

**CITY OF GONZALES
CITY COUNCIL MEETING
FEBRUARY 14, 2019 MINUTES**

The City Council convened the Council meeting at 6:01 p.m., February 14, 2019, in the Council Chambers at the Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas.

The following members were present constituting a quorum: Mayor Connie L. Kacir, Councilmen Gary Schroeder, Tommy Schurig, Dan Blakemore and Bobby O'Neal.

Others Present: City Manager- Tim Patek, City Secretary- Kristina Vega, City Attorney- T. Daniel Santee

Staff Present: Genora Young, Clint Hille, Laura Zella, Anne Dollery, Barbara Friedrich, Tim Crow, Keith Schmidt

Mayor Connie Kacir called the meeting to order, gave the invocation, and cited the Pledge of Allegiance and the Texas Pledge.

HEARING OF RESIDENTS

Eddie Halamicek thanked the City Council for having the Hot Rods and Hatters Car Show and support the car show coming back in 2020.

Beverly Pirkle spoke highly of the car show and desires it to come back again next year and also spoke regarding the tax situation in Gonzales and how the lowering of the tax rate could negatively affect city services.

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 Councilmember.

- 1.1 Minutes - Approval of the minutes for the Regular Meeting of January 10, 2019
- 1.2 Acknowledging Receipt of the 2018 Racial Profiling Report
- 1.3 Discuss, Consider & Possible Action on Resolution #2019-3 Authorizing Gonzales Main Street's Use of Confederate Square including the Parking Lot for the 3rd Annual City Wide Yard Sale on April 13, 2019
- 1.4 Discuss, Consider & Possible Action on Resolution #2019-4 Authorizing the City Manager to Enter into an Interlocal Agreement on behalf of the City of Gonzales with Region 8 Education Service Center through a Program known as The Interlocal Purchasing System (TIPS)

1.5 Discuss, Consider & Possible Action on Resolution #2019-5 Authorizing the Expenditure in an amount not to exceed \$2,200 for School Zone Signage and supplies from the Restricted Use Municipal Court Child Safety Fund

1.6 Discuss, Consider & Possible Action on Resolution #2019-6 Authorizing the Appointment of the Election Judge and Workers for the March 16, 2019 Special Election

The Mayor asked for a motion to approve the consent agenda item. Councilman O'Neal made a motion to approve the consent items. Councilman Blakemore seconded the motion. The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, O'Neal, Blakemore and the Mayor all voted "aye".

RESOLUTIONS

2.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action Approving **Resolution #2019-7** Authorizing the City Manager to Execute a Right of Way Easement with Guadalupe Valley Electric Cooperative, Inc. (GVEC). In our packet we have the information in regards to that easement and the request justified for the easement. At this time I see we have a representative from GVEC, Mr. Bazan, I am sure that if you have questions he will be happy to answer those. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2019-7** Authorizing the City Manager to Execute a Right of Way Easement with Guadalupe Valley Electric Cooperative, Inc. (GVEC). Councilman Schroeder seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Blakemore, Schurig, Schroeder and the Mayor all voted "aye". Councilman O'Neal abstained due to his employment with GVEC.

2.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action Approving **Resolution #2019-8** Authorizing the City Manager to Execute a Transmission Line Easement with Guadalupe Valley Electric Cooperative, Inc. (GVEC). Again, Council you have the information in your packet, everything was in order, all the documentation supporting and justifying the easement. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2019-8** Authorizing the City Manager to Execute a Transmission Line Easement with Guadalupe Valley Electric Cooperative, Inc. (GVEC). Councilman Schroeder seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Blakemore, Schurig, Schroeder and the Mayor all voted "aye". Councilman O'Neal abstained due to his employment with GVEC.

2.3 Mayor, Connie Kacir read Discuss, Consider & Possible Action Approving **Resolution #2019-9** Supporting the proposed development for affordable rental housing to be named Fish Pond Living at Gonzales, L.P., and commit to providing reduced fees or a contribution of other value that equals a minimum of \$250.00 for

benefit of Fish Pond at Gonzales. The Mayor stated item 2.3 has been pulled from the agenda. The owner has withdrawn that request. The City Council took no action.

ORDINANCES

3.1 Mayor, Connie Kacir read Discuss, Consider & Possible Action Approving **Ordinance #2019-2** Ordering a Regular City Election for the Purpose of Electing an Individual to the Office of Mayor and a Special Election for the Purpose of Amendments to the City's Home Rule Charter. Council in our packet we have all of the amendments that we approved as a body at the last meeting updating the Charter. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Ordinance #2019-2** Ordering a Regular City Election for the Purpose of Electing an Individual to the Office of Mayor and a Special Election for the Purpose of Amendments to the City's Home Rule Charter. Councilman Blakemore seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman O'Neal, Blakemore, Schurig, Schroeder and the Mayor all voted "aye".

3.2 Mayor, Connie Kacir read Discuss, Consider & Possible Action Approving **Ordinance #2019-3** Amending Chapter 3 Building Regulations Article 3.300 Substandard Buildings of the City's Code of Municipal Ordinances by Authorizing the City Council of the City of Gonzales to act as the Board of Appeals and Authorizing the Board to Hear Substandard Building Issues and Appeals; Establishing Procedures for the Abatement of Substandard Buildings. City Attorney, Dan Santee stated before you is a complete repeal and replace of your substandard building regulations. The primary reason for that, this was on our to-do list when we were brought onboard, a very long list that we are trying to work our way through. Your ordinal ordinance or the one that is currently in effect was first adopted in 1995 and from 2010 to 2012 there was some litigation working its way through the court system. It finally made its way to the Supreme Court of Texas involving the City of Dallas and the tearing down a substandard building, it's called Dallas v Stewart. What happened out of that case was most cities had to review their substandard ordinances because they did not have the requisite amount of due process in the ordinances to protect the rights of their citizens, and therefore they were unconstitutional or they were in violation of the constitution according to Dallas v Stewart. In reviewing your substandard ordinance as part of our process of going through your codes, we believe it is in your best interest and in the best interest of your citizens to amend that ordinance to provide adequate due process and come into compliance with Dallas v Stewart. So what we have done is in using Chapter 214 of the Local Government Code which had a complete overhaul following Dallas v Stewart we've incorporated the protections that are within the Local Government Code Chapter 214 into your Code of Ordinances for your handling of your substandard buildings and it does allow the City Council to sit as the Board of Appeals pursuant to not only 214 but your Building Codes that you've adopted in determining

whether or not a building is substandard and should be torn down or brought up to code. It gives the guidelines in the ordinance now that it lacked before and it also has the appeal process in place for your citizens. We recommend you do adopt this. Right now everything is in a holding pattern from when we came onboard. We advised your staff not to pursue anything under the prior ordinance. Once we get this in place they will be able to resume adequate enforcement of your codes. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Ordinance #2019-3** Amending Chapter 3 Building Regulations Article 3.300 Substandard Buildings of the City's Code of Municipal Ordinances by Authorizing the City Council of the City of Gonzales to act as the Board of Appeals and Authorizing the Board to Hear Substandard Building Issues and Appeals; Establishing Procedures for the Abatement of Substandard Buildings. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman O'Neal, Blakemore, Schurig, Schroeder and the Mayor all voted "aye".

3.3 Mayor, Connie Kacir read Discuss, Consider & Possible Action Approving **Ordinance #2019-4** Ordinance Adopting a Budget Amendment for the 2018-19 Fiscal Year. We have Chief Schmidt here today. Fire Chief Schmidt stated back in last year's budget we ordered some SCBAs (self-contained breathing apparatus), we ordered \$34,491 worth of those. We did it right at the end of our fiscal year. The air packs did not show up until early October of 2018, so therefore the invoice was generated with an October date as well and so those moneys came out of this year's budget. What we are asking for is the \$34k ended up in the fund balance from last year so we are asking to increase it by that amount of money so that we can stay on track in getting the SCBAs that we need to buy. Really no affect other than doing the paperwork as it should be done. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Ordinance #2019-4** Ordinance Adopting a Budget Amendment for the 2018-19 Fiscal Year. Councilman Schroeder seconded the motion. The Mayor called for discussion. For the record I will add in the discussion I want to extend my appreciation to Council, this was one of the items we worked through during the budget. Our city was not in compliance, we did not have certified SCBAs for our Fire Department and through your hard work we have allocated those moneys and have the SCBAs certified and up to date. The Mayor asked for a roll call vote. Councilman O'Neal, Blakemore, Schurig, Schroeder and the Mayor all voted "aye".

STAFF/BOARD REPORTS

4.1, The Mayor stated the Financial Report for the Month of January 2019 and the Quarterly Investment Report Ending 12/31/2018 is available to review and asked if there were any questions. I do have a couple of questions of the Finance Director, expenditures in the Airport budget. Laura could you line item that for me, what expenses put us over? Finance Director, Laura Zella stated they don't purchase often but he went ahead and filled up the tank, so that is a large part of it. He had a few

unexpected costs that he thought was going to be in last year's budget but it actually went into this year's budget. Mayor Kacir stated under the Memorial Museum we were right at 50% of expenditures. Finance Director Laura Zella said that the museum bought souvenirs and had some repairs to the air conditioning unit and did the studies on the roof.

4.2, City Manager, Tim reported to the City Council regarding the Hot Rod and Hatters Car Show, Water Tank #1 at the Water Plant and Museum Grant Application for roof repairs.

CLOSED SESSION

At 6:35 p.m. the City Council moved into Closed Session.

5.1 (1) 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:

- a. In Re Estate of J. B. Wells litigation
- b. In Re A Guerra Enterprise LLC d/b/a Holiday Inn Express & Suites
- c. In Re A R Guerra Holdings, LLC d/b/a Sleep Inn & Suites

RETURN TO OPEN SESSION

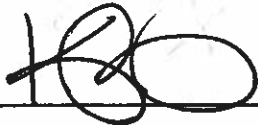
At 6:39 p.m. the Council returned to Open Session

6.1, Discuss and Consider any action resulting from Closed Session as Necessary.

No action was taken resulting closed session.

ADJOURN

The Mayor asked for a motion to adjourn. Councilman O'Neal made a motion to adjourn and Councilman Blakemore seconded the motion and the meeting adjourned at 6:40 p.m.



Kristina Vega, City Secretary

APPROVED:

