to Oak, and approximately 806 feet of Poplar Street Right-Of-Way north of Aero Avenue extending 161 feet north of the intersection of Aviation Avenue and Poplar Street.

The request is to abandon the right-of-way in order to continue the use of the public park but also to construct a new parking area for the baseball fields. The right-of-way that is being requested to be abandoned is not currently developed / constructed as roadways. Additionally, the City of Schertz owns the adjacent land to the requested right-of-way to be abandoned. This means that the abandoned right-of-way would remain under the City of Schertz ownership as the City is the "abutting property owner".

A public hearing notice was published in the "San Antonio Express" newspaper on May 18th, 2022 in preparation for the City Council meeting. Additionally, 39 public hearing notices were mailed out to the property owners within 200-feet on June 1, 2022.

GOAL

Request that the unconstructed right-of-way, already being utilized as part of the Thulemeyer Park and the baseball fields, be abandoned in order to continue the current use but to also allow the potential development of a parking lot expansion. The City has the goal to increase the benefits that the park and baseball fields currently yield to the residents of Schertz but also working to provide for the future.

COMMUNITY BENEFIT

The abandonment and release of the right-of-way would allow the City to develop the area for additional parking spaces to meet the needs of residents that visit the park and attend games for their children at the baseball fields.

SUMMARY OF RECOMMENDED ACTION

The primary reason for the abandonment and release of the right-of-way is in order to continue providing the residents of Schertz the ability to play and enjoy the park and baseball fields. In addition, the right-of-way abandonment would also allow the City the opportunity to provide ample parking spaces to meet the needs of the residents that come to enjoy the park and attend the baseball games.

If the right-of-way abandonment were to be granted by the City Council, the next step would be to go through the replat process in order to bring all of the City owned property (Thulemeyer Park/ the baseball fields) into one lot. In completing this replat process, it would then allow the proposed parking lot expansion to occur including being able to obtain all necessary building permits.

FISCAL IMPACT

Due to the requested right-of-way being owned by the City of Schertz and the abutting property also being owned by the City of Schertz the abandonment would have no fiscal impact. However, the purpose of the abandonment is to then complete a proposed parking lot expansion which would have a fiscal impact.

RECOMMENDATION

Staff is recommending approval of Ordinance No. 22-S-24, to close and abandon to the abutting property owners a portion of Aviation Avenue Right-of-Way, approximately 918 feet east from Farm to Market Road (FM) 1518 to Oak Street, a portion of Mitchell Avenue Right-Of-Way approximately 857 feet east from FM 1518 to Oak Street, and approximately 806 feet of Poplar Street Right-of-way north of Aero Avenue extending 161 feet north of the intersection of Aviation Avenue and Poplar Street.

Attachments

Ord. 22-S-24

Aerial Map

Right-of-Way Abandonment Area

Public Hearing Notice Map

Engineering Department Letter of Recommendation

ORDINANCE NO. 22-R-24

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, CLOSING AND ABANDONING TO THE ABUTTING PROPERTY OWNERS A PORTION OF AVIATION AVENUE RIGHT-OF-WAY APPROXIMATELY 918 FEET EAST FROM FARM TO MARKET ROAD (FM) 1518 TO OAK STREET, A PORTION OF MITCHELL AVENUE RIGHT-OF-WAY APPROXIMATELY 857 FEET EAST FROM FM 1518 TO OAK STREET, AND APPROXIMATELY 806 FEET OF POPLAR STREET RIGHT-OF-WAY NORTH OF AERO AVENUE EXTENDING 161 FEET NORTH OF THE INTERSECTION OF AVIATION AVENUE AND POPLAR STREET; ESTABLISH AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Schertz, Texas, a home rule municipality, has established a public right-of-way, Aviation Avenue, approximately 918 feet east from Farm to Market Road (FM) 1518 to Oak Street, a portion of Mitchell Avenue Right-Of-Way approximately 857 feet east from FM 1518 to Oak Street, and approximately 806 feet of Poplar Street Right-of-way north of Aero Avenue extending 161 feet north of the intersection of Aviation Avenue and Poplar Street; described in the Exhibit A attached herein (herein after, the “Subject Area”); and

WHEREAS, The Subject Area is located entirely within the Aviation Heights Subdivision; and

WHEREAS, the Subject Area is abutted to the north by platted property as part of the Gesche Subdivision and the Barvarian Village and to the south by platted right of way, more specifically Aero Avenue; and

WHEREAS, pursuant to Section 311.007 of the Texas Transportation Code, a home-rule municipality may vacate, abandon, or close a street or alley; and

WHEREAS, no detriment or hazard to the City of Schertz or its citizens has been found; and

WHEREAS, on June 7, 2022, a Public Hearing was held to allow members of the public to give testimony, and comment, on the merits of the Subject Area abandonment.

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

Section 1. That the recitals contain in the preamble hereto 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 judgement and findings of the Council.

Section 2. That the City Council finds that such closure and abandonment as requested will cause no harm or injury to the City of Schertz or its citizens, said portion of right of way is not needed for public purpose and it is in the public interest to abandon said portion of right of way.

Section 3. That the Subject Area as depicted on Exhibit “A”, is hereby closed, abandoned and vacated insofar as the right, title or easement of the public is concerned and shall only extend

to the public right, title and easement that the City may legally and lawfully abandon, subject to the conditions of Section 4.

Section 4. That the Subject Area is abandoned to the abutting owners, as authorized by Section 311.007 of the Texas Transportation Code and Section 272.001 (b)(2) of the Texas Local Government Code condition upon the Subject Area being replatted into the property of the abutting property owners within 12 months. The replat must not create any non-conforming lots.

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

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

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

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

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

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

Approved on first reading the 7th day of June, 2022.

PASSED, APPROVED AND ADOPTED on final reading the 14th day of June, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(SEAL OF THE CITY)

Exhibit "A"
Subject Property





W
N
E
S

SCHERTZ

COMMUNITY • SERVICE • OPPORTUNITY

AVIATION HEIGHTS ABANDONMENT

<all other values>

Highways

Major Roads

Minor Roads

Other Cities

<all other values>

Freeway

Principal Arterial

Planned Principal Arterial

Secondary Arterial

Planned Secondary Arterial

Secondary Rural Arterial

Planned Secondary Rural Arterial

Residential Collector

Planned Residential Collector

Commercial Collector B

Planned Commercial Collector B

Commercial Collector A

Planned Commercial Collector A

1", 1 1/2"

2", 2 1/2"

3"

4"

6"

8"

10"

12"

16"

18"

20"

24"

30"

36"

Neighboring Main

Private

Schertz Gravity

Schertz Pressure

Neighboring Gravity

Neighboring Pressure

Private Gravity

Private Pressure

Hydrant

Manholes

Schertz Lift Station

CCMA Lift Station

Private Lift Station

Schertz Treatment Plant

CCMA Treatment Plant

Split Manhole

200' Buffer

Schertz Municipal Boundary

County Boundaries

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

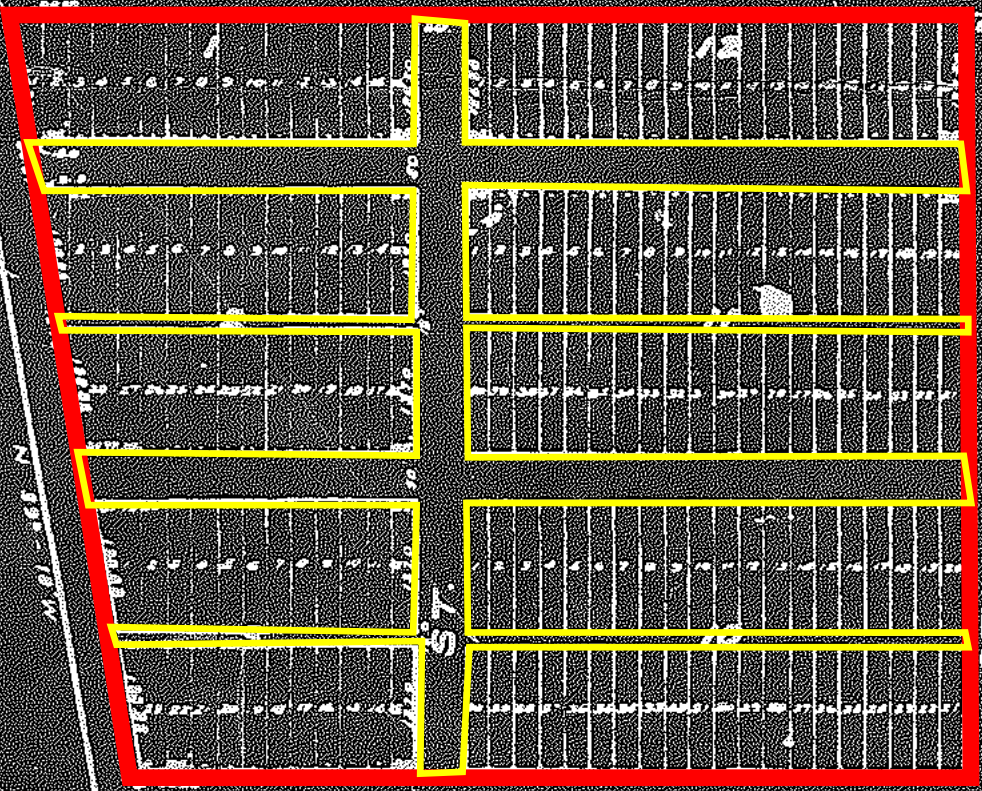
1 Inch = 150 Feet

0 75 150 300 Feet

LEGEND:

Thulemeyer Park Area

Rights-of-way to be Abandoned



— PLAT SHOWING —
AVIATION HEIGHTS
 AN ADDITION TO THE
CITY OF SCHERTZ
 GUADALUPE COUNTY, TEXAS
 SCALE 1"=200' —O— OCT. 25, 1928



STATE OF TEXAS }
 COUNTY OF GUADALUPE }
 Know all men by these presents, that we, Walter J. Schertz, C. W. Koch and H. P. Thulemeyer do hereby and by the presents approve and confirm the accompanying map of the lands owned by us, being a portion of the G. M. Molpus Survey No. 67, Guadalupe Co., Texas and hereby dedicate and designate for the use of the Public and present as well as future property owners in said lands the roads or drives shown thereon specially and specifically however reserving and retaining to ourselves, our heirs, executors, administrators and assigns, the exclusive right and privilege of the use of all roads or streets as shown and designated on this plat or map and such parts or portions thereof as may be desired or deemed necessary for the purpose of constructing, installing, operating and maintaining any and all public utilities of every kind whatsoever.
 Witness our hands at Schertz, Texas this 25th day of October, A.D. 1928.
Walter J. Schertz
C. W. Koch
H. P. Thulemeyer

STATE OF TEXAS }
 COUNTY OF GUADALUPE }
 Before me the undersigned authority, on this day appeared Walter J. Schertz, C. W. Koch and H. P. Thulemeyer known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they had executed the same for the purposes and consideration therein expressed.
 Given under my hand and seal of office this 25th day of October, A.D. 1928.
 Notary Public in and for Guadalupe Co., Texas

STATE OF TEXAS }
 COUNTY OF BEXAR }
 I, A. Marbach Surveyor do hereby certify that this plat correctly shows the Aviation Addition to the City of Schertz as surveyed by me on the ground.
A. Marbach
 Surveyor
 Sworn and subscribed to before me, the undersigned authority on the 31st day of Oct. A.D. 1928.
Andrew Cary Jr.
 Notary Public in and for Bexar Co., Texas



Memo

To: Emily Delgado, Senior Planner
From: Jennifer Shortess, P.E., Engineer
Date: June 2, 2022
Re: Recommendation for Abandonment of portions of Poplar Street, Aviation Avenue, Mitchell Avenue and Aviation Heights Subdivision for Thulemeyer Park

The Aviation Heights Subdivision was platted in 1928, with the housing development project starting in the 1950s and ending in the early 1960s (Schertz, Texas The Story of Great Ancestry, Legacy and Development 2008). Aviation Heights was the first impactful housing development within the City of Schertz. Portions of the Aviation Heights subdivision were granted to the City for two public parks, Thulemeyer Park and Pickrell Park.

Although no official dedication documents exist in the creation of these parks, the area has been utilized as a park for over 50 years. The City's Parks and Recreation Department have been working to develop a park master plan for Thulemeyer Park, which will include additional parking, improvements to bleacher seating, sidewalks, and drainage improvements.

Prior to pursuing construction of these improvements, the Parks and Recreation Department propose abandonment of the following rights-of-way:

- Poplar Street north of Aero Avenue
- Aviation Avenue west of Oak Street
- Mitchell Avenue west of Oak Street

City staff supports the abandonment of portions of Aviation Heights rights-of-way in order to pursue park improvements to Thulemeyer Park, which will help the Parks and Recreation Department promote the quality of life to meet the future needs of Schertz's residents.

CITY COUNCIL MEMORANDUM

City Council Meeting: June 7, 2022
Department: Executive Team
Subject: Update on Printing Contract for *Schertz Magazine*.

BACKGROUND

At the May 3, 2022 City Council meeting, City staff presented a workshop discussion regarding the rising printing costs and paper supply concerns for the *Schertz Magazine*, the city's in-house monthly publication. It was mentioned that the current printing contract would be expiring in September 2022, unless the printer chose to extend the current agreement.

On May 18, staff received an email from the printer notifying the City that they are choosing not to extend the current agreement. This means that to continue printing the publication, staff will need to move forward with an RFP for printing services.

To provide Council with several options and cost comparisons, staff is going to expand the scope of RFP to include multiple options:

Option 1: Monthly Format – this will keep the publication as is – 12 issues (one per month) at 48 pages

Option 2: Reduced Issue Quantity – will reduce the number of issues to 6 (one issue every other month) at 48 pages

Option 3: Reduced Page Count – will keep at 12 issues (one per month) but will reduce the page count to 32 pages

Option 4: Reduced Issue Quantity and Page Count – will reduce the number of issues to 6 (one issue every other month) and reduce the page count to 32 pages

Pricing is also being requested for both 80# and 60# paper with each option.

The RFP was published on May 31 with the submittal deadline of July 7. Staff will come back to Council at the August budget retreat to review the outcome of the RFP and to discuss the options for the magazine going forward.

Additionally, outside of the RFP for the printing contract, staff will be looking at ways to increase advertising revenue (through rate increases, targeted marketing, etc.) to help close the gap for the overall magazine cost.
