



MEETING AGENDA
City Council
SPECIAL SESSION CITY COUNCIL
November 22, 2022

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
TUESDAY, NOVEMBER 22, 2022 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.
(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.

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 No. 22-R-134** - Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas canvassing the returns and declaring the results of the November 8, 2022, General Election; and other matters in connection therewith. (Mayor/Council/S.Edmondson)
2. **Resolution No. 22-R-135**- Consideration and/or action approving a Resolution by the City Council of the City of Schertz, Texas calling the January 3, 2023, City of Schertz Joint Runoff Election with Guadalupe County, Bexar County and Comal County and approving the Guadalupe County Election Contract stating that Guadalupe County will oversee the entire Joint Runoff Election. (S.Edmondson/Council)
3. **Cancellation of the January 3, 2023-Regular City Council Meeting** - Consideration and/or action canceling the January 3, 2023, City Council meeting due to the January 3rd, 2023 City of Schertz Runoff Election for the Mayor's and Council Place 2 positions. (Mayor/S.Edmondson)

Roll Call Vote Confirmation

Oath of Office

- **Re-elected Officers-Oath of Office (S.Edmondson)**

Oath of Office to Re-Elected Councilmember Place 1-Mark E. Davis

Comments by Councilmember Davis

Adjournment

CERTIFICATION

I, SHEILA EDMONDSON, INTERIM 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 19th DAY OF NOVEMBER 2022 AT 2:30 PM, 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 _____, 2022. 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

Mayor Gutierrez Audit Committee Board of Adjustments Investment Advisory Committee Main Street Committee	Councilmember Scagliola – Place 5 Animal Advisory Commission - Alternate Cibolo Valley Local Government Corporation - Alternate Hal Baldwin Scholarship Committee Interview Committee for Boards and Commissions - Alternate Schertz-Seguin Local Government Corporation
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	Councilmember – Place 2 (VACANT)
Councilmember Whittaker – Place 3 Audit Committee Historical Preservation Committee Interview Committee for Boards and Commissions Library Advisory Board TIRZ II Board	Councilmember Dahle – Place 4 Cibolo Valley Local Government Corporation Interview Committee for Boards and Commissions Planning & Zoning Commission TIRZ II Board
Councilmember Heyward – Place 6 Animal Advisory Commission Audit Committee Building and Standards Commission Economic Development Corporation - Alternate Investment Advisory Committee Main Street Committee	Councilmember Brown – Place 7 Economic Development Corporation Main Street Committee Schertz-Seguin Local Government Corporation - Alternate

RESOLUTION NO. 22-R-134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, APPROVING THE CANVASS OF THE NOVEMBER 8, 2022 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 8th day of November 2022 to elect a Mayor and Councilmembers for Place 1, Place 2 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 administrators of the election have provided to the City, as required by applicable Texas law, the election results, as tabulated by the administrators on the night of the election; and

WHEREAS, in accordance with applicable Texas law, Mayor Ralph Gutierrez and the City Council duly canvassed the results of the election on this the 22nd day of November 2022; and

WHEREAS, as a result of the canvass, the reported votes establish the following results:

EARLY VOTING & ABSENTEE

ELECTION DAY

BEXAR		COMAL GUADALUPE		BEXAR	COMAL	GUADALUPE	TOTAL VOTES CAST
MAYOR							
Robert C. Marks, Jr.	284	92	1418	134	49	648	2625
Ralph Gutierrez	561	115	4043	200	51	1337	6307
Cedric Edwards	489	90	2206	153	30	793	3761
PLACE 1							
Mark E. Davis	993	272	6049	356	120	2227	10,017
PLACE 2							
Michelle Watson	448	96	2989	163	47	110	4843
Tiffany M. Gibson	654	74	2539	210	51	896	4424
Paul. J Kendzior	129	109	1230	58	26	424	1976

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

SECTION I

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 II

The total of votes cast during early voting was 24,880 by personal appearance and absentee, and 9073 votes were cast on Election Day. The total number of votes cast in this election was 33,953.

SECTION III

Mark E. Davis - Is hereby declared elected to the Office of Councilmember Place 1.

SECTION IV

The canvass and tabulations of votes cast at the November 8, 2022, election discloses that no candidate for Mayor or Place 2 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 Mayor's position and Place 2 on the City Council.

PASSED, APPROVED AND ADOPTED this 22nd day of November, 2022

City of Schertz

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary

RESOLUTION NO. 22-R-135

A RESOLUTION BY THE CITY COUNCIL OF SCHERTZ, TEXAS CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD IN THE CITY OF SCHERTZ ON NOVEMBER 8, 2022 AND ORDERING A RUNOFF ELECTION TO BE HELD ON JANUARY 3, 2023 FOR MAYOR AND CITY COUNCIL PLACE 2 AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, on the 5th, day of July 2022 the City Council of the City of Schertz, through adoption of Resolution 22-E-60, ordered a General Election to be held in said City on the 8th day of November 2022, in accordance with the provisions of the Charter of said city, for the purpose of electing a Mayor and electing one Councilmember for Place 1 and Place 2;

WHEREAS, that the City Council after having duly examined the Unofficial General Election Returns submitted by Bexar, Comal, and Guadalupe County finds that it is a true and correct tabulation of the election results; that the election held on November 8, 2022 was duly ordered and notice given in accordance with state law; that the election was held in the manner required by law; that only duly qualified resident voters of the City of Schertz voted in the election; and that returns of the election have been made by the proper officers; and

WHEREAS, That the canvass and tabulations of votes cast at the election for Mayor and 2 Members of City Council, held November 8, 2022, disclosed that the following candidate received a majority of votes cast at the election in his/her respective place:

Place 1-Mark Davis 10,017 votes

WHEREAS, that the canvass and tabulations of votes cast at the election discloses that no candidate for Mayor or Place 2 received sufficient votes to be elected to the City Council; and that 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 Mayor's position and Place 2 on the City Council; and

EARLY VOTING & ABSENTEE				ELECTION DAY			
BEXAR		COMAL GUADALUPE		BEXAR	COMAL	GUADALUPE	TOTAL VOTES CAST
MAYOR							
Ralph Gutierrez	561	115	4043	200	51	1337	6307
Cedric Edwards	489	90	2206	153	30	793	3761
PLACE 2							
Michelle Watson	448	96	2989	163	47	1100	4843
Tiffany M. Gibson	654	74	2539	210	51	896	4424

WHEREAS, In accordance with Section 2.026, Notices of the Joint 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.

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 it is declared and ordered that Mark Davis has been elected Member of City Council, Place 1; and

Section 3. That a runoff election is hereby ordered to be held Tuesday, January 3rd, 2023 for the purpose of electing a Mayor and Place 2 Councilmember; and

Section 4. That the terms and conditions of the joint election agreement and contract with Bexar, Comal and Guadalupe Counties, adopted on the 5th day of July 2022, through the adoption of Resolution No. 22-R-60, 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 Joint Runoff Election for January 3rd, 2023 (Counties: Guadalupe, Bexar and Comal) with a Guadalupe County Joint 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 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 3rd, 2023 City of Schertz Runoff Election is January 3, 2023.

Section 8. That applications for ballots by mail must be received no later than 5:00 p.m., January 3rd, 2023 and sent to the following:

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 22nd day of November, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, Interim City Secretary

EXHIBIT A

Unofficial Results: 11/8/2022

	Early Voting			Election Day				
	Bexar	Comal	Guadalupe	Bexar	Comal	Guadalupe	Total Votes	Vote %
Mayor								
Robert C. Marks, Jr.	284	92	1,418	134	49	648	2,625	20.68%
Ralph Gutierrez	561	115	4,043	200	51	1,337	6,307	49.69%
Cedric Edwards	489	90	2,206	153	30	793	3,761	29.63%
City Council Place1								
Mark Davis-Unopposed	993	272	6,049	356	120	2,227	10,017	100%
City Council Place 2								
Michelle Watson	448	96	2,989	163	47	1,100	4,843	43.08%
Tiffany M. Gibson	654	74	2,539	210	51	896	4,424	39.35%
Paul J. Kendzior	129	109	1,230	58	26	424	1,976	17.58%
Total Votes Cast	3,558		20,474	1,274	374	7,425	33,953	
Total Number of voter turnout								

Prepared and posted this 9th Day of November, 2022 at 1:15 a.m.

Sheila Edmondson, Interim City Secretary

JANUARY 3, 2023
(3 DE ENERAO DE 2023)

RUNOFF ELECTION
City of Cibolo, City of Schertz, City of Seguin District 8
(SEGUNDA ELECCIÓN
Ciudad de Cibolo, Ciudad de Schertz Ciudad de Seguin Distrito 8)

Early Voting Dates and Hours
(Fechas y Horarios de Votación Anticipada)

Monday, December 19th through Friday, December 23rd, 2022.....8:00 a.m. to 5:00 p.m.
Lunes, 19 de Diciembre hasta el Viernes, 23 de Diciembre de 2022.....8:00 de la mañana a las 5:00 de la tarde

Monday, December 26st through Friday, December 30th, 2022.....8:00 a.m. to 5:00 p.m.
Lunes, 26 de Diciembre de 2022 hasta el Viernes, 30 de Diciembre de 2022.....8:00 de la mañana a las 5:00 de la tarde

Main Early Voting Polling Location
(Lugar Principal de Votación Anticipada)

SEGUIN ELECTIONS OFFICE
215 S. Milam St., Seguin, TX 78155
830-303-6363

Emergency and Limited ballots available only at the main location. *(Boletas limitadas y de emergencia solamente están disponibles en este lugar.)*

Locations of Branch Early Voting Polling Locations
(Lugar de las Sucursales de Votación para la Votación Anticipada)

SCHERTZ ELECTIONS OFFICE ANNEX 1101 Elbel Road, Schertz, TX 78154

Applications for Ballot by Mail shall be mailed to: *(Las solicitudes para boletas que se votaran adelantada por correo deberan enviarse a:)* Lisa Hayes, Early Voting Clerk, 215 S. Milam St, Seguin, Texas 78155 or P. O. Box 1346, Seguin, TX 78156-1346. earlyvotingclerk@co.guadalupe.tx.us

Applications for Ballots by Mail must be received no later than the close of business on December 23, 2022.
(Las solicitudes para boletas que se votaran adelantada por correo deberan recibirse para el fin de las horas de negocio el 23 de Diciembre 2022.