



AMENDED
MEETING AGENDA
City Council
SPECIAL SESSION CITY COUNCIL
November 20, 2023

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

CITY OF SCHERTZ CORE VALUES
Do the right thing
Do the best you can
Treat others the way you want to be treated
Work cooperatively as a team

Amended agenda to correct spelling error

AGENDA
MONDAY, NOVEMBER 20, 2023 at 6:00 p.m.

Call to Order

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

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.

Discussion and Action Items

1. **Resolution 23-R-123** - Approving a Resolution to canvass the returns and declaring the results of the November 7, 2023, General Election, and other matters in connection therewith. (Mayor/Council/S.Edmondson)

2. **Resolution 23-R-124**- Approving a Resolution to call for a Runoff Election on December 9, 2023, with Guadalupe County, Bexar County and Comal County and approving the Guadalupe County Election Contract stating that Guadalupe County will oversee the entire Runoff Election. (Mayor/Council/S.Edmondson)

3. **Oath of Office**
 - Officers-Oath of Office (S.Edmondson)
 - Place 3-Oath of Office to Mr. Paul Macaluso
 - Comments by Councilmember Macaluso
 - Place 5-Oath of Office to Mr. Robert Westbrook
 - Comments by Councilmember Westbrook

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, CITY SECRETARY OF THE CITY OF SCHERTZ, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS PREPARED AND POSTED ON THE OFFICIAL BULLETIN BOARDS ON THIS THE 17th DAY OF NOVEMBER 2023 AT 9:45 A.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

SHEILA EDMONDSON

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE OFFICIAL BULLETIN BOARD ON ____ DAY OF _____, 2023. TITLE: _____

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

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

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

COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS

<p>Mayor Gutierrez Audit Committee Board of Adjustments Investment Advisory Committee Main Street Committee Senior Center Advisory Board-Alternate</p>	<p>Councilmember Davis– Place 1 Interview Committee for Boards and Commissions Main Street Committee - Chair Parks & Recreation Advisory Board Schertz Housing Authority Board Transportation Safety Advisory Commission TIRZ II Board</p>
--	---

<p>Councilmember Watson-Place 2 Audit Committee Library Advisory Board Senior Center Advisory Board Interview Committee for Boards and Commissions Cibolo Valley Local Government Corporation-Alternate</p>	<p>Place 3-Vacant</p>
<p>Councilmember Dahle – Place 4 Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions Planning & Zoning Commission TIRZ II Board</p>	<p>Councilmember Scagliola – Place 5 Animal Advisory Commission - Alternate Hal Baldwin Scholarship Committee Schertz-Seguin Local Government Corporation</p>
<p>Councilmember Heyward – Place 6 Animal Advisory Commission Audit Committee Building and Standards Commission Economic Development Corporation - Alternate Investment Advisory Committee Main Street Committee Interview Committee for Boards and Commissions-Alternate Senior Center Advisory Board</p>	<p>Councilmember Brown – Place 7 Economic Development Corporation Main Street Committee Schertz-Seguin Local Government Corporation - Alternate</p>

CITY COUNCIL MEMORANDUM

City Council Meeting: November 20, 2023
Department: City Secretary
Subject: Resolution 23-R-123 - Approving a Resolution to canvass the returns and declaring the results of the November 7, 2023, General Election, and other matters in connection therewith. (Mayor/Council/S.Edmondson)

BACKGROUND

On July 11, 2023, the City Council of the City of Schertz, Texas passed a Resolution calling a General Election on November 7, 2023, for the purpose of electing Councilmembers for Place 3, Place 4 and Place 5 for a three-year term.

Unofficial Final Results: 11/07/2023								
	Early Voting			Election Day				
	Bexar	Comal	Guadalupe	Bexar	Comal	Guadalupe	Total Votes Cast	Vote %
City Council Place 3								
Paul Macaluso	103	27	1,128	116	29	804	2,207	64.12%
Tyrone Taylor	140	35	445	151	24	440	1,235	35.88%
City Council Place 4								
Danielle Craig	29	8	278	33	6	239	593	18%
Robert Marks	32	25	188	38	13	158	454	14%
Michael Armstrong	47	19	348	52	13	274	753	23%
Tiffany Gibson	138	10	722	125	20	526	1,541	46%
City Council Place 5								
Paul J. Kendzior	63	51	550	97	30	398	1,189	34.66%
Robert Westbrook	170	15	1,042	151	25	838	2,241	65.34%
Total Votes Cast	722	190	4,701	763	160	3,677	10,213	
	Early Voting:	5,613		Election Day:	4,600			
Total Number of votes cast							10,213	

The total of votes cast during early voting was 5613 personal appearance and absentee, and 4600 votes were cast on Election Day. The total number of votes cast in this election was 10,213. Mr. Paul Macaluso is hereby declared elected to the Office of Councilmember Place 3. Mr. Robert Westbrook is hereby declared elected to the Office of Councilmember Place 5.

Council Place 4's tabulations of votes cast at the November 7, 2023, election discloses that no candidate for Council Place 4 received sufficient votes to be elected to the City Council; and that it is necessary in conformity with the City Charter and Texas Election Code as amended, to call a runoff election for the purpose of voting upon a candidate to fill the Council Place 4 position.

Staff recommends approval of Resolution 23-R-123.

Attachments

Resolution 23-R-123

Exhibit B

RESOLUTION 23-R-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, APPROVING THE CANVASS OF NOVEMBER 7, 2023 GENERAL ELECTION AND DECLARING THE RESULTS OF SUCH ELECTION

WHEREAS, a General Election were held in the City of Schertz, Texas (the "City"), on the 7th day of November 2023 to elect a Councilmember Place 3, Councilmember Place 4 and Councilmember Place 5 for a three-year term; and

WHEREAS, said elections were duly and legally held in conformity with the applicable election laws of the State of Texas ("Texas"); and

WHEREAS, the Election Administrator has provided to the City, as required by applicable Texas law, the election results, as tabulated by the Election Administrator; and

WHEREAS, there came to be considered the returns of the general election held on the 7th day of November 2023, for the purpose of electing one Councilmembers for Place 3, Place 4, and Place 5; and

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

Section 1: That the General Election of the City of Schertz, Texas held November 7, 2023, was duly called, that notice of such election was given, and that such election was held in accordance with law.

Section 2: That the tabulation of votes cast to elect one Councilmembers for Place 3 Place 4 and Place 5 in the General Election held on November 8, 2023, as shown in the official canvass of the returns of said general election shown below reflects the following results:

	Early Voting			Election Day			Total Votes Cast	Vote %
	Bexar	Comal	Guadalupe	Bexar	Comal	Guadalupe		
City Council Place 3								
Paul Macaluso	103	27	1128	116	29	804	2207	64.12%
Tyrone Taylor	140	35	445	151	24	440	1235	35.88%
City Council Place 4								
Danielle Craig	29	8	278	33	6	239	593	18%
Robert C. Marks. Jr.	32	25	188	38	13	158	454	14%
Michael Armstrong	47	19	348	52	13	274	753	23%
Tiffany M. Gibson	138	10	722	125	20	526	1541	46%
City Council Place 5								
Paul J. Kendzior	63	51	550	97	30	398	1189	34.66%
Robert Westbrook	170	15	1042	151	25	838	2241	65.34%
Total Votes Cast	722	190	4701	763	160	3677	10,213	
	Early Voting:	5613		Election Day:	4600		Total Votes Cast	10,213

Section 3. The City Council finds that the results of the general election as set forth above reflect the reported votes, and the canvass of votes is hereby approved.

Section 4. The total of votes cast during early voting was 5,613 by personal appearance and absentee, and 4600 votes were cast on Election Day. The total number of votes cast in this election was 10,213

Section 5. The City Council finds that the results of the general election as set forth above reflect that Mr. Paul Macaluso is hereby declared elected to the Office of the Councilmember Place 3 and Mr. Robert Westbrook is hereby declared elected to the Office of the Councilmember of Place 5.

Section 6. The canvass and tabulations of votes cast at the November 7, 2023; election reflects that no candidate for Place 4 received sufficient votes to be elected to the city council. It is necessary in conformity with the City Charter and the Texas Election Code, as amended, to call a runoff election for the purpose of voting upon candidates to fill the Councilmember Place 4 on the City Council.

Section 7. 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 8. 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 9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 10. 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 11. 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 12. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED AND ADOPTED this _____ day of November 2023.

City of Schertz

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

Exhibit B

December 9, 2023 City of Schertz Runoff Election

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., December 9, 2023, for voting in the runoff election to a Councilmember for Place 4. (Por la presente se notifica que los lugares de elección que se enumeran a continuación estarán abiertos de 7:00 a.m a las 7:00 p.m. el 9 de diciembre de 2023, para votar en la elección desempate (de segunda vuelta) para un Concejal para el Lugar 4.)

Election Day Location for the City of Schertz December 9th, 2023 Runoff Election

(Lugar del día de las elecciones para la Ciudad de Schertz 9 de diciembre de 2023 elección de segunda vuelta)

Polls open 7:00 a.m. – 7:00 p.m.

(Las urnas abren de 7:00 a.m. a 7:00 p.m)

City of Schertz Election Day Location

Schertz Community Center

1400 Schertz Parkway

Schertz, Texas 78154

Bexar, Comal & Guadalupe County Voters

(Votantes de los Condados de Bexar, Comal y Guadalupe)

Early Voting (votación anticipada)

Locations of Early Voting Polling Places: Early voting by personal appearance will be conducted as listed below: (Ubicaciones de los lugares de votación anticipada: La votación anticipada en persona se llevará a cabo como se indica a continuación:)

Early Voting Dates and Hours

(fechas y horas de votación anticipada)

Monday, November 27th through Friday, December 1st, 2023.....8:00 a.m. to 5:00 p.m.

Lunes, 27 de noviembre 2023 hasta el Viernes, 1 de diciembre de 20238:00 a.m. – 5:00 p.m.

Monday, December 4, 2023 and Tuesday, December 5, 2023.....8:00 a.m. to 5:00 p.m.

Lunes, 4 de diciembre de 2023 y el martes, 5 de diciembre de 20238:00 a.m. – 5:00 p.m.

Early Voting Branch Location
(Ubicación de la sucursal de votación anticipada)

Schertz Community Center
1400 Schertz Parkway
Schertz, Texas 78154

Early Voting Branch Location
(Ubicación de la sucursal de votación anticipada)

Guadalupe County Elections Office
(Oficina de Elecciones del Condado de Guadalupe)
215 S. Milam St., Seguin, TX 78155
Phone (Teléfono) - 830-303-6363

Applications for ballots by mail shall be mailed to: (Las solicitudes de boletas de votación por correo se enviarán a:)

Guadalupe County Early Voting Clerk, Lisa Hayes
Secretaría del Condado de Guadalupe, Lisa Hayes
P.O. Box 1346
Seguin, Texas 78156-1346
Email (correo electrónico):
Website ((sitio web):

Applications for ballots by mail must be received no later than the close of business on Friday, November 24, 2023. (Las solicitudes de boletas por correo deben recibirse no mas tarde del cierre de operaciones del viernes 24 de noviembre de 2023.)

CITY COUNCIL MEMORANDUM

City Council Meeting: November 20, 2023
Department: City Secretary
Subject: **Resolution 23-R-124- Approving a Resolution to call for a Runoff Election on December 9, 2023, with Guadalupe County, Bexar County and Comal County and approving the Guadalupe County Election Contract stating that Guadalupe County will oversee the entire Runoff Election. (Mayor/Council/S.Edmondson)**

Attachments

Exhibit A -Election Results
Resolution 23-R-124 a

EXHIBIT A

Unofficial Final Results: 11/07/2023

	Early Voting			Election Day				
	Bexar	Comal	Guadalupe	Bexar	Comal	Guadalupe	Total Votes	Vote %
City Council Place 3								
Paul Macaluso	103	27	1,128	116	29	804	2,207	64.12%
Tyrone Taylor	140	35	445	151	24	440	1,235	35.88%
City Council Place 4								
Danielle Craig	29	8	278	33	6	239	593	18%
Robert Marks	32	25	188	38	13	158	454	14%
Michael Armstrong	47	19	348	52	13	274	753	23%
Tiffany Gibson	138	10	722	125	20	526	1,541	46%
City Council Place 5								
Paul J. Kendzior	63	51	550	97	30	398	1,189	34.66%
Robert Westbrook	170	15	1,042	151	25	838	2,241	65.34%
Total Votes Cast	722	190	4,701	763	160	3,677	10,213	
	Early Voting:	5,613		Election Day:	4,600			
Total Number of votes cast							10,213	

Prepared and posted this 17th Day of November, 2023 at 3:09 p.m.

Sheila Edmondson, City Secretary

RESOLUTION NO. 23-R-124

A RESOLUTION BY THE CITY COUNCIL OF SCHERTZ, TEXAS, ORDERING A RUNOFF ELECTION TO BE HELD ON DECEMBER 9, 2023, FOR CITY COUNCIL PLACE 4 AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on the 11th day of July 2023, the City Council of the City of Schertz, through adoption of Resolution 23-R-55, ordered a General Election to be held in said City on the 7th day of November 2023, in accordance with the provisions of the Charter of said city, for the purpose of electing one Councilmember for Place 3, Place 4 and Place 5; and

WHEREAS, pursuant to Texas Election Code Sec. 2.021 through 2.023, if no candidate for a place on City Council receives a majority of the vote a runoff election is required between the candidates who receive the highest and second highest number of votes; and

WHEREAS, pursuant to Schertz City Charter Section 9.03, in the event no candidate for an elective office receives a majority of the votes cast for that place in the general or special election, a runoff election shall be held between the two (2) candidates who received the greater number of votes; and

WHEREAS, a canvassing of the returns and declaring the results of a General Election held on November 7, 2023 was approved by the City Council on November 20, 2023; and

WHEREAS, the canvass determined that, in the race for Council Member Place 4, no candidate received a majority of the votes cast; and

WHEREAS, the two candidates receiving the highest number of votes for the office of Council Member Place 4 were Michael Armstrong and Tiffany M. Gibson; and

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

Section 1. That the City Council of the City of Schertz finds and declares the results of such election as per Exhibit A attached to this resolution.

Section 2. That a runoff election is hereby ordered to be held Saturday, December 9th, 2023, for the purpose of electing Council member Place 4 and

Section 3. That in accordance with Section 2.026, Notices of the Run-off Election shall be posted on the bulletin board at the Hal Baldwin Municipal Complex 1400 Schertz Parkway and on the city's website, and a like copy shall be published not later than the 15th day before Election Day in the newspaper of general circulation.

Section 4. That the terms and conditions of the joint election agreement and contract with Bexar, Comal, and Guadalupe Counties, adopted on the 11th day of July 2023, through the adoption of Resolution No. 23-R-55, shall remain in full force and effective for the City of Schertz Runoff election; and

Section 5. That Guadalupe County will oversee the City of Schertz Runoff Election for December 9, 2023 (Counties: Guadalupe, Bexar, and Comal) with a Guadalupe County Election contract and shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code and may employ other personnel necessary for the proper administration of the election; and

Section 6. That election day voting will be 7 a.m. through 7 p.m., and locations of the polling places are designated in Exhibit B attached to this resolution, but which locations may be changed by Guadalupe County, and which changes if any, are hereby made part of this resolution referenced and can be found by visiting the Guadalupe County Elections webpage at <http://www.co.guadalupe.tx.us/elections/index.php>; and visiting the City of Schertz webpage at www.schertz.com or contacting:

Lisa Hayes
Guadalupe County Elections Administrator
215 S. Milam, Sequin TX 78155
830-303-6363

Section 7. That the last day to vote for the December 9, 2023, City of Schertz Runoff Election is December 9, 2023.

Section 8. That applications for ballots by mail must be received no later than 5:00 p.m., December 9, 2023:

Guadalupe County
Lisa Hayes
Guadalupe County Elections Administrator
215 S. Milam, Sequin TX 78155

Section 9. 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 10. 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 11. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 12. 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 13. 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 14. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this _____ day of _____ 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: November 20, 2023

Department: City Secretary

Subject: Oath of Office

- **Officers-Oath of Office (S.Edmondson)**
 - **Place 3-Oath of Office to Mr. Paul Macaluso**
 - **Comments by Councilmember Macaluso**
 - **Place 5-Oath of Office to Mr. Robert Westbrook**
 - **Comments by Councilmember Westbrook**
-