

**CITY OF GONZALES, TEXAS**  
**CITY COUNCIL MEETING**  
**GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET**  
**VIA TELEPHONE CONFERENCE**  
**LIMITED IN PERSON ATTENDANCE AVAILABLE**  
**AGENDA –JANUARY 14, 2021 6:00 P.M.**

NOTICE is hereby given that, pursuant to Section 551.045 of the Texas Government Code and the March 16, 2020 order by the Governor of the State of Texas, the City Council will hold its regular meeting on Thursday, January 14, 2021 at 6:00 p.m., via teleconference in accordance with Governor Abbott's order.

This meeting notice, agenda and agenda packet are posted online at [www.gonzales.texas.gov](http://www.gonzales.texas.gov).

In accordance with Governor Abbott's Executive Order 29 issued on July 2, 2020 every person attending the meeting shall wear a face covering over the nose and mouth unless the person is under 10 years of age or has a medical condition or disability that prevents wearing a face covering.

*On March 16, 2020, Governor Abbott suspended several provisions of the Texas Open Meetings Act for the duration of his statewide declaration of disaster, including the new requirement (added by H.B. 2840 last legislative session) that the public has a right to speak on agenda items. This DOES NOT apply to statutorily-mandated public hearings, such as zoning and similar hearings. The Governor has since clarified his intent and stated that citizens should be allowed to offer comments by other means.*

*In person attendance by the public will be limited to 14 which is 50% capacity of the room less Council Members and required staff and should be separated by at least six (6) feet from other groups attending the meeting together. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.*

*Citizens wishing to offer comments on the posted agenda items may email their comments at least two hours prior to the start of the meeting and the comments will be read into the record during the time allocated for citizen comments. Emails may be sent to [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) and must include the name of the citizen*

The public toll-free dial in number to participate in the telephone conference is hosted through FreeConferenceCall.com.

Toll-free call in number: **1-844-854-2222**

When asked for an access code enter **348787#**

It is not necessary to announce yourself when you join the teleconference.

A recording of the telephone conference will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

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## CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

### CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
- Recognition of actions by City employees
- Recognition of actions by community volunteers

### 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. Individuals not able to attend due to space limitations may email the City Secretary at least two (2) hours prior to the meeting.

### PRESENTATION

- 1.1 Receive a Final Report from the Charter Review Commission in Accordance with Section 11.11 of the Gonzales City Charter.

### 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.

- 2.1 **Minutes** - Approval of the minutes for the December 10, 2020 regular meeting.
- 2.2 Approval of any council absences for the first quarter of fiscal year 2020-2021.
- 2.3 Discuss, Consider & Possible Action on **Ordinance #2021-01** Ordering a General Municipal Election to be Held on May 1, 2021, for the Purpose of Electing One City Councilmember for Single Member District No. 1 and One City Councilmember for Single Member District No. 2
- 2.4 Discuss, Consider & Possible Action on **Resolution #2021-01** Authorizing the Purchase of Taser 7's and Supporting Equipment and Authorizing the City Manager to Execute the Purchase Agreement. Buyboard number 603-20.
- 2.5 Discuss, Consider & Possible Action on **Resolution #2021-02** Authorizing the Purchase of two Chevrolet Tahoe PPV with Equipment for the Police Department and Authorizing the City Manager to Execute the Purchase Agreement. BuyBoard 601-19, HGAC RA-05-18.

### PUBLIC HEARING

- 3.1 Conduct a public hearing and consider approval of **Ordinance #2021-02** approving a request to change the zoning designation of property within the Lou's Garden Subdivision to establish an overlay Planned Development District for all of the properties within the subdivision.

*Note: Individuals will be able to speak during the public hearing via teleconference. Please email [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) to participate.*

<b><u>PROPERTY OWNER(S):</u></b>	Various
<b><u>LEGAL DESCRIPTION:</u></b>	Lou's Garden Subdivision, Block 1, Lot 1 – Block 1, Lot 23 and Block 2, Lot 1 – Block 2, Lot 18

## **RESOLUTIONS, ORDINANCES AND COUNCIL ACTION**

- 4.1 Discuss, Consider & Possible Action on **Ordinance #2021-03** Ordering a Special Election for the Purpose of Voting on the Adoption or Rejection of Proposed Amendments to the Existing Home Rule Charter of the City of Gonzales, Texas
- 4.2 Discuss, Consider & Possible Action Approving **Resolution #2021-03** Authorizing the City Manager to Enter into an Agreement for Environmental Services for the CDBG-DR Main Street Infrastructure Grant
- 4.3 Discuss, Consider and Possible Action on **Resolution #2021-04** in Support of the Removal and Replacement of Guadalupe Blanco River Authority Board Members.
- 4.4 Discuss, Consider and Possible Action on **Resolution #2021-05** in Renaming the Downtown Square Formerly Referred to as Confederate Square.
- 4.5 Discuss, Consider & Possible Action Approving **Resolution #2021-06** Approving Extended Sick Leave Benefits of Two Weeks (Up to 80 Hours) for Specified Reasons Related to COVID-19.
- 4.6 Conduct a Public Hearing and Consider Action on **Ordinance #2021-05** Amending Ordinance 95-12 Section B, Revising Section 24-307, Power Cost Adjustment Factor.
- 4.7 Discuss, Consider & Possible Action on **Resolution #2021-07** Authorizing the City Manager to Enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System.

## **STAFF/BOARD REPORTS**

- 5.1 Financial Report for the month of December 2020.
- 5.2 City Manager, Tim Patek will update the City Council on the following:
  - Status Report on Projects and Processes
  - Brush Truck Update

## **CLOSED SESSION**

- 6.1(a) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:

1. In Re Estate of J. B. Wells litigation
  2. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500
- (b) Pursuant to Section 551.074 of the Texas Government Code, the City of Gonzales will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
1. City Manager
  2. Municipal Court Judge
- (c) Pursuant to Section 551.086 of the Texas Government Code, to deliberate, vote or take final action on a competitive matter related to certain public power utilities:
1. Consider matters related to contracts for electric service
- (d) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:
1. Consider an offer to purchase unopened streets in the Original Out Town of Gonzales, East of Water street adjacent to Lots 27 and 28, Range 13 and Lots 25-28, Range 14

### **RETURN TO OPEN SESSION**

- 7.1 Discuss, Consider and Possible Action on **Resolution #2021-08** Appointing the Municipal Court Judge and Authorizing the City Manager to execute an agreement for judicial services.
- 7.2 Discuss and Consider any Action Resulting from Closed Session as Necessary

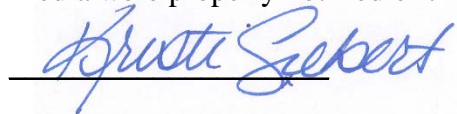
### **CITY COUNCIL REQUESTS AND ANNOUNCEMENTS**

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

### **ADJOURN**

**EXECUTIVE SESSION:** The City Council reserves the right to discuss any of the above items in Executive Closed Session if they meet the qualifications in Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, of Chapter 551 of the Government Code of the State of Texas.

CERTIFIED as posted by 4:00 p.m. on January 11, 2021. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.





## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Receive a Final Report from the Charter Review Commission in Accordance with Section 11.11 of the Gonzales City Charter.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

A home-rule city derives its power not from the state legislature, but from the Texas Constitution and has all the powers of the state not inconsistent with the Constitution, the general laws of the state, and the city's charter. Thus, home-rule cities have full power of local self-government, including the authority to do anything the legislature could authorize; however, a home-rule municipality's powers may be limited by the state legislature if the legislature decides to exercise that authority, so long as the intention by the legislature to impose limitations on the power of home-rule cities is undertaken with unmistakable clarity.

On July 9, 2020, the City Council of the City of Gonzales appointed a Charter Review Commission for the purpose of reviewing the City of Gonzales Charter. The Commission was charged to conduct an independent review of the City Charter and report to the City Council any proposed amendments based on its review.

The Charter Review Commission began meeting on October 5, 2020 for the purpose of completing its review. The Charter Review Commission met on three separate occasions. All meetings were conducted pursuant to the Texas Open Meetings Act and allowed time both at the beginning, and prior to adjournment, for citizen input. Below are the proposed amendments to the City Charter. This document and the enclosed attachments are the culmination of the Charter Review Commissions work and constitutes their Final Report.

### **MEASURE A**

#### **Section 3.16 Service on City Boards and Committees**

Neither the Mayor nor a Councilmember may serve on a City appointed committee, commission, board or other City entity unless no other qualified citizen is available for appointment as determined by a majority vote of the City Council.

#### ***PROPOSED PROPOSITION:***

An amendment to the City's home rule charter prohibiting the mayor and councilmembers from serving on a City appointed committee, commission, board or other City entity unless no other qualified citizen is available for appointment

## **MEASURE B**

### **Section 3.06 Vacancies**

B. Filling Vacancies. In the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council office, the City Council shall call a special election to fill such vacancy. If there are 90 days or less ~~than 365 days~~ remaining in the term of the vacant City Council office, the City Council may, by majority vote of the remaining Members of City Council, at its discretion, leave the office vacant or appoint a new Mayor or Councilmember to fill such vacancy ~~or call a special election to fill such vacancy~~. If there are between 90 and 365 days remaining in the term of the vacant City Council office then City Council shall, within 30 days of the vacancy occurring, by majority vote of the remaining Members of City Council, appoint an individual to the vacancy for the remaining term of the vacant office.

#### ***PROPOSED PROPOSITION:***

An amendment to the City's home rule charter requiring an appointment to City Council to a vacancy in a City Council office if there are between 90 and 365 days remaining in the term of the vacant City Council office.

## **MEASURE C**

### **Section 4.01 City Manager**

(a) Appointment and Qualifications. The city council shall appoint a city manager who shall be the chief administrative and executive officer of the city and shall be responsible to the city council for the administration of all the affairs of the city. The city manager shall be chosen by the city council solely on the basis of his/her executive and administrative training, experience and ability. ~~He/she need not, when appointed be a resident of the City of Gonzales. The city manager shall reside within the city limits during his/her tenure of office.~~

#### ***PROPOSED PROPOSITION:***

An amendment to the City's home rule charter deleting the requirement that the City Manager reside within the City limits during their term of office.

## **MEASURE D**

### **Section 4.04 Municipal Court**

(a) The judge of said court ~~shall be a qualified voter of the city~~, shall be appointed by the city council, shall hold his/her office at the pleasure of the city council and shall receive such salary as may be fixed by ordinance of the city council.

#### ***PROPOSED PROPOSITION:***

An amendment to the City's home rule charter deleting the requirement that the municipal judge be a qualified voter of the City.

## **MEASURE E**

### **Section 4.05 City Attorney**

The city council shall appoint a competent and duly licensed attorney, who is determined to be the most qualified, practicing law in the City of Gonzales, Texas, who shall to be the city attorney. He/she shall receive for his/her services such compensation as may be fixed by the city council and shall hold his/her office at the pleasure of the city council. The city attorney, or such other attorneys selected by the city council, shall represent the city in all litigation. He/she shall be the legal advisor of and attorney and counsel for, the city and all officers and departments thereof.

#### ***PROPOSED PROPOSITION:***

An amendment to the City's home rule charter requiring the City Council to select the most qualified individual to be City Attorney.

## **MEASURE F**

### **Section 8.02 Development of Property**

The city council shall cooperate in every manner possible with persons interested in the development of property within or beyond the city limits. However, no expenditure of public funds, however, shall be authorized for the development of privately-owned subdivisions situated within or beyond the corporate limits of the city, except for the extension of utilities or services to such areas and expenditure of public funds by the Economic Development Corporation as allowed by Local Government Code Chapter 501 or other expenditures authorized under the Texas Constitution and Texas laws adopted thereunder.

#### ***PROPOSED PROPOSITION:***

An amendment to the City's home rule charter authorizing the expenditure of economic development funds as authorized by state law.

**CITY OF GONZALES, TEXAS  
CITY COUNCIL MEETING  
MINUTES –DECEMBER 10, 2020**

A Special Meeting of the City Council was held on **December 10, 2020** at 12:00 p.m. via teleconference **pursuant to Section 551.045 of the Texas Government Code and in accordance with the March 16, 2020 order by the Governor of the State of Texas.**

The meeting notice, agenda and agenda packet were posted online at [www.gonzales.texas.gov](http://www.gonzales.texas.gov).

In accordance with Governor Abbott's Executive Order 29 issued on July 2, 2020 every person attending the meeting shall wear a face covering over the nose and mouth unless the person is under 10 years of age or has a medical condition or disability that prevents wearing a face covering.

*On March 16, 2020, Governor Abbott suspended several provisions of the Texas Open Meetings Act for the duration of his statewide declaration of disaster, including the new requirement (added by H.B. 2840 last legislative session) that the public has a right to speak on agenda items. This DOES NOT apply to statutorily mandated public hearings, such as zoning and similar hearings. The Governor has since clarified his intent and stated that citizens should be allowed to offer comments by other means.*

*In person attendance by the public will be limited to 14 which is 50% capacity of the room less Council Members and required staff and should be separated by at least six (6) feet from other groups attending the meeting together. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.*

*Citizens wishing to offer comments on the posted agenda items may email their comments at least two hours prior to the start of the meeting and the comments will be read into the record during the time allocated for citizen comments. Emails may be sent to [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) and must include the name of the citizen.*

**CALL TO ORDER, INVOCATION AND PLEDGE**

Mayor Kacir called the meeting to order at 6:00 p.m. and a quorum was certified.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Connie L. Kacir	Mayor	Present in person
Gary Schroeder	Council Member, District 1	Present in person
Tommy Schurig	Council Member, District 2	Present in person
Bobby O'Neal	Council Member, District 3	Present in person
Robert R. Brown, Jr.	Council Member, District 4	Present by phone

**STAFF PARTICIPATING:**

City Attorney Dan Santee, City Manager Tim Patek, Administrative Services Director/City Secretary Kristi Gilbert, Finance Director Laura Zella (via phone), Economic Development

Director Jennifer Kolbe, JB Wells Park Arena Manager Anne Dollery, Tourism Director Ashley Simper, Main Street Manager Liz Reiley, City Engineer and Police Chief Tim Crow.

### **CITY EVENTS AND ANNOUNCEMENTS**

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor  
Mayor Kacir recognized the Main Street Board and Liz Reiley for the Winterfest.
- Recognition of actions by City employees
- Recognition of actions by community volunteers

### **HEARING OF RESIDENTS**

The following individuals were present in person and spoke:

Reverend Charles Roches spoke regarding street sweeping needed in District 1 and lack of enforcement at the new stop sign.

Joe Salanski spoke regarding misinformation by GVRA and a resolution the Gonzales County Commissioners Court recently approved. Mr. Salanski asked that there be a future agenda item for the issue.

Mayor Kacir asked that the item be placed on the next Council agenda.

City Manager Tim Patek thanked the Council and the community for their support for him and his family.

### **ELECTION OF MAYOR PRO TEM**

- 1.1 Discuss, Consider & Possible Action Approving **Resolution #2020-130** Appointing a Mayor Pro Tem for the City of Gonzales.

#### **ACTION: 1.1**

#### **APPROVED**

Council Member Schurig moved to approve **Resolution #2020-130** appointing Bobby O'Neal as Mayor Pro Tem. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

### **PRESENTATION**

- 2.1 Receive an Annual Update from Victoria College  
Mr. Vince Ortiz presented the City Council with an annual update on Victoria College.

### **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.

- 3.1 Minutes - Approval of the minutes for the November 16, 2020 regular meeting.

- 3.2 Discuss, Consider & Possible Action on **Resolution #2020-131** Declaring Certain City Property Surplus and Authorizing the Sale, Donation or Destruction of Said Property in the manner most advantageous to the City of Gonzales
- 3.3 Discuss, Consider & Possible Action on **Resolution #2020-132** Authorizing the City Manager to Execute Contracts between the City of Gonzales and the Gonzales County Mental Health Advisory Board, The Edwards Association, and Gonzales County Senior Citizens Association

**ACTION: Items 3.1 to 3.3**

**APPROVED**

Council Member Schurig moved to approve the consent agenda as presented. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

**PUBLIC HEARING**

- 4.1 Conduct a public hearing and consider action on **Ordinance #2020-23** for a request to rezone a tract of land from R-1 Residential to R-2 Residential.  
*Note: Individuals will be able to speak during the public hearing via teleconference. Please email [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) to participate.*

**PROPERTY OWNER:**

Verle and Mary Williams

**LEGAL DESCRIPTION:**

Lot 2, Henry C. Schmidt, III Subdivision

**PARCEL:**

28627

Mayor Kacir opened the hearing to public comment at 6:37 p.m.

No one was signed in to speak.

Mayor Kacir stated that staff and the Planning and Zoning Commission recommended denial.

Council Member Brown stated he would like the applicant to reapply and resubmit for an

**ACTION: Item 4.1**

**DENIED**

Council Member Brown moved to deny the request. Council Member Schroeder seconded the motion.

Council Member Brown asked that the applicant reapply for something more neighborhood friendly.

Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

**RESOLUTIONS, ORDINANCES AND COUNCIL ACTION**

- 5.1 Discuss, Consider & Possible Action Approving **Ordinance #2020-26** Amending Chapter 9, Article 9.40, of the City of Gonzales Code of Ordinances by Amending Division 1 Rules of Meetings and Order of Business.

**ACTION: Items 5.1**

**APPROVED**

Council Member Schurig moved to approve Approving **Ordinance #2020-26** Amending Chapter 9, Article 9.40, of the City of Gonzales Code of Ordinances by Amending Division 1 Rules of Meetings and Order of Business. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

The Mayor moved the order of the agenda to consider Item 5.3.

- 5.3 Discuss, Consider & Possible Action adopting **Ordinance #2020-27** Amending the Articles of Incorporation of Gonzales Economic Development Corporation

Mayor Kacir stated that the amendment was to bring the Articles of Incorporation into compliance with state law.

**ACTION: Items 5.3**

**APPROVED**

Council Member O'Neal moved to approve **Ordinance #2020-27** Amending the Articles of Incorporation of Gonzales Economic Development Corporation. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 5.2 Discuss, Consider & Possible Action Approving **Resolution #2020-134** Authorizing Appointments to the Main Street Advisory Board and the Gonzales Economic Development Corporation.

**ACTION: Items 5.2**

**APPOINTMENTS**

Council Member Brown moved to appoint Pamela Jackson to the Main Street Advisory Board. Council Member Schurig second the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

Council Member Schurig moved to appoint Dan Blakemore to the Gonzales Economic Development Corporation. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Schurig, O'Neal and Kacir. Against: Brown and Schroeder. The motion passed 3 to 2.

Both appointments are reflected in **Resolution #2020-134**.

- 5.4 Discuss, Consider & Possible Action Approving **Resolution #2020-135** Approving the Job Description and Position Classification for a Communication Manager.

**ACTION: Items 5.4**

**APPROVED**

Council Member O'Neal moved to approve **Resolution #2020-135** Approving the Job Description and Position Classification for a Communication Manager. Council Member Schurig seconded the motion.

Council Member Brown stated numerous individuals had reached out to him with the suggestion to work with Victoria College to hire an intern to serve in that position.

Council Member Brown made a motion to table the item. Council Member Schroeder seconded the motion to table. For: Brown and Schroeder. Against: Schurig, O'Neal and Kacir.

Mayor Kacir called for a roll call vote on the motion to approve **Resolution #2020-135**. For: Schurig, O'Neal and Kacir. Against: Brown and Schroeder. The motion passed 3 to 2.

5.5 Discuss, Consider & Possible Action on Concession Stand Operations at J.B. Wells Arena.

Council Member O'Neal asked if issues with the previous individual could be worked out. Ms. Dollery stated she felt confident they could.

**ACTION: Items 5.5**

**APPROVED**

Council Member O'Neal moved to approve Sandra Banes to run the concession stand operations. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

5.6 Discuss, Consider & Possible Action Approving **Resolution #2020-136** Authorizing the City Manager to Enter into an Agreement for Professional Engineering Services for the CDBG-DR Grant.

**ACTION: Items 5.6**

**APPROVED**

Council Member O'Neal moved to approve **Resolution #2020-136** Authorizing the City Manager to Enter into an Agreement for Professional Engineering Services for the CDBG-DR Grant with Doucet & Associates. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

5.7 Discuss, Consider & Possible Action Approving **Resolution #2020-137** Authorizing an Appointment to the Gonzales Housing Authority.

The Mayor asked to move the item to a future agenda.

**ACTION: Items 5.7**

**NO ACTION**

No action was taken.

**STAFF/BOARD REPORTS**

3.1 Financial Report for the month of October 2020.

Finance Director Laura Zella stated the City Manager asked to determine the lost amount due to COVID-19. Ms. Zella stated she felt comfortable with amount of \$329,061 which



considered decreased sales tax, HOT funds, municipal court fines and waivers of late fees for utility payments.

3.2 City Manager, Tim Patek will update the City Council on the following:

- Update on District 1 Clean Up
- Rate Study Update
- Country Village/Harrell Addition Update
- Update on Christmas Party

### **CONVENE INTO CLOSED SESSION:**

The Council convened into closed session at 7:11 p.m. to discuss all items except the personnel items including the City Manager and Municipal Court Judge.

### **CLOSED SESSION**

7.1(a) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:

1. In Re Estate of J. B. Wells litigation
2. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500

(d) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

1. Consider an offer to purchase unopened streets in the Original Out Town of Gonzales, East of Water street adjacent to Lots 27 and 28, Range 13 and Lots 25-28, Range 14

### **RETURN TO OPEN SESSION**

The Council convened into open session at 7:49 p.m.

8.1 Discuss, Consider and Possible Action on **Resolution #2020-138** Appointing the Municipal Court Judge and Authorizing the City Manager to execute an agreement for judicial services.

No action was taken.

8.2 Discuss and Consider any Action Resulting from Closed Session as Necessary

No action was taken.

## **CITY COUNCIL REQUESTS AND ANNOUNCEMENTS**

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

## **ADJOURN**

On a motion by Council Member Schurig, the meeting was adjourned at 7:41 p.m.

Approved this 10<sup>th</sup> day of December 2020.

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Connie Kacir, Mayor

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Kristi Gilbert, City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

**Absences**-Approval of any council absences for the first quarter of fiscal year 2020-2021.

**DATE:** January 14, 2021

### **TYPE AGENDA ITEM:**

Consent

### **BACKGROUND:**

Section 3.02 of the City of Gonzales Charter states that if the mayor or any councilmember shall be absent from three consecutive regularly scheduled meetings, special meetings or council workshop meetings without valid excuse, the city council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in [Section 3.06](#) of this charter.

The Charter is not specific as to what constitutes a valid excuse. Only the City Council as a body may judge the validity of an absence by a member of the City Council. As such, absences will be brought for the City Council as a consent agenda item along with the reason provided for the absence, and a presumption that the absence is excused. Council may remove the item from consent for further discussion, debate and individual consideration of an absence if deemed merited. In the absence of such, the absence will be deemed excused upon approval of the consent agenda.

Below are the meetings conducted in the first quarter of fiscal year 2020-21.

Called Meeting – October 1, 2020 – no absences  
Regular Meeting – October 8, 2020 – no absences  
Called Meeting – October 16, 2020 – no absences  
Regular Meeting – November 12, 2020 – no absences  
Called Meeting – November 16, 2020 – Council Member Schroeder  
Regular Meeting – December 10, 2020 – no absences

### **POLICY CONSIDERATIONS:**

N/A

### **FISCAL IMPACT:**

N/A

### **ATTACHMENTS:**

N/A

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the council take the action they deem necessary.

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on **Ordinance #2021-01** Ordering a General Municipal Election to be Held on May 1, 2021, for the Purpose of Electing One City Councilmember for Single Member District No. 1 and One City Councilmember for Single Member District No. 2

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

The attached ordinance officially order the City of Gonzales is General Municipal Election for May 1, 2021 in accordance with the City's Charter and state statutes. Councilmember District 1 and 2 terms will be on the ballot. The Council is required to order the election no later than the 78th day before the election, which is February 12, 2021. Early Voting will begin April 19, 2021 at 8 a.m. and end on April 27, 2021 at 7:00 p.m. Two twelve hour days are required to be conducted for early voting as per Election Code, and will be the last two days of early voting by personal appearance as it has been in previous years.

The City will be conducting their own election, but plans to rent the equipment from Gonzales County.

### **POLICY CONSIDERATIONS:**

The ordinance ordering the election is consistent with the City of Gonzales Charter and the Texas Election Code.

### **FISCAL IMPACT:**

The Fiscal Year 2020-2021 Budget includes \$12,000 for election expenses. This was assuming half of the cost of the November 2020 election would be paid in the form of a deposit in FY 2019-2020 with the remainder being paid in this fiscal year. Gonzales County did not have the availability to pay a portion of the election in the previous year. As such, \$7,854.61 has been spent to date which includes the full amount of the November 2020 election. The cost of the general election is anticipated at approximately \$6,000 which does not include any additional costs associated with a charter amendment election. A budget amendment will be required as the costs are more clearly identified.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this ordinance.

**ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 1, 2021, FOR THE PURPOSE OF ELECTING ONE CITY COUNCILMEMBER FOR SINGLE MEMBER DISTRICT NO. 1 AND ONE CITY COUNCILMEMBER FOR SINGLE MEMBER DISTRICT NO. 2; PROVIDING FOR EARLY VOTING; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**UNA ORDENANZA DE LA CIUDAD DE GONZALES, TEXAS, QUE ORDENA LA CELEBRACIÓN DE UNA ELECCIÓN MUNICIPAL GENERAL PARA EL 1 DE MAYO DE 2021, CON EL FIN DE ELEGIR UN MIEMBRO DEL CONSEJO MUNICIPAL PARA EL DISTRITO DE MIEMBRO ÚNICO NRO. 1 Y UN MIEMBRO DEL CONSEJO MUNICIPAL PARA EL DISTRITO DE MIEMBRO ÚNICO NRO. 2; QUE DISPONE LA VOTACIÓN ANTICIPADA Y; Y QUE DISPONE OTROS ASUNTOS RELATIVOS A LA ELECCIÓN.**

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

**AHORA, POR LO TANTO, EL CONSEJO MUNICIPAL DE LA CIUDAD DE GONZALES, TEXAS ORDENA:**

Section 1. That a May 1, 2021 regular election for the purpose of one City Councilmember for Single Member District No. 1 and one City Councilmember for Single Member District No. 2 is hereby Ordered.

This Order of Election is to be posted at the Gonzales Municipal Building on the Bulletin Board used for posting notices of the meetings of the City Council.

Sección 1. Que por la presente se ordena una elección ordinaria el 1 de mayo de 2021 para el fin de elegir un Miembro del Consejo Municipal para el Distrito de Miembro Único Nro. 1 y un Miembro del Consejo Municipal para el Distrito de Miembro Único Nro. 2;

Esta Orden de Elección será colocada en el tablero de anuncios utilizado para colocar los avisos de las asambleas del Consejo Municipal del Gonzales Municipal Building.

Section 2. The present boundaries of the City constituting one (1) election precinct, the polling place for said election shall be at the Gonzales North Avenue Intermediate School, 1032 St. Joseph Street, Gonzales, Texas. The polls shall be open for voting from 7 a.m. until 7 p.m.

Sección 2. Los límites actuales de la Ciudad constituyen un (1) precinto electoral, el lugar de votación para dicha elección será en la Gonzales North Avenue Intermediate School, 1032 St. Joseph Street, Gonzales, Texas. Las casillas abrirán para votar desde las 7 a.m. hasta las 7 p.m.

Section 3. The City Secretary of the City of Gonzales shall serve as early voting clerk; the

appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with the law. The early voting polling place shall be in the building that houses the office of the City Secretary, Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas. The regular date and hours for early voting by personal appearance are weekdays Monday through Friday, except any official City holiday, 8 a.m. through 5 p.m. Early voting by personal appearance for this election shall commence April 19, 2021 at 8 a.m. and end at 7 p.m. on April 27, 2021. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two (2) weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on the final two (2) days of early voting. The office of the City Secretary for purposes of early voting shall be open from 7 a.m. until 7 p.m. on the final two days of early voting by personal appearance.

Sección 3. La Secretaria de la Ciudad de la Ciudad de Gonzales actuará como oficial de votación anticipada; la designación de un suboficial o suboficiales para la votación anticipada por la Secretaria de la Ciudad se hará en conformidad con la ley. El lugar para votar durante la votación anticipada será en el edificio que alberga la oficina de la Secretaria de la Ciudad, es decir, Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas. Las fechas y horarios habituales de votación anticipada en persona son los días de semana, de lunes a viernes, salvo cualquier feriado oficial de la Ciudad, de 8 a.m. a 5 p.m. La votación anticipada en persona para esta elección comenzará el 19 de abril de 2021 a las 8:00 a.m. y terminará el 27 de abril de 2021 a las 7:00 p.m. Según lo requiere la Sección 85.005(d) del Código Electoral, la votación anticipada en persona en el principal lugar de votación de la votación anticipada se realizará por un mínimo de 12 horas durante dos (2) días de semana, si el periodo de votación anticipada consta de seis o más días de semana; por tanto, la votación anticipada en persona se realizará por 12 horas los últimos dos (2) días de la votación anticipada. La oficina de la Secretaria de la Ciudad a efectos de la votación anticipada abrirá desde las 7 a.m. hasta las 7 p.m. los últimos dos días de votación anticipada en persona.

Section 4. The applications for voting by mail can be submitted anytime during the year of the election for which the ballot is requested (EC§84.007(c)) but must be received no later than the close of business on April 20, 2021. Requests for applications for voting by mail should be mailed to the attention of the Early Voting Clerk, P.O. Box 547, Gonzales, Texas.

Sección 4. Las solicitudes para votar por correo postal pueden ser enviadas en cualquier momento durante el año de la elección para la que se solicita la boleta (EC§84.007(c)), pero deben ser recibida a más tardar al cierre del horario de oficina el 20 de abril de 2021. Los pedidos de solicitudes para votar por correo postal deberían ser enviados a la atención de Early Voting Clerk, P.O. Box 547, Gonzales, Texas.

Section 5. All ballots shall be prepared in accordance with Texas Election Code. Paper ballots shall be used for early voting by mail and for provisional ballots. The ExpressVote BMD with DS200 scanner shall be used for early voting by personal appearance and voting on Election Day. The City Council hereby adopts for use in early voting and Election Day voting the ExpressVote BMD with DS200 Scanner as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the

employment of all election officials is hereby authorized.

Sección 5. Todas las boletas de votación serán preparadas de acuerdo con el Código Electoral de Texas. Se usarán boletas de papel para la votación anticipada por correo y para boletas de votación provisorias. Para la votación anticipada en persona y para la votación el Día de la Elección se utilizará ExpressVote BMD con escanér DS200. Por la presente el Consejo Municipal adopta para uso en la votación anticipada y la votación del Día de la Elección el ExpressVote BMD con escanér DS2000 según lo aprobó la Secretaria de Estado. Por la presente se autorizan todos los gastos necesarios para la realización de la elección, la compra de materiales para la misma y el empleo de todos los funcionarios electorales.

Section 6. Proper Notice of General Election shall be posted in English and in Spanish, not later than the 21st day before such election at the Gonzales Municipal Building on the Bulletin Board used for posting notices of the meetings of the City Council; shall be delivered to the county election officials in which the political subdivision is located not later than the 60th day before its scheduled election day; and shall be published at least once, not earlier than the 30th or later than the 10th day before such election day in the Gonzales Inquirer, a newspaper of general circulation, published in the City of Gonzales.

Sección 6. El Aviso de Elección General adecuado será colocado en inglés y en español, a más tardar el 21.<sup>er</sup> día antes de dicha elección en el tablero de anuncios utilizado para colocar los avisos de las asambleas del Consejo Municipal del Gonzales Municipal Building utilizado; será entregado a los funcionarios electorales del condado en donde se encuentra la subdivisión política a más tardar el 60.<sup>o</sup> día anterior a su día de elección programado; y será publicado al menos una vez, no antes del 30.<sup>o</sup> ni después del 10.<sup>o</sup> día anteriores a dicho día de elección en el Gonzales Inquirer, un periódico de circulación general, publicado en la Ciudad de Gonzales.

Section 7. Said election shall be held in accordance with Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Sección 7. Dicha Elección se llevará a cabo de acuerdo con el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965 y sus enmiendas.

Section 8. All ordinances, or part 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 ordained herein for the period of time stated.

Sección 8. Por la presente se revocan todas las ordenanzas, o partes de estas, que estén en conflicto o sean incompatibles con cualquier disposición de esta Ordenanza en la medida de dicho conflicto, y las disposiciones de esta Ordenanza regirán y seguirán rigiendo los asuntos ordenados en ella por el periodo de tiempo declarado.

Section 9. It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional

by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sección 9. Por la presente se declara que es intención del Consejo Municipal de la Ciudad que las frases, cláusulas, oraciones, párrafos y secciones de esta Ordenanza sean divisibles, y si cualquier frase, cláusula, oración, párrafo o sección de esta Ordenanza fuera declarado inconstitucional por el fallo o decreto válido de cualquier tribunal con competencia jurisdiccional, dicha inconstitucionalidad no afectará ninguna de las frases, cláusulas, oraciones, párrafos o secciones restantes de esta Ordenanza, debido a que la misma hubiera sido promulgada por el Consejo Municipal sin la incorporación en esta Ordenanza de cualquiera de esas frases, cláusulas, oraciones, párrafos o secciones inconstitucionales.

Section 10. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

Sección 10. Por la presente se halla y se determina oficialmente que la asamblea en la cual esta Ordenanza fue adoptada estuvo abierta al público y que se dio aviso público de la hora, el lugar y el propósito de dicha asamblea según lo exige la Ley de Asambleas Públicas en el Capítulo 551 del Código de Gobierno de Texas y sus enmiendas.

Section 11. This ordinance shall become effective immediately upon its passage.

Sección 11. Esta ordenanza entrará en vigencia inmediatamente después su aprobación

**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 14<sup>th</sup> DAY of JANUARY, 2021.**

**ACEPTADA, ADOPTADA, APROBADA Y VIGENTE EL 14 DE ENERO DE 2021.**

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Mayor (Alcaldesa), Connie L. Kacir

ATTEST (ATESTIGUA):

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City Secretary (Secretaria de la Ciudad)



## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2021-01 Authorizing the Purchase of Taser 7's and Supporting Equipment and Authorizing the City Manager to Execute the Purchase Agreement. Buyboard number 603-20.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

On September 10, 2020 the City Council of the City of Gonzales Approved the Operating Budget for the City of Gonzales for the Fiscal Year Beginning October 1, 2020 and ending September 30, 2021.

The Police Department needs to replace outdated Tasers and equipment. Pricing was obtained from Axon Enterprise, Inc. who is BuyBoard vendor 603-20 which assists local governments in reducing costs through this government-to-government procurement service available nationwide.

### **FISCAL IMPACT:**

The funds are currently budgeted in Vehicles/Equipment GL Account 100-7-501.610 which has a budgeted balance of \$38,455.00 in the 2020-2021 Fiscal Year Budget and that was verified with the Finance Director. The price for the new Taser 7's and equipment.

### **POLICY CONSIDERATIONS**

Utilizing BuyBoard pricing is consistent with city policies.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends approval for a purchase order on the purchase of Taser 7's and equipment.

## **RESOLUTION NO. 2021-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE PURCHASE OF TASER 7'S AND ASSOCIATED EQUIPMENT FOR THE POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Gonzales Police Department is in need of replacing outdated tasers and associated equipment necessary for daily operations; and,

**WHEREAS**, as set forth in the City's Fiscal and Budgetary Policy, all City purchases and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas; and,

**WHEREAS**, the pricing for Taser 7's and associated equipment was obtained through Buy Board Purchasing Program which assists local governments in reducing costs through a government-to-government procurement services; and,

**WHEREAS**, the budgeted amount in the 2020-2021 Fiscal Year is \$38,455.0; and,

**WHEREAS**, the total cost of the replacement Taser 7's and associated equipment is \$31,080.00; and,

**WHEREAS**, the City Council hereby finds that purchasing the replacement Taser 7's and associated equipment is in the best interest of the health, safety and welfare of the citizens of the City of Gonzales.

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

Section 1. 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 2. The City Council of the City of Gonzales, Texas hereby authorizes the purchase of Taser 7's and associated equipment for the Police Department in an amount not to exceed \$31,080.00 and authorizes the City Manager to execute a purchase agreement.

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 APPROVED this 14<sup>th</sup> day of January 2021.**

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Connie Kacir, Mayor

ATTEST:

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City Secretary



**Axon Enterprise, Inc.**  
17800 N 85th St.  
Scottsdale, Arizona 85255  
United States  
Phone: (800) 978-2737

**Q-253895-44195.631AS**

Issued: 12/30/2020



**Quote Expiration: 12/31/2020**

**Account Number: 109241**

Payment Terms: Net 30  
Delivery Method: Fedex - Ground

**SHIP TO**

Tammy West  
Gonzales Police Dept. - TX  
716 ST. PAUL ST  
GONZALES, TX 78629  
US

**BILL TO**

Gonzales Police Dept. - TX  
716 ST. PAUL ST  
GONZALES, TX 78629  
US

**SALES REPRESENTATIVE**

Adam Smith  
Phone: (480) 463-2201  
Email: asmith@taser.com  
Fax: (480) 463-2201

**PRIMARY CONTACT**

Tammy West  
Phone: (830) 672-8686  
Email: twest@gonzales.texas.gov

**Year 1**

Item	Description	Term (Months)	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages</b>						
20248	TASER 7 EVIDENCE.COM ACCESS LICENSE	60	1	0.00	0.00	0.00
20248	TASER 7 EVIDENCE.COM ACCESS LICENSE	60	12	0.00	0.00	0.00
<b>Hardware</b>						
20160	TASER 7 HOLSTER - SAFARILAND, RH+CART CARRIER		9	0.00	0.00	0.00
20161	TASER 7 HOLSTER - SAFARILAND, LH+CART CARRIER		3	0.00	0.00	0.00
80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7		1	0.00	0.00	0.00
20008	TASER 7 HANDLE, HIGH VISIBILITY (GREEN LASER), CLASS 3R		12	0.00	0.00	0.00
20040	TASER 7 HANDLE WARRANTY, 4-YEAR		12	0.00	0.00	0.00
20018	TASER 7 BATTERY PACK, TACTICAL		14	0.00	0.00	0.00
20041	TASER 7 BATTERY PACK WARRANTY, 4-YEAR		14	0.00	0.00	0.00
20042	TASER 7 DOCK & CORE WARRANTY, 4-YEAR		1	0.00	0.00	0.00
70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK		1	0.00	0.00	0.00
74200	TASER 7 6-BAY DOCK AND CORE		1	0.00	0.00	0.00

## Year 1 (Continued)

Item	Description	Term (Months)	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Hardware (Continued)</b>						
22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE)		60	38.00	38.00	2,280.00
<b>Other</b>						
20240	TASER 7 BASIC BUNDLE PAYMENT	60	12	2,400.00	2,400.00	28,800.00
20247	TASER 7 ONLINE TRAINING CONTENT ACCESS LICENSE	60	12	0.00	0.00	0.00
80087	TASER 7 TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)		1	0.00	0.00	0.00
Subtotal						31,080.00
Estimated Shipping						0.00
Estimated Tax						0.00
Total						31,080.00
<b>Grand Total</b>						<b>31,080.00</b>

## Notes

BuyBoard 603-20 used for pricing and purchasing justification.

Purchase of TASER 7 are governed by the TASER 7 Agreement located at <https://www.axon.com/legal/sales-terms-and-conditions> and not the Master Services and Purchasing Agreement referenced below.

Tax is subject to change at order processing with valid exemption.

## Axon's Sales Terms and Conditions

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at [www.axon.com/legal/sales-terms-and-conditions](http://www.axon.com/legal/sales-terms-and-conditions)), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

<b>Signature:</b>	_____	<b>Date:</b>	_____
<b>Name (Print):</b>	_____	<b>Title:</b>	_____
<b>PO# (Or write N/A):</b>	_____		

Please sign and email to Adam Smith at [asmith@taser.com](mailto:asmith@taser.com) or fax to (480) 463-2201

Thank you for being a valued Axon customer. For your convenience on your next order, please check out our online store [buy.axon.com](http://buy.axon.com)

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		SFDC Contract #:
		Order Type:
		RMA #:
		Address Used:
		SO #:
Review 1	Review 2	
Comments:		

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on **Resolution #2021-02** Authorizing the Purchase of two Chevrolet Tahoe PPV with Equipment for the Police Department and Authorizing the City Manager to Execute the Purchase Agreement. BuyBoard 601-19, HGAC RA-05-18

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

On September 10, 2020, the City Council of the City of Gonzales Approved the Operating Budget for the City of Gonzales for the Fiscal Year Beginning October 1, 2020 and ending September 30, 2021.

The Police Department needs to replace two Chevrolet Caprice PPV to include necessary equipment and radios. Pricing was obtained from BuyBoard and Houston-Galveston Area Council (HGAC) Purchasing Program which assists local governments in reducing costs through this government-to-government procurement service available nationwide.

### **FISCAL IMPACT:**

The funds are currently budgeted in Vehicles/Equipment GL Account 100-7-501.608 which has a budgeted balance of \$112,380.00 in the 2020-2021 Fiscal Year Budget and that was verified with the Finance Director. The price for two new Tahoe PPVs equipped with lights is \$83,616.18. The Motorola Radios are \$12,194.62. We will have to install some of our equipment into the vehicle such as a camera and radars. We will also have to purchase two Motorola mobile radios for the units along with gun racks, equipment drawers, and iPad mounts.

### **POLICY CONSIDERATIONS**

Utilizing BuyBoard and HGAC pricing is consistent with city policies.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends approval for a purchase order on the purchase of two Chevrolet Tahoe PPV and Motorola Radios.

**RESOLUTION NO. 2021-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE PURCHASE OF TWO NEW TAHOE PPVS EQUIPPED WITH LIGHTS AND MOTOROLA RADIOS FOR THE POLICE DEPARTMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Gonzales Police Department is in need of purchasing two new Tahoe PPVs equipped with lights and Motorola Radios necessary for daily operations; and,

**WHEREAS**, as set forth in the City's Fiscal and Budgetary Policy, all City purchases, and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas; and,

**WHEREAS**, the pricing for two new Tahoe PPVs equipped with lights was obtained through BuyBoard Purchasing Program which assists local governments in reducing costs through a government-to-government procurement service; and,

**WHEREAS**, the pricing for Motorola Radios was obtained through Houston-Galveston Area Council (HGAC) Purchasing Program which assists local governments in reducing costs through a government-to-government procurement service; and,

**WHEREAS**, the budgeted amount in the 2020-2021 Fiscal Year is \$112,380.00; and,

**WHEREAS**, the total cost for two new Tahoe PPVs equipped with lights is \$83,616.18; and,

**WHEREAS**, the total cost for Motorola Radios to be installed in the vehicles is \$12,194.62; and,

**WHEREAS**, the City Council hereby finds that purchasing the two new Tahoe PPVs equipped with lights and Motorola Radios is in the best interest of the health, safety, and welfare of the citizens of the City of Gonzales.

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

Section 1. 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 2. The City Council of the City of Gonzales, Texas hereby authorizes the purchase of two new Tahoe PPVs equipped with lights for \$83,616.18 and two Motorola Radios to be installed in the vehicles for \$12,194.6 and authorizes the City Manager to execute a purchase agreement.



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 APPROVED this 14<sup>th</sup> day of January 2021.**

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Connie Kacir, Mayor

ATTEST:

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City Secretary

**CALDWELL COUNTRY CHEVROLET**

800 HWY. 21 E. CALDWELL, TEXAS 77836

BUYBOARD BID 601-19

QUOTE #CC201577

End User: CITY OF GONZALES

Caldwell Rep: CHRIS COLLINS

Contact: TIMOTHY L. CROW 830-672-8686

Phone: 979-567-6129

Phone/email: [TCROW@GONZALES.TEXAS.GOV](mailto:TCROW@GONZALES.TEXAS.GOV)

Date: Thursday, December 3, 2020

Product Description: CHEVY TAHOE BASE PPV

email: [chris@caldwellcountry.com](mailto:chris@caldwellcountry.com)

A. Bid Series: 31

A. Base Price: \$ 34,975.00

## B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
CC10706	21 TAHOE 2WD PPV	INCL		TRAILER HITCH	INCL
	5.3L V8 GAS E85	INCL		TRI-ZONE AIR CONDITIONING	INCL
	10 SPEED AUTOMATIC TRANS	INCL		FRONT BUCKET SEATS CLOTH	INCL
5T5	VINYL REAR SEAT	INCL		AC & HEAT; AM/FM RADIO/CD	INCL
7X3	LH LED SPOTLIGHT	INCL		CRUISE CONTROL	INCL
6J7	FLASHER SYSTEM	INCL		POWER WINDOWS & LOCKS	INCL
	GVWR 7200 LBS	INCL		KEYLESS ENTRY	INCL
	REAR AXLE 3.23 RATIO	INCL		POLICE RATED TIRES & WHEELS	INCL
	BLUETOOTH W/ 8" TOUCHSCREEN	INCL		120V POWER OUTLET	INCL
	HEAVY DUTY BRAKE SYSTEM	INCL		REAR PARK ASSIST	INCL
	DUAL BATTERIES	INCL		HD REAR VISION CAMERA	INCL
Total of B. Published Options:					\$ -

## C. Unpublished Options [Itemize each below, not to exceed 25%]

\$= 0.0 %

Options	Bid Price	Options	Bid Price
		GAZ- SUMMIT WHITE	EXT COLOR
		H1T- JET BLACK CLOTH SEAT TRIM	INT COLOR
		Q1-Q2 2021	DELIVERY
Total of C. Unpublished Options:			\$ -

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, &amp; Runner time: INCLUDED \$ -

E. UPFITTERS: CAPFLEET UPFITTERS CAPQ63193 \$ 6,633.09

F. Manufacturer Destination/Delivery: \$ -

G. Floor Plan Interest (for in-stock and/or equipped vehicles): \$ -

H. Lot Insurance (for in-stock and/or equipped vehicles): \$ -

I. Contract Price Adjustment: \$ -

J. Additional Delivery Charge: 0 miles INCLUDED \$ -

K. Subtotal: \$ 41,608.09

L. Quantity Ordered 2 x K = \$ 83,216.18

M. Trade in: \$ -

N. BUYBOARD FEE PER PURCHASE ORDER \$ 400.00

O. TOTAL PURCHASE PRICE WITH BUYBOARD FEE \$ 83,616.18

January 14, 2021 Agenda Packet 30

Billing Address:  
GONZALES, CITY OF  
716 ST PAUL  
GONZALES, TX 78629  
US

Shipping Address:  
VICTORIA COMMUNICATION  
SERVICES  
302 KERH BLVD  
VICTORIA, TX 77904  
US

Quote Date:12/04/2020  
Expiration Date:03/04/2021  
Quote Created By:  
Anita Thakar Scroggins  
SALES  
anita.scroggins@  
vcscompanies.com  
361-570-9322  
  
End Customer:  
GONZALES, CITY OF  
CHIEF CROW  
TCROW@GONZALES.TEXAS.GOV  
830-672-8686

Delivery Address:  
VCS COMPANIES  
302 KERH BLVD  
VICTORIA, TX 77904  
US

End Customer Address:  
GONZALES, CITY OF  
411 ST LAWRENCE  
GONZALES, TX 78629  
US

Contract: 17724 - HGAC (TX)  
RFQ Number:HGAC RA-05-18  
Payment Terms:30 NET

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
APX™ 8500						
1	M37TXS9PW1AN	APX8500 ALL BAND HP MOBILE	2	\$5,620.00	\$4,102.60	\$8,205.20
1a	G832AD	ADD: SPKR 7.5W WTR RST APEX	2	\$60.50	\$44.17	\$88.34
1b	GA00250AA	ADD: WIFI/GNSS STUBBY ANTENNA LMR240	2	\$100.00	\$73.00	\$146.00
1c	GA01513AB	ADD: ALL BAND MOBILE ANTENNA (7/8/V/U)	2	\$95.00	\$69.35	\$138.70
1d	G78AT	ENH: 3 YEAR ESSENTIAL SVC	2	\$176.40	\$176.40	\$352.80
1e	GA05509AA	DEL: DELETE UHF BAND	2	-\$800.00	-\$584.00	-\$1,168.00
1f	G444AH	ADD: APX CONTROL HEAD SOFTWARE	2	\$0.00	\$0.00	\$0.00
1g	GA01517AA	DEL: NO J600 ADAPTER CABLE NEEDED	2	\$0.00	\$0.00	\$0.00



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

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Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
1h	G806BL	ENH: ASTRO DIGITAL CAI OP APX	2	\$515.00	\$375.95	\$751.90
1i	GA01670AA	ADD: APX E5 CONTROL HEAD	2	\$572.00	\$417.56	\$835.12
1j	W22BA	ADD: STD PALM MICROPHONE APX	2	\$72.00	\$52.56	\$105.12
1k	G193AK	ADD: ADP ONLY (NON-P25 CAP COMPLIANT) (US ONLY)	2	\$0.00	\$0.00	\$0.00
2	LSV00Q00202A	DEVICE PROGRAMMING	2	\$71.43	\$71.43	\$142.86
3	LSV00Q00203A	DEVICE INSTALLATION	2	\$714.29	\$714.29	\$1,428.58
1l	G48BB	ENH: CONVENTIONAL OPERATION APX	2	\$800.00	\$584.00	\$1,168.00

Grand Total

\$12,194.62(USD)

## Notes:

- **PLEASE BE ADVISED:** Motorola Solutions is moving towards being more environmentally green and emailing invoices. You may receive an email invoice instead of a mailed invoice, depending on the purchase. In addition, the invoice may have a new address for submitting payments. If you have any questions or would like to change where your electronic invoices will be delivered, please contact your credit analyst or dial 800-422-4210.





## COUNCIL AGENDA ITEM BRIEFING DATA



## AGENDA ITEM

Conduct a public hearing and consider approval of **Ordinance #2021-02** approving a request to change the zoning designation of property within the Lou's Garden Subdivision to establish an overlay Planned Development District for all of the properties within the subdivision.

**DATE:** January 14, 2021

---

### **BACKGROUND:**

The City has been made aware of several issues individual property owners may have with the location of their houses in relation to front, side and rear yard setbacks. The current zoning district requires a minimum ten (10) foot setback for all structures from side property lines, twenty-five (25) foot setback from rear property lines and twenty (20) foot setback from front property lines. It also requires a minimum lot width of fifty (50) feet and a minimum lot depth of 125 feet. With these requirements, it is suspected that most of the constructed structures are not in compliance with the zoning regulations. This could lead to issues if a property owner wants to build a shed, add-on, remodel, or if there is a need to rebuild due to damage from a fire or other disaster. Additionally, there is a requirement that the maximum lot coverage for any lot is 33% of the lot area. Most of the lots are 6,000 square feet which means the maximum amount of area that can be covered by a building foundation, porch or other accessory structure is 1,980 square feet.

The City has elected to initiate a zoning change on behalf of all property owners within the Lou's Garden Subdivision to create a Planned Development District (PDD) to decrease the requirements for the properties involved. This district would be an overlay of the current R-1 Residential District standards. This would not change any uses for the properties involved. This will only change the required building setbacks, lot size, lot coverage and other similar items. Included is a comparison of current versus proposed changes.

**PROPERTY OWNER:** Various  
**LEGAL DESCRIPTION:** Lou's Garden Subdivision

A notice was published in the newspaper on December 3, 2020 and notices were mailed to property owners within 200' of the subject property on November 30, 2020. Fifty-five (55) property owners were notified of the zoning change. As of preparation of the staff report, one property owner filed a letter of objection to the change and three property owners filed a letter of no objection.

#### Surrounding property:

North: R-1 Residential 1 District – Vacant land  
East: R-1 Residential 1 District – Single family homes  
South: R-1 Residential 1 District – Single family homes  
West: C-2 Heavy Commercial – Miscellaneous Structures and Vehicle Storage

### **WRITTEN REPORT FROM THE PLANNING & ZONING COMMISSION:**

The Planning and Zoning Commission is scheduled to meet on Monday, January 11, 2021 to conduct a public hearing and make a recommendation to the City Council. The City Council will receive a written report from the Commission after the meeting has concluded.

## **STAFF RECOMMENDATION:**

Staff has solicited input from the Building Official, Fire Marshal, City Engineer and Planning Consultant. All have recommended approval of the proposed changes. Section 14.804(e)(1) specifies factors to consider in the approval criteria for a Planned Development District which staff is of the opinion are satisfied. These include:

- (A) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances warranting a PD district classification.

*The special circumstance of Section 14.308.2(b)(7-8) are both met. Which specifies that the character is in the community's best interest to encourage high quality development and the land consists of some unusually configured parcels that cannot be developed efficiently under the base district standards.*

- (B) The extent to which the proposed PD district furthers the policies of the city's adopted comprehensive plan (as amended) and other formally adopted city planning documents.

*The subdivision was approved in 2012 and meets the city's adopted comprehensive plan.*

- (C) The extent to which the proposed PD district will result in a superior development than could be achieved through conventional zoning classifications.

*Much of the subdivision is developed with single-family homes that are of a superior quality.*

- (D) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.

*The proposed PD will resolve compatibility issues within the currently developed subdivision.*

- (E) The extent to which proposed uses and the configuration of uses depicted in the concept plan are compatible with existing and planned adjoining uses;

*The proposed uses remain as single-family residential which is compatible with existing and planned adjoining uses.*

- (F) The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and

*The Lou's Garden Subdivision was approved in 2012 and infrastructure has been in place for several years. This will result in no additional impact to water, wastewater, transportation, drainage or other public facilities than the current homes.*

- (G) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

*There are no proposed open space or recreational amenities as this a subdivision that has already been platted and is nearly built out.*

**ATTACHMENTS:**

Proposed Ordinance with standards

Public Hearing Notice to Property Owners and Exhibit

Objection/No Objection letters



## **ORDINANCE NO. 2021-02**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AMENDING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 8.798 ACRES OF LAND FROM R-1 SINGLE FAMILY RESIDENTIAL, TO PLANNED DEVELOPMENT DISTRICT (PDD).**

**WHEREAS**, the City has initiated a rezone of approximately 8.798 acres of land identified as the Lou's Garden Subdivision generally located at the intersection of Seydler Street and Yellow Rose Way and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the "Property"); and

**WHEREAS**, the City's Zoning Regulations Section 14.804(e)(1) provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a zone change (the "Criteria"); and

**WHEREAS**, on January 11, 2021, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation of \_\_\_\_ of the rezoning according to the development standards set forth in Exhibit C attached herein (the "Development Standards"); and

**WHEREAS**, on January 14, 2021, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be \_\_\_\_\_ as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS THAT:**

Section 1. 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 2. The Property as shown and more particularly described in the attached Exhibit A, is hereby zoned Planned Development District (PDD) and assigned PDD-01.

Section 3. The Official Zoning Map of the City of Gonzales, shall be revised to reflect the above amendment.

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.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Gonzales, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Gonzales except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 14<sup>th</sup> DAY of JANUARY 2021.**

By: \_\_\_\_\_  
Connie Kacir, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

## **EXHIBIT “A” LEGAL DESCRIPTION**

Lou’s Garden Subdivision, Block 1, Lots 1 -23

Lou’s Garden Subdivision, Block 2, Lots 1-18

**EXHIBIT “B”  
DEPICTION**



**EXHIBIT “C”**  
**Lou’s Garden Planned Development District**

**Property within the Lou’s Garden Planned Development District will develop in accordance with the base zoning of Residential 1 district (R-1) with modifications to the lot dimensional requirements. The lot dimensional requirements will be as follows:**

**LOT REGULATIONS**

<b>Dist.</b>	<b>Min. Lot Area (Gross)</b>	<b>Area/DU or Structure</b>	<b>Lot Width</b>	<b>Lot Depth</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Exterior Side Yard</b>	<b>Rear Yard</b>	<b>Max. Lot Coverage</b>	<b>Max. Height</b>
Planned Development District (R-1 Base Zoning)	5,600 SF	5,600 SF	40'	85'	20' min. (A)	(1) 3' (2) 5'	5'	10'	50%	2.5 stories or 35'
(1)	Interior lot									
(2)	Corner lot									
A.	Up to 20% of the width of the structure may encroach into the front yard setback by eight (8) feet.									

# PUBLIC HEARING NOTICE

## CITY OF GONZALES CITY COUNCIL

The City Council of the City of Gonzales, by this instrument, notifies the public of a PUBLIC HEARING on a city-initiated request presented for Planning and Zoning recommendation and City Council action on the following project:

The below listed properties are currently zoned R-1 Residential District and the City of Gonzales is initiating a zoning change to establish an overlay Planned Development District for all of the properties within the Lou's Garden subdivision to establish minimum setbacks, minimum lot depths, maximum lot coverage, minimum lot area and other development standards to allow the existing properties to be in compliance with the city's zoning regulations while maintaining the base zoning of R-1 Residential District.

### **LEGAL DESCRIPTION:**

Lou's Garden Subdivision, Block 1, Lot 1 – Block 1, Lot 23  
Block 2, Lot 1 – Block 2, Lot 18

The Planning & Zoning Commission will hold a **Public Hearing January 11, 2020 at the Gonzales City Hall, 820 St. Joseph St. at 5:15 p.m.**, to allow for public comment on the application to rezone the listed properties. After consideration and recommendation by Planning & Zoning Commission and the Public Hearing, the application for rezoning will be presented to **City Council for a Public Hearing and possible approval on January 14, 2021 at 6:00 p.m. at the Gonzales City Hall, 820 St. Joseph St.**

The City Council encourages citizens to participate in the public comment and public hearing process for all applications for zoning or rezoning before the City Council. Citizens unable to attend meetings may submit their views to Kristi Gilbert, City Secretary for the City of Gonzales, by mailing them to P.O. Drawer 547, Gonzales, TX 78629. For additional information, contact the City Secretary office at (830)-672-2815.

# CITY OF GONZALES



820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

December 16, 2020

**\*\*Revised to Change Planning and Zoning Meeting Date, it is not necessary to submit new comments if you have already done so.**

[Owner]

NOTICE IS HEREBY GIVEN THAT: Your property located at [Address] has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

The below listed properties are zoned R-1 Residential District and the City of Gonzales has initiated a request to rezone the property to a Planned Development District. The full legal description of all properties involved and a guide on the proposed changes is enclosed for your reference. The stated purpose of the request is to allow for reduced setbacks, reduced lot dimensions and reduced lot area for the subject properties. A location map of the property is included on the reverse of this letter.

**PROPERTY OWNER:** Various

**LEGAL DESCRIPTION:** Lou's Garden Subdivision (see attached for full legal description)

The Planning & Zoning Commission will hold a **Public Hearing January 11, 2021 at the Gonzales City Hall, 820 St. Joseph St. at 5:15 p.m.**, to allow for public comment on the application to rezone the listed property. After consideration and recommendation by Planning & Zoning Commission and the Public Hearing, the application for rezoning will be presented to **City Council for a Public Hearing and possible approval on January 14, 2021 at 6:00 p.m. at the Gonzales City Hall, 820 St. Joseph St.**

The City Council encourages citizens to participate in the public comment and public hearing process for all applications for zoning or rezoning before the Planning & Zoning Commission and City Council. Citizens unable to attend meetings may submit their views to Kristi Gilbert, City Secretary for the City of Gonzales, by mailing them to P.O. Drawer 547, Gonzales, TX 78629. For additional information, contact the City Secretary office at (830)-672-2815.

Any property owner having any objections or comments to this change may so state his/her objections or comments in writing and return this form to the City of Gonzales, P.O. Box 547, Gonzales, Texas 78629 or citysecretary@gonzales.texas.gov by **January 7, 2021**. A property owner may appear before the commission and verbally state any objections or comments at 820 St. Joseph, Gonzales, Texas 78629 at the date and time of the meeting stated below. For additional information, contact the City Secretary's office at (830)-672-2815.

**PLEASE CHECK ONE OF THE FOLLOWING AND RETURN:**

\_\_\_\_\_ **NO OBJECTION**      \_\_\_\_\_ **OBJECTIONS AND COMMENTS**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*In God We Trust*





*In God We Trust*



## LOU'S GARDEN SUBDIVISION ZONING CHANGE – PLANNED DEVELOPMENT DISTRICT

### Why is the city initiating a zoning change for my property?

The City has been made aware of several issues individual property owners may have with the location of their houses in relation to front, side and rear yard setbacks. The current zoning district requires a minimum ten (10) foot setback for all structures from side property lines, twenty-five (25) foot setback from rear property lines and twenty (20) foot setback from front property lines. It also requires a minimum lot width of fifty (50) feet and a minimum lot depth of 125 feet. With these requirements, it is suspected that most of the constructed structures are not in compliance with the zoning regulations. This could lead to issues if a property owner wants to build a shed, add-on, remodel, or if there is a need to rebuild due to damage from a fire or other disaster. Additionally, there is a requirement that the maximum lot coverage for any lot is 33% of the lot area. Most of the lots are 6,000 square feet which means the maximum amount of area that can be covered by a building foundation, porch or other accessory structure is 1,980 square feet.

### If my property is affected, how can I fix the issue?

The City has elected to initiate a zoning change on behalf of all property owners within the Lou's Garden Subdivision to create a Planned Development District (PDD) to decrease the requirements for the properties involved. This district would be an overlay of the current R-1 Residential District standards. This would not change any uses for the properties involved. This will only change the required building setbacks, lot size, lot coverage and other similar items. Included is a comparison of current versus proposed changes.

Dist.	Min. Lot Area (Gross)	Area/DU or Structure	Lot Width	Lot Depth	Front Yard	Side Yard	Exterior Side Yard	Rear Yard	Max. Lot Coverage	Max. Height
Current R-1	(1) 6,000 SF (2) 7,500 SF	(1) 6,000 SF (2) 7,500 SF	(1) 50' (2) 60'	125'	variable; avg. 30' or 20' min.	(1) 10' (2) 15'	15'	25'	33%	2.5 stories or 35'
<b>PROPOSED</b>  Planned Development District (R-1 Base Zoning)	5,600 SF	5,600 SF	40'	85'	20' min. (A)	(1) 3' (2) 5'	5'	10'	50%	2.5 stories or 35'
(1)	Interior lot									
(2)	Corner lot									
A.	Up to 20% of the width of the structure may encroach into the front yard setback by eight (8) feet.									



*In God We Trust*



PROPERTY OWNERS FROM THE MOST RECENT CERTIFIED TAX ROLLS- LOU'S GARDEN PDD

Parcel_ID	Prop_Stree	Prop_Street	Name	Street	Street_Overflow	City	State	Zip5	Legal1
11414	301	TANGLEWOOD	CONNALLY JAMES G & KATHRYN	301 TANGLEWOOD		GONZALES	TX	78629	PT LT 35-36 COUNTRY VILLAGE
26567	2006	YELLOW ROSE WAY	INGRAM FRANK & DEBRA	2006 YELLOW ROSE WAY		GONZALES	TX	78629	4 2 LOUS GARDEN SUB
12481	1132	SEYDLER ST	REED JANELL S	241 CEDAR ROCK ROAD RD		ROSANKY	TX	78953	PT 4 RANGE VII
12484		WAELDER RD	SCHURIG F M & WF	210 MASTERS DR		BROUSSARD	LA	70518	PT 6 RANGE VII
12486	2034	SCHURIG LANE	SCHURIG TOMMY G	2034 SCHURIG LANE		GONZALES	TX	78629	PT 6 RANGE VII
11412	317	TANGLEWOOD	TECHNIK WILLIAM R & JEANETTE	317 TANGLEWOOD		GONZALES	TX	78629	38 & 39 COUNTRY VILLAGE
11406	326	TANGLEWOOD	WEST FERD JR	326 TANGLEWOOD TRAIL		GONZALES	TX	78629	LT 4 COUNTRY VILLAGE
20829		UNKNOWN	NEWMAN GILBERT JR	UNKNOWN		UNKNOWN	TX	0	PT 4 RANGE VII
12463	2030	DREYER LANE	DUBOSE TIFFANY	P O BOX 1503		GONZALES	TX	78629	PT 4 RANGE VII
12464	2030	DREYER LANE	DUBOSE TIFFANY	P O BOX 1503		GONZALES	TX	78629	PT 4 RANGE VII
11409	305	TANGLEWOOD TRAIL	DAVIS KENNETH E & SHERRY L	305 TANGLEWOOD TRAIL		GONZALES	TX	78629	PT 36 COUNTRY VILLAGE
12488	1324	SEYDLER	FTW INC & M&G WEST INC	PO BOX 287		GONZALES	TX	78629	PT 6 RANGE VII
12458	1910	DREYER LANE	CANTU LAURA BETH	1910 DREYER LANE		GONZALES	TX	78629	PT 4 RANGE VII
12485		WALKER/WEIMER	SCHURIG GARY THOMAS; SCHURIG	4329 HWY 183 S		GONZALES	TX	78629	PT 6 RANGE VII
12493		SEYDLER ST	WEST JO KATHRYN	3428 MOULTON RD		GONZALES	TX	78629	PT 5 RANGE VII
12494		SEYDLER	WEST JO KATHRYN	3428 MOULTON RD		GONZALES	TX	78629	PT 5 RANGE VII
26576		YELLOW ROSE WAY	RAFTER FC DEVELOPMENT INC	144 CHISOLM TRAIL		BOERNE	TX	78001	13 2 LOUS GARDEN SUB
12492	1333	SEYDLER ST	ESPINOSA JOHNNY ESTATE & PAULI	922 N COLLEGE ST		GONZALES	TX	78629	SW PT5 RANGE VII
26573	2030	YELLOW ROSE WAY	CADDELL JAMES A ESTATE & CADDE	2030 YELLOW ROSE WAY		GONZALES	TX	78629	10 2 LOUS GARDEN SUB
26560	2131	YELLOW ROSE WAY	CAMPION JUSTIN & MEAGAN M	2131 YELLOW ROSE WAY		GONZALES	TX	78629	24 1 LOUS GARDEN SUB
26553	1312	FERN CT	RESCH RICHARD & CHERYL	P O BOX 2085		GONZALES	TX	78629	18 1 LOUS GARDEN SUB
26545	1301	FERN CT	CANNON H C & DONNA LIFE ESTATE	1301 FERN CT		GONZALES	TX	78629	11 1 LOUS GARDEN SUB
26570	2018	YELLOW ROSE WAY	PERALES MARCELLA A	113 MOREY ST		GONZALES	TX	78629	7 2 LOUS GARDEN SUB
26556	2121	YELLOW ROSE WAY	ALANIZ VICTOR D & JULIE MARIE	2121 YELLOW ROSE WAY		GONZALES	TX	78629	21 1 LOUS GARDEN SUB
26575	2106	YELLOW ROSE WAY	SYNDER MICHAEL J & CALI	2106 YELLOW ROSE WAY		GONZALES	TX	78629	12 2 LOUS GARDEN SUB
26543	1302	LANTANA COURT	BAKER BRENT A	1302 LANTANA COURT		GONZALES	TX	78629	10 1 LOUS GARDEN SUB
26564	2145	YELLOW ROSE WAY	WHITE AMANDA S & DONALD G	305 TARPAN TRAIL		CELINA	TX	78009	28 1 LOUS GARDEN SUB
26563	2141	YELLOW ROSE WAY	WHITE WILMOTH	305 TARPAN TRL		CELINA	TX	75009	27 1 LOUS GARDEN SUB
26580	2124	YELLOW ROSE WAY	RAMIREZ KIMBERLEE L	2124 YELLOW ROSE WAY		GONZALES	TX	78629	17 2 LOUS GARDEN SUB
26546	1305	FERN CT	OLMOS KENNY & KRYSTAL	1305 FERN COURT		GONZALES	TX	78629	12 1 LOUS GARDEN SUB
26569	2014	YELLOW ROSE WAY	VEGA MONICA MARIE & JOHN	2014 YELLOW ROSE WAY		GONZALES	TX	78629	6 2 LOUS GARDEN SUB
26536	1311	LANTANA CT	MASSEY DORA S	3291 SOUTH CR 141		COST	TX	78614	3 1 LOUS GARDEN SUB
26548	1315	FERN CT	ESPARZA GERONIMO JR & JULIE A	1315 FERN COURT		GONZALES	TX	78629	14 1 LOUS GARDEN SUB
26535	1305	LANTANA CT	BAZAN KATHERINE	1305 LANTANA COURT		GONZALES	TX	78629	2 1 LOUS GARDEN SUB
26537	1315	LANTANA CT	ZELLA BRUCE WADE & LAURA LEAH	1315 LANTANA COURT		GONZALES	TX	78629	4 1 LOUS GARDEN SUB
26571	2022	YELLOW ROSE WAY	GARNER ROBERT K & MONICA	2022 YELLOW ROSE WAY		GONZALES	TX	78629	8 2 LOUS GARDEN SUB
11385	311	TANGLEWOOD	GUERRA ESTEBAN & TINA LOUISE	311 TANGLEWOOD TRAIL		GONZALES	TX	78629	37 COUNTRY VILLAGE
26568	2010	YELLOW ROSE WAY	LOCKARD KENNETH MICHAEL	2010 YELLOW RSE WAY		GONZALES	TX	78629	5 2 LOUS GARDEN SUB
26555	1302	FERN COURT	AGUERO MANUEL & MARTINA	1302 FERN CT		GONZALES	TX	78629	20 1 LOUS GARDEN SUB

*Brute Siebert*

PROPERTY OWNERS FROM THE MOST RECENT CERTIFIED TAX ROLLS- LOU'S GARDEN PDD

26540	1316 LANTANA CT	GOTTWALD ROSS F	1316 LANTANA CT	GONZALES	TX	78629 7	1 LOUS GARDEN SUB
26572	2026 YELLOW ROSE WAY	ALMAGUER VERONICA	3254 HWY 304 N	GONZALES	TX	78629 9	2 LOUS GARDEN SUB
26534	1301 LANTANA COURT	FISHER STEPHEN J	1301 LANTANA CT	GONZALES	TX	78629 1	1 LOUS GARDEN SUB
12480	1325 SEYDLER	DUBOSE TIFFANY LEE	P O BOX 1503	GONZALES	TX	78629 PT 4	RANGE VII
26562	2137 YELLOW ROSE WAY	TAIT KRISTIN ELIZABETH	2137 YELLOW ROSE WAY	GONZALES	TX	78629 26	1 LOUS GARDEN SUB
26552	1316 FERN COURT	KANCEL COLTON D	1316 FERN COURT	GONZALES	TX	78629 17	1 LOUS GARDEN SUB
26547	1311 FERN CT	BEALE BARBARA	3404 ROCKY HOLLOW TRL	GEORGETOWN	TX	78628 13	1 LOUS GARDEN SUB
26554	1306 FERN CT	TEEL SHARITY & KRISTOPHER	1306 FERN CT	GONZALES	TX	78629 19	1 LOUS GARDEN SUB
26539	1320 LANTANA CT	BALDWIN RIKKI D	1320 LANTANA COURT	GONZALES	TX	78629 6	1 LOUS GARDEN SUB
26541	1312 LANTANA CT	WERNLI BRETT MICHAEL	1312 LANTANA COURT	GONZALES	TX	78629 8	1 LOUS GARDEN SUB
19020	SEYDLER ST	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 1	2 LOUS GARDEN SUB
26550	FERN CT	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 15	1 LOUS GARDEN SUB
26551	FERN CT	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 16	1 LOUS GARDEN SUB
26565	YELLOW ROSE WAY	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 2	2 LOUS GARDEN SUB
26558	2125 YELLOW ROSE WAY	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 22	1 LOUS GARDEN SUB
26559	2129 YELLOW ROSE WAY	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 23	1 LOUS GARDEN SUB
26561	YELLOW ROSE WAY	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 25	1 LOUS GARDEN SUB
26566	2002 YELLOW ROSE WAY	CARR 2 CASA LLC	401 BUFFALO SPRINGS SPUR	NEW BRAUNFELS	TX	78132 3	2 LOUS GARDEN SUB
26577	2112 YELLOW ROSE WAY	OATES KENNA M & MATTHEW KEITH	2112 YELLOW ROSE WAY	GONZALES	TX	78629 14	2 LOUS GARDEN SUB
26542	1306 LANTANA CT	ANDERSON JAMES L JR & VICKI C	325 CHAMPIONS DR	ROCKPORT	TX	78382 9	1 LOUS GARDEN SUB
26578	2116 YELLOW ROSE WAY	HINES KYLE W	2116 YELLOW ROSE WAY	GONZALES	TX	78629 15	2 LOUS GARDEN SUB
26574	2102 YELLOW ROSE WAY	SPRADLIN DANA & SPRADLIN TAMI	2102 YELLOW ROSE WAY	GONZALES	TX	78629 11	2 LOUS GARDEN SUB
26538	1319 LANTANA CT	DUFFY BRANDIN & MARY	1319 LANTANA COURT	GONZALES	TX	78629 5	1 LOUS GARDEN SUB
26579	2120 YELLOW ROSE WAY	GARCIA JORGE & DANIELLE LYNN	2120 YELLOW ROSE WAY	GONZALES	TX	78629 16	2 LOUS GARDEN SUB
11410	330 TANGLEWOOD	FEDERAL NATIONAL MORTGAGE AS P O BOX 1906		HAMILTON	AL	35570 3	COUNTRY VILLAGE

*Bruce Seibert*

# CITY OF GONZALES



COME AND TAKE IT

820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
[www.gonzales.texas.gov](http://www.gonzales.texas.gov)

November 30, 2020

Manuel & Martina Agüero  
1302 Fern Ct  
Gonzales, TX 78629

NOTICE IS HEREBY GIVEN THAT: Your property located at 1302 Fern Ct has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

The below listed properties are zoned R-1 Residential District and the City of Gonzales has initiated a request to rezone the property to a Planned Development District. The full legal description of all properties involved and a guide on the proposed changes is enclosed for your reference. The stated purpose of the request is to allow for reduced setbacks, reduced lot dimensions and reduced lot area for the subject properties. A location map of the property is included on the reverse of this letter.

**PROPERTY OWNER:** Various

**LEGAL DESCRIPTION:** Lou's Garden Subdivision (see attached for full legal description)

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**PLEASE CHECK ONE OF THE FOLLOWING AND RETURN:**

☒ **NO OBJECTION**      ☐ **OBJECTIONS AND COMMENTS**

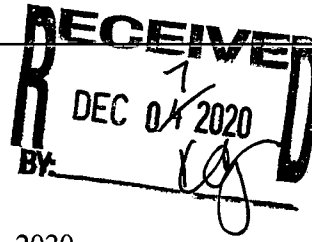
Manuel Agüero      12/13/20  
Signature      Date

*In God We Trust*

# CITY OF GONZALES



COME AND TAKE IT



820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

November 30, 2020

Rafter FC Development Inc  
144 Chisolm Trail  
Boerne, TX 78001

NOTICE IS HEREBY GIVEN THAT: Your property located on Yellow Rose Way has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

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☒ **NO OBJECTION** ☐ **OBJECTIONS AND COMMENTS**

*I appreciate the City and Home builder  
correcting this.*

 *12/03/20*  
Signature Date

*In God We Trust*

# CITY OF GONZALES



COME AND TAKE IT

820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

November 30, 2020

Carr 2 Casa LLC  
401 Buffalo Springs Spur  
New Braunfels, TX 78132

NOTICE IS HEREBY GIVEN THAT: Your property located in the Lou's Garden Subdivision has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

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Signature

Date

*In God We Trust*

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P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

November 30, 2020

Carr 2 Casa LLC  
401 Buffalo Springs Spur  
New Braunfels, TX 78132

NOTICE IS HEREBY GIVEN THAT: Your property located at 2129 Yellow Rose Way has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

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Date

*In God We Trust*



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November 30, 2020

Carr 2 Casa LLC  
401 Buffalo Springs Spur  
New Braunfels, TX 78132

NOTICE IS HEREBY GIVEN THAT: Your property located at 2125 Yellow Rose Way has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

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Signature

Date

*In God We Trust*

# CITY OF GONZALES



COME AND TAKE IT

November 30, 2020

820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

Carr 2 Casa LLC  
401 Buffalo Springs Spur  
New Braunfels, TX 78132

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☐ **OBJECTIONS AND COMMENTS**

Signature

Date

*In God We Trust*

# CITY OF GONZALES



820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

November 30, 2020

Carr 2 Casa LLC  
401 Buffalo Springs Spur  
New Braunfels, TX 78132

NOTICE IS HEREBY GIVEN THAT: Your property located on Seydler St has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

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Signature

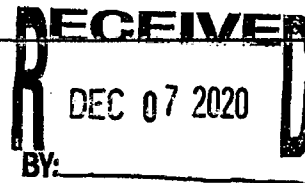
Date

*In God We Trust*

# CITY OF GONZALES



COME AND TAKE IT



820 St. Joseph Street  
P.O. Drawer 547  
Gonzales, Texas 78629  
Phone (830) 672-2815  
www.gonzales.texas.gov

November 30, 2020

Kristopher & Sharity Teel  
1306 Fern Ct  
Gonzales, TX 78629

NOTICE IS HEREBY GIVEN THAT: Your property located at 1306 Fern Ct has been identified as a property either being considered for rezoning or within 200 feet of an area being considered for a rezoning.

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*See ATTACHED sheet for comments*

Kristopher and Sharity Teel  
1306 Fern Ct  
Gonzales, TX 78929

December 02, 2020

RE: Lou's Garden Subdivision Rezoning

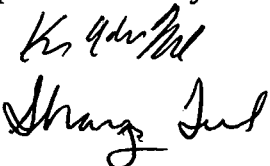
To Whom It May Concern:

Let it be known this 2<sup>nd</sup> day of December, in the year 2020 that Sharity Teel and myself, Kristopher Teel, do hereby **OBJECT** to the Zoning Change of the Lou's Garden Subdivison. This subdivision was started under the initial zoning rules and standards, with homes built in compliance with said rules and standards in place. To reduce the amount of side, front and rear yards/ easments and increase the amount of lot coverage for structures will have the following affects on our neighborhood:

1. Greatly impedes on immediate neighbors' privacy.
2. Limits the expansion and upgrade of existing and future utilities.
3. Having 3 feet of side yard and 10feet of rear yard could deter prospective buyers of existing homes due to privacy concerns.
4. The City of Gonzales approved the inspections of all current homes that are built, which such inspections, particularly pre-slab inspection; should include measurements to ensure the home is within the boundaries set forth in the current zoning parameters. If our homes do not meet the current parameters of our zoning, The City of Gonzales should be held liable to pay for any construction costs to get these homes into specification, as they have multiple inspections during the building process and multiple opportunities to find deficiencies and have them corrected- including placement and setback/ easement measurements and lot coverage- which apparently all existing homes passed such inspections.
5. We need to have more accountability in our society, rather than just change the rules if someone does not want to abide by the rules.
6. We purchased our home with the existing rules and regulations in place and see no reason to alter and change them. If this zoning change takes place we are more than willing to let the City of Gonzales buy us out and pay our moving expenses to another neighborhood in a different city where we can have privacy from our neighbors and structured zoning regulations that are enforced.

Sincerely,

Kristopher and Sharity Teel

Handwritten signatures of Kristopher and Sharity Teel. Kristopher's signature is in cursive and appears to be 'K. Teel'. Sharity's signature is also in cursive and appears to be 'S. Teel'.

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Ordinance #2021-03 Ordering a Special Election for the Purpose of Voting on the Adoption or Rejection of Proposed Amendments to the Existing Home Rule Charter of the City of Gonzales, Texas

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

The Council will receive a report from the Charter Review Commission at the beginning of the meeting. The attached ordinance officially orders the City of Gonzales Special Election for the Purpose of Voting on Charter Amendments for May 1, 2021 in accordance with the City's Charter and state statutes. If the Council wishes to accept the Commission's proposed propositions it would be appropriate to approve the ordinance at this meeting. The Council is required to order the election no later than the 78th day before the election, which is February 12, 2021. Early Voting will begin April 19, 2021 at 8 a.m. and end on April 27, 2021 at 7:00 p.m. Two twelve hour days are required to be conducted for early voting as per Election Code, and will be the last two days of early voting by personal appearance as it has been in previous years.

The City will be conducting their own election, but plans to rent the equipment from Gonzales County.

### **POLICY CONSIDERATIONS:**

The ordinance ordering the election is consistent with the City of Gonzales Charter and the Texas Election Code.

### **FISCAL IMPACT:**

The Fiscal Year 2020-2021 Budget includes \$12,000 for election expenses. This was assuming half of the cost of the November 2020 election would be paid in the form of a deposit in FY 2019-2020 with the remainder being paid in this fiscal year. Gonzales County did not have the availability to pay a portion of the election in the previous year. As such, \$7,854.61 has been spent to date which includes the full amount of the November 2020 election. The cost of the general election is anticipated at approximately \$6,000. The additional charges associated with a special charter amendment election are approximately \$2,000 to \$3,500. A budget amendment will be required as the costs are more clearly identified.

### **STAFF RECOMMENDATION:**

In order to comply with the Texas Election Code, the ordinance ordering the special election for charter amendments must be adopted no later than February 12, 2021. If the Council feels it is necessary to make revisions to the election order, it may be tabled until the February 11, 2021 Council meeting.



**ORDINANCE NO. 2021-03**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS ORDERING A SPECIAL ELECTION FOR THE PURPOSE OF VOTING ON THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING HOME RULE CHARTER OF THE CITY OF GONZALES, TEXAS, AS AMENDED TO BE HELD ON MAY 1, 2021;; PROVIDING FOR EARLY VOTING; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**UNA ORDENANZA DE LA CIUDAD DE GONZALES, TEXAS ORDENANDO UNA ELECCIÓN ESPECIAL CON EL PROPÓSITO DE VOTAR SOBRE LA ADOPCIÓN O RECHAZO DE LAS ENMIENDAS PROPUESTAS A LA CARTA DE REGLAS DE HOGAR EXISTENTE DE LA CIUDAD DE GONZALES, TEXAS, EN SU FORMA ENMENDADA PARA SER CELEBRADA EL 1 DE MAYO DE 2021;; PREVIENDO EL VOTO ANTICIPADO; PREVIENDO OTROS ASUNTOS RELACIONADOS CON LA ELECCIÓN; Y PROPORCIONANDO UNA FECHA EFECTIVA.**

**WHEREAS**, the City Council of the City of Gonzales, Texas in the exercise of the discretion vested in it by the Constitution and laws of this State, and in accordance with the provisions of Chapter 9 of the Texas Local Government Code and having received the final report of the Charter Review Commission has determined to submit for adoption or rejection, amendments to Gonzales' existing Home Rule Charter, at a special election to be held on May 1, 2021.

**CONSIDERANDO QUE**, el Ayuntamiento de la Ciudad de Gonzales, Texas en el ejercicio de la discreción que le confiere la Constitución y el gazo de thes elEstado, y de acuerdo con las disposiciones del Capítulo 9 del Código de Gobierno Local de Texas y después de haber recibido el informe final de la Comisión de Revisión de Cartas ha decidido someterse a adopción o rechazo, enmiendas a la Carta de Reglas de Hogar existente de Gonzales, en una elección especial que se celebrará el 1 de mayo de 2021.

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

**AHORA, POR LO TANTO, EL CONSEJO MUNICIPAL DE LA CIUDAD DE GONZALES, TEXAS ORDENA:**

Section 1. The facts and recitations contained in the preamble of this Ordinance are hereby found an ddeclared to be true and correct.

Sección 1. Los hechos y recitaciones contenidos en el preámbulo de esta Ordenanza se consideran ddeclarados como verdaderos y correctos.

Section 2. That a special election for the purpose of voting on the adoption or rejection of proposed amendments to the existing Home Rule Charter of the City of Gonzales, Texas, as amended, is hereby ordered to be held on the 1<sup>st</sup> day of May, 2021.

This Order of Election is to be posted at the Gonzales Municipal Building on the Bulletin Board used for posting notices of the meetings of the City Council.

Sección 2. Que una elección especial con el fin de votar sobre la adopción o rechazo de las enmiendas propuestas a la actual Home Rule Charter de la City de Gonzales, Texas, en su forma enmendada, se ordena celebrarse el 1o día de mayo de 2021.

Esta Orden de Elección será colocada en el tablero de anuncios utilizado para colocar los avisos de las asambleas del Consejo Municipal del Gonzales Municipal Building.

Section 3. The charter amendments presented for the adoption or rejection are attached as Exhibit "A"

Sección 3. Las enmiendas de la Carta presentadas para la adopción o el rechazo se adjuntan como Prueba documental A"

Section 4. The present boundaries of the City constituting one (1) election precinct, the polling place for said election shall be at the Gonzales North Avenue Intermediate School, 1032 St. Joseph Street, Gonzales, Texas. The polls shall be open for voting from 7 a.m. until 7 p.m.

Sección 4. Los límites actuales de la Ciudad constituyen un (1) precinto electoral, el lugar de votación para dicha elección será en la Gonzales North Avenue Intermediate School, 1032 St. Joseph Street, Gonzales, Texas. Las casillas abrirán para votar desde las 7 a.m. hasta las 7 p.m.

Section 5. The City Secretary of the City of Gonzales shall serve as early voting clerk; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with the law. The early voting polling place shall be in the building that houses the office of the City Secretary, Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas. The regular date and hours for early voting by personal appearance are weekdays Monday through Friday, except any official City holiday, 8 a.m. through 5 p.m. Early voting by personal appearance for this election shall commence April 19, 2021 at 8 a.m. and end at 7 p.m. on April 27, 2021. As required under Section 85.005 (d), Election Code, early voting by personal appearance at the main early voting polling place shall be conducted for at least 12 hours on two (2) weekdays, if the early voting period consists of six or more weekdays; therefore, early voting by personal appearance shall be conducted for 12 hours on the final two (2) days of early voting. The office of the City Secretary for purposes of early voting shall be open from 7 a.m. until 7 p.m. on the final two days of early voting by personal appearance.

Sección 5. La Secretaria de la Ciudad de la Ciudad de Gonzales actuará como oficial de votación anticipada; la designación de un suboficial o suboficiales para la votación anticipada por la Secretaria de la Ciudad se hará en conformidad con la ley. El lugar para votar durante la votación anticipada será en el edificio que alberga la oficina de la Secretaria de la Ciudad, es decir, Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas. Las fechas y horarios habituales de votación anticipada en persona son los días de semana, de lunes a viernes, salvo cualquier feriado oficial de la Ciudad, de 8 a.m. a 5 p.m. La votación anticipada en



persona para esta elección comenzará el 19 de abril de 2021 a las 8:00 a.m. y terminará el 27 de abril de 2021 a las 7:00 p.m. Según lo requiere la Sección 85.005(d) del Código Electoral, la votación anticipada en persona en el principal lugar de votación de la votación anticipada se realizará por un mínimo de 12 horas durante dos (2) días de semana, si el periodo de votación anticipada consta de seis o más días de semana; por tanto, la votación anticipada en persona se realizará por 12 horas los últimos dos (2) días de la votación anticipada. La oficina de la Secretaria de la Ciudad a efectos de la votación anticipada abrirá desde las 7 a.m. hasta las 7 p.m. los últimos dos días de votación anticipada en persona.

Section 6. The applications for voting by mail can be submitted anytime during the year of the election for which the ballot is requested (EC§84.007(c)) but must be received no later than the close of business on April 20, 2021. Requests for applications for voting by mail should be mailed to the attention of the Early Voting Clerk, P.O. Box 547, Gonzales, Texas.

Sección 6. Las solicitudes para votar por correo postal pueden ser enviadas en cualquier momento durante el año de la elección para la que se solicita la boleta (EC§84.007(c)), pero deben ser recibida a más tardar al cierre del horario de oficina el 20 de abril de 2021. Los pedidos de solicitudes para votar por correo postal deberían ser enviados a la atención de Early Voting Clerk, P.O. Box 547, Gonzales, Texas.

Section 7. The official ballots to be used in this special election shall comply with the applicable provisions of the Texas Election Code, shall state each proposed amendment separately and distinctly so that the voters shall pass upon each amendment separately and apart from another so that each voter may vote "For" or "Against" any amendment or amendments without voting "For" or "Against" all such amendments. Any non-substantive changes that need to be made for the ballot are hereby approved. A summary of the Propositions shall be set forth on said ballots and in substantially the form and language as indicated on Exhibit "A". Paper ballots shall be used for early voting by mail and for provisional ballots. The ExpressVote BMD with DS200 scanner shall be used for early voting by personal appearance and voting on Election Day. The City Council hereby adopts for use in early voting and Election Day voting the ExpressVote BMD with DS200 Scanner as approved by the Secretary of State. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Sección 7. Las papeletas oficiales que se utilizarán en esta elección especial deberán cumplir con las disposiciones aplicables del Código Electoral de Texas, deberán indicar cada enmienda propuesta de manera separada y clara para que los electores aprueben cada enmienda por separado y aparte de otra para que cada elector pueda votar "a favor" o "contra" cualquier enmienda o enmienda sin votar "a favor" o "contra" todas esasmenciones. Cualquier cambio no sustantivo que deba hacerse para la boleta se aprueba por la presente. Se establecerá un resumen de las Propositiones en dichas papeletas y en su substantially el formulario y el idioma indicados en la Prueba documental "A". Se usarán boletas de papel para la votación anticipada por correo y para boletas de votación provisorias. Para la votación anticipada en persona y para la votación el Día de la Elección se utilizará ExpressVote BMD con escanér DS200. Por la presente el Consejo Municipal adopta para uso en la votación anticipada y la votación del Día de la Elección el ExpressVote BMD con escanér DS2000 según lo aprobó la Secretaria de Estado.

Por la presente se autorizan todos los gastos necesarios para la realización de la elección, la compra de materiales para la misma y el empleo de todos los funcionarios electorales.

Section 8. Proper Notice of General Election shall be posted in English and in Spanish, not later than the 21st day before such election at the Gonzales Municipal Building on the Bulletin Board used for posting notices of the meetings of the City Council; shall be delivered to the county election officials in which the political subdivision is located not later than the 60th day before its scheduled election day; and shall be published at least once, not earlier than the 30th or later than the 10th day before such election day in the Gonzales Inquirer, a newspaper of general circulation, published in the City of Gonzales.

Sección 8. El Aviso de Elección General adecuado será colocado en inglés y en español, a más tardar el 21.<sup>er</sup> día antes de dicha elección en el tablero de anuncios utilizado para colocar los avisos de las asambleas del Consejo Municipal del Gonzales Municipal Building utilizado; será entregado a los funcionarios electorales del condado en donde se encuentra la subdivisión política a más tardar el 60.<sup>o</sup> día anterior a su día de elección programado; y será publicado al menos una vez, no antes del 30.<sup>o</sup> ni después del 10.<sup>o</sup> día anteriores a dicho día de elección en el Gonzales Inquirer, un periódico de circulación general, publicado en la Ciudad de Gonzales.

Section 9. Said election shall be held in accordance with Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Sección 9. Dicha Elección se llevará a cabo de acuerdo con el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965 y sus enmiendas.

Section 10. All ordinances, or part 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 ordained herein for the period of time stated.

Sección 10. Por la presente se revocan todas las ordenanzas, o partes de estas, que estén en conflicto o sean incompatibles con cualquier disposición de esta Ordenanza en la medida de dicho conflicto, y las disposiciones de esta Ordenanza regirán y seguirán rigiendo los asuntos ordenados en ella por el periodo de tiempo declarado.

Section 11. It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sección 11. Por la presente se declara que es intención del Consejo Municipal de la Ciudad que las frases, cláusulas, oraciones, párrafos y secciones de esta Ordenanza sean divisibles, y si

cualquier frase, cláusula, oración, párrafo o sección de esta Ordenanza fuera declarado inconstitucional por el fallo o decreto válido de cualquier tribunal con competencia jurisdiccional, dicha inconstitucionalidad no afectará ninguna de las frases, cláusulas, oraciones, párrafos o secciones restantes de esta Ordenanza, debido a que la misma hubiera sido promulgada por el Consejo Municipal sin la incorporación en esta Ordenanza de cualquiera de esas frases, cláusulas, oraciones, párrafos o secciones inconstitucionales.

Section 12. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

Sección 12. Por la presente se halla y se determina oficialmente que la asamblea en la cual esta Ordenanza fue adoptada estuvo abierta al público y que se dio aviso público de la hora, el lugar y el propósito de dicha asamblea según lo exige la Ley de Asambleas Públicas en el Capítulo 551 del Código de Gobierno de Texas y sus enmiendas.

Section 13. This ordinance shall become effective immediately upon its passage.

Sección 13. Esta ordenanza entrará en vigencia inmediatamente después su aprobación

**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 14<sup>th</sup> DAY of JANUARY, 2021.**

**ACEPTADA, ADOPTADA, APROBADA Y VIGENTE EL 14 DE ENERO DE 2021.**

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Mayor (Alcaldesa), Connie L. Kacir

ATTEST (ATESTIGUA):

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City Secretary (Secretaria de la Ciudad)

## **EXHIBIT “A” TO ORDER OF SPECIAL ELECTION**

**MEASURE 1 shall be placed on the ballot in the form of the following Proposition:**

### **CITY OF GONZALES PROPOSITION A**

An amendment to the City’s home rule charter prohibiting the mayor and councilmembers from serving on a City appointed committee, commission, board or other City entity unless no other qualified citizen is available for appointment

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**MEASURE 2 shall be placed on the ballot in the form of the following Proposition:**

### **CITY OF GONZALES PROPOSITION B**

An amendment to the City’s home rule charter requiring an appointment to City Council to a vacancy in a City Council office if there are between 90 and 365 days remaining in the term of the vacant City Council office.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**MEASURE 3 shall be placed on the ballot in the form of the following Proposition:**

### **CITY OF GONZALES PROPOSITION C**

An amendment to the City’s home rule charter deleting the requirement that the City Manager reside within the City limits during their term of office.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**MEASURE 4 shall be placed on the ballot in the form of the following Proposition:**

### **CITY OF GONZALES PROPOSITION D**

An amendment to the City’s home rule charter deleting the requirement that the municipal judge be a qualified voter of the City.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**MEASURE 5 shall be placed on the ballot in the form of the following Proposition:**

**CITY OF GONZALES PROPOSITION E**

An amendment to the City's home rule charter requiring the City Council to select the most qualified individual to be City Attorney.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

**MEASURE 6 shall be placed on the ballot in the form of the following Proposition:**

**CITY OF GONZALES PROPOSITION F**

An amendment to the City's home rule charter authorizing the expenditure of economic development funds as authorized by state law.

FOR \_\_\_\_\_ AGAINST \_\_\_\_\_

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action  
Approving **Resolution 2021-03** Authorizing  
the City Manager to Enter into an  
Agreement for Environmental Services  
Agreement for the CDBG-DR Main Street  
Sidewalk Grant

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Consent

### **BACKGROUND:**

On October 26, 2020, the City was notified by the Texas Department of Agriculture (TDA) that our grant application had been approved in support of a Downtown Revitalization project for the City of Gonzales in the amount of \$500,000. The purpose of this project is to provide economic development activities in the form of sidewalks, street improvements in the downtown area. This project will be funded through the Texas Community Development Block Grant (TxCDBG) Program as Contract No. 7220052.

City staff sent a Request for Proposals to Environmental Services Providers and Engineers to provide professional services for the project. Unfortunately, we received no responses for environmental services. Staff reached out to Terracon after the deadline to submit proposals had passed and asked for a quote on the project. Terracon is the consultant that had provided the same services to the City for the wastewater infrastructure grant.

### **POLICY CONSIDERATIONS:**

This process was slightly different than in the past in that the City did not receive any proposals through the initial RFP process.

### **FISCAL IMPACT:**

The quote for the environmental services is \$6,198.50. When the City applied for the grant, we committed to a 10% match, being \$50,000. This project will require a budget amendment. Staff will also submit a request to the GEDC and GCVB for possible assistance.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

**RESOLUTION NO. 2021-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ENVIRONMENTAL SERVICES AGREEMENT FOR THE TXCDBG DEPARTMENT OF AGRICULTURE MAIN STREET INFRASTRUCTURE GRANT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on November 10, 2020 City staff issued a Request for Qualifications (RFQ) for engineering services for the City of Gonzales for the TxCDBG Main Street Infrastructure Grant; and,

**WHEREAS**, no proposals were received by the due date published; and,

**WHEREAS**, after having received no proposals, City Staff reached out to Terracon to solicit a quote for environmental services; and,

**WHEREAS**, the City Council finds that entering into an agreement with Terracon to assist the City of Gonzales with the TxCDBG Main Street environmental services for downtown infrastructure improvements to promote the public health, safety, and general welfare of the City.

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

Section 1. 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 2. The City Council of the City of Gonzales hereby authorizes the City Manager to enter into an agreement with Terracon for Environmental Services.

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.

Section 8. This Resolution shall not be construed to require or allow any act which is prohibited by an Ordinance.

**PASSED AND APPROVED this 14<sup>th</sup> day of January, 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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City Secretary





December 10, 2020

City of Gonzales  
PO Box 547  
820 St. Joseph Street  
Gonzales, TX 78629

Attn: Kristi Gilbert  
City Secretary

**RE: Proposal for Environmental Services – Texas Community Development Block Grant – Texas Department of Agriculture**  
City of Gonzales  
Terracon Proposal No. P90207639

Dear Ms. Gilbert,

Terracon Consultants, Inc. (Terracon), an employee-owned firm, is excited to provide you this proposal to provide National Environmental Policy Act (NEPA) services associated with the funds provided by the **Texas Department of Agriculture** (TDA) through the Community Development Block Grant Program (CDBG).

Our team has a strong background in performing environmental services associated with CDBG funds including documenting and preparing environmental reviews. We believe Terracon can bring the following benefits to the City of Gonzales:

- **Knowledge of CDBG Environmental Requirements** – Terracon has recent, relevant experience in preparing Environmental Review Records (ERR) that are compliant with United States Housing and Urban Department, the federal agency that provides state agencies their CDBG funds. Since 2019, Terracon's Texas offices have completed over 200 Categorical Exclusion Subject To 58.4 ERRs and 30 Environmental Assessments in compliance with 24 CFR Part 50 and 58.

Thank you for your consideration. We want to fully express our enthusiasm for assisting you on this project. We are confident that Terracon will provide the City of Gonzales with excellent service and look forward to working with you and your staff on this and future projects.

If you have any questions concerning this submittal, please reach out to Jennifer Peters at 210-907-7648, or via email at [jennifer.peters@terracon.com](mailto:jennifer.peters@terracon.com)

Terracon Consultants, Inc. 6911 Blanco San Antonio, TX 78216  
P 210-641-2112 F 210-641-2124 [terracon.com](http://terracon.com)



**Proposal for CDBG Environmental Services**

City of Gonzales ■ Sidewalk Improvements

December 10, 2020 ■ Terracon Proposal No. P90207639



Sincerely,

**Terracon Consultants, Inc.**

A handwritten signature in blue ink, appearing to read "Lee Garrett".

Lee Garrett, P.G.

Senior Principal

Environmental Department Manager

A handwritten signature in blue ink, appearing to read "Jennifer Trombley Peters".

Jennifer Trombley Peters

Senior Associate

Environmental Planning Group Manager

Attachments: Proposal  
Certificate of Insurance  
Statement of Conflicts of Interest  
System for Award Management  
Form CIQ  
Certification Regarding Lobbying  
Form 1295  
Required Contract Provisions

## Statement of Qualifications

### COMPANY BACKGROUND

Founded in 1965, Terracon is a 100 percent employee-owned consulting engineering firm specializing in environmental, facilities, geotechnical and materials testing services. Terracon currently has 4,200 employees in 140 offices nationwide. The firm's success is further evidenced by a current ranking of 22 in Engineering News-Record's 2019 listing of the Top 500 Design Firms. Established in 1992, Terracon's San Antonio office currently employs 114 employees including 11 Professional Engineers and 4 Professional Geoscientists licensed in the State of Texas. Terracon prides itself on our commitment to further better our surrounding communities and support its continuous growth.

### RELATED EXPERIENCE

Federal HUD process on hundreds of projects. Our team has performed comprehensive environmental services to assist with disaster recovery efforts (in particular related to the Hurricane Harvey recovery efforts). Our team's expertise includes performing environmental reviews as required in 24 CFR Part 58, which has included technical assistance, monitoring services, and quality control services.

Our team is led by Jennifer Peters, a Senior Environmental Project Manager with 19 years of experience which has included in-depth experience working and managing HUD National Environmental Policy Act (NEPA) related projects. She is supported by a team of experts who are committed to providing the responsive service the City of Gonzales requires.

Terracon has significant experience providing comprehensive environmental services to public and private clients throughout Texas. Services include:

- NEPA EA's & CE's compliance documentation
- Natural resources / wetlands delineation / mitigation
- Biological evaluations / threatened & endangered species assessments
- Cultural resources / archeology
- Noise surveys ASTM Environmental site assessments
- Asbestos / lead / mold / indoor air quality
- Soil and groundwater investigations
- Remediation design and implementation
- Brownfield/site redevelopment
- Industrial hygiene, health, and safety
- Regulatory compliance & permitting
- Environmental management systems
- Solid waste planning and design
- Historic preservation
- Environmental training

Last year, Terracon's Texas offices completed more than 5,000 environmental projects with fees in excess of \$31 Million. Many of these services are identical to those outlined in the RFQ and were provided under indefinite quantity contracts with public entities including Texas Facilities Commission, Texas Department of Transportation, Texas Parks & Wildlife, Texas Commission on Environmental Quality, Texas Railroad Commission, Lower Colorado River Authority (58

## **Proposal for CDBG Environmental Services**

City of Gonzales ■ Sidewalk Improvements

December 10, 2020 ■ Terracon Proposal No. P90207639



Texas Counties), Brazos River Authority (70 Texas Counties), The University of Texas System, etc.

## **CDBG EXPERIENCE**

Terracon has developed a proven record in completing Environmental Review Records in accordance with HUD guidelines as specified in 24 CFR Part 58. In the past ten years, Terracon's staff have conducted hundreds of Environmental Reviews across the country. During the past five years, our Texas offices have prepared more than 200 Categorical Exclusions Subject to 58.5 checklists with appropriate attachments and more than 30 Environmental Assessments for flood control districts, housing authorities, cities, and private developers in Texas.

Terracon has demonstrated CDBG technical expertise and subject-matter experts including Section 404 USACE permitting and wetland delineation specialists, threatened and endangered species specialists, due diligence specialists and has prepared over 40 CDBG environmental related documents including Environmental Review Records, Cultural Desktop Reviews, Wetland Delineation and Toxic and Contamination Reports for sites in South, Central, and the coastal areas of Texas.

## **TEAM MEMBERS**

Terracon brings more than a decade of experience with environmental scientist that are well versed in local and regional issues. The Terracon team come from a variety of backgrounds related to practicing Environmental Assessment services, and therefore the team is able to provide compliance with federal, state and local laws, rules, and regulations, including: Clean Water Act, 31 TAC Part 10, Clean Air Act, Farmlands Protection, National Historic Preservation Act, Executive Orders 11988 and 11990. Additionally, Terracon has 28 years of experience providing environmental consulting services related to the research and preparation of Categorical Exclusions and Environmental Assessments documents in accordance with National Environmental Policy Act, US Army Corps of Engineers, Texas Water Development Board, Environmental Protection Agency, Department of Defense, Federal Highway Administration, Texas Department of Transportation, and Housing and Urban Development requirements for compliance. Our key staff who will be working on the EA include Jeremy Hanzlik, PE, Jennifer Peters, Beth Valenzuela, Victoria Pagano, RPA, and Tanner Jason. Their availability to work on this project as well as their resumes are below.

**Proposal for CDBG Environmental Services**

City of Gonzales ■ Sidewalk Improvements

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**Capacity**

Name	Role	Location	% of Time Available	% of Time Anticipated
Jeremy Hanzlik, PE	Quality Assurance	San Antonio	25%	5%
Jennifer Peters	Project Manager and NEPA Practitioner	San Antonio	50%	10%
Julio Aguilar	Toxics and Contamination Subject Matter Expert and NEPA Practitioner	San Antonio	100%	40%
Tanner Jason	Biological and Water Resources Subject Matter Expert	San Antonio	100%	15%
Beth Valenzuela	Historic Structures Subject Matter Expert	Austin	50%	15%
Victoria Pagano, RPA	Archeological Resources/Principal Investigator	Houston	60%	15%

## Proposal for CDBG Environmental Services

City of Gonzales ■ Sidewalk Improvements

December 10, 2020 ■ Terracon Proposal No. P90207639



## Jeremy Hanzlik, P.E.

QA/QC

### PROFESSIONAL EXPERIENCE

Mr. Hanzlik is National Director for Environmental Planning in the Terracon San Antonio office. Mr. Hanzlik works with interdisciplinary teams of engineers, scientists, and architects during planning, design and construction of projects in order to avoid and minimize impacts to the environment. He previously served as Environmental Manager for the \$500 million Bexar County Flood Control Capital Improvement Program and managed a four-year on-call environmental services contract with the City of San Antonio.

Mr. Hanzlik is a licensed engineer in the state of Texas whose experience includes preparation of watershed master plans, contributing zone plans, environmental impact statements, environmental assessments, environmental information documents, Phase I and Phase II environmental site assessments, environmental baseline studies, watershed and environmental modeling, environmental permitting, and geographic information system (GIS) analysis. He is responsible for project management, design, and report preparation. He is well versed in the NEPA process and USACE Section 404 permitting.

### PROJECT EXPERIENCE

#### **24-inch Waterline Environmental Information Document – Laredo, Texas**

Project Manager for preparation of an environmental information document to support funding of a 24-inch diameter waterline to provide potable water service in Laredo, Texas. Developed the NEPA document including sub-reports such as cultural resource investigation, threatened and endangered species, waters of the U.S./wetlands, environmental justice, and other subjects required for Texas Water Development Board funding of the project.

#### **Lake Lavon Mitigation Plan – Lavon Lake, Texas**

Managed project and a certified arborist subconsultant to identify trees and canopy to be removed within a power line easement on U.S. Army Corps of Engineers (i.e., federal) property. Developed a proposed mitigation plan including planting specifications and valuation of trees to be removed. Negotiation included approximately \$130,000 in tree plantings for mitigation.

**Bexar County Flood Control South Hausman Low Water Crossing – San Antonio, Texas.** Project Manager; evaluated cultural resources and performed a geologic assessment of the project area in order to minimize and avoid impacts to geologic features and/or cultural resources during project design.

**Bexar County Flood Control Low Water Crossing: Toutant Beauregard – Bexar County, Texas.** Project Manager; project involved upgrades to two low water crossings including waters of the U.S./wetland delineation, cultural resources investigation, and T&E species habitat evaluation.

### EDUCATION

M.S. Biological and Agricultural Engineering, Texas A&M University, College Station, Texas, 2003

B.S. Agricultural Engineering, Texas A&M University, College Station, Texas, 2000

B.S. Bioenvironmental Sciences Texas A&M University, College Station, Texas, 1997

### REGISTRATION

Professional Engineer: Texas (Environmental) 2006, No: #98409

### AFFILIATIONS

Air & Waste Management Association, Secretary, Jan 2011-Dec 2012, Chapter Chair Jan 2013- Dec 2014, Past Chair Jan 2015 – Present

### WORK HISTORY

Terracon Consultants, Inc., Senior Environmental Engineer 2013-Present

AECOM Technical Services, Inc., Project Manager 2003 – 2013

## Jennifer Peters

### PROJECT MANAGER

#### PROFESSIONAL EXPERIENCE

Ms. Peters has over fifteen years of diverse professional experience specializing in environmental consulting, regulatory compliance and review, National Environmental Policy Act (NEPA) site investigation, technical writing, and site assessment. With additional experience in site remediation and emergency response. Jennifer's NEPA experience includes serving as a project manager, coordinator, and resource specialist specializing in water and hazardous material resources, and document author for Environmental Assessments and Categorical Exclusion documents for proposed actions including: programs, utility (water/wastewater, roadways), and facilities. Clients include municipal/local government agencies (cities and counties), U.S. Air Force (USAF), U.S. Postal Service (USPS), Veterans Affairs (VA) and utilities utilizing guidance and regulatory framework provided required by 40 CFR 1500, 32 CFR 989, 24 CFR 58, and 31 TAC. She has also developed and conducted compliance audits; storm water program management; development of Storm water Pollution Plans; development of Storm water Management Program; Spill Prevention, Controls, and Countermeasures Plan, field sampling techniques including groundwater monitoring and sampling, soil sampling, sediment sampling, surface water sampling, drum and waste sampling; environmental site investigation planning and implementation; remediation oversight; data management, data analysis, and technical report preparation; technical writing; implementation of health and safety programs environmental baseline survey (EBS) preparation.

#### PROJECT EXPERIENCE

**City of San Antonio On-Call Environmental Record Review Contract.** Project manager for three year on-call contract with the City of San Antonio to provide on-call services to prepare HUD required NEPA documents, including Categorical Exclusions Subject to 58.5, Environmental Assessments, Noise Studies, Phase I ESAs, desktop archeological reviews, and consultation with State Historic Preservation Office.

**San Antonio Housing Authority: Environmental Review Records including EA and CEST to 58.5 for Multifamily Housing Development and Commercial Properties.** Project manager and prepared Environmental Assessment and CESTs ERR for properties or grants owned by the San Antonio Housing Authority. EA was prepared due to the use of CDBG funds and Tax Credits; commercial properties were to received Choice Funds. Environmental Review Records were prepared in accordance with 24 CFR Part 58, Environmental Review and 40 CFR Part 1500, the NEPA and 24 CFR Part 58 associated with CDBG and HOME funds.

**SAWS: Environmental Information Document Pressure, San Antonio, Texas.** Project manger and Subject matter expert for an Environmental Information Document to connect drinking water Drinking Water Revolving Fund which required compliance under the National Environmental Policy Act. Documented the baseline and analyzed the impacts associated with the project and prepared consultation documents.

#### EDUCATION

Bachelor of Science,  
Geography, Texas A&M  
University, 2000

#### CERTIFICATIONS

40-Hour HAZWOPER  
Basic Wetland Delineation  
Certification, Wetland Training  
Institute; Houston, Texas

#### AFFILIATIONS

Air and Waste Management  
Association, Alamo Chapter  
(Board Member)

Society of American Military  
Engineers – San Antonio  
Chapter

#### WORK HISTORY

Terracon Consultants, Inc.,  
Senior Scientist, 2016-Present

Ageiss, NEPA Specialist,  
2015-2016

Stell Environmental, Project  
Manager, 2012 - 2015

Tetra Tech, Environmental  
Scientist, 2010 – 2012

Weston Solutions, Project  
Scientist, 2003-2010

City of Lubbock,  
Environmental Compliance  
Specialist, 2002-2003

Weston Solutions, Assistant  
Project Scientist, 2001-2002



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## Julio A. Aguilar

### TOXICS AND CONTAMINATION AND NEPA

#### PROFESSIONAL EXPERIENCE

Mr. Julio Aguilar is an environmental scientist in the Terracon San Antonio, Texas office. Julio is proficient in Environmental Site Assessments (ESAs), Wetlands/Waters of the US, Threatened and Endangered Species, National Policy Act Review (NEPA), NEPA related Environmental Assessments (EAs).

#### PROJECT EXPERIENCE

##### Southton Facilities Tower Site – San Antonio, Texas

Project Manager for NEPA reviews and reports for a 180-foot security/communications tower for the Bexar County Sheriff's Office. Services included historical and cultural resource review, habitat and endangered species evaluation, wetlands review and FEMA firmette analysis, State Historic Preservation Office (SHPO) correspondence and tribal notification

##### Starcrest Tower – San Antonio, Texas

Project Manager for NEPA reviews and reports for a communications tower located within Bexar County. Services included historical and cultural resource review, habitat and endangered species evaluation, wetlands review and FEMA firmette analysis, State Historic Preservation Office (SHPO) correspondence and tribal notification

##### Kyle Seale 98 Tower – San Antonio, Texas

Project Manager for NEPA collocation review and reports for a communications antenna to be located on an existing transmission line. Services included historical and cultural resource review, habitat and endangered species evaluation, wetlands review and FEMA firmette analysis, State Historic Preservation Office (SHPO) correspondence and tribal notification

##### SAT-056-B-City of San Antonio, Cricket Communications – San Antonio, Texas

Project Manager for a Phase I ESA conducted on an approximately 0.50-acre tract located at 515 South Frio Street in San Antonio, Bexar County, Texas. During the visual reconnaissance, Terracon observed a telecommunications tower and associated equipment buildings, a back-up generator, aboveground storage tank storing propane and a mobile communications tower on wheels. Additionally, there were overhead electrical lines located along the western site boundary. Terracon did not identify RECs during the site reconnaissance.

##### Environmental Site Assessments (ESAs) – Various, Texas

Performed Phase I ESAs on properties throughout Texas. These assessments included reviewing available sources such as historical photographs, topographic maps, city directories, endangered species reports, determination of wetlands, FCC regulations, and listed tribal and regulatory databases. The ESAs also included extensive knowledge and identification of distinctive features such as caves, cavities, dry river beds and distressed vegetation that may or may not be associated with environmental conditions.

#### EDUCATION

Bachelor of Science in Biology,  
Texas Tech University Degree 1996

#### CERTIFICATIONS

40 Hour Hazardous Waste  
Operations and Emergency  
Response Course June 2006

40 USCOE Hour Wetland Delineation  
Certification Course July 2007

Texas Department of State Health  
Services Asbestos Inspector  
License No. 603016

30 Hour Occupational Safety and  
Health Administration (OSHA)  
Training Course August 2011

#### PROFESSIONAL ACTIVITIES

AWMA – Air Waste Management  
Association

TWA – Texas Wireless association

#### WORK HISTORY

Terracon Consultants, Inc., 2006-  
Present



## Beth Valenzuela

### SENIOR ARCHITECTURAL HISTORIAN

#### PROFESSIONAL EXPERIENCE

Ms. Valenzuela is an architectural historian in Terracon's Austin, Texas office. She has 20 years of professional experience in the field of preservation and historic architecture. She has supervised and participated in historic resources surveys, building documentation, archival research, and historic context development projects throughout the United States. She has worked with municipal governments, and state and federal agencies to identify, document, and provide National Register of Historic Places (NRHP) eligibility assessments for commercial, residential, governmental, industrial, rural resources and cultural landscapes. These projects have involved archival research using primary and secondary source materials at local, state, and national repositories, and condition assessments and field documentation using standardized field survey forms and digital and 35mm photography.

During her career she has managed a broad range of cultural resource projects. These projects have included the identification and assessment of resources dating mostly from the early nineteenth century to the mid-twentieth century and have encompassed utilitarian structures, rural landscapes, vernacular and high-style residential, commercial, and institutional buildings. Ms. Valenzuela meets the *Secretary of Interior Standards for Professional Qualifications* in Architecture, Historic Architecture, and Architectural History.

#### PROJECT EXPERIENCE

##### Historic Resources Survey for Watson Road – San Antonio, Texas

Architectural historian and report author for reconnaissance-level historic resources surveys according to Texas Department of Transportation (TxDOT) *Documentation Standards for Historic Resources Research Design and Survey Reports*. Project included preparation of a research design and approval by TxDOT prior to initiation of fieldwork. Completed field survey, mapping, digital photography, archival research, NRHP eligibility assessment and potential impacts analysis for each identified resource.

##### Archival Research and Historic Background – Callahan County, Texas

Architectural historian for archival research and historical background development to support final NRHP eligibility evaluation of recorded archeological sites within the project area for a substation project for the Taylor Electric Cooperative.

##### Historic Resources Survey for Toutant-Beauregard Road – Bexar County, Texas

Project director and report author for a reconnaissance-level historic resources survey of parcels abutting a roadway widening project and subject to THC consultation and coordination under *Section 106*. Completed field survey, mapping, digital photography, archival research, NRHP eligibility assessment and potential impacts analysis for identified resources.

##### Historic Resources Survey for Acme Road Multi-Family Site Development – Bexar County, Texas

Project director and report author for a reconnaissance-level historic resources survey for parcels impacted by a proposed multi-family residential development subject to THC consultation and coordination under *Section 106*. Completed field survey, mapping, digital photography, archival research, NRHP eligibility assessment and potential impacts analysis for identified resources.

##### Historic Resources Survey for Otto M. Locke, Jr. Nursery – New Braunfels, Comal County, Texas

Project director and report author for a reconnaissance-level historic resources survey for parcel proposed for redevelopment, subject to project review by the City

#### EDUCATION

Masters of Architecture, Texas Tech University, 1998

#### CERTIFICATIONS

Section 4(f) Training, National Preservation Institute, 2019

Section 106 Training, National Preservation Institute, 2007

TxDOT Pre-certification, Categories 2.15.1 and 2.15.2, 2004/2019

#### PROFESSIONAL ACTIVITIES

District 2 Commissioner and Vice Chair, City of Austin Historic Landmark Commission, 2015-present

#### WORK HISTORY

Terracon Consultants, Inc.,  
Senior Architectural Historian, 2018-Present

Valenzuela Preservation Studio, LLC  
Principal/Preservation Specialist,  
2010-2018

Hardy-Heck-Moore, Inc.,  
Preservation Specialist/Project  
Manager, 2003-2010

Volz & Associates, Inc., Architectural  
Intern, 2000-2003

Parshall + Associates, Architectural  
Intern, 1998-2000

#### PRESENTATIONS/PUBLISHED ARTICLES

"Tear Down or Treasure: A Case for Historic Preservation," presented at the Rio Grande Valley American Institute of Architects annual convention, September 2017.

"Architecture of Survival: A Brief History of Building Techniques of the Big Bend Region" presented at the *Southeast Chapter of the Society of Architectural Historians*, November 1998.

## Victoria (Tori) Pagano, M.A., RPA

### PRINCIPAL INVESTIGATOR

#### PROFESSIONAL EXPERIENCE

Victoria Pagano earned an A.S. in General Science, with a focus in Geology from Northwest Vista College, a B.A. in Anthropology from University of Texas San Antonio, and her M.A. in Anthropology at Texas State University. Her academic studies have focused in geoarchaeology—the intersection between Earth Sciences and Archaeology—with a specific interest in Texas prehistory and alluvial geomorphology. Victoria has over four years of experience, including working on academic and private sector projects across Texas and the Southwest. Victoria has a particular interest in the application of geographic information systems cartography and spatial analysis to archaeological problems. Currently she has taken a leading role in the organization and implementation of GNSS/GIS based digital field data collection for the Environmental department in San Antonio using ESRI software.

#### REPRESENTATIVE PROJECT EXPERIENCE

##### New Braunfels ISD — Comal County, Texas

Tori served as Project Archaeologist, leading a crew of two Terracon archaeologists for the cultural resource survey and mechanical trenching of approximately 70-acres. Additionally, she completed reporting, cartography, and analysis of the fieldwork for client deliverables.

##### Chacon Creek Sewer Interceptor Project — Webb County, Texas

Tori served as Project Archaeologist, leading a crew of two Terracon archaeologists for the cultural resource survey and mechanical trenching of approximately 1.10-mile linear alignment. Additionally, she completed reporting, cartography, and analysis of the fieldwork for client deliverables.

##### Buffalo Creek Interceptor Project—Rockwall & Kaufman Counties, Texas

In support of a Terracon Austin project, Tori served as the project geoarchaeologist for the mechanical prospection (backhoe trenching) of several trenches along a proposed 42,800-linear-foot sewer line for the North Texas Water Development Board.

##### South Laredo Wastewater Treatment Plant—Webb County, Texas

In compliance with the Antiquities Code of Texas, Tori carried out archaeological monitoring of ground disturbing activities associated with the installation of a new 1000-foot long wastewater effluent line in southern Laredo. Additionally, Tori assisted with providing support for data organization and reporting through ArcGIS.

##### McKinney Street Widening Project — Denton County, Texas

Tori served as Project Archaeologist, leading a crew of two Terracon archaeologists for the cultural resource survey of and approximately 3.2-mile linear alignment. Additionally, she completed reporting, cartography, and analysis of the fieldwork for client deliverables.

#### EDUCATION

M.A. in Anthropology, Texas State University – San Marcos 2019

B.A. in Anthropology, University of Texas San Antonio – San Antonio 2014

A.S. in General Science, Northwest Vista College – San Antonio 2012

#### OFFICE LOCATION

6911 Blanco Road, San Antonio, Texas 78216

#### AFFILIATIONS

Texas Archeological Society (TAS)  
Member 2015-Present

Council of Texas Archeologists (CTA)  
Member 2016-Present

Geological Society of America (GSA)  
Member 2019

Society for American Archaeology (SAA)  
Member 2016-Present

Southern Texas Archaeological Association (STAA)  
Member 2018-Present

#### WORK HISTORY

Terracon Consultants, Inc.,  
Archaeologist, July 2, 2018 – Present

Alamo Colleges  
Adjunct Faculty, August 31, 2019 – Present

Ancient Southwest Texas Project,  
Texas State University, January 2015- December 2018

Stone Point Services, Contract  
Archaeologist, July 2017- July 2018

Center for Archaeological Studies,  
Texas State University, Lab  
Technician, January 2017- July 2018

SWCA, Cultural Resources  
Technician, February 2018- May 2018

## Tanner Jason

### NATURAL RESOURCES SUBJECT MATER EXPERT

#### PROFESSIONAL EXPERIENCE

Mr. Jason is a Senior Staff Scientist in Terracon's San Antonio, Texas office with more than four years of experience. His current responsibilities including: creating GIS exhibits, wetland delineation, waters of the US field work, iPac report preparation, soil data forms, development of environmental impact statements, and natural/cultural resource site investigations. He has experience providing pre-construction site inspections, creating erosion and sediment control maps and conducting construction SWPPP inspections.

#### PROJECT EXPERIENCE

##### Jurisdictional Waters Evaluation - Webb County, Texas

Conducted a preliminary jurisdictional delineation (PJD) for a site that consisted of approximately 42.39-acre tract and 10-acre tract of undeveloped wooded land. Prepared Preliminary Jurisdiction Delineation report in accordance with the USACE Regulatory Guidance Letter (RGL 07-01) and referenced 1966 NRCS Soil Survey, topographic quadrangle maps to gather information regarding the vegetation, hydrology, and soils within the project area.

##### Federally Listed Threatened and Endangered Species Assessment - Kleberg County, Texas

Conducted a federally listed threatened and endangered species assessment, for the proposed construction of a 315-foot, self-supported communication tower located off of County Road (CR) 2300 in Riviera, Kleberg County, Texas.

##### Jurisdictional Waters Evaluation and Permit and Threatened and Endangered Species Assessment – South Padre Island, Texas.

Conducted a Threatened and Endangered Species Habitat Assessment, conducted a Waters of the United States Delineation, and assisted with preparing a Nationwide Permit Pre-Construction Notification, permit number 14. Permit was submitted to USACE Galveston District. Site including a 4.5 acre site located on South Padre Island.

##### Hidden Valley Dam Replacement NWP 14 – Wimberly, TX

Mr. Tanner Jason conducted a preliminary jurisdictional determination (PJD) of potential waters of the United States (U.S.) for an approximately 200-foot-long, approximately 30-foot-wide dam replacement crossing the Blanco River located in Wimberley, Hays County, Texas. Report writing: JD, GIS exhibit building, photo log, and soil data forms.

##### Toutant Beauregard LWC LC-34 – San Antonio, TX

Mr. Tanner Jason conducted a preliminary jurisdictional determination (PJD) of potential waters of the United States (U.S.) to construct improvements to Toutant Beauregard Road for two low water crossings. Report writing: JD, GIS exhibit building, photo log, and soil data forms.

#### EDUCATION

Bachelor of Science,  
Environmental Science,  
University of Texas at San  
Antonio, 2014

#### CERTIFICATIONS

OSHA 40 Hour HAZWOPER  
Training

OSHA 30 Hour Construction  
Safety

Hydrogen Sulfide Awareness  
Training

Basic Wetland Delineation  
Training (WTI)

#### WORK HISTORY

Terracon Consultants, Inc.,  
Staff Scientist, February 2015-  
Present

## Scope of Services

The proposed project location is noted in Figure 1 below. The proposed project includes replacing existing sidewalks within the 400 block of St. James Street. All work will be completed within an existing right-of-way (ROW) and upon previously disturbed areas. The project should require an Categorical Exclusion Subject to Section 58.5 since it is assumed that the project will include reconstruction of public facilities when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (24 Part 58.35(a)(1)). If this is the case, or if you have additional useful information, please inform us as soon as possible.



Figure 1

### ***Categorical Exclusion Subject to Section 58.5***

The TDA has received funds from HUD, and as such projects utilizing such funds must be in accordance with the National Environmental Policy Act and 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities. Terracon will complete the ERR – Categorical Excluded Subject to 58.5 (including the ERR Summary Sheet and Compliance Checklist documents) utilizing HUDs template to address the compliance factors.

Compliance Factors analyzed will include:

- Statutes, Executive Orders, and Regulations per 24 CFR §50.4 and 58.6
  - Airport Runway Clear Zones and Clear Zones Disclosures
  - Flood Disaster Protection



- Statutes, Executive Orders, and Regulations per 24 CFR § 50.4 and 58.5
  - Clean Air
  - Contamination and Toxic Substances (ESA)
  - Endangered Species Act/Fish and Wildlife
  - Explosive and Flammable
  - Farmland Protection
  - Floodplain Management
  - Historic Preservation
  - Noise Abatement and Control
  - Sole Source Aquifers/ Safe Drinking Water/Water Quality
  - Wetland Protection
  - Environmental Justice

The proposed fee for this project assumes that no additional studies or consultations are required beyond the Desktop Cultural Resources Review, letter consultations with federally recognized tribes, and the Texas Historical Commission (THC). Terracon will utilize the previous environmental reports (if available) and environmental closure documents. Based upon the site location, a noise, threatened and endangered species habitat, or waters of the United States survey should not be required. If the THC requires either a historical structures or archaeological study, Terracon will provide a proposal for the additional work.

### ***Desktop Cultural Resources Review***

A desktop cultural resources review is proposed to identify previously recorded cultural resources within the project's Area of Potential Effects (APE). Research and identification of previously recorded archaeological and historic resources and previous investigations thereof would be performed and could be used to initiate review/consultation with the State Historic Preservation Officer (SHPO), as well as other appropriate consulting parties. The ensuing short report would include discussion of resources within and near the proposed APE, describe environmental parameters that could affect the presence and preservation of unrecorded cultural resources within the APE, and provide recommendations on further work. Work associated with identification of unrecorded properties, formal testing, or data recovery is not included in this Scope of Services. A site visit is not included and will not be conducted for the purpose of this cultural resource review. Should a regulatory agency require work beyond a desktop review, an additional proposal and scope of work would be produced at the client's request.

### ***Phase I ESA Services***

For projects that require a non-residential Categorical Exclusion Subject to be completed, a Phase I Environmental Site Assessment is recommended per HUD guidance. The ESAs will be performed consistent with the procedures included in ASTM E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Assessment Process*. The purpose of

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the ESAs is to assist the client in developing information to identify recognized environmental conditions (RECs - as defined below) in connection with the site as reflected by the scope of this proposal.

ASTM E1527-13 contains a new definition of "migrate/migration," which refers to "the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface." By including this explicit reference to migration in ASTM E1527-13, the standard clarifies that the potential for vapor migration should be addressed as part of a Phase I ESA and will be considered by Terracon in evaluation of RECs associated with the sites. If modifications to the scope of services are required, please contact us to discuss proposal revisions.

### REC Definition

Recognized environmental conditions are defined by ASTM E1527-13 as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: 1) due to any release to the environment, 2) under conditions indicative of a release to the environment, or 3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not recognized environmental conditions."

### Physical Setting

The physical setting for the sites will be described based on a review of the applicable USGS topographic quadrangle map, USDA soil survey, and selected geologic reference information.

### Historical Use Information

A review of selected historical sources, where reasonably ascertainable and readily available, will be conducted in an attempt to document obvious past land use of the sites and adjoining properties back to 1940 or when the site was initially developed, whichever is earlier. The following selected references, depending on applicability and likely usefulness, will be reviewed for the sites.

- Historical topographic maps
- Aerial photographs (approximate 10 to 15 year intervals)
- City directories (approximate 5 year intervals)
- Fire (Sanborn) insurance maps
- Property tax file information
- Site title search information, if provided by client
- Environmental liens, if provided by client
- Building department records
- Zoning records
- Prior environmental reports, permits and registrations; or geotechnical reports, if provided by the client

Pursuant to ASTM E1527-13, the client should engage a title company or title professional to undertake a review of reasonably ascertainable recorded land title records (or judicial records where appropriate) for environmental liens and activity and use limitations currently recorded against or relating to the sites. If the client is unable to provide land title records (or judicial records where appropriate), an abstract firm may be contracted by Terracon to perform a review of land title records (or judicial records where appropriate) for an additional fee. Documentation of environmental liens and activity and use limitations, if recorded, will be provided in the land title records (or judicial records where appropriate). Note, however, unless specifically requested within three days of project commencement, Terracon will rely on the client to provide land title records (or judicial records where appropriate). **If land title records (or judicial records where appropriate) are not provided for review in a timely manner, Terracon may conclude that the absence of records represents a data gap, which must be evaluated and documented in the final report.**

The client and the current owner or their representative will be interviewed to provide information regarding past uses of the site and information pertaining to the use of hazardous substances and petroleum products on the sites. Additionally, a reasonable attempt will be made to interview past owners, operators, and occupants of the sites to the extent that they are identified within the scope of the ESA and are likely to have material information that is not duplicative of information already obtained through the assessment process.

### Regulatory Records Review

Consistent with ASTM E1527-13, outlined below are the following federal, state, and tribal databases, where applicable that are typically reviewed for indications of RECs, and the approximate minimum search distance of the review from the nearest property boundary. A database firm will be subcontracted to access governmental records used in this portion of the assessments. Additional federal, state, and local databases may be reviewed if provided by the database firm. Determining the location of unmapped facilities is beyond the scope of this assessment.

Governmental Records	Search Distance
Federal NPL Site List	1.0 mile
Federal NPL (Delisted) Site List	0.5 mile
Federal CERCLIS Site List	0.5 mile
Federal CERCLIS NFRAP Site List	0.5 mile
Federal RCRA Corrective Actions (CORRACTS) TSD Facilities List	1.0 mile
Federal RCRA Non-CORRACTS TSD Facilities List	0.5 mile
Federal RCRA Generators List	Site and Adjoining
Federal Institutional Control/Engineering Control Registries	Site Only
Federal ERNS List	Site Only
State and Tribal-Equivalent NPL Site Lists	1.0 mile
State and Tribal-Equivalent CERCLIS Lists	0.5 mile
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5 mile
State and Tribal Leaking UST Lists	0.5 mile
State and Tribal Registered UST Lists	Site and Adjoining
State and Tribal Institutional Control/Engineering Control Registries	Site Only
State and Tribal VCP Site Lists	0.5 mile
State and Tribal Brownfield Site Lists	0.5 mile

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Tribal databases will only be evaluated if the site is located in an area where a recognized tribe has jurisdiction for environmental affairs.

In addition to the database review, and if customary practice for the site location, an attempt will be made to review reasonably ascertainable and useful local lists or records such as Brownfield sites, landfill/solid waste disposal sites, registered storage tanks, land records, emergency release reports, and contaminated public wells. A reasonable attempt will also be made to interview at least one staff member of any one of the following types of local government agencies: fire department, health agency, planning department, building department, or environmental department. As an alternative, a written request for information may be submitted to the local agencies.

The scope of work proposed herein includes **up to two hours of regulatory agency file and/or records review, including client-provided reports and files per site**. If the results of this initial review appear to warrant a more extensive review of applicable regulatory agency files and/or records, a cost estimate will be provided to the client for pre-approval. Review of regulatory files and/or records, when authorized, will be for the purpose of identifying RECs. Please note that all requested files may not be available from regulatory agencies within the client's requested project schedule.

### Site and Adjoining/Surrounding Property Reconnaissance

A site reconnaissance will be conducted at each site to identify RECs. The reconnaissance will consist of visual observations of the sites from the site boundaries and selected interior portions of the site. The site reconnaissance will include, where applicable, an interview with site personnel who the client has identified as having knowledge of the uses and physical characteristics of the sites. Pertinent observations from the site reconnaissance will be documented including:

- Site description
- General site operations
- Aboveground chemical or waste storage
- Visible underground chemical or waste storage, drainage, or collection systems
- Electrical transformers
- Obvious releases of hazardous substances or petroleum products

The adjoining property reconnaissance will consist of visual observations of the adjoining/surrounding properties from the site boundaries and accessible public rights-of-way.

### Report Preparation

PDF-formatted copies of the final reports will be submitted that presents the results of the assessments, based upon the scope of services and limitations described herein. The final reports will be signed by an environmental professional responsible for the Phase I ESA, and the reports will contain an environmental professional statement as required by 40 CFR 312.21(d).



## **Schedule**

Typical report deliverable schedules are projected from the date Terracon receives authorization to proceed. The timeliness of the Environmental Assessment may also be subject to regulatory requirements specifying the sequencing of submittals to various agencies (and other stakeholder groups such as certified local governments) as well as variations in time allowed for stakeholders to respond. Typical completion times for an Environmental Assessment are nine weeks.

Regulatory agencies, such as THC, have 30 days to respond to our requests, and may take longer for final designation if additional information/ surveys are required. It is anticipated THC responses will be included with our draft reports. However, Terracon understands that the THC consultation may be pending at the time the draft is provided. To ensure compliance with 24 CFR 50 and National Historic Preservation Act, Section 106, Terracon will provide information stating that the consultation is pending and based upon the proposed action cultural resources should not be impacted. Final confirmation following all THC correspondence will be included in our final reports.

## **Reliance**

The reports will be prepared for the exclusive use and reliance of the City of Gonzales, GLO, and HUD.

If the client is aware of additional parties that will require reliance on the reports, the names, addresses, and relationship of these parties should be provided for Terracon approval prior to the time of authorization to proceed. Terracon may grant reliance on the reports to those approved parties upon receipt of a fully executed Reliance Agreement (available upon request) and receipt of information requested in the Reliance Agreement. If, in the future, the client and Terracon consent to reliance on the reports by a third party, Terracon may grant reliance upon receipt of a fully executed Reliance Agreement, requested information and receipt of an additional minimum fee of \$250 per relying party.

Reliance on the reports by the client and all authorized parties will be subject to the terms, conditions, and limitations in the Agreement for Services (to be determined), proposals, any Reliance Agreement, and the reports.

## **Scope and Report Limitations**

The findings and conclusions presented in the final reports will be based on the site's current utilization, the anticipated future use of the sites, and the information collected as discussed in this proposal. Please note that we do not warrant database or third-party information (such as from interviewees) or regulatory agency information used in the compilation of reports.

Phase I ESAs, are of limited scope, are noninvasive, and cannot eliminate the potential that hazardous, toxic, or petroleum substances are present or have been released at the site beyond what is identified by the limited scope of the ESAs. In conducting the limited scope of services described herein, certain sources of information and public records will not be reviewed. It should be recognized that environmental concerns may be documented in public records that are not reviewed. The ESAs do not include subsurface or other invasive assessments, vapor intrusion

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assessments or indoor air quality assessments (i.e. evaluation of the presence of vapors within a building structure), business environmental risk evaluations, or other services not particularly identified and discussed herein. No ESA can wholly eliminate uncertainty regarding the potential for RECs. The limitations herein must be considered when the user of this report formulates opinions as to risks associated with the sites. No warranties, express or implied, are intended or made.

An evaluation of significant data gaps will be based on the information available at the time of report issuance, and an evaluation of information received after the report issuance date may result in an alteration of our opinions and conclusions. We have no obligation to provide information obtained or discovered by us after the date of the reports, or to perform any additional services, regardless of whether the information would affect any conclusions, recommendations, or opinions in the reports. This disclaimer specifically applies to any information that has not been provided by the client.

### Cost

Compensation shall be on **lump sum basis** summarized in the following table. Our fee assumes award of all locations and both tasks and contains a volume discount for such. Invoicing will be conducted upon submittal of final deliverables.

Task	Fee
Categorical Exclusion Checklist	\$2,500
Desktop Cultural Report	\$800
Phase I ESA	\$2,090
Profit	15%
Total Fee	\$6,198.50

The stated fees are valid only for ninety (90) days after the date of this proposal. Once initiated, should completion of the proposed Scope of Services be delayed by the client for a period exceeding 4 months, additional charges may apply. Additional services requested or approved by the client, such as consultation or other work that is not specifically included in the Scope of Services described in this proposal, will be performed on a time and materials basis for an additional fee based on a not-to-exceed budget. The lump sum fee is based on the assumptions and conditions provided at the time of the proposal. If these assumptions are not valid or regulatory requirements change, there will be additional charges.

## Required Forms



# CERTIFICATE OF LIABILITY INSURANCE

1/1/2021

DATE (MM/DD/YYYY)

12/20/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No. Ext):</b>	<b>FAX (A/C, No):</b>
<b>INSURED</b> 1312891 TERRACON CONSULTANTS, INC. 10841 S. RIDGEVIEW ROAD OLATHE KS 66061	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Lexington Insurance Company	
	<b>INSURER B:</b> Travelers Property Casualty Co of America	
	<b>INSURER C:</b> The Travelers Indemnity Company	
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		

COVERAGES TERCO01

CERTIFICATE NUMBER: 13881552

REVISION NUMBER: XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CONTRACTUAL LIAB <input checked="" type="checkbox"/> XCU COVERAGE GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	N	N	TC2J-GLSA-1118L293	1/1/2020	1/1/2021	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 25,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	N	N	TC2J-CAP-131J3858	1/1/2020	1/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX
B B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	N	N	ZUP-91M46583 (EXCLUDES PROF. LIAB.)	1/1/2020	1/1/2021	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
B C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	TC2J-UB-6N32541-0 (AOS) TRK-UB-6N32384-6 (AZ,MA,WI)	1/1/2020 1/1/2020	1/1/2021 1/1/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	PROFESSIONAL LIABILITY	N	N	26030216	1/1/2020	1/1/2021	\$1,000,000 EACH CLAIM & \$1,000,000 ANNUAL AGGREGATE

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

PROOF OF COVERAGE. THE UMBRELLA LIABILITY IS FOLLOW FORM OVER THE GENERAL LIABILITY, AUTO LIABILITY, AND EMPLOYER'S LIABILITY PER THE POLICY TERMS, CONDITIONS, AND EXCLUSIONS.

## CERTIFICATE HOLDER

13881552  
SPECIMEN

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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## **No Conflict of Interest**

**SAM Search Results**  
**List of records matching your search for :**

**Record Status: Active**  
**DUNS Number: 879018141**

<b>ENTITY</b>	TERRACON CONSULTANTS, INC.	Status: Active
DUNS: 879018141	+4:	CAGE Code: 1PLT2 DoDAAC:
Expiration Date: 03/11/2021	Has Active Exclusion?: No	Debt Subject to Offset?: No
Address: 6911 Blanco Rd		
City: San Antonio	State/Province: TEXAS	
ZIP Code: 78216-6164	Country: UNITED STATES	

**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

**FORM CIQ**

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

**OFFICE USE ONLY**

Date Received

**1 Name of vendor who has a business relationship with local governmental entity.**

Terracon Consultants, Inc.

**2** ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

**3 Name of local government officer about whom the information is being disclosed.**

N/A

Name of Officer

**4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.**

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐

Yes

☐

No

N/A

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐

Yes


☐

No

N/A

**5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.**

**6** ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

**7**   
Signature of vendor doing business with the governmental entity

8/3/2020

Date

## Certification Regarding Lobbying

(To be submitted with each bid or offer exceeding \$100,000)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(c) The undersigned shall require that the language paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995).

The Contractor, Terracon Consultants, Inc. certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 et seq., apply to this certification and disclosure, if any.



\_\_\_\_\_  
Signature of Contractor's Authorized Official

Vice President / Regional Manager

\_\_\_\_\_  
Printed Name and Title of Contractor's Authorized Official

8/3/2020

\_\_\_\_\_  
Date



# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2020-652397

Date Filed:  
08/03/2020

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Terracon Consultants Inc.  
San Antonio, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Gonzales

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFP-CDBGDR  
Environmental Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Anderson , Tim	Tempe, AZ United States	X	
	Covert, Michael	Olathe , KS United States	X	
	Cobb, Harold	Houston, TX United States	X	
	Pavlicek, Robert	Raleigh, NC United States	X	
	O'Grady, Michael	Olathe , KS United States	X	
	Packer , Gayle	Olathe, KS United States	X	

5 Check only if there is NO Interested Party.



### 6 UNSWORN DECLARATION

My name is Chuck A. Gregory, and my date of birth is 8/24/1959.

My address is 6911 Blanco (street), San Antonio (city), TX (state), 78216 (zip code), USA (country).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Bexar County, State of Texas, on the 3 day of August, 2020.  
(month) (year)



Signature of authorized agent of contracting business entity  
(Declarant)

## REQUIRED CONTRACT PROVISIONS

2 CFR 200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

### All Contracts

THRESHOLD	PROVISION	CITATION
>\$150,000 (Simplified Acquisition Threshold)	Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.	2 CFR 200 APPENDIX II (A)
>\$10,000	All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.	2 CFR 200 APPENDIX II (B)
None	Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.	2 CFR 200 APPENDIX II (F)
None	Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.	2 CFR 200 APPENDIX II (H)
None	Records of non-Federal entities. The U.S. Department of Housing and Urban Development (HUD), Inspectors General, the Comptroller General of the United States, the Texas General Land Office (GLO), and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.	2 CFR 200.336
None	Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:	2 CFR 200.333

	<p>(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.</p> <p>(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.</p> <p>(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.</p> <p>(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.</p> <p>(e) Records for program income transactions after the period of performance. In some cases, recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.</p> <p>(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).</p> <p>(1) If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.</p> <p>(2) If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.</p>	
None	<p>Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.</p> <p>(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.</p> <p>(b) Affirmative steps must include:</p> <p>(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;</p> <p>(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;</p> <p>(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;</p>	2 CFR 200.321

	<p>(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;</p> <p>(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and</p> <p>(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.</p>	
None	<p>Verification No Boycott Israel. As required by Chapter 2270, Government Code, CONTRACTOR hereby verifies that it does not boycott Israel and will not boycott Israel through the term of this Agreement. For purposes of this verification, "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.</p>	<p>Texas Government Code 2270.002</p>
None	<p>Foreign Terrorist Organizations. Pursuant to Chapter 2252, Texas Government Code, [Company] represents and certifies that, at the time of execution of this Agreement neither [Company], nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same (i) engages in business with Iran, Sudan, or any foreign terrorist organization as described in Chapters 806 or 807 of the Texas Government Code, or Subchapter F of Chapter 2252 of the Texas Government Code, or (ii) is a company listed by the Texas Comptroller of Public Accounts under Sections 806.051, 807.051, or 2252.153 of the Texas Government Code. The term "foreign terrorist organization" in this paragraph has the meaning assigned to such term in Section 2252.151 of the Texas Government Code.</p>	<p>Texas Government Code 2252.152</p>
Option Contract Language for contracts awarded prior to Grant Award	<p>The contract award is contingent upon the receipt of CDBG-MIT funds. If no such funds are awarded, the contract shall terminate.</p>	<p>Optional</p>

EO Clause for Construction Contracts > \$10K including administration & engineering contracts associated with construction contracts

THRESHOLD	PROVISION	CITATION
>\$10,000	<p>Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”</p> <p>41 CFR 60-1.4 Equal opportunity clause.</p> <p>(b) Federally assisted construction contracts. (1) Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:</p> <p>The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:</p> <p>During the performance of this contract, the contractor agrees as follows:</p> <p>(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:</p> <p>Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.</p> <p>(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.</p> <p>(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to</p>	<p>41 CFR §60-1.4(b) and 2 CFR 200 APPENDIX II (C)</p>

	<p>individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.</p> <p>(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.</p> <p>(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.</p> <p>(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.</p> <p>(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.</p> <p>(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:</p> <p>Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.</p> <p>The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.</p> <p>The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules,</p>	
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	<p>regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.</p> <p>The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.</p> <p>(c) Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.</p> <p>(d) Inclusion of the equal opportunity clause by reference. The equal opportunity clause may be included by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Director of OFCCP may designate.</p> <p>(e) Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.</p> <p>(f) Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.</p> <p>[80 FR 54975, Sept. 11, 2015]</p>	
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THRESHOLD	PROVISION	CITATION
>\$2,000	<p><i>Compliance with the Davis-Bacon Act (40 U.S.C. 3141 et seq.) as supplemented by Department of Labor regulations (29 CFR part 5) and with the Copeland “Anti-Kickback” Act (18 U.S.C. 874; 40 U.S.C. 3145) as supplemented in Department of Labor regulations (29 CFR part 3):</i></p> <p>Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.</p>	2 CFR 200 APPENDIX II (D)
>\$100,000	Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.	2 CFR 200 APPENDIX II (E)
>\$150,000	Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).	2 CFR 200 APPENDIX II (G)
>\$100,000	Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or	2 CFR 200 APPENDIX II (I) and 24 CFR §570.303



	<p>employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.</p>	
>\$100,000	<p>All Section 3 covered contracts shall include the following clause (referred to as the Section 3 clause):</p> <p>A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.</p> <p>B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.</p> <p>C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.</p> <p>D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.</p> <p>E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.</p> <p>F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.</p> <p>G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i)</p>	24 CFR §135.38

	<p>preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).</p>	
	<p>A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</p> <p>[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75885, Dec. 19, 2014]</p>	<p>2 CFR 200 APPENDIX II (J)</p>
	<p>Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.</p>	<p>42 U.S.C. 6201</p>

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on **Resolution #2021-04** in Support of the Removal and Replacement of Guadalupe Blanco River Authority Board Members.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Consent

### **BACKGROUND:**

At the December 10, 2020 meeting, the City Council received a request to approve a resolution of support in removing and replacing the Guadalupe Blanco River Authority (GBRA) Board Members.

### **POLICY CONSIDERATIONS:**

This is consistent with previous actions.

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Staff is seeking Council direction on this item.

## **RESOLUTION NO. 2021-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS ENCOURAGING THE GOVERNOR TO REMOVE AND REPLACE GUADALUPE BLANCO RIVER AUTHORITY BOARD MEMBERS AND REQUESTING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO TAKE OVER OPERATIONS AND MANAGEMENT OF THE GUADALUPE BLANCO RIVER AUTHORITY LAKES.**

**WHEREAS**, citizens of the City of Gonzales have relied upon Lakes Dunlap, McQueeney, Placid, Meadow, Gonzales and Wood for power generation, recreation and economic development for almost 100 years; and,

**WHEREAS**, elected officials representing Gonzales County and the citizens of the City of Gonzales were instrumental in the formation of the Guadalupe Blanco River Authority (GBRA) which was formed to promote economic development in the rural and underdeveloped area of the state; and

**WHEREAS**, the local economy and future prosperity of the City of Gonzales depends in large measure on the protection and enhancement of lakes as well as the livelihoods of the residents, property owners and businesses that rely on them; and

**WHEREAS**, the floodgates on tow of the dams have failed, one at Lake Wood in 2016 and one at Lake Dunlap in 2019; and

**WHEREAS**, the GBRA, as it is presently constituted, is neither willing or able to restore them.

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

Section 1. 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 2. The City Council of the City of Gonzales requests Governor Abbott to immediately fill all vacancies and replace any GBRA Board Members whose present term has expired, exercising his power under Article 8280-106 § 4, Vernon's Civil Statutes which provides that *"(a)ny director may be removed by the authority which appointed him for inefficiency, neglect of duty or misconduct in office, after at least ten (10) days written notice of the charge against him and an opportunity to be heard in person by counsel at a public hearing"*.

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 APPROVED this 14<sup>th</sup> day of January 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on  
**Resolution #2021-05** in Renaming the  
Downtown Square Formerly Referred to as  
Confederate Square.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Consent

### **BACKGROUND:**

Over the past several months the Council has held discussions with community members regarding the downtown square bounded by St George Street, St Paul Street, St Lawrence Street, and St Joseph Street that has formerly been referred to as Confederate Square. The attached resolution has been prepared to changed the name of the square in an effort to reflect the core values of the citizenry, promote camaraderie and reflect the city's ethnic and cultural diversity. The proposed resolution does not indicate a specific name so the Council can receive input from citizens and hold discussions on an appropriate name.

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Staff is seeking Council direction on this item.

**RESOLUTION NO. 2021-05**

**A RESOLUTION OF THE CITY OF GONZALES RENAMING A DOWNTOWN SQUARE FORMERLY REFERRED TO AS CONFEDERATE SQUARE AS \_\_\_\_ SQUARE TO SUPPORT AND PROMOTE COMMUNITY COMARADERIE TO A NAME WHICH WILL BE ADVANTAGEOUS TO ALL DIVERSITIES; TO A PROPITUOUS TITLE FOR ALL OF THE CITIZENS OF GONZLAES; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gonzales, Texas, a Texas home rule municipality, (herein the "City") has a downtown square within its corporate limits bounded by St George Street, St Paul Street, St Lawrence Street, and St Joseph Street that has formerly been referred to as Confederate Square; and

**WHEREAS**, the Mayor & Council unanimously agree to changing the square name to \_\_\_\_ Square to a name that reflects its citizenry core values and promotes camaraderie; and

**WHEREAS**, Consideration has be given to reflect the city's ethnic and cultural diversity; and

**WHEREAS**, the City Council finds that changing the name of the downtown square to \_\_\_\_\_ Square would be in the best interest of the City of Gonzales.

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

Section 1. 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 2. The City Council hereby renames the sqaure bounded by St George Street, St Paul Street, St Lawrence Street, and St Joseph Street that has formerly been referred to as Confederate Square as \_\_\_\_ Square. The City Manager is hereby directed to take such actions as are reasonably necessary to ensure signs are posted reflecting the new name, to ensure emergency response personnel are notified, to modify the official maps of the City to reflect the name change, and to ensure that all departments of the City are duly notified and provided the necessary information to effectuate the change.

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 APPROVED this 14<sup>th</sup> day of January 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action  
Approving Resolution #2021-06 Approving  
Extended Sick Leave Benefits of Two Weeks  
(Up to 80 Hours) for Specified Reasons  
Related to COVID-19.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The Families First Coronavirus Response Act (FFCRA) provided for emergency paid sick leave for two weeks (up to 80 hours) beginning on April 1, 2020 and expiring on December 31, 2020. The Consolidated Appropriations Act, 2021, extended employer tax credits (which the City does not qualify for) as well as expanded family medical leave until March 31, 2021. However, it did not extend the extended paid sick leave. The Department of Labor has offered guidance indicating employers may voluntarily continue with the extended paid sick leave. As of the pay period ending December 25, 2020, 31 employees had utilized emergency paid sick leave totaling 1,697.38 hours. There are some employees that were out in early January 2021 and Staff anticipates that there will be more employees in need of the emergency paid sick leave. The attached resolution provides for the extension of the emergency paid sick leave of two weeks (up to 80 hours) until March 31, 2021. This will be available to any employees that have not already exhausted their 80 hours of paid leave.

### **POLICY CONSIDERATIONS:**

This has not been done in the past, however, due to the unique nature of the COVID-19 pandemic staff believes it is appropriate to extend the emergency paid sick leave for the benefit of all employees.

### **FISCAL IMPACT:**

This is difficult to determine in that it depends on if employees have to quarantine due to exposure or a positive COVID-19 test. In the calendar year 2020, 31 employees utilized the federally mandated emergency paid sick leave totaling 1,697.38 hours at a cost of \$25,218.40.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution

**RESOLUTION NO. 2021-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING THE EXTENSION OF EMERGENCY PAID SICK LEAVE BENEFITS OF TWO WEEKS (UP TO EIGHTY HOURS) FOR SPECIFIED REASONS RELATED TO COVID-19; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to provide a set of guidelines intended to create and maintain understanding and cooperation among the employees of the City and to set forth results and procedures to enhance the services of the City to its citizens; and

**WHEREAS**, the Families First Coronavirus Response Act (FFCRA) was approved on March 18, 2020, and required employers to provide two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; and,

**WHEREAS**, the FFCRA expired on December 31, 2020 and the Consolidated Appropriations Act, 2021, was signed into law on December 27, 2020 extending employer tax credits (which the City does not qualify for) as well as expanded family medical leave until March 31, 2021; and,

**WHEREAS**, the Consolidated Appropriations Act, 2021, did not extend the emergency paid sick leave provisions of the FFCRA; and

**WHEREAS**, the City of Gonzales had 31 employees utilize the federally mandated emergency paid sick leave totaling 1,697.38 hours in the 2020 calendar year; and

**WHEREAS**, employees of the City of Gonzales are in need of the continued emergency paid sick leave; and

**WHEREAS**, the City Council of the City of Gonzales believes it is in the public interest to extend the provisions of the emergency paid sick leave for employees until March 31, 2021.

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

Section 1. 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 2. The City Council of the City of Gonzales, Texas hereby extends the emergency paid sick leave of two weeks (up to 80 hours) beginning January 1, 2021 and ending March 31, 2021 for those employees that would have otherwise qualified for the leave in accordance with

the Families First Coronavirus Response Act. This will be available to any employees that have not already exhausted their 80 hours of paid leave.

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 APPROVED this 14<sup>th</sup> day of January 2021.**

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Connie Kacir, Mayor

ATTEST:

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City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Conduct a Public Hearing and Consider Action on Ordinance #2021-05 Amending Ordinance 95-12 Section B, Revising Section 24-307, Power Cost Adjustment Factor.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

In the past the City of Gonzales City Council has previously enacted and amended provisions governing the calculation of electric utility rates. The City Council has determined that it is in the best interest of the City and residents to commission a rate study by NewGen Strategies & Solutions, which should be complete sometime in February/March 2021 for utility services that are provided by the City. Certain revisions to the existing rate calculations are necessary to reflect the historical practices of the City prior to consideration of any rate adjustment recommendations. The City Charter provides that the City Council shall have the power after due notice and a public hearing to regulate by ordinance the rates and services of the City Utilities Operation within the City of Gonzales. City Staff, consultants, and legal counsel, has found it necessary to adopt these amendments to the subject section which fully protects the interest of the City of Gonzales.

### **POLICY CONSIDERATIONS:**

The Utility Ordinance Amendment will amend the current Ordinance 95-12 Section B Revising Section 24-307, Power Cost Adjustment Factor.

### **FISCAL IMPACT:**

This is a revenue neutral change and no fiscal impacts.

### **ATTACHMENTS:**

Utility Ordinance Amendment and Exhibit A, PCA Factor.

### **STAFF RECOMMENDATION:**

Staff respectfully requests that the City Council approve amending the current Ordinance 95-12 Section B Revising Section 24-307, Power Cost Adjustment Factor.

## **ORDINANC 2021-05**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES TEXAS AMENDING THAT PORTION OF ORDINANCE 95-12 SECTION B REVISING SECTION 24-307, POWER COST ADJUSTMENT FACTOR, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the City Council previously enacted and amended provisions governing the calculation of electric utility rates; and,

**WHEREAS**, the City Council has determined that it is in the best interest of the City and residents to commission a rate study for the utility services that are provided by the City; and,

**WHEREAS**, certain revisions to existing rate calculations are necessary to reflect the historical practices of the City prior to consideration of any rate adjustment recommendations; and,

**WHEREAS**, the City Charter provides that the City Council shall have the power, after due notice and hearing, to regulate by ordinance the rates and services of city utilities operating in the City of Gonzales; and,

**WHEREAS**, the City Council upon recommendation by City Staff, consultants, and legal counsel, has found it necessary to adopt these amendments to the subject section fully protect the interest of the City.

### **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

**PART 1.** That Ordinance 95-12 Section B, revising Section 24-307, power cost adjustment factor, is hereby revised as set forth in the attached Exhibit A

**PART 2.** That the recitals contained in the preamble hereto 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.

**PART 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**PART 4.** That 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.

**PART 5.** This ordinance shall take effect after passage and adoption and any publication as may be required by governing law.

**PART 6.** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Gonzales under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**PART 7.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

**PASSED, APPROVED, and ADOPTED on this 14<sup>th</sup> day of January, 2020.**

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Connie Kacir, Mayor

ATTEST:

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City Secretary



**Exhibit A**  
**City of Gonzales**  
**Power Cost Adjustment Factor**

$$PCA = \frac{WC+HE+M-CF}{S}$$

- PCA = Power cost adjustment (\$ per kwhr) rounded to the nearest 0.0001 cents.
- WC = Total estimated wholesale purchased power cost and transmission costs on a monthly basis from City's wholesale energy suppliers and transmission operator (\$).
- HE = Total estimated cost of energy generated by the City at its hydroelectric generation plant on amonthly basis (\$). The hydroelectric generation costs shall include the debt service and debt service coverage costs.
- M = All other costs related to the procurement of electric power and transmission including but not limited to legal costs, power supply consulting services, and City staff costs related to power supply procurement and management.
- S = Total estimated kWh sales to City customers on amonthly basis (kWh).
- CF = Correction factor adjustment to be applied to correct for any variance between actual PCA costs and revenues. The calculation of CF shall be performed on a monthly basis with the results of this reconciliation applied to the PCA in the subsequent month's billing. (\$).

The formula for the calculation of the Correction Factor (CF) shall be as follows:

$$CF = (A) - (B)$$

- (A) = The actual power cost adjustment revenues received from the application of the Power Cost Adjustment Factor for the subject reconciliation period (\$).
- (B) = The actual power cost and hydroelectric generation expenses realized by the City in excess of the base amount of power purchase and generation expense cost included in the City's electric retail electric rate schedules for the subject reconciliation period (\$).

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution 2021-07 Authorizing the City Manager to Enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The City of Gonzales has approximately 3,000 electric meters. Some of these electric meters are more than 20 years old and others are unknown. When the meters are this old, the dial on the mechanical meter may stop or slow down. This causes inaccurate readings (Less), potential line loss and a decrease in our revenues. In a previous month, staff had to manually read 292 electric meters with a handheld which took 5 employees at 8 hours each. After the initial reads were imported into our billing code system, it kicked out 233 electric reads that needed to physically be verified. This process required 5 employees at 8 hours each. When the billing department notices a high bill due to a possible incorrect read, they send the technician out to get a third read. On average there are 20 accounts that need to be read a third time and this normally takes an employee 2 hours. The electric department has been replacing electric meters that have stopped reading, but the City Staff is looking at replacing all electric meters, related software that is needed and the installation of the electric meter system. With some of the newer electric meter systems, staff could have the reads in less than a few minutes which would save the City a lot of manpower.

On October 8, 2020 City staff requested permission to solicit requests for proposal for the purchase of electric meters, related software, and the installation of the system in the manner most advantageous for the City of Gonzales.

The RFP was posted on December 14, 2020 with proposals to be due by January 8, 2021. The City of Gonzales received three responses to the RFP. The three proposals received were from Vision Metering, Techline, Inc. and Anixter, but staff rejected the proposal from Vision Metering.

On January 8, 2021, City Staff met and evaluated the proposals based on the criteria set forth in the RFP and ranked the proposals with a possible score of 100 points; Techline, Inc. scored 92.75 and Anixter scored 81.75.

### **POLICY CONSIDERATIONS:**

This is consistent with what has been done in the past.

**FISCAL IMPACT:**

Staff did not allocate any funds in the 2020-2021 budget for the purchase of electric meters, related software, and the installation of the system, but a budget amendment will be completed at a later date when the amount is determined.

**ATTACHMENTS:**

Bid/Proposal from Vision Metering, Techline, Inc. and Anixter included with printed packet due to size.

**STAFF RECOMMENDATION:**

Staff is seeking City Council direction on this item.

**RESOLUTION NO. 2021-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THE PURCHASE AND INSTALLATION OF A FIXED NETWORK ADVANCED METERING (AMI) SYSTEM; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on October 8, 2020 the City Council authorized City staff to solicit requests for proposals for the purchase of electric meters, related software and the installation of the system in the manner most advantageous for the City of Gonzales; and,

**WHEREAS**, City Staff posted the RFP on December 14, 2020; and

**WHEREAS**, the bids/proposals were due to be received by the City of Gonzales on January 8, 2021 at 2:00 p.m.; and

**WHEREAS**, three proposals were received from Vision Metering, Techline, Inc. and Anixter by the due date, but staff rejected the proposal from Vision Metering; and

**WHEREAS**, on January 8, 2021, City Staff met and evaluated the proposals based on the criteria set forth in the RFP and ranked the proposals with a possible score of 100 points; Techline, Inc. scored 92.75 and Anixter scored 81.75; and

**WHEREAS**, there are no funds allocated in the 2020-2021 budget for the purchase of electric meters, related software, and the installation of the system, but a budget amendment will be completed at a later date when the amount is determined, a budget amendment will be completed; and

**WHEREAS**, the City finds that entering into an agreement with \_\_\_\_\_ for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System would increase the accuracy of the meter reads and increase efficiencies within the electric department which would be in the best interest of the City and its citizens and will further promote the public health, safety, and general welfare of the City; and

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

Section 1. 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 2. The City Council of the City of Gonzales, Texas hereby authorizes the City Manager to enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System to \_\_\_\_\_.

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 APPROVED this 14<sup>th</sup> day of January, 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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City Secretary

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on  
**Resolution #2021-08** Appointing the  
Municipal Court Judge and Authorizing the  
City Manager to execute an agreement for  
judicial services.

**DATE: January 14, 2021**

### **TYPE AGENDA ITEM:**

Action/Executive Session

### **BACKGROUND:**

At the October 8, 2020 meeting, Council directed staff to solicit requests for qualifications (RFQ) for the position of Municipal Judge. A notice was published in the Gonzales Inquirer and on the City's website. Staff also emailed the RFQ to the current Municipal Judge, Deidra Voigt and to Michael Scott Hanson who had previously requested to be notified if such action was taken. The deadline to submit qualification was Monday, November 30, 2020 at 2:00 p.m. Staff received one submittal from Judge Deidra Voigt. An additional application was received by Mr. Michael Scott Hanson on December 22, 2020. The City Council will have the opportunity to interview and discuss the applicants during executive session, while the appointment must be made in open session.

Judge Deidra Voigt, the current judge, was originally appointed on May 24, 2011 to fill an unexpired term for the previous judge that ended on December 8, 2012. Judge Voigt was last reappointed at the November 8, 2018 Council meeting with a term expiration of December 8, 2020.

Government Code Section 29.005 states that the term of office of a judge of a municipal court is two years unless the municipality provides for a longer term pursuant to the Constitution. A municipal court judge who is not reappointed by the 91<sup>st</sup> day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

As per the City of Gonzales Charter Section 4.04 (b) the judge of the municipal court shall be a qualified voter of the city and shall be appointed by the city council, shall hold his/her office at the pleasure of the city council and shall receive such salary as may be fixed by ordinance of the city council.

### **POLICY CONSIDERATIONS:**

In 2018, Council held discussions regarding whether it would be appropriate to advertise a request for qualifications for the position. It does not appear that this was done for the last appointment.

**FISCAL IMPACT:**

The Municipal Court Judge is currently compensated \$1,950 per month. There was no proposed increase included in the Fiscal Year 2020-2021 budget.

**STAFF RECOMMENDATION:**

Staff is seeking Council direction on this item.



## **RESOLUTION NO. 2021-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE APPOINTMENT OF THE MUNICIPAL COURT JUDGE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR SAID POSITION IN THE MANNER MOST ADVANTAGEOUS TO THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, as per the City of Gonzales Charter the municipal court judge shall be a qualified voter of the city and shall be appointed by and serve at the pleasure of the City Council; and,

**WHEREAS**, Government Code Section 29.005 states that the term of office of a municipal court judge serves for a term of office of two years unless the municipality provides for a longer term pursuant to the Constitution; and

**WHEREAS**, the municipal court judge must be reappointed by the 91<sup>st</sup> day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another office beginning on the date the previous term of office expired; and

**WHEREAS**, the current sitting municipal judge's term ended on December 8, 2020; and

**WHEREAS**, the City Council finds that appointing \_\_\_\_ as the Municipal Court Judge to perform municipal judge services would be in the best interest of the City of Gonzales.

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

Section 1. 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 2. The City Council of the City of Gonzales, Texas hereby appoints \_\_\_\_\_ to serve as the Municipal Court Judge until January 14, 2023.

Section 3. The City Council authorizes the City Manager to negotiate a contract for professional services with the Municipal Court Judge in accordance with expenses adopted in the Fiscal Year 2020-2021 Budget.

Section 4. 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 5. This Resolution 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 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 7. 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 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 14<sup>th</sup> day of January 2021.**

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Mayor, Connie L. Kacir

ATTEST:

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City Secretary