

RESOLUTION 25-R-128

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN AMENDMENT OF THE CURRENT INTERLOCAL COOPERATION AGREEMENT (ILA) BETWEEN THE LOWER COLORADO RIVER AUTHORITY ("LCRA") AND THE CITY OF SCHERTZ, TEXAS ("SCHERTZ") FOR CONSTRUCTION OF COMMUNICATION TOWERS.

WHEREAS, the City of Schertz seeks to work cooperatively with LCRA in a variety of areas including ensuring adequate communications for variety of areas of operations including electrical services and public safety communications; and

WHEREAS, LCRA is authorized by law to own, operate and maintain electric generation and transmission facilities for the benefit of its customers and the general public. LCRA's electric system includes a communications network, including a regional, trunked radio system, which has been installed for LCRA's use along transmission line right-of-way and elsewhere around the State for purposes of operating the electric system, for public safety, and for community development; and

WHEREAS, Schertz is authorized by law to provide law enforcement, fire protections, and emergency services for its citizens; and

WHEREAS, the ILA provides for LCRA to assist Schertz with deploying and maintaining radio communications for public safety operations, response to catastrophic or large-scale incidents or natural disasters, and radio communications support for local emergency and other public services; and the Schertz Police Department utilizes the Watchguard video system to fit the needs of the Department, to obtain the best pricing for this need and to provide the best quality of video recording equipment that ensures longevity in its use; and

WHEREAS, Schertz and LCRA are authorized to enter into such an arrangement by Chapter 791 of the Texas Government Code, commonly referred to as the Interlocal Cooperation Act, and more particularly Section 791.025, Texas Government Code; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Interlocal Cooperation Agreement dated July 1, 2012, and subsequently amended on April 29, 2024 to all construction of communications towers by LCRA that are not in compliance with the requirements of Section 21.8.6 Telecommunications Antennas of the Schertz Unified Development Code.

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

Section 1. The City Council hereby authorizes an amendment to the Interlocal Agreement with LCRA generally per the attached Exhibit "A" subject to changes approved by the City Attorney and City Manager.

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 APPROVED on the _____ day of _____, 2025.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

Exhibit "A"
LCRA Interlocal Amendment

**SECOND AMENDMENT TO
INTERLOCAL COOPERATION AGREEMENT
FOR MOBILE RADIO SERVICES AND EQUIPMENT
BETWEEN CITY OF SCHERTZ
AND LOWER COLORADO RIVER AUTHORITY**

This Second Amendment to Interlocal Cooperation Agreement (this "**Second Amendment**") is entered into by and between the Lower Colorado River Authority ("**LCRA**"), a conservation and reclamation district of the State of Texas created pursuant to Article XVI, Section 59, of the Texas Constitution, and the City of Schertz, Texas ("**USER**"), a home rule municipality and a political subdivision of the State of Texas, as of November 1, 2025. LCRA and USER may also be referred to herein individually as a "**Party**" and collectively as the "**Parties.**"

RECITALS:

A. LCRA and USER have heretofore entered into that certain Interlocal Cooperation Agreement dated as of July 1, 2012 (the "**Agreement**"), and an Amended Interlocal Cooperation agreement dated April 29, 2024 (the "**Amended Agreement**") pursuant to which LCRA agreed to provide communications equipment, facilities, and technical services required for the installation and operation, of 700/800 MHz radio equipment to assist USER with deploying and maintaining radio communications for public safety operations, response to catastrophic or large scale incidents or natural disasters, and radio communications coordination support for local emergency and other public services. Capitalized terms used but not otherwise defined herein shall have the respective meanings given to them in the Agreement.

B. LCRA and USER desire to modify the term of the Agreement pursuant to the terms of this Amendment.

AGREEMENT:

NOW THEREFORE, in consideration of the mutual benefits received by both Parties under the terms of the Agreement and this Amendment and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. A new Section 10 of the Agreement is hereby added:

"11.0 LCRA, owns, operates and maintains electric generation and transmission facilities which includes a communications network including a regional, trunked radio system (the "Trunked Radio System"), which has been installed for LCRA's use along transmission line rights-of-way and elsewhere around the State for purposes of operating the electrical system, for public safety and for community development. As such communications towers constructed, owned and operated by LCRA are exempt from the requirements of Section 21.8.6 Telecommunications Antennas of the City of Schertz' Unified Development Code. Communications towers are subject to all State and Federal regulations including obtaining any approvals from JBSA Randolph.

2. Except as is expressly established and amended by this Amendment, all other terms and provisions of the Agreement shall remain in full force and effect.

3. This Amendment may be executed in any number of counterparts and each such counterpart hereof shall be deemed to be an original, but all such counterparts taken together shall constitute but one agreement. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

The Parties have caused their authorized officers or representatives to execute this Amendment as of the date first set forth above.

LOWER COLORADO RIVER AUTHORITY

By _____

Name: _____

Title: _____

City of Schertz, Texas

By: _____

Name: _____

Title: _____