

CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET
VIA TELEPHONE CONFERENCE
LIMITED IN PERSON ATTENDANCE AVAILABLE
AGENDA –DECEMBER 10, 2020 6:00 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 its regular meeting on Thursday, December 10, 2020 at 6:00 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

CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
- Recognition of actions by City employees
- Recognition of actions by community volunteers

HEARING OF RESIDENTS

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes. Individuals not able to attend due to space limitations may email the City Secretary at least two (2) hours prior to the meeting.

ELECTION OF MAYOR PRO TEM

- 1.1 Discuss, Consider & Possible Action Approving **Resolution #2020-130** Appointing a Mayor Pro Tem for the City of Gonzales.

PRESENTATION

- 2.1 Receive an Annual Update from Victoria College

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.

- 3.1 **Minutes** - Approval of the minutes for the November 16, 2020 regular meeting.
- 3.2 Discuss, Consider & Possible Action on **Resolution #2020-131** Declaring Certain City Property Surplus and Authorizing the Sale, Donation or Destruction of Said Property in the manner most advantageous to the City of Gonzales
- 3.3 Discuss, Consider & Possible Action on **Resolution #2020-132** Authorizing the City Manager to Execute Contracts between the City of Gonzales and the Gonzales County Mental Health Advisory Board, The Edwards Association, and Gonzales County Senior Citizens Association

PUBLIC HEARING

- 4.1 Conduct a public hearing and consider action on **Ordinance #2020-23** for a request to rezone a tract of land from R-1 Residential to R-2 Residential.

Note: Individuals will be able to speak during the public hearing via teleconference. Please email citysecretary@gonzales.texas.gov to participate.

PROPERTY OWNER: Verle and Mary Williams
LEGAL DESCRIPTION: Lot 2, Henry C. Schmidt, III Subdivision
PARCEL: 28627

RESOLUTIONS, ORDINANCES AND COUNCIL ACTION

- 5.1 Discuss, Consider & Possible Action Approving **Ordinance #2020-26** Amending Chapter 9, Article 9.40, of the City of Gonzales Code of Ordinances by Amending Division 1 Rules of Meetings and Order of Business.
- 5.2 Discuss, Consider & Possible Action Approving **Resolution #2020-134** Authorizing Appointments to the Main Street Advisory Board and the Gonzales Economic Development Corporation.
- 5.3 Discuss, Consider & Possible Action adopting **Ordinance #2020-27** Amending the Articles of Incorporation of Gonzales Economic Development Corporation
- 5.4 Discuss, Consider & Possible Action Approving **Resolution #2020-135** Approving the Job Description and Position Classification for a Communication Manager.
- 5.5 Discuss, Consider & Possible Action on Concession Stand Operations at J.B. Wells Arena.
- 5.6 Discuss, Consider & Possible Action Approving **Resolution #2020-136** Authorizing the City Manager to Enter into an Agreement for Professional Engineering Services for the CDBG-DR Grant
- 5.7 Discuss, Consider & Possible Action Approving **Resolution #2020-137** Authorizing an Appointment to the Gonzales Housing Authority.

STAFF/BOARD REPORTS

- 6.1 Financial Report for the month of November 2020.
- 6.2 City Manager, Tim Patek will update the City Council on the following:
 - Update on District 1 Clean Up
 - Rate Study Update
 - Country Village/Harrell Addition Update
 - Update on Christmas Party

CLOSED SESSION

- 7.1(a) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:
 1. In Re Estate of J. B. Wells litigation
 2. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500
- (b) Pursuant to Section 551.074 of the Texas Government Code, the City of Gonzales will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

1. City Manager
2. Municipal Court Judge

(c) Pursuant to Section 551.086 of the Texas Government Code, to deliberate, vote or take final action on a competitive matter related to certain public power utilities

1. Consider matters related to contracts for electric service

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

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

RETURN TO OPEN SESSION

8.1 Discuss, Consider and Possible Action on **Resolution #2020-138** Appointing the Municipal Court Judge and Authorizing the City Manager to execute an agreement for judicial services.

8.2 Discuss and Consider any Action Resulting from Closed Session as Necessary

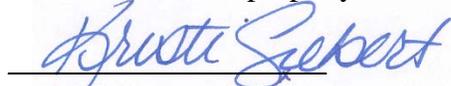
CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

ADJOURN

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

CERTIFIED as posted by 4:00 p.m. on December 7, 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
Approving Resolution #2020-130 Appointing
a Mayor Pro Tem for the City of Gonzales.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Resolution

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

In accordance with Section 3.05 of the City Charter, the City Council, at its first meeting after election of councilmembers, shall elect one of its members, mayor pro tem, who shall perform all the duties of the mayor in the absence or disability of the mayor.

POLICY CONSIDERATIONS:

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

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Staff respectfully recommends the council take the action they deem necessary.

RESOLUTION NO. 2020-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPOINTING A MAYOR PRO TEM FOR THE CITY OF GONZALES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 3.05 of the City Charter, the City Council desires to elect a Mayor Pro Tem of their choice. The Mayor Pro Tem is chosen or appointed to occupy a position either temporarily or in the absence of the regularly appointed Mayor.

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 appoints _____ as Mayor Pro Tem in accordance with Section 3.05 of the City Charter.

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 10th day of December 2020

Connie Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –NOVEMBER 16, 2020**

A Special Meeting of the City Council was held on **November 16, 2020** at 12:00 p.m. via teleconference **pursuant to Section 551.045 of the Texas Government Code and in accordance with the March 16, 2020 order by the Governor of the State of Texas.**

The meeting notice, agenda and agenda packet were posted online at www.gonzales.texas.gov.

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

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

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

CALL TO ORDER, INVOCATION AND PLEDGE

Mayor Kacir called the meeting to order at 12:00 p.m. and a quorum was certified.

Attendee Name	Title	Status
Connie L. Kacir	Mayor	Present in person
Gary Schroeder	Council Member, District 1	Absent
Tommy Schurig	Council Member, District 2	Present in person
Bobby O’Neal	Council Member, District 3	Present in person
Dan Blakemore	Mayor Pro Tem/Council Member, District 4	Present in person until 1:00pm
Robert R. Brown, Jr.	Newly Elected Council Member, District 4	Seated after canvass

STAFF PARTICIPATING:

City Attorney Dan Santee, Administrative Services Director/City Secretary Kristi Gilbert, Finance Director Laura Zella, Economic Development Director Jennifer Kolbe, JB Wells Park Arena Manager Anne Dollery and Police Chief Tim Crow.

CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
Mayor Kacir commended the Ministerial Alliance and City Departments for the successful Trunk or Treat event. Mayor Kacir also thanked Council Member Blakemore for his service to the city over the past three years.
- Recognition of actions by City employees
- Recognition of actions by community volunteers

HEARING OF RESIDENTS

The following individuals were present in person and spoke:

Jennifer Kolbe, Director of Economic Development, introduced herself to the City Council.

Betty Vaughn, spoke regarding the Gonzales Housing Authority and stated that Donna Pick would be a good representation on the board.

Donna Pick, stated she was a 10 year resident of one of the complexes in the Gonzales Housing Authority and felt she would be a good fit on the Gonzales Housing Authority.

Thomas Enriquez, stated he was a represent of District 4 and stated he was excited to see change in District 4.

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 Minutes - Approval of the minutes for the following meetings:
 - a. October 8, 2020 Regular Meeting
 - b. October 16, 2020 Special Meeting
- 1.2 Discuss, Consider & Possible Action on **Resolution #2020-109** Approving the Purchase of a 2020 Genie GTH-844 Extended Reach Forklift.
- 1.3 Discuss, Consider & Possible Action on **Resolution #2020-110** Approving the 2020 Final Tax Roll for the City of Gonzales.
- 1.4 Discuss, Consider & Possible Action on **Resolution #2020-111** Authorizing the Payment of Longevity Pay for Fiscal Year 2020-2021.

- 1.5 Discuss, Consider and Possible Action on **Resolution #2020-112** Authorizing the City Manager to execute an agreement with Gonzales County Restoration Association for the Pioneer Village Living History Center.
- 1.6 Discuss, Consider and Possible Action on **Resolution #2020-113** Authorizing the City Manager to execute an agreement with Preservation Gonzales regarding restricted use funds for the Gonzales County Jail Museum.
- 1.7 Discuss, Consider and Possible Action on **Resolution #2020-114** Authorizing the City Manager to execute an agreement with Gonzales Chapter Daughters of the Republic of Texas for the J.B. Wells House Museum.
- 1.8 Discuss, Consider & Possible Action on **Resolution #2020-115** Approving Work Order #67 in the amount of \$100,000 with for Engineering, Surveying and Project Management of the 2021 Water and Wastewater Improvement Projects and Authorizing the City Manager to Execute a Contract.
- 1.9 Discuss, Consider & Possible Action Approving **Resolution #2020-116** Authorizing the City Manager to Execute a Professional Services Agreement with Tank Industry Consultants for Professional Services Associated with the Rehabilitation of Tank No. 1 in an Amount Not to Exceed \$135,000.
- 1.10 Discuss, Consider & Possible Action on **Resolution #2020-117** Authorizing the Use of Downtown Square including the Parking Lot, and Designated Street Closures for the additional day of Friday, December 4th, for the Annual Winterfest Celebration.
- 1.11 Discuss, Consider & Possible Action on **Resolution #2020-118** Declaring Certain City Property Surplus and Authorizing the Sale, Donation or Destruction of Said Property in the manner most advantageous to the City of Gonzales.

ACTION: Items 1.1 and 1.11

APPROVED

Council Member O’Neal moved to approve the consent agenda as presented. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

RESOLUTIONS, ORDINANCES AND COUNCIL ACTION

- 2.1 Discuss, Consider & Possible Action on **Resolution #2020-119** Approving the 2021 Insurance Provider for Health, Dental, Vision and Life.

Mayor Kacir reviewed the health insurance information including the higher claims ratio. Justin Clark, Frost Insurance, stated multiple bids had been received in previous years. Mr. Clark stated a competitive bid had been provided by Blue Cross Blue Shield (BCBS) coming in at slightly lower than current rates with United Health Care (UHC). Mr. Clark stated if there was a desire to move, it would be most beneficial to move the entire package to realize the most savings. Mayor Kacir referenced Alternate #6 from the bid documents.

ACTION: Items 2.1

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-119** Approving the 2021 Insurance Provider for Health, Dental, Vision and Life awarding the contract to Blue Cross Blue Shield for plan Alternate #6 [Blue Choice MTBCP014 Plan]. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.2 Discuss, Consider & Possible Action on **Resolution #2020-120** Authorizing Gonzales Main Street, Inc. to add dedicated benches to Texas Hero Square and benches throughout the downtown.

ACTION: Items 2.2

APPROVED

Council Member Schurig moved to approve **Resolution #2020-120** Authorizing Gonzales Main Street, Inc. to add dedicated benches to Texas Hero Square and benches throughout the downtown and request that future requests include a design and location. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.3 Discuss, Consider & Possible Action on **Resolution #2020-121** Approving the Recommendation of the Gonzales Convention & Visitor Bureau to Approve Funding for the Design, Fabrication, and Installation of Eight Interpretive Panels, Under the Advisement of Preservation Gonzales, Inc., on the Historic Downtown Square, Not to Exceed the Amount of \$8,610.00.

ACTION: Items 2.3

APPROVED

Council Member Schurig moved to approve **Resolution #2020-121** Approving the Recommendation of the Gonzales Convention & Visitor Bureau to Approve Funding for the Design, Fabrication, and Installation of Eight Interpretive Panels, Under the Advisement of Preservation Gonzales, Inc., on the Historic Downtown Square, Not to Exceed the Amount of \$8,610.00. Mayor Pro Tem Blakemore seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.4 Discuss, Consider & Possible Action on **Resolution #2020-122** Approving to Contract out Sweep Across Texas to Sweep all City Streets and Consider Frequency Options of Street Sweeping.

Mayor Kacir referenced the staff brief on the two proposals and discussed the budgeted amount of \$40,000.

ACTION: Items 2.4

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-122** Approving to Contract with Sweep Across Texas to Sweep all City Streets for monthly sweeping services. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.5 Discuss, Consider & Possible Action on **Resolution #2020-123** Approving an Airport Courtesy Car Use Policy and Authorizing the Use of a City Owned Vehicle as a Courtesy Car.

ACTION: Items 2.5

APPROVED

Council Member Schurig moved to approve **Resolution #2020-123** Approving an Airport Courtesy Car Use Policy and Authorizing the Use of a City Owned Vehicle as a Courtesy Car and ask the Advisory Board to come back with a recommendation for an amount of time for use and radius limitation. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.6 Discuss, Consider & Possible Action Approving **Resolution #2020-124** Authorizing Appointments to the Main Street Advisory Board.

ACTION: Items 2.5

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-124** Authorizing the appointment of Christine Presley to a one-year unexpired term ending September 30, 2021 and Britney Caka to a two-year unexpired term ending September 30, 2022 to the Main Street Advisory Board. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.7 Discuss, Consider & Possible Action on **Resolution #2020-125** Approving Annex K – Public Works and Engineering and Annex P – Hazard Mitigation for the Gonzales Independent School District Hazard Mitigation Plan.

ACTION: Items 2.7

APPROVED

Council Member Schurig moved to approve **Resolution #2020-125** Approving Annex K – Public Works and Engineering and Annex P – Hazard Mitigation for the Gonzales Independent School District Hazard Mitigation Plan. Mayor Pro Tem Blakemore seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.8 Discuss, Consider & Possible Action Approving **Ordinance #2020-24** Closing and Abandoning to the abutting property owner, Marilyn Schmidt Portions of an unopened city street (Center Street) generally located east of Moore Street Approximately 150 feet North of St. Lawrence and Authorizing the City Manager to Execute the Real Property Contract.

ACTION: Items 2.8

APPROVED

Council Member Schurig moved to approve **Ordinance #2020-24** Closing and Abandoning to the abutting property owner, Marilyn Schmidt Portions of an unopened city street (Center Street) generally located east of Moore Street Approximately 150 feet North of St. Lawrence and Authorizing the City Manager to Execute the Real Property Contract for zero additional fees. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

Council notated the applicant had expended \$1,366 for the appraisal and surveying of the property. This expenditure, along with the savings to the City of approximately \$2,500 in survey costs establishes a public purpose to transfer the property at no cost to Ms. Marilyn Schmidt.

- 2.9 Discuss, Consider & Possible Action Approving **Resolution #2020-126** Authorizing an Expenditure by the Gonzales Economic Development Corporation in an Amount Not to Exceed \$45,000.00 for Roof Repairs and Improvement to the Lynn Theater.

ACTION: Items 2.9

APPROVED

Council Member O'Neal moved to approve **Resolution #2020-126** Authorizing an Expenditure by the Gonzales Economic Development Corporation in an Amount Not to Exceed \$45,000.00 for Roof Repairs and Improvement to the Lynn Theater. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.10 Discuss, Consider & Possible Action Approving **Resolution #2020-127** Authorizing an Appointment to the Gonzales Housing Authority.

Mayor Kacir stated she had received a resignation from Dorothy Gossett last week and was recommending the appointment of Donna Pick.

ACTION: Items 2.10

APPROVED

Mayor Kacir moved to approve **Resolution #2020-127** Authorizing the Appointment of Donna Pick to the Gonzales Housing Authority serving as the resident board member. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.11 Discuss, Consider & Possible Action on **Ordinance #2020-25** on Amendments to the City of Gonzales Code of Ordinances Article 9.500 – Code of Ethics and Conduct for City Officials and Employees.

Mayor Kacir stated Council Member Schroeder was unable to attend the meeting due to a previously scheduled family medical appointment and had asked that the item be tabled to the next regular meeting.

ACTION: Items 2.11

APPROVED

Council Member Schurig moved to approve **Ordinance #2020-25** Amendments to the City of Gonzales Code of Ordinances Article 9.500 – Code of Ethics and Conduct for City Officials and Employees. Council Member O'Neal seconded the motion.

Council Member O'Neal stated he did not know what the benefit of tabling the item would be since we already have a policy in place.

Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 2.12 Discuss, Consider & Possible Action on **Resolution #2020-128** Authorizing the City Manager to Negotiate Outside Counsel for Edison Electric Institute (EEI) Agreement.

Darren Schauer, GVEC, stated competitive bids have come in and are entering the process of negotiating the terms of the contract. Mr. Schauer recommends Melissa Sykes as she specializes in energy law.

ACTION: Items 2.12

APPROVED

Council Member Schurig moved to approve **Resolution #2020-128** Authorizing the City Manager to Negotiate Outside Counsel for Edison Electric Institute (EEI) Agreement. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

STAFF/BOARD REPORTS

- 3.1 Financial Report for the month of October 2020.
- 3.2 City Manager, Tim Patek will update the City Council on the following:
- Update on District 1 Clean Up
 - Rate Study Update
 - Country Village/Harrell Addition Update
 - Update on Christmas Party

No reports were provided.

CANVASS ELECTION AND ADMINISTER OATHS

- 4.1 Discuss, Consider & Possible Action Approving **Resolution #2020-129** Canvassing the Returns and Officially Declaring the Results of the November 3, 2020 City of Gonzales General Election.

ACTION: Items 4.1

APPROVED

Mayor Pro Blakemore moved to approve **Resolution #2020-129** Canvassing the Returns and Officially Declaring the Results of the November 3, 2020 City of Gonzales General Election with Bobby O'Neal elected in District 3 and Rob Brown elected in District 4. Council Member Schurig seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

Mayor Kacir called a two-minute recess at 1:00 p.m. Mayor Pro Tem Blakemore left the meeting.

The meeting was reconvened at 1:02 p.m.

- 4.2 Issuance of Certificate of Election and Administer Oath of Office for Council Member District #3.

Mayor Kacir issued the Certificate of Election to Bobby O'Neal and administered the Oath of Office.

4.3 Issuance of Certificate of Election and Administer Oath of Office for Council Member District #4.

Mayor Kacir issued the Certificate of Election to Rob Brown. Judge Deidra Voight administered the Statement of Elected Office and Judge Patrick Davis administered the Oath of Office.

Council Member Brown took his seat at the dais.

CONVENE INTO CLOSED SESSION:

The Council did not convene into closed session.

CLOSED SESSION

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

1. In Re Estate of J. B. Wells litigation
2. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500

RETURN TO OPEN SESSION

6.1 Discuss and Consider any Action Resulting from Closed Session as Necessary

CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers

Mayor Kacir requested the Council consider a Public Information Officer, job description and compensation.

- City and community events attended and to be attended
- Continuing education events attended and to be attended

ADJOURN

On a motion by Council Member Schurig, the meeting was adjourned at 1:12 p.m.

Approved this 10th day of December 2020.

Connie Kacir, Mayor

DRAFT

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2020-131 Declaring Certain City Property Surplus and Authorizing the Sale, Donation or Destruction of Said Property in the manner most advantageous to the City of Gonzales

DATE: December 10, 2020

TYPE AGENDA ITEM:

Consent

BACKGROUND:

In 2013 the Council approved a policy whereby the Council would declare property that staff determined to be of no further use to the City to be surplus. The policy also states that Council will recommend the disposal method of the property.

The attached property and supplies listed have been determined to no longer have a use for the City of Gonzales and staff respectfully requests it to be declared surplus.

POLICY CONSIDERATIONS:

Approval of this resolution would be consistent with the policy approved in 2013.

FISCAL IMPACT:

The dollar amount that the surplus property is sold for will increase the general fund revenues.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2020-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS DECLARING CERTAIN CITY PROPERTY SURPLUS AND AUTHORIZING THE SALE AND DONATION OF SAID PROPERTY IN THE MANNER MOST ADVANTAGEOUS TO THE CITY OF GONZALES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2013 the Council approved a policy whereby the Council would declare property that staff determined to be of no further use to the City to be surplus; and,

WHEREAS, the policy states that Council will recommend the disposal method of the property; and

WHEREAS, the attached properties listed have been determined to no longer have a use for the City of Gonzales and staff respectfully requests it to be declared surplus; and

WHEREAS, the surplus vehicles and equipment identified in Exhibit “A” will be sold via governmental auction in a manner in which to be the most advantageous to the City of Gonzales.

NOW THEREFORE, BE IT RESOLVED 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 Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 2. The City Council of the City of Gonzales, Texas hereby declares the attached Exhibit A as surplus property and authorizes the sale or donation of said property in accordance with the forgoing legislative findings.

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

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

Section 5. This Resolution shall be effective upon its approval.

Section 6. This Resolution shall not be construed to require or allow any act which is prohibited by an Ordinance.

PASSED, APPROVED and ADOPTED by the City Council of the City of Gonzales, Texas, on this 10th day of December 2020.

CITY OF GONZALES

Connie Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT "A"

General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-001502	SN-34141801	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000127	SN- 12721109	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 12947860	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-001502	SN- 34141808	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 12947912	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 13843903	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 13179166	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 12952007	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 13667126	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-000113	SN- 12947932	1
General	MEDTRONIC PHYSIO CONTROL LIFE PAK DEFIBRILLATOR PN- 3011790-001129	SN- 30773747	1
General	LIFEPAK CR PLUS DEFIBRILLETOR REF- 99403- 000157	SN- 44972605	1
General	LIFEPAK CR PLUS DEFIBRILLETOR REF- 99403- 000157	SN- 44972606	1
Fire Department	Medtronic Physio-Control Lifepak 500	SN# - 30938523	1
Fire Department	Medtronic Physio-Control Lifepak 500	SN# - 38718383	1
Fire Department	Medtronic Physio-Control Lifepak 500	SN# - 30407827	1
Fire Department	Medtronic Physio-Control Lifepak 500	SN# - 32627097	1
Fire Department	Zoll AED Plus	SN# - X08K181470	1
JB Wells	Plastic 8 foot tables (broken)		76
JB Wells	Priefirt Lead Up Cattle Chute		5
Electric	2010 Ford F-150	1FTMF1CW0AFD11092	1

**COUNCIL AGENDA
ITEM BRIEFING DATA**



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2020-132 Authorizing the City Manager to Execute Contracts between the City of Gonzales and the Gonzales County Mental Health Advisory Board, The Edwards Association, and Gonzales County Senior Citizens Association

DATE: December 10, 2020

TYPE AGENDA ITEM:

Resolution

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. In the adopted budget, funds were appropriated for the following Special Contracts:

Gonzales County Mental Health Advisory Board	\$ 2,640.00
The Edwards Association	\$ 7,500.00
Gonzales County Senior Citizens Association	\$ 7,500.00

Annually the City Council is asked to approve various Special Contracts whereby the City provides funding to local entities. The disbursement of these funds will be quarterly beginning December 31, 2020.

POLICY CONSIDERATIONS:

The contracts with these entities will benefit the general welfare and well-being of the City of Gonzales and achieve a legitimate public purpose.

FISCAL IMPACT:

The funds are currently budgeted in Account 100-7-101.521 Gonzales County Mental Health Advisory Board for \$2,640, Account 100-7-101.527 The Edwards Association for \$7,500, Account 100-7-101.520 Gonzales County Senior Citizens Association for \$7,500 and those amounts were verified with the Finance Director.

ATTACHMENTS:

Contracts are attached for each of the entities.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2020-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS BETWEEN THE CITY OF GONZALES AND THE GONZALES COUNTY MENTAL HEALTH ADVISORY BOARD, THE EDWARDS ASSOCIATION, AND GONZALES COUNTY SENIOR CITIZENS ASSOCIATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on September 12, 2020 the City Council approved the operating budget for Fiscal Year 2020-2021; and

WHEREAS, within said approved budget funds are currently budgeted in Account 100-7-101.521 Gonzales County Mental Health Advisory Board for \$2,640, Account 100-7-101.527 The Edwards Association for \$7,500, Account 100-7-101.520 Gonzales County Senior Citizens Association for \$7,500; and

WHEREAS, annually the City Council is asked to approve various Special Contracts whereby the City provides funding to local entities to benefit the general welfare and well-being of the city of Gonzales and achieve a legitimate public purpose; and

WHEREAS, the Gonzales County Mental Health Advisory Board, Inc. requests funding to provide and maintain the physical site and utilities for the Mental Health Clinic which provides programs and services to meet the needs of the citizens in the City of Gonzales by helping with medication, food or other services which achieves a legitimate public purpose; and

WHEREAS, the Edwards Association requests funding to provide and maintain the physical site and provide utilities for the Edwards High School which provides facilities and organization for activities for all age groups including educational opportunities and to articulate the history and meaning of the Edwards High School which achieves a legitimate public purpose; and

WHEREAS, the Gonzales County Senior Citizen's Association requests funding to provide programs and services to meet the needs of senior citizens such as delivering meals to their homes and providing transportation to medical appointments, lab work, dialysis, grocery shopping, restaurants, work and any other need they may have which achieves a legitimate public purpose; and

WHEREAS, the City Council finds that entering into an agreement with the Gonzales County Mental Health Advisory Board, the Edwards Association and the Gonzales County Senior Citizens Association 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 2. The City Council of the City of Gonzales hereby authorizes the City Manager to execute contracts with Gonzales County Mental Health Advisory Board (Exhibit “A”), the Edwards Association (Exhibit “B”), and Gonzales County Senior Citizens Association (Exhibit “C”) in the amounts specified herein the attached Exhibits.

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 10th day of December, 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT "A"
GONZALES MENTAL HEALTH ADVISORY BOARD CONTRACT

EXHIBIT B
THE EDWARDS ASSOCIATION

EXHIBIT C
GONZALES COUNTY SENIOR CITIZENS ORGANIZATION

AGREEMENT

This Agreement is entered into on the ____ day of _____, 2020, between the City of Gonzales (hereinafter referred to as the “City” or the “City of Gonzales”) and the Gonzales County Mental Health Advisory Board, Inc. (hereinafter referred to as “Advisory Board”).

WHEREAS, the Advisory Board provides and maintains funds for various programs and services to meet the needs of the citizens in the City of Gonzales by helping with medication, food or other services including, but not limited to the services below; and

WHEREAS, the Advisory Board provides funds to the Bluebonnet Trails Community Health Services of Gonzales to help destitute clients pay for medicine, food and miscellaneous expenses for clients and families; and

WHEREAS, the Advisory Board provides funds to Bethany Community of Hope to be used to pay rent for their facilities that provide safe, secure housing, vocational training, support services, and education opportunities for women who are in recovery from sex trafficking, prostitution, and drug addiction; and

WHEREAS, the Advisory Board provides funds for holiday meal baskets and rent for clients located at Independence Homes which serves low income households where the head, co-head or spouse has a diagnosed chronic mental illness; and

WHEREAS, the City finds that these programs and services provided by the Advisory Board are a benefit to the general welfare and well-being of the City of Gonzales and achieve a legitimate public purpose.

NOW, THEREFORE, in consideration of these premises and the mutual covenants and agreements herein set forth, the parties agree as follows:

1. The City shall provide funding to the Advisory Board in the amount of \$2,640.00 for the budget that runs from October 1, 2020 to September 30, 2021. The Advisory Board shall provide programs and services to meet the needs of the City of Gonzales’ citizens. City funds will be disbursed quarterly pending receipt of satisfactory quarterly information and is also subject to available funding.
2. The Advisory Board shall provide quarterly financial and program information regarding financial position, use of funds, services offered, and number of people served at the end of each quarter. Quarters will end December 31st, March 31st, June 30th, and September 30th of each year. **Financial reports along with invoices and/or proof of payment shall accompany the financial statements.**
3. The Advisory Board shall be responsible for the acts and omissions of its officers, directors, employees, agents, assigns and contractors and will indemnify, hold harmless and defend the City of Gonzales regarding any claims, costs, or actions arising from the acts of the Advisory Board.

4. This Agreement shall be governed by and construed under the laws of the State of Texas.
5. Should any term, covenant, or provision of this Agreement be deemed invalid, unlawful, or otherwise improper by any Court of competent jurisdiction, then such term, covenant, or provision shall be reformed and modified to the minimum extent necessary to achieve conformity with applicable law. Said reformation shall be deemed effective as of the original date of this Agreement. Other provisions are not affected.
6. This Agreement shall be in effect for a period of one year, period beginning October 1, 2020 and ending September 30, 2021.

Executed this ____ day of _____, 2020.

CITY OF GONZALES

By: _____
Timothy Patek, City Manager

GONZALES COUNTY MENTAL
HEALTH ADVISORY BOARD, INC.

By: _____
Name Title

AGREEMENT

This Agreement is entered into on the ____ day of _____, 2020, between the City of Gonzales (hereinafter referred to as the “City” or the “City of Gonzales”) and The Edwards Association (hereinafter referred to as “Edwards Association”).

WHEREAS, The Edwards Association provides and maintains the physical site and utilities for the Edwards High School which will be used and maintained for public purposes.

WHEREAS, The Edwards Association provides facilities and organization for activities for all age groups and provides educational opportunities and facilities for all segments of the community; and

WHEREAS, The Edwards Association will be used to articulate the history and meaning of the Edwards High School experience and ensure that it becomes publicly known; and

WHEREAS, the City finds that these programs and services provided by the Edwards Association are a benefit to the general welfare and well-being of the City of Gonzales and achieves a legitimate public purpose.

NOW, THEREFORE, in consideration of these premises and the mutual covenants and agreements herein set forth, the parties agree as follows:

1. The City shall provide funding to the Edwards Association for improvements to the facility or property. The funding that was appropriated is in the amount of \$7,500.00 for the budget that runs from October 1, 2020 to September 30, 2021. The Edwards Association shall provide facilities and organization for activities for all age groups, to provide educational opportunities and facilities for all segments of the community. City funds will be disbursed quarterly pending receipt of satisfactory quarterly information and is also subject to available funding.
2. The Edwards Association shall provide quarterly financial and program information regarding financial position, use of funds, services offered and number of people served at the end of each quarter. Quarters will end December 31st, March 31st, June 30th, and September 30th of each year. **Financial reports along with invoices and/or proof of payment shall accompany the financial statements.**
3. The Edwards Association shall be responsible for the acts and omissions of its own officers, directors, employees, agents, assigns and contractors and will indemnify, hold harmless and defend the City of Gonzales regarding any claims, costs, or actions arising from the acts of the Edwards Association.
4. This Agreement shall be governed by and construed under the laws of the State of Texas.
5. Should any term, covenant, or provision of this Agreement be deemed invalid, unlawful, or otherwise improper by any Court of competent jurisdiction, then such term, covenant, or

provision shall be reformed and modified to the minimum extent necessary to achieve conformity with applicable law. Said reformation shall be deemed effective as of the original date of this Agreement. Other provisions are not affected.

- 6. This Agreement shall be in effect for a period of one year, period beginning October 1, 2020 and ending September 30, 2021.

Executed this ____ day of _____, 2020.

CITY OF GONZALES

By: _____
Timothy Patek, City Manager

THE EDWARDS ASSOCIATION

By: _____
Name Title

AGREEMENT

This Agreement is entered into on the ____ day of _____, 2020, between the City of Gonzales (hereinafter referred to as the “City” or the “City of Gonzales”) and the Gonzales County Senior Citizens Association, Inc. (hereinafter referred to as “Senior Citizens Association”).

WHEREAS, the Senior Citizens Association provides programs and services to meet the needs of senior citizens in the City of Gonzales such as providing transportation to medical appointments, lab work, dialysis, grocery shopping, restaurants, work and any other need they may have; and

WHEREAS, the Senior Citizens Association provides and delivers meals to the homes of senior citizens needing this service; and

WHEREAS, the City finds that these programs and services provided by the Senior Citizens Association are a benefit to the general welfare and well-being of the City of Gonzales and achieve a legitimate public purpose.

NOW, THEREFORE, in consideration of these premises and the mutual covenants and agreements herein set forth, the parties agree as follows:

1. The City shall provide funding to the Senior Citizens Association in the amount of \$7,500.00 for the budget that runs from October 1, 2020 to September 30, 2021. The Senior Citizens Association shall provide programs and services to meet the needs of the City of Gonzales’ senior citizens. City funds will be disbursed quarterly pending receipt of satisfactory quarterly information and is also subject to available funding.
2. The Senior Citizen Association shall provide quarterly financial and program information regarding financial position, use of funds, services offered and number of people served at the end of each quarter. Quarters will end December 31st, March 31st, June 30th, and September 30th of each year. **Financial reports along with invoices and/or proof of payment shall accompany the financial statements.**
3. The Senior Citizens Association shall be responsible for the acts and omissions of its own officers, directors, employees, agents, assigns and contractors and will indemnify, hold harmless and defend the City of Gonzales regarding any claims, costs, or actions arising from the acts of the Senior Citizens Association.
4. This Agreement shall be governed by and construed under the laws of the State of Texas.
5. Should any term, covenant, or provision of this Agreement be deemed invalid, unlawful, or otherwise improper by any Court of competent jurisdiction, then such term, covenant, or provision shall be reformed and modified to the minimum extent necessary to achieve conformity with applicable law. Said reformation shall be deemed effective as of the original date of this Agreement. Other provisions are not affected.

6. This Agreement shall be in effect for a period of one year, period beginning October 1, 2020 and ending September 30, 2021.

Executed this ____ day of _____, 2020.

CITY OF GONZALES

By: _____
Timothy Patek, City Manager

GONZALES COUNTY SENIOR
CITIZENS ASSOCIATION, INC.

By: _____
Name Title

**COUNCIL AGENDA
ITEM BRIEFING DATA**



DATE: December 10, 2020

AGENDA ITEM

Conduct a public hearing and consider a recommendation to the City Council regarding **Ordinance #2020-23** approving a request to rezone a tract of land from R-1 Residential to R-2 Residential.

PROPERTY OWNER:

Verle and Mary Williams

LEGAL DESCRIPTION:

Lot 2, Henry C. Schmidt, III Subdivision

PARCEL:

28627

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

On September 14, 2020 the City of Gonzales received an application for a zoning change (Case 2020-02) for a 2.25 acre tract of land located between 1543 and 1619 Seydler Street. The property is currently zoned R-1 Residential 1 District and the applicant is seeking to change the zoning to R-2 Residential 2 District for the stated purpose of allowing apartments or townhomes. The subject property is described as follows:

PROPERTY OWNER: Verle and Mary Williams

LEGAL DESCRIPTION: Lot 2, Henry C. Schmidt, III Subdivision

PARCEL: 28627

A notice was published in the newspaper on September 24, 2020 and notices were mailed to property owners within 200’ of the subject property on September 29, 2020. When the November 12, 2020 City Council meeting was canceled, the property owners were renotified and a new notice was published in the newspaper. Eight property owners were notified of the zoning change. As of preparation of the staff report, two property owners filed a letter of objection to the change and no property owners filed a letter of no objection. One letter was returned unable to forward.

Surrounding property:

- North: R-1 Residential 1 District – Single family home
- East: C-2 Heavy Commercial – High School field and metal buildings
- South: R-1 Residential 1 District – Single family home, further south small warehouse
- West: R-1 Residential 1 District – Vacant land

The 2013 City of Gonzales Comprehensive Plan contemplates the property to be single family residential and has a separate multi-family residential district called out within the plan.

WRITTEN REPORT FROM THE PLANNING & ZONING COMMISSION:

The Planning and Zoning Commission met on October 15, 2020 and conducted a public hearing

on the rezoning application. The Planning and Zoning Commission unanimously recommended denial of the application with one member absent.

ATTACHMENTS:

Application
Public Hearing Notice to Property Owners and Exhibit
Objection/No Objection letters
Proposed Ordinance

STAFF RECOMMENDATION:

The request is not in compliance with 2013 City of Gonzales Comprehensive Plan, as such, staff recommends the applicant submit an application to amend the Comprehensive Plan prior to approving the zoning change.

Zoning & Variance Application

Planning

- Specific Use Special Exceptions Rezoning Variance
 PDD Application PDD Amendment Other _____

Project Name: _____
Address: Seydler ST (between 1543+1619) No. of lots: one Acreage: 2.25
Legal Description: All of Lot No 2 of Henry C. Schmidt III Subdivision
Subdivision Name: Henry C. Schmidt III Block: _____ Lot: 2
Current Zoning: R1 Parcel 28627 Proposed Zoning (if applicable): R2

OWNER AND AUTHORIZATION

Owner Name: Verle Williams
Address: 1714 Gardien ST
City, State, Zip: Gonzales Tx 78629 Fax: _____
Phone: 361 648-0135 Email: VerleWilliams@yahoo.com
Agent Name: _____
Address: _____
City, State, Zip: _____ Fax: _____
Phone: _____ Email: _____

I hereby certify that I am the owner of the property and further certify that the information provided on this development application is true and correct. I hereby designate the aforementioned agent to act on my behalf for submittal, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

Signature Owner: Verle Williams Date: 9-14-2020

FOR OFFICE USE ONLY			
Received: <u>9/14/20</u>	Fee: \$ <u>300.00</u>	Receipt	<u>[Signature]</u>
Case No.: _____		Reviewed By:	_____

Zoning & Variance Application

RECOMMENDATIONS

The Planning & Zoning Commission (P&Z) and the City Council look to staff to make a recommendation for the approval or disapproval of this application. We will make every effort to notify you of our recommendation at least one (1) week in advance of the scheduled meeting of the P&Z Commission. In the case of a rezoning, and when the public interest requires it, we may recommend a rezoning to a Planned Development District (PDD) or a classification other than the classification requested. We will notify you of our decision to propose a PDD as soon as possible after the application is filed to give you time to prepare a site plan.

PUBLIC NOTIFICATION

The public is entitled to examine this application and participate in the decision-making process. In most cases, we are required to notify all property owners within two hundred feet (200') of the boundaries of your property. To ensure the fullest possible consideration, we may also notify neighborhood groups, organizations or individuals that have a special interest in a particular issue. Except for matters that the staff have expressly agreed not to disclose (and provided the law allows us to hold the matter in confidence), then all information that we deem relevant to the review and processing of this application may become public knowledge.

PLEASE READ BEFORE SIGNING

The undersigned has read the above application and hereby certifies that the information contained therein is complete, true and correct; and does hereby request that said application be submitted to the Planning & Zoning Commission at the earliest available meeting.

I understand and acknowledge that it is my responsibility to furnish an accurate and precise legal description of the property, and only the property, that is subject of this application, and that failure to furnish such information prior to the application deadline date will delay the processing of this application. I also understand that the City must notify affected property owners of this application. In the event that I fail to submit in a timely manner any information that the City deems necessary to transmit this application to the Planning & Zoning Commission or City Council, then in lieu of dismissal I hereby request that this application be temporarily withdrawn from further consideration until such information is submitted. I have been informed of the tentative date and time that the Planning & Zoning Commission and City Council will hear this application, and I understand that hearings may be continued from time to time at the discretion of the Commission or Council to allow for full consideration or when the public interest requires a continuation.

SIGNED: _____

Verh William

DATE: _____

9-14-2020

Zoning & Variance Application



ZONING IMPACT ANALYSIS

Please answer these questions in order to assist Staff with the processing of your Zoning request.

- 1 Does the proposed zoning map amendment implement the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use and Development Plan map, as amended?

I would change the zoning class to include 10-12 units of apartments or town houses for affordable rent on spacious property with building more than 200 ft from the school zone. This would be the first Multi family buildings in a block with over 20 acres of open land around it and plenty of water drainage away from the street.

- 2 Are the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses appropriate in the immediate area of the land to be reclassified?

The LaPasada Apartments complex is about 500 ft north of this lot and there is an 8 unit townhouse complex south across the street intersection.

- 3 Is the proposed change in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area?

I believe that there is adequate public services and utilities near by. There is a 6 inch sewer line on the street side and an 8 inch sewer line on the street down hill from the property.

- 4 Are there other factors which will substantially affect the public health, safety, morals, or general welfare?

A properly constructed and well maintained property would add value to the area.

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

General Warranty Deed

Date: September 3, 2020

I hereby certify that this
is a true and correct copy.
BURCHARD ABSTRACT COMPANY

Grantor: Abiding Word Lutheran Church of Gonzales, Texas

B. Walker

Grantor's Mailing Address:

1310 St. Louis Street
Gonzales, Texas 78629
Gonzales County, Texas

Grantee: Verle Williams and wife, Mary Williams

Grantee's Address:

1714 Gardien Street
Gonzales, Texas 78629
Gonzales County, Texas

Consideration: Ten and No/100 Dollars, and other good and valuable consideration, the sufficiency is hereby acknowledged by Grantor.

Property (including any improvements): Being all that certain lot or parcel of land, lying and being situated in Gonzales County, Texas, within the Corporate Limits of the City of Gonzales, being **ALL OF LOT NO. 2, of HENRY C. SCHMIDT, III SUBDIVISION**, according to the map or plat of said subdivision, as the same appears of record in Plat Cabinet Slide 131-A, of the Gonzales County Plat Records.

Reservations from Conveyance: NONE

Exceptions to Conveyance and Warranty:

This conveyance is expressly made by Grantor and accepted by Grantee subject to the following matters, but only to the extent the same are validly existing and applicable to the Property, and the reference to any of such matters shall not serve to revive or ratify any such items by the Grantor or Grantee:

Rules and regulations of any governmental agency including Gonzales County, Texas Subdivision Regulations;

Gonzales County Water Control and Improvement District No. 1, as recorded in Volume 292, Page 263 and in Volume 293, Page 597 of the Gonzales County Deed Records;

Oil and Gas Lease dated October 27, 1981, executed by Alfred B. Spohler, Jr. and wife, Bille Jean Spohler, to Superior Minerals, recorded in Volume 509, Page 587, of the Deed Records of Gonzales County, Texas;

Lease being pooled with others to form the McCaskill Oil Unit, et al. by Unit Designation filed for record September 2, 1983 recorded in Volume 547, Page 458 of the Deed Records of Gonzales County, Texas;

Lease being pooled with others to form the Southern Clay Unit, et al. by Unit Designation filed for record April 25, 1984 recorded in Volume 556, Page 742 of the Deed Records of Gonzales County, Texas;

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records of Gonzales County, Texas;

Any visible and apparent roadway or easement over or across the Property the existence of which does not appear of record;

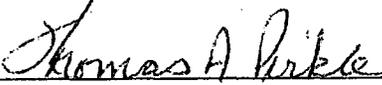
Any portion of the Property which falls within the boundaries of any road or roadways; and

Taxes for the year 2020 are prorated to the date of closing and Grantee assumes and agrees to pay said taxes, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

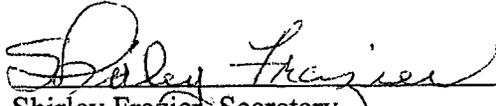
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person

whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.



Thomas A. Pirkle, President



Shirley Frazier, Secretary

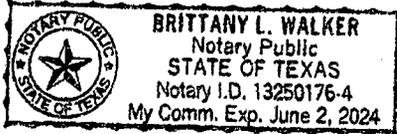
STATE OF TEXAS)

COUNTY OF GONZALES)

This instrument was acknowledged before me on September 3, 2020 by Thomas A. Pirkle, as President of Abiding Word Lutheran Church of Gonzales, Texas.

Brittany L. Walker

Notary Public, State of Texas



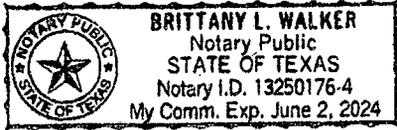
STATE OF TEXAS)

COUNTY OF GONZALES)

This instrument was acknowledged before me on September 3, 2020 by Shirley Frazier, as Secretary of Abiding Word Lutheran Church of Gonzales, Texas.

Brittany L. Walker

Notary Public, State of Texas



PREPARED IN THE LAW OFFICE OF:
Ortman Fullilove Law, PLLC
Christie Ortman Fullilove
403 St. George Street
Gonzales, TX 78629
(830) 672-9535

AFTER RECORDING RETURN TO:
GRANTEE:
Verle Williams, and wife Mary Williams
1714 Gardien Street
Gonzales, Texas 78629

PUBLIC HEARING NOTICE

CITY OF GONZALES
CITY COUNCIL

The City Council of the City of Gonzales, by this instrument, notifies the public of a PUBLIC HEARING on a request that has been presented for Planning and Zoning recommendation and City Council action on the following project:

The below listed property is zoned R-1 Residential District and the property owner is seeking to change the zoning to R-2 Residential District.

PROPERTY OWNER: Verle and Mary Williams

LEGAL DESCRIPTION: Lot 2, Henry C. Schmidt, III Subdivision

PARCEL: 28627

The application was heard at the October 15, 2020 Planning and Zoning Commission and will be presented to **City Council for a Public Hearing and possible approval on December 10, 2020 at 6:00 p.m. at the Gonzales City Hall, 820 St. Joseph St.**

The City Council encourages citizens to participate in the public comment and public hearing process for all applications for zoning or rezoning before the City Council. Citizens unable to attend meetings may submit their views to Kristi Gilbert, City Secretary for the City of Gonzales, by mailing them to P.O. Drawer 547, Gonzales, TX 78629. For additional information, contact the City Secretary office at (830)-672-2815.

Charles David & Ester Louise Jones
Life Estate
PO Box 505
Gonzales, TX 78629

David & Sherri Koepf
1543 Seydler St
Gonzales, TX 78629

Mark Hagen
163 Lone Oak
Seguin, TX 78155

Tony John & Patricia Ann
Fitzsimmons
1611 Seydler St
Gonzales, TX 78629

Kardosz Investments LLC &
Immortal 32 LLC
403 Saint George Street
Gonzales, TX 78629

Mark Hagen
163 Lone Oak
Seguin, TX 78155

Robertson North LLC
5900 Balcones Suite 160
Austin, TX 78731

Gonzales ISD Trustee
PO Box 157
Gonzales, TX 78629

mailed
9/30/20
Hagen

CITY OF GONZALES



COME AND TAKE IT

820 St. Joseph Street
P.O. Drawer 547
Gonzales, Texas 78629
Phone (830) 672-2815
www.gonzales.texas.gov

September 29, 2020

Tony John & Patricia Ann Fitzsimmons
1611 Seydler St
Gonzales, TX 78629

NOTICE IS HEREBY GIVEN THAT: Your property located at 1611 Seydler has been identified as a property owner within 200 feet of an area being considered for a rezoning.

The below listed property is zoned R-1 Residential District and the property owner is seeking to change the zoning to R-2 Residential District. The stated purpose of the request is to allow for apartments or townhouses. A location map of the property is included on the reverse of this letter.

PROPERTY OWNER: Verle and Mary Williams
LEGAL DESCRIPTION: Lot 2, Henry C. Schmidt, III Subdivision
PARCEL: 28627

The Planning & Zoning Commission will hold a **Public Hearing October 15, 2020 at the Gonzales City Hall, 820 St. Joseph St. at 5:30 p.m.**, to allow for public comment on the application to rezone the listed property. After consideration and recommendation by Planning & Zoning Commission and the Public Hearing, the application for rezoning will be presented to **City Council for a Public Hearing and possible approval on November 12, 2020 at 6:00 p.m. at the Gonzales City Hall, 820 St. Joseph St.**

The City Council encourages citizens to participate in the public comment and public hearing process for all applications for zoning or rezoning before the Planning & Zoning Commission and City Council. Citizens unable to attend meetings may submit their views to Kristi Gilbert, City Secretary for the City of Gonzales, by mailing them to P.O. Drawer 547, Gonzales, TX 78629. For additional information, contact the City Secretary office at (830)-672-2815.

Any property owner having any objections or comments to this change may so state his/her objections or comments in writing and return this form to the City of Gonzales, P.O. Box 547, Gonzales, Texas 78629 or citysecretary@gonzales.texas.com by the **October 14, 2020**. A property owner may appear before the commission and verbally state any objections or comments at 820 St. Joseph, Gonzales, Texas 78629 at the date and time of the meeting stated below. For additional information, contact the City Secretary's office at (830)-672-2815.

PLEASE CHECK ONE OF THE FOLLOWING AND RETURN:

NO OBJECTION OBJECTIONS AND COMMENTS

This is a quiet neighborhood at night with elderly people. We have enough noise & high traffic during the day with the High School & the apartment complex by Farm Bureau

Tony & Patsy Fitzsimmons
Signature _____ Date _____

10-5-2020

In God We Trust

CITY OF GONZALES



COME AND TAKE IT

820 St. Joseph Street
P.O. Drawer 547
Gonzales, Texas 78629
Phone (830) 672-2815
www.gonzales.texas.gov

November 18, 2020

Tony John & Patricia Ann Fitzsimmons
1611 Seydler St
Gonzales, TX 78629

NOTICE IS HEREBY GIVEN THAT: Your property located at 1611 Seydler, Parcel ID 26072 has been identified as a property owner within 200 feet of an area being considered for a rezoning.

The below listed property is zoned R-1 Residential District and the property owner is seeking to change the zoning to R-2 Residential District. The stated purpose of the request is to allow for apartments or townhouses. A location map of the property is included on the reverse of this letter.

PROPERTY OWNER: Verle and Mary Williams
LEGAL DESCRIPTION: Lot 2, Henry C. Schmidt, III Subdivision
PARCEL: 28627

The Planning & Zoning Commission held a **Public Hearing October 15, 2020 at the Gonzales City Hall, 820 St. Joseph St. at 5:30 p.m.**, in which they made a recommendation to the City Council to deny the request. The application for rezoning will be presented to **City Council for a Public Hearing and possible approval on December 10, 2020 at 6:00 p.m. at the Gonzales City Hall, 820 St. Joseph St.**

The City Council encourages citizens to participate in the public comment and public hearing process for all applications for zoning or rezoning before the City Council. Citizens unable to attend meetings may submit their views to Kristi Gilbert, City Secretary for the City of Gonzales, by mailing them to P.O. Drawer 547, Gonzales, TX 78629. For additional information, contact the City Secretary office at (830)-672-2815.

Any property owner having any objections or comments to this change may so state his/her objections or comments in writing and return this form to the City of Gonzales, P.O. Box 547, Gonzales, Texas 78629 or citysecretary@gonzales.texas.com by the **December 2, 2020**. If you previously submitted comments for the October 15, 2020 Planning and Zoning Commission it is not necessary to submit comments again, unless your opinion has changed. A property owner may appear before the City Council and verbally state any objections or comments at 820 St. Joseph, Gonzales, Texas 78629 at the date and time of the meeting stated below. For additional information, contact the City Secretary's office at (830)-672-2815.

PLEASE CHECK ONE OF THE FOLLOWING AND RETURN:

NO OBJECTION

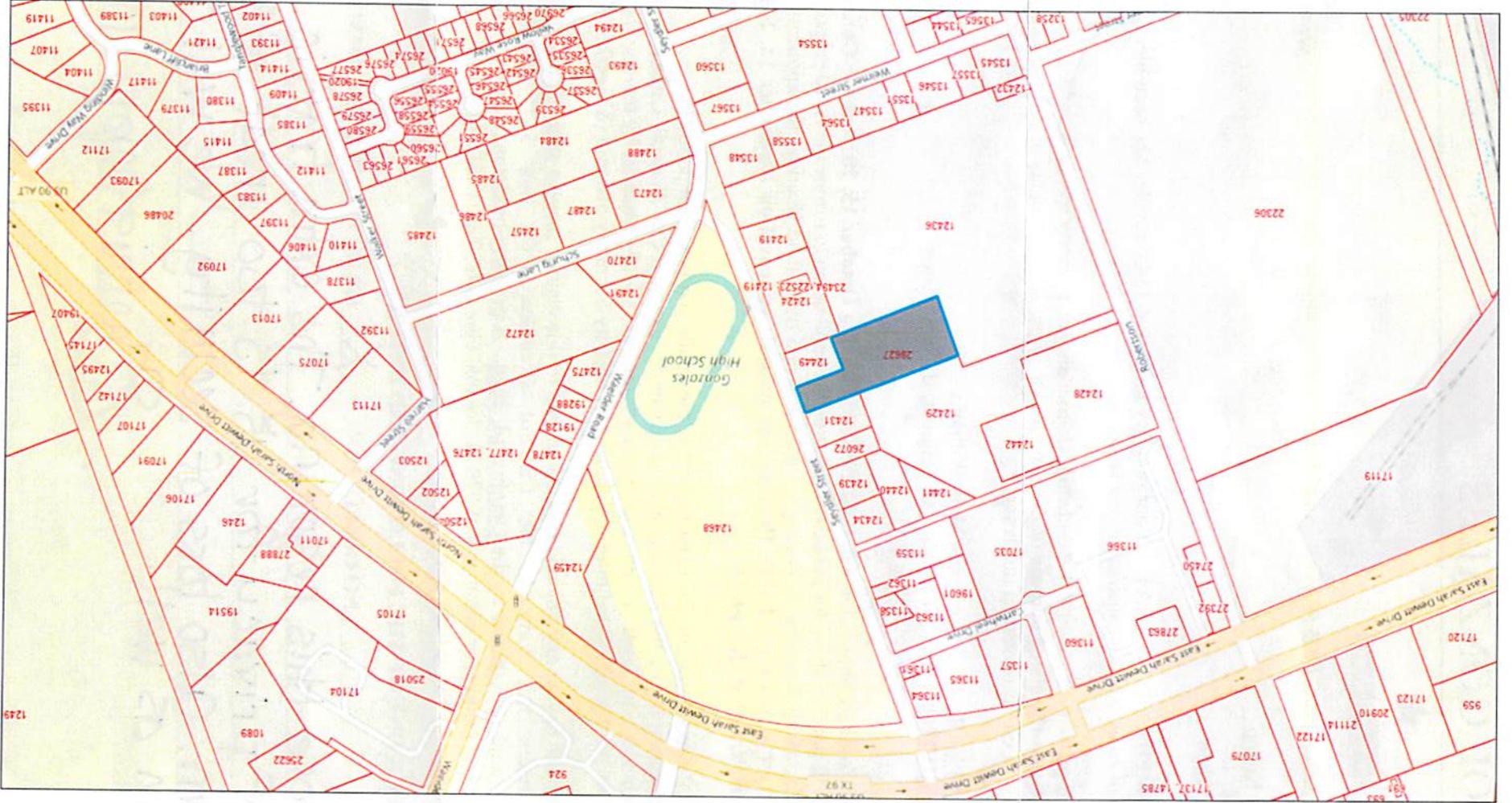
OBJECTIONS AND COMMENTS

We do not want apartments or townhouses in our neighborhood - we have objected to this request 3 times. Enough is enough!

Tony & Patricia
Signature Date 11-20-2020

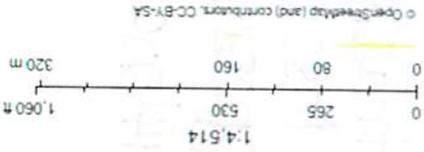
In God We Trust

Zoning Case 2020-02

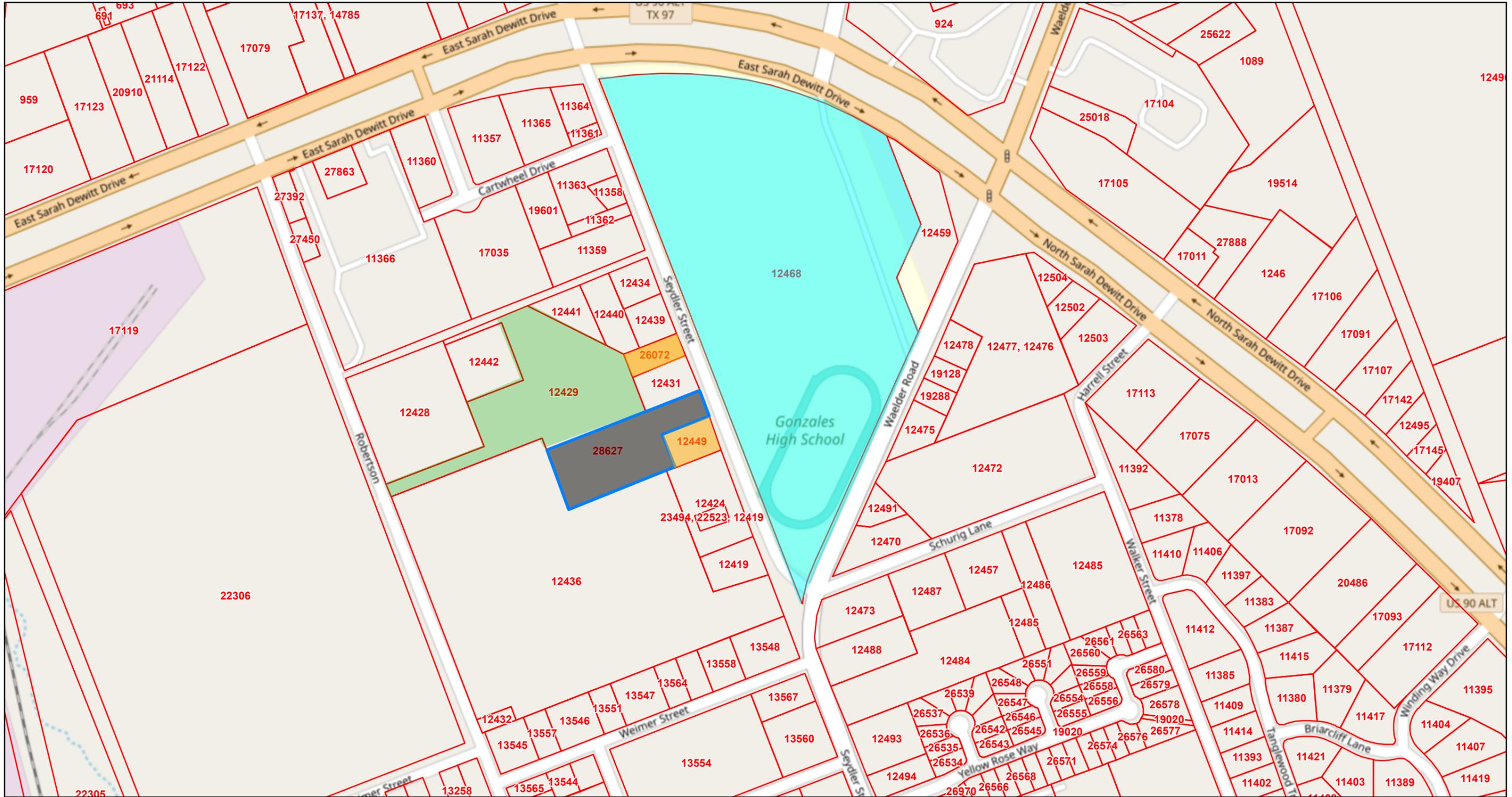


9/29/2020, 4:44:29 PM

Seydler Street Between 1543 Seydler and 1619 Seydler Street
Application to Rezone Parcel 28627 From R-1 Residential to
R-2 Residential



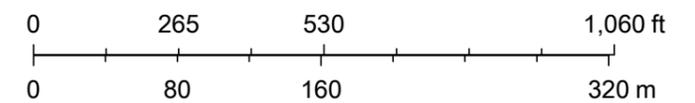
Zoning Case 2020-02 Exhibit of Property Owner Responses



9/29/2020, 4:44:29 PM

Seydler Street Between 1543 Seydler and 1619 Seydler Street
Application to Rezone Parcel 28627 From R-1 Residential to
R-2 Residential

1:4,514



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OPPOSED TO REQUEST

NOTICE RETURNED UNDELIVERABLE

NO OBJECTION TO REQUEST

ORDINANCE NO. 2020-23

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AMENDING THE OFFICIAL ZONING MAP BY ZONING LOT 2 OF THE HENRY C. SCHMIDT III SUBDIVISION, GONZALES, TEXAS FROM R-1 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gonzales, Texas as previously created and appointed a Planning and Zoning Commission as authorized by the Texas Local Government Code; and,

WHEREAS, the Texas Local Government Code authorizes a municipality to adopt zoning districts after compliance with statutory notice provisions; and,

WHEREAS, an application to rezone from R-1 Residential District to R-2 Residential District was received on September 14, 2020. The Planning and Zoning Commission took action to recommend denial at a meeting on October 15, 2020. The item was considered and _____ by the City Council on December 10, 2020; and,

WHEREAS, on October 15, 2020, the Planning and Zoning Commission conducted a public hearing on the potential rezoning application and after considering the testimony and evidence, hereby makes a recommendation of denial of the rezoning application; and,

WHEREAS, on December 10, 2020 the City Council conducted a public hearing and after considering the testimony, evidence and recommendation by the Planning and Zoning Commission, determined it to be in the public interest to amend the City's Comprehensive Zoning Ordinance and Zoning Map, which in its best judgment promotes the health, safety, morals, and general welfare and protect the use and enjoyment of property throughout the City.

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 Council.

Section 2. The property described as Lot 2 of the Henry C. Schmidt, III Subdivision, Gonzales, Texas as shown and more particularly described in the attached exhibit A, is hereby zoned from R-1 Residential District to R-2 Residential District.

Section 3. The Official Zoning Map of the City of Gonzales, Texas shall be revised to reflect the above amendment.

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

Section 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 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, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Gonzales, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Gonzales except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 10th DAY of DECEMBER 2020.

By: _____
Connie Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

EXHIBIT A

The below listed property is rezoned from R-1 Residential District to R-2 Residential District:

PROPERTY OWNER: Verle and Mary Williams
LEGAL DESCRIPTION: Lot 2, Henry C. Schmidt, III Subdivision
PARCEL: 28627

DRAFT

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action
Approving Ordinance #2020-26 Amending
Chapter 9, Article 9.40, of the City of
Gonzales Code of Ordinances by Amending
Division 1 Rules of Meetings and Order of
Business.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Action

BACKGROUND:

It has been the policy of the City of Gonzales to require all boards and commissions appointed by the City Council to hold meetings in accordance with the Texas Open Meetings Act. The attached ordinance amends Chapter 9, Article 9.40 of the Code of Ordinances to add a new section to Rules of Procedure that codifies the requirement to hold meetings in accordance with Chapter 551 of the Texas Government Code, known as the Texas Open Meetings Act and all the boards to be entitle to the same rights and privileges established in the Act.

POLICY CONSIDERATIONS:

This is consistent with current procedures and expands on the rights of the boards in conducting meetings in accordance with the Texas Open Meets Act.

FISCAL IMPACT:

There are no fiscal impacts at this time.

ATTACHMENTS:

Proposed ordinance

STAFF RECOMMENDATION:

Staff respectfully recommends the council take the action they deem necessary.

ORDINANCE NO. 2020-26

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 9.40, OF THE CITY OF GONZALES CODE OF ORDINANCES BY AMENDING DIVISION 1 RULES OF MEETINGS AND ORDER OF BUSINESS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council has previously adopted uniform rules of decorum and procedure for all boards, commissions and committees appointed by the City Council; and,

WHEREAS, to improve efficiency and transparency while protecting the interests of the City and public it is necessary to amend the previously adopted rules of decorum and procedure; and,

WHEREAS, the City of Gonzales, as a home rule municipality has the authority to extend the provisions of the Texas Open Meetings Act to all boards, commissions and committees appointed by the City Council; and,

WHEREAS, the City Council hereby finds and determines that amending the Code of Ordinances to designate all boards, commissions and committees appointed by the City Council as governmental bodies as defined by Chapter 551 of the Government Code is in the best interest of the City.

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

Section 1. Code Amended.

City of Gonzales Code of Ordinances, Chapter 9 (entitled "*Personnel*"), Article 9.40, (entitled "*Rules of Procedure Decorum and Ethics*"), Division 1. (entitled "*Rules of Meetings and Order of Business*") is hereby amended as shown on **Exhibit A**, and incorporated herein.

Section 2. Findings.

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

Section 3. Repealer.

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 4. Relation to Other Ordinances.

This ordinance shall not be construed to require or allow any acts which are prohibited by any other ordinance.

Section 5. Effective Date.

This Ordinance shall become effective immediately from and after passage and any publication if required by governing law.

Section 6. Savings Clause.

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

Section 7. Cumulative.

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 8. Severability.

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

Section 9. Proper Notice and Meeting.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED, this, the 10th day of December, 2020.

CONNIE KACIR, MAYOR

ATTEST:

KRISTI GILBERT, CITY SECRETARY

EXHIBIT A

THE CITY OF GONZALES CODE OF ORDINANCES IS HEREBY AMENDED AS SET FORTH BELOW. (ADDITIONS ARE BOLD AND UNDERLINED)

ARTICLE 9.400 RULES OF PROCEDURE DECORUM AND ETHICS

Division 1. Rules of Meetings and Order of Business

Sec. 9.402 Regular Meetings

(a) Time and Location. The time and location of each board meeting shall be established in the bylaws or by official action of each respective board.

(b) Other Locations. The boards may, occasionally, elect to meet at other locations and, upon such election, shall give the public notice of the change of location in accordance with state law.

(c) Location During Local Emergency. If by reason of fire, flood or other emergency, it is unsafe to meet at the regular meeting location, the meetings may be held for the duration of the emergency at such other place as may be designated by the board chair or in the absence of the board chair, the board liaison.

(d) Cancellation of Meetings. When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for such day shall be deemed canceled unless otherwise specified by the board. At other times, when the board deems appropriate, regular meetings may be canceled and rescheduled by a majority vote of the board.

(e) Texas Open Meetings Act. For purposes of Chapter 9 of this Code of Ordinances, all boards, commissions and committees appointed by the city council are hereby deemed to be governmental bodies as that is defined in the Texas Government Code Chapter 551, as amended. As such, all boards, commissions, and committees appointed by the city council shall fully comply with the requirements set forth in Chapter 551, known as the Texas Open Meetings Act, and be entitled to any rights and privileges established therein.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action Approving Resolution #2020-134 Authorizing Appointments to the Main Street Advisory Board and the Gonzales Economic Development Corporation.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

On November 6, 2020, Main Street Advisory Board Member D'Anna Robinson submitted her resignations. Ms. Robinson was reappointed in October to fill a one-year term expiring September 30, 2021.

On November 16, 2020, Dan Blakemore's position on the Gonzales Economic Development Corporation (GEDC) was vacated in accordance with the board Articles of Incorporation which indicates "a director that is a member of the City Council and ceases to be a member of such, such shall constitute an automatic resignation..."

The following individuals applied for the Main Street Advisory Board in August or since the vacancy was created:

Daniel Garza
Pamela Jackson
Tami Erikson

The following individuals applied for the GEDC in August or since the vacancy was created:

Amy Cernosek
Rafe Jackson
Dan Blakemore

POLICY CONSIDERATIONS:

This year, the policy has changed slightly to require the signed receipt of understanding of the Code of Ethics at the time of application.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Staff respectfully requests City Council action deemed appropriate

RESOLUTION NO. 2020-134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING AN APPOINTMENTS TO THE MAIN STREET ADVISORY BOARD AND THE GONZALES ECONOMIC DEVELOPMENT CORPORATION; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council shall have the power to appoint the members of all boards and commissions; and

WHEREAS, the boards and commissions shall have all powers and duties created by the charter, city ordinance or by law; and

WHEREAS, there is a vacancy on the Main Street Advisory Board due to the resignation of D'Ann Robinson; and

WHEREAS, there is a vacancy on the Gonzales Economic Development Corporation due to Dan Blakemore no longer being a Council Member; and

WHEREAS, the City Council hereby finds that filling the vacancies is in the best interest of the City and its citizens, and serves a public purpose.

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

Section 1. The 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 appoints _____ to the Main Street Advisory Board for the remainder of a one-year unexpired term ending September 30, 2021.

Section 3. The City Council of the City of Gonzales, Texas hereby appoints _____ to the Gonzales Economic Development Corporation for the remainder of a two-year unexpired term ending September 30, 2021.

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

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

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City

Council hereby declares that this Resolution would have been enacted without such invalid provision.

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

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

PASSED AND APPROVED this 10th day of December 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action adopting Ordinance #2020-27 Amending the Articles of Incorporation of Gonzales Economic Development Corporation

Date: December 10, 2020

TYPE AGENDA ITEM:

Ordinance

BACKGROUND:

The Gonzales Economic Development Corporation (GEDC) was incorporated on March 14, 1997, and filed its Articles of Incorporation with the Texas Secretary of State. At the time of the filing Article Eight stated, “The Affairs of the Corporation shall be managed by a Board of Directors (“the Directors”) which shall be composed of seven (7) persons appointed by the City Council each of the directors shall be a resident of the City.”

The Texas Legislature has since modified Sec. 505.052 (b) of the Texas Local Government Code, which provides for,

- (a) Each director of a Type B corporation authorized to be created by a municipality with a population of 20,000 or more must be a resident of the municipality.
- (b) Each director of a Type B corporation authorized to be created by a municipality with a population of less than 20,000 must:
 - (1) be a resident of the municipality;
 - (2) be a resident of the county in which the major part of the area of the municipality is located; or
 - (3) reside:
 - (A) within 10 miles of the municipality’s boundaries; and
 - (B) in a county bordering the county in which most of the area of the municipality is located.

POLICY CONSIDERATIONS:

During the November 23, 2020, GEDC Regular Meeting, the Board of Directors reviewed and approved the amendment and recommends the City Council approve the amendment that supports Section 1. (g) of the Amended Bylaws of the Gonzales Economic Development Corporation adopted on the 20th of May, 2019 and approved by the City Council of the City of Gonzales held on the 13th day of June 2019. Section 1. (g) “Each Director must reside within the City of Gonzales or Gonzales County. Expanding the area in which directors may reside greatly increases the number of qualified eligible applicants to serve the community.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Amendment to Articles of Incorporation of Gonzales Economic Development Corporation

STAFF RECOMMENDATION:

During the November 23, 2020 GEDC Regular Meeting, the Board of Directors reviewed and approved the amendment and recommends approval by City Council. Approval of the Amendment would support Section 1. (g) of the Amended Bylaws of the Gonzales Economic Development Corporation adopted on the 20th of May, 2019 and approved by the City Council of the City of Gonzales held on the 13th day of June 2019.

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING AND ADOPTING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE GONZALES ECONOMIC DEVELOPMENT CORPORATION, A TYPE B ECONOMIC DEVELOPMENT CORPORATION, OPERATING PURSUANT TO CHAPTER 505 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING THE SEVEN (7) MEMBER BOARD OF DIRECTORS MAY BE RESIDENTS OF THE CITY OF GONZALES, TEXAS OR GONZALES COUNTY, TEXAS, CONSISTENT WITH SECTION 505.052 OF THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Gonzales Economic Development Corporation (hereinafter referred to as the “GEDC”) is Type B economic development corporation, operating pursuant to the provisions of Chapters 505 of the Texas Local Government Code, as amended; and

WHEREAS, on March 14, 1997, the GEDC filed its original Articles of Incorporation with the Texas Secretary of State’s office; and

WHEREAS, Section 505.052(b) of the Texas Local Government Code provides that “[e]ach director of a Type B corporation authorized to be created by a municipality with a population of less than 20,000 must: (1) be a resident of the municipality; (2) be a resident of the county in which the major part of the area of the municipality is located; or (3) reside: (A) within 10 miles of the municipality's boundaries; and (B) in a county bordering the county in which most of the area of the municipality is locate” and

WHEREAS, the 2010 United States Census figures indicate the City of Gonzales, Texas, has a population of 7,237 residents; and

WHEREAS, Article 6.A. of the original Articles of Incorporation provide that the City Council of the City of Gonzales, Texas, may amend said Articles of Incorporation by approving an Ordinance; and

WHEREAS, the City Council of the City of Gonzales, Texas, finds and determines that the Articles of Incorporation of the GEDC should be amended to provide that the Board of Directors must be a resident of the City of Gonzales, Texas or a resident of Gonzales County, Texas, consistent with Section 505.052(b) of the Texas Local Government Code; and

WHEREAS, by the adoption of this Ordinance, the City Council of the City of Gonzales, Texas, finds and determines that it is advisable that the proposed amendments to the GEDC’s Articles of Incorporation be made, authorizes the same to be made, and approves the form of the proposed amendments as set forth in the Amendment to Articles of Incorporation, a copy of which is attached hereto as *Exhibit A*, and in accordance with section 501.301(b)(1)-(3) of the Texas Local Government Code.

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

Section 1. Incorporation of Premises. That the foregoing recitals are hereby found to be true and correct legislative findings of the City Council of the City of Gonzales, Texas, and are fully incorporated into the body of this Ordinance.

Section 2. Approval of Amendment to Articles of Incorporation. That the City Council of the City of Gonzales, Texas, finds and determines that the Amendment to the Articles of Incorporation of the Gonzales Economic Development Corporation, a copy of which is attached hereto as *Exhibit A*, is hereby approved and adopted by a majority vote of the City Council of the City of Gonzales, Texas.

Section 3. Authorize the Filing of Amendment to Articles of Incorporation. That the City Council of the City of Gonzales, Texas, authorizes the filing with the Texas Secretary of State's office the Amendment to the Articles of Incorporation of the Gonzales Economic Development Corporation, a copy of which is attached hereto as *Exhibit A* (hereinafter referred to as the "Amendment").

Section 4. Making Certain Findings. That the City Council of the City of Gonzales, Texas, in accordance with Section 501.301(b)(1)-(3) of the Texas Local Government Code determines that it is advisable to adopt the Amendment; authorizes the adoption of the Amendment; and approves the form of the Amendment.

Section 5. Effective Date. This Ordinance shall take effect from and after its adoption.

PASSED AND APPROVED by the City Council of the City of Gonzales, Texas, on this the 10th day of December, 2020.

Connie L. Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

Exhibit A

Amendment
to
Articles of Incorporation

**AMENDMENT
TO
ARTICLES OF INCORPORATION
OF
GONZALES ECONOMIC DEVELOPMENT CORPORATION**

The Gonzales Economic Development Corporation (hereinafter referred to as the “GEDC”) is Type B economic development corporation, operating pursuant to the provisions of Chapters 505 of the Texas Local Government Code, as amended, adopts the following Amendment to its Articles of Incorporation:

WHEREAS, the GEDC was incorporated as a Section 4B economic development corporation, now referred to as a Type B economic development corporation, operating pursuant to the provisions of Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, on March 14, 1997, the GEDC filed its original Articles of Incorporation with the Texas Secretary of State’s office; and

WHEREAS, Section 505.052(b) of the Texas Local Government Code provides that “[e]ach director of a Type B corporation authorized to be created by a municipality with a population of less than 20,000 must: (1) be a resident of the municipality; (2) be a resident of the county in which the major part of the area of the municipality is located; or (3) reside: (A) within 10 miles of the municipality's boundaries; and (B) in a county bordering the county in which most of the area of the municipality is locate” and

WHEREAS, the City Council of the City of Gonzales, Texas, finds and determines that the Articles of Incorporation of the GEDC should be amended to provide that the Board of Directors must be a resident of the City of Gonzales, Texas or a resident of Gonzales County, Texas, consistent with Section 505.052(b) of the Texas Local Government Code.

SECTION ONE
NAME

The name of the corporation is the “Gonzales Economic Development Corporation.”

SECTION TWO
AMENDMENT

- (a) **Amendment.** That the second sentence, in the first paragraph of Article Eight, of the Articles of Incorporation of the Gonzales Economic Development Corporation, as amended, is hereby amended to read as follows:

“Each of the directors shall be a resident of the City or a resident of Gonzales County, Texas, consistent with Section 505.052 of the Texas Local Government Code, as amended.”

SECTION THREE

These amendments were adopted in the following manner:

The amendments were approved at a meeting of the Board of Directors of the Gonzales Economic Development Corporation on November 23, 2020, and received the vote of a majority of the City Council of the City of Gonzales, Texas, at its meeting held on December 10, 2020. An Ordinance of the City Council adopting this Amendment to the Articles of Incorporation is attached hereto.

CITY OF GONZALES, TEXAS
A Texas home-rule municipality

Connie L. Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

**GONZALES ECONOMIC DEVELOPMENT
CORPORATION**
a Texas non-profit corporation

Andy Rodriguez, President

VERIFICATION

Before me, the undersigned authority, on this day personally appeared Connie L. Kacir, who, after being duly sworn, stated under oath that she is Mayor of the City of Gonzales, Texas, a Texas home-rule municipality, that she has read the above and foregoing Amendment to Articles of Incorporation, and that to the best of her knowledge the statements made therein are true and correct.

SUBSCRIBED AND SWORN TO on this the ____ day of _____, 2020.

NOTARY PUBLIC, State of Texas

Commission expires: _____

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action
Approving Resolution #2020-135 Approving
the Job Description and Position Classification
for a Communication Manager.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

At the November 16, 2020 Council meeting, the Mayor requested a future agenda item to include a job description for a newly created position involving public information. Staff has provided a job description for Communications Manager. Included is the proposed job description and updated position classification form.

This position was not anticipated in the 2020-2021 budget and would require a budget amendment. If approved, the City Manager would add the responsibilities of Communications Manager to the Tourism Director and provide a salary increase from \$57,783 to \$65,000.

POLICY CONSIDERATIONS:

This Resolution will increase the duties of a current employee and will amend the current version of classification for the new position.

FISCAL IMPACT:

Adding the duties to the Tourism Director and increasing the salary by \$7,217 would cost the city approximately \$8,480 which includes benefits. With the change effective December 12, 2020, it would require an additional \$6,550 from the general fund for FY 2020-2021 budget. A budget amendment would be required at a later date.

ATTACHMENTS:

Proposed job description and amended position classification are attached.

STAFF RECOMMENDATION:

Staff respectfully recommends the council take the action they deem necessary.

RESOLUTION NO. 2020-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING A NEW JOB DESCRIPTION AND POSITION CLASSIFICATION FOR THE POSITION OF COMMUNICATIONS MANAGER; AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the City of Gonzales job descriptions and job classifications were reviewed, and suggested changes made; and,

WHEREAS, it is the desire of legal counsel and staff to present the proposed job descriptions and classifications to City Council for review and final approval; and,

WHEREAS, the City Council has requested the addition of a new position of Communications Manager; and,

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

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

Section 1. The 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 authorizes the approval of a new Job Description for the position of Communications Manager and Amending Position Classification as set forth in the attached Exhibit A and directs the City Manager or designee to distribute them accordingly.

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 10th day of December 2020

Connie Kacir, Mayor

ATTEST:

Kristi Gilbert, City Secretary

**CITY OF GONZALES
POSITION DESCRIPTION**

TITLE: Communications Manager
DEPARTMENT: City Manager

JOB CODE: Full-Time
FLSA: Exempt

SUMMARY: The position is responsible for planning and organizing media relations, social media and marketing campaigns pertaining to the programs sponsored by the City and fostering civic involvement and awareness of City activities, services, and programs. The position is responsible for the creation and maintenance of internal and external communications. An incumbent in this position also serves as general support to all departments, as needed.

The intent of this position description is to provide a representative summary of the major duties and responsibilities performed by this position. The position may be required to perform position-related tasks other than those specifically listed in this description.

Essential Job Functions:

- Works with City staff to proactively generate positive news stories about City services.
- Designs, coordinates, produces media releases, advisories, public service announcements, newsletters, annual reports, special reports for City administration, and other City publications or communications including brochures, flyers, invitations, and other outreach material.
- Arranges interviews with City officials.
- Develops and implements new avenues of communications, including communications plans and strategies, surveys, and research.
- Responds to information requests from media and the general public.
- Writes and produces various video projects promoting the City, City Administration, and concerns of the general public.
- Assists departments and City Council in developing special publications, special events, and public meetings; takes photos and videos at events as requested.
- Coordinates City social media (Facebook, Twitter, etc.) accounts; creates content for publishing; and advises City management and Council on social media best practices.
- Maintains the City website; serves as the point of contact for website changes and additions.
- Performs other related duties as assigned.

Required Knowledge and Skills:

- Knowledge and skill in using Microsoft software such as Excel and Word.
- Knowledge of proper grammar, spelling, and punctuation.
- Knowledge of budgeting.
- Skill in organizing and prioritizing.
- Skill in performing math computations and using formulas and percentages.
- Skill in operating standard office equipment and machines.
- Skill in operating camera, video and sound equipment, and graphic programs.
- Skill in writing and editing news releases, newsletters, website content, reports, advertising, brochures, and other forms of written communication.
- Ability to follow instructions.
- Ability to operate a vehicle for travel.
- Ability to communicate, both verbally and in writing.

**CITY OF GONZALES
POSITION DESCRIPTION**

- Ability to use tact and diplomacy.
- Ability to maintain confidentiality.
- Ability to prepare and make presentations.
- Ability to read, analyze, and interpret government data, guidelines for municipalities, news articles, and materials related to public administration and city management.
- Ability to analyze situations and adopt a quick, effective, and reasonable course of action.
- Ability to establish and maintain effective working relationships with the media, the public, and City employees.
- Ability to evaluate demographics and statistics.
- Ability to work flexible hours which may include nights, weekends, holidays, and emergency events.

Required Education, Experience and Certificates:

- Prefer Bachelor's degree in journalism, communications, business/public administration, public relations, or a closely related field OR any equivalent combination of experience and training that provides the required knowledge, skills, and abilities.
- Two (2) years of related work experience, or an equivalent combination of education and experience; experience in journalism and public relations including public speaking and preparation of printed materials preferred.
- Ability to translate English to Spanish preferred, but not required.
- Valid Texas Driver's License

Environmental Factors and Conditions/Physical Requirements:

- Work is performed in an office setting and outside environment
- May be subject to repetitive motion such as typing and vision to monitor
- May be subject to bending, reaching, kneeling, and lifting (up to 20 lbs.)

POSITION CLASSIFICATION

DEPARTMENT	EEO CLASS	FLSA
100-102 Administration		
City Manager	Professional-01	Exempt
Superintendent of Public Works	Officials/Administrative-15	Exempt
Special Project Manager	Officials/Administrative-15	Exempt
<u>Communications Manager</u>	<u>Professional-01</u>	<u>Exempt</u>
100-103 Community Development		
Building Official	Officials/Administrative-10	Exempt
Building Inspector	Officials/Administrative-10	Non-exempt
Code Compliance Officer	Administrative Support-15	Non-exempt
100-105 Main Street		
Main Street Manager	Administrative Support-01	Exempt
100-106 Economic Development		
Economic Development President/CEO	Officials/Administrative-01	Exempt
Administrative Assistant to President/CEO	Administrative Support-01	Non-exempt
100-107 Building Maintenance		
Janitor	Service/Maintenance-15	Non-exempt
Maintenance	Skilled Craft-15	Non-exempt
Building Maintenance Superintendent	Skilled Craft-15	Non-exempt
100-108 City Secretary		
Administrative Services Director/ City Secretary	Officials/Administrative-15	Exempt
100-109 Finance		
Director of Finance	Officials/Administrative-01	Exempt
Accountant I	Administrative Support-01	Non-exempt
Accountant II	Administrative Support-01	Non-exempt
100-110 Hotel/Motel		
Tourism Director	Professional-01	Exempt
100-201 Parks		
Parks and Recreation Director	Officials/Administrative-15	Exempt
Administrative Assistant	Administrative Support-01	Non-exempt
Crew Leader	Service/Maintenance-15	Non-exempt
Equipment Operator I (6)	Service/Maintenance-15	Non-exempt
Equipment Operator (Part-time)	Service/Maintenance-15	Non-exempt
100-202 Swimming Pool		
Pool Manager	Service/Maintenance-15	Non-exempt
Lifeguard (6)	Service/Maintenance-15	Non-exempt
Pool Cashier	Service/Maintenance-15	Non-exempt
100-204 Recreation		
Camp Supervisor	Service/Maintenance-15	Non-exempt
Camp Instructor (11)	Service/Maintenance-15	Non-exempt
100-206 Golf		
Golf Course Superintendent	Service/Maintenance-15	Non-exempt
Grounds Keeper	Service/Maintenance-15	Non-exempt
Cashier (Part-time 6)	Officials/Administrative-01	Non-exempt

POSITION CLASSIFICATION

DEPARTMENT	EEO CLASS	FLSA
100-301 Fire Department		
Chief (Part-time)	Officials/Administrative-05	Exempt
Battalion Chief	Officials/Administrative-05	Exempt
Captain (3)	Professional-05	Non-exempt
Lieutenant (3)	Professional-05	Non-exempt
Firefighter (3)	Protective Services-05	Non-exempt
Firefighter (Part-time as needed)	Protective Services-05	Non-exempt
Firefighter Trainee	Protective Services-05	Non-exempt
100-501 Police Department		
Chief of Police	Officials/Administrative-04	Exempt
Captain	Professional-04	Exempt
Criminal Services Lieutenant	Professional-04	Exempt
Support Services/Admin Lieutenant	Professional-04	Exempt
DEA Task Force Investigator	Technicians-04	Non-exempt
Patrol Sergeant (4)	Technicians-04	Non-exempt
Patrol Officer (12)	Protective Services-04	Non-exempt
Cadet	Protective Services-04	Non-exempt
Telecommunication Sergeant	Administrative Support-15	Non-exempt
Telecommunication Operator (4)	Administrative Support-15	Non-exempt
Telecommunication Operator (Part-time 1)	Administrative Support-15	Non-exempt
Police Records Clerk	Administrative Support-15	Non-exempt
100-504 Animal Control		
Animal Control Officer	Service/Maintenance-15	Non-exempt
100-550 Municipal Court		
Court Clerk (2)	Administrative Support-01	Non-exempt
100-603 Street Department		
Street Director	Officials/Administrative-02	Exempt
Crew Leader/ Equipment Operator II	Skilled Craft-02	Non-exempt
Equipment Operator II (2)	Skilled Craft-02	Non-exempt
Equipment Operator I (3)	Skilled Craft-02	Non-exempt
100-650 Library		
Library Director	Officials/Administrative-15	Exempt
Librarian I (3)	Professionals-15	Non-exempt
Part-Time Librarian Assistant (1)	Professionals-15	Non-exempt
100-660 Museum		
Museum Director	Administrative Support-15	Non-exempt
Museum Worker (Part-time 1)	Administrative Support-15	Non-exempt
203-203 J.B. Wells Park		
Arena Operations Manager	Officials/Administrative-15	Exempt (frozen)
Revenue Collections Clerk	Administrative Support-01	Non-exempt
Crew Leader	Service/Maintenance-15	Non-exempt
Equipment Operator I (4)	Service/Maintenance-15	Non-exempt
Equipment Operator (Part-time)	Service/Maintenance-15	Non-exempt
210-710 Electric Department		
Electric Director/Liaison	Officials/Administrative-12	Exempt
Lineman I/Meter Reader	Skilled Craft-12	Non-Exempt
Hydro Plant Station Technician (Part-time 1)	Skilled Craft-12	Non-Exempt

POSITION CLASSIFICATION

DEPARTMENT	EEO CLASS	FLSA
210-750 Revenue Collections		
Revenue Collections Supervisor	Administrative Support-01	Exempt
Revenue Collections Clerk (3)	Administrative Support-01	Non-exempt
220-720 Water Department		
Water Department Director	Officials/Administrative-13	Exempt
Crew Leader	Skilled Craft-13	Non-exempt
Water Operator I (2)	Skilled Craft-13	Non-exempt
Water Operator II	Skilled Craft-13	Non-exempt
230-730 Wastewater Department		
Wastewater Superintendent	Officials/Administrative-13	Exempt
Crew Leader	Skilled Craft-13	Non-exempt
Operator I (3)	Skilled Craft-13	Non-exempt
Operator II (2)	Skilled Craft-13	Non-exempt
240-740 Solid Waste		
Equipment Operator I (2)	Skilled Craft-02	Non-exempt

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Concession Stand Operations at J.B. Wells Arena.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Action

BACKGROUND:

The J.B. Wells Arena concession stand has been leasing out the concession stand to interested parties since approximately 2011. Our current lessors have given notice that they will be giving up their three-year contract as of December 31, 2020 primarily due to family commitments. Since there is a cutting beginning on December 31, 2020 through January 2, 2021, their last event will be December 19, 2020.

The City of Gonzales placed an RFP in early November, which had a due date of November 19, 2020. As of today November 30, 2020, we have not received any proposals, although we hope to have some to review prior to the Council meeting.

Staff has prepared three options for Council discussion and direction:

- A. Staff has been in contact with Amy Loehse, who owns a business finding food trucks for events. Ms. Loehse has been talking to three different trucks to switch out for each event at the arena, one food truck possibly being available for all events. As of November 30th, Staff does not have full details or a commitment from Ms. Loehse. We do know that the City would not be required to execute a contract with her or pay any fees. She generates her revenue through contracts with the individual food trucks. Staff hopes to have more details to provide at the Council meeting.
- B. On November 30, 2020, three different parties reached out to Staff expressing interest in leasing the concession stand. One is very familiar with the horse industry and has knowledge of the J.B. Wells Arena layout. All of the individuals have been provided information included in the RFP and one is scheduled to tour the location this week. Staff is hopeful that one of these individuals will execute a lease.
- C. The final option would be for the City to take over operation of the concession stand again. This would of course require hiring part time help and the expense of stocking the concession stand in order to run the concession stand. This has the potential to generate revenue, however, there would be a lot of new labor for the city. In an attempt to research revenues generated the last time the City ran the concession stand it is difficult

to obtain accurate revenue records due to a number of factors. The current lessors said after expenses and labor they cleared \$25,000.00 for the year; however, this number seems to be on the low end considering the number of attendees and customers throughout the year.

POLICY CONSIDERATIONS:

This is consistent with current procedures and expands on the rights of the boards in conducting meetings in accordance with the Texas Open Meets Act.

FISCAL IMPACT:

The current lessor pays the City \$800 per month for use of the concession stand. The original RFP requested a minimum of \$750 per month. If the Council moves forward with Option A, there would be no expense to the City, but there would not be any revenue either. Both Option B and Option C would require further evaluation to determine their budgetary impact.

ATTACHMENTS:

None

STAFF RECOMMENDATION:

Staff recommendation is at this time is to continue to look for a new lessor and if we need to supplement someone in the meantime see about having food trucks come to the arena for the weekend events. The arena is booked every weekend of 2021. Alternatively, staff may receive some proposals prior to the Council meeting that staff can review during the meeting.

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action
Approving **Resolution 2020-136**
Authorizing the City Manager to Enter into
an Agreement for Professional Engineering
Services for the CDBG-DR Grant

DATE: December 10, 2020

TYPE AGENDA ITEM:

Consent

BACKGROUND:

On October 26, 2020, the City was notified by the Texas Department of Agriculture (TDA) that our grant application had been approved in support of a Downtown Revitalization project for the City of Gonzales in the amount of \$500,000. The purpose of this project is to provide economic development activities in the form of sidewalks, street improvements in the downtown area. This project will be funded through the Texas Community Development Block Grant (TxCDBG) Program as Contract No. 7220052.

City staff sent a Request for Proposals to Environmental Services Providers and Engineers to provide professional services for the project. Unfortunately, we received no responses for environmental services. Staff's recommendation is to allow the engineering firm that is awarded the project to subcontract out the environmental services.

We received three (3) responses from engineering firms. The three proposals received were from Doucet & Associates, Inc., Southwest Engineers, and SRI Global Inc.

On December 7, 2020, City staff met and evaluated the proposals based on the criteria set forth in the RFP and ranked the proposals with a possible score of 100 points: Doucet & Associates scored 96 points, Inc., Southwest Engineers scored 94 points, and SRI Global Inc. scored 42 points.

POLICY CONSIDERATIONS:

This is consistent with previous actions and with the requirements of the awarded grant.

FISCAL IMPACT:

When the City applied for the grant, we committed to a 10% match, being \$50,000. This project will require a budget amendment. Staff will also submit a request to the GEDC and GCVB for possible assistance.

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2020-136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ENGINEERING SERVICES FOR THE TXCDBG DEPARTMENT OF AGRICULTURE MAIN STREET INFRASTRUCTURE GRANT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on November 10, 2020 City staff issued a Request for Qualifications (RFQ) for engineering services for the City of Gonzales for the TxCDBG Main Street Infrastructure Grant; and,

WHEREAS, proposals were received from Doucet & Associates, Inc., Southwest Engineers, and SRI Global Inc. by the due date published; and,

WHEREAS, City staff evaluated the proposals based on the firms understanding of the requirements, experience in providing similar services to the City or any other governmental entity, samples and references and key personnel professional background, certifications, and experience in providing the requested services during which Doucet & Associates received the highest score of the three proposals; and,

WHEREAS, the City Council finds that entering into an agreement with Doucet & Associates to assist the City of Gonzales with the TxCDBG Main Street engineering services for downtown infrastructure improvements to 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 2. The City Council of the City of Gonzales hereby authorizes the City Manager to enter into an agreement with Doucet & Associates for Engineering Services.

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

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

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

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

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

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

PASSED AND APPROVED this 10th day of December, 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action Approving
Resolution #2020-137 Authorizing an
Appointment to the Gonzales Housing
Authority.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

In 1950 the City Council identified that there were unsanitary, unsafe inhabited dwelling accommodations and that there was a shortage of safe and sanitary dwelling accommodations for families of low income. It was at that time Council established a Housing Authority for the City of Gonzales.

Local Government Code 392 outlines the guidelines that the municipal Housing Authority must abide by. The Housing Authority is considered to exist in its own right, a public body that is separate from the municipality. The Housing Authority governs its own affairs without interference or funding from the municipality. Furthermore, municipalities do not have any authority to oversee the actions of the board of commissioners or the operations of a housing authority, except as reflected in LGC §392.031 which states the presiding officer of the governing body shall appoint the commissioners. In addition, LGC §392.034 states that after the original creation and appointment of the commissioners to the Housing Authority of a municipality each subsequent appointment will be for two-year terms.

POLICY CONSIDERATIONS:

Certificates of Appointment to the Housing Authority of a municipality are required by the Texas Local Government Code.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Staff respectfully requests City Council action deemed appropriate

RESOLUTION NO. 2020-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS REAPPOINTING THE COMMISSIONERS TO THE HOUSING AUTHORITY OF THE CITY OF GONZALES, TEXAS AND AUTHORIZING THE MAYOR TO SIGN CERTIFICATES OF APPOINTMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Local Government Code §392.034 states that after the original creation and appointment of the commissioners to the Housing Authority of a municipality each subsequent appointment will be for two-year terms.

WHEREAS, there was a vacancy created on the Housing Authority Board with the resignation of Dorothy Gossett; and

WHEREAS, the City Council hereby finds that filling the vacancy is in the best interest of the City and its citizens and serves a public purpose.

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

Section 1. The 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 appoints _____ to a term ending March 31,2021.

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 10th day of December 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider and Possible Action on **Resolution #2020-138** Appointing the Municipal Court Judge and Authorizing the City Manager to execute an agreement for judicial services.

DATE: December 10, 2020

TYPE AGENDA ITEM:

Action/Executive Session

BACKGROUND:

At the October 8, 2020 meeting, Council directed staff to solicit requests for qualifications (RFQ) for the position of Municipal Judge. A notice was published in the Gonzales Inquirer and on the City's website. Staff also emailed the RFQ to the current Municipal Judge, Deidra Voigt and to Michael Scott Hanson who had previously requested to be notified if such action was taken. The deadline to submit qualification was Monday, November 30, 2020 at 2:00 p.m. Staff received one submittal from Judge Deidra Voigt which is provided under separate cover. The City Council will have the opportunity to interview and discuss the candidate during executive session, while the appointment must be made in open session.

Judge Deidra Voigt, the current judge, was originally appointed on May 24, 2011 to fill an unexpired term for the previous judge that ended on December 8, 2012. Judge Voigt was last reappointed at the November 8, 2018 Council meeting with a term expiration of December 8, 2020.

Government Code Section 29.005 states that the term of office of a judge of a municipal court is two years unless the municipality provides for a longer term pursuant to the Constitution. A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term of office beginning on the date the previous term of office expired.

As per the City of Gonzales Charter Section 4.04 (b) the judge of the municipal court shall be a qualified voter of the city and shall be appointed by the city council, shall hold his/her office at the pleasure of the city council and shall receive such salary as may be fixed by ordinance of the city council.

POLICY CONSIDERATIONS:

In 2018, Council held discussions regarding whether it would be appropriate to advertise a request for qualifications for the position. It does not appear that this was done for the last appointment.

FISCAL IMPACT:

The Municipal Court Judge is currently compensated \$1,950 per month. There was no proposed increase included in the Fiscal Year 2020-2021 budget.

STAFF RECOMMENDATION:

Staff is seeking Council direction on this item.

RESOLUTION NO. 2020-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE APPOINTMENT OF THE MUNICIPAL COURT JUDGE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR SAID POSITION IN THE MANNER MOST ADVANTAGEOUS TO THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, as per the City of Gonzales Charter the municipal court judge shall be a qualified voter of the city and shall be appointed by and serve at the pleasure of the City Council; and,

WHEREAS, Government Code Section 29.005 states that the term of office of a municipal court judge serves for a term of office of two years unless the municipality provides for a longer term pursuant to the Constitution; and

WHEREAS, the municipal court judge must be reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another office beginning on the date the previous term of office expired; and

WHEREAS, the current sitting municipal judge's term ends on December 8, 2020; and

WHEREAS, the City Council finds that appointing ____ as the Municipal Court Judge to perform municipal judge services would be in the best interest of the City of Gonzales.

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

Section 1. The 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 appoints _____ to serve as the Municipal Court Judge until December 8, 2022.

Section 3. The City Council authorizes the City Manager to negotiate a contract for professional services with the Municipal Court Judge in accordance with expenses adopted in the Fiscal Year 2020-2021 Budget.

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

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

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

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

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

PASSED AND APPROVED this 10th day of December 2020.

Mayor, Connie L. Kacir

ATTEST:

Kristi Gilbert, City Secretary