

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –SEPTEMBER 10, 2020**

The Regular Meeting of the City Council was held on **September 10, 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 6:01 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, Administrative Services Director/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
- Recognition of actions by City employees
- Recognition of actions by community volunteers

Mayor Pro Tem Blakemore recognized Ann Covert and stated he understood she was moving and wanted to thank her for everything she has done for the community.

HEARING OF RESIDENTS

The following individuals were present in person and spoke:

Casey Reese Floyd stated she was in favor of the donation of land on the square for interpretive panels and asked the Council to rename Confederate Square to Independence Square.

Joe White stated he was opposed to raising taxes; asked the Council to continue to move forward on allowing manufactured homes; and, would like the Daughters of the Confederate to relocate the statue.

Ann Alexander asked the city to officially rename Confederate Square to Independence Square.

Dale Schellenberg commended one council member for being opposed to the tax rate increase and stated he was opposed to the tax increase.

Quincy Johnson stated he was requesting the Council rename and rebrand the downtown square as Independence Square. Mr. Johnson stated the square has historically been referred to as Jail Square, Market Square and Confederate Square, all of which are inappropriate.

Don Page commented on the increased taxes over the last four years. Mr. Page stated he reviewed the tax history of each of the council members along with their neighbors. Mr. Page stated many of the council members did not feel the impact because of the over 65 exemption and asked the Council to postpone consideration.

Ann Covert commented that each council member took an oath according to the charter which requires a five-year capital improvement program. Ms. Covert stated each of the past years have been increasing the taxes to get to a normal tax to sustain the needs of the community. Ms. Covert stated she had not heard of any other taxing entities in the area having opposition to their increases. Ms. Covert stated she was in favor of increasing taxes this year and next year.

Ann Gaines Rodriguez stated she was in favor of changing the square that is now referred to as Confederate Square to Independence Square. Ms. Gaines-Rodriguez stated it was important to listen to the input of our citizens.

PRESENTATION

1.1 Presentation, Discussion and Direction on the naming of historic downtown square.

Ms. Glenda Gordon provided the City Council with a copy of research she has compiled regarding Block 24, currently referred to as Confederate Square. Ms. Gordon stated that she has not found any indication in her research that officially named the square and presented information on the history of the original township blocks. Ms. Gordon also provided a photograph approximated at the early 1900's.

Mr. David Tuce thanked the Council for their willingness to move forward with the project.

Mayor Kacir asked the committee, along with Peyton Moore, work together on a consolidated effort to determine an appropriate name. Mayor Kacir stated she would like for it to come forward to Council in 90 days after the public has had the opportunity provide input.

Mayor Pro Tem Blakemore asked for input on officially naming the other squares as well. The Council discussed the priority being the Block 24.

BUDGET AND TAX RATE ITEMS

2.1 Discuss, Consider & Possible Action on **Ordinance #2020-17** Approving the Operating Budget for the City of Gonzales and the Gonzales Economic Development Corporation for the Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021; Renewing the City's Financial Policy, Investment Policy, and Budget Contingency Policy.

Mayor Kacir asked for the financial policy to be removed and considered at a special meeting prior to September 30th to include language requiring items budgeted of \$25,000 or more be moved to the next fiscal year at the suggestion of staff, that it is approved by Council.

Mayor Kacir stated there was less than one percent in reserves three years ago, the Police Department was humble in cutting their budget for crisis management. The Mayor stated the city has recapitalized up to 24% of the general fund and would like to see items added for the Police Department to include a UTV, covered parking for the vehicles and \$60,000 in radios to the budget totaling approximately \$146,000 to be funded with revenue from grant funds.

ACTION: Items 2.1

APPROVED

Council Member Schurig moved to approve **Ordinance #2020-17** Approving the Operating Budget for the City of Gonzales and the Gonzales Economic Development Corporation for the Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021, Renewing, Investment Policy, and Budget Contingency Policy. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote:

Mayor Pro Tem Dan Blakemore:	AYE
Council Member Tommy Schurig:	AYE
Council Member Gary Schroeder:	AYE

Council Member Bobby O’Neal: AYE
Mayor Connie Kacir: AYE

The motion passed unanimously.

- 2.2 Discuss, Consider & Possible Action Approving **Resolution #2020-83** to Ratify the Property Tax Increase Reflected in the Budget as required by Texas Local Government Code Section 102.007 when adopting a budget that will require raising more revenues from property taxes than in the previous year.

Mayor Kacir asked the City Attorney if individuals who made comments on the tax rate could be asked questions. Mr. Santee stated questions could be asked, but they are not required to respond.

ACTION: Items 2.2

RATIFICATION

Mayor Pro Tem Blakemore moved to ratify that the property tax rate be increased by the adoption of a tax rate of 0.3511, which is effectively a 17.35 percent increase in the tax rate. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote:

Mayor Pro Tem Dan Blakemore: AYE
Council Member Tommy Schurig: AYE
Council Member Gary Schroeder: NAY
Council Member Bobby O’Neal: AYE
Mayor Connie Kacir: AYE

The motion passed four to one.

- 2.3 Discuss, Consider & Possible Action on **Ordinance #2020-18** Approving the 2020 Ad Valorem Tax Rate and Levy of Assessed Valuation of All Taxable Property Within the Corporate Limits of the City of Gonzales, Texas.

Mayor Kacir asked questions of both Mr. Donald Page and Mr. Dale Schellenberg regarding questions and statements that were made during public comment and on social media sites.

Mayor Pro Tem Blakemore stated there were seven tax collectible political subdivision and four of them were going up on their rates. The county has proposed a rate of .3958 with the city proposing .3511. Individuals in the county that pay the .3958 do not get any services for that rate and nobody has been complaining about their rates. Mr. Blakemore stated that he does not have any issues with the taxes set by the other entities.

ACTION: Items 2.3 – Operations and Maintenance Rate

APPROVED

Council Member Schurig moved to approve an ad valorem tax rate of \$0.1901 on each \$100 of assessed valuation of taxable property for general city purposes and to pay the current maintenance and operations expenses of the City of Gonzales, for the fiscal year ending September 30, 2021, and to adopt Ordinance No. 2020-18, fixing and levying the

same for a total tax of \$0.3511 on each \$100 of assessed valuation. I move that the property tax rate be increased by the adoption of a tax rate of 0.3511, which is effectively a 17.35 percent increase in the tax rate. Council Member O’Neal seconded the motion. Mayor Kacir called for a roll call vote:

Mayor Pro Tem Dan Blakemore:	AYE
Council Member Tommy Schurig:	AYE
Council Member Gary Schroeder:	NAY
Council Member Bobby O’Neal:	AYE
Mayor Connie Kacir:	AYE

The motion passed four to one.

ACTION: Items 2.3 – Debt Service Rate (Interest & Sinking Fund) APPROVED

Council Member Schurig moved to approve an ad valorem tax rate of \$0.1610 on each \$100 of assessed valuation of taxable property for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid and outstanding indebtedness, and related fees of the City of Gonzales, for the fiscal year ending September 30, 2021, and to adopt Ordinance No. 2020-18, fixing and levying the same for a total tax of \$0.3511 on each \$100 of assessed valuation. I move that the property tax rate be increased by the adoption of a tax rate of 0.3511, which is effectively a 17.35 percent increase in the tax rate. Council Member O’Neal seconded the motion. Mayor Kacir called for a roll call vote:

Mayor Pro Tem Dan Blakemore:	AYE
Council Member Tommy Schurig:	AYE
Council Member Gary Schroeder:	NAY
Council Member Bobby O’Neal:	AYE
Mayor Connie Kacir:	AYE

The motion passed four to one.

2.4 Discuss, Consider & Possible Action on **Resolution #2020-84** Authorizing and Adopting the Investment Policy for the City of Gonzales

The Finance Director asked if the item could be tabled until the Economic Development Corporation had an opportunity to vote on the item.

ACTION: Items 2.4 **NO ACTION**
There was no action taken.

CONSENT AGENDA ITEMS

- 3.1 **Minutes** - Approval of the minutes for the following meetings:
- a. August 11, 2020 Special Meeting
 - b. August 13, 2020 Regular Meeting
 - c. August 19, 2020 Special Meeting

- 3.2 Discuss, Consider & Possible Action Approving **Resolution #2020-85** Approving the Amendment of the Job Description for the Lineman I/Meter Reader to Change the Reporting Supervisor.

ACTION: Items 3.1 and 3.2

APPROVED

Council Member O'Neal moved to approve the consent agenda as presented. 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 & Possible Action Approving **Resolution #2020-86** Authorizing the City Manager to Solicit Requests for Proposals for Grant Administration Professional Services and Request for Qualification for Engineering Services for a Community Development Block Grant Disaster Recovery-Mitigation Program grant application.

ACTION: Items 4.1

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-86** Authorizing the City Manager to Solicit Requests for Proposals for Grant Administration Professional Services and Request for Qualification for Engineering Services for a Community Development Block Grant Disaster Recovery-Mitigation Program grant application. 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 Approving **Resolution #2020-87** Authorizing the Appointments and Reappointments to the Airport Advisory Board, Gonzales Convention & Visitors Bureau, Gonzales Economic Development Corporation, Gonzales Golf Course Advisory Board, JB Wells Park Advisory Board, Gonzales Library Board, Main Street Advisory Board, Museum Advisory Board, Planning & Zoning Commission, and Zoning Board of Adjustment & Sign Control Board.

ACTION: Items 4.2

APPOINTMENTS

There was no action taken.

- 4.3 Discuss, Consider & Possible Action Approving **Resolution #2020-88** authorizing an expenditure of funds for the Gonzales Economic Development Corporation in an amount not to exceed \$75,000.00 for extensive cleaning and improvements to the Lynn Theatre.

Mayor Kacir stated she would like to see three bids for the project. Mayor Pro Tem Blakemore stated that the EDC Attorney advised three bids were not necessary due to health and safety issues.

ACTION: Items 4.3

APPROVED

Mayor Pro Tem Blakemore moved to approve **Resolution #2020-88** authorizing an expenditure of funds for the Gonzales Economic Development Corporation in an amount not to exceed \$75,000.00 for extensive cleaning and improvements to the Lynn Theatre. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote.

For: Blakemore, O'Neal, Schroeder and Schurig. Against: Kacir. The motion passed 4 to 1.

STAFF/BOARD REPORTS

- 5.1 Financial Report for the month of August 2020.
- 5.2 City Manager, Tim Patek will update the City Council on the following: Mr. Patek updated the City Council on weed prevention update with approximately 30% of the city completed, hydro plant update, Certified Public Manager program and District 2 Clean-Up update.

CONVENE INTO CLOSED SESSION:

The Council convened into executive session at 8:03 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 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:
 - 1. Unopened City Street
- (c) 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. Appointments to the Gonzales Economic Development Corporation, the Planning and Zoning Commission and the Zoning Board of Adjustments
 - 2. City Manager

RETURN TO OPEN SESSION

Reconvene into Open Meeting at 9:28 p.m.

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

ACTION: Item 7.1

Council Member O'Neal moved to authorize the City Manager to negotiate the sale of a 1.146 acre unopened street to Benny Boyd Gonzales LLC in the amount of \$200,000 and 20' right-of-way dedication. 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
 - New electric meter infrastructure
 - Board and Commission Appointments and disseminating Code of Ethics
 - Three items for the Police Department UTV, covered awning and new mobile radios
 - Modification to financial policy with changes of \$25,000 or more come to Council before they are adopted.
- 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 9:31 p.m.

Approved this 8th day of October 2020.



Connie Kacir, Mayor



Kristi Gilbert, City Secretary

