

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

The City Council convened the Council meeting at 6:01 p.m., March 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: Keith Schmidt, Laura Zella, Wade Zella, Anne Dollery, William Ince, Todd Remschel, Barbara Friedrich, Genora Young, Clint Hille, Tim Crow

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

HEARING OF RESIDENTS

The Mayor stated at this time we will hear Public Comments from those that wish to speak on a matter other than Float Fest.

James Lawrence commended the City Council for trying to get the City's finances back on track but encouraged the City Council in the event that the rollback were to win at the election held on Saturday, to move forward with the infrastructure projects listed and refrain from leases and to go with the purchase of the vehicles and equipment instead. Encourage to do these things that are necessary for our city by selling bonds or getting loans to help keep our city from continuing to decline.

WORKSHOPS

1.1, City Council will discuss and accept citizen input regarding the hosting of Float Fest in J.B. Wells Park and Independence Park beginning in 2019. Specific topics to be presented and discussed may include but are not limited to the following:

- a. Licensed Area/Site Plan
- b. Traffic and Transportation Plan
- c. Security, EMT, and Emergency Management Plan
- d. Tubing Plan
- e. Water Station, Portable Bathroom, Portable Wash Station Plan
- f. Waste and Trash Collection Plan
- g. Parking Plan
- h. Camping Plan
- i. River Impact Mitigation and Clean-Up Plan

j. **Wildlife Impact Mitigation Plan**

Marcus Federman, Float Fest Event Producer gave a brief overview of the multi-genre music event scheduled to be held on July 19, 20 & 21, 2019 and their planning process for the event.

Mayor Kacir briefed City Council regarding several meetings that were held with the event producer, law enforcement and partner agencies regarding Float Fest. The discussions consisted of the event potentially coming to Gonzales and the impact to the community, the First Responders, and the citizenry.

Matt Atkinson, Gonzales County Sherriff, expressed his concerns for the public safety of the community and the attendees during the event and the desire to have time to plan.

Dr. Commie Hisey, Gonzales Healthcare Systems was called on but stated he did not have the authority to speak on the hospitals behalf.

John Hughson, CEO of Gonzales Healthcare Systems stated that the hospital has fantastic staff but there are certainly limits.

Carol Villarreal, Gonzales Healthcare Systems stated that there are transfer agreements in place in the event that they are needed but it takes time to transport and come back from those transports.

Mayor Kacir read a message from Captain Jason Davis of the Texas Parks and Wildlife regarding his concerns for the depth of the river and the ability to clean the river during and after the event.

Tim Crow, Chief of Police expressed his concerns with the police work, safety concerns of the depth of the river in that area and not what goes on inside the fence but what happens outside of the fence and the ability to be ready for the event in 2019.

Jimmy Harless, Emergency Management Coordinator for Gonzales County, stated his concerns come from the worst case scenarios such as active shooter, hurricanes and that his job is to plan for these.

Allen Linebrink, Gonzales County EMS, reiterated what the Sheriff said and that his department would be taxed.

Keith Schmidt, Fire Chief echoed what the other first responders have already said and that the department doesn't currently have the resources that these other counties have.

Pat Davis, Gonzales County Judge, stated as the Judge he must grant the Mass Gathering Permit and that there would be a lot of planning that would have to go into this but would back the City in every way that they can.

Lou Garino, Cheri Garino, Daisy Scheske Freeman, Keith Schauer, Karen Jacobs, Chad Simon, D'Anna Robinson, Britney Caka, Connie Dolezal and Sydney Floyd all spoke in favor of Float Fest being held in Gonzales in 2019.

Sherri Hooper, Betty Vaughn, Lynn Cochran, Steven Winton, Pam St. John, Chris Irving and Forrest Hamilton spoke against the event Float Fest being held in Gonzales.

The City Council had no further discussion on the matter but the Mayor stated that they would take action on the event at a called meeting on March 25th.

1.2, City Council will discuss and accept citizen input regarding Article 1.900 Tree Trimming of the City of Gonzales Code of Ordinance. The Mayor stated she had contacted someone from the Forestry Service in San Antonio and they will reschedule so I would ask that we move that to a future agenda.

1.3, City Council will discuss the status of the current zoning ordinance and take possible action on a Resolution Appointing a Zoning Ordinance Review Committee.

Mayor Kacir stated you have names of individuals who have volunteered to serve. You will also appoint two Council members to serve on that committee.

City Attorney, Dan Santee stated he would like to address this. When we were brought onboard with the City the one of the things we were tasked with was reviewing your development code which is comprised of your subdivision regulations and your zoning ordinance. In the process of doing that, we made some quick updates working with Kristina Vega on some things that needed to be fixed immediately and then I met recently with your City Manager, Mr. Patek and Kristina to go over the comprehensive things in your zoning ordinance that need to be addressed. In the process of doing that it was brought to my attention that in 2014 Freese & Nichols was retained by the City to do a comprehensive review of your regulations and provide you with a diagnostic. When they did that, this Council or those who sat in the seat at that time adopted a new subdivision regulation but they never took action on updating your zoning ordinance. Kristina shared the diagnostic with me and I looked over the ordinance that you have already paid for so I did not feel right going through all that work again once we were aware that there was a document out there that had never had action taken on it. The document is dated at this point in some ways, one of those ways is we have already begun a rewrite which wasn't included in that which would bring a historic overlay district regulations into the City of Gonzales at some level and we've already made some other amendments to your code. What I proposed to Tim and Kristina was before we incur any more cost going forward on this; I would recommend that we come to this Council and request that this Council appoint this committee to work with. It is a working committee to go through that with your staff and myself and decide what you want to see when it comes to you. Two City Council members, two Planning & Zoning

members and a member of your Board of Adjustment, it is an advisory committee so it is not subject to the Texas Open Meetings Act. I don't want a similar situation to what we've been dealing with in the Historic Ordinance Committee but when you have a large crowd you don't get as much work done because you spend a lot of time explaining things. I would rather meet with a smaller committee in a conference room and then once we have what we all agree on, that would go through a public process and move it to the Planning & Zoning Commission and then move it on to the City Council. You are in dire need of updating your zoning regulations, you were in 2014 when they performed the diagnostic and if it makes you feel any better, I identified the same things they identified so I didn't miss anything as I was going through it. That is why this is before you all in workshop and if it pleases the Council I would like to see that committee appointed. Initially what I suggested was a six month charge. Let us work with that committee for a six month period of time, if we can get through it in that period of time then great and if not then we will be back asking for an extension of time to work with that committee.

The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-16** Appointing from the ZBOA-Dawn O'Donnell, P&Z-Paul Neuse and Paul Frenzel, and from the City Council-Mayor, Connie Kacir and Councilman Bobby O'Neal to the Comprehensive Zoning Regulation Update Advisory Committee. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, O'Neal, Blakemore and the Mayor all voted "aye".

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.

2.1, Minutes - Approval of the minutes for the Regular Meeting of February 14, 2019 & Special Called Meeting of February 19, 2019

2.2, Discuss, Consider & Possible Action on **Resolution #2019-10** Authorizing Gonzales Main Street's Use of Confederate Square including the Parking Lot, Designated Street Closures, Closure of the Brickyard Area at Independence Park, and Sale and Consumption of Alcoholic Beverages for the Annual Main Street Concert Series and Star Spangled Spectacular on June 7, 14, 21, 28, and July 4, 2019

2.3, Discuss, Consider & Possible Action on **Resolution #2019-11** Authorizing the Gonzales Inquirer the Use of Confederate Square and the 500 Block of St. Paul and sale and consumption of alcoholic beverages for the Come & Taste It Craft Beer event on April 26-27, 2019

2.4, Discuss, Consider & Possible Action on **Resolution #2019-12** Authorizing the Appointment of the Election Judge and Workers for the May 4, 2019 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

3.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-13** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League. Council you have in your packet a license agreement, we were absent of a license agreement which obviously is required by the entity and the Local Government Code. As you will see there was a \$5.00 per player added and this just simply assists in subsidizing the expense the City incurs with the maintenance and utilities of the little league fields, this is consistent with peer cities. Seguin charges \$7.00; Cuero also has a license agreement and has similar charges within the content of their agreement. Staff has met with the Little League board and it appears that they are all in agreement with the current agreement as presented. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2019-13** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League. Councilman Schroeder seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, O'Neal, Blakemore and the Mayor all voted "aye".

3.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-14** Authorizing the City Manager to Execute a Purchase Agreement for the Purchase of a large brush truck/tender for the Gonzales Fire Department. I will state for the record, this was budgeted at \$265,000 in our budget, it appears based on the pro forma and with the sale of the existing truck we will end up net cost to the City in the amount of \$15,000. Chief Schmidt as the Mayor said we received a \$200,000 grant back in October of 2018 to purchase a large brush truck, and the case from the Texas Forest Service, it's a 90/10 matching grant and after several of us got together and careful consideration, we have Engine 35 that is a 2000 model truck getting close to the end of its career that maybe another fire department could use. So our thoughts with this grant and the sale of Engine 35 we will have about \$250,000 there and as you see in the packet the quote for the new truck is \$245,756.23 there may be a few more items that we may need but our hope would be that we would get this truck bought somewhere close to that \$250,000 number. We are just trying to minimize the City's input. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Resolution #2019-14** Authorizing the City Manager to Execute a Purchase Agreement for the Purchase of a large brush truck/tender for the Gonzales Fire Department.

Councilman Schroeder seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, O'Neal, Blakemore and the Mayor all voted "aye".

3.3 Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-15** Approving the Texas Gas Service Pipeline Integrity Testing Surcharge (PIT). Councilman O'Neal asked if this amount goes away at the end of March 2020. City Secretary stated yes it is a 12 month period from April 2019 through March 2020. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-15** Approving the Texas Gas Service Pipeline Integrity Testing Surcharge (PIT). Councilman Blakemore seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, O'Neal, Blakemore and the Mayor all voted "aye".

OTHER BUSINESS

4.1, Mayor, Connie Kacir read Discussion and possible action to provide staff direction regarding a property donation offer. Council in your packet we have correspondence on 6.36 acres more or less and they are asking for the City to consider accepting this property. I had contacted Mr. Patek and asked if we could call for staff recommendation from Public Works and Parks & Rec. Mr. Ince would you like to address the Council. William Ince, Building Official and Superintendent of Public Works, stated the property that you are looking at, I surveyed today it is going to be hard to develop and maintain. From the right of way back it would propose 54 feet, we have a storm drain that comes in off of 183 and St. Michael and discharges right in the middle of that and the drainage goes straight through. This is actually in the regulated flood plain; any improvements would have to go through the engineer. Councilman O'Neal asked what staff's recommendation would be. Mr. Ince stated after conferring with Anne Dollery is that the City should not obtain this piece of property.

The Mayor asked for a motion to regarding the property donation. Councilman O'Neal made a motion decline the offer. 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"

STAFF/BOARD REPORTS

5.1 Mayor Kacir stated the Financial Report for the Month of February 2019 was included in the packet. Finance Director reported on the bad debt collections and procedures.

5.2, City Manager, Tim Patek gave a status report to the City Council on the sale of Billboard - Establishing a FMV, city property being listed for sale behind VC - Establishing a FMV and listing date, Grant Writer RFP and grant for VC Roof, junk

vehicle and property review, the cost of adding an additional mowing of the median and TX DOT right of way each year and steps to amend the current agreement, the net proceeds received from sale of surplus items, any infrastructure updates: completed projects, repairs, breaks, identified failures and all estimated costs associated with the projects, Bill Sheppard's Water line, progress regarding the old Cartwheel Lodge building reported at prior CC meeting as health and safety hazard, follow up meeting with the Edwards Community addressing tall grass, weeds, vehicles, follow-up regarding staff Department Head meeting reviewing Council's position and adopted ordinance addressing employee raises, current number of FTE's and current number of positions advertised for hire, the total number of voters turned out in early voting for the Rollback Election with Election Date held 03/16/2019 from 7 a.m.-7 p.m., the total cost to hold the election if Roll Back fails and of Roll Back passes, status of Substandard Buildings and update following revised ordinance.

5.3, Fire Chief, Keith Schmidt reported to the City Council that MOU was finalized and executed between TEEEX Fire Academy whose commission is held by Texas A&M University and Gonzales High School.

CLOSED SESSION

At 9:04 p.m. the City Council moved into Closed Session.

6.1 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
- d. State of Texas v. Craig Doyal wherein the Texas Court of Criminal Appeals struck down the criminal penalty provision of a portion of the Texas Open Meetings Act.

RETURN TO OPEN SESSION

At 9:31 p.m. the Council returned to Open Session

7.1, 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 Schurig seconded the motion and the meeting adjourned at 9:31p.m.



Kristina Vega, City Secretary

APPROVED:

