

RESOLUTION NO. 22-R-01

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE PERMANENT CLOSURE OF WENDY SWAN MEMORIAL PARK POOL AND ITS CONVERSION TO A SPLASHPAD FEATURE, AND AUTHORIZING A PURCHASE IN EXCESS OF \$50,000, AND AWARDING THE CONTRACT FOR CONSTRUCTION TO T.F. HARPER & ASSOCIATES, A BUYBOARD PURCHASING COOPERATIVE VENDOR, IN AN AMOUNT NOT TO EXCEED \$289,700.09.

WHEREAS, city staff researched splash pad options utilizing the existing pool filtration equipment to maximize operating hours and season length for a water feature at Wendy Swan Memorial Park; and

WHEREAS, city staff gathered resident feedback on the proposed pool conversion to a splashpad via mailed postcards, voting on an online poll, social media posts, and a public input meeting; and

WHEREAS, the Parks & Recreation Advisory Board made a motion at their July 26, 2021 meeting to approve the pool conversion to a splashpad and that motion carried; and

WHEREAS, city staff proposes to construct the splashpad utilizing reserve funds and the savings from the cancelled YMCA management agreement for the Wendy Swan Memorial Park Pool totals \$71,952 annually, and will repay the reserve fund in 4 years;

WHEREAS, the city has a policy to seek authorization for purchases in excess of \$50,000 with a single vendor and the BuyBoard quote totals \$263,363.72 plus a 10% contingency of \$26,336.37 for a total amount not to exceed \$289,700.09; and

WHEREAS, the BuyBoard National Purchasing Cooperative is a national online purchasing cooperative formed between the National School Boards Association and several state school boards associations, developed to comply with state laws which require government entities to make purchases through a competitive procurement process; and

WHEREAS, BuyBoard gives public entities the advantage of leveraging the cooperative's ability to obtain bulk discounts, combined with the ease of online, web-based shopping and ordering; and

WHEREAS, purchases under the cooperative programs meet the requirements under the Texas Local Government Purchasing Code rule for cooperative purchases as adopted by the City of Schertz Resolution 11-R-41 on August 30, 2011 amending the City's purchasing policy.

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

Section 1. The City Council hereby authorizes the permanent closure of Wendy Swan Memorial Park Pool and its conversion to a splashpad feature, and authorizes expenditures in excess of \$50,000, and awards the contract to T.F. Harper & Associates, a BuyBoard Purchasing Cooperative vendor, in an amount not to exceed \$289,700.09 for construction of the splash pad (in attached 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 1st day of March, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A
CONTRACT WITH T.F. HARPER & ASSOCIATES