

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –MAY 14, 2020**

The Regular Meeting of the City Council was held on **May 14, 2020** at 6:00 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.

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.

This meeting was closed to in person attendance by the public. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings was 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.

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

CALL TO ORDER AND INVOCATION

Mayor Kacir called the meeting to order at 6:02 p.m. and a quorum was certified.

Attendee Name	Title	Status
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
Dan Blakemore	Mayor Pro Tem/Council Member, District 4	Present in person

STAFF PARTICIPATING:

City Manager Tim Patek, Interim City Secretary Kristi Gilbert, Finance Director Laura Zella, Tourism Director Ashley Simper and Main Street Manager Barbara Friedrich.

CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
Mayor Kacir stated there was a meeting this morning with local officials on the outdoor graduation on May 29, 2020, formalizing details on other avenues to continue Q&A with the Mayor
- Recognition of actions by City employees
Mayor Kacir congratulated the City Manager Tim Patek and Street Supervisor Todd Renschel on getting the creek cleaned up.

- Recognition of actions by community volunteers

HEARING OF RESIDENTS

Temporarily suspended as noted above.

CONSENT AGENDA ITEMS

- 1.1 **Minutes** - Approval of the minutes for the March 25, 2020 Emergency Meeting and April 9, 2020 and Regular Meeting.
- 1.2 Discuss, Consider & Possible Action on **Resolution #2020-42** Authorizing the Designation of Mayor Connie Kacir, City Manager Tim Patek, and Finance Director Laura Zella as Authorized Signatories and Removing All Others for All Accounts in the City of Gonzales' Name with All Financial Institutions.

Councilmember Schroeder asked that Item 1.2 be pulled from the consent agenda.

ACTION: Item 1.1

APPROVED

Mayor Pro Tem Blakemore moved approve the consent agenda Items 1.1 as presented. Councilmember O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

ACTION: Item 1.2

APPROVED

Mayor Pro Tem Blakemore moved to approve **Resolution #2020-42** Authorizing the Designation of Mayor Connie Kacir, City Manager Tim Patek, and Finance Director Laura Zella as Authorized Signatories and Removing All Others for All Accounts in the City of Gonzales' Name with All Financial Institutions. Councilmember O'Neal seconded the motion.

Councilmember Schroeder asked who was being removed. Finance Director Laura Zella stated Kristina Vega would be removed from the primary accounts and Alan Barnes and Bobby Logan would be removed from a certificate of deposit with Randolph Brooks Federal Credit Union.

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

RESOLUTIONS AND COUNCIL ACTION

- 2.1 Discuss, Consider & Possible Action on **Resolution #2020-43** Denying AEP Texas Inc.'s Application to Amend its Distribution Cost Recover Factors to Increase Distribution Rates within the City.

ACTION: Item 2.1

APPROVED

Councilmember O'Neal moved to approve **Resolution #2020-43** Denying AEP Texas Inc.'s Application to Amend its Distribution Cost Recover Factors to Increase Distribution Rates within the City. Mayor Pro Tem Blakemore seconded the motion.

Mayor Kacir asked staff to speak with Mr. Brocato with Lloyd Gosselink to have the option to opt out of contract extensions in the future.

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

- 2.2 Discuss, Consider & Possible Action on **Resolution #2020-44** Authorizing the Expenditure in an Amount Not to Exceed \$100,800.00 for the Change Out of Electrical Poles.

ACTION: Item 2.2

NO ACTION

Mayor Kacir stated the item was going to be moved to a future Council agenda as staff was asked to further research the specifications.

- 2.3 Discuss, Consider & Possible Action authorizing the City Manager to determine if/when the Summer Youth would be available based on Governor's orders for the summer of 2020.

Mayor Kacir stated the Governor has not yet opened camps and has not provided direction. Mr. Patek stated the school was not going to be open during the summer as they were conducting classes online only due to COVID-19.

ACTION: Item 2.3

APPROVED

Mayor Pro Tem Blakemore moved to cancel the 2020 Summer Youth program would be available based on Governor's orders for the summer of 2020. Councilmember Schroeder seconded the motion.

Councilmember O'Neal stated the agenda item referenced authorizing the City Manager to determine if/when it would be canceled.

Mayor Pro Tem Blakemore moved to amend his motion authorizing the City Manager to determine if/when the Summer Youth would be available based on Governor's orders for the summer of 2020. Councilmember Schroeder seconded the amendment.

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

- 2.4 Discuss, Consider & Possible Action authorizing the City Manager to determine if/when the swimming pool would be open based on Governor's orders for the summer of 2020.

Mayor Kacir stated the Governor provided direction on opening pools in early May at 25% capacity which would be 25 people. Mr. Patek referenced communication with Mr. Tetley, the individual responsible for training the lifeguards, expressing concerns with conducting training while practicing social distancing.

ACTION: Item 2.4

APPROVED

Councilmember O'Neal moved to authorize the City Manager to determine if and when the swimming pool would be open based on Governor's orders for the summer of 2020. Mayor Pro Tem Blakemore seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.5 Discuss, Consider & Possible Action on establishing a policy on the repayment of utility bills that have been extended due to COVID-19 and all future extensions.

Ms. Zella provided updated numbers with regard to outstanding balances. Ms. Zella stated staff had provided notices via phone calls, door hangers and email addresses when available.

ACTION: Item 2.5

APPROVED

Mayor Pro Tem Blakemore moved to direct staff to move forward with staff's recommendation as presented while continuing to work with customers that are working with staff. Councilmember O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.6 Discuss, Consider & Possible Action regarding Star Spangled Spectacular and Fireworks show scheduled for July 4, 2020.

Mayor Kacir stated there is no criteria provided by the Governor related to outdoor mass gatherings as of yet.

ACTION: Item 2.6

APPROVED

Mayor Pro Tem Blakemore moved to approve the Star Spangled Spectacular subject to the Governor's orders on mass gatherings. Councilmember Schroder seconded the motion.

Main Street Manager Barbara Friedrich asked if the Council would at least allow the fireworks show. Mayor Kacir indicated that is what the motion indicated.

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

- 2.7 Discuss, Consider & Possible Action on the City's Fiscal Management Contingency Plan and the status of capital improvement projects.

Mayor Kacir stated she would like to see the capital projects move forward.

ACTION: Item 2.7

APPROVED

Mayor Pro Tem Blakemore moved to continue Level 2 of the Fiscal Management Contingency Plan until at least the June Council meeting and allow the capital improvement projects to move forward. Councilmember O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.8 Discuss, Consider & Possible Action on a request by First United Methodist Church to use Confederate Square for drive-in church services on May 31, 2020 and June 28, 2020.

ACTION: Item 2.8

APPROVED

Councilmember O'Neal moved to authorize the use of the Confederate Square for drive-in church services on May 31, 2020 and June 28, 2020. Councilmember Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.9 Discuss, Consider & Possible Action on a request by the Gonzales Chamber of Commerce and Agriculture to donate a portion of land located adjacent to 304 St. Louis Street to address an encroachment of the building owned by the Chamber on land in which the City of Gonzales is the owner of record.

Mayor Kacir stated she spoke with Daisy Scheske Freeman, Chamber Director, and indicated that it was not critical to get the answer today and asked to move to a future agenda.

ACTION: Item 2.9

NO ACTION

Mayor Kacir stated the item was going to be moved to a future Council agenda as there were a couple of options available that are being discussed with the City Engineer.

- 2.10 Discuss, Consider & Possible Action on **Resolution #2020-45** Authorizing the City Manager to execute a license agreement with H.C. Schmidt for an unopened street.

Mayor Kacir stated Ms. Fullilove had requested that an assignment would be allowed without Council approval. City Attorney Dan Santee stated he would not recommend more than a 30-year term on a license agreement and he recommended to keep the requirement that assignments must be approved by the City Council.

ACTION: Item 2.10

APPROVED

Mayor Pro Tem Blakemore moved to authorize the City Manager to negotiate a license agreement with H.C. Schmidt that is in the best interest of the city. Councilmember Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.11 Discuss, Consider & Possible Action on the Texas Junior High Rodeo Association's (TJHRA) request to conduct the TJHRA Finals event June 22 – June 27, 2020 at J.B. Wells in accordance with the Open Texas Phase 1 Guidelines for Outdoor Sports or other guidelines established by the Governor.

Mayor Kacir stated the Governor's office had not yet come out with guidelines that would address rodeos.

ACTION: Item 2.11

APPROVED

Councilmember O'Neal moved to approve the Texas Junior High Rodeo Association's (TJHRA) request to conduct the TJHRA Finals event June 22 – June 27, 2020 at J.B. Wells in accordance with the Open Texas Phase 1 Guidelines for Outdoor Sports or other guidelines established by the Governor. Mayor Pro Tem Blakemore seconded the motion.

Mr. Patek stated the high school rodeo will be hosted in June in Abilene on a modified basis and this request is similar.

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

2.12 Discuss, Consider & Possible Action on the City of Gonzales Code of Ethics and Conduct acknowledgements by appointed board, commission and committee members.

Mayor Kacir stated staff had followed up on all board members executing the Code of Ethics policy.

ACTION: Item 2.12

ACCEPT RESIGNATIONS

Councilmember Schroder moved to table discussion until the meeting is open to the public to allow for public comments. Mayor Kacir seconded the motion.

Councilmember Schroeder stated he would like to discuss the item when public comment is allowed.

Mayor Pro Tem Blakemore called for the vote. Mayor Kacir stated she was following the ordinance of the city.

Councilmember O'Neal asked why the item was on the agenda. Mayor Kacir stated it was adopted approximately seven months ago requiring the signature of employees and appointed officials. Mayor Kacir stated staff had worked to obtain signatures.

Mayor Kacir called for a roll call vote to table. For: Schroeder. Against: Schurig, O'Neal, Blakemore and Kacir. The motion fails 1 to 4.

Mayor Pro Tem Blakemore moved to proceed forward as the ordinance specifies and accept unsigned seats as resignation and advertise for the positions. Mayor Kacir seconded.

Councilmember Schroeder stated he was concerned about putting these requirements on volunteers of the city.

Mayor Kacir stated two individuals spoke against the ordinance in December 2019 with concerns that it would take away their right to speak for candidates of their choice.

Mayor Pro Tem Blakemore stated that part of the need to update the Code of Ethics from board members that felt the need that this be adopted.

Mayor Kacir stated she was appreciative of those that volunteer, but believes the ordinance should be followed.

Mayor Kacir called for a roll call vote to table. For: Blakemore, Kacir, Schurig, and O'Neal. Against: Schroeder. The motion passes 4 to 1.

STAFF/BOARD REPORTS:

- 3.1 Financial Report for the Month of April 2020
- 3.2 City Manager, Tim Patek updated the City Council on the Jim Price Clean-Up will be held on August 1, 2020, the hydro plant generator #2 is out of commission and is being repaired, the old library building has been removed and the property has been seeded and the status of GEDC grants 42 applicants that had been approved with 10 applications pending additional information and two under review.

CONVENE INTO CLOSED SESSION:

The Council convened into executive session at 7:43 p.m.

PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

- 4.1 (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
 3. A Guerra Enterprise LLC D/B/A Holiday Inn Express & Suites Cause No. 27,591
- (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 Secretary

RETURN TO OPEN SESSION

Reconvene into Open Meeting at 9:00 p.m.

- 5.1 Discuss and Consider any Action Resulting from Closed Session as Necessary
- 5.2 Discuss, Consider & Possible Action on **Resolution #2020-46** Authorizing the City Manager to defer all hotel occupancy tax payments for the second quarter of FY2019-2020 (January, February, March) for a minimum of 90 days, with penalties waived, based on the recommendation from the Gonzales Convention and Visitor’s Bureau.

ACTION: Item 5.2

Mayor Pro Tem Blakemore asked to table the item until June to further evaluate and explore other programs that may work better within the statutes. Mayor Kacir asked that the item be moved to a future agenda and request that staff pursue additional programs that HOT funds can be used for.

NO ACTION

Tourism Director Ashley Simper briefed the City Council on the request.

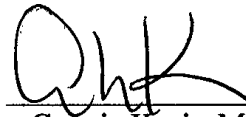
CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda
 - Council Member Schroeder asked for discussion on the upcoming election postponed to November
- 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 O’Neal and a second by Mayor Pro Tem Blakemore, the meeting was adjourned at 9:20 p.m.

Approved this 11th day of June 2020.



Connie Kacir, Mayor



Kristi Gilbert, Interim City Secretary

