

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET
AGENDA –APRIL 11, 2024, 6:00 P.M.**

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

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

HEARING OF RESIDENTS

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

CLOSED SESSION

- 1.1 (1) 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:
 - A) Unopened portion of College Street

RETURN TO OPEN SESSION

- 2.1 Discuss, Consider & Possible Action on **Ordinance #2024-9** Closing and Abandoning to the abutting property owner, Portions of certain unimproved streets lying within the municipal boundaries and authorizing the City Manager to execute the real property contract

STAFF/BOARD REPORTS

- 3.1 Finance Director, Laura Zella will provide feedback on any questions regarding:
 - Financial Reports for funds as of March 31, 2024
 - Cash & Investment by Fund as of March 31, 2024

3.2 City Manager, Tim Crow will update the City Council on the following:

- Timeline on Capital Improvement and Departmental Projects
 - Recently Completed Projects
 - Projects Currently in Process
 - Upcoming Projects

PROCLAMATIONS

4.1 National Sexual Assault Awareness and Prevention Month

4.2 Fair Housing Month

PRESENTATIONS

5.1 Chamber of Commerce will provide the Quarterly Report for the Chamber of Commerce and Visitor Center as required by Chapter 351 of the Texas Tax Code

5.2 Presentation, discussion and direction regarding the potential of a dog park for the City of Gonzales: discussions will include but are not limited to location, budget, amenities of the dog park facility

5.3 Presentation regarding the YMCA-Gonzales Summer Camp Program

CONSENT AGENDA ITEMS

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

6.1 **Minutes** - Approval of the minutes for the March 14, 2024 Regular Meeting

6.2 Discuss, Consider & Possible Action on **Resolution #2024-31** Authorizing Gonzales Dog Adoptions the Use of City Property and Designated Street Closures for Dog Extravaganza Event on April 28, 2024

6.3 Discuss, Consider & Possible Action on **Resolution #2024-32** Authorizing the Gonzales Junior High permission to close the 400 Block of Smith and Moore & Smith Street to allow safe passage for their students for the Gonzales Junior High Field Day on May 16, 2024

6.4 Discuss, Consider & Possible Action on **Resolution #2024-33** Authorizing YMCA of Gonzales' Use of Independence Square including the Parking Lot, Designated Street Closures for the Back to School Bash Event on August 3, 2024

6.5 Discuss, Consider & Possible Action on **Resolution #2024-34** Approving the Event and the Sale and Consumption of Alcohol on City Property; Application for funding to the Come & Take It Committee in the amount of (\$30,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$10,000.00 to be used for advertising, solicitations and promotions that attract tourists) and Authorizing the City Manager to Negotiate and Execute an Agreement with Gonzales Chamber of

Commerce for Funding the In-Kind contributions from the City of Gonzales for the Come and Take It Celebration on October 4-6, 2024

- 6.6 Discuss, Consider & Possible Action on **Resolution #2024-35** Authorizing the City Manager to execute an Interlocal Cooperation Contract for the Failure to Appear Program with the Department of Public Safety (DPS)
- 6.7 Discuss, Consider & Possible Action on **Resolution #2024-36** Authorizing the City Manager to execute a purchase agreement with James Teleco, Inc. for the purchase and installation and equipment in the Council Chambers in the amount of \$55,928.51
- 6.8 Discuss, Consider & Possible Action on **Resolution #2024-37** Approving and adopting a Water Conservation Plan for the City of Gonzales
- 6.9 Discussion & Possible Action on **Ordinance #2024-10** Approving and Readopting Chapter 13 Utilities Article 13.600 Drought Contingency Plan of the City of Gonzales Code of Ordinances

RESOLUTION

- 7.1 Presentation, Discussion & Possible Action on **Resolution #2024-38** Authorizing the City Manager to solicit proposals for Municipal Solid Waste Collection Disposal and Recycling or Authorizing the City Manager to renegotiate an amended agreement with Frontier Access, LLC
- 7.2 Discuss, Consider & Possible Action on **Resolution #2024-39** Authorizing the City Manager to execute an Encroachment Agreement with Clyde Hinton for a the property located at 302 Botts Street
- 7.3 Discuss, Consider & Possible Action on **Resolution #2024-40** Authorizing the funding to the Wine Country Festival LLC. dba Cattle Country Fest in an amount of (\$20,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$20,000.00 to be used for advertising, solicitations and promotions that attract tourists) for the 2024 Cattle County Music Festival to be held from April 12, 2024 through April 14, 2024
- 7.4 Discuss, Consider & Possible Action on **Resolution #2024-41** Approving and updating the Gonzales Economic Development Administrative Assistant job description and position classification for Fiscal Year 2023-2024

ORDINANCE

- 8.1 Discuss, Consider & Possible Action on **Ordinance #2024-11** Authorizing a Variance to Section 8.603 Sale of Alcoholic Beverages within 300 Feet of Certain Places for 510 St. Paul Street

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

EXECUTIVE SESSION: The City Council reserves the right to discuss any of the above items in Executive Closed Session if they meet the qualifications in Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, of Chapter 551 of the Government Code of the State of Texas.

I certify that a copy of the April 11, 2024, agenda of items to be considered by the Gonzales City Council was posted on the City Municipal Building bulletin board on the 5th day of April, 2024 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting. I further certify that the above agenda was removed on _____ day of _____, 2024 at _____am/pm. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.

Kristina Vega, City Secretary

The meeting facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please Contact the City Secretary's office at (830)672-2815 for further information.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Ordinance #2024-9 Closing and Abandoning to the abutting property owner, Portions of certain unimproved streets lying within the municipal boundaries

DATE: April 11, 2024

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

The City of Gonzales, Texas, a home rule municipality, has among its real property interests certain unopened public streets located within property that is not within the municipal boundaries and are not anticipated to be within the municipal boundaries and for which the City has no known use or purpose.

Pursuant to Section 311.007 of the Texas Transportation Code, a home-rule municipality may vacate, abandon, or close a street or alley.

Pursuant to Section 272.001 (b) and (c) the City is not required to solicit bids or otherwise establish a fair market value for streets they choose to close and sell to abutting landowners.

POLICY CONSIDERATIONS:

The Charter of the City of Gonzales provides that the city shall have all powers granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers. The Charter prohibits the sale of public squares and avenues. The subject unopened street is not on a square or avenue.

FISCAL IMPACT:

Positive fiscal impact to be realized upon the close and sale of unopened city streets demonstrating fiscal responsibility of policy makers.

ATTACHMENTS:

N/A

STAFF RECOMMENDATION:

Staff respectfully requests City Council take the action deemed appropriate.

ORDINANCE NO. 2024-9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, CLOSING AND ABANDONING TO THE ABUTTING PROPERTY OWNERS A PORTION OF A CERTAIN UNIMPROVED STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE REAL PROPERTY CONTRACT; AND ESTABLISHING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Gonzales, Texas, a home rule municipality, has among its real property interests certain unopened public streets located within property that is within the municipal boundaries and has no known use or purpose; and,

WHEREAS, the Streets found within the property described in the attached Exhibit A from the Official Public Records of Gonzales County (hereinafter the “Streets”) are unimproved streets; and,

WHEREAS, pursuant to Section 311.007 of the Texas Transportation Code, a home-rule municipality may vacate, abandon, or close a street or alley; and,

WHEREAS, pursuant to Section 272.001 (b) and (c) the City is not required to solicit bids or otherwise establish a fair market value for streets they choose to close and sell to abutting landowners; and,

WHEREAS, no detriment or hazard to the City of Gonzales or its citizens has been found; and,

WHEREAS, the Charter of the City of Gonzales provides that the portions of the avenues of the city not deemed needed at the time for municipal purposes and the streets belonging to said city which have never been opened or used for street purposes by the public, the city is authorized to sell.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 2. That the City Council finds that such closure and abandonment as requested will cause no harm or injury to the City of Gonzales or its citizens.

Section 3. That pursuant to the authority provided to the City by Section 311.007 of the Texas Transportation Code and Section 272.001(b)(2) of the Texas Local Government Code, City Council hereby closes and abandons to the abutting owners the Street as described in **Exhibit “A”**.

Section 4. That the City Manager is authorized to execute the real property contract for the sale of the abandoned streets attached hereto as **Exhibit B**, an appropriate deed, retaining all mineral rights and interest in the property to be conveyed, and other instruments reasonably necessary to complete the closure and conveyance; provided that the release of the abandoned street is apportioned to the abutting owners as required in Section 272.001(b)(2) of the Texas Local Government Code.

Section 5. That should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the approval and recordation of a deed and survey evidencing the closed and abandoned public streets described herein.

PASSED AND APPROVED this 11th day of April, 2024

CITY OF GONZALES

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

FINANCIAL REPORTS FOR FUNDS AS OF 3/31/2024

CASH & INVESTMENT BY FUND AS OF 3/31/2024

GRANT REIMBURSEMENTS PENDING UPDATE:

\$307,940.68 on the Texas Heroes Square grant project

\$3,656.17 on the Edwards Association grant project

\$55,344.47 on the Tinsley Creek CDBG Mitigation grant project

\$73,002.13 on the Lone Star Operation grant project

\$439,943.45 TOTAL

CITY OF GONZALES
FINANCIAL STATEMENT
AS OF: MARCH 31ST, 2024

100-GENERAL FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
401-TAX REVENUE	3,136,922.00	175,650.76	1,897,245.85	60.48	0.00	1,239,676.15
402-FRANCHISE REVENUE	1,904,888.00	12,355.10	691,932.33	36.32	0.00	1,212,955.67
403-LICENSE/FEE/PERMITS	106,325.00	2,470.95	31,911.68	30.01	0.00	74,413.32
404-PARKS FEES REVENUE	362,565.00	53,222.46	165,191.33	45.56	0.00	197,373.67
405-MUNICIPAL COURT REVEN	51,531.00	6,716.54	27,486.36	53.34	0.00	24,044.64
406-MISCELLANEOUS REVENUE	726,196.00	498,967.58	639,366.91	88.04	0.00	86,829.09
407-STREET ASSESSMENT INC	0.00	0.00	0.00	0.00	0.00	0.00
408-INTEREST REVENUES	75,000.00	0.00	77,243.54	102.99	0.00	(2,243.54)
409-OTHER FINANCING REVEN	115,298.00	150.00	28,198.41	24.46	0.00	87,099.59
410-TRANSFERS	3,019,873.00	201,551.49	1,875,292.94	62.10	0.00	1,144,580.06
*** TOTAL REVENUES ***	9,498,598.00	951,084.88	5,433,869.35	57.21	0.00	4,064,728.65
EXPENDITURE SUMMARY						
101-CITY COUNCIL DEPARTME	92,312.00	2,915.27	33,739.83	36.55	0.00	58,572.17
102-CITY MANAGER DEPART	199,681.00	15,638.60	95,206.52	47.68	0.00	104,474.48
103-COMMUNITY DEVELOPMENT	68,406.00	215.35	22,365.57	32.70	0.00	46,040.43
104-NON-DEPARTMENTAL	392,342.00	16,189.59	251,498.88	65.76	6,486.58	134,356.54
105-MAIN STREET DEPARTMEN	130,709.00	7,027.15	48,298.05	36.95	0.00	82,410.95
107-BUILDING MAINTENANCE	291,321.00	17,152.28	130,851.00	44.92	0.00	160,470.00
108-CITY SECRETARY DEP	264,407.00	12,633.79	127,788.31	48.33	0.00	136,618.69
109-FINANCE DEPARTMENT	605,583.00	33,619.39	234,392.29	38.71	0.00	371,190.71
201-PARKS DEPARTMENT	739,238.00	40,627.32	297,894.95	40.30	0.00	441,343.05
202-SWIMMING POOL DEPARTM	36,573.00	0.00	1,119.21	3.06	0.00	35,453.79
203-JB WELLS	0.00	0.00	0.00	0.00	0.00	0.00
204-RECREATION DEPARTMENT	21,270.00	0.00	915.01	4.30	0.00	20,354.99
205-MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	0.00
206-INDEPENDENCE GOLF CO	322,316.00	16,980.04	124,339.46	38.58	0.00	197,976.54
301-FIRE DEPARTMENT	1,630,242.92	101,854.28	889,881.72	58.18	58,598.66	681,762.54
501-POLICE DEPARTMENT	2,980,106.72	183,850.85	1,389,268.43	47.05	12,869.36	1,577,968.93
504-ANIMAL CONTROL DEPART	200,733.00	14,042.08	98,007.23	48.82	0.00	102,725.77
550-MUNICIPAL COURT DEPT.	123,624.00	7,316.62	55,131.99	44.60	0.00	68,492.01
602-AIRPORT DEPARTMENT	121,054.00	72.90	15,304.93	12.64	0.00	105,749.07
603-STREETS DEPARTMENT	806,622.07	32,464.51	493,740.60	61.60	3,150.00	309,731.47
650-LIBRARY DEPARTMENT	325,951.00	21,980.89	148,572.77	45.58	0.00	177,378.23
660-MUSEUM DEPARTMENT	115,161.00	7,231.20	39,981.68	34.72	0.00	75,179.32
*** TOTAL EXPENDITURES ***	9,467,652.71	531,812.11	4,498,298.43	48.37	81,104.60	4,888,249.68
** REVENUES OVER (UNDER) EXPENDITURES **	30,945.29	419,272.77	935,570.92	761.22	(81,104.60)	(823,521.03)

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

203-JB WELLS PARK FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
404-PARKS FEES REVENUE	670,850.00	23,227.50	235,618.66	35.12	0.00	435,231.34
406-MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	670,850.00	23,227.50	235,618.66	35.12	0.00	435,231.34
EXPENDITURE SUMMARY						
203-JB WELLS PARK	932,121.00	43,658.49	255,033.26	27.36	0.00	677,087.74
*** TOTAL EXPENDITURES ***	932,121.00	43,658.49	255,033.26	27.36	0.00	677,087.74
** REVENUES OVER (UNDER) EXPENDITURES **	(261,271.00)	(20,430.99)	(19,414.60)	7.43	0.00	(241,856.40)

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

210-ELECTRIC FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
710-ELECTRIC DEPARTMENT	10,932,943.00	721,652.37	4,847,359.22	44.34	0.00	6,085,583.78
750-REVENUE COLLECTION	279,302.00	1,431.76	133,121.88	47.66	0.00	146,180.12
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	<u>11,212,245.00</u>	<u>723,084.13</u>	<u>4,980,481.10</u>	<u>44.42</u>	<u>0.00</u>	<u>6,231,763.90</u>
EXPENDITURE SUMMARY						
710-ELECTRIC DEPARTMENT	11,281,938.77	223,483.44	4,534,484.81	47.88	867,013.17	5,880,440.79
750-REVENUE COLLECTIONS	321,669.00	20,104.33	151,794.07	47.19	0.00	169,874.93
809-HYDRO PLANT CONST.	147,700.00	0.00	127,000.00	85.99	0.00	20,700.00
*** TOTAL EXPENDITURES ***	<u>11,751,307.77</u>	<u>243,587.77</u>	<u>4,813,278.88</u>	<u>48.34</u>	<u>867,013.17</u>	<u>6,071,015.72</u>
** REVENUES OVER (UNDER) EXPENDITURES **	<u>(539,062.77)</u>	<u>479,496.36</u>	<u>167,202.22</u>	<u>129.82</u>	<u>(867,013.17)</u>	<u>160,748.18</u>

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

220-WATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
720-WATER PRODUCTION DEPT	3,208,440.00	236,878.84	1,405,839.88	43.82	0.00	1,802,600.12
*** TOTAL REVENUES ***	<u>3,208,440.00</u>	<u>236,878.84</u>	<u>1,405,839.88</u>	<u>43.82</u>	<u>0.00</u>	<u>1,802,600.12</u>
EXPENDITURE SUMMARY						
720-WATER PRODUCTION DEPT	3,493,020.03	89,941.75	1,340,023.08	39.62	43,916.05	2,109,080.90
*** TOTAL EXPENDITURES ***	<u>3,493,020.03</u>	<u>89,941.75</u>	<u>1,340,023.08</u>	<u>39.62</u>	<u>43,916.05</u>	<u>2,109,080.90</u>
** REVENUES OVER (UNDER) EXPENDITURES **	<u>(284,580.03)</u>	<u>146,937.09</u>	<u>65,816.80</u>	<u>7.70-</u>	<u>(43,916.05)</u>	<u>(306,480.78)</u>

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

230-WASTEWATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
730-WASTEWATER COLLECTION	1,741,600.00	150,206.69	845,201.38	48.53	0.00	896,398.62
731-W/W GRANT PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	1,741,600.00	150,206.69	845,201.38	48.53	0.00	896,398.62
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
730-WASTEWATER COLLECTION	1,541,943.00	46,495.59	614,932.59	58.11	281,141.00	645,869.41
731-W/W GRANT PROJECTS	0.00	0.00	0.00	0.00	0.00	0.00
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	1,541,943.00	46,495.59	614,932.59	58.11	281,141.00	645,869.41
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES **	199,657.00	103,711.10	230,268.79	25.48-	(281,141.00)	250,529.21
	=====	=====	=====	=====	=====	=====

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

240-SOLID WASTE FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
740-SOLID WASTE DEPARTMEN	876,750.00	71,926.18	422,043.27	48.14	0.00	454,706.73
*** TOTAL REVENUES ***	876,750.00	71,926.18	422,043.27	48.14	0.00	454,706.73
EXPENDITURE SUMMARY						
740-SOLID WASTE DEPARTMEN	850,468.00	12,256.78	369,734.05	43.47	0.00	480,733.95
*** TOTAL EXPENDITURES ***	850,468.00	12,256.78	369,734.05	43.47	0.00	480,733.95
** REVENUES OVER (UNDER) EXPENDITURES **	26,282.00	59,669.40	52,309.22	199.03	0.00	(26,027.22)

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

400-DSF GOVERNMENT ACTIVITIES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	828,200.00	0.00	764,169.86	92.27	0.00	64,030.14
*** TOTAL REVENUES ***	828,200.00	0.00	764,169.86	92.27	0.00	64,030.14
EXPENDITURE SUMMARY						
400-DSF GOVERNMENT ACT.	815,200.00	0.00	655,800.00	80.45	0.00	159,400.00
*** TOTAL EXPENDITURES ***	815,200.00	0.00	655,800.00	80.45	0.00	159,400.00
** REVENUES OVER (UNDER) EXPENDITURES **	13,000.00	0.00	108,369.86	833.61	0.00	(95,369.86)

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

500-HOTEL/MOTEL FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
811-HOTEL/MOTEL	575,000.00	10,225.02	130,861.04	22.76	0.00	444,138.96
812-MEMORIAL MUSEUM	0.00	0.00	0.00	0.00	0.00	0.00
813-FORFEITURES	0.00	0.00	0.00	0.00	0.00	0.00
814-MUNICIPAL COURT	0.00	0.00	0.00	0.00	0.00	0.00
815-ROBERT L BROTHERS	0.00	0.00	0.00	0.00	0.00	0.00
816-PEG FRANCHISE	0.00	0.00	0.00	0.00	0.00	0.00
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	575,000.00	10,225.02	130,861.04	22.76	0.00	444,138.96
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
811-HOTEL MOTEL	653,284.00	15,250.00	207,592.44	31.78	0.00	445,691.56
815-RLB	0.00	0.00	0.00	0.00	0.00	0.00
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	653,284.00	15,250.00	207,592.44	31.78	0.00	445,691.56
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES **	(78,284.00)	(5,024.98)	(76,731.40)	98.02	0.00	(1,552.60)
	=====	=====	=====	=====	=====	=====

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

501-MEMORIAL MUSEUM FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
812-MEMORIAL MUSEUM	2,500.00	801.45	1,984.63	79.39	0.00	515.37
*** TOTAL REVENUES ***	2,500.00	801.45	1,984.63	79.39	0.00	515.37
=====						
EXPENDITURE SUMMARY						
812-MEMORIAL MUSEUM	9,000.00	0.00	0.00	0.00	0.00	9,000.00
*** TOTAL EXPENDITURES ***	9,000.00	0.00	0.00	0.00	0.00	9,000.00
=====						
** REVENUES OVER (UNDER) EXPENDITURES **	(6,500.00)	801.45	1,984.63	30.53-	0.00	(8,484.63)
=====						

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

502-FORFEITURE FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
813-FORFEITURES	4,300.00	0.00	760.68	17.69	0.00	3,539.32
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	4,300.00	0.00	760.68	17.69	0.00	3,539.32
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
813-FORFEITURES	20,500.00	0.00	5,971.30	29.13	0.00	14,528.70
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	20,500.00	0.00	5,971.30	29.13	0.00	14,528.70
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES **	(16,200.00)	0.00	(5,210.62)	32.16	0.00	(10,989.38)
	=====	=====	=====	=====	=====	=====

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

503-MUNICIPAL COURT

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
814-MUNICIPAL COURT	2,350.00	134.25	1,160.94	49.40	0.00	1,189.06
*** TOTAL REVENUES ***	2,350.00	134.25	1,160.94	49.40	0.00	1,189.06
EXPENDITURE SUMMARY						
814-MUNICIPAL COURT	8,000.00	47.65	3,709.42	46.37	0.00	4,290.58
*** TOTAL EXPENDITURES ***	8,000.00	47.65	3,709.42	46.37	0.00	4,290.58
** REVENUES OVER (UNDER) EXPENDITURES **	(5,650.00)	86.60	(2,548.48)	45.11	0.00	(3,101.52)

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

504-ROBERT LEE BROTHERS FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
815-ROBERT L BROTHERS	1,700.00	4,000.00	16,865.82	992.11	0.00	(15,165.82)
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	1,700.00	4,000.00	16,865.82	992.11	0.00	(15,165.82)
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
815-ROBERT LEE BROTHERS	30,600.00	3,333.19	21,632.88	70.70	0.00	8,967.12
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	30,600.00	3,333.19	21,632.88	70.70	0.00	8,967.12
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES **	(28,900.00)	666.81	(4,767.06)	16.50	0.00	(24,132.94)
	=====	=====	=====	=====	=====	=====

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

505-PEG FRANCHISE FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
816-PEG FRANCHISE	14,550.00	0.00	5,733.44	39.41	0.00	8,816.56
*** TOTAL REVENUES ***	14,550.00	0.00	5,733.44	39.41	0.00	8,816.56
EXPENDITURE SUMMARY						
816-PEG FRANCHISE	75,000.00	0.00	0.00	0.00	0.00	75,000.00
*** TOTAL EXPENDITURES ***	75,000.00	0.00	0.00	0.00	0.00	75,000.00
** REVENUES OVER (UNDER) EXPENDITURES **	(60,450.00)	0.00	5,733.44	9.48-	0.00	(66,183.44)

C I T Y O F G O N Z A L E S
 FINANCIAL STATEMENT
 AS OF: MARCH 31ST, 2024

700-GONZALES ECONOMIC DEV

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
700-ECONOMIC DEVELOPMENT	1,135,750.00	68,624.33	652,250.60	57.43	0.00	483,499.40
*** TOTAL REVENUES ***	1,135,750.00	68,624.33	652,250.60	57.43	0.00	483,499.40
EXPENDITURE SUMMARY						
700-ECONOMIC DEVELOPMENT	3,258,053.58	52,387.83	522,696.27	16.04	0.00	2,735,357.31
*** TOTAL EXPENDITURES ***	3,258,053.58	52,387.83	522,696.27	16.04	0.00	2,735,357.31
** REVENUES OVER (UNDER) EXPENDITURES **	(2,122,303.58)	16,236.50	129,554.33	6.10-	0.00	(2,251,857.91)

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
100-GENERAL FUND =====			
CASH			
100 1-001.000	CASH - GENERAL FUND	1,007,102.06	
100 1-001.501	CASH-GENERAL FUND RBFCU		0.00
100 1-101.505	CASH - AIRPORT IMPROVEMENT	166,053.40	
100 1-101.506	CASH- PEG FRANCHISE ACTIVITIES		0.00
	TOTAL CASH	1,173,155.46	
INVESTMENTS			
100 1-103.409	RBFCU-SAVINGS ACCOUNT		0.00
100 1-103.410	CERT OF DEPOSIT-RANDOLPH BROOK		0.00
100 1-103.413	MILLER EST. OIL & GAS ROYALTY		74,964.75
	TOTAL INVESTMENTS		74,964.75
POOLED INVESTMENTS			
100 1-104.002	TEXPOOL- GENERAL FUND		3,438,484.92
100 1-104.003	TEXPOOL-CLFRF PART II - ARPA		0.00
	TOTAL POOLED INVESTMENTS		3,438,484.92
	TOTAL 100-GENERAL FUND	1,173,155.46	3,513,449.67

203-JB WELLS FUND =====			
CASH			
203 1-001.000	CASH - JB WELLS	(42,102.33)	
	TOTAL CASH	(42,102.33)	
	TOTAL 203-JB WELLS PARK FUND	(42,102.33)	0.00

210-ELECTRIC FUND =====			
CASH			
210 1-001.000	CASH - ELECTRIC FUND	(404,287.47)	
210 1-001.606	CASH CUSTOMER METER DEPOSIT	160,676.00	
	TOTAL CASH	(243,611.47)	

CASH & INVESTMENTS BY FUND

AS OF: MARCH 31ST, 2024

MARCH 31ST, 2024

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
INVESTMENTS			
210 1-103.410	CERT OF DEP - SOUTH STAR BANK		0.00

	TOTAL INVESTMENTS		0.00
POOLED INVESTMENTS			
210 1-104.002	TEXPOOL- ELECTRIC FUND		2,166,428.73

	TOTAL POOLED INVESTMENTS		2,166,428.73
		-----	-----
	TOTAL 210-ELECTRIC FUND	(243,611.47)	2,166,428.73

220-WATER FUND

=====

CASH			
220 1-001.000	CASH - WATER FUND	566,084.55	
220 1-001.606	CASH CUSTOMER METER DEPOSITS	24,914.00	

	TOTAL CASH	590,998.55	
POOLED INVESTMENTS			
220 1-104.002	TEXPOOL- WATER FUND		2,045,267.09
220 1-104.103	TEXPOOL - CO SERIES 2019		0.00

	TOTAL POOLED INVESTMENTS		2,045,267.09
		-----	-----
	TOTAL 220-WATER FUND	590,998.55	2,045,267.09

230-WASTEWATER FUND

=====

CASH			
230 1-001.000	CASH - WASTEWATER FUND	545,110.02	
230 1-001.606	CASH CUSTOMER METER DEPOSIT	300.00	

	TOTAL CASH	545,410.02	
INVESTMENTS			
230 1-103.411	CERT. OF DEP - SOUTH STAR BANK		0.00

	TOTAL INVESTMENTS		0.00
POOLED INVESTMENTS			
230 1-104.002	TEXPOOL- WASTEWATER FUND		1,267,502.97
230 1-104.003	TEXPOOL-CLFRF PART I -ARPA W/W		0.00
230 1-104.102	CASH - CO SERIES 2019		0.00

	TOTAL POOLED INVESTMENTS		1,267,502.97
		-----	-----
	TOTAL 230-WASTEWATER FUND	545,410.02	1,267,502.97

CASH & INVESTMENTS BY FUND

AS OF: MARCH 31ST, 2024

MARCH 31ST, 2024

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<hr/>			
240-SOLID WASTE =====			
CASH			
240 1-001.000	CASH - SOLID WASTE FUND	160,113.95	

TOTAL CASH		160,113.95	

TOTAL 240-SOLID WASTE FUND		160,113.95	0.00
<hr/>			
250-DSF PROPRIETARY =====			
CASH			
250 1-001.000	CASH-DSF PROPRIETARY	0.00	

TOTAL CASH		0.00	

TOTAL 250-DSF PROPRIETARY		0.00	0.00
<hr/>			
300-CAPITAL PROJECTS-BUS =====			
CASH			
300 1-001.000	CASH - CONTROL ACCOUNT	0.00	
300 1-101.301	BOND - CIP	0.00	

TOTAL CASH		0.00	

TOTAL 300-CAPITAL PROJECTS-BUSINESS		0.00	0.00
<hr/>			
400-DSF GOVERNMENTAL ACTI =====			
CASH			
400 1-001.000	CASH - CONTROL ACCOUNT	0.00	
400 1-001.101	CASH-DSF GOV. ACTIVITIES	466,524.57	

TOTAL CASH		466,524.57	

TOTAL 400-DSF GOVERNMENT ACTIVITIES		466,524.57	0.00
<hr/>			

CASH & INVESTMENTS BY FUND

AS OF: MARCH 31ST, 2024

MARCH 31ST, 2024

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
500-HOTEL/MOTEL FUND			
=====			
CASH			
500 1-001.000	CASH - CONTROL ACCOUNT	0.00	
500 1-001.502	CASH - HOTEL MOTEL TAX	193,029.98	
500 1-001.503	CASH - MUSEUM FUNDS	0.00	
500 1-001.504	CASH - FORFEITURES	0.00	
500 1-001.505	CASH - MUN CRT CHILD SAFETY	0.00	
500 1-001.506	CASH - MUN CRT SECURITY	0.00	
500 1-001.507	CASH - MUN CRT TECH	0.00	
500 1-001.508	CASH - SPECIAL EXPENSE	0.00	
500 1-001.511	ROBERT LEE BROTHERS JR LIBRARY	0.00	

TOTAL CASH		193,029.98	
POOLED INVESTMENTS			
500 1-104.001	TEXPOOL - HOTEL MOTEL FUND		602,012.65

TOTAL POOLED INVESTMENTS			602,012.65
		-----	-----
TOTAL 500-HOTEL/MOTEL FUND		193,029.98	602,012.65

501-MEMORIAL MUSEUM FUND			
=====			
CASH			
501 1-001.000	CASH - CONTROL ACCOUNT	0.00	
501 1-001.503	CASH - MUSEUM FUNDS	12,442.73	

TOTAL CASH		12,442.73	
		-----	-----
TOTAL 501-MEMORIAL MUSEUM FUND		12,442.73	0.00

502-FORFEITURES			
=====			
CASH			
502 1-001.000	CASH - CONTROL ACCOUNT	0.00	
502 1-001.504	CASH - FORFEITURES FEDERAL	27,126.06	
502 1-001.505	CASH - FORFEITURES STATE	5,563.39	

TOTAL CASH		32,689.45	
		-----	-----
TOTAL 502-FORFEITURE FUND		32,689.45	0.00

CASH & INVESTMENTS BY FUND

AS OF: MARCH 31ST, 2024

MARCH 31ST, 2024

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
503-MUNICIPAL COURT			
=====			
CASH			
503 1-001.000	CASH - CONTROL ACCOUNT	0.00	
503 1-001.505	CASH - MUN CRT CHILD SAFETY	1,755.94	
503 1-001.506	CASH - MUN CRT SECURITY	19,898.41	
503 1-001.507	CASH - MUN CRT TECH	1,180.71	
503 1-001.508	CASH - SPECIAL EXPENSE	3,645.78	

TOTAL CASH		26,480.84	

TOTAL 503-MUNICIPAL COURT		26,480.84	0.00
<hr/>			
504-ROBERT L. BROTHERS			
=====			
CASH			
504 1-001.000	CASH - CONTROL ACCOUNT	0.00	
504 1-001.511	ROBERT LEE BROTHERS JR LIBRARY	43,232.60	

TOTAL CASH		43,232.60	

TOTAL 504-ROBERT LEE BROTHERS FUND		43,232.60	0.00
<hr/>			
505-PEG FRANCHISE FUND			
=====			
CASH			
505 1-001.000	CASH - CONTROL ACCOUNT	0.00	
505 1-101.506	CASH- PEG FRANCHISE ACTIVITIES	151,772.60	

TOTAL CASH		151,772.60	

TOTAL 505-PEG FRANCHISE FUND		151,772.60	0.00
<hr/>			
575-CAPITAL PROJECTS-GOV			
=====			
CASH			
575 1-001.000	CASH - CONTROL ACCOUNT	0.00	

TOTAL CASH		0.00	

TOTAL 575-CAPITAL PROJECTS-GOV.		0.00	0.00
<hr/>			

CASH & INVESTMENTS BY FUND

AS OF: MARCH 31ST, 2024

MARCH 31ST, 2024

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
700-COMPONENT UNIT			
=====			
CASH			
700 1-001.000	CASH - CONTROL ACCOUNT	(369.75)	
700 1-001.101	CASH - ECONOMIC DEV CORP	2,268,245.46	

TOTAL CASH		2,267,875.71	
INVESTMENTS			
700 1-103.413	CERT OF DEPOSIT -FNB GONZALES		1,019,042.88

TOTAL INVESTMENTS			1,019,042.88
POOLED INVESTMENTS			
700 1-104.001	TEXPOOL - ECONOMIC DEVELOPMENT		523,712.12

TOTAL POOLED INVESTMENTS			523,712.12
TOTAL 700-GONZALES ECONOMIC DEV		2,267,875.71	1,542,755.00
		-----	-----
FUND TOTAL OTHER INVESTMENTS			1,094,007.63
FUND TOTAL POOLED INVESTMENTS			10,043,408.48

TOTAL CASH AND INVESTMENTS		5,378,012.66	11,137,416.11
		=====	=====

*** END OF REPORT ***

***National Sexual Assault Awareness and Prevention Month
P R O C L A M A T I O N***

WHEREAS, every 68 seconds another person in the United States is sexually assaulted, and in Texas 2 in 5 women and 1 in 5 men are victims of sexual assault; AND in fiscal year 2023, Thriving Hearts Crisis Center rendered 1410 services to 452 survivors of sexual violence and provided 124 hospital accompaniments for sexual assault exams;

WHEREAS, according to a study conducted by the Texas Association Against Sexual Assault and The University of Texas at Austin Institute on Domestic Violence and Sexual Assault approximately 6.3 million Texans have been sexually victimized;

WHEREAS, most victims are sexually assaulted by someone they know and 91 percent of victims did not report to police;

WHEREAS, it is appropriate to salute the more than 20 Million victims who have survived sexual assault in the United States and the efforts of victims, volunteers, and professionals who combat sexual assault;

WHEREAS, national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault;

WHEREAS, police, forensic workers, and prosecutors should be recognized and commended for their hard work and innovative strategies to increase the percentage of sexual assault cases that resolve in the prosecution and incarceration of the offenders;

WHEREAS, sexual violence is a persistent and pervasive problem in our society, one that requires attention year-round and in order to foster healthy communities, all citizens must support the effort to end sexual violence every month of the year; and,

WHEREAS, national and community organizations, businesses in the private sector, and the media are urged, through *National Sexual Assault Awareness* of sexual violence and strategies to decrease the incidence of sexual assault.

NOW, THEREFORE, I, S.H. Sucher, Mayor of the City of Gonzales do hereby proclaim the month of April as “National Sexual Assault Awareness and Prevention Month” in Gonzales and urge all citizens to observe this month by supporting the goals and ideas of victims and those working toward awareness and prevention, and by participating in community efforts.

Presented this 11th day of April 2024.

City Seal

Steven Sucher, Mayor

Attest:

Kristina Vega, City Secretary

FAIR HOUSING MONTH

APRIL 2024

WHEREAS, Title VIII of the Civil rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, the anniversary of this national Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans

NOW, THEREFORE, I S.H. Sucher, Mayor of the City of Gonzales, Texas, do hereby proclaim April as Fair Housing Month in Gonzales, Texas, and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Gonzales, Texas, to be affixed this 11th day of April, 2024.

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES – MARCH 14, 2024**

The regular meeting of the City Council was held on **March 14, 2024**, at 6:03 p.m. at the Gonzales Municipal Building, 820 St. Joseph Street. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted, at the Gonzales Municipal Building, giving notice of time, date, place, and agenda thereof. The meeting notice, agenda and agenda packet were posted online at www.gonzales.texas.gov.

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

Mayor Sucher called the meeting to order at 6:00 p.m. and a quorum was certified.

Attendee Name	Title	Status
Steve Sucher	Mayor	Present
Joseph Kridler	Council Member, District 1	Present
Sherri Koepp	Council Member, District 2, Mayor Pro Tem	Present
Lorenzo Hernandez	Council Member, District 3	Absent
Ronda Miller	Council Member, District 4	Present

STAFF PARTICIPATING:

Tim Crow-City Manager, Kristina Vega-City Secretary, Laura Zella-Finance Director, Gayle Autry-Police Chief, Tammy West-Police Lt., Susan Sankey-Economic Development Director, and Marland Mercer-Wastewater Superintendent.

CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Event-None
- Announcements and recognitions by the City Manager-None
- Announcements and recognitions by the Mayor-None
- Recognition of actions by City employees-None
- Recognition of actions by community volunteers-None

HEARING OF RESIDENTS

Dee Senglemann spoke on behalf of the Beautification Committee regarding the Jim Price Cleanup.

Lauren Kridler, VP of the Chamber of Commerce Board and Crissy Filla, Chamber of Commerce Board member spoke in favor of the Chamber Agreement.

Doug Zelkowski of White Trash Services spoke regarding the Solid Waste Collection agenda item and their desire to provide information on the services that White Trash Services provides.

Christina Arias of Kingdom Rescue spoke in favor of the amendments to the Animal Control Ordinance and informed the Council about the Come & Chip It Event scheduled for March 24th from 12-4 p.m. at 505 St. Francis.

STAFF/BOARD REPORTS

3.1 Finance Director, Laura Zella provided feedback on any questions regarding:

- Financial Reports for funds as of February 29, 2024
- Cash & Investment by Fund as of February 29, 2024

No questions were asked regarding the report.

3.2 City Manager, Tim Crow updated the City Council on the following:

- Timeline on Capital Improvement and Departmental Projects
 - Recently Completed Projects
 - Projects Currently in Process
 - Upcoming Projects

No questions were asked regarding the report.

CONVENE INTO CLOSED SESSION:

The Council convened into closed session at 6:32 p.m.

CLOSED SESSION

1.1 (1) Pursuant to Section 551.087 of the Texas Government Code, the City of Gonzales will consult in closed session (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1) to include the following matters:

- A) TXGN-2022-6

RETURN TO OPEN SESSION

The Council convened into open session at 6:53 p.m.

2.1 Discuss, Consider & Possible Action regarding matters discussed in closed session, and/or other actions necessary or recommended related to such discussions in closed session

No action was taken resulting from closed session.

CONSENT AGENDA ITEMS

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

4.1 **Minutes** - Approval of the minutes for the February 8, 2024 Regular Meeting and February 27, 2024 Workshop

4.2 Certification of Unopposed Candidate and Order of Cancellation:
Council District 1-Joseph Kridler

- 4.3 Discuss, Consider & Possible Action on **Resolution #2024-16** Authorizing the use of City Property for the 2024 Jim Price Clean Up on April 20, 2024
- 4.4 Discuss, Consider & Possible Action on **Resolution #2024-17** Authorizing designated street closures of the 400 Block of St. John Street for the Sacred Heart Church Festival on June 1, 2024
- 4.5 Discuss, Consider & Possible Action on **Resolution #2024-18** Authorizing the City Manager to Execute an Agreement with Jay Hilscher DBA Lone Star Relays, LLC. for the designated street closures and consumption of alcohol on public property for the Texas Independence Relay on March 23, 2024
- 4.6 Discuss, Consider & Possible Action on **Resolution #2024-19** Approving a Performance Agreement by and between the Gonzales Economic Development Corporation, a Type B Economic Development Corporation, and a non-profit corporation, and Gonzales Main Street, Inc concerning improvements to the Main Street District
- 4.7 Discuss, Consider & Possible Action on **Resolution #2024-20** Approving a Performance Agreement by and between the Gonzales Economic Development Corporation, a Type B Economic Development Corporation, and a Non-Profit Corporation, and Next Concept Motorsports, generally located at 1839 St Lawrence St, Gonzales, Texas
- 4.8 Discuss, Consider & Possible Action on **Resolution #2024-21** Approving a Contract for Services Agreement to Provide Consulting and related services by and between the Gonzales Economic Development Corporation and The Retail Coach
- 4.9 Discuss, Consider & Possible Action on **Resolution #2024-22** Authorizing the City Manager to Enter into a Five (5) Year Substation Inspection, Maintenance and Testing Agreement with Lower Colorado River Authority (LCRA)

ACTION: Items 4.1 through 4.9

APPROVED

Council Member Koepp moved to approve the consent agenda Items 4.1 through 4.9. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

RESOLUTION

- 5.1 Discuss, Consider & Possible Action on **Resolution #2024-23** Authorizing the City Manager to Solicit Proposals for Municipal Solid Waste Collection, Disposal and Recycling services in the manner most advantageous to the City of Gonzales

ACTION: Item 5.1

APPROVED

Council Member Miller moved to postpone **Resolution #2024-23** Authorizing the City Manager to Solicit Proposals for Municipal Solid Waste Collection, Disposal and Recycling services in the manner most advantageous to the City of Gonzales. Council Member Kridler seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 5.2 Discuss, Consider & Possible Action on **Resolution #2024-24** Authorizing the appointments to the Gonzales Convention & Visitors Bureau and Main Street Advisory Board

ACTION: Item 5.2

APPROVED

Council Member Koepp moved to approve **Resolution #2024-24** Authorizing the appointment of Donald Page to the Gonzales Convention & Visitors Bureau and Del De Los Santos and Keith Berger to the Main Street Advisory Board. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 5.3 Discuss, Consider & Possible Action on **Resolution #2024-25** Accepting the Proposal and Awarding the Contract to LSPS Solutions, LLC. to Develop an Inventory of Water Service Lines and Compiling Data to comply with the USEPA's Lead and Copper Rule Revisions issued on January 15, 2021

ACTION: Item 5.3

APPROVED

Council Member Kridler moved to approve **Resolution #2024-25** Accepting the Proposal and Awarding the Contract to LSPS Solutions, LLC. to Develop an Inventory of Water Service Lines and Compiling Data to comply with the USEPA's Lead and Copper Rule Revisions issued on January 15, 2021. Council Member Koepp seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 5.4 Discuss, Consider & Possible Action on **Resolution #2024-26** Authorizing the City Manager to negotiate and execute an amended Contract with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center

ACTION: Item 5.4

APPROVED

Council Member Miller moved to postpone **Resolution #2024-26** Authorizing the City Manager to negotiate and execute an amended Contract with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center. The motion died due to a lack of second. The Mayor asked for another motion. Council Member Koepp moved to approve **Resolution #2024-26** Authorizing the City Manager to negotiate and execute an amended Contract with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center. Council Member Kridler seconded the motion. Mayor Sucher called for a roll call vote. For: Koepp, Kridler and Sucher. Against: Miller. The motion passed 3 to 1.

- 5.5 Discuss, Consider & Possible Action on **Resolution #2024-27** Approving Work Order #75 in the amount of \$69,750 for Engineering, Surveying, CMT and Construction Administration Services for the 2024 Street Improvement Projects

ACTION: Item 5.5

APPROVED

Council Member Koepp moved to approve **Resolution #2024-27** Approving Work Order #75 in the amount of \$69,750 for Engineering, Surveying, CMT and Construction Administration Services for the 2024 Street Improvement Projects. Council Member Kridler seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

OTHER BUSINESS

- 6.1 Public Hearing, Discussion & Possible Action on **Resolution #2024-28** Authorizing the City Manager to submit, and accept if awarded, an application and associated documents to the Office of the Governor, for up to \$80,000 in Operation Lone Star Grant Funds, for the Purchase of License Plate Readers and overtime for the Gonzales Police Department Officers and Dispatchers

ACTION: Item 6.1

APPROVED

Mayor Sucher opened the Public Hearing for the following item at 7:22 p.m:

No public comments

Kristina Vega delivered the grant presentation.

Mayor Sucher closed the public hearings at 7:26 p.m.

Council Member Koepp moved to approve **Resolution #2024-28** Authorizing the City Manager to submit, and accept if awarded, an application and associated documents to the Office of the Governor, for up to \$80,000 in Operation Lone Star Grant Funds, for the Purchase of License Plate Readers and overtime for the Gonzales Police Department Officers and Dispatchers. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 6.2 Public Hearing, Discussion & Possible Action on **Resolution #2024-29** Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Texas General Land Office (GLO) for \$2,999,400 in CDBG-MIT grant funds for Infrastructure Improvements to Mitigate the Impact of Future Flooding Events

ACTION: Item 6.2

APPROVED

Mayor Sucher opened the Public Hearing for the following item at 7:26 p.m:

No public comments

Kristina Vega delivered the grant presentation.

Mayor Sucher closed the public hearings at 7:30 p.m.

Council Member Kridler moved to approve **Resolution #2024-29** Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Texas General Land Office (GLO) for \$2,999,400 in CDBG-MIT grant funds for Infrastructure Improvements to Mitigate the Impact of Future Flooding Events. Council Member Koepp seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 6.3 Public Hearing, Discussion & Possible Action on **Resolution #2024-30** Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Texas General Land Office (GLO) for grant funding, not to exceed \$200,000, to the

Resilient Communities Program (RCP) for the update of the City of Gonzales Comprehensive Plan

ACTION: Item 6.3

APPROVED

Mayor Sucher opened the Public Hearing for the following item at 7:30 p.m:

No public comments

Kristina Vega delivered the grant presentation.

Mayor Sucher closed the public hearings at 7:34 p.m.

Council Member Koeppe moved to approve **Resolution #2024-30** Authorizing the City Manager to Submit, and Accept if Awarded, an Application and Associated Documents to the Texas General Land Office (GLO) for grant funding, not to exceed \$200,000, to the Resilient Communities Program (RCP) for the update of the City of Gonzales Comprehensive Plan. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

ORDINANCE

7.1 Discussion & Possible Action on **Ordinance #2024-7** Amending Chapter 2 Animal Control of the City of Gonzales Code of Ordinances

ACTION: Item 7.1

APPROVED

Council Member Kridler moved to approve **Ordinance #2024-7** Amending Chapter 2 Animal Control of the City of Gonzales Code of Ordinances. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

7.2 Discussion & Possible Action on **Ordinance #2024-8** Authorizing amendments to the City of Gonzales Code of Ordinances Sections 4.401, 14.201, 14.403, 14.404, 14.604, and Sections 6.701 through 6.710 regarding mobile food vending and mobile food vending courts

ACTION: Item 7.2

APPROVED

Council Member Kridler moved to approve **Ordinance #2024-8** Authorizing amendments to the City of Gonzales Code of Ordinances Sections 4.401, 14.201, 14.403, 14.404, 14.604, and Sections 6.701 through 6.710 regarding mobile food vending and mobile food vending courts. Council Member Koeppe seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda. Council member Kridler asked that going put for bids for garbage disposal services be brought back at a later date.
- Announcements by Mayor and Councilmembers- Mayor Sucher acknowledged the Proclamation for the Pilot International Club of Gonzales' Brain Health and Awareness

Week. Mayor Sucher read parts of a letter that was received from Jacob Cunningham of Spring, Texas in reference to Jacob's desire to learn more about the history of Gonzales, Texas.

- City and community events attended and to be attended- none
- Continuing education events attended and to be attended- none

ADJOURN

On a motion by Council Member Kridler and second by Council Member Miller, the meeting was adjourned at 7:56 p.m.

Approved this 11th day of April, 2024.

Mayor, S.H. Sucher

Kristina Vega, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution 2023-31 Authorizing Gonzales Dog Adoptions the Use of City Property and designated street closures for Dog Extravaganza Event on April 28, 2024

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

This item is being presented to the council for their approval. Gonzales Dog Adoptions has presented an event sheet to request the street closures of the 400 block of College Street for April 28, 2024 for their Dog Extravaganza event. The barricades will be placed at the intersection of St. Lawrence and College Street and St. Louis and College Street. This will increase the safety of approximately 350 people that will be attending the event. This event will be a fundraiser for the Gonzales Dog Adoptions/Gonzales Dog Shelter. This will be a three-hour family event held at the Episcopal Church of the Messiah. Families can bring their dog on a leash to participate in a variety of activities. Set-up and take down time will be 30 minutes prior to the event on Sunday, April 28th with the event beginning at 1:00 p.m. and ending at 4:00 p.m. Take down will occur one hour after the event concludes.

POLICY CONSIDERATIONS:

This is consistent with current procedures for the use of City owned property.

FISCAL IMPACT:

The fiscal impact for the City would include the cost for the Street Department staff to move the barricades for the road closures where the event organizer will be responsible for placing them at the correct locations for the closures (1 hr x \$25.00/hr. x 2 employees=\$50.00). The approximate in-kind costs to the City would be \$50.00 total.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2024-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING GONZALES DOG ADOPTIONS THE USE OF CITY PROPERTY AND DESIGNATED STREET CLOSURES FOR DOG EXTRAVAGANZA EVENT ON APRIL 28, 2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Gonzales Dog Adoptions would like the permission to close the 400 block of College Street for their Dog Extravaganza event; and

WHEREAS, the event will be held from 1:00 p.m. to 4:00 p.m. on April 28, 2024 and will have an approximate attendance of 350 people; and

WHEREAS, the street closures for the 400 block of College Street will include barricades to be placed at the intersection of St. Lawrence and College Street and St. Louis and College Street; and

WHEREAS, arrival and set up for the event will be 12:30 p.m., with take down at 5:00 p.m. on April 28, 2024 after the event concludes; and

WHEREAS, the fiscal impact to the City is an approximate in-kind cost of \$50.00 for the delivery of barricades; and

WHEREAS, the City Council hereby finds that said events increase the community spirit of the City of Gonzales, and therefore serve a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes designated street closures of the 400 block of College Street for the Gonzales Dog Adoptions Dog Extravaganza event from 1:00 p.m. until 4:00 p.m. on April 28, 2024, as stated herein and set forth in the submitted Event form attached hereto as Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S. H. Sucher

ATTEST:

Kristina Vega, City Secretary

GONZALES EVENT INFORMATION SHEET



THIS INFORMATION IS TO BE PROVIDED TO THE CITY OF GONZALES AT
LEAST 30 DAYS PRIOR TO ALL PUBLIC AND PRIVATE EVENTS HELD ON CITY
PROPERTY



EVENT NAME Gonzales Dog Extravaganza 2024
HOST ORGANIZATION GDA
CONTACT NAME Norma Turk
CONTACT CELL PHONE [REDACTED]
EVENT DATE April 28, 2024
EVENT START TIME 1:00 **EVENT END TIME** 4:00 p.m.
EVENT LOCATION _____
HOLIDAY CELEBRATED Y ___ N **HOLIDAY:** NA
CITY COUNCIL APPROVAL REQUIRED Y ___ N ___ **MEETING DATE:** _____

POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE 350
MUSIC Y ___ N ___ **LIVE** ___ **DJ** ___
FOOD Y N ___
ALCOHOL Y ___ N **RESPONSIBLE PARTY** N/A
MOTORIZED VEHICLES Y ___ N ___ **PARADE** ___ **SHOW** ___
PUBLIC OR PRIVATE EVENT Public
SECURITY Y ___ N **# OFFICERS NEEDED_ (Call 672-8686 for costs)** _____

ELECTRIC DEPARTMENT

ADDITIONAL LIGHTING Y ___ N
NUMBER OF OUTLETS NEEDED N/A
AMPS/WATTS NEEDED N/A
TENT Y ___ N **SET UP DAY/TIME** _____
TENT SIZE: NA **TAKE DOWN DAY/TIME** _____

STREETS DEPARTMENT

STREETS AFFECTED Y ___ N ___
BARRICADES NEEDED (max 12) Y N ___
CONES NEEDED (max 48) Y ___ N ___
STREETS TO BE CLOSED Y ___ N ___
SET UP TIME 12:30
TAKE DOWN TIME 5:00

COMMUNITY SERVICES DEPARTMENT (Contingent upon availability)

NUMBER OF CHAIRS @ \$0.50 each _____ (max 500)
NO. OF ROUND TABLES @ \$2.00 each _____ (max 15)
NO. OF 8 FOOT TABLES @ \$2.00 each _____ (max 50)
NUMBER OF TRASH CANS 2 trash cans (max 25)
SET UP TIME _____
TAKE DOWN TIME _____

FOR INFORMATION CONTACT
(830) 672-2815- City Hall
(830) 672-2813- Fax

Kristina Vega, CITY SECRETARY
citysecretary@gonzales.texas.gov

Insurance

Licensee agrees to maintain the type and amounts of insurance required by this agreement. Licensee is solely responsible for providing the required certificates of insurance. The City may terminate the event approval if the licensee fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City Manager or their designee for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to the City, under any third party liability policy.

Before the City Council approves this event, the licensee must provide either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance.

The following types and amount of insurance are required:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person
• Premises/Operations	\$500,000 per occurrence for bodily injury; and
• Contractual Liability (Insuring above indemnity)	\$100,000 per occurrence for property damage

*DuBose Insurance
per Keiko McCormick*

Indemnity

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees.

Notification

The undersigned further agrees to notify all property owners affected by any street closures for the event set-up or during the event.



AUTHORIZED SIGNATURE

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-32 Authorizing Gonzales Junior High the use of city property and designated street closures for Gonzales Junior High Field Day on May 16, 2024

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

This item is being presented to the council for their approval. The Gonzales Jr. High has requested the closure of the 400 Block of Smith and Moore Street on May 16, 2024 for the safety of their students for their Gonzales Junior High Field Day. The barricades will be placed at the intersections of St. Lawrence and Smith Street and St. Louis and Smith Street, as well as St. Lawrence and Moore Street and St. Louis and Moore Street. The closures will be from 8:00 a.m. until 4:00 p.m.

POLICY CONSIDERATIONS:

This is consistent with current procedures for the use of City owned property.

FISCAL IMPACT:

The fiscal impact for the City would include the cost for the Street Department staff to move the barricades for the road closures where the event organizer will be responsible for placing them at the correct locations for the closures (1 hr x \$25.00/hr. x 2 employees=\$50.00). The approximate in-kind costs to the City would be \$50.00 total.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2024-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING GONZALES JUNIOR HIGH THE USE OF CITY PROPERTY AND DESIGNATED STREET CLOSURES FOR GONZALES JUNIOR HIGH FIELD DAY ON MAY 16, 2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Gonzales Junior High would like the permission to close the 400 block of Smith and 400 block of Moore Street for their Gonzales Junior High Field Day; and

WHEREAS, the event will be held from 8:30 a.m. to 3:30 p.m. on May 16, 2024; and

WHEREAS, the street closures for the 400 block of Smith and Moore Streets will include barricades to be placed at the intersection of St. Lawrence and Smith Street and St. Louis and Smith Street, and St. Lawrence and Moore Street and St. Louis and Moore Street; and

WHEREAS, set up for the event will be 8:00 a.m., with take down at 4:00 p.m. on May 16, 2024; and

WHEREAS, the fiscal impact to the City is an approximate in-kind cost of \$50.00 for the delivery of barricades; and

WHEREAS, the City Council hereby finds that said events increase the safety of the children and community spirit of the City of Gonzales, and therefore serve a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes designated street closures of the 400 block of Smith and Moore Street for the Gonzales Junior High Field Day event from 8:00 a.m. until 4:00 p.m. on May 16, 2024, as stated herein and set forth in the submitted Event form attached hereto as Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S. H. Sucher

ATTEST:

Kristina Vega, City Secretary

GONZALES EVENT INFORMATION SHEET



THIS INFORMATION IS TO BE PROVIDED TO THE CITY OF GONZALES AT
LEAST 30 DAYS PRIOR TO ALL PUBLIC AND PRIVATE EVENTS HELD ON CITY
PROPERTY



EVENT NAME GJHS Field Day
HOST ORGANIZATION GJHS Field Day
CONTACT NAME Star Davis
CONTACT CELL PHONE [REDACTED]
EVENT DATE May 16, 2024
EVENT START TIME 8:30 **EVENT END TIME** 3:30
EVENT LOCATION _____
HOLIDAY CELEBRATED Y ___ N **HOLIDAY:** _____
CITY COUNCIL APPROVAL REQUIRED Y ___ N **MEETING DATE:** _____

POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE _____
MUSIC Y N **LIVE** ___ **DJ** ___
FOOD Y ___ N
ALCOHOL Y ___ N **RESPONSIBLE PARTY** _____
MOTORIZED VEHICLES Y ___ N **PARADE** ___ **SHOW** ___
PUBLIC OR PRIVATE EVENT _____
SECURITY Y ___ N **# OFFICERS NEEDED** (Call 672-8686 for costs) _____

ELECTRIC DEPARTMENT

ADDITIONAL LIGHTING Y ___ N
NUMBER OF OUTLETS NEEDED _____
AMPS/WATTS NEEDED _____
TENT Y ___ N **SET UP DAY/TIME** _____
TENT SIZE: _____ **TAKE DOWN DAY/TIME** _____

STREETS DEPARTMENT

STREETS AFFECTED Y N ___ Moore & Smith St.
BARRICADES NEEDED (max 12) Y N ___ _____
CONES NEEDED (max 48) Y ___ N _____
STREETS TO BE CLOSED Y ___ N ___ Moore & Smith St.
SET UP TIME 8:00
TAKE DOWN TIME 3:30

COMMUNITY SERVICES DEPARTMENT (Contingent upon availability)

NUMBER OF TRASH CANS 10 (max 25)
SET UP TIME 8-
TAKE DOWN TIME 3:30

FOR INFORMATION CONTACT
(830) 672-2815- City Hall
(830) 672-2813- Fax

Kristina Vega, CITY SECRETARY
citysecretary@gonzales.texas.gov

Insurance

Licensee agrees to maintain the type and amounts of insurance required by this agreement. Licensee is solely responsible for providing the required certificates of insurance. The City may terminate the event approval if the licensee fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City Manager or their designee for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to the City, under any third party liability policy.

Before the City Council approves this event, the licensee must provide either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance.

The following types and amount of insurance are required:

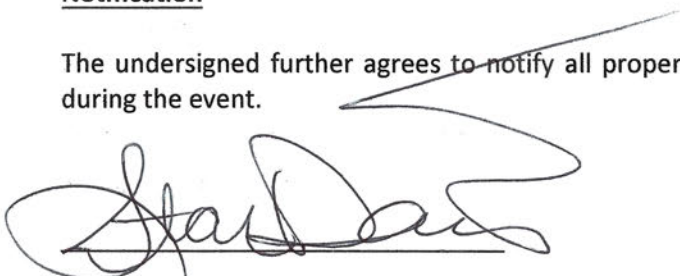
<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person
• Premises/Operations	\$500,000 per occurrence for bodily injury; and
• Contractual Liability (Insuring above indemnity)	\$100,000 per occurrence for property damage

Indemnity

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees.

Notification

The undersigned further agrees to notify all property owners affected by any street closures for the event set-up or during the event.

A handwritten signature in black ink, appearing to be "Hans", written over a horizontal line. A long, thin, curved line extends from the end of the signature upwards and to the right.

AUTHORIZED SIGNATURE

**COUNCIL AGENDA
ITEM BRIEFING DATA**



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-33 Authorizing YMCA of Gonzales' Use of Independence Square including the Parking Lot, Designated Street Closures for the Back to School Bash Event on August 3, 2024

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

YMCA of Gonzales would like permission to hold their Back to School Bash event on the Independence Square. They would like to hold this event on Saturday, August 3, 2024. They are requesting the use of Independence Square including the parking lot on St Joseph, St Paul, and St George Streets, closure of St George Street from St Joseph Street to St Paul Street and St. Paul from St. George to St. Lawrence on August 3, 2024. They intend to block off the Independence Square at 6:30 A.M. on August 3, 2024 and will remove barricades by 10:00 P.M. The event will be from 4:00 P.M. until 9:00 P.M. Times are subject to minor change based on the need and as planning continues. If substantial changes are needed an updated event sheet will be presented to City Council for consideration.

POLICY CONSIDERATIONS:

This is consistent with current procedure for the use of City owned property and permission to close city streets.

FISCAL IMPACT:

The fiscal impact for the City would include the cost for the Street Department staff to move the barricades to the squares where the YMCA of Gonzales will be responsible for placing them at the correct locations for the closures (2 hrs x \$25.00/hr. x 2 employees=\$100.00), and the cost for the Electric Department to check the electricity to ensure that the vendors have electricity for their vendor booths (2hrs at \$35.00/hr.= \$70.00). The approximate in-kind costs to the City would be \$170.00 total.

STAFF RECOMMENDATION:

Staff respectfully requests the approval of this resolution.

RESOLUTION NO. 2024-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING YMCA OF GONZALES' USE OF INDEPENDENCE SQUARE INCLUDING THE PARKING LOT, DESIGNATED STREET CLOSURES FOR THE BACK TO SCHOOL BASH EVENT ON AUGUST 3, 2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, TMCA of Gonzales requests the use of the Independence Square including the parking lot for the Back to School Bash Event on August 3, 2024; and,

WHEREAS, the square will be blocked off at 6:30 a.m. with the event beginning at 4:00 p.m.; and

WHEREAS, the event will end at 9:00 p.m. on Saturday with take down to be completed by 10:00 p.m.; and

WHEREAS, St. George Street from St. Joseph Street to St. Paul Street and St. Paul from St. George to St. Lawrence will be blocked off from 1:00 p.m. to 10:00 p.m. on the day of the event; and

WHEREAS, the fiscal impact to the City is an approximate in-kind cost of \$170.00 for the delivery of barricades, stage set up and inspection of electricity on the square prior to the event; and; and

WHEREAS, the City Council hereby finds that said events increase the community spirit of the City of Gonzales and serve a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby Authorizing YMCA of Gonzales' use of Independence Square including the Parking Lot, Designated Street Closures for the Back to School Bash Event on August 3, 2024 as stated herein and set forth in the submitted Event form attached hereto as Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

Insurance

Licensee agrees to maintain the type and amounts of insurance required by this agreement. Licensee is solely responsible for providing the required certificates of insurance. The City may terminate the event approval if the licensee fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City Manager or their designee for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to the City, under any third party liability policy.

Before the City Council approves this event, the licensee must provide either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance.

The following types and amount of insurance are required:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person
• Premises/Operations	\$500,000 per occurrence for bodily injury; and
• Contractual Liability	\$100,000 per occurrence for property damage
(Insuring above indemnity)	

Indemnity

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees.

Notification

The undersigned further agrees to notify all property owners affected by any street closures for the event set-up or during the event.

AUTHORIZED SIGNATURE

COUNCIL AGENDA ITEM BRIEFING DATA



DATE: April 11, 2024

AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-34 Approving the Event; Application for funding to the Come & Take It Committee in the amount of (\$30,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$10,000.00 to be used for advertising, solicitations and promotions that attract tourists) and Authorizing the City Manager to Negotiate and Execute an Agreement with Gonzales Chamber of Commerce for Funding the In-Kind contributions from the City of Gonzales for the Come and Take It Celebration on October 4-6, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The Come and Take It Celebration is the largest event held in downtown Gonzales with over 5,000 participants daily. There are over 100 assorted merchant and food related vendors and carnival set-up around the squares and courthouse grounds for this event. Attendance for 2024 is anticipated to be approximately 15,500 participants and spectators. Gonzales Chamber of Commerce desires to enter into an agreement with the City of Gonzales to funding to operate this event.

This resolution will authorize the City Manager to negotiate and execute the agreement as outlined on Exhibit A, outlining the City's and Gonzales Chamber of Commerce responsibilities regarding the Come and Take It Celebration and authorizing in-kind contributions for said event.

The Come and Take It Committee submitted an application for funding in the amount of \$40,000.00. The Gonzales CVB met on March 21, 2024 and considered the application and voted unanimously to recommend to the City Council the request for funding in the amount of \$40,000.00.

POLICY CONSIDERATIONS:

The expenditure of public funds for a private enterprise requires specific approval by the City Council and must serve a public purpose. The Come and Take It Celebration event will result in an increase in both sales tax revenue and hotel occupancy tax revenue during the event.

FISCAL IMPACT:

Gonzales Chamber of Commerce is requesting in-kind contributions from the city with an estimated value of \$20,752.96 as outlined on Exhibit B.

ATTACHMENTS:

Exhibit A (Come and Take It Agreement)

Exhibit B (In-Kind Services)

STAFF RECOMMENDATION:

Staff respectfully recommends the City Council take the action they deem necessary.

RESOLUTION NO. 2024-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING THE EVENT AND THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY; APPLICATION FOR FUNDING TO THE COME & TAKE IT COMMITTEE IN THE AMOUNT OF (\$30,000.00 TO BE USED FOR PROMOTION OF THE ARTS THAT DIRECTLY ENHANCE TOURISM AND THE HOTEL & CONVENTION INDUSTRY AND \$10,000.00 TO BE USED FOR ADVERTISING, SOLICITATIONS AND PROMOTIONS THAT ATTRACT TOURISTS) AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GONZALES CHAMBER OF COMMERCE FOR FUNDING THE IN-KIND CONTRIBUTIONS FROM THE CITY OF GONZALES FOR THE COME AND TAKE IT CELEBRATION ON OCTOBER 4-6, 2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, city staff received an event request from the Gonzales Chamber of Commerce for permission to close city streets, Independence Square and Texas Hero Square in order to hold the annual Come & Take It Celebration on October 4-6, 2024; and

WHEREAS, Come & Take It Celebration is anticipating 15,500 participants and spectators in attendance; and,

WHEREAS, the Gonzales Chamber of Commerce, the event organizer of the Come & Take It Celebration is requesting the contribution of in-kind services towards the event; and

WHEREAS, City staff has completed a full analysis of the in-kind services and contributions that have been requested; and

WHEREAS, the total estimated in kind services of \$20,752.96 include but are not limited to payroll expenses for all departments involved, barricades, electricity, dumpsters, trash cans, electricity, water, traffic control plan, and inspections; and

WHEREAS, the Gonzales Convention and Visitor Bureau received an application from the Gonzales Chamber of Commerce for the amount of \$40,000.00; and recommended to fund \$40,000.00 to the Come & Take It Celebration; and

WHEREAS, Texas Tax Code Section 351.001 authorizes the use of Hotel Occupancy Tax for expenses that promote tourism and the convention and hotel industry including advertising and promotional programs that attract tourists to the municipality or its vicinity and the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music; and,

WHEREAS, the City Council hereby finds that expending the funds contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens, and serves a public purpose; and,

WHEREAS, the City Council hereby finds that contributing in-kind labor and materials in the manner contemplated by the attached Event Agreement is in the best interest of the City and its citizens and serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales hereby approves the event and the sale and consumption of alcohol on city property and authorizes the City Manager to execute the Event Agreement attached hereto as Exhibit A, approving the in-kind contributions from the City with an estimated value of \$20,752.96 as outlined in Exhibit B and approves the Gonzales Convention and Visitor Bureau's recommendation to fund \$40,000 to the Gonzales Chamber of Commerce for advertising and other costs to be expended in conformance with Texas Tax Code Section 351.001.

Section 2. The City Council reserves the right to request all necessary receipts, invoices, and other records the City Manager deems necessary to confirm that Hotel Occupancy Tax expended pursuant to this Resolution were expended for expenses authorized by this Resolution.

Section 3. The Gonzales Chamber of Commerce shall refund the City of Gonzales any Hotel Occupancy Tax funds determined by the State Comptroller, the Secretary of State or other state agency to be an unauthorized expenditure under Texas Tax Code Section 351.001.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

COME AND TAKE IT EVENT AGREEMENT

This event agreement (“Agreement”) is entered into by and between City of Gonzales (City) and Gonzales Chamber of Commerce for the Come and Take It Celebration

RECITALS

WHEREAS, Come and Take It Event is the largest event held in downtown Gonzales with over 5,000 participants daily; and,

WHEREAS, the event will take place on October 4-6, 2024 in downtown Gonzales; and,

WHEREAS, the Come and Take It Event celebrates the culture and history of Gonzales and serves a public purpose in educating the citizens and visitors about the history of this region of Texas; and

WHEREAS, there were 100’s of vendor booths and carnival set-up around the squares and courthouse grounds for this event in 2023; and

WHEREAS, the Gonzales Chamber of Commerce desires to enter into an agreement for the event to be held October 4-6, 2024

WHEREAS, the Gonzales Chamber of Commerce is requesting the contribution of in-kind services towards the event; and

WHEREAS, City staff has completed a full analysis of the in-kind services and contributions that the Gonzales Chamber of Commerce has requested; and

WHEREAS, the total estimated in kind services of \$20,752.96 include, but are not limited to payroll expenses for all departments involved, barricades, electricity, dumpsters, trash cans, water, traffic control plan, inspections, portable toilets and security; and

WHEREAS, the Gonzales Convention and Visitor Bureau received an application from the Gonzales Chamber of Commerce for funding in the amount of \$40,000.00; and the Gonzales Convention and Visitor’s Bureau recommended to fund \$40,000.00 to the Come and Take It Celebration; and

WHEREAS, Texas Tax Code Section 351.001 authorizes the use of Hotel Occupancy Tax for expenses that promote tourism and the convention and hotel industry including advertising and promotional programs that attract tourists to the municipality or its vicinity and the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music; and,

WHEREAS, the City Council hereby finds that expending the funds contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens, and serves a public purpose; and,

WHEREAS, the City Council hereby finds that contributing in-kind labor and materials in the manner contemplated by the attached Event Agreement is in the best interest of the City and its citizens, and serves a public purpose.

I. TERMS

The City of Gonzales shall provide the following:

- 1) \$40,000.00 of Hotel/Motel tax to support promotion and other allowable expenditures of the Event. Invoices and cancelled checks/credit card receipts for \$40,000.00 must be submitted by the Gonzales Chamber of Commerce before September 30, 2024, the end of the Fiscal year, providing 10 business days for staff to review, confirm or seek further information from the Gonzales Chamber of Commerce. Once documentation is approved, staff will forward to the City Finance Department for immediate release of funds to the Gonzales Chamber of Commerce.
- 2) In-kind services contributed from the city with an estimated value of \$20,752.96 as outlined on Exhibit A attached.
- 3) The City of Gonzales to provide a traffic control plan approved by Gonzales Police Chief Autry.
- 4) The City of Gonzales shall walk the event grounds with Chamber staff at least 30 days prior to the event to identify holes, potholes, tripping, and other pedestrian hazards and shall fill and/or repair identified hazards prior to the start of the event.

Gonzales Chamber of Commerce shall:

- 1) Provide City with written post event report within 60 days after event
- 2) Provide City with copies of advertisements (or other proof of promotion, such as expos), cancelled checks and invoices in the amount of \$40,000.00 (or greater, if Gonzales Chamber of Commerce so desires) before September 30, 2024, for timely reimbursement. Invoices and cancelled checks/credit card receipts must be submitted by Gonzales Chamber of Commerce, allowing 10 business days for staff to review, confirm or seek further information from Gonzales Chamber of Commerce. Once documentation is approved, staff will forward to the City Finance Department for immediate release of funds.
- 3) The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the Come and Take It Celebration, using the facilities, or any and all other persons which arise from, or in any manner grow out of, any act or neglect on or about the event facility by the individuals using the facility, participating in or attending the event, guests or invitees.
- 4) Provide Liability Insurance coverage as described in Exhibit B.

- 5) Gonzales Chamber of Commerce shall refund the City of Gonzales any Hotel Occupancy Tax funds determined by the State Comptroller, the Secretary of State or other state agency to be an unauthorized expenditure under Texas Tax Code Section 351.001.

- 6) Provide a verifiable summary of hotel nights attributable to the event.

II. GOVERNING LAW

The laws of the State of Texas shall govern this Agreement and all obligations hereunder of the parties are performable in Gonzales, Texas. Venue for any legal proceeding is Gonzales County, Texas.

III. NON-ASSIGNMENT

This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors, and assigns. Neither the City nor the Come and Take It Event shall assign any duty of this Agreement, excepting those already identified herein, without written consent of the other.

IV. SEVERABILITY

Should any provisions of this Agreement for any reasons be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

V. RELATIONSHIP OF PARTIES

Nothing contained in this Agreement shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of any association whatsoever between the parties, it being expressly understood and agreed that no provision contained in this Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between the parties other than the relationship of independent parties contracting with each other solely for the purpose of effecting the provisions of this Agreement.

VI. RIGHT TO AUDIT

The City Council reserves the right to request all necessary receipts, invoices, and other records the City Manager deems necessary to confirm that Hotel Occupancy Tax expended pursuant to this Resolution were expended for expenses authorized by this Resolution.

Executed on the dates set forth below by the undersigned authorized representatives of the parties

City Manager
City of Gonzales

Dated: _____

Representative
Gonzales Chamber of Commerce

Dated: _____

Come and Take It City of Gonzales In-Kind Services 2024			
	Quantity	Unit Price	Value
Police Patrol			
2-Lieutenant, 3-Sergeant, 1-Investigator, 5-Patrol Officer	11 employees @ 6 hours	\$ 43.76	\$ 2,888.34
Payroll Expenses (FICA, Retirement, Workers' Comp)			\$ 676.65
<i>Police Department Total</i>			\$ 3,564.99
Electric Department			
6 men 32 hours setting up & taking down-GVEC rates	6 at 32 hours		
1 Crew Leader	32	\$ 59.00	\$ 1,888.00
2 Lineman	32	\$ 45.00	\$ 2,880.00
3 Apprentice	32	\$ 31.00	\$ 2,976.00
2 men 2 hours putting up and taking down banner	2 at 2 hours		
1 Crew Leader	2	\$ 59.00	\$ 118.00
1 Apprentice	2	\$ 31.00	\$ 62.00
<i>Electric Department Total</i>			\$ 7,924.00
Street Department			
Day before tent setup 3 employees block off square	1	\$ 24.62	\$ 73.87
Thursday 5 employees gathering and preparing barricades	4	\$ 24.62	\$ 492.47
Friday 5 employees 8 hours putting out barricades	8	\$ 24.62	\$ 984.93
Saturday 4 employees 7 hours parade barricades	7	\$ 36.94	\$ 1,034.18
Sunday 4 employees 2.5 hours to open streets up	2.5	\$ 36.94	\$ 369.35
Monday 5 employees 8 hours pickup	8	\$ 24.62	\$ 984.93
Payroll Expenses (FICA, Retirement, Workers' Comp)			\$ 971.31
<i>Street Department Total</i>			\$ 4,911.05
Parks and Recreation Department			
Friday 8 employees 4 hours	4	\$ 21.21	\$ 678.76
Monday 8 employees 4 hours	4	\$ 21.21	\$ 678.76
Payroll Expenses (FICA, Retirement, Workers' Comp)			\$ 305.44
<i>Parks and Rec Total</i>			\$ 1,662.96
Fire Marshal			
Inspections on carnival, tents & food vendors/trucks			
1 Fire Inspector	17.5	\$ 32.43	\$ 567.53
Payroll Expenses (FICA, Retirement, Workers' Comp)			\$ 135.05
<i>Fire Marshal Total</i>			\$ 702.58
Code Department			
Inspections on carnival, tents & food vendors/trucks			
Building Official	17.5	\$ 45.00	\$ 787.50
Payroll Expenses (FICA, Retirement, Workers' Comp)			\$ 165.72
<i>Code Department Total</i>			\$ 953.22
Other Expenses			
Permit for each tent	2	\$ 100.00	\$ 200.00
40 Yard Roll Off	1		\$ 568.38
Electrical Power Costs: 900 KWH with fuel charge	900 KWH	\$ 0.1257	\$ 113.09
Water Usage Estimate: 10K	10 K	\$15.27 bulk	\$ 152.70
<i>Other Expenses Total</i>			\$ 1,034.17
Total			\$ 20,752.96

OT

OT

OT

2024

	Pay	Fica	Retirement	Workers Comp	Total	Payroll Expenses
Police Department	\$ 2,888.34	\$ 220.96	\$ 373.17	\$ 82.52	\$ 3,564.99	\$ 676.65
Electric	\$ 7,924.00	\$ -	\$ -		\$ 7,924.00	\$ -
Street Department	\$ 3,939.73	\$ 301.39	\$ 509.01	\$ 160.91	\$ 4,911.05	\$ 971.31
Parks Department	\$ 1,357.52	\$ 103.85	\$ 175.39	\$ 26.19	\$ 1,662.96	\$ 305.44
Fire Department	\$ 567.53	\$ 43.42	\$ 73.32	\$ 18.31	\$ 702.58	\$ 135.05
Code Dept.	\$ 787.50	\$ 60.24	\$ 101.75	\$ 3.73	\$ 953.22	\$ 165.72
					<u>\$ 19,718.79</u>	<u>\$ 2,254.17</u>

GONZALES EVENT INFORMATION SHEET



**THIS INFORMATION IS TO BE PROVIDED TO THE CITY OF GONZALES AT
LEAST 30 DAYS PRIOR TO ALL PUBLIC AND PRIVATE EVENTS HELD ON CITY
PROPERTY**



EVENT NAME	_____		
HOST ORGANIZATION	_____		
CONTACT NAME	_____		
CONTACT CELL PHONE	_____		
EVENT DATE	_____		
EVENT START TIME		EVENT END TIME	_____
EVENT LOCATION	_____		
HOLIDAY CELEBRATED	Y ___ N ___	HOLIDAY:	_____
CITY COUNCIL APPROVAL REQUIRED	Y ___ N ___	MEETING DATE:	_____

POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE	_____		
MUSIC	Y ___ N ___	LIVE	DJ ___
FOOD	Y ___ N ___		
ALCOHOL	Y ___ N ___	RESPONSIBLE PARTY	_____
MOTORIZED VEHICLES	Y ___ N ___	PARADE	SHOW ___
PUBLIC OR PRIVATE EVENT	_____		
SECURITY	Y ___ N ___	# OFFICERS NEEDED	(Call 672-8686 for costs)

ELECTRIC DEPARTMENT

ADDITIONAL LIGHTING	Y ___ N ___		
NUMBER OF OUTLETS NEEDED	_____		
AMPS/WATTS NEEDED	_____		
TENT	Y ___ N ___	SET UP DAY/TIME	_____
TENT SIZE:	_____	TAKE DOWN DAY/TIME	_____

STREETS DEPARTMENT

STREETS AFFECTED	Y ___ N ___	_____
BARRICADES NEEDED (max 12)	Y ___ N ___	_____
CONES NEEDED (max 48)	Y ___ N ___	_____
STREETS TO BE CLOSED	Y ___ N ___	_____
	SET UP TIME	_____
	TAKE DOWN TIME	_____

COMMUNITY SERVICES DEPARTMENT (Contingent upon availability)

NUMBER OF TRASH CANS	_____	(max 25)
SET UP TIME	_____	
TAKE DOWN TIME	_____	

FOR INFORMATION CONTACT	Kristina Vega, CITY SECRETARY
(830) 672-2815- City Hall	citysecretary@gonzales.texas.gov
(830) 672-2813- Fax	

Insurance

Licensee agrees to maintain the type and amounts of insurance required by this agreement. Licensee is solely responsible for providing the required certificates of insurance. The City may terminate the event approval if the licensee fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City Manager or their designee for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to the City, under any third party liability policy.

Before the City Council approves this event, the licensee must provide either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance.

The following types and amount of insurance are required:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person
• Premises/Operations	\$500,000 per occurrence for bodily injury; and
• Contractual Liability	\$100,000 per occurrence for property damage
(Insuring above indemnity)	

Indemnity

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees.

Notification

The undersigned further agrees to notify all property owners affected by any street closures for the event set-up or during the event.

AUTHORIZED SIGNATURE

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-35 Authorizing the City Manager to Execute an Interlocal Cooperation Contract for the Failure to Appear Program with Department of Public Safety (DPS)

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

Due to changes occurring in the 88th Legislative Session, the Department revised the FTA Interlocal Cooperation Contract (ICC). In order to continue the City's participation in the FTA program, the City must return the signed contract no later than April 22, 2024. The following changes have been made to the contract (ICC):

- Changes to language and restructuring of the original ICC to provide clarify regarding the specific responsibilities held by each party.
- Inclusion of indigency into the program as mandated by House Bill 291, 88th Legislative Session.
- Language to account for future changes to the current statute, either federal or state, ensuring that the ICC remains in compliance with the latest requirements until a revised ICC is available.

DPS provided the revised Interlocal Cooperation Contract for the Failure to Appear(FTA) Program to accommodate Chapter 706 of the Texas Transportation Code.

POLICY CONSIDERATIONS:

This Resolution will authorize the City Manager or his designee to execute the provided agreement with the Department of Public Safety (DPS).

FISCAL IMPACT:

The Court must collect the statutorily required \$10.00 reimbursement fee from the individual who failed to appear, pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court. The Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipality.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution

RESOLUTION NO. 2024-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION CONTRACT FOR THE FAILURE TO APPEAR PROGRAM WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, House Bill 291 amended the law relating to indigency requirements associated with consolidation, allocation, and classification of costs, fines and fees associated with Municipal Courts; and

WHEREAS, the Gonzales Municipal Court participates in the State of Texas' Failure to Appear Program ("FTA Program") and its related costs, fines and fees as per Chapter 706 of the Texas Transportation Code; and

WHEREAS, DPS is charged with the administration of the FTA Program; and

WHEREAS, the City Council hereby agrees and supports the agreement with DPS to continue participation in the Failure to Appear Program.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF GONZALES, GONZALES COUNTY TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes the City Manager to execute the Interlocal Cooperation Contract for the Failure to Appear Program with the Texas Department of Public Safety attached hereto as Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

**Interlocal Cooperation Contract
Failure to Appear Program**

State of Texas

County of _____

I. PARTIES AND AUTHORITY

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the _____ Court of the [City or County] of _____ (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

II. BACKGROUND

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied renewal of the person's driver license.

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated Failure to Appear (FTA) system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry generated from an FTA Report.

An FTA Report is a notice sent by Court requesting a person be denied renewal of a driver's license in accordance with this Contract. The Court may submit an FTA Report to DPS's Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear.

III. PURPOSE

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

IV. PERIOD OF PERFORMANCE

This Contract will be effective on the date of execution and terminate five years from that execution date unless terminated earlier in accordance with Section VII.C, *General Terms and Conditions, Termination*.

V. COURT RESPONSIBILITIES

A. FTA Report

For a matter involving any offense which a Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4, where a person fails to appear for a complaint or citation or fails to pay or

satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court, the Court will supply DPS, through its Vendor, an FTA report including the information that is necessary to deny renewal of the driver license of that person. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

B. Clearance Reports

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee from the person who failed to appear, pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court. If the person is acquitted of the underlying offense for which the original FTA Report was filed or found indigent by the court, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or
5. other suitable arrangement to satisfy the fine and cost within the Court's discretion.

After termination of the Contract, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

C. Quarterly Reports and Audits

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract, or until DPS or the State Auditor's Office (SAO) is satisfied that all audit and litigation matters are resolved, whichever period is longer.

D. Accounting Procedures

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

E. Non-Waiver of Fees

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless any of the requirements in Tex. Trans. Code § 706.006(a) or §706.006(d) are met.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

F. Litigation Notice

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

VI. DPS's RESPONSIBILITIES

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

VII. PAYMENTS TO VENDOR

Court must pay the Vendor a fee of \$6.00 per person for each violation that has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the fee has been waived by Tex. Trans. Code § 706.006(a) or §706.006(d), no payment will be made to the Vendor.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees that should have been submitted by a Court.

VIII. GENERAL TERMS AND CONDITIONS

- A. Compliance with Law.** This Contract is governed by and construed under and in accordance with the laws of the State of Texas. The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. Notice.** The respective party will send the other party notice as noted in this section. Either party may change its information by giving the other party written notice and the effective date of the change.

Court	Department of Public Safety
Attn.:	Enforcement & Compliance Service 5805 North Lamar Blvd., Bldg A Austin, Texas 78752-0001 (512) 424-5311 [fax] Driver.Improvement@dps.texas.gov (512) 424-7172
Address:	
Address:	
Fax:	
Email:	
Phone:	

C. Termination.

Either party may terminate this Contract with 30 days’ written notice.

DPS may also terminate this Contract for cause if Court doesn’t comply with Section V.C., *Quarterly Reports and Audits* and V.E., *Non- Waiver of Fees*.

If either Party is subject to a lack of appropriations that are necessary for that Party’s performance of its obligations under this Contract, the Contract is subject to immediate cancellation or termination, without penalty to either Party.

D. Amendments.

This contract may only be amended by mutual written agreement of the Parties.

E. Miscellaneous.

1. The parties shall use the dispute resolution process provided for in Chapter 2260 of the Texas Government Code to resolve any disputes under this Contract; provided

however nothing in this paragraph shall preclude either Party from pursuing any remedies available under Texas law.

- 2. This Contract shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to either Party or the State of Texas.
- 3. Any alterations, additions, or deletions to the terms of the contract that are required by changes in federal or state law or regulations are automatically incorporated into the contract without written amendment hereto, and shall become effective on the date designated by such law or by regulation.

CERTIFICATIONS

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

Court*

Department of Public Safety

Authorized Signatory

Driver License Division Chief or Designee

Title

Date

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person's title and date.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-36 Authorizing the City Manager to Execute a Purchase Agreement with James Teleco, Inc. for the Purchase and Installation of Equipment in the Council Chambers in the Amount of \$55,928.51

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

On September 14, 2023, the City Council of the City of Gonzales Approved the Operating Budget for the City of Gonzales for the Fiscal Year Beginning October 1, 2023, and ending September 30, 2024.

City Staff has been looking at updating all equipment in the Council Chambers including, but not limited to the speakers, microphones, projector, and televisions due to most of it being outdated. City Staff is also interested in purchasing cameras to allow live streaming of the City Council meetings to post on social media and stream on the City's dedicated Spectrum channel. This would allow people to watch online if they were unable to attend the meetings in person. The Gonzales Inquirer has been live streaming some of the meetings, but citizens have stated that they are unable to hear everything clearly. Staff feels that this is due to the microphones, speakers, and the entire sound system needing an upgrade. There have been times that staff had to seat the audience overflow in the lobby, but they were unable to see the meeting and partially hear out of the one speaker in the lobby.

City Staff worked with Benjamin with James Teleco, Inc. to get suggestions on what equipment to purchase to alleviate the problems that the City is experiencing. The City has received a quote from them to do the following: purchase and install a new AV system, two new 65" wall mounted display televisions, one portable 65" television on a portable cart for the lobby overflow, new audio speakers throughout the board room and lobby, new desktop microphones, wireless microphone for podium, two PTZ cameras portraying the council and another camera for the audience, an iPad for a controller to adjust sound, video, and all necessary functions for a complete system. Staff obtained pricing for this project from James Teleco, Inc. through the interlocal purchasing authority TIPS USA, Inc. in the amount of \$55,928.51.

The Public, Educational and Governmental (PEG) fees totaling 1% of gross revenues are remitted to the City by all video service providers with a valid state franchise. Charter Communications has been paying the City of Gonzales this PEG fee quarterly since 2012 and there is currently \$151,772.60 in that account. These PEG fees can only be spent on capital expenditures related to the City's operations of its PEG channels. Capital expenditures include equipment and related software, training, and associated warranty costs. The entire project will be funded from the PEG fees and were allocated in the 2023-2024 budget. According to Charter Communications, the recurring monthly fees cannot be paid from the PEG account. Those

recurring monthly fees were budgeted in the General Fund for the fiber internet and PEG video service fees.

POLICY CONSIDERATIONS

As set forth in the City’s Fiscal and Budgetary Policy Statements; All City purchases and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas. The pricing was obtained through TIPS USA Purchasing Program Contract number 200904 which assists local governments in reducing costs through this government-to-government procurement service available nationwide.

FISCAL IMPACT:

Within the 2023-2024 Fiscal Year, Staff has allocated \$75,000.00 for Capital Improvements GL Account 505-7-816.640, but this project will expend \$55,928.51 from the restricted PEG account. Staff also allocated \$7,728 for the recurring monthly fees for the fiber internet and PEG video service fees in GL Account 100-7-109.401. The availability of these funds has been verified by the Finance Director. The funding for this capital project will come from the restricted PEG Franchise Fund and the recurring monthly fees will come from the General Fund.

ATTACHMENTS:

Proposal, board room drawing, and board room schematic from James Teleco, Inc.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2024-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AGREEMENT WITH JAMES TELECO, INC. FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT IN THE COUNCIL CHAMBERS IN THE AMOUNT OF \$55,928.51; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Staff has been looking at updating all equipment in the Council Chambers including, but not limited to the speakers, microphones, projector, and televisions due to the majority of it being outdated; and

WHEREAS, Staff is proposing to purchase and install all new equipment in the Council Chambers in order to live stream on social media and stream on the City’s dedicated Spectrum channel without any issues; and,

WHEREAS, as set forth in the City’s Fiscal and Budgetary Policy, all City purchases, and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code; and

WHEREAS, the pricing was obtained from James Teleco, Inc. through TIPS USA Purchasing Program Contract number 200904 which assists local governments in reducing costs through this government-to-government procurement service available nationwide; and

WHEREAS, the budgeted amount in the 2023-2024 Fiscal Year is \$75,000.00 for Capital Improvements GL Account 505-7-816.640, but only \$55,928.51 will be expended; and,

WHEREAS, the City Council hereby finds that the purchase and installation of equipment in the Council Chambers serves the best interest of the City of Gonzales; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes the City Manager to execute a Purchase Agreement with James Teleco, Inc. for the purchase and installation of equipment in the Council Chambers in the amount of \$55,928.51.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

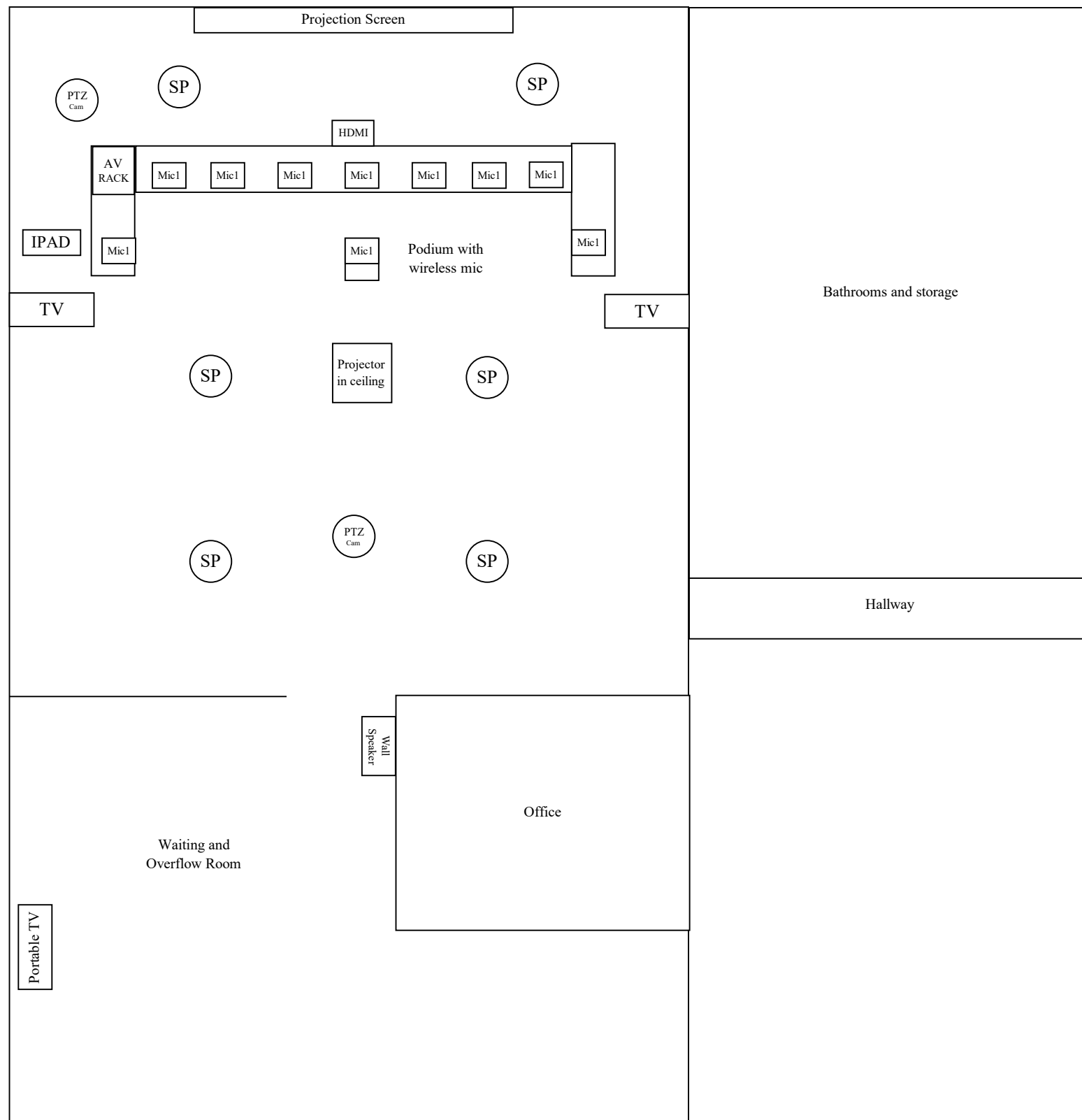
Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

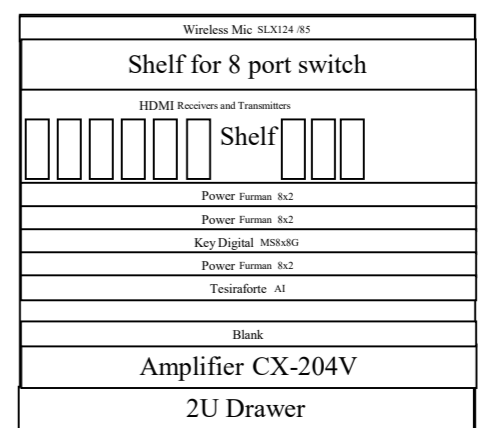
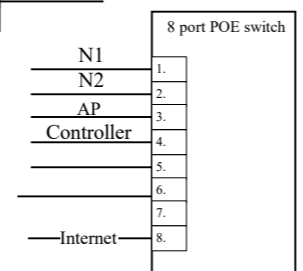
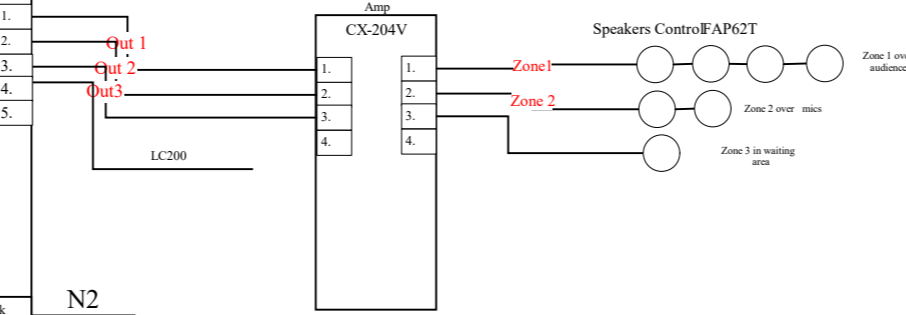
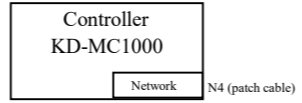
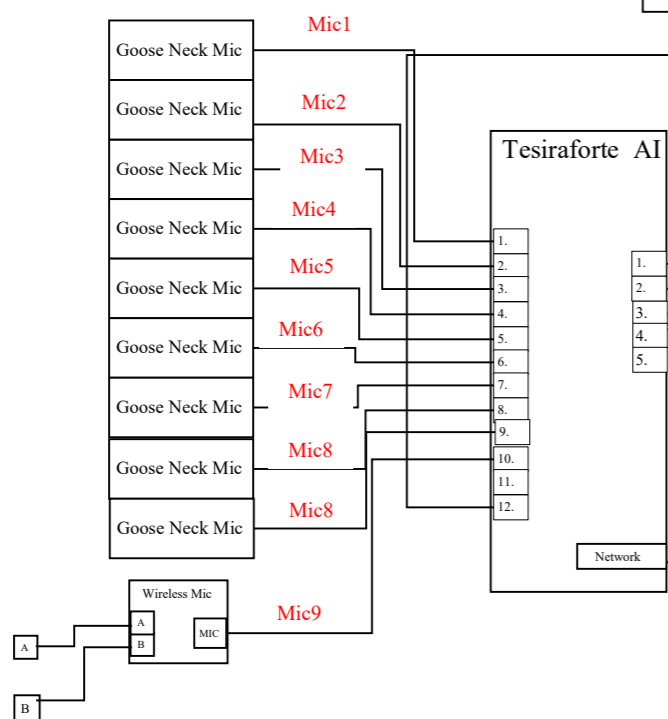
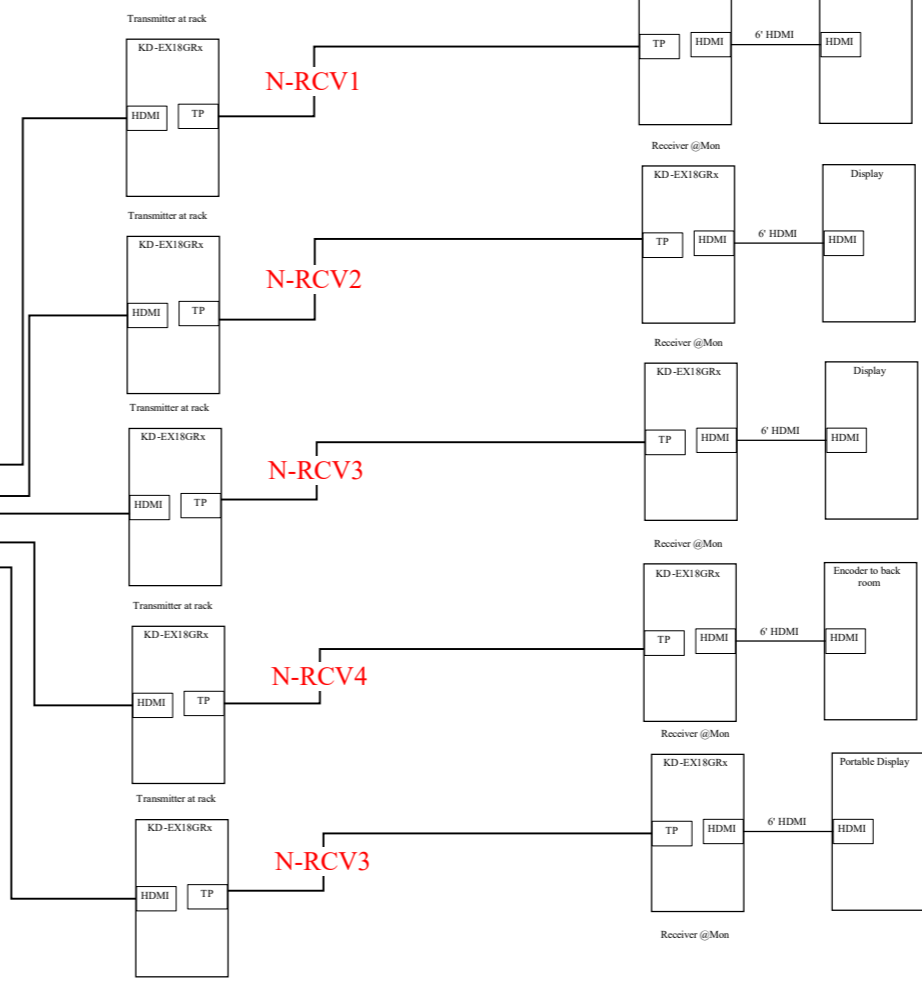
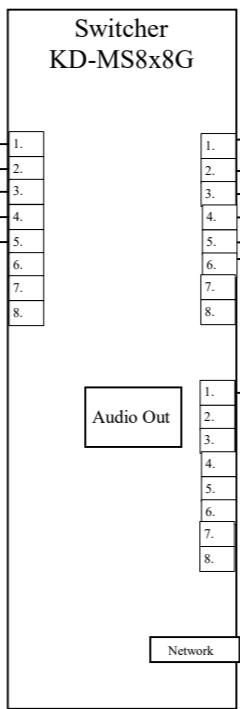
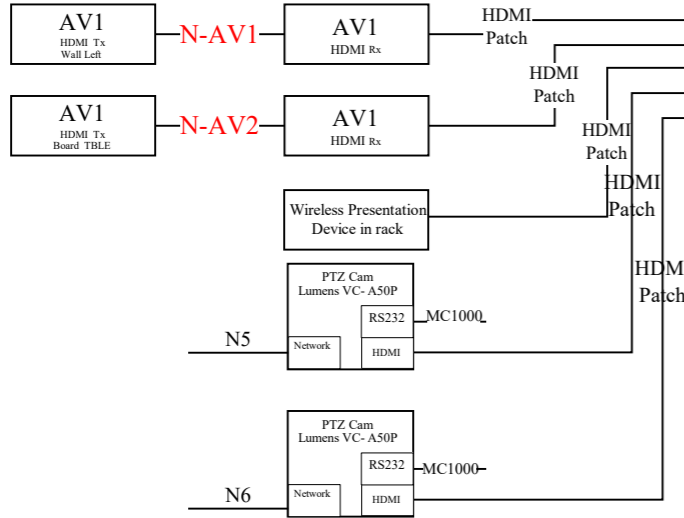
ATTEST:

Kristina Vega, City Secretary



City of Gonzales Board Room

Table Controller Ipad — Poe (CNT 1)



JAMES TELECO, INC.

Phone: (361)277-5924
 Fax: (361)277-8961
 341 Edgar Leesville Rd.
 Cuero, TX 77954

**Quote**

No.: **5979**
 Date: 12/6/2023

Prepared for:

City of Gonzales
 P. O. Box 547
 Gonzales, TX 78629 U.S.A.

Prepared by: Benjamin Gifford

Account No.: 229
 Phone: (830) 672-3192
 Job: Board Room AV

Quantity	Item ID	Description	UOM
----------	---------	-------------	-----

TIPS VENDOR# 6309
CONTRACT # 200904

This quote reflects providing and installing a new AV system for the City of Gonzales Board Room. System will have 2 new 65" wall mounted displays and 1 portable 65" display on a portable cart in the overflow area.

System will have new audio speakers throughout board room and connectivity to existing speaker in overflow area. New desktop microphones and wireless microphone for podium to replace existing.

System will have two PTZ cameras portraying the council and another camera portraying the audience. These cameras will be connected to system and routed to be used through the Spectrum channel.

System will have an Ipad for a controller to adjust sound, video, and all necessary functions for a complete system.

1.00	MISC EQPT	Processor	
1.00	MISC EQPT	Amp	
1.00	MISC EQPT	Drawer	
6.00	MISC EQPT	Speakers (Tap at 30 W)	
9.00	MISC EQPT	Shure Flex Mic w/ Desk Stand	
1.00	MISC EQPT	Wireless Mic System Handheld	
1.00	MISC EQPT	Desktop Rack	
1.00	MISC EQPT	Apple Ipad	
1.00	MISC EQPT	8x8 Matrix Switcher	
2.00	MISC EQPT	HDMI/USB Wallplate Ext Kit w/ Receiver	
3.00	MISC EQPT	HDMI Extender Kt 35M	
2.00	MISC EQPT	HDMI Exender Kit 70M	
10.00	MISC EQPT	HDMI 6'	
1.00	MISC EQPT	Compass License	
1.00	MISC EQPT	Controller	
150.00	MISC EQPT	14GA Cable	
500.00	MISC EQPT	22AWG Cable	
1.00	MISC EQPT	MISC Connecting Hardware	
200.00	MISC EQPT	Cat6 Cable	
1.00	MISC EQPT	AP for Controller	
8.00	MISC EQPT	10' XLR Cable	

Quote

No.: **5979**

Date: 12/6/2023

Quantity	Item ID	Description	UOM
8.00	MISC EQPT	XLR Input Plate Stainless	
1.00	MISC EQPT	8 Port POE Switch	
3.00	MISC EQPT	Power Switch	
3.00	MISC EQPT	65" Displays	
1.00	MISC EQPT	Portable Cart	
2.00	MISC EQPT	PTZ Camera	
1.00	MISC EQPT	Projector Mounted	
1.00	MISC EQPT	Projector Pipe 12-18"	
1.00	MISC EQPT	Projector Mount	
1.00	MISC EQPT	Projector Plate	
1.00	MISC EQPT	Camera Controller to Encoder	
120.00	LABOR	Hourly Labor	
10.00	LABOR TRAVEL	Hourly Labor Travel	
1.00	MISC EQPT	Sound Engineer	

Your Price: \$55,928.51

Total: \$55,928.51

Prices are firm until 4/27/2024 Terms: Net 10

Prepared by: Benjamin Gifford, benjamin@jamesteleco.com

Date: 12/6/2023

Accepted by: _____

Date: _____

Disclaimer

All quotation information is valid for 30 days from date received. All equipment installations will be invoiced upon completion of work. Payment is due upon receipt. We value your business and look forward to serving you.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-37 Approving and Adopting a Water Conservation Plan for the City of Gonzales

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

TCEQ and TWDB requires cities to develop and maintain a Water Conservation Plan. This plan is to be updated every five years as per Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288. The previous plan was adopted in 2019. This plan is the required update. The current deadline to submit updated Water Conservation Plans and Water Conservation Implementation Reports to the TCEQ is May 1, 2024.

POLICY CONSIDERATIONS:

The city is required to have a water conservation plan in conformance with Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288 to provide the city and its constituents with direction on steps that can be taken to conserve water.

FISCAL IMPACT:

Up to \$2,500 for engineering support to prepare the updated plan.

ATTACHMENTS:

Water Conservation Plan

STAFF RECOMMENDATION:

Staff respectfully recommends the water conservation plan be adopted as written.

RESOLUTION NO. 2024-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING AND ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF GONZALES; ESTABLISHING AN EFFECTIVE DATE HEREOF.

WHEREAS, the Public Works Department of the City of Gonzales, Texas has developed a water conservation plan fulfilling the requirements of Title 30, Chapter 288, and Subchapter A of the Texas Administrative Code; and,

WHEREAS, the City of Gonzales currently has strategies for reducing water that include, but are not limited to, a rate structure discouraging the excess use of water, metering devices with an accuracy of plus or minus 5%, radio advertisements highlighting water conservation tips, regular inspections of water lines, and a program for replacing meters; and,

WHEREAS, the city service area is approximately 13.9 square miles with a population of 9,136 and the projected population of the service area in 2050 is 11,400 with the water demand increasing from 2059 acre-feet in the year 2020 to 2581 in the year 2050; and,

WHEREAS, the benefits of conserving water are protection of the most valuable resource (water), reducing the amount of water treated by water and wastewater plants, therefore reducing operations expenses, and reducing consumer water bills; and,

WHEREAS, Gonzales intends to reduce the water consumption in the service area to 185 gpcd by the year 2029 and to 180 gpcd by 2034; and,

WHEREAS, the Water Conservation Plan consist of (15) components: the first (8) components are the minimum requirements of Title 30, Chapter 288, Subchapter A of the Texas Administrative Code and the remaining (7) area additional conservation strategies; and,

WHEREAS, the Water Conservation Plan requires the City Council to adopt a resolution supporting the plan and its goals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby adopts the Water Conservation Plan as set forth in Exhibit A as the Water Conservation Plan for the City of Gonzales.

Section 2. That the Drought Contingency Plan adopted within Chapter 13 Utilities; Article 13.600 Water Conservation and Drought Contingency Plans of the City of Gonzales Code of Ordinances shall be enforced as the Drought Contingency Ordinance, as codified, and shall control where the Water Conservation Plan and Drought Contingency Plan differ.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 4. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

The City of Gonzales, Gonzales County, Texas

Water Conservation Plan

Prepared by:



TBPE Firm #3937

829 N. Saint Joseph Street

Gonzales, Texas 78629

April 2024

Table of Contents

Introduction	2
Description of Service Area.....	2
Goals	2
Utility Evaluation Data	3
Water Conservation Plan	4
Metering	4
Education and Information	4
Water Rate Structure	5
Implementation and Enforcement	5
Coordination with Regional Planning Group	5
Unaccounted-For Water Use/Leak Detection and Repair	6
Record Management System.....	6
Wholesale Customers	6
Plumbing Codes	7
Retrofit Program	7
Recycling and Reuse.....	7
Pressure Control in Distribution System	8
Water Conservation Landscaping	8
Contracts with Other Political Subdivisions or Water Supply Corporations.....	8
Conservation Plan Annual Report.....	8
TCEQ Utility Profile and Water Conservation Plan.....	9
Appendix A Attachments.....	18
Appendix B Texas Water Development Board Conservation Literature.....	25

Introduction

The Public Works Department of the City of Gonzales, Texas has developed a water conservation plan fulfilling the requirements of Title 30, Chapter 288, and Subchapter A of the Texas Administrative Code. The objective of the water conservation plan is to conserve water. This will be accomplished by reducing the consumption of water.

The City of Gonzales currently has strategies for reducing water consumption. These strategies include, but are not limited to, a rate structure discouraging the excess use of water, metering devices with an accuracy of plus or minus 5%, radio advertisements highlighting water conservation tips, regular inspections of water lines, and a program for replacing meters. The benefits of conserving water are protection the most valuable resource (water), reducing the amount of water treated by water and wastewater plants, therefore reducing operations expenses, and reducing consumer water bills.

Description of Service Area

The City of Gonzales is located in south central Texas (Gonzales County; see **Figure 1**) on the banks of the Guadalupe River approximately 60 miles south of Austin on US-183. The city service area (see map in Attachment No. 1 of Appendix A) is approximately 13.9 square miles (8900 acres) with a population of 8,202. The projected population of the service area in 2040 is 10387 with the water demand increasing from 2200 acre-feet in the year 2020 to 2759 in the year 2050 (see Attachment No. 2 in Appendix A).

Goals

The City of Gonzales has and will continue to conserve water via programs written later in this report. Gonzales intends to reduce the water consumption in the service area to 185 gpcd by the year 2029 and to 180 gpcd by 2034. This will be accomplished by realizing the following water conservation goals:

- Periodic distribution of water conservation literature to the citizens of Gonzales
- Continue radio announcements giving water conservation tips

- Continue to replace old meters
- Test all meters periodically
- Continue regular inspection of water lines
- Achieve unaccounted for losses of less than 15%
- Continue a water rate structure discouraging excess water consumption
- Using a Water Recycling and Reuse Program
- Look into adopting water saving amendments to the Plumbing Code

Figure 1 – Gonzales County



Utility Evaluation Data

The City of Gonzales currently acquires its water supply from the Guadalupe River and the Carizzo Aquifer. The City has secured water rights from the Guadalupe Blanco River Authority for the withdrawal of 2,240 acre-feet per year. The existing water treatment plant is located in the southwest portion of the city adjacent to the river; this plant has a rated treatment capacity of 6.0 MGD. The utility evaluation is included as Appendix A.

Water Conservation Plan

The Water Conservation Plan consist of (15) components: the first (8) components are the minimum requirements of Title 30, Chapter 288, Subchapter A of the Texas Administrative Code and the remaining (7) area additional conservation strategies. Each component is described in detail.

Metering

The City of Gonzales currently meters 100% of the water used, both residential and commercial and only meters with 5% accuracy are used. The City of Gonzales has recently completed its meter replacement program, which replaced the old meters with radio read meters.

The City of Gonzales also tests and replaces or repairs any meters that appear to have abnormally high or low water usage. The city has established a regular schedule for testing meters. The schedule is as follows:

1. Production (Master) meters – test annually
2. 1” and larger meter – test annually
3. 1” and smaller – test once every five years

Education and Information

The City of Gonzales will educate and inform the public in order to promote water conservation among its customers. The City of Gonzales currently has radio advertising highlighting water conservation tips. The City of Gonzales plans to inform both residential and commercial customers with the following type of information to encourage water conservation:

1. Distribution of educational materials to all customers four times during the first year of the program and two times per year thereafter. These distributions will be timed in accordance with peak summer and winter demand periods,
2. Publication of articles in the local paper at times corresponding to the distribution mentioned above and more often if conditions warrant.
3. New customers will receive water conservation literature.

The first distribution of the first year will include information promoting the Water Conservation Plan. The distribution will explain the need for this plan, encourage customers to start conserving water, list simple ways to conserve water, and will be accompanied by an article in the Gonzales paper and a proclamation for Water Conservation Awareness Week.

The second distribution of the first year will include brochures promoting indoor water conservation. The third distribution will include brochures promoting water saving fixtures. An article in the Gonzales paper will accompany each distribution in the first year. Appendix B has a list of sources of water conservation literature and educational materials.

Water Rate Structure

The most recent water rate structure that encourages water conservation was September 2023 and effective starting October 1, 2023. The city's water and sewer rates discourage the use of large quantities of water (see attachment in Appendix A.) The city will explain the water rate structure to new accounts (customers).

Implementation and Enforcement

The City Manager of the City of Gonzales is responsible for the implementation and enforcement of this plan. This plan will be enforced by the following methods:

1. City Council adopting a resolution supporting this plan and its goals.
2. The water rate structure will be enforced; the water will be disconnected for any customers not paying the monthly bill.
3. The building inspector will not certify new construction unless it meets adopted plumbing codes.

Coordination with Regional Planning Group

The City of Gonzales has sent a copy of this plan to the South Central Texas Regional Water Planning Group for their review.

Unaccounted-For Water Use/Leak Detection and Repair

The City of Gonzales currently has leak detection and repair program to minimize unaccounted for water use that includes the following:

1. Monthly water use accounting by computer billing.
2. Frequent monitoring of elevated and ground storage tanks to detect water-main breaks.
3. Visual inspection by meter readers and employees who keep a watch out for abnormal conditions, which could lead to leaks.
4. An adequate maintenance staff, which is available to repair any leaks.
5. In the event that major leak is detected, the city will consider conducting a leak detection survey of the suggested area and possibly use the Texas Water Development Board personnel to assist the City in setting up a leak detection survey program.

Record Management System

The City of Gonzales computer system records the amount of water pumped and delivered and the amount of sales. The amount of water losses is found by subtracting the amount of water pumped from the amount of water sold. This system records the water sales according to the account: residential, commercial, industrial, or public and institutional.

Wholesale Customers

The City of Gonzales has one wholesale customer; Gonzales County Water Supply. The Gonzales County Water Supply is developing a water conservation plan separate from the City of Gonzales.

Plumbing Codes

The City of Gonzales should consider adopting an amendment to their plumbing code that requires the use of water saving fixtures for all new construction and for replacement of plumbing in existing structures. The standards for residential and commercial fixtures are given in the following table.

Table 1: Fixture standards

Fixture	Maximum Usage
Tank-type toilets	1.5 Gallons per flush
Flush valve toilets	3.0 Gallons per flush
Tank-type urinals	3.0 Gallons per flush
Flush valve urinals	1.0 Gallons per flush
Shower heads	3.0 Gallons per minute
Lavatory & kitchen faucets	2.75 Gallons per minute
All hot water lines	Insulated
Swimming pools	New Pools must have recirculating filtration equipment

Retrofit Program

The City of Gonzales has not adopted a retrofit program. The distributions mentioned above should include literature that encourages customers to replace their old plumbing fixtures with new water saving fixtures.

Recycling and Reuse

The City of Gonzales currently recycles and reuses non-potable water at the WWTP. The City of Gonzales also has obtained a 210 authorization from TCEQ for the use of their WWTP effluent for golf course irrigation.

Pressure Control in Distribution System

The City of Gonzales distribution system does not have insufficient or excessive pressure; therefore, there are no proposed changes.

Water Conservation Landscaping

The City of Gonzales has not adopted regulations requiring property owners to plant vegetation requiring little water. The distributions mentioned above should include suggestions landscaping and irrigation procedures, which will conserve water. In addition, the city should encourage local plant nurseries, commercial landscapers, and others in the landscaping industry to promote water conserving landscaping practices.

Contracts with Other Political Subdivisions or Water Supply Corporations

In the event the City of Gonzales contracts to sell water to other political subdivisions or water supply corporations, the contract agreement will require that the purchaser adopt the city's water conservation plan or develop and adopt their own plan in accordance with Texas Water Development Board regulations.

Conservation Plan Annual Report

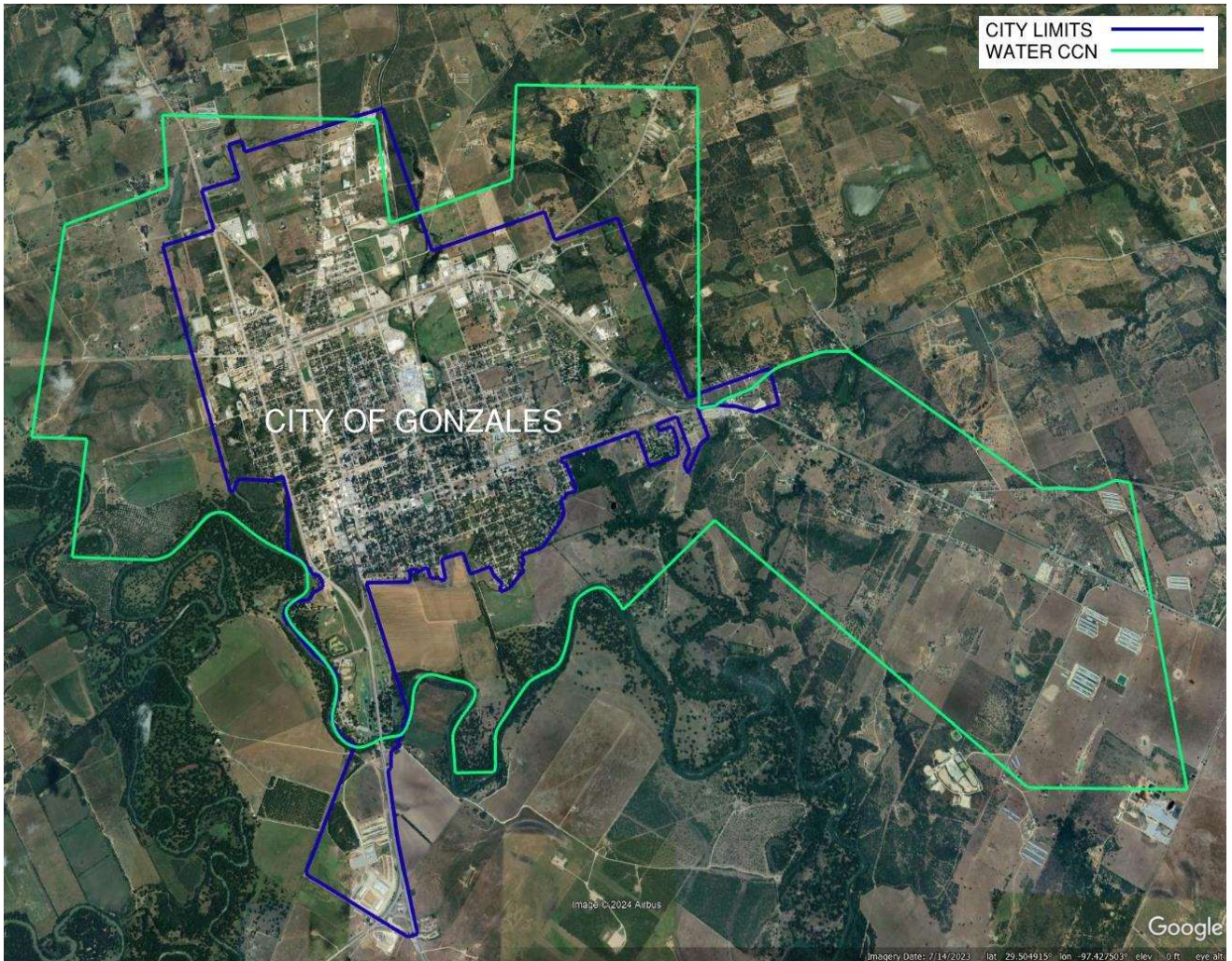
A member of the city staff should prepare an annual report addressing the progress and effectiveness of the water conservation plan. The report should include the following:

1. Public information that has been issued
2. Implementation process and status of the city's water conservation program
3. Effectiveness of the water conservation plan in reducing water use by providing consumption data
4. Public response to the water conservation plan

APPENDIX A

Attachments

Attachment No. 1



CITY OF GONZALES CITY LIMITS AND WATER CCN

Attachment No. 2

2021 Regional Water Plan - Water Demand Projections for 2020-2070 Municipal Water User Group Summary in Acre-Feet

EntityID	WUG Name	Region	County	Basin	2020	2030	2040	2050	2060	2070
846	Gonzales	L	Gonzales	Guadalupe	2,059	2,223	2,381	2,581	2,796	3,024
Gonzales Total Water Demand					2,059	2,223	2,381	2,581	2,796	3,024

Texas Water Development Board

March 28, 2019

Attachment No. 3

Water and Wastewater System

Existing Water System		
#	Size	Type
1	4.5 MGD	Surface Water Plant
1	0.5 MGD	Well at Surface Water Plant
1	1.0 MGD	Well on Highway 97
2	1.1 MG	Storage Tanks at Surface Water Plant
2	4 MG	Stand Pipes
Existing Wastewater System		
TCEQ Name:	City of Gonzales Wastewater Treatment Plant	
TCEQ Number:	10488-001	
Owner:	City of Gonzales	
Operator:	Chief Water and Wastewater Plant Operator	

Attachment No. 4

Gonzales Wastewater Treatment Plant Location

A topographic map of the Gonzales, Texas area. The map shows the Colorado River winding through the landscape. A large, dark shaded area in the upper left represents the Gonzales W.W.T.P. (Wastewater Treatment Plant). A circular boundary with a radius of one mile is drawn around a point labeled 'EFFLUENT DISCHARGE POINT'. The map includes contour lines, roads, and various landmarks. Labels on the map include 'GONZALES W.W.T.P.', 'EFFLUENT DISCHARGE POINT ONE MILE RADIUS', 'GONZALES', 'Colorado River', and 'Cottonwood Creek'. There are also various elevation markers and road numbers like 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

EFFLUENT DISCHARGE
POINT
ONE MILE
RADIUS

ATTACHMENT NO. 4
GONZALES, TX
WWTP LOCATION

SCALE: 1" = 2000'

TRC
Customer-Focused
Solutions

TEXAS INFRASTRUCTURE

(a division of TRC Engineers, Inc.)
DALLAS · FORT WORTH · FRISCO · AUSTIN · HOUSTON

Attachment No. 5

2021 Regional Water Plan - Population Projections for 2020-2070 Municipal Water User Group Summary

Entity Id	WUGName	Region	County	2020	2030	2040	2050	2060	2070
846	Gonzales	L	Gonzales	8,304	9,132	9,912	10,816	11,734	12,695
Gonzales Total Population				8,304	9,132	9,912	10,816	11,734	12,695

Texas Water Development Board

April 2018

WATER AND WASTEWATER FEES

WATER

City Residential/Commercial/Industry Monthly Minimum Bill

Customer Charge for a 3/4" Meter -City Base Rate	\$16.89
Customer Charge for a 1" Meter -City Base Rate	\$26.82
Customer Charge for a 1.5" Meter -City Base Rate	\$34.77
Customer Charge for a 2" Meter -City Base Rate	\$51.66
Customer Charge for a 3" Meter -City Base Rate	\$79.48
Customer Charge for a 4" Meter -City Base Rate	\$119.22
Customer Charge for a 6" Meter -City Base Rate	\$248.38
Customer Charge for a 3/4" Meter -Rural Base Rate	\$18.91
Customer Charge for a 1" Meter -Rural Base Rate	\$30.05
Customer Charge for a 1.5" Meter -Rural Base Rate	\$38.95
Customer Charge for a 2" Meter -Rural Base Rate	\$57.86
Customer Charge for a 3" Meter -Rural Base Rate	\$89.00
Customer Charge for a 4" Meter -Rural Base Rate	\$133.50
Customer Charge for a 6" Meter -Rural Base Rate	\$278.11

Tier Rates Non-Industrial

1 to 5,000 -City Rate per thousand	\$3.42
5,001 to 10,000 -City Rate per thousand	\$3.81
10,001 to 25,000 -City Rate per thousand	\$4.21
25,001 to 50,000 -City Rate per thousand	\$4.60
Over 50,000 -City Rate per thousand	\$4.92
1 to 5,000 -Rural Rate per thousand	\$3.83
5,001 to 10,000 -Rural Rate per thousand	\$4.28
10,001 to 25,000 -Rural Rate per thousand	\$4.73
25,001 to 50,000 -Rural Rate per thousand	\$5.19
Over 50,000 -Rural Rate per thousand	\$5.54

Tier Rates Industrial -Industrial defined as meter 2" or greater

1 to 5,000 -City Rate per thousand	\$3.42
5,001 to 10,000 -City Rate per thousand	\$3.81
10,001 to 100,000 -City Rate per thousand	\$4.20
100,001 to 1,000,000 -City Rate per thousand	\$3.40
Over 1,000,000 -City Rate per thousand	\$3.17
1 to 5,000 -Rural Rate per thousand	\$3.83
5,001 to 10,000 -Rural Rate per thousand	\$4.28
10,001 to 100,000 -Rural Rate per thousand	\$4.73
100,001 to 1,000,000 -Rural Rate per thousand	\$3.85
Over 1,000,000 -Rural Rate per thousand	\$3.57

BULK WATER

Deposit	\$300.00
Bulk Water Rate per thousand gallons	\$15.27

Water Meter Fee Schedule - Lue's per meter size meter installation fee - minimum/base fee - if actual cost (construction including labor) exceeds base fee, customer shall pay actual cost (construction including labor)

Meter Size 5/8", LUE 1 - Fee/LUE \$500	\$500.00
Meter Size 3/4", LUE 1 - Fee/LUE \$500	\$750.00
Meter Size 1", LUE 2.5 - Fee/LUE \$500	\$1,250.00
Meter Size 1.5", LUE 5 - Fee/LUE \$500	\$2,500.00
Meter Size 2", LUE 8 - Fee/LUE \$500	\$4,000.00
Meter Size 3", LUE 16 - Fee/LUE \$500	\$8,000.00
Meter Size 4", LUE 25 - Fee/LUE \$500	\$12,500.00
Meter Size 6", LUE 50 - Fee/LUE \$500	\$25,000.00
Meter Size 8", LUE 80 - Fee/LUE \$500	\$40,000.00
Meter Size 10", LUE 115 - Fee/LUE \$500	\$57,500.00

Replacement of broken water cut-off

The charge for the repair and/or replacement of a broken water cut-off. 100% of the actual costs to the City and labor.

SEWER

Dwelling Containing Only One Unit -Per Month

Residential (Winter Avg.) City Rate	\$14.19 per month, plus \$1.82 per thousand gallons water used based on winter average with a \$41.20 maximum monthly sewer charge
Residential/Commercial (New) Dwelling City & Rural Rate	\$22.45 until such time a winter average can be established

Dwelling Containing Two or More Units

City Base Rate	\$22.45 per month/per unit
----------------	----------------------------

Industrial -Industrial defined as meter 2" or greater

City Base Rate	\$25.99 per month, plus \$2.85 for each 1,000 gallons of water used
----------------	---

Store/Commercial Establishment, Not Otherwise Classified

City Base Rate	\$14.19 per month, plus \$1.82 per thousand gallons water used based on winter average with a \$41.20 maximum monthly sewer charge
----------------	---

Apartment City

Minimum Charge Per Unit	\$25.99
-------------------------	---------

Volumetric Charge	\$0.00
-------------------	--------

School

City Base Rate	\$14.19 per month, plus \$1.77 per thousand gallons water used
----------------	--

Rural Dwelling Containing Only One Unit

City Base Rate	\$19.50 per month, plus \$1.82 per thousand gallons water used based on winter average with a \$47.09 maximum monthly sewer charge
----------------	---

Rural Dwelling Containing Two or More Units

City Base Rate	\$22.45 per month/per unit
----------------	----------------------------

Rural Industry

City Base Rate	\$31.90 per month, plus \$3.08 for each 1,000 gallons of water used.
----------------	--

Rural Store/Commercial Establishment, Not Otherwise Classified

City Base Rate	\$19.50 per month, plus \$1.82 per thousand gallons water used based on winter average with a \$47.09 maximum monthly sewer charge.
----------------	--

Urban Commercial (Shopping Centers and Ice Plants)

City Base Rate	\$22.45 per month/per unit
----------------	----------------------------

Housing Authority Units

City Base Rate	\$17.73 per month/per unit
----------------	----------------------------

Winter Averaging

Based on water consumption for a three (3) month period each year consisting of the average of January, February, and March bills.

SEWER TAP FEE - minimum/base fee - if actual cost (construction including labor) exceeds base fee, customer shall pay actual cost (construction including labor)

Four inch (4") connection	\$1,500.00
---------------------------	------------

Six inch (6") connection	\$2,500.00
--------------------------	------------

Eight inch (8") connection	\$3,500.00
----------------------------	------------

Taps larger than eight inches (8") the customer shall pay the actual cost (construction including labor) cost.

WASTE DISPOSAL AT SEWER PLANT FEE

Deposit for Waste Disposal	\$300.00
----------------------------	----------

1 to 500 gallons during working hours	\$50.00
---------------------------------------	---------

1 to 500 gallons after hours	\$105.00
------------------------------	----------

501 to 1,000 gallons during working hours	\$90.00
---	---------

501 to 1,000 gallons after hours	\$130.00
----------------------------------	----------

APPENDIX B

Texas Water Development Board Conservation Literature

Water Conservation Literature Price and Order Information

Prices are effective as of May 2022. Copies of the publications and materials listed can be obtained at no charge up to the quantity indicated.

Most publications are available for sale when larger quantities than the number of free copies are desired. Most materials are available in bundles of 100, unless otherwise specified. Limitations may be placed on quantities of literature due to availability.

Ordering Instructions

Please fill out an [Order Form](#), and submit the form. **OPEN THE FORM IN PDF NOT IN THE BROWSER TO USE SUBMIT BUTTON**

You can also submit the form via (1) of the following options:

1. **Email to:** conslit@twdb.texas.gov

2. **Post Mail to:**

Conservation
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231

Payment by credit card (Visa or Mastercard) or check must accompany all paid orders.

Available Conservation Literature

*** Entities may receive 500 free pieces of any combination of the brochures marked with an asterisk per calendar year. Additional copies can be purchased at the listed price.**

Publication Title	Number of Free Copies	Unit Price after Free Copies
Water is Limited Brochure	100 *	\$0.10

Water Is Limited Tip Card A - Flushing a Toilet	100 *	\$0.10
Water Is Limited Tip Card B - Watering a Lawn	100 *	\$0.10
Household Water Use and Ways to Save	100 *	\$0.10
Conserving Water Outdoors (Temporarily Out of Stock)	100 *	\$0.10
Water Conservation for Industries, Businesses, and Institutions Brochure	100 *	\$0.10
Water for Texas Coloring and Activity Book	10	\$0.20
A Watering Guide for Texas Landscape	50	\$0.20
Agricultural Water Conservation Irrigation Water Use Management - Best Management Practices	100	\$0.01
How do Texas Ag Producers Deal with Drought	125	\$0.05
Agricultural Water Conservation in Texas	100	\$0.10
Toilet Tank Leak Detector Tablet (2 tablets per packet, with Spanish/English instructions)	100	\$10.00/100 pkt.
The Texas Manual on Rainwater Harvesting, Third Edition	*Digital Download Only	\$0.00
Water Loss Audit Manual for Texas Utilities, March 2008	*Digital Download Only	\$0.00

Water Conservation Brochures

Most brochures are available for sale when larger quantities than the number of free copies are desired. Most materials are available in packages of 100. Limitations may be placed on quantities of literature due to availability.

Please [read the detailed ordering information](#), or [email for additional assistance](#).



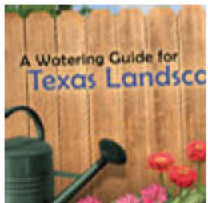
Household Water Use and Ways to Save

You can easily save a minimum of 20 gallons per day just by installing water-efficient fixtures and reducing leaks.



Conserving Water Outdoors

In the summer, outdoor water use can account for 50 to 80 percent of home water use.



A Watering Guide for Texas Landscape

You don't have to give up having an aesthetically pleasing lawn to conserve water. It is important for homeowners who want to enjoy lawns but are concerned about conservation to realize lawns don't waste water, people do! There are positive features of lawns as recreational surfaces that reduce heat loads, noise, and water and air pollution. Learn how to:

- Choose plants adaptive to conditions in your area of the state.
- Measure the amount of water needed to irrigate your landscape.
- Use the right tools and methods to deliver the optimal amount.

[Top](#)



Water Conservation for Industries, Businesses, and Institutions

With rising costs of operations for many businesses, conserving water is one way to cut costs without compromising services.



Water is Limited Brochure

Do you know the impact that a serious water shortage could have on Texas? Learn steps that you can take to conserve water.



Water is Limited - Tip Card A

Answers water use questions such as how many gallons does flushing a toilet use to how many gallons playing with a garden hose for 15 minutes uses. Provides tips on how to conserve water.



Water is Limited - Tip Card B

Answers water use questions such as how many gallons does watering a lawn take to how many gallons does brushing your teeth use. Provides tips on how to conserve water.

Top



Agricultural Water Conservation in Texas

Texas farmers and ranchers are leading the way in agricultural water conservation and innovation, implementing regional water planning strategies to address future water needs. This is an update to "How Do Texas Ag Producers Deal with Drought." Fold out Texas POSTER inside.



How Do Texas Ag Producers Deal with Drought

All Texans are challenged to conserve our limited surface water and groundwater supplies. Learn how Texas farmers and ranchers are leading the way in water conservation. Fold out Texas POSTER inside.



Agricultural Water Conservation Irrigation Water Use Management Best Management Practices

This booklet discusses Irrigation Scheduling, Measurement of Irrigation Water Use, Crop Residue Management and Conservation Tillage, Irrigation Audit.



Agricultural Water Conservation Best Management Practices Overview

This brochure details recommendations for Texas agriculture water conservation practices. It also describes what types of assistance government entities can provide and gives an overview of the Texas Water Development Board.

Top



TWDB Kids

Children today will face a daunting challenge when they are adults: managing and conserving Texas' dwindling water supplies. So that they are equipped for this challenge, these future decision makers will need to be educated about the scientific background and complex issues associated with this critical resource.



Water for Texas Coloring Book

In the "Water for Texas" coloring and activity book, Billy the Bull, Amanda Armadillo, Sally Mander, and Grandpa Lizard guide children through fun facts about water in Texas, teach them the names of aquifers and rivers through word finds, give them information on how to conserve water at home, and apply what they have learned to create a story and draw a picture. There is even a maze and a connect-the-dots page. This entertaining 16 page booklet is targeted for ages Kindergarten through 3rd grade.

List of publications in Spanish

These resources are no longer available to order, but copies of these publications can be downloaded free of charge and copied for distribution.

- [Cuarenta Y Nueve Consejos Practicos Para Conservar Agua \(Forty-Nine Water Saving Tips\)](#).
- [Xeriscape \(Xeriscape - Principles and Benefits\)](#).
- [The Dillos Demonstrate Wordless Water Conservation](#) A graphic collection of water conservation ideas with Spanish and English captions listed on final page

Top

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider and Possible Action on Ordinance #2024-10 Approving and Readopting Chapter 13 Utilities Article 13.600 Water Conservation and Drought Contingency Plans of the City of Gonzales Code of Ordinances

DATE: April 11, 2024

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

TCEQ and TWDB requires cities to develop and maintain a Drought Contingency Plan. This plan is to be updated every five years. The previous plan was adopted in 2019. This plan is the required update. The current deadline to submit updated Drought Contingency Plan and Water Conservation Implementation Reports to the TCEQ is May 1, 2024.

POLICY CONSIDERATIONS:

The city is required to have a Drought Contingency Plan in conformance with Texas Water Code Chapter 11 and Title 30 Texas Administrative Code Chapter 288 to provide the city and its constituents with direction on steps that can be taken to during periods of drought.

FISCAL IMPACT:

Up to \$2,500 for engineering support to prepare the updated plan.

ATTACHMENTS:

Drought Contingency Plan

STAFF RECOMMENDATION:

Staff respectfully recommends the drought contingency plan be adopted as written.

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING AND READOPTING CHAPTER 13 UTILITIES ARTICLE 13.600 DROUGHT CONTINGENCY PLAN OF THE CITY OF GONZALES CODE OF ORDINANCES; ESTABLISHING ADMINISTRATIVE PENALTIES; ESTABLISHING AN EFFECTIVE DATE HEREOF.

WHEREAS, to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Gonzales hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance; and

WHEREAS, water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties; and

WHEREAS, opportunity for the public to provide input into the preparation of the Plan was provided by the City of Gonzales by means of public notice in the Gonzales Inquirer newspaper of a public hearing; and

WHEREAS, the City of Gonzales will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage; and

WHEREAS, the City of Gonzales will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage; and

WHEREAS, the service area of the City of Gonzales is located within Region L and the City of Gonzales has provided a copy of the Plan to the Texas Water Development Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby approves and readopts Chapter 13 Utilities Article 13.600 Water Conservation and Drought Contingency Plans of the City of Gonzales Code of Ordinances as set forth in Exhibit A.

Section 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

Section 4. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 5. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

Section 6. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Gonzales under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

Section 7. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED AND APPROVED this 11th day of April, 2024.

CITY OF GONZALES

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

The City of Gonzales, Gonzales County, Texas

Drought Contingency Plan

Prepared by:



TBPE Firm #3937

829 N. Saint Joseph Street

Gonzales, Texas 78629

April 2024

City of Gonzales

P.O. Box 547 Gonzales, TX 78629

CCN# 11210

PWS #s 0890001

May 9, 2024

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Gonzales hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by City of Gonzales by means of public notice in the Gonzales Inquirer Newspaper.

Section III: Public Education

The City of Gonzales will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of a brief article published yearly in the City of Gonzales quarterly newsletter.

Wholesale Water Customer Education

The City of Gonzales will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of providing a copy of the Plan to the wholesale customer and periodic mailing of information about the Plan.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Gonzales is located within Region L and the City of Gonzales has provided a copy of the Plan to the Texas Water Development Board.

Section V: Authorization

The City Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Gonzales. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future use alternative uses.

Customer: any person, company, or organization using water supplied by City of Gonzales.

Domestic water use: water used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for irrigation and maintenance of landscaped areas (whether publicly or privately owned), including residential and commercial lawns, gardens, golf courses, parks, rights-of-way and medians.

Non-essential water use: water uses that are not essential, nor required for the protection of public, health, safety, and welfare, including:

- a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area;
- d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- i) Use of water from hydrants for construction purposes or any other purposes other than firefighting.

Odd numbered address: street addresses box numbers, or rural postal route numbers ending in 1, 3, 5, 7, and 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified “triggers” are reached.

The triggering criteria described below are based on the flow rate of the Guadalupe River.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when flows in the Guadalupe River are equal to or less than 200 cubic feet per second.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when flows in the Guadalupe River are equal to or less than 100 cubic feet per second.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when flows in the Guadalupe River are equal to or less than 75 cubic feet per second.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when flows in the Guadalupe River are equal to or less than 50 cubic feet per second.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when City Manager, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Section IX: Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, severe, or critical condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The City Manager or his/her designee shall notify the public by means of:

- A. Publication in a newspaper of general circulation
- B. Public service announcements on the local TV and radio station.

Wholesale Customers:

The City Manager or his/her designee shall notify the public by means of:

- A. Mail or,
- B. Telephone

Additional Notification:

The City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- A. Mayor/Chairman and members of the City Council/Utility Board
- B. Fire Chief

- C. City and/or County Emergency Management Coordinator(s)
- D. TCEQ
- E. Other major water users

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a voluntary 10 percent reduction in total water use.

Best Management Practices for Supply Management:

- A. Reduced or discontinued flushing of water mains.
- B. Use of reclaimed water for non-potable purposes.

Voluntary Water Use Restrictions for Reducing Demand:

- a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9), and to irrigate landscaped only between the hours of midnight and 10:00 a.m. and 8:00 p.m. midnight on designated watering days.
- b) All operations of the City of Gonzales shall adhere to water use restrictions prescribed for Stage 2 of the plan.
- c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes

Wholesale Customers:

The City Manager or designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measure to reduce water use. (e.g. implement Stage 1 of the customer's drought contingency plan.)

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a 15 percent reduction in total water use.

Best Management Practices for Supply Management:

- A. Reduced or discontinued flushing of water mains
- B. Reduced or discontinued irrigation of public landscaped areas
- C. Use of an alternative supply source(s)
- D. Use of reclaimed water for non-potable purposes

Water Use Restrictions for Demand Reduction:

Under threat of penalty for violation, the following water use restriction shall apply to all persons:

- a) Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6, or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such as washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated water days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from City of Gonzales.
- f) Use of water for the irrigation of golf course green, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by City of Gonzales, the facility shall not be subject to these regulations.
- g) All restaurants are prohibited from serving water to patrons except upon request of the patron
- h) The following uses of water are defined as non-essential and are prohibited:
 - 1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
 - 2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;

- 3) Use of water for dust control;
- 4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
- 5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Wholesale Customers:

1. The City Manager or designee, will contact wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
2. The City Manager or designee, will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 2 of the customer's drought contingency plan).
3. The City Manager or designee, will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section XII of the Plan.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 20 percent reduction in total water use.

Best Management Practices for Supply Management:

- A. Reduced or discontinued flushing of water mains
- B. Reduced or discontinued irrigation of public landscaped areas
- C. Use of an alternative supply source(s)
- D. Use of reclaimed water for non-potable purposes

Water Use Restrictions for Demand Reduction:

All requirements of Stage 2 shall remain in effect during Stage 3 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times
- b) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Gonzales.
- c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Wholesale Customers:

1. The City Manager or designee, will contact wholesale water customers to discuss water supply and/or demand conditions and will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g. implement Stage 3 of the customer's drought contingency plan).
2. The City Manager or designee, will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according the procedures specified in Section XII of the Plan.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Target: Achieve a 25 percent reduction in total water use.

Best Management Practices for Supply Management:

- A. Reduced or discontinued flushing of water mains
- B. Reduced or discontinued irrigation of public landscaped areas
- C. Use of an alternative supply source(s)
- D. Use of reclaimed water for non-potable purposes

Water Use Restrictions for Demand Reduction:

All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:

- a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. until 10:00 a.m. and between 8:00 p.m. 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service station shall occur only between hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi type pools is prohibited.
- d) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- e) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such application are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Wholesale Customers:

The City Manager or designee shall contact responsible wholesale water customer official by phone and request they implement stage 4 of their drought contingency plan.

The City Manager or designee will initiate pro rata curtailment for water diversions to achieve a 20 percent reduction in all wholesale customers' drought contingency allocations.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Target: Achieve a 30 percent reduction in total water use.

Best Management Practices for Supply Management:

- A. Reduced or discontinued flushing of water mains
- B. Reduced or discontinued irrigation of public landscaped areas
- C. Use of an alternative supply source(s)
- D. Use of reclaimed water for non-potable purposes

Water Use Restrictions for Demand Reduction:

All requirements of stage 2, 3, and 4 shall remain in effect during Stage 5 except:

- a) Irrigation of landscaped areas is absolutely prohibited
- b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

Wholesale Customers:

The City Manager or designee shall contact responsible wholesale water customer official by phone and request they implement stage 5 of their drought contingency plan.

Section X: Enforcement

- a) No person shall knowingly or intentionally allow the use of water from the City of Gonzales for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by City Manager, or his/her designee, in accordance with provision of this Plan.
- b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than 50.00 dollars and not more than 1,000.00 dollars. Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan the City Manager shall, upon due notice to the customer be authorized to discontinue water service to the premises where such violations occur. Services discontinued under

such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50.00, and any other costs incurred by the City of Gonzales in discontinuing service. In addition suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

- c) Any person including a person classified as a water customer of the City of Gonzales, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violation of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- d) Any employee of the City of Gonzales, police officer, or other City employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offence charged, and shall direct him/her to appear in Gonzales Municipal Court on the date shown on the citation. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in Gonzales Municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in Gonzales Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in Gonzales Municipal Court before all other cases.

Section XI: Wholesale Customer Water Contracts

In the event the city of Gonzales enters into a contract with a wholesale customer it shall be a requirement that the wholesale customer develop and implement a water conservation plan. The requirement shall be made a part of the contract. Further, if the wholesale customer intends to resell the water, the contract between the initial supplier and wholesale customer must provide that the contract for resale of the water has a water conservation requirement, so that each successive customer in the resale of the water will be required to implement conservation measures accordance with TAC Chapter 288.

It shall also be a contract provision in every water wholesale contract entered into or renewed after adoption of the Plan, that in case of water shortage resulting from drought, potable water must be distributed in accordance with Texas Water Code 11.039.

Section XII: Pro Rata Water Allocations (Wholesale Customers)

In the event that the triggering criteria specified in Section XI of the Plan for Stage 3 – Severe Water Shortage conditions have been met, the City Manager is hereby authorized to initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

1. A wholesale customer’s monthly allocation shall be a percentage of the customer’s water usage baseline. The percentage will be set by resolution of the city Council based on the City Manager’s assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of the City Council as conditions warrant. Once pro rata allocation is in effect, water diversion by or deliveries to each wholesale customer shall be limited to the allocation established for each month.

2. A monthly water usage allocation shall be established by the City Manager or designee for each wholesale customer. The wholesale customer’s water usage baseline will be computed on the average water usage by month for the previous four-year period. If the wholesale water customer’s billing history is less than four years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Example Calculation of Monthly Allocation for a Hypothetical Wholesale Water Customer
 All Units in this Chart represent 1000 Gallons

MONTH	2009	2010	2011	2012	2013	SUM	AVG	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
January	133	137	146	148	156	720	144	75%	108
February	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	809	162	75%	121
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1036	207	75%	155
July	235	274	232	314	246	1301	260	75%	195
August	222	203	206	337	309	1277	255	75%	192
September	199	160	196	229	198	982	196	75%	147
October	165	172	197	165	185	884	177	75%	133
November	139	142	149	153	162	745	149	75%	112
December	142	143	150	156	165	756	151	75%	113
TOTAL	1996	2006	2074	2329	2334	10739	2148		

3. The City Manager shall provide notice by Certified Mail to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the Executive Director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation.
4. Upon the request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if:
 - a. The designated period does not accurately reflect the wholesale customer's normal water usage; or
 - b. The customer agrees to transfer part of its allocation to another wholesale customer; or
 - c. Other objective evidence demonstrates that the designated allocation is inaccurate under present conditions.

A customer may appeal an allocation established hereunder to the City Council of the City of Gonzales.

Section XIII: Variances

The City Manager, or his/her designee, may in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- a. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- b. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Gonzales within 5 days after the Plan or particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- a. Name and address of the petitioner(s)
- b. Purpose of water use.
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or other if petitioner complies with this Ordinance.
- e. Description of the relief requested.
- f. Period of time for which variance is sought.
- g. Alternative water use restriction or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- h. Other pertinent information

- i. Variances granted by City of Gonzales shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:
 - a. Variances granted shall include a timetable for compliance
 - b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Wholesale Customers:

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

1. 1.5 times the normal water charge per 1,000 gallons for deliveries excess of the monthly allocation up through five percent (5%) above the monthly allocation.
2. 2.0 times the normal water charge per 1,000 gallons for deliveries in excess of the monthly allocation from five percent (5%) through ten percent (10%) above the monthly allocation.
3. 2.5 times the normal water charge per 1,000 gallons for deliveries in excess of the monthly allocation from ten percent (10%) through fifteen percent (15%) above the monthly allocation.
4. 3.0 times the normal water charge per 1,000 gallons for deliveries more than fifteen percent (15%) above the monthly allocation.
5. The above surcharges shall be cumulative.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-38 Authorizing the City Manager to solicit proposals for Municipal Solid Waste Collection Disposal and Recycling or Authorizing the City Manager to renegotiate an amended agreement with Frontier Access, LLC

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The City of Gonzales executed a contract with Frontier Access, LLC for Municipal Solid Waste Collection and Disposal and Recycling Services on February 13, 2020. The term of the contract is for four (4) years, seven (7) months, that began on the effective date of the contract and will end on September 30, 2024. At the expiration of the Initial Terms of this agreement, the agreement may be extended for up to three successive terms of five (5) years. The service Provider shall provide to the City with written notice of its intent to renew this agreement for an additional five-year term at least 120 days prior to the expiration date of the initial term or 120 days prior to any of the then applicable individual five-year extension periods. If the City does not provide such written approval to renew the agreement within thirty (30) days of such request from the service provider, this agreement will terminate at the end of any subsequent five (5) year extension period, as applicable.

A presentation will be given to the City Council from Tim Henderson and Robert Brown of Frontier Access for Municipal Solid Waste Collection Disposal and Recycling.

POLICY CONSIDERATIONS:

At the conclusion of the presentation staff is requesting direction from the City Council whether to solicit proposals or to renegotiate an amended agreement with Frontier Access, LLC.

FISCAL IMPACT:

The Fiscal impact is not yet known but would be based on what decision Council deems appropriate and in the best interest of the City of Gonzales.

STAFF RECOMMENDATION:

Staff respectfully recommends City Council take the action they deem appropriate.

RESOLUTION NO. 2024-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO SOLICIT PROPOSALS FOR MUNICIPAL SOLID WASTE COLLECTION DISPOSAL AND RECYCLING OR AUTHORIZING THE CITY MANAGER TO RENEGOTIATE AN AMENDED AGREEMENT WITH FRONTIER ACCESS, LLC; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Gonzales entered into a contract with Frontier Access LLC on February 13, 2020 for Municipal Solid Waste Collection and Disposal and Recycling services; and

WHEREAS, the existing contract is for a four (4) year, seven (7) months period that began on the effective date of the contract and will end on September 30, 2024, and

WHEREAS, City of Gonzales would like direction whether to solicit proposals as per Chapter 252 Texas Local Government Code for Municipal Solid Waste Collection, Disposal and recycling services or to renegotiate an amended agreement with Frontier Access, LLC.; and

WHEREAS, the City Council finds that _____ to perform such services would be in the best interest of the City of Gonzales.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes the city manager to _____ for municipal solid waste collection, disposal and recycling services.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S. H. Sucher

ATTEST:

Kristina Vega, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-39 Authorizing the City Manager to execute an Encroachment Agreement with Clyde Hinton

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

Clyde Hinton has requested an encroachment agreement for his property at 302 Botts Street, for a portion of an existing structure that is encroaching on city right-of-way.

POLICY CONSIDERATIONS:

The City of Gonzales has the authority to grant encroachment agreements for existing improvements that encroach on city right-of-way.

FISCAL IMPACT:

There are no associated fees or payments with this request.

STAFF RECOMMENDATION:

Staff respectfully recommends approval of this resolution.

RESOLUTION NO. 2024-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENCROACHMENT AGREEMENT WITH CLYDE HINTON; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the CITY OF GONZALES, a Texas Municipal Corporation (hereinafter referred to as "Permitter") with an address of 820 St. Joseph Street, Gonzales, TX 78629, is the owner of an existing 2.65 acre tract of land as specified in Volume 650, Page 798, recorded in the Real Property Records of Gonzales County, Texas (hereinafter referred to as "Permitter's Land"), a copy of which is attached hereto and fully incorporated by reference herein as Exhibit A; and

WHEREAS, Clyde Lee Hinton, with a mailing address of 302 Botts Street, Gonzales, Texas 78629 (hereinafter referred to as "Permittee") is the current owner of an adjacent 0.022 acre tract of land with an existing improvement encroaching onto Permitter's Land as shown on the attached survey, which is fully incorporated by reference herein as Exhibit B; and

WHEREAS, Permittee has requested permission to permanently encroach upon portions of Permitter's Land for the existing improvement described as a described as a single-story residence in conformance with the current zoning, and more particularly described in Exhibit B, attached hereto and made a part hereof, within a portion of Permitter's Land (hereinafter referred to as the "Encroachment", whether one or more); and

WHEREAS, Permitter has reviewed Exhibit B for the Encroachment and agrees to allow the Encroachment to continue subject to the terms and conditions of this Encroachment Agreement ("Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales hereby approves the Encroachment Agreement with Clyde Hinton attached hereto as Attachment A and authorizes the execution of said Agreement by the City Manager.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

Section 8. This Resolution shall not be construed to require or allow any act which is prohibited by an Ordinance.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

ENCROACHMENT AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF GONZALES §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the CITY OF GONZALES, a Texas Municipal Corporation (hereinafter referred to as "Permitter") with an address of 820 St. Joseph Street, Gonzales, TX 78629, is the owner of an existing 2.65 acre tract of land as specified in Volume 650, Page 798, recorded in the Real Property Records of Gonzales County, Texas (hereinafter referred to as "Permitter's Land"), a copy of which is attached hereto and fully incorporated by reference herein as Exhibit A; and

WHEREAS, Clyde Lee Hinton, with a mailing address of 302 Botts Street, Gonzales, TX 78629 (hereinafter referred to as "Permittee") is the current owner of all that particular tract of 0.022 of an acre of land, more or less, lying and being situated in Gonzales County, Texas, being part of Lot No. 2, Range No. 1, East of Water Street, in the Original Outer Town of Gonzales, more particularly being described in Warranty Deed dated July 10, 1962, executed by Virgie Sigmund and E. L. Sigmund, et al., to Carl Well and Luella Webb, recorded in Volume 329, Page 417, of the Gonzales County Deed Records, with an existing improvement onto Permitter's Right of Way as shown on the attached survey, which is fully incorporated by reference herein as Exhibit A; and

WHEREAS, Permittee has requested permission to permanently encroach upon portions of Permitter's Land for the existing improvement described as a single-story residence in conformance with the current zoning, and more particularly described in Exhibit A, attached hereto and made a part hereof, within a portion of Permitter's Land (hereinafter referred to as the "Encroachment", whether one or more); and

WHEREAS, Permitter has reviewed Exhibit A for the Encroachment and agrees to allow the Encroachment to continue subject to the terms and conditions of this Encroachment Agreement ("Agreement").

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars, and of the premises and covenants hereof contained and incorporated herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do agree as follows:

1. The Encroachment granted herein shall be for the sole purpose of allowing the current improvement, including minor repair and maintenance (collectively "Improvement"), but shall not be construed as allowing the expansion or extension, either vertically or

horizontally, of the Improvement or any new or additional accessory buildings or improvements, or a change in use, on Permitter's Land.

2. In the event of the destruction or damage of fifty (50%) or more of the existing Improvement, Permittee shall not be allowed to replace or reconstruct said Improvement on the Permitter's Land and said Encroachment Agreement shall automatically terminate. Permitter may take any steps necessary to properly record said termination without the notice and consent of Permittee.
3. Permittee shall have all rights necessary for the full use granted herein including the repair and maintenance, of the Improvement on Permitter's Land. None of the aforementioned Permittee rights shall conflict or interfere with Permitter's rights.
4. Permitter may use the Permitter's Land for any and all purposes.
5. Nothing in this Agreement shall be construed as a grant or assignment of any of Permitter's rights in Permitter's Land, or a conveyance of any property, specified above and this Agreement shall in no way limit or impair said rights.
6. Permittee shall give Permitter at least seven (7) business days' advance written notice before commencing any maintenance, removal, or repair to Permittee's Improvement in order that Permitter shall have an opportunity to have an inspector or representative present during the time such activities are carried out. Notice is to be given to the following individual at the listed address and phone number (which can be changed with prior notice to Permittee):

City of Gonzales
Attn: Timothy Crow
820 St. Joseph Street
Gonzales, Texas 78629
(830) 672-2815

7. Any changes in the nature or use of the Encroachment shall require the prior written approval of Permitter.
8. Any other encroachments on, disturbances of, or excavations within Permitter's Land that are not part of the Encroachment contemplated under this Agreement are forbidden unless permitted by a separate fully executed agreement, and, without waiving Permitter's rights hereunder or otherwise, if such encroachments are initiated by Permittee, without or prior to the execution of a new encroachment agreement or an amendment to this Agreement, such actions by Permittee shall be governed by this Agreement until the parties enter into a separate encroachment agreement or an amendment to this Agreement. Permittee will not excavate, nor permit others to excavate, on Permitter's Land. Permittee shall at all times maintain the Encroachment in a safe condition. Permittee shall not be permitted to store equipment, materials or chemicals within Permitter's Land.
9. Permittee agrees that it is in compliance with and shall continue to comply with all applicable laws and regulations relating to its activities hereunder.

9. Permittee agrees that it is in compliance with and shall continue to comply with all applicable laws and regulations relating to its activities hereunder.
10. During the term of this Agreement, including the period thereafter until Permittee's Encroachment is removed or relocated, Permittee shall carry a minimum of insurance coverage on the Improvement, as agreed to by the Permitter.
11. **PERMITTEE SHALL PROTECT RELEASE, INDEMNIFY, DEFEND AND HOLD PERMITTOR, ITS PARENTS, SUBSIDIARIES, AFFILIATES, CONTRACTORS AND SUBCONTRACTORS, THEIR SUCCESSORS AND ASSIGNS, AND EACH OF THEIR RESPECTIVE DIRECTORS, ELECTED OFFICIALS, OFFICERS, EMPLOYEES, AGENTS AND REPRESENTATIVES (HEREINAFTER COLLECTIVELY REFERRED TO AS THE "INDEMNIFIED PARTIES"), HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, FINES, PENALTIES, DAMAGES, DEMANDS, SUITS, CAUSES OF ACTION, JUDGMENTS, COSTS AND EXPENSES (INCLUDING ATTORNEYS' FEES, COSTS OF LITIGATION AND/OR INVESTIGATION AND OTHER COSTS ASSOCIATED THEREWITH), AND LIABILITIES, OF EVERY KIND, (COLLECTIVELY REFERRED TO HEREFTER AS "CLAIMS"), INCLUDING WITHOUT LIMITATION THOSE RELATING TO LOSS OF OR DAMAGE TO ANY PROPERTY (INCLUDING, BUT NOT LIMITED TO, ENVIRONMENTAL DAMAGES, POLLUTION OR CONTAMINATION), AND INJURY TO OR DEATH OF ANY PERSONS, IN ANY WAY ARISING OUT OF, CONNECTED WITH, RELATING TO, OR RESULTING FROM THE EXERCISE OF ANY OF THE RIGHTS IN THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, THE PRESENCE, MAINTENANCE, USE, REPAIR OR REMOVAL OF THE ENCROACHMENT, OR ANY BREACH OF THIS AGREEMENT BY PERMITTEE OR BY ANYONE ACTING ON BEHALF OF PERMITTEE**

NOTHING HEREIN SHALL REQUIRE PERMITTEE TO INDEMNIFY, DEFEND, OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S WILLFUL MISCONDUCT.

12. This Agreement shall be a covenant running with the land in which the Encroachment lies.
13. Permittee may not assign its rights hereunder without prior written notice to and consent of Permitter of such assignment. The provisions hereof shall extend to, be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, successors and permitted assigns.
14. This Agreement shall be construed and applied under, and in accordance with, the laws of the State of Texas. Venue of any suit to construe and/or enforce this Agreement shall be in the County(s) in which the lands described in this Agreement are located or in the federal court with jurisdiction over such county if the suit involved federal laws.
15. Permittee accepts the property "AS IS" and "WITH ALL FAULTS" and Permitter specifically disclaims any and all warranties, express or implied, including but not

limited to any warranty of fitness of the property for any purpose.

16. Permittee is prohibited from storing Household Hazardous Waste in or on Permitter's Land, as more fully defined in Tex. Health & Safety Code Chapter 361.

17. Permitter and Permittee each acknowledge that there are no representations, agreements, arrangements, or understandings, oral or written, concerning the subject matter of this Agreement that are not fully expressed herein.

18. This Agreement may be executed in multiple counterparts, each of which shall be considered an original and all of which, when taken together, shall constitute one and the same instrument. Signature pages from each counterpart may be combined to avoid duplication of pages.

EXECUTED on the dates set forth in the acknowledgments, but effective for all purposes as of the ____ day of _____, 2024.

PERMITTOR

By: _____

Printed: _____

Title: _____

PERMITTEE

By: _____

Printed:

Title:

(Acknowledgements on next page)

STATE OF TEXAS §
 §
COUNTY OF GONZALES §

Before me, a Notary Public in and for said County and State, on this day personally appeared, Timothy Crow, the City Manager for the City of Gonzales and acknowledged to me that he executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

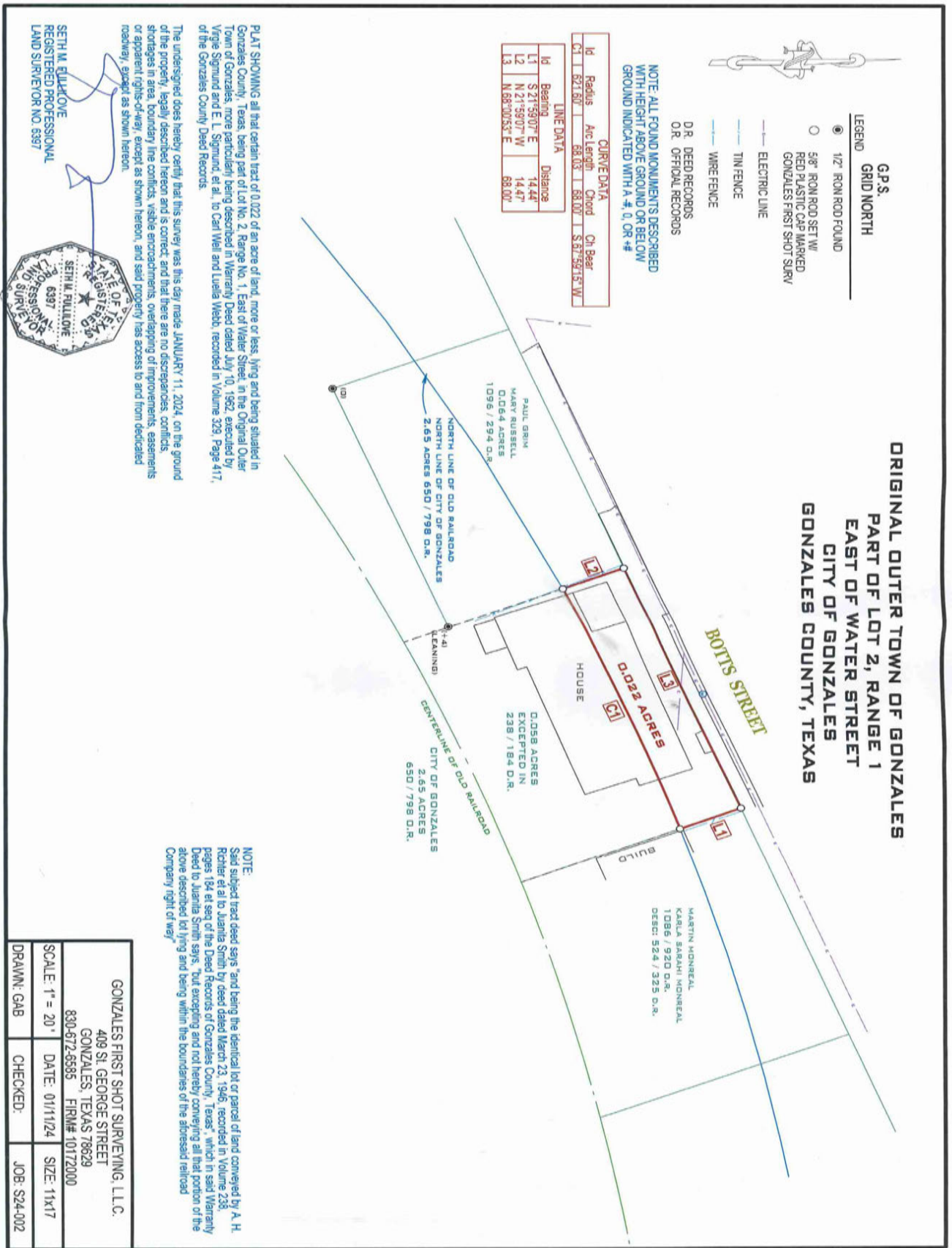
Before me, a Notary Public in and for said County and State, on this day personally appeared, _____, the _____ of _____, and acknowledged to me that _____ executed said instrument for the purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and seal of office this _____ day of _____, 2024.

Notary Public

My Commission Expires: _____

EXHIBIT "A"



**ORIGINAL OUTER TOWN OF GONZALES
PART OF LOT 2, RANGE 1
EAST OF WATER STREET
CITY OF GONZALES
GONZALES COUNTY, TEXAS**

**G.P.S.
GRID NORTH**

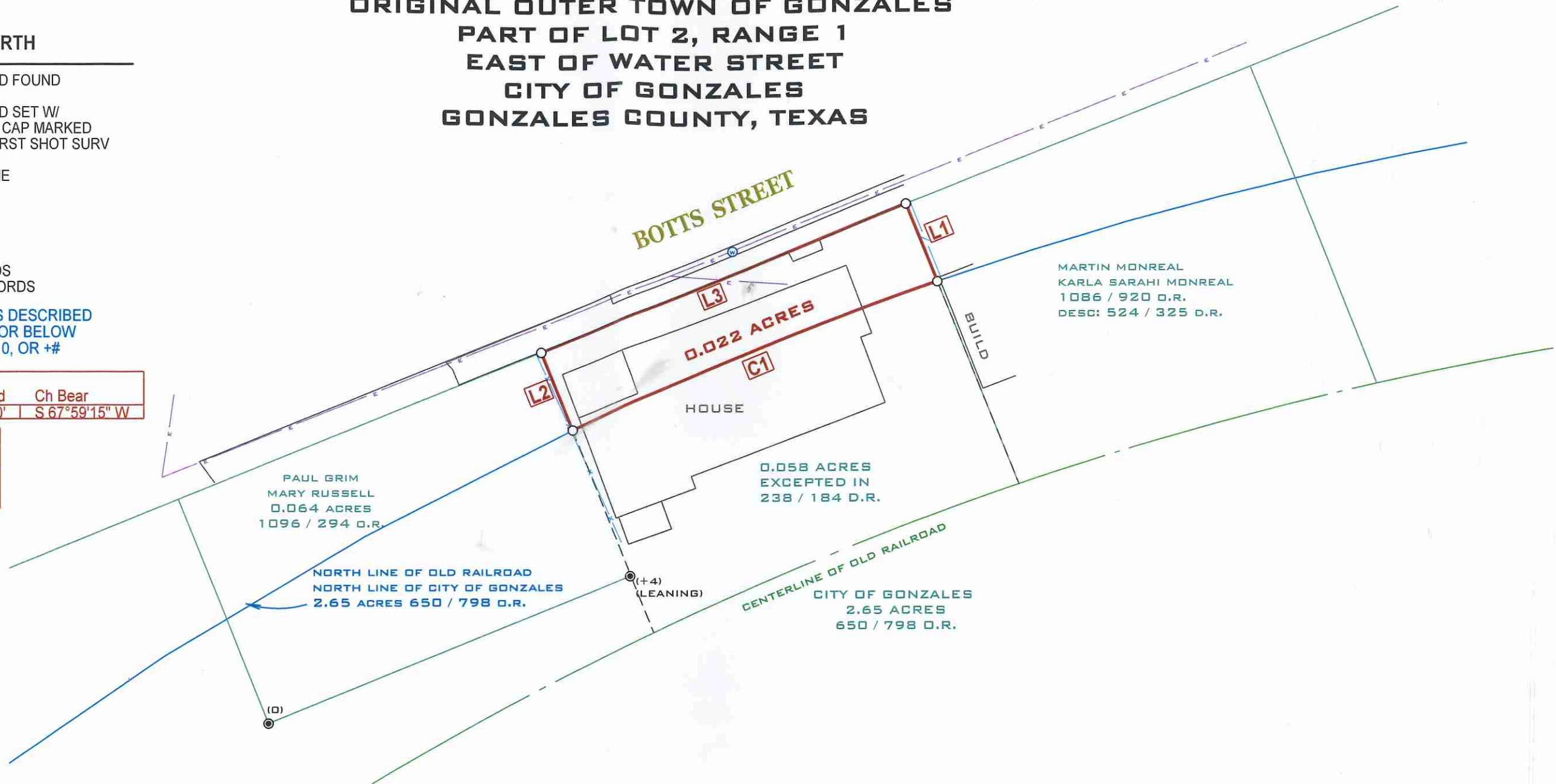
LEGEND

- 1/2" IRON ROD FOUND
- 5/8" IRON ROD SET W/
RED PLASTIC CAP MARKED
GONZALES FIRST SHOT SURV
- ELECTRIC LINE
- TIN FENCE
- WIRE FENCE
- D.R. DEED RECORDS
- O.R. OFFICIAL RECORDS

NOTE: ALL FOUND MONUMENTS DESCRIBED WITH HEIGHT ABOVE GROUND OR BELOW GROUND INDICATED WITH A -#, 0, OR +#

CURVE DATA				
Id	Radius	Arc Length	Chord	Ch Bear
C1	621.60'	68.03'	68.00'	S 67°59'15" W

LINE DATA		
Id	Bearing	Distance
L1	S 21°59'07" E	14.44'
L2	N 21°59'07" W	14.47'
L3	N 68°00'53" E	68.00'



MARTIN MONREAL
KARLA SARAHÍ MONREAL
1086 / 920 D.R.
DESC: 524 / 325 D.R.

PLAT SHOWING all that certain tract of 0.022 of an acre of land, more or less, lying and being situated in Gonzales County, Texas, being part of Lot No. 2, Range No. 1, East of Water Street, in the Original Outer Town of Gonzales, more particularly being described in Warranty Deed dated July 10, 1962, executed by Virgie Sigmund and E. L. Sigmund, et al., to Carl Well and Luella Webb, recorded in Volume 329, Page 417, of the Gonzales County Deed Records.

The undersigned does hereby certify that this survey was this day made JANUARY 11, 2024, on the ground of the property, legally described hereon and is correct; and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, visible encroachments, overlapping of improvements, easements or apparent rights-of-way, except as shown hereon, and said property has access to and from dedicated roadway, except as shown hereon.

SETH M. FULLILOVE
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6397



NOTE:
Said subject tract deed says "and being the identical lot or parcel of land conveyed by A. H. Richter et al to Juanita Smith by deed dated March 23, 1946, recorded in Volume 238, pages 184 et seq of the Deed Records of Gonzales County, Texas", which in said Warranty Deed to Juanita Smith says, "but excepting and not hereby conveying all that portion of the above described lot lying and being within the boundaries of the aforesaid railroad Company right of way"

GONZALES FIRST SHOT SURVEYING, L.L.C. 409 St. GEORGE STREET GONZALES, TEXAS 78629 830-672-6585 FIRM# 10172000		
SCALE: 1" = 20'	DATE: 01/11/24	SIZE: 11x17
DRAWN: GAB	CHECKED:	JOB: 624-002

COUNCIL AGENDA ITEM BRIEFING DATA



DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The CVB recently received an application for funding in the amount of \$150,000.00 from Wine Country Festival LLC. for funding provided by hotel occupancy taxes, to be used advertising, solicitations, promotions that attract tourist and convention delegates to the City of Gonzales; and/or promotions of the arts that directly enhance tourism and the Hotel & Convention Industry for the 2024 Cattle County Music Festival to be held from April 12, 2024 through April 14, 2024. The Gonzales CVB met on March 21, 2024 and considered the application and voted unanimously to recommend to the City Council the request for funding in the amount of \$40,000.00 (\$20,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$20,000.00 to be used for advertising, solicitations and promotions that attract tourists). Cattle Country anticipates approximately 10-15k visitors per day that will attend the event. All hotels will be sold out for the event.

POLICY CONSIDERATIONS:

As per City policy, if the dollar amount exceeds \$5,000.00 the recommendation for funding will be presented to City Council for their approval. Texas Tax Code Section 351.101 provides that revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry. Section 351.101 (a)(4) further states that the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and Section 351.101(a)(3) states advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity are allowable expenses. The Come and Take It Celebration event will result in an increase in both sales tax revenue and hotel occupancy tax revenue during the event.

FISCAL IMPACT:

The funding for the Come and Take It Committee if given approval by the CVB, will be funded from the following budgeted line item: 500-7-811.505 Promotion of Arts; and line item 500-7-

AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-40 Authorizing the funding to Wine Country Festival LLC. dba Cattle Country Fest in an amount not to exceed (\$20,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$20,000.00 to be used for advertising, solicitations and promotions that attract tourists) for the 2024 Cattle County Music Festival to be held from April 12-14, 2024

811.521 Special Events. If approved, the board will need to provide a recommendation to the City Council for consideration on each amount of funding. The disbursement of the funds will be made on a reimbursement basis after receipts and proper documentation are received from the Wine Country Festival LLC.

ATTACHMENTS:

N/A

STAFF RECOMMENDATION:

Staff respectfully recommends the City Council take the action they deem necessary.

RESOLUTION NO. 2024-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING THE FUNDING TO WINE COUNTRY FESTIVAL LLC. DBA CATTLE COUNTRY FEST IN AN AMOUNT NOT TO EXCEED (\$20,000.00 TO BE USED FOR PROMOTION OF THE ARTS THAT DIRECTLY ENHANCE TOURISM AND THE HOTEL & CONVENTION INDUSTRY AND \$20,000.00 TO BE USED FOR ADVERTISING, SOLICITATIONS AND PROMOTIONS THAT ATTRACT TOURISTS) FOR THE 2024 CATTLE COUNTY MUSIC FESTIVAL TO BE HELD FROM APRIL 12-14, 2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to state statutes and its home rule charter, the City has adopted a municipal hotel occupancy tax on occupants of hotels within the City; and

WHEREAS, the City is required to use such local hotel occupancy taxes for promoting tourism and the convention and hotel industry in the manner set forth in Chapter 351 of the Texas Tax Code; and

WHEREAS, the Gonzales Convention & Visitor Bureau, as authorized by the City Council may authorize expenditures in an amount not to exceed \$5,000.00 from the hotel occupancy tax (HOT Funds); and

WHEREAS, as per City policy, if the dollar amount exceeds \$5,000.00 the recommendation for funding will be presented to City Council for their approval; and

WHEREAS, the Wine Country Festival, LLC. submitted an application for funding in the amount of \$150,000.00; and

WHEREAS, Texas Tax Code Section 351.001 authorizes the use of Hotel Occupancy Tax for expenses that promote tourism and the convention and hotel industry including advertising and promotional programs that attract tourists to the municipality or its vicinity and the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music; and,

WHEREAS, the Gonzales Convention & Visitor Bureau met on March 21, 2024 and considered the application and voted unanimously to recommend to the City Council funding in the amount of \$40,000.00 (\$20,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$20,000.00 to be used for advertising, solicitations and promotions that attract tourists); and

WHEREAS, the Wine Country Festival LLC. must provide a post event form and itemized receipts for reimbursement of funds in amounts not to exceed \$20,000.00 for the purpose of advertising, solicitations, promotions that attract tourist and convention delegates to the City of Gonzales; and \$20,000.00 for the purpose of promotions of the arts that directly enhance tourism and the hotel & convention industry; and

WHEREAS, the City Council hereby finds hereby finds that expending the funds

contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens and serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales hereby authorizes the funding to Wine Country Festival LLC. dba Cattle Country Fest in an amount not to exceed (\$20,000.00 to be used for promotion of the arts that directly enhance tourism and the Hotel & Convention Industry and \$20,000.00 to be used for advertising, solicitations and promotions that attract tourists) for the 2024 Cattle County Music Festival to be held from April 12-14, 2024 for advertising and other costs to be expended in conformance with Texas Tax Code Section 351.001.

Section 2. The City Council reserves the right to request all necessary receipts, invoices and other records the City Manager deems necessary to confirm that Hotel Occupancy Tax expended pursuant to this Resolution were expended for expenses authorized by this Resolution.

Section 3. The Wine Country Festival LLC. shall refund the City of Gonzales any Hotel Occupancy Tax funds determined by the State Comptroller, the Secretary of State or other state agency to be an unauthorized expenditure under Texas Tax Code Section 351.001.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2024-41 Approving and updating the Gonzales Economic Development Administrative Assistant job description and position classification for Fiscal Year 2023-2024

DATE: April 11, 2024

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The periodic review and evaluation of position descriptions is prudent for efficient standard operating procedures. Updates and adjustments as appropriate can help the organization align to best serve the needs of the community. As economic development strategies change and community needs shift, along with increased opportunities for growth, updated information can help the organization operate more efficiently. As we approach year two of administrative assistant to the economic development director, a review of the position is warranted.

At its March 25, 2024, meeting the GEDC board of directors unanimously approved the updated draft employee position description.

POLICY CONSIDERATIONS:

This resolution will amend the position classification for Fiscal year 2023-2024.

FISCAL IMPACT:

This will not change any numbers budgetarily at this time. Updates and adjustments as appropriate can help the organization align to best serve the needs of the community.

ATTACHMENTS:

Position classification.

STAFF RECOMMENDATIONS:

City staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2024-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING AND UPDATING THE GONZALES ECONOMIC DEVELOPMENT ADMINISTRATIVE ASSISTANT JOB DESCRIPTION AND POSITION CLASSIFICATION FOR FISCAL YEAR 2023-2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the job descriptions for the City of Gonzales employees are set in place to accurately describe the major responsibilities, essential functions, and minimum requirements of each position; and

WHEREAS, it is the desire of staff to present the amended position classification to City Council for review and final approval; and

WHEREAS, the City Council and City Manager find there is a need to ensure that the job classifications are up to date with the most current departmental practices; and

WHEREAS, the City Council finds that approving the City of Gonzales job classifications as described herein will further promote the public health, safety, and general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas approves and updates the Gonzales Economic Development Administrative Assistant job description and position classification for Fiscal Year 2023-2024 t as set forth in the attached Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of April, 2024.

Mayor, S.H.Sucher

ATTEST:

Kristina Vega, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Ordinance #2024-11 Authorizing a Variance to Section 8.603 Sale of Alcoholic Beverages within 300 Feet of Certain Places for 510 St. Paul Street

DATE: April 11, 2024

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

The City of Gonzales Code of Ordinances Section 8.603 (b) states: the city council may allow variances to the regulation when it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community. On 3/27/2024 the Lynn Theater Group, LLC submitted a request for a variance to the regulations of Section 8.603, due to their property being within 300 feet of a church.

POLICY CONSIDERATIONS:

As per Section 8.603 (b) The city council may allow variances to the regulation when it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff respectfully recommends the City Council take the action they deem necessary.

ORDINANCE NO. 2024-11

AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, AUTHORIZING A VARIANCE TO SECTION 8.603 SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF CERTAIN PLACES FOR 510 ST. PAUL STREET; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as per Section 109.33 of the Texas Alcoholic Beverage Code (TABC) may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business within: (1) 300 feet of a church, public or private school, or public hospital; and

WHEREAS, on April 13, 1993 the City Council adopted Ordinance 93-6 regulating the sale of alcoholic beverages within 300 feet of certain places as authorized by section 109.33 of the Texas Alcoholic Beverage Code (TABC); and

WHEREAS, a request from the Lynn Theater, Group was received on March 27, 2024 to request a variance to the distance requirements for 510 St. Paul Street (the Lynn Theater); and

WHEREAS, the City Council finds that enforcement of the regulation in this particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, and is not effective or necessary; and

WHEREAS, the City Council has considered the health, safety and welfare of the public and the equities of the situation, and has determined the variance is in the best interest of the community and will not have an adverse effect on surrounding properties; and

WHEREAS, the City Council has determined that it is in the best interest of the City of Gonzales to authorize a variance to Section 8.603 Sale of Alcoholic Beverages within 300 feet of certain places for 510 St. Paul.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, THAT:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes a variance to Section 8.603 Sale of Alcoholic Beverages within 300 Feet of Certain Places for 510 St. Paul Street.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall become in force and effect from and after its final passage and it is so resolved.

PASSED, ADOPTED, AND APPROVED this 11th day of April, 2024.

Mayor, S. H. Sucher

ATTEST:

Kristina Vega, City Secretary

THE LYNN THEATER

03.27.2024

City Secretary,

The Lynn Theater Group, LLC ("Lynn Theater") is attempting to obtain a liquor license for our mix entertainment venue.

We have discovered we will need your assistance in obtaining one.

The Lynn Theater is humbly requesting a variance to the number of feet from a place serving alcohol to the front door of a place of worship. We are currently shy by 70 feet.

Thank you in advance for your assistance in this matter.

Best regards,
Luz Keiser
Lynn Theater, Group

[REDACTED]
[REDACTED]

