MEETING AGENDA
City Council
REGULAR SESSION CITY COUNCIL
JUNE 13, 2017

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

Policy Values
Safe Community
Essential Services
High Quality of Life
Attractive Community
Economic Prosperity
Fiscally Sustainable

AGENDA
TUESDAY, JUNE 13, 2017 AT 6:00 P.M.

Call to Order – Regular Session

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

City Events and Announcements

- Announcements of upcoming City Events (B. James/D. Wait/S. Gonzalez)
- Announcements and recognitions by City Manager (J. Kessel)

Presentation

- Proclamation recognizing the GenCure Marrow Donor Program (Beth Carrion to accept)
- Presentation regarding the recent City of Schertz Texas Association of Municipal Information Officers (TAMIO) Awards. (S. Gonzalez/L. Klepper)

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.

Workshop

- Discussion and/or action regarding providing a proper name to the “No Name” City Park on Schertz Parkway. (Item requested by Mayor Carpenter) (B. James/C. VanZandt)

- Discussion and update regarding the Local Flavor Incentive Policy. (J. Kessel/K. Kinateder)

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** – Approval of the minutes of the Regular Meeting of June 6, 2017. (J. Kessel/B. Dennis)

2. **Cancellation of the July 4, 2017, City Council Meeting** – Consideration and/or action approving the cancellation of the July 4, 2017 City Council meeting. (J. Kessel/B. Dennis)

Discussion Items

3. **Resolution No. 17-R-37** – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an inter-local agreement between the City of Schertz and the Comal County District Attorney in reference to the disposition of seized property and contraband. (D. Wait/M. Hansen)

4. **Ordinance No. 17-T-22** – Consideration and/or action approving an Ordinance authorizing a Budget Adjustment to the General Fund to Create and Fund an Inspections Plans Examiner Position and an Intern Position. **First Reading** (B. James/J. Walters)

5. **Resolution No. 17-R-38** – Consideration and/or action approving a Resolution authorizing expenditures with VIP Staffing Services totaling no more than $75,000 for Temporary Staffing Services during the 2016-2017 Fiscal Year. (D. Wait/J. Kurz)

6. **Resolution No. 17-R-39** – Consideration and/or action approving a Resolution authorizing the City Manager to accept Rhine Valley Park as a City Property. (B. James/C. VanZandt/L. Shrum)

7. **Ordinance No. 17-M-19** – Consideration and/or action approving an Ordinance amending Ordinance 15-M-41 prohibiting violations of the City Charter. **First Reading** (M. Carpenter/C. Zech)

8. **Resolution No. 17-R-34** – Consideration and/or action approving a Resolution authorizing the Schertz Seguin Local Government Corporation (SSLGC) budget amendment for fiscal year 2016-17 in the amount of $1,000,000 as a transfer to the SSLGC Repair and Replacement Fund. (D. Wait/A. Briggs)
9. **Resolution No. 17-R-35** – Consideration and/or action approving a Resolution approving the Schertz Seguin Local Government Corporation Fiscal Year 2017-18 Annual Budget. (D. Wait/A. Briggs)

10. **Resolution No. 17-R-36** – Consideration and/or action approving a Resolution approving the Schertz Seguin Local Government Corporation Fiscal Year 2017-18 Water Rates. (D. Wait/A. Briggs)

11. **Future Item Placement on a Council Agenda** – Consideration and/or action regarding placement of an item or items on a future agenda. Particularly, city council will discuss whether an item will be placed on a future agenda to discuss issues or policies or situations regarding the placement or use of video cameras within the organization. (Mayor Carpenter)

**Roll Call Vote Confirmation**

**Closed Session**

12. City Council will meet in closed session under section 551.087 of the Texas Government Code, Deliberation Regarding Economic Development Negotiations; Closed Meeting. The governmental body is not required to conduct an open meeting (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect.

- Project E-030
- Project E-031

**Reconvene into Regular Session**

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

**Requests and Announcements**

13. Announcements by City Manager.

14. **Placing Items on Future Agendas:** Member of the City Council may place items on future agendas provided the chair is able to determine unanimous consent. If objection is made by one or more members of the City Council, the Mayor shall instruct the City Secretary to place on the agenda for the next regular session an item to discuss the merits of placing the item that was objected to on a future agenda for full consideration.

15. Announcements by Mayor and Councilmembers

- City and community events attended and to be attended
- City Council Committee and Liaison Assignments (see assignments below)
- Continuing education events attended and to be attended
- Recognition of actions by City employees
Recognition of actions by community volunteers

Adjournment

CERTIFICATION

I, BRENDA DENNIS, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 9th DAY OF JUNE 2017 AT 5:00 P.M. WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

Brenda Dennis

Brenda Dennis, City Secretary

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 _______________, 2017.

____________________________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 executive 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.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive 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.
<table>
<thead>
<tr>
<th>Mayor Carpenter</th>
<th>Councilmember Davis – Place 1</th>
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<tbody>
<tr>
<td>Audit Committee</td>
<td>Schertz Housing Authority Board</td>
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<td>Interview Committee for Boards and Commissions</td>
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<td>Investment Advisory Committee</td>
<td>Interview Committee for Boards and Commissions</td>
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<tr>
<td>Main Street Committee</td>
<td>Main Street Committee - Chair</td>
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<td>TIRZ II Board</td>
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<td>Main Street Committee – Vice Chair</td>
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<tr>
<th>Mayor Pro-Tem Edwards – Place 4</th>
<th>Councilmember Thompson – Place 5</th>
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<td>Audit Committee</td>
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<td>Hal Baldwin Scholarship Committee</td>
<td>Investment Advisory Committee</td>
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<td>Interview Committee for Boards and Commissions</td>
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<td>Cibolo Valley Local Government Corporation</td>
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<td>Main Street Committee</td>
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<th>Councilmember Kiser – Place 6</th>
<th>Councilmember Crawford – Place 7</th>
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<td>Schertz Animal Services Advisory Commission</td>
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<td>Schertz-Seguin Local Government Corporation</td>
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<td>Interview Committee for Boards and Commissions</td>
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CITY COUNCIL MEMORANDUM

City Council Meeting:       June 13, 2017
Department:                City Secretary
Subject:                   Minutes

BACKGROUND
The City Council held a Regular Meeting on June 6, 2017.

FISCAL IMPACT
None

RECOMMENDATION
Staff recommends Council approve the minutes of the Regular meeting of June 6, 2017.

ATTACHMENTS
Regular Meeting of June 6, 2017 minutes.
A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on June 6, 2017, 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:

Mayor Michael Carpenter           Mayor Pro-Tem Cedric Edwards
Councilmember Mark Davis          Councilmember Ralph Gutierrez
Councilmember Scott Larson        Councilmember Robin Thompson
Councilmember Angelina Kiser      Councilmember Bert Crawford

Staff Present:
Executive Director Brian James    Executive Director Dudley Wait
Assistant to City Manager Sarah Gonzalez  City Attorney Charles Zech

City Secretary Brenda Dennis

Call to Order – City Council Regular Session

Mayor Carpenter called the meeting to order at 6:03 p.m.

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

Councilmember Davis provided the opening prayer followed by the pledges of allegiance to the flags of the United States and the State of Texas.

City Events and Announcements

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

Mayor Carpenter recognized Executive Director Brian James who provided the following announcements:

- **Wednesday, June 7**, Community Pre-Budget Presentation, 3501 Morning Drive, Schertz Community Center North, 6:30 p.m.
- **Thursday, June 8**, Community Pre-Budget Presentation, Ray D. Corbett Junior High School, 12000 Ray Corbett Drive, 6:30 p.m.
- **Thursday, June 8**, JBSA Randolph Air Force Base Task Force meeting – meeting at the AACOG facility in the morning. He mentioned we had a community meeting last week on the area south of Randolph.
- **Thursday, June 8**, NEP Luncheon, Olympia Hills Conference Center, Universal City, 11:30 a.m.
- **Thursday, June 8, Evening** - Schertz Library, the Chick Filet Food Truck will be outside in the Library parking lot selling food, a portion of the sales will be going to the Schertz Library.
- **Tuesday, June 13**, AACOG, in partnership with Denton, Navarro, Rocha, Bernal, Hyde & Zech, and CPS Energy will be hosting a Free one-day Elected Officials’ Workshop, 8:30 to 4:00 p.m. The Workshop will be held in AACOG’s Al J. Notzoon III Board Room. The Texas Open Meetings Act presentation qualifies for certification under State Law. Seminar is free but you must be registered, contact the City Secretary if you are interested. Lunch is also free and provided by CPS Energy.
- **Tuesday, June 13**, 11:30 a.m. to 1:00 p.m. Transportation Seminar entitled Planes and Trains at the Pearl Stable. Leadership from Union Pacific and SA Airport will be present to provide an overview of the regional issues. Contact the City Secretary if interested.
- **Tuesday, June 13**, City Council 6:00 p.m.
- **Thursday, June 15**, Community Pre-Budget Presentation, Schertz United Methodist Church, 3460 Roy Richard Drive, 6:30 p.m.
- **Tuesday, June 20**, Monthly Chamber Luncheon, Schertz Civic Center, 11:30 a.m. to 1:00 p.m.
- **Saturday, June 24**, Library is again this year hosting their Tee-Off at the Library, 10:00 a.m. You can play putt-putt golf in the Library.
- **Saturday, June 24**, The Chamber is hosting their Home Living Showcase from 10:00 a.m. to 2:00 p.m., at the Schertz Civic Center.
- **Tuesday, June 27**, City Council 6:00 p.m.
- **Friday, June 30**, Coffee with The Chamber, 1730 Schertz Pkwy, 7:30-9:30 a.m.
- **Friday, June 30**, TML Legislative Wrap-up 7:45a.m. – 2:30 p.m. Contact Brenda or Donna to register – Event held at the Double Tree by Hilton Austin.

- **Announcements and recognitions by City Manager (J. Kessel)**

Mayor Carpenter recognized City Manager John Kessel who stated that he wanted to recognize the Development Services Department regarding a unique Community Outreach Program they hosted at the end of May. Mr. Kessel recognized Emily Grobe, Channary Gould and Gil Durant, among others, who went over to Paschal Elementary School and they provided a presentation on building safety to the students of Paschal Elementary. He stated that they provided information on site plans and maps speaking on building safety. He stated they also provided samples of construction materials they held up to get the students participation as to what they were. This is a great unique approach to show the school age students how important it is to know where the fire exits are and understand all the aspects of building safety.
they need to know. Great job on the creative idea and they plan to reach out to other schools over the next year.

**New Employee Recognition**

- EDC – Economic Development Analyst Drew Vincent (J. Kessel/K. Kinateder)
- Engineering – City Engineer John Nowak (B. James/K. Woodlee)
- Public Works - Water & Wastewater Service Man I Zachary Jura (D. Wait/J. Hooks)

Mayor Carpenter recognized Economic Development Director Kyle Kinateder, City Engineer Kathleen Woodlee and Assistant Public Works Director Jimmy Hooks who all provided a brief bio of their respective new staff members and introduced them to Council. Each employee was given a chance to say a few words and Council welcomed them on board.

**Hearing of Residents**

- Mr. Grumpy Azzoz, 528 Wayward Pass, who spoke regarding a firing squad on recent terminated city employees, hidden cameras in air vent systems and the media reaching out to him. He stated that the Council needs to protect the City and City employees, and if they cannot do this, they need to step down.

**Workshop Items**

- Update and discussion on the City’s pension plan current assets, liabilities and its current standing. (B. James/J. Walters) (Item requested by Councilmembers Larson and Kiser)

Mayor Carpenter recognized Executive Director Brian James who stated one item you received in your packets is a summary that Mr. Walters put together providing an overview of the City’s Pension Plan that we have with Texas Municipal League Retirement System (TMRS). A copy of the summary can be found on the city website or the City Secretary’s office can provide a copy. Mr. James credited Mr. Walters for the thorough summary. Mr. James stated that this is a very important topic to everyone in our community, certainly for our residents. It’s very important as they read about pension plan issues in other communities around the state and wonder what position the city is in and it is obviously a concern for City Council given the fact that this is your responsibility to look at this and make sure our dollars are being spent well. This topic is also very important to city staff because this is our pension program as well, and staff watches very closely.

What you will find out, and we have a representative from TMRS here this evening, we effectively participate in the States Local Government Pension Program, which is the Texas Municipal Retirement System and that has a couple of key benefits. One is it takes some of that oversite and decision making out of the hands of local folks. Some of this is good, where you saw in the report and where you see in the
media, cities have run into problems is, very often they make short-term decisions, they effectively kick the can down the road. They either agree to benefits that they really can’t fund over the long haul, they make overly optimistic objectives as to returns on investments going forward, or frankly when times get tough they will say we will catch up next year or catch up the year after that. This is where they tend to run into problems. So, relying on TMRS, one thing is it keeps us honest and makes sure you have this outside agency to say this is really what you need to be doing to make sure you are solvent and make sure you can fund this going forward and have a plan for it.

The other benefit to us, because this is really the large system and frankly most of our bench mark cities are members of TMRS, it becomes a tool we use to attract individuals from other communities in Texas. There are a lot of staff that we benchmark from other cities such as New Braunfels, San Antonio etc., when they look to possibly make a career move to come to the City of Schertz the question they have on their mind is will my TMRS time transfer. This is an advantage we have that other communities do not, if they have chosen to opt out. If we look at the pool of qualified educated individuals that we are trying to bring in with experience, we want to make sure we are able to accommodate those years of service they have in the system.

Mayor Carpenter recognized Finance Director James Walters who came forward who introduced Mr. Anthony Mills with TMRS; he is the Senior Regional Manager for our area who has brought a PowerPoint and other reading materials regarding the TMRS Retirement System Benefit Program.

Mr. Anthony Mills came forward providing a PowerPoint presentation answering questions from Council. Some of the highlights included:

- **Pension News**
  - Pension problems may include:
    - Benefits that are not sustainable
    - Required contributions that are not being made
    - Unrealistic assumptions may understate pension costs and lead to long-term problems
    - Controversy over state vs. local governance
  - All these issues affecting specific plans may be examined in the current legislative session

- **TMRS History & Membership**
  - 875 cities participate in TMRS (not Houston, Dallas, Ft. Worth, Austin, El Paso, or Galveston).
  - TMRS has approximately 107,000 active member accounts and 56,500 annuitants.
• Governed by 6-member Board appointed by Governor with Senate approval.
• Participating cities vary in size from over 6,000 employees (San Antonio non-uniformed employees) to just 1 employee (15 TMRS cities).

• **TMRS Funding Basics**
  • TMRS is a “hybrid” cash-balance defined benefit plan with statutory regulations in place that ensure oversight and responsible funding.
  • TMRS’ investment return assumption is 6.75%, one of the lowest among large public plans.
  • Several changes have been made since 2007 to ensure long-term, advance funding of all benefits; except Ad Hoc adoptions of Updated Service Credit (USC) and COLAs.
  • All changes have also helped reduce volatility of city contributions from year to year.
  • Each participating city controls employer costs by choosing its own options.
  • Each city is funded as a separate entity.
  • The city’s employer contribution determined annually under this funding policy is called the Actuarially Determined Employer Contribution (ADEC).
  • Cities must pay the ADEC every year, or reduce benefits if the ADEC is not sustainable.
  • No pension contribution “holidays”

• **City of Schertz Plan**
  See below chart:
Mr. Mills presented information regarding the City of Schertz 2017 & 2018 Municipal Contribution Rates. Again Mr. Mills addressed questions from Council.
Discussion regarding amendments to the Schertz Master Thoroughfare Plan. (B. James/K. Woodlee)

Mayor Carpenter recognized City Engineer Kathy Woodlee who provided a Power Point presentation answering questions from Council. The following information was presented:

**Background**
- In Budget Year 2013-14, it was determined that the City of Schertz desired to institute a Roadway Impact Fee Program in order to generate revenue to fund certain roadway construction projects.
- Due to significant changes in the development of the City (population, land use patterns, etc.), Staff identified the need for an update to the City’s Master Thoroughfare Plan.
- Overlapping elements of these two (Thoroughfare and Impact Fee) plans made it more efficient to have them covered in one overarching project.

**Master Thoroughfare plan update**

**Who is involved?**
- Staff – Engineering, Planning, Public Works, Administration
- Consultant – Freese and Nichols, Inc., (FNI)
- Steering Committee – Planning and Zoning Commission, Economic Development Board, Transportation Safety Advisory Commission
- Public Input – Open House, public meetings, public hearings
- City Council – Adopt updated Master Thoroughfare Plan

**Purpose of a Thoroughfare Plan**
- To provide for the orderly development of an adequate major street system as land development occurs and as traffic increases (Are our existing roads sized properly? What new roads do we need as the City grows?)
- To enable coordination with outside agencies and private interests with respect to roadway improvements (We need to be sure our future roads line up with our neighbors’ future roads.)
- To reduce travel and transportation costs (Proper planning and construction minimizes traffic congestion.)

**Schertz Master Thoroughfare Plan History**

**Schertz Master Thoroughfare Plan History from 1972 Comprehensive Plan (Looks at 10- and 20-year planning periods)**
Schertz Master Thoroughfare Plan Background
• Last complete City of Schertz Thoroughfare Plan prepared in 2002 as part of the City’s Comprehensive Plan
  - 2002 population estimate: 22,732
• Sector Plan completed in 2011-2013 identified need for Thoroughfare Plan update
  - 2013 population estimate: 35,929

Note: 2013 planning process did not include travel forecast modeling, functional classification and access management evaluation, CIP development, or other pieces of a full Thoroughfare Planning process
Schertz Master Thoroughfare Plan History from 2002 Comprehensive Plan
Current City of Schertz Master Thoroughfare Plan

Thoroughfare Plan Tasks:

• Identify issues and develop policies (level of service, character of roads)
• Coordinate with other agencies
• Analyze Existing Thoroughfare System (mapping, traffic counts, planning developments)
• Future Land Use Growth Scenarios (10- and 20-year projections, travel forecasting)
• Development of Thoroughfare Plan
• Plan Strategies and CIP Programming
• Plan Adoption and Documentation

Coordination with outside agencies

• San Antonio
• New Braunfels
• Cibolo
• Universal City
• Converse
• Selma
• Garden Ridge
• Guadalupe Count
• Bexar County
• Comal County
• Alamo Area Metropolitan Planning Organization (AAMPO)
• TxDot

Development of Thoroughfare Plan:

• Identification of deficiencies and needs
• Identification of improvements for short and long-term implementation
• Non-motorized mobility planning
• Evaluation of functional classifications
• Evaluation of access management program

Proposed Master Thoroughfare Plan 2017
This map shows revised draft alignments that have been included to reflect, to the extent possible, known conflicts of homes, water features, skylines, and floodplain.

Please note that alignments presented are defined at a planning level. As development occurs, the alignments may be further refined through the subdivision process.
**Roadway Classifications**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Color</th>
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<tbody>
<tr>
<td>Freeway</td>
<td>Gray</td>
</tr>
<tr>
<td>Principal Arterial / Planned (120’ - 130’, Typical)</td>
<td>Red</td>
</tr>
<tr>
<td>Secondary Arterial / Planned Secondary (90’)</td>
<td>Orange</td>
</tr>
<tr>
<td>Secondary Rural Arterial / Planned Secondary (90’)</td>
<td>Brown</td>
</tr>
<tr>
<td>Residential Collector / Planned Collector (70’ ROW)</td>
<td>Blue</td>
</tr>
<tr>
<td>Commercial Collector A / Planned Collector (70’ ROW)</td>
<td>Cyan</td>
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<tr>
<td>Commercial Collector B (TOD) / Planned (70’ ROW)</td>
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<tr>
<td>Other City Roads / Other City MTP Planned Roads</td>
<td>Green</td>
</tr>
</tbody>
</table>

**Principal Arterials**

- High degree of regional mobility, higher traffic volumes and operational speeds
- Access is carefully managed
- Curb and gutter section with underground stormwater utilities and drainage
- Examples include Roy Richard Drive (FM 3009), FM 78, FM 1103, and FM 1518 south of FM 78.

![Four-Lane Principal Arterial Section](image1)

**Figure 12. Four-Lane Principal Arterial Section**

![Six-Lane Principal Arterial Section](image2)

**Figure 13. Six-Lane Principal Arterial Section**
Secondary Arterials

- Cross-Town mobility
- Accommodates medium traffic volumes and operational speeds
- Managed Access
- Four-lane divided
- Curb and gutter drainage
- Examples include Lower Seguin Road east of FM 1518, Wiederstein/Old Wiederstein Road, and the east-west portion of Trainer Hale Road.

![Secondary Arterial Section – Wiederstein Road](image1)

Residential Collectors

- Collection and distribution of traffic
- Speeds and volumes dependent on adjacent land uses and neighborhoods served
- Access to development and neighborhoods
- Connectivity to arterial and residential collector streets

Typical Residential Collector – 70-foot ROW: 7-foot buffered bike lanes accommodate bicycles of all comfort levels. Examples include Ray Corbett Drive, Live Oak Road, Wiederstein Road west of FM 3009, Country Club Boulevard, Eckhardt Road, and segments of Ware Seguin Road.

![Residential Collector – Example: Savannah Drive](image2)
**Commercial Collectors**

Typical Commercial Collectors – 70-foot ROW – applicable in Southern Schertz near I-10 and northern Schertz near I-35. The 12-foot-wide outside lanes can accommodate more experienced bicycles. A shared-used path on one side accommodates less experienced bicycles.

![Commercial Collector - Example: Four Oaks Lane](image)

**Figure 17. Commercial Collector - Example: Four Oaks Lane**

![Commercial Collector (TOD) - Example: New Streets in TOD area](image)

**Figure 18. Commercial Collector (TOD) - Example: New Streets in TOD area**

**Roadway Classifications and Proposed Changes**

<table>
<thead>
<tr>
<th>Feature</th>
<th>Description</th>
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<tbody>
<tr>
<td>Freeway</td>
<td>Grade Separation</td>
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<tr>
<td>Principal Arterial / Planned (120° - 130°, Typical)</td>
<td>Proposed Grade Separation</td>
</tr>
<tr>
<td>Secondary Arterial / Planned Secondary (90°)</td>
<td>Proposed Grade Separation / Other Jurisdiction</td>
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<tr>
<td>Secondary Rural Arterial / Planned Secondary (90°)</td>
<td>FEMA Floodplain</td>
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<td>Residential Collector / Planned Collector (70° ROW)</td>
<td>City</td>
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<td>ETJ</td>
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</table>

[Diagram of roadway classifications]

1 inch = 2,500 feet

0 | 1,250 | 2,500 | 5,000 | 7,500 feet
Significant Changes

- **Alignment Modified** - Reduce impacts to development, floodplain, etc.
- **New Connection** - Increase mobility for all modes, connect network for efficiencies.
- **Connection Removed** - Critical obstacle, JLUS, etc.
- **Road Class, Increase** - reflecting increased use, projected demand.
- **Road Class, Decrease** - reflecting change to context, projected demand.

Northern Schertz
Central Schertz

**Significant Changes**

- **Alignment Modified** - Reduce impacts to development, floodplain, etc.
- **New Connection** - Increase mobility for all modes, connect network for efficiencies.
- **Connection Removed** - Critical obstacle, JLUS, etc.
- **Road Class, Increase** - reflecting increased use, projected demand.
- **Road Class, Decrease** - reflecting change to context, projected demand.
Southern Schertz

Significant Changes

- **Alignment Modified** - Reduce impacts to development, floodplain, etc.

- **New Connection** - Increase mobility for all modes, connect network for efficiencies.

- **Connection Removed** - Critical obstacle, JLUS, etc.

- **Road Class, Increase** - reflecting increased use, projected demand.

- **Road Class, Decrease** - reflecting change to context, projected demand.
Without connection over Cibolo Creek
Mobility will be considerably reduced

- Growing congestion on FM78
- Currently 11 minutes for 5 mile trip between Lower Seguin Road and Elbel Road
- Same trip is 18 minutes in traffic (ex. 4-6PM)*

Modeled results

- When traffic is worst from 4-6 PM, it is estimated to take 40+ minutes for same trip*
- 8,000 trips/day cannot be made at all due to congestion, impacting economic and personal activity, causing frustration, loss of time, and disruption.
- Potential significant delays for emergency responders traveling across FM78
Master Thoroughfare Plan Status and Next Steps

- Planning and Zoning Commission recommended approval after Public Hearing May 24, 2017
- Public Hearing scheduled for June 27, 2017, regular City Council meeting
- Council to take action to adopt Master Thoroughfare Plan, thereby amending the City’s Comprehensive Plan (ordinance first reading)
- Second reading July 11, 2017

- Update regarding the Schertz Facilities Master Plan. (B. James) (Item requested by Councilmember Davis)

Mayor Carpenter recognized Executive Director Brian James who provided a Power Point presentation answering questions from Council. The highlights included:

**Background**

- The City hired the firm of Wiginton Hooker Jeffry, PC Architects and began work on a Facilities Master Plan in 2015.
- Study would include:
  - Research
  - Audit
  - Comparison to other cities
  - A Preliminary Space Needs Report
  - Interviews with Staff
  - Priority Identification
  - Facilities Master Plan

** Desired Outcomes **

- Given that this was the first Facilities Master Plan conducted for the City, it was important that we allow the consultant to provide their findings.
- Key questions the City wanted to use this study to answer:
  - Is the Hal Baldwin Complex large enough to accommodate future city office needs?
  - What are the pros and cons of one large building vs. multiple smaller buildings?
  - What department adjacencies make sense?

- Some things we learned/were reaffirmed:
  - Knowing how many staff need to be accommodated is key to knowing future space needs.
  - Understanding what programs/activities we plan to provide in the future impacts future space needs.
  - The order in which we expand/add space will significantly impact our future facilities.
Research/Audit – Current State of Need

• Almost every Department is lacking space to hire staff to keep up with service needs.
• Some buildings have reached their logical lifespan and require major renovation.
• Current Dispersion of Departments in multiple buildings creates:
  • Confusion for public as to where to go
  • Staffing issues with multiple lobbies
  • Some departments spread over multiple buildings

Estimated a Department Deficit

By analyzing each department’s needs a department deficit was determined. This was a combination of the “ideal” space needs and what works given current space allocated. A Departmental Adjacent Diagram was created for future unit area standards and needs.

• Result of the Work

The Consultant developed a series of options for how the current structure on each campus could be utilized. Public Works: Keep and expand Commercial Place, add north and south satellites. Will need additional building(s) at this location as city grows.

Public Works – Phase 1 Options:
Building #2 – Move out Streets, Drainage, Traffic, and Building Maintenance. Keep Engineering (expand into Streets Offices)
Building #3 – (27 Commercial Place) Renovate for Fleet Services
Building #4 – (11 Commercial Place) Renovate for Parks and Recreation or Swing Office Space, Police Storage

- Discussion regarding the City Councils Rules of Conduct and Procedure (Item requested by Mayor Carpenter)

Mayor Carpenter stated that he asked that this item be placed on the agenda. He stated that he shared with the Council three (3) memos anticipating how things that might occur would be dealt with from the Chair, procedural matters. He wanted to have this on the agenda in case there were any questions about those and if you wanted to delve into them at all. If there are not any questions, it’s good, he just wanted to make sure we had an opportunity to talk about them and if necessary make changes to our rules to accommodate any other unforeseen challenges that we might have.

Mayor Carpenter recognized Councilmember Crawford who asked if what the Mayor stated would include changing the Mayor Pro-Tem process? Mayor Carpenter stated that the rules belong to Council as a body, so anything and everything we want to look at.

Councilmember Crawford asked the following question to Council; would it be possible to consider going back to our six-month rotation to give the five new council members the chance along with the experience of the two (2) senior council members and Mayor.

Mayor Carpenter asked Council on thoughts of the process. He stated that we are posted for discussion regarding our Rules of Conduct and Procedure, and the method by which we select the Mayor Pro-Tem is part of that body of work, so we can discuss it now.

Mayor Carpenter recognized Mayor Pro-Tem Edwards who stated that he doesn’t have a problem with it if we all agree as a body to do it. Councilmember Crawford stated that is his question to Council, he isn’t saying it has to be done, but what he is saying is we have five new members and we have two very experienced and another who is also experienced and there is no reason in his personal view that we couldn’t go back to where we were, to have everyone have a chance to hold that function. He doesn’t think Mr. Edwards would fail to help him if he was sitting in the Mayor’s chair, and he doesn’t think Mr. Kessel would either.

Mayor Carpenter stated that he leaves this to the Council, it’s their decision. As no one responded, Mayor asked was there anything else and stated he doesn’t think they will have an occasion to bring it up. He stated one of the things he wrote was where if Councilmember Thompson, Mayor Pro-Tem Edwards and he would not be at a meeting, that should it occur, and it was an interesting thought process, how would that get resolved by the quorum that remained. That was one of the things we talked about. As there were no more questions, Mayor Carpenter moved to the next item. Again, if Council wants to talk about anything with regards to our Rules of Conduct and Procedure that body of work is not at all set in stone; it is
meant to be a living, moving body of work that responds to the dynamics of the Council. So anytime we want to talk about those things we should get that on the agenda and do so.

- Quarterly Finance Report. (B. James/J. Walters)

Mayor Carpenter recognized Finance Director James Walters who asked that this item be pulled and moved to the June 27, 2017 agenda.

**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** – Approval of the minutes of the Regular Meeting of May 23, 2017 and the minutes of the Special Meeting of May 24, 2017. (J. Kessel/B. Dennis)

2. **Ordinance No. 17-T-18** – Consideration and/or action approving an Ordinance by the City Council of the City of Schertz authorizing a budget amendment to fund the 42nd Annual Fourth of July Jubilee Event. *Final Reading* (S. Gonzalez/L. Klepper/M. Spence)

   The following was read into record:

   **ORDINANCE NO. 17-T-18**

   AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A BUDGET AMENDMENT TO FUND THE 42nd ANNUAL FOURTH OF JULY JUBILEE EVENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

3. **Excused Council Absences** – Consideration and/or action excusing City Council Member Absences for the following dates: May 23, 2017, and May 24, 2017. (B. Dennis/Mayor/Council)

   Mayor Carpenter recognized Councilmember Crawford who moved, seconded by Councilmember Kiser to approve consent agenda items 1-3. **The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no.** Motion passed.

**Discussion Items**

4. **Appointments/Reappointments and Resignations to the various City Boards, Commissions and Committees** – Consideration and/or action regarding expiring appointments/ reappointments and resignations to various City Boards, Commissions, and Committees. (Mayor/Council/B. Dennis)
Mayor Carpenter recognized City Secretary Brenda Dennis who provided the following information

**Resignations:**
- Mr. David Richmond, from the Planning and Zoning Commission
- Ms. Cynthia Palmer, from the Historical Preservation Committee
- Mr. Edward Fair, from the Parks and Recreation Committee
- Mr. Ronald Perry, from the Transportation Safety Advisory Commission

**Appointments/Reappointments:**

- **Board of Adjustment**
  - Frank McElroy – Reappoint
  - Reginna Agee – Reappoint
  - Danilene Salas – Reappoint

- **Committee of Committees Advisory Board**
  - Richard Dziewit -- Reappoint
  - Shonale Burke – Reappoint
  - Tim Brown – Reappoint

- **Economic Development Corporation**
  - Tim Brown – Reappoint
  - Mark Tew -- Reappoint
  - Roy Richard – Reappoint
  - Victoria Readnour- Appointment

- **Historical Preservation Committee**
  - Paul Ringenbach -- Reappoint
  - David Lynch -- Reappoint
  - Pete Perez – Reappoint
  - LaDonna Bacon – Appointment

- **Library Advisory Board**
  - Juan Thorn -- Reappoint
  - Laura Wilson -- Reappoint
  - Ruth Tienor -- Reappoint
  - Patti Dilworth -- Reappoint
  - Margaret Riley -- Reappoint
  - Patti Paulson – Reappoint
  - Cindy Vigil – Reappoint

- **Parks and Recreation Advisory Board**
  - Phillip Rowland -- Reappoint
  - Reginna Agee – Reappoint
Mayor Carpenter moved, seconded by Mayor Pro-Tem Edwards to approve the resignations, appointments and reappoints of members to the City’s Boards, Commissions, and Committees as presented. The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.

Mayor Carpenter recognized Councilmember Kiser who asked if she could get copies of the applications. City Secretary stated that she would provide copies.

5. Resolution No. 17-R-37 – Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas authorizing an inter-local agreement between the City of Schertz and the Comal County District Attorney in reference to the disposition of seized property and contraband. (D. Wait/M. Hansen)

Mayor Carpenter stated they had a request to pull this item from the agenda and move to next week.

Roll Call Vote Confirmation

Mayor Carpenter recognized City Secretary Brenda Dennis who provided the roll call votes for agenda items 1-5.

Closed Session

Mayor Carpenter recessed the regular meeting into executive session at 8:23 p.m.

6. City Council will meet in closed session under section 551.074 of the Texas Government Code, Personnel Matters to deliberate the appointment of a Municipal Judge.

Reconvene into Regular Session
Mayor Carpenter reconvened the regular meeting at 9:05 p.m.

6a. Take any action based on discussions held in closed session under Agenda Item 6.

Mayor Carpenter moved seconded by Councilmember Crawford that we advertise for the position of Municipal Judge Monday through Friday of next week or the following week, whichever is convenient for staff with two posting requirements, that the applicant must be a member of the State Bar of Texas and must have a minimum of 10 years of experience practicing law in Texas. We will advertise on the City Website and with the Texas Municipal League. The vote was unanimous with Mayor Pro-Tem Edwards, Councilmembers Davis, Gutierrez, Larson, Thompson, Kiser and Crawford voting for and no one voting no. Motion passed.

Roll Call Vote Confirmation

Mayor Carpenter recognized City Secretary Brenda Dennis who provided the roll call vote for agenda item 6a.

Requests and Announcements

7. Announcements by City Manager.

No announcements were provided.

8. Council members to request that items be placed on a future agenda. No discussion of the merits of the item may be taken at this time. Should a Council Member oppose placement of the requested item on a future agenda, the Mayor shall instruct the City Secretary to place on the agenda for the next regular session an item to discuss the merits of placing the item that was objected to on a future agenda for full consideration.

Mayor Carpenter recognized Councilmember Crawford who asked if they could have a discussion next week about the camera and the closing of the case. Councilmember Thompson stated that he would object to placing it on discussion with Council.

Mayor Carpenter stated that with regard to an on-going investigation, until such time that it is closed, it is not something we should discuss in public given it is an HR item; there is no reason for them to discuss that in public. If anyone has concerns with regard to that they should visit directly with the City Manager or City Attorney. Councilmember Crawford asked the Mayor to state it once again. Mayor Carpenter stated that he thinks anyone on this Council that would like to have an update or discuss something that is going on that is an HR matter, Councilmember Crawford asked if it was an HR matter, and that he wasn’t wanting to talk about the HR part of that, he is not sure, the Councilmember Crawford stated that he would speak to the Mayor about this next week. Mayor Carpenter agreed.

9. 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

Mayor Carpenter recognized Councilmember Gutierrez who stated he attended the Movie in the Parks event this weekend and the arts and crafts was a big hit; it was a great event and he thanked the Parks Department.

Mayor Carpenter recognized Councilmember Kiser who thanked EMS Director Jason Mabbitt for allowing her to participate in the Emergency Response exercise last week at Pickrell Park. She stated that is was very impressive and thanked all those who participated. First Responders did a great job.

Mayor Carpenter stated that the Governor has announced the Special Session of the Texas Legislature to commence on July 18th. They will be taking up all kinds of risky things that may impact us. If you have an opportunity to go to Austin on the 30th and hear the Legislative Wrap up, it should be a little more as a precursor to the Special Session.

**Adjournment**

As there was no further business, Mayor Carpenter adjourned the meeting at 9:17 p.m.

Michael R. Carpenter, Mayor

**ATTEST:**

Brenda Dennis, City Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: June 13, 2017
Department: Administration
Subject: Cancellation of the July 4, 2017 City Council meeting

BACKGROUND

City Staff has found there are no items to be presented to Council for action and that the July 4th date falls on a holiday. It is anticipated a number of staffers, residents and others may be traveling outside the city and unavailable during this time.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends Council approve the cancellation of the July 4, 2017 City Council meeting.
CITY COUNCIL MEMORANDUM

City Council Meeting: June 13, 2017

Department: Police

Subject: Resolution 17-R-37 - Consideration and approval by the City Council of the City of Schertz, Texas an inter-local agreement between the City of Schertz and the Comal County District Attorney in reference to the disposition of seized property and contraband.

BACKGROUND

Disposition of seized property is regulated by State law, specifically Chapter 59 of the Texas Code of Criminal Procedure. The attorney representing the State (County District Attorney) is authorized by this code to enter into an agreement with a law enforcement agency to determine how such property and/or proceeds from such property will be disposed. There must be an agreement for the law enforcement agency to receive any property or proceeds. This agreement provides the manner and means that any said seized property and/or contraband and proceeds therefrom will be disposed.

Similar agreements are in place with the Guadalupe and Bexar County District Attorney office.

Goal

To enter into an interlocal agreement that will regulate the disposition of seized property and/or contraband and any proceeds therefrom.

Community Benefit

Property and/or contraband and any proceeds therefrom may be utilized in certain strictly regulated situations to purchase law enforcement related equipment and training. This equipment and training is then achieved without the use of general fund revenues.

Summary of Recommended Action

Staff recommends approval of the attached Resolution authorizing the City Manager to enter into this agreement with the Comal County District Attorney’s Office.

FISCAL IMPACT

There is no fiscal impact associated with this agreement.

ATTACHMENT

Resolution No. 17-R-37
Interlocal Agreement between Schertz and Comal County District Attorney’s Office.
RESOLUTION NO. 17-R-37

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE COMAL COUNTY DISTRICT ATTORNEY, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the 71st Legislature enacted Chapter 59 of the Texas Code of Criminal Procedure for the purpose of regulating the disposition of property seized by law enforcement officers and forfeited contraband; and

WHEREAS, the Schertz Police Department and the Prosecuting Attorney for Comal County desire to enter into an INTERLOCAL AGREEMENT regarding the disposition of said forfeited contraband and/or the proceeds therefrom; and

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City enter an interlocal agreement with the Comal County District Attorney; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into an interlocal agreement with the Comal County District Attorney;

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 enter into the interlocal agreement attached in Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this 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 13th day of June, 2017.

CITY OF SCHERTZ, TEXAS

______________________________
Mayor, Michael R. Carpenter

ATTEST:

______________________________
City Secretary, Brenda Dennis

(CITY SEAL)
INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT is made and entered into by and between the SCHERTZ POLICE DEPARTMENT (hereinafter "Law Enforcement Agency"), a Law Enforcement Agency headquartered in Guadalupe County, Texas, that conducts operations in Comal County, and the office of the Criminal District Attorney for Comal County (hereinafter "Prosecuting Attorney").

Pursuant to the provisions of Chapter 59 of the Texas Code of Criminal Procedure, as enacted by the 71st Legislature, First Called Session, 1989, and subsequent amendments thereto, regulating the disposition of property seized by law enforcement officers and forfeited contraband. Law Enforcement Agency and the Prosecuting Attorney desire to enter into a INTERLOCAL AGREEMENT regarding the disposition of said forfeited contraband and/or the proceeds therefrom.

This INTERLOCAL AGREEMENT is entered into by and between the respective parties hereto and is predicated upon the mutual consideration of the equitable sharing of the value of the contraband and the contraband itself, seized pursuant to the appropriate state statutes. Accordingly, inasmuch as said statutes require that a INTERLOCAL AGREEMENT exist between the Prosecuting Attorney and any Law Enforcement Agency in order to share property and/or the proceeds of property seized by the Law Enforcement Agency, it is the intention of Law Enforcement Agency and the Prosecuting Attorney to hereby enter into a INTERLOCAL AGREEMENT regarding the disposition of property seized by said Law Enforcement Agency.

In consideration for the services of the Prosecuting Attorney rendered to and on behalf of Law Enforcement Agency in pursuit of the forfeiture of seized contraband, Law Enforcement Agency agrees that upon the forfeiture of seized currency ("Forfeited Currency") or upon the forfeiture and sale/or of other seized property, real or personal, the following proceed sharing formulas shall apply:

1. Pre-Trial Disposition for Personal Property: Twenty-five percent (25%) of any Forfeited Currency or proceeds from sold Personal Property shall be retained by the Prosecuting Attorney to be used for any purpose permitted by law. The Prosecuting Attorney agrees that Law Enforcement Agency shall retain the remaining seventy-five percent (75%) of any Forfeited Currency or proceeds of sold Personal Property for official law enforcement purposes as permitted by law. This formula applies to default judgments, summary judgments, settlements or any other pre-trial dispositions.

2. Trial Disposition for Personal Property: Thirty percent (30%) of any Forfeited Currency or proceeds of sold Personal Property shall be retained by the Prosecuting Attorney to be used for any purpose permitted by law. The Prosecuting Attorney agrees that Law Enforcement Agency shall retain the remaining seventy percent (70%) of any Forfeited Currency or proceeds of sold Personal Property for official law enforcement purposes as permitted by law. This formula shall apply to bench or jury trial dispositions which include settlements or judgments in favor of the State occurring after a case is set for trial.
3. **Pre-Trial Disposition of Real Property:** Thirty percent (30%) of any proceeds from sold Real Property shall be retained by the Prosecuting Attorney to be used for any purpose permitted by law. The Prosecuting Attorney agrees that Law Enforcement Agency shall retain the remaining seventy percent (70%) of any proceeds from sold Real Property for official law enforcement purposes as permitted by law. This formula applies to default judgment, summary judgments, settlements or any other pre-trial dispositions.

4. **Trial Disposition of Real Property:** Forty percent (40%) of any proceeds from sold Real Property shall be retained by the Prosecuting Attorney to be used for any purpose permitted by law. The Prosecuting Attorney agrees that Law Enforcement Agency shall retain the remaining sixty percent (60%) of any proceeds from sold Real Property for official law enforcement purposes as permitted by law. This formula shall apply to bench or jury trial dispositions which include settlements or judgments in favor of the State occurring after a case is set for trial.

5. It is specifically agreed by the parties that Forfeited Currency in amounts of less than or equal to $500.00 may be solely retained by the Prosecuting Attorney to be used for the official purposes of the office.

6. In regards to the seizure of contraband such as vehicles and other conveyances that may be of use to Law Enforcement Agency or the Prosecuting Attorney in the conduct of official business, the parties hereto shall agree in writing to allocate such property in a manner that best serves the operational interests of both parties.

7. Law Enforcement Agency shall be responsible for paying any fees associated with maintaining, towing, and storing any seized property, real or personal.

It is further specifically agreed by the parties that should special circumstances in an individual case dictate that the proceeds of the forfeited contraband be shared with other law enforcement agencies or that the award to the Prosecuting Attorney be in a proportion other than that set out in this INTERLOCAL AGREEMENT, the parties may consent in writing to a different allocation of the proceeds in that case. In the absence of a specific agreement in writing with regard to a particular case, all distribution of seized property, or the proceeds there from, shall be in accordance with this INTERLOCAL AGREEMENT.

This INTERLOCAL AGREEMENT shall be in effect from and after the 1st day of January, 2017. It is the specific intention of the parties that this INTERLOCAL AGREEMENT shall automatically be renewed on a yearly basis unless either party shall notify the other within thirty (30) days prior to the date of expiration that it intends not to renew the INTERLOCAL AGREEMENT. Either party may terminate this INTERLOCAL AGREEMENT at any time, and for any reason or for no reason, by giving written notice of the specific termination date at least thirty (30) days and no more than sixty (60) days prior to that date. In the event a forfeiture proceeding has been commenced prior to the termination date of the INTERLOCAL AGREEMENT or the notification with regard thereto, said forfeiture shall not be affected by the termination of the INTERLOCAL AGREEMENT or the notification of intended termination. This INTERLOCAL AGREEMENT revokes and supersedes any prior agreement between the parties.
It is the specific intention of the parties that this INTERLOCAL AGREEMENT shall apply to all things finally forfeited to the State pursuant to Chapter 59 of the Texas Code of Criminal Procedure from and after the effective date of this INTERLOCAL AGREEMENT. Money and property shall be considered to have been finally forfeited to the State when the forfeiture judgment has become final and no motion for new trial or appeal has been taken. Forfeiture proceedings pending on the effective date of this INTERLOCAL AGREEMENT may be covered by this INTERLOCAL AGREEMENT if the parties agree to such in writing with regard to each such pending case.

If lawful money of the United States is seized as contraband pursuant to the provisions of Chapter 59 of the Texas Code of Criminal Procedure and falls under the terms of this INTERLOCAL AGREEMENT, the Prosecuting Attorney may deposit funds in an interest-bearing account in the Comal County Treasury to be maintained until final disposition of said funds. All disbursement of forfeited funds held in such accounts shall include any interest that has accrued except as otherwise provided herein. Disbursement of funds shall be made when a final judgment has been properly executed, a certified copy of such judgment has been duly served upon each party, and all reasonable costs associated with the maintenance of said funds have deducted therefrom.

For the Office of the Prosecuting Attorney:

Jennifer A. Tharp, Criminal District Attorney
Date: 4/20/17

City of Schertz:

City Manager, John Kessel
Printed Name: __________________________
Date: __________________________

Schertz Police Department:

Printed Name: __________________________
Date: __________________________
CITY COUNCIL MEMORANDUM

City Council Meeting:       June 13, 2017
Department:                City Management/Finance
Subject: Ordinance No. 17-T-22 - An ordinance by the City Council of the City of Schertz, Texas authorizing an adjustment to the General Fund Budget to create and fund an Inspections Plans Examiner Position and an Intern Position, repealing all ordinances or parts of ordinances in conflict with this ordinance; and providing an effective date; First reading

BACKGROUND

With Ordinance 16-T-29 the City Council of the City of Schertz approved the annual budget for FY 2016-17. Staff is proposing to amend the budget to create and fund a Plans Examiner position in the Building Inspections Division and an Intern position in the City Manager’s Office to work on special projects.

Council has indicated the importance of growing the City’s economic engine and providing appropriate levels of service. The Inspections Division of the City plays a key role in the generation of revenue to support the economic engine and in providing permits and inspections to our residents, business owners and developers who are investing in our community. Staff is proposing the addition of a full time Plans Examiner to the Planning and Community Development Department. This position will be responsible for examining building plans (i.e. building, electrical, mechanical, and plumbing) to ensure compliance with applicable codes, coordinate review of residential & commercial projects, issue permits and assist the general public with code inquiries. Unlike the City’s Building Inspectors who currently review permits, but spend a majority of their time in the field performing inspections, this new position would spend the majority of their time in the office reviewing plans and would generally be available to answer questions of customers who walk in or call on the phone.

Over the last six months the department has seen an increase in review timeframes for permit applications due to the volume and complexity of the plans being submitted. The addition of the plans examiner will help reduce turnaround times for permits, provide increased availability for one-on-one review meetings with the public and assist property owners with technical guidance on their home projects. In addition to improved customer service the new
position will free up time for more field audits to ensure quality inspections, process improvements, and review and adoption of codes.

The increase in permit volume has led to increased revenues which allow this position and the intern to be funded now. It should be noted that while we plan to advertise and hire the intern very quickly so this person can work over the summer and into the early fall, we do not expect to hire the Plans Examiner as quickly given the demand for qualified Plans Examiners and Inspectors in the region, but by authorizing the position and funding now, the position can be posted.

Recently, a group of students from the University of the Incarnate Word prepared a paper on residential municipal waste management as part of a capstone project for the City of Schertz. Given the number of similar studies/efforts that need to be undertaken - benefits review, employee engagement survey implementation, utility billing policies, Main Street Committee support, etc. staff believes the City could benefit tremendously from having an intern. The exact project(s) the intern would work on will depend on the experience and interest of the person selected for this position.

Goal

The goal is to utilize additional revenue to provide funding for a Plans Examiner position and an Intern position.

Community Benefit

These two additional positions will allow the City to better deliver services to our residents and businesses.

Summary of Recommended Action

Approval of Ordinance 17-T-22 approving the midyear budget adjustment.

FISCAL IMPACT

The overall fiscal impact to the General Fund will be $26,000.00 with approximately $4,000 for the Intern position and $22,000 for the Plans Examiner position, though it is likely that hiring a plans examiner will take a number of months and the entire allocated funding will not be spent. Additional permit fees above original budgeted estimations will offset the increased expenses.

RECOMMENDATION

Approval of First reading Ordinance No. 17-T-22

ATTACHMENT

Ordinance No. 17-T-22
ORDINANCE NO. 17-T-22

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING A BUDGET AMENDMENT TO CREATE AND FUND AN INSPECTIONS PLANS EXAMINER AND AN INTERN POSITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance 16-T-29, the City of Schertz (the “City”) adopted the budget for the City for the fiscal year 2016-2017 (the “Budget”), which provides funding for the City’s operations throughout the 2016-2017 fiscal year; and

WHEREAS, the City needs to authorize two additional positions, an Inspections Plans Examiner and an Intern Position; and

WHEREAS, the City needs to increase the Budget to authorize expenditures of $26,000 for the funding of an Inspections Plans Examiner and Intern positions to include salary, supplies, uniforms, and other materials needed to perform their functions; and

WHEREAS, the City needs to recognize additional permit fees coming in over original revenue estimations; and

WHEREAS, City staff recommends that the City Council of the City adjust the Budget and approve the additional revenue and expense for the positions and related expenses; 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 budget adjustment for the Inspections Plans Examiner and Intern positions, as more fully set forth in this Ordinance.

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

Section 1. The City shall adjust the Budget by $26,000 for the Inspections Plans Examiner and Intern positions and related expenses.

Section 2. The City shall recognize additional $26,000 in revenue from permits fees above the original budget estimations.

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

Section 4. All ordinances 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 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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

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

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

PASSED ON FIRST READING, the 13th day of June, 2017.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 27th day of June, 2017.

CITY OF SCHERTZ, TEXAS

________________________________________________________________________
Mayor

ATTEST:

________________________________________________________________________
City Secretary

(CITY SEAL)
CITY COUNCIL MEMORANDUM

City Council Meeting:       June 13, 2017
Department:                Purchasing
Subject:                   Resolution No. 17-R-38 - A Resolution by the City of Schertz authorizing expenditures with VIP Staffing totaling no more than $75,000 for temporary staffing services during the 2016-2017 Fiscal Year.

BACKGROUND

VIP Staffing is a local temporary staffing agency that retains a diverse pool of staff including retired military, office administration, skilled trades and hospitality services.

The City has previously entered into a contract with VIP for temporary staffing services. Staff anticipates utilizing VIP Staffing services for the City Secretary’s Office while they have some scheduled time off in order to ensure the timely completion of minutes and other items are maintained.

The City’s practice is to seek authorization from Council when expenditures with a vendor exceed $50,000 in one fiscal year. Staff did not realize the $50,000 limit had been reached. The City has spent approximately $55,000 with VIP Staffing this year, thus the need to seek Council authorization for expenditures with VIP Staffing not to exceed $75,000, which is an additional $20,000 beyond what has been spent to date. This is in order to ensure appropriate staffing levels necessary to maintain City business operations standards.

In order to maintain compliance with state procurement regulations, the City has released a formal competitive solicitation (as of June 12, 2017) for temporary staffing services. Upon receipt and review of the proposals, Staff will return to Council with an award recommendation.

SUMMARY OF RECOMMENDED ACTION

Staff recommends that Council authorize the use of VIP Staffing for temporary staffing services (until permanent contract award) for the 2016-2017 Fiscal Year in an amount not to exceed $75,000.

FISCAL IMPACT

Funds are budgeted and available in the department’s personnel line item for temporary staffing services.

ATTACHMENTS

Resolution 17-R-38
RESOLUTION NO. 17-R-38

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING EXPENDITURES WITH VIP STAFFING TOTALING NO MORE THAN $75,000 FOR TEMPORARY STAFFING SERVICES DURING THE 2016-2017 FISCAL YEAR AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz (the “City”) requires temporary staffing services to ensure appropriate staffing levels necessary to maintain City business operations standards while seeking to fill permanent position vacancies; and

WHEREAS, City staff has previously contracted with VIP Staffing and has determined that VIP is qualified to provide such services for the City; and

WHEREAS, the City Council authorizes City Staff to use VIP for temporary staffing services (until permanent contract award) in an amount not to exceed $75,000 for the 2016-2017 Fiscal Year.

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

Section 1. The City Council hereby authorizes expenditures with VIP Staffing for temporary staffing services in an amount not to exceed $75,000 for the 2016-2017 Fiscal Year.

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 13th day of June, 2017

CITY OF SCHERTZ, TEXAS

__________________________________________
Michael R. Carpenter, Mayor

ATTEST:

__________________________________________
Brenda Dennis, City Secretary

(CITY SEAL)
CITY COUNCIL MEMORANDUM

City Council Meeting: City Council Meeting: July 13, 2017
Department: Parks, Recreation, and Community Services
Subject: Resolution No. 17-R-39 Consideration and/or action approving a Resolution authorizing the City Manager to accept Rhine Valley Park. (J. Kessel/B. James/C. Van Zandt)

BACKGROUND
Rhine Valley is a multi-phase residential development located generally off of FM 1518 and Lower Seguin Road behind Ray D. Corbett Junior High School. The developer proposed to dedicate an improved park to the City of Schertz in order to satisfy their parkland dedication requirement. The developer has constructed the parking lot, walkways, pavilion, playground, sport court, soccer fields, walking trail, and other agreed upon improvements associated with the two-phase development of the park. Both phases have been inspected and approved by the City.

The proposed resolution authorizes the City to accept the park as City property. Upon transfer of ownership, the City will begin maintaining the property. The Parks Department will work over the next few months to provide a picnic table for the pavilion and install a stone monument sign.

FISCAL IMPACT
By accepting this park into the City’s park system, additional costs for maintaining the park will be incurred. These anticipated costs have been assimilated for the current budget year. Over the course of the next year, the City anticipates opening the Homestead Park, the Parklands Park, and the development of Hilltop Park. The Parks Department is working to determine how much additional funding will be requested as part of the 2017-18 Budget for the development and/or maintenance of the afore-mentioned facilities.

RECOMMENDATION
Approval of Resolution No. 17-R-39

ATTACHMENTS
Resolution No. 17-R-39
Recorded Plat for Rhine Valley Phase
Rhine Valley Subdivision Improvements Agreement
RESOLUTION NO. 17-R-39

A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ACCEPT THE RHINE VALLEY PARK AS CITY PROPERTY.

WHEREAS the developer of the Rhine Valley subdivision is required to comply with the City’s Park and Open Space Dedication Requirements, and

WHEREAS in developer of Rhine Valley requested to dedicate land and construct improvements to satisfy this requirement, and

WHEREAS, the developer has platted the property and constructed the agreed upon improvements, and

WHEREAS City staff is recommending the City Council authorize acceptance of the property,

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

Section 1. The City Council authorizes the City Manager to accept the land designated as City Park as shown 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 13th day of June, 2017.

CITY OF SCHERTZ, TEXAS

___________________________
Mayor, Michael R. Carpenter

ATTEST:

___________________________
City Secretary, Brenda Dennis

(CITY SEAL)
Exhibit “A”

Cypress Pointe Phase 1 Plat
SUBDIVISION IMPROVEMENTS AGREEMENT
FOR
RHINE VALLEY, UNIT 1 AND SUBSEQUENT UNIT

STATE OF TEXAS

COUNTY OF BEXAR

This Subdivision Improvements Agreement (hereinafter referred to as “Agreement”) is entered into by and between Fred Development, LLC, a Texas limited liability company, (hereinafter referred to as “Fred”) and the City of Schertz, Texas, a Texas Municipal Corporation (hereinafter referred to as the “City”), in accordance with provisions of the City of Schertz Unified Development Code, including but not limited to Section 21.9.10.G.1., and for the purpose of evidencing the agreement of the City to permit the recording of the approved final subdivision plat for Rhine Valley, Unit 1 (a copy of which is attached hereto as Exhibit “A” and referred to herein as the “Plat”) by Fred, in exchange for Fred’s agreement to complete the subdivision improvements required by the City and itemized in this Agreement within 120 days of the recording of the Plat.

Now, Therefore, Fred and the City agree as follows:

1. Definitions.

1.1 Effective Date. The latter of the date the Agreement is executed by an authorized representative of Fred or the City.

1.2 Post Fiscal. Means “a cash escrow” in such context as that phrase is used in Unified Development Code Section 21.4.15 G, pursuant to the Performance Escrow Agreement for Rhine Valley Unit 1 and Rhine Valley Subsequent Unit, respectively, by and between the City, Fred and Broadway National Bank.

1.3 Rhine Valley Subdivision Unit 1— the subdivision currently being developed by Fred, being more particularly depicted on Exhibit “A” and labeled on such Exhibit as “Rhine Valley Subdivision Unit 1.

1.4 Rhine Valley Subdivision Subsequent Unit— the subdivision to be developed by Fred, immediately after the City’s approval of Rhine Valley Subdivision Unit 1 and not yet being specifically defined.

1.5 Parkland Improvements, Phase 1 – those certain improvements relating to Rhine Valley Subdivision Unit 1, depicted on Exhibit “B” as “Phase 1” and to be constructed upon the Parkland by Fred.

1.6 Parkland Improvements, Phase 2 – those certain improvements related to Rhine Valley Subsequent Unit, depicted on Exhibit “B” as “Phase 2” and to be constructed upon the Parkland by Fred.
1.7 Parkland— the area designated on the Rhine Valley Subdivision Unit 1 plat depicted on Exhibit “A” and the metes and bounds depicted on Exhibit “C” attach hereto as “Parkland”.

2. Surety for Construction of Parkland Improvements Phase 1 and Phase 2.

2.1 Parkland Improvements Phase 1. Prior to City’s execution of this Agreement Fred shall Post Fiscal in the total amount of $169,000.00 (the “Fiscal Phase 1”) to assure the completion of Parkland Improvements Phase 1; and, within 120 days of the Effective date, cause the completion of all Parkland Improvements Phase 1 for City Acceptance.

2.2 Parkland Improvement Phase 2. Prior to City’s execution of this Agreement Fred shall Post Fiscal in the total amount of $207,500.00 (the “Fiscal Phase 2”) to assure the completion of the Parkland Improvements Phase 2; and, within 120 days after the recording of the Rhine Valley Subdivision Subsequent Unit plat, or before December 1, 2016, whichever occurs first, cause the completion of all Parkland Phase 2 improvements, for City Acceptance.

2.3 City Acceptance. City may condition its acceptance of Parkland Improvements Phase 1 or Phase 2 on the requirements of reasonable changes from the improvements described in Exhibit B; the correction of any design, construction or materials defects; and the provision of a one-year warrant bond.

3. The City shall:

3.1 Rhine Valley Subdivision Unit 1 Plat – Upon the Effective Date, the posting of the Fiscal, and acceptance of all other required public improvements, the City shall record the Plat in the Deed and Plat Records of Bexar County, Texas.

3.2 Rhine Valley Subdivision Subsequent Unit Plat – Subject to the requirements that Parkland Improvement Phase 2 improvements be completed before December 1, 2016, the City shall record the Plat, in the Deed and Plat Records of Bexar County, Texas, after the posting of the Fiscal, the approval of the Plat by the City, and acceptance of all other required public improvements.

3.3 City’s Acceptance and Approval - Upon Fred’s completion of the Parkland Improvements, Phase 1 and the Parkland Improvements, Phase 2, the City agrees to inspect the improvements as each Phase is completed, and upon the City’s satisfaction of Fred’s completion of all improvements required to be made under this Agreement, and Fred’s provision of a warranty bond for the respective improvements, the City shall:

(a) Accept the Parkland Improvements, Phase 1 and the Parkland Improvements, Phase 2 at such time such Phase is completed; and
(b) Upon the City Attorney’s approval of the form of the instrument, record
the Parkland Special Warranty Deed for the real property designated as
Parkland within the plat of Rhine Valley Subdivision Unit 1; and

(c) Issue a letter to Fred evidencing the City’s approval and acceptance of the
Parkland Improvements, Phase 1 and the Parkland Improvements, Phase 2,
and Fred’s full and final satisfaction of this Agreement, and, within 30
days of issuance of the letter of approval and acceptance, release the
respective Fiscal in accordance with the terms of the respective Escrow
Performance Agreements.

4. Default And Remedies.

4.1 Notice of Default – In the event any party believes that the other party has
defaulted on its obligations hereunder, the party that is alleging the default
(hereafter whether one or more, referred to as “Claimant”) shall serve the party
alleged of having defaulted (hereafter referred to as “Respondent”) with written
notice of the specific terms and conditions the Claimant has alleged the
Respondent has failed to perform (“Default Notice”). This written notice shall be
served upon the Respondent by Claimant in writing by Certified Mail.

4.2 Opportunity to Cure – Upon receipt of the Default Notice, the Respondent shall
have ten (10) days from the date of receipt of the Default Notice to either (i)
remedy the alleged default by taking appropriate actions, or (ii) serve a written
response to the Claimant denying the allegations of default and providing specific
reasons and rationale for the denial of the allegations made by Claimant.

4.3 Enforcement – Subject to City’s constitutional, statutory and common law
immunity, which are not waived hereby, enforcement of this Agreement is subject
to the following: In the event the Respondent to a claim of default fails to remedy
or cure the alleged default within ten (10) days, then the Claimant shall have the
right to seek legal and/or equitable remedies against the Respondent for the
alleged default by the Respondent as described in the Default Notice provided
under Section 4.1 above. In the event the Respondent is found, by a court of
competent jurisdiction, to have been in default, the Respondent shall be required
to pay, in addition to any amounts for damage or punitive awards as provided in
the judgment of the court, any and all attorney’s fees, court costs, expert witness
fees and any other fees expended by Claimant that were reasonably associated
with and necessary for the bringing of the action by the Claimant for enforcement
of the terms of this Agreement or collection of damages resulting from the actions
or omissions constituting a default on the part of the Respondent. In the event the
Claimant brings legal proceedings against the Respondent and the legal
proceedings result in a judgment by a court of competent jurisdiction declaring
that the Respondent has not breached the terms of this Agreement, the Claimant
shall be responsible for the payment of any and all attorney’s fees, court costs,
expert witness fees and any other fees expended by Respondent that were reasonably associated with and necessary for the provision of a defense by Respondent to the allegations asserted by Claimant in the litigation.

4.4 Notwithstanding any provision of this Agreement to the contrary, in the event that Fred fails to fully complete the improvements to Rhine Valley Unit 1, within the time prescribed herein, the City shall be entitled to demand disbursement of funds from Broadway National Bank in accordance with the terms of the Performance Eserow Agreement for Rhine Valley, Unit 1; and, in the event that Fred fails to fully complete the improvements to Rhine Valley Subsequent Unit, within the time prescribed herein, the City shall be entitled to demand disbursement of funds from Broadway National Bank in accordance with the terms of the Performance Escrow Agreement for Rhine Valley, Subsequent Unit.

5. Severability.

If for any reason, any one or more paragraphs of this Agreement are held legally invalid, such judgment shall not prejudice, affect, impair or invalidate the remaining paragraphs of this Agreement or this Agreement as a whole, but shall be confined to the specific sections, sentences, clauses or paragraphs of this Agreement held legally invalid.

6. Term Of Agreement.

The term of this Agreement shall commence upon the Effective Date, and shall terminate upon the City's satisfaction of the conditions stated in Section 1.1 herein.


Any notice, request, demand, report, certificate or other instrument which may be required or permitted to be furnished to or served upon the parties shall be deemed sufficiently given or finished or served if in writing and deposited in the United States mail, registered or certified, return receipt requested, addressed to such party at the address set forth below:

Fred:  Mr. Gordon V. Hartman
Fred Development, LLC
1202 W. Bitters, Bldg. 1, Suite 1200
San Antonio TX 78216
Telephone: 210-493-2811
Facsimile: 210-493-7828

With a copy to: Mr. Ronald W. Hagauer
Attorney at Law
1602 N Loop 1604 W, Suite LL-102
San Antonio TX 78248
Telephone: 210-479-3231
8. **Incorporation of Documents And Attachments.**

All documents and other materials that are either attached hereto or referenced herein are incorporated into this Agreement as an inseparable part hereof, by such reference thereto, and this Agreement shall be construed to include all of any attached or referenced documents and materials.

9. **Time of the Essence.**

Each party agrees to use due diligence to expedite their performance of their respective obligations, and failure to do so on the part of any party may constitute grounds for a breach of this Agreement.

10. **Governing Law.**

This Agreement shall be governed by and construed in accordance with the laws of the United States of America and the State of Texas, and shall be binding upon and inure to the benefit of the parties and their successors, representatives and assigns.

11. **General.**

This Agreement can be executed in one or more counterparts, all of which shall be deemed as an original instrument when all parties have signed same.

*The remainder of this page is intentionally left blank and the signature pages follow.*
EFFECTIVE DATE: December 8, 2014.

FRED DEVELOPMENT, LLC, a Texas limited liability company

By:

Name: Gordon V. Hartman
Title: President

STATE OF TEXAS

COUNTY OF BEXAR

This Subdivision Improvements Agreement was acknowledged before me on the 8th day of November, 2014, by GORDON V. HARTMAN, President of FRED DEVELOPMENT, LLC, a Texas limited liability company, on behalf of said limited liability company.

Notary Public, State of Texas

THE CITY OF SCHERTZ, a Texas Municipal Corporation

By:

Name: John Kessel
Title: City Manager

STATE OF TEXAS

COUNTY OF BEXAR

This Subdivision Improvements Agreement was acknowledged before me on the 8th day of November, 2014, by JOHN KESSEL, City Manager of the City of Schertz, Texas, on behalf of the City of Schertz.

Notary Public, State of Texas
LIST OF EXHIBITS

Exhibit “A”: Approved Final Plat of Rhine Valley
Exhibit “B”: List of Park Improvements, Phase 1 and the Parkland Improvements, Phase 2 and Budget
Exhibit “C”: The Parkland Metes and Bounds
EXHIBIT "A"

TO

SUBDIVISION IMPROVEMENTS AGREEMENT

Rhine Valley
(the approved but unrecorded Plat)

As Attached
EXHIBIT “B”

TO

SUBDIVISION IMPROVEMENTS AGREEMENT

Description Of Parkland Improvements and Budget

As Attached
### Exhibit B

**RHINE VALLEY**

**COST VALUE OF PHASED IMPROVEMENTS**

<table>
<thead>
<tr>
<th>Phase</th>
<th>Description</th>
<th>Value</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase I</td>
<td>Parking Lot, Striping and Signage</td>
<td>$60,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>8' Wide Sidewalks</td>
<td>$18,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Landscape &amp; Irrigation</td>
<td>$14,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gazebo</td>
<td>$32,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>BBQ Pits</td>
<td>$1,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Playground</td>
<td>$42,500</td>
<td></td>
</tr>
<tr>
<td><strong>Phase I - Total Value</strong></td>
<td></td>
<td><strong>$169,000</strong></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase II</th>
<th>Description</th>
<th>Value</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8' Wide Sidewalks</td>
<td>$95,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Soccer &amp; Multi-purpose Ball Fields - 2 Each</td>
<td>$30,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sport Court w/ Fence &amp; Net</td>
<td>$40,000</td>
<td></td>
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<tr>
<td></td>
<td>Landscape (Hydromulch - No Irrigation)</td>
<td>$42,500</td>
<td>Temp irrigation to establish Hydromulch</td>
</tr>
<tr>
<td><strong>Phase II - Total Value</strong></td>
<td></td>
<td><strong>$207,500</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phase III (Private)</th>
<th>Description</th>
<th>Value</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>WALK TRAIL</td>
<td></td>
<td>$20,425</td>
<td>5' Wide Crushed Granite, 50% Credit</td>
</tr>
<tr>
<td>LANDSCAPE</td>
<td></td>
<td>$ -</td>
<td>Leave Natural - No Landscaping</td>
</tr>
<tr>
<td><strong>Phase II - Total Value</strong></td>
<td></td>
<td><strong>$20,425</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Total All 3 Phases**

| Value | $396,925 |

| # Lots | 447 |
| PER LOT | $888 |

**COST VALUE OF LAND**

<table>
<thead>
<tr>
<th>OVERALL</th>
<th>Description</th>
<th>Value</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Public Park (5 Acres)</td>
<td>$200,000</td>
<td>5 Acres Platted with Roadway and Drainage Improvements</td>
</tr>
<tr>
<td><strong># Lots</strong></td>
<td>447</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PER LOT</strong></td>
<td>$447</td>
<td></td>
<td></td>
</tr>
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</table>
PHASE II

<table>
<thead>
<tr>
<th>Description</th>
<th>$ Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>8' WIDE SIDEWALKS</td>
<td>$ 95,000</td>
</tr>
<tr>
<td>SOCCER &amp; MULTI-PURPOSE BALL FIELDS - 2 EACH</td>
<td>$ 30,000</td>
</tr>
<tr>
<td>SPORT COURT W/ FENCE &amp; NET</td>
<td>$ 40,000</td>
</tr>
<tr>
<td>LANDSCAPE (HYDROMULCH - NO IRRIGATION)</td>
<td>$ 42,500</td>
</tr>
</tbody>
</table>

**PHASE II - TOTAL VALUE** $207,500

*Parkland Improvements*
PHASE I - TOTAL VALUE $169,000

PARKING LOT, STRIPING AND SIGNAGE $60,000
8' WIDE SIDEWALKS $18,500
LANDSCAPE & IRRIGATION $14,000
GAZEBO $32,500
BBQ PITS $1,500
PLAYGROUND $42,500

Parkland Improvements
EXHIBIT "C"

TO

SUBDIVISION IMPROVEMENTS AGREEMENT

The Parkland Metes and Bounds
FIELD NOTES
FOR
A 5.00 ACRE TRACT

A 5.00 acre tract of land, being all of Lot 1, Block 14 of the proposed Rhine Valley Subdivision Unit 1, this day called in the City of Schertz, Bexar County, Texas out of the Miles S. Bennett Survey No. 75, Abstract No. 61, County Block 5057 and the Julian Diaz Survey No. 66, Abstract No. 187, County Block 5059 and being a portion of a 137.51 acre tract of land conveyed to Fred Development, LLC of record in Volume 15711 Page 1407 of the Official Public Records of Bexar County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2" iron rod with cap Stamped "RPLS 2024" in the southeast line of a 14.23 acre tract of land conveyed to Richard W. and Bonnie Sue Castillom of record in Volume 14029 Page 996 of the Official Public Records of Bexar County, Texas, for the northeast termination corner of Ray Corbett Drive of record in Volume 9600 Page 159 of the Deed and Plat Records of Bexar County, Texas, for the northwest corner of proposed Rhine Valley Subdivision Unit 1, this day called in the City of Schertz, Bexar County, Texas and the northwest corner of a 2.028 acre tract of land conveyed to Schertz-Cibolo-Universal City ISD Board of Trustees in Volume 14343 Page 1954 of the Official Public Records of Bexar County, Texas;

THENCE: N 60°09'39" E along and with the south line of the 14.23 acre tract and the north line of the 2.028 acre tract, a distance of 453.97 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" for the northerly northeast corner of the of proposed Rhine Valley Subdivision Unit 1, this day called in the City of Schertz, Bexar County, Texas and an angle point;

THENCE: S 29°30'42" E into and across the 2.028 acre tract, a distance of 61.66 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the south line of the 2.028 acre tract and the north line of a 137.51 acre tract of land conveyed to Fred Development, LLC of record in Volume 15711 Page 1407 of the Official Public Records of Bexar County, Texas and proposed Lot 1, Block 18 of Rhine Valley Subdivision Unit 1, for an interior corner and an angle point;

THENCE: N 60°16'57" E along and with the north line of proposed Lot 1, Block 18, a distance of 226.79 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 1, Block 18 and an angle point;

THENCE: Departing the south line of the 2.028 acre tract and into and across the 137.51 acre tract the following twenty-four (24) courses:

1. S 29°42'49" E along and with the northeast line of proposed Lot 1, Block 18, a distance of 20.01 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a corner;

2. S 60°17'11" W along and with the southeast line of proposed Lot 1, Block 18, a distance of 153.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of proposed Lot 7, Block 2, this day called and for an interior corner;

3. S 29°42'49" E along and with the northeast line of proposed Lot 7, Block 2, a distance of 105.69 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in a curve to the right of the north right-of-way line of proposed Forbich Drive, a 50 foot right-of-way, this day called, for the southeast corner of proposed Lot 7, Block 2 and interior corner,
4. With a curve to the right, having an arc of 34.36 feet, a radius of 50.00 feet, a delta of 39°22'45", and a chord bear of N 79°32'09" E, a distance of 33.69 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of reverse curvature,

5. With a curve to the left, having an arc of 10.19 feet, a radius of 15.00 feet, a delta of 38°56'20", and a chord bear of N 79°45'21" E, a distance of 10.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency,

6. N 60°17'11" E, a distance of 121.76 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a corner of the termination line of proposed Forbach Drive,

7. S 29°42'49" E along and with the east termination line of proposed Forbach Drive, a distance of 50.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the southeast corner of proposed Forbach Drive and for an easterly corner and an angle point,

8. S 60°17'11" W along and with the south line of proposed Forbach Drive, a distance of 28.04 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 1, Block 3, this day called, for an angle point,

9. S 30°14'12" E along and with the northeast line of proposed Lots 1-4, Block 3, this day called, a distance of 194.31 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for an angle point,

10. S 48°11'27" E along and with the northeast line of proposed Lots 4-8, Block 3, this day called, a distance of 149.72 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for an angle point,

11. S 69°50'00" E along and with the northeast line of proposed Lots 8-12, Block 3, this day called, a distance of 260.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the northwest right-of-way line of proposed Belfort Point, a 50 foot right-of-way, this day called, for the eastern corner of proposed Lot 12, Block 10 and for an angle point,

12. N 20°10'00" E along and with the northwest right-of-way line of proposed Belfort Point, a distance of 9.91 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point curvature to the left,

13. Continuing along with the northwest right-of-way line of Belfort Point, with a curve to the left, having an arc of 10.00 feet, a radius of 975.00 feet, a delta of 09°35'16", and a chord bear of N 19°46'02" E, a distance of 10.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of the termination line of Belfort Point and a corner of the tract described herein,

14. S 69°56'20" E along and with the northeast termination right-of-way line of Belfort Point, a distance of 50.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the southeast corner of the termination line of Belfort Point and a corner of the tract described herein,

15. Along and with the southeast right-of-way line of Belfort Point, a non-tangent curve to the right, having an arc of 10.00 feet, a radius of 1025.00 feet, a delta of 06°33'32", and a chord bear of S 19°46'54" W, a distance of 10.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency,
16. S 20°10'00" W along and with the southeast right-of-way line of Belfort Point, a distance of 100.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 4, Block 7, this day called and for an interior corner of the tract described herein,

17. S 69°50'00" E along and with the northeast line of Lot 4, Block 7, a distance of 120.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the southeast corner of Lot 4, Block 7 and an easterly corner of the tract described herein,

18. S 20°10'00" W along and with the southeast line of Lots 4-3, Block 7, this day called, a distance of 201.31 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in a curve in the northeast right-of-way line of Alsation Way and for the southwest corner of Lot 3, Block 7 and for an interior corner of the tract described herein,

19. Along and with the northeast right-of-way line of Alsation Way, a non-tangent curve to the right, having an arc of 262.79 feet, a radius of 430.00 feet, a delta of 35°00'55", and a chord bear of S47°51'06" E, a distance of 258.72 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency,

20. S 30°20'38" E continuing along and with the northeast right-of-way line of Alsation Way, a distance of 287.20 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of curvature to the left of the tract described herein,

21. Along and with the northeast right-of-way line of Alsation Way, a curve to the left, having an arc of 128.10 feet, a radius of 370.08 feet, a delta of 19°49'55", and a chord bear of S 40°28'08" E, a distance of 127.46 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for an angle point and compound curve of the tract described herein,

22. Along and with the northeast right-of-way line of Alsation Way, a curve to the left, having an arc of 24.91 feet, a radius of 15.00 feet, a delta of 95°08'16", and a chord bear of N 82°02'43" E, a distance of 22.14 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the north right-of-way line of Mulhouse Drive, for a point of reverse curvature of the tract described herein,

23. Along and with the north right-of-way line of Mulhouse Drive, a curve to the right, having an arc of 10.00 feet, a radius of 330.00 feet, a delta of 01°04'52", and a chord bear of N 35°01'01" E, a distance of 10.00 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" for the north corner of the termination right-of-way line of Mulhouse Drive and a corner of the tract described herein,

24. S 55°51'25" E along and with the east termination right-of-way line of Mulhouse Drive, a distance of 60.01 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in the northwest line of Lot 1, Block 14, this day called, for the POINT OF BEGINNING and point of curvature to the right of the tract described herein;

THENCE: Departing the east termination right-of-way line of proposed Mulhouse Drive over and across the 137.51 acre tract the following two (2) courses:

1. Along and with the northwest line of Lot 1, Block 14, a non-tangent curve to the right, having an arc of 174.68 feet, a radius of 470.00 feet, a delta of 21°17'38", and a chord bear of N46°20'33"E, a distance of 173.67 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein, and
2. N 56°59'22" E along and with the northwest line of Lot 1, Block 14, a distance of 89.49 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 1, Block 14 and for an easterly corner of the tract described herein;

THENCE: Departing the northwest line of Lot 1, Block 14 along and over and across the 137.51 acre tract with the common line of Lot 1, Block 14 and Lot 2, Block 14, this day called the following four (4) courses:

1. S 33°00'38" E at 120.00 feet passing 1/2" iron rod set for the northwest corner of Lot 2, Block 14, this day called, continuing for a total distance of 240.52 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for an easterly corner of the tract described herein,

2. S 20°55'32" W, a distance of 243.60 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for an interior corner of the tract described herein,

3. S 12°34'00" E, a distance of 262.42 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a corner of the tract described herein, and

4. S 32°53'03" W, a distance of 346.68 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in a curve to the left in the southeast line of Lot 8, Block 13, this day called, for a southwest corner of Lot 1, Block 14 this day called and the tract described herein;

THENCE: Along and with the common line of Lot 1, Block 14 and Lots 8-1, Block 13, this day called and continuing over and across the 137.51 acre tract the following three (3) courses:

1. Along and with the southeast line of Lots 8-5, Block 13, a non-tangent curve to the left, having an arc of 218.77 feet, a radius of 950.00 feet, a delta of 13°11'39", and a chord bear of N08°38'02" W, a distance of 218.28 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for a point of tangency of the tract described herein,

2. N 12°13'51" W along and with Lots 5-1, a distance of 269.61 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying", for the northeast corner of Lot 1, Block 13 and an interior corner of the tract described herein, and

3. S 77°46'09" W along and with the north line of Lot 1, Block 13, a distance of 119.50 feet to a set 1/2" iron rod with Blue Plastic Cap Stamped "KFW Surveying" in a curve to the right in the southeast right-of-way line of Mulhouse Drive, for a southwest corner of Lot 1, Block 14 this day called and the tract described herein;

THENCE: Along and with the southeast right-of-way line of Mulhouse Drive, a non-tangent curve to the right, having an arc of 371.39 feet, a radius of 470.00 feet, a delta of 45°16'30", and a chord bear of N13°03'29" E, a distance of 361.80 feet to the POINT OF BEGINNING and containing 5.00 acres more or less, in the City of Schertz Bexar County, Texas.
RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY, CARBON OR
PHOTO COPY, DISCOLORED PAPER ETC.,

Doc# 201402111971 Fees: $130.00
12/10/2014 12:59PM 1# Pages 27
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the described real
property because of race is invalid and unenforceable under Federal Law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this Instrument was FILED in File Number Sequence on
this date and at the time stamped hereon by me and was duly RECORDED
In the Official Public Record of Real Property of Bexar County, Texas on:

DEC 10 2014

COUNTY CLERK BEXAR COUNTY, TEXAS
CITY COUNCIL MEMORANDUM

City Council Meeting: June 13, 2017
Department: Legal
Subject: Ordinance No. 17-M-19
Criminal Penalty for violation of City Charter (First Reading)

BACKGROUND

The recently adopted amendments to the City Charter included a requirement that the City Council adopt an ordinance creating a criminal penalty for a violation of the City Charter.

FISCAL IMPACT

There is no known fiscal impact for the City.

RECOMMENDATION

Adopt the proposed ordinance on first reading.

RECOMMENDATION

Ordinance No. 17-M-19
ORDINANCE NO. 17-M-19

AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS PROHIBITING VIOLATIONS OF THE CITY CHARTER

WHEREAS, on November 3RD, 2015 the City of Schertz held an election on the adoption of amendments to the City’s Home Rule Charter; and

WHEREAS, Proposition No. 4 included a measure to amend the City Charter to include a criminal provision for violation of any provision of the Charter; and

WHEREAS, on November 16th, 2015 the City Council canvassed the votes of said election; and

WHEREAS, pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Schertz, Texas, convened into a regular meeting of the City Council on this the 17th day of December, 2015 for the purpose of entering an order into the records of the City and declaring that Proposition 4 was adopted; and

WHEREAS, pursuant to the Charter amendment City Council is required to enact an ordinance to enforce the criminal provisions adopted; and

WHEREAS, the City Council previously adopted an ordinance prohibiting violations of the Charter; and

WHEREAS, the City Council finds and determines it necessary to more accurately describe what actions constitute a violation of the City Charter.

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

Section 1. The City of Schertz Code of Ordinances Chapter 50 is amended to add the following section:

Sec. 50-7. – Violations of the City Charter

A. The following acts are specifically prohibited:

1. Holding other Office. No Mayor or Councilmember shall hold any compensated City office or employment until two (2) years after the expiration of the term for which he or she was elected to the City Council.

2. Appointments and Removals. Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officer or
employee whom the City Manager or any of his or her subordinates are empowered to appoint.

   a. Exception. The City Council as a body at a properly called meeting, may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.

3. Interference with Administration. Except for the purpose of inquiries or excepted under this section, the City Council and its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

4. Admission of Liability. Neither the City Council nor any of its members shall accept or admit liability or pay any claim for damages asserted against the City without first obtaining a written opinion from the City Attorney regarding the City's liability therein.

5. Conflicts of Interest. It is prohibited for the Mayor or Council Member or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171 as amended or its successor. For purposes of this Section term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171 as amended or its successor.

6. Attorney Client Privilege. It shall be unlawful for the Mayor or a Council Member to release any attorney-client privileged communication.

B. Any violation hereof shall be punishable in municipal court and, upon conviction, shall be punishable by a fine up to five hundred dollars ($500.00).

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. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinances; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

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.

PASSED ON FIRST READING, the day of____________________, 2017.

PASSED, APPROVED and ADOPTED ON SECOND READING, the day of ___ __________, 2015.

CITY OF SCHERTZ, TEXAS

____________________
Mayor, Michael R. Carpenter

ATTEST:

____________________
City Secretary, Brenda

Dennis (CITY SEAL)
CITY COUNCIL MEMORANDUM

City Council Meeting: June 6, 2017

Department: City Manager/Public Works

Subject: Resolution 17-R-34- A Resolution by the City Council of the City of Schertz, Texas authorizing the Schertz Seguin Local Government Corporation (SSLGC) Budget Amendment for Fiscal Year 2016-17 in the amount of $1,000,000 in a transfer to the SSLGC Repair/Replacement Fund, and other matters in connection therewith

BACKGROUND

Schertz/Seguin Local Government Corporation has a Retained Earnings Policy. This policy set a threshold for the minimum retained earnings to be held in the operating fund. This minimum policy was set at three months of operating expenditures. Based upon this policy, there is $1,000,000 above this threshold available for use, verified by the Annual Audit for FY2015-2016. Staff is recommending a transfer to the SSLGC Repair/Replacement Fund in the amount of $1,000,000 for future projects.

The Repair/Replacement Fund is another reserve account set aside for unforeseen repairs and maintenance issues. Dollars in this fund are used only with board approval for larger, non-routine projects.

The SSLGC Board approved this action at their regularly scheduled board meeting on May 18, 2017.

Goal

Approve the SSLGC Budget Amendment transferring $1,000,000 from the operating fund to the SSLGC Repair/Replacement Fund.

Community Benefit

The City of Schertz is an owner-member of the SSLGC. It is through the SSLGC that the City acquires the water it provides to its citizens. By having a repair and replacement reserve account, it helps insure dollars are available for unexpected repairs or replacement of infrastructure and equipment while minimizing unexpected rate increases.

Summary of Recommended Action

Staff recommends approval of the Resolution for the Budget Amendment to the FY2016-2017 Annual Budget.

FISCAL IMPACT

No fiscal impact. This budget adjustment is based on reserves in SSLGC revenue as identified by the FY 2015-2016 annual audit.
RECOMMENDATION

Staff recommends approval.

ATTACHMENT
Resolution 17-R-34
Resolution # SSLGC R17-02
RESOLUTION NO. 17-R-34

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE SCHERT/SEGUIN LOCAL GOVERNMENT CORPORATION (SSLGC) BUDGET AMENDMENT FOR FISCAL YEAR 2016-2017 IN THE AMOUNT OF $1,000,000 AS A TRANSFER TO THE SSLGC REPAIR AND REPLACEMENT FUND, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City approve the Schertz/Seguin Local Government Corporation Fiscal Year 2016-2017 budget amendment;

WHEREAS, the Schertz/Seguin Local Government Corporation Board of Directors has evaluated this budget adjustment and approved it unanimously at their regular meeting on May 18, 2017; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the budget amendment to ensure that the citizens and businesses of Schertz continue to receive excellent and vital water service.

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

Section 1. The City Council hereby authorizes the approval of the Schertz/Seguin Local Government Corporation Fiscal Year 2016-2017 budget amendment.

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 6th day of June 2017.

CITY OF SCHERTZ, TEXAS

________________________________________
Mayor, Michael R. Carpenter

ATTEST:

________________________________________
City Secretary, Brenda Dennis

(CITY SEAL)
A RESOLUTION AMENDING THE FISCAL YEAR 2017 SCHERTZ SEGUIN LOCAL GOVERNMENT CORPORATION BUDGET.

NOW, THEREFORE, BE IT RESOLVED THAT THE FISCAL YEAR 2017 SCHERTZ SEGUIN LOCAL GOVERNMENT CORPORATION BUDGET IS AMENDED AS FOLLOWS:

### Schertz-Seguin Local Government Corporation Operating Fund

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<td>Intragovernmental Transfers</td>
<td>Non-Departmental</td>
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<td>Transfers to Repair &amp; Replacement Fund</td>
<td>Use of Retained Earnings</td>
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Reason requested: The Corporation has a Retained Earnings policy. This policy set a threshold for the minimum retained earnings to be held in the operating fund. This minimum policy was set at three months operating expenditures. Based upon this policy and the results of the audit, there is $1,000,000 above this threshold available for use.

### Repair and Replacement Fund

<table>
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<tr>
<th>Amount</th>
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<tr>
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<td>Intragovernmental Transfers</td>
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<td>Transfers from Operating Fund</td>
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Reason requested: The Corporation has a Retained Earnings policy. This policy set a threshold for the minimum retained earnings to be held in the operating fund. This minimum policy was set at three months operating expenditures. Based upon this policy and the results of the audit, there is $1,000,000 above this threshold available for use.

The Board of Directors of the Schertz-Seguin Local Government Corporation finds that these budget adjustments are required because changes and unforeseen conditions that could not have been anticipated in the original budget.

This resolution shall become effective and applicable on the date of its approval and passage.
PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE SCHERTZ-SEGUN LOCAL GOVERNMENT CORPORATION, on this the 18th day of May, 2017.

Robin V. Dwyer, President
Schertz-Seguin Local Government Corporation

ATTEST:

David Reiley, Secretary

Or

Korey Kirchner, Assistant Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: June 6, 2017
Department: City Manager / Public Works
Subject: Resolution 17-R-35 Approving the SSLGC Fiscal Year 2017-18 Annual Budget and other matters in connection therewith. (SSLGC Resolution #SSLGC R17-03)

BACKGROUND

A proposed annual budget for the period commencing October 1, 2017 and ending September 30, 2018 has been prepared by the Schertz/Seguin Local Government Corporation (SSLGC) General Manager and Staff. This proposed budget has been approved by the SSLGC Board of Directors at its regular meeting, May 18, 2017. It is the desire of SSLGC and required by its founding documents to have this budget for the FY2017-2018 approved by the City of Schertz City Council.

The FY2017-2018 O&M budget is lower than the FY2016-2017 O&M budget. This is due to reductions in the dollars contributed to the Rate Stabilization line item and the Professional and Technical Services line item. Staff worked diligently to reduce a portion of its operational items. With the decrease in those line items, Staff was able to reduce the FY2017-2018 O&M budget by over $630,000 from the current fiscal year’s budget ($9,574,754 to $8,942,388).

Goal

To approve the SSLGC FY2017-18 Annual Budget.

Community Benefit

The City of Schertz is a member of the Schertz/Seguin Local Government Corporation. It is through the SSLGC that the City acquires water for its citizens and businesses. Approval of the budget will ensure that the citizens and businesses of Schertz will continue to receive this vital service.

Summary of Recommended Action

Staff recommends approval of the Resolution approving the SSLGC FY2017-18 Annual Budget.

FISCAL IMPACT

The FY 2017-2018 Annual Budget is based upon a $0.01/1,000 gallons rate increase moving the rate from $1.60 to $1.61/1,000 gallons of water.
RECOMMENDATION

Staff recommends approval.

ATTACHMENT

Resolution 17-R-35
FY2017-18 Annual Budget
Resolution # SSLGC R17-03
RESOLUTION NO. 17-R-35

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION FISCAL YEAR 2017-2018 ANNUAL BUDGET, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City approve the Schertz/Seguin Local Government Corporation Fiscal Year 2017-18 Annual Budget;

WHEREAS, the Schertz/Seguin Local Government Corporation Board of Directors has approved the Fiscal Year 2017-18 Annual Budget at its regular meeting on May 18, 2017; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the budget to ensure that the citizens and businesses of Schertz continue to receive excellent and vital water service.

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

Section 1. The City Council hereby authorizes the approval of the Schertz/Seguin Local Government Corporation Fiscal Year 2017-18 Annual Budget.

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 6th day of June 2017.

CITY OF SCHERTZ, TEXAS

______________________________
Michael R. Carpenter, Mayor

ATTEST:

______________________________
Brenda Dennis, City Secretary

(CITY SEAL)
SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION
STATE OF TEXAS
COUNTY OF GUADALUPE

A RESOLUTION ADOPTING THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION FISCAL YEAR 2017-2018 BUDGET AND MAKING APPROPRIATION IN ACCORDANCE WITH SAID BUDGET

WHEREAS, in accordance with the Schertz/Seguin Local Government Corporation Bylaws, it is necessary to adopt a budget for the fiscal year 2017-2018; and

WHEREAS, a proposed annual budget for the period commencing October 1, 2017 and ending September 30, 2018 has been prepared by the Schertz/Seguin Local Government Corporation Financial Officer and the City of Seguin Director of Finance, and the Board of Directors has considered the proposed budget; and

WHEREAS, the budget for the fiscal year 2017-2018 for the Schertz/Seguin Local Government Corporation is attached.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION:

The budget for the fiscal year commencing October 1, 2017 and ending September 30, 2018 is hereby approved and adopted.

Passed and approved this the 18th day of May, 2017.

Robin V. Dwyer, President

Attest:

David Reiley, Secretary

OR

Korey Kirchner, Assistant Secretary
CITY COUNCIL MEMORANDUM

City Council Meeting: June 6, 2017

Department: City Manager / Public Works

Subject: Resolution 17-R-36 Approving the SSLGC Fiscal Year 2017-18 Water Rates and other matters in connection therewith. (SSLGC Resolution #SSLGC R17-04)

BACKGROUND

Resolution SSLGC R17-04 and the FY2017-2018 Water Rate sheet are attached. These represent the Schertz/Seguin Local Government Corporation’s (SSLGC’s) FY2017-2018 water rates.

The FY2017-2018 O&M budget is lower than the FY2016-2017 O&M budget. This is due to reductions in the Rate Stabilization Contribution, Professional and Technical Services. Staff worked diligently to reduce a portion of its operational items. With the decrease in those line items, Staff was able to reduce the FY2017-2018 O&M budget by over $630,000 from the current fiscal year’s budget ($9,574,754 to $8,942,388).

There is a water rate increase included for FY2017-2018 of $0.01/1,000 gallons. This is a result of the anticipated reduction of future excess water sales and increases in the costs of operation. FY2017-2018 budget reductions have worked to minimize the impact of the reduction of excess water sales.

Additionally, the City of Schertz will be responsible for an additional $879,529.00 in debt payments for FY 2017-2018. This increase in debt payments is a result of the most recent bond funding of the new parallel 36” pipeline and the future Guadalupe County Well Field.

It is the desire of SSLGC Board of Directors and a requirement of the SSLGC founding documents to have these water rates for FY2017-18 approved by the City of Schertz City Council.

Goal

To approve the SSLGC FY2017-18 water rates.

Community Benefit

The City of Schertz is a member of the Schertz/Seguin Local Government Corporation. It is through the SSLGC that the City provides water to it citizens and businesses. Approval of the water rates will ensure that the citizens and businesses of Schertz will continue to receive this vital service.

Summary of Recommended Action

Staff recommends approval of the Resolution approving the SSLGC FY2017-18 water rates.

FISCAL IMPACT
1. O & M Rates were increased by $0.01/1,000 gallons
2. Debt Service increases are due to the Parallel Pipeline and Guadalupe Project

RECOMMENDATION

Staff recommends approval.

ATTACHMENT

Resolution 17-R-36
FY2017-18 Water Rates
Resolution # SSLGC R17-04
RESOLUTION NO. 17-R-36

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION FISCAL YEAR 2017-18 WATER RATES, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City approve the Schertz/Seguin Local Government Corporation Fiscal Year 2017-18 Water Rates; and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve the rates to ensure that the citizens and businesses of Schertz continue to receive excellent and vital water service.

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

THAT:

Section 1. The City Council hereby authorizes the approval of the Schertz/Seguin Local Corporation Fiscal Year 2017-18 Water Rates.

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 6th day of June 2017.

CITY OF SCHERTZ, TEXAS

______________________________
Michael R. Carpenter, Mayor

ATTEST:

______________________________
Brenda Dennis, City Secretary

(CITY SEAL)
A RESOLUTION ADOPTING THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION FISCAL YEAR 2017-2018 WATER RATES

WHEREAS, the Schertz/Seguin Local Government Corporation provides water to several entities; and

WHEREAS, expenses are incurred in providing the water; and

WHEREAS, it is necessary to set water rates to be assessed for the provision of the water in order to cover expenses; and

WHEREAS, the Schertz/Seguin Local Government Corporation has adopted a revenue requirement system using the AWWA cash basis of ratemaking and adopted a minimum debt coverage ratio requirement of 1.25 or greater; and

WHEREAS, the water rate schedule for the fiscal year 2017-2018 for the Schertz/Seguin Local Government Corporation is attached.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION:

The water rates for fiscal year 2017-2018 to be effective October 1, 2017 are hereby approved and adopted.

Passed and approved this the 18th day of May, 2017.

Attest:

Robin V. Dwyer, President

David Reiley, Secretary

OR

Korey Kirchner, Assistant Secretary
1. **Water Rate for Schertz and Seguin**
   - Operations and Maintenance $0.88
   - Water Leases $0.73
   
   **Rate per 1,000 gallons** $1.61

   *Schertz Annual Debt Service Payment $2,992,069
   *Seguin Annual Debt Service Payment $2,203,669

2. **Water Rate for Selma and Universal City**
   - Operations and Maintenance $0.88
   - Water Leases $0.73
   - Transportation $0.38
   - Cities Distribution $0.19
   
   **Rate per 1,000 gallons** $2.18

3. **Water Rate for Springs Hill**
   - Operations & Maintenance $0.88
   - Water Leases $0.73
   
   **Rate per 1,000 gallons** $1.61

   **Annual Debt Service Payment** $275,889

4. **Water Rate for Selma 2015 (Selma 2 Contract)**
   - Operations & Maintenance $0.88
   - Water Leases $0.73
   - Cities Distribution $0.19
   
   **Rate per 1,000 gallons** $1.80

   *Selma 2 Annual Debt Service Payment $142,033
5. **Water Rate for SAWS – T1**
   - Operations & Maintenance $0.88
   - Rate per 1,000 gallons $0.88

   *SAWS (SSLGC) – T1 Annual Debt Svc Payment $ 728,490
   *SAWS (2012 Bond) – T1 Annual Debt Svc Payment $1,511,788
   **TOTAL** $2,240,278

6. **Water Rate for SAWS – T2**
   - Operations and Maintenance $0.88
   - Water Leases $0.73
   - Rate per 1,000 gallons $1.61

   *SAWS – T2 Annual Debt Service Payment $493,038

**TOTAL DEBT SERVICE** $8,346,976

*Note: The monthly amounts may vary in order to accommodate the due dates of the debt service payment schedule.*