

CITY OF GONZALES, TEXAS
SPECIAL CITY COUNCIL MEETING
GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET
VIA TELEPHONE CONFERENCE
LIMITED IN PERSON ATTENDANCE AVAILABLE
AGENDA –SEPTEMBER 21, 2020 12:00 P.M.

NOTICE is hereby given that, pursuant to Section 551.045 of the Texas Government Code and the March 16, 2020 order by the Governor of the State of Texas, the City Council will hold a special called meeting on Thursday, September 21, 2020 at 12:00 p.m., via teleconference in accordance with Governor Abbott's order.

This meeting notice, agenda and agenda packet are posted online at www.gonzales.texas.gov.

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

On March 16, 2020, Governor Abbott suspended several provisions of the Texas Open Meetings Act for the duration of his statewide declaration of disaster, including the new requirement (added by H.B. 2840 last legislative session) that the public has a right to speak on agenda items. This DOES NOT apply to statutorily-mandated public hearings, such as zoning and similar hearings. The Governor has since clarified his intent and stated that citizens should be allowed to offer comments by other means.

In person attendance by the public will be limited to 14 which is 50% capacity of the room less Council Members and required staff and should be separated by at least six (6) feet from other groups attending the meeting together. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

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

The public toll-free dial in number to participate in the telephone conference is hosted through FreeConferenceCall.com.

Toll-free call in number: **1-844-854-2222**

When asked for an access code enter **348787#**

It is not necessary to announce yourself when you join the teleconference.

A recording of the telephone conference will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

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. Individuals not able to attend due to space limitations may email the City Secretary at least two (2) hours prior to the meeting.

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.

- 1.1 Discuss, Consider & Possible Action on **Resolution #2020-87** Authorizing First United Methodist Church's Use of the Historic Downtown Square for church services on October 4, 2020.
- 1.2 Discuss, Consider & Possible Action on **Resolution #2020-89** Authorizing Gonzales ISD Use of the Gonzales City Park/Lion's Park Including the Closure of Fair Street/Lion's Park Street on September 23, 2020 for a Cross Country Meet.
- 1.3 Discuss, Consider & Possible Action on **Resolution #2020-92** Authorizing Gonzales ISD Use of the Gonzales City Park/Lion's Park Including the Closure of Fair Street/Lion's Park Street on October 17, 2020 for a Cross Country Meet.
- 1.4 Discuss, Consider & Possible Action on **Resolution #2020-90** in Support of Improving and Updating the Airport Layout Plan for the Roger M. Dreyer Memorial Airport.
- 1.5 Discuss, Consider & Possible Action on **Resolution #2020-91** a Resolution Authorizing the City Manager to Solicit Requests for Proposals for the JB Wells Park Concession Stand.

ACTION ITEMS

- 2.1 Discuss, Consider & Possible Action on **Resolution #2020-93** Authorizing and Adopting the Financial Policy for the City of Gonzales
- 2.2 Discuss, Consider & Possible Action on **Resolution #2020-84** Authorizing and Adopting the Investment Policy for the City of Gonzales
- 2.3 Discuss, Consider and Possible Action on **Ordinance #2020-20** Authorizing Budget Amendments for the 2020-2021 Fiscal Year

CLOSED SESSION

- 3.1 (a) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter", to include the following matters:

- a. In Re Estate of J. B. Wells litigation
- b. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500
- c. A Guerra Enterprise LLC D/B/A Holiday Inn Express & Suites Cause No. 27,591

(b) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

1. Unopened City Street – Benny Boyd Gonzales RE, LLC

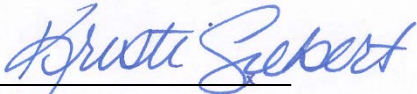
RETURN TO OPEN SESSION

- 4.1 Discuss and Consider any Action Resulting from Closed Session as Necessary
- 4.2 Discuss, Consider & Possible Action Approving **Ordinance #2020-21** Closing and Abandoning to the abutting property owner, Benny Boyd Gonzales RE, LLC Portions of an unopened city street generally located south of County Road 244 and Authorizing the City Manager to Execute the Real Property Contract.

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.

CERTIFIED as posted by 11:30 a.m. on September 18, 2020. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.



Kristi Gilbert, Administrative Services Director/City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2020-87 Authorizing First United Methodist Church's Use of the Historic Downtown Square for church services on October 4, 2020.

DATE: September 21, 2020

TYPE AGENDA ITEM:

Consideration

BACKGROUND:

The First United Methodist Church has requested the use of the historic downtown square for a church service for World Communion Sunday on October 4, 2020. Set up will begin the evening of October 3, 2020 and the event will end at 11:30 a.m. on Sunday morning. The church expects to have the square cleared by noon. It will not be necessary to close any streets for this event.

POLICY CONSIDERATIONS:

Staff is seeking direction from the City Council.

FISCAL IMPACT:

None anticipated at this time.

ATTACHMENTS:

N/A

STAFF RECOMMENDATION:

Staff is seeking direction from the City Council.

RESOLUTION NO. 2020-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING FIRST UNITED METHODIST CHURCH'S USE OF THE DOWNTOWN HISTORIC SQUARE INCLUDING THE PARKING LOT ON OCTOBER 4, 2020 AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the First United Methodist Church has applied for a Special Event Permit to allow the use of the downtown historic square on Sunday, October 4, 2020 with setup beginning the evening of Saturday, October 3, 2020; 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 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 2. The City Council of the City of Gonzales, Texas hereby authorizes the First United Methodist Church's use of the historic downtown square including the parking lot on October 4, 2020 as stated herein and set forth in the submitted Event form attached hereto as Exhibit A.

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 21st day of September 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, 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 **Worship on the Square**
HOST ORGANIZATION **First United Methodist Church**
CONTACT NAME **Rev. Dr. Matt Pennington**
CONTACT CELL PHONE **361-960-4865**
EVENT DATE **4-Oct-20**
EVENT START TIME **10:00am** EVENT END TIME **11:30am** **set up day before.**
EVENT LOCATION **Historic Downtown Square**
HOLIDAY CELEBRATED **Y__X__ N__** HOLIDAY: **World Communion Sunday**
CITY COUNCIL APPROVAL REQUIRED **Y__X__ N__** MEETING DATE: _____

POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE **400**
MUSIC **Y__X__ N__** LIVE **X__** DJ **__**
FOOD **Y__ N__X__**
ALCOHOL **Y__ N__X__** RESPONSIBLE PARTY _____
MOTORIZED VEHICLES **Y__ N__X__** PARADE **__** SHOW **__**
PUBLIC OR PRIVATE EVENT **Public**
SECURITY **Y__ N__X__** # OFFICERS NEEDED **__** Will have GCSO officer contracted.
(Call 672-8686 for costs)

ELECTRIC DEPARTMENT

ADDITIONAL LIGHTING **Y__X__ N__**
NUMBER OF OUTLETS NEEDED **8**
AMPS/WATTS NEEDED **1 30 AMP Circuit**
TENT **Y__ N__X__** SET UP DAY/TIME _____
TENT SIZE: _____ TAKE DOWN DAY/TIME _____

STREETS DEPARTMENT

STREETS AFFECTED **Y__ N__X__** _____
BARRICADES NEEDED (max 12) **Y__ N__X__** _____
CONES NEEDED (max 48) **Y__ N__X__** _____
STREETS TO BE CLOSED **Y__ N__X__** _____
SET UP TIME _____
TAKE DOWN TIME _____

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 _____ (max 25)
SET UP TIME _____
TAKE DOWN TIME _____

FOR INFORMATION CONTACT

(830) 672-2815- City Hall

(830) 672-2813- Fax

CITY SECRETARY'S OFFICE

citysecretary@gonzales.texas.gov

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.

Rev. Dr. Matt J. Pennington

AUTHORIZED SIGNATURE

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on **Resolution #2020-89** Authorizing Gonzales ISD Use of the Gonzales City Park/Lion's Park Including the Closure of Fair Street/Lion's Park Street on September 23, 2020 for a Cross Country Meet.

DATE: September 21, 2020

TYPE AGENDA ITEM:

Consideration

BACKGROUND:

The Gonzales ISD has requested the use of the Gonzales City Park/Lion's Park for cross country meets on Wednesday, September 23rd from 6:30 a.m. to 10:30 p.m. each day. This request includes the closure of Fair Street/Lion's Park Street throughout the event.

POLICY CONSIDERATIONS:

Staff is seeking direction from the City Council.

FISCAL IMPACT:

None anticipated at this time.

ATTACHMENTS:

N/A

STAFF RECOMMENDATION:

Staff is seeking direction from the City Council.

RESOLUTION NO. 2020-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING GONZALES INDEPENDENT SCHOOL DISTRICT THE USE OF THE GONZALES CITY PARK/LION'S PARK ON SEPTEMBER 23, 2020 INCLUDING THE CLOSURE OF FAIR STREET/LION'S PARK STREET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Gonzales ISD has applied for a Special Event Permit to allow the use of the Gonzales City Park/Lion's Park on Wednesday, September 23, 2020 from 6:30 a.m. to 10:30 p.m. for a cross country meet; and,

WHEREAS, the request includes the closure of Fair Street/Lion's Park Street; 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 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 2. The City Council of the City of Gonzales, Texas hereby authorizes Gonzales ISD use of the Gonzales City Park/Lion's Park and close Fair Street/Lion's Park Street on September 23, 2020 as stated herein and set forth in the submitted event form attached hereto as Exhibit A.

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 21st day of September 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, 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 Middle School Cross Country Meet
HOST ORGANIZATION Gonzales High School Cross Country/Gonzales ISD
CONTACT NAME Dana Beal Sestak
CONTACT CELL PHONE 361-772-8831
EVENT DATE September 23rd
EVENT START TIME 6:30AM **EVENT END TIME** 10:30 AM
EVENT LOCATION Gonzales City Park/Lion's Park/City of Gonzales Disk Golf Course
HOLIDAY CELEBRATED Y N **HOLIDAY:** _____
CITY COUNCIL APPROVAL REQUIRED Y N **MEETING DATE:** _____

POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE 100
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
TENT SIZE: _____ **SET UP DAY/TIME** _____
TAKE DOWN DAY/TIME _____

STREETS DEPARTMENT

STREETS AFFECTED Y N
BARRICADES NEEDED (max 12) Y N 8
CONES NEEDED (max 48) Y N
STREETS TO BE CLOSED Y N Fair Street/Lion's Park St.
SET UP TIME 6:30 AM
TAKE DOWN TIME 10:30 PM

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 _____ (max 25)
SET UP TIME _____
TAKE DOWN TIME _____

FOR INFORMATION CONTACT

(830) 672-2815- City Hall

(830) 672-2813- Fax

CITY SECRETARY'S OFFICE

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:

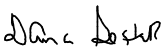
<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person
• Premises/Operations	\$500,000 per occurrence for bodily injury; and
• Contractual Liability	\$100,000 per occurrence for property damage
(Insuring above indemnity)	

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 #2020-92** Authorizing Gonzales ISD Use of the Gonzales City Park/Lion's Park Including the Closure of Fair Street/Lion's Park Street on October 17, 2020 for a Cross Country Meet.

DATE: September 21, 2020

TYPE AGENDA ITEM:

Consideration

BACKGROUND:

The Gonzales ISD has requested the use of the Gonzales City Park/Lion's Park for cross country meets on Saturday, October 17th from 6:30 a.m. to 10:30 p.m. each day. This request includes the closure of Fair Street/Lion's Park Street throughout the event.

POLICY CONSIDERATIONS:

Staff is seeking direction from the City Council.

FISCAL IMPACT:

None anticipated at this time.

ATTACHMENTS:

N/A

STAFF RECOMMENDATION:

Staff is seeking direction from the City Council.

RESOLUTION NO. 2020-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING GONZALES INDEPENDENT SCHOOL DISTRICT THE USE OF THE GONZALES CITY PARK/LION'S PARK ON OCTOBER 17, 2020 INCLUDING THE CLOSURE OF FAIR STREET/LION'S PARK STREET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Gonzales ISD has applied for a Special Event Permit to allow the use of the Gonzales City Park/Lion's Park on Saturday, October 17, 2020 from 6:30 a.m. to 10:30 p.m. for a cross country meet; and,

WHEREAS, the request includes the closure of Fair Street/Lion's Park Street; 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 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 2. The City Council of the City of Gonzales, Texas hereby authorizes Gonzales ISD use of the Gonzales City Park/Lion's Park and close Fair Street/Lion's Park Street on October 17, 2020 as stated herein and set forth in the submitted event form attached hereto as Exhibit A.

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 21st day of September 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, 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 High School Cross Country Meet
HOST ORGANIZATION Gonzales High School Cross Country Gonzales ISD
CONTACT NAME Dana Beal Sestak
CONTACT CELL PHONE 361-772-8831
EVENT DATE October 17, 2020
EVENT START TIME 6:30AM **EVENT END TIME** 10:30 AM
EVENT LOCATION Gonzales City Park/Lion's Park /City of Gonzales Disk Golf Course
HOLIDAY CELEBRATED Y N **HOLIDAY:** _____
CITY COUNCIL APPROVAL REQUIRED Y N **MEETING DATE:** _____

POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE 100
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
TENT SIZE: _____ **SET UP DAY/TIME** _____
TAKE DOWN DAY/TIME _____

STREETS DEPARTMENT

STREETS AFFECTED Y N
BARRICADES NEEDED (max 12) Y N 8
CONES NEEDED (max 48) Y N
STREETS TO BE CLOSED Y N Fair Street/Lion's Park St.
SET UP TIME 6:30 AM
TAKE DOWN TIME 10:30 PM

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 _____ (max 25)
SET UP TIME _____
TAKE DOWN TIME _____

FOR INFORMATION CONTACT

(830) 672-2815- City Hall
 (830) 672-2813- Fax

CITY SECRETARY'S OFFICE

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:

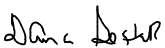
<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person
• Premises/Operations	\$500,000 per occurrence for bodily injury; and
• Contractual Liability	\$100,000 per occurrence for property damage
(Insuring above indemnity)	

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 #2020-90 in Support of Improving and Updating the Airport Layout Plan for the Roger M. Dreyer Memorial Airport.

DATE: September 21, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The Texas Department of Transportation requires the documentation of the governing body's support and accept of projects in which they are seeking grant money. Attached is a resolution providing information necessary to submit a grant application.

FISCAL IMPACT:

The matching funds will be included in a Fiscal Year 2020-2021 budget amendment.

POLICY CONSIDERATIONS

This is consistent with what has been done in the past.

STAFF RECOMMENDATION:

Staff respectfully recommends approval of this resolution.

RESOLUTION NO. 2020-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS EXPRESSING SUPPORT FOR THE SUBMISSION OF A GRANT APPLICATION FOR AN AIRPORT LAYOUT PLAN FOR THE ROGER M. DREYER MEMORIAL AIRPORT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gonzales intends to make certain improvements to the Roger M. Memorial Airport; and,

WHEREAS, the general description of the project is described as improving and updating the current Airport Layout Plan; and,

WHEREAS, the City of Gonzales intends to request financial assistance from the Texas Department of Transportation for these improvements; and,

WHEREAS, the total project cost is estimated to be \$150,000, and the City of Gonzales will be responsible for 10% of the total project costs currently estimated to be \$15,000; and,

WHEREAS, the City of Gonzales names the Texas Department of Transportation as its agent for the purposes of applying for, receiving, and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

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

Section 1. 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 2. The City Council of the City of Gonzales hereby authorizes the City Manager, Tim Patek, to execute on behalf of the City of Gonzales, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts, agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Roger M. Dreyer Memorial Airport.

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 21st day of September 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2020-91 a Resolution Authorizing the City Manager to Solicit Requests for Proposals for the JB Wells Park Concession Stand.

DATE: September 21, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The agreement for the concession stand at JB Wells Park will expire on November 1, 2020 and the current concessionaire, The Guardian Grill, LLC, has provided the City with notice that they will not renew the contract, but will continue to operate until December 31, 2020 if it is the city's pleasure. The attached resolution authorizes the City Manager to solicit requests for proposals for a new concessionaire for JB Wells Park.

POLICY CONSIDERATIONS:

This process is consistent with previous action.

FISCAL IMPACT:

This item will increase revenues in the JB Wells Park fund.

ATTACHMENTS:

Draft Request for Proposal

STAFF RECOMMENDATION:

Staff respectfully recommends council take the action they deem necessary.

RESOLUTION NO. 2020-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO SOLICIT REQUESTS FOR PROPOSALS FOR THE J.B. WELLS PARK CONCESSION STAND; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current J.B. Wells Arena Concession Stand Agreement expires November 1, 2020 and the Lessee has provided the City with notice they will not renew their agreement; and,

WHEREAS, it is necessary to solicit a Request for Proposals (RFP) for Concessionaires for the J.B. Wells Park Concession Stand; and,

WHEREAS, the City Council finds that authorizing the City Manager to solicit the RFPs is in the best interest of the City and its citizens and 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 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 1. The City Council of the City of Gonzales hereby authorizes the City Manager solicit a Request for Proposals (RFP) for Concessionaires for the J.B. Wells Park Concession Stand.

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 21st day of September, 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

INVITATION FOR PROPOSALS

The City of Gonzales is accepting sealed proposals for Concession Services for J.B. Wells Arena and Park, until _____ p.m., _____, October __, 2020. At ____ p.m. the name of all vendors submitting a Proposal will be read publicly but no contents of the Proposal will be disclosed. The Proposal Package is available on the City of Gonzales website www.gonzales.texas.gov or by request made to the City of Gonzales City Secretary.

Sealed proposals, subject to the Terms and Conditions of this Request For Proposals and other contract provisions, will be received in the City Secretary's Office, 820 St. Joseph Street, Gonzales, Texas 78629, before the closing date and time.

Proposals shall be submitted in a sealed envelope or package (8 1/2" x 11" minimum). Sealed envelopes shall be clearly marked as follows:

REQUEST FOR PROPOSALS

ATTN: City Secretary

Concession Services for J.B. Wells Arena and Park

City of Gonzales

The City of Gonzales reserves the right to reject any and all Proposals, and to waive informalities. The City Council's decision will be final.

Tim Patek
City Manager
P.O. Box 547
820 St. Joseph Street
Gonzales, Texas 78629
Tel: (830) 672-2815
Fax:(830) 672-2813

PART I- GENERAL INFORMATION

1. DEFINITIONS

For the purposes of this Request for Proposals ("RFP"), proposer shall mean contractors, consultants, respondents, organizations, firms, or other persons submitting a response to this Request for Proposals.

Vendor: an entity, organization, individual or other persons providing quality food, beverages including but not limited to beer, wine and alcohol and services for concession events or concession and catering events.

2. INVITATION TO PROPOSE; PURPOSE

The City of Gonzales (the "City") is soliciting proposals from responsible proposers to provide **“Concession Services for the J. B. Wells Arena and Park”**.

3. ISSUING OFFICE

Tim Patek
City Manager
P.O. Box 547
820 St. Joseph Street
Gonzales, Texas 78629
Tel: (830) 672-2815
Fax: (830) 672-2813

4. CONTRACT AWARDS

The City of Gonzales anticipates entering into a contract to be most advantageous to the City. The proposer understands that this RFP does not constitute an agreement or a contract with the proposer. An official contract or agreement is not binding until proposals are reviewed and accepted by City Council and a written agreement or contract is approved by both the Council and the successful proposer(s).

5. DEVELOPMENT COSTS

Neither the City nor its representatives shall be liable for any expenses incurred in connection with preparation of a response to this RFP. Proposers should prepare their proposals simply and economically, providing a straightforward and concise description of the proposer's ability to meet the requirements of the RFP

6. INQUIRIES/INTERPRETATIONS

The City will not respond to oral inquiries. Proposers may mail, email or fax written inquiries for interpretation of this bid to:

City of Gonzales
City Manager
P.O. Box 547
Gonzales, TX 78629
(830) 672-2813 (Fax)
citymanager@cityofgonzales.org

The City will respond to written inquiries if received at least **7** working days prior to the due date scheduled for returning the proposals.

The City will record its responses to inquiries and any supplemental instructions in the form of a written addendum. If addenda are issued, the City will make every attempt to issue such addenda at least 5 working days before the date fixed for receiving the proposals. This will be adhered to even if the opening date must be postponed in order to observe the time requirements. Written addenda will be sent to all appropriate plan holders. No interpretation shall be considered binding unless provided in writing by the City of Gonzales.

7. SITE VISITATIONS

Contact Anne Dollery at (830)263-0335 at the JB Wells Arena, 2301 CR 197, Gonzales, TX 78629 to set up an appointment to view the facility prior to submitting a proposal.

8. IRREGULARITIES; REJECTION OF PROPOSALS

Proposals not meeting stated minimum terms and qualifications may be rejected by the City as nonresponsive or irregular. However, the City reserves the right to waive any irregularities, technicalities or informalities in any proposal. The City reserves the right to allow for the clarification of questionable entries and for the correction of typographical and mathematical errors, reject the proposal of any proposer who has failed to perform faithfully on any previous contract with the City or with other governmental jurisdictions. The City reserves the right to reject any and all proposals without cause.

9. ADDENDA

If revisions become necessary, the City will provide written addenda at least five working days prior to the opening date to all proposers who receive the RFP. This will be adhered to even if the opening date must be postponed in order to observe the time requirements. Any changes to the RFP will be made available for all prospective proposers to receive. Although we will attempt to notify you of the addendum, it is the sole responsibility of the proposer to ensure it is received.

10. INSURANCE

The proposer, if awarded a contract, shall maintain insurance coverage reflecting the minimum amounts and conditions required by the City. A certificate of insurance naming the City of Gonzales as an additional insured, and verifying that the insurance requirements as listed within this solicitation must be submitted to the City of Gonzales within ten (10) business days of award of contract. (Attachment A)

11. INDEMNIFY / HOLD HARMLESS CLAUSE

THE CONTRACTOR SHALL INDEMNIFY AND SAVE HARMLESS, TO THE FULLEST EXTENT ALLOWED BY LAW, THE CITY OF GONZALES, TEXAS FROM AND AGAINST ALL LOSSES, CLAIMS, DAMAGES AND EXPENSES, INCLUDING ATTORNEY'S FEES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE CONTRACT THAT RESULTS IN BODILY INJURY, SICKNESS, DISEASE, DEATH OR INJURY TO OR DESTRUCTION OF TANGIBLE PROPERTY, INCLUDING THE LOSS OF USE RESULTING THEREFROM AND IS CAUSED IN WHOLE OR IN PART BY THE CONTRACTOR, ANY SUBCONTRACTOR, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE FOR WHOSE ACTS ANY OF THEM MAY BE LIABLE.

PART 11 – NATURE AND SCOPE

1. NATURE OF SERVICES

The City of Gonzales hereby solicits sealed written proposals for Professional Concession Services to manage and operate the concession services at the J. B. Wells Arena and Park in accordance with the terms and conditions, specifications and service concepts outlined in this Request for Proposal (RFP).

The primary objective of this Request for Proposal is to secure a qualified contractor that provides quality concession services that will appeal to the patrons attending the J. B. Wells Arena and Park events.

Proposers shall not submit proposals for concessions only; proposal must be to provide services for all areas.

2. SCOPE OF SERVICES

The successful proposer will provide the following:

- 2.1 Provide all food and beverage, including beer, wine and alcohol at the most favorable rates
- 2.2. Responsible for all permits, licensing, and insurance
- 2.3. Provide sufficient staff for events, including a designated event representative assigned to manage each event
- 2.4. All equipment with which to serve, transport and keep food at proper health code levels (e.g. small wares, coolers, steam tables, etc)
- 2.5. Provide professional vending area including equipment, serving area, food, etc.

3. SCOPE OF ITEMS PROVIDED BY THE CITY

To ensure that the specified services meet the requirements of the City of Gonzales, the City will provide/ perform / furnish to the Vendor the following:

- 3.1. Water, heat, and electric energy reasonably necessary for the operation of concession stands and cooking facilities, Vendor will utilize prudent energy management to the satisfaction of the City of Gonzales.

3.2. A commercial kitchen with the following equipment:

- 1 Griddle
- 2 Fryers
- 1 Equipment Stand
- 1 Work Table, 72” long
- 1 Hot Food Serving Counter
- 1 Cooler
- 1 Freezer
- Cash Register

3.3. A lock for the concession stand. In no event will the City of Gonzales be liable for any loss of merchandise or equipment.

3.4. Disposal of all refuse when placed in the designated receptacles at no charge to Vendor.

3.5. All plumbing and electrical connections needed by Vendor to run efficiently and meet Health Department requirements.

4. MANDATORY REQUIREMENTS OF THE AWARDED VENDOR

4.1. The Vendor shall prominently post a product sign board of all articles for sale and the price of each article in and around each concession stand. The size, prominence, and location of such boards shall be with the approval of the General Manager.

4.2. The Vendor understands that the City of Gonzales reserves the right to sell advertising and sponsorship packages. The J. B. Wells Arena and Park maintains the final right of approval of Vendor supplies; however, all approved suppliers must provide competitive products, quality, service, and prices. The Vendor retains no advertising rights or approvals within the Contract Agreement.

4.3. The Vendor agrees to operate the food service facilities and perform all work in connection therewith in a professional and resourceful manner, complying with all public health regulations to the satisfaction of all authorized Health Department Officers of the City of Gonzales.

4.4. The Vendor agrees not to assign, transfer, convey, sublet or otherwise dispose of this contract or any rights hereunder, or of its rights, title or interest in, or its power to execute such agreement to any other person, firm, corporation, sub lessee or sub Vendor. Any attempt without the prior written consent of City of Gonzales shall be void and shall, at the option of City of Gonzales, be deemed sufficient grounds for the cancellation of this contract. Nothing herein shall prevent Vendor from negotiating with local franchises to serve name brand food(s) such as, but not limited to, “Pizza Hut” pizza or others at

concession areas at a different percentage rate than other food items as agreed upon between Vendor and City of Gonzales.

4.5. The Vendor shall sell only foods that comply with all applicable federal, state and local laws, acts, orders, or regulations including, without limitation on the generality of the foregoing, the applicable sections of the following laws, acts and regulations:

- 4.5.1. The Food and Drug Act
- 4.5.2. Applicable Meat Inspection Regulations
- 4.5.3. The Humane Slaughter of Animals Act and Humane Slaughter Regulations
- 4.5.4. The Official Methods of Analysis and Association of Official Analytical Chemist
- 4.5.5. The Federal Department of Agriculture-Products Regulations
- 4.5.6. The Fish Inspection Act and Regulations
- 4.5.7. Meat and Canned Foods Act
- 4.5.8. Fresh and Processed Fruit and Vegetable Regulations
- 4.5.9. The U.S. Grain Act and Grain Regulations

5. The Vendor shall sell those products, commodities and articles normally found in operations of this type. City Of Gonzales may require the Vendor to sell items, which, in City of Gonzales' discretion, are necessary for the operation of the food service facilities and may limit or require discontinuance of the sale of any products, commodities or articles, which City of Gonzales deems to be not in the best interest of the operation of the food services.

6. The Vendor understands that it or its agent will provide and maintain uniforms for all employees. Selection, type, color, style and dress code of uniforms, including specialty uniforms designated to fit the exact nature of the Arena and Park, shall be at the discretion and approval of J. B. Wells Arena and Park. The Vendor must provide a choice of uniform styles and availability at J. B. Wells Arena and Park request. The J. B. Wells Arena and Park will provide the graphic standards to be followed in this design. J. B. Wells Arena and Park will consider the Vendor to be the sole contact and responsible for the services it or its agents provide. Additionally, the condition of the hygiene and appearance of employees is the Vendor's sole responsibility notwithstanding the fact J. B. Wells Arena and Park's Designee or his/her designee shall have the right to comment on and where necessary, cause Vendor to insure that all employees meet minimum hygiene and appearance standards.

7. The Vendor understands that it will employ enough employees to guarantee sufficient sales and service to anticipated attendees.

8. The Vendor understands and agrees that all food, drink, and other merchandise sold, including the containers used, will be of brand, quality, quantity and price agreed to between J. B. Wells Arena and Park and Vendor. Prices of merchandise sold shall be

subject to yearly review and any increase shall be subject to approval by the J. B. Wells Arena and Park.

9. The Vendor agrees to keep neat, clean and in good sanitary conditions all premises, equipment and the surrounding areas used by Vendor during the term of this contract and to abide by all regulations of the City of Gonzales Health Department. All refuse and water material created by Vendor shall be promptly disposed of by Vendor daily by placing it in the appropriate City of Gonzales owned receptacles. Such refuse and waste material is not to be construed to mean containers, wrappers, napkins, and the like accepted by the public in the purchase of food. Waste food shall be kept in closed containers or closed plastic bags until it is placed in the receptacles.

10. The Vendor shall leave the City's equipment clean and sanitary at the end of each use of the facilities.

11. The Vendor will be financially responsible to maintain and repair the City equipment to the standards of the City of Gonzales.

12. The Vendor shall furnish all necessary qualified supervision for the performance of the food and beverage service and agree to assign to these operations, a highly competent, event representative assigned to manage each event.

13. The Vendor shall handle the setup and take-down of all tables and chairs for catered events, using City of Gonzales supplied tables and chairs

14. The Vendor shall select, employ, train, furnish, and deploy employees who are proficient, productive and courteous to patrons and shall discipline, and if necessary, discharge any and all personnel working in this operation. The Vendor shall also provide adequately trained relief personnel in the event of absences by primary staff.

15. The Vendor must conduct regularly scheduled training classes for all employees and management throughout the term of the Agreement. At a minimum, such training will consist of Customer Service, Alcohol Awareness, Positional Skills Training including, but not limited to, bartending and service techniques, in-stand hawking requirements, and food/wine service techniques. The Vendor understands that if, at any time, City of Gonzales finds that the Vendor's event representative assigned to manage each event or his/her alternate is unsatisfactory, and such causes and reasons are fully reported in writing by City of Gonzales to the Vendor, the Vendor shall, within thirty (30) days, unless specifically extended in writing by City of Gonzales, replace him/her with one who is satisfactory to City of Gonzales. At any time if the Vendor's manager desires to leave the Arena or Park, Vendor's current Designee will provide to the replacement Designee such detailed training as necessary and required before changing his/her position. The Vendor understands that City of Gonzales requires that all Vendors' employees engaged in the preparing, handling, serving and storing of food, meet State and Local Health Department requirements.

16. It is understood that the Vendor must provide printed menus and appropriate sales tools approved by the City Of Gonzales.

17. The Arena kitchen and concession stand are for the exclusive use of the Arena and Park Outside catering from these facilities is prohibited unless approved in writing by the City Manager prior to such outside event.

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17. CONTRACT PERIOD AND PAYMENT TERMS

17.1. This contract will commence upon the award by City Council of the City of Gonzales and will expire three (3) years from that date.

17.2. Should the Vendor be determined by the City to be in breach of the agreement, the City of Gonzales shall be required to notify the Vendor in writing, either by Certified Mail or by hand delivery, outlining the potential breaches and shall afford the Vendor 10 (ten) days to correct the breach.

17.3. Failure to provide any food and beverage service as required under the terms of this contract agreement will be considered a breach of contract and the Vendor will be considered in default of the contract agreement.

17.4. Financial Objectives of the J. B. Wells Arena and Park, Commission Guidelines and Incentives.

17.4.1. Vendor will pay the City of Gonzales the specified monthly rental amount as proposed in the Vendor's response to this request for proposal.

17.4.2. All payments due to the City of Gonzales should be presented to the City of Gonzales Finance Department P.O. Box 547 Gonzales TX 78629. Payments will be due on the first of each month in advance.

17.4.3. SALES TAX: The Vendor shall be liable for the prevailing State of Texas Sales and Use Tax and any applicable TABC taxes on the amounts payable to the City

18. TERMINATION-NOTICE

Either party may cancel the contract at any time after award. The City shall be required to give the vendor notice 30 days prior to the date of cancellation of the contract. The vendor shall be required to give the City written notice 60 days prior to the date of cancellation of the contract. The CITY OF GONZALES may terminate the contract without cause upon 30 days written notice.

PART III – CONDITIONS FOR SUBMISSIONS OF PROPOSAL

1. NAME OF PERSON OR ENTITY

The proposal must name all persons or entities interested in the proposal as principals. The proposal must declare that it is made without collusion with any other person or entity submitting a proposal pursuant to this RFP.

2. PROPOSAL FORMAT

Proposers shall prepare their proposals using the following format:

- 2.1. Letter of Transmittal: This letter will summarize in a brief and concise manner, the proposer's qualifications. An official authorized to negotiate for the proposer must sign the Letter of Transmittal. The letters should not exceed one page in length.
- 2.2. Organization Profile and Qualifications: This section of the proposal must describe the proposer, including the firm size, range of activities, etc. Each proposer must be authorized to do business in the State of Texas and, if a corporation must be incorporated under the laws of one of the States of the United States, proof of same must be provided. The proposer must emphasize its expertise in, and experience with similar programs. The proposal must identify the primary individuals responsible for supervising the work. The proposer shall provide the City with the resumes of the primary individuals. The proposals must also include recent and pertinent references, including bank references, contact name, telephone number and address.
- 2.3. Scope of Work: This section of the proposal should explain the Scope of Work as understood by the proposer and detail the approach, activities, and work products to be provided.
- 2.4. Additional Data: Any additional information which the proposer considers pertinent for consideration should be included in a separate section of the proposal. Proposers **must submit with proposal** a copy of their Food Handler and Liquor License. Failure to include these items may result in disqualification of the proposal. Liquor liability insurance, general liability and workers compensation insurance must be provided at time of contract award.
- 2.5. Compensation: The proposal shall include the monthly rental that will be paid to the City.
- 2.6. Questionnaire: Completed, signed and return with proposal, along with at least five (5) references.
- 2.7. All numeric values must be shown in numeric and written form.

PART IV - EVALUATION OF PROPOSALS

1. EVALUATION METHOD AND CRITERIA

General: The City shall be the sole judge of its own best interests, the proposal, and the resulting negotiated agreement. The City reserves the right to investigate the financial capability, reputation, integrity, skill, business experience and quality of performance under similar operations of each proposer, including stockholders and principals before making an award. Awards, if any, will be based on both an objective and subjective comparison of Proposals and Proposers. The City's decisions will be final. Selection of Professional Catering Service will be based on the following: History of firm (Provide a complete history of the firm) 10 points; Proposed team (Provide a detailed data sheet on each team member, including experience and qualifications) 15 Points; Relevant Experience (Provide information on previous experience with similar events) 20 points; Capacity to perform (Provide a listing of other commitments/contracts) 15 Points; References (Provide at least five references) 15; Points Proposed Rental Rate 25 Points.

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PART V - PROPOSER INFORMATION FORM

Submitted by: _____
Proposer (Entity): _____
Signature: _____
Name (Typed): _____
Address: _____

City/State: _____
Telephone: _____
Fax: _____

It is understood and agreed by proposer that the City reserves the right to reject any and all proposals, to make awards on all items or any items according to the best interest of the City, and to waive any irregularities in the RFP or in the proposals received as a result of the RFP. It is also understood and agreed by the proposer that by submitting a proposal, proposer shall be deemed to understand and agree that no property interest or legal right of any kind shall be created at any point during the aforesaid evaluation/selection process until and unless a contract has been agreed to and signed by both parties.

(Authorized Signature)
(Printed Name) (Date)

Proposer must sign below to acknowledge receipt of addendum (if necessary).

Amendment No. 1: _____
Amendment No. 2: _____
Amendment No. 3: _____

VI. - QUESTIONNAIRE

PROPOSER'S QUESTIONNAIRE

Proposer's Name: _____

Principal Office Address: _____

Official Representative: _____

(Circle One) Individual Partnership Corporation

If a Corporation, answer this:

When Incorporated: _____

In what State: _____

If Foreign Corporation:

Date of Registration with Texas Secretary of State: _____

Name of Resident Agent: _____

Address of Resident Agent: _____

President's Name: _____

Vice-President's Name: _____

Treasurer's Name: _____

Members of Board of Directors: _____

If a Partnership:

Date of organization: _____

General or Limited Partnership: _____

Name and Address of Each Partner:

NAME ADDRESS

* Designate general partners in a Limited Partnership

1. Number of years of relevant experience in operating similar business: _____
2. Have any similar agreements held by proposer for a project similar to the proposed project ever been canceled? Yes () No ()
If yes, give details on a separate sheet.
3. Has the proposer or any principals of the applicant organization failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, failed to complete a contract during the past five (5) years, or been declared to be in default in any contract in the last 5 years?
If yes, please explain:
4. Has the proposer or any of its principals ever been declared bankrupt or reorganized under Chapter 11 or put into receivership? Yes () No ()
If yes, give date, court jurisdiction, action taken, and any other explanation deemed necessary.
5. Person or persons interested in this Qualification Form ____ (have) ____ (have not) been convicted by a Federal, State, City, or Municipal Court of any violation of law, other than traffic violations.

6. Explain any convictions: Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest:
 - A. List all pending lawsuits:
 - B. List all judgments from lawsuits in the last five (5) years:

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Attachment A

A STANDARD INSURANCE CLAUSE

The Contractor shall indemnify and save harmless, to the fullest extent allowed by law, the City of Gonzales, Texas from and against all losses, claims, damages and expenses, including attorney's fees arising out of or resulting from the performance of the contract that results in bodily injury, sickness, disease, death or injury to or destruction of tangible property, including the loss of use resulting therefrom and is caused in whole or in part by the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Contractor shall not commence work under this contract until he has obtained all insurance required under this Section and such insurance has been approved by the City of Gonzales, nor shall the Contractor allow any subcontractor to commence work on his subcontract until all similar insurance required of the subcontractor has been so obtained and approved.

A. Worker's Compensation Insurance and Employer's Liability Insurance:

The Contractor shall take out and maintain during the life of this contract the applicable statutory Worker's Compensation Insurance, and in the case of any work sublet, the Contractor shall require the subcontractor similarly to provide statutory Worker's Compensation Insurance for the latter's employees. Coverage shall be provided by an insurance company authorized to write such insurance in all states where the Contractor will have employees located in the performance of this contract, and the Contractor shall require each of his subcontractors similarly to maintain Employer's Liability Insurance similarly to the Contractor.

Worker's Compensation -Required Limits:

Coverage A -Coverage will include statutory requirements

Coverage B -Employers Liability

\$ 100,000 Each Person

\$ 100,000 Each Person by Disease

\$ 500,000 Policy Limit –Disease

B. General Liability Insurance:

1. The Contractor shall maintain during the life of this contract, Commercial General Liability Insurance, naming and protecting him and the City of Pasadena against claims for damages resulting from (a) bodily injury, including wrongful death, and (b) property damage which may arise from operations under this contract whether such operations be by himself or by any subcontractor or anyone directly or indirectly employed by either of them. The insurance requirements are: Comprehensive General Liability (form CGOO01 or equivalent) with limits of:

\$ 1,000,000 Each Occurrence

\$ 1,000,000 Personal Injury

\$ 2,000,000 Products/Completed Operations \$2,000,000 General Aggregate

And:

1. Coverage shall include Contractual Liability coverage insuring the contractual exposure as addressed in this contract.
2. There shall be no exclusion or limitation for the Explosion (X), Collapse (C) and Underground (U) hazards.
3. Coverage shall also include Products/Completed Operations
- 4. The City of Gonzales shall be named as Additional insured (CG2010 or equivalent).**
5. The Comprehensive General Liability coverage shall be endorsed with the Designated Construction Project(s) General Aggregate Limit endorsement (CG2503 or equivalent).

C. Liquor Liability Insurance:

The policies of insurance shall save the City harmless and provide for the defense of the City and protect the City and the J. B. Wells Arena and Park premises for and against any and all damages, judgments, claims, liens, cost and expenses arising under Texas law or under any other present or future law, statute or ordinance of the City or other governmental authority having jurisdiction at the Convention Center by reason of any storage, sale or use of alcoholic beverages on or from the premises and shall include the following:

Bodily injury or property damage for which any insured may be held liable by reason of:

1. Causing of contributing to the intoxication of any person;
2. The furnishing of alcoholic beverages to a person under the legal drinking age or under the influence of alcohol; or
3. Any statute, ordinance or regulation relating to the sale, gift, distribution or use of alcoholic beverages. And shall be in the following limits:

\$1,000,000 Bodily injury, fatal or nonfatal, to any one person and to more than one person arising out of any one incident

\$1,000,000 Injury to means of support of any one person

\$1,000,000 Injury to property of any one person

D. Automobile Liability Insurance:

The Contractor shall take out and maintain during the life of the contract such Automobile Liability Insurance as shall protect him against claims for damages resulting from (a) bodily injury, including wrongful death, and (b) property damage which may arise from the operations of any owned, hired, or now-owned automobiles used by or for him in any capacity in

connection with the carrying out of this contract. The minimum acceptable limits of liability to be provided by such Automobile Liability Insurance shall be as follows: Bodily Injury and Property Damage 1,000,000 Combined Single Limits

E. Builder's Risk Insurance:

(For Building Construction Contracts Only) unless otherwise specified, where buildings are to be constructed under this contract, the Contractor shall provide coverage for all direct physical loss (also known as "Special Causes of Loss"). Such insurance shall be written on a Replacement Cost basis covering such building in the amount equal to one-hundred percent (100%) of the contract amount (minimum) as specified herein. Losses, if any, shall be made payable to the City of Gonzales and Contractor as their interest may appear. A certificate of insurance evidencing such insurance coverage shall be filed with the City of Gonzales by the time work on the building begins and such insurance shall be subjected to the approval of the City of Gonzales.

F. Minimum Scope of Insurance:

All Liability Insurance policies shall be written on an "Occurrence" basis only. All insurance coverage are to be placed with insurers authorized to do business in the State of Texas and must be placed with an insurer that has .A.M. Best's Rating of no less than A:VII unless specific approval has been granted by the City of Gonzales.

G. Certificate of Insurance:

All Certificates of Insurance shall be filed with the City of Gonzales on the standard ACCORD CERTIFICATE OF INSURANCE form showing the specific limits of insurance, coverage modifications and endorsements required by the preceding Sections A, B, C, D and showing the City of Gonzales is an additional insured where required. Such certificate shall specifically state the insurance policies are to be endorsed to require the insurer to provide the City of Gonzales thirty days, notice of cancellation non-renewal or any material reduction of insurance coverage.

*The original certificate shall be provided to the City of Gonzales as designated and a copy to:
City Manager, City of Gonzales, P.O. Box 547, Gonzales, TX 78629*

INDEMNITY CLAUSE

THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LIABILITIES, PENALTIES, DAMAGES, EXPENSES AND JUDGMENTS OF ANY NATURE AND HOWEVER CAUSED, ARISING OUT OF OR RELATING TO THE CONTRACTOR AND ITS AGENTS, SERVANTS OR EMPLOYEES OPERATIONS IN THE CONCESSIONS AND/OR CATERING SERVICES PERFORMED BY CONTRACTOR UNDER THIS CONTRACT WITHIN THE CITY, INCLUDING THOSE CLAIMS, DEMANDS, PENALTIES, DAMAGES, EXPENSES AND JUDGMENTS WHICH INVOLVE OR MAY INVOLVE THE ACTUAL OR ALLEGED JOINT NEGLIGENCE OF:

(i) THE CONTRACTOR OR ANY OF ITS EMPLOYEES, AGENTS, SERVANTS OR EMPLOYEES; AND

(ii) THE CITY, ITS OFFICERS, AGENTS, OR EMPLOYEES IT IS THE EXPRESSED INTENTION OF BOTH THE CITY AND THE CONTRACTOR THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS INDEMNITY BY THE CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES WHERE SUCH NEGLIGENCE IS A CONCURRING CAUSE OF INJURY, LOSS, DEATH OR DAMAGE. FURTHERMORE, IT IS THE EXPRESSED INTENTION OF BOTH THE CITY AND THE CONTRACTOR THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION SHALL HAVE NO APPLICATION TO ANY CLAIMS, LOSS, DAMAGE, CAUSE OF ACTION, SUIT OR LIABILITY WHERE THE INJURY, DEATH OR DAMAGE RESULTS FROM THE NEGLIGENCE OF THE CITY UNMIXED WITH THE FAULT OF THE CONTRACT OR ANY OF ITS EMPLOYEES. FOR PURPOSES OF THIS INDEMNIFICATION PROVISION, ACTS AND/OR OMISSION OF THE CONTRACTOR'S OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES SHALL BE CONSIDERED THE ACTS AND OMISSIONS OF THE CONTRACTOR.

Company Name _____
Mailing Address (PO Box or street) _____
City, State, and Zip Code _____
Name of Authorized Representative _____
Signature Title _____
Telephone # Fax # _____

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2020-93 Authorizing and Adopting the Financial Policy for the City of Gonzales

DATE: September 21, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

Council is required to review and approve the Financial Policy each year as part of the budget process. The intent of the Financial Policy otherwise known as the Fiscal and Budgetary Policy Statements is to enable the City to achieve a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, stewardship, planning, accountability, and full disclosure. The specific purpose of this policy is to provide guidelines in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council. In previous years, the Financial Policy has been adopted with the Budget Ordinance stating it renews the Policy. There was a requested change by Council at the September 10th meeting, so it was moved to the next City Council meeting to be separately adopted. The specific verbiage to be added into the Financial Policy is: "Should an item \$25,000 or more that is in our adopted budget be moved to the next fiscal year at the suggestion of staff, that should come to Council before that rolls into the next fiscal year and if there is a need to analyze revenue shortfalls we need to do that timely and not wait until budget session next year to find out a project was moved to the next fiscal year." This Financial Policy is being adopted separately and will be included in the printing of the Budget that was adopted at the September 10th meeting.

POLICY CONSIDERATIONS:

This is consistent with what has been done in the past.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Financial Policy

STAFF RECOMMENDATION:

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

RESOLUTION 2020-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING AND ADOPTING THE FINANCIAL POLICY FOR THE CITY OF GONZALES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Financial Policy states that Council is required to review and approve it each year as part of the budget process; and

WHEREAS, The intent of the Financial Policy otherwise known as the Fiscal and Budgetary Policy Statements is to enable the City to achieve a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, stewardship, planning, accountability, and full disclosure. The specific purpose of this policy is to provide guidelines in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

WHEREAS, In previous years, the Financial Policy has been adopted with the Budget Ordinance stating it renews the Policy. There was a requested change by Council at the September 10th meeting, so it was moved to the next City Council meeting to be separately adopted.

WHEREAS, At September 10th City Council meeting the specific verbiage to be added into the Financial Policy is: "Should an item \$25,000 or more that is in our adopted budget be moved to the next fiscal year at the suggestion of staff, that should come to Council before that rolls into the next fiscal year and if there is a need to analyze revenue shortfalls we need to do that timely and not wait until budget session next year to find out a project was moved to the next fiscal year."

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

Section 1. 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 2. The City Council of the City of Gonzales, Texas hereby authorizes adopts the Financial Policy attached as Exhibit "A" for the City of Gonzales with the changes.

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 therein.

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 21st day of September, 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT "A"
CITY OF GONZALES
FISCAL AND BUDGETARY POLICY STATEMENTS

I. STATEMENT OF PURPOSE

The intent of the following Fiscal and Budgetary Policy Statements are to enable the City to achieve a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, stewardship, planning, accountability, and full disclosure.

The more specific purpose is to provide guidelines in planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

The scope of these policies generally cover the following areas: accounting, auditing, financial reporting, internal controls, operating and capital budgeting, revenue management, cash and investment management, expenditure control, debt management, and planning concepts.

The City Council will annually review and approve the Fiscal and Budgetary Policy Statements as part of the budget process.

II. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

ACCOUNTING. The City is solely responsible for the reporting of its financial affairs, both internally and externally. The Director of Finance is the City's Chief Financial Officer and is responsible for establishing the Chart of Accounts and for properly recording financial transactions.

AUDITING: In conformance with the City's Charter and according to the provisions of the Texas Local Government Code, Title 4, Chapter 103, The City will be audited annually by an outside independent accountants ("auditor"). The auditor must be a CPA firm of regional reputation and must demonstrate that it has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards and contractual requirements. The auditor must be registered as a partnership or corporation of certified public accountants, holding a license under Texas Occupational Code, Title 5, Chapter 90, capable of demonstrating that it has sufficient staff which will enable it to conduct the City's Charter and applicable state and federal laws. The auditor's report on the City's financial statement should be completed within 120 days of the City's fiscal year end, and the auditor will jointly review the management letter with the Council within 30 days of its receipt by staff. The goal of the external audit field work will be in late March with a goal completing by mid-June of each year.

In conjunction with the review the Director of Finance shall respond in writing to the City Manager and City Council regarding the auditor's Management Letter, addressing the issues contained therein. Council shall schedule its formal acceptance of the Auditor's Report. The auditor is retained by and is accountable directly to the City Council and will have access to direct communication with the City Council if the City Staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill its legal and professional responsibilities.

BASIS OF ACCOUNTING AND BUDGETING. The City's finances shall be accounted for in accordance with generally accepted accounting principles as established by the Governmental Accounting Standards Board.

The accounts of the City are organized and operated on the basis of funds and account groups. Fund accounting segregates funds according to their intended purpose and is used to aid management in demonstrating compliance with finance-related legal and contractual provisions. The minimum number of funds is maintained consistent with the legal and managerial requirements. Account groups are a reporting device to

account for certain assets and liabilities of the governmental funds not recorded directly in those funds. Governmental funds are used to account for the government's general government activities and include the General, Special Revenue, Debt Service, and Capital Project Funds.

Governmental Fund types use the flow of current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized when susceptible to accrual (i.e., when they are "measurable and available"). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to pay liabilities of the current period. Substantially all revenues are considered to be susceptible to accrual. Ad valorem, sales, franchise and tax revenues recorded in the General Fund, ad valorem tax revenues recorded in the Debt Service Fund and hotel/motel tax revenues in the Special Revenue Hotel/Motel Fund are recognized under the susceptible to accrual concept. Licenses and permits, charges for services, fines and forfeitures, and miscellaneous revenues (except earnings on investments) are recorded as revenues when received in cash because they are generally not measurable until actual received. Investment earnings are recorded as earned since they are measurable and available. Expenditures are recognized when the related fund liability is incurred, if measurable, except for principal and interest on general long-term debt, which is recorded when due, and compensated absences, which are recorded when payable from currently available financial resources.

The City's Proprietary Fund types are accounted for on a flow of economic resources measurement focus and use the accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

The City's annual budgets shall be prepared and adopted on a basis consistent with the generally accepted accounting principles for all governmental and proprietary funds except the capital projects funds, which adopt project-length budgets. Depreciation of fixed assets is recognized in proprietary fund budgets. All annual appropriations lapse at fiscal year end. Under the City's budgetary process, outstanding encumbrances are reported as reservations of fund balances and do not constitute expenditures or liabilities since the commitments will be re-appropriated and honored the subsequent fiscal year.

FINANCIAL REPORTING. Upon completion and acceptance of the annual audit by the City's auditors, the City shall prepare a comprehensive annual financial report (CAFR). The CAFR will be prepared annually to the Government Financial Officers Association (GFOA) for evaluation and awarding of the Certificate of Achievement for Excellence in Financial Reporting. The CAFR should be presented to the City Council within 120 calendar days of the City's fiscal year end. There will be times with new auditing standards and reporting requirements that the CAFR would be delayed. In such case, the Director of Finance will inform the City Manager and the City Manager will inform the City Council of the delay and the reasons therefore.

The Finance Department will prepare internal financial reports, sufficient to plan, monitor, and control the City's financial affairs. Internal reporting objectives are addressed throughout these policies.

Should an item \$25,000 or more that is in our adopted budget be moved to the next fiscal year at the suggestion of staff, that should come to Council before that rolls into the next fiscal year and if there is a need to analyze revenue shortfalls we need to do that timely and not wait until budget session next year to find out a project was moved to the next fiscal year

III. OPERATING BUDGET

PREPARATION. Budgeting is an essential element of the financial planning, control, and evaluation process of municipal government. The City's "operating budget" is the City's annual financial operating plan. It comprises governmental and proprietary funds, special revenue funds, and the debt service fund. The City's Capital Budget includes the General Capital Project Fund which includes projects for the life of each project.

The budget is prepared by the Director of Finance with the contribution and cooperation of all City departments, and is submitted to the City Manager who makes any necessary changes and transmits the document to the City Council. The budget should be presented to the City Council no later than forty-five (45) days prior to the fiscal year end, and should be enacted by the City Council prior to the fiscal year end. The City Council shall set the legal and required public hearings.

The budget shall include four basic segments for review and evaluation. These segments are: (1) Personnel Costs, (2) Base Budget for Operations and Maintenance Costs, (3) Decision Packages for Capital and Other Non-capital Projects (i.e., new or expanded programs), and (4) Revenues. The operating budgets are subdivided by personnel costs, consumable supplies, contract services, capital outlays and transfers. The operating budgets are presented by line-item with comparative data to two prior years of actual audited financial data. In addition, the budget is presented with current year end estimates compared to current budget with variances. There shall be supplementary documents to reconcile new operating expenses or programs to the budget.

Revenues shall be summarized and scheduled with comparative and trend analysis for presentation. The Director of Finance shall calculate and prepare a statement of probable income for the City from property taxes supporting the General Fund operating budget and to fund the next year's debt requirements. A Combined Budget Summary with scheduled Interfund transfers will be included in the budget presented to the City Council. The Fund Balances will be identified as to restricted and unrestricted.

A copy of the proposed budget shall be filed with the City Secretary when it is submitted to the City Council in accordance with the provisions of the City Charter.

BALANCED BUDGET. The operating budget should be balanced with current revenues, exclusive of beginning resources, greater than or equal to current expenditures/expenses. One-time revenue sources (i.e. Fund Balances) may be used for one-time expenditures.

PLANNING. The budget process will be coordinated so as to identify major policy issues for City Council consideration several months prior to the budget approval date so that proper decision analysis can be made. Additionally, long range planning will be performed such that revenues for the next three years will be projected and updated annually, examining their diversity and stability in conjunction with other guidelines and using an objective analytical projection process.

REPORTING. Periodic financial reports will be prepared to enable the Department Managers to manage their budgets and to enable the Director of Finance to monitor and control the budget as authorized by the City Manager.

Summary financial reports will be presented to the City Council quarterly within 30 days after the end of each quarter. Such reports will be formatted in such a way as to enable the City Council to understand the big picture budget status.

IV. REVENUE MANAGEMENT

The City will strive for the following optimum characteristics in its revenue system:

SIMPLICITY. The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient. A corresponding decrease in the City's costs for collection and a reduction in avoidance to pay will thus result. The City will avoid nuisance taxes or charges as revenues sources.

CERTAINTY. A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budgets and plans.

EQUITY. The City shall require that there be a balance in the revenue system; i.e., the revenue base will have the characteristics of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

ADMINISTRATION. The benefits of revenue will exceed the cost of producing the revenue. The cost of collection will be reviewed annually for cost effectiveness as a part of the indirect cost and cost of services analysis.

DIVERSIFICATION AND STABILITY. In order to protect from fluctuations in a revenue source due to fluctuations in the economy and variations in weather, a diversified revenue course will be pursued and maintained as a stable source of income. A balance between elastic and inelastic sources of revenues also achieves this stability.

CONSERVATIVE ESTIMATION OF REVENUE. In order to mitigate the effects of fluctuations in a revenue source due to fluctuations in the economy and variations in weather, all revenues will be budgeted at 95-98% of anticipated revenues with the exception of property tax and Interfund transfers. Revenue analysis is ongoing but for the budget process all sources of revenue are to be detailed and scheduled and reviewed at all levels of management.

The following considerations and issues will guide the City in its revenue policies concerning specific sources of funds:

COST/BENEFIT OF ABATEMENT. The City will use due caution in the analysis of any tax or fee incentives that are used to encourage development. Ideally, a cost/benefit (fiscal impact) analysis will be performed as a part of such caution.

NON-RECURRING REVENUES. One-time or non-recurring revenues will not be used to finance current on-going operations. Non-recurring revenues should be used only for one-time expenditures such as long-lived capital needs.

PROPERTY TAX REVENUES. All real and business personal property located within the City shall be valued at 100% of the fair market value for any given year based on the current appraisal supplied to the City by the Gonzales Central Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law.

A ninety-nine percent (99%) collection rate shall serve each year as a goal for tax collections. All delinquent taxes shall be aggressively pursued with delinquents greater than 150 days being turned over to the Delinquent Tax Attorney in July of each year, and a penalty assessed to compensate the attorney as allowed by State law, and in accordance with the attorney's contract.

USER-BASED FEES. For services associated with a user fee or charge, a fee will offset the direct and indirect costs of that service where possible. There will be an annual review of fees and charges to ensure that fees provide adequate coverage of costs of services. User charges may be classified as "Full Cost Recovery," "Partial Cost Recovery," and "Minimal Cost Recovery," with the supporting tax or rate subsidy identified as where required by City Council policy.

UTILITY RATES. The City will review utility rates annually in order to determine revenue adequacy for covering operational expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs. This policy does not preclude drawing down cash balances to finance current operations; however, it is best that any extra cash balance be used instead to finance capital projects.

Components of the Utility Rates will include a transfer to the General Fund for an administrative fee for services of general overhead, such as administration, finance, personnel and data processing. This fee will be documented annually through a cost allocation procedure or reviewed through review of rate study.

INTERGOVERNMENTAL REVENUES. The reliance placed on intergovernmental revenues will be eliminated. Any potential grants will be examined for matching requirements. These revenue sources should only be used for capital improvements that are consistent with the Capital Improvement Program.

V. EXPENDITURE CONTROL

APPROPRIATIONS. The level of budgetary control is established at the fund level. When budget adjustments among departments and/or funds necessary, they must be approved by the City Manager. When budget adjustments are required at the Fund level that would change the total budget of revenues or expenditures, then it would require City Council authorization. Budget appropriation amendments at lower levels shall be made in accordance with the applicable administrative procedures and City Charter.

CENTRAL CONTROL. The Department Director without prior authorization of the City Manager shall spend no recognized or significant salary or capital budgetary savings in any Departments.

MAINTENANCE OF CITY VENDORS. Finance Department requires a Form W-9 to be on file for each vendor the City conducts business.

PAYMENTS TO CITY COUNCIL. Each payment to a council member will be at the discretion of the mayor and council.

PURCHASING. 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 City of Gonzales affirms that it will adhere to 2 CFR 200 for all federally funded procurements. Recommendations on purchases and contracts over \$50,000 shall be submitted to the Council by the City Manager for Council approval. Upon Council approval, the City shall confirm the bid award to the successful bidder by means of written City purchase order. The purchase of goods or services by the City totaling \$50,000 or more shall be awarded to the successful bidder by the formal bidding process. Telephone quotes are to be obtained for single item purchases over \$1,000 up to \$10,000. Purchases made over \$10,000 but less than \$50,000 shall require three written quotes or pricing obtained through any interlocal purchasing authority or cooperative. All purchases over \$2,500 are to be pre-approved and pre-authorized by the City Manager. No purchases shall be made from vendors that are not on the approved vendors list as maintained by the Finance Department. Purchase cards are utilized for purchasing of consumable supplies and must comply with the policies and procedures establish for use of purchase cards.

PROMPT PAYMENT. All invoices approved for payment by the proper City authorities shall be paid by the Finance Department within thirty (30) calendar days or receipt in accordance with the provisions of Texas Government Code, Title 10, Chapter 2251.

The Director of Finance shall establish and maintain proper procedures which will enable the City to take advantage of all purchase discounts, when possible, except in the instance where payments can be reasonably and legally delayed in order to maximize the City's investable cash.

RISK MANAGEMENT. The City will aggressively pursue every opportunity to provide for the Public's and City Employees' safety and to minimize the risk of loss of resources through liability claims with an emphasis on safety programs. All reasonable options will be investigated to finance risks. Such options may include risk transfer, risk avoidance, and risk retention. Where risk is retained, reserves will be established based upon actuarial determinations and not be used for purposes other than for financial losses.

VI. ASSET MANAGEMENT

INVESTMENTS. The Director of Finance shall promptly invest all City funds with the Bank Depository in accordance with the provisions of the current Bank Depository Agreement or in any negotiable instrument that the Council has authorized under the provisions of the Public Funds Investment Act of 1987, as amended, and in accordance with the City Council approved Investment Policies.

At the end of each fiscal year a report on investment performance will be provided to the City Council. In conjunction with the financial reports presented to Council, the Director of Finance shall prepare and provide a written recapitulation of the City's investment portfolio to the Council, detailing each City investment instrument with its rate of return and maturity date.

CASH MANAGEMENT. The City's cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections, where feasible, including property tax payments, utility bills, building and related permits and licenses, and other collection offices as appropriate.

All checks shall bear the signatures of two authorized administrative employees or one authorized administrative employee and the Mayor. If available, the Finance Department shall use a facsimile check-signing machine, bearing the signatures of two (2) authorized administrative employees one of which must be the Director of Finance. On any one check that exceeds an amount of \$1,500 or more, it shall bare the initial of an authorized check signer.

FIXED ASSETS AND INVENTORY. These assets will be reasonably safeguarded and properly accounted for, and prudently insured. A fixed asset of the City shall be defined as a purchased or otherwise acquired piece of equipment, vehicle, furniture, fixture, capital improvement, addition to existing capital investments, land or building, with the cost or value of such acquisition being \$5,000 or more with an expected life greater than one year.

Responsibility for safeguarding of the City's fixed assets lies with the Department Director in whose department the fixed asset is assigned. The Finance Department shall supervise the marking of fixed assets with City numbered property tags and shall maintain the permanent records of the City's fixed assets including description, cost, department of responsibility, date of acquisition, depreciation and expected useful life. The Finance Department shall also perform an annual inventory of assets using random sampling at the department level. The Director of Finance or his or her designee agent in the presence of designated department personnel from the department of responsibility shall perform such inventory. The Finance Department has implied rights and responsibilities to audit all fixed assets of any department of the City.

VII. CAPITAL BUDGET AND PROGRAM

PREPARATION. The City's capital budget will include all general and proprietary capital project funds and all capital resources. The budget will be prepared annually on a fiscal year basis as capital projects are undertaken. Capital Project Funds allocated for projects not completed in a single fiscal year will carry over from year to year until the project is completed.

The Budget Officer with the involvement of all required City departments will prepare the capital budget.

CONTROL. All capital project expenditures must be appropriated in the capital budget. The Finance Department must certify the availability or resources so any appropriation can be made before a capital project contract is presented to Council for approval.

PROGRAM PLANNING. The capital budget will be taken from capital improvement program plans for future years. The planning time must be at least five years. The replacement and maintenance for capital items should also be projected for the next five years. Future maintenance and operational costs will be considered so that these costs can be included in the operating budget.

FINANCING PROGRAMS. Where applicable, assessments, impact fees, pro-rata charges, or other fees should be used to fund capital projects that have primary benefit to specific, identifiable property owners.

Recognizing that long-term debt is usually a more expensive financing method, alternative-financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

INFRASTRUCTURE MAINTENANCE. The City recognizes that deferred maintenance increases future capital costs. Therefore, a portion of the General Fund and Utility Fund Budgets should be set aside each year to maintain the quality of the City's Infrastructure where deemed appropriate and within fiscal constraints.

Replacement schedules should be developed in order to anticipate this inevitable ongoing obsolescence of infrastructure.

In addition to infrastructure maintenance, the City will plan for the replacement of other assets such as vehicles and equipment by establishing replacement schedules as needed.

VIII. FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS

OPERATIONAL COVERAGE. The City will strive to maintain a balanced budget whereby projected current revenues will equal projected current expenditures. Reserve balances (Fund Balances) may be utilized as one-time sources that would allow revenue and expenditures to be unequal.

Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used only for emergencies or non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums.

OPERATING RESERVES/FUND BALANCES. The General Fund balance should be at least **25%** of the General Fund annual expenditures. Debt Service Fund reserves are maintained at a level to support interest and principal payments in the event of a delay in property tax collections. The City should set aside resources to fund a reserve for years of decline and/or fund capital out of current funds for projects that would have otherwise been funded by debt funding.

The Utility Fund working capital should be maintained at a minimum of 20-25% of the total operating expenditures or the equivalent of 75 days.

LIABILITIES AND RECEIVABLES. Procedures will be taken so as to maximize discounts offered by creditors. Current liabilities will be paid within 30 days of receiving the invoice. Accounts Receivable procedures will target for a maximum of 30 days from service and collection notices will be sent out monthly on all past due accounts. The Director of Finance is authorized to write-off bad debt and uncollectable utility accounts that are delinquent for more than 360 days, if the proper delinquency procedures have been followed. The Director of Finance will put in place initiatives to facilitate collection of accounts that are in arrears. Collection services may be utilized as needed to collect on delinquent accounts as needed. The Finance Director will report to Council on the status of all outstanding accounts and attempts to collect them at least twice each fiscal year.

IX. TREASURY AND DEBT MANAGEMENT

CASH MANAGEMENT. Periodic review of cash flow position will be performed to determine performance of cash management and investment policies. A detailed policy structure will be followed with respect to Cash/Treasury Management. The underlying theme will be that idle cash will be invested with the

intent to 1) safeguard assets, 2) maintain liquidity, and 3) maximum return. Where legally permitted, pooling of investments will be done.

The City will adhere to the investments authorized through the Public Funds Investment Act of 1987, as amended, and will additionally establish comprehensive Investment Policies and Guidelines. Such policies will clarify acceptable investment securities, brokers, terms, and other pertinent investment information.

TYPES OF DEBT. Long-term debt will not be used for operating purposes, and the life of a bond will not exceed the useful life of a project finances by that bond issue.

When appropriate, and as approved by Council Policy, self-supporting revenues will pay debt service in lieu of tax revenues.

ANALYSIS OF FINANCING ALTERNATIVES. The City will explore all financing alternatives in addition to long-term debt including leasing, grants, and other aid, developer contributions, impact fees, and use of reserves of current monies. Operating capital lease finance options may be exercised to minimize budget and operating impact.

DISCLOSURE. Full disclosure will be made to the bond rating agencies and other users of financial information. The City staff with the assistance of financial advisors and bond counsel, will prepare the necessary materials for presentation to the rating agencies, will aid in the production of Offering Statements, and will take responsibility for the accuracy of all financial information released.

FEDERAL REQUIREMENTS. The City will maintain procedures to comply with arbitrage rebate and other Federal requirements.

DEBT STRUCTURE. The structure should approximate level debt service unless operational matters dictate otherwise, or if market conditions indicate a potential savings could result from modifying the level payment stream.

Consideration of market factors, such as the tax-exempt qualification, minimum tax alternative, and so forth will be given during the structuring of long-term debt instruments.

DEBT ISSUANCE. It is the City's desire and preference to use a competitive bidding process in the sale of bonds. However, the City also recognizes that in some instances a negotiated bid will be of greater advantage. The decision to pursue a negotiated bid will be made by the City Council upon advice of the Financial Advisor.

DEBT LIMITS. The debt to operations component of the tax rate should not exceed 30%. This initiative is to be evaluated based on the ever changing diversity of the City's revenue sources. The Director of Finance will evaluate the debt margins of the City on annual basis and consult with the City's financial advisors for confirmation.

X. INTERNAL CONTROLS

WRITTEN PROCEDURES. Whenever possible, written procedures will be established and maintained by the Director of Finance for all functions involving cash handling and/or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

DEPARTMENT DIRECTOR'S RESPONSIBILITY. Each Department Director is responsible to ensure that good internal controls are followed throughout his or her Department, that all Finance Department directives or internal controls are implemented, and that all independent auditor internal control recommendations are addressed.

XI. STAFFING AND TRAINING

ADEQUATE STAFFING. Staffing levels will be maintained at an adequate level for the fiscal functions of the City to operate effectively and shall be used only to address temporary or seasonal demands that require excessive hours. Workload shedding alternatives will be explored before adding staff.

TRAINING. The City will support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning financial issues. Staff will be held accountable for communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

AWARDS, CREDENTIALS, RECOGNITION. The City will support efforts and involvement that result in meeting standards and receiving exemplary recitations on behalf of the City's fiscal policies, practices, processes, products, and personnel.

The City will strive to maintain a high level of excellence in its accounting policies and practices as it prepares its CAFR. The CAFR will be presented to the Government Finance Officers Association for review of qualifications necessary to obtain the Certificate of Achievement for Excellence in Financial Reporting. Additionally, the City will submit its annual budget to GFOA for consideration for Distinguished Budget Award.

**COUNCIL AGENDA
ITEM BRIEFING DATA**



AGENDA ITEM

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

DATE: September 21, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

Council is required to adopt the Investment Policy by Resolution each year. The Investment Policy guides staff on how to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City of Gonzales and conforming to Public Funds Investment Act (PFIA), Chapter 2256 of the Texas Government Code and all other State and local statutes governing investment of public funds. In previous years, the Investment Policy has been adopted with the Budget Ordinance stating it renews the Investment Policy. Staff is having it adopted separately for the 2020-2021 budget.

POLICY CONSIDERATIONS:

This is consistent with what has been done in the past.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

As per City of Gonzales Investment Policy; no changes to current policy.

RESOLUTION 2020-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING AND ADOPTING THE INVESTMENT POLICY FOR THE CITY OF GONZALES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The Investment Policy Adoption states that Council is required to adopt the Investment Policy by Resolution each year; and

WHEREAS, The Investment Policy guides staff on how to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City of Gonzales and conforming to Public Funds Investment Act (PFIA), Chapter 2256 of the Texas Government Code and all other State and local statutes governing investment of public funds.

WHEREAS, In previous years, the Investment Policy has been adopted with the Budget Ordinance stating it renews the Investment Policy. Staff is having it adopted separately for the 2020-2021 budget.

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 adopts the Investment Policy for the City of Gonzales.

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 therein.

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 21st day of September, 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

**CITY OF GONZALES
GONZALES ECONOMIC DEVELOPMENT CORPORATION
INVESTMENT POLICY**

I. Policy

Throughout this Investment Policy, the City of Gonzales and Gonzales Economic Development Corporation, shall be singularly referred to as “ENTITY” and collectively referred to as “GONZALES.”

It is the policy of GONZALES to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of GONZALES and conforming to the Public Funds Investment Act (“PFIA”), Chapter 2256 of the Texas Government Code and all other State and local statutes governing the investment of public funds.

II. Scope

This Investment Policy applies to all funds or financial resources available for investment under GONZALES’s financial control and accounted for in the City of Gonzales’s Comprehensive Annual Financial Report (CAFR) which includes the General Fund, Debt Service Fund, Special Revenue Fund, Capital Projects Fund, Electric Enterprise Fund, Water and Sewer Enterprise Fund, Gonzales Economic Development Corporation Fund, and any new fund created by GONZALES unless specifically exempt.

To maximize the effective investment of assets, all funds may pool their cash balances for investment purposes. The income derived from investing activities will be distributed to the various funds based on calculation of their average balances.

III. Prudence

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by Investment Officers shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures and the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual investment’s credit risk or market price changes, provided deviation from expectations are reported immediately upon knowledge of the deviation and appropriate action is taken to control adverse developments.

IV. Objective

The primary objectives, in priority order, of GONZALES investment activities shall be:

- A. **Safety:** Safety of principal is the foremost objective of the investment program. Investments of GONZALES shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual investments do not exceed the income generated from the remainder of the portfolio.
- B. **Liquidity:** The GONZALES investment portfolio will remain sufficiently liquid to enable GONZALES to meet all operating requirements which might be reasonably anticipated.
- C. **Public Trust:** Investment Officers shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in GONZALES’s ability to govern effectively.

- D. **Return on Investments:** GONZALES's investment portfolio shall be designed with the objective of attaining a rate of return throughout budgetary and economic cycles, commensurate with GONZALES's investment risk constraints and the cash flow characteristics of the portfolio.

V. Delegation of Authority

Management responsibility for the investment program is hereby delegated to the City Manager and the Chief Financial Officer of the City of Gonzales (the "Investment Officers"). The Chief Financial Officer shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Procedures should include reference to: safekeeping, repurchase agreements, wire transfer agreements, banking service contracts, and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Investment Policy and the procedures established by the Chief Financial Officer. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates.

VI. Ethics and Conflicts of Interest

Investment Officers involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment Officers shall disclose to GONZALES any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of GONZALES, particularly with regard to the time of purchases and sales.

Investment Officers involved in the investment process shall adhere to the business relationship and other disclosure requirements as described in the PFIA by filing statements with the Texas Ethics Commission and each ENTITY's governing body.

VII. Authorized Broker/Dealers

The list of authorized broker/dealers shall be annually approved by each ENTITY's governing body. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule).

- A. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment Officer with the following: audited financial statements, proof of Financial Industry Regulatory Authority (FINRA) certification, trading resolution, and/or proof of State registration, as applicable.
- B. Requirement and Selection of all Investment Providers:
1. The qualified representative of the organization offering to engage in an investment transaction must execute a written instrument substantially to the effect that the business organization has received and reviewed the Investment Policy and that the business organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the organization and GONZALES.

It is at the discretion of the Investment Officer as to which authorized broker/dealer shall be used for any buy/sell transactions.

VIII. Investment Strategy

GONZALES's basic investment strategy for all financial assets is to preserve principal. In order to achieve that objective, GONZALES restricts the authorized investment instruments to those with suitable and limited credit and market risk. In order to make effective use of GONZALES's resources, all monies may be pooled into one portfolio, if practical, except for those monies required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, ordinances, contracts, agreements or other policies.

The objective of liquidity stems from the need of GONZALES to maintain available cash balances sufficient to cover financial outlays. Since the timing and amount of some financial disbursements are not predictable, fund-type strategies shall adjust for the uncertainty of projected cash flows.

Investment marketability will be maintained based on the fund-type strategies to sufficiently and reasonably assure that investments could be liquidated prior to the maturity, if cash needs dictate.

Whenever practical or appropriate, it is the policy of GONZALES to diversify its investment portfolio. Assets held in the investment portfolio may be diversified to minimize the risk of loss resulting from concentration of assets in a specific maturity, a specific issuer, or a specific class of investment.

GONZALES funds shall seek to achieve a competitive yield appropriate for each strategy. Yield objectives shall at all times be subordinate to the objectives of safety and liquidity. Tax-exempt debt proceeds shall be invested to maximize the interest earnings retained by GONZALES, while at the same time fully complying with all applicable State laws and federal regulations, including the arbitrage rebate regulations. A competitive yield environment shall be achieved by soliciting quotes from multiple investment providers, monitoring comparable investment alternatives, and reviewing general market conditions.

The overall investment strategy of GONZALES is based on the premise that a certain amount of GONZALES's funds will be needed to pay current year expenditures or for projects that are to be complete within a specific time frame. Remaining funds are considered to be reserves and, barring any unforeseen emergencies or events beyond GONZALES's control, it is considered that these funds may be invested, within the maturity limits of this Policy, in an advantageous position on the yield curve. It is understood that investments in longer term instruments are sensitive to changes in interest rates and other market conditions; however, it is GONZALES's belief that such investments may be held to maturity if necessary.

GONZALES may maintain one portfolio in which all funds under its control are pooled for investment purposes. Within the pooled portfolio are fund components, each having an investment strategy as described below:

- A. Governmental Funds – the funds through which most governmental functions are financed and the primary operating funds of GONZALES. The investment strategy must allow for the investment of anticipated cash flows to meet the anticipated expenditures of the following funds:
 - 1. General Fund
 - 2. Debt Service Fund
 - 3. Special Revenue Fund
 - 4. Capital Projects Fund
 - 5. Gonzales Economic Development Corporation Fund
- B. Proprietary Funds - the funds used in GONZALES's business-type activities or Enterprise activities financed primarily by user charges and fees. The strategy for these funds is to time investment maturities to anticipated cash requirements. The projects may require investments with short to intermediate maturities.
- C. The Debt Service and Interest/Sinking Funds should consist of short-term investments, whose maturities meet the scheduled debt service payments. Reserves may be invested in longer-term investments.

- D. Special Revenue Fund and other Non-operating Funds investments should be in short-term instruments with maturities laddered to meet projected cash needs. Reserves are idle funds that may be invested in intermediate to long-term investments after analysis of future plans for use of the funds.

IX. Authorized & Suitable Investments

GONZALES is empowered by statute to invest in the following:

A. Obligations of, or guaranteed by, governmental entities:

1. obligations of the United States or its agencies and instrumentalities;
2. direct obligations of this State or its agencies and instrumentalities;
3. other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this State or the United States or their respective agencies and instrumentalities; and
4. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

B. Financial Institution Deposits: A financial institution deposit is an authorized investment under this Policy if the deposit is with a state or national bank, a savings and loan association, or credit union that is:

1. guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, or the National Credit Union Share Insurance Fund, or its successor;
2. secured by obligations that are described in Section XII Collateralization;
3. executed through a depository institution or broker that has its main office or a branch office in Texas and meets the requirements of the PFIA.

C. Mutual Funds:

1. A no-load money market mutual fund is an authorized investment under this Policy if the mutual fund:
 - (a) is registered with and regulated by the Securities and Exchange Commission;
 - (b) provides GONZALES with a prospectus and other information as required by the PFIA and federal regulations;
 - (c) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each share; and
 - (d) is continuously rated no lower than AAAM or at an equivalent rating by one nationally recognized rating service.
2. GONZALES is not authorized by this section to invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund in an amount that exceeds 10 percent of the total assets of the mutual fund.

D. Investment Pools:

1. GONZALES may invest its funds and funds under its control through an eligible investment pool if each ENTITY's governing body by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by the PFIA.
2. To be eligible to receive funds from and invest funds on behalf of an entity under the PFIA, an investment pool must furnish to the Investment Officers or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains at a minimum, the following information:
 - (a) the types of investments in which money is allowed to be invested;
 - (b) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
 - (c) the maximum stated maturity date any investment security within the portfolio has;
 - (d) the objectives of the pool;
 - (e) the size of the pool;
 - (f) the names of the members of the advisory board of the pool and the dates their terms expire;
 - (g) the custodian bank that will safekeep the pool's assets;
 - (h) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
 - (i) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
 - (j) the name and address of the independent auditor of the pool;
 - (k) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and
 - (l) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.
3. To maintain eligibility to receive funds from and invest funds on behalf of an entity under the PFIA, at a minimum an investment pool must furnish to the Investment Officer or other authorized representative of the entity:
 - (a) investment transaction confirmations; and
 - (b) a monthly report that contains, as a minimum, the following information:
 - (1) the types and percentage breakdown of securities in which the pool is invested;

- (2) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;
 - (3) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;
 - (4) the book value versus the market value of the pool's portfolio, using amortized cost valuation;
 - (5) the size of the pool;
 - (6) the number of participants in the pool;
 - (7) the custodian bank that is safekeeping the assets in the pool;
 - (8) a listing of daily transaction activity of the entity participating in the pool;
 - (9) the yield and expense ratio of the pool;
 - (10) the portfolio managers of the pool; and
 - (11) any changes or addenda to the offering circular.
4. GONZALES, by contract, may delegate to an investment pool the authority to hold legal title as custody of investments purchased with its local funds.
 5. Investment Pool "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the Federal Securities and Exchange Commission.
 6. A public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005.
 7. An Investment pool must have an advisory board composed:
 - (a) Equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for pools created under Chapter 791 Texas State Code and managed by a state agency; or
 - (b) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.
 8. A public funds investment pool must be continuously rated no lower than AAA or AAAM or at an equivalent rating by one nationally recognized rating service.

X. Unauthorized Investments

The following are not authorized investments under this section:

- A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

- B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest; and
- C. Collateralized mortgage obligations.

Any Authorized & Suitable Investment that requires a minimum rating does not qualify during the period the investment does not have the minimum rating. GONZALES shall take all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating. Additionally, GONZALES is not required to liquidate investments that were authorized at the time of purchase.

XI. Depository

In compliance with state legislation, a primary Depository shall be selected through GONZALES'S banking services procurement process, which shall include a formal request for application (RFA). In selecting a depository the Chief Financial Officer shall conduct a review of prospective depository's credit characteristics and financial history.

No public deposit shall be made except in a qualified public depository as established by State laws.

XII. Collateralization

Collateralization will be required on two types of investments: financial institution deposits (in amounts exceeding F.D.I.C. insurance coverage) and repurchase agreements. With the exception of Letters of Credit issued for 100% of amount, the minimum collateralization level will be 102% of market value of principal and accrued interest, less F.D.I.C. insurance when applicable.

GONZALES chooses to limit collateral (including letters of credit) to the obligations of, or guaranteed by, governmental entities as outlined in Section IX.A.

All financial institution deposits shall be insured or collateralized in compliance with applicable State law. GONZALES reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Financial institutions serving as depositories will be required to sign a depository agreement with GONZALES. The collateralized deposit portion of the agreement shall define GONZALES's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement has to be executed by the Depository and GONZALES contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to GONZALES; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

Securities pledged as collateral shall be held by an independent third party with whom GONZALES has a custodial agreement. The agreement is to specify the acceptable investment securities as collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities at default, and the method of valuation of securities.

XIII. Safekeeping and Custody

All security transactions, including collateral for repurchase agreements, entered into by GONZALES shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by a third party custodian designated by the Investment Officers and evidenced by safekeeping receipts.

XIV. Electronic Fund Transfer

GONZALES may use electronic means to transfer or invest all funds collected or controlled by the local government.

XV. Diversification

GONZALES will diversify its investments by types, maturity dates, and/or institutions, as appropriate.

XVI. Maximum Maturities

To the extent possible, GONZALES will attempt to match its anticipated cash flow requirements with maturing investments. Unless matched to a specific cash flow, GONZALES will not directly invest in instruments maturing more than 2 years from the date of purchase. However, GONZALES may collateralize its repurchase agreements using longer-dated investments not to exceed 5 years to maturity.

Reserve funds may be invested in instruments up to and including 5 years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

XVII. Internal Control

The Chief Financial Officer shall establish an annual process of independent review by an external auditor in conjunction with the annual audit. This review will provide internal control by assuring compliance with policies and procedures.

XVIII. Performance Standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. "Weighted Average Yield to Maturity" shall be the standard for calculating portfolio rate of return.

XIX. Reporting

- A. The Investment Officers shall prepare and submit quarterly a written report of investment transactions for all funds covered by this Investment Policy for the preceding reporting period.
- B. The report must include the following:
 - 1. describe in detail the investment position of GONZALES on the date of the report;
 - 2. be prepared jointly by all Investment Officers of GONZALES;
 - 3. be signed by each Investment Officer of GONZALES;
 - 4. contain a summary statement of each pooled fund group that states the:
 - (a) beginning market value for the reporting period;
 - (b) ending market value for the period; and

- (c) fully accrued interest for the period.
- 5. state the book value and market value of each separately invested asset at the beginning and end of the reporting period by type of asset and fund type invested;
- 6. state the maturity date of each separately invested asset that has a maturity date;
- 7. state the account or fund or pooled group fund in the local government for which each individual investment was acquired; and
- 8. state the compliance of the Investment Portfolio of the local government as it relates to:
 - (a) the Investment Strategy expressed in GONZALES's Investment Policy; and
 - (b) relevant provisions of the PFIA.
- C. The report shall be presented not less than quarterly to each ENTITY's governing body within a reasonable time after the end of the period.
- D. The market values and credit ratings presented in all portfolio reports shall be accurate and reliable estimates of the investment's true value and risk. Market value and credit rating sources may include, but are not limited to, rating agency reports, newspapers, financial websites, custodian reports, broker/dealer reports, and investment advisor research.

XX. Investment Policy Adoption

GONZALES's Investment Policy shall be adopted by resolution of each ENTITY's governing body. This Policy shall be reviewed annually and any modifications made thereto must be approved by each ENTITY's governing body. Each ENTITY's governing body shall adopt a written instrument attesting to each annual review.

XXI. Auditor

As part of the annual audit, the independent auditor must formally review the quarterly investment reports to comply with the PFIA and report the results of that review to each ENTITY's governing body.

XXII. Training

In order to ensure qualified and capable investment management, the Investment Officers, their designated subordinates, Treasurer, and Chief Financial Officer of GONZALES shall attend training that includes education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and PFIA compliance. GONZALES approves the Government Finance Officers' Association, Government Finance Officers' Association of Texas, Government Treasurers' Organization of Texas, North Central Texas Council of Governments, Texas City Managers Association, Texas Municipal League, and University of North Texas as independent sources of training.

Each individual shall attend a training session containing at least 10 hours of instruction within twelve months of assuming investment-related responsibilities; and shall then receive not less than 10 hours of investment-related instruction within each subsequent two-year period aligned with GONZALES's fiscal year end.

XXIII. Donated Investments

This Policy does not apply to an investment donated to GONZALES for a particular purpose or under terms of use specified by the donor.

PASSED AND APPROVED by the City Council of the City of Gonzales, Texas this ____ day of _____, 2020.

Mayor
City of Gonzales, Texas

ATTEST:

City Secretary
City of Gonzales, Texas

PASSED AND APPROVED by the Board of Directors of the Gonzales Economic Development Corporation, Texas this ____ day of _____, 2020.

President
Gonzales Economic Development Corporation

ATTEST:

Executive Director
Gonzales Economic Development Corporation

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider and Possible Action on Ordinance #2020-20 Authorizing Budget Amendments for the 2020-2021 Fiscal Year

DATE: September 21, 2020

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

On September 10, 2020 the City Council of the City of Gonzales Approved the Operating Budget for the City of Gonzales for the Fiscal Year Beginning October 1, 2020 and ending September 30, 2021.

The Grant Writer previously submitted a grant application for the purchase of a Polaris UTV for the Police Department and was informed on August 28, 2020 that the grant application was declined. Due to this, the purchase of the UTV and grant revenue was removed from the budget. After the adoption of the budget on September 10, 2020, the Mayor asked staff to place an agenda item on the next City Council meeting for consideration. The Mayor would like for Council to consider doing a budget amendment for the purchase of a Polaris UTV, mobile radios, and car sheds that would total around \$146,000. The Mayor stated she would like to balance these expenses with grant revenues and that the City would be applying for grants. Upon further review, staff received justifications from the Police Chief and the three items total \$165,638.

Grants	100-4-409.912	\$165,638.00
Structures	100-7-501.603	\$ 40,000.00
Vehicles/Equipment	100-7-501.608	\$ 38,638.00
Radio Equipment	100-7-501.609	\$ 87,000.00

POLICY CONSIDERATIONS:

Approval of these budget amendments is consistent with current policy.

FISCAL IMPACT:

This Ordinance will amend the budget.

ATTACHMENTS:

Please see Exhibit "A" for a listing of the budget amendments and justifications.

STAFF RECOMMENDATION:

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

ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, APPROVING A BUDGET AMENDMENT TO THE OPERATING BUDGET FOR THE CITY OF GONZALES FOR FISCAL YEAR OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an annual operating budget for the fiscal year October 1, 2020 through September 30, 2021, was approved and adopted by the City Council on September 10, 2020; and,

WHEREAS, amendments to said budget have been requested by the Mayor as itemized in "Exhibit A" attached hereto and made a part hereof; and

WHEREAS, said full and final consideration of said budget amendments have been held in a legally posted public meeting of the City Council, and it is the consensus of opinion that the budget amendments as submitted, should be approved and adopted.

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

Section 1. 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 City Council.

Section 2. The City Council of the City of Gonzales, Texas hereby amends the budget for the 2020-21 fiscal year as set forth in the Attached "Exhibit A", which is fully incorporated herein by reference.

Section 3. That this Ordinance shall be cumulative of all provisions of the City of Gonzales, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 4. All ordinances 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 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. 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 Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. 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, Texas Government Code, as amended.

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

PASSED AND APPROVED this 21st day of September, 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT "A"

Budget Amendment #1

The Grant Writer previously submitted a grant application for the purchase of a Polaris UTV for the Police Department, and we were informed on August 28, 2020 that the grant application was declined. Due to this, the purchase of the UTV and grant revenue was removed from the budget. After the adoption of the budget on September 10, 2020, the Mayor asked staff to place an agenda item on the next City Council meeting for consideration. The Mayor would like for Council to consider doing a budget amendment for the purchase of a Polaris UTV, mobile radios, and car sheds that would total around \$146,000. The Mayor stated she would like to balance these expenses with grant revenues and that the City would be applying for grants. Upon further review, staff received justifications from the Police Chief and the three items total \$165,638.

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Structures	100-7-501.603	\$ 40,000.00
Vehicles/Equipment	100-7-501.608	\$ 38,638.00
Radio Equipment	100-7-501.609	\$ 87,000.00

**ANNUAL BUDGET
BUDGETARY REQUEST JUSTIFICATION FORM**

Fund: 100
Department: 501 Police Department
Line Item #: 603 Structures

** FROM THE CITY OF GONZALES' STRATEGIC PLAN; ENTER THE GOAL; MILESTONE; AND ACTION PLAN WITH DIALOGUE TO JUSTIFY YOUR REQUEST.

GOAL _____ All Goals
MILESTONE _____ All Milestones
ACTION PLAN _____ All Action Plans

DESCRIPTION	REQUESTED 2020-21
Car Shed	\$ 40,000.00
TOTAL	\$ 40,000.00

JUSTIFICATION
 Our police units have no weather protection year round. The vehicles contain complex electronic equipment that is affected by high heat in the summer months. During use the vehicles are air conditioned and the equipment is cooled. When parked they are in an open parking lot in direct sunlight and develop extreme interior temperatures. Providing a covered area for the vehicles to be parked under and shaded will help reduce interior heat and increase the reliable operation of the electronics. This should help keep our vehicles in service. We have a high level of electronic failure due to the heat exposure.

PURPOSE / OBJECTIVE OF THIS REQUEST:
 To build car sheds for the patrol vehicles.

CHANGES / IMPROVEMENTS FROM CURRENT OPERATIONS:
 During current operations the vehicles are not covered or protected from weather. These improvements will protect our equipment.

IS THIS REQUEST A ONE-TIME X OR ON-GOING EXPENDITURE ____? (CHECK WHICH APPLIES)

**ANNUAL BUDGET
BUDGETARY REQUEST JUSTIFICATION FORM**

Fund: 100
Department: 501 Police Department
Line Item #: 608 Vehicles/Equipment

** FROM THE CITY OF GONZALES' STRATEGIC PLAN; ENTER THE GOAL; MILESTONE; AND ACTION PLAN WITH DIALOGUE TO JUSTIFY YOUR REQUEST.

GOAL _____ All Goals
MILESTONE _____ All Milestones
ACTION PLAN _____ All Action Plans

DESCRIPTION	REQUESTED 2020-21
Polaris UTV	\$ 38,638.00
TOTAL	\$ 38,638.00

JUSTIFICATION
 The purchase of a Polaris Ranger will enhance our ability to participate in search and rescue operations, and provide enhanced patrol services during special events in our community. The Polaris will benefit combined efforts with partner agencies expanding our services. We will be able to access areas that are not accessible by regular vehicles.

PURPOSE / OBJECTIVE OF THIS REQUEST:
 Add to department services.

CHANGES / IMPROVEMENTS FROM CURRENT OPERATIONS:
 Additional abilities and resources to better serve our community

IS THIS REQUEST A ONE-TIME OR ON-GOING EXPENDITURE _____? (CHECK WHICH APPLIES)

**ANNUAL BUDGET
BUDGETARY REQUEST JUSTIFICATION FORM**

Fund: 100
Department: 501 Police Department
Line Item #: 609 Radio Equipment

** FROM THE CITY OF GONZALES' STRATEGIC PLAN; ENTER THE GOAL; MILESTONE; AND ACTION PLAN WITH DIALOGUE TO JUSTIFY YOUR REQUEST.

GOAL _____ All Goals
MILESTONE _____ All Milestones
ACTION PLAN _____ All Action Plans

DESCRIPTION	REQUESTED 2020-21
Mobile Radios	\$ 87,000.00
TOTAL	\$ 87,000.00

JUSTIFICATION
 The radios will bring all of our mobile units up to date and expand our communication (P-25) abilities to be able to utilize current radio frequencies that are being utilized by surrounding jurisdictions as well as local jurisdictions. A plan is underway to go to a trunking system in the county and the new radios would bring us into compatibility with the new system.

PURPOSE / OBJECTIVE OF THIS REQUEST:
 Enhance department services.

CHANGES / IMPROVEMENTS FROM CURRENT OPERATIONS:
 Additional abilities and resources to better serve our community

IS THIS REQUEST A ONE-TIME X OR ON-GOING EXPENDITURE ? (CHECK WHICH APPLIES)

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action Approving Ordinance #2020-21 Closing and Abandoning to the abutting property owner, Benny Boyd Gonzales RE, LLC Portions of an unopened city street generally located south of County Road 244 and Authorizing the City Manager to Execute the Real Property Contract.

DATE: September 21, 2020

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

The City is in current negotiations to sell approximately 1.146 acres more or less of an unopened city street generally located south of County Road 244, further identified by a property survey.

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. 2020-21

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 Street found within the property described in the attached **Exhibit A** from the Official Public Records of Gonzales County (hereinafter the “Street”) is an unimproved street; 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 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; and,

WHEREAS, the Street has not been identified as a public square or avenue.

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 the City Council finds that the property is not part of a public square or avenue for the purposes of Section 2.01 of the Gonzales City Charter.

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** subject to the replatting of the tract to include dedication of twenty (20) feet of right-of-way on the northern portion of the tract abutting and running parallel to County Road 244.

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, APPROVED and ADOPTED by the City Council of the City of Gonzales, Texas, on this 21st day of September, 2020.

CITY OF GONZALES

Connie Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT A
DESCRIPTION OF LAND CONTAINING STREET TO BE VACATED



www.payne-llc.com
TBPLS 10194453

A DESCRIPTION OF 16.004 ACRES OF LAND, MORE OR LESS, IN THE TOWN OF GONZALES SURVEY, ABSTRACT NO. 25, GONZALES COUNTY, TEXAS, BEING ALL OF A 16.000 ACRE TRACT OF LAND CALLED A PORTION OF LOTS 2 AND 3, BLOCK 13, RANGE 1, A PORTION OF LOTS 1-4, BLOCK 12, RANGE 1, AND A PORTION OF AN UNOPENED STREET, ALL OF WHICH ARE WEST OF WATER STREET IN THE ORIGINAL OUTER TOWN OF GONZALES, CONVEYED TO BENNY BOYD GONZALES RE, LLC IN VOLUME 1156, PAGE 469 OF THE OFFICIAL RECORDS OF GONZALES COUNTY, TEXAS (ORGCT); SAID 16.004 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod with "Payne 6064" cap set at the intersection of the west right-of-way-line of US Highway No. 183 (right-of-way width varies) and the south right-of-way-line of County Road No. 244 (right-of-way width varies), being the northeast corner of said 16.000 acre tract, and the northeast corner hereof;

THENCE, with the west right-of-way-line of US Highway No. 183, same being the east line of said 16.000 acre tract, S36°09'43"E, a distance of 1000.21 feet to a 1/2-inch iron rod with "RPLS# 4540" cap found at the southeast corner of said 16.000 acre tract;

THENCE, crossing a 171.41 acre tract of land conveyed to 3-E Land, LLC in Volume 1019, Page 397 (ORGCT), with the south and west lines of said 16.000 acre tract, the following two (2) courses and distances:

- 1) S66°36'27"W, a distance of 714.65 feet to a 1/2-inch iron rod with "RPLS# 4540" cap found;
- 2) N36°09'43"W, a distance of 1000.21 feet to a 1/2-inch iron rod with "RPLS# 4540" cap found in the south right-of-way-line of County Road No. 244, at the northwest corner of said 16.000 acre tract;

THENCE, with the north line of said 16.000 acre tract and the south line of County Road No. 244, N66°36'27"E, a distance of 714.65 feet to the **POINT OF BEGINNING** hereof, and containing 16.004 acres, more or less.

Surveyed on the ground July 20, 2020. Bearing Basis: The Texas Coordinate System of 1983 (NAD83), South Central Zone, based on GPS solutions from SmartNet. Attachments: drawing 1998-002-GONZALES

7/24/20

Eric J. Dannheim, RPLS
State of Texas #6075



EXHIBIT B
REAL ESTATE SALES CONTRACT