

**CITY OF GONZALES
CITY COUNCIL MEETING
SEPTEMBER 12, 2019 MINUTES**

The City Council convened the Council meeting at 6:00 p.m., September 12, 2019, in the Council Chambers at the Gonzales Municipal Building, 820 St. Joseph Street, Gonzales, Texas.

The following members were present constituting a quorum: Mayor Connie L. Kacir, Councilmen, Bobby O'Neal, Tommy Schurig and Dan Blakemore

The following members were absent: Gary Schroeder.

Others Present: City Manager- Tim Patek, City Secretary- Kristina Vega, City Attorney- T. Daniel Santee

Staff Present: Laura Zella, Angie Kessler, Anne Dollery, Barbara Friedrich, Genora Young, Gayle Autry

Mayor Connie Kacir called the meeting to order, gave the invocation, and cited the Pledge of Allegiance and the Texas Pledge.

HEARING OF RESIDENTS

Gene Kridler, Director of Operations for Gonzales Independent School District, expressed his interest in the surplus property that is in Item 3.2. The school has used the chairs and tables throughout the years for testing and professional development.

James Griffin, Texas Disposal Systems, gave an update on the services regarding the bulky pick-up and that an itemized list of the pick-up is no longer required.

Connie Dolezal expressed her concerns with the trash and grass along the City Streets, Code Enforcement issues and street lights that are out in town.

Daisy Scheske Freeman, thanked the City Council for the new curb in front of the Chamber of Commerce and stated that she had spoken to the City Manager regarding item 3.1 and what the Chamber and Come & Take It Committee have recommended on the surplus chairs.

Rob Brown, Karen Jacobs & Don Page, expressed their concerns with the proposed Ordinance 2019-19 and encouraged the City Council to take more time to review.

Dale Schellenberg, spoke in reference to Ordinance 2019-18 and expressed his concerns about another tax increase.

PUBLIC HEARING AND ADOPTION OF THE 2019-2020 BUDGET AND TAX RATE

1.1, Mayor, Connie Kacir read Staff presentation of the 2019-2020 fiscal year budget to advise the City Council and public of any adjustments made since the filing of the budget and receipt of City Council and public input; followed by an additional public hearing.

The Mayor opened the Public Hearing.

No comments were made.

The Mayor then invited the Finance Director, Laura Zella to read into the record the final changes that were made to the budget. Ms. Zella stated based on input from the Council, staff and citizens the following changes were made. The budget amendments that Council approved on August 8, 2019 in Ordinance 2019-16 for the 2018-2019 budget year were input into the budget. We have updated the Capital Improvement Plan with various future projects. We have revised the longevity amounts originally budgeted for positions since we have had some internal transfers and employees leave the City. As per City Council, we have updated the funds that were allocated for the Specials Contracts which consist of the Edwards Association, Gonzales County Senior Citizens Association and Gonzales County Mental Health Advisory Board. In the City Manager Department we eliminated the administrative assistant position and all personnel expenses related to that. In addition, we have removed the personnel expenses for the Superintendent of Public Works and we will be freezing that position. In the Community Development Department we have removed the freeze on the Building Official position and have budgeted personnel expenses. In addition, we have made some changes to personnel expenses in this department due to our Building Inspector retiring and the position being filled. With new individuals filling both of these positions, we anticipate more travel/training funds will be needed. The City received bids for an insurance broker and the fee that the approved insurance broker charges has been split by the number of employees in each fund and those amounts have been input throughout the budget. In the Non-Department budget, \$5,000 for a new sound system for the Council Chambers has been added. Originally \$14,750 was allocated for a comprehensive building assessment of the old library, but Council gave direction to have an asbestos survey done and demolish the building. One quote for we received was for \$35,000 which I have input. In the City Secretary Department we budgeted \$20,000 for the Special Contracts line item for the Contracted City Planner, we added \$5,000 more. In the JB Wells Department we have updated some of the revenues after some consideration on different events. In the Electric Department we decreased the transfer to the General Fund by \$14,832 to bring the total decrease from the previous year to \$228,798. In the Wastewater Department we split the Department Director salary out from the rest of the salaries to be consistent with other departments. In the Hotel/Motel

Fund we removed the purchase of the van and all related items to that purchase and instead we input \$1,000 for the rental of a van when needed. In the EDC budget we removed the allocated funds for the purchase of the van and for the Part-time position.

1.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2019-17** Approving the Operating Budget for the City of Gonzales and the Gonzales Economic Development Corporation for the Fiscal Year Beginning October 1, 2019 and ending September 30, 2020 and Appropriating and Allocating the Funds for Said Budget, Renewing the City's Financial Policy, Investment Policy, and Budget Contingency Plan. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Ordinance #2019-17** Approving the Operating Budget for the City of Gonzales and the Gonzales Economic Development Corporation for the Fiscal Year Beginning October 1, 2019 and ending September 30, 2020 and Appropriating and Allocating the Funds for Said Budget, Renewing the City's Financial Policy, Investment Policy, and Budget Contingency Plan. Councilman Blakemore seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

1.3, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-74** to ratify the property tax increase reflected in the budget as required by Texas Local Government Code Section 102.007 when adopting a budget that will require raising more revenue from property taxes than in the previous. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-74** to ratify the property tax revenue increase reflected in the 2019-2020 budget as required by Texas Local Government Code Section 102.007 when adopting a budget that will require raising more revenue from property taxes than in the previous. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

1.4, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2019-18** Approving the 2019 Ad Valorem Tax Rate and Levy of Assessed Valuation of All Taxable Property Within the Corporate Limits of the City of Gonzales, Texas. Before we take action just for point of information and to read into the record, the maximum rate that Council adopted was \$0.3380. On a \$100k valuation, that would amount to an increase to the property owner \$2.75 per month. The Mayor asked for a motion. Councilman O'Neal moved that **Ordinance #2019-18** and that the property tax rate be increased by the adoption of a tax rate of \$0.3380, which is effectively a 19.99 percent increase in the tax rate. Of that amount \$0.1986 is for Maintenance and Operations (M&O) and \$0.1394 is for the Interest & Sinking Fund (I&S). Councilman Blakemore seconded the motion. The Mayor called for discussion. Councilman O'Neal stated he does not like taxes any more than anyone else, and the comment that was made tonight

about the increase, increase, increase, when you look around the neighboring cities, even the City of Luling, they are at over \$.50 per \$100.00 valuation. We are still far low. For so many years, even those little increases when we had gone down below \$.20, our infrastructure suffered and it is even still today is not where it needs to be. Mayor Kacir concurred with Councilman O'Neal and stated that the City had a tax rate that was not sustainable and we see that reflected all over our city. It affects the staffing that we have, the number of people we have to pick up the trash, sweep the streets, and fix the curbs, the equipment that is needed to do those jobs. The Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

ACTION ITEMS

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 Councilmember.

The Mayor read the consent items as follows:

2.1 **Minutes** - Approval of the minutes for the Regular Meeting of August 8, 2019; Called Meeting of August 13, 2019; August 27, 2019 & September 5, 2019

2.2 Discuss, Consider & Possible Action on **Resolution #2019-75** Authorizing the Gonzales First Shot Cook Off and GJHS Athletics the permission to close the 400 Block of St. Paul Street and Hold the First Shot Color Run on September 21, 2019

2.3 Discuss, Consider & Possible Action on **Resolution #2019-76** Approving Changes to the Current Job Descriptions and Position Classifications

2.4 Discuss, Consider & Possible Action on **Resolution #2019-77** Authorizing an Expenditure in an amount not to exceed \$581.93 from the Restricted Use Municipal Court Technology Fund and \$1,000.00 from the Municipal Court Special Expense Fund for a replacement Municipal Court Clerk Computer

The Mayor asked for a motion to approve the consent agenda item. Councilman Blakemore made a motion to approve the consent items. Councilman Schurig seconded the motion. The Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

REGULAR AGENDA ITEMS

RESOLUTIONS

3.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-78** Authorizing the Expenditure for Gonzales Regional Children's Advocacy

Center (Norma's House) from the Restricted Use Municipal Court Child Safety Fund. Council we have in our packet an overview asking for funds from that restricted court fund and of course it is restricted for child safety. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-78** Authorizing the Expenditure of \$6,000.00 for Gonzales Regional Children's Advocacy Center (Norma's House) from the Restricted Use Municipal Court Child Safety Fund. Councilman Schurig seconded the motion. The Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

3.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-79** Declaring Certain City Property Surplus and Authorizing the Sale of Said Property in the Manner Most Advantageous to the City of Gonzales. City Attorney, Dan Santee stated that this Council adopted a policy for the disposal of surplus property regardless of how that property comes into the possession of the City or who pays for it initially, it is City property. The staff doesn't have the authority to, regardless of what evidence is presented to the staff as to what the source of the funds were or anything such as that, to authorize anything other than bringing it to the Council and declaring it surplus. Once you act to declare the property surplus, how you dispose of the property is up to the Council. If you have information that leads you to believe that you should hand the chairs over to the Chamber or if you want to hand the chairs over to the school district as another governmental entity, either of those things are within your purview, it is just not within the authority of the staff to do, so that is why it is before you on the agenda. First and foremost you have to declare it surplus because it is your property that you hold in trust for the citizens. If you no longer want to have this property anymore then you have to declare it surplus and then you can decide how you want to dispose of that property. The default in the policy that was adopted by the Council was for that property to be sold. If you are not going to sell that property and return those funds to the general fund there must be some other reason and some other evidence to justify some other course of action that does serve a public purpose. Handing some of those chairs over to the school district certainly does meet that threshold because we could have done that through an interlocal agreement in the first place. If evidence was provided to the staff and the council that shows that funds were used to purchase those chairs and they were given to the City, then you can rely upon that as well if you find that evidence compelling and you want to provide some of those chairs back to the Chamber for use in public events. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-79** Declaring Certain City Property Surplus and Authorizing the 325 chairs to be divided equally between the Gonzales Independent School, Chamber of Commerce, and Edwards Association. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

3.3, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-80** Authorizing Representation in IRS Matter and Delegating Authority to Execute Form 2848 IRS Power of Attorney. For the record the summary is in our brief and the IRS matter rests with Texas Municipal League who acts on our behalf in filing forms for applicable large employers and it had to do with a pool of municipalities receiving the correct IRS notices. This was identified through audit process and TML is actually going to make the correction. The Mayor asked for a motion. Councilman Blakemore made a motion to approve **Resolution #2019-80** Authorizing Representation in IRS Matter and Delegating Authority to Execute Form 2848 IRS Power of Attorney. Councilman O'Neal seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

ORDINANCES

4.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2019-19** Amending the Gonzales Code of Ordinances adding Article 9.800 Code of Ethics and Conduct for City Officials and Employees. City Attorney, Dan Santee moved through to explain each provision of the Code of Ethics and Conduct ordinance. The Mayor asked for a motion. Councilman Schurig made a motion to approve **Ordinance #2019-19** Amending the Gonzales Code of Ordinances adding Article 9.800 Code of Ethics and Conduct for City Officials and Employees. Councilman O'Neal seconded the motion. The Mayor called for discussion. Mayor Kacir asked if Mr. Santee could include the verbiage discussed under the penal code, \$50.00 or more or as the statute is amended. The Mayor asked for a roll call vote. Councilman Schurig, Blakemore, O'Neal and the Mayor all voted "aye".

STAFF/BOARD REPORTS

5.1, Mayor Kacir stated the Financial Report for the Month of August 2019 is available for review.

5.2, City Manager, Tim Patek gave the City Council an update regarding Community Development Block Grant with the General Land Office, Post Community Clean-up for District 3, Community Clean-up schedule.

CLOSED SESSION

At 7:59 p.m. the City Council moved into Closed Session.

6.1(1) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter", to include the following matters:

- a. In Re Estate of J. B. Wells litigation
- b. Patricia Bennett and Gloria Knight v. City of Gonzales, Texas Cause No. 27,500
- c. Unopened City Streets-License Agreements

RETURN TO OPEN SESSION

At 8:31 p.m. the Council returned to Open Session

7.1, Discuss and Consider any action resulting from Closed Session as Necessary.

No action was taken regarding closed session.

ADJOURN

The Mayor asked for a motion to adjourn. Councilman O'Neal made a motion to adjourn and Councilman Blakemore seconded the motion and the meeting adjourned at 8:32 p.m.



Kristina Vega, City Secretary

APPROVED:



