

**CITY OF GONZALES, TEXAS  
CITY COUNCIL MEETING  
MINUTES –JANUARY 14, 2021**

A Special Meeting of the City Council was held on **January 14, 2021** 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](http://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](mailto: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.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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
Robert R. Brown, Jr.	Council Member, District 4	Present in person

**STAFF PARTICIPATING:**

City Attorney Dan Santee, City Manager Tim Patek, Finance Director Laura Zella, JB Wells Park Arena Manager Anne Dollery, Tourism Director Ashley Simper, Main Street Manager Liz Reiley, City Engineer Keith Schauer and Police Chief Tim Crow.

the City Manager to Execute the Purchase Agreement. BuyBoard 601-19, HGAC RA-05-18.

**ACTION: Items 2.1 to 2.5**

**APPROVED**

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

**PUBLIC HEARING**

- 4.1 Conduct a public hearing and consider approval of **Ordinance #2021-02** approving a request to change the zoning designation of property within the Lou's Garden Subdivision to establish an overlay Planned Development District for all of the properties within the subdivision.

*Note: Individuals will be able to speak during the public hearing via teleconference. Please email [citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov) to participate.*

**PROPERTY OWNER(S):** Various

**LEGAL DESCRIPTION:** Lou's Garden Subdivision,  
Block 1, Lot 1 – Block 1, Lot 23 and  
Block 2, Lot 1 – Block 2, Lot 18

Mayor Kacir opened the hearing to public comment at 6:21 p.m.

No one was signed in to speak.

Mayor Kacir closed the hearing to public comment at 6:22 p.m.

Mayor Kacir stated that staff and the Planning and Zoning Commission recommended approval.

Council Member Brown stated he would like the applicant to reapply and resubmit for an

**ACTION: Item 4.1**

**APPROVED**

Council Member Schurig moved to approve **Ordinance #2021-02**. Council Member Brown 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 on **Ordinance #2021-03** Ordering a Special Election for the Purpose of Voting on the Adoption or Rejection of Proposed Amendments to the Existing Home Rule Charter of the City of Gonzales, Texas.

Andy Rodriguez, EDC President spoke on Measure A and not accept the proposed charter amendment. Mr. Rodriguez stated the GEDC Board had not been notified about Measure F and asked for time to review.

**ACTION: Items 4.1**

**TABLED**

Mayor Kacir moved to table consideration of the ordinance to a future agenda. Council Member Schurig 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 #2021-03** Authorizing the City Manager to Enter into an Agreement for Environmental Services for the CDBG-DR Main Street Infrastructure Grant.

**ACTION: Items 4.2**

**APPROVED**

Council Member Schurig moved to approve **Resolution #2021-03** Authorizing the City Manager to Enter into an Agreement for Environmental Services with Terracon for the CDBG-DR Main Street Infrastructure Grant. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.3 Discuss, Consider and Possible Action on **Resolution #2021-04** in Support of the Removal and Replacement of Guadalupe Blanco River Authority Board Members.

Joe Solansky spoke to the Council with regard to the need for the resolution of support.

**ACTION: Items 4.3**

**APPROVED**

Council Member O'Neal moved to approve Approving **Resolution #2021-04** in Support of the Removal and Replacement of Guadalupe Blanco River Authority Board Members. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.4 Discuss, Consider and Possible Action on **Resolution #2021-05** in Renaming the Downtown Square Formerly Referred to as Confederate Square.

David Tucey commented on the responsibilities of the City Council which includes this matter of the heart and expressed his support for renaming the square.

Mayor Kacir read an email from Quincy Johnson requesting the change of the name of the square to a non-controversial name and suggested Independence Square.

**ACTION: Items 4.4**

**APPROVED**

Council Member Schurig moved to approve Approving **Resolution #2021-05** in Renaming the Downtown Square Formerly Referred to as Confederate Square as Independence Square to support and promote community comradery. Council Member O'Neal seconded the motion.

Council Member Brown commented on Mr. Johnson's letter speaking to freedom and suggested the square be named Freedom Square.

Mayor Kacir stated there was a motion on the floor for Independence Square.

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

- 4.5 Discuss, Consider & Possible Action Approving **Resolution #2021-06** Approving Extended Sick Leave Benefits of Two Weeks (Up to 80 Hours) for Specified Reasons Related to COVID-19.

**ACTION: Items 4.5**

**APPROVED**

Council Member O'Neal moved to approve Approving **Resolution #2021-06** Approving Extended Sick Leave Benefits of Two Weeks (Up to 80 Hours) for Specified Reasons Related to COVID-19. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 4.6 Conduct a Public Hearing and Consider Action on **Ordinance #2021-05** Amending Ordinance 95-12 Section B, Revising Section 24-307, Power Cost Adjustment Factor.

Mayor Kacir opened the public hearing to comment at 6:55p.m.

Darren Schauer, presented the item to Council, stating that GVEC had been retained to review rates. Mr. Schauer stated this was not a rate increase, but an amendment be made to the calculation to reflect actual current practices.

Mayor Kacir closed the public hearing.

**ACTION: Items 4.6**

**APPROVED**

Council Member Schurig moved to approve Approving **Ordinance #2021-05** Amending Ordinance 95-12 Section B, Revising Section 24-307, Power Cost Adjustment Factor. Council Member Brown 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 #2021-07** Authorizing the City Manager to Enter into an Agreement for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System.

Darren Schauer stated that GVEC was partnering with Techline on this project and would own data collection units that would be installed around the city.

**ACTION: Items 4.7**

**APPROVED**

Council Member Schurig moved to approve Approving **Resolution #2021-07** Authorizing the City Manager to Enter into an Agreement with Techline for the purchase and installation of a Fixed Network Advanced Metering Infrastructure (AMI) System. Council Member Brown seconded the motion. Mayor Kacir called for a roll call vote. Council Member O'Neal abstained as an employee of GVEC. For: Unanimous. The motion passed 4-0-1.

**STAFF/BOARD REPORTS**

- 5.1 Financial Report for the month of December 2020.

5.2 City Manager, Tim Patek will update the City Council on the following:

- Status Report on Projects and Processes  
Mr. Patek updated the Council on the drainage project at Railroad Street at is approximately 90% complete, with the area at St Louis and St Vincent approximately 85%. St. Lawrence St is approximately 50% complete with an anticipated finish date of May. The rehab of Tank #1 is ongoing with the inside finished and work continuing on the exterior with an anticipated completion date of March. The CDBG Wastewater Grant plans and environmental have been completed and submitted. The engineer is currently surveying water and wastewater lines throughout the city. Mr. Patek stated that staff would begin work on a thoroughfare plan to include mapping unopened streets.
- Brush Truck Update

**CONVENE INTO CLOSED SESSION:**

The Council convened into closed session at 7:27 p.m.

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

(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
2. Municipal Court Judge

(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.

(d) 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. Consider an offer to purchase unopened streets in the Original Out Town of Gonzales, East of Water street adjacent to Lots 27 and 28, Range 13 and Lots 25-28, Range 14

**RETURN TO OPEN SESSION**

The Council convened into open session at 8:30 p.m.

- 7.1 Discuss, Consider and Possible Action on **Resolution #2021-08** Appointing the Deidra D. Voight as Municipal Court Judge and Authorizing the City Manager to execute an agreement for judicial services.

**ACTION: Items 7.1**

**APPOINTED**

Council Member Schurig moved to approve Approving **Resolution #2021-08** Authorizing the Appointment of Appointing the Deidra D. Voight as the Municipal Court Judge. Council Member O’Neal seconded the motion.

Judge Voight stated that she was not comfortable executing a comprehensive settlement and release agreement as her obligations were addressed through taking the Oath of Office.

Mayor Kacir called for a roll call vote. For: Schurig, O’Neal, Schroeder and Brown. Against: Kacir. The motion passed 4 to 1.

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

**ACTION: Items 7.2**

**APPROVE SETTLEMENT**

Council Member Schroeder moved to approve a **Resolution** of the City Council of the City of Gonzales authorizing a comprehensive settlement release agreement for Patricia Bennett and Gloria Knight related to Cause No. 27,500 Patricia Bennett and Gloria Knight v. City of Gonzales, Texas authorizing the Mayor to execute and file all necessary documents to effectuate and resolve the pending litigation including the execution of quit claim deeds associated therewith and establishing an effective date of January 14, 2021. Council Member O’Neal 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 Schurig, the meeting was adjourned at 8:41 p.m.

Approved this 11<sup>th</sup> day of February 2021.




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Connie Kacir, Mayor



City Secretary

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