



MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
June 20, 2023

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

CITY OF SCHERTZ CORE VALUES

Do the right thing

Do the best you can

Treat others the way you want to be treated

Work cooperatively as a team

AGENDA

TUESDAY, JUNE 20, 2023 at 6:00 p.m.

Call to Order

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

Proclamations

- National Park and Recreation Month-July 2023

Presentations

- Presentation of 2023 TAMI Awards (S. Gonzalez/L. Klepper/D. Christensen)

City Events and Announcements

- Announcements of upcoming City Events (B. James/S. Gonzalez)
- Announcements and recognitions by the City Manager (S. Williams)
- 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 regular meeting minutes of June 6, 2023. (S.Edmondson/S.Courney)
2. **Resignations For Boards/Commissions/Committees** (S.Edmondson)
 - Accept resignation of Mr. Ken Bauer from the Library Advisory Board of Directors.
3. **Ordinance 23-T-12** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving an ordinance authorizing adjustments to the FY 2022-23 Budget, and other matters in connection therewith. *Final Reading* (S. Gonzalez/J. Walters)
4. **Resolution 23-R-53** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Cibolo for the sharing of services and financial obligation in the hiring of a Crime Victim Liaison to provide support and assistance needed for victims of crimes beyond the reasonable capabilities and resources that law enforcement may possess. (J.Lowery)
5. **Resolution 23-R-50** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the City Manager to enter into an agreement with Texas State Library and Archives Commission relating to the reimbursement of expenses incurred through the lending of Schertz Public Library materials to other libraries (S. Gonzalez/M. Uhlhorn)

6. **Resolution 23-R-49** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the revised bylaws of the Schertz Library Advisory Board, and other matters in connection therewith. (S. Gonzalez/M. Uhlhorn)
7. **Resolution 23-R-54** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments. (S.Gonzalez/J.Walters)
8. **Ordinance 23-S-12** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving an ordinance authorizing a Specific Use Permit to allow a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232. *Final Reading* (B. James, L. Wood, S. Haas)

Discussion and Action Items

9. **Resolution 23-R-51** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution nominating a candidate to fill the vacancy on the Comal Appraisal District Board of Directors. (S.Williams)
10. **Resolution 23-R-52** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the City Manager to enter into an agreement with Public Sector Personnel Consultants (PSPC) to conduct a Classification and Compensation Study. (S. Gonzalez/J. Kurz)

Workshop

11. Discussion on the City Council Electronic Voting System (R.Gutierrez)

Information available in City Council Packets - NO DISCUSSION TO OCCUR

12. Master Calendar has been updated to reflect City Council Meetings on the first and third Tuesdays of the month in accordance with the approval of Ordinance 23-M-11. Additional meetings were added due to cancelations necessitated by holidays and special events such as National Night Out and the General Election.

Requests and Announcements

- 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, SHEILA EDMONDSON, 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 16TH DAY OF JUNE 2023 AT 4:30 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEILA EDMONDSON

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 _____, 2023. 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>Mayor Gutierrez Audit Committee Board of Adjustments Investment Advisory Committee Main Street Committee Senior Center Advisory Board-Alternate</p>	<p>Councilmember Davis– Place 1 Interview Committee for Boards and Commissions Main Street Committee - Chair Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Commission TIRZ II Board</p>
<p>Councilmember Watson-Place 2 Audit Committee Library Advisory Board Senior Center Advisory Board Interview Committee for Boards and Commissions Cibolo Valley Local Government Corporation-Alternate</p>	<p>Councilmember Whittaker – Place 3 Historical Preservation Committee Interview Committee for Boards and Commissions-Chair TIRZ II Board</p>

<p>Councilmember Dahle – Place 4 Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions Planning & Zoning Commission TIRZ II Board</p>	<p>Councilmember Scagliola – Place 5 Animal Advisory Commission - Alternate Hal Baldwin Scholarship Committee Schertz-Seguin Local Government Corporation</p>
<p>Councilmember Heyward – Place 6 Animal Advisory Commission Audit Committee Building and Standards Commission Economic Development Corporation - Alternate Investment Advisory Committee Main Street Committee Interview Committee for Boards and Commissions-Alternate Senior Center Advisory Board</p>	<p>Councilmember Brown – Place 7 Economic Development Corporation Main Street Committee Schertz-Seguin Local Government Corporation - Alternate</p>

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: City Secretary
Subject: Proclamations

- **National Park and Recreation Month-July 2023**
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CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: City Secretary
Subject: Minutes - Consideration and/or action regarding the approval of the regular meeting minutes of June 6, 2023. (S.Edmondson/S.Courney)

Attachments

Minutes 06-06-2023

DRAFT

MINUTES REGULAR MEETING June 6, 2023

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 6, 2023, 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 Tim Brown; Councilmember Mark Davis; Councilmember Michelle Watson; Councilmember Jill Whittaker; Councilmember Michael Dahle; Councilmember David Scagliola; Councilmember Allison Heyward

Staff present: City Manager Steve Williams; Deputy City Manager Brian James; Assistant City Manager Sarah Gonzalez; City Attorney Daniel Santee; Deputy City Secretary Sheree Courney

Call to Order

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

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

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

Employee Introductions

Mayor Gutierrez recognized City Department Heads who introduced new staff.

- EMS: Jennifer Villarreal, Paramedic
- Neighborhood Services: Jesse Lee, Code Enforcement Officer
- Library: Matt Saucier, Library Assistant; Sonia Trujillo, Library Assistant
- EDC: Scott Wayman, Executive Director; Tracy Miller, Administrative Assistant

City Events and Announcements

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

Mayor Gutierrez recognized Deputy City Manager Brian James who provided the following:

Saturday, June 10

Nature Discovery Series - "Discover the Forest"

10:00 a.m. - 12:00 p.m.

Crescent Bend Nature Park

Saturday, June 17

Ed-ZOO-cation in the Park

10:00 a.m. - 12:00 p.m.

Crescent Bend Nature Park

Tuesday, June 20

Next Regular Council Meeting

6:00 p.m.

Council Chambers

- Announcements and recognitions by the City Manager (S. Williams)

Mayor Gutierrez recognized City Manager Steve Williams who provided the following:

- As part of Building Safety Month, Schertz Building and Safety Division set-up a table at Lowe's on Tuesday, May 16th and Tuesday, May 23rd answering questions for shoppers
- May 29th - Memorial Day Ceremony at VFW Post 8513 and Veterans' Memorial Plaza in Schertz, had approximately 150 people in attendance
- Library - 'Read Before Book Store' event held on June 2-3 was very well attended
- Annual Employee Cookout and Cornhole Tournament on May 25th at Pickrell Park
 - Cornhole winners
 - First place: Sean O'Leary and Adam Samaniego, Police Department
 - Second place: Demetrio Martinez and Diego Martinez, Public Works Department
 - Employee Excellence Awards
 - Rising Star - Erin Noah, Planning and Community Development
 - Leadership - Dawniecia Hardin Trussell, Director, Internal Services
 - Employee of the Year - Rebecca Vera, Manager, Neighborhood Services, and Sgt. Martin Trevino, Police Department

- Retirements
 - Eddie Diggs, Engineering
 - Rene Zarate, Finance
- Employee Health Expo held earlier today included over 25 businesses focused on employee wellness.
- Announcements and recognitions by the Mayor (R. Gutierrez)

Mayor Gutierrez congratulated staff award winners.

Hearing of Residents

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Mayor Pro-Tem Brown recognized the following resident:

James Thompson, 1309 Arroyo Loma, Arroya Verde subdivision regarding a project that is planned for the easement. Residents of the subdivision have met with City staff and are requesting consideration of a different path for the project.

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 Agenda Items #1-4 for the record.

1. **Minutes** - Consideration and/or action regarding the approval of the regular meeting minutes of May 23, 2023. (S.Edmondson/S.Courney)
2. **Resolution 23-R-47** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas approving and authorizing a CCN amendment and a CCN transfer between Green Valley Special Utility District and the City of Schertz to amend CCN boundaries and other matters in connection therewith. (B. James/L. Busch)

3. **Resolution 23-R-48** - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a Resolution authorizing a Schertz Main Street Local Flavor Economic Development Grant for 820 Main Street. (S. Williams/B. James)

4. **Appointment/Reappointment For Boards/Commissions/Committees** (S.Edmondson)

- Reappointment of Mr. Roy Ragsdale to the Transportation Safety Advisory Commission (TSAC) Board of Directors

Moved by Councilmember Allison Heyward, seconded by Mayor Pro-Tem Tim Brown

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

Passed

Discussion and Action Items

5. **Ordinance No. 23-T-12** - Consideration and/or action approving an ordinance by the City Council of the City of Schertz, authorizing adjustments to the FY 2022-23 Budget, and other matters in connection therewith. First Reading (S. Williams, S. Gonzalez, J. Walters)

Mayor Gutierrez recognized Finance Director James Walters who briefed council on the items included in the budget adjustment.

1. Fleet is seeking funds to cover additional costs for engine repairs. Due largely to price increases, increased workload, and increased efficiencies (completing more repairs), the department requires an additional \$100,000 to maintain operations for the remainder of the year.
2. Training funds for Police officers: Law Enforcement Standards and Education (LEOS) fund \$33,440 will be exhausted for training this fiscal year.
3. EMS Paramedic Training: received \$34,000 to train paramedics in the field from other areas around the state.
4. \$160,000, included in the budget for Roadway Impact fees, to improve roads in area 3 for land across Lower Seguin Road. Already approved by Council via Resolution 23-R-41.
5. \$262,000 for the purchase of land along Dry Comal Creek for the Park Land Dedication Reserves for the Great Springs Trail Project. Already approved by Council via Resolution 23-R-137.

Moved by Councilmember Jill Whittaker, seconded by Councilmember Allison Heyward

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

Passed

Public Hearings

- 6. Ordinance 23-S-12** - Conduct a public hearing and consideration and/or action on a Specific Use Permit to allow a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232. *First Reading* (B. James, L. Wood, S. Haas)

Mayor Gutierrez recognized Senior Planner Samuel Haas who provided a summary for the Special Land Use permit application. Land use is zoned as general business, but the letter of intent to build a convenience store with gas pumps requires a special use permit. In accordance with state law, notices were sent to residents within 200 feet of the property. On April 18th five public notices were sent, On May 17, 2023, a public hearing notice was printed in the San Antonio Express News. As of May 24th, two residents have responded, both in favor.

Staff analysis - current land use designation identifies this area as Highway Commercial which is intended to allow commercial activity at major highway intersections. The convenience store with gas pumps fits the retail land use desired in the highway commercial land use designation, the property is zoned General Business. Staff believes the proposed use would enhance the condition of the property and the next closest gas stations are located at the intersections of I-10 and 1604 and I-10 and Trainer Hale, approximately 6 miles between gas stations, making this a good location.

Staff recommends approval of the Specific Use Permit based on compatibility with the Comprehensive Land Use Plan and consistency with other properties in the same area and zoning district in addition to the quality improvement of the subject property with enhanced services. The Planning and Zoning Commission recommended approval at their regular meeting on May 10, 2023, with a 7-0 vote.

Mayor Gutierrez opened the Public Hearing. No public requested to speak, so public hearing was closed.

Mayor Gutierrez opened the discussion to Council. No comments were made.

Moved by Councilmember Allison Heyward, seconded by Councilmember Michelle Watson

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

Passed

Workshop

7. City Staff will conduct a workshop on proposed changes to the Real Property Acquisition process and procedures. (S. Gonzalez/J. Gohlke)

Mayor Gutierrez recognized Purchasing Manager Julie Gohlke. Ms. Gohlke stated that the need for updating the Real Property Acquisition process is to align with the City purchasing policy and processes of our benchmark cities as well as enhancing the effectiveness and efficiency for Council and staff. Changes include acquisitions that are less than \$50,000 and in the budget, then no additional approval would be required; acquisitions greater than \$50,000 or an acquisition that necessitates a budget adjustment, would require a single council resolution that would occur after negotiations are concluded. Once resolution is approved then Purchasing would make the final offer and close on the acquisition.

Recommendation to align with General Procurement Policy is as follows:

- Construction/maintenance project with right of way or easement acquisition over \$50,000 require Council resolution.
- Unique Property Acquisitions such as Freeway Manor, Live Oak Hills, Lower Sequin, would be taken to Council for approval of the acquisition and setting of the "not to exceed" dollar amount prior to beginning negotiations. If the acquisition is approved, is under \$50,000 and below the "not to exceed" dollar amount, then the contract would go to the City Manager for signature. If, however, the dollar value is greater than \$50,000 or above the "not to exceed" dollar amount, the acquisition would be brought back to Council for approval.

Policy change does not require Council approval, however, staff wanted to

bring the change to the City's standard operating process to Council's attention and to ensure Council was comfortable with the proposed change.

8. Discussion and Consideration and/or Action regarding the Schertz Historical Preservation Committee restructure. (R. Gutierrez/S.Edmondson)
Mayor Gutierrez opened discussion regarding the Schertz Historical Preservation Committee (SHPC) restructure. When the committee met last, they had seven items they wanted to be addressed:
 1. Be allowed to be self-sufficient;
 2. Write and post minutes themselves;
 3. Access to Office 365 and SharePoint;
 4. Removed from the interview committee - want to pick their own members;
 5. Funds to purchase items in the future;
 6. Space for meetings and storage of artifacts; and
 7. Staff to write articles for the magazine and social media.

City attorney Dan Santee advised that if the committee leaves the City, it would need to be a 501(c)(3). This is a necessary step in order to receive public funds. An entity must meet the three part test as follows: (1) serve a public purpose, (2) city must retain oversight of the funds, and (3) must be some return benefit to the public.

After much discussion, the majority of Council were in agreement that the committee must meet certain criteria to remain under the auspices of the City, or they become a standalone non-profit with support from the City. Council has asked that Mr. James take the issue back to the Schertz Historic Preservation Committee and give them the two options, either they become a standalone non-profit or they function under the defined rules set by the City.

Information available in City Council Packets - NO DISCUSSION TO OCCUR

9. **Monthly Update** - FY 2022-23 Approved Expanded Programs (S. Williams/S. Gonzalez)
10. **Monthly Update** - Major Projects In Progress/CIP (B. James/K. Woodlee)

Requests and Announcements

- Requests by Mayor and Councilmembers for updates or information from Staff
Mayor Pro-Tem Brown requested an update on the Comprehensive Plan Review Committee's intent to meet with the City Council.

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

Councilmember Scagliola requested Council voting procedures be discussed.

- Announcements by Mayor and Councilmembers
 - City and Community Events attended and to be attended
 - Mayor Pro-Tem Brown thanked the Mayor for partnering with other cities on the Memorial Day Ceremony. He hopes that other ceremonies will be shared across our communities.
 - Councilmember Watson attended the EMS banquet.
 - Councilmember Scagliola attended:
 - Memorial Day Ceremony giving kudos to Parks for brick work and landscaping and thanks to the Knights of Columbus for providing refreshments after the event.
 - EMS banquet
 - Employee Appreciation Event at Pickrell Park
 - Councilmember Heyward attended:
 - Animal Advisory Committee meeting giving kudos to the animal services staff for their response to a pan and parvo outbreak and to the police department for their oversight and support of the Animal Services Department.
 - ICSC Las Vegas 2023
 - Memorial Day Ceremony - very happy about the city-sharing and thanked the Knights of Columbus for their participation.
 - 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

Mayor Gutierrez adjourned the meeting at 7:18 p.m.

Ralph Gutierrez, Mayor

ATTEST:

Sheree Courney, Deputy City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: City Secretary
Resignations For Boards/Commissions/Committees (S.Edmondson)
Subject: • Accept resignation of Mr. Ken Bauer from the Library Advisory Board of Directors.

BACKGROUND

GOAL

COMMUNITY BENEFIT

SUMMARY OF RECOMMENDED ACTION

RECOMMENDATION

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: Finance
Subject: Ordinance 23-T-12 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving an ordinance authorizing adjustments to the FY 2022-23 Budget, and other matters in connection therewith. *Final Reading* (S. Gonzalez/J. Walters)

BACKGROUND

The City Budget for FY 2022-23 was approved by Ordinance 22-T-39. The budget can be modified by council authorization when necessary throughout the year.

As previously directed, staff will try to limit the number of budget adjustments that come to council throughout the year by bundling different budget requests together in one adjustment ordinance. This adjustment will adjust budgets of multiple departments as needed, including to fund projects as previously authorized by City Council.

Fleet has been using more outside fleet repair services for Engine 2 and will need an additional \$50,000. Fleet's operating supplies, for parts, will need an additional \$50,000 due to price increases and current service levels of the existing fleet.

Each year the City receives Law Enforcement Officer Standards and Education (LEOSE) funds from the state. The past few years those funds have accumulated within the General Fund and are ready to be used. This adjustment will set the budget for LEOSE training to full amount saved from previous years and use all \$33,440 that has been received. This is grant funded training and staff will be using the funding this year as well as in the future annual amount each year.

Recognize reimbursement opportunity in EMS for Paramedic Training. Total training increase of \$34,000 and the reimbursement for \$34,000. This reimbursement program is part of Senate Bill 8 Emergency Medical Services Workforce Recruitment and Retention whose goal is to boost the number of paramedics in Texas. The City has already received the \$34,000 reimbursement.

To purchase land along Lower Seguin Road out of the Roadway Impact Fees Area 3 reserves in the amount of \$160,000 as authorized by Resolution 23-R-41. This will assist in future roadway improvements going forward.

To purchase property in the Dry Comal Creek for \$262,069 out of the Parkland Dedication reserves as authorized by Resolution 22-R-137. The property is a strategic trailhead location for the City of Schertz' Dry Comal Creek Trail and the regional Great Springs Trail.

GOAL

To approve the budget adjustment to match operations and council authorized projects.

COMMUNITY BENEFIT

To maintain a complete and balanced budget as identified as a goal in the City's Strategic Plan and that meets State and Charter requirements.

SUMMARY OF RECOMMENDED ACTION

Staff recommends approval of Ordinance 23-T-12.

FISCAL IMPACT

This adjustment will recognize additional sales tax revenue to cover the additional fleet repair costs. Investment income has already met its budget estimations and can cover the fleet repair costs.

EMS budget increase is paid for by outside reimbursements and not affect the fund.

The Parkland Dedication fund has a balance before the adjustment of \$269,000 as of April 30, 2023 and will have \$7,000 remaining after the land purchase for other projects.

The Roadway Impact Fee Area 3 fund has a balance before the adjustment of \$1,367,000 and will have \$1,207,000 remaining after the land purchase for other projects.

The City currently has \$33,440 set aside for LEOSE training and plans to use that amount this fiscal year.

RECOMMENDATION

Staff recommends approval of Ordinance 23-T-12.

Attachments

Ordinance 23-T-12

ORDINANCE NO. 23-T-12

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN ADJUSTMENT TO THE FISCAL YEAR 2022-2023 BUDGET, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance 22-T-39, the City of Schertz (the “**City**”) adopted the budget for the City for the fiscal year 2022-2023 (the “**Budget**”), which provides funding for the City’s operations throughout the 2022-2023 fiscal year; and

WHEREAS, the City needs to increase the budget for fleet repair by \$100,000.00; and

WHEREAS, the City needs to increase the budget for Police Training by \$33,440.00; and

WHEREAS, the City needs to increase the budget for Paramedic Training by \$34,000.00; and

WHEREAS, the City needs to increase the budget for land/right-of-way purchases by \$160,000.00 for property along Lower Seguin Road for future road improvements; and

WHEREAS, the City needs to increase the budget for land/right-of-way purchases by \$262,069.00 for property along the Dry Comal Creek bed for future trail improvements; and

WHEREAS, City staff recommends that the City Council of the City adjust the Budget and approve the ordinance; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City to adjust the Budget and approve the personnel budget adjustment as more fully set forth in this Ordinance.

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

Section 1. The City shall increase the budget by \$100,000.00 for fleet repairs and recognize an additional \$100,000.00 in Investment Income.

Section 2. The City shall increase the budget by \$33,440.00 for police training and recognize a transfer from the Law Enforcement Officer Standards and Education fund of \$33,440.00.

Section 3. The City shall increase the budget for paramedic training by \$34,000.00 and recognize an additional \$34,000.00 in state reimbursements to pay for the training.

Section 4. The City shall increase the budget for land/right-of-way purchase by \$160,000.00 for property along Lower Seguin Road for future road improvements and recognize a transfer of \$160,000.00 from the Roadway Impact Fees Area 3 fund balance.

Section 5. The City shall increase the budget for land/right-of-way purchase by \$262,069.00 and recognize a transfer of \$262,069.00 from the Parkland Dedication fund balance.

Section 6. 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 7. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. 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 10. 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 11. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the _____ day of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023

Department: Police Department

Subject: Resolution 23-R-53 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Cibolo for the sharing of services and financial obligation in the hiring of a Crime Victim Liaison to provide support and assistance needed for victims of crimes beyond the reasonable capabilities and resources that law enforcement may possess. (J.Lowery)

BACKGROUND

The City of Schertz was engaged in an Interlocal Agreement regarding funding for a full time Crime Victims' Liaison with the City of Cibolo and the City of Live Oak for the performance of a Crime Victims' services employee that was employed by the City of Schertz, but provided shared said services to the Cities of Cibolo and Live Oak. The City of Live Oak exercised their right to cancel the agreement. The shared costs was based upon a total amount of \$75,000.00 divided among the three entities for a total of \$25,000.00 each. The City of Cibolo has agreed to split the \$75,000.00 for a respective cost of \$37,500.00 per entity. Thus requiring a new ILA between the City of Schertz and Cibolo.

GOAL

Provide citizens with the services of a Crime Victims' Liaison. The laws of Texas require and mandate that a victim, guardian of a victim or close relative of a deceased victim is entitled to specific rights with the criminal justice system. The support and assistance frequently needed in such instances is beyond the reasonable capabilities and resources that law enforcement alone may possess. The City of Schertz and the City of Cibolo agree that there are significant savings if the services of a crime victims' liaison of one entity will be for the joint use of all contracting entities on a cost sharing basis for the essential services of a Crime Victims' Liaison to increase efficiency and effectiveness of this governmental function.

COMMUNITY BENEFIT

Citizens will be provided necessary and immediate services of a Crime Victims' Liaison in protecting their statutory legal rights as a crime victim in connection with law enforcement and prosecution of certain crimes.

SUMMARY OF RECOMMENDED ACTION

Approval of the ILA will allow the City of Schertz and the City of Cibolo to continue providing Crime Victims' Liaison services to our collective citizens. The original ILA has been in place since 2015, and it included the City of Live Oak. The City of Live Oak has exercised their right to cancel the ILA thus requiring a new ILA between the City of Schertz and Cibolo. And both entities have agreed to split the previous costs borne by the City of Live Oak.

FISCAL IMPACT

The fiscal impact will be an additional \$12,500.00 to our revenue for the full-time Crime Victim Liaison. This is based upon the City of Cibolo splitting the \$25,000.00 originally funded by the City of Live Oak.

RECOMMENDATION

Approve the resolution and authorize the City Manager to execute the Crime Victims' Liaison ILA with the City of Cibolo.

Attachments

ILA Crime Victims Liaison

CRIME VICTIMS' LIAISON INTERLOCAL AGREEMENT

This CRIME VICTIMS' LIAISON INTERLOCAL AGREEMENT dated April 1, 2015 (this "Agreement"), is made and entered among the CITY OF SCHERTZ, TEXAS ("Schertz") and the CITY OF CIBOLO, TEXAS ("Cibolo") collectively, the "Contracting Parties").

WITNESS:

WHEREAS, Chapter 791, Texas Government Code, authorizes municipalities to contract with each other for the performance of certain governmental functions and services; and

WHEREAS, the laws of the State of Texas require and mandate that a victim, guardian of a victim or close relative of a deceased victim is entitled to specific rights within the criminal justice system; and

WHEREAS, citizens occasionally need immediate support and assistance in crisis situations; and

WHEREAS, these crisis situations are often at times when the only available support is through law enforcement; and

WHEREAS, the support and assistance needed is beyond the reasonable capabilities and resources that law enforcement alone may possess; and

WHEREAS, the Contracting Parties desire to use the services of a crime victims' liaison (the "Crime Victims' Liaison") to assist with the rights of crime victims in connection with law enforcement and prosecution of certain crimes; and

WHEREAS, the Contracting Parties agree that there are significant savings if the services provided by the Crime Victims' Liaison of one entity will be for the joint use of all the Contracting Entities on a cost sharing basis; and

WHEREAS, Schertz is willing to employ the Crime Victims' Liaison if Cibolo agree to share the costs of the Crime Victims' Liaison; and

WHEREAS, Cibolo is willing to reimburse Schertz for the services of the Crime Victims' Liaison as provided herein; and

WHEREAS, the Contracting Parties find that it is a valid public purpose to utilize a Crime Victims' Liaison to assist in law enforcement and prosecution of certain crimes; and

WHEREAS, the Contracting Parties have determined that it is in the best interest of their citizens to share the services of a Crime Victims' Liaison to increase efficiency and effectiveness of governmental functions.

NOW THEREFORE, in consideration of the terms, conditions, and mutual covenants contained herein and other good and valuable consideration received by each party, the sufficiency of which are hereby acknowledged, the Contracting Parties hereby agree as follows:

Article I. SERVICES

Section 1.01 Subject to Article III, Schertz shall maintain employment of a Crime Victims' Liaison to assist with the rights of crime victims in connection with law enforcement and prosecution of certain crimes (the "Victim Services Program"). The primary services the Crime Victims' Liaison will perform include the (i) services described in Chapter 56, Texas Code of Criminal Procedure, and (ii) continued training of police officers and staff in the rights of crime victims (collectively, the "Services").

Section 1.02 The Crime Victims' Liaison shall be responsible for the creation and coordination of the Victim Services Program. The Crime Victims' Liaison shall also be responsible for coordinating a team of volunteers to assist in providing the Services in connection with the Victim Services Program. The Crime Victims' Liaison shall ensure that such volunteers are appropriately trained and prepared to provide assistance based upon their specific skills and abilities.

Section 1.03 The Crime Victims' Liaison will be responsible for submitting a monthly report to each of the Contracting Parties. The monthly report shall include but is not limited to the number of crime victims assisted in the jurisdiction of each of the Contracting Parties, the number of contacts with each of the Contracting Parties, the training hours provided to peace officers and volunteers for each of the Contracting Parties, and any speaking engagements and meetings related to the Victim Services Program.

Section 1.04 Subject to Article III, Schertz shall allow Cibolo to use the Services of the Crime Victims' Liaison as described herein.

Article II. EMPLOYMENT TERMS

Section 2.01 Schertz shall hire the Crime Victims' Liaison as an employee of Schertz. The Crime Victims' Liaison shall be subject to Schertz's employment policies, including, but not limited to, employee benefits, job performance standards, and discipline standards.

Section 2.02 Schertz shall primarily direct the Crime Victims' Liaison; however, the Crime Victims' Liaison as part of his or her responsibilities as a Schertz employee shall provide assistance to Cibolo as described in this Agreement.

Section 2.03 Notwithstanding any provision to the contrary, Cibolo hereby agrees that the Crime Victims' Liaison shall be an employee of Schertz and shall not be an employee of Cibolo. Cibolo hereby acknowledges that the Crime Victims' Liaison shall be directed primarily by Schertz.

Section 2.04 The Crime Victims' Liaison shall provide the Services primarily during normal business hours, on a full-time basis, forty (40) hours a week, less any scheduled vacation time, sick time, training time, or holidays observed by Schertz. However, the Crime Victims' Liaison shall be required to provide the Services outside of normal business hours when there is a need for immediate assistance to crime victims.

Section 2.05 The Chiefs of Police of the Contracting Parties or their designees shall serve as an oversight committee to the Victim Services Program. The oversight committee shall draft and implement policies for the law enforcement agencies of each of the Contracting Parties describing (i) the procedures under which the Victim Services Program will operate and (ii) how the Services will be requested. The policies and procedures should meet or exceed the requirements of the Texas Police Chiefs Association Best Practices Program. Once approved, these policies shall be adopted by the Contracting Parties and the Crime Victims' Liaison shall train all applicable personnel on the policy.

Section 2.06 The primary office space for the Crime Victims' Liaison to provide the Services shall be in Schertz. Cibolo may provide appropriate meeting areas for the Crime Victims' Liaison to perform the Services for such Contracting Party. If such meeting space is not available, the Crime Victims' Liaison shall perform the Services in Schertz.

Section 2.07 If any Contracting Party to this Agreement notes any material deficiency in the performance of the Services provided by the Crime Victims' Liaison, such Contracting Party shall report such deficiency to the Schertz City Manager. The Schertz City Manager shall ensure such deficiencies are corrected within forty-five (45) days of such report. If, however, the deficiencies are not corrected within that time period, the reporting Contracting Party may terminate this Agreement in accordance with Section 4.03 unless the Schertz City Manager is taking reasonable actions to cure the deficiency.

Article III. PAYMENT FOR SERVICES OF CRIME VICTIMS' LIAISON

Section 3.01 Cibolo hereby agrees to reimburse Schertz for use of the Services of the Crime Victims' Liaison. Schertz shall pay the Crime Victims' Liaison salary and benefits for the Services in the first year of this Agreement. In addition, Schertz shall pay for the assigned vehicle, fuel, equipment, supplies and provide office space suitable for the assignment. Cibolo and shall pay the following amounts to reimburse Schertz in the first year of the Agreement:

- (a) \$37,500.00, which shall be the portion attributable to Cibolo for the Services provided by the Crime Victims' Liaison in the first year of this Agreement.

The total amount paid by the Contracting Parties shall constitute consideration for the Services of the Crime Victims' Liaison (the "Consideration").

Section 3.02 Cibolo shall pay the Consideration in the first year and each subsequent year thereafter in four equal quarterly payments on each January 1, April 1, July 1, and October 1, with the first payment to be due the month the Crime Victims' Liaison begins employment. Schertz agrees to provide each of the Contracting Parties an invoice at least ten (10) business days prior to each payment.

Section 3.03 Beginning in the second twelve (12) month period of the initial term of this Agreement and each twelve (12) month period thereafter, the Contracting Parties shall increase the Consideration by the Consumer Price Index, Not Seasonally Adjusted, South Urban published by the United States Bureau of Labor Statistics for each year as compared with the comparable Consumer Price Index for the preceding year. Such increase shall be split equally among the Contracting Parties. If the Consumer Price Index decreases, the Consideration shall remain the same for next twelve (12) month period.

Section 3.04 Each of the Contracting Parties hereby certifies that the Consideration paid pursuant to this Agreement shall be paid out of current fiscal year revenues budgeted and appropriated for such purpose in compliance with Section 791.011 of the Government Code, as amended, and other State law.

Section 3.05 If a Contracting Party fails to pay the Consideration during the first five (5) year term of this Agreement or should a Contracting Party fail to appropriate funds to pay the Consideration during any fiscal year during the term of this Agreement, Schertz shall not be obligated to provide the Services of the Crime Victims' Liaison unless and until the Contracting Party cures the delinquency to pay the Consideration.

Article IV. TERM

Section 4.01 The term of this Agreement shall be for a period of five years, commencing October 1, 2022, and terminating on September 30, 2027 unless any of the Contracting Parties shall have previously exercised its right to cancel this Agreement.

Section 4.02 Any of the Contracting Parties may terminate this Agreement, with or without cause, by providing written notice of such termination ninety (90) days prior to April 1st of each year to the other Contracting Parties. This notice shall be provided in accordance with Section 7.01.

Section 4.03 This Agreement may be terminated by any of the Contracting Parties upon not less than sixty (60) days written notice should another Contracting Party fail substantially to perform in accordance with the terms of this Agreement through no fault of the Contracting Party initiating the termination.

Section 4.04 If a Contracting Party terminates this Agreement pursuant to Section 4.02 or Section 4.03, the Contracting Party shall be obligated to pay the Consideration to Schertz through the end of the quarter in which this Agreement terminates. The Crime Victims'

Liaison shall provide the Services to the Contracting Party terminating this Agreement, if requested, through the end of such quarter.

Article V. INSURANCE

Section 5.01 The Contracting Parties hereby contract, covenant, and agree to obtain and maintain in full force and effect, during the term of this Agreement, a policy or policies of insurance, or risk pool coverage, in amounts sufficient to insure such Contracting Party and its respective agents, officers, and employees from and against any claim, cause of action, or liability arising out of or from the action, omission, or failure to act by such Contracting Party and its respective agents, officers, employees, and subcontractors in the course of their duties that may arise or result from the Services provided and/or any circumstances arising under this Agreement.

Section 5.02 It is specifically agreed that each Contracting Party to this Agreement shall be individually and respectively responsible for responding to, dealing with, insuring against, defending, and otherwise handling and managing its liability and potential liability pursuant to this Agreement; each Contracting Party hereto reserves and does not waive any defense available to it at law or in equity as to any claim or cause of action whatsoever that may arise or result from the Services provided and/or any circumstances arising under this Agreement.

Section 5.03 This Agreement shall not be interpreted nor construed to give to any third party the right to any claim or cause of action, and none of Cibolo nor Schertz shall be held legally liable for any claim or cause of action arising pursuant to, or out of the Services provided under this Agreement except as specifically provided herein or by law.

Article VI. HOLD HARMLESS

Section 6.01 CIBOLO, ITS SUCCESSORS, AND ASSIGNS IN EXCHANGE FOR THE CONSIDERATION CONTAINED HEREIN, AGREE TO HOLD HARMLESS SCHERTZ AND ITS PRESENT, FUTURE, AND FORMER AGENTS, EMPLOYEES, OFFICIALS, AND REPRESENTATIVES FOR ANY INJURY CLAIMS, CAUSES OF ACTION, INCLUDING CLAIMS OF NEGLIGENCE OR OTHER DISPUTES THAT ARE CREATED BY, ARISE FROM, OR RELATE TO THE USE BY CIBOLO OF THE SERVICES OF THE CRIME VICTIMS' LIAISON IN CONNECTION WITH TIDS AGREEMENT.

Section 6.02 SCHERTZ, ITS SUCCESSORS, AND ASSIGNS IN EXCHANGE FOR THE CONSIDERATION CONTAINED HEREIN, AGREE TO HOLD HARMLESS CIBOLO IN its INDIVIDUAL CAPACITY, AND THEIR PRESENT, FUTURE, AND FORMER AGENTS, EMPLOYEES, OFFICIALS, AND REPRESENTATIVES FOR ANY INJURY CLAIMS, CAUSES OF

ACTION, INCLUDING CLAIMS OF NEGLIGENCE OR OTHER DISPUTES THAT MAY ARISE FROM THE USE BY CIBOLO, OF THE SERVICES OF THE CRIME VICTIMS' LIAISON IN CONNECTION WITH THIS AGREEMENT.

Article VII. NOTICE

Section 7.01 All correspondence and communications concerning this Agreement shall be directed to the Contracting Parties at the following addresses:

CIBOLO: City of Cibolo
200 South Main Street
Cibolo, Texas 78108
Attention: City Manager

SCHERTZ: City of Schertz
1400 Schertz Parkway
Schertz, Texas 78154
Attention: City Manager

Notices required hereunder shall be hand-delivered or sent by certified mail, return receipt requested.

Article VIII. ASSIGNMENT

Section 8.01 This Agreement shall bind and benefit the respective Contracting Parties and their legal successors, but shall not otherwise be assignable, in whole or in part, by any Contracting Party without first obtaining the written consent of the Contracting Parties.

Article IX. MISCELLANEOUS

Section 9.01 This Agreement inures to the benefit of and obligates only the Contracting Parties executing it. No term or provision of this Agreement shall benefit or obligate any person or entity not a Contracting Party to it. The Contracting Parties hereto shall cooperate fully in opposing any attempt by any third person or entity to claim any benefit, protection, release, or other consideration under this Agreement.

Section 9.02 If any provision of this Agreement shall be deemed void or invalid, such provision shall be severed from the remainder of this Agreement, which shall remain in force and effect.

Section 9.03 This Agreement is the entire agreement among the Contracting Parties as to the subject matter hereof, and is the sole and only agreement of the Contracting Parties regarding the Services described herein and supersedes any prior understanding or written or oral agreement relative to the subject matter hereof. This Agreement may be amended only by written instrument duly approved and executed by all Contracting Parties in accordance with the formalities of this Agreement.

Section 9.04 Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires.

Section 9.05 The captions contained in this Agreement are for convenience of reference only and in no way limit or enlarge the terms and conditions of this Agreement.

Section 9.06 All Contracting Parties agree this Agreement shall be construed under the laws of the State of Texas, and obligations under the Agreement shall be performed in Guadalupe County, Texas, Comal County, Texas, and Bexar County, Texas.

Section 9.07 No Contracting Party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, councilmembers, officers, employees, and agents as a result of the execution of this Agreement and the performance of the covenants and agreements contained herein.

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

This Agreement is hereby signed and fully executed in multiple parts, on this __ day of _____, _____.

CITY OF SCHERTZ, TEXAS

CITY OF CIBOLO, TEXAS

BY _____
CITY MANAGER

BY: _____
CITY MANAGER

ATTEST:

ATTEST:

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: Library
Subject: Resolution 23-R-50 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the City Manager to enter into an agreement with Texas State Library and Archives Commission relating to the reimbursement of expenses incurred through the lending of Schertz Public Library materials to other libraries (S. Gonzalez/M. Uhlhorn)

BACKGROUND

As part of its quest to make a wide variety of materials available to its patrons, the Schertz Public Library participates in an Interlibrary Loan (ILL) program. The conditions of this service are based on the interlibrary loan protocols established in the national Interlibrary Loan Code and the policies established by the Texas State Library and Archives Commission (TSLAC) for its statewide interlibrary loan program.

An ILL is a transaction in which library material, or a copy of the material, is made available by one library to another upon request. The purpose of ILL is to obtain library material not available in the Schertz Public Library and to lend material found at the Schertz Public Library to other libraries. ILL service is available free of charge to all Schertz Public Library cardholders in good standing.

Schertz Public Library has participated as a borrower in the State's ILL program since it became accredited more than 40 years ago. The Library began lending materials to other libraries and participating in the reimbursement program in 2016.

GOAL

TSLAC supports a statewide ILL program in order to assure Texans will have access to shared library resources to meet learning and informational needs. The goal of the reimbursement grant is to encourage libraries to participate in the system as lenders, as well as borrowers. The Interlibrary Loan Lending Reimbursement Program helps support Texas libraries with reimbursements for direct, out-of-pocket costs associated with participating in statewide resource sharing such as postage and shipping costs. The reimbursements pertain to loans made between August 1, 2022 - July 31, 2023, and they are pass-through awards of the Grants to States program provided to TSLAC from the Institute of Museum and Library Services (IMLS).

COMMUNITY BENEFIT

ILL service is essential to the vitality of libraries of all types and sizes as a means of greatly expanding the range of materials available to users. Lending between libraries is in the public interest and should be encouraged. It allows the Library to provide access to a far broader range of materials than we have room to house or funds to purchase, including genealogy materials, research documents, out-of-print materials, or items only found in special collections.

As a reminder, ILL serves as an adjunct to, not a substitute for, collection development at the local level.

SUMMARY OF RECOMMENDED ACTION

ILL is a valuable service for library users. Having more libraries participate in the program as borrowers AND lenders provides the user with greater access to materials they wouldn't necessarily find locally. Having more libraries participate as lenders also lightens the burden of providing the service. In the past, only a few large library systems loaned materials to everyone else, making for a cumbersome and unsustainable system. Staff recommends adoption of Resolution 23-R-47 allowing the City to participate in the ILL Lending Reimbursement Program in order to receive reimbursement for the lending our library materials to other participating libraries.

FISCAL IMPACT

Last fiscal year, the Library was reimbursed at the rate of \$6.57 per item lent and received \$8,094.24 to offset the cost of our courier service, supplies and postage. It is anticipated the library will lend somewhere between 1,200-1,300 items to other libraries during this cycle. The actual reimbursement amount per lend is yet to be determined and will depend on the number of actual loans made, the number of participants in the program and the available funding from IMLS. In the past, the reimbursement amount per lend has ranged roughly between \$6-\$10.

RECOMMENDATION

Staff recommends adoption of Resolution 23-R-50 allowing the City to participate in the ILL Lending Reimbursement Program in order to receive reimbursement for the lending our library materials to other participating libraries.

Attachments

ILL Reimbursement Agreement
Res 23-R-50



TEXAS STATE LIBRARY
AND
ARCHIVES COMMISSION



SFY 2023 ILL LENDING REIMBURSEMENT PROGRAM GUIDELINES AND TERMS & CONDITIONS

QUESTIONS? Contact Sara Hayes at shayes@tsl.texas.gov.

Program Description

The Texas State Library and Archives Commission (TSLAC) supports a statewide interlibrary loan program for accredited public libraries to help libraries meet the learning and information needs of their communities by providing Texans access to shared library resources that may not be available locally.

The Interlibrary Loan Lending Reimbursement Program, a non-competitive grant, helps support Texas libraries with partial reimbursements for direct, out-of-pocket costs associated with participating in statewide resource sharing, including costs for staff time, postage costs, courier subscriptions, and shipping material costs.

The reimbursements apply to lends made to Texas libraries using the Navigator system between August 1, 2022–July 31, 2023. While dispersed after the end of SFY 2023, the reimbursement payments do need to be applied to costs associated with resource sharing costs expended *during* the time lends were made. *Please discuss this program with your legal entity's accounting office so they are aware this program involves federal funds and, if approved, to expect the payment after the end of the state fiscal year on August 31, 2023.*

Award Information

The reimbursements are subawards (or pass-through awards) of the Grants to States program from the Texas State Library and Archives Commission's federal funder, Institute of Museum and Library Services (IMLS).

Federal Award Identification # (FAIN): LS-252486-OLS-22

Federal Award Date: April 8, 2022

Assistance Listing Number/Title: 45.310 State Library Program

Eligible participants will receive a flat rate reimbursement for each lend provided to other Texas libraries through the Navigator ILL system between **August 1, 2022 – July 31, 2023**.

Participants will maintain financial records and supporting documents relating to this program and award (shipping receipts, stafftime documentation, courier, and cataloging invoices, etc.) for three years after the last State Program Report for the Texas LSTA 5-Year Plan 2018-2022, is submitted. The deadline for the current 5-year plan report is January 29, 2024, so participants will need to maintain their records through January 29, 2027.

Eligibility Information

Accredited Texas public libraries, through their governing authority (city, county, board, or district), who are live on Navigator and lending through that system are eligible to apply for a reimbursement payment through this program.

Texas academic libraries that have agreed to lend materials to Texas public libraries through the Texas Group catalog are also eligible for reimbursement payments based on the number of lends made to Texas Navigator libraries during the eligible lending period.

Libraries must lend items to other Texas public libraries using OCLC's Navigator system to be eligible for a reimbursement. OCLC will provide Navigator lending statistics to TSLAC for calculating reimbursement.

Before applying, applicant organizations must have a current and active federal Unique Entity ID (UEI). The federal government uses a unique identifier for each entity (company, non-profit, organization, etc.) that does business with the federal government. For more than two decades, Dun & Bradstreet's Data Universal Numbering System (DUNS) served as the unique entity ID. On April 4, 2022, the federal government completed the transition to a new UEI issued within the System for Award Management (SAM). The DUNS number is no longer be an accepted UEI.

If you are currently registered in SAM.gov, you've already been assigned a SAM Unique Entity ID. It's viewable on your entity registration record in SAM.gov. If you have never registered at SAM.gov or have never applied for a grant with TSLAC or other state or federal agency, you will need to initiate the process of obtaining a SAM UEI at SAM.gov.

To get started registering your entity, to renew your registration, or for more information, visit [SAM.gov](https://sam.gov) or to refer to the [Quick Start Guide for Getting a Unique Entity ID](#), published by the US General Services Administration (GSA).

Libraries' legal entities must also have an Active Direct Deposit Account and Texas Identification Number (TIN) on file at TSLAC. More information on TIN is available on the Texas Comptroller of Public Accounts' webpage here: <https://fm.xcpa.texas.gov/fmx/training/wbt/tins/0102.php>

State agencies/universities will be asked for additional financial information by TSLAC's grants accountant.

There is no requirement for cost sharing, matching funds, or cost participation with this program.

Application and Submission Information

TSLAC uses an online grant management system or GMS that enables applicants to apply for grants electronically through a web portal at <https://grants.tsl.texas.gov>. Applications and required documents must be submitted in GMS by the due dates to be eligible for consideration. To submit your application online, you must have an active GMS account. To create or activate an account, please have your library director submit a completed GMS Import Template (<https://www.tsl.texas.gov/ldn/grants/forms-tools>) to shayes@tsl.texas.gov. The e-mail should reference "GMS Access" in the subject line. TSLAC staff will review the request and grant appropriate access.

If there are accessibility issues or concerns, participants may request paper copies of certain materials from Sara Hayes, ILL Coordinator, via e-mail at shayes@tsl.texas.gov.

Application Components:

1. Opt into the program through the GMS portal and print out the system generated Participation Signature form.
2. Complete and submit the signed Participation Signature form* in the GMS portal by July 14, 2023.

*Signed by appropriate Legal Entity (City, County, Library Board, University)

3. Complete and submit a signed Performance Certification form* in the GMS between August 17-31, 2023, after receiving the library's award amount from TSLAC mid-August.

*Signed by Library Director

4. Complete and submit a Single Audit Certification form and submit to TSLAC by December 31, 2023. Form will be distributed in November/December 2023.

Required forms are available in the GMS portal at grants.tsl.texas.gov under the Documents tab in the folder titled "2023 ILL Lending Reimbursement Program."

Forms submitted after stated deadlines may not be considered for reimbursement.

Submit forms:

Through TSLAC's GMS portal at grants.tsl.texas.gov.

Program Timeline

- April 26, 2023:** Webinar: FY 2023 ILL Lending Reimbursement Program Overview for Texas Libraries, 10:00 a.m.-11:00 a.m. Register [here](#). A link to the recorded webinar will be available following the live program.
- April 26, 2023:** Access opens to opt into the FY 2023 ILL Lending Reimbursement Program in the Grant Management System (GMS) portal.
- July 14, 2023:** Deadline to submit a signed Application Signature form in the GMS portal, signed by authorized legal entity signatory.
- August 17, 2023:** TSLAC will notify libraries of total eligible lends and award amounts and begin accepting Performance Certification forms through the GMS portal.
- August 31, 2023:** Deadline to submit completed Performance Certification form in GMS, signed by Library Director.
- September 2023:** Award letters sent out and reimbursement payments dispersed to legal entities (cities, counties, universities).

Grant Program *

ILL Lending Reimbursement

Legal Entity

City of Schertz

Application Number

903674

1400 Schertz Pkwy Scher

**Employer
Identification Number****Name ***

Schertz Public Library

—

798 Schertz Pkwy Schertz T

**Federal Unique Entity
ID****Library Director ***

Melissa Uhlhorn

WP19CJPW5PK5

Contact *

Melissa Uhlhorn

Assistance Listing:

45.310 Grants to States

Email:

muhlhorn@schertz.com

**Federal Award
Number:**

LS-252486-OLS-22

Phone Number:

The library and legal entity agree to the Texas State Library and Archives Commission's ILL Lending Reimbursement 2023 guidelines and LSTA Terms & Conditions and understand funds will be dispersed after the end of SFY 2023. Name, Title, and Signature of an individual authorized to enter into contact on behalf of your library's legal entity (County Judge, Mayor, City Manager, Library Board President, Provost, etc.)

Name: _____

Title: _____

Signature: _____

Date: _____

Texas State Library and Archives Commission
Library Services and Technology Act (LSTA) – Terms and Conditions

I. GENERAL TERMS AND CONDITIONS

- A. The Subrecipient will comply with all applicable federal and state laws and any other requirements relevant to the performance of Subrecipient under this contract, including the following rules and guidance as applicable:
1. Texas Grant Management Standards (TxGMS) (<https://comptroller.texas.gov/purchasing/grant-management/>); and
 2. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR §200 and §3187 (Supercircular)) (<https://federalregister.gov/a/2013-30465>).
- B. The Subrecipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. Subrecipient understands that IMLS and TSLAC reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish or otherwise use the work for Federal or state government purposes, and to authorize others to do so. (2 CFR §200.315)
- C. All publicity relating to the grant award must include acknowledgment of the Institute of Museum and Library Services (www.imls.gov/recipients/imls_acknowledgement.aspx) and the Texas State Library and Archives Commission. Publicity includes, but is not limited to press releases, media events, public events, displays in the benefiting library, announcements on the Subrecipient's website, and materials distributed through the grant project. The Subrecipient will provide TSLAC with one set of all public relations materials produced under this grant with the final quarterly performance report.
- D. Subrecipients will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. §2000 et seq.), which prohibits discrimination on the basis of race, color, or national origin, including taking reasonable steps to ensure that limited English Proficient (LEP) persons have meaningful access to the applicant's programs; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1689), which prohibits discrimination on the basis of sex in education programs; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §701 et seq., including §794), which prohibits discrimination on the basis of disability and the Americans With Disabilities Act of 1990; (d) the Age Discrimination in Employment Act of 1975, as amended (42 U.S.C. §§6101 et seq), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to the nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §523 and §527 of the Public Health Service Act of 1912 (42 U.S.C. §290 dd-3 and §290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) that may apply to the application.
- E. Subrecipient understands that acceptance of funds under this contract acts as acceptance of the authority of duly authorized representatives of TSLAC, IMLS, the Comptroller General of the United States, and the Texas State Auditor's Office, or any successor agencies, to conduct an audit or investigation in connection with those funds. Subrecipient further agrees to cooperate fully with said representatives in the conduct of the audit or investigation and agrees to provide access to all books, documents, papers, examinations, excerpts, transcripts, copies, and any other records necessary to conduct the audit and/or investigation. Subrecipient will ensure that this clause concerning the authority to audit funds received indirectly by

subcontractors through Subrecipient, and the requirement to cooperate, is included in the contract for any sub-grant awarded.

- F. The Subrecipient, *if a private entity*, will comply with Federal law pertaining to trafficking in persons. Subrecipient and its employees may not:
1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 2. Procure a commercial sex act during the period of time that the award is in effect; or
 3. Use forced labor in the performance of the award or subawards under the award.
- G. The Subrecipient agrees to maintain all financial and programmatic records, supporting documents, statistical records, and other records relating to this grant award for three years after the last State Program Report for the Texas LSTA 5-Year Plan 2018-2022 is submitted (anticipated date of submission is January 29, 2024). **This means the Subrecipient must maintain all grant-related records through January 29, 2027. In addition, Subrecipients that operate as state agencies must comply with (Texas Government Code, §441.1855), relating to state agency contracting and the retention of all contract-related documents.**
- In the event the Subrecipient or receiving entity ceases to exist, the Subrecipient will notify TSLAC in writing providing the name of the legal entity that will maintain the records and the location of the records.**
- H. Loss of all of Subrecipient's staff prior to the end of the grant period or the termination date, whichever is earlier, does not relieve the Subrecipient of its obligation to fulfill all terms and conditions of the grant with regard to reporting requirements, retention of records and requirements for disposition of equipment and supplies.
- I. The parties agree that no provision of this contract is in any way intended to constitute a waiver by TSLAC or the State of Texas of any immunities from suit or from liability that TSLAC or the State of Texas may have by operation of law.
- J. The Subrecipient agrees to develop or revise, as necessary, any specific written documentation of its current procedures for (1) collecting and reporting performance measures; (2) conducting a fixed asset inventory; and/or, (3) any other issues identified in the Subrecipient's grant activities or internal audit. Drafts of this procedural documentation will be submitted to TSLAC by dates established mutually between TSLAC and Subrecipient. TSLAC will provide review and guidance to enable final versions to be approved on or before established deadlines.
- K. The Subrecipient agrees to submit an audit certification form for the auditable period including August 31, 2023, to TSLAC no later than **December 31, 2023, or other deadline as specified by TSLAC.**
- L. If a single audit is required, the Subrecipient will comply with the Supercircular (2 CFR §200.512 Report Submission). The audit shall be completed and the required data collection form submitted to the Federal Audit Clearinghouse (FAC) within the earlier of 30 days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a longer period is agreed to in advance by the state agency that provided the funding or a different period is specified in a program-specific audit guide.
- M. TSLAC reserves the right to withhold final payment on this Grant until all required reports and forms are received.

II. GRANT CERTIFICATIONS

- A. For any agreement exceeding \$100,000, the Subrecipient certifies by this contract that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid for such purpose, the Subrecipient shall

complete and submit OMB form SF-LLL, Disclosure of Lobbying Activities, in accordance with its instructions. The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly, as specified in 31 U.S.C. §1352.

- B. Subrecipient certifies that neither subrecipient nor any of its principals (a) are presently excluded or disqualified; (b) have been convicted within the preceding three years of any of the offenses listed in 2 CFR §180.800(a) or had a civil judgment rendered against it or them for one of those offenses within that time period; (c) are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in 2 CFR §180.800(a); or (d) have had one or more public transactions (Federal, State, or local) terminated within the preceding three years for cause or default. Where the Subrecipient is unable to certify to any of the statements in this certification, the Subrecipient shall attach an explanation to these Certifications.
- C. The subrecipient will comply with drug-free workplace requirements in Subpart B of 2 C.F.R. part 3186, which adopts the Governmentwide implementation (2 C.F.R. part 182) of Sections 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101–8106). This includes, but is not limited to: making a good faith effort, on a continuing basis, to maintain a drug-free workplace; publishing a drug-free workplace statement; establishing a drug-free awareness program for employees; taking actions concerning employees who are convicted of violating drug statutes in the workplace; and identifying (either at the time of application or upon award, or in documents kept on file in the recipient's offices) all known workplaces under Federal awards.
- D. The Subrecipient certifies all applicable activities related to this grant will be in compliance with the Copyright Law of the United States (Title 17, U.S. Code).
- E. In addition to Federal requirements, state law requires a number of assurances from applicants for Federal pass-through or other state-appropriated funds. (TxGMS, Appendix 6, Uniform Assurances by Local Governments)

III. ENFORCEMENT

- a. Remedies for noncompliance. If Subrecipient materially fails to comply with any term of the contract, whether stated in a state or federal statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere, TSLAC may take one or more of the following actions, or impose other sanctions, as appropriate in the circumstances:
 - i. Temporarily withhold cash payments pending correction of the deficiency by the Subrecipient, or more severe enforcement action by TSLAC;
 - ii. Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
 - iii. Wholly or partly suspend or terminate the current contract for the Subrecipient's program;
 - iv. Withhold further awards for the program; or
 - v. Take other remedies that may be legally available.
- b. Hearings, appeals. In taking an enforcement action, TSLAC will provide the Subrecipient an opportunity for such hearing, appeal, or other administrative proceeding to which the Subrecipient is entitled under any statute or regulation applicable to the action involved. Appeal/protest procedures are outlined in the Texas Administrative Code (TAC), Title 13, Part 1, Chapter 2, Subchapter A, Rule 2.55.
- c. Effects of suspension and termination. Costs of Subrecipient resulting from obligations incurred by the Subrecipient during a suspension or after termination of an award are not allowable unless TSLAC expressly authorized in the notice of suspension or termination, or subsequently. Other Subrecipient costs during suspension or after termination that are necessary, and not reasonably avoidable, are allowable if:

- i. The costs resulting from obligations that were properly incurred by the Subrecipient before the effective date of suspension of termination are not in anticipation of it and, in the case of a termination, are non-cancelable; and,
 - ii. The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.
- d. Relationship to Debarment and Suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude Subrecipient from being subject to "Debarment and Suspension" under Executive Order 12549 (See TxGMS, Appendix 6, Debarment and Suspension) and state law.

RESOLUTION NO. 23-R-50

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TEXAS STATE LIBRARY AND ARCHIVES COMMISSION RELATING TO THE REIMBURSEMENT OF EXPENSES INCURRED THROUGH THE LENDING OF SCHERTZ PUBLIC LIBRARY MATERIALS TO OTHER LIBRARIES.

WHEREAS, no single library can own every item its users may want to access, formal lending systems between libraries known as Interlibrary Loan (ILL) were established in order to provide access to resources beyond a local library's holdings; and

WHEREAS, the Texas State Library and Archives Commission (TSLAC) manages the state-wide ILL program, including the disbursement of Federal grant funds intended to reimburse expenses incurred by participant libraries who act as lenders of library materials to other participants; and

WHEREAS, the Schertz Public Library participates in the state-wide ILL program as both a borrower and a lender; and

WHEREAS, the City staff of the City of Schertz (the "City") has recommended that the City enter into an agreement with TSLAC relating to the ILL Lending Reimbursement Program; and

WHEREAS, the City Council has determined that it is in the best interest of the City to contract with TSLAC pursuant to the ILL Lending Reimbursement Terms & Conditions in order to accept reimbursements to the General Fund attached hereto as Exhibit A (the "Agreement").

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

Section 1. The City Council hereby authorizes the City Manager to execute and deliver the Agreement with TSLAC 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 ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(CITY SEAL)

EXHIBIT A

INTERLIBRARY LOAN LENDING REIMBURSEMENT PROGRAM AGREEMENT

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: Library
Subject: Resolution 23-R-49 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the revised bylaws of the Schertz Library Advisory Board, and other matters in connection therewith. (S. Gonzalez/M. Uhlhorn)

BACKGROUND

As part of routine review of Library and Library Advisory Board policies carried out by the Library Director, it was noted that the Library Board's bylaws no longer matched the board and commission appointment calendar adopted by Council. It was further noted that some of the duties of the Book Store Manager no longer matched the bylaws, that some of the language could be updated, and that some sections needed revision to match current practices or for clarification.

Since the bylaws were incorrect, the Director provided a draft of updated bylaws to the Board at the May 1, 2023 meeting, changing the wording in Article III, Sections 3, 4, 5, 7 and 8 to be in alignment with Council's current practice, to update duties, and to clarify procedures. Other word tweaks included updating language, and changing "mail" to "email" in accordance with current communication methods. The Board discussed the changes, made suggestions and asked for additional revisions to be presented at the June 5, 2023 meeting. The revised submission was approved at that meeting by unanimous vote.

GOAL

To approve the June 5, 2023 Library Advisory Board revised bylaws.

COMMUNITY BENEFIT

The revised Library Advisory Board bylaws will accurately reflect current practice and be in alignment with Council's board and commission appointment calendar. The revisions will eliminate confusion.

SUMMARY OF RECOMMENDED ACTION

To approve the revised Library Advisory Board bylaws.

RECOMMENDATION

The Library Advisory Board approved the revisions as written at their June 5, 2023. Staff recommends approval of Resolution 23-R-49 as presented.

Attachments

Resolution with with clean version as Exhibit A
By-Laws redline version

RESOLUTION NO. 23-R-49

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE REVISED BYLAWS OF THE SCHERTZ LIBRARY ADVISORY BOARD, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Schertz Library Advisory Board met on June 5, 2023 and voted affirmatively to make the submitted revisions to the Schertz Library Advisory Bylaws; and

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City approve the revised Bylaws of the Schertz Library Advisory Board, as shown in “Exhibit A”; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the revised Bylaws of the Schertz Library Advisory Board;

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

Section 1. The City Council hereby authorizes the revised bylaws of the Schertz Library Advisory Board.

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 _____ of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(CITY SEAL)

EXHIBIT A

SCHERTZ PUBLIC LIBRARY ADVISORY BOARD BY-LAWS

Revision approved by Library Advisory Board 6/5/2023

By Resolution #78-R-1 dated January 3, 1978, the Schertz City Council created a City Library to be known as the Schertz Public Library. The object and purpose of the Library Advisory Board is to act as an advisory, policy-recommending board to the City Council, City Manager and Library Management relating to the establishment and usage of the library, the nature of services rendered or to be rendered by the library, the manner in which the library service may be coordinated with the other municipal services and other such matters as the City Council, City Manager and Library Management may deem beneficial to the City of Schertz. The following are hereby adopted as the by-laws of the Library Advisory Board of the Schertz Public Library.

ARTICLE I. MEETINGS OF THE BOARD

Section 1. Regular Meetings. The regular meetings of the Library Advisory Board of the Schertz Public Library shall be held each month, the date and hour to be set by the Board. A Board member will inform the Chair or Library Management if the member will be absent from a meeting. Any Board member absent for three (3) consecutive meetings without advance notification and/or sufficient reason shall be considered resigned and shall be notified in writing of said resignation.

Section 2. Special Meetings. Special meetings may be called in writing or by telephone by the Chair, or by any four members of the Board, for the transaction of business stated in the call for the meeting.

Section 3. Notices. Notice of all special meetings shall be emailed or telephoned by the Secretary to all members of the Board. No notice of regular meetings shall be required.

Section 4. Place. Meetings of the Board shall be held in a designated city facility.

Section 5. Quorum. A quorum for the transaction of business shall consist of a majority of members, and the action of the majority of those present shall constitute the action of the Board.

Section 6. Order of Business. The order of business at regular meetings shall be as follows:

- Call to Order
- Hearing of Residents
- Minutes
- Treasurer's Report
- Librarian's Report
- Bookstore Report
- Committee Report (if a committee has been called)
- Discussion and Possible Action
- Announcements
- Adjournment

The order of the agenda may be altered by a vote of the majority of members present at any meeting.

ARTICLE II. DUTIES OF THE BOARD

The duties of the Library Advisory Board shall be to:

Section 1. Hold meetings as it deems necessary in accordance with the Open Meetings Laws of the State of Texas.

Section 2. Make periodic reports to the City Council and City Manager concerning the work of the Board; submit meeting minutes to the City Secretary's office, and make such reports as may be requested by the City Council and City Manager.

Section 3. The Board shall have no power to obligate the City of Schertz in any manner whatsoever. Library finances shall be handled in the same manner as any department of the City government.

ARTICLE III. BOARD MEMBERS/OFFICERS

Section 1. Board Members. The Library Advisory Board shall consist of up to twelve (12) members, ten (10) of whom must be residents of the City of Schertz, Texas; and up to two (2) of whom may be chosen from areas outside the city limits of Schertz which are served by the Library. An alternate six (6) and six (6) shall be appointed each year by the Schertz City Council for the term of two years.

Section 2. Alternate Members. Two alternate members shall be appointed by the City Council and shall be designated as Alternate No. 1 and Alternate No. 2. They shall be entitled to receive notice of all Board meetings and may comment on matters coming before the Board in the same manner that regular members may comment. They shall have no authority to vote unless serving in place of an absent regular member and shall not be considered in determining the presence of a quorum. In the absence from a meeting of the Board of up to two regular members, alternate members who are present (in alternating order if there is only one regular member absent) shall, for such meeting, be counted toward a quorum, vote, and have all other rights of the absent regular members (except any absent regular member's office on the Board). If the regular member for whom an alternate member is serving subsequently arrives at the meeting, the regular member shall not participate in such meeting, and the alternate member shall continue to serve until the conclusion of such meeting. Alternate members' terms are for two years.

Section 3. Board Officers. The Library Advisory Board will operate with five officers who will be elected annually at the October meeting of the Board. The five officers are Chair, Vice-Chair, Treasurer, Secretary and Book Store Manager.

Section 4. Duties of the Officers.

The duties and responsibilities of the Chair shall be to:

- A. Preside over the meetings of the Library Advisory Board.
- B. Vote in case of a tie.
- C. Sign all acts or orders necessary to carry out the will of the Board.
- D. Act as representative of the Board to outside persons or other organized bodies whenever necessary.
- E. Appoint committees.
- F. Serve as an ex-officio member of any appointed committees.

The duties and responsibilities of the Vice-Chair shall be to:

- A. Preside in the absence of the Chair.
- B. Assume the duties and responsibilities of the Chair in the case of absence or incapacity of the Chair.
- C. Assist the Chair as assigned.

The duties and responsibilities of the Treasurer shall be to:

- A. Keep an accurate record of the source of all monies deposited to the Library Fund.
- B. Keep an accurate record of payment of all bills paid from the Library Fund.
- C. Be responsible for verifying the monthly financial reports from the City.
- D. Give a monthly report to the Board.
- E. Keep records of monies from Book Store sales.

The duties and responsibilities of the Secretary shall be to:

- A. Keep minutes of the meetings of the Library Advisory Board.
- B. Provide a signed copy of the minutes which has been approved by the Board to the City Secretary's office.
- C. File a signed copy of the minutes which has been approved by the Board at the library.
- D. Prepare or respond to Library Advisory Board correspondence at the direction of the Board.

The duties and responsibilities of the Book Store Manager shall be to:

- A. Recruit, schedule, train, and coordinate the efforts of the book store volunteers.
- B. Operate book store in accordance with book store policy.
- C. Suggest modifications to operations and policy as needed.
- D. Present a report to the Library Advisory Board at the monthly meeting.

Section 5. Vacancy in Office. A vacancy in the office of Chair shall be filled by the Vice-Chair. A vacancy in the office of Vice-Chair, Treasurer, Secretary, or Book Store Manager shall be filled by the election of another person to serve until the next annual officer election. In the event of the death, resignation, or removal of a regular member, the person holding the Alternate No. 1 position will move into the vacant position, with the person holding Alternate No. 2 position then moving to Alternate No. 1 position. Both persons will

serve the remainder of the term of the member being replaced. The City Council shall appoint a replacement member for any remaining vacancies who will then serve for the remainder of the vacant position's term. The new member(s) shall be notified of their appointment following City Council approval. When Board members resign in good faith, a letter of appreciation will be sent to the resignee by the Library Advisory Board.

Section 6. Terms Served. There shall be no limit on the number of terms an individual may serve on the Board as a regular or alternate member.

Section 7. New Officers. A new Board office may be created by the affirmative vote of a majority of the Board and a member elected to serve as officer. Newly elected officers will take office immediately and serve in that capacity until the next annual officer election.

Section 8. Death of Board Member. If a Board member dies while serving on the Library Advisory Board, a memorial donation will be made to the Schertz Library Foundation or directly to the Schertz Public Library.

ARTICLE IV. COMMITTEES

Section 1. Committees. Committees for the study and investigation of special problems or for other special purposes may be appointed by the Chairman as needed. Such committees will serve until the completion of the work for which they are appointed.

Section 2. Powers of Committees. No committee nor member of any committee shall have or exercise any authority to take any action other than to investigate, and to report and recommend to the Board, except when and to the extent that they may be specifically authorized in advance by the Board in a particular case.

ARTICLE V. AMENDMENTS

These by-laws may be amended by the affirmative vote of a majority of the members of the Library Advisory Board. However, it shall be necessary that notice of a proposed amendment in writing or by telephone be made to the members of the Library Advisory Board.

Revised:

January 1979

March 1980

February 1982

February 1984

February 1997

November 2006

February 2010

May 2011

October 2013

August 2015

June 2023

SCHERTZ PUBLIC LIBRARY ADVISORY BOARD BY-LAWS

Revision approved by Library Advisory Board 8/3/15 05/01/2023 06/05/2023

By Resolution #78-R-1 dated January 3, 1978, the Schertz City Council created a City Library to be known as the Schertz Public Library. The object and purpose of the Library Advisory Board is to act as an advisory, policy-recommending board to the City Council, City Manager and Library Management relating to the establishment and usage of the library, the nature of services rendered or to be rendered by the library, the manner in which the library service may be coordinated with the other municipal services and other such matters as the City Council, City Manager and Library Management may deem beneficial to the City of Schertz. The following are hereby adopted as the by-laws of the Library Advisory Board of the Schertz Public Library.

ARTICLE I. MEETINGS OF THE BOARD

Section 1. Regular Meetings. The regular meetings of the Library Advisory Board of the Schertz Public Library shall be held each month, the date and hour to be set by the Board. A Board member will inform the Chair~~man~~ or Library Management if ~~he/she~~ the member will be absent from a meeting. Any Board member absent for three (3) consecutive meetings without advance notification and/or sufficient reason shall be considered resigned and shall be notified in writing of said resignation.

Section 2. Special Meetings. Special meetings may be called in writing or by telephone by the Chair~~man~~, or by any four members of the Board, for the transaction of business stated in the call for the meeting.

Section 3. Notices. Notices of all special meetings shall be ~~mailed~~ ~~emailed~~ or telephoned by the Secretary to all members of the Board. No notice of regular meetings shall be required.

Section 4. Place. Meetings of the Board shall be held in a designated city facility.

Section 5. Quorum. A quorum for the transaction of business shall consist of a majority of members, and the action of the majority of those present shall constitute the action of the Board.

Section 6. Order of Business. The order of business at regular meetings shall be as follows:

- Call to Order
- Hearing of Residents
- Minutes
- Treasurer's Report
- Librarian's Report
- Bookstore Report
- Committee Reports (if a committee has been called)
- Discussion and Possible Action
- Announcements
- Adjournment

The order of the agenda may be altered by a vote of the majority of members present at any meeting.

ARTICLE II. DUTIES OF THE BOARD

The duties of the Library Advisory Board shall be to:

Section 1. Hold meetings as it deems necessary in accordance with the Open Meetings Laws of the State of Texas.

Section 2. Make periodic reports to the City Council and City Manager concerning the work of the Board; submit meeting minutes to the City Secretary's office, and make such reports as may be requested by the City Council and City Manager.

Section 3. The Board shall have no power to obligate the City of Schertz in any manner whatsoever. Library finances shall be handled in the same manner as any department of the City government.

ARTICLE III. BOARD MEMBERS/OFFICERS

Section 1. Board Members. The Library Advisory Board shall consist of up to twelve (12) members, ten (10) of whom must be residents of the City of Schertz, Texas; and up to two (2) of whom may be chosen from areas outside the city limits of Schertz which are served by the Library. An alternate six (6) and six (6) shall be appointed each year by the Schertz City Council for the term of two years.

Section 2. Alternate Members. Two alternate members shall be appointed by the City Council and shall be designated as Alternate No. 1 and Alternate No. 2. They shall be entitled to receive notice of all Board meetings and may comment on matters coming before the Board in the same manner that regular members may comment. They shall have no authority to vote unless serving in place of an absent regular member and shall not be considered in determining the presence of a quorum. In the absence from a meeting of the Board of up to two regular members, alternate members who are present (in alternating order if there is only one regular member absent) shall, for such meeting, be counted toward a quorum, vote, and have all other rights of the absent regular members (except any absent regular member's office on the Board). If the regular member for whom an alternate member is serving subsequently arrives at the meeting, ~~he or she~~ **the regular member** shall not participate in such meeting, and the alternate member shall continue to serve until the conclusion of such meeting. Alternate members' terms are for two years.

Section 3. Board Officers. The Library Advisory Board will operate with five officers who will be elected annually at the **May-October** meeting of the Board. ~~Names of the selected Chair and Vice Chair will be submitted to the Schertz City Council for approval.~~ The five officers are Chairman, Vice-Chairman, Treasurer, Secretary and Book Store Manager.

Section 4. Duties of the Officers.

The duties and responsibilities of the Chairman shall be to:

- A. Preside over the meetings of the Library Advisory Board.
- B. Vote in case of a tie.
- C. Sign all acts or orders necessary to carry out the will of the Board.
- D. Act as representative of the Board to outside persons or other organized bodies whenever necessary.
- E. Appoint committees.
- F. Serve as an ex-officio member of any appointed committees.

The duties and responsibilities of the Vice-Chairman shall be to:

- A. Preside in the absence of the Chairman.
- B. Assume the duties and responsibilities of the Chairman in the case of absence or incapacity of the Chairman.
- C. Assist the Chairman as assigned.

The duties and responsibilities of the Treasurer shall be to:

- A. Keep an accurate record of the source of all monies deposited to the Library Fund.
- B. Keep an accurate record of payment of all bills paid from the Library Fund.
- C. Be responsible for verifying the monthly financial reports from the City.
- D. Give a monthly report to the Board.
- E. Keep records of monies from Bookstore sales.

The duties and responsibilities of the Secretary shall be to:

- A. Keep minutes of the meetings of the Library Advisory Board.
- B. Provide a signed copy of the minutes which has been approved by the Board to the City Secretary's office.
- C. File a signed copy of the minutes which has been approved by the Board at the library.
- D. Prepare or respond to Library Advisory Board correspondence at the direction of the Board.

The duties and responsibilities of the Book Store Manager shall be to:

- A. Recruit, schedule, train, and coordinate the efforts of the book store volunteers.
- B. Operate book store in accordance with ~~Enforce~~ book store policy.
- C. Suggest modifications to operations and policy as needed.

D. Present a report to the Library Advisory Board at the monthly meeting.

Section 5. A vacancy in the office of Chair~~man~~ shall be filled by the Vice-Chair~~man~~. A vacancy in the office of Vice-Chair~~man~~, Treasurer, ~~or~~ Secretary, ~~or Book Store Manager~~ shall be filled by the election of another person to serve until the next annual officer election. ~~A vacancy of the Library Advisory Board shall be filled by City Council. The person will serve the remainder of the term of the member being replaced. The new member shall be notified of his/her appointment following City Council approval.~~ In the event of the death, resignation, or removal of a regular ~~or alternate~~ member, ~~the City Council shall appoint a replacement regular or alternate member to serve for the remainder of such member's term.~~ the person holding the Alternate No. 1 position will move into the vacant position, with the person holding Alternate No. 2 position then moving to Alternate No. 1 position. Both persons will serve the remainder of the term of the member being replaced. The City Council shall appoint a replacement member for any remaining vacancies who will then serve for the remainder of the vacant position's term. The new member(s) shall be notified of their appointment following City Council approval. When Board members resign in good faith, a letter of appreciation ~~and/or a plaque~~ will be sent to the resignee by the Library Advisory Board.

Section 6. Terms Served. There shall be no limit on the number of terms an individual may serve on the Board as a regular or alternate member.

Section 7. New Officers. ~~New officers may be created by the affirmative vote of a majority of the board. New officers will take office in June pending reappointments by City Council.~~ A new Board office may be created by the affirmative vote of a majority of the Board and a member elected to serve as officer. Newly elected officers will take office immediately and serve in that capacity until the next annual officer election.

Section 8. Death of Board Member's Spouse Member. ~~When a Board member's spouse dies, a memorial donation will be made to the Schertz Library Foundation.~~ If a Board member dies while serving on the Library Advisory Board, a memorial donation will be made to the Schertz Library Foundation or directly to the Schertz Public Library.

ARTICLE IV. COMMITTEES

Section 1. Committees. Committees for the study and investigation of special problems or for other special purposes may be appointed by the Chair~~man~~ as needed. Such committees will serve until the completion of the work for which they are appointed.

Section 2. Powers of Committees. No committee nor member of any committee shall have or exercise any authority to take any action other than to investigate, and to report and recommend to the Board, except when and to the extent that they may be specifically authorized in advance by the Board in a particular case.

ARTICLE V. AMENDMENTS

These by-laws may be amended by the affirmative vote of a majority of the members of the Library Advisory Board. However, it shall be necessary that notice of a proposed amendment in writing or by telephone be made to the members of the Library Advisory Board.

Revised: January	1979	November 2006	June 2023
March	1980	February 2010	
February	1982	May 2011	
February	1984	October 2013	
February	1997	August 2015	

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: Finance
Subject: Resolution 23-R-54 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing EMS debt revenue adjustments, Utility Billing debt revenue adjustments and Schertz Magazine debt revenue adjustments. (S.Gonzalez/J.Walters)

BACKGROUND

In the EMS, Utility Billing, and Magazine functions, services are provided to customers up front and billing is settled later. Since services are provided before receiving payment, inevitably the City has customers that do not pay for the services provided.

When this occurs, staff reaches out to the customer to try to collect the outstanding payment including follow-up notices and phone calls to try to reach out to the customer to remind them of the outstanding balance and encourage payment. However, the longer the customer account goes without a payment the less likely that any payment will be received.

Once a customer account reaches 180 days without payment, Staff brings those accounts to the City Council to be “written off”. This process is an accounting procedure following the Generally Accepted Accounting Principles (GAAP), which lays the framework of accounting practices in the U.S. This designation means it is unlikely those outstanding balances will ever be collected. This leads to an accounting adjustment on the City’s Financial Statements to accurately show how much is still outstanding and is reasonable to expect collection.

If a customer’s account has been written off, this does not erase or forgive that debt. The city can and does collect some portion of the amount owed by those customers. This can be through the debt collection agency used by EMS or if the customer returns to the City and requests new services through the Magazine or Utility Billing.

On August 27, 2019, City Council approved the Schertz EMS Charity Care Policy. Approving the Charity Care Policy benefits our citizens who do not have insurance and do not have the ability to pay for ambulance services. In the past, these accounts were sent to collections and written off throughout year with little expectation to recover any revenue.

The resolution authorizes the debt for these areas that is more than 180 days outstanding as of June 1, 2023, to be written off. These write-offs come before council quarterly and last came before council on March 28, 2023.

Previous Write off Amount:

March 2020: \$616,900.00
June 2020: \$552,157.34
September 2020: \$605,161.66
December 2020: \$467,802.06

With Charity

Care

March 2021:	\$1,330,234.88
June 2021:	\$904,511.15
September 2021:	\$750,502.47
December 2021:	\$587,362.56
March 2022:	\$675,977.28
June 2022:	\$564,972.72
September 2022:	\$842,197.07
December 2022:	\$660,162.69
March 2023:	\$709,180.00
June 2023:	\$629,399.75

Charity Care for March 2021 was for an entire year, August 2019 through July 2020. For June 2021, Charity Care was for 5 months, August 2020 through December 2021. Going forward, these adjustments have been done quarterly.

GOAL

To approve write-offs of bad debt in accordance with the standards laid out by GAAP.

COMMUNITY BENEFIT

This will show the City's Financial Statements according to national standards and City policy.

SUMMARY OF RECOMMENDED ACTION

Approve Resolution No. 23-R-54 to write off receivables that are older than 180 days.

FISCAL IMPACT

This accounting adjustment will not affect the City's Budget or financial standing. The amount written off is estimated during the budget process and is accounted for in the revenue estimations and the bad debt expense accounts. The action taken tonight will reduce the amount shown as owed to the City by \$629,399.75 and set it equal to the amount seen as still reasonably collectible. The breakdown is as follows:

EMS -	\$391,465.87
EMS Charity Care -	\$217,849.70
Utility Billing -	\$20,084.18
Magazine -	\$0.00

RECOMMENDATION

Staff recommends Council approve Resolution No.23-R-54.

Attachments

Resolution 23-R-54

RESOLUTION NO. 23-R-54

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EMS DEBT REVENUE ADJUSTMENTS, UTILITY BILLING DEBT REVENUE ADJUSTMENTS AND SCHERTZ MAGAZINE DEBT REVENUE ADJUSTMENTS FOR CERTAIN INACTIVE OUTSTANDING RECEIVABLES AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City maintains quarterly debt revenue adjustments for inactive outstanding accounts; and

WHEREAS, The Centers for Medicare and Medicaid Services requires a charity care policy to continue participating in the Texas Ambulance Services Supplemental Payment Program (TASSPP); and

WHEREAS, the City Council has determined that it is in the best interest of the City that all inactive outstanding accounts after 180 days nonpayment will be sent to City Council for consideration for write offs.

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

Section 1. The City Council hereby authorizes the write off, including Charity Care, in the amount and distribution of accounts below:

<i>Function</i>	<i>Amount</i>
EMS	\$391,465.87
Charity Care	\$217,849.70
Utility Billing	\$20,084.18
Magazine	\$0.00
Total	\$629,399.75

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 finding 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

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 ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023

Department: Planning & Community Development

Subject: Ordinance 23-S-12 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving an ordinance authorizing a Specific Use Permit to allow a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232. *Final Reading* (B. James, L. Wood, S. Haas)

BACKGROUND

The applicant is requesting a Specific Use Permit to allow a convenience store with covered gas pumps on approximately 4.2 acres of land

Public Notice:

On April 18, five (5) public hearing notices were mailed to the surrounding property owners within a 200-foot boundary of the subject property. At the time of this staff report (May 24th, 2023), two (2) responses in favor, zero (0) responses neutral, and zero (0) responses opposed have been received. A public hearing notice was published in the San Antonio Express on May 17th, 2023.

GOAL

The applicant is requesting a Specific Use Permit to allow a convenience store with covered gas pumps on approximately 4.2 acres of land, located at 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232. The subject property is currently being used as a storage yard. Per the letter of intent and the conceptual site plan, the applicant is proposing a 6,500 square foot convenience store with a fuel canopy for both passenger cars and diesel trucks. The property is currently zoned General Business District (GB), for which the proposed use requires a Specific Use Permit.

COMMUNITY BENEFIT

It is the City's desire to promote safe, orderly, efficient development and ensure compliance with the City's vision of future growth.

SUMMARY OF RECOMMENDED ACTION

The Comprehensive Land Use Plan, through the South Schertz Sector Plan, identifies this area as Highway Commercial. The Highway Commercial land use designation is intended to allow large format retail with restaurants and entertainment uses or mid-rise office buildings, and may also include lodging and related uses. The Highway Commercial land use designation is located at major highway intersections to maximize access to the region. The proposed convenience store with gas pumps fits the retail land use desired in Highway Commercial designated areas.

This business can take advantage of its proximity to IH 10, as it is a highway/transportation oriented business and is dependent on the traffic generated from the highway. The proposed convenience store with gas pumps is compatible with the Highway Commercial land use designation, and therefore the proposed Specific Use Permit is generally in conformance with the Comprehensive Land Use Plan,

through the South Schertz Sector Plan.

The subject property lies at the intersection of Graytown Road and the IH 10 access road, and is currently zoned General Business District (GB). Other properties along IH 10 are similarly zoned. The current use for the subject property is a storage/salvage yard. Directly to the north there is a residential structure that appears to be vacant, while the property to the east and to the west across Graytown Road are also vacant/undeveloped. Further to the east there is a similar storage/salvage yard. Directly to the south is the IH 10 corridor. With the proposed convenience store being surrounded by mostly vacant land, and being directly adjacent to IH 10 the proposed Specific Use Permit would not pose an additional adverse impact on the surrounding properties.

RECOMMENDATION

Staff Recommendation:

The subject property has an advantageous position for commercial activities adjacent to IH 10 and as a result the land use designation of Highway Commercial coincides with the proposed use for the property. The current condition/use of the property is a salvage/storage yard, and the proposed use would enhance the aesthetic and commercial quality. The subject property and all the immediate adjacent properties are zoned General Business District (GB), for which the Specific Use Permit and proposed use would be consistent with the area.

The Conceptual Site Plan shows a 6,500 square foot convenience store with gas pumps. In addition, there will be accommodations for large trucks with proposed diesel pumps, and large parking spaces. This intended use would provide a service to the area, as there is a large amount of truck traffic along the IH 10 corridor. As this is just a conceptual site plan, it is possible that details may change; however, once an official site plan application is submitted, it will be subject to all UDC requirements as stipulated in Article 9.

The next closest gas station in Schertz is approximately 4.5 miles to the east at the IH 10 and Trainer Hale intersection, and the next closest gas station in general is approximately 2 miles to the west at 1604 and IH 10 within the San Antonio city limits. As there is approximately 6 miles in-between gas stations along the IH 10 corridor, staff believes that the intersection at Graytown Road and IH 10 would be a suitable location for the proposed use.

Therefore, staff recommends approval of the Specific Use Permit to allow a convenience store with gas pumps at the subject property conditioned upon the following:

1. A building permit is approved within two years of the adoption of the SUP Ordinance

Planning and Zoning Commission Recommendation:

The Schertz Planning and Zoning Commission met on May 10, 2023, and voted to recommend that the City Council approve the proposed Specific Use Permit as presented with a 7-0 vote.

City Council First Reading:

The Schertz City Council met on June 6, 2023, and voted to approve the proposed Specific Use Permit as presented with a 7-0 vote.

Attachments

Ord S 12 w attachments

Aerial Exhibit

Public Hearing Notice Map

ORDINANCE NO. 23-S-12

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS TO APPROVE A SPECIFIC USE PERMIT TO ALLOW FOR OPERATION OF A CONVENIENCE STORE WITH GAS PUMPS ON APPROXIMATELY 4.2 ACRES OF LAND, LOCATED AT THE INTERSECTION OF NORTH GRAYTOWN ROAD & IH 10, ADDRESS: 11185 IH 10 E, ALSO KNOW AS BEXAR COUNTY PROPERTY ID: 619232, CITY OF SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, an application for a Specific Use Permit to allow for an operation of a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested Specific Use Permit (the “Criteria”); and

WHEREAS, on May 10, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested Specific Use Permit; and

WHEREAS, on June 6, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

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

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby approved to allow a convenience store with gas pumps conditioned upon the following occurring:

a) A building permit is approved within two years of the adoption of the Specific Use Permit Ordinance

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

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

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

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

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

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

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

PASSED ON FIRST READING, the ____ day of _____ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the ____ day of _____ 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description

Exhibit "B"
Property Depiction



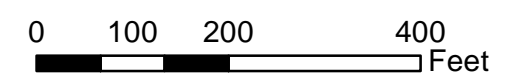
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

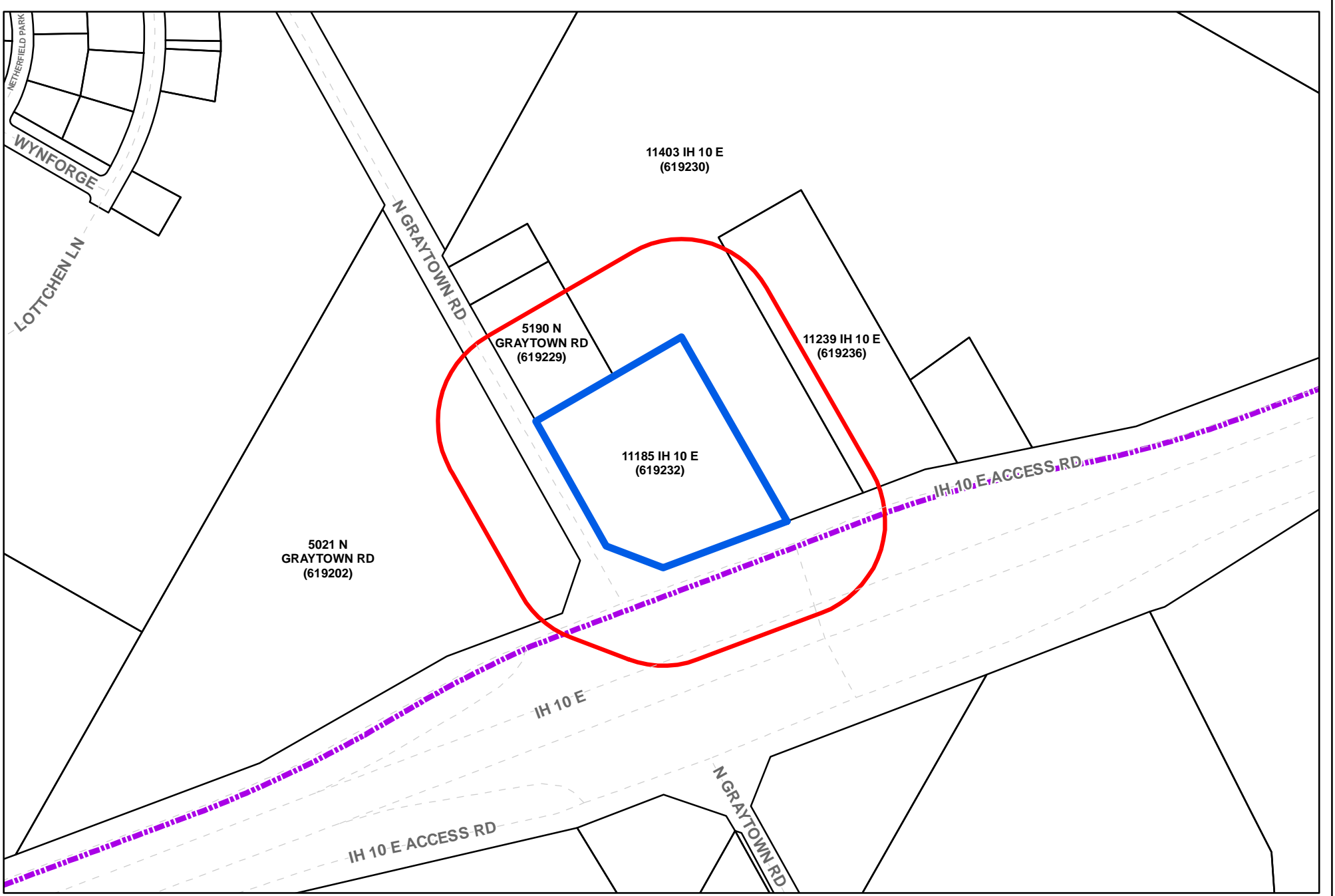


PROPOSED TRUCKSTOP
 11185 IH 10 E
 (PLSPU20220208)

- | | | | | | | |
|---|--|---|--|--|---|---|
| <ul style="list-style-type: none"> <all other values> Highways Major Roads Minor Roads Other Cities | <ul style="list-style-type: none"> <all other values> Freeway Principal Arterial Planned Principal Arterial Secondary Arterial | <ul style="list-style-type: none"> Planned Secondary Arterial Secondary Rural Arterial Planned Secondary Rural Arterial Residential Collector Planned Residential Collector | <ul style="list-style-type: none"> Commercial Collector B Planned Commercial Collector B Commercial Collector A Planned Commercial Collector A | <ul style="list-style-type: none"> 1", 1 1/2" 2", 2 1/2" 3" 4" 6" 8" 10" 12" 16" 18" 20" 24" 30" 36" | <ul style="list-style-type: none"> Schertz Gravity Schertz Pressure Neighboring Gravity Neighboring Pressure Private Gravity Private Pressure Hydrant Manholes Schertz Lift Station CCMA Lift Station Private Lift Station Schertz Treatment Plant CCMA Treatment Plant Split Manhole | <ul style="list-style-type: none"> 200' Buffer Schertz Municipal Boundary County Boundaries |
|---|--|---|--|--|---|---|

1 Inch = 200 Feet





Last Update: January 18, 2023
 City of Schertz, GIS Specialist: Bill Gardner, billg@schertz.com (210) 619-1185
The City of Schertz provides this Geographic Information System product "as is" without any express or implied warranty of any kind including but not limited to the implied warranties of merchantability and fitness for a particular purpose. In no event shall the City of Schertz be liable for any special, indirect or consequential damages or any damages whatsoever arising out of or in connection with the use of or performance of these materials. Information published in this product could include technical inaccuracies or typographical errors. Periodical changes may be made and information may be added to the information herein. The City of Schertz may make improvements and/or changes in the product(s) described herein at any time.

City of Schertz

Proposed Truckstop - 11185 IH 10 E (PLSPU20220208)

-  Project Area
-  200' Buffer
-  City Limit Boundary



NOTICE OF PUBLIC HEARING

April 18, 2023

To whom it may concern,

The City of Schertz Planning and Zoning Commission will conduct a public hearing on **Wednesday, May 10th, 2023** at **6:00 p.m.** located at the Municipal Complex Council Chambers, 1400 Schertz Parkway, Building #4, Schertz, Texas to consider and act upon the following item:

PLSPU20220208- Conduct a public hearing and make a recommendation on a Specific Use Permit to allow a convenience store with gas pumps on approximately 4.2 acres of land, located at the intersection of North Graytown Road & IH 10, address: 11185 IH 10 E, City of Schertz, Bexar County, Texas, property ID: 619232.

Because you own property within 200 feet of the subject property, the Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing. If you would like to express how you feel, please complete the bottom portion of this letter and return before the public hearing date by mail or personal delivery to Samuel Haas, Senior Planner 1400 Schertz Parkway, Bldg. 1, Schertz, Texas 78154, or by e-mail planning@schertz.com. If you have any questions, please feel free to call Samuel Haas, Senior Planner directly at (210) 619-1783.

Sincerely,



Samuel Haas
Senior Planner

Reply Form

I am: in favor of opposed to neutral to the request for **PLSPU20220208**

COMMENTS: _____

NAME: Lloyd Denton, Jr SIGNATURE 
(PLEASE PRINT)

STREET ADDRESS: #11 Lynn Batts Lane #100 SAN ANTONIO, TX

DATE: 04.21.23 78218

Reply Form

I am: in favor of opposed to neutral to the request for **PLSPU20220208**

COMMENTS: _____

NAME: Holly Pfannstiel Garza SIGNATURE Holly Pfannstiel Garza
(PLEASE PRINT)

STREET ADDRESS: 11239 E IH 10, Schertz, TX 78154

DATE: 5-2-23

Ord. 23-S-12

Specific Use Permit to allow a convenience store with gas pumps at Graytown Road & IH 10

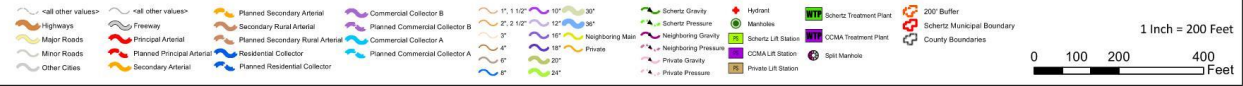
Samuel Haas | SENIOR PLANNER



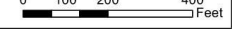
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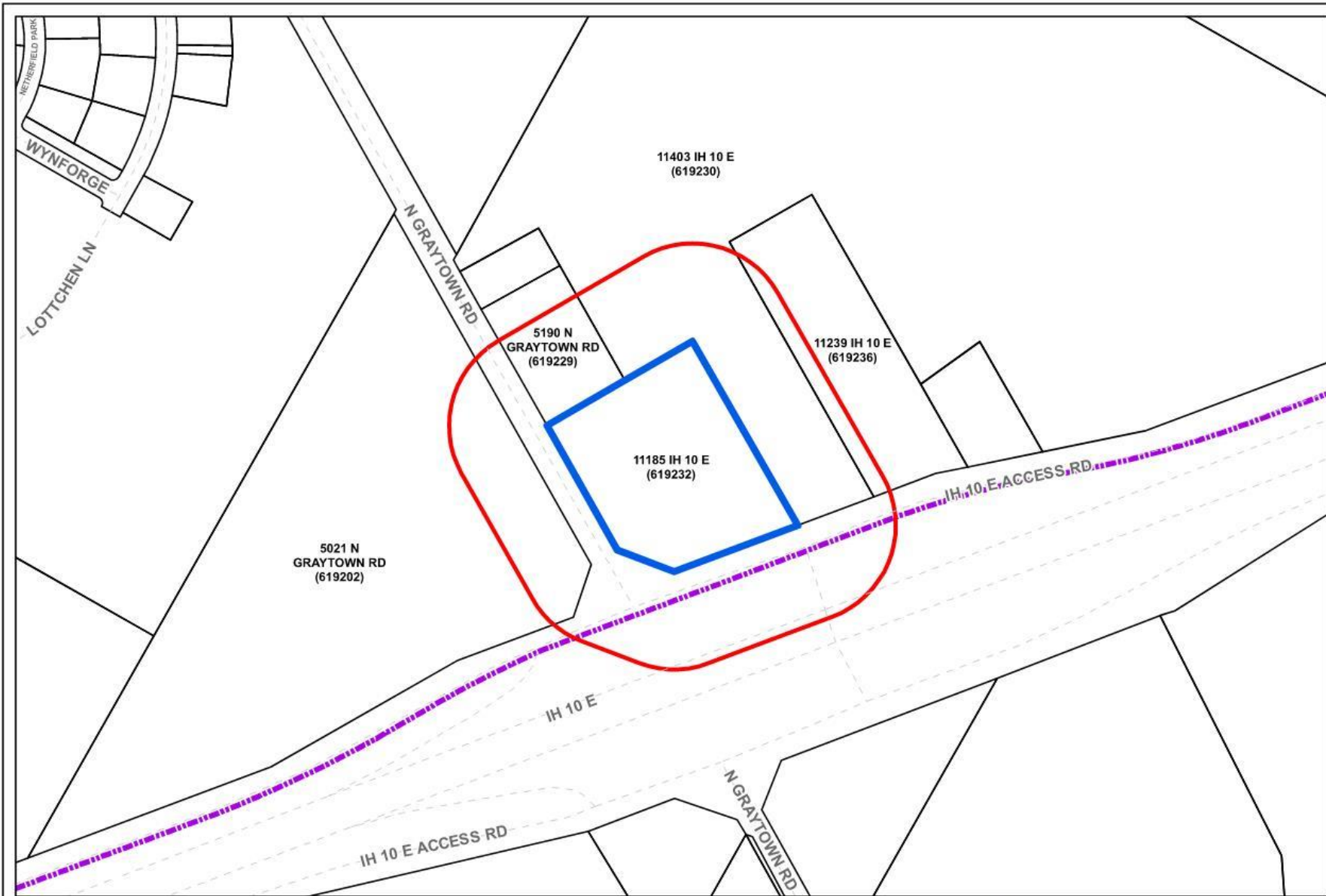
PROPOSED TRUCKSTOP
 11185 IH 10 E
 (PLSPU20220208)



1 Inch = 200 Feet



SCHIERTZ
 COMMUNITY. SERVICE. OPPORTUNITY.



- **April 18th**

5 Public Hearing notices were sent.

A public hearing notice was published in the "San Antonio Express" on May 17, 2023

- **Responses Received as of June 7th, 2023**

2 In Favor



Project Area



City Limit Boundary



200' Buffer



Proposed Specific Use Permit

- **Subject property is 4.2 ac**
- **Current Zoning is General Business District (GB)**
- **Per applicant Letter of Intent – proposed development will be a 6,500 square foot convenience store with gas pumps**

H:\NORTH225-100 TRUCK STOP, 11185 IH 10 & N. GRAYTOWN, SCHERTZ, TX\CADD\035\C-4 PRELIMINARY SITE PLAN.DWG
1/3/2023 1:45 PM



VICINITY MAP
N.T.S.

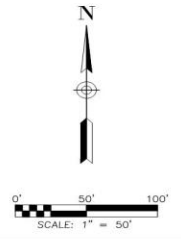


Property Information: 61922
Land Use: Rural
Zoning: GB
Address: 1423 1954 P-Rc Abs 628
Owner: 1203 Ft Grayson LLC
Property ID: 61922
Address: 1203 Ft Grayson Rd, Schertz, TX 78154
Recording Info: Vol. 1292, Pg. 1020 O.P.A.

Property Information: 61922
Land Use: Vacant
Zoning: GB
Address: 1423 1954 P-Rc Abs 628
Owner: 1203 Ft Grayson LLC
Property ID: 61922
Address: 1203 Ft Grayson Rd, Schertz, TX 78154
Recording Info: Vol. 1292, Pg. 1020 O.P.A.

Property Information: 61922
Land Use: Single-Family
Zoning: GB
Address: 1423 1954 P-Rc Abs 628
Owner: 1203 Ft Grayson LLC
Property ID: 61922
Address: 1203 Ft Grayson Rd, Schertz, TX 78154
Recording Info: Vol. 1292, Pg. 1020 O.P.A.

Property Information: 61922
Land Use: Vacant
Zoning: GB
Address: 1423 1954 P-Rc Abs 628
Owner: 1203 Ft Grayson LLC
Property ID: 61922
Address: 1203 Ft Grayson Rd, Schertz, TX 78154
Recording Info: Vol. 1292, Pg. 1020 O.P.A.



FLOODPLAIN INFORMATION:
According to Flood Insurance Rate Map, Panel 48029C0435G, dated Sept 29, 2010, is located in zone(s) A & X and is partially within the 100-year floodplain.

LEGEND

- STREET DIRECTIONAL ARROW
- PROPOSED DEVELOPMENT DIRECTIONAL ARROW
- EXISTING PAVEMENT
- PROPOSED LANDSCAPE AREA
- 7" PAVED AREA
HEAVY DUTY CONCRETE - 3600 PSI MIN. (28 DAYS) NO. 4 BARS SPACED 18" C.C.E.W.)
- PROPOSED TXDOT IMPROVEMENTS

SITE DATA SUMMARY

Proposed Use	General Business, Convenience Store
Existing Zoning District	GB
Proposed Zoning District	GB
Lot Area (Acreage & SF)	4.167 Acres / 181,514 SF
Square Footage and % of Impervious Cover	109,588 SF / 60%
Building Area in Square Feet	Convenience Store (Retail) = 6,500 SF
Building Height (feet and number of stories)	28 ft. / 1-story
Floor Area Ratio (FAR)	3.5% of Total Site

Parking Analysis

Occupancy Type	Estimated Area (S.F. OF GFA)	Required Total Parking	Number of Required Cars
C-Store	6,500	1/250 SF	26
Total Required Parking			26
Total Parking Provided			41

CITY OF SCHERTZ

OWNER INFORMATION:
NORTHWEST PETROLEUM, LP
FRANK MALIK
4803 GREENBAR DR.
STAFFORD, TEXAS 77117
Tel: 281-945-9555
email: frankmalik@nmpgroup.com

BOVAY ENGINEERS, INC
11185 IH 10, Suite 100
Houston, Texas 77079
Tel: 713.777.8800
www.bovayengineers.com
Texas Registration No. F-2370

PROPOSED TRUCK STOP
11185 IH-10 AT N. GRAYTOWN RD
SCHERTZ, TEXAS 78154

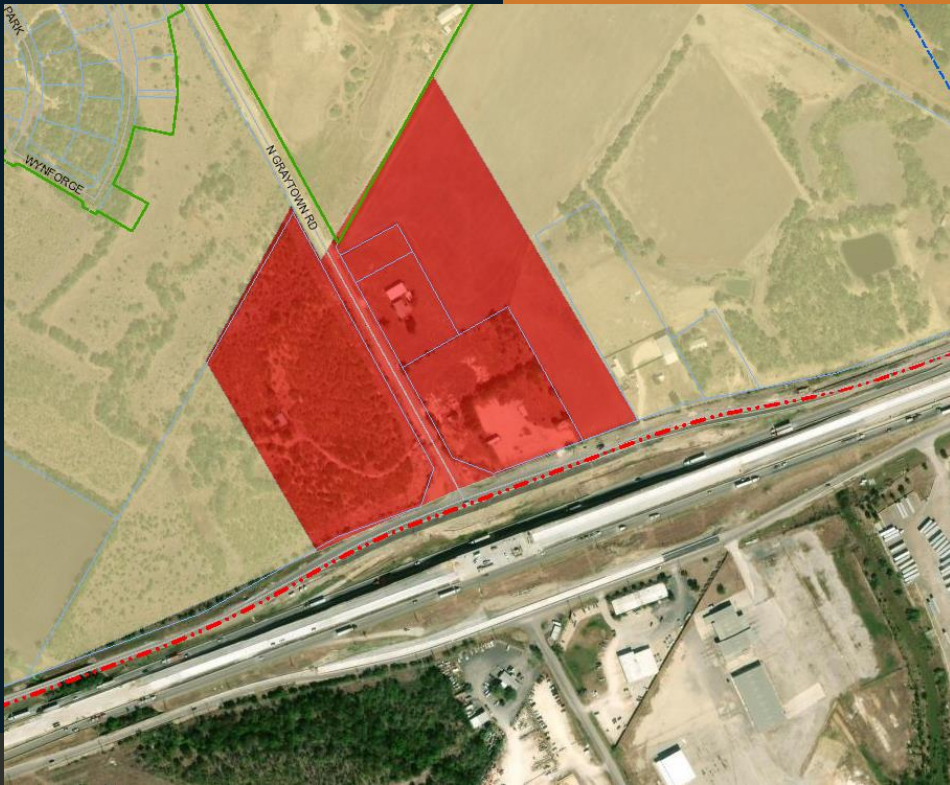
12/16/22 SITE PLAN SUBMITTAL

DRAWN BY: JM
CHECKED BY: JM
ANTONIO ZAMORA
SURVEY NO. 36,
ABSTRACT NO. 828,

PRELIMINARY SITE PLAN

C-4

Staff Analysis



Comp Plan Conformance:

- The current land use designation identifies this area as Highway Commercial. Highway Commercial is intended to allow commercial activity at major highway intersections. The proposed convenience store with gas pumps fits the retail land use desired in Highway Commercial.

Zoning:

- The subject property is zoned General Business (GB). Other properties along IH 10 are similarly zoned.

Improve Current Condition:

- Staff believes the proposed use would enhance the condition of the property from a storage/salvage yard.

Improve Services:

- Approximately 6 miles in-between current gas stations along IH 10.

Recommendation

- **Staff Recommendation:**
Staff recommends approval of the requested Specific Use Permit based on the compatibility with the Comprehensive Land Use Plan, consistency with other properties within the same area and zoning district, and the quality improvement of the subject property with enhanced services along the IH 10 corridor.
- **Planning and Zoning Commission Recommendation:**
The Schertz Planning and Zoning Commission met on May 10, 2023, and voted to recommend that the City Council approve the proposed Specific Use Permit as presented with a 7-0 vote.
- **City Council First Reading:**
The Schertz City Council met on June 6, 2023, and voted to approve the proposed Specific Use Permit as presented with a 7-0 vote.

COMMENTS & QUESTIONS

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: City Secretary
Subject: Resolution 23-R-51 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution nominating a candidate to fill the vacancy on the Comal Appraisal District Board of Directors. (S.Williams)

BACKGROUND

At the meeting of May 24, 2023, the Board of Directors accepted the resignation of Brad Howell and authorized the Chief Appraiser to notify each taxing unit entitled to vote by resolution to fill the vacancy.

Section 6.03 (1) of the Texas Property Tax Code states:

(1) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

If the City of Schertz intends to submit a nominee, we need to deliver a resolution naming their nominee to the Comal Appraisal District office by 5:00 p.m. on Monday, July 10, 2023.

Attachments

Resolution 23-R-51
Comal Appraisal District

RESOLUTION NO. 23-R-51

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS NOMINATING A CANDIDATE TO FILL THE VACANCY ON THE COMAL APPRAISAL DISTRICT BOARD OF DIRECTORS AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, at the Comal Appraisal District meeting of May 24, 2023, the Board of Directors accepted the resignation of one of the Board Members and authorized the Chief Appraiser to notify each taxing unit entitled to vote by resolution to fill the vacancy; and

WHEREAS, section 6.03(1), of the Texas Property Tax Code, if a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy;

WHEREAS, the unit shall submit the name of its nominee to the Chief Appraiser within 45 days after notification from the Board of Directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the Board of Directors within the next five days a list of the nominees; and,

WHEREAS, the board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy; and

WHEREAS, the City Council of the City of Schertz, Texas has determined it is in the best interest of the city to nominate _____ to fill the vacancy on the Comal Appraisal District Board of Directors.

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

Section 1. The City Council hereby nominates _____ to fill the current vacancy on the Comal Appraisal District Board of Directors.

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 _____ DAY OF _____, 2023

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

COMAL APPRAISAL DISTRICT

900 S. SEGUIN AVENUE
NEW BRAUNFELS, TX 78130

JEFFREY J. BOOKER, RPA
CHIEF APPRAISER

May 25, 2023

Mr. Brian James
City Manager
City of Schertz
1400 Schertz Parkway
Schertz, TX 78154

Dear Mr. James:

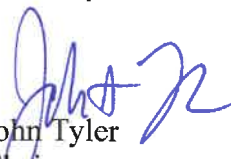
At the meeting of May 24, 2023, the Board of Directors accepted the resignation of Brad Howell and authorized the Chief Appraiser to notify each taxing unit entitled to vote by resolution to fill the vacancy. Section 6.03 (1) of the Texas Property Tax Code states:

(1) If a vacancy occurs on the board of directors other than a vacancy in the position held by a county assessor-collector serving as a nonvoting director, each taxing unit that is entitled to vote by this section may nominate by resolution adopted by its governing body a candidate to fill the vacancy. The unit shall submit the name of its nominee to the chief appraiser within 45 days after notification from the board of directors of the existence of the vacancy, and the chief appraiser shall prepare and deliver to the board of directors within the next five days a list of the nominees. The board of directors shall elect by majority vote of its members one of the nominees to fill the vacancy.

If your governing body intends to submit a nominee, please deliver to the appraisal district office by 5:00 p.m. on Monday, July 10, 2023, a resolution naming their nominee.

Thank you for your attention to this matter.

Sincerely,


John Tyler
Chairman
Board of Directors

CC: City Mayor, Mr. Ralph Gutierrez

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023
Department: Human Resources
Subject: Resolution 23-R-52 - Consideration and/or action by the City Council of the City of Schertz, Texas, approving a resolution authorizing the City Manager to enter into an agreement with Public Sector Personnel Consultants (PSPC) to conduct a Classification and Compensation Study. (S. Gonzalez/J. Kurz)

BACKGROUND

As presented to Council at the pre-budget retreat in March 2023, the top budget priority for FY 23-24 is employee compensation. Staff has identified contingency funds in FY 22-23 to begin the City’s third comprehensive classification & compensation study. Previous studies were conducted in 2015 and 2019 (completed in 2020). In addition to the goals listed below, study objectives include addressing some long outstanding compensation issues such as certification and incentive pay, as well as, considering solutions to the problems of lack of avenues for job progression, internal compression issues, and recruitment and retention challenges.

Four key goals of the study:

1. Properly classifying positions in the City to reflect actual knowledge, skills, and abilities, as well as the essential duties of each position;
2. To have competitive compensation within Schertz’s competing labor market and benchmark cities;
3. To promote internal and external compensation equity; and
4. To foster productive and tenured employees, in part, through a fair and balanced compensation system.

The City released a Request for Proposals (RFP) for these services, and three proposals were received. Proposals were reviewed and scored based on criteria including qualifications and experience, company operational information, cost, reputation, capability, resources, and project design and strategy.

After initial review and evaluation of all proposals, each respondent was invited to participate in an interview to conduct a short presentation on their proposed study process and methodologies, and answer staff questions. Staff representatives from City Management, Human Resources, Police, and Fire participated in the interview process and provided input on the final selection recommendation. The group unanimously recommended Public Sector Personnel Consultants (PSPC) for this project.

Though PSPC comes in with the highest cost, their demonstrated competency in classification and compensation studies and superior knowledge of local government operations and Texas market conditions make them the most qualified to meet the City’s needs for this critical project. Please see attached Final Evaluation Summary for additional notes and details.

GOAL

Engage a qualified firm to conduct a comprehensive classification and compensation study, and to implement study results to benefit current and future employees.

COMMUNITY BENEFIT

By having properly classified positions and offering competitive total compensation packages, Schertz will be better situated in the market to recruit and retain top talent. Additionally, this comprehensive review will allow the City to address some long outstanding compensation and internal equity issues, in turn leading to increased employee morale and job satisfaction.

SUMMARY OF RECOMMENDED ACTION

Staff recommends Council approval of Resolution 23-R-52 authorizing the City Manager to enter into an agreement with Public Sector Personnel Consultants to conduct a Classification and Compensation Study.

FISCAL IMPACT

Proposed contract has a total not-to-exceed amount of \$60,000. Project will be paid using FY 22-23 contingency funds.

RECOMMENDATION

Staff recommends Council approval of Resolution 23-R-52 authorizing the City Manager to enter into an agreement with Public Sector Personnel Consultants to conduct a Classification and Compensation Study.

Attachments

Resolution 23-R-52
RFP Evaluation Summary
Class & Comp Scope of Work

RESOLUTION NO. 23-R-52

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PUBLIC SECTOR PERSONNEL CONSULTANTS TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, The City of Schertz (the “City”) Compensation Philosophy requires on-going review of the City’s classification and compensation structure; and

WHEREAS, the City Staff has identified the necessity to conduct a professional classification and compensation study for the purpose of fulfilling four (4) key goals:

1. Properly classify positions in the City to reflect actual knowledge, skills, and abilities, as well as the essential duties of each position.
2. To have competitive compensation within Schertz’s competing labor market and benchmark cities.
3. To promote internal and external compensation equity.
4. To foster productive employees, in part, through a fair and balanced compensation system; and

WHEREAS, the City released an RFP and subsequently received three (3) proposals and, each proposal was evaluated and all respondents interviewed; and

WHEREAS, City staff hereby recommends that the City Council approve the selection of Public Sector Personnel Consultants to conduct a classification and compensation study and to set the total contract scope and amount; and

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 an agreement with Public Sector Personnel Consultants in an amount not-to-exceed \$60,000 to conduct a classification and compensation study.

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 _____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Mayor, Ralph Gutierrez

ATTEST:

City Secretary, Sheila Edmondson

(CITY SEAL)

FINAL RANKINGS - POST INTERVIEW

PROJECT# 2023-009
PROJECT NAME: Classification and Compensation Study

Date: 6/12/2023

VENDOR/FIRM	RANK	MANAGEMENT ADVISORY GROUP	PAYPOINT HR	PUBLIC SECTOR PERSONNEL
Financial Consideration	35		1	2
Proposer's Qualifications, Abilities, and References	30	3	2	1
Quality of Proposed Services	30	3	2	1
Responsiveness of Proposal	5	3	2	1

PSPC has over 25 years of experience in public sector experience. They work with markets of all shapes and sizes including larger markets in Texas like City of Dallas and local markets such as Live Oak. Both their proposal and interview showed demonstrated knowledge in Municipal Class & Comp studies. The previous work completed by PSPC for the City was a positive interaction. PSPC offered expanded options for completing the salary survey along with rationale behind the pros and cons of each option. PSPC has a deep bench in regards to staffing and will be able to provide back-up personnel to complete the project should the need arise. PSPC also offered a more comprehensive approach to the scope of work with scalable options based on the needs of the City.

PSPC offered a firm fixed price as part of their proposal with itemized pricing that would allow COS to remove items that were not going to be included.

PayPoint HR deals in mainly smaller markets, handling mostly smaller suburbs. While the proposed services to be provided appeared good on paper, this firm has a limited staff level of 2 people. PayPoint HR was unresponsive to email communications for over a week and only managed to get their interview scheduled after a final attempt to reach them via phone and voicemail. This leads to concerns that they do not have the capacity or availability to complete the project in a timely manner. The City has had no other prior experience with this firm. Paypoint HR was lower in pricing than PSPC, but their pricing was an estimated total based on a proposed hourly rate and average time to complete a project. It is highly probable that this estimate is on the low side and additional expenses would be incurred based on actual project time and travel.

Management Advisory Group was ranked last in all categories and only came ahead in points based on their pricing proposal. MAG has worked with the City in the past, and the product delivered showed a lack of attention to detail. The provided information and recommendation from that project did not reflect the changing shape of the market, nor did it match up to the data collected by Public Safety areas. The proposed software is something the City received as part of a prior study and is merely an outdated MS Access Database. While MAG was the lowest overall cost, the evaluation team does not feel as though they can provide a quality product that will meet the needs of the City

PROJECT# 2023-009
 PROJECT NAME: CLASSIFICATION AND COMPENSATION STUDY

EVALUATION SUMMARY

Date: _____

INSTRUCTIONS: Enter a number 0 through 4 for each category for each proposer. You may use 0.25 increments if necessary.
 0 = Not Compliant, 1 = Poor, 2 = Fair, 3 = Good, 4 = Excellent

You may NOT enter a number higher than 4.0. An explanation is required for a score of 0

Criteria	Points	MANAGEMENT ADVISORY GROUP	PAYPOINT HR	PUBLIC SECTOR PERSONNEL CONSULTANTS
Financial Consideration	35	\$39,900.00	\$43,800.00	\$60,000.00
		35.00	31.88	23.28
Proposer's Qualifications, Abilities, and References	30	3.13	3.06	3.56
		23.44	22.97	26.72
Quality of Proposed Services	30	3.25	3.44	3.31
		24.38	25.78	24.84
Responsiveness of Proposal	5	3.38	3.19	3.38
		4.22	3.98	4.22
Average Total %	100	87.03	84.62	79.06
Rank		1.00	2.00	3.00

(Lowest Price / Evaluated Price) * Pts for Section

VENDOR	FEE	AD-HOC	TIMELINE FOR COMPLETION	START TIMELINE	
MANAGEMENT ADVISORY GROUP	\$39,900.00	200 P/HR	5 MONTHS	IMMEDIATELY	
PUBLIC SECTOR PERSONNEL CONSULTANTS	\$110,000.00		150 DAYS (7 MONTHS)	AUGUST OR OCTOBER 2023	*PRICE INCLUDES \$20K FOR JOB DESCRIPTIONS AND \$30K FOR DESK AUDITS/JOB INFORMATION INTERVIEWS, COMPARABLE PRICING IS \$110,000 - \$50,000 = \$60,000
PAYPOINT HR	\$55,800.00	\$150 P/HR	16 WKS (4 MONTHS)	IMMEDIATELY	*PRICE INCLUDES 80 HRS FOR JOB DESCRIPTIONS AT \$150 PER HOUR = \$12,000, COMPARABLE PRICING IS \$55,800 - \$12,000 = \$43,800

SECTION 5

SCOPE OF WORK

5.1 General

The minimum requirements and the specifications for the Services, as well as certain requests for information to be provided by Proposer as part of its proposal, are set forth below. As indicated in **Section 2.3** of this RFP, the successful Proposer is referred to as the “**Contractor.**”

5.2 Minimum Requirements

Each proposal must include information that clearly indicates that Proposer meets each of the following minimum requirements:

5.2.1 Study Objectives:

- 5.2.1.1 Ensure positions performing similar work with essentially the same level of complexity, responsibility, and knowledge, skills, and abilities are classified together;
- 5.2.1.2 Provide salaries commensurate with assigned duties;
- 5.2.1.3 Clearly outline job progression opportunities and provide recognizable compensation growth;
- 5.2.1.4 Provide justifiable pay differential between individual classes; and
- 5.2.1.5 Maintain a competitive position with other comparable government entities and private employers within the same geographic areas.

5.2.2 Scope of Services

- 5.2.2.1 Provide for a comprehensive evaluation of every job within the City to determine relative worth within the organization for internal equity and for the establishment of pay ranges and step progressions within the ranges.
- 5.2.2.2 Review all current job classifications, confirm, and recommend changes to hierarchical order of jobs using an approved evaluation system.
- 5.2.2.3 Establish appropriate benchmarking standards and conduct salary surveys as needed for similar positions with comparable entities.
- 5.2.2.4 Identify potential pay compression issues and provide potential solutions.
- 5.2.2.5 Analyze and recommend changes to the present compensation structure to meet market analysis. This recommendation may include recommendations for individual positions as well.

5.2.3 Information Meetings

- 5.2.3.1 Prior to commencement of study, Consultant to present proposed study methodologies and processes to City Council.
- 5.2.3.2 Consultant to have an initial meeting with City Leadership to discuss the process, tasks, and methodologies to be used in the study.
- 5.2.3.3 Consultant to meet with department heads to explain study and process to be used.
- 5.2.3.4 Consultant to provide frequent updates to City Project Manager.

5.2.4 Classification Study

- 5.2.4.1 Consultant to review current classification grade methodology and propose recommended strategies for the City.
- 5.2.4.2 Consultant to conduct interviews and/or job audits as appropriate. Interviews and/or job audits may be conducted individually or in groups based upon classification.
- 5.2.4.3 Consultant to update job descriptions to uniformly reflect the distinguishing characteristics, essential job functions, minimum qualifications (education/experience and knowledge/skills/abilities), working conditions (physical demands, work environment, and travel requirements), and certification/licenses/registrations requirements for classification as needed.
- 5.2.4.4 Consultant to qualify the FLSA status for each job classification.
- 5.2.4.5 Consultant to finalize class specifications and recommend appropriate classification for each employee, including correction of identified discrepancies between existing and proposed classifications.
- 5.2.4.6 Consultant to identify career ladders/promotional opportunities as deemed appropriate.
- 5.2.4.7 Consultant to provide a straightforward, easily understood, maintenance system that Human Resources Department will use to keep the classification system current and equitable. Maintenance should include annual activities, as well as the process we would use in the review of the classification of individual jobs, as needed.

5.2.5 Compensation Study

- 5.2.5.1 Consultant to review current compensation plan (salary grade levels and steps) and understand current challenges in recruiting and retaining employees.
- 5.2.5.2 Consultant to recommend and identify a consistent and competitive market position that the City can strive to maintain.
- 5.2.5.3 Consultant to recommend comparable labor markets, including both private and public sector employers for compensation survey.
- 5.2.5.4 Consultant to develop and conduct a comprehensive compensation and benefits survey, to include determination of total compensation.
- 5.2.5.5 Consultant to recommend appropriate salary range for each position based on the classification plan, the compensation survey results, and the internal relationships and equality. Prepare a new salary structure based on the results of the survey and best practices.
- 5.2.5.6 Consultant to recommend implementation strategies including calculating the cost of implementing the plan.
- 5.2.5.7 Consultant to identify any extreme current individual or group compensation inequities and to provide a recommended corrective action plan and process to remedy these situations.
- 5.2.5.8 Consultant to make recommendations and to provide implementation strategies related to other key compensation practices, based on market demands, including pay for performance, skill pay, special assignment pay, certification pay, bilingual pay, promotional pay, and acting assignment pay.
- 5.2.5.9 Consultant to provide recommendations for the ongoing internal administration and maintenance of the proposed compensation plan. Maintenance should include annual activities such as market survey.
- 5.2.5.10 Consultant to conduct a compression analysis to include any recommendations for implementation.

CITY COUNCIL MEMORANDUM

City Council Meeting: June 20, 2023

Department: City Secretary

Subject: Master Calendar has been updated to reflect City Council Meetings on the first and third Tuesdays of the month in accordance with the approval of Ordinance 23-M-11. Additional meetings were added due to cancelations necessitated by holidays and special events such as National Night Out and the General Election.

Attachments

Master Calendar revised



Master Calendar 2023

		JANUARY							FEBRUARY									
		S	M	T	W	T	F	S	S	M	T	W	T	F	S			
1	New Years Day (Office Closed Jan. 2)	1	2	3	4	5	6	7	5	6	7	8	1	2	3	4	4	Mother/Son Dance & Daddy/Daughter Dance
3	Runoff Election	8	9	10	11	12	13	14	12	13	14	15	16	17	18	14	Valentine's Day	
16	Martin Luther King, Jr. Day (Office Closed)	15	16	17	18	19	20	21	19	20	21	22	23	24	25	20	President's Day (Office Closed)	
22	Chinese New Year (Year of the Rabbit)	22	23	24	25	26	27	28	26	27	28					22	Ash Wednesday	
		29	30	31												25	Selma Schertz Salute to Service Members 5K	
		MARCH							APRIL									
		S	M	T	W	T	F	S	S	M	T	W	T	F	S			
2	Texas Independence Day					1	2	3	4	2	3	4	5	6	7	8	2	Palm Sunday
4	Kick Cancer Pep Rally & 5K Run	5	6	7	8	9	10	11	9	10	11	12	13	14	15	2	Movin' on Main	
12	Daylight Savings Begins	12	13	14	15	16	17	18	16	17	18	19	20	21	22	7	Good Friday/Passover	
17	St. Patrick's Day	19	20	21	22	23	24	25	23	24	25	26	27	28	29	9	Easter	
20	Employee Remembrance Day	26	27	28	29	30	31		30							21	Ramadan Ends	
22	Ramadan Begins															26	Administrative Professionals Day	
		MAY							JUNE									
		S	M	T	W	T	F	S	S	M	T	W	T	F	S			
14	Mother's Day	7	8	9	10	11	12	13	4	5	6	7	8	9	10	14	Flag Day	
20	Armed Forces Day	14	15	16	17	18	19	20	11	12	13	14	15	16	17	18	Father's Day	
29	Memorial Day (Office Closed)	21	22	23	24	25	26	27	18	19	20	21	22	23	24			
		28	29	30	31				25	26	27	28	29	30				
		JULY							AUGUST									
		S	M	T	W	T	F	S	S	M	T	W	T	F	S			
4	Independence Day (Office closed Jul. 3-4)	2	3	4	5	6	7	8	6	7	8	9	10	11	12			
4	July 4th Jubilee	9	10	11	12	13	14	15	13	14	15	16	17	18	19			
		16	17	18	19	20	21	22	20	21	22	23	24	25	26			
		23	24	25	26	27	28	29	27	28	29	30	31					
		30	31															
		SEPTEMBER							OCTOBER									
		S	M	T	W	T	F	S	S	M	T	W	T	F	S			
4	Labor Day (Office Closed)					1	2		1	2	3	4	5	6	7	3	National Night Out	
11	Patriot Day	3	4	5	6	7	8	9	8	9	10	11	12	13	14	4-6	Annual TML Conference (Dallas)	
15-17	Rosh Hashanah	10	11	12	13	14	15	16	15	16	17	18	19	20	21	9	Columbus Day (Office Closed)	
24-25	Yom Kippur	17	18	19	20	21	22	23	22	23	24	25	26	27	28	16	Boss's Day	
		24	25	26	27	28	29	30	29	30	31					31	Halloween/Trunk-or-Treat at the Station	
		NOVEMBER							DECEMBER									
		S	M	T	W	T	F	S	S	M	T	W	T	F	S			
5	Daylight Savings Time Ends				1	2	3	4						1	2	2	Holidazzle	
7	Election Day	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7-15	Hanukkah	
11	Veterans Day (Office Closed Nov. 10)	12	13	14	15	16	17	18	10	11	12	13	14	15	16	24	Christmas Eve (Office Closed Dec. 22)	
23	Thanksgiving (Office Closed Nov. 23 & 24)	19	20	21	22	23	24	25	17	18	19	20	21	22	23	25	Christmas Day (Office Closed)	
30	Deck the City Hall/Tree Lighting	26	27	28	29	30			24	25	26	27	28	29	30	26	Kwanzaa Begins (Ends Jan. 1 2024)	
									31							31	New Year's Eve Celebration	

Council Meeting	Animal Services Advisory Committee	SSLGC	Library Advisory Board
City Holidays (Office Closed)	Planning & Zoning Committee	Economic Development Corporation	Historical Preservation Committee
	Parks & Recreation Advisory Board	CVLGC	Transportation Safety Advisory Committee
		TIRZ Board	

Dates are subject to change.
 Check www.schertz.com for updated information.



City Council Calendar 2023

JANUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
30	31					

FEBRUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
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APRIL						
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30						

MAY						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

JUNE						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JULY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23		25	26	27	28
29	30	31				

NOVEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Council Meeting
- Council Workshop/Retreat
- City Holiday -- City Offices Closed

Dates are subject to change.
Check www.schertz.com for updated information