



**SPECIAL SESSION CITY COUNCIL
MEETING AGENDA
CANVASSING THE DECEMBER 14, 2024
SPECIAL ELECTION**

**Thursday, December 26, 2024
4:00 P.M.**

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

CITY OF SCHERTZ CORE VALUES

Do the right thing

Do the best you can

Treat others the way you want to be treated

Work cooperatively as a team

**AGENDA
THURSDAY, DECEMBER 26, 2024 at 4:00 p.m.**

Call to Order

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

Hearing of Residents

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

All handouts and/or USB devices must be submitted to the City Secretary no later than noon on the Monday preceding the meeting. Handouts will be provided to each Councilmember prior to the start of the meeting by the City Secretary. All USB devices will be vetted by City IT staff to ensure City property is protected from malware.

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 24-R-162** - Approving a Resolution to canvass the returns and declaring the results of the December 14, 2024 Special Election, and other matters in connection therewith. (Mayor/Council/S.Edmondson)

- 2. **Resolution 24-R-163** Approving a Resolution to call for a Runoff Election on January 18, 2025, 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)

Adjournment

CERTIFICATION

I, SHEREE COURNEY, DEPUTY 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 22ND DAY OF DECEMBER 2024 AT 2:40 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.

SHEREE COURNEY

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 _____, 2024.

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.

CITY COUNCIL MEMORANDUM

City Council Meeting: December 26, 2024
Department: City Secretary
Subject: Resolution 24-R-162 - Approving a Resolution to canvass the returns and declaring the results of the December 14, 2024 Special Election, and other matters in connection therewith. (Mayor/Council/S.Edmondson)

BACKGROUND

On September 24, 2024, the City Council of the City of Schertz, Texas passed Resolution 24-R-129 calling a Special Election on December 14, 2024, for the purpose of electing a Councilmember for Place 4, to fill a vacancy for a three-year term ending November 2026.

Unofficial Final Results: 12/14/2024								
	Early Voting			Election Day				
	Bexar	Comal	Guadalupe	Bexar	Comal	Guadalupe	Total Votes Cast	Vote %
City Council Place 4								
Tim Dusek								
Benjamin Guerrero								
Heather Stamper								
Paula Del Toro								
Tyrone Taylor								
Total Votes Cast								
	Early Voting:			Election Day:			Total Votes Cast	

Unofficial Final Vote Counts 12-14-2024 Sheila Edmondson, City Secretary

The total of votes cast during early voting was _____ personal appearance and absentee, and _____ votes were cast on Election Day. The total number of votes cast in this election was _____.

Council Place 4's tabulations of votes cast at the December 14, 2024, Special 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.

- or-

Council Place 4's tabulations of votes cast at the December 14, 2024, Special Election reflect that _____ is hereby declared elected to the Office of the Councilmember Place 4.

Staff recommends approval of Resolution 24-R-162.

Attachments

Res 24-R-162 Canvass

Exhibit A - Unofficial Election Results

RESOLUTION 24-R-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, APPROVING THE CANVASS OF THE DECEMBER 14, 2024 SPECIAL ELECTION AND DECLARING THE RESULTS OF SUCH ELECTION

WHEREAS, Special Election were held in the City of Schertz, Texas (the "City"), on the 14th day of December 2024 to elect a Councilmember Place 4 to fill the vacancy for a three-year term ending November 2026; 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 Special Election held on the 14th day of December 2024, for the purpose of electing one Councilmember for Place 4; and

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

Section 1: That the Special Election of the City of Schertz, Texas held December 14, 2024, 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 Councilmember for Place 4 in the Special Election held on December 14, 2024, as shown in the official canvass of the returns of said Special Election shown below reflects the following results:

	Absentee	Early Voting	Election Day	Total Votes Cast	Vote %
Tim Dusek	59	164	62	285	28.99%
Benjamin Guerrero	36	103	81	220	22.38%
Heather Stamper	58	59	47	164	16.68%
Paula Del Toro	47	70	56	173	17.60%
Tyrone Taylor	51	54	36	141	14.34%
Total Votes Cast	251	450	282	983	

Section 3. The City Council finds that the results of the Special 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 701 by personal appearance and absentee, and 282 votes were cast on Election Day. The total number of votes cast in this election was 983.

Section 5. The canvass and tabulations of votes cast at the December 14, 2024, Special Election reflect that no candidate for Councilmember 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 6. 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 7. 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 8. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. If any provision of this 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 10. 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 11. 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 _____ 2024.

City of Schertz

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

EXHIBIT A

UNOFFICIAL ELECTION RESULTS DECEMBER 14, 2024

City Council Place 4	BBM	Early Voting	Election Day	Total Votes	Vote %
Tim Dusek	59	164	62	285	28.99%
Benjamin Guerrero	36	103	81	220	22.38%
Heather Stamper	58	59	47	164	16.68%
Paula Del Toro	47	70	56	173	17.60%
Tyrone Taylor	51	54	36	141	14.34%
Total Votes Cast	251	450	282	983	

CITY COUNCIL MEMORANDUM

City Council Meeting: December 26, 2024
Department: City Secretary
Subject: Resolution 24-R-163 Approving a Resolution to call for a Runoff Election on January 18, 2025, 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 B - Notice of Runoff Election
Exhibit A - Unofficial Election Results
Res 24-R-163 Ordering Runoff

Exhibit B

January 18, 2025 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., January 18, 2025, 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 18 de enero de 2025, para votar en la elección desempate (de segunda vuelta) para un Concejal para el Lugar 4.)

Election Day Location for the City of Schertz January 18, 2025, Runoff Election

(Lugar del día de las elecciones para la Ciudad de Schertz 18 de enero de 2025 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)

Thursday, January 2nd and Friday, January 3rd, 20258:00 a.m. – 5:00 p.m.

Jueves, 2 de enero 2025 y el viernes, 3 de enero de 2025.....8:00 a.m. – 5:00 p.m.

Monday, January 6th through Friday, January 10th, 20258:00 a.m. – 5:00 p.m.

Lunes, 6 de enero de 2025 hasta viernes, 10 de enero de 2025.....8:00 a.m. – 5:00 p.m.

Monday, January 13th and Tuesday, January 14th, 20258:00 a.m. – 5:00 p.m.

Lunes, 13 de enero 2025 y el martes, 14 de enero de 2025.....8:00 a.m. – 5:00 p.m.

Main Early Voting 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 *Tuesday, January 7, 2025*. (Las solicitudes de boletas por correo deben recibirse no mas tarde del cierre de operaciones del martes 7 de enero de 2025.)

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

Schertz Community Center
1400 Schertz Parkway
Schertz, Texas 78154

EXHIBIT A

UNOFFICIAL ELECTION RESULTS DECEMBER 14, 2024

City Council Place 4	BBM	Early Voting	Election Day	Total Votes	Vote %
Tim Dusek	59	164	62	285	28.99%
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Tyrone Taylor	51	54	36	141	14.34%
Total Votes Cast	251	450	282	983	

RESOLUTION 24-R-163

A RESOLUTION BY THE CITY COUNCIL OF SCHERTZ, TEXAS, ORDERING A RUNOFF ELECTION TO BE HELD ON JANUARY 18, 2025, FOR CITY COUNCIL PLACE 4 AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, on the 24th day of September 2024, the City Council of the City of Schertz, through adoption of Resolution 24-R-129, ordered a Special Election to be held in said City on the 14th day of December 2024, in accordance with the provisions of the Charter of said city, for the purpose of electing one Councilmember for Place 4 to complete the term ending November 2026; 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 Special Election held on December 14, 2024, was approved by the City Council on December 26, 2024; 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 Tim Dusek and Benjamin Guerrero; 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, January 18, 2025, 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 10th 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 24th day of September 2024, through the adoption of Resolution No. 24-R-129, 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 January 18, 2025 (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 January 18, 2025, City of Schertz Runoff Election is January 18, 2025.

Section 8. That applications for ballots by mail must be received no later than 5:00 p.m., January 18, 2025:

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 _____ 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary