

**CITY OF GONZALES, TEXAS
SPECIAL CITY COUNCIL MEETING
GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET
AGENDA –NOVEMBER 9, 2021 5:00 P.M.**

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

HEARING OF RESIDENTS

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

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

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

ACTION ITEMS

- 1.1 Discuss, Consider & Possible Action on **Resolution #2021-94** Canvassing the Returns and Officially declaring the results of the November 2, 2021 City of Gonzales Special Election to Fill a Vacancy
- 1.2 Discuss, Consider & Possible Action on **Ordinance #2021-27** Ordering a Runoff Election
- 1.3 Discuss, Consider & Possible Action Authorizing the City Manager to Execute a Voting Machine Rental Service Agreement with Gonzales County for the Runoff Election

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.

I certify that a copy of the November 9, 2021, agenda of items to be considered by the Gonzales City Council was posted on the City Municipal Building bulletin board on the 5th day of November, 2021 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting. I further certify that the above agenda was removed on _____ day of _____, 2021 at _____am/pm. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.

Kristina Vega, City Secretary

The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the City Secretary's office at (830)672-2815 for further information.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2021-94 Canvassing the Returns and Officially Declaring the Results of the November 2, 2021 City of Gonzales Special Election to Fill a Vacancy

DATE: November 9, 2021

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

Election Code Section 67.003 states that each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the eleventh day after Election Day and not earlier than the third day after Election Day.

POLICY CONSIDERATIONS:

The Canvassing process is consistent with Texas Election Code Section 67.003.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2021-94

A RESOLUTION OF THE CITY OF GONZALES, TEXAS CANVASSING THE RETURNS AND OFFICIALLY DECLARING THE RESULTS OF THE NOVEMBER 2, 2021 CITY OF GONZALES SPECIAL ELECTION TO FILL A VACANCY FOR THE PURPOSE OF ELECTING COUNCIL MEMBER DISTRICT 4.; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Election Code Section 67.003 states that each local canvassing authority shall convene to conduct the local canvass at the time set by the canvassing authority's presiding officer not later than the 11th day after election day and not earlier than the third day after election day; and

WHEREAS, on November 2, 2021 the said election was duly and legally held in conformity with the election laws of the state of Texas, and

WHEREAS, the City Council of the City of Gonzales, Texas canvassed the election returns on November 9, 2021 and hereby declare the result of such special election to fill a vacancy.

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

Section 1. The foregoing recitals and legislative findings are hereby incorporated and made an effective and enforceable part of this Resolution.

Section 2. A total of ballots cast for the special election to fill a vacancy during early voting were 208 by personal appearance, 3 mail ballots, and 95 votes were cast on Election Day. Total number of votes cast in this election was 306.

Section 3. The City Council of the City of Gonzales, Texas hereby finds that the results of the special election to fill a vacancy as set forth below reflect the reported votes, and the canvass of votes is hereby approved.

CANDIDATE	Early Voting	Absentee	Election Day	TOTAL VOTES
Ronda Miller	65	2	35	102
Thomas Enriquez	37	1	32	70
Dan Blakemore	106	0	28	134
Total Votes Counted	208	3	95	306

Section 4. The City Council of the City of Gonzales, Texas hereby declares the canvass determined that, in the race for City Council District 4 no candidates received a majority of the votes cast, therefore requiring a Runoff Election to be held.

Section 5. 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 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. 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 8. 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 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 9th day of November, 2021.

Mayor, Connie L. Kacir

ATTEST:

Kristina Vega, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Ordinance #2021-27 Calling a Runoff Election on December 7, 2021, for the Purpose of Electing City Council District 4; Providing For Early Voting; Providing For Notice of the Election

DATE: November 9, 2021

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

According to Election Code Chapter 2; Subchapter B. if no candidate for a particular office receives the vote necessary to be elected in an election requiring a majority vote, a runoff election for that office is required.

POLICY CONSIDERATIONS:

This procedure and action is consistent with Election Code Chapter 2 Subchapter B.

FISCAL IMPACT:

The Fiscal Year 2021-2022 Budget includes \$20,000 for election expenses. The November 2nd election had an approximate cost of \$2,500.00, thus leaving approximately \$17,500.00 still available in the line item for elections.

ATTACHMENTS:

N/A

STAFF RECOMMENDATION:

Respectfully recommends approval of this Ordinance.

ORDINANCE 2021-27 (ORDENANZA 2021-27)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS CALLING A RUNOFF ELECTION ON DECEMBER 7, 2021, FOR THE PURPOSE OF ELECTING CITY COUNCIL DISTRICT 4; PROVIDING FOR EARLY VOTING; PROVIDING FOR NOTICE OF THE ELECTION; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

UNA ORDENANZA DEL CONSEJO MUNICIPAL DE LA CIUDAD DE GONZALES, TEXAS, PARA CONVOCAR UNA ELECCIÓN DE SEGUNDA VUELTA EL 7 DE DICIEMBRE DE 2021, PARA EL PROPÓSITO DE ELEGIR PARA EL DISTRITO 4 DEL CONSEJO MUNICIPAL; DISPONER LA VOTACIÓN ANTICIPADA; DISPONER EL AVISO DE LA ELECCIÓN; DISPONER OTROS ASUNTOS RELACIONADOS; Y DISPONER UNA FECHA DE ENTRADA EN VIGENCIA.

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

EN VISTA DE QUE, en virtud de las secciones 2.021 hasta la 2.023 del Código Electoral de Texas, si ningún candidato para un lugar en el Consejo Municipal recibe una mayoría del voto, se requiere una elección de segunda vuelta entre los candidatos que recibieron el mayor número de votos y el segundo mayor número de votos; y

WHEREAS, pursuant to Section 5.05, Article V. Nomination and Elections of the City of Gonzales Home Rule Charter, in the absence of a majority of the votes cast for that position a run-off election shall be held in accordance with State law; and

EN VISTA DE QUE, en virtud de la Sección 5.05 del Artículo V. Nominación y Elecciones de la Carta Orgánica de Gobierno Autónomo de la Ciudad de Gonzales, a falta de una mayoría de los votos emitidos para ese cargo, se celebrará una elección de segunda vuelta en conformidad con la ley estatal; y

WHEREAS, a canvassing of the returns and declaring the results of a Special Election held on November 2, 2021 was approved by the City Council on November 9, 2021; and

EN VISTA DE QUE un escrutinio de los resultados y declaración de los resultados de una Elección Especial celebrada el 2 de noviembre de 2021 fue aprobado por el Consejo Municipal el 9 de noviembre de 2021; y

WHEREAS, the canvass determined that, in the race for City Council District 4 no candidates received a majority of the votes cast; and

EN VISTA DE QUE el escrutinio determinó que, en la contienda para el Distrito 4 del Consejo Municipal, ninguno de los candidatos recibió una mayoría de los votos emitidos; y

WHEREAS, the two candidates receiving the highest number of votes for the office of City Council District 4 were Ronda Miller and Dan Blakemore

EN VISTA DE QUE los dos candidatos que recibieron el mayor número de votos para el cargo del Distrito 4 del Consejo Municipal fueron Ronda Miller y Dan Blakemore.

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 recitals set out above are hereby found to be true and correct and are incorporated within this Ordinance for all purposes.

Sección 1. Por la presente, se halla que los considerandos expuestos antes son verdaderos y correctos y se incorporan dentro de esta ordenanza para todos los efectos.

Section 2. There is hereby ordered a Runoff Election to be held in the City of Gonzales, Texas, on the 7th day of December 2021, for the purpose of electing City Council District Four (4). It is further ordered as follows:

- (a) Election Day voting will be conducted on December 7, 2021 from 7:00 a.m. to 7:00 p.m., and the polling place shall be located at the Gonzales Municipal Building located at 820 St. Joseph Street, Gonzales, Texas, 78629; and
- (b) Early voting by personal appearance shall be conducted on November 22nd – 24th , from 8:00 a.m. to 5:00 p.m., November 29th-30th from 7:00 a.m. to 7 p.m. and December 1st -3rd from 8 a.m. to 5 p.m.: and the polling place shall be located at 820 St. Joseph Street, Gonzales, Texas, 78629; and
- (c) Only qualified voters of the City of Gonzales District 4 shall be eligible to vote; and
- (d) The candidates receiving a majority of the votes cast for City Council District Four (4) shall be declared elected to such office.

Sección 2. Por la presente, se ordena una Elección de Segunda Vuelta que se celebrará en la Ciudad de Gonzales, Texas, el 7 de diciembre de 2021, para el propósito de elegir para el Distrito Cuatro (4) del Consejo Municipal. Se ordena asimismo lo siguiente:

- (a) *La votación del Día de Elección se celebrará el 7 de diciembre de 2021 de 7:00 a.m. a 7:00 p.m. y el lugar de votación estará ubicado en el Edificio Municipal de Gonzales, sito en 820 St. Joseph Street, Gonzales, Texas, 78629; y*
- (b) *La votación anticipada en persona se celebrará el 22 y 24 de noviembre, de 8:00 a.m. a 5:00 p.m., el 29 y 30 de noviembre de 7:00 a.m. a 7 p.m. y del 1 al 3 de diciembre de 8 a.m. a 5 p.m. y el lugar de votación estará ubicado en 820 St. Joseph Street, Gonzales, Texas, 78629; y*
- (c) *Solamente los votantes habilitados del Distrito 4 de la Ciudad de Gonzales serán elegibles para votar; y*
- (d) *Los candidatos que reciban una mayoría de los votos emitidos para el Distrito Cuatro (4) del Consejo Municipal serán declarados electos a dicho cargo.*

Section 3. The Candidates for the Runoff Election shall be as follows:

City Council District Four (4): Ronda Miller and Dan Blakemore.

Sección 3. Los candidatos para la Elección de Segunda Vuelta serán los siguientes:

Distrito Cuatro (4) del Consejo Municipal: Ronda Miller y Dan Blakemore.

Section 4. The Runoff Election shall be conducted in accordance with the requirements of the Texas Election Code and the City Charter.

Sección 4. La Elección de Segunda Vuelta se celebrará en conformidad con los requisitos del Código Electoral de Texas y la Carta Orgánica de la Ciudad.

Section 5. The City Secretary is hereby directed and authorized as follows:

- (a) To provide post and publish notice of the Runoff Election in accordance with the terms of state law;
- (b) Procure and furnish all necessary supplies to conduct the election; and
- (c) Serve as the Custodian of Records ("Custodian") and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election as required under the Texas Election Code; and
- (d) Assume such other duties reasonably necessary to assure that the Runoff Election is conducted in compliance with the requirements of the City Charter and state law.

Sección 5. Por la presente, se instruye y autoriza a la secretaria de la ciudad a llevar a cabo lo siguiente:

- (a) *Entregar, colocar y publicar el aviso de la Elección de Segunda Vuelta en conformidad con los términos de la ley estatal;*
- (b) *Conseguir y entregar todos y cada uno de los insumos necesarios para celebrar la elección; y*

- (c) *Actuar como el Custodio de los Registros ("Custodio") y agente del Consejo para que lleve a cabo las funciones relacionadas con la celebración de la Elección y el mantenimiento de los registros electorales, según lo requerido por el Código Electoral de Texas; y*
- (d) *Asumir ciertas otras determinadas funciones necesarias para garantizar que se celebre la Elección de Segunda Vuelta en cumplimiento de los requisitos de la Carta Orgánica de la Ciudad y la ley estatal.*

Section 6. Applications for ballot by mail shall be requested as follows:

- (a) Request for ballots by mail for City of Gonzales residents shall be mailed to: Kristina Vega, Early Voting Clerk, P.O. Box 547, Gonzales, Texas 78629. Applications for early voting ballot by mail must be received no later than the close of business on November 24, 2021.

Sección 6. Las solicitudes de boletas para votar por correo deberán pedirse de la siguiente forma:

- (a) *Las solicitudes de boletas de votación por correo postal para los residentes de la Ciudad de Gonzales deberán enviarse por correo postal a: Kristina Vega, Early Voting Clerk, P.O. Box 547, Gonzales, Texas 78629. Las solicitudes de boletas de votación anticipada por correo deben recibirse a más tardar al cierre del horario de atención del 24 de noviembre de 2021.*

Section 7. 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 7. 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 las boletas de votación provisionales. El ExpressVote BMD con escáner DS200 se utilizará para la votación anticipada en persona y la votación el Día de Elección. Por la presente, el Consejo Municipal adopta para uso en la votación anticipada y la votación el Día de la Elección el ExpressVote BMD con escáner DS200 conforme lo aprobó la Secretaría del 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. 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 9th DAY of November, 2021.

ACEPTADA, ADOPTADA, APROBADA Y VIGENTE EL 9 DE NOVIEMBRE DE 2021.

Mayor (*Alcaldesa*), Connie Kacir

ATTEST (*ATESTIGUA*):

Kristina Vega, City Secretary (*Secretaria de la Ciudad*)

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action
Authorizing the City Manager to Execute a
Voting Machine Rental Service Agreement
with Gonzales County for the December 7,
2021 Runoff Election

DATE: November 9, 2021

TYPE AGENDA ITEM:

Action

BACKGROUND:

An agreement must be completed for the rental of Gonzales County's Electronic Voting System to be utilized for the December 7, 2021 Runoff Election. Once approved by City Council, the Commissioner's Court must approve the rental agreement and use of the equipment as well.

POLICY CONSIDERATIONS:

N/A

FISCAL IMPACT:

The Fiscal Year 2021-2022 Budget includes \$20,000 for election expenses. The November 2nd election had an approximate cost of \$2,500.00, thus leaving approximately \$17,500.00 still available in the line item for elections.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this agreement.

VOTING MACHINE RENTAL SERVICE AGREEMENT
CITY OF GONZALES, TEXAS and GONZALES COUNTY

Gonzales County, Texas, hereinafter designated as “the County”, represented in this agreement by the Gonzales County Judge, hereby agrees to rent the following voting machine(s) to the CITY OF GONZALES hereinafter designated as “Renter” on the terms stated below, for the use on Election Day Voting and Early Voting in the Runoff Election on December 7, 2021.

Name of School or City and address here: CITY OF GONZALES
820 St. Joseph Street,
Gonzales, TX 78629

- I. Renter has requested the rental of 3 ES&S Express Vote machines and 2 DS200 Precinct Scanner.
- II. The rental period of voting machine shall commence at 8am on November 15, 2021 and shall end no later 5pm on December 8, 2021.
- III. The said machine(s) will be delivered by the County on November 15, 2021 and picked up by the County at said place on December 8, 2021.
- IV. The County Commissioner’s Court has set a rate of \$75 per item of equipment per day/ per election. The contracting Officer must submit the actual cost for the contracted lease, pursuant to the Contract with the Renter no later than ten days after the election. The renter agrees to pay all the costs of the equipment within 15 days of receipt of the statement.
- V. Renter agrees to and will process as specified and in accordance with the County’s contract with ES&S in regard to layout, ordering and programming of ballots and audio programming for the voting machine(s). County will inform Renter of specified process to be used to assure timely receipt of ballots and programming for Early Voting and Election Day.
- VI. Only voting machine which the County believes to be in safe operating condition will be provided and the Renter agrees to hold the County harmless for any damages arising from the Renter’s use of the voting machine.
- VII. Renter agrees the voting machine(s) will remain in the same condition as when received, normal and considerate usage wear accepted. Renter agrees to reimburse the County for the costs to repair damages to the said machine(s) during such time as the County does not have control or custody of said machine(s).
- VIII. **Nontransferable Functions.** Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the office to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by section 31.096 of the Texas Election Code.
- IX. **Cancellation of Election.** If the renter cancels its election pursuant to Section 2.053 of the Texas Election code, the County shall be entitled to receive only the actual expenses incurred before the date of

X. **Representatives.** For purposes of implementing this contract and coordinating the activities it addresses, the Renter and the County shall designate the following individuals. Whenever the contract requires submission of Information or documents or notices to the Renter or the County, respectively, submission or notice shall be to these individuals:

VII. In the event of equipment failure or malfunction, the local contact name and phone number to be contacted between the hours of 7 a.m. and 7 p.m. for Election Day and between the hours of 8 a.m. and 5 p.m. for Early Voting is provided by County:

Name: Lona Ackman, County Clerk Phone: 830-672-2801

In witness of this Agreement, we the County and the Renter affix our signatures on this ____ day of _____, 2021 .

CITY OF GONZALES

BY: _____, _____ City Manager

ATTEST:

_____, _____ City Secretary

GONZALES COUNTY

BY: _____
Patrick C. Davis, County Judge

ATTEST:

Lona Ackman, County Clerk