

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –JUNE 11, 2020**

The Regular Meeting of the City Council was held on **June 11, 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 6:04 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 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 stated the Methodist Church had their service at Confederate Square and it was a success; the Economic Development Corporation awarded nearly \$300,000 in grants on June 1st; a pre-recorded Q&A was posted on the City’s Facebook page on June 3rd and a live Q&A was planned for July; a community prayer event was held on June 9th; the junior high rodeo finals will start on Father’s Day; and today the City was notified of the award of a GVEC Power Up Grant of \$25,000 for the reflection pool.

- Recognition of actions by City employees
- Recognition of actions by community volunteers

HEARING OF RESIDENTS

Interim City Secretary Kristi Gilbert read comments emailed at least two hours prior to the meeting.

Barbara Priesmeyer Crozier asked the Council to support both recommendations made by the Gonzales Convention and Visitor Bureau Advisory Board for lodging recovery stimulus.

Ken Morrow voiced his support for the Council providing additional funds for tourism.

Holly Danz stated she supported the increased marketing dollars to aid in tourism recovery.

EXECUTIVE SESSION

The Council convened into executive session at 6:13 p.m.

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

6.1(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

RETURN TO OPEN SESSION

Reconvene into Open Meeting at 7:02 p.m. No action was taken in executive session.

PRESENTATIONS

- 1.1 Presentation and discussion on the May 2, 2020 General Election Postponed to November 3, 2020 due to COVID-19.

Interim City Secretary Kristi Gilbert provided the Council with an update on the General Election that was postponed to November 3, 2020. Ms. Gilbert stated the Council would need to make a decision on whether to contract with Gonzales County for a joint election. Ms. Gilbert stated that contracting with the county is not required, however, due to logistical reasons it would be nearly impossible to conduct a separate election. This is due to the requirement of conducting elections at each county polling location located in the city. Additionally, neither the county nor the city's primary vendor, have election equipment available for lease if the election was held separately. Ms. Gilbert stated the Council would vote on the item at the July meeting.

CONSENT AGENDA ITEMS

- 2.1 **Minutes** - Approval of the minutes for the May 14, 2020 Regular Meeting.
- 2.2 Discuss, Consider and Possible Action Approving **Ordinance #2020-12** Appointing Crystal Cedillo, Gonzales County Tax Assessor-Collector, as the Individual to Calculate

and Prepare the 2020 No-New Revenue and Voter-Approval Tax Rate Calculations for the City of Gonzales

- 2.3 Discuss, Consider & Possible Action on **Resolution #2020-47** Authorizing the City Manager to Execute an Agreement for Engineering Services for the Texas General Land Office Community Development Block Grant Disaster Recovery Program.
- 2.4 Discuss, Consider & Possible Action on **Resolution #2020-48** Authorizing the City Manager to Execute an Agreement for Grant Administration Services for the Texas General Land Office Community Development Block Grant Disaster Recovery Program.
- 2.5 Discuss, Consider & Possible Action on **Resolution #2020-49** Approving Amendments to the Gonzales Police Department Use of Force Policy.

ACTION: Items 2.1 through 2.5

APPROVED

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

PUBLIC HEARINGS

- 3.1 Public Hearing, Discussion & Possible Action Approving **Ordinance #2020-13** Amending the Official Zoning Map by Zoning the North Half of Lots 8 and 9 of the Kings Second Addition and Lot 7 and the South Half of Lots 8 And 9 of the Kings Second Addition, Gonzales, Texas from R-1 Single Family Residential to C-2 Heavy Commercial District.

Mayor Kacir opened the hearing to public comments 7:17 p.m.

Mr. Jagdish, applicant, stated he was requesting his property to be zoned entirely C-2 Heavy Commercial.

Ms. Gilbert presented the item and stated the application was in compliance with the Comprehensive Plan and the Planning and Zoning Commission had recommended approval unanimously with one commissioner absent.

Mayor Kacir closed the hearing to public comments at 7:20 p.m.

ACTION: Item 3.1

APPROVED

Mayor Pro Tem Blakemore moved to approve **Ordinance #2020-13** Amending the Official Zoning Map by Zoning the North Half of Lots 8 and 9 of the Kings Second Addition and Lot 7 and the South Half of Lots 8 and 9 of the Kings Second Addition, Gonzales, Texas from R-1 Single Family Residential to C-2 Heavy Commercial District. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 3.2 Public Hearing, Discussion & Possible Action regarding proposed amendments to the City of Gonzales Zoning Regulations to amend the following Sections: Section 14.202 Definitions by amending the definitions for manufactured homes, mobile homes and modular homes; Section 14.308 Mobile Home District (M-H) to amend the general requirements and parking requirements; and Section 14.503 Cessation of Nonconforming Use to include manufactured homes in the provisions.

NOTE: This item was tabled by the Planning and Zoning Commission, therefore, the City Council cannot take action and will not conduct the public hearing. This item is included for informational purposes only.

ACTION: Item 3.2

NO ACTION

No action was taken on this item.

- 3.3 Public Hearing, Discussion & Possible Action on **Resolution #2020-50** Affirming Concurrence with Title VI of the Civil Rights Act of 1964; Section 504 of The Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990 (ADA), Including the ADA Amendments Act of 2008; the Architectural Barriers Act of 1968, Including the Use of a Telecommunications Device for Persons Who Are Deaf (TDDs) or an Equally Effective Communication System

Mayor Kacir opened the hearing to public comments at 7:21 p.m.

No one spoke.

Mayor Kacir closed the hearing to public comments 7:23 p.m.

ACTION: Item 3.2

APPROVED

Council Member Schurig moved to approve **Resolution #2020-50** Affirming Concurrence with Title VI of the Civil Rights Act of 1964; Section 504 of The Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990 (ADA), Including the ADA Amendments Act of 2008; the Architectural Barriers Act of 1968, Including the Use of a Telecommunications Device for Persons Who Are Deaf (TDDs) or an Equally Effective Communication System. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

RESOLUTIONS, ORDINANCES AND COUNCIL ACTION

- 4.1 Discuss, Consider, and Possible Action on **Ordinance #2020-11** authorizing the issuance of up to \$4,240,000 in principal amount of *City of Gonzales, Texas General Obligation Refunding Bonds, Series 2020*, authorizing the execution of a deposit agreement, a paying agent/registrar agreement, a purchase contract and other instruments and procedures related thereto, delegating authority to certain city officials to select outstanding obligations to be refunded and approve all final terms of the bonds, approving an official statement, and calling certain obligations for redemption.

Bob Henderson, RBC Capital Markets, stated the refunding was cutting the interest rate nearly in half and will save the City approximately \$464,000.

ACTION: Item 4.1

APPROVED

Council Member O'Neal moved to approve **Ordinance #2020-11** authorizing the issuance of up to \$4,240,000 in principal amount of *City of Gonzales, Texas General Obligation Refunding Bonds, Series 2020*, authorizing the execution of a deposit agreement, a paying agent/registrar agreement, a purchase contract and other instruments and procedures related thereto, delegating authority to certain city officials to select outstanding obligations to be refunded and approve all final terms of the bonds, approving an official statement, and calling certain obligations for redemption. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 4.2 Discuss, Consider & Possible Action on **Resolution #2020-51** authorizing the City Manager to issue a change order to the contract with Tierra Lease Service, LLC to add Alternate #4 "Brick Yard Road" into the contract for the 2020 Street Improvement Plans.

ACTION: Item 4.2

APPROVED

Mayor Pro Tem Blakemore moved to approve **Resolution #2020-51** authorizing the City Manager to issue a change order to the contract with Tierra Lease Service, LLC to add Alternate #4 "Brick Yard Road" into the contract for the 2020 Street Improvement Plans. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 4.3 Discuss, Consider & Possible Action on **Resolution #2020-52** amending Section 8.16 of the City of Gonzales Employee Handbook regarding social media.

ACTION: Item 4.3

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-52** amending Section 8.16 of the City of Gonzales Employee Handbook regarding social media. Mayor Pro Tem Blakemore seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 4.4 Discuss, Consider & Possible Action on the City's Fiscal Management Contingency Plan.

Discussion was held with regard to the city's working hours.

ACTION: Item 4.4

APPROVED

Mayor Pro Tem Blakemore moved to maintain the Level 2 Fiscal Management Contingency Plan until the July meeting. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 4.5 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 4.5

APPROVED

Council Member Schurig moved to approve **Resolution #2020-44** Authorizing the Expenditure in an Amount Not to Exceed \$100,800.00 for the Change Out of Electrical Poles. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.6 Discuss, Consider & Possible Action Approving **Resolution #2020-53** establishing only City Departments can use the City Stage.

Mayor Kacir asked to postpone the item to allow for time to establish a policy related to the use of the stage to allow for other political subdivisions and community use.

ACTION: Item 4.6

POSTPONE

Mayor Pro Tem Blakemore moved to postpone to the July meeting. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 4.7 Discuss, Consider & Possible Action on **Resolution #2020-54** 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 4.7

APPROVED

Mayor Pro Tem Blakemore moved to approve **Resolution #2020-54** 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 effective June 11, 2020. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 4.8 Discuss, Consider & Possible Action on **Resolution #2020-55** Authorizing a Budget Amendment based on the Recommendation from the Gonzales Convention and Visitor Bureau.

ACTION: Item 4.8

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-55** Authorizing a Budget Amendment based on the Recommendation from the Gonzales Convention and Visitor Bureau. Mayor Pro Tem Blakemore seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.9 Discuss, Consider & Possible Action on **Ordinance #2020-14** Providing for a Reasonable Limit of Time to be Spent Without Charges for Repeat Public Information Requestors.

ACTION: Item 4.9

APPROVED

Mayor Pro Tem Blakemore moved to approve **Ordinance #2020-14** Providing for a Reasonable Limit of Time to be Spent without Charges for Repeat Public Information

Requestors. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

STAFF/BOARD REPORTS

- 5.1 Financial Report for the Second Quarter of Fiscal Year 2019-2020 and the Month of May 2020.
- 5.2 City Manager, Tim Patek will update the City Council on the following: Harrell Addition (Country Village) a contract has been signed and a pre-construction meeting was held this morning with a start date of July 6, 2020 and GEDC Grant Status 79 applicants to date, 69 approved and funded, 6 pending, 3 pending committee review, 1 withdrawn \$342,100 to date.

CONVENE INTO CLOSED SESSION:

The Council convened into executive session at 8:02 p.m.

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

- 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
 - 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 Manager

RETURN TO OPEN SESSION

Reconvene into Open Meeting at 9:35 p.m.

- 6.1 Discuss and Consider any Action Resulting from Closed Session as Necessary

ACTION: Item 6.1

EXTEND CONTRACT

Council Member O’Neal moved to extend and renew the contract with Tim Patek for two years \$115,000 per year. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

ACTION: Reconsider Item 4.7

TABLE

Mayor Pro Tem Blakemore moved to reconsider Resolution 2020-54 based upon newer information and move consideration to the July or next Council Meeting. Council Member Schroeder. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

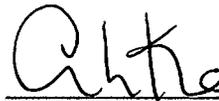
CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- 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 O'Neal and a second by Council Member Schroeder, the meeting was adjourned at 9:39 p.m.

Approved this 9th day of July 2020.



Connie Kacir, Mayor



Kristi Gilbert, Interim City Secretary