

**CITY OF GONZALES, TEXAS
SPECIAL CITY COUNCIL MEETING
MINUTES –FEBRUARY 4, 2021**

A Special Meeting of the City Council was held on **February 4, 2021** at 12:00 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 12:00 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 |
| Robert R. Brown, Jr. | Council Member, District 4 | Present in person |

STAFF PARTICIPATING:

City Attorney Dan Santee, City Manager Tim Patek, Economic Development Director Jennifer Kolbe, Finance Director Laura Zella, Main Street Manager Liz Reiley and Police Chief Tim Crow.

HEARING OF RESIDENTS

The following individuals emailed comments prior to the time of the meeting which were read into the record:

Don Page spoke regarding his concerns with the proposed charter amendments and ask that the City Council consider removing Measure G from consideration.

Dale Schellenberg voiced his concerns with Measure G of the proposed Charter Amendments.

Thomas Enriquez spoke regarding his concerns with the City Council and how business has been conducted in the past.

Public comment emails:

Suzanne Zaitz emailed: Members of council, Thank you for your time today. I am grateful for the opportunity to be heard, even though I am limiting my public exposure, as I wait for the vaccine. I come to you today to express my heartfelt disappointment with Measure G, having been added to the proposed charter amendments after the Charter Review Committee submitted their recommendations. As a citizen, I am discouraged to see that the hard work of a group of 5 volunteers, appointed by each of you, was not valued enough to trust and follow. Not only is Measure G an add-on, it is completely contradictory to Measure A, presented to council by the 5 citizens you appointed to do a job. I have several questions in regard to Measure G. I know these will not be answered today, but I hope that these questions might pique the interest of the reasonable members of council, who actually care to serve for the will of the people, not their own self interests. I thank you in advance for listening to my questions and taking them to heart, as a public servant. First, I would like to know what was so fundamentally flawed about Measure A that a member of council felt it necessary to have legal council draft Measure G? As a citizen and voter, I find Measure A to be very sound and well thought out. I am a pragmatist and realize that in a community of this size, there will be times when a board won't have enough members. I served on the Main Street board at a time when we operated 2-3 members short, consistently. I wonder why no members of this council stepped up to fill those vacancies? The genius of Measure A gives The City of Gonzales coverage in these cases, as council is only prohibited from serving on city boards when another qualified citizen is willing to do so. This is beneficial to Gonzales because it ensures a variety of ideas and expertise can be applied to all facets of city operations. Allowing citizens to serve first also ensures the proper checks and balances are in place when spending tax dollars, that are paid by your constituents and business owners. Finally, giving the public a fair opportunity to serve on city boards fosters good faith between council and the very people you serve. I wonder how many of the qualified applicants to EDC will ever reapply to that board, or any board for that matter, after being passed over for two members of city council? The appearance is that members of council have an unfair advantage, as they hold the majority of power within the workings of the city. Secondly, I ask why one board was given the opportunity to submit a charter amendment item? Were all boards afforded this opportunity, or was it only the board that is currently occupied by a member of this council? It seems that, if fairness is to be considered, all boards should be given the same latitude. Why is council being asked to consider an amendment that will directly impact a single citizen. Even if we don't take into consideration that this single citizen is a member of city council, does the good the many not

outweigh the good of the one? For this measure to hold water, it would need to be true that the exempted board includes a position that can only be done by a member of city council. This is simply untrue. Several educated, qualified, and professionally astute citizens have applied to EDC over the past two years, all of which have been turned away in favor of two members of city council. The fact remains, a qualified private citizen can be just as capable as any given member of city council and could potentially be more effective, as they are only serving for the betterment of the board. There are no conflicts of interest. Lastly, I ask what do the citizens of Gonzales deserve? The national political climate is a mess. Americans seem to lose more rights and freedoms everyday. The beauty of a home rule charter is that we don't have to follow suit! This council has an opportunity today to cast their vote against Measure G and give voters the freedom to make the decision. I know, at the heart of council, there are true Americans, who want to see freedom ring. Please take this opportunity to show your community you believe in a city that can be run for the people, by the people. Please say, "no" to Measure G. Thank you, Suzanne Zaitz, Owner spaces sublime

Valorie Daniel emailed: Dear council, I open with the following, an exert from an agenda item prepared for the January 14, 2021 city council meeting. "On July 9, 2020, the City Council of the City of Gonzales appointed a Charter Review Commission for the purpose of reviewing the City of Gonzales Charter. The Commission was charged to conduct an independent review of the City Charter and report to the City Council any proposed amendments based on its review." "Independent"...according to the Webster's dictionary independent is defined as "not influenced or controlled by others". According to information provided by the city, the "Charter Review Commission began meeting on October 5, 2020 for the purpose of completing its review. The Charter Review Commission met on three separate occasions." I was truly disappointed when I reviewed the packet prepared for this meeting. There are no longer six items being submitted for review, but rather, seven. Also, there is mention in the background information provided that "If the Council wishes to accept the Commission's proposed propositions it would be appropriate to approve the ordinance at this meeting". How can Council accept a Measure that was NEVER presented by the Charter Review Commission? What happened to this panel being independent"? I am truly disappointed that we have continuously not only disregarded our City's Charter, but also, try to correct the wrongdoings by amending the propositions! Just last year it was explained to this community that our city manager could reside outside the city's limits and still be in compliance with the city's charter. Just last year it was explained to us that our city's attorney did not have to practice within our city...I find it oddly entertaining that those two items are now up for discussion. I personally find it odd that the GEDC, having known the Charter Review Commission began meeting on October 5, 2020, choose to wait until AFTER said commission submitted their proposed amendments to come forth with their own. Council, our city deserves better than this! Warmest regards, Valorie Daniel

City Manager, Tim Patek reminded the City Council and residents that February 11th that 5:00 p.m. there will be an unveiling of the plaque at the Hydro.

ORDINANCES

- 1.1 Discuss, Consider & Possible Action on **Ordinance #2021-06** 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

MEASURE 1 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION A

An amendment to the City's home rule charter prohibiting the mayor and councilmembers from serving on a City appointed committee, commission, board or other City entity unless no other qualified citizen is available for appointment.

Council Member Brown moved to accept Measure 1. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

MEASURE 2 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION B

An amendment to the City's home rule charter requiring an appointment to City Council to a vacancy in a City Council office if there are between 90 and 365 days remaining in the term of the vacant City Council office.

Council Member O'Neal moved to accept Measure 2. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

MEASURE 3 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION C

An amendment to the City's home rule charter deleting the requirement that the City Manager reside within the City limits during their term of office.

Council Member Schurig moved to approve Measure 3. Council Member Schroeder seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

MEASURE 4 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION D

An amendment to the City's home rule charter deleting the requirement that the municipal judge be a qualified voter of the City.

Council Member O'Neal moved to approve Measure 4. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: O'Neal, Schurig, Schroeder and Kacir. Against: Brown. The motion passed 4 to 0.

MEASURE 5 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION E

An amendment to the City's home rule charter requiring the City Council to select the most qualified individual to be City Attorney.

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

MEASURE 6 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION F

An amendment to the City's home rule charter authorizing the expenditure of economic development funds as authorized by state law.

Council Member Brown moved to approve Measure 6. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

MEASURE 7 shall be placed on the ballot in the form of the following Proposition:

CITY OF GONZALES PROPOSITION G

An amendment to the City's home rule charter authorizing City Council Members to be able to serve on City appointed non-profit corporation boards.

Council Member Schroeder moved to remove Measure 7 from the ballot. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Schroeder, O'Neal, Brown and Schurig. Against: Kacir. The motion passed 4 to 1.

ACTION: Items 1.1

APPROVED

Council Approved **Ordinance #2021-06** 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.

- 1.2 Discuss, Consider & Possible Action on **Ordinance #2021-7** Closing and Abandoning to the Abutting Property Owners Portions of Certain Unimproved Streets

ACTION: Items 1.2

APPROVED

Council Member O'Neal moved to approve **Ordinance #2021-7** Closing and Abandoning to the Abutting Property Owners Portions of Certain Unimproved Streets. Council Member Brown seconded the motion Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

ADJOURN

On a motion by Council Member Brown and second by Council Member Schroeder, the meeting was adjourned at 12:55 p.m.

Approved this 11th day of March, 2021.



Connie Kacir, Mayor



City Secretary