

**CITY OF GONZALES
CITY COUNCIL MEETING
OCTOBER 10, 2019 MINUTES**

The City Council convened the Council meeting at 6:01 p.m., October 10, 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 Gary Schroeder, Tommy Schurig and Dan Blakemore, Bobby O'Neal

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

Staff Present: Laura Zella, Anne Dollery, Barbara Friedrich, Ryan Wilkerson, Angie Kessler, Micaela Estrada, Tim Crow

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

HEARING OF RESIDENTS

Rob Brown spoke about House Bill 2840 that was effective September 1st that pertains to the public's ability to speak at open meetings.

Keith Schauer spoke in regards to the Come & Take It Celebration and expressed his gratitude to the city employees and City Council for the assistance that was provided for the event.

Ashley Simper introduced herself as the new Tourism Director for the City of Gonzales.

Hannah Fisher-Klug is the Community Engagement Specialist & Sexual Assault Advocate at the Guadalupe Valley Family Violence Shelter and explained the services that the shelter provides.

PROCLAMATIONS

1.1, Mayor Kacir read the proclamation for October being Domestic Violence Awareness Month 2019.

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 September 12, 2019

2.2, **Absences** – Approval of any council absences for the final quarter of fiscal year 2018-19

2.3, Discuss, Consider & Possible Action on **Resolution #2019-81** Authorizing the Street Closures for the First United Methodist Church's 5th Quarter Event on October 25, 2019

2.4, Discuss, Consider & Possible Action on **Resolution #2019-82** Authorizing the Use of Confederate Square including the Parking Lot for the Gonzales Main Street's 2019 Happy Fall Y'all event on October 26, 2019

2.5, Discuss, Consider & Possible Action Approving **Resolution #2019-83** Authorizing the Use of Confederate Square including the Parking Lot, Sale and Consumption of Alcoholic Beverages and Designated Street Closures for 2019 Santa's Market and the annual Lighted Christmas Parade on December 7, 2019

2.6, Discuss, Consider & Possible Action on **Resolution #2019-84** Approving Changes to the Current Job Descriptions and Position Classifications

2.7, Discuss, Consider & Possible Action on **Resolution #2019-85** Authorizing the City of Gonzales to Enter into a Memorandum of Understanding with the Gonzales Independent School District and Gonzales County

The Mayor asked for a motion to approve the consent agenda items. Councilman O'Neal made a motion to approve consent items 2.2, 2.3, 2.4, 2.5, 2.6 and removing item 2.1 to be placed on the November agenda and item 2.7 for further discussion. Councilman Blakemore seconded the motion. The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

REGULAR AGENDA ITEMS

2.7, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-85** Authorizing the City of Gonzales to Enter into a Memorandum of Understanding with the Gonzales Independent School District and Gonzales County. The only additions I have in the body of the instrument, we need to note the date change for the ICS and NIMS training changing the date reflected of August 2013 to December 2019. Additionally, we need to add the County Fire Marshal and the Fire Chief to the list of those that will execute the agreement. The Mayor asked for a motion.

Councilman O'Neal made a motion to approve **Resolution #2019-85** Authorizing the City of Gonzales to Enter into a Memorandum of Understanding with the Gonzales Independent School District and Gonzales County with the changes described. Councilman Blakemore seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

RESOLUTIONS

3.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-86** Authorizing the Nomination of Candidates for Positions to be Filled on the Gonzales County Appraisal District Board of Directors. Chief Appraiser, John Liford stated what the Appraisal District is wanting the City to do is nominate someone that can serve on the Board of Directors of the Appraisal District. The eligibility requirements were sent over, they have to be a resident of the appraisal district, have to have lived here for two years, they cannot be an employee of a taxing unit, they can be an elected official of a taxing unit, you cannot owe delinquent taxes unless you have a payment plan, you cannot be someone who appraises property for compensation, you cannot be related to people on the board of directors. You can nominate someone that is on the board or someone new, up to five. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-86** Authorizing the Nomination of Candidates for Positions to be Filled on the Gonzales County Appraisal District Board of Directors those being Lauren Clampit; Frank "Bud" Box; Craig Hines; Josie Smith-Wright; and Sue Gottwald. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

3.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-87** Accepting the Proposals and Awarding the Contract for the repairs to the 300,000 Gallon Steel Standpipe, "Water Tank #2". Council, we have in our packet a description of the number of bids that we received, the low bid, the recommendation of our City Engineer. This was a capital improvement project that was included in our 2019 CO issuance. Lynn Short, President of LSPS Solutions a firm that is representing your engineer on this project who is Tank Industry Consultants out of Indianapolis. If you take item #7 for \$18k out, that alternate item #7 that is on there was not actually for cathodic protection. There is not currently cathodic protection on there now and there never has been. It was to install hangers basically to facilitate the future installation, if the City ever desired to do that. Our recommendation is to save the \$18k and not do that. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Resolution #2019-87** Accepting the Proposals and Awarding the Contract for the repairs to the 300,000 Gallon Steel Standpipe, "Water Tank #2" in an amount not to exceed \$277,290.00. Councilman Blakemore seconded the motion. The Mayor called

for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

3.3, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Resolution #2019-88** Authorizing the City Manager to Solicit Proposals for Municipal Solid Waste Collection and Disposal and Recycling Services in the manner most advantageous to the City of Gonzales. James Griffin, Texas Disposal Systems went over some addendums to the TDS contract. The Mayor asked for a motion. Councilman Schurig made a motion to renew the contract with Texas Disposal Systems. Councilman O'Neal seconded the motion. City Attorney, Dan Santee stated that all the item shows is that it is to go out for proposals. You are either going to go out for RFP's or not. In fact you do not even have to go out for RFP's for Solid Waste Collection services, you can negotiate with whomever you want, whenever you want. You can cancel this contract and negotiate directly with whomever. There is no requirement under state law that requires you to go out for proposals for solid waste collection services. The only item that is up for a vote is whether or not you are going to authorize the city manager to do so. If you want to keep the same person then no, do not authorize to go out for RFP's. Councilman Schurig and Councilman O'Neal withdrew their motion and second. The Mayor asked for another motion. Councilman Schroeder made a motion to approve **Resolution #2019-88** Authorizing the City Manager to Solicit Proposals for Municipal Solid Waste Collection and Disposal and Recycling Services in the manner most advantageous to the City of Gonzales. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

ORDINANCES

4.1, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2019-20** Amending the Gonzales Code of Ordinances adding Article 9.800 Code of Ethics and Conduct for City Officials and Employees. Council, we approved the Ethics Ordinance at last meeting. We did discuss with our Counselor to add the due process in 9.821 Complaint Process, Inquiry, Enforcement Options and so forth, and that is in addition to the ordinance that we adopted at last meeting. The Mayor asked for a motion. Councilman Blakemore made a motion to approve **Ordinance #2019-20** 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. There being none, The Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

4.2, Mayor, Connie Kacir read Discuss, Consider & Possible Action on **Ordinance #2019-21** Authorizing Budget Amendments for the 2018-19 Fiscal Year. Council, we

have two budget amendments prepared by our Finance Director, those being our water meters and then in regards to the restricted fund of the Municipal Court, Child Safety Fund. The Mayor asked for a motion. Councilman O'Neal made a motion to approve **Ordinance #2019-21** Authorizing Budget Amendments for the 2018-19 Fiscal Year. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

STAFF/BOARD REPORTS

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

5.2, City Manager, Tim Patek gave the City Council on the Community Clean-up for District 2 and the Community Clean-up schedule.

CLOSED SESSION

At 7:00 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. Guerra Properties Delinquent HOT funds

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

- a. Billboard

RETURN TO OPEN SESSION

At 7:21 p.m. the Council returned to Open Session

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

The Mayor asked for a motion resulting from closed session. City Attorney, Dan Santee stated Council coming out of closed session I need Council action on two items. The first item is Guerra Enterprises, LLC dba Holiday Inn Express & Suites who we

previously filed a Hot Fund Collection law suit against pursuant to state statute, is again delinquent in taxes in the amount of \$18,295 with interest that would come to \$21,125. I am asking council's authorization to pursue a collections law suit against Guerra Enterprises to collect it. We will first try to get them to pay the amounts due before we file. All I need from you is a motion to authorize a Hot Funds Collection Suit. Councilman O'Neal so moved. Councilman Schurig seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

City Attorney, Dan Santee stated for some time we had discussions and we went through a process to sell the billboard owned by the City by Victoria College. Tim did a great job putting that together and getting that done. You only had one bidder come back, however that bid when it was submitted, it had multiple conditions and those conditions continued to grow over time, as we tried to negotiate that sale and complete the paperwork. It is my recommendation that the Council reject the bids on the billboard and authorizes the City Manager to re-advertise or use the services of a broker. Councilman O'Neal so moved. Councilman Blakemore seconded the motion. The Mayor called for discussion. There being none, the Mayor asked for a roll call vote. Councilman Schurig, Schroeder, Blakemore, O'Neal and the Mayor all voted "aye".

ADJOURN

The Mayor asked for a motion to adjourn. Councilman O'Neal made a motion to adjourn and Councilman Schurig seconded the motion and the meeting adjourned at 7:24 p.m.



Kristina Vega, City Secretary

APPROVED:



