

DRAFT

MINUTES REGULAR MEETING February 20, 2024

A Regular Meeting was held by the Schertz City Council of the City of Schertz, Texas, on February 20, 2024 at 6:00 p.m. in the Hal Baldwin Municipal Complex Council Conference Rooms, 1400 Schertz Parkway, Building #4, Schertz, Texas. The following members present to-wit:

Present: Chair Dana Eldridge; Vice-Chair Richard Dziewit; Commissioner Roger Booker; Commissioner Danielle Craig; Commissioner Chris Evans; Commissioner Marcus Forge; Commissioner Benjamin Guerrero; Commissioner Michele Tereletsky; Commisisoner Paul Wiley; Commissioner David Bennett

Absent: Commissioner Demetric Herron

Staff present: City Manager Steve Williams; City Attorney Daniel Santee; City Secretary Sheila Edmondson; Guest Mayor Ralph Gutierrez; Guest Councilmember Mark Davis

Call to Order

Chair Dana Eldridge called the meeting to order at 4:30 p.m.

Hearing of Residents

This time is set aside for any person who wishes to address the Charter Review Commission. 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 Charter Review Commission as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Charter Review Commission may be requested to leave the meeting.

Discussion by the Charter Review Commission 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.

No one signed up to speak.

Discussion and Action Items

1. **Minutes:** Approval of the minutes from January 16, 2024, and February 6, 2024, Charter Review meetings. (S.Edmondson)

Chair Dana Eldridge asked for a motion to approve the minutes from the January 16, 2024, and February 6, 2024, Charter Review meetings.

Vice Chair Richard Dziewit made a motion to approve the minutes from the January 16, 2024, and February 6, 2024, Charter Review meetings. Commissioner Chris Evans seconded the motion. All in favor, 10 ayes, 0 opposed. Motion passed.

2. **2.A. Review and possible action on amendments to Charter Article I**

City Attorney Dan Santee explained the strike-out changes in Article 1, Section 1.01 (b) Extension of Boundaries: Annexation of Territory. *"territory lying adjacent to the City, with or without the consent of the owners or inhabitants thereof in accordance with State law, thereby extending and enlarging the bounds and limits of the City. Such annexations shall be limited and controlled by the applicable annexation laws of the State"*

Section 1.01 (c) ii *" of real property within ~~200~~ 1,000 feet of the area to be disannexed."*

Section 1.01 (c) iii *had some grammatical corrections*

City Manager Steve Williams went over the 2 maps that show the examples of 2 properties and the impact with a 200 ft, 500 ft and 1000 ft notification range. Example 1 shows the mapping of a piece of property in a residential area that shows the notification with 200 ft marker-65 properties, 500 ft-184 properties and 1000 ft-503 properties. Example 2 shows a property on the edge of the city where the notification requirement are less: 200 ft-26 properties, 500 ft-64 properties and 1000 ft-129 properties.

Chair Dana Eldridge asked for a motion. Commissioner Danielle Craig made a motion to accept the updates in Article 1. Commissioner Paul Wiley seconded the motion. All in favor, 10 ayes, 0 opposed. Motion passed.

2. **2.B. Review and possible action on amendments to Charter Article II.**

City Attorney Dan Santee asked the Charter Review Commission to acknowledge that there were no proposed amendments to Article II.

Commissioner Chris Evans made a motion that there were no proposed amendments to Article II. Vice-Chair Richard Dziewit seconded the motion. All in favor, 10 ayes, 0 opposed. Motion passed

2. **2.C. Review and possible action on amendments to Charter Article III.**

There were no changes made to Article III. Commissioner Michele Tereletsky made a motion to approve that there were no proposed amendments to Article III. Commissioner David Bennett seconded the motion. All in favor, 10 ayes, 0 opposed. Motion passed

2.D. Review and possible action on amendments to Charter Article IV.

City Attorney Dan Santee asked the Charter Review Commission to look at everything except single-member districts.

There will be a separate discussion on single-member districts.

Section 4.02 Qualifications:

The Charter Review Commission discussed at what age a candidate must have attained by the first day of the term of office applied. There were concerns that an 18-year-old might not have the presence or experience to succeed in office.

Commissioner Marcus Forte added that an 18-year-old could serve, but could they lead? Commissioner Paul Wiley asked about the definition of residency. City Attorney Dan Santee stated that the question of residency is fluid. College students could be away at college, but could run for office in their home city/state.

Chair Dana Eldridge asked for a motion about the age of a candidate. Commissioner Michele Tereletsky made a motion to leave the age of 18 that a candidate must have attained by the first day of the term of office applied. Commissioner Chris Evans seconded the motion. All in favor, 8 ayes, 2 opposed. The City Attorney stated that this is an intervening vote, we are not voting on the whole Article. IV.

Section 4.06-Vacancies, Forfeiture, Filling of Vacancies

Chair Dana Eldridge had questions about Section 4.06 (b)(3) and three (3) regular meetings absences. Mayor Gutierrez added that currently the City Council does not approve or disapprove absences from City Council. It has never been on the agenda. City Attorney Dan Santee recommended that the Council should approve or disapprove of the absences. If the absence was excused and accepted by the Council, it would be considered an excused absence. The City of Schertz has not had an issue with Councilmembers being absent without an excuse.

Section 4.07 Prohibitions

Commissioner Marcus Forte asked about (a) Holding other Office and the Mayor or Councilmember. There were questions that this section was about a Mayor/Councilmember and being hired by the city after leaving office. The other view was the Mayor/Councilmember holding another office while serving on City Council. City Attorney Dan Santee stated he would bring back language to address this section.

(b) Appointments and Removals

City Attorney Dan Santee explained that 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, unless otherwise provided in this Charter.

(c) Interference with Administration

If there is a problem, it is best to contact the City Manager and not handle themselves. City Manager Steve Williams explained that the process in the City of Schertz is the Mayor/Councilmember reach out to City Manager Steve Williams to address any problem. The direction to city staff comes from the City Manager. The City Manager will keep the City Council informed, so everyone can participate in the governance of the city.

(d) Admission of Liability

City Attorney Dan Santee explained that the City Council or any of its members shall not accept or admit liability. If a situation arises, the City should not admit liability or pay for any claims without first obtaining a written opinion from the City Attorney regarding the City's liability.

(e) Conflicts of Interest

City Attorney Dan Santee stated that Conflicts of Interest are governed by Texas Local Government Code, Chapter 171 and 176.

(f) Attorney Client Privilege

This section discusses the waiver of attorney-client privilege.

Section 4.08 Powers of the City Council

No changes noted.

Section 4.09 Meetings and Procedures

No changes noted.

(a) Date, Time, Place and Notice.

No changes noted.

(b) Open Meetings

No changes noted.

(c) Quorum

No changes noted

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No changes noted.

(d) Rules and Procedures

Chair Dana Eldridge had question about taking minutes, public record, open to the public and closed meetings. Attorney Dan Santee explained the difference as well as the reasons for a closed meeting.

(e) Passage of Ordinances and Resolutions

City Manager Steve Williams would like the Charter Review Commission to look into having two readings to pass an ordinance. Chair Dana Eldridge asked for a

motion to have the City Attorney bring back the wording on how one reading for an ordinance would be. Ms. Michelle Tereletsy made the motion. Richard Dziejewit seconded the motion. All in favor, 10 ayes, 0 opposed. Motion passed.

3. Next Charter Review Meeting: March 5, 2024.

Adjournment

Chair Dana Eldridge adjourned the meeting at 4:53 p.m.

Dana Eldridge, Chair

ATTEST:

Sheila Edmondson, City Secretary