

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –JULY 9, 2020**

The Regular Meeting of the City Council was held on **July 9, 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.

In accordance with Governor Abbott's Executive Order 29 issued on July 2, 2020 every person attending the meeting shall wear a face covering over the nose and mouth unless the person is under 10 years of age or has a medical condition or disability that prevents wearing a face covering.

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. The Governor has since clarified his intent and stated that citizens should be allowed to offer comments by other means.

In person attendance by the public will be limited to 14 which is 50% capacity of the room less Council Members and required staff and should be separated by at least six (6) feet from other groups attending the meeting together. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings has been 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.

Citizens wishing to offer comments on the posted agenda items may email their comments at least two hours prior to the start of the meeting and the comments will be read into the record during the time allocated for citizen comments. Emails may be sent to citysecretary@gonzales.texas.gov and must include the name of the citizen.

CALL TO ORDER, INVOCATION AND PLEDGE

Mayor Kacir called the meeting to order at 6:00 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, City Attorney Dan Santee Interim City Secretary Kristi Gilbert, Finance Director Laura Zella, City Engineer Keith Schauer, Fire Chief Keith Schmidt, Special Projects Manager Ralph Camarillo, Water Supervisor Marland Miller 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

The Mayor thanked Anne Dollery, the City Manager and Staff for hosting the Texas Junior High Rodeo. Mayor Kacir also thanked the CVB Board for providing lunch for staff members during the event. Mayor Kacir commended the Main Street Board for a fabulous job on the Star Spangled Spectacular. Dr. Heisey requests that all citizens be compliant with guidelines as the numbers continue to rise.

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

HEARING OF RESIDENTS

The following individuals were present in person and spoke:

Joann Leifeste, 1308 Summit Drive, requested five minutes to speak, which was granted by the Mayor. Ms. Leifeste mentioned the City Council suggested the museum be cleaned every six to seven years. Ms. Leifeste stated she would donate \$10,000 towards the cleaning of the museum assuming the Mayor would contact Lydia Woods Boone Texas Historical Commission and other applicable agencies. Ms. Leifeste stated she received an estimate from Randy Hughes with Mid-Continental of \$19,892 to clean the building.

Keith Schauer, Chairperson of the Come and Take It Committee, stated the event is still on schedule with modifications.

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

Kay Bakken, Regent of the Thomas Shelton Chapter Daughters of the American Revolution, requested funding to remove the roofing materials from the DAR Chapter House Building.

PRESENTATIONS

1.1 Presentation regarding the possible installation of interpretive panels on Confederate Square.

Mayor Kacir stated she invited David Tuce, Glenda Gordan, and Quincy Johnson to participate in this program.

David Tuce spoke regarding the Confederate Square and statute establishing a committee of the minority community to work on a resolution. Mr. Tuce is not advocating for the removal of the statute, but stated it conveyed only one side of history. Mr. Tuce stated to be fair to both the black citizens and white citizens, a compromise should be made. Gonzales claims to be "our town" but it only represents one side and encouraged the city to embrace the change that is necessary. This is an opportunity for another first, to lead the way for change. Mr. Tuce suggests renaming it to Independence Square and allocate a prominent space to erect interpretive panels and a monument, being the west triangle on St. Joseph between St. Lawrence and St. George.

Glenda Gordon, chairperson of the Gonzales County Historical Commission (GCHC) and Preserve Gonzales, stated she had recommendations for the square and had worked on proposal after visiting with David and Quincy. Ms. Gordon stated GCHC and Preservation Gonzales, Inc. proposed to provide the signs, installation and dedication for Civil War Era heritage interpretive panels at designated locations at an estimated cost of \$800-\$1,000 per panel with suggested topics of Antebellum Gonzales; Gonzales' Significance in the Civil War; Woman, Slaves and Refugees; June 19, 1865 Juneteenth state holiday; Neighborhoods and Families in Gonzales; and, African American Firsts in Gonzales.

MOVE TO ITEM 3.12

Mayor Kacir moved the order of the agenda to Item 3.12 to discuss a master plan for the airport to allow Ben Breck, the City's planner with TxDOT Aviation to present information to the City Council.

3.12 Discussion and Council Direction on priorities of future capital improvement projects for the Gonzales Economic Development Corporation's consideration, to the extent allowed by law, to include the following:

- Feasibility and cost estimation of an elevated storage tank in the vicinity of the Industrial Park to create a new pressure plain
- Acquisition of additional land for industrial development
- A master plan for the airport

Mayor Kacir stated the items were elevated to the Economic Development Corporation (EDC) by the Mayor and City Manager about two years ago.

Ben Breck stated a city the size of Gonzales does not need a huge plan and recommends an Airport Layout Plan which includes a forecast of activity, recommendations, alternatives, prioritization and a capital improvement program. Mr. Breck stated TxDOT has been assisting in funding at a 90/10 match for a cost of approximately \$150,000 and usually takes nine to twelve months to complete.

City Engineer Keith Schauer estimated approximately \$2.5 Million for elevated storage tank.

Mayor Kacir stated EDC has had discussions with regard to acquiring land for additional industrial areas.

Council concurred the elevated storage tank was a priority as it is needed before the other items and EDC is encouraged to review all items.

CONSENT AGENDA ITEMS

2.1 **Minutes** - Approval of the minutes for the June 11, 2020 Regular Meeting and June 1, 2020 and June 24, 2020 Special Called Meetings.

2.2 **Absences**-Approval of any council absences for the third quarter of fiscal year 2019-20.

- 2.3 Discuss, Consider & Possible Action on **Resolution #2020-59** Declaring Certain City Property Surplus and Authorizing the Sale, Donation or Destruction of Said Property in the manner most advantageous to the City of Gonzales
- 2.4 Discuss, Consider & Possible Action on **Resolution #2020-60** Authorizing the Purchase of a Chevrolet Silverado 4x2 Crew Cab for the Wastewater Department in an Amount not to exceed \$54,115.
- 2.5 Discuss, Consider & Possible Action on **Resolution #2020-61** Authorizing the Purchase of a hydro-excavator and jetter trailer with trailer for the Wastewater Department in an Amount not to exceed \$149,371.

ACTION: Items 2.1 through 2.5

APPROVED

Council Member Schurig moved to approve the consent agenda as presented. Council Member Schroder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

RESOLUTIONS, ORDINANCES AND COUNCIL ACTION

- 3.1 Discuss, Consider & Possible Action on **Resolution #2020-62** Accepting the Proposals and Awarding the Contract for the 2020 Drainage Improvement Plans to Lester Contracting, Inc.

ACTION: Item 3.1

APPROVED

Council Member Schurig moved to approve **Resolution #2020-62** Accepting the Proposals and Awarding the Contract for the 2020 Drainage Improvement Plans to Lester Contracting, Inc. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 3.2 Discuss, Consider & Possible Action on **Resolution #2020-63** Accepting the Proposals and Awarding the Contract for the 2020 Utility Improvement Plans to J & R Contracting Services, Inc.

ACTION: Item 3.2

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-63** Accepting the Proposals and Awarding the Contract for the 2020 Utility Improvement Plans to J & R Contracting Services, Inc. Council Member Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 3.3 Discuss and Conduct the first of two (2) required readings of a Resolution for the approval of a Type B Economic Development Project and Performance Agreement between the Gonzales Economic Development Corporation and Ace Invest, LLC, pursuant to Section 505.158 of the Texas Local Government Code.

ACTION: Item 3.3

FIRST READING

Mayor Kacir conducted the first reading of a Resolution for the approval of a Type B Economic Development Project and Performance Agreement between the Gonzales Economic Development Corporation and Ace Invest, LLC, pursuant to Section 505.158 of the Texas Local Government Code. The second and final reading will be conducted at the August 13, 2020 City Council Meeting.

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

The Mayor asked the City Council to consider moving to Level 1 Fiscal Management Contingency Plan.

ACTION: Item 3.4

APPROVED

Mayor Pro Tem Blakemore moved to enact Level 1 Fiscal Management Contingency Plan effective July 27, 2020. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 3.5 Discuss, Consider & Possible Action on **Resolution #2020-64** Authorizing the Temporary Closure of Certain City Streets, Use of City Property and the Sale and Consumption of Alcohol on City Property for the Come & Take It Celebration on October 2, 3 and 4, 2020.

ACTION: Item 3.5

APPROVED

Council Member Schurig moved to approve **Resolution #2020-64** Authorizing the Temporary Closure of Certain City Streets, Use of City Property and the Sale and Consumption of Alcohol on City Property for the Come & Take It Celebration on October 2, 3 and 4, 2020. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 3.6 Discuss, Consider & Possible Action on **Resolution #2020-65** Authorizing the City Manager to defer all hotel occupancy tax payments for the second quarter of FY2019-2020 (January, February, March), or another quarter as determined by the City Council, for a minimum of 90 days, with penalties waived, based on the recommendation from the Gonzales Convention and Visitor's Bureau.

CONVENE INTO CLOSED SESSION:

The Council convened into executive session at 7:02 p.m.

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

RETURN TO OPEN SESSION

Reconvene into Open Meeting at 7:14 p.m.

ACTION: Item 3.6

NO ACTION

No motions were made.

- 3.7 Discuss, Consider & Possible Action on authorizing the City Manager and City Secretary to negotiate an agreement for a joint election with Gonzales County for the May 2020 General Municipal Election postponed to November 3, 2020.

ACTION: Item 3.7

APPROVED

Mayor Pro Tem Blakemore moved to authorizing the City Manager and City Secretary to negotiate an agreement for a joint election with Gonzales County for the May 2020 General Municipal Election postponed to November 3, 2020. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 3.8 Discuss, Consider & Possible Action on **Resolution #2020-66** Authorizing the City Manager to execute a boundary line agreement and special warranty deed with the Gonzales Chamber of Commerce & Agriculture for a portion of land located at 304 St. Louis Street.

ACTION: Item 3.8

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-66** Authorizing the City Manager to execute a boundary line agreement and special warranty deed with the Gonzales Chamber of Commerce & Agriculture for a portion of land located at 304 St. Louis Street. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 3.9 Discuss, consider and provide direction on a project to install interpretive panels on Confederate Square.

ACTION: Item 3.9

DIRECTION

Mayor Pro Tem Blakemore moved to direct the committee to bring back a presentation on the panels including the content of the panels. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 3.10 Discuss, Consider & Possible Action Approving **Resolution #2020-67** Appointing Five Citizens to the Charter Review Commission to be Empaneled from August 1, 2020 through January 31, 2021 as required by Section 11.11 of the City of Gonzales Charter.

Council Member Schurig nominated James Lawrence
Council Member Schroeder nominated Joseph Kridler
Council Member O'Neal nominated Robert Ramirez
Mayor Pro Tem Blakemore nominated Al O'Donnell
Mayor Kacir nominated Jon Such

ACTION: Item 3.10

APPROVED

Blakemore moved to Approving **Resolution #2020-67** Appointing James Lawrence, Joseph Kridler, Robert Ramirez, Al O'Donnell, and James Such to the Charter Review Commission to be Empaneled from August 1, 2020 through January 31, 2021 as required by Section 11.11 of the City of Gonzales Charter. Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0

- 3.11 Discuss, Consider & Possible Action Approving **Resolution #2020-68** Approving the Amendment of the Job Description and Position Classification for the City Secretary to include duties of Administrative Services Director.

ACTION: Item 3.11

APPROVED

Council Member O'Neal moved Approving **Resolution #2020-68** Approving the Amendment of the Job Description and Position Classification for the City Secretary to include duties of Administrative Services Director. Council Member Schroeder 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 Month of June 2020.

- 5.2 City Manager, Tim Patek will update the City Council on the following: Mr. Patek stated 18 lots have been mowed by the city to date as a result of individuals failing to take care of their lots at a cost of approximately \$2,500 which liens will be filed on for collection. The Jim Price Clean-Up is still scheduled for August 1st and will be following recommended guidelines.

CONVENE INTO CLOSED SESSION:

The Council convened into executive session at 7:29 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 551.086 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 8:11 p.m.

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

ACTION: Item 6.1

Council Member O'Neal moved to reduce the CSO from 35% to 30% and authorize the City Manager to hire a consultant for negotiations not to exceed \$25,000. Council Member Schroeder seconded the motion. 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 Mayor Pro Tem Blakemore, the meeting was adjourned at 8:13 p.m.

Approved this 13th day of August 2020.



Connie Kacir, Mayor



Kristi Gilbert, City Secretary