



**MEETING AGENDA**  
**City Council**  
**REGULAR SESSION CITY COUNCIL**  
**November 9, 2021**

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

**CITY OF SCHERTZ CORE VALUES**

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

**AGENDA**  
**TUESDAY, NOVEMBER 9, 2021 at 6:00 p.m.**

**City Council will hold its regularly scheduled meeting at 6:00 p.m., Tuesday, November 9, 2021, at the City Council Chambers. In lieu of attending the meeting in person, residents will have the opportunity to watch the meeting via live stream on the City's YouTube Channel.**

**Call to Order**

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

**Presentations**

- **Love Where You Live (Eric Wilber/L. Wood/R. Vera)**

**Employee Recognition**

- **20 Years of Service Pin recognition to Dudley Wait**
- **25 Years of Service Pin recognition to Kevin Anderson**
- **25 Years of Service Pin recognition to John Eisen**
- **25 Years of Service Pin recognition to Marc Bane**

## **New Employee Introductions:**

- Animal Services - Mariah Quinn - Animal Services Officer
- Civic Center/Events - Larry Deveny - Part-time Events Attendant
- Engineering - Travis Westbrook - Graduate Engineer
- Neighborhood Services - Amanda Cantu - Sanitarian
- Public Works - Vanessa DiCiolla - Administrative Manager; Adrian Puentes - Fleet Crew Supervisor; Jorge Guzman Service Worker 1

## **City Events and Announcements**

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

## **Hearing of Residents**

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

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

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

## **Consent Agenda Items**

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

- 1. Minutes** – Consideration and/or action regarding the approval of the minutes of the regular meeting of October 26, 2021. (B. Dennis)
- 2. Appointments and Resignations to the Various City Boards, Commissions and Committees** - Consideration and/or action approving the resignation of Mr. Bill Bowers from the Transportation Safety Advisory Commission (TSAC), the appointment of Mr. Michael Winter as a Regular Member, and the appointments of Mr. Andres Dominguez and Mr. Paul Wiley as Alternate Members. (B. Dennis/Council)
- 3. Resolution No. 21-R-117** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Public Library Interlocal Agreement with Guadalupe County. (B. James/M. Uhlhorn)

## Discussion and Action Items

4. **Resolution 21-R-123** - 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)
5. **Ordinance No. 21-F-47** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas amending Chapter 90, of the Code of Ordinances, Article V, Water and Wastewater Capital Recovery Fees; Repealing all Ordinances or Parts of Ordinance in conflict with this Ordinance, and providing an effective date. (**First Reading**) (C. Kelm/S. Williams/S. McClelland)
6. **Ordinance N. 21-T-48** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2021-2022 Budget to provide additional funding for the Tri County Parkway Project Construction Phase, repealing all Ordinances or Parts of Ordinances in conflict with this Ordinance; and providing an effective date. **First Reading** (M. Browne/A. Perez)
7. **Resolution No. 21-R-120** - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Bexar County Appraisal District for the FY2022-2023 term. (Mayor/Council)
8. **Resolution No. 21-R-121** - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Comal County Appraisal District for the FY2022-2023 term.(Mayor/Council)
9. **Resolution No. 21-R-122** - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Guadalupe County Appraisal District for the FY2022-2023 term. (Mayor/Council)

## Roll Call Vote Confirmation

### Closed Session

10. City Council will meet in Closed Session under Section 551.071 of the Texas Government Code, Consultation with Attorney to receive legal advice related to utility relocation associated with the FM 1518 project.

### Reconvene into Regular Session

- 10A. Take any action based on discussions held in closed session under Agenda Item 10.

## Roll Call Vote Confirmation

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

#### 11. Monthly update - on Major Projects in progress/CIP. (B. James/K. Woodlee)

#### 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 5th DAY OF NOVEMBER 2021 AT 1:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

BRENDA DENNIS

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

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

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

**Closed Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Closed Session portion of the agenda constitutes a**

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

**COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS**

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

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** November 9, 2021  
**Department:** City Secretary  
**Subject:** Minutes – Consideration and/or action regarding the approval of the minutes of the regular meeting of October 26, 2021. (B. Dennis)

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**BACKGROUND**

The City Council held a Regular City Council meeting on October 26, 2021.

**RECOMMENDATION**

Recommend Approval.

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**Attachments**

10-26-2021 Draft Minutes

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# DRAFT

## MINUTES REGULAR MEETING October 26, 2021

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on October 26, 2021, at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

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

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

### Call to Order

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

### Opening Prayer and Pledges of Allegiance to the Flags of the United States and State of Texas. (Mayor Pro-Tem Dahle)

Mayor Gutierrez recognized Mayor Pro-Tem Michael Dahle who provided the opening prayer and the Pledges of Allegiances to the Flags of the United States and the State of Texas.

### Presentations

Mayor Gutierrez recognized Fire Chief Kade Long who thanked the students and their families for attending tonight's award ceremony. Chief Long and Fire Marshal Ben Boney presented all the poster winners with an award.

	NAME	GRADE	SCHOOL
<b>WINNERS FROM KINDERGARTEN - 1ST GRADE</b>			
3rd place	Mackenzie Morgan	1st	Paschal Elementary
2nd Place	Luz Guerra	1st	Rose Garden Elementary
1st Place	Dean Sannipoli	Kinder	School of Science & Technology
<b>WINNERS FROM 2ND &amp; 3RD GRADE</b>			
3rd place	Evie Garrett	2nd	Rose Garden Elementary
2nd Place	Jackson Boney	3rd	Rose Garden Elementary
1st place	Audrey DeLeon	2nd	Sippel Elementary

WINNERS FROM 4TH GRADE

3rd place			
2nd place	Ryker Dempsey	4th	Paschal Elementary
1st place	Caden Moody	4th	Green Valley Elementary

MAYOR'S CHOICE

Nova Salazar	2nd	Rose Garden Elementary
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**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)

**Saturday, October 30th**

Drive-Thru Candy Cruise  
2:00-5:00 PM

The 'Drive-Thru' Candy Cruise will be open from 2:00 - 5:00 p.m. on Saturday, October 30, 2021. Families are encouraged to dress in costume and visit participating businesses, groups, and City departments. Participating vendors will have their 'trunk' outdoors to share their 'treats'. A map of participating vendors will be available on October 25 on Schertz.com and on social media. If you would like to have a station on the Candy Cruise, register on [CivicRec](#). There is no fee to participate. Options for businesses/organizations with no storefront are available. If you have any questions, please call Schertz Parks & Recreation at (210) 619-1850 or email [parksandrec@schertz.com](mailto:parksandrec@schertz.com). If you would like to participate by donating candy, donation stations will be located at the Schertz Family YMCA, Schertz Aquatics Center, City Hall, and The Chamber.

**Tuesday, November 2nd**

Early voting continues through Friday, October 29th for the purpose of electing Council Members in Place 6 and Place 7 for a three-year term, from November 2021 to November 2024, and for a Special Bond Election regarding the issuance of not to exceed \$15,450,000 of City of Schertz, Texas general obligation bonds for public safety facilities (including a new fire station), and the levying of a tax in payment thereof. Early voting locations, dates and times, as well as a copy of the bond ordinance can be found at [www.schertz.com](http://www.schertz.com).

Election day is Tuesday, November 2, 2021 from 7:00 AM to 7:00 PM. There will not be a City Council meeting that evening.

**Tuesday, November 9th**

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

**Monday, November 15th**

Special Council meeting to canvass election results, 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.**

Mr. Noah Pritchett-258 Maiden Cove-Mr. Pritchett is a student at Kung Mung Mu Sul of Schertz, and gave an update on past and upcoming events with their school. The events included:

- Obstacle Course Event to benefit Schertz Animal Shelter, raised \$500.00
- Bike Ride to raise money the Alamo Breast Cancer Foundation
- Every Saturday in October offered free Women's Self-Defense Classes
- Costume Contest
- RACAP Food Drive-to collect non-perishables for RACAP

## 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 Consent Items 1-4 into record. Mayor Pro-Tem Dahle read Consent Items 4-8 into record.

1. **Minutes** – Consideration and/or action regarding the approval of the minutes of the meeting of October 12, 2021. (B. Dennis)
2. **Ordinance No. 21-T-46** - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas, authorizing an adjustment to the fiscal year 2021-2022 budget to provide funding for an agreement with M&S Engineering for Design, Bid, and Construction Phase professional services for the Civic Center HVAC Replacement Project and authorizing the execution of the agreement, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date. **(Final Reading)** (C. Kelm/S. Williams/S. McClelland)
3. **Resolution 21-R-118** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing an easement with Centerpoint Energy Resource Corp. on the City of Schertz Animal Adoption Center property, and other matters in connection therewith. (C. Kelm/S. Williams/S. McClelland)
4. **Resolution No. 21-R-119** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing approval of the Guadalupe Appraisal District (G.A.D.) Facility Parking Lot Expansion. (M. Browne)

5. **Appointments and Resignations to the Various City Boards, Commissions and Committees** - Consideration and/or action appointing Mr. Shawn Moore as a Regular Member to the Parks and Recreation Advisory Board and moving Mrs. Jaime Acevedo to the Alternate 1 Position. (B. Dennis/Council)
  
6. **Resolution 21-R-115** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an Interlocal Agreement with the Alamo Area Council of Governments to receive federal funding for the Schertz Area Senior Center Congregate Meal Program. (B. James/L. Shrum)
  
7. **Ordinance No. 21-S-42** - Consider and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone 1.373 acres of land from Pre-Development District (PRE) to Single-Family Residential/ Agricultural District (RA), generally located 750 feet east of the intersection between Trainer Hale Road and FM 1518, 9049 Trainer Hale Road, also known as Bexar County Property Identification Number 310238, City of Schertz, Bexar County, Texas. (***Final Reading***) (B. James/L. Wood/M. Harrison)
  
8. **Ordinance No. 21-S-43** - Consider and/or action approving an Ordinance by the City Council of the City of Schertz, Texas on a request to rezone approximately 45 acres of land from General Business District (GB) to Manufacturing Light District (M-1), generally located approximately 1,300 feet east of Friesenhahn Lane and 450 feet north of IH-35 access road, also known as Comal County Property Identification Numbers 150166 & 81285, City of Schertz, Comal County, Texas. (***Final Reading***) (B. James/L. Wood/M. Harrison)

Moved by Councilmember Allison Heyward, seconded by Councilmember Mark Davis

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

Passed

## Discussion and Action Items

9. **Ordinance No. 21-S-44** - Consideration and or/action to approve an Ordinance by the City Council of the City of Schertz, Texas to amend the Schertz Code of Ordinances, Unified Development Code (UDC), Article 5, Subsection 21.5.8 Permitted Use Table, to add "Aggregate Extraction". (***Final Reading***) (B. James/L. Wood/M. Harrison)

Mayor Gutierrez asked City Council if another Staff Presentation was needed, no presentation was necessary. Mayor Gutierrez asked if Councilmembers had any comments:

Councilmember Scott asked for clarification about the Commission (P&Z) and City Council seeing the proposed plans before anything passes. Mr. Brian James stated that yes, both the Commission and City Council would have the opportunity to see the plan. He reiterated that this final reading on Ordinance 21-S-44 is about amending the Code of Ordinances, Unified Development Code (UDC) to add on the Permitted Use Table: Aggregate Extraction.

Councilmember Scott asked additional questions about the original applicant's statement who

asked about aggregate extraction. Dr. Browne added, that approving this ordinance, the regulations and possibilities of an SUP remains the same. It can be approved/disapproved or changed to meet staff's recommendations. Staff retains absolute authority regarding the specifics of a SUP project.

Moved by Mayor Pro-Tem Michael Dahle, seconded by Councilmember Allison Heyward

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

Passed

### **Roll Call Vote Confirmation**

Mayor Gutierrez recognized City Secretary Brenda Dennis who provided the roll call vote for Items 1-9.

### **Workshop**

Mayor Gutierrez recognized Fire Chief Kade Long and Fire Marshal Ben Boney who presented the proposed UDC Cul-De-Sac Update.

### **Current UDC: Section 21.14.1 - Streets E Dead-End Streets and Cul-De-Sacs**

- Cul-De-Sac streets shall not exceed 500 feet in length and shall have a turnaround of not less than 150 feet in diameter of ROW in single-family residential areas, 150 feet in diameter of ROW in multi-family areas and not less than 200 feet in diameter of ROW in commercial and industrial areas. This provision may be modified upon approval of the Fire Chief and City Engineer.
- Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with Paragraph C of this section when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended.
- Note: Pavement/drivable surface widths are currently given in the Public Works Design Specifications.

### **Purpose of Cul-De-Sac Changes:**

- These changes are intended to reduce the need for backing of emergency vehicles, garbage trucks, delivery vehicles, etc.
- Fire Dept Ladder trucks have a turning diameter of 110'
- Current pavement widths do not meet that intent due to larger vehicle sizes and homes with more parking needs.
- Residential
  - Decrease ROW diameter from 150' to 140'
  - Add pavement/drivable surface diameter shall be 120'
    - Reasoning for 120' is to maintain a minimum of 96' turnaround required by Fire Code when residents park along the curb in cul-de-sacs (10' on each side)

- Commercial
  - Decrease ROW diameter from 200' to 160'
  - Add pavement/drivable surface diameter shall be 130'
    - Reasoning for 130' is to maintain a minimum of 96' turnaround required by Fire Code when commercial vehicles park along the curb in cul-de-sacs (15' on each side)
- Temporary Turn-Arounds
  - Add pavement/drivable surface shall met current Fire Code requirements
  - Currently cul-de-sac are 96' with fire lane striping or other approved turn-around

## Neighboring Cities

- New Braunfels
  - Res - ROW 130' and pavement 110'
- San Antonio
  - Res - ROW 100' and pavement 96'
- Universal City
  - Res - Pavement 100'
  - Com – Pavement 200'
- Selma
  - Res - Pavement 96'
- Leon Valley
  - Res – Pavement 100'
  - Com – Pavement 200'
- Shavano Park
  - Res - ROW 100' and pavement 96'
  - Com – ROW 150' and pavement 146'
- Schertz
  - Res – 150' ROW
  - Com – 200' ROW

## 2018 Fire Code

- Fire code requires Cul-De-Sacs to be minimum of 96' in diameter
  - That 96' shall not be obstructed in any manner, including parking of vehicles and would require fire lane striping or signage.

Chief Long and Staff recommend moving forward with the proposed cul-de-sac changes.

10. Discussion regarding Cul-De-Sac widths in the UDC Section 21.14.1 - Streets E. (C. Kelm/K. Long/B. Boney)

Mayor Gutierrez opened up discussion for Council comments.

Councilmember Tim Brown commented on the Residential 100' pavement diameter cul-de-sac, stating that the space between the driveways are approx 8 feet and car lengths are at least 20 feet, therefore residents cannot park inside the cul-de-sac.

Assistant City Manager Brian James stated that this is one of the topics that a joint City Council and PZ meeting would discuss; requiring cul-de-sacs and a greater lot width, therefore effectively having fewer houses around the cul-de-sac and allowing more parallel

parking in the cul-de-sac.

Councilmember David Scagliola asked Chief Long to review the proposed recommendations. He believes that the minimums should be greater, especially when firefighters need to back up on streets. Councilmember Scagliola stated he would agree to those minimums if Chief Long felt comfortable with them. Chief Long stated they researched other cities minimums and that they also had input from the Engineering and Planning Depts.

Councilmember Whittaker asked who is asking and benefiting from the changes for with the new minimum cul-de-sac measurements. Chief Long stated this is a balance between the developers and the Engineering and Planning Departments. The Fire Dept. is bringing this forward because these recommendations are something they could agree to and achieve a balance concerning all the departments.

City Engineer Kathy Woodlee provided background information on this topic. She acknowledged that the city has a conflict with the development code and the design guide. The development code has a 150 ft. diameter ROW and the public works' design guide has a 120 ft. diameter ROW and 100 ft. pavement diameter. Once this was discovered, it was necessary to bring this issue forward to City Council and decide on the specifications they wanted. Ms. Woodlee recommends that the City Council look at the pavement diameter and not the ROW diameter when discussing the recommendations. Councilmember Whittaker stated that with these recommendations moving forward, there is an increase in the pavement diameters.

Staff's Recommendation is:

- Residential
  - Decrease ROW diameter from 150' to 140'
  - Add pavement/drivable surface diameter shall be 120'
  - Reasoning for 120' is to maintain a minimum of 96' turnaround required by Fire Code when residents park along the curb in cul-de-sacs (10' on each side)
- Commercial
  - Decrease ROW diameter from 200' to 160'
  - Add pavement/drivable surface diameter shall be 130'
  - Reasoning for 130' is to maintain a minimum of 96' turnaround required by Fire Code when commercial vehicles park along the curb in cul-de-sacs (15' on each side)

Councilmember Davis stated these changes would solve a problem moving forward, but doesn't solve the existing problems now? Have we looked at any alternatives for the current radius diameters? Have we considered looking at the mix of vehicles? Chief Long explained that they do look at the needs of the area around each Fire Station and what piece of equipment is needed where. Newer technology on fire trucks have improved the turning radius on many vehicles.

Mayor Gutierrez asked Mr. Brian James if this is consistent with the PDD's. Mr. James stated that the PDD's usually don't get down to this level of design, and they defer back to city standards and city practices. PDD's would not be exempt from this. Mr. James would defer to Chief Long and his recommendations.

Mayor Gutierrez thanked Chief Long for the workshop presentation.

## **Closed Session**

11. City Council will meet in Closed Session under Section 551.071 of the Texas Government Code, Consultation with Attorney to receive legal advice related to utility relocation associated with the FM1518 project.
12. City Council will meet in Closed Session under Section 551.072 of the Texas Government Code, regarding the purchase, sale, exchange or lease of real property in support of City Water and Wastewater Services in Northern Schertz.

Mayor Gutierrez recessed the regular meeting into Closed Session at 7:01 p.m. and read the following items into record:

## **Reconvene into Regular Session**

Mayor Gutierrez reconvened back into regular session at 7:51 p.m.

- 11A. Take any action based on discussions held in closed session under Agenda Item 11.

No action taken.

- 12A. Take any action based on discussions held in closed session under Agenda Item 12.

No action taken.

## **Roll Call Vote Confirmation**

No roll call vote confirmation needed.

## **Requests and Announcements**

- Announcements by the City Manager.

City Manager Mark Browne stated Love Where You Live was conducted this past weekend, and it was a great success. He thanked Planning Department- Lesa Woods and Code Enforcement- Rebecca Vera for the great job coordinating with Republic Services and Public Works-Suzanne Williams and Public Works Department for providing a crew and tree chipper for the event. At the next meeting there will be a presentation on the event.

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

Councilmember Tim Brown asked for an update from Assistant City Manager Charles Kelm and Interim-Police Chief Marc Bane on the concerns of heavy truck usage on Schertz Parkway. He would like an update in approx. a month.

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

- Announcements by Mayor and Councilmembers

Mayor Pro-Tem Dahle attended: Chamber Luncheon, Classic Car Show by the Schertz Historical

Preservation Committee and Skylight Balloon Fest Preview.

Councilmember Davis attended: Classic Car Show hosted by the Schertz Historical Preservation Committee

Councilmember Scott attended: Community Connections Event hosted by Judson ISD

Councilmember Whittaker attended: NEP Luncheon, Chamber Luncheon and Skylight Balloon Fest

Councilmember Scagliola attended: Skylight Balloon Fest, Chamber Luncheon, SSLGC, Civic Leaders Appreciation Luncheon by Judson ISD and will attend the Lion's Club Casino Night on October 29, 2021

Councilmember Heyward attended: American Rescue Plan Business Grant Meeting, NEP Luncheon, SCUCISD Retirement Ceremony, Special Main Street Committee Meeting, Car Show hosted by the Schertz Historical Preservation Committee, Chamber Luncheon, Fire Safety Poster Contest and Skylight Balloon Fest

Councilmember Brown attended: Skylight Balloon Fest

### **Adjournment**

Mayor Gutierrez adjourned the meeting at 7:56 p.m.

ATTEST:

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Ralph Gutierrez, Mayor

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Sheila Edmondson, Deputy City Secretary

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** November 9, 2021  
**Department:** City Secretary  
**Subject:** Appointments and Resignations to the Various City Boards, Commissions and Committees - Consideration and/or action approving the resignation of Mr. Bill Bowers from the Transportation Safety Advisory Commission (TSAC), the appointment of Mr. Michael Winter as a Regular Member, and the appointments of Mr. Andres Dominguez and Mr. Paul Wiley as Alternate Members. (B. Dennis/Council)

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**BACKGROUND**

The City has received a resignation notice from Mr. Bill Bowers who was serving on the Transportation Safety Advisory Commission (TSAC). As it has been the practice when a Regular Member of a Board or Commission resigns, the person serving in the Alternate 1 position is moved up into that vacancy. Staff reached out to Mr. Michael Winter who is currently serving as an Alternate Member, and he as agreed to move up as a Regular Member, filling Mr. Bowers vacancy. The TSAC Commission currently has two Alternate positions open. Applications received from Mr. Andres Dominguez and Mr. Paul Wiley have been vetted through the Interview Committee.

Staff recommends approval of the resignation of Mr. Bill Bowers, the appointment of Mr. Michael Winter as a Regular Member and the appointments of Mr. Andres Dominguez and Mr. Paul Wiley as Alternate Members.

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**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** November 9, 2021  
**Department:** Library  
**Subject:** Resolution No. 21-R-117 - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing a Public Library Interlocal Agreement with Guadalupe County. (B. James/M. Uhlhorn)

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**BACKGROUND**

The City of Schertz and Guadalupe County have had an interlocal agreement regarding the provision of library service to County residents since 1981. The Commissioners' Court has long held the view that library services are beneficial to all County residents and has entered into agreements with each of the three public libraries in the County to provide library service to all its residents for many years. The proposed Interlocal Agreement is for one fiscal year, from October 1, 2021 through September 30, 2022. The agreement can be terminated by either party with written notice not less than 30 days prior to the agreement's end.

It should be noted that the vast majority of Guadalupe County Schertz Library cardholders live within the city limits of the cities of Schertz, Cibolo and Selma and are entitled to use the Schertz Library as a result of Schertz resident status, or as a result of agreements the City of Schertz has with the other cities. A recent look at statistics shows only 3.5% of the library's cardholders live in other parts of Guadalupe County.

As a reminder, the City of Cibolo has provided funding for the Schertz Library since the late 1990s. The FY 2022 agreement is in the amount of \$40,000. The City of Selma has been provided funding since 2009 and the FY 2022 interlocal agreement will provide approximately \$25,000 in the upcoming fiscal year.

One other item of note—it has been the Schertz Library's practice to allow residents of the State of Texas to use the library free of charge. Out of state residents pay \$15.00 per person per year to have full access to all resources. The Texas State Library has a program called Texshare in which Schertz participates. The program allows Schertz Library cardholders to have access to resources, though often on a limited basis, at other participating libraries, including the San Antonio Public Library System, Seguin Library and the New Braunfels Library System.

**GOAL**

The goal is to eliminate digital divide and provide educational opportunities for all County residents by providing access to library services without duplication of effort on the County's part. Contracting with existing library service providers is an efficient way to provide service, while at the same time, it helps offset our own operational costs.

**COMMUNITY BENEFIT**

The Schertz Public Library fills a significant community need by providing quality of life opportunities for area families and individuals. Services include circulation of books and other media, access to digital content, public computers and Internet, educational programs, and reference services. This Interlocal agreement is mutually advantageous to both the County and the City. It allows the County to efficiently and economically provide library service to its residents who would not otherwise have it, and the City receives funds that help offset operating costs for its residents.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends re-authorizing the Public Library Interlocal Agreement with Guadalupe County as it is mutually beneficial.

**FISCAL IMPACT**

The County will pay the City \$217,152.00 in monthly installments of \$18,096.00 for Library Services as outlined in the ILA under section III, Consideration. The Schertz Library budget is \$1,161,611.00 for FY22.

**RECOMMENDATION**

Staff recommends adoption of Resolution 21-R-117 authorizing the Public Library Interlocal Agreement with Guadalupe County to permit all citizens of the County to utilize the City's library facilities.

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**Attachments**

Guadalupe Co ILA Resolution  
Guadalupe Co ILA

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**RESOLUTION NO. 21-R-117**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS  
AUTHORIZING A PUBLIC LIBRARY INTERLOCAL AGREEMENT WITH  
GUADALUPE COUNTY, TEXAS, AND OTHER MATTERS IN CONNECTION  
THEREWITH**

WHEREAS, the City Council (the “City Council”) of the City of Schertz (the “City”) has determined that it is in the best interest of the City to enter into a Public Library Interlocal Agreement with the Guadalupe County, Texas (the “County”), permitting the citizens of the County to utilize the services of the City’s public library; now, therefore,

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Public Library Interlocal Agreement with Guadalupe County in substantially the form set forth on Exhibit A.

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

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

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

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

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

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

PASSED AND ADOPTED, this 9th day of November, 2021.

CITY OF SCHERTZ, TEXAS

\_\_\_\_\_  
Ralph Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Dennis, TRMC, CMC City Secretary

(CITY SEAL)

**EXHIBIT A**  
**PUBLIC LIBRARY INTERLOCAL AGREEMENT**

**See attached**

**PUBLIC LIBRARY INTERLOCAL AGREEMENT BETWEEN  
GUADALUPE COUNTY AND  
THE CITY OF SCHERTZ**

This Public Library InterLocal Agreement, effective as of the date of final execution (hereinafter referred to as “Agreement”), is between Guadalupe County (hereinafter referred to as “County”), Texas, and the City of Schertz, (hereinafter referred to as “City”), Texas.

**WHEREAS**, the City has an established public library and has for several years provided free public library services to all citizens of the County residing in or near the City by informal agreement with the County; and

**WHEREAS**, the County and the City have determined to enter into this Agreement relating to the provision of free public library services (hereinafter referred to as “Library Services”), to the citizens of the County, and to set out the purposes, terms, rights, objectives, duties, and responsibilities of the County and the City with respect thereto; and

**WHEREAS**, the County and the City have determined that the provision of the Library Services is a public purpose and within their statutory powers of government; and

**WHEREAS**, the County and City are political subdivisions of the State of Texas, and are authorized to execute this Agreement pursuant to *Texas Government Code* 791.001 et. seq. as amended, and *Local Government Code* Section 323, as amended (the “Act”).

**NOW, THEREFORE**, the County and the City, acting by and through their duly authorized officers, hereby covenant and agree as follows:

**I. Purpose**

1. The City agrees that the established library of the City shall assume the functions of a county library within the County, all as permitted by the Act.
2. The Librarian of the City’s established library holds a county librarian’s certificate from the Texas Library and Archives Commission, as required by the Act.
3. All public library facilities, books, reading material, and other equipment in the possession of the City’s library shall be equally accessible to all residents of the County during the term of this Agreement.
4. All public library facilities, books, reading material, and other equipment currently owned by the City of acquired for use in its established public library during the term of this Agreement shall remain the property of the City.

**II. Term and Renewal**

This agreement shall be for a term commencing with effective date of this Agreement through and including October 1, 2021 to September 30, 2022 (the “Initial Term”), unless either party to this Agreement notifies

the other party in writing that it wishes to terminate this Agreement. Such notice shall be provided not less than thirty (30) days prior to the end of the Initial Term or any Renewal Term.

**III. Consideration**

1. In consideration of the City’s provision of the Library Services during the Initial Term, the county agrees to pay the City a monthly sum of \$18,096.00 (Eighteen Thousand, Ninety-Six Dollars and 00/100) on the 15<sup>th</sup> day of each month following the effective date of this Agreement.
2. The County and the City agree that the monthly amount payable by the County to the City shall be determined by good faith negotiations between the County and City and that such amount shall be determined not less than thirty (30) days before the end of the Initial Term and each Renewal Term.

**IV. Authorization**

The governing bodies of the County and the City have duly authorized this Agreement.

**V. Severability**

If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, for remaining portions hereof shall continue in full force and effect.

**VI. Amendments**

This agreement represents the complete understanding of the County and the City with respect to the matters described herein, and this Agreement may not be amended or altered without the written consent of both parties.

**IN WITNESS WHEREOF**, the undersigned have entered into the Public Library InterLocal Agreement, effective as stated herein.

**GUADALUPE COUNTY, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
**Kyle Kutscher**  
**Guadalupe County Judge**

By: \_\_\_\_\_  
**Teresa Kiel**  
**Guadalupe County Clerk**  
Date: \_\_\_\_\_

**CITY OF SCHERTZ, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
**Mark Browne**  
**City Manager**

By: \_\_\_\_\_  
**Brenda Dennis**  
**City Secretary**  
Date: \_\_\_\_\_

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** November 9, 2021  
**Department:** Finance  
**Subject:** Resolution 21-R-123 - 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)

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**BACKGROUND**

For a City to issue Certificates of Obligation (“CO”) to fund capital improvement projects, the City must first adopt a Notice of Intention Resolution and then post the Notice of Intention in the City’s paper of record for two consecutive weeks and post the Notice on the City’s website. By law, the City can sell its COs at least 46 days after the first publication so long as a petition, certified by the City Secretary, containing signatures of at least 5% of the qualified voters, is not submitted to the City prior to the sale.

This Resolution alerts the Citizens that the proposed projects will be considered, and a Certificate of Obligation (“CO”) may be approved on January 11, 2022.

The Resolution makes clear that the City intends to issue COs in an amount not-to-exceed \$10,150,000 for the purposes of purchasing and installing energy management and conservation equipment, street improvements and constructing improvements to the City’s Utility System.

\$1.25 million is planned to fund energy efficiency projects in city facilities. These upgrades will include LED lights and HVAC unit replacements and fixes. Savings related to this project are guaranteed by the contractor to meet or exceed the future debt payments and will cause no impact to the city's rates or fees.

\$3.9 million will be available for roadway improvements and land acquisition. Staff plans to use those funds to start reviewing improvements to the FM 3009 and FM 78 intersection and any remaining funds could be used to fund additional roadway and traffic improvements.

\$5 million will go toward relocating the city's utility lines along FM 1518 in preparation of the road being widened. Utilities must be moved before roadwork can begin. Staff believes the roadwork contracts could be awarded toward the end of 2022.

On January 11, 2022 the City will price its COs and the Council will then consider an Ordinance approving the sale to the winning bidder of the COs at a competitive sale. The COs will be supported by both ad valorem taxes for general fund projects and the utility fund for projects related to utility system improvements. It is anticipated that the authorization of the Notice of Intention Resolution and subsequent sale of COs will not require a tax rate increase or a utility rate increase.

**GOAL**

To approve the notice of intent resolution and begin the process of issuing bonds for energy efficiency projects, FM 1518 utility relocation, and roadway improvements for FM 3009 and FM 78 intersection.

**COMMUNITY BENEFIT**

The infrastructure improvements provided by these bonds will enhance traffic flows in congested areas and reduce the City's energy operating costs.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends approval of Resolution 21-R-123

**FISCAL IMPACT**

The energy efficiency project estimated at \$1.25 million will pay for itself and will be guaranteed by the contractor. This will then have no impact on tax rates or utility rates.

The \$3.9 million for FM 3009 and FM 78 will fit into the long term debt forecast and not result in an increase in the tax rate.

The \$5 million for FM 1518 utility relocation is included in the planned utility rate increases in the rate model and will not result in additional rate increases.

**RECOMMENDATION**

Staff recommends approval of Resolution 21-R-123

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**Attachments**

Resolution 21-R-123  
Notice of Intention

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**Resolution No: 21-R-123**

**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 \$10,150,000 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) designing, acquiring, constructing, renovating, enlarging, improving, and installing energy management and conservation equipment for City-owned facilities, including energy efficient lighting fixtures; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and traffic safety signalization and signage incidental thereto; (4) 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 (5) 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 \$10,150,000 for the purpose of paying contractual obligations of the City to be incurred for making permanent public improvements and for other public purposes, to-wit (1) designing, acquiring, constructing, renovating, enlarging, improving, and installing energy management and conservation equipment for City-owned facilities, including energy efficient lighting fixtures; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and

traffic safety signalization and signage incidental thereto; (4) 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 (5) 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 9th of November, 2021.

CITY OF SCHERTZ, TEXAS

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Mayor

ATTEST:

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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 January 11, 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 \$10,150,000 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) designing, acquiring, constructing, renovating, enlarging, improving, and installing energy management and conservation equipment for City-owned facilities, including energy efficient lighting fixtures; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and traffic safety signalization and signage incidental thereto; (4) 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 (5) 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 \$67,845,000; (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 \$82,342,113.99; (iii) the estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$14,150,000; (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

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 January 11, 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 \$10,150,000 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) designing, acquiring, constructing, renovating, enlarging, improving, and installing energy management and conservation equipment for City-owned facilities, including energy efficient lighting fixtures; (2) designing, constructing, acquiring, purchasing, renovating, equipping, enlarging, and improving the City's utility system; (3) constructing street improvements (including utilities repair, replacement, and relocation), curbs, gutters, and sidewalk improvements, including drainage and traffic safety signalization and signage incidental thereto; (4) 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 (5) 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 \$67,845,000; (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 \$82,342,113.99; (iii) the estimated combined principal and interest required to pay the Certificates to be authorized on time and in full is \$14,150,000; (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:** November 9, 2021  
**Department:** Public Works  
**Subject:** Ordinance No. 21-F-47 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas amending Chapter 90, of the Code of Ordinances, Article V, Water and Wastewater Capital Recovery Fees; Repealing all Ordinances or Parts of Ordinance in conflict with this Ordinance, and providing an effective date. (*First Reading*) (C. Kelm/S. Williams/S. McClelland)

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**BACKGROUND**

The City is authorized by its charter and Chapter 395 of the Local Government Code to impose impact fees, also referred to as Capital Recovery Fees. These fees are used to finance infrastructure that is demanded by new development. City Staff has identified a section of Chapter 90 that needs to be modified with regard to how capital recovery fees are assessed.

The first revision is to change the time of assessment of capital recovery fees to final plat recordation. This change aligns the City process with surrounding agencies such as CCMA and SSLGC.

The second revision is to clarify language regarding properties that were platted prior to the first capital recovery fee being established. The proposed revision will charge developments platted prior to the first capital recovery fees an amount equal to the initial capital recovery fee. The current wording of the section would require the development to pay the current capital recovery fee.

**GOAL**

The Ordinance is being updated to clarify to the customer how capital recovery fees are assessed, as well as to ensure the City is collecting the appropriate amount of capital recovery fees to support the infrastructure needed, due to growth.

**COMMUNITY BENEFIT**

The changes to Chapter 90 provide for a more clear assessment of capital recovery fees by aligning the timing of the assessment with other agencies and by making the intent of the assessment more clear for properties platted prior to the first capital recovery fee being established.

In addition, updating this Ordinance ensures the language is consistent with Chapter 395 and the internal processes of the City for ease of understanding for the customer.

**SUMMARY OF RECOMMENDED ACTION**

Staff recommends City Council approve the first reading of Ordinance 21-F-47 to amend Chapter 90.

**FISCAL IMPACT**

No Fiscal impact.

**RECOMMENDATION**

Staff recommends City Council approve the first reading of Ordinance 21-F-47.

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**Attachments**

21-F-47

Chapter 90 Proposed Revisions

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**ORDINANCE NO. 21-F-47**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES, ARTICLE V, WATER AND WASTEWATER CAPITAL RECOVERY FEES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, The City is authorized by its charter and Chapter 395 of the Local Government Code to impose impact fees, also referred to as Capital Recovery Fees. These fees are used to finance infrastructure that is demanded by new development.

WHEREAS, The Ordinance is being updated to clarify to the customer how impact fees are collected, as well as to ensure the City is collecting the appropriate amount of impact fees to support the infrastructure needed, due to growth; and

WHEREAS, As new development continues to grow in the City, demands are placed on the Water and Wastewater Systems to provide a safe and reliable water supply to its residents and businesses. Updating this Ordinance enables the City to collect appropriate, consistent, and fair impact fees to support the Water and Wastewater Systems. In addition, updating this Ordinance ensures the language is consistent with Chapter 395 and the internal processes of the City for ease of understanding for the customer.

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

Section 1. That Chapter 90, Article 5 be amended as set forth in Exhibit A.

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

Section 3. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters 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. Pursuant to Section 4.09(e) of the City Charter, by vote of not less than two-thirds of the members of the City Council present at the meeting at which this Ordinance was first considered, the City Council has determined that an emergency exists which requires immediate action, and this Ordinance is hereby adopted on a single reading, and this Ordinance shall be effective upon the date hereof and any publication required by law.

PASSED, APPROVED and ADOPTED on first reading this the 9<sup>th</sup> day of November, 2021.

APPROVED:

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

## DIVISION 1. - GENERALLY

### Sec. 90-139. - Short title.

This article shall be known and cited as the Water and Wastewater Capital Recovery Fees Article.

(Code 1976, § 19-106)

### Sec. 90-140. - Intent.

This article is intended to impose water and wastewater capital recovery fees, as established in this article, in order to finance public facilities, the demand for which is generated by new development in the designated service area.

(Code 1976, § 19-107)

### Sec. 90-141. - Authority.

The city is authorized to enact this article by its charter and chapter 395, as amended, the Local Government Code, (Senate Bill 336 enacted by the 70th Texas Legislature) and its successors, which authorize home rule cities, among others, to enact or impose impact fees (Capital Recovery Fees) on land within their corporate boundaries or extraterritorial jurisdictions, and on persons with whom they have a water or wastewater service contract, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this article shall not be construed to limit the power of the city to adopt this article pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article. Guidelines may be developed by resolution or otherwise to implement and administer this article.

(Code 1976, § 19-108)

### Sec. 90-142. - Definitions.

As applied in this article, the following words and terms shall have the same meaning and definition as contained in Section 395.001 of the Texas Local Government Code, as amended (the "ACT").

*Assessment* means the determination of the amount of the maximum capital recovery fee per service unit which can be imposed on new development pursuant to this article.

*Building permit* is an official approval issued by the city for the construction, repair, alteration, demolition, or occupancy to a building or structure.

*Capital construction cost of service* means costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, project management fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees) and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements program who is not an employee of the city.

*Capital improvement* means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision: Water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, whether or not they are located within the service area;

*Capital improvements advisory committee (advisory committee)* means an advisory committee, consisting of the planning and zoning commission, including one regular or ad hoc member who is not an employee of the city and is a representative of the real estate, development, or building industries, and including one member representing the extraterritorial jurisdiction of the city if fees are to be assessed in the extraterritorial jurisdiction; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements and functions described in the act..

*Capital improvements program (CIP)* means a plan which identifies water and wastewater capital improvements or facility expansions pursuant to which capital recovery fees may be assessed.

*Capital recovery fee* means an impact fee for water or wastewater facilities as defined herein.

*City* means City of Schertz.

*City council (council)* means governing body of the City of Schertz.

*Commercial development* means all development which is neither residential nor industrial.

*Comprehensive plan (master plan)* means the comprehensive long-range plan, adopted by the city council, which is intended to guide the growth and development of the city which includes analysis, recommendations, and proposals for the city regarding such topics as population, economy, housing, transportation, community facilities and land use.

*Duplex* means a structure on a single lot designed to accommodate two dwelling units, as authorized under the city's zoning regulations.

*Existing development* means all property within the service area which has a water or wastewater connection.

*Facility expansion* means the expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Final Plat is a map or drawing of specific land showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys and easements drawn to scale. This process requires final approval by the City Planning and Zoning Commission or City Council and is recorded with the office of the County Clerk of the County (s) in which the parcel is located. For the purposes of this article, a Minor Plat is equivalent to a Final Plat.

*Fourplex* means a structure on a single lot designed to accommodate four dwelling units, as authorized under the city's zoning regulations.

*Industrial development* means development which will be assigned to the industrial customer class of the water or wastewater utilities; generally, development in which goods are manufactured, or development which is ancillary to such manufacturing activity.

*Impact fee* means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

- (A) dedication of land for public parks or payment in lieu of the dedication to serve park needs;
- (B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;
- (C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or

(D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

*Land use assumptions* means a description of the service area, and projections of changes in land uses, densities, intensities, and population in the service area over at least a ten-year period, adopted by the city, as may be amended from time to time, upon which the capital improvement program is based.

*Living Unit Equivalent (LUE)* means basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a five-eighths-inch diameter simple water meter, using American Water Works Association C700-C703 standards. LUE'S for water meters are as follows:

<i>METER SIZE AND TYPE</i>	<i>LUE'S</i>
5/8 " Simple	1.0
¾" Simple	1.5
1" Simple	2.5
1½" Simple	5.0
2" Simple	8.0
2" Compound	8.0
2" Turbine	10.0
3" Compound	16.0
3" Turbine	24.0
4" Compound	25.0
4" Turbine	42.0
6" Compound	50.0
6" Turbine	92.0
8" Compound	80.0

8" Turbine	160.0
10" Compound	115.0
10" Turbine	250.0
12" Turbine	330.0

*New development* means subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units or requires the purchase of a new water or wastewater service. New development includes the sale of water or wastewater taps resulting from the conversion of an individual well, or septic or other individual waste disposal system, to the city's water or wastewater utility.

*Offset* means the amount of the reduction of a capital recovery fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the city's subdivision regulations or requirements.

*Residential development* means a lot developed for use and occupancy as a single-family residence, two-family, or multi-family residential.

*Service area* means an area within the corporate boundaries and within the extraterritorial jurisdiction of the city as defined by the Municipal Annexation Act Chapter 43, as amended, Local Government Code, to be served by the water and wastewater capital improvements or facilities, expansions specified in the capital improvements program applicable to the service area.

*Service unit* means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years, expressed in living units equivalent (LUEs) *Single-family residential* means single-family dwelling unit(s), as authorized under the city's zoning regulations.

*Site-related facility* means the improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements program, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

*Superintendent* means the superintendent of the city water and wastewater utilities. For purposes of this chapter, in the absence of the Superintendent, the Director of Public Works' designee will have authority.

*System-related facility* means a capital improvement or facility expansion identified in the capital improvements plan and which is not a site-related facility. A system-related facility may include a capital improvement which is located offsite, within or on the perimeter of the development site.

*Tap purchase* means the filing with the city of a written application for a water or wastewater service connection water or wastewater existing lines or mains or the acceptance of applicable fees by the city for the connection or service. The term "tap purchase" shall not be applicable to a master water meter or master wastewater connection purchased from the city by a wholesale customer such as a water district,

political subdivision of the State of Texas, or other wholesale utility customer; nor shall it be applicable to a meter purchased for and exclusively dedicated to fire protection.

*Wastewater facility* means an improvement for providing wastewater service, including but not limited to, land easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities, and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of on-site wastewater collection facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

*Wastewater facility expansion* means the expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing wastewater facility to serve existing development.

*Wastewater improvements plan* means the portion(s) of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater expansions and their associated costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of wastewater facilities fees pursuant to this article.

*Water facility* means an improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. The definition of water facility excludes (1) water lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities, and which are maintained in dedicated trusts; and (2) the dedication of right-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

*Water facility expansion* means expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing water facility to serve existing development.

*Water improvements plan* means portion of the CIP, as may be amended from time to time, which identifies the water facilities or water expansions and their associated costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten years, and which are to be financed in whole or in part through the imposition of water facilities fees pursuant to this article.

*Wholesale customers* means water or wastewater customers of the city's utilities who purchase utility service at wholesale rates for resale to their retail customers.

(Code 1976, § 19-109)

Sec. 90-143. - Applicability of capital recovery fees.

- (a) This article shall be uniformly applicable to new development which occurs within the water and wastewater service areas, except for new development which occurs within the service areas of the city's wholesale customers.
- (b) No new development shall be exempt from the assessment of capital recovery fees as defined in this article.

(Code 1976, § 19-110)

Sec. 90-144. - Capital recovery fees as conditions of development approval.

No application for new development shall be approved within the city without assessment of capital recovery fees pursuant to this article, and no water and wastewater connection, or service, shall be issued unless the applicant has paid the capital recovery fees imposed by and calculated hereinunder.

(Code 1976, § 19-111)

Sec. 90-145. - Establishment of water and wastewater service areas.

- (a) The water and wastewater service areas are established as shown on the service area map which has been adopted by city council and is on file in Public Works.
- (b) The service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the city council consistent with the procedure set forth in Tex. Local Government Code, Ch. 395 and its successors.

(Code 1976, § 19-112)

(Code 1976, § 19-113)

Sec. 90-147. - Service units.

*Service units* means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering and planning standards, expressed in LUEs

- (a) Upon application for a building permit (for properties inside the city corporate limits) or upon tap purchase (for properties outside the city corporate limits), service units for the property in question shall be calculated based on living units equivalent as determined by
  - (1) the size of the water meter(s) for the development, or alternatively:
  - (2) if in the judgment of the superintendent such compensation overstates or understates the impact of such new development, the superintendent may calculate the living units equivalent based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years; or alternatively:
  - 3) if in the judgment of the superintendent such compensation overstates or understates the impact of such new development, the superintendent, at the cost and expense of the applicant, may obtain an engineer's report prepared by a qualified professional engineer licensed to perform such professional engineering services in the state, which demonstrates that the number of LUE's of service for the new development will be different.
- (b) If a fire demand meter (tap) is purchased for a property, the meter size utilized to calculate the number of LUE's shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of LUE's.
  - (1) The meter types used to calculate the number of LUE's shall be either simple or compound meters.
  - (2) To avoid the use of fire flow volumes for calculating domestic usage, the owner of any property for which a fire demand meter is purchased shall be required to execute a restrictive covenant on a form approved by the city attorney, which covenant shall acknowledge the right of the city to assess such capital recovery fees to subsequent owners of the property at the full meter size. Said covenant shall be executed prior to the purchase of the fire demand meter and shall be filed in the deed records of the county.
- (c) Upon application for a building permit for lots for which no water meter has been purchased, service units for wastewater for said property shall be established by a professional engineer licensed in the state, retained by the applicant at no cost to the city, and shall be approved by the superintendent.
- (d) The city council may revise the service unit's designation according to the procedure set forth in the act.

(Code 1976, § 19-114)

Sec. 90-148. - Capital recovery fees per service unit.

- (a) The maximum capital recovery fee per service unit for each service shall be computed by dividing: (i) the growth-related capital construction cost of service for new development, less the amount of any credits against such amount that are attributable to rate or future tax contributions to CIP funding by, (ii) the total number of new service units anticipated to be needed within the service area. The capital construction cost of service and the projected number of new service units shall be based on the land use assumptions for the service area as established as part of the CIP. The maximum capital recovery fees per service unit for each service shall be established by category of capital improvements and shall be set forth in ordinances and exhibits thereto as are adopted from time to time.
- (b) Exhibits may be amended by the city council according to the procedure set forth in the act.
- (c) Current capital recovery fees for water/wastewater shall be as established from time to time by ordinance and exhibits attached thereto.

(Code 1976, § 19-115)

Sec. 90-149. - Assessment of capital recovery fees.

- (a) The assessment of the capital recovery fee applicable to such development shall be ~~a prerequisite to the approval upon final plat recordation~~ of any subdivision of land or of any new development.
- (b) Assessment of the capital recovery fee for any new development shall be made as follows:
  - (1) For a development which is submitted for approval pursuant to the city's subdivision regulations following the effective date of this article, assessment shall be at the time of final plat ~~approval recordation~~, and shall be the amount of the capital recovery fee per service unit then in effect, as set forth in section 90-148(a). The city may provide the subdivider with a copy of fees and assessments prior to final plat ~~approval recordation~~, but such shall not constitute assessment within the meaning of this article.
  - (2) For a development which has ~~received recorded a final plat approval~~ prior to the effective date of this article or for which no re-platting is necessary, assessment shall be ~~upon the capital recovery fee effective at the time of final plat recordation and will be applied upon~~ issuance of building permit (for properties within the corporate boundaries) or upon tap purchase (for properties outside the corporate boundaries). For final plats recorded prior to the initial capital recovery fee adoption, assessment shall be equal to the initial capital recovery fee.
  - (3) Water demand related solely to fire protection is not subject to assessment of a capital recovery fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the city's meter-reading and billing systems, the current owner of the property, on the date of such determination, shall be assessed the current capital recovery fees for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.
- (c) Following assessment of the capital recovery fee pursuant to subsection (b), no additional capital recovery fees or increases thereof shall be assessed against that development unless the number of service units increases, as set forth under section 90-147.
- ~~(d) Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.~~

(Code 1976, § 19-116)

Sec. 90-150. - Calculation of capital recovery fees.

- (a) Upon application for a building permit (for properties within the corporate boundaries of the city) or upon application for a water or wastewater tap (for properties outside the corporate boundaries of the city), the city shall compute the capital recovery fees due from the applicant in the following manner:
  - (1) The number of LUE's shall be determined by the size of the water meter purchased or by evaluation of the superintendent, or engineering firm, as determined according to section 90-147 of this article.
  - (2) LUE's shall be summed for all meters purchased for the development.
  - (3) The total service units shall be multiplied by the appropriate per-unit fee amount determined as set forth in section 90-148 of this article.
  - (4) Fee credits and offsets shall be subtracted as determined by the process prescribed in section 90-148 of this article.
- (b) The amount of capital recovery fee due for a new development shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to section 90-148 of this article by the number of service units generated by the development.

(Code 1976, § 19-117)

Sec. 90-151. - Collection of capital recovery fees.

- (a) No building permit shall be issued and no tap shall be purchased or service provided until all capital recovery fees have been paid to the city, or until a "notice of capital recovery fee due" is recorded as provided in this section, except as provided otherwise by contract.
- (b) Capital recovery fees shall be collected at the time of building permit issuance (for properties within the corporate boundaries of the city) or at the time of tap purchase (for properties outside the corporate boundaries)
- (c) In the event that a water or wastewater tap is sold as the result of a conversion from an individual well, or septic or other individual waste disposal system, the appropriate capital recovery fee shall be collected at the time of tap purchase, except as provided below:
  - (1) At the request of the applicant, and with the approval of the superintendent, the capital recovery fees for such customers may be paid in increments over a period of not more than 12 months, with interest computed on the unpaid balance at the statutory rate as set forth in state law.
  - (2) If the applicant chooses this extended payment option, the applicant shall, as a condition of tap sale, sign and file with the city clerk, and consent to the recordation of, a "notice of capital recovery fee due", which shall be recorded as a lien against the subject property. The city shall release the lien held only upon payment in full of the capital recovery fees and any late penalties and applicable interest.
  - (3) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the city as lien holder.
- (d) Upon the request of an applicant, the city may, at its sole discretion, determine that lump sum payment by a fee payer would result in undue economic hardship and may enter into a payment agreement subject to the provisions below and according to guidelines established by the city, as amended from time to time.
  - (1) At the request of the applicant, and with the approval of the superintendent, the capital recovery fees for customers may be paid in increments over a period of not more than 12 months, with interest computed on the unpaid balance at the statutory rate as set forth in state law.

- (2) If the applicant chooses this extended payment option, the applicant shall, as a condition of tap sale, sign and file with the city clerk, and consent to the recordation of, a "notice of capital recovery fee due", which shall be recorded as a lien against the subject property. The city shall release the lien held only upon payment in full of the capital recovery fees and any late penalties and applicable interest.
  - (3) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the city as lien holder.
  - (4) Customer hardship cases, at the discretion of the superintendent, may be assisted with a financial assistance plan not to exceed 12 months with a ten percent administrative fee for handling the paperwork.
- (e) It shall be the policy of the city to attempt to revise any contracts which might exist with wholesale customers, or which in the future may be entered into for wholesale service, in such a manner that capital recovery fees are collected from the wholesale customer according to the number of LUE's attributable to each retail meter for new development within the wholesale customer's service area.

(Code 1976, § 19-118)

Sec. 90-152. - Offsets and credits against capital recovery fees.

- (a) The city shall offset the present value of any system-related facilities, pursuant to rules established in this section, and which have been dedicated to and have been received by the city, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the city, against the amount of the capital recovery fee due for that category of capital improvement due from the contribution.
- (b) The city shall credit capital recovery and pro rata fees which have been paid pursuant to this chapter of the city Code prior to the effective date of this article, and during the period following adoption of this article, against the amount of a capital recovery fee due for that category of capital improvement, subject to guidelines established by the city.
- (c) All offsets and credits against capital recovery fees shall be subject to the following limitations and shall be granted based on this article and additional standards promulgated by the city, which may be adopted as administrative guidelines.
  - (1) No offset credit shall be given for the dedication or construction of site-related facilities.
  - (2) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements program for the category of facility within the service area for which the capital recovery fee is imposed.
  - (3) If an offset or credit applicable to a plat has not been exhausted within ten years from the date of the acquisition of the first building permit issued or connection made after the effective date of this article or within such period as may be otherwise designated by contract, such offset or credit shall lapse.
  - (4) In no event will the city reimburse the property owner or developer for an offset or credit when no capital recovery fees for the new development can be collected pursuant to this article or for any amount exceeding the total capital recovery fees due for the development for that category of capital improvement, unless otherwise agreed to by the city.
- (d) An applicant for new development must apply for an offset or credit against capital recovery fees due for the development either at the time of application for final plat ~~approval~~ approval-recordation or at the time of building permit application (for properties within the corporate boundaries) or at the time of tap purchase (for properties outside the corporate boundaries), unless the city agrees to a different time. The applicant shall file a petition for offsets or credits with the city.

- (e) The available offset credit associated with the plat shall be applied against a capital recovery fee at time of the first fee payment for properties within that plat in the following manner:
  - (1) Such offset or credit shall be prorated equally among all living units equivalent within the development, as calculated in section 90-147 of this article, and remain applicable to such LUE's, to be applied at the time of filing and acceptance of an application for a building permit (or at the time of tap purchase for properties outside the corporate boundaries) against capital recovery fees due.
  - (2) If the total number of LUE's used by the city in the original offset or credit calculation described in subsection (1) is eventually exceeded by the number of total LUE's realized by the actual development, the city may, at its sole discretion, collect the full capital recovery fee exclusive of any associated offsets or credits for the excess LUE's.
  - (3) At its sole discretion, the city may authorize alternative credit or offset agreements upon petition by the owner.

(Code 1976, § 19-119)

Sec. 90-153. - Establishment of accounts.

- (a) The city finance department shall establish separate interest-bearing accounts in a bank authorized to receive deposits of city funds, for each major category of capital facility for which a capital recovery fee is imposed pursuant to this article.
- (b) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in section 90-154 of this article.
- (c) The city's finance department shall establish adequate financial and accounting controls to ensure that capital recovery fees disbursed from the account are utilized solely for the purposes authorized in section 90-154 of this article. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this article; provided, however, that any capital recovery fee paid to the city shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.
- (d) The city finance department shall maintain and keep adequate financial records for each account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program as system-related capital projects. The city finance department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in section 90-156 of this article.

(Code 1976, § 19-120)

Sec. 90-154. - Use of proceeds of capital recovery fee accounts.

- (a) The capital recovery fees collected pursuant to this article may be used to finance or to recoup capital construction costs of service. Capital recovery fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements or facilities expansions.
- (b) Capital recovery fees collected pursuant to this article shall not be used to pay for any of the following expenses:
  - (1) Construction, acquisition or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements program;

- (2) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
- (3) Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- (4) Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided, however, that capital recovery fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or
- (5) Administrative and operating costs of the city.

(Code 1976, § 19-121)

Sec. 90-155. - Appeals.

- (a) The property owner or applicant for new development may appeal the following decisions to the superintendent:
  - (1) The applicability of a capital recovery fee to the development;
  - (2) The amount of the capital recovery fee due;
  - (3) The application of an offset or credit against a capital recovery fee due;
  - (4) The amount of the refund due, if any.
- (b) The burden of proof shall be on the appellant to demonstrate that the amount of the capital recovery fee or the amount of the offset or credit was not calculated according to the applicable capital recovery fee schedule, or the guidelines established from determining offsets and credits.
- (c) The appellant may appeal the decision of the superintendent, in writing, to the city manager. If the appeal is accompanied by a bond or other sufficient surety satisfactory to the city manager in an amount equal to the original determination of the capital recovery fee due, the development application or tap purchase may be processed while the appeal is pending.

(Code 1976, § 19-122)

Sec. 90-156. - Refunds.

- (a) Any capital recovery fee or portion thereof collected pursuant to this article which has not been expended within ten years from the date of payment, shall be refunded, upon written application therefore by the record owner of the property at the time the refund is paid. If the capital recovery fee was paid by another governmental entity, such refund shall also include interest calculated from the date of collection to the date of refund at the statutory rate as set forth in article 1.03, title 79, (article 5069-1.03, Texas Revised Civil Statutes Annotated, as amended) (Vernon's Ann. Civ. St. art. 5069-1.03), or any successor on the amount of the capital recovery fee.
- (b) If a refund is due pursuant to subsection (a) of this section, the refund of unexpended fee payments, including interest from the date of payment, shall be made to the current record owner or governmental entity.
- (c) Upon completion of all the capital improvements or facilities expansions identified in the capital improvements program upon which the fee was based, the city shall recalculate the maximum fee per service unit using the actual costs for the improvements or expansions. If the maximum fee per service unit based on actual cost is less than the fee per service unit paid, the city shall refund the difference, if such difference exceeds the fee paid by more than ten percent. The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

- (d) Upon the request of an owner of the property on which a capital recovery fee has been paid, the city shall refund such fees if:
  - (1) Existing service is available and service is denied; or
  - (2) Service was not available when the fee was collected and the city has failed to commence construction of facilities to provide service within two years of fee payment; or
  - (3) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.
- (e) The city shall refund an appropriate proportion of capital recovery fee payments in the event that a previously purchased water meter is replaced with a smaller meter, based on the LUE differential of the two meter sizes and the per-LUE fee at the time of the original fee payment, and if capital recovery fees have not been expended in support of the previous meter, less an administrative charge of \$50.00.
- (f) Petition for refunds shall be submitted to the superintendent on a form provided by the city for such purpose. Within one month of the date of receipt of a petition for refund, the superintendent must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the superintendent shall notify the city treasurer and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the city council, as set forth in section 90-155 of this article.

(Code 1976, § 19-123)

Sec. 90-157. - Updates to plan and revision of fees.

The city shall review the land use assumptions and capital improvements program for water and wastewater facilities at least every three years, the first three-Year period which shall commence from the date of the adoption of the capital improvements program referenced herein. The city council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements program or capital recovery fees are needed and shall, in accordance with the procedures set forth in the act, either update the fees or make a determination that no update is necessary.

(Code 1976, § 19-124)

(Code 1976, § 19-125)

**State Law reference**— Advisory committee, Tex. Local Government Code, § 395.058.

Sec. 90-159. - Agreement for capital improvements.

- (a) The city council may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the city prior to fee collection. The agreement shall be on a form approved by the city, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to city standards, and any other terms and conditions the city deems necessary. The superintendent shall review the improvement plan, verify costs and time schedules, determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable capital recovery fee before submitting the proposed agreement to council for approval.
- (b) The city and such owner either may agree that the costs incurred or funds advanced will be credited against the capital recovery fees otherwise due from the new development, or they may agree that the city shall reimburse the owner for such costs from capital recovery fees paid from other new

developments which will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plats.

(Code 1976, § 19-126)

Sec. 90-160. - Use of other financing mechanisms.

- (a) The city may, at its sole discretion, finance water and wastewater capital improvements of facilities expansions designated in the capital improvements program through the issuance of bonds or other obligations, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of capital recovery fees.
- (b) Except as herein otherwise provided, the assessment and collection of a capital recovery fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.
- (c) The council may decide that the city shall pay all or part of capital recovery fee due for a new development taking into account available offsets and credits pursuant to duly adopted criteria.

(Code 1976, § 19-127)

Sec. 90-161. - Capital recovery fees as additional and supplemental regulation.

- (a) Capital recovery fees established by this article are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or the sale of water or wastewater taps or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of city's comprehensive plan, capital improvements program, zoning ordinance, subdivision regulations and other city policies, ordinances, and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.
- (b) This article shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the city, which shall be operative and remain in full force and effect without limitation with respect to all such development.

(Code 1976, § 19-128)

Sec. 90-162. - Relief procedures.

- (a) Any person who has paid a capital recovery fee or an owner of land upon which a capital recovery fee has been paid may petition the city manager to determine whether any duty required by this article has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within 60 days of the request. If the city manager determines that the duty is required pursuant to this article and is late in being performed, he shall cause the duty to commence within 60 days of the date of the request and to continue until completion.

(b)

(Code 1976, § 19-129)

Secs. 90-163—90-192. - Reserved.

CITY COUNCIL MEMORANDUM

**City Council Meeting:** November 9, 2021  
**Department:** City Secretary  
**Subject:** Ordinance N. 21-T-48 - Consideration and/or action approving an Ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the Fiscal Year 2021-2022 Budget to provide additional funding for the Tri County Parkway Project Construction Phase, repealing all Ordinances or Parts of Ordinances in conflict with this Ordinance; and providing an effective date. *First Reading (M. Browne/A. Perez)*

**BACKGROUND**

Tri County Parkway, from Corridor Parkway to FM 3009, and Lookout Road between Tri County Parkway and Doerr Lane (“Tri County Parkway”) is a major collector that supports primary job employers and commercial businesses within the Schertz Industrial Park.

On October 17, 2019, the SEDC Board of Directors approved Resolution No. 2019-19 recommending to City Council approval of up to \$4,050,000.00 for the Tri County Parkway project from the FY 2020-2021 SEDC Budget. On January 7, 2020, City Council approved Resolution No. 20-R-03 approving allocation of funding for the Tri County Parkway project.

A brief description of the project includes the reconstruction of Tri County Parkway from Corridor Parkway to FM 3009 and Lookout Road from Tri County Parkway to Doerr Lane and replacement and upsizing of the sanitary sewer mains in those roadway segments. The original project scope included improvements to the intersection at Tri County Parkway and FM 3009. However, TxDOT has indicated signaling is currently not warranted. This element was removed from the scope.

Engineering released Request for Bids (RFB) on August 10, 2021. Bids were opened on Tuesday, September 21, 2021, for the Tri County Parkway Project.

To date, the SEDC Reserves have transferred a total of \$4,050,00.00 to the City General fund in support of the Tri County Parkway project. Total construction budget based on lowest bid and contingency totals \$4,900,000.00. This Budget Adjustment Ordinance allocates an additional \$1,240,000.00 bringing the total project cost including scoping and construction to \$5,290,000.00 summarized as follows:

Original Project Allocation	\$4,050,000.00
- Engineering Costs	\$ 390,000.00
= Construction Balance	\$3,660,000.00
Construction Budget Required (Lowest Bid + 8% Contingency)	\$4,900,000.00
Construction Budget Adjustment (Budget Adjustment Ordinance 21-T-48)	\$1,240,000.00

<b>Total</b>
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<b>\$5,290,000.00</b>
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On October 28, 2021, the SEDC Board of Directors approved Resolution No. 2021-10 recommending to City Council approval of up to \$5,290,000.00 for resurfacing of Tri County Parkway.

### **GOAL**

The goal of this ordinance is to amend the FY 2021-2022 Adopted Budget to allocate an additional \$1,240,000.00 from the SEDC Reserve Fund to the City of Schertz General Fund for the construction phase of the Tri County Parkway project.

### **COMMUNITY BENEFIT**

Allocation of SEDC reserves in support of this project would promote primary job employer investment and supplement the Street Preservation and Maintenance (SPAM) Program for additional investment in the industrial park and broader community.

### **SUMMARY OF RECOMMENDED ACTION**

Staff recommends that the City Council approve Ordinance 21-T-48 on first reading authorizing the budget adjustment not to exceed \$1,240,000.00 for the construction phase of the Tri County Parkway project.

### **FISCAL IMPACT**

As of September 30, 2021, the unaudited balance in the SEDC Reserve Fund is \$20,746,303.00. The approved FY2021-2022 SEDC Budget allocates \$4,300,707 for SEDC operations and infrastructure reimbursements and performance agreement incentive payments creating an unencumbered balance of \$16,445,596. Ordinance 21-T-48 amends the FY 2021-2022 Adopted Budget to allocate an additional \$1,240,000 to the City Schertz General fund from the SEDC Reserve fund. This action brings the balance of the SEDC Reserve Fund to \$15,205,596.

### **RECOMMENDATION**

Staff recommends that the City Council approve Ordinance 21-T-48 on first reading authorizing the budget adjustment in an amount not to exceed \$1,240,000.00 for the construction phase of the Tri County Parkway project.

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### **Attachments**

Ordinance 21-T-48  
EDC Resolution

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**ORDINANCE NO. 21-T-48**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2021-2022 BUDGET TO PROVIDE ADDITIONAL FUNDING FOR THE TRI COUNTY PARKWAY PROJECT CONSTRUCTION PHASE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Ordinance 21-T-38, the City Council of Schertz, Texas, (the “City”) adopted the budget for the City for the fiscal year 2021-2022 (the “Budget”), which provides funding for the City’s operations throughout the 2021-2022 fiscal year; and

WHEREAS, part of the annual budget is the operational budget for the City of Schertz Economic Development Corporation (“SEDC”) is a non-profit industrial development corporation duly established under the Development Corporation Act of 1979; and

WHEREAS, On October 17, 2019, the SEDC Board of Directors approved Resolution No. 2019-19 recommending to City Council approval of up to \$4,050,000 for resurfacing of Tri County Parkway from the FY 2020-2021 SEDC Budget and on January 7, 2020, City Council approved Ordinance No. 20-R-03 approving allocation of funding for the Tri County Parkway project; and,

WHEREAS, total construction budget based on lowest bid and contingency totals \$4,900,00 and require the allocation of an additional \$1,240,000.00 bringing the total project cost including scoping and construction to \$5,290,000.00; and,

WHEREAS, On October 28, 2021, the SEDC Board of Directors approved Resolution No. 2021-10 recommending to City Council approval of up to \$5,290,000.00 for resurfacing of Tri County Parkway; and,

WHEREAS, the SEDC is requesting the City to authorize a budget amendment to allocate an additional \$1,240,000.00 from the SEDC reserve fund to the City of Schertz general fund for the construction phase of the Tri County Parkway project; and,

WHEREAS, City Staff recommends that the City Council of the City adjust the Budget and approve the ordinance.

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

Section 1. The City shall amend the FY 2021-2022 Adopted Budget to allocate an additional \$1,240,000.00 from the SEDC reserve fund to the City of Schertz general fund for the construction phase of the Tri County Parkway Project.

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 City Council.

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

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

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

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

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

PASSED AND ADOPTED, on first reading this 9<sup>th</sup> day of November, 2021.

PASSED AND ADOPTED, on second and final reading this 7<sup>th</sup> day of December, 2021.

CITY OF SCHERTZ, TEXAS

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Ralph Gutierrez, Mayor

ATTEST:

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Brenda Dennis, City Secretary

(CITY SEAL)

**SEDC RESOLUTION NO. 2021-10**

**A RESOLUTION BY THE CITY OF SCHERTZ ECONOMIC DEVELOPMENT CORPORATION, TEXAS AUTHORIZING CERTAIN EXPENDITURES FOR THE TRI COUNTY PARKWAY INFRASTRUCTURE IMPROVEMENTS; AND OTHER MATTERS IN CONNECTION THEREWITH**

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

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

WHEREAS, Section 501.103 authorizes expenditures for certain infrastructure improvement projects that are found by the Board to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises; and

WHEREAS, Tri County Parkway is a major collector that supports primary job employers and commercial businesses; and

WHEREAS, Tri County Parkway, Lookout Road between Tri County Parkway and Doerr Lane, and to the intersection of FM 3009 and Tri County Parkway (“Tri County Parkway”) are in significant need of repair to ensure future private investment within the City of Schertz; and,

WHEREAS, on October 17, 2019, the SEDC Board of Directors approved Resolution 2019-19 authorizing \$4,050,000 for this project and Schertz City Council subsequently approved Resolution 20-R-03 authorizing use of funds; and,

WHEREAS, the City of Schertz began work in 2021 and contracted with Halff to scope and bid the project and the bids received exceeded the prior allocation of funds from the SEDC; and,

WHEREAS, the SEDC has re-evaluated the Tri County Parkway infrastructure improvements and has found that an increase of allocated funds in the amount of ONE MILLION TWO HUNDRED AND FORTY THOUSAND and NO/100 DOLLARS (\$1,240,000) based on the bids received is necessary, bringing the new project total to FIVE MILLION TWO HUNDRED AND NINETY THOUSAND and NO/100 DOLLARS (\$5,290,000) to pay for the design, construction, and contingency to complete the project; and

WHEREAS, the funds will be used by the City of Schertz to design and construct the infrastructure improvements identified on Exhibit A hereto attached; and

WHEREAS, Section 505.159 of the Act requires that a corporation hold at least one public hearing on the proposed project before spending money to undertake the project, the public hearing was held on September 26, 2019; and

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

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

Section 1. Subject to the authorization of the project funds by the City of Schertz City Council, the Board hereby authorizes up to FIVE MILLION TWO HUNDRED AND NINETY THOUSAND and NO/100 DOLLARS (\$5,290,000) for the Tri County Parkway infrastructure improvements identified on Exhibit A hereto attached.

Section 2. The Board hereby authorizes the Executive Director to request the City Council adopt an ordinance amending the SEDC Budget for Fiscal Year 2021-22 to allocate the additional funding contemplated herein for the reasons stated in the foregoing recitals.

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 Board.

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 Board 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 28th day of October 2021.

CITY OF SCHERTZ ECONOMIC  
DEVELOPMENT CORPORATION



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Paul Macaluso, SEDC Board President

ATTEST:



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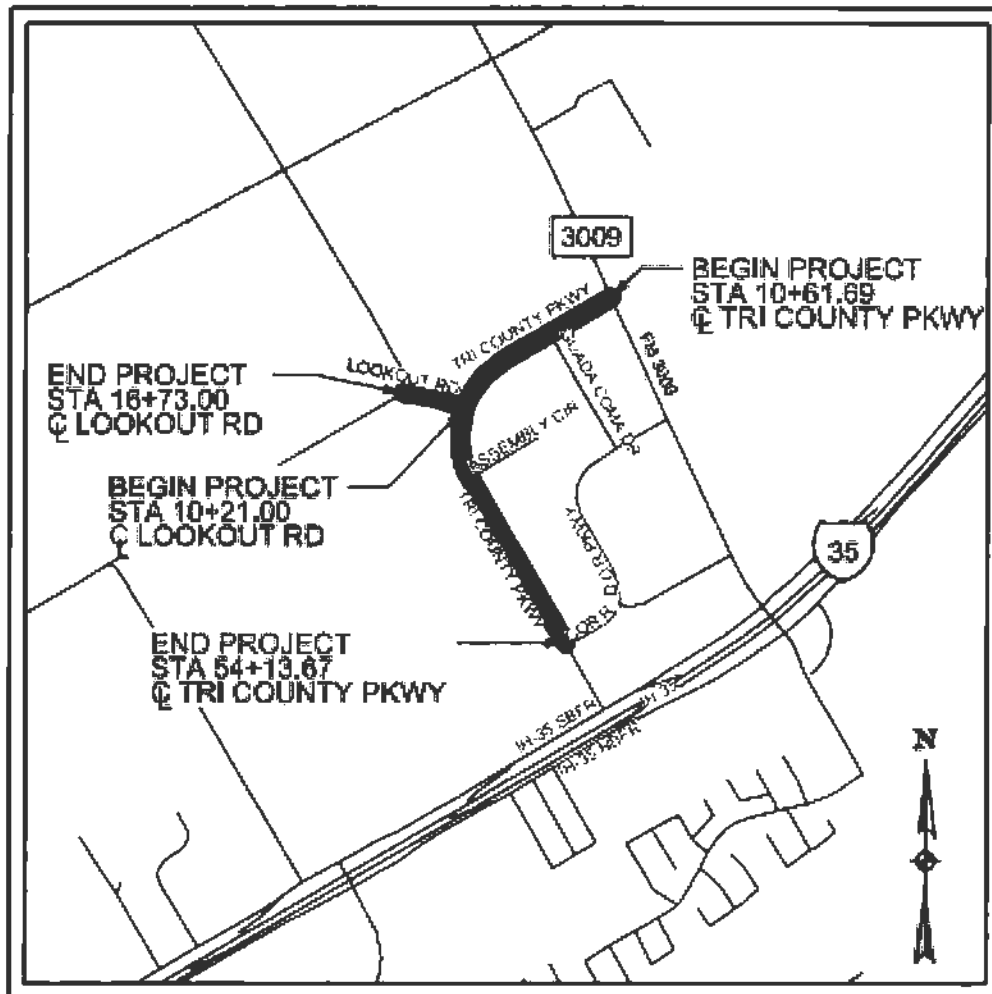
Sammi Morrill, SEDC Board Secretary

EXHIBIT A

INFRASTRUCTURE IMPROVEMENTS

# TRI COUNTY PARKWAY FROM FM 3009 TO IH-35

TRI COUNTY PKWY: 4,352 FT = 0.82 MI  
LOOKOUT RD : 652 FT = 0.12 MI  
AREA OF DISTURBED SOIL = 9.13 AC  
ROADWAY CLASSIFICATION = COMMERCIAL COLLECTOR  
DESIGN SPEED:  
TRI COUNTY PKWY = 30 MPH  
LOOKOUT RD = 35 MPH



**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** November 9, 2021  
**Department:** City Secretary  
**Subject:** Resolution No. 21-R-120 - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Bexar County Appraisal District for the FY2022-2023 term. (Mayor/Council)

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**BACKGROUND**

The City has received a letter regarding the Official Ballot to cast votes for the Board of Directors election for the Bexar Appraisal District. Direction and a resolution format for submission are included.

Per Section 6.03(k) of the Texas Property Tax Code, the governing body of each taxing unit entitled to vote shall determine by resolution and submit its vote by way of returning the ballot to the chief appraiser prior to December 15, 2021. Taxing units allotted votes may be cast for one candidate or may be distributed among any number of candidates.

The chief appraiser shall count the votes, declare the candidates who receive the largest cumulative vote total, and submit the results prior to December 31, 2021 to the governing body of each taxing unit who participated in the election and to each of the candidates.

The City has 3 votes to cast. The Candidates are:

- Cheri Byrom - nominated y Southwest ISD
- Trish DeBerry - nominated by Bexar County
- Norma Cavazos - nominated by Harlandale ISD
- Jon Fisher - nominated by North East ISD
- Dave Gannon - nominated Northside ISD
- Dr. Adrian Rocha Garcia - nominated by the City of San Antonio
- Erin Harrison - nominated by the City of Olmos Park
- Louie G. Luna - nominated by Harlandale ISD
- Marian V. Mendoza - nominated by City of Helotes
- Leslie Sachanowicz - nominated by the Alamo Community College District

**FISCAL IMPACT**

None

**RECOMMENDATION**

Staff recommends Council discuss who they wish to cast their votes for.

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Bexar backup  
Resolution 21-R-120  
Ballot

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# BEXAR APPRAISAL DISTRICT

Michael A. Amezquita  
Chief Appraiser

411 N. Frio, P.O. Box 830248  
San Antonio, TX 78283-0248  
Phone (210) 224-8511  
Fax (210) 242-2451

BOARD OF DIRECTORS

ROBERTO TREVIÑO-  
Chair  
CHERI BYROM  
Vice-Chair  
GEORGE TORRES  
Secretary

TRISH DEBERRY -  
Commissioner, PCT 3  
JON FISHER  
ALBERT URESTI, MPA

October 18, 2021

VIA CERTIFIED MAILER

**7020 3160 0001 3862 8195**

The Honorable Ralph Gutierrez, Mayor  
City of Schertz  
1400 Schertz Parkway Building #2  
Schertz, TX 78154

RE: Election of Bexar Appraisal District Board of Directors for 2022-2023 – Voting Phase

The Honorable Mayor Gutierrez:

Thank you to those who participated in the nomination phase of the election for the Bexar Appraisal District Board of Directors for the 2022-2023 term. Your nominations have been submitted and the voting phase of the election process is now open.

Enclosed is a copy of the voting entitlement of each taxing unit and a ballot listing all nominees in alphabetical order. As required by Section 6.03(k), Texas Property Tax Code, “the governing body of each taxing unit entitled to vote shall **determine its vote by resolution** and submit it to the Chief Appraiser **before December 15.**”

As a reminder, a recent amendment to Section 6.03, Texas Property Tax Code states “**A taxing unit with at least 5% of the total votes in the election for Bexar Appraisal District Board of Directors must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body.**”

Only votes cast by resolution and submitted before December 15 will be counted in the election process. The five candidates with the greatest number of votes will be declared elected and the results will be delivered to each taxing unit by December 31.

If you have any questions regarding this process, please contact me or my Executive Assistant, Jennifer Rodriguez, at (210) 242-2406.

Sincerely,

Michael A. Amezquita  
Chief Appraiser

Enclosures

CC Via Regular Mail: Mr. Mark Browne, City Manager



**OFFICIAL ELECTION BALLOT  
OF BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS  
TO SERVE TWO-YEAR TERM  
FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2023**

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**CANDIDATE**

**NUMBER OF VOTES**

CHERI BYROM  
(NOMINATED BY SOUTHWEST ISD)

\_\_\_\_\_

TRISH DEBERRY  
(NOMINATED BY BEXAR COUNTY)

\_\_\_\_\_

NORMA CAVAZOS  
(NOMINATED BY HARLANDALE ISD)

\_\_\_\_\_

JON FISHER  
(NOMINATED BY NORTH EAST ISD)

\_\_\_\_\_

DAVE GANNON  
(NOMINATED BY NORTHSIDE ISD)

\_\_\_\_\_

DR. ADRIANA ROCHA GARCIA  
(NOMINATED BY THE CITY OF SAN ANTONIO)

\_\_\_\_\_

ERIN HARRISON  
(NOMINATED BY THE CITY OF OLMOS PARK)

\_\_\_\_\_

LOUIE G. LUNA  
(NOMINATED BY HARLANDALE ISD)

\_\_\_\_\_

MARIAN V. MENDOZA  
(NOMINATED BY THE CITY OF HELOTES)

\_\_\_\_\_

LESLIE SACHANOWICZ  
(NOMINATED BY THE ALAMO COMMUNITY COLLEGE DISTRICT)

\_\_\_\_\_

**TAXING UNIT NAME: \_\_\_\_\_**

**IMPORTANT -- VOTE MUST BE MADE BY RESOLUTION.  
PLEASE BE SURE TO ATTACH THIS BALLOT TO YOUR RESOLUTION.**

Taxing Unit	2020 Tax Levy	Sum of Levies	Votes	% of Votes
ALAMO COMMUNITY COLLEGE DIST.	\$254,322,861.19	\$3,610,864,370.20	352	7.04%
CITY OF ALAMO HEIGHTS	\$6,406,699.62	\$3,610,864,370.20	9	0.18%
ALAMO HEIGHTS ISD	\$82,470,049.78	\$3,610,864,370.20	114	2.28%
CITY OF BALCONES HEIGHTS	\$1,721,653.46	\$3,610,864,370.20	2	0.05%
BEXAR COUNTY	\$467,472,371.81	\$3,610,864,370.20	647	12.95%
BOERNE ISD	\$31,217,074.86	\$3,610,864,370.20	43	0.86%
CITY OF CASTLE HILLS	\$3,745,816.18	\$3,610,864,370.20	5	0.10%
CITY OF CHINA GROVE	\$279,007.46	\$3,610,864,370.20	0	0.01%
COMAL ISD	\$38,055,386.45	\$3,610,864,370.20	53	1.05%
CITY OF CONVERSE	\$8,201,284.98	\$3,610,864,370.20	11	0.23%
EAST CENTRAL ISD	\$51,596,955.11	\$3,610,864,370.20	71	1.43%
EDGEWOOD ISD	\$21,157,789.03	\$3,610,864,370.20	29	0.59%
CITY OF ELMENDORF	\$601,707.72	\$3,610,864,370.20	1	0.02%
CITY OF FAIR OAKS RANCH	\$4,039,528.16	\$3,610,864,370.20	6	0.11%
FLORESVILLE ISD	\$21,312.99	\$3,610,864,370.20	0	0.00%
CITY OF GREY FOREST	\$49,152.38	\$3,610,864,370.20	0	0.00%
HARLANDALE ISD	\$28,308,727.54	\$3,610,864,370.20	39	0.78%
CITY OF HELOTES	\$3,967,229.38	\$3,610,864,370.20	5	0.11%
CITY OF HILL COUNTRY VILLAGE	\$512,757.11	\$3,610,864,370.20	1	0.01%
TOWN OF HOLLYWOOD PARK	\$2,837,422.33	\$3,610,864,370.20	4	0.08%
JUDSON ISD	\$140,894,740.95	\$3,610,864,370.20	195	3.90%
CITY OF KIRBY	\$2,679,244.95	\$3,610,864,370.20	4	0.07%
CITY OF LEON VALLEY	\$5,482,410.68	\$3,610,864,370.20	8	0.15%
CITY OF LIVE OAK	\$6,145,476.08	\$3,610,864,370.20	9	0.17%
CITY OF LYTLE	\$4,781.03	\$3,610,864,370.20	0	0.00%
MEDINA VALLEY ISD	\$14,753,457.00	\$3,610,864,370.20	20	0.41%
NORTH EAST ISD	\$536,392,634.46	\$3,610,864,370.20	743	14.85%
NORTHSIDE ISD IN BEXAR COUNTY	\$774,232,154.72	\$3,610,864,370.20	1072	21.44%
CITY OF OLMOS PARK	\$2,879,805.99	\$3,610,864,370.20	4	0.08%
CITY OF SAN ANTONIO	\$660,390,170.39	\$3,610,864,370.20	914	18.29%
SAN ANTONIO ISD	\$305,650,015.83	\$3,610,864,370.20	423	8.46%
CITY OF SANDY OAKS	\$454,897.21	\$3,610,864,370.20	1	0.01%
CITY OF SCHERTZ	\$2,242,542.25	\$3,610,864,370.20	3	0.06%
SCHERTZ-CIBOLO ISD	\$11,449,970.13	\$3,610,864,370.20	16	0.32%
CITY OF SELMA	\$1,604,693.50	\$3,610,864,370.20	2	0.04%
CITY OF SHAVANO PARK	\$3,624,350.11	\$3,610,864,370.20	5	0.10%
CITY OF SOMERSET	\$726,639.31	\$3,610,864,370.20	1	0.02%
SOMERSET ISD IN BEXAR COUNTY	\$7,902,724.63	\$3,610,864,370.20	11	0.22%
SOUTH SAN ISD	\$27,847,954.91	\$3,610,864,370.20	39	0.77%
SOUTHSIDE ISD	\$24,015,283.83	\$3,610,864,370.20	33	0.67%
SOUTHWEST ISD	\$56,394,921.15	\$3,610,864,370.20	78	1.56%
CITY OF ST HEDWIG	\$732,200.26	\$3,610,864,370.20	1	0.02%
CITY OF TERRELL HILLS	\$5,368,764.85	\$3,610,864,370.20	7	0.15%
CITY OF UNIVERSAL CITY	\$8,812,189.31	\$3,610,864,370.20	12	0.24%
CITY OF WINDCREST	\$3,197,559.13	\$3,610,864,370.20	4	0.09%

<b>TOTAL</b>	\$3,610,864,370.20		5000	100%
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Texas Property Tax Code Sec. 6.03

"The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district."

**\*A recent amendment to Section 6.03, Texas Tax Code states "A taxing unit with at least 5% of the total votes in the election for Bexar Appraisal District Board of Directors must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body."**

**RESOLUTION NO. 21-R-120**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CASTING VOTES TO ELECT DIRECTORS FOR THE BEXAR COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM.**

WHEREAS, section 6.03(k), of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their votes by Resolution and submit results of that vote to the Chief Appraiser of the Bexar County Appraisal District on or before December 15, 2021.

THEREFORE, THE City of Schertz, Schertz Texas submits the attached Official Ballot, as issued by the Chief Appraiser, stating the votes for candidates for the election of the Board of Directors for the Bexar County Appraisal District for 2022-2023.

ACTION TAKEN this 9<sup>th</sup> day of November 2021, in Regular Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03(k) of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Bexar County Appraisal District.

PASSED AND ADOPTED, this 9th day of November 2021.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

**CITY SEAL**



**OFFICIAL ELECTION BALLOT  
OF BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS  
TO SERVE TWO-YEAR TERM  
FROM JANUARY 1, 2022 THROUGH DECEMBER 31, 2023**

**CANDIDATE**

**NUMBER OF VOTES**

CHERI BYROM  
(NOMINATED BY SOUTHWEST ISD)

\_\_\_\_\_

TRISH DEBERRY  
(NOMINATED BY BEXAR COUNTY)

\_\_\_\_\_

NORMA CAVAZOS  
(NOMINATED BY HARLANDALE ISD)

\_\_\_\_\_

JON FISHER  
(NOMINATED BY NORTH EAST ISD)

\_\_\_\_\_

DAVE GANNON  
(NOMINATED BY NORTHSIDE ISD)

\_\_\_\_\_

DR. ADRIANA ROCHA GARCIA  
(NOMINATED BY THE CITY OF SAN ANTONIO)

\_\_\_\_\_

ERIN HARRISON  
(NOMINATED BY THE CITY OF OLMOS PARK)

\_\_\_\_\_

LOUIE G. LUNA  
(NOMINATED BY HARLANDALE ISD)

\_\_\_\_\_

MARIAN V. MENDOZA  
(NOMINATED BY THE CITY OF HELOTES)

\_\_\_\_\_

LESLIE SACHANOWICZ  
(NOMINATED BY THE ALAMO COMMUNITY COLLEGE DISTRICT)

\_\_\_\_\_

**TAXING UNIT NAME:** \_\_\_\_\_

**IMPORTANT -- VOTE MUST BE MADE BY RESOLUTION.  
PLEASE BE SURE TO ATTACH THIS BALLOT TO YOUR RESOLUTION.**

CITY COUNCIL MEMORANDUM

**City Council Meeting:** November 9, 2021  
**Department:** City Secretary  
**Subject:** Resolution No. 21-R-121 - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Comal County Appraisal District for the FY2022-2023 term.(Mayor/Council)

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**BACKGROUND**

The City has received a letter regarding the Official Ballot to cast votes for the Board of Directors election for the Comal Appraisal District. Direction and a resolution format for submission are included.

Per Section 6.03(k) of the Texas Property Tax Code, the governing body of each taxing unit entitled to vote shall determine by resolution and submit its vote by way of returning the ballot to the chief appraiser prior to December 15, 2019. Taxing units allotted votes may be cast for one candidate or may be distributed among any number of candidates.

The Chief Appraiser shall count the votes, declare the candidates who receive the largest cumulative vote total, and submit the results prior to December 31, 2021 to the governing body of each taxing unit who participated in the election and to each of the candidates.

The City has 64 votes to cast. The Candidates are:

Eric Couch - CONB  
Brad Howell - CISD  
John Kuntz – Boerne ISD, CISD  
Randy Maschek - COGR  
Douglas Miller Jr. -CISD  
Nancy Pappas - CISD  
John Tyler – Comal County, CISD

**Staff reached out to the City of Garden Ridge and they had nominated and cast their votes for “Randy Maschek”**

**FISCAL IMPACT**

None

**RECOMMENDATION**

Staff recommends Council discuss how they wish to distribute their 64 allotted votes. Council may choose to distribute the votes among certain candidates or cast all their votes for one candidate.

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**Attachments**

Resolution 21-R-121  
Comal Backup



**RESOLUTION NO. 21-R-121**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CASTING VOTES TO ELECT DIRECTORS FOR THE COMAL COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM.**

WHEREAS, section 6.03(k), of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their votes by Resolution and submit results of that vote to the Chief Appraiser of the Comal County Appraisal District on or before December 15, 2021.

THEREFORE, THE City of Schertz, Schertz Texas submits the attached Official Ballot, as issued by the Chief Appraiser, stating the votes for candidates for the election of the Board of Directors for the Comal County Appraisal District for 2022-2023.

ACTION TAKEN this 9<sup>th</sup> day of November 2021, in Regular Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03(k) of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Comal County Appraisal District.

PASSED AND ADOPTED, this 9th day of November 2021.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

**CITY SEAL**

# COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE  
NEW BRAUNFELS, TEXAS 78130

RUFINO H. LOZANO, RPA-RTA-CCA  
CHIEF APPRAISER

October 18, 2021

Mayor Ralph Gutierrez  
City of Schertz  
1400 Schertz Parkway  
Schertz, TX 78154

RE: 2022-2023 Board of Directors Election Ballot

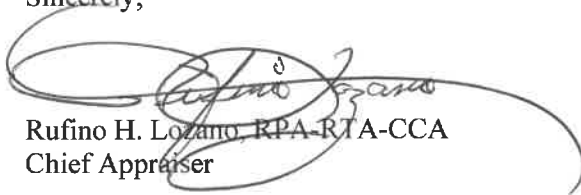
Dear Honorable Ralph Gutierrez:

Enclosed is the 2022-2023 Board of Directors ballot for the City of Schertz. As per Section 6.03(d) of the Texas Property Tax Code, "The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district."

Also, Section 6.03 (k) of the Texas Property Tax Code requires that "The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the chief appraiser before December 15." Therefore please submit results of that vote to the Chief Appraiser of the Comal Appraisal District by December 15, 2021.

In calculating this year's votes, it is determined that the City of Schertz has **64 votes** to cast in this election.

Sincerely,



Rufino H. Lozano, RPA-RTA-CCA  
Chief Appraiser

Enclosure

Cc: Dr. Mark Browne

OFFICIAL BALLOT

Issued to: City of Schertz

TO ELECT BOARD OF DIRECTORS FOR THE COMAL APPRAISAL DISTRICT FOR THE YEARS 2022-2023

Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate or divide those votes amount any number of the candidates. You have 64 total available votes.

Table with 3 columns: CANDIDATES, NOMINATING BODY, VOTES CAST. Lists 7 candidates including Eric Couch, Brad Howell, John Kuntz, Randy Maschek, Douglas Miller Jr., Nancy Pappas, and John Tyler.

Issued under my hand this 18th day of October, 2021.

Handwritten signature of Rufino H. Lozano, RPA/RTA-CCA, Chief Appraiser.

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE COMAL APPRAISAL DISTRICT FOR THE YEARS 2022-2023

WHEREAS, Section 6.03(k), of the Texas Property Tax Code requires that each taxing unit entitled to vote cast their vote by Resolution and submits results of that vote to the Chief Appraiser of the Comal Appraisal District by December 15, 2021.

\*WHEREAS, Section 6.03(k-1), [effective on January 01, 2022] This subsection applies only to an appraisal district established in a county with a population of 120,000 or more. The governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body. The governing body must submit its vote to the chief appraiser not later than the third day following the date the resolution is adopted.

THEREFORE, the City of Schertz submits the above Official Ballot, as issued by the Chief Appraiser, stating the vote for candidates for the election of the Board of Directors for the Comal Appraisal District.

ACTION TAKEN this \_\_\_\_\_ day of \_\_\_\_\_, 2021, in \_\_\_\_\_ Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code for the purpose of casting votes to elect the Board of Directors of the Comal Appraisal District.

ATTEST:

\_\_\_\_\_

\*Please consult your attorney for legal advice

OFFICIAL BALLOT

Issued to: City of Schertz

TO ELECT BOARD OF DIRECTORS FOR THE COMAL APPRAISAL DISTRICT FOR THE YEARS 2022-2023

Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate or divide those votes amount any number of the candidates. You have 64 total available votes.

Table with 3 columns: CANDIDATES, NOMINATING BODY, VOTES CAST. Lists 7 candidates including Eric Couch, Brad Howell, John Kuntz, Randy Maschek, Douglas Miller Jr., Nancy Pappas, and John Tyler.

Issued under my hand this 18th day of October, 2021.

Signature of Rufino H. Lozano, RPA/RTA-CCA, Chief Appraiser.

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE COMAL APPRAISAL DISTRICT FOR THE YEARS 2022-2023

WHEREAS, Section 6.03(k), of the Texas Property Tax Code requires that each taxing unit entitled to vote cast their vote by Resolution and submits results of that vote to the Chief Appraiser of the Comal Appraisal District by December 15, 2021.

\*WHEREAS, Section 6.03(k-1), [effective on January 01, 2022] This subsection applies only to an appraisal district established in a county with a population of 120,000 or more. The governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body. The governing body must submit its vote to the chief appraiser not later than the third day following the date the resolution is adopted.

THEREFORE, the City of Schertz submits the above Official Ballot, as issued by the Chief Appraiser, stating the vote for candidates for the election of the Board of Directors for the Comal Appraisal District.

ACTION TAKEN this \_\_\_ day of \_\_\_, 2021, in \_\_\_ Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code for the purpose of casting votes to elect the Board of Directors of the Comal Appraisal District.

ATTEST:

\_\_\_\_\_

\*Please consult your attorney for legal advice

**CITY COUNCIL MEMORANDUM**

**City Council Meeting:** November 9, 2021  
**Department:** City Secretary  
**Subject:** Resolution No. 21-R-122 - Consideration and/or action regarding approval of a Resolution casting votes to elect Board of Directors for the Guadalupe County Appraisal District for the FY2022-2023 term. (Mayor/Council)

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**BACKGROUND**

The City has received a letter regarding the Official Ballot to cast votes for the Board of Directors election for the Guadalupe Appraisal District. Direction and a resolution format for submission are included.

Per Section 6.03(k) of the Texas Property Tax Code, the governing body of each taxing unit entitled to vote shall determine by resolution and submit its vote by way of returning the ballot to the chief appraiser prior to December 15, 2021. Taxing units allotted votes may be cast for one candidate or may be distributed among any number of candidates.

The chief appraiser shall count the votes, declare the candidates who receive the largest cumulative vote total, and submit the results prior to December 31, 2021 to the governing body of each taxing unit who participated in the election and to each of the candidates.

The City has 245 votes to cast. The Candidates are:

- Mr. Ben Amador
- Mr. Darren Dunn
- Mr. Daryl John
- Mr. Jim Lievens
- Ms. Leticia Sever

Staff reached out to the following cities:

City of Selma will be casting their votes for Daryl John

City of Cibolo at the time of the writing did not indicate where they will be casting their votes

**FISCAL IMPACT**

None

**RECOMMENDATION**

Staff recommends Council discuss how they wish to distribute their 245 allotted votes. Council may choose to distribute the votes among certain candidates or cast all their votes for one candidate.

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## **Attachments**

Resolution 21-R-22

Guadalupe Appraisal District Ballot

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**RESOLUTION NO. 21-R-122**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS CASTING VOTES TO ELECT DIRECTORS FOR THE GUADALUPE COUNTY APPRAISAL DISTRICT FOR THE 2022-2023 TERM.**

WHEREAS, section 6.03(k), of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their votes by Resolution and submit results of that vote to the Chief Appraiser of the Guadalupe County Appraisal District on or before December 15, 2021.

THEREFORE, THE City of Schertz, Schertz Texas submits the attached Official Ballot, as issued by the Chief Appraiser, stating the votes for candidates for the election of the Board of Directors for the Guadalupe County Appraisal District for 2022-2023.

ACTION TAKEN this 9<sup>th</sup> day of November 2021, in Regular Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03(k) of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the Guadalupe County Appraisal District.

PASSED AND ADOPTED, this 9th day of November 2021.

CITY OF SCHERTZ, TEXAS

---

Ralph Gutierrez, Mayor

ATTEST:

---

Brenda Dennis, City Secretary

**CITY SEAL**

# GUADALUPE APPRAISAL DISTRICT

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Main Office  
3000 N. Austin St.  
Seguin, Texas 78155  
(830) 303-3313 Opt. 1  
(830) 372-2874 (Fax)  
gadprotest@guadalupead.org

Schertz Substation  
1052 FM 78, Ste. 103  
Schertz, Texas 78154  
(830) 303-3313 Option 2  
(877) 254-0888 (Fax)

9171 9690 0935 0259 2309 34

October 19, 2021

CITY OF SCHERTZ  
City Council  
Marke Browne, City Manager  
1400 Schertz Pkwy.  
Schertz, TX 78154

Dear City Manager Browne and City Council,

Enclosed is an Official Ballot to cast votes for the Guadalupe Appraisal District's Board of Directors election. Directions and a resolution format for submission are enclosed.

Per §6.03(k) of the Texas Tax Code, the governing body of each taxing unit entitled to vote, shall determine by resolution and submit its vote by way of returning the ballot to the chief appraiser **before December 15, 2021**. Taxing units allotted votes may be cast for one candidate or distributed among any number of candidates. "The governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body. The governing body must submit its vote to the chief appraiser **not later than the third day** following the date the resolution is adopted."

In addition, §6.033 of the Texas Tax Code states "The governing body of a taxing unit may call for the recall of a member of the board of directors of an appraisal district appointed under §6.03 of this code for whom the unit cast any of its votes in the appointment of the board."

Finally, the chief appraiser shall count the votes, and declare the five candidates who receive the largest cumulative vote totals. The results shall be submitted before **December 31, 2021** to the governing body of each taxing unit in the District and to the candidates.

Please call if you should have any questions in this regard.

Sincerely,

  
Peter Snaddon, R.P.A., C.C.A.  
Chief Appraiser

**OFFICIAL BALLOT TO ELECT  
BOARD OF DIRECTORS FOR THE GUADALUPE APPRAISAL DISTRICT  
FOR 2022-2023**

Issued to: CITY OF SCHERTZ


Directions: Please enter the number of votes cast on the blank space opposite the name of the candidate. You may cast all of your votes for one candidate, or divide those votes among any number of the candidates. You have 245 total available votes.

CANDIDATES  
(listed alphabetically)

1. Mr. Ben Amador
2. Mr. Darren Dunn
3. Mr. Daryl John
4. Mr. Jim Lievens
5. Ms. Leticia Sever

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This official ballot issued under my hand this 18th day of October, 2021.

  
\_\_\_\_\_  
Peter Snaddon, R.P.A., C.C.A.  
Chief Appraiser  
Guadalupe Appraisal District

-----  
**RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE GUADALUPE APPRAISAL DISTRICT FOR THE 2022-2023 TERM**

WHEREAS, Section 6.03(k), of the Texas Tax Code, as amended by HB2043, requires that each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the Guadalupe Appraisal District before December 15, 2021.

THEREFORE, THE \_\_\_\_\_ submits the above Official Ballot, as issued by the Chief Appraiser, stating the vote for candidates for the election of the Board of Directors for the Guadalupe Appraisal District for 2022-2023.

ACTION TAKEN this \_\_\_\_\_ day of \_\_\_\_\_, 2021, in \_\_\_\_\_ Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03(k) of the Texas Tax Code, and amended by HB2043, for the purpose of casting votes to elect the Board of Directors of the Guadalupe Appraisal District.

\_\_\_\_\_  
Signature of Presiding Officer

ATTEST:

\_\_\_\_\_  
Title

**CITY COUNCIL MEMORANDUM**

**City Council Meeting: November 9, 2021**

**Department: Engineering**

**Subject: Monthly update - on Major Projects in progress/CIP. (B. James/K. Woodlee)**

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**Attachments**

November Major Project Update

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## CITY COUNCIL MEMORANDUM

**City Council Meeting:** November 9, 2021  
**Department:** City Manager  
**Subject:** Update on Major Projects in Progress

### Background

This is the monthly update on large capital projects that are in progress or in the planning process. This update is being provided so Council will be up-to-date on the progress of these large projects. If Council desires more information on any project or on projects not on this list, please reach out to staff and that information will be provided.

### Facilities Projects:

#### 1. 27 Commercial Place Renovation

- Project Status: Punch List Phase
- Construction Start: June 2021
- Estimated Completion: September 2021
- Cost of Construction: \$1,372,794
- Project Update: Construction has been completed and contractor is working to complete the final punch list items. City Staff has begun moving in equipment and tools from the old fleet shop. Most of the new equipment ordered as part of the project will arrive in early November. It is expected that Fleet Division operations will be fully moved into 27 Commercial Place in November.





## 2. Animal Adoption Center HVAC Replacement Project

○ Project Status: Construction Phase

○ Construction Start: October 2021

○ Estimated Completion: December 2021

○ Cost of Construction: \$700,000

○ Project Update: Team Mechanical began work in the Animal Adoption Center on October 4<sup>th</sup>. All of the old HVAC equipment and duct work has been removed. The installation of new duct work is mostly complete. The new HVAC units will be installed in November. The project is expected to be completed in December.

### **3. Civic Center HVAC Replacement Project**

- Project Status: Design Phase
- Consultant: M&S Engineering
- Projected Completion: Spring 2022
- Design Cost: \$93,500.00 (NTE)
- Project Update: City Council approved the M&S Engineering design contract award on October 26<sup>th</sup>. The task order contract is expected to be signed the first week of November and the design work will begin immediately. The goal is to complete the project prior to the cooling season beginning in 2022.

### **4. Borgfeld Facility Renovation Project**

- Project Status: Scope Development Phase
- Projected Completion: Spring 2022
- Project Update: Project will consist of renovating approximately 1600 SF of office space. This will be primarily done in house by the Facilities Team.

### **5. Civic Center Flooring Project**

- Project Status: Scheduling Labor and Materials
- Project Completion: December 2021
- Estimated Cost: \$50,000
- Project Update: PO for flooring material has been issued. Atlas Flooring is ordering material and scheduling labor to ensure that the project is complete by end of December. High strength stainless steel floor outlet boxes are being fabricated to be installed after flooring goes down.

### **6. Animal Adoption Center Fence Project**

- Project Status: Awaiting Materials
- Project Completion: Spring 2022
- Estimated Cost: \$40,000
- Project Update: YCO Gate company is facing a significant lead time for the chain link fencing. Estimated 16-week lead time for materials. Contractor plans to complete project within one-week upon receipt of materials.

## **Drainage Projects:**

### **1. Savannah Square Detention Basin, Sycamore Creek at Westchester Drive, and Dietz Creek at Arroyo Verde (2020 Silt Removal Projects)**

- Project Status: Construction Phase
- Consultant: Ford Engineering
- Construction Start: July 26, 2021
- Cost of Construction: \$291,627.47 (NTE \$320,000)
- Project Update: Myers Concrete Construction continues to progress through the silt removal at all three sites. Intermittent rain events have stalled much of the earlier progress on each site. Savannah Square Detention Basin was sodded but due to heavy rains it rolled up about a quarter of their sod. They have since cleaned this up

and should be resodded this week depending on weather. Dietz Creek silt removal was complete but due to heavy rains, seed and sod was unable to be placed until the site dries out. Work is ongoing at Sycamore Creek. The estimated construction completion date is April 22, 2022. However, the Contractor plans to complete the remaining work by the end of December 2021.

## **2. Fire Station #2 Channel Improvements**

- Project Status: Project Closeout
- Consultant: Ford Engineering
- Construction Start: May 24, 2021
- Construction Completion: Week of August 2, 2021
- Project Update: C3 Environmental Specialties has continued revegetate the work area. However, all project tasks have been complete as of September 13, 2021.
- The main project is complete, but the city requested additional rip rap to be placed to tie into the drainage structure within TxDOT right-of-way. This additional work is complete. All that is left is form removal, backfill and the planting of sod.

## **Water and Wastewater Projects:**

### **1. FM 1103 Sewer Extension Project**

- Project Status: Project Closeout
- Construction Start: May 2021
- Construction Completion: Summer 2021
- Cost of Construction: \$74,235.00 (NTE: \$81,659.00)
- Project Update: M&C Fonseca Construction has completed all of the project scope of work. The only outstanding item on the project is re-establishing vegetation which is ongoing. The project will be closed out once vegetation is re-established.

## **Engineering Projects:**

### **1. 2018 Street Preservation and Maintenance Reconstruction Project**

- Project Status: Substantially Complete
- Construction Start: January 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$1,501,199
- Project Update: The Schertz Parkway work is essentially fully complete. The striping company missed one crosswalk and stop bar on the south side of the Live Oak intersection. Those will be completed in the very near future. The damaged curb at the southwest corner of Woodland Oaks will be replaced this week. A vehicle caused some surface damage to the pavement at the Mesa Verde intersection. Stoff is working to get the damage repaired.

### **2. 2018 Street Preservation and Maintenance Rehabilitation Project**

- Project Status: Fully Complete
- Construction Start: April 2020
- Construction Completion: Summer 2020

- Cost of Construction: \$2,611,348
- Project Update: No change from the last update. The project is fully complete.

### **3. 2018 Street Preservation and Maintenance Resurfacing Project**

- Project Status: Under Construction
- Construction Start: March 2020
- Construction Completion: Summer 2020
- Cost of Construction: \$791,174.34
- Project Update: The fog seal contract was re-bid. Two bids were received and opened on November 3<sup>rd</sup>. Staff is reviewing the bids and expects to make an award recommendation to Council at the December 7<sup>th</sup> meeting. The low bid is higher than the Engineer's Estimate. There is some value engineering that could be done to get the bid price closer to the estimate.

### **4. Cibolo Valley Drive Expansion Project**

- Project Status: Under Construction
- Construction Start: May 2020
- Construction Completion: Summer 2021
- Cost of Construction: \$4,806,762 total (\$1,300,000 City of Schertz Contribution)
- Project Update: Project is complete. No change from last report.

### **5. Cherry Tree Rehabilitation Project**

- Project Status: Bidding complete
- Consultant: Ford Engineering
- Project Start Date: November 2020
- Project Completion Date: December 2020
- Total Project Cost: \$273,193.80 (NTE amount \$300,600)
- Project Update: No change from last report. The project is fully complete.

### **6. Elbel Road Storm Drain and Paving**

- Project Status: Design
- Consultant: Ford Engineering
- Project Start Date: October 4, 2021
- Project Completion Date: Spring 2022
- Total Project Cost: \$1,964,000
- Project Update: R.L Jones has made good progress on the project. The new storm drain piping on the north side of the street is 90% complete. During construction, two conflicts with utilities lines were discovered. Both lines have been relocated to allow for the storm drain installation. Over the next couple of weeks, the contractor expects to finish the piping and install the new inlets. Once the inlets are installed, the trach will be paved. After the trench restoration is completed, traffic control will be changed and the contractor will start installing the storm drain piping on the south side of the street. The south side work will not take as long to complete. It is a much shorter length and there are fewer utilities to work around.

## **7. 2020 Street Preservation and Maintenance (Resurfacing) Project**

- Project Status: Design
- Consultant: Kimley-Horn & Associates
- Project Update: Intermountain Slurry Seal plans to start working on the project on November 15<sup>th</sup>. They will be working on the prep work in the various subdivisions. It will take a few months to complete the prep work. The slurry seal application is expected to happen in the Spring, once we have favorable weather.

## **8. Tri-County Parkway Reconstruction Project**

- Project Status: Design
- Consultant: Halff Associates
- Project Update: EDC authorized additional funding for construction of the project during their October 28<sup>th</sup> meeting. The first budget amendment is scheduled for Council approval at the November 9<sup>th</sup> meeting. The second reading of the budget amendment and the contract award will be on the December 7<sup>th</sup> Council Agenda.

## **9. Woman Hollering Creek Wastewater Interceptor Main and Lift Station**

- Project Status: Construction Contract Notice to Proceed Pending
- Consultant: Cobb, Fendley & Associates, Inc.
- Estimated Construction Start: Fall 2021
- Estimated Cost of Construction: \$12 million
- Project Update: A contract for construction with Thalle Construction Co., Inc., was approved by City Council on September 28, 2021. Additional service agreements for owner's representative and construction testing services associated with this project have also been approved. A project kickoff meeting with all parties involved is scheduled to be held November 18, 2021.

## **10. Pedestrian Routes and Bike Lanes Project**

- Project Status: Under Construction
- Construction Start: Spring 2021
- Construction Management: AG|CM
- Estimated Cost of Construction: \$1.3 million
- Project Update: The contractor has been working on finishing the pedestrian trail and remaining construction elements on Live Oak. Some of the remaining work on Live Oak are the installation of some "sidewalk bridges." These were ordered at the start of the project but the manufacturer has not finished fabricating them yet. We have seen similar production delays on some other projects. The new striping on Woodland Oaks and Savannah has begun. The contractor expects to have the project completed by the end of this month. The recent rains have caused some damage to the pathway. The contractor is also repairing the damage and will be making some grading modifications to try to reduce the potential for future damage to the pathway.

## **11. Water and Wastewater Master Plan Update and Impact Fee Study**

- Project Status: Study
- Consultant: Lockwood, Andrews, and Newnam, Inc.
- Project Start Date: December 2019

- Project Completion Date: TBD 2022
- Total Project Cost: \$467,280 (NTE \$500,000)
- Project Update: A draft of the Land Use Technical Memo is currently in review by Staff. LAN continues to work on completion of utility models. Once land use assumptions are approved, future conditions will be input to the models for development of the Capital Improvement Plan for the Impact Fee update.

## 12.16 Dedicated Transmission Main Phase II

Overall project intent is the construction of a 16” dedicated water transmission main to connect the Live Oak water storage facility to the IH 35 storage tank. Phase 1 (route study, land acquisition coordination) was completed in March 2021.

- Project Status: Design Phase
- Consultant: Kimley-Horn & Associates
- Design Project Start Date: June 1, 2021
- Project Completion Date: Winter 2022
- Project Cost (Phase 2 Design): \$1,508,875.50
- Project Update: The City is engaged with Chevron Pipeline for the abandoned pipeline that is anticipated for removal within the planned water easement. A coordination meeting was held on October 7<sup>th</sup> with City staff and Kimley-Horn to discuss route changes based on topographic survey and impacts to trees. The Project Team met with the City of Cibolo on October 14<sup>th</sup> to discuss the route within the City of Cibolo boundary limits. The City of Schertz will participate in a presentation to the City of Cibolo Council during the first quarter of 2022. Hydraulic modeling of the City’s water system indicates that dedicated transmission main size performs better as an 18” or 24” main. The 60% design package will compare costs of an 18” PVC main and a 24” ductile iron main. The 60% Design package is anticipated to be received on December 1, 2021. The revised route of the Dedicated Transmission Main is provided on the CIP Map.

**SCHERTZ** Capital Improvement Projects

Street and Sidewalk Projects | Water and Wastewater Projects | Drainage Projects | Completed Projects

**16-Inch Dedicated Line**

The City is working with Kimley-Horn Engineering to plan the installation of a 16-inch dedicated transmission main to connect the Live Oak Tank to the IH-35 Tank at Holly Lane. Alignment 1 (red line on the map) has been selected as the preferred route and is the basis for current plans.

Update: Field work for environmental investigations near the Chevron Pipeline crossing, topographic and tree surveying, and geotechnical borings are ongoing during this preliminary design phase.

### **13. Stormwater Control Inventory and City Operations Assessment**

The work of this project is an action included in the City's Stormwater Management Plan (Plan). The Plan is the blueprint of activities needed to comply with the City's Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Permit required by virtue of the City's classification as Municipal Separate Storm Sewer System (MS4).

This project specifically consists of development of an inventory of City facility stormwater controls and an assessment of city operations as related to stormwater control and quality.

- Project Status: Study
- Consultant: Utility Engineering Group, PLLC
- Project Start Date: July 2020
- Project Completion Date: Winter 2021
- Total Project Cost: \$35,000
- Project Update: No change from last project update. Consultant and City staff have visited City sites for information collection. Consultant has submitted a final draft from the compiled information and Inventory Assessment is under review by staff.

### **14. Riata Lift Station Relocation (Design Phase)**

Overall project intent is to relocate the Riata Lift Station ahead of TxDOT's IH-35 NEX Project to remove it from conflict with the proposed improvements. The design phase will identify a new site for the lift station, design the new lift station, and design the abandonment of the existing lift station.

- Project Status: Design Phase
- Consultant: Utility Engineering Group, PLLC (UEG)
- Design Project Start Date: August 2020
- Expected Design Project Completion Date: Summer 2021
- Total Project Cost: \$129,795 (NTE \$143,000)
- Project Update: UEG is working on the property/easement acquisition for the site and sewer mains.

### **15. Aviation Heights Water Main Construction Phases 5, 6, and 7 (Construction Phase)**

Overall project intent is the construction of an 8" water main within the Aviation Heights area along Aero Avenue, Brooks Avenue, Winburn Avenue, Mitchell Avenue, and Aviation Avenue.

- Project Status: Construction Phase
- Consultant: Ford Engineering
- Project Start Date: October 18, 2021
- Expected Project Completion Date: January 24, 2023
- Total Project Cost: \$1,785,484.25
- Project Update: The start date for MC Fonseca was postponed to October 18<sup>th</sup> to account for storage of materials within the City's Pecan Drive lot (utilized for the City-wide clean-up days). Work continues to place the 8" water main along Aero Avenue including temporary backfill and cold-mix asphalt. The Contractor is working keep the construction zone clean of debris and with sufficient water to control dust.

## **16. Crest Oak Wastewater Upsize**

Overall project intent is to upsize the existing 10” sewer main which extends approximately 2,600 linear feet north of Crest Oak.

- Project Status: Scoping phase
- Consultant: None
- Project Start Date: To Be Determined
- Project Completion Date: To Be Determined
- Total Project Cost: Approximately \$700,000
- Project Update: A technical memo was provided by Kimley-Horn to identify current and future contributing flows. Based on the information provided in the technical memo, pipe bursting can likely be utilized to upgrade the existing 10” sanitary sewer main to a 15” sanitary sewer main. Public Works is obtaining cost information to budget pipe bursting of this sanitary sewer line.

## **17. FM 1518 Utility Relocations**

Overall project intent is to relocate the water and sewer utilities to avoid conflicts as part of the TXDOT FM 1518 Project. The current contract is for the design services of the project.

- Project Status: Design Phase
- Consultant: Halff Associates
- Design Project Start Date: June 2021
- Expected Design Project Completion Date: September 2022
- Total Project Cost: \$548,370 (NTE \$600,000)
- Project Update: TXDOT has provided comments to the 90% plan set and Halff is addressing those comments to complete the 95% design. Halff and city staff are also discussing alignments along Aztec Lane which will cross the creek near the CCMA lift station.

## **18. Corbett Ground Storage Tank**

Overall project intent is the construction of a 3.0 Million Gallon ground storage tank for filling the Corbett Elevated Storage Tank, the East Live Oak Elevated Storage Tank, plus additional storage.

- Project Status: Design Phase
- Consultant: Ford Engineering
- Design Project Start Date: June 7, 2021
- Expected Project Completion Date: May 2022
- Total Project Cost: \$466,265.00
- Project Update: No change from last report. The study and report phase (including geotechnical investigation and topographic survey) was completed in August 2021 and the Project Team met with City staff to outline design requirements of the ground storage tank. Design work is ongoing for the ground storage tank and pump station

### **TxDOT Roadway Projects:**

- 1. FM 1103 Improvement Project:** TxDOT is working with the construction contractor for the FM 1103 Improvement project. Construction is expected to begin very soon. Further information will be provided with next month's update.
- 2. FM 1518 Improvement Project:** No change from last project update. TxDOT is in the Plans, Specs, and Estimates (PS&E) stage of the project. At this time, the design consultant for TxDOT has prepared 90% construction plans and is working toward 95% completion. The project is scheduled to be let for construction in September 2022.
- 3. I-35 Operational Improvements Project (FM 2252 to Schwab Road):** No change from last update. Contractor continues work and estimated final cost of the project is \$25.5 million. The current schedule includes an expectation of substantial completion in late fall 2021.
- 4. I-35 NEX (I-410 South to FM 1103):** A design-build contract for the central segment of the I-35 Northeast Expansion project has been awarded to Alamo NEX Construction. The central section runs from 410 N to FM 3009 is fully funded. The previously scheduled groundbreaking ceremony was cancelled. Significant construction is expected to begin in Spring 2022.
- 5. IH-10 Graytown Road to Guadalupe County Line:** No change since last update. Construction of this \$157 million project to expand IH 10 underway. Traffic controls have been placed and work has begun on the transition of the access roads from two-way to one-way. Grading for the widening of the main lanes has also begun and utility relocations are underway. (No City of Schertz utilities need to be relocated for this project.) Ramp and lane closures take place as necessary and occasionally include full closure of the main lanes for work such as bridge demolitions. The construction timeline for the project is 53 months.

### **Planning and Community Development Projects:**

#### **1. CityView Permitting and Development Software**

The CityView software is currently being configured by the CityView implementation team. City Staff continues the process of validating and testing the software. Validation involves testing the software from both sides – what customers will see and what City Staff will see once the system is complete and operational. Once validation is complete, the project moves to end user staff training and then goes live.

- Total Project Cost: \$523,766.00
- Project Start Date: June 2018
- Project Completion Date: TBD – Fall/Winter 2021